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OF THE UNITED STATES

# FEDERAL REGISTER

Volume 2 Nos. 1–147

*Friday, January 1, 1937* *No. 1*

## PRESIDENT OF THE UNITED STATES.

### MERCHANDISE IN BONDED WAREHOUSE

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS section 557 of the said Act (46 Stat. 744) provides:

"Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within three years (or ten months in the case of grain) from the date of importation, for consumption upon payment of the duties and charges accruing thereon at the rate of duty imposed by law upon such merchandise at the date of withdrawal * * * *Provided*, That the total period of time for which such merchandise may remain in bonded warehouse shall not exceed three years (or ten months in the case of grain) from the date of importation * * *";

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury, until further notice:

(1) In the case of merchandise imported between January 11 and December 31, 1930 (both dates inclusive), and entered for warehousing under section 557 of the Tariff Act of 1922 (42 Stat. 977) or section 557 of the Tariff Act of 1930, except grain imported on or after June 18, 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Acts of 1922 and 1930, as extended for two years under the authority of Proclamation No. 2023, dated December 23, 1932, and further extended for one year under the authority of Proclamation No. 2109, dated December 21, 1934, and further extended for one year under the authority of Proclamation No. 2154, dated January 11, 1936.

(2) In the case of merchandise (except grain) imported between January 11 and December 31, 1931 (both dates inclusive), and entered for warehousing under section 557 of the Tariff Act of 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930, as extended for one year under the authority of Proclamation No. 2069, dated December 30, 1933, and further extended for one year under the authority of Proclamation No. 2110, dated December 21, 1934, and further extended for one year under the authority of Proclamation No. 2154, dated January 11, 1936.

(3) In the case of merchandise (except grain) imported between January 11 and December 31, 1932 (both dates inclusive), and entered for warehousing under section 557 of the Tariff Act of 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930, as extended for one year under the authority of Proclamation No. 2111, dated December 22, 1934, and further extended for one year under the authority of Proclamation No. 2154, dated January 11, 1936.

(4) In the case of merchandise (except grain) imported between January 11 and December 31, 1933 (both dates inclusive), and entered for warehousing under section 557 of the Tariff Act of 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930, as extended for one year under the authority of Proclamation No. 2154, dated January 11, 1936.

(5) In the case of merchandise (except grain) imported during the calendar year 1934 and entered for warehousing under section 557 of the Tariff Act of 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930.

*Provided, however*, That in each and every case the Secretary of the Treasury shall require that the principal on the warehouse-entry bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the merchandise is warehoused the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension: *And provided further*, That the extensions of one year herein authorized shall not apply to any merchandise imported during the years 1930, 1931, 1932 and 1933 as to which the periods of extension authorized by Proclamation No. 2154, dated January 11, 1936, have expired, or to any merchandise imported during the calendar year 1934 as to which the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930 has expired.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29 day of December in the year of our Lord nineteen hundred and thirty-six, and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the PRESIDENT:
R. WALTON MOORE,
*Acting Secretary of State.*

[No. 2214]

[F. R. Doc. 37-6; Filed, December 31, 1936; 11:24 a. m.]

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EXTENDING THE PERIOD FOR EXPORTATION OF MERCHANDISE FOR DRAWBACK PURPOSES

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS section 313 (h) of the Tariff Act of 1930 (46 Stat. 694) provides:

"No drawback shall be allowed under the provisions of this section or of section 6 of the Act entitled 'An Act temporarily to provide revenue for the Philippine Islands, and for other purposes,' approved March 8, 1902 (relating to drawback on shipments to the Philippine Islands), unless the completed article is exported, or shipped to the Philippine Islands, within three years after importation of the imported merchandise";

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury:

(1) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between June 18 and December 31, 1930 (both dates inclusive), to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h), as extended for two years under the authority of Proclamation No. 2023, dated December 23, 1932, and further extended for one year under the authority of Proclamation No. 2121, dated April 1, 1935, and further extended for one year under the authority of Proclamation No. 2156, dated January 18, 1936.

(2) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between April 1 and December 31, 1931 (both dates inclusive), to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h), as extended for one year under the authority of Proclamation No. 2069, dated December 30, 1933, and further extended for one year under the authority of Proclamation No. 2121, dated April 1, 1935, and further extended for one year under the authority of Proclamation No. 2156, dated January 18, 1936.

(3) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between April 1 and December 31, 1932 (both dates inclusive), to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h), as extended for one year under the authority of Proclamation No. 2121, dated April 1, 1935, and further extended for one year under the authority of Proclamation No. 2156, dated January 18, 1936.

(4) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between January 18 and December 31, 1933 (both dates inclusive), to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h), as extended for one year under the authority of Proclamation No. 2156, dated January 18, 1936.

(5) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported during the calendar year 1934, to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h).

*Provided, however,* That the extensions of one year herein authorized shall not apply in any case involving merchandise imported in 1931, 1932 or 1933 where the one-year period of extension authorized in the said Proclamation of January 18, 1936, has expired, or in any case involving merchandise imported in 1934 where the three-year period prescribed in the said section 313 (h) has expired.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29 day of December in the year of our Lord nineteen hundred and thirty-six, and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the PRESIDENT:
R. WALTON MOORE,
*Acting Secretary of State.*

[No. 2215]

[F. R. Doc. 37-7; Filed, December 31, 1936; 11:24 a. m.]

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CHIPPEWA NATIONAL FOREST—MINNESOTA

By the President of the United States of America

A PROCLAMATION

WHEREAS by act of Congress approved May 23, 1908, 35 Stat. 268, certain lands in the State of Minnesota were set apart and reserved as the Minnesota National Forest, the name of which was by Executive Order No. 4913 of June 22, 1928, changed to Chippewa National Forest; and

WHEREAS it appears that it would be in the public interest to modify the boundaries of the said national forest by including therein certain forest lands which have been, or may be, acquired by the United States of America under authority of the act of Congress approved March 1, 1911, ch. 186, 36 Stat. 961 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, ch. 348, 43 Stat. 653 (U. S. C., title 16, sec. 515), and certain adjoining public lands:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power in me vested by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, ch. 2, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and section 11 of the said act of March 1, 1911, do proclaim that all lands of the United States within the area shown as an addition on the



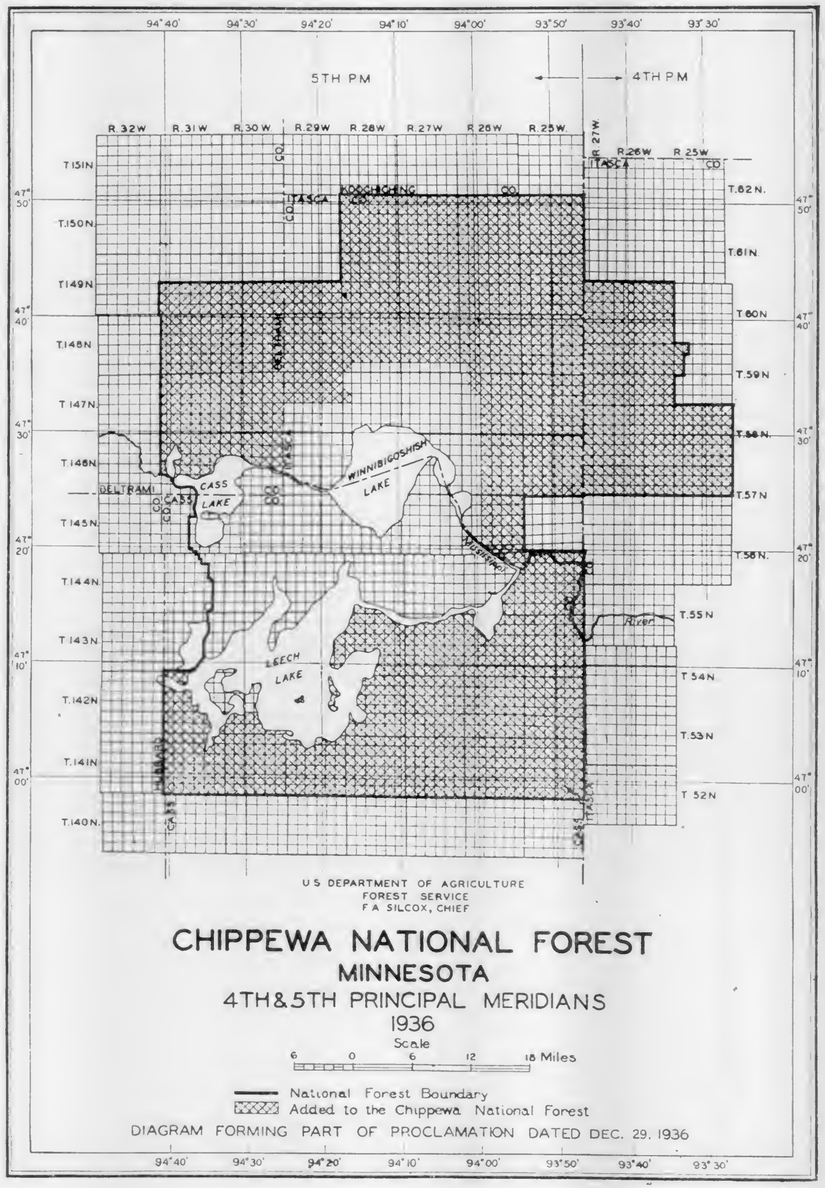

diagram attached hereto and made a part hereof [1] are hereby included in and reserved as a part of the Chippewa National Forest, and that all lands within such area which may hereafter be acquired by the United States under the said acts of March 1, 1911, and June 7, 1924, shall upon acquisition of title thereto be reserved and administered as part of the said Forest.

The reservation made by this proclamation shall be subject to valid existing rights, and shall as to all lands which are at this date reserved for any public purpose other than for classification under Executive Order No. 6964 of February 5, 1935, as amended, be subject to such reservation and shall not prevent the use for such public purpose of lands so reserved so long as such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 29'' day of December in the year of our Lord nineteen hundred and
[SEAL] thirty-six and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the PRESIDENT:
R. WALTON MOORE,
*Acting Secretary of State.*

[No. 2216]

[F. R. Doc. 37-8; Filed, December 31, 1936; 11:24 a. m.]

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EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 1030 OF FEBRUARY 24, 1909, RESERVING PUBLIC LANDS FOR EDUCATIONAL AND AGRICULTURAL EXPERIMENT STATION PURPOSES

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that Executive Order No. 1030 of February 24, 1909, reserving a certain therein-described tract of land at Copper Center, Alaska, for the joint use of the Department of the Interior and the Department of Agriculture for educational and agricultural experiment-station purposes, be, and it is hereby, modified so as to eliminate from said reservation the following-described lands according to supplemental plat approved June 29, 1936:

COPPER RIVER MERIDIAN

T. 2 N., R. 1 E.,
sec. 7, lots 7 and 8;
sec. 18, lots 10 and 11.
T. 2 N., R. 1 W.,
sec. 13, lots 12 and 13.

This order shall become effective upon the date of the official filing of said plat approved June 29, 1936.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
*Dec. 29, 1936.*

[No. 7527]

[F. R. Doc. 37-5; Filed, December 30, 1936; 3:06 p. m.]

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EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5328 OF APRIL 15, 1930, WITHDRAWING PUBLIC LANDS

*Colorado*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5328 of April 15, 1930, withdrawing public lands in T. 13 S., R. 72 W. of the sixth principal meridian, Colorado, pending a resurvey, is hereby revoked.

[1] See page 3.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Dec. 29, 1936.*

[No. 7528]

[F. R. Doc. 37-3; Filed, December 30, 1936; 3:06 p. m.]

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EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5343 OF MAY 6, 1930, WITHDRAWING PUBLIC LANDS

*Nevada*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5343 of May 6, 1930, withdrawing public lands in Tps. 20 and 21 N., R. 53 E. of the Mount Diablo meridian, Nevada, pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plats of resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Dec. 29, 1936.*

[No. 7529]

[F. R. Doc. 37-2; Filed, December 30, 1936; 3:06 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER AND NOTICE OF TERMINATION OF LICENSE FOR PROCESSORS OF WOOD TURPENTINE AND WOOD ROSIN, LICENSE NO. 55

Whereas, the Secretary of Agriculture of the United States, on May 9, 1934, acting under the provisions of the Agricultural Adjustment Act, issued under his hand and the official seal of the Department of Agriculture a license for processors of wood turpentine and wood rosin effective May 13, 1934, which license was subsequently amended by the Secretary of Agriculture on November 30, 1934, effective December 5, 1934; and

Whereas, the Secretary of Agriculture, on August 1, 1935, issued an order suspending the further operation of the said license as amended, effective August 5, 1935; and

Whereas, the Secretary of Agriculture has determined to terminate the said license as amended;

Now, therefore, the undersigned, acting under the authority vested in the Secretary of Agriculture under the terms and conditions of the said act and pursuant to the applicable General Regulations issued thereunder, hereby terminates the said license as amended.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this order and notice in duplicate and has caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 30th day of December 1936 and hereby declares this termination to be effective on and after 12:01 a. m., December 31, 1936.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-11; Filed, December 31, 1936; 12:35 p. m.]

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ORDER AND NOTICE OF TERMINATION OF LICENSE FOR AGENTS, FACTORS AND COMMISSION MERCHANTS ENGAGED IN MARKETING, HANDLING OR DISTRIBUTING CRUDE GUM, CLEANED GUM, GUM TURPENTINE AND/OR GUM ROSIN, LICENSE NO. 77

Whereas, the Secretary of Agriculture of the United States, on July 13, 1934, acting under the provisions of the Agricultural Adjustment Act, issued under his hand and the official seal of the Department of Agriculture a license for agents, factors and commission merchants engaged in marketing, handling or distributing crude gum, cleaned gum, gum turpentine and/or gum rosin effective July 14, 1934; and

Whereas, the Secretary of Agriculture, on August 1, 1935, issued an order suspending the further operation of the said license, effective August 5, 1935; and

Whereas, the Secretary of Agriculture has determined to terminate the said license;

Now, therefore, the undersigned, acting under the authority vested in the Secretary of Agriculture under the terms and conditions of the said act and pursuant to the applicable General Regulations issued thereunder, hereby terminates the said license.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this order and notice in duplicate and has caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington District of Columbia, this 30th day of December 1936 and hereby declares this termination to be effective on and after 12:01 a. m., December 31, 1936.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-12; Filed, December 31, 1936; 12:35 p. m.]

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ORDER AND NOTICE OF TERMINATION OF LICENSE FOR DISTRIBUTORS OF CRUDE GUM, CLEANED GUM, GUM TURPENTINE, AND/OR GUM ROSIN, LICENSE NO. 78

Whereas, the Secretary of Agriculture of the United States, on July 13, 1934, acting under the provisions of the Agricultural Adjustment Act, issued under his hand and the official seal of the Department of Agriculture a license for distributors of crude gum, cleaned gum, gum turpentine and/or gum rosin, effective July 14, 1934, which license was subsequently amended by the Secretary of Agriculture on March 13, 1935, effective March 17, 1935; and

Whereas, the Secretary of Agriculture, on August 1, 1935, issued an order suspending the further operation of the said license as amended, effective August 5, 1935; and

Whereas, the Secretary of Agriculture has determined to terminate the said license as amended;

Now, therefore, the undersigned, acting under the authority vested in the Secretary of Agriculture under the terms and conditions of the said act and pursuant to the applicable General Regulations issued thereunder, hereby terminates the said license.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this order and notice in duplicate and has caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 30th day of December 1936 and hereby declares this termination to be effective on and after 12:01 a. m., December 31, 1936.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-13; Filed, December 31, 1936; 12:35 p. m.]

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SR—B-1, Revised Supplement (i), Second Revision

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 1, REVISED

*Supplement (i), Second Revision*

Supplement (i), Revised, to Southern Region Bulletin No. 1, Revised, is hereby amended to read as follows:

Section 3, part V of Southern Region Bulletin No. 1, Revised, is hereby amended by adding the following paragraph:

(h) In the Texas and Oklahoma counties listed below the soil-conserving payment shall be divided as follows:

(1) The part of the soil-conserving (class I) payment for diversion from the general soil-depleting base shall be divided in the same proportion that the crops in the general soil-depleting base or the proceeds thereof are divided under the lease or operating agreement.

(2) The part of the soil-conserving (class I) payment for diversion from other soil-depleting bases shall be divided in accordance with the provisions of subsection (a) to this section 3

The counties in Texas are: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Cochran, Yoakum, Terry, Crosby, and Floyd.

The counties in Oklahoma are: Delaware, Mayes, Rogers, Washington, Osage, Pawnee, Payne, Logan, Oklahoma, Cleveland, McClain, Stephens, Jefferson, Kay, Cimarron, Blaine, Grant, Ellis, Dewey, Alfalfa, Woodward, Roger Mills, Woods, Major, Beckham, Harper, Garfield, Custer, Beaver, Noble, Canadian, Texas, Kingfisher, Caddo, Washita, Harmon, Greer, Kiowa, Grady, Cotton, Tillman, Jackson, Comanche, Nowata, Craig, and Ottawa.

The provisions of this Supplement (i), Second Revision, shall be effective as of October 26, 1936, so as to be included within the conditions mentioned in the "Order With Respect to Payments Under the 1936 Agricultural Conservation Program—Southern Region" issued October 7, 1936, as amended.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of December 1936.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-10; Filed, December 31, 1936; 12:35 p. m.]

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## FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS.

AMENDMENT RULES AND REGULATIONS PROMULGATED UNDER AUTHORITY OF NATIONAL INDUSTRIAL RECOVERY ACT AND EXECUTIVE ORDER NO. 6929

CONVICT LABOR

NOVEMBER 20, 1936.

1. Paragraph 1 of the Rules and Regulations promulgated under the authority of Section 209 of Title II of the National Industrial Recovery Act [1] and Executive Order No. 6929 of December 26, 1934, is amended so as to read as follows:

1. *Convict Labor.*—No convict labor shall be employed on any project constructed in whole or in part under the provisions of Title II of said Act and no materials manufactured in whole or in part by convict labor shall be directly incorporated into such project: *Provided*, that, in case of non-Federal projects, the foregoing limitation shall apply only to the extent that applicable State law is not inconsistent therewith: *Provided further*, that as respects Federal projects, said limitation shall not be construed to prohibit Federal departments, agencies and instrumentalities from making direct purchases of products of Federal prisons as provided by the Act of May 27, 1930 (46 Stat. 392), but such departments, agencies and instrumentalities shall not be required to do so.

2. This Order is issued under authority of Executive Order No. 6929 of December 26, 1934.

HAROLD L. ICKES,
*Administrator.*

Approved: Dec. 21, 1936.

FRANKLIN D ROOSEVELT,
*The White House.*

[F. R. Doc. 37-1; Filed, December 30, 1936; 1:28 p. m.]

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## NATIONAL LABOR RELATIONS BOARD.

[Case No. C-148]

NOTICE OF HEARING

IN THE MATTER OF GLOBE MAIL SERVICE, INC. AND BOOKKEEPERS STENOGRAPHERS, AND ACCOUNTANTS UNION, LOCAL 12646

Please take notice that pursuant to authority vested in the National Labor Relations Board under an Act of Con-

[1] 48 Stat. 206.

gress (49 Stat. 449) a hearing will be held before the National Labor Relations Board on Tuesday, January 5, 1937, at 10 a. m., in Room 406, Denrike Building, 1010 Vermont Avenue, NW., Washington, D. C., for the purpose of oral argument. Argument will be limited to one-half hour for each party.

You may appear and be heard if you so desire.

Dated, Washington, D. C., December 30, 1936.

By direction of the Board.

BENEDICT WOLF, *Secretary.*

[F. R. Doc. 37-9; Filed, December 31, 1936; 11:59 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of December A. D. 1936.

[File No. 2-2621]

IN THE MATTER OF INSURANCE INVESTORS FUND, INCORPORATED

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on December 19, 1936, ordered that a hearing under Section 8 (d) of the Securities Act of 1933, as amended, be held in this matter on December 30, 1936; and

The registrant having requested a postponement of such hearing,

It is ordered that such hearing be convened on Thursday, January 14, 1937, at 10 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-17; Filed, December 31, 1936; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December A. D. 1936.

[File No. 46-22]

IN THE MATTER OF THE APPLICATION OF UTILITY SERVICE COMPANY

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Utility Service Company, an affiliate of certain public utility or holding companies, having filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it of 8,900 shares of $5 preferred stock without par value and 20,000 shares of common stock without par value to be issued by The Marion-Reserve Power Company, a public utility company to be organized under the laws of the State of Ohio in connection with the consolidation of four public utility companies with which the applicant is now affiliated;

Such application having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that the acquisition by the applicant of such securities in the manner and subject to the terms set forth in such application, as amended, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-15; Filed, December 31, 1936; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of December 1936.

[File No. 43-22]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

Iowa Public Service Company, a registered holding company and a subsidiary company of Penn Western Gas & Electric Company, also a registered holding company, having duly filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and exchange by declarant of 412,000 shares of its common capital stock, par value $15 per share, for its outstanding 412,000 shares of no par value common capital stock carried on its books at a stated value of $15 per share; opportunity for hearing on said declaration, as amended, having been given after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said declaration, as amended, be and become effective as of December 29, 1936, on condition that the issue and exchange of said common capital stock, par value $15 per share, be effected in substantial compliance with all the terms and conditions of, and for the purposes represented by said declaration, as amended;

It is further ordered that, within 10 days after completion of the issuance of certificates indicating the aforesaid change in declarant's common capital stock, the declarant shall file with this Commission a certificate of notification, showing that such issue and exchange have been effected in accordance with the terms and conditions of this order.

This Commission has not, by or in connection with this order, considered or made any determination in respect of the value of declarant's property or the relation of such value to the aggregate par value now to be given to declarant's common stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-14; Filed, December 31, 1936; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December A. D. 1936.

[File No. 43-21]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

Washington and Suburban Companies, a registered holding company, having duly filed with this Commission a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by it of not exceeding $6,662,500 principal amount of 4½% demand notes to be dated February 1, 1937; a hearing on said application, as amended, having been duly held after the appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration, as amended, be and become effective on December 30, 1936, on condition that the issue and sale of such notes be effected in substantial compliance with all the terms and conditions of, and for the purposes represented by, said declaration, as amended; and

It is further ordered that within 10 days after the issue or sale of any of said notes, the declarant shall file with this Commission a certificate of notification, showing that such issue or sale has been effected in accordance with the conditions imposed by this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-18; Filed, December 31, 1936; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HUTCHISON-REPUBLIC-WENDELL FARM, FILED ON DECEMBER 14, 1936, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on December 29, 1936, be effective as of December 29, 1936; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-16; Filed, December 31, 1936; 12:48 p. m.]



*Tuesday, January 5, 1937* *No. 2*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

TRANSFER OF THE FUNCTIONS, FUNDS, PROPERTY, ETC., OF THE RESETTLEMENT ADMINISTRATION TO THE SECRETARY OF AGRICULTURE

By virtue of and pursuant to the authority vested in me under Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and the Emergency Relief Appropriation Act of 1936 approved June 22, 1936 (49 Stat. 1608), I hereby order as follows:

All the powers, functions, and duties heretofore vested in the Resettlement Administration by Executive Order No. 7027 of April 30, 1935, as amended by Executive Order No. 7200 of September 26, 1935, and in the Administrator and Deputy Administrator thereof, are hereby transferred to the Secretary of Agriculture, to be exercised and performed by him; and all funds, personnel, property, records, and equipment of the Resettlement Administration are hereby transferred to the Department of Agriculture, to be under the supervision, control, and direction of the Secretary of Agriculture.

This order shall become effective on January 1, 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 31, 1936.*

[No. 7530]

[F. R. Doc. 37-23; Filed, January 4, 1937; 11:23 a. m.]

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## TREASURY DEPARTMENT.

**Accounts and Deposits.**

[First Supplement to Department Circular No. 564]

POST OFFICES DESIGNATED AS PLACES FOR REDEMPTION OF BONDS ISSUED PURSUANT TO ADJUSTED COMPENSATION PAYMENT ACT, 1936, AS AMENDED

DECEMBER 30, 1936.

Effective at the close of business, January 15, 1937, the designation, contained in Treasury Department Circular No. 564, dated June 6, 1936, of post offices as places for the redemption of bonds issued pursuant to Section 4, Adjusted Compensation Payment Act, 1936, as amended, is hereby canceled.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-24; Filed, January 4, 1937; 12:08 p. m.]

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**Public Debt Service.**

[Department Circular No. 560, Revised; First Amendment]

REGULATIONS GOVERNING ADJUSTED SERVICE BONDS OF 1945

DECEMBER 30, 1936.

*To Owners of Adjusted Service Bonds, and Others Concerned:*

Department Circular No. 560, Revised, dated October 24, 1936, is hereby amended, effective January 16, 1937, by striking out paragraphs 1, 2, 3, 4, 19 and 20, of the regulations prescribed therein, and inserting in lieu thereof the following:

1. In order for a registered owner to obtain payment of a bond, the bond must be presented at a United States post office, or transmitted to a Federal Reserve bank, or to the Treasurer of the United States, Washington, D. C., in any case with the request for payment on the back of the bond properly executed as hereinafter provided.

2. Postmasters throughout the country have been authorized to receive bonds presented for payment, and to forward them, at the risk and expense of the United States, to a Federal Reserve bank. If a bond is to be presented at a post office, the request for payment must be signed by the registered owner in the presence of and certified by the postmaster or other authorized post office official or employee at such office, who will receive the bond, issue a receipt therefor, and forward the bond for payment.

3. Federal Reserve banks are designated as places for the redemption on and after January 16, 1937, of bonds, and are authorized to issue checks in payment for bonds transmitted to them in accordance with this and the next preceding paragraph. If a bond is to be transmitted for payment to a Federal Reserve bank directly by the registered owner, or through a banking institution acting as his agent, the request for payment must be executed in the presence of and be certified by one of the officers authorized in paragraph 12 (c).

4. (a) The Treasurer of the United States is authorized to issue checks in payment of bonds transmitted to him. If a bond is to be transmitted to the Treasurer of the United States for payment, the request for payment must be

signed by the registered owner in the presence of and certified by one of the officers authorized in paragraph 12.

(b) In the Philippine Islands bonds may be presented and checks will be issued at the Treasury of the Philippine Islands. If a bond is to be presented to the Treasury of the Philippine Islands for payment, the request for payment must be executed and certified in accordance with the provisions of paragraph 12 (g).

19. These regulations shall also apply to the delivery and payment of (1) checks issued in payment of Adjusted Service Bonds, and (2) checks issued for the difference between the amount certified by the Administrator of Veterans' Affairs as due the veteran and the face amount of the bonds issued to him, Provided, however, that when necessary in order to effect an equitable division of the amount due, checks for such difference may be divided in the necessary proportions between adults and minors, or between minors, as persons lawfully entitled thereto.

20. Any transmission of a bond by the owner to the Treasury of the Philippine Islands, or any transmission of a bond by the owner, either directly or through a banking institution acting as agent for the owner, to a Federal Reserve bank or to the Treasury Department will be at the risk and expense of the owner. The use of registered mail is suggested.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-25; Filed, January 4, 1937; 12:08 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101 Southern Division, December 31, 1936

### 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with provisions of this Southern Region Bulletin 101 and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 for the 1937 program and 85 percent participation by farmers in all regions. Such rates of payment, deductions, and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program) in the Southern Region, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

*Southern Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 program in the Southern Region.

*State Agricultural Conservation Committee*, hereinafter referred to as State Committee, means the group of persons designated to assist the Secretary in the administration of the 1937 program in the State in which such committee is selected to act.

*County Agricultural Conservation Association*, hereinafter referred to as county association, means the association of producers in a county authorized by the Secretary to assist in the administration of the 1937 program in such county.

*County Agricultural Conservation Committee*, hereinafter referred to as County Committee, means the group of persons designated to assist the Secretary in the administration of the 1937 program in the county in which such committee is selected to act.

*Community Agricultural Conservation Committee*, hereinafter referred to as community committee, means the group of persons designated for a community within a county to assist the Secretary in the administration of the 1937 program in such community.

*Person* means an individual, firm, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who (1) owns land which is not rented to another for cash or a fixed commodity payment, or (2) rents land from another for cash or a fixed commodity payment, or (3) is purchasing land on installments of cash or one or more commodities.

*Operator* means a person who as owner is operating a farm and is entitled to receive all or a portion of the crops produced thereon or of the proceeds of such crops, or who as share-tenant is operating a whole farm and is entitled under a written or oral lease or agreement to receive a portion of the crops produced thereon or of the proceeds of such crops.

*Share-tenant* means a person other than an owner or share-cropper who is working a farm in whole or in part and is entitled under a written or oral lease or agreement to receive a portion of the crops produced thereon or of the proceeds of such crops.

*Share-cropper* means a person who works a producer unit under the supervision of an operator and is entitled under a written or oral agreement or State law to receive for his labor a share of any or all of the crops produced thereon or of the proceeds of such crops.

*Producer* means an owner, share-tenant, or share-cropper.

*Farm* means *all* land which in 1937 is operated by a person with labor, workstock, and farm machinery substantially separate from that for any other land except that the parts of such land having separate owners shall be considered as separate farms.

*Producer Unit* means any tract of land (whether a whole farm or a subdivision thereof) on which in 1937 one or more crops are planted or grown and which is farmed by (1) an owner with his own or his family's labor or with hired labor other than one or more share-croppers, or (2) a share-tenant with his own or his family's labor or with hired labor other than one or more share-croppers, or (3) a share-cropper.

*Cropland* means all farm land which is tillable and on which at least one crop of any kind other than wild hay was harvested or planted for harvest at some time between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to bearing or nonbearing orchards or vineyards other than those abandoned

*Total Soil-Depleting Base* means the acreage established for the farm as that normally used thereon for the production of all soil-depleting crops except rice.

*Cotton Soil-Depleting Base*, hereinafter referred to as cotton base, means the acreage established for the farm as that normally used thereon for the production of cotton.

*Tobacco Soil-Depleting Base*, hereinafter referred to as tobacco base, means the acreage established for the farm as that normally used thereon for the production of a particular kind of tobacco.

*Peanut Soil-Depleting Base*, hereinafter referred to as peanut base, means the acreage established for the farm as that normally used thereon for the production of commercial peanuts, which shall be construed to mean only those peanuts



separated from the vines by mechanical means and from which the principal part of the production is normally sold to persons off the farm.

*Sugarcane Soil-Depleting Base*, hereinafter referred to as sugarcane base, means the acreage established for the farm as the acreage used for the production of sugarcane for sugar in 1937, subject to the provisions of section 48 herein.

*Rice Soil-Depleting Base*, hereinafter referred to as rice base, means the acreage allocated to the farm in 1937 by all producers interested in the production of rice on the farm in 1937.

*General Soil-Depleting Base*, hereinafter referred to as general base, means the acreage established for the farm as that normally used thereon for the production of all soil-depleting crops *except* cotton, tobacco, commercial peanuts, rice, and sugarcane for sugar.

*Soil-Conserving Base* means the acreage of all soil-conserving crops established as normal for the farm.

*Class I Payment* means the payment for diversion of acreage from any soil-depleting base and also any payment made with respect to sugarcane for sugar or rice.

*Class II Payment* means the payment for carrying out any soil-building practice approved by the Secretary.

*Soil-Building Allowance* for any farm means the largest amount of money that will be paid as a class II payment for the farm.

*Commercial Orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young nonbearing orchards from which the principal part of the production will be sold in 1937 or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including also Irish potatoes, sweetpotatoes, sweet corn, melons, cantaloupes, and strawberries but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold to persons off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

*Part II. Soil-Building Allowance*

SECTION 1. *Soil-building Allowance for Farms Which May Earn a Class I Payment.*—On any farm for which a cotton, tobacco, peanut, or sugarcane base is or can be established or on which the general base exceeds the home-consumption needs for the farm, or in connection with which a rice allocation is made, the soil-building allowance will be the sum of the following items or $10.00, whichever is the greater:

(a) $1.00 for each acre of the soil-conserving base plus $1.00 for each acre diverted for payment in 1937;

(b) $1.00 for each acre in commercial orchards on the farm on January 1, 1937;

(c) $1.00 for each acre of cropland on which *only one* crop of commercial vegetables was grown in 1936;

(d) $2.00 for each acre of cropland on which *two or more* crops of commercial vegetables were grown in 1936; and

(e) Twenty-five (25) cents for each acre of fenced noncrop open pasture land which is in excess of one-half of the cropland and which has a carrying capacity during the normal pasture season of at least one animal unit for each five acres.

SECTION 2. *Soil-building Allowance for Farms Which May Not Earn a Class I Payment.*—On any farm for which no cotton, tobacco, peanut, or sugarcane base can be established and on which the acreage of food and feed crops for home-consumption needs is as great or greater than the general base which is or can be established for the farm and in connection with which no rice allocation is made, the soil-building allowance will be the sum of the following items or $20.00, whichever is the greater:

(a) Sixty-five (65) cents for each acre of cropland or $1.00 for each acre in the soil-conserving base, whichever amount is the greater;

(b) $1.00 for each acre in commercial orchards on the farm on January 1, 1937;

(c) $1.00 for each acre of cropland on which *only one* crop of commercial vegetables was grown in 1936;

(d) $2.00 for each acre of cropland on which *two or more* crops of commercial vegetables were grown in 1936; and

(e) Twenty-five (25) cents for each acre of fenced noncrop open pasture land which is in excess of one-half of the cropland and which has a carrying capacity during the normal pasture season of at least one animal unit for each five acres.

*Part III. Rates and Conditions of Payment*

Payments will be made in connection with the utilization in 1937 of the land on any farm in the Southern Region, at the rates and subject to the conditions set forth herein,[1] provided that no payment will be made for any change in the use of such land which involves the destruction in 1937 of any food, fiber, or feed grain.

SECTION 11. *Cotton.*—(a) A class I payment will be made for each acre diverted from the cotton base on any farm in 1937 at the rate of 5 cents for each pound of the normal per acre cotton yield as adjusted for the farm on an acreage not to exceed 35 percent of such base, except that if such base is 5.7 acres or less payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) But if the acreage of cotton on any farm in 1937 exceeds the cotton base for such farm a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre determined for the farm under subsection (a) of this section 11.

SECTION 12. *Tobacco.*—(a) A class I payment will be made for each acre diverted from the tobacco base on any farm in 1937 at the rate per pound of—

(1) 5 cents for flue-cured or Burley,

(2) 6 cents for Georgia-Florida Type 62,

(3) 3 cents for Georgia-Florida Type 45 or any other kind of tobacco,

for each pound of the normal per acre tobacco yield as adjusted for the farm on an acreage not to exceed 30 percent of the base in the case of Georgia-Florida Type 62 and 25 percent of the base in the case of any other kind of tobacco.

(b) But if the acreage of any kind of tobacco on any farm in 1937 exceeds the tobacco base for that kind of tobacco on such farm, a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre for such kind of tobacco determined for the farm under subsection (a) of this section 12.

SECTION 13. *Commercial Peanuts.*—(a) A class I payment will be made for each acre diverted from the peanut base on any farm in 1937 at the rate of 1¼ cents for each pound of the normal per acre yield of commercial peanuts as adjusted for the farm on an acreage not to exceed 15 percent of such base.

(b) But if the acreage of commercial peanuts on any farm in 1937 exceeds the peanut base for such farm, a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre determined for the farm under subsection (a) of this section 13.

SECTION 14. *Sugarcane for Sugar.*—(a) A class I payment will be made with respect to any farm on which sugarcane for sugar is grown in 1937 not in excess of the acreage allotment of sugarcane for sugar for the farm in an amount per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugarcane for sugar for the farm.

The acreage allotment of sugarcane for sugar for any farm will be the sugarcane base for such farm, unless the estimated total acreage of sugarcane for sugar in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 260,000 short tons, raw value, of sugar. If the estimated total acreage of sugarcane for sugar in 1937 exceeds the acreage so determined to be required to produce

[1] The rates and conditions and any other provisions, with respect to rice, are included in part VII of this Bulletin 101 and will be printed separately.

260,000 short tons, raw value, of sugar, the acreage allotment for the farm shall be that percentage of the sugarcane base for such farm which is computed by dividing the acreage so determined to be required to produce 260,000 short tons, raw value, of sugar by the estimated total of the acreage of sugarcane for sugar in 1937 and multiplying such result by 100. Such percentage of the sugarcane base for the farm shall become the acreage allotment of sugarcane for sugar for such farm.

SECTION 15. *General Soil-Depleting Base.*—(a) A class I payment will be made for each acre diverted from the general base on any farm in 1937, subject to the following provisions:

(1) Such payment will be made for diverting such part of such base as is in excess of the home-consumption needs for the farm but in no case will such payment be made on an acreage in excess of 15 percent of such base.

(2) The rate of such payment per acre shall be $9.00 on the average for the United States, varying among States, counties, and individual farms as the productivity of the cropland used for the production of the crops in such base varies from the average productivity of all such cropland in the United States.

(b) If the 1937 acreage of crops in the general base for any farm exceeds such base or the acreage of such crops needed to meet home-consumption needs for the farm, whichever is the greater, a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre established for the farm pursuant to subsection (a) of this section 15.

SECTION 16. *Soil-Building Practices.*[2]—A class II payment will be made for carrying out any one or more of the following soil-building practices in 1937 at the rates and upon the conditions listed in this section 16, *provided* (1) in no event will the total of the class II payments respecting any farm exceed the soil-building allowance for the farm; (2) none of the labor, seed, or materials for such practice is furnished or paid for by any Federal or State agency; and (3) the practice is carried out by such methods and with such kinds and quantities of adapted seed, trees, and other materials as conform to good farming practice.

*Practice Number—Practices and Conditions—Rate*

1—Alfalfa or Kudzu planted on cropland in 1937: $2.50 per acre.

2—Red, mammoth, sweet, alsike, white, bur or crimson clover, lespedeza, Austrian winter peas, vetch, or other locally adapted winter legume, or legume mixture,[3] seeded on cropland in 1937: $1.50 per acre.

3—Soybeans, velvet beans, cowpeas, crotalaria, beggar weed, or other locally adapted summer legume excluding lespedeza, grown on cropland in 1937 and the leaves, stems, and vines plowed under, provided a reasonably good growth is attained: $2.00 per acre.

4—Crimson or bur clover, Austrian winter peas, vetch, or other locally adapted winter legume, plowed under in 1937, provided a reasonably good growth is attained or lespedeza left on the land except that the seed may be harvested: $1.00 per acre.

5—Green manure crop, including rye, oats, barley, wheat, Italian rye grass, or mixtures of two or more of these plowed under as green manure after making a reasonable growth (not less than two months' growth) in the spring of 1937, provided that such crop has not gone through the dough stage: $1.00 per acre.

6—Annual grasses, or a mixture of one or more annual grasses with one or more legumes, turned under in 1937 as green manure following truck or vegetable crops, or turned under in 1937 in orchards or vineyards; provided such green manure crop attained a reasonably good growth (not less than two months' growth): $1.00 per acre.

7—Any sorghum, Sudan grass, or millet (or, in a cropping rotation, mixtures of grasses and/or legumes), grown in 1937 and all the crop left on the land or plowed under, provided a reasonably good growth is attained: $1.00 per acre.

8—Establishment of permanent pasture of perennial grasses, or any pasture grass and legume mixture, on cropland or non-crop open pasture land in 1937: $3.00 per acre.

9—Forest trees, including post-producing species, planted on cropland in 1937: $5.00 per acre.

10—Ground limestone or its equivalent[4] applied on soil-conserving crops or pastures in 1937, but payment will not be made on an amount in excess of 4,000 pounds per acre, or less than 500 pounds per acre if applied in rows or less than 1,000 pounds per acre if applied broadcast: $0.07 per 100 pounds.

11—Sixteen percent superphosphate or its equivalent[5] applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts), but payment will not be made on an amount less than 100 pounds or in excess of 400 pounds per acre: $0.50 per 100 pounds.

12—Basic slag applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts), but payment will not be made on an amount less than 100 pounds or in excess of 600 pounds per acre: $0.35 per 100 pounds.

13—Manganese sulphate applied in 1937 on soil-conserving crops, but payment will not be made on an amount in excess of 50 pounds per acre: $2.00 per 100 pounds.

14—Terracing land in 1937 in accordance with good terracing practices for the land: $0.40 per 100 feet.

SECTION 17. *Minimum Acreage of Soil-Conserving Crops.*[6]—If the total acreage of soil-conserving crops on cropland on any farm in 1937 does not equal or exceed the sum of—

(a) The soil-conserving base[7] established for the farm, and

(b) The sum of the acreages diverted for payment from the cotton, tobacco, peanut, and general bases,

a deduction will be made in an amount obtained by multiplying $3.00 by the number of acres by which the total acreage of soil-conserving crops on cropland on the farm in 1937 is less than such sum.

SECTION 18. *Division of Payments.*—Class I and class II payments made with respect to any farm shall be divided as follows:

(a) *Class I Payment.*—The class I payment except as indicated in the remaining subsections of this section 18 shall be divided—

(1) Thirty-seven and one-half (37½) percent to the producer who furnishes the land;

(2) Twelve and one-half (12½) percent to the producer who furnishes the workstock and equipment;

(3) Fifty (50) percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in 1937 in those soil-depleting crops, or the proceeds of such crops, in connection with which the class I payment is made.

(b) *Tobacco.*—The class I payment made with respect to the tobacco base shall be divided as follows:

(1) Fifteen (15) percent to the producer who furnishes the land;

(2) Fifteen (15) percent to the producer who furnishes the workstock and equipment;

(3) Seventy (70) percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in 1937 in the tobacco crop, or the proceeds of such crop, in connection with which the class I payment is made.

(c) *General Crops in Designated Counties.*—In counties in western Texas and western Oklahoma designated by the Secretary, the class I payment made in connection with the general base on any farm shall be divided among the interested producers in the same proportion as the crops in such base or the proceeds of such crops are divided under the lease or operating agreement on such farm.

(d) *Sugarcane for Sugar.*—The class I payment made in connection with the sugarcane base on any farm shall be divided among the interested producers in the same proportion as the crop or the proceeds of such crop are divided under the lease or operating agreement on such farm.

(e) *Class II Payment.*—The class II payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the eligible producer who the county committee determines under instructions issued by the Secretary has incurred the expense in 1937 of carrying out such soil-building practice; if the County Committee determines that two or more producers have shared in the expense incurred in carrying out such practice on the farm, the class II payment calculated for the particular acreage with respect to which such producers shared in such expense shall be divided equally among them.

(f) *Reckoning Payments Without Regard to Claims.*—Any share of the class I or class II payments shall be computed and paid without regard to questions of title under State law, without deductions of claims for advances and without regard to any claim or lien against the crop or proceeds thereof in favor of the owner or any other creditor.

(g) *Changes in Leasing or Cropping Arrangement.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1936 leasing or cropping arrangement for the farm or has adopted any other device for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants or share-croppers would be entitled if the 1936 leasing or cropping arrangement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part.

(h) *Division of Class I Payment Where Diversion Was Not Made Ratably.*—On farms where there are two or more producers, that portion of the Class I payment made with respect to any soil-depleting base which is to be divided among producers on a crop-share basis shall be divided among the producers entitled to share in the soil-depleting crop(s) in such base in the proportion that the acreage share of each such producer bears to the total acreage of such crop(s) grown on the farm in 1937; except that if no acreage of the crop(s) in any such base was planted in 1937 or if the County Committee finds (such finding shall be indicated by approval of the application for payment setting forth one of the methods of division of payment provided below) that diversion has not been made ratably by all producers on the farm, such portion of such payment to be made to any such producer shall be—

(1) in that proportion which his contribution to the difference between such base and the 1937 acreage of crop(s) in such base bears to the total difference between such base and the 1937 acreage of crop(s) in such base; or

(2) in that proportion which his acreage share of the soil-depleting base with respect to which such payment is made bears to such base for the farm.

The County Committee shall recommend, subject to the approval of the State Committee and the Director of the Southern Division, as each such person's share of such payment that portion computed in accordance with paragraph (1) or paragraph (2) of this subsection (h), whichever is found to be the more equitable, and support its recommendation by an accompanying letter setting forth fully the facts upon which such recommendation is based.

(i) *Abandonment, Foreclosure, Death, Etc.*—If prior to harvest a producer voluntarily ceases to cultivate, sells, abandons, or through his own fault or neglect loses control of any soil-depleting crop in connection with which a class I payment may be made, such producer shall not be entitled to such payment or any share therein and whoever succeeds him and as such successor is entitled to such crop or to share in it or its proceeds shall be entitled to such payment or to share therein, as the case may be, provided that by agreement of such producer and such successor person or persons (such agreement to be indicated or confirmed by their signatures on the application for payment) the acreage of such crop may be divided between them and such payment may be divided between them accordingly. In no case shall any person who as a result of attachment, foreclosure, or other legal process comes into possession of any soil-depleting crop in connection with which a class I payment may be made or the land on which such crop was planted be entitled to any share in such class I payment if the producer previously entitled to such crop or to share in it or its proceeds did not voluntarily abandon such crop, and the producer so dispossessed shall be entitled to such payment or to share therein, as the case may be. In case of the death or incompetency of a producer occurring during the period of performance under the 1937 program, class I and class II payments shall be made or withheld in accordance with rules to be prescribed by the Secretary.

(j) *Lease or Operating Agreement Expiring During Growing Season.*—No person who, upon the expiration of a lease or operating agreement which expires in 1937 after the season for planting begins and before harvest, succeeds to the land or crop covered by the lease or operating agreement shall be entitled to any class I payment or share thereof respecting such land or crop, except that, if the County Committee finds that both the producer who farmed under such lease or operating agreement and his successor have contributed to performance in 1937 and they have agreed upon a division between them of the acreage which otherwise would go to the producer who farmed under such lease or operating agreement, such acreage shall be divided between them according to such agreement (indicated or confirmed by their signatures on the application for payment) and the County Committee's finding shall be evidenced by its approval of the application setting forth such division.

SECTION 19. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat the purposes of the 1937 program.

*Part IV. Classification of Land Use and Crops*[8]

Farm land when devoted to the crops and uses indicated below shall, except for such additions or modifications as may be approved by the Secretary, be classified as follows:

SECTION 31. *Soil-depleting.*—Land on which any of the following crops are harvested shall, except as provided in section 33 of this part IV, be regarded as devoted to the production of soil-depleting crops for the year in which such crops are harvested. In establishing soil-depleting bases and in the checking of performance the acreage of land which is devoted to two or more soil-depleting crops shall be counted only once.

(a) Corn (field, sweet corn, or popcorn).
(b) Cotton.
(c) Tobacco.
(d) Potatoes (Irish or sweet).
(e) Rice.
(f) Sugarcane.
(g) Truck and vegetable crops, including melons and strawberries.
(h) Peanuts harvested for nuts.
(i) Grain sorghums, sweet sorghums, millets, broomcorn, or Sudan grass, harvested for grain, seed, or forage.
(j) Small grains harvested for grain or hay (wheat, oats, barley, rye, buckwheat, or any mixture of any of these).

SECTION 32. *Soil-conserving.*—Land devoted to any of the following crops or uses shall be regarded as used for the production of a soil-conserving crop except that any land from which a soil-depleting crop is harvested in the same year shall be regarded as used for the production of a soil-depleting crop in such year, except as provided in section 33 of this part IV. Any acre on which two or more soil-conserving crops are grown in the same year shall not be counted as more than one acre of soil-conserving crops.

(a) *Legumes*, including vetch, winter peas, clovers, alfalfa, kudzu, lespedeza, soybean, velvet beans, crotalaria, and cowpeas.

[2] The provisions of this section 16 do not apply to counties in western Oklahoma and western Texas designated by the Secretary, respecting which separate provisions will be made.

[3] Mixtures of legumes listed in practice No. 2 and nonlegumes will be eligible for a payment of $1.50 per acre, provided such legumes are seeded at a rate equal to at least fifty (50) percent of the normal rate for such legumes.

[4] For example, five hundred pounds of burnt lime or 700 pounds of hydrated lime is the equivalent of 1,000 pounds of ground limestone.

[5] For example, one hundred pounds of 49 percent superphosphate is the equivalent of 300 pounds of 16 percent superphosphate.

[6] The requirement of soil-conserving crops with respect to rice will be in addition to the requirements under this section 17.

[7] For any farm having a sugarcane base in 1937 the soil-conserving base shall not be less than 30 percent of the sugarcane base for such farm.

[8] The provisions of this part IV do not apply to counties in western Oklahoma and western Texas designated by the Secretary, respecting which separate provisions will be made.

(b) *Peanuts*, if pastured.

(c) *Grasses*, including Dallis, Natal, rye grass, timothy, orchard, Bermuda, and carpet, or grass mixtures.

(d) *Grain sorghums (seeded solid), sweet sorghums, millets, or Sudan grass*, not harvested for grain, seed, or forage, or grain sorghums planted in rows and plowed under.

(e) *Cover crops*, including rye, barley, oats, wheat, and grain mixtures, not cut for grain or hay, provided a reasonably good growth is left on the land or plowed under.

(f) *Forest trees*, planted on cropland since January 1, 1934.

SECTION 33. *Soil-conserving Crops Grown in Combination With or Following Soil-depleting Crops.*—Land devoted to soil-conserving crops grown in combination with or following soil-depleting crops shall be classified as follows:

(a) All the acreage of soil-depleting row crops interplanted or grown in combination with summer legumes (classified in section 32 of this part IV as soil-conserving) shall be classified as soil-depleting, and

(1) One-half (½) of the acreage shall also be classified as soil-conserving, provided the legume occupies at least one-half (½) of the land and attains a reasonably good growth, or

(2) One-third (⅓) of the acreage shall also be classed as soil-conserving, provided the legume occupies at least one-third (⅓) but less than one-half (½) of the land and attains a reasonably good growth.

(b) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 32 of this part IV as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(c) All the land on which green manure crops are seeded following commercial vegetable crops and plowed under as green manure after having attained at least two months' growth shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

SECTION 34. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided:

(a) *Cropland.*—

(1) Vineyards, tree fruits, bush fruits, and nut trees (any portion of such land which is interplanted shall carry the classification and actual acreage of such interplanted crop).

(2) Idle cropland.

(b) *Noncropland.*—

(1) Nonerop pasture and range land.

(2) Waste land, roads, lanes, lots, yards, and other similar noncropland.

(3) Woodland other than cropland planted to forest trees since January 1, 1934.

*Part V. Determination of Cropland and Establishment of Bases*

SECTION 41. *County Limits and Quotas.*—For each county a ratio of the total acreage in soil-depleting crops (excluding rice) to all cropland will be established by the Agricultural Adjustment Administration from available statistics, such ratio to be referred to as the county limit. The ratio of the aggregate of the total soil-depleting bases (excluding any rice base) established in a county to all cropland in the farms for which such bases are established shall not exceed the county limit for such county unless a variation therefrom is recommended by the State Committee and approved by the Administrator of the Agricultural Adjustment Administration. County quotas of acreage and production for cotton, tobacco, and commercial peanuts will be established by the Agricultural Adjustment Administration from available statistics, and in addition an acreage quota of soil-conserving crops will be so established.

SECTION 42. *Recommendation of Bases.*—For each farm for which a work sheet is filed in 1937 the County Committee will recommend to the State Committee, for approval by the Secretary, the total acreage of cropland, a total soil-depleting base, and a soil-conserving base. As a part of the total soil-depleting base the County Committee will recommend a general base and also wherever applicable a cotton base, a tobacco base, a peanut base, and a sugarcane base.

SECTION 43. *Total Cropland.*—(a) If the total acreage of cropland for the farm was established by accurate measurement in 1936, such acreage will be the 1937 acreage of cropland for the farm. If the total acreage of cropland for the farm was not so established in 1936, such acreage for the farm shall be established either by measurement in 1937, or on a basis which will result in an acreage of cropland comparable with that for farms on which such land was established by measurement.

(b) If the total acreage of cropland established for the farm in 1937 as provided in subsection (a) of this section 43 varies from the cropland reported for the farm on the work sheet submitted for such farm in connection with the 1936 Agricultural Conservation Program or varies from the cropland reported for the farm on the work sheet submitted for such farm for the first time in connection with the 1937 program, adjustments shall be made in accordance with this section 43, and the total acreage in soil-depleting crops, soil-conserving crops, and the acreage of cropland classed as neutral shall be adjusted on a pro rata basis to conform with the adjustments made in the total cropland.

SECTION 44. *1937 Total Soil-Depleting Base.*—(a) *Farms For Which a Total Soil-Depleting Base Was Established in 1936.*—The County Committee will recommend to the State Committee, for approval by the Secretary, a total soil-depleting base (excluding any rice base) for each farm covered by a work sheet in 1937 and for which a total soil-depleting base was established in 1936. Such base shall be the 1936 total soil-depleting base for the farm (excluding any rice base) subject to the adjustments set forth in section 43 of this part V and in acordance with the following:

(1) Necessary adjustments shall be made based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and other available information.

(2) There shall be included in the total soil-depleting base for the farm for 1937 the acreage of small grains for grain or hay followed by legumes; the acreage of corn interplanted with legumes classed as soil-conserving; and the acreage of Sudan grass harvested for seed or forage and classed as soil-conserving in establishing the total soil-depleting base for the farm for 1936.

(3) If the total soil-depleting base for any farm is materially greater or less than such bases for farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming and farming practices, adjustments shall be made that will result in a total soil-depleting base for the farm which is comparable with the total soil-depleting bases for other similar farms.

(b) *Farms For Which a Total Soil-Depleting Base Was Not Established in 1936.*—The County Committee will recommend to the State Committee, for approval by the Secretary, a total soil-depleting base (excluding any rice base) for each farm covered by a work sheet in 1937 and for which a total soil-depleting base was not established in 1936. Such base shall be the planted acreage of all soil-depleting crops for harvest in 1936 for the farm (excluding any rice acreage) subject to the adjustments set forth in section 43 of this part V and in accordance with the following:

(1) To the acreage of all soil-depleting crops planted in 1936 there shall be added the acreage diverted for payment under the 1936 Agricultural Conservation Program, provided that no soil-depleting crop was planted on such diverted acreage.

(2) Necessary acreage adjustments shall be made based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and other available information.



(3) If, because of flood, drought, or other abnormal weather conditions, the number of acres of soil-depleting crops planted in 1936 was greater or less than the acreage of such crops usually planted on the farm, such number of acres shall be adjusted to an acreage which is comparable with the acreage of such crops planted on the farm under normal conditions.

(4) If the total soil-depleting base for any farm is materially greater or less than such bases for farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices, adjustments shall be made that will result in a total soil-depleting base for the farm which is comparable with the total soil-depleting bases for other similar farms.

SECTION 45. *Cotton Base and Yield Per Acre.*—(a) *Cotton Base.*—

(1) The cotton base for the farm in 1937 shall be the cotton base which was or could have been established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) If, for causes other than flood, drought, or other abnormal weather conditions or because of substantial changes in the base acreage by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton base for the farm in 1936, the cotton base for 1937 shall be adjusted downward by the County Committee but not lower than 154 percent of the 1936 planted acreage.

(3) For farms on which cotton was grown in 1936 for the first time since 1933, a cotton base may be established on the basis of the acreage planted to cotton in 1936 subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(4) The sum of the cotton bases for the farms covered by work sheets in any county or other specified area shall not exceed their proportionate share of the quota of cotton acreage established for such county or other specified area by the Agricultural Adjustment Administration.

(b) *Determination of Yield Per Acre.*—

(1) The yield per acre of lint cotton for the farm shall be designated by the appropriate Community Committee, subject to such adjustment by the County Committee as is necessary in order that the sum of the base cotton production for farms covered by work sheets in 1937 in any county or other specified area shall not exceed their proportionate share of the quota of cotton production established for such county or other specified area by the Agricultural Adjustment Administration.

(2) Each farm covered by a work sheet will have been inspected by at least one member of the Community Committee, serving for the community in which the farm is located, who shall report the facts to the Community Committee before the yield is designated for the farm.

(3) The yield designated for any farm shall be that yield, subject to adjustments indicated in this subsection (b), which the Community Committee finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of cotton on the farm. In designating the yield due consideration shall be given by such committee to the trend of yield per acre as well as to the type of soil, drainage, erosion, production practices, and general fertility of the land. Other facts bearing on the yield which might reasonably be expected, including abnormal weather conditions, shall also be given due consideration. Such findings shall be examined by the County Committee in the light of all available facts and approved or modified by it accordingly.

SECTION 46. *Tobacco Base and Yield Per Acre.*—(a) *Tobacco Base.*—

(1) The tobacco base for the farm in 1937 shall be the tobacco base which was or could have been established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a tobacco base for the farm which is comparable with tobacco bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) If, for causes other than flood, drought, or other abnormal weather conditions or plant diseases, the acreage planted to tobacco on the farm in 1936 was less than 55 percent of the tobacco base for the farm in 1936, the tobacco base for 1937 shall be adjusted downward by the County Committee but not lower than 133 percent[*] of the 1936 planted acreage.

(3) For farms on which tobacco was grown in 1936 (or in 1935 if no tobacco was grown on the farm in 1936 due to abnormal weather conditions or plant diseases) for the first time since 1930, a tobacco base may be established on the basis of the acreage planted to tobacco in 1936 (or 1935, if applicable), subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a tobacco base for the farm which is comparable with tobacco bases for other farms in the same community, which are similar with respect to size, type of soil, topography, production facilities, type of farming and farming practices.

(4) The sum of the tobacco bases for farms covered by work sheets in any county or other specified area shall not exceed their proportionate share of the quota of tobacco acreage established for such county or other specified area by the Agricultural Adjustment Administration.

(b) *Determination of Yield Per Acre.*—

(1) The yield per acre of tobacco for the farm shall be designated by the appropriate Community Committee, subject to such adjustment by the County Committee as is necessary in order that the sum of the base tobacco production for the farms covered by work sheets in 1937 in any county or other specified area shall not exceed their proportionate share of the quota of tobacco production established for such county or other specified area by the Agricultural Adjustment Administration.

(2) Each farm covered by a work sheet will have been inspected by at least one member of the Community Committee, serving for the community in which the farm is located, who shall report the facts to the Community Committee before the yield is designated for the farm.

(3) The yield designated for any farm shall be that yield, subject to adjustments indicated in this subsection (b), which the Community Committee finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of tobacco on the farm. In designating the yield due consideration shall be given by such committee to the trend of yield per acre as well as to the type of soil, drainage, erosion, production practices, and general fertility of the land. Other facts bearing on the yield which might reasonably be expected, including abnormal weather conditions, shall

[*] 143 percent shall be used for Georgia-Florida Type 62 tobacco.

also be given due consideration. Such findings shall be examined by the County Committee in the light of all available facts and approved or modified by it accordingly.

SECTION 47. *Peanut Base and Yield Per Acre*—(a) *Peanut Base.*—

(1) For farms growing commercial peanuts prior to 1935 the peanut base in 1937 shall be the base which was or could have been established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and further adjustments that will result in a peanut base for the farm which is comparable with peanut bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) If, for causes other than flood, drought, or other abnormal weather conditions, the acreage planted to commercial peanuts on the farm in 1936 was less than 70 percent of the peanut base for the farm in 1936, the peanut base for 1937 shall be adjusted downward by the County Committee but not lower than 118 percent of the 1936 acreage planted to commercial peanuts.

(3 For farms on which commercial peanuts were grown in 1936 for the first time or for which a peanut base could not have been established under the 1936 Agricultural Conservation Program and one whole acre or more of peanuts was grown on the farm for commercial purposes in 1935 for the first time since 1930 or in 1936 for the first time since 1932, a peanut base may be established on the basis of the acreage planted to commercial peanuts in 1936 (or in 1935 if no commercial peanuts were grown on the farm in 1936) subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a peanut base for the farm which is comparable with peanut bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(4) The sum of the peanut bases for farms covered by work sheets in 1937 in any county or other specified area shall not exceed their proportionate share of the quota of peanut acreage that is established for such county or other specified area by the Agricultural Adjustment Administration.

(b) *Determination of Yield Per Acre.*—

(1) The yield per acre of peanuts grown for commercial purposes on the farm shall be designated by the appropriate Community Committee, subject to such adjustment by the County Committee as is necessary in order that the sum of the base commercial peanut production for farms covered by work sheets in 1937 in any county or other specified area shall not exceed their proportionate share of the quota of commercial peanut production established for such county or other specified area by the Agricultural Adjustment Administration.

(2) Each farm covered by a work sheet will have been inspected by at least one member of the Community Committee serving for the community in which the farm is located, who shall report the facts to the Community Committee before the yield is designated for the farm.

(3) The yield designated for any farm shall be that yield, subject to adjustments, indicated in this subsection (b), which the Community Committee finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of commercial peanuts on the farm. In designating the yield due consideration shall be given by such committee to the trend of yield per acre as well as to the type of soil, drainage, erosion, production practices, and general fertility of the land. Other facts bearing on the yield which might reasonably be expected, including abnormal weather conditions, shall also be given due consideration. Such findings shall be examined by the County Committee in the light of all available facts and approved or modified by it accordingly.

SECTION 48. *Sugarcane Base and Yield Per Acre.*—(a) *Sugarcane Base.*—The sugarcane base for the farm in 1937 shall be the acreage used for the growing of sugarcane for sugar in 1937, provided that such base shall not exceed the total cropland for the farm less the general base or that part of the general base necessary for the production of food and feed crops required for home-consumption needs, whichever is the smaller. If the sugarcane base plus all other soil-depleting bases, including the rice base, exceeds the total cropland for the farm, all such other soil-depleting bases, including only that part of the general base in excess of home consumption needs, shall be adjusted downward to eliminate such excess.

(b) *Determination of Yield Per Acre.*—The yield per acre of sugarcane for sugar for the farm for 1937 shall be determined upon the basis of the average yield per acre of sugarcane for sugar grown on the farm for the years 1935 and 1936 except that, if sugarcane for sugar was not grown on such farm in both such years, the yield per acre for the farm shall be determined upon the basis of the average yield of sugarcane for sugar for such years on similar farms in the same community. In determining such yield, due consideration shall be given to the type of soil, drainage, erosion, production practices, and general fertility of the land.

SECTION 49. *General Base and Productivity Index.*—(a) *Farms For Which a General Base was Established in 1936.*—

(1) The general base for the farm in 1937 shall be the general base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a general base for the farm which is comparable with general bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) There shall also be included in the general base for 1937—

i. The normal acreage of small grains for grain or hay followed by legumes and classed as soil-conserving in establishing the general base for 1936;

ii. The normal acreage of corn interplanted with legumes and classed as soil-conserving in establishing the general base for 1936;

iii. The acreage of Sudan grass harvested for seed or forage and classed as soil-conserving in establishing the general base for 1936; and

iv. The normal acreage of peanuts harvested for nuts, rice, or tobacco, if grown for home use only.

(b) *Farms For Which a General Base Was Not Established in 1936.*—The general base for the farm in 1937 shall be the planted acreage of all crops in the general base for harvest in 1936, less such part of this acreage as was diverted in 1936 for payment from bases other than the general base, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a general base for the farm which is comparable with general bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(c) *Individual Farm Adjustments.*—In making adjustments in the general base for individual farms, such base cannot be adjusted below the farm's proportionate share of the total general base acreage for all farms in the county.

(d) *Productivity Index.*—The productivity index for the farm shall be determined upon the basis of the yield per acre established for the farm in 1937 for the crop(s) used in the county for this purpose under the 1936 Agricultural Conservation Program. The weighted average of the productivity indices for all farms diverting from the general base in the county shall not exceed 100, unless a variation therefrom is recommended by the State Committee and approved by the Director of the Southern Division.

SECTION 50. *Soil-Conserving Base.*—The soil-conserving base for the farm for 1937 shall be that acreage which is determined to be the acreage of soil-conserving crops grown on the farm under normal conditions as compared with the total soil-depleting base established for the farm, except that for any farm having a sugarcane base in 1937 the soil-conserving base shall not be less than 30 percent of the sugarcane base for such farm. The sum of the soil-conserving bases established for farms covered in 1937 by work sheets shall not exceed their proportionate share of the soil-conserving acreage quota for the county.

SECTION 51. *Other Provisions.*—No community or county committeeman shall have a voice in designating or approving any acreage or yield for any farm which he owns, operates, or controls; which is owned, operated, or controlled by his brother, sister, parent, child, or other near relative; or upon which he has a loan or other financial interest.

*Part VI. Miscellaneous Provisions*

SECTION 61. *Persons Who May Make Applications For Payment.*—(a) An application for payment may be made by (1) an owner, (2) an operator, and (3) such other persons as may be designated by the Secretary.

(b) Payment will only be made upon application filed with the County Committee within the prescribed time. Each person applying for payment will be required to show that work sheets have been filed with the County Committee covering all land in the county owned or operated by him in 1937. Any person applying for payment who owns or operates farms in more than one county in the same State may be required to file with the State Committee a list of all such farms.

(c) A time limit for filing work sheets and applications for payment in each county will be designated by the State Committee subject to the approval of the Director of the Southern Division, and when so approved at least two weeks' public notice shall be given in advance of the expiration of such time limit.

SECTION 62. *Land Which May Be Covered by a Work Sheet and Application for Payment.*—(a) A work sheet shall cover all of one farm only, except as provided in the following subsections of this section 62.

(b) If two or more farms in the same county are under the same ownership and are operated by the same person, such farms may be covered by one work sheet.

(c) If two or more tracts of land in the same county are under different ownerships, even though they are operated by the same person, each such separately owned tract shall be covered by a separate work sheet.

(d) Tracts of land under the same ownership located in two or more adjoining counties and operated as a single farm in 1937 shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, as located in the county in which the major portion of such farm is located.

(e) Except as provided in subsection (f) of this section 62 the land covered by an application for payment shall be the land covered by a single work sheet. The application for payment filed with respect to any land shall show the name and the extent of the interest of each person entitled to share in the payment with respect to such land. The amount of payment to any person with respect to the land covered by the application for payment shall, subject to the provisions of section 63 of this part VI, be determined by the performance on such land.

(f) If any person operates more than one farm in a county, such person may, subject to the conditions of this subsection (f), make one application for payment with respect to all such farms or several applications each covering one or more of such farms.



(1) An application for payment covering two or more farms in a county which are operated by the same person may be made only with the consent (indicated by signatures on the application for payment) of all persons who, as owner, share-tenant, or share-cropper, have an interest in the crops (or the proceeds thereof) grown in 1937 on any farm covered by the application; except that the signature of any person shall not be required in order to permit a grouping of such farms if such person would not receive a payment if each such farm were covered by a separate application for payment.

(2) In making determinations with respect to the amount of payment to be made under such application (in accordance with the provisions of this subsection (f)) all farms covered by one application for payment shall be considered as one farm.

SECTION 63. *Multiple Farm Holdings.*—If any person making application for payment in a county has an interest as owner or operator in one or more farms in the same county which is not covered by an application for payment under which payment may be made, such person is required to furnish the County Committee a showing as to the acreage of soil-depleting crops grown in 1937 on each such farm. If the County Committee finds from evidence submitted to it and such measurement of such farms as is deemed necessary that any such person has materially increased the 1937 acreage of crops in any soil-depleting base above such base on any such farm, performance shall be checked on all such farms. The procedure shall be as follows:

(a) For each such farm multiply the 1937 acreage of cotton, tobacco, commercial peanuts, sugarcane for sugar, and crops in the general base by the respective rate per acre (determined pursuant to sections 11, 12, 13, 14, and 15, part III) and multiply each such result by the percentage (determined pursuant to the provisions of section 18, part III) due such person. Total the results thus obtained.

(b) For each such farm multiply the cotton, tobacco, peanut, sugarcane, and general bases by the respective rate per acre (determined pursuant to sections 11, 12, 13, 14, and 15, part III) and multiply each such result by the percentage (determined pursuant to the provisions of section 18, part III) due such person. Total the results thus obtained.

(c) If the total obtained under subsection (a) of this section 63 exceeds the total obtained under subsection (b) of this section 63, such excess shall be deducted first from any payment which otherwise would be made to such person with respect to farms in such county covered by an application for payment, and the remainder from any payment which otherwise would be made to such person with respect to rice in the State.

(d) The procedure outlined in this section 63 shall at the option of the Secretary be applied to all farms owned or operated by the same person in the State.

SECTION 64. *Appeals.*—Any person who has reason to believe that any recommendation of his County Committee concerning his farm in any matter of the kind set forth below is not equitable may request the County Committee to reconsider its recommendation. If such person fails to agree with the final recommendation of the County Committee, such person may appeal to the State Committee in accordance with instructions to be issued by the Secretary.

(a) Eligibility of person(s) to submit a work sheet or an application for payment.

(b) Eligibility of land to be covered by a work sheet and/or application.

(c) Any base, yield per acre, productivity index, or soil-building allowance.

(d) Division of payment among interested persons.

SECTION 65. *Deductions for Expenses.*—There shall be deducted pro rata from the payment to any person with respect to a farm or farms all or such part, as the Secretary shall prescribe, of the estimated administrative expenses incurred and to be incurred in the field in carrying out the 1937 program.

There shall be credited for the payment of administrative expenses the sum of $2.00 for each application for a farm

on which the total payment (prior to deduction of any administrative expenses) as estimated by the Agricultural Adjustment Administration will be $20.00 or less.

SECTION 66. *Applicability to Farms Under Special Programs.*—The Secretary may designate one or more counties in any State for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county is designated the allowances, rates, and conditions of payment for such county will be set forth in a special bulletin and the provisions of this bulletin shall not be applicable in such county.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are approved for the farm prior to performance by the County Committee in accordance with instructions issued by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of December 1936.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-26; Filed, January 4, 1937; 12:42 p. m.]

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SR—B-101, Amendment 1 Southern Division, December 31, 1936

## 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101

*Amendment 1*

Section 33, part IV of Southern Region Bulletin 101 is hereby amended by adding at the end thereof the following new subsection:

(d) Each acre of Georgia-Florida type 62 tobacco will be classified as eight-tenths (8/10) of an acre used for the production of type 62 tobacco and two-tenths (2/10) of an acre diverted to the production of soil-conserving crops if—

(1) An average of at least four top leaves are left on each stalk on all acreage of type 62 tobacco on the farm and all such stalks are cut and either left on the land or plowed under within seven days after the harvesting of the other tobacco leaves is completed, and

(2) A cover crop of sorghum, cowpeas, velvet beans, or crotolaria, or any mixture of these is seeded in 1937 before or following the completion of harvesting the tobacco on all land planted to type 62 tobacco and a reasonably good stand of such cover crop is attained and is plowed under or disked in before December 31, 1937, and after it has obtained at least three months' growth, provided that neither the seeding nor plowing under or disking in of any such cover crop shall qualify for a class II payment or contribute toward the soil-building allowance.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of December 1936.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-27; Filed, January 4, 1937; 12:42 p.m.]

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## FEDERAL DEPOSIT INSURANCE CORPORATION.

### APPROVAL OF FORMS S-14, S-14a AND 73

DECEMBER 3, 1936.

In concurrence with the recommendation of the Committee on Regulations and Forms, Director O'Connor moved approval of the following forms[1] submitted, and that they be filed in the jacket of this meeting:

(1) Forms S-14 and S-14a, "Location of Offices."
(2) Form 73, "Report of Earnings and Dividends."

Director Goldsborough seconded the motion and it was carried.

[SEAL] W. G. LOEFFLER,
*Assistant Secretary to the Board of Directors of the Federal Deposit Insurance Corporation.*

[F. R. Doc. 37-21; Filed, January 4, 1937; 10:53 a. m.]

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### APPROVAL OF FORMS 545C AND 555C

DECEMBER 3, 1936.

Director Goldsborough moved approval of the Certified Statement Forms,[1] described below, which have been approved by the Committee on Regulations and Forms:

Form 545C—Certified Statement—Part One. Based on Deposits for the Six Months Ending December 31, 1936; in quadruplicate;

Form 545C—Amended Certified Statement—Part One. Based on Deposits for the Six Months Ending December 31, 1936, in quadruplicate;

Form 555C—Recapitulation of the Monthly Totals of Certified Statement—Part Two for the Six Months Ending December 31, 1936, in duplicate.

Director O'Connor seconded the motion and it was carried.

[SEAL] W. G. LOEFFLER,
*Assistant Secretary to the Board of Directors of the Federal Deposit Insurance Corporation.*

[F. R. Doc. 37-22; Filed, January 4, 1937; 10:53 a. m.]

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## RESETTLEMENT ADMINISTRATION.

[Administration Order 40 (Rev. 2) (Suppl. 2)[2]]

### INSPECTION OF CONSTRUCTION ON PROJECTS UNDER THE JURISDICTION OF COOPERATIVE ASSOCIATIONS

DECEMBER 31, 1936.

1. *Purpose.*—(a) The purpose of this Supplement is to inform all personnel concerned of the responsibilities of the IS Division for the inspection of construction on projects under the jurisdiction of cooperative associations or other bona fide group agencies hereafter referred to as cooperative associations, whether such construction is done by an agency which is part of the RA, by contract with an agency not part of the RA, or by direct force account by employees of the cooperative associations.

2. *General.*—(a) Inasmuch as the property of cooperative associations is the physical basis for such liens as are posted as collateral for RA loans to cooperative associations, inspection of the construction under the jurisdiction of cooperative associations is necessary and will be made by engineer inspectors of the IS Division.

3. *Responsibilities.*—(a) The responsibility of the IS Division will be the same for the inspection of construction undertaken by or within the jurisdiction of cooperative associations as for the inspection of construction undertaken by the RA. The procedure established for inspection of construction on RA projects will apply to such construction. This will include the inspection of all construction work so undertaken coming within the scope of the MA and RS Divisions. All such construction coming within the scope of the RR Division will be inspected only as the Administrator may require.

4. *Preliminary Steps When Construction Is Contemplated.*—(a) The Director of the MA, RS, or RR Division, as the case may be, will notify the Director of the IS Division when a loan involving construction requiring inspection pursuant to paragraph 3a of this Supplement has been approved by the Administrator.

(b) After a loan involving such construction has been approved by the Administrator, the division involved will furnish the IS Division with copies of plans, specifications, contracts or other documents necessary for proper inspection.

(c) The letter of approval issued in connection with any RR loan, which provides for construction to be performed with proceeds of the loan, will state whether inspection will be required, but failure to make such requirement at that time does not preclude a later requirement to that effect. If inspection is required, the Loan Agreement will contain a statement to that effect, and construction contracts entered into by the cooperative association must contain appropriate provisions for inspection.

5. *Instructions for Inspection.*—(a) Upon receipt of notification of contemplated construction, the Director of the IS Division will provide for regular inspection.

(b) If a resident engineer inspector is not assigned to the project, the Director of the IS Division will arrange to have such periodic inspections as are necessary, but in all cases at least once each calendar month. Copies of the inspection reports will be forwarded to the regional director, Budget Section of the FC Division, director of the division involved, the manager of the cooperative association and the agency or contracting party performing the construction.

6. *Final Inspection.*—(a) A final inspection and acceptance of all construction undertaken by a cooperative association which requires inspection pursuant to paragraph 3a of this Supplement will be made before the cooperative association makes the final payment on any construction contract entered into with any individual, partnership, corporation, or other contracting party. All MA and RS Loan Agreements and such RR Loan Agreements as the Administrator may require shall provide for such final inspection, and shall also provide that all construction contracts entered into by the cooperative associations shall make similar provision.

(b) Such final inspection will be made according to the procedure established for final inspections. A copy of the final inspection report and certificate of acceptance will be furnished to the regional director, director of the division concerned, Budget Section of the FC Division, the manager of the cooperative association, the agency or contracting party performing the construction for the cooperative association (if there be such an agency or contracting party), and the regional loan approving office to file with other documents concerning the project.

7. *Inspection Costs.*—(a) All costs incidental to inspection of construction under the jurisdiction of a cooperative association will be paid from administrative funds of the RA.

R. G. TUGWELL, *Administrator.*

[F. R. Doc. 37-19; Filed, December 31, 1936; 4:20 p. m.]

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[Administration Order 188 (Suppl. 1)[1]]

### DELEGATION OF AUTHORITY TO GRANT EASEMENTS AND RIGHTS-OF-WAY ON LAND USE PROJECTS

GRANTING EASEMENTS ON LANDS ACQUIRED AND IN THE PROCESS OF BEING ACQUIRED

DECEMBER 30, 1936.

1. *Purpose.*—(a) This Supplement outlines the procedure for approving and granting easements for lands acquired or in the process of being acquired within land use projects.

2. *General.*—(a) All requests for easements will be referred to the regional director.

(b) Whenever a public agency, corporation or an individual makes a request for an easement for the purpose of constructing highways, power lines, telephone lines, irrigation and drainage ditches, or for any other purpose on land within a land use project, the regional director will have an investigation made to determine the effect of the easement upon the completion of the development work and upon the proposed use and future administration of the land within the project. The regional director will also determine the probable effect of the easement upon the surrounding community.

(c) If the granting of the proposed easement will result in a benefit to the project, a financial consideration need not be required.

(d) If the granting of the proposed easement will not result in a benefit to the project, a financial consideration shall be required which, however, may be nominal.

3. *Request for an Easement Before the Account in Payment for the Land Has Been Submitted to the General Accounting Office or to the Treasury Department.*—(a) When an easement is requested on land for which the account in payment for the land has not been sent to the G. A. O. or to the Treasury Department, the regional director will submit to the Administrator, Resettlement Administration, Washington, D. C., Refer to: Land Utilization Division, a statement which will show the effect of the easement on the project.

(b) If the Assistant Administrator in charge of LU determines that the easement will benefit the project, he will notify the regional director. Upon receipt of the notification, the regional director will:

(I) Approach the vendor of the land involved to determine whether or not the vendor is willing to grant the easement.

(II) If the vendor is willing to grant the easement, he will:

(A) Execute the easement on a form approved by the regional attorney.

(B) Execute a Form RA-LU 56, Rev., "Agreement for Cancellation of Contract", as outlined in FI-LU 26.

(C) Sign a new option. In the space on the option form for the description of the land, he will include a statement of the easement granted by the vendor.

(1) The person in the regional office authorized to execute Form RA-LU 56, Rev., "Agreement for Cancellation of Contract", will not execute this Form for the Government until the new option is obtained from the vendor. This is particularly important when the land involves a tract in the project purchase area which is essential to the completion of the project.

(III) If the vendor is not willing to grant the easement, action in regard to the request for the easement may be delayed until title to the lands involved is actually vested in the U. S. If it is necessary and advisable to take immediate action in regard to an easement on land which has not been acquired and which cannot be handled in accordance with the procedure outlined above, the advice of the Assistant Administrator in charge of LU should be obtained by the regional director through proper channels.

(c) If the Assistant Administrator in charge of LU determines that the easement will *not* benefit the project he will so notify the regional director.

4. *Request for an Easement After the Account in Payment for the Land Has Been Submitted to the General Accounting Office or to the Treasury Department.*—(a) When an easement is requested on land for which the account in payment for the land has been sent to the G. A. O. or to the Treasury Department, the regional director will submit to the Administrator, Resettlement Administration, Washington, D. C., Refer to: Land Utilization Division, the following information for administrative action:

(I) The name and number of the project in connection with which such an easement is requested.

(II) The name of the public agency, corporation or individual requesting the easement, together with a statement regarding the purpose and nature of the easement.

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[1] These forms, together with Form 64—Call No. 6, were filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Federal Deposit Insurance Corporation.

[2] Supplements par. 13a III B of AO 40 (Rev. 2)—9/26/36.

[1] Supersedes FI-LU 34—3/9/36 Supplements AO 188—8/13/36.

(III) The tract numbers and the names of the vendors of the land to be covered by the easement.

(IV) A map of the purchase area of the project showing the relationship of the land to be covered by the easement to the project area as a whole and to the surrounding community.

(V) An ownership map covering the particular tract of land for which an easement is requested and showing the exact area to be covered by the easement.

(VI) Detailed description of the benefits to the project and surrounding communities which will be derived through the easement.

(VII) The amount of the financial consideration to be paid for the easement.

(VIII) Specific recommendations of the project manager and the regional director regarding the granting of the easement.

(IX) A statement by the regional director of any other facts pertinent to the case which he may have obtained from the investigation made in accordance with paragraph 2b of this Supplement.

(X) A proposed form of easement prepared by the regional attorney, provided that the regional director approved the grant of the easement.

(b) The above information will be bound in a manila folder which will be labeled as follows:

Easement desired by _____
(Name of public agency, corporation, or individual)

Project name and number _____
Region Number _____ State _____.

5. *Preparation of Easement for Execution by the Government.*—(a) When the material requested in paragraph 4a of this Supplement is received, if the Assistant Administrator in charge of LU determines it is administratively desirable to grant the easement and that it will not interfere with the development work or future use of the land, he will notify the regional director and submit the entire folder to the General Counsel.

(b) If the General Counsel approves the form of the proposed easement he will transmit it to the regional attorney, and notify the Assistant Administrator in charge of LU of the transmittal.

(c) The regional attorney will submit the approved form to the regional director, and assist him in having it executed.

(d) When the regional director receives the approved easement from the regional attorney, he will have three copies executed by an authorized official of the public agency or corporation if a financial consideration is involved. If a financial consideration is not involved, only two copies need be executed. A statement will be attached to the easement which will show that the person executing the easement has proper authority to execute such documents.

(e) An easement requested by an individual will be executed in the same manner as for a public agency or a corporation.

(f) The easement will NOT be executed for the Government in the field.

(g) The regional director will transmit the two or three copies of the easement as executed for the agency or by the person requesting the easement (see paragraph 5d and 5e of this Supplement) to the Administrator, Resettlement Administration, Washington, D. C., Refer to: Land Utilization Division. If a financial consideration is involved; two unexecuted copies of the casement will be included with the three executed copies transmitted to the Administrator.

6. *Execution of the Easement for the Government.*—(a) When the Assistant Administrator in charge of LU receives the copies of the easement he will execute for the Government the copies executed by the public agency or corporation or by the individual if the easement meets with his approval provided that he first ascertains that title to the land over which the easement is granted has been completely vested in the Government.

(I) If a financial consideration is involved, he will transmit the original executed copy and the two unexecuted copies to the Administrative Audit Section, Finance and Control Division, Washington, D. C. The second executed copy will be returned to the regional director for the public agency, corporation, or person to whom is granted the easement; and the third executed copy will be retained in the fire resisting files of the LE Division, with other conveyances on the same project, for the proper protection of important original documents. The Chief of the LE Division files will make appropriate cross-reference sheets within the LE files and for the vendors' files, Vendors' Subunit, BM Division.

(A) The Administrative Audit Section will number, audit, and forward the original executed copy of the easement to the G. A. O., one unexecuted copy to the Treasury Accounts Office, Washington, D. C., and retain the other unexecuted copy pending receipt of monies due under the easement agreement.

(II) If no financial consideration is involved, the Assistant Administrator in charge of LU will execute for the Government the two copies of the easement executed by the public agency or corporation or by the individual. One executed copy will be retained in the fire resisting files of the LE Division in accordance with the procedure outlined in paragraph 6a I. The other executed copy will be returned to the regional director for transmission to the public agency, corporation or individual to whom the easement is granted.

(III) Any executed copies of easements of the type described in this Order, whether or not they have been granted and executed in accordance with the procedure outlined herein, will be forwarded to the files of the LE Division in accordance with the procedure outlined in paragraph 6a I.

7. *Procedure for Collecting Payment for the Easement.*—(a) If a financial consideration is involved, payment will be made by the public agency, corporation or person requesting the easement at the time the easement is executed.

(b) Payment will be made to the regional director or his representative by check or money order payable to the Treasurer of the United States. The amount of the check or the money order will be that stipulated in the easement. The cost of the money order must NOT be deducted from this amount.

(c) The check or money order will be transmitted together with the executed copies of the easement, by the regional director to the Assistant Administrator in charge of LU, who will forward such check or money order to the FC Division for proper disposition. If the check or money order does not accompany the easement agreement a covering letter will be attached stating what the payment covers.

R. G. TUGWELL, *Administrator.*

[F. R. Doc. 37-20; Filed, December 31, 1936; 4:21 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December A. D. 1936.

[File No. 2-2561]

IN THE MATTER OF SOUTH UMPQUA MINING COMPANY

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT, AND DISMISSING STOP ORDER PROCEEDINGS

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on December 21, 1936, consents to the withdrawal of the registration statement of South Umpqua Mining Company; and, the said registration statement being so withdrawn, the Commission further dismisses a certain proceeding under Section 8 (d) of the Securities Act of 1933, as amended, the said proceeding having been heretofore, on November 7, 1936, instituted and being until now pending with respect to the aforesaid registration statement; and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-29; Filed, January 4, 1937; 12:58 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of December 1936.

[File No. 1-1433]

IN THE MATTER OF GENERAL PAINT CORPORATION, CLASS A STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The General Paint Corporation, pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application to withdraw from listing and registration on the San Francisco Stock Exchange and Los Angeles Stock Exchange its Class A Stock, No Par Value; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and hereby is granted, effective at the close of the trading session on January 8, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-28; Filed, January 4, 1937; 12:58 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of December 1936.

[File No. 37-16]

IN THE MATTER OF REPUBLIC SERVICE MANAGEMENT COMPANY (DECLARATION WITH RESPECT TO THE ORGANIZATION AND CONDUCT OF BUSINESS OF SUBSIDIARY SERVICE COMPANY PURSUANT TO RULE 13-22)

ORDER PURSUANT TO RULE 13-22 UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

A declaration having been filed with this Commission by L. B. Harvey, Helen McCoy, and Mildred Dimmick, as proposed incorporators of Republic Service Management Company, pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935 and Rule 13-22 adopted thereunder, with respect to the proposed organization and conduct of business of Republic Service Management Company as a subsidiary service company of Republic Service Corporation; a hearing on said declaration having been duly held pursuant to appropriate notice; the record in this matter having been duly considered; and the Commission having filed its Findings herein:

It is found that if Republic Service Management Company shall be organized and conducted in the manner set forth in the amended declaration of said incorporators, and if the annual compensation of other employees referred to in paragraph 15 (b) (iii) of the declaration shall not exceed $7,700, then upon the ratification of the said amended declaration by Republic Service Management Company, said Republic Service Management Company will be so organized and conducted as to meet the requirements of Section 13 (b) of the said Act with respect to reasonable assurance of efficient and economical performance of the services described in such amended declaration, for the benefit of associate companies, at cost fairly and equitably allocated among them.

No finding is made with respect to the rendering of any services differing materially from those described by said amended declaration, as the services which Republic Service Management Company intends presently to render, nor with respect to construction work.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-30; Filed, January 4, 1937; 12:58 p. m.]



*Wednesday, January 6, 1937* *No. 3*

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

[Circular No. 1415]

REGULATIONS GOVERNING MINING UNDER THE ACT APPROVED JUNE 22, 1936

DECEMBER 28, 1936.

*Register, Anchorage, Alaska.*

SIR: The act of June 22, 1936, Public No. 750, 74th Congress, an act to extend the mining laws of the United States to the Glacier Bay National Monument in Alaska, provides as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the area within the Glacier Bay National Monument in Alaska, or as it may hereafter be extended, all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

Under this act, the lands in the Glacier Bay National Monument, reserved by proclamation of February 26, 1925 (43 Stat. 1988), or as it may be extended hereafter, are open to prospecting for the kinds of mineral now subject to location under the United States mining laws, and, upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations, duly made, will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries or claim thereto except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals, such occupation and use to be under general regulations prescribed by the Secretary of the Interior.

The owner of a mining location may cut such timber within the boundaries of his claim as is necessary for mining purposes. Prospectors may cut timber for their necessary mining and domestic uses only with the permission of the custodian of the monument or his representative who will designate the timber to be cut. All slash, brush or debris resulting from the cutting of timber upon mining claims or by prospectors shall be disposed of by the claimant or prospector in such manner and at such time as may be designated by the National Park Service officer in charge so as to prevent the creation of fire hazards, or conditions conducive to the development of infestation by timber-destroying insects.

Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the monument upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or

trail in a passable condition so long as it is used by the permittee or his successors.

Occupation and use of the surface of an unpatented mining claim is restricted by the general law to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this act will be entitled to such right. Upon written permission of the Director of the National Park Service or his representative, the surface of such claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Director of the National Park Service to the national monument.

Attention is called to the park regulation for the protection of wild life which provides:

> The national monument is a sanctuary for wild life of every sort, and all hunting, or the killing, wounding, frightening, capturing or attempting to capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited.
>
> Firearms, traps, seines, and nets are prohibited within the boundaries of the monument, except upon written permission of the custodian or his representative.

The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to this act will terminate when the minerals are mined out or the claim is abandoned. Any owner of an unpatented location who fails to perform annual assessment work on his claim for any assessment period will be assumed to have abandoned his claim, and his right of occupation and use of the surface of the claim considered at an end.

Applications for patents and final certificates issued thereon for mining claims in this monument should be noted "Glacier Bay National Monument Lands", and all patents issued for claims under the act will convey title to the minerals only, and contain appropriate reference to the act and these regulations.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

I concur:

ARNO B. CAMMERER,
*Director, National Park Service.*

Approved, December 28, 1936.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-31; Filed, January 5, 1937; 9:30 a. m.]

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STOCK DRIVEWAY WITHDRAWALS NOS. 3, 128 AND 144, WYOMING NOS. 1, 13 AND 18—ADJUSTED

DECEMBER 24, 1936.

It is hereby ordered that so much of departmental orders dated December 28, 1922, February 2, 1924, and December 15, 1925, withdrawing certain lands in Wyoming under section ten of the act of December 29, 1916 (39 Stat. 862), as Stock Driveways Nos. 3, 128 and 144, Wyoming Nos. 1, 13 and 18, in T. 41 N., R. 86 W., 6th P. M., be construed in conformity with the official plat of survey of said township accepted by the General Land Office May 14, 1936, to read as follows:

T. 41 N., R. 86 W., 6th P. M., lots 5 to 17, inclusive, SW¼NE¼, S½NW¼ and NW¼SW¼ sec. 2; lots 5, 6, 10 to 13, inclusive, SE¼NE¼, NW¼SE¼ and E½SE¼ sec. 3; lots 5 and 6 sec. 7; lots 1 to 6, inclusive, lot 8, S½NW¼ and W½SW¼ sec. 8; lots 1 to 14, inclusive, sec. 9; lots 1 to 6, inclusive, sec. 10; lots 1 to 7, inclusive, NW¼NE¼, S½NE¼, S½NW¼ and N½SE¼ sec. 11; lots 3 and 4, SE¼ and S½SW¼ sec. 14; lots 1 to 5, inclusive, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼ and SE¼ sec. 15; lots 1 to 6, inclusive, sec. 16; lots 1, 2 and 5 sec. 20; lots 1 to 9, inclusive, and NW¼NE¼ sec. 21; lots 1 to 5, inclusive, lot 8 and SE¼SW¼ sec. 22; lots 3 and 4, NE¼ and E½SE¼ sec. 23; lots 3 and 4, NW¼ and W½SW¼ sec. 24; lots 1 to 4, inclusive, N½ and N½SE¼ sec. 25; lots 4 and 7, NE¼ and W½SE¼ sec. 26; lot 2 sec. 27; lots 2, 3, 4, 7, 8, and 9, SW¼NW¼ and NW¼SW¼ sec. 28; lots 3, 4, and 5 sec. 29; lots 1 to 6, inclusive, NE¼SE¼ sec. 32.

T. A. WALTERS,
*First Assistant Secretary of the Interior.*

[F. R. Doc. 37-32; Filed, January 5, 1937; 9:30 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NCR—B-1-I

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 1-I

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin No. 1, Revised, as amended, is hereby further amended as follows:

Part I, Definitions, is amended by deleting therefrom the definition of Cotton Farm and by adding the following new definition in lieu thereof:

> *Cotton Farm* means any share-rented farm or farm operated with the aid of sharecroppers in Area B or in Area C which has a cotton base or on which cotton was grown in 1936.

The provisions of this NCR—B-1-I shall be effective as of October 19, 1936, so as to be included within the conditions mentioned in the *"Order With Respect to Payments Under the 1936 Agricultural Conservation Program—North Central Region"*, issued October 7, 1936, as amended.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture, to be affixed in the City of Washington, District of Columbia, this 4th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-33; Filed, January 5, 1937; 12:46 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December A. D. 1936.

[File No. 2-1974]

IN THE MATTER OF EDWIN CAREWE PRODUCTIONS, INC.

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on December 18, 1936, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-37; Filed, January 5, 1937; 1:03 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of December A. D. 1936.



[File No. 2-2699]

IN THE MATTER OF CONSUMERS CREDIT CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the telegraphic request of the registrant received on December 18, 1936, and confirmed on December 19, 1936, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-38; Filed, January 5, 1937; 1:03 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of December A. D. 1936.

[File No. 2-1873]

IN THE MATTER OF OIL PAYMENT PURCHASE CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on December 18, 1936, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-39; Filed, January 5, 1937; 1:04 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE LARKINS & WARR-FRISCO FARM, FILED ON DECEMBER 14, 1936, BY R. E. PITTS, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-34; Filed, January 5, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-HOLMES FARM, FILED ON DECEMBER 28, 1936, BY W. R. CURRY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the estimation of recoverable oil, Division III, fails to show the similarity of the Simpson and Wilcox formations in the Moore and Oklahoma City Pools referred to under heading "Porosity and Saturation" respecting the Simpson formation.

(2) In that there is no explanation in Division III to show by whom or how the 14% porosity factor for the Simpson formation in the Oklahoma City Pool was established, nor has it been explained fully why this factor was used in combination with the other factors in estimating the recoverable oil.

(3) In that it is not clearly shown in Division III that the Simpson formation is productive in the Holmes lease.

(4) In that it has not been fully explained in Division III how the average normal recovery of 1,100 barrels per acre foot for the Wilcox formation was established.

(5) In that facts have not been presented in sufficient detail in Division III to warrant the conclusion that the structural location of the tract under consideration is similar to the location of the Continental-Young lease on the Edmond Pool structure.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 3rd day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 18th day of January 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-35; Filed, January 5, 1937; 1:02 p. m.]

*Thursday, January 7, 1937* *No. 4*

## PRESIDENT OF THE UNITED STATES.

### EXTENDING THE PERIOD FOR FURNISHING PROOF OF USE IN MANUFACTURE OF BONDED WOOL AND CAMEL HAIR

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *.";

WHEREAS paragraph 1101 of the Tariff Act of 1922 (42 Stat. 904) provides that wools of certain kinds

"* * * may be imported under bond in an amount to be fixed by the Secretary of the Treasury and under such regulations as he shall prescribe; and if within three years from the date of importation or withdrawal from bonded warehouse satisfactory proof is furnished that the wools have been used in the manufacture of rugs, carpets, or any other floor coverings, the duties shall be remitted or refunded * * *";

AND WHEREAS paragraph 1101 of the Tariff Act of 1930 (46 Stat. 646) provides that wools of certain kinds and hair of the camel

"* * * may be imported under bond in an amount to be fixed by the Secretary of the Treasury and under such regulations as he shall prescribe; and if within three years from the date of importation or withdrawal from bonded warehouse satisfactory proof is furnished that the wools or hair have been used in the manufacture of yarns which have been used in the manufacture of press cloth, camel's hair belting, rugs, carpets, or any other floor covering, or in the manufacture of knit or felt boots or heavy fulled lumbermen's socks, the duties shall be remitted or refunded * * *";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury, until further notice:

(1) In the case of wools imported or withdrawn from bonded warehouse between January 18 and June 17, 1930 (both dates inclusive), under bond, under the provisions of paragraph 1101 of the Tariff Act of 1922, and wools or hair of the camel imported or withdrawn from bonded warehouse during the calendar year 1930, under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than one year from and after the expiration of the three-year period prescribed in the said paragraphs as extended for two years under the authority of Proclamation No. 2023, dated December 23, 1932, and further extended for one year under the authority of Proclamation No. 2113, dated January 7, 1935; and further extended for one year under the authority of Proclamation No. 2155, dated January 18, 1936.

(2) In the case of wools or hair of the camel imported or withdrawn from bonded warehouse between January 18 and December 31, 1931 (both dates inclusive), under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than one year from and after the expiration of the three-year period prescribed in the said paragraph as extended for one year under the authority of Proclamation No. 2069, dated December 30, 1933, and further extended for one year under the authority of Proclamation No. 2113, dated January 7, 1935, and further extended for one year under the authority of Proclamation No. 2155, dated January 18, 1936.

(3) In the case of wools or hair of the camel imported or withdrawn from bonded warehouse between January 18 and December 31, 1932 (both dates inclusive), under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than one year from and after the expiration of the three-year period prescribed in the said paragraph as extended for one year under the authority of Proclamation No. 2113, dated January 7, 1935, and further extended for one year under the authority of Proclamation No. 2155, dated January 18, 1936.

(4) In the case of wools or hair of the camel imported or withdrawn from bonded warehouse between January 18 and December 31, 1933 (both dates inclusive), under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than one year from and after the expiration of the three-year period prescribed in the said paragraph as extended for one year under the authority of Proclamation No. 2155, dated January 18, 1936.

(5) In the case of wools or hair of the camel imported or withdrawn from bonded warehouse during the calendar year 1934, under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than one year from and after the expiration of the three-year period prescribed in the said paragraph.

*Provided, however,* That in each and every case the Secretary of the Treasury shall require that the principal on the bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the bond was given the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension: *And provided further,* That the extensions of one year herein authorized shall not apply to any wools or hair of the camel imported or withdrawn from bonded warehouse under bond during the calendar years 1930, 1931, 1932 and 1933, on which the one-year period of extension authorized in the aforesaid proclamation of January 18, 1936, has expired, or to any wools or hair of the camel imported or withdrawn from bonded warehouse under bond during the calendar year 1934 on which the three-year period prescribed in paragraph 1101 of the Tariff Act of 1930 has expired.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 30 day of December in the year of our Lord nineteen hundred and thirty-six, and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the PRESIDENT:

R. WALTON MOORE,
*Acting Secretary of State.*

[No. 2217]

[F. R. Doc. 37-47; Filed, January 5, 1937; 2:19 p. m.]

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### CHEQUAMEGON NATIONAL FOREST—WISCONSIN

By the President of the United States of America

A PROCLAMATION

WHEREAS by proclamation of November 13, 1933 (48 Stat. 1716), there were set apart and reserved as the Chequamegon National Forest in the State of Wisconsin certain lands which had been, or might thereafter be, acquired by the United States of America under authority of the act of Congress approved March 1, 1911, ch. 186, 36 Stat. 961 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, ch. 348, 43 Stat. 653 (U. S. C., title 16, sec. 515), together with certain adjoining public lands; and

WHEREAS it appears that it would be in the public interest to modify the boundaries of the said national forest by including therein certain forest lands which have been, or may be, acquired under authority of the said acts of



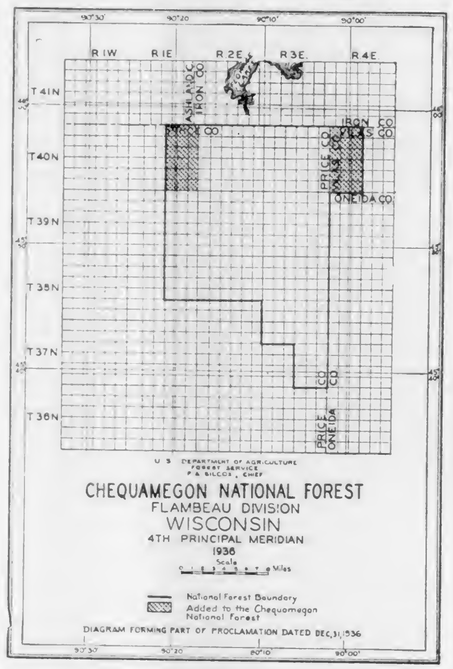


March 1, 1911, and June 7, 1924, and certain adjoining public lands, and by transferring to the said national forest the Mondeaux Division of the Nicolet National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power in me vested by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, ch. 2, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and section 11 of the said act of March 1, 1911, do proclaim (1) that all lands of the United States within the areas shown as additions on the diagrams attached hereto and made a part hereof [1] are hereby included in and reserved as a part of the Chequamegon National Forest, (2) that all lands within such areas which may hereafter be acquired by the United States under the said acts of March 1, 1911, and June 7, 1924, shall upon acquisition of title thereto be reserved and administered as a part of the said Forest, and (3) that there is hereby transferred to the said Forest the Mondeaux Division of the Nicolet National Forest.

This proclamation and that modifying the boundaries of the Nicolet National Forest, which I have signed this same day, are made, and are intended to be and shall be considered, as one act and they shall become effective simultaneously.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

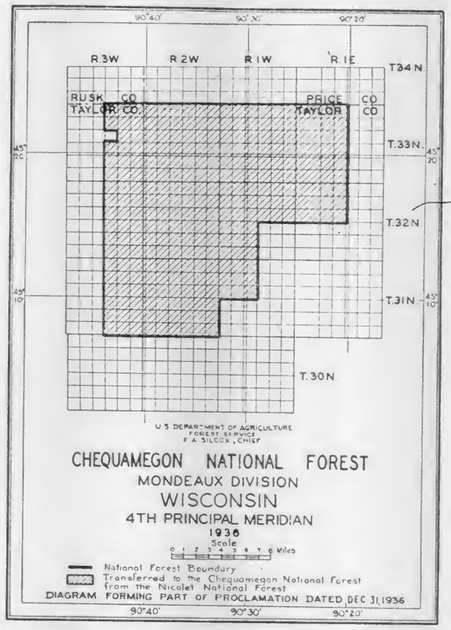


IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 31st day of December, in the year of our Lord nineteen hundred and thirty-six and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

R. WALTON MOORE,
*Acting Secretary of State.*

[No. 2218]

[F. R. Doc. 37-45; Filed, January 5, 1937; 2:17 p. m.]

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### NICOLET NATIONAL FOREST—WISCONSIN

By the President of the United States of America

A PROCLAMATION

WHEREAS by proclamation of November 13, 1933 (48 Stat. 1715), there were set apart and reserved as the Nicolet National Forest in the State of Wisconsin certain lands which had been or might thereafter be acquired by the United States of America under authority of the act of Congress approved March 1, 1911, ch. 186, 36 Stat. 961

[1] *See also* page 24.

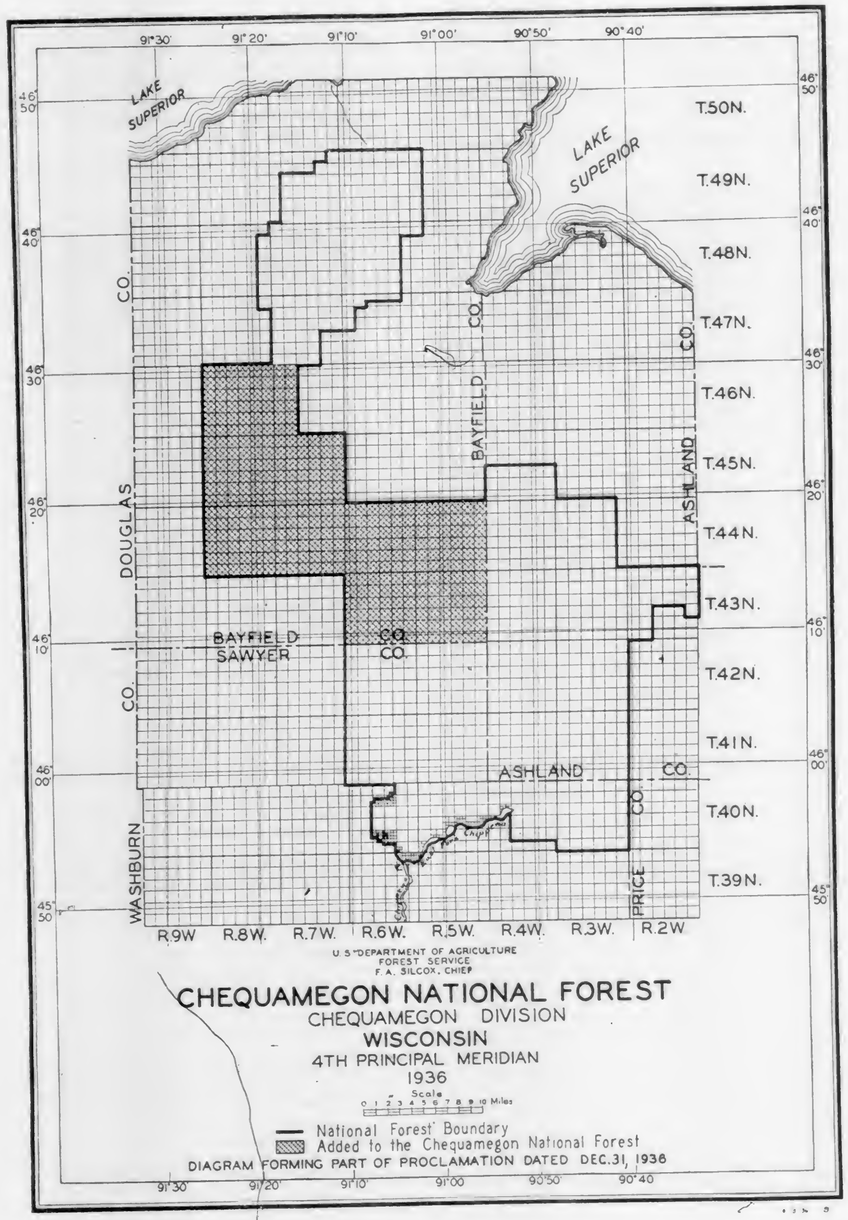
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T.45N.
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T.39N.
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DOUGLAS CO.
BAYFIELD CO.
ASHLAND CO.
BAYFIELD CO.
SAWYER CO.
ASHLAND CO.
WASHBURN CO.
PRICE CO.
R.9W.
R.8W.
R.7W.
R.6W.
R.5W.
R.4W.
R.3W.
R.2W
U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
F. A. SILCOX, CHIEF
CHEQUAMEGON NATIONAL FOREST
CHEQUAMEGON DIVISION
WISCONSIN
4TH PRINCIPAL MERIDIAN
1936
Scale
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National Forest Boundary
Added to the Chequamegon National Forest
DIAGRAM FORMING PART OF PROCLAMATION DATED DEC. 31, 1936



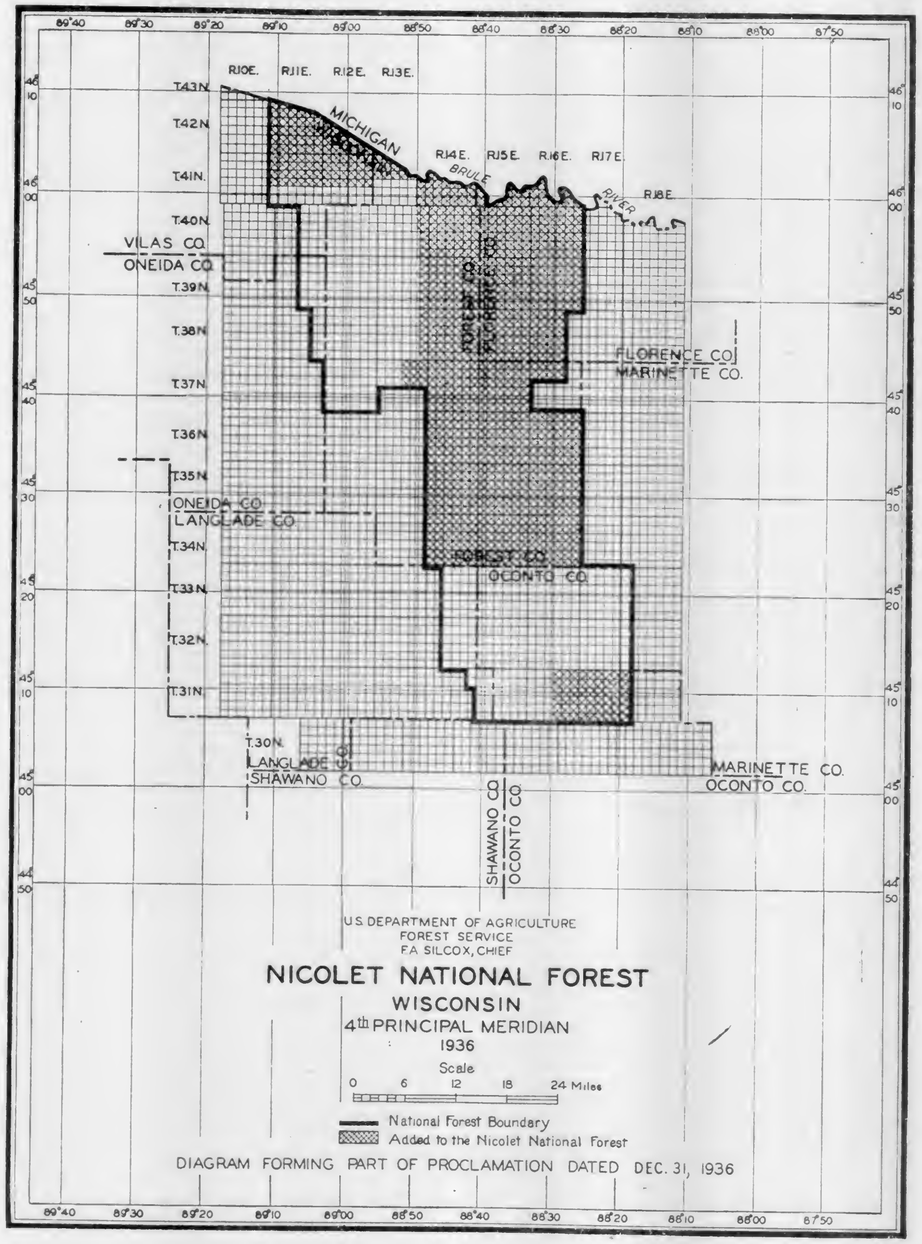
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R.15E.
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R.17E.
R.18E.
T.43N.
T.42N.
T.41N.
T.40N.
T.39N.
T.38N.
T.37N.
T.36N.
T.35N.
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T.33N.
T.32N.
T.31N.
T.30N.
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44°50'
MICHIGAN
MENOMINEE R.
BRULE R.
PIKE R.
VILAS CO.
ONEIDA CO.
FLORENCE CO.
MARINETTE CO.
ONEIDA CO.
LANGLADE CO.
FOREST CO.
OCONTO CO.
LANGLADE CO.
SHAWANO CO.
MARINETTE CO.
OCONTO CO.
SHAWANO CO.
OCONTO CO.
U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
F.A. SILCOX, CHIEF
NICOLET NATIONAL FOREST
WISCONSIN
4th PRINCIPAL MERIDIAN
1936
Scale
0 6 12 18 24 Miles
National Forest Boundary
Added to the Nicolet National Forest
DIAGRAM FORMING PART OF PROCLAMATION DATED DEC. 31, 1936

(U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, ch. 348, 43 Stat. 653 (U. S. C., title 16, sec. 515), together with certain adjoining public lands; and

WHEREAS it appears that it would be in the public interest to modify the boundaries of the said national forest by including therein certain forest lands which have been, or may be, acquired under authority of the said acts of March 1, 1911, and June 7, 1924, and certain adjoining public lands, and by transferring the Mondeaux Division of the said national forest to the Chequamegon National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power in me vested by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, ch. 2, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and section 11 of the said act of March 1, 1911, do proclaim (1) that all lands of the United States within the area shown as an addition on the diagram attached hereto and made a part hereof [1] are hereby included in and reserved as a part of the Nicolet National Forest, and (2) that all lands within such area which may hereafter be acquired by the United States under the said acts of March 1, 1911, and June 7, 1924, shall upon acquisition of title thereto be reserved and administered as a part of said Forest, and (3) that the aforesaid Mondeaux Division is hereby transferred to the Chequamegon National Forest.

This proclamation and that modifying the boundaries of the Chequamegon National Forest,[2] which I have signed this same day, are made, and are intended to be and shall be considered, as one act and they shall become effective simultaneously.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 31st day of December, in the year of our Lord nineteen hundred and [SEAL] thirty-six and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

R. WALTON MOORE,
*Acting Secretary of State.*

[No. 2219]

[F. R. Doc. 37-46; Filed, January 5, 1937; 2:18 p. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48734]

### COUNTERVAILING DUTY ON BUTTER FROM DENMARK

### TREASURY DECISION 47896, MODIFIED

*To Collectors of Customs and Others Concerned:*

The Bureau is in receipt of official information that the transactions in connection with the exportation of Danish butter to the United States which occasioned the publication in Treasury Decision 47896, of September 28, 1935, that countervailing duties would be imposed on such commodity under section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303), have been discontinued as to direct shipments to the United States and that the last direct shipment of Danish butter receiving the benefit of a bounty was exported from Denmark on October 25, 1935.

In the circumstances, Treasury Decision 47896 is hereby modified so as to restrict its application to Danish butter shipped direct to the United States prior to October 26, 1935, and imported on or after November 10, 1935, and to Danish butter imported indirectly on or after November 10, 1935.

Entries covering Danish butter which are not affected by Treasury Decision 47896, as modified by this decision, shall be liquidated as promptly as possible without the assessment of countervailing duties on such butter.

J. H. MOYLE,
[SEAL] *Commissioner of Customs.*

Approved, December 29, 1936.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-48; Filed, January 6, 1937; 10:01 a. m.]

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### Bureau of Internal Revenue.

[T. D. 4722]

### BOTTLING DISTILLED SPIRITS IN BOND

*To District Supervisors and Others Concerned:*

Section 306 of the Liquor Tax Administration Act (Public, No. 815, 74th Congress) provides as follows:

SEC. 306. (a) Section 1 of the Act entitled "An Act to allow the bottling of distilled spirits in bond", approved March 3, 1897, as amended (U. S. C., 1934 ed., title 26, sec. 1276), is further amended to read as follows:

That whenever any distilled spirits deposited in the Internal Revenue Bonded Warehouse have been duly entered for withdrawal, before or after tax-payment, or for export in bond, and have been duly gauged and the required marks, brands, and tax-paid stamps (if required) or export stamps, as the case may be, have been affixed to the package or packages containing the same, the distiller or owner of said distilled spirits, if he has declared his purpose so to do in the entry for withdrawal, which entry for bottling purposes may be made by the owner as well as the distiller, may remove such spirits to a separate portion of said warehouse which shall be set apart and used exclusively for that purpose, and there, under the supervision of a United States storekeeper-gauger in charge of such warehouse, may immediately draw off such spirits, bottle, pack, and case the same. For convenience in such process any number of packages of spirits of the same kind, differing only in proof, but produced at the same distillery by the same distiller, may be mingled together in a cistern provided for that purpose, but nothing herein shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or subtraction of any substance or material or the application of any method or process to alter or change in any way the original condition or character of the product except as herein authorized; nor shall there be at the same time in the bottling room of any Internal Revenue Bonded Warehouse any spirits entered for withdrawal upon payment of the tax and any spirits entered for export.

Every bottle when filled shall have affixed thereto and passing over the mouth of the same such suitable adhesive engraved strip stamp as may be prescribed, as hereinafter provided, and shall be packed into cases to contain six bottles or multiples thereof, and in the aggregate not less than two nor more than five gallons in each case, which, if taxpaid, shall be immediately removed from the warehouse premises. Each of such cases shall have affixed thereto a stamp denoting the number of gallons therein contained, such stamp to be affixed to the case before its removal from the warehouse, and such stamps shall have a cash value of ten cents each, and shall be charged at that rate to the collectors to whom issued, and shall be paid for at that rate by the distiller or owner using the same.

And there shall be plainly burned, embossed, or printed on the side of each case, to be known as the Government side, the proof of the spirits, the registered distillery number, the State and supervisory district in which the distillery is located, the real name of the actual bona fide distiller or of the individual, firm, partnership, corporation or association in whose name the spirits were produced and warehoused, the year and distilling season, whether spring or fall, of original inspection or entry into bond, and the date of bottling, and the same wording shall be placed upon the adhesive engraved strip stamp over the mouth of the bottle. It being understood that the spring season shall include the months from January to July, and the fall season the months from July to January.

"And no trade-marks shall be put upon any bottle unless the real name of the actual bona fide distiller, or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused, shall also be placed conspicuously on said bottle."

(b) Section 2 of the Act entitled "An Act to allow the bottling of distilled spirits in bond", approved March 3, 1897, as amended (U. S. C., 1934 ed., title 26, sec. 1277), is further amended by striking out the last clause following the words "Secretary of the Treasury", and inserting in lieu thereof the following:

"but no spirits (except gin for export) shall be bottled in bond until they have remained in bond in wooden containers for at least four years from the date of original gauge as to fruit brandy, or original entry as to all other spirits: *Provided*, That nothing in this Act shall authorize the labeling of spirits in bottles contrary to the provisions of regulations issued pursuant to the Federal Alcohol Administration Act, or any amendment thereof."

Pursuant to this amendment of the statute, Sections 1, 5, 8, 12, and 16, of Regulations No. 6, Bottling of distilled spirits in bond, are amended to read as follows:

SECTION 1. *Bottling warehouses.*—Any proprietor of an Internal Revenue Bonded Warehouse who desires to bottle distilled spirits in bond, shall first set apart a portion of such warehouse for this purpose, and separate the same from the remainder of the warehouse by solid, secure, and unbroken partitions, with no interior communication whatever between the bottling room and other portions of the warehouse, except that, where spirits are bottled before tax-payment, which necessitates their return to the storage portion of the warehouse, a door to be secured on its warehouse side by Government lock will be permitted in the partition separating the bottling room from the storage portion of the warehouse. Such door must be kept locked at all times, with the key in the possession of the Government officer assigned to the warehouse, except when the door is necessarily opened to allow the transfer of spirits to the bottling room or their return to the storage portion of the warehouse. Where the bottling house is constructed as above provided and spirits are also bottled after tax-payment, a door must be provided through which such taxpaid spirits may be removed after bottling without being taken through the storage portion of the warehouse.

Should the proprietor desire to have an addition to his warehouse approved for use solely for bottling purposes, he will make application in the manner now provided by T. D. 4651, concerning Internal Revenue Bonded Warehouses. If the addition is not a separate structure on the bonded premises, it must be separated from the other portions of the warehouse as herein required. The application and District Supervisor's certificate should state that the addition is for bottling purposes.

The cabinet or case prescribed in T. D. 4527 and T. D. 4561 must be provided in each bottling house for the safe storage of case and strip stamps.

SEC. 5. *Spirits which may be bottled.*—Except in the case of gin which may be bottled for export at any time, only spirits which have remained in bond in wooden containers for at least four years can be withdrawn for bottling in bond. Spirits may be bottled in bond either before or after payment of the internal-revenue tax. Spirits bottled in bond before payment of the tax will be returned to the bonded warehouse for storage until tax-paid or until removed without payment of tax under the provision of law and regulations applicable thereto. Spirits bottled after tax-payment must be removed from the bottling warehouse immediately upon completion of the bottling, without being returned to the bonded warehouse.

The entry for withdrawal for bottling must bear date not less than four years after date of original gauge as to fruit brandy, or original enry as to all other spirits.

Spirits of two or more distillers, or spirits produced by the same distiller in the names of two or more individuals, firms, partnerships, corporations, or associations, may not be in the process of bottling in the same bottling room at the same time; nor may spirits of two or more seasons' production, or taxpaid and untaxpaid spirits, or spirits bottled for export and spirits bottled before tax-payment, be in the process of bottling in the same bottling room at the same time.

SEC. 8. *Case and strip stamps.*—Case stamps for distilled spirits bottled in bond for domestic sale or use will be printed in five denominations: 3 gallons for cases containing 12 bottles of 1 quart each; 2.4 gallons for cases containing 12 bottles of 4/5 quart (1/5 gallon) each; 3 gallons for cases containing 24 bottles of 1 pint each; 3 gallons for cases containing 48 bottles of ½ pint each; and 3 gallons for cases containing 240 bottles of 1/10 pint each.

The strip stamps will be marked "Bottled in Bond" and will bear the following data: The real name of the actual bona fide distiller or of the individual, firm, partnership, corporation or association in whose name the spirits were produced and warehoused; the registered distillery number; State and supervisory district in which the distillery is located; the proof of the spirits; the year and distilling season, whether Spring or Fall; the bottling season; and the number of the warehouse and supervisory district in which the spirits are bottled.

The stamps will be bound in books of 20 case stamps to which are attached the requisite number of strip stamps.

SEC. 12. *Trade-marks and distiller's name upon bottles.*—The provision of the law that no trade-marks shall be put upon any bottle unless the real name of the actual bona fide distiller or the name of the individual, firm, partnership, corporation or association in whose name the spirits were produced and warehoused, shall also be placed conspicuously on said bottle renders it absolutely necessary that either the label which contains the trade-mark or special name which the owner may see fit to give to his spirits, or some additional label equally conspicuous shall bear the real name of the actual bona fide distiller or the name of the individual, firm, partnership, corporation or association in whose name the spirits were produced and warehoused. Labels must conform to the provisions of regulations issued by the Federal Alcohol Administration.

SEC. 16. (a) *Marks and brands on cases.*—On the Government side of cases of distilled spirits bottled in bond there shall be plainly burned, embossed, or printed, in letters and figures not less than five-eighths of an inch in height, the real name of the actual bona fide distiller or of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused, the number, State, and supervisory district of the distillery at which the spirits were produced, the quantity and proof of the spirits, and the season and year of production and bottling. Where spirits are bottled at a warehouse not on the premises of the distillery where produced, or contiguous thereto, the number and State of the warehouse at which the spirits are bottled shall also be plainly burned, embossed, or printed on the Government side of the case, but the name of the distiller or of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused, the number, State, and supervisory district of the distillery at which the spirits were produced, and the season and year of production and bottling may be stenciled with permanent black ink. The serial number of the case and the date of bottling (inspection) shall also be marked on each case.

(b) The marks and brands will be placed on the cases in the following manner and order:

Serial No. 999

John Williams Distilling Co.
Distillery No. 1, 7th Supervisory District-Ky.
John Robinson

| | | |
|---|---|---|
| Bottled at Internal Revenue Bonded Warehouse No. 6–Ky. | Case Stamp | 3 gallons 100 Proof Made Fall 1931 Bottled Fall 1935 |

U. S. Storekeeper-gauger
Insp. July 8, 1935.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 30, 1936.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-49; Filed, January 6, 1937; 10:01 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-41-O-41]

### NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF ONIONS GROWN IN THE STATE OF TEXAS

Whereas, under the Agricultural Adjustment Act, as amended, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of Title I of the Agricultural Adjustment Act, as amended, with respect to onions grown in the State of Texas;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of onions grown in the State of Texas at the following times and places:

January 18, 1937, 9:30 a. m., Nicholson Memorial Hall, Garland, Texas.

January 20, 1937, 9:30 a. m., Floresville County Agent's Office, Floresville, Texas.

[1] *See* page 25.
[2] *See* page 22.

January 22, 1937, 9:30 a. m., Raymondville Court House, Raymondville, Texas.
January 25, 1937, 9:30 a. m., School Auditorium, Big Wells, Texas.
January 26, 1937, 9:30 a. m., Laredo Court House, Laredo, Texas.
January 28, 1937, 9:30 a. m., Corpus Christi Court House, Corpus Christi, Texas.

The proposed marketing agreement and order provide for the regulation of the handling of onions produced in the area stated, and, among other things provision is made for: (a) the establishment of a Control Board, (b) the regulation of shipments of onions by grades and sizes, and (c) assessments for expenses of administration.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act, as to the specific provisions which a marketing agreement and order should contain, and as to whether the proposed marketing agreement and the proposed order should also include provisions authorizing the limitation of shipments by means of period proration.

It is hereby declared that an emergency exists in the handling of onions in the aforesaid area, which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and the proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 4723, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, January 6, 1937.

[F. R. Doc. 37-52; Filed, January 6, 1937; 12:39 p. m.]

## INTERSTATE COMMERCE COMMISSION.

[No. 3666]

### ORDER

IN THE MATTER OF REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration;

*And it appearing*, That upon motion of the Commission or applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon investigation are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

*It is ordered*, That the aforesaid regulations as heretofore published in orders of May 12, 1930, Apr. 7, 1931, June 27, 1931, Dec. 15, 1931, Apr. 18, 1932, Jan. 13, 1934, Aug. 24, 1934, Nov. 6, 1934, Dec. 10, 1935, and Aug. 27, 1936, be and they are hereby superseded and amended as follows, effective March 30, 1937:

*Rail Regulations—Freight*

Amending order May 12, 1930, as follows (*dangerous articles list*):

| Article | Classed as | Section | Page |
|---|---|---|---|
| (Add) Acid, perchloric | Corrosive liquid | 3 | 40 |
| (Add) Nitrochlorbenzene | Poison | 3 | 40 |
| (Add) Perchloric acid. (See Acid, perchloric.) | | | |

Superseding and amending par. 69B, order Jan. 13, 1934, to read as follows (*packing lead azide*):

69B. *Packing and weight.*—Lead azide in bulk form must be packed wet with not less than 20 per cent by weight of water. The packing and weight must be the same as that described in paragraph 68 for fulminate of mercury.

Amending par. 229 (b), order Dec. 10, 1935, as follows (*exemptions from regulations*):

(Add) NOTE.—Samples of gasoline in containers of not exceeding one quart capacity each, in fiberboard boxes, may be shipped to State inspection departments for laboratory examination.

Superseding and amending par. 278 (g), order Aug. 27, 1936, to read as follows (*exemptions from regulations*):

(g) Ammonium nitrate, barium nitrate, lead nitrate, potassium nitrate, sodium nitrate (nitrate of soda), strontium nitrate, nitro carbo nitrate, or other inorganic nitrates, in metal cans in outside fiberboard boxes; in wooden boxes, kegs, barrels, metal cans, or drums; or calcium nitrate in bags; or ammonium nitrate in bags containing not over 125 pounds, net weight, made moisture proof, tight against sifting, and of strength not less than bags made of 8-ounce burlap.

Superseding and amending par. 324A, orders Dec. 10, 1935, and Aug. 27, 1936, to read as follows (*packing sodium hydrosulphite*):

324A. *Sodium hydrosulphite* must be packed as follows: In wooden barrels, kegs, or boxes, specification 11B, 15A, 15B, 15C, or 16A, with inside glass bottles of capacity not exceeding 5 pounds each, or metal containers, specification 2B; or in metal barrels or drums, specification 6A, 6B, or 6C; or in single-trip metal barrels or drums, specification 5E, 6D, 6E, or 6F.
Or in plywood drums, specification 22B, with inside metal drums.

Amending list, par. 346 (c), orders May 12, 1930, and Dec. 15, 1931, as follows (*corrosive liquids*):

| Article | Exemption | Packing |
|---|---|---|
| (Add) Acid, perchloric | (1) | 348 to 350, 368. |
| (Change) Batteries, storage, wet | 347 | 354. |

[1] No exemption.

Amending par. 347, order Apr. 7, 1931, as follows (*exemptions from regulations*):

(Add) (a3) *Fire extinguisher charges* consisting of sulphuric acid in 10-ounce or smaller bottles, securely closed, packed in a tight fiber carton. The bottle and carton packed in either potassium carbonate or potassium carbonate and alkali packed in a cylindrical tin can, with slip cover, secured by tape.

Amending list, par. 349, order May 12, 1930, as follows (*special packing corrosive liquids*):

| Article: | Paragraph |
|---|---|
| Perchloric acid | 368 |

Amending par. 352, order June 27, 1931, as follows (*packing benzyl chloride*):

(Add) (e) *Benzyl chloride* may also be shipped in lead lined metal drums complying with specification 5H.

Superseding and amending par. 354, order Mar. 12, 1936, to read as follows (*packing electric storage batteries*):

354. *Electric storage batteries* containing electrolyte or corrosive battery fluid when shipped must be completely protected so that short circuits will be prevented; they must not be packed with other articles except portable searchlights properly cushioned.
They must be packed as follows (see paragraph 347 (b) for carload exemptions): In wooden boxes, specification 15D or 16B.
*Exception.*—Not more than 3 batteries of weight not over 20 pounds each with battery case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type, may be shipped in a carton, provided the gross weight per carton does not exceed 75 pounds;
Or single batteries of weight not over 75 pounds each with battery case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type, may be shipped without boxing; for two or more batteries exceeding 20 pounds each in the same outside container, wooden boxes, specification 15D or 16B, are required.

Superseding and amending par. 355 (c), order May 12, 1930, to read as follows (*packing bromine*):

(c) Inside containers must be securely cushioned on all sides with incombustible packing material, such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, powdered china clay, or similar material, at least 1 inch thick, which will not produce heat when mixed with bromine. The use of hay, sawdust, excelsior, or other organic material, either treated or untreated, as a cushioning or packing material, is prohibited.



Amending order May 12, 1930, as follows (*packing perchloric acid*):

(Add) 368. (a) *Perchloric acid* of not exceeding 72 per cent strength must be packed as follows:
In wooden boxes, specification 15A, 15B, 15C, 16A, or 19A, with glass inside containers consisting of glass bottles not over 7 pounds capacity each cushioned with incombustible mineral material in amount sufficient to absorb the acid;
Or in carboys, specification 1A or 1C.
(b) Perchloric acid in any quantity must not be packed with any other article.
(c) Glass bottles must have glass stoppers ground to fit and held in place by plaster of Paris covered by a strong cloth securely tied.
(d) Inside containers must be well cushioned. All material for cushioning must be incombustible mineral material, such as whiting, mineral wool, infusorial earth (kieselguhr), asbestos, sifted ashes, or powdered china clay, etc. The use of hay, excelsior, ground cork, or similar material, either treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers should be provided to prevent the bottles from shifting and coming into contact with each other, and the box must be tight to prevent sifting of cushioning material.
(e) Cushioning of inside containers in outside wooden boxes by means of elastic packings, such as wooden strips or large corks fastened securely in position, is authorized if the completed package will pass the swing test prescribed for boxed carboys, in specification 1 A.
(f) Perchloric acid in excess of 72 percent strength must not be shipped.

Superseding and amending item, par. 405, order May 12, 1930, to read as follows (*packing compressed gases*):

| Article | Density, etc. | Cylinders, etc. |
|---|---|---|
| Nitrous oxide (see note 3) | 68% (see note 2) | ICC-3A1800, ICC-3, ICC-3E. |

Amending list, par. 461 (c), order May 12, 1930, as follows (*poisonous articles*):

| Article | Class | Exemption | Packing |
|---|---|---|---|
| (Add) Nitrochlorbenzene | B | 462 | 495, 497 to 499. |

Superseding and amending 1st subpar., par. 519 (a), order Apr. 7, 1931, to read as follows (*placards for class B poisons*):

519. (a) A car containing one or more packages bearing the Poison label, or poisonous articles, class B, in bulk, or a tank car containing any poisonous article, class B, must be protected by the POISONOUS placard as prescribed in paragraph 641 (e).

Superseding and amending 1st and 2nd subpars., par. 641 (e), order June 27, 1931, to read as follows (*placards for class B poisons*):

641. (e) "Poisonous" placards must be applied to cars as follows:
Cars containing one or more packages bearing the Poison label, or poisonous articles, class B, in bulk, or
Tank cars containing any poisonous article, class B.

*Rail Regulations—Express*

Amending order May 12, 1930, as follows (*dangerous articles list*):

| Article | Classed as— | Section | Page |
|---|---|---|---|
| (Add) Acid, perchloric | Corrosive liquid | 3 | 204 |
| (Add) Nitrochlorbenzene | Poison | 3 | 204 |
| (Add) Perchloric acid. (See Acid, perchloric.) | | | |

Amending par. 109 (a), order Dec. 10, 1935, as follows (*exemptions from regulations*):

(Add) NOTE.—Samples of gasoline in containers of not exceeding one quart capacity each, in fiberboard boxes, may be shipped to State inspection departments for laboratory examination.

Superseding and amending par. 152, orders Apr. 7, 1931, Apr. 18, 1932, and Jan. 13, 1934, to read as follows (*packing pyroxylin plastics and box toe board*):

152. *Pyroxylin plastics* (such as celluloid, fiberloid, pyralin, viscoloid, zylonite, etc.) and *box toe board* containing pyroxylin or nitrocellulose, in sheets, rolls, rods, or tubes, must be packed as follows:
In wooden boxes, specification 15B or 19A, or fiberboard boxes, specification 23B or 24B; or
Sheets, rolled, in fiber drums, specification 21A, having 2 straps applied lengthwise and 1 or more circumferentially; straps at least ½ by 0.02 inch steel; or
Sheets, rolled, not over 15 pounds net weight in fiber tubes lined throughout with single-faced corrugated fiberboard at least 0.2 inch thick and securely closed; tube material at least 0.115 inch thick for side walls and 0.05 inch thick for ends with strength, Mullen or Cady test, at least 245 and 220 pounds, respectively; metal ends for tubes acceptable when lined with fiber discs at least 0.05 inch thick; or
Samples of scrap for laboratory examination in inside metal container, hermetically sealed by soldering or with tape, in outside wooden box, specification 15C; net weight not over 25 pounds; must be marked "Sample of (name of article) for laboratory examination."

Superseding and amending par. 163, orders Dec. 10, 1935, and Aug. 27, 1936, to read as follows (*packing sodium hydrosulphite*):

163. *Sodium hydrosulphite* must be packed in glass bottles or in tight metal containers, specification 2B, not exceeding 5 pounds capacity each, in wooden boxes, barrels, or kegs, specification 15A, 15B, 15C, 16A, or 11B; or in metal barrels or drums, specification 6A, 6B, or 6C; or in single-trip metal barrels or drums, specification 5E, 6D, 6E, or 6F.
Or in plywood drums, specification 22B, with inside metal drums.

Amending list, part 176 (c), order May 12, 1930, as follows (*corrosive liquids*):

| Article | Max. quantity | Packing, marking (pars.) |
|---|---|---|
| (Add) Acid, perchloric | 2½ quarts 7 pounds | 14, 180, 194A, 197. |

Amending par. 177, order Mar. 12, 1936, as follows (*exemptions from regulations*):

(a2) *Fire extinguisher charges* consisting of sulphuric acid in 10-ounce or smaller bottles, securely closed, packed in a tight fiber carton. The bottle and carton packed in either potassium carbonate or potassium carbonate and alkali packed in a cylindrical tin can, with slip cover, secured by tape.

Superseding and amending 2d subpar., par. 183, order May 12, 1930, to read as follows (*packing bromine*):

(2d subpar.) Bottles as provided herein must be packed in boxes, specification 15B, and securely cushioned on all sides with incombustible packing material, at least 1 inch in thickness, which will not produce heat when mixed with the bromine. Whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, powdered china clay, or similar material, must be used. The use of hay, sawdust, excelsior, or other organic material, either treated or untreated, as a cushioning or packing material, is prohibited.

Superseding and amending par. 186, order Mar. 12, 1936, to read as follows (*packing electric storage batteries*):

186. *Electric storage batteries* containing electrolyte or corrosive battery fluid when shipped must be completely protected so that short circuits will be prevented; they must not be packed with other articles except portable searchlights properly cushioned.
They must be packed as follows (see paragraph 177 (b) for carload exemptions): In wooden boxes, specification 15D or 16B.
*Exception.*—Not more than 3 batteries of weight not over 20 pounds each with battery case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type, may be shipped in a carton, provided the gross weight per carton does not exceed 75 pounds;
Or single batteries of weight not over 75 pounds each with battery case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type, may be shipped without boxing; for two or more batteries exceeding 20 pounds each in the same outside container, wooden boxes, specification 15D or 16B, are required.

Amending order May 12, 1930, as follows (*packing perchloric acid*):

(Add) 194A. (a) *Perchloric acid* of not exceeding 72 percent strength must be placed in glass bottles with glass stoppers ground to fit, and these stoppers must be held in place by plaster

of Paris covered by strong cloth securely tied. Each bottle must be well cushioned on all sides with incombustible mineral packing material, such as whiting, mineral wool, infusorial earth (kieselguhr), asbestos, sifted ashes, or powdered china clay, etc., and must be packed in a wooden box, specification 15C, 16A, or 19A.

The use of hay, excelsior, ground cork, or similar material, either treated or untreated, is prohibited. Where the cushioning material is very fine or powdery separate partitions for the individual inside containers should be provided to prevent the bottles from shifting and coming into contact with each other, and the box must be tight to prevent sifting of cushioning material.

(b) Not more than 7 pounds (2½ quarts) perchloric acid may be shipped in one outside package.

(c) Perchloric acid in excess of 72 percent strength must not be shipped.

Superseding and amending item, par. 215, order May 12, 1930, to read as follows (*packing compressed gases*):

| Article | Density, etc. | Cylinders, etc. |
|---|---|---|
| Nitrous oxide (see note 3) | 68% (see note 2) | ICC–3A1800, ICC–3, ICC–3E. |

Amending list par. 237 (c), order May 12, 1930, as follows (*poisons*):

| Article | Label | Max. quantity | Packing, marking (pars.) |
|---|---|---|---|
| (Add) Nitrochlorbenzene | Poison | 200 pounds | 14, 248, 249. |

*Shipping Container Specifications for Rail, Water, and Highway*

Superseding and amending par. 2 (d), *specification 6H*, order May 12, 1930, to read as follows:

(d) Side seams and chimes must be of welded type, or of Gordon or other equally efficient lock type.

Superseding and amending *specifications 16A and 16B*, orders May 12, 1930, April 7, 1931, June 27, 1931, Dec. 15, 1931, and Nov. 1, 1934, to read as follows:

SHIPPING CONTAINER SPECIFICATION 16A

WOODEN BOXES—WIREBOUND

*General*

1. *Compliance.*—Required in all details. Authorized tolerances: Cleats, battens, and handles, minus 1/32 inch; any other wooden part, minus 12½ per cent on 10 per cent of area of part.

*Materials*

2. *Lumber.*—Well seasoned and commercially dry; free from decay, objectionable knots, slanting shakes, sharp cross grain, and other defects that materially lessen the strength. Grain of wood in cleats and battens must not cross piece within its length.

3. *Wires.*—Of annealed steel, Washburn and Moen sizes.

4. *Staples.*—Wire size, Washburn and Moen.

5. *Grouping of principal woods.*—

Group 1

| | | |
|---|---|---|
| White pine. | Chestnut. | White fir. |
| Norway pine. | Sugar pine. | Cedar. |
| Aspen (popple). | Cypress. | Redwood. |
| Spruce. | Basswood. | Butternut. |
| Western (yellow) pine. | Noble fir. | Alpine fir. |
| Cottonwood. | Willow. | Cucumber. |
| Yellow poplar. | Magnolia. | Lodgepole pine. |
| Balsam fir. | Buckeye. | Jack pine. |

Group 2

| | | |
|---|---|---|
| Southern yellow pine. | North Carolina pine. | Douglas fir. |
| Hemlock. | | Larch (tamarack). |

Group 3

| | | |
|---|---|---|
| White elm. | Pumpkin ash. | Tupelo. |
| Red gum. | Black ash. | Maple—soft or silver. |
| Sycamore. | Black gum. | |

Group 4

| | | |
|---|---|---|
| Hard Maple. | Hackberry. | White ash. |
| Beech. | Birch. | Hickory. |
| Oak. | Rock elm. | |

*Construction*

6. *Closed box.*—Parts and pieces with edges in close contact to give completely closed box.

7. *Top, sides, and bottom.*—Each cleated at both ends; intermediate rows of cleats authorized.

8. *Cleats.*—Ends mitered or with mortise and tenon joints.

9. *Ends.*—Battened when prescribed. Wired ends authorized provided wires run cross grain and terminate in loops with ends of wire driven through end board and clinched. Grain of wood perpendicular to sides except for wired ends.

10. *Wires.*—One wire over each row of cleats; intermediate wires as prescribed.

11. *Stapling.*—Staples for wires over cleats driven through boards into cleats and anchored; others through boards and clinched.

12. *Thickness of boards (sides, tops, bottoms, and ends).*—(a) As follows except that, for thicknesses prescribed as 3/16 inch or less, *resawn boards* must be 1/64 inch thicker for each resawn surface:

| Group of wood | Minimum thickness of boards (inch) | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1/8 (0.125) | 1/4 (0.143) | 1/6 (0.167) | 3/16 (0.185) | 7/32 (0.219) | 1/4 (0.250) | 5/16 (0.313) |
| | Maximum *authorized gross weight*, box and contents (pounds) | | | | | | |
| 1 | 25 | 35 | 50 | 75 | 100 | 150 | 200 |
| 2 | 35 | 50 | 75 | 100 | 150 | 200 | 315 |
| 3 | 50 | 75 | 100 | 150 | 200 | 315 | 400 |
| 4 | 75 | 100 | 150 | 200 | 315 | 400 | ------- |

(b) For boxes with 3 or more rows of cleats, boards of the next lower thickness prescribed in the table are acceptable.

13. *Size of cleats.*—At least 1⅜ by 1⅜ inch when thickness required for boards exceeds ½ inch; otherwise at least ⅞ by 1⅜ inch.

14. *Binding wires (sides, top, and bottom).*—(a) Spacing not over 8 inches. Exception: When each binding wire is stapled to a row of cleats, 11 inch spacing is authorized.

(b) Number and size of binding wires as follows:

| Number of wires | Minimum gauge of wires, Washburn and Moen | | | | |
|---|---|---|---|---|---|
| | 16 | 15 | 14 | 13 | 12 |
| | Maximum *authorized gross weight*, box and contents (pounds) | | | | |
| 2 | 35 | 50 | 75 | 100 | 150 |
| 3 | 50 | 75 | 100 | 150 | 200 |
| 4 | 75 | 100 | 150 | 200 | 315 |
| 5 | 100 | 150 | 200 | 315 | 400 |
| 6 | ------- | 200 | 315 | 400 | ------- |
| 7 | ------- | ------- | 400 | ------- | ------- |

15. *Wires for wired ends.*—(a) At least 2 wires on each end, size not less than as specified for binding wires in paragraph 14, and spaced as follows:

| Thickness of end (inch) | Maximum spacing [1] | | Thickness of end (inch) | Maximum spacing [1] | |
|---|---|---|---|---|---|
| | Between wires (inch) | Wires to cleats (inch) | | Between wires (inch) | Wires to cleats (inch) |
| 0.125 | 5 | 3 | 0.219 | 7 | 3½ |
| 0.143 | 5 | 3 | 0.250 | 7 | 3½ |
| 0.167 | 6 | 3 | 0.313 | 7 | 3½ |
| 0.187 | 6 | 3 | | | |

[1] Tolerance allowed to avoid stapling on mat.

(b) Ends less than 10 inches deep are authorized with 1 wire provided they are reinforced by 2 strips (liners), at least 1¼ inches wide and as thick as ends, securely stapled along edges of the end parallel to the wires.

16. *Staple spacing (approx.) and minimum size.*—(a) Staples into cleats 16 gauge, Washburn and Moen, and—

1¼ inches long with 1½-inch spacing, or 1⅛ inches long with 1-inch spacing, when boards are over ¼ inch thick.

1⅛ inches long with 1½-inch spacing, for boards ¼ inch thick or less; except that staples ⅞ inch long with 1½-inch spacing are authorized when boards are ¼ inch thick or less.

(b) Other staples 18 gauge, Washburn and Moen.

17. *End supporting battens.*[1]—By battens at least 1⅛ inches wide and same thickness as cleats; fastened securely across end parallel to side cleats; unsupported distance between cleats, battens, and between cleats and battens not greater than as follows:

[1] Not required for wired ends less than 20 inches long.



| Thickness of ends (inch) | Maximum spacing (inches) | Thickness of ends (inch) | Maximum spacing (inches) |
|---|---|---|---|
| 0.125 | 10 | 0.219 | 14 |
| 0.143 | 11 | 0.250 | 15 |
| 0.167 | 12 | 0.313 | 16 |
| 0.187 | 13 | | |

18. (a) *Side cleat battens.*—Also, in addition to the foregoing, by battens ⅛ by ⅛ inch fastened securely to ends so as to be adjacent to side cleats when box is set up; required when *authorized gross weight* exceeds the following:

| Group of wood in cleats | *Authorized gross weight*, box and contents, over (pounds) | Group of wood in cleats | *Authorized gross weight*, box and contents, over (pounds) |
|---|---|---|---|
| 1 | 100 | 3 | 200 |
| 2 | 150 | 4 | 200 |

(b) *Wired end supports.*—Wired ends, for boxes for *authorized gross weight* exceeding the foregoing, must be reinforced by 2 strips (liners), at least 1¼ inches wide and as thick as ends, securely stapled along edges of the end parallel to the wires; side cleat battens not required.

*Marking of Box*

19. (a) With letters and figures at least ½ inch high in rectangle as follows:

ICC–• • •

Stars must be replaced by specification number and maximum *authorized gross weight* (for example, ICC–16A150, ICC–16B315, etc.). This mark shall be understood to *certify* that box complies with all specification requirements.

(b) Name and address of plant making the containers. Symbol authorized if registered with Bureau of Explosives.

*Setting up and Closing*

20. (a) Nail or staple ends to side cleats at intervals not over 2½ inches.

(b) Twist ends of wires or bend loops to give tight closure.

(c) Nail at least 2 nails through side cleats into each side-cleat batten at not over 4-inch intervals; nail through top and bottom cleats with one 7-penny nail into each end of end-supporting battens.

SHIPPING CONTAINER SPECIFICATION 16B

WOODEN BOXES—WIREBOUND

1. Containers must comply with specification 16A except as follows (paragraph references are to specification 16A):

2. Spaces 1½ inches authorized between side boards and between top boards when boards are at least 3½ inches wide.

3. When width of bottom is less than ¾ of the depth of side, a cleat of length at least equal to depth of side must be nailed to end cleats on each end flush with the bottom.

4. *Ridge-top containers*, authorized as follows:

(a) Ends must be at least 2 times as thick as prescribed in paragraph 12.

(b) Unsupported distance as prescribed in paragraph 17 must not exceed 10 inches in any case.

(c) Ridge over 30 inches long must be reinforced on the outside, from end to end, by 2 battens with abutting edges and of cross section as prescribed for handles.

(d) Vertical grain unwired ends authorized provided they are to be fastened in place by nailing through sides, top, and bottom.

5. *Handles.*—Required when *authorized gross weight* exceeds 100 pounds; securely fastened along top of sides under wires and projecting 3 inches, or mounted on end cleats; extensions of side boards acceptable; dimensions as follows:

| Authorized gross weight, not over (pounds) | Handles, minimum cross section (inches) [1] | Authorized gross weight, not over (pounds) | Handles, minimum cross section (inches) [1] |
|---|---|---|---|
| 150 | ½ by 2½. | 315 | ⅝ by 3½. |
| 200 | ⅝ by 2½. | 400 | 13/16 by 3½. |

[1] Also ridge reinforcing battens when prescribed.

6. *Setting up and closing.*—As required in paragraph 20, except that unwired ends with vertical grain must be nailed with cement coated nails through sides, top, and bottom into ends at 3-inch intervals.

Amending *specification 22A*, order May 12, 1930, as follows:

"(Add) 13. *Special closure.*—Closure by tapered bung and bung hole, not over 3 inches diameter, located in the head is authorized provided the head lining paper is glued to the head around the hole and the bung is held in place by a batten ¾ inch by 3 inches secured by nails driven through hoops, body, and into each end of the batten; the top head may be fastened by the same method as specified for the bottom head."

Superseding and amending par. 19, *specification 24A*, order May 12, 1930, to read as follows:

"19. Faces with 4-flap closures must be closed by coating entire contact surface of flaps and fill-in pieces with efficient adhesive, except that stitching outer and inner flaps together with wire along all edges of each outer flap at not over 2½-inch intervals is permitted; wire must be at least ⅛ by 0.019 inch or equal cross section, formed into staples about ⅞ inch wide."

Amending table, par. 4, specification 24B, order May 12, 1930, as follows:

| Style of box | Max. wt. of box | Body piece | Flanged liner | Pads | Partitions and interior cartons |
|---|---|---|---|---|---|
| 1 piece, double-faced | 90 (see note 1) [1] | 275 | 275 | 275 | ------- |

[1] Authorized only when boxes are to be metal strapped before shipment.

NOTE 1.—For pyroxylin sheets only.

Amending *specification 24B*, order April 7, 1931, as follows:

"(Add) 11. Additional type containers are authorized for not over 1,000 feet of motion-picture film in securely closed inside metal cans, as follows: Boxes to be made of 200-pound test fiberboard and marked for authorized gross weight of 10 pounds; any suitable type is authorized; closure by taping with strong paper tape, single ply or better, is acceptable."

*Water Regulations*

Amending list, order Aug. 24, 1934, as follows (*stowage*):

| Article | Properties | Label | Outside containers, etc. | Stowage, etc. |
|---|---|---|---|---|
| (Add) Acid, perchloric. | Corrosive liquid. | White | Wooden boxes, carboys. | Freight vessels A. |
| (Add) Nitrochlorbenzene. | Poisonous solid. | Poison | Metal barrels or drums, wooden barrels, drums, kegs, boxes, or kits, fiber boxes or drums. | Separate from food-stuffs. |
| (Add) Perchloric acid. (See Acid, perchloric.) | | | | |

*Highway Regulations*

Amending order Nov. 6, 1934, as follows (*compressed gases*):

"(Add) T–135. Tanks complying with specification 106A500 containing sulphur dioxide or dichlorodifluoromethane may be transported on trucks when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary."

*It is further ordered*, That the aforesaid regulations as further amended herein shall be and remain in force on and after March 30, 1937, and shall be observed until further order of the Commission;

*It is further ordered*, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

*And it is further ordered*, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 14th day of December, 1936.

By the Commission, Commissioner McManamy.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37–53; Filed, January 6, 1937; 12:50 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 31st day of December, A. D. 1936.

[Ex Parte No. MC 5]

IN THE MATTER OF SECURITY FOR THE PROTECTION OF THE PUBLIC AS PROVIDED IN THE MOTOR CARRIER ACT, 1935, AND OF RULES AND REGULATIONS GOVERNING THE FILING AND APPROVAL OF SURETY BONDS, POLICIES OF INSURANCE, QUALIFICATIONS AS A SELF-INSURER OR OTHER SECURITIES AND AGREEMENTS BY MOTOR CARRIERS AND BROKERS SUBJECT TO THE MOTOR CARRIER ACT, 1935

The matter of renewals of policies of insurance (or certificates of insurance in lieu thereof) under the above title being under consideration:

*It is ordered*, That said Order of October 3, 1936, be and it is hereby modified so as to provide that renewals issued in connection with motor carrier policies of insurance (or certificates of insurance in lieu thereof) for limits of liability not less than the amounts prescribed in the rules and regulations of the Commission governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to the Motor Carrier Act, 1935, covering automobile bodily injury liability, property damage liability or cargo liability and written by insurance companies not legally authorized to transact business in all states in which such policies cover the operations of the insured motor carriers, but legally authorized to transact business in at least one State of the United States, on which the effective date of such policies is on or before the first day of October, 1936, and expiring not later than the fifteenth day of February, 1937, shall be accepted for filing and approval under Section 215 of the Motor Carrier Act, 1935, upon the attachment of the endorsement form, prescribed and approved by the Commission on the third day of August, 1936, to such renewal policies where the term of said renewal policies is for a period of not more than one year and the expiration date of any such renewal policy does not extend beyond February 15, 1938, provided that attorneys-in-fact for accepting service of process for and on behalf of such insurance companies have been duly appointed and have accepted such appointments for each State in or through which the motor carrier will be authorized to operate under certificates or permits issued by the Commission and a duplicate original of the power-of-attorney appointing each attorney-in-fact has been filed with this Commission at its office in Washington, D. C.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-54; Filed, January 6, 1937; 12:50 p. m.]

## RESETTLEMENT ADMINISTRATION.

[Administration Order 217]

RULES AND REGULATIONS RELATING TO CONDITIONS OF EMPLOYMENT FOR NONAPPOINTIVE WORKERS

DECEMBER 31, 1936.

1. *Purpose.*—(a) This Order constitutes a guide to the labor policies of the RA. The rules governing conditions of employment which are incorporated in this Order are adopted for the purpose of establishing and maintaining satisfactory labor relations on projects.

2. *Material Superseded.*—(a) This Order supersedes the following previous releases of Procedure material:

AI 41, 10/8/36, paragraphs 7a and 8.
AI 93, 4/23/36.
FI-LR 1, 8/16/35, paragraphs 5f and 5g I, II, III and IV.

3. *Right to Organize.*—(a) Workers have the right to organize and select representatives of their own choice for the purpose of adjusting grievances with the RA, and shall not be required to limit their choice of representatives to persons employed on the project.

(b) Project managers, community managers, resident engineers, or other RA officials shall not interfere with, restrain or coerce RA employees in the exercising of their right to organize or act collectively through representatives of their own choosing.

4. *Discrimination.*—(a) Workers who are qualified by training and experience for assignment to RA projects shall not be discriminated against for organizational activity, political belief, race, sex, or for any other reason.

(I) The use of espionage, "blacklists", or any other list which may serve to discriminate against individual workers, or against groups of workers, is expressly prohibited.

(II) Workers shall not be discriminated against or discharged because of any petition filed or complaints made to any person in the RA, Works Progress Administration (WPA) or in any other agency of the Federal Government.

(III) Project managers, community managers, or resident engineers will be expected to observe literally the regulations against discrimination outlined above. They may, however, average employment for all the projects in a given administrative area in such manner as will proportion employment on RA projects in the area, by race, sex, or other criteria upon which discrimination might arise, and within the several classes of work, to the numbers on relief rolls. The regional LR adviser or the LR representative will approve the manner of averaging in each specific instance.

(b) Regional LR advisers or LR representatives will make periodic comparisons of the employment rolls for projects, and the relief rolls from which the workers employed on projects were drawn, to determine whether or not any discrimination, within the several levels of skill, has occurred. They will report any conspicuous evidence of discrimination to the project manager, community manager, or resident engineer with a request for explanation or correction of the situation. They will also send copies of these reports to the Director of the LR Division and to the regional director or the director of the Washington division to which the project is assigned.

5. *Private Employment.*—(a) When demands for labor in private employment are such as to make desirable the release of workers assigned to RA projects, regional LR advisers and LR representatives in the course of their regular field trips will confer with local United States Employment Service (USES) officials with reference to individual projects, and will endeavor to estimate the probable demand for workers in private industry and the number of workers, if any, who will be required from each RA project to supplement the workers who are subject to prior call.

(b) Regional LR advisers and LR representatives will then consult the project managers, community managers and resident engineers on the projects to which they are assigned with regard to the practicable possibilities and the effect of releasing the required number of employees.

(c) In the event that considerable difficulty may be caused on any project by such a release of labor, the regional LR adviser or the LR representative will immediately bring the matter to the attention of either the regional director or the Director of the CN Division and to the attention of the Director of the LR Division.

(d) If a call for additional workers for private employment should be made without prior provision therefor, the regional LR adviser or the LR representative will investigate the situation without delay. If he determines that the release of project employees is necessary, he will notify the project manager, community manager, or resident engineer to that effect, and the release will be made at once.

(e) In releasing workers for employment in private industry, the project manager, community manager, or resident engineer will endeavor to determine, first, those who are willing to accept such employment. If it is necessary to release additional workers, he will exercise his discretion to release persons whose services are least needed on the project. Only persons competent to perform the work offered will be released. To that end, the project manager, community manager, or resident engineer may request the USES officer to designate the project workers who are qualified for the private employment offered.



(f) When the project manager, community manager or resident engineer has determined the workers to be released for private employment, he will record such release on WPA Form 403, "Notice of Change in Work Status", and will notify the workers involved to report to the USES or public employment office for referral to the applying employers. At the request of the USES or other employment office, the project manager, community manager or resident engineer will give to the released worker a copy of the said Notice and the "Referral Card" made out by the employment office, and direct him to the prospective employer.

(g) The demand for the release of project workers for employment in private industry must be made by the USES or other duly authorized public employment agency. Notification of demand for project workers in private industry will not be considered unless it is presented by such an agency.

(h) Persons who have been assigned to a project are expected to accept available private employment provided:

(I) That the private work offered, whether temporary or permanent, will consist of full-time jobs.

(II) That the work is within reasonable distance of the Workers' homes, or that reasonable provision is made for transportation or subsistence.

(III) That such work will be at a standard or going rate of wages which will provide, when computed on a monthly basis, approximately the *net* equivalent of the monthly security wage.

(IV) That such work will not have to be performed under unusual or severe working conditions.

(V) That such work will not be in conflict with established union relationships or performed during the existence of a labor dispute.

(VI) That workers will be assured of an opportunity to return to available jobs on RA projects upon the completion of the private employment.

6. *Cause for Discharge.*—(a) It is expected that workers on RA projects will discharge their duties with their available skill and diligence. When workers fail to apply themselves to their jobs in a reasonable manner, the project manager, community manager or resident engineer may discharge them after giving every worker adequate advice and warning and after allowing time to secure evidence that the workers involved are not discharging their duties to the best of their ability.

(b) In each case of discharge, a full statement of the reason for termination must be made on WPA Form 403, "Notice of Change in Work Status". No entry such as "agitator", or any other expression which may be construed to refer to organizational activity may be made on WPA Form 403. In every case of discharge, the worker is entitled to, and must be given, an explanation of why he is discharged. The worker must further be given opportunity to present to the project manager, community manager, resident engineer, regional LR adviser or LR representative, reasons, if any, why he should not be discharged.

7. *Adjusting Complaints and Grievances.*—(a) Workers may present complaints either individually or through their designated representatives. If satisfactory adjustment of a complaint cannot be secured through the foreman, or the project manager, community manager or resident engineer, the matter should be taken up with the regional LR adviser or the LR representative.

(b) In the event that the regional LR adviser or the LR representative cannot secure a satisfactory adjustment of the complaint or grievance, either the workers or their designated representative, the project manager, community manager or resident engineer, or the regional LR adviser or LR representative may appeal to the Director of the LR Division.

8. *Strikes.*—(a) If all or any portion of the workers on an RA project go on strike because of a labor dispute, the project manager, community manager or resident engineer will stop the work involved in the strike until the dispute is adjusted. New workers shall not be requisitioned to fill the jobs left vacant by the striking workers. If the entire project is affected by the strike or stoppage of work, the project shall be closed down until the dispute is adjusted. Work will not be continued on any RA project if it is necessary to use police or any other protection involving force.

(b) In case of a strike or stoppage of work on a project, the project manager, community manager or resident engineer shall notify immediately the regional LR adviser or the LR representative, assigned to the project, who is responsible for conducting negotiations to settle the dispute.

9. *Posting Notices on Projects.*—(a) Notices giving the wages, hours of work, and working conditions must be posted on every project in places easily accessible to all workers. Notices will be posted on Form RA-LR 21, Rev. 7-21-36, "Working Conditions", and Form RA-LR 21a, "Schedule of Wage Rates, Maximum Monthly Hours and Maximum Monthly Earnings", or on Form RA-LR 18, "Labor Conditions." The name and address of the regional LR adviser or the LR representative to whom workers may appeal complaints and grievances must be given on every notice posted.

(b) On projects financed from funds under the Emergency Relief Act of 1936, WPA Form 405, Rev., "Occupational Schedule of Hourly Wage Rates, Assigned Hours of Work per Month, and Monthly Earnings", may be substituted for Form RA-LR 21a. Copies of WPA Form 405, Rev., are to be prepared and signed by the district director of the WPA district Division of Employment and distributed by him for display at the site of the project. When it seems desirable to the project manager, community manager, or resident engineer, and to the regional LR adviser or the LR representative assigned to the project, copies of both WPA Form 405, Rev., and Form RA-LR 21a may be posted on the project.

R. G. TUGWELL, *Administrator.*

[F. R. Doc. 37-50; Filed, January 6, 1937; 10:10 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 44]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 29, 1936.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Iowa 47 G Franklin | $225,000 |
| Iowa 48 G Pocahontas | 185,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-51; Filed, January 6, 1937; 9:42 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULES MD1 AND MD2

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 15 (d) and 23 (a) thereof, hereby adopts the following rules:

RULE MD1. *Annual Reports of Registrants under Securities Act of 1933.*—Each issuer having securities registered under the Securities Act of 1933 and having a duty to file supplementary and periodic information, documents, and reports pursuant to Section 15 (d) of the Securities Exchange Act of 1934 shall file an annual report, on the appropriate form prescribed therefor, not more than 120

days after the close of each fiscal year ending after the close of the last full fiscal year for which financial statements of such issuer were filed in the registration statement, or at such other time as shall be prescribed in the instruction book applicable to the particular form; provided, however, that the annual report covering any period ending prior to December 31, 1936, need not be filed prior to April 30, 1937. In case the registrant finds it impracticable to file the report at such prescribed time, it may file with the Commission an application for an extension of time to a specified date within 60 days after the prescribed time. Such application shall state the grounds of impracticability and shall contain an agreement to file the report on or before such specified date. The application shall be deemed granted unless the Commission within ten days after receipt thereof shall enter an order denying the application as being unreasonable and unnecessary under the circumstances.

RULE MD2. *Forms for Annual Reports of Registrants under Securities Act of 1933.*—The annual reports required by Rule MD1 shall be filed on the appropriate form prescribed below:

*Form 1–MD, General Form.*—This form is to be used for the annual reports, pursuant to Section 15 (d) of the Securities Exchange Act of 1934, of all issuers except those for which another form is specifically prescribed.

*Form 2–MD for Securities of Fixed Investment Trusts.*—This form is to be used for annual reports, pursuant to Section 15 (d) of the Securities Exchange Act of 1934, relating to securities of unincorporated investment trusts of the fixed or restricted management type, having a depositor or sponsor but not having a board of directors or persons performing similar functions.

*Form 3–MD for Voting Trust Certificates.*—This form is to be used for annual reports, pursuant to Section 15 (d) of the Securities Exchange Act of 1934, relating to voting trust certificates.

*Form 4–MD for Certificates of Deposit.*—This form is to be used for annual reports, pursuant to Section 15 (d) of the Securities Exchange Act of 1934, relating to certificates of deposit issued by a Committee.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–43; Filed, January 5, 1937; 1:04 p. m.]

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SECURITIES ACT OF 1933

SECURITIES EXCHANGE ACT OF 1934

RULE ADOPTING FORM 1–MD

The Securities and Exchange Commission, finding—

(1) That the requirements of Form 1–MD, general form for annual reports pursuant to Section 15 (d) of the Securities Exchange Act of 1934, as more specifically defined in the Instruction Book for Form 1–MD, are necessary and appropriate for the proper protection of investors and to insure fair dealing in such securities as are registered under the Securities Act of 1933 and as to which Form 1–MD is to be used; and,

(2) That the information called for by such Form and the exhibits specified in such Instruction Book are required to keep reasonably current the information and documents filed pursuant to Section 7 of the Securities Act of 1933, and are such as may be required pursuant to Section 13 of the Securities Exchange Act of 1934 in respect of similar securities listed and registered on national securities exchanges,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 15 (d) and 23 (a) thereof, hereby adopts Form 1–MD, general form for annual reports, and the Instruction Book for Form 1–MD.[1]

[1] Filed with the Division of the Federal Register. The National Archives; copies available upon application to Securities and Exchange Commission.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–44; Filed, January 5, 1937; 1:04 p. m.]

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SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 2 TO FORM 12A–K

The Securities and Exchange Commission, finding—

(1) That the requirements of Form 12A–K, as more specifically defined in the Instruction Book for Form 12A–K as hereby amended, are necessary and appropriate for the proper protection of investors and to insure fair dealing in such securities as are registered on national securities exchanges and as to which Form 12A–K is to be used; and,

(2) That the information called for by such Form and the exhibits specified in such Instruction Book, as hereby amended, are required to keep reasonably current the information and documents filed pursuant to Section 12 of the Securities Exchange Act of 1934,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, hereby amends the Instruction Book for Form 12A–K as follows:

1. The instruction as to Exhibit A in paragraph 1 of the *Instructions as to Exhibits* is amended by deleting the words:

*provided that the registrant may file, in lieu of a copy of its complete Annual Report, a copy containing those pages, schedules, or items which are listed in instruction 3 below, and omitting any or all other pages, schedules, or items.*

and inserting in lieu thereof the words:

*provided that if such Annual Report was filed on Form A of the Interstate Commerce Commission, the registrant may file a copy containing those schedules and items which are listed in instruction 3 below, and omitting any or all other pages, schedules, or items.*

2. Subparagraph (1) of the instructions as to Exhibit B in paragraph 1 of the *Instructions as to Exhibits* is amended by deleting the last sentence thereof and inserting in lieu thereof the following sentence:

*In lieu of a copy of any such complete Annual Report on Form A of the Interstate Commerce Commission, however, the registrant may file a copy containing those schedules and items which are listed in instruction 3 below, and omitting any or all other pages, schedules, or items.*

3. Subparagraph (2) (iii) of the instructions as to Exhibit B in paragraph 1 of the *Instructions as to Exhibits* is amended by deleting the words "for any fiscal year ending prior to December 31, 1936", so that subparagraph (2) (iii), as amended, shall read as follows:

(iii) The financial statements furnished pursuant to this paragraph (2) need not be certified by independent public or independent certified public accountants, but otherwise shall conform to the requirements as to financial statements (including supporting schedules) prescribed under Form 10–K for Corporations or under such other form as would be appropriate for an Annual Report if the affiliated company were itself a registrant.

4. Paragraph 3 of the *Instructions as to Exhibits* is amended to read as follows:

3. In lieu of a copy of any Annual Report to the Interstate Commerce Commission on Form A required to be filed as an exhibit under paragraph 1 above, the registrant may file a copy omitting or leaving blank any or all pages, schedules, or items other than the following:

Schedules 102; 103; 104A; 104B; 108; 109; 110; 200A; 200L; 200A (System); 200L (System); lines 41, 49, 57, 58, and 99–101, inc., of 211; 212; 217; 218; 221; 251; 251A; 252; 261M; 261E; 261S; 262; 261P; 263; 275; 282; 283; 284; 285; 286; 286A; 295; 300I; 300P; 300D; 300I (System); 300P (System); 310; lines 112, 113, 114, 140, 151, 206, 211, 219, 234, 235, 236, and 237 of 320; 330; 321; 350; 371A; 383A; 396; classes 800, 810, 820, 830, 840, 850, 710, and 860 of 541; 562; 563; 581; paragraphs 3, 4, and 5 of 591; and verification.

The above schedules are to be reprinted in "Securities and Exchange Commission, Extract from Annual Report Form A", copies of which may be obtained from the Securities and Exchange Commission after February 1.

*Registrants are urged to take advantage of this privilege. By doing so, they may omit a large number of the schedules contained in Annual Report Form A of the Interstate Commerce Commission.* If this privilege is exercised, all applicable instructions of the Interstate Commerce Commission should be followed in filling out the various schedules, subject to the provisions of paragraph 4 below.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–36; Filed, January 5, 1937; 1:02 p. m.]

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SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 2 TO FORM 12–K

The Securities and Exchange Commission, finding—

(1) That the requirements of Form 12–K, as more specifically defined in the Instruction Book for Form 12–K as hereby amended, are necessary and appropriate for the proper protection of investors and to insure fair dealing in such securities as are registered on national securities exchanges and as to which Form 12–K is to be used; and,

(2) That the information called for by such Form and the exhibits specified in such Instruction Book, as hereby amended, are required to keep reasonably current the information and documents filed pursuant to Section 12 of the Securities Exchange Act of 1934,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, hereby amends the Instruction Book for Form 12–K as follows:

1. The instruction as to Exhibit A in paragraph 1 of the *Instructions as to Exhibits* is amended by deleting the words:

*provided that the registrant may file, in lieu of a copy of its complete Annual Report, a copy containing those pages, schedules, or items which are listed in instruction 3 below, and omitting any or all other pages, schedules, or items.*

and inserting in lieu thereof the words:

*provided that if such Annual Report was filed on Form A of the Interstate Commerce Commission, the registrant may file a copy containing those schedules and items which are listed in instruction 3 below, and omitting any or all other pages, schedules, or items.*

2. Subparagraph (1) of the instructions as to Exhibit B in paragraph 1 of the *Instructions as to Exhibits* is amended by deleting the last sentence thereof and inserting in lieu thereof the following sentence:

*In lieu of a copy of any such complete Annual Report on Form A of the Interstate Commerce Commission, however, the registrant may file a copy containing those schedules and items which are listed in instruction 3 below, and omitting any or all other pages, schedules, or items.*

3. Subparagraph (2) (iii) of the instructions as to Exhibit B in paragraph 1 of the *Instructions as to Exhibits* is amended by deleting the words "for any fiscal year ending prior to December 31, 1936", so that subparagraph (2) (iii), as amended, shall read as follows:

(iii) The financial statements furnished pursuant to this paragraph (2) need not be certified by independent public or independent certified public accountants, but otherwise shall conform to the requirements as to financial statements (including supporting schedules) prescribed under Form 10–K for Corporations or under such other form as would be appropriate for an Annual Report if the affiliated company were itself a registrant.

4. Paragraph 3 of the *Instructions as to Exhibits* is amended to read as follows:

3. In lieu of a copy of any Annual Report to the Interstate Commerce Commission on Form A required to be filed as an exhibit under paragraph 1 above, the registrant may file a copy omitting or leaving blank any or all pages, schedules, or items other than the following:



Schedules 102; 103; 104A; 104B; 108; 109; 110; 200A; 200L; 200A (System); 200L (System); lines 41, 49, 57, 58, and 99–101, inc., of 211; 212; 217; 218; 221; 251; 251A; 252; 261M; 261E; 261S; 262; 261P; 263; 275; 282; 283; 284; 285; 286; 286A; 295; 300I; 300P; 300D; 300I (System); 300P (System); 310; lines 112, 113, 114, 140, 151, 206, 211, 219, 234, 235, 236, and 237 of 320; 330; 321; 350; 371A; 383A; 396; classes 800, 810, 820, 830, 840, 850, 710, and 860 of 541; 562; 563; 581; paragraphs 3, 4, and 5 of 591; and verification.

The above schedules are to be reprinted in "Securities and Exchange Commission, Extract from Annual Report Form A", copies of which may be obtained from the Securities and Exchange Commission after February 1.

*Registrants are urged to take advantage of this privilege. By doing so, they may omit a large number of the schedules contained in Annual Report Form A of the Interstate Commerce Commission.* If this privilege is exercised, all applicable instructions of the Interstate Commerce Commission should be followed in filling out the various schedules, subject to the provisions of paragraph 4 below.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–40; Filed, January 5, 1937; 1:03 p. m.]

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SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE AN11

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12) and 23 (a) thereof, hereby amends the amendment to Rule AN11 heretofore adopted to become effective at the close of business on December 31, 1936, by inserting immediately after the words "securities of issuers", in paragraph (a) of said Rule as set forth in said amendment, the words "which are, or at any time since June 30, 1935 were,".

Paragraph (a) of Rule AN11, as so amended, (the amendments to become effective at the close of business on December 31, 1936) reads as follows:

(a) The following securities shall be exempt from the operation of Section 12 (a) for the period specified in paragraph (b) of this Rule: securities as to which temporary registration expired on June 30, 1935, and which are securities of issuers which are, or at any time since June 30, 1935 were, in bankruptcy or receivership or in the process of reorganization pursuant to Section 77 or 77B of the Bankruptcy Act (other than securities for which the filing of applications on Form 12–A is authorized).

The foregoing amendment shall be effective at the close of business on December 31, 1936.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–42; Filed, January 5, 1937; 1:03 p. m.]

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SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULES AN12 AND AN13

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12) and 23 (a) thereof, hereby takes the following action:

I. The last sentence of paragraph (a) of Rule AN12 is amended by striking out the words "December 26" and "January 26" and inserting instead the words "December 31" and "January 31."

The last sentence of paragraph (a) of Rule AN12, as amended, reads as follows:

Such exemption shall continue to and including December 31, 1936, unless an application for the registration of securities of such class shall have been filed on or before December 31, 1936, in which event such exemption shall continue to and including January 31, 1937.

II. The last sentence of paragraph (a) of Rule AN13 is amended by striking out the words "December 26" and "January 26" and inserting instead the words "December 31" and "January 31."

The last sentence of paragraph (a) of Rule AN13, as amended, reads as follows:

Such exemption shall continue to and including the one hundred and twentieth day after the filing of applications on a form appropriate for such securities shall have been authorized, or the one hundred and twentieth day after the date of such acquisition, whichever shall be the later; provided, however, that, in the case of any such class of securities for which the filing of an application on Form 22 is or shall hereafter become authorized, (1) such exemption shall not continue after December 31, 1936, unless an application for the registration of securities of such class shall have been filed on or before December 31, 1936, and (2) in no event shall such exemption continue after January 31, 1937.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-41; Filed, January 5, 1937; 1:03 p. m.]

*Friday, January 8, 1937* *No. 5*

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

MODIFICATION

CALIFORNIA GRAZING DISTRICT NO. 2

DEC. 30, 1936.

Under and pursuant to the provisions of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, Public No. 827, 74th Congress, departmental order of April 8, 1935, establishing California Grazing District No. 2, is hereby modified to include also within its exterior boundaries the following-described lands;

CALIFORNIA AND OREGON

The unsurveyed bed of Goose Lake included in Ts. 45 to 48 N., inclusive, Rs. 13 and 14 E., M. D. M., California, and Ts. 40 and 41 S., Rs. 19 and 20 E., W. M., Oregon.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-62; Filed, January 7, 1937; 9:56 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER WITH RESPECT TO PAYMENTS UNDER THE 1936 AGRICULTURAL CONSERVATION PROGRAM

EAST CENTRAL REGION

Whereas under the provisions of Section 3, Part II, of East Central Region Bulletin No. 1, Revised, as amended, the rates of payments specified in Section 2, Part II, of said bulletin are based upon an estimate of available funds and an estimate of approximately 80 percent participation by farmers in the 1936 Agricultural Conservation Program in the East Central Region, and it is also provided in said Section 3 that, if participation in the East Central Region is less than or exceeds said 80 percent, the said rates of payment in the East Central Region may be increased or decreased pro rata, as the case may be, provided that in no event will the rates be increased or decreased by more than 10 percent; and

Whereas under the provisions of Section 8, Part II, of said bulletin, it is provided that, in computing payments under the 1936 Agricultural Conservation Program in the East Central Region, there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as shall, under rules prescribed by the Secretary, be determined to be such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located, in cooperating in carrying out in such county the 1936 Agricultural Conservation Program; and

Whereas under date of October 7, 1936, the Secretary of Agriculture in an order entitled "Order with Respect to Payments under the 1936 Agricultural Conservation Program—East Central Region" (See Federal Register, October 8, 1936, page 1543) ordered:

"(1) That pending determination by the Secretary of Agriculture of the adjustments, if any, to be made in the rates of the payments specified in section 2, Part II, of said bulletin, and determination of the deductions for administrative expenses, there shall be made, as soon as practicable, with respect to each Application for Payment, Form ECR–11, duly executed in accordance with the applicable rules and instructions, except those applications with respect to which the application of the provisions of section 5, Part II, of said bulletin will result in a deduction from the soil-building payment, an initial payment equal to 90 percent of the total payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof, and

"(2) Subsequent to the date of such determinations by the Secretary of Agriculture, there shall be made with respect to each Application for Payment, Form ECR–11, duly executed in accordance with the applicable rules and instructions:

(a) To each person entitled thereto who has not previously received an initial payment pursuant to the paragraph numbered "(1)" above, one full and final payment; and

(b) To each person who has received an initial payment pursuant to the paragraph numbered "(1)" above, the balance of the payment to which he may be entitled which shall be computed by applying fixed percentages to the initial payment made pursuant to section 2, Part II of said bulletin, and to the initial soil-building payment, respectively.";

and,

Whereas farmers participating in the 1936 Agricultural Conservation Program in the East Central Region have completed the practices in connection with which payments under the terms and conditions of said program are to be made; and

Whereas from the number of Applications for Payment, Form ECR 11, which have been submitted in the East Central Region and which it is estimated will be submitted in the future, it reasonably appears that participation by farmers in the 1936 Agricultural Conservation Program in the East Central Region will be less than 80 percent to such extent and the payments to such participants at the rates specified in said bulletin will in the aggregate be such an amount that, taking into consideration the available funds, the rates specified in section 2, Part II of said bulletin may be increased 5 percent:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act as amended, do hereby order that—

(1) When the amount of the estimated administrative expenses incurred or to be incurred by the County Agricultural Association for any county in carrying out in such county the 1936 Agricultural Conservation Program has been determined for such county, and the amount of such administrative expenses to be deducted pro rata from payments to members of such association has been determined, and the estimated total payments, prior to deduction of said administrative expenses, have also been determined, there shall be made with respect to each Application for Payment, Form ECR–11, duly executed in accordance with the applicable rules and instructions:

(a) To each person entitled thereto who has not previously received an initial payment pursuant to said order of the Secretary of Agriculture dated October 7, 1936, one full and final payment equal to 105 percent of the soil-conserving payment and 100 percent of the soil-building payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof less the amount of the administrative expenses applicable to such payment; and

(b) To each person who has received an initial payment pursuant to said order of the Secretary of Agriculture dated October 7, 1936, an additional and final payment which, with such initial payment, will be equal to 105 percent of the soil-conserving payment and 100 percent of the soil-building payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof less the amount of such administrative expenses applicable to the sum of such initial payment and such additional and final payment.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 6th day of January, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-65; Filed, January 7, 1937; 12:40 p. m.]

ORDER WITH RESPECT TO PAYMENTS UNDER THE 1936 AGRICULTURAL CONSERVATION PROGRAM

NORTH CENTRAL REGION

Whereas under the provisions of Section 6, Part II, of North Central Region Bulletin No. 1, Revised, as amended, the rates of payments specified in Sections 2, 3, and 4, Part II, of said bulletin are based upon an estimate of available funds and an estimate of approximately 80 percent participation by farmers in the 1936 Agricultural Conservation Program in the North Central Region, and it is also provided in said section 6, that, if participation in the North Central Region exceeds or is less than said 80 percent, the said rates of payment in the North Central Region may be increased or decreased pro rata, as the case may be, provided that in no event will such rates be increased or decreased by more than 10 percent; and

Whereas under the provisions of section 5, Part II, of said bulletin the rate of payment with respect to rice in the North Central Region is subject to the provisions of the 1936 Agricultural Conservation Program for the Southern Region with respect to rice; and

Whereas under the provisions of section 10, Part II, of said bulletin it is provided that, in computing payments under the 1936 Agricultural Conservation Program in the North Central Region, there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as shall, under rules prescribed by the Secretary, be determined to be such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the County in which such farm or farms are located, in cooperating in carrying out in such county the 1936 Agricultural Conservation Program; and

Whereas the Secretary of Agriculture in an order dated October 7, 1936, entitled, "Order with Respect to Payments under the 1936 Agricultural Conservation Program—North Central Region" (see Federal Register, October 8, 1936, page 1544) as amended October 19, 1936 (see Federal Register, October 22, 1936, page 1646), ordered:

"(1) That pending determination by the Secretary of Agriculture of the adjustments, if any, to be made in the rates of the payments specified in sections 2, 3, and 4, Part II, of North Central Region Bulletin No. 1, Revised, as amended, and determination of the deductions for administrative expenses, there shall be made, as soon as practicable, with respect to each Application for Payment, Form NCR–12, Form NCR–15, or Form NCR–17, duly executed in accordance with the applicable rules and instructions, an initial payment equal to 90 percent of the total payment computed in accordance with the rates, and subject to the conditions, in effect under such program as of October 19, 1936, and

"(2) Subsequent to the date of such determinations, there shall be made with respect to each Application for Payment, Form NCR–12, Form NCR–15, or Form NCR–17, duly executed in accordance with the applicable rules and instructions:

"(a) To each person entitled thereto who has not previously received an initial payment pursuant to the paragraph numbered (1) above, one full and final payment; and

"(b) To each person who has received an initial payment pursuant to the paragraph numbered (1) above, the balance of the payment to which he may be entitled.";

and,

Whereas farmers participating in the 1936 Agricultural Conservation Program in the North Central Region have completed the practices in connection with which payments under the terms and conditions of said program are to be made; and

Whereas from the number of Applications for Payment, Form NCR–12, Form NCR–15, and Form NCR–17, which have been submitted in the North Central Region and which it is estimated will be submitted in the future, it reasonably appears that participation by farmers in the 1936 Agricultural Conservation Program in the North Central Region will be less than 80 percent to such extent and the payments to such participants at the rates specified in said bulletin will in the aggregate be such an amount that, taking into consideration the available funds and the fact that in the North Central Region (but not in the Southern Region) the payment to any person with respect to rice is subject to deduction for such person's pro rata share of the estimated administrative expenses of the county association of which such person is a member, the rates specified in sections 2, 3, 4, and 5, Part II of said bulletin may be increased 7 percent:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act as amended, do hereby order that—

(1) When the amount of the estimated administrative expenses incurred or to be incurred by the County Agricultural Association for any county in carrying out in such county the 1936 Agricultural Conservation Program has been determined for such county, and the amount of such administrative expenses to be deducted pro rata from payments to members of such association has been determined, and the estimated total payments, prior to deduction of said administrative expenses, have also been determined, there shall be made with respect to each Application for Payment, Form NCR–12, Form NCR–15, or Form NCR–17, duly executed in accordance with the applicable rules and instructions:

(a) To each person entitled thereto who has not previously received an initial payment pursuant to said order of the Secretary of Agriculture dated October 7, 1936, as amended, one full and final payment equal to 107 percent of the soil-conserving payment and the payments with respect to sugar beets, flax, and rice, and 100 percent of the soil-building payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof less the amount of the administrative expenses applicable to such payment; and

(b) To each person who has received an initial payment pursuant to said order of the Secretary of Agriculture dated October 7, 1936, as amended, an additional and final payment which, with such initial payment, will be equal to 107 percent of the soil-conserving payment and the payments with respect to sugar beets, flax, and

rice, and 100 percent of the soil-building payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof less the amount of such administrative expenses applicable to the sum of such initial payment and such additional and final payment.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 6th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-63; Filed, January 7, 1937; 12:40 p. m.]

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ORDER WITH RESPECT TO PAYMENTS UNDER THE 1936 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION

Whereas under the provisions of Section 5, Part II of Southern Region Bulletin No. 1, Revised, as amended, the rates of the payments specified in Sections 2, 3, and 4, Part II, of said bulletin are based upon an estimate of available funds and an estimate of approximately 80 percent participation by farmers in the 1936 Agricultural Conservation Program in the Southern Region, and it is also provided in said Section 5, that, if participation in the Southern Region is less than or exceeds said 80 percent, the said rates of payment in the Southern Region may be increased or decreased pro rata, as the case may be, provided that in no event will the rates be increased or decreased by more than 10 percent; and

Whereas the Secretary of Agriculture, in an order dated October 7, 1936, entitled "Order with Respect to Payments under the 1936 Agricultural Conservation Program—Southern Region" (see Federal Register, October 8, 1936, page 1544 as amended October 26, 1936 (see Federal Register, October 28, 1936, page 1684, ordered:

"(1) That pending determination by the Secretary of Agriculture of the adjustments, if any, to be made in the rates of the payments specified in sections 2, 3, and 4, Part II, of said bulletin, there shall be made, as soon as practicable, with respect to each Application for Payment, Form SR–9, duly executed in accordance with the applicable rules and instructions, except those applications with respect to which the application of the provisions of section 7, Part II, of such bulletin will result in a deduction from the soil-building payment, an initial payment computed in accordance with rates equal to 90 percent of the rates of the payments specified in sections 2, 3, and 4, Part II, and of the rates of deductions provided for in sections 6 and 7, Part II, of said bulletin in effect as of October 26, 1936, and 100 percent of the rates of the soil-building payments in effect as of October 26, 1936, respectively, subject to the conditions in effect under said program as of October 26, 1936, and

"(2) Subsequent to the date of such determinations by the Secretary of Agriculture, there shall be made with respect to each Application for Payment, Form SR–9, duly executed in accordance with the applicable rules and instructions:

"(a) To each person entitled thereto who has not previously received an initial payment pursuant to the paragraph numbered '(1)' above, one full and final payment; and

"(b) To each person who has received an initial payment pursuant to the paragraph numbered '(1)' above, the balance of the payment to which he may be entitled which shall be computed by applying a fixed percentage to the initial payment made pursuant to sections 2, 3, and 4, Part II, of said bulletin.";

and,

Whereas farmers participating in the 1936 Agricultural Conservation Program in the Southern Region have completed the practices in connection with which payments are to be made under the terms and conditions of said programs and

Whereas from the number of Applications for Payment, Form SR–9, which have been submitted in the Southern Region and which it is estimated will be submitted in the future, it reasonably appears that participation by farmers in the 1936 Agricultural Conservation Program in the Southern Region will be approximately 80 percent;

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, do hereby order that there shall be made with respect to each Application for Payment, Form SR–9, duly executed in accordance with the applicable rules and instructions:

(a) To each person entitled thereto who has not previously received an initial payment pursuant to said order of the Secretary of Agriculture dated October 7, 1936, as amended, one full and final payment equal to 100 percent of the soil-conserving payment and 100 percent of the soil-building payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof; and

(b) To each person who has received an initial payment pursuant to said order of the Secretary of Agriculture dated October 7, 1936, as amended, an additional and final payment which, with such initial payment, will be equal to 100 percent of the soil-conserving payment and 100 percent of the soil-building payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 6th day of January, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-64; Filed, January 7, 1937; 12:40 p. m.]

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ORDER WITH RESPECT TO PAYMENTS UNDER THE 1936 AGRICULTURAL CONSERVATION PROGRAM

WESTERN REGION

Whereas under the provisions of Section 6, Part II, of Western Region Bulletin No. 1, Revised, as amended, the rates of payments specified in Sections 2, 3, 4, and 5, Part II, of said bulletin are based upon an estimate of available funds and an estimate of approximately 80 percent participation by farmers in the 1936 Agricultural Conservation Program in the Western Region, and it is also provided in said section 6 that, if participation in the Western Region is less than or exceeds said 80 percent, the said rates of payment in the Western Region may be increased or decreased pro rata, as the case may be, provided that in no event will such rates be increased or decreased by more than 10 percent; and

Whereas under the provisions of section 10, Part II, of said bulletin it is provided that, in computing payments under the 1936 Agricultural Conservation Program in the Western Region, there shall be deducted from the payments to any person with respect to a farm or farms in a county all or such part as shall, under rules prescribed by the Secretary, be determined to be such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located, in cooperating in carrying out in such county the 1936 Agricultural Conservation Program; and

Whereas under date of October 7, 1936, the Secretary of Agriculture in an order entitled "Order with Respect to Payments under the 1936 Agricultural Conservation Program—Western Region" (see Federal Register, October 8, 1936, page 1545), ordered:

"(1) That pending determination by the Secretary of Agriculture of the adjustments, if any, to be made in the rates of the payments specified in sections 2, 3, 4, and 5, Part II of said bulletin, and the determination of the deductions for administrative expenses, there shall be made, as soon as practicable, with respect to each Application for Payment, Form WR–11 or Form WR–12, duly executed in accordance with the applicable rules and instructions, an initial payment equal to 90 percent of the total payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof, and

"(2) Subsequent to the date of such determinations, there shall be made with respect to each Application for Payment, Form WR–11 or Form WR–12, duly executed in accordance with the applicable rules and instructions:

"(a) To each person entitled thereto who has not previously received an initial payment pursuant to the paragraph numbered (1) above, one full and final payment; and

"(b) To each person who has received an initial payment pursuant to the paragraph numbered (1) above, the balance of the payment to which he may be entitled.";

and,

Whereas farmers participating in the 1936 Agricultural Conservation Program in the Western Region have completed the practices in connection with which payments under the terms and conditions of said program are to be made; and

Whereas from the number of Applications for Payment, Form WR–11 and Form WR–12, which have been submitted in the Western Region and which it is estimated will be submitted in the future, it reasonably appears that participation by farmers in the 1936 Agricultural Conservation Program in the Western Region will be less than 80 percent to such extent and the payments to such participants at the rates specified in said bulletin will in the aggregate be such an amount that, taking into consideration the available funds, the rates specified in sections 2, 3, 4, and 5, Part II of said bulletin, may be increased 7 percent;

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act as amended, do hereby order that—

(1) When the amount of the estimated administrative expenses incurred or to be incurred by the County Agricultural Association for any county in carrying out in such county the 1936 Agricultural Conservation Program has been determined for such county, and the amount of such administrative expenses to be deducted pro rata from payments to members of such association has been determined, and the estimated total payments, prior to deduction of said administrative expenses, have also been determined, there shall be made with respect to each Application for Payment, Form WR–11 or Form WR–12, duly executed in accordance with the applicable rules and instructions:

(a) To each person entitled thereto who has not previously received an initial payment pursuant to said order of the Secretary of Agriculture dated October 7, 1936, one full and final payment equal to 107 percent of the soil-conserving payment and 100 percent of the soil-building payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof less the amount of the administrative expenses applicable to such payment; and

(b) To each person who has received an initial payment pursuant to said order of the Secretary of Agriculture dated October 7, 1936, an additional and final payment which, with such initial payment, will be equal to 107 percent of the soil-conserving payment and 100 percent of the soil-building payment computed in accordance with the rates, and subject to the conditions, in effect under said program as of the date hereof less the amount of such administrative expenses applicable to the sum of such initial payment and such additional and final payment.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 6th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture*

[F. R. Doc. 37-66; Filed, January 7, 1937; 12:41 p. m.]

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SR–B–1, Revised Supplement (o), Revised

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 1, REVISED

*Supplement* (o), *Revised*

Supplement (o) to Southern Region Bulletin No. 1, Revised, is hereby amended to read as follows:

Subsection (d), section 3, part V of Southern Region Bulletin No. 1, Revised, as amended by Supplement (o) to said bulletin, is hereby amended by striking out the last sentence added by said Supplement (o) and substituting in lieu thereof the following:

(1) The soil-conserving (class I) payment made in connection with sugarcane for sugar shall be divided in the same proportion as the sugarcane for sugar crop (or the proceeds thereof) is divided under the lease or operating agreement.

(2) The soil-conserving (class I) payment for diversion from other soil-depleting bases on farms on which sugarcane for sugar is grown shall be divided in accordance with the provisions of subsection (a) of this section 3.

The provisions of this Supplement (o), Revised, shall be effective as of October 26, 1936, so as to be included within the conditions mentioned in the "Order With Respect to Payments Under the 1936 Agricultural Conservation Program—Southern Region" issued October 7, 1936, as amended.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 6th day of January, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-67; Filed, January 7, 1937, 12:41 p. m.]

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WR–B–1, Revised Supplement (i)

1936 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 1, REVISED

*Supplement* (i)

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 1, Revised, as amended by Supplements (a) to (h) inclusive, is hereby further amended by the Supplement (i) as follows:

PART VI. *Miscellaneous provisions, section 4.*—Multiple Farm Holdings, is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) *Computation of adjustments for failure to have a sufficient acreage of soil-conserving crops to qualify diversion from the general, the cotton, and/or the tobacco soil-depleting bases.* If the total acreage of soil-conserving crops which qualify for diversion on such farms is less than the sum of the net decreases or maximum diversion (whichever is the smaller) from the general, the cotton, and the tobacco soil-depleting bases respectively, such amount of class I payment tentatively determined under the foregoing provisions of this section shall be reduced by an amount computed as follows:

(1) Obtain the sum of the class I payments for diversion from the general, the cotton and the tobacco soil-depleting bases

computed in accordance with the foregoing provisions of this section.

(2) Divide the total obtained under subsection (1) of this subsection (d) by the sum of the acres representing the net decrease or maximum diversion (whichever is the smaller) from the general, the cotton, and the tobacco soil-depleting bases.

(3) Multiply the deficiency in acreage of soil-conserving crops by the amount obtained under subsection (2) of this subsection (d)."

In testimony whereof H. A. Wallace, Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 6th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-68; Filed, January 7, 1937; 12:41 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-71]

IN THE MATTER OF AMERICAN DISTRICT TELEGRAPH CO. OF NEW JERSEY 7% CONV. PREFERRED STOCK, PAR VALUE $100

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Bristol & Willett, having made application to the Commission pursuant to Rule JF3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges on the New York Curb Exchange of the 7% Convertible Preferred Stock, Par Value $100 of American District Telegraph Co. of New Jersey; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 a. m. on Friday, January 22, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-55; Filed, January 6, 1937; 1:05 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-81]

IN THE MATTER OF AMERICAN DISTRICT TELEGRAPH CO. OF NEW JERSEY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Bristol & Willett, having made application to the Commission pursuant to Rule JF3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges on the New York Curb Exchange of the Common Stock, No Par Value, of American District Telegraph Co. of N. J.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 a. m. on Friday, January 22, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-56; Filed, January 6, 1937; 1:05 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1937.

[File No. 46-28]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Middle West Corporation, a registered holding company pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of 12,687½ shares of Common Stock without par value of Missouri Gas & Electric Service Company, to be acquired in exchange for certain securities of said Missouri Gas & Electric Service Company now outstanding and held by applicant, pursuant to a certain Amended Plan of Reorganization of Missouri Gas & Electric Service Company, which applicant states has been confirmed by the District Court of the United States for the Western Division of the Western District of Missouri.

It is ordered that a hearing on such matter be held on January 23, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 18, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.



Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-74; Filed, January 7, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January A. D. 1937.

[File No. 32-48]

IN THE MATTER OF MISSOURI GAS & ELECTRIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Missouri Gas & Electric Service Company, a subsidiary company of The Middle West Corporation, a registered holding company pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by applicant of $1,476,630 principal amount of its First Mortgage Bonds, Series A, to be dated April 1, 1936, to mature April 1, 1956, and to bear interest at 4% per annum to and including April 1, 1946, 4½% per annum to and including April 1, 1951, and thereafter until maturity at 5% per annum, and 25,375 shares of its common stock without par value, which securities applicant states are to be issued in exchange for securities of applicant outstanding prior to its reorganization pursuant to Section 77B of the Bankruptcy Act, and the issue and sale of which new securities applicant states have been approved by the Public Service Commission of Missouri, the State in which applicant is organized and doing business.

It is ordered, that a hearing on such matter be held on January 23, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 18, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-73; Filed, January 7, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December A. D. 1936.

[File 2-1576]

IN THE MATTER OF SUMMIT GOLD MINING CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on December 29, 1936, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-69; Filed, January 7, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-DITTMERS FARM, FILED ON DECEMBER 15, 1936, BY AMERICAN STATES OIL COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:30 o'clock in the forenoon of the 5th day of January 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:30 o'clock in the forenoon of the 21st day of January 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-60; Filed, January 6, 1937; 1:06 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SLICK-URSCHEL-OWEN FARM, FILED ON DECEMBER 21, 1936, BY JAMES M. JOHNSON, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:30 o'clock in the forenoon on the 6th day of January 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 22nd day of January 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-57; Filed, January 6, 1937; 1:05 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE RATHKE-LAWSON—WADLEY-HILL FARM, FILED ON DECEMBER 19, 1936, BY R. J. CARAWAY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 4, 1937, be effective as of January 4, 1937; and it is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-58; Filed, January 6, 1937; 1:05 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 5th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WESTERN STATES-HADDOCK FARM, FILED ON DECEMBER 15, 1936, BY ALEX MACDONALD, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 4, 1937, be effective as of January 4, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-61; Filed, January 6, 1937; 1:06 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WINKLER-KOCH-PHILLIPS—BEMIS FARM, FILED ON DECEMBER 15, 1936, BY SETH WINNER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 4, 1937, be effective as of January 4, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-59; Filed, January 6, 1937; 1:06 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA-BIERSCHENK FARM, FILED ON DECEMBER 4, 1936, BY W. R. CURRY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on December 17, 1936, be effective as of December 17, 1936; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-70; Filed, January 7, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE HOUSEL-POSEY FARM, FILED ON DECEMBER 2, 1936, BY W. E. HOUSEL, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 4, 1937, be effective as of January 4, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-71; Filed, January 7, 1937; 12:46 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN—MCNABB PARK FARM, FILED ON DECEMBER 31, 1936, BY G. E. FISHER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date in Division I when the information contained in the sheet would be out of date is miscalculated based on Item 15.

(2) In that Item 5, Division II, is incorrect.

(3) In that Exhibit A is undated.

(4) In that nowhere in the sheet is disclosed the fact that the proceeds of sale of oil allocated to certain lots in the community have been and are being impounded pending the determination of proper ownership or title.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of February 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 20th day of January 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-72; Filed, January 7, 1937; 12:47 p. m.]

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*Saturday, January 9, 1937* *No. 6*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4723]

EXCESS PROFITS ON NAVY CONTRACTS

REGULATIONS UNDER SECTION 3 OF THE ACT OF MARCH 27, 1934, AS ORIGINALLY ENACTED AND AS AMENDED—T. D. 4434 SUPERSEDED

*To Officers and Employees of the Treasury Department, the Navy Department, and Others Concerned:*

PARAGRAPH A.—Section 3 of the Act entitled "An Act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934, 48 Stat. L. 505 (U. S. C., title 34, sec. 496), provides:

SEC. 3. The Secretary of the Navy is hereby directed to submit annually to the Bureau of the Budget estimates for the construction of the foregoing vessels and aircraft; and there is hereby authorized to be appropriated such sums as may be necessary to carry into effect the provisions of this Act: *Provided*, That no contract shall be made by the Secretary of the Navy for the construction and/or manufacture of any complete naval vessel or aircraft, or any portion thereof, herein, heretofore, or hereafter authorized unless the contractor agrees—

(a) To make a report, as hereinater described, under oath, to the Secretary of the Navy upon the completion of the contract.

(b) To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 10 per centum of the total contract price, such amount to become the property of the United States: *Provided*, That if such amount is not voluntarily paid the Secretary of the Treasury may collect the same under the usual methods employed under the internal revenue laws to collect Federal income taxes.

(c) To make no subdivisions of any contract or subcontract for the same article or articles for the purpose of evading the provisions of this Act, but any subdivision of any contract or subcontract involving an amount in excess of $10,000 shall be subject to the conditions herein prescribed.

(d) That the manufacturing spaces and books of its own plant, affiliates, and subdivisions shall at all times be subject to inspection and audit by any person designated by the Secretary of the Navy, the Secretary of the Treasury, and/or by a duly authorized committee of Congress.

(e) To make no subcontract unless the subcontractor agrees to the foregoing conditions.

The report shall be in form prescribed by the Secretary of the Navy and shall state the total contract price, the cost of performing the contract, the net income, and the per centum such net income bears to the contract price. A copy of such report shall be transmitted to the Secretary of the Treasury for consideration in connection with the Federal income tax returns of the contractor for the taxable year or years concerned.

The method of ascertaining the amount of excess profit to be paid into the Treasury shall be determined by the Secretary of the Treasury in agreement with the Secretary of the Navy and made available to the public. The method initially fixed upon shall be so determined on or before June 30, 1934: *Provided*, That in any case where an excess profit may be found to be owing to the United States in consequence hereof, the Secretary of the Treasury shall allow credit for any Federal income taxes paid or remaining to be paid upon the amount of such excess profit.

The contract or subcontracts referred to herein are limited to those where the award exceeds $10,000.

PAR. B. Section 3 (b) of the Act referred to above in paragraph A was amended by the Act of June 25, 1936 (Public, No. 804, 74th Cong.)[1], to read as follows:

SEC. 3. (b) To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 10 per centum of the total contract prices, of such contracts within the scope of this section as are completed by the particular contracting party within the income taxable year, such amount to become the property of the United States, but the surety under such contracts shall not be liable for the payment of such excess profit: *Provided*, That if there is a net loss on all such contracts or subcontracts completed by the particular contractor or subcontractor within any income taxable year, such net loss shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income taxable year: *Provided further*, That if such amount is not voluntarily paid the Secretary of the Treasury shall collect the same under the usual methods employed under the internal-revenue laws to collect Federal income taxes: *Provided further*, That all provisions of law (including penalties) applicable with respect to the taxes imposed by Title I of the Revenue Act of 1934, and not inconsistent with this section, shall be applicable with respect to the assessment, collection, or payment of excess profits to the Treasury as provided by this section, and to refunds by the Treasury of overpayments of excess profits into the Treasury: *And provided further*, That this section shall not apply to contracts or subcontracts for scientific equipment used for communication, target detection, navigation, and fire control as may be so designated by the Secretary of the Navy, and the Secretary of the Navy shall report annually to the Congress the names of such contractors and subcontractors affected by this provision, together with the applicable contracts and the amounts thereof: *And provided further*, That the income-taxable years shall be such taxable years beginning after December 31, 1935, except that the above provisos relating to the assessment, collection, payment, or refunding of excess profit to or by the Treasury shall be retroactive to March 27, 1934.

Pursuant to the authority prescribed by section 3 of the Act of March 27, 1934, 48 Stat. L. 505 (U. S. C. title 34,

[1] 49 Stat. 1926.

sec. 496), as amended, the following regulations are hereby prescribed with respect to section 3 of such Act as originally enacted and as amended:

ARTICLE 1. *Definitions.*—As used in these regulations the term—

(a) *"Act"* means the Act of March 27, 1934, 48 Stat. L. 505 (U. S. C. title 34, sec. 496) as originally enacted and as amended by the Act of June 25, 1936 (Public, No. 804, 74th Cong.).[1]

(b) *"Person"* includes an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture or other unincorporated organization or group, through or by means of which any business, financial operation or venture is carried on.

(c) *"Contract"* means an agreement made by authority of the Secretary of the Navy for the construction or manufacture of any complete naval vessel or aircraft, or any portion thereof.

(d) *"Contractor"* means a person entering into a direct contract with the Secretary of the Navy or his duly authorized representative.

(e) *"Subcontract"* means an agreement entered into by one person with another person for the construction or manufacture of a complete naval vessel or aircraft or any portion thereof, the prime contract having been entered into between a contractor and the Secretary of the Navy or his duly authorized representative.

(f) *"Subcontractor"* means any person other than a contractor entering into a subcontract.

(g) *"Contracting party"* means a contractor or subcontractor as the case may be.

(h) *"Contract price"* or *"total contract price"* means the amount or total amount to be received under a contract or subcontract as the case may be.

(i) *"Income-taxable year"* means the calendar year, the fiscal year ending during such calendar year, or the fractional part of such calendar or fiscal year, upon the basis of which the contracting party's net income is computed and for which its income tax returns are made for Federal income tax purposes.

ART. 2. *Contracts and subcontracts under which excess profit liability may be incurred.*—Except as otherwise provided with respect to contracts or subcontracts for certain scientific equipment (see article 3 of these regulations), every contract awarded for an amount exceeding $10,000 and entered into after the enactment of the Act of March 27, 1934 for the construction or manufacture of any complete naval vessel or aircraft, or any portion thereof, is subject to the provisions of the Act relating to excess profit liability. Any subcontract made with respect to such a contract and involving an amount in excess of $10,000 is also within the scope of the Act. If a contracting party places orders with another party, aggregating an amount in excess of $10,000, for articles or materials which constitute a part of the cost of performing the contract or subcontract, the placing of such orders shall constitute a subcontract within the scope of the Act, unless it is clearly shown that each of the orders involving $10,000 or less is a bona fide separate and distinct subcontract and not a subdivision made for the purpose of evading the provisions of the Act.

ART. 3. *Contracts or subcontracts for scientific equipment.*—No excess profit liability is incurred upon a contract or subcontract entered into after the amendment of section 3 (b) of the Act on June 25, 1936, if at the time or prior to the time such contract or subcontract is made it is designated by the Secretary of the Navy as being for scientific equipment used for communication, target detection, navigation, and fire control. The exemption of contracts or subcontracts for scientific equipment does not extend to any contract or subcontract entered into prior to the enactment of the amendment of section 3 (b) of the Act.

ART. 4. *Manner of determining liability.*—The first step in the determination of the excess profit to be paid to the United States is to ascertain the amount of excess profit under the applicable method which depends upon the date of completion of the contract or subcontract. See article 5 of these regulations. The second step is to ascertain the amount of credit allowed for Federal income taxes paid or remaining to be paid upon the amount of such excess profit. See article 10 of these regulations. The third step is to subtract from the amount of excess profit as computed in the first step the amount of credit for Federal income taxes as computed in the second step. The amount remaining after such subtraction is the amount of excess profit to be paid to the United States.

ART. 5. *Measure of excess profit.*—(a) *Completion of contract defined.*—The method of ascertaining the amount of excess profit in respect of a contract or subcontract coming within the scope of the Act depends upon the date of completion of the contract or subcontract (i. e. whether the contract or subcontract was completed prior to the contracting party's first income-taxable year beginning after December 31, 1935 or was completed within or subsequent to such income-taxable year). With the exception of those contracts which provide a method for determining the date of completion, the date of delivery of the vessel, aircraft or portion thereof covered by the contract or subcontract shall be considered the date of completion of the contract or subcontract unless otherwise determined by the Secretary of the Navy and the Secretary of the Treasury or their duly authorized representatives. As to a refund in case of adjustment due to subsequently incurred additional costs, see article 19 of these regulations. If a contract or subcontract is at any time cancelled or terminated, it is completed at the time of the cancellation or termination.

(b) *Contracts or subcontracts completed prior to contracting party's income-taxable year beginning after December 31, 1935.*—If a contract or subcontract is completed prior to the contracting party's first income-taxable year beginning after December 31, 1935, the excess profit shall be determined separately upon the completion of each such contract or subcontract. The amount of such excess profit shall be the amount of the profit on such contract or subcontract in excess of 10 percent of the total contract price. The amount of the profit on the contract or subcontract shall be the excess of the total contract price over the cost of performing the contract or subcontract. As to the cost of performance, see article 8 of these regulations.

(c) *Contracts or subcontracts completed within contracting party's income-taxable year beginning on or after January 1, 1936.*—In the case of contracts or subcontracts completed within, or subsequent to, the contracting party's first income-taxable year beginning after December 31, 1935, the excess profit shall be determined upon the basis of all contracts and subcontracts completed by the particular contracting party within each income-taxable year. The amount of such excess profit for an income-taxable year shall be the amount of the net profit upon all contracts and subcontracts completed by the contracting party within the income-taxable year (less the credit allowable for net loss, if any, sustained in the preceding income-taxable year) in excess of 10 percent of the total contract prices of all such contracts and subcontracts. As to the allowable credit for a net loss for the preceding income-taxable year, see article 9 of these regulations. The amount of the net profit on all contracts and subcontracts completed by a particular contracting party within the income-taxable year shall be the excess of the total contract prices of such contracts and subcontracts over the total costs of performing such contracts and subcontracts. As to the cost of performing a contract or subcontract, see article 8 of these regulations. As to the keeping of separate accounts with respect to each contract or subcontract, see article 13 of these regulations.

ART. 6. *Computation of excess profit-liability. Examples.*—The application of the provisions of articles 4 and 5 of these regulations may be illustrated by the following examples:

*Example (1)*: On January 2, 1935 the A Corporation, which keeps its books and makes its Federal income tax returns on a calendar year basis, entered into a contract coming within the scope of the Act. The total contract price was $100,000. The contract was completed on August 5, 1935 at a cost of $85,000. A second contract for $20,000, entered into on April 15, 1935, was completed on June 10, 1935, at a cost of $21,000. For the year 1935 the A Corporation had a net income of $10,000 (including $10,000 of the profit upon the first contract), on which it paid a Federal income tax of $13,750. A loss having been incurred upon the second contract, there is no excess profit liability in respect of such contract. The excess profit liability upon the first contract is $5,000 computed as follows:

| | |
|---|---|
| Total contract price | $100,000 |
| Less: Cost of performing contract | 85,000 |
| Profit on contract | 15,000 |
| Less: 10 percent of total contract price (10 percent of $100,000) | 10,000 |
| Excess profit | 5,000 |
| Less: Credit for Federal income taxes | None |
| Excess profit liability | 5,000 |

*Example (2)*: On September 1, 1935, the B Corporation which keeps its books and makes its Federal income tax returns on a calendar year basis entered into a contract coming within the scope of the Act, the total contract price of which was $200,000. On March 10, 1936, the corporation entered into another such contract, the total contract price of which was $40,000. Both contracts were completed within the calendar year 1936, the first at a cost of $155,000 and the second at a cost of $45,000. The net income of the B Corporation for the year 1936 amounted to $96,000, which included the total net profit of $40,000 upon the two contracts. For the year 1936 the B Corporation paid a Federal income tax of $13,240, no part of which was surtax imposed by section 14 of the Revenue Act of 1936. The excess profit liability is $13,600 computed as follows:

| | | |
|---|---|---|
| Total contract prices: | | |
| Contract No. 1 | $40,000 | |
| Contract No. 2 | 200,000 | |
| | | $240,000 |
| Less: Cost of performing contracts: | | |
| Contract No. 1 | 45,000 | |
| Contract No. 2 | 155,000 | |
| | | 200,000 |
| Net profit on contracts | | 40,000 |
| Less: 10 percent of total contract prices (10 percent of $240,000) | | 24,000 |
| Excess profit | | 16,000 |
| Less: Credit for Federal income taxes (normal tax on $16,000 at 15 percent) | | 2,400 |
| Excess profit liability | | 13,600 |

ART. 7. *Total contract price.*—The total contract price of a particular contract of subcontract (see article 1 of these regulations) may be received in money or its equivalent. If something other than money is received, only the fair market value of the thing received, at the date of receipt, is to be included in determining the amount received. Bonuses earned for bettering performance and penalties incurred for failure to meet the contract guarantees are to be regarded as adjustments of the original contract price. Trade or other discounts are also to be deducted in determining the true total contract price.

ART. 8. *Cost of performing a contract or subcontract.*—(a) *General rule.*—The cost of performing a particular contract or subcontract shall be the sum of (1) the direct costs, including therein expenditures for materials, direct labor and direct expenses, incurred by the contracting party in performing the contract or subcontract; and (2) the proper proportion of any indirect costs (including therein a reasonable proportion of management expenses) incident to and necessary for the performance of the contract or subcontract.

(b) *Elements of cost.*—No definitions of the elements of cost may be stated which are of invariable application to all contractors and subcontractors. In general, the elements of cost may be defined for purposes of the Act as follows:

(1) Manufacturing cost, which is the sum of factory cost (see paragraph (c) of this article) and other manufacturing cost (see paragraph (d) of this article);

(2) Cost of installation and construction (see paragraph (e) of this article); and

(3) General expenses, which are the sum of indirect engineering expenses, usually termed "engineering overhead" (see paragraph (f) of this article) and expenses of administration, usually termed "administrative overhead" (see paragraph (g) of this article).

(c) *Factory cost.*—Factory cost is the sum of the following:

(1) *Direct materials.*—Materials, such as those purchased for stock and subsequently issued for contract operations and those acquired under subcontracts, which become a component part of the finished product or which are used directly in fabricating, converting or processing such materials or parts.

(2) *Direct productive labor.*—Productive labor, usually termed "shop labor", which is performed on and is properly chargeable directly to the article manufactured or constructed pursuant to the contract or subcontract, but which ordinarily does not include direct engineering labor (see subparagraph (3) of this paragraph).

(3) *Direct engineering labor.*—The compensation of professional engineers and other technicists, and of draftsmen, properly chargeable directly to the cost of the contract or subcontract.

(4) *Miscellaneous direct charges.*—Items which are properly chargeable directly to the factory cost of performing the contract or subcontract but which do not come within the classifications in subparagraphs (1), (2) and (3) of this paragraph, as for example royalties which the contracting party pays to another party and which are properly chargeable to the cost of performing the contract or subcontract (but see paragraph (d) of this article).

(5) *Indirect factory expenses.*—Items, usually termed "factory overhead", which are not directly chargeable to the factory cost of performing the contract or subcontract but which are clearly incident to and necessary for the performance of the contract or subcontract and consist of the following:

(A) *Labor.*—Amounts expended for factory labor, such as supervision and inspection, clerical labor, time keeping, packing and shipping, stores supply, and services in the factory employment bureau, which are not chargeable directly to productive labor of the contract or subcontract.

(B) *Material and supplies.*—The cost of materials and supplies for general use in the factory, such as shop fuel, lubricants, plating, cleaning and anodizing supplies, stationery, such as time tickets and other forms, and boxing and wrapping materials.

(C) *Service expenses.*—Factory expenses of a general nature, such as those for power, heat and light (whether purchased or produced), ventilation and air-conditioning and operation and maintenance of general plant assets and facilities used in the performance of the contract or subcontract.

(D) *Fixed charges.*—Recurring charges with respect to property used for manufacturing purposes of the contract or subcontract, such as premiums for fire and elevator insurance, property taxes, rentals and allowances for depreciation of such property.

(E) *Miscellaneous indirect factory expenses.*—Miscellaneous factory expenses not directly chargeable to the factory cost of performing the contract or subcontract, such as employees' welfare expenses; premiums or dues on compensation insurance; employers' payments to unemployment, old age and social security Federal and State funds not including payments deducted from or chargeable to employees or officers; pensions and retirement payments to factory employees; factory accident compensation (as to self-insurance, see paragraph (g) of this article); but not including any amounts which are not incident to services, operations, plant, equipment or facilities used or employed in the performance of the contract or subcontract.

(d) *Other manufacturing cost.*—Other manufacturing cost as used in paragraph (b) of this article includes items of

manufacturing cost which are not properly chargeable to factory cost (see paragraph (c) of this article), as for instance, "deferred" or "unliquidated" experimental and development charges if upon a complete showing of all pertinent facts they are properly to be included as a cost of manufacturing under the contract or subcontract; and payments of royalties and amortization of the cost of patent rights, the nature of which payments or amortization precludes a satisfactory charge to the classifications of factory cost (see paragraph (c) (4) of this article).

(e) *Cost of installation and construction.*—Cost of installation and construction which is an element of cost (see paragraph (b) of this article) includes the cost of materials, labor and expenses necessary for the erection and installation after the delivery of the product or material manufactured or constructed pursuant to the contract or subcontract.

(f) *Indirect engineering expenses.*—Indirect engineering expenses, usually termed "engineering overhead", which are treated in this article as a part of general expenses in determining the cost of performing a contract or subcontract (see paragraph (b) of this article), comprise the general engineering expenses which are incident to and necessary for the performance of the contract or subcontract, such as the following:

(1) *Labor.*—Compensation of employees for personal services to the engineering department, such as supervision, which is properly chargeable to the contract or subcontract, but which is not chargeable as direct engineering labor (see paragraph (c) (3) of this article).

(2) *Material.*—Supplies for the engineering department, such as paper and ink for drafting and similar supplies.

(3) *Miscellaneous expenses.*—Expenses of the engineering department, such as services purchased outside of the engineering department for blue printing, drawing, computing, and like purposes.

(g) *Expenses of administration.*—Expenses of administration, usually termed "administrative overhead", which are treated in this article as a part of general expenses in determining the cost of performing a contract or subcontract (see paragraph (b) of this article) do not include any selling or "distribution" expenses but comprehend the expenses incident to and necessary for the performance of the contract or subcontract, which are incurred in the general administration of the business, such as:

(1) *Compensation for personal services of employees.*—The salaries of the corporate and general executive officers and the salaries and wages of administrative clerical employees and of the office services employees (telephone operators, janitors, cleaners, watchmen and office equipment repairmen).

(2) *Expenses.*—Miscellaneous office and administrative expenses, such as stationery and office supplies, postage, repair and depreciation of office equipment employees' welfare expenses, premiums and dues on compensation insurance; employers' payments to unemployment, old age and social security Federal and State funds not including payments deducted from or chargeable to employees or officers; pensions and retirement payments to administrative office employees; accident compensation to office employees (except amounts for self-insurance); but including no items which are not incidental to activities necessary for the performance of the contract or subcontract.

If a party assumes its own insurable risks (usually termed "self-insurance") (a) with respect to losses arising from fire or other casualty, with respect to materials and supplies, (b) for compensation paid to employees for injuries received in the performance of their duties, or (c) for unemployment risks in States where insurance is required, such losses and payments will be allowed in the cost of performing a contract or subcontract only to the extent of the actual losses suffered or payments incurred during, and in the course of, the performance of the contract or subcontract.

Allowances for interest on invested capital are not allowable as costs of performing a contract or subcontract.

Among the items which shall not be included as a part of the cost of performing a contract or subcontract or considered in determining such cost, are the following: Selling expenses, including compensation of employees engaged in selling, operation and maintenance of sales offices, commissions, advertising and demonstrations, depreciation of sales equipment, gratis service, entertainment expenses; dues and memberships other than of regular trade associations; donations; commercial travelling expenses and the like; losses on other contracts; losses from sales or exchanges of capital assets; extraordinary expenses due to strikes or lockouts; fines and penalties; amortization of unrealized appreciation of values of assets; expenses and depreciation of idle plant; increases in reserve accounts for contingencies, repairs, compensation insurance and guarantee work; Federal and State income and excess profits taxes and surtaxes; cash discount earned up to one percent of the amount of the purchase, except that all discounts on subcontracts subject to the Act will be considered; interest incurred or earned; bond discount or finance charges; income from royalties; premiums for life insurance on the lives of officers; legal and accounting fees in connection with reorganizations, security issues, capital stock issues and the prosecution of claims against the United States (including income tax matters); taxes and expenses on issues and transfers of capital stock; losses on investments; bad debts; and expenses of collection and exchange.

In order that the cost of performing a contract or subcontract may be accounted for clearly, the amount of any excess profits repayable to the United States pursuant to the Act should not be charged to or included in such cost.

Excessive or unreasonable payments whether in cash, stock or other property ostensibly for salaries, bonuses or other compensation for personal services, may not be included in the cost of performing a contract or subcontract.

(h) *Allocation of indirect costs.*—No general rule applicable to all cases may be stated for ascertaining the proper proportion of the indirect costs to be allocated to the cost of performing a particular contract or subcontract. Such proper proportion depends upon all the facts and circumstances relating to the performance of the particular contract or subcontract. Subject to a requirement that all items which have no relation to the performance of the contract or subcontract shall be eliminated from the amount to be allocated, the following methods of allocation are outlined as acceptable in a majority of cases:

(1) *Factory indirect expenses.*—The allowable indirect factory expenses (see paragraph (c) (5) of this article) shall ordinarily be allocated or "distributed" to the cost of the contract or subcontract on the basis of the proportion which the direct productive labor (see paragraph (c) (2) of this article) attributable to the contract or subcontract bears to the total direct productive labor of the production department or particular section thereof during the period within which the contract or subcontract is performed.

(2) *Engineering indirect expenses.*—The allowable indirect engineering expenses (see paragraph (f) of this article) shall ordinarily be allocated or "distributed" to the cost of the contract or subcontract on the basis of the proportion which the direct engineering labor attributable to the contract or subcontract (see paragraph (c) (3) of this article) bears to the total direct engineering labor of the engineering department or particular section thereof during the period within which the contract or subcontract is performed. If the expenses of the engineering department are not sufficient in amount to require the maintenance of separate accounts, the engineering indirect costs may be included in the indirect factory expenses (see paragraph (c) (5) of this article) and allocated or distributed to the cost of performing the contract or subcontract as a part of such expenses, provided the proportion so allocated or distributed is proper under the facts and circumstances relating to the performance of the particular contract or subcontract.

(3) *Administrative expenses (or "overhead").*—The allowable expenses of administration (see paragraph (g) of this article) or other general expenses except indirect engineering expenses shall ordinarily be allocated or distributed to the cost of performing a contract or subcontract on the basis of the proportion which the sum of the manufacturing cost (see paragraph (b) of this article) and the cost of installation and construction (see paragraph (e) of this article) attributable to the particular contract or subcontract bears to the total manufacturing cost and cost of installation and construction during the period within which the contract or subcontract is performed.



ART. 9. *Credit for net loss in computing excess profit.*—The term "net loss" as used in the Act means the amount by which the total costs of performing all contracts and subcontracts completed by a particular contracting party within the income-taxable year exceeds the total contract prices of such contracts and subcontracts. As to the meaning of income-taxable year, see article 1 of these regulations.

A net loss for any income-taxable year beginning prior to January 1, 1936 is not allowable as a credit in computing excess profit for any succeeding income-taxable year.

A net loss sustained by a contracting party for any income-taxable year beginning after December 31, 1935 is allowable as a credit in computing the contracting party's excess profit for the next succeeding income-taxable year. Credit for such a net loss may be claimed in the contracting party's report of profit filed with the collector of internal revenue (see articles 15 and 16 of these regulations), but it should be supported by separate schedules for each contract or subcontract involved showing total contract prices, costs of performance and pertinent facts relative thereto, together with a summarized computation of the net loss. The net loss claimed is subject to verification and adjustment.

Net loss for one income-taxable year may not be considered in computing net loss for another income-taxable year.

The provisions of this article may be illustrated by the following example:

*Example:* The A Company, which keeps its books and makes its Federal income tax returns on a calendar year basis and which entered into contracts coming within the scope of the Act, sustained a net loss of $50,000 upon contracts completed within the calendar year 1936, but had a net profit of $40,000 upon contracts completed within the calendar year 1937 and a net profit of $30,000 upon contracts completed within the calendar year 1938. The net loss of $50,000 sustained in 1936 may be taken as a credit against the net profit of $40,000 for the year 1937, but the excess of $10,000 ($50,000 less $40,000) may not be taken as a credit for the year 1938.

ART. 10. *Credit for Federal income taxes.*—For the purpose of computing the amount of excess profit to be paid to the United States, a credit is allowable against the excess profit for the amount of Federal income taxes paid or remaining to be paid on the amount of such excess profit. The Federal income taxes in respect of which this credit is allowable are those imposed by Titles I and IA of the Revenue Act of 1934 and Titles I and IA of the Revenue Act of 1936. In case such a credit has been claimed and the amount of Federal income taxes imposed upon the excess profit is redetermined, the credit shall be accordingly adjusted.

ART. 11. *Failure of contractor to require agreement by subcontractor.*—Every contract or subcontract coming within the scope of the Act is required by the Act to contain, among other things, an agreement by the contracting party to make no subcontract unless the subcontractor agrees:

(a) To make a report, as described in the Act, under oath to the Secretary of the Navy upon the completion of the subcontract;

(b) To pay into the Treasury excess profit, as determined by the Treasury Department, in the manner and amounts specified in the Act;

(c) To make no subdivision of the subcontract for the same article or articles for the purpose of evading the provisions of the Act;

(d) That the manufacturing spaces and books of its own plant, affiliates, and subdivisions shall at all times be subject to inspection and audit as provided in the Act.

If a contracting party enters into a subcontract with a subcontractor who fails to make such agreement, such contracting party shall, in addition to its liability for excess profit determined on contracts or subcontracts performed by it, be liable for any excess profit determined to be due the United States on the subcontract entered into with such subcontractor. In such event, however, the excess profit to be paid to the United States in respect of the subcontract entered into with such subcontractor shall be determined separately from any contracts or subcontracts performed by the contracting party entering into the subcontract with such subcontractor.

ART. 12. *Evasion of excess profit.*—Section 3 of the Act provides that the contracting party shall agree to make no subdivisions of any contract or subcontract for the same article or articles for the purpose of evading the provisions of the Act. If any such subdivision or subcontract is made it shall constitute a violation of the agreement provided for in the Act, and the cost of completing a contract or subcontract by a contracting party which violates such agreement shall be determined in a manner necessary clearly to reflect the true excess profit of such contracting party.

ART. 13. *Books of account and records.*—It is recognized that no uniform method of accounting can be prescribed for all contracting parties subject to the provisions of the Act. Each contracting party is required by law to make a report of its true profit and excess profit. Such party must, therefore, maintain such accounting records as will enable it to do so. See article 8 of these regulations. Among the essentials are the following:

(1) The profit or loss upon a particular contract or subcontract shall be accounted for and fully explained in the books of account separately on each contract or subcontract.

(2) Any cost accounting methods, however standard they may be and regardless of long continued practice, shall be controlled by, and be in accord with, the objectives and purposes of the Act and of any regulations prescribed thereunder.

(3) The accounts shall clearly disclose the nature and amount of the different items of cost of performing a contract or subcontract.

In cases where it has been the custom priorly to use so-called "normal" rates of overhead expense or administrative expenses, or "standard" or "normal" prices of material or labor charges, no objection will be made to the use temporarily during the period of performing the contract or subcontract, if the method of accounting employed is such as clearly to reflect, in the final determination upon the books of account, the actual profit derived from the performance of the contract or subcontract and if the necessary adjusting entries are entered upon the books and they explain in full detail the revisions necessary to accord with the facts. As to the elements of cost, see article 8 of these regulations.

ART. 14. *Report to Secretary of the Navy.*—(a) *General requirements.*—Upon the completion of a contract or a subcontract coming within the scope of the Act, the contracting party is required to make a report, under oath, to the Secretary of the Navy. As to the date of completion of a contract or subcontract, see article 5 of these regulations. The Act requires that such report shall be in the form prescribed by the Secretary of the Navy and shall state the total contract price, the cost of performing the contract, the net income from such contract, and the per centum such income bears to the contract price. The contracting party shall also include as a part of such report a statement showing:

(1) the manner in which the indirect costs were determined and allocated to the cost of performing the contract or subcontract (see article 8 of these regulations);

(2) the name and address of every subcontractor with whom a subcontract was made, the object of such subcontract, the date when completed and the amount thereof; and

(3) the name and address of each affiliate or other organization, trade or business owned or controlled directly or indirectly by the same interests as those who so own or control the contracting party, together with a statement showing in detail all transactions which were made with such affiliate or other organization, trade or business and are pertinent to the determination of the excess profit.

(b) *Copy of report to be transmitted to Secretary of the Treasury.*—A copy of the report required to be made to the Secretary of the Navy is required to be transmitted by the contracting party to the Secretary of the Treasury. Such copy shall be filed by the contracting party with the collector of internal revenue for the collection district in which the contracting party's Federal income tax returns are required to be filed. In the case of a contract or subcontract completed prior to the contracting party's first income-taxable year beginning after December 31, 1935, a copy of the report to the Secretary of the Navy shall be filed with the collector of internal revenue at the time and as a part of the report required by article 15 of these regulations. In the case of a contract or subcontract completed within the contracting party's first income-taxable year beginning after December 31, 1935, or completed subsequent to such income-taxable year, copies of reports to the Secretary of the Navy with respect to contracts and subcontracts completed by the contracting party within the income-taxable year shall be filed as a part of the contracting party's annual report for such income-taxable year. As to the annual report to be filed, see article 16 of these regulations.

ART. 15. *Report to be filed with collector upon completion of contract or subcontract.*—In the case of a contract or subcontract completed prior to the contracting party's first income-taxable year beginning after December 31, 1935, a separate report on the prescribed form of the profit and excess profit on each such contract or subcontact shall be filed with the collector of internal revenue for the collection district in which the contracting party's Federal income tax returns are required to be filed. Any report thus required to be filed with the collector is due on or before the 15th day of the third month following the month within which the contract or subcontract is completed. If subsequent to the approval of these regulations and prior to the issuance of a prescribed form for such report the contracting party files with the collector of internal revenue a copy of the report to the Secretary of the Navy (see article 14 of these regulations) within the time prescribed by this article for filing a report, or if prior to the approval of these regulations the contracting party has filed with the collector of internal revenue a copy of the report to the Secretary of the Navy, in the form and manner prescribed by Treasury Decision 4434 (C. B. XIII–1, 540), such copy shall be treated as a report within the meaning of this article.

ART. 16. *Annual reports for income-taxable years.*—(a) *General requirements.*—Every contracting party completing a contract or subcontract within the contracting party's income-taxable year beginning after December 31, 1935 shall file with the collector of internal revenue for the collection district in which the contracting party's Federal income tax returns are required to be filed an annual report on the prescribed form of the profit and excess profit on all contracts and subcontracts coming within the scope of this Act. There shall be included as a part of such report a statement, preferably in columnar form, showing separately for each contract or subcontract completed by the contracting party within the income-taxable year the total contract price, the cost of performing the contract or subcontract and the resulting profit or loss on each contract or subcontract together with a summary statement showing in detail the computation of the net profit or net loss upon all contracts and subcontracts completed within the income-taxable year and the amount of the excess profit, if any, for the income-taxable year covered by the report. A copy of the report made to the Secretary of the Navy (see article 15 of these regulations) with respect to each contract or subcontract covered in the annual report, shall be filed as a part of such annual report. In case the income-taxable year of the contracting party is a period of less than twelve months (see article 1 of these regulations), the report required by this article shall be made for such period and not for a full year.

(b) *Time for filing annual reports.*—Annual reports of contracts and subcontracts completed by a contracting party within an income-taxable year beginning after December 31, 1935 must be filed on or before the 15th day of the third month following the close of the contracting party's income-taxable year. It is important that the contracting party render on or before the due date an annual report as nearly complete and final as it is possible for the contracting party to prepare. An extension of time granted the contracting party for filing its Federal income tax return does not serve to extend the time for filing the annual report required by this article. Authority consistent with authorizations for granting extensions of time for filing Federal income tax returns is hereby delegated to the various collectors of internal revenue for granting extensions of time for filing the reports required by this article. Application for extensions of time for filing such reports should be addressed to the collector of internal revenue for the district in which the contracting party files its Federal income tax returns and must contain a full recital of the causes for the delay.

ART. 17. *Payment of excess profit liability.*—The amount of the excess profit liability to be paid to the United States shall be paid on or before the due date for filing the report with the collector of internal revenue. See articles 15 and 16 of these regulations. At the option of the contracting party, the amount of the excess profit liability may be paid in four equal installments instead of in a single payment, in which case the first installment is to be paid on or before the date prescribed for the payment of the excess profit as a single payment, the second installment on or before the 15th day of the third month, the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such date.

ART. 18. *Liability of surety.*—The surety under contracts entered into after the amendment of section 3 (b) of the Act on June 25, 1936 shall not be liable for payment of excess profit due the United States in respect of such contracts.

ART. 19. *Determination of liability for excess profit, interest and penalties; assessment, collection, payment, refunds.*—The duty of determining the correct amount of excess profit liability on contracts and subcontracts coming within the scope of the Act is upon the Commissioner of Internal Revenue. Under section 3 (b) of the Act, as amended, all provisions of law (including the provisions of law relating to interest, penalties and refunds) applicable with respect to the taxes imposed by Title I of the Revenue Act of 1934 and not inconsistent with section 3 of the Act are applicable with respect to the assessment, collection, or payment of excess profits on contracts and subcontracts coming within the scope of the Act and to refunds of overpayments of profits into the Treasury under the Act. Claims by a contracting party for the refund of an amount of excess profit, interest, penalties, and additions to such excess profit shall conform to the general requirements prescribed with respect to claims for refund of overpayments of taxes imposed by Title I of the Revenue Act of 1934 and, if filed on account of any additional costs incurred pursuant to guarantee provisions in a contract, shall be supplemented by a statement under oath showing the amount and nature of such costs and all facts pertinent thereto.

Administrative procedure for the determination, assessment and collection of excess profit liability under section 3 of the Act and these regulations and the examination of reports and claims in connection therewith will be prescribed from time to time by the Commissioner of Internal Revenue.



ART. 20. *Treasury Decision 4434 superseded.*—Treasury Decision 4434 (C. B. XIII–1, 540) approved May 19, 1934, is hereby superseded.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 31, 1936.
JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

Approved, January 6, 1937.
WILLIAM D. LEAHY,
*Acting Secretary of the Navy.*

[F. R. Doc. 37–76; Filed, January 8, 1937; 11:25 a. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

DESIGNATION AND APPROVAL OF NAUTICAL SCHOOL SHIPS

*To United States Supervising Inspectors and Others Concerned:*

Under the provisions of Section 13 of the Act of March 4, 1915 (38 Stat. 1150; 46 U. S. C. 672), as amended by Section 1 of Public No. 808—74th Congress (49 Stat. 1930), graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after twelve months' service at sea after graduation.

It has been made to appear to the satisfaction of the Secretary of Commerce that the school ships operated by the States in which they are located; namely, California Nautical School, Massachusetts Nautical School, New York Merchant Marine Academy, and Pennsylvania State Nautical School, have adopted a course of study complying with the rules prescribed by the Secretary of Commerce and a system of regulations adequate to equip the students with the theory and practice of navigation necessary to qualify the graduates for the rating of able seaman.

The school ships conducted by the State organizations above named are hereby approved and their graduates, if meeting the other qualifications required by law and regulations promulgated thereunder, are entitled to the rating of able seaman and to be certificated as such.

Approved, January 7, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–77; Filed, January 8, 1937; 11:56 a. m.]

RULES FOR THE CONDUCT OF SCHOOL SHIPS

Section 13 of the Act of March 4, 1915 (38 Stat. 1159; 46 U. S. C. 672), as amended by Section 1 of Public No. 808—74th Congress (49 Stat. 1930), provides that graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after twelve months' service at sea after graduation.

Pursuant to the above cited provision, the following rules are hereby prescribed for the conduct of such school ships:

1. The course of study shall include (a) all the instruction in the fundamentals of navigation necessary to fully equip the student with the theoretical knowledge required for the proper discharge of the duties devolving on able seamen; (b) the privileges and disabilities appertaining to the rating of able seamen, their duty to obey all lawful orders coming from their superior officers, and the rules of conduct to be observed in order that proper discipline may be maintained on shipboard; (c) the fundamentals of ship sanitation as prescribed by law and regulations.

2. A thorough practical training in the mechanics of all operations incident to the sailing and management of a vessel in so far as such operations form a part of the duties of able seamen, including intensive instruction and practical training in all the operations incident to fire and lifeboat drills, both in port and at sea.

Approved, January 7, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–78; Filed, January 8, 1937; 11:56 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

STATISTICAL CIRCULAR No. 1

The Commission, at a General Session, held on December 2, 1936, approved the attached Statistical Circular No. 1, as revised, for holding companies for the year 1936.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

GENERAL INFORMATION PERTAINING TO HOLDING COMPANIES

This circular relative to the year 1936 should be filled out in triplicate and two copies returned to the Federal Communications Commission, Washington, D. C., by March 31, 1937. Your attention is especially directed to the following provisions of the Communications Act of 1934:

SEC. 219 (a). The Commission is authorized to require annual reports under oath from all carriers subject to this Act, and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, any such carrier, to prescribe the manner in which such reports shall be made, and to require from such person specific answers to all questions upon which the Commission may need information. • • •

This circular is intended for the use of holding companies includible in one or more of the following classes:

1. Those controlling one or more carriers engaged in wire or radio communication, which controlled companies have aggregate average annual operating revenues not exceeding $50,000.

2. Railways, power companies, and other companies that file detailed annual reports with agencies of the Federal Government.

3. Those interested primarily in commercial, industrial, or similar activities whose interests in communication companies constitute only a nominal portion of their aggregate assets.

It is requested that the accompanying circular[1] be completed by the insertion of a specific answer to each question applicable.

[F. R. Doc. 37–75; Filed, January 8, 1937; 9:46 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

METHOD OF RELIEF OF OWNERS OF LOST, STOLEN, OR DESTROYED BONDS

*Be it resolved*, That, pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 126, 129), as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647), and particularly by Sections 4–a and 4–k of said Act, as amended, the resolution prescribing the method of giving relief to owners of lost, stolen, or destroyed bonds of the Home Owners' Loan Corporation, passed by this Board on Tuesday, July 14, 1936, be amended by adding the following provision:

That the word "bond" or "bonds" where used in this resolution shall be construed to include interim receipts: *Provided*, That relief on account of the loss, destruction, or

[1] Complete circular has been filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Federal Communications Commission, Washington, D. C.

defacement of such interim receipts shall be given by the issuance of definitive bonds, rather than by payment or the issuance of duplicates.

Adopted by the Federal Home Loan Bank Board on January 7, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-79; Filed January 8, 1937; 12:21 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-126]

IN THE MATTER OF ATLAS CORPORATION 6% PREFERRED STOCK, PAR VALUE $50

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The San Francisco Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 6% Preferred Stock, Par Value $50 of Atlas Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Tuesday, Feb. 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-85; Filed, January 8, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-126]

IN THE MATTER OF ATLAS CORPORATION COMMON STOCK, $5.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The San Francisco Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $5.00 Par Value, of Atlas Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Tuesday, Feb. 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-86; Filed, January 8, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-90]

IN THE MATTER OF BERKEY & GAY FURNITURE CO. COMMON STOCK, $1.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The San Francisco Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $1.00 Par Value, of Berkey & Gay Furniture Co.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Tuesday, Feb. 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-83; Filed, January 8, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-91]

IN THE MATTER OF BERKEY & GAY FURNITURE CO. STOCK PURCHASE WARRANTS (WARRANTS TO PURCHASE COMMON STOCK AT $2.25 PER SHARE)

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The San Francisco Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Stock Purchase Warrants (Warrants to purchase Common Stock at $2.25 per share) of Berkey & Gay Furniture Co.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Tuesday, Feb. 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-82; Filed, January 8, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January A. D. 1937.

[File No. 43-23]

IN THE MATTER OF NORTH AMERICAN GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by North American Gas and Electric Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, for approval of the issuance of $2,248,819.10 principal amount of 6% Cumulative Income Debentures which declarant proposes to issue, to refund its unsecured indebtedness, pursuant to the Amended Plan of Reorganization of Declarant, approved and confirmed by the United States District Court for the Southern District of New York by order of said Court entered December 24, 1936;

It is ordered that a hearing on such matter be held on January 25, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 21, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-80; Filed, January 8, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-93]

IN THE MATTER OF UNITED AIRCRAFT CORP. CAPITAL STOCK, $5.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The San Francisco Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Capital Stock, $5.00 Par Value, of United Aircraft Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Tuesday, Feb. 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-88; Filed, January 8, 1937; 12:56 p m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-94]

IN THE MATTER OF UTAH-IDAHO SUGAR CO. COMMON STOCK, $5.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The San Francisco Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $5.00 Par Value, of Utah-Idaho Sugar Co.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m on Tuesday, Feb. 2, 1937, in Room 1103, Securities

and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-87; Filed, January 8, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-92]

IN THE MATTER OF STUDEBAKER CORPORATION COMMON STOCK, $1.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The San Francisco Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $1.00 Par Value, of Studebaker Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10:00 a. m. on Tuesday, Feb. 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-84; Filed, January 8, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of January A. D. 1937.

[File 2-2719]

IN THE MATTER OF MOUNT BAKER CHROMIUM CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on January 4, 1937, consents to the withdrawal of the registration statement of the above-named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-89; Filed, January 8, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December A. D. 1936.

[File No. 2-2617]

IN THE MATTER OF OLIVER FARM EQUIPMENT COMPANY

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on December 28, 1936, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-90; Filed, January 8, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of January A. D. 1937.

[File No. 2-1988]

IN THE MATTER OF UNITED STATES CASUALTY COMPANY

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on December 29, 1936, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-91; Filed, January 8, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 5th day of January 1937.

[File No. 7-51]

IN THE MATTER OF CITY AND SUBURBAN HOMES COMPANY CAPITAL STOCK, $10 PAR VALUE

ORDER DENYING APPLICATION TO TERMINATE UNLISTED TRADING PRIVILEGES

Tweedy & Company, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF3 prescribed thereunder, having made application to the Commission to terminate unlisted trading privileges on the New York Curb Exchange in the Capital Stock, $10 Par Value, of City and Suburban Homes Company; and

After appropriate notice, a hearing having been held in this matter on September 11, 1936, in Washington, D. C., at which it was established that the applicant, Tweedy & Company, are brokers and dealers who make and create a market for said security, and that on April 24, 1931, said security was admitted to unlisted trading privileges on the New York Curb Exchange and that said privileges have been continued pursuant to clause 1 of Section 12 (f) of said Act, as amended; and

The Commission, based upon the evidence introduced at said hearing, not having found that by reason of inadequate public distribution of said security in the vicinity of said exchange, or by reason of inadequate public trading activity or of the character of trading therein on said exchange, said termination of unlisted trading privileges is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application to terminate unlisted trading privileges in the Capital Stock, $10 Par Value, of City and Suburban Homes Company on the New York Curb Exchange be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-93; Filed, January 8, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of January 1937.

[File No. 2-843]

IN THE MATTER OF JOHN L. ETHERIDGE (KETTLEMAN HILLS SYNDICATE OF NORTH DOME ROYALTIES)

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of John L. Etheridge (Kettleman Hills Syndicate of North Dome Royalties), of Riverside, California, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement contains untrue statements of material facts and fails to state material facts required to be stated therein and fails to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement contains untrue statements of material facts and omits to state material facts required to be stated and material facts necessary to make statements made not misleading, all as more fully set forth in the Trial Examiner's Report in this matter which is hereby adopted, and being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by John L. Etheridge (Kettleman Hills Syndicate of North Dome Royalties), of Riverside, California, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-92; Filed, January 8, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January A. D. 1937.



IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE LEONA MCCLUSKEY FARM, FILED ON DECEMBER 31, 1936, BY WOODFIN & COX, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date in Division I when the information contained in the sheet will be out of date is miscalculated.

(2) In that the names are omitted from Items 14 (b), (c), (d), Division II.

(3) In that Item 24 of Division II implies that Item 23 (b) was answered in the negative. The text of and answer to item 23 (b) were, however, omitted.

(4) In that Item 24 (c), Division II, does not disclose the information required by the Regulations. In view of the apparent partial dependence upon proceeds of this sale, the financial responsibility of the offeror should be shown.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 20th day of January 1937 at 10:30 o'clock in the forenoon at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-81; Filed, January 8, 1937; 12:54 p. m.]

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*Tuesday, January 12, 1937* *No. 7*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ESTABLISHING SHINNECOCK MIGRATORY BIRD REFUGE

*New York*

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described area, containing 8.42 acres, more or less, situated in Hampton Bays, Suffolk County, Long Island, New York, together with all buildings thereon, be, and it is hereby, reserved and

set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife:

The property known as the Shinnecock Bay Light Station Reservation bounding on Shinnecock Bay, and more definitely described as follows:

Beginning at a concrete monument, marked U. S. L. H. E., from which the northwest corner of a frame dwelling on the property bears S. 71°07′ E., 148.76 feet distant, the southwest corner of said dwelling bears S. 60°28′ E., 159.61 feet distant, and a granite monument bears N. 87°17′10″ W., 50.18 feet distant, marked U. S.

Thence from said initial point by metes and bounds,

S. 87°17′10″ E., 465.0 feet, more or less, to Shinnecock Bay;

Thence southerly along the shore of the bay, 1,253.46 feet, to a point;

Thence inland, with five courses,

N. 45°02′50″ W., 46.37 feet, to a concrete monument;
N. 45°02′50″ W., 100.0 feet, to a concrete monument;
N. 56°46′ W., 365.02 feet, to a concrete monument;
N. 25°19′ W., 886.18 feet, to a concrete monument;
N. 7°34′40″ E., 116.47 feet, to point of beginning.

The above-described property was acquired by the United States by purchase and is primarily under the jurisdiction of the Department of Commerce, and its reservation as a wildlife refuge is subject to the use thereof by that Department for lighthouse purposes; and the use thereof by the Department of Agriculture shall be without interference with any existing or future uses or regulations of the Department of Commerce.

This refuge shall be known as the Shinnecock Migratory Bird Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 8, 1937.*

[No. 7532]

[F. R. Doc. 37-94; Filed, January 11, 1937; 10:02 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 3 to Declaration No. 12.]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

JANUARY 4, 1937.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

Maryland: Baltimore, January 2, 1940; Wicomico, January 2, 1940.
New Jersey: Essex, January 2, 1940; Hunterdon, January 2, 1940.
New York: Seneca, January 2, 1940; Wyoming, January 2, 1940.
Puerto Rico: Ceiba, January 2, 1940; Fajardo, January 2, 1940.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

California: Plumas, January 2, 1940.
Florida: Charlotte, January 2, 1940; Hendry, January 2, 1940; Highlands, January 2, 1940; Lee, January 2, 1940; Pasco, January 2, 1940.
Illinois: Lee, January 2, 1940; St. Clair, January 2, 1940; Scott, January 2, 1940.
Indiana: Vermillion, January 2, 1940.
Iowa: Delaware, January 2, 1940; Hamilton, January 2, 1940; Monona, January 2, 1940; Shelby, January 2, 1940.
Kansas: Brown, January 2, 1940; Greenwood, January 2, 1940; Harvey, January 2, 1940; Morton, January 2, 1940; Reno, January 2, 1940.
Kentucky: Estill, January 2, 1940; Mason, January 2, 1940.
Maine: Sagadahoc, January 2, 1940.
Maryland: Allegany, January 2, 1940.
Michigan: Branch, January 2, 1940; Clare, January 2, 1940; Grand Traverse, January 2, 1940; Leelanau, January 2, 1940; Missaukee, January 2, 1940.
Minnesota: Becker, January 2, 1940; Benton, January 2, 1940; Clay, January 2, 1940; Morrison, January 2, 1940; Mower, January 2, 1940.
Missouri: Lafayette, January 2, 1940; Pettis, January 2, 1940; Saline, January 2, 1940.
New Mexico: Union, January 2, 1940.
New York: Albany, January 2, 1940.
North Carolina: Pitt, January 2, 1940.
Pennsylvania: Huntingdon, January 2, 1940.
South Carolina: Dillon, January 2, 1940; Greenville, January 2, 1940.
Tennessee: Hamblen, January 2, 1940; Henry, January 2, 1940; Weakley, January 2, 1940.
Texas: Randall, January 2, 1940.
Virginia: Botetourt, January 2, 1940; Louisa, January 2, 1940.
West Virginia: Kanawha, January 2, 1940; Monongalia, January 2, 1940.
Wisconsin: Green Lake, January 2, 1943; Juneau, January 2, 1940; Kewaunee, January 2, 1943; Marinette, January 2, 1943; Marquette, January 2, 1943; Milwaukee, January 2, 1940; Pepin, January 2, 1943; Racine, January 2, 1940; Richland, January 2, 1940; Sheboygan, January 2, 1943; Vilas, January 2, 1943; Walworth, January 2, 1940; Waupaca, January 2, 1943; Waushara, January 2, 1943; Wood, January 2, 1943.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL] J. R. MOHLER, *Chief of Bureau.*

[F. R. Doc. 37-95; Filed, January 11, 1937; 12:42 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### HOLDING COMPANY ACT

AMENDMENT TO RULE 13-60

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly Sections 13 (c) and 20 (a) thereof and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and necessary and appropriate to carry out the provisions of said Act and the rules and regulations thereunder, the Securities and Exchange Commission hereby adopts the following rule and Form U-13-60 and the instructions for such form, referred to in said rule and annexed thereto:

RULE 13-60. *Annual Reports by Mutual and Subsidiary Service Companies.*—On or before the first day of April in each calendar year, every mutual service company and every subsidiary service company whose organization and method of conducting business the Commission, pursuant to Rule 13-22, has found sufficient to meet the requirements of Section 13 (b), shall file with the Commission a report for the prior calendar year, or for any portion thereof during which there was effective as to such company any uniform system of accounts prescribed by any rules of the Commission. Every such report shall be submitted on Form U-13-60 (marked "approved December 17, 1936") and shall be prepared in accordance with the instructions incorporated in such form. For appropriate cause shown, the Commission may extend the time within which any such report is to be filed. If any company after filing such a report shall submit changes or amendments thereto by letter, pursuant to instruction 6 of such form, such company shall be deemed thereby to have agreed that the Commission's staff may indicate the changes or amendments such company desires to make in its report by causing notations of the changes set forth in such letter to be made on the copies of such report so filed and by substituting in such copies any new pages or schedules that may be thus submitted by the reporting company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-99; Filed, January 11, 1937; 12: 49 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of January A. D. 1937.

[File No. 46-26]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

[File No. 46-27]

MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

New England Gas and Electric Association, an affiliate of a number of Public Utility Companies, having duly filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it from Massachusetts Utilities Associates of 49,830 shares of capital stock, par value $25 each, of Plymouth County Electric Company, 1,366 shares of 6 per centum cumulative preferred stock, par value $100 each, of Plymouth Gas Light Company and 1,288 shares of common stock, par value $100 each, of said Plymouth Gas Light Company; Massachusetts Utilities Associates, a subsidiary company of a registered holding company, having also filed an application pursuant to Section 10 (a) (1) for approval of the acquisition of certain securities to be delivered to it by said New England Gas and Electric Association; it appearing that the securities proposed to be acquired by said Massachusetts Utilities Associates are additional securities of the following existing subsidiary companies of Massachusetts Utilities Associates:

Amesbury Electric Light Company,
Central Massachusetts Light & Power Company Preferred Voting Trust,
Central Massachusetts Light & Power Company Voting Trust No. 2,
Central Massachusetts Light & Power Company,
Commonwealth Gas & Electric Companies Voting Trust,
Commonwealth Gas & Electric Companies,
Franklin County Power Company,
Gardner Gas, Fuel and Light Company,
Marlborough Electric Company,
Massachusetts Lighting Companies Shares Trust,
Massachusetts Lighting Companies,
Merrimac Valley Power and Buildings Company,
Norwood Gas Company,
Weymouth Light and Power Company,
Winchendon Electric Light and Power Company, and
Worcester Suburban Electric Company;

the proposed acquisitions by both of said companies being pursuant to a single agreement between them involving the exchange of said securities and the payment of $25,000 in cash to New England Gas and Electric Association by Massachusetts Utilities Associates; and it appearing to the Commission that these related applications should be heard and considered together;

It is ordered that a hearing on such matters be held on January 28, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 23, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-96; Filed, January 11, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of January A. D. 1937.

[File No. 43-24]

IN THE MATTER OF REPUBLIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Republic Service Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it of First Lien Collateral Trust Twenty-Five Year Bonds in the aggregate principal amount of $500,000;

It is ordered that a hearing on such matter be held on January 28, 1937, at 2:00 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 23, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-97; Filed, January 11, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-KYLE FARM, FILED ON NOVEMBER 16, 1936, BY P. H. LOWRIE, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the

subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 7, 1937, be effective as of January 7, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-98; Filed, January 11, 1937; 12:49 p. m.]

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## *Wednesday, January 13, 1937* — *No. 8*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48739]

CUSTOMS REGULATIONS AMENDED—CONTINUOUS CUSTODY

CUSTOMS REGULATIONS OF 1931, RELATING TO EXAMINATION AND RELEASE OF MERCHANDISE ELSEWHERE THAN AT PUBLIC STORES, AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), the Customs Regulations of 1931 are hereby amended as follows:

Article 1058, as amended by T. D. 48465, is further amended by adding a new paragraph to be designated (f), reading as follows:

(f) Except as provided by paragraph (d) of this article, merchandise examined elsewhere than at the public stores in accordance with the provisions of article 772 is released from customs custody when final examination for purposes of appraisement has been completed.

Article 772 (f) is amended by adding thereto the following: "(See art. 1058 (f).)"

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved:

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-102; Filed, January 12, 1937; 9:48 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

[General Circular No. 372]

THE ALASKA RAILROAD

ANNUAL PASSES FOR 1937

ANCHORAGE, ALASKA,
*December 11, 1936.*

*To All Concerned:*

All annual passes issued for the years 1935–1936, expiring December 31, 1936, will be honored up to and including December 31, 1937, unless otherwise ordered.

Authority Act March 12, 1914, and Executive Order No. 3861.

J. T. CUNNINGHAM,
*Acting General Manager.*

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director, Division of Territories and Island Possessions.*

JANUARY 11, 1937.

[F. R. Doc. 37-101; Filed, January 12, 1937; 9:40 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Vermont Issued January 12, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—VERMONT

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937 in accordance with the following provisions of this bulletin No. 101 for Vermont and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Payment for Soil-Building Practices*

Under the 1937 Conservation Program, Vermont farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this section.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number and Description of Practice and Rate of Payment

LIMING

1. Applying 1,000 to 6,000 pounds of ground limestone, or its equivalent, per acre to crop or pasture land.

Payment—In Area A, $2.00 per 1,000 lbs.; In Area B, $2.50 per 1,000 lbs.



Area A includes: Addison, Chittenden, Franklin, Rutland, Windham, and Windsor Counties.

Area B includes: Bennington, Caledonia, Essex, Grand Isle, Lamoille, Orange, Orleans, and Washington Counties.

FERTILIZING CONSERVING CROPS

Applying phosphoric acid, potash, or nitrogen or approved combination of these materials in approved amounts, subject to such limitations as are stated herein or may be specified later, to established sod (in pastures, orchards, or hay lands) or in connection with the seeding of biennial or perennial legumes or green-manure crops in orchards. No payment will be made for nitrogen in any use in excess of 32 pounds per acre, or for nitrogen applied to hay land in excess of 24 pounds per acre. When phosphoric acid is applied in connection with a seeding made in a nurse crop which is harvested for grain, the payment will be made only for amounts of phosphoric acid in excess of 32 pounds per acre. Payments will also be made for phosphoric acid when added to farm manures as a preservative and reinforcement in approved amounts and when such farm manures are for use on established sod or in connection with the seeding of biennial or perennial legumes or green-manure crops.

2. Payment, For available phosphoric acid, 4¢ per lb.

3. Payment, For available potash, 3¢ per lb.

4. Payment, For available nitrogen, 4¢ per lb.

*Seeding*

5. Seeding approved medium red clover or mixtures containing at least 5 pounds per acre of approved medium red clover seed or its equivalent in other clover seed, on land prepared for this seeding by the application of amounts of lime and fertilizer specified through the county committee, or on land without such application when soil tests or other evidence satisfactory to the committee indicate that the application is not needed.

Payment, $2.00 per acre.

6. Seeding approved alfalfa or mixtures containing at least 5 pounds of approved alfalfa seed per acre, on land prepared for this seeding by the application of amounts of lime and fertilizer specified through the county committee, or on land without such application when soil tests satisfactory to the committee indicate that the application is not needed.

Payment, $3.00 per acre.

GREEN-MANURE CROPS

7. Plowing or disking under small grains or annual grasses or mixtures of these which have attained at least two months' or 12 inches' growth. If this practice (7) is carried out after September 15, 1937, it must be followed by a crop which will protect the land during the winter.

Payment, $1.50 per acre.

8. Plowing or disking under biennial legumes or perennial legumes for which no seeding payment has been made under this or previous programs and from which no crop has been harvested and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

ORCHARDS

9. Applying to orchards not less than 2 tons per acre of mulching material in addition to leaving in the orchard all materials produced therein during 1937 from grass, legumes, or green-manure or cover crops.

Payment, $2.00 per ton on an amount not in excess of 5 tons per acre.

10. Excluding livestock from maple sugar orchards which have normally been pastured. To be classified as a maple sugar orchard the land must have at least 5 sugar maple trees per acre suitable to be tapped and such trees must make up at least one-fourth of the trees on the land. If payment is made for this practice, payment will not be made for carrying out either practice 13 or practice 14 on the same area.

Payment, $1.00 per acre.

WOODLANDS

11. Planting transplanted forest trees of approved varieties at the rate of at least 1,000 trees per acre.

Payment, $10.00 per acre.

12. Improving the stand of forest trees by cutting weed trees or thinning or pruning other trees, to develop at least 100 potential timber trees of desirable species well distributed over an acre of woodland. Operators shall obtain approval before performing this practice.

Payment, $3.00 per acre.

13. Constructing fence consisting of not less than two strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture. If payment is made for this practice, payment will not be made for carrying out either practice 10 or practice 14 on the same area.

Payment, 15¢ per rod.

14. Constructing fence consisting of not less than three strands of barbed wire, or woven wire, at least 24 inches high, with not less than one strand of barbed wire, with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlots previously used for pasture. If payment is made for this practice, payment will not be made for carrying out either practice 10 or practice 13 on the same area.

Payment, 20¢ per rod.

*Part II. The Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm. It shall be the sum of such of the following items as are applicable to that farm. The allowance, however, shall be at least $20.00.

1. *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

2. *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

3. *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

4. *Non-crop pasture land.*—$0.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part III. Provisions Affecting Payments*

SECTION 1. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 2. *Increase in Acreage of General Soil-Depleting Crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 3. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping or other practices are adopted by such person which the Secretary determines tend to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part IV. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the state committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included under an Application.*—An application for payment shall cover neither more nor less than a single farm as defined in part V of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application on the prescribed form, filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937 or of the proceeds thereof or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more adjoining counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to the farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

SECTION 7. *Tobacco.*—The statements in this bulletin apply to all farms in Vermont except those farms for which tobacco bases are established in 1937. Bulletin No. 101A for Vermont, to be issued separately, describes the program as it applies to those farms. For such farms the soil-building allowance and certain rates of payment will differ from those prescribed herein.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of Vermont.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable, a state, a political subdivision of a state, or any agency thereof or any other Governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise: *Provided*, that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937 to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial Orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, including cranberries, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937, or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweetpotatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.



*Open Non-Crop Pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres, on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

*Soil-Building Payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 12th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-105; Filed, January 12, 1937; 12:24 p. m.]

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NSCP—Bulletin No. 1, Supplement No. 1.

1937 NAVAL STORES CONSERVATION PROGRAM

BULLETIN NO. 1, SUPPLEMENT NO. 1

Bulletin No. 1, setting forth the terms and conditions of the 1937 Naval Stores Conservation Program, approved by the Secretary of Agriculture on December 28, 1936, is hereby amended, as follows:

I. Paragraph (c) of Item (4), under the heading "Conditions of Payment—Performance required", is changed to read:

Total height of face on any tree shall not exceed 100 inches at the beginning of the season in average vertical measurement between shoulders of first streak and shoulders of last streak including jump streaks.

II. Paragraph (d) of Item (4), under the heading "Conditions of Payment—Performance required", is changed by the deletion of the final period, the substitution of a colon in lieu thereof and the addition of the following:

*Provided, however,* That the restriction with respect to width of bark bar shall not apply to any tree which has on it two or more old faces.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 12th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-106; Filed, January 12, 1937; 12:24 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2983]

IN THE MATTER OF ROBERT HOLMES, INC., A CORPORATION, AND ALBERT GOODMAN, AN INDIVIDUAL

SUBSTITUTE ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

Whereas, William C. Reeves, an examiner of this Commission, was heretofore appointed to take testimony and receive evidence in this proceeding, pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C., Section 41), and whereas the said William C. Reeves, by reason of other duties to perform will be unable to continue therein,

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding in the place and stead of the said William C. Reeves beginning on Friday, January 15, 1937, at ten o'clock in the forenoon of that day, eastern standard time, in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-103; Filed, January 12, 1937; 10:48 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2924]

IN THE MATTER OF JOSEPH LEWIN, TRADING AS LEEV-NO-RING CHEMICAL COMPANY

SUBSTITUTE ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

Whereas William C. Reeves, an examiner of this Commission, was heretofore appointed to take testimony and receive evidence in this proceeding, pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and whereas the said William C. Reeves, by reason of other duties to perform will be unable to continue therein,

It is ordered that W. W. Sheppard, an examiner of this Commission be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding in the place and stead of the said William C. Reeves, beginning Monday, January 18, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-104; Filed, January 12, 1937; 10:48 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 7th day of January A. D. 1937.

IN THE MATTER OF ANNUAL REPORTS FROM LESSORS TO STEAM RAILWAY COMPANIES

The subject of the requirement of annual reports from lessors to steam railways being under consideration:

*It is ordered*, That all lessors to steam railway companies subject to the provisions of the Interstate Commerce Act be and they hereby are required to file an annual report for the year ending December 31, 1936, and for each succeeding year until further order, in accordance with Annual

Report Form E (Lessor Companies), which is hereby approved and made a part of this order.

*It is further ordered*, That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-100; Filed, January 11, 1937; 1:38 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-99]

IN THE MATTER OF BETHLEHEM STEEL CORP. COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Philadelphia Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the common stock, no par value, of Bethlehem Steel Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 11 a. m. on Thursday, Feb. 11, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-107; Filed, January 12, 1937; 1:00 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-129]

IN THE MATTER OF EDWARD G. BUDD MFG. CO. COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No Par Value, of Edward G. Budd Manufacturing Co.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-110; Filed, January 12, 1937; 1:00 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January 1937.

[File No. 7-100]

IN THE MATTER OF STUDEBAKER CORPORATION COMMON STOCK, $1.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Philadelphia Stock Exchange, having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $1.00 Par Value, of Studebaker Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 11 a. m. on Thursday, Feb. 11, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-108; Filed, January 12, 1937; 1:00 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-133]

IN THE MATTER OF WALWORTH COMPANY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No Par Value, of Walworth Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-109; Filed, January 12, 1937; 1:00 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January A. D. 1937.

[File No. 43-20]

IN THE MATTER OF MISSOURI PUBLIC SERVICE CORPORATION

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

Missouri Public Service Corporation, having duly filed with this Commission a declaration, and an amendment thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of $4,445,700 principal amount of its First Mortgage 5% Bonds, Series A, to be dated as of August 1, 1935, and to mature August 1, 1960, 146,705 shares of its no par Common Stock (including 13,000 shares for delivery on exercise of Stock Purchase Warrants) and Stock Purchase Warrants to subscribe, on or before December 31, 1939, for 13,000 shares of such Common Stock, the basic price at which such warrants may be exercised being $25 per share but such price being subject to adjustment under certain specified conditions, all of such securities to be issued and exchanged pursuant to a plan under Section 77B of the United States Bankruptcy Act for reorganization of Missouri Public Service Company, a Missouri corporation, which plan has been confirmed by the United States District Court in and for the Northern District of Illinois, Eastern Division; opportunity for hearing on said declaration, as amended, having been given after appropriate notice; the record in this matter having been examined, and the Commission having made and filed its findings herein:

It is ordered that said declaration, as amended, be and become effective as of January 11, 1937, on condition that the issue and sale of such securities be effected in substantial compliance with all the terms and conditions of, and for the purposes represented by, said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-116; Filed, January 12, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OZARK-PORTMAN FARM, FILED ON DECEMBER 8, 1936, BY FIRST DEPENDABLE OIL CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on December 24, 1936, be effective as of December 24, 1936; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-112; Filed, January 12, 1937; 1:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN ET AL. MCNABB FARM, FILED ON JANUARY 4, 1937, BY LOUIS BERNSTEIN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the date appearing in Division I, when the information contained in the offering sheet will be out of date, is miscalculated (see Items 15 and 16 (a) of Division II);

2. In that the plat, Exhibit A, is undated;

3. In that in Item 1 of Division II the calculation of the number of barrels the tract must produce to entitle the owner of a smallest fractional interest to one barrel is miscalculated;

4. In that in Item 2 (d) of Division II you have included names of other alleged operators than the British-American Oil Producing Company;

5. In that Item 5 of Division II names the wrong purchaser;

6. In that Item 8 of Division II is incorrect, and hence Items 8 (d) (i) to (v) should be included in the sheet;

7. In that Item 8 (c) of Division II is subject to modification based upon what particular interests are involved in the offering;

8. In that Exhibit A does not show the area to the North of the tract which is required by the regulations of the Commission under the Securities Act of 1933, as amended;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and

affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of January 1937 at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-114; Filed, January 12, 1937; 1:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE CRUDE OIL-MATTIE FORNEY FARM, FILED ON JANUARY 4, 1937, BY CRUDE OIL PRODUCERS, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the scale and the depths of wells are omitted from Exhibit A.

(2) In that neither of the alternate statements required by the regulations to follow Item 11, Division II, has been incorporated in the offering sheet.

(3) In that Item 6 (b), Division II, neglects to state that a portion of the taxes paid are to be deducted from the payment to each interest holder.

(4) In that the clause "or disapproved" is omitted from the second paragraph, Division I.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of January 1937 at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-113; Filed, January 12, 1937; 1:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY LEASE, FILED ON JANUARY 4, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Item 17 (e), Division II, is inconsistent as to the number of acres, with Item 2 (c) and Exhibit B.

(2) In that Exhibit B states lot Q is included on this tract; lot Q is not shown on Exhibit A.

(3) In that Item 19, Division II, is untrue.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of January 1937 at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-115; Filed, January 12, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January A. D. 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-PHILLIPS-EGERMIER FARM, FILED ON JANUARY 4, 1937, BY L. H. WITWER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that Items 16 (c) and (d) of Division II are miscalculated if Item 1 of Division II is correctly stated;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of January 1937 at 11:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-111; Filed, January 12, 1937; 1:01 p. m.]

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*Thursday, January 14, 1937* *No. 9*

## PRESIDENT OF THE UNITED STATES.

OTTAWA NATIONAL FOREST—MICHIGAN

By the President of the United States of America

A PROCLAMATION

WHEREAS by proclamation of January 27, 1931 (46 Stat. 3044), there were set apart and reserved as the Ottawa National Forest in the State of Michigan certain lands which had been, or might thereafter be, acquired by the United States of America under authority of the act of Congress approved March 1, 1911, ch. 186, 36 Stat. 961 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, ch. 348, 43 Stat. 653 (U. S. C., title 16, sec. 515), together with certain adjoining public lands; and

WHEREAS it appears that it would be in the public interest to modify the boundaries of the said national forest by including therein certain other forest lands which have been, or may be, acquired under authority of the said acts of March 1, 1911, and June 7, 1924, and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and certain adjoining public lands:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power in me vested by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, ch. 2, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), section 11 of the said act of March 1, 1911, ch. 186, 36 Stat. 963 (U. S. C., title 16, sec. 521), and section 5 of the said Emergency Relief Appropriation Act of 1935 do proclaim that all lands of the United States within the areas shown as additions on the diagram attached hereto and made a part hereof [1] are hereby included in and reserved as a part of the Ottawa National Forest, and that all lands within such areas which may hereafter be acquired by the United States under the said acts of March 1, 1911, and June 7, 1924, and the said Emergency Relief Appropriation Act of 1935 shall upon acquisition of title thereto be reserved and administered as a part of the said Forest.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than for classification under Executive Orders No. 4430 of April 23, 1926, as modified, and No. 6964 of February 5, 1935, as amended, be subject to, and shall not interfere with or defeat, legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11" day of January in the year of our Lord nineteen hundred and
[SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

R. WALTON MOORE,
*Acting Secretary of State.*

[No. 2220]

[F. R. Doc. 37-122; Filed, January 13, 1937; 11:13 a. m.]

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EXECUTIVE ORDER

EXCLUDING LAND FROM SITGREAVES NATIONAL FOREST AND RESERVING IT FOR TOWNSITE PURPOSES

*Arizona*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, ch. 2, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tract of land in Arizona be, and it is hereby, excluded from the Sitgreaves National Forest:

Beginning at the 1/64 section corner on the meridional center line of section 11, T. 11 N., R. 19 E., G. and S. R. M., which is 9.995 chs. N. 0°34' W. of the ¼ section corner of sections 11 and 14;

Thence following lines of legal subdivisions,
S. 89°38'15" E., 4.914 chs.
S. 0°34'45" E., 5.000 chs.
S. 89°36'07" E., 14.745 chs. to the 1/256 section corner, from which the E. 1/16 section corner of sections 11 and 14 bears S. 0°37' E., 5.010 chs. distant;
Thence following the center line of the SE¼ section 11,
S. 0°37' E., 1.00 ch.
Thence not on regular subdivision-of-section lines,
N. 89°36'07" W., 16.245 chs.
N. 0°34'45" W., 5.000 chs.
N. 89°38'15" W., 8.282 chs. to a point from which the description again follows regular subdivision-of-section lines;
Thence,
N. 0 17'30" W., 1.000 chs.
S. 89°38'15" E., 4.868 chs. to the place of beginning, containing 3.35 acres.

[1] *See* page 64.

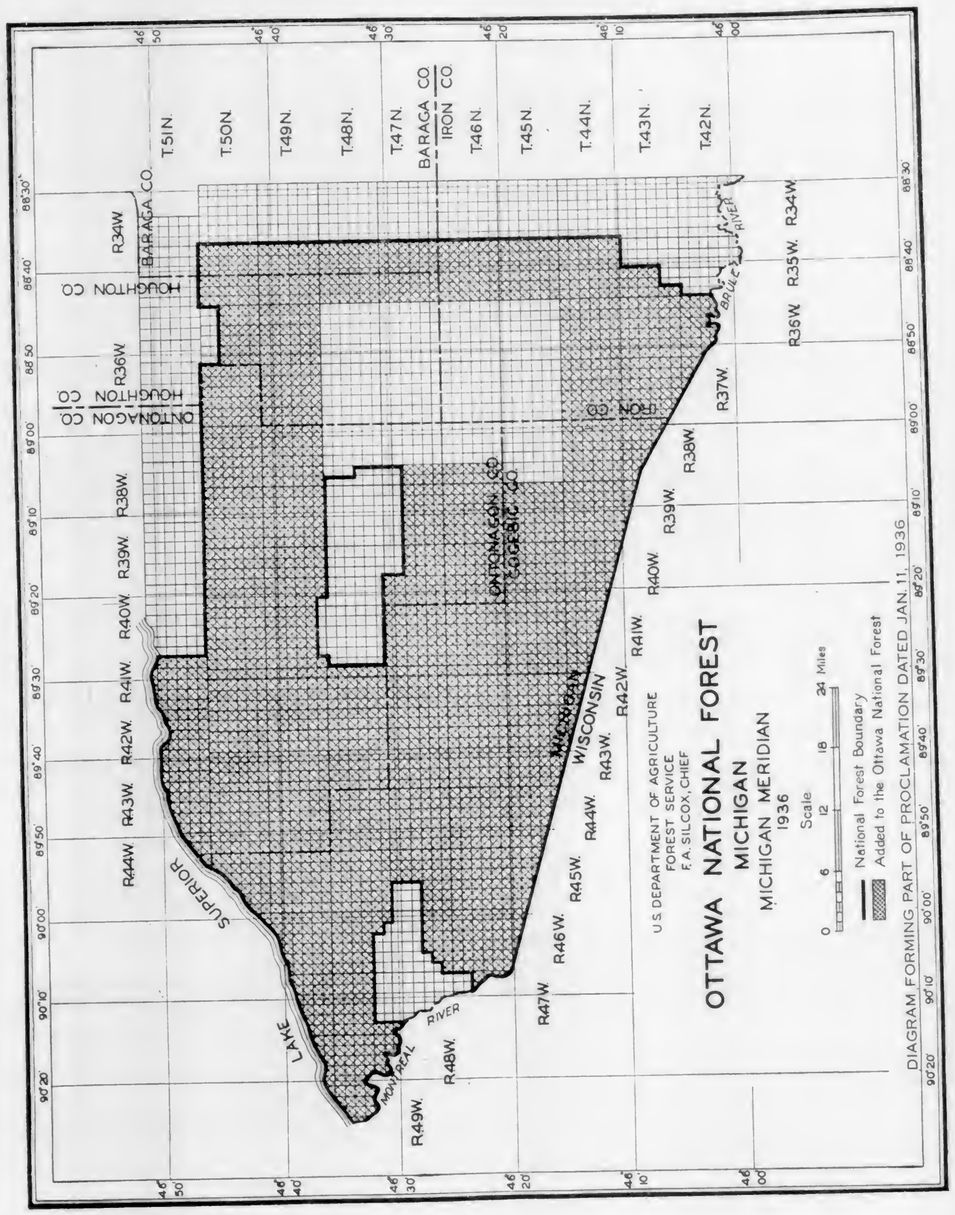




And by virtue of and pursuant to the authority vested in me by section 2380 of the Revised Statutes of the United States, it is further ordered that the said tract of land be, and it is hereby, reserved for townsite purposes in conformity with the provisions of sections 2382 to 2386, inclusive, of the Revised Statutes of the United States.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 12, 1937.*

[No. 7534]

[F. R. Doc. 37-119; Filed, January 13, 1937; 11:11 a. m.]

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EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6119 OF MAY 2, 1933, WITHDRAWING PUBLIC LANDS

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6119, of May 2, 1933, withdrawing, together with other lands, public lands in the therein-described subdivisions in T. 23 N., R. 9 E., T. 22 N., R. 10 E., and T. 21 N., R. 11 E. of the San Bernardino meridian, California, pending a resurvey, is hereby revoked as to said townships.

This order shall become effective upon the date of the official filing of the plats of resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 12, 1937.*

[No. 7535]

[F. R. Doc. 37-121; Filed, January 13, 1937; 11:11 a. m.]

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EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5687 OF AUGUST 18, 1931, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5687 of August 18, 1931, withdrawing, together with other lands, public lands in Tps. 41, 42, 43, and 44 N., R. 85 W. of the sixth principal meridian, Wyoming, pending a resurvey, is hereby revoked as to said townships.

This order shall become effective upon the date of the official filing of the plats of resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 12, 1937.*

[No. 7536]

[F. R. Doc. 37-120; Filed, January 13, 1937; 11:11 a. m.]

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## DEPARTMENT OF THE INTERIOR.

**Division of Grazing.**

COLORADO GRAZING DISTRICT NO. 3

MODIFICATION

JANUARY 8, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of April 8, 1935, establishing Colorado Grazing District No. 3, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 91 W.,
sec. 21, W½NE¼, NW¼SW¼.
T. 10 S., R. 96 W.,
sec. 25, NW¼SE¼, E½SW¼, SW¼SW¼.
T. 11 S., R. 96 W.,
sec. 6, lots 19, 20, and 21.
T. 10 S., R. 97 W.,
sec. 26, S½S½, N½SE¼.
sec. 27, S½S½.
sec. 34, N½, N½S½, SE¼SW¼, S½SE¼.
sec. 35, all.
sec. 36, SW¼NW¼, SW¼.
T. 11 S., R. 97 W.,
sec. 1, lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, and 32.
sec. 2, lots 17 to 27, inclusive, lots 30, 31, and 32.
sec. 3, lots 1, 2, and 8.
T. 13 S., R. 104 W.,
sec. 13, S½SW¼.
sec. 24, N½NW¼, NE¼SW¼.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-118; Filed, January 13, 1937; 9:46 a. m.]

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NEW MEXICO GRAZING DISTRICT NO. 3

MODIFICATION

JANUARY 8, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of July 11, 1935, establishing New Mexico Grazing District No. 3, is hereby revoked so far as it affects the following described lands:

NEW MEXICO MERIDIAN

T. 20 S., R. 7 W.,
sec. 24, NW¼NW¼, S½NW¼.
T. 28 S., R. 7 W.,
sec. 4, SE¼.
sec. 10, NW¼.
sec. 19, SW¼.
sec. 30, SE¼.
T. 29 S., R. 7 W.,
sec. 5, N½.
T. 16 S., R. 8 W.,
sec. 11, W½NW¼.
T. 28 S., R. 8 W.,
sec. 3, NE¼.
sec. 15, SE¼SW¼.
T. 29 S., R. 8 W.,
sec. 8, SW¼.
sec. 9, NW¼.
T. 24 S., R. 9 W.
T. 25 S., R. 9 W.
T. 24 S., R. 10 W.
T. 25 S., R. 10 W.,
secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36 inclusive.
T. 15 S., R. 15 W.,
secs. 19 to 21, and 28 to 33 inclusive.
T. 19 S., R. 15 W.,
secs. 1 to 5, 8 to 17, 21 to 28, and 34 to 36 inclusive.
T. 20 S., R. 15 W.,
secs. 1, 2, 3, 10 to 15, 21 to 29, and 31 to 36 inclusive.
T. 21 S., R. 15 W.
T. 15 S., R. 16 W.,
sec. 7, E½, SW¼.
secs. 8 and 13 to 36 inclusive.
T. 14 S., R. 17 W.,
secs. 3 to 10, 15 to 22, and 26 to 36 inclusive.
T. 15 S., R. 17 W.
T. 13 S., R. 18 W.,
secs. 13 to 36 inclusive.
T. 14 S., R. 18 W.
T. 15 S., R. 18 W.,
secs. 1 to 18 inclusive.
T. 13 S., R. 19 W.,
secs. 13 to 36 inclusive.
T. 14 S., R. 19 W.
T. 13 S., R. 20 W.,
secs. 13 to 36 inclusive.
T. 14 S., R. 20 W.
T. 15 S., R. 20 W.,
secs 1, 2, 3, 10 to 15, 22 to 27, and 34 to 36 inclusive.
T. 13 S., R. 21 W.,
secs. 13, 14, 23, 24, 25, 26, 35, 36.
T. 14 S., R. 21 W.,
secs. 1, 2, 11, 12.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-117; Filed, January 13, 1937; 9:46 a. m.]

DEPARTMENT OF AGRICULTURE.

Bureau of Agricultural Economics.

OFFICIAL STANDARD GRADES FOR GREEN RIVER TOBACCO

By virtue of the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act, approved August 23, 1935 (49 Stat., 731), I, H. A. Wallace, Secretary of Agriculture, do prescribe and promulgate the following grades for Green River tobacco, to be known as the Official Standard Grades for Green River Tobacco, to be in force and effect on and after January 13, 1937, and until amended or superseded by grades for Green River tobacco hereafter prescribed and promulgated under said Act.

HEAVY LEAF GRADES (B–GROUP)

*General Specifications.*—All grades of the B group must be clean, sound, and medium to heavy body. B1 and B2 qualities must be smooth and must have good texture, an open weave, medium size and blending fibers.

*Grade Description and Specifications*

U. S. Grade B1F: Choice Quality Stouts in Brown Color. Fairly elastic, oily, ripe, firm, medium to fleshy body, tough, broad, very clear, over 20" long, uniform. Tolerance, 5% injury and 10% leaves the quality of B3, C3, or better.

U. S. Grade B1R: Choice Quality Stouts in Red Color. Very oily, fleshy body, otherwise same as B1F.

U. S. Grade B2F: Fine Quality Stouts in Brown Color. Stretchy, oily, ripe, firm, medium to fleshy body, fairly tough, spready, clear, over 18" long, harmonizing. Tolerance, 10% injury and 20% leaves the quality of B3 or C3.

U. S. Grade B2R: Fine Quality Stouts in Red Color. Very oily, fleshy body, otherwise same as B2F.

U. S. Grade B3F: Good Quality Stouts in Brown Color. Fairly smooth, fair texture, stretchy, oily, ripe, firm, strong, normal width, fairly open weave, normal finish, over 16" long, unmingled. Tolerance, 15% injury and 5% Lugs the quality of X2 or better.

U. S. Grade B3R: Good Quality Stouts in Red Color. Very oily, fleshy body, otherwise same as B3F.

U. S. Grade B3D: Good Quality Stouts in Dark Color. Very oily, heavy body, otherwise same as B3F.

U. S. Grade B3M: Good Quality Stouts Mixed in Color or Quality. Mixed tobacco of an average quality of B3 or better.

U. S. Grade B3G: Good Quality Stouts in Green Color. Quality of B3 or better, except maturity.

U. S. Grade B4F: Fair Quality Stouts in Brown Color. Not rough, fairly oily, fairly ripe, fairly firm, medium to fleshy body, fairly strong, not stringy, over 16" long, unmixed. Tolerance, 20% injury and 10% Lugs the quality of X3 or better.

U. S. Grade B4R: Fair Quality Stouts in Red Color. Fleshy body, otherwise same as B4F.

U. S. Grade B4D: Fair Quality Stouts in Dark Color. Heavy body, otherwise same as B4F.

U. S. Grade B4M: Fair Quality Stouts Mixed in Color or Quality. Mixed tobacco of an average quality of B4.

U. S. Grade B4G: Fair Quality Stouts in Green Color. Quality of B4, except maturity.

U. S. Grade B5F: Low Quality Stouts in Brown Color. Medium to fleshy body, normal strength, not stringy, over 16" long. Tolerance, 40% injury and 25% Lugs the quality of X3 or better.

U. S. Grade B5R: Low Quality Stouts in Red Color. Fleshy body, otherwise same as B5F.

U. S. Grade B5D: Low Quality Stouts in Dark Color. Fairly heavy body, otherwise same as B5F.

U. S. Grade B5G: Low Quality Stouts in Green Color. Quality of B5, except maturity.

THIN LEAF GRADES (C–GROUP)

*General Specifications.*—All grades of the C group must be clean, sound, and thin to medium body. C1 and C2 qualities must be very smooth, must have good texture, open weave, small to medium size and blending fibers.

*Grade Description and Specifications*

U. S. Grade C1L: Choice Quality Thins in Light Color. Fairly elastic, oily, ripe, firm, thin body, strong, broad, very clear, over 20" long, uniform. Tolerance, 5% injury and 10% leaves the quality of C3, B3, or better.

U. S. Grade C1F: Choice Quality Thins in Brown Color. Fairly thin body, otherwise same as C1L.

U. S. Grade C1R: Choice Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C1L.

U. S. Grade C2L: Fine Quality Thins in Light Color. Fairly stretchy, oily, ripe, firm, thin body, fairly strong, spready, clear, over 18" long, harmonizing. Tolerance, 10% injury and 20% leaves the quality of C3 or B3.

U. S. Grade C2F: Fine Quality Thins in Brown Color. Fairly thin body, otherwise same as C2L.

U. S. Grade C2R: Fine Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C2L.

U. S. Grade C3L: Good quality Thins in Light Color. Smooth, fair texture, fairly oily, fairly ripe, firm, thin body, normal strength and width, fairly open weave, normal finish, over 16" long, unmingled. Tolerance, 15% injury and 5% Lugs the quality of X2 or better.

U. S. Grade C3F: Good Quality Thins in Brown Color. Fairly thin body, otherwise same as C3L.

U. S. Grade C3R: Good Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C3L.

U. S. Grade C3M: Good Quality Thins Mixed in Color or Quality. Mixed tobacco of an average quality of C3 or better.

U. S. Grade C4L: Fair Quality Thins in Light Color. Not coarse, lean, fairly ripe, fairly firm, thin body, not weak or stringy, over 16" long, unmixed. Tolerance, 20% injury and 10% Lugs the quality of X3 or better.

U. S. Grade C4F: Fair Quality Thins in Brown Color. Fairly thin body, otherwise same as C4L.

U. S. Grade C4R: Fair Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C4L.

U. S. Grade C4M: Fair Quality Thins Mixed in Color or Quality. Mixed tobacco of an average quality of C4.

U. S. Grade C4G: Fair Quality Thins in Pale Green Color. Quality of C4 or better, except maturity.

U. S. Grade C5L: Low Quality Thins in Light Color. Thin body, not tender or stringy, over 16" long. Tolerance, 40% injury and 25% Lugs the quality of X3 or better.

U. S. Grade C5F: Low Quality Thins in Brown Color. Fairly thin body, otherwise same as C5L.

U. S. Grade C5R: Low Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C5L.

U. S. Grade C5G: Low Quality Thins in Pale Green Color. Quality of C5, except maturity.

LUG GRADES (X–GROUP)

*General Specifications.*—All grades of the X group must be sound and normally free of dirt and other foreign matter.

*Grade Description and Specifications*

U. S. Grade X1L: Choice Quality Lugs in Light Color. Fairly smooth, fairly oily, very ripe, fairly firm, thin body, strong, harmonizing.

U. S. Grade X1F: Choice Quality Lugs in Brown Color. Medium body, otherwise same as X1L.

U. S. Grade X1R: Choice Quality Lugs in Red Color. Fleshy to heavy body, otherwise same as X1L.

U. S. Grade X2L: Fine Quality Lugs in Light Color. Not coarse, fairly oily, ripe, fairly firm, thin body, fairly strong, unmingled.

U. S. Grade X2F: Fine Quality Lugs in Brown Color. Medium body, otherwise same as X2L.

U. S. Grade X2R: Fine Quality Lugs in Red Color. Fleshy to heavy body, otherwise same as X2L.

U. S. Grade X3L: Good Quality Lugs in Light Color. Not rough, fairly ripe, fairly firm, thin body, normal strength, unmixed. Tolerance, 10% dead and trashy leaves.

U. S. Grade X3F: Good Quality Lugs in Brown Color. Medium body, otherwise same as X3L.



U. S. Grade X3R: Good Quality Lugs in Red Color. Fleshy body, otherwise same as X3L.

U. S. Grade X3M: Good Quality Mixed Lugs. Fleshy mixed Lugs of an average quality of X3 or better.

U. S. Grade X3G: Good Quality Lugs in Dark Green Color. Fleshy Lugs the quality of X3 or better, except maturity.

U. S. Grade X4L: Fair Quality Lugs in Light Color. Not flabby, thin body, not weak, unmixed. Tolerance, 20% dead and trashy leaves.

U. S. Grade X4F: Fair Quality Lugs in Brown Color. Fairly thin body, otherwise same as X4L.

U. S. Grade X4D: Fair Quality Lugs in Dark Color. Fairly fleshy body, otherwise same as X4L.

U. S. Grade X4M: Fair Quality Mixed Lugs. Fairly fleshy mixed Lugs of an average quality of X4.

U. S. Grade X4G: Fair Quality Green Lugs. Fairly fleshy Lugs the quality of X4, except maturity.

U. S. Grade X5L: Low Quality Lugs in Light Color. Not flabby, thin body, not tender. Tolerance, 40% dead and trashy leaves.

U. S. Grade X5F: Low Quality Lugs in Brown Color. Fairly thin body, otherwise same as X5L.

U. S. Grade X5D: Low Quality Lugs in Dark Color. Medium body, otherwise same as X5L.

U. S. Grade X5G: Low Quality Green Lugs. Quality of X5, except maturity.

NONDESCRIPT AND SCRAP (N & S GROUPS)

U. S. Grade N: Nondescript, as defined.

U. S. Grade S: Scrap, as defined.

DEFINITIONS

For the purpose of these official standard grades, the following terms shall be construed, respectively, to mean:

*Aircured.*—Tobacco cured under natural atmospheric conditions without the use of fire, except for the purpose of preventing pole-burn in damp weather.

*Airdried.*—The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

*Body.*—The thickness of leaf or weight per unit of surface.

*Class.*—A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, and the method of cultivation, harvesting, or curing.

*Clean.*—Normally free of dirt and other foreign matter.

*Condition.*—The state of tobacco in storage, or in relation to its preparation for storage, with reference to its manner of preparation or its degree of fermentation, such as Undried, Airdried, Steamdried, Sweating, Sweated, and Resweated.

*Crude.*—Very immature or the lowest degree of maturity. Any tobacco of which 50% or more of its surface has a positive green color is crude.

*Cured.*—Tobacco dried of its sap by either natural or artificial processes.

*Damaged.*—Effected by mold, must, rot, black-rot, or other fungous or bacterial diseases which attack tobacco in its cured state, including the odor of mold, must, or rot.

*Decayed.*—Damaged to the extent of 20% or more.

*Foreign matter.*—Any substance or material extraneous to tobacco, including dirt, sand, stalks, suckers, straw, strings, et cetera.

*Form.*—The stage of preparation of tobacco, such as Unstemmed and Stemmed.

*Grade.*—A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

*Green.*—Tobacco of which 20% or more of its leaf surface is predominantly green in color.

*Greenish-tinge.*—Tobacco of which 20% or more of its leaf surface has a decided greenish-cast or tobacco which is not 20% green but which has 20% of green and greenish-cast combined.

*Group.*—A division of a type covering several closely related grades based on the general quality of the tobacco, including body, the percentage of injury, and other characteristics.

*Injury.*—Hurt or impairment from any cause except damage. Injured tobacco shall include dead, burnt, hail-cut, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sunburned or scalded, scorched or fire-killed, bulk burnt or steam-burnt, pole-burnt or house-burnt, bleached or bruised; or tobacco containing discolored or deformed leaves; or tobacco hurt by insects; or tobacco having an odor foreign to the type; or tobacco affected by wild-fire, rust, frog-eye, mosaic, frenching, sand-drown, or other similar diseases.

*Leaf-scrap.*—Unstemmed scrap, which is a by-product from handling unstemmed tobacco consisting of loose and tangled whole or broken leaves.

*Lugs.*—Any lot of tobacco, except nondescript and scrap, composed chiefly of comparatively thin and lean leaves, and showing a material amount of injury of the kind characteristic of leaves grown near the ground; or any tobacco, except nondescript and scrap, injured or containing lug leaves, in excess of the tolerance allowed in the grades of the B and C groups.

*Mixed.*—A lot of tobacco which contains 30% or more leaves of *distinctly different* quality or color from the run of the lot, including variegated leaves unless such leaves are indicated by a special factor, and which contains less than 20% green.

*Nested.*—Any lot of tobacco which has been so loaded, packed, or arranged as to conceal foreign matter or tobacco of inferior grade, quality, or condition, including lots of tobacco which contain damaged, injured, tangled, or other inferior tobacco which cannot be readily detected upon inspection on account of the way the lot was packed or arranged.

*Nondescript.*—Any nested or decayed tobacco; or muddy or extremely dirty tobacco; or tobacco containing an unusual amount of foreign matter; or tobacco containing over 40% of crude leaves; or tobacco infested with live tobacco beetles or other injurious insects; or wet tobacco; or uncured tobacco including fat-stems and wet-butts; or very inferior lots of tobacco of a quality that is not ordinarily marketed; or tobacco having characteristics distinctly foreign to the type.

*Quality.*—A division or group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco.

*Resweated.*—The condition of tobacco which has passed through a second fermentation under abnormally high temperatures, or refermented with a relatively high percentage of moisture, including tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

*Scrap.*—A by-product from handling tobacco in both the unstemmed and stemmed forms, consisting chiefly of portions of tobacco leaves, except stems, which accumulate in warehouses, packing and conditioning plants, and stemmeries.

*Side.*—Any distinct characteristic of tobacco; or a certain phase of quality, color, or length as compared with some other phase of quality, color, or length.

*Size.*—The length of tobacco leaves.

*Sound.*—Free of damage.

*Special factor.*—Any side of a grade, or characteristic of importance, varying from or not covered by the specifications of the grade.

*Steamdried.*—The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

*Stemmed.*—A form of tobacco from which the stems or midribs have been removed, including both strips and strip-scrap.

*Stems.*—A tobacco by-product composed of the midribs of tobacco leaves.

*Stouts.*—A term used to designate tobacco of the heavy leaf or B group.

*Strips.*—The sides of tobacco leaves from which the stems have been removed.

*Strip-scrap.*—Stemmed scrap or stemless scrap, which is a by-product from stemming tobacco or handling strips consisting chiefly of portions of strips.

*Subgrade.*—Any grade modified by a special factor symbol.

*Subgroup.*—A group formed by the substitution of a different group symbol to denote a modification of the specifications or to indicate a certain side or characteristic of the tobacco.

*Sweated.*—The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture.

*Sweating.*—The condition of tobacco in the process of fermentation.

*Thins.*—A term used to designate tobacco of the thin leaf or C group.

*Type.*—A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

*Type 36.*—That type of aircured tobacco commonly known as Green River, Green River Aircured, Henderson, and Owensboro Dark Aircured; and produced principally in the Green River section of Kentucky.

*Undried.*—The condition of unfermented tobacco which has not been airdried, or steamdried.

*Uniformity.*—One of the elements of quality in tobacco having reference to the consistency of a lot with respect to other elements of quality or color. The following are the specifications for the several degrees of uniformity showing for each degree the percentage of a lot that may be of a *distinctly different* group, quality, or color from the run of the lot: (a) Uniform, less than 5%; (b) Harmonizing, less than 10%; (c) Unmingled, less than 20%; (d) Unmixed or Mingled, less than 30%; and (e) Mixed, over 30%.

*Unsound.*—Damaged under 20%

*Unstemmed.*—A form of tobacco from which the stems or midribs have not been removed, including both whole-leaf and leaf-scrap.

*Variegated.*—Having a diversity of contrasting colors or tints within a leaf; including leaves which are grey, mottled, bleached, or stained; or leaves which do not blend with the normal colors of the type.

RULES

The application of these official standard grades shall be in accordance with the following rules:

*Rule 1.*—Each grade shall be treated as a subdivision of a particular type and when the grade is stated in an inspection certificate, the type shall also be stated.

*Rule 2.*—The determination of grade shall be based upon a thorough examination of a lot of tobacco or an official sample of the lot.

*Rule 3.*—In determining the grade of a lot of tobacco, the lot as a whole shall be considered, and minor irregularities which do not affect over one per cent of the tobacco shall be overlooked.

*Rule 4.*—Unsound tobacco shall be treated as a subgrade by placing the special factor letter "U" after or above the grade mark. For example: If a lot of tobacco is under 20% damaged and otherwise meets the specifications of B4F, it shall be graded B4F–U.

*Rule 5.*—When a lot of unmixed tobacco is on the marginal line between two colors so that there is a question as to which is the predominant color, it shall be placed in the color with which the tobacco best corresponds with respect to body and maturity.

*Rule 6.*—Any lot of tobacco shall be regarded as meeting the specifications of a certain grade when the tobacco is not lower in any degree of quality than stated in the specifications of such grade. The degree of uniformity specified for a particular grade governs the percentage of a lot which must meet the specifications with respect to other degrees of quality

*Rule 7.*—Any lot of tobacco which clearly and fully meets the specifications of two or more grades shall be placed in the highest one of such grades; but any lot of tobacco which is on the marginal line between two or more grades so that the grade cannot be determined by applying other rules, shall be placed in the lowest grade in question.

*Rule 8.*—The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification thereof.

*Rule 9.*—If, at any time, it is found that a lot of tobacco does not comply with the description and specifications of the grade previously assigned, it shall not thereafter be represented as being of such grade.

*Rule 10.*—Any special factor symbol, approved for the purpose by the Bureau of Agricultural Economics, may be used after or above the grade mark to show a peculiar side or characteristic of the tobacco.

*Rule 11.*—Length shall be stated in connection with each grade of the B and C groups, and may be stated in connection with the grades of the X group. For this purpose tobacco sizes as approved by the Bureau of Agricultural Economics shall be used.

*Rule 12.*—Tips, including leaf and fillers under 16 inches long but otherwise of the qualities of B3, B4, and B5, in F, R, D, and G colors shall be made a subgroup by substituting the letter "T" for the group letter "B" in the grade symbols.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 13th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-123; Filed, January 13, 1937; 12:41 p. m.]

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**Forest Service.**

REGULATIONS RELATING TO PROTECTION, OCCUPANCY, USE, AND ADMINISTRATION OF NATIONAL FORESTS

MODIFICATION OF REGULATION T-9

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the Act of June 4, 1897 (30 Stat. 11, 35), I, H. A. Wallace, Secretary of Agriculture, do hereby amend Regulation T-9 of the rules and regulations governing the occupancy, use, protection, and administration of the National Forests, by adding the following paragraph:

"(I) The unauthorized going or being upon any area which has been closed by the Chief, Forest Service, for the perpetuation and protection of (a) rare or vanishing species of plants or animals, (b) special biological communities, or (c) historical or archeological places or objects of interest; also the unauthorized going or being upon any area so closed for scientific experiments and investigations, or for other purposes where controlled use is necessary in order to insure proper treatment and protection. The boundaries of each area shall be defined by the Regional Forester and indicated in so far as practicable by posting notices along such boundaries and on roads and trails leading into such areas."

In testimony whereof, I have hereunto set my hand and official seal at the City of Washington, this 13th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-124; Filed, January 13, 1937; 12:41 p. m.]

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**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.



[File No. 2-127]

IN THE MATTER OF CONSOLIDATED MINES SYNDICATE

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Consolidated Mines Syndicate under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on January 25, 1937, at 10 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 1706 Welton Street, Denver, Colorado, and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Foster Cline, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-135; Filed, January 13, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE WESTERN STATES-HADDOCK FARM, FILED ON DECEMBER 11, 1936, BY ALEX MACDONALD, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that in Item 10 (b) (iii) of Division II a statement appears which is in violation of Rule 312 of the Rules and Regulations of the Commission;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether an order of suspension shall be entered; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of January, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-141; Filed, January 13, 1937; 1:04 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

[File No. 2-1808]

IN THE MATTER OF OKLAHOMA-TEXAS TRUST

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on January 8, 1937, ordered that a hearing be held in this matter under Section 8 (d) of the Securities Act of 1933, as amended, on February 9, 1937,

Such order is hereby rescinded, and

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Oklahoma-Texas Trust under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on January 27, 1937, at 10 o'clock in the forenoon, at the office of the Securities and Exchange Commission, New Federal Building, Tenth and Lamar Street, Fort Worth, Texas, and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Oran H. Allred, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-134; Filed, January 13, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON DECEMBER 23, 1936, BY ROYALTY INVESTMENTS CORP., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10: 30 o'clock in the forenoon on the 12th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11: 30 o'clock in the forenoon on the 28th day of January 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–137; Filed, January 13, 1937; 1:03 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE THOMASSON-DURHAM ET AL FARM, FILED ON DECEMBER 23, 1936, BY E. M. THOMASSON PRODUCING CO., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon of the 12th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon of the 28th day of January 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–140; Filed, January 13, 1937; 1:04 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE WESTERN STATES-HADDOCK FARM, FILED ON DECEMBER 11, 1936, BY ALEX MACDONALD, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 11, 1937, be effective as of January 12, 1937; and

It is further ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–142; Filed, January 13, 1937; 1:04 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-HUMBLE-ADKINS FARM, FILED ON JANUARY 5, 1937, BY GRIMES BROS. ROYALTY CO., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the plat, Exhibit A, and the explanatory note following Item 16, Division II, both indicate that Item 2 (f), Division II, is incorrect.

(2) In that the note to Item 16 at the top of page 5, Division II, indicates that the participation set forth in Item 1 is incomplete respecting the well known as "Skelly-Humble #1."

(3) In that the signature form attached to page 6 at the end of Division II does not show whether the offeror, Grimes Royalty Co. or Grimes Bros. Royalty Co., is a fictitious name of an individual, a co-partnership, a trust or a corporation.

(4) In that Item 2, Division II, says 300 acres are involved in the tract. Exhibit A indicates two tracts—one of 300 acres and one of 20 acres.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of February 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of January 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.



Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–139; Filed, January 13, 1937; 1:03 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE HOUSEL-DRISCOLL FARM, FILED ON JANUARY 6, 1937, BY W. E. HOUSEL, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Items 3 (d), (e), (f), (g), Division II, refer to answer 5–A which is not the proper way to answer these items. These items thereby remain unanswered by such reference.

(2) In that Items 7, 8, 9, 25, Division II, refer to Exhibit B which is not the proper way to answer these items. Items 8 and 9 require a full description. Exhibit B is confusing with respect to Item 25.

(3) In that Item 10, Division II, is not fully answered if the facts are correctly stated in Items 13 and 19.

(4) In that the note A to Item 11, Division II, conflicts with the plat, Exhibit A.

(5) In that the note B to Item 11, Division II, conflicts with the plat, Exhibit A.

(6) In that the note C to Item 11, Division II, conflicts with the plat, Exhibit A.

(7) In that the proration tax to which these interests are subject is omitted from Item 16 (a) (ii), Division II.

(8) In that Item 24 (c), Division II, does not meet the requirements of the regulations in view of the answer to Item 24 (a) and the inference that Item 23 (b) is answered in the negative.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of February 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of January 1937 at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–143; Filed, January 13, 1937; 1:04 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SUPERIOR-SIBLEY FARM, FILED ON JANUARY 6, 1937, BY SECOND DEPENDABLE OIL CORP., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Exhibit B sets forth certain terms and conditions which are inconsistent with Item I, Division II, and may result in a void conveyance by Exhibit B.

(2) In that Item 13, Division II, is not currently accurate respecting the number of wells in the Oklahoma City field.

(3) In that Item 15, Division II, does not check with the total of the production shown in Item 16 (a).

(4) In that what appears to be a typographical error appears in the figure for April, 1936, in Item 16 (c), Division II.

(5) In that the price of oil used in the figures from April to November in Item 16 (d), Division II, is not in accord with the gravity of oil stated to be produced (Item 18 (b), Division II).

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of February 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of January 1937 at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-138; Filed, January 13, 1937; 1:03 p. m.]

*Friday, January 15, 1937* *No. 10*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48757]

### CUSTOMS REGULATIONS AMENDED—EXECUTIVE ORDER 6166 OF JUNE 10, 1933

CUSTOMS REGULATIONS OF 1931, CONCERNING REPORTS OF DISPOSITIONS OF LAW VIOLATIONS, INSTRUCTIONS TO UNITED STATES ATTORNEYS, COMPROMISE OF CLAIMS, REMISSION AND MITIGATION OF FINES, PENALTIES AND FORFEITURES, AND CANCELLATION OF BONDS, AMENDED SO AS TO CONFORM TO THE PROVISIONS OF EXECUTIVE ORDER 6166 OF JUNE 10, 1933

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 624, Tariff Act of 1930 (U. S. C., title 19, sec. 1624) and section 161 of the Revised Statutes of the United States (U. S. C., title 5, sec. 22), the Customs Regulations of 1931 are hereby amended as follows:

The last two sentences of article 1092 (f) are deleted and the following substituted therefor:

He shall also report, in respect of civil cases referred to the United States attorney for legal proceedings, including those in which claim and bond are filed under section 608 of the Tariff Act of 1930 and article 1107, decisions of the Department of Justice not to institute such proceedings or decisions to abandon their prosecution. These reports shall be forwarded as soon as possible after receipt of advice of the decisions of the court or of the Department of Justice, as the case may be.

Article 1117 is amended by the deletion of paragraph (b) and by the insertion of the following paragraph in lieu thereof:

(b) The function respecting the direction of prosecutions, and so forth, formerly vested in the Secretary of the Treasury by section 604 above, was transferred to the Department of Justice by section 5, Executive Order of June 10, 1933 (U. S. C. title 5, sec 132).

Article 1119 (b) is amended by the addition of the following new sentence:

No action looking to the remission or mitigation of a fine, penalty, or forfeiture shall be taken on any petition, irrespective of the amount involved, if the case has been referred to the Department of Justice for the institution of legal proceedings (Exec. Order 6166, June 10, 1933, U. S. C. title 5, sec. 132).

Article 1120 is amended by the deletion of paragraph (c) and by the insertion of the following paragraph in lieu thereof:

(c) If the petition involves a matter which has been referred to the Department of Justice for the institution of court proceedings, the collector will transmit the petition, immediately upon receipt, to the appropriate United States attorney and notify the petitioner of such action.

Article 1121 is amended by adding a new paragraph thereto, designated (f), and reading as follows:

(f) The authority to compromise any customs case which has been referred to the Department of Justice for prosecution is vested in that Department by virtue of section 5, Executive Order 6166, dated June 10, 1933. Proponents should be advised to submit their offers to the appropriate United States attorney in such cases. Offers received by the collector of customs under such circumstances will be transmitted forthwith to such United States attorney and the proponents notified of such action (U. S. C. title 5, sec. 132).

The following marginal reference is added opposite article 1258 (c):

Exec. Order 6166, June 10, 1933, U. S. C. title 5, sec. 132.

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved, January 9, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-144; Filed, January 13, 1937; 3:39 p. m.]

## POST OFFICE DEPARTMENT.

### PREPAYMENT OF CUSTOMS DUTY ON MERCHANDISE FOR THE UNION OF SOVIET SOCIALIST REPUBLICS

JANUARY 9, 1937.

It has come to the attention of the Department that there is available to persons wishing to aid relatives and friends in the Union of Soviet Socialist Republics a service which will assure delivery of American goods in the country named free of duty and transportation charges to the recipients.

Under the arrangement referred to the Amtorg Trading Corporation, 261 Fifth Avenue, New York, N. Y., has authority from the Soviet Government to issue licenses prepaying import duties on merchandise to be sent to the Union of Soviet Socialist Republics. It is understood that, for the convenience of senders in this country, the duty prepaid licenses may be obtained through the following named firms and banks, who will attend to the matter of collecting the fee for the prepaid invoice license and the customs charges, as well as a fee for their own services:

Amalgamated Bank of New York, 11 Union Square, New York, N. Y.

Union Tours, Inc., 261 Fifth Avenue, New York, N. Y.

The Pennsylvania Co., Girard at Seventh St., Philadelphia, Pa.

Maurice Rifkin, Inc., 716 Walnut Street, Philadelphia, Pa.

Amalgamated Trust & Savings Bank, 111 S. Dearborn St., Chicago, Ill.

Bank of America, 1 Powell St., San Francisco, Calif.

Bank of America, Seventh & Olive Sts., Los Angeles, Calif.

The application for a prepaid invoice license from the Amtorg Trading Corporation must be accompanied by a detailed list of the merchandise to be sent, and by the original, receipted bill of sale for the merchandise involved.

Upon receipt of the prepaid invoice license by the prospective sender it must be enclosed in the parcel before the latter is presented for mailing, and the wrapper of the parcel marked, in English and Russian, to indicate that such prepaid invoice license is enclosed. That document, subject to the rules and regulations of the Soviet Customs, will clear the merchandise for delivery to the addressee.

Postmasters are instructed to bring the above mentioned arrangement to the attention of persons desiring to send merchandise subject to customs duty to relatives and friends in the Union of Soviet Socialist Republics, as it presents a means of aiding persons who might otherwise not be in a position to receive goods which are forwarded with the expectation that the customs duties will be paid at the time of delivery.

Postmasters will continue to accept parcels which are presented for mailing to the Union of Soviet Socialist Republics with the expectation that the addressees will pay the import duties.

Attention is called to the fact that parcels containing used clothing (which it is understood is subject to the same rate of customs duty as new clothing, which is very high) must be accompanied by medical certificates attesting that the articles involved have been subjected to disinfection, and the wrappers of the parcels concerned must be marked, in English and Russian, to indicate that the certificate of disinfection is enclosed. Parcels not accompanied by disinfection certificates are returned to origin.

Postmasters will cause due notice of the foregoing to be taken at their offices.

[SEAL] HARLLEE BRANCH,
*Second Assistant Postmaster General.*

[F. R. Doc. 37-148; Filed, January 14, 1937; 11:10 a. m.]



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101—Part VIII Southern Division January 14, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—PART VIII

*Range Conservation Program for 1937*

Southern Region Bulletin 101 is hereby supplemented by adding thereto the following Part VIII:

The provisions of this Part VIII of Southern Region Bulletin 101 shall apply only with respect to range lands in the western range area of Texas and Oklahoma as designated by the State Agricultural Conservation Committees, respectively, and approved by the Agricultural Adjustment Administration.

SECTION 81. *Definitions.*—As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in its application to range land in designated areas of Texas and Oklahoma, the following terms shall have the meanings indicated below:

*Range Land* means any land which produces forage without cultivation or general irrigation and which is used for the pasturage of range livestock.

*Ranch* means all range land, other than that owned or controlled by the United States Government or any agency thereof, in which an operator has such a legal estate or interest as to give him control thereof for the duration of the 1937 Agricultural Conservation Program, which is used by the operator in 1937 as a single unit in producing range livestock.

*Range Livestock* means beef cattle, sheep, goats, or horses grazed on range land.

*Animal Unit* means the unit of measurement of the number of livestock in terms of 1 cow, 1 horse, 5 sheep, 5 goats, or the equivalent thereof.

*Range-Building Allowance* for any ranch means the largest amount of money that may be earned for carrying out range-building practices on such ranch.

*Grazing Capacity* of a ranch means that number of animal units which the range land thereon will sustain (on a 12-months basis) over a period of years without decreasing the stand of grazing vegetation and without injury to the forage, tree growth, or watershed.

*Deferred grazing* means withholding from grazing a portion of the ranch during the period from the time range vegetation starts growth in the spring until seed has matured in the fall for the purpose of permitting the reseeding of the range land.

*Ranch operator* means a person who as owner or lessee (either cash or share) operates a ranch in 1937.

*County range inspector* (hereinafter referred to as range inspector) means a person selected by the county committee and approved by the State committee for the purpose of reporting on range conditions and the checking of performance.

*Other definitions.*—See Part I of SR-B-101, (F. R. Doc. 37-26, published January 5, 1937, p. 8).

SECTION 82. *Grazing Capacity.*—For each ranch for which an "Application for Determination of Grazing Capacity", Form SR. 151, has been received, the range inspector will submit a report to the county committee on Form SR. 152, "Report of Examination of Range Land", upon which said committee shall recommend to the State committee, for approval by the Secretary, the grazing capacity of the ranch. The range inspector who examines the ranch and makes a report thereon will take into consideration the following:

(1) History of use; (2) composition, palatability and density of vegetative growth; (3) climatic fluctuations; (4) distribution and character of watering facilities; (5) topographic and cultural features; (6) classes of livestock; (7) presence or absence of rodents; and (8) poisonous plant infestation.

SECTION 83. *Grazing Capacity Limit.*—There shall be established by the Agricultural Adjustment Administration in each county the average grazing capacity of the ranches therein. The average of the individual grazing capacities established for the ranches in any county shall not exceed the county average grazing capacity limit for such county unless a variation therefrom is recommended by the State committee and approved by the Administrator of the Agricultural Adjustment Administration.

SECTION 84. *Range-Building Allowance.*—The range-building allowance for any ranch shall be determined by multiplying $1.50 by the grazing capacity.

SECTION 85. *Range-Building Practices.*—Payments will be made not in excess of the range-building allowance for the carrying out of the following range-building practices on a ranch in 1937 at the rates and upon conditions as set forth below:

*Practice Number, Practices and Conditions, and Rate*

51. *Reseeding by deferred grazing.*—For withholding twenty-five percent (25%) of the ranch from grazing for a period of 6 months, beginning May 1, 1937. (If grazing is deferred on less than twenty-five percent (25%) of the ranch a proportionate payment will be made) payment will not be made for this practice if the operator permits the remainder of the range land on the ranch to be overgrazed to an extent that causes deterioration of such range land: One-third (⅓) of the range-building allowance.

52. *Contour listing or furrowing.*—For contour listing or furrowing in 1937, furrow channels to be not less than 8 inches in width and 4 inches in depth and not less than 3½ feet apart (payment will be made on the acreage occupied by the furrows computed on the basis of 3½ feet in width for each such furrow): $0.70 per acre.

53. *Ridging range land.*—For narrow terraces or ridges, on slopes of two percent (2%) or greater, that are at least 6 feet wide from bottom of furrow to bottom of furrow on the opposite side, at least 10 inches in height and on the contour level, at an interval which is specified by the State Agricultural Conservation Committee for the slope: $0.10 per 100 linear feet.

54. *Spreader dams.*—If in combination with spreader terraces, spreader dams to be constructed in accordance with specifications of the State Agricultural Committee (payment will be made for material moved in building the dam): $0.15 per cubic yard.

55. *Spreader terraces.*—If in combination with spreader dams, terraces to be constructed in accordance with specifications of the State Agricultural Committee: $0.40 per 100 linear feet.

56. *Earthen tanks and reservoirs.*—For constructing ponds or reservoirs with adequate spillways (payment will be made for material excavated and material used for fill not excavated on the site of the tank or reservoir): $0.15 per cubic yard.

57. *Range fences.*—For the construction of range fences, where necessary in order to carry out other phases of the 1937 Range Conservation Program (payment will be made for fence when constructed of three or more wires, with posts not more than 20 feet apart, with corner posts well braced and with wires tightly stretched): $0.30 per rod.

58. *Fire guards.*—For the establishment of fire guards, not less than 4 feet in width, by plowing furrows or otherwise exposing the mineral soil: $0.03 per 100 linear feet.

59. *Rodent eradication.*[1]—(a) For the eradication of prairie dogs. (b) For the eradication of kangaroo rats. Rate: $0.07½ per infested acre, $0.05 per infested acre.

60. *Rescuing range land from prickly pear and cactus.*[1]—(a) Light infestation.
(b) Medium infestation.
(c) Heavy infestation. Rate: $0.50 per acre, $0.75 per acre, $1.00 per acre.

61. *Rescuing range land from mesquite.*[1]—(a) Light infestation.
(b) Medium infestation.
(c) Heavy infestation. Rate: $0.50 per acre, $1.00 per acre, $2.00 per acre.

62. *Rescuing range land from cedar.*[1]—(a) Light infestation.
(b) Medium infestation.
(c) Heavy infestation. Rate: $0.75 per acre, $1.00 per acre, $1.50 per acre.

63. *Rescuing range land from lechuguilla.*[1]—For heavy infestation: $0.50 per acre.

SECTION 86. *General Conditions for Range-Building Payments.*—(a) No payment will be made for any range-building practice unless the county committee, upon the basis of an examination of the ranch by the range inspector, as requested by the ranch operator, has determined that such

[1] The degree of infestation of range-destroying plants, and rodents on range land, shall be determined by the county committee based upon the report of the range inspector.

practice is in accordance with specifications issued by the State Agricultural Conservation Committee and that such practice will tend to effectuate the purposes of the Act and has given written approval thereof at the time of such determination.

(b) No payment will be made for carrying out range-building practices in 1937 on any ranch unless they are carried out according to the generally accepted standards of good ranching, and in case such practices require materials, no payment shall be made unless such materials are of the kinds and qualities customarily used.

(c) No payment will be made with respect to performance for which the labor or materials are furnished by any Federal or State agency.

SECTION 87. *Applications for Payments.*—(a) Payments will be made only upon applications filed on or before a date established by the State committee with the approval of the Director of the Southern Division. Each application for payment shall be filed with the county committee of the county in which the ranch (or the major portion thereof) is located.

(b) An application for payment may be made only by the ranch operator(s).

(c) Each application for payment shall include all land in the ranch within the meaning of that term as defined in Section 81.

(d) Payment under the application will be made only to a ranch operator, or to each ranch operator of a group of two or more such operators, *provided* that each signifies in the application for payment the percentum of the total payment under the application for payment due him.

SECTION 88. *Owner and Lessee Relationship.*—No payment will be made to any owner who has for 1937 made any change from the 1936 leasing agreements of such land for the purpose of, or which would have the effect of, diverting to such owner any payment to which any lessee would be entitled if the 1936 leasing arrangement were in effect for 1937.

SECTION 89. *Appeals.*—Any ranch operator who has reason to believe that any recommendation of his county committee concerning his ranch is not correct or equitable may request the county committee to reconsider its recommendation. If such operator fails to agree with the final recommendation of the county committee, such operator may appeal to the State Committee in accordance with instructions to be issued by the Secretary.

SECTION 90. *Deductions for Expenses.*—There shall be deducted pro rata from the payment to any person with respect to a ranch or ranches all or such part as the Secretary shall prescribe, of the estimated administrative expenses incurred and to be incurred in the field in carrying out the 1937 program.

SECTION 91. *Inapplicable Deductions.*—Deductions for increasing the acreage of soil-depleting crops and for failure to have a sufficient acreage of soil-conserving crops shall not be applicable to payments for the range-building practices specified in this Part VIII.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-149; Filed, January 14, 1937; 12:43 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

ORDER

EXTENDING THE TIME TO FEBRUARY 20, 1937, FOR THE FURNISHING TO SEAMEN OF CERTIFICATES OF SERVICE AND EFFICIENCY

JANUARY 11, 1937.

With reference to furnishing certificates of service and efficiency to seamen, as provided for in Section 1 of the Act of June 25, 1936 (Pub., 808, 49 Stat. 1930), amending Section 13 of the Seamen's Act of March 4, 1915, and to the Order of the Secretary of Commerce of December 23, 1936, I find that it is impracticable on the part of the Department of Commerce to furnish the certificates by the date fixed in said order (January 20, 1937) and by virtue of the authority contained in Section 1 (L) of said Act, I hereby further extend the effective date of Section 1 for the furnishing of these certificates to February 20, 1937.

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-145; Filed, January 13, 1937; 4:08 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 46]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 11, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| Iowa 27 Buena Vista (partial) | $100,000 |
| Iowa 49 Hardin (partial) | 100,000 |
| North Dakota 11 Cass | 220,000 |
| W. Virginia 7 Hampshire | 170,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-146; Filed, January 14, 1937; 10:00 a. m.]

[Administrative Order No. 47]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 11, 1937.

I hereby amend Administrative Order No. 21, dated October 1, 1936, by changing "Minnesota 1 W Meeker" to read "Minnesota 3 W Meeker."

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-147; Filed, January 14, 1937; 10:00 a.m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-131]

IN THE MATTER OF INTERNATIONAL PAPER AND POWER COMPANY 7% CUMULATIVE PREFERRED $100 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 7% Cumulative Preferred Stock, $100 Par Value, of International Paper and Power Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-129; Filed, January 13, 1937; 1:01 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of January A. D. 1937.

[File No. 2-1808]

IN THE MATTER OF OKLAHOMA-TEXAS TRUST

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by the Oklahoma-Texas Trust under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on February 9, 1937, at 10 o'clock in the forenoon, at the office of the Securities and Exchange Commission, New Federal Building, 10th & Lamar Street, Ft. Worth, Texas, and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Oran H. Allred, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-136; Filed, January 13, 1937; 1:03 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-132]

IN THE MATTER OF SIMMONS COMPANY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No Par Value, of Simmons Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-127; Filed, January 13, 1937; 1:01 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-143]

IN THE MATTER OF SWIFT AND COMPANY CAPITAL STOCK, $25 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Capital Stock, $25. Par Value, of Swift and Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-126; Filed, January 13, 1937; 1:01 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-144]

IN THE MATTER OF SWIFT INTERNATIONAL LTD. DEPOSIT CERTIFICATES OF BEARER SHARE CERTIFICATES, PAR 15 ARGENTINE GOLD DOLLARS

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Deposit Certificates of Bearer Share Certificates, Par 15 Argentine Gold Dollars, of Swift International Ltd.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-125; Filed, January 13, 1937; 1:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 6th day of January A. D. 1937.

[File No. 2-2533]

IN THE MATTER OF THE GAGE COUNTY ELECTRIC COMPANY

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on January 4, 1937, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-132; Filed, January 13, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of January A. D. 1937.

[File No. 2-2530]

IN THE MATTER OF TIPS GLASS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on January 5, 1937, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL.] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-131; Filed, January 13, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of January A. D. 1937.

[File No. 2-2709]

IN THE MATTER OF WESTGATE-GREENLAND OIL COMPANY

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on December 31, 1936, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-128; Filed, January 13, 1937; 1:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on this 8th day of January 1937.

IN THE MATTER OF BETHLEHEM STEEL CORPORATION COMMON STOCK, NO PAR VALUE.

ORDER POSTPONING HEARING

The Philadelphia Stock Exchange having made application to the Commission, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, for extension of unlisted trading privileges to the Common Stock, No Par Value of Bethlehem Steel Corporation; and

The Commission having ordered that the matter be set down for hearing on February 11, 1937; and

Said Exchange having requested a postponement of said hearing;

It is ordered that said hearing be and the same hereby is postponed until Tuesday, March 16, 1937, at 11 a. m., in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-130; Filed, January 13, 1937; 1:02 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on this 8th day of January 1937.

IN THE MATTER OF THE STUDEBAKER CORPORATION COMMON STOCK, $1.00 PAR VALUE

ORDER POSTPONING HEARING

The Philadelphia Stock Exchange having made application to the Commission, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, for extension of unlisted trading privileges to the Common Stock, $1.00 Par Value of The Studebaker Corporation; and

The Commission having ordered that the matter be set down for hearing on February 11, 1937; and

Said exchange having requested a postponement of said hearing;

It is ordered that said hearing be and the same hereby is postponed until Tuesday, March 16, 1937, at 11 a. m., in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-133; Filed, January 13, 1937; 1:02 p. m.]

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*Saturday, January 16, 1937* *No. 11*

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

EFFECTIVE DATE OF SUBSECTION (F) OF SECTION 1, REVISED REGULATION 2

Resolved, That subsection (f), entitled "Interest", of section 1 of revised Regulation Q,[1] the effective date of which subsection was deferred on December 28, 1935, until such date as should be fixed by further action of the Board, shall become effective on February 1, 1937.

[SEAL] L. P. BETHEA, *Assistant Secretary.*

[F. R. Doc. 37-151; Filed, January 14, 1937; 3:15 p. m.]

[1] Copies of Regulation Q are available upon application to the Board of Governors of the Federal Reserve System.

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## FEDERAL POWER COMMISSION.

[Order No. 43]

AMENDING UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES, AND ADOPTING AND ADDING THERETO APPENDIX III APPLICABLE TO CLASS C AND CLASS D PUBLIC UTILITIES AND LICENSEES

The following finding and order was adopted:

It appearing to the Commission:

(1) That the Commission, acting pursuant to authority granted by the Federal Power Act, adopted, on June 16, 1936, Order No. 42, prescribing and promulgating a Uniform System of Accounts for Public Utilities and Licensees Subject to the Provisions of said Act, effective January 1, 1937;

(2) That the National Association of Railroad and Utilities Commissioners at its annual convention in Atlantic City, New Jersey, on November 10 to 13, 1936, recommended for adoption by State regulatory commissions represented in its membership a uniform system of accounts substantially, but not entirely, the same in form and substance as that prescribed by the Federal Power Commission by its said Order No. 42;

(3) That certain public utilities, subject to the accounting requirements of the Federal Power Commission under the provisions of said Act, are also subject to the accounting requirements of State regulatory commissions, members of said Association;

(4) That the Uniform System of Accounts heretofore prescribed on June 16, 1936 by Order No. 42 did not define Class C and Class D Public Utilities and Licensees, or the application in detail of said Uniform System of Accounts to such public utilities and licensees;

Now, therefore, the Commission *finds:*

(a) That it is desirable and appropriate to carry out the provisions of the Act and to make more uniform the accounting requirements applicable to electric utilities, to revise and amend, in certain minor details, the Uniform System of Accounts Prescribed for Public Utilities and Licensees by Order No. 42;

(b) That it is necessary and appropriate for carrying out the provisions of the Act to adopt and add to said Uniform System of Accounts Appendix III entitled "Application of Uniform System of Accounts to Class C and Class D Public Utilities and Licensees."

Wherefore, it is hereby *ordered:*

(a) That the accompanying amendments to the Uniform System of Accounts [1] heretofore prescribed on June 16, 1936, by Order No. 42, be and the same are hereby adopted effective January 1, 1937;

(b) That the accompanying Appendix III [1] entitled "Application of Uniform System of Accounts to Class C and Class D Public Utilities and Licensees" be and the same is hereby prescribed and promulgated, effective January 1, 1938, as a part of said Uniform System of Accounts, provided that any Class C or Class D Public Utility or Licensee may at its option adopt and make effective prior to January 1, 1938 said Uniform System of Accounts;

(c) That Order No. 14 entered by the Commission on June 15, 1923, prescribing a condensed classification of accounts for the use of licensees who do not furnish a public service, be amended by changing the words (*Class D Licensees*) to: (Class I Licensees)

(d) That a copy of this order with accompanying amendments to the Uniform System of Accounts and Appendix III be forthwith served upon each public utility subject to the jurisdiction of the Commission, and each licensee or permittee holding a license or permit from the Commission.

Adopted by the Commission on December 31, 1936.

[SEAL] RUTH D. HOOK, *Acting Secretary.*

[F. R. Doc. 37-155; Filed, January 15, 1937; 10:21 a. m.]

[1] The amendments and Appendix III were filed with the Division of the Federal Register. The National Archives; copies are available upon application to the Federal Power Commission.

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## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-94]

IN THE MATTER OF TRADE PRACTICE RULES OF THE PETROLEUM AND PETROLEUM PRODUCTS INDUSTRY

NOTICE OF OPPORTUNITY TO OFFER OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pur-

suance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the trade practice rules for the Petroleum and Petroleum Products Industry, as published by the Commission August 10, 1931, to present to the Commission in writing such views and information as they may have and desire to submit as to why the Commission's approval and acceptance of the said rules should not be formally rescinded and the rules treated as having no force and effect. Such views and information should be filed with the Commission not later than February 1, 1937.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered: January 12, 1937.

[F. R. Doc. 37-154; Filed, January 15, 1937; 10:18 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2787]

IN THE MATTER OF BERNARD LICHT, TRADING AS LICHT'S FUR FACTORY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Edward M. Averill, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, January 18, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 823, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-152; Filed, January 15, 1937; 10:18 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2955]

IN THE MATTER OF SILVER ROD STORES SUPPLY CO., INC., A CORPORATION, AND DALE DRUG COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Edward M. Averill, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, January 20, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 823, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-153; Filed, January 15, 1937; 10:18 a. m.]

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## RESETTLEMENT ADMINISTRATION.

[Administration Order 40 (Rev. 2) (Suppl. 3)[1]]

LOANS TO COMMUNITY AND COOPERATIVE ASSOCIATIONS AND TO INDIVIDUALS TO PARTICIPATE IN SUCH ASSOCIATIONS OR IN JOINT ACTIVITIES

RESTRICTIONS OF BENEFICIAL MEMBERSHIP IN MEDICAL CARE COOPERATIVES

JANUARY 14, 1937.

1. Loans for relief in stricken agricultural areas include those for the establishment of medical care cooperatives which provide certain benefits to participating members.

2. *Beneficial* membership in cooperatives for medical care shall be restricted to RA clients and to persons eligible to become RA clients.

(a) Persons may become members of medical care cooperatives if their official duties so require but *shall not be entitled to medical care benefits* when their membership is granted *solely* to enable them to exercise supervisory activities.

3. In regard to medical care cooperatives, this Supplement supersedes all previous instructions to the contrary. (See particularly paragraphs 3c and 3i III of AO 40 (Rev. 2).)

4. Recipients will check AO 40 (Rev. 2) to make sure that reference is made in paragraphs 3c and 3i III thereof to this Supplement.

WILL W. ALEXANDER, *Administrator.*

[F. R. Doc. 37-150; Filed, January 14, 1937; 1:53 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MYERS FARM, FILED ON DECEMBER 21, 1936, BY SOUTHWEST ROYALTIES COMPANY, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the offering sheet is out of date on the date of its filing, based upon the date appearing on the plat, Exhibit A;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities

[1] Modifies AO 40 (Rev. 2)—9 26 36.



Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether an order of suspension shall be entered; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevent or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 28th day of January 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-156; Filed, January 15, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MYERS FARM, FILED ON DECEMBER 21, 1936, BY SOUTHWEST ROYALTIES COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 13, 1937, be effective as of January 14, 1937; and

It is further ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-157; Filed, January 15, 1937; 12:41 p. m.]

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*Tuesday, January 19, 1937* *No. 12*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AUTHORIZING THE LEASE OF CERTAIN RESERVED LANDS

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and as President of the United States, it is hereby ordered that any and all public lands in Alaska which have been heretofore or may be hereafter reserved for lighthouse purposes and which are not located within the boundaries of national forests, may be leased by the Secretary of the Interior for farming purposes under and pursuant to the act of July 3, 1926, ch. 745, 44 Stat. 821: *Provided*, That any such lease shall be subject to the approval of the Secretary of Commerce and shall not interfere with the use of the lands for lighthouse purposes.

This order supersedes Executive Order No. 5097 of April 20, 1929.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 14, 1937.*

[No. 7537]

[F. R. Doc. 37-158; Filed, January 15, 1937; 3:27 p. m.]

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## DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

SR—B-5 Supplement (b), Revised

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 5

*Supplement (b), Revised*

Supplement (b) to Southern Region Bulletin No. 5 is hereby amended to read as follows:

Part II of Southern Region Bulletin No. 5 is hereby amended by adding, after Supplement (a) thereto, the following:

In the counties designated in Supplement (i), Second Revision to Southern Region Bulletin No. 1, Revised, the following instructions are substituted for those instruction outlined elsewhere in SR—B-5 which otherwise would apply:

Where only one person furnished the workstock and equipment used on the land covered by Form 9, the word "all" shall be entered in the left-hand side of column (F) opposite the name of the person furnishing the workstock and equipment.

Where two or more persons furnished the workstock and equipment (with respect to cotton or peanuts or both) on land covered by Form 9, the entries to be made in the left-hand side of column (F) opposite the name of such persons furnishing workstock and equipment are as follows:

A. If the entries in columns (B) and (D), line 5 and subsequent lines, are made pursuant to paragraph A, page 7, SR—B-5, enter that acreage which represents the sum of the 1936 planted acreages of crops in those soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made and for which each such person furnished workstock and equipment. In such cases the sum of the acreages entered in the left-hand side of column (F) should equal the sum of the amounts in line 2, columns (B) and (D), for soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made.

B. If the entries in columns (B) and (D), line 5 and subsequent lines, are made pursuant to paragraph B, page 7, SR—B-5, enter that acreage which represents the sum of the contributions to the difference between the soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made and the 1936 acreages of the crops in such bases for which such person furnished workstock and equipment. In such cases the total of the acreages entered in the left-hand side of column (F) should equal the sum of the differences between lines 1 and 2, columns (B) and (D), for soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made.

C. If the entries in columns (B) and (D), line 5 and subsequent lines, are made pursuant to paragraph C, page 8, SR—B-5, enter that acreage which represents the sum

of the row crops on all producer units for which such person furnished workstock and equipment. In such cases the total of the acreages entered in the left-hand side of column (F) should equal the total acreage of row crops on the farm.

D. If the entries in columns (B) and (D), line 5 and subsequent lines, are made pursuant to paragraph D, page 8, SR—B-5, enter that acreage which represents the sum of the soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made and for which such person furnished workstock and equipment. In such cases the total of the acreages entered in the left-hand side of column (F) should equal the sum of the amounts in line 1, columns (B) and (D), for the soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made.

Where only one person furnished the land covered by Form 9, the word "all" should be written in the space provided in the right-hand side of column (F) opposite the name of the person furnishing such land.

Where two or more persons furnished the land covered by Form 9, the same method which is (or would be) used on that farm for dividing workstock and equipment payment must be used as the basis for dividing the land payment. For example, if the workstock and equipment payment is (or would be) divided on the basis of the planted acres, the sum of the entries to be made in the right-hand side of column (F) opposite the name of persons furnishing land should equal the sum of the 1936 planted acreages of crops in those soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made.

In counties designated in Supplement (i), Second Revision, to Southern Region Bulletin No. 1, Revised, no part of the acreage of the crops in the general soil-depleting base should be entered in either side of column (F), Form 9.

Except as otherwise provided herein, Forms 9 covering farms in counties designated in said Supplement (i), Second Revision, should be executed in accordance with the procedure outlined elsewhere in part II of Southern Region Bulletin No. 5.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 15th day of January, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37–164; Filed, January 16, 1937; 12:17 p. m.]

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## Food and Drug Administration.

### AMENDMENT TO REVISED REGULATIONS FOR INSPECTION OF CANNED SHRIMP EFFECTIVE JULY 1, 1936.

*Secretary of Agriculture:*

Under authority conferred by the amendment of August 27, 1935, to the Federal Food and Drugs Act, Section 10A, I recommend the adoption and promulgation, to become effective January 18, 1937, of the following amendment to the revised regulations for inspection of canned shrimp, effective July 1, 1936:

At the end of Paragraph (c), Regulation 13, insert:

"*Provided*, That any excess fees paid under Paragraph (d) remaining to the credit of the packer at the time an extension to the inspection period is approved may be applied, upon a written request by the packer, to the payments required for extension."

W. G. CAMPBELL,
*Chief, Food and Drug Administration.*

Approved:
HARRY L. BROWN,
*Acting Secretary.*
January 18, 1937.

[F. R. Doc. 37–169; Filed, January 18, 1937; 12:39 p. m.]

## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[General Order No. 240]

### CHANGES IN IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED

JANUARY 15, 1937.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Ti. 8, Sec. 102), Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Ti. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, the following changes are hereby made in the Immigration Rules of January 1, 1930, as amended:

Paragraph 2, Subdivision J, Rule 1 is amended to read as follows:

PAR. 2. Head tax collected on account of aliens admitted in transit through the United States will be refunded to the person or transportation company so entitled upon the submission of satisfactory proof within 120 days after the date of alien's entry that he departed from the United States within 60 days after such date of entry. If an alien is permitted to remain in the United States as a transit for a period in excess of 60 days, satisfactory proof of departure from the United States within the time granted may be submitted within 60 days of the expiration of transit admission as extended. The submission of Form 514 properly executed and showing the alien departed from the United States within the time prescribed, shall be deemed satisfactory proof. The transit alien to whom Form 514 has been issued can obtain in many instances, upon completion of the form, a refund in cash from the purser of the trans-Atlantic or trans-Pacific steamship on which he departs from the United States; or if the alien is in transit from and to Canada, refund can be obtained from any of the railway ticket agents at stations in Canada enumerated on the Form 514, upon departure from the United States being properly certified as provided on said form.

Clause (i), Paragraph 1, Subdivision K, Rule 1 is amended to read as follows:

(i) Aliens in transit through the United States under the arrangement specified in Rule 6.

Paragraph 1, Subdivision K, Rule 1 is amended by adding the following clause:

(n) Aliens admitted to the United States as bona fide students under Subdivision (c) of Section 4, of the Act of 1924, who, without relinquishing such status, visit Canada, Newfoundland, Cuba, or Mexico for a temporary period in no instance exceeding six months.

Subdivision A, Rule 6 is amended by renumbering existing Paragraphs 5 and 6, Paragraphs 6 and 7, respectively, and by inserting a new Paragraph 5, to read as follows:

PAR. 5. Where an alien admitted as a transit finds that he will be unable to depart from the United States within the time prescribed because of changes of scheduled departures by the transportation agency, an application for extension of transit admission may be made by the alien under oath on Form 639, and presented to the officer in charge at the port of arrival. The officer in charge of the port of arrival may grant extensions of transit admissions if satisfied that inability to depart within the time of admission is due to changes of scheduled departures of the transportation agency and that the application is made in good faith. In no instance shall the stay of a transit be extended for a period in excess of 180 days from the date of original entry. Extensions granted under this subdivision shall be noted on Form 514, Head Tax Refund Certificate, where such certificate has been issued.

Paragraph 1, Subdivision C, Rule 25 is amended to read as follows:

PARAGRAPH 1. Applications to extend the time of temporary admission granted pursuant to the provisions of Subdivision (2) of Section 3 of the Immigration Act of 1924, shall be made by the nonimmigrant alien under oath on Form 639, and shall state the name, age, and occupation of the alien, whether married or single; and, if married, the name and present address of the husband or wife and children, if any; country of alien's birth; country of aliens present allegiance; place of residence abroad; number, date, and place of issue of passport visa, date passport expires; time, place and manner of arrival in the United States; nonimmigrant class to which alien belongs as shown by passport visa; whether in possession of return passage or ticket; time originally fixed for departure from the United States; date and length of extensions previously granted, if any; residence in the United States; if visiting relatives or friends, names and addresses of such relatives or friends; if admitted for the transaction of business, the nature and character of such business; if employed, or engaged in business in the United States, when, where and by whom employed, or the nature and character of the business engaged in and the monthly salary or income derived from such employment or business; and reasons in detail why the time fixed for aliens departure shall be extended: *Provided* that a separate Form 639 (Application to extend time of temporary stay), shall be filed by each member of the family, with the exception that the father or mother may apply on the same form for children under sixteen years of age, if such children were accompanied by the father or mother at time of entry.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:
FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37–159; Filed, January 16, 1937; 9:46 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

### AMENDMENT RULE 262A, B, b

The Telegraph Division at its regular meeting on January 5, 1937, amended Rule 262a, B, b to read in part, as follows:

"RULE 262a, B, b.

*Northwestern Continental Chain and Feeders (Purple)*

| | | | | |
|---|---|---|---|---|
| Available for aeronautical point-to-point stations— | | | | |
| 2,644 | 2,994 [12] | 6,490 [2] | 8,130: | Day only [1] |

[2] This frequency assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.

[1] Subject to the condition that no interference is caused to Government Stations.

[12] Subject to the condition that no interference is caused to aeronautical and aircraft stations.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 37–167; Filed, January 18, 1937; 10:37 a. m.]

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### ORDER NO. 7–D

The Telephone Division at its regular meeting on January 6, 1937, adopted Order No. 7–D as follows:

The Telephone Division having under consideration its Order No. 7–C promulgating the "Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, Effective January 1, 1936", and the Decree of the United States District Court for the Southern District of New York in the case of American Telephone and Telegraph Company, et al., v. the United States, as affirmed by the Supreme Court of the United States, December 7, 1936;

*It is ordered*, That Order No. 7–C entered by the Telephone Division on the 19th day of June 1935, together with the draft of Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, be, and the same are hereby amended by this Order No. 7–D, and by the draft of amendments known as "Amendments of 'Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, Effective January 1, 1936', ordered by the Federal Communications Commission, Telephone Division, Order No. 7–D", a copy of which is attached hereto and made a part hereof as if copied at length herein.

*It is further ordered*, That a copy of said Order No. 7–D, together with the draft of the amendments attached thereto shall be embodied in printed form; that a copy thereof duly authenticated by the Secretary of the Commission, be filed in its archives, and a second copy thereof, authenticated in like manner, in the office of the Accounting, Statistical, and Tariff Department; and that each of said copies so authenticated and filed shall be deemed an original record thereof.



*It is further ordered*, That Order No. 7–D, together with the draft of the amendments attached thereto shall become effective on the first day of January 1937.

By the Commission, Telephone Division.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

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### AMENDMENTS OF "UNIFORM SYSTEM OF ACCOUNTS FOR TELEPHONE COMPANIES, ISSUE OF JUNE 19, 1935, EFFECTIVE JANUARY 1, 1936"

TELEPHONE DIVISION, ORDER NO. 7–D

(1) *Page 2.*—The first full paragraph on this page is eliminated and in lieu thereof there is inserted the following paragraph:

The Interstate Commerce Commission's order specifying records which may be destroyed is contained in its "Regulations to Govern the Destruction of Records of Telephone, Telegraph, and Cable Companies, Issue of 1920", which order, as amended, remains in effect.

(2) *Page 5.*—The word "and" is eliminated from the last line of instruction 3 (O); the period at the end of that line is changed to a comma and the following words are added:

and 100.4, "Telephone plant acquisition adjustment."

(See also correlated change in account 103 on page 29.)

(3) *Page 5.*—Instruction 3 (S. 1) is eliminated and in lieu thereof there is inserted the following instruction:

(S. 1) "Original cost" or "Cost", as applied to telephone plant, franchises, patent rights, and right-of-way, means the actual money cost of (or the current money value of any consideration other than money exchanged for) property at the time when it was first dedicated to the public use, whether by the accounting company or by predecessors.

NOTE.—For the application of this definition to property acquired from predecessors see instruction 21. (Note also instruction 3–G. 1.)

(See also correlated changes in instruction 21 on page 12 and in account 100.4 on page 27.)

(4) *Page 6.*—Instruction 3 (CC) is eliminated and in lieu thereof there is inserted the following instruction:

(CC) "Time of installation" means the date at which telephone plant is placed in telephone service.

(5) *Pages 12 and 13.*—Instruction 21 is eliminated and in lieu thereof there is inserted the following instruction:

21. *Telephone plant acquired.*—(A) When property comprising a substantially complete telephone system, exchange, or toll line is acquired from predecessors, the amount of money actually paid (or the current money value of any consideration other than money exchanged) for the property (together with preliminary expenses incurred in connection with the acquisition) shall be charged to account 276, "Telephone plant acquired." (Note also account 139.)

(B) The accounting for the acquisition of the plant shall then be completed as follows:

(1) The original cost, estimated if not known, (note instruction 3–S.1.) of telephone plant, governmental franchises and other similar rights acquired shall be charged to the telephone plant accounts, account 100.2, "Telephone plant under construction", and account 100.3, "Property held for future telephone use", as appropriate, and credited to account 276. When the actual original cost cannot be determined and estimates are used, the company shall be prepared to furnish this Commission with the particulars of such estimates.

(2) The amounts of the reserve requirements for depreciation and amortization of the plant acquired shall be credited to account 171, "Depreciation reserve", and account 172, "Amortization reserve", and debited to account 276.

(3) The amount remaining in account 276, "Telephone plant acquired", applicable to the plant acquired, shall upon completion of the entries provided in the foregoing paragraphs (1) and (2), be debited or credited, as appropriate, to account 100.4, "Telephone plant acquisition adjustment", except that when any amount thus chargeable to account 100.4 applies to duplicate or other telephone plant which will be retired by the vendee in the reconstruction of the acquired property and its consolidation with previously owned property, the accounting for the amount applicable to such plant shall be submitted to this Commission for consideration and approval.

(C) The accounting for property acquired from predecessors, not provided for in paragraphs (A) and (B) hereof, shall be on basis of the amount of money actually paid (or the current money value of any consideration other than money exchanged) for such property.

(D) A memorandum record shall be kept of the amount of contributions in aid of construction applicable to the property acquired as shown by the accounts of the previous owner.

(E) Journal entries recording the acquisition of a substantially complete telephone system, exchange, or toll line, or other telephone plant where the consideration paid is $25,000 or more, shall be submitted to this Commission for consideration and approval. The text of such entries shall give a complete description of the property acquired and the bases upon which the amounts of the entries have been determined.

(See also correlated changes in instruction 3–S. 1 on page 5 and in account 100.4 on page 27.)

(6) *Page 14.*—The note following subparagraph (8) of paragraph (B) of instruction 22 is eliminated.

(See also correlated changes in notes (A) and (E) following account 305 on page 64.)

(7) *Page 19.*—"1936" is eliminated from the first and last lines of paragraph (A) of instruction 26 and in lieu thereof "1937" is substituted.

(8) *Pages 27 and 28.*—Account 100.4 is eliminated and in lieu thereof there is inserted the following account.

100.4. *Telephone plant acquisition adjustment.*—(A) This account shall include amounts determined in accordance with instruction 21 representing the difference between (a) the amount of money actually paid (or the current money value of any consideration other than money exchanged) for telephone plant acquired, plus preliminary expenses incurred in connection with the acquisition; and (b) the original cost (note instruction 3–S. 1) of such plant, governmental franchises and similar rights acquired, less the amounts of reserve requirements for depreciation and amortization of the property acquired. If the actual original cost is not known, the entries in this account shall be based upon an estimate of such cost.

(B) This account shall be subdivided according to the character of the amounts contained therein. In addition to a copy of the journal entry recorded to open the account, the company shall file with this "Commission statements showing the basis of the computation of amounts included therein. The detailed records supporting these statements shall be retained permanently by the company.

(C) The amounts recorded in this account with respect to each property acquisition shall be disposed of, written off, or provision shall be made for the amortization thereof in such manner as this Commission may direct."

(See also correlated changes in instructions 3–S. 1 on page 5 and 21 on pages 12 and 13.)

(9) *Page 29.*—The word "and" is eliminated from the fifth line of the text of account 103; the period at the end of that line is changed to a comma and the following words are added:

and 100.4. "Telephone plant acquisition adjustment."

(See also correlated change in instruction 3 (O) on page 5.)

(10) *Pages 38 and 40.*—The words, "discount, or premium" are eliminated from paragraph (C) of the text of account 153.1 on page 38 and from paragraph (C) of the text of account 154.2 on page 40.

(11) *Pages 57 and 58.*—"602.3" is eliminated and "602.7" is added to the last line of notes A following accounts 242.2 on page 57 and 242.2 on page 58, so that these notes will read:

NOTE A.—The cost of pumping water out of manholes and of cleaning manholes and ducts in connection with the maintenance or operation of telephone plant shall be charged to accounts 602.4 or 602.7, as appropriate.

(12) *Page 64.*—Notes A and E following the text of account 305 are eliminated and the following notes A and E are inserted:

NOTE A.—Taxes other than those on telephone plant, operations, and privileges shall be charged to account 322.

NOTE E.—The accounting for taxes on physical property during construction and before the facilities are completed ready for service shall be in accordance with instruction 22–B–8.

(See also correlated change under instruction 22 (B) (8) on page 14.)

(13) *Page 77.*—The following title of an additional account is inserted after account 613 under the heading "II. Depreciation and Amortization Expenses" for both Class A and Class B companies:

614. Amortization of telephone plant acquisition adjustment.

(See correlated change on page 90.)

(14) *Pages 80 and 83.*—The item "Trimming trees, cutting underbrush, and other work to maintain previous clearances" is eliminated from the item lists under account 602.2 on page 80 and account 602.6 on page 83.

(15) *Pages 80 and 83.*—The item "Opening pavement and repaving in connection with repairs of underground cable" is eliminated from the item list under account 602.3 on page 80; the third item in the item list under account 602.7 on page 83 is eliminated and in lieu thereof the following item is inserted:

Opening pavement and repaving in connection with repairs of underground cable and conduit.

(16) *Pages 84, 85 and 86.*—The words, ", in connection with maintenance of outside plant," are eliminated from the second line of the text of account 603 on page 84; the items "Regulating power for repeaters", "Testing for, locating and clearing trouble. (See also note B to this account.)", and "Watching and regulating the operation of repeaters, duplex and multiplex apparatus on telephone and telegraph lines" are eliminated from the item list under account 604 on page 85; and the words "outside of central offices" are eliminated from the third line of note B following account 604 on page 86.

(17) *Page 90.*—The following new operating expense account is added after account 613 to the group of accounts designated "II. Depreciation and Amortization Expenses."

614. *Amortization of telephone plant acquisition adjustment.*—This account shall be charged or credited each month with such amounts as may be authorized by the Commission to be included in operating expenses under a plan to amortize amounts in account 100.4, "Telephone plant acquisition adjustment." Amounts so entered shall be charged or credited, as appropriate, to account 172, "Amortization reserve."

(See correlated change on page 77.)

(18) *Page 107.*—The words, "plant removal", are eliminated from the second line of paragraph (G) of account 672.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37–166; Filed, January 18, 1937 10:37 a. m.]

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## FEDERAL POWER COMMISSION.

[Order No. 44]

PRESCRIBING RULES OF PRACTICE AND REGULATIONS, WITH APPROVED FORMS, REVISED TO JANUARY 1, 1937

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly Section 309 thereof, finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates, and prescribes the accompanying "Rules of Practice and Regulations, with Approved Forms, Revised to January 1, 1937";

And *orders:*

(1) That the Secretary be and he is hereby directed to transmit to interested parties, copies of said Rules of Practice and Regulations, with Approved Forms;

(2) That Orders Nos. 6, 9, 11, 15, 18, 19, 25, 26, 29, 30, 34, 36, 37, 38, 39, 40 and 41, heretofore adopted by the Commission, prescribing rules of practice and rules and regulations, be and the same are hereby rescinded, effective January 1, 1937.

(3) That no power, right, obligation, or duty arising or existing prior to January 1, 1937, under or by virtue of any order hereby rescinded shall be affected by the rescission of said order.

Adopted by the Federal Power Commission, December 31, 1936.

[SEAL] RUTH D. HOOK,
*Acting Secretary.*



FOREWORD

Since the enactment of the Federal Water Power Act in 1920, it has been the practice of the Commission to promulgate rules and regulations through the medium of orders, numbered consecutively and adopted from time to time. Some of the orders amended or rescinded previous orders while others promulgated new rules and regulations.

In 1929 there was published a compilation of rules and regulations so promulgated, entitled: "Rules of Practice in Formal Proceedings under the Federal Water Power Act and Procedure in Formal and Informal Proceedings, First Issue, Effective May 1, 1929."

From time to time a compilation of other rules and regulations so promulgated has been published, entitled: "Rules and Regulations Governing the Administration of the Federal Water Power Act", the last publication in 1931 being the "Fourth Revised Issue (Contains all amendments to and including June 23, 1930)."

The following "Rules of Practice and Regulations, With Approved Forms, Revised to January 1, 1937", promulgated by Order No. 44, adopted December 31, 1936, supersedes all rules and regulations previously so promulgated by numbered orders, except those accounting and other regulations promulgated by the following orders, which, as of January 1, 1937, remain in effect according to their terms:

*Order No. 14,* adopted June 15, 1923 (Third Annual Report, page 209) prescribing "Condensed classification of accounts for use of licensees under the Federal Water Power Act who do not furnish a public service (Class D licensees)."

*Order No. 23,* adopted January 18, 1928 (Eighth Annual Report, page 107) prescribing "Special condensed accounting rules for use of licensees in accounting for investments in and results of operations of small projects."

*Order No. 31,* adopted November 7, 1932 (Thirteenth Annual Report, page 78) requiring licensees to file with the Commission on or before January 1, 1933, a copy of all rate schedules or tariffs, contracts, agreements, or other instruments showing the terms and conditions of sale or disposition of electricity from their respective licensed plants, and to file with the Commission all supplements, amendments, or changes therein subsequently issued or entered into.

*Order No. 35,* adopted December 6, 1935, requiring the filing of financial and statistical reports by each private, municipal, and public corporation engaged in generating, transmitting, or distributing electricity.

*Order No. 42,* adopted June 16, 1936, prescribing a system of accounts for public utilities and licensees under the Federal Power Act.

*Order No. 43,* adopted December 31, 1936, amending the Uniform System of Accounts prescribed for public utilities and licensees by Order No. 42, and adopting and adding thereto Appendix III applicable to class C and class D public utilities and licensees.

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## RULES OF PRACTICE AND REGULATIONS

RULE 309. OFFICE AND ADDRESS OF THE COMMISSION.

SEC. 1. *Address; office hours.*—All communications to the Commission must be addressed to Washington, D. C., unless otherwise specifically directed. Pleadings and other papers required to be filed with the Commission may be transmitted through any agency of the Commission, by mail, or express, or otherwise delivered, but must be received for filing at its Washington, D. C., office within the time limit, if any, for such filing. The office is open from 9 a. m. until 4: 30 p. m. of each business day except Saturday, upon which day it is open from 9 a. m. to 1 p. m., or as provided by statute or Executive Order.

RULE 309–1. PUBLIC SESSIONS AND HEARINGS.

SEC. 1. *Notice.*—Public sessions of the Commission for hearing evidence or oral argument or for public conferences and hearings before any Commissioner, examiner or other representative of the Commission, will be held as set upon notice by the Commission, subject to change upon reasonable notice.

RULE 309–2. PARTIES.

SEC. 1. *Classes.*—The parties to proceedings before the Commission are applicants, complainants, petitioners, defendants, interveners, protestants and respondents, according to the nature of the proceedings and their relationship thereto.

SEC. 2. *Appearances.*—Any party may appear and be heard in person or by attorney and a corporation or association

[1] These forms were filed with the Division of the Federal Register, The National Archives, Washington, D. C.; copies are available upon application to the Federal Power Commission.

may be represented by a bona fide officer thereof. All persons appearing in such proceedings must conform to the standards of ethical conduct required of practitioners before the courts of the United States and, where applicable, to the requirements of Sec. 12 (i) of the Public Utility Holding Company Act of 1935. Failure to conform to these standards will be ground for declining to permit appearance in any proceeding before the Commission.

SEC. 3. *Applicants defined.*—In proceedings involving applications by persons subject to the Act for permission or authorization which the Commission may give under the authority of the Act, the parties on whose behalf the applications are made are styled applicants.

SEC. 4. *Complainants.*—Parties who complain to the Commission of anything done or omitted to be done in violation of the provisions of the Act by any person subject to the Act, are styled complainants. (See Rule 309–4.)

SEC. 5. *Petitioners.*—Parties seeking relief, not otherwise designated herein, are styled petitioners. (See Rule 309–3.)

SEC. 6. *Defendants.*—Persons subject to the Act, against whom any complaint is filed, are styled defendants. (See Rule 309–4.)

SEC. 7. *Interveners.*—Parties permitted to intervene as hereinafter provided, are styled interveners. (See Rule 309–3.)

SEC. 8. *Protestants.*—Parties objecting on the ground of private or public interest to the approval of an application or petition which the Commission may have under consideration, are styled protestants. (See Rule 309–6.)

SEC. 9. *Respondents.*—Persons subject to the Act, to whom an order or notice is issued by the Commission instituting a proceeding or investigation on its own initiative, are styled respondents.

RULE 309–3. PETITIONS.

SEC. 1. *Contents.*—Petitions for relief under the Act should state clearly and concisely the interest of the petitioner in the subject matter of the petition and the relief sought and cite by appropriate reference the section, paragraph, etc., of the Act relied upon for relief and must conform to the requirements of Rule 309–8.

SEC. 2. *Intervening petitions.*—Anyone entitled under the Act to complain to the Commission in any pending proceeding may petition to intervene therein prior to or at the time it is called for hearing but not after, except for good cause shown. Petitions for intervention must set forth the grounds of the proposed intervention; the position and interest of the petitioner in the proceeding; and if affirmative relief is sought, must conform to the requirements of a formal complaint and must be subscribed and verified in the same manner as a formal complaint. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding.

RULE 309–4. COMPLAINTS.

SEC. 1. *Informal and formal.*—Complaints may be informal or formal.

SEC. 2. *Informal complaints.*—Informal complaints may be made by letter or other writing, and will be filed as received. Matters informally presented will, if their nature so warrants, be taken up by correspondence or conference with the party or parties complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

SEC. 3. *Substance of informal complaints.*—No form of informal complaint is prescribed, but in substance the letter or other writing should contain the name and address of complainant, the name of the party against whom the complaint is made, and a brief statement of the facts forming the basis of such complaint. While the filing of an informal complaint is without prejudice to complainant's formal proceedings or to become a party to any proceedings already initiated, and only formal complaints will be admitted in the record of formal proceedings. It is desirable right to file formal complaint, only formal complaints submitted and prosecuted in the manner hereinafter prescribed will entitle any person, natural or artificial, to initiate that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party named, and retain one for its own use, and it may be accompanied by supporting papers.

SEC. 4. *Formal complaints; form and style.*—Formal complaints must conform to the requirements of Rules 309–8 and 309–9. The names of all parties complainant and defendant must be stated in full without abbreviations, and the address of each complainant with the name and address of his attorney, if any, must appear.

SEC. 5. *Joinder of complaints or complainants.*—Two or more grounds of complaint involving the same purposes, subject, or state of facts, may be included in one complaint, but should be separately stated and numbered; and two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and involve substantially the same purposes and subject, and a like state of facts.

SEC. 6. *Substance of formal complaints.*—Formal complaints should be so drawn as fully and completely to advise the parties defendant and the Commission, wherein the provisions of the Act have been or are violated by the acts or omissions complained of, or will be violated by a continuance of such acts or omissions, and should set forth briefly and in plain language the facts claimed to constitute such violations, and the relief sought.

SEC. 7. *Subscription and verification.*—Every formal complaint must be personally subscribed (1) by the complainant, or by one of the complainants if there be more than one, (2) by an officer of the complainant if it be a corporation, or (3) for the complainant by his attorney. In addition, the facts alleged must be verified under oath by a complainant, an officer of complainant, or by the attorney for the complainant. If the subscription and verification, or either thereof, be by anyone other than the complainant or an officer or attorney thereof as aforesaid, the reason it is so made must be stated, and the power of attorney or authority authorizing such affiant to prosecute the complaint or make the verification must be filed with the complaint.

SEC. 8. *Supplemental complaints.*—Supplemental complaints may be tendered for filing by the complainant against the defendant in the original complaint, setting forth any causes of action under the Act alleged to have accrued in favor of the complainant and against the defendant since the filing of the original complaint, and, upon leave granted, will be filed and served by the Commission as provided for original complaints, and heard, considered, and disposed of therewith in the same proceeding, if practicable.

RULE 309–5. ANSWERS.

SEC. 1. *Answers to formal complaints.*—Answers to formal complaints must be filed with the Commission within thirty (30) days after the day on which the complaint was served. This period may be shortened or extended by the Commission in its discretion. Any defendant failing to file answer within such period will be deemed in default, and issue as to such defendant will be thereby joined. All answers should be so drawn as fully and completely to advise the parties and the Commission as to the nature of the defense, and should admit or deny, specifically and in detail, each material allegation of the pleading answered and must conform to requirements of Rule 309–8.

SEC. 2. *Answers to petitions.*—Answers to petitions in intervention or amended complaints, filed and served upon leave granted, need not be separately made unless the defendants so elect, and their answers to the formal complaint will be deemed answers to the petition in intervention or amended complaint. Answers if separately made should be filed and served in the same manner as is provided for answers to the original complaint.

SEC. 3. *Cross complaints.*—Cross complaints alleging violations of the Act by other parties to the proceeding, or seeking relief against them under the Act, and involving substantially the same purposes and subject or a like state of facts, may be tendered for filing by defendants with their answers, and upon leave granted will be filed and served by the Commission in the manner provided for complaints. In such



cases the cross complaints will be heard, considered and disposed of in the same proceeding with the original complaint.

SEC. 4. *Answers to cross complaints.*—Unless otherwise ordered by the Commission answers to cross complaints filed and served upon leave granted must be filed and served within twenty (20) days after service of the cross complaint.

SEC. 5. *Satisfaction of complaints.*—If the defendant satisfies a formal complaint either before or after answering, a statement to that effect signed by the opposing parties must be filed setting forth when and how the complaint has been satisfied.

RULE 309–6. PROTESTS.

SEC. 1. *Contents.*—Protests must set forth the position and interest of the protestant in the proceeding and must be so drawn as fully and completely to advise the parties and the Commission as to the acts or omissions complained of, and should in other respects conform to the requirements of Rule 309–4 for complaints.

RULE 309–7. AMENDMENTS TO PLEADINGS.

SEC. 1. *Allowance or refusal discretionary.*—Amendments to any pleading will be allowed or refused by the Commission in its discretion.

SEC. 2. *Subscription and verification.*—Whenever by these rules a principal pleading is required to be subscribed and verified, an amendment thereto must be similarly subscribed and verified.

SEC. 3. *Directed amendments.*—The Commission may direct a party to state his case by way of amendment, more fully or in more detail.

RULE 309–8. SPECIFICATIONS AS TO APPLICATIONS, COMPLAINTS, ANSWERS, PETITIONS, BRIEFS, ETC.

SEC. 1. *Typewritten or printed only.*—Except where otherwise specifically provided, all papers to be filed under these rules must be typewritten or printed.

SEC. 2. *Size and legibility.*—If typewritten, they must, unless otherwise specifically provided, be on paper 8½ inches wide by 11 inches long, with left-hand margin not less than 1½ inches wide. The impression must be on only one side of the paper and must be double-spaced, except that long quotations should be single-spaced and indented. Mimeographed, multigraphed, or planographed copies will be accepted as typewritten. All copies must be clearly legible.

SEC. 3. *Sizes of printed paper.*—If printed, they must be not less than 10 point type on unglazed paper, 5 and ⅞ inches wide by 9 inches long, with inside margin not less than one inch wide and with double-leaded text and single-leaded citations.

SEC. 4. *Signature.*—Applications, declarations of intention, complaints, answers, petitions, protests and notices must be signed in ink by the party in interest, or by his or its duly authorized attorney, and must show the office and post office address of the same.

SEC. 5. *Improper matter.*—Any paper containing defamatory, scurrilous or unethical matter will be rejected by the Commission.

RULE 309–9. SERVICE, NUMBER OF COPIES.

SEC. 1. *By the Commission.*—Applications, formal complaints, petitions, and upon leave granted, petitions in interventions, supplemental complaints, cross complaints and amended complaints, will be served by the Commission. Such service will be by mail or otherwise, as may be appropriate in each specific case.

SEC. 2. *By parties.*—Protests, answers, briefs, notices and all other papers, except depositions, in formal proceedings pending before the Commission shall, when tendered to the Commission for filing, show service thereof upon all parties to the proceeding. Such service shall be made by delivering in person or by mail, properly addressed with postage prepaid, one copy to each party. (See Form 309–9.[2])

[2] *See* Footnote 1 on page 83.

SEC. 3. *Service upon attorneys.*—When any party has appeared by attorney, service upon such attorney will be deemed service upon the party.

SEC. 4. *Number of copies.*—Except where otherwise specifically provided in these rules, all pleadings which are served by the Commission must be accompanied by copies in sufficient number to enable the Commission to transmit one copy to each party to the proceeding and retain five copies for its own use. Where service is made by the parties five copies are required for the use of the Commission.

RULE 309–10. CONTINUANCES, EXTENSIONS OF TIME.

SEC. 1. *Contents; time of filing.*—Applications for continuances or for the extension of time in which to file any pleadings or briefs shall be by petition in writing stating the facts on which the application rests, and must be filed with the Commission at least seven days before the date set for hearing, or on or before the time for filing such pleadings or briefs, and must conform to the requirements of Rules 309–8 and 309–9.

SEC. 2. *Discretion in granting or denying.*—Continuances and extensions of time will be granted or denied at the discretion of the Commission.

RULE 309–11. DOCUMENTARY EVIDENCE.

SEC. 1. *Designation.*—When relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same must plainly designate the matter so offered. If other matter is in such volume as would necessarily cumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding Commissioner, examiner, or other representative so directs, a true copy of such matter, in proper form, shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof if found to be material and relevant.

SEC. 2. *Commission's files.*—In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but in other respects the provisions of the foregoing Sec. 1 of this rule will apply.

SEC. 3. *Records in other proceedings.*—In case any portion of the record in any other proceeding is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

A. The party offering the same agrees to supply such copies later at his own expense, if and when required by the Commission; or

B. The portion is specified with particularity in such manner as to be readily identified; or

C. The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference subject to A and B; and

D. The presiding Commissioner, examiner or other representative directs such incorporation.

SEC. 4. *Objections.*—Any documentary evidence offered, whether in the form of exhibit or by reference, shall be subject to appropriate objection.

SEC. 5. *Copies to opposing counsel.*—When exhibits of a documentary character are offered in evidence, copies must be furnished to opposing counsel unless the presiding Commissioner, examiner or other representative otherwise directs.

SEC. 6. *Size; form.*—Whenever practicable, all exhibits of a documentary character received in evidence must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten; if typewritten, they must conform to the requirement of Rule 309–8.

SEC. 7. *Copies for the Commission.*—Unless the presiding Commissioner, examiner, or other representative shall otherwise direct, three copies of each exhibit of a documentary character must be furnished for the use of the Commission, in addition to the copies provided for under Sec. 5 hereof.

RULE 309–12. STIPULATIONS.

SEC. 1. *How evidenced.*—A party or parties may, in writing filed with the Commission or presented at the hearing, stipulate as to any facts involved in the proceeding; but such stipulation shall not bind the Commission.

SEC. 2. *Form and style; service.*—Stipulations must conform to the requirements of Rules 309–8 and 309–9.

RULE 309–13. WITNESSES AND SUBPENAS.

SEC. 1. *Subpenas.*—Subpenas for the attendance of witnesses or for the production of books, papers or documents, unless directed by the Commission upon its own motion, will issue only upon application in writing. Applications to compel witnesses to produce documentary evidence must be verified, and must specify as nearly as may be, the books, papers or documents desired and the facts to be proved by them.

SEC. 2. *Fees of witnesses.*—Witnesses who are summoned are entitled to the same fees as are paid for like services in the courts of the United States, such fees to be paid by the party at whose instance the testimony is taken, and the Commission before issuing subpena may require a deposit of an amount adequate to cover the fees and mileage involved.

SEC. 3. *Subpenas; service: return.*—If service of subpena is made by a United States Marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereof, describing the manner in which service is made and return such affidavit on or with the original subpena. In case of failure to make service, the reasons for the failure shall be stated on the original subpena. In making service, the original subpena shall be exhibited and read to the person served, and a copy thereof shall be left with him. The original subpena, bearing or accompanied by the required return, affidavit or statement, shall be returned forthwith to the Secretary of the Commission, or if so directed on the subpena, to the presiding Commissioner, examiner or other representative of the Commission before whom the person named in the subpena is required to appear.

RULE 309–14. DEPOSITIONS.

SEC. 1. *When permissible.*—The testimony of any witness may be taken by deposition, at the instance of a party to any proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission, in compliance with these rules of practice, but not otherwise.

SEC. 2. *Officer before whom taken.*—Such depositions may be taken before a Commissioner, examiner, or other authorized representative of the Commission, any judge, commissioner or clerk of any court of the United States, any chancellor, judge or justice of a State court, mayor or chief magistrate of a city, or any notary public not being of counsel or attorney to either of the parties or interested in the proceeding or investigation, according to such designation as the Commission may make in its order in the premises. Where such deposition is taken in a foreign country, it may be taken before an officer or person designated by the Commission or agreed upon by the parties by stipulation in writing to be filed with the Commission. The magistrate, person or officer so designated in this rule will be referred to as the officer.

SEC. 3. *Notice of application; service; order for taking.*—Reasonable notice of not less than 10 days, and when the deposition is to be taken in a foreign country, of not less than 15 days, must first be given in writing by the party or his attorney proposing to take such deposition to the opposing party or his attorney of record, and to the Commission. In such notice, there should be stated the name and post office address of the witness, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, and the name and post office address of the officer before whom it is desired that the deposition be taken. The opposing party may, within the time stated above, make any appropriate response to such notice. Thereupon, if the application so warrants, the Commissioner will make and serve upon the parties or their attorneys an order, wherein the Commission will name the witness whose deposition is to be taken, and specify the time, place and the officer before whom the witness is to testify, but such time and place and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as those named in said notice to the Commission.

SEC. 4. *Oath; reduction to writing.*—Every person whose deposition is so taken shall be sworn (or affirmed if he so requests) to testify to the whole truth and nothing but the truth concerning the matter about which he shall testify, and shall be carefully examined. His testimony shall be reduced to typewriting by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness, and certified in usual form by the officer. After the deposition has been so subscribed and certified it shall, together with two copies thereof made by such officer or under his direction, be forwarded by such officer, in a sealed envelope addressed to the Commission at its office in Washington, D. C. with sufficient stamps for postage affixed. Upon receipt of the deposition and copies, the Commission will file the deposition in the record in said proceeding, and forward one copy to the party at whose instance the deposition has been taken or his attorney, and the other copy to the opposing party or his attorney. When the deposition is taken at the instance of more than one party, or there is more than one opposing party, the copies will be forwarded by the Commission to the parties or their attorneys designated for that purpose in advance.

SEC. 5. *Fees of officers and witnesses.*—Witnesses whose depositions are taken and the officers taking same, shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the party at whose instance the depositions are taken.

RULE 309–15. HEARINGS.

SEC. 1. *How ordered.*—Hearings may be ordered by the Commission in its discretion, either upon its own motion, or upon the motion of any party to the proceeding. Witnesses will be examined orally, unless the testimony is taken by deposition, as provided in Rule 309–14 or the facts are stipulated in the manner provided for in Rule 309–12.

SEC. 2. *Notice of hearing.*—Appropriate public notice of any hearing will be given. The notice will state the nature of the matters to be heard, the time and place of the hearing, and, if designated, the name of the Commissioner, examiner or other representative before whom the testimony is to be taken or the evidence produced. Such notice will be mailed to the parties to the proceeding, to State or other Governmental authorities having official interest in the proceeding, and to such individuals or organizations as may be deemed to have a substantial interest therein.

SEC. 3. *Appearances.*—The presiding Commissioner, examiner, or other representative before whom the hearing is held will enter upon the record all appearances, with a notation in whose behalf the appearance is made.

SEC. 4. *Order of procedure.*—At hearings on formal complaints, the complainant shall open and close. At hearings upon applications, the applicant shall open and close. At hearings on investigations, the presiding Commissioner, examiner, or other representative may direct who shall open and close. In hearings of several proceedings on a consolidated record the presiding Commissioner, examiner, or other representative shall designate who shall open and close. Interveners shall follow the parties in whose behalf the intervention is made, and in all cases where the intervention is not in support of either original party, the presiding Commissioner, examiner or other representative will designate at what stage such intervener shall be heard.



SEC. 5. *Calling for further evidence.*—At any stage of the hearing, or after the close of testimony, the presiding Commissioner, examiner, or other representative may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff of the Commission, either at that hearing or at a further hearing. At the hearing, the Commissioner, examiner, or other representative presiding, if he deems advisable, may authorize any party to the proceeding to file specific documentary evidence as a part of the record within a time to be fixed by him, but which shall expire not less than 10 days before the date fixed for filing and serving briefs.

SEC. 6. *Closing of record.*—Except as provided in Sec. 5 of this rule, the Commissioner, examiner, or other representative conducting the hearing will not receive in evidence or consider as part of the record any document, letter, or other writing submitted after the close of testimony, and will so advise the sender.

RULE 309–16. TRANSCRIPT OF TESTIMONY.

SEC. 1. *Copies not furnished by the Commission.*—The Commission will make provision for a stenographic record of the proceeding and for such copies of the transcript as it requires for its own purposes, but no copies will be furnished to parties by the Commission.

RULE 309–17. BRIEFS AND ORAL ARGUMENT.

SEC. 1. *Oral argument.*—If oral argument before the presiding Commissioner, examiner, or other representative is desired, he should be so notified before or at the hearing, and he may arrange to hear the argument at the close of the testimony. He may impose such limits of time on the argument as he may determine, having regard for other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony and will be available to the Commission for consideration in deciding the case.

SEC. 2. *Forms and style of briefs.*—Briefs must comply with the requirements of Rule 309–8. The date of each brief must appear on the front cover or title page. Each brief should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects with reference to the pages of the record or exhibit where the evidence appears. It should include requests for such specific findings as the party thinks the Commission should make.

SEC. 3. *Arrangements of contents.*—The brief should contain a concise statement of the case, which should precede the abstract of evidence. The abstract of evidence should precede the argument. Exhibits should not be reproduced in the brief, but if desired may be reproduced in the appendix of the brief. Analyses of such exhibits should be included in the abstract of evidence under the subjects to which they pertain. Every brief of more than twenty pages should contain on its front leaves a subject index with page references, and a list of all cases cited alphabetically arranged with references to the pages where the citations appear.

SEC. 4. *Filing; service; number of copies.*—At the close of the testimony in each case, the presiding Commissioner, examiner, or other representative will, within his discretion, fix the time for filing and service of the respective briefs, depending upon the magnitude of the issues involved. All briefs should be filed simultaneously. Only one initial brief shall be filed by each party. All briefs must be accompanied by notice showing service upon all parties or their attorneys who appeared at the hearing or on brief, and 15 copies of each brief shall be furnished for the use of the Commission.

SEC. 5. *Reply briefs.*—The presiding Commissioner, examiner, or other representative shall fix for all parties the same time within which to file their reply briefs. Parties who fail to file an opening or initial brief as required by this rule will not be permitted, except upon leave granted, to file reply to the brief of an opposing party.

RULE 309–18. APPLICATION FOR FURTHER HEARING, REHEARING, REARGUMENT, RECONSIDERATION OR MODIFICATION OF AN ORDER.

SEC. 1. *Petition; filing; service.*—An application for further hearing in a proceeding before final submission, for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition, stating specifically the grounds relied upon, filed with the Commission, and served by the petitioner upon all parties to the proceeding or their attorneys.

SEC. 2. *Statement as to new evidence.*—If the application be for further hearing before final submission, or for reopening the proceeding to take further evidence, the nature and purpose of the evidence to be adduced must be briefly stated, and it must appear not to be merely cumulative.

SEC. 3. *Specification of errors.*—If the application be for rehearing, reargument, or reconsideration, the matters claimed to have been erroneously decided must be specified, and the alleged errors briefly stated. If the order of the Commission is sought to be vacated, reversed or modified by reason of matters which have arisen since the hearing, or of a consequence which would result from compliance therewith, the matters relied upon by the petitioner must be set forth in the petition.

SEC. 4. *Time of filing.*—A petition for rehearing, reargument, reconsideration or modification of an order, must be filed within thirty (30) days after service of the order therein.

SEC. 5. *Form and style; service.*—Applications under this rule must conform to the requirements of Rules 309–8 and 309–9.

RULE 309–19. COMPUTATION OF TIME.

SEC. 1. *When Sunday and holiday not included.*—When the time prescribed by these rules for doing any act expires on a Sunday or legal holiday, such time shall extend to and include the next succeeding day that is not a Sunday or legal holiday.

RULE 4 (b)–1. DETERMINATION OF COST OF PROJECTS CONSTRUCTED UNDER LICENSE.

SEC. 1. *Filing of claim.*—When a project is constructed under a license issued under the Act, the licensee shall file under oath with the Commission at Washington, D. C., within one year after the original project is ready for service, a statement in duplicate showing the amount claimed by the licensee as the actual legitimate cost of construction of the original project and the price paid for water rights, rights-of-way, lands or interests in lands, in such detail and on such forms as the Commission may prescribe or approve for that purpose. Similar statements with respect to additions and betterments to the original project shall be filed annually as of December 31, unless the Commission shall otherwise direct. Prescribed forms will be furnished by the Commission upon application by the licensee.

SEC. 2. *Substance.*—Each statement so filed shall give full, adequate and complete information with respect to the cost of the original project or addition and betterment, as the case may be. Any statement which does not contain sufficient information will be returned to the licensee for such additional information as the Commission may deem necessary.

SEC. 3. *Engineering and accounting reports.*—When a statement in satisfactory form shall have been filed with the Commission, its representatives will make an audit and examination of the books, accounts, and records of the licensee supporting such statement, and an engineering analysis of the cost as claimed. Upon completion of the audit, examination and analysis, representatives of the Commission will prepare engineering and accounting reports setting forth in detail their findings and recommendations.

SEC. 4. *Service of reports.*—Copies of such reports will be served by registered mail upon said licensees, and copies will also be sent to the State Public Service Commission, or if the State has no regulatory agency, to the Governor of the State where such project is located, and to such other parties as

the Commission shall prescribe, and the reports will be made public at the time of service upon the licensee.

SEC. 5. *Time for filing protest.*—Thirty (30) days after service thereof will be allowed to such licensee within which to file a protest to such reports (see Rule 309–6). If no protest is filed within the time allowed, the Commission will issue such order as may be appropriate. If a protest is filed, a public hearing will be ordered in accordance with Rule 309–15.

SEC. 6. *Burden of proof.*—The burden of proof to sustain each item of the statement of claimed cost as filed shall be upon the licensee and only such items as are in the opinion of the Commission supported by satisfactory proof may be entered in the electric plant accounts of the licensee.

SEC. 7. *Findings.*—Final action by the Commission will be in the form of a finding and order entered upon its minutes and served upon all parties to the proceeding. A duplicate of the statement prepared by licensee in conformity with such finding and order will be deposited with the Secretary of the Treasury.

RULE 4 (b)–2. DETERMINATION OF COST OF CONSTRUCTED PROJECTS NOT SUBJECT TO SECTION TWENTY-THREE OF THE ACT.

SEC. 1. *Inventory and cost statement.*—In all cases where licenses are issued for projects already constructed, but which are not subject to the provisions of Section 23 of the Act, the licensee shall, within six months after the date of issuance of license, file with the Commission an inventory in detail of all property included under the license, as of the effective date of such license. Such inventory shall also show, or shall be accompanied by a statement showing the actual legitimate, or if not known, estimated original cost of the property by items or units; an estimate of the accrued depreciation segregated as to each separate major item or unit of property; and such other detail as the Commission may require in any particular case. Such inventory and statement of cost and depreciation shall be submitted on forms to be supplied or approved by the Commission prior to such submission.

SEC. 2. *Reports.*—Representatives of the Commission will check the inventory and estimated depreciation, make an audit of the books, records and accounts of the licensee relating to the property under license, and prepare engineering and accounting reports of their findings with respect to the inventory, the original cost of the property and the estimated accrued depreciation thereon.

SEC. 3. *Service of reports.*—Copies of such reports will be served by registered mail upon said licensees, and copies will also be sent to the State Public Service Commission, or if the State has no regulatory agency, to the Governor of the State where such project is located, and to such other parties as the Commission shall prescribe, and the reports will be made public at the time of service upon the licensee.

SEC. 4. *Time for filing protest.*—Thirty (30) days after service thereof will be allowed to such licensee within which to file a protest to such reports (see Rule 309–6). If no protest is filed within the time allowed, the Commission will issue such order as may be appropriate. If a protest is filed, a public hearing will be ordered in accordance with Rule 309–15.

SEC. 5. *Determination of cost.*—The Commission, after receipt of the reports, or after the conclusion of the hearing if one is held, will determine the amounts to be included in the electric plant accounts of the licensee as the cost of the property and the accrued depreciation thereon.

SEC. 6. *Finding.*—Final action by the Commission will be in the form of a finding and order entered upon its minutes and served upon all parties to the proceeding. A duplicate of the statement prepared and filed by licensee in conformity with such finding and order will be deposited with the Secretary of the Treasury.

RULE 4 (e). APPLICATION FOR LICENSE—GENERAL PROVISIONS.

SEC. 1. *Who may file.*—An application for license may be filed by a permittee in accordance with the provisions of his preliminary permit, or if no permit has been issued, by any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the Act.

SEC. 2. *Manner of filing.*—Each application for license shall conform to the requirements of this rule and Rule 309–8. When an application which is complete and in satisfactory form is received, it will be given a filing number, receipt thereof will be acknowledged to the applicant, and notices will be given in accordance with the requirements of Section 4 of the Act. Notice will also be given to the General Land Office as to the public lands affected, if any, so that withdrawals from entry may be recorded, unless such action has been taken previously in connection with a preliminary permit. When an application is received which is not complete in all respects, but which contains all information essential for the issuance of public notice and other initial action, it may be accepted for filing but the applicant will be required to furnish the missing data prior to further consideration. Failure to furnish such data within a reasonable time will constitute grounds for rejection of the application.

SEC. 3. *Hearing on application.*—A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, and such proceeding shall be in accordance with the provisions of Rule 309–15.

SEC. 4. *Issuance and acceptance.*—When the Commission shall have authorized the issuance of a license, the same shall be forwarded to the applicant for acceptance. If not accepted within sixty days after receipt thereof, the application will be denied unless an extension of the period is granted by the Commission upon a showing of the necessity therefor.

RULE 4 (e)–1. APPLICATION FOR LICENSE FOR PROPOSED MAJOR PROJECT OR MINOR PART THEREOF.

SEC. 1. Each application for license for a complete project of more than 100 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to Form 4 (e)–1,[2] and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise designated, 4 copies of the application and all accompanying documents shall be submitted.

A. The exact name and address of the applicant. (If the applicant desires that correspondence concerning the application be directed to any person other than the one who signs the application, the Commission should be notified of that fact and of the name and address of such other person.)

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant is organized, and if authorized to operate in more than one State, all pertinent facts should be stated.

C. The measure of control or ownership, if any, exercised by or over applicant in any other organization.

D. The name of each State in which the applicant operates or proposes to operate electric power plants or facilities.

E. A concise general description of the project and the principal project works, including dams, reservoirs, water conduits, power houses, substations, switch yards, and transmission lines, in such detail as may be applicable.

F. The location of the project, the region of its location designated by adjacent cities and towns, the name of the stream on which the proposed project will be located, and a statement of the extent to which commerce is carried thereon.

G. The lands of the United States which will be affected by the proposed project.

H. The proposed scheme of development; also an estimate of the power available for ninety percent of the time and the proposed installed capacity, expressed in horsepower.

I. The proposed use or market for the power to be developed, indicating whether applicant is a public utility or will become a public utility, and if so whether it is or will be subject to regulation by any State agency. In case the applicant can give no positive assurance that there is or will be a demand for the power upon completion of construction of the project, and that it will be used or distributed by the applicant or sold to others for use or distribution, a full and complete statement and explanation shall be made of the applicant's expectations in this regard and of the basis therefor.

J. The location and capacity of all power plants owned or operated by the applicant, the market supplied thereby, and the relation thereof to the project applied for and a brief description of such other plants.

K. Other data which the applicant may consider pertinent.

SEC. 2. *Required exhibits.*—There shall be filed with the application for license and as a part thereof the following exhibits, certified in conformity with Forms 4 (e)–2 and 4 (e)–3:

*Exhibit A.*—If applicant is a corporation: One copy of charter or certificate and articles of incorporation, with all the amendments thereto, duly certified by the Secretary of State of the State where organized, or other proper authority and three uncertified copies; one copy of the by-laws, and three uncertified copies; and a list of officers and directors. If the project is located in another State than that in which the corporation is organized, a certificate and three copies shall be submitted from the Secretary of State or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality: One copy of its charter or other organization papers, duly certified by the Secretary of State of the State in which it is located, or other proper authority, and three uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by applicant that he is a citizen of the United States, and three copies thereof.

If the applicant is an association: One verified copy and three additional copies of its articles of association. If there are no articles of association, that fact shall be stated over the signature of each member of the association and three additional copies of the statement submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, and original and three copies submitted.

*Exhibit B.*—Copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant, properly attested and three additional copies, authorizing the filing of application.

*Exhibit C.*—If special hydroelectric, water-power, or irrigation laws of the State or States involved pertain to the construction of the applicant's project, submit copies of such law or reference thereto. (General State incorporation acts are not desired.)

*Exhibit D.*—Evidence that the applicant has complied with the requirements of the laws of the State or States within which the project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business, necessary to effect the purposes of the license applied for, including a certificate of convenience and necessity, if required. This evidence shall be accompanied by a statement of the steps that have been taken and the steps that remain to be taken to acquire franchise or other rights from States, counties, and municipalities before the project can be completed and put in operation.

*Exhibit E.*—The nature, extent, and ownership of water rights which the applicant proposes to use in the development of the project covered by application, together with satisfactory evidence that the applicant has proceeded as far as practicable in perfecting its rights to use sufficient water for proper operation of the project works. A certificate from the proper State agency setting forth the extent and validity of the applicant's water rights shall be appended if practicable. In case the approval or permission of one or more State agencies is required by State law as a condition precedent to the applicant's right to take or use water for the operation of the project works, duly certified evidence of such approval or permission, or a showing of cause why such evidence cannot be reasonably submitted shall also be filed. When a State certificate is involved, one certified copy and three uncertified copies shall be submitted.

*Exhibit F.*—Full details as to lands owned by applicant and by the United States, and as to applicant's plans for acquiring title to or the right to occupy and use lands other than those owned by the applicant or by the United States, necessary or essential for carrying out the project covered by the application. If the applicant, at the time of filing application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use lands owned by others, the statement should show with respect to each separate right of occupancy and use:

(1) From whom acquired.
(2) The date acquired.
(3) Nature and extent of the right acquired.
(4) Whether perpetual or limited term.
(5) If of limited term, when such term expires.

*Exhibit G.*—Statement showing the financial ability of the applicant to carry out the project applied for, together with a statement or explanation of the proposed method of financing the construction thereof.

*Exhibit H.*—Statement of the effect of the proposed operation of the project works on the normal flow of the stream, including a statement of the minimum flow proposed to be released during periods of low water and full exposition of the relation of any proposed ponding of the flow to the conservation and utilization in the public interest of the available water resources for the purposes of power, navigation, irrigation, reclamation, flood control, and municipal water supply.

*Exhibit I.*—Complete data upon which the estimate of power available for ninety percent of the time and the installed horsepower capacity of the project are based, including stream-flow, evaporation records, static heads, etc., a list of all present and proposed sources of power for the system of which the project will be a part, including both water-power and fuel-power plants, their approximate location and source of water, ultimate capacity of all power plants in use or proposed to be used, and the present installed capacity of constructed plants; also connections, if any, with other power systems.

*Exhibit J.*—General map covering the entire project area, showing on a single sheet and to an appropriate scale the following:

(1) Principal structures and other important features of the project, including such roads, railways, tramways, and bridges as it is proposed shall become part of the project works and be placed under the license.

(2) All substations, switchyards, transmission lines, and telephone lines, which it is proposed shall become a part of the project works and be placed under license, as well as the entire or principal part of the transmission system, if any, with which the project may be connected, indicating prominently by appropriate symbol the portion or portions of the transmission lines or system covered by application for license.

(3) State and county lines, towns, streams, railroads, power plants, irrigation systems, and other features in the vicinity of the proposed development, information concerning which will aid in arriving at a general comprehension of the project.

(4) Reference to the detail map indicating by outline the portion shown on each sheet.

(5) If all features cannot be shown with sufficient distinctness on one sheet, two general maps may be furnished, one for the power plant and appurtenant works, and one for the transmission system (one tracing and 4 blue prints. See Specifications for Drawings).

[2] See Footnote 1 on page 83.

*Exhibit K.*—Detail map covering entire project area. Scale shall be such as to show clearly, but without unnecessary multiplicity of sheets, the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to large reservoirs, transmission and telephone lines, roads, and railways. Elevations shall be tied to Government bench marks whenever available, and shall be referred to mean sea level except that in the case of projects in navigable waters having a datum accepted for local use by the Office of the Chief of Engineers, War Department, such local datum shall be used. If more than one sheet is used, the sheets shall be numbered consecutively, and each shall bear a small diagram showing the entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet, each so placed or limited as to avoid crowding or confusion. Except to the extent and in such particulars as the requirements may be expressly waived or modified by the Commission, the detail map to be filed as this exhibit shall conform to the specifications for drawings and the following requirements:

(1) It shall show the project area and the project boundary.

(a) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipelines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(b) If the project boundary is located on lands covered by the public land survey there shall be shown a reference line from the initial point of the project boundary survey by distances and bearings to an established corner if one can be identified within a distance of two miles. At each intersection of the project boundary, with an identified line of the public land survey, there shal be shown the station number of such intersection on the project boundary, and the bearings and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed one mile.

(c) Field notes or a description by metes and bounds of the final location survey of the project boundary shall be furnished either on the map or on separate sheets to be made a part of the exhibit, unless all courses and distances are fully and legibly shown along the plotted boundary.

(d) Such portions of the project area as will be used for continuous structures, such as transmission lines, telephone lines, canals, roads, etc., may be described by center or offset lines of survey specifying distances of the project boundary therefrom. Such lines of survey shall be referred to the public land survey and permanent objects in a manner similar to that prescribed for the project boundary.

(e) There shall be shown the status as to ownership, and the boundary lines and area of each parcel of land within the project area, designating separately lands owned by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands, full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right and shall give appropriate reference to "Exhibit F" for further details.

(2) The location shall be accurately shown of all project works, such as:

(a) Dams.
(b) Reservoirs
Show the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.
(c) Water conduits.
Show center line, grade, and elevation of bottom at each change of grade, and designate lengths of each type of conduit, i. e., flume, ditch, tunnel, pipe, etc.
(d) Powerhouses, substations, and switchyards.
(e) Transmission lines and appurtenances, telephone lines, roads, railways, trails, tramways, and bridges.
(f) Navigation structures.
(g) Channel approaches to navigation structures.
Indicate elevation of bottom for distances of not less than 1,000 feet above and below the structures.

(3) Show contour lines with contour intervals of not more than 10 feet for the entire project area, except such portions as will be occupied only by such project works as are enumerated in (2) (e) above, or as will be included in reservoirs below the minimum elevation to which the water may be drawn down. Profiles of tunnel lines may be substituted for contours along such lines. (One tracing and 4 blue prints. See Specifications for Drawings.)

*Exhibit L.*—General design drawings showing plans, elevations, and sections of all principal structures and appurtenant works or other features of the project. These drawings shall be in sufficient detail and shall be accompanied by sufficient information relating to controlling factors (such as character of foundations and explorations thereof, materials, types of construction, important elevations, water levels, etc.) to enable the Commission to have a full understanding of the project and to check safety, adequacy, and desirability in the development of the resources involved.

Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple. Details are desired only as necessary to show features of importance in determining safety, adequacy, and suitability of design. Working drawings are not desired as part of application, but should be prepared for purposes of construction and retained as a record of the work when completed. In this exhibit shall be included:

(1) Dams and appurtenances, such as spillways, fishways, outlet works, etc.
(2) Navigation structures and approaches thereto, including locks, lock-gates, operating machinery, etc.
(3) Conduits, including forebays, intake works, surge tanks, and other pressure relief devices, etc.
(4) Powerhouses and substations.
(One tracing and 4 blue prints. See Specifications for Drawings.)

*Exhibit M.*—General descriptions and general specifications of mechanical, electrical, and transmission equipment and their appurtenances in sufficient detail to enable the Commission to have a full understanding of the project and to determine the safety of the project works and their adequacy and suitability for the development and utilization of the resources involved.

*Exhibit N.*—Estimate of the cost of developing the project, segregated by principal features showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project. The estimate shall include all lands, flowage, and other rights, intangible, indirect, overhead, and contingent costs and shall show the total estimated cost of the complete development and of different parts thereof appropriately classified. The estimate shall also show by whom it was made.

*Exhibit O.*—Detailed statement of the time desired for completing construction of the project works. If the ultimate development is to be completed and put into operation in two or more parts, the time desired for beginning and completing the construction of each part shall be given.

RULE 4 (e)-2. APPLICATION FOR LICENSE FOR CONSTRUCTED MAJOR PROJECT OR MINOR PART THEREOF.

SEC. 1. Each application for license for a complete project of more than 100 horsepower installed capacity already constructed, or for a minor part of such project, shall be verified, shall conform to Form 4 (e)-1[4] and shall set forth in appropriate detail all information and exhibits prescribed in Rule 4 (e)-1 for applications for licenses for proposed major projects, except as hereinafter provided. Unless otherwise designated, 4 copies of the application and all accompanying exhibits shall be submitted. Exhibits shall be certified in accordance with Forms 4 (e)-2 and 4 (e)-3.[4]

*Exhibits J, K, and L.*—If the application covers project works in addition to those already constructed in addition to the requirements of Rule 4 (e)-1, the maps and plans shall distinguish clearly in some appropriate manner the project works or parts thereof which have been constructed from those to be constructed.

*Exhibit N.*—This exhibit shall be a statement of actual or approximate original cost of the constructed project in such detail as may be readily available and, if the application covers project works in addition to those already constructed, an estimate of the cost of such additional works. The statement of estimated cost of new construction should be segregated by principal features, showing quantities, etc., in sufficient detail for a full understanding of the elements of the cost thereof. Both statements shall include lands, flowage and other rights, intangible, indirect, overhead and contingent costs. The statement of cost of projects already constructed is for the information of the Commission and is not to be confused with the detailed inventory and statement of cost, depreciation, etc., to be filed later. (See Rules 4 (b)-2 and 23 (a).)

*Exhibit O.*—Detailed statement of the time desired for beginning and completing additional construction, if any. If the additional construction is to be completed and put in operation in two or more parts, the time desired for beginning and completing the construction of each part shall be given.

SEC. 2. The following additional exhibits shall be furnished:

*Exhibit P.*—A statement of the nature and character of the permit, right-of-way, or other authority, if any (see Sec. 23 of the Act), claimed to be held by the applicant. This statement shall be accompanied by copies of or appropriate references to the legislative authority, if any, by or under which such permit, right-of-way, or authority was acquired, and if granted by an instrument in writing, certified copy of such instrument, or in lieu thereof, if such a copy is of record in any department of the United States Government at Washington, a statement to that effect and reference thereto.

*Exhibit Q.*—A statement setting forth a brief history of the project works already constructed, giving time of commencement and of completion of construction of the several parts thereof, date of commencement of operation, and method of financing.

RULE 4 (e)-3. APPLICATION FOR LICENSE FOR MINOR PROJECT.

SEC. 1. Each application for license for a complete project of 100 horsepower installed capacity or less, or for a part thereof, whether to be constructed or already constructed, shall be verified, shall conform to Form 4 (e)-1,[4] and set forth in appropriate detail the information prescribed by Rule 4 (e)-1, for application for licenses for proposed major projects, but accompanied by the following abridged list of exhibits. Unless otherwise designated, 4 copies of the application and all accompanying documents shall be submitted. Exhibits shall be certified in accordance with Forms 4 (e)-2 and 4 (e)-3.[4]

*Exhibits A, B, and C.*—As prescribed by Rule 4 (e)-1.

*Exhibit F.*—Map of the project area drawn to any convenient scale and showing:

(1) The project area and the project boundary.

(a) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe-lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks and reference lines therefrom to permanent objects, in accordance with good practice in land surveying.

(b) If the project boundary is located on lands covered by the public-land survey, there shall be shown a reference line from the initial point of the project boundary survey by bearings and distances to an established corner, if one can be identified within a distance of 2 miles. At each intersection of the project boundary with an identified line of the public-land survey, there shall be shown the station number of such intersection on the project boundary and the bearing and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed 1 mile.

(c) Such portions of the project area as will be used only for continuous structures, such as transmission lines, telephone lines, canals, roads, etc., may be described by center or offset lines of survey, specifying distances of the project boundary therefrom. Such lines of survey shall be referred to the public land survey and permanent objects in a manner similar to that prescribed for the project boundary.

(d) There shall be shown the status as to ownership and the boundary lines and area of each parcel of land within the project area, designating separately lands owned by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only as easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right.

(2) The location and general plan of all project works, such as dams, reservoirs, canals, flumes, pipe-lines, powerhouses, transmission lines, telephone lines, roads, trails, etc., indicate the flow line fixed by maximum water level and the area and storage capacity of each reservoir. If the application covers project works in addition to those already constructed, show in an appropriate manner which project works or parts thereof have already been constructed. (One tracing and 4 blue prints. See Specifications for Drawings).

*Exhibit G.*—General description of mechanical, electrical, and transmission equipment, and other appurtenances in sufficient detail to enable the Commission to have a full understanding of the project.

*Exhibit H.*—Statement of the cost of constructed works and of the estimated cost of works to be constructed, showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project.

*Exhibit I.*—(To be filed for constructed projects only). Statement of the nature and character of the permit, right-

[4] See Footnote 1 on page 83.

of-way, or other authority, if any (see Sec. 23 of the Act), claimed to be held by the applicant.

RULE 4 (e)–4. APPLICATION FOR LICENSE FOR TRANSMISSION LINE ONLY.

SEC. 1. Each application for license for transmission line only shall be verified, shall conform to Form 4 (e)–4,[5] and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise designated, 4 copies of the application and all accompanying documents shall be submitted.

A. The exact name of the applicant.

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant was organized, and if authorized to operate in more than one State, all pertinent facts should be stated.

C. A concise general description of the transmission line or lines.

D. The location of the project, designating the State and county, and the lands of the United States and reservations which will be affected.

E. The proposed use or market for the power to be transmitted.

F. The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed.

SEC. 2. There shall be filed with the application and as a part thereof the following exhibits, certified in conformity with forms 4 (e)–2 and 4 (e)–3 [5];

*Exhibits A, B, C, and D* as prescribed by Rule 4 (e)–1 for applications for licenses for proposed major projects.

*Exhibits J and K.*—Maps conforming to the requirements of Rule 4 (e)–1 for applications for proposed major projects, insofar as said requirements are applicable to transmission lines. If the application covers only part of a transmission system, Exhibit J shall show the connection to the nearest substations or main transmission lines through which the project line obtains and delivers its energy and either the general map or a small key map shall show the relation of the project to the main transmission system of the applicant in that region and to any previously licensed portions of said system. In Exhibit K it is necessary to furnish detailed information for only those parts of the line or lines which cross lands of the United States, it being understood that the Commission reserves the right to call for similar information with respect to other lands if deemed essential. For short lines Exhibits J and K may be combined in one map.

*Exhibit M.*—General description and specifications of the transmission line and appurtenances in sufficient detail for a full understanding of the project and to determine the safety and suitability of the project works.

*Exhibit N.*—Estimate of cost of the project.

*Exhibit O.*—Statement of time desired for beginning and completing construction of the project.

*Exhibit P.*—(Projects already constructed). A statement of the nature and character of the permit, right-of-way, or other authority, if any (see Sec. 23 of the Act), claimed to be held by the applicant. This statement shall be accompanied by copies of or appropriate references to the legislative authority, if any, by or under which such permit, right-of-way, or authority was acquired, and if granted by an instrument in writing, certified copy of such instrument, or in lieu thereof, if such a copy is of record in any department of the United States Government at Washington, a statement to that effect and reference thereto.

*Exhibit Q.*—(Projects already constructed). A statement setting forth a brief history of the project works already constructed, giving time of commencement and of completion of construction of the several parts thereof and date of commencement of operation.

RULE 4 (f). APPLICATION FOR PRELIMINARY PERMIT AND AMENDMENTS THEREOF.

SEC. 1. *Who may file.*—Any citizen, association of citizens, corporation, State or municipality desirous of obtaining a license pursuant to the Act for a project of more than 100 horsepower installed capacity may make application for the issuance of a preliminary permit for the purpose of enabling applicant to secure the data and perform the acts required by law for filing an application for the issuance of a license.

SEC. 2. *Manner of filing.*—Applications for license shall conform to the requirements of this rule and Rule 309–8. When an application which is complete and in satisfactory form is received, it will be given a filing number, receipt thereof will be acknowledged to the applicant, and notices will be given in accordance with the requirements of Section 4 of the Act. Notice will also be given to the General Land Office as to the public lands affected, if any, so that withdrawals from entry may be recorded. When an application is received which is not complete in all respects, but which contains all information essential for the issuance of public notice and other initial action, it may be accepted for filing but the applicant will be required to furnish the missing data prior to further consideration. Failure to furnish such data within a reasonable time will constitute grounds for rejection of the application.

SEC. 3. *Contents of application.*—Each application for preliminary permit shall be submitted on Form 4 (f)[5] and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise designated, 4 copies of the application and all accompanying documents shall be submitted.

A. The exact name and address of the applicant. (If the applicant desires that correspondence concerning the application be directed to any person other than the one who signs the application, the Commission should be notified of that fact and of the name and address of such other person.)

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant was organized, and if authorized to operate in more than one State, all pertinent facts should be stated.

C. The measure of control or ownership, if any, exercised by or over applicant in any other organization.

D. The name of each State in which the applicant operates or proposes to operate electric power plants or facilities.

E. The location of the project, the region of its location designated by adjacent cities and towns, the name of the stream on which the proposed project will be located, and a statement of the extent to which commerce is carried thereon.

F. The lands of the United States which will be affected by the proposed project.

G. A concise general description of the project and the proposed scheme of development, including an estimate of the power available for 90 percent of the time and the proposed installed capacity expressed in horsepower.

H. The proposed use or market for the power to be developed, indicating whether applicant is a public utility or will become a public utility, and if so whether it is or will be subject to regulation by State agency. In case the applicant can give no positive assurance that there is or will be a demand for the power upon completion of construction of the project, and that it will be used or distributed by the applicant or sold to others for use or distribution, a full and complete statement and explanation shall be made of the applicant's expectations in this regard and of the basis therefor.

I. The location and capacity of all power plants owned or operated by the applicant; the market supplied thereby and the relation thereof to the project applied for, and a brief description of such other plants.

J. Such further data as the applicant may consider pertinent.

K. (Required exhibits.) There shall be filed with the application and as a part thereof the following exhibits, certified in conformity with Forms 4 (e)–1 and 4 (e)–2 [5];

*Exhibit A.*—If the applicant is a corporation: One copy of charter or certificate, and articles of incorporation, with all the amendments thereto, duly certified by the Secretary of State of the State where organized; or other proper authority and 3 uncertified copies; one copy of the by-laws, duly certified and three uncertified copies; and a list of officers and directors. If the project is located in another State than that in which the corporation is organized, a certificate and 3 copies thereof shall be submitted from the Secretary of State or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality: One copy of its charter or other organization papers, duly certified by the Secretary of State of the State in which it is located, or other proper authority, and 3 uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by each applicant that he is a citizen of the United States and 3 copies thereof. (See Form 4 (e)–1.[5])

If the applicant is an association: The association shall submit a verified copy of its articles of association, and 3 additional copies thereof. If there are no articles of association, that fact shall be stated over the signature of each member of the association and an original and 3 copies shall be submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, together with 3 copies. (See Form 4 (e)–1.[5])

*Exhibit B.*—A copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant authorizing the filing of application, one copy properly attested, and three additional copies.

*Exhibit C.*—Statement of nature and amount of data available, such as, surveys, maps, plans, stream measurements, foundation explorations, etc., and of work already performed, including preliminary construction activities, such as clearing, road building, etc.

*Exhibit D.*—Statement of nature and amount and estimated cost of work proposed to be performed under the preliminary permit, such as, surveying, preparation of maps, plans, measurement of streams, exploration of foundations, or preliminary construction.

*Exhibit E.*—Statement of nature, extent, and ownership of water rights which applicant contemplates using in the development of the project; also statement of applicant's plans with reference to perfecting water rights.

*Exhibit F.*—Statement of ownership of lands which applicant contemplates using in the development of the project, also statement of applicant's plans with reference to acquiring lands or rights of occupancy and use thereof.

*Exhibit G.*—Statement containing such data as the applicant desires to supply as to his ability to finance the preliminary work as well as the project applied for.

*Exhibit H.*—A general map showing the nature of the proposed project, its prinicpal features and their location, and the location of the project as a whole with reference to some well-known town or stream. On this map shall be placed a line indicating the approximate project boundary of the area to be occupied by the principal project works, such as, dams, reservoirs, forebays, waterways, and powerhouses, but excluding transmission lines, and if necessary in order to determine location of the project on the ground, there shall be shown on the map the approximate distances and bearings of points on the project boundary from natural objects or permanent monuments that can be readily found or recognized from descriptions thereof noted on the map, such points to be located at sufficiently frequent intervals to serve such purposes. If the project is on land covered by public land survey, such distances and bearings shall be shown from the nearest existing corners of such survey. (One tracing and 4 blue prints. See Specifications for Drawings.)

*Exhibit I.*—This exhibit shall be submitted only if public lands or reservations are affected and shall be a map of the proposed project showing principal project works in a manner similar to the preceding Exhibit H, except that such map shall show and shall be on a scale to present effectively the project boundary which shall be the line enclosing all quarter-quarter sections, lots and other smallest legal subdivisions of public land survey which are to be occupied or used in whole or in part by the project. It shall also show the status of lands, indicating separately lands patented, lands entered or otherwise embraced in any unperfected claim under the public land laws, unreserved public lands, and lands of each and every reservation affected. (One tracing and 4 blue prints. See Specifications for Drawings. If desired a single map may be submitted for Exhibits H and I, provided it shows all the information required for both.)

SEC. 4. *Hearings on applications.*—Hearings upon applications may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, and such proceeding shall be in accordance with the provisions of Rule 309–15.

SEC. 5. *Amendments.*—Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for an amendment embraces sites or areas not covered by the original permit, notice of such application will be given in the manner required for the original application.

SEC. 6. *Issuance.*—When the issuance of a preliminary permit or amendment thereof shall have been authorized by the Commission, a draft thereof in triplicate will be submitted to the applicant for acceptance; and upon acceptance, such permit or amendment will be issued by the Commission, and service will be made upon all parties in interest in accordance with Rule 309–9.

SEC. 7. *Construction work under permit.*—Upon a satisfactory showing of reasons therefor, the Commission may authorize permittees to perform such construction work as may be necessary to maintain water rights under State law, or as may be desirable in preparation for the construction of project works; but the granting of such authority shall not be deemed to have created any equities or to have established any rights beyond what would have been created or established had such authority not been given.

RULE 6. SURRENDER OR TERMINATION OF LICENSE.

SEC. 1. *Application for surrender.*—Every application for surrender of a license shall state the reason therefor, shall be executed by the licensee with the same formality as the application for license, (See Rules 4 (e), 4 (e)–1, 4 (e)–2, 4 (e)–3, and 4 (e)–4) and shall be accompanied by the license and all amendments thereof.

SEC. 2. *Surrender of license.*—Licenses may be surrendered only upon the fulfillment by the licensee of such obligations under the license, as the Commission may prescribe, and, if the project works authorized under the license have been constructed in whole or in part, upon such conditions with respect to the disposition of such works as may be determined by the Commission.

SEC. 3. *Termination of license.*—Licenses may be terminated by a written order of the Commission after due notice, if there is failure to commence actual construction of the project works within the time prescribed in the license, or as extended by the Commission. Upon like notice, the authority granted under a license with respect to any separable part of the project works may be terminated if there is failure to begin construction of such separable part within the time prescribed or as extended by the Commission; but no part of the project works shall be deemed separable unless so specified in the license.

SEC. 4. *Termination by implied surrender.*—If any licensee holding a license subject to the provisions of Section 10 (1) of the Act shall cause or suffer essential project property to be removed or destroyed, or become unfit for use, without replacement, or shall abandon or discontinue good faith operation of the project for a period of three years, or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission served in accordance with Rule 309–9 hereof, the Commission will deem it to be the intent of the licensee to surrender the license and after thirty days'

[5] See Footnote 1 on page 83.

public notice may in its discretion enter an order terminating the license.

SEC. 5. *Annual charges.*—Annual charges arising under a license surrendered or terminated shall continue until the effective date of surrender or termination fixed by the Commission.

RULE 8–1. APPLICATION FOR TRANSFER OF LICENSE.

SEC. 1. *Filing.*—Any licensee desiring to transfer a license or rights thereunder granted, and the person, association, corporation, State or municipality desiring to acquire the same, shall jointly or severally file an application for approval of such transfer and acquisition.

SEC. 2. *Contents of application.*—Every application for approval of such transfer and acquisition by the proposed transferee shall set forth in appropriate detail the qualifications of the transferee to hold such license and to operate the property under license, which qualifications shall be the same as those required of applicants for license.

SEC. 3. *Transfer.*—Approval by the Commission of Transfer of a license is contingent upon the transfer of title to the properties under license and the payment of annual charges to that date. The transferee shall be subject to all the conditions of the license and to all the provisions and conditions of the Act, as though such transferee were the original licensee. When the Commission shall have authorized the transfer of any license, the transferee shall file with the Commission, within thirty (30) days after such transfer a certified copy of the deed of conveyance or other instrument evidencing transfer of the property under license, together with evidence of the recording thereof, and within the same period annual charges to the date of transfer shall be paid, whereupon the instrument approving the transfer of license will issue.

RULE 8–2. APPLICATION FOR LEASE OF PROJECT PROPERTY.

SEC. 1. *Filing.*—Any licensee desiring to lease the project property covered by a license or any part thereof, whereby the lessee is granted the exclusive occupancy, possession, or use of project works for purposes of generating, transmitting, or distributing power, and the person, association, or corporation, State or municipality desiring to acquire such project property by lease, shall file a copy of such proposed lease together with an application for approval thereof. Such application and action thereon by the Commission will, in general, be subject to the provisions of Rule 8–1.

RULE 10 (b). APPLICATION FOR AMENDMENT OF LICENSE.

SEC. 1. *Amendment of license.*—Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or an abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least thirty (30) days prior to action upon the application. Four copies of applications for amendment of license shall be submitted in accordance with Form 10 (b)[1] and verified.

SEC. 2. *Amendment of plans.*—Application for amendment of plans for a project under license shall be filed with the Commission, fully describing the changes licensee proposes to make (see Note to Form 10 (b)[1]).

SEC. 3. *Extension of time.*—Application for extension of time fixed in the license for commencement or completion of construction of project works shall be filed with the Commission not less than six (6) months prior to the date or dates so fixed.

RULE 10 (e). ANNUAL CHARGES.

SEC. 1. *Cost of administration.*—A. In determining the amount of reasonable annual charges to be assessed against individual licensees for reimbursing the United States for the cost of administration of Part I of the Federal Power Act, the Commission will consider two factors:

(1) The horsepower capacity authorized to be installed by the license; and

(2) The amount of energy generated by each project during the preceding fiscal year ended June 30.

To enable the Commission to determine such charges annually, each licensee shall file with the Commission on or before September 1 of each year a statement under oath showing, in kilowatt hours, the amount of energy generated during the preceding fiscal year, or the equivalent if produced by non-electrical equipment.

B. Where licenses cover storage projects without installed capacity but which benefit a down-stream plant or plants by reason of headwater storage, the Commission will fix reasonable annual charges in each case based upon the benefit to such plant or plants by reason of such headwater storage.

SEC. 2. *Use of Government lands, etc.*—Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands and other property, will be based upon the commercial value of the lands and other property for the most profitable use for which suited. The minimum annual charge for the use of lands of the United States for transmission lines only shall be at the rate of $5.00 per mile per annum, 100 feet or less in width, with proportional increase for additional width. The minimum annual charge under any license will be $5.00.

SEC. 3. *Government dams.*—Reasonable annual charges for recompensing the United States for the use of Government dams or other structures owned by the United States, and for the use, occupancy and enjoyment of the lands of the United States adjoining or pertaining thereto, will be based upon the estimated value for power purposes of the properties and privileges for which a license is issued.

SEC. 4. *Exemption of minor projects, etc.*—No exemption will be made from payment of annual charges for the use of Government dams or tribal lands within Indian reservations but licenses may be issued without other charge for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in minor projects, or for minor parts of complete projects.

SEC. 5. *Exemption of States and municipalities.*—A. No State or municipal licensee shall be entitled to exemption from payment of annual charges on the ground that the power generated by the licensed project is sold to the public without profit, unless such licensee shall show:

(1) That it maintains an accounting system which segregates the operations of the licensed project and reflects with reasonable accuracy the cost of power generated by such project;

(2) That the revenues from the sale of power from such licensed project do not exceed the total amount of the following items:

(a) Project operating expenses, including operation, maintenance, depreciation, amortization, taxes, uncollectible revenues and rents;

(b) Payments of interest on indebtedness, including indebtedness to municipality or other department thereof, incurred by reason of the construction or operation of the licensed project.

B. When the power from the licensed project enters into the electric power system of the State or municipal licensee, in lieu of meeting the requirements set forth in paragraph A of this section, such licensee may furnish the same information with respect to the properties as a whole within said electric power system and the power produced therein and sold from such system.

C. A State or municipal licensee meeting the requirements of paragraph A of this section shall be entitled to exemption from payment of annual charges to the extent that power generated by the licensed project is sold for resale to or interchanged with a corporation not operated for profit.

D. Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph A of this section, it shall be subject to the payment of annual charges to the extent that electric power generated by the licensed project is sold for resale to a corporation operated for profit.

E. Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph A of this section, it shall be subject to the payment of annual charges to the extent that electric power generated by the licensed project is supplied under an interchange agreement to a person or to a corporation organized for profit, and is not offset by a similar amount of electric power received under such interchange agreement.

SEC. 6. *Effective date.*—All annual charges shall commence upon the date or dates fixed in the license.

SEC. 7. *Adjustment of annual charges.*—All annual charges fixed by the Commission shall continue in effect until changed as authorized by law, either upon application of licensee or upon motion of the Commission.

RULE 23 (a). DETERMINATION OF FAIR VALUE.

SEC. 1. *Inventory and cost statement.*—In every case arising under Section 23 of the Act requiring the determination of fair value of a project already constructed, the licensee shall, within six (6) months after the date of issuance of license, file with the Commission an inventory and appraisal in detail, as of the effective date of the license, of all property subject thereto and to be valued. Such inventory shall also show or shall be accompanied by a statement showing the actual legitimate, or if not known, the estimated original cost of the property, by items or units; an estimate of the accrued depreciation segregated as to each separate major item or unit of property; and such other detail as the Commission may require in any particular case. Such inventory and statement of cost and depreciation shall be submitted on forms to be supplied or approved by the Commission prior to such submission.

SEC. 2. *Reports.*—Representatives of the Commission will check the inventory and make an appraisal of the property and an audit of the books, records and accounts of the licensee relating to the property to be valued, and will prepare engineering and accounting reports of their findings with respect to the inventory, appraisal, original cost, accrued depreciation and fair value of the property.

SEC. 3. *Service of reports.*—A copy of such reports will be served by registered mail upon said licensee, and copies will also be sent to the State Public Service Commission, or if the State has no regulatory agency, to the Governor of the State where such project is located, and to such other parties as the Commission shall prescribe. The report will be made public at the time of service upon the licensee.

SEC. 4. *Time for filing protest.*—Thirty (30) days after service thereof will be allowed to the licensee within which to file a protest to such report (see Rule 309–6).

SEC. 5. *Hearing upon reports.*—After the expiration of the time within which a protest may be filed, a public hearing will be ordered in accordance with Rule 309–15. The Commission after the conclusion of the hearing will make a finding of fair value, accompanied by an order which will be served upon the licensee and all parties to the proceeding. A duplicate of the statement prepared and filed by licensee in conformity with such finding and order will be deposited with the Secretary of the Treasury.

RULE 23 (b). DECLARATION OF INTENTION.

SEC. 1. *Filing.*—Each declaration of intention under the provisions of Section 23 (b) of the Act shall be filed in triplicate in conformity with Rule 309–8 and shall be accompanied by:

A. A brief description of the proposed project and its purposes, including such data as height of dams, storage capacity of reservoirs, installed capacity of the project, and probable effect on present or prospective navigation;

B. A sketch map (1 tracing and 2 blue prints), of any convenient size and scale, showing the stream or streams to be utilized and the approximate location of the project.

RULE 24. APPLICATION FOR VACATION OF WITHDRAWAL AND RESTORATION TO ENTRY.

SEC. 1. *Contents of application.*—An application for vacation of a reservation effected by the filing of an application for preliminary permit or license, or for a determination permitting restoration to entry under the provisions of Section 24 of the Act, of such lands, or lands reserved or classified as power sites, may be filed directly with the Commission at its offices in Washington, D. C., at any of its regional or field representatives' offices, or at local land offices, for forwarding to the Commission. No form is prescribed for such application, but the lands shall be described by legal subdivisions, and the applicant shall present a showing relative to the propriety of restoring such lands.

SEC. 2. *Hearings.*—A hearing upon such an application may be ordered by the Commission in its discretion and shall be in accordance with the provisions of Rule 309–15.

RULE 202 (b). APPLICATION FOR AN ORDER DIRECTING THE ESTABLISHMENT OF PHYSICAL CONNECTION OF FACILITIES.

SEC. 1. *Contents of application.*—Every application under Section 202 (b) shall set forth the following information:

A. The exact legal name of the applicant and of all persons named as parties in the application.

B. The name, title and post office address of the persons to whom correspondence in regard to the application shall be addressed.

C. The person named in the application who is a public utility subject to the Act.

D. The State or States in which each electric utility named in the application operates, together with a brief description of the business of and territory served by such utility.

E. Description of the proposed interconnection, showing proposed location, capacity, and type of construction.

F. Reasons why the proposed connection of facilities will be in the public interest.

G. What steps, if any, have been taken to secure voluntary interconnection under the provisions of Section 202 (a).

SEC. 2. *Required exhibits.*—There shall be filed with the application and as a part thereof the following exhibits:

*Exhibit A.*—Statement of the estimated capital cost of all facilities required to establish the connection, and the estimated annual cost of operating such facilities.

*Exhibit B.*—A general or key map on a scale not greater than 20 miles to the inch, showing, in separate colors, the territory served by each utility, and the location of the facilities used for the generation and transmission of electric energy, indicating on said map the points between which connection may be established most economically.

SEC. 3. *Other information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 4. *Form and style; number of copies.*—An application under this rule must conform to the requirements of Rules 309–8 and 309–9, except that four copies of the application and exhibits or other papers filed are required.

RULE 202 (d). APPLICATION FOR EMERGENCY CONNECTIONS OF FACILITIES.

SEC. 1. *Definition of emergency.*—"Emergency", as used in Section 202 (d) of the Federal Power Act, is defined to mean the failure of facilities for the generation or transmission of electric energy caused by breakdown, weather conditions, acts of God, or other unforeseen occurrences, not reasonably within the power of the utility affected to prevent, resulting in the cutting off or curtailment of the electric service, or rendering such utility unable to provide adequate service for its customers.

SEC. 2. *Reports of temporary connections.*—When, due to an emergency as defined in this rule, any temporary connection of transmission facilities is made, all persons whose transmission facilities are thus temporarily interconnected shall give written notice thereof to the Commission within fifteen (15) days from the date when such temporary connection was made, and state in said notice the reason for

[1] *See* Footnote 1 on page 83.

such temporary connection, and the location and character of each interconnection. Likewise, a written notice shall be given by such parties to the Commission of the fact and date of discontinuance of such temporary connection within fifteen (15) days after such discontinuance. In cases where temporary connections are continued for more than ten (10) days, or temporary reconnections are made, reports shall thereafter be made to the Commission at the end of each week as to:

A. The location and character of each interconnection being maintained.

B. The amount of electrical energy received and transmitted over each interconnection during each day of the week, and the consideration received or paid therefor.

C. What steps have been taken or are being taken to relieve the conditions that made the emergency connection necessary.

Every such temporary emergency connection shall be discontinued and all such temporary construction removed or otherwise disposed of, upon the termination of the emergency, unless application is made as hereinafter provided for permanent connection for emergency use.

SEC. 3. *Application for permanent connection for emergency use.*—Application for Commission approval of a permanent connection for emergency use only shall conform with the requirements of Rule 202 (b), and, in addition, shall state in full the reasons why such permanent connection for emergency use is necessary in the public interest.

SEC. 4. *Reports of emergency use of permanent connections.*—Where the Commission has authorized permanent connection for emergency use only, weekly reports shall be made to the Commission of any emergency use of such facilities showing:

A. The location of each interconnection in service.

B. The date such use commenced and ended.

C. Full facts and details making the use of the interconnection necessary.

D. The amount of electrical energy received and transmitted over each interconnection during each day of the week, and the consideration received or paid therefor.

E. What steps have been taken or are being taken to relieve the condition that made the emergency use of the connection necessary.

SEC. 5. *Form and style; number of copies.*—Applications under this rule shall conform to the requirements of Rules 309–8 and 309–9.

RULE 202(e). APPLICATION FOR AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO A FOREIGN COUNTRY—AUTHORIZATION.

SEC. 1. *Who shall apply.*—The owner of a source of supply of electric energy who proposes to transmit any portion of such energy from the United States to a foreign country or who has entered or proposes to enter into a contract for the sale of electric energy to be so transmitted, and the transmitter thereof, are necessary parties to an application for the authorization sought under this rule.

SEC. 2. *Time of filing.*—Each application shall be made at least 30 days in advance of the proposed transmission, except where otherwise ordered by the Commission for good cause shown, and the original application shall be signed and verified under oath by an executive officer or officers of the applicant or applicants having knowledge of the matters therein set forth.

SEC. 3. *Contents of application.*—Every application shall set forth in the order indicated the following:

A. The exact legal name of the applicant.

B. The name, title, and post office address of the officers of the applicant to whom correspondence in regard to the applicant shall be addressed.

C. The State or Territory under the laws of which the applicant was organized. If incorporated under the laws of, or authorized to operate in more than one State, all pertinent facts should be included.

D. The name of the purchaser of the energy, its proposed use in the foreign country, and the rates proposed to be charged to the foreign purchaser together with rates charged by the applicant for similar service if rendered in the United States.

E. A statement of the source, amount and nature of the energy to be so transmitted, the point of delivery, voltage, phase and frequency, and the facilities to be used both in the generation and transmission of such energy.

F. The amount of electric energy transmitted into the United States from a foreign country by the applicant, its source and nature, how and where it is used, and the rates paid for such energy.

G. Statement of the reasons why the proposed transmission would not impair the sufficiency of electric supply within the United States and would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission.

SEC. 4. *Required exhibits.*—There shall be filed with the application and as a part thereof the following exhibits:

*Exhibit A.*—Copy of agreement under which the energy is to be transmitted and all other written instruments pertaining thereto. If such agreement is not in writing, the basic terms thereof should be reduced to writing and approved by the parties thereto. (Every agreement entered into in the future shall contain a provision that in case of war or other emergency, as provided in Section 202, the same is terminable upon the order of the Commission.)

*Exhibit B.*—A showing, including signed opinion of counsel, that such transmission of energy is within the corporate powers of the applicant, and that the applicant has complied with State laws.

*Exhibit C.*—A general or key map on a scale not greater than 20 miles to the inch, showing the location of the facilities used for the generation and transmission of electric energy to be transmitted. Whenever possible, this map should not be over 30 inches in its largest dimension.

*Exhibit D.*—Where an applicant resides or has its principal office without the United States, such applicant shall designate by irrevocable power of attorney, an agent residing within the United States upon whom service of notice and process with respect to transmission of electric energy may be had; copies of such power of attorney shall be furnished, one of which shall be verified.

SEC. 5. *Other information; exceptions.*—Where the application is for authority to export less than one million kilowatt hours annually, applicants need not furnish the information called for in Sec. 2E and Exhibit C. The applicant shall be prepared within two weeks to furnish such additional information as the Commission may deem pertinent.

SEC. 6. *Transferability.*—Authorizations granted pursuant to Section 202 (e) shall not be transferable or assignable except with the prior approval of the Commission upon application made in conformity with these rules of the Commission; provided, that any person acquiring by involuntary transfer (including receivers, trustees, or purchasers under foreclosure or judicial sale) the facilities of a person who has made an application upon which authorization has been granted, may continue such transmission subject to the terms and conditions of such authorization, if notice of such transfer is promptly given to the Commission in writing accompanied by a statement that the physical facts relating to sufficiency of supply, rates and nature of use are substantially the same as required in the initial application for such authorization.

SEC. 7. *Authorization not exclusive.*—No authorization granted pursuant to Section 202 (e) shall be deemed to prevent authorization being granted to any other person to transmit electric energy for the same use, or to prevent any other person from making application for such authorization.

SEC. 8. *Form and style; number of copies.*—Applications under this rule shall comply with Rules 309–8 and 309–9.

SEC. 9. *Annual reports.*—On or before February 1, of each year following any authorization granted under this rule, the person so authorized shall report to the Commission the amount of energy transmitted under such authorization during each month of the preceding calendar year and the consideration received therefor.



RULE 203. APPLICATION FOR APPROVAL OF THE SALE, LEASE, OR OTHER DISPOSITION OF FACILITIES, OR FOR THE MERGER OR CONSOLIDATION OF FACILITIES, OR FOR THE PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY—APPROVAL.

SEC. 1. *Applicability.*—The requirements of this rule will apply to public utilities seeking authority under Section 203 of the Federal Power Act.

SEC. 2. *Contents of application.*—Each such applicant shall set forth in its application to the Commission, in the manner and form and in the order indicated, the following information which should, insofar as possible, be furnished as to said applicant and each company whose facilities or securities are involved:

A. The exact name and the address of the principal business office.

B. The State or other sovereign power under which incorporated, the respective dates of incorporation, and the States in which domesticated.

C. Name and address of each person authorized to receive notices and communications in respect to application.

D. The names, titles and addresses of the principal officers.

E. A description of the general character of the business done and to be done, together with a designation of the territories served.

F. A general statement briefly describing the facilities owned or operated for transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce.

G. A brief reference to any license from the Federal Power Commission.

H. A statement as of the date of the balance sheet submitted with application showing for each class and series of capital stock:

(1) Brief description.
(2) The amount authorized. (Face value and numbers of shares.)
(3) The amount outstanding (exclusive of any amount held in the treasury).
(4) Amount held as reacquired securities.
(5) Amount pledged.
(6) Amount owned by affiliated corporations.
(7) Amount held in any fund.

I. A statement as of the date of the balance sheet submitted with application showing for each class and series of funded debt:

(1) Brief description.
(2) The amount authorized.
(3) The amount outstanding (exclusive of any amount held in the treasury).
(4) Amount held as reacquired securities.
(5) Amount pledged.
(6) Amount owned by affiliated corporations.
(7) Amount in sinking and other funds.

J. Whether the application is for disposition of facilities by sale, lease or otherwise, a merger or consolidation of facilities, or for purchase or acquisition of securities of a public utility, also a description of the consideration, if any, and the method of arriving at the amount thereof.

K. A statement of facilities to be disposed of, consolidated or merged, giving a description of their present use and of their proposed use after disposition, consolidation or merger. State whether the proposed disposition of facilities or plan for consolidation or merger includes all the operating facilities of the parties to the transaction.

L. A statement of the book cost and original cost if known of the facilities involved, in the case of the sale, lease or other disposition of, or merger or consolidation of facilities. If the value of such facilities has been fixed or found by a court or commission, such value should also be shown together with the amounts of additions, retirements, adjustments, etc., from date of valuation to date of the balance sheet (see Form 204 (a)–1)* accompanying the application.

M. A statement as to the effect of the proposed transaction upon any contract for the purchase, sale or interchange of electric energy.

N. Names and addresses of counsel who have passed upon the legality of the proposed sale, lease or other disposition of facilities, or merger or consolidation of facilities, or purchase or acquisition of securities of a public utility, and names and addresses of any firms of which they, or any of them, are members.

O. A statement as to whether or not any application with respect to the transaction or any part thereof is required to be filed with any other Federal or State regulatory body.

P. The facts relied upon by applicants to show that the proposed disposition, merger or consolidation of facilities or acquisition of securities will be consistent with the public interest.

Q. A brief statement of franchises held, showing date of expiration if not perpetual.

SEC. 3. *Required exhibits.*—There shall be filed with the application as part thereof the following exhibits:

*Exhibit A.*—A copy of the charter or articles of incorporation with amendments to date.

*Exhibit B.*—A copy of the by-laws with amendments to date.

*Exhibit C.*—Copies of all resolutions of directors authorizing the proposed disposition, merger or consolidation of facilities, or acquisition of securities, in respect to which the application is made, and, if approval of stockholders has been obtained, copies of the resolutions of the stockholders should also be furnished.

*Exhibit D.*—Copies of all mortgages, trusts, deeds or indentures, securing any obligation of each party to the transaction.

*Exhibit E.*—A signed copy of opinion of counsel in respect to legality of the proposed transaction.

*Exhibit F.*—A statement of the measure of control or ownership exercised by or over each party to the transaction as to any public utility, or bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or any company supplying electric equipment to such party. Where there are any intercorporate relationships through holding companies, ownership of securities, or otherwise, the nature and extent of such relationship; also state whether any of the parties to the transaction have officers or directors in common. If not a member of any holding company system, include a statement to that effect.

*Exhibit G.*—Balance sheets with supporting fixed capital or plant schedules in conformity with Forms 204 (a)–1 and 204 (a)–2.*

*Exhibit H.*—A statement of all known contingent liabilities except minor items such as damage claims, and similar items involving relatively small amounts, as of the date of the petition.

*Exhibit I.*—Comparative income statements in conformity with Form 204 (a)–3.*

*Exhibit J.*—An analysis of surplus for the period covered by the income statements referred to in Exhibit I, above.

*Exhibit K.*—A copy of each application and exhibit filed with any other Federal or State regulatory body in connection with the proposed transaction, and if action has been taken thereon, a certified copy of each order relating thereto.

*Exhibit L.*—A copy of all contracts in respect to the sale, lease or other proposed disposition, merger or consolidation of facilities, or purchase of securities, as the case may be, together with copies of all other written instruments entered into or proposed to be entered into by the parties to the transaction pertaining thereto.

*Exhibit M.*—A general or key map on a scale of not more than 20 miles to the inch showing in separate colors the properties of each party to the transaction, and distinguish-

* *See* Footnote 1 on page 83.

ing such parts of them as are included in the proposed disposition, consolidation or merger. The map should also clearly indicate all interconnections and the principal cities of the area served. Whenever possible, the map should not be over 30 inches in its largest dimension.

NOTE.—If Exhibits A, B, and D have previously been filed with the Commission, a specific reference thereto will be accepted in lieu of a separate filing in each subsequent proceeding.

SEC. 4. *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 5. *Form and style.*—Applications under this rule shall conform to the requirements of Rule 309–8.

SEC. 6. *Number of copies.*—Applications under this rule shall conform to the requirements of Rule 309–9.

SEC. 7. *Verification.*—The original application shall be signed by a person or persons having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

SEC. 8. *Reports.*—Upon the granting of any application under this rule by the Commission, applicants shall report to the Commission under oath within 10 days after any sale, lease or other disposition of facilities, merger or consolidation of facilities, or purchase or acquisition of securities of a public utility, the fact of such sale, lease or other disposition of facilities, merger or consolidation of facilities, or purchase or acquisition of securities, and the terms and conditions thereof.

SEC. 9. *Public notice.*—The Commission may require the applicant to give such local notice by publication as the Commission in its discretion may deem proper.

SEC. 10. *Commission action.*—Application under this rule will ordinarily require forty-five (45) days after the date of filing before final action can be taken thereon by the Commission, to allow for such preliminary study, investigation, public notice, opportunity for hearing and consideration by the Commission, as may be appropriate in the premises.

RULE 204 (a). APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES—AUTHORIZATION.

SEC. 1. *Applicability.*—The requirements of this rule will apply to licensees seeking authority under Sections 19 and 20 and to public utilities seeking authority under Section 204 of the Federal Power Act.

SEC. 2. *Contents of application.*—Every such applicant shall set forth in its application to the Commission, in the manner and form and in the order indicated, the following information which, in the case of the assumption of a liability, shall be furnished as to both the issuer and the person assuming liability:

A. The exact name of the applicant and address of its principal business office.

B. The State or other sovereign power under which incorporated, the date of incorporation, and the States in which domesticated.

C. Name and address of person authorized to receive notices and communications in respect to application.

D. The names, titles and addresses of the principal officers of the applicant.

E. A description of the general character of the business done and to be done, together with a designation of the territories served. A map showing the territories served is desirable.

F. A general statement briefly describing the facilities owned or operated by the applicant for transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce.

G. A brief reference to any license held by the applicant from the Federal Power Commission.

H. A statement as of the date of the balance sheet submitted with application showing for each class and series of capital stock:

(1) Brief description.
(2) The amount authorized. (Face value and number of shares.)
(3) The amount outstanding (exclusive of any amount held in the treasury).
(4) Amount held as reacquired securities.
(5) Amount pledged by applicant.
(6) Amount owned by affiliated corporations.
(7) Amount held in any fund.

I. A statement as of the date of the balance sheet submitted with application showing for each class and series of funded debt.

(1) Brief description.
(2) The amount authorized.
(3) The amount outstanding (exclusive of any amount held in the treasury).
(4) Amount held as reacquired securities.
(5) Amount pledged by applicant.
(6) Amount owned by affiliated corporations.
(7) Amount in sinking and other funds.

J. A full description of the securities proposed to be issued or the liabilities to be assumed, showing:

(1) Kind and nature of securities or liabilities.
(2) Amount (face value and number of shares).
(3) Interest or dividend rate, if any.
(4) Date of issue and date of maturity.
(5) Voting privileges, if any.

K. The respective name and address of each known underwriter and the respective amount underwritten. State affiliation, direct or indirect, through common directors, officers or stockholders, or through ownership of securities or otherwise, existing between applicant and any underwriter.

L. A statement showing both in total amount and per unit the price to the public, underwriting commissions, and net proceeds to the applicant. Supply also the information (estimated, if necessary) required on Form 204 (a)–4.[9] If the securities are to be issued directly for property, then a full description of the property to be acquired, its location, its original cost (if known) and fair value by accounts, and a statement as to who determined the fair value, together with the identification of the person from whom the property is to be acquired.

M. Purposes for which the securities are to be issued. If the purpose is the construction, completion, extension, or improvement of facilities, a description of such facilities and the cost thereof in reasonable detail shall be submitted. If the purpose is the reimbursement of the treasury of the applicant for expenditures against which securities have not been issued, a statement must be submitted giving a general description of such expenditures, the amounts and accounts to which charged, the associated credits, if any, and the periods during which the expenditures were made. If the purpose is the refunding of obligations, a full description of the obligations to be refunded, including the character, principal amount, discount or premium applicable thereto, date of issue and date of maturity, and all other material facts concerning such obligations must be given.

N. Name and address of counsel who have passed upon the legality of the proposed issue or assumption of liability, and names and addresses of any firms of which they, or any of them, are members.

O. A statement as to whether or not any application, registration statement, etc., with respect to the transaction or any part thereof is required to be filed with any other Federal or State regulatory body.

P. The facts relied upon by the applicant to show that the issue or assumption (a) is for some lawful object within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes.

Q. A brief statement of franchise held, showing date of expiration if not perpetual.

[9] See Footnote 1 on page 83.



SEC. 3. *Required exhibits.*—There shall be filed with the application as part thereof the following exhibits:

*Exhibit A.*—A copy of the applicant's charter or articles of incorporation with amendments to date.

*Exhibit B.*—A copy of the by-laws with amendments to date.

*Exhibit C.*—Copies of all resolutions of directors authorizing the issue or assumption of liability in respect to which the application is made and, if approval of stockholders has been obtained, copies of the resolution of the stockholders should also be furnished.

*Exhibit D.*—Copies of mortgage, indenture, or other agreement under which it is proposed to issue the securities, also, a copy of any mortgage, indenture, or other agreement securing other funded obligations of the applicant.

*Exhibit E.*—A signed copy of opinion of counsel in respect to legality of the issue or assumption of liability.

*Exhibit F.*—A statement of the measure of control or ownership exercised by or over the applicant as to any public utility, or bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or any company supplying electric equipment to such applicant. Where there are any intercorporate relationships through holding companies, ownership of securities or otherwise, the nature and extent of such relationship. If not a member of any holding company system include a statement to that effect.

*Exhibit G.*—Balance sheets with supporting fixed capital or plant schedules in conformity with Forms 204 (a)–1 and 204 (a)–2.[10]

*Exhibit H.*—A statement of all known contingent liabilities except minor items such as damage claims and similar items involving relatively small amounts, as of the date of the petition.

*Exhibit I.*—Comparative income statements in conformity with Form 204 (a)–2.[10]

*Exhibit J.*—An analysis of surplus for the period covered by the income statement referred to in Exhibit I, above.

*Exhibit K.*—

(1) A copy of registration statement proper, if any, and financial exhibits made a part thereof, filed with the Securities and Exchange Commission.

(2) A copy of each application and exhibit filed with any State regulatory body in connection with the proposed transaction and if action has been taken thereon a certified copy of each order relating thereto.

NOTE.—The information required by Exhibit K shall be filed as soon as available.

*Exhibit L.*—A copy of all contracts, underwritings and other arrangements providing for the sale or marketing of the securities. If such contracts, etc., are not in such final form as to permit filing, an identification of the parties thereto and proposed major terms thereof should be submitted.

NOTE.—If Exhibits A, B, and D have previously been filed with the Commission, a specific reference thereto will be accepted in lieu of a separate filing in each subsequent proceeding.

SEC. 4. *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 5. *Form and style.*—Applications under this rule shall conform to the requirements of Rule 309–8.

SEC. 6. *Number of copies.*—Applications under this rule shall conform to the requirements of Rule 309–9.

SEC. 7. *Verification.*—The original application shall be signed by a person having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

SEC. 8. *Reports.*—Upon the granting of any application under this rule by the Commission, the applicant shall report to the Commission under oath within 10 days after any such issue or assumption of liability, the fact of such issue or assumption of liability, the terms and conditions thereof and any amount realized from such issue. The applicant shall further make reports within fifteen (15) days after every June 30th and every December 31st showing for the six-month period ended on the above dates the proceeds realized from the sale, and the disposition of any money to be realized, until the entire proceeds shall have been accounted for. A report in the form outlined in Form 204 (a)–4[10] showing the face value, the proceeds and the expenses (itemized) of the issue shall be made at the earliest practicable date.

SEC. 9. *Commission action.*—Application under this rule will ordinarily require thirty (30) days after the date of filing before final action can be taken thereon by the Commission, to allow for such preliminary study, investigation, public notice, opportunity for hearing, and consideration by the Commission, as may be appropriate in the premises.

SEC. 10. *Publicity.*—In any document, prospectus or publicity relating to the offering or sale of securities hereunder, any reference to the authorization by the Commission of the issuance of such securities shall include a qualifying statement to the effect that the Commission's authorization was subject to the provision that such authorization shall not be construed to imply any guarantee or obligation on the part of the United States in respect of such securities.

RULE 204 (e). CERTIFICATE OF NOTIFICATION.

SEC. 1. *Time of filing.*—The facts relating to any transaction to which Section 204 (e) of the Act is applicable shall be reported to the Commission within ten days after the date of such transaction in accordance with Form 204 (e).[10]

SEC. 2. *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 3. *Form and style.*—Certificates under this rule shall conform to the requirements of Rule 309–8.

SEC. 4. *Number of copies.*—Certificates under this rule shall conform to the requirements of Rule 309–9.

SEC. 5. *Verification.*—The original certificate shall be signed by a person or persons having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

RULE 205. FILING OF RATE SCHEDULES AND MONTHLY REPORTS.

SEC. 1. *Definition.*—The term "rate schedule", as used herein, shall include any rate, charge, classification, or service, or schedule thereof, and any rule, regulation, practice, or contract relating thereto, and shall include all contracts, written or oral, for or in connection with the transmission or sale of electric energy subject to the jurisdiction of the Commission.

SEC. 2. *Oral agreements.*—If any rate schedule or supplement thereto is not in writing, the basic terms of such rate schedule or supplement thereto shall be reduced to writing, approved by the parties thereto, and filed with the Commission as prescribed in Sec. 3 of this rule.

SEC. 3. *Filing.*—A. All rate schedules and supplements thereto in effect upon the effective date of this rule, shall be posted and filed with the Commission, unless previously duly posted and filed.

B. All new rate schedules for service not theretofore rendered shall be posted and filed with the Commission on or before the effective date thereof.

C. All rate schedules and supplements thereto making a change in any rate schedule on file with the Commission, shall be posted and filed with the Commission not less than thirty (30) days prior to the effective date thereof, unless a shorter period of time is authorized by the Commission.

D. The effective date of every rate schedule or supplement thereto, shall be printed in bold type on the upper right-hand portion of the title sheet immediately following the rate schedule number (e. g.):

Rate Schedule, F. P. C. No. 10.
Effective Date, July 10, 1936.

SEC. 4. *Changes in rates.*—A. All rate schedules and supplements thereto making a change in any rate schedule or supplement thereto on file with the Commission, shall state plainly the change, or changes, to be made in the existing rate schedule or supplement thereto then in force.

[10] See Footnote 1 on page 83.

The following symbols shall be used to indicate changes in the superseding rate schedule or supplement thereto:

O—No change.
C—Change.
N—New provision.

The symbols shall appear in the margin opposite each paragraph in the superseding rate schedule or supplement to which they apply.

B. When a rate schedule is issued cancelling a rate schedule or schedules previously filed, the rate schedule F. P. C. number, or numbers, which have been cancelled must be shown immediately after the F. P. C. number of the new schedule, as follows (e. g.):

Rate Schedule, F. P. C. No. 2.
Effective January 1, 1938.
Cancels
Rate Schedule, F. P. C. No. 1.

SEC. 5. *Identification.*—A. Rate schedules of each public utility shall be numbered consecutively, beginning with number 1, on the upper right-hand corner of the title page, e. g.,

Rate Schedule, F. P. C. No. 1.

B. The rate schedules which have been filed prior to the effective date of this rule will be numbered in the office of the Commission and a letter setting forth the Rate Schedule F. P. C. number will be mailed to each public utility.

SEC. 6. *Cancellation; notice.*—When a rate schedule or supplement thereto which is on file with the Commission is cancelled and no new rate schedule is issued to replace such rate schedule or supplement on file, the public utility so cancelling shall formally notify the Commission of such cancellation thirty (30) days prior to the effective date thereof.

SEC. 7. *Supplements.*—Supplements to rate schedules, in addition to showing the rate schedule F. P. C. number of the rate schedule amended thereby, shall be numbered consecutively beginning with number 1. Such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement cancelled thereby and also the numbers of the supplements containing all the changes made in said rate schedule which are still in effect, as follows (e. g.):

Supplement No. 4.
Effective June 20, 1938.
To
Rate Schedule F. P. C. No. 25.
Cancels
Supplement No. 2.
Supplements 1, 3, and 4.
Contain all changes.

SEC. 8. *Rates established by order of the Commission.* When any rate schedule or supplement thereto is issued in compliance with an order of the Commission, such schedule or supplement shall bear in an appropriate place the additional notation, e. g.

Issued in Compliance with an Order of the Federal Power Commission
Docket No. ----------
Entered -------- day of ----------.

SEC. 9. *Posting.*—A. A true copy of the effective rate schedule and all supplements thereto on file with the Commission shall be posted by each public utility filing the same or filing a certificate of adoption thereof, by keeping available for public inspection in a convenient form and place, during ordinary business hours at the principal office in the territory served by it and also in its district or division offices in the territory affected by such rate schedule or supplement.

B. A true copy of each rate schedule and supplement thereto shall be posted as above, beginning on or before the date the rate schedule is filed with the Commission.

SEC. 10. *Succession.*—When the name of a public utility is changed, or its operating control is transferred to another utility in whole or in part, or a receiver or trustee is appointed for such public utility, the exact name of the public utility, receiver, or trustee which will operate the property thereafter shall be filed within thirty days thereafter with the Commission on Form 205–1.[11] Four copies and one for each State affected will be required.

SEC. 11. *Adoption notice.*—Whenever a public utility wishes to adopt a rate schedule or supplement thereto filed by another public utility in lieu of filing copies thereof, an adoption notice may be filed by such public utility on Form 205–2.[11] Four copies, and one for each State affected, will be required.

SEC. 12. *Protests.*—Protests should be filed with the Commission at least ten (10) days before the effective date of any proposed rate schedule or supplement thereto.

SEC. 13. *Number of copies.*—There shall be transmitted to the Commission for its official use four copies of each rate schedule or supplement, and one copy for each State affected by said rate schedule or supplement. All copies shall be included in one package covered by letter of transmittal listing all rate schedules included, and addressed to the Federal Power Commission, Washington, D. C.

SEC. 14. *Form and style.*—All rate schedules and supplements thereto filed under this rule must be printed, or if printed copies are not available, must be typewritten on paper 8½" wide by 11" long. Photostatic copies of contracts in lieu of written or printed copies may be filed.

SEC. 15. *Reports.*—On or before the twentieth day of each calendar month, after the effective date of this rule, each public utility shall report to the Commission, on the forms provided, the amount of electric energy transmitted, received, interchanged, or sold under each rate schedule or supplement thereto, in effect during the preceding calendar month, together with the amount paid or received for such electric energy; if no money was paid or received, the consideration realized therefor.

RULE 209. COOPERATIVE PROCEDURE WITH STATE COMMISSIONS.

NOTE.—Section 209 of the Federal Power Act authorizes cooperation between the Federal Power Commission and the State commissions of the several States in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of Part II of the Act to a board to be composed of a member or members from the State or States affected or to be affected by particular matters pending before the Federal Power Commission. Subsection (b) authorizes conferences with State commissions regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities subject to the jurisdiction of such State commissions and of the Federal Power Commission, and joint hearings with State commissions in connection with any matter with respect to which the Federal Power Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Power Commission. It is understood, therefore, that the Federal Power Commission or any other State commission will freely suggest cooperation with respect to any proceeding or matter affecting any public utility subject to the jurisdiction of said Federal Power Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the Commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

SEC. 1. *Notice of institution of proceeding.*—A. Whenever there shall be instituted before the Federal Power Commission any proceeding under Part II of the Federal Power Act, the State commission or commissions of the State or States affected thereby will be notified immediately thereof by the Federal Power Commission, and each notice given a

[11] *See* Footnote 1 on page 83



State commission will request such commission if it deems the proceeding one which should be considered under the cooperative provisions of the Act, to notify the Federal Power Commission as to the nature of its interest in said matter, and to request a conference, the creation of a board, or a joint hearing, if desired, indicating its preference and the reasons therefor.

B. Upon the receipt of such request the Federal Power Commission will consider the same, and may confer with the Commission making the request and with other interested commissions, if any, in such manner as may be most suitable and, if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission.

C. Each State commission should in like manner notify the Federal Power Commission of any proceeding instituted before it, the subject matter of which is also subject to the jurisdiction of the Federal Power Commission.

SEC. 2. *Procedure governing joint conferences.*—The Federal Power Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Power Commission will promptly arrange for a conference in which all interested State commissions will be invited to be represented.

SEC. 3. *Procedure governing matters referred to a board.*—Whenever the Federal Power Commission, either upon its own motion or upon the suggestion of a State commission or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of Part II of the Federal Power Act to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Power Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board. Whenever more than one State is involved, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed in accordance with the provisions of the Federal Power Act, the Federal Power Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, the manner in which its proceedings shall be conducted, and specify the allowances to be made for the expenses of the members of the board. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Power Commission, shall govern such board, as far as applicable. The board shall have authority to adjourn the hearing from day to day, subpena witnesses, rule on the relevancy, competency and materiality of evidence, and, after hearing all interested parties, submit its recommendations to the Federal Power Commission, together with its findings of fact and conclusions of law.

SEC. 4. *Procedure governing joint hearings.*—Whenever the Federal Power Commission, either upon its own motion or at the suggestion of any interested State commission, shall determine that a joint hearing is desirable in connection with any matter pending before the Federal Power Commission in which it is authorized to act, the procedure shall be as follows:

A. The Federal Power Commission will send a request to each interested State commission to name a specified number of members or representatives to sit with said Federal Power Commission or its member or representative in the joint hearing of said matter. Where more than one State is affected, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation, except that in cases where the number of States affected makes it impracticable for each State to be represented, the commissions of such States will be requested to name a representative committee not exceeding five in number to sit with the Federal Power Commission or its member or representative in the joint hearing of said matter. Where the joint hearing is upon a matter concerning which a proceeding is pending before a State commission in which action can be taken by said State commission, a joint record will be made.

B. Joint hearings will be followed by a conference to consider the facts developed of record, so as to provide opportunity for an exchange of views before final determination of the subject matter of the proceeding. Where a satisfactory exchange of views at such time proves impracticable, the State representative or representatives shall be afforded subsequent opportunity therefor in such manner as may be convenient.

C. When joint hearings are held, the rules of practice and procedure as from time to time adopted or prescribed by the Federal Power Commission shall govern, as far as applicable. The Federal Power Commission shall have authority to set the time and place of the hearing, subpena witnesses, rule on the relevancy, competency and materiality of evidence, and control in all other respects the conduct of such hearings.

SEC. 5. *Special procedure may be prescribed in each case.*—The foregoing sections of this rule are a general outline of procedure to be followed with respect to cooperation with State commissions under Section 209 of the Federal Power Act. In any particular case, an order may be entered setting forth the manner in which said proceeding shall be conducted.

RULE 301 (a). ADJUSTMENT OF ACCOUNTS AND PROFITS.

SEC. 1. *Notice of deficiencies.*—If, as the result of an examination by a representative of the Commission of the accounts of a person subject to the Act and to the Commission's accounting requirements, or of an examination of any statement or report submitted by such person, it appears that the accounts, or any books or records pertaining to or in support thereof, are not being kept and maintained as required by the Commission, or that the statements or reports prepared and submitted are not in proper form, the failure or deficiency will be called to the attention of such person either formally or informally as the circumstances appear to warrant.

SEC. 2. *Response to notification.*—If, as the result of such formal or informal notice, the matter is not adjusted within the time fixed by said notice, or within a reasonable time in case no date is specified, or if there is a disagreement between such person and the Commission or its representative respecting the application or interpretation of the Act or requirements of the Commission with respect to the matter at issue such person will be requested to advise the Commission in writing within a time to be specified whether it consents to the disposition of the questions involved under the shortened procedure hereinafter provided.

SEC. 3. *Facts and argument.*—If the person consents to the matter being handled under such shortened procedure, the person and any other parties interested, including representatives of the Commission, shall submit to the Commission, within thirty (30) days after the receipt of notice from the Commission to do so, a memorandum of the facts and, separately stated, of the argument relied upon to sustain the position taken respecting the matter in issue together with copies in sufficient number to enable the Commission to retain three copies for its own use and make service in accordance with Rule 309–9, upon all parties designated in said notice. Twenty (20) days will be allowed in which to file a reply by any party who filed an original memorandum.

SEC. 4. *Form and style.*—All memoranda must conform to the requirements of Rule 309–8, and each copy must be complete in itself. All pertinent data should be set forth fully, and each memorandum should set out the facts and argument as prescribed for briefs in Rule 309–17.

SEC. 5. *Verification.*—The facts stated in the memorandum must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should

be those who would appear as witnesses if hearing were had, to testify as to the facts stated in the memorandum.

SEC. 6. *Determination.*—If no formal hearing is had the matter in issue will be determined by the Commission on the basis of the facts and arguments submitted.

SEC. 7. *Assignment for oral hearing.*—In case consent to the shortened procedure is not given, or if at any stage of the proceeding prior to the submission of the case to the Commission any party in interest requests a hearing, the proceeding will be assigned for hearing as provided for by Rule 309–15. The Commission may also in its discretion set the proceeding for hearing on its own motion at any stage thereof.

SEC. 8. *Burden of proof.*—The burden of proof to justify every accounting entry shall be on the person making, authorizing, or requiring such entry.

RULE 305 (b). APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS—AUTHORIZATION.

SEC. 1. *Who shall file.*—An order authorizing the holding of positions as provided by Section 305 (b) of the Federal Power Act will be granted only upon application therefor made as hereinafter provided by the person seeking to hold such positions (hereinafter referred to as "applicant").

SEC. 2. *Positions requiring authorization.*—A. The term "public utility" as used in this rule means any person who owns or operates facilities for the transmission of electric energy in interstate commerce, or any person who owns or operates facilities for the sale at wholesale of electric energy in interstate commerce.[12]

B. The positions subject to this rule shall include those of any person elected or appointed to perform the duties or functions or any of the duties or functions ordinarily performed by a director, president, vice-president, secretary, treasurer, comptroller, chief purchasing agent or officer, or any other person invested with executive authority in any company within the purview of Section 305 (b).

C. An assistant to such person shall not be deemed to be an "officer" as long as his duties are under the supervision of his superior officer or if he is acting in lieu of such officer while the latter is away on a temporary absence or brief vacation. Such assistant shall, however, be deemed to be an officer if his nominal superior is so inactive that the assistant is really performing the functions of the office.

D. Regardless of any action which may have been taken by the Commission upon a previous application under Section 305 (b), an application for approval under such section is required with reference to any position or positions not previously authorized whenever such position or positions in and of themselves or together with positions covered by such previous authorization are within the scope of said section.

SEC. 3. *Time of filing application.*—A. *Anticipatory application.*—An application may be made in anticipation of election or appointment to a position or positions within the purview of Section 305 (b).

B. *Application after election or appointment.*—Section 305 (b) provides that the holding of positions within the purview of that section shall be unlawful unless the holding shall have been authorized by order of the Commission. Nothing in this rule shall be construed as authorizing the holding of positions prior to the order of the Commission on application therefor. Applications shall be filed within 30 days after election or appointment to any position within the purview of Section 305 (b).

SEC. 4. *Supplemental application.*—A. *New position.*—In the event of a change or changes in the information set forth in an application, by the applicant's election or appointment to another position or other positions in companies within the purview of Section 305 (b), the application shall be supplemented by the applicant's setting forth all the data with respect to the new position or positions in accordance with the requirements of this order.

[12] *See* Sec. 201, 16 U. S. C. 824.

B. *Old positions.*—After applicant has been authorized to hold a particular position, further application in connection with each successive term so long as he continues in uninterrupted tenure of such position will not be required except as ordered by the Commission. If the term of office or the holding of any position for which authorization has been given shall be interrupted and the applicant shall subsequently be reelected or reappointed thereto, further authorization will be required.

SEC. 5. *Supplemental information.*—A. *Required by Commission.*—Applicants hereunder shall upon request of the Commission and within such time as may be allowed, supplement any application or any supplemental application with any information required by the Commission.

B. *Notice of changes.*—In the event of the applicant's resignation, withdrawal, or failure of reelection or appointment in respect to any of the positions for which authorization has been granted by the Commission, or in the event of any other material or substantial change therein, the applicant shall within thirty (30) days after any such change occurs, give notice thereof to the Commission setting forth the position, company and date of termination therewith, or other material or substantial change.

C. *Reports.*—All persons holding positions by authorization of the Commission under Section 305 (b) may be required to file such periodic or special reports as the Commission may deem necessary.

SEC. 6. *Termination of authorization.*—A. *By Commission.*—Orders of authorization under Section 305 (b) are subject to revocation by the Commission after due notice to applicant and opportunity for hearing and in such proceeding the burden of proof shall be upon the applicant to show that neither public nor private interests will be adversely affected by the holding of such positions.

B. *By applicant.*—Whenever a person shall cease to hold a position theretofore authorized to be held by the Commission or such position shall cease to be within the purview of Section 305 (b) of the Federal Power Act, the Commission's authorization to hold such position shall terminate without further action by the Commission. If upon such termination of authorization as aforesaid, such person does not continue to hold at least two positions authorized and then requiring authorization pursuant to said Section 305 (b), all authorization theretofore given by the Commission shall thereupon terminate.

SEC. 7. *Form of application and number of copies.*—A. An original and two copies of each application and each supplement required by this rule shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself, but the signature in the copies may be stamped or typed and the notarial seal may be omitted. The application shall conform to Rule 309–8.

SEC. 8. *Contents of application.*—Each application shall state the following:

A. *Identification of applicant.*

(1) Full name, business address, and place of residence.

(2) Major business or professional activity.

(3) Any other application or applications under Section 305 (b) made by the applicant, together with date and docket number thereof, and Commission action thereon, if any.

SEC. 4. If application is not filed with the Commission within thirty (30) days after election or appointment, state reasons in full for the delay.

B. *Positions in public utilities for which authorization is sought.*—With respect to each public utility, the applicant shall furnish the following information, using a separate sheet for each company and numbering the companies consecutively:

(1) Corporate name and principal address.

(2) Indicate interstate character of the company's business.



(3) Positions which applicant seeks authorization to hold therein, and when and by whom elected or appointed to each such position.

(4) If an officer, nature of applicant's duties and approximate amount of time required; and, if applicant seeks authorization as director, when and where directors' meetings are held, or to be held.

(5) Any other professional or business relationships of applicant with company.

(6) Extent of applicant's ownership or control of securities of the company, including common stock, preferred stock, bonds or other securities.

(7) Extent of applicant's indebtedness to company—how and when incurred, and consideration therefor.

(8) Statement of all compensation received by applicant from company or any affiliate during past 12 months and expected during the ensuing 12 months, whether for services, reimbursement of expenses, or otherwise. Specify in detail the amount thereof and reason therefor.

C. *Positions held by applicant in companies authorized by law to underwrite or market public utility securities.*—With respect to each such company, the applicant shall furnish the following information, using a separate sheet for each company and numbering the companies consecutively:

(1) Business style and principal address.

(2) Positions held by applicant therein, and how long connected with company.

(3) Nature of applicant's duties, and approximate amount of time required.

(4) Whether company is actually engaged in underwriting or participating in the marketing of public utility securities; and, if so, to what extent.

(5) Statement showing whether the company, during applicant's connection therewith, has underwritten or marketed in whole or in part the security issue of any public utility with which applicant was also connected; and, if so, the details with respect to every such transaction.

(6) Statement of all compensation received by applicant from company or any affiliate during past 12 months and expected during the ensuing 12 months, whether for services, reimbursement of expense, or otherwise. Specify in detail the amount thereof and reason therefor.

(7) Extent and nature of applicant's ownership or control of the securities of such company.

D. *Positions held by applicant in companies supplying electrical equipment to public utilities.*—With respect to each such company, the applicant shall furnish the following information, using a separate sheet for each company and numbering the companies consecutively:

(1) Business style and principal address.

(2) Positions held by applicant therein, and how long connected with company.

(3) Nature of applicant's duties and approximate amount of time required.

(4) Statement whether company supplies electrical equipment to any public utility with which applicant is also connected; and, if so, the name of each such public utility, the frequency of such transactions, the approximate annual dollar volume of such business, and the type of equipment supplied.

(5) Extent and nature of applicant's ownership or control of the securities of such company.

(6) Statement of all compensation received by applicant from company or any affiliate during past 12 months and expected during the ensuing 12 months, whether for services, reimbursement of expenses, or otherwise. Specify in detail the amount thereof and reason therefor.

E. *Other business enterprises with which applicant is connected.*—Applicant shall list all other business enterprises to which he devotes a substantial part of his working time, briefly stating the information required in parallel columns as below:

| Name of business enterprise | Address | Kind of business | Position held therein |
|---|---|---|---|
| | | | |

F. *Physical, financial, and corporate relationship between above companies.*—Applicant shall state briefly:

(1) The location of and physical relationship existing between the properties and facilities of the above public utilities, and the extent to which such facilities are physically interconnected. (An appropriate map should be annexed as an exhibit, if available.)

(2) The extent to which competition exists between and among said public utilities.

(3) The financial and corporate relationships existing between and among all the companies listed under (B), (C), (D), and (E) above, both with respect to each other and with respect to parent holding or holding-operating companies, including the amount of the voting stock of each company and the percentage of voting power represented by securities owned by the company preceding it in the corporate structure of the system. (An appropriate chart should be annexed as an exhibit, if available.)

G. *Verification of application.*—The original application shall be signed by the individual applicant, verified under oath in accordance with Form 305 (b).[13]

SPECIFICATIONS FOR DRAWINGS

[See Rules 4 (e)–4 (f)]

All maps and other drawings required in connection with licenses and preliminary permits shall conform to the following specifications:

1. They shall be original black-ink drawings on tracing linen, cut to uniform size not smaller than 24 x 36 inches and not larger than 28 x 40 inches, the latter size being preferred, and shall be so drawn and lettered as to be legible when reduced by photography to 10½ inches in small dimension. Lithographed official maps issued by Federal or State agencies may be used to furnish supplemental data when desired and when so used, one copy for permanent record shall be mounted on linen.

2. Each drawing shall have a clear border of ½ inch on three sides and 2½ inches on one of the shorter sides, which shall be the left-hand border.

3. Each drawing shall have a numerical scale and a graphical scale, the latter not less than 6 inches in length.

4. Each map shall have true and magnetic meridians indicated thereon.

5. There shall be provided a space 5 inches by 7 inches in the lower right corner of each drawing, the upper half of which shall bear the title, scale, etc., and the lower half shall be left clear.

6. If the project affects lands covered by the public land survey, the maps shall show the location of all lines of such survey crossing the project area, and all official subdivisions of sections including lots and irregular tracts, correctly designated as on the latest governing official plats of survey, copies of which can be obtained from the General Land Office, Washington, D. C., or examined in the local land office. If the project affects unsurveyed public lands or reservations, the protraction of townships and section lines shall be shown; such protractions whenever available to be those recognized by the agency of the United States having jurisdiction over the lands.

7. All drawings shall be rolled, not folded, for mailing.

[F. R. Doc. 37–163; Filed, January 16, 1937; 11:45 a. m.]

[13] *See* Footnote 1 on page 83.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2932]

IN THE MATTER OF J. W. GIBSON, AN INDIVIDUAL, TRADING AND DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF J. W. GIBSON COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, January 22, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–161; Filed, January 16, 1937; 10:23 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2947]

IN THE MATTER OF GEORGE LANDON AND MICHAEL MASON WARNER, JR., TRADING AS LANDON AND WARNER

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, January 20, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–162; Filed, January 16, 1937; 10:23 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2910]

IN THE MATTER OF BERNARD M. WOLF, TRADING AS KODICON PRODUCTS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Edward M. Averill, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, January 25, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in court room No. 4, Federal Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–160; Filed, January 16, 1937; 10:23 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 45]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 8, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Tennessee 21 Franklin | $214,500 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37–165; Filed, January 18, 1937; 9:57 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of January A. D. 1937.

[File No. 43-26]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Northern States Power Company, a registered holding company, organized under the laws of Minnesota, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding (1) the issue and sale by declarant of $75,000,000 principal amount of First and Refunding Mortgage Bonds, 3½% Series due 1967, and 275,000 shares, without par value, of Cumulative Preferred Stock, $5 Series, for the purpose of refunding and discharging $96,537,000 principal amount of outstanding funded debt of declarant and $1,500,000 principal amount of General and Refunding Mortgage Gold Bonds Thirty Year 6% Series A, due January 1, 1952, of St. Paul Gas Light Company, a predecessor company of declarant, and (2) the reclassification of all of declarant's outstanding capital stock, to-wit:

391,077 shares of Seven Per Cent Cumulative Preferred Stock (par value $100 per share)
391,099 shares of Six Per Cent Cumulative Preferred Stock (par value $100 per share)
341,551 shares of Class A Common Stock (par value $100 per share) and
729,166⅔ shares of Class B Common Stock (par value $10 per share),

into 4,000,000 shares, without par value, of common stock of declarant, with an aggregate stated capital of $90,000,000.

It is ordered that a hearing on such matter be held on February 2, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 28, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–170; Filed, January 18, 1937; 12: 49 p. m.]

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## UNITED STATES TARIFF COMMISSION.

[Docket No. 11, Section 337, Tariff Act of 1930]

PUBLIC NOTICE

EXTENSION OF INVESTIGATION AND OPPORTUNITY TO FILE ANSWER ON CIGAR LIGHTERS

In the Matter of the Investigation of Alleged Unfair Methods of Competition or Unfair Acts in the Importation or Sale of Cigar Lighters

The United States Tariff Commission this 16th day of January, 1937, under and by virtue of the powers granted by law and pursuant to the rules and regulations of the Commission, hereby orders that the investigation instituted on August 14, 1936, pursuant to the provisions of Section 337 of the Tariff Act of 1930, of alleged unfair method's of competition or unfair acts in violation of said section in the importation or sale in the United States of cigar lighters made in accordance with the terms of United States Letters Patent Nos. 1986384, 2002845, and Des. 96639, or in simulation of such lighters, be, and hereby is, extended to include cigar lighter and cigarette case combinations made in accordance with the terms of United States Design Patent No. 81823, or in simulation of such combinations.

Ordered further, that importers and other persons interested be given opportunity to make written answer to the motion to amend the complaint submitted on December 31, 1936, by Art Metal Works, Inc., and file said answer in quadruplicate with the Commission on or before the opening of the hearing in this investigation set for 10 a. m. on February 2, 1937, and show cause, if any they have, why the provisions of Section 337 of the Tariff Act of 1930 should not be applied in respect of said alleged unfair methods of competition and unfair acts in the importation or sale of said products.

By order of the United States Tariff Commission this 16th day of January, 1937.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 37–168; Filed, January 18, 1937; 11:53 a. m.]





*Wednesday, January 20, 1937* *No. 13*

## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48759]

MERCHANDISE IN BONDED WAREHOUSE

FURTHER EXTENSION OF WAREHOUSING PERIOD FOR ONE YEAR AUTHORIZED FOR MERCHANDISE IMPORTED DURING 1930, 1931, 1932, 1933, AND 1934

JANUARY 14, 1937.

*To Collectors of Customs and Others Concerned:*

Reference is made to merchandise imported during 1930, 1931, 1932, and 1933, as to which, under the authority of proclamations issued by the President on December 23, 1932, December 30, 1933, December 21 and 22, 1934, and January 11, 1936, the statutory three-year warehousing period was extended by the Secretary of the Treasury for certain limited periods (T. Ds. 46089, 46823, 47473, 47474, 47486 and 48118).

Acting under the authority vested in him by section 318 of the Tariff Act of 1930, 46 Stat. 696 (U: S. C. title 19, sec. 1318), the President, on December 29, 1936, issued a proclamation [1] declaring an emergency to exist and authorizing the Secretary of the Treasury to extend the warehousing period for a further period of not more than one year in the case of merchandise imported between January 11 and December 31, 1930 (both dates inclusive), and between January 11 and December 31, 1931 (both dates inclusive), and between January 11 and December 31, 1932 (both dates inclusive), and between January 11 and December 31, 1933 (both dates inclusive), also to extend the warehousing period for a further period of not more than one year in the case of merchandise imported during the entire calendar year 1934, all subject to the following conditions:

*Provided, however,* That in each and every case the Secretary of the Treasury shall require that the principal on the warehouse-entry bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the merchandise is warehoused the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension.

Pursuant to the authority conferred upon me by the proclamation of December 29, 1936, the period during which merchandise imported between January 11 and December 31, 1930 (both dates inclusive), and between January 11 and December 31, 1931 (both dates inclusive), and between January 11 and December 31, 1932 (both dates inclusive), and between January 11 and December 31, 1933 (both dates inclusive), and merchandise imported during the calendar year 1934, may remain in warehouse is hereby extended for a further period of one year; and collectors of customs are hereby authorized (1) in the case of merchandise imported

[1] 2 F. R. 1.

between January 11 and December 31, 1930 (both dates inclusive), to permit such merchandise to remain in warehouse for a total period of not exceeding eight years from the date of importation, (2) in the case of merchandise imported between January 11 and December 31, 1931 (both dates inclusive), to permit such merchandise to remain in warehouse for a total period of not exceeding seven years from the date of importation, (3) in the case of merchandise imported between January 11 and December 31, 1932 (both dates inclusive), to permit such merchandise to remain in warehouse for a total period of not exceeding six years from the date of importation, (4) in the case of merchandise imported between January 11 and December 31, 1933 (both dates inclusive), to permit such merchandise to remain in warehouse for a total period of not exceeding five years from the date of importation, and (5) in the case of merchandise imported during the calendar year 1934, to permit such merchandise to remain in warehouse for a total period of not exceeding four years from the date of importation, provided that in each case the principal on the warehouse-entry bond shall either furnish the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–171; Filed, January 18, 1937; 2:31 p. m.]

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[T. D. 48772]

AIRPORT OF ENTRY

CALEXICO MUNICIPAL AIRPORT, CALEXICO, CALIFORNIA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Calexico Municipal Airport, Calexico, California, is hereby redesignated as an airport of entry for the landing of aircraft from foreign countries for a period of one year from January 10, 1937.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved, January 16, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–189; Filed, January 19, 1937; 1:01 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Bureau of Biological Survey.

AMENDMENT TO REGULATIONS FOR THE ADMINISTRATION OF WICHITA MOUNTAINS WILDLIFE REFUGE, OKLAHOMA

By virtue of authority conferred upon the Secretary of Agriculture by section 10 of the act of February 18, 1929 (45 Stat. 1222), section 84 of the act of March 4, 1909 (35 Stat. 1104), as amended by act of April 15, 1924 (43 Stat. 98), to protect wildlife and property on Federal reservations, the act of January 24, 1905 (33 Stat. 614), and otherwise, the following regulation is hereby added to the regulations of December 2, 1936, for the administration of the Wichita Mountains Wildlife Refuge, effective immediately:

REGULATION 3. DISORDERLY CONDUCT

Disturbance of the peace or disorderly conduct of any character or nature is prohibited at all times on the refuge, and no person who is visibly intoxicated will be permitted to enter or be upon the refuge. Any violation of this regulation shall invalidate the original permission accorded the offender to enter and be upon the refuge, and he shall leave the refuge as directed by the Superintendent or his authorized representative, and failing to do so his presence on the area after such notice or direction shall constitute a continuous trespass for the purpose of the enforcement of these regulations, and will subject him to eviction from the refuge, or to arrest and prosecution, or both.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington, this 19th day of January 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37–188; Filed, January 19, 1937; 12:38 p. m.]

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## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

SPECIAL AIR TRAFFIC RULES

Pursuant to Section 3 (e) of the Air Commerce Act of 1926, as amended, (44 Stat. 568), the following Special Air Traffic Rule is promulgated for the operation of aircraft in the vicinity of Washington, D. C., between the hours of 12:00 Noon and 2:30 p. m., on January 20, 1937:

No civil aircraft, nor any other aircraft without special permission, shall be flown at any altitude between 2,500 feet and 4,500 feet in the general area bounded by the Potomac River on the West, the Potomac River on the South, Chesapeake Bay on the East and Chain Bridge on the North.

Pursuant to Section 3 (e) of the Air Commerce Act of 1926, as amended, (44 Stat. 568), the following Special Air Traffic Rule is promulgated for the operation of aircraft in the vicinity of Washington, D. C., between the hours of 11:30 a. m. and 1:00 p. m. on January 20, 1937:

No aircraft shall be flown, at any altitude, within two (2) miles of the Capitol.

Attention of all concerned is also directed to the Special Air Traffic Rule promulgated for the operation of all aircraft over the downtown district of Washington, D. C., which will be complied with by all aircraft not having special permits, reading as follows:

All aircraft are and shall be prohibited at all times from navigating at any altitude in the air space above that portion of the downtown district of Washington, D. C., described as follows:

All that area extending one quarter of a mile in the horizontal plane beyond the outside limits of that section of the City of Washington, D. C., and all the land included within its boundaries, which are marked on the northeast corner by the Union Station, on the southeast corner by the Capitol, on the southwest corner by the Naval Hospital (approximately three-eighths of a mile north of the Lincoln Memorial), and on the northwest corner by the Executive Mansion.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

Approved: January 18, 1937.

[F. R. Doc. 37–172; Filed, January 19, 1937; 10:39 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.



[Docket No. 2771]

IN THE MATTER OF THE GROVE LABORATORIES, INC., RESPONDENT

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, January 26, 1937, at ten o'clock in the forenoon of that day, in room 424 of the Federal Trade Commission, 815 Connecticut Avenue, N. W., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–186; Filed, January 19, 1937; 11:29 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7–127]

IN THE MATTER OF ARMOUR & COMPANY (ILLINOIS) COMMON STOCK, $5.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $5.00 Par Value, of Armour & Company (Illinois); and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commisison, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–179; Filed, January 19, 1937; 11:23 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7–128]

IN THE MATTER OF ATLANTIC COAST LINE R. R. CO. COMMON STOCK $100 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $100 Par Value, of Atlantic Coast Line R. R. Co.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–173; Filed, January 19, 1937; 11:21 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of January 1937.

[File No. 7–153]

IN THE MATTER OF BETHLEHEM STEEL CORP. (DEL.) COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No Par Value, of Bethlehem Steel Corporation (Delaware); and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–177; Filed, January 19, 1937; 11:22 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-130]

IN THE MATTER OF BUDD WHEEL COMPANY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No Par Value, of Budd Wheel Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-174; Filed, January 19, 1937; 11:21 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-142]

IN THE MATTER OF GENERAL TELEPHONE CORP. $3 CUMULATIVE PREFERRED NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the $3 Cumulative Preferred Stock, No Par Value, of General Telephone Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-175; Filed, January 19, 1937; 11:22 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January 1937.

[File No. 7-141]

IN THE MATTER OF GENERAL TELEPHONE CORP. COMMON STOCK, $20 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $20 Par Value, of General Telephone Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. 37-176; Filed, January 19, 1937; 11:22 a.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of January 1937.

[File No. 7-154]

IN THE MATTER OF STUDEBAKER CORPORATION COMMON STOCK, $1.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $1.00 Par Value, of Studebaker Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-178; Filed, January 19, 1937; 11:23 a. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-HOLMES FARM, FILED ON DECEMBER 28, 1936, BY W. R. CURRY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon of the 18th day of January 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 9:30 o'clock in the forenoon of the 3rd day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-184; Filed, January 19, 1937; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-MCNABB PARK FARM, FILED ON DECEMBER 31, 1936, BY G. E. FISHER, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 20th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 5th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-182; Filed, January 19, 1937; 11:24 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE LEONA MCCLUSKEY FARM, FILED ON DECEMBER 31, 1936, BY WOODFIN & COX, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:30 o'clock in the forenoon on the 20th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:30 o'clock in the forenoon on the 5th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-183; Filed, January 19, 1937; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON DECEMBER 23, 1936, BY ROYALTY INVESTMENTS CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, finding that the apparent inaccuracies and omissions in the offering sheet filed with the Commission, which is the subject of this proceeding and upon which the suspension order previously entered in this proceeding was based, have been satisfactorily explained;

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-181; Filed, January 19, 1937; 11:24 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 18th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HYLAND-CAMPBELL FARM, FILED ON JANUARY 11, 1937, BY GRIMES BROS. ROYALTY CO., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the date in Division I when the information contained in the sheet will be out of date is miscalculated, based upon Item 4 of Division II;

2. In that the statement is made in Item 13 of Division II that "Production from this pool has reached a monthly output exceeding 200,000 barrels." An order of the Texas Railroad Commission of December 21, 1936, has fixed an allowable production for the Ray Pool below the figure used in your Item 13;

3. In that the name of the horizon is omitted in Item 18 (a) of Division II;

4. In that the signature at the end of Division II does not disclose whether the offeror is an individual using a fictitious name, a co-partnership, a corporation, or other form of business organization;

5. In that, upon information believed to be reliable, it is believed that the statement in Item 4 of Division III respecting certain tests and determinations made by the Texas Railroad Commission are unfounded in fact;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 1st day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-180; Filed, January 19, 1937; 11:24 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 18th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE REPOLLO-ADKINS FARM, FILED ON JANUARY 11, 1937, BY GRIMES BROS. ROYALTY COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date in Division I when the information contained in the offering sheet will be out of date is miscalculated, based on Item 15.

(2) In that Item 5, Item 6 and Item 8, Division II, are in conflict.

(3) In that Items 8 (d), (i) to (v) of Division II are omitted.

(4) In that Item 15, Division II, is in conflict with the total shown in Item 16 (a), Division II.

(5) In that the item numbered 19 at end of Division II is unsigned and it does not appear whether the one filing this sheet is an individual using a fictitious name, a copartnership, a corporation, or other form of organization.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 1st day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-185; Filed, January 19, 1937; 11:25 a. m.]

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***Friday, January 22, 1937*** ***No. 14***

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

ENLARGING THE DELTA MIGRATORY WATERFOWL REFUGE

*Louisiana*

By virtue of and pursuant to the authority vested in me as President of the United States and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, comprising 2,926.87 acres, more or less, in Plaquemines Parish, Louisiana, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as an addition to the Delta Migratory Waterfowl Refuge, established by Executive Order No. 7229 of November 19, 1935:

ST. HELENA MERIDIAN

T. 21 S., R. 19 E.,
radial secs 22 to 26, inclusive;
radial secs. 30 to 32, inclusive;
radial secs. 36, 39, 42, 44, 46, 47, 50, 51, and 52.
T. 22 S., R. 19 E.,
radial secs. 2, 4, 6, 8, and 9.

The above-described lands are under the primary jurisdiction of the War Department, and their reservation for waterfowl-refuge purposes is subject to use by the War Department in connection with the improvement of navigation in the Mississippi River and the uses thereof, and the administration of the area for wildlife conservation purposes by the Department of Agriculture shall be without interference with any existing or future uses or regulations of the War Department.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 19, 1937.*

[No. 7538]

[F. R. Doc. 37-194; Filed, January 21, 1937; 11:46 a. m.]

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### EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 4914 OF JUNE 23, 1928, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 4914 of June 23, 1928, withdrawing, together with other lands, public lands in Tps. 23 and 24 N., R. 98 W., and secs. 1 to 28, inclusive, T. 23 N., R. 99 W. of the sixth principal meridian, Wyoming, pending a resurvey, is hereby revoked as to said townships.

This order shall become effective upon the date of the official filing of the plats of resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 19, 1937.*

[No. 7539]

[F. R. Doc. 37-195; Filed, January 21, 1937; 11:46 a. m.]

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## TREASURY DEPARTMENT.

### Office of the Secretary.

[1937—Department Circular No. 1]

VALUES OF FOREIGN MONEYS

JANUARY 1, 1937.

Pursuant to Section 522, Title IV, of the Tariff Act of 1930, reenacting Section 25 of the act of August 27, 1894, as amended, the following estimates [1] by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning January 1, 1937, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by five per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of Section 522, Title IV, of the Tariff Act of 1930.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-190; Filed, January 19, 1937; 2:33 p. m.]

[1] See page 112.

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## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

NEW MEXICO GRAZING DISTRICT NO. 4

MODIFICATION

JANUARY 13, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 4, is hereby revoked so far as it affects the following described lands:

NEW MEXICO MERIDIAN

T. 1 N., R. 4 E., exclusive of Sevilleta Grant.
T. 2 N., R. 4 E., exclusive of Sevilleta and Casa Colorado Grants.
T. 1 N., R. 5 E., secs. 4, 5, 6, 7, 8, 9, 17, 18.
T. 2 N., R. 5 E., secs. 4 to 9, 15 to 22, and 27 to 34 inclusive.
T. 3 N., R. 5 E., secs. 30, 31, 32, 33.
T. 4 S., R. 11 E.
T. 5 S., R. 11 E.
T. 6 S., R. 11 E., secs. 3 to 9, 16 to 21, and 25 to 36 inclusive.
T. 7 S., R. 11 E., secs. 1 to 11, 14 to 23, and 26 to 36 inclusive.
T. 8 S., R. 11 E., secs. 1 to 32 inclusive, N½ secs. 33 to 36 inclusive.
T. 9 S., R. 11 E., secs. 5, 6, 7, 18.
T. 6 S., R. 12 E., secs. 25 and 36.
T. 7 S., R. 12 E., sec. 36.
T. 8 S., R. 12 E.
T. 9 S., R. 12 E., secs. 1 and 2.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-192; Filed, January 21, 1937; 10:20 a. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

EXPENSES IN LOAN SERVICE OPERATIONS

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Chapter II of the Consolidated Manual is hereby amended by adding thereto a section which shall be appropriately numbered and read as follows:

The General Manager may, except as otherwise expressly provided by the Board, incur and approve the amount and payment of any expenses incident to the performance of any duty or function of the Loan Service Division in connection with the investigation, preparation, and processing of applications for releases, waivers, consents, subordination agreements, substitution of security, division of indebtedness and security, and extensions of time for the making of payments to the Corporation; offers of additional security; cases involving the acquisition of property covered by the Corporation's lien, or any part thereof, by eminent domain; cases where the land or improvements covered by the Corporation's lien have been damaged or destroyed by fire, flood, windstorm, landslide, or other hazard where the loss is not covered by insurance; and cases apparently insoluble in which foreclosure or the acceptance of a voluntary conveyance is contemplated. Such officers, respectively, may determine, with the advice of the General Counsel, whether any expenses not paid by the home owner shall be charged to the home owner's account or to Corporation expense. All sums not exceeding $50.00 for these purposes shall be advanced or paid from such funds as the Comptroller may direct, in accordance with established Corporation policy. Any legal fees and expenses shall be incurred, approved and paid in the manner provided in Chapter VI of the Manual.

In cases where it appears to them to be for the best interests of the Corporation, the General Manager is likewise authorized to waive the requirement that funds for appraisal, credit report, or other expense in connection with loan service operations be deposited in advance or paid by the home owner upon consummation of such transaction.

Any Regional, State, or District Manager, with the advice or approval of Regional, State, or District Counsel, as may be required, may exercise the authority herein granted, under procedure and limitations prescribed and promulgated by the General Manager with the approval of the General Counsel; and

*Be it further resolved,* That the provisions of this resolution shall become effective twenty (20) days after this date, exclusive of Sundays and holidays.

Adopted by the Federal Home Loan Bank Board on January 19, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-191; Filed, January 19, 1937; 4:17 p. m.]

VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)

| COUNTRY | Monetary unit | Value in terms of U. S. money | Remarks |
|---|---|---|---|
| Argentine Republic | Peso | $1.6335 | Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929 |
| Australia | Pound Sterling | 8.2397 | Control of gold stocks and exports authorized Dec. 17, 1929. |
| Austria | Schilling | .2382 | Exchange control established Oct. 9, 1931. |
| Belgium | Belga | .1695 | Basel on decree of Mar. 31, 1935. 1 belga equals 5 Belgian francs. |
| Bolivia | Boliviano | .6180 | Conversion of notes into gold suspended Sept. 23, 1931 |
| Brazil | Milreis | .0861 | Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930. |
| British Honduras | Dollar | 1.6931 | Conversion of notes suspended. |
| Bulgaria | Lev | .0122 | Exchange control established Oct. 15, 1931. |
| Canada | Dollar | 1.6531 | Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933. |
| Chile | Peso | .2060 | Conversion of notes suspended July 30, 1931. |
| China | Yuan | | Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1 s. 2½ d., or about 29½¢ U. S., per yuan. |
| Hong Kong | Dollar | | Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate. |
| Colombia | Peso | 1.6479 | Obligation to sell gold suspended Sept. 24, 1931. |
| Costa Rica | Colon | .7879 | Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932. |
| Cuba | Peso | 1.0000 | By law of May 25, 1934. |
| Czechoslovakia | Koruna | | Crown further devalued by law of Oct. 5, 1936, which provided for a fine gold content to be fixed within the limits of 30.21 and 32.21 milligrams of gold. |
| Denmark | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Dominican Republic | Dollar | 1.6631 | U. S. money is principal circulating medium. |
| Ecuador | Sucre | .3386 | Conversion of notes into gold suspended Feb. 9, 1932. |
| Egypt | Pound (100 piasters) | 5.3092 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Estonia | Kroon | .4537 | Conversion of notes into gold suspended June 28, 1933. |
| Finland | Markka | .0426 | Conversion of notes into gold suspended Oct. 12, 1931. |
| France | Franc | | Monetary law of Oct. 1, 1936, provided for new gold content of franc to be fixed within the limits of 43 and 49 milligrams of gold .900 fine. |
| Germany | Reichsmark | .4033 | Exchange control established July 15, 1931. |
| Great Britain | Pound Sterling | 8.2397 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Greece | Drachma | .0220 | Conversion of notes into gold suspended Apr. 26, 1932. |
| Guatemala | Quetzal | 1.6931 | Conversion of notes into gold suspended Mar. 6, 1933. |
| Haiti | Gourde | .2000 | National bank notes redeemable on demand in U. S. dollars. |
| Honduras | Lempira | .8466 | Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar. |
| Hungary | Pengö | .2961 | Exchange control established July 17, 1931. |
| India [British] | Rupee | .6180 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Indo-China | Piaster | .6633 | Piaster pegged to French franc at the rate of 1 piaster=10 French francs. Information with regard to the relationship of piaster to franc subsequent to September 25, 1936, not yet available. |
| Irish Free State | Free State Pound | 8.2397 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Italy | Lira | .0526 | New gold content of 4.677 grains of fine gold per lira established by monetary law of Oct. 5, 1936. |
| Japan | Yen | .4840 | Embargo on gold exports Dec. 13, 1931. |
| Latvia | Lat | | Currency pegged to sterling Sept. 28, 1936. Former gold content of lat abolished |
| Liberia | Dollar | 1.6931 | British money is principal circulating medium. |
| Lithuania | Litas | .1693 | Free export of gold suspended Oct. 1, 1935. |
| Mexico | Peso | .8440 | By law of July 25, 1931, gold has no legal tender status but it may be held as monetary reserve. |
| Netherlands and colonies | Guilder (florin) | .6806 | Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936. |
| Newfoundland | Dollar | 1.6931 | Newfoundland and Canadian notes legal tender. |
| New Zealand | Pound Sterling | 8.2397 | Conversion of notes into gold suspended and export of gold restricted, Aug. 7, 1914; exchange regulations Dec. 1931. |
| Nicaragua | Cordoba | 1.6933 | Embargo on gold exports Nov. 13, 1931. |
| Norway | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Panama | Balboa | 1.6933 | U. S. money is principal circulating medium. |
| Paraguay | Peso (Argentine) | 1.6335 | Paraguayan paper currency is used; exchange control established June 28, 1932. |
| Persia (Iran) | Rial | .0824 | Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936 |
| Peru | Sol | .4740 | Conversion of notes into gold suspended May 18, 1932. |
| Philippine Islands | Peso | .5000 | By act approved March 16, 1935. |
| Poland | Zloty | .1899 | Exchange control established Apr. 27, 1936. |
| Portugal | Escudo | .0748 | Gold exchange standard suspended Dec. 31, 1931. |
| Rumania | Leu | .0101 | Exchange control established May 18, 1932. |
| Salvador | Colon | .8466 | Conversion of notes into gold suspended Oct. 7, 1931. |
| Siam | Baht (Tical) | .7491 | Conversion of notes into gold suspended May 11, 1932. |
| Spain | Peseta | .3267 | Exchange control established May 18, 1931. |
| Straits Settlements | Dollar | .9613 | British pound sterling and Straits dollar and half dollar legal tender. |
| Sweden | Krona | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Switzerland | Franc | | Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold. |
| Turkey | Piaster | .0744 | 100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930. |
| Union of South Africa | Pound Sterling | 8.2397 | Conversion of notes into gold suspended Dec. 28, 1932. |
| Union of Soviet Republics | Chervonetz | 8.7123 | On Oct. 28, 1936, the Council of People's Commissars issued a decree fixing the value of the ruble in foreign exchanges at four and one-quarter French francs |
| Uruguay | Peso | 1.7511 | Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. |
| Venezuela | Bolivar | .3267 | Premium on foreign currencies established Aug. 29, 1934, by agreement of banks. |
| Yugoslavia | Dinar | .0298 | Exchange control established Oct. 7, 1931. |

THIS TABLE ACCOMPANIES F. R. DOC. 37-190, PRINTED ON PAGE 111.



## INTERSTATE COMMERCE COMMISSION.

### SAFETY REGULATIONS

### RULES AND REGULATIONS GOVERNING QUALIFICATIONS OF EMPLOYEES AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON CARRIERS AND CONTRACT CARRIERS BY MOTOR VEHICLE

TABLE OF CONTENTS

Report of the Commission: [1]
Present accident situation, and value of uniformity.
Preliminary studies.
Complicated nature of the highway safety problem.
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Private carriers.
Operations exempted by section 203 (b).
Appreciation.
Findings.
Rules and regulations:
Part I. Qualifications of drivers.
Part II. Driving of motor vehicles.
Part III. Parts and accessories necessary for safe operation.
Part IV. Reporting of accidents.
Order of the Commission.

### PART I. QUALIFICATIONS OF DRIVERS

Regulations prescribed under authority of the Motor Carrier Act, 1935, particularly section 204 (a), (1) and (2), with respect to qualifications of drivers of motor vehicles operated in interstate or foreign commerce by common and contract carriers, except motor vehicles engaged in operations specified in section 203 (b) of said act. Regulations effective July 1, 1937

1. As used in these regulations—

(*a*) The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, and any combination of such vehicles, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

(*b*) The term "driver" means any individual who drives in interstate or foreign commerce any motor vehicle as defined in paragraph 1 (a) above.

(*c*) Any other term used in these regulations is used in its commonly accepted meaning, except where such other term has been defined in section 203 (a) of the Motor Carrier Act, 1935, in which event the definition therein given shall apply.

2. Every motor carrier shall comply with the following regulations, and shall instruct his or its employees and agents with respect thereto.

3. On and after July 1, 1937, no motor carrier shall drive, or require or permit any person to drive, any motor vehicle operated in interstate or foreign commerce, unless the person so driving possesses the following minimum qualifications:

(*a*) Good physical and mental health.

(*b*) No physical deformity or loss of limb likely to interfere with safe driving.

(*c*) Good eyesight in both eyes (either without glasses, or by correction with glasses), including adequate perception of red and green colors.

(*d*) Adequate hearing.

(*e*) Experience in driving some type of motor vehicle (including private automobiles) for not less than one year, including experience throughout the four seasons.

(*f*) Competency by reason of experience or training to operate safely the type of vehicle or vehicles which he drives.

(*g*) Knowledge of rules and regulations issued by the Commission under the Motor Carrier Act, 1935, pertaining to the driving of motor vehicles.

(*h*) Shall not be addicted to the use of narcotic drugs.

(*i*) Shall neither use, nor be under the influence of, any alcoholic liquor or beverage while on duty, nor otherwise make excessive use thereof.

(*j*) Not less than 21 years of age, unless the person was engaged in so driving on July 1, 1937 or within one year prior thereto, but in no case less than 18 years of age.

(*k*) Ability to read and speak the English language, unless the person was engaged in so driving on July 1, 1937 or within one year prior thereto, but in any case ability to understand traffic and warning signs.

4. Every motor carrier, within 60 days after the effective date of these regulations, or within 20 days after any person not engaged on such date as a driver becomes so engaged for a period longer than three days, shall file with the Commission, for each driver so engaged, the information called for by the "Driver Identification Form" set forth below. The same information is required from each owner-driver.

(NOTE.—*Deposit of "Driver Identification Form" in the United States mail, postage prepaid, addressed to Interstate Commerce Commission, Bureau of Motor Carriers, Washington, D. C., within the period set forth will be deemed a compliance with this regulation. Copies of this form will be supplied to all carriers.*)

DRIVER IDENTIFICATION FORM

Date _____ (Month) _____ (Day) _____ (Year)

(1) Name of driver _____ (Print in full) (First name) (Middle name) (Last name)

(2) Residence _____ (Street and No.) (City or town) (County) (State)

(3) Date of birth _____ (Month) (Day) (Year)

(Sex) _____ (Race) _____ (Height) _____ (Weight)

(Color of hair) _____ (Color of eyes) _____

(4) Has driven motor vehicles since _____ (Year)

(5) Miles (approximately) driven: Passenger cars _____ Trucks up to and including 1½ tons capacity _____ Trucks over 1½ tons capacity _____ Trailer combinations _____ Taxicabs _____ Buses _____

(6) State or States in which now licensed:

| State | As chauffeur or operator (State which) | License number | Date of expiration |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

(7) Date of last medical examination, if any, in connection with employment as a driver _____

Signature of driver _____

(If driver is an employee, the following information must be supplied by employing carrier:)

The driver whose name and description are given above has been employed by me/us since _____ (Month) _____ (Day) _____ (Year)

Name of motor carrier _____

Address _____ (Street and No.) _____ (City) _____ (State)

Signature of reporting official _____

Title _____

### PART II. DRIVING OF MOTOR VEHICLES

Regulations prescribed under authority of the Motor Carrier Act, 1935, particularly section 204 (a), (1) and (2), with respect to the driving of motor vehicles operated in interstate or foreign commerce by common and contract carriers, except motor vehicles engaged in operations specified in section 203 (b) of said act. Regulations effective July 1, 1937

1. As used in these regulations—

(*a*) The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, and any combination of such vehicles, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

(*b*) The term "vehicle" means any vehicle or combination of vehicles of any type whatsoever operated upon the highways.

(*c*) The term "driver" means any individual who drives in interstate or foreign commerce any motor vehicle as defined in paragraph 1 (a) above.

(*d*) Any other term used in these regulations is used in its commonly accepted meaning, except where such other term has been defined in section 203 (a) of the Motor Car-

[1] The Report of the Commission was filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Interstate Commerce Commission.

rier Act, 1935, in which event the definition therein given shall apply.

2. Nothing contained in these regulations shall be construed as prohibiting any motor carrier from enforcing additional rules and regulations relating to safety of operation, not inconsistent with these regulations, tending to a greater degree of precaution against accidents.

3. Every motor carrier and his or its officers, agents, employees, and representatives shall comply with the following regulations, and every such motor carrier shall require that his or its officers, agents, employees, and representatives shall become conversant with these regulations.

*Reckless Driving*

4. No motor vehicle shall be driven recklessly, or so as to endanger life, limb, or property.

5. No motor vehicle shall be driven by any driver while his ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for him to drive or to continue to drive a motor vehicle, nor shall he be required or knowingly be permitted to drive while in such condition, except in case of grave emergency where the hazard to passengers would be increased by observance of the foregoing provisions.

6. No driver shall go on duty while under the influence of, nor drink while on duty, any alcoholic liquor or beverage; nor shall he knowingly be permitted so to do.

*Speed*

7. No motor vehicle shall be driven at a speed greater than is reasonable and prudent, having due regard to weather, traffic, intersections, width and character of the roadway, type of motor vehicle, and any other conditions then existing; but in no event shall a motor vehicle be driven in or through any State, legal subdivision thereof, or the District of Columbia at a speed greater than that permitted by such State, legal subdivision thereof, or the District of Columbia.

*Before Driving*

8. No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following required parts and accessories are in good working order:

Lighting devices and reflectors.
Brakes, both service and hand.
Horn.
Windshield wiper.
Rear vision mirror.
Tires.
Steering mechanism.
Coupling devices.

9. No motor vehicle shall be driven unless the following required accessories are in place and ready for immediate use in case of emergency:

(*a*) On every bus, truck, or truck tractor—

At least one fire extinguisher.
One red lantern, when projecting loads are carried.
One red-cloth flag, when projecting loads are carried.

(*b*) On every bus, truck, or truck tractor operating outside the corporate limits of municipalities—

All items listed under (*a*) above, and in addition:
At least one spare electric bulb for each kind of electric lamp where such electric lamp is used for any of the lighting devices required by these regulations.
One set of tire chains (for all vehicles likely to encounter conditions requiring them).
At least three flares (pot torches) or red electric lanterns, unless motor vehicle is operated solely on streets or highways which are artificially lighted at night.
At least three fuses (if flares are used as warning signals), unless motor vehicle is operated solely on streets or highways which are artificially lighted at night.
At least two red-cloth flags with standards.

(*c*) On every bus having a seating capacity of 10 or more persons, and operating outside the corporate limits of municipalities:

All items listed under (*a*) and (*b*) above, and in addition:
One metal first-aid kit.
One hand axe.

10. No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging, or falling from side, end, or top of load.

11. No motor vehicle which is stopped, standing, or parked shall be set in motion until due caution has been taken to ascertain that the course is clear.

*Driving*

12. Every motor vehicle shall be driven as far to the right side of the traveled portion of the highway as is practicable.

13. Sufficient space shall be maintained, whenever conditions permit, between vehicles proceeding in the same direction so that an overtaking vehicle may enter and occupy such space without danger. Motor vehicles proceeding in convoy shall maintain, so far as possible, a distance of at least 300 feet between units of the convoy. This rule shall not be construed to prevent overtaking and passing another vehicle.

14. Every motor vehicle transporting passengers, high explosives, or poisonous or compressed inflammable gases, and every motor vehicle used for the transportation of inflammable or corrosive liquids in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, be brought to a full stop within 50 feet, but not less than 10 feet, from the nearest rail of such railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear; provided, however, that such full stop shall not be required at a street-car crossing within a business or residence district, nor at a railroad grade crossing protected by a watchman or traffic officer on duty or by a traffic-control "stop and go" signal (not railroad flashing signal) giving positive indication to approaching vehicles to proceed. Any other motor vehicle shall, upon approaching a railroad grade crossing, reduce speed to a rate that shall enable a stop to be made before reaching the nearest rail of such crossing and shall proceed to cross only after due caution has been taken to ascertain that the course is clear. In all cases, crossing shall be made only in such gear that there shall be no necessity for changing gears while traversing such crossing. Nothing contained in this paragraph shall be so construed as to relieve the driver of the responsibility in any case of exercising due caution to ascertain that the course is clear before proceeding over such crossings.

15. Every motor vehicle transporting passengers shall, upon approaching any drawbridge, known or marked as such, be brought to a full stop, not less than 50 feet from the lip of the draw, and shall not proceed unless the draw is closed; provided, however, that such full stop shall not be required at any drawbridge protected by a watchman or traffic officer on duty, or by a traffic control "stop and go" signal giving positive indication to approaching vehicles to proceed. Any other motor vehicle upon approaching any drawbridge shall be driven at such speed as to permit it to be stopped before reaching the lip of the draw and shall proceed only if the draw is closed. Nothing contained in this paragraph shall be so construed as to relieve the driver of the responsibility in any case of exercising due caution to ascertain that the draw is closed.

16. Except in case of emergency, no motor vehicle shall be stopped, its speed suddenly decreased, nor its course or direction changed, unless the driver thereof shall have exercised due caution to ascertain that such acts can be performed without endangering other users of the highway.

17. Upon all highways any right turn shall be made from a position which is as close as practicable to the extreme right side of the traveled portion of the highway. Upon two-way highways any left turn shall be made from a position which is as close as practicable to the center of the traveled portion of the highway. Upon one-way highways and upon highways on which the opposing streams of traffic are separated by a dividing strip or zone, any left turn shall be made from a position which is as close as practicable to the extreme left side of the traveled portion of such highways. In all cases turns shall be made with due caution, having due regard to the length of the motor vehicle and any load thereon, the width of the roadway, and other traffic. Before making any turn the motor vehicle shall be driven into the proper lane well in advance of the intersection.

18. No motor vehicle shall be driven past a vehicle or vehicles proceeding in the same direction, unless there is ample visible space ahead to do so without endangering any other user of the highway; if necessary, an audible signal of intention to pass shall be sounded. After passing, the motor vehicle shall not be returned to the right side of the roadway until safely clear of the overtaken vehicle or vehicles.

19. The speed of a motor vehicle shall not be increased to prevent being overtaken by another vehicle attempting to pass.

20. No motor vehicle shall be driven upon a down grade with gears in neutral or clutch disengaged.

21. Any motor vehicle when meeting or overtaking any school or other bus discharging or taking on passengers shall proceed with extreme caution and only if the course ahead is known to be clear.

*Stopping*

22. No motor vehicle shall be stopped, parked, or left standing, whether attended or unattended, upon the traveled portion of any highway outside of a business or residence district, when it is practicable to stop, park, or leave the motor vehicle off the traveled portion of such highway. When conditions make it impracticable to move the motor vehicle from the traveled portion of the highway, every effort shall be made to leave all possible width of the highway opposite such standing motor vehicle for the free passage of other vehicles, and care taken to provide a clear view of such stopped motor vehicle as far as possible to the front and rear.

23. Whenever any motor vehicle is disabled upon the traveled portion of any highway or shoulder next thereto, except within the corporate limits of municipalities or upon streets or highways which are artificially lighted at night, the following requirements shall be complied with during the period of such disablement:

(*a*) During the time that lights are required (see paragraph 25), except as provided in subparagraphs (b) and (c) hereof, a lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle; as soon thereafter as possible and in any case within the burning period of the fusee, three lighted flares (pot torches) shall be placed on the roadway, as follows: One in the center of the lane of traffic occupied by the disabled motor vehicle and not less than 40 paces (approximately 100 feet) distant therefrom in the direction of traffic approaching in that lane, one not less than 40 paces (approximately 100 feet) from such vehicle in the opposite direction, and one at the traffic side of such vehicle, not closer than 10 feet from the front or rear thereof; provided, however, that if the motor vehicle is disabled within 300 feet of a curve, crest of a hill, or other obstruction to view, the flare in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 40 paces (approximately 100 feet) nor more than 120 paces (approximately 300 feet) from the disabled vehicle.

(*b*) For every motor vehicle used for the transportation of inflammable liquids in bulk, whether loaded or empty, and for every motor vehicle transporting compressed inflammable gases, the use of flares (pot torches), fusees, or any signal produced by a flame is prohibited, and red electric lanterns shall be used in lieu thereof. One of the said red electric lanterns shall be immediately placed on the roadway at the traffic side of the motor vehicle and immediately thereafter the two other red electric lanterns shall be placed to the front and rear of the motor vehicle in the same manner prescribed in subparagraph (a) above for flares.

(*c*) During such time as lights are not required, red flags shall be used in place of flares or electric lanterns as specified in subparagraphs (a) and (b) above, except that no flag shall be required to be placed at the side of the vehicle; provided, however, that if such disablement continues into the period when lights are required, flares or red electric lanterns shall be placed as above set forth.

24. No motor vehicle shall be left unattended until after the parking (hand) brake has been securely set and all other reasonable precautions have been taken to prevent its movement while unattended.

*Lights*

25. On every motor vehicle operated upon the highways, all lamps required by the regulations of the Commission shall be lighted during the period from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead, except as provided in paragraph 29, and except that within the confines of municipalities where there is sufficient light to render clearly discernible persons and vehicles upon the highway at a distance of 500 feet ahead, clearance and side-marker lights shall not be required to be displayed; provided, however, that while any motor vehicle is stopped upon the highway, the headlights shall be dimmed or depressed.

26. When a motor vehicle is equipped with more than four lamps of the character of head lamps, auxiliary road-lighting lamps, or spot lamps, not more than four such lamps shall be lighted at any one time.

27. Whenever the road-lighting equipment on a motor vehicle is so arranged that the driver may select at will between two or more distributions of light from head lamps or auxiliary road-lighting lamps or combinations thereof, directed to different elevations, the following requirements shall apply while driving during the times when lights are required:

(*a*) When there is no oncoming vehicle within 500 feet, the driver shall use an upper distribution of light; provided, however, that a lower distribution of light may be used when fog, dust, or other atmospheric conditions make it desirable for reasons of safety, and when within the confines of municipalities where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead, and when following another vehicle within 500 feet.

(*b*) When within 500 feet of an oncoming vehicle, the driver shall use a distribution of light so aimed that the glaring rays therefrom are not directed into the eyes of the oncoming driver.

28. At no time while driving during the times when lights are required shall any distribution of light be used which will not reveal a person or vehicle at a distance of at least 100 feet ahead under normal atmospheric conditions; provided, however, that dimmed headlights may be used in fog when they tend to promote safety.

29. Whenever motor vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a motor vehicle of the combination, would be obscured by another vehicle of the combination; provided, however, that nothing contained in this paragraph shall be construed to relieve from the requirement of displaying lighted clearance lamps on the front of the foremost motor vehicle required to have such clearance lamps, nor of displaying all lights required on the rear of the rearmost motor vehicle of any combination of motor vehicles.

30. In using a spot light, upon approaching another vehicle, it shall be so aimed that no part of the high-intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the spot lamp is mounted, nor more than 100 feet ahead of such motor vehicle.

*Hazardous Conditions*

31. Extreme caution in the operation of motor vehicles shall be exercised under hazardous conditions, such as snow, ice, sleet, fog, mist, rain, dust, smoke, or any other condition which adversely affects visibility or traction, and speed shall be reduced accordingly.

*In Case of Accident*

32. The driver of any motor vehicle involved in an accident resulting in death, personal injury, or property damage, shall forthwith stop at the scene of the accident and remain there until he shall have (*a*) rendered all possible assistance to injured persons; and (*b*) given to any person demanding the same his name and address, the name and address of his employer, if any, and his vehicle registration number. He shall take all reasonable precautions to prevent further accidents at the scene. As soon as possible after the accident the driver (if not himself a motor carrier) shall report all details of the accident to his employer or supervisory official.

*Miscellaneous*

33. No motor vehicle shall be fueled or be permitted to be fueled with engine running, or in the presence of any open flame. Care shall be exercised to prevent the ignition of fuel by lighted cigars, cigarets, pipes, or other sources of ignition. The nozzle of the fuel hose shall be in contact with the intake of the fuel tank throughout the fueling process. No passenger-carrying motor vehicle shall be fueled in a closed building with passengers aboard. No reserve supply of gasoline shall be carried on any motor vehicle except in the main fuel tank or in a properly constructed and mounted auxiliary tank.

34. No motor vehicle shall be so loaded as to obscure the driver's view ahead or to either side, or to interfere with the free movement of his arms or legs, or to prevent his free and ready access to the accessories required for emergencies.

35. During the time when lights are required to be displayed, there shall be attached to the rearmost extremity of any load which projects 4 feet or more beyond the rear of the body of the motor vehicle, or to any tailboard or tailgate so projecting, or to the rearmost extremity of any load carried on a pole trailer, at least one red lantern securely fastened thereto, which will be visible from a distance of at least 500 feet to the sides and rear under normal atmospheric conditions. At all other times a red cloth flag shall be so displayed.

36. No motor vehicle shall be operated with the tailboard or tailgate in such position as to obscure any of the required rear lights or reflectors.

37. No person, except the carrier, employees of the carrier, representatives of the shipper when their presence is necessary for the safe care of livestock or perishable cargo, representatives of the Commission, or public officials in the proper performance of their duties, shall be transported upon any motor vehicle not designed and used for the transportation of passengers; provided, however, that each person permitted by this paragraph to be transported upon such motor vehicle, except those engaged in the actual operation of the motor vehicle, shall have printed or written authority therefor from the carrier; and provided further, that nothing contained in this paragraph shall be so construed as to prohibit the carrying of any person in case of an accident, or in other emergencies.

PART III. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Regulations prescribed under authority of the Motor Carrier Act, 1935, particularly section 204 (a), (1) and (2), with respect to parts and accessories on motor vehicles operated in interstate or foreign commerce by common and contract carriers, except motor vehicles engaged in operations specified in section 203 (b) of said act. Regulations effective July 1, 1937

1. As used in these regulations—

(*a*) The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, and any combination of such vehicles, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

(*b*) The term "bus" means any motor vehicle designed and used for the carrying of passengers.

(*c*) The term "truck" means any motor vehicle designed and used exclusively for the carrying of property.

(*d*) The term "truck tractor" means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(*e*) The term "semitrailer" means any vehicle other than a "pole trailer", without motive power and designed to be drawn by another vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, the towing vehicle.

(*f*) The term "full trailer" means any vehicle, other than a "pole trailer", without motive power, designed to be drawn by another vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(*g*) The term "pole trailer" means any vehicle without motive power, possibly of variable wheel base, designed to be drawn by another vehicle, and attached to the towing vehicle by means of a "reach", or "pole", or by being "boomed" or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular-shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(*h*) The term "gross weight" means the weight of the motor vehicle without load plus the weight of any load thereon.

(*i*) Any other term used in these regulations is used in its commonly accepted meaning, except where such other term has been defined in section 203 (a) of the Motor Carrier Act, 1935, in which event the definition therein given shall apply.

2. Nothing contained in these regulations shall be construed to prohibit the use of additional parts and accessories, not inconsistent with these regulations, tending to increase the safety of operation of motor vehicles, and to prevent accidents.

3. Every motor carrier shall comply with the following regulations.

4. On and after July 1, 1937, every motor vehicle, according to its type and classification, shall be equipped as prescribed hereinafter in Sections A to D, inclusive:

*Section A. Lighting Devices and Reflectors*

(1) (*a*) On every bus or truck, whatever its size, there shall be the following lighting devices and reflectors:

On the front, two head lamps, one at each side.
On each side, one reflector, at or near the rear.
On the rear, one tail lamp, one stop light, and two reflectors, one at each side.
(See diagram A.)



(*b*) On every bus or truck 80 inches or more in over-all width or 30 feet or more in over-all length, there shall be, according to its dimensions, the following lighting devices and reflectors in addition to those required by subparagraph (a) above:

If 80 inches or more in over-all width and less than 30 feet in over-all length—

On the front, two clearance lamps, one at each side.
On the rear, two clearance lamps, one at each side.
(See diagram B.)

If 30 feet or more in over-all length—

On the front, two clearance lamps, one at each side.
On each side, two side-marker lamps, one at or near the front, and one at or near the rear, and one reflector, at or near the front.
On the rear, two clearance lamps, one at each side.
(See diagram C. )

(*c*) On every truck tractor, there shall be the following lighting devices and reflectors:

On the front, two head lamps, one at each side; two clearance lamps, one at each side, if tractor cab is as wide as, or wider than, the widest part of any vehicle or vehicles being towed.
On each side, one side-marker lamp located at or near the front.
On the rear, one tail lamp.
(See diagrams D (1) and (2).)

(*d*) On every semitrailer or full trailer having a gross weight in excess of 3,000 pounds there shall be the following lighting devices and reflectors:

On the front, two clearance lamps, one at each side, if the trailer is wider in its widest part than the cab of the truck tractor towing it.
On each side, one side-marker lamp located at or near the rear; two reflectors, one at or near the front, and one at or near the rear.
On the rear, two clearance lamps, one at each side; one stop light; one tail lamp; and two reflectors, one at each side.
(See diagrams E (1) and (2).)

(*e*) On every pole trailer having a gross weight in excess of 3,000 pounds there shall be carried at each side one side-marker lamp and one clearance lamp; on the rear, one tail lamp; and on the rear of the pole trailer or load, two reflectors, one at each side. (See diagram F.)

(*f*) On the rear of every full trailer, semitrailer, or pole trailer having a gross weight of 3,000 pounds or less, there shall be one tail lamp and two reflectors, one at each side. If such semitrailer or full trailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, it shall also be equipped with one stop light. (See diagram G.)

(2) No lighting device of the character of head lamps, auxiliary road-lighting lamps, or spot lamps mounted on the front of any motor vehicle shall, when lighted, display any other color than white, yellow, or amber.

No red lighting device of any character shall be mounted on the front of any motor vehicle.

All lighting devices mounted on the rear of any motor vehicle shall display a red light, except the stop light, the color of which may be red, amber, or yellow.

(3) Front clearance lamps shall display an amber color when lighted; provided, however, that clearance lamps in present equipment otherwise complying with these regulations may display a green color until replacements are made.

Rear clearance lamps shall display a red color when lighted.

Side-marker lamps shall display the same color when lighted as the clearance lamps to which they are adjacent.

(4) Any reflector required to be mounted on the sides near the front of a motor vehicle shall reflect a color corresponding to the color of light displayed by the front clearance lamps of the motor vehicle or combination of motor vehicles. Any reflector required to be mounted on the sides near the rear of the motor vehicle shall reflect a red color. Any reflector mounted on the rear of any motor vehicle shall reflect a red color.

(5) Front clearance lamps, side-marker lamps, rear clearance lamps, and tail lamps, when lighted, shall be capable of being seen and distinguished under normal atmospheric conditions during the time when lights are required at a distance of 500 feet from the front, side, and rear of the motor vehicle, respectively.

6. Clearance lamps shall be mounted on the permanent structure of the motor vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable; provided, however, that where identification or bar lights (three lights in a row, mounted at the top of the cab or body) are located on the front of any motor vehicle, the requirement of this paragraph with regard to maximum height of mounting need not apply. (See diagram H.)

DIAGRAM A.—*Every Bus or Truck Less Than 80 Inches in Over-all Width and Less Than 30 Feet in Over-all Length*

| FRONT | SIDE [1] | REAR |
|---|---|---|
| 2 head lamps, 1 at each side. | 1 reflector near the rear (R). | 1 tail lamp [2] (R); 1 stop light [2] (R, Y, or A); 2 reflectors, 1 at each side [3] (R). |

DIAGRAM B.—*Every Bus or Truck 80 Inches or More in Over-all Width and Less Than 30 Feet in Over-all Length*

| FRONT | SIDE [1] | REAR |
|---|---|---|
| 2 head lamps, 1 at each side; 2 clearance lamps, 1 at side [4 5 6] (A or G). | 1 reflector near the rear (R). | 1 tail lamp [2] (R); 1 stop light [2] (R, Y, or A); 2 clearance lamps, 1 at each side; [4 6] 2 reflectors, 1 at each side [3] (R). |

DIAGRAM C.—*Every Bus or Truck 30 Feet or More in Over-all Lenth*

| FRONT | SIDE [1] | REAR |
|---|---|---|
| 2 head lamps, 1 at each side; 2 clearance lamps, 1 at each side [4 5 6] (A or G). | 1 side marker lamp near the front; [4 5 7] 1 side marker lamp near the rear [4 5] (R); 1 reflector near the front; [5] 1 reflector near the rear (R). | 1 tail lamp [2] (R); 1 stop light [2] (R, Y, or A); 2 clearance lamps, 1 at each side; [4 6] 2 reflectors, 1 at each side [3] (R). |

DIAGRAM D (1).—*Every Truck Tractor, the Cab of Which Is as Wide as, or Wider Than, the Trailer Being Towed*

| FRONT | SIDE [1] | REAR |
|---|---|---|
| 2 head lamps, 1 at each side; 2 clearance lamps, 1 at each side; [4 5 6] | 1 side marker lamp at or near the front. [4 5 7] | 1 taillamp (R) |

[See footnotes on p 118]

DIAGRAM D (2).—*Every Truck Tractor, the Cab of Which Is Narrower Than the Trailer Being Towed*

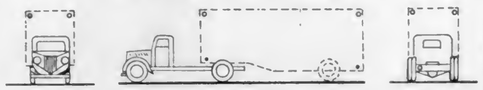

| FRONT | SIDE [1] | REAR |
|---|---|---|
| 2 head lamps, 1 at each side. | None required. | 1 tail lamp (R). |

DIAGRAM E (1).—*Every Full Trailer or Semitrailer in Excess of 3,000 Pounds Gross Weight, if Wider Than the Truck or the Cab of the Truck Tractor Towing It*

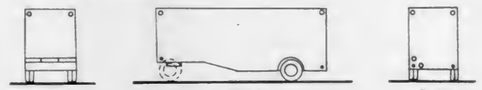

| FRONT | SIDE [1] | REAR |
|---|---|---|
| 2 clearance lamps, 1 at each side.[4 5 8] | 1 side marker lamp near the front;[4 5 7] 1 side marker lamp near the rear [4 5] (R); 1 reflector near the front;[5] 1 reflector near the rear (R). | 1 tail lamp [3] (R); 1 stop light [3] (R, Y, or A); 2 clearance lamps, 1 at each side;[4 5] 2 reflectors, 1 at each side [3] (R). |

DIAGRAM E (2).—*Every Full Trailer or Semitrailer in Excess of 3,000 Pounds Gross Weight, if as Wide as, or Narrower Than, the Truck or the Cab of the Truck Tractor Towing It*

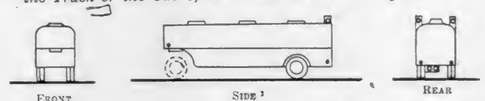

| FRONT | SIDE [1] | REAR |
|---|---|---|
| None required. | 1 side marker lamp near the rear [4 5] (R); 1 reflector near the front;[5] 1 reflector near the rear (R). | 1 tail lamp [3] (R); 1 stop light [3] (R, Y, or A); 2 clearance lamps, 1 at each side;[4 5] 2 reflectors, 1 at each side [3] (R). |

DIAGRAM F.—*Every Pole Trailer in Excess of 3,000 Pounds Gross Weight*

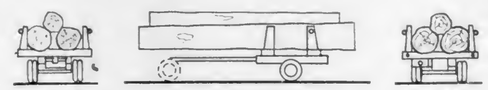

| FRONT | SIDE [1] | REAR |
|---|---|---|
| None required. | 1 combination marker lamp to show toward the front [5 9] (A or G), toward the side (R), and toward the rear (R). | 1 tail lamp (R); 2 reflectors, 1 at each side of bolster or load (R). |

DIAGRAM G.—*Every Full Trailer, Semitrailer, and Pole Trailer Weighing 3,000 Pounds Gross or Less*

| FRONT | SIDE [1] | REAR |
|---|---|---|
| None required. | None required. | 1 tail lamp [3] (R); 1 stop light [3 11] (R, Y, or A); 2 reflectors, 1 at each side [3 10] (R). |

DIAGRAM H.—*Trucks With Other Than Box Type Bodies—No Permanent Part of the Body Above Bed or Platform Level (Illustrative Only, not Designed to Show all Types), 80 Inches or More in Over-all Width and 30 Feet or More in Over-all Length* [12]

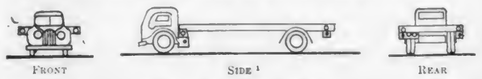

| FRONT | SIDE [1] | REAR |
|---|---|---|
| 2 head lamps, 1 at each side; 2 clearance lamps, 1 at each side [4 5 8] (A or G). | 1 side marker lamp near the front;[4 5 7] 1 side marker lamp near the rear [4 5] (R); 1 reflector near the front;[5] 1 reflector near the rear (R). | 1 tail lamp [3] (R); 1 stop light [3] (R, Y, or A); 2 clearance lamps 1 at each side;[4 5] 2 reflectors, 1 at each side [3] (R). |

*Symbols:* ○ Headlamps. o Other lamps. Reflectors.

*Colors.*—(R) Red. (Y) Yellow. (G) Green. (A) Amber.

[1] Same for each side.
[2] Stop light and tail lamp may be combined in one housing.
[3] One reflector may be in combination with tail lamp.
[4] Side marker and clearance lamps may be combined.
[5] To be mounted as near the top as the permanent structure of the vehicle permits, unless identification lights (three bar lights in a row) are used, in which case front clearance lamps may be mounted at platform level.
[6] Front clearance lamps on new vehicles shall be amber. Where green is used for front clearance lamps on present equipment, its use is permitted, but any replacement shall be amber.
[7] Side marker lamps near the front shall be the same color as adjacent front clearance lamps.
[8] Side marker reflectors near the front shall be the same color as the front side marker lamps.
[9] Need not be mounted on, but in any case must show toward, the front.
[10] Rear reflectors may be mounted one on each side of bolster or load of a pole trailer.
[11] Stop light on small trailer required if stop light on towing vehicle is obscured.
[12] Same for full trailers and semitrailers of this type except that head lamps are not required.

(7) Stop lights shall be actuated upon application of the service (foot) brake, and shall be capable of being seen and distinguished from a distance of 100 feet to the rear of the motor vehicle in normal daylight; but shall not project a glaring or dazzling light. It is permissible that the stop light be incorporated with the tail lamp.

(8) No reflector required by these regulations shall be mounted upon the motor vehicle at a height to exceed 60 inches, nor less than 24 inches, above the ground upon which the motor vehicle stands; provided that, if the highest part of the permanent structure of a motor vehicle upon which a reflector is required to be mounted is less than 24 inches, the required reflector at such point or points shall be mounted as near the maximum height of that part as such permanent structure will permit. Every reflector shall be of such size and characteristics as to be readily visible at night from all distances within 500 feet to 50 feet from the motor vehicle when directly in front of a normal headlight beam. It is permissible that one of the required red reflectors on the rear of the motor vehicle be incorporated with the tail lamp.

(NOTE.—*Any reflex reflector approved by any of the States listed below, or by any other State having equivalent or superior requirements, or any reflex reflector meeting the requirements as set forth in "S. A. E. Recommended Practice" for reflex reflectors, as promulgated by the Society of Automotive Engineers, shall be deemed to meet the requirements of paragraph (8) with respect to performance characteristics. The listed States are New Hampshire, Massachusetts, Rhode Island, New York, and California.*)

(9) The lighting devices or reflectors required by these regulations shall be mounted, so far as practicable, in such a manner as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels.

*Section B. Brakes*

(1) Every bus, truck, and truck tractor shall be equipped with brakes adequate to control the movement of, and to stop and to hold, such vehicle, including two separate means of applying the brakes. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the vehicle without brakes adequate to stop and to hold such vehicle.

(2) Every combination of motor vehicles shall be equipped with brakes upon one or more of such motor vehicles, adequate to stop and to hold such combination of motor vehicles.

(3) Every motor vehicle or combination of motor vehicles, according to its type, shall be capable at all times and under all conditions of loading, of stopping on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of decelerating at a sustained rate corresponding to these distances:

| | Feet to stop from 20 miles per hour | Deceleration in feet per second per second [1] |
|---|---|---|
| Vehicles or combinations of vehicles having brakes on all wheels | 30 | 14 |
| Vehicles or combinations of vehicles not having brakes on all wheels | 45 | 9.5 |

[1] Equivalence with stopping distances listed only to the nearest half foot.

(*Note.—The means used for enforcement purposes to determine if a motor vehicle or combination of motor vehicles is in compliance with the provisions of the above paragraph, will be by an instrument or a machine capable of being read in feet to stop from 20 miles per hour, deceleration in feet per second per second, or other equivalent units; the manner of use of these instruments or machines to be prescribed for each type of instrument or machine so used.*)

(4) In any combination of motor vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

(5) Means of braking, the operating controls of which shall be independent of the operating controls of the service (foot) brake, shall be provided to hold any motor vehicle or combination of motor vehicles stationary on any up or down grade upon which it is to be operated.

*Section C. Safety Glass*

(1) Whenever glass is replaced in the windshield and in the window next to the driver, in a bus, truck, or truck tractor; or in the doors and rear windows of a bus; or in the rear window of the driving compartment of a truck or truck tractor, the replacement shall be made with safety glass, which shall conform to the requirements contained in the "American Tentative Standard. Safety Code for Safety Glass for Glazing Motor Vehicles Operating on Land Highways, Z 26.1–1935", approved December 30, 1935, by the American Standards Association; provided, however, that "tempered" or "case-hardened" glass shall not be used to meet the requirements of this paragraph.

*Section D. Miscellaneous Parts and Accessories*

(1) Every motor vehicle having a windshield shall be equipped with at least one device for cleaning rain, snow, or other moisture from the windshield in order to provide clear vision for the driver, which device shall be so constructed as to be controlled or operated by the driver.

(2) Every truck, bus, and truck tractor shall be equipped with at least one rear-vision mirror, firmly attached to the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear.

(3) Every motor vehicle which is equipped with a windshield, when operating under conditions such that ice or frost would be likely to collect on the windshield, shall be equipped with a device or other means for preventing or removing such ice or frost.

(4) Every truck, bus, and truck tractor shall be equipped with a horn and actuating elements which shall be in such condition as to give an adequate and reliable warning signal.

(5) No fuel tank or intake pipe on any motor vehicle shall project beyond the sides of the motor vehicle. In no case shall the fuel tank or fuel intake pipe on any bus be located within or above the passenger-carrying portion of the bus.

(6) Any gasoline tank carried upon a motor vehicle, including any auxiliary tank, shall be of substantial construction, permanently attached to the motor vehicle in a manner similar to that which constitutes good practice in permanent installations.

(7) Every full trailer shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such full trailer shall be coupled with stay chains or cables to the vehicle by which it is being drawn, which chains or cables shall be of sufficient size and strength to prevent parting from the drawing vehicle should the regular coupling device break or become otherwise disengaged.

(8) Every motor vehicle according to its type or character of operation as listed below, shall carry at all times the following emergency parts and accessories, which shall be in proper and effective working order and available for immediate use:

(*a*) On every bus, truck, or truck tractor—

At least one fire extinguisher, of a type inspected and labeled by Underwriters' Laboratories, Inc., under Classification B, and utilizing an extinguishing agent which does not need protection from freezing. (Minimum size: one-quart carbon tetrachloride type, or two-pound carbon dioxide type).
One red lantern, when projecting loads are carried.
One red cloth flag, not less than 12 inches square, when projecting loads are carried.

(*b*) On every bus, truck, or truck tractor operating outside the corporate limits of municipalities—

All items listed under (a) above, and in addition:
At least one spare electric bulb for each kind of electric lamp where such electric lamp is used for any of the lighting devices required by these regulations.
One set of tire chains (for all vehicles likely to encounter conditions requiring them).
At least three flares or three red electric lanterns, unless the motor vehicle is operated solely on streets or highways which are artificially lighted at night; each flare (liquid-burning pot torch) or red electric lantern shall be capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions; each flare (pot torch) shall be capable of burning for not less than 12 hours in five miles per hour wind velocity, capable of burning in any air velocities from zero to 40 miles per hour, substantially constructed so as to withstand reasonable shocks without leaking, and shall be carried in a metal rack or box; each red electric lantern shall be capable of operating continuously for not less than 12 hours and shall be substantially constructed so as to withstand reasonable shock without breakage.
At least three red-burning fusees (if carrier elects to carry and use flares as warning signals), unless the motor vehicle is operated solely on streets or highways which are artificially lighted at night; each fusee shall be made in accordance with specifications of the Bureau of Explosives, 30 Vesey Street, New York, N. Y., and so marked, and shall be capable of burning at least 15 minutes.
At least two red-cloth flags, not less than 12 inches square, with standards.

(NOTE.—*Flares (pot torches), fusees, or any signal produced by a flame, shall not be carried or used as warning signals for motor vehicles used in the transportation of inflammable liquids in bulk, and for motor vehicles transporting compressed inflammable gases; but in lieu of such flares and fusees, three red electric lanterns shall be carried and used as warning signals for such vehicles.*)

(c) On every bus having a seating capacity of 10 or more persons and operating outside the corporate limits of municipalities—

All items listed under (a) and (b) above, and in addition:
One metal first-aid-kit, heavy-duty 10-unit type.
One hand axe.

NEW VEHICLES

5. Every new motor vehicle acquired by a motor carrier on and after July 1, 1937, shall conform to the following requirements, in addition to those hereinbefore set forth:

*Section A. Lighting Devices*

(1) All lights required by these regulations to be permanently affixed to a motor vehicle or combination of motor vehicles shall be electric.

(2) Head lamps shall be of the dual or multiple beam type.

(3) Color of clearance lamps on the front of motor vehicles shall be amber.

*Section B. Brakes*

(1) Every motor vehicle shall be equipped with brakes on all wheels, excepting any full trailer, semitrailer, or pole trailer of a gross weight not exceeding 3,000 pounds; provided, however, that the gross weight of any such full trailer or 4-wheel pole trailer without brakes shall not exceed 40 percent of the gross weight of the towing vehicle, and that the gross weight of any such semitrailer or two-wheel pole trailer without brakes shall not exceed 40 percent of the gross weight of the towing vehicle when connected to the semitrailer or two-wheel pole trailer.

(2) Every full trailer, semitrailer, and pole trailer, (except those weighing 3,000 pounds gross or less) shall be equipped with brakes of such a character as to be automatically applied upon break-away from the towing vehicle, and means shall be provided to maintain application of the brakes in such case for at least 15 minutes.

*Section C. Safety Glass*

(1) Wherever glass is used in the windshield and in the window next to the driver in a bus, truck, or truck tractor; or in the doors and rear windows of a bus; or in the rear window of the driving compartment of a truck or truck tractor, it shall be safety glass which shall conform to the requirements contained in the "American Tentative Standard, Safety Code for Safety Glass for Glazing Motor Vehicles Operating on Land Highways, Z 26.1–1935", approved December 30, 1935, by the American Standards Association: provided, however, that "tempered" or "case-hardened" glass shall not be used to meet the requirements of this paragraph.

PART IV. REPORTING OF ACCIDENTS

Regulations prescribed under authority of the Motor Carrier Act, 1935, particularly section 204 (a), (1) and (2), with respect to reports of accidents involving motor vehicles operated in interstate or foreign commerce by common and contract carriers, except motor vehicles engaged in operations specified in section 203 (b) of said act. Regulations effective April 1, 1937

Accident reports made by motor carriers in compliance with these regulations shall be for the information of the Commission, and shall not be open to public inspection.

1. Every motor carrier shall mail to the district director, Bureau of Motor Carriers, for the district in which such motor carrier is domiciled, a report in writing as to every accident in which any motor vehicle operated by him or it is involved and from which there results the death of any person, personal injury requiring medical attention, or property damage to an apparent extent amounting to $100 or more, within 10 days after the date of such accident.

Such report shall include the following information:

(*a*) Date, hour, and exact location of the accident.

(*b*) Name and address of the reporting carrier, with identifying number assigned to the carrier by the Interstate Commerce Commission, and signature and title of person making report.

(*c*) Type of motor vehicle involved.

(*d*) Number of persons killed or injured, with statement as to whether injuries are of serious or minor nature; and

(*e*) Estimated amount of property damage.

2. A further detailed report as to each reportable accident shall be furnished promptly by the motor carrier upon demand, using for this purpose a form to be sent to him by the Bureau of Motor Carriers.

3. Whenever the death of any person results from such accident after the time the motor carrier submits report of the accident to the district director, as required by paragraphs 1 and 2 of this section, notice of such death shall be given by the motor carrier in writing to the said district director, as soon as such death is known to the motor carrier, with sufficient information to identify the accident from which the death resulted.

4. Every motor carrier shall make available to the duly authorized representative or representatives of the Interstate Commerce Commission all records which in any way pertain to any reportable accident and shall afford all reasonable assistance in the investigation of any such accident.

OFFICES OF DISTRICT DIRECTORS

The offices of the district directors, Bureau of Motor Carriers, Interstate Commerce Commission, are as follows:

North Station Industrial Building, Inc., 150 Causeway Street, Boston, Mass.
Western Union Building, 60 Hudson Street, New York, N. Y.
1008 Gimbel Building, Ninth and Chestnut Streets, Philadelphia, Pa.
Law and Finance Building, 429 Fourth Avenue, Pittsburgh, Pa.
1313 Independence Building, 100 Trade Street, Charlotte, N. C.
308 Austell Building, 10 Forsyth Street, Atlanta, Ga.
1015 Stahlman Building, Third Avenue North and Union Street, Nashville, Tenn.
Transportation Building, 608 South Dearborn Street, Chicago, Ill.
910 McKnight Building, Second Avenue South and Fifth Street, Minneapolis, Minn.
Carbide and Carbon Building, 912 Baltimore Avenue, Kansas City, Mo.
906 Wallace Building, 105 Main Street, Little Rock, Ark.
Electric Building, West Seventh and Lamar Streets, Fort Worth, Tex.
Equitable Building, 724 Seventeenth Street, Denver, Colo.
Continental Bank Building, 200 South Main Street, Salt Lake City, Utah.
323 Pittock Building, 921 S. W. Washington Street, Portland, Oreg.
114 U. S. Customs Building, San Francisco, Calif.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 23d day of December A. D. 1936.

[Ex Parte No. MC–4]

IN THE MATTER OF QUALIFICATIONS OF EMPLOYEES AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON CARRIERS AND CONTRACT CARRIERS BY MOTOR VEHICLE SUBJECT TO THE MOTOR CARRIER ACT, 1935

*It appearing*, That by order dated August 21, 1936, the Commission, by division 5, entered upon an investigation into and concerning the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers subject to the Motor Carrier Act, 1935;

*It further appearing*, That a full investigation of the matters and things involved has been had and that the Commission, by division 5, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

*It is ordered*, That the rules and regulations printed as the appendix to said report be, and they are hereby approved, adopted, and prescribed. From and after April 1, 1937, Part IV of said rules and regulations relating to the "Reporting of Accidents" shall be effective and observed by common carriers and contract carriers subject to the Motor Carrier Act, 1935, except as to the special operations set forth in section 203 (b) thereof; and from and after July 1, 1937, Part I of the said rules and regulations relating to the "Qualifications of Drivers", Part II of the said rules and regulations relating to the "Driving of Motor Vehicles", and Part III of said rules and regulations relating to "Parts and Accessories Necessary for Safe Operation", shall be effective and observed by common carriers and contract carriers subject to the Motor Carrier Act, 1935, except as to the special operations set forth in section 203 (b) thereof.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37–187; Filed, January 19, 1937; 12:14 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 19th day of January A. D. 1937.

IN THE MATTER OF THE FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

The matter of requiring contract carriers by motor vehicle subject to the Motor Carrier Act, 1935, to file with the Commission copies of their contracts with shippers relating to traffic affected by the provisions of said Act being under consideration:

*It appearing*, That the filing, by every contract carrier by motor vehicle of the classes hereinafter described, of copies of contracts containing the charges of such carriers for the transportation of property in interstate or foreign commerce, and any rule, regulation or practice affecting such charges and the value of the service thereunder, is, in the judgment of the Commission, necessary and desirable in the public interest, in view of the special nature of the services performed by such carriers, and by reason of the competitive situation now existing between such carriers and common carriers by motor vehicle; and that future consideration will be given to extending the provisions of this order to classes of contract carriers by motor vehicle not herein specified as and when need therefor is disclosed:

*It is ordered*, That every contract carrier of property included in the following classes or groups of line-haul or over-the-road contract carriers by motor vehicle subject to the provisions of the Motor Carrier Act, 1935, namely

1. Carriers of general commodities or any class or classes thereof, except commodities, other than those specified below, requiring special equipment;
2. Carriers of household goods, office furniture, and office fixtures and equipment;
3. Carriers of automobiles;
4. Carriers of moving picture films, accessories and theater supplies;
5. Carriers of refrigerated products, other than liquids in tank trucks,

shall, on or before February 1, 1937, file with the Commission, publish and keep open for public inspection, in the form and manner prescribed in Tariff Circular MF No. 1, as amended, so far as the provisions of said circular are applicable, copies of each and every contract existing and in force on said date containing the charges of such contract carriers for the transportation of property in interstate or foreign commerce, and any rule, regulation, or practice affecting such charges and the value of the service thereunder, and that the contracts so filed by any such contract carrier shall be in lieu of any schedule or schedules theretofore filed by such contract carrier, and the filing of such contracts shall cancel any such schedule or schedules. The term "line-haul" or "over-the-road" contract carriers, as used herein, means all contract carriers other than those who operate wholly within a municipality, or between contiguous municipalities, or between such municipality or municipalities and zones adjacent thereto and commercially a part thereof;

*It is further ordered*, That every such contract of any such contract carrier, entered into or effective on or after February 1, 1937, shall be filed, published and kept open to public inspection as herein required in relation to existing contracts, in the form and manner prescribed in Tariff Circular MF No. 1, as amended, so far as the provisions of said circular are applicable;

*It is further ordered*, That in each case in which any such contract is an oral one, the contract carrier who or which is party thereto shall prepare a memorandum containing an accurate and complete statement of the substance and terms of such contract, including the charges for transportation services performed or to be performed thereunder, and any rule, regulation, or practice affecting such charges and the value of such services, and shall cause to be endorsed thereon the written acknowledgment of each party to such contract that such memorandum contains an accurate and complete statement of the terms of such contract, and such memorandum so endorsed shall be filed with the Commission, published and kept open for public inspection in accordance with the provisions herein contained with respect to written contracts;

*It is further ordered*, That, in accordance with the provisions of Section 218 of said Act, contracts filed on or before February 1, 1937, shall become effective when filed with the Commission; that contracts reducing charges specified in prior contracts and filed subsequent to February 1, 1937, shall provide thirty days' notice of their effective date unless otherwise authorized by the Commission; and that contracts renewing, or establishing increases in, charges specified in prior contracts, or establishing charges for new services, may become effective when filed;

*It is further ordered*, That the original and corrected orders of July 11, 1936, as amended, relating to the subject matter hereof, be and they are hereby, vacated and set aside;

*And it is further ordered*, That notice of this order be given to all contract carriers by motor vehicle subject to the said Act and to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37–196; Filed, January 21, 1937; 11:52 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

SECURITIES EXCHANGE ACT OF 1934

HOLDING COMPANY ACT

AMENDMENTS TO RULES OF PRACTICE

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 19 (a) thereof, the Securities Exchange Act of 1934, particularly Section 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly Section 20 (a) thereof, and finding that it is

necessary to carry out the provisions of the Securities Act of 1933, as amended, and the Public Utility Holding Company Act of 1935, and that it is necessary for the execution of the functions vested in the Commission by the Securities Exchange Act of 1934, hereby amends Rule IV of the Rules of Practice of the Commission by adding thereto the following paragraphs:

"(f) Subpoenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by any member of the Commission or any officer designated by it for that purpose in connection with any hearing ordered by the Commission, upon written application therefor.

"(g) Subpoenas for the production of documentary evidence will issue only upon application in writing which must specify, as nearly as may be, the documents desired and the facts to be proved by them, provided, however, that nothing herein shall be deemed to require the issuance of any subpoena compelling the production of immaterial documentary evidence.

"(h) Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear."

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-197; Filed, January 21, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of January 1937.

IN THE MATTER OF THE PROCEEDING BEFORE THE SECURITIES AND EXCHANGE COMMISSION TO DETERMINE WHETHER W. E. HUTTON & CO., A PARTNERSHIP CONSISTING OF JAMES M. HUTTON, JAMES M. HUTTON, JR., JOHN CHRISTIE DUNCAN, CHARLES N. FOSTER, JOSEPH A. HALL, CARROLL V. GERAN, GEORGE C. RILEY, W. E. HUTTON II, C. KENNETH SMITH AND JOSEPH A. W. IGLEHART, AS PARTNERS; JOHN CHRISTIE DUNCAN, CARROLL V. GERAN, W. E. HUTTON II, H. H. MICHELS SHOULD BE SUSPENDED OR EXPELLED FROM MEMBERSHIP ON CERTAIN NATIONAL SECURITIES EXCHANGES, PURSUANT TO SECTION 19 (A) (3) OF THE SECURITIES EXCHANGE ACT OF 1934

ORDER CHANGING DATE FOR HEARING

The Commission having heretofore, on November 13, 1936, ordered that a hearing under Section 19 (a) (3) of the Securities Exchange Act of 1934, as amended, be held in the above entitled matter on December 7, 1936, at 10 o'clock a. m. at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and having designated Edward C. Johnson, an officer of the Commission, to take testimony therein, which date for hearing was heretofore postponed to January 25, 1937; and

Counsel for the respondents having requested the further postponement of such hearing;

It is ordered that the hearing heretofore set down in such order of November 13, 1936, be held on February 8, 1937, at 10 o'clock a. m. at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., or as soon thereafter as counsel can be heard.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-198; Filed, January 21, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

[File No. 2-127]

IN THE MATTER OF CONSOLIDATED MINES SYNDICATE

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on January 12, 1937, ordered that a hearing under Section 8 (d) of the Securities Act of 1933, as amended, be held in this matter on January 25, 1937; and

The registrant having requested a postponement of such hearing,

It is ordered that such hearing be convened on Monday, February 8, 1937, at 10 o'clock in the forenoon, at the Federal Building, Boise, Idaho, and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Foster Cline, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-199; Filed, January 21, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of January A. D. 1937.

[File No. 2-2725]

IN THE MATTER OF EASTERN CONSOLIDATED GAS COMPANY

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Eastern Consolidated Gas Company under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on February 1, 1937, at 10:30 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.



Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-201; Filed, January 21, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of January A. D. 1937.

[File No. 2-2324]

IN THE MATTER OF THE PETERSEN ENGINE COMPANY, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by The Petersen Engine Company, Inc. under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Monday, January 25, 1937, at 10 o'clock in the forenoon, at the Regional Office, Securities and Exchange Commission, 120 Broadway, New York, New York, and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that John F. Davidson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-200; Filed, January 21, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

[File No. 43-25]

IN THE MATTER OF DERBY GAS & ELECTRIC CORPORATION (DECLARATION PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION AT DECLARANT'S REQUEST

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the above named declarant hereby consents to the withdrawal of declarant's declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by declarant of a 5% Collateral Judgment Demand Note in the face amount of $5,000,000, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-202; Filed, January 21, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-HUMBLE-ADKINS FARM, FILED ON JANUARY 5, 1937, BY GRIMES BROS. ROYALTY CO., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 16, 1937, be effective as of January 16, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-203; Filed, January 21, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-PHILLIPS-EGERMIER FARM, FILED ON JANUARY 4, 1937, BY L. H. WITWER, RESPONDENT.

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 18, 1937, be effective as of January 18, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-204; Filed, January 21, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SAMEDAN ET AL. BATES FARM, FILED ON JANUARY 13, 1937, BY ARTHUR SORY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the

offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the name "Westheimer" is included in the firm name in the caption of the sheet. This ground is based upon Item 17, Division II, and Exhibit A.

(2) In that the date in Division I when the information contained in the sheet will be out of date is miscalculated, based upon Items 15 and 16 (a), Division II.

(3) In that the participation of each smallest interest offered is omitted from Item 1, Division II.

(4) In that Item 2 (d), Division II, as well as Item 17 and Exhibit A, indicates that the tract operated by Westheimer is not included in this offering.

(5) In that the total given in Item 15, Division II, is in conflict with the aggregate of the figures given in Item 16 (a), Division II.

(6) In that Items 17 (d), (e) and (f), Division II, are omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 18th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2d day of February 1937 at 9:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-205; Filed, January 21, 1937, 12:35 p. m.]

*Saturday, January 23, 1937* *No. 15*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4724]

INCOME TAX

*To Collectors of Internal Revenue and Others Concerned:*

The fifth sentence of article 22 (a)-3 of Regulations 94 and 86, and the fifth sentence of article 53 of Regulations 77 are amended to read:

The value of quarters furnished to the commissioned officers, chief warrant officers, warrant officers, and enlisted personnel of the Army, Navy, Coast Guard, Coast and Geodetic Survey, and Public Health Service, or amounts received by them as commutation of quarters, are to be excluded from gross income.

This Treasury Decision is issued under the authority prescribed by section 62 of the Revenue Acts of 1936, 1934, and 1932.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, January 18, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-206; Filed, January 21, 1937; 3:56 p. m.]

[T. D. 4726]

TAX ON EMPLOYERS OF EIGHT OR MORE UNDER TITLE IX OF THE SOCIAL SECURITY ACT

EXTENSION OF TIME FOR FILING RETURNS AND PAYING TAX

*Collectors of Internal Revenue and Others Concerned:*

An extension of time until April 1, 1937 is hereby granted for the filing of returns and paying the tax under Title IX of the Social Security Act, for the calendar year 1936.

Taxpayers who take advantage of this extension of time will not be required to file tentative returns and will not be charged with interest, provided the tax, or the first installment thereof if the taxpayer elects to pay the tax in installments, is paid on or before April 1, 1937. If the tax, or the first installment thereof, is not paid on or before April 1, 1937, interest will be charged at the rate of 6 per cent per annum from April 1, 1937 until the tax, or the first installment thereof, as the case may be, is paid.

This Treasury Decision is issued under the authority prescribed by section 908 and section 905 of the Social Security Act.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, January 21, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-210; Filed, January 22, 1937; 12:22 p. m.]

[T. D. 4725]

REMOVAL OF DISTILLED WATER FROM DISTILLERY PREMISES

*To District Supervisors and Others Concerned:*

Page 45, Regulations 8, under the caption, "Removing Distilled Water from Distillery Premises", is hereby amended to read as follows:

Distilled water must be drawn off into barrels or other containers prior to removal from distillery premises, provided, however, the Commissioner of Internal Revenue, in his discretion, may permit distilled water to be transferred by pipe line off the distillery premises to contiguous plants operated under the internal revenue laws, including taxpaid bottling warehouses, subject to the following conditions:

1. Provided one or more tanks are located in the distillery building and designated as "Distilled Water Storage Tanks." Each tank must be closed, and any necessary opening therein, affording access to the interior or to the contents, must be provided with a cover which will be secured by a Government lock. Stop cocks must be provided and so arranged as to completely control the flow of distilled water both into and out of the tank, and so constructed that they may be locked with a Government lock and each tank must also be provided with a glass gauge whereby the contents of the tank may be ascertained at all times.

2. If distilled water is to be transferred off the distillery premises by pipe line an independent line must be installed for such purpose, without any connection with any other pipe, vessel or utensil other than the distilled water storage tank, and all connections, valves, flanges, etc., in the distillery premises, must be brazed or otherwise secured in such a manner that the pipes cannot be detached or altered without showing evidence of tampering. The pipe line shall be exposed to view throughout its entire length.

3. Distilled water must under no circumstances be drawn off or removed through the cistern room or warehouse and all such water, when drawn off or transferred by pipe line, must be inspected by the storekeeper-gauger who will supervise its removal and make an entry in some portion of record No. 17, not otherwise used, of the date of the removal, the number of barrels, or quantity, in gallons, if removed by pipe line, and of the names of the persons to whom shipped or transferred.

[SEAL] CHAS. T. RUSSELL,
*Acting Commissioner of Internal Revenue.*

Approved January 19, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-209; Filed, January 22, 1937; 12:22 p. m.]

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 126, REDUCED STOCK DRIVEWAY WITHDRAWALS NOS. 133 AND 160 REVOKED

WYOMING

JANUARY 12, 1937.

Departmental orders of February 19 and June 7, 1920, November 7, 1921, October 11, 1922, December 2, 1924, May 26, 1926, June 30, 1931, and April 30, 1934, which withdrew certain lands in Wyoming as Stock Driveways Nos. 126, 133 and 160 under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked, No. 126 in part and Nos. 133 and 160 in their entirety, in so far as they affect the following described lands, which are within Wyoming Grazing District No. 1, established March 23, 1935:

6TH PRINCIPAL MERIDIAN

T. 47 N., R. 93 W., Secs. 14 and 15, lots 9, 10 and 11 Sec. 18, NW¼NE¼, S½NE¼, NW¼ and S½ Sec. 19, lots 3, 5 and 6, SW¼, NW¼SE¼, S½SE¼ Sec. 20, N½N½, lots 1, 2, 3 and 4 Sec. 21, N½ and lot 4 Sec. 22, N½NE¼, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼ and lots 3, 4 and 5 Sec. 23, lot 1 Sec. 26;

T. 47 N., R. 94 W., lots 1, 2, 3 and 4 Sec. 13, Sec. 14, S½ Sec. 15, lots 13 to 20, inclusive, Sec. 19, lots 1 and 8 to 16, inclusive, Sec. 20, Secs. 21, 22 and 23, lots 1, 2, 3 and 4 Sec. 24, Secs. 28, 29 and 30;

T. 45 N., R. 95 W., S½SW¼ Sec. 30, NW¼NE¼, S½NE¼, N½NW¼, NE¼SE¼ Sec. 31, S½NW¼, N½SW¼, SE¼ Sec. 32, S½ Secs. 33 and 34, Sec. 35;

T. 47 N., R. 95 W., lots 13 to 20, inclusive, Sec. 19, lots 9 to 16, inclusive, in Secs. 20 to 24, inclusive, Secs. 25 to 29, inclusive, lots 5 to 16, inclusive, Sec. 30, lot 1 Sec. 33, lots 1 to 8, inclusive, Sec. 34, lots 1 to 4, inclusive, Sec. 35;

T. 45 N., R. 96 W., W½SW¼ Sec. 18, SE¼NE¼, N½NW¼ and NE¼SE¼ Sec. 19, N½SW¼ and NW¼SE¼ Sec. 20, S½SW¼ and SW¼SE¼ Sec. 22, S½ Sec. 25, NW¼NE¼, S½NE¼, NW¼ and NE¼SE¼ Sec. 26, SE¼NE¼ and N½N½ Sec. 27;

T. 47 N., R. 96 W., lots 13 to 20, inclusive, Sec. 19, lots 9 to 16, inclusive, in Secs. 20 to 23, inclusive, lots 7 to 16, inclusive, Sec. 24, lots 1 to 12, inclusive, Sec. 25, lots 1 to 9, inclusive, Sec. 26, lots 1 to 8, inclusive, Sec. 27, lots 1 to 8, inclusive, and lot 12 Sec. 28, lots 1 to 12, inclusive, Sec. 29, lots 5 to 19, inclusive, Sec. 30;

T. 45 N., R. 97 W., NW¼NW¼, S½NW¼, E½SW¼ Sec. 3, N½NE¼, E½NW¼, N½SW¼ and SW¼SW¼ Sec. 4, NW¼NE¼, S½NE¼, NE¼NW¼ and E½SE¼ Sec. 10, NW¼SW¼ and S½S½ Sec. 11, SW¼SW¼ Sec. 12, S½NE¼, NW¼NW¼, E½NW¼ and N½SE¼ Sec. 13, NE¼NW¼ Sec. 14, lots 1 and 2, SE¼NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼ Sec. 19, N½SW¼ Sec. 20;

T. 46 N., R. 97 W., lot 4 Sec. 4, lot 1, SE¼NE¼ and SE¼ Sec. 5, Sec. 6, E½ Sec. 8, NE¼ and E½SE¼ Sec. 17, NE¼NE¼ Sec. 20, NW¼, NE¼SW¼, W½SE¼ and SE¼SE¼ Sec. 21, W½W½ and SE¼SW¼ Sec. 27, E½E½ Sec. 28, NW¼NW¼, S½NW¼, NE¼SW¼, W½SE¼ Sec. 30, N½NE¼ Sec. 31, NW¼NE¼, S½NE¼, NW¼NW¼ and E½NW¼ Sec. 32, SW¼NE¼, S½NW¼, N½SW¼, N½SE¼ and SE¼SE¼ Sec. 33, NW¼NE¼ and N½NW¼ Sec. 34;

T. 47 N., R. 97 W., lots 1, 2, 3 and 4, SE¼SW¼ and SW¼SE¼ Sec. 7, N½NE¼, SE¼NE¼, NE¼SE¼ and S½SE¼ Sec. 18, E½ Sec. 19, Sec. 25, N½ and N½S½ Sec. 26, Secs. 27 and 28, N½, NE¼SW¼ and SE¼ Sec. 29, S½S½ Sec. 30, Sec. 31, NW¼NW¼, S½NW¼, SW¼ and S½SE¼ Sec. 32, SW¼SW¼ Sec. 33;

T. 48 N., R. 97 W., N½S½ and SE¼SE¼ Sec. 30, NE¼NE¼ Sec. 31, W½NW¼, SE¼NW¼, NE¼SW¼ and NW¼SE¼ Sec. 32;

T. 44 N., R. 98 W., lots 2, 3 and 4, S½NW¼ and W½SW¼ Sec. 2, N½SW¼ and SE¼ Sec. 3, N½S½ Sec. 4, NE¼SW¼, S½SW¼, W½SE¼ and NE¼SE¼ Sec. 5, W½ Sec. 6, NE¼NE¼, S½NE¼ and NW¼ Sec. 7, W½NW¼ Sec. 8, NW¼NE¼ Sec. 10;

T. 45 N., R. 98 W., W½ Sec. 3, E½E½ Sec. 4, NE¼NE¼ Sec. 9, E½ and N½NW¼ Sec. 10, NE¼ and S½ Sec. 15, SE¼ Sec. 21, NW¼ and N½SW¼ Sec. 22, S½NE¼, SE¼NW¼ and SW¼ Sec. 24, S½SE¼ Sec. 26, NE¼, S½NW¼, N½SW¼, SW¼SW¼ and N½SE¼ Sec. 28, N½ and SW¼ Sec. 31, N½ Sec. 32, W½NW¼ Sec. 33, NE¼, E½SW¼ and W½SE¼ Sec. 35;

T. 46 N., R. 98 W., Secs. 1 to 6, inclusive, W½ Sec. 8, E½NE¼ and NE¼SE¼ Sec. 10, W½W½ and SE¼SW¼ Sec. 11, NW¼NE¼, S½NE¼, NE¼NW¼ and SE¼ Sec. 14, W½ Sec. 17, NE¼NE¼ Sec. 23, NW¼NW¼, S½NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼, Sec. 24, W½ Sec. 34;

T. 47 N., R. 98 W., NW¼NE¼, S½NE¼, N½NW¼ and SE¼ Sec. 1, lot 1 Sec. 2, NW¼ Sec. 6, E½E½ Sec. 12, SW¼NW¼ and W½SW¼ Sec. 26, NW¼NE¼ and E½NE¼ Sec. 27, W½W½ Sec. 35;

T. 48 N., R. 98 W., SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼ and N½SE¼ Sec. 25, S½ of Secs. 26 to 30, inclusive, W½ Sec. 31, E½E½ Sec. 35;

T. 44 N., R. 99 W., S½SE¼ Sec. 10, S½SW¼, W½SE¼ and NE¼SE¼ Sec. 11, E½NE¼, SW¼NE¼, S½NW¼ and NW¼SW¼ Sec. 12, NW¼NE¼, NE¼NW¼, S½NW¼ and SW¼ Sec. 15, W½NW¼ and lot 4 Sec. 22, W½W½ Sec. 27, E½SE¼ Sec. 28, S½N½ of Secs. 31 and 32, N½NE¼, SW¼NE¼, E½NW¼ and SW¼NW¼ Sec. 33;

T. 46 N., R. 99 W., Sec. 1, E½, E½W½, SW¼NW¼ and W½SW¼ Sec. 2, S½ Sec. 3, SW¼NW¼ Sec. 4, S½NE¼, lots 3 and 4, SW¼NW¼, NE¼SW¼, S½SW¼, N½SE¼ and SW¼SE¼ Sec. 5, SE¼SE¼ Sec. 6, N½NE¼, NE¼NW¼ and S½NW¼ Sec. 7, SE¼NE¼, E½NW¼ and SE¼ Sec. 8, Secs. 9 and 10, N½ Sec. 11, E½, E½NW¼ and SW¼ Sec. 17, SE¼SE¼ Sec. 18, E½ Sec. 19, Sec. 20, NW¼ and W½SW¼ Sec. 29, Sec. 30, N½, SW¼, W½SE¼ and NE¼SE¼ Sec. 31;

T. 47 N., R. 99 W., N½ Sec. 1, N½N½ and SW¼NW¼ Sec. 2, NE¼NE¼, S½N½, NE¼SW¼ and NW¼SE¼ Sec. 3, SE¼NE¼, W½NE¼, NE¼NW¼, SW¼ and S½SE¼ Sec. 4, SE¼SW¼ and SW¼SE¼ Sec. 5, SW¼, W½SE¼ and NE¼SE¼ Sec. 6, NW¼NE¼, S½NE¼ and NW¼ Sec. 7, N½ Sec. 8, N½ and SE¼ Sec. 9, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼ and S½SE¼ Sec. 10, E½ of Secs. 15 and 22, W½W½ Sec. 23, W½ and W½SE¼ Sec. 26, E½NE¼ Sec. 27, S½ Sec. 32, NE¼, N½NW¼, SE¼NW¼ and NW¼SW½ Sec. 33, N½ and N½SE¼ Sec. 34, N½, NW¼SW¼ and S½SE¼ Sec. 35;

T. 48 N., R. 99 W., S½SW¼ and SW¼SE¼ Sec. 19, SW¼NW¼, NW¼SW¼ and S½SW¼ Sec. 29, N½NE¼, SE¼NE¼ and NE¼SE¼ Sec. 30, SE¼NE¼, W½NE¼, NE¼NW¼ and NE¼SE¼ Sec. 32, NW¼SW¼ and S½SW¼ Sec. 33, SE¼SW¼ and S½SE¼ Sec. 35;

T. 43 N., R. 100 W., W½E½, E½NW¼ and NE¼SW¼ Sec. 4, E½E½ and SW¼SE¼ Sec. 9, W½SW¼ Sec. 10, N½NE¼, SE¼NE¼, S½SW¼ and SW¼SE¼ Sec. 17, SW¼ and S½SE¼ Sec. 18;

T. 44 N., R. 100 W., S½S½ Sec. 25, lots 5, 6 and 7 Sec. 33, S½S½ Sec. 34, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼ and SW¼SW¼ Sec. 35;

T. 45 N., R. 100 W., N½ Sec. 1, Secs. 2 and 3, SE¼NE¼, S½NW¼, SW¼SW¼, E½SW¼ and SE¼ Sec. 4, W½NE¼, W½, W½SE¼ and SE¼SE¼ Sec. 5, Sec. 6, NE¼SW¼ and NW¼SE¼ Sec. 22, N½NE¼, SW¼NE¼, N½SW¼ and NW¼SE¼ Sec. 30;

T. 46 N., R. 100 W., SE¼NW¼ Sec. 21, SE¼NE¼ and SE¼ Sec. 24, E½, E½W½ and SW¼SW¼ Sec. 25, SE¼NE¼ and SE¼ Sec. 34, S½N½ and S½ Sec. 35;

T. 47 N., R. 100 W., Sec. 1, lots 1 to 8, inclusive, SE¼SW¼ and SW¼SE¼ Sec. 2, lots 2 to 8, inclusive, Sec. 3, N½ and N½S½ Sec. 4, Sec. 5, E½ of Secs. 6 and 7, N½NE¼ and NE¼NW¼ Sec. 11, N½N½ Sec. 12, N½SW¼ and W½SE¼ Sec. 17, NE¼ and N½SE¼ Sec. 18, NW¼NE¼, E½W½ and SW¼SE¼ Sec. 20, NW¼NW¼ Secs. 25, NE¼NW¼ of Secs. 26 and 27, S½NE¼ Sec. 31;

T. 43 N., R. 101 W., S½NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼ Sec. 13, N½N½, SW¼NE¼ and SE¼NW¼ Sec. 14, NE¼NE¼, S½NE¼ and S½SW¼ Sec. 15, SE¼SW¼, W½SE¼ and NE¼SE¼ Sec. 20, NE¼ and N½S½ Sec. 21, NW¼ Sec. 22, E½NW¼, SW¼NW¼ and NW¼SW¼ Sec. 29, N½S½ and lot 4 Sec. 30;

T. 45 N., R. 101 W., S½N½ and S½ of Secs. 1 and 2, NE¼ and S½ Sec. 3, S½ of Secs. 4 and 5, Sec. 8, N½ of Secs. 9 and 10, NW¼NE¼, E½W½ and NW¼SE¼ Sec. 12, NW¼ Sec.

17, NW¼SE¼ Sec. 20, SE¼SW¼ and W½SE¼ Sec. 22, N½S½ of Secs. 25 and 26, W½NW¼ and N½S½ Sec. 27, NE¼NE¼ and S½N½ Sec. 28, S½N½ Sec. 29;
T. 46 N., R. 101 W., W½E½ Sec. 2, E½SE¼ Sec. 10, W½NE¼, SE¼NW¼, N½SW¼ Sec. 11, W½SW¼ Sec. 14, E½NE¼ and NE¼SE¼ Sec. 15, W½W½ Sec. 23, S½S½ Sec. 25, W½NW¼, NW¼SW¼ and S½S½ Sec. 26, E½ Sec. 34, W½NW¼ Sec. 35;
T. 43 N., R. 102 W., E½W½ and SW¼SE¼ Sec. 6, W½NE¼, NE¼NW¼, SE¼ Sec. 7, S½ NE¼, NW¼ and N½S½ Sec. 17, NE¼NE¼ Sec. 18, NW¼NE¼ Sec. 22, NE¼, NE¼NW¼ and E½SE¼ Sec. 23, SW¼NE¼, NW¼NW¼, S½NW¼, NW¼SE¼, lots 3 and 4 Sec. 25, NE¼NE¼ and NW¼NW¼ Sec. 26, E½NE¼ Sec. 27;
T. 44 N., R. 102 W., N½NW¼, SE¼NW¼, NE¼SW¼ and W½SE¼ Sec. 20, W½E½ and E½SW¼ Sec. 29, NE¼NE¼, S½NE¼, SE¼SW¼, W½SE¼ and NE¼SE¼ Sec. 31, NW¼NW¼ Sec. 32;
aggregating 85,571.10 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-207; Filed, January 22, 1937; 9:51 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Maine — Issued, January 19, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—MAINE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for Maine, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Payment for Soil-Building Practices*

Under the 1937 Conservation Program, Maine farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this section.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number and Description of Practice

LIMING

1. Applying 500 to 4,000 lbs. of ground limestone, or its equivalent, per acre to crop or pasture land.

Payment.—In Area A, $1.00 per 500 lbs; In Area B, $1.25 per 500 lbs.

Area A includes: Waldo, Kennebec, Knox, Lincoln, Androscoggin, Sagadahoc, and Cumberland Counties.

Area B includes: Hancock, Oxford, Franklin, Somerset, Aroostook, Penobscot, Piscataquis, Washington, and York Counties.

FERTILIZING CONSERVING CROPS

Applying phosphoric acid, potash, or nitrogen or approved combinations of these materials in approved amounts, subject to such limitations as are stated herein or may be specified later, to established sod (in pastures, orchards, or hay lands) or in connection with the seeding of biennial or perennial legumes or green-manure crops. No payment will be made for nitrogen in any use in excess of 32 pounds per acre, or for nitrogen applied to hay land in excess of 24 pounds per acre. When phosphoric acid is applied in connection with a seeding made in a nurse crop which is harvested for grain, the payment will be made only for amounts of phosphoric acid in excess of 32 pounds per acre. Payments will also be made for phosphoric acid when added to farm manures as a preservative and reinforcement in approved amounts and when such farm manures are for use on established sod or in connection with the seeding of biennial or perennial legumes or green-manure crops.

2. Payment, For available phosphoric acid, 4¢ per lb.
3. For available potash, 3¢ per lb.
4. For available nitrogen, 4¢ per lb.

SEEDING

5. Seeding approved varieties of biennial or perennial legumes or mixtures containing such legumes, using at least 8 pounds per acre of approved medium red clover seed or its equivalent in other legume seed, on land prepared for seeding by the application of amounts of lime and fertilizer specified through the county committee, or on land without such application when soil tests satisfactory to the committee indicate that the application is not needed.

Payment, $2.00 per acre.

GREEN-MANURE AND COVER CROPS

6. Plowing or disking under small grains, annual grasses or mixtures of those with legumes after they have attained at least two months' or 12 inches' growth.

Payment, $1.50 per acre.

7. Plowing or disking under biennial or perennial legumes from which no crop has been harvested and for which no seeding payment will be, or has been, made under this or any previous program, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

The rate of payment will be doubled for practices 6 and 7 above when carried out on land normally devoted to commercial vegetables (excluding potatoes) so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.



Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 6 or 7 if the crop is one that is normally winter tilled.

GREEN-MANURE AND COVER CROPS ON POTATO LAND

8. Plowing under after August 15, 1937, on land normally devoted to commercial potato production, from which no crop has been harvested in 1937, a second year crop of clover in its entirety (first and second crop).

Payment, $3.00 per acre.

ORCHARDS

9. Applying to orchards not less than 2 tons per acre of mulching material in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green-manure or cover crops.

Payment, $2.00 per ton on an amount not in excess of 5 tons per acre.

CONTOUR CULTIVATING AND STRIP CROPPING IN AROOSTOOK COUNTY ONLY

10. Cultivating on the contour when the slope is 5 percent or greater. This practice shall be carried out according to plans approved in advance by the county committee based upon the recommendation of the Soil Conservation Service.

Payment, $2.00 per acre so cultivated.

11. Establishing and maintaining contour strips of sod on fields with a slope of 5 percent or greater devoted to intertilled crops. This practice shall be carried out according to plans approved in advance by the county committee based upon the recommendation of the Soil Conservation Service.

Payment, $2.00 per acre of such sod strips.

WOODLANDS

12. Planting transplanted forest trees of approved varieties at the rate of at least 1000 trees per acre.

Payment, $10.00 per acre.

13. With prior approval of the county committee in accordance with instructions issued through the State committee, improving the stand of forest trees by cutting weed trees or thinning or pruning, to develop approximately 100 potential timber trees of desirable species well distributed over an acre of woodland.

Payment, $3.00 per acre.

14. Constructing fence consisting of not less than two strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture.

Payment, $.15 per rod.

15. Constructing fence consisting of not less than three strands of barbed wire, or woven wire, at least 24 inches high, with not less than one strand of barbed wire, with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlots previously used for pasture.

Payment, $.20 per rod.

*Part II. Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than $20.00 for any such farm.

(a) *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm eligible to earn a diversion payment will be the sum of such of the following items as are applicable to such farm, but shall not be less than $10.00 for any such farm.

(a) *Crop land.*—$1.00 for each acre of crop land represented by the sum of

(1) The difference between the general soil-depleting base for the farm and the total acres of crop land, excluding commercial orchards, vineyards, and bush fruits, and

(2) the number of acres diverted from such base not in excess of the maximum diversion for the farm for which payment can be made.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$0.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part III. Diversion Payment*

SECTION 1. *Payment for Diversion.*—For each acre diverted from the general soil-depleting base for any farm eligible to earn a diversion payment not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States varied among farms according to the relative productivity of crop land used for the production of crops in the general soil-depleting base.

SECTION 2. *Farms Eligible to Earn a Diversion Payment.*—A farm shall be eligible to earn a diversion payment if it is located in an eligible diversion area and either (1) has a general soil-depleting base of 20 acres or more, or (2) is designated by the county committee as eligible to earn a diversion payment, such designation to be based upon the history of the production of soil-depleting crops on such farm or by the operator thereof.

SECTION 3. *Eligible Diversion Areas.*—Diversion payment as described in section 1 above will be made in the State of Maine only in Aroostook, Penobscot, Piscataquis, Somerset, and Waldo Counties and such other counties as may be designated by the Secretary after considering the facts and any recommendations made by the county and State committees.

*Part IV. Provisions Affecting Payment*

SECTION 1. *Increase in Acreage of General Soil-Depleting Crops on Farms in Eligible Diversion Areas.*—If the 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base a deduction will be made from any payment otherwise earned for the farm for each acre of such excess at the rate per acre of the diversion payment for the farm; *Provided, however*, that in the case of any farm not eligible to earn a diversion payment, no deduction will be made with respect to the acreage of general soil-depleting crops grown in excess of the general soil-depleting base unless the acreage of such crops grown in 1937 exceeds 20 acres.

SECTION 2. *Minimum Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on a farm eligible for a diversion payment is less than the sum of the soil-conserving base and the acreage diverted for payment from the general soil-depleting base, a deduction will be made at the rate of $3.00 per acre of such deficiency.

SECTION 3. *Increase in Acreage of General Soil-Depleting Crops on Farms Not in Eligible Diversion Areas.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction, from any payment that would otherwise be made for such farm, at the rate of $9.00 per acre adjusted to the productivity index for the county,

for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 4. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 5. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

SECTION 6. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

### *Part V. Classification of Land Use and Crops*

Farm land, when devoted to crops and uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be approved by the Secretary.

SECTION 1. *Soil-Depleting.*—Land on which any of the following crops are grown shall, except as provided in section 3 below, be regarded as devoted to the production of soil-depleting crops for the year in which such crops are normally harvested. In establishing soil-depleting bases and in checking performance, the acreage of land which is devoted to two or more soil-depleting crops shall be counted only once.

(a) Corn (field corn, or popcorn) except sowed corn plowed under.

(b) Potatoes.

(c) Truck and vegetable crops, including sweet corn, melons, and strawberries.

(d) Grain sorghums, sweet sorghums, Italian ryegrass, millets, and Sudan grass, if harvested for grain, hay, or forage.

(e) Small grains—wheat, oats, barley, rye, buckwheat, and grain mixtures, for grain or hay.

(f) Bulbs and flowers.

(g) Annual legumes (soybeans, cowpeas, field peas, field beans) harvested for grain or hay.

(h) Rape, except when plowed or disked under.

SECTION 2. *Soil-Conserving.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-conserving crop except that any land from which a soil-depleting crop is harvested in the same year shall be regarded as having been used for the production of a soil-depleting crop in such year, except as provided in section 3 below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.

(b) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(c) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(d) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.

(e) Sewed corn and rape when plowed or disked under.

(f) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(g) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; *provided*, a good growth is left on the land or plowed under.

(h) Forest trees planted on crop land.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-depleting and soil-conserving crops listed below shall, in addition to being regarded as being used for the production of a soil-depleting crop, also be regarded as being used for the production of a soil-conserving crop as follows:

(a) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 2 above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(b) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least two months' growth or 12 inches' growth shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not being used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided:

(a) Vineyards, tree fruits, small fruits, nut trees, and perennial vegetables not interplanted (any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop).

(b) Idle crop land.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland other than crop land planted to forest trees.

### *Part VI. Establishment of Bases*

SECTION 1. *Soil-Depleting Bases.*—The county committee will recommend for approval by the Secretary a general soil-depleting base for every farm in diversion areas which shall represent the acreage normally used for the production of general soil-depleting crops on such farms. There will also be recommended for approval a productivity index or rate per acre for the general soil-depleting base for each farm.

(a) *Farms for which bases were established under the 1936 Agricultural Conservation Program.*—The general soil-depleting bases established for farms under the 1936 Agricultural Conservation Program shall be the soil-depleting bases for such farms in 1937 with adjustments as provided in subsection (d) of this section 1.

(b) *Farms for which no bases were established in 1936.*—The farms for which no bases were established under the 1936 Agricultural Conservation Program shall, subject to adjustment as provided in subsection (d) of this section 1 be determined upon the basis of the acreage of soil-depleting crops grown on the farm in 1936.

(c) *The productivity index or rate per acre for the general soil-depleting base* shall be determined upon the basis of the yield of the general soil-depleting crops grown on the farm compared to the average yield of such crops for the participating farms in the county.

(d) *Adjustment in Bases.*—

(1) *For Abnormal Bases.*—Where the number of acres of crops in the general soil-depleting base, harvested in 1936, or any bases previously established, was greater or less than such crops usually harvested on the farm, the base shall be increased or decreased so as to be comparable to the base of such crops under normal conditions. Where the normal rotation of crops in the general soil-depleting base results in variations in the acreage of such crops on the farm the base shall be adjusted to conform to such variations.

(2) *For Changes in Crop Classification.*—For farms for which general soil-depleting bases were established under the 1936 Agricultural Conservation Program there shall be added to such base an acreage of small grains harvested for grain or hay which were classified as soil-conserving in establishing such base.

(3) *For Unused Bases.*—If the acreage of crops in the general soil-depleting base planted on the farm in the year 1936 was substantially less than the acreage which could have been planted on the farm and still qualify for the maximum diversion payment with respect to such crops, the base shall be adjusted by the county committee so as to represent the normal plantings on the farm and so as to be equitable as compared with other farms in the locality.

(e) *Limit of Bases.*—The sum of the general soil-depleting bases established for farms in any county or other specified area shall not exceed the acreage for such soil-depleting base which is established for such county or other specified area by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

### *Part VII. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land To Be Included Under an Application.*—An application shall cover neither more nor less than a single farm as defined in Part VIII of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application on the prescribed form filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937, or of the proceeds thereof, or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more counties, the farm shall be regarded as located in the county in which the principal dwelling is located, or, if there is no dwelling on the farm, it shall be regarded as located in the county in which the major portion of the farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to a farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expenses incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) The diversion payment with respect to a farm covered by an application for payment shall be divided among the producers concerned in the same proportion as the crops in the general soil-depleting base or divided under their lease or operating agreement.

(c) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the Association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

### *Part VIII. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of Maine.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable, a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise; *provided*, that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size or unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial Orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, including cranberries, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937, or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweet-potatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open Non-Crop Pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

*Soil-Conserving Base* means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards, and bush fruits) and the 1937 general soil-depleting base established for the farm.

*Soil-Building Payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

*Diversion Payment* means a payment for a diversion from the 1937 general soil-depleting base.

*General Soil-Depleting Base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–193; Filed, January 21, 1937; 11:38 a. m.]

## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21–298]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE COVERED BUTTON AND BUCKLE MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO BE HEARD

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Covered Button and Buckle Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than February 8, 1937. Opportunity for oral hearing will be afforded at 10 a. m., February 8, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C., to such persons as may desire to appear, and who have made prior written or telegraphic requests to be heard orally. All briefs or other communications received concerning the proposed rules will become part of the public record. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered January 19, 1937.

[F. R. Doc. 37–208; Filed, January 22, 1937; 10:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of January A. D. 1937.

[File No. 43–27]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having duly been filed with this Commission, by Iowa Public Service Company, a registered holding company and a subsidiary company of Penn Western Gas & Electric Company, also a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of $14,200,000 principal amount of First Mortgage Bonds 3¾% Series due 1967 and ten series of debentures, each series being in the principal amount of $220,000. Five of such series are to bear interest at the rate of 3% per annum and are to mature one each year on February 1, 1938–1942, inclusive. The other five of such series are to bear interest at the rate of 5% per annum and are to mature one each year on February 1, 1943–7, inclusive. The net proceeds from the sale of such securities are to be used (1) to redeem all of declarant's funded debt except $1,447,000 principal amount of 5% Debentures due 1968 and various assumed municipal obligations totaling $31,500, (2) to deposit $1,050,000 with the Trustee to be held or applied in accordance with the indenture securing the bonds, and (3) for other corporate purposes of the declarant.

It is ordered that a hearing on such matter be held on February 8, 1937, at 10:30 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 3, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–216; Filed, January 22, 1937; 12:38 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January A. D. 1937.

[File No. 2–2718]

IN THE MATTER OF PURITAN MILLS, INC.

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors upon the request of the registrant received on January 7, 1937, consents to the withdrawal of the registration statement of the above-named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–215; Filed, January 22, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January 1937.

[File Nos. 1–592, 1–2344]

IN THE MATTER OF ALLEN INDUSTRIES, INC. COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Allen Industries, Inc., pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application for withdrawal from listing and registration on the Detroit Stock Exchange and on the Cleveland Stock Exchange of 246,000 shares of Common Stock, $1 Par Value; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted, effective at the close of the trading session on January 26, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–214; Filed, January 22, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of January 1937.

[File No. 1–2354]

IN THE MATTER OF NATIONAL SILVER CORPORATION CAPITAL STOCK $1 PAR VALUE NON-ASSESSABLE

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

The Commission having instituted a proceeding, pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration on the San Francisco Mining Exchange of 2,000,000 shares of Capital Stock, $1 Par Value, Non-Assessable, of National Silver Corporation shall be suspended or withdrawn; and

After appropriate notice, a hearing having been held in this matter on November 30, 1936, in San Francisco, California; and

The Commission finding, upon the evidence introduced at said hearing, that the issuer has failed to comply with the provisions of Section 12 (b) of said Act, as amended, and Rule JB1, Form 10 for Corporations and the Instructions supplemental thereto, prescribed under said section, in that the issuer has failed to file with the Commission the information required by Items 10 (a), 11, 12, 13 (a), 13 (b), 14, 15, 16, 17, 26, 30, 31, subdivisions (a), (b) and (c) of Item 34 in the manner and form therein provided; and that the issuer has failed to file with the Commission a balance sheet and applicable schedules for the registrant's fiscal year ended December 31, 1934, certified by an independent public or independent certified public accountant as required by Item 36 of said Form 10 and said Instruction Book; and that the issuer has also failed to comply with Section 13 of said Act, as amended, and Rules KA1 and KA2, Form 10–K and the Instructions supplemental thereto, prescribed under said section, in that the issuer has failed to file with the Commission its Annual Report for the year ending December 31, 1935; all as more fully set forth in the Trial Examiner's report in this matter, which is hereby adopted; and

The Commission being of the opinion, in view of the failure of the issuer to comply in the above respects with the provisions of Title I of said Act, as amended, and the Rules and Regulations thereunder, that it is necessary and appropriate for the protection of investors to withdraw the registration of said Capital Stock, $1 Par Value Non-Assessable on said Exchange;

It is ordered, pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, that the registration on the San Francisco Mining Exchange of 2,000,000 shares of Capital Stock, $1 Par Value, Non-Assessable, of National Silver Corporation shall be and the same is hereby withdrawn, effective as of January 30, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–213; Filed, January 22, 1937; 12:37 p. m.]

*United States of Amcrica—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 21st day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CENTRAL-BENSO "A" FARM, FILED ON JANUARY 14, 1937, BY KENT K. KIMBALL, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the number of producing wells and the position of the tract in relation to the field is omitted from Item 13 of Division II;

2. In that there does not appear in Item 3 of Division III any real basis for the so-called "Potential Loss" and the "production per bbls. decline in potential" figures.

It is not shown that the combined potential of the three wells was 2,203 bbls. at any one time.

It is not shown that the production stated actually took place during the period of time that the combined potentials dropped from a total of 2,203 bbls. to a total of 1,676 bbls;

3. In that it is not shown that the difference between the total initial production of the three wells, completed at different times, and the total or combined potential of the three wells at some later date has any direct relationship to the ultimate recoverable oil from the three wells;

4. In that Item 3 of Division III calls for estimated recoverable oil in barrels for the tract and not for future production per royalty acre;

5. In that in the discussion of possible production of the Gorham Horizon, it is stated that: "After a thorough study

of the structure map of the Gorham pool, * * * one can easily see that the Gorham horizon * * * has a chance to produce under this 40 acre lease." From an examination of the structure map and data presented, it would appear that the Gorham horizon has only a very slight chance, if any, to be found productive on this lease;

6. In that there appears to be no real basis at all for estimating recoverable oil from this lease by comparing it with the Mermis lease;

7. In that the text in Item 4 (c) of Division III does not follow the language prescribed by the schedule: "not" used for "now";

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 20th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of February 1937 at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-212; Filed, January 22, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-HUMBLE-ADKINS FARM, FILED ON JANUARY 14, 1937, BY JAMES W. TAIT COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the plat, Exhibit A, and the explanatory note following Item 16, Division II, both indicate that Item 2 (f), Division II, is incorrect.

(2) In that the note to Item 16 at the top of page 5, Division II, indicates that the participation set forth in Item 1 is incomplete respecting the well known as "Skelly-Humble #1".

(3) In that Item 2, Division II, says 300 acres are involved in the tract. Exhibit A indicates two tracts—one of 300 acres and one of 20 acres.

(4) In that the legal description of the tract involved is omitted from Exhibit B.

(5) In that the taxes stated in Item 11 (c), Division II, to which the interests are subject are incorrectly shown.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 20th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-211; Filed, January 22, 1937; 12:37 p. m.]

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*Tuesday, January 26, 1937* *No. 16*

## PRESIDENT OF THE UNITED STATES.

CONTRIBUTIONS TO AMERICAN RED CROSS FOR FLOOD RELIEF

By the President of the United States of America

A PROCLAMATION

Disastrous floods in the Ohio and Mississippi River valleys already have driven 270,000 men, women and children from their homes. There is every likelihood that until the crest of the flood waters is reached, this number of homeless refugees will be largely increased. Snow, sleet and freezing weather have added to the suffering and made more hazardous the work of rescue.

The victims of this grave disaster are dependent upon the American Red Cross for food, shelter, fuel, medical care and warm clothing. I have instructed the various agencies of the Federal Government to cooperate to the fullest extent with the Red Cross authorities.

In order that the Red Cross may meet these immediate emergency needs and continue to care for these unfortunates until the waters have receded and they can be returned to their homes, it is imperative that a minimum relief fund of two million dollars be raised as speedily as possible. We are looking to this great national relief agency to act as our representative in this emergency.

As President of the United States and as President of the American Red Cross, I am, therefore, urging all of our people to contribute promptly and most generously to this relief fund so that adequate relief may be made instantly available for these thousands of our homeless and suffering fellow citizens.

I am confident the response everywhere will be immediate and generous.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 23rd day of January, in the year of our Lord nineteen hundred and [SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2222]

[F. R. Doc. 37-223; Filed, January 23, 1937; 2:56 p. m.]

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ZION NATIONAL MONUMENT—UTAH

By the President of the United States of America

A PROCLAMATION

WHEREAS certain public lands in the State of Utah contain volcanic phenomena of unusual scientific value, and have situated thereon various other objects of geological and scientific interest; and

WHEREAS it appears that it would be to the public interest to reserve such lands as a national monument, to be known as the Zion National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Utah are hereby reserved from all forms of appropriation under the public-land laws and set apart as the Zion National Monument:

SALT LAKE MERIDIAN

T. 39 S., R. 10 W.,
sec. 31, lots 4 to 14, and 19 to 30, inclusive.
T. 40 S., R. 10½ W.,
sec. 1 and unsurveyed fractional sec. 2.
T. 38 S., R. 11 W.,
secs. 31, 32 and 33.
T. 39 S., R. 11 W.,
secs. 4 to 9, and 16 to 21, inclusive, partly unsurveyed;
sec. 24, NE¼ and S½;
secs. 25 to 29, and 33 to 36, inclusive.
T. 40 S., R. 11 W.,
secs. 2, 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33 and 34.
T. 41 S., R. 11 W.,
sec. 4;
sec 5, E½;
sec. 8, NE¼;
secs. 9, 16 and 21.
T. 38 S., R. 12 W.,
sec. 10, lots 3 to 10, inclusive;
sec. 11, S½;
sec. 12, S½;
secs. 13, 14 and 15;
sec. 21, E½;
secs. 22 to 28, inclusive;
sec. 29, lot 1 and lots 3 to 8, inclusive.
secs. 33 to 36, inclusive.
T. 39 S., R. 12 W.,
secs. 1 to 4, and 9 to 15, inclusive, partly unsurveyed;
sec. 16, E½;
secs. 22, 23 and 24, partly unsurveyed, containing approximately 49,150 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes", approved August 25, 1916 (ch. 408, 39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the temporary withdrawals for classification and other purposes made by Executive Orders No. 5573 of March 7, 1931, and No. 6910 of November 26, 1934, as amended, and Executive Order of April 17, 1926, creating Public Water Reserve No. 107.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 22d day of January, in the year of our Lord nineteen hundred and [SEAL] thirty-seven and the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*The Secretary of State.*

[No. 2221]

[F. R. Doc. 37-222; Filed, January 23, 1937; 2:56 p. m.]

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EXECUTIVE ORDER

ESTABLISHING WILLAPA HARBOR MIGRATORY BIRD REFUGE

*Washington*

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, comprising 625.62 acres, more or less, in the State of Washington, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, That the reservation of such lands for wildlife conservation purposes shall be subject to the use thereof by the Department of War and the Department of the Treasury for rights-of-way for roads, telephone lines, and transmission lines to the Willapa Bay Light Station or other adjacent properties under control of the Department of War or the Department of the Treasury:

WILLAMETTE MERIDIAN

T. 14 N., R. 11 W.,
sec. 5, lots 1, 2, 3, 4, E½SW¼ and
sec. 6, lot 1; with accretions thereto, described by metes and bounds as follows: Beginning at a point 2,639.6 feet west of the corner common to secs. 4, 5, 8, and 9; thence on line between secs. 5 and 8, S. 89°55' W., 1,317.5 feet; N. 89°51' W., 1,325.9 feet, to the corner common to secs. 5, 6, 7, and 8; thence on line between secs. 7 and 8, south, 1,640.0 feet, to a point on the shore of the Pacific Ocean; thence with meanders of the Pacific Ocean, N. 72°01' W., 400 feet; N. 49°55' W., 1,368.1 feet; N. 6°22' W., 5,887.2 feet, to a point on the township line; thence on township line, S. 89°51' E., 3,395.9 feet; thence passing within sec. 5, S. 0°06' E., 2,615.8 feet; N. 89°55' E., 1,317.5 feet; S. 0°05' E., 2,617.4 feet, to the place of beginning;
sec. 9, lots 1, 2, N½NW¼, described by metes and bounds as follows: Beginning at the corner common to secs. 4, 5, 8, and 9; thence on line between secs. 8 and 9, south, 2,391.4 feet, to a point on the shore of the Pacific Ocean; thence with meanders of the Pacific Ocean, N. 71°03' E., 1,457.1 feet; N. 87°58' E., 1,264.8 feet; thence passing within sec. 9, north, 1,873.4 feet; thence on line between secs. 4 and 9, west, 2,642.2 feet to place of beginning.

The Executive order of September 11, 1854, reserving certain public lands for lighthouse purposes, is hereby revoked in so far as it applies to the above-described lands.

This refuge shall be known as the Willapa Harbor Migratory Bird Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Jan. 22, 1937.*

[No. 7541]

[F. R. Doc. 37-221; Filed, January 23, 1937; 11:40 a. m.]

DEPARTMENT OF THE INTERIOR.

**Division of Grazing.**

OREGON GRAZING DISTRICT NO. 2

MODIFICATION

DECEMBER 7, 1936.

Under and pursuant to the provisions of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, Public No. 827, 74th Congress, departmental order of July 9, 1935, establishing Oregon Grazing District No. 2, is hereby revoked so far as it affects the following-described lands, such revocation to be effective upon the inclusion of the lands within the Hart Mountain Antelope Refuge:

WILLAMETTE MERIDIAN

T. 35 S., R. 25 E., E½ sec. 1, secs. 11 to 15, E½ sec. 16, E½ sec. 20, secs. 21 to 28, E½ sec. 29, E½ sec. 32, secs. 33 to 36, inclusive.
T. 36 S., R. 25 E., secs. 1 to 5, 8 to 36, inclusive.
T. 37 S., R. 25 E.
T. 33 S., R. 26 E., S½ sec. 25, S½ sec. 35, sec. 36.
T. 34 S., R. 26 E., secs. 1 and 2, E½ sec. 10, secs. 11 to 15, E½ sec. 16, E½ sec. 20, secs. 21 to 29, secs. 31 to 36, inclusive.
Ts. 35 to 37 S., R. 26 E.
T. 33 S., R. 27 E., secs. 1 to 3, secs. 9 to 16, secs. 20 to 36, inclusive.
Ts. 34 to 37 S., R. 27 E.
T. 33 S., R. 28 E.

T. A. WALTERS,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-219; Filed, January 23, 1937; 9:55 a. m.]

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IDAHO GRAZING DISTRICT NO. 1

MODIFICATION

JANUARY 18, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of April 8, 1935, establishing Idaho Grazing District No. 1, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 10 N., R. 1 E.,
sec. 14, S½SW¼.
sec. 15, S½SE¼.
sec. 22, NW¼NE¼, N½NW¼.
T. 9 N., R. 3 W.,
sec. 31, E½NE¼, S½.
T. 10 N., R. 3 W.,
sec. 29, W½NW¼, E½SW¼.
T. 8 S., R. 5 W.,
sec. 13, NE¼NW¼, S½NW¼, N½SW¼.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-224; Filed, January 25, 1937; 9:43 a. m.]

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MONTANA GRAZING DISTRICT NO. 2

MODIFICATION

JANUARY 18, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of July 11, 1935, establishing Montana Grazing District No. 2, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN

T. 18 N., R. 19 E., sec. 10, NE¼SW¼.
T. 18 N., R. 57 E., sec. 2, all.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-228; Filed, January 25, 1937; 9:43 a.m.]

MONTANA GRAZING DISTRICT NO. 3

MODIFICATION

JANUARY 18, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of April 8, 1935, establishing Montana Grazing District No. 3, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN

T. 17 N., R. 56 E., sec. 12, N½NE¼, S½SE¼.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-225; Filed, January 25, 1937; 9:43 a. m.]

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NEVADA GRAZING DISTRICT NO. 2

MODIFICATION

JANUARY 18, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of October 18, 1935, establishing Nevada Grazing District No. 2, is hereby revoked so far as it affects the following described lands:

MT. DIABLO MERIDIAN

T. 33 N., R. 38 E., sec. 14, S½NW¼, N½SE¼, SE¼SE¼.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-226; Filed, January 25, 1937; 9:43 a. m.]

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WYOMING GRAZING DISTRICT NO. 1

MODIFICATION

JANUARY 18, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of March 23, 1935, establishing Wyoming Grazing District No. 1, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 49 N., R. 92 W., sec. 35, lots 3 and 4.
T. 47 N., R. 93 W., sec. 26, lot 2.
T. 55 N., R. 97 W., sec. 7, lot 6.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-227; Filed, January 25, 1937; 9:43 a. m.]

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DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

SR—B-5—Supplement (d)

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 5, SUPPLEMENT (D)

Part II of Southern Region Bulletin No. 5 is hereby amended by adding, after Supplement (c) thereto, the following:

The instructions outlined elsewhere in SR—B-5 relative to the execution of Forms 9 covering farms on which sugarcane for sugar was grown in 1936 are hereby supplemented as follows:

Where only one person furnished the workstock and equipment used on the land covered by Form 9, the word "all" shall be entered in the left-hand side of column (F) opposite the name of the person furnishing the workstock and equipment.

Where two or more persons furnished the workstock and equipment (with respect to cotton or crops in general base or both) on land covered by Form 9, the entries to be made in the left-hand side of column (F) opposite the name of such persons furnishing workstock and equipment are as follows:

A. If the entries in columns (B) and (E), line 5 and subsequent lines, are made pursuant to paragraph A, page 7, SR—B-5, enter that acreage which represents the sum of the 1936 planted acreages of crops in those soil-depleting bases (cotton and general) with respect to which a class I payment is made and for which each such person furnished workstock and equipment. In such cases the sum of the acreages entered in the left-hand side of column (F) should equal the sum of the amounts in line 2, columns (B) and (E), for soil-depleting bases (cotton and general) with respect to which a class I payment is made.

B. If the entries in columns (B) and (E), line 5 and subsequent lines, are made pursuant to paragraph C, page 8, SR—B-5, enter that acreage which represents the sum of the row crops on all producer units for which such person furnished workstock and equipment. In such cases the total of the acreages entered in the left-hand side of column (F) should equal the total acreage of row crops on the farm.

C. If the entries in columns (B) and (E), line 5 and subsequent lines, are made pursuant to paragraph D, page 8, SR—B-5, enter that acreage which represents the sum of the soil-depleting bases (cotton and general) with respect to which a class I payment is made and for which such person furnished workstock and equipment. In such cases the total of the acreages entered in the left-hand side of column (F) should equal the sum of the amounts in line 1, columns (B) and (E), for the soil-depleting bases (cotton and general) with respect to which a class I payment is made.

Where only one person furnished the land covered by Form 9, the word "all" should be written in the space provided in the right-hand side of column (F) opposite the name of the person furnishing such land.

Where two or more persons furnished the land covered by Form 9, the same method which is (or would be) used on that farm for dividing workstock and equipment payment must be used as the basis for dividing the land payment. For example, if the workstock and equipment payment is (or would be) divided on the basis of the planted acres, the sum of the entries to be made in the right-hand side of column (F) opposite the name of persons furnishing land should equal the sum of the 1936 planted acreages of crops in those soil-depleting bases (cotton and general) with respect to which a class I payment is made.

In executing Form 9 covering a farm on which sugarcane for sugar was grown in 1936, no part of the acreage of sugarcane for sugar should be entered in either side of column (F), Form 9, except in cases where the acreage of row crops is used (pursuant to paragraph C, page 8, SR—B-5) as a basis for dividing the class I payment.

Except as otherwise provided herein, Forms 9 covering farms on which sugarcane for sugar was grown in 1936 should be executed in accordance with the procedure outlined elsewhere in part II of Southern Region Bulletin No. 5.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 23rd day of January 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-232; Filed, January 25, 1937; 11:28 a. m.]



WR—B-3—Supplement (g)

1936 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 3, SUPPLEMENT (G)

*Normal Yields of Flaxseed per Seeded Acre, California, Idaho and Washington*

Section 5B, Part II of Western Region Bulletin No. 3, as amended by Supplements (b) and (e), Western Region Bulletin No. 3, is hereby amended by inserting the following normal yields of flaxseed per seeded acre immediately preceding the last paragraph thereof.

CALIFORNIA

| County: | *Normal Yield (bushels)* |
|---|---|
| Alameda | 17 |
| Napa | 12 |
| Nevada | 12 |
| Placer | 12 |
| Siskiyou | 10 |
| Sonoma | 12 |

IDAHO

| County: | |
|---|---|
| Bannock | 10 |
| Clearwater | 10 |
| Kootenai | 14 |
| Jerome | 20 |
| Valley | 18 |
| Payette | 20 |

WASHINGTON

| County: | |
|---|---|
| Snohomish | 16 |

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 23rd day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-229; Filed, January 25, 1937; 11:27 a. m.]

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**Forest Service.**

REGULATIONS TO GOVERN EXERCISE OF MINERAL RIGHTS RESERVED IN CONVEYANCES TO THE UNITED STATES

In conformity with the provisions of Section 9 of the Act approved March 1, 1911 (36 Stat. 961), I, Henry A. Wallace, Secretary of Agriculture, do hereby establish the following regulations to govern the extraction of minerals, oil, gas, and other inorganic resources from lands purchased by the United States under authority of said Act of March 1, 1911, as amended, in cases where the right to extract such mineral resources is to be reserved by the vendor by stipulation in the deed of conveyance to the United States.

Whoever begins such operations must, on demand, exhibit to the Forest Officer in charge satisfactory evidence of authority from the grantor so to do, and must comply with the following requirements:

1. Only so much of the surface of the land shall be used or disturbed as is necessary in the bona fide prospecting, mining, drilling or manufacturing of the minerals; but no right to so occupy, use or disturb such land shall be recognized unless the recorded owner of the reserved mineral, or his legally authorized representative, shall have applied for and received from the Forest Supervisor a permit authorizing such use or occupancy, for which permit advance payment shall be made annually at the rate of $6.00 per acre or fraction thereof.

All buildings, camps, equipment and other structures shall be removed from the land within one year from date of completion or abandonment of the operation which shall be construed as being the date when payment of the permit charges for the land terminates. Otherwise such buildings, camps, equipment, and other structures shall become the property of the United States.

2. If the exercise of the rights herein reserved will result in the stripping, collapse or other damage of the land or any improvements thereon, the recorded owner of the reserved rights, or his legally authorized representative, shall upon written notification by the Forest Supervisor pay to the designated fiscal officer of the United States, for deposit in a cooperative fund, the amount determined by the Forest Officer in charge of the area to be necessary to restore the land to a serviceable or safe condition or to repair or replace the improvements damaged or destroyed; such cooperative deposits to be available for expenditure by the United States for the purposes for which deposited.

3. All marketable timber and other timber products cut, destroyed, or damaged in prospecting, mining, drilling, or removing minerals, coal, oil and gas, or in manufacturing products therefrom, and in the location and construction of buildings or works of any kind for use in connection therewith, shall be paid for at the usual rates charged in the locality for sales of similar National Forest timber and timber products.

All slash resulting from such cutting or destruction shall be disposed of as directed by the Forest Officer. No timber or reproduction shall be unnecessarily cut, destroyed or damaged.

4. All mining operators shall in all developments and operations make all reasonable provisions for the disposal of tailings, dumpage and other deleterious materials or substances in such manner as to prevent obstruction, pollution or deterioration of the land, streams, ponds, lakes or springs.

5. Nothing herein contained shall be construed to exempt the operator or the mining operations from any requirements of the laws of the State in which situated; nor from compliance with or conformity to any requirements of any law or regulation which later may be enacted or promulgated, and which otherwise would be applicable.

6. While operations are in progress, the operators, contractors, sub-contractors, and employees of contractors and sub-contractors at work on the National Forest, shall use due diligence in the prevention and suppression of fire, and shall be available for service in the extinguishment and suppression of all fires within two miles of said operation. Provided that if such fire does not originate through any negligence on the part of the operators, contractors, sub-contractors, or their employees and does not threaten their structures, improvements or property, that they shall be paid for their services at the current rate of pay of fire fighters employed by the United States.

All regulations hitherto issued by the Secretary of Agriculture to govern the exercise of mineral rights reserved in conveyances to the United States are hereby superseded as to mineral rights hereafter reserved.

In testimony thereof I have hereunto set my hand and official seal at the City of Washington, this 23d day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-240; Filed, January 25, 1937; 11:31 a. m.]

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## FEDERAL POWER COMMISSION.

[Order No. 45]

### PRESCRIBING A LIST OF UNITS OF PROPERTY FOR USE IN CONNECTION WITH UNIFORM SYSTEM OF ACCOUNTS

It appearing to the Commission:

(1) That the Commission, acting pursuant to authority granted by the Federal Power Act, has prescribed a Uniform System of Accounts for public utilities and licensees subject to the provisions of said Act;

(2) That Electric Plant Instruction 12 of said Uniform System of Accounts, as revised to December 31, 1936, prescribes the accounting for additions to and retirements and replacements of electric plant and for that purpose divides electric plant into two general classes as follows:

(a) Units of property; and
(b) Minor items of property;

(3) That Electric Plant Instruction 12 B provides that each public utility or licensee may adopt its own list of units of property for the purpose of that instruction until such time as the Commission shall prescribe a list of units;

Now, therefore, the Commission *finds:*

That it is desirable and appropriate, in order to make more uniform and consistent the accounting practices of public utilities and licensees, to prescribe a list of units of property.

Wherefore, it is hereby *ordered:*

(a) That the accompanying list and description of units of property and instructions relating thereto be and the same are hereby prescribed and promulgated, effective February 1, 1937, to be observed by public utilities subject to the jurisdiction of the Commission and by licensees holding licenses issued by the Commission as provided in Electric Plant Instruction 12 B of the Uniform System of Accounts prescribed for public utilities and licensees, as revised to December 31, 1936, in accounting for additions to and retirements and replacements of electric plant; provided, however, that any public utility or licensee may make the same effective as of January 1, 1937, if it so elects;

(b) That a copy of this order and the accompanying list and description of the units of property and instructions relating thereto be forthwith served upon each public utility subject to the jurisdiction of the Commission, and each licensee or permittee holding a license or permit from the Commission.

Adopted by the Commission on January 13, 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

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### UNITS OF PROPERTY FOR USE IN CONNECTION WITH THE UNIFORM SYSTEM OF ACCOUNTS

#### INSTRUCTIONS

The units of property listed herein are prescribed and are to be accounted for in accordance with Electric Plant Instruction 12 of the Uniform System of Accounts for public utilities and licensees, as revised to December 31, 1936. Electric Plant Instruction 12 provides, in part, as follows:

12. *Additions and Retirements of Electric Plant.*—A. For the purpose of avoiding undue refinement in accounting for additions to and retirements and replacements of electric plant, all property shall be considered as consisting of (1) units of property and (2) minor items of property.

B. *Units of property.*—Each utility may adopt its own list of units for the purpose of this instruction until such time as the Commission shall prescribe a list of units.

(1) When a unit of property is added to electric plant, the cost thereof shall be added to the appropriate electric plant account, except that when units are acquired in the acquisition of any electric plant constituting an operating system, they shall be accounted for as provided in electric plant instruction 4.

(2) When a unit of property is retired from electric plant, with or without replacement, the book cost thereof shall be credited to the electric plant account in which it is included. * * *.

C. *Minor items of property.*—

(1) When a minor item of property which did not previously exist is added to plant, the cost thereof shall be accounted for in the same manner as for the addition of a unit of property, as set forth in paragraph B (1), above, if a substantial addition results, otherwise the charge shall be to the appropriate operating expense account.

(2) When a minor item of property is retired and not replaced, the book cost thereof shall be credited to the electric plant account in which it is included; * * * If, however, the book cost of the minor item retired and not replaced has been or will be accounted for by its inclusion in the unit of property of which it is a part when such unit is retired, no separate credit to the property account is required when such minor item is retired.

(3) When a minor item of depreciable property is replaced independently of the unit of which it is a part, the cost of replacement shall be charged to the maintenance account appropriate for the item, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity), the excess cost of the replacement over the estimated cost at current prices of replacing without betterment shall be charged to the appropriate electric plant account.

* * * * * *

The list of units may be expanded by any public utility or licensee without other authorization from this Commission but it may not be condensed; thus, the units listed herein are of maximum size and while subdivision thereof, or the addition of other units, is permitted, the combination or the increase in size of such units is enjoined.

Wherever appropriate, the retirement of any unit of property in the structures or equipment accounts shall include all costs of associated items which pertain solely to that unit, such as the cost of foundations, supports, ladders, runways, enclosures, guards, driving mechanisms, indicating, recording and measuring devices with their mountings, starting, control, regulating, protective and safety devices, switchboards, special lighting conduits and wiring, pipes, ducts, spouts, chutes, hoppers, etc.

If, because of a contract previously entered into, adherence to the list of units contained herein would cause an undue hardship, such as the loss of revenue to a particular utility, a petition for relief, giving therein a full disclosure of the facts and a suggested modification of the list necessary to avoid the hardship during the period of the contract, should be submitted to the Commjssion.

It is contemplated that the list of units contained herein will be revised and amended from time to time as experience and conditions warrant.

#### LIST OF UNITS OF PROPERTY

(The article a, an, or the, as appropriate, should be read in connection with each unit of property listed herein.)

311. *Structures and Improvements.*—

1. Air conditioning or ventilating system.
2. Boiler, furnace, hot-water heater, or automatic stoker.
3. Burner system, gas or oil.
4. Coal or ash conveying system.
5. Elevator complete with operating mechanism.
6. Equipment item, such as a motor, generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum, or similar item of equipment includible in structures, with or without associated wiring, control equipment, etc.
7. Fire escape system.
8. Fire protection system.
9. Foundation, when includible in structures.
10. House-lighting or power board.
11. Lighting fixtures, with or without associated wiring and conduit.
12. Roof, with or without supporting members. (A structure of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of structures to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.)
13. Structure, complete.
14. Tank.

312. *Boiler plant equipment—A Steam Boiler Installation.*—

1. Boiler.
2. Foundation, boiler, when independent of structure.
3. Fuel burning equipment for one boiler (grates, stokers, stoker drive, burners, etc.).
4. Furnace.
5. Furnace walls or arches, air or water, cooled, for one boiler.
6. Reheater.
7. Setting, boiler.
8. Soot blower system for one boiler.
9. Superheater, when separate from boiler.

B. *Draft Equipment.*—

1. Air duct system.
2. Air heater.
3. Breeching system.
4. Cinder catcher.
5. Fan, draft.
6. Stack, with or without foundation.

C. *Feed Water System.*—

1. Deaerator.
2. Economizer, when separate from boiler.
3. Heat exchanger.
4. Heater, feed water (main or stage).
5. Measuring and recording device.
6. Pump (main or stage).
7. Regulator, feed water.
8. Tank.

D. *Coal Fuel Equipment.*—

1. Bin or bunker not includible in structures.
2. Capstan or winch, power.
3. Car.
4. Car dumper.
5. Chutes or spouts, system of.
6. Conveyor (belt, cable way, portable, screw, etc.).
7. Crane (locomotive, gantry or monorail).
8. Crusher.
9. Electric trolley or third rail system.
10. Elevator (vertical, bucket, skip hoist).
11. Gates, chutes, downtakes, spreaders, or hoppers, for one boiler.
12. Hoist or derrick.
13. Hopper, track or weigh.
14. Locomotive.
15. Lorry.
16. Scraper, drag.
17. Screening or sizing installation.
18. Separator, magnetic.
19. Structure, fuel handling, with mechanism (not includible in structures).
20. Track scale.
21. Track system.
22. Trestle.

E. *Pulverized Fuel Equipment.*—

1. Air filter or washer.
2. Air preheater.
3. Air compressor.
4. Conveyor.
5. Chutes, ducts, or transport pipes, system of.
6. Coal feeder, raw or powdered.
7. Crusher.
8. Dryer.
9. Fan.
10. Hopper or bin.
11. Pulverizer.
12. Pump.
13. Screening or sizing installation.
14. Separator, electric or mechanical (dust collector or concentrated).
15. Sludge pump.
16. Weighing machine, automatic.

F. *Oil Fuel Equipment.*—

1. Heater.
2. Meter.
3. Pump.
4. Tank.

G. *Gas Fuel Equipment.*—

1. Holder or tank.
2. Meter.
3. Pressure regulator or control device.

H. *Ash Handling Equipment.*—

1. Car.
2. Conveyor or elevator.
3. Crane hoist or derrick.
4. Electric trolley or third rail system.
5. Fan.
6. Locomotive.
7. Pump.
8. Removal system (vacuum, steam jet, or hydraulic).
9. Sluiceway or piping system.
10. Storage bin or pit.
11. Sump dredge.
12. Track system.

I. *Water Supply and Purification System.*—

1. Meter.
2. Pump.
3. Tank.
4. Water softener or purification system.
5. Well.

J. *Ventilating Equipment.*—

1. Air duct system.
2. Blower.
3. Cooler or heater.
4. Washer.

K. *Instruments and Meters.*—

1. Automatic control installation.
2. Master controller installation.
3. Panel section of a switch or instrument board.
4. Recording or indicating device.

L. *Boiler Plant Piping.*—

1. Desuperheater.
2. Header of any class of piping such as each pressure or temperature class of live steam; each pressure class of exhaust steam; raw water; treated water; feed water; drip and drain piping; boiler blowdown; compressed air; hot or cold service water; lubricating oil; fuel oil; gas; fire protection; etc.
3. Piping, branch run of any class, 2 inches or over in size, between one or more units of property and a header.
4. Piping, run of any class, 2 inches or over in size, between two or more units of property.
5. Separator or purifier, steam.
6. Trap, high-pressure.
7. Valve, motor operated, pressure reducing, boiler non-return, or other relatively costly valve.

NOTE: Wherever appropriate, the "piping" costs of additions and retirements shall include all costs for pipes, valves, fittings, specials, covering, hangers, supports, etc., pertaining to the run or header in question.

313. *Engines and Engine-Driven Generators.*

314. *Turbo-Generator Units*—A. *Engine-Driven Generating Installation (account 313).*—

1. Drive or connection between engine and generator.
2. Engine.
3. Exciter, direct connected or belt-driven.
4. Foundation, independent of structure.
5. Generator.
6. Governor control system.

B. *Turbo-Generator Installation (Account 314).*—

1. Equipment, starting and turning.
2. Exciter, direct connected or belt-driven.
3. Foundation, independent of structure.
4. Generator.
5. Governor control system.
6. Remote control rheostat and field switch.
7. Turbine.

C. *Condensing and Cooling Water System (Accounts 313 and 314).*—

1. Air ejector apparatus for one condenser.
2. Condenser.
3. Condenser tube protective system (chemical, electric, electrolytic, etc.).
4. Cooling tower.
5. Fan.
6. Intake screen and mechanism.
7. Pump, circulating, condensate, vacuum, etc.
8. Spraying system.
9. Tank.
10. Valve, atmospheric relief.

D. *Central Generator Cooling System (accounts 313 and 314).*—

1. Air duct system.
2. Air washer.
3. Blower.
4. Cooler.

E. *Central Lubricating System (accounts 313 and 314).*—

1. Accumulator.
2. Cooler.
3. Pump.
4. Purifier or filter.
5. Tank.

F. *Instruments and Meters (accounts 313 and 314).*—

1. Panel section of a switch or instrument board.
2. Recording or indicating device.

G. *Engine and Turbine Plant Piping (accounts 313 and 314).*—

1. Header of any class of piping, such as each pressure or temperature class of live steam; each pressure, class of exhaust steam; raw water; treated water; feed, stage, and condensate water; cooling water; gland piping; lubricating oil, insulating oil; gas; free exhaust piping; vent piping; drip and drain piping; condensing water; compressed air; hot or cold service water; oil and lubricating, etc.
2. Piping, branch run of any class, 2 inches or over in size, between one or more units of property and a header.
3. Piping, run of any class, 2 inches or over in size, between two or more units of property.
4. Separator or purifier, steam.
5. Tank.
6. Trap, high-pressure.
7. Valve, motor operated, pressure reducing, or other relatively costly valve.

NOTE.—Wherever appropriate, the "piping" costs of additions and retirements shall include all costs for pipes, valves, fittings, specials, covering, hangers, supports, etc. pertaining to the run or header in question.

315. *Accessory Electric Equipment.*—

1. Air duct system.
2. Auxiliary generator set.
3. Battery charging set.
4. Choke coils, set of.
5. Condenser, synchronous.
6. Control installation, system operator's.
7. Converter, synchronous or rotary.
8. Exciter, separately driven.
9. Fan or blower.
10. Foundation equipment.
11. Frequency changer.
12. Frequency control system.
13. Fuse equipment, set of high tension.
14. Generator voltage regulator system.
15. Induction regulator.
16. Lightning arrester.
17. Oil circuit breaker.



18. Panel or panels, devoted to a single purpose, with electric equipment accessory thereto.
19. Reactor or resistor.
20. Rectifier.
21. Static condensers, set or bank of.
22. Storage battery (station control).
23. Switches, set of disconnecting.
24. Testing equipment, set of.
25. Transformer, not accessory to a panel.
26. Truck switch with wiring and instruments.
27. Wiring, power.
    (a) Bus compartment, including integral cubicles for equipment.
    (b) Bus—wires, cables, and insulators.
    (c) Cable or conductor, each continuous circuit run.
    (d) Circuit of generator leads to a bus including supports and protective barriers.
    (e) Multiple conduit run between two or more units of property.
    (f) Outgoing feeder or auxiliary power feeder including its individual conduit, supports, and barriers.

316. *Miscellaneous Power Plant Equipment.*—

1. Air compressor.
2. Air conditioning or ventilating system.
3. Barge, boat, or similar item of marine equipment.
4. Car, railway.
5. Communication system, station signal or call.
6. Compressed air system.
7. Crane, hoist or derrick.
8. Fire protection system.
9. Laboratory equipment, principal item, such as drying oven, calorimeter, etc.
10. Locomotive.
11. Oil-reclaiming installation.
12. Pump (sump, drain, miscellaneous).
13. Tool, each principal item such as forge, lathe, drill press, steam hammer, welding equipment, etc.
14. Vacuum cleaning system.

NOTE.—If any of the units of property listed above are a part of a structure and includible in account 311, Structures and Improvements, they shall be accounted for through that account.

321. *Structures and Improvements.* (See account 311 for applicable units of property.)

322. *Reservoirs, Dams, and Waterways.*—

1. Apron.
2. Boom.
3. Bridge or draw span.
4. Bulkhead.
5. Dam.
6. Dike, with or without riprap or core wall.
7. Fish ladder, elevator or lock system.
8. Forebay.
9. Flume, tunnel, or canal.
10. Gate.
11. Gate hoist.
12. Gate hoist track.
13. Gate section.
14. Gravity section.
15. Heating or thawing system.
16. Lock, navigation.
17. Penstock.
18. Pier.
19. Piling, system of (steel sheet), to protect any of the structures.
20. Substructure, power plant.
21. Tailrace.
22. Tank, surge.
23. Trash rack.
24. Walkway.
25. Wall, wing, cut-off, baffle.
26. Wiring, light and power system.

323. *Water Wheels, Turbines, and Generators*—A. *Hydro-Generating Installation.*—

1. Bearing, step or thrust, with or without associated equipment.
2. Drive or connection between water wheel and generator.
3. Exciter, direct connected or belt-driven.
4. Foundation, independent of structure.
5. Generator.
6. Governor control system.
7. Remote control rheostat and field switch.
8. Valve, penstock, main, or by-pass.
9. Water turbine or water wheel, with or without draft tube, scroll case or housing.

B. *Central Generator Cooling System.*—

1. Air duct system.
2. Air washer.
3. Blower.
4. Cooler.

C. *Central Lubricating or Bearing Pressure System.*—

1. Accumulator.
2. Cooler.
3. Piping System.
4. Pump.
5. Purifier or filter.
6. Tank.

D. *Instruments and Meters.*—

1. Panel section of switch or instrument board.
2. Recording or indicating device.

324. *Accessory Electric Equipment.* (See account 315 for applicable units of property.)

325. *Miscellaneous Power Plant Equipment.* (See account 316 for applicable units of property.)

326. *Roads, Railroads, and Bridges.*—

1. Bridge.
2. Culvert.
3. Draw span.
4. Railroad.
5. Road or trail.
6. Trestle.

331. *Structures and Improvements.* (See account 311 for applicable units of property.)

332. *Fuel Holders, Producers, and Accessories*—A. *Fuel Oil System.*—

1. Boiler, heating.
2. Heater, not a part of tank.
3. Meter, fuel oil.
4. Piping system, fuel oil.
5. Pump.
6. Purifier.
7. Tank, including foundations, supports and fire protection.

B. *Gas Fuel System.*—

1. Ash handling equipment for a producer.
2. Boiler.
3. Booster.
4. Compressor.
5. Fuel handling equipment for a producer.
6. Holder.
7. Meter.
8. Piping system, gas.
9. Producer.
10. Recording or indicating device.
11. Regenerator.
12. Scrubber or washer.
13. Vaporing unit for butane gas.

333. *Internal Combustion Engines.*—A. *Internal Combustion Engine.*—

1. Air intake equipment for one engine.
2. Drive or connection between engine and generator.

3. Engine, with or without foundation.
4. Governor control system.
5. Heat exchanger.
6. Meters and instruments for one engine.
7. Muffler.
8. Stack.
9. Starting and turning equipment.

B. *Central Lubricating System.*—

1. Cooler.
2. Piping system, oil.
3. Pump.
4. Purifier or filter.
5. Tank.

C. *Central Cooling Water System.*—

1. Heat exchanger.
2. Piping system, cooling water.
3. Pump.
4. Purification system, water.
5. Spraying system.
6. Tank, storage, surge, or hot-well.
7. Tower, cooling.

D. *Central Starting System.*—

1. Compressor.
2. Piping system, starting.
3. Tank, storage or compressed air.

E. *Central Intake Air Supply.*—

1. Air duct system.
2. Air filter or screen.
3. Blower.
4. Silencer.

F. *Central Exhaust Gas System.*—

1. Heat exchanger (or waste heat boiler).
2. Muffler.
3. Piping system, exhaust.
4. Stack.

334. *Generators.*—

1. Exciter, direct connected or belt-driven.
2. Generator.
3. Panel section of a switch or instrument board.
4. Recording or indicating device.
5. Remote control rheostat and field switch.

335. *Accessory Electric Equipment.* (See account 315 for applicable units of property.)

336. *Miscellaneous Power Plant Equipment.* (See account 316 for applicable units of property.)

342. *Structures and Improvements.* (See account 311 for applicable units of property.)

343. *Station Equipment (Transmission).*—

1. Air compressor.
2. Air duct system.
3. Battery charging set.
4. Bus compartment, including integral cubicles for equipment.
5. Bus—wires, cables, and insulators.
6. Cable or conductor, each continuous circuit run.
7. Choke coils, set of.
8. Condenser, synchronous.
9. Conduit, each continuous run or bank.
10. Converter, synchronous or rotary.
11. Crane or hoist.
12. Enclosure equipment, such as a guard, screen, housing, fence, or barrier not a part of the structure.
13. Fan or blower.
14. Foundation, equipment.
15. Frequency changer.
16. Fuse equipment, set of high tension.
17. Induction regulator.
18. Lighting system.
19. Lightning arrester.
20. Manhole.
21. Motor.
22. Motor generator set.
23. Oil purifier or filter.
24. Oil switch or circuit breaker.
25. Panel or panels, devoted to a single purpose, with electric equipment accessory thereto.
26. Reactor or resistor.
27. Rectifier.
28. Stair or platform.
29. Static condensers, set or bank of.
30. Storage battery (station control).
31. Structure forming a common support for two or more units of equipment.
32. Switches, set of disconnecting.
33. Tank, oil storage.
34. Testing equipment, set of.
35. Track system, transformer.
36. Transformer, not accessory to a panel.
37. Truck switch with wiring and instruments.
38. Truck, transformer.

344. *Towers and Fixtures (Transmission).*—

1. Tower, with or without foundation.

345. *Poles and Fixtures (Transmission).*—

1. Frame, A or H, with or without associated crossarms, guys, anchors, etc.
2. Pole, i. e., line pole, brace pole, or guy pole, with or without associated crossarms, guys, anchors, etc.

346. *Overhead Conductors and Devices (Transmission).*—

1. Conductor, two or more continuous spans of one circuit.
2. Circuit breaker.
3. Lightning arresters, set of.
4. Line switches, set of.

347. *Underground Conduit (Transmission).*—

1. Conduit, section of, between two manholes, or between a manhole and a pole.
2. Manhole, splicing chamber, or cable vault (not including hand holes).
3. Ventilating equipment, complete installation at one location.

348. *Underground conductors and devices (transmission).*—

1. Circuit breaker.
2. Conductor (buried), section of cable 600 feet or more in length.
3. Conductor (in conduit), circuit between two manholes or between a manhole and a pole.
4. Conductor (submarine), submerged length of cable between terminal chambers or manholes.
5. Lightning arresters, set of.
6. Line switches, set of.

349. *Roads and trails (transmission).* (See account 326 for applicable units of property.)

352. *Station Equipment (Distribution).* (See account 343 for applicable units of property.)

354. *Poles, Towers, and Fixtures (Distribution).*—

1. Frame, A or H, with or without associated crossarms, guys, anchors, etc.
2. Pole, i. e., line pole, brace pole, or guy pole, with or without associated crossarms, guys, anchors, etc.
3. Tower, with or without foundation.

355. *Overhead Conductors and Devices (Distribution).*—

1. Conductor, two or more continuous spans of one circuit.
2. Circuit breaker.
3. Lightning arresters, set of.
4. Line switches, set of.



356. *Underground Conduit (Distribution).*—

1. Conduit, section of, between two manholes or between a manhole and a pole.
2. Manhole, splicing chamber or cable vault (not including hand holes).
3. Ventilating equipment, complete installation at one location.

357. *Underground Conductors and Devices (Distribution).*—

1. Circuit breaker.
2. Conductor (buried), section of cable 600 feet or more in length.
3. Conductor (in conduit), circuit between two manholes or between a manhole and a pole.
4. Conductor (submarine), submerged length of cable between terminal chambers or manholes.
5. Lightning arresters, set of.
6. Line switches, set of.

358. *Line Transformers.*—

1. Capacitor bank.
2. Lightning arresters, set of.
3. Network protector.
4. Transformer, with or without case.
5. Transformer cut-out boxes or switches, set of.
6. Voltage regulator.

(See also text of account 761–3, Removing and Resetting Line Transformers.)

359. *Services.*—

1. Overhead service.
2. Underground service (not including duct).
3. Underground service duct.

360. *Meters.*—

1. Current limiting device.
2. Instrument transformers, set of.
3. Meter.
4. Time switch.

(See also text of account 762–1, Removing and Resetting Meters.)

361. *Installations on Customers' Premises.*—

1. Cable vault.
2. Commercial lighting equipment installation on one premise.
3. Equipment installation, such as a frequency changer, a motor, a motor generator set, etc.
4. Switchboard and wire or cable connections on one premise.

NOTE.—See also other accounts for appropriate units of property.

362. *Leased Property on Customers' Premises.*—

1. Equipment installation, such as a motor, a transformer, etc.

NOTE.—See also other accounts for appropriate units of property.

363. *Street Lighting and Signal Systems.*—

1. Lamp fixture including suspension fixtures, brackets, glassware, etc., when not a part of post or standard.
2. Post or standard.
3. Series contactor.
4. Signal installation at one location.
5. Time switch.
6. Transformer.

NOTE.—See also units as listed under accounts 355, Overhead Conductors and Devices, 356, Underground Conduit, 357, Underground Conductors and Devices, and 358, Line Transformers, when such property is included in this account.

371. *Structures and Improvements.* (See account 311 for applicable units of property.)

372. *Office Furniture and Equipment.*—Each principal item of equipment such as:

1. Adding or calculating machine (including coin counters).
2. Bookcase (complete).
3. Blue print machine.
4. Cabinet.
5. Desk.
6. Dictating machine (recording or reproducing).
7. Duplicating machine (including letter press).
8. Photostat machine.
9. Safe.
10. Sofa or lounge.
11. Table.
12. Typewriter.
13. Wardrobe.

373. *Transportation Equipment.*—Each principal item of equipment such as:

1. Air compressor.
2. Gasoline or oil pump.
3. Gasoline or oil storage tank.
4. Horse, mule or ox.
5. Motor.
6. Power-driven greasing machine.
7. Tractor.
8. Vehicle.

374. *Stores Equipment.*—Each principal item of equipment such as:

1. Crane, hoist, or chainfall.
2. Motor.
3. Portable elevating and stacking equipment.
4. Shelving or bins, section of.
5. Truck.

375. *Shop Equipment.*—Each principal item of equipment such as:

1. Air compressor.
2. Boiler.
3. Crane, hoist or chainfall.
4. Drilling machine.
5. Drill press.
6. Electric welding machine.
7. Engine.
8. Forge.
9. Furnace.
10. Lathe.
11. Motor.
12. Planer.
13. Shaper.

376. *Laboratory Equipment.*—Each principal item of equipment such as:

1. Centrifuge.
2. Dynamometer.
3. Transformer, testing and loading.

377. *Tools and Work Equipment.*—Each principal item of equipment such as:

1. Air compressor.
2. Boiler.
3. Cable pulling power equipment.
4. Concrete mixer.
5. Derrick, crane, hoist, or chainfall.
6. Engine.
7. Forge.
8. Furnace.
9. Motor.
10. Pile driving machine.
11. Pipe threading and cutting machine.
12. Pole setting machine.
13. Post hole digger.
14. Pump.
15. Trenching machine.

378. *Communication Equipment.*—Each principal item of equipment such as:

1. Carrier current coupling capacitor.
2. Carrier current transmitting and receiving set.
3. Intercommunicating telephone system.
4. Radio receiver.
5. Radio transmitter.
6. Storage battery installation.

NOTE.—Units of conductors, supports and duct lines shall be identical with those prescribed for accounts 344, 345, 346, 347, 348, 354, 355, 356, and 357.

379. *Miscellaneous Equipment.*—Each principal item of equipment such as:

1. Billiard table.
2. Bowling alley.
3. Radio.
4. Soda fountain.

[F. R. Doc. 37-217; Filed, January 23, 1937; 9:54 a. m.]

## INTERSTATE COMMERCE COMMISSION.

### ORDER

### MONTHLY REPORTS OF REVENUES AND EXPENSES

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 23rd day of October A. D. 1936.

The subject of monthly reports of revenues and expenses being under consideration, the following order was entered:

*It is ordered,* That—

1. The orders of this Commission issued under dates of July 10, 1907, and January 15, 1908, relating to monthly reports of revenues and expenses of carriers by rail be and are hereby annulled effective January 1, 1937.

2. Each and every Class I steam railway, excluding Class I switching and terminal companies, subject to the provisions of the Interstate Commerce Act shall make under oath monthly reports of revenues and expenses in accordance with the form of report which is attached hereto and made a part of this order.[1]

*It is further ordered,* That beginning with the month of January 1937 said monthly reports shall be filed in duplicate in the Bureau of Statistics on or before the 26th day of the month next succeeding the month to which they refer.

By the Commission, division 4.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-220; Filed, January 23, 1937; 11:06 a. m.]

### RULES GOVERNING MEETINGS AND PROCEDURE OF JOINT BOARDS

JANUARY 22, 1937.

The Commission has adopted the following special rules governing meetings and procedure of Joint Boards under Section 205 of the Motor Carrier Act, 1935:

1. *General.*—A matter which the Interstate Commerce Commission, hereinafter called the Commission, refers to a Joint Board will be so referred by special order of the Commission. Correspondence concerning matters so referred to Joint Boards should be directed to the Interstate Commerce Commission, Washington, D. C.

2. *Organization.*—After a Joint Board has been created the Board shall select one of its members to act as chairman for all purposes concerning matters which may be referred to it. In the event the member so selected is absent from any meeting of such Board the members attending shall select one of such members temporarily to act as chairman.

[1] The report and the instructions therewith were filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Interstate Commerce Commission.

3. *Meetings.*—Meetings of a Joint Board for hearings shall be called by the Commission, and due notice thereof given to all members of the Board. Where reasonably possible, meetings shall be called at the offices of a Commission in one of the States involved.

4. *Hours for conduct of hearings.*—The hearing in any proceeding before a Joint Board shall begin at the hour designated by the Commission in its notice of hearing, and thereafter shall continue for such time and in such manner as the Joint Board may determine.

5. *Conduct of hearings.*—With the understanding that the Joint Board will recommend the appropriate order, accompanied by the reasons therefor, a hearing assigned before a Joint Board may be conducted by any member or members thereof in the absence of the other member or members.

6. *Designation of examiner.*—The Commission will designate an examiner or examiners to advise with and assist the Joint Board in any referred matter to the extent that such Joint Board may desire.

7. *Procedure in referred matters.*—Procedure in referred matters shall be governed, when not specifically covered by these rules, by the Commission's Rules of Practice so far as applicable.

8. *Pleadings part of record.*—All pleadings in referred matters shall constitute part of the record before the Joint Board without special admission or incorporation therein. This rule shall not dispense with the necessity for proof of the facts alleged in a pleading when relied upon by the party who filed it.

9. *Leave to amend or file pleadings, or to intervene, not to be granted in certain cases.*—A Joint Board may in its discretion grant leave to amend or to file any pleadings, or to intervene, in a referred matter, upon application tendered either prior to or at the hearing, but in no event shall it grant such leave if thereby the issues would be unduly broadened, or if thereby the issues would be so narrowed as to make the referred matter one which should properly be referred to a different Joint Board or other referee.

10. *Action on certain motions.*—Action on motions the granting of which would have the effect of preventing consideration of the merits of a referred matter or a substantial part thereof may be reserved by a Joint Board for final disposition by the Commission.

11. *Procedural rulings in case of disagreement.*—If the members of a Joint Board or a majority thereof in actual attendance at a hearing shall be unable to agree upon the disposition of a procedural question arising therein, the chairman (or acting chairman) shall decide the question and rule or order accordingly.

12. *Exhibits, number of copies to be furnished.*—When exhibits of a documentary character are to be offered in evidence the Joint Board shall require that the original and one copy of each be furnished for the use of the Commission (to be delivered respectively to the official reporter and to the examiner); and, unless the Joint Board shall otherwise direct, that copies be furnished to each of the members of the Board for their use, and to opposing parties or their counsel. Whenever practicable, the parties should interchange copies of proposed exhibits before or at the commencement of the hearing.

13. *Continuance; fixing date and place.*—In case it is impossible to conclude a hearing within the time available, or for any reason a continuance is necessary or advisable, the Joint Board shall not set a date and place for the continued hearing without first consulting the Commission. If consulting the Commission is impracticable, the hearing shall be adjourned to such time and place as the Commission subsequently shall determine.

14. *Briefs, time for filing; reply briefs not permitted.*—If the Joint Board permits briefs to be filed in a referred matter, it shall fix for all parties the same period therefor. Reply briefs shall not be permitted. Parties shall be instructed to file twenty copies of any brief with the Commission at Washington and copies in number to be fixed by the Joint Board with the members of the Joint Board and the examiner.

15. *Form of orders and reports; service.*—For the sake of uniformity, Joint Boards shall conform their respective recommended orders and accompanying reports, as nearly as may be practicable, to the form of orders and reports issued by the Commission in similar cases. The reports shall contain a brief statement of the issues, a discussion of the pertinent evidence, and a recommendation of specific and sufficient findings, with the reasons therefor. Such orders and reports will be served by the Commission.

16. *Termination of jurisdiction.*—The jurisdiction of a Joint Board over a referred matter shall be terminated in the event of waiver of action by the appropriate authority of each State from which a member is entitled to be appointed, or in the event the Commission finds that a Joint Board has failed or refused to act, or in the event of inability of the members thereof to agree upon the referred matter, or upon recommendation by the Joint Board or a majority thereof of a report and order signed by the members concurring therein, but the matter may be again referred to the Joint Board if a further hearing as to facts shall become necessary.

17. *Procedure in case of non-action by Joint Board.*—If a Joint Board or a majority thereof is unable to agree upon a referred matter, it will be decided by the Commission or in its discretion be referred to a member or examiner thereof for recommendation of an appropriate order thereon and report including the reasons therefor, on the record theretofore made or after such hearing or further hearing as may be required.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-241; Filed, January 25, 1937; 11:51 a. m.]



## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 48]

### ALLOCATION OF FUNDS FOR PROJECTS RESCINDED

JANUARY 22, 1937.

I hereby rescind the allocations of funds for the below designated projects, made by Administrative Orders No. 19 and 36. This action is taken because these projects do not now appear feasible due to change of conditions.

| Project Designation: | Amount |
|---|---|
| Texas 37 Williamson (19) | $240,000 |
| Texas 43 Tarrant (36) | 285,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-218; Filed, January 23, 1937; 9:55 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

[File No. 43-28]

### IN THE MATTER OF AMERICAN PUBLIC SERVICE COMPANY

### NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by American Public Service Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance of 96,434 shares of its common stock of the par value of $80 per share, to evidence a reduction in the par value of said shares from $100 per share to $80 per share;

It is ordered that a hearing on such matter be held on February 4, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 1, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-242; Filed, January 25, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

[File No. 43-29]

### IN THE MATTER OF CENTRAL AND SOUTH WEST UTILITIES COMPANY

### NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Central and South West Utilities Company, a registered holding company pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance of 3,372,736$^{20}/_{100}$ shares of its common stock of the par value of fifty cents (50¢) per share, to evidence a reduction in the par value of said shares from $1 per share to fifty cents (50¢) per share;

It is ordered that a hearing on such matter be held on February 4, 1937, at ten o'clock in the forenoon of that day at Room 1103 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 1, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-243; Filed, January 25, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE REPOLLO-ADKINS FARM, FILED ON JANUARY 11, 1937, BY GRIMES BROS. ROYALTY COMPANY, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-244; Filed, January 25, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its Office in the City of Washington, D. C., on the 22d day of January A. D. 1937.

[File No. 46-25]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Middle West Corporation, a registered holding company, having duly filed with this Commission, an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it of $19,550 aggregate principal amount of First Lien 6% Income Bonds, Series B, 195½ shares of 6% Non-Cumulative Preferred Stock ($100 par), and 977½ shares of Common Stock ($1.00 par), such securities to be issued by the Southern United Gas Company, a Delaware corporation, in accordance with an amended plan for reorganization of Southern United Gas Company, a New Jersey Corporation, which plan was confirmed by the District Court of the United States for the Northern District of Illinois, Eastern Division on February 21, 1936;

A hearing on said application having been held after appropriate notice, the record in this matter having been examined, and the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of such securities in accordance with the terms and conditions of and for the purposes represented by such application, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-247; Filed, January 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SUPERIOR-SIBLEY FARM, FILED ON JANUARY 6, 1937, BY SECOND DEPENDABLE OIL CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-246; Filed, January 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN ET AL-MCNABB FARM, FILED ON JANUARY 16, 1937, BY G. E. FISHER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that Item 5 of Division II does not correctly give the name of the purchaser of the oil produced;
2. In that Item 8 (a) of Division II states the payments will be made by the oil purchaser direct to the interest holder;
3. In that Items 8 (d) (i) to (v) of Division II are omitted;
4. In that Exhibit B is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 22nd day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.



Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-248; Filed, January 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE THOMASSON-DURHAM ET AL. FARM FILED ON JANUARY 15, 1937, BY E. M. THOMASSON PRODUCING CO., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the farm name, which is required to appear at the top of the first page, is omitted;
2. In that Item 2 (c) of Division II states that the tract involves 80 Acres. It appears from the purchase contract, referred to in Item 1 of Division II, in Exhibit B, and in Exhibit C, that the offeror has presently a lease on only 40 Acres;
3. In that the address of the purchaser and whether the purchaser has a direct connected pipe line have been omitted from Item 6 of Division II;
4. In that the offeror states in Item 9 (d) (ii) of Division II that he is "Owner of Lease." See ground 2 above;
5. In that Item 9 (d) (iv) of Division II does not correctly state the facts respecting obligations to drill 2 test wells;
6. In that Item 10 (b) (iii) of Division II does not correctly describe the nature of the interest;
7. In that insufficient data is given in Item 13 (a) of Division II respecting the name of the agency to whom taxes are payable;
8. In that Item 13 (b) of Division II fails to recite the liability to pay a Federal tax;
9. In that the statement following Item 14, on Page 6 of the offering sheet, appears inconsistent with paragraph 3 of Exhibit C;
10. In that, if Exhibit C is correct, Items 15 to 22 inclusive should be included in the offering sheet;
11. In that Item 23 of Division II omits the statement required respecting the number of producing wells in the field, and the position of the tract in relation to the field;
12. In that Item 28 (a) (ii) of Division II requires information with respect only to abandoned wells;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 20th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, and officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of February 1937 at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-245; Filed, January 25, 1937; 12:42 p. m.]

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*Wednesday, January 27, 1937* *No. 17*

## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 48773]

DRAWBACK MERCHANDISE—EXTENSION OF PERIOD FOR EXPORTATION

FURTHER EXTENSIONS OF 3-YEAR PERIOD PRESCRIBED IN SECTION 313 (H), TARIFF ACT OF 1930

JANUARY 19, 1937.

*To Collectors of Customs and Others Concerned:*

Acting under the authority vested in him by section 318 of the Tariff Act of 1930, 46 Stat. 696 (U. S. C., title 19, sec. 1318), the President, on December 29, 1936, issued a proclamation[1] declaring an emergency to exist and authorizing the Secretary of the Treasury—

(1) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between June 18 and December 31, 1930 (both dates inclusive), to extend the period for exportation of the completed article, or shipment thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in section 313 (h), Tariff Act of 1930, 46 Stat. 694 (U. S. C. title 19, sec. 1313 (h)), as extended for 2 years under the authority of a proclamation dated December 23, 1932 (T. D. 46089), and further extended for 1 year under the authority of a proclamation dated April 1, 1935 (T. D. 47662), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48159);

(2) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between April 1 and December 31, 1931 (both dates inclusive), to extend the period for exportation of the completed article, or shipment thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in said section 313 (h), as extended for 1 year under the authority of a proclamation dated December 30, 1933 (T. D. 46823), and further extended for 1 year under the authority of a proclamation dated April 1, 1935 (T. D. 47662), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48159);

(3) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between April 1 and December 31, 1932 (both dates inclusive), to extend the period for exportation of the completed article, or shipment

[1] 2 F. R. 2.

thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in said section 313 (h), as extended for 1 year under the authority of a proclamation dated April 1, 1935 (T. D. 47662), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48159);

(4) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported between January 18 and December 31, 1933 (both dates inclusive), to extend the period for exportation of the completed article, or shipment thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in said section 313 (h), as extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48159); and

(5) in the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported during the calendar year 1934, to extend the period for exportation of the completed article, or shipment thereof to the Philippine Islands, for not more than 1 year from and after the expiration of the 3-year period prescribed in said section 313 (h).

Pursuant to the authority conferred upon me by the President's proclamation of December 29, 1936, the period prescribed in section 313 (h) of the Tariff Act of 1930 for the exportation, or shipment to the Philippine Islands, of articles manufactured or produced in the United States with the use of imported or substituted merchandise is hereby extended for a further period of 1 year in cases where the imported merchandise involved was imported between June 18 and December 31, 1930 (both dates inclusive), and between April 1 and December 31, 1931 (both dates inclusive), and between April 1 and December 31, 1932 (both dates inclusive), and between January 18 and December 31, 1933 (both dates inclusive), and in cases where the imported merchandise involved was imported during the calendar year 1934.

Under this extension, collectors of customs are hereby authorized to allow the following periods for exportation of the completed article or shipment thereof to the Philippine Islands: (1) not exceeding 8 years after importation in cases where the imported merchandise involved was imported between June 18 and December 31, 1930 (both dates inclusive); (2) not exceeding 7 years after importation in cases where the imported merchandise involved was imported between April 1 and December 31, 1931 (both dates inclusive); (3) not exceeding 6 years after importation in cases where the imported merchandise involved was imported between April 1 and December 31, 1932 (both dates inclusive); (4) not exceeding 5 years after importation in cases where the imported merchandise involved was imported between January 18 and December 31, 1933 (both dates inclusive); and (5) not exceeding 4 years after importation in cases where the imported merchandise involved was imported during the calendar year 1934.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-266; Filed, January 26, 1937; 12:33 p. m.]

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[T. D. 48774]

BONDED WOOL AND CAMEL HAIR

FURTHER EXTENSIONS OF 3-YEAR PERIOD PRESCRIBED IN PARAGRAPH 1101, TARIFF ACTS OF 1922 AND 1930

JANUARY 19, 1937.

*To Collectors of Customs and Others Concerned:*

Acting under the authority vested in him by section 318 of the Tariff Act of 1930 (U. S. C. title 19, sec. 1318), the President, on December 30, 1936, issued a proclamation[1] declaring an emergency to exist and authorizing the Secretary of the Treasury—

(1) in the case of wools imported or withdrawn from warehouse under bond between January 18 and June 17, 1930 (both dates inclusive), under paragraph 1101 of the Tariff Act of 1922 (42 Stat. 904), and wools or camel hair imported or withdrawn from warehouse under bond during the year 1930 under paragraph 1101 of the Tariff Act of 1930 (U. S. C. title 19, sec. 1001, par. 1101), to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraphs as extended for 2 years under the authority of a proclamation dated December 23, 1932 (T. D. 46089), and further extended for 1 year under the authority of a proclamation dated January 7, 1935 (T. D. 47519), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48148);

(2) in the case of wools or camel hair imported or withdrawn from warehouse under bond between January 18 and December 31, 1931 (both dates inclusive), under paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraph as extended for 1 year under the authority of a proclamation dated December 30, 1933 (T. D. 46823), and further extended for 1 year under the authority of a proclamation dated January 7, 1935 (T. D. 47519), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48148);

(3) in the case of wools or camel hair imported or withdrawn from warehouse under bond between January 18 and December 31, 1932 (both dates inclusive), under paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraph as extended for 1 year under the authority of a proclamation dated January 7, 1935 (T. D. 47519), and further extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48148);

(4) in the case of wools or camel hair imported or withdrawn from warehouse under bond between January 18 and December 31, 1933 (both dates inclusive), under paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraphs as extended for 1 year under the authority of a proclamation dated January 18, 1936 (T. D. 48148); and

(5) in the case of wools or camel hair imported or withdrawn from warehouse under bond during the calendar year 1934, under paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than 1 year from and after the expiration of the 3-year period prescribed in said paragraph; all subject to the following conditions:

"*Provided, however*, That in each and every case the Secretary of the Treasury shall require that the principal on the bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the bond was given the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension.

Pursuant to the authority conferred upon me by the President's proclamation of December 30, 1936, the period during which proof of use in manufacture may be furnished is hereby extended for a further period of 1 year in the case of wools and camel hair imported or withdrawn from warehouse under bond between January 18 and December 31, 1930 (both dates inclusive), and between January 18 and December 31, 1931 (both dates inclusive), and between January 18 and December 31, 1932 (both dates inclusive), and between January 18 and December 31, 1933 (both dates inclusive), and in the case of wools and camel hair imported or withdrawn from warehouse under bond during the calendar year 1934; and collectors of customs are hereby authorized to permit such proof of use to be furnished (1) within 8 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse between January 18 and December 31, 1930 (both dates inclusive), (2) within 7 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse between January 18 and December 31, 1931 (both dates inclusive), (3) within 6 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse between January 18 and December 31, 1932 (both dates inclusive), (4) within 5 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse between January 18 and December 31, 1933 (both dates inclusive), and (5) within 4 years from the date of importation or withdrawal from warehouse in the case of wools or camel hair imported or withdrawn from warehouse during the calendar year 1934, provided that in each case the principal on the bond shall either furnish the agreement of the sureties on the bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-267; Filed, January 26, 1937; 12:33 p. m.]

[1] 2 F. R. 22.

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DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

ECR—B-101—Delaware East Central Division, January 21, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—DELAWARE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Delaware and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Delaware, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 2. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than $10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than $20.00.

A farm shall be eligible to earn a diversion payment if crops in the general soil-depleting base normally are grown in excess of the home-consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home-consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—$1.00 for each acre of cropland.

(b) *Commercial Orchards.*—$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables (excluding sweet corn for canning and peas for canning).*—$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for each county or other area by the Agricultural Adjustment Administration.

SECTION 3. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 2 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa, $2.50.

(2) Red clover; mammoth clover; sericea; or bluegrass; or any mixture containing 50 percent of more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): $2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): $1.50.

(4) White clover; bur clover; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): $1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under:[1] $2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, oats, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, or cowpeas not grazed or pastured and not harvested for grain when all of the forage is left on the land;[1] lespedeza not grazed or pastured, when all of the forage is left on the land: $1.00.

(3) Soybeans, cowpeas, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: $1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of $2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of $7.50 per acre when planted on cropland or at the rate of $5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of $2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent[2], on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 3.

Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of $3.00 per ton.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 20 percent superphosphate, or its equivalent[3] on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 3, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 3. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 75 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass, listed in subsection (a) of this section 3, seeded in connection with a soil-depleting crop, at the rate of 37½ cents per 100 pounds.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent[4] on land on which 20 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of $1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of $0.50 per 100 pounds.

(i) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

SECTION 4. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from the general soil-depleting base in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 5. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of general soil-depleting crops on the farm is in excess of the general soil-depleting base, deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 6. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 7. *Applicability to Farms Under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 8. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

[1] If the soybeans or cowpeas are interplanted or grown in combination with a soil-depleting row crop only one-half of the acreage shall be counted for this practice.

[2] Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 3 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

[3] Equivalent quantities of other materials may be substituted for 20 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 20 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than twice the quantity of 20 percent superphosphate.

[4] Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.



*Part II. Classification of Crops*

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).

(b) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(c) Sorghum, when harvested.

(d) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.

(e) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.

(f) Summer legumes: Soybeans, field peas, and cowpeas; harvested for grain, hay, except that, for 1937, summer legumes grown as emergency hay crops on an acreage not in excess of that determined by the County Committee to be required to replace a shortage of feed on the farm caused by drouth in 1936 or 1937 may be disregarded in classifying the land on which such crops were grown.

(g) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; and sericea.

(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza.

(c) Summer legumes: Soybeans, field peas, and cowpeas, when not harvested for grain, hay, or forage.

(d) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(e) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, and mixtures of these.

(f) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is not left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(g) Forest trees, planted on cropland since January 1, 1934.

(h) Sweet sorghum, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(b) Acreage of legumes classified as soil-conserving (including summer legumes not harvested for grain, hay or forage) or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(c) Acreage of the crops listed in subsection (b) of section 3 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

*Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which a General Soil-Depleting Base Was Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying rates of payment per acre, shall be used as a basis for determining the general soil-depleting bases and rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms for Which a General Soil-Depleting Base Was Not Established Under the 1936 Program.*—A general soil-depleting base may be established for any farm for which a base was not established under the 1936 Agricultural Conservation Program if soil-depleting crops were produced thereon in 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936 subject to adjustment as provided in section 3 of this Part III. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in General Soil-Depleting Bases.*—(a) *Inequitable Bases.*—The general soil-depleting base and the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past pro-

duction of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Change in Crop Classification.*—The acreage of small grains harvested for grain or hay, classified as soil conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for the general soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The weighted average of the rate of payment per acre for diversion from the general soil-depleting base for all farms for which a soil-depleting base is established in any county or other specified area shall not exceed the rate per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting base and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

*Part IV. Miscellaneous Provisions*

SECTION 1. *Land To Be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, sharetenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which otherwise would be made to such applicant, shall be made to the person who under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. An person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to General Soil-Depleting Crops.*—The diversion payment will be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the general soil-depleting crops grown on the farm in 1937, or the proceeds thereof.

(b) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to a producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such producers have incurred the expense of carrying out such practice on the farm, the soil-building payment shall be divided among such producers in the proportion that such producers are entitled under the terms of their lease or operating agreement to share in the soil-depleting crops grown on the farm in 1937, or the proceeds thereof.

(c) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(d) *Division of Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—(1) If the 1937 acreage of the crop(s) in the general soil-depleting base is zero or, because of partial crop failure, is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the payments which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the soil-depleting crop intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from the general soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the payments to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement and Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in the general soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or share-tenant is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of crop(s) in the general soil-depleting base on any such farm has been increased to such an extent as to tend to defeat the purposes of the Agricultural Conservation Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*East Central Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.



*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for Delaware to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, whenever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, and also means a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tilable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of soil-depleting crops.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying out of any approved soil-building practice.

*Soil-building allowance* means the largest amount for any farm that may be obtained as a soil-building payment.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial orchard* means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which

the principal part of the production was sold off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-233; Filed, January 25, 1937; 11:28 a. m.]

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ECR—B-101—Kentucky East Central Division, January 21, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

### BULLETIN 101—KENTUCKY

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Kentucky and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Kentucky in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from Cotton and Tobacco Soil-Depleting Bases.*—For each acre diverted from any cotton or tobacco soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco: Burley.*—5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

(c) *Tobacco: Fire-cured and dark air-cured.*—3½ cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 30 percent of the soil-depleting base for such kind of tobacco.

SECTION 2. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm in the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than $10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than $20.00.

A farm shall be eligible to earn a diversion payment if such farm has a cotton or tobacco soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home-consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton or tobacco soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though feed and food crops normally are grown in excess of home-consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—75 cents for each acre of cropland or $1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards.*—$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables.*—$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: $2.50.

(2) Red clover: mammouth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): $2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; reed canary grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): $1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): $1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that, as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under[1]: $2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, oats, buckwheat, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or rape, plowed or disced under; soybeans, velvet beans, cowpeas, not grazed or pastured and not harvested for grain when all of the forage is left on the land[1]; lespedeza not grazed or pastured when all of the forage is left on the land: $1.00.

(3) Soybeans, cowpeas, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: $1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of $2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of $7.50 per acre when planted on cropland, or at the rate of $5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of $2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pound per acre of ground limestone, or its equivalent,[2] on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of $2.50 per ton in Knott, Leslie, Letcher, Perry, and Pike Counties; at the rate of $2.00 per ton in Bell, Breathitt, Clay, Floyd, Harlan, Johnson, Knox, Magoffin, Martin and Whitley Counties; and at the rate of $1.50 per ton in all other counties.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 20 percent superphosphate, or its equivalent[3] on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 75 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass, listed in subsection (a) of this section 4, seeded in connection with a soil-depleting crop, at the rate of 37½ cents per 100 pounds.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (g). If triple superphosphate is so obtained, 75 cents for each 20 pounds of phosphoric acid contained therein shall, in accordance with instructions to be issued by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; provided, however, that such deduction will first be made from payments with respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(h) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of cotton, tobacco, or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton or tobacco in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in coop-

[1] If the soybeans, velvet beans or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

[2] Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, 50 pounds of burned lime, or 150 pounds of marl, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

[3] Equivalent quantities of other materials may be substituted for 20 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 20 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than twice the quantity of 20 percent superphosphate.

erating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Applicability to Farms Under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part II. Classification of Crops*

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).
(b) Cotton.
(c) Tobacco.
(d) Peanuts harvested for nuts.
(e) Broom corn.
(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweetpotatoes.
(g) Sorghum, when harvested.
(h) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
(i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
(j) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas; harvested for grain, hay or forage, except that, for 1937, summer legumes grown as emergency hay crops on an acreage not in excess of that determined by the County Committee to be required to replace a shortage of feed on the farm caused by drought or other unfavorable weather conditions in 1936 or 1937 may be disregarded in classifying the land on which such crops were grown.
(k) Bulbs and flowers.
(l) Hemp.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the Fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.
(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.
(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas, when not harvested for grain, hay or forage.
(d) Peanuts, when pastured.
(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.
(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, reed canary grass, and mixtures of these.
(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)
(h) Forest trees, planted on cropland since January 1, 1934.
(i) Sweet sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.
(b) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.
(c) Acreage of the crops listed in subsection (b) of section 4 of part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.
(b) Idle cropland.
(c) Cultivated fallow land.
(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.
(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

*Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton and tobacco, and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms for Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Cotton Base and Yield.*—A cotton soil-depleting base may be established for a farm:

(1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or
(2) If the entire base cotton acreage for the farm was retired in 1936 under a cotton acreage reduction contract, or
(3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936–39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) *General Soil-Depleting Base and Rate per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than cotton or tobacco were produced thereon in the years 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil-Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of cotton, tobacco, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration, or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases, the cotton soil-depleting bases, and the tobacco soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton or tobacco soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases or base acreages previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton and tobacco for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

*Part IV. Miscellaneous Provisions*

SECTION 1. *Land To Be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm

in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton.*

(1) 37½ percent to the producer who furnished the land.

(2) 12½ percent to the producer who furnished the work stock and equipment, and

(3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton crop grown on the farm in 1937, or the proceeds thereof.

(b) *Diversion Payment with Respect to Tobacco and General Soil-Depleting Crops.*

(1) 15 percent to the producer who furnished the land.

(2) 15 percent to the producer who furnished the work stock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to the producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(d) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(e) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers. The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement and Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for Kentucky to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof.

*Producer* means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937, or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton and tobacco.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying-out of any approved soil-building practice.

*Soil-building allowance* means the largest amount for any farm that may be obtained as a soil-building payment.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial orchard* means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-234; Filed, January 25, 1937; 11:29 a. m.]

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ECR—B-101—Maryland East Central Division, January 21, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

### BULLETIN 101—MARYLAND

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Maryland and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Maryland, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from the Tobacco Soil-Depleting Base.*—For each acre diverted from the tobacco soil-depleting base for the farm, payment will be made at the rate of 5 cents per pound of the base yield per acre of tobacco for the farm, for each acre diverted not in excess of 25 percent of the tobacco soil-depleting base.

SECTION 2. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent

of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *Provided*, That payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. *Allowance for Soil-Building Practices.*—The soil-building allowances for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *Provided*, That in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than $10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than $20.00.

A farm shall be eligible to earn a diversion payment if such farm has a tobacco soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no tobacco soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and food crops normally are grown in excess of home consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—$1.00 for each acre of cropland.

(b) *Commercial Orchards.*—$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables (excluding sweet corn for canning and peas for canning).*—$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other areas, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: $2.50.

(2) Red clover; mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): $2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): $1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): $1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land, as specified below, certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under:[1] $2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, buckwheat, Italian ryegrass, oats, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, velvet beans, or cowpeas, not grazed or pastured, and not harvested for grain, when all of the forage is left on the land;[1] lespedeza not grazed or pastured when all of the forage is left on the land: $1.00.

(3) Soybeans, cowpeas, velvet beans, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: $1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of $2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of $7.50 per acre when planted on cropland or at the rate of $5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of $2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,[2] on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of $2.50 per ton in Allegany, Baltimore, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington Counties and at the rate of $3.00 per ton in all other counties.

[1] If the soybeans, velvet beans or cowpeas are interplanted or grown in combination with a soil-depleting row crop only one-half the acreage shall be counted for this practice.

[2] Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.



(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,[3] on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 300 pounds per acre at the rate of 60 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 30 cents per 100 pounds.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent,[4] on land on which 16 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of $1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of $0.50 per 100 pounds.

(i) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of tobacco or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of tobacco in excess of the tobacco soil-depleting base, a deduction at the rate of payment for diversion from the tobacco soil-depleting base.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

[3] Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate.

[4] Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part II. Classification of Crops*

Farmland, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).

(b) Tobacco.

(c) Broom corn.

(d) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(e) Sorghum, when harvested.

(f) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.

(g) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.

(h) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas; harvested for grain, hay or forage, except for the year 1937, summer legumes grown as emergency hay crops on an acreage not in excess of that determined by the County Committee to be required to replace a shortage of feed on the farm caused by drouth in 1936 or 1937 may be disregarded in classifying the land on which such crops were grown.

(i) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; cretalaria.

(c) Summer legumes: Soybeans, velvet beans, field peas and cowpeas when not harvested for grain, hay or forage.

(d) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(e) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.

(f) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(g) Forest trees, planted on cropland since January 1, 1934.

(h) Sweet sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(b) Acreage of legumes classified as soil-conserving (including summer legumes not harvested for grain, hay or forage) or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(c) Acreage of the crops listed in subsection (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

*Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a tobacco soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, tobacco, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for tobacco and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms For Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided in section 3 of this Part III, be determined as follows:

(a) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the acreage grown and yield obtained on the farm in the year 1936 or if no tobacco was grown on the farm in 1936, upon the basis of the acreage grown and yield obtained in the year 1935.

(b) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than tobacco were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil-Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of tobacco, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases and the tobacco soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of tobacco for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of natural cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area, by the Agricultural Adjustment Administration.

*Part IV. Miscellaneous Provisions*

SECTION 1. *Land To Be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Tobacco and General Soil-Depleting Crops.*—The diversion payment will be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to a producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the county committee determines that two or more such producers have incurred the expense of carrying out such practice on the farm, the soil-building payment shall be divided among such producers in the proportion that such producers are entitled under the terms of their lease or operating agreement to share in the soil-depleting crops grown on the farm in 1937, or the proceeds thereof.

(c) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(d) *Division of Payments Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the payments to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the soil-depleting crop intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the payments to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement and Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person

for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for Maryland to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivisions of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, an operator, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than tobacco.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying out of any approved soil-building practice.

*Soil-building allowance* means the largest amount for any farm that may be obtained as a soil-building payment.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial orchard* means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture*

[F. R. Doc. 37-235; Filed, January 25, 1937; 11:29 a. m.]

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**Bureau of Agricultural Economics.**

AMENDMENT NO. 2 TO SERVICE AND REGULATORY ANNOUNCEMENTS NO. 131

By virtue of the authority vested in the Secretary of Agriculture by provision of the Act of Congress entitled "An Act making appropriations for the Department of Agriculture and the Farm Credit Administration for the fiscal year ending June 30, 1937" approved June 4, 1936, authorizing the investigation and certification of the class, quality, and condition of perishable farm products, I, H. A. Wallace, Secretary of Agriculture, do hereby issue the following amendment to S. R. A. 131 (AE) to be in force and effect immediately until amended or superseded by regulations issued in lieu thereof.

In Regulation 6, Section 3, line 10, after the word "packed" add the following:

*Provided, however,* That the plant number of the approved premises may be embossed on the immediate containers instead of being printed on the trade labels, if the embossing is approved by the Chief of the Bureau.



In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 26th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-255; Filed, January 26, 1937; 11:34 a. m.]

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## DEPARTMENT OF LABOR.

**Immigration and Naturalization Service.**

[General Order No. 241]

NONIMMIGRANT BONDS

JANUARY 23, 1937.

By virtue of and pursuant to the authority conferred by Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Ti. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, paragraph 5, Subdivision H. Rule 3 of the Immigration Rules of January 1, 1930, as amended, is amended to read as follows:

PAR. 5. The officers in charge of the several ports or districts are authorized either directly or through officers or employees designated by them to approve nonimmigrant bond forms 636, 637, and 638, formal agreements by which a surety consents to an extension of his liability on such bonds, or any power of attorney or assignment a surety executes authorizing the delivery to some other person or concern of United States bonds and/or notes deposited as collateral security with such immigration bonds after the collateral security is released. Bond forms 636, 637, and 638 and agreements of extension shall be retained at the ports or districts until the conditions thereof have been fulfilled, when they may be canceled by any officer or employee mentioned in this paragraph. If the conditions are violated, the bond and the extension agreements, if any, should be forwarded to the Central Office with an appropriate recommendation.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-253; Filed, January 26, 1937; 11:01 a. m.]

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[General Order No. 242]

REGISTRY OF ALIENS

JANUARY 23, 1937.

By virtue of and pursuant to the authority conferred by Section 1 (a) of the Act of March 2, 1929 (45 Stat. 1512; U. S. C., title 8, section 106a), Paragraph 3, Rule 27, of the Immigration Rules of January 1, 1930, as amended, is hereby amended to read as follows:

The entry upon which the application is based means the date the applicant first entered the United States, establishing a permanent residence therein, provided that subsequent to that date there has been no absence which would break the continuity of the applicant's residence in the United States, as defined in Par. 6 of this rule. Where it be found that the continuity of the alien's residence has been broken, the application will be based on the date the applicant reentered the United States after such an absence. Where the applicant claims to have entered in a lawful manner at a regular port of entry it will be the duty of the examining officer promptly to attempt to verify such entry.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-254; Filed, January 26, 1937; 11:01 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

**Federal Savings and Loan Associations.**

MEMBERSHIP CERTIFICATE FORM

*Be it resolved,* That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)) Exhibit M annexed to the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

EXHIBIT M

FORM OF CERTIFICATE OF MEMBERSHIP

Certificate No. ------[1]

This certifies that ----------[2] is a member of the undersigned and holds a ----------[3] share account of the undersigned, subject to Home Owners' Loan Act of 1933, the charter and bylaws of the undersigned.

Witness the authorized signature(s) of officer or employee this ------- day of ----------, 19----.

---------- FEDERAL SAVINGS AND LOAN ASSOCIATION ----------

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(Authorized Signature)

Adopted by the Federal Home Loan Bank Board on January 23, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-252; Filed, January 26, 1937; 10:44 a. m.]

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**Home Owners' Loan Corporation.**

[Manual Amendment]

CHARGE OFF OF RENTS

*Be it resolved,* That Section 1 f of Chapter V of the Regional Manual and of Chapter XIX of the State Manual be amended by adding at the end thereof the following two paragraphs:

"The Regional Manager shall have authority to authorize and direct the Regional Accountant to charge off rents payable to the Corporation from former tenants of properties or units 'available to yield income' and under the jurisdiction of the Property Management Division. This authority shall not extend to tenants in possession.

"The Regional Manager is authorized to direct the charging off of such rents whenever, in his opinion, the same are uncollectible or when it appears to his satisfaction that it would not be to the best interests of the Corporation to incur any further expense either by way of suit or otherwise in an effort to enforce or make collections."

Adopted by the Federal Home Loan Bank Board on January 22, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-250; Filed, January 26, 1937; 10:44 a. m.]

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[Manual Amendment]

SEPARATION NOTICE TO EMPLOYEES

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128–129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a

[1] Certificates should be numbered consecutively by type or otherwise. See Section 7 of Charter (Exhibit K). An investment share account may be represented by a separate certificate not contained in a share account book. A savings share account shall be represented by a share account book in the front of which shall be a certificate. A borrower shall receive a loan account book in the front of which shall be a certificate Section 8 of the bylaws requires each certificate of membership to be manually signed by an authorized person.

[2] Enter the name of the investor or borrower.

[3] Enter "$_____ investment" or "savings" or "loan from." If the words "loan from" are entered, strike the words "share account of."

and 4–k of said Act as amended, Sections 15 and 9 of Chapter IX of the Regional Manual and of Chapter XIV of the State Manual be amended as follows:

Sub-Section E of Section 15 is revoked in its entirety:

Section 9 is hereby amended by the addition of the following at the end thereof:

"It is the policy of the Corporation to give to employees, where practicable, advance notice of proposed separation except to employees who are to be separated for cause due to their own misconduct; and the Director of Personnel, with the approval of the General Manager and the General Counsel, may issue instructions in such form as they may deem appropriate governing such advance notice."

*Be it further resolved,* That this resolution be effective ten days after its adoption, and where employees prior to the effective date hereof have received separation notice in accordance with the existing provisions of the State and Regional Manuals, such existing regulations shall apply with respect to the separation of such employees; and

*Be it further resolved,* That the provisions of this resolution shall apply to the employees in all of the offices of the Corporation.

Adopted by the Federal Home Loan Bank Board on January 25, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–251; Filed, January 26, 1937; 10:44 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2953]

IN THE MATTER OF BIOTONE LABORATORIES, INC., A CORPORATION, AND ROCKY MOUNTAIN LABORATORIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, February 3, 1937, at ten o'clock in the forenoon of that day, Mountain Standard Time, at room 220, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–272; Filed, January 26, 1937; 12:39 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2745]

IN THE MATTER OF KALO INOCULANT COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, February 1, 1937, at ten o'clock in the forenoon of that day (central standard time), at the Chamber of Commerce, Quincy, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–270; Filed, January 26, 1937; 12:37 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2655]

IN THE MATTER OF KING TRADING CORPORATION, ROYAL RADIO COMPANY, INC., METRO MANUFACTURING COMPANY, INC., METRO RADIO CORPORATION, METRO SALES COMPANY, INC., PYRAMID DISTRIBUTORS, INC., AND MURRAY AUERBACH, REGINA GADOL, GEORGE LEVINE, A. M. FRANK, MAX SCAFFORD, DAVID MORRISON, INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID SEVERAL CORPORATIONS; AND HARVARD RADIO TUBE TESTING STATIONS OF PA., INC., AND JULIUS M. SCHOENBERG INDIVIDUALLY AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; ROSS DISTRIBUTING COMPANY AND LARRY B. ROSS INDIVIDUALLY, AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; SUN RADIO AND SERVICE SUPPLY CORPORATION, AND EMANUEL ROSENSWEIG INDIVIDUALLY, AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; SCHILLER BROTHERS, INC., AND LOUIS S. SCHILLER INDIVIDUALLY, AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; PETER ROBBINS INDIVIDUALLY, AND TRADING UNDER THE NAME ROBBINS RADIO COMPANY AND AMBASSADOR RADIO COMPANY; R. C. SCRUGGS INDIVIDUALLY, AND TRADING UNDER THE NAME CALL RADIO COMPANY; AND METAL ETCHING CORPORATION AND M. HERMANN INDIVIDUALLY, AND AS PRESIDENT, DIRECTOR, AND AGENT OF SAID CORPORATION; ETCHED PRODUCTS CORPORATION AND ALBERT NIERENBERG, WALTER H. MILLER INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID CORPORATION; ELECTRO CHEMICAL & ENGRAVING COMPANY AND F. E. SWITZER, N. L. JACOBUS, ROBERT SCHLESINGER, JULIUS ERDOES, L. S. SOUTHWICK INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID CORPORATION; PREMIER METAL ETCHING COMPANY AND HERBERT PAPE, CARL J. JOHNSON, ERNEST A. ROTTACH, HUGO LEHRFELD INDIVIDUALLY, AND AS OFFICERS, AGENTS, AND DIRECTORS OF SAID CORPORATION; CROWE NAMEPLATE AND MANUFACTURING COMPANY AND E. C. COOLIDGE, I. ROBINSON SMITH INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID CORPORATION; AMERICAN EMBLEM COMPANY AND PAUL B. WILLIAMS, CLARENCE S. C. WILLIAMS, JAMES EELS, FRED B. KING, EDGAR DENTON, JR., INDIVIDUALLY, AND AS OFFICERS, DIRECTORS, AND AGENTS OF SAID CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, February 1, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York City, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–268; Filed, January 26, 1937; 12:37 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3011]

IN THE MATTER OF MIDWEST STUDIOS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, February 8, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 526, Federal Building, Portland, Oregon.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–273; Filed, January 26, 1937; 12:39 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2945]

IN THE MATTER OF PASCAL COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, February 16, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in room 801 Federal Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–271; Filed, January 26, 1937; 12:38 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2717]

IN THE MATTER OF SOFT-LITE LENS COMPANY, INC. A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Edward M. Averill, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, January 27, 1937, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–269; Filed, January 26, 1937; 12:37 p. m.]

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## INTERSTATE COMMERCE COMMISSION.

FREE OR REDUCED RATES

JANUARY 26, 1937.

The Commission has received numerous applications from common carriers of property by motor vehicle requesting authority to transport property free or at reduced rates into areas affected by flood, for the purpose of relieving distress. Section 217 (b) of the Motor Carrier Act, 1935,

makes the provisions of Section 22 (1) of Part I of the Interstate Commerce Act applicable to common carriers by motor vehicle. Section 22 (1) provides:

> That nothing in this Act shall prevent the carriage, * * * or handling of property free or at reduced rates * * * for charitable purposes.

It has been held that free or reduced rates may be made under this Section without the filing of tariffs and without authority or permission other than that extended by this provision of law. Accordingly, all common carriers by motor vehicle may transport property in interstate commerce for charitable purposes free or at reduced rates into areas affected by flood without the filing of tariffs to cover. Care should be taken that shipments so transported are actually for charaitable purposes, i. e., are food, clothing, medicines or other supplies for distribution to the needy.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-257; Filed, January 26, 1937; 12:17 p. m.]

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[Service Order No. 61]

EMERGENCY ROUTING OF FREIGHT TRAFFIC

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of January A. D. 1937.

The subject of routing of freight traffic being under consideration, and it appearing to the Commission that an emergency exists upon the lines of all carriers by railroad reaching the Ohio and Mississippi Rivers and tributaries which requires immediate action; that each of such carriers by reason of interruption of traffic by reason of flood conditions in the states bordering along such rivers are unable to transport the traffic over them so as to properly serve the public.

Therefore, in order to best promote the service in the interest of the public and the commerce of the people, *it is ordered and directed:*

1. That effective at once and until the further order of the Commission that all such common carriers by railroad operating within the affected territory, and common carriers by railroad connecting therewith, be, and they are hereby directed to forward traffic having origin or destination in, or ordinarily moving through such territory via routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of the cars, and that all rules, regulations and practices of said carriers with respect to car service are hereby suspended and superseded in so far only as conflicting with the directions hereby made.

2. That in each instance where the traffic is routed or rerouted, by carriers by railroad under the authority of this order, the carriers responsible for such routing or rerouting, shall, within twenty-four hours thereafter, deposit in the United States mail, a notice addressed to the consignee of the traffic stating: the car numbers and initials, places and dates of shipment, the routing, and respective routes over which the traffic is moving, and that charges for the transportation of the traffic, including transportation and schedules of rates, fares, and charges, as those terms are defined in said Act, will be the same as they would have been if such routing, or rerouting had not taken place.

3. That in the case of shipments in private cars, which are subject to equalization of empty mileage, and also of fruits and vegetables, live poultry and other shipments customarily reconsigned upon instructions of the consignor, a telegraphic notice of the diversion shall be sent to the consignor by the carrier responsible therefor.

4. That in executing the directions of the Commission contained in this order, the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; that such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers, and that, upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by said Act.

5. That inasmuch as the necessity for such disregard of routing arises from circumstances beyond control of carriers, car hire payments covering both railroad and privately owned cars shall be made on the basis of the handling of cars as originally routed.

8. That copies of this order and the direction be served upon all common carriers by railroad subject to the Interstate Commerce Act, and that notice of this order be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, division 3.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-258; Filed, January 26, 1937; 12:17 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

[File No. 2-1936]

IN THE MATTER OF TIME CONTROLLED INDICATORS, INC.

ORDER CONSENTING TO FILING OF AMENDMENTS AND DECLARING REGISTRATION STATEMENT AMENDED IN ACCORDANCE WITH REFUSAL ORDER

This matter coming on to be heard by the Commission upon the registration statement of Time Controlled Indicators, Inc., of Wilmington, Delaware, originally filed February 24, 1936, and upon the amendments of said registration statement of June 22, September 30, November 5 and December 31, 1936, and the Commission being now fully advised in the premises,

It is declared that the amendments filed June 22, September 30, November 5 and December 31, 1936, amend the statement in accordance with the order issued March 14, 1936, refusing to permit the registration statement to become effective, and

It is ordered that the Commission hereby gives its consent to the filing of such amendments as a part of said registration statement.

Said Registrant is hereby notified that the records of the Commission show January 19, 1937, as the Effective Date of said Registration Statement.

Attention is directed to Rules 800 (b) and 970 of the General Rules and Regulations, relating, respectively, to the requirements for the filing of twenty copies of the actual prospectus used and statement of price at which securities were actually offered.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-259; Filed, January 26, 1937; 12:19 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN ET AL.-MCNABB FARM, FILED ON JANUARY 4, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 2:30 o'clock in the afternoon on the 25th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:00 o'clock in the afternoon on the 10th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-265; Filed, January 26, 1936; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE CRUDE OIL-MATTIE FORNEY FARM, FILED ON JANUARY 4, 1937, BY CRUDE OIL PRODUCERS, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 2:00 o'clock in the afternoon on the 25th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:30 o'clock in the forenoon on the 10th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-263; Filed, January 26, 1937; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY LEASE, FILED ON JANUARY 4, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 25th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 10th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-262; Filed, January 26, 1937; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MURPHY FARM, FILED ON DECEMBER 14, 1936, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-260; Filed, January 26, 1937; 12:19 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-SLICK-GORDON FARM, FILED ON DECEMBER 14, 1936, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-261; Filed, January 26, 1937; 12:19 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-BERNSTEIN-SELF FARM, FILED ON DECEMBER 14, 1936, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-264; Filed, January 26, 1937; 12:20 p. m.]

*Thursday, January 28, 1937* *No. 18*

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 249

CALIFORNIA NO. 18

JANUARY 15, 1937.

It appearing from examination that the following-described public lands in California are necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936, Public No. 827, and section ten of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights:

SAN BERNARDINO MERIDIAN

T. 1 N., R. 3 E.,
sec. 34, S½NW¼ and S½;
T. 1 S., R. 3 E.,
sec. 2, SW¼NE¼, NW¼ and SE¼.
sec. 12, NW¼NW¼;
aggregating 790.20 acres.

Any mineral deposits in such lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-274; Filed, January 27, 1937; 9:54 a. m.]

### Office of Indian Affairs.

ORDER FIXING OPERATION AND MAINTENANCE CHARGES ON COLORADO RIVER INDIAN IRRIGATION PROJECT CALENDAR YEAR 1937

NOVEMBER 25, 1936.

In compliance with the provisions of an Act of August 1, 1914 (38 Stat., 582-83), the operation and maintenance charges against all leases of trust lands and against Indians farming their lands who the Superintendent certifies are financially able to pay charges, are fixed for the calendar year 1937 and subsequent years until further notice as follows:

| | |
|---|---|
| For delivery of not to exceed *two acre feet* per acre annually | $3.00 |
| For delivery of a *third acre foot* or fraction thereof an additional charge of | 1.50 |
| For delivery of a *fourth acre foot* or fraction thereof an additional charge of | 2.00 |
| For delivery of a *fifth acre foot* or fraction thereof an additional charge of | 2.50 |
| For each additional acre foot or fraction thereof, over five acre feet, an additional charge of | 3.00 |

The rates herein fixed for the minimum charge of $3 per acre shall become due on April 1 of each year and will be payable on or before that date. Payments for additional water as herein provided over and above the minimum two acre feet shall be due at the time request is made for same or prior to the delivery of water.

No water will be delivered to any lessee of Indian trust lands until the Superintendent of the reservation shall have furnished the Project Engineer with a certificate stating the lessee has fully compiled with the terms of the lease relative to the payment of annual operation and maintenance charges.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37-276; Filed, January 27, 1937; 9: 55 a. m.]

ORDER FIXING OPERATION AND MAINTENANCE CHARGES FOR TRIBAL AND TRUST PATENT INDIAN LANDS SAN CARLOS PROJECT, ARIZONA, CALENDAR YEAR 1937

NOVEMBER 18, 1936.

In compliance with the provisions of the Act of March 3, 1905 (33 Stat., 1081) as amended and supplemented by the Acts of August 24, 1912 (37 Stat., 522), August 1, 1914 (38 Stat., 583) and the Act of June 7, 1924 (43 Stat., 475-476) and the acts supplementary thereto and the Public Notice of December 1, 1932, issued pursuant to said act, operation and maintenance charges shall become assessable against tribal lands and trust patent Indian lands of the San Carlos Project within the boundaries of the Pima Indian Reservation for the calendar year 1937, and are hereby fixed as follows:

1. A fixed or basic charge of $1.80 per acre which shall entitled each acre to have delivered for use thereon two (2) acre feet of water per acre or its proportionate share of the available water supply. The fixed or basic charge shall become due January 1, 1937, and shall be payable on or before May 15, 1937, if water is to be delivered for the 1937 calendar year.

2. Fifty cents (50¢) per acre foot per acre or fraction thereof for the first acre foot of water delivered in excess of the two acre feet provided for by the basic charge and one dollar ($1) per acre foot or fraction thereof for water delivered in excess of the three (3) acre feet, except such free water as may be delivered in accordance with existing agreements and provisions. In no event shall there be any discrimination in the delivery of free water between Indian and non-Indian lands.

CONDITIONS

The fixed or basic charge of $1.80 per acre shall be paid for each assessable acre under the San Carlos Irrigation Project within the Gila River Indian Reservation on or before May 15, 1937.

Payments for excess water as herein provided for shall be made at the time of request for delivery thereof, or previous to the time of delivery.

Application for Water Service will be received by the Superintendent, and when approved a copy will be furnished the Project Engineer of the Irrigation Service which will be his authority for delivery of irrigation water to the land described thereon.

No deliveries of irrigation water shall be made after May 15, 1937, to lands for which the advance assessment for the calendar year 1937 has not been paid, except such lands not under lease as the Superintendent of the Pima Agency shall issue a written statement to the Project Engineer certifying that the Indian farming same is financially unable to pay the assessment.

LANDS TO BE ASSESSED DURING 1937

Lands which shall pay operation and maintenance assessments for the calendar year 1937 are those lands that were under constructed works and had been prepared for irrigation and were under cultivation and irrigation during the calendar year 1934 or previous years. The area actually under cultivation during 1934 shall be the basis of the per acre assessment for the year 1937 unless it is known that a larger area had been so used during previous years, in which case the larger area will be used for the assessment provided that area is still suitable for cultivation and irrigation during the calendar year 1937.

METHOD OF MAKING PAYMENTS

Payments of operation and maintenance assessments and charges for additional water delivered shall be made at the office of the Superintendent of the Gila River Reservation at Sacaton, Arizona.

APPLICATION FOR WATER SERVICE

Application for water service shall be made on an approved form provided by the Superintendent and signed by the applicant. The application shall be presented to the Superintendent and approved by him before the first delivery of water is made for the season of 1937. After this application is approved, water users will notify the Watermaster or Ditchriders when delivery of water is desired in the same manner as has been the practice heretofore.

DISTRIBUTION AND APPORTIONMENT OF WATER

The stored and pumped water of the project is deemed a common Project water supply in which all lands of the entire project are entitled to share equally and all such waters shall be distributed to the lands of the project as equitably as physical conditions permit. The portion of the common supply available for the Indian lands will be distributed in equal amounts per acre to each acre under cultivation and irrigation in so far as is possible and subject to beneficial use. Water users will be notified at the beginning of the season of the amount of stored and pumped water available and at later dates of additional apportionments as they are made. Waste of water by users must be avoided as far as is physically possible in order that the supply shall be sufficient for the entire area in crop. When floods produce a supply of water in excess of demands or available storage facilities, free water shall be declared available and all water users will be promptly notified thereof. Such water shall not be counted as a part of the proportionate share of lands on which it is used.

CARE OF FARM DITCHES

Water users will be required to keep their farm ditches in suitable condition to take water from project laterals and to carry it to the lands being irrigated. Failure to do this may result in refusal of delivery of water to lands on which the farm ditches are not in condition to take the water ordered if this condition prevents proper operation of project laterals and structures and causes waste of water.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-275; Filed, January 27, 1937; 9:54 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-42 O-42]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF CITRUS FRUIT GROWN IN STATE OF TEXAS

Whereas, under the Agricultural Adjustment Act, as amended, notice of hearing is required in connection with a proposed marketing agreement and a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration provide for such notice; and

Whereas, the South Texas Citrus Growers League of San Juan, Texas, Texas Citrus Shippers Association of Mission, Texas, and Texas Citrus Industry Committee of Weslaco, Texas, have requested that a hearing be held on a proposed marketing agreement regulating the handling of citrus fruit grown in the State of Texas, to be executed pursuant to section 8b of the act, as amended; and

Whereas, the Secretary of Agriculture has reason to believe that the issuance of an order will tend to effectuate the declared policy of Title I of the Agricultural Adjustment Act, as amended, regulating the handling of citrus fruit grown in the State of Texas;

Now, therefore, pursuant to the said act, as amended, and the said general regulations, notice is hereby given of a public hearing to be held at the Chamber of Commerce Building, Mercedes, Texas, on February 13, 1937, at 9:30 a. m., and thereafter until completed, at which time interested parties will be heard with reference to a proposed marketing agreement and a proposed order regulating the handling of citrus fruit grown in the State of Texas, to be executed and issued under the said act, as amended.

The proposed marketing agreement and order provide for the regulation of the handling of citrus fruit grown in the State of Texas, and, among other things, provision is made for: (a) limitation of shipments by means of period proration, (b) limitation of shipments by grades and/or sizes, (c) the establishment of administrative agencies, and (d) assessment to cover administrative expenses.

Copies of the proposed marketing agreement and the proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C., and will also be available on the date set for the hearing at the place fixed therefor.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated: January 27, 1937.

[F. R. Doc. 37-284; Filed, January 27, 1937; 12:37 p. m.]

ECR—B-101—North Carolina
East Central Division, January 21, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—NORTH CAROLINA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of North Carolina and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of North Carolina, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from Cotton, Tobacco, and Peanut Soil-Depleting Bases.*—For each acre diverted from any cotton, tobacco, or peanut soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco—Flue-Cured and Burley.*—5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

(c) *Peanuts.*—1¼ cents per pound of the base yield per acre of peanuts for the farm, for each acre diverted not in excess of 15 percent of the peanut soil-depleting base.

SECTION 2. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided,* that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home-consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided,* that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than $10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than $20.00

A farm shall be eligible to earn a diversion payment if such farm has a cotton, tobacco, or peanut soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home-consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton, tobacco, or peanut soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home-consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—75 cents for each acre of cropland or $1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards.*—$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables.*—$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *Provided,* that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: $2.50.

(2) Red clover; mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): $2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): $1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; Dallis grass; carpet grass; or any mixture of grasses or legumes listed in this subsection (a): $1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided,* however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under:[1] $2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, buckwheat, Italian ryegrass, oats, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, velvet beans, cowpeas, or lespedeza, not grazed or pastured when all of the forage is left on the land[1]: $1.00.

(3) Soybeans, velvet beans, cowpeas, crotolaria, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: $1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of $2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees including post-producing species. Payment will be made at the rate of $7.50 per acre when planted on cropland, or at the rate of $5.00 per acre when planted on other land.

[1] If the soybeans, velvet beans or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.



(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of $2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,[2] on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of $2.00 per ton. (Note: In designated counties where the cost of transportation is higher, rates higher than $2.00 per ton may be paid.)

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,[3] on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 60 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 30 cents per 100 pounds.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (g). If triple superphosphate is so obtained, 60 cents for each 16 pounds of phosphoric acid contained therein shall, in accordance with instructions to be issued by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; provided, however, that such deduction will first be made from payments with-respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent,[4] on land on which 16 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of $1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of $0.50 per 100 pounds.

[2] Equivalent quantities of other materials may be substituted for ground limestone; *provided,* that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

[3] Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided,* that the quantities of other materials so substituted contain not less than the quantities by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate.

[4] Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided,* that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.

(i) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

(j) *Control of Erosion on Cropland by Subsoiling.*—Subsoiling cropland, which the County Committee finds is in need of subsoiling, to a depth of at least 18 inches with furrows sufficiently close together to completely break the subsoil. Payment will be made at the rate of $2.00 per acre.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of cotton, tobacco, peanuts, or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton, tobacco, or peanuts in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided,* that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of this bulletin 101 shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary deter-

mines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part II. Classification of Crops*

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).
(b) Cotton.
(c) Tobacco.
(d) Peanuts harvested for nuts.
(e) Broom corn.
(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.
(g) Sorghum, when harvested.
(h) Small grains: wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
(i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
(j) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mamoth clovers; alfalfa; kudzu; and sericea.
(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.
(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.
(d) Peanuts, when pastured.
(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.
(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.
(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown, except as otherwise provided.)
(h) Forest trees, planted on cropland since January 1, 1934.
(i) Sweet sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided the legume occupies at least one-half of the land and attains a good growth.

(b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(c) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(d) Acreage of the crops listed in subsection (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. (Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.)
(b) Idle cropland.
(c) Cultivated fallow land.
(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.
(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

*Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, a peanut soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, peanuts, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton, tobacco, and peanuts, and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The Soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms for Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Cotton Base and Yield.*—A cotton soil-depleting base may be established for a farm:

(1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or
(2) If the entire base cotton acreage for the farm was retired in 1935 under a cotton acreage reduction contract, or
(3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936–39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) *Peanut Base and Yield.*—A peanut soil-depleting base may be established for any farm on which peanuts were grown in 1935 or 1936, and for other farms on which the County Committee determines that peanuts were not planted in 1935 or 1936 because of unusual weather conditions.

The peanut soil-depleting base shall be determined upon the basis of the allotted acreage under the 1935 peanut production adjustment program, or, if there was no such allotted acreage, upon the basis of the acreage of peanuts harvested for nuts on the farm in 1936. The base yield of peanuts for the farm shall be that recommended by the County Committee on the basis of the yield per acre on the farm in 1936.

(d) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than cotton, tobacco, or peanuts were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil-Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of cotton, tobacco, peanuts, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.



SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases, the cotton soil-depleting bases, the tobacco soil-depleting bases, and the peanut soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton, tobacco, or peanut soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage or allotted peanut acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases, base acreages, or allotted acreage previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton, tobacco, and peanuts for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

*Part IV. Miscellaneous Provisions*

SECTION 1. *Land To Be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who under rules prescribed

by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no such dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton and Peanuts.*—

(1) 37½ percent to the producer who furnished the land,

(2) 12½ percent to the producer who furnished the workstock and equipment, and

(3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton or peanut crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Diversion Payment With Respect to Tobacco and General Soil-Depleting Crops.*—

(1) 15 percent to the producer who furnished the land,

(2) 15 percent to the producer who furnished the workstock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to the producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(d) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(e) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement or Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.



*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for North Carolina to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for any county to assist in the administration of the 1937 Agriculturad Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*Peanut soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of peanuts.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton, tobacco, and peanuts.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying out of any approved soil-building practice.

*Soil-building allowance* means the largest amount for any farm that may be obtained as a soil-building payment.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial orchard* means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-236; Filed, January 25, 1937, 11:30 a.m.]

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ECR—B-101—Tennessee. East Central Division, January 21, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

### BULLETIN 101—TENNESSEE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Tennessee and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Tennessee, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from Cotton, Tobacco, and Peanut Soil-Depleting Bases.*—For each acre diverted from any cotton, tobacco, or peanut soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco—Burley.*—5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

(c) *Tobacco—Fire-cured and dark air-cured.*—3½ cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 30 percent of the soil-depleting base for such kind of tobacco.

(d) *Peanuts.*—1¼ cents per pound of the base yield per acre of peanuts for the farm, for each acre diverted not in excess of 15 percent of the peanut soil-depleting base.

SECTION 2. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than $10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than $20.00.

A farm shall be eligible to earn a diversion payment if such farm has a cotton, tobacco, or peanut soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton, tobacco, or peanut soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—75 cents for each acre of cropland, or $1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards.*—$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables.*—$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: $2.50.

(2) Red clover; mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): $2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): $1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): $1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under:[1] $2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, oats, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, plowed or disced under; lespedeza, soybeans, velvet beans, or cowpeas, not grazed or pastured when all of the forage is left on the land:[1] $1.00.

(3) Soybeans, cowpeas, velvet beans, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: $1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of $2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of $7.50 per acre when planted on cropland or at the rate of $5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of $2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,[2] on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of $1.50 per ton.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,[3] on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 60 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 30 cents per 100 pounds.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (g). If triple superphosphate is so obtained, 60 cents for each 16 pounds of phosphoric acid contained therein shall, in accordance with instructions to be issued by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; provided, however, that such deduction will first be made from payments with respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(h) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payments will be made at the rate of 40 cents per one hundred feet.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from the payment which otherwise would be made with respect to the farm at the rate of $3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of cotton, tobacco, peanuts or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton, tobacco, or peanuts in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of this bulletin 101 shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

### *Part II. Classification of Crops*

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).
(b) Cotton.
(c) Tobacco.
(d) Peanuts harvested for nuts.
(e) Broom corn.
(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.
(g) Sorghum, when harvested.
(h) Small grains: wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
(i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
(j) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in

[1] If the soybeans, velvet beans, or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

[2] Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

[3] Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate;

section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.

(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.

(d) Peanuts, when pastured.

(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.

(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(h) Forest trees, planted on cropland since January 1, 1934.

(i) Sweet Sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided the legume occupies at least one-half of the land and attains a good growth.

(b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(c) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(d) Acreage of the crops listed in subsection (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

*Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, a peanut soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, peanuts, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton, tobacco, and peanuts, and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agriculture Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms for Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Cotton Base and Yield.*—A cotton soil-depleting base may be established for a farm:

(1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or

(2) If the entire base cotton acreage for the farm was retired in 1935 under a cotton acreage reduction contract, or

(3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936–39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) *Peanut Base and Yield.*—A peanut soil-depleting base may be established for any farm on which peanuts were grown in 1935 or 1936, and for other farms on which the County Committee determines that peanuts were not planted in 1935 or 1936 because of unusual weather conditions.

The peanut soil-depleting base shall be determined upon the basis of the allotted acreage under the 1935 peanut production adjustment program, or, if there was no such allotted acreage, upon the basis of the acreage of peanuts harvested for nuts on the farm in 1936. The base yield of peanuts for the farm shall be that recommended by the County Committee on the basis of the yield per acre on the farm in 1936.

(d) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than cotton, tobacco, or peanuts were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.



The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil-Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of cotton, tobacco, peanuts, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases, the cotton soil-depleting bases, the tobacco soil-depleting bases, and the peanut soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton, tobacco, or peanut soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage or allotted peanut acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases, base acreages, or allotted acreage previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton, tobacco, and peanuts for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

*Part IV. Miscellaneous Provisions*

SECTION 1. *Land To Be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or share-cropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton and Peanuts.*

(1) 37½ percent to the producer who furnished the land,

(2) 12½ percent to the producer who furnished the workstock and equipment, and

(3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton or peanut crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Diversion Payment With Respect to Tobacco and General Soil-Depleting Crops.*

(1) 15 percent to the producer who furnished the land,

(2) 15 percent to the producer who furnished the workstock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to the producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(d) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(e) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers. The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement And Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for Tennessee to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*Peanut soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of peanuts.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton, tobacco, and peanuts.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying out of any approved soil-building practice.

*Soil-building allowance* means the largest amount for any farm that may be obtained as a soil-building payment.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial orchard* means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-237; Filed, January 25, 1937; 11:30 a. m.]



ECR—B-101—Virginia. East Central Division, January 21, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—VIRGINIA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Virginia and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this Bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Virginia, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from Cotton, Tobacco, and Peanut Soil-Depleting Bases.*—For each acre diverted from any cotton, tobacco, or peanut soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco—Flue-cured, Burley, and Maryland.*—5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

(c) *Tobacco—Fire-cured and Dark Air-cured.*—3½ cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 30 percent of the soil-depleting base for such kind of tobacco.

(d) *Peanuts.*—1¼ cents per pound of the base yield per acre of peanuts for the farm, for each acre diverted not in excess of 15 percent of the peanut soil-depleting base.

SECTION 2. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting Base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible

to earn a diversion payment be less than $10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than $20.00.

A farm shall be eligible to earn a diversion payment if such farm has a cotton, tobacco, or peanut soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton, tobacco, or peanut soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—75 cents for each acre of cropland, or $1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards.*—$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables.*—$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided,* that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: $2.50.

(2) Red clover; mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): $2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; reed canary grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): $1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; carpet grass; Dallis grass; or any mixture of grasses or legumes listed in this subsection (a): $1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided,* however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under:[1] $2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, oats, buckwheat, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, velvet beans, cowpeas, or lespedeza, not grazed or pastured when all of the forage is left on the land:[1] $1.00.

(3) Soybeans, cowpeas, velvet beans, crotalaria, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: $1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all material produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of $2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of $7.50 per acre when planted on cropland or at the rate of $5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of $2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,[2] on cropland or noncrop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of:

$1.50 per ton in the counties of—Albemarle, Alleghany Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buckingham, Carroll, Craig, Fluvanna, Franklin, Giles, Goochland, Grayson, Lee, Montgomery, Nelson, Orange, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Washington, Wythe.

$2.00 per ton in the counties of—Amelia, Appomattox, Arlington, Brunswick, Buchanan, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Clarke, Culpeper, Cumberland, Dickenson, Dinwiddie, Elizabeth City, Fairfax, Fauquier, Floyd, Frederick, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King George, Loudon, Louisa, Lunenburg, Madison, Mecklenburg, Nansemond, New Kent, Nottaway, Norfolk, Page, Patrick, Pittsylvania, Powhatan, Princess Anne, Prince Edward, Prince George, Prince William, Rappahannock, Southampton, Spottsylvania, Stafford, Surry, Sussex, Warren, Wise, Warwick, York.

[1] If the soybeans, velvet beans or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

[2] Equivalent quantities of other materials may be substituted for ground limestone; *provided,* that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.



$2.50 per ton in the counties of—Accomac, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, Westmoreland.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,[3] on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 60 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 30 cents per 100 pounds.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (g). If triple superphosphate is so obtained, 60 cents for each 16 pounds of phosphoric acid contained therein shall, in accordance with instructions to be issued by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; provided, however, that such deduction will first be made from payments with respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent,[4] on land on which 16 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of $1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of $0.50 per 100 pounds.

(i) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

(j) *Control of Erosion on Cropland by Subsoiling.*—Subsoiling cropland, which the County Committee finds is in need of subsoiling, to a depth of at least 18 inches with furrows sufficiently close together to completely break the subsoil. Payment will be made at the rate of $2.00 per acre.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 per acre of such deficiency.

[3] Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided,* that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock prosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate.

[4] Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided,* that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.

A diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of cotton, tobacco, peanuts or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton, tobacco, or peanuts in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided,* that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of this Bulletin 101 shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part II. Classification of Crops*

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).
(b) Cotton.
(c) Tobacco.
(d) Peanuts harvested for nuts.
(e) Broom corn.
(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(g) Sorghum, when harvested.
(h) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
(i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
(j) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes; sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.
(b) Miscellaneous legumes; Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.
(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.
(d) Peanuts, when pastured.
(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.
(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.
(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)
(h) Forest trees, planted on cropland since January 1, 1934.
(i) Sweet sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided the legume occupies at least one-half of the land and attains a good growth.

(b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(c) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following a soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(d) Acreage of the crops listed in sub-section (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.
(b) Idle cropland.
(c) Cultivated fallow land.
(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.
(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

### *Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, a peanut soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, peanuts, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton, tobacco, and peanuts, and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms For Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Cotton Base and Yield.*—A cotton soil-depleting base may be established for a farm:

(1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or

(2) If the entire base cotton acreage for the farm was retired in 1935 under a cotton acreage reduction contract, or

(3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936–39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) *Peanut Base and Yield.*—A peanut soil-depleting base may be established for any farm on which peanuts were grown in 1935 or 1936, and for other farms on which the County Committee determines that peanuts were not planted in 1935 or 1936 because of unusual weather conditions. The peanut soil-depleting base shall be determined upon the basis of the allotted acreage under the 1935 peanut production adjustment program, or, if there was no such allotted acreage, upon the basis of the acreage of peanuts harvested for nuts on the farm in 1936 The base yield of peanuts for the farm shall be that recommended by the County Committee on the basis of the yield per acre on the farm in 1936.

(d) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil depleting crops other than cotton, tobacco, or peanuts were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of cotton, tobacco, peanuts, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

SECTION 4. *Limits of Soil Depleting Bases.*—The general soil-depleting bases, the cotton soil-depleting bases, the tobacco soil-depleting bases, and the peanut soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farm in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton, tobacco, or peanut soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage or allotted peanut acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases, base acreages, or allotted acreage previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton, tobacco, and peanuts for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

### *Part IV. Miscellaneous Provisions*

SECTION 1. *Land To Be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person, in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton and Peanuts.*—

(1) 37½ percent to the producer who furnished the land.

(2) 12½ percent to the producer who furnished the workstock and equipment, and

(3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton or peanut crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Diversion Payment with Respect to Tobacco and General Soil-Depleting Crops.*—

(1) 15 percent to the producer who furnished the land,

(2) 15 percent to the producer who furnished the workstock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to a producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(d) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(e) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State office at the time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement and Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for the State of Virginia to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee,* or *County Office* means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.



*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*Peanut soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of peanuts.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton, tobacco, and peanuts.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying out of any approved soil-building practice.

*Soil-building allowance* means the largest amount for any farm that may be obtained as a soil-building payment.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial orchard* means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-238; Filed, January 25, 1937; 11:30 a. m.]

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SR—B-101, Part IX — Southern Division, January 26, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

### BULLETIN 101—PART IX

*The Wheat and Grain Sorghum Area*

Southern Region Bulletin 101 is hereby supplemented by adding thereto the following Part IX.

The provisions of this Part IX shall apply only to the wheat and grain sorghum area as defined under the heading "Definitions" below, and are based upon (1) a payment of $9.00 per acre average for the United States, varying according to productivity, for diversion from the general base, and payments for diversion from other bases as outlined in Part III, Southern Region Bulletin 101; and (2) a soil-building allowance based upon a rate of $1.00 for each acre in the soil-conserving base, $1.00 for each acre of soil-depleting crops diverted for payment in 1937, and the other provisions of sections 1 and 2. The provisions of said Bulletin 101, unless otherwise provided, will apply throughout said area with the exception of the substitutions contained in this Part IX. References herein relate to the several sections of preceding parts of Southern Region Bulletin 101.

A. DEFINITIONS

In addition to the definitions contained in Part I, the following definitions shall apply:

*The Wheat and Grain Sorghum Area* means that area comprising the following counties of Texas and Oklahoma and such other counties as may be recommended by the State Committee and approved by the Secretary.

*Texas.*—Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Brown, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth Comanche, Concho, Cottle, Crane, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Erath, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hood, Howard, Hutchinson, Jack, Jones, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Reeves, Roberts, Runnels, Scurry, Shackelford, Sherman, Somerville, Stephens, Sterling, Stonewall, Swisher, Taylor, Terry, Throckmorton, Tom Green, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Yoakum, and Young.

*Oklahoma.*—Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Kay, Kingfisher, Kiowa, Major, Noble, Roger Mills, Stephens, Texas, Tillman, Washita, Woods, and Woodward.

*Wind Erosion Area* means that area comprising the following counties of Texas and Oklahoma and such other counties as may be recommended by the State Committee and approved by the Secretary, within the wheat and grain sorghum area:

*Texas.*—Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Donley, Ector, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Howard, Hutchinson, Kent, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Motley, Ochiltree, Oldham, Farmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Winkler, and Yoakum.

*Oklahoma.*—Beaver, Cimarron, Ellis, Harper, Texas, and Woodward.

B. RATES AND CONDITIONS OF PAYMENT

SECTION 101. *Soil-Building Practices.*—The provisions of this section 101 shall apply in lieu of section 16.

A class II payment will be made for carrying out any one or more of the following soil-building practices in 1937 at the rates and upon the conditions listed in this section 101, *provided* (1) in no event will the total of the class II payments respecting any farm exceed the soil-building allowance for the farm; (2) none of the labor, seed, or materials for such practice is furnished or paid for by any Federal or State agency; and (3) the practice is carried out by such methods and with such kinds and quantities of adapted seed, trees, and other materials as conform to good farming practices.

A class II payment will not be made to any person for carrying out any of the following soil-building practices if the county committee finds that such person has been negligent and careless in his farming practices to the extent that his farm has become a wind erosion hazard to the community in which it is located or that such practices have not been carried out in accordance with standards adopted by the State Committee.

*Practice Number, Practices and Conditions, and Rate*

1. *Alfalfa*, planted on cropland in 1937: $2.50 per acre.

2. *Sweet clover; annual lespedeza; Austrian winter peas*, or other locally adapted winter legumes, planted on cropland in 1937: $1.50 per acre.

3. *Cowpeas, soybeans, mung beans*, or other locally adapted summer legumes, excluding lespedeza, grown on cropland in 1937, and the total forage plowed under, provided a reasonably good growth is obtained, $2.00 per acre.

4. *Austrian winter peas*, or other locally adapted winter legumes plowed under in 1937, or lespedeza left on the land in 1937 except that the seed may be harvested, provided a reasonably good growth is attained: $1.00 per acre.

9. *Forest trees*, including post-producing species, planted on cropland in 1937: $5.00 per acre.

10. *Ground limestone or its equivalent*[1] applied on soil-conserving crops or pastures in 1937, but payment will not be made on an amount in excess of 4,000 pounds per acre, or less than 1,000 pounds per acre if applied broadcast, or less than 500 pounds if applied in rows: $0.07 per 100 pounds.

11. *Sixteen percent superphosphate or its equivalent*[2] applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts), but payment will not be made on an amount in excess of 400 pounds per acre or less than 100 pounds per acre: $0.50 per 100 pounds.

14. *Terracing land*, in accordance with good terracing practices: $0.40 per 100 linear feet.

21. *Contour listing or furrowing*, when done on cropland in 1937; provided, (1) that the furrows shall be made with a regular double mold-board lister or with a chisel of approved design according to the specifications given herein; (2) that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 4 inches in depth, or if chiseled, be not less than 4 inches in width and 6 inches in depth; (3) that the furrowing shall be done with the contour of the land, following lines run with a surveyor's instrument or farm level, and (4) that the contours shall be maintained until preparation of the land for crop. On slopes greater than 3½ feet to the 100 feet, such contour listing must be in combination with terracing: $0.25 per acre.

22. *Alternate strips of sorghums, or Sudan grass,*[3] *and fallow,*[4] where such strips of sorghums or Sudan grass are planted on the contour in 1937 prior to August 15 on cropland contour listed or furrowed since October 31, 1936, provided that such strips of sorghums or Sudan grass are not less than approximately 2 rods in width and are not more than 12 rods nor less than 4 rods apart, that the strips of sorghums or Sudan grass are not wider than the fallow strips between such strips of sorghums or Sudan grass, and that the stalks are left standing on the land as a protection against wind erosion (in counties outside the wind erosion area if heads or seed are harvested from such strips of sorghums or Sudan grass, only the acreage of the fallow strips shall be considered in computing the acreage of this practice): $0.35 per acre.

[1] For example, 500 pounds of burnt lime or 700 pounds of hydrated lime is the equivalent of 1,000 pounds of grand limestone.

[2] For example, 100 pounds of 48 percent superphosphate is the equivalent of 300 pounds of 16 percent superphosphate.

[3] The term "Strips of sorghums or Sudan grass," wherever used in this Part IX, means strips that are seeded solid or broadcast or in rows not over 4 feet apart.

[4] Where strips of sorghums or Sudan grass, alternating with fallow, are over 12 rods in width or occupy more than one-half of the land, the actual acreage of such strips or rows if all the crop is left on the land, will be paid for in accordance with practice 24. If such strips (or rows) are not on the contour, occupy one-half or less of the land, and are 12 rods or less in width, no practice payment will be made.

23. *Alternate rows of sorghums or Sudan grass and fallow,*[4] where such rows of sorghums or Sudan grass are planted on the contour in 1937 prior to August 15 on cropland contour listed or furrowed since October 31, 1936, provided that such rows of sorghums or Sudan grass are planted as single or double rows not less than 10 nor more than 16 feet apart, and if the stalks are left standing on the land as a protection against wind erosion (in counties outside the wind erosion area if heads or seeds are harvested from such rows of sorghums or Sudan grass, only the acreage of the fallow strips shall be considered in computing the acreage of this practice, each row shall be considered to occupy a strip 3½ feet in width): $0.25 per acre.

24. *Sorghums, millets, or Sudan grass*, seeded solid or broadcast, or sweet sorghum or Sudan grass in rows not over 4 feet apart, grown in 1937, provided all the crop is left on the land (or either left on the land or plowed under in counties outside the wind erosion area) and a reasonably good growth is attained. (Payment will not be made for this practice in combination with practice 22 or 23): $1.00 per acre.

25. *Green manure crops*, including rye, barley, oats, wheat, Italian rye grass, or mixtures of two or more of these; plowed under as green manure, after making a reasonably good growth (not less than two months' growth) in the spring of 1937, provided that such crop shall not reach the dough stage, (provided that such practice shall not be applicable to the wind erosion area): $0.75 per acre.

26. *Natural restoration of native pasture* (a) on cropland contour listed or contour furrowed, in 1936, in accordance with practice 21, not grazed in 1936, and maintained by withholding all grazing in 1937, and allowing the natural coverage to remain as a protection against erosion, or (b) on cropland contour listed or contour furrowed before May 1, 1937, in accordance with practice 21, and maintained by withholding all grazing therefrom in 1937 and allowing the natural coverage to remain as a protection against erosion: $0.25 per acre.

27. *Reestablishment of native grasses* by seeding or sodding in 1937, or the establishment in 1937 of permanent pasture of perennial grasses or grass and legume mixtures on cropland, or non-crop open pasture land which if in the wind erosion area has been contour listed since October 1, 1936, in accordance with practice 21: $2.50 per acre.

28. *Contour farming*, consisting of the growing of crops on the contour in combination with terraces or contour listing or furrowing in accordance with subsection (j), section 104, not in combination with practice 22 or 23: $0.25 per acre.

29. *Contour listing or furrowing pasture land*, furrow channels to be not less than 8 inches in width and 4 inches in depth and not less than 3½ feet apart. (Payment will be made on the acreage occupied by the furrows computed on the basis of 3½ feet in width for each such furrow): $0.70 per acre.

30. *Ridging pasture land* on slopes of 2 percent or greater, such narrow terraces or ridges to be at least 6 feet wide from bottom of furrow to bottom of furrow on the opposite side, at least 10 inches in height, and at not to exceed one-third of the regular terrace interval: $0.10 per 100 linear feet.

SECTION 102. *Minimum Acreage of Soil-Conserving Crops and Soil-Building Practices in Lieu of Soil-Conserving Crops.*—The provisions of this section 102 shall apply in lieu of section 17.

(a) If the total acreage of soil-conserving crops on cropland on any farm in 1937, does not equal or exceed the sum of:

(1) The soil-conserving base established for the farm, which shall be that acreage which is determined to be the acreage of soil-conserving crops grown on the farm under normal conditions, and

(2) The sum of the acreages diverted for payment from the cotton, peanut, and general bases.

a deduction will be made in an amount obtained by multiplying $3.00 by the number of acres by which the total acreage of soil-conserving crops on cropland, and of soil-building practices in lieu of soil-conserving crops on cropland in 1937, is less than such sum.

C. CLASSIFICATION OF LAND USE AND CROPS

Farm land when devoted to the crops and uses indicated below shall, except for such additions or modifications as may be approved by the Secretary, be classified as follows:

SECTION 103. *Crops or Practices Which Shall be Classed as Soil-Depleting.*—The provisions of this section 103 shall apply in lieu of section 31.

Land devoted to any of the following crops or practices shall, except as provided in sections 105 and 106, be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested or the practice is carried out. In establishing soil-depleting bases and in the checking of performance, the acreage of land



devoted to two or more soil-depleting crops shall be counted only once.

(a) Corn, (field, sweet corn, or popcorn).

(b) Cotton.

(c) Potatoes (Irish or sweet).

(d) Truck and vegetable crops, including melons and strawberries.

(e) Peanuts, harvested for nuts.

(f) Grain sorghums, sweet sorghums, broomcorn, millets, or Sudan grass, harvested for grain, seed, or forage, or grain sorghums in rows if all the crop is left on the land (or left on the land or turned under in the wind erosion area), except as provided in paragraphs (f) and (g), section 104.

(g) Small grains, wheat, oats, barley, rye, or any mixture of these; *Provided, however,* That if the county committee, prior to a date prescribed by the State Committee and approved by the Director of the Southern Division has approved the use of wheat, rye, or barley, or a mixture of these on a designated area on the farm as a winter cover crop as being good farming practice for such area, such crops before reaching the dough stage are pastured or plowed under (cut for hay, pastured, or plowed under in the wind erosion area), and the land is protected, immediately thereafter, by a soil-conserving crop or a soil-building practice approved herein for use in lieu thereof, such land shall take the classification of such soil-conserving crop or practice.

(h) Summer fallowed land, which in the wind erosion area, is left unprotected and becomes a wind erosion hazard.

SECTION 104. *Soil-Conserving Crops and Soil-Building Practices in Lieu of Soil-Conserving Crops.*—The provisions of this section 104 shall apply in lieu of section 32.

Land devoted to any of the following crops or uses shall be regarded as used for the production of a soil-conserving crop or for a soil-building practice in lieu thereof, except that any land which is devoted to a soil-depleting crop, in accordance with section 103, in the same year shall be regarded as used for the production of a soil-depleting crop in such year, except as provided in sections 103 and 105. Any acre which is devoted to two or more soil-conserving crops and practices in lieu thereof in the same year shall be counted as not more than one acre of soil-conserving crops.

(a) Legumes, including Australian winter peas, sweetclover alfalfa, lespedeza, cowpeas, and mung beans.

(b) Peanuts, if pastured.

(c) Grasses, including native grasses planted in 1936 or 1937, Dallis, rye grass, Bermuda or grass mixtures.

(d) Sudan grass, seeded solid or broadcast or in rows not over 4 feet apart, not harvested for seed or hay.

(e) Any sorghum or millet seeded solid or broadcast, or sweet sorghum in rows not over 4 feet apart, grown in 1937 and all the crop left on the land (or either left on the land or plowed under in counties outside the wind erosion area), provided a reasonably good growth is attained.

(f) Alternate strips of sorghums, or Sudan grass, and fallow where such strips of sorghums or Sudan grass are planted in 1937 prior to August 15 on cropland if such strips of sorghums or Sudan grass are not less than approximately 2 rods in width, and are not more than 12 nor less than 4 rods apart, if the strips of sorghums or Sudan grass are not wider than the fallow strips between such strips of sorghums or Sudan grass, and if the stalks are left standing on the land as a protection against wind erosion. The acreage actually occupied by such strips shall be considered soil-depleting, and only the acreage of the fallow strips between such sorghum or Sudan strips shall be considered soil-conserving, except that strips of sorghums or Sudan grass, seeded solid or broadcast or of sweet sorghums or Sudan grass in rows, from which heads or seed are not removed shall be classified as soil-conserving.[1]

(g) Alternate rows of sorghums, or Sudan grass, and fallow, where such rows of sorghums or Sudan grass are planted in 1937 prior to August 15 on cropland if such rows of sorghums or Sudan grass are planted as single or double rows not less than 10 nor more than 16 feet part, and if the stalks are left standing on the land as a protection against wind erosion. The acreage actually occupied by such rows shall be considered soil-depleting and only the fallow strips between such rows shall be considered soil-conserving, except that rows of sweet sorghums or Sudan grass from which heads or seed are not removed shall be classified as soil-conserving; each row shall be considered to occupy a strip 3½ feet in width.[5]

(h) The acreage on which practice 26 is carried out.

(i) The acreage of cropland on which practice 27 is carried out.

(j) Two-thirds of the acreage of cropland on which controlled summer fallowing is practiced in 1937 and which in 1937 is kept free of vegetative cover to the extent that available soil moisture will be conserved, and provided that such land (1) is contour listed or furrowed, in accordance with practice 21, or (2) is otherwise contour furrowed where done with a furrowing device which accomplishes a creditable type of cultivation for conserving moisture and controlling wind erosion; furrows in no instance under (1) or (2) to be less than 14 inches apart.

(k) Two-thirds of the acreage of cropland on which protected summer fallow is practiced in 1937, which is kept free of vegetative cover to the extent that available moisture is conserved, and which is protected from erosion by listing or furrowing not on the contour, or by leaving the stubble or trash on or near the surface of the soil. (This classification shall not apply in the wind erosion area, except where a special recommendation is made by the county committee and approved by the State Committee, setting forth proof that wind erosion is not a problem in the particular community, and except as outlined in paragraph (m) below.)

(l) One-third of the acreage of cropland, in the wind erosion area; (1) on which protected fallow is practiced, in accordance with paragraph (k) above, if not terraced or contour listed or, if not in a community approved as not affected by wind erosion; or (2) on which the natural vegetation is allowed to grow as a protection against wind erosion.

(m) The acreage of cropland anywhere in the wheat and grain sorghum area terraced in 1937, in accordance with practice 14, in combination with controlled or protected fallow as outlined in paragraphs (j) and (k) above.

(n) Forest trees, planted on cropland since January 1, 1934.

SECTION 105. *Soil-Conserving Crops or Soil-Building Practices in Lieu Thereof Grown or Used in Combination with or Following Soil-Depleting Crops.*—The provisions of this section 105 shall apply in lieu of section 33.

Land devoted to soil-conserving crops or soil-building practices in lieu thereof, grown or used in combination with or following soil-depleting crops shall be classified as follows:

(a) All the acreage of soil-depleting row crops interplanted or grown in combination with summer legumes (classified in section 104 as soil-conserving) shall be classified as soil-depleting, and

(1) one-half of the acreage shall also be classified as soil-conserving, provided the legume occupies at least one-half of the land and attains a reasonably good growth, or

(2) one-third of the acreage shall also be classed as soil-conserving, provided that the legume occupies not less than one-third but less than one-half of the land, and attains a reasonably good growth.

(b) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 104 as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(c) All the acreage of soil-depleting crops on land which is terraced in 1937, in accordance with practice 14, shall be

[5] Where strips of sorghums or Sudan grass, alternating with fallow, are over 12 rods in width or occupy more than one-half of the land, the actual acreage of such strips shall be classified in accordance with paragraph (f), section 103, or paragraph (e), section 104, and the fallow strips shall be classified in accordance with paragraphs (j) or (k), section 104.

classified as soil-depleting, and one-third of such acreage shall also be classified as soil-conserving.

(d) All the acreage of soil-depleting crops on land which is contour listed in 1937, in accordance with practice 21, shall be classified as soil-depleting, and one-tenth of such acreage shall also be classified as soil-conserving.

SECTION 106. *Neutral Uses.*—The provisions of this section 106 shall apply in lieu of section 34.

Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided.

(a) Vineyards, tree fruits, bush fruits, and nut trees. (Any portion of such land which is interplanted shall carry the classification and actual acreage of such interplanted crop.)

(b) Idle cropland, unless otherwise specified.

(c) Waste land, roads, lanes, lots, yards, and other similar non-cropland.

(d) Woodland, other than cropland planted to forest trees since January 1, 1934.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 26th day of January 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-256; Filed, January 26, 1937; 11:34 a. m.]

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SR—B-101, Amendment 2 Southern Division, January 27, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101

*Amendment 2*

Part IV, Classification of Land Use and Crops of Southern Region Bulletin 101 is hereby amended by adding the following new subsection (g) to section 32:

(g) Idle cropland on which terraces are constructed in 1937 in accordance with good terracing practices for the land.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 27th day of January 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-286; Filed, January 27, 1937; 12:37 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of January 1937.

[File No. 1-1657]

IN THE MATTER OF CRANE COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE COMMON STOCK, $25 PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Crane Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 145,889 shares of 7% Cumulative Preferred Stock, $100. Par Value, and 2,348,628 shares of Common Stock, $25. Par Value, on the Chicago Stock Exchange; and

The Commission having ordered a hearing with respect to said application, which hearing was held on the 16th day of October 1936; and

The Commission having considered said application, together with the evidence introduced at said hearing and the report of the Trial Examiner thereon, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on February 5, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-277; Filed, January 27, 1937; 12:26 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of January 1937.

IN THE MATTER OF CRANE COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE; COMMON STOCK, $25 PAR VALUE

ORDER VACATING ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

Crane Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 145,889 shares of 7% Cumulative Preferred Stock, $100 Par Value, and 2,348,628 shares of Common Stock, $25 Par Value, on the Chicago Stock Exchange; and

A hearing having been held in this matter pursuant to order of the Commission; and

The Chicago Stock Exchange in its letter of December 14, 1936, having requested oral argument before the Commission in this matter; and

The Commission through an oversight having entered an order on January 22, 1937, granting said application without affording said Exchange opportunity for oral argument before the Commission; and

It appearing to the Commission that an order should not be entered disposing of said application until after said Exchange has been afforded an opportunity for oral argument;

It is ordered that said order granting said application to withdraw said preferred and common stocks from listing and registration on said Exchange be and the same is hereby vacated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-278; Filed, January 27, 1937; 12:26 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January 1937.

[File Nos. 1-592, 1-234]

IN THE MATTER OF ALLEN INDUSTRIES, INC., COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION WITHDRAWAL FROM LISTING AND REGISTRATION

The Allen Industries, Inc., pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application for withdrawal from listing and registration on the Detroit Stock Exchange and on the Cleveland Stock Exchange of 246,000 shares of Common Stock, $1 Par Value; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;



It is ordered that said application be and hereby is granted effective at the close of the trading session on January 26, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-281; Filed, January 27, 1937; 12:26 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of January 1937.

[File No. 1-707]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY FIRST PREFERRED STOCK, SERIES B, ($6.00 PER ANNUM CUMULATIVE)

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Kansas City Power & Light Company, pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application for withdrawal from listing and registration on the Chicago Stock Exchange of 40,000 shares of First Preferred Stock, Series B, ($6.00 per annum cumulative); and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on January 30, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-279; Filed, January 27, 1937; 12:26 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of January 1937.

[File No. 1-2155]

IN THE MATTER OF MINNEAPOLIS & ST. LOUIS RAILROAD CO. CAPITAL STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Minneapolis & St. Louis Railroad Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 252,735 shares issued and 5,191 unissued shares of capital stock, $100 Par Value, on the New York Stock Exchange; and

The Commission having ordered a hearing with respect to said application, which hearing was held on the 10th day of November, 1936; and

The Commission having considered said application, together with the evidence introduced at said hearing and the report of the Trial Examiner thereon, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on February 1, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-282; Filed, January 27, 1937; 12:27 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of January 1937.

[File No. 1-9188]

IN THE MATTER OF SQUARE D COMPANY CLASS A PREFERRED STOCK, NO PAR VALUE; CLASS B COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Square D Company, pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application for withdrawal from listing and registration on the Detroit Stock Exchange and on the Los Angeles Stock Exchange of 127,200 shares of Class A Preferred Stock, No Par Value, and 222,876 shares of Class B Common Stock, No Par Value; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on January 30, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-280; Filed, January 27, 1937; 12:26 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE HOUSEL-DRISCOLL FARM, FILED ON JANUARY 6, 1937, BY W. E. HOUSEL, RESPONDENT

ORDER FOR CONTINUANCE

The Securities Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 26th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:30 o'clock in the afternoon on the 10th day of February 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-283; Filed, January 27, 1937; 12:27 p. m.]

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*Friday, January 29, 1937* *No. 19*

## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 48781]

CUSTOMS REGULATIONS AMENDED—IMPORTED MEATS

ARTICLE 555, CUSTOMS REGULATIONS OF 1931, RELATIVE TO THE HANDLING AND INSPECTION OF MEAT AND MEAT FOOD PRODUCTS, AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), article 555 of

the Customs Regulations of 1931 is hereby amended to read as follows:

ART. 555. *Inspection.*—(a) All meat and meat food products must be inspected and passed by inspectors of the Bureau of Animal Industry.

(b) Inspection will be made while the merchandise is in actual customs custody when such inspection takes place at the port at which the merchandise is cleared from customs, unless upon application of the consignee or agent authority is given by the inspector of the Bureau of Animal Industry for inspection at the importer's premises or other place not under customs supervision. In such cases a bond shall be given by the consignee or agent for the redelivery of the merchandise if demanded by the collector, on customs Form 7551 or 7553, and the cars, wagons, vehicles, or packages shall be sealed or corded and sealed by a customs officer or an inspector of the Bureau of Animal Industry with import-meat seals furnished by the Department of Agriculture, unless bearing United States customs seals. When cording is necessary for proper sealing, the cords shall be furnished and affixed by the importer or his agent. Import-meat seals or cords and seals may be broken only by a customs officer or inspector of the Bureau of Animal Industry. In all cases where the merchandise is not cleared from customs at the port of first arrival, the regular "in bond" procedure shall be followed.

(c) Shipments of foreign meat and meat food products arriving in the United States by water at a port where an inspector of the Bureau of Animal Industry is stationed shall either be inspected on the wharf at the time of unloading or be shipped under import-meat or United States customs seals to destination. If the shipments are destined to a point where no inspector of the Bureau of Animal Industry is stationed, inspection shall be made on the wharf at the time of unloading. Shipments arriving by water at a port where no inspector of the Bureau of Animal Industry is stationed, destined to a point where an inspector is stationed, shall be shipped under import-meat or customs seals to destination for inspection.

(d) Large quantities of imported meat and meat food products arriving by water at a port where no inspector of the Bureau of Animal Industry is stationed destined to a point where no inspector is stationed shall be inspected on the wharf at the time of unloading. In such cases the collector at the port of first arrival shall immediately telegraph the nearest Bureau of Animal Industry inspector in charge, stating the quantity, kind of products, import-meat seals numbers, place of origin, and names of consignor and consignee. Upon receipt of such telegraphic information, the inspector in charge will immediately detail an inspector to make the required inspection. Small quantities (less than carload lots) arriving by water at a port where no inspector is stationed, destined to a point where no inspector is stationed, shall be shipped under import-meat or customs seals to the nearest point where an inspector is stationed for inspection at that point.

(e) Carload lots of foreign meat and meat food products routed through border ports, destined to a point where an inspector is stationed, shall proceed to destination under import-meat or customs seals for inspection at destination. Carload lots routed through border ports destined to a point where no inspector is stationed shall proceed to destination under import-meat or customs seals for inspection at destination. In such cases the inspector of the Bureau of Animal Industry or the collector at the border port shall immediately telegraph the information specified in paragraph (d) to the Bureau of Animal Industry inspector in charge at the nearest point to which the meats are destined. Upon receipt of such telegraphic information, the inspector in charge will immediately detail an inspector to the point where the shipment is destined, to make the required inspection. Carload lots of imported meat and meat food products routed through border ports destined to a point where an inspector is stationed shall proceed to destination under cord and import-meat or customs seals for inspection at destination. Less than carload lots routed through border ports where an inspector is stationed destined to a point where no inspector is stationed shall be inspected at the border port. If there is no inspector stationed at the border port, less than carload lots destined to a point where there is no inspector stationed shall proceed under cord and import-meat or customs seals to the nearest point where an inspector is stationed for inspection at that point.

(f) Less than carload lots of imported meat and meat food products routed through border ports destined to a point where an inspector is stationed shall proceed to destination under cord and import-meat or customs seals for inspection at destination. Less than carload lots routed through border ports where an inspector is stationed destined to a point where no inspector is stationed shall be inspected at the border port. If there is no inspector stationed at the border port, less than carload lots destined to a point where there is no inspector stationed shall proceed under cord and import-meat or customs seals to the nearest point where an inspector is stationed for inspection at that point.

(g) In the absence of an inspector of the Bureau of Animal Industry at the port of first arrival, collectors of customs will prepare notices on M. I. Forms 109–FF and 109–FF (special), reporting to the inspector in charge at the point where inspection is to be made information regarding the sealing of railroad cars, trucks, and packages of foreign meat and meat food products. The Bureau of Animal Industry, Washington, D. C. will supply collectors with the M. I. Forms 109–FF and 109–FF (special) upon request.

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved, January 23, 1937.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-296; Filed, January 28, 1937; 10:55 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ECR—B–101—West Virginia East Central Division, January 21, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—WEST VIRGINIA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region bulletin 101 for the State of West Virginia and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of West Virginia, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from the Tobacco Soil-Depleting Base.*—For each acre diverted from the tobacco soil-depleting base for the farm, payment will be made at the rate of 5 cents per pound of the base yield per acre of tobacco for the farm, for each acre diverted not in excess of 25 percent of the tobacco soil-depleting base.

SECTION 2. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than $10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than $20.00.

A farm shall be eligible to earn a diversion payment if such farm has a tobacco soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no tobacco soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home consumption needs on an acreage not less than 15 percent of such base.



(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—75 cents for each acre of cropland, or $1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards.*—$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables.*—$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: $2.50.

(2) Red clover; mammoth clover; sericea; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): $2.00.

(3) Vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; reed canary grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): $1.50.

(4) White clover; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): $1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, or cowpeas, plowed or disced under:[1] $2.00.

(2) Crimson clover, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, or cowpeas, not grazed or pastured and not harvested for grain when all of the forage is left on the land;[1] lespedeza not grazed or pastured when all of the forage is left on the land: $1.00.

(3) Soybeans, cowpeas, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: $1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of $2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of $7.50 per acre when planted on cropland, or at the rate of $5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of $2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,[2] on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of $1.50 per ton.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 20 percent superphosphate, or its equivalent,[3] on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 75 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 37½ cents per 100 pounds.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent[4], on land on which 20 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of $1.00 per

[1] If the soybeans, or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

[2] Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

[3] Equivalent quantities of other materials, except ground rock phosphate, may be substituted for 20 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 20 percent superphosphate.

[4] Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.

100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of $0.50 per 100 pounds.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of tobacco or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of tobacco in excess of the soil-depleting base, a deduction at the rate of payment for diversion for tobacco.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

### *Part II. Classification of Crops*

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).

(b) Tobacco.

(c) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(d) Sorghum and broom corn.

(e) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.

(f) Annual grasses: Sudan, millet, and Italian ryegrass; harvested for hay or seed.

(g) Summer legumes: Soybeans, field peas, and cowpeas; harvested for grain, hay, or forage, except that, for 1937, summer legumes grown as emergency hay crops on an acreage not in excess of that determined by the County Committee to be required to replace a shortage of feed on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937 may be disregarded in classifying the land on which such crops were grown.

(h) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; and sericea.

(b) Miscellaneous legumes: Vetch, and crimson clover; annual varieties of lespedeza.

(c) Summer legumes: Soybeans, field peas, and cowpeas; when not harvested for grain, hay, or forage.

(d) Annual grasses: Sudan, millet, and Italian ryegrass; not harvested for hay or seed.

(e) Perennial grasses: Bluegrass, redtop, timothy, orchard grass, reed canary grass, and mixtures of these.

(f) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(g) Forest trees, planted on cropland since January 1, 1934.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(b) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover or vetch), the entire acreage also shall be classified as soil-conserving.

(c) Acreage of the crops listed in subsection (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:



(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(d) Woodland, other than cropland planted to forest trees since January 1, 1934.

### *Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a tobacco soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, tobacco, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for tobacco and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms For Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936–39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than tobacco were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil-Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of tobacco, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases and the tobacco soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The total of the tobacco soil-depleting bases established in 1937 for farms on which such bases were not established in 1936, or on which no tobacco base acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases, base acreages, previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of tobacco for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

### *Part IV. Miscellaneous Provisions*

SECTION 1. *Land To Be Included Under Application.*—An application may be submitted with respect to any farm or

with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Tobacco and General Soil-Depleting Crops.*—

(1) 15 percent to the producer who furnished the land,

(2) 15 percent to the producer who furnished the work stock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Payment With Respect to Soil-Building Practices.*—The Soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to a producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expenses of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(c) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(d) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement and Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.



*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for West Virginia to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than tobacco.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying out of any approved soil-building practice.

*Soil-building allowance* means the largest amount for any farm that may be obtained as a soil-building payment.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial orchard* means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-239; Filed, January 25, 1937; 11:31 a. m.]

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NER—B-101—New Jersey Issued January 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW JERSEY

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for New Jersey, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Payment for Soil-Building Practices*

Under the 1937 Conservation Program, New Jersey farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this section.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating

applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number and Description of Practice and Rate of Payment

SEEDINGS

1. Seeding approved clover or mixtures containing at least 5 pounds of approved biennial or perennial legume seed on crop land or non-crop pasture land prepared for seeding by the application of approved amounts of lime and fertilizing materials.

Payment, $2.00 per acre.

2. Seeding approved alfalfa or mixtures containing at least 8 pounds of approved alfalfa seed on crop land or non-crop pasture land prepared for the seeding by the application of approved amounts of lime and fertilizing materials.

Payment, $3.00 per acre.

GREEN-MANURE CROPS

3. Plowing or disking under small grains or annual grasses or mixtures of these with legumes which have attained at least two months' or 12 inches' growth.

Payment, $1.50 per acre.

4. Plowing or disking under biennial or perennial legumes from which no crop has been harvested and for which no seeding payment will be, or has been, made under this or any previous program, and which have attained at least two months' or 12 inches growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

The rate of payment will be doubled for practices (3) and (4) above when carried out on land normally devoted to commercial vegetables so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in practice (4) which occupy such land throughout the remainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice (3) and such leaving of legume crops on the land may be substituted for the plowing and disking under in practice (4), and the provisions of the preceding paragraph shall be applicable.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice (3) or (4) if the crop is one that is normally winter-killed.

WOODLANDS

5. Planting transplanted forest trees of approved varieties at the rate of at least 1,000 trees per acre, on suitable land in an approved manner.

Payment, $10.00 per acre.

6. Constructing a two-strand barbed wire fence with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture.

Payment, 15 cents per rod.

7. Constructing a three-strand barbed wire fence with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture.

Payment, 20 cents per rod.

MULCHING ORCHARDS

8. Applying to orchards not less than 2 tons of mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grass, legume, green-manure or cover crops.

Payment, $2.00 per ton on an amount not in excess of 5 tons per acre.

LIMING

9. Applying 1,000 to 6,000 pounds of ground limestone, or its equivalent, per acre to crop or pasture land.

Payment, $1.50 per 1,000 lbs.

FERTILIZING CONSERVING CROPS

Applying phosphoric acid, potash, or nitrogen or approved combinations of those materials in approved amounts, subject to such limitations as are stated herein or may be specified later, to established sod (in pastures, orchards, or hay lands) or in connection with the seeding of biennial or perennial legumes or green-manure crops. No payment will be made for nitrogen applied to hay land in excess of 24 pounds per acre. When phosphoric acid is applied in connection with a seeding made in a nurse crop which is harvested for grain, the payment will be made only for amounts of phosphoric acid in excess of 32 pounds per acre. Payments will also be made for phosphoric acid when added to farm manures as a preservative and reinforcement in approved amounts and when such farm manures are for use on established sod or in connection with the seeding of biennial or perennial legumes or green-manure crops.

10. Payment for available phosphoric acid, 4¢ per lb.

11. Payment for available potash, 3¢ per lb.

12. Payment for available nitrogen, 4¢ per lb.

SOIL MAINTENANCE ON CRANBERRY BOGS

Applying not less than the following quantities of sand, free from stones and loam, on fruiting bogs to prevent soil deterioration and decline in productive capacity of the lands:

13. ½ inch of sand, evenly distributed,

Payment, $7.50 per acre.

14. ¾ inch of sand, evenly distributed.

Payment, $11.25 per acre.

15. 1 inch of sand, evenly distributed,

Payment, $15.00 per acre.

FARM PLAN

16. Developing and carrying out a comprehensive conservation program for the farm. Requirements for payment for this practice include: (a) preparing in conference with the proper Extension or Conservation representative a plan for the use and management of crop and pasture lands, and, in certain cases, woodlands; the plan to be submitted as an integral part of a general farm management plan for the farm, covering a period of three or more years; (b) approval of the plan by the county committee as providing for satisfactory improvement in the economic use and conservation of the land; (c) submitting as background for the plan a map of the farm prepared according to specifications prescribed by the State committee; and (d) making such a start in 1937 in carrying out the plan as is approved by the county committee as satisfactory evidence that it has been adopted as a working program for the farm.

Payment, $10.00, and also 5 cents for each acre of land mapped; the total payment, however, respecting any farm, not to exceed $25.00.



*Part II. The Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm. It shall be the sum of such of the following items as are applicable to that farm. The allowance, however, shall be at least $20.00.

1. *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

2. *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

3. *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

4. *Non-crop pasture land.*—$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part III. Provisions Affecting Payments*

SECTION 1. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 2. *Increase in Acreage of General Soil-Depleting Crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 3. *Applicability to Farms Under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part IV. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included under an Application.*—An application for payment shall cover neither more nor less than a single farm as defined in part V of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application on the prescribed form, filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937 or of the proceeds thereof or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more adjoining counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to the farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of New Jersey.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable, a State, a political subdivision of a State, or any agency thereof or any other Governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise: *Provided*, that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop Land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial Orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, including cranberries, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937, or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweetpotatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open Non-Crop Pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres, on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

*Soil-Building Payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 23rd day of January, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-230; Filed, January 25, 1937; 11:27 a. m.]

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NER—B-101—Rhode Island Issued January 23, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—RHODE ISLAND

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for Rhode Island, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

### *Part I. Payment for Soil-Building Practices*

Under the 1937 Conservation Program, Rhode Island farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this section.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number and Description of Practice and Rate of Payment

LIMING

1. Applying 500 to 4000 pounds of ground limestone, or its equivalent, per acre to crop or pasture land. Payment, $1.00 per 500 pounds.

FERTILIZING SOIL-CONSERVING CROPS

Applying superphosphate, muriate of potash, nitrate of soda, or basic slag, or approved combination of these materials in approved amounts, subject to such limitations as are stated herein or may be specified later, to established sod (in pasture, orchards, or hay lands) or in connection with the seeding of biennial or perennial legumes or green-manure crops. No payment will be made for 16% nitrate of soda in any use in excess of 200 pounds per acre or for 16% nitrate of soda applied to hay lands in excess of 150 pounds per acre. When superphosphate is applied in connection with a seeding made in a nurse crop which is harvested for grain, payment will be made only for amounts of 16% superphosphate in excess of 200 pounds per acre. Payment will also be made for 16% superphosphate when added to farm manures as a preservative and reinforcement in approved amounts and when such farm manures are for use on established sod or in connection with the seeding of biennial or perennial legumes or green-manure crops.



2. Payment for 16% superphosphate or basic slag, 64¢ per 100 lbs.

3. Payment for 50% muriate of potash, $1.50 per 100 lbs.

4. Payment for 16% nitrate of soda, 64¢ per 100 lbs.

SEEDING

5. Seeding approved medium red clover or mixtures containing at least five pounds per acre of approved medium red clover seed or its equivalent in other clover seed, on land prepared for seeding by the application of amounts of lime and fertilizer specified by the county committee, or on land without such application when soil tests or other evidence satisfactory to the committee indicate that the application is not needed. This seeding shall be made between the dates specified by the county committee.

Payment, $2.00 per acre.

6. Seeding approved alfalfa or mixtures containing at least 5 pounds of approved alfalfa seed per acre, on land prepared for the seeding by the application of amounts of lime and fertilizer specified by the county committee, or on land without such application when soil tests or other evidence satisfactory to the committee indicate that the application is not needed. This seeding shall be made between the dates specified by the county committee.

Payment, $3.00 per acre.

GREEN-MANURE AND COVER CROPS

7. Plowing or disking under small grains, annual grasses or mixtures of these with legumes after they have attained at least two months' or 12 inches' growth.

Payment, $1.50 per acre.

8. Plowing or disking under biennial or perennial legumes from which no crop has been harvested and for which no seeding payment will be, or has been, made under this or any previous program, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

The rate of payment will be doubled for practices 7 and 8 above when carried out on land normally devoted to commercial vegetables so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in practice 8 which occupy such land throughout the remainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice 7 and such leaving of legume crops on the land may be substituted for the plowing and disking under in practice 8, and the provisions of the preceding paragraph shall be applicable.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 7 or 8 if the crop is one that is normally winter-killed.

ORCHARDS

9. Applying to orchards not less than 2 tons per acre of mulching material in addition to leaving in the orchard all material produced therein during 1937 from grass, legume, green-manure or cover crops.

Payment, $2.00 per ton on an amount not in excess of 5 tons per acre.

### *Part II. The Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm. It shall be the sum of such of the following items as are applicable to that farm. The allowance, however, shall be at least $20.00.

1. *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

2. *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

3. *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

4. *Non-crop pasture land.*—$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

### *Part III. Provisions Affecting Payments*

SECTION 1. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 2. *Increase in Acreage of General Soil-Depleting Crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 3. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

### *Part IV. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included under an Application.*—An application for payment shall cover neither more nor less than a single farm as defined in part V of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application on the prescribed form, filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937 or of the proceeds thereof or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more adjoining counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located, or if there is no dwelling on such farm, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to the farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Scretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of Rhode Island.

*County Agricultural Conservation Committee or County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable, a State, a political subdivision of a State, or any agency thereof or any other Governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all lands in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise: *Provided*, that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937 to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial Orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, including cranberries, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937, or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweetpotatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open Non-Crop Pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres, on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal unit* means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

*Soil-Building Payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 23rd day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-231; Filed, January 25, 1937; 11:27 a. m.]

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NER—B-101—Connecticut Issued January 27, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—CONNECTICUT

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for Connecticut, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Payment for Soil-Building Practices*

Under the 1937 Conservation Program, Connecticut farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this section.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number and Description of Practice

LIME

1. Applying 1,000 to 6,000 lbs. of ground limestone per acre in preparation for seeding; or applying 100 to 400 lbs. of ground limestone per acre to established grasses on pasture or orchard land when applied with 300 lbs. of 20 percent superphosphate per acre.

Payment, In Area A—$1.50 per 1,000 lbs. of ground limestone.

Payment, In Area B—$2.00 per 1,000 lbs. of ground limestone.

Area A includes the following townships in Fairfield County: Bethel, Brookfield, Danbury, Easton, New Fairfield, Newton, Redding, Ridgefield, Sherman, Weston, and Wilton; and the following townships in Litchfield County: Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Kent, New Milford, Norfolk, North Canaan, Salisbury, Sharon, Terrington, and Winchester.

Area B includes all other townships in Fairfield and Litchfield Counties, and all other counties in the State.

SUPERPHOSPHATE

2. Applying 100 to 500 pounds of 20 percent superphosphate per acre to established grasses or legumes, or in connection with the seeding of legumes. When superphosphate is applied in connection with a seeding made in a nurse crop which is harvested for grain, the payment will be made only for amounts of 20 percent superphosphate in excess of 160 pounds per acre.

Payment, $.80 per 100 lbs.

POTASH

3. Applying 100 to 200 lbs. of 50 percent muriate of potash per acre in connection with the seeding of legumes.

Payment, $1.50 per 100 lbs.

SEEDING

4. Seeding clover, or mixtures containing at least 5 lbs. of approved biennial or perennial legume seed per acre, on land prepared by the application of:

(a) 2,000 lbs. of ground limestone and 400 lbs. of 20 percent superphosphate; or

(b) Ground limestone and superphosphate according to requirements as shown by an approved soil test.

Payment for seeding, $2.00 per acre.

5. Seeding alfalfa, or mixtures containing at least 8 lbs. of approved alfalfa seed per acre, on land prepared by the application of:

(a) 6,000 lbs. of ground limestone, 400 lbs. of 20 percent superphosphate, and 100 lbs. of 50 percent muriate of potash; or

(b) Ground limestone, superphosphate, and potash, according to requirements as shown by an approved soil test.

Payment for seeding, $3.00 per acre.

GREEN-MANURE CROPS

6. Plowing or disking under small grains or annual grasses or any mixture of these with legumes after they have attained at least two months' or 12 inches' growth.

Payment, $1.50 per acre.

7. Plowing or disking under biennial or perennial legumes from which no crop has been harvested and for which no seeding payment will be, or has been, made under this or any previous program, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

The rate of payment will be doubled for practices (6) and (7) above when carried out on land normally devoted to commercial vegetables so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in practice (7) which occupy such land throughout the remainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice (6) and such leaving of legume crops on the land may be substituted for the plowing and disking under in practice (7), and the provisions of the preceding paragraph shall be applicable.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice (6) or (7) if the crop is one that is normally winter-killed.

MULCHING ORCHARDS

8. Applying to orchards not less than 2 tons per acre of mulching material in addition to leaving in the orchard all materials produced therein during 1937 from grass, legume, green-manure, or cover crops.

Payment, $2.00 per ton on amount not in excess of 5 tons per acre.

WOODLANDS

9. Planting transplanted forest trees of approved varieties at the rate of at least 1,000 trees per acre.

Payment, $10.00 per acre.

10. Improving the stand of forest trees by cutting weed trees and thinning, or pruning, other trees to develop approximately 100 potential timber trees of desirable species well distributed over an acre of woodland. Operators shall obtain prior approval of the county committee and instructions for carrying out the practice.

Payment, $3.00 per acre.

11. Constructing a fence consisting of not less than two strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture.

Payment, 15 cents per rod.

12. Constructing a fence consisting of not less than three strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture.

Payment, 20 cents per rod.

FARM PLAN

13. Developing and carrying out a comprehensive conservation program for the farm. Requirements for payment for this practice include: (a) preparing in conference with the proper Extension or Conservation representative a plan for the use and management of crop and pasture lands, and, in certain cases, woodlands; the plan to be submitted as an integral part of a general farm management plan for the

farm, covering a period of three or more years; (b) approval of the plan by the county committee as providing for satisfactory improvement in the economic use and conservation of the land; (c) submitting as background for the plan a map of the farm prepared according to specifications prescribed by the State committee; and (d) making such a start in 1937 in carrying out the plan as is approved by the county committee as satisfactory evidence that it has been seriously adopted as a working program for the farm.

Payment, $10.00, and also 5 cents for each acre of land mapped; the total payment, however, respecting any farm, not to exceed $25.00.

*Part II. The Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a tobacco diversion payment and for any farm having a tobacco soil-depleting base of five acres or less with respect to which no application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than $20.00 for any such farm:

(a) *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farms on January 1, 1937.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm having a tobacco soil-depleting base of more than five acres and for any farm having a tobacco soil-depleting base of five acres or less with respect to which an application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to such farm, but shall not be less than $10.00 for any such farm.

(a) *Crop land.*—$1.00 for each acre of crop land represented by the sum of—

(1) The difference between the sum of (1) the tobacco soil-depleting base for the farm and (2) the general soil-depleting base which was or could have been established for the farm in 1936 and the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits); and

(2) The number of acres diverted for payment from the tobacco soil-depleting base.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$0.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part III. Tobacco Program for Types 51 and 52*

SECTION 2. *Tobacco Payment.*—A payment of 4 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 15 percent of such base, provided, that such payment will not be made with respect to an acreage greater than the acreage by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield.*—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; *provided,*

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937.

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration.

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 3. *Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base.*—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made respecting the farm, for each acre of such excess at the rate of 4¢ per pound based on the normal tobacco yield per acre.

*Part IV. Provisions Affecting Payments*

SECTION 1. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county, all or such part as the Secretary may prescribe, of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 2. *Increase in Acreage of General Soil-Depleting Crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $12.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 3. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included Under an Application.*—An application for payment shall cover neither more nor less than a single farm as defined in part VI of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application on the prescribed form filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937 or of the proceeds thereof or who incurs all or any part of the expenses of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more adjoining counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to the farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) The payment for diversion from the 1937 tobacco soil-depleting base for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

(c) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

*Part VI. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the following terms shall have the following meanings:



*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of Connecticut.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable a state, a political subdivision of a state, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise; *provided,* that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Soil-Conserving Land Use and Crops.*—(1) Land devoted to any of the following crops shall be regarded as used for the production of soil-conserving crops except that any land from which any crop, other than a soil-conserving crop is harvested in the same year shall not be regarded as having been used for the production of a soil-conserving crop in such year, except as provided in (2) below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.

(b) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(c) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(d) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.

(e) Sowed corn and rape when plowed or disked under.

(f) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(g) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; *provided,* a good growth is left on the land or plowed under.

(h) Forest trees planted on crop land.

(2) Land devoted to any of the combinations of soil-conserving and other than soil-conserving crops listed below shall be regarded as used for the production of a soil-conserving crop.

(a) All the land from which a crop other than soil-conserving is harvested in 1937 and followed by legumes

(classified in (1) above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall be classified as soil-conserving.

(b) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least a 12 inch or 2 months' growth shall be classified as soil-conserving.

*Commercial Orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937, or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweet-potatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open Non-Crop Pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres, on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves or two colts, or the equivalent thereof.

*Soil-Conserving Base* means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards and bush fruits, and idle land) and the sum of the 1937 tobacco soil-depleting base and the 1936 general soil-depleting base established for the farm or which could have been established under the 1936 Agricultural Conservation Program.

*Soil-Building Payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

*Tobacco Diversion Payment* means a payment for a diversion from the 1937 tobacco soil-depleting base.

*Tobacco Soil-Depleting Base* means the number of acres established for the farm as the acreage normally used for the production of types 51 and 52 tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 27th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-285; Filed, January 27, 1937; 12:37 p. m.]

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NER—B-101—Massachusetts Issued January 27, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—MASSACHUSETTS

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for Massachusetts, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Payment for Soil-Building Practices*

Under the 1937 Conservation Program, Massachusetts farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this section.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number and Description of Practice

LIMING

1. Applying 1,000 to 6,000 lbs. of ground limestone or its equivalent per acre, to crop or pasture land.

Payment, In Area A—$1.50 per 1,000 lbs.; In Area B—$2.00 per 1,000 lbs.

Area A includes: Berkshire County.

Area B includes: All other counties in the State.

FERTILIZING CONSERVING CROPS

Applying phosphoric acid, potash, or nitrogen or approved combinations of these materials in approved amounts, subject to such limitations as are stated herein or may be specified later, to established sod (in pastures, orchards, or hay lands) or in connection with the seeding of biennial or perennial legumes or green-manure crops. No payment will be made for nitrogen in any use in excess of 32 pounds per acre, or for nitrogen applied to hay land in excess of 24 pounds per acre. When phosphoric acid is applied in connection with a seeding made in a nurse crop which is harvested for grain, the payment will be made only for amounts of phosphoric acid in excess of 32 pounds per acre. Payments will also be made for phosphoric acid when added to farm manures as a preservative and reinforcement in approved amounts and when such farm manures are for use on established sod or in connection with the seeding of biennial or perennial legumes or green-manure crops.

2. Payment, For available phosphoric acid, 4¢ per lb.

3. Payment, For available potash, 3¢ per lb.

4. Payment, For available nitrogen, 4¢ per lb.

SEEDING

5. Seeding approved medium red clover or mixtures containing at least 5 pounds per acre of approved medium red clover seed or its equivalent in other clover seed, on land prepared for this seeding by the application of amounts of lime and fertilizer specified through the county committee, or on land without such application when soil tests or other evidence satisfactory to the committee indicate that the application is not needed.

Payment, $2.00 per acre.

6. Seeding approved alfalfa or mixtures containing at least 8 pounds of approved alfalfa seed per acre, on land prepared for this seeding by the application of amounts of lime and fertilizer specified through the county committee, or on land without such application when soil tests or other evidence satisfactory to the committee indicate that the application is not needed.

Payment, $3.00 per acre.

GROWING GREEN-MANURE CROPS

7. Plowing or disking under small grains or annual grasses or mixtures of these with legumes after they have attained at least two months' or 12 inches' growth.

Payment, $1.50 per acre.

8. Plowing or disking under biennial legumes or perennial legumes for which no seeding payment will be, or has been, made under this or any previous program and from which no crop has been harvested, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

The rate of payment will be doubled for practices 7 and 8 above when carried out on land normally devoted to commercial vegetables so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in practice 8 which occupy such land throughout the remainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice 7 and such leaving of legume crops on the land may be substituted for the plowing and disking under in practice 8 and the provisions of the preceding paragraph shall be applicable.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 7 or 8 if the crop is one that is normally winter-killed.

ORCHARDS

9. Applying to orchards not less than 2 tons per acre of mulching material in addition to leaving in the orchard all materials produced therein during 1937 from grass, legumes, green-manure and cover crops.

Payment, $2.00 per ton on an amount not in excess of 5 tons per acre.

WOODLANDS

10. Planting transplanted forest trees of approved varieties at the rate of at least 1,000 trees per acre.

Payment, $10.00 per acre.

11. Improving the stand of forest trees by cutting weed trees or thinning or pruning other trees, to develop at least 100 potential timber trees of desirable species, well distributed over an acre of woodland. Operators shall obtain approval before performing this practice.

Payment, $3.00 per acre.

12. Constructing fence consisting of not less than two strands of wire, with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlands previously used for pasture.

Payment, 15¢ per rod.

13. Constructing fence consisting of not less than three strands of wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlands previously used for pasture.

Payment, 20¢ per rod.

SOIL MAINTENANCE ON CRANBERRY BOGS

Applying sand, free from stones or loam, at the following rates to fruiting cranberry bogs to prevent soil deterioration and decline in productive capacity of the land.

14. ½ inch of sand, evenly distributed.

Payment, $7.50 per acre.

15. ¾ inch of sand, evenly distributed.

Payment, $11.25 per acre.

16. 1 inch of sand, evenly distributed.

Payment, $15.00 per acre.

FARM PLAN

17. Developing a comprehensive conservation program for the farm. Requirements for payment for this practice include: (a) Preparing, in conference with the proper extension or conservation representatives, a plan for the uses and management of crop and pasture lands, and, in certain cases, woodlands; the plan to be submitted as an integral part of a general farm management plan for the farm, covering a period of several years; (b) approval of the plan by the county committee as providing for satisfactory improvement in the economic use and conservation of the land; (c) submitting as background for the plan a map of the farm prepared according to specifications prescribed by the State committee; and (d) making such a start in 1937 in carrying out the plan as is approved by the county committee as satisfactory evidence that it has been adopted as a working program for the farm.

Payment, $10.00; plus 5¢ for each acre mapped. The total payment for this practice on any farm shall not exceed $25.00.

*Part II. The Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a diversion payment and for any farm having a tobacco soil-depleting base of five acres or less with respect to which no application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than $20.00 for any such farm.

(a) *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two* or *more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm having a tobacco soil-depleting base of more than five acres and for any farm having a tobacco soil-depleting base of five acres or less with respect to which an application is made for a tobacco diversion payment, shall be the sum of such of the following items as are applicable to such farm, but shall not be less than $10.00 for any such farm.

(a) *Crop land.*—$1.00 for each acre of crop land represented by the sum of

(1) The difference between the sum of (1) the tobacco soil-depleting base for the farm and (2) the general soil-depleting base which was or could have been established for the farm in 1936, and the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits); and

(2) The number of acres diverted for payment from the tobacco soil-depleting base.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part III. Tobacco Program for Types 51 and 52*

SECTION 1. *Tobacco Payment.*—A payment of 4 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 15 percent of such base, provided, that such payment will not be made with respect to an acreage greater than the acreage by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield.*—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; *provided*—

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937.

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration.

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 3. *Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base.*—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made respecting the farm, for each acre of such excess at the rate of 4¢ per pound based on the normal tobacco yield per acre.

*Part IV. Provisions Affecting Payments*

SECTION 1. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county, all or such part as the Secretary may prescribe, of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for the number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 2. *Increase in Acreage of General Soil-Depleting Crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $12.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 3. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the state committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included Under an Application.*—An application for payment shall cover neither more nor less than a single farm as defined in part VI of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—

(a) Payment will be made only upon application on the prescribed form filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937 or of the proceeds thereof or who incurs all or any part of the expenses of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more adjoining counties such farm shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to the farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) The payment for diversion from the 1937 tobacco soil-depleting base for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

(c) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.



*Part VI. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of Massachusetts.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable a State, a political subdivision of a State, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise: *provided*, that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Soil-Conserving Land Use and Crops.*—(1) Land devoted to any of the following crops shall be regarded as used for the production of soil-conserving crops except that any land from which any crop, other than a soil-conserving crop is harvested in the same year shall not be regarded as having been used for the production of a soil-conserving crop in such year, except as provided in (2) below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.

(b) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(c) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(d) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.

(e) Sowed corn and rape when plowed or disked under.

(f) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(g) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; provided, a good growth is left on the land or plowed under.

(h) Forest trees planted on crop land.

(2) Land devoted to any of the combinations of soil-conserving and other than soil-conserving crops listed below shall be regarded as used for the production of a soil-conserving crop.

(a) All the land from which a crop other than soil-conserving is harvested in 1937 and followed by legumes (classified in (1) above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall be classified as soil-conserving.

(b) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green manure after having attained at least a 12 inch or 2 months' growth shall be classified as soil-conserving.

*Commercial Orchards* means the acreage of tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, including cranberries, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937, or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweet-potatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open Non-Crop Pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres, on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves or two colts, or the equivalent thereof.

*Soil-Conserving Base* means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards, and bush fruits and idle land) and the sum of the 1937 tobacco soil-depleting base and the 1936 general soil-depleting base established for the farm or which could have been established under the 1936 Agricultural Conservation Program.

*Soil-Building Payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

*Tobacco Diversion Payment* means a payment for a diversion from the 1937 tobacco soil-depleting base.

*Tobacco Soil-Depleting Base* means the number of acres established for the farm as the acreage normally used for the production of types 51 and 52 tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 27th day of January 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-287; Filed, January 27, 1937; 12:38 p. m.]

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NER—B-101—New Hampshire Issued January 27, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—NEW HAMPSHIRE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with

the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for New Hampshire, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Payment for Soil-Building Practices*

Under the 1937 Conservation Program, New Hampshire farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this section.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance which shall be determined in accordance with the provisions of Part II of this bulletin.

Practice Number and Description of Practice and Rate of Payment

LIMING

1. Applying 500 to 6,000 lbs. of ground limestone, or its equivalent per acre, to crop or pasture land.

Payment, In Area A—$1.00 per 500 lbs.

Payment, In Area B—$1.25 per 500 lbs.

Area A includes: Cheshire and Sullivan Counties.

Area B includes: All other counties in the State.

FERTILIZING CONSERVING CROPS

Applying phosphoric acid, potash, or nitrogen or approved combinations of these materials in approved amounts, subject to such limitations as are stated herein or may be specified later, to established sod (in pastures, orchards, or hay lands) or in connection with the seeding of biennial or perennial legumes or green-manure crops. No payment will be made for nitrogen in any use in excess of 32 pounds per acre, or for nitrogen applied to hay land in excess of 24 pounds per acre. When phosphoric acid is applied in connection with a seeding made in a nurse crop which is harvested for grain, the payment will be made only for amounts of phosphoric acid in excess of 32 pounds per acre. Payments will also be made for phosphoric acid when added to farm manures as a preservative and reinforcement in approved amounts and when such farm manures are for use on established sod or in connection with the seeding of biennial or perennial legumes or green-manure crops.

2. Payment, For available phosphoric acid, 4¢ per lb.

3. Payment, For available potash, 3¢ per lb.

4. Payment, For available nitrogen, 4¢ per lb.

SEEDING

5. Seeding approved medium red clover or mixtures containing at least 5 pounds per acre of approved medium red clover seed or its equivalent in other clover seed, on land prepared for this seeding by the application of amounts of lime and fertilizer specified through the county committee, or on land without such application when soil tests or other evidence satisfactory to the committee indicate that the application is not needed.

Payment, $2.00 per acre.

6. Seeding approved alfalfa or mixtures containing at least 5 pounds of approved alfalfa seed per acre, on land prepared for this seeding by the application of amounts of lime and fertilizer specified through the county committee, or on land without such application when soil tests or other evidence satisfactory to the committee indicate that the application is not needed.

Payment, $3.00 per acre.

GREEN-MANURE CROPS

7. Plowing or disking under small grains or annual grasses or mixtures of these which have attained at least two months' or 12 inches' growth.

Payment, $1.50 per acre.

8. Plowing or disking under biennial legumes or perennial legumes for which no seeding payment has been made under this or previous programs and from which no crop has been harvested and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 7 or 8 if the crop is one that is normally winter-killed.

ORCHARDS

9. Applying to orchards not less than 2 tons per acre of mulching material in addition to leaving in the orchard all materials produced therein during 1937 from grass, legumes, or green-manure or cover crops.

Payment, $2.00 per ton on an amount not in excess of 5 tons per acre.

10. Increasing, on a farm in a commercial fruit area, the acreage of biennial or perennial legumes or perennial grasses, not in orchards, in excess of the combined acreage of such crops normally grown on such farm when the increase is accompanied by the removal of all trees from an acreage of unproductive orchard equal to that on which the increase in the above conserving crops was made.

Payment, $10.00 per acre.

WOODLANDS

11. Planting not less than 500 transplanted forest trees of approved varieties or root pruned seedlings of approved varieties at the rate of at least 1,000 trees per acre.

Payment, $10.00 per acre.

12. Improving the stand of forest trees by cutting wood trees or thinning or pruning other trees, to develop at least 100 potential timber trees of desirable species well distributed over an acre of woodland. Operators shall obtain approval before performing this practice.

Payment, $3.00 per acre.

13. Constructing fence consisting of not less than two strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture.

Payment, 15¢ per rod.

14. Constructing fence consisting of not less than three strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlots previously used for pasture.

Payment, 20¢ per rod.

FARM PLAN

15. Developing a comprehensive conservation program for the farm. Requirements for payment for this practice include: (a) preparing in conference with the proper extension or conservation representative a plan for the uses and management of crop and pasture lands, and, in certain cases, woodlands; the plan to be submitted as an integral part of a general farm management plan for the farm, covering a period of several years; (b) approval of the plan by the county committee as providing for satisfactory improvement in the economic use and conservation of the land; (c) submitting as background for the plan a map of the farm prepared according to specifications prescribed by the State committee; and (d) making such a start in 1937 in carrying out the plan as is approved by the county committee as satisfactory evidence that it has been seriously adopted as a working program for the farm.

Payment, $10.00 and 5 cents for each acre of land mapped. The total payment on any farm shall not exceed $25.00.

*Part II. The Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm. It shall be the sum of such of the following items as are applicable to that farm. The total allowance, however, shall not be less than $20.00 for any farm.

1. *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

2. *Commercial orchards.*—$2.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936. $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

4. *Non-crop pasture land.*—$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part III. Provisions Affecting Payments*

SECTION 1. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such associations under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 2. *Increase in Acreage of General Soil-Depleting Crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.



SECTION 3. *Applicability to Farms Under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part IV. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included Under an Application.*—An application for payment shall cover neither more nor less than a single farm as defined in Part V of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application on the prescribed form, filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937 or of the proceeds thereof or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more adjoining counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to the farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program in 1937 is submitted for such farm, or whenever for 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open-pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

SECTION 7. *Tobacco.*—The statements in this bulletin apply to all farms in New Hampshire except those farms for which tobacco bases are established in 1937. Bulletin No. 101A for New Hampshire, to be issued separately, describes the program as it applies to those farms. For such farms the soil-building allowance and certain rates of payment will differ from those prescribed herein.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of New Hampshire.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county

*Person* means an individual, partnership, association, trust, estate, or corporation and wherever applicable, a state, a political subdivision of a State, or any agency thereof or any other Governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise: *Provided*, that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop Land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937 to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial Orchards* means the acreage in tree fruits, cultivated nut trees, vineyards or cultivated bush fruits including cranberries on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937, or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including among others, potatoes, sweetpotatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open Non-Crop Pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres, on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

*Soil-Building Payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 27th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-288; Filed, January 27, 1937; 12:38 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

### AMENDMENT RULE 175

The Broadcast Division, at its regular meeting on January 19, 1937, amended Rule 175 to strike the words "consecutive speech" in the last sentence, and substitute therefor the words "continuous, uninterrupted speech, play, symphony concert or operatic production of longer duration than 30 minutes."

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-293; Filed, January 28, 1937; 10:00 a. m.]

### AMENDMENT RULE 262A, B, B

The Telegraph Division, at its regular meeting on January 19, 1937, amended Rule 262a, B, b, to read in part as follows:

262a, B, b

*Eastern Continental Chain and Feeders (Green)*

Available for aeronautical and aircraft stations

| | | |
|---|---|---|
| 2,854 | 2,986 | 5,652.5 |
| 2,922 | 4,122.5 | 5,672.5 |
| 2,946 | 4,742.5 | 5,707.5; day only [12] |
| | | 6,590 [3] |

[3] This frequency assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.

[12] Not to be used within 400 miles of Canada.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-292; Filed, January 28, 1937; 10:00 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Federal Savings and Loan Insurance Corporation.

AMENDMENT TO RULES AND REGULATIONS FOR CERTIFICATE FORMS

Whereas, Sections 402 (a) and 403 (b) of the National Housing Act (c. 847, 48 Stat. 1246, 1256, 1257) provide that the Board of Trustees of the Federal Savings and Loan Insurance Corporation shall make rules and regulations governing the insurance of accounts.

*Be it resolved*, That Section 8 of the Rules and Regulations for Insurance of Accounts is hereby amended to read as follows:

SEC. 8 (a). At the time of the application for insurance, every applicant (except Federal savings and loan associations) shall submit to the Corporation for approval copies of all shares or membership certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution. It shall also submit for such approval all bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution shall issue any form of share or membership certificate, passbook, or other investment contract which has not been approved in writing by the Corporation. No insured institution shall amend its bylaws affecting its securities or investment contracts without the written approval of the Corporation. Each insured institution shall agree by resolution of the board of directors to cause a certified copy of its charter and bylaws to be available to members at all times in each office of the institution and to deliver to each member upon admission to membership a true copy of its charter and bylaws as amended, and, when required by the Corporation, to mail to each member a copy of each subsequent amendment, affecting its securities and investment contracts.

(b) An insured institution which has adopted the resolution regarding charter and bylaws required in the preceding subsection and which, in accordance with State law, provides in its charter, constitution or bylaws, a clear provision that all shareholders shall share equally in earnings and in assets (except for bonus payments under a bonus plan) pro rata to paid-in value, plus credited dividends, and that the institution shall not directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a member of the institution, may issue a simple form of membership certificate, approved by the Corporation, which is executed by one or more officers or employees, which membership certificate need not contain on the face thereof a statement of the dividend, withdrawal or other rights of members.

(c) Every share or membership certificate, passbook or other instrument certifying investment hereafter issued by an insured institution, which pays or proposes to pay a different rate of dividends or interest upon different classes of shares or securities, which prefers, or proposes to prefer, either as to time or amount of participation in earnings or assets (except by way of a bonus plan), any one or more classes of shares or securities, or which charges directly or indirectly any membership, admission, repurchase, withdrawal or any other fee or sum of money for the privilege of becoming, remaining or ceasing to be an investor in the institution, must include in its provisions, and display the same in easily read type, a full and understandable statement of the method of maturing such contracts, the rate of interest paid, or the dividends provisions under which the institution operates, and the charge or charges, if any, for the privilege of becoming, remaining, or ceasing to be an investor in the institution.

(d) All securities issued by an insured institution shall be made transferable only on the books of the insured institution.

(e) If securities evidencing nonwithdrawable accounts (as hereinabove defined) are issued hereafter by an insured institution, every such certificate must include in its provisions a clear statement that such accounts are not of an insurable type and are not insured by the Federal Savings and Loan Insurance Corporation.

(f) No insured institution may issue any demand securities or advertise or represent that it will pay holders of its securities on demand.

[SEAL] R. L. NAGLE, *Secretary.*

Adopted by the Board of Trustees of Federal Savings and Loan Insurance Corporation on January 26, 1937.

[F. R. Doc. 37-291; Filed, January 28, 1937; 9:34 a. m.]

### Home Owners' Loan Corporation.

[Manual Amendment]

EXPENSES IN LOAN SERVICE OPERATIONS

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, a resolution adopted on January 19, 1937 amending Chapter II of the Consolidated Manual be amended to read as follows:

The General Manager may, except as otherwise expressly provided by the Board, incur and approve the amount and payment of any expenses not exceeding $50 incident to the performance of any duty or function of the Loan Service Division in connection with the investigation, preparation, and processing of applications for releases, waivers, consents, subordination agreements, substitution of security, division of indebtedness and security, and extensions of time for the making of payments to the Corporation; offers of additional security; cases involving the acquisition of property covered by the Corporation's lien, or any part thereof, by eminent domain; cases where the land or improvements covered by the Corporation's lien have been damaged or destroyed by fire, flood, windstorm, landslide, or other hazard where the loss is not covered by insurance; and cases apparently insoluble in which foreclosure or the acceptance of a voluntary conveyance is contemplated. The General Manager may determine, with the advice of the General Counsel, whether any expenses not paid by the home owner shall be charged to the home owner's account or to Corporation expense. All sums for these purposes shall be advanced or paid from such funds as the Comptroller may direct, in accordance with established Corporation policy. Any legal fees and expenses shall be incurred, approved, and paid in the manner provided in Chapter VI of the Manual.

In cases where it appears to him to be for the best interests of the Corporation the General Manager is likewise authorized to waive the requirement that funds for appraisal, credit report, or other expense in connection with loan service operations be deposited in advance or paid by the home owner upon consummation of such transaction.

Any Regional, State, or District Manager, with the advice or approval of Regional, State, or District Counsel, as may be required, may exercise the authority herein granted, under procedure and limitations prescribed and promulgated by the General Manager with the approval of the General Counsel; and

Be it further resolved, That the provisions of this resolution shall become effective twenty (20) days after this date, exclusive of Sundays and holidays.

[SEAL] R. L. NAGLE, *Secretary.*

Adopted by the Federal Home Loan Bank Board on January 27, 1937.

[F. R. Doc. 37-290; Filed, January 28, 1937; 9:34 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Basil Manly, Vice Chairman, Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

### ORDER AND NOTICE OF HEARING

IN RE METROPOLITAN EDISON CO., ET AL

[IT 5015]

The Commission adopted the following order and notice:

It appearing to the Commission:

(1) That in response to the Commission's Order of inquiry and investigation entered in the above matter on January 6, 1936, Metropolitan Edison Company, Northern Pennsylvania Power Company, Pennsylvania Electric Company, Erie Lighting Company, The Clarion River Power Company, and Solar Electric Company, hereinafter referred to as respondents, reported charges appearing on the books of said companies for the years 1934 and 1935, representing payments made and obligations incurred to the following persons, viz., (a) "conceded affiliates," The Utility Management Corporation, E. M. Gilbert Engineering Corporation, Utilities Purchasing & Supply Corporation, Public Utilities Appliance Corporation, Employees Welfare Association, Inc., Utilities Employees Securities Company, Utility Clearing Corporation, The Associated Corporation, Associated Gas & Electric Company, Associated Gas & Electric Securities Company, Inc. (Del.), Associated Real Properties, Inc., General Gas & Electric Corporation, and (b) "not conceded affiliates," Utility Accountants and Tax Consultants, Utility and Financial Accountants, Inc., Financial and Securities Assistants, Transfer and Coupon Paying Agency, H. C. Hopson & Company, Edward J. Cheney, Utility and Financial Advertising Agency and C. M. M. Corporation.

(2) That examination of books and records of respondents and the following admitted affiliates of respondents, viz., Utility Clearing Corporation, The Utility Management Corporation, E. M. Gilbert Engineering Corporation, Utilities Purchasing and Supply Corporation, Public Utilities Appliance Corporation and Utilities Employees Securities Company, as well as the examination of certain records of Employees Welfare Association, Inc., disclosed business transactions, during the years 1934 and 1935, between respondents and the following additional persons, viz., H. C. Hopson, Edmund B. Naylon, Corporate Records and Secretarial Assistants, Day & Co., Associated Gas & Electric Properties, Associated Securities Corporation, Associated Gas & Electric Corporation, NYPANJ Utilities Company, Metropolitan Edison Corporation, Associated Electric Company, Central U. S. Utilities Company, Pennsylvania Electric Corporation, and J. I. Mange.

(3) That accounting representatives of the Commission have prepared and submitted a report setting forth the re-

sults of its examination and investigation into certain charges reflected on the books of respondents which presents facts indicating that,

Associated Gas & Electric Properties,
Associated Securities Corporation,
Associated Gas & Electric Company,
Associated Gas & Electric Corporation,
Metropolitan Edison Corporation,
NYPANJ Utilities Company,
Associated Electric Company,
Pennsylvania Electric Corporation,
Central U. S. Utilities Company,
J. I. Mange,
Utility Accountants and Tax Consultants,
Utility and Financial Accountants, Inc.,
Financial and Securities Assistants,
Transfer and Coupon Paying Agency,
Corporate Records and Secretarial Assistants,
H. C. Hopson,
H. C. Hopson & Company,
Edward J. Cheney,
Utility and Financial Advertising Agency,
C. M. M. Corporation,
Day & Company,
Edmund B. Naylon,

are persons which control respondents, or are controlled by the same persons which control respondents.

Now, therefore it is *ordered:*

(a) That a hearing be held at 10:00 a. m., on March 3, 1937, in the Commission's hearing room in Washington, D. C., by the Federal Power Commission or such representative as the Commission may hereinafter designate for such purpose, to ascertain and determine all facts, conditions, practices and matters regarding the ownership, operation, management and control of said respondents or either of them; all contracts and working arrangements between said respondents and any person who controls, directly or indirectly, said respondents or who is controlled by any such person, and all expenditures and obligations incurred thereunder that in any way affect or relate to the business of said respondents or either of them;

(b) That the following persons (including respondents), viz.:

Metropolitan Edison Company,
Northern Pennsylvania Power Company,
Pennsylvania Electric Company,
Erie Lighting Company,
The Clarion River Power Company,
Solar Electric Company,
Associated Gas & Electric Properties,
Associated Securities Corporation,
Associated Gas & Electric Company,
Associated Gas & Electric Corporation,
Metropolitan Edison Corporation,
NYPANJ Utilities Company,
Associated Electric Company,
Pennsylvania Electric Corporation,
Central U. S. Utilities Company,
The Associated Corporation,
Associated Gas & Electric Securities Co., Inc. (Del.),
Associated Real Properties, Inc.,
General Gas & Electric Corporation,
Utility Clearing Corporation,
The Utility Management Corporation,
E. M. Gilbert Engineering Corporation,
Utilities Purchasing & Supply Corporation,
Utilities Employees Securities Company,
Public Utilities Appliance Corporation,
Employees Welfare Association, Inc.,
Utility Accountants and Tax Consultants,
Utility and Financial Accountants, Inc.,
Financial and Securities Assistants,
Transfer and Coupon Paying Agency,
Corporate Records and Secretarial Assistants,
J. I. Mange,
H. C. Hopson,
H. C. Hopson & Company,
Edward J. Cheney,
Utility and Financial Advertising Agency,
C. M. M. Corporation,
Day & Company,
Edmund B. Naylon,

be and they are hereby directed to appear on March 3, 1937, and present for the record at such hearing, for the years 1934, 1935 and to date, full and complete information as to the person or persons which controlled, directly or indirectly, the respondents or either of them and any of the persons named above controlled, directly or indirectly, by such person or persons; and, to assist the Commission in determining the facts as to the control of each person named above, each such person is directed to present specific information and data at said hearing showing: (1) the form of its organization, i. e., whether individual, partnership, corporation, trust or otherwise, under which such person exists; (2) the articles of incorporation, partnership agreement, trust agreement, and/or any other document or documents by which such person was created, formed, exists or operates, as originally created and as subsequently changed, modified, amended or otherwise altered; (3) the full name and address of each partner, director, officer, trustee, agent, or other individual elected, appointed or authorized to act for such person under any circumstance whatsoever; (4) the ownership or interest, legal or beneficial, held by such persons, or any of them, in or over any other person named above, as well as the manner or means by which such ownership or interest is accomplished and/or maintained; and (5) such other and further pertinent data or information relating to the matters under investigation, as may from time to time during the course of said hearing, be required by the Commission.

(c) That a copy of the report, as prepared by the accounting representatives of the Commission and setting forth the results of their investigation and examination into certain charges reflected on the books of respondents, be served on each person named in paragraph (b) of this order.

NOTICE

The matters assigned for hearing under the foregoing order will be heard by the Federal Power Commission sitting jointly with The Public Service Commission of the Commonwealth of Pennsylvania.

* * * * *

I, Leon M. Fuquay, Acting Secretary of the Federal Power Commission, hereby certify that the foregoing is a true and correct copy of a portion of the minutes of a meeting of the Federal Power Commission in the City of Washington, District of Columbia, on the 26th day of January, 1937.

In testimony whereof, I have hereunto set my hand and caused the seal of the Federal Power Commission to be affixed at the City of Washington, District of Columbia, this 27th day of January 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 37-295; Filed, January 28, 1937; 10:05 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 49]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 27, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Alabama 18 Cullman (Additional) | $34,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-294; Filed, January 28, 1937; 10:00 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of January 1937.

[File No. 1-1455]

IN THE MATTER OF CONNECTICUT RAILWAY & LIGHTING CO. COMMON CAPITAL STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Connecticut Railway and Lighting Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 89,772 shares of Common Capital Stock, No Par Value, on the New York Stock Exchange; and

The Commission having ordered a hearing with respect to said application, which hearing was held on the 9th day of September 1936; and

The Commission having considered said application, together with evidence introduced at said hearing and the report of the Trial Examiner thereon, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted, effective at the close of the trading session on February 5, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-298; Filed, January 28, 1937; 12:21 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of January 1937.

[File No. 1-1455]

IN THE MATTER OF CONNECTICUT RAILWAY AND LIGHTING CO. COMMON CAPITAL STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION (CORRECTION)

The Connecticut Railway and Lighting Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 89,772 shares of Common Capital Stock, $100 Par Value, on the New York Stock Exchange; and

The Commission having ordered a hearing with respect to said application, which hearing was held on the 9th day of September, 1936; and

The Commission having considered said application, together with the evidence introduced at said hearing and the report of the Trial Examiner thereon, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted, effective at the close of the trading session on February 5, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-299; Filed, January 28, 1937; 12:21 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE LEONA MCCLUSKEY FARM, FILED ON DECEMBER 31, 1936, BY WOODFIN & COX, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-297; Filed, January 28, 1937; 12:21 p. m.]

## UNITED STATES MARITIME COMMISSION.

[General Order No. 6]

HEARINGS ON MINIMUM WAGE AND MANNING SCALES AND WORKING CONDITIONS

Title III, American Seamen, Section 301 (a) of the Merchant Marine Act, 1936, Public No. 835, 74th Congress, provides that the United States Maritime Commission is authorized and directed to investigate the employment and wage conditions in ocean-going shipping and, after making such investigation and after appropriate hearings, to incorporate in the contracts authorized under title VI—Operating Differential Subsidy—and title VII—Private Charter Operation—of this Act minimum-manning scales and minimum-wage scales, and reasonable working conditions for all officers and crews employed on all types of vessels receiving an operating-differential subsidy.

Pursuant to the above stated authority and direction, it is now ordered by the United States Maritime Commission that public hearings for this purpose shall be held on February 3rd, 1937, at 10 o'clock a. m., simultaneously in the Cities of New York (for the New York, Boston, Philadelphia and the North Atlantic areas) at 45 Broadway, Norfolk (for Norfolk, Baltimore and the South Atlantic area) at the United States Custom House, New Orleans (for the Gulf Coast area) at the St. Charles Hotel, and at the United States Custom House in Los Angeles, San Francisco and Seattle. The time and place of said hearings may be changed by the representatives of the Commission duly designated by the Commission and the hearings may be continued or adjourned from time to time. Written authority to represent the Commission has been given the members of its staff who are to conduct the hearings and will be made a part of the record thereof. A complete record of the hearing will be made and submitted to the Commission and the order fixing minimum-manning and minimum-wage scales, and working condition standards will be made by the Commission.

For the purpose of said hearings all of the powers and authority given to the Commission in Section 214 (a) of the Merchant Marine Act, 1936, is hereby delegated to and vested in the members of its staff who have been designated in writing to hold the hearings in the name of and on behalf of the United States Maritime Commission. Rules for the conduct of the hearings will be announced at the opening of each hearing by the representative of the Commission.

By order of the United States Maritime Commission.

[SEAL] TELFAIR KNIGHT, *Secretary.*

JANUARY 27, 1937.

[F. R. Doc. 37-289; Filed, January 27, 1937; 3:06 p. m.]

*Saturday, January 30, 1937* *No. 20*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48782]

CUSTOMS REGULATIONS AMENDED—SUMMARY FORFEITURE AND DISPOSITION OF SEIZED PROPERTY NOT EXCEEDING $1,000.00 IN VALUE

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority of section 251, Revised Statutes (U. S. C., title 19, sec. 66), and sections 607 (U. S. C., title 19, sec. 1607) and 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), article 1106 of the Customs Regulations of 1931, is hereby amended as follows:

Paragraph (b) is amended to read:

(b) The notice shall, (1) be published in a newspaper of general circulation in the customs collection district of seizure; (2) describe the property seized; (3) state the time, cause, and place of seizure; and (4) state that any person desiring to claim the property must appear and file with the collector a claim to such property and a bond in the sum of $250, within 20 days from the date of the first publication of the notice, in default of which the property will be disposed of in accordance with law.

Paragraphs (c), (d), (e), (f), (g), (h), and (i) are redesignated as paragraphs (d), (e), (f), (g), (h), (i), and (j), respectively.

Insert the following as new paragraph (c):

(c) Articles of small value of the same class or kind included in two or more seizures shall be advertised as one combined unit. The notice in such cases shall conform to all the requirements of paragraph (b) hereof.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved January 25, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-300; Filed, January 28, 1937; 2:41 p. m.]

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[T. D. 48783]

FORKS, HOES, AND RAKES

PROTEST FILED UNDER THE PROVISIONS OF SECTION 516 (B), TARIFF ACT OF 1930, OVERRULED—TREASURY DECISION 46965 REVOKED

*To Collectors of Customs and Others Concerned:*

Reference is made to Treasury Decision 46965, approved March 29, 1934, ordering the suspension, pending the decision of the United States Customs Court upon the protest filed under the provisions of section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516 (b)) against the liquidation on February 5, 1934, of New York Entry No. 772,203, S. S. *Berlin*, dated December 26, 1933, of the liquidation at all ports of all unliquidated entries covering forks, hoes and rakes of the character described in Treasury Decision 46717, approved November 7, 1933, imported after the expiration of 30 days after the publication of Treasury Decision 46717.

The protest filed in this case, protest 700,583-G, was overruled by the United States Customs Court on November 19, 1935 (1935), Treasury Decision 48022, and on appeal the United States Court of Customs and Patent Appeals sustained the decision of the United States Customs Court (1936), Treasury Decision 48656. The decision in question has become final by operation of law.

Treasury Decision 46965 is hereby revoked and you are directed to liquidate all entries the liquidation of which was suspended by its provisions.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, January 25, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-301; Filed, January 28, 1937; 2:41 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

MODIFICATION

MONTANA GRAZING DISTRICT NO. 1

JANUARY 22, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of July 11, 1935, establishing Montana Grazing District No. 1, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN

T. 32 N., R. 23 E.,
sec. 8, SE¼SE¼.
sec. 17, NE¼NE¼.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-303; Filed, January 29, 1937; 9:55 a. m.]

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### General Land Office.

STOCK DRIVEWAY REVOCATION ORDER AMENDED

JANUARY 15, 1937.

Departmental order approved November 18, 1936, revoking certain stock driveway withdrawals in so far as they affected the therein described lands in New Mexico, is hereby amended so that the land described therein as being in T. 10 S., R. 7 W., shall be described as being in T. 10 S., R. 8 W., and also by substituting the following for the descriptions given in the order in the hereinafter designated sections or townships:

T. 20 S., R. 30 E.,
S½ of Secs. 29 and 30;
T. 22 S., R. 30 E.,
W½NE¼, NW¼ and S½ Sec. 22, and W½E½ and W½ Sec. 27;
T. 23 S., R. 30 E.,
W½E½ and W½ Sec. 3;
T. 22 S., R. 32 E.,
Secs. 1, 2, 11, 12, 13, 14, SE¼ Sec. 19, S½ of Secs. 20, 21, and 22, Secs. 23 and 24, N½ Sec. 30;
T. 20 S., R. 33 E.,
Sec. 7, W½NE¼, W½ and SE¼ Sec. 8, Secs. 9, 10 and 11, NE¼ and W½ Sec. 12, W½E½ and W½ Sec. 14, W½E½ and W½ Sec. 23, W½W½ Sec. 25, Secs. 26 to 35, inclusive;
T. 24 S., R. 34 E.,
SE¼NE¼ and S½ Sec. 27;
T. 12 S., R. 6 W.,
N½, N½SW¼ and NW¼SE¼ Sec. 24.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-302; Filed, January 29, 1937; 9:50 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER TERMINATING OPERATION OF LICENSE FOR MILK—FORT WAYNE, INDIANA, SALES AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under the provisions of the Agricultural Adjustment Act, as amended, and for the purposes and within the limitations therein contained, and pursuant to the applicable general regulations issued thereunder, on the 30th day of June, 1934, issued, under his hand and the official seal of the Department of Agriculture, a License for Milk—Fort Wayne, Indiana, Sales Area, effective on the 1st day of July, 1934, and amended said license on June 19, 1935 and August 16, 1935; and

Whereas, the Secretary of Agriculture has determined to terminate said license, as amended;

Now, therefore, the undersigned, acting under the authority vested in the Secretary of Agriculture under the terms and conditions of the said act, as amended, and pursuant to the applicable general regulations issued thereunder, hereby terminates the said license, *subject, however,* to the following conditions:

1. That the provisions of article III of the said license, as amended, relating to the designation, rights and duties of the Market Administrator, shall remain in force and effect for the purpose of enabling the Market Administrator, or his successor, to liquidate and settle all matters arising under the terms and provisions of the said license, as amended;

2. That any and all of the obligations which have arisen thereunder, or which may hereafter arise in connection therewith, by virtue of, or pursuant to, the said license, as amended, shall not be affected, waived or suspended hereby; and

3. That the Market Administrator, or his successor in office designated in accordance with the provisions of the license, shall have the power and authority

(a) to collect any and all of the moneys due to the Market Administrator under the terms and provisions of the said license, as amended,

(b) to distribute any moneys heretofore or hereafter collected in accordance with the provisions of the said license, as amended, and

(c) to have and exercise all of the powers and authority vested in the Market Administrator under the terms and provisions of the said license, as amended, as may be necessary or proper to carry out the foregoing purposes.

In witness whereof, Harry L. Brown, Acting Secretary of Agriculture of the United States of America, has executed this Order of Termination in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 29th day of January 1937 and hereby declares that this termination shall be effective on and after 12:01 a. m., c. s. t., February 1, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-311; Filed, January 29, 1937; 12:25 p. m.]

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## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

EIGHTH AMENDMENT OF GENERAL ORDER NO. 229

PORT OF PEMBINA, NORTH DAKOTA, FOR THE ENTRY INTO THE UNITED STATES OF ALIENS ARRIVING BY AIRCRAFT

JANUARY 28, 1937.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C., Ti. 49, Sec. 177 (d)), the Fort Pembina Airport, Pembina, North Dakota, is hereby designated as a permanent port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (a), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended by General Order No. 229, dated December 21, 1935, and amendments thereto, is amended by adding the following after Nogales, Arizona, Nogales Municipal Airport: Pembina, North Dakota, Fort Pembina Airport.

Subparagraph (b) of said Paragraph 3 is amended by striking therefrom the following: Pembina, North Dakota, Fort Pembina Airport.

[SEAL] FRANCES PERKINS, *Secretary.*

Approval recommended:

I. F. WIXON,
*Deputy Commissioner of Immigration and Naturalization.*

[F. R. Doc. 37-305; Filed, January 29, 1937; 10:32 a. m.]



## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-289]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE WHOLESALE JEWELRY INDUSTRY

NOTICE OF OPPORTUNITY TO BE HEARD

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Wholesale Jewelry Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules.[1] Communications of such views should be made to the Commission not later than February 17, 1937. Opportunity for oral hearing will be afforded at 10 a. m., February 17, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C., to such persons as may desire to appear, and who have made prior written or telegraphic requests to be heard orally. All Briefs or other communications received concerning the proposed rules will become part of the public record. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission,

OTIS B. JOHNSON, *Secretary.*

Entered January 27, 1937.

[F. R. Doc. 37-304; Filed, January 29, 1937; 10:07 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 28th day of January A. D. 1937.

IN THE MATTER OF THE FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

Whereas the Commission, by Division 5, by its Order of January 19, 1937, requires certain classes or groups of line-haul or over-the-road contract carriers by motor vehicle subject to the provisions of the Motor Carrier Act, 1935, as specified therein, to file with the Commission, publish, and keep open for public inspection on or before February 1, 1937, copies of each and every contract existing and in force on said date containing the charges of such contract carriers for the transportation of property in interstate or foreign commerce and any rule, regulation or practice affecting such charges and the value of the service thereunder, and

*It appearing,* That the National Industrial Traffic League, Contract Motor Carriers' Conference of North Jersey, C. Lewis Lavine, Incorporated, and others, have petitioned the Commission for revocation of said order;

*And it further appearing,* That consideration by the entire Commission of the said petitions cannot be had prior to the effective date of said Order of January 19, 1937, and for that reason the effective date of said order should be postponed:

*It is ordered,* That the time for compliance with the requirements of said Order of January 19, 1937, be, and it is hereby, extended from February 1, 1937, to February 20, 1937,

[1] The proposed trade practice rules referred to herein have been filed with the Division of The Federal Register, The National Archives.

and that said order in every other respect shall remain in full force and effect.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-310; Filed, January 29, 1937; 11:54 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 12th day of December A. D. 1936.

The subject of periodical reports of operating statistics from carriers by steam railway of Class I being under consideration:

*It is ordered,* That—

1. The order of this Commission, dated February 1, 1936, amending the order of November 25, 1935, dealing with railway operating statistics be and is hereby annulled effective January 1, 1937.

2. The order of November 25, 1935, be and hereby is amended by substituting new forms of reports designated OS–A, OS–B, OS–C, OS–D, OS–E, OS–F, and instructions thereon, which forms are hereto attached and made a part of this order.[1]

*It is further ordered,* That this order shall become effective as of January 1, 1937.

By the Commission, division 4.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-308; Filed, January 29, 1937; 11:53 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 50]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 28, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| North Dakota 11 Cass (Additional) | $35,000 |
| Tennessee 21 Franklin (Additional) | 10,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-306; Filed, January 29, 1937; 10:33 a. m.]

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[Administrative Order No. 51]

RESCISSION OF FUNDS FOR LOAN

JANUARY 28, 1937.

I hereby rescind, upon request of the applicant, the allocation of funds for the below designated project, made by Administrative Order No. 7.

| Project Designation: | Amount |
|---|---|
| Wisconsin 34 Sawyer | $45,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-307; Filed, January 29, 1937; 10:33 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of January A. D. 1937.

[1] The forms referred to herein have been filed with the Division of the Federal Register, The National Archives; copies thereof may be obtained upon application to the Interstate Commerce Commission.

[File No. 43-30]

IN THE MATTER OF THE MINNEAPOLIS GENERAL ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by The Minneapolis General Electric Company, a subsidiary of a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the amendment of declarant's trust indenture dated April 1, 1916 and supplements thereto, securing an issue of $42,070,000 principal amount of its General Mortgage Bonds. All of the bonds outstanding under such indenture are now owned by the Northern States Power Company, a Minnesota corporation, which has pledged them as security for certain First and Refunding Mortgage 25-Year Gold Bonds, which it now has outstanding. Said Northern States Power Company plans to issue certain bonds for the purpose of refunding the bonds which it now has outstanding and declarant and said Northern States Power Company now desire to amend the trust indenture securing the $42,070,000 of General Mortgage Bonds which the declarant now has outstanding by withdrawing certain collateral now pledged as security therefor and by amending the covenants thereof to conform more closely with the provisions of the new indenture about to be issued by the owner of such bonds.

It is ordered that a hearing on such matter be held on February 9, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 5, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-317; Filed, January 29, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of January A. D. 1937.

[File No. 2-148]

IN THE MATTER OF SUNSET GOLD FIELDS, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Sunset Gold Fields, Inc., under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,



It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Wednesday, February 10, 1937, at 2 o'clock in the afternoon, in Room 726–C, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-312; Filed, January 29, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of January A. D. 1937.

[File No. 46-28]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Middle West Corporation, a registered holding company, having duly filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it of 12,687½ shares of common stock without par value of Missouri Gas & Electric Service Company, such securities to be issued by said Missouri Gas & Electric Service Company in accordance with a plan of reorganization of said company under Section 77B of the Bankruptcy Act, which plan was confirmed by the United States District Court for the Western Division of the Western District of Missouri on July 22, 1936;

A hearing on said application having been held after appropriate notice, the record in this matter having been examined, and the Commission having made and filed its findings herein;

It is ordered that the acquisition by applicant of such securities in accordance with the terms and conditions of and for the purposes represented by such application, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-314; Filed, January 29, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE CRUDE OIL-MATTIE FORNEY FARM, FILED ON JANUARY 4, 1937, BY CRUDE OIL PRODUCERS, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 25, 1937, be effective as of January 25, 1937; and it is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-313; Filed, January 29, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RAY STEPHENS-GRIFFIN FARM, FILED ON JANUARY 21, 1937, BY RAY STEPHENS, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the phrase "or disapproved" is omitted from paragraph 2 of Division I;

2. In that Item 5 of Division II does not give sufficient data respecting the agreement there referred to;

3. In that in Item 9 of Division II it is stated that 2 wells will be drilled, numbers 2 and 3; in Item 23 (b) of Division II it is stated that 3 wells may be drilled, numbers 1, 2 and 3. Exhibit A shows well #1 drilling and indicates locations for wells numbered 3 and 4;

4. In that the geological report submitted in lieu of Items 10, 11 and 12 is confusing and was not written for use in connection with this offering sheet;

5. In that Items 10 and 11 of Division II are not completely answered;

6. In that in Item 2 (c) of Division II and in Exhibit B the number of acres stated to be involved in this offering is in conflict with the number of acres indicated in Exhibit A;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities

and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-315; Filed, January 29, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RAY STEPHENS-MELTON FARM, FILED ON JANUARY 21, 1937, BY RAY STEPHENS, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the phrase "or disapproved" is omitted from paragraph 2 of Division I;

2. In that Item 5 of Division II does not give sufficient data respecting the agreement there referred to;

3. In that in Item 9 of Division II it is stated that 2 wells will be drilled, numbers 2 and 3. In Items 2 (c) and 23 (a) and (b) wells numbers 2 and 3 are referred to. Exhibit A shows wells numbered 1 and 2, and no location of number 3 is found. Well #1 is shown as a dry hole;

4. In that the geological report submitted in lieu of Items 10, 11, and 12 is confusing and was not written for use in connection with this offering sheet;

5. In that Items 10 and 11 of Division II are not completely answered;

6. In that in Item 2 (c) of Division II and in Exhibit B the number of acres stated to be involved in this offering is in conflict with the number of acres indicated in Exhibit A;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-316; Filed, January 29, 1937; 12:33 p. m.]

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*Tuesday, February 2, 1937* *No. 21*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

AMENDMENT OF INSTRUCTIONS TO DIPLOMATIC OFFICERS AND OF CONSULAR REGULATIONS

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes (22 U. S. C. § 132), it is ordered that the Instructions to Diplomatic Officers and the Consular Regulations be, and they are hereby, amended as follows:

*Instructions to Diplomatic Officers*

1. Section 4 of chapter III of the Instructions to Diplomatic Officers is amended by inserting the following paragraph between the paragraph entitled "Salary increases within classes" and that entitled "Additional compensation":

"*Appointment or promotion during recess of Senate.*—Foreign Service officers appointed or promoted during a recess of the Senate shall be paid the compensation of the position to which appointed or promoted from the date of such appointment or promotion until the end of the next session of the Senate, if they have not theretofore been confirmed by the Senate, or until their rejection by the Senate before the end of its next session. If the Senate should reject or fail to confirm the promotion of a Foreign Service officer during the session following the date of such promotion, the Foreign Service officer shall automatically be reinstated in the position from which he was promoted, such reinstatement to be effective, in the event of the rejection of the nomination, from the date of rejection; and in the event of failure of the Senate to act on the nomination during th session following the promotion, from the termination of that session. (49 Stat. 436.)"

2. The last sentence of section 6 of chapter IV of the Instructions to Diplomatic Officers is amended to read:

"He shall stand at salute, facing the ship, during the firing of the gun salute."

3. Section 1 of chapter XVII of the Instructions to Diplomatic Officers is amended to read:

"XVII–1. *Office supplies*

"In general, office supplies should be obtained only from the Department, although in emergencies diplomatic officers are permitted to make purchases locally.

"Requisitions for supplies should be made on the Department's printed form and should describe the articles called for by schedule number, as well as by name, and the quantities desired should be stated in figures, as prescribed by the schedule, and in the order indicated therein. The quantity of supplies on hand in the office at the time requisition is made should always be stated in the column and on the form provided for the purpose. If less than an original package is desired the quantity should be stated in fractions thereof.

"Requisitions should be carefully drawn with due regard to economy, and should cover so far as possible a supply for one year.

"Articles not mentioned on the schedule which may be considered necessary should be added at the end of the requisition."



*Consular Regulations*

4. Sections 48, 49, and 50 of the Consular Regulations are revoked and new sections 48, 49, and 50 are prescribed as follows:

"48. *Exequatur.*—Upon the assignment of a Foreign Service officer as a consul general, consul, or vice consul, or upon the assignment of a clerical vice consul, his assignment commission or commission to a post is forwarded to the American diplomatic representative accredited to the government within whose jurisdiction the office is situated. At the same time the diplomatic representative is instructed to comply with the procedure which is customary in the particular country with respect to obtaining official recognition. Certain governments prefer to be merely notified of the assignment when the officer assigned is not in charge of a consular office. The officer's commission, together with the exequatur, if one is issued, is forwarded to the officer at the post where he is assigned.

"49. *Procuring exequatur when no diplomatic representative.*—If there is no diplomatic representative of the United States stationed in the country, the commission of the consular officer may be sent in accordance with some prearranged plan to a diplomatic representative of the United States or a consular officer of the United States in another country with instructions to apply to the proper authorities for an exequatur.

"50. *Entry upon duties without exequatur.*—An officer shall, when so directed by the Department of State, enter upon the discharge of his duties without an exequatur on receiving permission from the proper authorities to act in his official capacity."

5. Sections 51 to 54, inclusive, are revoked.

6. Section 56 is amended to read:

"56. *Notice of arrival at post.*—After the arrival of an officer at his post, he will inform the mission of the United States, if there is one accredited to the government of the country in which the consular office is situated. An officer within the jurisdiction of a consulate general will give similar information to that office."

7. Sections 109, 110, and 111 are revoked and new sections 109 and 110 prescribed as follows:

"109. *Classification of visits of American naval vessels to foreign ports.*—The term 'visits of courtesy' is used to designate visits of a more or less formal nature of naval vessels to ports in foreign countries in which there is an exchange of official entertainment. 'Informal visits' are those in which formalities are restricted to the usual salutes and customary calls, with no official entertainment by the government concerned. Unless specifically designated as visits of courtesy, all visits of United States naval vessels are to be regarded as informal visits.

"110. *Official calls between naval officers and consular officers.*—If the commanding officer of a naval vessel of the United States which visits a foreign port where there is a consular officer is a flag officer or commodore, he receives the first visit from the consular officer regardless of the latter's rank; and if the commanding officer is of the rank of captain, he makes the first visit to a consul general and receives the first visit from other consular officers. A commanding officer below the rank of captain makes the first visit to a consul general or to a consular officer in charge of a consulate.

"When the consular officer is to make the first visit, the commanding officer sends a boat ashore with an officer on board to call on the consular officer and tender him a passage to the ship at such time as he may select. It is the duty of the consular officer to accept the invitation to visit the commander within 24 hours, and to tender to him his official services.

"When the commanding officer makes the first visit to a consular officer, it is the duty of the consular officer to return the visit within 24 hours."

8. Section 110A is renumbered 111.

9. The last sentence of section 182 is amended to read as follows:

"Vessels which are wholly owned by citizens of the United States but not regularly documented under the laws of the United States are not exempt from the payment of fees for services rendered by American consular officers."

10. The last three paragraphs of section 243 are revoked and new paragraphs prescribed as follows:

"(*a*) *General.*—Whenever a seaman is discharged by a consular officer, the master shall provide such seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consular officer that such seaman was not discharged on account of neglect of duty, incompetency, voluntary consent, or injury incurred on the vessel. (46 U. S. C. § 683.)

"(*b*) *Voyage contrary to agreement, vessel unseaworthy or badly provisioned, or cruel treatment.*—Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, and after proper inquiry into the matter the consular officer has satisfied himself of the truth and justice of such complaint, he shall require the master to pay such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or to provide him with passage on some other vessel bound to the port from which the seaman was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman. (46 U. S. C. § 685.)

"(*c*) *Vessels sent to sea unsuitably provided.*—When the report of inspectors appointed by the consular officer to make an examination as to whether a vessel is in a suitable condition to go to sea, contains the statement that in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, and the consular officer approves of such finding, he shall discharge such of the seamen as request to be discharged, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. This section does not apply to fishing or whaling vessels or yachts. (46 U. S. C. § 658.)

"(*d*) *Improper discharge within a month.*—See section 232 (46 U. S. C. § 594).

"(*e*) With regard to the extra wages of seaman shipped 'by the lay', see section 244, and of seamen shipped on undocumented vessels, section 245."

11. Sections 244 to 248, inclusive, are amended to read:

"244. *Shipment 'by the lay.'*—When seamen have been shipped on board American vessels without the rate of their wages being specified on the shipping articles, as on board certain fishing or whaling vessels where they are shipped 'by the lay', upon their discharge at a foreign port under circumstances entitling them to extra wages, such wages shall be paid at the usual rate at the time and port of shipment for the voyage. (See also section 268.)

"245. *Undocumented vessels.*—Persons having the status of American seamen when shipped on undocumented American or foreign-built vessels which are wholly owned by citizens of the United States, are to be regarded in the same light, as regards the collection of extra wages, as seamen on regularly documented vessels. Consular officers will not, however, exact extra wages when such vessels are sold abroad. (See section 252, 46 U. S. C. § 684.)

"246. *Restrictions in seamen's contracts.*—A master of a vessel is forbidden to make a contract with a seaman which provides for the waiver or remission of the extra wages upon his discharge at a foreign port in cases in which he would be otherwise entitled to such wages. In all engagements of seamen the statutes of the United States regarding such wages must be deemed and taken to be a part of the seaman's contract. (46 U. S. C. § 600.)

"247. *No waiver or remission of extra wages is legal.*—Although ordinarily any person may waive a benefit to which he is entitled by law, he cannot by such waiver affect the rights of third persons or contravene the policy of a statute. Extra wages are allowed to a seaman to prevent him from becoming a public charge and to provide a means for his relief and for his return home. A seaman cannot, therefore, by his own act defeat the public policy upon which the statutes are based. As section 246 specifically provides that a seaman cannot expressly waive his right to extra wages in the shipping contract, consular officers are instructed to exact such wages in all cases where the law requires them to be paid, without any remission or deduction of the indebtedness of the seaman to the vessel, especially as the statute (46 U. S. C. § 683) makes consular officers accountable to the United States for the full amount if they neglect to require payment.

"248. *Foreign seamen.*—A seaman who is a foreigner and who is shipped in a foreign port and discharged in a foreign port is not entitled to extra wages upon discharge. (Fed. Case No. 16002.)"

12. Section 260, subdivision (1) is amended to read:

"(1) Merchant seamen who are citizens of the United States and who, at the time of applying for relief, are by habit and intent bona fide members of the American merchant marine, although their last service may not have been in an American vessel."

13. Section 270 is hereby amended to read:

"270. *Express authorization essential prior to relief of naval seamen.*—Seamen of the naval vessels of the United States left under the care of consular officers in consequence of sickness, injuries, or other causes, are not entitled to the relief provided by law for seamen of the merchant service; and a consular officer should not incur expenses in their behalf unless expressly requested or authorized to do so by a commanding officer. Such relief should be extended when the naval officer furnishes adequate funds at the time to meet necessary expenses or gives such written authorization as will secure to the consular officer reimbursement from the Navy Department for outlays made."

14. Sections 321 to 331, inclusive, are revoked and new sections prescribed as follows:

"321. *Protection of wrecks and stranded vessels.*—Consular officers, in cases where vessels of the United States are stranded on the coast in their consular districts, respectively, are required, so far as the laws of the country permit, to take proper measures as well for saving such vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories, must, after deducting therefrom the expenses, be delivered to the owner or owners. No consular officer is permitted to take possession of any such goods, wares, merchandise, or other property when the master, owner, or consignee thereof is present or capable of taking possession. (46 U. S. C. § 721.)

"If in such a case salvage is claimed and is allowed by a competent tribunal, the consular officer may receive the remainder of the effects or the proceeds thereof if the tribunal shall permit them to be delivered to him. A full report with recommendations as to the disposition of the effects or proceeds should be submitted to the Department of State which will give necessary directions as to their disposition. No consular fees are chargeable for such services.

"322. *Disposition of wrecks and their cargoes brought into consular district.*—All vessels, parts of vessels, and any portion of their cargoes, belonging to citizens of the United States, saved and brought into the consular jurisdiction after being wrecked, or in consequence of any disaster at sea, are to be proceeded with in the same manner as if the vessel had stranded within the consular jurisdiction.

"323. *Laws and regulations of foreign countries concerning wrecked property.*—A consular officer at a seaport should ascertain the provisions of local laws or regulations with regard to property wrecked within his jurisdiction and should observe them. A consular officer should not interfere with the legal function of the proper magistrate or officer, but he may request permission as the consular representative of the absent master or owner, or, if the master or owner is present, as an official adviser, to assist at the taking of the inventory, and at the sale, and in all other proceedings in relation to the property. It is the duty of the consular officer to protect the interests of the American owner, and if his reasonable requests are not complied with, to take the necessary evidence of the facts in the case and transmit it to the Department of State. This section does not authorize or contemplate the surrender of any rights established by treaty. The provisions of section 337 concerning such rights should be followed.

"324. *Wrecks to be reported.*—When any American vessel is wrecked or lost within his jurisdiction, the consular officer should submit a report by telegraph to the Department of State stating briefly the name of the vessel, its owner and home port, the voyage on which it was bound, and the circumstances attending the disaster. This telegraphic report should also contain information concerning the safety of the passengers and crew, as required by section 458 of these regulations, and should be followed promptly by a full report by mail giving details. The report by mail should state whether the papers of the vessel have been saved. If there is an agent of the American underwriters in his jurisdiction the consular officer shall cooperate with him. (Sec. 336.)

"325. *Disposition of unclaimed property.*—So far as may be permitted by treaty, the laws of the country or established usage, or in the absence of any legal impediment, any effects, whether wrecked, abandoned, or otherwise unclaimed, belonging to a citizen of the United States and found within the jurisdiction of the consular officer are to be handled in accordance with the directions given in Article XXIII for the disposition of personal estates of deceased citizens.

"326. *Proceedings may be instituted.*—A consular officer may file a claim in admiralty proceedings for the recovery of property in behalf of American citizens when he has reasonable grounds to believe that the shipwrecked vessel or its cargo is American-owned. Before taking such action a telegraphic report should be made to the Department with a statement as to whether any expenditures will be involved in filing the claim or in its disallowance, and specific authority for filing the claim obtained. As restitution cannot be decreed without specific proof of the proprietary interest, immediate steps should be taken to obtain such evidence. (10 Wheaton 67; Fed. Case No. 8474.)

"327. *Report of rescue of American seamen or citizens.*—Whenever a consular officer shall receive authentic information that the master or crew of any vessel, American or foreign, has rescued seamen or citizens of the United States from shipwreck or other catastrophe at sea, he shall without delay transmit to the Department of State a full statement of the facts, including the name, flag, and home port of the rescuing vessel, and the name and address of its owner. The report should state the names of the passengers or crew who have died or are unaccounted for, and the names of the survivors and what action has been taken concerning them. (Secs. 324, 329, 458.) The consular officer should include in his report the names and addresses of officers or members of the crew of the rescuing vessel who have especially distinguished themselves and should give full and precise details regarding the rescue and their part in it so that the hazard incurred and the degree of merit shown may be evaluated.

"328. *Rewards to masters or crews of foreign vessels.*—Provision is made in the annual appropriation act of the Department of State for expenses incurred in the acknowledgment of the services of masters and crews of *foreign* vessels in rescuing American seamen or citizens from shipwreck or other catastrophe at sea. Such acknowledgments usually are made in the name of the President by the Department of State upon recommendations contained in the report (sec. 327) of the consular officer.

"However, if in the judgment of the consular officer after investigating the facts and circumstances of the rescue, the master and rescuing boat's crew of the foreign vessel, or any of them, are deserving of immediate reward, he is authorized to pay to such master and members of the crew, or any of them, without previous reference of the matter to the Department of State, a sum of money ranging from $5 to $25, according to the rank and merit of the recipient, and to include such payment in his monthly accounts supported by appropriate vouchers. (Form No. 170.) The consular officer should inform the Department immediately of his action in making such payments and copies of his reports transmitted in compliance with section 327 should accompany the accounts.

"In making the recommendations and rewards for saving of life, it is expected that consular officers will exercise due diligence and sound discretion. Humane action is deemed deserving of recognition as well as heroic action (although in a less degree), and sacrifice of business interests as well as disregard of personal peril. Volunteer efforts should be rated higher than compulsory action under the orders of a superior.

"329. *Assistance to Americans from wrecked or lost vessels.*—Consular officers will promptly render such assistance as may be in their power to their countrymen from wrecked or lost vessels, and institute whenever it is practicable energetic proceedings for the protection of their property, and, if necessary, will apply to local authorities for assistance; but they may not incur any expense therefor in the expectation that it will be defrayed by the Department of State. The appropriation for the relief and protection of American seamen in foreign countries is not available for any purpose except the relief of persons who are actually 'seamen'. However, in making the telegraphic reports required by sections 324 and 458, consular officers may indicate the nature and estimated cost of the emergency relief required under the special circumstances of serious cases, stating the name and address of any person or organization to which this information should be communicated for the benefit of distressed persons.

"330. *Papers to be preserved.*—In case a vessel registered under the laws of the United States is lost or taken by an enemy, burned, or broken up, or otherwise prevented from returning to the port to which it may belong, the certificate, if preserved, shall be delivered up within eight days after the arrival of the master or person having the charge or command of such vessel within any district of the United States, to the collector of such district. (46 U. S. C. § 23.)

"The master or person having charge or command of the vessel is primarily responsible for the care and surrender, where necessary, of the ship's papers. However, consular officers are responsible for aiding in the collection and preservation of papers and documents relating to the passengers or to the vessel or its cargo, and for the delivery thereof to the proper persons or to their representatives, or in the event of death or nonappearance of such persons, for transmission to the Department of State.

"Whenever the ship's papers or any part of them have been delivered to or otherwise come into the possession of a consular officer in circumstances not requiring their return to the vessel or its officers, a receipt therefor should be given the master and the documents sent to the Department of State for transmission to the Department of Commerce as soon as they are no longer required by the consular officer for the performance of consular functions.

"331. *Sale of wreck.*—A certificate of registry shall be solely used by the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and if any foreigner or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in a wrecked vessel registered under the laws of the United States when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States deliver up the certificate to the collector of such district. (46 U. S. C. § 23.)

"If the purchaser is a citizen of the United States the whole register should be delivered to the new master or to the person having the charge or command of such vessel and a new register obtained therefor, pursuant to section 35, title 46, Code of Laws of the United States."

15. Section 385 is amended by the addition of a new paragraph as follows:

"(*f*) The General Accounting Office shall act as conservator of such part of these estates as may be received at the Treasury, and for their protection the Secretary of the Treasury may order such effects to be sold as may consist of jewelry or other articles which have heretofore or may hereafter be received at the Treasury, and pay the expenses of such sale out of the proceeds, provided application for these effects shall not have been made by the legal claimant within two years after their receipt. The General Accounting Office is authorized to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection. The proceeds of such sales, together with such other moneys as may be collected by it, shall be deposited into the Treasury in trust for the legal claimant, and be reported to the Secretary of State. (22 U. S. C. § 75.)"

16. Section 390 is amended by the deletion of the last sentence thereof.

17. Section 395 is amended to read:

"395. *What inventory includes.*—The inventory should cover all the personal effects of the decedent that have come into the consular officer's hands, including account books, personal letters, all evidences of debt whether due or payable in the country of his decease or elsewhere, letters of credit, and other things which may or may not be assets in the consular officer's hands for the payment of debts. Nothing, on the other hand, should be included in the inventory which is not in the consular officer's possession. The correspondence files and record books of the deceased are to be listed on the inventory and carefully described, the number of pages in each book being mentioned; and the consular officer will place a certificate, signed by himself at the beginning and at the end of each record book, in such a manner as to prevent any addition being made thereto."

18. Section 398 is amended to read:

"398. *Collection of debts.*—In collecting debts due the decedent, the consular officer should collect those due from

persons or concerns only in the country in which the decedent died. If necessary, he may request the assistance of other consular officers in making such collections. Debts so collected should, of course, be regarded as a part of the decedent's estate."

19. Section 399 is amended to read:

"399. *Payment of debts.*—The decedent's debts should be paid out of the cash resources of the estate in the consular officer's hands, namely: the money among the effects, the proceeds of the sale of perishable property, and the money paid by the decedent's debtors only in the country where the decedent died. If these funds are insufficient, the consular officer may sell at auction, after proper advertisement, as much of the remaining personal property as may be required to meet the demands, taking care to sell first the articles which are most marketable and at the same time least likely to be desired by the family of the deceased for preservation.

"A claim for damages for a wrongful act of the decedent is not a debt which the consular officer may pay unless it has been reduced to judgment. (18 Pick. 36.)"

20. Section 401 is amended to read:

"401. *Remission of residue of estate.*—One year after the death of the decedent or as soon thereafter as possible, the consular officer is required to convert into money the residue of the estate left after paying the local debts and to send such money to the Department of State for transmission through the General Accounting Office to the Treasury of the United States to be held in trust for the legal representative. The articles mentioned in the preceding section and remaining unsold should be sent along with the unused assets, to be delivered to the legal representative of the deceased. (Sec. 385d.)"

21. Section 402 is amended to read:

"402. *Delivery to legal representative.*—If at any time before transmission of the residue of the estate to the Department of State for delivery to the General Accounting Office, the legal representative of the deceased demands the effects in the hands of the consular officer, the latter shall deliver them up, the prescribed fees being paid, and shall cease his proceedings. The consular officer is required to be at all times ready to deliver the effects and papers of a deceased citizen of the United States to the person who presents satisfactory evidence of his legal right to receive them as representative of the deceased owner."

22. Sections 404, 405, and 406 are amended to read, respectively:

"404. *Account of receipts and expenditures.*—The consular officer is required to keep a regular account between himself and the estate of the deceased, in which he shall enter to his own debit all the moneys and effects that come into his hands, and to his credit all the payments he makes, and, finally, the remainder that he may deliver over to the legal representative or remit to the Department of State for delivery to the General Accounting Office so as to close the account. A copy of this account shall be delivered to the representative of the deceased and two copies transmitted to the Department.

"405. *Final settlement and account.*—As soon as an estate shall be finally settled so far as the consular officer is concerned, he shall give notice thereof to the Department of State, transmitting at the same time an itemized statement of the receipts and expenditures on account of the estate, and showing the amount in money or the effects which have been delivered to the representative of the deceased or are to be sent to the General Accounting Office, as the case may be.

"406. *Outgoing officer to close account of effects.*—In case of transfer of office, the effects of deceased citizens which have been in the consular officer's hands more than one year and which should have been remitted, shall be remitted and accounted for by the outgoing officer, and not turned over to his successor. (Sec. 68.)"

23. Section 410 is amended to read:

"410. *Fees for taking into possession and settling estates.*—A consular officer shall collect the appropriate fee (fee no. 12 of the Tariff of United States Consular Fees) for every personal estate of a deceased American (except an American seaman) coming into his possession, and shall account for the fee in his monthly return of fees next following the collection. This fee shall in all cases have priority over other obligations of the estate, and a consular officer who waives collection of the fee shall be liable to the Government for the amount thereof.

24. Section 452 is amended to read:

"452. *Uniforms forbidden.*—No person in the diplomatic service of the United States shall wear any uniform or official costume not previously authorized by Congress. (22 U. S. C. § 39.) Consular officers are not authorized by law to wear any uniform, and the prohibition imposed by statute on diplomatic officers is extended to consular officers."

25. Section 457A is prescribed as follows:

"457A. Consular officers are expected to protect in every way possible the interests of American citizens, but they are not expected to accept private property (other than estates of deceased Americans) for storage, safekeeping, or transmission, as they do not have facilities for storing and safeguarding such property and can assume no responsibility therefor. In any emergency in which an officer in his discretion considers it advisable to accede to a request that he accept private property, the owner should be required to sign a statement to the effect that the property is deposited at his own request, at his own risk, and without any responsibility therefor on the part of the Government of the United States or its officers."

26. The Tariff of United States Consular Fees prescribed by section 533 of the Consular Regulations is amended as follows:

(a) The first sentence of the second paragraph is amended to read:

"The fees in this tariff are not prescribed for vessels registered, enrolled, licensed, or provisionally registered under the laws of the United States, or for American seamen, because they are exempted by law from the payment of consular fees (22 U. S. C. § 89)."

(b) Item 14 of the tariff is amended to read:

"14. Bill of health, in duplicate (or in triplicate, if necessary) ..... $5.00."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 29, 1937.*

[No. 7543]

[F. R. Doc. 37-321; Filed, January 30, 1937; 11:01 a. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF LAND FOR FOREST ADMINISTRATIVE SITE

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked as to the following-described public lands in New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 8 E., sec. 12, S½ of N½ and S½ lot 1, N½ and N½ of S½ lot 2;
T. 20 N., R. 9 E., sec. 7, lots 5 and 6 and E½SW¼; aggregating 228.42 acres.

SECTION 2. Subject to valid existing rights, the public lands described in section 1 of this order are hereby temporarily withdrawn from settlement, location, sale or entry, and reserved for use by the Forest Service of the Department of Agriculture as the Espanola administrative site in connection with the administration of the Santa Fe National Forest.

SECTION 3. The withdrawal made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*January 29, 1937.*

[No. 7544]

[F. R. Doc. 37-320; Filed, January 30, 1937; 11:01 a. m.]

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TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48784]

CUSTOMS REGULATIONS AMENDED—WAREHOUSE AND REWAREHOUSE WITHDRAWALS FOR TRANSPORTATION

CUSTOMS REGULATIONS OF 1931, AS AMENDED BY T. D. 48505, RELATING TO THE FORM OF ENTRY, FURTHER AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in sections 557 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1557 and 1624), article 896 of the Customs Regulations of 1931, as amended by T. D. 48505, is further amended as follows:

Paragraph (b) is deleted, and paragraph (c) is redesignated paragraph (b).

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, January 23, 1937.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-322; Filed, January 30, 1937; 11:52 a. m.]

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[T. D. 48785]

CUSTOMS REGULATIONS AMENDED—TEMPORARY FREE IMPORTATION—MAIL AND OTHER INFORMAL ENTRIES

CUSTOMS REGULATIONS OF 1931, AS AMENDED BY T. D. 48508, RELATING TO TEMPORARY FREE ENTRY UNDER BOND, FURTHER AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C., title 19, sec. 66), paragraphs 1607, 1747, 1808, and 1809 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1201, pars. 1607, 1747, 1808, and 1809) and sections 308 (U. S. C., title 19, sec. 1308), 498 (a) (1) (U. S. C., title 19, sec. 1498 (a) (1)), and 624 (U. S. C., title 19, sec. 1624) of the Tariff Act of 1930, article 428 (a) of the Customs Regulations of 1931, as amended by T. D. 48508, is further amended by changing the period at the end of the first sentence to a comma and adding the following:

except that when the merchandise does not exceed $100 in value the forms provided for the informal entry of importations received through the mails, in passengers' baggage and from other sources, may be used in proper cases. (See art. 339 (c).)

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, January 23, 1937.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-323; Filed, January 30, 1937; 11:52 a. m.]

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[T. D. 48786]

CUSTOMS REGULATIONS AMENDED—TRANSFERS OF RIGHT TO WITHDRAW MERCHANDISE IN BONDED WAREHOUSES

CUSTOMS REGULATIONS OF 1931 AMENDED TO ELIMINATE THE CONCURRENCE OF THE SURETY ON THE WAREHOUSE ENTRY BOND AND TO OUTLINE MORE FULLY THE TRANSFER PROCEDURE

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C., title 19, sec. 66), and sections 556 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1556 and 1624), article 327 of the Customs Regulations is hereby amended as follows:

Paragraph (a) is amended by eliminating the following in lines two and three:

", with the concurrence of the surety on the warehousing bond,"

T. D. 47609 should be added as a marginal reference to paragraph (a).

The following new paragraph, designated (c), is added:

(c) In cases where the transferee does not desire to pay the duties and charges at the time the right to withdraw the merchandise is transferred to him, he may lodge the indorsed withdrawal in the customhouse as evidence of the transfer. A notation thereof shall be made on the customs records. The transferee may thereafter obtain the release of all or part of the merchandise, unless the transfer of the right to withdraw shall have been revoked, by filing proper withdrawals and otherwise complying with the provisions of articles 324 and 326. No indorsement of the person who has previously transferred the right to withdraw the merchandise shall be required on such withdrawals.

These regulations shall be effective as to merchandise imported on or after thirty days from the publication hereof in the weekly Treasury Decisions.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, January 25, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-325; Filed, February 1, 1937; 10:10 a. m.]

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DEPARTMENT OF THE INTERIOR.

Division of Grazing.

WITHDRAWAL OF PROPOSED TAOS GRAZING DISTRICT VACATED

NEW MEXICO

JANUARY 26, 1937.

Under authority of Departmental order of October 15, 1934, pursuant to section 2 of the act of June 28, 1934 (48 Stat. 1269), notice was published on October 18, 1934, that a hearing would be held at Santa Fe, New Mexico, on February 11, 1935, or any subsequent date to which said hearing may be adjourned, for the purpose of considering a proposal for the establishment of a grazing district to include the following described lands:

NEW MEXICO

*New Mexico Meridian*

T. 23 N., R. 8 E., Secs. 1 and 12.
Ts. 23 to 26 N., incl., R. 9 E.
Ts. 24 to 26 N., incl., R. 10 E.
T. 27 N., R. 10 E., Secs. 31 to 36, incl.
Ts. 24 and 25 N., R. 11 E.

The publication of such notice had the effect, in accordance with the provisions of the aforesaid act, of withdrawing all public lands within the exterior boundaries of the proposed district from all forms of entry and settlement.

Hearing in accordance with the above order as published was not had, but at a hearing held at Albuquerque, New Mexico, on January 14, 1935, pursuant to Departmental order of December 1, 1934, giving notice of hearings to be held in several States, including New Mexico, for the purpose of considering the establishment of grazing districts in such States, this proposed district, among others, received consideration. The district has not been organized, however, and information furnished in subsequent reports of representatives of this Department discloses that the public lands within the withdrawn area are not appropriate for administration in a grazing district under the Taylor Grazing Act.

The withdrawal, therefore, is hereby vacated.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-324; Filed, February 1, 1937; 10:01 a. m.]

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**General Land Office.**

STOCK DRIVEWAY WITHDRAWALS NOS. 156, 209, 214, AND 238, OREGON NOS. 14, 26, 30, AND 36, ENLARGED

It appearing that Stock Driveway Withdrawals Nos. 156, 209, 214, and 238, Oregon Nos. 14, 26, 30, and 36, should be enlarged, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and of section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that the following-described public lands in Oregon, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as additions to such driveway reservations, subject to valid existing rights and as to the tracts affected thereby to existing first form reclamation withdrawals:

WILLAMETTE MERIDIAN

T. 11 S., R. 25 E.,
sec. 1, SW¼NE¼, lot 4, S½NW¼, E½SW¼, SE¼;
sec. 12, NE¼, E½NW¼, SW¼;
sec. 13, N½NW¼, SW¼NW¼, SW¼, SW¼SE¼;
sec. 23, S½SW¼, SE¼;
sec. 24, N½, SW¼, NW¼SE¼;
sec. 25, NW¼, N½S½;
sec. 26, N½, N½S½, S½SW¼;
sec. 34, E½;
sec. 35;
T. 12 S., R. 25 E.,
sec. 1, N½, N½S½;
sec. 2, N½, SW¼, N½SE¼;
sec. 3, NE¼, N½SE¼;
T. 11 S., R. 26 E.,
sec. 4, lots 1 and 4, S½NW¼, S½;
sec. 5, E½, N½SW¼;
sec. 6, N½SE¼;
sec. 29, S½SW¼, SW¼SE¼;
sec. 31, E½NE¼, SE¼;
sec. 32, W½NE¼, W½, NW¼SE¼;
sec. 34, S½S½;
sec. 35, NE¼SW¼, S½SW¼, SE¼;
T. 12 S., R. 26 E.,
sec. 2, W½W½;
sec. 3, NE¼, N½NW¼;
sec. 4, N½NE¼, NW¼SW¼,
sec. 5, N½, N½S½;
sec. 9, N½NW¼;
sec. 14, W½E½, W½;
sec. 22;
sec. 24, E½, E½W½;
sec. 26, W½E½, NW¼, N½SW¼, SE¼SW¼;
sec. 30, E½NE¼, NE¼NW¼, W½W½, SE¼SW¼, SE¼;
sec. 32, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
sec. 34, E½SW¼, SE¼;
T. 13 S., R. 26 E.,
sec. 4;
sec. 6, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
sec. 7, N½NE¼, N½SW¼;
sec. 8, N½NE¼;
sec. 9, S½;
sec. 10, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼;
sec. 13, W½W½;
T. 19 S., R. 31 E.,
sec. 24, N½;
T. 19 S., R. 32 E.,
sec. 19, lot 1;
aggregating 13,648.54 acres.

Any mineral deposits in such lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

JANUARY 19, 1937.

[F. R. Doc. 37-249; Filed, January 26, 1937; 9:46 a. m.]

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BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

EFFECTIVE DATE OF SUBSECTION (F) OF SECTION 1, REVISED REGULATION Q

*Resolved*, That the date upon which subsection (f), entitled "Interest", of section 1 of Regulation Q will become effective is deferred until May 1, 1937.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-326; Filed, February 1, 1937; 11:48 a. m.]

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INTERSTATE COMMERCE COMMISSION.

ORDER

ANNUAL REPORTS FROM STEAM RAILWAY COMPANIES, ETC.

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 27th day of January A. D. 1937.

The subject of the requirement of annual reports from steam railway companies and switching and terminal companies of Class I and Class II being under consideration:

*It is ordered*, That all steam railway companies and switching and terminal companies of Class I and Class II subject to the Interstate Commerce Act be and they hereby are required to file annual reports for the year ending December 31, 1936, and for each succeeding year until further order, in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this order.[1]

*It is further ordered*, That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-309; Filed, January 29, 1937; 11:53 a. m.]

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RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 52]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 29, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the project and in the amount as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Virginia 18A Lancaster | $125,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-318; Filed, January 29, 1937; 2:57 p. m.]

[1] Filed with the Division of the Federal Register. The National Archives; copies available upon application to the Interstate Commerce Commission.



[Administrative Order No. 53]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 29, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Pennsylvania 6 Indiana | $120,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-319; Filed, January 29, 1937; 2:57 p. m.]

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SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

[File No. 2-2755]

IN THE MATTER OF OAKMERE CEMETERY ASSOCIATION, INC.

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on January 18, 1937, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-327; Filed, February 1, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January A. D. 1937.

[File No. 2-2417]

IN THE MATTER OF POLITICS, INC.

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on January 15, 1937, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-328; Filed, February 1, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS ET AL.-HARRELL FARM, FILED ON JANUARY 26, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In the confusion of names of the tracts involved. Page 1, Division I, and Item 2 (a), Division II, say the farm name is "Harrell Community". The plat, Exhibit A, delineates the D. Harrell #1, S. Harrell #1 and the Francis #1 wells and the tracts upon which they are located;

(2) In that Item 2 (d), Division II, gives the names of only two operators. Exhibit A also includes the name of Laird;

(3) In that the description of the tract involved as given in the last paragraph of Item 13, Division II, is in conflict with the description in Exhibit B;

(4) In that the figures in Item 16 (d), Division II, for July, August and September 1936 are miscalculated;

(5) In that the offering sheet is not signed by the corporate offeror;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 12th day of February 1937 at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-330; Filed, February 1, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-HAYES HIGHLAND-RUSSELL FARM, FILED ON JANUARY 25, 1937, BY R. E. PITTS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the price being paid for oil, as stated in Item 1 of Division II, is in conflict with the price stated in Item 16 (e) of Division II, and with the price paid for oil of the gravity produced on this tract as reported in Item 18 (b) of Division II;

2. In that the offering sheet purports to describe interests in the Hayes-Highland # 1 and Russell Place # 1 tracts. Exhibit A designates the lease area as the Alta Vista # 2 and Burnham # 2. Exhibit B describes Roanoke Powell and Hayes Highland tracts;

3. In that Item 13 of Division II does not give the present number of producing wells in the field described;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 12th day of February 1937 at 10:00 o'clock in the forenoon at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-329; Filed, February 1, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MILLS-BENNETT ET AL. BASSINGER FARM, FILED ON JANUARY 22, 1937, BY SUPREME OIL INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the phrase "or disapproved" is omitted from paragraph 2 of Division I.

(2) In that Item 12 (a), Division II, has omitted to state whether taxes are deducted from royalty runs, and if so, how.

(3) In that the rate of tax is incorrectly stated in Item 12 (b), Division II.

(4) In that certain information and statements appear to be improperly included in Item 13, Division II. Such statements as "seven pools of major importance" assure "long flowing life" and "high porosity, uniform saturation and high gravity" of Pettus sand, are not historical facts.

(5) In that a typographical error appears in the year shown in Item 15, Division II. The initial production was in April 1935 according to Item 14, Division II.

(6) In that in Item 16 (c), Division II, the net production figures for the smallest interest offered are miscalculated for the months of May to December 1936, inclusive.

(7) In that in Item 16 (d), Division II, the payoff for the smallest interest offered is miscalculated for the months of January to April 1936, inclusive.

(8) In that the explanation of the answer to Item 18 (a) (1), Division II, is omitted.

(9) In that the required form for corporate signature is omitted at the end of Division II.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of February 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of February 1937 at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-331; Filed, February 1, 1937; 12:44 p. m.]

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*Wednesday, February 3, 1937* *No. 22*

## PRESIDENT OF THE UNITED STATES.

EMERGENCY DUE TO FLOOD CONDITIONS—FREE IMPORTATION OF FOOD, CLOTHING, AND MEDICAL, SURGICAL AND OTHER SUPPLIES FOR USE IN EMERGENCY WORK

By the President of the United States of America

A PROCLAMATION

WHEREAS there have recently occurred and are occurring disastrous floods in various localities in the valleys of the Ohio and Mississippi rivers and tributaries thereof, resulting in great loss of life and property and causing much sickness, suffering, and privation among the residents of the stricken localities, making it necessary for charitable, philanthropic, relief, and other organizations to extend aid on a large scale to the flood sufferers;

AND WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act, and may authorize the Secretary of the Treasury to permit, under such regulations as the Secretary of the Treasury may prescribe, the importation free of duty of food, clothing, and medical, surgical, and other supplies for use in emergency relief work. * * *";

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provisions of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist, and I do hereby authorize the Secretary of the Treasury to permit, during the continuance of such emergency (the termination of which will be determined by the President and declared by his Proclamation), within such limits and subject to such conditions as he may deem necessary to meet the emergency, the importation free of duty of such food, clothing, and medical, surgical, and other supplies as he may designate and under such regulations as he may prescribe, when imported for use in such emergency relief work.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 1st day of February in the year of our Lord nineteen hundred and thirty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
*Secretary of State.*

[No. 2223]

[F. R. Doc. 37-336; Filed, February 2, 1937; 10:48 a. m.]

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## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48787]

CUSTOMS REGULATIONS AMENDED—TRADE-MARKS AND TRADE NAMES

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C., title 19, sec. 66), section 27 of the Trade-Mark Act of 1905 (U. S. C., title 15, sec. 106), section 6 of the Trade-Mark Act of 1920 (U. S. C., title 15, sec. 126); and sections 526 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1526 and 1624), articles 519 and 521 (as amended by Treasury Decision 45658) and article 520 of the Customs Regulations of 1931 are amended to read as follows:

ART. 519. *Trade-Marks—Recording.*—(a) Domestic or foreign manufacturers or traders, to avail themselves of the privileges of the law concerning trade-marks, are required to register their trade-marks with the Commissioner of Patents before the Treasury Department can act.

(b) To record a trade-mark with the Treasury Department an application must be addressed to the Treasury Department, Bureau of Customs, Washington, D. C., (which may be in the form of a letter) stating therein the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or state within which it was organized or created); the name of the locality in which the goods are manufactured, and the names of the ports of entry to which the applicant desires to have facsimiles of the trade-mark transmitted. The application must be accompanied by one certified copy of the original certificate of registration issued by the Commissioner of Patents in accordance with the Trade-Mark Act of February 20, 1905, or the Trade-Mark Act of March 19, 1920; such of the documents mentioned in paragraph (c) as are required to show the ownership of the applicant; three uncertified printed Patent Office facsimiles of the trade-mark for deposit in the Treasury Department, and a sufficient number of such facsimiles to enable the Bureau to forward copies to the port or ports of entry named in the application. The number of facsimiles necessary for each of the ports of entry is as follows:

*Four* facsimiles for each of the ports of New York and Chicago.

*Three* facsimiles for each of the ports of Baltimore and Boston.

*Two* facsimiles for each of the ports of Nogales, Buffalo, Tampa, Key West, Los Angeles, Portland, Me., Detroit, New Orleans, Cleveland, Cincinnati, Portland, Oreg., Philadelphia, Pittsburgh, San Antonio, San Francisco, St. Louis, St. Albans, Vt., Seattle, Milwaukee, and Saint Thomas, Virgin Islands.

*One* facsimile for each of the other ports of entry.

No fee is charged for recording trade-marks in the Treasury Department.

(c) If ownership of a registered trade-mark is claimed by an applicant by virtue of an assignment of such trade-mark, there must be transmitted with the application for recording, in addition to the documents and information specified in paragraph (b) of this article, a certified abstract of title from the records of the United States Patent Office showing the ownership of the applicant. Similar documentary evidence must accompany an application for recording if the commercial name of the applicant has been changed subsequent to registration of the trade-mark. If the application for recording is presented after the expiration of the period for which the certificate of registration, or a renewal thereof, was issued, the application must be accompanied by a certified copy of a certificate of renewal from the United States Patent Office showing that the registration is in force. In order to continue to receive the protection of the trade-mark statutes with respect to imported merchandise, such a certified copy of a certificate of renewal must be filed with the Treasury Department if the period of protection expires after the trade-mark has been recorded.

ART. 520. *Trade Names—Recording.*—(a) To record the trade name (not a trade-mark) of a manufacturer or trader, an application must be addressed to the Treasury Department, Bureau of Customs, Washington, D. C. (which may be in the form of a letter), stating therein the trade name; the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or state within which it was organized or created); a description of the class or kind of merchandise to which the trade name is applied, and the name of the locality in which the merchandise is manufactured. The application must be accompanied by supporting evidence, in the form of affidavits by the owner or owners and by at least two other persons having first-hand knowledge of the facts, showing that the applicant has used the trade name, in connection with the class or kind of merchandise described in the application, for a designated period of time and has the sole and exclusive right to the use of such trade name in connection with merchandise of such class or kind.

(b) Such affidavits accompanying an application to record the trade name of a manufacturer or trader located in a foreign country should be acknowledged before an American consular officer.

No fee is charged for recording trade names in the Treasury Department.

ART. 521. *Notice to Collectors—Action by Collectors.*—Upon receiving notice from the Bureau of the recording of a trade-mark or a trade name the collector will issue appropriate instructions to prevent the unauthorized importation or entry at the custom-house of articles bearing marks or names which violate the statutory rights of the owner of the recorded trade-mark or trade name.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, January 28, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-332; Filed, February 1, 1937; 3:57 p. m.]

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[T. D. 48788]

CUSTOMS REGULATIONS AMENDED—VESSEL SUPPLIES

*To Collectors of Customs and Others Concerned:*

Pursuant to sections 309 (a) and 624 of the Tariff Act of 1930 (U. S. C., secs. 1309 (a) and 1624), the Customs Regulations of 1931 are amended as follows:

Paragraph (c) of article 455, as amended by T. D. 48243, is amended to read as follows:

(c) A vessel is not considered to be actually engaged in the foreign trade, or in trade between the Atlantic and Pacific ports of the United States, or between the United States and its possessions, as the case may be, unless it is—

(1) Operating on a regular schedule in a class of trade which entitles it to the privilege;

(2) Actually transporting passengers or merchandise to or from a foreign port, a port on the opposite coast of the United States, or between a port in a possession of the United States and a port in the United States or in another of its possessions;

(3) Documented for foreign trade, is proceeding in ballast to another domestic port to lade passengers or cargo for a foreign port, and its last carriage of passengers or cargo prior to departure from the port of withdrawal was not exclusively between ports in the same great district; or

(4) Departing in ballast from the port at which the withdrawal is made directly for a foreign port, a port on the opposite coast of the United States, a port in one of the possessions of the United States, or, where the port of withdrawal is in a possession of the United States, departing directly for a port in the United States or in another of its possessions.

Article 457, as amended by T. D. 48495, is further amended by deleting paragraphs (a) and (c), redesignating paragraphs (b) and (d) as paragraphs (d) and (e), respectively, and inserting the following new paragraphs:

(a) Withdrawals shall be made on customs Form 7506 and shall be supported by an affidavit of the owner, operator, master, or agent of the vessel, that the articles are to be used as supplies on the vessel.

(b) If the withdrawal is made by other than the principal on the warehouse or rewarehouse entry, as the case may be, the assent of such principal shall be indorsed on the withdrawal, unless the principal has, in writing, otherwise authorized such withdrawal.

(c) A bond on customs Form 7561 shall be taken when the withdrawal is made by a person other than the principal on the warehouse or rewarehouse entry, as the case may be, except where the vessel departs from the port of withdrawal directly for a foreign port.

Article 458 (c), as amended by T. D. 46724, is further amended by substituting the words "departs from" for the words "clears at" in the first line.

Article 459 is amended to read as follows:

ART. 459. *Intermediate Ports.*—A copy of the store list, when required, showing the articles withdrawn and taken on board shall be made on or attached to the manifest accompanying the vessel at the time of departure from the port of withdrawal. When the vessel touches at an intermediate port in the United States, the collector at such port shall notify the collector at the port of withdrawal if any portion of the supplies is landed at the intermediate port, in order that duty may be collected under the bond.

The first sentence of article 460 is amended to read as follows:

When a vessel which has taken on board supplies free of duty is withdrawn from trade, or is diverted to a class of trade not entitled to the privilege, the parties in interest shall immediately notify the collector at the port of withdrawal, who shall credit the bond with only such portion of the supplies used while the vessel was in a proper class of trade, and collect duty on the balance.

Article 461, as amended by T. D. 48495, is further amended by inserting after the word "supplies" in the first line a comma and the following:

"or the charge against the warehouse or rewarehouse entry bond, as the case may be,"

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, January 28, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-333; Filed, February 1, 1937; 3:57 p. m.]

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 108, MONTANA

JANUARY 26, 1937.

It appearing that the following-described tract of public land in Montana is necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section four of the act of May 24, 1928 (45 Stat. 728), that such land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for use by the Department of Commerce in the maintenance of air-navigation facilities:

T. 3 N., R. 9 W., P. M., sec. 4, NW¼SE¼ of lot 3, 2.5 acres.

And it is further ordered that departmental order of November 3, 1936, establishing Montana Grazing District No. 5 under the act of June 28, 1934 (48 Stat. 1269), is hereby modified in so far as it affects the above-described tract and made subject to the withdrawal made by this order.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-334; Filed, February 2, 1937; 9:23 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

ADOPTION OF ANNUAL REPORT FORM O

The Telegraph Division at its regular meeting on October 20, 1936, adopted Annual Report Form O[1] for telegraph, cable, and radio-telegraph carriers for the year 1936, as revised.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-335; Filed, February 2, 1937; 9:26 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3020]

IN THE MATTER OF HOLLYWOOD HAT COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that Edward M. Averill, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, February 5, 1937, at ten o'clock in the forenoon of that day (eastern standard time), room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-337; Filed, February 2, 1937; 11:19 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

[File No. 2-2637]

IN THE MATTER OF HOUSTON COTTON EXCHANGE BUILDING COMPANY, INCORPORATED

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on January 14, 1937, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-339; Filed, February 2, 1937; 12:34 p. m.]

[1] Filed with the Division of the Federal Register, The National Archives; copies available upon application to Federal Communications Commission.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HYLAND-CAMPBELL FARM, FILED ON JANUARY 11, 1937, BY GRIMES BROS. ROYALTY CO., RESPONDENT.

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-338; Filed, February 2, 1937; 12:34 p. m.]

*Thursday, February 4, 1937* *No. 23*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

TRANSFER OF CERTAIN PROPERTY AND FUNCTIONS FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF THE INTERIOR

By virtue of and pursuant to the authority vested in me under Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and the Emergency Relief Appropriation Act of 1936, approved June 22, 1936 (49 Stat. 1608), it is hereby ordered as follows:

1. There are hereby transferred from the Department of Agriculture to the Department of the Interior the following Indian Subsistence Homesteads projects, including all real and personal property or any interest therein, together with all contracts, options, rights, interests, records, etc., acquired by the Department of Agriculture in connection with the said projects:

1. Great Falls Homesteads, Cascade County, Montana,
2. Burns Subsistence Homesteads, Harney County, Oregon,
3. Chilocco Homesteads, Kay County, Oklahoma,
4. White Earth Homesteads, Becker County, Minnesota,
5. Devil's Lake Homesteads, Ramsey County, North Dakota, and
6. Lake County Homesteads, Lake County, California.

2. The Secretary of the Interior is hereby authorized to administer the property transferred under paragraph 1 hereof, and in connection therewith to exercise all powers and functions previously given to the Secretary of Agriculture by Executive Order No. 7530 of December 31, 1936.

3. The Secretary of the Interior is hereby authorized to prescribe such rules and regulations as may be necessary to carry out the administrative functions transferred and delegated to him by this Executive Order.

THE WHITE HOUSE, FRANKLIN D ROOSEVELT

*Feb. 1, 1937.*

[No. 7546]

[F. R. Doc. 37-340; Filed, February 2, 1937; 2:39 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NCR—B-1—J Issued February 3, 1937

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN 1-J

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin No. 1, Revised, as Amended, is hereby further amended as follows:

1. Part V, section 3, paragraph (d), is amended to read as follows:

(d) On cotton farms the division of all payments among owners, share-tenants, and sharecroppers shall be as follows:

(1) *Soil-Conserving, Sugar Beet, and Flax Payments.*—The soil-conserving, sugar beet, and flax payments shall be divided as follows:

(A-1) 37½ percent to the person who furnishes the land;
(A-2) 12½ percent to the owner, share-tenant, or sharecropper who furnishes the workstock and equipment;
(A-3) 50 percent to be divided among the persons who are parties to the lease or operating agreement in the proportion that such persons are entitled to share in 1936 in those soil depleting crops, or the proceeds thereof, with respect to which payment is made, provided, however, if a tobacco, cotton, or general soil-depleting base has been established with respect to a cotton farm and if no tobacco, cotton, or crops in the general soil-depleting base, as the case may be, were planted during 1936, the soil-conserving payments with respect to such crop or crops shall be divided as follows:
(B-1) 37½ percent to the person who furnished the land;
(B-2) 12½ percent to be divided equally among the landlord, operator, and sharecroppers, who furnished the workstock and equipment for the farm;
(B-3) 50 percent to be divided among the landlord, share-tenant, and sharecroppers in accordance with the agreement between such parties respecting the divisions of such payments, provided such agreement is approved by the county committee. In the absence of such an agreement approved by the county committee, the 50 percent shall be divided equally among all parties (landlord, share-tenant, and sharecropper) who participated in the operation of the farm in 1936.

(2) *Soil-Building Payment.*—The soil-building payment shall be made to the eligible owner, share-tenant, or sharecropper who the county committee determines under instructions issued by the Secretary has incurred the expense in 1936 with respect to the soil-building practices for which the soil-building payment is to be made; where two or more persons are thus determined by the county committee to have incurred the expense in 1936 with respect to the soil-building practices, the soil-building payments shall be divided equally between such persons. If no soil-building practices have been carried out on the farm, the soil-building allowance for the farm shall be divided equally between the landlord and the share-tenant, if any.

2. Part V, section 3, paragraph (e) is amended to read as follows:

(e) On sharecropper farms the division of all payments among owners, share-tenants, and sharecroppers shall be as follows:

(1) *Soil-Conserving, Sugar Beet, and Flax Payments.*—The soil-conserving, sugar beet, and flax payments shall be divided among the persons who are parties to the lease or operating agreement in the proportion that such persons are entitled to share in 1936 in those soil-depleting crops or the proceeds thereof with respect to which the soil-conserving, sugar beet, or flax payments are made, provided, however, if a tobacco, cotton, or general soil-depleting base has been established with respect to a sharecropper farm and if no tobacco, cotton, or crops in the general soil-depleting base, as the case may be, were planted during 1936, the soil-conserving payments with respect to such crop or crops shall be divided among the landlord, share-tenant, and sharecroppers in accordance with the agreement between such parties respecting the division of such payments, provided such agreement is approved by the county committee. In the absence of such an agreement approved by the county committee, the payments shall be divided equally among all parties (landlord, share-tenant, and sharecroppers) who participated in the operation of the farm in 1936.

(2) *Soil-Building Payment.*—The soil-building payment shall be made to the eligible owner, share-tenant, or sharecropper who the county committee determines, under instructions issued by the Secretary, has incurred the expense in 1936 with respect to the soil-building practices for which the soil-building payment is to be made; where two or more persons are thus determined by the county committee to have incurred the expense in 1936 with respect to such soil-building practices, the soil-building

payments shall be divided equally between such persons. If no soil-building practices have been carried out on the farm, the soil-building allowance for the farm shall be divided equally between the landlord and share-tenant, if any.

The provisions of this North Central Region Bulletin 1–J shall be effective as of October 19, 1936, so as to be included within the conditions mentioned in the "Order with respect to payments under the 1936 Agricultural Conservation Program—North Central Region," issued October 7, 1936, as amended.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–358; Filed, February 3, 1937; 12:43 p. m.]

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DEPARTMENT OF COMMERCE.

**Bureau of Marine Inspection and Navigation.**

[Resolution No. 4005–1]

MANNING OF LIFEBOATS

*Resolved*, That under authority of Sections 4405 and 4488 R. S., Rule III, Ocean General Rules and Regulations, be and hereby is amended by deleting the following Section:

54. A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each motor boat.

The duty of seeing that the boats, pontoon rafts, and other life-saving appliances are at all times ready for use shall be assigned to one or more officers.

and inserting in its stead a new Section 54, Rule III, Ocean. General Rules and Regulations, which shall read as follows:

MANNING OF BOATS

54. (a) A licensed deck officer or a certificated lifeboat man shall be placed in charge of each boat or life raft by the master, and a second in command shall also be nominated by the master. The person in charge shall have a list of its crew, and shall see that the men placed under his orders are acquainted with their several duties.

(b) A man capable of working the motor shall be assigned to each motor boat by the master.

(c) A man capable of working the wireless and search-light installations shall be assigned to boats carrying this equipment by the master.

(d) The duty of seeing that the lifeboats, life rafts, and buoyant apparatus and other life-saving apparatus are at all times ready for use shall be assigned to one or more officers (Effective immediately).

Attest:

[SEAL] J. B. WEAVER,
*Director, Bureau of Marine Inspection and Navigation.*

Approved: February 3, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–349; Filed, February 3, 1937; 12:33 p. m.]

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[Resolution No. 4054]

CHANGE IN LOCATION OF SUPERVISING INSPECTOR'S OFFICE

*Resolved*, That under authority of Section 4405 R. S. and the Act of Congress approved May 27, 1936 (Public No. 622—74th Congress), that the location of the office of the Supervising Inspector of the Fifth District be changed from St. Louis, Missouri, to Pittsburgh, Pennsylvania. The effective date of this change is to be February 15, 1937.

Attest:

[SEAL] J. B. WEAVER,
*Director, Bureau of Marine Inspection & Navigation.*

Approved: February 3, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–346; Filed, February 3, 1937; 12:33 p. m.]

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[Resolution No. 4073]

PROCEEDING TO ANOTHER PORT FOR REPAIRS

*Resolved*, That under authority of Sections 4405, 4421, 4453 and 4456 R. S., that Section 7, Rule VI, Ocean and Coastwise, General Rules and Regulations, be and hereby is amended in the following respect:

Delete Section 7 as now set forth and state in lieu thereof the following:

7. Certificates of inspection for any period less than one year shall not be issued, but nothing herein shall be construed as preventing the revocation or suspension of certificates of inspection, in case such process is authorized by law.

The local inspectors may issue a permit to proceed to another port for repairs, if in their judgment it can be done with safety. In the issuance of such permits the local inspectors will state upon its face, the conditions upon which it is granted and whether the vessel is to be allowed to carry freight or passengers. A vessel whose certificate of inspection has expired shall not be issued a permit allowing it to carry passengers while enroute to another port for repairs

When, under Section 4456, Revised Statutes of the United States, vessels obtain a permit from the local inspectors of a district to go from their district to another to make repairs, said local inspectors shall notify the supervising inspector of their district, stating the repairs to be made on said vessels. The supervising inspector shall notify the supervising inspector of the district where such repairs are to be made, furnishing him a copy of the report of the inspectors indicating the repairs ordered on said vessels.

Attest:

[SEAL] J. B. WEAVER,
*Director, Bureau of Marine Inspection & Navigation.*

Approved: February 3, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–350; Filed, February 3, 1937; 12:34 p. m.]

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[Resolution No. 4083]

BOILERS ON BARGES

*Resolved*, That under authority of Sections 4405 and 4418, R. S., and Public No. 765, 74th Congress, Section I, Amended Rules I and II, General Rules and Regulations, be and hereby is amended in the following respects: Add the following new Subsection to Section I to be known as Subsection C–1–17.

C–1–17. *Boilers on Barges.*—Boilers on existing barges required to be inspected and not built according to the specifications of the Bureau may be considered the same as foreign built boilers as specified in Section C–1–11, and treated as such.

Attest:

[SEAL] J. B. WEAVER,
*Director, Bureau of Marine Inspection & Navigation.*

Approved: February 3, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–347; Filed, February 3, 1937; 12:33 p. m.]



[Resolution No. 4084]

EXAMINATION OF STOP VALVES AND MOUNTINGS

*Resolved*, That under authority of Sections 4405 and 4418, R. S., Rule II, Section 18, General Rules and Regulations, be and hereby are amended in the following respect:

Add the following new sentence to sub-paragraph (a) of Section I–18–5.

The application of this rule may, in specific cases, be made the subject of appeal to the Bureau when, in the opinion of either the local inspectors or the owner's engineer, the removal of fittings would tend to disturb a satisfactory existing condition.

so that sub-paragraph (a) as amended shall read as follows:

(a) *Examination of Stop Valves and Mountings.*—It shall be the duty of inspectors to require stop valves and mountings on boilers to be opened up every fourth year at the time of the annual inspection, and at intermediate periods if he deems it necessary to ascertain if any flaws or defects have developed. A record of the inspection of mountings and attachments shall be made in Form 840–B. The application of this rule may, in specific cases, be made the subject of appeal to the Bureau when, in the opinion of either the local inspectors or the owner's engineer, the removal of fittings would tend to disturb a satisfactory existing condition.

Attest:

[SEAL] J. B. WEAVER,
*Director, Bureau of Marine Inspection and Navigation.*

Approved: February 3, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–348; Filed, February 3, 1937; 12:33 p. m.]

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DEPARTMENT OF LABOR.

**Immigration and Naturalization Service.**

[General Order No. 243]

AMENDMENT OF IMMIGRATION RULES

JANUARY 30, 1937.

Pursuant to authority conferred by Sec. 23, Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 874) (U. S. C. Title 8, Sec. 102), the following amendments are made to the Immigration Rules of January 1, 1930, as amended:

Rule 7, Subdivision A, Paragraph 3, is amended to read as follows:

PAR. 3. "Arriving in the United States from any foreign port or place" means arriving in "the United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone and the Philippine Islands," from any port or place in a foreign country, in the Canal Zone, or the Philippine Islands, (Secs. 1, 19, 31 and 33 to 36 of the Act of February 5, 1917; sec. 1 of the Chinese Exclusion Act of April 29, 1902, as amended by sec. 5 of the Deficiency Act of April 27, 1904, or, in cases of Chinese persons or persons of Chinese descent, in the Territory of Hawaii (last mentioned act and joint resolution of July 7, 1898). Ports of the Isthmian Canal Zone and of the Philippine Islands shall be deemed foreign ports, and any vessel entering and clearing from any such ports shall be subject to all the immigration laws, rules and regulations applicable to vessels arriving in the United States from any foreign port or place.

Rule 7, Subdivision A, Paragraph 4, is amended to read as follows:

PAR. 4. In the expression "reship foreign" and similar expressions used in this rule the word "foreign" includes the Philippine Islands and the Canal Zone in all cases.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37–342; Filed, February 2, 1937; 3:24 p. m.]



**Office of the Secretary.**

DECISION OF THE SECRETARY OF LABOR IN THE MATTER OF DETERMINATION OF PREVAILING MINIMUM WAGES IN THE MEN'S WORK CLOTHING INDUSTRY

JANUARY 30, 1937.

This case is before me pursuant to section 1 (b) of the Act of June 30, 1936 (Public No. 846, 74th Congress), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes". At my direction the Public Contracts Board, created in accordance with section 4 of the said Act by Administrative Order dated October 6, 1936, held open hearings on November 20, 1936, and December 8, 1936, with respect to the prevailing minimum wages in the men's work garment industry. For the purposes of these investigations the industry was deemed to include the manufacture of overalls, unionalls, service uniforms, work pants and work coats made of khaki, denim, drills, twills, cottonades, ducks, corduroys, or other fabrics, in whole or in part of cotton.

Section 1 (b) of the Act of June 30, 1936 (hereinafter designated as the Public Contracts Act) reads as follows:

That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;

Testimony has been received by the Board at the hearings and at two conferences with representatives of employers and employees acting as consultants, held on December 7 and December 18, 1936, tending to show what are the prevailing minimum wages for persons employed in this particular industry. Evidence was submitted by the Women's Bureau of the Department of Labor, by the United Garment Workers of America, and the Amalgamated Clothing Workers of America, by the National Association of Manufacturers, and by other representatives of employers and employees, and the public. On the basis of all of this evidence, the Board has submitted recommendations in two opinions, the Chairman of the Board concurring specially with the majority.

From all of the evidence it appears that according to the 1933 census of manufacturers, 558 factories employing 55,281 wage earners compose the men's work clothing industry. No predominant group of employees in this industry obtains the same wages nor is there any preponderant concentration of wage rates at any particular figure. Accordingly, under the precedent furnished by Department of Labor Regulations numbered 503, dated September 30, 1935, prescribed pursuant to the Act of August 30, 1935 (49 Stat. 1011, U. S. C. ti. 40, sec. 276 (a)), commonly known as the Bacon-Davis Act, the Board has based its findings and recommendations on average earnings. The data submitted by the Women's Bureau indicated that the average hourly wage for the 28,732 workers covered by its survey is 37.2¢ per hour, or $14.88 for a 40-hour week. In addition, approximately 28,000 workers in this industry are operating under collective agreements by the United Garment Workers of America and individual employers and employers' associations providing for a weekly minimum of $15.00 on the basis of a 40-hour week. An additional 9,250 workers in the industry are governed by collective agreements by the Amalgamated Clothing Workers of America and various employers which call for a weekly minimum of $14.40 for a 36-hour week, or 40¢ an hour. The Board has therefore recommended that a minimum wage of $15.00 for a 40-hour week, or 37½¢ an hour, be established for the men's work garment industry with respect to government contracts subject to the provisions of the Public Contracts Act.

It must be understood that this figure represents a median rate in the scale of wages which has been found to prevail

throughout the 40 states in which manufacturers of men's work garments are located. The majority opinion of the Board and the concurring view of the Chairman agree, in somewhat different language, in the conclusion that only by such an average can the wide range of wage scales characteristic of all parts of the country be reflected.

In making its recommendation of a single minimum wage for the entire industry, the Board has not been unmindful of the several standards furnished by section 1 (b) of the Public Contracts Act for the guidance of the Secretary of Labor. The majority opinion states in part:

> In this industry the entire United States constitutes one competitive area. The product itself, whether produced in the East, the South, the North or the West varies only to a slight extent. The work performed by the employees is practically the same. . . . And since the market for these goods is the nation and no competitive factors are peculiar to any particular locality, it would seem that the wage to be established should be the same for the entire United States. The establishment of differentials would be on arbitrary and imaginary lines in this instance.

The opinion goes on to point out that none of the employer or employee representatives who were at the hearings or at the conferences recommended the establishment of different rates for particular sections of the country.

In his special concurring opinion, the Chairman of the Board reaches the same conclusion. Analyzing the testimony present from the point of view of the standards provided by section 1 (b) of the Act, his opinion states:

> From the evidence before the Board, however, it is apparent that the prevailing minimum wage for similar work, or in the particular industry or similar industries, or in general geographical localities, is substantially the same.

In considering the extent to which the Secretary of Labor is required by the Act to make particular determinations for geographical localities, the opinion of the Chairman concludes:

> As contracts for the subject garments are let by competitive bidding, the locus of the particular plant which will secure the contract and perform the manufacturing can not be known until the bids are open and the contract is awarded. As this may be any one of 40 states from Massachusetts to California or Minnesota to Texas, it would seem a limited geographical locality or localities could not safely be segregated for the purpose of the last standard named.

In this connection the Department has had the assistance of an opinion of the Solicitor of Labor, rendered at my request, in which the phrase "currently operating in the locality", as used in section 1 (b) of the Public Contracts Act, is construed. The Solicitor has advised me that in his opinion the phrase in question limits or modifies only the phrase "groups of industries", and in no way affects the clause "persons employed * * * in the particular or similar industries". It is the conclusion of the Solicitor, therefore, that it is only in the situation where the fourth standard (i. e. wages paid in "groups of industries") is employed that the limitation embodied in the phrase "in the locality" becomes operative. Concededly section 1 (b) establishes four distinct and separate standards for the guidance of the Secretary of Labor in arriving at a determination of minimum wages. No indication is given as to which of these standards should be followed by the Secretary in any given situation or class of situations. It is hence the conviction of the Solicitor that the effect of this language is to vest the Secretary with discretion to utilize any one, any combination, or all of these standards for the purpose of arriving at the minimum wage for a particular contract or class of contracts. The only limitation on that discretion is to preclude the Secretary from adopting other standards than those provided.

Accordingly, both the majority and the concurring opinions of the Board have confined themselves to the particular industry, as it has been defined. It has been the Board's concern to ascertain the wage scales current in this industry in all parts of the country where its members are found. The Board has given consideration also to contentions that the established minimum wage should be based upon a piece rate rather than upon a weekly minimum. The majority of the Board strongly urges the administrative difficulties of such a finding and points to the experience of the National Recovery Administration, by whom a weekly minimum wage was preferred. Both opinions cite the fact that the collective agreements between members of the industry and the employee organizations contain weekly minimum rates. Consideration of the practical obstructions to the determination and the enforcement of a minimum wage so based has caused the Board to recommend the determination only of a weekly minimum wage.

FINDING

Having carefully weighed the evidence presented to the Public Contracts Board, and having given full consideration to the report and recommendations of the Board, I hereby adopt the recommendations of the Board as set out in the opinion of a majority of its members and concurred in by its Chairman. It is my determination, pursuant to the provisions of section 1 (b) of the Public Contracts Act, that the minimum wage for employees of contractors with the Government engaged in the manufacture of overalls, unionalls, service uniforms, work pants and work coats made of khaki, denim, drills, twills, cottonades, ducks, corduroys or other fabrics in whole or in part of cotton under contracts subject to the provisions of the Public Contracts Act of June 30, 1936, shall be $15.00 per week for a week of 40 hours, or 37½¢ per hour. This determination shall be effective and the minimum wage hereby established shall be included, in all contracts of this class invitations to bid on which are issued on or after 10 days from the date hereof.

[SEAL] FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-344; Filed, February 3, 1937; 11:08 a. m.]

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## COMMODITY CREDIT CORPORATION.

### 1934–35 CCC COTTON FORM P

This form to be used by producer to obtain release of warehouse receipts pledged to secure loan on 1934–35 CCC Cotton Form A, in accordance with the instructions printed on the reverse side hereof, and must be submitted to the Corporation in duplicate. Use only ink, indelible pencil, or typewriter in filling blanks.. The triplicate and quadruplicate copies are for use of the producer and purchaser of the cotton.

COMMODITY CREDIT CORPORATION,
c/o LOAN AGENCY OF THE
RECONSTRUCTION FINANCE CORPORATION,
_____, _____

GENTLEMEN:

Request is herewith made for release of cotton listed below or in attached schedule, or in the event no cotton is listed, all cotton securing loan, or loans, on 1934–35 CCC Cotton Form A, aggregating $_____ secured by _____ bales of cotton.

[If space insufficient, attach schedule firmly and identify by signature]

SCHEDULE

| *Name of Warehouse* | *Receipt Numbers* | *Number of Bales* |
|---|---|---|
| | | |
| | | |
| | | |

You are requested to make available the warehouse receipts listed above to:

_____ _____
(Name) (Address)

(Designatee) upon payment of the amount due as calculated in accordance with the instructions on the reverse side hereof and make payment of any adjustment for grade and staple and weight to the above-named "Designatee."

_____
(Type or print producer's name)

_____ _____
(Date signed by producer) (Signature of producer)

_____ _____
(Witness) (Post-office address of producer)

(Unless this form is delivered in person and payment made upon delivery the following certificate must be executed by the "Designatee")

The above-named designatee agrees to make payment of the amount due as calculated in accordance with the instructions printed on the reverse side hereof, upon delivery of warehouse receipts representing the cotton and authorizes Commodity Credit Corporation to draw a sight draft for the amount due preferably through the _____, _____
(Bank) (Address)

_____
(Designatee)

By _____
(Title)

[To be completed by C. C. C.]

FEDERAL RESERVE BANK,
CUSTODIAN FOR RECONSTRUCTION FINANCE CORPORATION.

Please forward the warehouse receipts listed above or in attached schedule, or in the event no warehouse receipts are listed, all receipts securing loans of the above producer-borrower, to the bank named above or to the most convenient approved bank, to be released upon payment of an amount calculated in accordance with your instructions upon the basis of _____ cents per pound, the average price of the designated spot markets of _____, 193__.

COMMODITY CREDIT CORPORATION,
_____
(Agent)

[ORIGINAL]

To be signed and forwarded to Commodity Credit Corporation at address shown above.

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### INSTRUCTIONS CONCERNING THE RELEASE OF COTTON SECURING LOANS HELD BY COMMODITY CREDIT CORPORATION UNDER THE 1934–35 GOVERNMENT LOAN PROGRAM

As announced in press release dated January 2, 1937, beginning February 1, 1937, and until April 1, 1937, both dates inclusive, Commodity Credit Corporation will release 12- and 11-cent loan cotton according to the following terms and conditions:

1. *How to Secure Release of Cotton.*—Producers desiring the release of their cotton will be required to execute 1934–35 CCC Cotton Form P and mail or deliver it to the Loan Agency of the Reconstruction Finance Corporation holding the notes. If note was signed by more than one party, all parties must execute 1934–35 CCC Cotton Form P. Forms executed by executors or administrators of estates of deceased producers will be accepted if accompanied by letter testamentary issued by the Clerk of the Court of their appointment. Cotton will be released to the producer, or the "Designatee" named in 1934–35 CCC Cotton Form P.

2. *Release Price.*—Cotton will be released upon payment of the average middling ⅞-inch price of the designated spot markets as quoted by the Bureau of Agricultural Economics for the last market day preceding the date 1934–35 CCC Cotton Form P is presented (or postmarked, if mailed) plus or minus the differential applicable at the storage point as shown in Schedule of Locations and Differentials (1934–35 CCC Cotton Form R). These differentials include the 25 points allowance to producers. The amount of payment required to release the cotton will be calculated upon the original weights shown in the Note and Loan Agreement.

3. *Minimum Release Price.*—No cotton will be released for less than 12.75 cents per pound, plus or minus the differential applicable at the storage point. Cotton will be released when the average of the designated spot markets is below 12.75 cents per pound, upon payment of a price determined upon the basis of 12.75 cents per pound, plus or minus the differentials applicable at the storage point.

4. *Partial Releases.*—No partial release of cotton securing a single note will be permitted. If the producer has more than one note he may secure the release of the cotton securing any one of the notes.

5. *Adjustment for Grade and Staple and Weight.*—Commodity Credit Corporation will make adjustment for any difference in the value of the cotton covered by a single release because of the grade and staple and weight upon filing of claims in accordance with paragraph 6 below. Such difference in value will be calculated upon the basis of the grade and staple, as determined by a Board of Cotton Examiners of the U. S. Department of Agriculture, and reweights of the warehousemen, or a licensed weigher, using grade and staple differences shown in Schedule of Grade and Staple Differences (1934–35 CCC Cotton Form S). In calculating grade and staple adjustments, any cotton classed below Low Middling in grade will take the same grade difference as Low Middling, and 12-cent loan cotton classed below ⅞-inch in staple will be considered as ⅞-inch.

6. *Filing of Claims.*—All claims must be filed in duplicate with Commodity Credit Corporation, Washington, D. C., on 1934–35 CCC Cotton Form 50–A, and all information required on the form must be given. Claims, if any, must be filed separately for each Invoice and Draft (CCC Form 41–A). All claims must be filed within 90 days from the date of the Invoice and Draft.

7. *Documents Supporting Claims.*—Claims must be accompanied by a signed class sheet of a Board of Cotton Examiners of the U. S. Department of Agriculture, together with Reweight and Sampling Certificate on 1934–35 CCC Cotton Form 51–A. Samples may be forwarded for classing to the Boards of Cotton Examiners, U. S. Department of Agriculture, at Charleston, South Carolina; Atlanta and Savannah, Georgia; Mobile, Alabama; New Orleans, Louisiana; Memphis, Tennessee; and Dallas, El Paso, Galveston, and Houston, Texas. Arrangements have been made for these Boards to class the cotton and supply a signed class sheet for a fee of 15 cents per bale, which must be paid by the buyer of the cotton at the time samples are submitted.

8. *Storage Charges.*—Storage charges will be assumed by the Corporation for the period through the 5th day succeeding the date of the draft. The warehouse charges accrued to the date indicated above will be deducted from the amount required to be paid to obtain release of the cotton, and the unpaid accrued charges deducted will follow the cotton.

9. *Compression and Patching Charges.*—The release price at port locations will be based on flat cotton, and the producer will be required to pay the cost of compression and patching charges on cotton stored at ports where such charges have been advanced by the Corporation. Producers will be required to pay the cost of patching charges advanced by the Corporation on cotton stored at interior locations, but will not be required to pay compression charges advanced by the Corporation on such cotton.

10. *Freight Charges.*—Producers whose cotton has been reconcentrated will be required to pay the cost of freight only in those instances where paid freight bills having refund value can be delivered at the time the cotton is released.

11. *Delivery of Requests for Release.*—All Requests for Release (1934–35 CCC Cotton Form P), must be delivered or postmarked, if mailed, within 10 days from the date signed by the producer. The price will be fixed on the date of delivery (or postmark, if mailed) to a Loan Agency of the Reconstruction Finance Corporation, and the Loan Agency receiving the request will indicate the applicable price on the form. If the notes are not held by the Loan Agency receiving the form, the Request for Release will be forwarded to the proper Loan Agency. The "Designatee" named in 1934–35 CCC Form P should determine which Loan Agency of the Reconstruction Finance Corporation is holding the notes, from the producer, the payee named in the note, or otherwise, and mail or deliver the release form to such Loan Agency in order to avoid undue correspondence and delay.

12. *Sampling.*—Producers can secure one sample of the cotton by requesting same of warehouseman and paying the cost of such sampling. Purchasers desiring additional samples for submission to the Board of Cotton Examiners must make their own arrangements with the warehouse at the time of purchase of the cotton.

13. *Change in Release Plan.*—Commodity Credit Corporation reserves the right, upon 10 days' notice through the public press and the Reconstruction Finance Corporation Loan Agencies, to change the price, terms, and conditions at which the cotton will be released. In the event of the announcement of any change new Schedules of Locations and Differentials (1934–35 CCC Cotton Form R) and Schedules of Grade and Staple Differences (1934–35 CCC Cotton Form S), will be published.

14. *Forms.*—Following is a list of forms for use in securing release of cotton and filing claims:

(a) Request for Release (1934–35 CCC Cotton Form P).[1]

(b) Schedule of Locations and Differentials (1934–35 CCC Cotton Form R).

(c) Schedule of Grade and Staple Differences (1934–35 CCC Cotton Form S).

(d) Voucher for Payment of Adjustment Difference in Value Arising from Grade, Staple, and Weight (CCC Form 50–A).[1]

(e) Reweight and Sampling Certificate (CCC Form 51–A).[1]

JOHN D. GOODLOE,
*Secretary, Commodity Credit Corporation.*

[F. R. Doc. 37–343; Filed, February 3, 1937; 9:53 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

**Home Owners' Loan Corporation.**

[Manual Amendment]

SEPARATION NOTICE

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, the second resolving clause of a resolution adopted on January 25, 1937 with respect to advance notice of separation of employees is hereby amended by striking out "ten days after its adoption", and substituting in lieu thereof "February 15, 1937."

Adopted by the Federal Home Loan Bank Board on February 2, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–345; Filed, February 3, 1937; 12:12 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 54]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 1, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| New Jersey 6 Sussex | $90,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37–341; Filed, February 2, 1937; 3:10 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1937.

[1] These forms may be secured from Loan Agencies of the Reconstruction Finance Corporation. 1934–35 CCC Cotton Form R and 1934–35 CCC Cotton Form S have been sent to all Warehouses, Cotton Exchanges, and Loan Agencies of the Reconstruction Finance Corporation.

[File No. 2–2777]

IN THE MATTER OF UNDERWRITERS GROUP, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Underwriters Group, Inc., under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Thursday, February 11, 1937, at 11 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–357; Filed, February 3, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of February 1937.

[File No. 7–158]

IN THE MATTER OF UNITED AIR LINES TRANSPORT CORPORATION CAPITAL STOCK, $5 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of United Air Lines Transport Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 a. m., on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–352; Filed, February 3, 1937; 12:37 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of February 1937.

[File No. 7–157]

IN THE MATTER OF UNITED AIRCRAFT CORP. CAPITAL STOCK, $5 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Boston Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of United Aircraft Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 a. m. on Thursday, March 4, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–351; Filed, February 3, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1937.

[File No. 2–1099]

IN THE MATTER OF GREAT DIKE GOLD MINES, INC.

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on April 16, 1936, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–353; Filed, February 3, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of February A. D. 1937.

[File No. 43–26]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

ORDER FIXING DATE FOR PART OF DECLARATION TO BECOME EFFECTIVE

Northern States Power Company, a registered holding company, organized under the laws of Minnesota, having duly filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the reclassification of all of declarant's outstanding capital stock, to wit:

391,077 shares of Seven Per Cent Cumulative Preferred Stock (par value $100 per share),

391,099 shares of Six Per Cent Cumulative Preferred Stock (par value $100 per share),

341,551 shares of Class A Common Stock (par value $100 per share), and

729,166⅔ shares of Class B Common Stock (par value $10 per share),

into 4,000,000 shares, without par value, of common stock of declarant, with an aggregate stated capital of $90,000,000, the issue by declarant of such 4,000,000 shares, without par value, of common stock and the exchange of certificates for such shares for the certificates representing the shares of preferred and common stocks which declarant now has outstanding (which said declaration also covers certain bonds and preferred stock with which this order is not concerned); a hearing on said declaration having been duly held after appropriate notice and so much of the record in this matter as concerns such reclassification, such issue of common stock and such exchange, having been examined:

It is ordered that such parts of said amended declaration, as relate to such reclassification, the issue of 4,000,000 shares of common stock of no par value and the exchange of certificates for such shares of no par common stock for the certificates representing the shares of preferred and common stocks which declarant now has outstanding, be and become effective on February 2, 1937, on condition that such acts be effected in substantial compliance with all the terms and conditions of, and for the purposes represented by, said declaration, as amended; and

It is further ordered that, upon completion of such transactions, the declarant shall file with this Commission a certificate of notification showing that such reclassification has been effected in accordance with the conditions of this order, a copy of the certificate of amendment of its articles of incorporation effecting such reclassification and a copy of the articles of reduction of the aggregate stated capital of declarant to $90,000,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–354; Filed, February 3, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SAMEDAN ET AL.-BATES FARM, FILED ON JANUARY 13, 1937, BY ARTHUR SORY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter which was last set to be heard at 9:30 o'clock in the forenoon on the 2nd day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 9:30 o'clock in the forenoon on the 18th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–355; Filed, February 3, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY LEASE, FILED ON JANUARY 4, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 1, 1937, be effective as of February 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-356; Filed, February 3, 1937; 12:38 p. m.]

*Friday, February 5, 1937* *No. 24*

## FEDERAL COMMUNICATIONS COMMISSION.

CONTINUOUS RADIO WATCH ON CARGO SHIPS

The Commission, at a General Session, held on January 27, 1937, granted a further exemption from the requirement of a continuous radio watch on cargo ships of over 5500 gross tons of the United States, to and including April 6, 1937, provided that such ships maintain during that period a radio watch by means of a licensed operator of a proper grade of at least eight hours per day in the aggregate. The action of the Commission in granting such further exemption does not remove or alter in any way the requirement of the Ship Act of 1910 as amended with regard to any such vessels.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 37-360; Filed, February 4, 1937; 10:00 a. m.]

[Docket No. 4409]

HEARING IN THE MATTER OF THE APPROVAL OR DISAPPROVAL OF CERTAIN AUTOMATIC ALARM DEVICES, IDENTIFIED AS MODEL A AND MODEL B

The Telegraph Division at its regular meeting held on January 26, 1937:

The Telegraph Division having under consideration the requests of several organizations for an informal hearing upon the question of approval or disapproval by the Commission under its specifications (requirements and type tests) adopted October 1, 1935, of certain automatic alarm devices, identified as Model A and Model B, which said devices will be in the offices of the Commission and available for inspection by interested parties on and after February 10, 1937; and also having under consideration tests of said automatic alarm devices, a report of which has been made public and which is available for distribution to interested parties,

It is ordered that an informal public hearing shall be held before the Telegraph Division at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m., on February 19, 1937, and an opportunity afforded at such hearing for interested parties to present their views upon the Commission's approval or disapproval of the said automatic alarm devices.

It is further ordered that any person desiring to be heard at such hearing shall on or before February 15, 1937, file with the Commission an appearance consisting of a concise statement of his interest in the matter, and of the facts which he expects to prove at the hearing.

By the Commission, Telegraph Division.

[SEAL] JOHN B. REYNOLDS. *Acting Secretary.*

[F. R. Doc. 37-359; Filed, February 4, 1937; 10:00 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2875]

IN THE MATTER OF ADAH ALBERTY, TRADING AS ALBERTY'S FOOD PRODUCTS, ALBERTY'S FOOD LAB., ALBERTY'S FOOD LABORATORIES, THE ALBERTY FOOD LABORATORIES, CHENO LABORATORIES, CHENO PRODUCTS, AND U. S. OKEY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 8, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 213, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-362; February 4, 1937; 10:59 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2744]

IN THE MATTER OF BERENICE COHN, TRADING AS BERGO LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed



to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 1, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 213, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-361; Filed, February 4, 1937; 10:59 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2934]

IN THE MATTER OF LEWYN DRUG INCORPORATED

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin Wednesday, March 3, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 213, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-364; Filed, February 4, 1937; 11:00 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2925]

IN THE MATTER OF TAREX COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, March 4, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 213, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-363: Filed, February 4, 1937; 10:59 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3009]

IN THE MATTER OF WAIN'S LABORATORY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, March 10, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 213, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-365; Filed, February 4, 1937; 11:00 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3014]

IN THE MATTER OF NELSON E. WOOLMAN AND LYLE G. JACKSON, COPARTNERS TRADING AND DOING BUSINESS UNDER THE NAME OF POWER SEAL COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A. Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, February 26, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 213, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-366; Filed, February 4, 1937; 11:00 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of February A. D. 1937.

[File No. 43-18]

IN THE MATTER OF THE DECLARATION OF REPUBLIC SERVICE CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION UNDER SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO THE REQUEST OF DECLARANT

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the declarant, consents to the withdrawal of the declaration of the above-named declarant, and to that effect

It is so ordered

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-367; Filed, February 4, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of February A. D. 1937.

[File No. 43-24]

IN THE MATTER OF THE DECLARATION OF REPUBLIC SERVICE CORPORATION

ORDER FIXING EFFECTIVE DATE FOR DECLARATION UNDER SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Republic Service Corporation, a registered holding company, having filed with this Commission a declaration and four amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it of $400,000 principal amount of its First Lien Collateral Trust Twenty-five Year Bonds, Series A, 5%, due June 1, 1951; a hearing on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration, as amended, be and become effective on February 3, 1937, on condition that the issue and sale of said bonds be effected in substantial compliance with all the terms and conditions of, and for the purposes represented by, said declaration, as amended;

It is further ordered that, within ten days after the sale of the bonds covered by the aforesaid declaration, the declarant shall file with this Commission a certificate of notification showing that such sale has been effected in accordance with the conditions imposed by this order;

It is further ordered that, notwithstanding any rule or regulation of the Commission, the declarant shall not hereafter declare or pay any dividend on any shares of any class of its capital stock unless and until the Commission shall by order have approved such transaction;

It is further ordered that, the declarant shall not hereafter sell or pledge any bonds heretofore or hereafter issued to it under the terms of the trust indenture securing the bonds covered by the present declaration, except in accordance with a declaration under Section 7 with respect to such transaction that has become effective.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-368; Filed, February 4, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 3rd day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF MANUEL FARM, FILED ON JANUARY 28, 1937, BY L. H. WITWER, RESPONDENT.

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that paragraphs (a) and (b) which should appear at the beginning of Division II have been omitted;

(2) In that Item 2 (e) of Division II states the date of the lease is September 23, 1931, whereas the Commission has information to the effect that the date of this lease is October 26, 1931;

(3) In that Item 2 (f) of Division II states there are two lessees of record, whereas the Commission has information that there is only one;

(4) In that Items 14, 15, 16 and 17 (b) of Division II are not correctly answered, based upon information in the possession of the Commission;

(5) In that in Item 18 (a), Division II, the name of the horizon is omitted;

(6) In that it is stated in Item 18 (b) that the gravity of the oil produced is 36°, whereas the Commission has information to the effect that the gravity is 29-31°;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 4th day of March 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 17th day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-369; Filed, February 4, 1937; 12:40 p. m.]



*Saturday, February 6, 1937* *No. 25*

## DEPARTMENT OF THE INTERIOR.

Division of Grazing.

AMENDMENT TO THE RULES FOR ADMINISTRATION OF GRAZING DISTRICTS [1]

The Rules for Administration of Grazing Districts approved March 2, 1936, and as amended heretofore, shall remain in full force and effect except that the first two paragraphs thereof and the sections entitled "Licenses" and "Duties", under the heading "District Advisors", shall be amended to read as follows:

The issuance of temporary licenses will be continued in each grazing district until such time as the necessary data are available upon which to issue permits.

LICENSES

Licenses issued in 1937 will be operative only during that year or for such part of 1938 as may be considered the "winter grazing season" but in no event will extend beyond May 1, 1938.

Such licenses will be revocable for violation of the terms thereof and will terminate on the issuance of permits in a district.

An applicant for a grazing license is qualified if he owns livestock and is:

1. A citizen of the United States of America or one who has filed his declaration of intention to become such, or

2. A group, association, or corporation authorized to conduct business under the laws of the State in which the grazing district is located.

A qualified applicant will be considered in a preferred classification if he is a member of any one of the following four classes:

1. Landowners engaged in the livestock business.
2. Bona fide occupants.
3. Bona fide settlers.
4. Owners of water or water rights.

The following definitions will assist in determining who belongs in said classes:

*An occupant* to be bona fide must show that he actually occupies land to the exclusion of others for at least the period for which such land is subject to grazing. Such exclusive occupation may be by fencing or otherwise excluding trespassers. Posting notices unaccompanied by actual possession, or part-time seasonal use by grazing livestock, will not be considered occupancy. Any land claimed to be occupied must be held under a right such as to entitle the applicant to possession. (Lands to which the applicant has no lawful right of occupation cannot be made the basis of a claim of bona fide occupation.)

*A bona fide settler* is one who maintains actual residence under lawful authority on the land to the exclusion of a residence elsewhere.

*An owner of water or water rights* must show that it is for stock watering purposes and held under proper authority from the State.

Qualified preferred applicants will be given licenses to graze the public range insofar as available and necessary to permit a proper use of the lands, water, or water rights owned, occupied, or leased by them.

In determining the proper use of land or water, the following definitions will guide:

*Property* shall consist of land and its products or stock water owned or controlled and used according to local custom in livestock operations. Such property is:

(a) *Dependent* if public range is required to maintain its proper use.

(b) *Near* if it is close enough to be used in connection with public range in usual and customary livestock operations. In case the public range is inadequate for all the near properties, then those which are nearest in distance and accessibility to the public range shall be given preference over those not so near.

(c) Commensurate for a license for a certain number of livestock if such property provides proper protection according to local custom for said livestock during the period for which the public range is inadequate.

When the available range is insufficient to meet the requirements of all in the preferred class, such class will be divided into two groups as follows:

1. Those who have dependent commensurate property which has been used in connection with the public range for a full grazing season during the 5-year period immediately preceding the passage of the act or its amendment (under whichever the district was created).

In any district in which the regional grazier is convinced that the establishment of groups according to the above rule is unsuited to local conditions and will not permit an effective and orderly administration of the act in that particular district, he may recommend a different period of use as a standard for the establishment of groups in such district, provided that such proposed new rule shall not be operative until approved by the Secretary of the Interior.

2. Those who do not have such prior use.

*Issuance of licenses.*—after residents within or immediately adjacent to a grazing district having dependent commensurate property are provided with range for not to exceed ten (10) head of work or milch stock kept for domestic purposes, the following-named classes, in the order named, will be considered for licenses:

1. Qualified applicants of the preferred class who have prior use.

2. Qualified applicants of the preferred class who do not have such prior use.

3. Qualified applicants who are not in the preferred class.

DISTRICT ADVISORS

*Duties.*—District advisors shall make recommendations on the following-named matters:

1. The carrying capacity of the public range of the district.

2. The issuance of grazing licenses. (District advisors shall not make any recommendation upon their own applications, but such application shall be acted upon by the Director of Grazing.)

3. Proper rules for fair range practice.

4. Temporary range allotments by classes of livestock or for community or individual use.

5. Seasonal use of the public domain range, or any part thereof.

6. Approval or rejection in whole or in part of recommendations of local associations of livestock men in the district.

7. Other matters upon which their opinion may be requested by the Secretary of the Interior.

F. R. CARPENTER,
*Director of Grazing.*

Approved, January 28, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-371; Filed, February 5, 1937; 10:01 a. m.]

[1] Under the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), commonly known as the Taylor Grazing Act.

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER SUSPENDING ORDER NO. 11 REGULATING THE HANDLING OF MILK IN THE DISTRICT OF COLUMBIA MARKETING AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under the provisions of the Agricultural Adjustment Act, as amended, for the purposes and within the limitations therein contained, and pursuant to the applicable General Regulations issued thereunder, issued, on the 17th day of September 1936, Order No. 11 Regulating the Handling of Milk in the District of Columbia Marketing Area, said order being effective the 21st day of September 1936, which order was amended on the 1st day of December 1936; and

Whereas, the Secretary of Agriculture has determined to suspend the further operation of the said order;

Now, therefore, the Secretary of Agriculture, acting under the authority vested in him as aforesaid, hereby suspends the further operation of said Order No. 11, but any and all of the obligations which have arisen, or which may hereafter arise in connection therewith, by virtue of or pursuant to the operation of the said order, up to the effective date of this order of suspension, shall not be affected, waived or terminated hereby.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States of America, has executed this order suspending the further operation of the aforesaid order, in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 5th day of February 1937, and hereby declares that this order shall be effective on and after 12:01 a. m., e. s. t., February 8, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-374; Filed, February 5, 1937; 12:43 p. m.]

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[Docket No. A-43 O-43]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND ORDER NO. 5 REGULATING HANDLING OF MILK IN FALL RIVER, MASSACHUSETTS, MARKETING AREA, AND WITH RESPECT TO PROPOSAL TO AMEND MARKETING AGREEMENT TENTATIVELY APPROVED, APRIL 3, 1936

Whereas, pursuant to Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, the Secretary of Agriculture, hereinafter called the Secretary, issued an order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, effective 12:01 a. m., E. S. T., May 1, 1936; and

Whereas the Secretary tentatively approved the marketing agreement regulating the handling of milk in the said Marketing Area on April 13, 1936; and

Whereas the Secretary has reason to believe that an amendment should be made to said order and said marketing agreement; and

Whereas, under the act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the United States Department of Agriculture, Agricultural Adjustment Administration, provide for notice and opportunity for hearing upon marketing agreements and orders;

Now, therefore, pursuant to the act and the general regulations, notice is hereby given of a hearing to be held on a proposal to amend the order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area and the tentatively approved marketing agreement regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, at Wattupa Grange Hall, North Westport, Massachusetts, on February 11, 1937, at 9:30 a. m., eastern standard time.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) modifying the base rating provisions in Article VII, and (2) changing any other provisions of said order and agreement.

Copies of the proposal to amend the order and the marketing agreement may be inspected in or procured from the office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, February 5, 1937.

[F. R. Doc. 37-373; Filed, February 5, 1937; 12:43 p. m.]

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NCR—101

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of Section 7 (a) of said Act for 1937, in accordance with the following provisions of this North Central Region Bulletin No. 101, and such modifications or other provisions as may hereafter be made.

This program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this program is contingent upon whatever appropriation the Congress of the United States may hereafter make for such purpose. The amount of any payment under this Program will be finally determined by such appropriation and the extent of participation in such Program. The rates of payment and the soil-building allowances set forth herein are computed upon the basis of an appropriation of $500,000,000.

*Part I. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the North Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*North Central Region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*North Central Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the North Central Region.

*Area "A"* means the area included in the following counties of the following States:

Illinois: Adams, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Coles, Crawford, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Gallia, Greene, Grundy, Hancock, Henderson, Henry, Iroquois, Jersey, Jo Daviess, Kane, Kankakee, Kendall, Knox, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Montgomery, Morgan, Moultrie, Ogle, Peoria, Platt, Pike, Putnam, Rock Island, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Vermilion, Wabash, Warren, White, Whiteside, Will, Winnebago, and Woodford.

Indiana: Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Johnson, Knox, Kosciusko, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Parke, Porter, Posey, Pulaski, Putnam, Randolph, Rush, Shelby, Starke, Sullivan, Tippecanoe, Tipton, Union, Vigo, Vermillion, Wabash, Warren, Wayne, Wells, White, and Whitley.

Iowa: All counties.

Minnesota: Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Jackson, Kandiyohi, Lac qui Parle, Le Sueur, Lincoln, Lyon, Martin, McLeod, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Swift, Wabasha, Waseca, Watonwan, Winona, Yellow Medicine.

Missouri: Adair, Andrew, Atchison, Audrain, Boone, Buchanan, Caldwell, Callaway, Carroll, Chariton, Clark, Clay, Clinton, Daviess, De Kalb, Gentry, Grundy, Harrison, Holt, Howard, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Nodaway, Pike, Platte, Putnam, Ralls, Randolph, Ray, St. Charles, Saline, Schuyler, Scotland, Shelby, Sullivan, Warren, Worth.

Nebraska: Antelope, Boone, Burt, Butler, Cass, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Gage, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Sarpy, Saunders, Seward, Stanton, Thurston, Washington, Wayne, York.

Ohio: Allen, Auglaize, Butler, Champaign, Clark, Clinton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Greene, Hancock, Hardin, Henry, Highland, Logan, Madison, Marion, Mercer, Miami, Montgomery, Paulding, Pickaway, Preble, Putnam, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Williams, Wood, Wyandott.

South Dakota: Bon Homme, Brookings, Clay, Hutchinson, Lake, Lincoln, McCook, Minnehaha, Moody, Turner, Union, Yankton.

Wisconsin: Columbia, Crawford, Dane, Grant, Green, Iowa, Lafayette, Rock, Walworth.

*Area "B"* means the area included in the following counties of Missouri: Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard.

*Area "C"* means the area included in the following counties of Missouri: Howell, Oregon, Ozark, and Taney.

*Area "D"* means the area included in Minnesota, Nebraska, South Dakota, not included in Area "A".

*State Committee or State Agricultural Conservation Committee* means the group of persons designated for a State to assist in the administration of the 1937 Agricultural Conservation Program in such State.

*County Agricultural Conservation Association or County Association* means the association in the county organized to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*County Agricultural Conservation Committee or County Committee* means the group of persons designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, firm, partnership, association, corporation, estate, or trust. The term person shall also include, wherever applicable, a State, a political subdivision of a State, or any agency thereof, and any other governmental agencies that may be designated by the Secretary.

*Owner* means a person who owns a farm which is not rented to another for cash or for a fixed commodity payment, or who rents a farm from another for cash or for a fixed commodity payment, or who is purchasing a farm on installments for cash or for a fixed commodity payment.

*Operator* means a person who as owner or share-tenant is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Crop-Share Tenant* means a person other than an owner or sharecropper who is operating a farming unit and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share-tenant sublets a farming unit to another person and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share-tenants.

*Crop-Share Landlord* means a person who as owner rents a farm to a share-tenant and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with workstock, farm machinery, and labor substantially separate from that of any other land. A farming unit shall be deemed to be in the county in which the principal dwelling on such farming unit is located, and if there is no dwelling on such farming unit, it shall be deemed to be in the county in which the principal part of such farming unit is located.

*General Diversion Farming Unit* means any farming unit which has a general soil-depleting base of 20 acres or more.

*General Nondiversion Farming Unit* means any farming unit not a general diversion farming unit.

*Dryland Farming Unit* means any farming unit in Area "D" in Nebraska and South Dakota with respect to which the operator does not make application for a general conserving payment.

*Cotton Farming Unit* means any farming unit in Area "B" or in Area "C" which has a cotton soil-depleting base, or on which cotton is grown in 1937.

*Sharecropper Farming Unit* means any farming unit operated with the aid of sharecroppers in 1937, which farming unit is not a cotton farming unit.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937. A farm shall be deemed to be in the county in which the farming unit which includes such farm is located. A share-rented farm in a farming unit shall be deemed to include any land in such farming unit ordinarily used for hay, meadow, pasture, or similar uses which is rented for cash from the owner of such farm.

*Orchards* means the entire acreage in tree fruits, nut trees, vineyards, bush fruits, and nursery stock on the farm on January 1, 1937.

*Cropland* means (1) all tillable farmland from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and December 31, 1936, inclusive, except farmland in dryland farming units, which, since January 1, 1934, has not been plowed or planted for harvest or from which no crop has been harvested since January 1, 1934, and (2) the entire acreage devoted on January 1, 1937, to orchards.

*Noncrop Plowable Pasture* means any noncrop pasture land and other range land other than land owned or controlled by the United States Government, or an agency thereof, which could be brought under cultivation without clearing, draining, or irrigating.

*Animal Unit* means one cow, one horse, five sheep, two calves, two colts, or the equivalent thereof.

*Commercial Orchards* means the entire acreage in tree fruits, cultivated nut trees, vineyards, and bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young nonbearing orchards from which the principal part of the production will be sold.

*Commercial Vegetables* means the acreage of vegetables and truck crops (including Irish potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons off the farm in 1936.

*1937 General Acreage* means the total acreage classified as soil-depleting on a farming unit in 1937, less any 1937 acreage of cotton and tobacco on such farming unit.

*1937 Sugar Beet Acreage* means the acreage planted to sugar beets on a farm in 1937 not in excess of the general soil-depleting base for such farm.

*New Conserving Acreage* means the acreage of cropland on the farming unit upon which there is, as of the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a soil-conserving crop which was seeded between November 1, 1936, and October 31, 1937, inclusive, and on which acreage no soil-depleting crop was planted for harvest as grain or hay in 1937, and the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested for grain or hay. *New Conserving Acreage* also means the acreage of cropland used in accordance with subsection (b) of Section 2 of Part III.

*Old Conserving Acreage* means the acreage of cropland on the farming unit which was seeded prior to November 1, 1936, and upon which there was a good stand of a soil-conserving crop on or after July 1, 1937, and on which land no soil-depleting crop was planted for harvest as grain or hay in 1937. *Old Conserving Acreage* also means any acreage of cropland on the farming unit upon which there was a good stand of a soil-conserving crop on or after July 1, 1937 which was self-seeded in the fall of 1936 and on which land no soil-depleting crop was planted for harvest as grain or hay in 1937.

*Total Conserving Acreage* means the sum of the new conserving acreage and the old conserving acreage.

*Diversion Payment* means a payment for the diversion of acreage from any soil-depleting base.

*General Conserving Payment* means a payment for the increase of soil-conserving acreage.

*Part II. Establishment of Bases and Limits*

SECTION 1. *County Limits.*—There shall be established by the Agricultural Adjustment Administration for each county, a total acreage of all soil-depleting crops which shall be known as the county total limit; for each county in area "A" a total acreage of corn which shall be known as the county corn limit; for each county in which cotton soil-depleting bases will be established, a total acreage of cotton which shall be known as the county cotton limit; and for each county in which soil-depleting bases for any type of tobacco will be established a total acreage of such type of tobacco which shall be known as the county limit for such type of tobacco. Such county limits shall be based upon land measurements obtained under the 1936 Agricultural Conservation Program, United States Census, the county limits established under the 1936 Agricultural Conservation Program, and such other information as is available. The sum of the individual total soil-depleting bases, corn limits, cotton soil-depleting bases, and tobacco soil-depleting bases for all of the farms in a county shall not exceed the county total limit, the county corn limit, the county cotton limit and the county tobacco limit for each type of tobacco, respectively.

SECTION 2. *Total Soil-Depleting Bases.*—There shall be established for each farm a total soil-depleting base. The total soil-depleting base for any farm shall not be greater than the total acreage of cropland on the farm less the entire acreage in orchards. The total soil-depleting base for a farm shall be the total soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program with such revisions and adjustments as are necessary to establish equity as between farms. When such revisions are necessary, the county committee shall establish the average relationship between soil-depleting crops and cropland for the community and shall consider such average relationship and the type of soil, topography, and productivity on such farm in establishing such total soil-depleting base. The total soil-depleting base for a farming unit shall be the sum of the total soil-depleting bases established for all farms in such farming unit.

SECTION 3. *Soil-Depleting Bases for Cotton and Tobacco.*—There may be established, as part of the total soil-depleting base, a cotton soil-depleting base, and a separate soil-depleting base for Burley, dark air-cured and cigar leaf tobacco, respectively. Any cotton and tobacco soil-depleting bases shall be established in accordance with the instructions relating to the establishment of such bases. The tobacco soil-depleting base for a specified type of tobacco for a farming unit shall be the sum of the soil-depleting bases for such specified type of tobacco established for all farms in such farming unit. The cotton soil-depleting base for a farming unit shall be the sum of the cotton soil-depleting bases established for all farms in such farming unit.

SECTION 4. *General Soil-Depleting Base.*—The general soil-depleting base for any farm shall be determined by subtracting the sum of any cotton and tobacco soil-depleting bases established for such farm from the total soil-depleting base established for such farm. The general soil-depleting base for a farming unit shall be the sum of the general soil-depleting bases established for all farms in such farming unit.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for any farm shall be determined by subtracting the total soil-depleting base plus the entire acreage in orchards from the total acreage of cropland on the farm. The soil-conserving base for a farming unit shall be the sum of the soil-conserving bases for all farms in such farming unit.

SECTION 6. *Corn Limit.*—There shall be established for each farm in area "A" a corn limit. In assigning corn limits, the county committee shall establish the average relationship between land which has been planted to corn and cropland for the community and also take into account the productivity, topography, and type of soil on each farm in the county in accordance with the instructions relating to the establishment of such limits. The corn limit for a farming unit in area "A" shall be the sum of the corn limits established for all farms in such farming unit and shall represent the highest acreage which may be planted to corn on such farming unit without deduction from any payments which would otherwise be made with respect to such farming unit.

SECTION 7. *Noncrop Plowable Pasture Land.*—There shall be established for each farm the total number of animal units which the noncrop plowable pasture on such farm will carry during the normal pasture season. Such total number of animal units shall be determined as follows:

(a) The Agricultural Adjustment Administration will determine the total number of animal units which the noncrop plowable pasture in the county will carry during the normal pasture season. Such total number of animal units shall be based upon (1) the sum of the acreages of noncrop plowable pasture reported in such county under the 1936 Agricultural Conservation Program and such other information as is available relative to the acreage of noncrop plowable pasture in the county, and (2) the average number of animal units which such pasture will carry during the normal pasture season without decreasing the stand of grass.

(b) The county committee will establish the average number of animal units which an acre of the noncrop plowable pasture in any farm in the county will carry by varying the average for the county established under subsection (a) of this Section 7 in accordance with variations in the density of vegetative growth, type of soil, and topography, of the noncrop plowable pasture in such farm. The total number of animal units which the noncrop plowable pasture in such farm will carry shall be determined by multiplying such average for the farm by the number of acres of noncrop plowable pasture land in such farm.

SECTION 8. *Appeals.*—Any person who has reason to believe that any base or limit established for such person's farm is not equitable, may request the county committee to reconsider its recommendations. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with the instructions relating to such appeals.

*Part III. Classification of Farm Land*

The use of farm land in 1937 shall be classified as either soil-depleting, soil-conserving, or neutral, as set forth in this Part III. In order for any cropland, other than an entire field, to be classified as either soil-conserving or neutral, such cropland must be in a solid block contiguous to the entire side or end of a field and the line between the cropland classified as neutral or soil-conserving and the remaining portion of the field must be straight. Except as otherwise provided, if any acreage on the farm is used for the production of interplanted crops, the actual acreage of each interplanted crop shall be classified as set forth in this Part III.

SECTION 1. *Soil-Depleting.*—Farm land devoted to the crops and uses specified in this Section 1 shall be classified as soil-depleting:

(a) Land planted in 1937 to the following crops:

1. Corn (field, sweet, and popcorn).
2. Grain sorghums and sweet sorghums.
3. Cotton.
4. Tobacco.
5. Sugar beets.
6. Rice.
7. Field beans and field peas.
8. Canning peas.
9. Hemp.
10. Broomcorn.
11. Mint.
12. Mangels and cowbeets.
13. Cultivated sunflowers.



14. Truck and vegetable crops.
15. Potatoes and sweetpotatoes.
16. Melons and strawberries.
17. Bulbs and flowers.

(b) Land used in 1937 for the production of the following crops:

1. Wheat, oats, barley, rye, flax, buckwheat, emmer, speltz, and mixtures of any of such crops, harvested for grain in 1937.
2. Millet and Sudan grass for seed.
3. Soybeans for grain or seed except in Area "B."
4. Soybeans for crushing.
5. Cowpeas for grain or seed except in Area "B."
6. Rape for seed.
7. Strawberries.
8. Bulbs and flowers.

(c) The acreage by which, the sum of the idle cropland and the acreage planted to any of the following crops and used as specified herein, exceeds the acreage obtained by subtracting the old conserving acreage from the soil-conserving base:

1. Wheat, oats, barley, rye, flax, emmer, speltz, and mixtures of any of such crops, not harvested for grain. (Excluding such crops when planted in the fall of 1937 for harvest in 1938, and excluding any acreage used as specified in item 5 of Section 3 (a) of this Part III.)
2. Soybeans, cowpeas and buckwheat not harvested as grain or seed, (excluding the use of these crops as specified in item 1, of subsection (b) of Section 2 of this Part III). This item 2 is not applicable to Area "B".
3. Millet and Sudan grass not harvested for seed.
4. Rape not harvested for seed.

SECTION 2. *Soil-Conserving.*—Cropland in 1937 not used as set forth in Section 1 of this Part III and devoted to the crops and uses specified in this Section 2 shall be classified as soil-conserving:

(a) Cropland upon which there was a good stand on or after July 1, 1937, of any of the following crops seeded before November 1, 1936: Cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand which would normally survive the winter of 1937–38, of any of the following crops seeded before November 1, 1936, and October 1, 1937, inclusive, provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain.

1. Perennial legumes: alfalfa, kudzu, sericea, and white clover.
2. Perennial grasses: bluegrass, Dallis, timothy, redtop, reed canary grass, orchard grass, Bermuda grass, carpet grass, bromegrass, crested wheat grass, slender wheat grass, western wheat grass, gramma grasses, buffalo grass, bluestem grasses, Koeleria, perennial ryegrass, meadow fescue.
3. Biennial legumes: sweet, red, and mammoth clovers.
4. Annual sweet clover, alsike clover, lespedeza, crotolaria.
5. Mixtures of legumes listed under items 1, 3, and 4 of this subsection (a), or mixtures of such legumes and the grasses listed under item 2 of this subsection (a).
6. Soybeans and cowpeas in Area "B", except soybeans for crushing.
7. Trees, other than fruit or nut trees, planted since January 1, 1934.

(b) Cropland used as follows:

1. Incorporation into the soil as green manure by plowing or discing of a good vegetative growth of soybeans, velvet beans, cowpeas, or buckwheat seeded before July 1, 1937, and followed by a winter cover crop where the land is subject to erosion.
2. Planted to crimson clover, bur-clover, vetch, blank medica and yellow treefoil (hop clover) in the fall of 1936 provided there is a good stand on or after March 1, 1937.

SECTION 3. *Neutral.*—Farm land not used as specified in Sections 1 and 2 of this Part III and devoted to the crops and uses specified in this Section 3 shall be classified as neutral:

(a) Farm land used in 1937 for the following purposes:

1. Summer fallow, if first cultivated before June 1, 1937, and properly cultivated thereafter in such a manner as to prevent wind and water erosion and weed growth.
2. The entire acreage in orchards.
3. Seeded in 1937 to a crop specified in subsection (a) of Section 2 of this Part III, in accordance with good farming practices and upon which, due to uncontrollable natural causes, there is not a good stand which would normally survive the winter of 1937–38, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay.
4. Waste land, roads, lanes, lots, yards, noncrop pasture land, land reverting to permanent pasture, and noncrop woodland.
5. Noncrop pasture land planted to the following crops in 1937, before June 1, and not used for grain, seed, or hay, if, because of unusual weather conditions, such land has become unfit for grazing and if before planting written approval is obtained from the county committee, designating the area upon which such crops may be planted: Wheat, oats, barley, rye, emmer, speltz, and small grain mixtures.

(b) The acreage equal to the sum of the idle cropland and the acreage planted to any of the following crops and used as specified herein not in excess of the acreage obtained by subtracting the old conserving acreage from the soil-conserving base:

1. Wheat, oats, barley, rye, flax, emmer, speltz, and mixtures of any of such crops, not harvested for grain (excluding such crops when planted in the fall of 1937 for harvest in 1938, and excluding any acreage used as specified in item 5 of Section 3 (a) of this Part III).
2. Soybeans, cowpeas and buckwheat not harvested as grain or seed (excluding the use of these crops as specified in item 1 of subsection (b) of Section 2 of this Part III). This item 2 is not applicable to Area "B".
3. Millet and Sudan grass not harvested for seed.
4. Rape not harvested for seed.

*Part IV. Rates and Conditions of Payment*

In connection with the utilization in 1937 of the land on any farming unit in the North Central Region, payments will be made in the amounts and subject to the conditions hereinafter set forth:

SECTION 1. *General Diversion Payment.*—For any General Diversion Farming Unit, payment will be made for each acre, not in excess of 15 percent of the general soil-depleting base for such farming unit, by which the 1937 general acreage on such farming unit is less than the general soil-depleting base for such farming unit. The rate per acre for general diversion payments is an average of $6.00 per acre for the United States varying among States, counties, and individual farming units as the productivity of cropland on all such farming units varies. In counties in Area "A" the rate thus determined shall be increased 5 percent.

SECTION 2. *General Conserving Payment.*—For any General Diversion Farming Unit not also a Dryland Farming Unit, payment will be made, not in excess of the number of acres for which payment is made under Section 1 of this Part IV, for the sum of (1) the old conserving acreage on such farming unit in excess of soil-conserving base for such farming unit, and (2) the new conserving acreage on such farming unit, less the sum of the diverted cotton and tobacco acreage for which payment is made with respect to such farming unit. The rate per acre for general conserving payments is an average of $3.00 per acre for the United States varying among States, counties, and individual farming units as the productivity of cropland on all such farming units varies. In counties in Area "A" the rate thus determined shall be increased 5 percent.

SECTION 3. *Sugar Beet Payment.*—For any farm on which sugar beets are grown in 1937, payment will be made, not in excess of the sugar beet acreage allotment for such farm, in an amount per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for such farm, provided:

(a) An acreage customarily used in a rotation with sugar beets on such farm in 1937 equal to at least 40 percent of the 1937 sugar beet acreage is classified as soil-conserving on such farm in 1937, or

(b) Both

(1) an acreage customarily used in a rotation with sugar beets on the farm in 1937 equal to at least 20 percent of the 1937 sugar beet acreage is classified as soil-conserving on such farm in 1937, and

(2) all the 1937 sugar beet acreage is on land not devoted to sugar beets in more than two of the years 1934, 1935, and 1936;

*Provided, further*, if the provision under subsection (a) of this Section 3 is not performed and only one of the provisions under subsection (b) of this Section 3 is performed, payment will be made in an amount equal to one-half the sugar beet payment which would otherwise be made with respect to such farm.

The acreage allotment for any farm with respect to which the sugar beet payment will be made will be the 1937 sugar beet acreage on such farm, unless the estimated acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the sugar beet acreage allotment for the farm shall be that percentage of the 1937 sugar beet acreage on such farm which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the estimated total acreage of sugar beets planted for harvest in the United States in 1937.

SECTION 4. *Tobacco Diversion Payments.*—For any farming unit which has a tobacco soil-depleting base, payment will be made for each acre, not in excess of 25 percent of the soil-depleting base established for the farming unit for Burley or cigar-leaf tobacco, and not in excess of 20 percent of the dark air-cured tobacco soil-depleting base for the farming unit, by which the 1937 acreage on the farming unit of a specified type of tobacco is less than the soil-depleting base for such farming unit for such type of tobacco. The rate per acre for tobacco diversion payments shall be the result obtained by multiplying the number of pounds representing the normal yield per acre of the specified type of tobacco for the farming unit, in the case of Burley tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar-leaf tobacco by 3 cents.

SECTION 5. *Cotton Diversion Payment.*—For any farming unit which has a cotton soil-depleting base, payment will be made for each acre, not in excess of 35 percent of the cotton soil-depleting base for the farming unit, or if such base is 5.7 acres or less, not in excess of two acres, by which the 1937 cotton acreage on the farming unit is less than the cotton soil-depleting base for such farming unit. The rate per acre for cotton diversion payments shall be the result obtained by multiplying the number of pounds representing the normal yield per acre of cotton for the farming unit by 5 cents.

SECTION 6. *Rice Payment.*—For any farm on which rice is grown in 1937, payment will be made in an amount determined in accordance with and subject to the provisions of the bulletins heretofore or which may hereafter be issued relating to the 1937 Agricultural Conservation Program in the North Central Region, and the provisions concerning rice contained in bulletins heretofore or which may hereafter be issued relating to the 1937 Agricultural Conservation Program in the Southern Region.

SECTION 7. *Soil-Building Allowances.*—The soil-building allowance for a farming unit shall be the sum of the soil-building allowances for all farms in such farming unit. The soil-building allowance for each crop-share landlord with respect to a farm owned by him in a farming unit and for each sharecropper on a farm in a farming unit shall be the result obtained by multiplying the soil-building allowance for such farm by the percentage of any soil-building payments made with respect to such farm to which such person is entitled. The soil-building allowance for the operator of a farming unit shall be the result obtained by subtracting from the soil-building allowance for such farming unit the sum of the soil-building allowances for all crop-share landlords owning farms in such farming unit and the soil-building allowances for any sharecroppers on such farming unit.

(a) The soil-building allowance for a farm in a general diversion farming unit not also a dryland farming unit, and for a farm in a farming unit for which a cotton or tobacco soil-depleting base is established shall be computed as follows:

(1) $1.00 for each acre in the soil-conserving base established for such farm.

(2) $1.00 for each acre of the acreage obtained by multiplying the total acreage for which diversion payments are made with respect to the farming unit of which such farm is all or part by the percentage that the total soil-depleting base on such farm is of the total soil-depleting base for such farming unit.

(3) $1.90 for each acre in commercial orchards on such farm.

(4) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(5) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(6) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(7) The sum of (1) to (6), inclusive shall be the soil-building allowance for such farm unless the sum of such items for the farming unit of which such farm is all or part is less than $10.00, in which event the soil-building allowance for such farm shall be obtained by multiplying $10.00 by the percentage that the cropland on such farm is of the cropland on the farming unit.

(b) The soil-building allowance for a farm in a general nondiversion farming unit for which farm no cotton or tobacco soil-depleting base is established shall be computed as follows:

(1) $0.90 for each acre of cropland on such farm.

(2) $1.00 for each acre in commercial orchards on such farm.

(3) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(4) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(5) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(6) The sum of (1) to (6), inclusive, shall be the soil-building allowance for such farm unless the sum of such items for the farming unit of which such farm is all or part is less than $20.00, in which event the soil-building allowance for such farm shall be obtained by multiplying $20.00 by the percentage that the cropland on such farm is of the cropland on the farming unit.

(c) The soil-building allowance for a farm in a dryland farming unit shall be computed as follows:

(1) $1.00 for each acre of soil-conserving crops on such farm in 1937 not in excess of the soil-conserving base for such farm.

(2) $4.00 for each acre of the acreage obtained by multiplying the total acreage for which diversion payments are made with respect to the farming unit of which such farm is all or part by the percentage that the total soil-depleting base on such farm is of the total soil-depleting base for such farming unit. Such $4.00 rate is an average for the United States and will vary among States, counties, and individual farming units as the productivity of all farming units varies.

(3) $1.90 for each acre in commercial orchards on such farm.

(4) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(5) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(6) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(7) The sum of (1) to (6), inclusive, shall be the soil-building allowance for such farm unless the sum of such items for the farming unit of which such farm is all or part is less than $10.00 in which event the soil-building allowance for such farm shall be obtained by multiplying $10.00 by the percentage that the cropland on such farm is of the cropland on the farming unit.

SECTION 8. *Soil-Building Payments.*—Payments will be made to the operator of a farming unit, not in excess of such operator's share of the soil-building allowance for such farming unit, for the carrying out in 1937 on such farming unit of any of the soil-building practices listed in this Section 8. Payment will be made to a crop-share landlord owning a farm, not in excess of such landlord's share of the soil-building allowance for such farm, for the carrying out in 1937 on such farm of any of the soil-building practices listed in this Section 8. Payment will be made to a sharecropper on a farm, not in excess of such sharecropper's share of the soil-building allowance for such farm, for the carrying out in 1937 on such farm of any of the soil-building practices listed in this Section 8. To be eligible for soil-building payments, the practices listed herein must be carried out by such methods and using such materials and with such kinds and quantities of adapted seed and trees as conform with good farming practice. No soil-building payment will be made with respect to any farming unit for the seeding of red clover unless all seedings of red clover on the farming unit in 1937 are made with adapted red clover seed, nor will any soil-building payment be made with respect to any farming unit for the seeding of alfalfa unless all seedings of alfalfa on the farming unit in 1937 are made with adapted alfalfa seed. All practices for which payment is to be made must have been completed prior to November 1, 1937. Proof of performance for any practice shall consist of satisfactory evidence that the practice was completed in accordance with the conditions specified. Soil-building payment for any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for any practice is furnished free or paid for by any State or Federal agency, except that in case of the soil-building practices designated under subsections (c), (g), and (n) hereof, payment will be made at the stipulated rates on an acreage or quantity, as the case may be, which bears the same proportion to the total acreage or quantity with respect to such practice as the quantity of materials used, or the value of the labor and materials furnished, by the owner or operator bears to the total quantity of materials or the total value of labor and materials used in carrying out such practice.

Where several soil-building practices are adopted on the same acreage, payment will not be made for (1) more than one of the practices listed in the same subsection in the case of subsections (c) to (u), inclusive, and (2) more than one practice twice or any two practices of the 14 soil-building practices listed in subsections (a), (b), (v), and (w).

Except as otherwise provided, the soil-building practices listed in subsections (a) to (j), inclusive, will be applicable to all farms; the soil-building practices listed in subsections (k) to (q), inclusive, will be applicable only to dryland farms; the soil-building practices listed in subsections (r) to (u), inclusive, will be applicable only to orchards, and the practices listed in subsections (v) and (w) will be applicable only to cropland used for the growing of commercial vegetables.

For dryland farms, all rates of payment in subsections (a) and (b) shall be increased $1.50 if the rate is $2.00 or more, and $1.00 if the rate is less than $2.00, if on the date as of which final inspection of the farm is made for the purpose of determining performance, there is a good stand which would normally survive the winter 1937–38, of the crops to which such rates are applicable, and the nurse crop, if any, is not harvested for grain or hay.

PRACTICES APPLICABLE TO ALL FARMS, EXCEPT AS OTHERWISE PROVIDED

(a) *Seedings of adapted legumes.*—Seedings of adapted seed of any of the following legumes on cropland;

(1) Alfalfa—$2.50 per acre.

(2) Red clover, sericea, and white clover—$2.00 per acre.

(3) Alsike clover, mammoth clover, and lespedeza—$1.50 per acre.

(4) Legume mixtures or mixtures of legumes and perennial grasses listed under subsection (b) hereof, which contain 50 percent or more of alsike clover, mammoth clover, lespedeza, alfalfa, red clover, sericea, and white clover, or any two or more of these legumes—$1.50 per acre.

(5) Biennial sweet clover, annual sweet clover, vetch, and crimson clover—$1.00 per acre.

(6) Legume mixtures or mixtures of legumes and the perennial grasses listed under subsection (b) hereof, which contain 50 percent or more of biennial sweet clover, annual sweet clover, vetch, and crimson clover, or any two or more of these legumes—$1.00 per acre.

(b) *Seedings of adapted perennial grasses.*—Seedings of adapted seed of any of the following grasses on cropland or on noncrop pasture land:

(1) Bluegrass, crested wheat grass, slender wheat grass, and western wheat grass—$2.00 per acre.

(2) Bromegrass, orchard grass, and permanent pasture mixtures of grasses or grasses and legumes containing at least 50 percent of the grasses listed in item (1) of this subsection—$1.50 per acre.

(3) Redtop, reed canary grass, and timothy, and permanent pasture mixtures of grasses or grasses and legumes containing at least 50 percent of bromegrass, orchard grass, redtop, reed canary grass, timothy, or any two or more of these grasses—$1.00 per acre.

(c) *Limestone.*—Except as otherwise provided in items (2) and (3) of this subsection (c), application on cropland or noncrop pasture land of ground limestone or its equivalent:

(1) Application of ground limestone or its equivalent—$1.25 per ton.

(The ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate.

The following quantities of other calcareous substance are equivalent to one ton of ground limestone in the following designated States: 1,400 lbs. of hydrated lime or 2 cubic yards of marl, in the entire North Central Region; 1½ cubic yards of sugar beet refuse lime, in Ohio, Indiana, Michigan, Wisconsin, Minnesota, and Nebraska; 1½ cubic yards of calcium carbide refuse lime, in Indiana, Michigan, and Wisconsin; 1½ cubic yards of paper mill refuse lime, in Michigan, Wisconsin, and Minnesota; 1½ cubic yards of water softening process refuse lime, in Illinois; 2 cubic yards of commercial

wood ashes, in Michigan and Wisconsin; ½ ton of commercial burnt lime, 1 ton of burnt lime waste, and 4 cubic yards of calcareous clay, in Wisconsin; 1 ton of agricultural limestone meal, 1,500 lbs. of agricultural ground limestone, or 2,750 lbs. of limestone screenings, in Ohio and Wisconsin; 1,400 lbs. of pulverized limestone in Ohio and Wisconsin; 4 tons of tailings from lead mines, in Wisconsin.)

(2) A minimum of 500 lbs. per acre of finely ground limestone on cropland when drilled in with seedings of legumes—$1.00 per acre.

(3) A minimum of 1,000 lbs. per acre of finely ground limestone on noncrop pasture land—$2.00 per acre. (The finely ground limestone designated in items (2) and (3) of this subsection (c) should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent, with all finer particles obtained in the grinding process included, will pass through a 30-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate.)

(4) Phosphates.—Application of the following minimum amounts of phosphate materials per acre on noncrop pasture or on cropland, used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which noncrop pasture or cropland in connection with such application no soil-depleting crop is planted for harvest in 1937 or 1938.

(1) 200 pounds of 16 percent superphosphate or its equivalent—$1.20 per acre.

(2) 300 pounds of 16 percent superphosphate or its equivalent—$1.80 per acre.

(The 16 percent superphosphate, designated in items (1) and (2) of this subsection (d) shall contain 16 percent by weight of available phosphoric acid. Other phosphates may be substituted for 16 percent superphosphate, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of available phosphoric acid contained in the specified quantity of 16 percent superphosphate.)

(3) 500 pounds of rock phosphate or basic slag—$1.80 per acre.

(e) *Potash.*—Application of the following minimum amounts of 50 percent muriate of potash per acre on noncrop pasture or on cropland used in 1937 for the growing of a crop specified in Section 2 of Part III and on which noncrop pasture or cropland in connection with such application no soil-depleting crop is planted for harvest in 1937 or 1938.

(1) 100 pounds of 50 percent of muriate of potash or its equivalent—$1.00 per acre.

(50 percent muriate of potash shall contain not less than 50 percent by weight of water soluble potash. Other materials containing potash may be substituted for 50 percent muriate of potash, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of water soluble potash contained in 100 pounds of 50 percent muriate of potash.)

(f) *Gypsum.*—Applicable only to Beltrami, Hubbard, Lake of the Woods, Cass, and Clearwater counties of Minnesota. Application of the following minimum amount of gypsum per acre on cropland used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which cropland in connection with such application no soil-depleting crop is planted for harvest in 1937 or 1938.

(1) 200 pounds of gypsum—$1.25 per acre.

(g) *Planting and Protection of Trees.*—Applicable to all farms except dryland farms. Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$7.50 per acre.

(h) *Improving a Stand of Forest Trees.*—Improving a stand of forest trees by cutting weed trees and thinning or pruning other trees so as to leave at least 100 potential timber trees of desirable species per acre with a minimum diameter of 6 inches each, or at least 200 potential timber trees of desirable species per acre with a minimum diameter of 2 inches, well distributed over each acre of woodland—$2.50 per acre. *Provided:* (1) The county committee after inspection has approved and designated in writing the area on which such practice is to be carried out, and (2) such area is not grazed and is adequately protected against fire.

(i) *Terracing.*—Terracing in 1937 in accordance with good terracing practices—$0.40 per hundred feet. *Provided:* The county committee after inspection has approved and designated in writing the area on which such practice is to be carried out.

(j) *Restoration of Noncrop Plowable Pasture.*—Restoration by nongrazing for the entire season of noncrop plowable pasture, which requires not more than 10 acres to carry one animal unit for the entire season—$0.40 per acre. *Provided:* (1) The county committee after inspection has approved and designated in writing the area on which such practice is to be carried out, and (2) no hay or seed is harvested from such pasture land, (3) such pasture land is not tilled for any purpose other than to improve the stand of pasture grasses and legumes thereon, and (4) if there is extensive growth of noxious weeds on such pasture, the maturing of seed of such weeds is prevented by clipping such pasture.

PRACTICES APPLICABLE ONLY TO DRYLAND FARMS

(k) *Protected Summer Fallow.*—$1.00 per acre in fallow. *Provided:* (1) The first tillage operation is completed before May 15, 1937, in Nebraska, and June 1, 1937, in South Dakota; (2) tillage operations are carried out in such a manner as to prevent weed growth and so as to prevent wind and water erosion; (3) the slope on the land to be fallowed is not in excess of 8 percent; (4) the land on which the slope is from 3 to 8 percent is listed on the contour; (5) the land is seeded in the fall to a cover crop, or lister ridges are left over the winter to prevent wind erosion; (6) on light sandy land the fallow is in alternate strips with crops of approximately the same width not less than 3 rods or more than 20 rods in width, running at right angles to prevailing winds, or running on the contour.

(l) *Strip Cropping.*—Growing in 1937 of small grain and row crops in alternate strips, such strips to be approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds, or running on the contours—$0.20 per acre for the acreage in the strips. *Provided:* The stubble is left on the land in such a manner as to check wind erosion.

(m) *Strip Fallow.*—Cultivation of fallow and growing of small grain crops in alternate strips, such strips to be approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds, or running on the contour—$1.00 per acre for the acreage in the strips of fallow. *Provided:* The stubble is left on the strips devoted to crops in such a manner as to check wind erosion.

(n) *Planting and Protection of Trees.*—Planting and protection of forest trees or trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$10.00 per acre.

(o) *Cultivating and Maintaining a Stand of Trees.*—Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest plantings or 200 trees per acre of windbreak or shelterbelt plantings planted on cropland or noncropland between January 1, 1934, and November 1, 1936—$4.00 per acre.

(p) *Contour Furrows on Permanent Pasture Land.*—Construction of contour furrows on permanent farm pasture land, except permanent farm pasture land that is sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre for the area contour furrowed. *Provided:* The contour furrows are constructed on the contour level, not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and the furrows are not more than 25 feet apart.



(q) *Restoration to Native Grass of Noncropland.*—Restoration to native grass of noncropland plowed at least once between January 1, 1930, and December 31, 1933, inclusive, which in accordance with good farming practices should be permanently devoted to grass—$0.25 per acre. *Provided:* (1) The operator or owner has designated the acreage and has stated in writing his intention to let such acreage revert to grass; (2) written approval has been obtained from the county committee; and (3) such land is not pastured or tilled in 1937.

PRACTICES APPLICABLE ONLY TO LAND IN COMMERCIAL ORCHARDS

(r) *Winter Cover Crops.*—Incorporation into the soil by plowing or discing between March 1, 1937, and June 30, 1937, inclusive, of a good vegetative growth of any of the following winter cover crops: Rye, oats, barley, buckwheat, annual grasses, annual legumes, or mixtures of any of these—$1.00 per acre. *Provided:* Such crop has attained at least sixty days' growth and is not pastured or harvested for grain or hay.

(s) *Seedings of Winter Cover Crops.*—Seedings after May 1, 1937, of any of the crops listed under subsection (r) of this Section 8 except soybeans and cowpeas—$0.50 per acre. *Provided:* (1) There is a good vegetative growth of such crops on such land on the date as of which final inspection of the farm is made for the purpose of determining performance.

(t) *Seeding Soybeans and Cowpeas.*—Seeding, after May 1, 1937, soybeans and cowpeas at the normal rate—$1.50 per acre. *Provided:* There is a good vegetative growth of such crop on such land on the date as of which final inspection of the farm is made for the purpose of determining performance which is not pastured or otherwise taken from the land.

(u) *Mulching.*—Application of mulching materials, other than manure.—$1.00 per ton (air-dry weight). *Provided:* (1) Not less than three and not more than five tons per acre are applied; and (2) all materials produced on such land from interplanted crops are left thereon.

PRACTICES APPLICABLE ONLY TO CROPLAND USED FOR GROWING COMMERCIAL VEGETABLES

(v) *Non-Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of a good, and the entire, vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for the production of vegetable crops in 1935 and 1936, provided such green manure crop has attained at least 60 days' growth.

(1) If the annual average number of soil-depleting crops grown in 1935 and 1936 is grown on such land in 1937—$1.00 per acre.

(2) If as a result of carrying out such practice less than the annual average number of soil-depleting crops grown in 1935 and 1936 is grown on such land in 1937—$2.00 per acre.

(w) *Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of a good, and the entire vegetative growth of a legume, or mixture of legumes, grown on land normally used for the production of vegetable crops, provided such green manure crop has attained at least 60 days' growth.

(1) If the annual average number of soil-depleting crops grown in 1935 and 1936 is grown on such land in 1937—$2.00 per acre.

(2) If as a result of carrying out such practice less than the annual average number of soil-depleting crops grown in 1935 and 1936 is grown on such land in 1937—$4.00 per acre.

SECTION 9. *Division of Payments Made with Respect to a Farming Unit.*—Any payments made with respect to a farming unit shall be made in the percentages and to the persons specified in this Section 9.

(a) On a general diversion farming unit not also a cotton or sharecropper farming unit, the percentage of the general diversion and general conserving payments for such farming unit of each crop-share landlord of a farm in such farming unit shall each be determined as follows: The percentage that the general soil-depleting base for the farm owned by such crop-share landlord is of the general soil-depleting base for the farming unit shall be multiplied by 50 percent if such farming unit is not in Area "D"; if such farming unit is in Area "D", such percentage shall be multiplied by 40 percent. The percentage of the general diversion and general conserving payments for such farming unit for the operator of such farming unit shall be determined by subtracting from 100 percent the sum of the percentage of the general diversion and general conserving payments, respectively, for such farming unit determined for all crop-share landlords owning farms in such farming unit.

(b) Any sugar beet payment made with respect to a share-rented farm shall be divided between the persons who are parties to the lease or operating agreement in the proportion in which such persons are entitled to share under such lease or operating agreement in the sugar beets grown on such farm in 1937, or the proceeds thereof. Any sugar beet payment made with respect to a farm owned by the operator shall be made to such operator.

(c) On a farming unit which has a tobacco soil-depleting base and which farming unit is not also a cotton or sharecropper farming unit, the percentage of the diversion payment for a specified type of tobacco for such farming unit of each crop-share landlord of a farm in such farming unit shall be determined as follows: The percentage that the soil-depleting base for a specified type of tobacco for the farm owned by such crop-share landlord is of the soil-depleting base for such specified type of tobacco for the farming unit shall be multiplied by 50 percent if such farming unit is not in Area "D"; if such farming unit is in Area "D", such percentage shall be multiplied by 40 percent. The percentage of the diversion payment for such specified type of tobacco for such farming unit for the operator of such farming unit shall be determined by subtracting from 100 percent the sum of the percentages of the diversion payment for such specified type of tobacco for such farming unit determined for all crop-share landlords owning farms in such farming unit.

(d) On a farming unit not in Area "B" or "C" which has a cotton soil-depleting base and which farming unit is not also a sharecropper farming unit, the percentage of the diversion payment for such farming unit of each crop-share landlord of a farm in such farming unit shall be determined as follows: The percentage that the cotton soil-depleting base for the farm owned by such crop-share landlord is of the cotton soil-depleting base for the farming unit shall be multiplied by 50 percent. The percentage of the cotton diversion payment for such farming unit for the operator of such farming unit shall be determined by subtracting from 100 percent the sum of the percentages of the cotton diversion payment for such farming unit determined for all crop-share landlords owning farms in such farming unit.

(e) On a sharecropper farming unit not also a cotton farming unit, any diversion or conserving payment made with respect to such farming unit shall be divided among the persons who are parties to the lease or operating agreement relating to such farming unit in the proportion in which such persons are entitled to share under such lease or operating agreement in the crops grown on such farming unit in 1937, or the proceeds thereof, with respect to which any such payments are made.

(f) On a cotton farming unit, any diversion or conserving payment made with respect to such farming unit shall be divided as follows: 37½ percent to the persons who furnished the land in such farming unit to be divided between such persons in the proportion that the cropland on the farm owned by each person in such farming unit is of the total cropland in such farming unit; 12½ percent to the persons who furnished the workstock and equipment for the farming unit to be divided between such persons in the proportion that the workstock and equipment furnished by each person is of the total workstock and equipment on the farming

unit; 50 percent to be divided between the persons who are parties to the lease or operating agreement relating to such farming unit in the proportion in which such persons are entitled to share under such lease or operating agreement in the crops grown on such farming unit in 1937, or the proceeds thereof, with respect to which any such payments are made.

(g) On a farming unit not also a cotton or sharecropper farming unit, any soil-building payment made with respect to a farm in such farming unit shall be divided equally between the crop-share landlord of such farm and the operator of such farming unit if such farming unit is not in Area "D". If such farming unit is in Area "D", such payments shall be divided as follows: 40 percent to such landlord and 60 percent to such operator.

(h) On a farming unit either a cotton or sharecropper farming unit, any soil-building payment made with respect to a farm in such farming unit shall be made to the eligible owner, share-tenant, or sharecropper who the county committee determines, under instructions issued by the Secretary, has incurred the expense in 1937 with respect to the practice for which the soil-building payment is to be made; where two or more persons are thus determined by the county committee to have incurred the expense in 1937 with respect to such practice, the soil-building payment for such practice shall be divided equally between such persons.

Any share of payments shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against any crop, or the proceeds thereof, in favor of the owner or any creditor. If the Secretary, upon the basis of an investigation by the State committee, finds that any person has for 1937 made any change from any previous leasing or cropping arrangement for the farm, for the purpose of, or which would have the effect of, diverting to such person any payment to which any tenants or sharecroppers would be entitled if the previous leasing or cropping arrangement were in effect for 1937, the amount of any payment which would otherwise be made to such person may be withheld in whole or in part.

SECTION 10. *Applications for Payment; Small Payments.*—(a) Payment will only be made upon application filed with the county committee in which the farming unit is located. Each person applying for payment will be required to show the extent to which the conditions upon which payment is to be made have been met. An application for payment with respect to a farming unit by any person must include all the land in such farming unit.

(b) No total payment will be made to any person in an amount less than fifty cents.

SECTION 11. *Deductions.*—(a) For each acre by which the 1937 general acreage on a general diversion farming unit is in excess of the general soil-depleting base for such farming unit, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion from the general soil-depleting base for such farming unit.

(b) For each acre by which the 1937 corn acreage on a general diversion farming unit in Area "A" is in excess of the corn acreage limit for such farming unit, and for each acre by which the 1937 corn acreage on a general non-diversion farming unit is in excess of twenty acres, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion on general diversion farming units from the general soil-depleting base for such farming unit. On general non-diversion farming units such deduction will be in an amount equal to the rate per acre for diversion from the general soil-depleting base which would be determined for such farming unit if it were a general diversion farming unit.

(c) For each acre by which the 1937 general acreage on a general non-diversion farming unit is in excess of twenty acres, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion from the general soil-depleting base which would be determined for such farming unit if it were a general diversion farming unit.

(d) For each acre by which the 1937 acreage of a specified type of tobacco on a farming unit is in excess of the tobacco soil-depleting base for such type of tobacco, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion from the soil-depleting base for such farming unit for such type of tobacco. If no rate per acre has been determined for diversion from the soil-depleting base for such farming unit for the type of tobacco of which there is an excess, the rate to be applied for such type of tobacco will be computed by multiplying the number of pounds representing the average county yield per acre of such type of tobacco by the farming unit's productivity index of crops in the general soil-depleting base, and multiplying this result in the case of Burley tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar-leaf tobacco by 3 cents.

(e) For each acre by which the 1937 acreage of cotton on a farming unit is in excess of the cotton soil-depleting base for such farming unit, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion from the cotton soil-depleting base for such farming unit. If no rate per acre has been determined for diversion from the cotton soil-depleting base for such farming unit, the rate to be applied will be computed by multiplying the number of pounds representing the average county yield of cotton per acre by the farming unit's productivity index of crops in the general soil-depleting base and multiplying the result by 5 cents.

(f) For each acre by which the sum of (1) the old conserving acreage on the farming unit is in excess of the soil-conserving base for such farming unit, and (2) the new conserving acreage on such farming unit, is less than the acreage for which cotton and tobacco diversion payments are made with respect to such farming unit, a deduction will be made from any payments which otherwise would be made with respect to such farming unit in an amount of three dollars.

The share of each crop-share landlord of any deduction computed with respect to a farming unit not also a cotton or sharecropper farming unit, shall be computed by multiplying such deduction by the percentage that the total soil-depleting base for the farm owned by such crop-share landlord is of the total soil-depleting base for the farming unit; and multiplying this result by 50 percent if the farming unit is not in Area "D" and by 40 percent if the farming unit is in Area "D". The share of the operator of any deduction computed with respect to a farming unit not also a cotton or sharecropper farming unit shall be determined by subtracting from the deduction computed for the farming unit the sum of the deductions computed for all crop-share landlords owning farms in such farming unit. No deduction shall be made from any payments which otherwise would be made to any person with respect to a farming unit in excess of such person's share of a deduction computed with respect to such farming unit, notwithstanding that the total deduction computed for such farming unit is not made.

The share of any person of any deduction made with respect to a farming unit also a cotton or sharecropper farming unit, shall be computed by multiplying such deduction by the percentage that the sum of all payments computed for such person with respect to such farming unit is of the sum of all payments computed for such farming unit.

SECTION 12. *Adjustment in Rates.*—The rates specified in this Part IV are based upon an estimate of available funds and an estimate of approximately 85 percent participation. If participation in the North Central Region exceeds that estimated for such region, all the rates specified in this Part IV for such region may be reduced pro rata. If participation in the North Central Region is less than the estimate for such region, the rates may be increased pro rata. In no case will the rates be increased or decreased by more than 10 percent.



SECTION 13. *Applicability to Farms Under Special Programs.*—The Secretary may designate one or more counties in any State for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county is designated the allowances, rates, and conditions of payment for such county will be set forth in a special bulletin and the provisions of this bulletin shall not be applicable in such county.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are approved for the farm prior to performance by the County Committee in accordance with instructions issued by the Secretary.

SECTION 14. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made with respect to any farming unit may be withheld if any rotation, cropping, or other practices are adopted on the farming unit, which practices the Secretary determines tend to defeat the purposes of the 1937 Agricultural Conservation Program. If any person who has made an application for payment with respect to any farming unit has an interest as owner, operator, or sharecropper in another farming unit in the county on which it is determined that the acreage in 1937 used for the production of general crops, cotton or tobacco exceeds the general, cotton, or tobacco soil-depleting bases, respectively, or on which the 1937 corn acreage exceeds the corn limit, a deduction will be made from any payments which otherwise would be made to such person. Any such deduction shall be computed in accordance with Section 11 of this Part IV.

SECTION 15. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any farming unit in a county, all of such person's pro rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the 1937 Agricultural Conservation Program in such county. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to any farming unit in such county by the percentage that the estimated total administrative expenses of the Association for such county as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farming units in such county in 1937. As provided in the Articles of Association, any person who previously has not become a member of the Association of the county in which the farming unit containing his farm is located shall become a member thereof by his signing an application for payment with respect to the farming unit in which such farm is located.

There shall be credited for the payment of administrative expenses the sum of $2.00 for each application for a farm on which the total payment (prior to deduction of any administrative expenses) as estimated by the Agricultural Adjustment Administration will be $20.00 or less.

*Part V. Miscellaneous Provisions*

SECTION 1. *Determination of Persons to Whom Payment Will Be Made.*—Except as may hereafter be provided, for the purposes of the 1937 Agricultural Conservation Program in the North Central Region, a person will not be regarded as the owner or operator of a farm unless such person owned or operated such farm on June 30, 1937, and has been such owner or operator for a period of at least 60 consecutive days, which period must include June 30, 1937. In determining the number of days of ownership or operation, a fraction of a day will be considered as a whole day. In the event more than one person has owned or operated a farm on June 30, 1937, and for 60 consecutive days, the person who has owned or operated such farm prior to June 30, 1937, shall be regarded as the owner or operator of such farm. The term "owner" as used herein does not refer exclusively to a person who has legal title to a farm but is intended to describe the person who for 1937 has the right to possesion or control of a farm and to profits and rents therefrom. If a person has the right to receive a portion of any crop, or the proceeds thereof, on any farm in the North Central Region in 1937 solely by virtue of a creditor relationship and does not become the owner of such farm, such person shall not be entitled to receive any payment made with respect to such farm pursuant to the 1937 Agricultural Conservation Program in the North Central Region.

In the event of death, incompetency, abandonment, or discharge or release from a representative capacity the period of ownership or operation may, upon recommendation of the county committee and upon approval by the Secretary or his duly authorized representative, be computed as follows:

(a) *In the Event of Death.*—If, because of the death of any party owning or operating a farm, the person, whether the deceased, his heir or heirs, or the duly appointed representative, if any, of such decedent's estate, who owns or operates such farm on June 30, 1937, has not owned or operated such farm, for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the deceased person, his heir or heirs, or the duly appointed representative, if any, of his estate.

(b) *In the Event of Incompetency.*—If, because of the adjudication of incompetency of any person owning or operating a farm, the person, whether the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any.

(c) *In the Event of Abandonment.*—If, because of abandonment by any party owning or operating a farm, the person, whether the person who has abandoned the farm, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the person who has abandoned such farm, his relative or relatives, or his duly appointed representative, if any.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If, because of the discharge or release from a representative or fiduciary capacity of any party owning or operating a farm, the person, whether the representative or fiduciary who has been discharged or released from his representative or fiduciary capacity or the person or persons who succeed such representative as owner or operator, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the representative who has been released or discharged from his representative or fiduciary capacity and the person or persons who succeed such representative or fiduciary as owner or operator of such farm.

No soil-building payment will be made to the person who is regarded as the owner or operator of a farm for any soil-building practices carried out on such farm after he has ceased to own or operate such farm.

For the purpose of this section 1, the term "operator" shall be deemed to include sharecroppers.

SECTION 2. *Persons Eligible to Execute an Application for Payment and Receive Payment Thereunder Upon Happening of Certain Contingencies on or after July 1, 1937.*

(a) *In the Event of Death.*—If an owner or operator of a farm dies on or after July 1, 1937, and before making an

application for payment with respect to such farm, the administrator or executor appointed by a court of competent jurisdiction for such decedent's estate shall be eligible to make an application for payment with respect to such farm, in lieu of such decedent. If an administrator or executor is not appointed for such estate, all the heirs of such decedent will be eligible to make application for payment with respect to such farm. If, prior to his death, the decedent has made an application for payment but did not receive the payment thereunder, such payment will be made to the administrator or executor appointed by a court of competent jurisdiction for such estate. If an administrator or executor is not appointed for such estate, such payment will be made to all the heirs of such decedent.

(b) *In the Event of Incompetency.*—If an owner or operator of a farm is adjudged incompetent by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment with respect to such farm, the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate shall be eligible to make application for payment with respect to such farm in lieu of the incompetent. If the person adjudicated incompetent had, prior to such adjudication, made application for payment but did not receive the payment thereunder, such payment will be made to the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate.

(c) *In the Event of Abandonment.*—If an owner or operator of a farm abandons such farm on or after July 1, 1937, and before making an application for payment with respect to such farm, the person appointed by a court of competent jurisdiction to control and conserve the assets of the abandoned estate shall be eligible to make an application for payment with respect to such farm in lieu of the person who abandons such farm. If, prior to his abandonment, the person who abandons such farm had made an application for payment, but, did not receive the payment thereunder, such payment will be made to the person appointed by a court of competent jurisdiction to control and conserve the assets of such abandoned estate.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If an administrator, executor, trustee, guardian, committee, receiver, conservator, or other representative or fiduciary who is the owner or operator of a farm is discharged or released from such representative or fiduciary position by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment, the person or persons who succeed such representative or fiduciary as owner or operator of such farm will be eligible to execute an application for payment with respect to such farm in lieu of the representative or fiduciary who has been discharged or released. If, prior to his discharge or release, the person who has been discharged or released from his representative or fiduciary position had made an application for payment but did not receive the payment thereunder, such payment will be made to the person or persons who succeed such representative as owner or operator of such farm.

For the purpose of this Section 2, the term "operator" shall be deemed to include sharecroppers.

*Part VI. Range Lands*

SECTION 1. *Definitions.*—As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in its application to range lands in the North Central Region, the following terms shall have the following meanings:

*Range Lands* means any land other than that owned or controlled by the United States Government, or any agency thereof, which produces forage without cultivation or general irrigation, ten acres or more of which are required to sustain one animal unit for a period of twelve months.

*Ranging Unit* means all land used by an operator in 1937 as a single unit for the production of livestock primarily by grazing such livestock on range land, with buildings, corrals, workstock, farm machinery, and labor substantially separate from that for any other ranching unit.

*Ranch Operator* means a person who as owner or lessee operates a ranching unit. Any ranch operator is eligible to make an application for the establishment of grazing capacity.

*Animal Unit* means one cow, one horse, five sheep, two calves, two colts, or the equivalent thereof.

*Ranch Allowance* means the largest amount that may be obtained for range conservation practices on any ranching unit.

*Grazing Capacity* means the number of animal units which range land will sustain for a period of years on a twelve months basis without decreasing the stand of grass or other grazing vegetation and without injury to the forage and tree growth on such range land.

*Limited Grazing* means limiting the grazing on an entire ranching unit during the grazing season to such an extent that a specified percentage of the grass on such ranching unit is permitted to mature seed.

*Deferred Grazing* means withholding from grazing a portion of the range land in a ranching unit during a period from the time growth starts in the spring until seed has matured in the fall, for the purpose of permitting natural reseeding of native grasses.

*County Range Inspector* means a person selected by the county committee and approved by the State Committee to appraise and recommend grazing capacity and practices, and to inspect performance on range land.

SECTION 2.—*County Grazing Capacity Limit.*—There shall be established by the Agricultural Adjustment Administration in each county containing range land the average grazing capacity of such range land. The average of the individual grazing capacities established for the range land in any county shall not exceed the county average grazing capacity limit for such county.

SECTION 3. *Grazing Capacity.*—There shall be established for any range land for which an application for the establishment of grazing capacity is received, the grazing capacity of such range land. Such grazing capacity for individual range land shall be established by taking into account the following factors: (a) composition, palatability, and density of vegetative growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic features; (e) classes of livestock which have utilized such range land; (f) presence or absence of rodents and poisonous plant infestations; (g) previous use; and (h) fences.

SECTION 4. *Range Building Allowance.*—The range building allowance for a ranching unit shall be equal to an amount obtained by multiplying the grazing capacity for such ranching unit by $1.50.

SECTION 5. *Range Building Practices.*—Payments will be made, not in excess of the range building allowance, for the carrying out on range land any of the range building practices listed herein. Payment will not be made for any practice unless (a) the ranch operator has filed with the county committee a request for an inspection of his ranch by a county range inspector; (b) the county committee has given prior approval for the carrying out of any such practice; (c) the county committee has determined that any such practice has been carried out in accordance with the conditions specified; and (d) any such practice has been carried out in accordance with generally accepted standards of good ranch management.

(1) *Reseeding by deferred grazing.*—Natural reseeding by non-grazing on an acreage equal to not more than 25 percent nor less than 10 percent of the total range land on the ranching unit from May 1 to September 30, 1937, inclusive, except that upon recommendation by the State Committee and approval by the Director of the North Central Division a date other than September 30, 1937, may be established: 60 percent of the range building allowance for such ranching unit multiplied by the percentage that the non-grazed acrage is of the acreage equivalent to 25 percent of the total range land in such ranching unit, *provided:* (1) On ranches on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (2) On ranches used exclusively for grazing sheep the area to be kept free of grazing is either fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (3) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the range, forage, tree growth, or watershed; and (4) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranch previous to the carrying out of such practice.

(2) *Reseeding by limited grazing.*—Natural reseeding of all of the range land on the ranching unit.—50 percent of the range building allowance for such ranching unit. *Provided,* the number of animal units grazed on the range land on such ranching unit during the grazing season, May 1 to September 30, 1937, inclusive, is limited to a number of animal units which will permit at least 25 percent of the grass on the ranching unit to mature seed and aid the natural reseeding of such grasses.

(3) *Contouring.*—Construction of contour furrows on land not sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre. *Provided:* (1) The furrows are constructed on the contour level not less than 8 inches in width and 4 inches in depth; (2) Such furrows are dammed at intervals of not more than 100 feet; and (3) The furrows are not more than 25 feet apart.

(4) *Tree planting.*—Planting of trees on range land—$10.00 per acre. *Provided:* (1) The trees are planted in 1937 prior to November 1, 1937; (2) The number, kind, and age of trees planted and the methods of planting and growing of such trees are in accordance with good tree culture practice; (3) The acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.

(5) *Cultivating and Maintaining a Stand of Trees.*—Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest plantings or 200 trees per acre of windbreak or shelterbelt plantings planted on cropland or noncropland between January 1, 1934, and November 1, 1936—$4.00 per acre.

(6) *Reservoirs.*—Construction of reservoirs and dams—$0.15 per cubic yard of fill for such construction. *Provided:* (1) The construction of reservoirs and dams is carried out in connection with the practices outlined in subsections 1 and 2 of this Section 5; (2) Spillways are made adequate to prevent the dam from washing out under normal rainfall and reservoirs are located where they have a sufficient watershed to insure the filling of such reservoirs with normal precipitation.

SECTION 6. *Payments Restricted to Effectuation of Purpose.*—All or any part of any range practice payment which otherwise would be made with respect to any ranching unit may be withheld if any grazing or other practices are adopted on the ranching unit, which practices the Secretary determines tend to defeat the purpose of the 1937 range program in the North Central Region.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-375; Filed, February 5, 1937; 12:43 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 23]

REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES MADE PURSUANT TO THE ACT OF CONGRESS, APPROVED JANUARY 29, 1937[1]

FEBRUARY 2, 1937.

1. Loans for fallowing, for the production of crops, for planting, cultivating, and harvesting crops, for supplies incident and necessary to such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes, will be made during the year 1937 by the Governor of the Farm Credit Administration to farmers in the continental United States.

2. Such loans may be made to farmers who have acreage fit for cultivation, the necessary equipment for farming operations, and livestock for which feed is required, and who are unable to obtain a loan from other sources, and, further, such loans will be limited to the amount necessary to meet the immediate and actual cash needs, and preference shall be given to the applications of farmers whose cash requirements are small.

3. Such loans shall be secured by a first lien, or by an agreement to give a first lien, upon all crops of which the planting, cultivation, production, or harvesting is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase and/or production of feed for livestock, a first lien upon the livestock to be fed.

4. Applicants must agree (1) to use seed and methods approved by the Department of Agriculture; (2) to plant a garden for home use; and (3) to plant a sufficient acreage of feed crops to supply feed for their workstock and subsistence cattle.

5. No such loan will be made:

(a) To any applicant who has received or is to receive from Resettlement Administration during 1937 a standard rehabilitation loan, as indicated on lists furnished by Resettlement Administration.

(b) To any applicant who can obtain a loan from other sources, including production credit associations, in an amount reasonably adequate to meet his needs for the purposes for which such loans may be made. An applicant for a loan in an amount in excess of a minimum fixed by the Governor, or his representative, for the territory in which the applicant resides, must first submit written evidence from a production credit association that his application for a loan of the same or less amount has been rejected.

(c) To any applicant who has an application for a 1937 crop or feed loan pending with a production credit association.

(d) To any applicant who has not observed good faith in making repayment on any previous emergency loan or loans, as indicated by the willful misuse of the proceeds of a loan check for any purpose other than those specified in the application therefor; failure to plant a crop, or planting a crop on land other than that described in the application, and not returning proceeds of loan; the willful disposal of crops mortgaged to the Governor without paying him the proceeds of the sale thereof, or failure to pay all or a part of such loan or loans when able to do so.

(e) To any applicant in an amount greater than his immediate cash needs for the production of crops, for supplies incident and necessary to such production, and for feeding livestock, or in an amount in excess of $400. No loan will be made for an amount less than the sum of $10. All loans will be made in multiples of $5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made.

(f) To more than one member of a family unit nor to any person living and/or farming with an applicant whose application for a loan hereunder has been disapproved.

(g) To applicants who are occupants of the same farm or plantation, or are tenants of the same landlord in any one county (with the exception of tenants on land the title of which is vested directly in the United States, or of any State or municipal government, or of any drainage district), in an aggregate amount which (inclusive of all emergency loans theretofore made to them, or any of them, pursuant to the Act of Congress approved January 29, 1937), exceeds the sum of $1,000.

(h) To any applicant who has a means of livelihood other than farming.

[1] Public No. 3, 75th Congress.

(i) To partnerships, corporations, minors, agents, executors, or administrators; or, to receivers or trustees.

(j) To a wife living with her husband unless the husband joins in the application, note, and mortgage or lien.

(k) For the purchase of machinery or livestock, or for the payment of taxes, rent, debts, or interest or for any purpose other than as specified herein.

6. Loans may be disbursed in one payment or in installments at the discretion of the regional manager.

7. No loan for the production of crops will be made in an amount greater than the immediate and actual cash needs in the particular case to plant the crop in a manner approved by the Extension Service of the Department of Agriculture.

The immediate and actual cash needs in a particular case must not exceed the actual costs per acre in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per acre:

*Maximum Allowances Per Acre*

| | 1 Without commercial fertilizer | 2 Where commercial fertilizer is used | 3 Where commercial fertilizer and spray material, including dust are used [1] |
|---|---|---|---|
| Grain crops | [2] $3.00 | [2] $4.00 | |
| Cotton | 4.00 | 6.00 | |
| Tobacco | 4.00 | 12.00 | $13.00 |
| Peanuts | 3.00 | 4.50 | |
| Irish potatoes (commercial) | 15.00 | 30.00 | 32.00 |
| Truck (commercial) | 10.00 | 22.00 | 25.00 |
| Miscellaneous crops | 2.50 | 4.00 | |
| Sugarcane | 12.00 | 12.00 | |
| Sugar beets | 8.00 | 12.00 | |
| Rice: | | | |
| When landlord furnishes water | 8.00 | 8.00 | |
| If landlord does not furnish water | 13.00 | 13.00 | |
| Citrus fruit trees (bearing) | 20.00 | 20.00 | 20.00 |
| Other fruit trees (bearing) | 10.00 | 14.00 | 20.00 |

[1] Where spray material, including dust is used without commercial fertilizer, the allowance for such spray material and dust will be the difference, if any, between the allowances in column (2) and column (3).

[2] Of the grain allowances shown in the table not more than $1 shall be used for summer fallowing.

These figures include allowances for fuel, oil, and feed for workstock for crop production purposes and incidental expenses, for which no additional allowances will be made.

Allowances for water charges (including maintenance, electric power and fuel) for crops other than rice grown on irrigated land shall not exceed $3 per acre.

Allowances for commercial fertilizer will be made only in areas where commercial fertilizer is customarily used.

8. No loan for the purchase of feed for livestock will be made in an amount greater than is actually necessary to maintain the livestock until pasturage and/or forage or until grain crops are available, and in no case may a loan for the purchase of feed for livestock be made on a basis which exceeds the following rates per head of livestock per month:

*Maximum allowances for the purchase of feed for livestock per head per month* [1]

| | |
|---|---|
| Work Horses and Mules | $8.50 |
| Stock Horses | 4.00 |
| Dairy and Breeding Cows | 4.00 |
| Stock Cattle (from 1 to 2 years old) | 2.00 |
| Sheep (1 to 6 years, inclusive) | .50 |
| Breeding Hogs | 2.00 |

[1] Allowances set forth in this table apply to feed loans only and are not to be used in connection with loans for cash crops. The allowances provided for cash crops include feed for workstock.

9. An amount not greater than the actual harvesting and threshing expenses may, in the discretion of the regional manager, be released from the proceeds of the sale of any of the crops covered by a lien given to the Governor, in any case where a borrower does not have the necessary funds or credit to pay for the harvesting and threshing of such crops.

10. The amount approved for a loan by the Governor or his representative under these regulations will be paid to the applicant by a disbursing officer upon receipt and approval by the Governor or his representative of the following documents:

(a) Application in the form prescribed, signed by the applicant.

(b) Promissory note (or bond in Pennsylvania) in the form prescribed, executed by the applicant for the amount approved by the Governor or his representative, payable to the Governor, bearing interest at the rate of 4 percent per annum from maturity until paid.

NOTE.—In order to afford adequate protection and preserve the statutory priority of liens for seed loans made in North Dakota, South Dakota, Minnesota, and Montana, the following requirements will be observed:

*North Dakota.*—Each applicant in North Dakota who applies for a loan for the purchase of seed, gas, oil, and minor repairs on farm equipment only, or for one or more of such purposes, shall execute a note for the amount of such loan and secure the repayment of such loan by a Crop Lien; each applicant in such state who applies for a loan for any or all of the above purposes and for other purposes in addition thereto, shall execute a note for the total amount of such loan and secure the repayment of such loan by a crop mortgage and also shall execute a Crop Lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed, gas, oil, and minor repairs on farm equipment, or for one or more of such purposes;

*Minnesota.*—Each applicant in Minnesota who applies for a loan, either for the purchase of seed only or for the purchase of seed *and* for other purposes, shall execute a note for the total amount of such loan and secure the repayment of the entire loan by a crop mortgage, and in addition thereto shall execute a seed lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed.

*South Dakota and Montana.*—Each applicant in the States of South Dakota and Montana who applies for a loan for the purchase of seed only, shall execute a note for the amount of such loan and secure the repayment thereof by a seed lien; each applicant in the above states who applies for a loan to be used in part for seed and in part for other purposes shall execute a note for the total amount of such loan and secure the repayment thereof by a crop mortgage, and in addition thereto shall execute a seed lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed.

(c) Lien instruments (including waivers) in the form prescribed, conveying a first lien or a promise and authority, properly executed and filed, registered or recorded in the proper office as required by local State law.

(d) A voucher for the amount of the loan in the form prescribed, signed by the applicant.

11. Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower: Provided, however, that such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of the loan. No fees for releasing liens given to secure loans shall be paid from the proceeds of a loan.

12. The right is reserved to revoke, alter, or amend these regulations at any time and without notice.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-372; Filed, February 5, 1937; 12:10 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 55]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 3, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:



| Project Designation: | *Amount* |
|---|---|
| Louisiana 6 St. Marys | $95,000 |
| Louisiana 7 Grant | 500,000 |
| Louisiana 8 Terrebonne | 105,000 |
| Louisiana 9 Lafayette | 420,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-370; Filed, February 5, 1937; 9:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washingtn, D. C., on the 5th day of February A. D. 1937.

[File No. 46-30]

IN THE MATTER OF COMMONWEALTH EDISON COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Commonwealth Edison Company, Chicago, Illinois, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition of all or any part of the following securities of the Public Service Company of Northern Illinois: 131,359 common shares, $60 par value; 538,548 common shares of no par value (stated value $60 per share); 100,000 6% cumulative preferred shares, $100 par value; and 63,576 7% cumulative preferred shares, $100 par value; at the ratio, for all common shares, of three shares of Commonwealth Edison Company common stock, par value $25 per share, for each share of Public Service Company of Northern Illinois common stock, and at a ratio for the preferred shares to be added by amendment at or prior to the hearing herein ordered, but in no case to be less than 3 nor more than 4 and 4/10ths shares of Commonwealth Edison Company common stock, par value $25, for each share of Public Service Company of Northern Illinois preferred stock;

It is ordered that a hearing on such matter be held on March 1, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 23, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-378; Filed, February 5, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

[File No. 46-29]

IN THE MATTER OF COMMONWEALTH SUBSIDIARY CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Commonwealth Subsidiary Corporation, Chicago, Illinois, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of an undetermined number of shares of the Commonwealth Edison Company in exchange for all of the following shares of stock of the Public Service Company of Northern Illinois now held by it: 37,160 shares of common stock, $60 par value, 204,110 common shares of no par value (stated value $60 per share), 7,526 6% cumulative preferred shares, $100 par value, and 16,805 7% cumulative preferred shares, $100 par value; at the ratio, for all common stocks, of three shares of Commonwealth Edison Company common stock of $25 par value for each share of common stock of Public Service Company of Northern Illinois, and at a ratio for the preferred stock to be added by amendment at or prior to the hearing herein ordered, but in no case to be less than 3 nor more than 4 and 4/10ths shares of Commonwealth Edison Company common stock, par value $25 per share, for each share of Public Service Company of Northern Illinois preferred stock; and

For approval of the acquisition by it of all or any part of 65,756 series B and C 6% cumulative preferred shares of the par value of $100 per share of the Western United Gas and Electric Company, and 66,704 6½% cumulative preferred shares of the par value of $100 per share of Western United Gas and Electric Company, in exchange for shares of common stock of the Commonwealth Edison Company, par value $25, at a ratio to be added by amendment at or prior to the hearing herein ordered, but in no case to be less than 2 and 9/10ths nor more than 3 and 9/10ths shares of Commonwealth Edison Company common stock, par value $25, for each share of preferred stock of the Western United Gas and Electric Company; and

For approval of the acquisition by it of all or any part of 46,828 6% cumulative preferred shares of the par value of $100 per share of Illinois Northern Utilities Company, and all or any part of 7,817 junior cumulative preferred shares of no par value (stated value $100 per share) of Illinois Northern Utilities Company in exchange for shares of common stock of Commonwealth Edison Company, par value $25, at a ratio to be added by amendment at or prior to the hearing herein ordered, but in no case to be less than 2 and 8/10ths nor more than 4 shares of Commonwealth Edison Company common stock, par value $25, for each share of preferred stock of Illinois Northern Utilities Company;

It is ordered that a hearing on such matter be held on March 1, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 23, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and

require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-376; Filed, February 5, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

[File No. 43-28]

IN THE MATTER OF THE DECLARATION OF AMERICAN PUBLIC SERVICE COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

American Public Service Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with reference to the reduction of the par value of its common stock from one hundred dollars ($100) per share to eighty dollars ($80) per share, which will be followed by a reduction of its capital from $9,644,708 to $7,714,720, and regarding its issue of 96,434 shares of such common stock of such par value of $80 per share in exchange for a like number of shares of the present par value which it now has outstanding.

A public hearing on the declaration having been had after appropriate notice; the record in this matter having been examined, and the Commission having made and filed its findings herein:

It is ordered that said declaration be and become effective as of February 4, 1937 upon condition, however, that no certificates for shares of stock of the new par value shall be issued until all action by stockholders and by declarant necessary to make effective such reduction in par value shall have been taken.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-379; Filed, February 5, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

[File No. 43-29]

IN THE MATTER OF THE DECLARATION OF CENTRAL AND SOUTH WEST UTILITIES COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

Central and South West Utilities Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with reference to the reduction of the par value of its common stock from one dollar ($1) per share to fifty cents (50¢) per share, which will be followed by a reduction of its capital from $24,229,757 to $1,686,368 and regarding its issue of 3,372,736 20/400 shares of such common stock having such par value of 50¢ per share in exchange for a like number of shares of the present par value which it now has outstanding.

A hearing on the declaration having been had after appropriate notice; the record in this matter having been examined, and the Commission having made and filed its findings herein;

It is ordered that said declaration be and become effective as of February 4, 1937 upon condition, however, that no certificates for shares of stock of the new par value shall be issued until all action by stockholders and by declarant necessary to make effective such reduction in par value shall have been taken.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-377; Filed, February 5, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CENTRAL-BENSO "A" FARM, FILED ON JANUARY 14, 1937, BY KENT K. KIMBALL, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10: 30 o'clock in the forenoon on the 4th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10: 30 o'clock in the forenoon on the 19th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-382; Filed, February 5, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-HUMBLE-ADKINS FARM, FILED ON JANUARY 14, 1937, BY JAMES W. TAIT COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 4th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 19th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-381; Filed, February 5, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.



IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE MANNING-BRYSON-YORK ET AL. FARM, FILED ON JANUARY 28, 1937, BY R. H. MANNING & COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the phrase "or disapproved" is omitted from paragraph 2, Division I.

(2) In that Item 3 (b), Division II, apparently gives the names of the lessors of the property rather than the lessees and the size of the interest of each.

(3) In that insufficient information is given in Item 5 of Division II, in the absence of a copy of the drilling contract referred to.

(4) In that the answers to Items 7 and 8, Division II, by reference to Exhibit B, are not proper.

(5) In that, in view of the answer to Item 11, Division II, Item 12 appears incorrect.

(6) In that Items 14 (b), (c) and (d), Division II, in each instance omit to state the distance from the tract.

(7) In that Item 16 (a) (ii), Division II, misstates the rate of Gross Production Tax and of the Federal Excise Tax. Item 16 (b) misstates the agency to whom the Federal tax is payable.

(8) In that Item 17, Division II, is non-responsive.

(9) In that Item 18, Division II, is inconsistent with Item 5, Division II.

(10) In that Item 22, Division II, is unintelligible.

(11) In that Item 24 (a), Division II, is unintelligible and non-responsive.

(12) In that Item 25, Division II, appears inconsistent with Exhibit B.

(13) In that the signature, corporate seal, attest and date are omitted from the sheet.

(14) In that Exhibit A does not comply with the regulations in that the surrounding area and the proposed location are not shown. There are two documents attached showing certain areas apparently involved in this offering. They do not indicate their relationship as to location.

(15) In that the Exhibit B attached marked "assignment of oil and gas lease" does not show the terms and conditions to which it is subject if Items 3 (d), 5, 18, 24, 24 (c), and 25 of Division II are correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of March 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 18th day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-380; Filed, February 5, 1937; 12:50 p. m.]



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*Tuesday, February 9, 1937* *No. 26*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ENFORCEMENT OF THE CONVENTION FOR SAFETY OF LIFE AT SEA, 1929

WHEREAS under Article I of the Convention for Safety of Life at Sea, signed at London on May 31, 1929, ratified by the United States of America, and proclaimed by the President on September 30, 1936 (Treaty Series No. 910), the Government of the United States of America, together with the Governments of the other countries which have become parties to the Convention, undertakes to give effect to the provisions of the Convention, to promulgate all regulations and to take all other steps which may be necessary to give it full and complete effect; and

WHEREAS it is expedient and necessary, in order that the Government of the United States of America may give full and complete effect to the said Convention, that several departments and agencies of the executive branch of the said Government exercise functions and perform duties thereunder; and

WHEREAS the following arrangement with reference to the administration of matters affecting radio was approved by the Federal Communications Commission on September 29, 1936, and concurred in by the Secretary of Commerce on October 12, 1936:

"By reason of ratifying the Convention the United States accepted certain obligations with respect to matters which, under the statutes fixing the powers and duties of the Department and the Commission, are subjects of separate jurisdiction. The Convention is self-executing, at least in large part, and a problem as to the division of duties and responsibilities in the matter of administering the Convention arises in the absence of specific legislation by Congress.

"The Convention provides for the issuance of three classes of certificates, i. e., Safety Certificates, Safety Radiotelegraph Certificates and Exemption Certificates. It is recognized that the issuance of each one of these classes of certificates involves determination on the part of both the Commission and the Department of Commerce. In view of this fact, it would appear that, legally, they might be issued by either agency, or jointly, based on separate determinations. In the interest of economy and in order to serve the convenience of the Government and the public, it has been agreed that provision is to be made for the issuance of all certificates through the Department of Commerce.

"However, the decision of the Commission in all matters affecting the use of radio on board ships subject to the Safety Convention will be final and binding, in so far as the Executive branch of the Government is concerned. In the event of hearings or legal proceedings involving radio installations, hearings are to be conducted by and in accordance with the Rules and Regulations of the Commission, and the Commission is to assume and have responsibility for the defense of its orders and rulings before the Courts and also for prosecutions resulting from violations of the radio provisions of the Convention. The Commission will make the necessary radio inspections, on application to be made to it by the ship owner or other person responsible for the operation of the vessel. Upon

approval by the Commission of the radio installation or approval by the Commission of a request for exemption, the appropriate certificate will be issued by the Department of Commerce.

"The Department of Commerce is to inspect for and finally decide all matters arising under the Convention except those relating to radio installations.

"In the event that any question arises with regard to a matter affecting the stability or navigability of the vessel and which also affects the determination of whether a certificate shall be issued under the radio provisions of the Convention, the Commission shall first ascertain from the Department of Commerce whether it approves and its decision with respect thereto shall be final. As an example, the Department of Commerce shall decide whether the location of the radio station on board ship complies with the Convention.

"It is, of course, recognized that cases will arise in which the respective jurisdiction of the Commission and the Department cannot readily be determined, and the foregoing agreement shall serve as a guide in dealing with these cases as they arise."

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me as President of the United States of America, I hereby confirm the said arrangement, and direct the Department of State, the Department of Commerce (Bureau of Marine Inspection and Navigation), the Treasury Department (Coast Guard), the Department of Agriculture (Weather Bureau), and the Federal Communications Commission, respectively, in relation to the fulfillment of the obligations undertaken by the Government of the United States of America under the said Convention for Safety of Life at Sea, and subject to the aforesaid arrangement, to exercise the functions and perform the duties therein prescribed and undertaken which appertain to the functions and duties which they severally are now directed or authorized by law to perform.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 5, 1937.*

[No. 7548]

[F. R. Doc. 37-384; Filed, February 6, 1937; 10:51 a. m.]

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## WAR DEPARTMENT.

### RULES AND REGULATIONS TO GOVERN THE OPENING OF DRAWBRIDGES ACROSS MANASQUAN RIVER, ITS NAVIGABLE TRIBUTARIES, AND BAYHEAD-MANASQUAN CANAL

#### THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

#### THE REGULATIONS

In pursuance of the foregoing law, the following regulations are prescribed to govern the opening of all drawbridges spanning Manasquan River, its navigable tributaries, and the Bayhead-Manasquan Canal:

1. The owners of, or agencies controlling, drawbridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws.

2. Drawbridges shall be opened promptly for the passage of any vessel or other water craft unable to pass under the closed spans, except as hereinafter provided.

3. *Signals.*—

*Call Signals for Opening of Draw*

*Sound Signal.*—Three distinct blasts of a whistle, horn, or megaphone, or 3 loud and distinct strokes of a bell, sounded within a reasonable hearing distance of the bridge.

*Visual Signal.*—To be used in conjunction with sound signals when conditions are such that sound signals can not be heard.

A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

*Acknowledging Signals*

*By bridge operator.*—

*Sound Signals.*—Draw to be opened immediately: Same as call signal.

Draw cannot be opened immediately, or, if open, must be closed immediately: 2 long distinct blasts of a whistle, horn or megaphone, or 2 loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

*Visual Signals.*—Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

*By the vessel.*—Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

4. Trains, automobiles, trucks, and other vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of any draw, but all passage over drawspans or through draw openings shall be so as to expedite both land and water traffic.

5. The owners of, or agencies controlling, all bridges shall provide and keep in good legible condition two board gauges painted white, with black figures not less than 8 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gauges shall be so placed on the bridge that they will be plainly visible to the operator of the vessel approaching the bridge either up or down stream.

6. Drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure.

Upon request, the district engineer in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting these waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

7. A copy of these regulations shall be conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time.

8. These regulations shall take effect and be in force on and after the date of approval hereof.

Approved, January 18th, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

[F. R. Doc. 37-385; Filed, February 8, 1937; 10:38 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—New York Issued February 5, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

#### BULLETIN NO. 101—NEW YORK

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for New York, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Payment for Soil-Building Practices*

Under the 1937 Agricultural Conservation Program, New York farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this Part I.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number and Description of Practice and Rate of Payment

FERTILIZING AND SEEDING

The following rates of payment will apply if the specified materials are used in accordance with the instructions given for the practices:

1. *Pulverized limestone.*—Payment: In Area A, $3.00 per ton; In Area B, $4.00 per ton.

Area A includes: All the State except Long Island and Staten Island.

Area B includes: Long Island and Staten Island.

2. *20 percent superphosphate.*—Payment, 80 cents per 100 pounds.

When used in connection with a seeding made with small grains or peas as a nurse crop which is harvested for grain or peas for canning, payment will be made only on the quantity of 20 percent superphosphate which is in excess of 160 pounds per acre.

3. *60 percent muriate of potash.*—Payment, $1.80 per 100 pounds.

4. *Wild white clover seed.*—Payment, $1.00 per acre.

5. *Cornell Pasture Mixture.*—Payment, $3.00 per acre.

6. *Approved red or alsike clover seed.*—Payment, $2.00 per acre.

7. *Approved alfalfa seed.*—Payment, $3.00 per acre.

IMPROVING AND ESTABLISHING PASTURES

Applying not less than the following quantities of the following materials or their equivalent per acre on pasture land or on land in preparation for seeding wild white clover or Cornell Pasture Mixture and seeding land to wild white clover or Cornell Pasture Mixture.

Applying from 400 to 600 pounds of 20 percent superphosphate per acre; or

Seeding not less than one pound of wild white clover seed per acre, and applying to the same land from 400 to 600 pounds of 20 percent superphosphate per acre; or

Seeding not less than 25 pounds of Cornell Pasture Mixture per acre, and applying to the same land from 400 to 600 pounds of 20 percent superphosphate per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone per acre and from 400 to 600 pounds of 20 percent superphosphate per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone per acre and from 400 to 600 pounds of 20 percent superphosphate per acre, and seeding on the same land at least one pound of wild white clover seed per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone and from 400 to 600 pounds of 20 percent superphosphate, and seeding on the same land at least 25 pounds of Cornell Pasture Mixture per acre when a new seed bed has been prepared by harrowing or plowing.

IMPROVING ESTABLISHED HAY LANDS

Applying not less than the following quantities of the following materials or their equivalent per acre on established hay land:

Applying from 400 to 600 pounds of 20 percent superphosphate per acre.

ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, at or before the time of seeding, not less than the following quantities of the following materials or their equivalent per acre on crop land and seeding the same land either to legumes or to grass and legume mixtures containing at least 40 percent by weight of legume seeds. Seedings may be made either without a nurse crop or with a nurse crop of oats, barley, peas, wheat, rye, or a mixture of any two or more of these:

Applying from 300 to 600 pounds of 20 percent superphosphate per acre; or

Applying to the same land from 300 to 600 pounds of 20 percent superphosphate per acre and 50 to 200 pounds of 60 percent muriate of potash per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone and from 300 to 600 pounds of 20 percent superphosphate per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone, from 300 to 600 pounds of 20 percent superphosphate, and from 50 to 200 pounds of muriate of potash per acre; or

Seeding approved clover seed (red or alsike) or mixtures containing at least 40 percent by weight of approved clover seed (red or alsike) per acre using the amount of seed per acre which constitutes an approved seeding practice on land prepared for seeding by the application of the approved amounts of lime and/or superphosphate; or

Seeding approved alfalfa seed using an amount per acre which constitutes an approved seeding practice on land prepared for seeding by the application of the approved amounts of lime and/or superphosphate.

LIMING

Applying 2,000 to 4,000 pounds of pulverized limestone or its equivalent per acre to crop land in preparation for a legume seeding.

FERTILIZING GREEN-MANURE CROPS

Applying from 300 to 600 pounds of 20 percent superphosphate per acre to any of the crops specified in practice 8 or 9 below; or

Applying from 2,000 to 4,000 pounds of pulverized limestone or its equivalent per acre to any of the crops specified in practice 8 or 9 below.

SUPERPHOSPHATE APPLIED IN FARM MANURE

Incorporating 20 percent superphosphate or its equivalent into animal or poultry manure and applying such manure to pastures or hayland, or to land in preparation for the establishment of new seedings of grasses and legumes, so that the superphosphate will be applied in quantities within the limits specified in the foregoing instructions under the headings, *"Improving and Establishing Pastures", "Improving Established Hay Lands" "Establishing New Seedings of Grasses and Legumes"*, and *"Fertilizing Green-manure Crops"*.

GREEN-MANURE AND COVER CROPS

8. Plowing or disking under small grains or annual grasses, or mixtures of these with legumes, after all have attained at least two months' or 12 inches' growth.

Payment, $1.50 per acre.

9. Plowing or disking under biennial or perennial legumes from which no crop has been harvested and for which no seeding payment will be or has been made under this or any previous program, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

The rate of payment will be doubled for practices 8 and 9 above when carried out on land normally devoted to commercial vegetables so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in practice 9 which occupy such land throughout the remainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice 9, and the provisions of the last preceding paragraph shall be applicable.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 8 or 9 if the crop is one that is normally winter-killed.

FRUIT LAND

Practices 8 and 9 and the paragraphs under the heading *"Fertilizing Green-manure Crops"* will also apply with respect to commercial orchards.

10. Applying to land used for commercial orchards not less than 3 tons of air-dry mulching material or its equivalent per acre, in addition to leaving in the orchard all material produced therein during 1937 from grass, legume, green-manure, or cover crops.

Payment, $2.00 per ton on an amount not in excess of 5 tons per acre.

11. Increasing, on a farm in a commercial fruit area, the acreage of biennial or perennial legumes, or mixtures of these with grasses, not in orchards, above the combined acreage of such crops normally grown on such farm, when the increase is accompanied by the removal of all trees from an acreage of unproductive orchard equal to that on which the increase in the above conserving crops was made.

Payment, $10.00 per acre.

12. Establishing, on a farm in a commercial vineyard area, an acreage of biennial or perennial legumes, or mixtures of these with grasses, on unproductive vineyard land from which all vines have been removed in 1937.

Payment, $5.00 per acre.

13. Applying not less than 200 pounds of 16 percent nitrate of soda or its equivalent per acre over the entire acreage of any orchard or vineyard interplanted to sod or cover crops, and leaving such interplanted sod or cover crops in their entirety on the land.

Payment, $1.00 per acre.

WOODLANDS

14. Improving the stand of forest trees by cutting weed trees or thinning other trees, to develop at least 100 potential timber trees of desirable species well distributed over an acre of woodland. Operators shall obtain approval through the county committee before performing this practice.

Payment, $3.00 per acre.

15. Constructing fence consisting of not less than two strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlands previously used for pasture.

Payment, 15 cents per rod.

16. Constructing fence consisting either of not less than three strands of barbed wire, or woven wire at least 24 inches high with not less than one strand of barbed wire, with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlands previously used for pasture.

Payment, 20 cents per rod.

17. Planting nursery grown forest trees or lifted wild stock at the rate of not less than 1,000 trees per acre on open farm land. When white pine plantings are made, currant and gooseberry bushes within 1,000 feet of the planting site must be removed.

Payment, $10.00 per acre.

CONTROLLING SOIL EROSION

18. Cultivating on the contour. This practice shall be carried out according to plans approved in advance by the county committee based upon the recommendation of the Soil-Conservation Service.

Payment, $2.00 per acre so cultivated.

19. Planting approved shrubs not more than one foot apart in parallel rows not more than 250 feet apart on muck or sandy soils. Operators shall obtain approval through the County Committee before performing this practice.

Payment on land protected, $1.00 per acre.

20. Planting grain or grain mixtures in parallel strips not more than 30 feet apart at right angles to the direction of the prevailing wind, on muck or sandy soils, with each strip consisting of two or more rows of small grain or grain mixtures not more than one foot apart, with the grain permitted to grow until the interplanted crops have attained at least eight weeks' growth.

Payment on land protected, $.25 per acre. Payments will be made for a combination of practices (19) and (20) on the same land when prior approval through the County Committee has been obtained.



*Part II. The Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm. It shall be the sum of such of the following items as are applicable to that farm. The allowance, however, shall be at least $20.00.

1. *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

2. *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

3. *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

4. *Non-crop pasture land.*—$.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part III. Provisions Affecting Payments*

SECTION 1. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 2. *Increase in Acreage of General Soil-Depleting Crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $10.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 3. *Applicability to Farms Under Special Program.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part IV. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included under an Application.*—An application for payment shall cover neither more nor less than a single farm as defined in Part V of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application on the prescribed form, filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937 or of the proceeds thereof or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more adjoining counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to the farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

SECTION 7. *Tobacco.*—The statements in this bulletin apply to all farms in New York except those farms for which tobacco bases are established in 1937. Bulletin No. 101A for New York, to be issued separately, describes the program as it applies to those farms. For such farms the soil-building allowance and certain rates of payment will differ from those prescribed herein.

*Part V. Definitions*

As used herein, and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of New York.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise; *provided*, that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937 or later.

*Commercial vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweetpotatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open non-crop pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres, on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

*Soil-building payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-387; Filed, February 8, 1937; 12:24 p. m.]

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NER—B-101—Pennsylvania Issued February 5, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—PENNSYLVANIA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for Pennsylvania, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

### *Part I. Payment for Soil-Building Practices*

Under the 1937 Conservation Program, Pennsylvania farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this part I.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number, Description of Practice, and Rate of Payment

#### WOODLANDS

Planting evergreen or deciduous forest trees at the rate of at least 1,000 trees per acre. The trees shall be evenly distributed approximately 6 feet apart and shall be adequately protected against livestock grazing.

Payment for several areas each smaller than one (1) acre will be made, provided the total of all such small areas on the farm is equal to one-half (½) acre or more.

1. Payment for planting seedlings, per acre, $6.00.
2. Payment for planting transplants, per acre, $10.00.

#### FENCING

3. Constructing fence consisting of at least two strands of wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from woodland previously used for pasture.

Payment per rod of fence constructed, $0.10.

4. Constructing fence consisting of not less than three strands of wire, or of woven wire at least 24 inches high with not less than one strand of barbed wire, and with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from woodland previously used for pasture.

Payment per rod of fence constructed, $0.15.



#### SEEDING LAND TO PERMANENT PASTURE OR ESTABLISHING NEW PASTURES OR PERMANENT SOD WATERWAYS

Applying on crop or pasture land, either at or before the time of seeding, not less than the following quantities of the following materials or their equivalent [1] per acre and seeding such land between March 1, 1937, and October 31, 1937, to at least 18 pounds per acre of a pasture mixture containing at least 6 pounds per acre of approved varieties of clover seed (such seedings not to be used for green-manure):

5. Seeding, without the application of fertilizer either because sufficient superphosphate was applied in 1936 or because satisfactory soil tests or other evidence indicate that treatment is unnecessary.

Payment per acre, $2.00.

6. Seeding, and applying either (a) 200 pounds of 16 percent superphosphate or (b) a mixture containing 37 lbs. of 16 percent nitrate, 225 lbs. of 16 percent superphosphate, and 24 lbs. of 50 percent muriate of potash.

Payment per acre, $4.00.

7. Seeding with a nurse crop harvested for grain or hay, and applying fertilizer as provided in practice 6 above.

Payment per acre, $2.75.

Payment will be made for performing practice 5, 6, or 7 only on soils where lime is not required because of previous application under the 1936 Agricultural Conservation Program or because a lime requirement test shows a lime requirement of less than 2,000 lbs. of pulverized limestone per acre.

8. Seeding, and applying either (a) 2,000 pounds of pulverized limestone [2] and 300 pounds of 16 percent superphosphate or (b) 2,000 pounds of pulverized limestone [2] and a mixture containing 37 lbs. of 16 percent nitrate, 225 lbs. of 16 percent superphosphate, and 24 lbs. of 50 percent muriate of potash.

Payment in Area A,[3] per acre, $7.50.

Payment in Area B, per acre, $7.00.

9. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 8 above.

Payment, In Area A,[3] per acre, $6.25.

Payment, In Area B, per acre, $5.75.

10. Seeding, and applying either (a) 3,000 pounds of pulverized limestone [2] and 300 pounds of 16 percent superphosphate, or (b) 3,000 pounds of pulverized limestone [2] and a mixture containing 37 lbs. of 16 percent nitrate, 225 lbs. of 16 percent superphosphate, and 24 lbs. of 50 percent muriate of potash.

Payment, In Area A,[3] per acre, $9.25.

Payment, In Area B, per acre, $8.50.

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[1] The equivalent of 2,000 pounds of pulverized limestone is either (1) 4,000 pounds of ground limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 10-mesh sieve and 25 percent of which will pass through a 100-mesh sieve, or (2) 1,400 pounds of hydrated lime, or (3) 1,000 pounds of ground burned lime, or (4) 2,000 pounds of lump burned lime, or (5) 4,000 pounds of agricultural slag, or (6) 2,000 pounds of artificial carbonate of lime, pulverized oyster shell or lime marl, containing at least 80 percent carbonates, or 4,000 pounds of lime marl, not artificially dried.

The equivalent of 16 percent nitrate of soda, 16 percent superphosphate, or 50 percent muriate of potash, is a quantity of materials, other than manure, containing quantities of nitrogen, phosphoric acid, or potash, or combinations of these, equal in weight and quality to that contained in the specified amount of 16 percent nitrate of soda, 16 percent superphosphate, or 30 percent muriate of potash.

[2] Pulverized limestone is limestone which will analyze at least 80 percent carbonates, 100 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

[3] Area A includes: Bradford, Cameron, Carbon, Crawford, Erie, Forest, Lackawanna, Luzerne, McKean, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Tioga, Warren, Wayne, and Wyoming counties.

Area B includes: All other counties in the State.

11. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 10 above.

Payment, In Area A,[3] per acre, $8.00.

Payment, In Area B, per acre, $7.25.

#### IMPROVING ESTABLISHED PASTURES

Applying, to established grasses and legumes on land devoted to permanent pasture, not less than the following quantities of the following materials or their equivalent [1] per acre.

12. Applying either (a) 2,000 pounds of pulverized limestone [2] and 400 lbs. of 16 percent superphosphate, or (b) 2,000 pounds of pulverized limestone [2] and a mixture containing 85 lbs. of 16 percent nitrate of soda, 260 lbs. of 16 percent superphosphate and 28 lbs. of 50 percent muriate of potash.

Payment, In Area A,[3] per acre, $6.00.

Payment, In Area B, per acre, $5.50.

13. Applying either (a) 3,000 pounds of pulverized limestone [2] and 400 pounds of 16 percent superphosphate or (b) 3,000 pounds of pulverized limestone [2] and a mixture containing 85 lbs. of 16 percent nitrate of soda, 260 lbs. of 16 percent superphosphate, and 28 lbs. of 50 percent muriate of potash.

Payment, In Area A[3], per acre, $7.75.

Payment, In Area B, per acre, $7.00.

14. Applying either (a) 4,000 pounds of pulverized limestone [2] and 400 pounds of 16 percent superphosphate or (b) 4,000 pounds of pulverized limestone [2] and a mixture containing 85 lbs. of 16 percent nitrate of soda, 260 lbs. of 16 percent superphosphate, and 28 lbs. of 50 percent muriate of potash.

Payment, In Area A[3], per acre, $9.50.

Payment, In Area B, per acre, $8.50.

15. Applying either (a) 400 pounds of 16 percent superphosphate or (b) a mixture containing 85 lbs. of 16 percent nitrate of soda, 260 lbs. of 16 percent superphosphate, and 28 lbs. of 50 percent muriate of potash, on those lands to which lime was applied under the 1936 Agricultural Conservation Program or where a lime requirement test shows a requirement of less than 2,000 pounds of pulverized limestone per acre.

Payment, per acre, $2.50.

#### ESTABLISHING NEW SEEDINGS OF ALFALFA OR MIXTURES OF ALFALFA AND OTHER CLOVERS AND GRASSES

Applying, at or before the time of seeding, not less than the following quantities of the following materials or their equivalent [1] per acre, and seeding such land between February 1, 1937, and October 31, 1937, with either (a) at least 15 pounds per acre of approved varieties of alfalfa seed or (b) a mixture containing at least 8 pounds of approved varieties of alfalfa seed, 4 pounds of approved varieties of clover, and 4 pounds of timothy seed, per acre, provided that the timothy may have been seeded in the fall of 1936 (none of above seedings to be used for green manure):

16. Seeding, without the application of fertilizer either because sufficient superphosphate was applied in 1936 or because satisfactory soil tests or other evidence indicate that treatment is unnecessary.

Payment, per acre, $3.00.

17. Seeding, and applying either (a) 300 pounds of 16 percent superphosphate or (b) a mixture containing not less than 250 pounds of 16 percent superphosphate and 30 pounds of 50 percent muriate of potash.

Payment, per acre, $4.75.

18. Seeding with a nurse crop harvested for grain or hay, and applying fertilizer as provided in practice 17 above.

Payment, per acre, $3.50.

Payment will be made for performing practicc 16, 17, or 18 only on soils where lime is not required because of previous application under the 1936 Agricultural Conservation Program or because a lime requirement test shows it to be unnecessary.

19. Seeding, and applying either (a) 2,000 pounds of pulverized limestone [2] and 300 pounds of 16 percent superphos-

phate or (b) 2,000 pounds of pulverized limestone[2] and a mixture containing not less than 250 pounds of 16 percent superphosphate and 30 pounds of 50 percent muriate of potash.

Payment, In Area A[3], per acre, $7.75.

Payment, In Area B, per acre, $7.25.

20. Seeding with a nurse crop harvested for grain or hay and applying lime and fertilizer as provided in practice 19 above.

Payment, In Area A[3], per acre, $6.50.

Payment, In Area B, per acre, $6.00.

21. Seeding, and applying either (a) 3,000 pounds of pulverized limestone[2] and 300 pounds of 16 percent superphosphate or (b) 3,000 pounds of pulverized limestone[2] and a mixture containing not less than 250 pounds of 16 percent superphosphate and 30 pounds of 50 percent muriate of potash.

Payment, In Area A,[3] per acre, $9.25.

Payment, In Area B, per acre, $8.50.

22. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 21 above.

Payment, In Area A,[3] per acre, $8.00.

Payment, In Area B, per acre, $7.25.

23. Seeding, and applying either (a) 4,000 pounds of pulverized limestone[2] and 300 pounds of 16 percent superphosphate or (b) 4,000 pounds of pulverized limestone[2] and a mixture containing not less than 250 pounds of 16 percent superphosphate and 30 pounds of 50 percent muriate of potash.

Payment, In Area A,[3] per acre, $10.75.

Payment, In Area B, per acre, $9.75.

24. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 23 above.

Payment, In Area A,[3] per acre, $9.50.

Payment, In Area B, per acre, $8.50.

ESTABLISHING NEW SEEDINGS OF CLOVER AND TIMOTHY

Applying, at or before the time of seeding, not less than the following quantities of the following materials or their equivalents[1] per acre, and seeding such land between February 1, 1937, and October 31, 1937, with a mixture of at least 6 pounds of approved varieties of clover and at least 5 pounds of timothy in an approved nurse crop, provided that the timothy may have been seeded in the fall of 1936:

25. Seeding, without the application of lime and fertilizer either because sufficient lime and superphosphate were applied in 1936 or because soil tests or other evidence satisfactory to the county committee indicate that treatment is unnecessary.

Payment, per acre, $2.00.

26. Seeding, and applying 250 pounds of 16 percent superphosphate.

Payment, per acre, $3.50.

27. Seeding with a nurse crop harvested for grain or hay, and applying fertilizer as provided in practice 26 above.

Payment, per acre, $2.25.

Payment will be made for performing practice 25, 26, or 27 only on soils where lime is not required because of previous application under the 1936 Agricultural Conservation Program or because a lime requirement test shows it to be unnecessary.

28. Seeding, and applying 2,000 pounds of pulverized limestone[2] and 250 pounds of 16 percent superphosphate.

Payment, In Area A,[3] per acre, $6.50.

Payment, In Area B, per acre, $6.00.

29. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 28 above.

Payment, In Area A,[3] per acre, $5.25.

Payment, In Area B, per acre, $4.75.

IMPROVING ESTABLISHED LEGUMES AND GRASSES

Applying not less than the following quantities of the following materials or their equivalent[1] per acre to established biennial or perennial legumes and grasses in orchards where the entire growth of such legumes and grasses is left on the land, or to crop land devoted to established biennial or perennial legumes used for hay:

30. Applying 2,000 pounds of pulverized limestone[2] and 400 pounds of 16 percent superphosphate.

Payment, In Area A,[3] per acre, $5.00.

Payment, In Area B, per acre, $4.50.

31. Applying 3,000 pounds of pulverized limestone[2] and 400 pounds of 16 percent superphosphate.

Payment, In Area A,[3] per acre, $6.25.

Payment, In Area B, per acre, $5.50.

32. Applying 4,000 pounds of pulverized limestone[2] and 400 pounds of 16 percent superphosphate.

Payment, In Area A,[3] per acre, $7.50.

Payment, In Area B, per acre, $6.50.

33. Applying 400 pounds of 16 percent superphosphate on those lands to which lime was applied under the 1936 Agricultural Conservation Program or where a lime requirement test shows a requirement of less than 2,000 pounds of lime per acre.

Payment, per acre, $2.50.

IMPROVING SOIL-CONSERVING CROPS IN ORCHARDS AND VINEYARDS BY THE USE OF NITROGEN

34. Applying not less than 200 pounds of 16 percent nitrate of soda or its equivalent[1] per acre over the entire acreage of any orchard or vineyard interplanted to soil-conserving crops and leaving such interplanted soil-conserving crops in their entirety on the land.

Payment, per acre, $1.00.

APPLYING LIME AND SUPERPHOSPHATE IN PREPARATION FOR SEEDING GRASSES OR LEGUMES

Applying, between July 15, 1937, and October 31, 1937, at least the following amounts of the following materials or their equivalents[1] per acre, to crop land if the County Committee determines that such application is made in preparation for seeding such crop land to legumes or to a grass or legume mixture in the spring of 1938:

35. Applying 2,000 pounds of pulverized limestone.[2]

Payment, In Area A,[3] per acre, $2.50.

Payment, In Area B, per acre, $2.00.

36. Applying 3,000 pounds of pulverized limestone.[2]

Payment, In Area,[3] per acre, $3.75.

Payment, In Area B, per acre, $3.00.

37. Applying 4,000 pounds of pulverized limestone.[2]

Payment, In Area A,[3] per acre, $5.00.

Payment, In Area B, per acre, $4.00.

38. Applying 2,000 pounds of pulverized limestone[2] and 300 pounds of 16 percent superphosphate.

Payment, In Area A[3], per acre, $3.00.

Payment, In Area B, per acre, $2.50.

39. Applying 3,000 pounds of pulverized limestone[2] and 300 pounds of 16 percent superphosphate.

Payment, In Area A[3], per acre, $4.25.

Payment, In Area B, per acre, $3.00.

40. Applying 4,000 pounds of pulverized limestone[2] and 300 pounds of 16 percent superphosphate.

Payment, In Area A[3], per acre, $5.50.

Payment, In Area B, per acre, $4.50.

41. Applying 300 pounds of 16 percent superphosphate on those lands to which lime was applied under the 1936 Agricultural Conservation Program or where a lime requirement test shows a requirement of less than 2,000 pounds of lime per year.

Payment, per acre, $0.50.

GREEN-MANURE CROPS

42. Plowing or disking under small grains or annual grasses or any mixture of these with legumes, which have attained at least two months' or 12 inches' growth.

Payment, per acre, $1.50.

[1] See Footnote 1 on page 263.
[2] See Footnote 2 on page 263.
[3] See Footnote 3 on page 263.



43. Plowing or disking under biennial or perennial legumes (except those seeded in a nurse crop which is harvested in 1937 for hay or grain) from which no crop has been harvested and for which no seeding payment has been made under this or previous programs, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, per acre, $2.50.

The rate of payment will be doubled for practices 42 and 43 above when carried out on land normally devoted to commercial vegetables so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in practice 43 which occupy such land throughout the remainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice 42 and such leaving of legume crops on the land may be substituted for the plowing and disking under in practice 43, and the provisions of the last preceding paragraph shall be applicable.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 42 or 43 if the crop is one that is normally winter-killed.

*Part II. The Soil-Building Allowance*

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than $20.00 for any such farm:

(a) *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$0.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm eligible to earn a diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than $10.00 for any such farm:

(a) $1.00 for each acre of crop land represented by the sum of

(1) The difference between the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits) and the sum of (a) the tobacco soil-depleting base for the farm and (b) the 1937 general soil-depleting base, or, if no 1937 general soil-depleting base is established, the general soil-depleting base which was or could have been established in 1936; and

(2) The number of acres diverted for payment from the bases established for the farm.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.



*Part III. Tobacco Diversion Program*

SECTION 1. *Tobacco Diversion Payment.*—A payment of 3 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 25 percent of such base, provided that such payment will not be made with respect to an acreage greater than the number of acres by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield.*—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; *provided:*

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937;

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration; and

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

*Part IV. General Diversion Program*

SECTION 1. *General Diversion Payment.*—For each acre diverted from the general soil-depleting base for any farm eligible to earn a general diversion payment not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied for all farms in a county according to the productivity index for the county; *provided,* that such payment will not be made with respect to an acreage greater than the acreage by which the acreage of soil conserving crops on the farm in 1937 exceeds the sum of the soil conserving base, and the acreage diverted for payment from the tobacco soil depleting base.

SECTION 2. *Eligible General Diversion Areas.*—General diversion payments, as described in section 1 above, will be made in the State of Pennsylvania only in Adams, Berks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, and York counties and such other counties as may be designated by the Secretary after considering the facts and any recommendations made by the county and State committees.

*Part V. Provisions Affecting Payment*

SECTION 1. *Eligibility of Farms to Earn a Diversion Payment.*—A farm shall be considered eligible to earn a tobacco diversion payment if a tobacco soil-depleting base of either (a) more than five acres, or (b) five acres or less with respect to which an application is made for a tobacco diversion payment, is established for such farm, and shall be considered eligible to earn a general diversion payment if it is located in an eligible general diversion area and either (a) has a general soil-depleting base of 20 acres or more or (b) is designated by the county committee as eligible to earn a general diversion payment, such designation to be based upon the history of the production of soil-depleting crops on such farm.

SECTION 2. *Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base.*—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made, for each acre of such excess at the rate of 3 cents per pound based on the normal yield per acre.

SECTION 3. *Increase in Acreage of General Soil-Depleting Crops on Farms in Eligible General Diversion Areas.*—If the 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base a deduction will be made, from any payment otherwise earned for the farm, for each acre of such excess at the rate per acre of the diversion payment for the farm; *provided*, however, that in the case of any farm not eligible to earn a general diversion payment no deduction will be made with respect to the acreage of general soil-depleting crops grown in excess of the general soil-depleting base unless the acreage of such crops grown in 1937 exceeds 20 acres.

SECTION 4. *Increase in Acreage of General Soil-Depleting Crops on Farms Not in Eligible General Diversion Areas.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction, from any payment that would otherwise be made for such farm, at the rate of $9.00 per acre adjusted to the productivity index for the county, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 5. *Association Expenses.*—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 6. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

SECTION 7. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

### *Part VI. Classification of Land Use and Crops*

Farm land, when devoted to crops and uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be approved by the Secretary.

SECTION 1. *Soil-Depleting.*—Land on which any of the following crops are grown shall, except as provided in section 3 below, be regarded as devoted to the production of soil-depleting crops for the year in which such crops are normally harvested. In establishing soil-depleting bases and in checking performance, the acreage of land which is devoted to two or more soil-depleting crops shall be counted only once.

(a) Corn (field corn or popcorn) except sowed corn plowed under.

(b) Potatoes.

(c) Truck and vegetable crops, including sweet corn, melons, and strawberries.

(d) Grain sorghums, sweet sorghums, Italian ryegrass, millets, and Sudan grass, if harvested for grain, hay, or forage.

(e) Small grains—wheat, oats, barley, rye, buckwheat, and grain mixtures, for grain or hay.

(f) Bulbs and flowers.

(g) Annual legumes (soybeans, cowpeas, field peas, field beans) harvested for grain or hay.

(h) Rape, except when plowed or disked under.

SECTION 2. *Soil-Conserving.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-conserving crop except that any land from which a soil-depleting crop is harvested in the same year shall be regarded as having been used for the production of a soil-depleting crop in such year, except as provided in section 3 below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.

(b) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(c) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(d) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.

(e) Sewed corn or rape, when plowed or disked under.

(f) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(g) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay, *provided* a good growth is left on the land or plowed under.

(h) Forest trees planted on crop land.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-depleting and soil-conserving crops listed below shall, in addition to being regarded as being used for the production of a soil-depleting crop, also be regarded as being used for the production of a soil-conserving crop as follows:

(a) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 2 above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(b) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least two months' or 12 inches' growth shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not being used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided:

(a) Vineyards, tree fruits, small fruits, nut trees, and perennial vegetables not interplanted (any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop).

(b) Idle crop land.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland other than crop land planted to forest trees.

### *Part VII. Establishment of General Bases*

SECTION 1. *General Soil-Depleting Bases.*—The county committee will recommend for approval by the Secretary a general soil-depleting base for each farm in an eligible general diversion area, which shall represent the acreage normally used for the production of general soil-depleting crops on each farm. There will also be recommended for approval a productivity index or rate per acre for the general soil-depleting base for each farm.

(a) *Farms for which general bases were established under the 1936 Agricultural Conservation Program.*—The general soil-depleting bases established for farms under the 1936 Agricultural Conservation Program shall be the soil-depleting bases for such farms in 1937 with adjustments as provided in subsection (d) of this section 1.

(b) *Farms for which no general bases were established in 1936.*—The farms for which no bases were established under the 1936 Agricultural Conservation Program shall, subject to adjustment as provided in subsection (d) of this section 1, be determined upon the basis of the acreage of soil-depleting crops grown on the farm in 1936.

(c) *The county productivity index for the general soil-depleting base* shall be determined upon the basis of the yield of the general soil-depleting crops grown on all farms in the county compared to the average yield of such crops for all farms in the United States.

(d) *Adjustment in Bases.*—

(1) *For Abnormal Bases.*—Where the number of acres of crops in the general soil-depleting base harvested in 1936, or any bases previously established, was greater or less than such crops usually harvested on the farm, the base shall be increased or decreased so as to be comparable to the base of such crops under normal conditions. Where the normal rotation of crops in the general soil-depleting base results in variations in the acreage of such crops on the farm the base shall be adjusted to conform to such variations.

(2) *For Changes in Crop Classification.*—For farms for which general soil-depleting bases were established under the 1936 Agricultural Conservation Program there shall be added to such base an acreage of small grains harvested for grain or hay which were classified as soil-conserving in establishing such base.

(3) *For Unused Bases.*—If the acreage of crops in the general soil-depleting base planted on the farm in the year 1936 was substantially less than the acreage which could have been planted on the farm and still qualify for the maximum diversion payment with respect to such crops, the base shall be adjusted by the county committee so as to represent the normal plantings on the farm and so as to be equitable as compared with other farms in the locality.

(e) *Limits of Bases.*—The sum of the general soil-depleting bases established for farms in any county or other specified area shall not exceed the acreage for such soil-depleting base which is established for such county or other specified area by the Agricultural Adjustment Administration.

### *Part VIII. Miscellaneous Provisions*

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included Under an Application.*—An application for payment shall cover neither more nor less than a single farm as defined in Part IX of this bulletin.

SECTION 3. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application on the prescribed form, filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937, or of the proceeds thereof, or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more counties, the farm shall be regarded as located in the county in which the principal dwelling is located, or, if there is no dwelling on the farm, it shall be regarded as located in the county in which the major portion of the farm is located.

SECTION 4. *Division of Payments.*—(a) The soil-building payment with respect to a farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) The diversion payment with respect to a farm covered by an application for payment shall be divided among the producers concerned in the same proportion as the crops in the general soil-depleting base are divided under their lease or operating agreement.

(c) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association.*—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits.*—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

### *Part IX. Definitions*

As used herein, and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of Pennsylvania.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise; *provided* that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937 or later.

*Commercial vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweetpotatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open non-crop pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

*Soil-conserving base* means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards, bush fruits, and idle crop land) and the sum of the 1937 tobacco soil-depleting base and the 1937 general soil-depleting base which is or could be established for the farm.

*Soil-building payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

*Diversion payment* means a payment for diversion from the 1937 general soil-depleting base.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops.

*Tobacco diversion payment* means a payment for a diversion from the 1937 tobacco soil-depleting base.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of types 51 and 52 tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

*Secretary of Agriculture.*

[SEAL] H. A. WALLACE,

[F. R. Doc. 37-386; Filed, February 8, 1937; 12:24 p. m.]

## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-94]

IN THE MATTER OF TRADE PRACTICE RULES OF THE PETROLEUM AND PETROLEUM PRODUCTS INDUSTRY

ORDER FIXING TIME AND PLACE FOR ORAL HEARING

In the matter of the public notice issued by the Commission as of January 16, 1937, affording opportunity to all interested or affected parties to present in writing such views and information as they may desire as to why the Commission's approval and acceptance of the Trade Practice Conference rules for the Petroleum and Petroleum Products Industry, as published August 10, 1931, should not be formally rescinded and the rules treated as having no force and effect, the Commission has received certain requests from members of the industry for opportunity to be heard orally. Upon consideration the Commission hereby designates February 24, 1937, at 2 p. m. and the office of the Commission, 815 Connecticut Avenue NW., Washington, D. C., as the time and place when and where it will hear such members and any other interested or affected parties who may make written or telegraphic requests to that effect.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered, February 5, 1937.

[F. R. Doc. 37-383; Filed, February 6, 1937; 10:07 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

SUSPENSION OF TRADING, WITHDRAWAL, ETC., FROM LISTING AND REGISTRATION

*Amendments to JD Rules*

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 12 (d) and 23 (a) thereof, hereby takes the following action:

I. The title of Rule JD2 is amended to read as follows: *"Suspension of Trading, Withdrawal and Striking from Listing and Registration".*

II. Subsection (a) of Rule JD2 is amended to read as follows:

(a) (1) A security listed and registered on a national securities exchange may be suspended from trading by such exchange, in accordance with its rules. Such exchange shall promptly notify the Commission of any such suspension, the effective date thereof, and the reasons therefor.

(2) Any such suspension or any suspension in effect on February 5, 1937, may be continued until such time as it shall appear to the Commission that such suspension is designed to evade the provisions of Section 12 (d) and the rules and regulations thereunder, relating to the withdrawal and striking of a security from listing and registration. Within ten days after the close of every second calendar month during which such suspension is continued pursuant to this rule, the exchange shall file a statement setting forth the reasons for such continuance.

(3) Suspension of trading shall not terminate the registration of any security.

III. The following subsection is added to Rule JD2:

(d) A security may be stricken from listing and registration by a national securities exchange if

(1) trading in such security has been terminated pursuant to a rule of such exchange requiring such termination whenever a security is admitted to trading on another exchange; and

(2) listing and registration of such security has become effective on such other exchange.

The exchange upon which such security has been so stricken shall notify the Commission of its action within three days from the date thereof.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-390; Filed, February 8, 1937; 12:48 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February 1937.

[File No. 1-246]

IN THE MATTER OF COLONIAL BEACON OIL COMPANY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (D) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Colonial Beacon Oil Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 1,444,970 shares of Common Stock, No Par Value, on the Boston Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10:00 o'clock a. m. on Wednesday, February 24, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-388; Filed, February 8, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

[File No. 2-2794]

IN THE MATTER OF LAC-TECK GOLD MINES, LIMITED

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Lac-Teck Gold Mines, Limited, under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Thursday, February 18, 1937, at 2 o'clock in the afternoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW, Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-392; Filed, February 8, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

[File No. 2-2793]

IN THE MATTER OF STRATOPLANE CORPORATION

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Stratoplane Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Monday, February 15, 1937, at 10:30 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-393; Filed, February 8, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February 1937.

[File No. 1-1523]

IN THE MATTER OF UTAH METAL AND TUNNEL COMPANY CAPITAL STOCK, $1.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (D) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Utah Metal and Tunnel Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 1,190,750 issued shares and 59,250 unissued shares of Capital Stock, $1.00 Par Value, on the Salt Lake Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which

all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10:00 o'clock a. m. on Friday, February 26, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-389; Filed, February 8, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE THOMASSON-DURHAM ET AL. FARM, FILED ON JANUARY 15, 1937, BY E. M. THOMASSON PRODUCING CO., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 5th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 19th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-391; Filed, February 8, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN MCNABB PARK FARM. FILED ON DECEMBER 31, 1936, BY G. E. FISHER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 3, 1937, be effective as of February 3, 1937; and

It is further ordered that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-394; Filed, February 8, 1937, 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN ET AL.-MCNABB FARM, FILED ON JANUARY 16, 1937, BY G. E. FISHER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 3, 1937, be effective as of February 3, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-395; Filed, February 8, 1937; 12:50 p. m.]

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***Wednesday, February 10, 1937*** ***No. 27***

## PRESIDENT OF THE UNITED STATES.

EMERGENCY BOARD, CHICAGO GREAT WESTERN RAILROAD (PATRICK H. JOYCE AND LUTHER M. WALTER, TRUSTEES)—EMPLOYEES

By the President of the United States of America

A PROCLAMATION

WHEREAS, the President, having been duly notified by the National Mediation Board that a dispute between the Chicago Great Western Railroad (Patrick H. Joyce and Luther M. Walter, Trustees), a carrier, and certain of its employees represented by

Brotherhood of Locomotive Engineers,
Brotherhood of Locomotive Firemen and Enginemen,
Order of Railway Conductors,
Brotherhood of Railroad Trainmen,
Switchmen's Union of North America,

which dispute has not been heretofore adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce within the States of Illinois, Iowa, Minnesota, Missouri and Kansas, to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of three persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate and report their findings to me within thirty days from this date.



The members of this Board shall be compensated for and on account of such duties in the sum of seventy-five dollars for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a. m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

All expenditures of the board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1937" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 8th day of February in the year of our Lord nineteen hundred and thirty seven, and of the Independence of the United State of America the one hundred and sixty first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2224]

[F. R. Doc. 37-402; Filed, February 9, 1937; 12:25 p. m.]

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## EXECUTIVE ORDER

DESIGNATING VESSELS TO PATROL WATERS FREQUENTED BY SEAL HERDS AND SEA OTTER

By virtue of and pursuant to the authority vested in me by section 9 of the act of August 24, 1912, 37 Stat. 501 (U. S. C., Title 16, sec. 640), I hereby designate as the vessels to patrol the waters frequented by the seal herds and sea otter, in the enforcement of the said act, such vessels of the Coast Guard as shall be assigned for that purpose by the Commandant of the Coast Guard.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 6, 1937.*

[No. 7549]

[F. R. Doc. 31-397; Filed, February 8, 1937; 3:21 p. m.]

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## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48796]

AIRPORT OF ENTRY

FORT PEMBINA AIRPORT, PEMBINA, NORTH DAKOTA, DESIGNATED AS AN AIRPORT OF ENTRY WITHOUT TIME LIMIT

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b), the Fort Pembina Airport, Pembina, North Dakota, is hereby designated as an airport of entry for the landing of aircraft from foreign countries, effective February 2, 1937.

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved, February 2, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-396; Filed, February 8, 1937; 2:42 p. m.]

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## DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[Public Notice No. 19]

LOWER YELLOWSTONE IRRIGATION PROJECT

MONTANA-NORTH DAKOTA

*Order Opening Public Lands to Entry*

JANUARY 29, 1937.

1. *Public land for which entry may be made.*—In pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, it is announced that water will be available in the irrigation season of 1937 and thereafter, and beginning on February 23, 1937, entry may be made in accordance with this order for the following described public land under the Lower Yellowstone Irrigation project, Montana-North Dakota, as shown on supplemental diagrams of T. 22 N., R. 59 E., and T. 23 N., R. 60 E., of Montana Principal Meridian, and T. 150 N., R. 104 W., T. 151 N., R. 104 W., and T. 152 N., R. 104 W., of the 5th Principal Meridian, North Dakota, to-wit:

MONTANA PRINCIPAL MERIDIAN

*Township 22 North, Range 59 East*

| Section | Farm Unit | Or the— | Irrigable area when cleared and leveled |
|---|---|---|---|
| 30 | "E" | Lots 2, 3, 6 | 90.00 |

*Township 23 North, Range 60 East*

| | | | |
|---|---|---|---|
| 5 and 6 | "A" | Lots 4, 5, Sec. 5, lot 5, Sec. 6 | 85.00 |
| 8 | "A" | Lots 1, 2 | 95.00 |

5TH PRINCIPAL MERIDIAN, NORTH DAKOTA

*Township 150 North, Range 104 West*

| | | | |
|---|---|---|---|
| 3 and 10 | "F" | Lot 6, Sec. 3, and lots 1, 2, Sec. 10 | 52.00 |

*Township 151 North, Range 104 West*

| | | | |
|---|---|---|---|
| 3 | "J" | $N\frac{1}{2}SW\frac{1}{4}$ | 80.00 |
| 3 | "K" | $S\frac{1}{2}SW\frac{1}{4}$ | 80.00 |
| 14 and 23 | "B" | Lots 4, 7, Sec. 14, lot 2, Sec. 23 | 106.00 |
| 23 | "A" | Lots 3, 6 | 97.00 |
| 23, 26, 27 | "F" | Lot 7, Sec. 23, lot 2, Sec. 26, lot 1, Sec. 27 | 81.00 |
| 27 | "G" | Lot 2 and $NW\frac{1}{4}NE\frac{1}{4}$ | 71.00 |

*Township 152 North, Range 104 West*

| | | | |
|---|---|---|---|
| 20, 29 | "E" | Lot 6, Sec. 20, lots 1, 2, Sec. 29 | 11.00 |
| 29 | "G" | Lots 3, 4, and $W\frac{1}{2}SE\frac{1}{4}$ | 4.00 |
| 32, 33 | "D" | $N\frac{1}{2}NE\frac{1}{4}$, Sec. 32, $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 33 | 24.00 |

The supplemental diagrams referred to above were approved on the date of this order and are on file in the office of the Project Manager, Board of Control, Lower Yellowstone Project, Sidney, Montana, and in the local land offices at Great Falls, and Billings, Montana, and Bismarck, North Dakota.

2. *Preference rights to soldiers.*—Pursuant to the provisions of joint resolution, approved June 12, 1930 (46 Stat., 580), and until May 24, 1937, the lands described above will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any War, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to

the service with the Army of the United States for which recognition is granted in the aforesaid joint resolution: *Provided, however,* That they must be qualified to make entry under the homestead laws and also possess the qualifications required of all applicants under this order.

3. *Applicants must be qualified.*—No entry shall be accepted by the local land offices until the applicant therefor has satisfied the Examining Board, appointed for the Lower Yellowstone project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws), as to industry, experience, character, and capital as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

4. *Qualifications.*—Each applicant must be in good health and have had at least two years actual experience in farm work. He must have at least $2,000 in money free of liability or the equivalent thereof in livestock, farming equipment, or other assets deemed by the Examining Board to be as useful to the Applicant as money.

5. *Examining Board.*—An Examining Board of three members has been appointed to consider the fitness of applicants to undertake the development of a farm on the Lower Yellowstone Project. Each applicant, except those described in paragraph 10a, must appear in person before the Examining Board; and the Project Manager of the Board of Control, acting as secretary of the board, and who is hereby designated as a member of the board to represent the United States, will notify each applicant of the time set for his appearance and examination. The members of the board will be available at the office of the Board of Control when the opening is being held, where applicants will be examined. The board will announce such incidental rules as will necessitate only one appearance by each applicant. Careful investigation shall be made to verify the statements and representations made by the applicants so that there may be no misunderstanding either regarding an applicant's qualifications or his appreciation of the problem before him.

6. *Determination of relative standing of applicants.*—The relative standing of the applicants will be based upon a percentage rating with the following weights given to the four prescribed qualifications:

| | Percent |
|---|---|
| Character | 15 |
| Industry | 20 |
| Capital | 30 |
| Farm experience | 35 |

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules; or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

CHARACTER

| | Percent |
|---|---|
| Fair | 5 |
| Good | 10 |
| Excellent | 15 |

INDUSTRY

| | Percent |
|---|---|
| Fair | 5 |
| Good | 10 |
| Excellent | 20 |

CAPITAL

| | Percent |
|---|---|
| $2,000 to $2,999 | 20 |
| 3,000 to 3,999 | 22 |
| 4,000 to 4,999 | 24 |
| 5,000 to 5,999 | 25 |
| 6,000 to 6,999 | 26 |
| 7,000 to 7,999 | 27 |
| 8,000 to 8,999 | 28 |
| 9,000 to 9,999 | 29 |
| 10,000 or above | 30 |

FARM EXPERIENCE

| | Percent |
|---|---|
| 2 years in farming other than irrigation | 5 |
| 2 years' farming other than irrigation plus 1% for each additional year's experience to a total of 10 years, or a maximum of | 15 |
| 2 years in irrigation farming, any time | 20 |
| 2 years in irrigation farming, in last 4 years | 25 |
| 2 years in irrigation farming, in last 2 years | 30 |
| 2 years or more in responsible charge of irrigation farm in last 4 years | 35 |

7. *When and how to apply for a farm unit.*—Any person desiring to acquire any of the said public land must secure from the Project Manager, Board of Control, at Sidney, Montana, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. A full answer must be made to each question propounded therein. If the applicant claims a preference right on account of military service, he shall attach to his application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated or transferred to the Regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preferance right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said joint resolution of June 12, 1930. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or order of transfer to the Regular Army or Naval Reserve, as the case may be, which copy shall be certified by a notary public to be a true copy of the original.

8. *Simultaneous filing of farm applications.*—Applications received on or before February 23, 1937, the date of opening, for the same farm unit, will be held and treated as simultaneously filed.

9. *Preference rights for ex-service men not filing in accordance with Paragraph 8.*—In order that ex-service men may take advantage of the preference right as provided in paragraph 2 of this order, in the event that they fail to file on or before February 23, 1937, as set forth in paragraph 8 above, their applications together with the proof to be furnished by them, must be filed with the Project Manager of the Board of Control, at Sidney, Montana, on or prior to May 24, 1937, the day upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail. Farm applications received after February 23, 1937, will be filed and noted in the order of their receipt.

10. *Showing of applicants and selection thereof.*—(a) Where the applicant fails to make a *prima facie* case—that is, where he does not possess good health, or does not show at least two years' experience, and the assets required in paragraph 4, the application shall be rejected and the applicant notified thereof by registered mail, and of his right to appeal to the Secretary of the Interior within ten days from receipt of notice. Like action shall be taken where the evidence of military service is defective or not furnished. All appeals allowed under this order must be filed in the office of the Project Manager of the Board of Control, at Sidney, Montana, within ten days from receipt of notice.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, of the time within which he must appear before it. After such personal examinations, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in paragraph 4 of this order, and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, and of the right of appeal to the Secretary within 10 days from receipt of notice. After the expiration of the appeal period and in the absence of any pending appeals, the board shall select the 13 applicants, (there being 13 farm units), with the highest rating, and notify each of the other applicants that since the number of qualified applicants exceeds the number of available farms, it is necessary to reject all applications below the first 13 in qualification ratings. Each rejected applicant may appeal to the Secretary within ten days. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection in the order of their ratings. However, the intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences.

11. *Notification of applicant that he has been selected.*—After the expiration of the appeal periods in all of the contingencies named above and any other that may arise, and in the absence of pending appeals, the board shall notify each applicant selected for a farm, by registered mail, and inclose a statement of the amount to be paid to the Lower Yellowstone Irrigation District No. 1 or No. 2, as the case may be, for operation and maintenance charges. This amount shall be paid within ten days from receipt of notice. Upon receipt of this payment the Project Manager of the Board of Control shall send to the applicant by registered mail a certificate which will entitle him to file homestead application at the local land office having jurisdiction over the land applied for. Such homestead application shall be made within fifteen days from the date of receipt of the certificate. Failure to make homestead entry within this period shall render the application subject to rejection.

12. *Failure of selected applicant to complete transaction.*—If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in paragraph 10.

13. *General entry.*—On and after May 24, 1937, any public lands described herein, which remain unentered, shall be subject to entry under this order, by any person having the necessary qualifications. If, on May 24, 1937, prior to 2 P. M., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with paragraph 10.

14. *Warning against unlawful settlement.*—No person shall be permitted to gain or exercise any right under any settlement or occupation of any of said public land begun without having at the time the certificate entitling him to file homestead application covering the land in question: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

15. *Lands are within Irrigation Districts.*—The land covered by this public order, situate in Montana, is within Lower Yellowstone Irrigation District No. 1, and the land situate in North Dakota is within Lower Yellowstone Irrigation District No. 2.

16. *Contracts with Irrigation Districts.*—Contracts were entered into September 23, 1926, and November 2, 1926, between the United States and Lower Yellowstone Irrigation Districts Nos. 1 and 2, respectively, providing for payment of charges and operation of works.

17. *Construction Charges.*—The construction cost shall be paid in accordance with the contracts dated September 23, 1926, and November 2, 1926, between the United States and the Lower Yellowstone Irrigation Districts Nos. 1 and 2, respectively, and shall begin five years after the date of entry.

18. *Operation and Maintenance Charges.*—Under the terms of the contracts between the United States and the Lower Yellowstone Irrigation Districts Nos. 1 and 2, the Districts have taken over the operation and maintenance of the project and will levy assessments each year against the irrigable lands to cover the yearly cost of operation and maintenance. The Districts shall not deliver any irrigation water to any of the units covered by this notice unless and until all operation and maintenance charges then due have been paid. The units covered by this notice are not at present prepared for irrigation and the assessments by the Districts for Operation and Maintenance charges shall be made from year to year on the number of acres then prepared for irrigation.

19. *Reservation of rights of way for county highways.*—Rights of way for county highways are reserved along all section lines, across the farm units above described, in Montana and North Dakota; such rights of way being 30 feet in width on each side of said section lines.

20. *Waiver of mineral rights.*—All homestead entries for any of the above-described land will be subject to the laws of the United States governing mineral land and all applicants under this order must waive the right to the mineral content of the land, if required to do so, by the Land Office, otherwise the homestead application will be rejected, or the homestead entry cancelled.

21. *Effect of relinquishment prior to one-year's residence.*—In the event that any entry of public land shall be relinquished at any time prior to actual residence upon the land by the entrymen for not less than one year, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land offices. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2 P. M., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in paragraph 10 of this order.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-399; Filed, February 9, 1937; 10:59 a. m.]



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101-A—New Hampshire — Issued February 5, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101-A—NEW HAMPSHIRE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, this Bulletin No. 101-A—New Hampshire contains the provisions of the 1937 Soil Conservation Program with respect to payments for diversion from the 1937 tobacco soil-depleting base.

The provisions of this bulletin shall be applicable only to those farms for which a tobacco soil-depleting base is established and all of the provisions of Bulletin No. 101—New Hampshire are applicable to such farms unless otherwise provided herein.

*Part I. The Soil-Building Allowance*

For farms with a tobacco soil-depleting base the provisions of this part I shall be applicable in lieu of the provisions of part II of Bulletin No. 101—New Hampshire.

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on the farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a tobacco diversion payment and for any farm having a tobacco soil-depleting base of five acres or less with respect to which no application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than $20.00 for any such farm:

(a) *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$0.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm having a tobacco soil-depleting base of more than five acres and for any farm having a tobacco soil-depleting base of five acres or less with respect to which an application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to such farm, but shall not be less than $10.00 for any such farm:

(a) *Crop land.*—$1.00 for each acre of crop land represented by the sum of

(1) The difference between the sum of (a) the tobacco soil-depleting base for the farm and (b) the general soil-depleting base which was or could have been established for the farm in 1936 and the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits); and

(2) The number of acres diverted for payment from the tobacco soil-depleting base.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$0.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part II. Tobacco Program for Types 51 and 52*

SECTION 1. *Tobacco Payment.*—A payment of 4 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 15 percent of such base, provided that such payment will not be made with respect to an acreage greater than the number of acres by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield.*—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; provided:

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937.

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration.

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 3. *Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base.*—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made respecting the farm, for each acre of such excess at the rate of 4¢ per pound based on the normal tobacco yield per acre.

*Part III. Miscellaneous Provisions*

SECTION 1. *Division of Payments.*—(a) The payment for diversion from the 1937 tobacco soil-depleting base for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

*Part IV. Classification of Land Use and Crops*

SECTION 1. *Soil-Conserving.* (a) Land devoted to any of the following crops shall be regarded as used for the production of soil-conserving crops except that any land from which any crop, other than a soil-conserving crop, is harvested in the same year shall not be regarded as having been used for the production of a soil-conserving crop in such year, except as provided in (b) below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(1) Sweet, medium red alsike, and mammoth red clover, alfalfa, and white clover.

(2) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(3) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(4) Sudan grass, millet, Italian, ryegrass, and sorghums, not harvested for grain, hay, or forage.

(5) Sowed corn and rape when plowed or disked under.

(6) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(7) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; *provided*, a good growth is left on the land or plowed under.

(8) Forest trees planted on crop land.

(b) Land devoted to any of the combinations of soil-conserving and other than soil-conserving crops listed below shall be regarded as used for the production of a soil-conserving crop.

(1) All the land from which a crop other than soil-conserving is harvested in 1937 and followed by legumes (classified in (a) above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall be classified as soil-conserving.

(2) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green manure after having attained at least a 12-inch or 2 months' growth shall be classified as soil-conserving.

*Part V. Definitions*

As used herein, and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

*Soil-Conserving Base* means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards and bush fruits, and idle land) and the sum of the 1937 tobacco soil-depleting base and the 1936 general soil-depleting base established for the farm or which could have been established under the 1936 Agricultural Conservation Program.

*Tobacco Diversion Payment* means a payment for a diversion from the 1937 tobacco soil-depleting base.

*Tobacco Soil-Depleting Base* means the number of acres established for the farm as the acreage normally used for the production of types 51 and 52 tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-412; Filed, February 9, 1937; 12:50 p. m.]

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NER—B-101-A—New York — Issued February 5, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101-A—NEW YORK

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, this Bulletin No. 101-A—New York contains the provisions of the 1937 Soil Conservation Program with respect to payments for diversion from the 1937 tobacco soil-depleting base.

The provisions of this bulletin shall be applicable only to those farms for which a tobacco soil-depleting base is established and all of the provisions of Bulletin No. 101—New York are applicable to such farms unless otherwise provided herein.

*Part I. The Soil-Building Allowance*

For farms with a tobacco soil-depleting base the provisions of this part I shall be applicable in lieu of the provisions of part II of Bulletin No. 101—New York.

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on the farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a tobacco diversion payment and for any farm having a tobacco soil-depleting base of five acres or less with respect to which no application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than $20.00 for any such farm:

(a) *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm having a tobacco soil-depleting base of more than five acres and for any farm having a tobacco soil-depleting base of five acres or less with respect to which an application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to such farm, but shall not be less than $10.00 for any such farm.

(a) *Crop land.*—$1.00 for each acre of crop land represented by the sum of

(1) The difference between the sum of (a) the tobacco soil-depleting base for the farm and (b) the general soil-depleting base which was or could have been established for the farm in 1936 and the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits); and

(2) The number of acres diverted for payment from the tobacco soil-depleting base.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; $2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part II. Tobacco Program*

SECTION 1. *Tobacco Payment.*—A payment of 3 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 25 percent of such base, provided that such payment will not be made with respect to an acreage greater than the number of acres by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield.*—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; provided:

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937.

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration.

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 3. *Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base.*—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made respecting the farm, for each acre of such excess at the rate of 3 cents per pound based on the normal tobacco yield per acre.

*Part III. Miscellaneous Provisions*

SECTION 1. *Division of Payments.*—(a) The payment for diversion from the 1937 tobacco soil-depleting base for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

*Part IV. Classification of Land Use and Crops*

SECTION 1. *Soil-Conserving.*—(a) Land devoted to any of the following crops shall be regarded as used for the production of soil-conserving crops except that any land from which any crop, other than a soil-conserving crop, is harvested in the same year shall not be regarded as having been used for the production of a soil-conserving crop in such year, except as provided in (b) below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(1) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.

(2) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(3) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(4) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.

(5) Sowed corn and rape when plowed or disked under.

(6) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(7) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; *provided*, a good growth is left on the land or plowed under.

(8) Forest trees planted on crop land.

(b) Land devoted to any of the combinations of soil-conserving and other than soil-conserving crops listed below shall be regarded as used for the production of a soil-conserving crop.

(1) All the land from which a crop other than soil-conserving is harvested in 1937 and followed by legumes (classified in (a) above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall be classified as soil-conserving.

(2) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least a 12-inch or 2 months' growth shall be classified as soil-conserving.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the following terms shall have the following meanings:

*Soil-Conserving Base* means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards and bush fruits, and idle land) and the sum of the 1937 tobacco soil-depleting base and the 1936 general soil-depleting base established for the farm or which could have been established under the 1936 Agricultural Conservation Program.

*Tobacco Diversion Payment* means a payment for a diversion from the 1937 tobacco soil-depleting base.

*Tobacco Soil-Depleting Base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-411; Filed, February 9, 1937; 12:50 p. m.]

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NER—B-101-A—Vermont Issued February 5, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101-A—VERMONT

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, this Bulletin No. 101-A—Vermont contains the provisions of the 1937 Soil Conservation Program with respect to payments for diversion from the 1937 tobacco soil-depleting base.

The provisions of this bulletin shall be applicable only to those farms for which a tobacco soil-depleting base is established and all of the provisions of Bulletin No. 101—Vermont are applicable to such farms unless otherwise provided herein.

*Part I. The Soil-Building Allowance*

For farms with a tobacco soil-depleting base the provisions of this part I shall be applicable in lieu of the provisions of part II of Bulletin No. 101—Vermont.

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on the farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a tobacco diversion payment and for any farm having a tobacco soil-depleting base of five acres or less with respect to which no application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than $20.00 for any such farm:

(a) *Crop land.*—$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm having a tobacco soil-depleting base of more than five acres and for any farm having a tobacco soil-depleting base of five acres or less with respect to which an application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to such farm, but shall not be less than $10.00 for any such farm.

(a) *Crop land.*—$1.00 for each acre of crop land represented by the sum of

(1) The difference between the sum of (a) the tobacco soil-depleting base for the farm and (b) the general soil-depleting base which was or could have been established for the farm in 1936 and the total acres of crop land (excluding commercial orchards, vine-yards, and bush fruits); and

(2) The number of acres diverted for payment from the tobacco soil-depleting base.

(b) *Commercial orchards.*—$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land.*—$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land.*—$0.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

*Part II. Tobacco Program for Types 51 and 52*

SECTION 1. *Tobacco Payment.*—A payment of 4 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 15 percent of such base, provided that such payment will not be made with respect to an acreage greater than the number of acres by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield.*—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; provided:

(a) The tobacco soil-depleting base for any fam shall not be more than twice the acreage of tobacco grown in 1937;

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration;

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 3. *Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base.*—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made respecting the farm, for each acre of such excess at the rate of 4¢ per pound based on the normal tobacco yield per acre.

*Part III. Miscellaneous Provisions*

SECTION 1. *Division of Payments.*—(a) The payment for diversion from the 1937 tobacco soil-depleting base for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

(b) Any payment for a farm shall be computed without regard to questions of title under State Law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

*Part IV. Classification of Land Use and Crops*

SECTION 1. *Soil-Conserving.*—(a) Land devoted to any of the following crops shall be regarded as used for the production of soil-conserving crops except that any land from which any crop, other than a soil-conserving crop, is harvested in the same year shall not be regarded as having been used for the production of a soil-conserving crop in such year, except as provided in (b) below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(1) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.

(2) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(3) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(4) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.

(5) Sowed corn and rape when plowed or disked under.

(6) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(7) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; *provided*, a good growth is left on the land or plowed under.

(8) Forest trees planted on crop land.

(b) Land devoted to any of the combinations of soil-conserving and other than soil-conserving crops listed below shall be regarded as used for the production of a soil-conserving crop.

(1) All the land from which a crop other than soil-conserving is harvested in 1937 and followed by legumes (classified in (a) above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall be classified as soil-conserving.

(2) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least a 12 inch or 2 months' growth shall be classified as soil-conserving.

*Part V. Definitions*

As used herein, and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

*Soil-Conserving Base* means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards and bush fruits, and idle land) and the sum of the 1937 tobacco soil-depleting base and the 1936 general soil-depleting base established for the farm or which could have been established under the 1936 Agricultural Conservation Program.

*Tobacco Diversion Payment* means a payment for diversion from the 1937 tobacco soil-depleting base.

*Tobacco Soil-Depleting Base* means the number of acres established for the farm as the acreage normally used for the production of types 51 and 52 tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-410; Filed, February 9, 1937; 12:50 p.m.]

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## Bureau of Public Roads.

ELIMINATION OF HAZARDS TO LIFE AT RAILROAD GRADE CROSSINGS

Pursuant to the authority vested in the Secretary of Agriculture by the Federal Highway Act of November 9, 1921 (42 Stat. 212), as amended and supplemented, the following rules and regulations are hereby adopted and promulgated for administering the provisions of Section 8 of the Act approved June 16, 1936 (Public No. 686—74th Congress), relating to the elimination of hazards to life at railroad grade crossings.

Done at the City of Washington this 9th day of February, 1937, as witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

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RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF SECTION 8 OF THE ACT OF JUNE 16, 1936 (PUBLIC, NO. 686—74TH CONGRESS), WHICH RELATE TO THE ELIMINATION OF HAZARDS TO LIFE AT RAILROAD GRADE CROSSINGS IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL HIGHWAY ACT

*Definitions*

SECTION 1. For the purposes of these rules and regulations the following definitions shall control:

"Act" shall mean Section 8 of the Act of June 16, 1936 (Public, No. 686—74th Congress), which provides for the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings in accordance with the provisions of the Federal Highway Act, as amended and supplemented.

"State" as used herein shall include the Territory of Hawaii, the Island of Puerto Rico and the District of Columbia.

"Secretary" shall mean the Secretary of Agriculture of the United States.

"Grade Crossing Funds" shall mean the funds authorized by Section 8 of the Act to be apportioned among the several States by the Secretary of Agriculture for the elimination of hazards to life at railroad grade crossings.

"Municipality" shall mean a populous community, generally of defined area, usually organized pursuant to law into a body politic with corporate name and continuous succession and for the purpose and with the authority of subordinate local self-government.

"Project" shall mean a definite undertaking for a purpose defined under the Act.

"Railroad" shall mean an individually owned and/or operated railroad in any State.

Projects located on the Federal aid highway system outside of municipalities shall be designated "Federal Aid Grade Crossing Project No. FAGH —." Projects within municipalities, whether or not located on extensions of the Federal aid highway system into or through such municipalities, shall be designated "Federal Aid Grade Crossing Project No. FAGM —." Projects located outside of municipalities and not on the Federal aid highway system shall be designated "Federal Aid Grade Crossing Project No. FAGS —."

*Initiation of Projects*

SECTION 2. All projects under this Act shall be initiated by the States and submitted in the same manner as other Federal aid projects, and all such projects shall be subject to all of the provisions of the rules and regulations of the Secretary of Agriculture in effect for administering the Federal Highway Act, as amended, except such provisions as are inconsistent or in conflict with these rules and regulations.

*Application of Funds to Projects*

SECTION 3. The funds apportioned to any State under the Act shall be applied to projects without limitation as to geographic location.

To secure a reasonably equitable distribution of benefits among the railroads in a State, projects shall be apportioned, within practical limits, to the railroads therein in such manner that the total cost of the project or projects on any railroad shall have approximately the same relation to the total apportionment to the State as the road mileage of such railroad bears to the total road mileage of all railroads in the State. For this purpose data obtained from the Interstate Commerce Commission will be furnished each State showing the road mileage, exclusive of trackage rights, owned or operated therein on December 31, 1935, by the individual Class 1 railroads, together with the road mileage of railroads of all other classifications owned or operated in the State.

At the discretion of the State, projects may be programmed within practical limits, on other than Class 1 railroads to the extent of the indicated apportionment to such railroads, or the indicated apportionment to other than Class 1 railroads may be distributed proportionately among the Class 1 railroads, or used to increase the apportionment to one or more of the Class 1 railroads, to accomplish the programming of desirable projects, without regard to the fact that some Class 1 railroads may control other than Class 1 railroad mileage. Exception may be made to the general principle of the apportionment of benefits to the railroads in any State where the crossings of any railroad on the basis of both railroad and highway traffic usage are of low priority in comparison with the crossings of other railroads.

The mileage of high speed electric railway lines in any State may be considered in connection with the programming of projects, in which event the intention to program projects for such mileage shall be reported by a State highway department when submitting the first increment of its program. Nothing in this method of distribution of projects shall operate to prevent the elimination of hazards to life at important main line railroad crossings on railroads which may have only a relatively small mileage in any one State.

The total amount of grade crossing funds authorized for apportionment among the States for the elimination of hazards to life at railroad grade crossings for any one or more fiscal years may be adopted as the basis for a corresponding distribution of benefits to the railroads for the period covered by such authorizations: Provided, That the cost chargeable to grade crossing funds, of all projects programmed for construction in a State in any one year shall not exceed the amount of such funds available to the State.

*Types of Projects*

SECTION 4. The apportioned funds shall be available to pay the direct cost of the construction of projects of the following character, exclusive of any charges for rights of way and/or property damage:

(a) The separation of grades at crossings.
(b) The protection of grade crossings.
(c) The reconstruction of existing railroad grade separation structures.
(d) The relocation of highways to eliminate grade crossings.
(e) The relocation of railroads to eliminate grade crossings.

The separation of grades at crossings may be by underpass or by overpass and may include any necessary track elevation or track depression, and such additional work as may be required by changes in grade or alignment of the highway or by relocation of the highway or the railroad tracks. Grade crossing funds may be used in combination with funds from other sources for the accomplishment of projects of greater magnitude than otherwise would be possible. The cost chargeable to grade crossing funds of relocating and constructing the highway approaches to new or reconstructed grade separation structures shall be limited to work actually necessary and performed within 1,500 feet on each side of the nearest track of the crossing measured along the center line of the highway improvement: *Provided, however*, That where conditions justify, the length of any one such approach may be increased if accompanied by a corresponding decrease in the length of the other approach. In all cases where the approaches to grade separation structures are constructed on existing locations, the cost chargeable to grade crossing funds of constructing such approaches shall be limited to such lengths on either side of the crossing structure as are necessary for proper approach grades and vertical curves to connect with the existing roadway.

The protection of railroad grade crossings shall be accomplished by means of approved flashing light signals, unless greater protection is desired than is afforded by flashing lights, in which event the installation of single gate arms in combination with flashing lights, the installation of crossing gates, the installation of barriers or other similar devices, which are satisfactory to the State highway department and the affected railroad company, may be submitted for approval. Railroad grade crossing protection devices of the flashing light type shall permit the use of:

(1) Recommended standards for flashing light signals adopted by the Joint Committee on Grade Crossing Protection of the Association of American Railroads.
(2) Flashing light signals conforming essentially to the standards recommended by the Joint Committee on Grade Crossing Protection of the Association of American Railroads which carry additional features, such as a rotating disc or other devices, which do not impair the operation or detract from the uniformity or utility of the signals.
(3) A wigwag signal of the magnetic type having standard signs and mounting height, a balanced outline reasonably in keeping with stationary lights with backgrounds and, when operating, an aspect essentially the same as flashing lights.

Prior to the approval of any project for the protection of any railroad grade crossing, a definite agreement with respect to the maintenance of each such protection installation shall be entered into between the State highway department and the affected railroad company and approved by the Bureau of Public Roads. The plans and specifications for protection work shall be in sufficient detail to define or describe the exact kind and quality of material required, or in the case of an operating mechanism they shall cover fully the essential requirements of the operating parts so that there may be effective competition in securing materials or parts going into such installations.

The reconstruction of existing railroad grade separation structures shall include strengthening and widening or a relocation and rebuilding of the structure to provide alignment adequate for the safety of highway traffic.

The relocation of any necessary length of highway to eliminate railroad grade crossings shall include the construction of new highway facilities and/or the reconstruction of an existing highway so that rerouted traffic will not encounter the crossings, but the total cost of any such highway relocation chargeable to grade crossing funds shall not exceed:

(1) The estimated cost of providing grade separation structures and approaches thereto for the avoided crossings; nor shall it exceed
(2) The estimated cost of providing on the relocation an improvement to modern standards of alignment and grade, with surfacing of a type comparable to that existing on the portion of the route so relocated.

The estimated cost of providing grade separation structures and approaches thereto for avoided crossings shall be determined and agreed upon by the State highway department and representatives of the affected railroad company. A copy of such estimate properly approved and signed by representatives of these agencies shall be filed with each project of this character. The estimated cost of providing on the relocation an improvement to modern standards of alignment and grade with surfacing of a type comparable to that existing on the portion of the route so relocated shall be determined by the State highway department and approved by the Bureau of Public Roads.

Before approval of a project for a highway relocation to eliminate railroad grade crossings at an estimated cost in excess of the amount chargeable to grade crossing funds provision must be made to complete the relocation with other funds. If other Federal funds are to be used, the work shall be separated into corresponding sections. Grading as first stage construction will be acceptable on highway relocations to eliminate railroad grade crossings provided the State highway department will enter into an agreement for future surfacing within a definite date.

The relocation of railroads to eliminate railroad grade crossings may be undertaken whenever deemed by the affected interests the most economical and satisfactory procedure.

Where a highway relocation project avoids grade crossings over the existing tracks of more than one railroad, the cost shall be chargeable to the railroads involved in the ratios which the number of existing tracks of each railroad bears to the total number of existing tracks at the avoided crossings. Where a single grade separation structure eliminates grade crossings over the tracks of more than one railroad the cost shall be chargeable to the railroads involved on the basis of the number of tracks of the respective railroads that the grade separation structure will accommodate. Nothing in the above methods of obtaining a division of cost of a project to more than one railroad shall prevent the affected railroads from agreeing upon any other basis of division and when such agreement exists the terms thereof shall apply.

*Selection of Projects*

SECTION 5. Insofar as practicable and feasible projects on each railroad to which funds are allocated under the foregoing principles shall be selected with respect to the elimination of greatest traffic hazards and in accordance with mutual agreements between the State and the affected railroad. Grade crossings within or adjacent to the larger municipalities, which are manually protected and which are used by a considerable volume of highway traffic, or which are frequently occupied by train movements, are desirable projects for elimination if funds are available for the settlement of right of way costs and/or property damage, or if provision has been made by the State or local authorities for such costs. Where legal authority exists for the physical closure of railroad grade crossings, and where, by the construction of a grade separation structure with adequate approaches, the use of an existing grade crossing or grade crossings is rendered unnecessary for the convenience of the general public, approval of a project for the construction of a grade separation structure shall be contingent upon prior provision for the physical closure of such grade crossing or crossings after completion of the structure and adequate approaches thereto. Any lateral connections necessary to accomplish the physical closure of such existing grade crossings may be included as a part of the project and paid for with grade crossing funds. The extent to which railroad grade crossing protection may be employed in lieu of grade crossing eliminations will be determined by the State highway department subject to the condition, however, that hazardous crossings which cannot be reached in the elimination program and which are not now protected by acceptable devices, may be required to be acceptably protected as a part of any program.

*Surveys, Plans, Specifications, etc.*

SECTION 6. Surveys and plans, specifications and estimates for all projects in each State shall be prepared under the direction of the State highway department and the construction involved shall be under the supervision of the State highway department. The State highway department may utilize the services of the engineering organizations of the affected railroad companies, or the engineering organizations of consulting engineers for the preparation of plans for any project. Inasmuch as the Federal Highway Act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required by the legislation, no part of the cost of maintaining a central office organization of the State highway department or of railroad or consultants' engineering organizations which may be utilized by the State shall be paid with federal funds. Engineering charges reimbursable with federal funds shall be limited to any necessary costs incurred and to the salaries of individuals directly employed in the preparation of surveys, plans, specifications and in the supervision of construction. The cost of surveys, plans and specifications shall not be considered as a part of the customary percentage added to cost estimates for engineering and unforeseen contingencies but no part of the cost of the surveys, plans, specifications and engineering supervision of construction shall be paid to any State which restricts employment of engineers on such work to residents of the State. The design requirements for highway bridges as contained in the Standard Specifications for Highway Bridges adopted by the American Association of State Highway Officials shall obtain with respect to structures carrying highway traffic over the railroads. The design requirements of the American Railway Engineering Association shall obtain with respect to structures carrying railroad traffic. Railroad clearances in general shall conform to those in effect on the individual railroads concerned. The design for grade separation structures shall provide for such additional railroad trackage as reasonably may be anticipated

*Methods of Undertaking Work*

SECTION 7. Wherever feasible and practicable the contract method shall be followed in performing work. Work necessary for the maintenance of railroad traffic including temporary support trestles, track adjustment, signal installation and adjustment, the rearrangement of telephone and telegraph lines on railroad right of way, and the adjustment of existing drainage facilities may be undertaken on a force account basis by the railroad or other utility involved with its own forces. On such work reimbursement will be made for proper costs incurred because of the project and the corresponding accounts must be kept in such way that they readily may be audited. Any material furnished by a railroad company or other utility for temporary work will be reimbursed at actual cost less fair salvage value when the material is released.

Where a State highway department is organized and equipped to undertake projects on a day labor or force account basis, or where it desires to utilize the services of other efficient organizations, organized and equipped to undertake special kinds of work on a project on a day labor or force account basis, approval may be given to such methods of undertaking work on individual projects.

*Highway Planning Projects*

SECTION 8. With the approval of the Secretary, not to exceed one and one-half per centum of the amount apportioned to any State for eliminating the hazards to life at railroad grade crossings may be used for surveys, plans, engineering and economic investigations of projects for future construction in such State or for the general planning of a complete highway system and future programs of highway improvement for such State. Such proposed surveys, plans and engineering investigations shall be initiated by the State highway department in the same manner as are other projects by the submission of a project statement and if approved by the Secretary, the work shall be prosecuted under a project agreement.

*State Regulatory Bodies*

SECTION 9. A State which has laws vesting control of grade crossing matters in any other agency than the State highway department must necessarily effect cooperative arrangements between such agency and the State highway department for the purpose of carrying out the program of projects contemplated by the Act. Controversies over the division of cost between a railroad and the State should not arise when Federal funds are available for such projects without being matched with State funds. Where agreement exists on grade crossing projects between other affected parties with respect to established grades, clearances, etc., and where controversies are eliminated respecting division of costs approval of a public utilities commission or other similar governing body in a State should be largely a matter of form. Every effort, therefore, should be made to prevent delay to the program because of any necessity for clearing such matters through a State regulatory body.

*Contributions From Railroads*

SECTION 10. Grade crossing projects shall be undertaken on a basis that will impose no involuntary contributions on the affected railroads. State laws which impose a fixed contribution upon the railroads for grade crossing projects shall be held not to apply to projects under the Act. If any contribution by a railroad company is indicated for right of way or construction cost of any project, the record of such project shall be supplemented by a statement from the railroad company that the indicated participation is wholly voluntary.

*Maintenance of Grade Crossing Projects*

SECTION 11. Project agreements for grade crossing projects shall provide for the maintenance of such projects by the State to the extent permitted by State law; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement for such maintenance with the agency or agencies responsible therefor prior to the approval of the project.

[F. R. Doc. 37-415; Filed, February 9, 1937; 12:51 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

DESIGNATION OF UNITED STATES SHIPPING COMMISSIONERS AS ENFORCEMENT OFFICERS FOR THE PURPOSES OF THE ACT OF JUNE 25, 1936

Section 7 of the Act of June 25, 1936 (Public No. 808—74th Congress; 49 Stat. 1936), makes it the duty of the Secretary of Commerce to enforce the provisions of the above Act through collectors of customs and other government officers acting under the direction of the Bureau of Marine Inspection and Navigation, and to make such rules and regulations as he may deem necessary to carry out the provisions of the said Act.

In order to enforce more effectually compliance with the provisions of this Act, United States Shipping Commissioners are hereby designated as enforcement officers for carrying out the provisions of the Act.

Approved, February 9, 1937.

[SEAL] DANIEL C. ROPER, *Secretary of Commerce.*

[F. R. Doc. 37-409; Filed, February 9, 1937; 12:49 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Federal Savings and Loan Insurance Corporation.

AMENDMENT TO RULES AND REGULATIONS

ANNUAL REPORTS OF MEMBERS

*Be it resolved*, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)) the third sentence of Section 34 of Rules and Regulations for Federal Savings and Loan Associations be amended to read as follows:

Within thirty days after December 31 of each year two copies shall be forwarded to the Federal Home Loan Bank of which the association is a member, one copy of which shall thereupon be transmitted by the Bank to the Governor of the Federal Home Loan Bank System.

Adopted by the Federal Home Loan Bank Board on February 4th, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-400; Filed, February 9, 1937; 12:03 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

COMMISSIONERS: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2694]

IN THE MATTER OF I. S. U. RANK AND FILE GROUP, I. S. U. RANK AND FILE MEMBERS, RANK AND FILE COMMITTEE OF THE I. S. U., RANK AND FILE INTERNATIONAL SEAMEN'S UNION, LOUIS WEINSTOCK, ABRAHAM BASKOFF, RICHARD M. KROON, FRANK MOZER, J. P. ANDERSON, A. ALLEN, ELMER JOHNSON, ROBERT C. BROWN, HARRY BRIDGES, DAVID GORDON, ELMER BROWN, BEN GERJOY, DORA ZUKOR (OR ZUCKER), C. TAYLOR, LUIGI GENOVESE, M. MANES (OR MANIS), T. L. MAJOR, A. EDWARDS, G. ALSTON, M. BALYA, G. SPAGNOL, A. W. MCPHERSON, KARL MAISUS (OR MASIS), A. WEINER, WILLIAM THACKER, E. CREWS, F. PHILLIPS, A. FLEMING, AND CHARLES B. KILLINGER

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, February 9, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, 815 Connecticut Avenue, Washington, D. C.



Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-398; Filed, February 9, 1937; 10:21 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 115]

IN THE MATTER OF INCREASES IN FREIGHT RATES AND CHARGES

FEBRUARY 6, 1937.

*Notice to the Public:*

The above-entitled proceeding was reopened for consideration of proposed increased rates upon certain commodities as described in the petitions of class I railroads filed October 23 and November 21, 1936, respectively. The taking of testimony on behalf of the carriers has been concluded (with exception of certain information to be supplied) upon (1) the general aspects of the reopened proceeding, (2) the lawfulness and propriety of the proposed increased rates upon the so-called heavy basic commodity list, and (3) the percentage relation to first-class rates of fifth and sixth classes when governed by the official classification. The hearing will be resumed at the office of the Commission in Washington at 10 a. m., Tuesday, March 23, 1937. Appendix 1 hereto gives a brief description of the commodities embraced in the heavy basic-commodity list upon which testimony has been received.

Upon resumption of the hearings, protestants may present testimony as to the foregoing matters. Testimony as to other commodities should be reserved. It is desired to conclude the record upon the subjects mentioned before taking up the other commodities included in the two petitions of the carriers. However, testimony will be received separately as to the transcontinental-Mountain-Pacific rates, as will hereinafter appear. At the resumed hearing in Washington the same general order will be followed as in the presentation of testimony on behalf of the carriers, i. e., general testimony first, then testimony as to coal, coke, iron ore, etc., and finally, as to fifth and sixth class relations.

While desirable that as much of the testimony as is possible be produced at Washington, especially that of a general character, the Commission will arrange for further hearings as to the general aspects of the case, the heavy basic-commodities, and as to official classification fifth and sixth class relations, at Boston, Mass., Atlanta, Ga., Chicago, Ill., St. Paul, Minn., and Kansas City, Mo., after the Washington hearing. The dates will be announced later but the outside hearings will commence not earlier than April 15.

The far western and transcontinental rates will be heard independently: the portions of the carriers' applications involved are (as corrected upon the record) shown in appendix 2. It has been arranged to commence the hearing upon these rates at San Francisco, Calif., April 12, 1937, at 10 a. m., at the offices of the Merchants Exchange. Protestants who desire to produce testimony at San Francisco will be given an opportunity to do so immediately following the close of testimony for the western carriers and their connections. Subsequently, at dates hereafter to be announced, but not earlier than May 15, further hearings will be resumed at Salt Lake City, Utah, Los Angeles, Calif., and Portland, Ore., for reception of testimony on behalf of protestants.

In the preparation of exhibits, Rule XIII of the rules of practice should be followed. A copy of the Rule is attached. All documents submitted by a witness should be embraced in one exhibit, suitably bound together, whenever practicable. In order to supply the State Commissioners, the members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. As far as can be done, exhibits should be self-explanatory, in order to minimize the amount of time required for oral examination thereon. Witnesses coming with prepared statements of their testimony should have sufficient copies thereof for the use of counsel and the Commission. As the voluminous record already made in this proceeding is available for consideration, reference may be made to any exhibit or testimony already received, without reintroduction thereof. If it is desired to submit verified statements (affidavits) in lieu of personal production of a witness, 10 copies should be transmitted to the Commission, and 75 copies to Mr. R. V. Fletcher, attorney for the applicants, Transportation Building, Washington, D. C., a reasonable time in advance of the time when the same are to be submitted for the record. Copies must be furnished to other interested parties who request them, and the rules of practice as to preparation of exhibits should be followed as to style, mimeographing, printing, etc. These statements must be limited to matters of fact and should avoid argument unless these suggestions are followed, the verified statements (affidavits) may be excluded if objection is interposed to their reception.

Persons who desire to be heard at any of these hearings will facilitate the arangements necessary by sending notice of their intention, stating the commodities involved, the number of witnesses, and the approximate amount of time necessary for presentation of direct testimony.

Correspondence relative to this matter should be addressed to the Commission at Washington, with a reference to the docket number, Ex Parte No. 115.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

### APPENDIX 1

HEAVY-BASIC-COMMODITY LIST

*Group 2.*—Coal and coke; iron ore.

*Group 6.*—Iron and steel list.

*Group 3.*—Gypsum rock; plaster retarder; patching plaster; lime (including agricultural lime, common lime, hydrated, quick or slaked; fluxing lime, land lime; land plaster, phospho-plaster and articles grouped therewith); plaster and articles grouped therewith; cement, natural, hydraulic, or portland; and mortar.

*Group 4.*—Petroleum and its products; asphalt and road oil; tar and pitch, benzol, liquefied petroleum gas, and lignin liquor and lignin pitch.

### APPENDIX 2

TRANSCONTINENTAL AND MOUNTAIN-PACIFIC RATES

*Petition of October 23, 1936.*—Exhibit 2, page 71, "Trans-continental Rates" on commodities specified.

*Petition of November 21, 1936.*—(a) Exhibit A, Part 2, page 52:

Between points in North Pacific Coast Freight Bureau Territory, also between points in North Pacific Coast Freight Bureau Territory on the one hand and all other interstate points on the other hand except Trans-Continental Freight Bureau Territory, and except as otherwise provided in Exhibit A—Parts 3 and 5.

(b) Exhibit A, Part 3, page 53:

Between points in North Pacific Coast Freight Bureau Territory on the one hand and Pacific Freight Tariff Bureau (South Coast) Territory on the other hand.

(c) Exhibit A, Part 4, page 55:

Between points in Pacific Freight Traffic Bureau Territory (South Coast) also between points in Pacific Freight Tariff Bureau Territory (South Coast) on the one hand and all other interstate points on the other hand, except Trans-Continental Freight Bureau Territory and except as provided in Exhibit A, Parts 2, 3 and 5.

(d) Exhibit A, Part 5, page 60—Intermountain Territory:

Between points in Montana and between such points and all interstate points, also between points in North Pacific Coast Freight Bureau Territory, points in Pacific Freight Tariff Bureau Territory (South Coast) and points in Western North and South Dakota and Wyoming.

(e) Exhibit A, Part 6, page 65—Intermountain Territory:

| *Between* | *And* |
|---|---|
| Utah | Utah. |
| | Idaho, East of Huntington, Oreg. |
| | Wyoming, West of Granger, Wyo. |
| | Oregon, East of Huntington, Oreg. |
| | Nevada, Wells, Nev., and north. |
| Idaho: East of Huntington, Oreg. | Idaho, East of Huntington, Oreg. |
| | Wyoming, West of Granger, Wyo. |
| | Oregon, East of Huntington, Oreg. |
| | Nevada, Wells, Nev., and north. |
| Oregon: East of Huntington, Oreg. | Oregon, East of Huntington, Oreg. |
| | Wyoming, West of Granger, Wyo. |
| | Nevada, Wells, Nev., and north. |
| Nevada: Wells and North | Nevada, Wells and north. |
| | Wyoming, West of Granger, Wyo. |
| Wyoming: West of Granger | Wyoming, West of Granger, Wyo. |

(f) Exhibit A, Part 7, page 70—Intermountain Territory:

| *Between* | *And* |
|---|---|
| Colorado Common Points | Utah Common Points. |
| Colorado | Idaho. |
| Colorado | Utah. |
| Colorado | Wyoming. |
| Colorado | New Mexico. |
| Utah | New Mexico. |
| Utah | Wyoming. |

*Rule XIII Rules of Practice (in part)*

(c) 1. *Tariffs; offer of matter contained in schedules.*—In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff schedules so on file.

2. *Reference in exhibits to tariff authority, routes, and distances.*—All exhibits showing rates, fares, charges, or other tariff provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff authority therefor, and if distances are shown must also show the authority therefor and, by lines and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff schedule lawfully on file with the Commission, or are definitely ascertainable from a tariff schedule on file with the Commission showing rates prescribed by the Commission and based on short line distances, provided the exhibit makes specific reference to such tariff schedule as provided by this rule.

(d) *Copies of exhibits furnished opposing counsel.*—When exhibits of a documentary character are to be offered in evidence copies must be furnished to opposing counsel, unless the presiding commissioner or examiner otherwise directs. Whenever practicable, the parties should interchange copies of exhibits before or at the commencement of the hearing.

(e) *Size, form, and identification of exhibits; relevancy, materiality; not argumentative.*—All exhibits of a documentary character received in evidence are bound with the rest of the record in covers of uniform size. Whenever practicable they should be on one side only of sheets not exceeding $12\frac{1}{2}$ inches from top to bottom by 22 inches in width, and a sufficient margin for binding, preferably $1\frac{1}{2}$ inches, must be left blank on the left side of each sheet. They must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten. If typewritten they must in other respects conform to the requirements of Rule XXI (b). Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered, and, if the exhibit consists of five or more sheets, the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit and should bear an identifying number, letter, or short title which will readily distinguish the exhibit from the other exhibits of the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should be limited to statements of fact relevant and material to the issue, which can be shown in that form better than by oral testimony. They should not be argumentative.

[F. R. Doc. 37-401; Filed, February 9, 1937; 12:04 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 56]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 6, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Kentucky 21 Nelson | $315,000 |
| Minnesota 60 Redwood | 70,000 |
| Oklahoma 12 Alfalfa | 310,000 |
| Oregon 3 Lake | 60,000 |
| Washington 24 Spokane | 55,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-408; Filed, February 9, 1937; 12:47 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 1 TO FORM 8-K

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 13 and 23 (a) thereof, hereby takes the following action:

Paragraph 8 of the Instructions to Form 8-K, under the caption "Incorporation by reference", is amended by deleting the second sentence of such paragraph and inserting in lieu thereof the following sentence:

In addition, subject to the provisions of paragraph (f) of Rule JB4, matter contained in any part of the current report, other than exhibits, or in any part of any application or report previously filed by the registrant pursuant to Section 12 or 13 of the Act, other than exhibits, may be incorporated by reference as answer, or partial answer, to any item in the report.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-403; Filed, February 9, 1937; 12:46 p. m.]

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE AN15

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, and acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12) and 23 (a) thereof, hereby amends Rule AN15 by adding at the end of paragraph (a) thereof the following sentence:

For the purposes of this paragraph and of Forms 4-J and 5-J, the term "unissued security" shall include securities issued for the purpose of distribution, pursuant to a plan of reorganization in proceedings under Section 77B of the Bankruptcy Act, to holders of securities dealt with in the plan, if such securities have not yet been distributed to such security holders, and if the person to whom such securities have been issued is under the control of the court in such proceedings.



The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-404; Filed, February 9, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-MYERS FARM, FILED ON JANUARY 23, 1937, BY HARRY A. GEORGE, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

1. In that Item 16 (a) (iii) of Division II states that "lease (is) making some water but actual percentage not known", whereas information, which is readily available, indicates that a very substantial percentage of the gross fluid production from the lease consists of water;

2. In that, commencing with the month of November 1936 the water content of the gross fluid produced from Well No. 1, located on the tract in question, has increased from a nominal percentage to more than two times the amount of net oil produced from such well;

3. In that, commencing with the month of November 1936 the water content of the gross fluid produced from Well No. 2, located on the tract in question, has increased to more than two and one-half times the amount of net oil produced from such well;

4. In that Item 18 (a) (v) represents that there are three "flowing" wells upon the tract in question, whereas it appears that two of the wells located on the tract are "pumping", and not more than one is "flowing";

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of February 1937 at 9:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-405; Filed, February 9, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1937.

[File No. 43-31]

IN THE MATTER OF SOUTHWESTERN LIGHT & POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Southwestern Light & Power Company, a subsidiary company of The Middle West Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of $7,250,000 aggregate principal amount of its First Mortgage Bonds, Series A, due February 1, 1967;

It is ordered that a hearing on such matter be held on February 25, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 20, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-407; Filed, February 9, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

[File No. 2-148]

IN THE MATTER OF SUNSET GOLD FIELDS, INC.

ORDER CHANGING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on January 27, 1937, designated Robert P. Reeder, an officer of the Commission, to take evidence at a hearing to be held in this matter, under Section 8 (d) of the Securities Act of 1933, as amended, at the office of the Commission in Washington, D. C., on February 10, 1937, and

The registrant having subsequently requested that the place of such hearing be changed;

It is ordered that the foregoing designation of the said Robert P. Reeder is hereby rescinded, and

It is further ordered that the hearing in this matter be held on February 9, 1937, at 2 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 120 Broadway, New York, N. Y., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that William V. Holohan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-406; Filed, February 9, 1937; 12:46 p. m.]

## *Thursday, February 11, 1937* *No. 28*

## PRESIDENT OF THE UNITED STATES.

### GREEN MOUNTAIN NATIONAL FOREST—VERMONT

By the President of the United States of America

A PROCLAMATION

WHEREAS by proclamation of April 25, 1932 (47 Stat. 2509), there were set apart as the Green Mountain National Forest, in the State of Vermont, certain forest lands which had been, or might thereafter be, acquired by the United States of America under authority of the act of Congress approved March 1, 1911, ch. 186, 36 Stat. 961 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, ch. 348, 43 Stat. 653 (U. S. C., title 16, sec. 515); and

WHEREAS it appears that it would be in the public interest to modify the boundaries of the said National Forest by including therein certain other forest lands which have been, or may be, acquired under authority of the said acts of March 1, 1911, and June 7, 1924:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power in me vested by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, ch. 2, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and section 11 of the said act of March 1, 1911, do proclaim that all lands of the United States in the State of Vermont within the areas hereinafter described, are hereby included in and reserved as a part of the Green Mountain National Forest, and that all lands within such areas which may hereafter be acquired by the United States under the said acts of March 1, 1911, and June 7, 1924, shall upon acquisition of title thereto be reserved and administered as a part of the said National Forest:

*Northern Division*

Beginning in the Village of Mendon at the point where the East Pittsford Road intersects U. S. Highway 4; thence with the East Pittsford Road to the intersection with the Chittenden Road; thence with the Chittenden Road to the intersection with the Old Dugway Road; thence with the Old Dugway Road to the intersection with the River Road; thence with the River Road to the North Chittenden Road in Chittenden Village; thence with the North Chittenden Road to its intersection with the River Road in North Chittenden Village; thence northerly with the River Road about 2 miles to the crossing of Furnace Brook; thence up Furnace Brook to a point where a small drain enters from the west; thence westerly up said small drain to its intersection with the Middle Road; thence with the Middle Road to the intersection with State Highway 115 and the North Road at Goshen Four Corners; thence leaving State Highway 115 with the North Road in northerly and southwesterly directions to its reintersection with State Highway 115 approximately 1½ miles west of Goshen Four Corners; thence with State Highway 115 to the intersection with the School House Hill Road in Forestdale Village; thence with the School House Hill Road to the intersection with State Highway 53; thence with State Highway 53 to the intersection with the Fern Lake Road; thence with the Fern Lake Road to the south end of Fern Lake; thence with the easterly shore of Fern Lake to a northeasterly cove in Fern Lake; thence N 26° E, true meridian, approximately 20 chains to a southeasterly cove of Lake Dunmore; thence with the easterly shore of Lake Dunmore to a cove south of Keewaydin Camps where State Highway 53 borders the east shore of Lake Dunmore; thence with State Highway 53 to the intersection with the East Middlebury Road; thence with the East Middlebury Road to the intersection with the Ripton Road; thence with the Ripton Road to intersection with the old Pratt Hill Road; thence with the old Pratt Hill Road to the intersection with the East Middlebury Road; thence with the East Middlebury Road to the intersection with Middlebury River; thence up Middlebury River to the East Middlebury-Hancock Road; thence westerly with the East Middlebury-Hancock Road to the intersection with School Street in East Middlebury Village; thence northerly with School Street and School Street extended to Fay's Corner; thence westerly with an east and west road from Fay's Corner to the intersection with State Highway 116; thence with State Highway 116 to the intersection with the Little Notch Road; thence with the Little Notch Road to the intersection with a north and south road, also known as the Little Notch Road, and which is the most easterly road at the foot of the mountains; thence with this most easterly road to the intersection with River Street in Bristol Village; thence with River Street to River Street Bridge over the New Haven River; thence with the New Haven River to the Gove Hill Road Bridge in West Lincoln; thence with the Gove Hill Road to the intersection with the West Hill Road; thence with the West Hill Road to the intersection with the Ripton-Lincoln Road; thence with the Ripton-Lincoln Road to the intersection with the most southerly road to South Lincoln; thence with the most southerly South Lincoln Road to the intersection with the Lincoln-South Lincoln Road; thence with the Lincoln-South Lincoln Road to the intersection with a north and south cross road from South Lincoln Village to Lincoln-Warren Road; thence with said cross road to its intersection with the Lincoln-Warren Road; thence with the Lincoln-Warren Road to its intersection with the Old Downingville Road; thence with the old Downingville Road to its intersection at Downingville with the Jerusalem Road; thence with the Jerusalem Road to its intersection with the north line of the Town of Lincoln; thence easterly with the north line of the Town of Lincoln and the north line of the Town of Warren to the intersection with the German Flats Road; thence with German Flats Road and the Grand Hollow Road to the intersection of the Grand Hollow Road with State Highway 100; thence with State Highway 100 to the crossing of Mad River in Warren Village; thence up Mad River to its intersection with the Warren-Granville Town Line, which is also the Washington-Addison County Line and the north boundary of the Granville Gulf State Forest; thence with the north, west and south boundaries of said State Forest to the intersection with State Highway 100; thence with State Highway 100 to the intersection with Alder Meadow Brook in Granville Village; thence down Alder Meadow Brook to its junction with White River; thence with White River and State Highway 100, whichever is the most westerly, to the intersection of White River with State Highway 115; thence with State Highway 115 to the intersection with Calkin's Road; thence with Calkin's Road to the intersection with White River; thence with White River to the intersection with State Highway 100; thence with State Highway 100 to the intersection in Pittsfield Village with the Upper Michigan Road; thence with the Upper Michigan Road to the intersection with a short cross road; thence with said cross road to the intersection with the Lower Michigan Road; thence with the Lower Michigan Road to the intersection with State Highway 100; thence with State Highway 100 to the intersection with U. S. Highway 4; thence with U. S. Highway 4 to place of Beginning.



*Southern Division*

Beginning at the point where U. S. Highway 7 crosses the Vermont-Massachusetts State Line; thence with U. S. Highway 7 to the intersection with the Old County Road in Pownal; thence with the Old County Road to the intersection with U. S. Highway 7 in Pownal Center; thence with U. S. Highway 7 to the intersection with the Barber Pond Road in Pownal Center; thence with the Barber Pond Road to the intersection with the Stamford and East Roads; thence with the East Road, which is the most easterly through road along the base of the mountain, to the intersection with the Gore Road at the Blair Farm; thence with the Gore Road to the intersection with the Burgess Fair Ground Road; thence with the Burgess Fair Ground Road to the intersection with the Barney Road; thence with the Barney Road to the intersection with State Route 9; thence with State Route 9 to Furnace Bridge over Walloomsac Brook; thence with the Walloomsac Brook to the intersection with Branch Street in the village of Bennington; thence with Branch Street extended in the Brooklyn Section of Bennington, and with East Road beyond the village limits of Bennington to the intersection near the Wait Farm, with a more westerly road also known as East Road; thence with the East Road to the intersection with the Straight Road; thence with the Straight Road to the intersection with East Road at Snow School; thence with the East Road to the intersection with the East Arlington Road; thence with the East Arlington Road to the intersection with Church Street in East Arlington; thence with Church Street to the intersection with Kelly Stand Road; thence with Kelly Stand Road to the intersection with North Road near Roaring Branch Bridge at East Kansas; thence with North Road to the intersection with River Street and the Old Stage Road in Sunderland; thence with the Old Stage Road to the intersection with the Sunderland-Richfield Road in Sunderland; thence with the Sunderland-Richfield Road to intersection with the Rutland Railway; thence with the Rutland Railway to the intersection with the Richfield Road; thence with the Richfield Road to the intersection with an unnamed street in Richfield which borders on Bushee Farm; thence in part with the unnamed street and in part with an abandoned road to the intersection with C. F. Bartlett Road; thence with C. F. Bartlett Road to the intersection with State Route 30; thence with State Route 30 to the intersection with the Rutland Railway near Manchester Depot; thence with the Rutland Railway and U. S. Highway 7, whichever is more easterly, to the intersection with the Hartsboro Road; thence with the Hartsboro Road to the intersection with the Ice-bed Road; thence with the Ice-bed Road to the intersection with State Highway 103A; thence with State Highway 103A to the intersection with State Highway 103; thence with State Highway 103 to the intersection with State Highway 8; thence with State Highway 8 to the intersection with the Back Road; thence with the Back Road, west of and parallel to State Highway 8, to the forks of the road near Benson's Mill; thence with an old road on the west side of West River to the intersection with the Weston-Peru Road; thence with the Weston-Peru Road to the intersection with the Landgrove Road; thence with the Landgrove Road to the first fork of the road south of North Landgrove (locally known as Clarksville); thence with the more easterly road to its fork; thence with the more westerly road to the intersection with State Highway 11; thence south 4 degrees west approximately 1.9 miles to the Winhall Hollow Road at its junction approximately 1.6 miles northwest of South Londonderry Village, with an old settlement road leading to State Highway 11; thence with the Winhall Hollow Road to the intersection with the Bondville Road; thence with the Bondville Road to the intersection with State Route 30 in Bondville; thence with State Route 30 to the intersection with the Winhall Station Road in Rawsonville; thence with the Winhall Station Road to the intersection with the abandoned Central Vermont Railway at Winhall Station; thence with the Central Vermont Railway to the intersection with Station Street in Jamaica Village; thence with Station Street to the intersection with Brook Street; thence with Brook Street to the intersection with State Route 30; thence with State Route 30 to the intersection with River Road at French Bridge over West River; thence with the River Road to intersection with State Route 8 at East Jamaica; thence with State Route 8 to the intersection with the South Wardsboro Road in Wardsboro; thence with the South Wardsboro Road to the intersection with the South Wardsboro School Road in South Wardsboro; thence with the South Wardsboro School Road about 0.6 mile to the intersection with an old road at a barway; thence with the old road which is in part abandoned but rock walled and in part a farm road to the intersection with the Rock River and West Dover Roads; thence with the West Dover Road about one-half mile to the intersection with a back road; thence with the back road to the intersection with the West Dover Road; thence with the West Dover Road to the intersection with State Route 8 in West Dover; thence with State Route 8 to the intersection with the Handle Road near the headwaters of Blue Brook; thence with the Handle Road to intersection with the Perley Symester Farm Road; thence with the Perley Symester Farm Road to the intersection with the Ray Hill Road; thence with the Ray Hill Road to the intersection with State Route 9; thence with State Route 9 to a point on said route north of the intersection of Deerfield River with the flow line of Whitingham Lake; thence south to the intersection of Deerfield River with the flow line of Whitingham Lake; thence with the flow line around the west side of Whitingham Lake to the intersection with State Route 8 near the village of Whitingham; thence with State Route 8 to the intersection with the most westerly road to Rowe, Massachusetts; thence with the most westerly road to Rowe to the intersection with a logging road about three tenths of a mile beyond the first farmhouse on the left; thence with the logging road to the Vermont-Massachusetts State Line; thence with the Vermont-Massachusetts State Line to the Beginning.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this eighth day of February in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2225]

[F. R. Doc. 37-420; Filed, February 10, 1937; 12:53 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48798]

EMERGENCY—FLOOD CONDITIONS.

FOOD, CLOTHING, AND MEDICAL, SURGICAL, AND OTHER SUPPLIES TO BE ADMITTED FREE OF DUTY WHEN IMPORTED FOR USE IN EMERGENCY RELIEF WORK IN CONNECTION WITH CERTAIN FLOOD CONDITIONS.

FEBRUARY 8, 1937.

*To Collectors of Customs and Others Concerned:*

Acting under the authority of section 318, Tariff Act of 1930 (U. S. C. title 19, sec. 1318), the President, on February 1, 1937, issued the following proclamation.[1]

[1] 2 F. R. 228

"EMERGENCY DUE TO FLOOD CONDITIONS—FREE IMPORTATION OF FOOD, CLOTHING, AND MEDICAL, SURGICAL AND OTHER SUPPLIES FOR USE IN EMERGENCY WORK

By the President of the United States of America

A PROCLAMATION

"WHEREAS there have recently occurred and are occurring disastrous floods in various localities in the valleys of the Ohio and Mississippi rivers and tributaries thereof, resulting in great loss of life and property and causing much sickness, suffering, and privation among the residents of the stricken localities, making it necessary for charitable, philanthropic, relief, and other organizations to extend aid on a large scale to the flood sufferers;

"AND WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696) provides:

'Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act, and may authorize the Secretary of the Treasury to permit, under such regulations as the Secretary of the Treasury may prescribe, the importation free of duty of food, clothing, and medical, surgical, and other supplies for use in emergency relief work. * * *';

"NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provisions of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist, and I do hereby authorize the Secretary of the Treasury to permit, during the continuance of such emergency (the termination of which will be determined by the President and declared by his Proclamation), within such limits and subject to such conditions as he may deem necessary to meet the emergency, the importation free of duty of such food, clothing, and medical, surgical, and other supplies as he may designate and under such regulations as he may prescribe, when imported for use in such emergency relief work.

"IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

"DONE at the City of Washington this 1st day of February in the year of our Lord nineteen hundred and thirty-seven, [SEAL] and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*"

[No. 2223]

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Pursuant to the authority conferred by the President's proclamation, the following instructions were issued to collectors of customs, by telegram, under date of February 3, 1937:

On February first President issued proclamation under section three eighteen Tariff Act nineteen thirty declaring existence emergency account flood conditions Ohio and Mississippi river valleys and authorizing Secretary Treasury permit free entry food clothing medical surgical and other supplies imported during such emergency for use relief work STOP You are authorized permit free entry for use flood relief work all food clothing medical surgical and other supplies imported by or for account of any governmental agency whether national state or local or any civic patriotic charitable philanthropic relief or similar organization not operated for profit STOP Satisfy yourself as to character of importing agency or organization and bona fides of importation before permitting free release STOP Accept appraisement entries irrespective value of shipments STOP No consular invoices required.

WAYNE C. TAYLOR,
*Acting Secretary Treasury.*

Collectors of customs will be governed by the instructions contained in the foregoing telegram until further notice.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-416; Filed, February 9, 1937; 2:18 p. m.]

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, ENLARGED

JANUARY 25, 1937.

It appearing from examination that the following-described public lands should be included in Stock Driveway Withdrawal No. 128, Wyoming No. 13, it is hereby ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as an addition to such driveway reservation, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 86 W.,
sec. 12, lots 4, 5, 6, and 8, N½SW¼ and SE¼SW¼,
sec. 13, lot 1, NE¼NW¼, S½NW¼ and SW¼; aggregating 501.69 acres.

Any mineral deposits in such lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-417; Filed, February 10, 1937; 9:59 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—North Dakota—Part X Issued February 9, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NORTH DAKOTA, PART X

Western Region Bulletin No. 101—North Dakota is hereby supplemented by adding thereto the following Part X.

*Part X. County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of North Dakota:

| County | Average rate per acre for diversion from soil-depleting base [1] | Average soil-building allowance rate per acre on acreage diverted for payment [2] | Average soil-building allowance rate per acre on all cropland on non-diversion farms and commercial orchard land on diversion farms [3] |
|---|---|---|---|
| Adams | $4.30 | $2.90 | $0.58 |
| Barnes | 4.50 | 3.00 | .60 |
| Benson | 4.20 | 2.80 | .56 |
| Billings | 3.80 | 2.50 | .50 |
| Bottineau | 3.70 | 2.45 | .49 |
| Bowman | 4.10 | 2.70 | .54 |
| Burke | 4.20 | 2.80 | .56 |
| Burleigh | 3.90 | 2.60 | .52 |
| Cass | 5.20 | 3.45 | .69 |
| Cavalier | 4.70 | 3.10 | .62 |

[1] Pursuant to section 1, part II of W. R. Bulletin 101—North Dakota.
[2] Pursuant to subsection A-2, section 2, part III of W. R. Bulletin 101—North Dakota.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—North Dakota.



| County | Average rate per acre for diversion from soil-depleting base [1] | Average soil-building allowance rate per acre on acreage diverted for payment [2] | Average soil-building allowance rate per acre on all cropland on non-diversion farms and commercial orchard land on diversion farms [3] |
|---|---|---|---|
| Dickey | 4.30 | 2.90 | .58 |
| Divide | 4.10 | 2.75 | .55 |
| Dunn | 3.80 | 2.50 | .50 |
| Eddy | 4.00 | 2.65 | .53 |
| Emmons | 4.30 | 2.85 | .57 |
| Foster | 3.90 | 2.60 | .52 |
| Golden Valley | 4.10 | 2.75 | .55 |
| Grand Forks | 5.00 | 3.35 | .67 |
| Grant | 4.10 | 2.75 | .55 |
| Griggs | 4.30 | 2.90 | .58 |
| Hettinger | 4.10 | 2.75 | .55 |
| Kidder | 3.90 | 2.60 | .52 |
| Lamoure | 4.40 | 2.90 | .58 |
| Logan | 4.20 | 2.80 | .56 |
| McHenry | 3.60 | 2.40 | .48 |
| McIntosh | 4.10 | 2.70 | .54 |
| McKenzie | 4.10 | 2.70 | .54 |
| McLean | 4.00 | 2.65 | .53 |
| Mercer | 4.20 | 2.80 | .56 |
| Morton | 4.20 | 2.80 | .56 |
| Mountrail | 3.70 | 2.45 | .49 |
| Nelson | 4.60 | 3.10 | .62 |
| Oliver | 4.00 | 2.70 | .54 |
| Pembina | 4.90 | 3.30 | .66 |
| Pierce | 4.00 | 2.70 | .54 |
| Ramsey | 4.70 | 3.15 | .63 |
| Ransom | 4.50 | 3.00 | .60 |
| Renville | 3.70 | 2.50 | .50 |
| Richland | 4.90 | 3.25 | .65 |
| Rolette | 3.70 | 2.45 | .49 |
| Sargent | 4.70 | 3.10 | .62 |
| Sheridan | 4.10 | 2.75 | .55 |
| Sioux | 3.80 | 2.50 | .50 |
| Slope | 3.90 | 2.60 | .52 |
| Stark | 4.30 | 2.90 | .58 |
| Steele | 4.40 | 2.90 | .58 |
| Stutsman | 4.20 | 2.80 | .56 |
| Towner | 4.30 | 2.85 | .57 |
| Traill | 5.00 | 3.35 | .67 |
| Walsh | 5.00 | 3.30 | .66 |
| Ward | 4.00 | 2.70 | .54 |
| Wells | 4.40 | 2.90 | .58 |
| Williams | 3.80 | 2.55 | .51 |

[1] See Footnote 1 on Page 286.
[2] See Footnote 2 on Page 286.
[3] See Footnote 3 on Page 286.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing these portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 9th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-414; Filed, February 9, 1937; 12:51 p. m.]

WR—B-101—Utah—Part X Issued February 9, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—UTAH, PART X

Western Region Bulletin No. 101—Utah is hereby supplemented by adding thereto the following Part X.

*Part X. County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Utah:

| County | Average rate per acre for diversion from soil-depleting base [1] | Average soil-building allowance rate per acre on acreage diverted for payment [2] | Average soil-building allowance rate per acre on all cropland on non-diversion farms and commercial orchard land on diversion farms [3] |
|---|---|---|---|
| Beaver | $7.70 | $5.10 | $1.02 |
| Box Elder | 8.20 | 5.45 | 1.09 |
| Cache | 8.70 | 5.80 | 1.16 |
| Carbon | 8.10 | 5.40 | 1.08 |
| Daggett | 6.90 | 4.60 | .92 |
| Davis | 10.60 | 7.05 | 1.41 |
| Duchesne | 7.30 | 4.90 | .98 |
| Emery | 7.30 | 4.90 | .98 |
| Garfield | 7.30 | 4.90 | .98 |
| Grand | 8.80 | 5.85 | 1.17 |
| Iron | 8.00 | 5.35 | 1.07 |
| Juab | 6.00 | 4.00 | .80 |
| Kane | 7.30 | 4.90 | .98 |
| Millard | 6.30 | 4.20 | .84 |
| Morgan | 10.00 | 6.70 | 1.34 |
| Piute | 7.90 | 5.30 | 1.06 |
| Rich | 7.70 | 5.10 | 1.02 |
| Salt Lake | 9.40 | 6.30 | 1.26 |
| San Juan | 5.00 | 3.30 | .66 |
| Sanpete | 6.70 | 4.50 | .90 |
| Sevier | 10.30 | 6.85 | 1.37 |
| Summit | 7.10 | 4.70 | .94 |
| Tooele | 6.80 | 4.50 | .90 |
| Uintah | 7.40 | 4.95 | .99 |
| Utah | 9.80 | 6.50 | 1.30 |
| Wasatch | 8.50 | 5.65 | 1.13 |
| Washington | 9.20 | 6.15 | 1.23 |
| Wayne | 7.10 | 4.70 | .94 |
| Weber | 9.70 | 6.45 | 1.29 |

[1] Pursuant to section 1, part II of W. R. Bulletin 101—Utah.
[2] Pursuant to subsection A-2, section 2, part III of W. R. Bulletin 101—Utah.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—Utah.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100, except that for any farm on which normal summer fallow acreage represents a part of the soil-depleting base established for such farm, a downward adjustment must be made in the farm rates, so determined, in proportion to the amount of acreage normally devoted to summer fallow which has been included in the soil-depleting base established for the farm.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the

farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 9th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-413; Filed, February 9, 1937; 12:51 p. m.]

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Bureau of Public Roads.

IMPROVEMENT OF SECONDARY OR FEEDER ROADS

Pursuant to the authority vested in the Secretary of Agriculture by the Federal Highway Act of November 9, 1921 (42 Stat. 212), as amended and supplemented, the following rules and regulations are hereby adopted and promulgated for administering the provisions of Section 7 of the Act approved June 16, 1936 (Public, No. 686—74th Congress), relating to secondary or feeder roads.

Done at the City of Washington this 9th day of February 1937 as witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

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RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF SECTION 7 OF THE ACT OF JUNE 16, 1936 (PUBLIC NO. 686—74TH CONGRESS) WHICH RELATE TO THE IMPROVEMENT OF SECONDARY OR FEEDER ROADS IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL HIGHWAY ACT

*Definitions*

SECTION 1. For the purposes of these rules and regulations the following definitions shall control:

"Act" shall mean Section 7 of the Act of June 16, 1936 (Public, No. 686—74th Congress), which provides for the improvement of secondary or feeder roads, including farm-to-market roads, rural free delivery mail roads, and public school bus routes in accordance with the provisions of the Federal Highway Act, as amended and supplemented.

"State" as used herein shall include the Territory of Hawaii and the Island of Puerto Rico.

"Secretary" shall mean the Secretary of Agriculture of the United States.

"Secondary Highway Funds" shall mean the funds authorized to be apportioned under the Act to the several States by the Secretary of Agriculture for the improvement of secondary or feeder roads.

"Secondary or Feeder Roads" shall mean roads outside of municipalities, except as hereafter provided, which are not included in the Federal aid highway system, and shall include farm-to-market roads, mine-to-market roads, rural free delivery mail roads, public school bus routes and other rural roads of community value which connect with important highways or which extend reasonably adequate highway service from such highways, or which lead to rail or water shipping points or local settlements. The limitation with respect to roads within municipalities shall not be construed to prevent improvements into or through small municipalities when such improvements are necessary for continuity of service.

"Municipality" shall mean a populous community, generally of defined area, usually organized pursuant to law into a body politic with corporate name and continuous succession and for the purpose and with the authority of subordinate local self-government.

"Project" shall mean a definite undertaking for a purpose defined under the Act.

Projects shall be designated "Federal Aid Secondary Project No. FAS —."

*Initiation of Projects*

SECTION 2. All projects under this Act shall be initiated by the States and submitted in the same manner as other Federal aid projects, and all such projects shall be subject to all of the provisions of the rules and regulations of the Secretary of Agriculture in effect for administering the Federal Highway Act, as amended, except such provisions as are inconsistent or in conflict with these rules and regulations.

*Application of Funds to Projects*

SECTION 3. The funds apportioned to any State under the Act shall be applied to projects, essentially rural in character, that are not on highway routes which are potential additions to the Federal aid highway system within a reasonable interval.

In States where the mileage of the State highway system is a small percentage of the total highway mileage of the State, the Chief of the Bureau of Public Roads shall determine to what extent secondary or feeder road projects may be located on the State highway system.

To accomplish a wide distribution of benefits within each State in the expenditure of funds authorized by the Act without a sacrifice of administrative or construction efficiency, the Chief of the Bureau of Public Roads shall determine the minimum percentage of counties, applicable alike in each State, in which the funds authorized for any one or more fiscal years shall be used: Provided, That the cost chargeable to secondary highway funds of projects programmed for construction in a State in any one fiscal year shall not exceed the amount of such funds available to the State.

No projects shall be undertaken which do not provide for a surfacing or stabilization of the roadbed which shall be reasonably satisfactory for the traffic served. Grading and drainage as first stage construction may be accepted: Provided, The State highway department will enter into a satisfactory agreement for future surfacing or stabilization of the roadbed.

*Selection of Projects*

SECTION 4. Each State highway department shall undertake the selection and designation of an initial system or group of secondary or feeder roads for construction or reconstruction based upon their relative importance as determined from factual data secured from State-wide studies for the planning of a complete highway system, and submit a suitable description and map of such proposed system or group to the Bureau of Public Roads for approval: Provided, That prior to the selection, designation and approval of such system or group of secondary or feeder roads, projects may be approved for construction if it is reasonably anticipated that such projects will become a part of such system or group.

The mileage of the initial system or group of secondary or feeder roads in any State shall not exceed ten percent of the highway mileage of the State as shown by the records of the State highway department at the time of the passage of the Federal Highway Act. The initial system or group of secondary or feeder roads may be selected, designated and approved in whole or in part in any State and may be modified, or increased from time to time as justified by the progress of its improvement.

After a secondary or feeder system or group of highways has been selected, designated and approved in any State no project shall be approved which is not a part of a route embraced in such system or group.

*Surveys, Plans, Specifications, etc.*

SECTION 5. Surveys and plans, specifications and estimates for all projects in each State shall correspond to the character of the work contemplated and shall be in sufficient detail to show the quantity and kind of work involved and shall be prepared under the immediate direction of the State highway department without reimbursement from federal funds. The State highway department, however, may utilize the services of well qualified county engineering organizations, acting under its direction, for the surveys, preparation of plans, specifications and estimates, and for the supervision of construction for any project. Inasmuch as the Federal Highway Act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required by the legislation, no part of the cost of maintaining a central office organization of the State highway department or of any organization which may be utilized by the State for construction engineering and inspection shall be paid with federal funds. Construction engineering and inspection charges reimbursable with federal funds shall be limited to any necessary costs incurred and to the salaries of individuals directly employed on the project.

*Methods of Undertaking Work*

SECTION 6. Whenever feasible and practicable the contract method shall be followed in performing work.

*Highway Planning Projects*

SECTION 7. With the approval of the Secretary, not to exceed one and one-half per centum of the amount apportioned to any State for secondary or feeder roads may be used for surveys, plans, engineering and economic investigations of projects for future construction in such State, or for the planning of a complete highway system and future programs of highway improvement for such State. Such proposed surveys, plans and engineering investigations shall be initiated by the State highway department in the same manner as are other projects by the submission of a project statement and, if approved by the Secretary, the work may be prosecuted under a project agreement.

*Maintenance*

SECTION 8. Project agreements for secondary or feeder road projects shall provide for the maintenance of such projects by the State to the extent permitted by State law; otherwise, the State shall submit, in the form prescribed by the Secretary, an agreement for such maintenance with the county or other political subdivision responsible therefor: *Provided, however,* no project contemplating maintenance by a county or other political subdivision shall be approved if any road previously improved with federal funds under the provisions of the Federal Highway Act, as amended and supplemented, which the said county or other political subdivision has agreed to maintain, is not being satisfactorily maintained as determined by the Chief of the Bureau of Public Roads.

[F. R. Doc. 37-419; Filed, February 10, 1937; 12:32 p. m.]

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SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of February A. D. 1937.

[File No. 2-2583]

IN THE MATTER OF BEAUNIT MILLS, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Beaunit Mills, Inc. under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Wednesday, February 17, 1937, at 2 o'clock in the afternoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-424; Filed, February 10, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of February A. D. 1937.

[File No. 2-2694]

IN THE MATTER OF AMERICAN FIDELITY & CASUALTY COMPANY INCORPORATED

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on February 2, 1937, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-423; Filed, February 10, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

[File No. 2-2281]

IN THE MATTER OF DURBAR GOLD MINES, LIMITED (NO PERSONAL LIABILITY)

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT AND DISMISSING STOP ORDER PROCEEDINGS

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on February 4, 1937, consents to the withdrawal of the registration statement of the above named registrant, and the said registration statement being so withdrawn, the Commission further dismisses a certain stop order proceeding under Section 8 (d) of the Securities Act of 1933, as amended, the said stop order proceedings having been heretofore on October 7, 1936, instituted and hearing having been opened on October 20, 1936, and adjourned subject to the call of the Trial Examiner, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-421; Filed, February 10, 1937; 12:55 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of February A. D. 1937.

[File No. 2-2158]

IN THE MATTER OF SILVER STRIKE MINING COMPANY

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on February 2, 1937, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-422; Filed, February 10, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1937.

[File No. 43-30]

IN THE MATTER OF THE MINNEAPOLIS GENERAL ELECTRIC COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

The Minneapolis General Electric Company, a subsidiary company of Northern States Power Company, a Minnesota corporation and a registered holding company, having duly filed with this Commission a declaration, and an amendment thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the amendment of declarant's trust indenture dated April 1, 1916, and supplements thereto, securing an issue of $42,070,000 principal amount of its General Mortgage Bonds, and any issue and exchange of bonds of declarant in accordance with such amendment; a hearing on said amended declaration having been duly held after appropriate notice, the record in such matter having been examined, and the Commission having made and filed its findings herein:

It is ordered that said amended declaration be and become effective on February 9, 1937, on condition that such amendment of declarant's trust indenture dated April 1, 1916, and supplements thereto, and the issue or exchange of bonds, or both, involved therein, be effected in substantial compliance with the terms and conditions and for the purposes represented by said amended declaration; and

It is further ordered that, upon such amendment's becoming effective, the declarant shall file with this Commission a copy of the executed supplemental indenture effecting such amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-427; Filed, February 10, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1937.

[File No. 43-26]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

ORDER FIXING DATE FOR REMAINDER OF DECLARATION TO BECOME EFFECTIVE

Northern States Power Company, a registered holding company, organized under the laws of Minnesota, having duly filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of $75,000,000 principal amount of First and Refunding Mortgage Bonds, 3½% Series due 1967, and 275,000 shares of Cumulative Preferred Stock, $5 Series, without par value (which said amended declaration also covered the reclassification of declarant's outstanding capital stock into 4,000,000 shares of common stock, the issue of such common stock and the exchange of certificates representing such common stock for the certificates representing declarant's stocks being reclassified); a hearing on said amended declaration having been duly held after appropriate notice, so much of the record in this matter as concerns such issue and sale of bonds and preferred stock having been examined, and the Commission having made and filed its findings herein:

It is ordered that such parts of said amended declaration, as relate to the issue and sale of such bonds and preferred stock, be and become effective on February 9, 1937, on condition that the issue and sale of such bonds and preferred stock be effected in substantial compliance with all the terms and conditions and for the purposes represented by said amended declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-428; Filed, February 10, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1937.

IN THE MATTER OF NORTHERN STATES POWER COMPANY, A CORPORATION, AND SILVER STRIKE MINING COMPANY, A CORPORATION

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 4, 1937, be effective as of February 4, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-425; Filed, February 10, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CENTRAL-SOOY FARM, FILED ON FEBRUARY 3, 1937, BY CENTRAL ROYALTIES COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Schedule "B" should appear on page 1, rather than Schedule "A";

(2) In that Items 1 and 2 (c), Division II, and Exhibit A appear inconsistent with respect to the interest being offered, and the particular property involved. If two different interests are involved, two sheets should be filed;

(3) In that Item 3 (c) (iii) of Division II is unintelligible if the smallest interest being offered is not 1/640th of the royalty;

(4) In that the name is omitted in Item 10 (b), Division II;

(5) In that Item 10 (c), Division II, is omitted;

(6) In that Item 12, Division II, is not in accord with Exhibit A;

(7) In that Item 17, Division II, gives different initials for the drilling contractor than are given in Item 12;

(8) In that Item 18, Division II, does not indicate who is to be reimbursed. Central Royalties Company is not named in Item 2 (d). This Item 18 should be Item 19 (a); Items 18 (b) and (c) should be numbered Items 19 (b) and (c), and the answers as here given are non-responsive;

(9) In that items that are called for as Items 18 (a) and (b), Division II, are omitted;

(10) In that the signature does not disclose whether the name of the offeror is a fictitious name for an individual, a co-partnership, a corporation or other form of business organization;

(11) In that Exhibit A incorrectly gives the operator's name if Item 12 and letter attached to offering sheet are correct. Exhibit A also omits the scale, date, the required area to the south of the plat involved, the depths and numbers of abandoned wells and some of the symbols;

(12) In that the legal description is omitted from Exhibit B;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of March 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 23rd day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-426; Filed, February 10, 1937; 12:56 p. m.]

*Friday, February 12, 1937* *No. 29*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

REVOCATION OF PARAGRAPH 9, SUBDIVISION III, SCHEDULE A, CIVIL SERVICE RULES

WHEREAS by Executive Order of November 18, 1905, the position of one examiner of tobacco in the Customs Service at the port of Chicago was exempted from the competitive classified service; and

WHEREAS the Treasury Department exercises its prerogative under section 3 of Civil Service Rule II by filling that position as competitive classified positions are filled, thus rendering the exemption unnecessary;

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the Civil Service Act (22 Stat. 403), it is ordered that paragraph 9, Subdivision III, Schedule A of the Civil Service Rules, excepting one position of tobacco examiner in the Customs Service at the port of Chicago from the competitive classified service, be, and it is hereby, revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 10, 1937.*

[No. 7550]

[F. R. Doc. 37-437; Filed, February 11, 1937; 12:24 p. m.]

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## DEPARTMENT OF COMMERCE.

Bureau of Fisheries.

[No. 251-23]

ALASKA FISHERY REGULATIONS

FEBRUARY 8, 1937.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 752), as amended by the act of April 16, 1934 (48 Stat. 594), fishing areas are hereby set apart and regulations governing fishing therein are made effective, as follows:

I. YUKON-KUSKOKWIM AREA

The Yukon-Kuskokwim area is hereby defined to include all territorial, coastal, and tributary waters of Alaska from Cape Newenham northward to the parallel of 66 degrees north latitude.

SALMON FISHERY.—1. Commercial fishing for salmon is prohibited except within the following-described districts:

(*a*) Port Clarence district: Waters within a line extending from Cape Douglas to Cape York.

(*b*) Yukon district: All waters of the Yukon River and all waters along the coast between 62 degrees north latitude and 63 degrees 15 minutes north latitude.

(*c*) Kuskokwim district: All waters of Kuskokwim River, and waters of Kuskokwim Bay, exclusive of Goodnews Bay, within a line extending from the east shore of Kuskokwim Bay at the parallel of 59 degrees north latitude to Cape Avinof. The mouth of the Kuskokwim River shall be considered as at a straight line extending from a marker erected for the purpose at Beacon Point to another marker at Popokamute.

2. Commercial fishing for salmon shall be conducted solely by drift gill nets and set nets: *Provided*, That this shall not apply (*a*) to the use of purse seines in Kuskokwim Bay, exclusive of Goodnews Bay, between 59 degrees north latitude and 59 degrees 40 minutes north latitude westward to Cape Avinof, and (*b*) to the use of fish wheels in the Yukon and Kuskokwim Rivers by native Indians and bona fide permanent white residents along those rivers for the capture of king salmon. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

3. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 150 fathoms hung measure.

4. King-salmon gill nets shall have a mesh of at least 8½ inches stretched measure between knots, red-salmon gill nets of linen webbing shall have a mesh of at least 5½ inches stretched measure between knots, and red-salmon gill nets of cotton webbing shall have a mesh of at least 5¼ inches stretched measure between knots as measured when actually in use. No red-salmon gill net shall be over 28 meshes deep.

5. Commercial fishing for salmon in the Yukon district shall be conducted solely by king-salmon gill nets having mesh of at least 8½ inches stretched measure between knots as measured when actually in use: *Provided*, That this shall not apply to the use of fish wheels in the Yukon River by native Indians and bona fide permanent white residents along the river for the capture of king salmon.

6. Commercial fishing for salmon is prohibited except in the period from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian July 31, in each year: *Provided*, That such fishing is permitted in the Kuskokwim district until 6 o'clock postmeridian August 15.

7. The combined take of king and red salmon for commercial purposes shall not exceed 300,000 fish in any calendar year: *Provided*, That the take of king salmon in the Yukon district shall not exceed 50,000 fish, of which not more than 25,000 may be taken inside the mouth of the Yukon River, in any calendar year: *And provided further*, That the combined take of red and king salmon in the Kuskokwim district shall not exceed 250,000 fish in any calendar year.

8. Each gill net in operation shall be marked by a cluster of floats or corks at the ends, and double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals shall be painted bright red. The clusters at the ends shall also be legibly and plainly marked with the initials of the operator.

9. The trailing of web behind any fishing boat is prohibited above the markers fixing closed waters.

10. The use of motor-propelled fishing boats in catching salmon with gill nets is prohibited.

HERRING FISHERY.—1. Commercial fishing for herring in the waters of Golofnin Bay within a line from the southern extremity of Rocky Point to the southern extremity of Cape Darby is prohibited from January 1 to August 19, both dates inclusive, and from November 1 to December 31, both dates inclusive.

2. Commercial fishing for herring in the waters of Golofnin Bay, within a line from the southern extremity of Rocky Point to the southern extremity of Cape Darby, shall be conducted solely by gill nets of mesh not less than 2¾ inches stretched measure between knots.

3. Commercial fishing for herring, except for bait purposes, by means of any seine is prohibited.

4. The dumping of offal and dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

II. BRISTOL BAY AREA

The Bristol Bay area is hereby defined to include all territorial coastal and tributary waters of Alaska from Cape Newenham to a point on the coast 3 statute miles south of Cape Menshikof.

SALMON FISHERY.—1. Commercial fishing for salmon is prohibited except within the following-described districts:

(*a*) Hagemeister district: Waters of Hagemeister Strait from 161 degrees 40 minutes west longitude to 160 degrees 38 minutes west longitude.

(*b*) Nushagak district: Waters of Nushagak Bay within a line from Point Protection to Etolin Point.

(*c*) Kvichak-Naknek district: Waters of Kvichak Bay within a line from Etolin Point to Middle Bluff Light on the eastern side of Kvichak Bay.

(*d*) Egegik district: Waters between an east and west line 8 statute miles north of South Spit, Egegik Bay, and an east and west line 10 statute miles south of South Spit.

(*e*) Ugashik district: Waters between an east and west line 3 statute miles north of Cape Greig and the southern limit of the area at a point on the coast 3 statute miles south of Cape Menshikof.

2. Commercial fishing for salmon shall be conducted solely by drift gill nets, set or anchored gill nets, and stake gill nets. The use of all other forms of fishing gear is prohibited.

3. Each drift gill net in operation shall be marked by a cluster of floats or corks at the ends, and double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals shall be painted bright red and legibly and plainly marked with the initials of the operator.

4. Stake nets and set or anchored gill nets shall be operated in substantially a straight line.

5. Commercial fishing for salmon with stake nets or set or anchored gill nets shall be limited to beach areas between high and low water marks, exclusive of bars or flats that at low tide are not connected by exposed land to the shore or places not covered at high tide, and shall be confined to the following places:

(*a*) Nushagak district: Along the beach, except on the west side of Nushagak Bay from a point 2 statute miles south of Bradford Point to Coffee Point, and except along the east side of that bay from a point 1,000 yards southeast of Ekuk Bluff light to Etolin Point.

(*b*) Kvichak Bay: Along the beach on the southeast shore of the bay from Prosper Creek to Coffee Creek.

(*c*) Naknek Bay: Along the beach on the north side of the bay from a point 1,200 yards above the drift gill net prohibitive markers to a point 1,500 yards outside such markers, and along the beach on the south side of the bay from a point 1,200 yards above the drift gill net prohibitive markers to a point 3,000 yards outside such markers.

(*d*) Egegik Bay: Along the beach on the north side of the bay to a point 4,000 yards outside the drift gill net prohibitive marker, and on the south side of the bay to a point 1,000 yards outside such marker.

(*e*) Ugashik Bay and River: Along the beach on the north side of the bay from Pilot Station to Dago Creek, and along the beach on the east side of the river from a point 200 yards north of the Red Salmon Canning Co.'s cannery to a point 1,200 yards north of that cannery.

6. The combined take of red salmon for commercial purposes in the Hagemeister district shall not exceed 50,000 fish in any calendar year.

7. The total aggregate length of stake nets used by any individual shall not exceed 50 fathoms measured on the cork line.

8. In the Nushagak district the distance by most direct measurement from any part of one stake gill net or set or anchored gill net to any part of another stake gill net or set or anchored gill net shall not be less than 450 feet.

9. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 150 fathoms hung measure: *Provided*, That in the Nushagak district such nets shall not exceed 100 fathoms hung measure.

10. King-salmon nets shall have a mesh of at least 8½ inches stretched measure between knots, and red-salmon nets shall have a mesh of at least 5½ inches stretched measure between knots as measured when actually in use. No red-salmon nets shall be over 28 meshes deep.

11. Prior to 6 o'clock antemeridian June 25 in each year commercial fishing for salmon with nets of mesh less than 8½ inches stretched measure between knots is prohibited.

12. Commercial fishing for salmon is prohibited in the period from 6 o'clock antemeridian July 25 to 6 o'clock antemeridian August 3.



13. The trailing of web behind any fishing boat is prohibited above the markers fixing closed waters.

14. The use of motor-propelled fishing boats in catching salmon is prohibited.

15. Each salmon-fishing boat in operation shall be legibly and plainly marked with the initials or symbol of the person, company, or corporation owning, operating, or using same, together with a distinctive number which shall identify each particular boat, said letters, symbols, and numbers to be not less than 6 inches in length. Each person, company, or corporation operating two or more salmon-fishing boats shall have said boats numbered consecutively, beginning with number 1 for each plant. Boats operated by Alaska residents shall have in addition the letter "A" before the number. Each season, prior to the opening date for commercial fishing, the initials or symbol, and number of each boat shall be furnished in writing to the agent of the Bureau of Fisheries in charge of the district in which said boat shall operate.

16. The use of smelt nets is prohibited in localities where young salmon are migrating.

17. The 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday of each week, making a weekly closed period of 60 hours: *Provided*, That in the waters of Kvichak Bay between the line extending across the bay from the marker on a high point on the east bank of Prosper Creek, about 700 yards above the Koggiung cannery of the Alaska Packers Association, to the marker on the opposite side, the course being about north, 44 degrees west, magnetic, and the line extending across the bay from a marker at Jensen Creek, the course being north, 54 degrees west, magnetic, to a marker on the opposite shore about 1½ miles west of Squaw Creek, the 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock postmeridian of Saturday of each week to 6 o'clock antemeridian of the Tuesday following and the period from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday of each week, making a weekly closed period of 84 hours.

18. All commercial fishing for salmon is prohibited as follows:

(*a*) Nushagak Bay: All waters northward of a line from a marker 2 statute miles below Bradford Point to a marker on the opposite shore at Nushagak Point: *Provided*, That stake nets or set or anchored gill nets limited to beach areas between high and low watermarks will be permitted to the old prohibitive line from Snag Point to the old village on the east bank.

(*b*) Kvichak Bay: All waters above a line extending at right angles across Kvichak Bay from the marker on a high point on the east bank of Prosper Creek, about 700 yards above the Koggiung cannery of the Alaska Packers Association, to the marker on the opposite side, the course being about north, 44 degrees west, magnetic.

(*c*) Naknek Bay: All waters within 1 statute mile of the mouth of the Naknek River: *Provided*, That stake nets or set or anchored gill nets limited to beach areas between high and low watermarks will be permitted on each side of the bay to a point 1,200 yards above the drift gill net prohibitive markers.

(*d*) Egegik Bay: All waters above a line extending at right angles across said bay from a marker on the north bank 250 yards east of Libby, McNeill & Libby's cannery building to a marker on the south bank 175 yards east of the Alaska Packers Association's new cannery building.

(*e*) Ugashik River and Bay: All waters above a line extending at right angles across said river 500 yards below the mouth of King Salmon River: *Provided*, That stake nets or set or anchored gill nets limited to beach areas between high and low watermarks, will be permitted on the east side of the river from a point 200 yards north of the Red Salmon Canning Co.'s cannery to a point 1,200 yards north of that cannery.

III. ALASKA PENINSULA AREA

The Alaska Peninsula area is hereby defined to include all territorial coastal and tributary waters of the Alaska Peninsula from a point on the coast 3 statute miles south of Cape Menshikof on the Bering Sea shore, extending in a southwesterly direction to Unimak Pass, thence in a northeasterly direction along the Pacific side of the Alaska Peninsula to Castle Cape (Tuliumnit Point). The waters of Unimak, the Sanak, the Shumagin, and all other adjacent islands are included.

SALMON FISHERY.—1. In the waters of Nelson Lagoon, and thence along the coast to Cape Seniavin, including Nelson Lagoon, Herendeen Bay, Port Moller, and the fishing grounds off the Bear, Sandy, and Ocean Rivers, the 36-hour closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the periods from 6 o'clock postmeridian until 6 o'clock antemeridian of each night from Monday to Friday, inclusive, making a weekly closed period in these waters of 96 hours, which shall be effective throughout the entire salmon fishing season of each year.

2. In the waters along the south side of the Alaska Peninsula, including the waters of the Shumagin and other adjacent islands, the 36-hour closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the periods from 6 o'clock postmeridian Tuesday to 6 o'clock antemeridian Wednesday, and from 6 o'clock postmeridian Wednesday to 6 o'clock antemeridian Thursday of each week, making a weekly closed period of 60 hours: *Provided*, That this extension of 24 hours closed period each week shall not apply to gill nets and shall not be effective for any gear after 6 o'clock antemeridian of July 25 of each year.

3. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure.

4. Stake and anchored gill nets shall be operated in substantially a straight line: *Provided*, That not to exceed 30 fathoms of each net may be used as a hook. Only one such hook is permitted on a net.

5. The distance by most direct water measurement from any part of one stake gill net, set or anchored gill net, or beach seine to any part of another stake gill net, set or anchored gill net, beach seine, or trap shall not be less than 1,800 feet. No purse seine shall operate within ½ statute mile of any trap.

6. No stake gill net nor set or anchored gill net shall exceed 75 fathoms in length measured on the cork line.

7. The use of any beach seine less than 60 fathoms in length or more than 75 fathoms in length is prohibited.

8. No salmon fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind, except one lead having mesh not less than 8 inches stretched measure between knots, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited.

9. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

10. The use of purse seines for the capture of salmon is prohibited, except that (*a*) in the waters of the Shumagin Islands and between Cape Aliaksin and Castle Cape, seines not to exceed 100 fathoms in length and 150 meshes in depth may be used, and (*b*) purse seines are permitted in waters open to commercial fishing from Morgan Point on the west side of the entrance to King Cove westward, thence northward and eastward to Cape Seniavin.

11. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length: *Provided*, That this shall not apply to such boats operated on the north side of the Alaska Peninsula or in the waters of this area west of Morgan Point.

12. In Port Heiden waters the catch of red salmon shall not exceed 50,000 in any calendar year.

13. Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 27 in each calendar year and during the remainder of each calendar year after 6 o'clock postmeridian August 10, except that beach seines and gill nets may be used from September 5 to September 30, both dates inclusive.

14. Commercial fishing for salmon by means of gill nets, including drift nets and set nets, is prohibited west of 161 degrees west longitude, exclusive of waters along the Bering Sea coast and the waters of the Sanak Islands group.

15. Commercial fishing for salmon by means of stake nets, except along the Bering Sea coast, is prohibited.

16. No trolling boat shall operate more than 4 trolling lines.

17. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

18. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Unimak Island: Along the coast on the west and south sides of Ikatan Bay (1) from a point on False Pass (Isanotski Strait) at 54 degrees 48 minutes 54 seconds north latitude, 163 degrees 22 minutes 18 seconds west longitude, to a point at 54 degrees 46 minutes 44 seconds north latitude, 163 degrees 21 minutes 32 seconds west longitude, and (2) from a point at 54 degrees 45 minutes 18 seconds north latitude, 163 degrees 17 minutes 30 seconds west longitude, to a point on Louisiana Cove at 54 degrees 45 minutes 58 seconds north latitude, 163 degrees 8 minutes 52 seconds west longitude.

(*b*) Unimak Island: Along the coast of East Anchor Cove within 2,500 feet, measured along the coast, from a point at 54 degrees 41 minutes 12 seconds north latitude, 163 degrees 3 minutes 36 seconds west longitude

(*c*) Along the coast on the north side of Ikatan Bay within 2,500 feet of a point at 54 degrees 48 minutes 52 seconds north latitude, 163 degrees 18 minutes 38 seconds west longitude.

(*d*) Along the coast on the west side of Morzhovoi Bay within 2,500 feet measured along the coast from a point at 55 degrees 1 minute north latitude, 163 degrees 11 minutes 9 seconds west longitude.

(*e*) Along the coast of Bold Cape for a distance of 2,500 feet from a point at 55 degrees 1 minute 12 seconds north latitude, 162 degrees 15 minutes 36 seconds west longitude.

(*f*) Along the coast on the south and east side of Kitchen Anchorage, Belkofski Bay, within a distance of 2,500 feet, measured along the coast, from a point at 55 degrees 7 minutes 30 seconds north latitude, 162 degrees 6 minutes 42 seconds west longitude.

(*g*) Along the mainland coast between Belkofski Bay and Bear Bay, from a point at 55 degrees 6 minutes 21 seconds north latitude, 161 degrees 57 minutes 54 seconds west longitude, to a point at 55 degrees 8 minutes north latitude, 161 degrees 57 minutes 18 seconds west longitude.

(*h*) Along the coast on the north side of Volcano Bay within 2,500 feet, measured along the coast, from a point at 55 degrees 14 minutes 6 seconds north latitude, 161 degrees 58 minutes 36 seconds west longitude.

(*i*) Along the mainland coast within 2,500 feet, measured along the coast, from a point at 55 degrees 13 minutes 30 seconds north latitude, 161 degrees 52 minutes 36 seconds west longitude.

(*j*) Mainland coast along the west side of Pavlof Bay from 55 degrees 18 minutes 6 seconds north latitude to 55 degrees 20 minutes north latitude.

(*k*) Mainland coast along the east side of Pavlof Bay (1) within 2,500 feet, measured along the coast, from a point at 55 degrees 35 minutes 12 seconds north latitude; (2) within 2,500 feet, measured along the coast, from a point at 55 degrees 29 minutes 38 seconds north latitude; (3) within 2,500 feet from a point at 55 degrees 27 minutes north latitude; and (4) within 2,500 feet of a point at 55 degrees 23 minutes 42 seconds north latitude.

(*l*) Island east of Seal Cape at 55 degrees 21 minutes 16 seconds north latitude, 161 degrees 13 minutes 24 seconds west longitude.

(*m*) Unga Island: East coast (1) within 2,500 feet of a point at 55 degrees 9 minutes 36 seconds north latitude, 160 degrees 29 minutes 54 seconds west longitude; (2) within 2,500 feet of a point at 55 degrees 11 minutes 42 seconds north latitude, 160 degrees 27 minutes 38 seconds west longitude; and (3) within 2,500 feet of a point at 55 degrees 13 minutes 29 seconds north latitude, 160 degrees 29 minutes 37 seconds west longitude.

(*n*) Popof Island: East and north coasts (1) within 2,500 feet of a point at 55 degrees 16 minutes north latitude, 160 degrees 19 minutes 40 seconds west longitude; (2) within 2,500 feet of a point at 55 degrees 18 minutes 36 seconds north latitude, 160 degrees 18 minutes 48 seconds west longitude; and (3) within 5,000 feet southwesterly from a point at 55 degrees 21 minutes 54 seconds north latitude, 160 degrees 21 minutes 48 seconds west longitude.

(*o*) Within 5,000 feet of a point on a reef near Guillemot Island at 55 degrees 33 minutes 10 seconds north latitude, 160 degrees 25 minutes 17 seconds west longitude.

(*p*) Korovin Island: East coast within 1,000 feet of a point at 55 degrees 24 minutes 24 seconds north latitude, 160 degrees 8 minutes 57 seconds west longitude.

19. All commercial fishing for salmon is prohibited, as follows:

(*a*) Within 1,000 yards outside the mouths of Bear, Sandy, and Ocean Rivers.

(*b*) Thin Point Lagoon, East Bay (Long John Lagoon), Kinzaroff Lagoon, Mortensen Lagoon, Swanson Lagoon, Big Lagoon, and Middle or Lambsport Lagoon: All waters within the lagoons and their streams and within a distance of 500 yards outside the entrances to the lagoons.

(*c*) Captain Harbor, tributary to Belkofski Bay: All waters within the harbor.

(*d*) Volcano and Bear Bays: All waters west of 162 degrees 1 minute west longitude.

(*e*) Canoe Bay, tributary to Pavlof Bay.

(*f*) All waters of Orzinski (Orzenoi) Bay.

(*g*) All waters of Balboa Bay north of a line extending due west from Low Point.

HERRING FISHERY.—1. Commercial fishing for herring except for bait purposes is prohibited in the period from January 1 to June 30, both dates inclusive, and from December 1 to December 31, both dates inclusive.

2. During the period from June 1 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

3. Commercial fishing for herring, except for bait purposes, is prohibited from 6 o'clock antemeridian of Saturday of each week until 6 o'clock postmeridian of the Sunday following.

4. Gill nets used in catching herring shall not be of smaller mesh than 3 inches stretched measure.

5. Commercial fishing for herring, including bait fishing, by means of any trap is prohibited.

6. Commercial fishing for herring, except for bait purposes, by means of any seine is prohibited.

7. Commercial bait fishing for herring by means of any purse seine more than 1,400 meshes in depth, more than 180 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited.

8. No one shall place, or cause to be placed, across the entrance of any lagoon or bay any net or other device which will prevent the free passage at all times of herring in and out of said lagoon or bay.

9. The dumping of offal and dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging operations.

IV. ALEUTIAN ISLANDS AREA

The Aleutian Islands area is hereby defined to include all territorial coastal and tributary waters of the Aleutian Islands westward of and including Unimak Pass.

SALMON FISHERY.—1. The total aggregate length of gill nets on any salmon fishing boat or in use by such boat shall not exceed 200 fathoms hung measure.

2. Stake and anchored gill nets shall be operated in substantially a straight line.

3. Commercial fishing for salmon is prohibited during the remainder of each calendar year after 6 o'clock postmeridian August 10, except that beach seines and gill nets may be used from September 5 to September 30, both dates inclusive.

4. The use of any trap is prohibited.

5. The use of any purse seine exceeding 100 fathoms in length or 150 meshes in depth is prohibited. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

HERRING FISHERY.—1. Commercial fishing for herring, except for bait purposes, is prohibited in the period from January 1 to June 15, both dates inclusive, and from November 1 to December 31, both dates inclusive.

2. Commercial fishing for herring, except for bait purposes, by means of any seine is prohibited except in the period from July 15 to October 31, both dates inclusive.

3. Commercial fishing for herring, except for bait purposes, is prohibited from 6 o'clock postmeridian of Saturday of each week until 6 o'clock antemeridian of the Monday following.

4. Gill nets used in catching herring shall not be of smaller mesh than 3 inches stretched measure.

5. Commercial fishing for herring, including bait fishing, by means of any trap is prohibited.

6. Commercial fishing for herring, except for bait purposes, by means of any seine is prohibited west of 166 degrees west longitude.

7. Commercial fishing for herring, including bait fishing by means of any purse seine more than 1,400 meshes in depth, more than 180 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited.

8. Commercial bait fishing for herring by means of any seine in Unalaska Bay and tributary waters south of 54 degrees north latitude is prohibited.

9. No one shall place, or cause to be placed, across the entrance of any lagoon or bay any net or other device which will prevent the free passage at all times of herring in and out of said lagoon or bay.

10. The dumping of offal and dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

V. CHIGNIK AREA

The Chignik area is hereby defined to include the territorial coastal and tributary waters of Alaska along the mainland shore from Castle Cape (Tuliunnit Point) to Cape Kunmik. The waters of Chankliut, Sutwik, and all other adjacent islands are included.

SALMON FISHERY.—1. Commercial fishing for salmon by means of any purse seine is prohibited.

2. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 100 fathoms hung measure.

3. No set or anchored gill net shall exceed 75 fathoms in length measured on the cork line.

4. Set or anchored gill nets shall be operated in substantially a straight line: *Provided*, That not to exceed 30 yards of each net may be used as a hook. Only one such hook is permitted on a net.

5. The use of motor-propelled gill-net boats in catching salmon is prohibited.



6. The distance by most direct water measurement from any part of one set, anchored, or drift gill net or seine to any part of another set, anchored, or drift gill net or seine, or to any part of any trap, shall not be less than 600 feet.

7. All set or anchored gill nets shall be removed from the water throughout the weekly closed periods extending from 6 o'clock postmeridian of Saturday of each week to 6 o'clock antemeridian of the Monday following.

8. No salmon fishing boat shall carry or operate more than one beach seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited.

9. No beach seine shall be less than 50 fathoms or more than 100 fathoms in length measured on the cork line. No beach seine shall be less than 100 meshes or more than 200 meshes in depth. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

10. All commercial fishing for salmon is prohibited in Chignik Lagoon within a line from a point on the mainland at 56 degrees 17 minutes 26 seconds north latitude, 158 degrees 37 minutes 48 seconds west longitude, to a point on the west side of Chignik Island at 56 degrees 17 minutes 15 seconds north latitude, 158 degrees 36 minutes 24 seconds west longitude, thence to a point on the north shore of Chignik Island at 56 degrees 17 minutes 33 seconds north latitude, 158 degrees 34 minutes 54 seconds west longitude, thence to Rocky Point on the east side of Chignik Lagoon at 56 degrees 17 minutes 30 seconds north latitude, 158 degrees 33 minutes 52 seconds west longitude.

11. The take of salmon within waters in which the runs are tributary to the Chignik River shall not exceed 50 percent of the total run as determined at the weir in Chignik River operated by the Bureau of Fisheries.

12. Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian October 1 in each year.

13. Commercial fishing for salmon is prohibited in the waters surrounding Unavikshak, Nakchamik, and Chankliut Islands.

14. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile, except in Chignik Lagoon, where there shall be a distance interval of not less than 10 statute miles laterally between any two traps on the north shore or on the south shore of Chignik Lagoon. Chignik Island shall be considered as a part of the south shore of the lagoon.

15. The use of any trap for the capture of salmon is prohibited except as follows:

(*a*) Along the coast of Chignik Lagoon within 2,500 feet from the outer extremity of Hume Point.

(*b*) Along the coast of Chignik Island within 2,500 feet from a point at 56 degrees 17 minutes 30 seconds north latitude, 158 degrees 35 minutes 38 seconds west longitude.

(*c*) Along the east side of the spit at the entrance to Chignik Lagoon from the southern extremity of the spit northwesterly for a distance of 5,000 feet.

(*d*) Along the coast on the east side of Anchorage Bay within 2,500 feet from a point at 56 degrees 19 minutes 17 seconds north latitude, 158 degrees 21 minutes 12 seconds west longitude.

(*e*) Along the east side of the spit on the west side of Lake Bay from the northern extremity of the spit at 56 degrees 18 minutes 53 seconds north latitude to a point at 56 degrees 18 minutes 22 seconds north latitude, 158 degrees 16 minutes 41 seconds west longitude.

(*f*) Along the coast on the west side of Hook Bay within 2,500 feet from a point at 56 degrees 30 minutes 54 seconds north latitude, 158 degrees 9 minutes 12 seconds west longitude.

(*g*) Along the coast on the west side of Aniakchak Bay beginning at a point on the coast 8,000 feet southeasterly of the mouth of the lagoon and extending southeasterly for a distance of 5,000 feet.

(*h*) Along the south side of Aniakchak Bay within 2,500 feet from a point at 56 degrees 39 minutes 18 seconds north latitude, 157 degrees 28 minutes west longitude.

HERRING FISHERY.—1. Commercial fishing for herring, except for bait purposes, is prohibited in the period from January 1 to June 30, both dates inclusive, and from December 1 to December 31, both dates inclusive.

2. During the period from June 1 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

3. Commercial fishing for herring, except for bait purposes, is prohibited from 6 o'clock antemeridian of Saturday of each week until 6 o'clock postmeridian of the Sunday following.

4. Gill nets used in catching herring shall not be of smaller mesh than 3 inches stretched measure.

5. Commercial fishing for herring, including bait fishing, by means of any trap is prohibited.

6. Commercial fishing for herring, except for bait purposes, by means of any purse seine is prohibited.

7. Commercial fishing for herring, including bait fishing, by means of any beach seine more than 50 fathoms in length is prohibited.

8. Commercial fishing for herring for bait purposes by means of any purse seine more than 1,400 meshes in depth, more than 180 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited.

9. No one shall place, or cause to be placed, across the entrance of any lagoon or bay any net or other device which will prevent the free passage at all times of herring in and out of said lagoon or bay.

10. The dumping of offal and dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging operations.

### VI. KODIAK AREA

The Kodiak area is hereby defined to include the waters of the mainland shore extending from Cape Douglas southwestward to Cape Kunmik and the territorial coastal and tributary waters of Alaska surrounding Kodiak, Afognak, and adjacent islands, including Chirikof Island and the Semidi Islands.

SALMON FISHERY.—1. Commercial fishing for salmon by means of any purse seine more than 125 fathoms in length is prohibited. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

2. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

3. Commercial fishing for salmon by means of any beach seine with mesh smaller than 3 inches stretched measure between knots or with mesh larger than 3½ inches stretched measure between knots is prohibited.

4. Beach seines shall be set from the beach only. No beach seine shall be set as a trap or as a lead and left without reasonably prompt completion of the seining operation.

5. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 150 fathoms hung measure.

6. No set or anchored gill net shall exceed 300 yards in length, and each shall be set in substantially a straight line: *Provided*, That not to exceed 50 yards of each net may be used as a hook. Only one such hook is permitted on a net. No wire netting or other device that impedes or obstructs the free passage of fish shall be used in connection with the operation of any set or anchored gill net except that seine webbing may be used on the shore end between the lines of high and low water.

7. The distance by most direct water measurement from any part of one set or anchored gill net to any part of another set or anchored gill net or to any part of any trap shall not be less than 900 feet.

8. All set or anchored gill nets shall be removed from the water throughout all closed periods, including the weekly closed periods extending from 6 o'clock postmeridian of Saturday of each week to 6 o'clock antemeridian of the Monday following.

9. Each powered salmon-fishing boat in operation shall be legibly and plainly marked with the initials or symbol of the person, company, or corporation owning, operating, or using same, together with a distinctive number which shall identify each particular boat, said letters, symbols, and numbers to be not less than 8 inches in length.

10. No salmon fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited.

11. Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian June 1 and for the remainder of each calendar year after 6 o'clock postmeridian September 30.

12. Commercial fishing for salmon in Alitak Bay and all its branches within a line from Cape Trinity to Cape Alitak prior to 6 o'clock antemeridian June 15 and after 6 o'clock postmeridian August 10 in each year is prohibited.

13. The take of salmon within waters in which the runs are tributary to Olga Bay shall not exceed 50 percent of the total run as determined at the weirs on tributary waters of Olga Bay operated by the Bureau of Fisheries.

14. The take of red salmon in waters extending from Cape Alitak to Cape Karluk shall not exceed 50 percent of the total run as determined at the weir in Red River operated by the Bureau of Fisheries.

15. The take of red salmon in Karluk waters, extending from Cape Karluk to Broken Point, shall not exceed 50 percent of the total run as determined at the weir in Karluk River operated by the Bureau of Fisheries: *Provided*, That beach seines not to exceed 200 fathoms in length, hung measure, shall be permitted to fish between Cape Karluk and Cape Uyak, except within 1,000 yards of the Karluk River, at any time except during the weekly closed period from 6 o'clock postmeridian Saturday to 6 o'clock antemeridian Monday of each week.

16. Commercial fishing for salmon between Cape Karluk and Cape Uyak except by beach seines and purse seines is prohibited.

17. Commercial fishing for salmon between Cape Karluk and Cape Alitak except by purse seines and gill nets is prohibited.

18. Commercial fishing for salmon is prohibited from August 15 to August 31, both dates inclusive: *Provided*, That this prohibition shall not apply (1) to all gear on the west coast of Kodiak Island from Cape Alitak to Cape Karluk, (2) to beach seines and purse seines on the north coast of Kodiak Island from Cape Karluk to Cape Uyak, (3) to set gill nets on the north coast of Kodiak Island from Cape Uyak to West Point, and (4) to traps on the west coast of Kodiak Island from Cape Uyak to Uyak Post Office, and from Chief Point to West Point.

19. The distance by most direct water measurement from any part of one trap to any part of another trap, except in those waters of Alitak Bay in which the runs are tributary to streams where counting weirs are maintained, shall not be less than 1 statute mile.

20. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Raspberry Island: From a point on the north coast at 58 degrees 8 minutes 45 seconds north latitude, 153 degrees 15 minutes west longitude, westward to a point at 58 degrees 9 minutes 10 seconds north latitude, 153 degrees 17 minutes 30 seconds west longitude.



(*b*) Raspberry Island: From Raspberry Cape at 58 degreees 3 minutes 25 seconds north latitude, 153 degrees 25 minutes 30 seconds west longitude, northeast to a point at 58 degrees 5 minutes 10 seconds north latitude, 153 degrees 23 minutes west longitude.

(*c*) Raspberry Island: Within 2,500 feet of a point on the south coast of Raspberry Island at 58 degrees 2 minutes 43 seconds north latitude, 153 degrees 18 minutes 54 seconds west longitude.

(*d*) Raspberry Island: Within 2,500 feet of a point on the south coast of Raspberry Island at 58 degrees 2 minutes 30 seconds north latitude, 153 degrees 15 minutes 17 seconds west longitude.

(*e*) Uganik Island: Within 2,500 feet of a point on the east coast of Uganik Island at 57 degrees 56 minutes north latitude, 153 degrees 23 minutes 11 seconds west longitude.

(*f*) Uganik Island: Within 2,500 feet of a point on the north coast of Uganik Island at 57 degrees 57 minutes 45 seconds north latitude, 153 degrees 30 minutes west longitude.

(*g*) Uganik Island: West coast from a point at 153 degrees 27 minutes west longitude to a point indicated by marker approximately 4 statute miles southwest of Cape Uganik.

(*h*) Kodiak Island: Within 2,500 feet of a point on the west side of Uganik Bay at 57 degrees 50 minutes 45 seconds north latitude, 153 degrees 38 minutes west longitude.

(*i*) Kodiak Island: Within 5,000 feet easterly of a point on Cape Ugat at 57 degrees 52 minutes 5 seconds north latitude, 153 degrees 51 minutes 9 seconds west longitude.

(*j*) Kodiak Island, near entrance to Uyak Bay: Along the coast (1) within 2,500 feet of a point at 57 degrees 44 minutes 35 seconds north latitude, 153 degrees 56 minutes 30 seconds west longitude, and (2) within 5,000 feet easterly of a point at 57 degrees 41 minutes 48 seconds north latitude, 153 degrees 54 minutes 45 seconds west longitude.

(*k*) Kodiak Island: Coast from the point on the south side of the entrance to Spiridon Bay (or northeast arm of Uyak Bay) southerly to a point at 57 degrees 37 minutes 40 seconds north latitude, 153 degrees 52 minutes 55 seconds west longitude.

(*l*) Kodiak Island: Within 2,500 feet of a point on the east side of Uyak Bay at 57 degrees 35 minutes 40 seconds north latitude, 153 degrees 49 minutes 30 seconds west longitude.

(*m*) Kodiak Island: Within 2,500 feet of a point northwest of Cape Uyak at 57 degrees 38 minutes 6 seconds north latitude, 154 degrees 20 minutes 3 seconds west longitude.

(*n*) Kodiak Island: Coast along east side of Alitak Bay within 800 feet of a point at 56 degreees 52 minutes 12 seconds north latitude, 154 degrees 0 minutes 6 seconds west longitude.

(*o*) Kodiak Island: Coast along east side of Deadman Bay within 800 feet of a point at 56 degrees 57 minutes 35 seconds north latitude, 153 degrees 58 minutes 33 seconds west longitude.

(*p*) Kodiak Island: Coast along west side of Alitak Bay within 800 feet of a point at 57 degrees 0 minutes 39 seconds north latitude, 154 degrees 2 minutes 12 seconds west longitude.

(*q*) Kodiak Island: Coast along west side of Alitak Bay within 800 feet of a point at 56 degrees 57 minutes 55 seconds north latitude, 154 degrees 5 minutes 28 seconds west longitude.

(*r*) Kodiak Island: Coast along west side of Alitak Bay near Bun Point, within 800 feet of a point at 56 degrees 58 minutes 3 seconds north latitude, 154 degrees 6 minutes 15 seconds west longitude.

(*s*) Miller Island, Alitak Bay: Within 2,500 feet of a point on the eastern extremity of Miller Island at 56 degrees 57 minutes 15 seconds north latitude, 154 degrees 7 minutes 37 seconds west longitude.

(*t*) Afognak Island: Along the coast (1) within 2,500 feet of a point at 58 degrees 12 minutes 20 seconds north latitude, 153 degrees 8 minutes 30 seconds west longitude, and (2) within 2,500 feet of a point on the south side of Paramanof Bay at 58 degrees 18 minutes north latitude, 153 degrees 2 minutes 23 seconds west longitude.

21. All commercial fishing for salmon is prohibited as follows:

(*a*) Portage Bay, tributary to Alitak Bay: All waters of lagoon at head of southeast arm inside of markers placed at entrance, and all waters in the northeast arm within a line from a marker on the north shore 1 statute mile from the stream in the northeast corner of the bay to a marker on the opposite shore.

(*b*) Deadman Bay, tributary to Alitak Bay: All waters of Deadman Bay within 1 statute mile of the head of the bay.

(*c*) Olga and Moser Bays: All waters of Olga and Moser Bays and contiguous waters within a line from Bun Point through Turn Island at the entrance of Moser Bay to Akhiok village.

(*d*) Western shore of Kodiak Island: All waters within 1 statute mile of the mouth of Red River.

(*e*) Karluk River: All waters within Karluk River and within 100 yards of its mouth where it breaks through Karluk Spit into Shelikof Strait.

(*f*) Uyak Bay: All waters of the bay south of 57 degrees 19 minutes north latitude.

(*g*) Zachar Bay, tributary to Uyak Bay: All waters of Zachar Bay east of 153 degrees 46 minutes west longitude.

(*h*) Spiridon Bay (or northeast arm of Uyak Bay): All waters of Spiridon Bay east of 153 degrees 42 minutes west longitude.

(*i*) East Arm, Uganik Bay, Kodiak Island: All waters within the arm south of a line extending from Mink Point northeasterly to a point on the northeast shore at 57 degrees 43 minutes 20 seconds north latitude.

(*j*) Terror Bay: All waters within the bay south of 57 degrees 44 minutes north latitude.

(*k*) Pasagshak Bay, at entrance to Ugak Bay: All waters within the bay.

(*l*) Ugak Bay: All waters within the bay west of 152 degrees 49 minutes west longitude.

(*m*) Kiliuda Bay: All waters of the bay west of 153 degrees 7 minutes west longitude.

(*n*) Old Harbor, Sitkalidak Strait: All waters within 1 statute mile of the mouth of the stream approximately 1 statute mile northeast of Old Harbor, Sitkalidak Strait.

(*o*) All bays of Afognak Island: All waters of the bays within lines indicated by markers erected for the purpose.

(*p*) Kaflia Bay, on north shore of Shelikof Strait: All waters within 1 statute mile outside the entrance of the outer lagoon.

HERRING FISHERY.—1. Commercial fishing for herring, except for bait purposes, is prohibited during the period from January 1 to June 14, both dates inclusive.

2. Commercial fishing for herring, except for bait purposes, is prohibited from November 16 to December 31, both dates inclusive: *Provided*, That this prohibition shall not apply to the use of gill nets.

3. During the period from July 15 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

4. Gill nets used in catching herring shall not be of smaller mesh than 2½ inches stretched measure.

5. Commercial fishing for herring, including bait fishing, by means of any trap is prohibited.

6. Commercial fishing for herring, including bait fishing, by means of any purse seine more than 1,400 meshes in depth, more than 180 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited.

7. No one shall place, or cause to be placed, across the entrance of any lagoon or bay any net or other device which will prevent the free passage at all times of herring in and out of said lagoon or bay.

8. The dumping of offal and dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging operations.

3. Along the mainland coast and nearby islands from Cape Kuliak to Cape Douglas, there shall not be taken in any calendar year a total of more than 500,000 pounds of razor clams, including shells, or 12,500 cases upon the basis of 48 one-half pound cans per case.

### VII. COOK INLET AREA

The Cook Inlet area is hereby defined to include Cook Inlet, its tributary waters, and all adjoining waters north of Cape Douglas and west of Point Gore. The Barren Islands are included within this area.

SALMON FISHERY.—1. North of the latitude of Anchor Point commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian June 25 and after 6 o'clock postmeridian August 1 in each year: *Provided*, That this prohibition shall not apply to the use of gear of mesh not less than 8½ inches stretched measure between knots after 6 o'clock antemeridian May 25. South of the latitude of Anchor Point, except in Chinik Inlet and in Kamishak Bay south of 59 degrees 9 minutes north latitude, commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian June 25 and after 6 o'clock postmeridian August 10, except that beach seines may be operated in the period from 6 o'clock antemeridian August 22 to 6 o'clock postmeridian September 10: *Provided*, That this prohibition shall not apply to the use of gear of mesh not less than 8½ inches stretched measure between knots after 6 o'clock antemeridian May 25. In Chinik Inlet in Kamishak Bay commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian July 9 and after 6 o'clock postmeridian August 1 in each year. In the waters of Kamishak Bay south of 59 degrees 9 minutes north latitude commercial fishing for salmon is permitted from 6 o'clock antemeridian May 25 to 6 o'clock postmeridian August 1.

2. Commercial fishing for salmon in any bay, estuary, slough, or lagoon less than 300 feet in width at mean low tide is prohibited.

3. The use of purse seines for the capture of salmon is prohibited.

4. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 2,500 feet.

5. Twenty-five feet of the heart walls next to the pot of each hand trap in Cook Inlet shall be constructed of flexible webbing other than wire.

6. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 100 fathoms hung measure.

7. Each gill net in operation shall be marked by a cluster of floats or corks at the ends, and double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals shall be painted bright red. The clusters at the ends shall also be legibly and plainly marked with the initials of the operator.

8. No set or anchored gill net shall exceed 35 fathoms in length measured on the cork line.

9. Stake and set or anchored gill nets shall be operated in substantially a straight line: *Provided*, That not to exceed 20 yards of each net may be used as a hook. Only one such hook is permitted on a net.

10. The distance by most direct water measurement from any part of one set or anchored gill net to any part of another set or anchored gill net shall not be less than 600 feet. The distance by most direct water measurement from any part of any set or anchored gill net to any part of any trap shall not be less than 1,000 feet.

11. All set or anchored gill nets shall be removed from the water throughout the weekly closed periods extending from 6 o'clock postmeridian of Saturday of each week to 6 o'clock antemeridian of the Monday following.

12. No salmon fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited.

13. No beach seine shall be less than 125 meshes in depth or less than 90 fathoms in length measured on the cork line. For the purpose of determining the depths of seines measurements will be upon the basis of 3½ inches stretched measure between knots.

14. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Along the mainland coast on the west side of Cook Inlet (1) within 500 feet of a point at 61 degrees 9 minutes 12 seconds north latitude, 151 degrees 3 minutes 24 seconds west longitude; (2) within 300 feet of a point at 61 degrees 7 minutes 21 seconds north latitude, 151 degrees 5 minutes 25 seconds west longitude; (3) from 61 degrees 2 minutes 16 seconds north latitude, 151 degrees 13 minutes 15 seconds west longitude, to 61 degrees 2 minutes 14 seconds north latitude, 151 degrees 15 minutes 18 seconds west longitude; (4) from 61 degrees 0 minutes 25 seconds north latitude, 151 degrees 22 minutes 15 seconds west longitude, to 61 degrees 0 minutes 38 seconds north latitude, 151 degrees 24 minutes 34 seconds west longitude; (5) within 1,000 feet of a point at 60 degrees 46 minutes 35 seconds north latitude, 151 degrees 44 minutes 48 seconds west longitude; (6) within 1,000 feet of a point at 60 degrees 42 minutes 56 seconds north latitude, 151 degrees 45 minutes 27 seconds west longitude; and (7) within 1,000 feet of a point at 60 degrees 24 minutes north latitude, 152 degrees 15 minutes 40 seconds west longitude.

(*b*) Along the east coast of Chisik Island within 1,000 feet of a point at 60 degrees 8 minutes 35 seconds north latitude, 152 degrees 34 minutes west longitude.

(*c*) Along the north coast of Kalgin Island (1) within 1,000 feet of a point at 60 degrees 30 minutes 25 seconds north latitude, 151 degrees 57 minutes 22 seconds west longitude, (2) within 1,000 feet of a point at 60 degrees 30 minutes 20 seconds north latitude, 151 degrees 54 minutes 48 seconds west longitude, and (3) within 1,000 feet of a point at 60 degrees 29 minutes 54 seconds north latitude, 151 degrees 53 minutes 30 seconds west longitude.

(*d*) Along the east coast of Kalgin Island within 300 feet of a point at 60 degrees 26 minutes 38 seconds north latitude, 151 degrees 53 minutes 33 seconds west longitude.

(*e*) Along the west coast of Kalgin Island within 1,000 feet of a point at 60 degrees 21 minutes 38 seconds north latitude, 152 degrees 3 minutes west longitude.

(*f*) Along the mainland coast on the east side of Cook Inlet (1) within 1,000 feet of a point at 61 degrees 1 minute 30 seconds north latitude, 150 degrees 25 minutes 30 seconds west longitude; (2) within 1,000 feet of a point at 61 degrees 0 minutes 50 seconds north latitude, 150 degrees 27 minutes 35 seconds west longitude; (3) within 1,000 feet of a point at 60 degrees 59 minutes 42 seconds north latitude, 150 degrees 32 minutes west longitude; (4) within 1,000 feet of a point at 60 degrees 59 minutes north latitude, 150 degrees 34 minutes 48 seconds west longitude; (5) within 1,000 feet of a point at 60 degrees 57 minutes 40 seconds north latitude, 150 degrees 39 minutes west longitude; (6) within 1,000 feet of a point at 60 degrees 56 minutes 30 seconds north latitude, 150 degrees 42 minutes 20 seconds west longitude; and (7) within 1,200 feet of a point at 60 degrees 55 minutes 22 seconds north latitude, 150 degrees 44 minutes 40 seconds west longitude.

(*g*) Along the mainland coast on the east side of Cook Inlet from a point south of Boulder Point at 60 degrees 46 minutes north latitude, 151 degrees 16 minutes west longitude, southerly to a point at 60 degrees 44 minutes 15 seconds north latitude, 151 degrees 19 minutes west longitude.

(*h*) Along the mainland coast on the east side of Cook Inlet from a point at 60 degrees 40 minutes north latitude, 151 degrees 23 minutes 13 seconds west longitude, southeasterly to a point at 60 degrees 35 minutes 15 seconds north latitude, 151 degrees 20 minutes 30 seconds west longitude.

(*i*) Along the mainland coast on the east side of Cook Inlet from a point south of Kenai River at 60 degrees 28 minutes 45 seconds north latitude, 151 degrees 17 minutes 18 seconds west longitude, southerly to a point at 60 degrees 25 minutes 37 seconds north latitude, 151 degrees 17 minutes 34 seconds west longitude.

(*j*) Along the mainland coast on the east side of Cook Inlet within 1,000 feet of a point at 60 degrees 19 minutes 49 seconds north latitude, 151 degrees 23 minutes 24 seconds west longitude.

(*k*) Along the mainland coast on the east side of Cook Inlet (1) from a point at 60 degrees 16 minutes 45 seconds north latitude, 151 degrees 23 minutes 30 seconds west longitude, southerly to a point at 60 degrees 15 minutes 30 seconds north latitude, 151 degrees 23 minutes 45 seconds west longitude; and (2) within 1,000 feet of a point at 60 degrees 14 minutes 41 seconds north latitude, 151 degrees 24 minutes 5 seconds west longitude.

(*l*) Along the mainland coast on the east side of Cook Inlet (1) from a point at 60 degrees 13 minutes north latitude, 151 degrees 25 minutes 15 seconds west longitude, southerly to a point at 60 degrees 12 minutes 15 seconds north latitude; (2) from a point at 60 degrees 11 minutes 5 seconds north latitude, southerly to a point at 60 degrees 10 minutes 45 seconds north latitude, 151 degrees 28 minutes 20 seconds west longitude; (3) from a point at 60 degrees 10 minutes 15 seconds north latitude, 151 degrees 29 minutes 15 seconds west longitude, southerly to a point at 60 degrees 8 minutes 30 seconds north latitude, 151 degrees 31 minutes 40 seconds west longitude; and (4) within 1,000 feet of a point at 60 degrees 7 minutes 48 seconds north latitude, 151 degrees 32 minutes 42 seconds west longitude.

(*m*) Along the mainland coast on the east side of Cook Inlet from a point at 60 degrees 7 minutes north latitude, 151 degrees 34 minutes 20 seconds west longitude, southerly to a point at 60 degrees 4 minutes 30 seconds north latitude, 151 degrees 38 minutes 30 seconds west longitude.

(*n*) Along the mainland coast on the east side of Cook Inlet (1) within 1,000 feet of a point at 60 degrees 0 minutes 5 seconds north latitude, 151 degrees 43 minutes 30 seconds west longitude; and (2) within 1,000 feet of a point at 59 degrees 54 minutes 45 seconds north latitude, 151 degrees 45 minutes 47 seconds west longitude.

(*o*) Along the mainland coast on the east side of Cook Inlet south of Cape Starichkof within 500 feet of a point at 59 degrees 50 minutes 34 seconds north latitude, 151 degrees 49 minutes 11 seconds west longitude.

(*p*) Along the mainland coast on the east side of Cook Inlet between Anchor Point and Bluff Point within 1,200 feet of a point at 59 degrees 41 minutes 38 seconds north latitude, 151 degrees 46 minutes 48 seconds west longitude.

(*q*) Along the mainland coast on the east side of Cook Inlet on the west side of Nubble Point Spit within 1,200 feet of a point at 59 degrees 28 minutes 45 seconds north latitude, 151 degrees 35 minutes 6 seconds west longitude.

(*r*) Along the mainland coast on the east side of Cook Inlet from a point at 59 degrees 26 minutes 30 seconds north latitude, 151 degrees 46 minutes west longitude, westerly to a point at 59 degrees 26 minutes 40 seconds north latitude, 151 degrees 46 minutes 45 seconds west longitude.

(*s*) Along the mainland coast on the east side of Cook Inlet east of Flat Island within 1,200 feet of a point at 59 degrees 19 minutes 40 seconds north latitude, 151 degrees 58 minutes 47 seconds west longitude.



15. All commercial fishing is prohibited, as follows:

(*a*) Within 1 statute mile of the mouths of the following salmon streams: Kenai River, Kasilof River, Swanson Creek, Bishop Creek, Ninilchik River, Deep Creek, Starichkof River, Anchor Point River, English Bay Stream, Little Susitna River, Susitna River, Ivan River, Lewis River, Theodore River, Beluga River, Threemile Creek, Chuit River, Nikolai River, McArthur River, Kustatan River, Katnu River, Drift River, and Kalgin Island Stream on the east coast of Kalgin Island.

(*b*) Turnagain Arm and Knik Arm: All waters above a line from Point Possession at 61 degrees 2 minutes 10 seconds north latitude, 150 degrees 24 minutes 5 seconds west longitude, to Point Woronzof at 61 degrees 12 minutes north latitude, 150 degrees west longitude, thence to Point MacKenzie at 61 degrees 14 minutes 10 seconds north latitude, 150 degrees west longitude.

(*c*) Kamishak Bay: All waters within 400 yards outside the entrance to the lagoon at the mouth of McNeil Creek.

(*d*) Kachemak Bay: All waters above a line from Chugachik Island to a point on the opposite shore one-half mile below the mouth of Swift Creek.

HERRING FISHERY.—1. Commercial fishing for herring, except for bait purposes, is prohibited during the period from January 1 to June 30, both dates inclusive, and from November 16 to December 31, both dates inclusive: *Provided*, That this prohibition shall not apply to the use of set and drift gill nets in the period from November 16 to December 31, both dates inclusive.

2. During the period from July 1 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

3. Commercial fishing for herring in Halibut Cove, including the waters within a line from the western end of Ismailof Island to the outermost point on Glacier Spit, is limited to gill nets.

4. Commercial fishing for herring in Halibut Cove Lagoon is limited to set gill nets not exceeding 50 fathoms in length, hung measure. All such nets shall be anchored in a substantial manner not less than 150 yards apart.

5. Nets operated within areas marked at the north and south ends of Halibut Cove Lagoon shall be anchored at right angles to the line joining the markers. Nets operated between these areas shall be anchored in a general direction paralleling the shore line.

6. The maintaining of a herring pound in the waters of Halibut Cove and Lagoon is prohibited.

7. The use of purse seines for the capture of herring is prohibited in Kachemak Bay and tributary waters within a line from Nubble Point to Bluff Point.

8. Gill nets used in catching herring shall not be of smaller mesh than 3 inches stretched measure.

9. Commercial fishing for herring, including bait fishing, by means of any trap is prohibited.

10. Commercial fishing for herring, including bait fishing, by means of any purse seine more than 1,400 meshes in depth, more than 180 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited.

11. No one shall place, or cause to be placed, across the entrance of any lagoon or bay any net or other device which will prevent the free passage at all times of herring in and out of said lagoon or bay.

12. The dumping of offal and dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the

hole from which it was removed in the course of digging operations.

3. The taking of razor clams for commercial purposes on the west side of Cook Inlet from Cape Douglas northerly to North Foreland is prohibited prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian August 15 in each year.

4. The taking of razor clams for commercial purposes on the east side of Cook Inlet from Anchor Point northerly to Point Possession is prohibited prior to 6 o'clock antemeridian May 1 and after 6 o'clock postmeridian September 30 in each year.

VIII. RESURRECTION BAY AREA

The Resurrection Bay area is hereby defined to include all territorial coastal and tributary waters of the Gulf of Alaska between Point Gore on the west and Cape Fairfield on the east.

SALMON FISHERY.—1. The use of any trap for the capture of salmon is prohibited.

2. The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure.

3. No set or anchored gill net shall exceed 300 yards in length, and each shall be set in substantially a straight line: *Provided*, That not to exceed 20 yards of each net may be used as a hook. Only one such hook is permitted on a net. There shall be a distance interval of at least 200 yards, both endwise and laterally, at all times between all set or anchored gill nets operated.

4. King salmon nets shall have a mesh at least 8½ inches stretched measure between knots, and red-salmon nets shall have a mesh at least 5½ inches stretched measure between knots, as measured when actually in use.

5. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

6. Prior to 6 o'clock antemeridian June 1 in each year commercial fishing for salmon with nets of mesh less than 8½ inches stretched measure between knots is prohibited.

7. Commercial fishing for salmon is prohibited during the remainder of each calendar year after 6 o'clock postmeridian September 20.

8. In the waters of Resurrection Bay within a line from Cape Resurrection to the western side of Bear Glacier at its mouth, the 36-hour closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian of Saturday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 48 hours: *Provided*, That this extension shall not be effective after August 23 in each year.

9. Commercial fishing for salmon within 1,000 yards of the mouths of Bear Creek and Resurrection River is prohibited at all times; and in the period from June 7 to August 23, both dates inclusive, commercial fishing for salmon is prohibited within 1,700 yards of the mouths of these streams.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging operations.

IX. PRINCE WILLIAM SOUND AREA

The Prince William Sound area is hereby defined to include all territorial coastal and tributary waters of the Gulf of Alaska between Cape Fairfield on the west and Point Whitshed on the east.

SALMON FISHERY.—1. The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure.

2. No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 125 meshes nor more than 200 meshes in depth, nor less than 90 fathoms nor more than 150 fathoms in length measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

3. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

4. No set or anchored gill net shall exceed 300 yards in length and each shall be set in substantially a straight line: *Provided*, That not to exceed 20 yards of each net may be used as a hook. Only one such hook is permitted on a net. There shall be a distance interval of at least 200 yards both endwise and laterally at all times between all set or anchored gill nets operated.

5. The use of purse seines and beach seines for the capture of salmon is prohibited in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan.

6. Commercial fishing for salmon in Port Valdez east of 146 degrees 40 minutes west longitude is limited entirely to set or anchored gill nets of not to exceed 300 yards each in length.

7. The 36-hour closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian of Saturday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 48 hours.

8. Commercial fishing for salmon, except by trolling, is prohibited prior to 6 o'clock antemeridian June 25 in each calendar year.

9. Commercial fishing for salmon by trolling is prohibited prior to April 15 in each calendar year.

10. Commercial fishing for salmon is prohibited during the remainder of each calendar year after 6 o'clock postmeridian August 5: *Provided*, That this prohibition shall not apply (*a*) to trolling and gill netting through August 22 in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan, (*b*) to trolling in the period from 6 o'clock antemeridian August 5 to 6 o'clock postmeridian September 20 in the waters of Prince William Sound east of 147 degrees west longitude, exclusive of all waters of Valdez Arm north of Point Freemantle, and (*c*) to the operation of set or anchored gill nets in the period from 6 o'clock antemeridian August 5 to 6 o'clock postmeridian September 20 in the waters of Valdez Arm east of 146 degrees 25 minutes west longitude. All trap leads from shore to entrance of hearts must be removed prior to 6 o'clock antemeridian August 9.

11. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1½ statute miles.

12. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Knight Island: From a point on the southeast coast at 60 degrees 9 minutes 50 seconds north latitude southerly to Point Helen, thence northerly to 60 degrees 11 minutes 15 seconds north latitude, 147 degrees 50 minutes 40 seconds west longitude, exclusive of all waters in Little Bay.

(*b*) Along the coast of Squire Island within ½ statute mile of its southern extremity.

(*c*) Bainbridge Island: Within 2,500 feet of a point at 60 degrees 11 minutes 32 seconds north latitude, 148 degrees 3 minutes west longitude.

(*d*) Eastern coast of Chenega Island from a point 1 statute mile southward of its northern extremity to a point 1 statute mile eastward of Chenega village.

(*e*) Mainland coast within 2,500 feet of a point at 60 degrees 24 minutes 48 seconds north latitude, 147 degrees 58 minutes 18 seconds west longitude.



(*f*) Knight Island: East coast within 2,500 feet of a point at 60 degrees 21 minutes 55 seconds north latitude, 147 degrees 37 minutes 29 seconds west longitude.

(*g*) Eastern coast of Culross Island: From the northern side of the entrance to Hidden Bay northerly to a point at 60 degrees 43 minutes 45 seconds north latitude, 148 degrees 6 minutes 35 seconds west longitude.

(*h*) Western side of Valdez Arm (1) within 2,500 feet of a point at 60 degrees 55 minutes 40 seconds north latitude, 146 degrees 58 minutes 35 seconds west longitude, and (2) from 60 degrees 58 minutes north latitude to 60 degrees 59 minutes north latitude.

(*i*) Southwest coast of Bligh Island from 60 degrees 49 minutes 45 seconds north latitude to 146 degrees 44 minutes 20 seconds west longitude.

(*j*) Within ½ statute mile of the southwestern extremity of Bidarka Point.

(*k*) From a point on the east side of Landlocked Bay at 60 degrees 49 minutes north latitude to a point on the north shore of Port Fidalgo at 146 degrees 32 minutes west longitude.

(*l*) Within ½ statute mile of Porcupine Point.

(*m*) Mainland coast, near Knowles Head, within 2,500 feet of a point at 60 degrees 41 minutes 17 seconds north latitude, 146 degrees 40 minutes west longitude.

(*n*) Within 1 statute mile of Red Head.

(*o*) From a point on the coast 1 statute mile northwestward of the light at Gravina Point to a point on the coast 2 statute miles northwestward of the light at Gravina Point, making an open space of 1 statute mile.

(*p*) Along the coast within 1 statute mile southwesterly of the outer point on the southwest side of the entrance to Cedar Bay, Hawkins Island.

(*q*) Within 1 statute mile of Makaka Point, Hawkins Island.

(*r*) Hinchinbrook Island: Within 3,000 feet, measured westerly along the north side of a peninsula, from a point at 60 degrees 28 minutes 47 seconds north latitude, 146 degrees 23 minutes 27 seconds west longitude.

(*s*) Hinchinbrook Island: Within 3,000 feet, measured easterly along the coast, from a point at 60 degrees 27 minutes 58 seconds north latitude, 146 degrees 27 minutes west longitude, on the north side of a spit.

(*t*) Hinchinbrook Island: Within 2,500 feet, measured along the coast, from a point at 60 degrees 28 minutes 54 seconds north latitude, 146 degrees 32 minutes 11 seconds west longitude.

(*u*) Hinchinbrook Island: From a point on the coast at 60 degrees 27 minutes north latitude, 146 degrees 39 minutes 48 seconds west longitude, northward to the light at Johnstone Point.

(*v*) Hinchinbrook Island: Within 2,500 feet of a point at 60 degrees 24 minutes 38 seconds north latitude, 146 degrees 42 minutes 30 seconds west longitude.

(*w*) Hinchinbrook Island: Within ½ statute mile westward of a point on the south side of Port Etches at 146 degrees 40 minutes west longitude.

(*x*) Montague Island: Along the coast from a point on the south side of Macleod Harbor at 59 degrees 52 minutes 10 seconds north latitude, 147 degrees 51 minutes west longitude, to a point at 59 degrees 52 minutes north latitude, 147 degrees 52 minutes west longitude.

(*y*) Western coast of Montague Island from Point Woodcock to a point south of Hanning Bay at 59 degrees 56 minutes 45 seconds north latitude, 147 degrees 45 minutes 15 seconds west longitude.

(*z*) Western coast of Montague Island (1) from Point Bazil on the north side of the entrance to Hanning Bay northeasterly to 60 degrees 0 minutes 30 seconds north latitude, and (2) from 60 degrees 7 minutes 30 seconds north latitude northeasterly to 60 degrees 9 minutes 45 seconds north latitude (as shown on U. S. Coast and Geodetic Survey Chart No. 8551).

(*aa*) Western coast of Montague Island from 60 degrees 10 minutes 20 seconds north latitude to 60 degrees 11 minutes 45 seconds north latitude.

(*bb*) Montague Island: Northern coast from Graveyard Point to a point at 60 degrees 21 minutes 41 seconds north latitude, 147 degrees 9 minutes 47 seconds west longitude.

13. All commercial fishing for salmon is prohibited, as follows:

(*a*) Constantine Harbor, northwest arm of Port Etches: All waters within the harbor and its tributary waters and within 100 yards outside the narrows at the entrance to the harbor.

(*b*) Anderson Bay and Double Bay, north shore of Hinchinbrook Island: All waters within the bays.

(*c*) Port Etches: All waters within 2 statute miles of the mouth of the salmon stream flowing into the head of Port Etches.

(*d*) Boswell Bay, indenting Hinchinbrook Island: All waters in the bay west of 146 degrees 8 minutes west longitude.

(*e*) Twin Lake Creek: All waters within 1,000 yards of the mouth of Twin Lake Creek flowing into the southeast arm of Simpson Bay.

(*f*) Sheep Bay: All waters within 1,000 yards of the mouth of the stream at the head of the bay.

(*g*) Gravina River: All waters within 1,000 yards of the mouth of the river.

(*h*) Olsen Bay, north side of Port Gravina: All waters within 2,000 yards of the mouth of the stream flowing into the head of the bay.

(*i*) St. Matthew Bay, north side of Port Gravina: All waters within 2,000 yards of the mouth of the stream flowing into the head of the bay.

(*j*) Irish Cove, south side of Port Fidalgo: All waters within the cove south of 60 degrees 46 minutes north latitude.

(*k*) Whalen Bay, south side of Port Fidalgo: All waters east of 146 degrees 15 minutes 30 seconds west longitude.

(*l*) Fish Bay, north side of Port Fidalgo: All waters within 1,000 yards of the mouth of the stream at the head of the bay.

(*m*) Galena Bay, east side of Valdez Arm: All waters within a line from a point on the coast at 60 degrees 55 minutes 30 seconds north latitude, 146 degrees 38 minutes 30 seconds west longitude, northeasterly to a point on the coast at 60 degrees 56 minutes 17 seconds north latitude, 146 degrees 36 minutes 30 seconds west longitude, and all waters within 1,000 yards of the mouth of Indian Creek.

(*n*) Jack Bay, east side of Valdez Arm: All waters east of 146 degrees 36 minutes west longitude.

(*o*) Robe River, Lowe River, and other unnamed streams flowing into Port Valdez in the immediate vicinity of Valdez: All waters within 1 statute mile of the mouths.

(*p*) Long Bay and its tributaries, indenting mainland on north shore of Prince William Sound: All waters within 1,000 yards of the mouth of any salmon stream.

(*q*) Unakwik Inlet and tributary waters, indenting mainland on north shore of Prince William Sound: All waters within 1,000 yards of the mouth of any salmon stream.

(*r*) Wells Passage and tributary waters indenting mainland on north shore of Prince William Sound: All waters of Wells Passage and its tributaries, including Port Wells, Cochrane Bay, Blackstone Bay, and Passage Canal, west of a line extending southwesterly from Point Esther to a point on the east side of the entrance to Cochrane Bay at 60 degrees 45 minutes 42 seconds north latitude, 148 degrees 13 minutes 54 seconds west longitude (as shown on U. S. Coast and Geodetic Survey Chart No. 8551).

(*s*) Long Bay, tributary to Culross Passage: All waters within the bay.

(*t*) Gumboot Creek, on northwest shore of Eshamy Bay: All waters within 1,000 yards of the mouth of the creek.

(*u*) Eshamy Lagoon and its tributary waters: All waters within the lagoon and its tributaries and within 100 yards outside the narrows at the entrance to the lagoon.

(*v*) Jackpot Bay: All waters within a line, indicated by markers, located at the entrance to the narrows in the bay.

(*w*) Port Bainbridge: All waters in the middle north arm of Port Bainbridge.

(*x*) Bay of Isles, indenting east shore of Knight Island: All waters within 1,000 yards of the mouth of the stream at the head of the west arm of the bay.

HERRING FISHERY.—1. Commercial fishing for herring, except for bait purposes, is prohibited from January 1 to June 7, both dates inclusive, and from November 16 to December 31, both dates inclusive: *Provided*, That this prohibition shall not apply to the use of set and drift gill nets of mesh not smaller than 2½ inches stretched measure between knots in the period from November 16 to December 15, both dates inclusive.

2. Commercial fishing for herring, except for bait purposes, is prohibited from 6 o'clock antemeridian of Saturday of each week until 6 o'clock postmeridian of the Sunday following.

3. During the period from July 1 to October 1, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

4. Gill nets used in catching herring shall not be of smaller mesh than 2½ inches stretched measure between knots.

5. Commercial fishing for herring, including bait fishing, by means of any trap is prohibited.

6. Commercial fishing for herring, including bait fishing, by means of any purse seine more than 1,400 meshes in depth, more than 150 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited: *Provided*, That in the period from August 1 to November 15, both dates inclusive, commercial fishing for herring, including bait fishing, by means of any purse seine more than 1,400 meshes in depth, more than 180 fathoms in length, or less than 1½ inches stretched measure between knots is prohibited: *And provided further*, That any purse seine may have in addition a strip along the bottom not to exceed 30 meshes in depth and of mesh not less than 4 inches stretched measure between knots. No extension to any seine in the way of leads will be permitted.

7. No one shall place, or cause to be placed, across the entrance of any lagoon or bay any net or other device which will prevent the free passage at all times of herring in and out of said lagoon or bay.

8. The dumping of offal and dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging operations.

3. The taking of razor clams for commercial purposes is prohibited from July 1 to August 15, both dates inclusive, in each calendar year.

4. In the open season from January 1 to June 30, both dates inclusive, there shall not be taken in the Prince William Sound, Copper River, and Bering River areas a combined total of more than 1,040,000 pounds of razor clams, including shells, or 26,000 cases upon the basis of 48 one-half pound cans per case.

5. In the open season from August 16 to December 31, both dates inclusive, there shall not be taken in the Prince William Sound, Copper River, and Bering River areas a combined total of more than 280,000 pounds of razor clams, including shells, or 7,000 cases upon the basis of 48 one-half pound cans per case.

CRAB FISHERY—DUNGENESS CRAB (*Cancer magister*).—1. No female of this species shall be taken at any time, and no male of this species measuring less than 7 inches in greatest width shall be taken for commercial purposes.

2. Commercial fishing for the Dungeness crab is prohibited from June 1 to July 31, both dates inclusive.

3. It is prohibited to take for commercial purposes any soft-shell crab. Possession of any such crab will be regarded as prima facie evidence of unlawful taking.

### X. COPPER RIVER AREA

The Copper River area is hereby defined to include all territorial coastal and tributary waters of Alaska between Point Whitshed on the west and Point Martin on the east, including Egg Islands and the other islands between these points.

SALMON FISHERY.—1. Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 1 and from 6 o'clock postmeridian July 5 to 6 o'clock antemeridian August 10 in each year.

2. Prior to 6 o'clock antemeridian May 15 in each year commercial fishing with nets of mesh less than 8½ inches stretched measure between knots is prohibited.

3. Commercial fishing for salmon is prohibited after 6 o'clock postmeridian September 20 in each calendar year.

4. Each season, prior to the opening date for commercial fishing, the number and name of each fishing boat to be operated shall be furnished in writing to the agent of the Bureau of Fisheries in charge of the district.

5. Commercial fishing for salmon shall be conducted solely by drift gill nets without the attachment of anything to obstruct their free movement through the water at all times: *Provided*, That gill nets attached to anchored boats or other anchored floating equipment may also be used from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 20 in each calendar year.

6. Each gill net in operation shall be marked by a cluster of floats or corks at the ends, and double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals of every red-salmon and silver-salmon gill net shall be painted bright red. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals of every king-salmon gill net shall be painted white. The clusters at the ends of all gill nets shall also be legibly and plainly marked with the initials of the operator. In addition, each red-salmon and silver-salmon gill net shall be marked by red kegs attached to the clusters of floats or corks at the ends, and each king-salmon gill net shall be marked with white kegs attached to the clusters of floats or corks at the ends.

7. Prior to 6 o'clock antemeridian August 10 in each calendar year the total aggregate length of drift gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure: *Provided*, That during the period from 6 o'clock antemeridian May 15 to 6 o'clock postmeridian May 31 any gill-net boat in the Copper River area may carry and operate not to exceed 100 fathoms of net of mesh not less than 8½ inches stretched measure between knots in addition to 250 fathoms of smaller mesh net.

8. Commercial fishing for salmon is prohibited within 500 yards of the Grass Banks, except that from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 20 in each calendar year such fishing is permitted within 500 yards of the Grass Banks by means of gill nets not exceeding 200 fathoms each in length attached to anchored boats or other anchored floating equipment. All fishing is prohibited at all times within the sloughs and within 500 yards of their mouths.

9. The trailing of web behind any fishing boat is prohibited above the markers fixing closed waters.

10. Anchored gill nets shall be operated in substantially a straight line.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging operations.



3. The taking of razor clams for commercial purposes is prohibited from July 1 to August 15, both dates inclusive, in each calendar year.

4. In the open season from January 1 to June 30, both dates inclusive, there shall not be taken in the Prince William Sound, Copper River, and Bering River areas a combined total of more than 1,040,000 pounds of razor clams, including shells, or 26,000 cases upon the basis of 48 one-half pound cans per case.

5. In the open season from August 16 to December 31, both dates inclusive, there shall not be taken in the Prince William Sound, Copper River, and Bering River areas a combined total of more than 280,000 pounds of razor clams, including shells, or 7,000 cases upon the basis of 48 one-half pound cans per case.

CRAB FISHERY—DUNGENESS CRAB (*Cancer magister*).—No female of this species shall be taken at any time, and no male of this species measuring less than 7 inches in greatest width shall be taken for commercial purposes.

2. Commercial fishing for the Dungeness crab is prohibited from June 1 to July 31, both dates inclusive.

3. It is prohibited to take for commercial purposes any soft-shell crab. Possession of any such crab will be regarded as prima facie evidence of unlawful taking.

### XI. BERING RIVER AREA

The Bering River area is hereby defined to include all territorial coastal and tributary waters of Alaska between Point Martin on the west and Cape Suckling on the east, including Martin Islands, Kanak Island, Wingham Island, Kavak Island, and any other island between Point Martin and Cape Suckling.

SALMON FISHERY.—1. Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 15 and from 6 o'clock postmeridian July 5 to 6 o'clock antemeridian August 10 in each year.

2. Prior to 6 o'clock antemeridian June 1 in each year commercial fishing with nets of mesh less than 8½ inches stretched measure between knots is prohibited.

3. Commercial fishing for salmon is prohibited after 6 o'clock postmeridian September 20 in each calendar year.

4. Commercial fishing for salmon shall be conducted solely by drift gill nets without the attachment of anything to obstruct their free movement through the water at all times: *Provided*, That gill nets attached to anchored boats or other anchored floating equipment may also be used from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 20 in each calendar year.

5. Each gill net in operation shall be marked by a cluster of floats or corks at the ends, and double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals of every red-salmon and silver-salmon gill net shall be painted bright red. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals of every king-salmon gill net shall be painted white. The clusters at the ends of all gill nets shall also be legibly and plainly marked with the initials of the operator. In addition, each red-salmon and silver-salmon gill net shall be marked by red kegs attached to the clusters of floats or corks at the ends, and each king-salmon gill net shall be marked with white kegs attached to the clusters of floats or corks at the ends.

6. Prior to 6 o'clock antemeridian August 10 in each calendar year the total aggregate length of drift gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure: *Provided*, That during the period from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian June 15 any gill-net boat in the Bering River area may carry and operate not to exceed 100 fathoms of net of mesh not less than 8½ inches stretched measure between knots in addition to 200 fathoms of smaller mesh net.

7. The trailing of web behind any fishing boat is prohibited above the markers fixing closed waters.

8. Anchored gill nets shall be operated in substantially a straight line.

9. All commercial fishing for salmon is prohibited in Controller Bay and contiguous waters north of a line extending due east from Point Hey.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging cperations.

3. The taking of razor clams for commercial purposes is prohibited from July 1 to August 15, both dates inclusive, in each calendar year.

4. In the open season from January 1 to June 30, both dates inclusive, there shall not be taken in the Prince William Sound, Copper River, and Bering River areas a combined total of more than 1,040,000 pounds of razor clams, including shells, or 26,000 cases upon the basis of 48 one-half pound cans per case.

5. In the open season from August 16 to December 31, both dates inclusive, there shall not be taken in the Prince William Sound, Copper River, and Bering River areas a combined total of more than 280,000 pounds of razor clams, including shells, or 7,000 cases upon the basis of 48 one-half pound cans per case.

### XII. SOUTHEASTERN ALASKA AREA

The Southeastern Alaska area is hereby defined to include all territorial coastal and tributary waters of Alaska extending from Dixon Entrance on the south to and including Yakutat Bay on the north.

SALMON FISHERY.—This area is subdivided into the following districts, wherein regulations shall be effective as follows:

*Yakutat district.*—All territorial waters within a line extending from Cape Fairweather at 58 degrees 49 minutes north latitude, 138 degrees west longitude, to Mount Fairweather, thence following the international boundary to a point at 140 degrees 28 minutes west longitude, thence south to a point at 59 degrees 36 minutes north latitude, 140 degrees 28 minutes west longitude, thence to Cape Fairweather at the point of beginning.

1. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 150 fathoms hung measure in length, or 35 meshes in depth. For the purpose of determining depths of gill nets measurements will be upon the basis of 5½ inches stretched measure.

2. Along the outside coast from Cape Fairweather to Ocean Cape commercial fishing for salmon shall be conducted solely by drift gill nets. The use of all other forms of gear is prohibited.

3. In Situk Inlet, Ahrnklin Inlet, Dangerous Inlet, Ahquay Inlet, and Dry Bay commercial fishing for salmon shall be conducted solely by stake, set, or anchored gill nets. The use of all other forms of gear is prohibited.

4. In Monti Bay and contiguous waters no stake, set, or anchored gill net shall exceed 50 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake, set, or anchored nets used by any individual shall not exceed 100 fathoms measured on the cork line.

5. In Situk Inlet no stake, set, or anchored gill net shall exceed 25 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake, set, or anchored nets used by an individual shall not exceed 25 fathoms measured on the cork line.

6. In Ahrnklin Inlet and in Dangerous Inlet no stake, set, or anchored gill net shall exceed 30 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake, set, or anchored nets used by any individual shall not exceed 60 fathoms measured on the cork line.

7. In Dry Bay and in Ahquay Inlet no stake, set, or anchored gill net shall exceed 25 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake, set, or anchored nets used by any individual shall not exceed 75 fathoms measured on the cork line.

8. Except in Monti Bay and contiguous waters and in Dry Bay, commercial fishing for salmon is prohibited prior to June 18: *Provided,* That this prohibition shall not apply to trolling.

9. In Monti Bay and contiguous waters and in Dry Bay, commercial fishing for salmon is prohibited prior to May 15 in each year.

10. Each gill net in operation shall be marked by a cluster of floats or corks at the ends, and double floats or corks shall be attached to the cork line at 25-fathom intervals. The clusters of floats or corks at the ends and the double floats or corks at the 25-fathom intervals shall be painted bright red. The clusters at the ends shall also be legibly and plainly marked with the initials of the operator.

11. Commercial fishing for salmon by means of any gill net having mesh of more than 5½ inches stretched measure between knots is prohibited in Situk Inlet prior to August 10 in each year.

12. No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of and kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited.

13. Commercial fishing for salmon by means of any beach seine less than 75 fathoms hung measure in length or less than 4 fathoms hung measure in depth is prohibited. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

14. Commercial fishing for salmon, except by trolling, is prohibited for the remainder of each calendar year after September 30.

15. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

16. No trolling boat shall operate more than four trolling lines.

17. The use of any trap or purse seine is prohibited.

18. Stake and anchored gill nets shall be operated in substantially a straight line.

19. The use of power boats in operating drift gill nets is prohibited in all lagoons and inlets.

20. The 36-hour closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock postmeridian of Friday of each week until 6 o'clock antemeridian of the Monday following, making a weekly closed period of 60 hours.

21. All commercial fishing for salmon is prohibited, as follows:

(*a*) Ankau Creek and Inlet.
(*b*) The "Basin" above Dry Bay.

*Icy Strait district.*—All territorial waters within a line extending from a point west of Yakobi Island at 58 degrees north latitude, 136 degrees 51 minutes west longitude, to a point at 58 degrees north latitude, 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Fairweather, thence to Cape Fairweather at 58 degrees 49 minutes north latitude, 138 degrees west longitude, thence to the point of beginning at 58 degrees north latitude, 136 degrees 51 minutes west longitude.

1. The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure.

2. Stake and anchored gill nets shall be operated in substantially a straight line.

3. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1½ statute miles.

4. No floating trap shall exceed 900 feet in length when any part of such trap is in a greater depth of water than 100 feet at mean high tide. The length of any such trap shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

5. No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 250 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

6. Commercial fishing for salmon, other than trolling, west of a line from Point Adolphus to Point Gustavus is prohibited prior to 6 o'clock antemeridian June 20, from 6 o'clock postmeridian August 4 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

7. Commercial fishing for salmon, other than trolling, east of a line from Point Adolphus to Point Gustavus is prohibited prior to 6 o'clock antemeridian June 20, from 6 o'clock post meridian August 7 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

8. Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 15.

9. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

10. The use of any beach seine is prohibited.

11. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

12. No trolling boat shall operate more than four trolling lines.

13. Commercial fishing for salmon, except by gill nets, is prohibited in Dundas Bay north of 58 degrees 21 minutes 8 seconds north latitude.

14. Commercial fishing for salmon by means of any seine is prohibited in Idaho Inlet south of 58 degrees 8 minutes 20 seconds north latitude.

15. Commercial fishing for salmon is prohibited in Port Frederick, northern shore of Chichagof Island, in all waters east of a line from Inner Point Sophia to Game Point and in all waters south of 58 degrees 4 minutes 8 seconds north latitude, except that trolling will be permitted from November 1 to June 1, both dates inclusive. A portion of the waters closed is in the western district.

16. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Mainland: From the east side of Dundas Bay at 58 degrees 20 minutes 8 seconds north latitude to a point 1,000 feet east of Point Dundas.

(*b*) Inian Islands: Along the coast (1) within 2,500 feet of a point at 58 degrees 16 minutes 18 seconds north latitude, 136 degrees 20 minutes 27 seconds west longitude, (2) within 2,500 feet of a point on the northwestern island at 58 degrees 15 minutes 34 seconds north latitude, 136 degrees 23 minutes 35 seconds west longitude, and (3) within 1,000 feet of a point at 58 degrees 14 minutes 9 seconds north latitude, 136 degrees 20 minutes 6 seconds west longitude.

(*c*) Island west of Three Hill Island, Cross Sound: Shore of island west of Three Hill Island located at 58 degrees 10 minutes 11 seconds north latitude, 136 degrees 24 minutes 33 seconds west longitude.

(*d*) Chichagof Island: Along the coast on the north side of Chichagof Island within 2,500 feet of a point at 58 degrees 13 minutes 12 seconds north latitude, 136 degrees 9 minutes 38 seconds west longitude.

(*e*) Chichagof Island: North coast within 1,000 feet westerly from Eagle Point.

(*f*) Chichagof Island: North coast from a point west of Point Adolphus at 58 degrees 16 minutes 38 seconds north latitude southwesterly to a point at 58 degrees 14 minutes 56 seconds north latitude, 135 degrees 53 minutes 34 seconds west longitude.

(*g*) Lemesurier Island: Northwestern coast within 2,500 feet of a point at 58 degrees 17 minutes 30 seconds north latitude, 136 degrees 8 minutes west longitude.

(*h*) Mainland: Within 2,500 feet of a point near Point Gustavus at 135 degrees 53 minutes 42 seconds west longitude.

(*i*) Pleasant Island: Southern coast (1) from the western extremity of the island easterly to 135 degrees 39 minutes 51 seconds west longitude, and (2) from 135 degrees 35 minutes 30 seconds west longitude to 135 degrees 33 minutes 1 second west longitude.

(*j*) Porpoise Islands: West coast of southernmost island within 2,500 feet of a point at 58 degrees 19 minutes 8 seconds north latitude, 135 degrees 27 minutes 22 seconds west longitude.

(*k*) Mainland: Along the coast on the east side of Excursion Inlet from 58 degrees 17 minutes 8 seconds north latitude southward to 135 degrees 8 minutes 31 seconds west longitude.

(*l*) Chichagof Island: Northeastern coast (1) within 2,500 feet of a point at 58 degrees 8 minutes 40 seconds north latitude, 135 degrees 23 minutes 59 seconds west longitude, and (2) from 135 degrees 20 minutes west longitude to 135 degrees 11 minutes 11 seconds west longitude.

(*m*) Chichagof Island: Northwestern coast within 2,500 feet of a point at 135 degrees 1 minute 31 seconds west longitude.

17. All commercial fishing for salmon is prohibited in Glacier Bay north of 58 degrees 27 minutes 54 seconds north latitude.

*Western district.*—All territorial waters within a line extending from a point off Cape Ommaney at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude, to a point off Cape Edgecumbe at 57 degrees north latitude, 136 degrees 4 minutes west longitude, thence to a point at 58 degrees north latitude, 136 degrees 51 minutes west longitude, thence east to 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to the point of beginning at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude.

1. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure.

2. Stake and anchored gill nets shall be operated in substantially a straight line.

3. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

4. No floating trap shall exceed 900 feet in length when any part of such trap is in a greater depth of water than 100 feet at mean high tide. The length of any such trap shall be as measured along the lead from shore at mean high tide to the outer face of the pot.



5. No salmon fishing boat shall carry or operate more than one seine of any description and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 250 meshes in depth, nor less than 150 fathoms nor more than 200 fathoms in length measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

6. Commercial fishing for salmon, other than trolling, north of a true line eastward from the southeastern extremity of Point Couverden is prohibited prior to 6 o'clock antemeridian June 20 and after 6 o'clock postmeridian August 10 in each calendar year: *Provided,* That this prohibition shall not apply to the use of gill nets from 6 o'clock postmeridian August 10 to 6 o'clock postmeridian August 25 and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 30 in Lynn Canal and contiguous waters north of the north end of Sullivan Island.

7. Commercial fishing for salmon, other than trolling, from a true line eastward from the southeastern extremity of Point Couverden south to 58 degrees north latitude is prohibited prior to 6 o'clock antemeridian July 5, from 6 o'clock postmeridian August 15 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

8. Commercial fishing for salmon, other than trolling, south of 58 degrees north latitude is prohibited prior to 6 o'clock antemeridian July 5, from 6 o'clock postmeridian August 18 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

9. Commercial fishing for salmon by means of any trap is prohibited except in the period (*a*) from 6 o'clock antemeridian June 20 to 6 o'clock postmeridian August 10, north of a true line eastward from the southeastern extremity of Point Couverden, (*b*) from 6 o'clock antemeridian July 5 to 6 o'clock postmeridian August 15, from a true line eastward from the southeastern extremity of Point Couverden south to 58 degrees north latitude, and (*c*) from 6 o'clock antemeridian July 5 to 6 o'clock postmeridian August 18, south of 58 degrees north latitude.

10. Commercial fishing for salmon, other than trolling, is prohibited in Tenakee Inlet from 6 o'clock postmeridian July 24 to 6 o'clock antemeridian October 1 in each year.

11. The use of any beach seine is prohibited.

12. No boat used in operating any purse seine shall be longer than 50 feet as shown by official register length.

13. No trolling boat shall operate more than four trolling lines.

14. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

15. Purse seines are prohibited in Lynn Canal and contiguous waters north of 58 degrees 34 minutes 10 seconds north latitude.

16. Commercial fishing for salmon in Chilkat Inlet is prohibited north of a line from Green Point passing across the southern shore of Pyramid Island to the northern shore of Chilkat Inlet.

17. Commercial fishing for salmon in Chilkoot Inlet within a line 1 statute mile from the mouth of Chilkoot River is prohibited, except that in these closed waters outside of a line 1,000 yards from the mouth of Chilkoot River such fishing is permitted by gill nets from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 30 in each year.

18. Commercial fishing for salmon is prohibited (1) in all bays tributary to Tenakee Inlet and in the waters of Tenakee Inlet west of 135 degrees 40 minutes west longi-

tude, and (2) within 1 statute mile of the mouths of all salmon streams in Freshwater Bay: *Provided*, That these prohibitions shall not apply to trolling from January 1 to 6 o'clock postmeridian August 24.

19. Commercial fishing for salmon is prohibited in Port Frederick, northern shore of Chichagof Island, in all waters east of a line from Inner Point Sophia to Game Point, and in all waters south of 58 degrees 4 minutes 8 seconds north latitude, except that trolling will be permitted from November 1 to June 1, both dates inclusive. A portion of the waters closed is in the Icy Strait district.

20. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Baranof Island: Northwest coast beginning at a point 1,000 yards southward of Point Kakul and extending southward ½ statute mile.

(*b*) Baranof Island: Northwest coast within 2,500 feet of a point at 57 degrees 20 minutes 19 seconds north latitude, 135 degrees 40 minutes 13 seconds west longitude.

(*c*) Chichagof Island: Southwest coast within 2,500 feet of a point at 57 degrees 23 minutes 7 seconds north latitude, 135 degrees 39 minutes 56 seconds west longitude.

(*d*) Chichagof Island: East coast (1) within 2,500 feet of a point at 58 degrees 1 minute 43 seconds north latitude, 134 degrees 55 minutes 59 seconds west longitude, (2) within 2,500 feet of a point at 57 degrees 59 minutes 11 seconds north latitude, 134 degrees 54 minutes 34 seconds west longitude, (3) within 2,500 feet of a point at 57 degrees 56 minutes 56 seconds north latitude, 134 degrees 55 minutes 7 seconds west longitude, and (4) within 2,500 feet of a point at 57 degrees 52 minutes 7 seconds north latitude, 134 degrees 57 minutes 51 seconds west longitude.

(*e*) Chichagof Island: East coast (1) from 57 degrees 48 minutes 52 seconds north latitude to 57 degrees 48 minutes 25 seconds north latitude, (2) within 2,500 feet of a point at 57 degrees 44 minutes 18 seconds north latitude, 134 degrees 55 minutes 4 seconds west longitude, (3) within 2,500 feet of a point at 57 degrees 39 minutes 36 seconds north latitude, 134 degrees 53 minutes 45 seconds west longitude, (4) from 57 degrees 36 minutes 37 seconds north latitude to 57 degrees 35 minutes 52 seconds north latitude, and (5) within 2,500 feet of a point at 57 degrees 30 minutes 4 seconds north latitude, 134 degrees 49 minutes 38 seconds west longitude.

(*f*) Chichagof Island: Southeast coast within 1,500 feet of a point at 57 degrees 27 minutes 32 seconds north latitude, 134 degrees 55 minutes 59 seconds west longitude.

(*g*) Baranof Island: East coast from a point ½ statute mile south of Point Thatcher to a point at 57 degrees 23 minutes 37 seconds north latitude.

(*h*) Baranof Island: East coast from a point ½ statute mile southeasterly of South Point to the north side of the entrance to Kasnyku Bay, exclusive of Cosmos Cove.

(*i*) Baranof Island: East coast within 2,500 feet of a point at 57 degrees 11 minutes 3 seconds north latitude, 134 degrees 48 minutes 43 seconds west longitude.

(*j*) Mansfield Peninsula: West coast within 2,500 feet of a point at 58 degrees 16 minutes 2 seconds north latitude.

(*k*) Mansfield Peninsula: West coast (1) from the south point of entrance to Funter Bay to 58 degrees 10 minutes 45 seconds north latitude, and (2) from 58 degrees 9 minutes 37 seconds north latitude to the southern extremity of the peninsula at the north side of the entrance to Hawk Inlet.

(*l*) Admiralty Island: West coast (1) from 57 degrees 38 minutes 7 seconds north latitude to 57 degrees 39 minutes 22 seconds north latitude, (2) from 57 degrees 40 minutes 47 seconds north latitude to 57 degrees 45 minutes 7 seconds north latitude, (3) from 57 degrees 50 minutes 2 seconds north latitude to 57 degrees 51 minutes 7 seconds north latitude, (4) from 57 degrees 53 minutes 30 seconds north latitude to 57 degrees 56 minutes 27 seconds north latitude, and (5) from 57 degrees 57 minutes 57 seconds north latitude to 58 degrees 2 minutes 7 seconds north latitude.

(*m*) Admiralty Island: West coast from 57 degrees 22 minutes 7 seconds north latitude to Distant Point.

(*n*) Killisnoo Island: South coast from 134 degrees 35 minutes 59 seconds west longitude to Point Samuel.

(*o*) Admiralty Island: West coast (1) from a point north of Wilson Cove at 57 degrees 10 minutes 37 seconds north latitude to 57 degrees 10 minutes 47 seconds north latitude, (2) from 57 degrees 12 minutes 37 seconds north latitude to 57 degrees 13 minutes 7 seconds north latitude, and (3) within 1,000 feet of a point at 57 degrees 13 minutes 57 seconds north latitude.

21. All commercial fishing for salmon is prohibited as follows:

(*a*) Wilson Cove, southwestern shore of Admiralty Island: All waters within the cove.

(*b*) Whitewater Bay, southwestern shore of Admiralty Island: All waters within a line from Point Caution to Woody Point.

(*c*) Chaik Bay, southwestern shore of Admiralty Island: All waters east of 134 degrees 28 minutes 59 seconds west longitude.

(*d*) Warm Spring Bay, eastern shore of Baranof Island: All waters within the bay.

(*e*) Kelp Bay, east coast of Baranof Island: All waters in Middle Arm, and all waters in South Arm west of 134 degrees 56 minutes 59 seconds west longitude.

(*f*) Hanus Bay, northeast shore of Baranof Island: All waters in the bay south of a line from Point Hanus to Point Moses.

(*g*) Rodman Bay, northeast coast of Baranof Island: All waters west of 135 degrees 21 minutes 59 seconds west longitude.

(*h*) Sitkoh Bay, southeast shore of Chichagof Island: All waters within 1,000 yards of the mouth of any salmon stream.

(*i*) Basket Bay, east coast of Chichagof Island: All waters within the bay.

(*j*) Hawk Inlet, west coast of Admiralty Island: All waters of the inlet and its tributaries.

(*k*) Salt Lake Lagoon, Takanis Bay, southwest shore of Yakobi Island: All waters in the Lagoon and within 500 yards of its mouth.

(*l*) Redfish Bay, southwest shore of Baranof Island: All waters above a true east and west line passing through the southern end of the Second Narrows.

(*m*) Still Harbor, west coast of Baranof Island: All waters in the harbor.

(*n*) Port Banks, off Whale Bay, west coast of Baranof Island: All waters in Port Banks.

(*o*) Redoubt Bay, west coast of Baranof Island: All waters within 1,000 yards of the mouth of the stream flowing from Redoubt Lake.

*Eastern district.*—All territorial waters within a line extending from a point near the Hazy Islands at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude, to the southern end of Cape Decision, thence following the watershed on Kuiu Island to a point on the east side of Kuiu Island at 56 degrees 40 minutes north latitude, 133 degreees 44 minutes 15 seconds west longitude, thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to a point on the east coast of Kupreanof Island at 56 degrees 54 minutes north latitude, thence across Frederick Sound to Horn Cliffs on the mainland, thence to Castle Mountain, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to a point at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude, thence to the point of beginning at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude.



1. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure.

2. Stake and anchored gill nets shall be operated in substantially a straight line.

3. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

4. No floating trap shall exceed 900 feet in length when any part of such trap is in a greater depth of water than 100 feet at mean high tide. The length of any such trap shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

5. No salmon fishing boat shall carry or operate more than one seine of any description and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 250 meshes in depth, nor less than 150 fathoms nor more than 200 fathoms in length measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

6. Commercial fishing for salmon, except by trolling, is prohibited prior to 6 o'clock antemeridian June 25 in each calendar year: *Provided*, That this prohibition shall not apply to the use of gill nets in Taku Inlet after 6 o'clock antemeridian May 10.

7. Commercial fishing for salmon, other than trolling, north of 57 degrees north latitude is prohibited for the remainder of each calendar year after 6 o'clock postmeridian August 18: *Provided*, That this prohibition shall not apply to the use of drift gill nets in Taku Inlet from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 30: *And provided further*, That commercial fishing for salmon between 57 degrees north latitude and 58 degrees north latitude is permitted from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 15.

8. Commercial fishing for salmon, other than trolling, south of 57 degrees north latitude is prohibited for the remainder of each calendar year after 6 o'clock postmeridian August 16: *Provided*, That commercial fishing for salmon is permitted from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 15.

9. Commercial fishing for salmon in Taku Inlet eastward of a line beginning on the shore northward of Taku Point at 133 degrees 58 minutes 58 seconds west longitude, thence running due north to the opposite shore, thence following the shore line to the mouth of Taku River, is prohibited, except that in these closed waters south of a line extending from a point at 58 degrees 25 minutes 58 seconds north latitude, 133 degrees 58 minutes 35 seconds west longitude, to a point at 58 degrees 25 minutes 8 seconds north latitude, 133 degrees 55 minutes 50 seconds west longitude, such fishing is permitted by gill nets from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 30.

10. Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 15 in each year.

11. The use of any beach seine is prohibited.

12. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

13. No trolling boat shall operate more than four trolling lines.

14. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

15. Purse seines are prohibited in Lynn Canal and contiguous waters north of 58 degrees 34 minutes 10 seconds north latitude.

16. No gill net used in Taku Inlet shall exceed 150 fathoms in length hung measure.

17. The use of any trap for the capture of salmon is prohibited except as follows:

(*a*) Mainland: From the south side of Limestone Inlet at 58 degrees 1 minute 52 seconds north latitude southward to a point at 58 degrees 1 minute 10 seconds north latitude.

(*b*) Mainland, east side of Stephens Passage from 57 degrees 35 minutes 42 seconds north latitude, 133 degrees 37 minutes 8 seconds west longitude, to 57 degrees 36 minutes 52 seconds north latitude, 133 degrees 39 minutes 17 seconds west longitude.

(*c*) Mainland, east side of Stephens Passage: Within 2,500 feet of a point at 57 degrees 28 minutes 8 seconds north latitude, 133 degrees 30 minutes 42 seconds west longitude.

(*d*) Mainland, east side of Stephens Passage: Along the coast (1) within 2,500 feet of a point at 57 degrees 21 minutes 18 seconds north latitude, 133 degrees 26 minutes 37 seconds west longitude, and (2) within 2,500 feet of a point at 57 degrees 23 minutes 4 seconds north latitude, 133 degrees 27 minutes 42 seconds west longitude.

(*e*) Mainland, Frederick Sound: From a point on the south side of Fanshaw Bay at 133 degrees 32 minutes 27 seconds west longitude to Cape Fanshaw, thence southeasterly to 133 degrees 29 minutes 57 seconds west longitude.

(*f*) Admiralty Island: Southeast coast (1) from Point Pybus to 57 degrees 18 minutes 57 seconds north latitude; and (2) from 57 degrees 20 minutes 7 seconds north latitude, 133 degrees 54 minutes 58 seconds west longitude, to False Point Pybus.

(*g*) Admiralty Island: Southeast coast (1) from 57 degrees 12 minutes 6 seconds north latitude to 57 degrees 11 minutes 21 seconds north latitude; and (2) from 57 degrees 10 minutes 36 seconds north latitude to Deepwater Point.

(*h*) Admiralty Island: Southeast coast from a point ½ statute mile southwest of Point Brightman to a point at 57 degrees 3 minutes 25 seconds north latitude, 134 degrees 27 minutes 18 seconds west longitude.

(*i*) Admiralty Island: Southeast coast within 2,500 feet of a point at 57 degrees 1 minute 41 seconds north latitude, 134 degrees 29 minutes 10 seconds west longitude.

(*j*) Kupreanof Island: Northwest coast (1) from a point ½ statute mile southeast of Point Macartney northward to the outer extremity of Point Macartney; (2) from 57 degrees 3 minutes 21 seconds north latitude, 134 degrees 1 minute 13 seconds west longitude, to 57 degrees 3 minutes 45 seconds north latitude, 134 degrees 0 minutes 58 seconds west longitude; and (3) from 57 degrees 4 minutes 22 seconds north latitude, 133 degrees 56 minutes 43 seconds west longitude, to 57 degrees 5 minutes 56 seconds north latitude, 133 degrees 54 minutes 18 seconds west longitude (as shown on U. S. Coast and Geodetic Survey chart No. 8200).

(*k*) Kuiu Island: Within ¼ statute mile of the western extremity of Cornwallis Point.

(*l*) Kuiu Island: Northwest coast (1) within 2,500 feet of a point at 56 degrees 33 minutes 15 seconds north latitude, 134 degrees 17 minutes 53 seconds west longitude; (2) from a point 1 statute mile north of the north side of the entrance to Washington Bay to 56 degrees 45 minutes 56 seconds north latitude; (3) from 56 degrees 47 minutes 51 seconds north latitude to 56 degrees 48 minutes 11 seconds north latitude; and (4) from 56 degrees 50 minutes 26 seconds north latitude to the point at the east side of the entrance to Band Cove.

18. All commercial fishing for salmon is prohibited as follows:

(*a*) Port Houghton, indenting mainland: All waters in Sanborn Canal.

(*b*) Windham Bay, indenting mainland: All waters of the bay east of 133 degrees 21 minutes 57 seconds west longitude.

(*c*) Gambier Bay, east coast of Admiralty Island: All waters west of 134 degrees 2 minutes 58 seconds west longitude.

(*d*) Port Camden, east coast of Kuiu Island: All waters of Port Camden south of 56 degrees 40 minutes 7 seconds north latitude.

(*e*) Kadak Bay, east coast of Kuiu Island: All waters of Kadak Bay within a line from a point at 56 degrees 48 minutes 27 seconds north latitude, 133 degrees 56 minutes 15 seconds west longitude, to a point at 56 degrees 48 minutes 47 seconds north latitude, 133 degrees 57 minutes 27 seconds west longitude.

(*f*) Hamilton Bay, west coast of Kupreanof Island: All waters east of 133 degrees 46 minutes 57 seconds west longitude.

(*g*) Keku Strait, east coast of Kuiu Island: Waters of Keku Strait, including all waters of Big Johns Bay, enclosed by a line from a point at 56 degrees 35 minutes 7 seconds north latitude, 133 degrees 42 minutes 32 seconds west longitude, to a point at 56 degrees 35 minutes 7 seconds north latitude, 133 degrees 39 minutes 57 seconds west longitude, and a line from the northern extremity of Point Camden to a point at 56 degrees 48 minutes 47 seconds north latitude, 133 degrees 45 minutes 57 seconds west longitude. A portion of the closed waters of Big Johns Bay is north of 56 degrees 48 minutes 47 seconds north latitude. A part of the waters closed is in the Sumner Strait district.

(*h*) Tebenkof Bay, west coast of Kuiu Island: All waters of Elena Bay north and east of a line extending from a point at 56 degrees 29 minutes 56 seconds north latitude, 134 degrees 6 minutes 28 seconds west longitude, southerly to a point at 56 degrees 29 minutes 5 seconds north latitude, 134 degrees 5 minutes 28 seconds west longitude.

(*i*) Bay of Pillars, west coast of Kuiu Island: All waters in south arm of the bay east of 134 degrees 11 minutes 40 seconds west longitude.

(*j*) Security Bay, northwest coast of Kuiu Island: All waters within 1,000 yards of any salmon stream.

(*k*) Saginaw Bay, northwest coast of Kuiu Island: All waters of the bay within a line from a point on the southwest shore at 56 degrees 51 minutes 36 seconds north latitude to a point on the northeast shore at 56 degrees 53 minutes 6 seconds north latitude.

(*l*) Red Bluff Bay, east coast of Baranof Island: All waters in the bay west of 134 degrees 45 minutes 28 seconds west longitude.

(*m*) Gut Bay, east coast of Baranof Island: All waters of the bay west of 134 degrees 43 minutes 28 seconds west longitude.

(*n*) Little Port Walter, east coast of Baranof Island: All waters in Little Port Walter inside the light dolphin in the narrows.

*Stikine district.*—All territorial waters within a line extending from Horn Cliffs on the mainland to Frederick Point on Mitkof Island, thence to Point Howe, thence to South Craig Point on Zarembo Island, thence to Drag Island in Chichagof Pass, thence to Chichagof Peak on Wrangell Island, thence to Babbler Point on the mainland, thence to Mount Cote, thence following the international boundary to Castle Mountain, thence to the point of beginning at Horn Cliffs.

1. Commercial fishing for salmon shall be conducted solely by trolling and by drift gill nets, which shall not be less than 125 fathoms in length nor more than 300 fathoms in length each.

2. Commercial fishing for salmon, except by trolling, is prohibited during the period from 6 o'clock antemeridian June 1 to 6 o'clock antemeridian June 26 in each calendar year and for the remainder of each year after 6 o'clock antemeridian September 23.

3. No trolling boat shall operate more than four trolling lines.

4. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

*Sumner Strait district.*—All territorial waters within a line extending from a point near the Hazy Islands at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude, to the southern end of Cape Decision, thence following the watershed on Kuiu Island to a point on the east side of Kuiu Island at 56 degrees 40 minutes north latitude, 133 degrees 44 minutes 15 seconds west longitude, thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to a point on the east coast of Kupreanof Island at 56 degrees 54 minutes north latitude, thence across Frederick Sound to Horn Cliffs on the mainland, thence to Frederick Point on Mitkof Island, thence to Point Howe, thence to South Craig Point on Zarembo Island, thence to Drag Island in Chichagof Pass, thence to Chichagof Peak on Wrangell Island, thence to Babbler Point on the mainland, thence to Mount Cote, thence following the international boundary to Mount Lewis Cass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence southerly along the watershed of Prince of Wales Island to a point at 55 degrees 40 minutes north latitude, 132 degrees 50 minutes west longitude, thence west to a point at 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to the point of beginning at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude.

1. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure.

2. Stake and anchored gill nets shall be operated in substantially a straight line.

3. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

4. No floating trap shall exceed 900 feet in length when any part of such trap is in a greater depth of water than 100 feet at mean high tide. The length of any such trap shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

5. No salmon fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited. No purse seine shall be less than 8 fathoms nor more than 12 fathoms in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.



6. Commercial fishing for salmon, other than trolling, is prohibited prior to 6 o'clock antemeridian July 10 in each calendar year, from 6 o'clock postmeridian August 22 to 6 o'clock antemeridian October 1 in each year, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

7. Commercial fishing for salmon by means of any trap is prohibited except in the period from 6 o'clock antemeridian July 10 to 6 o'clock postmeridian August 22 in each year.

8. The use of any beach seine is prohibited, except in Wrangell Narrows, where beach seines not less than 65 fathoms nor more than 100 fathoms in length may be used.

9. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

10. No trolling boat shall operate more than four trolling lines.

11. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

12. Commercial fishing for salmon, except by trolling, is prohibited in Anita Bay, opening into Zimovia Strait, Etolin Island.

13. Commercial fishing for salmon is prohibited in all waters of Bradfield Canal east of 131 degrees 49 minutes west longitude: *Provided*, That this prohibition shall not apply to trolling prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian September 30 in each year.

14. Commercial fishing for salmon is prohibited in all waters of Blake Channel and Eastern Passage between Bradfield Canal and a line from Babbler Point to a point on Wrangell Island at 56 degrees 27 minutes 50 seconds north latitude, 132 degrees 17 minutes 15 seconds west longitude: *Provided*, That this prohibition shall not apply to trolling prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian September 30 in each year.

15. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Heceta Island: Western and southern coast from a point at 55 degrees 43 minutes 13 seconds north latitude, 133 degrees 37 minutes 20 seconds west longitude, to a point at 55 degrees 41 minutes 36 seconds north latitude, 133 degrees 31 minutes 37 seconds west longitude.

(*b*) Tuxekan Island: Western coast from a point at 55 degrees 52 minutes 56 seconds north latitude southerly to a point at 55 degrees 52 minutes 21 seconds north latitude.

(*c*) Tuxekan Island: Western coast within 1,000 feet of the western extremity of Turn Point.

(*d*) Tuxekan Island: Western coast within 3,000 feet northwesterly of a point 200 feet northwesterly of the southern extremity of Tuxekan Island.

(*e*) Kosciusko Island: Western coast from a point 1,000 feet northwesterly from the southern extremity of land at the west side of Halibut Harbor to 55 degrees 56 minutes 6 seconds north latitude.

(*f*) Warren Island, near Kosciusko Island: East coast of Warren Island within 2,500 feet of a point at 55 degrees 51 minutes 37 seconds north latitude.

(*g*) Kuiu Island: East coast within 2,500 feet from a point at 56 degrees 13 minutes 25 seconds north latitude, 133 degrees 52 minutes 32 seconds west longitude.

(*h*) Kuiu Island: East coast of peninsula between Port Beauclerc and Reid Bay from 56 degrees 18 minutes 36 seconds north latitude northward to 56 degrees 19 minutes 6 seconds north latitude.

(*i*) Unnamed island east of Kuiu Island: Within 2,500 feet measured along the east coast from a point at 56 degrees 28 minutes 36 seconds north latitude, 133 degrees 50 minutes 47 seconds west longitude.

(*j*) Prince of Wales Island: Northwest coast within 2,500 feet of a point at 56 degrees 19 minutes 3 seconds north latitude, 133 degrees 39 minutes 42 seconds west longitude (as shown on U. S. Coast and Geodetic Survey chart No. 8174).

(*k*) Prince of Wales Island: North coast between 133 degrees 29 minutes 1 second west longitude and 133 degrees 33 minutes 27 seconds west longitude.

(*l*) Prince of Wales Island: North coast between 133 degrees 23 minutes 27 seconds west longitude and 133 degrees 24 minutes 22 seconds west longitude.

(*m*) Prince of Wales Island: North coast from Pine Point to Point Colpoys.

(*n*) Kupreanof Island: Southern coast within 2,500 feet from a point at 56 degrees 26 minutes 14 seconds north latitude, 133 degrees 29 minutes 32 seconds west longitude.

(*o*) Zarembo Island: Southwest coast within 2,500 feet of a point at 56 degrees 15 minutes 6 seconds north latitude, 132 degrees 53 minutes 27 seconds west longitude.

(*p*) Etolin Island: West coast (1) from 56 degrees 16 minutes 50 seconds north latitude southerly to a point at 56 degrees 16 minutes 29 seconds north latitude, and (2) between Steamer Point light and Steamer Point.

(*q*) Etolin Island: West coast within 2,500 feet northeasterly from a point on the coast at 56 degrees 11 minutes 44 seconds north latitude.

(*r*) Brownson Island: Along the coast within 5,000 feet southerly of a point on the east coast at 55 degrees 57 minutes 5 seconds north latitude.

(*s*) Cleveland Peninsula: West coast (1) within ½ statute mile of Watkins Point, and (2) within 2,500 feet of a point at 55 degrees 54 minutes 52 seconds north latitude, 132 degrees 3 minutes 29 seconds west longitude.

16. All commercial fishing for salmon is prohibited, as follows:

(*a*) Salmon Bay and tributary waters, northeast coast of Prince of Wales Island: All waters within the bay and its tributary waters and within ½ statute mile outside the mouth of Salmon Bay.

(*b*) Red Bay, north shore of Prince of Wales Island: All waters south of a true east and west line passing through the north shore of Dead Island.

(*c*) Olive Cove, indenting the northeastern shore of Etolin Island.

(*d*) Thoms Place, indenting the southwestern shore of Wrangell Island, Zimovia Strait.

(*e*) Fools Inlet, southeast coast of Wrangell Island: All waters within 1 statute mile of the mouth of the salmon stream flowing into the head of the inlet.

(*f*) Anan Lagoon and contiguous waters: All waters in Anan Lagoon and within 1⅛ statute miles outside its mouth.

(*g*) Duncan Canal, Kupreanof Island: All waters within 1 statute mile of any salmon stream tributary to Duncan Canal.

(*h*) Kah Sheets Bay, southeast coast of Kupreanof Island: All waters within 1,000 yards of the mouth of the salmon stream flowing into the head of the bay.

(*i*) Totem Bay, south coast of Kupreanof Island: All waters within 1,000 yards of the mouth of any salmon stream flowing into the head of the bay.

(*j*) Barrie Creek, north of Point Barrie, southwest shore of Kupreanof Island: All waters within 1 statute mile of the mouth of the creek.

(*k*) Keku Strait, east coast of Kuiu Island: Waters of Keku Strait, including all waters of Big Johns Bay, enclosed by a line from a point at 56 degrees 35 minutes 7 seconds north latitude, 133 degrees 42 minutes 32 seconds west longitude, to a point at 56 degrees 35 minutes 7 seconds north latitude, 133 degrees 39 minutes 57 seconds west longitude, and a line from the northern extremity of Point Camden to a point at 56 degrees 48 minutes 47 seconds north latitude, 133 degrees 45 minutes 57 seconds west longitude. A portion of the closed waters of Big Johns Bay is north of 56 degrees 48 minutes 47 seconds north latitude. A part of the waters closed is in the eastern district.

(*l*) Three Mile Arm, east coast of Kuiu Island: All waters within 1,000 yards of the mouth of any salmon stream.

(*m*) Seclusion Harbor, east coast of Kuiu Island: All waters within the outermost points of the harbor.

(*n*) Port Beauclerc, southeastern coast of Kuiu Island: All waters within 1,000 yards of the mouth of any salmon stream tributary to Port Beauclerc.

(*o*) Affleck Canal, southeastern coast of Kuiu Island: Bear Harbor north of 56 degrees 15 minutes 6 seconds north latitude, and East Arm north of 56 degrees 17 minutes 36 seconds north latitude.

(*p*) Calder Bay, west coast of Prince of Wales Island: All waters north of 56 degrees 11 minutes 12 seconds north latitude.

(*q*) El Capitan Passage, between Kosciusko Island and Prince of Wales Island: El Capitan Passage and contiguous waters between 56 degrees 7 minutes 36 seconds north latitude and a line extending due north from the point of land on Kosciusko Island at 56 degrees 8 minutes 53 seconds north latitude, 133 degrees 27 minutes 37 seconds west longitude, including all waters of Devilfish Bay.

(*r*) Shipley Bay, west coast of Kosciusko Island: All waters east of 133 degrees 33 minutes 5 seconds west longitude.

(*s*) Sarkar Cove, west coast of Prince of Wales Island, tributary to El Capitan Passage: All waters inside of a line across the entrance.

(*t*) Staney Creek, west coast of Prince of Wales Island: All waters within 1 statute mile of the mouth of the creek.

*Clarence Strait district.*—All territorial waters within a line extending from the southern extremity of Cape Chacon, thence east along the international boundary to a point at 131 degrees 40 minutes west longitude, thence north to a point west of Point Davison at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence to the southern extremity of Point Davison, thence northerly along the watershed of Annette Island to the northern extremity of Walden Point, thence to the southern extremity of Gravina Point, thence northwesterly to the northern extremity of Vallenar Point, thence to the southern extremity of Caamano Point, thence northeasterly along the watershed of Cleveland Peninsula to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island, at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence southeasterly along the watershed of Prince of Wales Island to the point of beginning at Cape Chacon.

1. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure.

2. Stake and anchored gill nets shall be operated in substantially a straight line.

3. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

4. No floating trap shall exceed 900 feet in length when any part of such trap is in a greater depth of water than 100 feet at mean high tide. The length of any such trap shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

5. No salmon fishing boat shall carry or operate more than one seine of any description and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 250 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

6. Commercial fishing for salmon, other than trolling, north of a line extending from Narrow Point to Ernest Point is prohibited prior to 6 o'clock antemeridian July 15, from 6 o'clock postmeridian August 28 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

7. Commercial fishing for salmon, other than trolling, between a line extending from Narrow Point to Ernest Point and a line extending from Approach Point to Caamano Point is prohibited prior to 6 o'clock antemeridian July 15, from 6 o'clock postmeridian August 25 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

8. Commercial fishing for salmon, other than trolling, south of a line extending from Approach Point to Caamano Point and east of a line extending down the middle of Clarence Strait is prohibited prior to 6 o'clock antemeridian July 10, from 6 o'clock postmeridian August 22 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

9. Commercial fishing for salmon, other than trolling, south of a line extending from Approach Point to Caamano Point and west of a line extending down the middle of Clarence Strait is prohibited prior to 6 o'clock antemeridian July 10, from 6 o'clock postmeridian August 23 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

10. Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 15.

11. The use of any beach seine is prohibited.

12. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

13. No trolling boat shall operate more than four trolling lines.

14. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

15. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Etolin Island: West coast from 56 degrees 9 minutes 20 seconds north latitude southward to 56 degrees 7 minutes 55 seconds north latitude.

(*b*) Etolin Island: West coast from 56 degrees 4 minutes 35 seconds north latitude southeasterly to 56 degrees 3 minutes 35 seconds north latitude.

(*c*) West coasts of Observation Island, Marsh Island, and the northwesternmost island of the Screen Islands group.

(*d*) East Island: East coast within 2,500 feet of a point at 56 degrees 10 minutes 6 seconds north latitude, 132 degrees 54 minutes 13 seconds west longitude.

(*e*) Prince of Wales Island: East coast from a point 1 statute mile south of the mouth of Eagle Creek to 55 degrees 55 minutes 20 seconds north latitude.

(*f*) Prince of Wales Island: East coast from a point at 55 degrees 51 minutes 30 seconds north latitude southeasterly to a point at 55 degrees 50 minutes 50 seconds north latitude.



(*g*) Prince of Wales Island: East coast from a point at 55 degrees 47 minutes 35 seconds north latitude southeasterly to a point at 55 degrees 46 minutes 45 seconds north latitude.

(*h*) Onslow Island: West coast from a point south of Gull Point at 55 degrees 52 minutes 57 seconds north latitude to Ernest Point.

(*i*) Cleveland Peninsula: South side of Ernest Sound within 1,500 feet of a point on the northwestern extremity of Union Point at 55 degrees 48 minutes 10 seconds north latitude, 132 degrees 11 minutes west longitude.

(*j*) Cleveland Peninsula: East side of Clarence Strait within 2,000 feet southerly of a point at 55 degrees 45 minutes 48 seconds north latitude, 132 degrees 17 minutes 5 seconds west longitude.

(*k*) Cleveland Peninsula: West coast (1) from a point at 55 degrees 44 minutes 12 seconds north latitude, 132 degrees 15 minutes 31 seconds west longitude, southerly to 55 degrees 43 minutes 5 seconds north latitude, (2) from 55 degrees 40 minutes 5 seconds north latitude to 55 degrees 39 minutes 35 seconds north latitude, (3) from 55 degrees 36 minutes 15 seconds north latitude to 55 degrees 34 minutes 50 seconds north latitude, (4) from 55 degrees 33 minutes 35 seconds north latitude to 55 degrees 32 minutes 35 seconds north latitude, 132 degrees 3 minutes 55 seconds west longitude, and (5) from 55 degrees 31 minutes 27 seconds north latitude, 132 degrees 1 minute 55 seconds west longitude, to 131 degrees 59 minutes 55 seconds west longitude.

(*l*) Westerly side of the Vallenar Rock Island located about 800 yards from the northern extremity of Vallenar Point.

(*m*) Gravina Island: West coast (1) from South Vallenar Point to 55 degrees 20 minutes 48 seconds north latitude, (2) from 55 degrees 18 minutes 50 seconds north latitude to 55 degrees 8 minutes 15 seconds north latitude, including the rocky islets adjacent to this coast, and (3) the Bronaugh Islands south of 55 degrees 7 minutes 10 seconds north latitude.

(*n*) Gravina Island: East coast (1) within 2,500 feet of a point at 55 degrees 10 minutes 30 seconds north latitude, and (2) within 2,500 feet southerly of a point at 55 degrees 12 minutes north latitude near the south side of the entrance to Bostwick Inlet.

(*o*) Gravina Island: East coast from 55 degrees 15 minutes north latitude northward to Blank Point at 55 degrees 15 minutes 11 seconds north latitude, 131 degrees 40 minutes 13 seconds west longitude.

(*p*) Annette Island: West coast from Walden Point to Davison Point, including the west shore of Warburton Island, exclusive of the coast between 55 degrees 10 minutes 5 seconds north latitude and 55 degrees 11 minutes 5 seconds north latitude.

(*q*) Grindall Island, off Grindall Point, Prince of Wales Island: Within 3,500 feet northwesterly of the eastern extremity of Approach Point.

(*r*) Prince of Wales Island: East coast (1) from a point on Grindall Point at 55 degrees 28 minutes 10 seconds north latitude northwesterly to a point at 55 degrees 28 minutes 35 seconds north latitude, (2) from 55 degrees 30 minutes 5 seconds north latitude to 55 degrees 31 minutes 5 seconds north latitude, and (3) from 55 degrees 38 minutes 20 seconds north latitude to a point southeasterly of Tolstoi Point at 55 degrees 39 minutes 5 seconds north latitude.

(*s*) Prince of Wales Island: East coast within 2,500 feet southerly of a point at 55 degrees 23 minutes 40 seconds north latitude, 132 degrees 13 minutes 55 seconds west longitude.

(*t*) Prince of Wales Island: East coast (1) from 55 degrees 20 minutes 15 seconds north latitude to 55 degrees 20 minutes 56 seconds north latitude, 132 degrees 9 minutes 38 seconds west longitude, and (2) within 2,500 feet of a point at 55 degrees 22 minutes 22 seconds north latitude, 132 degrees 11 minutes 15 seconds west longitude.

(*u*) Prince of Wales Island: East coast (1) Wedge Island, (2) from 55 degrees 11 minutes 25 seconds north latitude to 55 degrees 12 minutes 5 seconds north latitude, and (3) within 4,000 feet northerly from a point on a small island between Halibut Creek and Chasina Point, at approximately 55 degrees 15 minutes 5 seconds north latitude.

(*v*) Prince of Wales Island: East coast within 2,500 feet of a point at 55 degrees 6 minutes 51 seconds north latitude, 131 degrees 59 minutes 40 seconds west longitude.

(*w*) Prince of Wales Island: East coast (1) within 1,000 feet of an unnamed islet at 55 degrees 2 minutes north latitude, and (2) eastern shore of Polk Island.

(*x*) Prince of Wales Island: East coast, including adjacent rocks, from 54 degrees 56 minutes north latitude to 54 degrees 57 minutes 45 seconds north latitude.

(*y*) Prince of Wales Island: From the outer point of land on the north side of Kendrick Bay at approximately 131 degrees 58 minutes 25 seconds west longitude northward for a distance of 2,500 feet.

(*z*) Prince of Wales Island: East coast from a point at 54 degrees 49 minutes 50 seconds north latitude, 131 degrees 57 minutes 35 seconds west longitude, north of the entrance to Gardner Bay, northwesterly to a point on the south side of Kendrick Bay at 131 degrees 58 minutes 55 seconds west longitude.

(*aa*) Prince of Wales Island: East coast from McLean Point to a point 3,500 feet southward.

(*bb*) Prince of Wales Island: East coast from 54 degrees 42 minutes 12 seconds north latitude to 54 degrees 44 minutes 30 seconds north latitude.

16. All commercial fishing for salmon is prohibited, as follows:

(*a*) Moira Sound, east coast of Prince of Wales Island: South Arm south of 54 degrees 57 minutes 34 seconds north latitude, all waters in Frederick Cove, Kegan Cove, and within 1,000 yards of the mouth of any salmon stream in Johnson Cove.

(*b*) Dolomi Bay, tributary to Port Johnson, east coast of Prince of Wales Island: All waters within the outermost points of the bay.

(*c*) Cholmondeley Sound, east coast of Prince of Wales Island: All waters in Dora Bay and Sunny Cove.

(*d*) Skowl Arm, Prince of Wales Island: McKenzie Inlet south of 55 degrees 21 minutes 35 seconds north latitude, and Polk Inlet south of 55 degrees 25 minutes 15 seconds north latitude.

(*e*) Twelvemile Arm, Kasaan Bay: All waters tributary to the west side of Twelvemile Arm within a line from a point at 55 degrees 27 minutes 15 seconds north latitude, 132 degrees 39 minutes 55 seconds west longitude, to a point at 55 degrees 28 minutes 46 seconds north latitude, 132 degrees 38 minutes 25 seconds west longitude.

(*f*) Kasaan Bay, east coast of Prince of Wales Island: Within 1 statute mile of the mouth of any salmon stream in Karta Bay.

(*g*) Thorne and Tolstoi Bays, east coast of Prince of Wales Island: Within 1 statute mile of the mouth of any salmon stream, and all waters of Thorne Bay west of 132 degrees 28 minutes 35 seconds west longitude.

(*h*) Ratz Harbor, indenting the eastern shore of Prince of Wales Island: All waters within the harbor.

(*i*) Eagle Creek, about 1 mile south of Luck Point, northeast coast of Prince of Wales Island: All waters within 1 statute mile of the mouth of the creek.

(*j*) Barnes Lake, at head of Lake Bay, northeast coast of Prince of Wales Island: All waters in Barnes Lake and within 500 yards outside its entrance.

(*k*) Whale Passage, northeast coast of Prince of Wales Island: All waters within 1,000 yards of the mouth of any salmon stream.

(*l*) McHenry Inlet, southwest coast of Etolin Island: All waters within 1,000 yards of the salmon streams emptying into the head of McHenry Inlet.

(*m*) Rocky Bay, west coast of Etolin Island: All waters within 1 statute mile of the head of the bay.

*South Prince of Wales Island district.*—All territorial waters within a line extending from a point west of the Maurelle Islands at 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to a point west of Cape Addington at 55 degrees 25 minutes 30 seconds north latitude, 134 degrees west longitude, thence to a point southwest of Forrester Island at 54 degrees 40 minutes north latitude, 133 degrees 35 minutes west longitude, thence to the southern extremity of Cape Muzon, thence to the southern extremity of Cape Chacon, thence in a northwesterly direction along the watershed of Prince of Wales Island to a point at 55 degrees 40 minutes north latitude, 132 degrees 50 minutes west longitude, thence to the point of beginning at 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude.

1. The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure.

2. Stake and anchored gill nets shall be operated in substantially a straight line.

3. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

4. No floating trap shall exceed 900 feet in length when any part of such trap is in a greater depth of water than 100 feet at mean high tide. The length of any such trap shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

5. No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 8 fathoms nor more than 12 fathoms in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

6. Commercial fishing for salmon, other than trolling, is prohibited prior to 6 o'clock antemeridian July 15 in each calendar year, from 6 o'clock postmeridian August 29 to 6 o'clock antemeridian October 1 in each year, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

7. Commercial fishing for salmon by means of any trap is prohibited except in the period from 6 o'clock antemeridian July 15 to 6 o'clock postmeridian August 29 in each year.

8. The use of any beach seine is prohibited.

9. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

10. No trolling boat shall operate more than four trolling lines.

11. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

12. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Noyes Island: North coast between 133 degrees 39 minutes 57 seconds west longitude and 133 degrees 42 minutes 13 seconds west longitude.

(*b*) San Fernando Island: Northern coast from Point Garcia to a point on the coast at 55 degrees 34 minutes 7 seconds north latitude, 133 degrees 23 minutes 57 seconds west longitude.

(*c*) San Fernando Island: Southeastern coast from a point on the coast 1½ statute miles southwest of Fern Point southerly to a point 2 statute miles northeasterly of Point Amargura.

(*d*) St. Philip Island: Within 2,500 feet of the western extremity of the island.

(*e*) Blanquizal Islands: Coast west of 133 degrees 23 minutes 57 seconds west longitude.

(*f*) Prince of Wales Island: Coast along San Christoval Channel from a point at 55 degrees 37 minutes 6 seconds north latitude southward to 133 degrees 17 minutes 20 seconds west longitude.

(*g*) St. Ignace Island: Within ⅜ statute mile of the southern extremity of the island.

(*h*) Baker Island: East coast from Point Maria to Point Capones.

(*i*) Suemez Island: Northern coast from 55 degrees 20 minutes north latitude, 133 degrees 23 minutes 38 seconds west longitude, to 133 degrees 20 minutes 36 seconds west longitude.

(*j*) Prince of Wales Island: Coast from a point north of Point Providence at 133 degrees 15 minutes 10 seconds west longitude to a point on the coast between Tranquil Point and Point Batan at 133 degrees 12 minutes 56 seconds west longitude.

(*k*) Dall Island: West coast within 2,500 feet of a point at 54 degrees 44 minutes 26 seconds north latitude, 132 degrees 53 minutes 9 seconds west longitude.

(*l*) Dall Island: Coast from a point on the south side of the entrance to McLeod Bay at 54 degrees 41 minutes 7 seconds north latitude, southeasterly to Kalgani village, including coast line of nearby island within 300 feet of a point at 54 degrees 40 minutes 34 seconds north latitude, 132 degrees 39 minutes 46 seconds west longitude.

(*m*) Long Island, east of Dall Island: West coast within 2,500 feet measured along the coast from 54 degrees 46 minutes 19 seconds north latitude.

(*n*) Sukkwan Island: Southwestern coast (1) from 55 degrees 2 minutes 35 seconds north latitude to 55 degrees 1 minute 20 seconds north latitude, and (2) from 55 degrees 0 minutes 50 seconds north latitude to the southern extremity of the island, exclusive of the waters of Kasook Inlet and its tributaries and branches.

(*o*) McFarland Islands: Southwest coast of the westernmost island within 2,500 feet of a point at 55 degrees 2 minutes 40 seconds north latitude, 132 degrees 55 minutes 11 seconds west longitude.

(*p*) Prince of Wales Island: West coast within 2,500 feet of a point at 55 degrees 2 minutes 20 seconds north latitude, 132 degrees 35 minutes 18 seconds west longitude.

(*q*) Prince of Wales Island: From Point Webster southeasterly to 54 degrees 55 minutes 52 seconds north latitude, 132 degrees 32 minutes 30 seconds west longitude.

(*r*) Ship Islands, Cordova Bay: Within 300 yards west of the southern extremity of the eastern large island of the Ship Islands group at 54 degrees 53 minutes 42 seconds north latitude, 132 degrees 30 minutes 21 seconds west longitude.

(*s*) Coast line of a small island near the entrance to Ruth Bay within 2,500 feet of a point at 54 degrees 53 minutes 40 seconds north latitude, 132 degrees 26 minutes 27 seconds west longitude.

(*t*) Coast line within 450 feet of the eastern extremity of the island situated at 54 degrees 42 minutes 55 seconds north latitude, 132 degrees 16 minutes 10 seconds west longitude.

(*u*) Prince of Wales Island: South coast within 3,000 feet northeasterly from the extremity of land at 54 degrees 43 minutes 9 seconds north latitude, 132 degrees 13 minutes 30 seconds west longitude.

(*v*) Prince of Wales Island: South coast between Bronson Bay and Nichols Bay from a point at 54 degrees 42 minutes 34 seconds north latitude, 132 degrees 9 minutes 55 seconds west longitude, easterly to a point at 54 degrees 41 minutes 30 seconds north latitude, 132 degrees 7 minutes 46 seconds west longitude.

(*w*) Prince of Wales Island: From a point near Nichols Bay at 132 degrees 4 minutes 55 seconds west longitude eastward and southward for a distance of 5,000 feet.

13. All commercial fishing for salmon is prohibited, as follows:

(*a*) Klawak Inlet, west coast of Prince of Wales Island: All waters in the head of the inlet east of 133 degrees 5 minutes west longitude.



(*b*) Klawak Harbor, west coast of Prince of Wales Island: All waters south of 55 degrees 33 minutes 27 seconds north latitude.

(*c*) Trocadero Bay, west coast of Prince of Wales Island: All waters in the bay east of a true north and south line passing through the eastern extremity of the peninsula just south of Copper Mine.

(*d*) Manhattan Arm, west coast of Dall Island: All waters east of 133 degrees 10 minutes west longitude.

(*e*) Sawmill Cove, east coast of Dall Island: All waters of the cove within a line indicated by markers erected for the purpose.

(*f*) Kasook Inlet, southern coast of Sukkwan Island: All waters within 1 statute mile of head of inlet.

(*g*) Hetta Inlet, west coast of Prince of Wales Island: All waters within a true north and south line passing through the western extremity of Gould Island.

(*h*) Deer Bay, Hetta Inlet: All waters within the bay.

(*i*) Hetta Harbor, Hetta Inlet: All waters within the harbor.

(*j*) Eek Inlet, Hetta Inlet: All waters within the inlet.

(*k*) Hunter Bay, southwest coast of Prince of Wales Island: All waters within 1 statute mile outside the mouths of all salmon streams.

*Southern district.*—All territorial waters within a line beginning at a point on the international boundary at 131 degrees 40 minutes west longitude and following that boundary to Mount Lewis Cass, then southerly and westerly along the watershed to the southern extremity of Caamano Point, thence to Vallenar Point on Gravina Island, thence southerly and easterly along the watershed of Gravina Island to Gravina Point, thence to Walden Point on Annette Island, thence southerly along the watershed of Annette Island to Davison Point, thence west to a point at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence due south to the point of beginning on the international boundary at 131 degrees 40 minutes west longitude.

1. The total aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure.

2. Stake and anchored gill nets shall be operated in substantially a straight line.

3. The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

4. No floating trap shall exceed 900 feet in length when any part of such trap is in a greater depth of water than 100 feet at mean high tide. The length of any such trap shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

5. No salmon fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 250 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited.

6. Commercial fishing for salmon, other than trolling, is prohibited prior to 6 o'clock antemeridian July 5, from 6 o'clock postmeridian August 18 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock postmeridian October 15.

7. Commercial fishing for salmon by means of any trap is prohibited except in the period from 6 o'clock antemeridian July 5 to 6 o'clock postmeridian August 18 in each year.

8. The use of any beach seine is prohibited.

9. No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

10. No trolling boat shall operate more than four trolling lines.

11. In commercial trolling operations no king salmon shall be caught which when dressed will weigh less than 6 pounds. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive.

12. Commercial fishing for salmon by trolling is prohibited in Behm Canal and its tributaries within a line from Point Sykes to Point Alava, across the eastern entrance of the canal, and a line from Escape Point to Point Francis, across the western entrance, from 6 o'clock postmeridian April 30 to 6 o'clock postmeridian June 30.

13. Commercial fishing for salmon by trolling is prohibited in Burroughs Bay (indenting mainland north of Revillagigedo Island) for the remainder of each calendar year after 6 o'clock postmeridian August 16: *Provided*, That this prohibition shall not apply to the period from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 15 in each year.

14. Commercial fishing for salmon, except by trolling, is prohibited in the waters of Tongass Narrows between a line from Mountain Point to Gravina Point and a line from Point Higgins to Vallenar Point.

15. The use of any trap for the capture of salmon is prohibited, except as follows:

(*a*) Cleveland Peninsula: From a point near the south side of the entrance to Smugglers Cove at 55 degrees 34 minutes 10 seconds north latitude southwesterly to 55 degrees 31 minutes 30 seconds north latitude.

(*b*) Annette Island: East coast from Harbor Point to a point at 55 degrees 6 minutes 48 seconds north latitude, including Ham Island.

(*c*) Revillagigedo Island: Southwest coast (1) from Carroll Point southeasterly to a point at 131 degrees 27 minutes 26 seconds west longitude, and (2) within 2,500 feet of a point at 55 degrees 15 minutes 36 seconds north latitude, 131 degrees 21 minutes 15 seconds west longitude.

(*d*) Revillagigedo Island: From Cone Point southeasterly to a point at 55 degrees 11 minutes 41 seconds north latitude, 131 degrees 10 minutes 36 seconds west longitude, including Cone Island.

(*e*) Revillagigedo Island: Within ½ statute mile of Escape Point at 55 degrees 38 minutes 54 seconds north latitude.

(*f*) Revillagigedo Island: Within 5,000 feet northwesterly of Indian Point at 55 degrees 36 minutes 51 seconds north latitude.

(*g*) Revillagigedo Island: Within 1⅛ statute miles northeasterly from a point north of Point Higgins at 55 degrees 27 minutes 50 seconds north latitude, 131 degrees 49 minutes 52 seconds west longitude.

(*h*) Betton Island: West coast between the southern extremity of the island and 55 degrees 30 minutes 5 seconds north latitude.

(*i*) Mainland peninsula between Smeaton Bay and Boca de Quadra: Along the coast (1) from Point Sykes at 55 degrees 11 minutes 41 seconds north latitude, 131 degrees 5 minutes 24 seconds west longitude, to a point at 55 degrees 9 minutes 56 seconds north latitude, and (2) from 55 degrees 7 minutes 50 seconds north latitude to a point at 55 degrees 6 minutes 50 seconds north latitude, 131 degrees 3 minutes 11 seconds west longitude.

(*j*) Southwestern coast of island located southwesterly from Kah Shakes Point at 55 degrees 2 minutes 47 seconds north latitude, 131 degrees 0 minutes 27 seconds west longitude.

(*k*) Mainland south of Kah Shakes Cove: From a point at 55 degrees 1 minute 59 seconds north latitude, 130 degrees 59 minutes 54 seconds west longitude, southward to 55 degrees 1 minute 20 seconds north latitude.

(*l*) Mainland south of Foggy Bay: Along the coast (1) from within ½ statute mile northward of Foggy Point to a point at 54 degrees 54 minutes 5 seconds north latitude; (2) from 54 degrees 53 minutes 5 seconds north latitude to 54 degrees 51 minutes 35 seconds north latitude; and (3) from 54 degrees 49 minutes 30 seconds

north latitude to 54 degrees 46 minutes 30 seconds north latitude, 130 degrees 52 minutes 42 seconds west longitude.

(*m*) Cape Fox Island and within 1,000 feet of a point on an unnamed island near the western mainland shore at 54 degrees 47 minutes 47 seconds north latitude.

(*n*) Percy Islands: Coast along the west and north sides of the westernmost island of the Percy Islands group.

(*o*) Duke Island: East coast within 1,500 feet of the outer extremity of Flag Point.

(*p*) Duke Island: East coast within 2,500 feet of Duke Point.

(*q*) Kelp Island: Southern coast from a point at 131 degrees 16 minutes 6 seconds west longitude to the eastern extremity of the island.

(*r*) Mainland east of Cape Fox: Within 2,500 feet southwesterly of a point at 54 degrees 46 minutes 48 seconds north latitude, 130 degrees 48 minutes 10 seconds west longitude.

(*s*) Tongass Island: West coast within 2,000 feet of a point at 54 degrees 46 minutes 36 seconds north latitude.

(*t*) Kanagunut Island: West coast (1) from 54 degrees 44 minutes 35 seconds north latitude, 130 degrees 43 minutes 12 seconds west longitude, to Garnet Point.

(*u*) Sitklan Island: Within ½ statute mile of the southern extremity of the island.

16. All commercial fishing for salmon is prohibited, as follows:

(*a*) Hidden Inlet, indenting mainland: All waters in the inlet north of 55 degrees 0 minutes 5 seconds north latitude.

(*b*) Fillmore Inlet, indenting mainland: All waters east of 130 degrees 29 minutes 54 seconds west longitude.

(*c*) Willard Inlet, indenting mainland: All waters north of 54 degrees 56 minutes 35 seconds north latitude.

(*d*) Ray Anchorage, east coast of Duke Island: All waters in Ray Anchorage.

(*e*) Very Inlet, indenting mainland: All waters within the inlet.

(*f*) Boca de Quadra, indenting mainland: All waters within 1 statute mile of the mouth of Sockeye Creek.

(*g*) George Inlet, southern coast of Revillagigedo Island: All waters north of a line from Bat Point to Tsa Cove.

(*h*) Smeaton Bay, indenting mainland: Within 1 statute mile outside the mouth of the salmon stream in Wilson Arm, and all waters of Bakewell Arm east of 130 degrees 39 minutes 54 seconds west longitude.

(*i*) Rudyerd Bay, indenting mainland: All waters in the north arm within 2 statute miles of the mouth of any salmon stream.

(*j*) Walker Cove, indenting mainland, tributary to Behm Canal: All waters within a line from Ledge Point to Hut Point.

(*k*) Chickamin River: All waters within a line from Fish Point to Trap Point.

(*l*) Yes Bay, Cleveland Peninsula: All waters within the bay and all waters outside the entrance within 1,000 yards of a line from Bluff Point to Syble Point.

(*m*) Shrimp Bay, west coast of Revillagigedo Island: All waters east of a line running south from Dress Point to the opposite shore.

(*n*) Traitors Cove, west coast of Revillagigedo Island: All waters of the cove within a line 50 yards outside the neck of the salt-water lagoon.

(*o*) Naha Bay, west shore of Revillagigedo Island: Within 1 statute mile of the falls at the outlet of Roosevelt Lagoon.

(*p*) Raymond Cove, Behm Canal: All waters of the cove within a line from the southern extremity of Mike Point northeasterly to a point at 55 degrees 37 minutes 45 seconds north latitude, 131 degrees 51 minutes 50 seconds west longitude.

HERRING FISHERY.—1. During the period from June 1 to October 15, both dates inclusive, commercial fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

2. Commercial fishing for herring, except for bait purposes, is prohibited from January 1 to May 31, both dates inclusive, and from October 1 to December 31, both dates inclusive: *Provided*, That this prohibition shall not apply to the use of gill nets of mesh not less than 2½ inches stretched measure between knots, in the period from October 1 to December 31, both dates inclusive.

3. All commercial fishing for herring, except for bait purposes, is prohibited, as follows: All waters of Chatham Strait and contiguous waters along the western shore of Admiralty Island between Point Gardner and a point at 57 degrees 40 minutes north latitude: *Provided*, That this prohibition shall not apply to commercial fishing for herring by means of gill nets of mesh not less than 2½ inches stretched measure between knots in the period from June 1 to December 31, both dates inclusive. The taking of herring for bait, except by salmon trolling boats by means of any gill net of mesh not more than 2½ inches stretched measure between knots, of not greater than No. 20 gill net thread, and not exceeding 10 fathoms in length and 100 meshes in depth, is prohibited in all waters of Kootznahoo Inlet east of a line extending from Danger Point to Kootznahoo Head.

4. All commercial fishing for herring, except for bait purposes, is prohibited prior to July 16 in the waters along the south coast of Baranof Island from Redfish Cape to the light at Port Armstrong.

5. All commercial fishing for herring, including bait fishing, by means of any purse seine is prohibited in the waters on the west side of Cleveland Peninsula between 55 degrees 46 minutes north latitude and 55 degrees 44 minutes north latitude, and east of 132 degrees 17 minutes 30 seconds west longitude.

6. Commercial fishing for herring, except for bait purposes, is prohibited from 6 o'clock antemeridian of Saturday of each week until 6 o'clock postmeridian of the Sunday following.

7. Commercial fishing for herring, including bait fishing, by means of any trap is prohibited.

8. No herring-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any herring-fishing boat is prohibited. These prohibitions shall not apply to pound seines used exclusively for impounding herring or to seines used exclusively within waters enclosed by such pound seines.

9. Commercial fishing for herring, including bait fishing, by means of any purse seine more than 1,200 meshes in depth, more than 180 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited: *Provided*, That any purse seine may have in addition a strip along the bottom not to exceed 30 meshes in depth and of mesh not less than 4 inches stretched measure between knots. No extension to any seine in the way of leads will be permitted.

10. No one shall place, or cause to be placed, across the entrance to any lagoon or bay any net or other device which will prevent the free passage at all times of herring in and out of said lagoon or bay.

11. All commercial fishing, including bait fishing, for herring is prohibited throughout the year in the waters of Kanalku Bay, Admiralty Island.

12. Commercial fishing for herring, including bait fishing, by means of any beach seine on any herring spawning ground is prohibited.

13. Seines used in commercial fishing, including bait fishing, for herring in Klawak Harbor within a true east and west line passing through the northern extremity of Klawak Island shall not exceed 90 fathoms hung measure in length nor 500 meshes in depth. For the purpose of determining depths of such seines measurements will be upon the basis of 1½ inches stretched measure between knots. No such seine shall have a mesh of less than 1½ inches stretched measure between knots.



14. The dumping of offal and dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

CLAM FISHERY.—1. It is prohibited to take for commercial purposes any razor clam measuring less than 4½ inches in total length of shell. Possession of any razor clam of less than this length will be regarded as prima facie evidence of unlawful taking.

2. Any razor clam measuring less than 4½ inches in total length of shell shall be returned alive immediately to the hole from which it was removed in the course of digging operations.

3. It is prohibited to take for commercial purposes any butter clam (*Saxidomus*) measuring less than 2 inches in total length of shell. Possession of any butter clam of less than this length will be regarded as prima facie evidence of unlawful taking.

SHRIMP FISHERY.—Commercial fishing for shrimps is prohibited in the period from March 15 to April 30, both dates inclusive, in each year.

CRAB FISHERY—DUNGENESS CRAB (*Cancer magister*).—1. No female of this species shall be taken at any time, and no male of this species measuring less than 7 inches in greatest width shall be taken for commercial purposes.

2. It is prohibited to take for commercial purposes any soft-shell crab. Possession of any such crab will be regarded as prima facie evidence of unlawful taking.

3. Commercial fishing for the Dungeness crab is prohibited from May 15 to July 31, both dates inclusive, in the Sumner Strait and Stikine districts, and from June 15 to August 1, both dates inclusive, in the Icy Strait district.

TROUT REGULATIONS

1. Commercial fishing for steelhead trout shall be subject to the provisions of law and the regulations applicable to commercial fishing for salmon.

2. Commercial fishing for trout of any species is prohibited in all streams and lakes: *Provided*, That this prohibition shall not apply to Dolly Varden trout.

3. No person shall take during any one day more than a combined total of 40 trout of all species, except Dolly Varden trout, and no person shall have in his possession at any time more than 80 trout of all species, except Dolly Varden trout: *Provided*, That in Russian River, flowing into Kenal River, and in its tributary lakes and streams, there shall not be taken in any one day, and no one shall have in his possession at any time, more than a combined total of 20 pounds and one fish of all species except Dolly Varden trout.

GENERAL REGULATIONS

1. During closed periods the heart walls of all salmon traps within the areas affected shall be lifted or lowered in accordance with the method prescribed by section 5 of the act of June 6, 1924. The tunnels from hearts to pots of all salmon traps shall be constructed of flexible webbing other than wire, and during all closed periods they shall be completely closed by pulling to one side of the pot. In addition, the spillers of all driven traps shall be raised to within 4 feet of the capping and the spillers of floating traps shall be raised to within 4 feet of the surface within 36 hours after the beginning of any seasonal closed period. Within 36 hours after the beginning of any seasonal closed period the tunnels from pots to spillers of all traps shall be entirely disconnected. In respect to traps not provided with spillers, the requirements in regard to spillers shall apply to the pots. In any prescribed fishing area prior to the first date when salmon traps may be operated in any calendar year, no trap or any part thereof, whether under construction or after completion, shall be so arranged or adjusted as to prevent the free and unobstructed passage at all times of all fish.

2. No trap shall have more than two spillers.

3. No salmon trolling boat shall carry or operate any seine or more than one gill net. The gill net shall be of mesh not more than 2½ inches stretched measure between knots, shall not be of greater than No. 20 gill-net thread, and shall not exceed 10 fathoms in length and 100 meshes in depth.

4. In commercial fishing for salmon all forms of gear other than drift gill nets, stake nets, set nets, driven traps, floating traps, purse seines, beach seines, fish wheels, trolling apparatus, hand lines, rods, spears, and gaffs, are prohibited at all times. The use of any other form of gear, including trammel nets, diver nets, trawls, combination nets, hammerhead traps or any modification thereof, is prohibited at all times. No gill net shall include any webbing other than a single sheet hung between cork and lead lines. No gill net shall be used in any form of seining operations.

5. The use of any trawl in commercial fishery operations is prohibited: *Provided*, That this prohibition shall not apply to fishing operations conducted solely for the purpose of taking shrimp, or to commercial fishing for flounders when such fishing does not result in the capture, injury, or destruction of other food fish.

6. The use of dynamite or any other explosive in the taking or killing of any fish is prohibited.

7. The time used in the various areas for the enforcement of the law and the regulations that specify hours and days shall be as follows:

(*a*) In the southeastern Alaska area: Standard time of the one hundred and thirty-fifth meridian of west longitude, which is 1 hour slower than Seattle standard time.

(*b*) In the Bering River, Copper River, Prince William Sound, Resurrection Bay, Cook Inlet, Kodiak, Chignik, Alaska Peninsula, and Bristol Bay areas; Standard time of the one hundred and fiftieth meridian of west longitude, which is 2 hours slower than Seattle standard time.

(*c*) In the Aleutian Islands and Yukon-Kuskokwim areas: Standard time of the one hundred and sixty-fifth meridian of west longitude, which is 3 hours slower than Seattle standard time.

8. All persons engaged in fishery operations are warned to give due regard to all markers erected by the Department of Commerce.

9. In waters where a rack or weir is maintained by the Bureau of Fisheries for the purpose of counting salmon ascending to the spawning grounds, records of the catch of salmon shall be furnished daily by all operators to the local representative of the Bureau of Fisheries in charge, and upon notification by the Commissioner of Fisheries or his authorized representative that an excessive proportion of the run is being taken so that the escapement of any species is less than the 50 per cent specified by section 2 of the act of June 6, 1924, all commercial fishing operations shall at once be discontinued and shall not be resumed until permission therefor is granted by the Commissioner of Fisheries or his duly authorized representative. And if in any year it shall appear that the run of salmon in such waters has diminished there shall be required a correspondingly increased escapement, and upon notification by the Commissioner of Fisheries or his authorized representative all commercial fishery operations shall cease and shall not be resumed until such increased escapement has been secured.

10. The driving of salmon downstream and the causing of salmon to go outside the protected area at the mouth of any salmon stream are expressly prohibited.

11. During the inspection of the salmon fisheries by the agents and representatives of this department, they shall have at all times free and unobstructed access to all canneries, salteries, and other fishing establishments and to all hatcheries.

12. All persons, companies, or corporations owning, operating, or using any stake net, set net, trap net, pound net, or fish wheel for taking salmon or other fishes shall cause to be placed in a conspicuous place on said trap net, pound net, stake net, set net, or fish wheel the name of the person, company, or corporation owning, operating, or using same, together with a distinctive number, letter, or name which shall identify each particular stake net, set net, trap net, pound net, or fish wheel, said lettering and numbering to consist of black figures and letters, not less than 6 inches in length, painted on white ground.

13. If in the process of curing salmon bellies the remaining edible portion of the fish is not used, such action will be regarded as wanton waste within the meaning of section 8 of the act of June 26, 1906, and those who engage in this practice will be reported for prosecution as provided for in the act.

14. The taking of salmon for feed for fur-bearing animals shall be considered as commercial fishing and subject to all of the limitations in respect thereto.

15. Any increase in the amount of fishing gear employed or any expansion of fishery operations in any district in any season shall, in the discretion of the Secretary of Commerce, result in the immediate imposition of such additional restrictions as may appear necessary.

16. These regulations shall be subject to such change or revision by the Secretary of Commerce as may appear advisable from time to time. They shall be in full force and effect immediately from and after February 8, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-418; Filed, February 10, 1937; 12:08 p. m.]

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

[Supplement to Regulation D]

### RESERVES REQUIRED TO BE MAINTAINED BY MEMBER BANKS WITH FEDERAL RESERVE BANKS

Pursuant to the provisions of section 19 of the Federal Reserve Act and section 2 (a) of its Regulation D, the Board of Governors of the Federal Reserve System increases by 33⅓ per cent the reserve requirements established by the Supplement to Regulation D made effective at the close of business on August 15, 1936: *Provided, however*, That ½ of such increase shall be effective as to each member bank at the opening of business on March 1, 1937, and the remaining ½ of such increase shall be effective as to each member bank at the opening of business on May 1, 1937.[1]

Approved by the Board of Governors of the Federal Reserve System on January 30, 1937.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-434; Filed, February 11, 1937; 10:53 a. m.]

[Regulation Q Amended]

### PAYMENT OF INTEREST ON DEPOSITS

Be it resolved That, effective February 11, 1937, Regulation Q entitled "Payment of Interest on Deposits", as adopted to become effective January 1, 1936, is amended by striking out subsection (f) of section 1 thereof and by inserting after the first sentence of subsection (a) of section 2 thereof the following sentence:

Within this regulation, any payment to or for the account of any depositor as compensation for the use of funds constituting a deposit shall be considered interest.

Adopted by the Board of Governors of the Federal Reserve System on February 9, 1937.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-433; Filed, February 11, 1937; 10:53 a. m.]

[1] Effective at the opening of business on March 1, 1937, the requirements as to reserves to be maintained by each member bank will be 75 per cent above the requirements prescribed by section 19 of the Federal Reserve Act and, effective at the opening of business on May 1, 1937, the requirements as to reserves to be maintained by each member bank will be 100 per cent above the requirements prescribed by section 19 of the Federal Reserve Act.

## FEDERAL DEPOSIT INSURANCE CORPORATION.

### REGULATION IV—RELATING TO THE PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

AS AMENDED FEBRUARY 10, 1937, TO BE EFFECTIVE FEBRUARY 11, 1937, SUPERSEDING REGULATION IV AS AMENDED JANUARY 23, 1936

*Authority for and Scope of Regulation*

This regulation is issued under authority of paragraph (8), subsection (v) of Section 12B of the Federal Reserve Act, as amended, which is published in the Appendix hereto.

This regulation relates to the payment of deposits and interest thereon by insured nonmember banks. This regulation is not applicable to banks which are members of the Federal Reserve System. Regulation Q, prescribed by the Board of Governors of the Federal Reserve System for banks which are members of that System, is not applicable to insured banks which are not members of the Federal Reserve System, except to the extent that the State law of a particular State provides otherwise.

The provisions of this regulation do not apply to any deposit in a bank located outside of or payable only at a bank's office which is located outside of the States of the United States and the District of Columbia.

SECTION 1—DEFINITIONS

(a) *Demand deposits.*—The term "demand deposit" includes every deposit which is not a "time deposit" or "savings deposit", as defined below.

(b) *Time deposits.*—The term "time deposits" means "time certificates of deposit" and "time deposits, open account", as defined below.

(c) *Time certificates of deposit.*—The term "time certificate of deposit", means a deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of such deposit is payable:

(1) On a certain date, specified in the instrument, not less than 30 days after the date of the deposit; or

(2) At the expiration of a specified period not less than 30 days after the date of the instrument; or

(3) Upon written notice to be given not less than 30 days before the date of repayment.[1]

(d) *Time deposits, open account.*—The term "time deposit, open account" means a deposit, other than a "time certificate of deposit" or a "savings deposit", with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than 30 days after the date of the deposit,[2] or prior to the expiration of the period of notice which must be given by the depositor in writing not less than 30 days in advance of withdrawals.[2]

(e) *Savings deposits.*—The term "savings deposit" means a deposit evidenced by a pass book consisting of funds (i) deposited to the credit of one or more individuals or of a corporation, association or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit,[3] or (ii) in which the entire beneficial interest is held by one or more individuals or by such a corporation, association or other organization and in respect to which—

(1) The depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made; or the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least 15 days before permitting withdrawal;

(2) Withdrawals are permitted in only two ways, either (A) upon presentation of the pass book, through payment to the person presenting the pass book, or (B) without presentation of the pass book, through payment to the depositor himself but not to any other person, whether or not acting for the depositor.[3]

The provisions of (i) and (ii) of this subsection (e), limiting savings deposits to funds of certain classes of persons shall not be applicable to deposits received and credited on or before February 1, 1936, to accounts evidenced by pass books in insured nonmember banks and these deposits, together with interest subsequently payable on such deposits, less any withdrawals from such accounts, may be classed by insured nonmember banks as savings deposits under the terms of this subsection, even though such deposits belong to an association, organization or corporation organized for profit. The said provisions of (i) and (ii), however, shall be applicable to deposits received subsequently to February 1, 1936, whether or not such deposits are credited to an account existing prior to February 1, 1936.

The presentation by any officer, agent or employee of the bank of a pass book or a duplicate thereof retained by the bank or by any of its officers, agents or employees is not a presentation of the pass book within the meaning of this regulation except where the pass book is held by the bank as a part of an estate of which the bank is a trustee or other fiduciary, or where the pass book is held by the bank as security for a loan. If a pass book is retained by the bank, it may not be delivered to any person other than the depositor for the purpose of enabling such person to present the pass book in order to make a withdrawal, although the bank may deliver the pass book to a duly authorized agent of the depositor for transmittal to the depositor.

Every withdrawal made upon presentation of a pass book shall be entered in the pass book at the time of the withdrawal, and every other withdrawal shall be entered in the pass book as soon as practicable after the withdrawal is made.

SECTION 2—DEMAND DEPOSITS

(a) *Interest prohibited.*—Except as hereinafter provided, no insured nonmember bank shall directly or indirectly, by any device whatsoever, pay any interest on any demand deposit. Within this regulation any payment to or for the account of any depositor as compensation for the use of funds constituting a deposit shall be considered interest.

(b) *Exceptions.*—The prohibition stated in subsection (a) above does not apply to—

(1) Payment of interest accruing before August 24, 1937, on any deposit made by a "savings bank"[4] as defined in Section 12B of the Federal Reserve Act, as amended, or by a mutual savings bank;

(2) Payment of interest accruing before August 24, 1937, on any deposit of public funds[5] made by or on behalf of any State, county, school district, or other subdivision or municipality, or on any deposit of trust funds, if the payment of interest with respect to such deposit of public funds or of trust funds is required by State law when such deposits are made in State banks;

(3) Payment of interest in accordance with the terms of any certificate of deposit or other contract which was lawfully entered into in good faith before February 1, 1936 (or, if the bank became an insured nonmember bank thereafter, before the date upon which it became an insured nonmember bank), which was in force on such date, and which may not legally be terminated or modified by such bank at its option and without liability; but no such certificate of deposit or other contract may be renewed or extended unless it be modified to eliminate any provision for the payment of interest on demand deposits, and every insured nonmember bank shall take such action as may be necessary, as soon as possible consistently with its contractual obligations, to eliminate from any such certificate of deposit or other contract any provision for the payment of interest on demand deposits.

(c) Deposits in "savings banks"[4] in specifically designated deposit accounts with respect to which withdrawal by checking is permitted in accordance with paragraph (7), subsection (c), Section 12B of the Federal Reserve Act, as amended, shall for the purposes of this regulation be classed as demand deposits.

SECTION 3—MAXIMUM RATE OF INTEREST ON TIME AND SAVINGS DEPOSITS

(a) *Maximum rate prescribed from time to time.*—Except in accordance with the provisions of this regulation, no insured nonmember bank shall pay interest on any time deposit or savings deposit in any manner, directly or indirectly, or by any method, practice, or device whatsoever. No insured nonmember bank shall pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe from time to time; and any rate or rates which may be so prescribed by the Board will be set forth in supplements to this regulation, which will be issued in advance of the date upon which such rate or rates become effective.

(b) *Modification of contracts to conform to regulation.*—No certificate of deposit or other contract shall be renewed or extended unless it be modified to conform to the provisions of this regulation, and every insured nonmember bank shall take such action as may be necessary, as soon as possible consistently with its contractual obligations, to bring all of its outstanding certificates of deposit or other contracts into conformity with the provisions of this regulation.

(c) *Savings deposits received during first five days of month.*—An insured nonmember bank may pay interest on a savings deposit received during the first five days of any calendar month at the applicable maximum rate prescribed pursuant to the provisions of subsection (a) of this section, calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this regulation, whichever shall first occur.

(d) *Continuance of time deposit status.*—A deposit which was a time deposit at the date of deposit continues to be such until maturity although it has become payable within 30 days, and interest at a rate not exceeding that prescribed pursuant to the provisions of subsection (a) of this section may be paid until maturity upon such deposit. A time deposit or a savings deposit, with respect to which notice of withdrawal has been given, continues to be such until the expiration of the period of such notice, and interest may be paid upon such deposit until the expiration of the period of

[1] If the certificate of deposit provides merely that the bank reserves the right to require notice of not less than 30 days before any withdrawal is made, the bank must require such notice before permitting withdrawal.

[2] Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months, constitute "time deposits, open account" even though some of the deposits are made within 30 days from the end of such period.

[2] If a deposit be made with respect to which the bank merely reserves the right to require notice of not less than 30 days before withdrawal is made, the bank must require such notice to be given before permitting withdrawal.

[3] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition, but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

[3] Presentation of a pass book may be made over the counter or through the mails; and payment may be made over the counter, through the mails or otherwise, subject to the limitations of paragraph (2), subsection (e), Section 1 as to the person to whom such payment may be made.

[4] Section 12B (c) (7) of the Federal Reserve Act which defines the term "savings bank" is quoted in the Appendix hereto.

[5] Deposits of moneys paid into State courts by private parties pending the outcome of litigation are not deposits of "public funds", within the meaning of the above provision.

such notice at a rate not exceeding that prescribed pursuant to the provisions of subsection (a) of this section. Interest at a rate not exceeding that prescribed pursuant to the provisions of subsection (a) of this section may be paid upon savings deposits with respect to which notice of intended withdrawal has not actually been required or given. No interest shall be paid by an insured nonmember bank on any amount which by the terms of any certificate or other contract, or agreement, or otherwise, the bank may be required to pay within 30 days from the date on which such amount is deposited in such bank,[4] except as to savings deposits with respect to which the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least 15 days before permitting withdrawal.

(e) *No interest after maturity or expiration of notice—Exception.*—No interest shall be paid on any time or savings deposit for any period subsequent to maturity, whether such deposit matures by its terms on a specific date or at the expiration of a notice period pursuant to written notice actually given, except if a time certificate is renewed within 10 days after maturity, the renewal certificate[5] may draw interest from the maturity date of the matured certificate.

SECTION 4—PAYMENT OF TIME DEPOSITS BEFORE MATURITY

(a) *Time deposits payable on a specified date.*—No insured nonmember bank shall pay any time deposit, which is payable on a specified date, before such specified date, except as provided in subsection (d) of this section.

(b) *Time deposits payable after a specified period.*—No insured nonmember bank shall pay any time deposit, which is payable at the expiration of a specified period, before such period has expired, except as provided in subsection (d) of this section.

(c) *Time deposits payable after a specified notice.*—No insured nonmember bank shall pay any time deposit, with respect to which notice is required to be given a specified period before any withdrawal is made, until such required notice has been given and the specified period thereafter has expired, except as provided in subsection (d) of this section.

(d) *Loans upon security of time deposits.*—An insured nonmember bank may make a loan to the depositor upon the security of his time deposit, provided that the rate of interest on such loan shall be not less than 2% per annum in excess of the rate of interest on the time deposit.

Where a loan to the depositor upon the security of his time deposit upon terms satisfactory to the insured nonmember bank and the depositor cannot be arranged, and where the depositor signs a written statement to be kept in the files of the bank that he is in need of money represented by the time deposit before the maturity thereof, stating the definite amount needed, the time deposit may be paid before maturity to the extent required to meet such need, but the depositor shall forfeit accrued and unpaid interest for a period of not less than three months on the amount withdrawn. When a portion of a time certificate of deposit is paid before maturity, the certificate shall be cancelled and a new certificate shall be issued for the unpaid portion of the deposit, with the same terms, rate, date and maturity as the original deposit.

SECTION 5—NOTICE OF WITHDRAWAL OF SAVINGS DEPOSITS

(a) *Requirements regarding notice.*—An insured nonmember bank shall observe the requirements set forth as follows in requiring notice of intended withdrawal of any savings deposit or part thereof or in permitting withdrawal without requiring such notice:

(1) If an insured nonmember bank pay any amount or percentage of the savings deposits of any depositor without requiring such notice, it shall, upon request, and without requiring such notice, pay the same amount or percentage, of the savings deposits of every other depositor, subject to the same notice requirement, except if the bank changes its practice in accordance with subsection (b) of this section.

(2) If an insured nonmember bank requires such notice before the payment of any amount or percentage of the savings deposits of any depositor, it shall require such notice before the payment of the same amount or percentage of the savings deposits of any other depositor, subject to the same notice requirement, except if the bank changes its practice in accordance with subsection (b) of this section.

Even though the bank's practice is to require notice, an insured nonmember bank is not prevented by this regulation from paying during the next succeeding interest period without requiring notice of withdrawal interest on a savings deposit which has accrued during the preceding interest period.

(b) *Requirements regarding change of practice.*—No insured nonmember bank shall change its practice with respect to the requiring or not requiring of notice of intended withdrawal of savings deposits, except after duly recorded action of its board of directors or of its executive committee properly authorized, and no practice in this respect shall be adopted which does not conform to the requirements of paragraphs (1) and (2) of this section.

(c) *Change of practice for purpose of discrimination.*—No change in the practice of an insured nonmember bank with respect to the requiring or not requiring of notice of intended withdrawal of savings deposits shall be made for the purpose of discriminating in favor of or against any particular depositor or depositors.

(d) *Requirements applicable although no interest paid.*—An insured nonmember bank shall observe the requirements of this section with respect to savings deposits even though no interest be paid on such deposits.

(e) *Loans upon security of savings deposits.*—An insured nonmember bank may make a loan to any of its depositors upon the security of his savings deposits, provided that if the bank's practice is to require notice before permitting withdrawal of any amount or percentage of the savings deposits of any depositor, it shall require like notice before permitting a loan on the security of the same amount or percentage of such deposits.

APPENDIX STATUTORY PROVISIONS

Paragraph (8), subsection (v) of Section 12B of the Federal Reserve Act, as amended, provides as follows:

(8) The board of directors shall by regulation prohibit the payment of interest on demand deposits in insured nonmember banks and for such purpose it may define the term "demand deposits"; but such exceptions from this prohibition shall be made as are now or may hereafter be prescribed with respect to deposits payable on demand in member banks by section 19 of this Act, as amended, or by regulation of the Board of Governors of the Federal Reserve System. The board of directors shall from time to time limit by regulation the rates of interest or dividends which may be paid by insured nonmember banks on time and savings deposits, but such regulations shall be consistent with the contractual obligations of such banks to their depositors. For the purpose of fixing such rates of interest or dividends, the board of directors shall by regulation prescribe different rates for such payment on time and savings deposits having different maturities, or subject to different conditions respecting withdrawal or repayment, or subject to different conditions by reason of different locations, or according to the varying discount rates of member banks in the several Federal Reserve districts. The board of directors shall by regulation define what constitutes time and savings deposits in an insured nonmember bank. Such regulations shall prohibit any insured nonmember bank from paying any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the board of directors, and from waiving any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement. For each violation of any provision of this paragraph or any lawful provision of such regulations relating to the payment of interest or dividends on deposits or to withdrawal of deposits, the offending bank shall be subject to a penalty of not more than $100, recoverable by the Corporation for its use.

Paragraph (7), subsection (c) of Section 12B of the Federal Reserve Act, as amended, provides as follows:

(c) As used in this section—

(7) The term "savings bank" means a bank (other than a mutual savings bank) which transacts its ordinary banking business strictly as a savings bank under State laws imposing special requirements on such banks governing the manner of investing their funds and of conducting their business: *Provided*, That the bank maintains, until maturity date or until withdrawn, all deposits made with it (other than funds held by it in a fiduciary capacity) as time savings deposits of the specific term type or of the type where the right is reserved to the bank to require written notice before permitting withdrawal: *Provided further*, That such bank to be considered a savings bank must elect to become subject to regulations of the Corporation with respect to the redeposit of maturing deposits and prohibiting withdrawal of deposits by checking except in cases where such withdrawal is permitted by law on the effective date from specifically designated deposit accounts totaling not more than 15 per centum of the bank's total deposits.

Adopted by the Board of Directors on February 10, 1937.

[SEAL] LEO T. CROWLEY, *Chairman.*

[F. R. Doc. 37-446; Filed, February 11, 1937; 12:55 p. m.]

[4] Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months, constitute "time deposits, open account" even though some of the deposits are made within 30 days from the end of such period.

[5] Where a time certificate is renewed within 10 days after maturity, the renewal certificate may be dated back to the maturity date of the matured certificate.



## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

[Project No. 16]

IN RE LICENSE ISSUED TO THE NIAGARA FALLS POWER COMPANY

ORDER DIRECTING INVESTIGATION AND REHEARING

The following order was adopted:

The Commission having under consideration the pending application of The Niagara Falls Power Company to amend the license for said project No. 16 so as to include the diversion and use of 275 c. f. s. of water through said project, upon which application a hearing has been held and briefs filed thereon, and having under consideration the rate schedules, contracts and agreements filed by The Niagara Falls Power Company under Order No. 31 for sale of the power from licensed Project No. 16;

*It is ordered:*

That the proceedings upon said pending application be reopened and that a further hearing be held at 10 a. m., on March 17, 1937, in the Commission's hearing room, Washington, D. C., for the purpose of investigating the terms and conditions of all contracts or agreements for the sale or lease of mechanical or electric energy from said project No. 16, and the operation and effect of the provisions of any such contracts or agreements, particularly as relating to the sale or lease of mechanical energy or to the limitation of the output of electric energy, the restraint of trade, or the fixing, maintaining or increasing of prices for electric energy or service, and effect thereof with reference to said amendment.

Adopted by the Commission on February 9, 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 37-430; Filed, February 11, 1937; 9:58 a. m.]

## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-292]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE TUBULAR PIPINGS AND TRIMMINGS MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO BE HEARD

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Tubular Pipings and Trimmings Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than March 1, 1937. Opportunity for oral hearing will be afforded at 10 a. m., March 1, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C., to such persons as may desire to appear, and who have made prior written or telegraphic requests to be heard orally. All briefs of other communications received concerning the proposed rules will become part of the public record. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered February 9, 1937.

[F. R. Doc 37-431; Filed, February 11, 1937; 10:44 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2986]

IN THE MATTER OF STANDARD BRANDS, INCORPORATED, AND STANDARD BRANDS OF CALIFORNIA

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 14, as amended),

It is ordered that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, February 18, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-432; Filed, February 11, 1937; 10:44 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC 9]

NOTICE—IN THE MATTER OF THE FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

FEBRUARY 8, 1937.

The above-entitled matter is assigned for oral argument before the Commission on the 11th day of March A. D. 1937, at 10 o'clock A. M. (standard time) at the offices of the Commission at Washington, D. C., at which time and place any interested party may appear and be heard. Any such party desiring to be heard must immediately notify the Commission, specifying the time desired by him, or it, for argument.

By the Commission.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-435; Filed, February 11, 1937; 11:34 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 8th day of February A. D. 1937.

[Ex Parte No. MC 9]

IN THE MATTER OF THE FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

Whereas the Commission, by Division 5, by its Order of January 19, 1937, as amended by its Order of January 28, 1937, requires certain classes or groups of line-haul or over-the-road contract carriers by motor vehicle subject to the provisions of the Motor Carrier Act, 1935, as specified therein, to file with the Commission, publish, and keep open for public inspection on or before February 20, 1937, copies of each and every contract existing and in force on said date containing the charges of such contract carriers for the transportation of property in interstate or foreign commerce and any rule, regulation or practice affecting such charges and the value of the service thereunder:

*And it appearing,* That the matter has been assigned for oral argument before the entire Commission, and that such oral argument cannot be had prior to the effective date of said Order of January 19, 1937, as amended by the Order of January 28, 1937, and for that reason the effective date of said order should be further postponed;

*It is ordered,* That the time for compliance with the requirements of said Order of January 19, 1937, as amended by the Order of January 28, 1937, be, and it is hereby, extended from February 20, 1937, to April 15, 1937, and that said Order of January 19, 1937, in every other respect shall remain in full force and effect.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-436; Filed, February 11, 1937; 11:34 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 57]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 10, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| West Virginia 8 Hardy | $172,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-429; Filed, February 11, 1937; 9:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE OF 1934

REPEAL OF RULE KA3

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 13 and 23(a) thereof, hereby repeals Rule KA3.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-438; Filed, February 11, 1937; 12: 29 p. m.]

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SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF FORMS 18-K, 19-K, 20-K, AND 21-K

The Securities and Exchange Commission, finding—

(1) That the requirements of the following forms for annual reports—

(a) Form 18-K for Foreign Governments and Political Subdivisions Thereof,

(b) Form 19-K for American Certificates against Foreign Issues and for the Underlying Securities,

(c) Form 20-K for Securities, other than Bonds, of Foreign Private Issuers, and

(d) Form 21-K for Bonds of Foreign Private Issuers,

as more specifically defined in the instructions for such respective forms, are necessary and appropriate for the proper protection of investors and to insure fair dealing in such securities as are registered on national securities exchanges and as to which such respective forms are to be used; and

(2) That the information called for by such respective forms and the exhibits specified in such instructions are required to keep reasonably current the information and documents filed pursuant to Section 12 of the Securities Exchange Act of 1934 by the respective issuers for which such forms are prescribed,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, hereby adopts Form 18-K, Form 19-K, Form 20-K, and Form 21-K.[1]

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-439; Filed, February 11, 1937; 12:29 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February A. D. 1937.

[2-2804]

IN THE MATTER OF BONDHOLDERS COMMITTEE FOR REPUBLIC OF COLOMBIA DOLLAR BONDS

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Bondholders Committee for Republic of Colombia Dollar Bonds under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Wednesday, February 24, 1937, at 2 o'clock in the afternoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-444; Filed, February 11, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February A. D. 1937.

[File No. 2-1576]

IN THE MATTER OF SUMMIT GOLD MINING CORPORATION

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Summit Gold Mining Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Friday, February 19, 1937, at 10 o'clock in the forenoon, in Room 726-C, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-445; Filed, February 11, 1937; 12:32 p. m.]

[1] These forms were filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Securities and Exchange Commission.





*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-HOLMES FARM, FILED ON DECEMBER 28, 1936, BY W. R. CURRY, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-442; Filed, February 11, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-HUMBLE-ADKINS FARM, FILED ON JANUARY 14, 1937, BY JAMES W. TAIT COMPANY, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-441; Filed, February 11, 1937; 12: 31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS ET AL-HARRELL FARM, FILED ON JANUARY 26, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 8, 1937, be effective as of February 8, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-440; Filed, February 11, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE ANDERSON-PRITCHARD-HARE NO. 1 FARM, FILED ON FEBRUARY 3, 1937, BY DEALERS ROYALTY COMPANY, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the price of oil set forth in Item 1, Division II, is not the price of oil of the gravity shown in Item 18 (b), Division II;

(2) In that the gross production tax set out in Item 11, Division II, is not in accord with the same tax set out in Item 12 (b), Division II;

(3) In that the total production stated in Item 15, Division II, does not agree with the aggregate of production by months shown in Item 16 (a), Division II;

(4) In that the figures set forth in Items 16 (c) and 16 (d), Division II, are incorrectly calculated for June through September, inclusive;

(5) In that the price paid for oil as shown in Item 16 (e), Division II, does not agree with the price paid for oil of the gravity shown in Item 18 (b), Division II;

(6) In that Item 18 (a) (viii) is omitted;

(7) In that the statement appears in Item 13, Division II, that "the field has good conformity and there are practically no dry holes within the producing areas, which has caused a closer development than is ordinarily found" and omits to state that there are comparatively large areas in the field which have no wells. The number of producing wells in the "Mansion Area" is not up to date.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 11th day of March 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 24th day of February 1937 at 9:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-443; Filed, February 11, 1937; 12:32 p. m.]

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*Saturday, February 13, 1937* *No. 30*

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 10 to B. A. I. Order 350]

REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND PUREBRED ANIMALS

AMENDING REGULATION 2, SECTION 3, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD ACROSS THE SEAS

*Effective on and after February 11, 1937*

Regulation 2, section 3, paragraph 1, of the regulations governing the recognition of breeds and purebred animals, effective under date of July 1, 1935, and identified as B. A. I. Order 350, is hereby amended so as to include and recognize for the purposes enumerated thereunder the following breed and book of record:

*Dogs*

| Name of breed | Book of record | By whom published |
|---|---|---|
| Boxer | Boxer-Zuchtbuch | Fachschaft für Deutsche Boxer, Max Hainstetter, Registrar, Osterwaldstrasse 6 b, München 23, Germany. |

Done at Washington this 11th day of February 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 37-447; Filed, February 11, 1937; 2:16 p. m.]

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## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

ORDER

EXTENDING THE TIME TO MARCH 25, 1937, FOR THE FURNISHING TO SEAMEN OF CERTIFICATES OF SERVICE AND EFFICIENCY

FEBRUARY 4, 1937.

With reference to furnishing certificates of service and efficiency to seamen, as provided for in Section 1 of the Act of June 25, 1936 (Pub., 808, 49 Stat. 1930), amending Section 13 of the Seaman's Act of March 4, 1915, and to the Order of the Secretary of Commerce of January 11, 1937, I find that it is impracticable on the part of the Department of Commerce to furnish the certificates by the date fixed in said order (February 20, 1937) and by virtue of the authority contained in Section 1 (L) of said Act, I hereby further extend the effective date of Section 1 for the furnishing of these certificates to March 25, 1937.

[SEAL] DANIEL C. ROPER, *Secretary of Commerce.*

[F. R. Doc. 37-448; Filed, February 12, 1937; 12:18 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

AMENDMENT TO FORM E-1

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and finding that any information or documents specified in Schedule A of the Securities Act of 1933, as amended, which Form E-1, and the rules and instructions accompanying that form, as hereby amended, do not require to be set forth, are inapplicable to the class of securities to which such form is appropriate, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as Form E-1 and the rules and instructions accompanying that form, as hereby amended, require to be set forth, but which are not specified in Schedule A, are necessary and appropriate in the public interest and for the protection of investors, hereby amends Form E-1 and the rules and instructions accompanying that form, as follows:

Under the caption "Exhibits" in Form E-1 there is added immediately after the paragraph headed "Exhibit X" the caption "Special instructions as to financial statements." There is also added immediately after the paragraph following such new caption the following new matter:

*Bank Holding Companies*

1. The term "bank" as used in paragraphs 2 and 3 below shall be deemed to include any association or corporation organized under the laws of the United States, any State or Territory of the United States or the District of Columbia, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under Section 11 (k) of the Federal Reserve Act, as amended, and which is supervised and examined by State or Federal authorities, having supervision of banks.

2. The term "bank holding company" as used in paragraph 3 below means a person which is engaged, either directly or through subsidiaries, primarily in the business of owning securities of banks for the purpose and with the effect of exercising control, and does not have any other substantial business either directly or through subsidiaries.

3. Notwithstanding any provisions to the contrary in the foregoing requirements as to exhibits or in items 44 through 51 when a registration statement on Form E-1 is filed by a bank holding company, the special requirements set forth below shall be applied:

(a) Statements of any bank subsidiary need not be certified, and are not to be consolidated with statements of the registrant.

(b) The statements of one or more bank subsidiaries may be combined in a single statement, provided such statement shows the minority interest separately and eliminates any interbank items within the group.

Statements of bank subsidiaries shall be prepared from and in substantially the same form as the "Reports of Condition" and the "Reports of Earnings and Dividends" prescribed by the Comptroller of the Currency or the Federal Reserve Board or the Federal Deposit Insurance Corporation. Such statements shall be accompanied by the schedules called for in such "Reports of Condition" except Schedules A, B, C, and D. The schedules required by this form in support of required financial statements as to unconsolidated subsidiaries need not be furnished as to any bank subsidiary. In case any bank subsidiary did not report to one of such Federal authorities, the financial data concerning such subsidiary shall be drawn from the reports required by its respective State authority, and shall be commensurate with that required concerning a subsidiary that does report to one of such Federal authorities. Each statement as to a bank subsidiary and each combined statement as to such subsidiaries shall be supplemented by an attached statement showing the following:

(1) Book value, and market or, if there is no market, appraised value, separately stated, of: (i) direct obligations of, and obligations fully guaranteed by, the United States Government; (ii) investments in affiliated companies principally engaged in holding banking premises or other real estate; and (iii) other bonds, stocks and securities.

(2) Estimated losses not elsewhere provided for on the following bank assets, separately stated: (i) loans and discounts; (ii) bank premises; (iii) other real estate; (iv) other assets.

(3) The total of loans and other advances to officers and directors of the registrant and security holders named in answer to Item 16 of the registration statement.

(c) No statements need be filed for unconsolidated subsidiaries of the registrant (other than bank subsidiaries) when the aggregate investments not consolidated are not significant in respect of (1) the assets they represent, and (2) the sales or operating revenues of such non-consolidated subsidiaries.

(d) The special requirements set forth in paragraphs (a), (b), and (c) above shall also be applied with respect to financial statements required for any bank or bank holding company the securities or business and assets of which have been or are to be acquired.

(e) In lieu of any schedule with respect to investments in affiliates otherwise required in support of the balance sheet of a bank holding company, there shall be furnished the two following schedules:

[See Schedules I (a) and I (b).[1]]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-449; Filed, February 12, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February A. D. 1937.

[File No. 2-2777]

IN THE MATTER OF REGISTRATION STATEMENT OF UNDERWRITERS GROUP, INCORPORATED

ORDER CANCELING HEARING UNDER SECTION 8 (D) OF SECURITIES ACT OF 1933, AS AMENDED

The Commission having heretofore, on February 1, 1937, designated John H. Small, an officer of the Commission, to take testimony at a hearing to be held in this matter under Section 8 (d) of the Securities Act of 1933, as amended, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., on February 11, 1937, at 11 o'clock in the forenoon, and

The Commission having this day, at the request of the registrant, by order under Section 8 (b) of the said Act

[1] Filed with the Division of the Federal Register, The National Archives; copies available upon application to the Securities and Exchange Commission.

refused to permit the registration statement to become effective,

It is ordered that the said hearing is hereby canceled.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-450; Filed, February 12, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SLICK-URSCHEL-OWEN FARM, FILED ON DECEMBER 21, 1936, BY JAMES M. JOHNSON, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-453; Filed, February 12, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RAY STEPHENS-GRIFFIN FARM, FILED ON JANUARY 21, 1937, BY RAY STEPHENS, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 11th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 26th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-452; Filed, February 12, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RAY STEPHENS-MELTON FARM, FILED ON JANUARY 21, 1937, BY RAY STEPHENS, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 11th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 26th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-451; Filed, February 12, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MILLS BENNETT ET AL.-BASSINGER FARM, FILED ON JANUARY 22, 1937, BY SUPREME OIL, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:30 o'clock in the forenoon on the 11th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:30 o'clock in the forenoon on the 26th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-454; Filed, February 12, 1937; 12:34 p. m.]

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*Tuesday, February 16, 1937* *No. 31*

## PRESIDENT OF THE UNITED STATES

EXECUTIVE ORDER

AMENDMENT OF PARAGRAPH 1, SUBDIVISION VI, SCHEDULE A, CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eight, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), it is ordered that paragraph 1, Subdivision VI, Schedule A of the Civil Service Rules be, and it is hereby, amended by revoking subdivisions (c), (d), and (e) thereof, so that the paragraph, as amended, shall read as follows:

"1. (a) The Director of the Bureau of Prisons and not more than three Assistant Directors.

"(b) Members of the Board of Parole."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 11, 1937.*

[No. 7551]

[F. R. Doc. 37-455; Filed, February 12, 1937; 2:31 p. m.]



## DEPARTMENT OF THE INTERIOR.

Division of Grazing.

CALIFORNIA GRAZING DISTRICT NO. 2 AND OREGON GRAZING DISTRICT NO. 2

MODIFICATION

FEBRUARY 8, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, the land listed in that part of the order of December 30, 1936, modifying California Grazing District No. 2 which describes:

The unsurveyed bed of Goose Lake included in Ts. 40 and 41 S., Rs. 19 and 20 E., W. M., Oregon,

is hereby eliminated from California Grazing District No. 2 and added to Oregon Grazing District No. 2.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-456; Filed, February 13, 1937; 9:46 a. m.]

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## DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

[Amendment 4 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

FEBRUARY 1, 1937.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Mendocino, February 1, 1940; Nevada, February 1, 1940.
New York: Erie, February 1, 1940; Rensselaer, February 1, 1940.
Puerto Rico: Luquillo, February 1, 1940.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936,[1] the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Lowndes, February 1, 1940.
Arkansas: Clay, February 1, 1940; Greene, February 1, 1940.
Georgia: Floyd, February 1, 1940; Greene, February 1, 1940; Hart, February 1, 1940; Pulaski, February 1, 1940.
Indiana: Noble, February 1, 1940.
Kentucky: Hancock, February 1, 1940; Harlan, February 1, 1940; Hopkins, February 1, 1940.
Maine: Waldo, February 1, 1940.
Michigan: Arenac, February 1, 1940; Huron, February 1, 1940.
Minnesota: Traverse, February 1, 1940; Wadena, February 1, 1940.
Mississippi: Oktibbeha, February 1, 1940.
Montana: Daniels, February 1, 1940.
North Carolina: Durham, February 1, 1940; Hoke, February 1, 1940.
Ohio: Washington, February 1, 1940.
Oklahoma: Oklahoma, February 1, 1940.
Pennsylvania: Carbon, February 1, 1940; Westmoreland, February 1, 1940.
Tennessee: Franklin, February 1, 1940.
Texas: Hood, February 1, 1940; Somervell, February 1, 1940.
West Virginia: Wirt, February 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

J. R. MOHLER, *Chief of Bureau.*

[F. R. Doc. 37-462; Filed, February 15, 1937; 12:43 p. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of February A. D. 1937.

[Ex Parte No. MC 5]

IN THE MATTER OF SECURITY FOR THE PROTECTION OF THE PUBLIC AS PROVIDED IN THE MOTOR CARRIER ACT, 1935, AND OF RULES AND REGULATIONS GOVERNING THE FILING AND APPROVAL OF SURETY BONDS, POLICIES OF INSURANCE, QUALIFICATIONS AS A SELF-INSURER OR OTHER SECURITIES AND AGREEMENTS BY MOTOR CARRIERS AND BROKERS SUBJECT TO THE MOTOR CARRIER ACT, 1935

Rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed by an order dated August 3, 1936, and relating to the matter of security for the protection of the public, being under consideration,

*It is ordered*, That said order of August 3, 1936, be, and it is hereby, modified so that until the further order of the Commission, the following shall not be required to comply with the rules and regulations prescribed in said order, to-wit:

(1) Carriers engaged in the transportation of passengers or property in interstate or foreign commerce wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.
(2) Brokers.
(3) Forwarding companies.

That said order of August 3, 1936, shall be effective, except, as herein provided, from and after February 15, 1937.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-461; Filed, February 15, 1937; 12:21 p. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 59]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 12, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Minnesota 9 Goodhue (additional) | $52,000 |
| Mississippi 24 Lafayette | 100,000 |
| Ohio 59 Morrow | 250,000 |
| Oklahoma 6 A Caddo (partial) | 180,000 |
| Pennsylvania 4 A Crawford (additional) | 25,000 |
| Texas 44 Hunt | 170,000 |
| Texas 46 Rains | 360,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-457; Filed, February 13, 1937; 9:46 a. m.]

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[Administrative Order No. 60]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 13, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act,

funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Georgia 58A Lamar | $202,000 |
| Montana 2B Cascade (Additional) | 17,000 |
| South Dakota 6 Union | 105,000 |
| Wyoming 5 Big Horn | 82,000 |
| Wyoming 12 Park | 50,000 |
| Wyoming 13 Washakie | 50,000 |

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-458; Filed, February 15, 1937; 10:03 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of February A. D. 1937.

[File No. 37-17]

IN THE MATTER OF AMERICAN SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by American Service Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, pursuant to Section 13 and Rule 13-22 of the Public Utility Holding Company Act of 1935, with respect to declarant's organization and conduct of business as a subsidiary service company for the American Utilities Service Corporation holding-company system;

It is ordered that a hearing on such matter be held on March 3, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 26, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-465; Filed, February 15, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of February A. D. 1937.

[File No. 43-32]

IN THE MATTER OF AMERICAN SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by American Service Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of 100 shares of its common stock of the par value of $10 per share and $9,000 aggregate principal amount of its 5% promissory notes, due on demand;

It is ordered that a hearing on such matter be held on March 3, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 26, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-464; Filed, February 15, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of February A. D. 1937.

[File No. 31-326]

IN THE MATTER OF THE APPLICATION OF SOUTHEASTERN INDIANA CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Southeastern Indiana Corporation pursuant to Section 3 of the Public Utility Holding Company Act of 1935, for exemption from the provisions of said Act,

It is ordered that a hearing on such matter be held on March 4, 1937, at 10: 00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 27, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.



Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-463; Filed, February 15, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of February A. D. 1937.

[File No. 2-2708]

IN THE MATTER OF SUNSET MINES, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 3 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Sunset Mines, Inc. under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Saturday, February 20, 1937, at 10:30 o'clock in the forenoon, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-469; Filed, February 15, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SAMEDAN ET AL.-BATES FARM, FILED ON JANUARY 13, 1937, BY ARTHUR SORY, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-468; Filed, February 15, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MILLS-BENNETT ET AL.-BASSINGER FARM, FILED ON JANUARY 22, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 9, 1937, be effective as of February 9, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-467; Filed, February 15, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OIL PAYMENT IN THE USHER CARSON FARM, FILED ON FEBRUARY 6, 1937, BY W. H. VERNOR, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that it appears from your offering sheet Items 1, 10 (b) (iii), 21 (a), Exhibit B, and elsewhere, and in the transmittal letter of February 2, 1937, that the securities described and proposed to be offered are not entitled to exemption from the registration requirements of the Securities Act of 1933, as amended, and the Rules and Regulations promulgated thereunder;

2. In that Items 5 (a) and (b) of Division II are omitted;

3. In that Items 5 (c) and (d) of Division II are non-responsive;

4. In that Items 9 (c) and (d) (iii) of Division II are non-responsive;

5. In that Item 12 of Division II is non-responsive;

6. In that Item 13 (a) of Division II is non-responsive;

7. In that Items 22 (a), (b) and (c) of Division II are non-responsive;

8. In that Item 26 (c) of Division II is non-responsive;

9. In that Items 27 and 28 of Division II are non-responsive;

10. In that Item 29 of Division II is omitted;

11. In that Exhibit A fails almost completely to meet the requirements;

12. In that Division III, page 12, is in conflict with Item 26 (e) of Division II respecting production from Usher Carson tract;

13. In that Division III conflicts with Items 25 and 26 of Division II respecting production from Well #16;

14. In that Division III does not give sufficient data to justify the production or drainage area of Well #16;

15. In that it is not shown where the 180 acres, claimed in Division III or Exhibit D–1 to be productive, is located;

16. In that the offering sheet in many other respects so far fails to comply with the Rules and Regulations promulgated under the Securities Act of 1933, as amended, requiring full and accurate disclosure of the information respecting the securities which apparently are being offered, as to deprive the person filing the said offering sheet of an exemption from registration requirements under the said Securities Act of 1933;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 13th day of March 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of February 1937 at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–466; Filed, February 15, 1937; 12:45 p. m.]

## VETERANS' ADMINISTRATION.

### REVISION OF REGULATIONS

ADJUDICATION OF CLAIMS INVOLVING COMPENSATION OR PENSION BASED UPON NEW AND MATERIAL EVIDENCE PRESENTED AFTER PRIOR DISALLOWANCE

R–1201. Subparagraph (D) canceled. Subparagraphs (E) and (F) changed to (D) and (E) respectively.

SERVICE ACTS, WAR WITH SPAIN

2572. Original awards of death pension under the Service Acts relating to the War with Spain, Boxer Rebellion and Philippine Insurrection (Act of July 16, 1918. 40 Stat. 903; Act of September 1, 1922, 42 Stat. 834; and Act of May 1, 1926, 44 Stat. 382, as reenacted by Section 30, Title III, Public, No. 141, 73d Congress, Act of March 28, 1934, and Public, No. 269, 74th Congress, Act of August 13, 1935), shall commence:

(B) *Children.*—The date of filing formal application, except that, under the Act of May 1, 1926, in case of death or remarriage of a pensioned widow or forfeiture of her title to pension, their payments shall commence from the date of such death, remarriage or forfeiture. This exception shall be for application in any case wherein the widow is receiving, or has heretofore made or shall hereafter make application for, pension under the act of May 1, 1926, and who thereafter elects or has heretofore elected to receive benefits in lieu thereof, under some other law (February 15, 1937).

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 37–459; Filed, February 15, 1937; 12:03 p. m.]

### REVISION OF REGULATIONS

INVESTIGATIONS

18. When the above types of cases are received in the office of the Administrator, which have not come to the attention of the assistant administrators, or the solicitor, or the executive assistant to the administrator, or the chairman, board of veterans appeals primarily concerned with the question involved, they will be referred to the proper official for attention or report and recommendation. If the matter is merely referred for attention, it will be handled by the official to whom referred as an administrative problem, unless he desires a special audit, investigation, or inspection to be made, in which event he will make such recommendation to the Administrator. If the matter is referred for report and recommendation, the Administrator will determine whether a special audit, investigation; or inspection is in order. This will not be construed as modifying in any way the regulations, instructions, or recognized procedure with reference to the examination of cases by field examiners of the Veterans' Administration, except as specifically provided in subparagraphs (A), (B), (C), and (D) of R. & P. 17.

19 combined with 18.

20. Managers of Veterans' Administration regional offices, or facilities, will furnish stenographic and such other services as may be requested by central office investigators and at the time and points desired, within or without their respective territories, this order being cited as the authority for such action. Travel orders issued under this authority should be encumbered against station allotment and if necessary, request should be made immediately upon the budget officer and chief of statistics for funds to compensate station budget.

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 37–460; Filed, February 15, 1937; 12:03 p. m.]

*Wednesday, February 17, 1937* *No. 32*

## DEPARTMENT OF AGRICULTURE.

### Bureau of Entomology and Plant Quarantine.

BEPQ—Q–63 Effective March 1, 1937

WHITE-PINE BLISTER-RUST QUARANTINE NO. 63

REVISION OF REGULATIONS

*Introductory Note*

The following revision of the white-pine blister-rust quarantine regulations adds Maryland, Ohio, Pennsylvania, and Wisconsin to the list of States which have established blister-rust control areas wherein both the planting and possession of current and gooseberry plants are prohibited under State authority.

The conditions under which Federal pine-shipping permits may be issued are modified so that permits may be granted to authorize the interstate movement of 5-leafed pines which have not been raised from seed under Ribes-free conditions when in the judgment of the Bureau of Entomology and Plant Quarantine there is little or no risk of such pines being involved in blister-rust infection.

The regulations pertaining to 5-leafed pines are also revised to prohibit their interstate movement when visibly infected with the white-pine blister-rust unless such trees are shipped in a preservative or are authorized and labeled under the provisions of regulation 7.

*Summary*

The infected States and District are designated as Connecticut, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. [Regulation 1 (*g*).]

*Pine Shipments*

These regulations require a Federal pine-shipping permit (see regulation 2, sec. A) for the shipment or transportation of 5-leafed pines from any infected State or District, except that in the case of shipments to or between the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, a control-area permit secured from the proper officer of the State of destination may, until further notice, be substituted for the Federal pine-shipping permit.

Pine-shipping permits are issued for pines grown from seed in a nursery which is protected from blister-rust infection by a Ribes-free zone around the premises. (See regulation 2, sec. B.)

Valid State nursery inspection certificates are also required as to all interstate movement of 5-leafed pines in the United States.

*Currant and Gooseberry Shipments*

The interstate movement of European black-currant plants (and plants of the wild native western species known as *Ribes bracteosum* and *R. petiolare*) is prohibited except to and between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. (See regulation 3–*a*.)

Currant and gooseberry plants shipped from any infected State or District must be either dormant and defoliated or else dipped in lime-sulphur solution (4.5° B.) *immediately before shipment.* (See regulation 3–*b*.)

The control-area provision is continued and is extended to Maryland, Ohio, Pennsylvania, and Wisconsin. Under that requirement a control-area permit must be secured from the State of destination for shipments of currant and gooseberry plants into those States which have legally established areas in which the growing of currant and gooseberry plants is prohibited. Such States are Connecticut, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. (See regulation 3–*c*.)

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

### NOTICE OF QUARANTINE NO. 63

APPROVED AUGUST 27, 1926; EFFECTIVE OCTOBER 1, 1926, SUPERSEDES QUARANTINE NO. 26 AS AMENDED, AND QUARANTINE NO. 54 AS EXTENDED

I, C. F. Marvin, Acting Secretary of Agriculture, have determined that it is necessary to quarantine every State of the continental United States and the District of Columbia, in order to prevent the spread of the white-pine blister rust (*Cronartium ribicola* Fischer), a dangerous plant disease not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by the plant quarantine act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine every State in the continental United States and the District of Columbia, effective on and after October 1, 1926. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid, no 5-leafed pines (*Pinus*) or current and gooseberry plants (*Ribes* and *Crossularia*, including cultivated or wild or ornamental sorts) shall be moved or allowed to be moved from any such State or from the District of Columbia into or through any other State in the continental United States or the District of Columbia, except in manner or method or under conditions prescribed in the rules and regulations supplemental hereto and in amendments thereof: *Provided,* That the restrictions of this quarantine and the rules and regulations supplemental hereto may be limited to the areas in a quarantined State now or hereafter designated by the Secretary of Agriculture as infected when said State shall have provided for and enforced such control measures with respect to such designated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to effect the control and prevent the spread of the white-pine blister rust: *Provided further,* That, for the enforcement of the restrictions under this quarantine on the interstate movement of 5-leafed pines and current and gooseberry plants, all interstate shipments of nursery stock or other plants shall be subject to inspection at place of shipment or destination or at any point en route, by duly authorized inspectors of the United States Department of Agriculture.

Done at the city of Washington this 27th day of August 1926.

Witness my hand and the seal of the United States Department of Agriculture.

C. F. MARVIN,
*Acting Secretary of Agriculture.*

### REVISED RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 63

APPROVED FEBRUARY 16, 1937; EFFECTIVE MARCH 1, 1937

*Regulation 1. Definitions*

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(*a*) *White-pine blister rust, or blister rust.*—The fungous disease caused by *Cronartium ribicola* Fischer.

(*b*) *Five-leafed pines.*—Entire plants with roots, of the following species belonging to the genus Pinus:

American species:
- Ayacahuite pine (*P. ayacahuite* Ehrenb.).
- Bristle-cone pine (*P. aristata* Engelm.).
- Foxtail pine (*P. balfouriana* Murr.).
- Limber pine (*P. flexilis* James).
- Mexican white pine (*P. strobiformis* Engelm.).
- Sugar pine (*P. lambertiana* Dougl.).
- Western white or silver pine (*P. monticola* D. Don).
- White-bark pine (*P. albicaulis* Engelm.).
- White pine (northern) (*P. strobus* L.).

Foreign species:
- Balkan pine (*P. peuce* Griseb.).
- Chinese white pine (*P. armandi* Franch.).
- Himalayan or Bhotan pine (*P. excelsa* Wall.).
- Japanese white pine (*P. parviflora* Sieb. and Zucc.).
- Korean pine (*P. koraiensis* Sieb and Zucc.).
- Swiss stone pine (*P. cembra* L.).

(*c*) *Currant and gooseberry plants.*—Plants, cuttings, or scions, belonging to the genera *Ribes* L. and *Crossularia* (Tourn.) Mill., including cultivated or wild or ornamental sorts.

(*d*) *European black-currant plants.*—Plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of *Ribes nigrum* L.

(*e*) *Inspector.*—An inspector of the United States Department of Agriculture.

(*f*) *Dormant.*—In a nonvegetative state, with inactive buds.

(*g*) *Infected States and District.*—States and District designated by the Secretary of Agriculture as infected with white-pine blister rust, as follows: Connecticut, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

(*h*) *Legally established blister-rust control-area.*—An area established under State authority wherein both the planting and possession of currant and gooseberry plants are prohibited for the purpose of protecting the 5-leafed pines on such area from damage by white-pine blister rust.

(*i*) *Moved or allowed to be moved interstate.*—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or District of the United States into or through any other State or District.

*Regulation 2. Shipments of 5-Leafed Pines*

SECTION A. CONTROL OF MOVEMENT

(1) Five-leafed pines shall not be moved or allowed to be moved interstate from an infected State or District to any point outside thereof, unless a Federal pine-shipping permit has been issued therefor and is attached to the outside of the container, except that, in the case of shipments to or between the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, a control-area permit secured from the proper officer of the State of destination (see Appendix) may, until further notice be substituted for the Federal pine-shipping permit. The pine-shipping permit may specify a destination point or a limited destination area for the shipment, and in that event the pines covered thereby shall not be moved or allowed to be moved interstate, directly or indirectly, either in the original container or otherwise, to destinations other than those authorized in such permit.

(2) Five-leafed pines shall not be moved or allowed to be moved interstate from any State or District unless there is attached to the outside of the container thereof a valid State or District nursery inspection certificate of the State or District from which the shipment is made.

(3) Branches and other parts of 5-leafed pines without roots may be shipped interstate from any State or District without restriction under these regulations, except that if such articles are visibly infected with the white-pine blister rust, they must either be shipped in a preservative or be authorized and labeled under the provisions of regulation 7.

(4) Five-leafed pines with roots, when visibly infected with the white-pine blister rust, shall not be moved or allowed to be moved interstate from any State or District unless such pines are shipped in a preservative or are authorized and labeled under the provisions of regulation 7.

SECTION B. CONDITIONS GOVERNING THE ISSUANCE OF PERMITS

(5) Federal pine-shipping permits may be issued upon compliance with the following conditions:

(*a*) That the 5-leafed pines to be moved shall be grown from seed in a location within 1 mile of which there have existed since the time of planting said seed no European black currant plants and within at least 1,500 feet of which there have existed since the time of planting said seed no current or gooseberry plants of any size or variety which in the judgment of the inspector would involve risk of spread of the white-pine blister rust. A Ribes-free zone greater than 1,500 feet in width may be required when necessary in the judgment of the inspector to ensure freedom from infection. The requirement that the Ribes-free conditions described must have been maintained since the time of planting the seed may be waived in the case of premises which represent in the judgment of the Bureau of Entomology and Plant Quarantine little or no risk of being involved in blister-rust infection.

(*b*) That the owner of the nursery shall submit a signed application for a pine-shipping permit to the Bureau of Entomology and Plant Quarantine, giving the location of the premises upon which said pines will be grown and agreeing that no 5-leafed pines shall be grown in or distributed by any nursery or nurseries owned or controlled by the applicant except such as are maintained in compliance with the previous paragraph: *Provided*, That in the case of nursery properties under single ownership and management but represented by units widely separate, such units may be considered as independent nurseries and pine-shipping permits may be issued for one or more such individual units based on the certification requirements stated below when in the judgment of the inspector no risk of spread of white-pine blister rust is involved. The application required herein should preferably be filed before the seed are planted (in order to avoid disappointment and loss in case the premises are later found not to comply fully with the requirements of paragraph (*a*) above).

(*c*) That before shipment of said pines certification shall be made to the Bureau of Entomology and Plant Quarantine by an inspector showing that the nursery stock has been found to be free from white-pine blister rust and that the premises and the environs have been inspected annually and maintained as specified in paragraph (*a*) above.

(*d*) Permits for the reshipment of such pines certified under the conditions prescribed by paragraph (*c*) above may be issued to purchasers of such stock who do not grow 5-leafed pines upon receipt of an application and a signed agreement by the applicant agreeing to observe these regulations and the conditions under which the permit is issued.

*Regulation 3. Control of Movement of Currant and Gooseberry Plants*

(*a*) No European black currant plants (*Ribes nigrum*) and no plants of the wild native western species known as *R. bracteosum* and *R. petiolare* shall be moved or allowed to be moved interstate in the continental United States except into or within the area comprised in the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

(*b*) No current or gooseberry plants of any species or variety shall be moved or allowed to be moved interstate from an infected State or District unless they have either been dipped (except the roots) immediately prior to shipment in lime-sulphur solution of a strength of 4.5° B.[1] or are shipped in a dormant and defoliated condition. Such lime-sulphur dip shall be plainly visible on said plants and be easily detectable by odor, the judgment of the inspector to be final as to adequacy of the dip and as to the condition of the plants as to dormancy and defoliation.

(*c*) No current or gooseberry plants of any species or variety shall be moved or allowed to be moved interstate into any of the States of Connecticut, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, or Wisconsin, unless the container shall bear on the outside thereof a control-area permit issued by an inspector designated to act for the Bureau of Entomology and Plant Quarantine in such State. (See Appendix.) Such permits may be issued on condition that the plants are destined for points outside the legally established blister rust control areas of the States concerned.

(*d*) Except as provided in paragraphs (*a*) and (*c*) hereof, currant and gooseberry plants may be shipped from noninfected States to any destination without restriction under these regulations.

*Regulation 4. Marking Requirements*

(*a*) Every car, box, bale, or other container of articles for which certificates or permits are required by these regulations shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall bear attached to the outside thereof the proper certificate or permit issued in compliance with regulation 2 or 3 hereof.

(*b*) The certificates or permits in the case of carload and other bulk shipments shall accompany the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such shipments.

*Regulation 5. Provision for Inspection of Nursery Stock and Other Plants in Transit*

Any car, vehicle, box, bale, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by an inspector at any time or place.

*Regulation 6. Cancelation of Permits*

Permits issued under these regulations may be withdrawn or canceled and further permits refused, either upon determination of blister-rust infection on the premises on which the articles concerned are or have been located or for any failure of compliance with the conditions of these regulations or violation of them or of the permittee's agreement, or whenever in the judgment of the Bureau of Entomology and Plant Quarantine the further use of such permits might result in the dissemination of the white-pine blister rust. After any such permit is withdrawn or cancelled the further use of any permit tags issued thereunder is prohibited.

*Regulation 7. Shipments by the United States Department of Agriculture*

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental, educational, or scientific purposes on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved, except when shipped to or in care of the Inspection House, Bureau of Entomology and Plant Quarantine, Washington, D. C., shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after March 1, 1937, and shall on that date supersede the rules and regulations promulgated September 10, 1932, as amended.

Done at the city of Washington this 16th day of February 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL.]

H. A. WALLACE,
*Secretary of Agriculture.*

PENALTIES

The plant quarantine act of August 20, 1912 (37 Stat. 315), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding $500 or by imprisonment, not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

[1] Prepare this solution by diluting 1 part of commercial concentrated lime-sulphur solution of 32° B. with 8 parts of water.



APPENDIX

STATES WHICH HAVE LEGALLY ESTABLISHED BLISTER-RUST CONTROL AREAS

The following States have legally established blister-rust control areas in which the planting and possession of currant and gooseberry plants is prohibited by State law or regulation. Before currant or gooseberry plants may be shipped into the States listed each shipment must bear a control-area permit (Form 415) from the officer named. Applications for such permits should state the kind of plants to be shipped and the names and addresses of the consignor and consignee. Permits will not be issued for the movement of prohibited plants into blister-rust control areas.

In the case of shipments of 5-leafed pines from infected States to or between the New England States and New York, regulation 2, A (1), provides that "a control-area permit secured from the proper officer of the State of destination may, until further notice, be substituted for the Federal pine-shipping permit" required as to all other interstate shipments from infected States. This provision is made to enable the State concerned to record the locations of pine planted therein in order that provision may be made for the protection of the pine by Ribes eradication around the areas in which such planting is done.

*Federal inspector designated to act in the State into which shipment is to be made*

| *State* | |
|---|---|
| Connecticut | State Entomologist, Agricultural Experiment Station, New Haven, Conn. |
| Idaho | Director, Bureau of Plant Industry, Boise, Idaho. |
| Maine | State Horticulturist, Augusta, Maine. |
| Maryland | State Plant Pathologist, College Park, Md. |
| Massachusetts | Director, Division of Plant Pest Control, State House, Boston, Mass. |
| Michigan | Inspector in Charge, Orchard and Nursery Inspection, Department of Agriculture, Lansing, Mich. |
| Minnesota | Commissioner of Conservation, State Office Building, St. Paul, Minn. |
| New Hampshire | State Nursery Inspector, Durham, N. H. |
| New York | Director, Bureau of Plant Industry, Albany, N. Y. |
| Ohio | Chief, Division of Plant Industry, Columbus, Ohio. |
| Pennsylvania | Chief, Division of Forest Protection, Harrisburg, Pa. |
| Rhode Island | State Entomologist, 310 State House, Providence, R. I. |
| Vermont | Forest Commissioner, Montpelier, Vt. |
| Wisconsin | State Entomologist, Madison, Wis. |

[F. R. Doc. 37-470; Filed, February 16, 1937; 9:51 a. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of February A. D. 1937.

[Ex Parte No. MC 5]

IN THE MATTER OF SECURITY FOR THE PROTECTION OF THE PUBLIC AS PROVIDED IN THE MOTOR CARRIER ACT, 1935, AND OF RULES AND REGULATIONS GOVERNING THE FILING AND APPROVAL OF SURETY BONDS, POLICIES OF INSURANCE, QUALIFICATIONS AS A SELF-INSURER OR OTHER SECURITIES AND AGREEMENTS BY MOTOR CARRIERS AND BROKERS SUBJECT TO THE MOTOR CARRIER ACT, 1935

Rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed by an order dated August 3, 1936, and relating to the matter of security for the protection of the public, being under consideration;

*It is ordered*, That said order of August 3, 1936, be and it is hereby, modified so that until the further order of the Commission certificates of insurance issued in connection

with policies of insurance written as new business for a period of not more than one year, and effective between the first day of January 1937 and the thirty-first day of March 1937 may be filed for approval, and will be deemed to be in conformity with Rule VIII of the rules and regulations in said order providing:

(1) The insurance company issuing such policies is legally authorized to transact business in at least one state in which the insured operates, and has complied with all of the requirements of the order of the Commission dated August 3, as heretofore modified, other than Rule VIII, including those relating to the appointment of attorneys-in-fact for acceptance of service of process in states in which the insured operates but in which such company is not legally authorized to transact business, and provided, further, that each such company shall submit to the Commission not later than the twenty-eighth day of February 1937 evidence satisfactory to the Commission that subsequent to the first day of October 1936 and prior to the twelfth day of February 1937 it had on file with the Insurance Department (or other state authority having appropriate jurisdiction) of such states in which it is not authorized to write such insurance, an application to become licensed to transact, as the case may be, automobile bodily injury liability, property damage liability, or cargo liability classes of insurance business, on which it is awaiting the action of such State authority, or instead of such application it has entered into negotiations with other insurance companies licensed in each such state, or surety companies approved by the United States Treasury Department for the filing of policies (or certificates of insurance in lieu thereof) or surety bonds on behalf of its insureds covering such insureds' operations in such states when, in the judgment of the Commission, the evidence is such as to warrant the expectation, on its part, that the negotiations entered into with respect to such licensing or filing arrangements will be successfully consummated on or before the thirty-first day of March 1937.

(2) That renewals of policies on which the effective date of such policies is on or before the first day of October, 1936, and the expiration date is not later than the thirty-first day of March, 1937, may be filed for approval where the terms of such renewal policies is for a period of not more than one year, and the expiration date does not extend beyond the thirty-first day of March, 1938, provided, the insurance company issuing such renewal policies has complied with all the requirements of this Order, the rules and regulations of the Commission prescribed on the third day of August, 1936, and subsequent orders of the Commission dated October 3, and December 31, 1936.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-471; Filed, February 16, 1937; 12:11 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE HOUSEL-DRISCOLL FARM, FILED ON JANUARY 6, 1937, BY W. E. HOUSEL, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-473; Filed, February 16, 1937; 12:54 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-MANUEL FARM, FILED ON JANUARY 28, 1937, BY L. H. WITWER, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-474; Filed, February 16, 1937; 12:55 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of February A. D. 1937.

[File No. 2-2793]

IN THE MATTER OF STRATOPLANE CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT AND DISMISSING STOP ORDER PROCEEDINGS

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on February 5, 1937, consents to the withdrawal of the registration statement of the above named registrant, and the said registration statement being so withdrawn,

The Commission further dismisses a certain stop order proceeding under Section 8 (d) of the Securities Act of 1933, as amended, the said stop order proceeding having been heretofore on February 4, 1937, instituted and being until now pending with respect to the aforesaid registration statement; and to that effect

It is so ordered.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-472; Filed, February 16, 1937; 12:54 p. m.]



*Thursday, February 18, 1937* *No. 33*

## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 48806]

LUMBER—AMERICAN MANUFACTURER'S PROTEST

PROTEST AGAINST METHOD OF COMPUTING BOARD MEASURE FOR ASSESSMENT OF DUTY ON IMPORTED LUMBER DISMISSED

*To Collectors of Customs and Others Concerned:*

Reference is made to Treasury Decision 48036 of November 23, 1935, ordering the suspension of liquidations of entries covering lumber of the character described in Treasury Decision 47621 of April 5, 1935, pending the final decision on a protest filed under section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516 (b)).

In a decision of November 30, 1936 (Treasury Decision 48701), the United States Court of Customs and Patent Appeals affirmed the decision of the United States Customs Court (Treasury Decision 48161 of February 6, 1936), dismissing the above-mentioned protest. Treasury Decision 48036 is accordingly hereby revoked.

[SEAL] JAMES H. MOYLE, *Commissioner of Customs.*

Approved February 10, 1937.

JOSEPHINE ROCHE, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-475; Filed, February 16, 1937; 2:00 p. m.]

[T. D. 48807]

EXAMINATION OF MERCHANDISE—SPECIAL REGULATION

THE EXAMINATION OF LESS THAN ONE PACKAGE OF EVERY TEN PACKAGES OF CERTAIN MERCHANDISE AUTHORIZED

FEBRUARY 12, 1937.

*To Collectors of Customs and Others Concerned:*

From the character and description of the merchandise named or described hereafter in this special regulation, I am of the opinion that the examination of less than one package of every ten packages of such merchandise covered by one invoice will amply protect the revenue, provided that such merchandise is:

(a) imported in packages, the contents and values of which are uniform, or

(b) imported in packages, the contents of which are identical as to character, although differing as to quantity and value per package.

Therefore, by virtue of the authority vested in the Secretary of the Treasury, including that conferred by sections 499 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs 1499 and 1624), I do by this special regulation permit and authorize, in the case of merchandise hereinafter named or described which is imported under either of the conditions above stated, a less number of packages than one package of every ten packages, but not less than one package of every invoice, to be examined:

Baskets
Canned corn beef
Canned fish
Chinaware
Earthenware
Floor coverings:
  Common straw matting
  Cocoa fibre
  Vegetable fibre
Glassware
Harmonicas
Rugs:
  Cotton
  Japanese straw
Wool of a kind which is conditionally free under paragraph 1101 of the tariff act.

This special regulation shall not be construed to preclude the examination of packages in addition to the minimum number hereby permitted to be examined if the collector or the appraiser shall deem it necessary that a greater number of packages be examined.

The number of this Treasury Decision should be noted as a marginal reference for article 307 of the Customs Regulations of 1931.

[SEAL] STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-476; Filed, February 16, 1937; 2:00 p. m.]

[T. D. 48808]

CUSTOMS REGULATIONS AMENDED—DIVERSION OF CARGO

*To Collectors of Customs and Others Concerned:*

Pursuant to authority contained in section 251 of the Revised Statutes (U. S. C., title 19, sec. 66) and section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), article 149 (n) of the Customs Regulations of 1931, published in T. D. 47959, is further amended to read as follows:

(n) When a vessel arriving at a port in a comptroller district files a manifest showing inward foreign cargo destined to another port in the same comptroller district and leaves such district without calling at the latter port, and such cargo, without having been diverted in such district, is subsequently diverted in another comptroller district, the collector to whom application for diversion is made shall promptly send a notice of the diversion to the comptroller of the first-mentioned district.

[SEAL] JAMES H. MOYLE, *Commissioner of Customs.*

Approved, February 9, 1937.

WAYNE C. TAYLOR, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-479; Filed, February 16, 1937; 4:13 p. m.]

[T. D. 48809]

CUSTOMS REGULATIONS AMENDED—PROOF OF LIQUORS

PROOF OF DISTILLED SPIRITS CONTAINING SACCHARIN OR OTHER NONVOLATILE SUBSTANCES SHALL BE ASCERTAINED AT CUSTOMS LABORATORIES

*To Collector of Customs and Others Concerned:*

Pursuant to authority contained in R. S. 2918 (U. S. C., title 19, sec. 390) and in paragraph 811 and section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 811, and sec. 1624), article 1364 of the Customs Regulations of 1931, as amended by T. D. 48516, is further amended to read as follows:

ART. 1364. *Proof of distilled spirits.*—(a) The proof of distilled spirits shall be ascertained by the use of a United States hydrometer set which shall have been tested and approved by the National Bureau of Standards. Instructions relative to proofing as found in the Treasury Department Manual shall be followed.

(b) The proof of distilled spirits containing saccharin or other nonvolatile substances, such as whiskey blended with sherry wine, brandy with prune juice, gin with glycerin, etc., and cordials, liqueurs, and other spirits containing saccharin or other nonvolatile substances, cannot be determined accurately by the use of hydrometers. In these cases, samples of such liquors shall be sent to a customs laboratory for a report which shall show the true proof or percentage of alcohol, as may be required. [T. D. 48480.]

[SEAL] JAMES H. MOYLE, *Commissioner of Customs.*

Approved, February 10, 1937.

JOSEPHINE ROCHE, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-482; Filed, February 16, 1937; 4:14 p. m.]

[T. D. 48810]

CUSTOMS REGULATIONS AMENDED—PLANT QUARANTINE.

TRANSMISSION TO COLLECTORS OF CUSTOMS BY THE IMPORTER OF NOTICES OF ARRIVAL OF PLANTS OR PLANT PRODUCTS.

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C., title 19, sec. 66), and section 624 of the

Tariff Act of 1930 (U. S. C., title 19, sec. 1624), article 561(a)(2) of the Customs Regulations of 1931, is hereby amended to read as follows:

(2) The importer or his representative will submit to the collector at the port of first arrival for any type of entry, except rewarehouse and informal mail entries, a notice of arrival. For I. T. shipments a second notice will be submitted to the collector at the port of destination, and for diverted T. & E. shipments a second notice will be submitted to the collector at the port at which a change in entry is made. The collector at the port of arrival, as well as at destination, will compare the notice which he receives from the importer or his representative with the shipping documents, certify to its agreement therewith or note any discrepancies, and transmit it to the Secretary of Agriculture. The merchandise is not to be released until the said notice has been submitted.

Reference to Treasury Decision 48693 should be noted in the margin opposite article 560 (a).

The references to Treasury Decisions 33110 and 33247 appearing opposite article 564 (a), and Treasury Decision 39792 appearing opposite articles 559 (a) and (b) and 561 (a) are deleted. Reference to Treasury Decision 48728 should be inserted in lieu thereof in each case.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, February 10, 1937.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-480; Filed, February 16, 1937; 4:14 p. m.]

[T. D. 48811]

## CUSTOMS REGULATIONS AMENDED—DISPOSITION OF FORFEITED PROPERTY

ARTICLES 1108, 1110, AND 1111, CUSTOMS REGULATIONS OF 1931, AMENDED SO AS TO BRING THEIR PROVISIONS INTO HARMONY WITH REGULATIONS OF THE DIRECTOR OF PROCUREMENT PROMULGATED UNDER TITLE III, LIQUOR LAW REPEAL AND ENFORCEMENT ACT (U. S. C., TITLE 40, CH. 4), AS PUBLISHED IN TREASURY DECISION 48105.

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 624, Tariff Act of 1930 (U. S. C., title 19, sec. 1624), and in section 161 of the Revised Statutes of the United States (U. S. C., title 5, sec. 22), the Customs Regulations of 1931 are hereby amended as follows:

The caption of article 1108 is amended to read as follows:

Art. 1108. Award or sale of property summarily forfeited—Value not exceeding $1000.

Article 1108 is further amended by deleting paragraphs (b) and (c) and by substituting therefor the following:

(b) The declaration of forfeiture shall be noted on the report of seizure (customs Form 5955) and thereafter the property either will be delivered for official use or otherwise disposed of according to law. For the procedure relating to reports, requests for assignment, and disposition of forfeited property, see the regulations of the Director of Procurement, published as T. D. 48105.

(c) If the forfeited property is cleared for sale, it should be sold in accordance with the applicable provisions of Chapter XVIII of these regulations.

Article 1110 is amended by the insertion of the letter "(a)" following the caption, and by the addition of a new paragraph designated (b) and reading as follows:

(b) If the property has been authorized for official use, retention or delivery shall be regarded as the sale thereof for the purposes of the above-quoted section, and the appropriation available to the receiving agency for the purchase, hire, operation, maintenance, and repair of property of the kind so received is available for the granting of relief to the petitioner and for the satisfaction of liens for freight, charges, and contributions in general average that may have been filed. [U. S. C. title 40, secs. 304j-304k]

Article 1111 (b) is amended to read as follows:

(b) Expenses in connection with seizures and forfeitures shall be paid from the customs appropriation. In the event that the forfeited property has been authorized for transfer to another Federal agency for official use, the receiving agency shall reimburse said appropriation for the costs incurred for hauling, transporting, towing, and storage of such property from the date of seizure to the date of delivery. In case the property is cleared for sale, the customs appropriation shall be reimbursed from the proceeds of the sale for all expenses paid therefrom in connection with the seizure and forfeiture of such property [U. S. C. title 40, sec. 304j. T. Ds. 48762, 48105.]

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, February 10, 1937.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-481; Filed, February 16, 1937; 4:14 p. m.]

[T. D. 48813]

## LICENSING OF VESSELS OF LESS THAN 30 NET TONS

REGULATIONS GOVERNING THE LICENSING OF VESSELS OF LESS THAN 30 NET TONS WHEN ENGAGED IN FOREIGN TRADE

*To Collectors of Customs and Others Concerned:*

Section 6 of the Anti-Smuggling Act of August 5, 1935, (U. S. C., (1934 ed., supp. I), title 19, sec. 1706), reads as follows:

Except into the districts adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port or place, or from any hovering vessel, in any vessel of less than thirty net tons burden without special license granted by the Secretary of the Treasury under such conditions as he may prescribe, nor in any other manner than by sea, except by aircraft duly licensed in accordance with law, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such unlicensed vessels or aircraft and of the merchandise imported therein, landed or unladen in any manner. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any such vessel or aircraft, shall be prima facie evidence of the foreign origin of such merchandise.

Pursuant to the authority contained in the above quoted section, section 624, Tariff Act of 1930, (U. S. C., title 19, sec. 1624), and section 161 of the Revised Statutes of the United States (U. S. C., title 5, sec. 22), the following regulations are hereby prescribed:

The application for a license under the above quoted section of law shall be addressed to the Secretary of the Treasury and delivered to the collector of customs of the district in which are located the ports where foreign merchandise is to be imported.

The application shall be executed under oath or affirmation and shall contain the following information:

(1) Name of vessel, rig, motive power, and home port.
(2) Name and address of owner.
(3) Name and address of master.
(4) Net tonnage of vessel.
(5) Kind of merchandise to be imported.
(6) Country or countries of exportation.
(7) Ports of the United States where merchandise will be imported.
(8) Whether the vessel will be used to transport and import merchandise from a hovering vessel.
(9) Kind of document under which vessel is operating.

The collector will make inquiry into the character and reputation of the owner or master, or both, as the case may be, and for this purpose shall refer the application to the Customs Agency Service for verification, investigation, and report. The investigation should include, among other things, an inquiry as to whether the applicant or the vessel has previously been engaged in the violation of the customs or navigation laws.

The collector will transmit the application to the Bureau with his report and recommendation, which should include any special conditions believed necessary or desirable to be incorporated in the license. The Secretary of the Treasury will issue a license only if he is satisfied that the revenue will not be jeopardized thereby. The license will be issued in the name of the applicant and not in the name of the vessel. The original and one copy of the license, if granted, will be transmitted to the collector; the original to be delivered by him to the licensee, and the copy to be retained in the records of his office.

The master or owner shall keep the license on board the vessel at all times and exhibit it upon demand of any duly authorized officer of the United States. Said license is personal to the licensee and is not transferable.

The collector will report to the Bureau any violation of the terms of the license or any other conduct on the part of the licensee which may be deemed to warrant consideration looking to the revocation of the license.

The license is revocable at the discretion of the Secretary of the Treasury for any violation of its terms or for any cause which he considers inimical to the revenue or otherwise against the interests of the United States.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, February 10, 1937.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-478; Filed, February 16, 1937; 4:13 p. m.]

## Public Health Service.

AMENDMENT NO. 14 TO THE QUARANTINE REGULATIONS OF THE UNITED STATES

BOARDING OF VESSELS BY PERSONS OTHER THAN THE QUARANTINE OFFICER, QUARANTINE EMPLOYEES, OR PILOTS

FEBRUARY 12, 1937.

Pursuant to the authority contained in section 3 of the Act of February 15, 1893, as amended (U. S. C., title 42, sec. 92), paragraph 39 of the quarantine regulations of the United States is amended to read as follows:

39. No person, except the quarantine officer, quarantine employees, or pilots, shall be permitted to board any vessel subject to quarantine inspection until after the vessel has been inspected by the quarantine officer and granted free pratique, except with the permission of the quarantine officer, and any person boarding such vessel shall, in the discretion of the quarantine officer, be subject to the same restrictions as those imposed on the personnel of the vessel.

[SEAL] JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-477; Filed, February 16, 1937; 4:13 p. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of February A. D. 1937.

[No. 27655]

SOUTHERN CLASS RATES, 1937

Upon consideration of a petition filed September 25, 1936, by the Joint Conference of Southern State Commissioners and Shippers and of similar petitions filed by regulatory authorities of southern States, commercial organizations, and shippers praying that the Commission institute an investigation of the intraterritorial class rates in effect within southern territory, and upon consideration of communications from commercial organizations and shippers in official territory expressing the view that the interterritorial class rates now in effect between official and southern territories are unjust and unreasonable and urging that any investigation of the southern intraterritorial class rates should be broad enough to permit consideration of related interterritorial class rates in the same proceeding;

*It is ordered*, That a proceeding of investigation and inquiry be, and it is hereby, instituted by the Commission on its own motion into and concerning the interstate class rates and the charges resulting therefrom now in effect within southern territory and between southern territory and official territory, with a view to determining whether said rates are unjust, unreasonable, unduly prejudicial, unduly preferential or otherwise in violation of the Interstate Commerce Act, official territory being defined for the purpose of this proceeding as the same territory as that for which class rates were prescribed in *Eastern Class Rate Investigation*, 164 I. C. C. 314, and southern territory being defined as bounded on the north by the line of the Virginian Railway Company from Norfolk, Va., to Roanoke, Va., the line of the Norfolk and Western Railway Company between Roanoke and Kenova, W. Va., and the Ohio River between Kenova and Cairo, Ill., and on the west by the Mississippi River between Cairo and the Gulf of Mexico, including, however, west-bank Mississippi River gateways in Arkansas and Louisiana, *provided*, that this definition shall not be understood as bringing within the scope of the proceeding such class rates subject to official classification as now apply from, to, or between points in southern territory as herein defined.

*It is further ordered*, That the common carriers named in the appendix hereto[1] be, and they are hereby made respondents to the proceeding.

*And it is further ordered*, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission:

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-483; Filed, February 17, 1937; 11:59 a. m.]

## INVESTIGATION OF CLASS RATES TO, FROM AND WITHIN SOUTHERN TERRITORY

FEBRUARY 16, 1937.

*Notice to All Concerned:*

On September 25, 1936, there were filed with the Commission petitions of the Joint Conference of Southern State Commissioners and Shippers, the State regulatory commissions of various southern States, the Southern Traffic League, the North Carolina Traffic League, the South Side Virginia Just Freight Rate Association, and certain other commercial organizations and shippers, alleging that the present class rates within southern territory are unjust and unreasonable and praying that the Commission on its own motion institute an investigation into these class rates.

The Commission decided to grant the request, but having in mind the fact that the interterritorial class rates between official and southern territories were closely related in method of construction to the southern intraterritorial class rates and being aware of dissatisfaction with the interterritorial rates among a number of shippers, the Commission on November 20, 1936, issued a public notice inviting comments on the proposal of an investigation limited to the southern intraterritorial rates. A large number of communications in response to that notice were received. From these it appears that, although there is a difference of opinion as to the desirability of broadening the investigation to include the interterritorial rates, a considerable number of shippers particularly in official territory consider the present interterritorial rates unreasonable and might be adversely affected if changes were to be made in the intraterritorial rates without contemporaneous modification of the interterritorial rates. The Commission is of the view that such testimony as these shippers may wish to present in criticism of the interterritorial rates is highly germane to the question of the related intraterritorial rates, and that if it should be found that changes should be made in the latter rates it would be impossible to do complete justice without requiring a readjustment of the interterritorial rates at the same time. Accordingly, the investigation has been framed to include the interterritorial rates. Although this will necessarily result in a larger record than would probably

[1] Filed with the Division of the Federal Register, The National Archives; copies available upon application to Interstate Commerce Commission.

be involved in an investigation limited to the intraterritorial rates, it will obviate the possible necessity of a subsequent separate investigation of the interterritorial rates and thereby time will probably be saved in the long run.

In assigning this proceeding for hearing every effort will be made to serve the convenience of interested parties in both official and southern territories. It is probable that the opening hearing will be held in the latter territory, and that such hearing will be limited to evidence concerning intraterritorial rates.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-484; Filed, February 17, 1937; 11:59 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-MYERS FARM, FILED ON JANUARY 23, 1937, BY HARRY A. GEORGE, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 12, 1937, be effective as of February 12, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-485; Filed, February 17, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RICHFIELD-MALCOLM-DAVIS FARM, FILED ON FEBRUARY 10, 1937, BY ROYALTY GROUP CORPORATION, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that Item 32 of Division II appears to conflict with Item 36 (b) of Division II, which in turn is in conflict with Item 37 (vi) of Division II;

2. In that a copy of the trust agreement referred to in paragraph (a), Page #2, Exhibit B is not included with the offering sheet;

3. In that no disclosure of the legal validity of the agreement in paragraph (c), Page #2, Exhibit B is made in the offering sheet;

4. In that the statement in Item 3, paragraph 1, Division III that "there were not sufficient reliable data upon which to construct a decline curve" is not believed to be correct; the Richfield Oil Company at Los Angeles has the data;

5. In that on Page C-14 of Division III under "Relative Saturation" insufficient data are given to support the determination of, and it is not stated who determined, the factor used "at the time that the estimate of ultimate recovery of oil is made";

6. In that on Page C-14 of Division III it is stated that certain sand thicknesses in feet are given as determined from the log of the well. The figures used on Page C-13, Item 3, Division III are in conflict with the thickness given in Item 36 (d) of Division II. In comparison of the data in the items herein referred to it appears there is some confusion in the data shown in each place referred to respecting wells # 3 and 4;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of March 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2d day of March 1937 at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-486; Filed, February 17, 1937; 12:41 p. m.]

*Friday, February 19, 1937* *No. 34*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ECR—B-4—Supplement (a) Issued February 18, 1937

1936 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 4—SUPPLEMENT (A)

*County Average Rate of Soil-Conserving Payment in Connection With the General Soil-Depleting Base for Dyer County, Tennessee*

Subsection (g) of Section 1 of East Central Region Bulletin No. 4 is hereby amended by changing the county average rate of payment per acre to be used in determining payments for each acre of the general soil-depleting base which in 1936 is used for the production of soil-conserving crops for Dyer County, Tennessee from $9.50 to $9.70. This change shall be effective as of May 29, 1936.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of February, 1937.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 37-492; Filed, February 18, 1937; 12:37 p. m.]



## FEDERAL HOME LOAN BANK BOARD.

BANK RULES AND REGULATIONS AMENDMENT

ADVANCES TO MEMBERS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), paragraph (7) of Section 42 of the Rules and Regulations for Federal Home Loan Banks is hereby amended to read as follows:

(7) Regulations: The Banks may make advances to members on the security of home mortgages as provided in Section 10 of the Act, for periods not to exceed ten years; provided that advances for periods exceeding one year shall be repaid at least 10% annually on a monthly or quarterly amortization basis, unless other terms of repayment are authorized by the Board.

Adopted by the Federal Home Loan Bank Board on February 10, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-487; Filed, February 17, 1937; 2:19 p. m.]

BANK RULES AND REGULATIONS AMENDMENT

REPAYMENT OF ADVANCES

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), paragraph (7) of Section 43 of the Rules and Regulations for Federal Home Loan Banks is hereby amended to read as follows:

(7) Regulations: Banks may make advances to members on the security of obligations of the United States as provided in Section 10 of the Act, for periods not to exceed one year shall be repaid at least 10% annually on a monthly or quarterly amortization basis, unless other terms of repayment are authorized by the Board.

Adopted by the Federal Home Loan Bank Board on February 10, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-488; Filed, February 17, 1937; 2:19 p. m.]

BANK RULES AND REGULATIONS

AMENDMENT

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), Section 41 of the Rules and Regulations for Federal Home Loan Banks is hereby amended by striking paragraph (7) thereof; that Section 42 thereof is hereby amended by striking paragraph (8) thereof; and that Section 43 thereof is hereby amended by striking paragraph (8) thereof.

Adopted by the Federal Home Loan Bank Board on February 10, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-489; Filed, February 17, 1937; 2:19 p. m.]

BANK RULES AND REGULATIONS AMENDMENT

DEFINITION OF INVESTMENTS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), paragraph (4) of Section 32 (c) of the Rules and Regulations for Federal Home Loan Banks is hereby amended to read as follows:

(4) Advances on the security of home mortgages or obligations of the United States with a maturity of not to exceed one year, which are made to members may be deemed investments in compliance with Section 11 (g) of the Act.

Adopted by the Federal Home Loan Bank Board on February 10, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-490; Filed, February 17, 1937; 2:19 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of February, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2952]

IN THE MATTER OF MAURICE WILLENS, AN INDIVIDUAL, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF MUSHROOM GROWERS OF AMERICA

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Saturday, February 20, 1937 (eastern standard time), in room 424, Federal Trade Commission, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-491; Filed, February 18, 1937; 11:44 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of February, A. D., 1937.

[File No. 2-2562]

IN THE MATTER OF HUMBOLDT MINES, INCORPORATED

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Humboldt Mines, Incorporated, under the Securities Act of 1933, as amended, includes untrue statements of material

facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Thursday, February 25, 1937, at 10 o'clock in the forenoon, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Richard Townsend, an officer of the Commission be, and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-493; Filed, February 18, 1937; 12:39 p. m.]

*Saturday, February 20, 1937* *No. 35*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

INCREASING AMOUNTS AVAILABLE FOR PUBLIC PROJECTS UNDER EMERGENCY RELIEF APPROPRIATION ACT OF 1936

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1936 (49 Stat. 1608), and in order to effectuate the purposes of the appropriation made by that Act, it is ordered that the amounts specified in the second paragraph of the Act as available for the several classes of public projects therein enumerated, be, and they are hereby, increased proportionately in the aggregate amount of $124,500,000, this being the amount of the unexpended balances of funds heretofore transferred to that appropriation from the funds appropriated and made available by the Emergency Relief Appropriation Act of 1935, so that the amounts available under the Emergency Relief Appropriation Act of 1936, as modified by Executive Orders No. 7469 of October 13, 1936, and No. 7512 of December 16, 1936, and as increased in the amount of $789,000,000 by the First Deficiency Appropriation Act, fiscal year 1937, approved February 9, 1937 (Public No. 4, 75th Cong., 1st Sess.), shall be, for the several classes of public projects enumerated in the said paragraph, as follows:

| | |
|---|---|
| (a) Highways, roads and streets | $678,165,000 |
| (b) Public buildings | 244,410,000 |
| (c) Parks and other recreational facilities, including buildings therein | 257,235,000 |
| (d) Public utilities, including sewer systems, water supply and purification, airports, and other transportation facilities | 254,970,000 |
| (e) Flood control and other conservation | 210,465,000 |
| (f) Assistance for educational, professional, and clerical persons | 153,135,000 |
| (g) Women's projects | 153,135,000 |
| (h) Miscellaneous work projects | 116,925,000 |
| (i) National Youth Administration | 116,925,000 |
| (j) Rural rehabilitation, loans, and relief to farmers and livestock growers | 153,135,000 |

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 17, 1937.*

[No. 7553]

[F. R. 37-495; Filed, February 18, 1937; 3:07 p. m.]

### EXECUTIVE ORDER

AMENDMENT OF SECTION 1 OF EXECUTIVE ORDER NO. 7180 OF SEPTEMBER 6, 1935, PRESCRIBING RULES AND REGULATIONS GOVERNING THE MAKING OF LOANS BY THE PUERTO RICO RECONSTRUCTION ADMINISTRATION UNDER THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), I hereby amend section 1 of Executive Order No. 7180 of September 6, 1935, prescribing rules and regulations governing the making of loans by the Puerto Rico Reconstruction Administration under the Emergency Relief Appropriation Act of 1935 (Regulation No. 8), to read as follows:

"Section 1. Loans may be made by the Puerto Rico Reconstruction Administration (a) for the purpose of financing, in whole or in part, the purchase of farm lands and necessary equipment by farmers, farm tenants, croppers, farm laborers, or stockmen, and (b) for such other purposes as may be necessary for rural rehabilitation or relief in stricken agricultural areas."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 17, 1937.*

[No. 7554]

[F. R. Doc. 37-496; Filed, February 18, 1937; 3:07 p. m.]

### EXECUTIVE ORDER

WITHDRAWAL OF LAND FOR FOREST ADMINISTRATIVE SITE

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain States for classification and other purposes, is hereby revoked as to the following-described tract of public land in California:

MOUNT DIABLO MERIDIAN

T. 29 N., R. 2 E., sec. 6, lot 18, 36.20 acres.

SECTION 2. Subject to valid existing rights, the tract of land described in section 1 of this order is hereby temporarily withdrawn from settlement, location, sale or entry, and reserved for use by the Forest Service of the Department of Agriculture as an administrative site in connection with the administration of the Lassen National Forest.

SECTION 3. The withdrawal made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 17, 1937.*

[No. 7555]

[F. R. Doc. 37-497; Filed, February 18, 1937; 3:07 p. m.]

### EXECUTIVE ORDER

EXCLUDING CERTAIN TRACTS OF LAND FROM TONGASS NATIONAL FOREST AND RESTORING THEM TO ENTRY

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C., sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tracts of land in Alaska, occupied as homesites and identified by elimination surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., be, and they are hereby, excluded from the Tongass National Forest and restored to entry under the applicable public-land laws:

Homesite No. 120, lot "A", Mud Bay group, Tongass Highway, Revillagigedo Island, 5 acres; approximate latitude 55°24' N., longitude 131°44'30" W.;

Homesite No. 137, lot "C", Mud Bay group, Tongass Highway, Revillagigedo Island, 4.91 acres; approximate latitude 55°24'15" N., longitude 131°45' W.;

Homesite No. 156, Fritz Cove group, Fritz Cove Highway, on Auke Bay, 5 acres; approximate latitude 58°25'29" N., longitude 134°38'30" W.;

Homesite No. 227, lot "O", Mud Bay group, Tongass Highway, Revillagigedo Island, 2.56 acres; approximate latitude 55°25'15" N., longitude 131°46'10" W.;

Homesite No. 321, lot "S", Wrangell group, Wrangell Highway, Wrangell Island, 3.94 acres; approximate latitude 56°26' N., longitude 132°22' W.;

Homesite No. 422, lot "T", Triangle group, Glacier Highway, Auke Lake Truck Trail, in the vicinity of Auke Bay, 3.65 acres; approximate latitude 58°22'50" N., longitude 134°38' W.;

Homesite No. 428, lot "B", Herring Bay group, Tongass Highway, on George Inlet, Revillagigedo Island, 4.35 acres; approximate latitude 55°19'30" N., longitude 131°31'30" W.;

Homesite No. 429, lot "P", Mud Bay group, Tongass Highway, Revillagigedo Island, 1.85 acres; approximate latitude 55°25'16" N., longitude 131°46'20" W.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 18, 1937.*

[No. 7556]

[F. R. Doc. 37-508; Filed, February 19, 1937; 12:53 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Connecticut—Supp. (1) Issued February 19, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—CONNECTICUT—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin 101—Connecticut is hereby amended by the addition of the following provisions.

The practice numbers given in this supplement correspond to the numbers of the soil-building practices set out in Bulletin No. 101—Connecticut, and the matter appearing below under the heading "Description of Practice" is in addition to that prescribed under such heading in Bulletin No. 101—Connecticut.

*Practice Number and Description of Practice*

LIME

1. Ground limestone is limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

Part VI, "Definitions", is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the county committee to be recognized, in instructions issued by the State committee, as conforming to good farming practice under the circumstances, based upon (a) recommendations contained in the most recent official reports or bulletins issued by the United States Department of Agriculture, the State Department of Agriculture, the State agricultural experiment station, or the State agricultural college, or (b) finding of facts made by the State committee after a study of the material pertinent to the subject matter.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 19th day of February, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-503; Filed, February 19, 1937; 12:35 p. m.]



NER—B-101—Maine—Supplement (1) Issued February 19, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MAINE—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Maine is hereby amended by the addition of the following provisions.

The practice numbers given in this supplement correspond to the numbers of the soil-building practices set out in Bulletin No. 101—Maine, and the matter appearing below under the heading "Description of Practice" is in addition to that prescribed under such heading in Bulletin No. 101—Maine.

*Practice Number and Description of Practice*

LIMING

1. Ground limestone is limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

The equivalent of 100 pounds of ground limestone is 75 pounds of agricultural hydrated lime (land lime) or other approved material.

FERTILIZING CONSERVING CROPS

The limits on the number of pounds of plant food per acre for which payment is allowed are as follows:

| | Smallest amount (pounds) | Largest amount (pounds) |
|---|---|---|
| When fertilizer is applied as top-dressing on hay land, pasture, or orchard sods: | | |
| Complete fertilizer | 57 | 192 |
| Nitrogen on pasture and orchard sods | 16 | 32 |
| Nitrogen on hay land sods | 16 | 24 |
| Phosphoric acid, with or without manure | 40 | 80 |
| Potash with or without manure | 50 | 80 |
| When fertilizer is applied to land in preparation for new seedings of soil-conserving crops: | | |
| Potash | 20 | 40 |
| Phosphoric acid, when there is no nurse crop, or the nurse crop is not harvested for grain | 40 | 80 |
| Phosphoric acid, when nurse crop is harvested for grain (no payment for first 32 pounds) | 40 | 80 |
| When fertilizer is applied to land in preparation for green-manure crops: | | |
| Phosphoric acid | 40 | 80 |
| Potash | 20 | 40 |
| Complete fertilizer (with nonleguminous crops only) | 57 | 100 |
| When superphosphate is applied to animal manure as reinforcement and preservative | (1) | (1) |

[1] Not less than 15 pounds or more than 35 pounds of 20% superphosphate (or its equivalent) per ton of manure.

The manure so treated must be applied so that the application of phosphoric acid in the manure will conform to the requirements outlined under the heading "Fertilizing Conserving Crops."

Part VIII, "Definitions", is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the county committee to be recognized, in instructions issued by the State committee, as conforming to good farming practice under the circumstances, based upon (a) recommendations contained in the most recent official reports or bulletins issued by the United States Department of Agriculture, the State Department of Agriculture, the State agricultural experiment station, or the State agricultural college, or (b) finding of facts made by the State committee after a study of the material pertinent to the subject matter.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 19th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-502; Filed February 19, 1937; 12:35 p. m.]

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NER—B-101—New Hampshire—Supp. (1) Issued February 19, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW HAMPSHIRE—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin 101—New Hampshire is hereby amended by the addition of the following provisions.

The practice numbers given in this supplement correspond to the numbers of the soil-building practices set out in Bulletin No. 101—New Hampshire, and the matter appearing below, under the heading "Description of Practice", is in addition to that prescribed under such heading in Bulletin No. 101—New Hampshire.

*Practice Number and Description of Practice*

LIMING

1. 2,000 pounds of ground limestone is the equivalent of 1,500 pounds of hydrated lime, or of other approved material.

Ground limestone is limestone which analyzes 80 percent carbonates, 90 percent of which will pas through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

FERTILIZING CONSERVING CROPS

The maximum application of available phosphoric acid or potash for which payment will be made is 100 pounds per acre.

*Part V, "Definitions"*, is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the county committee to be recognized, in instructions issued by the State committee, as conforming to good farming practice under the circumstances, based upon (a) recommendations contained in the most recent official reports or bulletins issued by the United States Department of Agriculture, the State Department of Agriculture, the State agricultural experiment station, or the State agricultural college, or (b) finding of facts made by the State committee after a study of the material pertinent to the subject matter.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 19th day of February, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-501; Filed, February 19, 1937; 12:35 p. m.]

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NER—B-101—New Jersey—Supp. (1) Issued February 19, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW JERSEY—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin 101—New Jersey is hereby amended by the addition of the following provisions.

The practice numbers given in this supplement correspond to the numbers of the soil-building practices set out in Bulletin No. 101—New Jersey, and the matter appearing below, under the heading "Description of Practice", is in addition to that prescribed under such heading in Bulletin No. 101—New Jersey.

*Practice Number and Description of Practice*

LIMING

9. The equivalent of 2,000 pounds of ground limestone is either 2,000 pounds of ground oyster shell or 1,400 pounds of hydrated lime, or other approved material.

Ground limestone is limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20 mesh sieve and 50 percent of which will pass through a 100 mesh sieve.

FERTILIZING CONSERVING CROPS

10. Payment will be limited to applications of from 16 to 96 pounds of available phosphoric acid per acre.

11. Payment will be limited to applications of from 7½ to 75 pounds of available potash per acre.

12. Payment will be limited to applications of not more than 24 pounds of available nitrogen per acre to hayland and not more than 32 pounds of available nitrogen per acre for any other approved use.

Part V, "Definitions", is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the county committee to be recognized, in instructions issued by the State committee, as conforming to good farming practice under the circumstances, based upon (a) recommendations contained in the most recent official reports of bulletins issued by the United States Department of Agriculture, the State Department of Agriculture, the State agricultural experiment station, or the State agricultural college, or (b) finding of facts made by the State committee after a study of the material pertinent to the subject matter.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 19th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

NER—B-101—Pennsylvania—Supp. (1) Issued February 19, 1937

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NER—B-101—Pennsylvania—Supp. (1) Issued February 19 ,1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania is hereby amended as follows:

*Part IX, "Definitions"*, is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the county committee to be recognized as conforming to good farming practice under the circumstances, in instructions issued by the State committee, based upon (a) recommendations contained in the most recent official reports or bulletins issued by the United States Department of Agriculture, the State Department of Agriculture, the State agricultural experiment station, or the State agriculture college, or (b) finding of facts made by the State committee after a study of the material pertinent to the subject matter.

*Footnote number 2* is amended to read as follows:

[2] Pulverized limestone is limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.



In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 19th day of February, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-499; Filed, February 19, 1937; 12:34 p. m.]

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NER—B-101—Vermont—Supplement (1) Issued February 19, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—VERMONT—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Vermont is hereby amended by the addition of the following provisions.

The practice numbers given in this supplement correspond to the numbers in Bulletin No. 101—Vermont, and the matter appearing below under the heading "Description of Practice" is in addition to that prescribed under such heading in Bulletin No. 101—Vermont.

*Practice Number and Description of Practice*

LIMING

1. Ground limestone is limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

Approved equivalents of ground limestone are given below:

| Ground limestone (pounds) | Hydrated lime (pounds) | Quick lime (pounds) | Waste lime (pounds)[1] | Wet marl (pounds) | Wood ashes (pounds)[1] |
|---|---|---|---|---|---|
| 1,000 | 750 | 550 | 1,000 | 1,400 | 1,500 |
| 2,000 | 1,500 | 1,100 | 2,000 | 2,800 | 3,000 |
| 3,000 | 2,250 | 1,650 | 3,000 | 4,200 | 4,500 |
| 4,000 | 3,000 | 2,200 | 4,000 | 5,600 | 6,000 |
| 5,000 | 3,750 | 2,750 | 5,000 | 7,000 | 7,500 |
| 6,000 | 4,500 | 3,300 | 6,000 | 8,400 | 9,000 |

[1] If materials are wet add 40% to figures.

FERTILIZING CONSERVING CROPS

The rates per acre for applying nitrogen, phosphoric acid, and potash in combination for top-dressing various crops on various types of soil, or for application in preparation for seeding grasses or legumes, are given below:

*(a) On Clay Loam, Silt Loam, or Loam*

| | | | | |
|---|---|---|---|---|
| Hay | 400–500 | 4-6 | 8-20 | 10-20 |
| Permanent pasture | 500–525 | 4-6 | 8-20 | 10-20 |
| Green manure | 400–500 | 4-6 | 8-20 | 10-20 |

*(b) On Sands or Sandy Loam*

| Crop | Pounds fertilizer per acre | Percent nitrogen | Percent phosphoric acid | Percent potash |
|---|---|---|---|---|
| Hay | 300–400 | 4-6 | 8-20 | 6-10 |
| Permanent pasture | 400–500 | 4-6 | 8-20 | 6-10 |
| Green manure | 300–400 | 4-6 | 8-20 | 6-10 |

2. When used to preserve and reinforce farm manure, not less than one pound of 16% or 20% superphosphate per mature cow per day shall be used in the gutter.

The minimum rates of application of phosphoric acid for various crops on various types of soil, when used at the time of seeding down or for top-dressing, are given below:

*(a) On Clay Loam, Silt Loam, or Loam*

| Crop | Pounds of 16% superphosphate per acre | Crop | Pounds of 16% superphosphate per acre |
|---|---|---|---|
| Alfalfa | 400 | Permanent pasture (seeding down) | 300 |
| Clover and timothy | 300 | Green manure | 300 |
| Permanent pasture (top-dressing) | 600 | | |

*(b) On Sands or Sandy Loam*

| Crop | Pounds of 16% superphosphate per acre | Crop | Pounds of 16% superphosphate per acre |
|---|---|---|---|
| Alfalfa | 500 | Permanent pasture (seeding down) | 400 |
| Clover and timothy | 400 | Green manure | 400 |
| Permanent pasture (top-dressing) | 600 | | |

3. The minimum rates of application of potash to various crops on various soils, when used at the time of seeding down or as top-dressing, are given below:

*(a) On Clay Loam, Silt Loam, or Loam*

| Crop | Pounds of 50% potash fertilizer per acre | Crop | Pounds of 50% potash fertilizer per acre |
|---|---|---|---|
| Alfalfa | 100 | Permanent pasture (seeding down) | 100 |
| Clover and timothy | 75 | Green manure | 75 |
| Permanent pasture (top-dressing) | 100 | | |

*(b) On Sands or Sandy Loam*

| Crop | Pounds of 50% potash fertilizer per acre | Crop | Pounds of 50% potash fertilizer per acre |
|---|---|---|---|
| Alfalfa | 150 | Permanent pasture (seeding down) | 150 |
| Clover and timothy | 100 | Green manure | 100 |
| Permanent pasture (top-dressed) | 150 | | |

4. The minimum rates of application for top-dressing various crops on various soils are given below:

*(a) Applying Nitrogen Alone*

| Crops | Pounds of 16% nitrogen fertilizer per acre | Crops | Pounds of 16% nitrogen fertilizer per acre |
|---|---|---|---|
| Alfalfa | None | Permanent pasture (for early grazing) | 200 |
| Clover and timothy | None | Green manure | 200 |
| Grass meadows | 100 | | |
| Grass pastures | 200 | | |

Part V, "Definitions", is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the county committee to be recognized, in instructions issued by the State committee, as conforming to good farming practice under the circumstances, based upon (a) recommendations contained in the most recent official reports or bulletins issued by the United States Department of Agriculture, the State Department of Agriculture,

the State agricultural experiment station, or the State agricultural college, or (b) finding of facts made by the State committee after a study of the material pertinent to the subject matter.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of February, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-498; Filed, February 19, 1937; 12:34 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2622]

IN THE MATTER OF C. E. TREES AND COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, February 26, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 921, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-494; Filed, February 18, 1937; 2:02 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1937.

[File No. 47-7]

IN THE MATTER OF LACLEDE POWER & LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Laclede Power & Light Company, a subsidiary company of Utilities Power & Light Corporation, a registered holding company, pursuant to Section 10 (a) (2) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of a leasehold interest in certain utility assets, to-wit: the electric generating plant and properties pertaining thereto located at Granite City, Illinois, now held by George B. Evans as Trustee of St. Louis Gas & Coke Corporation, and presently to be transferred to Granite City Generating Company, a corporation to be organized, and by such corporation leased to applicant;

It is ordered that a hearing on such matter be held on March 4, 1937, at 2:30 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 27, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-504; Filed, February 19, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of February, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE MANNING-BRYSON-YORK ET AL. FARM, FILED ON JANUARY 28, 1937, BY R. H. MANNING & COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 18th day of February, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 5th day of March, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-506; Filed, February 19, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of February A. D. 1937.



IN THE MATTER OF AN OFFERING SHEET OF AN OVER-RIDING ROYALTY INTEREST IN THE TEXAS-CALIFORNIA-WILSON CREEK DOME, FILED ON FEBRUARY 12, 1937, BY WILLIAM C. RUSSELL, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Item 11, Division II, omits exact location of proposed well;

(2) In that Item 13, Division II, omits the date the first well is to be commenced;

(3) In that Exhibit A fails to comply with the requirements of the regulations in that it does not show a legend of symbols; is not dated; the scale is not given, and the location of the proposed well is not shown;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 13th day of March, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of March, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-505; Filed, February 19, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of February, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-GOLDSMITH FARM, FILED ON FEBRUARY 11, 1937, BY ARTHUR SORY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that in Division III, Item 3, it is not fully explained how the estimate of approximately 8,960 productive acres was determined;

(2) In that in Division III, Item 3, it is not fully explained how the "established water table" was determined;

(3) In that in Division III, Item 3, the "data available at this time", on which there is based a maximum of 145 feet from the highest pay datum to the water estimated at minus 1066 are not fully explained;

(4) In that in Division III, Item 3, it has not been fully shown that the use of an average yield per acre of 20,000 barrels for Hobbs is proper;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 18th day of March, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 3rd day of March, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-507; Filed, February 19, 1937; 12:42 p. m.]

*Wednesday, February 24, 1937* *No. 36*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 7530 OF DECEMBER 31, 1936, TRANSFERRING FUNCTIONS, FUNDS, PROPERTY, ETC., OF THE RESETTLEMENT ADMINISTRATION TO THE SECRETARY OF AGRICULTURE

By virtue of and pursuant to the authority vested in me under Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and the Emergency Relief Appropriation Act of 1936, approved June 22, 1936 (49 Stat. 1608), it is ordered that the second paragraph of Executive Order No. 7530 of December 31, 1936,[1] transferring the functions, funds, property, etc., of the Resettlement Administration to the Secretary of Agriculture, be, and it is hereby, amended to read as follows:

All the powers, functions, and duties heretofore vested in the Resettlement Administration by Executive Order No. 7027 of April 30, 1935 (as amended by Executive Order No. 7200 of September 26, 1935), Executive Order No. 7028 of April 30, 1935, and Executive Order No. 7041 of May 15, 1935, are hereby transferred to the Secretary of Agriculture, to be exercised and performed by him; and all funds, personnel, property, records, and equipment

[1] 2 F. R. 7.

of the Resettlement Administration are hereby transferred to the Department of Agriculture, to be under the supervision, control, and direction of the Secretary of Agriculture.

The exercise or performance by the Secretary of Agriculture since January 1, 1937, of any powers, functions, and duties vested in the Resettlement Administration by Executive Orders No. 7028 of April 30, 1935, and No. 7041 of May 15, 1935, is hereby confirmed and ratified.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 19, 1937.*

[No. 7557]

[F. R. Doc. 37-516; Filed, February 20, 1937; 11:16 a. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48821]

CUSTOMS REGULATIONS AMENDED—STATISTICS

COUNTRY OF ORIGIN TO BE SHOWN ON CUSTOMS ENTRIES FOR STATISTICAL PURPOSES

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 161, Revised Statutes (U. S. C., title 5, sec. 22) paragraphs (b) and (c) of article 1270 of the Customs Regulations of 1931 are hereby amended to read as follows:

(b) The country to which imports shall be credited for statistical purposes is the country of origin. In cases in which the merchandise is invoiced in or exported from a country other than the country of origin, care should be taken to insure that the country of origin is correctly specified.

(c) Entries for immediate consumption or for warehouse, and withdrawals from warehouse for consumption, shall clearly specify the country of origin of the imported articles as well as the nationality and motive power of the vessel from which the imported articles were landed in the United States or in Canada or Mexico if shipped through either of these countries.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved:

DANIEL C. ROPER,
*Secretary of Commerce,*
*February 15, 1937.*

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-511; Filed, February 20, 1937; 9:42 a. m.]

### Bureau of Narcotics.

[T. D. 24]

AMENDMENT TO REGULATIONS GOVERNING THE IMPORTATION OF COCA LEAVES UNDER SECTION 6 OF THE ACT OF CONGRESS APPROVED JUNE 14, 1930

*To Narcotic District Supervisors and Others Concerned:*

Pursuant to the authority contained in Section 6 of the Act of June 14, 1930 (46 Stat. 587; U. S. Code (1934 Ed.), Title 21, Sec. 173a), those provisions of Article 8 of Bureau of Narcotics Treasury Decision No. 3, approved November 7, 1930, which require samples of the leaves, solutions, extracts, residues and other substances in various manufacturing processes to be taken for purposes of analyses, are hereby modified to the extent that such samples will not be required except when requested by the Commissioner or his representative. However, the Commissioner or his representative shall have authority to require and select samples of any such leaves, solutions, extracts, residues or other substances in any stage of any process of manufacture from such leaves whenever such action shall be deemed appropriate. Such samples shall be forwarded to the Commissioner or to such chemical laboratory as he may designate, accompanied by the memoranda required by the provisions of said Article 8 of said Treasury Decision No. 3.

[SEAL] H. J. ANSLINGER,
*Commissioner of Narcotics.*

Approved, February 15, 1937.

STEPHEN B. GIBBONS
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-510; Filed, February 20, 1937; 9:42 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Park Service.

GREAT SMOKY MOUNTAINS NATIONAL PARK

LOCAL SUBSIDIARY REGULATIONS

The following subsidiary regulations, issued under the authority of the Rules and Regulations approved by the Secretary of the Interior June 18, 1936 (1 F. R. 790), have been recommended by the superintendent and approved by the Director of the National Park Service, and are in force and effect within the boundaries of Great Smoky Mountains National Park:

*Fishing.*—The following waters and no others are open for fishing:

All streams other than those listed below are closed for the purpose of restocking. Main streams only of waters listed are open—all tributaries thereof are closed.

Tennessee section of the park:
Little River below mouth of Meigs Post Prong.
Fish Camp Prong below mouth of Goshen Branch.
West Prong Little Pigeon River below Road Prong.
Roaring Fork below mouth of Enloe Hollow Branch.
Middle Prong Little Pigeon River below mouth of Buck Fork.
Ramsey Prong below mouth of Teaberry Branch.
Porters Creek below mouth of Boulevard Prong.

North Carolina section of the park:
Eagle Creek below the mouth of Tubmill Creek.
All waters of Hazel Creek and its tributaries.
Forney Creek below the mouth of Huggins Creek.
Noland Creek below the mouth of Bald Creek.
All waters of Lands Creek.
Deep Creek below mouth of Cherry Creek on Right Fork, and below Hermit Branch on Left Fork.
All waters of Coopers Creek.
Left Fork of Oconalufty River below the mouth of Kephart Prong.
Bradley Fork below the mouth of Bearwallow Branch.
Raven Fork below Three Forks.
Straight Fork below mouth of Balsam Corner Creek.
Bunches Creek below the mouth of Flat Creek.
Cataloochee Creek below the mouth of Messer Fork.
Palmer Creek below the mouth of Pretty Hollow Creek.
Big Creek below the mouth of Gunter Fork.

*Open season.*—Trout, May 16 to August 31, inclusive; rock bass and small mouth bass, June 16 to August 31, inclusive. Fishing is permitted only between the hours of 5:00 A. M. and 6:30 P. M., Central Standard Time, for the Tennessee section of the park, and between 6:00 A. M. and 7:30 P. M., Eastern Standard Time, for the North Carolina section of the park. Both hours mentioned are of the same day.

*Restriction as to use of bait.*—Fishing is permitted only with artificial bait with but one hook. Two artificial flies may be attached to the leader if desired. The use of other than artificial bait is prohibited.

*Size Limit.*—Trout and rock bass under 8 inches in length, and small mouth bass under 10 inches in length shall not be retained unless seriously injured.

*Limit of catch.*—The maximum catch in any one day and the maximum number in possession of any one person shall be 10 fish of any or all species, including undersized fish retained because seriously injured.

*Fishing license.*—The park as such does not charge for fishing license, but persons fishing in the park must have State fishing license issued by Tennessee or North Carolina, depending upon the section being fished.

*Fires.*—The building of fires for any purpose on or along park roads, except in designated camp grounds and picnic areas, is prohibited.

*Speed.*—Speed of automobiles and other vehicles except ambulances and Government cars on emergency trips is limited to 35 miles per hour on highways. On secondary roads, posted as such, speed is limited to 20 miles per hour on straight sections, and 15 miles per hour on curves.

All previous local subsidiary regulations for Great Smoky Mountains National Park are hereby repealed.

Approved, February 17, 1937.

[SEAL] ARNO B. CAMMERER,
*Director, National Park Service.*

[F. R. Doc. 37-512; Filed, February 20, 1937; 9:46 a. m.]

### Office of Indian Affairs.

ORDER FIXING OPERATION AND MAINTENANCE CHARGES UINTAH IRRIGATION PROJECT, UTAH, CALENDAR YEAR 1937

FEBRUARY 13, 1937.

In compliance with the provisions of the Act of June 21, 1906 (34 Stat., 325-375), the operation and maintenance charges for the lands under the following units and under the various ditches in those units of the Uintah Irrigation Project, except where otherwise established by contract, for the calendar year 1937, and subsequent years until further notice, based on estimated costs for each year, are fixed for each acre susceptible of irrigation as follows:

| | *Assessment per Acre Susceptible of Irrigation* |
|---|---|
| *Uintah River Unit*, comprising Bench No. 1, Henry Jim and Uintah Ditches, assessable area 18,422.53 acres | $0.70 |
| *Individual Indian Unit* on Uintah River, comprising Harmes, Individual Indian A, B, C and D, Daniels and Tabby White Ditches, assessable area 1,749.11 acres | .60 |
| *Duchesne River Unit* comprising Grey Mountain, Jasper Pike, Leland, Myton Townsite, Ouray School, and Pahcease and Wissiup ditches, assessable area 19,013.82 acres | .75 |
| *Lakefork River Unit*, comprising Lakefork, Red Cap and Dry Gulch ditches, assessable area 25,047.6 | .70 |
| *Deep Creek Unit*, diverting from Whiterocks and Uintah Rivers, comprising Deep Creek Ditch, assessable area 6,935.52 acres | 1.00 |
| *Whiterocks Unit*, comprising Farm Creek and Whiterocks Ditches, assesable area 6,486.6 acres | .75 |

*Time of Payment.*—The charges herein fixed shall become due April 1 and are payable on or before that date. To all such charges assessed against owners of patent in fee land not paid on July 1, following, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, from due date of April 1 as long as delinquency continues.

*Conditions of Payment.*—No water shall be delivered to:

1. *Patent in fee landowners*, until at least 50 per cent of charges herein assessed is paid, and water delivery shall not be continued after July 1 unless the total charges shall have been paid.

2. *Indians farming their own land*, until the Superintendent of the reservation shall have issued a certificate to the Project Engineer certifying that the Indian has paid or will pay such charges through the Superintendent or that such Indian is financially unable to pay the charges.

3. *Lessee of Indian trust patent land*, until the Superintendent of the reservation shall have furnished the Project Engineer with a certificate stating that the lessee has fully complied with the terms of the lease relative to the payment of the annual operation and maintenance charges.

This supersedes order of March 14, 1936.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37-520; Filed, February 23, 1937; 10:12 a. m.]



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR-B-101, Part IX, Revised Southern Division, February 20, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—PART IX, REVISED

*The Wheat and Grain Sorghum Area*

Part IX of Southern Region Bulletin 101 is amended to read as follows:

The provisions of this Part IX shall apply only to the wheat and grain sorghum area as defined under the heading "Definitions" below, and are based upon (1) a payment of $9.00 per acre average for the United States, varying according to productivity, for diversion from the general base, and payments for diversion from other bases as outlined in Part III, Southern Region Bulletin 101; and (2) a soil-building allowance based upon a rate of $1.00 for each acre in the soil-conserving base, $1.00 for each acre of soil-depleting crops diverted for payment in 1937, and the other provisions of sections 1 and 2. The provisions of said Bulletin 101, unless otherwise provided, will apply throughout said area with the exception of the substitutions contained in this Part IX. References herein relate to the several sections of preceding parts of Southern Region Bulletin 101.

A—DEFINITIONS

In addition to the definitions contained in Part I, the following definitions shall apply:

*The Wheat and Grain Sorghum Area* means that area comprising the following counties of Texas and Oklahoma and such other counties as may be recommended by the State Committee and approved by the Secretary.

*Texas.*—Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Brown, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comanche, Concho, Cottle, Crane, Crosby, Dallem, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Erath, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hood, Howard, Hutchinson, Jack, Jones, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Reeves, Roberts, Runnels, Scurry, Shackelford, Sherman, Somerville, Stephens, Sterling, Stonewall, Swisher, Taylor, Terry, Throckmorton, Tom Green, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Yoakum, and Young.

*Oklahoma.*—Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Kay, Kingfisher, Kiowa, Major, Noble, Roger Mills, Stephens, Texas, Tillman, Washita, Woods, and Woodward.

*Wind Erosion Area* means that area comprising the following counties within the wheat and grain sorghum area, except that changes therefrom may be made if recommended by the State Committee before March 10, 1937, and approved by the Secretary.

*Texas.*—Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Donley, Ector, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Howard, Hutchinson, Kent, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Motley, Ochiltree, Oldham, Parmer Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Winkler, and Yoakum.

*Oklahoma.*—Beaver, Cimarron, Ellis, Harper, Texas, and Woodward.

B—RATES AND CONDITIONS OF PAYMENT

SECTION 101. *Soil-Building Practices.*—The provisions of this section 101 shall apply in lieu of section 16.

A class II payment will be made for carrying out any one or more of the following soil-building practices in 1937 at the rates and upon the conditions listed in this section 101, *provided* (1) in no event will the total of the class II payments respecting any farm exceed the soil-building allowance for the farm; (2) none of the labor, seed, or materials for such practice is furnished or paid for by any Federal or State agency; (3) the practice is carried out by such methods and with such kinds and quantities of adapted seed, trees, and other materials as conform to good farming practice; and (4) that such practices have been carried out in accordance with standards approved by the State Committee.

Practice:

*Number—Practices and Conditions—Rate*

1. *Alfalfa*, planted on cropland in 1937: $2.50 per acre.

2. *Sweet clover, annual lespedeza, Austrian winter peas*, or other locally adapted winter legumes, planted on cropland in 1937: $1.50 per acre.

3. *Cowpeas, soybeans, mung beans*, or other locally adapted summer legumes, excluding lespedeza, grown on cropland in 1937 and the total forage plowed under, provided a reasonably good growth is attained: $2.00 per acre.

4. *Austrian winter peas*, or other locally adapted winter legumes, plowed under in 1937, or lespedeza left on the land in 1937 except

that the seed may be harvested, provided a reasonably good growth is attained: $1.00 per acre.

9. *Forest trees*, including post-producing species, planted on cropland in 1937: $5.00 per acre.

10. *Ground limestone or its equivalent*[1] applied on soil-conserving crops or pastures in 1937, but payment will not be made on an amount in excess of 4,000 pounds per acre, or less than 1,000 pounds per acre if applied broadcast, or less than 500 pounds if applied in rows: $0.07 per 100 pounds.

11. *Sixteen percent superphosphate or its equivalent*[2] applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts), but payment will not be made on an amount in excess of 400 pounds per acre or less than 100 pounds per acre: $0.50 per 100 pounds.

14. *Terracing land in 1937* in accordance with good terracing practices for the land: $0.40 per 100 linear feet.

21. *Contour listing or furrowing* when done on cropland in 1937, provided (1) that the furrows shall be made with a regular double mold-board lister or with a chisel of approved design according to the specifications given herein, (2) that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 4 inches in depth, or if chiseled,[3] be not less than 4 inches in width and 6 inches in depth, (3) that the furrowing shall be done with the contour of the land, following lines run with a surveyor's instrument or farm level, and (4) that the contour furrows shall be maintained until preparation of the land for a crop. On slopes greater than 3½ feet to each 100 feet, such contour listing must be in combination with terracing: $0.25 per acre.

22. *Alternate strips of sorghums, or Sudan grass,*[4] *and fallow,*[5] where such strips of sorghums or Sudan grass are planted on the contour in 1937 prior to August 15 on cropland contour listed or furrowed since October 31, 1936, provided that such strips of sorghums or Sudan grass are not less than approximately 2 rods in width and are not more than 12 rods nor less than 4 rods apart, that the strips of sorghums or Sudan grass are not wider than the fallow strips between such strips of sorghums or Sudan grass, and that the stalks are left standing on the land as a protection against wind erosion (in counties outside the wind erosion area if heads or seed are harvested from such strips of sorghums or Sudan grass, only the acreage of the fallow strips shall be considered in computing the acreage of this practice): $0.35 per acre.

23. *Alternate rows of sorghums, or Sudan grass, and fallow,*[5] where such rows of sorghums or Sudan grass are planted on the contour in 1937 prior to August 15 on cropland contour listed or furrowed since October 31, 1936, provided that such rows of sorghums or Sudan grass are planted as single or double rows not less than 10 feet apart, nor more than 12 feet apart if in single rows, or 18 feet apart if in double rows, and if the stalks are left standing on the land as a protection against wind erosion (each row shall be considered to occupy a strip 3½ feet in width, the distance between the rows being computed from center to center of the rows). In counties outside the wind erosion area if heads or seed are harvested from such rows of sorghums or Sudan grass, only the acreage of the fallow strips shall be considered in computing the acreage of this practice: $0.25 per acre.

24. *Sorghums, millets, or Sudan grass*, seeded solid or broadcast, or sweet sorghum or Sudan grass in rows not over 4 feet apart, grown in 1937, provided all the crop is left on the land (or either left on the land or plowed under in counties outside the wind erosion area) and a reasonably good growth is attained. (Payment will not be made for this practice in combination with practice 22 or 23): $1.00 per acre.

25. *Green manure crops*, including rye, barley, oats, wheat, Italian rye grass, or mixtures of two or more of these, plowed under as green manure, after making a reasonably good growth (not less than two months' growth) in the spring of 1937, provided that such crop shall not reach the dough stage (provided that such practice shall not be applicable to the wind erosion area): $0.75 per acre.

26. *Natural restoration of native pasture* (a) on cropland contour listed or contour furrowed in 1936 in accordance with SR–B–2, Supplement (a), revised, not grazed in 1936 and maintained by withholding all grazing in 1937, and allowing the natural coverage to remain as a protection against erosion, or (b) on cropland contour listed or contour furrowed before May 1, 1937, in accordance with practice 21, and maintained by withholding all grazing therefrom in 1937 and allowing the natural coverage to remain as a protection against erosion: $0.25 per acre.

27. *Reestablishment of native grasses* by seeding or sodding in 1937, or the establishment in 1937 of permanent pasture of perennial grasses or grass and legume mixtures on cropland, or non-crop open pasture land which if in the wind erosion area has been contour listed since October 31, 1936, in accordance with practice 21: $2.50 per acre.

28. *Contour farming*, consisting of the growing of crops on the contour in combination with terraces or contour listing or furrowing in accordance with subsection (j), section 104, not in combination with practice 22 or 23: $0.25 per acre.

29. *Contour listing or furrowing pasture land*, furrow channels to be not less than 8 inches in width and 4 inches in depth and not less than 3½ feet apart. (Payment will be made on the acreage occupied by the furrows computed on the basis of 3½ feet in width for each such furrow): $0.70 per acre.

30. *Ridging pasture land* on slopes of two percent or greater, such narrow terraces or ridges to be at least 6 feet wide from bottom of furrow to bottom of furrow on the opposite side, at least 10 inches in height, and not to exceed one-third of the regular terrace interval: $0.10 per 100 linear feet.

SECTION 102. *Minimum Acreage of Soil-Conserving Crops and Soil-Building Practices in Lieu of Soil-Conserving Crops.*—The provisions of this section 102 shall apply in lieu of section 17.

(a) If the total acreage of soil-conserving crops on cropland on any farm in 1937 does not equal or exceed the sum of—

(1) The soil-conserving base established for the farm, which shall be that acreage which is determined to be the acreage of soil-conserving crops grown on the farm under normal conditions, and

(2) The sum of the acreages diverted for payment from the cotton, peanut, and general bases.

a deduction will be made in an amount obtained by multiplying $3.00 by the number of acres by which the total acreage of soil-conserving crops on cropland, and of soil-building practices in lieu of soil-conserving crops on cropland in 1937, is less than such sum.

### C—CLASSIFICATION OF LAND USE AND CROPS

Farm land when devoted to the crops and uses indicated below shall, except for such additions or modifications as may be approved by the Secretary, be classified as follows:

SECTION 103. *Crops or Practices Which Shall be Classed as Soil-Depleting.*—The provisions of this section 103 shall apply in lieu of section 31.

Land devoted to any of the following crops or practices shall, except as provided in sections 103 and 105, be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested or the practice is carried out. In establishing soil-depleting bases and in checking performance, the acreage of land devoted to two or more soil-depleting crops shall be counted only once.

(a) Corn (field corn, sweet corn, or popcorn).

(b) Cotton.

(c) Potatoes (Irish or sweet).

(d) Truck and vegetable crops, including melons and strawberries.

(e) Peanuts, harvested for nuts.

(f) Grain sorghums, sweet sorghums, broomcorn, millets, or Sudan grass, harvested for grain, seed, or forage, or grain sorghum in rows if all the crop is left on the land (or left on the land or turned under in the wind erosion area).

(g) Small grains, wheat, oats, barley, rye, or any mixture of these; *provided, however*, that if the County Committee, prior to a date prescribed by the State Committee and approved by the Director of the Southern Division, has approved the use of wheat, oats, barley, or rye, or a mixture of these on a designated area on the farm as a winter cover crop as being good farming practice for such area, and such crops are pastured or plowed under (cut for hay, pastured, or plowed under in the wind erosion area), before reaching the dough stage and the land is protected, immediately thereafter, by a soil-conserving crop or a soil-building practice approved herein for use in lieu thereof, such land shall take the classification of such soil-conserving crop or practice, except that *outside the wind erosion area*, where such crops are plowed under as green manure, in accordance with practice 25, and followed by another soil-conserving crop, or a soil-building practice approved herein for use in lieu thereof, all such land shall be classified as soil-conserving.

(h) Summer fallowed land which in the wind erosion area is left unprotected and becomes a wind erosion hazard (such acreage to be prorated between the total acreage planted to crops in the general soil-depleting base and to the acreage planted to cotton in 1937, in the proportion that each soil-depleting base bears to the total soil-depleting base for the farm).

SECTION 104. *Soil-Conserving Crops and Soil-Building Practices in Lieu of Soil-Conserving Crops.*—The provisions of this section 104 shall apply in lieu of section 32.

Land devoted to any of the following crops or uses shall be regarded as used for the production of a soil-conserving crop or for a soil-building practice in lieu thereof, except that any land which is devoted to a soil-depleting crop in the same year shall be regarded as used for the production of a soil-depleting crop in such year, except as provided in sections 103 and 105. Any acre which is devoted to two or more soil-conserving crops or practices in lieu thereof in the same year shall be counted as not more than one acre of soil-conserving crops.

(a) Legumes, including Austrian winter peas, sweet clover, alfalfa, lespedeza, cowpeas, and mung beans.

(b) Peanuts, if pastured.

(c) Grasses, including native grasses planted in 1936 or 1937, Dallis, rye grass, Bermuda, or grass mixtures.

(d) Sudan grass, seeded solid or broadcast or in rows not over 4 feet apart, not harvested for seed or hay.

(e) Any sorghum or millet seeded solid or broadcast, or sweet sorghum in rows not over 4 feet apart, grown in 1937 and all the crop left on the land (or either left on the land or plowed under in counties outside the wind erosion area), provided a reasonably good growth is attained.

(f) Alternate strips of sorghums, or Sudan grass, and fallow, where such strips of sorghums or Sudan grass are planted in 1937 prior to August 15 on cropland if such strips of sorghums or Sudan grass are not less than approximately 2 rods in width, and are not more than 12 nor less than 4 rods apart, if the strips of sorghums or Sudan grass are not wider than the fallow strips between such strips of sorghums or Sudan grass, and if the stalks are left standing on the land as a protection against wind erosion. The acreage actually occupied by such strips shall be considered soil-depleting, and only the acreage of the fallow strips between such sorghum or Sudan strips shall be considered soil-conserving, except that strips of sorghums or Sudan grass, seeded solid or broadcast, or of sweet sorghums or Sudan grass in rows, from which heads or seed are not removed shall be classified as soil-conserving.[1]

(g) Alternate rows of sorghums, or Sudan grass, and fallow, where such rows of sorghums or Sudan grass are planted in 1937 prior to August 15 on cropland if such rows of sorghums or Sudan grass are planted as single or double rows not less than 10 feet apart, nor more than 12 feet apart if in single rows, or 18 feet apart if in double rows, and if the stalks are left standing on the land as a protection against wind erosion (each row shall be considered to occupy a strip 3½ feet in width, the distance between the rows being computed from center to center of the rows.) The acreage actually occupied by such rows shall be considered soil-depleting and only the fallow strips between such rows shall be considered soil-conserving, except that rows of sweet sorghums or Sudan grass from which heads or seed are not removed shall be classified as soil-conserving.[6]

(h) The acreage on which practice 26 is carried out.

(i) The acreage of cropland on which practice 27 is carried out.

(j) Three-fourths of the acreage of cropland on which controlled summer fallowing is practiced in 1937 and which in 1937 is kept free of vegetative cover to the extent that available soil moisture will be conserved, and provided that such land (1) is contour listed or furrowed, in accordance with practice 21, or (2) is otherwise contour furrowed where done with a furrowing device which accomplishes a creditable type of cultivation for conserving moisture and controlling wind erosion, furrows in no instance to be less than 14 inches apart.

(k) Two-thirds of the acreage of cropland on which protected summer fallow is practiced in 1937, which is kept free of vegetative cover to the extent that available moisture is conserved, and which is protected from erosion by listing or furrowing not on the contour, or by leaving the stubble or trash on or near the surface of the soil. (This classification shall not apply in the wind erosion area, except where a special recommendation is made by the County Committee and approved by the State Committee, setting forth proof that wind erosion is not a problem in the particular community, and except as outlined in paragraph (m) below.)

(l) One-third of the acreage of cropland; (1) in the wind erosion area, on which protected fallow is practiced, in accordance with paragraph (k) above, if not terraced or contour listed in 1937 and if not in a community approved as not affected by wind erosion; or (2) which is contour listed in 1937 and on which the natural vegetation is allowed to grow as a protection against wind erosion.

(m) The acreage of cropland anywhere in the wheat and grain sorghum area terraced in 1937, in accordance with practice 14, in combination with a practice outlined in paragraph (j), (k), or (l) above; or, in counties *outside the wind erosion area*, the acreage of any idle cropland terraced in 1937.

(n) Forest trees, planted on cropland since January 1, 1934.

SECTION 105. *Soil-Conserving Crops or Soil-Building Practices in Lieu Thereof Grown or Used in Combination with or Following Soil-Depleting Crops.*—The provisions of this section 105 shall apply in lieu of section 33.

Land devoted to soil-conserving crops or soil-building practices in lieu thereof grown or used in combination with or following soil-depleting crops shall be classified as follows:

(a) All the acreage of soil-depleting row crops interplanted or grown in combination with summer legumes (classified in section 104 as soil-conserving) shall be classified as soil-depleting, and

(1) one-half of the acreage shall also be classified as soil-conserving, provided the legume occupies at least one-half of the land and attains a reasonably good growth, or

(2) one-third of the acreage shall also be classified as soil-conserving, provided the legume occupies not less than one-third but less than one-half of the land, and attains a reasonably good growth.

(b) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 104 as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(c) All the acreage of soil-depleting crops on land which is terraced in 1937, in accordance with practice 14, shall be classified as soil-depleting, and one-third of such acreage shall also be classified as soil-conserving.

(d) All the acreage of soil-depleting crops on land, *in the wind erosion area*, which is contour listed in 1937, in accordance with practice 21, shall be classified as soil-depleting, and one-tenth of such acreage shall also be classified as soil-conserving.

SECTION 106. *Neutral Uses.*—The provisions of this section 106 shall apply in lieu of section 34.

Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided.

(a) Vineyards, tree fruits, bush fruits, and nut trees. (Any portion of such land which is interplanted shall carry the classification and actual acreage of such interplanted crop.)

(b) Idle cropland, unless otherwise specified.

(c) Waste land, roads, lanes, lots, yards, and other similar non-cropland.

(d) Woodland, other than cropland planted to forest trees since January 1, 1934.

(e) Grain sorghums in rows if plowed under in counties outside the wind erosion area.

SECTION 107. *Wind Erosion Hazards.*—The County Committee shall (subject to prescribed appeal procedure) not certify for a class I or a class II payment any applicant who has been found by the appropriate County Committee to have been negligent and careless in his farming practices in 1937, either on the farm(s) respecting which such application is made or any other farm(s) owned or controlled by such applicant, to the extent that such farm(s) has become a wind erosion hazard to the immediate community in which it is located.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 20th day of February 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–524; Filed, February 23, 1937; 12:53 p. m.]

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[1] For example, 500 pounds of burnt lime or 700 pounds of hydrated lime is the equivalent of 1,000 pounds of ground limestone.

[2] For example, 100 pounds of 48 percent superphosphate is the equivalent of 300 pounds of 16 percent superphosphate.

[3] The dimensions of such chisel furrows may, if approved by the County Committee, vary from those set forth herein, provided a cross section of each such furrow is at least 24 square inches.

[4] The term "strips of sorghums or Sudan grass", wherever used in this Part IX, means strips that are seeded solid or broadcast or in rows not over 4 feet apart. The term "double rows" means two rows, not less than three nor over four feet apart.

[5] Where strips of sorghums or Sudan grass, alternating with fallow, are over 12 rods in width or occupy more than one-half of the land, the actual acreage of such strips, if all the crop is left on the land, will be paid for in accordance with practice 24. If such strips (or rows of sorghums or Sudan grass alternating with fallow) are not on the contour, occupy one-half or less of the land, and are 12 rods or less in width, no practice payment will be made.

[6] Where strips of sorghums or Sudan grass, alternating with fallow, are over 12 rods in width or occupy more than one-half of the land, the actual acreage of such strips shall be classified in accordance with paragraph (f), section 103, or paragraph (e) of this section 104, and the fallow strips shall be classified in accordance with paragraph (j) or (k) of this section 104.



## Bureau of Agricultural Economics.

[Amendment to S. R. A. No. 98]

### RULES AND REGULATIONS GOVERNING GRADING AND CERTIFICATION OF MEATS, ETC.

By virtue of the authority vested in the Secretary of Agriculture by a provision of the act[8] of Congress entitled "An Act making appropriations for the Department of Agriculture and the Farm Credit Administration for the fiscal year ending June 30, 1937" approved June 4, 1936, authorizing the investigation and certification of the class, quality, and condition of perishable farm products, I, H. A. Wallace, Secretary of Agriculture, do hereby issue the following amendment to S. R. A. No. 98, first revision (B. A. E.) to be in force and effect immediately until amended or superseded by regulations issued in lieu thereof:

Regulation 3, Section 1, Paragraph 2—*Designated Markets*—add the following:

Other markets may be designated by the Secretary from time to time.

Regulation 4, Section 15, amend this section to read as follows:

SEC. 15. *Certificates—Issuance.*—The official grader shall sign and issue certificates covering lots of products personally graded by him unless through special arrangements approved by the Chief of Bureau this be not required, in which case complete records of the grading shall be furnished the Bureau; but in no case shall any grader sign a certificate covering any product not graded by him. Graders shall stamp, brand, tag, label, seal, or otherwise identify or supervise the stamping, branding, tagging, labeling, sealing, or otherwise identifying of each unit of product

or package or container thereof with its class and quality (grade) as far as practicable, or the applicant may issue, when authorized by the Chief of the Bureau, certificates of quality of such forms as are approved by the Chief of the Bureau, the certificates of quality issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the Chief of the Bureau.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 20th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:
MASTIN G. WHITE,
*Solicitor.*

[F. R. Doc. 37-517; Filed, February 20, 1937; 12:33 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

[Aeronautics Bulletin No. 7-A; Amendment No. 6]

AIR COMMERCE REGULATIONS

AIRWORTHINESS REQUIREMENTS FOR AIRCRAFT

Pursuant to the authority contained in the Air Commerce Act of 1926, as amended (44 Stat. 568), Section 73 (A) Paragraphs (1) and (2) of Aeronautics Bulletin No. 7-A are hereby amended to read as follows:

(1) The landing speed in standard calm air at sea level shall not exceed a value determined as follows:

For airplanes of 20,000 pounds gross weight or less, 65 miles per hour.
For airplanes of 30,000 pounds gross weight or more, 70 miles per hour.
Between 20,000 and 30,000 pounds a linear variation with gross weight shall apply.
For airplanes which are not used for carrying passengers the above values may be increased 5 miles per hour.

(a) *For air line aircraft operating in accordance with the requirements of Aeronautics Bulletin No. 7-E* the gross weight may be increased beyond the value corresponding to the landing speed specified in Paragraph (1), subject to the following conditions:

(i) The increased gross weight shall be known as the *provisional gross weight* and the weight at which the aircraft complies with the flight requirements for normal aircraft shall be known as the *standard gross weight*. The *standard gross weight* shall be the maximum permissible gross weight for all operations other than those in accordance with the requirements of Aeronautics Bulletin No. 7-E. The *provisional gross weight* shall be the maximum permissible gross weight for any operation.

(ii) The aircraft shall be provided with suitable means for the rapid discharge of a quantity of fuel sufficient to reduce its gross weight *from the provisional gross weight* to the *standard gross weight*.

(iii) In no case shall the *provisional gross weight* exceed a value corresponding to a landing speed of 5 miles per hour in excess of that specified in Paragraph (1).

(iv) Compliance with all the airworthiness requirements except landing speed and take-off is required at the *provisional* gross weight, except that the stress analysis for the landing conditions may be based on the *standard* gross weight when suitable provisions for absorbing ground shocks incident to taking off at the *provisional* gross weight are provided.

(2) Land planes shall take off with full load within 1000 feet in standard calm air at sea level and seaplanes, flying boats and amphibians shall be able to take off from the water with full load at sea level in 45 seconds or less, with a wind velocity not exceeding 10 miles per hour and with moderately smooth water conditions, except as modified hereinafter.

(a) *For air line aircraft operating in accordance with the requirements of Aeronautics Bulletin No. 7-E* the gross weight may be increased beyond the value corresponding to the take-off requirements of Paragraph (2) subject to the following conditions:

(i) The gross weight shall not exceed the *provisional* gross weight determined by and defined in Paragraph (1) (a) of this amendment.

(ii) Aircraft engaged in operations in accordance with the requirements of Aeronautics Bulletin No. 7-E shall be licensed for the gross weight at which they comply with the take-off and other performance provisions of that bulletin for the particular operation involved provided that such licensed gross weight shall not exceed the *provisional* gross weight. It may, however, be less than the *provisional* or *standard* gross weights, dependent upon the ground or water facilities and the nature of the route flown.

This amendment supersedes Amendment No. 2 of Aeronautics Bulletin No. 7-A.

Approved to take effect February 20, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-509; Filed, February 19, 1937; 1:26 p. m.]

AIR COMMERCE REGULATIONS

AERONAUTICS BULLETIN NO. 7-E (EDITION OF OCTOBER 1, 1934), AMENDMENT NO. 13

Pursuant to the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended, by the act of June 19, 1934 (44 Stat. 1113), and the Act of June 19, 1934 (44 Stat. 1116), Chapter 8 of Aeronautics Bulletin No. 7-E is hereby amended by adding to Section 3 (A) the following:

There shall also be installed on such aircraft an approved radio antenna system, which has for its purpose the collection of radio range signals, weather broadcast and emergency messages transmitted within the frequency range of 200 to 400 kc/s. The design of this antenna system shall be such as to eliminate insofar as possible, consistent with the advancement of the art, that type of interference commonly known as rain, snow, sleet or dust static. This antenna system shall be so designed that it will operate efficiently when used in conjunction with a receiver installed aboard such aircraft which has for its primary purpose the reception of radio range signals, weather broadcasts and emergency messages.

Approved, to take effect November 1, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-528; Filed, February 23, 1937; 1:00 p. m.]

AIR COMMERCE REGULATIONS

AERONAUTICS BULLETIN NO. 7-E (EDITION OF OCTOBER 1, 1934), AMENDMENT NO. 14

Pursuant to the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended, by the Act of June 19, 1934 (44 Stat. 1113), and the Act of June 19, 1934 (44 Stat. 1116), Chapter 8 of Aeronautics Bulletin No. 7-E is hereby amended by adding to Section 3 (A) the following:

There shall also be installed in such aircraft an approved radio direction finder, covering at least the frequency range of 200 to 400 kilocycles. The design of the radio direction finder shall be such as to permit its regular operation in the taking of line bearings on any station to which the direction finder may be tuned without altering the course of the aircraft. The radio direction finder shall also be provided with means for the elimination of interference commonly known as rain, snow, sleet or dust static. The radio direction finder shall provide means for audible reception of radio range and weather broadcast messages.

Approved, to take effect January 1, 1938.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-529; Filed, February 23, 1937; 1:00 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 24.]

RETIREMENT OF CAPITAL STOCK OF PRODUCTION CREDIT CORPORATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly section 20 thereof, and pursuant to section 23 of said Act, the following paragraph is hereby added at the end of subsection k of section 104 of the Revised Rules and Regulations for Production Credit Associations (Chap. V, Subdivision B, Sec. 104k, Federal Register Compilation):

Notwithstanding any other provision of this section regarding fractional shares, where the retirement of stock pursuant to the provisions of this subsection results in the ownership by the stockholder of a fractional share, such fractional share may be retired and cancelled at its fair book value (not to exceed par) with payment being made to the stockholder therefor.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-521; Filed, February 23, 1937; 12:20 p. m.]



[FCA 25.]

REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE TERRITORY OF HAWAII MADE PURSUANT TO THE ACT OF CONGRESS, APPROVED JANUARY 29, 1937

FEBRUARY 20, 1937.

1. Loans for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident and necessary to such production, planting, cultivating, and harvesting, or for any of such purposes, will be made during the year 1937 by the Governor of the Farm Credit Administration to farmers in the Territory of Hawaii.

2. Such loans may be made to farmers who have acreage fit for cultivation, the necessary equipment for farming operations, and who are unable to obtain a loan from other sources, and, further, such loans will be limited to the amount necessary to meet the immediate and actual cash needs, and preference shall be given to the applications of farmers whose cash requirements are small.

3. Such loans shall be secured by a first lien upon all crops of which the planting, cultivation, production or harvesting is to be financed, in whole or in part, with the proceeds of such loan.

4. Applicants must agree (1) to use seed and methods approved by the Department of Agriculture; and (2) to plant and cultivate a garden for home use.

5. No such loan will be made:

(a) To any applicant who has received or is to receive from Resettlement Administration during 1937 a standard rehabilitation loan, as indicated on lists furnished by Resettlement Administration.

(b) To any applicant who can obtain a loan from other sources in an amount reasonably adequate to meet his needs for the purposes for which such loans may be made.

(c) To any applicant who is a pineapple grower unless he has a marketing agreement with a responsible pineapple cannery; to any sugar cane grower unless he signs, or agrees to sign, a grinding contract with an approved central or mill; or to any fruit or vegetable grower, or grower of any other crops, unless he agrees to marketing agreements which are satisfactory to the representative of the Emergency Crop and Feed Loan Office in the Territory of Hawaii.

(d) To any applicant who has not observed good faith in making repayment on any previous emergency loan or loans, as indicated by the willful misuse of the proceeds of a loan check for any purpose other than those specified in the application therefor; failure to plant a crop, or planting a crop on land other than that described in the application, and not returning proceeds of loan; the willful disposal of crops mortgaged to the Governor without paying him the proceeds of the sale thereof, or failure to pay all or a part of such loan or loans when able to do so.

(e) To any applicant in an amount greater than his immediate cash needs for the production or harvesting of crops, and for supplies incident and necessary to such production and harvesting, or in an amount in excess of $400. No loan will be made for an amount less than the sum of $25.00. All loans will be made in multiples of $5.00. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made.

(f) To any applicant who has a means of livelihood other than farming.

(g) To partnerships, corporations, minors, agents, executors, or administrators; or, to receivers or trustees.

(h) To a wife living with her husband unless the husband joins in the application, note and mortgage or lien.

(i) To more than one member of a family unit nor to any person living and/or farming with an applicant whose application for a loan hereunder has been disapproved.

(j) For the purchase of machinery or livestock, or for the payment of taxes, rent, debts, or interest or for any purpose other than as specified herein.

6. Loans may be made, subject to the limitations specified herein, in such amounts and in such installments as the Hawaiian representative of the Emergency Crop and Feed Loan Section may approve.

7. (a) No loan for the production of crops will be made in an amount greater than the immediate and actual cash needs in the particular case to plant the crop in a manner approved by the Extension Service of the Department of Agriculture. The immediate and actual cash needs in a particular case must not exceed the actual costs per acre in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per acre:

*Maximum Allowances per Acre*

| | Seed or plants | Fertilizer | Spray materials | Cash labor costs | Total |
|---|---|---|---|---|---|
| Sugar cane (Plant) [1] | ..... | $40 | $10 | $50 | $100 |
| Sugar cane (Ratoon) | ..... | 40 | 10 | 25 | 75 |
| Pineapple (Plant) [1] | $30 | 60 | 10 | 100 | 200 |
| Pineapple (Ratoon) | ..... | 60 | 10 | 40 | 110 |
| Coffee | ..... | 40 | 5 | 35 | 80 |
| Rice | ..... | 20 | ..... | 20 | 40 |

[1] Total amount per acre allowed shall not exceed the maximum indicated nor shall it exceed $1.25 a ton based on previous yield records for the same type cane. Where irrigation is practiced, the total allowance for all costs, including irrigation, shall not exceed $1.25 per ton on estimated yield.

[2] In the case of pineapples where mulching paper is used, an additional allowance not to exceed $60 per acre shall be permitted on approval of the Emergency Crop Loan representative, but in no case shall the total amount loaned per acre exceed $10 per ton based upon past record of performances for both plant and ratoon pineapples.

Vegetable and Miscellaneous Crops: The cost of seed or plants, fertilizer, and spray materials will be allowed plus a maximum of $10 per acre for hired labor in the case of vegetables only.

(b) An amount not greater than the actual harvesting expenses may, in the discretion of the Hawaiian representative of the Emergency Crop and Feed Loan Section, be released from the proceeds of the sale of any of the crops covered by a lien given to the Governor, in any case where a borrower does not have the necessary funds or credit to pay for the harvesting of such crops.

8. The amount approved for a loan by the Governor or his representatives under these regulations will be paid to the applicant by a disbursing officer upon receipt and approval by the Governor or his representative of the following documents:

(a) Application in the form prescribed, signed by the applicant.

(b) Promissory note in the form prescribed, executed by the applicant for the amount approved by the Governor or his representative, payable to the Governor, bearing interest at the rate of 4 percent per annum from maturity until paid.

(c) Lien instruments (including waivers) in the form prescribed, conveying a first lien, properly executed and filed, registered, or recorded in the proper office, as required by law.

(d) A voucher for the amount of the loan in the form prescribed, signed by the applicant.

9. Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower; provided, however, that such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of the loan. No fees for releasing liens given to secure loans shall be paid from the proceeds of a loan.

10. The right is reserved to revoke, alter, or amend these regulations at any time and without notice.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-522; Filed, February 23, 1937; 12:20 p. m.]

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[FCA 26]

REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN PUERTO RICO MADE PURSUANT TO THE ACT OF CONGRESS APPROVED JANUARY 29, 1937

FEBRUARY 20, 1937.

1. Loans for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident and necessary to such production, planting, cultivating, and harvesting, or for any of such purposes, will be made during the year 1937 by the Governor of the Farm Credit Administration to farmers in Puerto Rico.

2. Such loans may be made to farmers who have acreage fit for cultivation, the necessary equipment for farming operations, and who are unable to obtain a loan from other sources, and, further, such loans will be limited to the amount necessary to meet the immediate and actual cash needs, and preference shall be given to the applications of farmers whose cash requirements are small.

3. Such loans shall be secured by a first lien upon all crops of which the planting, cultivation, production, or harvesting is to be financed, in whole or in part, with the proceeds of such loan.

4. Applicants must agree (1) to use seed and methods approved by the Department of Agriculture; and (2) to plant and cultivate a garden for home use.

5. No such loan will be made:

(a) To any applicant who has received or is to receive from Resettlement Administration during 1937 a standard rehabilitation loan, as indicated on lists furnished by Resettlement Administration.

(b) To any applicant who can obtain a loan from other sources, including production credit associations, in an amount reasonably adequate to meet his needs for the purposes for which such loans may be made. An applicant for a loan in an amount in excess of a minimum fixed by the Governor, or his representative, for the territory in which the applicant resides, must first submit written evidence from a production credit association that his application for a loan of the same or less amount has been rejected.

(c) To any applicant who has an application for a 1937 crop loan pending with a production credit association.

(d) To any applicant who is a tobacco, coffee, fruit, or vegetable grower, or grower of any other crops, unless he signs a marketing agreement satisfactory to the representative of the Emergency Crop and Feed Loan Office in Puerto Rico, nor to any cane grower unless he signs or agrees to sign a grinding contract with an approved central or mill.

(e) To any applicant who has not observed good faith in making repayment on any previous emergency loan or loans, as indicated by the willful misuse of the proceeds of a loan check for any purpose other than those specified in the application therefor; failure to plant a crop, or planting a crop on land other than that described in the application, and not returning proceeds of loan; the willful disposal of crops mortgaged to the Governor without paying him the proceeds of the sale thereof, or failure to pay all or a part of such loan or loans when able to do so.

(f) To any applicant in an amount greater than his immediate cash needs for the production or harvesting of crops and for supplies incident and necessary to such production and harvesting, or in amount in excess of $400. No loan will be made for an amount less than the sum of $25.00. All loans will be made in multiples of $5.00. Notes will bear interest, from maturity until paid, at the rate of 4 per cent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made.

(g) To any applicant who has a means of livelihood other than farming.

(h) To partnerships, corporations, minors, agents, executors, or administrators; or, to receivers or trustees.

(i) To either a husband or a wife, if living together, unless both join in the application, note, and lien instrument(s).

(j) To more than one member of a family unit nor to any person living and/or farming with an applicant whose application for a loan hereunder has been disapproved.

(k) For the purchase of machinery or livestock, or for the payment of taxes, rent, debts, or interest or for any purpose other than as specified herein.

6. Loans may be made, subject to the limitations specified herein, in such amounts and in such installments as the Puerto Rican representative of the Emergency Crop and Feed Loan Section may approve.

7. No loan for the production of crops will be made in an amount greater than the immediate and actual cash needs in the particular case to plant the crop in a manner approved by the Extension Service of the Department of Agriculture.

The immediate and actual cash needs in a particular case must not exceed the actual costs per cuerda in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material and/or fuel for tractors: the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per cuerda:

*Maximum Allowances per Cuerda*

| | (1) Without commercial fertilizer | (2) Where commercial fertilizer is used | (3) Where commercial fertilizer is used upon irrigated land |
|---|---|---|---|
| Corn and grain | $3.00 | $5.00 | |
| Long staple cotton | 5.00 | 10.00 | |
| Tobacco [1] | 15.00 | 30.00 | |
| Potatoes (sweet and Irish) | 5.00 | 12.00 | |
| Sugar cane (Gran Cultura) | 30.00 | 45.00 | $55.00 |
| Sugar cane (Primavera) | 20.00 | 35.00 | 45.00 |
| Sugar cane (Ratoon) | 10.00 | 25.00 | 35.00 |
| Rice (upland) | 3.00 | 5.00 | |
| Rice (lowland) | 3.00 | 8.00 | 12.00 |
| Coconuts [2] | 8.00 | 20.00 | |
| Bananas and plantains (bearing) | 15.00 | 20.00 | |
| Grapefruit and oranges (6 yrs. and over) [3] | 15.00 | 40.00 | 50.00 |
| Coffee [4] | 7.00 | 27.00 | |
| Pineapples | 90.00 | 150.00 | |
| Winter vegetables (for shipment to the States) | 10.00 | 25.00 | |
| Miscellaneous crops | 5.00 | 5.00 | 5.00 |

[1] A harvesting allowance of $5.00 per cuerda may be made for stalk-cut tobacco and $10.00 per cuerda for prime tobacco.

[2] When fertilizer is not used, loans shall be limited to $4.00 per thousand estimated yield of coconuts and not exceeding 20¢ per tree. When fertilizer is used, loans shall be limited to $10.00 per thousand estimated yield of coconuts, not exceeding 50¢ per tree, and not exceeding $20.00 per cuerda in any case.

[3] Not exceeding 30¢ per box estimated crop on tree.

[4] Not exceeding $5.00 per cuerda additional where harvesting advance is made (whether with or without fertilizer)—

In addition to the $7.00 allowance provided where fertilizer is not used, $15.00 may be allowed for fertilizer and $5.00 for applying the same.



The use of fertilizer is optional with the borrower, but if an allowance is made for such purpose the following table indicates, for varying acreages in coffee, the number of acres which in each instance is the minimum that must be fertilized and the maximum for which an allowance will be approved:

| No. acres in coffee: | *No. acres which must be fertilized and in excess of which no allowance will be approved* |
|---|---|
| 1- 5 (Inclusive) | ½ |
| 6-10 (Inclusive) | 1 |
| 11-20 (Inclusive) | 2 |
| 21-40 (Inclusive) | 3 |
| Over 40 | 4 |

The application of fertilizer must be in accordance with the best methods advocated by the Extension Service, and must be under the supervision of the Extension Service field force.

8. The amount approved for a loan by the Governor or his representative under these regulations will be paid to the applicant by a disbursing officer upon receipt and approval by the Governor or his representative of the following documents:

(a) Application in the form prescribed, signed by the applicant.

(b) Promissory note in the form prescribed, executed by the applicant for the amount approved by the Governor or his representative, payable to the Governor, bearing interest at the rate of 4 per cent per annum from maturity until paid.

(c) Lien instruments (including waivers) in the form prescribed, conveying a first lien, properly executed and filed, registered, or recorded in the proper office, as required by law.

(d) A voucher for the amount of the loan in the form prescribed, signed by the applicant.

9. Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower; provided, however, that such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of the loan. No fees for releasing liens given to secure loans shall be paid from the proceeds of a loan.

10. The right is reserved to revoke, alter, or amend these regulations at any time and without notice.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-523; Filed, February 23, 1937; 12:21 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of February, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3008]

IN THE MATTER OF THE ELECTRIC APPLIANCE COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issued and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, March 16, 1937, at ten o'clock in the forenoon of that day (central standard time), in the Baltimore Hotel, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-514; Filed, February 20, 1937; 10:01 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of February, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2881]

IN THE MATTER OF HOGAN ADVERTISING COMPANY, A CORPORATION, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF THE SENDOL COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, March 19, 1937, at ten o'clock in the forenoon of that day (central standard time), in the Baltimore Hotel, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-513; Filed, February 20, 1937; 10:01 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2469]

IN THE MATTER OF MIDLAND DISTILLERIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, March 11, 1937, at eleven o'clock in the forenoon of that time (central standard time),

in room Number 3 of the Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-518; Filed, February 23, 1937; 9:57 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2807]

IN THE MATTER OF UNITED DISTILLERS (OF AMERICA) LTD., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, March 17, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-519; Filed, February 23, 1937; 9:57 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of February, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3030]

IN THE MATTER OF ZO-RO-LO, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, March 25, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in the Court Room, Ohio Northern Law College, Ada, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-515; Filed, February 20, 1937; 10:02 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1937.

[File No. 46-31]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by New England Power Association, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it in the open market from time to time of not exceeding 85,527 shares of Class A Stock of International Hydro-Electric System to meet the obligations of the said New England Power Association under its outstanding Option Warrants expiring March 1, 1942, and providing for exchange of Common Stock of Massachusetts Power and Light Associates for Class A Stock of International Hydro-Electric System;

It is ordered that a hearing on such matter be held on March 3, 1937, at 10:30 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 27, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-526; Filed, February 23, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of February A. D. 1937.



[File No. 2-1576]

IN THE MATTER OF SUMMIT GOLD MINING CORPORATION

ORDER CHANGING TIME OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on February 10, 1937, ordered that a hearing under Section 8 (d) of the Securities Act of 1933, as amended, be held in this matter on February 19, 1937; and

The registrant having requested a postponement of such hearing,

It is ordered that such hearing be convened on Thursday, March 11, 1937, at 10 o'clock in the forenoon, in Room 726-C, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-527; Filed, February 23, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE AMERADA-WEIR FARM, FILED ON FEBRUARY 15, 1937, BY L. H. WITWER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that in Item 11, Division II, the rate of tax is stated as fractions of a percent, instead of fractions of 1¢ on Federal excise tax and proration tax;

(2) In that in Division III the same method and same per acre recovery is used as in a former sheet filed with this office covering a 640 acre tract on the Amerada-Sun-Republic-Weir Farm. The present offering covers only the Amerada-Weir, involving 320 acres. Certain figures used in the earlier report have not been changed to conform, with the result that in Item 3, Division III, the production to January 1, 1937 is incorrectly stated and conflicts with Item 4 (b) of Division III. In the last paragraph, Division III, Item 3, the acreage should be correctly stated;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 22nd day of March, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 6th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-525; Filed, February 23, 1937; 12:55 p. m.]

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*Thursday, February 25, 1937* *No. 37*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO AN APPROVED ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE DUBUQUE, IOWA, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to Sections 8b and 8c of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, tentatively approved on August 17, 1936, a marketing agreement regulating the handling of milk in the Dubuque, Iowa, marketing area, and on September 17, 1936, issued an order regulating the handling of milk in the Dubuque, Iowa, marketing area, such order becoming effective on and after 12:01 a. m., c. s. t., October 1, 1936; and

Whereas, the Secretary, having reason to believe that an amendment should be made to said tentatively approved marketing agreement and said approved order, gave, on the 19th day of December 1936, notice of a hearing to be held on the 29th day of December 1936 at Dubuque, Iowa, on a proposed amendment to said tentatively approved marketing agreement and said approved order, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendment to said tentatively approved marketing agreement and said approved order; and

Whereas, after such hearing and after the approval by the Secretary, on the 23rd day of January 1937, of an amendment to the aforementioned tentatively approved marketing agreement, handlers of more than 50 per centum of the volume of milk covered by the aforementioned approved order and the proposed amendment thereto, which is produced or marketed within the Dubuque, Iowa, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, hereby determines:

1. That the refusal or failure of said handlers to sign the said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923-July 1929; and

2. That the issuance of the amendment to such approved order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the amendment to such approved order is approved or favored by over sixty six and two-thirds ($66\frac{2}{3}$) per centum of the producers who, during the month of November 1936, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, District of Columbia, this 19th day of February, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT
The President of the United States
Dated Feb. 19th 1937

[F. R. Doc. 37-556; Filed, February 24, 1937; 12:39 p. m.]

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AMENDMENT TO ORDER NO. 12, REGULATING THE HANDLING OF MILK IN THE DUBUQUE, IOWA, MARKETING AREA

Whereas, pursuant to Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, the Secretary of Agriculture, hereinafter called the Secretary, on August 17, 1936, tentatively approved a Marketing Agreement Regulating the Handling of Milk in the Dubuque, Iowa, Marketing Area; and

Whereas, on September 17, 1936, the Secretary issued Order No. 12, regulating the handling of milk in the Dubuque, Iowa, Marketing Area, said order being effective 12:01 a. m., c. s. t., October 1, 1936; and

Whereas, the Secretary, having reason to believe that an amendment should be made to said tentatively approved marketing agreement and said approved order, gave on the 19th day of December 1936 notice of a hearing to be held on the 29th day of December 1936 in Dubuque, Iowa, on a proposed amendment to said tentatively approved marketing agreement and said approved order, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendment to said tentatively approved marketing agreement and said order; and

Whereas, after such hearing and after the approval, on the 23rd day of January 1937, by the Secretary of an amendment to said tentatively approved marketing agreement, handlers of more than 50 per centum of the volume of milk covered by such order, as amended, which is marketed within the Dubuque, Iowa, Marketing Area, refused or failed to sign said tentatively approved marketing agreement, as amended; and

Whereas, the Secretary determined on the 19th day of February 1937, said determination being approved by the President of the United States on the 19th day of February 1937, that said refusal or failure tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923-July 1929, and that the issuance of this amendment to said order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by over $66\frac{2}{3}$ per centum of the producers who, during the month of November 1936, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the Dubuque, Iowa, Marketing Area; and

Whereas, the Secretary finds, upon the evidence introduced at the hearing on such proposed amendment, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order:

1. That the prices set forth in the order, as amended, will, over a period of time, tend to give milk marketed in the said marketing area a purchasing power, with respect to articles that producers buy, equivalent to, but not above, the purchasing power of such milk in the base period;

2. That the order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in, the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

3. That the issuance of the amendment to the order and all the terms and conditions of the order, as amended, will tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923-July 1929;

Now, therefore, the Secretary, pursuant to the authority vested in him by the Act, hereby orders that, from the effective date hereof, handlers, as defined in article I of the order regulating the handling of milk in the Dubuque, Iowa, Marketing Area, shall purchase milk from producers, as defined in article I of said order, in conformity to, and in compliance with, the terms and conditions of said order, as amended, and further orders that said order be and it is hereby amended as follows:

A. Change the minimum Class I price set forth in section 1 of article IV by substituting $2.30 for $1.90 in said section.

In witness whereof, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Act, does hereby execute in duplicate and issue this amendment to Order No. 12 regulating the handling of milk in the Dubuque, Iowa, Marketing Area, in the City of Washington, District of Columbia, on this 24th day of February 1937, and, pursuant to the provisions hereof, declares this amendment to the said order to be effective on and after 12:01 a. m., c. s. t., March 1, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-557; Filed, February 24, 1937; 12:39 p. m.]

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NCR—B-1-K

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 1–K

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin No. 1, Revised, as Amended, is hereby further amended as follows:

Part V, Section 7 is hereby amended to read as follows:

SECTION 7. *Deduction for Failure to Have Minimum Acreage of Soil-Conserving Crops in 1936 Where a Person Owns or Operates More Than One Farm in a County and Makes an Application for Payment with Respect to One or More of Such Farms.*—If a person owns or operates more than one farm in a county and makes an application for payment with respect to one or more of such farms, and if the 1936 acreage of soil-conserving crops on cropland obtained by

(A-1) Determining the number of acres of cropland devoted in 1936 to the production of soil-conserving crops on each farm with respect to which such person makes an application for payment;

(A-2) Multiplying the number of acres determined under (A-1) of this Section 7 for each farm, except any cotton farms and sharecropper farms, by the percentage to be determined in accordance with Section 3 of this Part V;

(A-3) Multiplying the number of acres determined under (A-1) of this Section 7 for each cotton farm and sharecropper farm by a ratio determined by dividing the Gross Class I payment computed for such person for such farm by the Gross Class I payment computed for such farm; but if there is no Gross Class I payment for the farm, the ratio expressed as a percentage shall be determined by dividing 100 percent by the number of persons who participated in the operation of such farm during 1936;

(A-4) Adding the number of acres obtained under (A-2) and (A-3) of this Section 7;

is not equal to or in excess of the number of acres obtained by

(B-1) Determining the number of acres for each farm with respect to which such person makes an application for payment equal to the sum of 15 percent of the general soil-depleting base, 20 percent of the cotton soil-depleting base, 20 percent of the tobacco soil-depleting base, 25 percent of the sugar beet soil-depleting base, 20 percent of the flax soil-depleting base;

(B-2) Multiplying the number of acres determined under (B-1) of this Section 7 for each farm, except any cotton farms and sharecropper farms, by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of this Part V;

(B-3) Multiplying the number of acres determined under (B-1) of this Section 7 for each cotton farm and each sharecropper farm by a ratio determined by dividing the Gross Class I payment computed for such person for such farm by the Gross Class I payment for such farm; but if there is no Gross Class I payment for the farm the ratio expressed as a percentage shall be determined by dividing 100 percent by the number of persons who participated in the operation of such farm during 1936;

(B-4) Adding the number of acres obtained under (B-2) and (B-3) of this Section 7;

a deduction will be made from such person's Gross Class I payment for performance on farms owned or operated in the county with respect to which such person makes application for payment, in an amount obtained by subtracting from the result obtained under (B-4) of this Section 7, the result obtained under (A-4) of this Section 7, and then by multiplying the difference so obtained by one and one-half times the rate per acre applicable to the farm having the highest rate determined pursuant to provisions of Section 2 (a) of Part II.

The provisions of this NCR—B-1—K and of NCR—B-1—J shall be effective as of October 19, 1936, so as to be included within the conditions mentioned in the "Order with respect to payments under the 1936 Agricultural Conservation Program—North Central Region", issued January 6, 1937, as amended.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture, to be affixed in the City of Washington, District of Columbia, this 24th day of February, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-558; Filed, February 24, 1937; 12:39 p. m.]

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**Food and Drug Administration.**

SRAT No. 11 Issued February 24, 1937

SERVICE AND REGULATORY ANNOUNCEMENTS, TEA NO. 11

STANDARDS UNDER THE TEA ACT

The following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Act for the year beginning May 1, 1937, and ending April 30, 1938:

(1) Formosa Oolong.
(2) Formosa Black.
(3) Congou.
(4) Java (to be used for all fully-fermented teas excepting China, Japan, Formosa).
(5) Japan Black.
(6) Japan Green.
(7) Japan Dust.
(8) Gunpowder (to be used for all China green teas).
(9) Scented Orange Pekoe.
(10) Canton Oolong (to be used for scented Canton and all China Oolongs).

These standards apply to tea shipped from abroad on or after May 1, 1937. Tea shipped prior to May 1, 1937, will be governed by the standards which became effective May 1, 1936.

As standards are now set for the fully-fermented teas Formosa Black and Japan Black, regulation 20 under the Tea Act was modified in 1935 to omit the statment: "Should Japans be made as fermented teas, they are to be examined in comparison with the Congou standard." The Japan and Formosa fermented teas should be judged by their respective standards.

Regulation No. 26 under the Tea Act was amended in 1930 to include Formosa Oolong and as amended reads as follows :

(26) In the case of Ceylon, India, Java, Sumatra, and Formosa Oolong teas the needle leaf and Pekoe tips shall be separated by passing them, together with the dust, through a No. 26 sieve of No. 30 brass wire, after the tea has been sifted through a No. 16 sieve.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

February 24, 1937.

[F. R. Doc. 37-555; Filed, February 24, 1937; 12:39 p. m.]

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FARM CREDIT ADMINISTRATION.

[FCA 27.]

AMENDATORY REGULATION NO. 1 OF THE REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES MADE PURSUANT TO THE ACT OF CONGRESS APPROVED JANUARY 29, 1937

FEBRUARY 23, 1937.

Paragraph 7 of the regulations dated February 2, 1937, is hereby amended to read as follows:

7. No loan for the production of crops will be made in an amount greater than the immediate and actual cash needs in the particular case to plant the crop in a manner approved by the Extension Service of the Department of Agriculture.

The immediate and actual cash needs in a particular case must not exceed the actual costs per acre in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per acre:

MAXIMUM ALLOWANCES PER ACRE

| | (1) Without commercial fertilizer | (2) Where commercial fertilizer is used | (3) Where commercial fertilizer and spray material, including dust, are used [1] |
|---|---|---|---|
| Grain crops | [2] $3.00 | [2] $4.00 | |
| Cotton | 4.00 | 6.00 | |
| Tobacco | 4.00 | 12.00 | $13.00 |
| Peanuts | 3.00 | 4.50 | |
| Irish potatoes (commercial) | 15.00 | 30.00 | 32.00 |
| Truck (commercial) | 10.00 | 22.00 | 25.00 |
| Miscellaneous crops | 2.50 | 4.00 | |
| Sugar cane | 12.00 | 12.00 | |
| Sugar beets | 8.00 | 12.00 | |
| Rice: | | | |
| When landlord furnishes water | 8.00 | 8.00 | |
| If landlord does not furnish water | 13.00 | 13.00 | |
| Citrus fruit trees (bearing) | 20.00 | 20.00 | 20.00 |
| Other fruit trees (bearing) | 10.00 | 14.00 | 20.00 |

[1] Where spray material, including dust, is used without commercial fertilizer, the allowance for such spray material and dust will be the difference, if any, between the allowances in column (2) and column (3).
[2] Of the grain allowances shown in the table not more than $1.00 shall be used for summer fallowing.

These figures include allowances for fuel, oil, and feed for working stock for crop production purposes and incidental expenses, for which no additional allowances will be made.

Allowances for water charges (including maintenance, electric power and fuel) for crops other than rice grown on irrigated land shall not exceed $3.00 per acre.

Allowances for commercial fertilizer will be made only in areas where commercial fertilizer is customarily used.

The following exception is made to the foregoing table of maximum allowances per acre:

1. The maximum allowance per acre for the purpose of producing and harvesting Irish potatoes (where commercial fertilizer and spray material, including dust, are used) in the State of Florida and in that section known as the "Eastern Shore", which

comprises the State of Delaware and the eastern shore of the States of Maryland and Virginia, shall be $40 per acre.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-538; Filed, February 24, 1937; 11:41 a. m.]

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[FCA 28.]

AMENDATORY REGULATION NO. 2 OF THE REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES MADE PURSUANT TO THE ACT OF CONGRESS APPROVED JANUARY 29, 1937

FEBRUARY 23, 1937.

The table of maximum allowances per acre prescribed in paragraph 7 of the regulations dated February 2, 1937, as amended, relative to emergency crop and feed loans in the continental United States made pursuant to the Act of Congress approved January 29, 1937, is hereby amended by adding after the exception to such table a further exception, as follows:

2. The maximum allowances per acre to be loaned to tobacco growers in the States of Connecticut and Massachusetts shall be as follows:

| | |
|---|---|
| Without commercial fertilizer | $4.00 |
| Where commercial fertilizer is used | 30.00 |
| Where spray material, including dust, is also used, add | 3.00 |

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-539; Filed, February 24, 1937; 11:41 a. m.]

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[FCA 29]

AMENDATORY REGULATION NO. 3 OF THE REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES MADE PURSUANT TO THE ACT OF CONGRESS APPROVED JANUARY 29, 1937

FEBRUARY 23, 1937.

The table of maximum allowances per acre prescribed in paragraph 7 of the Regulations dated February 2, 1937, as amended, relative to emergency crop and feed loans in the continental United States made pursuant to the Act of Congress approved January 29, 1937 is hereby amended by adding after the two exceptions to such table a further exception, as follows:

3. The maximum allowance per acre in the States of Washington, Oregon, and Idaho for fertilizing, spraying, and dusting fruit trees of bearing age, other than citrus, shall be $40 per acre.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-540; Filed, February 24, 1937; 11:41 a. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

BOND RETIREMENT FUND

Whereas Section 4 (k) of the Home Owners' Loan Act of 1933 as amended May 28, 1935, provides:

• • • All payments upon principal of loans made by the Corporation shall under regulations made by the Corporation be applied to the retirement of the bonds of the Corporation • • •;

and

Whereas in the realization of loans made by the Corporation it becomes necessary for the Corporation to acquire some of the properties securing its loans, and to subsequently sell such properties for amounts differing from the unpaid balances of the original loans, and under terms of payment different from those provided in the original loan instruments; and

Whereas because of such acquisitions and sales of properties it becomes necessary for the Corporation to make regulations governing the amounts to be applied to the retirement of its bonds as provided in the hereinbefore quoted section of the Home Owners' Loan Act of 1933; Therefore,

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4 (a) and 4 (k) of said Act as amended, all repayments of principal (upon all loans made under Sections 4 (d), 4 (e), 4 (f), 4 (g), or 4 (m) of said Act, including advances thereon) received prior to the time that any property securing such loans may be acquired by the Corporation through foreclosure proceedings or otherwise shall be deposited monthly in a Bond Retirement Fund; and

Be it further resolved, That in the event of the sale of any loan held by the Corporation, or in the event, at any foreclosure sale of the property securing any loan, the property is sold to a party other than the Corporation, any proceeds received as a result of such sale shall be applied: (1) to the payment of any costs of such sale; (2) to any advances on account of such loans which have not been capitalized, and (3) to any accrued interest capitalized, and the balance of such proceeds shall be deposited in the Bond Retirement Fund; and

Be it further resolved, That in the event the Corporation buys any property at any foreclosure sale or acquires the same otherwise in the liquidation of any loan, and later sells the same, any proceeds arising from such sale shall be applied: (1) to the liquidation of any costs of such foreclosure; (2) and any advances made on account of such loan not capitalized; (3) and then to any accrued interest capitalized, and any balance of such proceeds shall be deposited in the Bond Retirement Fund; and

Be it further resolved, That a sum equivalent to any and all principal proceeds from the sale or surrender of any of the Corporation's investments under Section 4 (n) of the statute shall be deposited in the Bond Retirement Fund; and

Be it further resolved, That the Bond Retirement Fund heretofore established be continued and receive the deposits herein provided for; and

Be it further resolved, That any money in the Bond Retirement Fund shall be used for the retirement of bonds as promptly as is practicable. Upon such retirement of bonds the face amount thereof shall be charged to the Bond Retirement Fund; and

Be it further resolved, That the Comptroller is hereby authorized and directed to establish the necessary accounting procedure to control the amounts to be deposited in the Bond Retirement Fund in accordance with the provisions of this resolution, and to issue proper and necessary authorizations or vouchers on or before the twentieth day of each calendar month, showing the amount to be deposited in the Bond Retirement Fund from the accounts for the preceding month; and

Be it further resolved, That the amounts to be made available for the retirement of bonds of the Corporation shall be as is herein provided, and that all resolutions heretofore adopted on the subject are rescinded; and

Be it further resolved, That beyond the application of the funds herein provided to the retirement of bonds from the Bond Retirement Fund, no other funds of the Corporation shall be applied to the retirement of bonds except upon special resolution after recommendation of the Financial Adviser to the Board and as directed by the Board of Directors.

Adopted by the Board of Directors of Home Owners' Loan Corporation on February 12, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-537; Filed, February 24, 1937; 10:28 a. m.]

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INVESTMENT OF BOND RETIREMENT FUND

Whereas the Corporation is under obligation, as is provided by statute, for the retirement of its bonds, and has provided a Bond Retirement Fund for such purpose, and is under obligation by contract to meet the maturity of its bonds and pay interest on bonds and pay operating expenses; and



Whereas in the operation of the business of the Corporation idle funds will be accumulated to meet such obligations; and

Whereas it is desirable to invest a portion of such idle funds; Therefore

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4 (a) and 4 (k) of said Act as amended, any funds in the Bond Retirement Fund which can not be promptly applied to the retirement of bonds be invested, after recommendation by the Financial Adviser to the Board, as directed by the Board of Directors by special resolution, in obligations of the United States or obligations fully guaranteed by the United States, and any earnings upon such investments shall be deposited in the General Working Fund and any profits or losses as a result of a change in value of such investments shall inure to or be suffered by the General Working Fund; and

Be it further resolved, That idle funds in the General Working Fund not required for operating capital be invested from time to time after recommendation by the Financial Adviser to the Board, as directed by the Board, in obligations of the United States or obligations fully guaranteed by the United States.

Adopted by the Board of Directors of Home Owners' Loan Corporation at a meeting held February 12, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-536; Filed, February 24, 1937; 10:28 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2440]

IN THE MATTER OF APEX DISTILLING COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, March 11, 1937, at ten o'clock in the forenoon of that day (central standard time), in court room number three, Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-531; Filed, February 24, 1937; 10:10 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2390]

IN THE MATTER OF DISTILLERS BRANDS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 8, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 317, Chamber of Commerce, Cincinnati, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-530; Filed, February 24, 1937; 10:10 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2466]

IN THE MATTER OF HIRSCH DISTILLING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, March 12, 1937, at ten o'clock in the forenoon of that day (central standard time), Baltimore Hotel, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-532; Filed, February 24, 1937; 10:10 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2940]

IN THE MATTER OF E. O. JACKSON DISTILLING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, March 16, 1937, at two o'clock in the afternoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-534; Filed, February 24, 1937; 10:11 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2477]

IN THE MATTER OF NACIONAL DESTILERIAS CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, March 9, 1937, at ten o'clock in the forenoon of that day (central standard time), at the Clay Pool Hotel, Indianapolis, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-533; Filed, February 24, 1937; 10:11 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3031]

IN THE MATTER OF THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 1, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in the court house at Cambridge, Maryland.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-535; Filed, February 24, 1937; 10:11 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

APPLICATION FOR AUTHORITY TO TRANSFER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, OR PERMITS

NOTICE

FEBRUARY 20, 1937.

Under date of April 28, 1936, Division 5 approved Forms BMC-26 and BMC-27, for use as follows:

*Form BMC-26.*—Applications under Sections 206 and 209, Motor Carrier Act, 1935, for substitution of prospective purchasers in lieu of applicants;

*Form BMC-27.*—Applications under Section 212 (b), Motor Carrier Act, 1935, to transfer certificates of public convenience and necessity, or permits.

Form BMC-26 was released in due course and has been in current use, but Form BMC-27 has been withheld from release pending the actual issuance of certificates and permits. Now that certificates and permits are in the course of issuance, Form BMC-27 [1] is being made available for current use through both the Washington office, and the offices of the various District Directors of the Bureau of Motor Carriers.

Attention is called to the fact that Form BMC-26 must continue to be used in all cases of substitution, while Form BMC-27 must be used in cases where the certificates or permits have actually been issued. Applicants who keep this distinction in mind and are governed accordingly when filing will save the Bureau otherwise unnecessary work and will greatly expedite the disposition of their applications.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 28th day of April, A. D. 1936.

[1] See Footnote 1 on Page 359.



IN THE MATTER OF APPLICATIONS FOR AUTHORITY UNDER SECTION 212 (B), MOTOR CARRIER ACT, 1935, TO TRANSFER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, OR PERMITS

The matter of applications under the above title being under consideration:

*It is ordered,* That applications for authority under section 212 (*b*), Motor Carrier Act, 1935, to transfer Certificates of Public Convenience and Necessity, or Permits, shall be in the form and contain the information called for in the form of application attached hereto and made a part hereof.[1]

*It is further ordered,* That the verified original application and two copies thereof shall be filed with this Commission, and that one copy shall be delivered, in person or by registered mail, to the Board, Commission, or official of each State in which each of the applicants operate (or to the Governor where there is no Board, Commission, or official), having authority to regulate the business of transportation by motor vehicle.

By the Commission, Division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 37-541; Filed, February 24, 1937; 12:17 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

[File No. 2-2562]

IN THE MATTER OF HUMBOLDT MINES, INCORPORATED

ORDER CHANGING TIME OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on February 17, 1937, ordered that a hearing under Section 8 (d) of the Securities Act of 1933, as amended, be held in this matter on February 25, 1937; and

The registrant having requested a postponement of such hearing,

It is ordered that such hearing be convened on Wednesday, March 17, 1937, at 10 o'clock in the forenoon, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-559; Filed, February 24, 1937; 12:49 p. m.]

[1] Form BMC-27 was filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Interstate Commerce Commission.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CENTRAL-SOOY FARM, FILED ON FEBRUARY 3, 1937, BY CENTRAL ROYALTIES COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon of the 23rd day of February 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon of the 10th day of March 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-561; Filed, February 24, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of February 1937.

[File No. 2-50]

IN THE MATTER OF BANKERS UNION LIFE COMPANY

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Bankers Union Life Company, Denver, Colorado, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Bankers Union Life Company, Denver, Colorado, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-560; Filed, February 24, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-SHELL-McCAUGHTRY FARM, FILED ON FEBRUARY 16, 1937, BY W. R. CURRY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Item 2 (d), Division II, names one operator. Exhibit A indicates two;

(2) In that in Item 13, Division II, the last paragraph is inaccurate with respect to abandoned wells and gas wells in the area;

(3) In that in Item 18, (v) and (vii), Division II, the fact that #3 well is a gas well is overlooked;

(4) In that Exhibit A shows #3 as an oil well and the plat omits showing two abandoned wells in the northeast corner of the tract;

(5) In that Item 19, Division II, states that "the information as shown above by us is very materially the same as that which would be used by an engineer from which he would arrive at the result or the recovery figure." This is not correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 25th day of March, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 10th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-562; Filed, February 24, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TIDEWATER-HACKETT FARM, FILED ON FEBRUARY 16, 1937, BY LEIGH J. SESSIONS CORP., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that reasons have not been given in Item 3, Division III, for assuming that the undeveloped portion of the tract will be productive over the entire area;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 25th day of March, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 10th day of March, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-563; Filed, February 24, 1937; 12:50 p. m.]

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*Friday, February 26, 1937* *No. 38*

## PRESIDENT OF THE UNITED STATES.

ENLARGING THE MONTEZUMA CASTLE NATIONAL MONUMENT—ARIZONA

By the President of the United States of America

A PROCLAMATION

WHEREAS the area in the State of Arizona established as the Montezuma Castle National Monument by Proclamation of December 8, 1906, has situated thereon prehistoric ruins and ancient cliff dwellings which are of great interest to the public; and

WHEREAS it appears that there are certain government-owned lands reserved by Proclamation of September 29, 1919, as a part of Coconino National Forest, adjacent to the boundaries of the said monument, which are required for the proper care, management, and protection of the said prehistoric ruins and ancient cliff dwellings:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the act of June 4, 1897, ch. 2, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Arizona are hereby excluded from the Coconino National Forest and reserved from all forms of appropriation under the public-land laws and added to and made a part of the Montezuma Castle National Monument:



GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 5 E.,
sec. 8, S½SE¼, S½NW¼SE¼, SE¼SW¼, S½NE¼SW¼;
sec. 16, E½NW¼, SE¼SW¼NW¼, N½SW¼NW¼;
sec. 17, N½SE¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼, SE¼NW¼, containing 360 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes", approved August 23, 1916 (ch. 408, 39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof: *Provided*, that the administration of the monument shall be subject to the withdrawal for the Salt River Irrigation project, Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 23d day of February in the year of our Lord nineteen hundred and
[SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*The Secretary of State.*

[No. 2226]

[F. R. Doc. 37-565; Filed, February 24, 1937; 1:11 p. m.]

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CUMBERLAND NATIONAL FOREST—KENTUCKY

By the President of the United States of America

A PROCLAMATION

WHEREAS certain forest lands within the State of Kentucky have been or may hereafter be acquired by the United States of America under the authority of sections 6 and 7 of the act of March 1, 1911, ch. 186, 36 Stat. 961, as amended (U. S. C., title 16, sections 515, 516); and

WHEREAS it appears that it would be in the public interest to reserve and designate such lands as the Cumberland National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, section 471), and by section 11 of the said act of March 1, 1911 (U. S. C., title 16, section 521), do proclaim that there are hereby reserved and set apart as the Cumberland National Forest all lands of the United States within the following-described area, and that all lands therein which may hereafter be acquired by the United States under authority of said act of March 1, 1911, as amended, shall upon their acquisition be reserved and administered as a part of the Cumberland National Forest:

Beginning at a point where the Southern Railroad crosses the Kentucky-Tennessee State line at Jellico, Tennessee; thence with the Kentucky-Tennessee State line in a westerly direction to where the Little South Fork of the Cumberland River crosses said line; thence down Little South Fork to the South Fork; thence down South Fork to the mouth of Cain Branch on the north side of the Martin Bend; thence up said Branch to a point in road about one-fourth of a mile southeast of Grace Hill Church; thence along road passing Grace Hill Church to United States Highway No. 27; thence easterly along said highway to Sugar Tree Road; thence along said road to Sugar Tree Hollow; thence down said Hollow to Cumberland River; thence up said River to the mouth of Baker Spring Creek; thence up said Creek to point in Dixie-Haynes Road near Dixie School; thence along said road to Ford across Cumberland River at a point between Dixie and Haynes Bends; thence up said River to the mouth of Buck Creek; thence up said Creek to the mouth of Whetstone Creek; thence up Whetstone Creek to a point in Whetstone road near head of said Creek and about one-half of a mile south of Acorn, Kentucky; thence along said road to Mount Victory-Acorn road; thence along last named road passing Acorn, Kentucky, to State Highway No. 80; thence along said highway in a northeasterly direction about two and one-half miles to Conrard-Squibb road; thence along said road to Conrard, Kentucky; thence along a road leading northerly, crossing Line Creek, to and up Buffalo Creek, and crossing West Fork of Skagg Creek to the East Fork of Skagg Creek at a point in road about one-half mile above its junction with the West Fork thereof; thence along road up said East Fork about three and three-fourth miles to junction of roads at forks of said Creek; thence along road northeasterly to U. S. Highway No. 25 at Pine Hill, Kentucky; thence along said Highway to the Brush Creek road which leads to Orlando, Kentucky; thence along said road to the Louisville & Nashville Railroad at the junction of Brush and Roundstone Creeks; thence along said railroad to Langford road a point about one-fourth of a mile north of Langford, Kentucky; thence along said road to Clear Creek road; thence along said road to Lowman Hill road a point about one-fourth of a mile north of Disputanta, Kentucky; thence along Lowman Hill road to Climax-Three Links Road; thence along said road to Old Jackson Road; thence along said road to Pine Grove road; thence along said road to Clover Bottom road; thence along said road to State Highway No. 21; thence along said State Highway to Dry Fork road; thence along said road to Brazil-Kerby Knob road; thence along said road to Kerby Knob, Kentucky; thence with a road leading northwesterly to the headwaters of Rock Lick Creek, and northeasterly to the headwaters of Shirley Branch, to the road paralleling Red Lick Creek; thence along said road, to the second crossing of Nellie Henderson Branch near its mouth; thence along the foot of the hill on the southeast side of Red Lick Creek to bend in a road about one-fourth mile south of the mouth of Red Lick Creek; thence along said road, crossing Middle Fork of Station Camp Creek, to a point in curve of road about one-eighth of a mile southwest of where said road crosses Station Camp Creek; thence along the foot of the hill on the west side of Station Camp Creek to a point opposite and about one-half mile west of the mouth of Searcy Creek; thence a straight line to a point where Station Camp Creek road crosses Searcy Creek near its mouth; thence along said road, crossing Jones Branch to River Road a point near South Irvine School; thence along said road, crossing Little and Big Doe Creeks, to the Kentucky River; thence northeasterly along a road crossing Kentucky River near the mouth of Buck Creek, to Pryce, Kentucky; thence along Pryce Road crossing Miller Creek, to State Highway No. 52; thence along said highway about three-fourths of a mile to a road leading southwesterly; thence along said road, passing Millers Creek, Kentucky, to Cow Creek near its mouth; thence up Cow Creek to State Highway No. 52; thence along said highway in a northeasterly direction about one-half mile to Old Cow Creek Road; thence along said road, crossing Cow Creek, Cottage Fork and Campbell Fork to the corporate limits of Irvine, Kentucky; thence with the corporate limits thereof to brow of mountain; thence along brow of mountain overlooking Irvine, Kentucky, and around head of Sweet Lick Branch to a point opposite and northeast of the junction of Sweet Lick Branch and White Oak Creek; thence along divide between said streams to a point on State Highway No. 89; thence along said highway to road up White Oak Creek; thence along road, up White Oak Creek, down Little Hardwick Creek, and up Hardwick Creek to Estill Furnace, Kentucky; thence northerly along road down Cat Creek to State Highway No. 15 near mouth of Cat Creek; thence along said highway to Middle Fork Road about one-fourth

of a mile east of Cow Creek; thence along said road, crossing South Fork of Red River, to a road near the Louisville and Nashville Railroad; thence along said road and up Red River to a point opposite the mouth of Dunwoody Branch; thence along the foot of the hill on the south side of Red River to a point opposite the mouth of Spaas Creek; thence a straight line to a point where road crosses Spaas Creek near its mouth; thence along said road down Red River, crossing Short Creek, Dunwoody Branch and Cane Creek to forks of road on west side of Cane Creek; thence along Cane Creek road to forks of road; thence along Right Fork of Cane Creek road to Hawkins Branch; thence easterly along a road up Hawkins Branch to Fagan, Kentucky; thence along a road down Leatherwood Fork to Leatherwood School; thence along Indian Creek road passing Tabor, Kentucky, to State Highway No. 40, about one and one-fourth miles west of Frenchburg, Kentucky; thence along said highway about two and one-half miles to Old State road leading westerly; thence along said road to Slate Fork; thence along a road up Slate Fork, crossing East Fork, to head of and down Mill Creek and up hill to forks of road on divide between Mill Creek and Blue Bank Creek; thence along road to Blue Bank Creek; thence down Blue Bank Creek passing the mouth of Pond Lick Branch, to a branch coming into said creek from the southeast about one mile south of the Chesapeake and Ohio Railroad; thence along the height of land, crossing the Chesapeake and Ohio Railroad about one and one-eighth miles west of Olympia, Kentucky, and crossing State Highway No. 36 about one mile northwest of Olympia, Kentucky, to the forks of Rose Run; thence down said run about one-half mile to a bend in same; thence along the height of land of Flood Mountain to U. S. Highway No. 60 about one and one-fourth miles northwest of Salt Lick, Kentucky; thence along said highway to Salt Lick Creek; thence up Salt Lick Creek to the Chesapeake and Ohio Railroad; thence along said railroad to Midland, Kentucky; thence along Midland-Yale road up Licking River to a point about one-fourth of a mile west of Hog Hollow; thence a straight line north, crossing Licking River, to a point in road at Carey School; thence northerly along said road to U. S. Highway No. 60 at Farmers, Kentucky; thence along said highway, crossing East Fork of Triplett Creek to Bluestone, Kentucky; thence along the North Fork Triplett road to State Highway No. 32; thence crossing said highway northeasterly along the old North Fork Triplett road to Kiser Branch; thence crossing said branch and along the Martins Branch road to the North Fork Triplett road; thence along said road to Old Johnson road; thence along said road to Johnson Branch; thence along the lower slope east of Big Brushy Creek to Humphrey Branch about one-fourth of a mile above its mouth; thence a straight line to Big Brushy road at the mouth of Colt Branch; thence along said road to Brushy-Cane Creek road; thence with said road to the Fleming-Rowan County line a point near U. S. G. S. Triangulation Station Sand; thence along the Rowan-Fleming, Rowan-Lewis and Rowan-Carter County lines to a point on Rowan-Carter County line between the heads of Holly Fork and Hays Branch; thence along the divide between Holly Fork and Hays Branch, and Little Perry Branch and Hays Branch, to East Fork of Triplett Creek about one-half mile west of Hayes, Kentucky; thence up East Fork of Triplett Creek to the mouth of Buffalo Branch; thence along road, up Buffalo Branch and down Patties Lick Branch to State Highway No. 32; thence along said highway to Vale, Kentucky; thence along road up Walker Branch to ridge and along ridge to Crix Ridge road; thence along said road to Wagoner road; thence along said road to Minor-Poplar Grove road; thence along said road crossing Minor Creek to State Highway No. 173; thence southerly with said highway to Blairs Mills Road a point on the Rowan-Elliott County line at the head of Devils Creek; thence along said road to Blairs Mills Station (Leisure P. O.) Kentucky; thence along a road crossing North Fork of Licking River to Yocum Creek road at Blaize, Kentucky; thence along said road to Caudill Ridge road at Zag, Kentucky; thence along said road to Licking River; thence along a road crossing Licking River at Blackwater Ford to Dan Ridge Road at Dan, Kentucky; thence along said road to State Highway No. 40 at Wellington, Kentucky; thence along said highway to a road leading southerly along Lothan Branch; thence along road down and east of Lothan Branch to Mill Fork Branch; thence down Mill Fork Branch to the cliffs; thence along cliffs east of Mill Fork Branch, around Goss Fork and east of Hiram Brown Branch to a road near the head of Hiram Brown Branch; thence along said road on divide to forks of road near head of Osborne Branch; thence along road to cliffs near the head of Osborne Branch; thence along cliffs east of Osborne Branch and north of Clifty Creek to a point about one-fourth of a mile southwest of Piney Branch; thence crossing Clifty Creek and along the cliffs to the south thereof to a point in road near the head of Solomon Branch; thence along road to the Tut Ford (across Red River); thence crossing Red River and along Calaboose road, passing Calaboose School to Swift Camp Creek about one and one-half miles north of Campton, Kentucky; thence southerly along a road crossing Page Branch about one-half mile to Duff Ridge Road; thence with said road to a point on State Highway No. 15 about about two and one-half miles northwest of Campton, Kentucky; thence along said highway to its intersection with State Highway No. 11 near Pine Ridge, Kentucky; thence along Highway No. 11 to a point over the tunnel of the Louisville and Nashivlle Railroad at Torrent, Kentucky; thence along the Louisville and Nashville Railroad to Fincastle, Kentucky; thence along Fincastle road, passing Shumaker School and crossing Hell Creek to State Highway No. 11; thence along said highway to its junction with State Highway No. 52 at Beattyville, Kentucky; thence along Highway No. 52 about one mile to road down a hollow; thence along said road to Kentucky River; thence up said River to Kentucky State Highway No. 11 at forks of River; thence along said highway to Heidelberg road leading to Idamay, Kentucky; thence along said road, passing Idamay, and down Duck Fork to Sturgeon Creek; thence up Sturgeon Creek to a point about one-fourth of a mile above the mouth of Travis Creek; thence along the divide between Travis Creek on the north and Grassy Creek on the south to a point in Brushy Mountain road along north and south divide; thence along said road to point in intersection of Old Jack Branch road about three-fourths of a mile south of Nantz Triangulation Station; thence along said road crossing Warfork Creek and passing Smith School to State Highway No. 21 near Bradshaw, Kentucky; thence along said highway, passing Gray Hawk, Kentucky, to Old Gray Hawk-Annville road; thence along said road to Gray Hawk-Vicker's road; thence southwesterly along said road to McKee-Annville road; thence along said road to Letter Box road a point near Dabolt, Kentucky; thence along said road to crossroads at Parrott, Kentucky; thence westerly along road down Black Lick to South Fork of Rockcastle River; thence down said South Fork to its junction with the Middle Fork of Rockcastle River; thence down Rockcastle River to old State road a point on the Old Crewe's Ferry Crossing; thence along said road to Mershons, Kentucky, a point on U. S. Highway No. 25; thence southerly along said highway to Old Livingston road; thence westerly about one and one-half miles along said road to a road leading south; thence southerly with said road to Arthur Ridge road a point near Hazelpatch Creek; thence along said road crossing Hazelpatch Creek to Johnson Ridge road; thence along said road to Crab Orchard road; thence along said road to Gillis Branch road; thence along said road to Camper road; thence along said road to State Highway No. 80 at Bernstadt, Kentucky; thence easterly along said highway to Highmore road a point near Dees Store; thence along said road to Sinking Creek road; thence along said road to Abutment road a point near Pine Top School; thence along said road to Sublimity road a point near Benges Store; thence along said road to a point where the center of said road crosses the Castle Craig Coal Company Tract 1520–II on the line between corners 4 and 5 at 0.45 chains S 40°30′ E of corner 4 of said tract; thence with the eastern boundary of tract 1520–II and meanders thereof S 40°30′ E 3.32 chains to corner 5; thence S 31°00′ W 14.18 chains to corner 6; thence S 22°00′ W 6.52 chains to corner 1 which is also corner 1 of the Castle Craig Coal Company tract 1520–I; thence with part of the boundary of said tract and meanders thereof S 57°30′ E 1.15 chains to corner 2; thence S 27°15′ W 4.67 chains to corner 3; thence S 51°00′ W 3.96 chains to corner 4; thence N 40°45′ W 0.54 chains to center of Sublimity road; thence along said road to Corbin-Somerset road; thence along said road to Old Sinking-Woodbine (old Burton road) road; thence with said road passing Bartons Mill to Scuffletown road; thence with said road to State Highway No. 90; thence along said highway to Old Cumberland Falls road; thence along said road to Devils Creek road; thence along said road to Henry Young road; thence along said road to State Highway No. 90; thence easterly along said highway about one-eighth of a mile to Redbird Lane; thence along Redbird Lane to Redbird Bridge across Cumberland River; thence along Redbird Road to a point in forks of road about one-half mile northwest of Williamsburg, Kentucky; thence along road to State Highway No. 92; thence along said highway to spur railroad leading to Bon Jellico, Kentucky; thence along said railroad to the Louisville and Nashville railroad about one and one-fourth miles south of Williamsburg, Kentucky; thence along the Louisville and Nashville railroad to the Southern railroad; thence along the Southern railroad to the beginning.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 23d day of February in the year of our Lord nineteen hundred and [SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State*

[No. 2227]

[F. R. Doc. 37–564; Filed, February 24, 1937; 1:11 p. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR EROSION CONTROL DEMONSTRATIONS

*Nevada*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

Section 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked as to the following-described tracts of public land in Lincoln County, Nevada:

MOUNT DIABLO MERIDIAN

T. 4 S., R. 59 E., E½ sec. 35, all sec. 36.
T. 5 S., R. 59 E.,
all sec. 1, E½ secs. 2 and 11,
all secs. 12 and 13, E½ sec. 14, NE¼ sec. 23, NW¼ sec. 24.
T. 4 S., R. 60 E., all secs. 31 and 32, W½ sec. 33.
T. 5 S., R. 60 E., W½ sec. 4, all secs. 5, 6, 7, 8, W½ sec. 9, NW¼ sec. 17, N½, SW¼ sec. 18.
T. 1 S., R. 68 E., all sec. 36.
T. 2 S., R. 68 E., all secs. 1 and 22.
T. 1 S., R. 69 E., all sec. 31, S½ sec. 32.
T. 2 S., R. 69 E., S½ secs. 2 and 3, all secs. 4, 5, 6, 7, 8, 9, 10, 11, 12.

SEC. 2. Subject to valid existing rights, the tracts of land described in section 1 of this order are hereby withdrawn from settlement, location, sale, or entry and reserved for use by the Soil Conservation Service, Department of Agriculture, in conducting erosion control demonstrations, a part of such land to be known as the Pahranagat Valley Area and a part as the Panaca Area.

SECTION 3. The withdrawal made by section 2 of this order shall continue in force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 23, 1937.*

[No. 7558]

[F. R. Doc. 37–569; Filed, February 24, 1937; 2:52 p. m.]

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EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5603 OF APRIL 20, 1931, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5603 of April 20, 1931, withdrawing, together with other lands, public lands in the following-described township in Wyoming, pending a resurvey, is hereby revoked as to said township:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 83 W.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 23, 1937.*

[No. 7559]

[F. R. Doc. 37–568; Filed, February 24, 1937; 2:51 p. m.]

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EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6082 OF MARCH 25, 1933, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6082 of March 25, 1933, withdrawing public lands in the following-described township in Wyoming, pending a resurvey, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 56 N., R. 93 W.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 23, 1937.*

[No. 7560]

[F. R. Doc. 37–567; Filed, February 24, 1937; 2:51 p. m.]

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EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6288 OF SEPTEMBER 14, 1933, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6288 of September 14, 1933, withdrawing, together

with other lands, public lands in the following-described township in Wyoming, pending a resurvey, is hereby revoked as to said township:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 84 W.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 23, 1937.*

[No. 7561]

[F. R. Doc. 37-566; Filed, February 24, 1937; 2:51 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—Arizona Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—ARIZONA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Arizona, and such modifications or other provisions as may hereafter be made.

The 1937 agricultural conservation program has been developed in accordance with the provisions of sections 8, 15 and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 per cent participation. Such rates of payments, deductions and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 per cent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 agricultural conservation program in Arizona, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 agricultural conservation program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 agricultural conservation program in Arizona.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 agricultural conservation program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Total soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops except the acreage included in the cotton soil-depleting base. Such general soil-depleting base shall be determined by subtracting the cotton soil-depleting base from the total soil-depleting base.

*Soil-conserving base* means the number of acres obtained by subtracting the total soil-depleting base from the total number of acres of crop land excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I Payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I Payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II Payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.



*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*General diversion farm* means any farm with respect to which the general soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon the recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining general diversion farms.

*Diversion farm* means any general diversion farm, or any farm with respect to which a cotton soil-depleting base is established.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Arizona at the rates and subject to the conditions set forth herein.

SEC. 1. *General Diversion Payments.*—With respect to general diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.[2]

SEC. 2. *Cotton Diversion Payments.*—Payment will be made for each acre diverted from the cotton soil-depleting base on the farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of cotton for the farm on an acreage not to exceed 35 percent of such base except that if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed two acres.

SEC. 3. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; *Provided*, That practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 per cent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935 and 1936, and

2. An acreage equal to not less than 20 per cent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets;

*Provided, however*, that if either 1 or 2 alone is performed, the payment will be one-half the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar, by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III—Rates and Conditions of Soil-Building Payment*

SEC. 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where in the determination of the State committee such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payment will not be made for more than one practice carried out on the same acreage except that payments will be made for practices prescribed in items A, B, C, D, or E of Section 1 in addition to the practice prescribed in item H of Section 1 of this Part III.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial Legumes including alfalfa, kudzu, sericea, white clover, ladino, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial Legumes (except sweet clover) including red clover, alsike clover, mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

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[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Perennial grasses including such as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.
2. Seeding on crop land in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.
b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.
2. Seeding on crop land in 1937 when seeded under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.
b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Biennial and Annual Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.
2. Seeding on crop land under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.
b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Renovation of perennial legumes where perennial legumes have been established and are in need of cultivation for aeration, water percolation, noxious weed control, and reseeding, a payment will be made if fields are renovated, in accordance with specifications issued by the Director of the Western Division, and the noxious weeds, including Johnson grass, white horse nettle, bind weed, nut grass, blue weed, camel's thorn, and death weed, are pulled or burned out between February 1, 1937, and August 15, 1937: $2.00 per acre.

G. Green Manure Crops.

1. Annual or biennial legumes turned under in 1937 after attaining at least two months' growth on *irrigated* crop land: $2.00 per acre.
2. Annual legumes turned under in 1937 after attaining at least two months' growth on *nonirrigated* crop land: $1.00 per acre.
3. Winter small grain crops when grown on crop land preceding or following a 1937 vegetable crop or in commercial orchards in 1937 and turned under after attaining at least two months' growth: $1.00 per acre.

H. Establishment of terraces on cropland in 1937: *Provided, however,* plans for the terracing project are approved in advance by the county committee: $0.40 per 100 linear feet.

I. Contour listing and fallow when effected on non-irrigated cropland and no soil-depleting crop is harvested in 1937: $1.00 per acre.

J. Perennial Noxious Weed Control.—When, after approval of the county committee, seriously infested plots of bind weed, blue weed, camel's thorn, white horse nettle, nut grass, death grass, and Johnson grass are controlled by chemical treatment or by periodic cultivation in accordance with specifications issued by the Director of the Western Division.

1. Chemical Treatment: $10.00 per acre.
2. Periodic cultivation: $5.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.
2. $4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[2] for each acre diverted for payment from the general soil-depleting base.
3. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[2] for each acre devoted to commercial orchards on the farm.
4. $1.00 for each acre of commercial orchards on the farm.
5. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.
6. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.
7. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00 or the sum of the following items whichever is greater:

1. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[2] for each acre of cropland on the farm in 1937.
2. $1.00 for each acre of commercial orchards on the farm.
3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.
4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.
5. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: $50.00 per spring or seep.

[2] See Footnote 2 on Page 365.



C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or underdrainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture): $0.10 per 100 linear feet of permanent ditching.

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: $0.15 per acre.
2. Ground squirrels: $0.06 per acre.
3. Prairie dogs: $0.07½ per acre.

H. *Reseeding.*—For reseeding depleted range land with good seeds of adapted varieties of perennial grasses or forage shrubs as follows; $0.20 per pound of seed sown:

1. Native gramas.
2. Chamiza.

I. *Fire Guards.*—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: $0.03 per 100 linear feet.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increases in the acreage of soil-depleting crops or deductions for failure to have a sufficient acreage of soil-conserving crops equivalent to cotton acreage diverted for payment.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: *Provided,* all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

*Part V.—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, and share-croppers in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however,* That—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.
2. If there is no soil-depleting crop seeded on the farm for harvest in 1937 the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the corp, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of foods, fibers, and feed grains.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops and for Insufficient Acreage of Soil-Conserving Crops.*—A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II, *Provided, however,* that if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres.

B. If the 1937 acreage of cotton upon a farm is in excess of the cotton soil-depleting base, a deduction will be made

from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for cotton diversion payment for the farm under the provisions of section 2, part II.

C. If the acreage of soil-conserving crops on the farm in 1937, in excess of the soil-conserving base minus the acreage (not greater than the soil-conserving base) devoted to neutral uses in 1937, is less than the acreage of cotton diverted for payment, a deduction shall be made from any payment which otherwise would be made to the applicant at the rate of $3.00 for each acre of cotton diverted for payment in excess of such acreage of soil-conserving crops.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.* A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No Payment will be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.* A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownership, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII.—Establishment of Bases*

SEC. 1. *Total Soil-Depleting Base.*—There will be established a total soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 agricultural conservation program, such total soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 agricultural conservation program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 agricultural conservation programs, changes in crop classifications, and further adjustments that will result in a total soil-depleting base for the farm which is comparable with the total soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 agricultural conservation program, the total soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a total soil-depleting base for such farm which is equitable, as compared with the total soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the total soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all crop land in the county, the ratio of the total soil-depleting bases established in a county to the acreage of crop land on all the farms for which such bases have been established, and any other pertinent information which is available.



SEC. 2. *General Soil-Depleting Base.*—The general soil-depleting base for any farm shall represent for such farm the acreage normally used for the production of all soil-depleting crops except cotton. The general soil-depleting base for any farm shall be the difference between the total soil-depleting base and the cotton soil-depleting base.[1]

SEC. 3. *Cotton Soil-Depleting Base.*—A. The cotton soil-depleting base for the farm in 1937 shall be the cotton soil-depleting base which was established or which could have been established for such farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. If for causes other than flood, drought, or other abnormal weather conditions, or, if because of substantial changes in the cotton soil-depleting base by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton soil-depleting base for the farm in 1936, the cotton soil-depleting base for 1937 shall be adjusted downward by the county committee to an acreage not less than 154 percent of the 1936 planted acreage.

C. For farms on which cotton was grown in 1936 for the first time since 1933, a cotton soil-depleting base may be established on the basis of the acreage planted to cotton in 1936, subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

D. The sum of the cotton soil-depleting bases for all farms covered by work sheets in any county, or other specified area, shall not exceed their proportionate share of the quota of cotton acreage established for such county or other specified area by the Agricultural Adjustment Administration.

SEC. 4. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of crop land less the total soil-depleting base and the acreage in commercial orchards.

SEC. 5. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII.—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

[1] Under the terms of the 1937 program the sugar beet acreage is included in the general soil-depleting base.

a. Small grains including flax, except as indicated under item a, section 2, and under item f, section 3 of this Part VIII.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sweet potatoes.
e. Sugar beets.
f. Peanuts.
g. Root crops grown for feed.
h. Hemp.
i. Cultivated sunflowers.
j. Mustard (commercial).
k. Rape.
l. Truck and vegetable crops and their seeds; melons and strawberries.
m. Grain sorghums, sweet sorghums, broom corn and sudan grass harvested for seed, grain or hay.
n. Millets.
o. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas harvested for seed, hay or pastured, except as indicated under items e and f, section 3 of this Part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: Alfalfa, sweet, red, alsike, white, strawberry, Ladino, Mammoth, crimson, bur, and sour clovers; sericea; lespedeza; kudzu.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's Canary grass and velvet grass.

b. Green manure crops consisting of annual and biennial legumes when turned under in 1937, after attaining at least two months' growth.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.
b. Idle cropland.
c. Cultivated fallow.
d. Bulbs and nursery stock.
e. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.
f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an ap-

peal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-542; Filed, February 24, 1937; 12:33 p. m.]

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WR—B-101—California Issued January 14, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

### BULLETIN NO. 101—CALIFORNIA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—California, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participaiton. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in California, the following terms shall have the meaning ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in California.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a state, a political subdivision of a state, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Share cropper* means a person who works a farm, in whole or in part, under the general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop, other than wild hay, was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards, other than those abandoned.

*Total soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Rice soil-depleting base* means the number of acres allocated to the farm for the production of rice in 1937.

*General soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops except the acreage included in the cotton and rice soil-depleting bases. Such general soil-depleting base shall be determined by subtracting the sum of the cotton and rice soil-depleting bases from the total soil-depleting base for the farm.

*Soil-conserving base* means the number of acres obtained by subtracting the total soil-depleting base from the total number of acres of crop land excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Rice payment* means a payment made with respect to rice for the production of soil-conserving crops or for practices carried out with relation to rice and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation.



ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*General diversion farm* means any farm with respect to which the general soil-depleting base is equal to, or in excess of, both 20 acres and 20 per cent of the total cropland on the farm. Upon the recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining general diversion farms.

*Diversion farm* means any general diversion farm, or any farm with respect to which a cotton or rice soil-depleting base is established.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables, bulbs, or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion, Sugar Beet and Rice Payments*

Payment will be made in connection with the utilization in 1937, of the land on any farm in the State of California at the rates and subject to the conditions set forth herein:

SECTION 1. *General Diversion Payments.*—With respect to general diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.[2]

SEC. 2 *Cotton Diversion Payment.*—Payment will be made for each acre diverted from the cotton soil-depleting base on the farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of cotton for the farm on an acreage not to exceed 35 percent of such base, except that if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed two acres.

SEC. 3. *Rice Payment.*—Payment will be made with respect to any farm on which rice is grown in 1937 to each producer participating in the production of such rice, in an amount equal to 20 cents for each 100 pounds of the producer's domestic consumption quota of rice, or such part thereof as may be applicable under the provisions hereinafter set forth; provided, an acreage of rice land equal to not less than 25 percent of the producer's base rice acreage is devoted to soil-conserving crops by the producer in 1937.

A. In the event the acreage planted to rice by the producer in 1937 is equal to not less than 85 percent nor more than 100 percent of his base rice acreage, payment will be made on the full amount of the producer's domestic consumption quota of rice;

B. In the event the acreage planted to rice by the producer in 1937 is less than 85 percent of his base rice acreage, payment will be made on that portion of the producer's domestic consumption quota of rice which is equal to the ratio that the producer's 1937 acreage planted to rice bears to 85 percent of such producer's base rice acreage;

C. In the event the acreage planted to rice by the producer in 1937 is equal to more than 100 percent but not more than 125 percent of his base rice acreage, payment will be made on that portion of the producer's domestic consumption quota of rice which is equal to the ratio that 125 percent of such producer's base rice acreage minus the producer's 1937 acreage planted to rice bears to 25 percent of such producer's base rice acreage.

SEC. 4. *Sugar Beet Payment.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. A green manure or cover crop is planted on not less than 80 percent of the acreage of sugar beets grown in 1937 immediately following the harvest of the sugar beets, and is turned under in the fall or winter after 90 days' unpastured growth; or

C. A green manure or cover crop was turned under on not less than 80 percent of the acreage planted to sugar beets in 1937 immediately preceding the planting of the sugar beets; or

D. Sugar beets are grown in 1937 only on land devoted to perennial or biennial legumes in 1936; or

E. The total acreage planted to sugar beets in 1937 is qualified under a combination of A, B, C, or D above; or

F. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935 and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets. Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III—Rates and Conditions of Soil-Building Payments*

SEC. 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

Section shall not be eligible for payment unless such practices are carried out in a locality where in the determination of the State Committee such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage, except that payments will be made for any one of the practices prescribed in Items A, B, C, D, E, F, or L in addition to the practices prescribed in Items M or P of section 1 of this Part III.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial legumes,* including alfalfa, ladino, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial legumes* (except sweet clover), including red, alsike, and Mammoth clovers, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

C. *Sweet Clover,* and such annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on crop land in 1937 under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

D. *Perennial grasses,* including Harding, orchard, brome, wheat grasses (except crested wheat-grass), Rhodes, rye grasses, Reed's canary, timothy, redtop, meadow fescue, and Dallis grasses, and such other perennial grasses as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

E. *Mixtures of perennial and biennial legumes and perennial grasses* as are recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, when seeded under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

F. *Crested Wheat Grass* seeded on crop land in 1937: $3.00 per acre.

G. *Restoration of Land to Native Grasses* on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass; provided, that (1) The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) Approval has been obtained from the County Committee; (3) Such land is not pastured, cropped or tilled in 1937, and (4) Any volunteer growth containing noxious weeds is clipped before formation of viable seeds: $0.25 per acre.

H. *Cover and Green Manure Crops.*—

1. Winter crops, including Vetches—common (Oregon, spring), purple, hairy (sand, winter, Russian, Siberian), calcarata (Bard), smooth, wooly pod, monantha; horse beans; Tangier peas; Wedge peas; Field peas—Canadian yellow, Austrian winter; Clovers—sour, white, hubam, bur, berseem; Fenugreek; Mustards—white, black, Trieste; white malva; and such other winter cover and green manure crops as are approved by the Director of the Western Division, when grown on crop land in 1937, and (a) if turned under in 1937 after having attained at least 90 days' unpastured growth, or (b) if pastured and turned under in 1937 shall have attained at least 60 days' growth before pasturing and 30 days' growth after pasturing before turned under, or (c) if interplanted in orchards may be allowed to mature provided the vegetation is incorporated into the surface soil in 1937 and no part thereof is removed from the land where grown, either mechanically or by pasture: $2.00 per acre.

2. Summer crops, including soybeans, cowpeas, Dolichos; blackeye, Hopi lima, pink velvet, mat, and mung beans, calcarata and smooth vetches, guar, sesbania, and such other summer cover crops as are approved by the Director of the Western Division when seeded and grown on irrigated crop land in 1937, and (a) if turned under in 1937 before maturity after having attained at least 60 days' unpastured growth, or (b) if clipped in 1937 providing the clippings were not raked or removed from the land where grown, either mechanically or by pasture, or (c) if partially pastured and turned under in 1937, such pasturing was not started until after such crops were in bloom, not more than one half of the total growth was removed by pasturing, and the balance turned under in 1937 before reaching maturity: $2.00 per acre.

3. Volunteer cover and green manure crops when grown in 1937 on crop land which was seeded to a soil-depleting crop for harvest in 1936, if a stand equivalent to a seeded cover crop is turned under after March 1, 1937, but prior to May 1, 1937, without pasturing, and no soil-depleting crop is seeded for harvest in 1937 on such land: $1.00 per acre.

4. Volunteer cover and green manure crops when grown in 1937 in grain stubble, if a stand equivalent to a seeded cover crop is turned under in 1937, providing (a) the stubble was not plowed or burned following the harvest of the soil-depleting crop, and (b) no soil-depleting crop is seeded in 1937 on such land: $0.50 per acre.

5. Planned volunteer cover and green manure crops consisting of Mustards—white, black, Trieste; white malva; annual clovers and mixtures thereof, and such other crops as are approved by the Director of the Western Division when grown in 1937 in commercial orchards and other perennial plantings including hops, asparagus and artichokes, if a stand equivalent to a seeded crop is turned under prior to June 1, 1937, providing, the volunteer growth is the result of practices followed in previous years of allowing the seed of such crops to mature and reseed before turning under: $1.50 per acre.

I. *Renovation of Orchard Lands.*—

1. Seeding and establishment in 1937 of a good stand of perennial legumes or perennial grasses or mixtures thereof on irrigated crop land from which fruit and nut trees have been removed; if, (a) the main roots are removed, (b) the land is regraded prior to seeding, and (c) prior approval of the county committee is obtained: $5.00 per acre.

2. Seeding and establishment in 1937 of a good stand of perennial legumes or perennial grasses or mixtures thereof on irrigated crop land from which vineyards, and bush and small fruits, not including strawberries, artichokes, asparagus or hops, have been removed; if, (a) the crop residue, including root stocks, are removed, (b) the land is regraded prior to seeding, and (c) prior approval of the County Committee is obtained: $4.00 per acre.

J. *Addition of Organic Matter.*—In orchards, vineyards and other perennial plantings including hops, artichokes, and asparagus.

1. For the application and mechanical incorporation of legume straw into the surface soil in 1937: $0.75 per ton, not to exceed $3.75 per acre.

2. For the application and mechanical incorporation of non-leguminous straw into the surface soil in 1937: $0.50 per ton, not to exceed $2.50 per acre.

K. *Windbreaks.*—

1. When forest trees are planted on crop land in 1937, if not less than 400 trees are planted per acre: $10.00 per acre.

2. When species of forest trees approved by the State Committee are planted in 1937 in rows as windbreaks for citrus or deciduous fruit orchards in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura Counties, if the trees are irrigated periodically after planting, and the interspaces are cultivated sufficiently frequent to control volunteer growth, as follows:

a. In single rows, if the trees are spaced not more than 5 feet apart in single rows not less than 330 feet apart: $0.25 per rod-row.

b. In double rows, if the trees are spaced not more than 8 feet apart in rows not more than 8 feet apart with double rows not less than 330 feet apart: $0.35 per rod of double row.

3. When rye and such other small grains as are approved by the Director of the Western Division are grown in 1937 in strips not less than 4 feet in width on crop land to prevent soil drifting on adjoining crop land, if such crops are not harvested for grain, hay or pastured in 1937: $0.01 per linear rod, not to exceed $0.30 per acre of alternate strips and crops.

L. *Reseeding Non-Crop Pasture Land.*—For reseeding depleted non-crop pasture land in 1937 with good seed of adapted varieties of perennial grasses including western rye, crested wheat, Harding, orchard, meadow fescue and tall oat grasses, or mixtures thereof, and such other perennial grasses or mixtures as are recommended by the State Experiment Station and approved by the State Committee: $0.15 per pound of seed sown not to exceed $1.50 per acre.

M. *Establishment of Terraces* on crop land in 1937 provided, however, that plans for the proposed terracing project are approved in advance by the County Committee: $0.40 per 100 linear feet of terrace constructed.

N. *Perennial Weed Control.*[3]—

1. Chemical treatment, including petroleum, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by the application of chemicals or petroleums in accordance with specifications issued by the Director of the Western Division: $10.00 per acre.

2. Periodic cultivation, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by bi-weekly cultivations in accordance with specifications issued by the Director of the Western Division: $5.00 per acre.

3. Flooding, when after determining that possible seepage will not cause damage to adjacent land, and after obtaining the prior approval of the County Committee, seriously infested areas are controlled by cultivation prior to immersing, by surrounding such areas by dikes, and continuous flooding for a period not less than 60 days at a depth sufficient to keep all green growth submerged at all times: $5.00 per acre.

O. *Planting of Sod Pieces.*—For the planting of sod pieces of perennial grasses in 1937, provided the sod pieces are not less than 2 inches thick and in blocks not less than 4 inches square, if planted in rows not more than 4 feet apart with the pieces at intervals of not more than 4 feet in the row and set approximately level with the surface soil: $4.00 per acre.

P. *Prevention of Water Erosion.*—When, after prior approval by the County Committee of proposed plans submitted by the operator, water erosion control practices are carried out in 1937, as follows:

1. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed at intervals so as to result in vertical distances between the furrows, not to exceed one-foot drop on 2 percent slope, two-foot drop on 4 percent slope, three-foot drop on 8 percent slope, or four-foot drop on 12 percent slope: $0.05 per 100 linear feet of furrowing, not to exceed $2.00 per acre.

2. For constructing and maintaining permanent dams for diversion of flood waters, or for filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate dams to prevent washing out: $0.15 per cubic yard of fill or construction.

Q. *Contour Cultivation.*—When contour listing or contour subsoiling is carried out in 1937 on crop land subject to erosion in accordance with specifications issued by the Director of the Western Division: $1.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[2] for each acre diverted for payment from the general soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[2] for each acre devoted to commercial orchards on the farm.

4. $1.00 for each acre of commercial orchards on the farm.

[2] See Footnote 2 on Page 371.

[3] Payment for the adoption of perennial weed control practices shall be limited to control of the following noxious weeds: Alkali mallow, Austrian field cress, Bermuda grass, Canada thistle, Henry cress, Klamath weed, Johnson grass, Morning glory, Nut grass, Puncture vine, and Russian knapweed.

5. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season; *Provided, however,* if the normal pasture season is ten months or more, the rate shall be $1.00 for each animal unit in excess of five.

B. For a non-diversion farm, $20.00 or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.[2]

2. $1.00 for each acre of commercial orchards on the farm.

3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season; *Provided, however,* if the normal pasture season is ten months or more, the rate shall be $1.00 for each animal unit in excess of five.

*Part IV—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough or in a pipe to a tank, watering trough, or reservoir: $50.00 per spring or seep.

B. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

C. *Wells.*—For drilling or digging of wells, including deepening of existing wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is conveyed to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or storage reservoir: $1.00 per linear foot.

D. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, or the equivalent thereof, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

E. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses, as follows:

1. Crested Wheat Grass in Lassen, Modoc, Plumas, Sierra and Siskiyou Counties only, provided such range land is used exclusively in 1937 for the grazing of range livestock: $0.20 per pound of seed sown.

2. Western Rye, Harding, Orchard, Meadow Fescue, Tall Oat Grasses, or mixtures thereof, in Del Notre, Humboldt, Mendocino, Lake, Sonoma, Napa, Marin, San Mateo, and Santa Cruz Counties only, provided such range land is used exclusively in 1937 for the grazing of range livestock: $0.15 per pound of seed sown.

[2] See Footnote 2 on Page 371.

F. *Fireguards.*—

1. For the establishment of fireguards, not less than six feet in width, by plowing furrows or otherwise exposing the mineral soil: $0.04 per 100 linear feet.

2. For the establishment of fireguards on perennial brush land prior to June 1, 1937, not less than eight feet in width, by slashing and removing the brush: $0.12 per 100 linear feet.

G. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching for the purposes of irrigation, sub-surface drainage or underdrainage, or primarily for any purpose other than the prevention of soil washing (See Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture): $0.10 per 100 linear feet of permanent ditching.

H. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if, (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

I. *Tanks and Troughs.*—For constructing or installing permanent wooden, metal, or concrete tanks or troughs for watering range livestock at points remote from the primary source of stock water in order to conserve range forage adjacent to such water source, or to prevent damage to such forage by migration of the livestock, when installations are carried out in accordance with specifications approved by the Director of the Western Division: $0.25 per cubic foot capacity, not to exceed $25.00 each.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increases in acreage of soil-depleting crops or for deductions for failure to have a sufficient acreage of soil-conserving crops equivalent to the cotton acreage diverted for payment.

SEC. 4. *Eligibility for Payment.*—Application for range-building payment may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet, rice and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however,* That

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments except sugar beet, rice and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for increase in Acreage of Soil-Depleting Crops and for Insufficient Acreage of Soil-Conserving Crops.*—A. If the 1937 acreage of soil-depleting crops, except cotton and rice, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1 of Part II: *Provided, however,* That if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton and rice, in excess of 20 acres.



B. If the 1937 acreage of cotton upon a farm is in excess of the cotton soil-depleting base, a deduction will be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for cotton diversion payment for the farm under the provisions of Section 2 of Part II.

C. If the acreage of soil-conserving crops on the farm in 1937, in excess of the soil-conserving base minus any acreage (not greater than the soil-conserving base) devoted to neutral uses in 1937, is less than the acreage of cotton diverted for payment, a deduction shall be made from any payment which otherwise would be made to the applicant at the rate of $3.00 for each acre of cotton diverted for payment in excess of such acreage of soil-conserving crops.

D. In the event the acreage planted to rice by a producer participating in the production of rice in 1937 is in excess of 125 percent of his base rice acreage, a deduction will be made from any payments which otherwise would be made to such producer in an amount obtained by multiplying the number of acres planted to rice by such producer in 1937 in excess of 125 percent of his base rice acreage by the rate per acre determined under the provisions of Section 1 of Part II.

E. If the acreage of riceland devoted to the production of soil-conserving crops by a producer participating in the production of rice in 1937 is less than 25 percent of his base rice acreage, any payment that otherwise would be made to such producer with respect to rice shall not exceed that percentage of any amount determined under the provisions of Section 3 of Part II which is computed by dividing the actual acreage of riceland devoted to the production of soil-conserving crops by the producer in 1937 by 25 percent of his base rice acreage.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld, in whole or in part, and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county, the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been ex-

ecuted either in 1936 or 1937 covering all land in the county owned or operated by him, and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VIII.—Establishment of Bases*

SEC. 1. *Total Soil-depleting base.*—There will be established a total soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such total soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a total soil-depleting base for the farm which is comparable with total soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the total soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a total soil-depleting base for such farm which is equitable, as compared with the total soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the total soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland on all farms in the county, the ratio of total soil-depleting bases established to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Cotton Soil-Depleting Base.*—A. The cotton soil-depleting base for the farm in 1937 shall be the cotton soil-depleting base which was established or which could have been established for such farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming and farming practices.

B. If for causes other than flood, drouth or other abnormal weather conditions, or, if because of substantial changes in the cotton soil-depleting base by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton soil-depleting base for 1937 shall be adjusted downward by the County Committee to an acreage not less than 154 percent of the 1936 planted acreage.

C. For farms on which cotton was grown in 1936 for the first time since 1933, a cotton soil-depleting base may be established on the basis of the acreage planted to cotton in 1936, subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

D. The sum of the cotton soil-depleting bases for all farms covered by work sheets in any county, or other specified area, shall not exceed their proportionate share of the quota of cotton acreage established for such county or other specified area by the Agricultural Adjustment Administration.

SEC. 3. *Rice Soil-Depleting Base.*—There shall be established as part of the total soil-depleting base for the farm a rice soil-depleting base which shall be equal to that number of acres allocated to the farm by each producer participating in the production of rice on such farm from each such producer's base rice acreage.

SEC. 4. *General Soil-Depleting Base.*[1]—The general soil-depleting base for any farm shall represent for such farm the acreage normally used for the production of all soil-depleting crops, except cotton and rice. The general soil-depleting base for any farm shall be the difference between the total soil-depleting base and the sum of the cotton and rice soil-depleting bases.

SEC. 5. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the total soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 6. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration, and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Corn (field, sweet and popcorn).
b. Potatoes.
c. Sweet potatoes and yams.
d. Sugar beets for sugar or seed.
e. Cultivated sunflowers.
f. Annual truck, canning, and vegetable crops, and their seeds.
g. Melons.
h. Sorghums, including sudan grass, milo maize, Egyptian corn, broom corn, and other grain and sweet sorghums, for seed, grain, hay, or pasture.
i. Small grains including flax for grain or hay; or pasture, except as classified under Item a of Section 2 of Part VIII.
j. Millets.
k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture, or canning purposes, except as classified under Item b of Section 2 of Part VIII.
l. Root crops grown for feed or seed.
m. Cotton.
n. Rice.
o. Fiber plants including hemp.
p. Commercial Mustard.
q. Tobacco.
r. Annual cut flowers and their seeds.
s. Peanuts.
t. Volunteer grains when cut for hay or grain.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following grasses and legumes, and such other grasses and legumes as may be approved by the Director of the Western Division, without a nurse crop, or with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa, sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clovers; lespedeza; vetches; Austrian winter peas; and mixtures thereof.

2. Grasses: Bluegrass, orchard, wheatgrasses, ryegrasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's canary grass, velvet, Harding, Dallis, Rhodes, brome, buffalo, and grama grasses, and mixtures thereof.

3. Grass and Legume Mixtures: Mixtures of 1 and 2 above.

b. Cover and green manure crops, consisting of annual, biennial and perennial legumes; rye, barley, oats, and grain mixtures; mustards—white, black, Trieste; white malva; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth.

c. Forest trees when planted on cropland since January 1, 1934.

d. Cropland adapted to the production of rice for which water is readily available and on which no soil-depleting crop is grown for harvest in 1937. (This classification is applicable only with respect to the payments which are made with respect to rice.)

e. Volunteer grain and legume mixtures used for pasture in 1937.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, tree fruits, nut trees, bush, and small fruits, including strawberries, regardless of the use of the land between the rows.

b. Perennial vegetables, including asparagus, artichokes, horse-radish, and rhubarb.

c. Nursery stocks, including perennial ornamentals and perennial cut flowers, and their seeds.

d. Guayule.

e. Bulbs.

f. Idle cropland including idle fallow, except as classified under Item d of Section 2 of Part VIII.

g. Cultivated summer fallow, except as classified under Item d of Section 2 of Part VIII.

h. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

i. Hops.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-543; Filed, February 24, 1937; 12:33 p. m.]

[1] Under the terms of the 1937 Agricultural Conservation Program the sugar beet acreage is included in the general soil-depleting base.



WR—B-101——Colorado Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—COLORADO

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Colorado, and such modification or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions

of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Colorado, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Colorado.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a state, a political subdivision of a state, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937 to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base, and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in, the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee the Secretary may designate, for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, vineyards, or bush fruits, on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet-potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Colorado at the rates and subject to the conditions set forth herein.

SECTION 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[2]

SECTION 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets:

*Provided, however*, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce, 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvesting in the United States in 1937.

*Part III—Rates and Conditions of Soil-Building Payment*

SECTION 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for practices prescribed in Item A, Item B, Item C, Item D, or Item E of Section 1, in addition to the practices prescribed in Item G, or Item K; and payments will be made for the practice prescribed in sub-item 1 of Item M in addition to the practice prescribed in sub-item 2 of Item M.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial Legumes including alfalfa, white clover, red clover, alsike clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 Per Acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.50 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Perennial Grasses including bluegrass, orchard, Bermuda, brome, grama, buffalo, wheat grasses, (except crested wheat grasses) rye grasses, timothy, redtop, and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 Per Acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Sweet Clover: Biennial and Annual Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 Per Acre.

2. Seeding on crop land under either of the following conditions: $1.00 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Crested Wheat Grass seeded on cropland in 1937: $3.00 Per Acre.

E. Mixtures of Perennial and Biennial Legumes and Perennial Grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 Per Acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. *Planting of Sod Pieces of Perennial Grasses.*—

1. The planting of sod pieces of approved perennial grasses between February 1, 1937, and October 31, 1937, the sod pieces to be cut to a depth of approximately two inches and in blocks not less than four inches square. The sod pieces are to be planted in rows not more than four feet apart with the pieces at intervals of not more than four feet in the row and set approximately level with the surface soil: $4.00 per acre.

G. Green Manures—Legumes—when soybeans, cowpeas, or field peas are seeded on cropland between January 1, 1937, and July 31, 1937, and plowed under after attaining at least two months growth; provided, however, that when planted in orchards or vineyards the entire growth may be

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

allowed to remain on the land without turning under: $2.00 Per Acre.

H. Winter Cover Crops—Legumes—when winter vetch or crimson clover is grown preceding or following a vegetable crop or in an orchard or vineyard, in 1937, and plowed under after attaining at least two months' growth: $2.00 Per Acre.

I. Winter Cover Crops—Non-Legumes—when winter barley or rye is grown preceding or following a vegetable crop or in an orchard or vineyard in 1937, and plowed under after attaining at least two months' growth: $1.00 Per Acre.

J. Addition of Organic Material in orchards and vineyards at a rate of not less than five tons dry weight per acre, between February 1, 1937, and October 31, 1937, provided such organic material is mechanically incorporated into the soil: $5.00 per acre.

K. Establishment of terraces on cropland in 1937, provided, however, plans for the terracing project are approved in advance by the County Committee: 40 cents per 100 linear feet.

L. *Forest Trees.*—

1. Planting of trees on cropland in 1937, provided the land is maintained in a good state of cultivation and plantings are protected from livestock, with not less than 200 living trees per acre at the time performance is checked: $10.00 Per Acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 Per Acre.

M. In the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Douglas, Elbert, El Paso, Huerfano, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, Yuma, and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Controlled summer fallowing when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough-cloddy surface, reasonably free from volunteer growth. First tillage operation to be performed prior to June 15, 1937: $0.50 per acre.

2. Establishment of strip cropping and fallow, the fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width, with intervening strips of small grain crops, sorghum or sudan grass, close drilled or broadcast, or small grain stubble, provided, however, at least one third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937 a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or the acreage devoted to crop (or stubble), whichever is the smaller, and only with respect to the acreage of strip cropping and fallow which is in addition to the acreage used for that practice in 1936: $1.00 Per Acre.

3. Contour listing of cropland in the process of natural reseeding to native pasture; provided, however, that sufficient natural cover is maintained to insure protection against wind erosion, and such land is not grazed in any manner whatsoever in 1937: $1.00 Per Acre.

4. Restoring to native grass of land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass; provided; (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the county committee; and (3) such land is not pastured, cropped, or tilled in 1937: $0.25 Per Acre.

5. Fall or winter listing of cropland at approximately right angles to the prevailing winds to control wind erosion, in such manner, and time of listing as are approved in advance by the County Committee: $0.25 Per Acre.

6. Planting of cover crops to control wind erosion:

Sudan grass or sweet sorghums when planted in rows not greater than 42 inches apart or any sorghum or Sudan grass when close drilled or broadcast: *provided, however,* that no portion of the crop is harvested or pastured in any manner whatsover. The county committee shall approve this practice only when the prior approval of the community committee has been obtained: $2.00 Per Acre.

N. The Following Practices Will be Applicable only to Non-Crop Pasture Acreage:

1. For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses. Payment not to exceed $2.00 per acre: $0.20 per pound of seed sown.

2. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

O. *Perennial Noxious Weed*[3] *Control.*—When after the approval of the County committee, seriously infested plots of weeds listed below are controlled by periodic cultivation or chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: $10.00 Per acre.
2. Periodic cultivation: $5.00 Per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States[2] for each acre diverted for payment from the general soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[2] for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00 or the sum of the following items whichever is greater:

1. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from average productivity of all such cropland in the United States for each acre of cropland on the farm in 1937.[2]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

[2] See Footnote 2 on Page 379.

[3] Perennial Noxious Weeds shall include: Canadian thistle, bindweed, or wild morning glory, leafy spurge, Russian knapweed, white top or hoary cress and white ragweed.



4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range-Building Payments*

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937, such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution;

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir. $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, subsurface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture.) $0.10 per 100 linear feet of permanent ditching.

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched. $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: $0.15 per acre.
2. Prairie Dogs: $0.07½ per acre.
3. Ground Squirrels: $0.06 per acre.

H. *Reseeding.*—For reseeding depleted range land with good seeds of adapted varieties of perennial grasses as follows: $0.20 per pound of seed sown:

1. Crested Wheat Grass.
2. Slender Wheat Grass.
3. Western Wheat Grass.
4. Brome Grass.

I. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deduction for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

*Part V—Division of Payments*

SECTION 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beets and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however,* that—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants, in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SECTION 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allot-

ment Act. In event that any such county or other area is designated the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section I, Part II; *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal Agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such Counties the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator, or such other persons as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining Counties shall be regarded as located in the County in which the principal dwelling thereon is located, or, if there is no such principal dwelling, on such farming or ranching unit, shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SECTION 1. *Soil-depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classification, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.



2. Where the acreage of soil-depleting crops, seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the "aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodent and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committe or the Agricultural Adjustment Administration and approved by the Secretary.

SECTION 1. *Soil-depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a of section 2 and item d of section 3 of this part VIII.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar Beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Mustard (commercial).
h. Rape.
i. Truck and vegetable crops and their seed, melons and strawberries.
j. Grain sorghums, sweet sorghum, broom corn and sudan grass harvested for seed, grain, or hay.
k. Millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay except as indicated under item d of section 3 of this part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of section 1, part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and grasses and such other legumes and grasses as may be approved by the Director of the Western Division when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay: alfalfa, alsike clover, sweet clover, red clover, bluegrass, orchard grass, brome grass, Bermuda grass, buffalo grass, wheat grasses, rye grasses, timothy, and red top.
b. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Idle cropland.
b. Cultivated fallow.
c. Artichokes, bulbs, nursery stocks.
d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided such use of land shall have been approved by the County Committee prior to May 1, 1937.
e. Orchards, vineyards, nut trees, and bush fruits.
f. Small grains seeded as a winter crop and pastured, but not harvested for grain or hay.

*Part IX—Appeals*

SECTION 1. *Appeals from determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-544; Filed, February 24, 1937; 12:33 p. m.]

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WR—B-101—Idaho Issued January 14, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

### BULLETIN NO. 101—IDAHO

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of Section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Idaho, and such modification or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, de-

pending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Idaho, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Idaho.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable a State, a political subdivision of a State or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland, excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government or any agency thereof, in which a range operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the county committtee and the State committee, the Secretary may designate for any county or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables, bulbs, or truck crops (including potatoes, sweet potatoes, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Idaho at the rates and subject to the conditions set forth herein.

SECTION 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[2]

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

[1] Two yearlings equal one cow or one horse. A calf or colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.



A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III.—Rates and Conditions of Soil-Building Payment*

SEC. 1. *Soil-Building Payment.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building practice allowance for the farm.

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial legumes including alfalfa, red clover, white clover, Ladino clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes (except red clovers and sweet clovers) including alsike, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions, $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Perennial grasses including blue grass, orchard, brome, rye grasses, bent grass, fescues, tall oat grass, and wheat grasses except crested wheat grass and such other perennial grasses as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variey is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Crested Wheat Grass seeded on cropland in 1937: $3.00 per acre.

F. Biennial and Annual Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on cropland under either of the following conditions: $1.00 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

G. *Reseeding Farm Pastures.*—When perennial grasses or perennial legumes, or mixtures thereof, are seeded on pasture land in 1937: $0.20 per lb. of seed sown. *Payment will not be made in excess of $2.00 per acre.*

H. Winter wheat or rye when seeded in the spring on non-irrigated cropland before June 15, 1937, and utilized only as a cover crop or pastured: $1.00 per acre.

I. *Forest Trees.*—

1. Planting of trees on cropland in 1937, provided the land is maintained in a good state of cultivation and plantings are protected from livestock and with not less than 200 living trees per acre at the time performance is checked: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacements of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 per acre.

J. *Green Manure Crops.*—

1. When field peas or rye are grown on cropland in 1937 and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed, or canning purposes.

a. Irrigated land:

1. Rye: $1.00 per acre.
2. Peas: $2.00 per acre.

b. Non-irrigated land:

1. Rye: $0.50 per acre.
2. Peas: $0.50 per acre.

K. *Perennial Noxious Weed Control.*—

1. When, after the approval of the county committee, seriously infested plots of the weeds listed below are controlled by periodic cultivation or by chemical treatment in accordance with specifications issued by the Director of the Western Division.

a. Chemical treatment: $10.00 per acre.
b. Periodic cultivation: $5.00 per acre.

This practice is limited to the following weeds:

Canada thistle.
Bind weed or wild morning glory.
White top or Hoary cress.
Leafy spurge.
Russian knapweed.

L. *Controlled fallow.*—

1. *Trashy Fallow.*—When cropland is summer fallowed in such manner as to have all crop residues on or near the surface of the soil to prevent soil erosion from wind or water, and no straw or stubble is burned or otherwise removed from such land: $0.50 per acre.

2. *Establishment of Strip Cropping and Fallow.*—When summer fallow is performed in 1937 in strips not more than 10 rods in width, approximately at right angles to the prevailing winds, alternated with strips of small grain crops or stubble of equal width. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: $0.50 per acre.

3. *Establishment of Contour Strip Cropping and Fallow.*—When summer fallow is performed in 1937 in strips not more than 10 rods in width, alternated with strips of small grain crops or stubble of equal width, strips to follow the contour of the field, without the burning of stubble or crop residues. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: $0.75 per acre.

M. Restoring to native grass land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass: *Provided:* (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the county committee; (3) such land is not pastured, cropped or tilled in 1937; and (4) any volunteer growth containing noxious weeds is clipped before seed is formed: $0.25 per acre.

N. Removal of all trees in abandoned orchards and seeding to legumes and grasses. For removal of all trees in abandoned orchards, followed by the seeding and establishment of a good stand of perennial grasses or legumes in 1937. All holes to be filled and leveled: $5.00 per acre.

O. *Application of Soil Amendments.*—

1. Gypsum, in Northern Idaho counties of Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Idaho, and Lewis, when applied to cropland in 1937, in an amount not less than 200 pounds per acre and in connection with new seedings of legumes or legume-grass mixtures: $2.00 per acre.

2. When superphosphate is applied to new seedings of perennial legumes or legume-grass mixtures in 1937, at a rate not less than 60 pounds available $P_2O_5$ per acre: $2.25 per acre.

SEC. 2. *Combinations of Practices for Soil-Building Payments on the Same Acreage.*—Payments will not be made for more than one soil-building practice carried out on the *same acreage* except as follows:

a. Any one of the practices specified in items A, B, C, D, E, and F in addition to the practice specified in item L–1.

b. Any one of the practices specified in items A, B, and D in addition to either of the practices specified in items O–1 or O–2.

c. The practice specified in item L–1 in addition to either of the practices specified in items L–2 or L–3.

SEC. 3. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[1] for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[1] for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of cropland on which one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of cropland on which *two or more crops* of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season, provided, however, that if the normal pasture season is ten months or more the rate shall be $1.00 for each animal unit in excess of five.

B. *For a non-diversion farm* $20.00 or the sum of the following items whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.[1]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season, provided, however, that if the normal pasture season is 10 months or more the rate shall be $1.00 for each animal unit in excess of five.

*Part IV.—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2 percent, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or underdrainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture): $0.10 per 100 linear feet of permanent ditching.

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced and with wires tightly stretched: $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: $0.15 per acre.
2. Ground squirrels: $0.06 per acre.

H. *Reseeding.*—For reseeding depleted range land with good seed of adapted varieties of perennial grasses as follows, $0.20 per pound of seed sown:

1. Brome grass.
2. Crested wheat grass.
3. Slender wheat grass.
4. Western wheat grass.

I. *Fire Guards.*—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: $0.03 per 100 linear feet.

J. *Railing Sagebrush.*—For destroying sagebrush by use of railroad rails or by other mechanical methods that result in the destruction of at least 75 percent of the sagebrush cover: $0.50 per acre.

K. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increase in the acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators. Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; Provided, however, that

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the County Committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the County Committee, or as is determined by the County Committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms Under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area. On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

[1] See Footnote 2 on Page 384.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, Part II; *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the County Committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who may be required to file in the office of the State Committee a list of all such land.

B. An application for payment may be made by an owner, owns or operates land in more than one county in the State share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SEC. 1. *Soil-depleting base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all crop land in the county, the ratio of the soil-depleting bases established in a county to the acreage of crop land on all farms for which such bases have been established, and any other pertinent information which is available.



SEC. 2. *Soil Conserving Base.*—The soil-conserving base shall be equal to the total acreage of crop land less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density or growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a, Section 2, and under items d, f, and g, of Section 3 of this Part VIII.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sweet potatoes.
e. Sugar beets.
f. Root crops grown for feed.
g. Hemp.
h. Cultivated sunflowers.
i. Mustard (commercial).
j. Rape.
k. Truck and vegetable crops and their seeds; melons and strawberries.
l. Grain sorghums, sweet sorghums, broom corn and sudan grass harvested for seed, grain, or hay.
m. Millets.
n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas harvested for seed, hay, or pastured, except as indicated under item e, of Section 3 of this Part VIII.
o. Flowers and their seeds.
p. Kale.
q. Annual grasses including Italian rye grass and Bromus Secalinus.
r. Cultivated fallow (summer fallow) except as provided in item e, of Section 3 of this Part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of this Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: alfalfa; sweet, red, alsike, white, strawberry, Ladino, mammoth, crimson and sour clovers; vetch, Austrian winter peas; sericea; lespedeza; kudzu.

(2) Grasses: Blue grass, orchard, brome, wheat grasses, rye grasses, timothy, red top, bent grasses, fescues, tall oat grass, Reed's canary grass.

b. Green manure crops, including annual legumes, rye, when turned under in 1937, after attaining at least two months' growth, when not followed by summer fallow.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of land between the rows.
b. Idle cropland.
c. Bulbs and nursery stock.
d. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.
e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.
f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936: *Provided,* such use of land shall have been approved by the County Committee prior to May 1, 1937.
g. Winter wheat or rye seeded in the spring for cover crop purposes.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-545; Filed, February 24, 1937; 12:34 p. m.]

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WR—B-101—Kansas Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—KANSAS

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Kansas, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15,

and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Kansas, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Kansas.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a state, a political subdivision of a state or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Total soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*General soil-depleting base* means the total number of acreage established for the farm as the acreage normally used for the production of all soil-depleting crops except the acreage included in the cotton and tobacco soil-depleting bases. Such general soil-depleting base shall be determined by subtracting the sum of the cotton and tobacco soil-depleting bases from the total soil-depleting base.

*Soil-conserving base* means the number of acres obtained by subtracting the total soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base, and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices, and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producting range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of rang land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*General diversion farm* means any farm with respect to which the general soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon the recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining general diversion farms.

*Diversion farm* means any general diversion farm, or any farm with respect to which a cotton or tobacco soil-depleting base is established.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.



*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Kansas at the rates and subject to the conditions set forth herein.

SECTION 1. *General Diversion Payments.*—With respect to general diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such cropland in the United States.[2]

SECTION 2. *Cotton and Tobacco Diversion Payments.*—A. Payment will be made for each acre diverted from the cotton soil-depleting base on the farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of cotton for the farm on an acreage not to exceed 35 percent of such base except that if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed two acres.

B. Payment will be made for each acre diverted from the tobacco soil-depleting base on any farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of tobacco for the farm on an acreage not to exceed 25 percent of such base.

SEC. 3. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

*Part III—Rates and Conditions of Soil-Building Payment*

SECTION 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program.

PRACTICES AND CONDITIONS—DATE OF PAYMENT

A. Perennial Legumes including alfalfa, kudzu, sericea, white clover, and such other perenial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following: $2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial Legumes including red clover, alsike clover and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay. $3.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions; $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Biennial and Annual Sweet Clover, lespedeza, and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on crop land under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Perennial Grasses including bluegrass, orchard, Bermuda, brome, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Crested Wheat Grass seeded on crop land in 1937: $3.00 per acre.

F. Mixtures of Perennial and Biennial Legumes and Perennial Grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

G. *Planting of Sod Pieces of Perennial Grasses.*—

1. The planting of sod pieces of approved perennial grasses between February 1, 1937, and October 31, 1937, the sod pieces to be cut to a depth of approximately two inches and in blocks not less than four inches square. The sod pieces are to be planted in rows not more than four feet apart with the pieces at intervals of not more than four feet in the row and set approximately level with the surface soil: $4.00 per acre.

H. Green Manures—Legumes—when soybeans, cowpeas, or field peas are seeded on cropland between January 1, 1937, and July 31, 1937, and plowed under after attaining at least two months' growth; provided, however, that when planted in orchards or vineyards the entire growth may be allowed to remain on the land without turning under: $2.00 per acre.

I. Winter Cover Crops—Legumes—when winter vetch or crimson clover is grown preceding or following a vegetable crop or in an orchard or vineyard, in 1937, and plowed under after attaining at least two months' growth: $2.00 per acre.

J. Winter Cover Crops—Non-Legumes—when winter barley or rye is grown preceding or following a vegetable crop or in an orchard or vineyard in 1937, and plowed under after attaining at least two months' growth: $1.00 per acre.

K. Addition of Organic Material in orchards and vineyards at a rate of not less than five tons dry weight per acre, between February 1, 1937, and October 31, 1937, provided such organic material is mechanically incorporated into the soil: $5.00 per acre.

L. *Application of Ground Limestone.*—

1. When applied broadcast in 1937, at a rate of not less than two tons per acre. Such limestone to be ground to such fineness that 90% will pass through a 10-mesh sieve: $3.00 per acre.

2. When drilled in rows in 1937, at a rate of not less than 400 pounds per acre. Such limestone is to be ground to such fineness that 90% will pass through a 100-mesh sieve: $1.00 per acre.

M. *Super-phosphate for Legumes and Perennial Grasses.*—

1. When 16 percent super-phosphate or its equivalent is applied in 1937 at a rate of not less than 150 pounds per acre on land on which alfalfa, red clover or clover mixtures are seeded in 1937: $0.60 per 100 pounds.

N. Establishment of terraces on cropland in 1937, provided, however, plans for the terracing project are approved in advance by the County Committee: 40 cents per 100 linear feet.

O. Contour farming on cropland in 1937, when small grain or intertilled crops are planted or seeded on the contour: *Provided, however,* the slopes are in excess of two percent: $0.50 per acre.

P. *Forest Trees.*—

1. Planting of trees on cropland in 1937: *Provided, however,* the land is maintained in a good state of cultivation and plantings are protected from livestock, with not less than 200 living trees per acre at the time performance is checked: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 per acre.

Q. In the counties of Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Wallace, Logan, Gove, Trego, Ellis, Russell, Lincoln, Ellsworth, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Rice, Reno, Stanton, Grant, Haskell, Gray, Ford, Edwards, Kiowa, Pratt, Kingman, Morton, Stevens, Seward, Meade, Clark, Comanche, Barber, Harper, and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Controlled summer fallowing when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough-cloddy surface, reasonably free from volunteer growth. First tillage operation must be performed prior to June 15, 1937: $0.50 per acre.

2. Establishment of strip cropping and fallow, the fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width, with intervening strips of small grain crops, sorghum or Sudan grass, close drilled or broadcast, or small grain stubble, provided, however, at least one-third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937 a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or the acreage devoted to crops or stubble, whichever is the smaller, and only with respect to the acreage of strip cropping and fallow which is in addition to the acreage used for that practice in 1936: $1.00 per acre.

3. Contour listing of cropland in the process of natural reseeding to native pasture; provided, however, that sufficient natural cover is maintained to insure protection against wind erosion, and such land is not grazed in any manner whatsoever in 1937: $1.00 per acre.

4. Restoring to native grass of land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass; provided, (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the county committee; and (3) such land is not pastured, cropped or tilled in 1937: $0.25 per acre.

R. The following practice will be applicable only in the counties of Cheyenne, Rawlins, Decatur, Norton, Phillips, Sherman, Thomas, Sheridan, Graham, Rooks, Wallace, Logan, Gove, Trego, Ellis, Greeley, Wichita, Scott, Lane, Ness, Rush, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stanton, Grant, Haskell, Gray, Ford, Edwards, Kiowa, Morton, Stevens, Seward, Meade, Clark, Comanche, and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:



1. Contour listing of cropland to control wind erosion, in such manner and time of listing as are approved in advance by the County Committee: $0.25 per acre.

S. The following practice will be applicable only in the counties of Greeley, Wichita, Scott, Lane, Hamilton, Kearny, Finney, Hodgeman, Stanton, Grant, Haskell, Gray, Ford, Morton, Stevens, Seward, Meade, Clark, and in such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Planting of cover crops to control wind erosion:

Sudan grass or sweet sorghums when planted in rows not greater than 42 inches apart or any sorghum or Sudan grass when close drilled or broadcast; *Provided, however,* that no portion of the crop is harvested or pastured in any manner whatsoever. The county committee shall approve this practice only when the prior approval of the community committee has been obtained: $2.00 per acre.

T. The Following Practices Will be Applicable Only to Non-Crop Pasture Acreage:

1. For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses: $0.20 per pound of seed sown. Not to exceed $2.00 per acre.

2. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

SEC. 2. *Limitation on Number of Practices on Which Payment May be Made on the Same Acreage.*—Payments, as specified in Section 1 of Part III, will not be made for more than one practice carried out on the same acreage except as follows:

a. Any one of the practices specified in Items A, B, C, and F, together with either or both of the practices specified in items L or M.

b. Any one of the practices specified in items A to J inclusive, or item P, together with the practice specified in item N.

c. The practice specified in item N together with the practice specified in item O.

d. The practice specified in item Q–1 together with the practice specified in item Q–2.

SEC. 3. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States[2] for each acre diverted for payment from the general soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[2] for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm $20.00 or the sum of the following items whichever is greater:

1. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States for each acre of cropland on the farm in 1937.[2]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range-Building Payments*

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937, such of the following range-building practices as are approved by the county committtee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture): $0.10 per 100 linear feet of permanent ditching.

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Prairie dogs: $0.07½ per acre.

H. *Reseeding.*—For reseeding depleted range land with good seeds of adapted varieties of perennial grasses as follows: $0.20 per pound of seed sown:

1. Crested wheat grass.
2. Slender wheat grass.
3. Western wheat grass.
4. Brome grass.

[2] See Footnote 2 on Page 391.

I. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range Building Allowance.*—The range building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increases in the acreage of soil depleting crops or deductions for failure to have a sufficient acreage of soil-conserving crops equivalent to cotton and tobacco acreage diverted for payment.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: *Provided*, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

*Part V.—Division of Payments*

SECTION 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar-beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however*, that—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.
2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar-beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SECTION 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SECTION 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SECTION 4. *Deductions for Increase in Acreage of Soil-Depleting Crops and for Insufficient Acreage of Soil-Conserving Crops.*—A. If the 1937 acreage of soil-depleting crops, except cotton and tobacco, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II: *Provided, however*, that if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton and tobacco, in excess of 20 acres.

B. If the 1937 acreage of cotton upon a farm is in excess of the cotton soil-depleting base, a deduction will be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for cotton diversion payment for the farm under the provisions of Section 2, part II.

C. If the 1937 acreage of tobacco upon a farm is in excess of the tobacco soil-depleting base, a deduction will be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for tobacco diversion payment for the farm under the provisions of section 2, part II.

D. If the acreage of soil-conserving crops on the farm in 1937, in excess of the soil-conserving base minus the acreage (not greater than the soil-conserving base) devoted to neutral uses in 1937, is less than the acreage of cotton and tobacco diverted for payment, a deduction shall be made from any payment which otherwise would be made to the applicant at the rate of $3.00 for each acre of cotton and tobacco diverted for payment in excess of such acreage of soil-conserving crops.

SECTION 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SECTION 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal Agency.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the state may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land To Be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SECTION 1. *Total Soil-depleting Base.*—There will be established a total soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such total soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a total soil-depleting base for the farm which is comparable with total soil-depleting bases for other farms in the same community which are similar with respect to size, type or soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the total soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.
2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a total soil-depleting base for such farm which is equitable, as compared with the total soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the total soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the total soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SECTION 2. *General Soil-Depleting Base.*[1]—The general soil-depleting base for any farm shall represent for such farm the acreage normally used for the production of all soil-depleting crops except cotton and tobacco. The general soil-depleting base for any farm shall be the difference between the total soil-depleting base and the sum of any cotton and tobacco soil-depleting bases.

SECTION 3. *Soil-Depleting Bases for Individual Crops.*—*A. Cotton Soil-Depleting Base.*—

1. The cotton soil-depleting base for the farm in 1937 shall be the cotton soil-depleting base which was established or which could have been established for such

[1] Under the terms of the 1937 Agricultural Conservation Program the sugar beet acreage is included in the general soil-depleting base.

farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

2. If for causes other than flood, drouth or other abnormal weather conditions, or, if because of substantial changes in the cotton soil-depleting base by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton soil-depleting base for the farm in 1936, the cotton soil-depleting base for 1937 shall be adjusted downward by the County Committee to an acreage not less than 154 percent of the 1936 planted acreage.

3. For farms on which cotton was grown in 1936 for the first time since 1933, a cotton soil depleting base may be established on the basis of the acreage planted to cotton in 1936, subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

4. The sum of the cotton soil-depleting bases for all farms covered by work sheets in any county, or other specified area, shall not exceed their proportionate share of the quota of cotton acreage established for such county or other specified area by the Agricultural Adjustment Administration.

B. *Tobacco Soil-Depleting Base.*—There will be established as part of the total soil-depleting base for the farm, a tobacco soil-depleting base which shall be equal to the tobacco soil-depleting base which was established or which could have been established for such farm under the procedure for the 1936 Agricultural Conservation Porgram with adjustments which may be justified by measurements made in 1936, provided, however, that if for causes other than flood, drought, or other abnormal weather conditions or plant diseases the acreage planted to tobacco on the farm in 1936 was less than 55 percent of the tobacco base for the farm in 1936, the tobacco base for 1937 shall be adjusted downward by the County Committee to an acreage not less than 133 percent of the 1936 acreage.

SECTION 4. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the total soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SECTION 5. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under items a, of section 2 and d and e of section 3 of this part VIII.
b. Corn (field, sweet, and popcorn).
c. Cotton.
d. Tobacco.
e. Potatoes and sweet potatoes.
f. Sugar Beets and root crops grown for feed.
g. Cultivated sunflowers.
h. Mustard (commercial).
i. Truck and vegetable crops and their seed, melons and strawberries.
j. Grain sorghums, sweet sorghum, broom corn and sudan grass harvested for seed, grain, or hay.
k. Rape and millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay except as indicated under item d of section 3 of this part VIII.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of section 1, part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses and such other legumes and grasses as may be approved by the Director of the Western Division when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: Alfalfa, sweet, red, alsike, white, Mammoth, and crimson clovers; kudzu, sericea, lespedeza, vetch.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, grama, buffalo, timothy, redtop, fescues.

b. Forest trees planted on cropland since January 1, 1934.

SECTION 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Idle cropland.
b. Cultivated fallow.
c. Artichokes, bulbs, nursery stocks.
d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936.
e. Small grains seeded as a winter cover crop and pastured, but not harvested for grain or hay.
f. Orchards, vineyards, nut trees, and bush fruits.

*Part IX—Appeals*

SECTION 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment determined for his farm or ranching unit by the county committee is not equitable may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-546; Filed, February 24, 1937; 12:34 p. m.]



## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[General Order No. 244]

CHANGES IN IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED

FEBRUARY 24, 1937.

By virtue of and pursuant to the authority conferred by Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Ti. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, the following changes are hereby made in the Immigration Rules of January 1, 1930, as amended:

Subdivision H, Rule 3 is amended by renumbering existing Paragraphs 5, 6 and 7, Paragraphs 6, 7 and 8, respectively, and by inserting a new Paragraph 5 to read as follows:

PAR. 5. A Japanese national entitled to return to a Section 3 (6) status in the United States, from a visit abroad, or a Japanese national entitled to have his wife or child join him in the United States with a Section 3 (6) visa, or the wife or child already admitted, who is entitled to return under such a visa from a visit abroad, may make application for a predetermination of his or her Section 3 (6) status. The application shall be filed in affidavit form and shall be submitted for proper investigation to the immigration and naturalization office located nearest to the applicant's place of residence. The affidavit shall include the name of the applicant, age, complexion, color of hair and eyes, height, and physical marks or peculiarities. It shall also include the name of the vessel, port of arrival, and date on which the applicant arrived in the United States. Separate applications must be submitted for each applicant. An applicant shall be required to establish that he (she) was lawfully admitted under Section 3 (6) of the Immigration Act of 1924, and that he (she) has maintained that status since entry. A Japanese not engaged solely in carrying on trade between the United States and Japan is not entitled to enter in a Section 3 (6) status or to have his wife or child join him in that status. The affidavit shall be prepared in duplicate and each copy shall contain a photograph of the applicant, which photograph shall be 2½ inches in width by 2½ inches in length, taken from the same negative, not retouched or mounted, representing the applicant without hat and showing a full front view. If the immigration and naturalization officer in charge is satisfied with the proof advanced, he shall return to the applicant the original affidavit, placing thereon the following stamped notation in red ink:

The applicant whose photograph appears hereon has established to my satisfaction that he (she) was lawfully admitted to the United States under Section 3 (6) of the Immigration Act of 1924 and since the date of his (her) entry has maintained the status under which he (she) was admitted.

(Signature of Officer in Charge)

(Title)

(Port and date)

The affidavit will be presented to the American consular officer to whom application for visa is made. If the visa is granted, the affidavit will be returned to the applicant, who will be informed that he (she) should present it, with his (her) visaed travel document, to the immigration officer at the port at which he (she) arrives in the United States. The immigration officer at the port of arrival shall lift the original affidavit and return it to the investigating office.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-570; Filed, February 25, 1937; 11:32 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT OF RULES AND REGULATIONS

SIGNING OF PAPERS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437) Article VII, Section 5 of Exhibit "D" of the Rules and Regulations for Federal Home Loan Banks be amended to read as follows:

"*Signing of Papers.*—All checks, contracts, deeds, bonds, assignments, releases or other documents of the bank shall be signed in the name of the bank by the president, a vice-president, the treasurer or the secretary, and by any other officer or employee designated by the board of directors.

Adopted by the Federal Home Loan Bank Board on February 24, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-571; Filed, February 25, 1937; 12:39 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULE AN23

The Securities and Exchange Commission deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12), 10 (b), and 23 (a) thereof, hereby adopts the following rule:

RULE AN23. *Temporary exemption from Sections 12 (a) and 7 (c) (2) of securities of certain issuers resulting from statutory consolidation; prohibition of use of manipulative or deceptive devices or contrivances with respect thereto.*—(a) Whenever, in connection with a consolidation resulting in the formation of a new corporation, at least a part of any class of securities of such new corporation result from a modification of, or are issued in exchange for or otherwise in respect of, a listed security of one of the constituent corporations, such class of securities of the new corporation shall be exempt from the operation of Section 12 (a) for a period of one week from the date of consolidation, to the extent necessary to render lawful the effecting of transactions therein on the exchange on which such listed security of the constituent corporation was listed. For the purposes of this rule, the word "consolidation" means a consolidation, by agreement, of two or more corporations under provisions of law whereby, upon the execution or upon the filing of such agreement, a new corporation is created as successor to all the constituent corporations; it does not include mergers, acquisitions of assets, or other transactions of succession in which the issuer of the new securities is in existence prior to the succession. The term "date of consolidation" means the date on which the new corporation resulting from the consolidation is created. The word "listed" means either (1) listed on a national securities exchange as a security registered pursuant to Sections 12 (b), (c) and (d), or (2) listed on a national securities exchange as a security exempted from the operation of Section 12 (a), or (3) admitted to unlisted trading privileges on a national securities exchange pursuant to Section 12 (f).

(b) Rules AN1 and GB1 shall be applicable to all securities exempted from the operation of Section 12 (a) by paragraph (a) of this Rule.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-578; Filed, February 25, 1937; 12:43 p. m.]

SECURITIES EXCHANGE ACT OF 1934

RULE ADOPTING FORM 23

The Securities and Exchange Commission, finding—

(1) that the requirements of Form 23, as more specifically defined in the instruction book accompanying that form, are necessary and appropriate in the public interest and for the protection of investors, and that, insofar as the information required by such form and instruction book is not within the provisions of Section 12 (b) of the Securities Exchange Act of 1934, it is of a character comparable to such information and is applicable to the class of issuers and securities for which such form is prescribed; and

(2) that the exhibits required by such instruction book are necessary and appropriate for the proper protection of investors and to insure fair dealing in the securities registered on Form 23,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby adopts Form 23 and the instruction book accompanying Form 23.[1]

AMENDMENT TO RULE JB1

The Securities and Exchange Commission, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby amends Rule JB1 by striking out the two paragraphs under the caption "Form 23 for Successor Issuers" and substituting in lieu thereof the following paragraph:

*Form 23 for Successor Issuers.*—This form shall be used for applications for registration of securities of any issuer which has acquired, or is presently to acquire, directly or indirectly (through the acquisition of securities or otherwise) the major portion of its business and assets (other than cash) by acquiring all or a part of the business and assets of one or more other persons, and is continuing, or is to continue, the business so acquired; provided, however, that this form shall not be used by issuers for which either Form 8-B, 12, 12-A, 20, 21 or 22 is prescribed, or for applications filed with the Exchange after the expiration of a full fiscal year of the issuer commencing on or after the date of succession.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-579; Filed, February 25, 1937; 12:44 p. m.]

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SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE AN13

The Securities and Exchange Commission deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12), 10 (b), and 23 (a) thereof, hereby amends Rule AN13 as follows:

(a) By deleting from Paragraph (a) thereof the words "the date specified below" and inserting in lieu thereof "June 24, 1937."

(b) By inserting in Paragraph (a) thereof, after the words "provided that", the following: "the filing of an application for the registration of such securities on Form 23 is authorized and that."

(c) By deleting the last sentence of Paragraph (a) thereof.

Rule AN13, as so amended, reads as follows:

RULE AN13. *Exemption from Sections 12 (a) and 7 (c) (2) of certain classes of securities of certain issuers which have acquired the assets of other issuers; prohibition of use of manipulative or deceptive devices or contrivances with respect thereto.*—(a) Any class of securities of an issuer which, having at the time no assets or liabilities other than nominal ones, shall have acquired (whether before or after the adoption of this Rule), directly, or indirectly through the medium of one or more subsidiaries all of whose stock, except directors' qualifying shares, is owned by such issuer, all or substantially all of the assets of

(i) another issuer, or
(ii) another issuer and one or more of its subsidiaries, or
(iii) one or more subsidiaries of another issuer, if all of the stock of such subsidiaries, except directors' qualifying shares, is directly or indirectly owned by and constitutes substantially all of the assets of such other issuer,

shall be exempt from the operation of Section 12 (a) to and including June 24, 1937, to the extent necessary to render lawful the effecting of transactions therein on a national securities exchange on which such class of securities shall be approved for listing (or for listing upon official notice of issuance), provided that the filing of an application for the registration of such securities on Form 23 is authorized and that either or both of the following conditions are satisfied:

(1) at least a portion of such class of securities was or shall be issued in exchange for or otherwise in respect of securities of such other issuer, and such latter securities (or certificates of deposit or voting trust certificates therefor) at the time of such issuance shall have been registered on such national securities exchange pursuant to Section 12 (b), (c) and (d) or pursuant to Section 12 (e), or authorized so to be registered thereon on official notice of issuance, or shall have been listed on such national securities exchange or authorized so to be listed on official notice of issuance as securities exempted from the operation of said Section 12 (a).

(2) at least a portion of such class of securities was or shall be issued upon the exercise of warrants or rights to subscribe to or otherwise acquire the same, which warrants or rights by their terms expire on a date which shall be within one hundred and twenty days after the issuance thereof and shall have been issued in exchange for or otherwise in respect of securities of such other issuer, and such latter securities (or certificates of deposit or voting trust certificates therefor) at the time of such issuance shall have been registered on such national securities exchange pursuant to Section 12 (b), (c) and (d) or pursuant to Section 12 (e), or authorized so to be registered thereon on official notice of issuance, or shall have been listed on such national securities exchange or authorized so to be listed on official notice of issuance as securities exempted from the operation of said Section 12 (a).

(b) Rules AN1 and CB1 shall be applicable to all securities exempted from the operation of Section 12 (a) by paragraph (a) of this Rule."

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-580; Filed, February 25, 1937; 12:45 p. m.]

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SECURITIES ACT OF 1933

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULE MD3

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 15 (d) and 23 (a) thereof, hereby adopts the following rule:

RULE MD3. *Annual Report for Period for which Financial Statements are Furnished in New Registration Statement.* Notwithstanding the provisions of Rule MD2, a registrant which files with the Commission, within the period prescribed in Rule MD1 for filing an annual report for a particular year, a registration statement on Form A-1, A-2, C-1, or E-1 containing financial statements as of the dates and for the periods required under the appropriate form of annual report, may incorporate by reference all information and documents contained in such registration statement, in lieu of furnishing the information called for by the appropriate form of annual report. In such case the registrant shall file with the Commission in triplicate, within the period prescribed in Rule MD1 for filing the annual report, a statement in approximately the following form:

"Pursuant to Rule MD3, the registrant, ----------, hereby incorporates by reference in this, its annual report pursuant to Section 15(d) of the Securities Exchange Act of 1934, all information and documents contained in the registration statement on Form -------, filed by it on ----------, 19--------, as amended under dates of ----------."

Such statement shall be filed under cover of the facing sheet of the appropriate form for annual report. At least one copy of the statement shall be signed in the form prescribed in the appropriate form of annual report.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-577; Filed, February 25, 1937; 12:42 p. m.]

[1] Form 23 and the Instruction Book for Form 23 were filed with the Division of the Federal Register. The National Archives; copies available upon application to the Securities and Exchange Commission.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of February A. D. 1937.

[File No. 46-32]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION, THE INDUSTRIAL GAS COMPANY, GAS PRODUCING COMPANY OF OHIO

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with the Commission, by the National Gas & Electric Corporation, a registered holding company, and The Industrial Gas Company and Gas Producing Company of Ohio, wholly owned subsidiary companies thereof, pursuant to Section 10 (a) (1) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition of securities and physical property in connection with an agreement dated February 5, 1937, between National Gas & Electric Corporation and Commonwealth Gas Corporation, involving a cash consideration of approximately $918,000; it appearing that said acquisition involves properties and securities of companies engaged in the production and wholesale distribution of natural gas in the vicinity of Zanesville, Ohio; that National Gas & Electric Corporation proposes to acquire shares of Fritz Oil and Gas Company, $22,000 face amount of notes of The Industrial Gas Company, and $400,000 face amount of 5% 16-year first mortgage bonds to be issued by Gas Producing Company of Ohio; that Gas Producing Company of Ohio proposes to acquire (partly with the proceeds of such issue of bonds) physical properties of certain subsidiaries of Commonwealth Gas Corporation; that The Industrial Gas Company proposes to acquire all of the physical properties of the Zane Gas Company;

It is ordered that a hearing on such matter be held on March 16, 1937, at ten o'clock in the forenoon of that day at Room 726-C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 11, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-576; Filed, February 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN ET AL. SUNERAM FARM, FILED ON FEBRUARY 11, 1937, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (or the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the amount or percentage of water produced or being produced with the oil on the lease is not correctly set forth and the note to Item 16 (a) (111) is not believed to be reliable;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of March 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-582; Filed, February 25, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

[File No. 43-31]

IN THE MATTER OF SOUTHWESTERN LIGHT & POWER COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER

Southwestern Light & Power Company, a subsidiary company of The Middle West Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of $7,250,000 aggregate principal amount of its First Mortgage Bonds, Series A, due February 1, 1967; an order having been duly entered providing for a hearing in such matter on February 25, 1937; such hearing having been postponed to February 26, 1937 at 2:30 o'clock in the afternoon of that date, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Ave-

nue NW., Washington, D. C.; and, it now appearing that the officer of the Commission heretofore designated therefor will be unable to preside on such occasion;

It is now ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing at the above stated time and place, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in such matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-581; Filed, February 25, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE ANDERSON-PRITCHARD-HARE No. 1 FARM, FILED ON FEBRUARY 3, 1937, BY DEALERS ROYALTY COMPANY, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 20, 1937, be effective as of February 20, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-584; Filed, February 25, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of February 1937.

[File No. 2-2557]

IN THE MATTER OF MAJOR METALS CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Major Metals Corporation, of New York, New York, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading; and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement and prospectus and amendments filed on November 24, 1936, and December 18, 1936, include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Major Metals Corporation, of New York, New York, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-575; Filed, February 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-W. M. JOHNSON FARM, FILED ON FEBRUARY 17, 1937, BY W. M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING UNDER RULE (340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from page 1, Division I;

(2) In that the date when the information in the sheet will be out of date is omitted from paragraph 8, Division I;

(3) In that Item 6 (a), Division II, states there is no ad valorem tax in Texas;

(4) In that the name of the pipe line is omitted in Items 10 (b) and (c), Division II;

(5) In that Exhibit A in several respects does not meet the requirements of the regulations in that the date, scale, and legend are omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 26th day of March 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of March, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-583; Filed, February 25, 1937; 12:46 p. m.]



*Saturday, February 27, 1937* *No. 39*

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

NEW MEXICO GRAZING DISTRICT NO. 2

MODIFICATION

FEBRUARY 23, 1937.

New Mexico Grazing District No. 2 as established by order approved March 27, 1936, is hereby modified to include within its exterior boundaries the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 2 E.,
sec. 9, lots 1, 2, 3, and 4;
sec. 16, lots 1 and 2.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-589; Filed, February 26, 1937; 11:54 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—Montana Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO 101—MONTANA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil-Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Montana, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payment, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Montana, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Montana.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranging unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total crop land on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Montana at the rates and subject to the conditions set forth herein:

SEC. 1. *Diversion Payments.*—With respect to diversion farms payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.[2]

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III—Rates and Conditions of Soil-Building Payment*

SEC. 1. *Soil-Building Payment.*—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in the Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for the practice prescribed in item F in addition to either of the practices prescribed in items K and P, and payment will be made for the practice prescribed in item J in addition to the practice prescribed in item K.

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. Perennial legumes including alfalfa, kudzu, sericea, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes including red clover, alsike clover, and mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Annual and biennial sweet clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.



2. Seeding on crop land under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Seeding and establishment of perennial grasses including bluegrass, orchard, Bermuda, brome, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses, and such other perennial grasses as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Crested wheat grass seeded on cropland in 1937: $3.00 per acre.

G. *Restoring to native grass.*—Land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which in accordance with good farming practices should be permanently devoted to grass: $0.25 per acre: *Provided,*

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass,

2. Approval has been obtained from the county committee, and

3. Such land is not pastured, cropped or tilled in 1937.

H. *Forest Trees.*—

1. Planting of trees on crop land in 1937 provided the land is maintained in a good state of cultivation and the plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked. Approval by the county committee of the site for such planting shall have been obtained before planting: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 per acre.

I. *Perennial noxious weed control.*—When, after approval of the county committee, seriously infested plots of Canadian thistle, bindweed or wild morning glory, White top, Leafy spurge, Russian knapweed are controlled by periodic cultivation or by chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: $10.00 per acre.

2. Periodic cultivation: $5.00 per acre.

J. *Establishment of strip cropping and fallow.*—The fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width with intervening strips of small grain crops or small grain stubble the width or twice the width of the fallow strips. The first tillage operation must be completed before June 1, 1937, strips to be approximately at right angles to the prevailing winds. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for that practice in 1936: $1.00 per acre.

K. *Plowless fallow.*—First tillage to be completed by June 1, 1937, and subsequent tillage frequent enough to prevent weed growth. All tillage to be done by implements that leave the surface rough and planted growth near the surface. Approved implements to be field cultivator, lister, or one way disc where one way disc is used only for initial cultivation: $0.50 per acre.

L. *Cover crop.*—Seeding of small grains other than rye or winter wheat on summer fallowed land after July 15 and left as a winter cover crop: $0.50 per acre.

M. *Green manure crop.*—Annual legumes including soybeans, cowpeas, field beans, and field peas, when seeded on irrigated crop land in 1937 and turned under after attaining at least two months' growth: $2.00 per acre.

N. *Diking for flood water diversion.*—When practiced on non-irrigated crop land in 1937, in accordance with specifications approved by the Director of the Western Division: $1.00 per acre.

O. *Terracing.*—Establishment of terraces on crop land in 1937, provided, however, plans for the terracing project are approved in advance by the county committee and such practice is carried out in accordance with specifications approved by the Director of the Western Division: $0.40 per 100 linear feet.

P. *Solid contour listing.*—When practiced on cropland in 1937 in accordance with specifications approved by the Director of the Western Division: $1.00 per acre.

Q. Leguminous cover crops in orchards including alfalfa, sweet clover, and crimson clover, and such other biennial or perennial legumes as are approved by the Director of the Western Division.

Seeded and establishment in irrigated orchards or in orchards subject to subirrigation where no vegetation is removed and such practice is carried out in accordance with specifications approved by the Director of the Western Division: $2.00 per acre.

R. The following practice will be applicable only to non-crop pasture acreage:

Reseeding with native perennial grasses in 1937, in accordance with specifications recommended by the State Committee and approved by the Director of the Western Division: $0.20 per pound of seed sown not in excess of $2.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm $10.00, or the sum of the following items whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[3] for each acre diverted for payment from the soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[3] for each acre devoted to commercial orchards on the farm in 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00, or the sum of the following items whichever is the greater:

1. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States, for each acre of crop land on the farm in 1937.[2]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for a ranching unit prior to their institution:

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. *Contouring.*—For each acre furrowed on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank, or where piping is impracticable, a concrete tank may be constructed at the seep: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For the drilling or digging of wells, casing to be not less than 2 or 4 inches in diameter, provided a windmill or power pump is installed and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or pipe to a tank or storage reservoir: $1.00 per linear foot for a 4 inch casing; $0.50 per linear foot for a 2 inch casing.

E. *Water spreading to prevent soil washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: $0.10 per 100 linear feet. (See Farmers' Bulletin No. 1606, Farm Drainage, Published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

[2] See Footnote 2 on Page 402.

G. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses as follows: $0.20 per pound of seed sown:

1. Crested wheat grass.
2. Slender wheat grass.
3. Western wheat grass.
4. Brome grass.

H. For establishing fire guards not less than four feet in width, by plowing furrows or otherwise exposing the soil: $0.03 per 100 linear feet.

I. Rodent Control. For destroying at least 90% of the range destroying rodents on an infested area as follows:

1. Prairie dogs: $0.07½ per acre.
2. Ground squirrels: $0.06 per acre.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to the deductions for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators: *Provided*, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however,* That—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to



be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Program.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 2. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, Part II; *Provided, however*, That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act. There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SEC. 1. *Soil-Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops

seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops, seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all crop land in the county, the ratio of the soil-depleting bases established in a county to the acreage of crop land on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of crop land less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a of Section 2 and Items d and f of Section 3 of this Part VIII.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Mustard (commercial).
h. Rape.
i. Truck and vegetable crops and their seed, melons, and strawberries.
j. Grain sorghums, sweet sorghum, broom corn and sudan grass harvested for seed, grain, or hay.
k. Millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay, except as indicated under item f of Section 3 of this Part VIII.
m. Cultivated fallow (summer fallow) unless otherwise provided.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this Bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: alfalfa, sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clover, Austrian winter peas, sericea, kudzu.

(2) Grasses: bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's canary grass and velvet grass.

b. Green manure crops, on irrigated land only, including annual legumes when turned under in 1937 after attaining at least two months' growth, when not followed by summer fallow.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.
b. Idle cropland.
c. Bulbs and nursery stock.
d. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.
e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.
f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-547; Filed, February 24, 1937; 12:35 p. m.]



WR—B-101—Nevada Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEVADA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Nevada, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Nevada, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Nevada.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop, other than wild hay, was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards and vineyards on January 1, 1937, other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of crop land excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

*Part II—Rates and Conditions of Diversion Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Nevada at the rates and subject to the conditions set forth herein:

SEC. 1. *Diversion Payments.*—With respect to diversion farms payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.[2]

*Part III—Rates and Conditions of Soil-Building Payment*

SECTION 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage, except that payments will be made for practices prescribed in Items A, B, C, D, E, F, or L in addition to the practice prescribed under Item N of this Section 1.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial Legumes*, including alfalfa, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions, $2.50 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial Legumes* (except sweet clover), red, alsike, and Mammoth clovers, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions, $2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

C. *Sweet clover*, and such annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions, $1.00 per acre:

a. Without establishment of a good stand, if seeded alone, or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

D. *Perennial Grasses*, including only blue grass, timothy, red top, orchard, brome, bluestem, wheat grasses (except crested wheat grass), rye grasses, Reed's canary grass, meadow fescue, mixtures thereof, and such other perennial grasses as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

E. *Mixtures of Grasses and Legumes* recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

F. *Crested Wheat Grass* seeded on crop land in 1937: $3.00 per acre.

G. *Green Manure Crops.*—

1. Annual legumes, including vetches, mustards, bur, sour and crimson clovers, sesbania, cowpeas, soybeans, and grain and legume mixtures and such other annual legumes as are approved by the Director of the Western Division, when seeded on irrigated crop land or interplanted in orchards, if turned under in the spring of 1937 after having attained a vigorous vegetative growth, or when seeded in the spring if turned under after having attained a minimum of two months' unpastured growth: $2.00 per acre.

2. Perennial and biennial legumes, when grown on irrigated crop land and a good stand is turned under after having attained a minimum of two months' unpastured growth in 1937: $2.00 per acre.

3. Perennial legumes when grown in orchards and full growth of a good stand is mechanically incorporated into the surface soil in 1937, provided no part of the year's growth is removed from the land where grown, either mechanically or by pasture: $1.00 per acre.

4. Small grains including rye, oats, barley and small grain mixtures, when seeded on irrigated crop land or interplanted in orchards if turned under in 1937 during or prior to the blooming stage: $1.00 per acre.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.



H. *Forest Trees.*—

1. When planted on crop land in 1937, for woodlot purposes, if not less than 400 trees are planted per acre: $10.00 per acre.

2. When planted on crop land in 1937, for windbreak purposes, when planted in rows at right angles to the direction of the prevailing winds, providing trees are spaced not more than 8 feet apart in rows 6 to 10 feet apart: $0.06¼ per rod-row.

I. *Perennial Weed Control.*[1]—

1. Chemical treatment, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by the application of chemicals in accordance with specifications issued by the Director of the Western Division: $10.00 per acre.

2. Periodic cultivation, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by bi-weekly cultivations, in accordance with specifications issued by the Director of the Western Division: $5.00 per acre.

J. *Approved Summer Fallow*, embodying cultivation in 1937 of irrigated crop land in a manner which will leave a rough and cloddy surface, without previous destruction of organic matter, and sufficient subsequent cultivation to prevent vegetative growth, provided, no soil-depleting crop is grown for harvest in 1937 on such acreage: $0.50 per acre.

K. *Establishment of Terraces* on crop land in 1937; provided, however, that plans for the proposed terracing project are approved in advance by the County Committee: $0.40 per 100 linear feet of terrace constructed.

L. *Reseeding Non-Crop Pasture Land.*—For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses or mixtures recommended by the State Experiment Station and approved by the State Committee: $0.20 per pound of seed sown, not to exceed $2.00 per acre.

M. *Application of Soil Amendments.*—

1. Gypsum, when applied to crop land in 1937 in connection with the seeding and establishment of legumes, and grass and legume mixtures at a rate not less than 200 pounds per acre: $2.00 per acre.

2. Superphosphate, when applied to crop land in 1937 in connection with the seeding and establishment of legumes, and grass and legume mixtures at a rate per acre of not less than 60 pounds of available $P_2O_5$: $2.25 per acre.

N. *Restoration of Land to Native Grasses* on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices should be permanently devoted to grass $0.25 per acre: *Provided*, that—

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass;

2. Approval has been obtained by the County Committee;

3. Such land is not pastured, cropped or tilled in 1937; and

4. Any volunteer growth containing noxious weeds is clipped before formation of viable seeds.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[2] for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[2] for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00 or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States, for each acre of crop land on the farm in 1937.[2]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough or in a pipe to a tank, watering trough, or reservoir: $50.00 per spring or seep.

B. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

C. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is conveyed to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or storage reservoir: $1.00 per linear foot.

D. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts, not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

E. *Rodent Control.*—For destroying at least ninety per cent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: $0.15 per acre.
2. Ground Squirrels: $0.06 per acre.

F. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses approved by the Director of the Western Division: $0.20 per pound of seed sown.

[1] Payment for the adoption of perennial weed control practices shall be limited to the following noxious weeds: Puncture vine, Canada thistle, White top, Russian knapweed, Morning glory, and leafy spurge.

[2] See Footnote 2 on Page 408.

G. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at a rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to the deductions for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payment may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however,* That—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties, or other areas, for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated the allowances, rates, and conditions of payment for such county, or other area, will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county, or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payment Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1 of Part II; *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld, in whole or in part, and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.



SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him, and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SEC. 1. *Soil-depleting base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in the county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration, and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Corn (field, sweet and popcorn).
b. Potatoes.
c. Sugar Beet Seed.
d. Cultivated Sunflowers.
e. Truck, canning and annual vegetable crops, and their seed or plants, and melons.
f. Sorghums.
g. Small Grains for grain or hay; or pasture except as classified under Item a of Section 2 of Part VIII.
h. Millets.
i. Soy beans, field beans, cowpeas, field peas, seed peas, and vetch, harvested for grain, seed, hay, pastured, or used for canning purposes.
j. Root crops, grown for feed.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except

that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following grasses and legumes, and such other grasses and legumes as may be approved by the Director of the Western Division, without a nurse crop, or with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa; sweet, red, alsike, white, ladino, Mammoth, crimson, bur, and sour clovers; sericea; lespedeza; sesbania; and mixtures thereof.

2. Grasses: Bluegrass, timothy, redtop, orchard, brome, bluestem, grama, buffalo, wheatgrasses, ryegrasses, fescues, oatgrass, Reed's canary gross, velvet grass, Bermuda, bent grasses, Rhode, and mixtures thereof.

3. Grass and Legume Mixtures: Mixtures of 1 and 2 above.

b. Green manure crops, including only annual, biennial and perennial legumes, oats, rye, barley, vetch, and small grain mixtures when turned under in 1937 after attaining at least two months' growth.

c. Forest trees planted on crop land since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, tree and small fruits, or nut trees.

b. Perennial vegetable crops, including asparagus, artichokes, and rhubarb.

c. Nursery stocks.

d. Idle crop land.

e. Fallow, including approved summer fallow.

f. Bulbs.

g. Crop land planted to forest trees between January 1, 1930 and January 1, 1934.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-548; Filed, February 24, 1937; 12:35 p. m.]

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WR—B-101—New Mexico Issued January 14, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

### BULLETIN NO. 101—NEW MEXICO

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—New Mexico, and such modifications or other provisions as may hereafter be made.

The 1937 agricultural conservation program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 agricultural conservation program in New Mexico, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 agricultural conservation program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 agricultural conservation program in New Mexico.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 agricultural conservation program in such county.

*Person* means an individual, partnership, association, or corporation, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Total soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.



*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops except the acreage included in the cotton soil-depleting base. Such general soil-depleting base shall be determined by subtracting the cotton soil-depleting base from the total soil-depleting base.

*Soil-conserving base* means the number of acres obtained by subtracting the total soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*General diversion farm* means any farm with respect to which the general soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon the recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining general diversion farms.

*Diversion farm* means any general diversion farm, or any farm with respect to which a cotton soil-depleting base is established.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of New Mexico at the rates and subject to the conditions set forth herein.

SECTION 1. *General Diversion Payments.*—With respect to general diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of 15 percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[2]

SECTION 2. *Cotton Diversion Payments.*—Payment will be made for each acre diverted from the cotton soil-depleting base on the farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of cotton for the farm on an acreage not to exceed 35 percent of such base except that if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed two acres.

SEC. 3. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; *Provided*, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935 and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets;

*Provided, however*, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar, by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III—Rates and Conditions of Soil-Building Payment*

SEC. 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where in the deter-

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

mination of the State committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 agricultural conservation program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for practices prescribed in items A, B, C, D, or E of section 1 in addition to the practice prescribed in item I of section 1 of this part III.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial Legumes including alfalfa, kudzu, sericea, white clover, ladino, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Perennial grasses including such as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Biennial Legumes (except sweet clover) including red clover, alsike clover, Mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, when seeded under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Annual and Biennial Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on cropland under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. *Planting of Sod Pieces of Perennial Grasses.*—

1. The planting of sod pieces of approved perennial grasses between February 1, 1937, and October 31, 1937, the sod pieces to be cut to a depth of approximately two inches and in blocks not less than four inches square. The sod pieces are to be planted in rows not more than four feet apart with the pieces at intervals of not more than four feet in the row and set approximately level with the surface soil: $4.00 per acre.

G. Renovation of perennial legumes where perennial legumes have been established and are in need of cultivation for aeration, water percolation, noxious weed control, and reseeding, a payment will be made if fields are renovated, in accordance with specifications issued by the Director of the Western Division, and the noxious weeds, including bind weeds, blue weed, goat heads, and blue thistle, are pulled or burned out between February 1, 1937, and August 15, 1937: $2.00 per acre.

H. *Green Manure Crops.*—

1. Annual or biennial legumes turned under in 1937 after attaining at least two months' growth on *irrigated* cropland: $2.00 per acre.

2. Annual legumes turned under in 1937 after attaining at least two months' growth on *non-irrigated* cropland: $1.00 per acre.

3. Winter small grain crops when grown on cropland preceding or following a 1937 vegetable crop or in commercial orchards in 1937 and turned under after attaining at least two months' growth: $1.00 per acre.

I. *Establishment of terraces* on cropland in 1937: *Provided, however,* plans for the terracing project are approved in advance by the county committee: $0.40 per 100 linear feet.

J. *Contour listing* when effected on *non-irrigated* cropland.

1. No soil-depleting crop planted for harvest in 1937: $1.00 per acre.

2. Cover crops planted to control wind erosion:

Sudan grass or sweet sorghums when planted in rows not greater than 42 inches apart or any sorghum or Sudan grass when close drilled or broadcast: *Provided, however,* that no portion of the crop is harvested or pastured in any manner whatsoever: $2.00 per acre.

K. *Border planting* when effected on *non-irrigated* cropland in 1937. Border planting of fields where planted borders are 100 feet wide or more and the crop is not pastured or cut for hay or grain: *Provided, however,* that payment shall be made only on the area so planted: $1.00 per acre.

L. *Perennial Noxious Weed Control.*—When, after approval of the county committee seriously infested plots of bind weed, blue weed, goat heads, and blue thistle are controlled by periodic cultivation in accordance with specifications issued by the Director of the Western Division: $5.00 per acre.



M. *Forest Trees.*—

1. Planting of trees on cropland in 1937 provided the land is maintained in a good state of cultivation and the plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked. Approval by the county committee of the site for such planting shall have been obtained before planting: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 per acre.

N. *Contour strip cropping and fallow* when effected on *non-irrigated* cropland. Contour strip planting of any crops when width of strips of crop is not less than 9 feet nor the distance between strips more than 150 feet: *Provided, however,* that only the area planted to strip crops shall be considered in computing the acreage devoted to this practice: $1.00 per acre.

O. *Controlled summer fallowing* on *non-irrigated* cropland when the fallow is tilled in such manner and with such implements as will result in a minimum of wind and water erosion, by creating and maintaining a rough, cloddy surface reasonably free from volunteer growth, first tillage operation to be performed prior to June 15, 1937: $0.50 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[1] for each acre diverted for payment from the general soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[1] for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00 or the sum of the following items whichever is greater:

1. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such crop land in the United States, for each acre of cropland on the farm in 1937.[1]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or underdrainage, or primarily for any purpose other than the prevention of soil washing: $0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, *Farm Drainage* published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced and with wires tightly stretched: $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: $0.15 per acre.
2. Ground squirrels: $0.06 per acre.
3. Prairie dogs: $0.07½ per acre.

H. *Reseeding.*—For reseeding depleted range land with good seeds of adapted varieties of perennial grasses or forage shrubs as follows: $0.20 per pound of seed sown:

1. Native gramas.
2. Chamiza.

I. *Fire Guards.*—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: $0.03 per 100 linear feet.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increases in the acreage of soil-depleting crops or deductions for failure to have a sufficient acreage of soil-conserving crops equivalent to cotton acreage diverted for payment.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: *Provided,* all ranch operators signify in the application for payment a percentum of the

[1] See Footnote 2 on Page 413.

total payment under the application for payment to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, and sharecroppers in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however,* That—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part IV—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin, no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops and for Insufficient Acreage of Soil-Conserving Crops.*—A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II; *Provided, however,* That if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres.

B. If the 1937 acreage of cotton upon a farm is in excess of the cotton soil-depleting base, a deduction will be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for cotton diversion payment for the farm under the provisions of section 2, part II.

C. If the acreage of soil-conserving crops on the farm in 1937, in excess of the soil-conserving base minus the acreage (Not greater than the soil-conserving base) devoted to neutral uses in 1937, is less than the acreage of cotton diverted for payment, a deduction shall be made from any payment which otherwise would be made to the applicant at the rate of $3.00 for each acre of cotton diverted for payment in excess of such acreage of soil-conserving crops.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary upon the basis of an investigation by the State committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownership, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SEC. 1. *Total Soil-Depleting Base.*—There will be established a total soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 agricultural conservation program, such total soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 agricultural conservation program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 agricultural conservation programs, changes in crop classifications, and further adjustments that will result in a total soil-depleting base for the farm which is comparable with total soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 agricultural conservation program, the total soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a total soil-depleting base for such farm which is equitable, as compared with the total soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the total soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the total soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *General Soil-Depleting Base.*—The general soil-depleting base for any farm shall represent for such farm the acreage normally used for the production of all soil-depleting crops except cotton. The general soil-depleting base for any farm shall be the difference between the total soil-depleting base and the cotton soil-depleting base.[3]

SEC. 3. *Cotton Soil-Depleting Base.*—A. The cotton soil-depleting base for the farm in 1937 shall be the cotton soil-depleting base which was established or which could have been established for such farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. If for causes other than flood, drouth or other abnormal weather conditions, or, if because of substantial changes in the cotton soil-depleting base by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton soil-depleting base for the farm in 1936, the cotton soil-depleting base for 1937 shall be adjusted downward by the County Committee to an acreage not less than 154 percent of the 1936 planted acreage.

C. For farms on which cotton was grown in 1936 for the first time since 1933, a cotton soil-depleting base may be established on the basis of the acreage planted to cotton in 1936, subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

D. The sum of the cotton soil-depleting bases for all farms covered by work sheets in any county, or other specified area, shall not exceed their proportionate share of the quota of cotton acreage established for such county, or other specified area, by the Agricultural Adjustment Administration.

SEC. 4. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the total soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 5. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity

[3] Under the terms of the 1937 program the sugar beet acreage is included in the general soil-depleting base.

is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a, section 2, and under items f and g, section 3 of this part VIII.[1]
b. Corn (field, sweet and popcorn).
c. Potatoes.
d. Sweet potatoes.
e. Sugar beets.
f. Peanuts.
g. Root crops grown for feed.
h. Hemp.
i. Cultivated sunflowers.
j. Mustard (commercial).
k. Rape.
l. Truck and vegetable crops and their seeds; melons and strawberries.
m. Grain sorghums, sweet sorghums, broom corn and sudan grass harvested for seed, grain or hay.
n. Millets.
o. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas and canning peas harvested for seed, hay or pastured, except as indicated under items e and f, section 3 of this part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: Alfalfa, sweet, red, alsike, white, strawberry, Ladino, Mammoth, crimson, bur and sour clovers; sericea; lespedeza; kudzu.
(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's Canary grass, and velvet grass.

b. Green manure crops consisting of annual and biennial legumes when turned under in 1937, after attaining at least two months' growth.
c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.
b. Idle cropland.
c. Cultivated fallow.
d. Bulbs and nursery stock.
e. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.
f. Small grains seeded at a winter cover crop and pastured, but not harvested for grain or hay.
g. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-549; Filed, February 24, 1937; 12:36 p. m.]

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WR—B-101—North Dakota Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NORTH DAKOTA

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—North Dakota, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in North Dakota, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in North Dakota.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a State, a political sub-division of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beets Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of North Dakota at the rates and subject to the conditions set forth herein:

SEC. 1. *Diversion Payments.*—With respect to diversion farms payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[2]

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however*, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III.—Rates and Conditions of Soil-Building Payment*

SEC. 1. *Soil-Building Payment.*—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in this Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for the practice prescribed in item F in addition to either of the practices prescribed in items K and N, and payments will be made for the practice prescribed in item J in addition to the practice prescribed in item K.

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. Perennial legumes including alfalfa, kudzu, sericea, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes including red clover, alsike clover, and Mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Annual and biennial sweet clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on cropland under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Perennial grasses including bluegrass, orchard, Bermuda, brome, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses, and such other perennial grasses as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Crested wheat grass seeded on cropland in 1937: $3.00 per acre.

G. *Restoring to native grass.*—Land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which in accordance with good farming practices should be permanently devoted to grass: $0.25 per acre: *Provided:*

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass,

2. Approval has been obtained from the county committee, and

3. Such land is not pastured, cropped, or tilled in 1937.

H. *Forest Trees.*—

1. Planting of trees on cropland in 1937 provided the land is maintained in a good state of cultivation and the plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked. Approval by the county committee of the site for such planting shall have been obtained before planting: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 per acre.

I. *Perennial noxious weed control.*—When, after approval of the county committee seriously infested plots of Canadian thistle, bindweed or wild morning glory, white top, Leafy spurge, Russian Knapweed are controlled by periodic cultivation or by chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: $10.00 per acre.
2. Periodic cultivations: $5.00 per acre.

J. *Establishment of strip cropping and fallow.*—The fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width with intervening strips of small grain crops or small grain stubble the width or twice the width of the fallow strips. The first tillage operation must be completed before June 1, 1937, strips to be approximately at right angles to the prevailing winds. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for that practice in 1936: $1.00 per acre.

K. *Plowless fallow.*—First tillage to be completed by June 1, 1937, and subsequent tillage frequent enough to prevent weed growth. All tillage to be done by implements that leave the surface rough and planted growth near the surface. Approved implements to be field cultivator, lister, or one way disc where one way disc is used only for initial cultivation: $0.50 per acre.

L. *Cover crop.*—Seeding of small grains other than rye or winter wheat on summer fallowed land after July 15 and left as a winter cover crop: $0.50 per acre.

M. *Green Manure.*—When field peas and soy beans are seeded on crop land in 1937 and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed or canning purposes: $1.00 per acre.

N. *Solid contour listing.*—When practiced on crop land in 1937 in accordance with specifications approved by the Director of the Western Division: $1.00 per acre.

O. *The following practice will be applicable only to non-crop pasture acreage:*

Reseeding with native perennial grasses in 1937, in accordance with specifications recommended by the State Committee and approved by the Director of the Western Division: $0.20 per pound of seed sown not in excess of $2.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm $10.00, or the sum of the following items whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[2] for each acre diverted for payment from the soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[2] for each acre devoted to commercial orchards, on the farm in 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

[2] See Footnote 2 on Page 419.



6. $2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00, or the sum of the following items whichever is the greater:

1. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States, for each acre or crop land on the farm in 1937.[2]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for a ranching unit prior to their institution:[3]

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank, or where piping is impracticable, a concrete tank may be constructed at the seep: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For the drilling or digging of wells, casing to be not less than 2 or 4 inches in diameter, provided a windmill or power pump is installed and the water is piped to a tank or storage reservoir: $1.00 per linear foot for 4 inch oasing; $0.50 per linear foot for 2 inch casing.

An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or pipe to a tank or storage reservoir.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, subsurface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: $0.10 per 100 linear feet. (See Farmers' Bulletin No. 1606, Farm Drainage, published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

G. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses as follows: $0.20 per pound of seed sown:

1. Crested wheat grass.
2. Slender wheat grass.

3. Western wheat grass.
4. Brome grass.

H. For establishing fire guards not less than four feet in width, by plowing furrows or otherwise exposing the soil: $0.03 per 100 linear feet.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators: Provided all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however,* That—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II: *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act. There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SEC. 1. *Soil Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all crop land in the county, the ratio of the soil-depleting bases established in a county to the acreage of crop land on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of crop land less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a of Section 3 and items d and f of Section 3 of this Part VIII.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Mustard (commercial).
h. Rape.
i. Truck and vegetable crops and their seed, melons, and strawberries.
j. Grain sorghums, sweet sorghum, broom corn and sudan grass harvested for seed, grain, or hay.
k. Millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay, except as indicated under item d of Section 3 of this Part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this Bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: Alfalfa, sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clovers; Austrian winter peas, sericea, kudzu.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reeds Canary grass and velvet grass.

b. Green manure crops, including field peas and soybeans when turned under in 1937 after attaining at least two months growth.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Bulbs and nursery stock.

d. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.

e. Cultivated fallow (summer fallow).

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-550; Filed, February 24, 1937; 12:36 p. m.]

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WR—B-101—Oregon Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—OREGON

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of Section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Oregon, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Oregon, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Oregon.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937 and all other farm land devoted on January 1, 1937 to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland, excluding the acreage devoted to commercial orchards on January 1, 1937.



*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables, bulbs, or truck crops (including potatoes, sweetpotatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Oregon at the rates and subject to the conditions set forth herein.

SECTION 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[2]

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm: provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets: or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III—Rates and Conditions of Soil-Building Payment*

SEC. 1. *Soil-Building Payment.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial legumes,* including alfalfa, white clover, red clover, Ladino clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

[1] Two yearlings equal one cow or one horse. A calf or colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial legumes* (except sweet clovers and red clovers) including alsike, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. *Perennial grasses,* including bluegrass, orchard, brome, rye grasses, bent grasses, fescues, tall oat grass, and wheat grasses (except crested wheat grass), and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. *Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.*—

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. *Crested wheat grass seeded on cropland in 1937:* $3.00 per acre.

F. *Biennial and annual sweet clover,* sour clover, bur clover, crimson clover, winter peas, and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on cropland under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

G. *Reseeding farm pastures and meadows.*—When perennial grasses or perennial legumes, or mixtures thereof, are seeded on pasture land in 1937: $0.20 per lb. of seed sown. *Payment will not be made in excess of $2.00 per acre.*

H. *Winter wheat or rye.*—When seeded in the spring of 1937, not later than June 15, on non-irrigated cropland in Eastern Oregon, and utilized only as a pasture or cover crop: $1.00 per acre.

I. *Forest Trees.*—

1. Planting of trees on cropland in 1937, provided the land is maintained in a good state of cultivation and plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacements of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 per acre.

J. *Green Manure Crops.*—When green manure crops, including rye, annual legumes, and mixtures of annual legumes and small grains are grown in 1937 on cropland and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed or canning purposes.

1. Rye: $1.00 per acre.
2. Other green manure crops:

a. In Western Oregon: $2.00 per acre.
b. On all irrigated lands: $2.00 per acre.
c. On non-irrigated lands in Eastern Oregon: $1.00 per acre.

K. *Perennial Noxious Weed*[3] *Control.*—When, after the approval of the County Committee, seriously infested plots of weeds listed below are controlled by periodic cultivation or chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: $10.00 per acre.
2. Periodic cultivation: $5.00 per acre.

L. *Controlled Fallow in Eastern Oregon.*[4]—

1. *Trashy summer fallow.*—When cropland is summer fallowed in such a manner as to leave all crop residue on or near the surface of the soil to prevent erosion from wind or water, and no straw or stubble is burned or otherwise removed from such land: $0.50 per acre.

2. *Establishment of strip cropping and fallow.*—When fallow is performed in 1937 in strips not more than 10 rods in width, approximately at right angles to the prevailing winds, alternated with strips of small grain or small grain crops or stubble of equal width. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for such practice in 1936: $0.50 per acre.

3. *Establishment of contour strip cropping and fallow.*—When summer fallow is performed in 1937 in strips not more than 10 rods in width, alternated with strips of small grain crops or stubble of equal width, strips to follow the contour of the field, without the burning of stubble or crop residues. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: $1.00 for each new acre.

M. *Restoring to native grass,* land on which a crop was harvested or seeded for harvest at least once since January 1, 1930 and which, in accordance with good farming practices, should be permanently devoted to grass; $0.25 per acre: *Provided,*

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass;

[3] Perennial noxious weeds shall include: Canada thistle, bind weed or wild morning glory, leafy spurge, Russian knapweed, white top or hoary cress, and Siberian Mustard.

[4] Eastern Oregon shall include Wasco, Sherman, Morrow, Gilliam, Umatilla, Union, Baker, Wallowa, Malheur, Harney, Wheeler, Grant, Jefferson, Crook, Deschutes, Klamath, and Lake Counties.



2. Approval has been obtained from the county committee;

3. Such land is not pastured, cropped, or tilled in 1937, and

4. Any volunteer growth containing noxious weeds is clipped before seed is formed.

N. *Removal of All Trees in Abandoned Orchards and Seeding to Legumes and Grasses.*—For removal of all trees in abandoned orchards, followed by the seeding and establishment of a good stand of perennial grasses or legumes in 1937. All holes to be filled and leveled: $5.00 per acre.

O. *Mulching in Orchards.*—When mulching materials of at least two tons, dry weight, of leguminous hay, or straw are applied during 1937: $4.00 per acre.

P. *For applications of 17 percent superphosphate at the rate of not less than 400 pounds per acre to cropland prior to seeding mixtures of biennial and perennial legumes and grasses in Western Oregon*[5]: $2.40 per acre.

Q. *Lime in Western Oregon,* when applied to cropland, during 1937, in an amount not less than 1 ton, nor more than 3 tons of ground limestone or its equivalent per acre: $3.00 per ton.

R. *Disking in of alfalfa on irrigated land in Eastern Oregon.*—Alfalfa allowed to mature in 1937 and then disked in, with no hay or seed harvested therefrom in 1937 (except in orchards): $6.00 per acre.

S. *Control of wind erosion on critical blow areas on cropland.*—For making and maintaining furrows not less than 8'' deep and 10'' wide and not more than 12' apart; furrows to be at right angles to the prevailing winds: $1.00 per acre.

T. *Construtions of Straw Checks in Gullies.*—Where the slope of the bottom of the gullies is 3% or more, with checks at least 4'' deep and not more than two feet apart and the straw properly packed: $0.30 per 100 feet.

SEC. 2. *Combinations of Practices for Soil-Building Payments on the Same Acreage.*—Payments will not be made for more than one soil-building practice carried out on the *same acreage* except as follows:

a. Any one of the practices specified in items A, B, C, D, E, and F in addition to the practice specified in item L–1.

b. Any one of the practices specified in items A, B, D, and G in addition to either of the practices specified in items P and Q.

c. The practice specified in item L–1 in addition to either of the practices specified in items L–2 and L–3.

SEC. 3. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[2] for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[2] for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of cropland on which one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of cropland on which *two or more crops* of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season; provided, however, that if the normal pasture season is ten months or more, the rate shall be $1.00 for each animal unit in excess of five.

B. *For a non-diversion farm* $20.00, or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.[3]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season, provided, however, that if the normal pasture season is 10 months or more, the rate shall be $1.00 for each animal unit in excess of 5.

*Part IV—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of Springs and Seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: $50.00 per spring or seep.

C. *Earthen Pits or Reservoirs for Holding Run-off and Impounding Precipitation.*—For a fill or excavation made for constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cu. yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: $0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, *Farm Drainage,* published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: $0.15 per acre.
2. Ground squirrels: $0.06 per acre.

[2] See Footnote 2 on Page 425.

[5] Western Oregon shall include Hood River, Multnomah, Clackamas, Marion, Linn, Benton, Lane, Douglas, Josephine, Jackson, Curry, Coos, Lincoln, Tillamook, Clatsop, Columbia, Yamhill, and Washington Counties.

H. *Reseeding.*—

1. For reseeding depleted range land, except as specified in the succeeding paragraph, with good seed of adapted varieties of perennial grasses as follows: $0.20 per pound of seed sown:

a. Crested wheat grass.
b. Western wheat grass.
c. Slender wheat grass.
d. Brome grass.

2. In the counties of Lane, Douglas, Coos, Curry, Josephine and Jackson, for reseeding depleted range land before December 31, 1937, at a rate not less than seven pounds per acre, with such mixtures of the following grasses as may be approved for each county by the State Committee: Common western rye grass, English rye grass, timothy, orchard grass, bent grass, chewings fescue, Kentucky blue grass, white clover, bur clover and velvet grass, provided that the range land in the ranching unit is used in 1937 exclusively for the grazing of range livestock: $1.00 per acre.

I. *Fire Guards.*—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soils: $0.03 per 100 linear feet.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increases in the acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators. Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *provided, however,* that—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the County Committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the County Committee, or as is determined by the County Committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin, no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II; *Provided, however,* that if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.



SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the County Committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State Committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or a ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SEC. 1. *Soil-Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall

not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a, Section 2, and under items d, f, g, and h, Section 3, of this Part VIII.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sweet potatoes.
e. Sugar beets.
f. Root crops grown for feed.
g. Hemp.
h. Cultivated sunflowers.
i. Mustard (commercial).
j. Rape.
k. Truck and vegetable crops (except perennial vegetables) and their seeds, melons and strawberries.
l. Grain sorghums, sweet sorghums, broom corn, and sudan grass, harvested for seed, grain, or hay.
m. Millets.
n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for seed, hay, or pastured, except as indicated under item f, Section 3, of this Part VIII.
o. Flowers and their seeds.
p. Kale.
q. Annual grasses including Italian rye grass and Bromus Secalinus.
r. Cultivated fallow (summer fallow), except as provided in item e, Section 3, of this Part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa, sweet, red, alsike, white, strawberry, Ladino, Mammoth, crimson, bur, and sour clovers; vetch; Austrian winter peas, sericea; and lespedeza.

2. Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's Canary grass, and velvet grass.

b. Green manure crops, including annual legumes, rye, and mixtures of annual legumes and small grains when turned under in 1937, after attaining at least two months' growth, when not followed by summer fallow.
c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.
b. Idle cropland.
c. Bulbs and nursery stock.
d. Cropland planted in 1937, to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.
e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.
f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.
g. Winter wheat or rye seeded in the spring for cover crop purposes.
h. Winter seeded peas and vetch when seeded with small grains as a support crop.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–551; Filed, February 24, 1937; 12:36 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

[IT–5015]

ORDER POSTPONING HEARING

IN RE METROPOLITAN EDISON CO., ET AL.

The following order was adopted:

It appearing to the Commission:

That Metropolitan Edison Company, Northern Pennsylvania Power Company, Pennsylvania Electric Company, Erie Lighting Company, The Clarion River Power Company, and Solar Electric Company have filed a petition for a rehearing with respect to the order made and entered in the above matter on January 26, 1937, setting a hearing for March 3, 1937, and for the vacation of said order;

And it further appearing that the Honorable George H. Earle, Governor of the Commonwealth of Pennsylvania, has filed an application for postponement of the hearing set by said order for March 3, 1937, to a later date:

It is *ordered:*

That the said hearing set for March 3, 1937, be and it is hereby continued without day.

Adopted by the Commission on February 24, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37–586; Filed, February 26, 1937; 10:03 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 62]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 25, 1937

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Georgia 66 Taylor | $50,000 |
| Georgia 67 Bacon | 425,000 |
| Iowa 9 W Scott | 27,000 |
| Minnesota 48 Anoka | 170,000 |
| Minnesota 62 Wright | 84,000 |
| Minnesota 64 Hennepin | 70,000 |
| Minnesota 65 Dakota | 200,000 |
| Minnesota 66 Nobles | 230,000 |
| Nebraska 53 Buffalo | 212,000 |
| Ohio 55 A Coshocton | 144,000 |
| Ohio 60 A Seneca (partial) | 270,000 |
| Wisconsin 35 B Richland (Additional) | 159,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37–585; Filed, February 26, 1937; 10:03 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

HOLDING COMPANY ACT

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 3 (d), 9 (c), and 20 (a) thereof, and finding that certain amendments of Rule 9C–3 are necessary and appropriate and that such acquisitions of securities by registered holding companies and subsidiary companies thereof as are exempted from the provisions of the Act by said rule, as hereinafter amended, are appropriate, within the limitations therein stated, for investment of the current funds of such companies or in the ordinary course of their business and are not detrimental to the public interest or that of investors or consumers; and finding further that the following action is necessary and appropriate to carry out the provisions of said Act and not contrary to the purposes thereof, the Securities and Exchange Commission hereby amends said Rule 9C–3 so that the same will read as follows, and provides that said rule, as thus amended, shall become effective March 1, 1937:

RULE 9C–3. *Acquisition of Securities.*—

(NOTE.—Rules under Section 14 require reports as to certain acquisitions authorized by this rule.)

Section 9 (a) shall not apply to any acquisition of a security by a registered holding company or subsidiary company thereof which is permitted under the provisions of this rule:

(1) Any such company as aforesaid may acquire any bond or other evidence of indebtedness, listed or admitted to unlisted trading privileges on any national securities exchange or actively traded in on any over-the-counter market, and generally considered appropriate for the investment of current funds; *provided* (a) that the issuer of such security is not the acquiring company or an associate or affiliate thereof; (b) that, upon the completion of the acquisition, the acquiring company will not own more than 5 per cent of the outstanding funded debt of the issuer; and (c) that such securities are not acquired from an associate or affiliate of the acquiring company.

(2) Any such company may acquire any prime commercial paper, trade acceptance, or bank certificate of deposit maturing within twelve months from date of issuance or payable not more than 60 days after demand, or any obligation evidencing indebtedness of a customer for goods purchased from or services rendered by the acquiring company, except that this paragraph shall not be deemed to authorize the acquisition of any security issued by an associate or affiliate of the acquiring company.

(3) Any such company which, in a proceeding by or against it under the Federal Bankruptcy Act, has been permitted by order of a court of the United States to continue to operate its business under direction or control of such court, or any receiver or trustee for any registered holding company or subsidiary company thereof appointed by a court of the United States, may acquire any security which such company, receiver or trustee shall receive in compromise of a debt or claim owing to it or because of a reorganization of another company, *provided* that the acquisition of the specific security in question has been expressly authorized by such court.

(4) Any registered holding company or subsidiary company thereof which has the full beneficial ownership of any security and transfers or causes to be transferred the bare legal title thereto to any other person or company, may acquire any other security evidencing such beneficial ownership; and any registered holding company or subsidiary company thereof may acquire legal title to any security if, immediately prior to such acquisition, it has the full beneficial ownership of such security.

(5) Any such company may acquire any security issued or delivered to it as a dividend payable in stock or other securities, or as a partial or total liquidating dividend, or as a result of a change in the par value of, a split-up of, or a reduction in the number of shares of stock which the issuer has outstanding.

(6) Any such company may acquire any securities issued (1) by a company which is a majority owned subsidiary thereof, or (2) by a company which is not, immediately before or immediately after such acquisition, an associate company thereof, *provided* that in either case such acquisition is effected without payment of any premium or additional consideration and that such acquiring company is entitled to receive such securities

(a) because of a reclassification of securities of such other company or other change in the rights of holders thereof; or

(b) because of the exercise by the acquiring company of a right or privilege to convert securities which it already owns into other securities; or

(c) because of an offer made by such other company to all holders of one or more classes of its securities to deliver in exchange for outstanding securities new securities which are subject to the provisions of Section 6 (a) or exempted therefrom by order pursuant to Section 6 (b).

(7) Any such company may exercise any preemptive right or other privilege to purchase additional securities to be issued to it by another company, which right or privilege is given to all holders of one or more classes of securities of such other company, *provided* that, upon termination of the offer of such rights, such acquisition will not increase the proportionate voting power (whether present or contingent) of the acquiring company in the company which issues such new securities.

(8) Any such company which owns, directly or indirectly, all the outstanding securities (except the minimum amount of stock required to qualify directors) of another company may at any time acquire any security owned by such other company. The provisions of this paragraph shall not be applicable, however, to the acquisition of any securities from a company which has been exempted from the provisions of the Act by virtue of Section 3 (b) or has pending an application for such an exemption.

(9) Any such company may acquire any security to which it becomes entitled by virtue of any reorganization (whether effected through a statutory merger or consolidation or by sale of the entire assets of the company or companies undergoing reorganization, or otherwise, and including a recapitalization or reincorporation) of one or more other companies, whether or not any such other company is the issuer of such security, if any one of the following additional conditions is satisfied:

(a) immediately prior to such reorganization and upon completion thereof, no company undergoing such reorganization and no issuer of any security so acquired is an associate company of the acquiring company; or

(b) immediately before such acquisition such acquiring company owns, directly or indirectly, substantially all of the outstanding securities of the company undergoing reorganization and, upon completion thereof, substantially all of the outstanding securities of the company undergoing reorganization, its successor or successors, are owned by the acquiring company; or

(c) such reorganization involves merely the transfer by a single company of substantially all of its assets to a new company having substantially the same capital structure, and does not involve any other substantial change in the rights of existing security holders; or

(d) such reorganization plan has been approved by the Commission under Section 11 (f);

*provided, however,* that the exemption provided by this rule shall not be applicable to the acquisition of any securities if such securities are carried on the books of the acquiring company at a higher valuation, in the aggregate, than the one at which securities surrendered or exchanged for such securities were so carried immediately prior to such acquisition.

(10) Any such company may acquire securities issued by a newly organized corporation for the purpose of, or in connection with, the original incorporation of the issuer under the laws of any State of the United States; *provided* that such original incorporation involves only the issue or receipt of subscriptions for shares of common capital stock having a par, stated or declared value of not exceeding $10,000, and that such acquisition includes the entire issue other than required to qualify directors or incorporators.

(11) Any such company may acquire any security of any company which is primarily engaged in the business of performing services or construction for, or selling goods to the acquiring company or associate companies thereof; *provided* (a) that the issuer of such security is a mutual or a subsidiary service company which the Commission has approved or whose organization and method of conducting business it has found sufficient to meet the requirements of Section 13 of the Act; (b) that the issuance of such security was duly authorized by rule or order of the Commission; and (c) that its acquisition by the acquiring company is not in contravention of any rule, regulation or order of the Commission under Section 13.

(12) Any such company may acquire any security of a company which is primarily a public utility company or which, upon the expenditure of the proceeds of the sale of such securities, will become primarily a public utility company if, upon completion

of such acquisition, the book value of the total assets of the issuer will not exceed $100,000 and the acquiring company will be the owner of substantially all of its outstanding voting securities.

(13) Any such company that is primarily a public utility company may acquire any security which is issued by an industrial or other non-utility enterprise located in the territory served by the acquiring company, *provided* that, upon completion of any such acquisition, the total cost of all such securities acquired during any calendar year does not exceed an amount equal to 1/10th of 1 percent of the total assets of the acquiring company.

(14) Any such company, other than one which is in default in payment of principal or interest on any of its evidences of indebtedness, may acquire by purchase for cash (1) any evidence or indebtedness of which it is the issuer, or (2) any security issued by a majority-owned subsidiary thereof which is organized under the laws of the United States or of a State thereof and substantially all of whose gross revenues (on a consolidated basis) are derived from business done and performed within the United States, or (3) any security issued by a company substantially all of whose properties are located in the United States and are leased to such company or to a majority-owned subsidiary thereof; *provided* that, upon completion of any such acquisition, the total cost of all such acquisitions during the calendar year by the acquiring company, by all its majority-owned subsidiary companies, and by all companies of which it is a majority-owned subsidiary, which are authorized only by virtue of this paragraph, will not exceed, in the aggregate, an amount equal to 2½ percent of their total assets, on a consolidated basis. The assets of a subsidiary company which is not a majority-owned subsidiary shall not be included in determining consolidated assets for purposes of this paragraph. The exemption provided by this paragraph shall not be applicable to any acquisition effected in the course of a series of transactions made for the purpose of pegging, fixing, stabilizing, or raising or depressing the price of a security; or to any acquisition of a security if, within three months prior to the acquisition, the acquiring company sold other securities of the same class, except a sale to an associate company without profit.

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Section 14 thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends Rule 14–1 to read as follows:

RULE 14–1. *Reports of Acquisitions, Redemptions and Retirements of Securities.*—(a) Within 30 days after the close of each calendar year, each registered holding company shall file with the Commission a report containing the information specified in paragraph (b) below with respect to all acquisitions of securities made during such quarter by such holding company and all of its subsidiary companies (whether or not majority-owned), pursuant to any of the provisions of Rule 9C–3 except those of paragraphs (1) to (4); *provided, however,* that no subsidiary company which is also a registered holding company shall be required to file any such report for any period if any company of which it is a subsidiary company shall have filed such a report for such period and shall have included therein all acquisitions during such period which such subsidiary company would otherwise have been required to report. Any registered holding company may incorporate by exact and specific reference any such report filed with the Commission by another holding company, or any portion thereof that shall be accurately and specifically described. No report need be filed for any quarter during which no such acquisitions have been effected.

(b) Each such report shall itemize each separate transaction. The transactions shall be grouped according to the acquiring company and, as to each acquiring company, according to the paragraph of Rule 9C–3 under which they fall. Each such report shall adequately describe each security acquired (including interest or dividend rate) and give, so far as applicable, the following data:

date of transaction;

consideration paid or to be paid, including all commissions, fees, and other remuneration (a separate statement shall be made as to any commissions, fees or other remuneration in excess of the usual and customary broker's commission);

name of beneficial owner from whom acquired, his relationship to acquiring company (or an express statement that such party is not known), name and address of any broker and name of any exchange through which transaction was effected.

Each report as to securities acquired under paragraphs (13) and (14) of Rule 9C–3 shall give the data necessary to compute the percentages prescribed by each such paragraph, and shall contain a statement of the percentages acquired during the calendar year to and including the date as of which such report is made.

(c) No form is prescribed for any report pursuant to this rule. One original only need be filed. If acknowledgment is desired, a duplicate should also be filed.

RULE 3. *Applications for exemption under Sections 2 or 3.*—(a) Every application for an order of exemption pursuant to Section 2 or Section 3 shall comply with the provisions of Rule 2. Rules 2A3–1, 2A4–1, 2A7–1, 2A8–1 and 3A–1 set forth the specific information that is to be given in the case of applications made under corresponding subsections of the Act. If, however, any such information is not available without unreasonable effort or delay, or is deemed by the applicant to be irrelevant to the question presented, the applicant may omit such information, briefly indicating the reasons for such omission, and submitting instead such other information, if any, as it may deem relevant. Thus in any case where an applicant is of the opinion that the statement of certain facts makes the recital of other specified information unnecessary in view of the appropriate provisions of Section 2 or 3, it may state such facts and explain the reasons for such opinion without giving the further information specified, and in any case involving a question of control an applicant may admit control in whole or in part and, to such extent, omit the information bearing on this question. If any applicant is in doubt as to the interpretation of any requirement of the appropriate rule under Section 2 or 3, it should, in making its application, adopt the interpretation which seems to it most reasonable, and expressly explain the interpretation adopted. All applications shall be subject to the right of the Commission to require any additional information, whether specified by the appropriate rule or not, which it may find necessary or appropriate in the particular case. The applicant may at its option include any additional information not required by the Commission. Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the Rules and Regulations under which application is made.

(b) Any such application may incorporate by reference any information contained in any other such application previously or concurrently filed, whether by the same or by a different applicant. Any one applicant may file a combined application for different orders or file separate applications, but, if separate, each such application should include an express reference to the other. Any two or more applicants may file joint applications where substantially the same questions of fact are involved. Orders may be requested in the alternative, but in such case the applicant's preference should be indicated.

Acting pursuant to the authority granted by Section 3 (d) of the Public Utility Holding Company Act of 1935 and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers and not contrary to the purposes of said Act, the Securities and Exchange Commission hereby adopts the following rule:

RULE 3D–6. *Issue of Initial Shares by Company in Process of Organization.*—Any subsidiary of a registered holding company in process of organization may, for the purposes of or in connection with its original incorporation, accept subscriptions for and issue and sell shares of its common capital stock having a par, stated or declared value of not exceeding $10,000, and the issue and sale of such shares by such a company is hereby exempted from the provisions of Section 6 (a), *provided* that all securities (other than those required to qualify directors or incorporators) whose issue and sale is thus exempted shall be owned by a single company, and that the consideration received or to be received by the issuer on account of such exempt transaction shall consist exclusively of cash not in excess of said sum of $10,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–592; Filed, February 26, 1937; 12:39 p. m.]

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HOLDING COMPANY ACT

ADOPTION OF RULE 17C–12

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly Sections 17 (c) and 20 (a) thereof, and finding that such action will not adversely affect the public interest or the interest of investors or consumers and is appropriate to carry out the provisions of said Act, the Securities and Exchange Commission hereby adopts the following rule:

RULE 17C–12. *Temporary Exemption of Newly Registered Companies from Section 17 (c).*—Any holding company which, on or after February 20, 1937, shall have filed with the Commission a notification of registration pursuant to the provisions of Section 5 of the Public Utility Holding Company Act of 1935 and each subsidiary company thereof shall be exempt until September 1, 1937, from the provisions of Section 17 (c) with respect to any person who was a director or officer of such company on August 26, 1936, *provided* that such person has not thereafter acquired any financial connection which he did not have on such last mentioned date except financial connections of a kind permitted by rules under Section 17 (c).

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–590; Filed, February 26, 1937; 12:39 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of February A. D. 1937.

[File No. 2–2837]

IN THE MATTER OF BERING STRAITS TIN MINES, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Bering Straits Tin Mines, Inc. under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Wednesday, March 10, 1937, at 10 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–591; Filed, February 26, 1937; 12:39 p. m.]

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*Tuesday, March 2, 1937* *No. 40*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A–44 O–44]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND ORDER NO. 3, AS AMENDED, REGULATING HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA, AND WITH RESPECT TO PROPOSAL TO AMEND MARKETING AGREEMENT TENTATIVELY APPROVED DECEMBER 10, 1935, AS AMENDED

Whereas, pursuant to Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the Act, the Secretary of Agriculture, hereinafter called the Secretary, issued an order regulating the handling of milk in the St. Louis, Missouri, Marketing Area, effective 12:01 a. m., C. S. T., February 1, 1936, which was amended effective 12:01 a. m., C. S. T., April 17, 1936; and

Whereas, the Secretary tentatively approved the marketing agreement regulating the handling of milk in the said marketing area on December 10, 1935, and which was amended March 30, 1936; and

Whereas, the Secretary has reason to believe that an amendment should be made to said order and said marketing agreement; and

Whereas, under the Act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the United States Department of Agriculture, Agricultural Adjustment Administration, provide for notice and opportunity for hearing upon marketing agreements and orders;

Now, therefore, pursuant to the Act and the general regulations, notice is hereby given of a hearing to be held on a proposal to amend such order regulating the handling of milk in the St. Louis, Missouri, Marketing Area and such tentatively approved marketing agreement regulating the handling of milk in the St. Louis, Missouri, Marketing Area, in the Chase Hotel, St. Louis, Missouri, on March 6, 1937, at 9:30 a. m., central standard time.

This public hearing is for the purpose of receiving evidence as to the necessity for changing (1) the minimum prices in article IV, and (2) any other provisions of said order and agreement.

Copies of the proposal to amend the order and the marketing agreement may be inspected in or procured from the office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, February 27, 1937.

[F. R. Doc. 37–596; Filed, March 1, 1937; 12:47 p. m.]

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WR—B–101—Utah Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—UTAH

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Utah, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announceemnt is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part 1—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Utah, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Utah.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop, other than wild hay, was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards, other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of crop land excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total crop land on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Utah at the rates and subject to the conditions set forth herein:

SECTION 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.[2]

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar.

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.



In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III—Rates and Conditions of Soil-Building Payment*

SEC. 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage in 1937, except that payments will be made for the practice prescribed in Item H in addition to any one of the practices prescribed in Items A, B, C, E, and N.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial Legumes,* including alfalfa, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial Legumes* (except sweet clover), including red clover, alsike clover, and Mammoth clovers, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

C. *Sweet Clover,* and such annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on crop land under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

D. *Perennial grasses,* including bluegrass, orchard, brome, grama, wheat grasses (except crested wheat grass), rye grasses, Reed's canary grass, timothy, redtop, meadow fescue, and such other perennial grasses as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Mixtures of Grasses and Legumes recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land in 1937, when seeded under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand: if seeded with a nurse crop which is harvested for grain or hay.

F. *Crested Wheat Grass* seeded on crop land in 1937: $3.00 per acre.

G. *Restoration of Land to Native Grasses* on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices should be permanently devoted to grass: $0.25 per acre: *Provided,* that—

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass;

2. Approval has been obtained from the county committee;

3. Such land is not pastured, cropped or tilled in 1937; and

4. Any volunteer growth containing noxious weeds is clipped before formation of viable seeds.

H. *Application of Soil Amendments.*—Superphosphate applied to crop land seeded to perennial or biennial legumes in 1937, at a rate per acre of not less than 60 pounds of available P205: $2.25 per acre.

I. *Approved Summer Fallow,* embodying seasonal cultivation in 1937 in a manner which will leave a rough and cloddy surface, without previous destruction of crop residue, and sufficient subsequent cultivation to prevent vegetative growth, provided no soil-depleting crop is grown for harvest in 1937 on such acreage: $0.50 per acre.

J. *Green Manure Crops.*—

1. Annual legumes including vetches, clovers, beans, peas, and grain and legume mixtures, and such other annual legumes as are approved by the Director of the Western Division, when seeded on irrigated crop land or interplanted in orchards, if turned under in the spring of 1937 after having attained a vigorous vegetative growth, or when seeded in the spring if turned under, after having attained a minimum of two months' unpastured growth: $2.00 per acre.

2. Perennial and biennial legumes including alfalfa and sweet clover and such other legumes as are approved by the Director of the Western Division, when grown on irri-

gated crop land and a good stand is turned under after having attained a minimum of two months' unpastured growth in 1937: $2.00 per acre.

3. Perennial and biennial legumes including alfalfa and sweet clover, and such other legumes as are approved by the Director of the Western Division, when grown in orchards and full growth of a good stand is mechanically incorporated into the surface soil in 1937 provided no part of the year's growth is removed from the land where grown, either mechanically or by pasture: $1.00 per acre.

4. Small grains, including rye, oats, barley and grain mixtures, and such other small grains as are approved by the Director of the Western Division, when seeded on irrigated crop land or interplanted in orchards if turned under in 1937 during or prior to the blooming stage: $1.00 per acre.

K. *Forest trees.*—

1. When planted on crop land in 1937, for woodlot purposes, if not less than 400 trees are planted per acre: $10.00 per acre.

2. When planted on crop land in 1937, for windbreak purposes, when planted in rows at right angles to the direction of the prevailing winds, providing trees are spaced not more than 8 feet apart in rows 6 to 10 feet apart: $0.06¼ per rod-row.

3. Maintaining forest trees planted since January 1, 1934 by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is determined: $4.00 per acre.

L. *Perennial Weed Control.*[3]—

1. Chemical treatment, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by the application of chemicals in accordance with specifications issued by the Director of the Western Division: $10.00 per acre.

2. Periodic cultivation, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by bi-weekly cultivations, in accordance with specifications issued by the Director of the Western Division: $5.00 per acre.

M. *Prevention of Water Erosion.*—When, after prior approval by the County Committee of proposed plans submitted by the operator, water erosion control practices are carried out in 1937, as follows:

1. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed at intervals so as to result in vertical distances between the furrows, not to exceed one-foot drop on 2 percent slope, two-foot drop on 4 percent slope, three-foot drop on 8 percent slope, or four-foot drop on 12 percent slope: $0.05 per 100 linear feet of furrowing not to exceed $2.00 per acre.

2. For constructing and maintaining permanent dams for diversion of flood waters, or for filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate dams to prevent washing out: $0.15 per cubic yard of fill.

N. *Reseeding Non-Crop Pasture Land.*—For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses or mixtures recommended by the State Experiment Station and approved by the State Committee: $0.20 per pound of seed sown, not to exceed $2.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater;

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[3] for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,[3] for each acre devoted to commercial orchards on the farm.

4. $1.00 for each acre of commercial orchards on the farm.

5. $1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00 or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States, for each acre of crop land on the farm in 1937.[3]

2. $1.00 for each acre of commercial orchards on the farm.

3. $1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed on slopes in excess of 2 percent, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough or in a pipe to a tank, watering trough, or reservoir: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, including deepening of existing wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is conveyed to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching for the purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: $0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, or the equivalent thereof, with good sound posts, not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: $0.15 per acre.
2. Ground Squirrels: $0.06 per acre.
3. Prairie Dogs: $0.07½ per acre.

H. *Reseeding.*—For reseeding depleted range land in 1937 with good seeds of adapted varieties of perennial grasses approved by the Director of the Western Division: $0.20 per pound of seed sown.

I. *Fireguards.*—For the establishment of fireguards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: $0.03 per 100 linear feet.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at a rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if, (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increase in the acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payment may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) to sole ranch operator or (2) each ranch operator of a group of two or more ranch operators; Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however,* That—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payments shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1 of Part II; *Provided, however,* that if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld, in whole or in part,

[3] Payment for the adoption of perennial weed control practices shall be limited to control of the following noxious weeds: White top, Wild morning glory, Canada thistle, Russian knap weed, and Perennial sow thistle.

[3] See Footnote 2 on Page 434.

and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him, and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming and ranching unit are located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SEC. 1. *Soil-depleting base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland on all farms in the county, the ratio of soil depleting bases established in the county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.



*Part VIII—Classification of land uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration, and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Corn (field, sweet and popcorn).
b. Potatoes.
c. Sugar beets for sugar or seed.
d. Cultivated sunflowers.
e. Annual truck, canning, and vegetable crops, and their seeds.
f. Melons.
g. Sorghums, including grain sorghums, sweet sorghums, and sudan grass for seed, grain, or hay.
h. Sweet sorghums for syrup.
i. Small grains including flax, for grain or hay; or pasture except as classified under Item a of Section 2 of Part VIII.
j. Millets.
k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture or canning purposes, except as classified under Item b of Section 2 of Part VIII.
l. Root crops grown for feed or seed.
m. Fiber plants.
n. Annual cut flowers and their seeds.
o. Rape.
p. Cultivated fallow (summer fallow) including approved summer fallow, except as classified under Item f of Section 3 of Part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following grasses and legumes, and such other grasses and legumes as may be approved by the Director of the Western Division, without a nurse crop, or with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa; sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clovers; and mixtures thereof.
2. Grasses: Bluegrass orchard, wheatgrasses, ryegrasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's canary grass, Dallis, brome, grama, and mixtures thereof.
3. Grass and Legume Mixtures: Mixtures of 1 and 2 above.

b. Cover and green manure crops consisting of annual, biennial, and perennial legumes; rye, barley, oats, and grain mixtures; vetches; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth.

c. Forest trees when planted on crop land since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, tree fruits, nut trees, bush, and small fruits, including strawberries, regardless of the use of the land between the rows.
b. Perennial vegetables, including asparagus, horseradish, and rhubarb.
c. Nursery stocks, including perennial ornamentals and perennial cut flowers, and their seeds.
d. Bulbs.
e. Idle crop land.
f. Any acreage upon which perennial or biennial legumes or perennial grasses are seeded in the fall of 1937 following summer fallow, when no soil-depleting crop is seeded on such land for harvest in 1937.
g. Crop land planted to forest trees between January 1, 1930 and December 31, 1933.

*Part IX—Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-552; Filed, February 24, 1937; 12:37 p. m.]

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WR—B-101—Washington — Issued January 14, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

### BULLETIN NO. 101—WASHINGTON

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of Section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Washington, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Washington, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Washington.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable a State, a political subdivision of a State or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937 and all other farm land devoted on January 1, 1937 to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland, excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee, and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables, bulbs, or truck crops (including potatoes, sweet-potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Washington at the rates and subject to the conditions set forth herein.

SEC. 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[2]

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm: Provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935 and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

[1] Two yearlings equal one cow or one horse. A calf or colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.



*Part III—Rates and Conditions of Soil-Building Payment*

SEC. 1. *Soil-Building Payment.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial legumes including alfalfa, red clover, white clover, Ladino clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per Acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.50 per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes (except sweet clover or red clovers) including alsike, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Perennial grasses including bluegrass, orchard, brome, rye grasses, bent grasses, fescues, tall oat grass, and wheat grasses (except crested wheat grass) and such other perennial grasses as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 Per Acre.

2. Seeding on crop land in 1937, under either of the following conditions: $2.00 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on crop land under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Crested Wheat Grass seeded on crop land in 1937: $3.00 per acre.

F. Biennial and Annual Sweet Clover, bur clover, Austrian winter peas, and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on crop land under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

G. *Reseeding farm pastures and meadows.*—When perennial grasses or perennial legumes, or mixtures thereof, are seeded on pasture land in 1937: $0.20 per pound of seed sown. *Payment not in excess of $2.00 per acre.*

H. Winter wheat or rye when seeded in the spring of 1937 not later than June 15, 1937, on cropland and utilized only as a pasture or cover crop: $1.00 per acre.

I. *Forest trees.*—

1. Planting of trees on cropland between January 1, 1937, and December 31, 1937, provided the land is maintained in a good state of cultivation and plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacements of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 per acre.

J. *Green manure.*—When green manure crops, including rye, annual legumes, and mixtures of annual legumes and small grains are grown in 1937 on cropland and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed or canning purposes.

1. Rye: $1.00 per Acre.

2. Other green manure crops:

a. On irrigated land: $2.00 per Acre.

b. On all land in Western Washington:[3] $2.00 per Acre.

c. On non-irrigated land in Eastern Washington:[4] $1.00 per Acre.

K. Perennial noxious weed control.[5] When, after approval of the County Committee, seriously infested plots of weeds listed below, are controlled by periodic cultivation or by

[3] "Western Washington" as used herein means the following counties: Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Grays Harbor, Lewis, Thurston, Mason, Kitsap, Pierce, Jefferson, Clallam, King, Snohomish, Skagit, Whatcom, San Juan, and Island.

[4] "Eastern Washington" means those counties in Washington not included in the definition of Western Washington.

[5] Perennial noxious weeds shall include: Canada thistle, bindweed or wild morning glory, white top or hoary cress, leafy spurge, Siberian mustard, Russian knapweed.

chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: $10.00 per Acre.
2. Periodic cultivation: $5.00 per Acre.

L. *Controlled fallow.*—

1. Trashy fallow. When cropland is summer fallowed in such a manner as to leave all crop residues on or near the surface of the soil to prevent erosion from wind or water and no straw or stubble is burned or otherwise removed from such land: $0.50 per Acre.

2. *Establishment of Strip Cropping and Fallow.*—When fallow is performed in 1937 in strips not more than 10 rods in width approximately at right angles to the prevailing wind, alternated with strips of small grain crops or stubble of equal width. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: $0.50 per Acre.

3. *Establishment of Contour Strip Cropping and Fallow.*—When summer fallow is performed in 1937 in strips not more than 10 rods in width, alternated with strips of small grain crops or stubble of equal width, strips to follow the contour of the field, starting at the highest point in the field, without the burning of stubble or crop residues. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: $0.75 per Acre.

M. *Natural reseeding in the Dry Land Areas of Washington.*[4]—Restoring to native grass of land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices should be permanently devoted to grass: *Provided:* (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the County Committee; (3) such land is not pastured, cropped or tilled in 1937; and (4) any volunteer growth containing noxious weeds is clipped before seed is formed: $0.25 per Acre.

N. *Removal of all trees in abandoned orchards and seeding to legumes and grasses.*—When all trees are removed from an abandoned orchard with stump holes filled and leveled, not later than June 1, 1937, followed by seeding and establishment of legumes or grasses in 1937: $5.00 per acre.

O. *Mulching in orchards.*—When mulching materials of at least two tons, dry weight, of leguminous hay, or straw are applied per acre in 1937: $4.00 per acre.

P. *Superphosphate application in Western Washington only.*—When superphosphate is applied in 1937 to new seedings of legumes or legume and grass mixtures at or before time of seeding and to old meadows and cropland pastures at rate of not less than 60 pounds of available $P_2O_5$ per acre in combination with not less than 6 tons of barnyard manure or its equivalent in liquid manure: $2.25 per acre.

Q. *Lime application for Western Washington only.*—When applied in 1937 to new seedings of legumes or legume and grass mixtures at or before time of seeding, in an amount not less than one ton nor more than three tons per acre of ground limestone or its equivalent in any other form of agricultural lime: $3.00 per ton.

SEC. 2. *Combinations of Practices for Soil-Building Payments on the Same Acreage.*—Payments will not be made for more than one soil-building practice carried out on the *same acreage* except as follows:

a. Any one of the practices specified in items A, B, C, D, E, and F in addition to the practice specified in item L–1,

b. Any one of the practices specified in items A, B, and D in addition to either of the practices specified in items P and Q,

c. The practice specified in Item L–1 in addition to either of the practices specified in items L–2 and L–3.

SEC. 3. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.
2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[3] for each acre diverted for payment from the soil-depleting base.
3. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[3] for each acre devoted to commercial orchards on the farm on January 1, 1937.
4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.
5. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.
6. $2.00 for each acre of cropland on which *two or more crops* of commercial vegetables were grown on the same acreage in 1936.
7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season: Provided, however, that if the normal pasture season is ten months or more the rate shall be $1.00 for each animal unit in excess of five.

B. *For a non-diversion farm* $20.00 or the sum of the following items whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.[3]
2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.
3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.
4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.
5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season, provided, however, that if the normal pasture season is 10 months or more the rate shall be $1.00 for each animal unit in excess of five.

*Part IV—Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough, or in a pipe not less than one inch in diameter, to a tank: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or underdrainage, or primarily for any purpose other than the prevention of soil washing: $0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced and with wires tightly stretched: $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: $0.15 per acre.
2. Ground squirrels: $0.06 per acre.

H. *For Reseeding depleted range land* with good seeds of adapted varieties of perennial grasses, as follows: Western wheat grass, crested wheat grass, brome grass, and slender wheat grass: $0.20 per pound of seed sown.

I. *Fire Guards.*—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: $0.03 per 100 linear feet.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payments.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators. Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

*Part V—Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however,* that—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.
2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the County Committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the County Committee, or as is determined by the County Committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Program.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowance, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, part II; *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such

[4] As used herein, the "dry land areas" means the area specified in footnote 1, Sec. 1, WR Bulletin 2—Washington, Revised, issued July 14, 1936.

[3] See Footnote 2 on Page 440.

deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreement Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such County the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other persons as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownership, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of bases*

SEC. 1. *Soil-depleting base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity

is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a, Section 2, and under items d, f, g and h, Section 3, of this Part VIII.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sweet potatoes.
e. Sugar beets.
f. Root crops grown for feed.
g. Hemp.
h. Cultivated sunflowers.
i. Mustard (commercial).
j. Rape.
k. Truck and vegetable crops (except perennial vegetables) and their seeds; melons and strawberries.
l. Grain sorghums, sweet sorghums, broom corn, and Sudan grass, harvested for seed, grain, or hay.
m. Millets.
n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for seed, hay, or pastured, except as indicated under item f, Section 3, of this Part VIII.
o. Flowers and their seeds.
p. Kale.
q. Annual grasses including Italian rye grass and Bromus Secalinus.
r. Cultivated fallow (summer fallow), except as provided in item e of Section 3, of this Part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of this Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such crop is not harvested for grain or hay:

(1) Legumes: Alfalfa; sweet, red, alsike, white, strawberry, Ladino, crimson, and sour clovers; vetch, Austrian winter peas; cericea; and lespedeza.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's canary grass, and velvet grass.

b. Green manure crops, including annual legumes, rye, and mixtures of annual legumes and small grains when turned under in 1937, after attaining at least two months' growth, when not followed by summer fallow.
c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops and perennial vegetables, regardless of the use of the land between the rows.
b. Idle cropland.
c. Bulbs and nursery stock.
d. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.
e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.
f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.
g. Winter wheat or rye seeded in the spring for cover crop purposes.
h. Winter seeded peas and vetch when seeded with small grains as a support crop.

*Part IX—Appeals*

SEC. 1. *Appeals from Determination of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-553; Filed, February 24, 1937; 12:37 p.m.]

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WR—B-101—Wyoming Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WYOMING

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Wyoming, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Wyoming, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricutural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Wyoming.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable a state, a political subdivision of a state, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base, and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet-potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II—Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Wyoming at the rates and subject to the conditions set forth herein.

SECTION 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[2]

SECTION 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III—Rates and Conditions of Soil-Building Payment*

SECTION 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for any one of the practices prescribed in Items A, B, C, D, and E in addition to any one of the practices prescribed in Items F, H, and I. Payment will also be made for the practice prescribed in Item H in addition to the practice prescribed in Item I.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial Legumes including alfalfa, white clover, red clover, alsike clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Perennial Grasses including bluegrass, orchard, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses, timothy, redtop, and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Biennial and Annual Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on cropland under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Crested Wheat Grass seeded on cropland in 1937: $3.00 per acre.

E. Mixtures of Perennial and Biennial Legumes and Perennial Grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Establishment of terraces on cropland in 1937, provided, however, plans for the terracing project are approved in advance by the County Committee: 40 cents per 100 linear feet.

G. *Forest Trees.*—

1. Planting of trees on cropland in 1937, provided, the land is maintained in a good state of cultivation and plantings are protected from livestock, with not less than 200 living trees per acre at time of compliance: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at time of compliance: $4.00 per acre.

H. In the counties of Laramie, Goshen, Platte, Niobrara, Converse, Natrona, Weston, Crook, Campbell, Sheridan, Johnson, and Lincoln and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division, controlled summer fallowing when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough, cloddy, trashy, surface, reasonably free from volunteer growth. First tillage operation to be performed prior to June 15, 1937: $0.50 per acre.

I. In the counties of Laramie, Goshen, Platte, Niobrara, Converse, Natrona, Weston, Crook, and Campbell and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division, the establishment of strip crop-

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

[2] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

ping and fallow, the fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width with intervening strips of small grain crops, sudan grass, close drilled or broadcast, or small grain stubble; provided, however, at least one third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937 a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or strips devoted to crops or stubble, whichever is the smaller, and only with respect to the acreage of strip crop and fallow which is in addition to the acreage used for that practice in 1936: $1.00 per acre.

J. The restoring to native grass of land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass; *Provided*, (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the county committee; and (3) such land is not pastured, cropped or tilled in 1937: $0.25 per acre.

K. The following practices will be applicable only in the counties of Laramie, Platte, Goshen, Niobrara, and Converse, and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Fall or winter listing of cropland at approximately right angles to the prevailing winds, to control wind erosion, in such manner, and time of listing as are approved in advance by the County Committee: $0.25 per acre.

L. The following practices will be applicable only to non-crop pasture acreage:

1. For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses: $0.20 per pound of seed sown. *Payment not in excess of $2.00 per acre.*

2. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

M. *Perennial Noxious Weed*[3] *Control.*—When, after the approval of the county committee, seriously infested plots of weeds listed below are controlled by periodic cultivation or chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: $10.00 per acre.
2. Periodic Cultivation: $5.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[3] for each acre diverted for payment from the general soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[3] for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00 or the sum of the following items whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.[3]

2. $1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV—Rates and Conditions of Range-Building Payments*

SECTION 1.—*Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937, such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2% with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank, or where piping is impracticable, a concrete tank may be constructed at the seep: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or underdrainage, or primarily for any purpose other than the prevention of soil washing: $0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: $0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: $0.15 per acre.
2. Prairie Dogs: $0.07½ per acre.
3. Ground Squirrels: $0.06 per acre.

H. *Reseeding.*—For reseeding depleted range land with good seed of adapted varieties of perennial grasses as follows: $0.20 per pound of seed sown:

1. Crested Wheat Grass.
2. Slender Wheat Grass.
3. Western Wheat Grass.
4. Brome Grass.

I. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at a rate computed on the basis of 35¢ per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deduction for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

*Part V—Division of Payments*

SECTION 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *provided, however*, that—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants, in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI—General Conditions for Payment*

SECTION 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II; *provided, however*, that if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

[3] See Footnote 2 on Page 446.

[3] Perennial noxious weeds shall include: Canada thistle, bind weed or wild morning glory, leafy spurge, Russian knapweed, white top or hoary cress and white ragweed (Franseria discolor).

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of Bases*

SECTION 1. *Soil-Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodent and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a of section 2 and item d of section 3 of this part VIII.



b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar Beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Truck and vegetable crops and their seed, melons and strawberries.
h. Grain sorghums, sweet sorghum, and sudan grass harvested for seed, grain, or hay.
i. Millets.
j. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay except as indicated under item d of section 3 of this part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses and such other legumes and grasses as may be approved by the Director of the Western Division when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay: alfalfa, alsike clover, sweet clover, red clover, blue grass, orchard grass, brome grass, grama grass, buffalo grass, wheat grasses, rye grasses, timothy, and redtop.

b. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Idle cropland.
b. Cultivated fallow.
c. Artichokes, nursery stocks.
d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.
e. Orchards, and bush fruits.

*Part IX—Appeals*

SECTION 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-554; Filed, February 24, 1937; 12:37 p. m.]

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ECR—B-101—Kentucky, Supplement (a) Issued February 25, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—KENTUCKY—SUPPLEMENT (A)

*Increases in Tobacco Soil-Depleting Bases in Conjunction With Decreases in Soil-Depleting Bases for Other Kinds of Tobacco*

Section 3 (e) of Part III of East Central Region Bulletin 101—Kentucky is hereby amended to read as follows:

(e) *Increases of Bases in Conjunction with Decreases in Other Bases.*—Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of or increase in any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

Pursuant to this provision, upon request submitted to the County Office by the operator, and by the owner if different from the operator:

(1) One-half (0.5) acre may be added to the Burley tobacco soil-depleting base for each acre by which the fire-cured and dark air-cured tobacco soil-depleting base is decreased, or

(2) One and one-half (1.5) acres may be added to the fire-cured and dark air-cured tobacco soil-depleting base for each acre by which the Burley tobacco soil-depleting base is decreased.

The base yield(s) in such cases will be such as to be equitable for the farm as compared with farms in the same locality which are similar with respect to type of soil and productive capacity.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 25th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-572; Filed, February 25, 1937; 12:40 p. m.]

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ECR—B-101—Tennessee, Supplement (a) Issued February 25, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—TENNESSEE—SUPPLEMENT (A)

*Increases in Tobacco Soil-Depleting Bases in Conjunction with Decreases in Soil-Depleting Bases for Other Kinds of Tobacco*

Section 3 (e) of Part III of East Central Region Bulletin 101—Tennessee is hereby amended to read as follows:

(e) *Increases of Bases in Conjunction with Decreases in Other Bases.*—Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of or increase in any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

Pursuant to this provision, upon request submitted to the County Office by the operator, and by the owner if different from the operator:

(1) One-half (0.5) acre may be added to the Burley tobacco soil-depleting base for each acre by which the fire-cured and dark air-cured tobacco soil-depleting base is decreased, or

(2) One and one-half (1.5) acres may be added to the fire-cured and dark air-cured tobacco soil-depleting base for each acre by which the Burley tobacco soil-depleting base is decreased.

The base yield(s) in such cases will be such as to be equitable for the farm as compared with farms in the same locality which are similar with respect to type of soil and productive capacity.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 25th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-573; Filed, February 25, 1937; 12:40 p. m.]

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ECR—B-101—Virginia, Supplement (a) Issued February 25, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—VIRGINIA—SUPPLEMENT (A)

*Increases in Tobacco Soil-Depleting Bases in Conjunction With Decreases in Soil-Depleting Bases for Other Kinds of Tobacco*

Section 3 (e) of Part III of East Central Region Bulletin 101—Virginia is hereby amended to read as follows:

(e) *Increases of Bases in Conjunction with Decreases in Other Bases.*—Notwithstanding the provisions of sections 1 and 2 of this

Part III, the Secretary reserves the right to provide for the establishment of or increase in any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

Pursuant to this provision, upon request submitted to the County Office by the operator, and by the owner if different from the operator:

(1) One-half (0.5) acre may be added to the Burley tobacco soil-depleting base or the flue-cured tobacco soil-depleting base for each acre by which the fire-cured and dark air-cured tobacco soil-depleting base is decreased, or

(2) One and one-half (1.5) acres may be added to the fire-cured and dark air-cured tobacco soil-depleting base for each acre by which the Burley tobacco soil-depleting base or the flue-cured tobacco soil-depleting base is decreased.

The base yield(s) in such cases will be such as to be equitable for the farm as compared with farms in the same locality which are similar with respect to type of soil and productive capacity.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 25th day of February, 1937.

[SEAL] H. A. WALLACE.
*Secretary of Agriculture.*

[F. R. Doc. 37-574; Filed, February 25, 1937; 12:40 p. m.]

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SR—B-101—Amendment 4

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101

*Amendment 4*

Sections 64 and 89, Southern Region Bulletin 101, are hereby amended to read as follows:

Any person who has reason to believe that any recommendation of his County Committee concerning his farm or ranch in any matter of the kind set forth herein is not equitable may request the County Committee to reconsider its recommendation. If such person fails to agree with the final recommendation of the County Committee, an appeal may be taken in accordance with the procedure set forth herein.

(a) *Matters Concerning which an Appeal May Be Made.*—

(1) Eligibility of person(s) to submit a work sheet or an application for payment.

(2) Eligibility of land to be covered by a work sheet and/or an application for payment.

(3) Any base, yield per acre, productivity index, soil-building allowance, soil-building practice, range-building allowance, range-building practice, or grazing capacity.

(4) Division of payments among interested persons.

(5) In addition to the above matters, the State Committee and the Regional Agricultural Appeals Board for the Southern Region may be called on to hear and decide other types of appeals as set forth below.

(b) *Appellate Bodies.*—The following bodies will receive, hear, consider, and pass upon appeals cases:

(1) County Appeals Board.

(2) State Agricultural Conservation Committee.

(3) Agricultural Conservation Appeals Board for the Southern Region (hereinafter referred to as the Regional Appeals Board).

(c) *Procedure Governing Appeals.*—

(1) Any person interested in a farm or ranch, whether as owner or operator, and having just ground for being dissatisfied with the final recommendation of the County Committee in passing upon any one or more of the matters mentioned in subsection (a) herein regarding such farm or ranch may appeal from such recommendation of the County Committee to the County Appeals Board, which shall consist of the chairman of the County Committee and two persons selected by the Board of Directors of the County Agricultural Conservation Association from among its members who are not members of the County Committee. In case the number of members of the Board of Directors is not large enough to permit such selection, such two persons shall be selected by the Board of Directors from among the members of Community Committees in the county who are not members of the County Committee or from among the members of the Association who are not members of the County Committee.

(2) When any such final recommendation of the County Committee is not in accord with the contention of the interested person and such person desires to appeal his case, such person shall, within ten calendar days from the date of the final recommendation of the County Committee, give notice in writing to the County Appeals Board of his desire and intention to appeal his case. Following the hearing of any such appeal, the decision of the Board prepared in triplicate shall be concurred in by a majority of its members, and a copy delivered immediately to the appellant or forwarded immediately by mail to his address of record.

(3) If any interested person has just ground for being dissatisfied with the decision of the County Appeals Board and such person desires to appeal his case further, such person shall, within ten calendar days from the date of such decision, give notice in writing to the County Appeals Board of his desire and intention to appeal his case to the State Committee.

(4) In order to perfect his appeal, the appellant shall, within thirty calendar days from the date of the decision of the County Appeals Board, file with such Board *in triplicate* a detailed statement of his contentions, supported *in triplicate* by such material as he may have available. There shall be attached to such statement an exact copy *in triplicate* of each work sheet, application for payment, or other document forming the basis of or which is material to such appeal.

(5) The County Appeals Board shall, within ten calendar days from the date on which the appellant filed such detailed statement, forward the original and one copy of the same to the the State Committee together with the original and one copy of its previous findings and recommendation in the case and shall also attach to such detailed statement exact copies in *duplicate* of all available documents material to any issue raised by the appellant, as well as any other material data available to such Board. The County Appeals Board may add to such record *in duplicate* its comments or observations on such detailed statement, in which case a copy of such comments or observations shall be furnished to the appellant, who shall have ten calendar days in which to send to the State Committee *in duplicate* any reply thereto he may desire to make, furnishing at the same time a copy of such reply to the County Appeals Board.

(6) The County Appeals Board may for good cause shown, extend any time limit fixed in paragraphs (2) and (5) above, but the additional time granted shall not exceed the time which otherwise would obtain.

(7) Upon receipt of the appeal record the State Committee shall promptly set the appeal down for hearing at the earliest practicable date not earlier than fourteen calendar days from the date of such receipt of the appeal record. However, if both the appellant and the chairman of the County Appeals Board indicate in writing, forwarded with the appeal record, (a) that they are willing to have the appeal board at an earlier date or alternative dates indicated by them in such writing, the appeal may be heard on such date or any one of such alternative dates, or (b) that they do not desire to appear at the hearing of the appeal, the State Committee may set the appeal down for hearing at any time reasonably convenient to it. The State Committee shall, in writing dated and forwarded to the addresses of record in the regular course of the mail on the day the date for hearing the appeal is set, give notice of the time and place of such hearing to the chairman of the County Appeals Board and the appellant. If the State Committee deems it advisable, it may further develop the case by correspondence or field investigation either before or after the formal hearing, and may hear additional evidence at the State headquarters or at a designated place in the field.

(8) The decision by the State Committee with its recommendation, prepared *in quadruplicate*, shall be concurred in by a majority of the members of the Committee. One copy of such decision and recommendation shall be promptly transmitted to the County Appeals Board, and one copy shall be promptly forwarded to the appellant. In case the appellant is dissatisfied with such decision and recommendation, he may finally appeal the case to the Regional Appeals Board for the Southern Region in care of the Southern Division, Agricultural Adjustment Administration, Washington, D. C., by giving written notice, prepared *in triplicate*, to the State Committee within ten calendar days from the date notice of its decision is addressed and forwarded to such person at the address of record. Such notice must contain or be accompanied by such appellant's comments or arguments against the decision and recommendation of the State Committee. Upon such written notice being filed *in duplicate* with the State Committee, it shall promptly forward the complete original appeal record to the Regional Appeals Board, together with the original of its decision and recommendation in such case and such written notice and comments or arguments.

(9) The State Committee may, for good cause shown, extend any time limit fixed in paragraph (7) or (8) above, but the additional time granted shall not exceed the time which otherwise would obtain.

(10) Individual cases of complaints made by any producer, whether owner, operator, share-tenant, or share-cropper, relating to landlord-tenant questions made or appealed to the State Committee, shall be referred by the State Committee for special attention to a person appointed by the Committee with the approval of the Director of the Southern Division to make prompt investigation and recommend adjustment of landlord-tenant complaints. Upon receiving the recommendation of such investigator, unless such recommendation has been carried out by the parties concerned in the complaint, the State Committee shall promptly make and record its decision with respect to each such complaint and in writing notify the parties concerned and the County Committee of its decision.



If one or more of the parties concerned is not satisfied with the decision, he may in writing, which should be in duplicate, request the State Committee to forward to the Director of the Southern Division for appropriate action the complete file in the case, including also the findings and report of such investigator. Upon receipt of such request the State Committee shall forward such file to said Director, who may refer any such case with the entire record therein to the Regional Appeals Board for final determination.

(11) The Regional Appeals Board for the Southern Region shall be composed of three members appointed by the Secretary of Agriculture upon nomination by the Director of the Southern Division. The chairman of the Board for each of its sessions shall be that one of the members present who is first named in the order appointing them.

(12) The Secretary of Agriculture upon nomination by the Director of the Southern Division may appoint one or more alternate members of said Board to serve in the order so appointed in place of any member thereof whenever and while such member is absent from duty in the Southern Division, or in case of any vacancy in the membership of said Board until such vacancy is filled and the person appointed thereto has qualified. No alternate shall serve as chairman.

(13) The Regional Appeals Board, acting for and on behalf of the Secretary of Agriculture, shall promptly and finally pass upon and decide each appeal referred to it by any State Committee within the Southern Region or by the Director of the Southern Division. Final decision of the Regional Appeals Board shall be concurred in by a majority of the members of such Board and recorded in writing. Such decision shall be promptly transmitted to the State Committee *in triplicate* and such Committee shall transmit one copy to the appellant and one copy to the County Committee.

(14) All decisions in appeal cases of a County Appeals Board, a State Committee, or the Regional Appeals Board shall be in accordance with the terms and conditions of the 1937 program. In considering any appeal case, if it appears there are no provisions approved by the Secretary applicable to such case, no decision thereon shall be rendered by any committee or board unless and until applicable provisions are approved by the Secretary of Agriculture.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 25th day of February, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-587; Filed February 26, 1937; 11:37 a. m.]

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## Bureau of Entomology and Plant Quarantine.

BEPQ—Q. 48 Revision of Quarantine and Regulations

[Effective March 1, 1937]

JAPANESE BEETLE QUARANTINE—QUARANTINE NO. 48

REVISION OF QUARANTINE AND REGULATIONS

*Introductory Note*

An important change in the following revision of the Japanese beetle quarantine is the inclusion in the regulated area of the cities of Cleveland, Columbus, and Toledo in Ohio, as well as the entire counties of Columbiana and Mahoning, and parts of the counties of Carroll, Jefferson, and Stark, in the same State. This action is considered necessary because of the establishment of the Japanese beetle therein. Additional infested territory in the States of Maine, Maryland, New York, Vermont, Virginia, and West Virginia, was also added to the previously regulated areas in such States. Some outlying areas where Japanese beetle infestations have been found are not included in the regulated area because of assurance from the States concerned that adequate measures will be taken to prevent the spread of the pest therefrom.

Under section A, paragraph (b) of regulation 5, as revised, a certificate is required for the interstate movement of restricted fruits and vegetables from June 15 to October 15, inclusive, from other portions of the regulated area to Brewer and Waterville, Maine; Buffalo, N. Y., or to the other regulated parts of Erie County, New York; Cleveland, Columbus, and Toledo, Ohio; Burlington, Vt., and Parkersburg, W. Va. No restrictions are however placed on the interstate movement of any fruits or vegetables from these outlying portions of the regulated area.

*Summary*

Unless a certificate or permit has been issued, these regulations as now revised prohibit the interstate shipment of green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries from the regulated areas, and also prohibit (unless a certificate or permit has been issued) the interstate movement of all fruits and vegetables by refrigerator car or motor truck from the District of Columbia, the State of Delaware, and parts of the States of Maryland, New Jersey, Pennsylvania, and Virginia. Refrigerator cars used for loading fruits and vegetables, other than onions and potatoes, in such area must, prior to loading, be cleaned by the common carrier and kept tightly closed and sealed during the interval between cleaning and loading. Onions and potatoes must be fumigated in the car when such action is deemed necessary by the inspector and doors and hatches of the cars must be closed or screened. For other details and exceptions see regulation 5.

The regulations also prohibit the interstate shipment of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or certificate has been secured. Portions of plants and cut flowers are restricted interstate movement only between June 15 and October 15, inclusive. For details and exceptions see regulations 6 and 7.

The regulated areas include the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of the States of Maine, Maryland, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia. The boundaries are shown in regulation 3.

These regulations also place certain restrictions to protect restricted articles from infestation while in transit, require thorough cleaning of vehicles and containers which have been used in transporting restricted products, and provide other safeguards and conditions as provided in regulations 8 to 13, inclusive.

To secure permits and certificates, address the Bureau of Entomology and Plant Quarantine, Glenwood Avenue and Henry Street, Bloomfield, N. J., or the nearest branch office listed in the appendix.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

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NOTICE OF QUARANTINE NO. 48 (TWELFTH REVISION)

[Approved March 1, 1937; effective March 1, 1937]

I, H. A. Wallace, Secretary of Agriculture, have determined that it is necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newn.), a dangerous insect new to and not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine the said States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, effective on and after March 1, 1937. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure shall not be shipped, offered for shipment to a common

carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation.

Done at the city of Washington this 1st day of March, 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

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RULES AND REGULATIONS (FIFTEENTH REVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE No. 48

[Approved March 1, 1937; effective March 1, 1937]

REGULATION 1—DEFINITIONS

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(*a*) *Japanese beetle.*—The insect known as the Japanese beetle (*Popillia japonica* Newn.), in any stage of development.

(*b*) The terms "infested", "infestation", and the like, relate to infestation with the Japanese beetle.

(*c*) *Quarantined area.*—Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(*d*) *Regulated area.*—Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to Notice of Quarantine No. 48, as revised.

(*e*) *Fruits and vegetables.*—For the list of restricted fruits and vegetables see regulation 5.

(*f*) *Nursery and ornamental stock.*—Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(*g*) *Sand, soil, earth, peat, compost, and manure.*—Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(*h*) *Certified sand, soil, earth, peat, compost and manure.*—Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(*i*) *Certified greenhouse.*—A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in regulation 6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(*j*) *Inspector.*—An inspector of the United States Department of Agriculture.

(*k*) *Moved or allowed to be moved interstate.*—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

REGULATION 2—LIMITATION OF RESTRICTIONS TO REGULATED AREAS

Conditioned upon the compliance on the part of the State concerned with the provisos to Notice of Quarantine No. 48 (twelfth revision), the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said notice of quarantine will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

REGULATION 3—REGULATED AREAS

In accordance with the provisos to Notice of Quarantine No. 48 (twelfth revision), the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.*—The entire State.

*Delaware.*—The entire State.

*District of Columbia.*—The entire District.

*Maine.*—County of York; towns of Auburn and Lewiston, in *Androscoggin County;* towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County;* the city of Waterville, in *Kennebec County;* and the city of Brewer, in *Penobscot County*

*Maryland.*—Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in *Allegany County;* the city of Annapolis and election districts nos. 3, 4, and 5, in *Anne Arundel County;* election districts nos. 1, 2, 3, 9, 11, 12, 13, 14, and 15, and that portion of election district No. 8 lying south of Shawan, Beaver Dam and Sherwood Roads, in *Baltimore County;* all of *Caroline County* except election districts of Hillsboro (no. 6), American Corners (no. 8), and Preston (no. 4); the city of Westminster, and election district of Freedom (no. 5), in *Carroll County;* election districts of White Plains and La Plata, in *Charles County;* election district of Cambridge (no. 7), in *Dorchester County;* election districts of Frederick (no. 2), New Market (no. 9), Petersville (no. 12), and Brunswick (no 25), in *Frederick County; County of Harford*, except election district of Marshall (no. 4); election districts of Elkridge (no. 1), Ellicott City (no. 2), and election district of West Friendship (no. 3), in *Howard County*, and the right-of-way of United States Highway No. 1 through the election district of Guilford (no. 6) in said county; all of *Prince Georges County* except the election districts of Nottingham and Aquasco; that part of *Montgomery County* located within the established boundaries of the so-called "Washington Suburban Sanitary District"; towns of Easton and Oxford, in *Talbot County;* election districts of Sharpsburg (no. 1), Williamsport (no. 2), Hagerstown (nos. 3, 17, 21, 22, 24, and 25), Leitersburg (no. 9), Sandy Hook (no. 11), and Halfway (no. 26), in *Washington County;* election districts of Pittsburg (no. 4), Parsons (no. 5), Dennis (no. 6), Trappe (no. 7), Nutters (no. 8), Salisbury (no. 9), Delmar (no. 11), Camden (no. 13), Willards (no. 14), and Fruitland (no. 16), in *Wicomico County.*

*Massachusetts.*—The entire State.

*New Hampshire.*—Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield and Wolfeboro, in *Carroll County;* towns of



Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County.*

*New Jersey.*—The entire State.

*New York.*—Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County;* towns of Tonawanda, Amherst, and Cheektowaga, and the cities of Buffalo and Lackawanna, in *Erie County;* towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County;* towns of Caton, Corning, and Hornby, and the city of Corning, in *Steuben County;* towns of Caroline, Danby, Dryden, and Ithaca, and the city of Ithaca, in *Tompkins County;* towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County.*

*Ohio.*—Counties of Columbiana and Mahoning; townships of Augusta, Brown, and East, in *Carroll County;* the city of Cleveland, in *Cuyahoga County;* the city of Columbus, in *Franklin County;* townships of Cross Creek, Island Creek, Knox, Saline, Steubenville, and Wells, and the city of Steubenville, in *Jefferson County;* the city of Toledo, in *Lucas County;* townships of Bethlehem, Canton, Jackson, Nimishillen, Osnaburg, Paris, Perry, Pike, Plain, Sandy, and Washington, and the city of Canton, in *Stark County.*

*Pennsylvania.*—The entire State, except Crawford, Erie, Forest, Mercer, Venango, and Warren Counties, Mercer Township in *Butler County,* and Ashland, Beaver, Elk, Richland (including boroughs of Foxburg and St. Petersburg), Salem, and Washington Townships, in *Clarion County.*

*Rhode Island.*—The entire State.

*Vermont.*—Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County.*

*Virginia.*—Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Faquier, Henrico, Loudoun, Norfolk, Northhampton, Prince William, and Stafford; magisterial districts of Dale, and Manchester, in *Chesterfield County;* magisterial district of Sleepy Hole, in *Nansemond County;* magisterial district of Kempsville, in *Princess Anne County;* Camp Stuart, in *Warwick County;* and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

*West Virginia.*—Counties of Hancock, Harrison, Marion, Monongalia, and Taylor; town of Keyser and district of Frankfort, in *Mineral County;* and the city of Parkersburg, in *Wood County.*

REGULATION 4—EXTENSION OR REDUCTION OF REGULATED AREAS

The regulated areas designated in regulation 3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.

REGULATIONS 5—RESTRICTIONS ON THE MOVEMENT OF FRUITS AND VEGETABLES

*Section A—Control of Movement*

(1) Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in paragraphs (*a*) to (*e*), inclusive, of this section:

(i) No green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and (ii) no fruits and vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motortruck from the District, counties, or city listed below to or through any point outside of the regulated areas:

*Delaware.*—The entire State.

*District of Columbia.*—The entire District.

*Maryland.*—County of Cecil and the city of Baltimore.

*New Jersey.*—Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

*Pennsylvania.*—Counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia.

*Virginia.*—County of Arlington.

(*a*) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

(*b*) No certificate will be required for the interstate movement of fruits and vegetables on a through bill of lading either from an area not under regulation through a regulated area to another nonregulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement to Brewer and Waterville, Maine; Buffalo, N. Y., or to the other regulated parts of Erie County, N. Y.; Cleveland, Columbus, and Toledo, Ohio; Burlington, Vt.; and Parkersburg, W. Va. No restrictions are placed on the interstate movement of fruits and vegetables from Brewer and Waterville, Maine; Buffalo, N. Y., or from other parts of Erie County, N. Y.; Cleveland, Columbus, and Toledo, Ohio; Burlington, Vt.; and Parkersburg, W. Va.

(*c*) No restrictions are placed on the interstate movement of fruits or vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(*d*) No restrictions are placed on the interstate movement of any shipments of apples or peaches of less than 15 pounds to the shipment, or of bananas other than in entire bunches or in clusters of 25 or more.

(*e*) No restrictions are placed on the interstate movement of commercially packed apples in any quantity, except those moving via refrigerator cars or motor vehicles from the District, counties, or city listed in this section.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above, except that any such interstate shipments of fruits and vegetables may be inspected by inspectors at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

*Section B—Conditions of Certification*

Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and October 15, inclusive, under one of the following conditions:

(1) When the fruits and vegetables, moving from a point in the regulated area other than the District, counties, or city listed in paragraph 1, (*ii*), of this regulation, or moving from such designated District, counties, or city other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the in-

spector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the supervision of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for the safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables, other than onions and potatoes, moving via refrigerator car from the District, counties, or city listed in paragraph 1, (*ii*), of this regulation, have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between cleaning and loading such refrigerator car must be tightly closed and sealed.

(6) When the onions or potatoes moving via refrigerator car from the District, counties, or city listed in this regulation have been fumigated in the car, when deemed necessary in the judgment of the inspector, and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.

REGULATION 6—RESTRICTIONS ON THE MOVEMENT OF NURSERY AND ORNAMENTAL STOCK

*Section A—Control of Movement*

Nursery and ornamental stock shall not be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil, are exempt from the requirement of certification, except that this exemption does not apply to dahlia tubers.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement between October 16 and June 14, inclusive, of cut flowers, and of portions of plants without roots and free from soil (such as branches and twigs of trees and shrubs, scions, Christmas trees, holly, laurel, sphagnum moss, and parts of submerged aquatic plants without roots).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

*Section B—Conditions Governing the Issuance of Certificates and Permits*

For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.*—Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as Class I. Upon compliance with the requirements of subsection (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) *Class III.*—(*a*) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III. Such classification also may be given to nurseries, etc., in localities known to be generally infested where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties, under single ownership and management, but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by recent and scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(*b*) Upon compliance with subsections (3) and (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (*i*) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (*ii*) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing, or (*iii*) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots.

(*a*) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(*b*) Prior to introduction into nurseries or greenhouses, sand, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such treated sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(*c*) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (*i*) shall be potted in certified soil; (*ii*) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (*iii*) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (*iv*) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers and other parts of plants without roots or soil may be certified for movement either (*a*) when they have been inspected by an inspector and found free from infestation, or (*b*) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also sec. A. (3) of this regulation.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (*a*) That the soil shall be entirely removed from the stock, or (*b*) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (*c*) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain their classified status, (*a*) shall restrict their purchases or receipts of nursery and ornamental stock, sand, soil, earth, peat, compost, and manure within the regulated area to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the articles when moved; (*b*) shall obtain approval of the inspector before such articles are received on their premises or moved from the open on their own premises into certified greenhouses; and (*c*) shall also report immediately in writing all purchases or receipts of such articles secured from within the regulated area. Nurserymen, florists, dealers, and others whose premises are classified as class III shall, in addition, report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(8) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route, and, when found advisable by the inspector, after reinspection and determination of freedom from infestation.

REGULATION 7—RESTRICTIONS ON THE MOVEMENT OF SAND, SOIL, EARTH, PEAT, COMPOST, AND MANURE

*Section A—Control of Movement*

Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of sand for construction purposes, nor of "bird gravel", "bird sand", or ground, dried, imported peat in packages of 5 pounds or less to the package.

(2) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(3) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

*Section B—Conditions of Certification*

Certificates for the movement of sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (*a*) is to be moved between October 16 and June 14, inclusive, or (*b*) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (*c*) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (1), (2), or (3) hereof.

REGULATION 8—CONDITIONS GOVERNING THE PROTECTION OF RESTRICTED ARTICLES FROM INFESTATION WHILE IN TRANSIT

Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection and all such seals shall remain intact as long as the vehicle is en route within the regulated area.

REGULATION 9—MARKING AND CERTIFICATION A CONDITION OF INTERSTATE TRANSPORTATION

(*a*) Every car, vehicle, box, basket, or other container of the articles listed, the interstate movement of which is restricted in regulations 5, 6, and 7, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(*b*) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

REGULATION 10—GENERAL CONDITIONS GOVERNING INSPECTION AND ISSUANCE OF CERTIFICATES AND PERMITS

(a) Persons intending to move or allow to be moved interstate any of the articles the movement of which is restricted in regulations 5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area.

REGULATION 11—CANCELATION OF CERTIFICATES

Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

REGULATION 12—INSPECTION IN TRANSIT

Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infested articles or articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by an inspector at any time or place.

REGULATION 13—THOROUGH CLEANING REQUIRED OF TRUCKS, WAGONS, CARS, BOATS, AND OTHER VEHICLES AND CONTAINERS BEFORE MOVING INTERSTATE

Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved or allowed to be moved interstate until they have been thoroughly swept and cleaned by the carrier at the point of unloading or destination.

REGULATION 14—SHIPMENTS BY THE UNITED STATES DEPARTMENT OF AGRICULTURE

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after March 1, 1937, and shall supersede the rules and regulations promulgated March 7, 1936.

Done at the city of Washington this 1st day of March, 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

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APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

*State and Federal Inspection*

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, Glenwood Avenue and Henry Street, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:

Fouth Floor, Custom House, Boston, Mass.

Connecticut Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.

Room 838, 641 Washington Street, New York, N. Y.

Room 200, 2507 James Street, Syracuse, N. Y.

P. O. Box 1, Trenton, N. J. or Yardville Road, White Horse, N. J.

Kotler Building, Main and High Streets, Glassboro, N. J.

Frankford Arsenal, Bridge & Tacony Sts., Frankford, Philadelphia, Pa.

Warehouse No. 4, General Depot, United States Army, New Cumberland, Pa.

Room 438–K, New Post Office Building, Pittsburgh, Pa.

Room 210, New Post Office Building, Dover, Del.

Room 306, Post Office Building, Calvert & Fayette Streets, Baltimore, Md.

Room 301, Salisbury Building & Loan Bldg., Main & Division Streets, Salisbury, Md.

Office of County Agent, Court House, Hagerstown, Md.

Room 213, Broad-Grace Arcade Building, Richmond, Va.

Room 217, New Federal Building, Granby Street and Brambleton Ave., Norfolk, Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling District 6350, Branch 2589, the inspection house of the Bureau of Entomology and Plant Quarantine, Twelfth Street and Constitution Avenue NW., Washington, D. C.

*General Offices of States Cooperating*

Department of Entomology, Agricultural Experiment Station, New Haven, Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

Department of Entomology, University of Maryland, College Park, Md.

Division of Plant Pest Control, Department of Agriculture, Statehouse, Boston, Mass.

Deputy commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.

Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Bureau of Entomology, Department of Agriculture, Statehouse, Providence, R. I.

Entomologist, Department of Agriculture, Montpelier, Vt.

Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.

State entomologist, Department of Agriculture, Charleston, W. Va.

[F. R. Doc. 37–593; Filed, March 1, 1937; 12:48 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2954]

IN THE MATTER OF CENTRAL PATTERN AND FOUNDRY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, March 3, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–594; Filed, February 27, 1937; 10:48 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2794]

IN THE MATTER OF CHARLES W. CROMER, DOING BUSINESS UNDER THE NAME AND STYLE OF SHALWIN HOSIERY MILLS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, March 2, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–593; Filed, February 27, 1937; 10:48 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of February A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2911]

IN THE MATTER OF G. F. PERGANDE AND M. F. PERGANDE, CO-PARTNERS, DOING BUSINESS UNDER THE NAMES AND STYLES OF PERGANDE INSTITUTE, PERGANDE CIVIL SERVICE INSTITUTE, PERGANDE PUBLISHING COMPANY, CIVIL SERVICE INSTITUTE AND PERGANDE CIVIL SERVICE PUBLISHING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 8, 1937, at one o'clock in the afternoon of said date, in the court room of the Federal Building, Milwaukee, Wisconsin (central standard time).

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–595; Filed, March 1, 1937; 10:31 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

AMENDMENT TO FORM A–1

The Securities and Exchange Commission, finding that any information or documents specified in Schedule A of the Securities Act of 1933, as amended, which are not required to be set forth in Form A–1, as hereby amended, are inapplicable to the class of securities to which such form is appropriate, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as are required by Form A–1, as hereby amended, but which are not specified in Schedule A, are

necessary and appropriate in the public interest and for the protection of investors, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, hereby amends Item 55 of Form A–1 by striking therefrom Note 1 and the references thereto appearing under the captions "Gross Sales" and "Cost of Goods Sold" in the Profit and Loss Statement, which Note 1 reads as follows:

These items to be shown unless the business of the issuer would be injured thereby, and in which case Instructions 1 and 2 would not apply.

The foregoing amendment shall be effective March 15, 1937.

AMENDMENT TO FORM A–2

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and finding that any information or documents specified in Schedule A of that Act which Form A–2 and the book of instructions accompanying that form, as hereby amended, do not require to be set forth, are inapplicable to the class of securities to which such form is appropriate, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information or documents as Form A–2 and the accompanying book of instructions, as hereby amended, require to be set forth, but which are not specified in Schedule A, are necessary and appropriate in the public interest or for the protection of investors, hereby amends Form A–2 and the book of instructions accompanying that form, as follows:

In the Instructions as to Financial Statements in the Instruction Book for Form A–2, there is stricken the third paragraph under the heading "Profit and Loss Statement", which paragraph reads as follows:

The information required by 1.A. and 2.A., below, may be omitted from the statements of any person furnished hereunder, where corresponding information in the latest statements of such person filed pursuant to the Securities Exchange Act of 1934, as amended, has been granted confidential treatment by the Commission pursuant to Section 24 of said Act.

The foregoing amendment shall be effective March 15, 1937.

AMENDMENT TO FORM E–1

The Securities and Exchange Commission, finding that any information or documents specified in Schedule A of the Securities Act of 1933, as amended, which are not required to be set forth in Form E–1, as hereby amended, are inapplicable to the class of securities to which such form is appropriate, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as are required by Form E–1, as hereby amended, but which are not specified in Schedule A, are necessary and appropriate in the public interest and for the protection of investors, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, hereby amends Form E–1 by striking Note 1 to Financial Statement Form No. 2 and the references thereto appearing under the captions "Gross Sales" and "Cost of Goods Sold" in such Financial Statement Form No. 2, which Note 1 reads as follows:

These items to be shown unless the business of the person whose statement is furnished would be injured thereby, in which case Instruction 1 and 2 would not apply. If these items are omitted, there shall be submitted a statement, supplemental to the auditor's report, explaining fully the reasons for such omissions.

The foregoing amendment shall be effective March 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–605; Filed, March 1, 1937; 12:59 p. m.]

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE NB2

The Securities and Exchange Commission, deeming the transactions described in Rule NB2 as hereinafter amended, to the extent prescribed in said rule as so amended, not to be comprehended within the purpose of sub-section (b) of Section 16 as set forth in such sub-section, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 16 (b) and 23 (a) thereof, hereby amends Rule NB2 by striking out of paragraph (c) of said Rule the words "identical with" and substituting in lieu thereof the words "at least as favorable as."

Paragraph (c) of Rule NB2 as so amended reads as follows:

(c) If the person effecting such transaction is either (1) an officer or director of the issuer, (2) a firm of which such officer or director is a partner, employee, appointee, nominee or representative, or (3) a corporation or other person in respect of which such officer or director is an officer, director, employee, appointee, nominee, representative or beneficial owner, directly or indirectly, of more than 10 per centum of any class of equity security, then other persons who are not specified in clauses (1), (2) or (3), of this paragraph (c) must have participated in the purchase of such security (or other securities of the same issue) with a view to the distribution thereof, on terms at least as favorable as those on which such specified persons have participated and to an extent at least equal to the aggregate participation of all such specified persons.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–604; Filed, March 1, 1937; 12:59 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

[File No. 2–2847]

IN THE MATTER OF METROPOLITAN PERSONAL LOAN CORPORATION

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Metropolitan Personal Loan Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Thursday, March 11, 1937, at 11 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–603; Filed, March 1, 1937; 12:59 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OIL PAYMENT IN THE USHER CARSON FARM, FILED ON FEBRUARY 6, 1937, BY W. H. VERNOR, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 2:00 o'clock in the afternoon of the 26th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 12th day of March, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–599; Filed, March 1, 1937; 12:58 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RAY STEPHENS-GRIFFIN FARM, FILED ON JANUARY 21, 1937, BY RAY STEPHENS, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding:

It is ordered, pursuant to Rule 341(d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 25, 1937, be effective as of February 25, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–602; Filed, March 1, 1937; 12:59 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RAY STEPHENS-MELTON FARM, FILED ON JANUARY 21, 1937, BY RAY STEPHENS, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding:

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 25, 1937, be effective as of February 25, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–600; Filed, March 1, 1937; 12:58 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE OCEANVIEW-ANGLO NO. 2 FARM, FILED ON FEBRUARY 19, 1937, BY OCEANVIEW OIL CORPORATION, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will expire is not correctly stated in Division I, paragraph 7;

(2) In that the answer given in Division II, Item 19 (b), fails to disclose when and to whom the payments will be made;

(3) In that the statement made in Division II, Item 19 (c), is not believed to be correct and is therefore misleading;

(4) In that "Exhibit A" does not comply with the regulations in the following particular: Legend is not complete;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of March, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law: and

It is further ordered that the taking of testimony in this proceeding commence on the 12th day of March 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–601; Filed, March 1, 1937; 12:59 p. m.]

*Wednesday, March 3, 1937* *No. 41*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

### ESTABLISHING SACRAMENTO MIGRATORY WATERFOWL REFUGE

*California*

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, consisting of 10,775.61 acres, more or less, acquired by the United States in Glenn and Colusa Counties, California, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 3 W.,
- secs. 1 and 2;
- sec. 3, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad, excepting therefrom a tract of land 100 feet in width and 700 feet in length lying east of the said railroad right-of-way boundary and approximately 385 feet north of the south boundary of sec. 3;
- sec. 10, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad;
- secs. 11 to 14, inclusive;
- sec. 15, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad, excepting therefrom that part of SW¼SW¼SW¼ lying east of said railroad;
- sec. 22, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad;
- secs. 23 to 26, inclusive;
- sec. 27, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad;
- sec. 34, that part of the N½ lying east of the easterly right-of-way boundary of the Southern Pacific Railroad;
- sec. 35, all;
- sec. 36, N½.

T. 56 N., R. 20 W.,
- sec. 27, W½NW¼ and NW¼SW¼;
- sec. 28, NE¼, E½NW¼, and S½;
- sec. 29, SW¼, NW¼SE¼, and S½SE¼;
- sec. 31, S½NE¼NE¼, S½NE¼, S½NW¼, and S½;
- secs. 32 and 33;
- sec. 34, W½.

T. 55 N., R. 21 W.,
- sec. 1, all;
- sec. 2, all that part lying east of the northeasterly right-of-way boundary of the Wabash Railroad;
- sec. 11, all that part of the E½ lying east of the northeasterly right-of-way boundary of the Wabash Railroad;
- sec. 12, all, excepting therefrom the right-of-way of the Wabash Railroad and that part of the SW¼SW¼ lying west thereof;
- sec. 13, N½, excepting the right-of-way of the Wabash Railroad; all that part of the E½SW¼ lying east of the northeasterly boundary of the Wabash Railroad; and SE¼;
- sec. 24, N½N½NE¼.

T. 56 N., R. 21 W.,
- sec. 25, S½;
- sec. 26, E½NE¼SW¼, S½SW¼, and S½SE¼;
- sec. 27, all that part of the SE¼SE¼ lying east of the northeasterly right-of-way boundary of the Wabash Railroad;
- sec. 34, all those parts of the E½NE¼ and NE¼SE¼ lying east of the northeasterly right-of-way boundary of the Wabash Railroad;
- sec. 35, all, excepting therefrom the right-of-way of the Wabash Railroad and that part of the SW¼SW¼ lying west thereof.

This refuge shall be known as the Swan Lake Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 27, 1937.*

[No. 7563]

[F. R. Doc. 37-606; Filed, March 1, 1937; 2:25 p. m.]

### EXECUTIVE ORDER

### EXTENDING THE LIMITS OF CUSTOMS PORT OF ENTRY OF SAINT PAUL, MINNESOTA

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, ch. 223, 38 Stat. 609, 623 (U. S. C., Title 19, sec. 2), the limits of the customs port of entry of Saint Paul, Minnesota, in Customs Collection District No. 35 (Minnesota), are hereby extended to include the territory within the limits of the cities of South Saint Paul and West Saint Paul, Minnesota, effective thirty days from the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 27, 1937.*

[No. 7564]

[F. R. Doc. 37-608; Filed, March 1, 1937; 2:25 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

### GRAZING DISTRICT NOTICE

### ARIZONA

FEBRUARY 24, 1937.

Pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), commonly known as the Taylor Grazing Act, as amended June 26, 1936 (49 Stat. 1976), notice is hereby given that a hearing will be held by the Department of the Interior for the purpose of considering the establishment of a grazing district in Yavapai County, State of Arizona, at the following place and time and any place or time to which such hearing may be adjourned:

| State | Place | Date | Hour |
|---|---|---|---|
| Arizona | Kirkland | March 13, 1937 | 10 a. m |



This hearing will be open to the attendance of State officials, settlers, residents, and livestock owners, who are interested in the grazing use of the public domain in said State.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-609; Filed, March 2, 1937; 9:33 a. m.]

### CALIFORNIA GRAZING DISTRICT NO. 1

### MODIFICATION

FEBRUARY 23, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of April 8, 1935, establishing California Grazing District No. 1, is hereby modified to include within its exterior boundaries the following described lands:

MOUNT DIABLO MERIDIAN

- T. 2 N., R. 25 E., secs. 1, 2, 11, 12, 13, and 24;
- T. 3 N., R. 25 E., secs. 21 to 27, 34 to 36, inclusive;
- T. 1 N., R. 26 E., E½ sec. 9, secs. 10, 12 to 15, E½ sec. 16, secs. 22 to 27, S½, S½N½ sec. 33, secs. 34, 35, and 36;
- T. 2 N., R. 26 E., secs. 1 to 11, 14 to 23, inclusive, unsurveyed island in approximately secs. 13 and 24;
- T. 3 N., R. 26 E.;
- T. 1 N., R. 27 E., secs. 11 to 25, NE¼ sec. 26, W½ secs. 30 and 31, sec. 36;
- Tps. 2 and 3 N., R. 27 E.;
- T. 1 N., R. 28 E., secs. 1 to 34, inclusive;
- Tps. 2 and 3 N., R. 28 E.;
- T. 4 N., R. 28 E., secs. 4 to 10, lots 1, 2, 3, 4, W½SW¼, SE¼SW¼ sec. 14, secs. 15 to 22, W½ sec. 23, secs. 25 to 36, inclusive;
- T. 2 N., R. 29 E., secs. 4 to 8, N½, SW¼ sec. 9, W½ sec. 17, secs. 18, 19, 20, S½ sec. 21, W½, SE¼ sec. 27, secs. 28 to 34, inclusive;
- T. 3 N., R. 29 E., secs. 4 to 9, 16 to 21, 28 to 33, inclusive;
- T. 4 N., R. 29 E., sec. 31;
- T. 1 S., R. 26 E., secs. 1 to 4, 9 to 12, inclusive;
- T. 1 S., R. 28 E., N½ secs. 3, 4, 5, and 6;
- T. 3 S., R. 28 E., sec. 36;
- T. 3 S., R. 29 E.;
- T. 4 S., R. 29 E., secs. 1 to 17, 21 to 27, and sec. 36;
- T. 4 S., R. 30 E., secs. 6, 7, 18, 19, 30, and 31;
- T. 5 S., R. 30 E., secs. 24, 25, and 36;
- T. 6 S., R. 30 E., sec. 1, N½N½, S½S½ sec. 12, secs. 13, 24, and 25;
- T. 1 S., R. 31 E., secs. 17, 20, 29, and 32;
- T. 2 S., R. 31 E., lots 1, 2, 3, 4, 5, 6, 7, E½ lot 8, E½SW¼, SE¼ sec. 4, lots 3, 4, 5, 8, 9, 10, S½ sec. 5, sec. 8, NE¼, E½NW¼, SW¼NW¼, S½ sec. 9, sec. 17;
- T. 5 S., R. 31 E., secs. 19, 20, W½, SE¼, SW¼NE¼ sec. 21, W½W½ sec. 27, sec. 28, E½, NW¼, E½SW¼ sec. 29, NE¼, lot 1 of NW¼, N½ lot 2 of NW¼, lots 1 and 2 of SW¼ sec. 30, W½ sec. 31, E½E½, NW¼NE¼ sec. 32, sec. 33, W½NW¼, SW¼ sec. 34;
- T. 6 S., R. 31 E.;
- T. 7 S., R. 31 E., secs. 1 to 5, 11 and 12;
- T. 2 S., R. 32 E., W½ sec. 24;
- T. 5 S., R. 32 E., S½NE¼, SE¼NW¼, E½SW¼, SE¼ sec. 12, NW¼NE¼ sec. 13, SE¼SE¼ sec. 23, W½SW¼ sec. 24, W½NW½ sec. 25, NW¼NE¼, E½NE¼, sec. 26;
- T. 6 S., R. 32 E., NE¼, lot 1 in NW¼, N½ lot 2 of NW¼, NE¼SE¼ sec. 19, N½NE¼, NW¼ sec. 21, SW¼NW¼ sec. 29, S½NE¼, NW¼ sec. 30, N½ lot 1 of NW¼, lot 2 of NW¼, N½ lot 2 of SW¼ sec. 31;
- T. 7 S., R. 32 E., secs. 1 to 18, 20 to 25, and sec. 36;
- T. 4 S., R. 33 E., W½ sec. 28, secs. 29 to 32, W½ sec. 33;
- T. 5 S., R. 33 E., secs. 3 to 10, 15 to 23, 26 to 35, inclusive;
- T. 6 S., R. 33 E., secs. 2 to 11, 14 to 23, 25 to 36, inclusive;
- T. 7 S., R. 33 E.;
- T. 8 S., R. 33 E., secs. 1 to 6, E½ sec. 7, secs. 8 to 17, 20 to 28, N½ sec. 29, N½, SE¼ sec. 33, secs. 34, 35, and 36;
- T. 9 S., R. 33 E., sec. 1, lots 1, 2, 3, 4, 6, 7, 8, 9, 14, 15, SE¼ sec. 2, secs. 11 to 14, 24, 25, and 36;
- T. 10 S., R. 33 E., secs. 1, 12, 13, 24, 25, and 36;
- T. 11 S., R. 33 E., sec. 1;
- T. 7 S., R. 34 E., W½ sec. 7, secs. 18, 19, 30, 31, and 32;
- T. 8 S., R. 34 E., secs. 5 to 8, 17 to 20, 26 to 35, inclusive;
- Tps. 9 and 10 S., R. 34 E.;
- T. 11 S., R. 34 E., secs. 1 to 6, 8 to 17, 20 to 29, N½ sec. 32, secs. 33 to 36, inclusive;
- T. 12 S., R. 34 E., secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36, inclusive;
- T. 13 S., R. 34 E., sec. 1, E½ secs. 2 and 11, secs. 12, 13, 14, 23 to 26, 35 and 36;
- T. 14 S., R. 34 E., secs. 1, 2, 11 to 14, 23, 24, 25, E½ sec. 26, sec. 36;
- T. 10 S., R. 35 E., W½ sec. 19, secs. 30 and 31;
- T. 11 S., R. 35 E., secs. 6, 7, 18, 19, 30, and 31;
- T. 12 S., R. 35 E., secs. 5 to 8, SW¼ sec. 16, secs. 17 to 21, 28 to 34, inclusive;
- Tps. 13 and 14 S., R. 35 E.;
- T. 15 S., R. 35 E., secs. 1 to 28, N½ sec. 29, secs. 33 to 36;
- T. 16 S., R. 35 E., secs. 1 to 4, NE¼ sec. 9, sec. 10, N½, N½NE¼SW¼, N½NW¼SW¼, SW¼NW¼SW¼, W½SW¼-SW¼, SE¼SE¼SW¼, E½SE¼, E½NW¼SE¼, SW¼SE¼ sec. 11, secs. 12, 13, 14, NE¼ sec. 23, N½, SE¼ sec. 24;
- T. 13 S., R. 36 E., secs. 5 to 8, 17 to 21, 28 to 36, inclusive;
- Tps. 14 and 15 S., R. 36 E.;
- T. 16 S., R. 36 E., secs. 1 to 24, 26 to 30, NE¼ sec. 31, secs. 32 to 36;
- Tps. 14, 15, and 16 S., R. 37 E.

The major part of the above-described land was withdrawn by the Act of March 4, 1931 (46 Stat. 1530), for the purpose of protecting the watersheds supplying water to the city of Los Angeles and other cities and towns in the State of California. Such lands may be disposed of and rights therein may be granted only in the manner authorized by section 2 of said Act. The recreational use of the lands, provided for by said section, will be governed by the instructions contained in General Land Office Circular No. 1247 and such regulations as may hereafter be prescribed.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-610; Filed, March 2, 1937; 9:33 a. m.]

## Office of Indian Affairs.

### CROW INDIAN IRRIGATION PROJECT, MONTANA

### ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FEBRUARY 19, 1937.

In compliance with the provisions of an Act of August 1, 1914 (38 Stat. 582–83), the operation and maintenance charges for irrigable lands under the Crow Irrigation Project for the calendar year 1937 and subsequent years until further notice, are fixed as follows:

| | |
|---|---|
| Under Government operated units, excepting Coburn Ditch, per acre | $0.95 |
| Under Two Leggins Unit, per acre | 0.95 |
| Under Bozeman Trail Unit, per acre | 0.40 |

The charges as herein fixed shall become due April 1st, and are payable on or before that date. To all charges assessed against owners of patent in fee or white-owned lands not paid on July 1, following, there shall be added a penalty of ½ of 1 percent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered to patent in fee or white-owned lands until such charges shall have been paid, or to trust patent lands until the Superintendent of the reservation shall have issued a statement to the Project Engineer certifying that the Indian farming such land has paid or will pay or that such Indian is financially unable to pay the charge, or in the case of such Indian trust lands as are leased, until the terms of the lease relative to the payment of water charges shall have been complied with.

This supersedes order of March 14, 1936.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37-611; Filed, March 2, 1937; 9:33 a. m.]

### FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

### ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FEBRUARY 19, 1937.

Pursuant to authority of law contained in existing legislation relative to the Flathead Irrigation Project, Montana, it is hereby ordered that the operation and maintenance assessment rates due April 1, 1937, for the calendar year 1937 and for subsequent years until further notice, for the

| | | | |
|---|---|---|---|
| | sec. 18, N½ and SW¼;<br>sec. 19, N½N½NW¼. | | |
| Arizona | Kirkland | March 13, 1937 | 10 a. m. |



various subdivisions of the Flathead Irrigation Project, Montana, that are not included in Irrigation Districts that have executed a suitable repayment contract with the United States, be fixed as follows:

*Charges Applicable to All Irrigable Lands in the Flathead Irrigation Project but Which Are Not Included in the Irrigation District Organizations*

JOCKO DIVISION

*Charges for Service.*—A minimum charge of Seventy Cents (70¢) per acre will be made against all lands within the Jocko Division to which water can be delivered, whether water is used or not, this minimum charge to be credited to the account of water delivered at the following acre foot rates:

(a) For lands receiving water from the lower Jocko and Revais Creek Laterals, water will be delivered in amounts equal to one acre foot per acre for the entire irrigable area of the farm unit, allotment, or tract, at the rate of one dollar ($1) per acre foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre foot.

(b) For lands receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre foot at any time during the irrigation season.

(c) And for lands receiving water from Jocko River through the Jocko K Lateral system, at the rate of fifty cents (50¢) per acre foot at any time during the irrigation season.

MISSION VALLEY AND CAMAS DIVISIONS

*Charges for Service.*—A charge of eighty cents (80¢) per acre shall be levied against all the irrigable area to which water can be delivered, whether water is used or not, and there shall be no further charge for water delivered up to one and one-half acre feet of water per irrigable acre of land included in any farm unit, allotment, or tract of land which has been assessed for operation and maintenance for that season, provided, that for all water delivered to any farm unit, allotment, or tract, in excess of the above amounts there shall be assessed a charge of seventy-five cents (75¢) per acre foot in addition to the minimum charge of eighty cents (80¢) per acre already levied.

GENERAL

For all areas covered by private water rights where the water is regulated by the Flathead Irrigation Project and delivered through the Flathead Irrigation Project systems, a charge of fifty cents (50¢) per acre shall be made for water delivered up to two (2) acre feet per acre, or to such quantity of water as was allowed under the private water right findings for each acre carrying a recognized private water right under the Secretary's private water right findings, and for any additional water furnished to private water right lands, whether through the project irrigation system or otherwise, a charge of one dollar ($1) per acre foot shall be made.

If at any time during the irrigation season when it shall appear, in the judgment of the Project Engineer, that there shall not be sufficient water available to deliver the amount specified under the minimum charge in this regulation to the entire irrigable area for which application for delivery of water has been made and approved, then the Project Engineer shall be authorized to reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment, or tract, and when any farm unit, allotment, or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available, provided that, for those tracts located in the Mission Valley and Camas Divisions of the Flathead Irrigation Project *only*, after an agreement has been reached between a landowner and the Project Engineer as to duty of water on individual tracts where the landowner claims excess requirements on account of porous or gravelly soils, the Project Engineer shall have authority, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy to such porous or gravelly tract, provided it shall not exceed four (4) acre feet of water per acre per season for the accessible irrigable area of the tract.

In the case of lands belonging to the State of Montana, where water service is requested by lessees, delivery will be made upon payment in advance by the lessee of the same minimum charge and at the same rates, and under the same regulations, as are in force for other lands in the same general area that are not included in the Irrigation Districts.

The maximum charge for water delivered to any farm unit or allotment shall not exceed an amount equal to Two Dollars ($2) per acre for the entire irrigable area of the farm unit or allotment, and no charge for water delivered shall be less than Five Dollars ($5) for the season.

To all charges assessed against owners of patent in fee or white-owned lands not paid on July 1st following, there shall be added a penalty of one-half of one per cent (½ of 1 per cent) per month, or fraction thereof, from the due date, April 1st, so long as the delinquency continues. No water shall be delivered to patent in fee or white-owned lands until such charges shall have been paid, or to trust patent lands until the Superintendent of the reservation shall have issued a statement to the Project Engineer certifying that the Indian farming such land has paid or will pay or that such Indian is financially unable to pay the charge, or in the case of such Indian trust lands as are leased, until the terms of the lease relative to the payment of water charges shall have been complied with.

This supersedes order of March 14, 1936.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37–612; Filed, March 2, 1937; 9: 34 a. m.]

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FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FEBRUARY 19, 1937.

In compliance with the provisions of the Act of March 1, 1907 (34 Stat. 1015), the charges on behalf of the cost of operation and maintenance of the Fort Hall Irrigation Project, Idaho, chargeable against all non-Indian owned land and all Indian land leased for a term longer than three years, lying under this project, are hereby fixed for the calendar year 1937, and for subsequent years until further notice, as follows:

| | |
|---|---|
| Minimum charge for each tract in noncontiguous ownership of less than 1.5 acres | $3.00 |
| 1.5 acres up to and including 4.99 acres, per acre | 2.00 |
| 5 acres up to and including 9.99 acres, per acre | 1.75 |
| 10 acres up to and including 14.99 acres, per acre | 1.50 |
| 15 acres or more, per acre | 1.00 |
| For contiguous small tracts in separate ownership within a farm unit aggregating not less than 15 acres when an agent satisfactory to the project engineer is appointed for the purpose of collecting and paying in a single amount the annual irrigation charges for all owners and representing them in delivery of water | 1.00 |

*Time of Payment.*—The charges herein fixed shall become due on April 1st of the year for which the assessment is made and are payable before or on that date. To all charges against land in non-Indian ownership not paid by July 1 following the due date, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, beginning from the due date and continuing until payment in full has been made.

*Conditions of Payment.*—No water will be delivered to:

1. Land in non-Indian ownership until at least 50 per cent of the assessment for the season has been paid in advance and water deliveries will not be continued after July 1 of that season until all unpaid annual charges against such lands have been paid in full.

2. (a) Lands in Indian ownership leased for a term longer than three years, with no provision in the lease contract governing payment of operation and maintenance charges, until at least 50 per cent of the assessment for the season has been paid in advance and water deliveries will not be continued after July 1 of that season until all unpaid annual charges against such lands have been paid in full.

(b) Lands in Indian ownership under lease for a term longer than three years, with provision in the lease contract for payment of operation and maintenance charges, until the terms of the contract have been complied with by the lessee in payment of such charges.

This supersedes order of February 28, 1934.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37–613; Filed, March 2, 1937; 9:34 a. m.]

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DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

[Docket No. A–38–1 O–38–1]

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF CAULIFLOWER GROWN IN STATE OF OREGON

Whereas, the Secretary of Agriculture, by notice dated October 30, 1936, caused a public hearing to be held in Portland, Oregon, on November 9, 1936, upon a proposed marketing agreement and a proposed order regulating the handling of cauliflower grown in the State of Oregon; and

Whereas, it now appears that, with respect to spring cauliflower grown in the State of Oregon, certain compilations of statistical data covering production, prices, shipments and other economic data relating thereto, and the index of prices paid by farmers for commodities bought during the period August 1919–July 1936, were not incorporated in, and made a part of, the record of such hearing; and

Whereas, it is determined that the said hearing be reopened for the purpose of introducing such data into the record of the said hearing and permitting all interested parties to examine the same and to submit evidence with respect to the subject matter of such data; and

Whereas, by reason of an emergency which exists with respect to the handling of cauliflower grown in the State of Oregon, it is determined that the period of notice of reopening of the said hearing, as hereinafter given, is reasonable under the circumstances;

Now, therefore, pursuant to the Agricultural Adjustment Act, as amended, and applicable regulations issued thereunder, notice is hereby given that the said hearing will be reopened and held in the office of the Agricultural Adjustment Administration, Room 901, Lewis Building, Portland, Oregon, on March 8, 1937, at 10:00 a. m., and that copies of the said compilation of statistical data may be obtained from either the said office or the office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] M. L. WILSON,
*Secretary of Agriculture.*

Dated, March 2, 1937.

[F. R. Doc. 37–621; Filed, March 2, 1937; 1:01 p. m.]

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NCR—B–101, as amended

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of Section 7 (a) of said Act for 1937, in accordance with the following provisions of this North Central Region Bulletin No. 101, as amended, and such modifications thereof and such other provisions as may hereafter be made.

This program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this program is contingent upon whatever appropriation the Congress of the United States may hereafter make for such purpose. The amount of any payment under this Program will be finally determined by such appropriation and the extent of participation in such Program. The rates of payment and the soil-building allowances set forth herein are computed upon the basis of an appropriation of $500,000,000.

*Part I—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the North Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*North central region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*North central division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the North Central Region.

*Area "A"* means the area included in the following counties of the following States:

*Illinois.*—All counties.

*Indiana.*—Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Johnson, Knox, Kosciusko, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Noble, Parke, Porter, Pulaski, Putnam, Randolph, Rush, Shelby, Starke, Sullivan, Tippecanoe, Tipton, Union, Vigo, Vermillion, Wabash, Warren, Wayne, Wells, White, and Whitley.

*Iowa.*—All counties.

*Minnesota.*—Blue Earth, Brown, Chippewa, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, Martin, McLeod, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Sibley, Steele, Swift, Waseca, Watonwan, Yellow Medicine.

*Missouri.*—Adair, Andrew, Atchison, Audrain, Boone, Buchanan, Caldwell, Calloway, Carroll, Chariton, Clark, Clay, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Howard, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Nodaway, Pike, Platte, Putnam, Ralls, Randolph, Ray, St. Charles, Saline, Schuyler, Scotland, Shelby, Sullivan, Warren, Worth.

*Nebraska.*—Antelope, Boone, Burt, Butler, Cass, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Gage, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Sarpy, Saunders, Seward, Stanton, Thurston, Washington, Wayne, York.

*Ohio.*—Allen, Auglaize, Butler, Champaign, Clark, Clinton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Greene, Hancock, Hardin, Henry, Highland, Logan, Madison, Marion, Mercer, Miami, Montgomery, Paulding, Pickaway, Preble, Putnam, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Williams, Wood, Wyandott.

*South Dakota.*—Bon Homme, Brookings, Clay, Hutchinson, Lake, Lincoln, McCook, Minnehaha, Moody, Turner, Union, Yankton.

*Wisconsin.*—Columbia, Dane, Grant, Green, Iowa, Lafayette, Rock, Walworth.

*Area "B"* means the area included in the following counties of Missouri: Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard.

*Area "C"* means the area included in the following counties of Missouri: Howell, Oregon, Ozark, and Taney.

*State committee or State agricultural conservation committee* means the group of persons designated for a State to assist in the administration of the 1937 Agricultural Conservation Program in such State.

*County agricultural conservation association or county association* means the association in the county organized to assist in the administration of the 1937 Agricultural Conservation Program in such county. The boundaries of a county shall determine the boundaries of the association for such county provided, however, that upon approval in advance by the State committee and the Director of the North Central Division, a county may have two associations or two or more counties may have one association.

*County agricultural conservation committee or county committee* means the group of persons designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Share-rented farm* means a farm that is rented for a share of the crops produced thereon, or the proceeds thereof.

*Person* means an individual, firm, partnership, association, corporation, estate, or trust. The term person shall also include, wherever applicable, a State, a political subdivision of a State, or any agency thereof, and any governmental agency that may be designated by the Secretary.

*Operator* means a person who as owner or share-tenant is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof.

*Share-tenant* means a person other than an owner or sharecropper who is operating a share-rented farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share-tenant sublets a share-rented farm to another person and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share-tenants.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with workstock, farm machinery, and labor substantially separate from that of any other land.

*Diversion farm* means (1) any farm in a county operated by a person who operates a farm or farms in such county with respect to which farm or farms the sum of the general soil-depleting bases established therefor is 20 acres or more, and (2) any farm for which a cotton or tobacco soil-depleting base is established.

*Nondiversion farm* means any farm which is not a diversion farm.

*Dryland farm* means (1) any farm not in Area "A" in Nebraska or South Dakota unless such farm is designated before May 1, 1937, by the county committee as not being a dryland farm, and (2) any farm in Area "A" in Nebraska or South Dakota designated before May 1, 1937, by the county committee as being a dryland farm.

*Cotton farm* means any farm in Area "B" or in Area "C" which has a cotton soil-depleting base, or on which cotton is grown in 1937.

*Sharecropper farm* means any farm operated with the aid of sharecroppers in 1937, which farm is not a cotton farm.

*Orchards* means the entire acreage (not abandoned) in tree fruits, nut trees, vineyards, bush fruits (including cranberries), and nursery stock on the farm on January 1, 1937, even though such acreage is interplanted with other crops.

*Cropland* means (1) all tillable farm land from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and December 31, 1936, inclusive, except farm land in a dryland farm with a productivity less than 50 percent of the productivity for the county; and (2) any other acreage devoted on January 1, 1937, to orchards.

*Noncrop plowable pasture* means any noncrop pasture land other than range land and other than land owned or controlled by the United States Government, or an agency thereof, which could be brought under cultivation without clearing, draining, or irrigating. The term "noncrop plowable pasture" shall include any noncrop land used for the production of wild hay.

*Animal unit* means the unit of measurement used to denote the grazing capacity of noncrop plowable pasture. An animal unit as used herein shall be equal to either one cow, one horse, five sheep, two calves, two colts, or the equivalent thereof.

*Commercial orchards* means the entire acreage (not abandoned) in tree fruits, cultivated nut trees, vineyards, and bush fruits (including cranberries), on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young nonbearing orchards on the farm on January 1, 1937, from which the principal part of the production will be sold.

*Commercial vegetables* means the acreage of vegetables and truck crops (including Irish potatoes, sweet potatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm in 1936.

*1937 general acreage* means the total acreage classified as soil-depleting on a farm in 1937, less any 1937 acreage of cotton and tobacco on such farm.

*1937 sugar beet acreage* means the acreage planted to sugar beets on a farm in 1937, not in excess of the general soil-depleting base for such farm.

*New conserving acreage* means the acreage of cropland in the farm upon which there is, on the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a crop listed in Section 2 (a) of Part III which was seeded between November 1, 1936, and October 31, 1937, inclusive, and which acreage is classified as soil-conserving in 1937. New conserving acreage also means the acreage of cropland used in accordance with subsection (b) of Section 2 of Part III.

*Old conserving acreage* means the acreage of cropland in the farm which was seeded prior to November 1, 1936, and upon which acreage there was a good stand of a crop listed in Section 2 (a) of Part III on or after July 1, 1937, and which acreage is classified as soil-conserving in 1937. Old conserving acreage also means any acreage of cropland on the farm upon which there was a good stand of a crop listed in Section 2 (a) of Part III on or after July 1, 1937, which was self-seeded in the fall of 1936 and which acreage is classified as soil-conserving in 1937. Old conserving acreage also means the acreage of cropland used in accordance with Section 2 (c) of Part III.

*Total conserving acreage* means the sum of the new conserving acreage and the old conserving acreage.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Conserving payment* means a payment for the increase of soil-conserving acreage.

*Soil-building payment* means a payment for carrying out an approved soil-building practice.

*Maximum general diversion payment* for a farm means the largest amount of payment which may be earned for diversion of acreage from crops in the general soil-depleting base on such farm. Such amount shall be computed by multiplying the rate per acre for diversion of acreage in the general soil-depleting base for such farm by the number of acres equal to 15 percent of such base.

*Maximum tobacco diversion payment* for a farm for any specified type of tobacco means the largest amount of payment which may be earned for diversion of acreage in the soil-depleting base for such farm for such type of tobacco. Such amount shall be computed in the case of a Burley or cigar-leaf tobacco soil-depleting base for such farm by multiplying the rate per acre for diversion of acreage in such base by the number of acres equal to 25 percent of such base. Such amount shall be computed in the case of a dark air-cured tobacco soil-depleting base by multiplying the rate per acre for diversion of acreage in such base by the number of acres equal to 30 percent of such base.

*Maximum cotton diversion payment* for a farm means the largest amount of payment which may be earned for diversion of acreage in the cotton soil-depleting base on such farm. Such amount shall be computed by multiplying the rate per acre for diversion of acreage from the cotton soil-depleting base for such farm, by the number of acres equal to 35 percent of such base, except that if such base is 5.7 acres or less, such amount shall be computed by multiplying such rate by two acres, or by such base, whichever is less.

*Maximum conserving payment* for a farm means the largest amount of payment which may be earned for an increase in the acreage of soil-conserving crops on such farm. Such amount shall be computed by multiplying the rate per acre for conserving payments for such farm by the acreage for which diversion payments are made with respect to such farm.

*Part II—Establishment of Limits, Bases, Grazing Capacities, Productivity Indexes, and Yields*

SECTION 1. *County Limits.*—The Agricultural Adjustment Administration shall establish (a) a county total limit for each county, (b) a county corn limit for each county in area "A", (c) a county cotton limit for each county in which cotton soil-depleting bases will be established, (d) a county tobacco limit for each type of tobacco for each county in which tobacco soil-depleting bases will be established for such type of tobacco, and (e) a county pasture grazing capacity limit for each county containing noncrop plowable pasture. Such county limits shall be based upon the county limits established pursuant to the 1936 Agricultural Conservation Program, the land measurements obtained pursuant to the 1936 Agricultural Conservation Program, and census reports, and in the case of the county pasture grazing capacity limit such limit shall be determined by multiplying the acreage of noncrop plowable pasture in such county by the number of animal units which an average acre of such noncrop plowable pasture will carry during the normal pasture season. The sum of the individual total soil-depleting bases, corn limits, cotton soil-depleting bases, tobacco soil-depleting bases, and grazing capacity limits for all farms in a county shall not exceed the county total limit, the county corn limit, the county cotton limit, the county tobacco limit for each type of tobacco, and the county pasture grazing capacity limit, respectively.

SECTION 2. *Total Soil-Depleting Bases.*—There shall be established for each farm a total soil-depleting base. The total soil-depleting base for any farm shall not be greater than the total acreage of cropland on such farm less the acreage in orchards. The total soil-depleting base for any farm shall be the total soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program subject to changes in classification of land in 1937 from that in 1936 subject to such revisions and adjustments as will result in a total soil-depleting base for such farm which is comparable to the total soil-depleting bases established for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, degree of erosion, ratio of soil-depleting crops planted in 1935 and 1936 to cropland, type of farming, and farming practices.

SECTION 3. *Cotton Soil-Depleting Bases.*—There may be established as a part of the total soil-depleting base for any farm a cotton soil-depleting base. The cotton soil-depleting base for any farm shall be the cotton soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program subject to such revisions and adjustments as will result in a cotton soil-depleting base for such farm which is comparable to the cotton soil-depleting bases established for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, degree of erosion, type of farming, and farming practices.

For farms on which cotton was grown in 1936 for the first time since 1933, a cotton base may be established on the basis of the acreage planted to cotton in 1936 subject to necessary adjustments based on land measurements made in connection with the 1936 Agricultural Conservation Program and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community similar with respect to size, type of soil, topography, production facilities, degree of erosion, type of farming, and farming practices.

SECTION 4. *Tobacco Soil-Depleting Bases.*—There may be established as a part of the total soil-depleting base for any farm a Burley, dark air-cured, or cigar leaf tobacco soil-depleting base. If a soil-depleting base for any specified type of tobacco is to be established for any farm, there shall first be established a preliminary soil-depleting base for such type of tobacco for such farm. A preliminary soil-depleting base for any farm for any specified type of tobacco shall be based upon the soil-depleting base established for such farm for such type of tobacco under the 1936 Agricultural Conservation Program, the acreage of such type of tobacco grown on such farm in 1935 and 1936, the acreage of such type of tobacco grown on and the soil-depleting bases established for such type of tobacco for other farms in the same community similar with respect to size, type of soil, topography, production facilities, and farming practices.

If the acreage planted to any specified type of tobacco in 1937 on any farm is less than fifty percent of the preliminary soil-depleting base established for such farm for such type of tobacco, the soil-depleting base for such farm for such type of tobacco shall be adjusted downward so that the soil-depleting base established for such farm for such type of tobacco does not exceed an acreage equal to twice the acreage of such type of tobacco grown on such farm in 1937.

For the purpose of the 1937 Agricultural Conservation Program in the North Central Region, Eastern Ohio Export tobacco shall be regarded as Burley tobacco.

SECTION 5. *General Soil-Depleting Bases.*—There may be established as a part of the total soil-depleting base for any farm a general soil-depleting base. The general soil-depleting base for any farm shall represent the acreage on such farm normally used for the production of all soil-depleting crops except cotton and tobacco. The general soil-depleting base for any farm shall be determined by subtracting the sum of any cotton and tobacco soil-depleting bases established for such farm from the total soil-depleting base established for such farm.

SECTION 6. *Soil-Conserving Bases.*—The soil-conserving base for any farm shall be determined by subtracting the total soil-depleting base plus the acreage in orchards from the total acreage of cropland in such farm.

SECTION 7. *Corn Limits.*—There shall be established for each farm in Area "A" a corn limit. The corn limit established for any diversion farm shall be based on the ratio of corn planted on such farm in 1935 and 1936 to cropland, type of soil, topography, degree of erosion, size, and productivity. The corn limit established for any diversion farm shall be comparable to the corn limit established for similar farms in the same community.

SECTION 8. *Pasture Grazing Capacities.*—There shall be established for each farm containing noncrop plowable pasture land a pasture grazing capacity for such farm expressed in terms of animal units. Such grazing capacity for any farm shall represent the total number of animal units which the noncrop plowable pasture in such farm will carry during the normal pasture season. Such grazing capacity for any farm shall be determined by first establishing the pasture grazing capacity for an average acre of noncrop plowable pasture land in such farm by making such deviation from the pasture grazing capacity established by the Agricultural Adjustment Administration for an average acre of noncrop plowable pasture land in the county as is justified by the composition, palatability, density of vegetative growth, and topographic features of the noncrop plowable pasture land in such farm. The pasture grazing capacity so determined for an average acre of noncrop plowable pasture land in such

farm shall be multiplied by the acreage of noncrop plowable pasture land in such farm. The result so obtained shall be the pasture grazing capacity of such farm.

SECTION 9. *Rates of Payment, Productivity Indexes, and Yields.*—(a) *County Rates of General Diversion and Conserving Payments.*—There shall be established by the Agricultural Adjustment Administration for each county a county rate of payment per acre for diversion from the general soil-depleting base. Such county rates of payment will be an average of $6.00 for the United States and will vary among counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, dry edible beans, sorghum for syrup, broom corn, potatoes, and sweet potatoes varies as compared to the productivity of the cropland in the United States devoted to the production of such crops. In counties in Area "A" the rate thus determined shall be increased 5 percent. The county rate of payment per acre for conserving payments shall be fifty percent of the county rate of payment per acre for diversion from the general soil-depleting base.

(b) *Productivity Indexes.*—There shall be established a general productivity index for each farm. Such productivity index shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared to the normal yield per acre for such crop for the county. Where the yield of the major soil-depleting crop for any farm in the county does not accurately reflect the productivity of such farm, the yield of such other crop as does accurately reflect the productivity of such farm may be used, provided that the productivity index for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils and productive capacity.

(c) *Tobacco Yield.*—There shall be established for each county where soil-depleting bases will be established for any specified type of tobacco a county check yield expressed in pounds per acre for each such type of tobacco. Such county check yield for any specified type of tobacco shall be the check yield which was established under the 1936 Agricultural Conservation Program. There shall be established for each farm for which a soil-depleting base will be established for any specified type of tobacco a tobacco yield expressed in pounds per acre, such yield to be the normal annual tobacco yield per acre for such farm for such type of tobacco. For each type of tobacco the sum of the products obtained by multiplying each tobacco soil-depleting base by the tobacco yield for such farm shall not exceed the product obtained by multiplying the sum of all such tobacco soil-depleting bases in the county by the county tobacco check yield.

(d) *Cotton Yield.*—There shall be established for each county where cotton soil-depleting bases will be established, a county cotton check yield expressed in pounds per acre. Such county cotton check yield shall be the check yield which was established under the 1936 Agricultural Conservation Program. There shall be established for each farm upon which a cotton soil-depleting base will be established, a cotton yield expressed in pounds per acre, such yield to be the normal annual cotton yield per acre for such farm. The sum of the products obtained by multiplying each cotton soil-depleting base by the cotton yield for such farm shall not exceed the product obtained by multiplying the sum of all the cotton soil-depleting bases for the county by the county cotton check yield.

(e) *Sugar Beet Yield.*—There shall be established for each farm upon which sugar beets are planted in 1937, a sugar beet yield. Such sugar beet yield shall be expressed in short tons per acre and shall be the yield which was or could have been established under the 1936 Agricultural Conservation Program, subject to such adjustments as will make the sugar beet yield for such farm comparable with the sugar beet yields for other farms in the county which are similar with respect to type of soil and productive capacity. If no sugar beets were planted on the farm during the seven years 1930 to 1936, inclusive, but are planted on such farm in 1937, the sugar beet yield for such farm shall be the average annual yield for the years 1930 to 1933, inclusive, of the factory district in which is located the factory to which the sugar beets from such farm will be delivered in 1937.

SECTION 10. *Appeals.*—Any person who has reason to believe that any base or limit established for such person's farm is not equitable, may request the county committee to reconsider its recommendations. If no agreement is reached between such person and such committee, an appeal may be taken to the State Committee in accordance with the instructions issued by the Director of the North Central Division.

*Part III—Classification of Farmland*

The use of farmland in 1937 shall be classified as either soil-depleting, soil-conserving, or neutral, as set forth in this Part III. In order for any cropland, other than an entire field, to be classified as either soil-conserving or neutral, such cropland, except cropland strip-cropped or strip-fallowed, must be in a solid block contiguous to the entire side or end of a field and the line between the cropland classified as neutral or soil-conserving and the remaining portion of the field must be straight. Except as otherwise provided, if any acreage on the farm is used for the production of interplanted crops, the actual acreage of each interplanted crop shall be classified as set forth in this Part III. The entire acreage first devoted to an orchard after January 1, 1937, shall be classified as though such orchard had not been planted. Any acreage upon which unadapted seed or mixtures containing any unadapted seed is planted in 1937 shall be classified as if such unadapted seed or such mixtures were not planted.

SECTION. 1. *Soil-Depleting.*—Farmland devoted to the crops and uses specified in this Section 1, or such other similar crops and uses as are designated by the Director of the North Central Division, shall be classified as soil-depleting:

(a) Land planted in 1937 to the following crops:

(1) Corn (field, sweet, and popcorn).
(2) Grain sorghums and sweet sorghums.
(3) Cotton.
(4) Tobacco.
(5) Sugar beets.
(6) Rice.
(7) Field beans and field peas.
(8) Canning peas.
(9) Hemp.
(10) Broomcorn.
(11) Mint.
(12) Mangels and cowbeets.
(13) Cultivated sunflowers.
(14) Truck and vegetable crops.
(15) Potatoes and sweet potatoes.
(16) Melons and strawberries.
(17) Bulbs and flowers.
(18) Asparagus and artichokes.

(b) Land used in 1937 for the production of the following crops:

(1) Wheat, oats, barley, rye, flax, buckwheat, emmer, speltz, and mixtures of any of such crops, harvested for grain in 1937.
(2) Millet and Sudan grass for seed.
(3) Soybeans and cowpeas for grain or seed except in Area "B".
(4) Rape for seed.
(5) Strawberries.
(6) Bulbs and flowers.
(7) Vetch for seed.
(8) Asparagus.

(c) The acreage by which, the sum of the idle cropland and the acreage planted to any of the following crops and used as specified herein, exceeds the acreage obtained by subtracting the old conserving acreage from the soil-conserving base:

(1) Wheat, oats, barley, rye, flax, emmer, speltz, and mixtures of any such crops, not harvested for grain. This item includes any acreage thus used except—

a. Any acreage of such crops planted in the fall of 1936, not cut for grain or hay in 1937, and used in 1937 in accordance with the provisions of Section 2 of this Part III (soil-conserving) or items (1) and (3) of Section 3a of this Part III (neutral).

b. Any acreage of such crops planted in the fall of 1937 for harvest in 1938.

c. Any acreage of such of these crops as are included in and used as specified in item 5 of Section 3a of this Part III.

d. Any acreage of such crops used as a nurse crop, seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and not harvested as grain or hay.

(2) Soybeans, cowpeas, and buckwheat not harvested as grain or seed. (This item (2) does not include any acreage planted to soybeans, cowpeas, and buckwheat and used as specified in item (1) of Section 2 (b) of Part III.) This item (2), insofar as it relates to soybeans and cowpeas, is not applicable to Area "B".

(3) Millet and Sudan grass not harvested for seed.

(4) Rape not harvested for seed.

SECTION 2. *Soil-Conserving.*—Cropland in 1937 not used as set forth in Sections 1 and 3 of this Part III and devoted to the crops and uses specified in this Section 2, or such other similar crops and uses as are designated by the Director of the North Central Division shall be classified as soil-conserving: (This Section 2 does not exclude any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay.)

(a) Cropland upon which there was a good stand on or after July 1, 1937, of any of the following crops seeded before November 1, 1936; and cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand which with the exception of the crops listed in item (4) hereof, would normally survive the winter of 1937–38, of any of the following crops seeded between November 1, 1936, and October 31, 1937, inclusive, provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain.

(1) *Perennial legumes.*—Alfalfa, kudzu, sericea, and white clover.

(2) *Perennial grasses.*—Bluegrass, Dallis, timothy, redtop, reed canary grass, orchard grass, Bermuda grass, carpet grass, bromegrass, crested wheat grass, slender wheat grass, western wheat grass, gramma grasses, buffalo grass, bluestem grasses, Koeleria, perennial ryegrass, meadow fescue.

(3) *Biennial legumes.*—Sweet, red, and mammoth clovers.

(4) Annual sweet clover, alsike clover, lespedeza, crotolaria.

(5) Mixtures of legumes listed under items 1, 3, and 4 of this subsection (a), or mixtures of such legumes and the grasses listed under item 2 of this subsection (a).

(6) Trees, other than fruit or nut trees, planted since January 1, 1934.

(b) Cropland used as follows:

(1) Incorporation into the soil as green manure by plowing or discing of a good vegetative growth of soybeans, velvet beans, cowpeas, or buckwheat seeded before July 1, 1937, and followed by a winter cover crop where the land is subject to erosion.

(c) Cropland used as follows:

(1) Planted to crimson clover, bur-clover, vetch (except vetch harvested for seed), black medica and yellow treefoil (hop clover) in the fall of 1936, provided there is a good stand of any of such crops on such acreage on or after March 1, 1937.

(2) Planted to soybeans and cowpeas in Area "B", provided there is a good stand of such crops on such acreage on or after July 1, 1937.

SECTION 3. *Neutral.*—Farm land not used as specified in Sections 1 and 2 of this Part III and devoted to the crops and uses specified in this Section 3, or such other similar crops and uses as are designated by the Director of the North Central Division, shall be classified as neutral:

(a) Farmland used in 1937 for the following purposes:

(1) Land summer fallowed on which the first tillage operation is completed by the date hereinafter specified and which land is properly cultivated thereafter in such a manner as to prevent wind erosion, water erosion, and weed growth. The first tillage operation must be completed by June 1, 1937, except (a) in Nebraska the first tillage operation must be completed by May 15, 1937, and (b) in the following counties of Ashland, Bayfield, Douglas, Iron, and Vilas in Wisconsin, in the following counties of Aitkin, Becker, Beltrami, Cass, Carlton, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Woods. Marshall, Mahnomen, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, St. Louis, Wadena, and Wilkin in Minnesota, in the following counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Kewenaw, Luce, Mackinac, Marquette, Menominee, Outonagon, and Schoolcraft in Michigan. The first tillage operation must be completed by June 15, 1937, and (c) if an old stand of a crop listed in Section 2 (a) of this Part III is plowed before July 1, 1937, the first tillage operation on such land must be completed by July 1, 1937. (This item (1) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested for grain or hay in 1937 and such acreage otherwise meets the requirements of this item (1).)

(2) The acreage in orchards.

(3) Seeded in 1937 to a crop specified in subsection (a) of Section 2 of this Part III, in accordance with good farming practices and upon which, due to uncontrollable natural causes, there is not a good stand which, with the exception of the crops listed in item (4) hereof, would survive the winter of 1937–38, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay. (This item (3) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay in 1937 and if such acreage otherwise meets the requirements of this item (3).)

(4) Waste land, roads, lanes, lots, yards, noncrop pasture land, land reverting to permanent pasture, and noncrop woodland.

(5) Noncrop pasture land planted before June 1, 1937, to wheat, oats, barley, rye, ryegrass, emmer, speltz, Sudan grass, and small grain mixtures, and not used for grain, seed, or hay, if, because of unusual weather conditions, such land has become unfit for grazing and if written statement is obtained from the county committee designating the area of such noncrop pasture land.

(6) Land planted to rye, cane or Sudan grass on Valentine sandy loam soils in Dundy, Chase, Perkins, Hayes, Lincoln, Garden, Morrill, Sheridan, Sioux, Dawes, Scotts Bluff, Banner, Kimball, Cheyenne, Dueul, Keight, Arthur, McPherson, and Logan Counties in Nebraska, provided (1) such crops are seeded before June 15, 1937, at the normal rate of seeding for grain, (2) a good growth of such crops is obtained and not harvested for grain or hay, or pastured, and (3) the county committee after inspection has approved and designated such cropland.

(7) Land devoted to the production of ginseng.

(b) The acreage equal to the sum of the idle cropland and the acreage planted to any of the following crops and used as

specified herein not in excess of the acreage obtained by subtracting the old conserving acreage from the soil-conserving base:

(1) Wheat, oats, barley, rye, flax, emmer, speltz, and mixtures of any such crops, not harvested for grain. This item includes any acreage thus used except—

a. Any acreage of such crops planted in the fall of 1936, not cut for grain or hay in 1937, and used in 1937 in accordance with the provisions of Section 2 of this Part III (soil-conserving) or items (1) and (3) of Section 3 (a) of this Part III (neutral).

b. Any acreage of such crops planted in the fall of 1937 for harvest in 1938.

c. Any acreage of such of these crops as are included in and used as specified in item 5 of Section 3 (a) of this Part III.

d. Any acreage of such crops used as a nurse crop, seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and not harvested as grain or hay.

(2) Soybeans, cowpeas, and buckwheat not harvested as grain or seed. (This item (2) does not include any acreage planted to soybeans, cowpeas, and buckwheat and used as specified in item (1) of Section 2 (b) of this Part III.) This item (2), insofar as it relates to soybeans and cowpeas is not applicable to Area "B."

(3) Millet and Sudan grass not harvested for seed.

(4) Rape not harvested for seed.

*Part IV—Rates and Conditions of Payment*

In connection with the utilization in 1937 of farmland in the North Central Region, payments will be made in the amounts and subject to the conditions hereinafter set forth:

SECTION 1. *Rates of Diversion and Conserving Payments.*—The rates for diversion and conserving payments shall be as follows:

(a) The rate per acre for general diversion payments for a farm shall be the county rate per acre for general diversion payments multiplied by the productivity index of crops in the general soil depleting base for such farm.

(b) The rate per acre for tobacco diversion payments for a farm shall be the result obtained, less the rate for conserving payments for such farm, by multiplying the number of pounds representing the normal yield per acre of the specified type of tobacco for such farm, in the case of Burley tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar-leaf tobacco by 3 cents.

(c) The rate per acre for cotton diversion payments for a farm shall be the result obtained, less the rate for conserving payments for such farm, by multiplying the number of pounds representing the normal yield per acre of cotton for such farm by 5 cents.

(d) The rate per acre for conserving payments for a farm shall be the county rate per acre for conserving payments multiplied by the productivity index of crops in the general soil depleting base for such farm.

SECTION 2. *Share of Payments, Allowances, and Deductions.*—The share of any person in any payments, allowances, or deductions computed with respect to any farm shall be determined as follows:

(a) If the operator of a farm is the owner of such farm, and such farm is not operated with the aid of sharecroppers, such person's share of any payment, soil-building allowance, or deduction computed with respect to such farm shall be 100 percent.

(b) The share of the owner and of the operator of a share-rented farm, not a cotton or sharecropper farm, of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be such person's share of the principal soil-depleting crop, or the proceeds thereof, under the lease or operating agreement relating to such farm. The term "principal soil-depleting crop", as used herein, means the soil-depleting crop, exclusive of sugar beets, to which the greatest number of acres on the farm is devoted. For the purpose of this Section 2, all small grains, or the proceeds thereof, which are divided in the same percentage shall be considered as one soil-depleting crop. If there is no soil-depleting crop, exclusive of sugar beets, which has a larger acreage than any other soil-depleting crop on the farm, the principal soil-depleting crop shall be the soil-depleting crop on the farm which is of major importance in terms of acreage in the county in which such farm is located. If no soil-depleting crop, exclusive of sugar beets, is planted on a share-rented farm in 1937, the share of the owner and of the operator of such farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm shall be 50 percent.

(c) The share of the owner and operator of a share-rented farm, not operated with the aid of sharecroppers, of any sugar beet payment computed with respect to such farm, shall be such person's share of the sugar beets, or the proceeds thereof, under the lease or operating agreement relating to such farm.

(d) If a person is an owner, operator, or sharecropper with respect to a cotton farm, such person's share of any diversion payment computed with respect to such farm shall be determined as follows: 37½ percent to the person who furnished the land in such farm; 12½ percent to the person who furnished the workstock and equipment; 50 percent to be divided among the persons who are parties to the lease or operating agreement relating to such farm in the proportion in which such persons are entitled to share under such lease or operating agreement in the crops grown on such farm in 1937, or the proceeds thereof, with respect to which any diversion payment is made, provided, however, if on such farm no crop was planted in 1937 with respect to which a diversion payment is made, such person's share of such payment shall be his share specified in an agreement among the persons who are parties to the lease or operating agreement relating to such farm, which agreement is approved by the county committee, and if no such agreement is approved by the county committee, such payment shall be divided equally among the persons who are parties to the lease or operating agreement relating to such farm.

(e) If a person is an owner, operator, or sharecropper with respect to a sharecropper farm, the share of such person in any diversion or sugar beet payment made with respect to such farm shall be the proportion in which such person is entitled to share under the lease or operating agreement relating to such farm in the crops grown on such farm in 1937, or the proceeds thereof, with respect to which any such payments are made, provided, however, if on such farm no crop was planted in 1937 with respect to which any diversion payment is made, such person's share of such payment shall be his share specified in an agreement among the persons who are parties to the lease or operating agreement relating to such farm, which agreement is approved by the county committee, and if no such agreement is approved by the county committee, such payment shall be divided equally among the persons who are parties to the lease or operating agreement relating to such farm.

(f) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's share of any conserving payment computed with respect to such farm shall be the percentage that the sum of all diversion payments computed for such person is of the sum of all diversion payments computed for such farm.

(g) If a person is an owner, operator, or sharecropper with respect to a cotton or a sharecropper farm, the total soil-building payment for such person with respect to such farm shall be the sum of the share of such person in the soil-building payment for each practice computed as follows: The soil-building payment for any practice shall be made to the person, determined by the county committee, who has incurred the expense in 1937 with respect to which the soil-building payment is to be made; where two or more persons are determined by the county committee to have incurred the expense in 1937 with respect to such practice, the soil-building payment for such practice shall be divided equally between such persons.

(h) The term "person's percentage" as used in this bulletin with reference to a person who is both the owner and operator of a farm, not operated with the aid of sharecroppers, and also as used with reference to any diversion, conserving, or soil-building payment, computed for such person with respect to such farm, or any deduction or soil-building allowance computed for such person with respect to such farm, shall mean the percentage determined for such person for such farm under subsection (a) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner or operator of a share-rented farm, not a cotton or sharecropper farm, and also as used with reference to any diversion, conserving, or soil-building payment, computed for such person with respect to such farm, or any deduction or soil-building allowance computed for such person with respect to such farm, shall mean the percentage determined for such person for such farm under subsection (b) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a cotton farm or a sharecropper farm, and also as used with reference to a general, cotton, or specified type of tobacco diversion payment computed for such person with respect to such farm, shall mean: in the case of a cotton farm, the percentage determined for such person for such particular kind of diversion payment under subsection (d) of this Section 2, and in the case of a sharecropper farm, the percentage determined for such person for such particular kind of diversion payment under subsection (e) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a sharecropper farm, and also as used with reference to a sugar beet payment computed for such person with respect to such farm shall mean the percentage determined for such person for such payment under subsection (e) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a cotton farm or a sharecropper farm and also as used with reference to a conserving payment computed for such person with respect to such farm shall mean the percentage determined for such person for such payment under subsection (f) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a cotton farm or a sharecropper farm, and also as used with reference to any deduction computed for such person with respect to such farm, shall mean the percentage that the sum of all payments computed for such person with respect to such farm is of the sum of all payments computed for such farm. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a cotton farm or a sharecropper farm, and also as used with reference to the soil-building allowance for such farm shall mean the percentage that the total soil-building payments computed for such person with respect to such farm is of the total soil-building payments computed with respect to such farm. If there is no payment computed for a person who is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, and there is a deduction computed with respect to such farm, such person's percentage with respect to such deduction for such farm shall be such person's percentage of the principal soil-depleting crop on such farm.

Any share of payments shall be computed and paid without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against any crop, or the proceeds thereof, in favor of the owner or any creditor. If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from any previous leasing or cropping arrangement for the farm, for the purpose of, or which would have the effect of, diverting to such person any payment to which any tenants or sharecroppers would be entitled if the previous leasing or cropping arrangement were in effect for 1937, the amount of any payment which would otherwise be made to such person may be withheld in whole or in part.

SECTION 3. *Diversion and Conserving Payments if a Person is an Owner, Operator, or Sharecropper with Respect to Only One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to only one diversion farm in a county, the amount of diversion and conserving payments which shall be made to such person in such county shall, subject to the provisions of Sections 10, 15, 17, and 18 of this Part IV, be computed as follows:

(a) General diversion payments shall be computed by multiplying the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage, provided, such payment shall not be in excess of such person's percentage of the maximum general diversion payment for such farm.

(b) Tobacco diversion payments for a specified type of tobacco shall be computed by multiplying the acreage by which the 1937 acreage of such type of tobacco on such farm is less than the soil-depleting base for such farm for such type of tobacco by the rate per acre for diversion payments for such farm for such type of tobacco and multiplying this result by such person's percentage, provided, such payment shall not be in excess of such person's percentage of the maximum diversion payment for such farm for such type of tobacco.

(c) Cotton diversion payments shall be computed by multiplying the acreage by which the 1937 cotton acreage on such farm is less than the cotton soil-depleting base for such farm by the rate per acre for cotton diversion payments for such farm and multiplying this result by such person's percentage, provided, such payment shall not be in excess of such person's percentage of the maximum cotton diversion payment for such farm.

(d) Conserving payments shall be computed by multiplying the sum of (1) the old conserving acreage on such farm in excess of the soil-conserving base for such farm, and (2) the new conserving acreage on such farm, by the rate per acre for conserving payments for such farm and multiplying this result by such person's percentage, provided, such payment shall not be in excess of such person's percentage of the maximum conserving payment for such farm.

SECTION 4. *Sugar Beet Payment.*—If a person is an owner, operator, or sharecropper with respect to only one farm in a county upon which sugar beets are planted in 1937, the amount of the sugar beet payment which shall be made to such person in such county shall, subject to the provisions of Sections 10, 15, 17 and 18 of this Part IV, be computed as follows: The sugar beet acreage allotment for such farm shall be multiplied by an amount per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for such farm and this result shall be multiplied by such person's percentage, *provided:*

(a) An acreage customarily used in a rotation with sugar beets on such farm in 1937 equal to at least 40 percent of the 1937 sugar beet acreage is classified as soil-conserving on such farm in 1937, or

(b) Both

(1) An acreage customarily used in a rotation with sugar beets on such farm in 1937 equal to at least 20 percent of the 1937 sugar beet acreage is classified as soil-conserving on such farm in 1937, and

(2) All the 1937 sugar beet acreage on such farm is on land not devoted to sugar beets in more than two of the years 1934, 1935, and 1936:

*Provided, further,* if the condition under subsection (a) of this Section 4 is not met and only one of the conditions under subsection (b) of this Section 4 is met, payment will be made to such person in an amount equal to one-half

the sugar beet payment which would be made to such person with respect to such farm if the condition under subsection (a) of this Section 4 was met, or if both the conditions under subsection (b) of this Section 4 were met.

If a person is an owner, operator, or sharecropper with respect to more than one farm in a county upon which farms sugar beets are planted in 1937, the total sugar beet payment to such person with respect to such farms shall, subject to the provisions of Sections 6, 7, 8, 11, 15, 17 and 18 of this Part IV, be the sum of the sugar beet payments computed for each such farm for such person as provided in this Section 4.

The acreage allotment for any farm with respect to which the sugar beet payment will be made will be the 1937 sugar beet acreage on such farm, unless the estimated acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the sugar beet acreage allotment for the farm shall be that percentage of the 1937 sugar beet acreage on such farm which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the estimated total acreage of sugar beets planted for harvest in the United States in 1937.

SECTION 5. *Rice Payment.*—If a person is an owner, operator, or sharecropper with respect to a farm on which rice is grown in 1937, payment will be made to such person in an amount determined in accordance with and subject to the provisions of the bulletins heretofore or which may hereafter be issued relating to the 1937 Agricultural Conservation Program in the North Central Region, and the provisions concerning rice contained in bulletins heretofore or which may hereafter be issued relating to the 1937 Agricultural Conservation Program in the Southern Region.

SECTION 6. *Total Amount of General Diversion Payments if a Person is an Owner, Operator, or Sharecropper with Respect to More than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of general diversion payments to such person in such county shall, subject to the provisions of Sections 7, 8, 11, 15, 17 and 18 of this Part IV, be computed as follows:

(a) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by the rate per acre for general diversion payments for such farm and multiply this result by such person's percentage.

(b) Add the amounts obtained under subsection (a) of this Section 6.

(c) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 general acreage on such farm is in excess of the general soil-depleting base for such farm by the rate per acre for general diversion payments for such farm and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 6.

(e) For each diversion farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum general diversion payment for such farm by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 6.

(g) If the amount obtained under subsection (d) of this Section 6 exceeds the amount obtained under subsection (b) of this Section 6, a deduction in the amount of such excess shall be made from any payments which otherwise would be made to such person with respect to any farms in such county with respect to which such person is an owner, operator, or sharecropper.

(h) The total general diversion payments which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 6 from the amount obtained under subsection (b) of this Section 6, or the amount obtained under subsection (e) of this Section 6, whichever is less.

SECTION 7. *Total Amount of Tobacco Diversion Payments if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of diversion for a specified type of tobacco payments to such person in such county shall, subject to the provisions of Sections 6, 8, 11, 15, 17 and 18 of this Part IV, be computed as follows:

(a) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 acreage of such type of tobacco on such farm is less than the soil-depleting base for such farm for such type of tobacco by the rate per acre for diversion payments for such farm for such type of tobacco and multiply this result by such person's percentage.

(b) Add the amounts obtained under subsection (a) of this Section 7.

(c) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 acreage of such type of tobacco on such farm is in excess of the soil-depleting base for such farm for such type of tobacco by the rate per acre for diversion payments for such farm for such type of tobacco and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 7.

(e) For each farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum diversion payment for such farm for such type of tobacco and multiply this result by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 7.

(g) If the amount obtained under subsection (d) of this Section 7 exceeds the amount obtained under subsection (b) of this Section 7, a deduction in the amount of such excess shall be made from any payments which otherwise would be made to such person with respect to any farms in such county with respect to which such person is an owner, operator, or sharecropper.

(h) The total diversion payments for such type of tobacco which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 7 from the amount obtained under subsection (b) of this Section 7, or the amount obtained under subsection (e) of this Section 7, whichever is less.

SECTION 8. *Total Amount of Cotton Diversion Payments if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of cotton diversion payments to such person in such county shall, subject to the provisions of Sections 6, 7, 11, 15, 17, and 18 of this Part IV, be computed as follows:

(a) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 cotton acreage on such farm is less than the cotton soil-depleting base for such farm by the rate per acre for cotton diversion payments for such farm and multiply this result by such person's percentage.

(b) Add the amounts obtained under subsection (a) of this Section 8.

(c) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 cotton acreage on such farm is in excess of the cotton soil-depleting base for such farm by the rate per acre for cotton diversion payments for such farm and multiply this result by such person's percentage.



(d) Add the amounts obtained under subsection (c) of this Section 8.

(e) For each farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum cotton diversion payment for such farm and multiply this result by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 8.

(g) If the amount obtained under subsection (d) of this Section 8 exceeds the amount obtained under subsection (b) of this Section 8, a deduction in the amount of such excess shall be made from any payments which otherwise would be made to such person with respect to any farms in such county with respect to which such person is an owner, operator, or sharecropper.

(h) The total cotton diversion payments which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 8 from the amount obtained under subsection (b) of this Section 8, or the amount obtained under subsection (e) of this Section 8, whichever is less.

SECTION 9. *Total Amount of Conserving Payments if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of conserving payments to such person in such county shall, subject to the provisions of Sections 6, 7, 8, 11, 15, 17, and 18 of this Part IV, be computed as follows:

(a) For each diversion farm in such county, not also a dryland farm with respect to which such person is an owner, operator, or sharecropper, obtain the sum of (1) the old conserving acreage on such farm in excess of the soil-conserving base for such farm, and (2) the new conserving acreage on such farm.

(b) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, and upon which the total soil-depleting base for such farm exceeds the total acreage on such farm classified as soil-depleting in 1937, determine the amount of such excess.

(c) For each farm for which an acreage was obtained under subsection (b) of this Section 9, determine which one of the acreages obtained for such farm under subsections (a) and (b) of this Section 9 is the smaller and multiply the smaller by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 9.

(e) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, and upon which the total soil-depleting base for such farm is greater than the total acreage on such farm classified as soil-depleting in 1937, multiply such difference by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 9.

(g) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, and upon which the total acreage on such farm classified as soil-depleting in 1937 is greater than the total soil-depleting base for such farm, multiply such difference by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(h) Add the amounts obtained under subsection (g) of this Section 9.

(i) Subtract the amount obtained under subsection (h) of this Section 9 from the amount obtained under subsection (f) of this Section 9.

(j) For each diversion farm in the county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, multiply the sum of 15 percent of the general soil-depleting base, 25 percent of the Burley tobacco soil-depleting base, 25 percent of the cigar-leaf tobacco soil-depleting base, 30 percent of the dark air-cured tobacco soil-depleting base, and 35 percent of the cotton soil-depleting base by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(k) Add the amounts obtained under subsection (j) of this Section 9.

(l) Whichever of the amounts obtained under subsections (d), (i), and (k) of this Section 9 is the smallest shall be the total conserving payment which shall be made to such person with respect to such farms.

SECTION 10. *Deductions if a Person is an Owner, Operator, or Sharecropper with Respect to Only One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to only one farm in a county, a deduction will be made from any payment which otherwise would be made to such person with respect to such farm under the following conditions and in the following amounts:

(a) If such farm is a diversion farm and if the 1937 general acreage on such farm exceeds the general soil-depleting base for such farm, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage.

(b) If such farm is a diversion farm and if the 1937 corn acreage on such farm exceeds the corn limit for such farm, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage.

(c) If the 1937 acreage of a specified type of tobacco on such farm exceeds the soil-depleting base for such type of tobacco for such farm, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for diversion payments for such farm for such type of tobacco and multiplying this result by such person's percentage.

(d) If the 1937 acreage of cotton on such farm exceeds the cotton soil-depleting base for such farm, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for cotton diversion payments for such farm and multiplying this result by such person's percentage.

(e) If such farm is a nondiversion farm and if the 1937 general acreage on such farm is in excess of twenty acres, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments which would be determined for such farm if it were a diversion farm and multiplying this result by such person's percentage.

(f) If such farm is a nondiversion farm in Area "A", and if the 1937 corn acreage on such farm is in excess of twenty acres, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments which would be determined for such farm if it were a diversion farm and multiplying this result by such person's percentage.

If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county, upon which the 1937 general acreage is in excess of twenty acres, the deduction for such person for each such farm shall be computed as set forth under subsection (e) of this Section 10. If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county in Area "A", upon which the 1937 corn acreage is in excess of twenty acres, the deduction for such person for each such farm shall be computed as set forth under subsection (f) of this Section 10.

SECTION 11. *Deduction for Excess Corn Acreage on Diversion Farms in Area "A" if a Person is an Owner, Operator,*

*or Sharecropper With Respect to More Than One Diversion Farm in a County in Area "A".*—If a person is an owner, operator, or sharecropper with respect to more than one diversion farm in a county in Area "A", and if the result obtained by:

(a) Multiplying for each diversion farm in Area "A" with respect to which such person is an owner, operator, or sharecropper, the 1937 corn acreage on such farm by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage;

(b) Adding the amounts obtained under subsection (a) of this Section 11;

exceeds the amount obtained by:

(c) Multiplying for each diversion farm in Area "A" with respect to which such person is an owner, operator, or sharecropper, the corn limit for such farm by the rate per acre for general diversion payments for such farm and multiplying the result by such person's percentage;

(d) Adding the amounts obtained under subsection (c) of this Section 11;

a deduction will be made from any payments which otherwise would be made to such person with respect to any farms in such county with respect to which such person is an owner, operator, or sharecropper in the amount of such excess.

SECTION 12. *Soil-Building Allowance:* The soil-building allowance for a person in a county shall be computed as follows:

(a) If such person is an owner, operator, or sharecropper with respect to only one farm in such county, which farm is a diversion farm and not also a dryland farm, the soil-building allowance for such person in such county shall be such person's percentage of the sum of the amounts obtained for such farm under items (1) to (6), inclusive, of this subsection (a), unless such sum is less than $10.00, in which event the soil-building allowance for such person in such county shall be such person's percentage of $10.00.

(1) $1.00 for each acre in the soil-conserving base established for such farm.

(2) $1.00 for each acre for which diversion payments are made with respect to such farm.

(3) $1.90 for each acre in commercial orchards on such farm.

(4) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(5) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(6) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(b) If such person is an owner, operator, or sharecropper with respect to only one farm in such county, which farm is a diversion farm and also a dryland farm, the soil-building allowance for such person in such county shall be such person's percentage of the sum of the amounts obtained for such farm under items (1) to (7), inclusive, of this subsection (b), unless such sum is less than $10.00, in which event the soil-building allowance for such person in such county shall be such person's percentage of $10.00.

(1) $1.00 for each acre classified as soil-conserving on such farm in 1937 not in excess of the soil-conserving base for such farm.

(2) Two-thirds of the rate per acre for general diversion payments for such farm for each acre for which diversion payments are made with respect to such farm.

(3) $1.90 for each acre in commercial orchards on such farm.

(4) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(5) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(6) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(7) $0.25 for each acre of noncropland plowed at least once between January 1, 1930, and December 31, 1936, provided, (1) such noncropland is part of a farm for which a soil-depleting base has been estabished and is operated by the operator of such farm; (2) both the operator and the owner have designated such acreage and have stated in writing their intention to restore such acreage to grass; (3) written approval has been obtained in advance from the county committee; (4) such land is not pastured or tilled in 1937 and no crop is harvested therefrom.

(c) If such person is an owner, operator, or sharecropper with respect to only one farm in such county, which farm is a nondiversion farm, the soil-building allowance for such person in such county shall be such person's percentage of the sum of the amounts obtained for such farm under items (1) to (5), inclusive, of this subsection (c), unless such sum is less than $20.00, in which event the soil-building allowance for such person in such county shall be such person's percentage of $20.00.

(1) $0.90 for each acre of cropland on such farm.

(2) $1.00 for each acre in commercial orchards on such farm.

(3) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(4) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(5) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(d) If such person is an owner, operator, or sharecropper with respect to more than one farm in a county, the soil-building allowance for such person in such county shall be the sum of the amounts obtained for such farms under items (2), (4), (6), (14), and (22) of this subsection (d), unless such sum is less than $10.00, in which event, the soil-building allowance for such person in such county shall be $10.00.

(1) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the sum of items (1), (3), (4), (5), and (6) of subsection (a) of this Section 12 by such person's percentage for such farm.

(2) Add the amounts obtained under item (1) of this subsection (d).

(3) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the sum of items (1), (3), (4), (5), (6), and (7) of subsection (b) of this Section 12 by such person's percentage for such farm.

(4) Add the amounts obtained under item (3) of this subsection (d).

(5) For each nondiversion farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the sum of items (1) to (5), inclusive, of subsection (c) of this Section 12 by such person's percentage for such farm.

(6) Add the amounts obtained under item (5) of this subsection (d).

(7) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, and upon which farm the total soil-depleting base for such farm is greater than the total acreage on such farm classified as soil-depleting, multiply such difference by such person's percentage.



(8) Add the acreages obtained under item (7) of this subsection (d).

(9) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper and which farm is not also a dryland farm upon which the total acreage on such farm classified as soil-depleting in 1937 is greater than the total soil-depleting base for such farm, multiply such difference by such person's percentage.

(10) Add the acreages obtained under item (9) of this subsection (d).

(11) Subtract the acreages obtained under item (10) of this subsection (d) from the acreages obtained under item (8) of this subsection (d) and multiply such difference by $1.00.

(12) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not a dryland farm, multiply the sum of 15 percent of the general soil-depleting base, 25 percent of the Burley tobacco soil-depleting base, 25 percent of the cigar-leaf tobacco soil-depleting base, 30 percent of the dark air-cured tobacco soil-depleting base, and 35 percent of the cotton soil-depleting base by $1.00 and multiply this result by such person's percentage.

(13) Add the amounts obtained under item (12) of this subsection (d).

(14) Of the amounts obtained under items (11) and (13) of this subsection (d), determine which one is the smaller.

(15) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, and upon which farm the total soil-depleting base for such farm is greater than the total acreage on such farm classified as soil-depleting in 1937, multiply such difference by two-thirds of the rate for general diversion payments for such farm and multiply this result by such person's percentage.

(16) Add the amounts obtained under item (15) of this subsection (d).

(17) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm and upon which farm the total acreage on such farm classified as soil-depleting in 1937 is greater than the total soil-depleting base for such farm, multiply such difference by two-thirds of the rate per acre for general diversion payments for such farm and multiply this result by such person's percentage.

(18) Add the amounts obtained under item (17) of this subsection (d).

(19) Subtract the amount obtained under item (18) of this subsection (d) from the amount obtained under item (16) of this subsection (d).

(20) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply 15 percent of the general soil-depleting base for such farm by two-thirds of the rate per acre for general diversion payments for such farm and multiply this result by such person's percentage.

(21) Add the amounts obtained under item (20) of this subsection (d).

(22) Of the amounts obtained under items (19) and (21) of this subsection (d), determine which one is the smaller.

SECTION 13. *Soil-Building Payments.*—Soil-building payments will be made to a person who is an owner, operator, or sharecropper with respect to a farm or farms in a county, not in excess of such person's soil-building allowance for such farm or farms, for the carrying out on such farm or farms any of the applicable soil-building practices set forth in this Section 13.

To be eligible for soil-building payments, the practices listed herein must be carried out by such methods and using such materials and with such kinds and quantities of adapted seed and trees as conform with good farming practice. No soil-building payment will be made with respect to any farm for the seeding of red clover or any mixtures containing red clover unless all seedings of red clover and any mixtures containing red clover on such farm in 1937 are made with adapted red clover seed, nor will any soil-building payment be made with respect to any farm for the seeding of alfalfa or any mixtures containing alfalfa unless all seedings of alfalfa and any mixtures containing alfalfa on such farm in 1937 are made with adapted alfalfa seed. All practices for which payment is to be made must have been completed prior to November 1, 1937. Proof of performance for any practice shall consist of satisfactory evidence that the practice was completed in accordance with the conditions specified. A soil-building payment for any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for any practice is furnished free or paid for by any State or Federal agency, except that in the case of the soil-building practices designated under subsection (c), (g), and (o) hereof, payment will be made at the stipulated rates on an acreage or quantity, which bears the same proportion to the total acreage or quantity with respect to such practice as the quantity of materials used, or the value of the labor and materials furnished, by the owner, operator, or sharecropper bears to the total quantity of materials or the total value of labor and materials used in carrying out such practice.

Where several soil-building practices are adopted on the same acreage, payment will not be made for (1) more than one of the practices listed in subsections (k), (l), and (m) of this Section 13; (2) both a practice listed under either subsection (k), (l), and (m) of this Section 13 and a practice listed under either subsection (a) and (b) of this Section 13; and (3) more than one practice twice or any two of the thirteen soil-building practices listed in subsections (a), (b), (w), (x), (y), and (z) of this Section 13.

Except as otherwise provided, the soil-building practices listed in subsections (a) to (j), inclusive, will be applicable to all farms; the soil-building practices listed in subsections (k) to (r), inclusive, will be applicable only to dryland farms; the soil building practices listed in subsections (s) to (z), inclusive, will be applicable only to orchards, and the practices listed in subsections (v) and (w) will be applicable only to cropland used for the growing of commercial vegetables.

For dryland farms, all rates of payment in subsections (a) and (b) of this Section 13 shall be increased by $1.50 if the rate is $2.00 or more, and by $1.00 if the rate is less than $2.00, if on the date as of which final inspection of the farm is made for the purpose of determining performance, there is a good stand which, with the exception of the crops listed in item (4) of Section 2 (a) of Part III, would normally survive the winter 1937–38, of the crops to which such rates are applicable, and no crop is harvested for grain or hay on such acreage in 1937.

Soil-building practices listed in this Section 13 relating to commercial orchards are applicable only to the acreage upon which such practice is carried out.

*Practices Applicable to All Farms.*—(a) *Seedings of adapted legumes.*—Seedings of adapted seed of any of the following legumes on farmland:

(1) Alfalfa—$2.50 per acre.

(2) Red clover, sericea, and white clover—$2.00 per acre.

(3) Alsike clover, mammoth clover, and lespedeza—$1.50 per acre.

(4) Legume mixtures or mixtures of legumes and perennial grasses listed under subsection (b) hereof, which contain 50 percent or more of alsike clover, mammoth clover, lespedeza, alfalfa, red clover, sericea, and white clover, or more than one of these legumes—$1.50 per acre.

(5) Biennial sweet clover, annual sweet clover, vetch, crotalaria, and crimson clover—$1.00 per acre.

(6) Legume mixtures or mixtures of legumes and the perennial grasses listed under subsection (b) hereof, which contain 50 percent or more of biennial sweet clover, an-

nual sweet clover, vetch, crimson clover, alfalfa, red clover, sericea, white clover, alsike clover, mammoth clover, and lespedeza, or more than one of these legumes—$1.00 per acre.

(b) *Seedings of Adapted Perennial grasses.*—Seedings of adapted seed of any of the following grasses on farmland:

(1) Bluegrass, bromegrass, crested wheat grass, slender wheat grass, and western wheat grass—$2.00 per acre.

(2) Orchard grass and permanent pasture of grasses or grasses and legumes containing at least 50 percent of any of the grasses listed in item (1) of this subsection—$1.50 per acre.

(3) Timothy, redtop, reed canary grass, and permanent pasture mixtures of grasses or grasses and legume mixtures containing at least 50 percent of bromegrass, orchard grass, redtop, reed canary grass, timothy, bluegrass, crested wheat grass, slender wheat grass, and western wheat grass, or more than one of these grasses—$1.00 per acre.

(c) *Limestone.*—Except as otherwise provided in items (2) and (3) of this subsection (c), application on cropland or noncrop pasture land of ground limestone or its equivalent:

(1) Application of ground limestone or its equivalent—$1.25 per ton. (The ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate. The following quantities of other calcareous substances are equivalent to one ton of ground limestone in the following designated States: 1400 lbs. of hydrated lime or 2 cubic yards of marl, in the entire North Central Region; 2 cubic yards of sugar beet refuse lime in Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin; 2 cubic yards of calcium carbide refuse lime in Indiana, Iowa, Michigan, and Wisconsin; 2 cubic yards of paper mill refuse lime in Michigan, Minnesota, and Wisconsin; 2 cubic yards of water softening process refuse lime in Illinois and Iowa; 2 cubic yards of commercial wood ashes in Michigan and Wisconsin; ½ ton of commercial burnt lime and 4 cubic yards of calcareous clay in Wisconsin; one ton of burnt lime waste in Iowa and Wisconsin; 1 ton of agricultural limestone meal, 1500 lbs. of agricultural ground limestone, or 2,750 lbs. of limestone screenings, in Ohio and Wisconsin; 1400 lbs. of pulverized limestone in Ohio and Wisconsin; 3 tons of tailings from zinc mines, in Wisconsin.)

(2) A minimum of 500 lbs. per acre of finely ground limestone on cropland when drilled in with seedings of legumes—$1.00 per acre.

(3) A minimum of 1,000 lbs. per acre of finely ground limestone on noncrop pasture land—$2.00 per acre. (The finely ground limestone designated in items (2) and (3) of this subsection (c) should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent, with all finer particles obtained in the grinding process included, will pass through a 30-mesh sieve. It must contain calcium and magnesium carbonates, equivalent to not less than 80 percent of calcium carbonate.)

(d) *Phosphates.*—Application of the following minimum amounts of phosphate materials per acre on noncrop pasture or on cropland, used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which noncrop pasture or cropland in connection with such application, none of the crops listed in Section 1 (a) of Part III and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III are planted in 1937.

(1) 200 pounds of 16 percent superphosphate or its equivalent—$1.20 per acre.

(2) 300 pounds of 16 percent superphosphate or its equivalent—$1.80 per acre. The 16 percent superphosphate, designated in items (1) and (2) of this subsection (d) shall contain 16 percent by weight of available phosphoric acid. Other phosphates may be substituted for 16 percent superphosphate, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of available phosphoric acid contained in the specified quantity of 16 percent superphosphate.)

(3) 500 pounds of rock phosphate or basic slag—$1.80 per acre.

(e) *Potash.*—Application of the following minimum amounts of 50 percent muriate of potash per acre on noncrop pasture or on cropland used in 1937 for the growing of a crop specified in Section 2 of Part II and on which noncrop pasture or cropland in connection with such application, none of the crops listed in Section 1 (a) of Part III and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III are planted in 1937.

(1) 100 pounds of 50 percent muriate of potash or its equivalent—$1.00 per acre. (50 percent muriate of potash shall contain not less than 50 percent by weight of water soluble potash. Other materials containing potash may be substituted for 50 percent muriate of potash, provided, that the quantity of such substitute applied shall contain not less than the quantity by weight of water soluble potash contained in 100 pounds of 50 percent muriate of potash.)

(f) *Gypsum.*—Applicable only to Beltrami, Hubbard, Lake of the Woods, Cass, and Clearwater counties of Minnesota. Application of the following minimum amount of gypsum per acre on cropland used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which cropland in connection with such application none of the crops listed in Section 1 (a) of Part III and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III are planted in 1937.

(1) 200 pounds of gypsum—$1.25 per acre.

(g) *Planting and Protection of Trees.*—Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$7.50 per acre. This subsection (g) is not applicable to dryland farms.

(h) *Improving a Stand of Forest Trees.*—Improving a stand of forest trees by cutting weed trees and thinning or pruning other trees so as to leave at least 100 potential timber trees of desirable species per acre with a minimum diameter of 6 inches each, or at least 200 potential timber trees of desirable species per acre with a minimum diameter of 2 inches, well distributed over each acre of woodland—$2.50 per acre, provided, (1) The county committee after inspection has approved and designated in writing the area on which such practice is to be carried out, and (2) such area is not grazed and is adequately protected against fire.

(i) *Terracing.*—Terracing in 1937 in accordance with good terracing practices—$0.40 per hundred feet. Provided: The county committee after inspection has approved and designated in writing the area on which such practices is to be carried out.

(j) *Restoration of Noncrop Plowable Pasture.*—Restoration by nongrazing for the entire season of noncrop plowable pasture, which requires not more than 10 acres to carry one animal unit for the entire season—$0.40 per acre, provided, (1) the county committee after inspection has approved and designated in writing the area on which such practice is to be carried out, and (2) no hay or seed is harvested from such pasture land, (3) such pasture land is not tilled for any purpose other than to improve the stand of pasture grasses and legumes thereon, and (4) if there is extensive growth of noxious weeds on such pasture, the maturing of seed of such weeds is prevented by clipping such pasture.

*Practices Applicable Only to Dryland Farms.*—(k) *Protected Strip Fallow.*—$2.00 per acre in fallow, provided, (1) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (2) tillage operations are carried out in such a manner as will tend to prevent weed growth, wind erosion, and water erosion, (3) the slope on the land to be fallowed is not in excess of eight percent, (4) the land on which the slope is in excess of three percent is listed on the contour, (5) the fallow is in alternate strips with small grain crops, sorghum, Sudan grass, or millet, all close drilled or broadcast, of approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds or running on the contour, (6) the stubble is left on the strips devoted to crops in such a manner as will tend to prevent wind erosion.

(l) *Protected Summer Fallow and Basin Listing.*—$2.00 per acre in fallow, provided, (1) basin listing is practical to preserve moisture and will tend to prevent water erosion, (2) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska, and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (3) tillage operations are carried out in such a manner as will tend to prevent weed growth, wind erosion, and water erosion, (4) the slope on the land to be fallowed and basin listed is not in excess of eight percent, (5) land on which the slope is in excess of three percent is listed on the contour, (6) adjoining furrows, not less than 8 inches in width and not less than 4 inches in depth are constructed, maintained, and dammed at intervals of not more than twenty feet, (7) the land is seeded in the fall to a cover crop or lister ridges are left over the winter to prevent wind erosion.

(m) *Protected Summer Fallow.*—$1.50 per acre in fallow, provided, (1) block fallow is practical on the land fallowed, (2) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska, and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (3) tillage operations are carried out in such a manner as will tend to prevent weed growth, wind erosion, and water erosion, (4) the slope on the land to be fallowed is not in excess of eight percent, (5) the land on which the slope is in excess of three percent is listed on the contour, (6) the land is seeded in the fall to a cover crop, or lister ridges are left over the winter to prevent wind erosion.

(n) *Strip Cropping.*—Growing in 1937 of small grain crops, sorghum, Sudan grass, or millet, all close drilled or broadcast, and row crops in alternate strips, such strips to be approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds, or running on the contour—$0.40 per acre for the acreage in the strips, provided, the stubble is left on the land in such a manner as will tend to prevent wind erosion.

(o) *Planting and Protection of Trees.*—Planting and protection of forest trees or trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$10.00 per acre.

(p) *Cultivating and Maintaining a Stand of Trees.*—Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest plantings or 200 trees per acre of windbreak or shelterbelt plantings planted on cropland or noncropland between January 1, 1934, and October 31, 1936, inclusive—$4.00 per acre.

(q) *Contour Furrows on Permanent Pasture Land.*—Construction of contour furrows on permanent farm pasture land, except permanent farm pasture land that is sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre for the area contour furrowed, provided, (1) the contour furrows are constructed on the contour level, not less than 8 inches in width and 4 inches in depth and are dammed at intervals of not more than 100 feet, (2) on slopes of three percent or less the furrows are not more than 25 feet apart, on slopes of eight percent the furrows are not more than 10 feet apart, and on slopes varying from three to eight percent, the furrows are not more apart than that part of 25 feet which the percentage of the slope is of eight percent, (3) payment will not be made for contour furrows on permanent pasture land with slopes in excess of eight percent.

(r) *Restoration to Native Grass of Noncropland.*—Restoration to native grass of noncropland plowed at least once between January 1, 1930, and December 31, 1933, inclusive, which in accordance with good farming practices should be permanently devoted to grass—$0.25 per acre, provided, (1) the operator or owner has designated the acreage and has stated in writing his intention to let such acreage revert to grass, (2) written approval has been obtained from the county committee, and (3) such land is not pastured or tilled in 1937 and no crop is harvested therefrom.

*Practices Applicable Only to Land in Commercial Orchards.*—(s) *Incorporation of Winter Cover Crops.*—Incorporation into the soil by plowing or discing before June 30, 1937, of a good vegetative growth of winter oats, winter rye, or winter barley seeded in the fall of 1936—$1.00 per acre, provided, such crops has attained at least sixty days' growth in 1937 and is not pastured or harvested for grain or hay.

(t) *Seeding of Winter Cover Crops.*—Seeding after May 1, 1937 of rye, oats, barley, buckwheat, Sudan grass, millet, or mixtures of any of these—$1.00 per acre, provided, (1) a good vegetative growth of any of such crops is on the land on the date as of which final inspection of the farm is made for the purpose of determining performance, and (2) such crop is not pastured or otherwise taken from the land.

(u) *Seeding Soybeans and Cowpeas.*—Seeding after May 1, 1937 of soybeans or cowpeas at the normal rate—$2.00 per acre, provided, (1) such crop is not pastured or otherwise taken from the land, (2) if such crop is not incorporated into the soil, it has attained at least 60 days' growth prior to November 1, 1937, and (3) if such crop is incorporated into the soil, it was incorporated prior to November 1, 1937 and after having at least 60 days' growth, and where such land is subject to erosion, it is followed by a winter cover crop.

(v) Mulching.—Application of mulching materials.—$1.00 per ton (air-dry weight), provided, (1) payment will not be made for any application of mulching materials less than three tons nor more than five tons, and (2) all materials produced on such land from interplanted crops are left thereon.

*Practices Applicable Only to Cropland Used for Growing Commercial Vegetables.*—(w) *Nonleguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for the production of vegetable crops in 1935 and 1936—$1.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

(x) *Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of a legume, or mixture of legumes grown on land used for the production of vegetable crops in 1935 and 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

(y) *Nonleguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for the production of vegetable crops in 1935 and 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, (2) a good vegetative growth of such crop was incorporated into the soil, and (3) at least one less soil-depleting crop is grown on such land in 1937 than the 1935–1936 annual average number of soil-depleting crops grown on such land.

(z) *Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of a good and the entire vegetative growth of a legume, or mixture of legumes grown on land used for the production of vegetable crops in 1935 and 1936—$4.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, (2) a good vegetative growth of such crop was incorporated into the soil, and (3) at least one less soil-depleting crop is grown on such land in 1937 than the 1935–1936 annual average number of soil-depleting crops grown on such land.

SECTION 14. *Total Amount of Soil-Building Payment if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, sharecropper with respect to more than one farm in a county, the total amount of soil-building payments to such person with respect to farms owned or operated in such county by such person shall, subject to the provisions of Sections 6, 7, 8, 11, 15, 17, and 18 of this Part IV, be computed as follows:

(a) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the number of acres, feet, or quantity, as the case may be, devoted to an approved soil-building practice by the rate specified for such practice and multiply this result by such person's percentage.

(b) Add the amounts obtained under subsection (a) of this Section 14. Provided, however, the total amount of soil-building payments to such person with respect to farms in such county with respect to which such person is an owner, operator, or sharecropper, shall not exceed the amount of such person's soil-building allowance in such county, computed for such farms as set forth in Section 12 of this Part IV.

SECTION 15. *Adjustment in Rates and Allowances.*—All the rates and allowances specified in this Part IV are based upon an estimate of available funds and an estimate of approximately 85 percent participation. If participation in the North Central Region exceeds that estimated for such region, all the rates and allowances specified in this Part IV for such region may be reduced pro rata. If participation in the North Central Region is less than the estimate for such region, all such rates and allowances may be increased pro rata. In no case will any rates or allowances be increased or decreased by more than 10 percent.

SECTION 16. *Applicability to Farms Under Special Programs.*—The Secretary may designate one or more counties in any State for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county is designated the rates, allowances, and conditions of payment for such county will be set forth in a bulletin for such county and the provisions of this bulletin shall not be applicable in such county. On any farm where a program is carried out in cooperation with the Soil-Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 17. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person with respect to any farm or farms may be withheld if any rotation, cropping, or other practices are adopted on any farm with respect to which such person is an owner, operator, or sharecropper, which practices the Secretary determines tend to defeat the purposes of the 1937 Agricultural Conservation Program. If any person who has made an application for payment with respect to any farm or farms in a county has an interest as owner, operator, or sharecropper in a farm in another county on which the acreage used for the production of soil-depleting crops in 1937 materially exceeds the acreage normally used for the production of any or all of such crops on such other farm or farms, the amount of any payment which otherwise would be made to such person may, in the discretion of the Secretary, be appropriately reduced.

SECTION 18. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any farm or farms in a county, all of such person's pro rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to any farm or farms in such county by the percentage that the estimated total of administrative expenses of the Association for such county as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farms in such county in 1937. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his farm or farms are located shall become a member thereof by his signing an application for payment with respect to such farm or farms. There shall be credited for the payment of administrative expenses the sum of $2.00 for each application for payment under which, prior to the deduction of any administrative expenses and as estimated by the Agricultural Adjustment Administration, the total payment will be $20.00 or less or under which there will be no payment.

*Part V—Miscellaneous Provisions*

SECTION 1. *Farm.*—A farm shall include all land in a county under the same ownership which is farmed by the same operator as all or part of one farming unit. A farm shall not include a tract of land which is less than three acres unless the average annual gross income from such tract of land is $250.00 or more. The following examples are illustrative of the rule to be followed in determining what land shall be considered a farm:

(a) If two or more tracts of land are owned and operated by the same person as part or all of one farming unit, such tracts of land shall be regarded as one farm.

(b) If two or more tracts of land are rented for cash by a person who operates such tracts of land as part or all of one farming unit, such tracts shall be regarded as one farm.

(c) If two or more tracts of land owned by the same person are rented on shares to a person who operates such tracts of land as part or all of one farming unit, such tracts of land shall be regarded as one farm.

(d) If two or more tracts of land owned by different persons are rented on shares to a person who operates such tracts of land in 1937 as part or all of one farming unit, each such separately owned tract shall be regarded as one farm.

(e) If two or more tracts of land owned by the same or different persons are operated in 1937 by the same operator as separate farming units, each such tract shall be regarded as one farm.

(f) If two tracts of land are operated as part or all of one farming unit by an operator who rents one tract from a landlord for cash rent, which tract is ordinarily used for hay, meadow, pasture, or other similar uses, and the other tract is share-rented from the same landlord, both of such tracts shall be regarded as one farm.

(g) If two tracts of land are operated as part or all of one farming unit by an operator who rents one tract for cash from one landlord, which tract is not ordinarily used for hay, meadow, pasture, or other similar uses, and such other tract is share-rented from a different landlord, each of such tracts shall be regarded as one farm.

SECTION 2. *Farm or Farming Unit Located in More Than One County.*—If a farm is located on two or more adjacent counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located. If there is no principal dwelling on such farm, it shall be regarded as located in the county in which the largest portion of such farm is located. If a farming unit is located in two or more adjacent counties, such farming unit shall be regarded as located in the county in which the principal dwelling on such farming unit is located. If there is no principal dwelling on such farming unit, it shall be regarded as located in the county in which the largest portion of such farming unit is located.



SECTION 3. *Determination of Ownership.*—An owner is a person who owns a farm which is not rented to another for cash or for a fixed commodity payment or who rents a farm from another for cash or for a fixed commodity payment, or who is purchasing a farm on installments for cash or for a fixed commodity payment. The term "owner" as used herein does not refer exclusively to a person who has legal title to a farm but is intended to describe the person who for 1937 has the right to possession or control of a farm and to a part of all of the rents and profits therefrom. If a person has the right to receive a portion of any crop, or the proceeds thereof, on any farm in the North Central Region in 1937 solely by virtue of a creditor relationship and does not become the owner of such farm, such person shall not be entitled to receive any payment made with respect to such farm pursuant to the 1937 Agricultural Conservation Program in the North Central Region.

SECTION 4. *Determination of When a Person is an Owner, Operator, or Sharecropper with Respect to More than One Farm in a County.*—For the purposes of the 1937 Agricultural Conservation Program in the North Central Region a person shall be regarded as an owner, operator, or sharecropper with respect to more than one farm in a county only where he occupies a similar or comparable status with respect to more than one farm in the same county. The following examples are illustrations of the application of the rule to be observed in determining whether a person owns more than one farm in a county:

(a) If one farm is owned solely by a person and another farm is owned only in part by such person, such farms will be regarded as owned by different persons;

(b) If a person owns and operates one farm and owns another farm which he has rented on shares to another, such farms will be regarded as owned by the same person;

(c) If a person owns a one-third interest in one farm with one party, and such person owns a one-half interest in another farm with another party, such farms will be regarded as owned by different persons; if such person owned such two farms with the same party, such farms will be regarded as owned by the same person;

(d) If a person as owner is entitled to receive under his leasing agreement with respect to one farm 40 percent of the crops produced thereon, or the proceeds thereof, and such person is entitled to receive under his leasing agreement with respect to another farm 50 percent of the crops and livestock produced thereon, or the proceeds thereof, such farms will be regarded as owned by the same person;

(e) If one farm is owned by a person in his individual capacity and another farm is owned by the same person in a representative or fiduciary capacity, such farms will be regarded as owned by different persons;

(f) If more than one farm is owned by the same person who acts in a different representative or fiduciary capacity, with respect to each such farm, such farms will be regarded as owned by different persons;

(g) If a person's rights to the profits or rents from more than one farm arise under separate written instruments which severally provide that such profits or rents are to be credited to the accounts of the persons transferring such rights, such farms will be regarded as owned by different persons; for example, where a person's rights to the profits or rents from one farm in a county arises under a grant of possession from one party containing a provision like that hereinbefore described, and such person's rights to the profits or rents from a second farm in such county arise from a similar grant of possession from another party, and such person also has rights to the profits or rents from a third farm in the county not arising from any grant of possession such three farms will be regarded as owned by three different persons.

In determining whether a person is an operator or sharecropper with respect to more than one farm in a county, the rule hereinbefore outlined with respect to ownership of more than one farm in a county shall be applied.

SECTION 5. *Application and Eligibility for Payment.*—Payments will only be made upon application therefor filed with the county committee. Each person applying for payment will be required to show the extent to which the conditions upon which the payment is to be made have been met. The eligibility of a person who is an owner, operator, or sharecropper with respect to one or more farms in a county shall, subject to the provisions of Section 17 of Part IV, be determined by the performance on such farm or farms.

For the purpose of determining the eligibility of an operator for payment where the farming unit operated by him includes a farm or farms located in two or more adjoining counties such farm or farms shall be regarded as located in the county in which the farming unit is deemed to be located.

No payment will be made to any person if the total amount of payment computed for such person is less than fifty cents.

In order for any person to be eligible to make an application for payment with respect to a farm under the 1937 Agricultural Conservation Program in the North Central Region such person must show that he owned or operated such farm on June 30, 1937, and has been such owner or operator for a period of at least 60 consecutive days, which period must include June 30, 1937. In determining the number of days of ownership or operation, a fraction of a day will be considered as a whole day. In the event more than one person has owned or operated a farm on June 30, 1937, and for 60 consecutive days, the person who has owned or operated such farm prior to June 30, 1937, shall be regarded as the owner or operator of such farm.

In the event of death, incompetency, abandonment, or discharge or release from a representative capacity the period of ownership or operation may, upon recommendation of the county committee and upon approval by the Secretary or his duly authorized representative, be computed as follows:

(a) *In the Event of Death.*—If, because of the death of any party owning or operating a farm, the person, whether the deceased, his heir or heirs, or the duly appointed representative, if any, of such decedent's estate, who owns or operates such farm on June 30, 1937, has not owned or operated such farm, for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the deceased person, his heir or heirs, or the duly appointed representative, if any, of his estate.

(b) *In the Event of Incompetency.*—If because of the adjudication of incompetency of any person owning or operating a farm, the person, whether the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any.

(c) *In the Event of Abandonment.*—If, because of abandonment, by any party owning or operating a farm, the person, whether the person who has abandoned the farm, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the person who has abandoned such farm, his relative or relatives, or his duly appointed representative, if any.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If, because of the discharge or release from a representative or fiduciary capacity of any party owning or operating a farm, the person, whether the representative or fiduciary who has been discharged or released from his

representative or fiduciary capacity or the person or persons who succeed such representative as owner or operator, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the representative who has been released or discharged from his representative or fiduciary capacity and the person or persons who succeed such representative or fiduciary as owner or operator of such farm.

No soil-building payment will be made to the person who is regarded as the owner or operator of a farm for any soil-building practices carried out on such farm after he has ceased to own or operate such farm.

For the purpose of this Section 5, the term "operator" shall be deemed to include sharecroppers.

SECTION 6. *Persons Eligible to Execute an Application for Payment and Receive Payment Thereunder upon Happening of Certain Contingencies* on or after July 1, 1937:

(a) *In the Event of Death.*—If an owner or operator of a farm dies on or after July 1, 1937, and before making an application for payment with respect to such farm, the administrator or executor appointed by a court of competent jurisdiction for such decedent's estate shall be eligible to make an application for payment with respect to such farm, in lieu of such decedent. If an administrator or executor is not appointed for such estate, all the heirs of such decedent will be eligible to make application for payment with respect to such farm. If, prior to his death, the decedent has made an application for payment but did not receive the payment thereunder, such payment will be made to the administrator or executor appointed by a court of competent jurisdiction for such estate. If an administrator or executor is not appointed for such estate, such payment will be made to all the heirs of such decedent.

(b) *In the Event of Incompetency.*—If an owner or operator of a farm is adjudged incompetent by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment with respect to such farm, the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate shall be eligible to make application for payment with respect to such farm in lieu of the incompetent. If the person adjudicated incompetent had, prior to such adjudication, made application for payment but did not receive the payment thereunder, such payment will be made to the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate.

(c) *In the Event of Abandonment.*—If an owner or operator of a farm abandons such farm on or after July 1, 1937, and before making an application for payment with respect to such farm, the person appointed by a court of competent jurisdiction to control and conserve the assets of the abandoned estate shall be eligible to make an application for payment with respect to such farm in lieu of the person who abandons such farm. If, prior to his abandonment, the person who abandons such farm had made an application for payment, but did not receive the payment thereunder, such payment will be made to the person appointed by a court of competent jurisdiction to control and conserve the assets of such abandoned estate.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If an administrator, executor, trustee, guardian, committee, receiver, conservator, or other representative or fiduciary who is the owner or operator of a farm is discharged or released from such representative or fiduciary position by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment, the person or persons who succeed such representative or fiduciary as owner or operator of such farm will be eligible to execute an application for payment with respect to such farm in lieu of the representative or fiduciary who has been discharged or released. If, prior to his discharge or release, the person who has been discharged or released from his representative or fiduciary position had made an application for payment but did not receive the payment thereunder, such payment will be made to the person or persons who succeed such representative as owner or operator of such farm.

For the purpose of this Section 6, the term "operator" shall be deemed to include "sharecroppers."

*Part VI—Range Lands*

SECTION 1. *Definitions.*—As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in its application to range lands in the North Central Region, the following terms shall have the following meanings:

*Range land* means any land other than that owned or controlled by the United States Government, or any agency thereof, which produces forage without cultivation or general irrigation, ten acres or more of which are required to sustain one animal unit for a period of twelve months.

*Ranching unit* means all land used by an operator in 1937 as a single unit for the production of livestock primarily by grazing such livestock on range land, with buildings, corrals, workstock, farm machinery and labor substantially separate from that for any other ranching unit.

*Ranch operator* means a person who as owner or lessee operates a ranching unit.

*Animal unit* means the unit of measurement used to denote the grazing capacity of range land. An animal unit as used herein shall be equal to either one cow, one horse, five sheep, two calves, two colts, or the equivalent thereof.

*Range allowance* means the largest amount of payment that may be obtained for range conservation practices on any ranching unit.

*Range grazing capacity* means the number of animal units which range land will normally sustain for a twelve month period without decreasing the stand of grass or other grazing vegetation and without injury to the forage and tree growth on such range land.

*Limited grazing* means limiting the grazing on an entire ranching unit during the grazing season to such an extent that a specified percentage of the grass on such ranch-unit is permitted to mature seed.

*Deferred grazing* means withholding from grazing a portion of the range land in a ranching unit during the period between the time growth starts in the spring and the time seed matures in the fall, for the purpose of permitting natural reseeding of native grasses.

*County range inspector* means a person selected by the county committee and approved by the State Committee to appraise and recommend grazing capacities and practices, and to determine performance on range land.

SECTION 2. *County Range Grazing Capacity Limit.*—There shall be established by the Agricultural Adjustment Administration in each county containing range land the average grazing capacity of such range land in terms of animal units. The average of the individual grazing capacities established for the range land in any county shall not exceed the county average grazing capacity limit for such county.

SECTION 3. *Grazing Capacity.*—There shall be established for any range land for which an application for the establishment of grazing capacity is received, the grazing capacity of such range land. Such grazing capacity for individual range land shall be established by taking into account the following factors: (a) composition, palatability, and density of vegetative growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic features; (e) classes of livestock which have utilized such range land; (f) presence or absence of rodents and poisonous plant infestation; and (g) fences.

SECTION 4. *Range Building Allowance.*—The range building allowance for a ranching unit shall be equal to an amount obtained by multiplying the grazing capacity for such ranching unit by $1.50.

SECTION 5. *Range Building Practices.*—Payments will be made not in excess of the range building allowance, for the carrying out on range land any of the range building practices listed herein, provided, the ranch operator has filed with the county committee a request for an inspection of his ranching unit by a county range inspector; the county committee has given prior approval for the carrying out of any such practices; the county committee has determined that any such practice has been carried out in accordance with the conditions specified; and any such practice has been carried out in accordance with generally accepted standards of good ranch management.

(a) *Reseeding by deferred grazing.*—Natural reseeding by non-grazing on an acreage equal to not more than 25 percent nor less than 10 percent of the total range land in the ranching unit from May 1 to September 30, 1937, inclusive, except that upon recommendation by the State Committee and approval by the Director of the North Central Division a date other than September 30, 1937, may be established—60 percent of the range building allowance for such ranching unit multiplied by the percentage that the non-grazed acreage is of the acreage equivalent to 25 percent of the total range land in such ranching unit, provided, (1) On ranches on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (2) On ranches used exclusively for grazing sheep the area to be kept free of grazing is either fenced or the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (3) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the range, forage, tree growth, or watershed; and (4) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranch previous to the carrying out of such practice.

(b) *Reseeding by limited grazing.*—Natural reseeding of all of the range land on the ranching unit—50 percent of the range building allowance for such ranching unit, provided, the number of animal units grazed on the range land on such ranching unit during the grazing season, May 1 to September 30, 1937, inclusive, is limited to a number of animal units which will permit at least 25 percent of the grass on the ranching unit to mature seed and aid the natural reseeding of such grasses.

(c) *Contouring.*—Construction of contour furrows on land not sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre, provided, (1) The furrows are constructed on the contour level not less than 8 inches in width and 4 inches in depth; (2) Such furrows are dammed at intervals of not more than 100 feet; and (3) The furrows are not more than 25 feet apart.

(d) *Tree Planting.*—Planting of trees on range land—$10.00 per acre, provided, (1) The trees are planted in 1937 prior to November 1, 1937; (2) The number, kind, and age of trees planted and the methods of planting and growing of such trees are in accordance with good tree culture practice; (3) The acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.

(e) *Cultivating and Maintaining a Stand of Trees.*—Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest plantings or 200 trees per acre of windbreak or shelter-belt plantings planted on cropland or non-cropland between January 1, 1934, and November 1, 1936—$4.00 per acre.

(f) *Reservoirs.*—Construction of reservoirs and dams—$0.15 per cubic yard of fill for such construction, provided, (1) The construction of reservoirs and dams is carried out in connection with the practices outlined in sub-sections (1) and (2) of this Section 5; (2) Spillways are made adequate to prevent the dam from washing out under normal rainfall and reservoirs are located where they have a sufficient watershed to insure the filling of such reservoirs with normal precipitation.

SECTION 6. *Payments Restricted to Effectuation of Purpose.*—All or any part of any range practice payment which otherwise would be made with respect to any ranching unit may be withheld if any grazing or other practices are adopted on the ranching unit, which practices the Secretary determines tend to defeat the purpose of the 1937 range program in the North Central Region.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 12th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-588: Filed, February 26, 1937; 11:37 a. m.]

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NCR—B-101, as Amended, Supplement No. 1

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED

*Supplement No. 1*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin 101, as Amended under date of February 15, 1937, is hereby further amended as follows:

PART III—CLASSIFICATION OF FARMLAND

1. Part III, section 3, (a), (1), is amended by deleting therefrom the word "thereafter" in the fourth line of page 22 after the word "cultivated" and before the word "in" and inserting in lieu thereof the phrase, "until August 1, 1937".

PART IV—RATES AND CONDITIONS OF PAYMENT

2. Part IV, section 13 is amended by deleting therefrom subparagraph (g) and inserting in lieu thereof the following:

(g) *Planting and Protection of Trees.*—Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$7.50 per acre, *provided*

(1) In the case of forest plantings there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 650 living trees per acre; or if due to uncontrollable natural causes a stand of 650 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected;

(2) In the case of windbreak or shelterbelt plantings, there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 300 living trees per acre; or if due to uncontrollable natural causes a stand of 300 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

This subsection (g) is not applicable to dryland farms.

3. Part IV, section 13, (k), is amended by inserting on page 60, line 25, after the word "out" and before the word "in", the phrase "until August 1, 1937".

4. Part IV, section 13, (l), is amended by inserting on page 61, line 17, after the word "out", the phrase "until August 1, 1937".

5. Part IV, section 13, (m), is amended by inserting on page 62, line 5, after the word "out" and before the word "in" the phrase "until August 1, 1937".

6. Part IV, section 13 is amended by deleting therefrom subparagraph (o) and inserting in lieu thereof the following:

(o) *Planting and Protection of Trees.*—Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$10.00 per acre, *provided*,

(1) In the case of forest plantings there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 500 living trees per acre; or if due to uncontrollable natural causes a stand of 500 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected;

(2) in the case of windbreak or shelterbelt plantings, there is on the date as of which final inspection is made for the purpose of determining performance on the farm a stand of at least 200 living trees per acre; or if due to uncontrollable natural causes a stand of 200 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

PART V—MISCELLANEOUS PROVISIONS

7. Part V, section 5, is amended by adding on page 74 after the third paragraph, the following new paragraph:

A person whose lease expires before June 30, 1937, and who has no interest in the farming operations on the farm in 1937 except to harvest a crop or crops which he planted in the fall of 1936 will not be regarded as the operator of such farm. In such cases the person who operates the farm in 1937 other than for the purpose of harvesting a crop therefrom or who operates the remainder of the farming unit of which such farm is a part shall be regarded as the operator of such farm.

PART VI—RANGE LANDS

8. Part VI, section 5, is amended by deleting therefrom subparagraphs (a) and (b) and inserting in lieu thereof the following:

(a) *Reseeding.*—

(a–1) *Reseeding by deferred grazing.*—Natural reseeding by non-grazing on an acreage equal to not more than 25 percent nor less than 10 percent of the total range land in the ranching unit from May 15 to September 30, 1937, inclusive, except that upon recommendation by the State Committee and approval by the Director of the North Central Division a date other than September 30, 1937, may be established;—60 percent of the range building allowance for such ranching unit multiplied by the percentage that the non-grazed acreage is of the acreage equivalent to 25 percent of the total range land in such ranching unit, provided, (1) On ranches on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (2) On ranches used exclusively for grazing sheep the area to be kept free of grazing is either fenced or the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (3) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the range, forage, tree growth, or watershed; (4) Such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period May 15, 1937 to September 30, 1937, inclusive; and (5) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranch previous to the carrying out of such practice; or

(a–2) *Reseeding by limited grazing.*—Natural reseeding of all of the range land on the ranching unit.—50 percent of the range building allowance for such ranching unit, provided, the number of animal units grazed on the range land on such ranching unit during the grazing season, May 1 to September 30, 1937, inclusive, is limited to a number of animal units which will permit at least 25 percent of the grass on the ranching unit to mature seed and aid the natural reseeding of such grasses.

9. Part VI, section 5, is amended by deleting the lettering of subparagraphs (c), (d), (e), and (f) and inserting in lieu thereof the lettering "(b)", "(c)", "(d)", and "(e)", respectively.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 27th day of February 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–597; Filed, March 1, 1937; 12:47 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

DESIGNATION OF THE FEDERAL AIRWAYS SYSTEM AS CIVIL AIRWAYS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by the Air Commerce Act of 1926, as amended (44 Stat. 570, 49 U. S. C., Sec. 175), I hereby designate the following described air route as civil airway necessary to foster air commerce and suitable for interstate or foreign air commerce.

The civil airway designated herein shall include the navigable air space located vertically above an area on the horizontal plane contained within lines encircling each airport (hereinafter called terminal airport) at the ends thereof, with a radius of 25 miles from the center of said airport and also contained within two lines each parallel to and located 25 miles from the center line connecting the terminal airports thereof with such other points as hereinafter specified, to designate the route of said airway. The civil airway designated herein shall also include the terminal and intermediate airports, emergency landing fields and all other air navigation facilities located or which may be hereafter located and established within the said area.

Provided that the civil airway designated herein shall not include any air space reservations set aside and protected by Executive Orders pursuant to the Provisions of Section 4 of the Air Commerce Act of 1926, or the navigable air space above non-territorial waters or above foreign territory abutting the boundaries of the United States.

CIVIL AIRWAY NO. 99—MOBILE-JACKSONVILLE

Mobile, Alabama, Municipal Airport, via Pensacola, Florida, Municipal Airport, Tallahassee, Florida, Dale-Marby Airport, Live Oak, Florida, Live Oak Airport, to Jacksonville, Florida, Municipal Airport.

Approved to take effect March 1, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–614; Filed, March 2, 1937; 10:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### HOLDING COMPANY ACT

RULE 3—APPLICATIONS FOR EXEMPTION UNDER SECTIONS 2 OR 3

Acting pursuant to the authority granted by Section 20 of the Public Utility Holding Company Act of 1935 and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends Rule 3 to read as follows:

RULE 3—APPLICATIONS FOR EXEMPTION UNDER SECTIONS 2 OR 3

(a) Every application for an order of exemption pursuant to Section 2 or Section 3 shall comply with the provisions of Rule 2. Rules 2A3–1, 2A4–1, 2A7–1, 2A8–1 and 3A–1 set forth the specific information that is to be given in the case of applications made under corresponding subsections of the Act. If, however, any such information is not available without unreasonable effort or delay, or is deemed by the applicant to be irrelevant to the question presented, the applicant may omit such information, briefly indicating the reasons for such omission, and submitting instead such other information, if any, as it may deem relevant. Thus in any case where an applicant is of the opinion that the statement of certain facts makes the recital of other specified information unnecessary in view of the appropriate provisions of Section 2 or 3, it may state such facts and explain the reasons for such opinion without giving the further information specified, and in any case involving a question of control an applicant may admit control in whole or in part and, to such extent, omit the information bearing on this question. If any applicant is in doubt as to the interpretation of any requirement of the appropriate rule under Section 2 or 3, it should, in making its application, adopt the interpretation which seems to it most reasonable, and expressly explain the interpretation adopted. All applications shall be subject to the right of the Commission to require any additional information, whether specified by the appropriate rule or not, which it may find necessary or appropriate in the particular case. The applicant may at its option include any additional information not required by the Commission. Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the Rules and Regulations under which application is made.

(b) Any such application may incorporate by reference any information contained in any other such application previously or concurrently filed, whether by the same or by a different applicant. Any one applicant may file a combined application for different orders or file separate applications, but, if separate, each such application should include an express reference to the other. Any two or more applicants may file joint applications where substantially the same questions of fact are involved. Orders may be requested in the alternative, but in such case the applicant's preference should be indicated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–619; Filed, March 2, 1937; 12:49 p. m.]



SECURITIES ACT OF 1933

REGISTRATION STATEMENTS

*Rule Adopting Form A–O–1 as Amended and Printed*

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, and finding:

(1) that any information or documents specified in Schedule A of the Act which Form A–O–1 for Securities of Issuers Organized within Two Years to Engage in the Exploitation of Mineral Deposits (other than Oil or Gas), and the Instruction Book for such form, do not require to be set forth are inapplicable to the class of securities to which such form is appropriate, and disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as Form A–O–1 and the Instruction Book for such form require to be set forth, but which are not specified in said Schedule A, are necessary and appropriate in the public interest and for the protection of investors; and

(2) that the information which the rules contained in the Instruction Book for Form A–O–1 require to be contained in prospectuses for the class of securities and issuers to which such form is appropriate is necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted to be omitted from prospectuses for such class of securities and issuers are not necessary or appropriate in the public interest or for the protection of investors; and that the form and contents which such rules prescribe for prospectuses of the class specified are appropriate to the nature and circumstances of their use and are consistent with the public interest and the protection of investors;

hereby adopts Form A–O–1 and the Instruction Book for such form, both as printed and attached hereto,[1] to be used for registration under the Securities Act of 1933 of securities of the class, and issued by the class of issuers, specified in the rule for the use of said Form A–O–1.

By order of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–618; Filed, March 2, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

[File No. 43–33]

IN THE MATTER OF ILLINOIS POWER & LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Illinois Power & Light Corp., a subsidiary of The North American Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and exchange by declarant, pursuant to a Plan of Recapitalization involving the reclassification and change of its present outstanding capital stock, of the following securities:

483,500 shares of 5% Cumulative Convertible Preferred Stock with a par value of $50 per share,
483,500 Dividend Arrears Certificates,
783,500 shares of Common Stock having no par value but with a stated value of $25 per share, and
300,000 Warrants to purchase one share each of such Common Stock.

It is ordered that a hearing on such matter be held on March 19, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–615; Filed, March 2, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

[File No. 34–4]

IN THE MATTER OF ILLINOIS POWER & LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Illinois Power & Light Corp., a subsidiary of The North American Company, a registered holding company, pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935, for a report on its Plan of Recapitalization involving the reclassification and change of its capital stock presently outstanding. The outstanding capital stock of the applicant consists of 600,000 shares of Common Stock having no par value but with a stated value of $50 per share, 443,500 shares of $6 Cumulative Preferred Stock without par value and 40,000 shares of 6% Cumulative Preferred Stock with a par value of $100 per share. The new capitalization proposed by the applicant will consist of 783,500 shares of Common Stock having no par value but with a stated value of $25 per share, 300,000 warrants to purchase one share each of such new Common Stock, 483,500 shares of 5% Cumulative Convertible Preferred Stock with a par value of $50 per share and 483,500 Dividend Arrears Certificates.

It is ordered that a hearing on such matter be held on March 19, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

[1] Form A–O–1 and the Instruction Book were filed with the Division of the Federal Register. The National Archives; copies are available upon application to the Securities and Exchange Commission.

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-616; Filed, March 2, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

[File No. 31-60]

IN THE MATTER OF THE APPLICATION OF NORTHERN INDIANA PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Northern Indiana Public Service Company pursuant to Section 3 (a) of the Public Utility Holding Company Act of 1935, for exemption as a holding company from provisions of said Act;

It is ordered that a hearing on such matter be held on March 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 13, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-617; Filed, March 2, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of March A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RICHFIELD-MALCOM-DAVIS FARM, FILED ON FEBRUARY 10, 1937, BY ROYALTY GROUP CORPORATION, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-620; Filed, March 2, 1937; 12:49 p. m.]

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***Thursday, March 4, 1937*** ***No. 42***

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—Arizona Part X Issued March 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—ARIZONA, PART X

Western Region Bulletin No. 101—Arizona is hereby supplemented by adding thereto the following Part X.

*Part X—County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing general diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Arizona:

| County | Average Rate Per Acre for Diversion From General Soil-Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment From General Soil-Depleting Base [2] | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Apache | $1.40 | $2.90 | $0.58 |
| Cochise | 6.10 | 4.10 | .82 |
| Coconino | 3.70 | 2.45 | .49 |
| Gila | 3.90 | 2.60 | .52 |
| Graham | 8.10 | 5.40 | 1.08 |
| Greenlee | 7.80 | 5.20 | 1.04 |
| Maricopa | 10.40 | 6.90 | 1.38 |
| Mohave | 5.60 | 3.70 | .74 |
| Navajo | 3.40 | 2.30 | .46 |
| Pima | 4.90 | 3.30 | .66 |
| Pinal | 7.10 | 4.75 | .95 |
| Santa Cruz | 4.60 | 3.10 | .62 |
| Yavapai | 11.30 | 7.55 | 1.51 |
| Yuma | | | |

[1] Pursuant to section 1, part II of W. R. Bulletin 101—Arizona.
[2] Pursuant to subsection A-2, section 2, part III of W. R. Bulletin 101—Arizona.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—Arizona.



SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the general soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, M. L. Wilson, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 2nd day of March 1937.

[SEAL] M. L. WILSON.
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-632; Filed, March 3, 1937; 12:47 p. m.]

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WR—B-101, Kansas, Part X Issued March 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—KANSAS, PART X

Western Region Bulletin No. 101—Kansas is hereby supplemented by adding thereto the following Part X.

*Part X—County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing general diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Kansas:

| County | Average Rate Per Acre for Diversion From General Soil Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment From General Soil-Depleting Base [2] | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Allen | $5.10 | $3.35 | $0.67 |
| Anderson | 5.00 | 3.35 | .67 |
| Atchison | 6.30 | 4.20 | .84 |
| Barber | 5.10 | 3.40 | .68 |
| Barton | 5.60 | 3.70 | .74 |
| Bourbon | 4.60 | 3.05 | .61 |
| Brown | 7.50 | 4.95 | .99 |
| Butler | 4.60 | 3.10 | .62 |
| Chase | 6.30 | 4.20 | .84 |
| Chautauqua | 4.60 | 3.05 | .61 |
| Cherokee | $4.20 | $2.80 | $0.56 |
| Cheyenne | 3.80 | 2.30 | .50 |
| Clark | 4.80 | 3.20 | .64 |
| Clay | 5.80 | 3.85 | .77 |
| Cloud | 5.50 | 3.65 | .73 |
| Coffey | 5.30 | 3.55 | .71 |
| Comanche | 5.10 | 3.35 | .67 |
| Cowley | 4.60 | 3.10 | .62 |
| Crawford | 4.50 | 3.00 | .60 |
| Decatur | 4.10 | 2.75 | .55 |
| Dickinson | 6.60 | 4.40 | .88 |
| Doniphan | 7.60 | 5.05 | 1.01 |
| Douglas | 6.50 | 4.30 | .86 |
| Edwards | 5.20 | 3.45 | .69 |
| Elk | 4.50 | 3.00 | .60 |
| Ellis | 6.10 | 3.40 | .68 |
| Ellsworth | 5.20 | 3.50 | .70 |
| Finney | 4.30 | 2.90 | .58 |
| Ford | 5.20 | 3.50 | .70 |
| Franklin | 5.70 | 3.80 | .76 |
| Geary | 6.20 | 4.10 | .82 |
| Gove | 3.90 | 2.60 | .52 |
| Graham | 3.80 | 2.50 | .50 |
| Grant | 4.20 | 2.80 | .56 |
| Gray | 4.60 | 3.05 | .61 |
| Greeley | 3.40 | 2.25 | .45 |
| Greenwood | 4.90 | 3.30 | .66 |
| Hamilton | 4.00 | 2.70 | .54 |
| Harper | 5.20 | 3.45 | .69 |
| Harvey | 5.20 | 3.50 | .70 |
| Haskell | 4.70 | 3.15 | .63 |
| Hodgeman | 4.10 | 2.75 | .55 |
| Jackson | 5.60 | 3.75 | .75 |
| Jefferson | 6.50 | 4.30 | .86 |
| Jewell | 4.70 | 3.15 | .63 |
| Johnson | 6.20 | 4.10 | .82 |
| Kearny | 4.10 | 2.70 | .54 |
| Kingman | 5.00 | 3.35 | .67 |
| Kiowa | 5.30 | 3.50 | .70 |
| Labette | 4.40 | 2.90 | .58 |
| Lane | 3.70 | 2.50 | .50 |
| Leavenworth | 6.20 | 4.10 | .82 |
| Lincoln | 5.30 | 3.55 | .71 |
| Linn | 5.10 | 3.40 | .68 |
| Logan | 3.00 | 2.00 | .40 |
| Lyon | 5.70 | 3.80 | .76 |
| McPherson | 5.70 | 3.80 | .76 |
| Marion | 5.40 | 3.60 | .72 |
| Marshall | 6.10 | 4.05 | .81 |
| Meade | 4.60 | 3.05 | .61 |
| Miami | 5.40 | 3.60 | .72 |
| Mitchell | 5.10 | 3.40 | .68 |
| Montgomery | 4.30 | 2.85 | .57 |
| Morris | 6.10 | 4.05 | .81 |
| Morton | 4.00 | 2.65 | .53 |
| Nemaha | 5.80 | 3.90 | .78 |
| Neosho | 4.70 | 3.10 | .62 |
| Ness | 4.50 | 3.00 | .60 |
| Norton | 4.20 | 2.80 | .56 |
| Osage | 5.80 | 3.85 | .77 |
| Osborne | 4.50 | 3.05 | .61 |
| Ottawa | 5.50 | 3.65 | .73 |
| Pawnee | 5.10 | 3.35 | .67 |
| Phillips | 5.90 | 2.60 | .52 |
| Pottawatomie | 6.80 | 4.55 | .91 |
| Pratt | 5.70 | 3.75 | .75 |
| Rawlins | 4.00 | 2.70 | .54 |
| Reno | 5.40 | 3.60 | .72 |
| Republic | 5.10 | 3.40 | .68 |
| Rice | 5.40 | 3.60 | .72 |
| Riley | 6.20 | 4.15 | .83 |
| Rooks | 3.80 | 2.55 | .51 |
| Rush | 5.10 | 3.45 | .69 |
| Russell | 5.50 | 3.65 | .73 |
| Saline | 5.90 | 3.95 | .79 |
| Scott | 3.60 | 2.00 | .40 |
| Sedgwick | 5.40 | 3.60 | .72 |
| Seward | 4.10 | 2.75 | .55 |
| Shawnee | 6.70 | 4.45 | .89 |
| Sheridan | 3.90 | 2.60 | .52 |
| Sherman | 3.40 | 2.25 | .45 |
| Smith | 3.90 | 2.65 | .53 |
| Stafford | 5.50 | 3.70 | .74 |
| Stanton | 4.00 | 2.65 | .53 |
| Stevens | 4.00 | 2.70 | .54 |
| Sumner | 4.50 | 3.00 | .60 |
| Thomas | 3.80 | 2.55 | .51 |
| Trego | 4.20 | 2.80 | .56 |
| Wabaunsee | 6.70 | 4.45 | .89 |
| Wallace | 2.50 | 1.65 | .33 |
| Washington | 5.80 | 3.85 | .77 |
| Wichita | 3.30 | 2.20 | .44 |
| Wilson | 4.60 | 3.10 | .62 |
| Woodson | 4.60 | 3.10 | .62 |
| Wyandotte | 6.80 | 4.55 | .91 |

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the general soil-depleting base and the rates to be used in computing those portions of, the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, M. L. Wilson, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 2nd day of March, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-633; Filed, March 3, 1937; 12:47 p. m.]

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WR—B-101, Nevada, Part X — Issued March 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEVADA, PART X

Western Region Bulletin No. 101—Nevada is hereby supplemented by adding thereto the following Part X.

*Part X—County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Nevada:

| County | Average Rate Per Acre for Diversion From General Soil-Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment From General Soil-Depleting Base [2] | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Churchill | $7.60 | $6.60 | $1.32 |
| Clark | 8.10 | 5.60 | 1.12 |
| Douglas | 10.40 | 7.20 | 1.44 |
| Elko | 8.00 | 5.30 | 1.06 |
| Esmeralda | 7.20 | 4.80 | .96 |
| Eureka | 7.20 | 4.80 | .96 |
| Humboldt | 7.20 | 4.80 | .96 |
| Lander | 7.80 | 4.80 | .96 |
| Lincoln | 8.10 | 5.10 | 1.08 |
| Lyon | 9.20 | 6.10 | 1.22 |
| Mineral | 5.40 | 3.60 | .72 |
| Nye | 7.20 | 4.80 | .96 |
| Ormsby | 6.70 | 4.30 | .86 |
| Pershing | 9.20 | 6.15 | 1.23 |
| Storey | 9.20 | 6.10 | 1.22 |
| Washoe | 9.20 | 6.10 | 1.22 |
| White Pine | 8.00 | 5.30 | 1.06 |

[1] Pursuant to section 1, part II of W. R. Bulletin 101—Nevada.
[2] Pursuant to subsection A-2, section 2, part III of W. R. Bulletin 101—Nevada.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—Nevada.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, M. L. Wilson, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 2nd day of March 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-634; Filed, March 3, 1937; 12:47 p. m.]

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WR—B-101—New Mexico, Part X — Issued March 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEW MEXICO, PART X

Western Region Bulletin No. 101—New Mexico is hereby supplemented by adding thereto the following Part X.

*Part X—County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing general diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of New Mexico:

| County | Average Rate Per Acre for Diversion From General Soil-Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment From General Soil-Depleting Base [2] | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Bernalillo | $5.30 | $3.55 | $0.71 |
| Catron | 4.20 | 2.80 | .56 |
| Chaves | 8.20 | 5.50 | 1.10 |
| Colfax | 5.20 | 3.45 | .69 |
| Curry | 4.00 | 2.70 | .54 |
| De Baca | 5.50 | 3.65 | .73 |
| Dona Ana | 8.40 | 5.65 | 1.13 |
| Eddy | 8.40 | 5.60 | 1.12 |
| Grant | 6.70 | 4.45 | .89 |
| Guadalupe | 3.50 | 2.35 | .47 |
| Harding | 3.80 | 2.50 | .50 |
| Hidalgo | 6.70 | 4.45 | .89 |
| Lea | 3.20 | 2.15 | .43 |
| Lincoln | 5.30 | 3.55 | .71 |
| Luna | 7.60 | 5.05 | 1.01 |
| McKinley | 4.40 | 2.95 | .59 |

[1] Pursuant to section 1, part II of W. R. Bulletin 101—New Mexico.
[2] Pursuant to subsection A-2, section 2, part III of W. R. Bulletin 101—New Mexico.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—New Mexico.



| County | Average Rate Per Acre for Diversion From General Soil-Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment From General Soil-Depleting Base | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms |
|---|---|---|---|
| Mora | $4.00 | $2.65 | $0.53 |
| Otero | 5.60 | 3.70 | .74 |
| Quay | 4.00 | 2.65 | .53 |
| Rio Arriba | 5.60 | 3.75 | .75 |
| Roosevelt | 4.30 | 2.85 | .57 |
| Sandoval | 5.90 | 3.95 | .79 |
| San Juan | 5.60 | 3.75 | .75 |
| San Miguel | 4.10 | 2.75 | .55 |
| Santa Fe | 4.40 | 2.95 | .59 |
| Sierra | 7.50 | 4.95 | .99 |
| Socorro | 5.60 | 3.70 | .74 |
| Taos | 5.70 | 3.80 | .76 |
| Torrance | 3.60 | 2.45 | .49 |
| Union | 3.80 | 2.50 | .50 |
| Valencia | 5.30 | 3.55 | .71 |

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the general soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, M. L. Wilson, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 2nd day of March, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-635; Filed, March 3, 1937; 12:48 p. m.]

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WR—B-101, Wyoming, Part X — Issued March 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WYOMING, PART X

Western Region Bulletin No. 101—Wyoming is hereby supplemented by adding thereto the following Part X.

*Part X—County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Wyoming:

| County | Average Rate Per Acre for Diversion From General Soil-Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment From General Soil-Depleting Base [2] | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Albany | $5.30 | $3.50 | $0.70 |
| Big Horn | 6.90 | 4.60 | .92 |
| Campbell | 3.30 | 2.25 | .45 |
| Carbon | 5.50 | 3.65 | .73 |
| Converse | 3.10 | 2.05 | .41 |
| Crook | 4.40 | 2.95 | .59 |
| Fremont | 6.90 | 4.60 | .92 |
| Goshen | 4.10 | 2.70 | .54 |
| Hot Springs | 6.10 | 4.00 | .80 |
| Johnson | 4.30 | 2.85 | .57 |
| Laramie | 3.10 | 2.05 | .41 |
| Lincoln | 5.10 | 3.45 | .69 |
| Natrona | 4.30 | 2.85 | .57 |
| Niobrara | 3.00 | 2.00 | .40 |
| Park | 8.50 | 5.65 | 1.13 |
| Platte | 4.00 | 2.65 | .53 |
| Sheridan | 5.50 | 3.65 | .73 |
| Sublette | 4.00 | 2.65 | .53 |
| Sweetwater | 6.40 | 4.25 | .85 |
| Teton | 5.60 | 3.70 | .74 |
| Uinta | 6.10 | 4.05 | .81 |
| Washakie | 9.20 | 6.15 | 1.23 |
| Weston | 4.30 | 2.85 | .57 |

[1] Pursuant to section 1, part II of W. R. Bulletin 101—Wyoming.
[2] Pursuant to subsection A-2, section 2, part III of W. R. Bulletin 101—Wyoming.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—Wyoming.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, M. L. Wilson, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 2nd day of March, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-636; Filed, March 3, 1937; 12:48 p. m.]

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## Bureau of Biological Survey.

ORDER PERMITTING TRAPPING ON THE UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Pursuant to Section (a) of Regulation 1-A and to Regulation 2-A of the Regulations for the Administration of the Upper Mississippi River Wildlife and Fish Refuge, public trapping of muskrats, under permits of the Superintendent of said Refuge, in the States of Wisconsin and Minnesota, in accordance with the laws of said States, and in accordance with the regulations governing the said Refuge, as well as with the restrictions and conditions hereinafter provided, is

hereby permitted within said Refuge in the States named, except on the areas specifically scheduled below; between March 2 to April 5, 1937, both dates inclusive:

MINNESOTA

*Houston County*

*Area Number 1.*—All of the lands and waters lying in Township 104 N., Range 4 W., 5th P. M., described as follows: Those parts of the E½SW¼ and W½SE¼ of Section 14 lying southerly and westerly of Pine Creek; SE¼SW¼, E½NW¼, N½NE¼, SW¼NE¼, Lots 1, 2, 3 and 4 in Sec. 23; Lots 1, 2, 3, 4 and 5 in Sec. 24; Lots 1, 2, and 5 and NW¼NW¼, Sec. 25; N½NE¼ and NE¼NW¼, Sec. 26, all of the lands and waters of Lot 1, Sec. 30, Township 104 N., Range 3 W., 5th P. M.; and all of the lands and waters enclosed by the meandered boundaries of what is known as Target Lake situated in parts of said Sections 23 and 24, and all of the lands and waters enclosed by the meandered boundaries of that portion of what is known as Broken Arrow Slough situated northerly of a straight line drawn between the points of intersection of said slough by the north lines of Lots 2 and 4 of Sec. 25, Township 104 N., Range 4 W., excepting from Lot 2, Sec. 24, Township 104 N., Range 4 W. a rectangular parcel of land surrounding the Edward Hoffman cottage, more particularly described by metes and bounds as follows: BEGINNING at Corner 1, a point on the shore of the Mississippi River 75 feet south of the northeast corner of said Lot 2; thence west 29 feet, smoke house falls 5 feet south 150 feet, Corner 2, a 1" x 24" galvanized iron pipe; thence south parallel with the shore line 514 feet, Corner 3; a 1" x 24" galvanized iron pipe; thence east 150 feet, Corner 4, on the shore of the Mississippi River; thence north with the shore line 514 feet to the place of BEGINNING.

*Area Number 2.*—All of the lands and waters lying in Township 103 N., Ranges 3 and 4 W., 5th P. M. described as follows: The NE¼, NW¼SE¼, SW¼, N½NW¼, SE¼NW¼, and Lots 1 and 2 in Sec. 1; NE¼NW¼, W½NW¼, and Lots 2, 3, 4 and 5, that portion of Lot 6 east of the C. M. St. P. & P. R. R., and Lots 7 and 8, all in Sec. 12; Lots 1, 2, 3, 4, and 5, that portion of Lot 6 lying easterly of the easterly right of way line of the C. M. St. P. & P. R. R., NW¼SW¼ and SW¼NW¼ in Sec. 13; and all of the lands and waters enclosed by the meandered boundaries of what is known as Lawrence Lake situated in parts of said Sections 12 and 13, all in Township 103 N., Range 4 W., and Fractional Sec. 6, Township 103 N., Range 3 W.

WISCONSIN

*Buffalo County*

*Area Number 3.*—All of the lands and waters lying in Sections 1, 2, 3, 4, 10, 11 and 12 in Township 22 N., and Sections 33, 34, 35 and 36 in Township 23 N., all in Range 14 W., and Sec. 6, Township 22 N., Range 13 W., 4th P. M., which are enclosed by the following definite boundaries: Starting at the southeast corner of said Sec. 11, thence due north along the line separating Sections 11 and 12 to the northwest corner of the SW¼ of the said Sec. 12, thence due east to the intersection of the north line of the said SW¼, Sec. 12 with the old Wabasha-Nelson ferry road, thence northeasterly following said ferry road as a boundary to the point where said road intersects the south line of said Sec. 1, thence west to the southwest corner of the SE¼ of said Sec. 1, thence due north to the southwest corner of the N½NE¼, of said Sec. 1, thence east along the south line of the said N½NE¼ and the NW¼NW¼, Section 6, Township 22 N., Range 13 W., 4th P. M. to the point of intersection of the south line of said NW¼NW¼ with the old Wabasha-Nelson ferry road, thence northerly along the said ferry road to the point of intersection of said ferry road with the tracks of the Chicago, Burlington & Quincy Railroad, thence following the said Railroad tracks northwesterly to the Chippewa River, thence southerly along the Chippewa River to the Mississippi River and southeasterly along the Mississippi River to the south line of the said Sec. 11, thence due east along the south line of said Sec. 11 to the point of BEGINNING; excepting therefrom the N½SW¼, and the SW¼NW¼ in said Sec. 2, and the NW¼SW¼ of said Sec. 34, and excepting from the E½ NW¼ of said Sec. 3, the 100 foot right of way of 7.28 acres of the Chippewa Valley and Superior Railway Company.

*Area Number 4.*—All of the lands and waters lying in Sections 16, 17, 19, 20, 21, 26, 27, 28, 34, and 35 in Township 22 N., Range 13 W., 4th P. M. which are enclosed by the following definite boundaries: Starting at the point where the south line of Sec. 18, Township 22 N., Range 13 W. intersects the east bank of the Mississippi River, thence east along the south line of said Sec. 18, to the southeast corner of said Sec. 18, thence north along the east line of said Sec. 18 to the point where the said east line intersects Beef Slough, thence easterly and southeastly following said Beef Slough as a boundary through the said Secs. 17, 16, 21, 28, 27, 26, 35 and 34 to the junction of said Beef Slough with the Mississippi River, thence northwesterly and westerly along the Mississippi River to the place of BEGINNING.

*La Crosse County*

*Area Number 5.*—All of the lands and waters lying in Sections 26, 27, 34, 35 and 36, Township 17 N., Range 8 W., 4th P. M. which are enclosed by the following definite boundaries: Beginning at the southeast corner of said Sec. 36, thence due north along the line separating the said Sec. 36 and Sec. 31, Township 17 N., Range 7 W., 4th P. M. to the northwest corner of Lot 2, Sec. 31, Township 17 N., Range 7 W., thence northwesterly along the Black River to the northeast corner of Lot 3, Sec. 36, Township 17 N., Range 8 W., thence west along the north lines of Lots 3 and 4 of said Sec. 36 to the northwest corner of said Lot 4, thence north along the east line of the NE¼NW¼ of said Sec. 36 to the northeast corner thereof, thence west along the north line of said N½NW¼ to the northwest corner thereof, thence north along the east line of said Sec. 26 to the northeast corner of Lot 7 of said Sec. 26, thence west along the north line of said Lot 7 to the northwest corner thereof, thence northeasterly along a slough separating Lots 6 and 9 of said Sec. 26 to the point of intersection of said slough with the northeast corner of the south 20.00 acres of said Lot 9, thence due west to the west line of the southeast quarter of said Sec. 26, thence north to the northwest corner of the southeast quarter of said Sec. 26, thence west along the north line of the NE¼SW¼ of said Sec. 26 to the northwest corner of the said NE¼SW¼, thence north along the east line of the SW¼NW¼ to the northeast corner thereof, thence west along the north lines of said SW¼NW¼ of Sec. 26 and the S½NE¼ of Sec. 27 to the northwest corner of the said S½NE¼, thence south along the center line of said Sec. 27 to the south line of said Section, thence east along the south line of the W½SE¼ of said Sec. 27 to the southeast corner thereof, thence south along the west line of the E½E½ of said Sec. 34 to the southwest corner of the E½ SE¼ of said Sec. 34, being a point on the south line of Township 17 N., Range 8 W., 4th P. M., thence east along the said township line to the southeast corner of said township, being the place of BEGINNING.

*Area Number 6.*—All of the lands and waters lying in Sections 24 and 25, Township 16 N., Range 8 W., 4th P. M. and in Section 19, Township 16 N., Range 7 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the southeast corner of Lot 2 in said Sec. 25, Township 16 N., Range 8 W., thence north along the east line of said Sec. 25 to the northeast corner of said Sec. 25, thence east along the south line of Lot 11, Sec. 19, Township 16 N., Range 7 W., to its intersection with the west bank of French Slough, thence northerly and northwesterly along French Slough to its junction with Smith Slough (sometimes referred to as Middle Slough), thence southwesterly, westerly, and northwesterly along said Smith Slough to its junction with a certain unnamed slough, which was formerly the main channel of the Mississippi River, thence southerly along said slough to its junction with the Mississippi River, thence southerly along the Mississippi River to its junction with Joe Lynn Slough, thence southeasterly along Joe Lynn Slough to the place of beginning, EXCEPTING from Lot 2, Sec. 25, Township 16 N., Range 8 W., a strip of land 200 feet in width, 100 feet of such width, upon each side of the center line of the main track of the C. M. St. P. & P. R. R., as the same is now located and operated over and across the said Lot 2, said exception containing 5.67 acres; and EXCEPTING from Lot 10, Sec. 19, Township 16 N., Range 7 W., and Lot 7, Sec. 24, Township 16 N., Range 8 W. the following described tract: BEGINNING at corner 1 on the east boundary of Lot 10, a 3" x 3" x 36" willow stake scribed M. 1 and Stone 10" x 5" x 4"; thence S 70°00' W. 2.94 chains to Corner 2, a 4" x 4" x 36" maple stake scribed M. 2; thence N. 23°30' W, 8.00 chains to Corner 3, a 3" x 3" x 36" maple stake scribed M. 3; thence N. 73°00' W. 5.60 chains to Corner 4, stake scribed M. 4; thence S 40°30' W, 2.00 chains to Corner 5, 1½" x 36" pipe (wooden plug in top), scribed M 5; thence S 19°30' E, 13.32 chains to Corner 6, a 4" cottonwood, scribed M 6; thence S 22°00' W, 4.70 chains to Corner 7, 22" oak scribed M. 7; thence S 66°00' W, 3.73 chains, Corner 8, a stake scribed M. 8; thence N 20°00' W, 11.60 chains to Corner 9, a stake; thence S 64°00' W, 4.05 chains to Corner 10, a stake; thence S 12°00' E, 9.72 chains to Corner 11, a stake; thence S 70°00' W, 2.35 chains to Corner 12, an 18" oak scribed M. 12; thence N 6°00' W, 12.82 chains to Corner 13, and 8" birch scribed M. 13; thence N 11°30' E, 2.60 chains to corner 14, a stake; thence N 35°30' E, 9.44 chains to Corner 15; thence N 53°30' E, 4.70 chains to Corner 16; thence N 80°00' E, 2.00 chains to Corner 17; thence S 61°00' E, 5.85 chains to Corner 18; thence S 41°30' E, 4.34 chains to Corner 19; thence S 20°30' E, 7.38 chains to Corner 1, the place of BEGINNING, said exception containing 24.79 acres, more or less.

*Vernon County*

*Area Number 7.*—All of the lands and waters lying in Township 14 N., Range 7 W, 4th P. M. described as follows: Lots 5, 6, 7, 8 and 9 in Sec. 7; W½SW¼ and Lots 7, 8, 9 and 10 in Sec. 17; SE¼, W½NE¼, SE¼NE¼, and Lots 1, 2, 3, 4 and 5 in Sec. 18; NE¼, Lots 2, 3, and 4 in Sec. 19; NW¼, W½SW¼, Lots 2, 3, 4 and 5, Sec. 20, excepting however from said lots 2 and 3 a tract of land described as follows: BEGINNING at Corner 1, a 7" x 7" x 36" Maple Post above ground, scribed US Cor. 1 placed in the north line of said Lot 2 and 17.71 chains east of the northwest corner thereof, thence East with the north line of said Lot 2, 7.69 chains to Corner 2, a 6" x 6" x 36" Maple Post above ground, scribed HD Cor. 2, thence South across small slough to high bank and with said high bank 26.00 chains to Corner 3, a 4" x 4" x 36" Maple Post above ground, scribed HD Cor. 3 placed on west bank of Crosby Slough just below junction with said small slough, thence West 7.69 chains to Corner 4, an 8" x 8" x 36" Maple Post above ground, scribed US Cor. 4, thence North parallel with east line 26.00 chains to Corner 1, the Place of beginning; and Lot 7 in Sec. 29.

*Crawford County*

*Area Number 8.*—All of the lands and waters lying in Township 10 N., Ranges 6 and 7 W., 4th P. M., which are enclosed by the following definite boundaries: Starting at the point in fractional Section 14, Township 10 N., Range 7 W., where Lafayette Slough enters the Mississippi River, thence southeasterly along the Mississippi River where it forms the southwesterly boundaries of Fractional Sections 14, 13 and 24, Township 10 N., Range 7 W., and the southerly boundaries of Lot 4 and a portion of Lot 3, both in fractional Section 19, Township 10 N., Range 6 W., to the junction of Capoli Slough with the Mississippi River, thence along Capoli Slough where it forms the southeasterly and easterly boundaries of Lots 3 and 2, Sec. 19, Township 10 N., Range 6 W., and the easterly boundary of Lot 9, Sec. 18, Township 10 N., Range 6 W., to the junction of said Capoli Slough with Winneshiek Slough, thence northerly along Winneshiek Slough where it forms the easterly boundary of Lot 6, Sec. 18, Township 10 N., Range 6 W., to the junction of said Winneshiek Slough with Gordon Slough, thence along Gordon Slough in westerly, northwesterly, northerly and northwesterly directions, successively, through Sections 18 and 7, Township 10 N., Range 6 W., and Sections 12, 1 and 2 in Township 10 N., Range 7 W., to the point in Sec. 2, Township 10 N., Range 7 W., where said Gordon Slough forms a junction with Winneshiek Slough, thence westerly across Winneshiek Slough to its junction with Mink Cut, thence along Mink Cut in southwesterly and westerly directions to a point in Sec. 11, Township 10 N., Range 7 W., where said Mink Cut forms a junction with Swift Slough, thence along Swift Slough in southerly and southwesterly directions to its junction with Lafayette Slough, thence southward along Lafayette Slough to the place of BEGINNING.

*Area Number 9.*—All of the lands and waters lying in Township 10 N., Range 6 W., 4th P. M. which are enclosed by the following definite boundaries: Starting at the point where the south line of Sec. 33 intersects the east bank of the Mississippi River, thence east along the south lines of Secs. 33 and 34 and Lot 5, Sec. 35, to the point where the south line of said Lot 5 intersects the west bank of Winneshiek Slough, thence along Winneshiek Slough in a northwesterly direction through Secs. 35, 34, 27, 22 and 21 to the junction of Winneshiek Slough with Milton Slough, thence along Milton Slough in westerly, northwesterly, westerly, southwesterly and westerly directions, successively, where said slough intersects parts in Secs. 21, 16, 17 and 20, to the point where the west line of Sec. 20 intersects the south bank of Milton Slough, thence south along the west line of Sec. 20 to the point where the said west line intersects the north bank of Baptiste Slough, thence westerly along Baptiste Slough through a portion of fractional Sec. 19 to the junction of Baptiste Slough with the Mississippi River, thence along the Mississippi River in a southeasterly direction where it forms the southwesterly boundaries of Lot 8, Sec. 19, and of fractional sections 20, 29, 28, and 33, to the Place of BEGINNING.

*Area Number 10.*—All of the lands and waters lying in Townships 6 and 7 N., Range 7 W., which are enclosed by the following definite boundaries: Starting at the point where the north line of Sec. 35, Township 7 N., Range 7 W., intersects the westerly bank of East Channel, thence along East Channel in a northwesterly direction to the point where the easterly boundary of Lot 4, Sec. 26, Township 7 N., Range 7 W. is intersected by the southerly boundary of the right of way of the toll bridge highway operated by the Prairie du Chien Bridge Company, thence along the southeasterly boundary of said highway right of way in a southwesterly direction across lots 4 and 5, Sec. 26, Township 7 N., Range 7 W., to the point where said southerly boundary of said right of way intersects the westerly boundary of said Lot 5, thence in a southerly direction along the westerly boundaries of said Lot 5, of Lots 3, 4, 5 and 6 of Sec. 35, Township 7 N., Range 7 W., and of Lot 1, Sec. 2, Township 6 N., Range 7 W., to the extreme southerly point of said Lot 1, thence in an easterly direction to the extreme southerly point of Lot 3 of said Sec. 2, thence along East Channel in a northeasterly direction where it forms the southeasterly boundaries of Lot 3 of said Sec. 2, and Lot 2, Sec. 1, Township 6 N., Range 7 W., and the easterly and northeasterly boundaries of Lots 3 and 4, Sec. 36, Lot 9, Sec. 35, and Lot 4, Sec. 26, Township 7 N., Range 7 W., to the place of BEGINNING.

*Area Number 11.*—All of the lands and waters of Lot 11, Sec. 2; Lot 1, Sec. 3, T. 9 N., R. 6 W.; Lot 10, Sec. 34; Lot 5, Sec. 35, T. 10 N., R. 6 W.; SE¼, Sec. 3; N½NE¼, Sec. 10, T. 10 N., R. 7 W., 4th P. M.

*Area Number 12.*—All of the lands and waters of Lots 7, 8, and 9, Sec. 35, T. 10 N., R. 6 W., 4th P. M.

*Grant County*

*Area Number 13.*—All of the lands and waters of Lots 7, 8, Sec. 6; N½NW¼, N½NE¼, SE¼NE¼, Sec. 7, T. 2 N., R. 3 W., and Lot 4, Sec. 1; Lot 8, Sec. 12, T. 2 N., R. 4 W., all in the 4th P. M.

*Vernon County*

*Area Number 14.*—All of the lands and waters of E½NE¼ and Lots 1, 2, and 3, Sec. 29, and Lot 5, Sec. 32, all in T. 14 N., R. 7 W., 4th P. M.; Lot 7, Sec. 32, T. 14 N., R. 7 W., 4th P. M., excepting therefrom a narrow strip of land along the east side described as follows; BEGINNING at a point on the North line of said Lot 7, 4.00 chains west of the west bank of the Mississippi River, a 3" x 3" x 36" willow post above ground scribed U. S. Cor. 1; thence East on said North line of Lot 7, 2.78 chains to a ¾" x 18" Galvanized Iron Pipe above ground, placed on a high ridge; thence still East 1.22 chains to Corner 2, a 5" x 5" x 30" Maple Post above ground scribed R. U. Cor. 2 on west bank of Mississippi River; thence S. 21°48' E., with the west bank of Mississippi River, 21.54 chains to Corner 3, a 4" x 4" x 24" Willow Post above ground scribed R. U. Cor. 3, being the southeast corner of said Lot 7; thence West with the south line of said Lot 7, 4.00 chains to Corner 4, a ¾" x 18" Galvanized Iron Pipe above ground; thence N. 21°48' W., parallel with the west bank of Mississippi River, 21.54 chains to Corner 1, the Place of BEGINNING, this exception containing 8.00 acres, more or less.

PERMITS—RESTRICTIONS ON TRAPPING, ETC.

Permits for the public trapping of muskrats, as herein authorized, may be issued without charge by the Superintendent of the Upper Mississippi River Wild Life and Fish Refuge to any qualified person. The issuance of such permits and the privileges conferred thereby shall be further subject to the following restrictions:

1. In the issuance of permits hereunder, preference will be given to persons who have been bona fide residents for a period of six months last past within or near the Refuge.

2. Not more than one permit will be issued to the same individual.

3. Before any permit may be issued, the applicant shall exhibit to the said Superintendent or his representative a valid trapping license from the State in which such trapping is to be conducted, and the applicant shall, in his application for permit, make a sworn statement as to his period of residence in the civil township, village, or city in which he claims such residence.

4. Permits will be valid and authorize public trapping only on the dates specified in the permit.

5. Muskrats may be taken on the Refuge only with traps for capturing the animals alive, or with ordinary spring steel or other traps the use of which is approved by the Superintendent or his authorized representative. The possession or use within the boundaries of the Refuge of a muskrat spear, or of any similar device by means of which muskrats may be speared, or of any trap or device that does not comply with the requirements of these regulations is prohibited. Prohibited traps and devices found on the Refuge, if not removed therefrom by the owner thereof upon the direction of the Superintendent, will be seized by the Superintendent or his representative.

6. To run a trap line or to visit traps between sunset and one-half hour before sunrise is prohibited, but each permittee shall visit and inspect each of his traps within the Refuge at least once each day, and at the close of the trapping season each trap shall be taken up and removed from the Refuge.

7. Birds and mammals, other than muskrats, found alive in such traps shall be immediately liberated. Birds or mammals, other than muskrats, found dead or mortally injured, shall be immediately turned over to the Superintendent or his representative.

8. Trappers may not cut any growth on the Refuge except willows for use as trap stakes or drags.

9. Whenever it shall appear advisable for the proper administration of the Refuge, the Superintendent may, in his discretion, terminate trapping on the entire Refuge or any portion thereof, within three days after giving notice to that effect. Thereupon all outstanding permits for trapping muskrats on the area or areas affected shall become null and void.

10. Each permittee not later than April 15, 1937, shall submit to the Superintendent a report correctly stating the total number of muskrats taken on the Refuge under his permit during the season, together with the name and address of each person or firm to whom such muskrats or pelts thereof were disposed of, and the number disposed of to each such person or firm.

Failure of a permittee to comply with any of the above provisions, or the violation by him of any of the regulations issued under authority of the Act of June 7, 1924 (43 Stat. 650), establishing said Refuge, or of any State laws or regulations applicable to trapping on said Refuge, shall not only render the offender subject to prosecution under said laws or regulations, but shall be sufficient ground for refusal of a permit to such offender during the Federal muskrat trapping season next following on said Refuge, or of any other use or privilege on the Refuge for which a permit may be required by regulations.

This Order shall become effective on March 2, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

Dated: March 2, 1937.

[F. R. Doc. 37-623; Filed, March 2, 1937; 1:01 p. m.]

## Bureau of Entomology and Plant Quarantine.

BEPQ—386 (Revised) (Supersedes PQCA—313)

LIST OF ARTICLES EXEMPT FROM CERTIFICATION REQUIREMENTS UNDER THE GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE (QUARANTINE NO. 45)

MARCH 2, 1937.

In accordance with the proviso in Notice of Quarantine No. 45, as revised effective November 4, 1935, the following articles, the interstate movement of which is not considered to constitute a risk of moth dissemination, are exempted from the restrictions of the regulations of this quarantine:

Acacia cuttings (for ornamental use) (*Acacia* spp.). Banana stalks, when crushed, dried, and shredded.
Birch slabs for use as post cards.
Cable reels, when newly manufactured and empty.
Clubmoss (sometimes called "ground pine"). (*Lycopodium* spp.).
Evergreen smilax (*Smilax lanceolata*).
Fuchsia (*Fuchsia* spp.).
Galax (*Galax sphylla*).
Geranium (*Pelargonium* spp.).
Heather cuttings (for ornamental use) (*Erica* spp.) (*Calluna* spp.).
Heliotrope (*Heliotropium* spp.).
Jerusalem-cherry (*Solanum capsicastrum, S. pseudocapsicum, S. hendersoni*).
Mistletoe (*Phoradendron flavescens, Viscum album*, etc.).
Oregon huckleberry (*Vaccinium ovatum*).
Partridgeberry (*Mitchella repens*).
Strawberry plants (*Fragaria* spp.)
Trailing arbutus (*Epigaea repens*).
Verbena (*Verbena* spp.).
Wintergreen (*Caultheria* spp. *Pyrola* spp.).

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-622; Filed, March 2, 1937; 1:01 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 30]

VOLUNTARY LIQUIDATION BY SALE OF ASSETS AND ASSUMPTION OF LIABILITIES

AMENDMENT OF SECTION 116B OF THE REVISED RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly section 20 thereof, and pursuant to section 65 of said Act, section 116b of the Revised Rules and Regulations for Production Credit Associations (Chap. V., Subdivision A, Sec. 116b, Federal Register Compilation) is hereby amended to read as follows:

b. *Voluntary liquidation by sale of assets and assumption of liabilities.*—This method of liquidation may be employed only in cases where none of the class B stock of the associations involved is impaired. In such cases, the following procedure may be followed:

(1) The board of directors of the association to be liquidated shall adopt the following resolution:

(a) That the association is to be liquidated in accordance with the Farm Credit Act of 1933 and these regulations;

(b) That the president and secretary of the association are authorized to execute, on behalf of the association, the agreement(s) provided for herein; and

(c) That upon the approval of the said agreement(s) the secretary of the association is authorized, subject to the direction, control and approval of the President of the Corporation (without any reservation of power in the board), to perform any and all acts, and to execute any and all instruments, necessary or proper to consummate the liquidation of the association in accordance with these regulations: provided, however, that the President of the Corporation may at any time remove the said secretary and appoint, and fix the compensation of, a liquidating agent for the association, remove such liquidating agent at will and, with like power, appoint and remove his successor(s). Any liquidating agent so appointed shall have such of the authority, powers and duties conferred by this resolution upon the secretary of the association as may be necessary to accomplish the purposes of this resolution, and shall have such of the authority, powers, and duties of a liquidating agent under the provisions of subsection "c" of this section as may be necessary and appropriate in the discretion of the President of the Corporation.

(2) The association to be liquidated (hereinafter called the selling association) shall enter into an agreement or agreements with another association or other associations (hereinafter called the purchasing association, whether one or more) for the sale and transfer to the purchasing association of all the outstanding loans made by the selling association, including the credit instruments evidencing such loans and the mortgages and other collateral securing such loans. Such agreements must be approved by the board of directors of each association which is a party thereto.

(3) Under such agreement(s) the purchasing association shall pay for such loans at the time of their transfer as follows:

(a) For loans evidenced by notes which are under rediscount with the Federal intermediate credit bank of the district, the purchasing association shall assume and agree to pay the principal and interest of the selling association's outstanding obligations as indorser and/or guarantor of said notes, and in addition shall pay to the selling association in cash such part of the unpaid interest accrued to the effective date of sale on each such note as is in excess of the unpaid discount accrued thereon as of that date to the said Federal intermediate credit bank;

(b) For loans evidenced by notes which are carried by the selling association in its cash loan fund, the purchasing association shall pay to the selling association in cash the unpaid principal balance of such notes and the unpaid interest accrued thereon to the effective date of sale;

*provided, however,* that the total amount to be paid to the selling association in cash shall be reduced by the amount of any valuation reserves (both for principal and for interest) set up by the selling association against the loans sold; and provided further that if the amount of such valuation reserves is in excess of the amount to be paid to the selling association in cash, then the selling association shall pay the difference to the purchasing association in cash.

(4) A release of the selling association from the obligations assumed by the purchasing association in accordance with paragraph (3) (a) hereof, must be obtained from the Federal intermediate credit bank of the district.

(5) Any such agreement shall provide that concurrently with the transfer of the said loans the selling association, on behalf of each borrower whose loan(s) is transferred thereunder, shall pay to the purchasing association an amount equal to $5 for each $100 or fraction thereof of the unpaid balance of the borrower's loan transferred; and upon receipt of such payment, and in consideration therefor, the purchasing association shall issue to each such borrower a corresponding amount of class B stock in the purchasing association at par.

(6) Any such agreement may also provide for the sale to the purchasing association at a stipulated price of any assets of the selling association other than its loans outstanding.

(7) Any such agreement may designate the Corporation as agent and attorney-in-fact of the associations which are parties thereto in order to carry out the provisions thereof.

(8) Every such agreement shall contain a statement of an effective date as of which the said sale and transfer of loans shall be made; provided, however, that such transfer shall not be made in fact until the agreement has been approved by the President of the Corporation and by the Production Credit Commissioner.

(9) Upon approval of the agreement(s) the secretary of the selling association shall notify its stockholders of record upon the effective date of sale, of the liquidation of the association and of the sale of its loans and the transfer of their obligations and collateral therefor, and shall request the stockholders to surrender for cancellation any outstanding stock certificates or receipts therefor.

(10) Upon approval of the agreement(s) the selling association shall promptly pay, or make provisions for the payment of, all its debts and all expenses of the liquidation (including the cost of final examination), and shall promptly liquidate all its assets (except bonds held by the Corporation for the account of the association). After all its debts and liquidation expenses have been paid or provided for, the selling association shall distribute all its remaining assets among its class A and class B stockholders of record in accordance with their respective liquidation rights; and in such distribution, the shares of class B stock issued by the purchasing association in accordance with paragraph (5) hereof shall represent $5 per share in liquidating dividends. The Corporation may make payment to itself for the association, in bonds held by the Corporation for the account of the association, of the liquidating dividends to which the Corporation as class A stockholder is entitled.

(11) Upon completion of such distribution among stockholders, the association shall submit to the President of the Corporation for his approval a statement of distribution of assets showing the disposition of all of the association's assets. Upon such approval this report shall be submitted to the Production Credit Commissioner for his approval, accompanied by the original Articles of Incorporation of the association. Upon approval of the statement by the Commissioner the original Articles of Incorporation of the association shall be marked "Association Liquidated", and held in the files of the Farm Credit Administration. The Corporation and the Federal intermediate credit bank of the district shall thereupon be notified to mark similarly the copies of such articles held by them.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-627; Filed, March 3, 1937; 12:03 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

RECONDITIONING CHAPTER

Whereas the General Manager and General Counsel were authorized and directed to consolidate and coordinate the State and regional Manuals by Board Resolution adopted May 25, 1936; Therefore,

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, the Reconditioning Chapter of the Consolidated Manual be numbered 5 and provide as follows:

SEC. 500. The Reconditioning Section of the Appraisal and Reconditioning Division shall function under the administrative direction and supervision of the General Manager and be under the immediate charge of a Director of Reconditioning who shall establish adequate Washington and Field organization for the proper discharge of the duties and responsibilities of the Section; shall establish qualification standards for all salaried and fee personnel of the Reconditioning Section who perform reconditioning functions of a technical nature and recommend the amount of fees; and shall recommend and cause to be provided such qualified and competent salaried, WAE and fee personnel as may be necessary.

SEC. 501. The Reconditioning Section shall, under approved procedure, inspect properties securing liens held by the Corporation, and properties owned by the Corporation for the purpose of preparing reports, cost estimates and recommendations as to reconditioning permitted under the Regulations, including maintenance, repairs, modernization, rehabilitation, rebuilding, enlargement, restoration, or demolition, necessary to provide structural soundness and suitable to the requirements of each type of case.

The Reconditioning Section shall formulate and establish, under approved procedure, standards of specifications for materials, equipment and workmanship and maintain a technical reconditioning service available to mortgagors and to the several divisions of the Corporation.

SEC. 502. The Reconditioning Section shall be in charge of and direct, under approved procedure, all authorized reconditioning including modernization and rehabilitation, rebuilding, enlargement, restoration, demolition, maintenance and repairs of properties securing liens held by the Corporation, and properties owned by the Corporation, except maintenance repairs and the purchase of equipment incident to maintenance of properties under the jurisdiction of the Property Management Division. Upon request of the Property Management Division this Section shall be in charge of and direct maintenance repairs and the purchase of equipment incident to maintenance of properties under the jurisdiction of the Property Management Division.

Where reconditioning is performed under the supervision and direction of the Reconditioning Section, it shall maintain proper relations of the Corporation with contractors, material dealers, architects, and other members of the construction industry and shall assist in effecting adjustment of complaints and disputes arising in connection with such reconditioning activities and shall use procedure for the obtaining of required mechanics' lien releases, receipts, waivers, and other instruments appropriate to effect payment, as provided by the Legal Department.

SEC. 503. Where home owners are unable to adequately maintain, repair and improve their properties at their own expense, the Reconditioning Section shall conduct such work as may be authorized for the full protection, and for the best interests, of the Corporation. Advances for the account of the borrower made after the loan was closed shall be repaid in such manner, on such terms, and under such conditions and procedure as the General Manager and the General Counsel shall prescribe.

SEC. 504. The Reconditioning Section shall direct and supervise all reconditioning authorized in cases where the repayment of the Corporation's loan is dependent or reasonably dependent upon reconditioning which cannot be identified as necessary repairs to protect the Corporation's security, which type of reconditioning shall be known as Income Producing Reconditioning. Funds may be advanced to provide for Income Producing Reconditioning, plus all costs properly incident thereto, if, in the exercise of sound judgment it is determined that: (1) the borrower is unable to make payments according to the contract; (2) foreclosure will be inevitable under existing conditions; (3) the borrower is unable to finance the costs of such reconditioning otherwise; (4) such reconditioning will enable the borrower to make payment of his indebtedness to the Corporation, and (5) the reconditioning is necessary to the best interest of the Corporation, all things considered; provided, that any case involving an advance in excess of $500.00 shall be forwarded to Washington by the Regional Manager, together with his recommendation and the opinion and recommendation of the Regional Counsel as to examination of title and form of security instrument to be taken, for the approval of the General Manager or the concurring approval of the Assistant General Manager and Director of Reconditioning. There should be a strong showing that the proposed reconditioning will place the borrower in a position to pay his debt and thereby retain his home. Liens for taxes and assessments need not be discharged as a condition for making advances for Income Producing Reconditioning, nor shall any provision be made to pay any taxes or assessments from any such funds advanced. Income Producing Reconditioning may be authorized only under proper legal advice, and questions of waiver of examination or title, or the form of note and mortgage or other security instrument that should be taken to secure such advance, shall be determined by the Legal Department. Income Producing Reconditioning, advances for same, and repayment to the Corporation therefor, shall be effected in such manner, on such terms, and under such conditions and procedure as the General Manager and the General Counsel shall prescribe.

SEC. 505. Consents to make improvements may be made to borrowers and transferees requesting the same, provided that the giving of such consent or the making of such improvements does not create a lien or liens prior and superior to the lien of this Corporation, and, further provided that such contemplated improvements do not decrease, destroy or impair the value or utility of the mortgaged premises. In the event the best interests of the Corporation make it desirable that a consent be granted even though a lien superior to the Corporation's lien might be created, then reasonable assurance shall be made to assure the payment for the improvement. All Managers of State, Territorial and Division Offices are hereby authorized (subject to the above limitations), to execute consents to borrowers under such instructions, procedure and forms as the General Manager shall prescribe, subject to the approval of the General Counsel.

SEC. 506. The Regional Manager, with the concurrence of the Regional Counsel, may effect payment for necessary repairing and other reconditioning which this Corporation authorized to be performed on properties securing liens of this Corporation in any case where it appears: (1) the contractor has fully performed his duty and the repairing and other reconditioning has been completed to the satisfaction of the home owner and the Corporation, and (2) the Corporation receives appropriate instruments evidencing the release or waiver of mechanics' and materialmen's liens or claims for liens.

The General Manager, with the concurrence of the General Counsel may, upon concurring recommendation of the Regional Manager and Regional Counsel, authorize payment for necessary repairing or other reconditioning on properties securing the liens of this Corporation which has been performed for the benefit and protection of the interests of the Corporation by borrowers and contractors acting in good faith and in full and apparent reliance of this Corporation providing such funds, in any cases where: (1) the Corporation receives the appropriate instruments evidencing and securing such advance, (2) the justification, satisfactory completion, and the reasonableness of cost of the necessary repairing or other reconditioning is certified to by the Director of Reconditioning, and (3) the Corporation receives the appropriate instruments evidencing the release or waiver of mechanics' and materialmen's liens or claims for liens; and that in any other unusual cases the General Manager, with the concurrence of the General Counsel, may authorize payment for necessary repairing or other reconditioning on any property securing liens for this Corporation.

The provisions of this section shall not be deemed to apply to properties under the jurisdiction of the Property Management Division unless such obligations were incurred prior to the time that the property passed under the jurisdiction of that Division.

Be it further resolved, That the Director of Reconditioning shall make reports, surveys, and recommendations to the Board through the General Manager respecting matters and policies affecting the duty and responsibility of the Section and the interest of the Corporation and to perform other duties and assignments as the Board or the General Manager may direct; and

Be it further resolved, That the Director of Reconditioning is hereby authorized to prescribe procedure, forms, and regulations, approved by the General Manager and the General Counsel, necessary to carry out the foregoing resolution; and

Be it further resolved, That all previously issued regulations which are in conflict herewith, or with regulations issued under authority granted herein, are hereby superseded and repealed; and

Be it further resolved, That the provisions of this resolution shall become effective forty days after its adoption, Sundays and holidays excluded.

Adopted by the Federal Home Loan Bank Board on January 19, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-624; Filed, March 3, 1937; 11:40 a. m.]

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[Manual Amendment]

PROPERTY MANAGEMENT CHAPTER [1]

Whereas the General Manager and General Counsel were authorized and directed to consolidate and coordinate the State and Regional Manuals by Board resolution adopted May 25, 1936; Therefore,

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933, and said Act as amended, the Property Management Chapter of the Consolidated Manual be numbered 3 and provide as follows:

SEC. 300. There shall be a Property Management Division which shall have charge of all matters pertaining to real properties securing liens held by the Corporation from the time foreclosure or the acceptance of voluntary deed has been authorized and all matters pertaining to real property acquired by the Corporation, except that the primary responsibility for protecting the Corporation's security from liens resulting from unpaid taxes, assessments, or other levies, is placed upon the Legal Department. The efforts of the Legal Department in this direction shall be supplemented by the Property Management Division. The Legal Department shall make its tax records readily available to the Division. The Division may, at the discretion of the Regional Manager or the General Manager, be given control over any other property, on which the Corporation holds a mortgage or other lien, where it appears to the best interests of the Corporation to transfer the cotrol of such property to the Property Management Division. Its jurisdiction shall include the sale, rental, collection of rents, maintenance, repairs, reconditioning, rehabilitation, rebuilding, enlargement, demolishing and periodic inspections of such properties. All appraisals, repairing, reconditioning, rehabilitation, rebuilding and enlargement or demolishing which the Property Management Division shall deem to be necessary or advisable and to the best interests of the Corporation shall, upon request of the Property Management Division, be made under the direction of the Appraisal and/or Reconditioning Division. The Property Management Division may, where it is of the opinion that it is to the best interests of the Corporation, authorize repair, maintenance and reconditioning work to be made under the supervision and direction of an approved Management Broker or of a contractor selected by the Property Management Division.

SEC. 301. The Property Management Division shall be under the control of the General Manager. There shall be assigned a Deputy General Manager in Charge of the Division who shall report to and take direction from the General Manager. The Deputy General Manager in Charge shall have all necessary authority to carry out the rules and regulations of the Board, relating to matters within the jurisdiction of the Division, under procedure prepared by him and approved by the General Manager. When each procedure is to be made a part of the Corporation's Manual of Regulations, it shall be approved by the General Counsel or an Associate General Counsel. When such procedure involves a major change in practice, same shall be submitted for approval to the Board of Directors.

SEC. 302. There shall be a Property Committee, to be appointed by the Board of Directors, whose functions shall be:

(a) To review all cases where it is recommended that the property be sold at less than ledger value plus accrued and unpaid charges against the property, the estimated carrying charges for six months in advance and the commission of the broker, and to render a decision as to whether the property is to be offered for immediate sale or rental and set a minimum sales price for each such property;

[1] See Page 682.



(b) To review and render decisions in all cases where the amount of reconditioning, repairs and/or purchases of equipment and supplies, recommended by the Regional Manager, exceeds 33⅓% of the latest appraised value of the property, appraised in its then condition prior to reconditioning, or $1,500.00, provided that the amount exceeds $500.00;

(c) To review and render decisions with regard to all leases other than month to month tenancies, except where the Deputy General Manager in Charge has authorized the Regional Manager to effect leases in behalf of the Corporation;

(d) To review and render decisions in all cases where the Regional Manager recommends demolition in whole or in part;

(e) To review and render decisions in all cases where it is recommended by the Regional Manager that an offer be accepted from the owner of a property on which the Corporation holds a mortgage or other approved security instrument, to exchange such property for property acquired by the Corporation;

(f) To review and render decisions with regard to any other matters which the Manual of Rules and Regulations requires to be submitted to the Property Committee;

(g) To review and render decisions with regard to any other matters pertaining to the functions of the Property Management Division which the General Manager or the Deputy General Manager in Charge may deem advisable to submit.

SEC. 303. Each Regional Office shall have an Assistant Regional Manager in Charge of Property Management who shall be appointed with the approval of the Board and act under the direction of the Regional Manager. Any functions pertaining to properties under the jurisdiction of the Property Management Division which, under this resolution or the procedure promulgated thereunder, are required to be performed by the Regional Manager may be performed by the Assistant Regional Manager in Charge of Property Management. The Division in the Regional Office shall, where the volume of work is sufficient to justify it, have four sections: (1) Analysis; (2) Management; (3) Sales; and (4) Records and Files. The functions of the Division in the Regional Office and elsewhere within the Regional Area, and the procedure applicable thereto shall be in accordance with provisions of this resolution and as prescribed in the Manual of Rules and Regulations.

SEC. 304. The State Manager, under the immediate direction and control of the Regional Manager, shall be the supervisor for property management within the State. The District Manager shall be the supervisor for property management within the District. The Property Management Division in each of the State and District Offices shall have such office organization for the control of its various functions as may be required by the Regional Manager with the approval of the Deputy General Manager in Charge.

SEC. 305. The Property Management Division in the Home Office in Washington shall conduct its operations through the Assistant General Manager to the Regional Manager. The Regional Manager, in turn, shall control the activities of the Division through the Assistant Regional Manager in Charge of Property Management within the Regional Area. The field activities of the Property Management Division of the Regional Office shall be controlled from that office through the State Manager to the District Offices. All paper work, correspondence and accounts shall, however, be sent direct between the Regional Offices and District Offices without the necessity of going through the State Office, but the State Office should be furnished necessary information with reference thereto. In those States where the State Office and any District Office or Offices have been consolidated, the State Office shall perform the function which otherwise would be delegated to the District Office.

SEC. 306. It is the general policy of the Corporation to endeavor to dispose of, rent and manage its acquired properties through brokers or local representatives in all localities where satisfactory arrangements can be made and maintained for such facilities and where it appears to the

best interests of the Corporation to conduct those activities through such agencies. The Regional Manager may also assign any other properties under the jurisdiction of the Property Management Division to brokers or local representatives for sale, rental or management when in his opinion it is advantageous to do so.

Lists of Contract Sales Brokers and Contract Management Brokers are to be prepared in accordance with regulations to be issued by the Deputy General Manager in Charge with the approval of the General Manager and the General Counsel or an Associate General Counsel. Such lists shall contain the names of persons, firms, or corporations engaged in the real estate business in the communities where the Corporation holds mortgages or other liens or has acquired real properties. The names which shall be placed upon these lists shall represent the best qualified brokers available in the territory. The individuals, firms and corporations shall be selected upon the basis of the best interests of the Corporation. The Contract Sales Broker shall act as the agent of the Corporation in selling such properties as may be listed with him and performing such other duties in connection therewith as may be required by the terms of the Sales Broker's Agreement entered into between such broker and the Corporation. The listing shall be subject to prior sale and also subject to change at any time and to the right of withdrawal upon written notice. The Contract Management Broker shall act as the agent of the Corporation in the rental and management of such properties as may be listed with him in accordance with the terms and conditions of the Management Broker's Agreement entered into between the Broker and the Corporation.

In addition to the list of Contract Sales Brokers in each locality a list of Approved Sales Brokers shall be prepared and maintained. The list shall include the names of those active real estate brokers, in each area where the Corporation holds mortgages or other liens or has acquired real properties, who in the opinion of the Regional Manager or Deputy General Manager in Charge are reputable and qualified to represent the Corporation in the sale of its properties and who have indicated their willingness to act as a broker on forms furnished by the Corporation for such purpose. As a condition precedent to being placed upon the approved list, all brokers shall be required to agree to submit any and all disputes and controversies arising out of sales commissions to arbitrators to be selected in accordance with procedure set forth in the Chapter of the Manual of Rules and Regulations relating to Property Management and to abide by the decision rendered by the arbitrators. At the same time that the property is listed with a Contract Sales Broker, the Corporation shall distribute, on its duly authorized forms, listings of any such property to all reputable and active approved real estate brokers within a reasonably effective area of the property. Such a listing shall not be exclusive and the listing price shall be subject to change and the said price and the listing subject to withdrawal or prior sale of the property, all without notice. Such listing shall also be subject to the right of the Corporation to make a sale to any person upon condition that the Corporation shall not be obligated to pay any commission except in cases where the purchaser was procured by an Approved Broker with whom the property is listed. Approved Sales Brokers, upon receipt of any such listing, shall thereafter conduct all of their negotiations with the Corporation through the Contract Sales Broker designated in the listing.

SEC. 307. The General Manager upon the recommendation of the Regional Manager is authorized to fix the schedule of fees or compensation to be paid to Sales Brokers in each locality within the Regional Area. The going or local real estate board rate shall be used by the General Manager as a guide in fixing the amount of such compensation, provided the General Manager may, in his discretion, authorize a higher or lower compensation than the going rate or the rate fixed by the local real estate board whenever he deems the going rate to be too high or too low to serve the best interests of the Corporation. Sales made by any Contract Sales Broker's own organization will carry compensation at the rate authorized in the schedule fixed by the General Manager for Sales Brokers or such lower rate as may be considered between the broker and the Corporation and approved at the time any specific offer is approved by the Regional Manager or the Property Committee of the Corporation. Where the sale is effected by an Approved Sales Broker or outside broker, the broker making the sale shall be entitled to receive the sales commission and in such cases the compensation to be paid the Contract Sales Broker shall be limited to a 2% over-ride commission with a minimum over-ride of $25.00. The compensation to be paid to Contract Management Brokers for the rental, and/or management of properties under the jurisdiction of the Property Management Division and for the collection of rents from such properties shall be in accordance with the Manual of Rules and Regulations.

SEC. 308. Brokers may be required to furnish surety bonds payable to the Corporation containing such terms and in such amounts as may be prescribed by the Manual of Rules and Regulations. Such surety bonds shall be in the form approved by the General Counsel, or an Associate General Counsel, or Regional Counsel when authorized in writing by the General Counsel.

SEC. 309. In areas where the services of a satisfactory broker are not available, the Regional Manager may arrange for a representative citizen of the community to act for or represent the Corporation in the sale, rental or management of the properties under the jurisdiction of the Property Management Division. The requirements of this resolution and of the Manual of Rules and Regulations, covering the qualifications of brokers, the furnishing of surety bonds, the amount of compensation, the authorization for payment of compensation to brokers, and all of the procedure applicable to brokers shall apply to such representatives. In any territory or locality where the General Manager deems it to the best interests of the Corporation to set up its own organization for the sale, rental and/or management of properties, and for the carrying out of any of the other functions of the Division, additional personnel may be employed or existing personnel utilized for such purposes, and the provisions of this resolution and of the Manual of Rules and Regulations shall establish the procedure to be followed by the organization in the performance of its functions and duties.

SEC. 310. When properties are offered for sale, the Corporation should always endeavor to obtain the full current market price. In some cases prices may have to be fixed in amounts which will result in losses. Wherever possible prices should be set sufficiently high so that the Corporation may receive the benefit of all reasonable profits.

The Regional Manager shall, subject to the control of the Deputy General Manager in Charge, have authority to effect sales of properties under the jurisdiction of the Property Management Division at or above the minimum sales price which shall be fixed as follows: If the minimum sales price which the Regional Manager desires to set is equal to or higher than the ledger value plus accrued and unpaid charges against the property, the estimated carrying charges on the property for six months in advance and the commission of the broker, it shall be set by the Regional Manager; if the minimum sales price approved by the Regional Manager is less than the aggregate of the items mentioned above, the minimum sales price shall be set by the Property Committee in Washington.

There are three authorized plans for the sale of the properties of the Corporation, as follows:

(a) All cash for which deed will be delivered.

(b) A cash payment of at least 10% of the purchase price with note or bond and approved security instrument for the balance, payable over a term of not exceeding fifteen years. In some jurisdictions the payment of 10% cash will not be sufficient to protect the Corporation in the event of foreclosure. In such jurisdictions a cash payment shall be required sufficient to protect the Corporation, from the date of sale to the time of possible re-acquisition, in the payment of the broker's compensation, normal foreclosure costs, accrued interest, repairs, taxes, insurance and other usual and customary carrying charges and expenses.

(c) A small cash payment with the balance amortized over a term of not exceeding fifteen years, where a sale is made under an installment or land contract or other similar instrument. The minimum cash payment required shall be in such amount as in the discretion of the Regional Manager will adequately protect the Corporation in the event of default and the re-acquisition of the property.

The terms and conditions applicable to the above plans of sale are as follows:

(a) In the case of a sale for all cash, an approved form of deed shall be delivered together with such other instrument as may be necessary in order to convey a proper title to the purchaser.

(b) In the case of a sale for a cash payment of at least 10% of the purchase price with note or bond and approved security instrument for the balance, the Corporation shall, upon delivery of deed, take back a note or bond for the balance of the purchase price bearing interest at the rate of 5% per annum. Such note or bond shall be amortized by even monthly payments over a period of not exceeding fifteen years and such payments shall be applied first to interest and the balance to principal, provided that if at least 33⅓% cash is paid the balance may be amortized or, in the discretion of the Regional Manager, no amortization payments may be required for a period of five years and the full amount may be payable at the end of five years or may be amortized after such five years, but within a period of fifteen years from the date of the note or bond, but in such case, during the period when no amortization payments are being made, interest payments shall be made quarterly or semi-annually. All notes or bonds which the Corporation may take back to evidence the payment of a portion of the purchase price shall be on approved forms and secured by an approved security instrument.

(c) In the case of a sale for a small cash payment with the balance amortized over a term of not exceeding fifteen years and where the sale is made under an installment or land contract or other similar instrument, the balance due the Corporation shall bear interest at the rate of 5% per annum and shall be payable in even monthly payments at the rate of at least 1% per month of the original amount represented by such contract and such payments shall be applied first to interest and the balance to principal. Upon the payment of at least 25% of the purchase price, a deed may be delivered to the purchaser and a note or bond on approved form secured by an approved security instrument taken back for the balance of the purchase price. Such note or bond shall bear interest at the rate of 5% per annum and shall be amortized in even monthly payments and shall be for a term not exceeding fifteen years from the date of the execution of the installment or land contract or other similar instrument. All payments under the note or bond shall be applied first to interest and the balance to principal.

SEC. 311. Rental prices and schedules shall, subject to the restrictions set forth in this paragraph, be set by the Regional Manager. During the period in which the property is offered for rent, efforts should be directed toward obtaining the maximum amount possible. Month to month tenancies are deemed to be more desirable. All leases other than month to month tenancies shall be submitted to the Property Committee in Washington for approval, except where the Deputy General Manager in Charge authorizes the Regional Manager to effect leases in behalf of the Corporation.

SEC. 312. Contracts, deeds, leases, or any instrument necessary or appropriate in connection with the sale or rental of any property under the jurisdiction of the Property Management Division may be executed by such officers as are authorized by the resolution of the Board of Directors adopted September 13, 1935, or as may be authorized by subsequent resolutions similarly adopted. Except for the sale of real properties, contracts and other instruments effecting the management of properties may be executed in behalf of the Corporation under procedure prepared by the Deputy General Manager in Charge and approved by the General Manager and the General Counsel or an Associate General Counsel.

SEC. 313. Upon approval by the Regional Manager of any expenses of any nature whatsoever made or incurred in the performance of any of the functions or duties required or authorized to be done by this resolution or by the Manual of Rules and Regulations, the Regional Treasurer shall make such expenditures from the Regional Working Fund and such account shall be reimbursed from such source as the Comptroller of the Corporation may determine, provided that payroll, travel, and any other expenditures for which there is an established procedure requiring payment from the Home Office in Washington, and any compensation of any fee attorney, shall not be included in this authorization and shall continue to be paid as heretofore. The Regional Manager is authorized to determine the necessity for such expenditures and the amounts thereof.

The State Manager may incur or approve charges in behalf of the Corporation for expenses made or incurred in the performance of any of the functions or duties required or authorized to be done by the Property Management Chapter of the Manual in any case where the amount thereof does not exceed $300.00, provided that where such amount exceeds $300.00 the approval of the Regional Manager shall first be obtained. The District Manager may incur or approve such charges in any case where the amount thereof does not exceed $100.00, provided that where the amount exceeds $100.00, the approval of the Regional Manager shall first be obtained. The State and District Managers are authorized, within the limitations above stated, to determine the necessity for such expenditures and the amounts thereof. Charges and bills incurred or approved by the State or District Manager shall be paid by vouchers through the regular procedure provided therefor except in those cases where disbursements are authorized to be made by brokers out of funds in the possession of the broker received from the income of the particular property. Any authority hereinabove vested in the State Manager and the District Manager may also be exercised by any Assistant to the State Manager in Charge of Property Management, or by any Assistant to the District Manager in Charge of Property Management, or any District Property Management Supervisor, when duly deputized for such purpose with the approval of the General Manager or a Deputy General Manager.

Contract Management Brokers and Contract Sales Brokers may incur charges in behalf of the Corporation, and may expend, out of revenues from properties listed with them, monies for expenses made or incurred in the performance of any of the functions or duties required or authorized to be done by this resolution or procedure promulgated thereunder, or by the Manual, provided that if the amount to be expended exceeds $25.00 on any particular property during any monthly account period, the approval of the District Manager shall first be obtained, except in cases requiring emergency repairs for which the broker may incur charges not exceeding $100.00. It is further provided that if the amount to be expended exceeds 33⅓% of the latest appraised value of the property appraised "as is" prior to reconditioning, or $1,500.00, and provided also the amount exceeds $500.00, the approval of the Property Committee in the Home Office shall first be obtained. In no event, however, shall the Contract Management Broker pay any bills or charges incurred in connection with any particular property which cannot be paid out of funds in possession of the Broker, received from the income of that particular property. If the funds in possession of the Broker from any particular property are not of sufficient amount to pay the charges or bills incurred, then same shall be paid only by voucher through the regular procedure provided therefor. An Accounting shall be made by such Brokers for each and every item of expense incurred hereunder and payment therefor shall be supported by proper receipts and releases

as the case may be. All expenditures authorized hereunder shall be made under such instructions and procedure as the Deputy General Manager in Charge of Property Management, subject to the approval of the General Manager, may from time to time prescribe.

The authorization for the payment of expenses provided for in this section, shall apply to both recurring and non-recurring items.

SEC. 314. The General Manager, upon the recommendation of the Regional Manager, may authorize the establishment of compensation of not to exceed two dollars per report to credit agencies for credit reports on individuals, corporations, and firms required by the regulations relating to Property Management, in localities where such reports may not be obtained at a lower cost. The General Manager shall file with the Auditor a schedule of fees in excess of one dollar per report which are authorized for any localities.

SEC. 315. The Deputy General Manager in Charge shall cause a report to be prepared each month showing changes in status of properties within the jurisdiction of the Division and showing the amounts spent and received for the account of the Corporation, monthly and cumulatively, on such properties, together with his recommendations, and shall submit the same to the General Manager for presentation to the Board. The General Manager shall consider such reports and from time to time, make recommendations to the Board as to the policy to be pursued by the Property Management Division and the Board will give such direction, from time to time, as may appear to it to be appropriate.

SEC. 316. The advice of the General Counsel or an Associate General Counsel or the appropriate Division of the Legal Department shall be secured before action is taken on any matter arising within the Property Management Division which affects the legal position of the Corporation.

SEC. 317. All previously issued regulations or restrictions which are in conflict herewith or with regulations issued by the Deputy General Manager in Charge and approved by the General Manager and the General Counsel or an Associate General Counsel under authority granted in this resolution are hereby superseded and repealed.

Adopted by the Federal Home Loan Bank Board on January 22, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-625; Filed, March 3, 1937; 11:40 a. m.]

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[Manual Amendment]

BIDDING AT FORECLOSURE SALES

DEFICIENCY JUDGMENTS

DEEDS IN LIEU OF FORECLOSURE

Be it resolved, That pursuant to the authority vested in the Board of Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 605 of Chapter VI of the Consolidated Manual be amended to read as follows:

SEC. 605 (a) After all efforts to collect the debt owing to the Corporation have been made, as is provided by the rules and regulations, and all efforts to assist the borrower have been exhausted and it becomes necessary to protect the taxpayers, foreclosure shall be ordered. When foreclosure is ordered, it shall be determined whether or not a deficiency claim shall be retained on the books of the Corporation if the value of the security is less than the amount of the debt. Upon making such determination, the Corporation will proceed on the following basis:

(1) If it is found that there is not a wilful default and that there is no reasonable prospect of realizing on a judgment against the maker or makers or, in either case, that the expense incident to obtaining judgment and servicing it is not justified, it shall be directed that after the security is subjected to the lien and after the expiration of any redemption period the remainder of the claim shall be written off the books as a bad debt.

(2) If it is found that there is wilful default or that there is a reasonable prospect of realizing on a deficiency claim and, in either case, the expense incident to obtaining judgment and servicing it is justified, the property shall be appraised, if practicable, and after the security is subjected to the lien, and if there is any redemption period, after such redemption period has expired, the deficiency claim, if any, shall be reduced to the difference between such appraised value and the debt owing to the Corporation on account of such loan (if it exceeds such amount) and any excess over such amount shall be written off as a bad debt. If appraisal is impracticable before foreclosure, then such appraisal shall be made after foreclosure, and after foreclosure and if there is any redemption period, after the expiration of such period, the deficiency claim or judgment shall be reduced to the difference between such appraisal and the debt foreclosed.

(3) In the event the maker or makers have any credits with the Corporation the same shall be applied before claims are written off as bad debts as herein provided.

(b) At the time of foreclosure, specific instructions shall be given as to bidding, and, where required, a representative of the Corporation shall attend the sale. The amount of the minimum bid shall be fixed in conformity with the practice, custom and law of the jurisdiction where the foreclosure is held. The maximum bid shall not be more than the amount owing to the Corporation and costs, provided that in any case the property may be appraised and the Corporation may bid up to such appraisal but not in excess of the debt owing to the Corporation and costs.

(c) If the Corporation is the final bidder at the foreclosure sale title to the property shall be conveyed to the Corporation.

(d) In cases where judgments are taken before sale, the same shall be taken in the usual course, as is herein provided, but shall be written off as bad debts or reduced as herein provided after the sale and the expiration of any redemption period. In cases where judgments are taken in the usual course after foreclosure sale but before the expiration of the redemption period, the same shall be written off as bad debts, as herein provided, or reduced, as herein provided, after the expiration of the redemption period. In cases where judgments are taken after foreclosure sale where there is no redemption period, the claim shall be written off, as herein provided, as a bad debt, or written down, or judgment shall be taken as herein provided. In all such cases and in cases where judgments are not taken as a matter of course in foreclosure proceedings or in the usual process of such proceedings, diligent efforts to collect deficiency claims and judgments on the basis herein provided shall be made.

(e) Deficiency judgments or judgments arising out of deficiency claims on the basis herein stated may be levied against any of the assets of the obligor which may be amenable to such process. If the property levied upon is required to be sold to the highest bidder the same shall be appraised prior to such sale and the Corporation shall bid up to the full value of such property, less any tax or other lien against the same, but not in excess of the amount of the Corporation's judgment and costs. If the Corporation buys such property at such sale, title shall be taken in the name of the Corporation.

(f) In foreclosure cases disposed of on a basis other than that stated in this manual amendment, the same shall be promptly reviewed and all outstanding deficiency claims and deficiency judgments shall be adjusted on the basis herein stated.

(g) In cases requiring appraisal, as is herein provided, the same shall be appraised, if practicable, before the case is referred to the Legal Department for foreclosure and the cost of such appraisal shall be paid upon voucher approved by the Regional Manager. The appraisal shall be made for a sum which may be reasonably expected to be realized from the sale of the property in the ordinary course of business, on a basis of 10 per cent or more cash and the balance to be paid on an amortized basis over a period of not exceeding fifteen years with interest on the unpaid balance at 5 per centum per annum.

(h) The General Manager, with the approval of the General Counsel is authorized by administrative order to make exceptions in any particular cases or in any particular jurisdiction to the procedure herein outlined, and to prescribe procedure in his discretion in such cases or jurisdiction.

(i) The General Manager, with the approval of the General Counsel, is authorized to compromise and settle, after foreclosure is completed, any deficiency claim or judgment held by the Corporation growing out of the mortgage debt, or to write off such claim or judgment as a bad debt and, if in judgment form, to take such action as may be necessary to cancel the same on the record if, in his judgment, such course is to the best interest of the Corporation. Such authority may be exercised also by the Regional Manager, with the approval of the Regional Counsel, subject to procedure and limitations prescribed by the General Manager, with the approval of the General Counsel.

(j) Deeds in lieu of foreclosure may be accepted from owners of mortgaged properties in settlement of the indebtedness owing to the Corporation, and in connection with such acceptance each Regional Manager is authorized, in his discretion and with the approval of the Regional Counsel, to expend funds to satisfy, remove, release or acquire intervening liens or rights. No sum shall be paid to satisfy any owner of the property, but as a part of the consideration for such deed an owner may be permitted to continue in possession of the premises for a limited time within the discretion of the Regional Manager under advice of the Regional Counsel. The General Counsel, with the approval of the General Manager, may prescribe the procedure and limitations governing the acceptance of such deeds and the expenditure of such funds.

(k) Officials of the Corporation in the field are authorized to take the action herein provided, including the power to adjust claims and write off bad debts, as is herein provided, as designated by the General Manager, with the approval of the General Counsel and under procedure prescribed by them.

Adopted by the Federal Home Loan Bank Board on February 10, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-626; Filed, March 3, 1937; 11:41 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MARDIS FARM, FILED ON FEBRUARY 15, 1937, BY JAMES R. HAYNES, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the offering sheet under Division II, Item 16 (a) (iii), is non-responsive and fails to disclose the percentage of water now being produced;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendment to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 17th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-628; Filed, March 3, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-MCNABB PARK COMMUNITY FARM, FILED ON FEBRUARY 23, 1937, BY W. E. COOK, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that in Division II, Item 2 (f) states that there is only one lessee of record when it appears that there are two lessees of record;

(2) In that it appears that title to portions of every block described in Exhibit B is involved in litigation as a result of which the royalty payments relating to those portions of said blocks involved in such litigation are being currently impounded and the offering sheet does not disclose such litigation or whether the interests offered by said offering sheet are, or are not, involved in or affected by such litigation;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 1st day of April 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witneses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 17th day of March 1937, at 11:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-630; Filed, March 3, 1937; 12:37 p. m.]

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-CARTER-WALKER FARM, FILED ON FEBRUARY 23, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the statement made in the last paragraph of Division II, Item 13, properly belongs in Division III, Item 3, of Schedule A;

(2) In that Division II, Item 13, does not state the "present indications" and might, therefore, be misleading;

(3) In that Exhibit A might be misleading because it is incomplete and does not state that the figure referring to the number 4 well of the Continental-McConnel lease represents the initial potential as of a particular date and not the present production of the well, nor the amount of oil actually produced during any twenty-four hour period;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 1st day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 17th day of March 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-631; Filed, March 3, 1937; 12:38 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE POWDER RIVER-STREY-LEWIS ET AL. FARM, FILED ON FEBRUARY 23, 1937, BY POWDER RIVER BASIN ROYALTY CO., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the type of interest offered should be identified as being either a non-producing landowner's royalty interest *or* a non-producing mineral owner's royalty interest;

Reference is made to the several types of interests as defined in Rule 300 of Regulation B in the Commission's General Rules and Regulations;

(2) In that the expiration date upon which the information contained in the offering sheet will expire is not correctly set forth in Division I, paragraph 6;

(3) In that in Division II, Item 1, the portion of the gross production to which the smallest fractional interest will be entitled appears to be incorrectly computed;

Reference is made to the instructional note which requires that the smallest fractional interest offered be stated in terms of a single fraction;

In that it appears that the interests involving several non-contiguous tracts are proposed to be offered by means of a single offering sheet;

Reference is made to Rule 335 in Regulation B of the Commission's General Rules and Regulations, which prohibits such practice except in certain instances;

(4) In that Division II, Item 2, contains certain information, particularly with reference to certain mortgages, which should properly be included in Division II, Item 11;

Reference is made to the instructional note inserted at the head of each Schedule B which provides in effect that the information required shall appear in the offering sheet in the order prescribed by the appropriate schedule;

(5) In that on page 2 of the offering sheet in the fifth legal description given under Division II, Item 2, the area of the Oran C. Cooper tract in terms of acres is omitted;

(6) In that the royalty interests referred to in the offering sheet appear to be offered by G. J. Sherin and W. R. Weir, whereas G. J. Sherin is represented as being the sole royalty owner of record;

(7) In that the text of Division II, Item 3, is omitted from the offering sheet as filed;

(8) In that Division II, Item 3 (a), refers to Division II for certain information particularly with reference to lease dates, etc., which information is required to be disclosed under Division II, Item 3;

(9) In that the reply to Division II, Item 3 (b), fails to disclose the number of *lessees* of record. The offering sheet discloses the number of *leases;*

(10) In that the answers to Division II, Item 11, are neither complete nor accurate, and the information required should not be incorporated by reference to other parts of the offering sheet;

(11) In that the note included in Division II, Item 11, indicates that a well is proposed to be drilled on the property covered by the offering sheet, whereas the plat attached to the offering sheet indicates that the proposed well is being drilled on property other than that covered by the offering sheet;

(12) In that Division II, Item 12, does not indicate definitely by whom the wells are to be drilled or by whom the well now drilling is being drilled;

(13) In that the purported offering sheet as filed is not responsive to a substantial number of the items contained in Schedule B, and does not disclose the required information in the sequence or order prescribed by said Schedule B;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 1st day of April 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 17th day of March, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-629; Filed, March 3, 1937; 12:37 p. m.]



*Friday, March 5, 1937* *No. 43*

## WAR DEPARTMENT.

RELIEF OF UNEMPLOYMENT, CIVILIAN CONSERVATION CORPS

REGULATIONS AMENDED

[Changes No. 63]

FEBRUARY 24, 1937.

War Department Regulations—Relief of Unemployment, Civilian Conservation Corps, May 15, 1935, is changed as follows:

*37. Death and injuries.*

* * * * *

*d.* When a member who is discharged for any reason is at the time of discharge totally or partially disabled as a result of a traumatic injury received in the performance of duty at any time during his enrollment, he should be advised of his right to file a claim for compensation and be provided with Form CA-4 for that purpose. In every such case a notice will be sent to the United States Employees' Compensation Commission showing the date of discharge, the reason for discharge, the member's physical condition at the time of discharge, the date when Form CA 2-C reporting the injury was forwarded to the commission, whether a report of termination of disability (return to duty) was forwarded to the commission and if so on what date, and what action has been taken with respect to Form CA-4. This notice to the commission should be accompanied by true copies of C. C. C. Form Nos. 1 and 1A, and a brief summary of any clinical record of treatment, with diagnosis and prognosis, or the original clinical record (see pars. 31*a* (1), (3), and (4) and 97*b*). When practicable the member's completed claim on Form CA-4 should be forwarded to the commission at the same time. *In all cases where claim for compensation has been made for injury to the eye or eyes involving a permanent loss of vision, either total or partial, the claimant will be examined at the time of discharge by an eye specialist, who will make report of such examination on Form U. S.-205 (Physician's Report on Permanent Eye Disabilities). This report will be in addition to other reports required.* In the preparation of claims for compensation on account of injury (Form CA-4), the cash wage of members will be shown as the actual amount earned by such member including allotment, and the value of the allowance as $45.

(A. G. 324.5 (12-24-36).)

Authority: Act of Congress approved March 31, 1933 (48 Stat. 22), and Executive Order No. 6106-A.

By Order of the Secretary of War:

MALIN CRAIG,
*Chief of Staff.*

Official:
E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[F. R. Doc 37-641; Filed, March 4, 1937; 10:16 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Park Service.

RULES AND REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535), as amended, and by the Act of June 30, 1936 (49 Stat. 2041), the National Park Service Rules and Regulations approved June 18, 1936 (1. F. R. 790), are hereby extended and modified in the following particulars:

1. The Rules and Regulations are hereby extended and made applicable to the Blue Ridge Parkway and to all the lands of the United States included within the following recreational areas connected therewith:

Pine Spur, Floyd and Franklin Counties, Virginia.
Smart View, Floyd County, Virginia.
Rocky Knob, Floyd and Patrick Counties, Virginia.
Bluff Area, Alleghany and Wilkes Counties, North Carolina.
Cumberland Knob, Surry County, North Carolina.

2. Regulation No. 9 is hereby amended by the repeal of the following provision:

All waters of the Shenandoah National Park are closed to fishing until further notice. This, however, shall not apply to occupants of or guests at the President's Camp on the Rapidan.

Approved, February 24, 1937.

[SEAL] CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-640; Filed, March 4, 1937; 10:14 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—New York—Supplement (1) Issued March 4, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New York is hereby amended as follows:

I

The following is added at the end of the matter relating to Practice Number 1.

Pulverized limestone is ground limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

The equivalent of 2000 pounds of pulverized limestone is either (1) 2000 pounds of ground marl which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20-mesh sieve, and from which none of the fine material has been removed, or (2) 1500 pounds of hydrated lime, or (3) 1000 pounds of ground burned lime, or (4) other approved material.

II

The following is added after the matter appearing under the heading "Liming" between Practice Number 7 and Practice Number 8:

SUPERPHOSPHATE APPLIED IN PREPARATION FOR SEEDING LEGUMES

Applying, between July 15, 1937, and October 31, 1937, from 300 to 600 pounds of 20 percent superphosphate or its equivalent per acre, to crop land if the county committee determines that such application is made in preparation for seeding such crop land in the spring of 1938 to legumes or to a grass and legume mixture. In all cases payment will be made only on the quantity of 20 percent superphosphate which is in excess of 160 pounds per acre.

III

The following is added after the matter appearing under the heading *"Fertilizing Green-Manure Crops"* between Practice Number 7 and Practice Number 8:

Applying to the same land from 2000 to 4000 pounds of pulverized limestone and from 300 to 600 pounds of 20 percent

superphosphate per acre to any of the crops specified in Practice 8 or 9 below.

IV

The following shall be entered as the first paragraph under Practice Number 9:

On Long Island, on land normally devoted to the commercial production of potatoes, pearl millet, Japanese millet or Sudan grass which is sown between May 15 and August 15 and plowed under after attaining at least 30 inches' growth, and which replaces a commercial vegetable crop, may be substituted for the biennial or perennial legumes in Practice 9.

V

In order to correct a clerical error, the present third paragraph under Practice Number 9 is amended to read as follows:

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in Practice 9 which occupy such land throughout the remainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice 8 and such leaving of legume crops on the land may be substituted for the plowing or disking under in Practice 9, and the provisions of the last preceding paragraph shall be applicable.

VI

Practice Number 18 is amended by striking out the matter now appearing under that heading and inserting in lieu thereof the following:

18. Establishing and maintaining strips of sod on fields devoted to intertilled crops. This practice shall be carried out according to plans approved in advance by the county committee based upon the recommendation of the Soil Conservaton Service or the Extension Service of the State College of Agriculture.
Payment, $2.00 per acre of such sod strips.

VII

Part V, "Definitions", is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the county committee to be recognized as conforming to good farming practice under the circumstances, in instructions issued by the State committee, based upon (a) recommendations contained in the most recent official reports or bulletins issued by the United States Department of Agriculture, the State Department of Agriculture, the State agricultural experiment station, or the State agricultural college, or (b) a finding of facts made by the State committee after a study of the material pertinent to the subject matter.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 4th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-642; Filed, March 4, 1937; 12:42 p. m.]

## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-286]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE PERFUME AND COSMETIC MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO OFFER SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Perfume and Cosmetic Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than March 23, 1937 which communications will be for the public record. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered March 2, 1937.

[F. R. Doc. 37-639; Filed, March 4, 1937; 10:08 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2944]

IN THE MATTER OF CLINE MUSIC COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, March 16, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in the Postmasters Office, Room 103, Post Office Building, Bristol, Virginia.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-637; Filed, March 4, 1937; 10:08 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2965]

IN THE MATTER OF SHUFORD HOSIERY MILLS, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 8, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in the Commissioners Court Room, County Court House, Newton, North Carolina.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-638; Filed, March 4, 1937; 10:08 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-GOLDSMITH FARM, FILED ON FEBRUARY 11, 1937, BY ARTHUR SORY, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-643; Filed, March 4, 1937; 12:48 p. m.]



## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48840]

PETROLEUM PRODUCTS IN BULK—REVENUE ACT OF 1932

REGULATIONS FOR IMPORTATION OF PETROLEUM PRODUCTS IN BULK, TAXABLE UNDER SECTION 601 (C) (4), REVENUE ACT OF 1932, AMENDED

FEBRUARY 26, 1937.

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 628 of the Revenue Act of 1932 (U. S. C., title 26, page 1188), article 5 (b) of Treasury Decision 47278 is hereby amended by deleting the second sentence and inserting the following in lieu thereof:

The quantities at prevailing temperature shall then be converted into quantities at 60° Fahrenheit by multiplying by the coefficient for such prevailing temperature shown in the "Abridged Volume Correction Table for Petroleum Oils" contained in Revised Supplement to National Bureau of Standards Circular C 154, issued September 17, 1934, as revised from time to time.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-645; Filed, March 5, 1937; 10:00 a. m.]



[T. D. 48842]

CUSTOMS REGULATIONS AMENDED—INVOICING

CUSTOMS REGULATIONS OF 1931 RELATING TO THE EXEMPTION OF CERTAIN MERCHANDISE FROM THE REQUIREMENT OF A CONSULAR INVOICE, FURTHER AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 484 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1484 (b)), article 294 (b) (12) of the Customs Regulations of 1931, published in T. D. 47883, as amended by T. D. 48538, is hereby further amended to read as follows:

(12) Merchandise shipped abroad, not delivered to the consignee, and returned to the United States.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: March 1, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-646; Filed, March 5, 1937; 10:00 a. m.]

Bureau of Narcotics.

[T. D. 25]

AMENDMENT TO REGULATIONS GOVERNING COOPERATION WITH STATE AND MUNICIPAL PROSECUTING OFFICERS AND STATE LICENSING AGENCIES

MARCH 2, 1937.

*To Narcotic District Supervisors and Others Concerned:*

Pursuant to the authority contained in Section 8 of the Act of June 14, 1930 (46 Stat. 587; U. S. Code (1934 Ed.), Title 21, Sec. 198), Article 2 of Treasury Decision No. 5, dated May 1, 1931, as amended by Treasury Decision No. 21, dated December 7, 1935, is hereby amended to read as follows:

ARTICLE 2. The Commissioner of Narcotics may furnish to State licensing boards or other State agencies authorized by law to revoke or suspend licenses to practice a profession, or engage in a trade, in the course of which narcotic drugs are possessed, controlled, or dispensed; or to any State board, officer, or agency authorized by law to grant, suspend, or revoke any license or permit when, in the exercise of said authority, the narcotic drug addiction of the applicant, licentiate, or permittee, or his conviction of a violation of any law relating to narcotic drugs, may have a material bearing upon the granting, withholding, suspension, or revocation of said license or permit; such information in the possession of the Bureau of Narcotics as the Commissioner may deem appropriate to the enforcement of any State law or regulation or municipal ordinance relating to the granting, withholding, suspension, or revocation of State licenses or permits: Provided, that no information shall be furnished with respect to any case in which an offer in compromise has been accepted under authority of Sec. 3229, Rev. Stat., unless such case involves the reported narcotic drug addiction of a person who is registered or qualified for registration under the Harrison Narcotic Law, or unless the information is requested in a particular case by such State licensing board or State agency or duly qualified representative thereof, for use in the enforcement of any State law or regulation or municipal ordinance relating to the granting, withholding, suspension, or revocation of State licenses. The Commissioner may also direct the attendance, as a witness, in hearings held by such boards or agencies, of any officer, agent, or employee of the Bureau of Narcotics, and the production of records or copies thereof, subject to the same limitations, so far as applicable, as are hereinbefore provided with respect to an inquiry or proceeding instituted by or before a grand jury, municipal magistrate, or State court.

[SEAL] JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-647; Filed, March 5, 1937; 10:00 a. m.]

## DEPARTMENT OF THE INTERIOR.

Division of Territories and Island Possessions.

[Bulletin No. 985]

THE ALASKA RAILROAD TRANSPORTATION DEPARTMENT

PASSENGER TRAIN SERVICE

ANCHORAGE, ALASKA, *February 10, 1937.*

*To All Concerned:*

Effective February 18, 1937 the following passenger train service will be operated.

| Northward | | | Southward |
|---|---|---|---|
| Saturday, 7:30 a. m. | Lv. | Seaward | Ar. 6:30 p. m., Friday. |
| Saturday, 12:30 p. m. | Ar. | Anchorage | Lv. 1:30 p. m., Friday. |
| Saturday, 2:00 p. m. | Lv. | Anchorage | Ar. 11:59 a. m., Friday. |
| Saturday, 6:30 p. m. | Ar. | Curry | Lv. 7:30 a. m., Friday. |
| Sunday, 7:30 a. m. | Lv. | Curry | Ar. 5:15 p. m., Thursday. |
| Sunday, 11:59 a. m. | Ar. | Healy | Lv. 12:40 p. m., Thursday. |
| Sunday, 12:30 p. m. | Lv. | Healy | Ar. 12:10 p. m., Thursday. |
| Sunday, 4:15 p. m. | Ar. | Fairbanks | Lv. 8:30 a. m., Thursday. |

Effective March 24, 1937, the above service will be changed as follows:

| Northward | | | Southward |
|---|---|---|---|
| Friday, 7:30 a. m. | Lv. | Seward | Ar. 6:30 p. m., Thursday. |
| Friday, 12:30 p. m. | Ar. | Anchorage | Lv. 1:30 p. m., Thursday. |
| Friday, 2:00 p. m. | Lv. | Anchorage | Ar. 11:59 a. m., Thursday. |
| Friday, 6:30 p. m. | Ar. | Curry | Lv. 7:30 a. m., Thursday. |
| Saturday, 7:30 a. m. | Lv. | Curry | Ar. 5:15 p. m., Wednesday. |
| Saturday, 11:59 a. m. | Ar. | Healy | Lv. 12:40 p. m., Wednesday. |
| Saturday, 12:30 p. m. | Lv. | Healy | Ar. 12:10 p. m., Wednesday. |
| Saturday, 4:15 p. m. | Ar. | Fairbanks | Lv. 8:30 a. m., Wednesday. |

J. T. CUNNINGHAM,
*Sup't of Transportation.*

[F. R. Doc. 37-648; Filed, March 5, 1937; 10:07 a. m.]

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[Bulletin No. 986]

THE ALASKA RAILROAD TRANSPORTATION DEPARTMENT

LOCAL FREIGHT TRAIN SERVICE

ANCHORAGE, ALASKA, *February 10, 1937.*

*To all Concerned:*

Effective February 18, 1937, local freight train service will be as follows:

*Northward*

Leave Seward ---------- Sunday.
Leave Anchorage ---------- Monday.
Leave Curry ---------- Tuesday.
Leave Healy ---------- Wednesday.

*Southward*

Leave Fairbanks ---------- Saturday.
Leave Healy ---------- Monday.
Leave Curry ---------- Tuesday.
Leave Anchorage ---------- Thursday.

Mixed train will leave Anchorage each Tuesday at 9:00 a. m. for Jonesville and return to Anchorage same day.

Effective March 24th, 1937, the above local freight train service will be changed as follows:

*Northward*

Leave Seward ---------- Saturday.
Leave Anchorage ---------- Sunday.
Leave Curry ---------- Monday.
Leave Healy ---------- Tuesday.

*Southward*

Leave Fairbanks ---------- Friday.
Leave Healy ---------- Sunday.
Leave Curry ---------- Monday.
Leave Anchorage ---------- Wednesday.

Mixed train will leave Anchorage each Monday at 9:00 a. m. for Jonesville and return to Anchorage same day.

J. T. CUNNINGHAM,
*Sup't of Transportation.*

[F. R. Doc. 37-649; Filed, March 5, 1937; 10:07 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

PROCLAMATION OF THE SECRETARY OF AGRICULTURE MADE WITH RESPECT TO BASE PERIOD TO BE USED FOR PURPOSE OF MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF CAULIFLOWER GROWN IN STATE OF OREGON

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, it is hereby found and proclaimed that, with respect to cauliflower grown in the State of Oregon, the purchasing power of such cauliflower during the base period, August 1909–July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of cauliflower grown in the State of Oregon, but the purchasing power of such cauliflower can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, August 1919–July 1929.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 5th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-661; Filed, March 5, 1937; 12:51 p. m.]

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## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[General Order No. 245]

AMENDMENT OF PARAGRAPH 1, SUBDIVISION B, RULE 28 OF THE IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED

MARCH 4, 1937.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., title 8, section 102), Paragraph 1, Subdivision B, Rule 28 of the Immigration Rules of January 1, 1930, as amended, is hereby amended to read as follows:

PARAGRAPH 1. Attorneys and others representing aliens applying for admission to the United States, Territories, or insular possessions, or aliens under deportation proceedings, shall be permitted, until deportation has been effected, to review the records in immigration offices in all cases in which the appearance of such attorney or other representative has been duly noted of record. Until deportation has been effected attorneys and others representing aliens shall, upon request, be loaned a copy of the testimony adduced and motions thereon and the summary of the examining inspector, for the preparation of their briefs. The attorney or other representative to whom such copy is loaned shall give a receipt therefor and shall pledge himself that no copy thereof be made and that the copy delivered to him will be surrendered when a brief in the case has been filed or upon final disposition of the case. He shall further pledge himself to prevent the copy of the record loaned him from falling into the hands of any person other than himself or counsel of record in the case.

General Order No. 197, dated September 28, 1932, is hereby repealed.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-644; Filed, March 4, 1937; 2:25 p. m.]



## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-293]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE TOILET BRUSH MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO BE HEARD

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Toilet Brush Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than March 23, 1937. Opportunity for oral hearing will be afforded at 10 a. m., March 23, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C., to such persons as may desire to appear, and who have made prior written or telegraphic requests to be heard orally. All briefs or other communications received concerning the proposed rules will become part of the public record. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission,

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered: March 3, 1937.

[F. R. Doc. 37-650; Filed, March 5, 1937; 11:37 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, 1937.

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY

[File Nos. 46-33 and 43-34]

AND

IN THE MATTER OF VOTING TRUSTEES FOR COMMON STOCK OF GREAT LAKES UTILITIES COMPANY

[File Nos. 46-34 and 43-35]

NOTICE OF AND ORDER FOR HEARING

Great Lakes Utilities Company, a registered holding company, hereinafter called the "New Company" having filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of certain securities owned by Great Lakes Utilities Corporation, hereinafter called the "Old Company", pursuant to a certain Plan of Reorganization for the Old Company, which Plan of Reorganization is dated June 1, 1936 and pursuant to Section 77B of the Bankruptcy Act was submitted to and approved by the District Court of the United States for the District of Delaware in a cause pending in said court and entitled "In the Matter of Great Lakes Utilities Corporation, Debtor, No. 1068"; and

The New Company having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to (1) the assumption by it, pursuant to said Plan of Reorganization, of $1,676,500 principal amount of First Lien Collateral Trust Gold Bonds 5½% Series, due 1942, issued by the Old Company and now outstanding, and (2) the issue, pursuant to said Plan of Reorganization, of 153,034 shares of Common Stock of the New Company of the par value of $1 per share; and

The Voting Trustees under a Voting Trust Agreement dated January 4, 1937 for Common Stock of the New Company (said Voting Trustees being a registered holding company) having filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by said Voting Trustees, pursuant to said Plan of Reorganization, of said 153,034 shares of Common Stock of the New Company; and

Said Voting Trustees having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue by said Voting Trustees, pursuant to said Plan of Reorganization, of Voting Trust Certificates representing said 153,034 shares of Common Stock, and

It appearing to the Commission that these related matters should be heard and considered together:

It is ordered that a hearing on such matters be held on March 22, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N.W., Washington, D. C.; and

Notice of such hearing is hereby given to said parties and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 17, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in these matters, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-659; Filed, March 5, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-W. M. JOHNSON FARM, FILED ON FEBRUARY 17, 1937, BY W. M. JOHNSON, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 1, 1937, be effective as of March 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-654; Filed, March 5, 1937; 12:49 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D, 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVER-RIDING ROYALTY INTEREST IN THE TEXAS-CALIFORNIA-WILSON CREEK DOME, FILED ON FEBRUARY 12, 1937, BY WILLIAM C. RUSSELL, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 1, 1937, be effective as of March 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-651; Filed, March 5, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TIDEWATER-HACKETT FARM, FILED ON FEBRUARY 16, 1937, BY LEIGH J. SESSIONS CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 26, 1937 be effective as of February 26, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-653; Filed, March 5, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE AMERADA-WEIR FARM, FILED ON FEBRUARY 15, 1937, BY L. H. WITWER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 26, 1937, be effective as of February 26, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-652; Filed, March 5, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of March, 1937.

[File No. 2-2470]

IN THE MATTER OF YUMURI JUTE MILLS COMPANY

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Yumuri Jute Mills Company, of Havana, Cuba, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement and prospectus and amendments filed on October 19, 1936, include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Yumuri Jute Mills Company, of Havana, Cuba, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-660; Filed, March 5, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D., 1937.



IN THE MATTER OF AN OFFRING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE ROYAL-SCHENDEL (40-ACRE) TRACT FARM, FILED ON FEBRUARY 25, 1937, BY ROYAL PETROLEUM COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from the heading preceding Division I. Reference is made to the instructional note at the head of Schedule F requiring that the information shall appear in the order given, etc. From the information disclosed by the plat it appears that the farm name of the property should be "Schendel 40-acre tract";

(2) In that under Division II, Items 10 (b), 10 (c) and 10 (d), the names of the oil pipe line, gas pipe line and railroad have been omitted;

(3) In that the name of the offering company is not inserted in the place provided following Division II, Item 20;

(4) In that the plat attached as Exhibit A to the offering sheet is not dated as required by Exhibit A (d);

(5) In that the information disclosed by Exhibit A is not correct. Reference is made to the statement contained in Division II, Item 9;

It is ordered, pursuant to Rule 340(a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 3rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of March, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-655; Filed, March 5, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE ROYAL-SCHENDEL (844.28-ACRE TRACT) FARM, FILED ON FEBRUARY 25, 1937, BY ROYAL PETROLEUM COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from the heading preceding Division I. Reference is made to the instructional note at the head of Schedule F requiring that the information shall appear in the order given, etc. From the information disclosed by the plat it appears that the farm name of the property should be "Schendel 844.28-acre tract";

(2) In that under Division II, Items 10 (b), 10 (c) and 10 (d), the names of the oil pipe line, gas pipe line and railroad have been omitted;

(3) In that the name of the offering company is not inserted in the place provided following Division II, Item 20;

(4) In that the plat attached as Exhibit A to the offering sheet is not dated as required by Exhibit A (d);

(5) In that the information disclosed by Exhibit A is not correct. Reference is made to the statement contained in Division II, Item 9;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 3rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of March, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-658; Filed, March 5, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE ROYAL-SCHENDEL (1483.77-ACRE TRACT) FARM, FILED ON FEBRUARY 25, 1937, BY ROYAL PETROLEUM COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from the heading preceding Division I. Reference is made to the instructional note at the head of Schedule F requiring that the information shall appear in the order given, etc. From the

information disclosed by the plat it appears that the farm name of the property should be "Schendel 1483.77-acre tract";

(2) In that under Division II, Items 10 (b), 10 (c) and 10 (d), the names of the oil pipe line, gas pipe line and railroad have been omitted;

(3) In that the name of the offering company is not inserted in the place provided following Division II, Item 20;

(4) In that the plat attached as Exhibit A to the offering sheet is not dated as required by Exhibit A (d);

(5) In that the information disclosed by Exhibit A is not correct. Reference is made to the statement contained in Division II, Item 9;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 3rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of March, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-657; Filed, March 5, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-McNABB PARK COMMUNITY FARM, FILED ON FEBRUARY 25, 1937, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that it appears that title to portions of every block described in Exhibit B is involved in litigation, as a result of which the royalty payments relating to those portions of said blocks involved in such litigation are being currently impounded, and the offering sheet does not disclose such litigation or whether the interests offered by said offering sheet are, or are not, involved in or affected by such litigation;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 3rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate; and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of March, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-656; Filed, March 5, 1937; 12:49 p. m.]

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*Tuesday, March 9, 1937* *No. 45*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 7070 OF JUNE 12, 1935, PRESCRIBING REGULATIONS GOVERNING APPOINTMENT OF EMPLOYEES PAID FROM EMERGENCY FUNDS

By virtue of and pursuant to the authority vested in me as President of the United States, I hereby modify paragraph 1 of Executive Order No. 7070 of June 12, 1935, as amended, prescribing regulations governing appointments of employees paid from emergency funds, so that it shall not apply to appointments made by the United States Employees' Compensation Commission.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 4, 1937.*

[No. 7570]

[F. R. Doc. 37-662; Filed, March 5, 1937; 2:13 p. m.]

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## TREASURY DEPARTMENT.

### Public Debt Service.

[1937—Department Circular No. 574]

UNITED STATES OF AMERICA 2½ PERCENT TREASURY BONDS OF 1949-53

REDEEMABLE AT THE OPTION OF THE UNITED STATES AT PAR AND ACCRUED INTEREST ON AND AFTER DECEMBER 15, 1949

*Additional Issue*

MARCH 8, 1937.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par and accrued interest from December 15, 1936, from the people of the United States for 2½ percent bonds of the United States, designated Treasury Bonds of 1949-53, in payment of which only Treasury Notes of Series B-1937, maturing April 15, 1937, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Notes of Series B-1937 tendered and accepted.

II. DESCRIPTION OF BONDS

1. The bonds now offered will be an addition to and will form a part of the series of 2½ percent Treasury Bonds of 1949-53 issued pursuant to Department Circular No. 572, dated December 7, 1936, will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 572:

1. The bonds will be dated December 15, 1936, and will bear interest from that date at the rate of 2½ percent per annum, payable semiannually on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1953, but may be redeemed at the option of the United States on and after December 15, 1949, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, or gift taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of bonds authorized by the Second Liberty Bond Act, approved September 24, 1917, as amended, the principal of which does not exceed in the aggregate $5,000, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes provided for in clause (b) above.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest for bonds allotted must be made or completed on or before March 15, 1937, or on later allotment, and may be made only through surrender of an equal face amount of Treasury Notes of Series B-1937, which will be accepted at par and should accompany the subscription. Coupons dated April 15, 1937, must be attached to the notes when surrendered, and subscribers will be credited with accrued interest thereon from October 15, 1936, to March 15, 1937, ($12.445055 per $1,000); they will be charged with accrued interest on the bonds from December 15, 1936, to March 15, 1937, ($6.181319 per $1,000); and the net adjustment ($6.263736 per $1,000) will be paid to them following acceptance of the notes.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 37-675; Filed, March 8, 1937; 11:12 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

[No. 24]

BOISE IRRIGATION PROJECT, IDAHO-OREGON

PUBLIC NOTICE OF ANNUAL WATER CHARGES[1]

FEBRUARY 18, 1937.

1. *Annual water charges.*—The annual operation and maintenance charges for the irrigation season of 1937, and thereafter until further notice, against all lands of the Arrowrock Division, Boise Irrigation Project, Idaho-Oregon, within the Settlers Irrigation District, and other lands of the Arrowrock Division not included in the Boise-Kuna, Wilder, Nampa-Meridian, New York and Big Bend Irrigation Districts, shall be one dollar ten cents ($1.10) for the first three (3) acre-feet of water and thirty (30) cents for each additional acre-foot; but a minimum charge of one dollar ten cents ($1.10) will be made against each irrigable acre and must be paid as toll before any water is delivered. The minimum operation and maintenance charge will be due and payable to the Board of Control, Boise, Idaho, on April 1 preceding the irrigation season. Charges for additional water will be payable to the Board of Control upon demand.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-673; Filed, March 8, 1937; 10:11 a. m.]

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### Division of Grazing.

JOINT REGULATIONS OF THE SECRETARIES OF THE INTERIOR AND AGRICULTURE RELATING TO THE PROTECTION AND ADMINISTRATION OF GAME RANGES, OR WILDLIFE REFUGES, ESTABLISHED IN CONJUNCTION WITH THE ORGANIZATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT

By virtue of authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1229), and in the Secretary of Agriculture by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), and section 84 of the Penal Code of the United States as amended by the act of April 15, 1924 (43 Stat. 98), and pursuant to Executive Order No. 7373, of May 20, 1936,[2]

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

[2] 1 F. R. 427.

establishing the Desert Game Range, and like orders heretofore or hereafter made, establishing such game ranges, or wildlife refuges, the following regulations for the protection of wildlife, the regulation of grazing, and the administration of game ranges, or wildlife refuges, established in conjunction with the organization of grazing districts under the terms of the Act of June 28, 1934, commonly known as the Taylor Grazing Act, are hereby prescribed and shall be effective from March 1, 1937:

REGULATION 1. PROTECTION OF WILDLIFE

It is not permitted to hunt, trap, catch, disturb, or kill, or attempt to hunt, trap, catch, disturb, or kill any wild bird or other animal, or to take or molest the nests or eggs of such birds, on any such game ranges, or wildlife refuges, except when authorized by permit issued by or under the authority of the Secretary of Agriculture: *Provided*, That duly authorized grazing permittees and employees of the Departments of Agriculture and the Interior engaged in the control of predatory animals and rodents may trap or otherwise take such rodents, predatory animals, or predacious birds when in the opinion of the Chief, Bureau of Biological Survey, control measures are necessary to reduce the numbers of such animals or birds in order to safeguard the perpetuation of other species of wildlife, to protect livestock, or to conserve grazing resources, or to retard soil erosion.

REGULATION 2. ACTS NOT PERMITTED ON GAME RANGES, OR WILDLIFE REFUGES

The following acts are not permitted on lands of the United States within such game ranges, or wildlife refuges:

*a*. Setting on fire, or causing to be set on fire, any timber, brush, or grass, except as authorized by the resident officer in charge of such area.

*b*. Building a camp fire in leaves, rotten wood, or other places where it is likely to spread; against large or hollow logs or stumps where it is difficult to extinguish it completely; or in any other dangerous place, or during windy weather, without confining it to holes or cleared spaces from which all vegetation or other inflammable material has been removed.

*c*. Leaving a camp fire unattended or not completely extinguished.

*d*. Disturbing, molesting, or interfering, by intimidation, threat, assault, or otherwise, with any person engaged in the management of wildlife or livestock on such ranges, or refuges, or the prevention of trespass thereon.

*e*. Unless authorized by permit from the resident officer in charge, the carrying of a firearm, except by authorized Federal or State officers.

*f*. Throwing or placing a burning cigarette, match, pipe heel, firecracker, or any ignited substance in any place where it may start a fire; or discharging any kind of fireworks on any part of such ranges, or refuges.

*g*. The destruction, injury, defacement, removal, or disturbance in any manner, of any building, notice, sign, signboard, equipment, fence, post, road, trail, dike, dike embankment, dam, bridge, or other structure, or of any other public property of any kind on such ranges, or refuges.

*h*. Entering, occupying, or using, without permission from the officer in charge, any building of the United States on such areas used for administration purposes by the Division of Grazing, of the Department of the Interior, or by the Bureau of Biological Survey, of the Department of Agriculture, except in case of emergency to prevent human suffering.

*i*. The entering or being upon such land with intent to destroy, molest, disturb, or injure property used, or acquired for use, by the United States, in the administration of such areas.

*j*. The dumping of garbage, or other refuse or debris, or the draining or dumping of oil, acids or poisons in, or otherwise polluting any waters, waterholes, or streams within any such ranges, or refuges.

REGULATION 3. GRAZING

No cattle, sheep, horses, or other livestock are permitted to graze on the public lands within the exterior boundaries of such game ranges, or refuges, except under permit of the Secretary of the Interior and in accordance with such conditions as he may prescribe therein, and no grazing is permitted on lands within the exterior boundaries of such game ranges, or refuges, which have been or which hereafter may be acquired by the United States for use of the Department of Agriculture for the conservation of migratory birds and other wildlife, except under permit of the Secretary of Agriculture and in accordance with such conditions as he may prescribe therein.

REGULATION 4. SPECIMENS FOR SCIENTIFIC, EXHIBITION, OR PROPAGATING PURPOSES

Specimens of plant and animal life or other natural objects on any range, or refuge, may be taken for scientific, exhibition, or propagating purposes, under special permit issued by the Secretary of Agriculture and countersigned by the Chief, Bureau of Biological Survey, but no such permit shall be deemed to authorize the taking, possession, transportation, or sale of any wildlife, or the nests or eggs of birds, contrary to State or Federal law.

REGULATION 5. SCIENTIFIC STUDIES

Any person may enter upon any such range, or refuge, for scientific study, the taking of photographs thereon, or for other like purposes, but must comply with these regulations, and the rules for the administration of grazing districts.

REGULATION 6. REMOVAL OF SURPLUS ANIMALS

Whenever it shall appear after investigation that the number of any species of game animal on any such range, or refuge, shall have increased beyond the numbers specified in the Executive order establishing the particular range, it shall be the duty of the Chief, Bureau of Biological Survey, Department of Agriculture, and the Director, Division of Grazing, Department of the Interior, jointly to determine the number of surplus animals it is desirable to remove from such range, or refuge, and upon such determination such surplus animals may be removed under such conditions and in the manner authorized or prescribed by the Chief, Bureau of Biological Survey.

REGULATION 7. ECONOMIC UTILIZATION OF RESOURCES

Permits to cut and remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other like use of any lands within the exterior boundaries of such ranges, or refuges, which lands have been or may hereafter be acquired by the United States for the use of the Department of Agriculture for the conservation of migratory birds or other wildlife, not inconsistent with the objects for which such ranges, or refuges, were established, may be issued by the Chief, Bureau of Biological Survey, upon such terms and at such rates of charge, if any, as may be ascertained and determined by him to be commensurate with the value of the privilege given by such permits. Permits for like purposes as to other lands within such ranges, or refuges, may be issued in conformity with rules and regulations of the Department of the Interior covering such usage: *Provided*, That in order to safeguard the food and cover requirements for wildlife, permits to remove timber or firewood from the range, or refuge, shall not be issued until applications therefor have first been approved by the resident officer of the Bureau of Biological Survey and timber permittees shall make such disposition of brush, tops, lops, slashings, and other forest debris resulting from timber operations as such officer may prescribe.

REGULATION 8. FISHING

Any person may enter upon any range, or refuge, for the purpose of fishing in accordance with the laws of the State in which such range, or refuge, is located, but must comply with the provisions of these regulations, and the rules for the administration of grazing districts.

REGULATION 9. EXHIBITION AND REVOCATION OF PERMITS

Permits shall be exhibited for inspection at any reasonable time upon request of any officer or employee of the Department of the Interior or of the Department of Agriculture engaged in the administration of such ranges, or refuges, or in the enforcement of laws and regulations applicable to wildlife. Any permit may be terminated at any time by agreement between the issuing officer and the permittee; it may be revoked by the Chief, Division of Grazing, Department of the Interior, or his designated representative, if issued by or under his authority, or by the Chief, Bureau of Biological Survey, or his designated representative, if issued by or under his authority, for noncompliance with the terms thereof or of these regulations, for nonuse, or for violation of any law or regulation applicable to the game range, or wildlife refuge, or of any State or Federal law protecting wildlife or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary under whose authority it was issued.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

FEBRUARY 13, 1937.

[SEAL] CHARLES WEST,
*Acting Secretary of the Interior.*

FEBRUARY 26, 1937.

[F. R. Doc. 37-672; Filed, March 8, 1937; 10:10 a. m.]

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MONTANA GRAZING DISTRICT NO. 5

MODIFICATION

MARCH 2, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of November 3, 1936, establishing Montana Grazing District No. 5, is hereby modified to include within its exterior boundaries the following described lands:

MONTANA PRINCIPAL MERIDIAN

T. 1 N., R. 1 E., that part west of Missouri River;
T. 2 N., R. 1 E., that part west of Missouri River;
T. 3 N., R. 1 E., all;
T. 4 N., R. 1 E., all;
T. 5 N., R. 1 E., secs. 1 to 5, 8 to 17, 20 to 29, and 32 to 36, inclusive;
T. 2 N., R. 2 E., that part west of Missouri River;
T. 3 N., R. 2 E., that part west of Missouri River;
T. 4 N., R. 2 E., that part west of Missouri River;
T. 5 N., R. 2 E., that part west of Missouri River;
T. 4 N., R. 3 E., that part west of Missouri River;
T. 4 N., R. 1 W., all.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the FEDERAL REGISTER.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-674; Filed, March 8, 1937; 10:11 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

PROCLAMATION OF SECRETARY OF AGRICULTURE MADE WITH RESPECT TO BASE PERIOD TO BE USED FOR PURPOSE OF MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF ONIONS GROWN IN STATE OF TEXAS

By virtue of the authority vested in me by the Agricultural Adjustment Act, approved May 12, 1933, as amended, I, H. A. Wallace, Secretary of Agriculture of the United States, do hereby find and proclaim that in connection with the making of a marketing agreement and the issuance of an order regulating the handling of onions grown in the State of Texas, on which a public hearing was held in January 1937, the purchasing power of onions grown in the State of Texas during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such onions can be satisfactorily determined from available statistics of the Department of Agriculture for the entire post-war period, August 1919–July 1929. Therefore, the latter period, August 1919–July 1929, is hereby declared and proclaimed to be the base period for determining the purchasing power of such onions for the purposes of such marketing agreement and order.

In witness whereof I have executed this proclamation in duplicate and have hereunto set my hand and caused the seal of the Department of Agriculture to be affixed in Washington, District of Columbia, this 5th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-668; Filed, March 6, 1937; 12:31 p. m.]

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NER—B-101—Massachusetts—Supp. Issued March 5, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MASSACHUSETTS—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Massachusetts is hereby amended as follows:

I

The following is added at the end of the matter relating to Practice Number 1:

Ground limestone is limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

The equivalent of 1,000 pounds of ground limestone is either (1) 750 pounds of burned lime or (2) other approved material.

II

The following is added at the end of the matter appearing under the heading *"Fertilizing Conserving Crops"* preceding the statement of the rate of payment for Practice Number 2:

The maximum application of available phosphoric acid or potash for which payment will be made is 120 pounds of each per acre. The maximum application of available nitrogen used on green-manure crops for which payment can be made is 16 pounds per acre.

III

Part VI, "Definitions", is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the County Committee to be recognized as conforming to good farming practice under the circumstances, in instructions issued by the State Committee, based upon (a) recommendations contained in the most recent official reports or bulletins issued by the United States Department of Agriculture, the State Department of Agriculture, the State agricultural experiment station, or the State agricultural college, or (b) a finding of facts made by the State Committee after a study of the material pertinent to the subject matter.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of March, 1937.

[SEAL] H. A. WALLACE.
*Secretary of Agriculture.*

[F. R. Doc. 37-669; Filed, March 6, 1937; 12:31 p. m.]

NER—B-101—Pennsylvania—Supplement (2) Issued March 5, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (2)

Pursuant to the authority vested in the Secretary of Agriculture under section 6 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania is hereby amended as follows:

I

Item (3) of footnote number 1 is amended by striking out the expression "1000 pounds of ground burned lime" and inserting in lieu thereof the expression "1400 pounds of ground burned lime".

II

The rate of payment per acre in Area B for Practice Number 39 is changed to read $3.50 in lieu of $3.00.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-670; Filed, March 6, 1937; 12:32 p. m.]

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NER—B-101—Rhode Island—Supp. Issued March 5, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—RHODE ISLAND—SUPPLEMENT (1)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Rhode Island is hereby amended as follows:

I

The following is added at the end of the matter relating to Practice Number 1:

Ground limestone is limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

The equivalent of 500 pounds of ground limestone is either (1) 350 pounds of hydrated lime, or (2) 500 pounds of pulverized oyster shell containing at least 80 percent carbonates, or (3) approved amounts of other approved material.

II

The following is added at the end of the matter appearing under the heading "*Fertilizing Soil-Conserving Crops*" relating to Practice Numbers 2, 3, and 4 and immediately before the statement of the rate of payment for Practice Number 2:

The limits on the quantities of fertilizer per acre for which payment is allowed are as follows:

| | Smallest amount | Largest amount |
|---|---|---|
| | *Pounds* | *Pounds* |
| 16 percent superphosphate or basic slag: | | |
| On pasture, hay land, green-manure crops, new seedings of grasses or legumes, or on sod in orchards provided the soil is limed and the entire interplanted crop in the orchard is left on the land | 200 | 50 |
| 50 percent Muriate of Potash: | | |
| On hay land, pasture, new seedings of grasses or legumes, green-manure crops, or in orchards provided the entire interplanted crop in the orchard is left on the land | 100 | 200 |
| 16 percent Nitrate of Soda: | | |
| On pasture, or on hay land, or in orchards provided the entire interplanted crop in the orchard is left on the land | 100 | 200 |
| On new seedings of legumes or grasses, or on green-manure crops | 100 | 150 |

When 16 percent superphosphate is added to farm manures, payment will be made for the application of not less than 20 pounds or more than 50 pounds per ton of manure.

The equivalent of 16 percent superphosphate, 50 percent muriate of potash, or 16 percent nitrate of soda, is a quantity of materials, other than manure, containing quantities of phosphoric acid, potash, or nitrogen, or combinations of these, equal in weight and quality to those contained in the specified amounts of 16 percent superphosphate, 50 percent muriate of potash, or 16 percent nitrate of soda.

III

Part V, "Definitions", is amended by adding at the end thereof the following:

As used herein as an adjective the term "approved" means, unless the context otherwise requires, found by the County Committee to be recognized as conforming to good farming practice under the circumstances, in instructions issued by the State Committee, based upon (a) recommendations contained in the most recent official reports or bulletins issued by the United States Department of Agriculture, the State Department of Agriculture, the State agricultural experiment station, or the State agricultural college, or (b) a finding of facts made by the State Committee after a study of the material pertinent to the subject matter.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 5th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-671; Filed, March 6, 1937; 12:32 p. m.]

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SR—B-101—Part VII

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101

*Part VII—Rice*

Southern Region Bulletin 101 is hereby supplemented by adding thereto the following Part VII.

The provisions contained in parts I, II, III, IV, V, and VI of Southern Region Bulletin 101 are applicable to all farms in the Southern Region on which rice is grown in 1937 unless the context thereof or of this part VII clearly indicates otherwise. In addition, the provisions contained in this part VII are applicable to rice producers in 1937.

SECTION 71. *Definitions.*—In addition to the definitions contained in part I, the following definitions shall apply to terms used herein and in all forms and documents relating to the 1937 program:

*Rice base acreage* means the acreage established for a rice producer as that normally used by him for the production of rice.

*Rice producer* means (1) a person who as owner operates a farm on which rice is produced; (2) a person who as share-tenant operates a farm on which rice is produced; (3) a person who as share-cropper works a producer unit on which rice is produced; (4) a person who as landlord leases to a share-tenant a farm on which rice is produced; or (5) a person who furnishes water or seed rice for the production of rice in 1937 on a share basis.

*Rice land* means any land adapted to the production of rice for which water for rice is readily available.

SECTION 72. *Soil-Building Allowance for Farms for Which a Rice Base is Established.*—The provisions of section 1 with respect to the soil-building allowance are applicable to farms for which there is a rice base and in addition the following is applicable:

(a) $1.00 for each acre of soil-conserving crops on the farm, other than idle or fallow cropland, which is in excess of the acreage required pursuant to section 17 and which is required to meet the minimum acreage of soil-conserving crops with respect to rice.

SECTION 73. *Rates and Conditions of Payment.*—Subject to the conditions set forth herein, a class I payment will be made to each rice producer in 1937 provided such producer has an acreage of soil-conserving crops [1] on rice land equal to 25 percent of his rice base acreage. Such acreage of soil-conserving crops shall be in addition to the requirements under section 17 and may be allocated either (1) to the same farm to which the rice producer makes an allocation of rice base acreage; or (2) to one or more other farms either owned or operated by such rice producer.

(a) If the acreage planted to rice by any rice producer in 1937 is not less than 85 percent or more than 100 percent of his rice base acreage, such payment will be made in the amount of 20 cents for each 100 pounds of his domestic consumption quota.

(b) If the acreage planted to rice by any rice producer in 1937 is less than 85 percent of his rice base acreage, such payment will be made at the rate specified in paragraph (a), above, on that percentage of his domestic consumption quota determined by dividing the number of acres planted to rice by him in 1937 by the number of acres equal to 85 percent of his rice base acreage.

(c) If the acreage planted to rice by any rice producer in 1937 is more than 100 percent of his rice base acreage, payment will be made at the rate specified in paragraph (a), above, on that portion of his domestic consumption quota which remains after deducting 4 percent for each 1 percent by which the 1937 rice acreage exceeds his rice base acreage.

(d) If the acreage planted to rice by any rice producer in 1937 exceeds 125 percent of his rice base acreage, a deduction from any payment which otherwise would be made to him pursuant to any of the provisions of any other part of this Bulletin 101 will be made for each acre of such excess acreage at a weighted average rate (fixed pursuant to section 15) for all farms on which he is participating in the production of rice in 1937.

(e) If the rice producer's acreage of soil-conserving crops with respect to rice on rice land in 1937 is less than 25 percent of his rice base acreage, there shall be deducted from the class I payment with respect to rice, which otherwise would be made to him, an amount obtained by multiplying $3.00 by the number of acres by which his total acreage of soil-conserving crops with respect to rice is less than 25 percent of his rice base acreage.

SECTION 74. *Rice Base Acreage and Rice Base Production.*—(a) *Establishment of Producer's Rice Base Acreage and Rice Base Production.*—The rice base acreage and the rice base production for any rice producer for 1937 shall be the rice base acreage and rice base production which was or could have been established under the 1936 Agricultural Conservation Program, subject to adjustments as indicated in this section 74.

(1) If a rice producer did not receive a rice base acreage and rice base production in 1936 and succeeds to the rice production interest [2] either in whole or in part of a rice producer who received a rice base acreage and rice base production in 1936, a rice base acreage and rice base production not in excess of such succession may be established in 1937 for such producer succeeding to the rice production interest.

(2) If a rice producer has participated in the production of rice and did not receive a rice base acreage and rice base production in 1936 and is participating in the production of rice in 1937, such producer may have a rice base acreage and rice base production established in 1937 provided he files the necessary information (including his history of rice production, acreage of rice-land available for rice production in 1937, capacity and facilities for growing and irrigating rice in 1937) on the prescribed form with the County Committee on or before the final date for receiving such forms as set by the State Committee and approved by the Director of the Southern Division.

(3) If an error was made in computing a rice producer's 1936 rice base acreage and rice base production, such error shall be corrected in 1937 after reviewing and checking all basic data in connection with such rice base acreage and rice base production.

(4) The 1936 rice base acreage and rice base production established in each State for all rice producers, irrespective of whether such rice producers participate in the 1937 program, shall after adjustment be deducted from the State rice base acreage and rice base production for 1937. The remainder after such deduction shall be available for the establishment of rice base acreage and rice base production for rice producers for whom a rice base acreage and rice base production was not established in 1936.

(b) *Adjustments.*—

(1) If either the rice base acreage or rice base production for any rice producer is greater or less than the rice base acreage or rice base production for other rice producers with similar rice-growing history on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices, adjustments may be made that will result in a rice base acreage or rice base production for such rice producer which is equitable as compared with the rice base acreage or rice base production for other rice producers with similar rice-growing history on similar farms.

(2) If a rice producer did not participate in the production of rice in all of the years of the base period [3] and his rice base acreage and rice base production are materially less than the rice base acreage and rice base production for rice producers on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices and which are operated by rice producers who did grow rice in all of the years of the base period, adjustments may be made that will result in a rice base acreage and rice base production which are equitable as compared with the rice base acreage and rice base production for other rice producers on similar farms.

(3) Adjustments shall be made where either the rice base acreage or rice base production established for a rice producer in 1936 was based on erroneous data, or was otherwise different from the rice base acreage or rice base production, which should have been established under the provisions of the 1936 program.

(4) If a rice producer's rice base acreage and rice base production are reduced because of the rotation of crops, the amount of each such reduction should be held in reserve and not given to other producers.

(c) *Adjustments of Bases, Other Than The Rice Base, on Rice Farms.*—If the sum of the rice base and the total soil-depleting base for any farm exceeds the cropland in the farm, the total soil-depleting base shall be adjusted downward to eliminate such excess.

(d) *Transfers.*—No transfer of rice base acreage or rice base production from one rice producer to another shall be approved except as hereinafter provided:

(1) If a rice producer voluntarily retires from the production of rice, dies, or is declared incompetent by a court of competent jurisdiction, his 1937 rice base acreage and rice base production shall be apportioned in whole or in part among the heirs, devisees, or members of the family

[1] Idle or fallow cropland on rice farms which is adapted to the production of rice and for which water for rice is readily available and from which no soil-depleting crop is harvested in 1937 may be substituted acre for acre for soil-conserving crops for the purposes of this section 73 but for no other purpose. Such soil-conserving acreage will not be included in determining the soil-building allowance for the farm.

[2] If the rice production interest consists of machinery and equipment normally used by a rice producer in the production of rice, such machinery and equipment must be in good working condition, must have been used in 1936, and must be used by the successor for the production of rice in 1937. If the rice production interest consists of a canal system, it must be a canal system which was in active operation in 1936 and which will be in active operation in 1937.

[3] The term "base period" in Arkansas and Louisiana means the years 1929–1933, inclusive, and in Texas the years 1931–1933, inclusive.

of such retired, deceased, or incompetent rice producer according to the extent to which they continue his farming operations, upon their furnishing satisfactory proof of such relationship and succession to his farming operations.

(2) If a rice producer through the voluntary sale of rice land voluntarily withdraws either in whole or in part from the production of rice, all or any part of his 1937 rice base acreage (not in excess of the acreage of rice land so transferred) and the corresponding rice base production may be transferred to the purchaser upon request of both the purchaser and seller of such land and upon satisfactory proof of such withdrawal and sale.

(3) Upon dissolution of a partnership, the rice producer's 1937 rice base acreage and rice base production shall be divided between the partners in such proportion as is agreed upon in writing by them and submitted to the County Committee.

(4) No person who has succeeded to the farming operations of any rice producer by reason of foreclosure, execution, or any forced sale shall be eligible to receive any rice base acreage or rice base production by virtue of such succession.

(5) If a rice producer had a rice base acreage and rice base production established in 1936 in any of the States of Arkansas, Louisiana, or Texas, and moves into another of such States and participates therein as a rice producer in 1937, such rice producer may have all or a part of such rice base acreage and rice base production transferred to the State to which he moved provided he notifies the State Committee therein. The State Committee for the State into which such producer has moved should request the State Committee of the State from which he moved to furnish it with a complete record of such producer's rice base acreage and rice base production in such State. However, no such transfers from one State to another may be made after a date designated by the Director of the Southern Division. After such date the Agricultural Adjustment Administration shall increase or decrease any such State's rice base acreage and rice base production to conform with the transfers made.

(e) *Rice Base Acreage and Rice Base Production.*—The State rice base acreage and rice base production shall be the rice base acreage and rice base production as was established for the State in 1936 subject to adjustments resulting from the transfer between States of rice producers' rice base acreage and rice base production during the years 1935, 1936, and 1937. The County Committee will recommend to the State Committee for approval by the Secretary a producer's rice base acreage and rice base production. The sum of the rice base acreages and rice base production for all rice producers in the State shall not exceed the State rice base acreage and rice base production.

Each rice producer's domestic consumption quota shall be 96.73 percent of his rice base production.

If a rice producer participates in the production of rice in more than one county in the State, his allocation of rice base acreage shall be reviewed by the State Committee to determine that the sum of such allocations does not exceed his rice base acreage.

SECTION 75. *Miscellaneous Provisions.*—(a) *Work Sheets.*—Each rice producer applying for payment with respect to rice will be required to show that work sheets have been filed covering all land owned or operated by him in 1937 in each county in the State in which he is participating as a rice producer.

(b) *Allocations of Rice Base Acreage.*—The total rice base acreage allocated to any farm by a rice producer may range from zero to that acreage which represents such producer's rice base acreage.

(c) *Application for Payment.*—An application for a class I payment with respect to rice shall include all the rice producer's interest as a rice producer in 1937 in all farms in the State.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of March, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-667; Filed, March 6, 1937; 12:31 p. m.]

## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[Fifth Amendment to General Order No. 228]

CHANGING NAME OF PORT OF ENTRY FROM FRANKLIN, VERMONT, TO MORSES LINE, VERMONT

MARCH 5, 1937.

By virtue of and pursuant to the authority contained in Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Ti. 8, Sec. 102), and Executive Order No. 6166, dated June 10, 1933, Paragraph 1, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended by General Order No. 228, dated December 21, 1935, is hereby amended, effective April 1, 1937, by striking out Franklin, Vermont, and inserting Morses Line, Vermont, between Highgate and Newport in District No. 1.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:
FRANCES PERKINS.
*Secretary.*

[F. R. Doc. 37-666; Filed, March 6, 1937; 12:16 p. m.]

[Ninth Amendment of General Order No. 229]

PORT OF OGDENSBURG, NEW YORK, FOR THE ENTRY INTO THE UNITED STATES OF ALIENS ARRIVING BY AIRCRAFT

MARCH 5, 1937.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C., Ti. 49, Sec. 177 (d)), Ogdensburg Harbor, Ogdensburg, New York, is hereby designated as a permanent port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (a), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended by General Order No. 229, dated December 21, 1935, and amendments thereto, is amended by adding the following immediately before Pembina, North Dakota, Fort Pembina Airport: Ogdensburg, New York, Ogdensburg Harbor.

Subparagraph (b) of said Paragraph 3 is amended by striking therefrom the following: Ogdensburg, New York, Ogdensburg Harbor.

[SEAL] FRANCES PERKINS, *Secretary.*

Approval recommended:
I. F. WIXON,
*Deputy Commissioner of Immigration and Naturalization.*

[F. R. Doc. 37-665; Filed, March 6, 1937; 12:15 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Regional Manual Amendment]

APPOINTMENT OF NOTARIES PUBLIC

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 6 of Chapter 1 of the Regional Manual be amended to read as follows:

6. *Notary Public.*—Regional Managers are authorized to have appointed such numbers of notaries public as the needs of the Corporation may require, the cost of securing such appointments, upon approval of the Regional Manager, to be paid by the Regional Treasurer from the Regional Working Fund.

Adopted by the Federal Home Loan Bank Board on March 1, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-663; Filed, March 6, 1937; 10:40 a. m.]



## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

[Docket No. IT-5463-S]

ORDER SETTING HEARING

MONTANA-DAKOTA UTILITIES COMPANY

The following order was adopted:

The Montana-Dakota Utilities Company, 831 Second Avenue South, Minneapolis, Minnesota, having filed an application, IT-5463-S, for approval to issue serial notes payable to two payee banks amounting to $1,500,000 and bearing interest at 4¼ per cent to be dated March 20, 1937 and to mature at the rate of $300,000 per annum on the 20th days of March 1938 to March 1942, inclusive;

It is ordered:

That a hearing on said application be held on Thursday, March 18, 1937, at 10 a. m., in the Commission's hearing room, 8th floor Carpenters Building, 1003 K Street, NW., Washington, D. C.

Adopted by the Commission on March 5, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-664; Filed, March 6, 1937; 11:35 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its Office in the City of Washington, D. C., on the 5th day of March, A. D., 1937.

[File No. 46-31]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

New England Power Association, a registered holding company having duly filed with this Commission, an application and an amendment thereto pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it in the open market from time to time of not exceeding 85,022 shares of Class A Stock of International Hydro-Electric System to meet the obligations of the applicant under Option Warrants expiring March 1, 1942 which it now has outstanding and which obligate it to deliver one share of Class A Stock of International Hydro-Electric System for each four shares of common stock of Massachusetts Power and Light Associates delivered to it;

A hearing on said application as amended having been held after appropriate notice, the record in this matter having been examined, and the Commission having made and filed its findings herein;

It is ordered that the acquisition by applicant of not exceeding 85,022 shares of such Class A stock in accordance with the terms and conditions of and for the purposes represented by such application as amended be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-677; Filed, March 8, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of March, A. D., 1937.

[File No. 43-32]

IN THE MATTER OF AMERICAN SERVICE COMPANY

(Pursuant to Section 7 of Public Utility Holding Company Act of 1935)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

American Service Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of 100 shares of its $10 par value common stock and a $9,000 5% promissory note, due on demand; a hearing on the declaration having been had after appropriate notice; the record in this matter having been examined, and the Commission having made and filed its Findings herein;

It is ordered that said declaration be and become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-676; Filed, March 8, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of March, A. D., 1937.

[File No. 37-17]

IN THE MATTER OF AMERICAN SERVICE COMPANY

(Pursuant to Section 13 of the Public Utility Holding Company Act of 1935 and Rule 13-22)

ORDER PURSUANT TO RULE 13-22

American Service Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, having filed with this Commission, pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935 and Rule 13-22 thereunder, a declaration with respect to its organization and conduct of business as a subsidiary service company; a hearing on said declaration having been duly held pursuant to appropriate notice; the record in this matter having been duly considered; and the Commission having filed its Findings herein;

It is found that Declarant is so organized and conducted as to meet the requirements of Section 13 (b) of said Act with respect to reasonable assurance of efficient and economical performance of the services described in such declaration, for the benefit of associate companies, at cost fairly and equitably allocated among them.

No finding is made with respect to the rendering of any services differing materially from those described by said declaration as the services which Declarant intends presently to render, nor with respect to construction contracts or contracts with respect to sales of goods.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-681; Filed, March 8, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE MANNING-BRYSON-YORK ET AL. FARM, FILED ON JANUARY 28, 1937, BY R. H. MANNING & COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 5th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 12th day of March, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-680; Filed, March 8, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE CAPROCK-PARKS #1 FARM, FILED ON FEBRUARY 27, 1937, BY CAPROCK OIL COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date set forth in Division I, paragraph 7, appears to be inaccurate by virtue of the fact that it exceeds 110 days from the date upon which other information is disclosed by the offering sheet;

(2) In that the answer to Division II, Item 10, is in contradiction of the answer to Division II, Item 12, and might, therefore, be misleading;

(3) In that Division II, Item 12, calls for factual data, whereas the answer given thereunder is based upon "opinion" and might, therefore, be misleading;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of March, 1937, at 4:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-678; Filed, March 8, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE COSTADON-HILL FARM, FILED ON FEBRUARY 25, 1937, BY COSTADON OIL AND GAS COMPANY, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the interests represented as being offered by the offering sheet and exhibits attached thereto do not appear to be interests as are defined under Regulation B, Rule 300, and the exemption provided by Regulation B does not, therefore, appear available for the following reasons:

(a) the securities offered do not appear to be fractional undivided interests in a leasehold estate;

(b) the "certificate of undivided beneficial interest" (Exhibit B) apparently does not provide for the conveyance of title to a specifically described undivided fractional interest in the leasehold;

(c) "Contract for purchase of undivided beneficial interest in leasehold" (Exhibit B (1)) apparently provides for the substitution of other properties in lieu of the leasehold specifically described in the offering sheet;

(d) the securities represented as being offered appear to also involve an offering of stock in the offeror's corporation, in that under certain conditions said securities represented to be offered under this offering sheet may be exchanged for stock in the offering corporation (Exhibit B (2)). Therefore, such stock must be registered under the Securities Act of 1933, as amended, unless an exemption is available therefor. Regulation B does not provide such exemption;

(2) In that in Division I the text which provides for "name of offeror" and "address of offeror" is omitted;

(3) In that the answer given to Division II, Item 5, is incomplete and misleading by reason of the fact that it does not fully set forth the drilling requirements;

(4) In that Division II, Item 7, is non-responsive and inaccurate by reason of the fact that no answer is made to the question except by reference;

(5) In that Division II, Item 8, is non-responsive and inaccurate by reason of the fact that no answer is made to the question except by reference;

(6) In that under Division II, Item 12, the text is omitted, as is also the required statement;

(7) In that the reply made to the question under Division II, Item 19, is apparently in conflict with the information given in Division II, Item 10;

(8) In that Division II, Item 21, is apparently in conflict with the statement made in Division II, Item 13;

(9) In that the information disclosed under Division II, Item 11, is apparently in conflict with Exhibit A by reason of the fact that the plat shows eight wells within one-eighth of a mile of the tract, whereas only three wells are discussed under this item. Further, that the data relative to each well does not give the required information for each horizon as specified in Division II, Item 10;

(10) In that Division II, Item 12, is incomplete and misleading by reason of the fact that the engineer's recovery report is for the King Knob oil and gas field and not for the tract in which the interests are offered; also that the report is based upon too little factual data and is, therefore, misleading when used in connection with an offering on this particular tract;

(11) In that Exhibit A is incomplete and inaccurate by reason of the fact that the numbers and total depths are shown for only three wells;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 3rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of March, 1937, at 3:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-679; Filed, March 8, 1937; 12:42 p. m.]



*Wednesday, March 10, 1937* *No. 46*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48841]

PORT OF ENTRY

EXTENSION OF THE LIMITS OF CUSTOMS PORT OF ENTRY OF SAINT PAUL, MINNESOTA

*To Collectors of Customs and Others Concerned:*

There is published below for the information of customs officers and others concerned the following Executive Order, dated February 27, 1937, extending the limits of the customs port of entry of Saint Paul, Minnesota, in Customs Collection District No. 35 (Minnesota), effective thirty days from the date of the order.

[SEAL] J. H. MOYLE, *Commissioner of Customs.*

EXECUTIVE ORDER

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, ch. 223, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), the limits of the customs port of entry of Saint Paul, Minnesota, in Customs Collection District No. 35 (Minnesota), are hereby extended to include the territory within the limits of the cities of South Saint Paul and West Saint Paul, Minnesota, effective thirty days from the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 27, 1937.*

[F. R. Doc. 37-688; Filed, March 9, 1937; 11:31 a. m.]

[T. D. 48844]

AIRPORT OF ENTRY

OGDENSBURG HARBOR, OGDENSBURG, NEW YORK, DESIGNATED AS AN AIRPORT OF ENTRY WITHOUT TIME LIMIT

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Ogdensburg Harbor, Ogdensburg, New York, is hereby designated as an airport of entry for the landing of aircraft from foreign countries, effective March 1, 1937.

[SEAL] FRANK DOW, *Acting Commissioner of Customs.*

Approved: March 4, 1937.

JOSEPHINE ROCHE, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-689; Filed, March 9, 1937; 11:31 a. m.]

### Bureau of Internal Revenue.

[T. D. 4727]

REVOKING SPECIALLY DENATURED ALCOHOL FORMULAE

*To District Supervisors, Chemists in Charge, Authorized Chemists, and Others Concerned:*

Pursuant to authority conferred by the Act of June 7, 1906 (U. S. C., 1934 Ed., Title 26, Sec. 1320), and Title III of the National Prohibition Act, Specially Denatured Alcohol Formulae 11, 26, 31-B, and 31-C are hereby revoked effective May 1, 1937, and alcohol shall not be denatured in accordance with such formulae on and after that date.

[SEAL] CHAS. T. RUSSELL, *Acting Commissioner of Internal Revenue.*

Approved: March 4, 1937.

ROSWELL MAGILL, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-690; Filed, March 9, 1937; 11:31 a. m.]

[T. D. 4728]

PURCHASE AND USE OF STRIP STAMPS IN PUERTO RICO

*To Collectors of Internal Revenue, District Supervisors, Collectors of Customs, and Others Concerned:*

Pursuant to the authority conferred by Section 205 of Title II of the Liquor Taxing Act of 1934 (U. S. C., 1934 ed., Title 26, Sec. 1152e) strip stamps to be attached to bottles of distilled spirits to be shipped from Puerto Rico to the United States, Hawaii, or Alaska, shall be obtained and affixed in accordance with the following regulations:

1. The distiller, rectifier, or bottler, or his duly authorized agent, in Puerto Rico shall make a requisition on internal revenue Form 428, in triplicate, for the purchase of strip stamps, and shall attach thereto a statement, under oath in the following form:

Port of _____

I solemnly swear (or affirm) that the stamps requested on the Form 428 to which this statement is attached, are required, and will be used, for the quantities of the brands and kinds of distilled spirits listed below, which will be shipped to the United States,

Hawaii, or Alaska, to supply existing orders and/or anticipated requirements within ninety days from this date.

| No. of bottles | Size of bottles | Brands | Kinds |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

---
(Distiller, Rectifier, or Bottler)
F. A. A. Permit Number----------
Subscribed and sworn to before me this ------- day of ----------, 193----.
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---

The Form 428, in triplicate, together with a sworn statement, shall be submitted to the Collector of Customs in Puerto Rico for approval.

2. The Collector of Customs shall approve Form 428 if he is satisfied that the stamps are required for distilled spirits to be shipped to the United States, Hawaii, or Alaska, to supply existing orders and/or anticipated requirements within 90 days from the date of the requisition. He shall retain a copy of Form 428 and the sworn statement for his files.

3. The distiller, rectifier, or bottler, or his duly authorized agent, shall submit the original, with one copy, of the approved Form 428 to the Internal Revenue Stamp Deputy in Puerto Rico, who shall sell the stamps requisitioned and approved. The Stamp Deputy shall enter the serial numbers of the strip stamps on the original and copy of Form 428. He shall give the strip stamps with the copy of Form 428 to the purchaser and retain the original Form 428 for his files. The Stamp Deputy shall maintain a record on Form 19, "Collector's Office Record of Bottle Strip Stamps for Distilled Spirits Requisitioned on Form 428", of strip stamps sold and also a card or ledger record for each purchaser showing the date of each sale and the quantity and denominations of the strip stamps sold.

4. The distiller, rectifier, or bottler shall, at his expense, have each of the strip stamps overprinted, with his name and address and the brand and kind of distilled spirits, and submit the stamps to the Collector of Customs for verification.

5. The Collector of Customs shall verify the overprinting and enter on his copy of Form 428 the serial numbers of the strip stamps and return them to the purchaser.

6. The distiller, rectifier, or bottler shall plainly and legibly mark on each case containing bottles of spirits to which strip stamps are attached, the following legend:

The stamps required by the United States Liquor Taxing Act of 1934 are affixed to the bottles contained in this case, consisting of ---------- bottles, each containing ----------
(number) (net contents of bottles)
---
(Distiller, Rectifier, or Bottler)

7. Any breach of these regulations, or failure to use the strip stamps within a reasonable time for the purpose for which they were procured, not satisfactorily explained to the Collector of Customs, will be grounds for denial of approval of further requisitions for purchase of strip stamps for affixing under these regulations.

8. The Collector of Customs in Puerto Rico shall maintain a record of the Forms 428 approved, and shall check all outgoing shipments of bottled distilled spirits and credit the respective distiller, rectifier, or bottler with the strip stamps used, as evidenced by the legend on the cases. The Collector shall furnish the Bureau of Customs on April 1, July 1, October 1, and January 1 of each year a consolidated report in duplicate showing the name of the purchaser in Puerto Rico, the number of stamps, and the denominations of stamps purchased on requisition on Form 428 approved by the Collector of Customs, not used within 90 days from the date of approval. The Bureau of Customs shall forward the copy of such report to the Commissioner of Internal Revenue.

[SEAL] CHAS. T. RUSSELL,
*Acting Commissioner of Internal Revenue.*
FRANK DOW,
*Acting Commissioner of Customs.*

Approved: March 4, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-691; Filed, March 9, 1937; 11:31 a. m.]

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 69, NEVADA NO. 15, REDUCED

FEBRUARY 9, 1937.

Departmental order of February 19, 1919, establishing Stock Driveway No. 69, Nevada No. 15, is hereby revoked as to the following described public lands in Nevada, effective upon the withdrawal by Executive order of certain adjacent public lands for use by the Soil Conservation Service, Department of Agriculture, in connection with the Pahranagat Valley erosion control demonstrations:

MOUNT DIABLO MERIDIAN

T. 4 S., R. 59 E., E½ sec. 35.
T. 5 S., R. 59 E., E½ secs. 2 and 11, SW¼ sec. 12, sec. 13, E½ sec. 14, NE¼ sec. 24.
T. 5 S., R. 60 E., NW¼, S½ sec. 18.
Aggregating 2,720 acres.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-682; Filed, March 9, 1937; 9:40 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

[Docket IT-5023]

IN THE MATTER OF THE APPLICATION OF KANSAS GAS AND ELECTRIC COMPANY FOR REHEARING

ORDER GRANTING REHEARING AND DENYING INTERLOCUTORY ORDER

Upon application filed January 28, 1937 by Kansas Gas and Electric Company for rehearing in the "Matter of the Application of Kansas Gas and Electric Company for Approval of Maintenance of Permanent Connections for Emergency Use Only," Docket IT-5023, which original application was dismissed by Commission order of December 31, 1936; and for an interlocutory order granting the approval prayed for in said original application pending final disposition thereof; and

It appearing to the Commission:

That a rehearing is desirable and appropriate for further considering the specifications contained in said application for rehearing and for receiving such additional evidence as the Commission may deem pertinent to such specifications;

The Commission orders:

(1) That a rehearing for the purposes above stated be and the same is hereby granted in said "Matter of the Application of Kansas Gas and Electric Company for Approval of Maintenance of Permanent Connections for Emergency Use Only" and that said rehearing be held at the Commission's hearing room in Washington, D. C., on Wednesday, the 7th day of April 1937, at 10 a. m.

(2) That the request for an interlocutory order approving the maintenance and operation of the interconnections involved, without applicant thereby becoming subject to the jurisdiction of the Commission pending final disposition and review by the courts, be and the same is hereby denied.

Adopted by the Commission on March 6, 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 37-683; Filed, March 9, 1937; 9:40 a. m.]



## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 64]

ALLOCATION OF FUNDS FOR LOANS

MARCH 4, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Michigan 28 Presque Isle---------- | $70,000 |
| Ohio 42 A Darke---------- | 225,000 |
| Washington 9 San Juan---------- | 87,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-684; Filed, March 9, 1937; 9:50 a. m.]

[Administrative Order No. 65]

ALLOCATION OF FUNDS FOR LOANS

MARCH 5, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Iowa 34 B Jones (Additional)---------- | $95,000 |
| Montana 11 B Sanders (Additional)---------- | 15,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-685; Filed, March 9, 1937; 9:50 a. m.]

ADMINISTRATIVE ORDER NO. 66

MARCH 6, 1937.

I hereby rescind the allocations of funds for the below designated projects made by Administrative Orders No. 10, 14 and 42:

| Project Designation: | *Amount* |
|---|---|
| Alaska 1 Anchorage (10)---------- | $115,000 |
| North Carolina 24 Franklin (14)---------- | 123,000 |
| Wisconsin 38 B Rock (42)---------- | 40,000 |

*Alaska 1 Anchorage.*—This action is being taken because after careful study, it was found that the borrower will not give us satisfactory security and for the present it is not possible to set up a cooperative organization.

*North Carolina 24 Franklin.*—This action is being taken because a power company has already taken over the entire project.

*Wisconsin 38 B Rock.*—This allocation was for a generating plant and it is being rescinded because a satisfactory rate has been agreed upon with a power company.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-686; Filed, March 9, 1937; 9:50 a. m.]

[Administrative Order No. 67]

ALLOCATION OF FUNDS FOR LOANS

MARCH 6, 1937.

I hereby amend Administrative Orders No. 4, dated July 28, 1936, and No. 21, dated October 1, 1936, by combining the allocations of $105,000 for Illinois 11 Scott, $385,000 for Illinois 18 Pike and $198,000 for Illinois 22 Greene into one allocation of $688,000 to be known as Illinois 18A Pike.

I hereby amend Administrative Orders No. 21, dated October 1, 1936 and No. 62, dated February 25, 1937, by changing the first paragraph to read as follows:

By virtue of the authority vested in me by the provisions of Sections 4 and 5 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

I hereby amend Administrative Order No. 32, dated November 13, 1936, by dividing the allocation of $452,000 for Virginia 11 Rockingham (additional) into two allocations, one of $352,000 to be known as Virginia 11B Rockingham, and the other of $100,000 to be known as Virginia 11G Rockingham.

I hereby amend Administrative Orders No. 32, dated November 13, 1936 and No. 56, dated February 6, 1937, by changing allocations of $360,000 for California 6 Modoc and $60,000 for Oregon 3 Lake, to two allocations, one of $330,000 to be known as California 6A Modoc, and the other of $90,000, to be known as California 6G Modoc.

I hereby amend Administrative Orders No. 40, dated December 5, 1936, and No. 56, dated February 6, 1937, by changing allocations of $290,000 for Washington 18 Spokane, $200,000 for Washington 21A Whitman, and $55,000 for Washington 24 Spokane, to two allocations, one of $455,000 to be known as Washington 18A Spokane and the other of $90,000 to be known as Washington 18G Spokane.

I hereby amend Administrative Order No. 43, dated December 24, 1936, by dividing the allocation of $145,000 for Wyoming 11 Lincoln into two allocations, one of $103,000 to be known as Wyoming 11 Lincoln and the other of $42,000 to be known as Wyoming 11G Lincoln.

I hereby amend Administrative Order No. 59, dated February 12, 1937, by changing Pennsylvania 4A Crawford (additional) to read Pennsylvania 4B Crawford, and Administrative Order No. 60, dated February 13, 1937, by changing Montana 2B Cascade (additional) to read Montana 2 Cascade (additional).

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-687; Filed, March 9, 1937; 9:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-McNABB PARK COMMUNITY FARM, FILED ON FEBRUARY 25, 1937, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore

entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-692; Filed, March 9, 1937; 12:35 p. m.]

*Thursday, March 11, 1937* *No. 47*

## PRESIDENT OF THE UNITED STATES.

THE WHITE HOUSE,
*Washington, February 20, 1937.*

THE HONORABLE, THE SECRETARY OF THE TREASURY,

MY DEAR MR. SECRETARY:

By authority of subdivision (f) of section 337 of the Tariff Act of 1930, you were, on November 9, 1936,[1] requested to forbid entry into the United States, except under bond provided for in said section 337 (f), of cigar lighters patented in United States Letters Patent Nos. 1986384, 2002845, and Des. 96639. This order was predicated on the recommendation of the Tariff Commission. Since that time the Tariff Commission has conducted a hearing[2] in the investigation, during which hearing it was disclosed that Design Patent No. 96639 is the subject of pending litigation, and that, in ruling on a motion for a preliminary injunction concerning such patent, the United States District Court for the Southern District of New York denied the motion and expressed the view that the patent did not meet "the test of invention indicated by the more recent authorities."

In view of the serious doubt concerning the validity of such design patent, it does not appear equitable to continue in force that section of the exclusion order predicated upon it. I accordingly modify the above-mentioned exclusion order of November 9, 1936, and request that pending completion of the investigation you continue to forbid entry into the United States of cigar lighters patented in United States Letters Patent Nos. 1986384 and 2002845. Imports of such lighters will, of course, be entitled to entry under bond prescribed by you in accordance with section 337 (f) of the Tariff Act of 1930.

Very sincerely yours,

[SEAL] FRANKLIN D ROOSEVELT

[F. R. Doc. 37-697; Filed, March 10, 1937; 10:02 a. m.]

[1] 1 F. R. 1979.
[2] 1 F. R. 1865, 2183.

## FARM CREDIT ADMINISTRATION.

[FCA 31]

LOANS TO DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS OF THE FARM CREDIT ADMINISTRATION, THE PRODUCTION CREDIT CORPORATION AND THE PRODUCTION CREDIT ASSOCIATION

AMENDMENT OF SECTION 218 OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly section 20 thereof, the first paragraph of section 218 of the Rules and Regulations for Production Credit Associations is hereby amended to read as follows:

Subject to the prior approval of the Production Credit Commissioner, loans that are otherwise eligible may be made by the association to a director, officer, employee, or agent of the corporation, or to an officer (as distinguished from an employee) of the Farm Credit Administration, or to a member of the immediate family of any of the aforesaid persons, who is otherwise eligible, on the same terms and conditions as to other borrowers. Such prior approval must likewise be obtained: (a) Where the proceeds of a loan, if made by the association to a person, partnership, or corporation, otherwise eligible, are to be used in connection with property in which any of the aforesaid persons has a present legal or equitable interest; or (b) where any of the aforesaid persons is a member of a partnership or a stockholder in a corporation to which the association desires to make a loan. Loans to an employee of the Farm Credit Administration who is not an officer thereof, or to a member of his immediate family, may be made without the approval of the Production Credit Commissioner.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-698; Filed, March 10, 1937; 11:47 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO BANK RULES AND REGULATIONS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), Exhibit E to the Rules and Regulations for Federal Home Loan Banks, effective February 15, 1936, is hereby amended by inserting a new paragraph numbered 6 reading as follows, and renumbering as paragraph numbered 7 the former paragraph numbered 6:

If this institution is admitted to membership, the Federal Home Loan Bank Board and said bank are authorized to make available to any State or Federal regulatory authority or officer exercising supervisory authority over this institution, any information furnished to, or obtained by, said Board or said bank regarding this institution or its affairs, and all or any part of any report of any examination of this institution made by said Board or said bank or by any regulatory or public authority or officer.

Adopted by the Federal Home Loan Bank Board on March 8, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-693; Filed, March 9, 1937; 4:08 p. m.]

### Home Owners' Loan Corporation.

[Manual Amendment]

INTEREST AFTER DEFAULT, ON JUDGMENTS AND DURING REDEMPTION PERIODS

Be it resolved, That pursuant to authorty vested in this Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647), and particularly by Sections 4 (a) and 4 (k) of said Act, as amended, Section 800 (c) of the Consolidated Manual (the Accounting Chapter) is hereby amended to read as follows:

In every instance where calculation of interest is based on rights vested under the terms of the Corporation's mortgage or other security instrument heretofore or hereafter executed or on the laws of the States, Territories or the District of Columbia, the rate governing before default shall be applied, and any provision in the Corporation's lien instrument or of any local laws for a higher rate of interest after default, or on judgments or in cases of redemption shall be disregarded to the extent of such excess, unless in the opinion of the Regional Counsel the waiving of such excess interest in any particular state or jurisdiction might involve the Corporation in legal complications and the Corporation might not have full protection.

Adopted by the Federal Home Loan Bank Board on March 9, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-694; Filed, March 9, 1937; 4:08 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 68]

ALLOCATION OF FUNDS FOR LOANS

MARCH 8, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| California 6A Modoc (Additional) | $80,000 |
| Georgia 2B Crisp | 25,000 |
| Minnesota 32 Fillmore | 167,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-695; Filed, March 10, 1937; 9:58 a. m.]

[Administrative Order No. 69]

ALLOCATION OF FUNDS FOR LOANS

MARCH 9, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Alabama 20 Baldwin | $200,000 |
| Arkansas 8 Mississippi | 50,000 |
| Arkansas 8 G Mississippi | 70,000 |
| Wisconsin 16 W Douglas | 24,000 |
| Wisconsin 29 A Clark | 700,000 |
| Wisconsin 29 G Clark | 150,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-696; Filed, March 10, 1937; 9:58 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-DEBORD "A" FARM, FILED ON JANUARY 29, 1937, BY ROBERT L. KINKAID, INC., RESPONDENT

ORDER FOR HEARING (UNDER RULE 340(B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the statements made under Division II, Item 13, appear to be improper by virtue of the fact that the answer as given is based upon supposition and surmise, whereas the required statement should include only factual data;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 24th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-702; Filed, March 10, 1937; 12:34 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of March, 1937.

[File No. 1-1530]

IN THE MATTER OF TECK-HUGHES GOLD MINES, LIMITED CAPITAL STOCK, $1.00 PAR VALUE

ORDER POSTPONING HEARING

The Teck-Hughes Gold Mines, Limited, having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, for permission to withdraw from listing and registration on the New York Curb Exchange 4,807,144 shares of its Capital Stock, $1.00 Par Value; and

The Commission having ordered that the matter be set down for hearing before Robert P. Reeder, an officer of the Commission, on March 8, 1937, in Washington, D. C.; and

The New York Curb Exchange having requested a postponement of said hearing until March 23, 1937;

It is ordered, that said hearing be postponed until 10:00 A. M. on Tuesday, March 23, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N.W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer, said Robert P. Reeder, may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-699; Filed, March 10, 1937; 12:34 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN ET AL SUNERAM FARM, FILED ON FEBRUARY 11, 1937, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in this title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said

offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-700; Filed, March 10, 1937; 12:34 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-DITTMERS FARM, FILED ON DECEMBER 15, 1936, BY AMERICAN STATES OIL COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon of the 9th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 23rd day of March, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-701; Filed, March 10, 1937; 12:34 p. m.]

***Friday, March 12, 1937*** ***No. 48***

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER NO. 7513 OF DECEMBER 16, 1936, TRANSFERRING LANDS FROM THE ROOSEVELT AND PIKE NATIONAL FORESTS TO THE ARAPAHO NATIONAL FOREST IN COLORADO

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), it is ordered that Executive Order No. 7513 [1] of December 16, 1936, transferring lands from the Roosevelt and Pike National Forests to the Arapaho National Forest in Colorado, be, and it is hereby, modified so as to except from the transfer of lands from the Pike to the Arapaho National Forest, and restore to their prior forest status, lands in Clear Creek County lying south and west of the hydrographic divide between the South Platte River drainage on the south and Clear Creek drainage on the north.

It is further ordered that the designation "SE¼" of Section 32, T. 5 S., R. 71 W., occurring in the said transfer, be changed to "SW¼", of that Section.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 9, 1937.*

[No. 7572]

[F. R. Doc. 37-703; Filed, March 10, 1937; 1:11 p. m.]

[1] 1 F. R. 2159.

EXECUTIVE ORDER

DESIGNATING THE HONORABLE ADOLPH G. WOLFF AS ACTING JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO

By virtue of and pursuant to the authority vested in me by section 41 of the act entitled "An Act To provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917 (39 Stat. 965), I hereby designate and authorize the Honorable Adolph G. Wolff, associate justice of the Supreme Court of Puerto Rico, to perform and discharge the duties of the Judge of the District Court of the United States for Puerto Rico and to sign all necessary papers and records as acting judge of the said Court in the absence of the Judge thereof during the current calendar year.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 9, 1937.*

[No. 7573]

[F. R. Doc. 37-704; Filed, March 10, 1937; 1:11 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

*To Collectors of Customs in the Continental United States:*

Pursuant to the provisions of section 8a of the Provisional Regulations issued under the Gold Reserve Act of 1934, you are hereby instructed, effective immediately, and regardless of whether said Regulations are otherwise complied with, to refuse entry into the continental United States of gold in any form (including gold in its natural state) exported from Mexico, unless there is filed with you a certificate, duly certified by an officer of the Mexican Government, to the effect that such gold was or may be lawfully exported from Mexico. However, these instructions do not apply to

(1) "Fabricated gold" as defined in said Gold Regulations.

(2) Any substance, including gold in its natural state, which you are satisfied, after the filing of an appropriate affidavit by the importer, does not contain more than 5 troy ounces of fine gold per short ton.

[SEAL] HENRY MORGENTHAU, Jr.,
*Secretary of the Treasury.*

Approved:

FRANKLIN D ROOSEVELT,
*The White House.*

MARCH 11TH, 1937.

[F. R. Doc. 37-714; Filed, March 11, 1937; 1:28 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ECR—B-101—Guilford County, North Carolina March 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—GUILFORD COUNTY, NORTH CAROLINA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of the bulletins for the respective States of the East Central Region and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 6, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The payments set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program and 85 percent participation by farmers in all regions. The payments calculated in accordance with the provisions of part I of this bulletin may be increased or decreased depending upon the extent of participation, but any such variation will not be in excess of 10 percent.



*Part I. Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in Guilford County, North Carolina, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Farm Allowance.*—A farm allowance representing the maximum payment which can be earned will be established for each farm. The farm allowance for each farm will be the sum of the following:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm for each acre of the difference between the allotted cotton acreage and the cotton soil-depleting base for the farm. The allotted cotton acreage for all farms in the county having a cotton soil-depleting base of more than 5.7 acres shall not be less in the aggregate than 65 percent of the cotton soil-depleting bases for such farms. The allotted cotton acreage for any farm having a cotton soil-depleting base of 5.7 acres or less may be as much as two acres less than the base.

(b) *Tobacco—Flue-Cured.*—5 cents per pound of the base yield per acre of tobacco for the farm for each acre of the difference between the allotted tobacco acreage and the tobacco soil-depleting base for the farm. The allotted tobacco acreage for all farms in the county shall not be less in the aggregate than 75 percent of the tobacco soil-depleting bases for such farms.

(c) *General Soil-Depleting Crops.*—An average of $7.10 per acre for the entire county, varied according to the productivity of land used for general soil-depleting crops on the farms in the county (rounded to the nearest ten cents for each farm) on a number of acres equal to the difference between the allotted acreage of general soil-depleting crops and the general soil-depleting base for the farm. For farms on which crops in the general soil-depleting base normally are grown in excess of the home-consumption needs of the farm on an acreage equal to 15 percent or more of such base, the allotted acreage of general soil-depleting crops shall not be less in the aggregate than 85 percent of the general soil-depleting bases for such farms. On other farms, the allotted acreage of general soil-depleting crops shall be not less than the general soil-depleting base for the farm. The allotted acreage of general soil-depleting crops on any farm may be larger than the general soil-depleting base, if the County Committee finds that such allotted acreage is required to produce food and feed crops needed for home consumption on the farm or to replace a shortage of feed on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

(d) *Soil-Conserving Crops.*—

(1) For farms having a cotton or tobacco soil-depleting base, or on which the allotted acreage of general crops is less than the general soil-depleting base, $1.00 for each acre of soil-conserving crops specified in the farming plan established for the farm, provided that this part of the allowance for any such farm shall not be less than $10.00.

(2) For farms having no cotton or tobacco soil-depleting base, and having a general soil-depleting base of 20 acres or less and on which the allotted acreage of general soil-depleting crops is as large as the general soil-depleting base for the farm, 75 cents per acre of cropland in the farm; provided that this part of the allowance for any such farm shall not be less than $20.00.

(e) *Commercial Vegetables.*—$1.00 for each acre on which only one crop of commercial vegetables was grown in 1936. $2.00 for each acre on which two or more crops of commercial vegetables were grown in 1936.

(f) *Food and Feed Production to Meet Home Consumption Needs.*—$10.00 for any farm on which the County Committee finds that there normally has not been made provision for a garden and a milk cow to produce sufficient products for home consumption needs of the family of any producer on such farm and for which the established farming plan makes provision for garden and livestock products for such home consumption needs.

The acreages used in establishing the farm allowance for farms in the county shall not exceed such acreages as shall be established for the county by the Agricultural Adjustment Administration.

SECTION 2. *Establishment of Farming Plan.*—A farming plan will be established for each farm for 1937 upon the recommendation of the County Committee under the supervision and direction of the East Central Division. Such plan will include the following, provided that the provisions of paragraph (d) may be omitted from the plan for any farm:

(a) Growing an acreage of cotton, tobacco, and general soil-depleting crops, respectively, not in excess of the respective allotted acreage for each such crop.

(b) Growing not less than a specified acreage of soil-conserving crops.

(c) Carrying out specified soil-building practices.

(d) Producing food and feed to meet home consumption needs.

The specified acreage of soil-conserving crops and the specified soil-building practices shall be such as will most effectively meet the needs of the farm for soil restoration and conservation and prevention of erosion, taking into consideration the past production of crops, the size of the farm, type of soil, topography, and farming practices.

SECTION 3. *Payment for Carrying Out Established Farming Plan.*—The payment for each farm will be the farm allowance, except that if the farming plan is only partially carried out the payment will be the farm allowance decreased by $1.00 for each point by which the County Committee under the supervision and direction of the East Central Division determines that the farming plan for the farm has not been carried out, and by which any of the soil-building practices specified in the farming plan has been carried out with labor, seed or other materials furnished in whole or in part by any State or Federal agency. For the purpose of determining the number of points by which the farming plan for any farm has not been carried out, each of the following items shall have the value in points shown therefor:

(a) For each acre (or fraction thereof to the nearest tenth acre) of tobacco in excess of the allotted acreage of tobacco for the farm: 40 points.

(b) For each acre (rounded to the nearest whole acre) of cotton or of general soil-depleting crops in excess of the allotted acreage of cotton or general soil-depleting crops, respectively, for the farm: 8 points.

(c) For each acre (rounded to the nearest whole acre) by which the acreage of soil-conserving crops on the farm in 1937 falls below the acreage of soil-conserving crops specified in the farming plan, and for each acre (rounded to the nearest whole acre) on which the seeding of legumes or perennial grasses, growing of green manure crops or cover crops, or subsoiling was specified in the farming plan but on which such practice was not carried out: 2 points.

(d) For each ton of ground limestone (rounded to the nearest ton), for each 400 pounds of 16 percent superphosphate (rounded to the nearest 400 pounds), for each 200 pounds of 50 percent muriate of potash (rounded to the nearest 200 pounds), or their respective equivalents, or for each 500 feet of terrace (rounded to the nearest 500 feet) specified as a soil-building practice in the farming plan for the farm but not carried out: 2 points.

SECTION 4. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of the Guilford County Agricultural Conservation Association all or

such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to the Guilford County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for the number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 5. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 program.

SECTION 6. *Division of Payments.*—The payment with respect to any farm included under an application shall be divided as stated below.

(a) 15 percent to the producer who furnished the land.

(b) 15 percent to the producer who furnished the workstock and equipment, and

(c) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the crops grown on the farm in 1937, or the proceeds thereof.

If the County Committee finds that the payment to each producer on the farm which would result from the above method does not accurately measure the contribution of such producer toward carrying out the farming plan, the payment with respect to the farm may be divided upon the basis of agreement of all producers on the farm.

SECTION 7. *Applicability to Farms Under Other Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

*Part II. Classification of Crops*

Farm land, when devoted to the crops and used as indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field corn, sweet corn, and popcorn).

(b) Cotton.

(c) Tobacco.

(d) Peanuts harvested for nuts.

(e) Broom corn.

(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(g) Sorghum, when harvested.

(h) Small grains; wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.

(i) Annual grasses; Sudan, millet, and Italian rye grass, harvested for hay or seed.

(j) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.

(c) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.

(d) Peanuts, when pastured.

(e) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.

(f) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land.

(h) Forest trees, planted on cropland since January 1, 1934.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided the legume occupies at least one-half of the land and attains a good growth.

(b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(c) Acreage of legumes or of a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(d) Acreage of the crops listed in subsection (b) of section 4 of part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted (any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop).

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

*Part III. Establishment of Bases*

SECTION 1. *Recommendation of Bases.—Soil-depleting* bases for cotton, tobacco, and general soil-depleting crops and a base yield per acre for cotton and tobacco and a rate of payment for diversion from the general soil-depleting base for each farm shall be recommended by the County Committee. The County Committee shall make a recommendation for each farm which is fair and reasonable for such farm as compared with other farms in the county which are similar with respect to the past production of crops, size, type of soil, production facilities, and farming practices. The committee, in making its recommendations, shall take into consideration the bases previously established for such farms under commodity adjustment programs and under the 1936 Agricultural Conservation Program, and shall, insofar as possible, recommend such bases as will result in systems of farming consistent with soil conservation, erosion control, and economic use of farm land and other soil resources.



SECTION 2. *Limits of Bases.*—The general soil-depleting bases, the cotton soil-depleting bases, and the tobacco soil-depleting bases, respectively, established for all farms participating in the 1937 Program in Guilford County shall not exceed the acreage for each such soil-depleting base which is established for such farms in the county by the Agricultural Adjustment Administration.

The total of the cotton or tobacco bases established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in the county as shall be obtained by downward adjustment of the respective soil-depleting bases or base acreages previously established for other farms in the county except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton and tobacco for all farms for which soil-depleting bases are established in Guilford County shall not exceed the respective rate per acre or base yield established for such crop(s) for the county by the Agricultural Adjustment Administration.

*Part IV. Miscellaneous Provisions*

SECTION 1. *Land To Be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, operator, share-tenant, or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or of the proceeds therefrom.

(c) A farm shall be regarded as being in Guilford County if the principal dwelling on such farm is located in such county, or, in case there is no dwelling on such farm, if the major portion of the farm is located in such county.

(d) Any person who files an application for payment in Guilford County shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person shall also file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm in Guilford County, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association, shall become a member of such association whenever any form or information required in connection with the 1937 Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in one or more other counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program (herein referred to as the 1937 Program) in Guilford County, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*East Central Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Program in the East Central Region.

*Guilford County* means the area included in Guilford County, North Carolina, designated to operate under Special Program as provided in section 8, part I of ECR—B–101, North Carolina.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for the State of North Carolina to assist in the administration of the 1937 Program.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for Guilford County to assist in the administration of the 1937 Program.

*Person* means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or a fixed commodity payment; and shall include a person who rents land from another for cash or a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of the crops worked by him or the proceeds thereof.

*Share-tenant* means a person, other than an owner or share-cropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, operator, share-tenant or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton and tobacco.

*Allotted acreage* means that acreage of cotton, tobacco, or general soil-depleting crops, respectively, recommended by the County Committee, for any farm in connection with the 1937 Program.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with workstock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

*Farm allowance* means the amount for any farm that may be obtained by carrying out the farm plan recommended by the County Committee.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 10th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-713; Filed, March 11, 1937; 12:51 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 32]

AMENDATORY REGULATION NO. 4 OF THE REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES MADE PURSUANT TO THE ACT OF CONGRESS APPROVED JANUARY 29, 1937.

MARCH 10, 1937.

Subparagraph (g) of paragraph 5 of the regulations dated February 2, 1937, as amended, is hereby amended to read as follows:

(g) To applicants who are occupants of the same farm or plantation, or are tenants of the same landlord in any one county (with the exception of tenants on land the title of which is vested directly in the United States, or of any State or municipal government, or of any drainage district), in an aggregate amount which (inclusive of all emergency loans theretofore made to them, or any of them, pursuant to the Act of Congress approved January 29, 1937, exceeds the sum of $1,000; provided, however, that in the area hereinafter designated no such loan will be made to applicants such as are described in this subparagraph (g) in an aggregate amount which (inclusive of all emergency loans aforesaid) exceeds the sum of $2,500:

North Dakota.
South Dakota.
Nebraska.
Kansas.
Oklahoma.
Montana—Counties as follows: Big Horn, Blaine, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Liberty, McCone, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.
Texas—Counties as follows: Archer, Armstrong, Baylor, Borden, Briscoe, Callahan, Carson, Childress, Clay, Collingsworth, Cooke, Cottle, Crosby, Dallam, Dickens, Donley, Eastland, Erath, Fisher, Floyd, Foard, Garza, Gray, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Howard, Hutchinson, Jack, Jones, Kent, King, Knox, Lipscombe, Mitchell, Montague, Moore, Motley, Noland, Ochiltree, Oldham, Palo Pinto, Parker, Potter, Randall, Roberts, Scurry, Shackelford, Sherman, Deaf Smith, Stephens, Stonewall, Taylor, Throckmorton, Wheeler, Wichita, Wilbarger, Wise, Young.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-706; Filed, March 11, 1937; 11:45 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

[Project No. 16]

IN RE LICENSE ISSUED TO THE NIAGARA FALLS POWER COMPANY

ORDER POSTPONING AND ENLARGING REHEARING

The following order was adopted:

Upon further consideration of the pending application of The Niagara Falls Power Company for amendment of license for project No. 16 so as to include the diversion and use of 275 c. f. s. of water through said project,

It is ordered:

(1) That the purpose of the hearing set by the order of the Commission adopted February 9, 1937, be enlarged to include the investigation of the following questions: (a) Whether or not the plans of the applicant for the use of the 275 c. f. s. of water applied for through existing licensed project works and in connection with its use of 19,725 c. f. s. already under license are best adapted to the most comprehensive plan for improving or developing the Niagara River for the use or benefit of interstate or foreign commerce and for the improvement and utilization of water power development of that river, and for other beneficial public uses, including recreational purposes; (b) Whether or not said plans are best adapted to develop, conserve, and utilize in the public interest the navigation and water-power resources of the region; (c) The bearing on (a) and (b), above, of the applicant's stock ownership, intercorporate relationships, and affiliations; and, (d) Such other matters as may be necessary to enable the Commission to pass upon said application for amendment;

(2) That said hearing be postponed from March 17th to Tuesday, May 11, 1937.

Adopted by the Commission on March 9, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-705; Filed, March 11, 1937; 9:55 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-SHELL-MCCAUGHTRY FARM, FILED ON FEBRUARY 16, 1937, BY W. R. CURRY, RESPPONDENT

ORDER TERMINATING PROCEEDING AFTER EXPLANATION

The Securities and Exchange Commission, having received an explanation of the matters alleged as constituting the grounds for the suspension of the effectiveness of the filing of the offering sheet described in the title hereof, which order was entered on February 23, 1937;

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-712; Filed, March 11, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of March, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-HAUCH FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is complete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from the heading of the schedule;

(2) In that the words "or disapproved" are not included in Division I, paragraph 2;

(3) In that the answer to Division II, Item 3 (c) (iv), does not disclose the place where the rental is payable;

(4) In that the statement made under Division II, Item 9, is not responsive to the question and is, therefore, inaccurate by virtue of the fact that the copy of case-drill structure map is not included;

(5) In that the name of the railroad is omitted from the information required by Division II, Item 10 (d);

(6) In that the text required to be set forth following Division II, Item 11, is omitted;

(7) In that the information required by the question asked under Division II, Item 15, is nonresponsive. It is, therefore, inaccurate and might be misleading;

(8) In that Division II, Item 18 (b), does not clearly set forth the terms and conditions under which the funds are to be impounded and might, therefore, be misleading;

(9) In that the plat attached to the offering sheet, which should be designated "Exhibit A", is inaccurate in the following particulars:

(a) lease boundaries not clearly designated;
(b) operators' names omitted;
(c) area surrounding lease boundaries to ⅛ of a mile is not shown in detail;

(10) In that a proposed instrument of conveyance, required by Exhibit B, is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-707; Filed, March 11, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-NELSON FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from the heading of the schedule;

(2) In that the words "or disapproved" are not included in Division I, paragraph 2;

(3) In that the answer to Division II, Item 3 (c) (iv), does not disclose the place where the rental is payable;

(4) In that the statement made under Division II, Item 9, is not responsive to the question and is, therefore, inaccurate by virtue of the fact that the copy of case-drill structure map is not included;

(5) In that the name of the railroad is omitted from the information required by Division II, Item 10 (d);

(6) In that the text required to be set forth following Division II, Item 11, is omitted;

(7) In that the information required by the question asked under Division II, Item 15, is nonresponsive. It is, therefore, inaccurate and might be misleading;

(8) In that Division II, Item 18 (b), does not clearly set forth the terms and conditions under which the funds are to be impounded and might, therefore, be misleading;

(9) In that the plat attached to the offering sheet, which should be designated "Exhibit A", is inaccurate in the following particulars:

(a) lease boundaries not clearly designated;
(b) operators' names omitted;
(c) area surrounding lease boundaries to ⅛ of a mile is not shown in detail;

(10) In that a proposed instrument of conveyance, required by Exhibit B, is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-711; Filed, March 11, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-RAWSON FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from the heading of the schedule;

(2) In that the words "or disapproved" are not included in Division I, paragraph 2;

(3) In that the answer to Division II, Item 3 (c) (iv), does not disclose the place where the rental is payable;

(4) In that the statement made under Division II, Item 9, is not responsive to the question and is, therefore, inaccurate by virtue of the fact that the copy of case-drill structure map is not included;

(5) In that the name of the railroad is omitted from the information required by Division II, Item 10 (d);

(6) In that the text required to be set forth following Division II, Item 11, is omitted;

(7) In that the information required by the question asked under Division II, Item 15, is nonresponsive. It is, therefore, inaccurate and might be misleading;

(8) In that Division II, Item 18 (b), does not clearly set forth the terms and conditions under which the funds are to be impounded and might, therefore, be misleading;

(9) In that the plat attached to the offering sheet, which should be designated "Exhibit A", is inaccurate in the following particulars:

(a) lease boundaries not clearly designated;
(b) operators' names omitted;
(c) area surrounding lease boundaries to ⅛ of a mile is not shown in detail;

(10) In that a proposed instrument of conveyance, required by Exhibit B, is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*

[F. R. Doc. 37-710; Filed, March 11, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WAMHOFF-MUSE (80-ACRE TRACT) FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefor alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from the heading of the schedule;

(2) In that the words "or disapproved" are not included in Division I, paragraph 2;

(3) In that the answer to Division II, Item 3 (c) (iv), does not disclose the place where the rental is payable;

(4) In that the statement made under Division II, Item 9, is not responsive to the question and is, therefore, inaccurate by virtue of the fact that the copy of case-drill structure map is not included;

(5) In that the name of the railroad is omitted from the information required by Division II, Item 10 (d);

(6) In that the text required to be set forth following Division II, Item 11, is omitted;

(7) In that the information required by the question asked under Division II, Item 15, is nonresponsive. It is, therefore, inaccurate and might be misleading;

(8) In that Division II, Item 18 (b), does not clearly set forth the terms and conditions under which the funds are to be impounded and might, therefore, be misleading;

(9) In that the plat attached to the offering sheet, which should be designated "Exhibit A", is inaccurate in the following particulars:

(a) lease boundaries not clearly designated;
(b) operators' names omitted;
(c) area surrounding lease boundaries to ⅛ of a mile is not shown in detail;

(10) In that a proposed instrument of conveyance, required by Exhibit B, is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-708; Filed, March 11, 1937; 12: 47 p. m]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WAMHOFF-MUSE (160-ACRE TRACT) FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name is omitted from the heading of the schedule;

(2) In that the words "or disapproved" are not included in Division I, paragraph 2;

(3) In that the answer to Division II, Item 3 (c) (iv), does not disclose the place where the rental is payable.

(4) In that the statement made under Division II, Item 9, is not responsive to the question and is, therefore, inaccurate by virtue of the fact that the copy of case-drill structure map is not included;

(5) In that the name of the railroad is omitted from the information required by Division II, Item 10 (d);

(6) In that the text required to be set forth following Division II, Item 11, is omitted;

(7) In that the information required by the question asked under Division II, Item 15, is nonresponsive. It is, therefore, inaccurate and might be misleading;

(8) In that Division II, Item 18 (b), does not clearly set forth the terms and conditions under which the funds are to be impounded and might, therefore, be misleading;

(9) In that the plat attached to the offering sheet, which should be designated "Exhibit A", is inaccurate in the following particulars:

(a) lease boundaries not clearly designated;
(b) operators' names omitted;
(c) area surrounding lease boundaries to ⅛ of a mile is not shown in detail;

(10) In that a proposed instrument of conveyance, required by Exhibit B, is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-709; Filed, March 11, 1937; 12:47 p. m.]



*Saturday, March 13, 1937* *No. 49*

## DEPARTMENT OF THE INTERIOR.

### National Park Service.

SHENANDOAH NATIONAL PARK

LOCAL SUBSIDIARY REGULATIONS

The following subsidiary regulations, issued under the authority of the Rules and Regulations approved by the Secretary of the Interior, June 18, 1936 (1 F. R. 790), have been recommended by the superintendent and approved by the Director of the National Park Service, and are in force and effect within the boundaries of the Shenandoah National Park.

FISHING.—All waters within the boundaries of the park on the western slope of the Blue Ridge Mountains are closed to fishing.

*Open season.*—April 15 to June 30, inclusive. No fishing will be permitted between sunset and sunrise.

*Restriction as to use of bait.*—Fishing is permitted only with artificial bait with but one hook. Two artificial flies may be attached to the leader if desired. The use of other than artificial bait is prohibited.

*Size limit.*—The size limit shall be the same as that provided by the Virginia law.

*Limit of catch.*—The maximum catch in any one day and the maximum number in possession of any one person shall be 20 fish of any or all species, including undersized fish retained because seriously injured.

*Fishing license.*—The park as such does not charge for fishing license, but persons fishing in the park must have State fishing licenses issued by the State of Virginia.

Approved: MARCH 6, 1937.

[SEAL] ARNO B. CAMMERER,
*Director, National Park Service.*

[F. R. Doc. 37-715; Filed, March 12, 1937; 9:49 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-45 O-45]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF TOMATOES GROWN IN COUNTIES OF HIDALGO, CAMERON, AND WILLACY IN STATE OF TEXAS

Whereas, under the Agricultural Adjustment Act, as amended, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of Title I of the Agricultural Adjustment Act, as amended, with respect to tomatoes grown in the State of Texas;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing on a proposed marketing agreement and a proposed order regulating the handling of tomatoes grown in the counties of Hidalgo, Cameron, and Willacy in the State of Texas to be held in the Chamber of Commerce Building, Mercedes, Texas, on March 23, 1937 at 9:30 a. m.

The proposed marketing agreement and order provide for the regulation of the handling of tomatoes produced in the area stated, and, among other things, provision is made for: (a) the establishment of a Control Board, (b) the regulation of shipments of tomatoes by grades and sizes, (c) prohibition of shipments of tomatoes for limited periods, and (d) assessments for expenses of administration.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

It is hereby declared that an emergency exists in the handling of tomatoes in the aforesaid area, which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and the proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated: March 12, 1937.

[F. R. Doc. 37-722; Filed, March 12, 1937; 12:42 p. m.]

### Bureau of Animal Industry.

[Amendment 5 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Butte, March 1, 1940; Imperial, March 1, 1940; Riverside, March 1, 1940; San Bernardino, March 1, 1940.
Maryland: Dorchester, March 1, 1940; Federick, March 1, 1940; Montgomery, March 1, 1940; Somerset, March 1, 1940.
New York: Onondaga, March 1, 1940.
Puerto Rico: Canovanas, March 1, 1940; Laspiedras, March 1, 1940.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Colorado: Dolores, March 1, 1940; Montezuma, March 1, 1940.
Florida: Cadsden, March 1, 1940; Monroe, March 1, 1940.
Georgia: Jackson, March 1, 1940; Stephens, March 1, 1940.
Idaho: Cassia, March 1, 1940; Minidoka, March 1, 1940.
Illinois: Edgar, March 1, 1940.
Kansas: Leavenworth, March 1, 1940; Stafford, March 1, 1940.
Kentucky: Bracken, March 1, 1940; Lyon, March 1, 1940.
Maine: Knox, March 1, 1940; Lincoln, March 1, 1940.
Michigan: Bay, March 1, 1940.
Minnesota: Cottonwood, March 1, 1940; Lincoln, March 1, 1940; Olmsted, March 1, 1940.
New Jersey: Gloucester, March 1, 1940.
North Carolina: Moore, March 1, 1940.
Tennessee: Lewis, March 1, 1940; Obion, March 1, 1940; Van Buren, March 1, 1940.
Virginia: Fluvanna, March 1, 1940; Nansemond, March 1, 1940; Richmond, March 1, 1940.
Washington: Columbia, March 1, 1940.
West Virginia: Cabell, March 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

J. R. MOHLER,
*Chief of Bureau.*

[F. R. Doc. 37-723; Filed, March 12, 1937; 12:42 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Lighthouses.

REGULATIONS FOR LIGHTING BRIDGES OVER NAVIGABLE WATERS; ALSO FOR LIGHTS ON SHEER BOOMS, PIERS, DAMS, AND SIMILAR OBSTRUCTIONS TO NAVIGATION

FEBRUARY 25, 1937.

The regulations published herewith supersede all previous editions.

1. *Law requiring lighting of bridges.*—All parties owning, occupying, or operating bridges over any navigable river shall maintain at their own expense, from sunset to sunrise, throughout the year, such lights on their bridges as may be required by the Commissioner of Lighthouses for the security of navigation; and, in addition thereto, all persons owning, occupying, or operating any bridge over any navigable river, shall, in any event, maintain all lights on their bridge that may be necessary for the security of navigation. (Act Aug. 7, 1882, 22 Stat. 309; Sec. 6, Act June 17, 1910, 36 Stat. 538.)

2. *Congressional authority for construction of bridges.*—That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: * * *. (Act of Mar. 3, 1899, sec. 9, 30 Stat. 1151.)

Lights on bridges under construction are prescribed by the Chief of Engineers; after completion these regulations prescribed by the Commissioner of Lighthouses will apply.

3. *Secretary of Commerce to prescribe lights.*—That when, hereafter, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, * * * the persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Commerce shall prescribe. * * *. (Act of Mar. 23, 1906, 34 Stat. 84 and 85.)

4. *Penalty for failure to maintain lights.*—Any person, firm, company, or corporation required by law to maintain a light or lights upon any bridge or abutments over or in any navigable waters who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same, shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of *one hundred dollars* for each offense, and each day during which such violation shall continue shall be considered as a new offense. (Act May 14, 1908, sec. 5, 35 Stat. 162.)

5. *Interference with bridge lights.*—Any person willfully obstructing or interfering with any of the lights covered by these regulations is subject to the fine provided by section 6 of the act of May 14, 1908, of not exceeding the sum of *five hundred dollars* for each offense, and each day during which such violation shall continue shall be considered as a new offense.

6. *Law requiring lighting of dams, etc.*—Persons owning or operating any dam or accessory works across navigable waters shall maintain at their own expense such lights and other signals thereon as the Secretary of Commerce shall prescribe, and for failure so to do in any respect shall be deemed guilty of a misdemeanor and subject to a fine of not less than five hundred dollars, and each month of such failure shall constitute a separate offense and subject such persons to additional penalties therefor. (Substance of act June 23, 1910, 36 Stat. 594.)

7. These regulations apply also to bridges over artificially made waterways, such as canals, constructed in accordance with the provisions of the act of March 23, 1906. (34 Stat. 84 and 85.)

8. When the Engineer Department of the War Department has issued a regulation to the effect that owners or tenders of bridges shall toll a bell or operate some other approved sounding device as a signal to vessels during fog that the draw span is open, the Superintendent of Lighthouses shall pass upon the size, weight, tone, and characteristic of the bell, or the efficiency and characteristic of any other prescribed signal.

9. *All bridge lights* required by these regulations shall be securely attached, and shall be visible on a dark night with a clear atmosphere at least 1 nautical mile, or about 2,000 yards and shall be located as prescribed by the Commissioner of Lighthouses with colors and arcs of illumination as specified, using oil or other suitable lamps except on electrically lighted bridges, where electric lights shall be used. All lights are to be of such power as, in the opinion of the Commissioner of Lighthouses is required for the safety of navigation and in no case less than furnished by a pressed Fresnel lens, 6⅞ inches inside diameter by 6½ inches clear height of opening with a one inch flat wick for oil lamps, or with a 50-watt clear electric lamp bulb. The color characteristic must be imparted to the light in such manner as not to unduly diminish the light transmitted, as compared with the best practice.

10. *Mid-channel lights* on fixed spans shall be green, shown from a green lens or a white lens with a green panel, and channel side lights shall be red.

11. *Draw-span lanterns* of drawbridges shall be constructed with a 360° white lens, using red disks or panels to be set in two opposite sides and green disks or panels to be set in the intermediate sides, or with red and green lenses instead of the foregoing. The light from each disk, panel, or lens is to cover approximately 60 degrees of the horizon and not more.

12. *Lift-bridge lanterns* shall be constructed either with a white lens, using red and green panels or with red and green lenses, in such manner as each case may require. In the case of lanterns with both red and green lenses the angular width of the lens shall be approximately 60 degrees but not more.

13. *Pier lights* on all bridges shall be shown from a red 180-degree (half-round) lens. The arc of illumination shall be 180 degrees, or one-half of the horizon. Protection piers or dolphins shall be lighted where necessary.

14. *Lights on sheer booms*, isolated piers, dams, and obstructions shall be shown from red 360-degree lenses. The arc of illumination shall be 360 degrees. As many lights shall be used as may be deemed necessary by the Superintendent of Lighthouses, with the approval of the Commissioner of Lighthouses.

15. *Obstructions to aviation.*—Where, in the opinion of the Commissioner of Lighthouses, the bridge superstructure is such as to constitute an obstruction to aerial navigation, special lighting of obstructions may be required. The Commissioner of Lighthouses will determine and advise the nature of lighting required in each such case.

16. *Seasons of navigation.*—In cases of closed seasons of navigation, lights on bridges and other structures must be exhibited from sunset to sunrise at all times when vessels can enter ports or are navigating in the vicinity.

17. *Bridges infrequently used, and unusual cases.*—Draw and lift bridges over minor streams which are not opened more frequently than four times between sunset and sunrise in any one week, and fixed bridges over such streams, may, on the recommendation of the proper Superintendent of Lighthouses, with the approval of the Commissioner of Lighthouses, be exempted from the other provisions of these regulations, provided that all persons owning, occupying, or operating any such bridges shall maintain such lights on their bridges as may, in the opinion of the Superintendent of Lighthouses be necessary for the security of navigation. The manner of lighting structures not covered by the foregoing rules shall be referred to the Commissioner of Lighthouses through the proper Superintendent of Lighthouses. In special or unusual cases the Commissioner of Lighthouses may, in his discretion, if satisfied that the safety of navigation is adequately protected, waive or modify these regulations, or exempt bridges from their operation.

18. *Bridges crossing channels obliquely.*—Bridges crossing a body of water at an angle other than 90 degrees with the axis of the channel must be lighted in accordance with these regulations, with such modifications as are necessary in each particular case.

19. *Stops for draws.*—The attention of the owners or operators of drawbridges is called to the importance of providing stops to prevent draws from rotating beyond the proper point, thus obstructing the opening and endangering the safety of navigation.

20. *Enforcing Officers.*—The Superintendents of Lighthouses have immediate authority over lighting of structures in their respective districts and are charged with the enforcement of these regulations.

A copy of these regulations will be sent free of charge to any shipmaster, pilot, or bridge owner on application to the Division of Publications, Department of Commerce, Washington, D. C.

[SEAL] H. D. KING,
*Commissioner of Lighthouses.*

Approved:

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-719; Filed, March 12, 1937; 11:03 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTIONS FROM COMPLIANCE WITH RADIOTELEGRAPH INSTALLATION REQUIREMENT OF SAFETY OF LIFE AT SEA CONVENTION

In a regular meeting of the Telegraph Division of the Federal Communications Commission, on March 9, 1937:

*Whereas*, There has been filed with the Federal Communications Commission an application by the Puget Sound Navigation Company for exemption, pursuant to the provisions of Article 28 of the Safety of Life at Sea Convention, from the requirement of a radiotelegraph installation as specified in Article 27 of the Convention, for the following vessels and voyages:

1. The S. S. *Iroquois* and S. S. *Olympic* for international voyages between Seattle, Washington, and Victoria, B. C., via Port Townsend and Port Angeles.

2. The S. S. *Quilcene*, S. S. *City of Angeles*, and S. S. *Rosario* for international voyages between Anacortes, Washington and Sydney, B. C., via Friday Harbor, San Juan Island, and Orcas, Orcas Island; and

*Whereas*, The voyages in question are within the class of voyages for which an exemption from the requirement for a radiotelegraph installation, as specified in Article 27 of the Safety of Life at Sea Convention, may be granted under Article 28 of the Convention; and

*Whereas*, Although from the facts stated in the application and the preliminary investigation of the Commission, it appears that the requirement of a radiotelegraph installation would be unreasonable and unnecessary in so far as the voyages in question are concerned, nevertheless the Commission desires to further consider the matter and to afford an opportunity for any person having information bearing upon the route or conditions of the said voyages to present that information to the Commission; and

*It further appearing* that it is in the public interest that voyages on the route in question should not be interrupted and that the applicant would be subjected to undue hardship if it were required to install radiotelegraph installations pending final determination of the issues involved, the Commission finds that to require the vessels concerned to be equipped with radiotelegraph installations pending final determination by the Commission of the character of the route and conditions of the voyages in question, would be unreasonable and unnecessary.

*It is ordered*, That the vessels concerned shall be exempt from compliance with the radiotelegraph installation requirement of Article 27 of the Safety of Life at Sea Convention pending further order of the Commission and in any event for a period not exceeding 60 days from the date of this order.

Dated this 9th day of March, 1937.

By order of the Commission, Telegraph Division.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-718; Filed, March 12, 1937; 10:51 a. m.]

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APPROVAL OF ANNUAL REPORT FORM H

The Commission, at a General Session on December 2, 1936, approved the Annual Report Form H [1] and Statistical Circular No. 1, as revised, for holding companies for the year 1936.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-716; Filed, March 12, 1937; 10:51 a. m.]

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APPROVAL OF ANNUAL REPORT FORM M

The Telephone Division at its regular meeting on December 2, 1936, approved the Annual Report Form M [1] for telephone carriers for the year 1936, as revised.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-717; Filed, March 12, 1937; 10:51 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

NOTICE

POSTING OF TARIFFS, SCHEDULES OF MINIMUM CHARGES, AND CONTRACTS

MARCH 9, 1937.

*To All Motor Carriers Subject to Sections 217 and 218 of the Motor Carrier Act, 1935:*

Numerous complaints have been made that motor carriers do not post and keep their tariffs, schedules of minimum charges, or copies of contracts stating rates and charges open to public inspection as required by Sections 217 and 218 of the Motor Carrier Act, 1935, and the Commission's regulations issued under the authority of those sections.

It is unlawful to withhold posting a publication until its published effective date.

Each such publication must be posted at each point required by Rule 6 of the tariff circular in time to give the notice required by the law. For example, if a carrier files a tariff or supplement thereto with the Commission, which tariff or supplement is to take effect on thirty days' notice, copy of that tariff or supplement must be posted and kept open to public inspection at least thirty days prior to the effective date. The publications referred to above should be placed in the custody of an authorized employee of the carrier who must keep them in a complete and readily accessible form so that anyone (competitors, shippers and others) may examine them without assigning any reason for so doing.

Carriers whose tariffs are issued by tariff publishing agents or by other carriers must see to it that they are furnished copies of such tariffs and all supplements thereto in time to permit the posting thereof in accordance with the requirements of the law.

Carriers failing to comply with the requirements of the Motor Carrier Act, 1935, and the Commission's regulations as to posting and keeping their publications open to public inspection will be subject to prosecution.

[SEAL] GEORGE W. LAIRD,
*Acting Secretary.*

[F. R. Doc. 37-721; Filed, March 12, 1937; 11:55 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1937.

IN THE MATTER OF WASHINGTON GAS AND ELECTRIC COMPANY

[File No. 46-35]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by Washington Gas and Electric Company, a registered holding company and a subsidiary of the North American Gas and Electric Company, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition of 860 shares of common stock, being 100% of all stock issued and outstanding of the Columbia Electric Development Company, owned by Longview Fibre Company; said applicant being lessee of the property of the issuer of the securities in question;

It is ordered that a hearing on such matter be held on March 30, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 25, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-720; Filed, March 12, 1937; 11:53 a. m.]

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[1] Filed with Division of the Federal Register, The National Archives; copies available upon application to Federal Communications Commission.



*Tuesday, March 16, 1937* *No. 50*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

LIMITING THE IMPORTATION OF RED CEDAR SHINGLES FROM CANADA

WHEREAS section 811 of the Revenue Act of 1936 (49 Stat. 1746) provides, in part, as follows:

"Whenever any organization or association representing the producers of more than 75 per centum of the red cedar shingles produced in the United States during the previous half-year period shall request the President to limit the importation of red cedar shingles from Canada under paragraph 1760 of the reciprocal trade agreement entered into with the Dominion of Canada under date of November 15, 1935, and the President finds from available statistics that the total quantity of red cedar shingles produced in the Dominion of Canada which is entered, or withdrawn from warehouse, for consumption in the United States, during any given half of any calendar year exceeds or will exceed 25 per centum of the combined total of the shipments of red cedar shingles by producers in the United States and the imports during the preceding half year, the President shall issue an order limiting for the six months immediately following the half of the calendar year in which said excess occurred, the quantity of red cedar shingles to be imported from Canada to 25 per centum of the combined total of the shipments and imports of red cedar shingles for such preceding half calendar year.";

WHEREAS the United States Red Cedar Shingle Industry, Inc., has requested me to limit the importation of red cedar shingles from Canada in accordance with the foregoing statutory provision;

WHEREAS I find that the United States Red Cedar Shingle Industry, Inc., represents the producers of more than 75 per centum of the red cedar shingles produced in the United States during the last six months of the calendar year 1936;

AND WHEREAS I find from available statistics that the total quantity of red cedar shingles produced in the Dominion of Canada which was entered, or withdrawn from warehouse, for consumption in the United States during the last six months of the calendar year 1936 exceeded 25 per centum of the combined total of the shipments of red cedar shingles by producers in the United States and the imports during the first six months of the calendar year 1936:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the aforementioned statutory provision it is hereby ordered that the quantity of red cedar shingles imported from Canada which may be admitted to entry during the first six months of the calendar year 1937 shall be limited to 1,048,262 squares, which quantity is equivalent to 25 per centum of the combined total of the shipments and imports of red cedar shingles for the last six months of the calendar year 1936.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 13, 1937.*

[No. 7575]

[F. R. Doc. 37-734; Filed, March 15, 1937; 11:57 a. m.]

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## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 48858]

CUSTOMS REGULATIONS AMENDED—CERTIFIED DUPLICATE MANIFEST

CUSTOMS REGULATIONS OF 1931, RELATING TO RECORD OF DISPOSITION AND RETURN OF DISCHARGE OF CARGO, AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 161, Revised Statutes (U. S. C., title 5, sec. 22) and in section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), articles 146 and 1335 of the Customs Regulations of 1931, are hereby amended as follows:

Article 146 (a) is amended by adding after the words "on the" in line three, the words "certified duplicate", and in line nine after the word "The", the words "certified duplicate".

Article 1335 (a) is amended by deleting the first sentence in the paragraph and inserting the following in lieu thereof:

After entry of a vessel at the customhouse the collector will retain the original manifest and send the certified duplicate manifest to the surveyor, or, if there be no surveyor, to the discharging inspector of such vessel. (See article 104.)

Article 1335 (a) is further amended by adding after the word "The" in line fourteen, the words "certified duplicate."

Article 1335 (b) is amended by adding after the first "the" in line three, the words "certified duplicate".

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved March 9, 1937

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-735; Filed, March 15, 1937; 12:11 p. m.]

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[T. D. 48859]

AIRPORTS OF ENTRY

CERTAIN AIRPORTS DESIGNATED AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named airports are hereby designated as airports of entry for the landing of aircraft from foreign countries, effective on the dates indicated:

| Name | Location | Date of designation |
|---|---|---|
| Roosevelt Flying Service Base (Currie Common Park). | West Palm Beach, Fla. | March 10, 1937 |
| Put-in-Bay Airport | Put-in-Bay, Ohio | March 12, 1937 |

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved March 11, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-736; Filed, March 15, 1937; 12:11 p. m.]

[T. D. 48861]

CUSTOMS FRAUDS—EXECUTIVE AGREEMENT

AGREEMENT BETWEEN THE UNITED STATES AND FRANCE CONCERNING THE SUPPRESSION OF CUSTOMS FRAUDS

MARCH 11, 1937.

*Collectors of Customs and Others Concerned:*

By exchange of notes effected at Paris on December 12, 1936, the United States and France entered into the following reciprocal agreement concerning cooperation between the Customs Services of the respective countries, to become effective December 15, 1936:

ARTICLE I. The Customs Administration of the United States of America and the French Customs Administration shall promptly communicate to each other all information at any time in their possession concerning imports and exports which might facilitate the suppression of smuggling or fraud in the other country.

ARTICLE II. Concerning direct or indirect shipments of merchandise between the United States of America or its possessions and France or its possessions, each of the Administrations concerned shall send directly to the other, upon the latter's written request, all information which may be gathered from documents in its possession (entries, registration records, declarations, and other customs documents). Such documents, or duly authenticated or certified copies thereof, may be used as evidence in proceedings or prosecutions in the courts.

ARTICLE III. The appropriate officers of the Governments of the United States of America and France, respectively, shall furnish upon request to duly authorized officers of the other Government information concerning clearances of vessels or the transportation of cargoes, when the importation or exportation of any of the cargo carried is prohibited, restricted, or subject to the payment of duties or other exactions, or when the requesting officers suspect that the owners or persons in possession of any of the cargo intend to violate the laws of the requesting Government in respect of such cargo.

ARTICLE IV. It is agreed that the customs and other administrative officials of the Government of the United States of America and France, respectively, shall upon request of the competent authorities of one Government made of the competent authorities of the other Government, be directed to attend as witnesses and to produce such available records and files, or duly authenticated or certified copies thereof, as may be considered essential to the trial of civil or criminal cases in the courts of the country on whose behalf the request was made, and as may be produced compatibly with the public interest of the country of which the request was made.

The cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance and other proper expenses involved in the attendance of such witnesses shall be paid by the Government requesting their attendance not later than at the time of their discharge by the court from further attendance at such trial. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be authenticated or certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

Any matter arising in connection with this agreement shall be promptly referred to the Bureau of Customs for such action as may be appropriate.

[SEAL] H. MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 37-737; Filed, March 15, 1937; 12:11 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

[I. C. C. No. 230 [1]]

THE ALASKA RAILROAD

LOCAL PASSENGER TARIFF NO. 195, NAMING ROUND TRIP EXCURSION FARES FROM STATIONS ON THE ALASKA RAILROAD IN ALASKA TO ANCHORAGE, ALASKA, ACCOUNT WINTER SPORTS TOURNAMENT AND FUR RENDEVOUS FEBRUARY 14 TO 23, 1937.

Issued under authority of Rule 52 Interstate Commerce Commission Tariff Circular No. 18-A.

*Issued February 1, 1937.* *Effective February 14, 1937.*

Authority Act March 12, 1914, and Executive Order No. 3861.

Issued by:

O. F. OHLSON,
*General Manager, Anchorage, Alaska.*

GENERAL RULES AND REGULATIONS

1. *Stations from and to which this tariff applies.*—This tariff applies from all Rail Line stations.

This tariff applies only to Anchorage, Alaska.

Conductor picking up passenger at non-agency station will handle passenger to first agency station where ticket must be secured from originating station to final destination.

2. *Dates of sale.*—February 14, 15, 16, 17, 18, 19, and 20, 1937.

3. *Final return limit.*—February 24, 1937.

Return trip to be completed prior to midnight of final limit.

4. *Stopovers.*—Stopovers will not be permitted in either direction.

5. *Tickets.*—Use Form L-14 Round Trip Excursion tickets.

6. *Children.*—Tickets may be sold at one-half the fares named herein for children five years of age and under twelve years of age, sufficient to be added to make fare end in "0" or "5". Children under five years of age will be carried free when accompanied by parent or guardian.

7. *Baggage.*—No baggage will be checked on tickets sold under this tariff.

8. *Tickets nontransferable.*—All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased. Passenger must sign the back of return portion of ticket.

9. *Fares.*—One first class fare for the round trip. First class fares are shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

[F. R. Doc. 37-724; Filed, March 13, 1937; 9:53 a. m.]

## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[Tenth Amendment of General Order No. 229]

PORTS OF PUT-IN-BAY, OHIO, AND WEST PALM BEACH, FLA., FOR THE ENTRY INTO THE UNITED STATES OF ALIENS ARRIVING BY AIRCRAFT

MARCH 12, 1937.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C. Ti. 49, Sec. 177 (d)), the Put-in-Bay Airport, Put-in-Bay, Ohio, and the Roosevelt Flying Service Base, West Palm Beach, Fla., are hereby designated as permanent ports for the entry into the United States of aliens arriving by aircraft.

Subparagraph (a), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended by General Order No. 229, dated December 21, 1935, and amendments thereto, is amended by adding Put-in-Bay, Ohio, Put-in-Bay Airport, after Pembina, N. D., Fort Pembina Airport, and West Palm Beach, Fla., Roosevelt Flying Service Base, after Swanton, Vt., Missisquoi Airport.

Subparagraph (b) of said Paragraph 3 is amended by striking therefrom the following: Put-in-Bay, Ohio, Put-in-Bay Airport, and West Palm Beach, Fla., Roosevelt Flying Service Base.

[SEAL] FRANCES PERKINS, *Secretary.*

Approval recommended:
I. F. WIXON,
*Deputy Commissioner of Immigration and Naturalization.*

[F. R. Doc. 37-733; Filed, March 15, 1937; 11:41 a. m.]

[1] No supplement will be issued to this tariff except for the purpose of cancelling the tariff.



## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

BIDDING AT FORECLOSURE SALES—DEFICIENCY JUDGMENTS—DEEDS IN LIEU OF FORECLOSURE

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129), as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 605 (a) (1) of Chapter VI of the Consolidated Manual as adopted by the Board February 10, 1937 and as published in the FEDERAL REGISTER March 4, 1937, identified as F. R. Doc. 37-626, be amended to read as follows:

If it is found that there is not a wilful default and that there is no reasonable prospect of realizing on a judgment against the maker or makers and the expenses incident to obtaining judgment and servicing it is not justified, it shall be directed that after the security is subjected to the lien and after the expiration of any redemption period the remainder of the claim shall be written off the books as a bad debt.

Adopted by the Federal Home Loan Bank Board on March 12th, 1937.

[SEAL] H. R. TOWNSEND,
*Assistant Secretary.*

[F. R. Doc. 37-738; Filed, March 15, 1937; 12:22 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3057]

IN THE MATTER OF AMERICAN MUSHROOM INDUSTRIES, LTD.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, March 19, 1937, at two o'clock in the afternoon of that day (eastern standard time), in Room 424, Federal Trade Commission Office, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-732; Filed, March 15, 1937; 10:49 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2892]

IN THE MATTER OF WILLARD F. MAIN, AN INDIVIDUAL, DOING BUSINESS UNDER THE TRADE NAME AND STYLE OF W. F. MAIN COMPANY, THE MACHEN COMPANY, STANDARD MERCANTILE COMPANY, APPLETON NOVELTY COMPANY, AND NEW SPECIALTY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 22, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time) at the Federal Court Room, Court House, San Diego, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-725; Filed, March 13, 1937; 10:12 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2894]

IN THE MATTER OF PRO-KER LABORATORIES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed

to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 29, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in room 500, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-726; Filed, March 13, 1937; 10:12 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2921]

IN THE MATTER OF SAMUEL STECKENBERG AND ABRAHAM M. FYNKE, PARTNERS, TRADING AS COLONIAL RIBBON MILLS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, April 2, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-731; Filed, March 15, 1937; 10:49 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3013]

IN THE MATTER OF JEAN G. SUBIN, ISRAEL SUBIN, AND JOHN N. KINDERMAN, INDIVIDUALLY AND TRADING AS AMERICAN REMEDY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, March 25, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-727; Filed, March 13, 1937; 10:12 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3036]

IN THE MATTER OF BENJAMIN TUCKER, TRADING AS BEN TUCKER'S AND AS HUDSON BAY FUR COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, March 31, 1937, at ten o'clock in the forenoon of that day (eastern standard time), room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-729; Filed, March 13, 1937; 10:13 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E Freer.

[Docket No. 3034]

IN THE MATTER OF UNITED STATES PENCIL COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed



to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, March 23, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-728; Filed, March 13, 1937; 10:13 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 70]

ALLOCATION OF FUNDS FOR LOANS

MARCH 12, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Indiana 16 B Henry | $65,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-730; Filed, March 13, 1937; 10:45 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of March, A. D. 1937.

[File No. 43-36]

IN THE MATTER OF AMARILLO GAS COMPANY AND SOUTHWESTERN DEVELOPMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

A joint declaration having been duly filed with this Commission, by Amarillo Gas Company, a subsidiary of Southwestern Development Company, a registered holding company, and by said holding company pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by Amarillo Gas Company to Guaranty Trust Company of New York of a 4% promissory note in the principal amount of $450,000 payable in four annual instalments on or before July 1, 1941; and the guaranty thereof by Southwestern Development Company. The proceeds of said note are proposed to be used to purchase or redeem outstanding bonds of the issuer in the principal amount of $444,400.

It is ordered that a hearing on such matter be held on April 2, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 27, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-740; Filed, March 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of March, A. D. 1937.

[File No. 46-36]

IN THE MATTER OF AMARILLO GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Amarillo Gas Company, a subsidiary of Southwestern Development Company, a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of (1) applicant's First and Refunding Mortgage Six Per Cent, Twelve-year Serial Gold Bonds in the principal amount of not to exceed $444,400, being all of such bonds now outstanding, at a price equal to the face value thereof plus interest accrued to date of purchase, and (2) a 4% promissory note of Panhandle Pipe Line Company, also a subsidiary of Southwestern Development Company, in the principal amount of $225,000 dated August 1, 1937 and payable in four annual instalments on or before July 1, 1941, the proceeds of which are to be used to redeem and discharge on August 1, 1937 the entire principal amount ($225,000) of Panhandle Pipe Line Company's outstanding First Mortgage Six Per Cent, Twelve-year Serial Gold Bonds, all of which bonds are now owned by Amarillo Gas Company.

It is ordered that a hearing on such matter be held on April 2, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 27, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-741; Filed, March 15, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE AMERADA-TRANSWESTERN-SUENRAM FARM, FILED ON FEBRUARY 2, 1937, BY S. LEROY ESTES, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the amount or percentage of water produced or being produced with the oil on the lease may not be correctly set forth;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-750; Filed, March 15, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of March, 1937.

[File No. 50-1]

IN THE MATTER OF INTERNATIONAL PAPER AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

International Paper and Power Company has filed with this Commission a Plan for Change in Capitalization whereby its existing preferred and common stocks would be changed into varying amounts of other stocks and stock purchase warrants to be issued by such company having other and different rights and privileges. The principal changes provided by such plan are as follows:

Each share of outstanding Cumulative 7% Preferred Stock to be changed into one share of 5% preferred stock and one share of common stock:

Each share of outstanding Cumulative 6% Preferred Stock to be changed into one share of 5% preferred stock and 3/4ths of a share of common stock;

Each share of outstanding Class A Common Stock to be changed into 8/20ths of a share of common stock and a common stock purchase warrant for 12/20ths of a share of common stock;

Each share of outstanding Class B Common Stock to be changed into 6/20ths of a share of common stock and a common stock purchase warrant for 9/20ths of a share of common stock;

Each share of outstanding Class C Common Stock to changed into 3/20ths of a share of common stock and a common stock purchase warrant for 9/40ths of a share of common stock.

The preferred stock provided for by such changes will be 5% cumulative preferred having a par value of $100 per share, redeemable at $105 per share and accrued dividends and convertible after October 15, 1937 into 2 1/2 shares of common stock. The changes will have the effect of eliminating all rights to accrued dividends on preferred stocks which are now outstanding. The common stock provided for by such changes will have a par value of $15 per share. The stock purchase warrants mentioned above will entitle the holder to purchase the amounts of common stock specified therein at a price of $25 per share at any time between October 15, 1937 and May 15, 1942.

The plan is to be submitted for approval of the shareholders of the company at their annual meeting to be held during the month of May, 1937. It provides that if the holders of the outstanding cumulative 6% preferred stock shall not consent, the plan may be consummated without affecting the present rights of such holders.

Said company claims exemption from the provisions of the Public Utility Holding Company Act of 1935 by virtue of certain applications filed with the Commission. However, it is recognized that such applications might be denied prior to the exercise of the conversion privileges attaching to the new preferred stock or the proposed stock purchase warrants, in which event doubts might exist as to said company's right to issue such further common stock as would be required for such purposes. Said company has therefore requested the Commission to make a report on said plan and to give the same consideration to the new securities proposed to be issued as it would give if the company were a registered holding company. If the Commission shall find that such plan and securities conform with the requirements of the Act, the company asks for exemption from the provisions of Sections 4 (a) and 6 (a) insofar as the same apply to the changes in rights of shareholders involved in the proposed plan or the issue, distribution, sale or exchange by the company of securities to be issued, distributed, sold or exchanged in accordance with its provisions.

It is therefore ordered that a hearing on such plan for change in capitalization, the securities proposed to be issued thereunder and the changes in rights of shareholders involved in such transactions, be held on March 29, 1937, at 10:00 o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State. Opportunity to present any relevant testimony or argument will also be given to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

Upon completion of the taking of testimony in these matters, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-739; Filed, March 15, 1937; 12:46 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE COSTADON-HILL FARM, FILED ON FEBRUARY 25, 1937, BY COSTADON OIL AND GAS COMPANY, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-744; Filed, March 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE MANNING-BRYSON-YORK ET AL. FARM, FILED ON JANUARY 28, 1937, BY R. H. MANNING & COMPANY, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-747; Filed, March 15, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OIL PAYMENT IN THE USHER-CARSON FARM, FILED ON FEBRUARY 6, 1937, BY W. H. VERNOR, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-745; Filed, March 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE OCEANVIEW-ANGLE #2 FARM, FILED ON FEBRUARY 19, 1937, BY OCEANVIEW OIL CORPORATION, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:30 o'clock in the forenoon of the 12th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 27th day of March, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-751; Filed, March 15, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-McNABB PARK COMMUNITY FARM, FILED ON FEBRUARY 23, 1937, BY W. E. COOK, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 8, 1937, be effective as of March 8, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-742; Filed, March 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MARDIS FARM, FILED ON FEBRUARY 15, 1937, BY JAMES R. HAYNES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (*d*) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 11, 1937, be effective as of March 11, 1937; and

It is further ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-743; Filed, March 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-DEBORD "A" FARM, FILED ON JANUARY 29, 1937, ROBERT L. KINKAID, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Order previously entered in this proceeding;

It is ordered, pursuant to Rule 34(d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 19, 1937, be effective as of February 19, 1937; and

It is further Ordered that the, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-746; Filed, March 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of March, 1937.

IN THE MATTER OF PARMER & CO., 30 BROAD STREET, NEW YORK, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B), OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Parmer & Co., hereinafter called the registrant, having filed with the Commission on June 1, 1935, an application for registration on Form 1–M pursuant to Rule MA2 of the Commission's rules then governing over-the-counter markets; and the said registration having become effective on January 1, 1936, in accordance with the Commission's rules and regulations; and

The said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission having reasonable grounds to believe that

(a) The said registrant is presently enjoined from engaging in and continuing certain practices in connection with the sale of securities by an order of the Supreme Court of the State of New York entered on October 26, 1936;

(b) The said registrant has wilfully violated Rule MB2 adopted by the Commission pursuant to Sections 15 (b), 17 (a) and 23 (a) of the Securities Exchange Act of 1934, as amended, by reason of the said registrant having wilfully failed to report on Form 6–M the fact of the injunction referred to in (a) above within ten days after the entry thereof which rendered the information stated under Item 21 of the application aforesaid no longer accurate; and

the Commission having ordered that a hearing be held for the purpose of determining whether grounds exist for the revocation of the said registration under Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said registrant after due notice and opportunity for hearing having consented to the revocation thereof; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Parmer & Co. as a broker or dealer transacting business on over-the-counter markets be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-749; Filed, March 15, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of March, 1937.



IN THE MATTER OF LOREN ALBERT WARD, DOING BUSINESS AS INDEPENDENT BROKERAGE SERVICE, 804 NEIL P. ANDERSON BUILDING, FORT WORTH, TEXAS

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Loren Albert Ward, doing business as Independent Brokerage Service and hereinafter called the registrant, having filed with the Commission on June 10, 1935, an application for registration on Form 1–M pursuant to Rule MA2 of the Commission's rules then governing over-the-counter markets; and the said registration having become effective on January 1, 1936, in accordance with the Commission's rules and regulations; and

The said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission having reasonable grounds to believe that the said registrant was convicted on November 9, 1936, by the District Court of the United States for the Northern District of Texas, Fort Worth Division, of a felony involving the sale of securities; and having ordered that a hearing be held for the purpose of determining whether grounds exist for the revocation of the said registration under Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said registrant after due notice and opportunity for hearing having consented to the revocation thereof; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Loren Albert Ward, doing business as Independent Brokerage Service, as a broker or dealer transacting business on over-the-counter markets be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-748; Filed, March 15, 1937; 12:48 p. m.]

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*Wednesday, March 17, 1937* **No. 51**

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

RESTORING LANDS TO TERRITORY OF HAWAII FOR ROAD PURPOSES AND RESERVING LANDS FOR MILITARY PURPOSES SCHOFIELD BARRACKS, HAWAII

WHEREAS it is deemed desirable and in the public interest that certain lands comprising a part of the Schofield Barracks Military Reservation, Territory of Hawaii, be restored to the Territory of Hawaii for road purposes, and that certain other lands within the external boundaries of the Reservation now being used by the Territory of Hawaii for road purposes be made a part of the said Reservation:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 443, 447, it is ordered as follows:

I. The following-described parcels of land comprising a part of the Schofield Barracks Military Reservation, Territory of Hawaii, are hereby restored to their previous status for the use of the Territory of Hawaii for road purposes:

*Parcel I*

Beginning at the most northerly corner of the parcel of land, on the boundary between the United States Military Reservation and Land Court Application 1000 (amended), from which corner the azimuth (measured clockwise from true south) and distance to United States Military Reservation Monument No. 79 is 171°54', 2,065.84 feet, the coordinates of Monument No. 79, referred to Government Survey Triangulation Station "Waipio-Uka" being 11,014.79 feet north and 5,678.18 feet west.

Thence from said initial point, by true azimuths and distances, as follows:

351°54', 1,183.36 feet, along Land Court Application 1000 (amended), to a point;

161°46'30", 334.59 feet, along the new west side of Kamehameha Highway, to a point;

On a curve to the right along the same, with a radius of 1,969.86 feet, long chord azimuth and distance being 166°39'20", 335.19 feet, to a point;

187°44'08", 123.07 feet, along the present east side of Kamehameha Highway, to a point;

On a curve to the left along the same, with a radius of 1,472.50 feet, long chord azimuth and distance being 179°49'04", 405.68 feet, to the point of beginning.

The tract as described contains an area of 1.195 acres, more or less.

*Parcel II*

Beginning at the northeast corner of the parcel of land, on the boundary between the United States Military Reservation and Land Court Application 1000 (amended), from which corner the azimuth (measured clockwise from true south) and distance to United States Military Reservation Monument No. 79 is 171°54', 3,253.96 feet, the coordinates of Monument No. 79, referred to Government Survey Triangulation Station "Waipio-Uka" being 11,014.79 feet north and 5,678.18 feet west.

Thence from said initial point, by true azimuths and distances, as follows:

351°54', 2,820.77 feet, along Land Court Application 1000 (amended), to a point, from which the azimuth and distance to United States Military Reservation Monument No. 80 is 351°54', 34.47 feet;

On a curve to the right with a radius of 1,245.92 feet, along the new west side of Kamehameha Highway, long chord azimuth and distance being 162°01'21", 528.82 feet, to a point;

174°16'30", 1,901.38 feet, along the same to a point;

On a curve to the left with a radius of 1,809.86 feet, long chord azimuth and distance being 168°01'30", 394.07 feet, to a point;

251°46'30", 39.16 feet, along jog of new Kamehameha Highway, to the point of beginning.

The tract as described contains an area of 3.177 acres, more or less.

II. The following-described parcels of land, being portions of the Honolulu-Waialua Road (Kamehameha Highway) within the external boundaries of the Schofield Barracks Military Reservation, are hereby reserved and set apart for military purposes as a part of the said reservation:

*Parcel A*

Beginning at the most northerly corner of the parcel of land on the present west side of Kamehameha Highway, from which corner the azimuths (measured clockwise from true south) and distances of a traverse to United States Military Reservation Monument No. 79 are: (a) 261°54', 80.0 feet, and (b) 171°54', 2,065.84 feet, the coordinates of Monument No. 79, referred to Government Survey Triangulation Station "Waipio-Uka" being 11,014.79 feet north and 5,678.18 feet west.

Thence from said initial point, by true azimuths and distances, along the new west side of Kamehameha Highway, the three following courses:

351°54', 233.82 feet, to a point;
81°54', 9.50 feet, along jog, to a point;
351°54', 109.55 feet, to a point;
7°43'20", 47.05 feet, along west side of present Kamehameha Highway, to a point;
97°44'08", 31.73 feet, to a point;
On a curve to the left with a radius of 1,392.50 feet, long chord azimuth and distance being 179°49'04", 383.64 feet, to the point of beginning.

The tract as described contains an area of 0.12 acres, more or less.

*Parcel B*

Being a strip of land 40 feet wide, the center line of which is more particularly described as follows:

Beginning at a point in the center line at the south end of the parcel, on the boundary between the United States Military Reservation and Land Court Application 1000 (amended), from which point the azimuth (measured clockwise from true south) and distance to United States Military Reservation Monument No. 80 is 182°36'40", 6.55 feet, the coordinates of Monument No. 80, referred to Government Survey Triangulation Station "Waipio-Uka" being 4,966.54 feet north and 4,817.39 feet west.

Thence from said initial point, by true azimuths and distances, along the center line of the present Kamehameha Highway (40 feet wide) the ten following courses:

109°55'48", 444.20 feet, to a point;
159°44'10", 183.80 feet, to a point;
209°07'56", 208.30 feet, to a point;
139°02'05", 414.60 feet, to a point;
173°38'45", 325.50 feet, to a point;
201°43'50", 505.90 feet, to a point;
156°57'40", 435.10 feet, to a point;
186°41'20", 477.90 feet, to a point;
165°16'45", 345.40 feet, to a point;
187°43'20", 769.94 feet, to a point in the new west side of Kamehameha Highway.

The tract as described contains an area of 3.775 acres, more or less.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 15, 1937.*

[No. 7576]

[F. R. Doc. 37-752; Filed, March 16, 1937; 11:43 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA-BIERSCHENK FARM, FILED ON MARCH 8, 1937, BY S. LEROY ESTES, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the amount or percentage of water produced or being produced with the oil on the lease may not be correctly set forth;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 30th day of March, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-753; Filed, March 16, 1937; 11:44 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-SKELLY-MARY GRAHAM FARM, FILED ON MARCH 8, 1937, BY R. L. WILLIAMS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the amount or percentage of water produced or being produced with the oil on the lease may not be correctly set forth;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 14th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 30th day of March, 1937, at 11:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.



Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-754; Filed, March 16, 1937; 11:44 a. m.]

*Thursday, March 18, 1937* *No. 52*

## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

[No. 36]

SUNNYSIDE DIVISION—YAKIMA PROJECT

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

[Act of June 17, 1902, 32 Stat., 388, as amended or supplemented]

MARCH 4, 1937.

1. *Operation and Maintenance Charges for Project Lands.*—For the purpose of equitably determining operation and maintenance charges for the lands of the Sunnyside Division, Yakima project, Washington, notice is hereby given that for the irrigation season of 1937, and thereafter until further notice, each acre of irrigable land subject to public notice rates in said division, whether water is used or not, shall be charged with a minimum operation and maintenance charge of one dollar and seventy-five cents ($1.75), which will permit delivery of not more than the amounts per irrigable acre to which such lands are entitled under notice and regulations of the Secretary dated October 17, 1930, and in accordance with the following schedule per irrigable acre:

*Monthly Schedule of Deliveries*

| | Percent |
|---|---|
| April | 13.3 |
| May | 15.0 |
| June | 18.3 |
| July | 18.3 |
| August | 16.7 |
| September | 11.7 |
| October | 6.7 |

The above deliveries will be contingent on beneficial use, as determined by the project superintendent.

2. *Charges for Water Rental for Lands Subject to Public Notice.*—The major portion of the lands of the Sunnyside Division, Yakima project, Washington, under Public Notice, has been divided by the Sunnyside Valley Irrigation District into three classes, according to water requirements, namely, (a), (b), and (c), and a map showing such classification is on file in the office of the project superintendent and in the office of the irrigation district. For additional water (if available from either storage or natural flow) delivered during the months of June, July and August in excess of the monthly schedule of the preceding paragraph, the rental charge, as provided in Notice of October 17, 1930, will be as follows:

| | Per acre-foot |
|---|---|
| Class A | $1.50 |
| Class B | .75 |
| Class C | .50 |

When available, water in excess of this schedule will be delivered during the other months of the season without extra charge.

3. *Charges for Water Rental for Lands Under Supplemental Water-Right Contracts.*—For lands receiving water under said division of said project, by virtue of certain supplemental water-right contracts with the United States, under the provisions of which a minimum operation and maintenance charge is fixed which permits the delivery of amounts of water determined in accordance with the public notice of October 17, 1930, a rental charge of one dollar and fifty cents ($1.50) per acre-foot for additional water (if available from storage or natural flow) delivered during each of the months of June, July, and August in excess of the said determined amounts will be made. When available, water in excess of the determined amounts will be delivered during the other months of the season without extra charge.

4. *Charges for Water Rental for Other Lands.*—Public Notice, Supplemental and Warren Act lands of the division not classified and not covered by paragraphs two (2) and three (3), may be delivered additional water during the months of June, July, and August in excess of the amounts allowed to like lands of the division at the same rates announced in said paragraphs.

5. *Water Rental Charges for Lands Outside the Project.*—For water which may be furnished lands outside the limits of the said division of said project, the charge shall be one dollar ($1) per acre-foot for the irrigation season of 1937, and thereafter until further notice, due and payable in advance of the delivery of water.

6. *Water-rights secured with lands, the title to which has passed to the several irrigation districts* and the farming of which is now abandoned, may be used upon types or classes of land specified by the irrigation districts, under approved rules and regulations, where the same is not now covered by district contract, such designation to be made within thirty (30) days after date of this public notice.

7. *Time of Payment.*—All water charges announced herein are due and payable on December 31 following the irrigation season, except as provided in paragraph 5.

[SEAL] T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-755; Filed, March 17, 1937; 9:48 a. m.]

### Division of Grazing.

MONTANA GRAZING DISTRICT NO. 1

MODIFICATION

MARCH 10, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of July 11, 1935, establishing Montana Grazing District No. 1, is hereby modified to include within its exterior boundaries the following described lands:

MONTANA PRINCIPAL MERIDIAN

T. 25 N., R. 16 E., secs. 11 to 14 and secs. 23 to 26, inclusive;
T. 24 N., R. 17 E., secs. 7 to 9 and secs. 16 to 21, inclusive;
T. 25 N., R. 17 E., secs. 7 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the FEDERAL REGISTER.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-757; Filed, March 17, 1937; 9:48 a. m.]

### General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 109, MONTANA

MARCH 9, 1937.

It appearing that the following-described tract of public land in Montana is necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section four of the act of May 24, 1928 (45 Stat. 728), that such land be, and it is hereby, withdrawn from all forms of appropriation under

the public-land laws, subject to valid existing rights, for use by the Department of Commerce in the maintenance of air-navigation facilities:

T. 18 N., R. 27 W., P. M., sec. 28, SW¼NE¼SW¼, 10 acres.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-756; Filed, March 17, 1937; 9:48 a. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

AMENDMENT OF GENERAL RULES AND REGULATIONS

Pursuant to the authority of Section 4405 R. S., the Board of Supervising Inspectors, at their annual meeting held January 21-29, 1937, took the following action which was approved by the Secretary of Commerce, with regard to amendments to the "General Rules and Regulations Prescribed by the Board of Supervising Inspectors" as made by the executive committee of the Board of Supervising Inspectors at their meetings held during the year 1936:

No. 1. Adopted the amendments made by the executive committee at its meeting on April 29, 1936, which amendments were published in the FEDERAL REGISTER, Volume 1, No. 51, dated May 23, 1936.[1]

No. 2. Adopted the amendments made at the October 26, 1936, executive committee meeting (published in the FEDERAL REGISTER, Volume 1, No. 174, dated November 13, 1936[2]), with the exception of Resolutions No. 4005-1, 4005-2, and 4005-3. Resolutions No. 4005-2 and 4005-3 were not adopted by the Board, and in lieu thereof, the regulations in effect before the passage of the above amendments concerning the "Manning of Boats", as covered by Section 47, Rule III, Coastwise, and Section 51, Rule III, Great Lakes, and Bays, Sounds, and Lakes other than the Great Lakes, were re-enacted. Resolution No. 4005-1 was not adopted by the Board, and in lieu thereof, a subsequent resolution amending Section 54, Rule III, Ocean was passed by the Board and published in the FEDERAL REGISTER, Volume 2, No. 23, dated February 4, 1937.[3]

No. 3. Adopted the amendment made by the executive committee at its meeting on November 11, 1936, which amendment was published in the FEDERAL REGISTER, Volume 1, No. 184, dated November 28, 1936.[4]

Attest:

[SEAL] J. B. WEAVER,
*Director, President of the Board.*

Approved: March 16, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-759; Filed, March 17, 1937; 11:39 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of March A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2841]

IN THE MATTER OF GEORGE H. LEE COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, March 18, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 424, 815 Connecticut Avenue, N. W., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-758; Filed, March 17, 1937; 10:22 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE ROYAL-SCHENDEL (40-ACRE TRACT) FARM, FILED ON FEBRUARY 25, 1937, BY ROYAL PETROLEUM COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 11, 1937, be effective as of March 11, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-760; Filed, March 17, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE ROYAL-SCHENDEL (844.28-ACRE TRACT) FARM, FILED ON FEBRUARY 25, 1937, BY ROYAL PETROLEUM COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 11, 1937, be effective as of March 11, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-761; Filed, March 17, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE ROYAL-SCHENDEL (1483.77-ACRE TRACT) FARM, FILED ON FEBRUARY 25, 1937, BY ROYAL PETROLEUM COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 11, 1937, be effective as of March 11, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-762; Filed, March 17, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE EAGLE ROCK-DARLING-ENGSTROM-HULTBERG-SWORD ET AL. FARM. FILED ON MARCH 9, 1937, BY SUPREME OIL INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the information disclosed by the answer to Division II, Item 2 (a), may not be correct, and appears to be in conflict with the data given in the plat marked "Exhibit A";

(2) In that the information given in the answer to Division II, Item 3 (c), may not be correct, and conflicts with the answer made under Division II, Item 5;

(3) In that under Division II, Item 5 (a), the name of the person to whom the ⅛th overriding royalty interest has been conveyed is omitted;

(4) In that the information given under Division II, Item 19 (c), is non-responsive, insufficient, and fails to disclose enough data to determine the responsibility of the party, or parties, as required by the question, and might therefore be misleading;

(5) In that Exhibit A omits the following information required by Schedule F:

(a) lease boundaries;
(b) operators' names;
(c) numbers and depths of wells;
(d) legend incomplete;
(e) tract boundaries not clearly defined;

(6) In that the legal description of the property is not included in Exhibit B;

(7) In that the smallest fractional interest, as set forth in Division II, Item 1, is not in agreement with the smallest fractional interest as disclosed by the "agreement" attached to the offering sheet as "Exhibit D" and might, therefore, be misleading;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 15th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 31st day of March, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-763; Filed, March 17, 1937; 12:49 p. m.]

[1] 1 F. R. 441.
[2] 1 F. R. 1792.
[3] *See* p. 232.
[4] 1 F. R. 2049.



*Friday, March 19, 1937* *No. 53*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NORTH CENTRAL DIVISION

ORDER WITH RESPECT TO ADAPTED ALFALFA AND RED CLOVER SEED UNDER THE 1937 AGRICULTURAL CONSERVATION PROGRAM IN THE NORTH CENTRAL REGION

Whereas under the provisions of Section 13, Part IV of North Central Region Bulletin 101, as Amended, the eligibility of an applicant to receive a soil-building payment is dependent upon his carrying out soil-building practices in a manner and with such materials and with such kinds and quantities of *adapted seed* as conform with good farming practice; and

Whereas alfalfa and red clover seed produced in certain localities are unadapted for use in other localities; and

Whereas for many year studies have been conducted by the various agricultural colleges located in the North Central Region for the purpose of determining the alfalfa and red clover seeds which are adapted in the States where such colleges are located; and

Whereas the State agricultural conservation committees, after due consideration of this problem have submitted recommendations based on practical experience and information received from farmers in their States, setting forth the alfalfa and red clover seeds which are considered adapted in their States;

Now therefore, I, H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as Amended, do hereby determine that—

Red clover seed and alfalfa seed grown in Canada and grown in the following States in the United States, namely, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, shall be regarded as adapted in connection with the 1937 Agricultural Conservation Program in the entire North Central Region.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-775; Filed, March 18, 1937; 12:51 p. m.]

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ECR—B-101—White County, Tennessee Issued March 18, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM

### EAST CENTRAL REGION BULLETIN 101—WHITE COUNTY, TENNESSEE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101, White County, Tennessee and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of section 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in White County, Tennessee, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from Cotton and Tobacco Soil-Depleting Bases.*—For each acre diverted from any cotton or tobacco soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm, for each acre (rounded to the nearest whole acre) diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco.*—5 cents per pound of the base yield per acre of tobacco for the farm, for each acre (or fraction thereof rounded to the nearest tenth acre) diverted not in excess of 25 percent of the tobacco soil-depleting base.

SECTION 2. *General Farm Allowance.*—The general farm allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices and for diversion from the general soil-depleting base.

This allowance shall be $1.00 for each acre of cropland; *provided*, that in no event will the general farm allowance for any farm be less than $20.00.

SECTION 3. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the general farm allowance determined for the farm in accordance with section 2 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practices, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made for each acre (rounded to the nearest whole acre) at the rate set forth below:

(1) Alfalfa: $2.50.

(2) Red clover; mammoth clover; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): $2.00.

(3) Crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of grasses or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): $1.50.

(4) White clover; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): $1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months. Payment will be made for each acre (rounded to the nearest whole acre) at the rate specified for each such crop.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under:[1] $2.00.

(2) Crimson clover, plowed or disced under; rye, barley, wheat, Italian ryegrass, or oats, or mixtures of these, plowed or disced under; Sudan grass, millet, or sorghum, plowed or disced under: $1.00.

(c) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made for each acre (rounded to the nearest whole acre) at the rate of $7.50 when planted on cropland or at the rate of $5.00 when planted on other land.

(d) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made for each acre (rounded to the nearest whole acre) at the rate of $2.50.

(e) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,[2] on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 3. Payment will be made on a quantity not exceeding 2½ tons per acre for each ton (rounded to the nearest ton) at the rate of $1.50.

(f) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,[3] on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 3, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 3. Payment will be made for each 100 pounds (rounded to the nearest 100 pounds) on a quantity not exceeding 500 pounds per acre at the rate of 60 cents; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 3 seeded in connection with a soil-depleting crop, at the rate of 30 cents.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent $P_2O_5$) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (f). If triple superphosphate is so obtained, 60 cents for each 16 pounds of available $P_2O_5$ contained therein shall, in accordance with instructions by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; *provided*, however, that such deduction will first be made from payments with respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(g) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made for each 100 feet (rounded to the nearest 100 feet) at the rate of 40 cents.

(h) *Provision for Products for Home Consumption.*—Inclusion in the farming program of provision for a home garden and a milk cow to produce sufficient products for home consumption needs of the family of any producer on the farm and for which the County Committee finds that provision has not normally been made for such home consumption needs. Payment will be made for provision with respect to each such producer in the amount of $10.00.

SECTION 4. *Payment for Diversion from the General Soil-Depleting Base.*—Payment will be made, within the limit of the general farm allowance determined for the farm in accordance with section 2 above, for each acre diverted (rounded to the nearest acre) from the general soil-depleting base for the farm, not in excess of 15 percent of such base at a rate which will average $6.30 per acre for the County, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from the payment which otherwise would be made with respect to the farm at the rate of $3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of cotton, tobacco, or general soil-depleting crops, respectively, on the farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton or tobacco in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by flood, drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of the White County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to the White County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of the association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

SECTION 10. *Calculation of Payments.*—The payments to any person under this program shall be calculated to the nearest whole dollar. Fractions of 50 cents or less will be dropped and fractions of more than 50 cents will be considered as $1.00.

*Part II. Classification of Crops*

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

[1] If the soybeans, velvet beans, or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

[2] Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 3 (e) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

[3] Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of available $P_2O_5$ contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity or 16 percent superphosphate.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).
(b) Cotton.
(c) Tobacco.
(d) Peanuts harvested for nuts.
(e) Broom corn.
(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.
(g) Sorghum, when harvested.
(h) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
(i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
(j) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.
(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; cretalaria.
(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.
(d) Peanuts, when pastured.
(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.
(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.
(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classfying the land on which grown except as otherwise provided).
(h) Forest trees, planted on cropland since January 1, 1934.
(i) Sweet sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, provided the legume occupies at least one-half of the land and attains a good growth.

(b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, provided not less than 50 percent of the total growth harvested consists of such legumes.

(c) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.
(b) Idle cropland.
(c) Cultivated fallow land.
(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.
(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

*Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton and tobacco and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms for Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Cotton Base and Yield.*—A cotton soil-depleting base may be established for a farm:

(1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or
(2) If the entire base cotton acreage for the farm was retired in 1935 under a cotton acreage reduction contract, or
(3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936–39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than cotton or tobacco were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil-Depleting Bases* (a) *Inequitable Bases.*—The soil-depleting bases, the base yields, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of cotton or tobacco, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases, the cotton soil-depleting bases, and the tobacco soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in White County, shall not exceed the acreage for each soil-depleting base which is established for such farms in the county by the Agricultural Adjustment Administration.

The total of the cotton or tobacco soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in the county as shall be obtained by downward adjustment of the respective soil-depleting bases or base acreages, previously established for other farms in the county, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton and tobacco for all farms for which soil-depleting bases are established in White County shall not exceed the respective rate per acre or base yield established for such crop(s) for the county by the Agricultural Adjustment Administration.

SECTION 5. *Soil-Conserving Base.*—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in White County shall not be greater than the maximum or less than the minimum acreage established for such bases in the county by the Agricultural Adjustment Administration.

*Part IV. Miscellaneous Provisions*

SECTION 1. *Land to be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon application submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) A farm shall be regarded as being in White County if the principal dwelling on such farm is located in such county, or, if there is no dwelling on such farm, if the major portion of the farm is located in such county.

(e) Any person who files an application for payment in White County shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person shall also file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm in White County, or the proceeds thereof, who is not a member of the White County Agricultural Conservation Association shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton, Tobacco, and General Soil-Depleting Crops.*—

(1) 15 percent to the producer who furnished the land,
(2) 15 percent to the producer who furnished the workstock and equipment, and
(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton, tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer, or the person who rents the land to the producer for cash or for a fixed commodity payment, who the County Committee determines, under instructions issued by the Agricultural Adjustment Administration, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(c) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(d) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers. The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions. Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

SECTION 5. *Changes in Leasing or Cropping Agreement and Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to a farm or farms in White County has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*White County* means the area included in White County, Tennessee.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee,* or *State Office* means the group of persons designated for Tennessee to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office,* means the group of persons designated for White County to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or sharetenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of the crops produced on such farm or of the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.



*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton and tobacco.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying out of any approved soil-building practice.

*General farm allowance* means the largest amount for any farm that may be obtained as a payment for carrying out soil-building practices and for diversion from the general soil-depleting base.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided, that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-776; Filed, March 18, 1937; 12:51 p. m.]

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IR—B-1—Supplement C — Issued March 18, 1937

1936 AGRICULTURAL CONSERVATION PROGRAM

INSULAR REGION

*Supplement C to Bulletin No. 1*

FIELD EXPERIMENTS WITH RESPECT TO PINEAPPLES UNDER PRACTICE 7 (B)

Pursuant to authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, section 7 (b) of Part IV of Bulletin No. 1, 1936 Agricultural Conservation Program, Insular Region is hereby amended by adding thereto the following:

Such plots in the case of experiments with respect to the production of pineapples may be one-eightieth of an acre or more.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-777; Filed, March 18, 1937; 12:51 p. m.]

NER—B-101—Rhode Island—Suppl. (2) — Issued March 18, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—RHODE ISLAND—SUPPLEMENT (2)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Rhode Island, as amended by Supplement (1), is hereby amended as follows:

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The figure representing the "Smallest amount" with reference to the application of 50 percent muriate of potash, in the schedule under the heading "Fertilizing Soil-Conserving Crops", is changed from 100 to 50. This reference will now read:

| | *50 percent Muriate of Potash* | |
|---|---|---|
| On hay land, pasture, new seedings of grasses or legumes, green-manure crops, or in orchards provided the entire interplanted crop in the orchard is left on the land | 50 | 200 |

II

The following paragraph is added at the end of subsection (a) of section 4, "Division of Payments", under Part IV:

In the case of a farm which is rented for cash or for a fixed commodity payment, the owner shall be considered a producer and shall be eligible to share in the soil-building payment as provided in the preceding paragraph, provided a request for such a division of payment between owner and tenant(s) is filed with the County Committee on the prescribed form and such form is signed by the tenant(s) and the owner.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-774; Filed, March 18, 1937; 12:51 p. m.]

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NSCP—Bulletin No. 1, Supplement No. 2.

1937 NAVAL STORES CONSERVATION PROGRAM

Bulletin No. 1, setting forth the terms and conditions of the 1937 Naval Stores Conservation Program, approved by the Secretary of Agriculture on December 28, 1936, and amended by Supplement No. 1 to Bulletin No. 1, by action of the Secretary of Agriculture on January 12, 1937, is hereby further amended, as follows:

I. Following paragraph (2) (c) under "Rates of Payment", add the following:

(d) In order to qualify for the payment of four cents per face for the removal from operation of trees less than nine inches d. b. h., participating producers will not be required to operate the remaining faces in a drift, crop or place if it is not economical to do so; *provided* that the Forest Service may require, within a specified time limit, that all cups be removed from such remaining faces on trees nine inches d. b. h. or larger and that such cups be kept removed until after the final inspection in the Fall of 1937.

II. Under the heading "Application and eligibility for payment" and sub-heading "(a) Filing of work sheet and application" the last sentence is changed to read:

An application for payment may be made by (1) any producer who is actively engaged in the production of gum naval stores in the period from February 1, 1937 to November 15, 1937, or by any person who was so engaged during 1936, on land owned, leased or otherwise controlled by him; or (2) such other persons as may be designated by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official

seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-773; Filed, March 18, 1937; 12:50 p. m.]

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Bureau of Agricultural Economics.

ORDER AMENDING THE OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR BARLEY

By virtue of the authority vested in the Secretary of Agriculture by the United States Grain Standards Act, approved August 11, 1916 (U. S. Code, Title 7, Ch. 3, Sec. 74), I, M. L. Wilson, Acting Secretary of Agriculture, do hereby fix, establish, promulgate, and give public notice of, the following amendments, which shall become effective on the first day of July 1937, to the official grain standards of the United States for barley as heretofore promulgated by the Secretary of Agriculture.

Strike out the entire section entitled "Dockage" and insert in lieu thereof the following:

DOCKAGE

Dockage includes weed seeds, weed stems, chaff, straw, grain other than barley, sand, dirt, and any material other than barley, which can be removed readily from the barley by the use of a metal scalper riddle sieve with slotted perforations 9/64 inch wide by ¾ inch long and by the use of a 20-gage metal sieve with equilateral triangular perforations the inscribed circles of which are 5/64 inch in diameters; also undeveloped, shriveled, and small pieces of barley kernels removed in properly sparating the foreign material and which cannot be recovered by properly rescreening or recleaning with the sieve having equilateral triangular perforations the inscribed circles of which are 5/64 inch in diameter.

The quantity of dockage shall be calculated in terms of percentage based on the total weight of the grain including the dockage. The percentage of dockage, so calculated, when equal to 1 percent or more, shall be stated in terms of whole percent, and when less than 1 percent shall not be stated. A fraction of a percent shall be disregarded. The word "Dockage", together with the percentage thereof, shall be added to the grade designation.

In the section entitled "Definitions" strike out the paragraph "Basis of Grade Determinations" and insert in lieu thereof the following:

*Basis of Grade Determinations.*—Each determination of dockage, temperature, odor, garlic, and live weevils or other insects injurious to stored grain shall be upon the basis of the grain as a whole. Each determination of heat damaged kernels and of mellow barley kernels shall be upon the basis of the pearled dockage-free grain. All other determinations shall be upon the basis of the grain when free from dockage.

Immediately following the paragraph entitled "Sound Barley", insert a new paragraph to read as follows:

*Damaged Barley.*—Damaged barley shall be kernels and pieces of kernels of barley which are damaged or materially discolored by blight and/or mold, or which are heat damaged, sprouted frosted, badly ground damaged, badly weather damaged, or otherwise materially damaged.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 17th day of March 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc 37-771; Filed, March 18, 1937; 12:50 p. m.]

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ORDER AMENDING THE OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR OATS

By virtue of the authority vested in the Secretary of Agriculture by the United States Grain Standards Act, approved August 11, 1916 (U. S. Code, Title 7, Ch. 3, Sec. 74), I, M. L. Wilson, Acting Secretary of Agriculture, do hereby fix, establish, promulgate, and give public notice of, the following amendment, which shall become effective on the first day of July 1937, to the official grain standards of the United States for oats as heretofore promulgated by the Secretary of Agriculture.

Strike out the word "cereal" wherever it appears in the section entitled "Cereal Oats" and insert in lieu thereof the word "Thin".

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 17th day of March 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-770; Filed, March 18, 1937; 12:50 p. m.]

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ORDER AMENDING THE OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR WHEAT

By virtue of the autority vested in the Secretary of Agriculture by the United States Grain Standards Act, approved August 11, 1916 (U. S. Code, Title 7, Ch. 3, Sec. 74), I, M. L. Wilson, Acting Secretary of Agriculture, do hereby fix, establish, promulgate, and give public notice of, the following amendments, which shall become effective on the first day of October 1937, to the official grain standards of the United States for wheat as heretofore promulgated by the Secretary of Agriculture.

In the table of grade requirements for Class I, Hard Red Spring Wheat, strike out the footnote reference [a] at grade No. 4 and the footnote [a].

In the table of grade requirements for Class I, Hard Red Spring Wheat, add a footnote reference [2] at grades No. 1 Heavy, No. 1, and No. 2 and add the following footnote to the table:

[2] The wheat in grades No. 1 Heavy and No. 1 of this class may contain not more than 7 percent, and the wheat in grade No. 2 of this class may contain not more than 10 percent, of shrunken and/or broken kernels of grain and other matter that will pass through a 20-gage metal sieve with slotted perforations 0.064 inch wide by ⅜ inch long.

In the table of grade requirements for Class II, Durum Wheat and Class III, Red Durum Wheat, strike out the footnote reference [a] at grade No. 4 and the footnote [a].

In the table of grade requirements for Class II, Durum Wheat and Class III, Red Durum Wheat, add a footnote reference [3] at grades No. 1, No. 2, and No. 3 and add the following footnote to the table:

[3] The wheat in grades No. 1 and No. 2 of each of these classes may contain not more than either (a) 7 percent of shrunken and/or broken kernels of grain and other matter that will pass through a 20-gage metal sieve with slotted perforations 0.064 inch wide by ⅜ inch long, or (b) 10 percent of all such material that will pass through said sieve together with the broken kernels of grain of any size which remain on said sieve; and the wheat in grade No. 3 of each of these classes may contain not more than either (a) 10 percent of shrunken and/or broken kernels of grain and other matter that will pass through said sieve, or (b) 15 percent of all such material that will pass through said sieve together with the broken kernels of grain of any size which remain on said sieve.

In each of the tables of grade requirements for Class IV, Hard Red Winter Wheat; Class V, Soft Red Winter Wheat; and Class VI, White Wheat; strike out the footnote reference [a] at grade No. 4 and the footnote [a].

In each of the tables of grade requirements for Class IV, Hard Red Winter Wheat; Class V, Soft Red Winter Wheat; and Class VI, White Wheat; add a footnote reference (1) at grades No. 1, No. 2, and No. 3 and add the following footnote to each of the tables:

[1] The wheat in grades No. 1 and No. 2 of this class may contain not more than 7 percent, and the wheat in grade No. 3 of this class may contain not more than 10 percent, of shrunken and/or broken kernels of grain and other matter that will pass through a 20-gage metal sieve with slotted perforations 0.064 inch wide by ⅜ inch long.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 17th day of March 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-772; Filed, March 18, 1937; 12:50 p. m.]



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FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3032]

IN THE MATTER OF BIDDLE PURCHASING COMPANY, A CORPORATION; GENERAL GROCER COMPANY, A CORPORATION, SMART & FINAL CO., LTD., A CORPORATION, THE EAVEY CO., A CORPORATION, MICHIGAN TRADING CORPORATION, A CORPORATION, C. G. MEAKER CO., INC., A CORPORATION, MIDDENDORF & ROHRS, A CO-PARTNERSHIP COMPOSED OF PETER ROHRS AND JOHN ROHRS, INDIVIDUALLY, AND AS MEMBERS OF THE CO-PARTNERSHIP OF MIDDENDORF & ROHRS, KOLL GROCERY COMPANY, A CORPORATION; AND DANNEMILLER COFFEE COMPANY, A CORPORATION, COLONIAL MOLASSES CO., INC., A CORPORATION, ALBERT DICKINSON COMPANY, A CORPORATION, ERVIN A. RICE CO., A CORPORATION, CAVA PACKING CO., A CORPORATION, GODCHAUX SUGARS, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, March 23, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-765; Filed, March 18, 1937; 9:45 a. m.]

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NATIONAL LABOR RELATIONS BOARD.

*United States of America—Before the National Labor Relations Board*

[Case No. R-122]

IN THE MATTER OF NEW YORK AND CUBA MAIL STEAMSHIP COMPANY AND UNITED LICENSED OFFICERS OF THE UNITED STATES OF AMERICA

NOTICE OF HEARING

The National Labor Relations Board having duly issued its decision in this case on March 6, 1937, and directed that an election be held among the licensed deck officers of the above company, and National Organization of Masters, Mates and Pilots of America, having duly requested that the decision be amended by providing that its name be placed on the ballot to be submitted to the licensed deck officers, and the Board having duly considered the matter,

Please take notice that pursuant to authority vested in the National Labor Relations Board under an Act of Congress (49 Stat. 449) a hearing will be held before the National Labor Relations Board on Wednesday, March 24, 1937, at 10 a. m., in Room 406, Denrike Building, 1010 Vermont Avenue, N. W., Washington, D. C., for the purpose of oral argument on the request of the National Organization of Masters, Mates and Pilots of America for amendment of the decision in the matter aforesaid.

You may appear and be heard if you so desire.

Dated, March 16, 1937.

[SEAL] BENEDICT WOLF, *Secretary.*

[F. R. Doc. 37-766; Filed, March 18, 1937; 10:46 a. m.]

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RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 71]

ALLOCATION OF FUNDS FOR LOANS

MARCH 17, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Nebraska 44 B Cass | $490,000 |
| Indiana 33 B Hendricks | 15,000 |
| Mississippi 1 B Monroe | 48,200 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-764; Filed, March 18, 1937; 9:24 a. m.]

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SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE POWDER RIVER-STREY-LEWIS ET AL. FARM, FILED ON FEBRUARY 23, 1937, BY POWDER RIVER BASIN ROYALTY CO., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:30 o'clock in the forenoon of the 17th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:30 o'clock in the forenoon of the 31st day of March, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-768; Filed, March 18, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-CARTER-WALKER FARM, FILED ON FEBRUARY 23, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 15, 1937, be effective as of March 15, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-767; Filed, March 18, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE OCEANVIEW-ANGLO #2 FARM, FILED ON FEBRUARY 19, 1937, BY OCEANVIEW OIL CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 10, 1937, be effective as of March 10, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-769; Filed, March 18, 1937; 12:35 p. m.]

*Saturday, March 20, 1937* *No. 54*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48863]

POWERS OF ATTORNEY—PROTESTS

EFFECTIVE DATE OF T. D. 48707 EXTENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C., title 19, sec. 66) and section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), the effective date of T. D. 48707 is hereby changed from March 25, 1937, to June 23, 1937.

[SEAL] J. H. MOYLE, *Commissioner of Customs.*

Approved: March 15, 1937.

WAYNE C. TAYLOR, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-783; Filed, March 19, 1937; 10:48 a. m.]

## WAR DEPARTMENT.

EMERGENCY RULES AND REGULATIONS TO GOVERN THE NAVIGATION THROUGH THE REACH OF THE ATCHAFALAYA RIVER IN THE VICINITY OF THE SOUTHERN PACIFIC RAILROAD BRIDGE AT MORGAN CITY, LOUISIANA

THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

That section four of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, as amended by section eleven of the river and harbor Act of June thirteenth, nineteen hundred and two, be, and is hereby, amended so as to read as follows:

"SEC. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be published by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

THE REGULATIONS

In pursuance of the law quoted above the following emergency regulations are prescribed to govern the use, administration, and navigation through the reach of the Atchafalaya River in the vicinity of the Southern Railroad Bridge at Morgan City, Louisiana, during periods of high water:

1. Whenever gauge heights in the Atchafalaya River at Morgan City, Louisiana, exceed three feet Mean Low Gulf, tows moving downstream through the railroad bridge at Morgan City, Louisiana, shall not exceed one barge and tug. In passing the bridge the tows shall be drifted through the draw at a speed not to exceed five miles per hour with a tug in the rear.

2. All tows shall be adequately powered, properly assembled and equipped with necessary devices and crew to assure safe handling.

3. These regulations shall take effect and be in force on and after the date of approval hereof and may be revoked upon thirty days notice by the Secretary of War whenever in his judgment the interests of navigation so warrant.

Approved, March 2, 1937.

HARRY H. WOODRING, *Secretary of War.*

[F. R. Doc. 37-784; Filed, March 19, 1937; 11:19 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

[Passenger Circular No. 127-G; Freight Circular No. 69-G]

TANANA AND YUKON RIVER SERVICE

ANCHORAGE, ALASKA, *February 24, 1937.*

*To All Concerned:*

During the 1937 season one river steamer, the Steamer *Nenana* will be operated between Nenana, Holy Cross, Marshall and intermediate points as follows:



Leave Nenana at 7:00 p. m. for Marshall on Sunday, May 16, June 6, 20, July 4, 18, August 1, 15, 29, September 12.

Returning from Marshall steamer will leave that point for Nenana as soon as freight and passengers are discharged but not earlier than 6:00 a. m. May 25, June 11, 25, July 9, 23, August 6, 20, September 3, 17. Departure from Holy Cross will be not earlier than 6:00 p. m. on date shown following departure from Marshall.

A barge will be handled by steamer leaving Nenana on sailings May 16th, June 6, July 4, August 1, 29, Sept. 12. No barge will be handled by steamer sailing from Nenana on June 20, July 18, August 15, unless there is on hand at Nenana sufficient tonnage, in excess of carrying capacity of the steamer itself, to warrant the handling of a barge.

Inflammable liquids and explosives, which includes gasoline, fuel oil distillate, kerosene, are prohibited for transportation on the steamer itself and must be transported or loaded on a barge towed by the steamer. Therefore shippers of these commodities should arrange their orders so that shipments will connect at Nenana with steamer handling barge, on dates indicated above.

Connections are made at Holy Cross with steamer of Ira Wood and Day Navigation Company for points on the Innoko River and Iditarod.

Connections are made at Marshall, with each sailing, with launches of Northern Commercial Company for Saint Michael and Nome.

Train connections with Steamer *Nenana* at Nenana, for Marshall are made with Train No. 12 from Seward, also motor car leaving Fairbanks Sunday at 4:00 p. m. for Nenana. Steamer *Nenana* arriving Nenana connects with train No. 11 for Seward and motor car for Fairbanks.

Local Passenger Tariff No. 6-A and Local Freight Tariff No. 6-A name passenger and freight rates between all points Nenana to Marshall.

This circular cancels Freight Circular No. 69-F, Passenger Circular No. 127-F of February 21, 1936.

Authority: Act March 12, 1914 and Executive Order No. 3861.

J. T. CUNNINGHAM, *Superintendent of Transportation.*

[F. R. Doc. 37-780; Filed, March 19, 1937; 9:44 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Maine—Supplement (2) Issued March 18, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MAINE—SUPPLEMENT (2)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Maine, as amended by Supplement (1), is hereby amended as follows:

I

In the schedule under the heading "Fertilizing Conserving Crops", the figure representing the "Smallest amount" of potash, with or without manure, for which payment will be made when applied as top-dressing on hay land, pasture or orchard sods, is changed from 50 to 35. The line affected by this change will read:

| | | |
|---|---|---|
| Potash with or without manure | 35 | 80 |

II

The following paragraph is added at the end of subsection (a), section 4, of Part VII:

In the case of a farm which is rented for cash or for a fixed commodity payment, the owner shall be considered a producer and shall be eligible to share in the soil-building payment as provided in the preceding paragraph, provided a request for such a division of payment between owner and tenant(s) is filed with the County Committee on the prescribed form and such form is signed by the tenant(s) and the owner.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 37-786; Filed, March 19, 1937; 12:44 p. m.]

NER—B-101—Pennsylvania—Suppl. (3) Issued March 18, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) and (2) thereto, is hereby amended as follows:

I

The definition of "Soil-conserving base" included in Part IX, "Definitions", is amended to read as follows:

*Soil-conserving base* means the acreage represented by the difference between (1) the sum of the total crop land (excluding commercial orchards and idle crop land) and the 1936 acreage of soil-conserving crops as described in Part VI, section 3 (legumes or perennial grasses following a soil-depleting crop in 1936, or green-manure crops plowed under in 1936 following commercial vegetables), and (2) the sum of the 1937 tobacco soil-depleting base (if any) and the 1937 general soil-depleting base which is or could be established for the farm.

The following paragraph is added at the end of subsection (a), section 4 of Part VIII:

In the case of a farm which is rented for cash or for a fixed commodity payment, the owner shall be considered a producer and shall be eligible to share in the soil-building payment as provided in the preceding paragraph, provided a request for such a division of payment between owner and tenant(s) is filed with the County Committee on the prescribed form and such form is signed by the tenant(s) and the owner.

III

The definition of "Tobacco soil-depleting base" included in Part IX, "Definitions", is amended to read as follows:

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 37-787; Filed, March 19, 1937; 12:44 p. m.]

SR—B-101—Kemper County, Mississippi

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—KEMPER COUNTY, MISSISSIPPI

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil-Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with provisions of this Southern Region Bulletin 101—Kemper County, Mississippi, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act,

but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance herein set forth are computed upon the basis of an appropriation of $500,000,000 for the 1937 program and 85 percent participation by farmers in all regions. Such rates of payment, deductions, and the soil-building allowance may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

*Part I. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program) in Kemper County, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Southern region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

*Southern division* means the division of the Agricultural Adjustment Administration in charge of the 1937 program in the Southern Region.

*State agricultural conservation committee*, hereinafter referred to as State Committee, means the group of persons designated to assist the Secretary in the administration of the 1937 program in the State of Mississippi.

*Kemper County* means the area in the State of Mississippi embraced in the county of Kemper. Kemper County is one of several areas in the Southern Region designated to operate under "Special Programs" as provided for in section 66 of Southern Region Bulletin 101.

*County agricultural conservation association*, hereinafter referred to as county association, means the association of producers in Kemper County authorized by the Secretary to assist in the administration of the 1937 program in that county.

*County agricultural conservation committee*, hereinafter referred to as County Committee, means the group of persons designated to assist the Secretary in the administration of the 1937 program in Kemper County.

*Community agricultural conservation committee*, hereinafter referred to as Community Committee, means the group of persons designated for a community within Kemper County to assist the Secretary in the administration of the 1937 program in such community.

*Person* means an individual, firm, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who (1) owns land which is not rented to another for cash or a fixed commodity payment, or (2) rents land from another for cash or a fixed commodity payment, or (3) is purchasing land on installments of cash or one or more commodities.

*Operator* means a person who as owner is operating a farm and is entitled to receive all or a portion of the crops produced thereon or of the proceeds of such crops, or who as share-tenant is operating a whole farm and is entitled under a written or oral lease or agreement to receive a portion of the crops produced thereon or of the proceeds of such crops.

*Share-tenant* means a person other than an owner or share-cropper who is working a farm in whole or in part and is entitled under a written or oral lease or agreement to receive a portion of the crops produced thereon or of the proceeds of such crops.

*Share-cropper* means a person who works a producer unit under the supervision of an operator and is entitled under a written or oral agreement or State law to receive for his labor a share of any or all of the crops produced thereon or of the proceeds of such crops.

*Producer* means an owner, share-tenant, or share-cropper.

*Farm* means *all* land which in 1937 is operated by a person with labor, workstock, and farm machinery substantially separate from that for any other land except that the parts of such land having separate owners shall be considered as separate farms.

*Producer unit* means any tract of land (whether a whole farm or a subdivision thereof) on which in 1937 one or more crops are planted or grown and which is farmed by (1) an owner with his own or his family's labor or with hired labor other than one or more share-croppers, or (2) a share-tenant with his own or his family's labor or with hired labor other than one or more share-croppers, or (3) a share-cropper.

*Cropland* means all farm land which is tillable and on which at least one crop of any kind other than wild hay was harvested or planted for harvest at some time between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to bearing or non-bearing orchards or vineyards other than those abandoned.

*Total soil-depleting base* means the acreage established for the farm as that normally used thereon for the production of all soil-depleting crops.

*Cotton soil-depleting base*, hereinafter referred to as cotton base, means the acreage established for the farm as that normally used thereon for the production of cotton.

*General soil-depleting base*, hereinafter referred to as general base, means the acreage established for the farm as that normally used thereon for the production of all soil-depleting crops except cotton.

*Class I payment* means the payment for diversion of acreage from any soil-depleting base.

*Class II payment* means the payment for carrying out any soil-building practice approved by the Secretary.

*Soil-building allowance* for any farm means the largest amount of money that will be paid as a class II payment for the farm.

*Part II. Soil-Building Allowance*

SECTION 1. *Soil-Building Allowance for Farms Which May Earn a Class I Payment.*—On any farm for which a cotton base is or can be established or on which the general base exceeds the home consumption needs for the farm, the soil-building allowance will be the sum of the following items or $10.00, whichever is the greater:

(a) $0.75 for each acre of soil-conserving crops grown on cropland in 1937; and

(b) $2.00 for each acre of land terraced in 1937 in accordance with approved terracing practices for the land.

SEC. 2. *Soil-Building Allowance for Farms Which May Not Earn a Class I Payment.*—On any farm for which no cotton base can be established and on which the acreage of food and feed crops for home consumption needs is as great or greater than the general base which is or can be established for the farm, the soil-building allowance will be the sum of the following items or $20.00, whichever is the greater:

(a) $0.50 for each acre of cropland or $0.75 for each acre of soil-conserving crops, grown on cropland in 1937, whichever is the greater; and

(b) $2.00 for each acre of land terraced in 1937 in accordance with approved terracing practices for the land.

SEC. 3. *County Limit for Soil-Building Allowances.*—If the total soil-building allowance established for participating farms in Kemper County in 1937 is in excess of the total soil-building allowance which could have been established for all farms in Kemper County under the provisions outlined in SR–B–101, part II, as estimated by the Agricultural Adjustment Administration, the Secretary reserves the right to decrease the allowance pro rata to the extent of such excess.

*Part III. Rates and Conditions of Payment*

Payments will be made in connection with the utilization in 1937 of the land on any farm in Kemper County, Mississippi, at the rates and subject to the conditions set forth herein, provided that no payment will be made for any change in the use of such land which involves the destruction in 1937 of any food, fiber, or feed grain.



SECTION 11. *Cotton.*—(a) A class I payment will be made for each acre diverted from the cotton base on any farm in 1937 at the rate of 5 cents for each pound of the normal per acre cotton yield as adjusted for the farm on an acreage not to exceed 35 percent of such base, except that if such base is 5.7 acres or less payment may be made for diverting all or any part of such base not to exceed two acres.

(b) But if the acreage of cotton on any farm in 1937 exceeds the cotton base for such farm a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre determined for the farm under subsection (a) of this section 11.

SEC. 12. *General Soil-Depleting Base.*—(a) A class I payment will be made for each acre diverted from the general base on any farm in 1937, subject to the following provisions:

(1) Such payment will be made for diverting such part of such base as is in excess of the home consumption needs for the farm but in no case will such payment be made on an acreage in excess of 15 percent of such base.

(2) The rate of such payment per acre shall be $9.00 on the average for the United States, varying among States, counties, and individual farms as the productivity of the cropland used for the production of the crops in such base varies from the average productivity of all such cropland in the United States.

(b) If the 1937 acreage of crops in the general base for any farm exceeds such base or the acreage of such crops needed to meet home consumption needs for the farm, whichever is the greater, a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre established for the farm pursuant to subsection (a) of this section 12.

SEC. 13. *Soil-Building Practices.*—A class II payment will be made for carrying out any one or more of the following soil-building practices in 1937 at the rates and upon the conditions listed in this section 13, *provided* (1) in no event will the total of the class II payments respecting any farm exceed the soil-building allowance for the farm; (2) none of the labor, seeds, or materials for such practice is furnished or paid for by any Federal or State agency; and (3) the practice is carried out by such methods and with such kinds and quantities of adapted seed, trees, and other materials as conform to good farming practice.

*Practice Number—Practices and Conditions—Rate of Payment*

1. Lespedeza, Austrian winter peas, vetch, or other locally adapted winter legume, or legume mixture[1] seeded on cropland in 1937: $1.50.

2. Soybeans, velvet beans, cowpeas, crotalaria, beggar weed, lespedeza, or other locally adapted summer legumes, grown on cropland in 1937 and vines or stalks left on land or turned under: $1.00.

3. Crimson or bur clover, Austrian winter peas, vetch, or other locally adapted winter legume plowed under in 1937, provided a reasonably good growth is attained: $1.00.

4. Establishment of permanent pasture of perennial grasses or any pasture grass and legume mixture, on cropland or non-crop open pasture land in 1937: $3.00.

5. Forest trees, including post-producing species planted on cropland in 1937: $5.00.

6. Ground limestone or its equivalent[2] applied on soil-conserving crops or pastures in 1937, but payment will not be made on an amount in excess of 4,000 pounds per acre, or less than 500 pounds per acre if applied in rows or less than 1,000 pounds per acre if applied broadcast (per 100 pounds): $0.07.

7. Sixteen percent superphosphate or its equivalent[3] applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts) but payment will not be made on an amount less than 100 pounds or in excess of 400 pounds per acre (per 100 pounds): $0.50.

8. Basic slag applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts), but payment will not be made on an amount less than 100 pounds or in excess of 600 pounds per acre (per 100 pounds): $0.35.

9. Terracing land in 1937 in accordance with approved terracing practices for the land (per 100 feet): $0.40.

SEC. 14. *Minimum Acreage of Soil-Conserving Crops.*—If the sum of the acreage of soil-conserving crops on cropland and the acreage terraced in 1937 in accordance with approved terracing practices for the land on any farm does not equal or exceed the sum of the acres diverted for payment, a deduction will be made in an amount obtained by multiplying the rate per acre determined for the farm under subsection (a) of section 11 by the number of acres by which the total acres of soil-conserving crops (including terraced acres) on the farm in 1937 is less than such sum.

SEC. 15. *Division of Payments.*—Class I and class II payments made with respect to any farm shall be divided as follows:

(a) *Class I Payment.*—The class I payment except as indicated in the remaining subsections of this section 15 shall be divided—

(1) Thirty-seven and one-half (37½) percent to the producer who furnishes the land;

(2) Twelve and one-half (12½) percent to the producer who furnishes the workstock and equipment; and

(3) Fifty (50) percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in 1937 in those soil-depleting crops, or the proceeds of such crops, in connection with which the class I payment is made.

(b) *Class II Payment.*—The class II payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the eligible producer who the County Committee determines under instructions issued by the Secretary has incurred the expense in 1937 of carrying out such soil-building practice; if the County Committee determines that two or more producers have shared in the expense incurred in carrying out such practice on the farm, the class II payment calculated for the particular acreage with respect to which such producers shared in such expense shall be divided equally among them.

(c) *Reckoning Payments Without Regard to Claims.*—Any share of the class I or class II payments shall be computed and paid without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of the owner or any other creditor.

(d) *Changes in Leasing or Cropping Arrangement.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1936 leasing or cropping arrangement for the farm or has adopted any other device for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants or share-croppers would be entitled if the 1936 leasing or cropping arrangement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part.

(e) *Division of Class I Payment Where Diversion Was Not Made Ratably.*—On farms where there are two or more producers, that portion of the class I payment made with respect to any soil-depleting base which is to be divided among producers on a crop-share basis shall be divided among the producers entitled to share in the soil-depleting crop(s) in such base in the proportion that the acreage share

[1] Mixtures of legumes listed in practice No. 1 and non-legumes will be eligible for a payment of $1.50 per acre, provided such legumes are seeded at a rate equal to at least fifty (50) percent of the normal rate for such legumes.

[2] For example, five hundred pounds of burnt lime or 700 pounds of hydrated lime is the equivalent of 1,000 pounds of ground limestone.

[3] For example, one hundred pounds of 48 percent superphosphate is the equivalent of 300 pounds of 16 percent superphosphate.

of each such producer bears to the total acreage of such crop(s) grown on the farm in 1937; except that if no acreage of the crop(s) in any such base was planted in 1937 or if the County Committee finds (such finding shall be indicated by approval of the application for payment setting forth one of the methods of division of payment provided below) that diversion has not been made ratably by all producers on the farm, such portion of such payment to be made to any such producer shall be—

(1) in that proportion which his contribution to the difference between such base and the 1937 acreage of crop(s) in such base bears to the total difference between such base and the 1937 acreage of crop(s) in such base; or

(2) in that proportion which his acreage share of the soil-depleting base with respect to which such payment is made bears to such base for the farm.

The County Committee shall recommend, subject to the approval of the State Committee and the Director of the Southern Division, as each such person's share of such payment that portion computed in accordance with paragraph (1) or paragraph (2) of this subsection (e), whichever is found to be the more equitable, and support its recommendation by an accompanying letter setting forth fully the facts upon which such recommendation is based.

(f) *Abandonment, Foreclosure, Death, Etc.*—If prior to harvest a producer voluntarily ceases to cultivate, sells, abandons, or through his own fault or neglect loses control of any soil-depleting crop in connection with which a class I payment may be made, such producer shall not be entitled to such payment or any share therein and whoever succeeds him and as such successor is entitled to such crop or to share in it or its proceeds shall be entitled to such payment or to share therein, as the case may be, provided that by agreement of such producer and such successor person or persons (such agreement to be indicated or confirmed by their signatures on the application for payment) the acreage of such crop may be divided between them and such payment may be divided between them accordingly. In no case shall any person who as a result of attachment, foreclosure, or other legal process comes into possession of any soil-depleting crop in connection with which a class I payment may be made or the land on which such crop was planted be entitled to any share in such class I payment if the producer previously entitled to such crop or to share in it or its proceeds did not voluntarily abandon such crop, and the producer so dispossessed shall be entitled to such payment or to share therein, as the case may be. In case of the death or incompetency of a producer occurring during the period of performance under the 1937 program, class I and class II payments shall be made or withheld in accordance with rules to be prescribed by the Secretary.

(g) *Lease or Operating Agreement Expiring During Growing Season.*—No person who, upon the expiration of a lease or operating agreement which expires in 1937 after the season for planting begins and before harvest, succeeds to the land or crop covered by the lease or operating agreement shall be entitled to any class I payment or share thereof respecting such land or crop, except that, if the County Committee finds that both the producer who farmed under such lease or operating agreement and his successor have contributed to performance in 1937 and they have agreed upon a division between them of the acreage which otherwise would go to the producer who farmed under such lease or operating agreement, such acreage shall be divided between them according to such agreement (indicated or confirmed by their signatures on the application of payment) and the County Committee's finding shall be evidenced by its approval of the application setting forth such division.

SEC. 16. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat the purposes of the 1937 program.

*Part IV. Classification of Land Use and Crops*

Farm land when devoted to the crops and uses indicated below shall, except for such additions or modifications as may be approved by the Secretary, be classified as follows:

SECTION 31. *Soil-depleting.*—Land on which any of the following crops are harvested shall, except as provided in section 33 below, be regarded as devoted to the production of soil-depleting crops for the year in which such crops are harvested. In establishing soil-depleting bases and in the checking of performance the acreage of land which is devoted to two or more soil-depleting crops shall be counted only once.

(a) Corn (field, sweet corn, or popcorn).

(b) Cotton.

(c) Potatoes (Irish or sweet).

(d) Sugarcane.

(e) Truck and vegetable crops, including melons and strawberries.

(f) Peanuts harvested for nuts.

(g) Grain sorghums, sweet sorghums, millets, broomcorn, or Sudan grass, harvested for grain, seed, or forage.

(h) Small grains harvested for grain or hay (wheat, oats, barley, rye, buckwheat, or any mixture of any of these).

SEC. 32. *Soil conserving.*—Land devoted to any of the following crops or uses shall be regarded as used for the production of a soil-conserving crop except that any land from which a soil-depleting crop is harvested in the same year shall be regarded as used for the production of a soil-depleting crop in such year, except as provided in section 33 below. Any acre on which two or more soil-conserving crops are grown in the same year shall not be counted as more than one acre of soil-conserving crops, except that any acre that is terraced in 1937 in accordance with approved terracing practices for the land and on which a soil-conserving crop is grown in 1937 may be allowed to count as two acres of soil-conserving crops.

(a) *Legumes,* including vetch, winter peas, clovers, alfalfa, kudzu, lespedeza, soybeans, velvet beans, crotalaria, and cowpeas.

(b) *Peanuts,* if pastured.

(c) *Grasses,* including Dallis, Natal, rye grass, timothy, orchard, Bermuda, and carpet, or grass mixtures.

(d) *Grain sorghum* (seeded solid), sweet sorghums, millets, or Sudan grass, not harvested for grain, seed, or forage, or grain sorghums planted in rows and plowed under.

(e) *Cover crops,* including rye, barley, oats, wheat, and grain mixtures, not cut for grain or hay, provided a reasonably good growth is left on the land or plowed under.

(f) *Forest trees,* planted on cropland since January 1, 1934.

(g) Terracing land in 1937 in accordance with good terracing practices for the land (except that the acreage terraced in 1937 shall not be regarded as used for the production of soil-conserving crops in connection with item (a) in sections 1 and 2).

SEC. 33. *Soil-Conserving Crops Grown in Combination With or Following Soil-Depleting Crops.*—Land devoted to soil-conserving crops grown in combination with or following soil-depleting crops shall be classified as follows:

(a) All the acreage of soil-depleting row crops interplanted or grown in combination with summer legumes (classified in section 32 above as soil-conserving) shall be classified as soil-depleting, and

(1) one-half (½) of the acreage shall also be classified as soil-conserving, provided the legume occupies at least one-half (½) of the land and attains a reasonably good growth, or

(2) one-third (⅓) of the acreage shall also be classed as soil-conserving, provided the legume occupies at least one-third (⅓) but less than one-half (½) of the land and attains a reasonably good growth.

(b) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 32 above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(c) All the land on which green manure crops are seeded following commercial vegetable crops and plowed under as green manure after having attained at least two months' growth shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(d) All land from which a soil-depleting crop is harvested in 1937 and on which terraces are constructed according to good terracing practices for the land shall, in addition to being classified as soil-depleting, be classified as soil-conserving (except that the acreage terraced in 1937 shall not be regarded as used for the production of soil-conserving crops in connection with item (a) in sections 1 and 2).

SEC. 34. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided:

(a) Cropland.—

(1) Vineyards, tree fruits, bush fruits, and nut trees (any portion of such land which is interplanted shall carry the classification and actual acreage of such interplanted crop).

(2) Idle cropland.

(b) Non-cropland.—

(1) Non-crop pasture and range land.

(2) Waste land, roads, lanes, lots, yards, and other similar non-cropland.

(3) Woodland other than cropland planted to forest trees since January 1, 1934.

*Part V. Determination of Cropland and Establishment of Bases*

SECTION 41. *County Limits and Quotas.*—For the county a ratio of the total acreage in soil-depleting crops to all cropland will be established by the Agricultural Adjustment Administration from available statistics, such ratio to be referred to as the county limit. The ratio of the aggregate of the total soil-depleting bases established in the county to all cropland in the farms for which such bases are established shall not exceed the county limit unless a variation therefrom is recommended by the State Committee and approved by the Administrator of the Agricultural Adjustment Administration. County quotas of acreage and production for cotton will be established by the Agricultural Adjustment Administration from available statistics, and in addition an acreage quota of soil-conserving crops will be so established.

SEC. 42. *Recommendation of Bases.*—For each farm for which a work sheet is filed in 1937 the County Committee will recommend to the State Committee, for approval by the Secretary, the total acreage of cropland and a total soil-depleting base. As a part of the total soil-depleting base the County Committee will recommend a general base and also wherever applicable a cotton base.

SEC. 43. *Total Cropland.*—(a) If the total acreage of cropland for the farm was established by accurate measurement in 1936, such acreage will be the 1937 acreage of cropland for the farm. If the total acreage of cropland for the farm was not so established in 1936, such acreage for the farm shall be established either by measurement in 1937 or on a basis which will result in an acreage of cropland comparable with that for farms on which such land was established by measurement.

(b) If the total acreage of cropland established for the farm in 1937 as provided in subsection (a) of this section 43 varies from the cropland reported for the farm on the work sheet submitted for such farm in connection with the 1936 Agricultural Conservation Program or varies from the cropland reported for the farm on the work sheet submitted for such farm for the first time in connection with the 1937 program, adjustments shall be made in accordance with this section 43, and the total acreage in soil-depleting crops, soil-conserving crops, and the acreage of cropland classed as neutral shall be adjusted on a pro rata basis to conform with the adjustments made in the total cropland.

SEC. 44. *1937 Total Soil-Depleting Base.*—(a) *Farms for Which a Total Soil-Depleting Base Was Established in 1936.*—The County Committee will recommend to the State Committee, for approval by the Secretary, a total soil-depleting base for each farm covered by a work sheet in 1937 and for which a total soil-depleting base was established in 1936. Such base shall be the 1936 total soil-depleting base for the farm subject to the adjustments set forth in section 43 above and in accordance with the following:

(1) Necessary adjustments shall be made based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Program and other available information.

(2) There shall be included in the total soil-depleting base for the farm for 1937 the acreage of small grains for grain or hay followed by legumes; the acreage of corn interplanted with legumes classed as soil-conserving; and the acreage of Sudan grass harvested for seed or forage and classed as soil-conserving in establishing the total soil-depleting base for the farm for 1936.

(3) If the total soil-depleting base for any farm is materially greater or less than such bases for farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices, adjustments shall be made that will result in a total soil-depleting base for the farm which is comparable with the total soil-depleting bases for other similar farms.

(b) *Farms For Which a Total Soil-Depleting Base Was Not Established in 1936.*—The County Committee will recommend to the State Committee, for approval by the Secretary, a total soil-depleting base for each farm covered by a work sheet in 1937 and for which a total soil-depleting base was not established in 1936. Such base shall be the planted acreage of all soil-depleting crops for harvest in 1936 for the farm subject to the adjustments set forth in section 43 above and in accordance with the following:

(1) To the acreage of all soil-depleting crops planted in 1936 there shall be added the acreage diverted for payment under the 1936 Agricultural Conservation Program, provided that no soil-depleting crop was planted on such diverted acreage.

(2) Necessary acreage adjustments shall be made based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and other available information.

(3) If, because of flood, drought, or other abnormal weather conditions, the number of acres of soil-depleting crops planted in 1936 was greater or less than the acreage of such crops usually planted on the farm, such number of acres shall be adjusted to an acreage which is comparable with the acreage of such crops planted on the farm under normal conditions.

(4) If the total soil-depleting base for any farm is materially greater or less than such bases for farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices, adjustments shall be made that will result in a total soil-depleting base for the farm which is comparable with the total soil-depleting bases for other similar farms.

SEC. 45. *Cotton Base and Yield Per Acre.*—(a) *Cotton Base.*—

(1) The cotton base for the farm in 1937 shall be the cotton base which was or could have been established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in

the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) If, for causes other than flood, drought, or other abnormal weather conditions or because of substantial changes in the base acreage by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton base for the farm in 1936, the cotton base for 1937 shall be adjusted downward by the County Committee but not lower than 154 percent of the 1936 planted acreage.

(3) For farms on which cotton was grown in 1936 for the first time since 1933, a cotton base may be established on the basis of the acreage planted to cotton in 1936 subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(4) The sum of the cotton bases for the farms covered by work sheets in the county shall not exceed their proportionate share of the quota of cotton acreage established for the county by the Agricultural Adjustment Administration.

(b) *Determination of Yield Per Acre.*—

(1) The yield per acre of lint cotton for the farm shall be designated by the appropriate Community Committee, subject to such adjustment by the County Committee as is necessary in order that the sum of the base cotton production for farms covered by work sheets in 1937 in the county shall not exceed their proportionate share of the quota of cotton production established for the county by the Agricultural Adjustment Administration.

(2) Each farm covered by a work sheet will have been inspected by at least one member of the Community Committee, serving for the community in which the farm is located, who shall report the facts to the Community Committee before the yield is designated for the farm.

(3) The yield designated for any farm shall be that yield, subject to adjustments indicated in this subsection (b), which the Community Committee finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of cotton on the farm. In designating the yield due consideration shall be given by such Committee to the trend of yield per acre as well as to the type of soil, drainage, erosion, production practices, and general fertility of the land. Other facts bearing on the yield which might reasonably be expected, including abnormal weather conditions, shall also be given due consideration. Such findings shall be examined by the County Committee in the light of all available facts and approved or modified by it accordingly.

SEC. 46. *General Base and Productivity Index.—(a) Farms For Which A General Base was Established in 1936.*—

(1) The general base for the farm in 1937 shall be the general base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a general base for the farm which is comparable with general bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) There shall also be included in the general base for 1937—

i. The normal acreage of small grains for grain or hay followed by legumes and classed as soil-conserving in establishing the general base for 1936;

ii. The normal acreage of corn interplanted with legumes and classed as soil-conserving in establishing the general base for 1936;

iii. The acreage of Sudan grass harvested for seed or forage and classed as soil-conserving in establishing the general base for 1936; and

iv. The normal acreage of peanuts harvested for nuts, if grown for home use only.

(b) *Farms For Which a General Base Was Not Established in 1936.*—The general base for the farm in 1937 shall be the planted acreage of all crops in the general base for harvest in 1936, less such part of this acreage as was diverted in 1936 for payment from bases other than the general base, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a general base for the farm which is comparable with general bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(c) *Individual Farm Adjustments.*—In making adjustments in the general base for individual farms, such base cannot be adjusted below the farm's proportionate share of the total general base acreage for all farms in the county.

(d) *Productivity Index.*—The productivity index for the farm shall be determined upon the basis of the yield per acre established for the farm in 1937 for the crop(s) used in the county for this purpose under the 1936 Agricultural Conservation Program. The weighted average of the productivity indices for all farms diverting from the general base in the county shall not exceed 100, unless a variation therefrom is recommended by the State Committee and approved by the Director of the Southern Division.

SEC. 47. *Other Provisions.*—No Community or County Committeeman shall have a voice in designating or approving any acreage or yield for any farm which he owns, operates, or controls; which is owned, operated, or controlled by his brother, sister, parent, child, or other near relative; or upon which he has a loan or other financial interest.

*Part VI. Miscellaneous Provisions*

SECTION 61. *Persons Who May Make Application For Payment.*—(a) An application for payment may be made by (1) an owner, (2) an operator, and (3) such other persons as may be designated by the Secretary.

(b) Payment will only be made upon an application filed with the County Committee within the prescribed time. Each person applying for payment will be required to show that work sheets have been filed with the County Committee covering all land in the county owned or operated by him in 1937. Any person applying for payment who owns or operates farms in more than one county in Mississippi may be required to file with the State Committee a list of all such farms.

(c) A time limit for filing work sheets and applications for payment in the county will be designated by the State Committee subject to the approval of the Director of the Southern Division, and when so approved at least two weeks' public notice shall be given in advance of the expiration of such time limit.

SEC. 62. *Land Which May Be Covered by a Work Sheet and Application for Payment.*—(a) A work sheet shall cover all of one farm only, except as provided in the following subsections of this section 62.

(b) If two or more farms in the county are under the same ownership and are operated by the same person, such farms may be covered by one work sheet.

(c) If two or more tracts of land in the county are under different ownerships, even though they are operated by the same person, each such separately owned tract shall be covered by a separate work sheet.

(d) Tracts of land under the same ownership located in two or more adjoining counties and operated as a single farm in 1937 shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, as located in the county in which the major portion of such farm is located.

(e) Except as provided in subsection (f) of this section 62 the land covered by an application for payment shall be the land covered by a single work sheet. The application for payment filed with respect to any land shall show the name and the extent of the interest of each person entitled to share in the payment with respect to such land. The amount of payment to any person with respect to the land covered by the application for payment shall, subject to the provisions of section 63 below, be determined by the performance on such land.

(f) If any person operates more than one farm in the county, such person may, subject to the conditions of this subsection (f), make one application for payment with respect to all such farms or several applications each covering one or more of such farms.

(1) An application for payment covering two or more farms in the county which are operated by the same person may be made only with the consent (indicated by signatures on the application for payment) of all persons who, as owner, share-tenant, or share-cropper, have an interest in the crops (or the proceeds thereof) grown in 1937 on any farm covered by the application; except that the signature of any person shall not be required in order to permit a grouping of such farms if such person would not receive a payment if each such farm were covered by a separate application for payment.

(2) In making determinations with respect to the amount of payment to be made under such application (in accordance with the provisions of this subsection (f)), all farms covered by an application for payment shall be considered as one farm.

SEC. 63. *Multiple Farm Holdings.*—If any person making application for payment in the county has an interest as owner or operator in one or more farms in the county which is not covered by an application for payment under which payment may be made, such person is required to furnish the County Committee a showing as to the acreage of soil-depleting crops grown in 1937 on each such farm. If the County Committee finds from evidence submitted to it and such measurement of such farms as is deemed necessary that any such person has materially increased the 1937 acreage of crops in any soil-depleting base above such bases on any such farm, performance shall be checked on all such farms. The procedure shall be as follows:

(a) For each such farm multiply the 1937 acreage of cotton and crops in the general base by the respective rate per acre (determined pursuant to sections 11 and 12, part III) and multiply each such result by the percentage (determined pursuant to the provisions of section 15, part III) due such person. Total the results thus obtained.

(b) For each such farm multiply the cotton and general bases by the respective rate per acre (determined pursuant to sections 11 and 12, part III) and multiply each such result by the percentage (determined pursuant to the provisions of section 15, part III) due such person. Total the results thus obtained.

(c) If the total obtained under subsection (a) of this section 63 exceeds the total obtained under subsection (b) of this section 63, such excess shall be deducted first from any payment which otherwise would be made to such person with respect to farms in the county covered by an application for payment.

(d) The procedure outlined in this section 63 shall at the option of the Secretary be applied to all farms owned or operated by the same person in the State.

SEC. 64. *Appeals.*—Any person who has reason to believe that any recommendation of the County Committee concerning his farm is not equitable may request the County Committee to reconsider its recommendation. If such person fails to agree with the final recommendation of the County Committee, such person may take an appeal, in accordance with the provisions of amendment 4 to Southern Region Bulletin 101.



SEC. 65. *Deductions for Expenses.*—There shall be deducted pro rata from the payment to any person with respect to a farm or farms all or such part as the Secretary shall prescribe of the estimated administrative expenses incurred and to be incurred in the field in carrying out the 1937 program.

There shall be credited for the payment of administrative expenses the sum of $2.00 for each application for a farm on which the total payment (prior to deduction of any administrative expenses) as estimated by the Agricultural Adjustment Administration will be $20.00 or less.

SEC. 66. *Applicability to Farms Under Other Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are approved for the farm prior to performance by the County Committee in accordance with instructions issued by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, as hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of March, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-788; Filed, March 19, 1937; 12:44 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

### AMENDMENT OF RULES GOVERNING ISSUANCE OF TELEGRAPH FRANKS

The Telegraph Division at its regular meeting on March 9, 1937, adopted the following Order:

ORDER NO. 14-B

The Telegraph Division having under consideration the Rules Governing the Issuance of Telegraph Franks adopted by the Telegraph Division on February 13, 1935; and

*Whereas,* It appears that the provisions of paragraph 8 of said rules, with regard to the posting of lists of frank holders, and the provisions of paragraphs 9 and 10 of said rules, requiring a filing of special quarterly reports, may be modified so as to save expense and inconvenience to the carriers without injury to the interests of the public;

*It is ordered,* That said rules be and the same are hereby amended as of January 1, 1937, by striking out paragraphs 8, 9 and 10 thereof;

*It is further ordered,* That said rules be, and the same are, hereby further amended as of January 1, 1937, by adding thereto a new paragraph numbered 7-A, to read as follows:

7-A. Each year, on or before the 31st day of March, every telegraph carrier subject to the Communications Act of 1934 shall file with this Commission, in duplicate, a statement, for the last preceding calendar year, showing the name and address of every person holding a telegraph frank at any time during that period, the office, employment or relationship held by each such person entitling him to the frank, the number of franked messages sent under each frank during such period, and the aggregate charges in dollars which would have accrued to the carrier for all the franked messages sent under each frank during such period if the messages had been paid for at the full published charges; and an additional copy of such statement shall, not later than the date above mentioned, be made available, and thereafter kept available, in the principal office of the carrier for public inspection upon request.

By the Commission, Telegraph Division.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 37-778; Filed, March 19, 1937; 9:28 a. m.]

AMENDMENT OF RULE 330A

The Telegraph Division at its regular meeting on March 9, 1937, amended Rule 330a, to read as follows:

RULE 330a. In the event that the amount of power allocated above is insufficient to afford reliable coverage over the desired service area, the Commission may authorize the use of additional stations of the same or less power, or upon proper showing being made, may authorize such additional power as may be necessary but not to exceed 500 watts, provided, however, that municipal police stations authorized to serve an entire county under the provisions of Rule 331, may be licensed to employ a maximum power of 1,000 watts between one hour after local sunrise and one hour before local sunset, on condition that the applicant files with the application an agreement, entered into with other licensees operating on the same frequency and in the same area to which the frequency is assigned, including a statement giving their consent to the use of such increased power.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-779; Filed, March 19, 1937; 9:28 a. m.]

## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayers, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-297]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE CARBON DIOXIDE MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO OFFER SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Carbon Dioxide Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than April 6, 1937, which communications will be for the public record. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered: March 17, 1937.

[F. R. Doc. 37-782; Filed, March 19, 1937; 10:47 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[No. 3666]

ORDER

IN THE MATTER OF REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail, water and highway being under further consideration;

*And it appearing*, That upon petition of interested parties certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act) and upon investigation are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

*It is ordered*, That the aforesaid regulations as heretofore published in orders of May 12, 1930, Oct. 14, 1932, and Jan. 13, 1934, be and they are hereby superseded and amended as follows, effective June 17, 1937.

*Freight*

Superseding and amending 4th subpar., par. 241 (a), order May 12, 1930, to read as follows (*packing ethyl chloride*):

Or in metal barrels or drums, specification 5A, not over 33 gallons capacity each;

Amending par. 283, order May 12, 1930, as follows (*packing inflammable solids and oxidizing materials*):

(Add) No. 11A.—Wooden barrels or kegs with inside containers or with suitable lining for bulk shipments. Not authorized for chlorates.

Amending 3d subpar., par. 296, order May 12, 1930, as follows (*packing benzoyl peroxide*):

(Add) Or in wooden boxes, specification 15A or 15B, with inside containers which must be: Aluminum drums constructed of not less than 16 gauge U. S. standard, tightly sealed. Gross weight of each box not over 200 pounds.

Amending Note 1, par. 405, order May 12, 1930, as follows (*packing compressed gases*):

(Add) Cylinders complying with specification 3E are also authorized for all gases named in this table.

Amending Note 3, par. 405, order May 12, 1930, as amended by order Oct. 14, 1932, as follows (*packing compressed gases*):

(Add) *Provided further*, That cylinders marked ICC-3A2300 or for higher pressures are authorized to be shipped when charged with 75 or 100 pounds of gas with not over 1 pound variation plus or minus; filling density must not exceed 68 per cent.

Superseding and amending par. 406 (c), order May 12, 1930, to read as follows (*packing compressed gases*):

(c) Cylinders are authorized for liquefied petroleum gas when made under specification 3, 3A, 3B, 3E, 4, 4A, 4B, 25, 26, or 38. (See par. 416.)

Amending par. 408, order May 12, 1930, as follows (*packing compressed gases*):

(Add) Cylinders complying with specification 3E are also authorized subject to paragraph 404.

*Express*

Amending par. 148 (b), order May 12, 1930, as follows:

(Add) Motion-picture films in tightly closed metal cans each containing not over 1000 feet (approximate) of film may also be shipped in one-piece fiberboard boxes complying with paragraph 4, specification 23B; cans to be adequately braced in center of box from all 4 corners. Closing of box to be effected by coating entire contact surfaces of flaps with efficient adhesive; stitched closure not authorized. Box must not be used for reshipment.

Amending Note 1, par. 215, order May 12, 1930, as follows (*packing compressed gases*):

(Add) Cylinders complying with specification 3E are also authorized for all gases named in this table.

Amend Note 3, par. 215, order May 12, 1930, as amended by order Oct. 14, 1932, as follows (*packing compressed gases*):

(Add) *Provided further*, That cylinders marked ICC-3A2300 or for higher pressures are authorized to be shipped when charged with 75 or 100 pounds of gas with not over 1 pound variation plus or minus; filling density must not exceed 68 per cent.

Superseding and amending par. 216 (c), order May 12, 1930, to read as follows (*packing compressed gases*):

(c) Cylinders are authorized for liquefied petroleum gas when made under specification 3, 3A, 3B, 3E, 4, 4A, 4B, 25, 26, or 38. (See par. 226.)

Amending par. 218, order May 12, 1930, as follows (*packing compressed gases*):

(Add) Cylinders complying with specification 3E are also authorized subject to paragraph 214.



*Shipping Container Specifications*

Superseding and amending *specification 5C*, order Jan. 13, 1934, as follows:

2. In place of paragraph 2, the following:

(a) All sheet metal, welding rod, closing devices and samples taken from the welded portion of the finished container must be of 18 chrome 8 nickel alloy with 0.07 per cent carbon maximum, 17-20 per cent chromium, 7-11 per cent nickel, and be capable of resisting the action of nitric acid as follows:
(b) In that the limit of inches per month penetration in accordance with corrosion test as used in American Society of Testing Materials Committee A-10-1933 collaboration testing program shall be 0.0015 inch for 18 per cent chrome and 8 per cent nickel chrome iron, this figure to be an average of five 48-hour-period tests.

4. Paragraph canceled.

Superseding and amending par. 2, *specification 5G*, order Oct. 14, 1932, to read as follows:

2. In place of paragraph 2, the following:

The use of an austenitic 18 and 8 chrome nickel alloy steel with carbon content not over 0.12 per cent is required, except for rolling hoops, in the manufacture of these containers.

Superseding and amending par. 5 (a), *specification 8*, order May 12, 1930, to read as follows:

5. (a) Cylinders must be made seamless or from a seamless drawn body with one or both heads secured in place by welding, except as follows: Side seams made by forge lapweld and brazing of heads by dipping process are authorized; circumferential body seams made by fusion or electric resistance welding are authorized provided cylinder has no longitudinal body seam.

Amending *specification 23B*, order May 12, 1930, as follows:

(Add) 4. One-piece containers complying with all provisions of this specification, except as follows, are authorized for motion-picture film in inside metal cans only; each can to contain not over 1,000 feet (approximate) of film; gross weight of package not over 65 pounds:
(a) Board must be at least 350-pound test; flanged liner and pads not required.
(b) Adequate bracing must be supplied, at all 4 corners of box, to hold inside containers in center of package; this to be made of 175-pound test doublefaced corrugated fiberboard extending full depth of package.
(c) Closure of flaps by stitching not authorized.

*It is further ordered*, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

*It is further ordered*, That the aforesaid regulations as further amended herein shall be and remain in force on and after June 17, 1937, and shall be observed until further order of the Commission;

*And it is further ordered*, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 10th day of March, 1937.

By the Commission, Commissioner McManamy.

[SEAL] GEORGE W. LAIRD,
*Acting Secretary.*

[F. R. Doc. 37-785; Filed, March 19, 1937; 12:00 m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 73]

ALLOCATION OF FUNDS FOR LOANS

MARCH 18, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Idaho 10 Nez Perce | $250,000 |
| Idaho 10 G Nez Perce | 75,000 |
| Oregon 2 Lane | 98,000 |
| Oregon 2 G Lane | 10,000 |
| Texas 45 Limestone | 250,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-781; Filed, March 19, 1937; 9:44 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 1 TO FORM 23

The Securities and Exchange Commission, finding

(a) that the information required by Form 23 for applications for registration of securities of Successor Issuers, as such information is more specifically defined in the Instruction Book for Form 23 as hereinbelow amended, is necessary and appropriate in the public interest and for the protection of investors; and to insure fair dealing in the securities; and

(b) that insofar as such information is not within the provisions of Section 12 (b) of the Act, it is of character comparable to the information provided for therein and is applicable to the class of issuers by which Form 23 is to be used,

pursuant to power conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a), the Commission hereby amends the Instruction Book for Form 23 as follows:

The instructions to Item 19, under the caption "Financial Statements Required To Be Filed" are amended as follows:

I. By deleting subdivision (A) of paragraph I-2 (a) (1) and inserting the following in lieu thereof:

(A) There shall be filed, as of the close of the most recent fiscal year or as of a more recent date, a certified balance sheet for each constituent person.

II. By deleting the second sentence of paragraph I-2 (c) (1) and inserting the following in lieu thereof:

These statements shall be filed for the fiscal year preceding the date of the related balance sheet and for the period, if any, between the close of such fiscal year and the date of such related balance sheet.

Paragraph I-2 (c) (1), as hereby amended, reads as follows:

(1) There shall be filed a certified profit and loss statement, related to each individual or combined balance sheet filed for the constituent persons pursuant to paragraph (a) (1) above. These statements shall be filed for the fiscal year preceding the date of the related balance sheet and for the period, if any, between the close of such fiscal year and the date of such related balance sheet.

III. By deleting from paragraph I-2 (c) (2) the words "covering the interim period" and inserting the following in lieu thereof:

for each fiscal year or portion thereof from the close of the fiscal year for which statements were filed pursuant to paragraph (1)

Paragraph I-2 (c) (2), as hereby amended, reads as follows:

(2) There shall be filed, at the time of filing the balance sheets prescribed in paragraph (a) (3) above, additional certified profit and loss statements for each person for which profit and loss statements are filed pursuant to paragraph (1) for each fiscal year or portion thereof from the close of the fiscal year for which statements were filed pursuant to paragraph (1) up to the date of the balance sheets filed with the amendment.

IV. By deleting the period at the end of the second sentence in subdivision (1) of paragraph II-2 (a) and adding the following:

or, if the succession has not occurred, as of the date of the certified balance sheets filed pursuant to paragraph I-2 (a) above.

Subdivision (1) of paragraph II-2 (a), as hereby amended, reads as follows:

(1) There shall be filed for each such person a certified balance sheet as of its latest fiscal year closing date preceding the date of succession. Such statements may, however, at the option of the registrant, be as of the date of the certified balance sheet of the registrant showing the status after the transfer of accounts, or if the succession has not occurred, as of the date of the certified balance sheets filed pursuant to paragraph I-2 (a) above.

The foregoing amendment shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-791; Filed, March 19, 1937; 12:54 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE CAPROCK-PARKS #1 FARM, FILED ON FEBRUARY 27, 1937, BY CAPROCK OIL COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 4:00 o'clock in the afternoon of the 19th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 5th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-789; Filed, March 19, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON MARCH 11, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the answer set forth under Division III, Item 3, is incomplete and might, therefore, be misleading by reason of the fact that

(a) it is not fully explained how each factor used was determined for the particular tract;

(b) the reasons for the use of each particular factor in combination with each of the other factors are not fully explained;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2nd day of April, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-790; Filed, March 19, 1937; 12:54 p. m.]

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*Tuesday, March 23, 1937* *No. 55*

## POST OFFICE DEPARTMENT.

PURLOINING, STEALING, INJURING, OR COMMITTING DEPREDATION AGAINST PERSONAL PROPERTY OF THE UNITED STATES

MARCH 18, 1937.

Section 2339, Postal Laws and Regulations of 1932, is hereby amended to read as follows:

2339. Whoever shall take and carry away or take for his own use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, * * * shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (18 U. S. C., 82, as amended by the Act of June 18, 1934, 48 Stat., 996.)

[SEAL] W. W. HOWES.
*Acting Postmaster General.*

[F. R. Doc. 37-807; Filed, March 22, 1937; 11:20 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

YUMA IRRIGATION PROJECT

PUBLIC NOTICE OF ANNUAL WATER CHARGES

[No. 47]

[Act of June 17, 1902, 32 Stat., 388, as amended or supplemented]

MARCH 5, 1937.

1. *Annual Operation and Maintenance Charges for Lands under Public Notice, Reservation Division.*—The annual operation and maintenance charge for the irrigation season of 1937, and thereafter until further notice, against all lands of the Reservation division of the Yuma irrigation project, Arizona-California, under public notice, shall be a minimum of two dollars and fifteen cents ($2.15) per irrigable acre, whether water is used or not, which charge shall permit the delivery of not to exceed 5 acre-feet of water per acre on certain sandy areas shown on the list attached to public notices No. 31 dated April 14, 1931, No. 40, dated March 1, 1935, and No. 43, dated February 17, 1936, and as amended by the list attached to this public notice, and of not to exceed 4 acre-feet of water per acre on all other lands of this division; additional water shall be furnished at the rate of one dollar ($1.00) per acre-foot. Where, in the opinion of the superintendent, it may be done without interference with other project requirements, upon written request filed in advance by the water users, water for reclaiming lands by the washing out of alkali, either by the usual leach methods or by growing rice or similar crop, will be furnished free of charge; and water in excess of the minimum amount herein provided, which is to be used for the growing of fertilizer crops of no commercial value or which is to be used for the purpose of depositing silt upon the land, shall be furnished free of charge. All lands for which free water was served during the year 1936 will not again be served free water for the same area until evidence satisfactory to the project superintendent has been made that the water so granted free of charge during the year 1936 was applied to the land in sufficient quantities over a period of not less than 3 months, in which event water shall again be served free of charge provided the results accomplished during the preceding irrigation season were not satisfactory. All operation and maintenance charges shall be due and payable on March 1 of each year for the preceding irrigation season to the Agent-Cashier, Bureau of Reclamation, Yuma, Arizona.

2. *Annual Water Rental Charges for other Lands, Reservation Division.*—Lands not under public notice that can be irrigated from the present distribution system without further construction expense by the Bureau may secure irrigation water during the irrigation season of 1937 and thereafter until further notice under water rental contracts at a rate of two dollars and fifteen cents ($2.15) per irrigable acre, which charge will permit the delivery of not to exceed 4 acre-feet of water per acre, and additional water will be furnished at the rate of one dollar ($1.00) per acre-foot. All charges due under water rental contracts are payable in advance of the delivery of water. The minimum charge as specified shall be paid before any water is delivered during the current or subsequent seasons and all additional or excess water over the minimum of 4 acre-feet shall be paid for when ordered and prior to delivery. Refund will be made for excess water paid for but not used.

3. *Annual Water Rental Charge for Lands in the Valley Division not under Public Notice.*—Lands in the Valley division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States may secure irrigation water during the calendar year 1937 and until further notice under water rental contracts at a rate of three dollars ($3.00) per irrigable acre, which charge will permit the delivery of four acre-feet per acre. Additional water furnished will be charged for at the rate of one dollar ($1.00) per acre-foot, payable in advance of delivery. All town lots that can be served under the present system may secure water under annual water rental contracts at the rate of five dollars ($5.00) a lot and one dollar ($1.00) for each additional lot in the same ownership, considering the maximum lot to be not over sixty (60) feet in width.

4. All payments under water rental contracts are due and payable in advance of the delivery of water to the Agent-Cashier, Bureau of Reclamation, Yuma, Arizona.

T. A. WALTERS,
*First Assistant Secretary.*

LIST OF SANDY AREAS

To accompany Public Notice No. 47, dated March 5, 1937.

*T. 16 S., R. 23 E., S. B. M., California*

| Section | Farm Unit or Description | Acres |
|---|---|---|
| 6 | "A" | 10 |

[F. R. Doc. 37-804; Filed, March 22, 1937; 9:59 a. m.]

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### Division of Territories and Island Possessions.

THE ALASKA RAILROAD

TRANSPORTATION DEPARTMENT

ANCHORAGE, ALASKA, *March 1, 1937.*

*Freight Circular No. 84-E*

Subject: Local Freight Train Service.

*To All Concerned:*

Effective March 31, 1937, local freight train service will be as follows:

*Northward*

| | |
|---|---|
| Leave Seward | Wednesday-Saturday. |
| Leave Anchorage | Thursday-Sunday. |
| Leave Curry | Friday-Monday. |
| Leave Healy | Saturday-Tuesday. |



*Southward*

| | |
|---|---|
| Leave Fairbanks | Sunday-Friday. |
| Leave Healy | Tuesday-Saturday. |
| Leave Curry | Wednesday-Sunday. |
| Leave Anchorage | Thursday-Monday. |

Mixed train will leave Anchorage each Monday and Friday at 9:00 a. m. for Jonesville and return to Anchorage same day.

Bulletin No. 986 is cancelled March 31, 1937.

Authority Act March 12, 1914 and Executive Order No. 3861.

J. T. CUNNINGHAM,
*Sup't. of Transportation.*

[F. R. Doc. 37-803; Filed, March 22, 1937; 9:58 a. m.]

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THE ALASKA RAILROAD

TRANSPORTATION DEPARTMENT

ANCHORAGE, ALASKA, *March 1, 1937.*

*Passenger Circular No. 154-A*

Subject: Passenger Train Service:

*To All Concerned:*

Effective March 30, 1937, passenger service will be as follows:

| *Northward* | | | *Southward* |
|---|---|---|---|
| Tues.-Fri. 7:30 a. m. | Lv. | Seward | Ar. 6:30 p. m. Mon-Thur. |
| Tues.-Fri. 12:30 p. m. | Ar. | Anchorage | Lv. 1:30 p. m. Mon.-Thur. |
| Tues.-Fri. 2:00 p. m. | Lv. | Anchorage | Ar. 11:59 a. m. Mon.-Thur. |
| Tues.-Fri. 6:30 p. m. | Lv. | Curry | Lv. 7:30 a. m. Mon-Thur. |
| Wed.-Sat. 7:30 a. m. | Lv. | Curry | Ar. 5:15 p. m. Sun.-Wed. |
| Wed.-Sat. 11:59 a. m. | Ar. | Healy | Lv. 12:40 p. m. Sun.-Wed. |
| Wed.-Sat. 12:30 p. m. | Lv. | Healy | Ar. 12:10 p. m. Sun.-Wed. |
| Wed.-Sat. 4:15 p. m. | Ar. | Fairbanks | Lv. 8:30 a. m. Sun.-Wed. |

Bulletin No. 985 is cancelled March 30, 1937.

Authority Act March 12, 1914 and Executive Order No. 3861.

J. T. CUNNINGHAM,
*Sup't. of Transportation.*

[F. R. Doc. 37-802; Filed, March 22, 1937; 9:58 a. m.]

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### Office of Indian Affairs.

LEASING OF SEGREGATED COAL AND ASPHALT DEPOSITS IN CHOCTAW AND CHICKASAW NATIONS, OKLAHOMA.

Amendment to Section 5 of the Regulations Governing the Leasing of the Segregated Coal and Asphalt Deposits in the Choctaw and Chickasaw Nations, in Oklahoma, the adding of additional acreage to existing leases, and for an extension of time within which purchasers of such deposits may complete payments.

Section 5 of said regulations promulgated under authority of the Act of April 21, 1932 (47 Stat. 88), is hereby amended to read as follows:

All lessees shall be required to pay royalties under each lease as follows: On the production of all the mines developed and operated under each lease the sum of ten cents per ton of two thousand pounds on mine-run, or coal as it is taken from the mines, including that commonly called "slack". All royalties on coal mined in any month shall be due and payable on or before the 25th day of the month succeeding that in which the coal was mined.

Approved effective February 1, 1937.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-805; Filed, March 22, 1937; 10:01 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[AMENDMENT OF RULE 101.7]

PRACTICE BY ATTORNEYS AFTER SEPARATION FROM SERVICE OF COMMISSION

The Commission, at a General Session, held on March 17, 1937, amended Rule 101.7 to read as follows:

101.7. No person serving as an attorney at law in the Federal Communications Commission on or after July 1, 1935, shall be permitted to practice, appear, or act as an attorney in any case, claim, contest, or other proceeding before the Commission or before any Division or agency thereof until two years shall have elapsed after the separation of the said person from the said service. The provisions of this rule shall not apply to any person practicing, appearing or acting as an attorney in behalf of any municipality, or State or the Federal Government in any case, claim, contest, or other proceeding before the Commission or before any division or agency thereof. The term "attorney at law" includes attorney-examiner. Nothing herein shall be construed to prevent any former officer or employee of the Federal Communications Commission from appearing as a witness in any hearing, investigation, or other proceeding before it.

JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-800; Filed, March 22, 1937; 9:56 a. m.]

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CONTINUOUS RADIO WATCH ON CERTAIN SHIPS

The Commission, at a General Session, held on March 10, 1937, granted a further exemption from the requirement of a continuous radio watch on cargo ships of the United States of 5,500 gross tons or over for a further period from April 7, 1937 to and including August 6, 1937, provided that such ships maintain during that period a radio watch by means of a licensed operator of the proper grade of at least eight hours per day in the aggregate.

JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-801; Filed, March 22, 1937; 9:56 a. m.]

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[ORDER No. 28]

AUTOMATIC ALARM DEVICES, AMENDMENTS TO SHIP RADIOTELEGRAPH SAFETY INSTRUCTIONS

The Telegraph Division, at a special meeting, held on March 10, 1937, adopted the Report of the Commission in Docket No. 4409, in the matter of the Approval or Disapproval of certain Automatic Alarm Devices, identified as Model A and Model B, together with attached Telegraph Division Order No. 28, and also approved certain amendments to Ship Radiotelegraph Safety Instructions.

JOHN B. REYNOLDS,
*Acting Secretary.*

It is hereby ordered that, effective the 10th day of July, 1937, automatic alarm devices described as Radiomarine Corporation of America "Model AR-8600 Auto Alarm" and "Mackey Radio and Telegraph Company Auto Alarm Type 101-A manufactured by Federal Telegraph Company" be, and the same are hereby approved unless the Commission within sixty days of the date hereof finds that the following conditions or any of them have not been met:

1. The manufacturer of each auto alarm shall furnish the Commission with two copies of a complete description including technical details and circuit diagrams of the production models of the approved alarms. No change shall be made in said auto alarms except after submission of such changes together with a description of all technical details to the Commission and approval by the Commission of such changes.

2. Each manufacturer shall furnish the Commission for its approval written instructions, for the use of the ship station radio operator and ship's officers, relative to the functioning of the auto alarm. (See paragraph 17 of the Ship Radiotelegraph Safety Instructions, as amended.)

3. The Radiomarine Corporation of America "Model AR-8600 Auto Alarm" shall meet the following requirements:

(a) An arrangement shall be provided to energize the audible alarms if and when the voltage of the 6-volt storage battery decreases to 4 volts and when this voltage fails altogether at the point where the battery circuit enters the auto alarm unit.

(b) An arrangement shall be provided to energize the audible alarms if and when the voltage of the 110-volt direct-current power supply decreases to 100 volts or less, or in lieu of energizing the audible alarms, the auto alarm may be automatically connected to a comparable substitute source of power supply producing a voltage of not less than 100 volts.

4. "Mackay Radio & Telegraph Company Auto Alarm type 101-A manufactured by Federal Telegraph Company" shall meet the following requirements.

(a) An arrangement shall be provided to energize the audible alarms if and when the voltage of the 24-volt storage battery fails altogether at the point where the battery circuit enters the auto alarm unit.

(b) The type of 90-volt direct current power supply utilized to operate the auto alarm receiver unit is optional. In cases where the 90-volt power supply is obtained from a source other than dry batteries, an arrangement shall be provided to energize the audible alarms if and when the voltage decreases to 65 volts or less, or in lieu of energizing the audible alarms, the auto alarm receiver may be automatically connected to a comparable substitute source of power supply producing a voltage of not less than 65 volts.

*Provided, however*, nothing contained herein shall constitute approval of these devices beyond the period ending December 31, 1938, unless prior to that time the Commission shall issue a supplemental order made in the light of experience in the use of the devices, and as a result of its studies as to what further requirements, if any, must be met in order to warrant approval of these devices for an additional period.

Should it be determined at any time that the requirements of the Commission as set forth in the specifications of October 1, 1935, as construed by the Commission's opinion or the requirements of this order, have been violated, the approval of the type of automatic alarm involved may be cancelled by the Commission.

The automatic alarm devices hereinabove referred to are approved pursuant to the provisions of Article 29-2 (c) of the International Convention for Safety of Life at Sea, London, 1929, and are approved, subject to the requirements of the Ship Radiotelegraph Safety Instructions issued by this Commission as amended by Change No. 1, dated March 10, 1937, for use on voyages, other than on the Great Lakes, only on cargo vessels of 5500 gross tons; or over; provided, however, that either of said automatic alarm devices may be installed on any ship for use on any voyage in addition to any operator requirements.

Neither the type approval by the Commission of these automatic alarms nor the installation of an auto alarm on a vessel of the United States is to be construed as relieving any ship subject to the "Act to Require Apparatus and Operators for Radiocommunication on Certain Ocean Steamers" approved June 24, 1910, as amended by an act approved June 23, 1912 (commonly referred to as the "Ship Act") from full compliance therewith.

By the Commission, Telegraph Division.

JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-799; Filed, March 22, 1937; 9:56 a. m.]



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2785]

IN THE MATTER OF THE AMERICAN LAWN MOWER CORPORATION, A CORPORATION, TRADING AND DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF RICHMOND SCHOOL FURNITURE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Saturday, April 3, 1937, at two o'clock in the afternoon of that day (central standard time), Room 206, Federal Building, Muncie, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-795; Filed, March 20, 1937; 9:58 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2740]

IN THE MATTER OF W. H. BONIFIELD, TRADING AS CHICOPEE MEDICINE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Saturday, April 3, 1937, at ten o'clock in the forenoon of that day (central standard time) in Room 206, Federal Building, Muncie, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-796; Filed, March 20, 1937; 9:59 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2731]

IN THE MATTER OF T. G. COOKE, DOING BUSINESS UNDER THE TRADE NAME AND STYLE OF INSTITUTE OF APPLIED SCIENCE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, April 9, 1937, at two o'clock in the afternoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Ill.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-794; Filed, March 20, 1937; 9:58 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of March, A. D., 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2867]

IN THE MATTER OF HARTZ MOUNTAIN PRODUCTS, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A. Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 22, 1937, at ten o'clock in the forenoon of that day (eastern standard time), at room 509, Fifth Floor, Post Office Building, Baltimore, Maryland.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-797; Filed, March 20, 1937; 9:59 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3048]

IN THE MATTER OF PEDODYNE COMPANY, INC., A CORPORATION, GEORGE J. KATZ, INDIVIDUALLY AND AS PRESIDENT OF PEDODYNE COMPANY, INC., ROSE M. KATZ, INDIVIDUALLY AND AS VICE PRESIDENT AND TREASURER OF PEDODYNE COMPANY, INC., AND ROBERT L. KEATS, ALSO KNOWN AS ROBERT L. KATZ, INDIVIDUALLY AND AS SECRETARY OF PEDODYNE COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, April 12, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Ill.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-798; Filed, March 20, 1937; 9:59 a. m.]

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Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-302]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE WET GROUND MICA INDUSTRY

NOTICE OF OPPORTUNITY TO OFFER SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Wet Ground Mica Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than April 8, 1937, which communications will be for the public record. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered: March 19, 1937.

[F. R. Doc. 37-806; Filed, March 22, 1937; 10:48 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 74]

ALLOCATION OF FUNDS FOR LOANS

MARCH 19, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Nebraska 44 W Cass | $10,000 |
| Texas 49 Denton | 530,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-793; Filed, March 20, 1937; 9:46 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

[File No. 31-386]

IN THE MATTER OF THE APPLICATION OF EASTERN SHORE GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Eastern Shore Gas Company, pursuant to Section 2 (a) (4) of the Public Utility Holding Company Act of 1935, for exemption as a gas-utility company from the provisions of said Act,

It is ordered that a hearing on such matter be held on April 8, 1937, at 10:00 o'clock in the forenoon of that day at Room 726-C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 3, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-810; Filed, March 22, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.



[File No. 31-387]

IN THE MATTER OF THE APPLICATION OF EASTERN SHORE GAS COMPANY OF VIRGINIA, INC.

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Eastern Shore Gas Company of Virginia, Inc., pursuant to Section 2 (a) (4) of the Public Utility Holding Company Act of 1935, for exemption as a gas-utility Company from the provisions of said Act,

It is ordered that a hearing on such matter be held on April 8, 1937, at 10:00 o'clock in the forenoon of that day at Room 726-C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 3, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-809; Filed, March 22, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

[File No. 51-1]

IN THE MATTER OF ILLINOIS POWER AND LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Illinois Power and Light Corporation, a subsidiary of a registered holding company, under Rule 12C-2, promulgated pursuant to Sections 12 (c) and 20 (a) of the Public Utility Holding Company Act of 1935, for an order authorizing the applicant to charge against paid-in surplus resulting from a proposed reduction of its capitalization (1) any and all cash payments on certain Dividend Arrears Certificates proposed to be issued by the applicant, and (2) a dividend of 50¢ per share, aggregating $20,000, proposed to be paid on 40,000 shares of the 6% Cumulative Preferred Stock of the applicant. The applicant has previously filed an application pursuant to Section 11 (g) of the Act for a report by the Commission on its proposed Plan of Recapitalization involving the reclassification and change of its capital stock presently outstanding, and a declaration pursuant to Section 7 of the Act with respect to the issuance and exchange of securities pursuant to such Plan of Recapitalization.

It is ordered that a hearing on such matter be held on April 8th, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before the 3rd day of April, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-811; Filed, March 22, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its Office in the City of Washington, D. C., on the 20th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE AMERADA-TRANSWESTERN-SUENRAM FARM, FILED ON FEBRUARY 2, 1937, BY S. LEROY ESTES, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-812; Filed, March 22, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D., 1937.

[File No. 46-32]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION, THE INDUSTRIAL GAS COMPANY, GAS PRODUCING COMPANY OF OHIO

ORDER APPROVING ACQUISITION OF SECURITIES AND OTHER BUSINESS INTERESTS PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

National Gas & Electric Corporation and its two wholly-owned subsidiaries, The Industrial Gas Company and Gas

Producing Company of Ohio, having filed an application, and amendments thereto, with the Commission pursuant to Section 10 (a) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by National Gas & Electric Corporation of all the properties and assets of Mid-East Gas Company and the Zane Gas Company, of the physical properties of Kenova Gas and Oil Company located in Muskingum County, Ohio, of such physical properties of Kemrow Company that are owned jointly with Kenova Gas and Oil Company located in Muskingum County, Ohio, and of 401 shares of the common stock of the Fritz Oil and Gas Company; and the resale of the physical properties so acquired by National Gas & Electric Corporation to The Industrial Gas Company and Gas Producing Company of Ohio, which latter companies, as a part of such transactions, will issue certain securities to National Gas & Electric Corporation;

Notice and opportunity for hearing on said application having been duly given, representatives of the applicants having appeared and testified, the record in this matter having been duly considered; and the Commission having duly made and filed its findings herein;

It is ordered that such acquisitions be, and the same are hereby approved, on condition that such acquisitions shall be made in substantial compliance with the terms and conditions set forth in the applications and the amendments thereto;

It is further ordered, that promptly upon effecting such acquisitions, the applicants shall notify the Commission that they have acquired valid title to the above-mentioned assets and securities, and that such acquisitions have been effected in accordance with the terms and conditions set forth in the application and the amendments thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-808; Filed, March 22, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-MCNABB PARK, BLOCK #9, FARM, FILED ON MARCH 15, 1937, BY R. E. PITTS, RESPONDENT

SUSPENSION ORDER, ORDER FOR REHEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that it appears that title to portions of the block described in Exhibit B is involved in litigation as a result of which the royalty payments relating to those portions of said block involved in such litigation are being currently impounded and the offering sheet does not disclose such litigation or whether the interests offered by said offering sheet are, or are not, involved in or affected by such litigation;

(2) In that in Exhibit A the legend is incomplete by reason of the fact that the symbol for an abandoned well is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 18th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2nd day of April 1937 at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-813; Filed, March 22, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE WILLIAMS-SANTA FE-PACIFIC R. R. FARM, FILED ON MARCH 15, 1937, BY H. L. WILLIAMS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the number of barrels of oil in which the smallest fractional interest proposed to be offered will be entitled to participate is not correctly figured;

(2) In that Item 3 (b) omits the size of the interest of the lessee;

(3) In that the statement made under Division II, Item 16 (b), disagrees with the information disclosed in Exhibit B;

(4) In that the statement following Item 16 (b) does not coincide with the language provided for such statement in Schedule D;

(5) In that the figure set forth for the approximate cost of drilling and completing the well under Division II, Item 21, is not in accord with the information given under Division II, Item 13; nor can the statement made under Division II, Item 13, be reconciled with the information set forth under Division II, Item 23;

(6) In that the information given under Division II, Item 24 (b), is incomplete and might, therefore, be misleading;

(7) In that the answer to Division II, Item 24 (c), is incomplete by reason of the fact that it does not set forth sufficient information to comply with the requirements of Schedule D;

(8) In that the statement made in Division II, Item 25, may be inaccurate and misleading by reason of the fact that the word "none" prefaces the answer to the question;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 18th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2nd day of April, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-814; Filed, March 22, 1937; 12:40 p. m.]

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## UNITED STATES MARITIME COMMISSION.

[General Order No. 7]

REGULATIONS FOR FILING APPLICATIONS UNDER TITLE V, MERCHANT MARINE ACT, 1936, FOR CONSTRUCTION-DIFFERENTIAL SUBSIDIES

The United States Maritime Commission, acting pursuant to the authority conferred upon it by the Merchant Marine Act of 1936, particularly Title V thereof, and finding that Regulations for filing applications for construction-differential subsidies are necessary and appropriate to carry out the provisions of said Title V of said Act, hereby adopts the Regulations for filing applications under Title V of the Act, which have been promulgated this day.

By order of the United States Maritime Commission.

TELFAIR KNIGHT, *Secretary.*

MARCH 19, 1937.

REGULATIONS

By virtue of the authority vested in the United States Maritime Commission by the act entitled, "An Act to further the development and maintenance of an adequate and well-balanced American merchant marine, to promote the commerce of the United States, to aid in the national defense, to repeal certain former legislation, and for other purposes" (Act of June 29, 1936. Public No. 835, 74th Cong.), and in order to establish uniform procedure under Title V of said Act, particularly with reference to applications for construction-differential subsidies to aid in the construction of new vessels for operation in the foreign commerce of the United States, the following regulations are hereby prescribed:

*Note 1.*—These regulations supersede the former "Information For Applicants For Construction Loans" and the former "Standard Instructions".

*Note 2.*—These regulations do not apply to applications for construction-differential subsidies to aid in the reconstruction or reconditioning of vessels pursuant to the provisions of sec. 501 (c), Title V of said Act, or for financial aid in the construction of new vessels to be operated in the domestic trade pursuant to sec. 509 of the Act.

ARTICLE I. DEFINITIONS

(a) Citizen of the United States. For the purposes of these regulations, no corporation, partnership, or association shall be deemed a citizen of the United States unless it is a citizen of the United States within the meaning of sec. 2, Shipping Act, 1916, as amended (U. S. C., Title 46, sec. 802).

(b) The Act. The Merchant Marine Act, 1936.

(c) The Commission. United States Maritime Commission.

ARTICLE II. PROCEDURE

SEC. 1. *Application.*—The Commission will consider the application of any citizen of the United States for a construction-differential subsidy in accordance with the provisions of Title V of the Act when submitted in compliance with the requirements of these regulations.

SEC. 2. *General nature of information to be furnished.*—The purpose of the information requested in these regulations is to enable the Commission to determine (1) that the applicant is a citizen of the United States; (2) that the service, route, or line operated or proposed to be operated by the applicant is essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States; (3) that the service, route, or line requires a new vessel of modern and economical design to meet foreign-flag competition and to promote the foreign commerce of the United States; (4) that the plans and specifications call for a new vessel which will meet the needs of the service, route, or line and the requirements of commerce; (5) that the applicant possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain the proposed new vessel in such service or on such route or line, and to maintain and continue adequate service on said route or line, including replacement of worn-out or obsolete tonnage with new and modern ships; (6) and that the granting of the aid applied for is reasonably calculated to carry out effectively the purposes and policy of the Act.

SEC. 3. The Commission may require the applicant to furnish information other than that hereinafter required, and when submitted such information shall be deemed part of the original application.

SEC. 4. *General Instructions.*—(a) Applications shall be addressed to the United States Maritime Commission, Washington, D. C., and shall bear a title substantially as follows: "Application of (Name of Applicant) for a construction-differential subsidy for the construction of a new vessel in accordance with the provisions of Title V, Merchant Marine Act, 1936." Six copies of each application shall be filed with the Secretary of the Commission at Washington, D. C.

(b) Each application shall be submitted over the signature of a responsible officer of the applicant, whose title is indicated, and shall close with the following statement sworn to by such officer on behalf of the applicant:

That the applicant is a citizen of the United States within the meaning of the Shipping Act, 1916, as amended (U. S. C., Title 46, sec. 802), and that this application is made for the purpose of inducing the United States Maritime Commission to grant to the applicant a construction-differential subsidy for the construction of a new vessel in accordance with the provisions of Title V, Merchant Marine Act, 1936; that the facts, statements, and representations contained in this application were either prepared by me or prepared at my direction and under my supervision for and on behalf of applicant and are full and complete, accurate and true, to the best of my knowledge, information and belief.

(c) The applicant shall furnish the information required by these regulations set out in the order provided herein and the information required should be tabulated whenever possible. For the purpose of such tabulation, information requested under separate subsections of these regulations may be combined, provided reference is made to the combined subsections.

The applicant shall report in detail all material changes in any of the facts set out in its application occurring while such application is pending before the Commission.

(d) Approval of any application shall not be construed as binding the Commission or the United States to grant to the applicant a construction-differential subsidy.

(e) The filing of an application for a construction-differential subsidy pursuant to these regulations shall be construed as authorizing the Commission to examine and audit the books, records, papers, and documents of the applicant, and of its holding, affiliated, or subsidiary companies, for the purposes of verifying or amplifying any of the facts, statements, or representations submitted in the application so filed.

ARTICLE III. CITIZENSHIP, IDENTIFICATION, AND FINANCIAL STATEMENTS

State or furnish the following particulars:

SEC. 1. *Citizenship and identification.*—(a) Full business name of applicant.

(b) State of incorporation. If applicant is an individual, firm, or partnership, give state of organization.

(c) Date of incorporation or organization.

(d) Location and address of principal place of business.

(e) Location and address of branch offices.

(f) Attach to the application a certified copy of the articles of incorporation and by-laws with all amendments thereto. If applicant is a partnership, attach certified copy of partnership agreement, as amended.

(g) Name, address, and nationality of all officers and directors, giving title of each and amounts of stock in each class owned by each. If applicant is a partnership, the name, address, and nationality of all partners, including limited partners.

(h) A list of all stockholders of record, showing the name and address of each stockholder and the number of shares of stock in each class owned by each stockholder.

(i) The terms of all voting agreements, voting trusts, or any arrangement whereby the voting rights in any stock of the applicant are owned, controlled, or exercised, or whereby the control of the applicant is in any way exercised by any person, firm, partnership, corporation, or association not the holder of legal title to such stock. Give the name, address, nationality, and business of any such person, firm, partnership, corporation, or association.

(j) A chart showing in full the holding, subsidiary, affiliated, and associate companies of the applicant, listing the directors, officers, and persons holding a majority of the stock in each of such companies.

SEC. 2. *Financial Statements.*—(a) State the capital stock of applicant, authorized and outstanding. Segregate according to class and give in full the incidents of each class.

(b) Furnish a balance sheet as of the end of the calendar year immediately preceding date of application of the applicant and of each holding, subsidiary, and affiliated company on appropriate exhibits and supporting schedules as included in the annual report and general financial statement prescribed by the Commission for that year.

(c) Furnish a surplus statement of the applicant for each of the four calendar years immediately preceding the year for which information is prepared under subsection (b) above on the regular surplus schedule as prescribed by the Commission in the aforesaid annual report and financial statement.

(d) Furnish an income statement of the applicant for the five calendar years immediately preceding the date of application on appropriate exhibit and all supporting schedules as included in the aforesaid annual report and financial statement prescribed by the Commission.

(e) Furnish for the calendar year during which application is filed a monthly income statement accumulated to the end of the month immediately preceding the date of the application and indicate the adjustments to surplus, if any, made during such period.

(f) All balance sheets and financial statements required by this section shall be duly certified by the principal finance or accounting officer of the applicant.

(g) State whether applicant has gone through any reorganization within ten years prior to date of application. If so, give full details as to the circumstances thereof.

(h) If applicant proposes to pay the Commission a sum equal to 25 per centum of the construction cost of the vessel to be paid to the Commission (excluding cost of national-defense features), pursuant to the provisions of sec. 502 (c) of the Act, state whether the amount of such cash payment is to be made from current assets or through issuance and sale of capital stock, and if the latter, give full particulars.

(i) If applicant proposes to finance the construction of the proposed vessel pursuant to the provisions of sec. 504 of the Act, state whether such proposed financing is to be borne by applicant from current assets or through issuance and sale of capital stock, and if the latter, give full particulars.

ARTICLE IV. SERVICES, ROUTES, OR LINES—ABILITY AND EXPERIENCE

(Wherever in this article the applicant is required to give the size of a vessel, the gross, net, and deadweight tonnage whenever possible should be stated)

SEC. 1. *Existing Services, Routes, or Lines.*—If applicant owns or operates vessels on a service, route, or line on which the proposed new vessel is to be operated, state the following information:

(a) Full details concerning the services, routes, or lines on which the applicant now owns or operates vessels including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year, description of services and voyages, and number, name, age, size, type, speed, and registry of the vessels segregated according to services, routes, or lines.

(b) Type and kind of cargo now carried in the trade so served, and any information the applicant may have as to how the service or line may be developed for carrying additional types and kinds of cargo, and any factors, domestic or foreign, influencing cargo expectations for the future.

(c) If applicant proposes to replace a vessel now operated exclusively on a service, route, or line with said proposed new vessel, state:

(1) Name of the vessel proposed to be replaced and reasons for considering that such vessel is obsolete or inadequate for successful operation in such trade.

(2) Whether or not the applicant proposes to offer such vessel for sale to the Commission pursuant to the provisions of sec. 507 of the Act.

(d) State the changes, if any, in existing services, routes, or lines applicant contemplates effecting through the proposed construction of a new vessel and the reasons therefor.

SEC. 2. *Ability and Experience.*—State the periods of time with approximate dates that the applicant and its officers and employees have been engaged in executive capacity in the operation of vessels on services, routes, or lines in foreign commerce. Give statement of operating experience of applicant and such officers and employees.

SEC. 3. *Competing Services.*—(a) State whether or not other American or foreign owned vessels are now being operated in competition with applicant on the service, route, or line in foreign commerce on which the proposed new vessel is to be operated, and if so, state the name of the line and the owner and operator thereof, ports of call, frequency of sailings per year, description of services and voyages, and the name, age, size, type, speed, and registry of each vessel so operated.

(b) State any information the applicant has concerning proposed vessel construction or replacement by such foreign owners or operators.

SEC. 4. *New Services, Routes, or Lines.*—If applicant proposes to establish a new service, route, or line, state the following information:

(a) Full details concerning the proposed service, route, or line to be established, including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year, description of proposed service and voyages, and the number, age, size, type, and speed of vessels to be operated on such service, route, or line.

(b) Type and kind of cargo expected to be carried, and any factors, domestic and foreign, influencing cargo expectations and pertinent information in respect to the potentialities of the trade.



ARTICLE V. GENERAL CHARACTERISTICS OF THE VESSEL

SEC. 1. The applicant shall furnish the general characteristics of the proposed new vessel including principal dimensions; gross and deadweight tonnage; bale and grain capacities of all cargo holds; capacities of all tanks, storage spaces, refrigerator cargo spaces and separately chilled cargo spaces; number and classes of passenger accommodations; type and power, and in case of steam machinery, the gauge pressure, total temperature, and vacuum expected of propulsive machinery; kind of fuel to be burned; and sustained sea speed at designed load draft.

SEC. 2. A comprehensive general description of the vessel shall be furnished, including a statement, by reference to and illustration from, the plans and specifications to be furnished, how the proposed construction will result in a vessel which will meet the needs of the service, route, or line for which intended, and the requirements of commerce with emphasis on the following factors—

(a) Cargo accommodations—cargo space and fittings and appliances for handling and stowing cargo.

(b) Passenger accommodations.

(c) Construction and design.

(d) Accommodations for officers and crews.

SEC. 3. *Furnish plans showing.*—

Outboard profile.
Inboard profile.
General arrangement of all decks and holds.
Midship section.
General arrangement of machinery, including the refrigerating machinery and any other special machinery as well as propulsive machinery.

ARTICLE VI. ADDITIONAL VESSEL DATA

After the foregoing information required under Articles I to V, inclusive, has been received and considered by the Commission, the applicant shall, when requested by the Commission, furnish the following information or data with respect to the vessel. Such information or data when so requested and furnished shall become a part of the application.

SEC. 1. *Hull Specifications.*—These specifications are to be in sufficient detail to cover fully the construction of the hull and shall include the following data:

Dimensions.
Block, prismatic and other coefficients.
Designed drafts, light and loaded.
Metacentric heights at full load, ⅔ cargo, ⅓ cargo, and at light condition.
Sustained sea speed at designed load draft (to be demonstrated as hereinafter required).
Radius of action at sustained sea speed at designed load draft.
Standard of subdivision adopted.
Bale and grain capacities of all cargo holds. Capacities of all tanks, store spaces, refrigerated cargo spaces, and chilled cargo spaces, in cubic feet.
Estimated deadweight and gross tonnage.
Total displacement.

SEC. 2. *Hull Plans.*—

Midship section, approved by Classification Society acceptable to the Commission.
Outboard profile, general arrangement.
Inboard profile, general arrangement.
General arrangement of all decks and holds.
Fire screen diagram, inboard profile.
Fire screen diagram, all decks.
Lines.
Hydrostatic curves.
Power curves, model tank experimental run shall be made at the designed load draft.
Floodable length curves, together with basic supporting data therefor, worked out by the method used by Bureau of Marine Inspection & Navigation, Department of Commerce.

Stability data and curves, showing the effect of damage resulting in flooding, in alternate locations, a compartment or group of adjacent compartments corresponding to the number of such compartments for which the ship is basically designed. The data presented should cover the effect of damage at drafts ranging from the departure condition to the arrival condition, with full cargo, ⅔ cargo and ⅓ cargo, and should show loss of metacentric height at such drafts due to damage, the metacentric height available before damage, and the amount of ballast, liquid or otherwise, required if necessary to insure positive residual stability in the event of damage.

SEC. 3. *Machinery Specifications.*—These are to be in sufficient detail to include the following data:

Type of main propelling machinery.
Shaft horsepower and propeller revolutions.
Percentage of propelling power in excess of normal power requirements.
Engine revolutions per minute for normal power.
Astern power in percentage of normal ahead power.
Steam pressure and total temperature at superheater outlet or, when no superheat is used, the steam pressure at boiler outlet.
Steam pressure and total temperature in high pressure steam chest.
Vacuum and the temperature of sea water.
Water rate, straight condensing (prime mover only).
Heat balance diagram.

The rate of fuel consumption per shaft horsepower per hour for all purposes, for average climatic conditions under which the vessel will normally operate, for either steam or diesel installation, as the case may be, shall be the result obtained by dividing the total weight in pounds of fuel consumed per hour by the shaft horsepower transmitted to the propeller shaft, when the main propelling machinery is developing the shaft horsepower specified for sustained sea speed. The shaft horsepower specified for sustained sea speed is the normal shaft horsepower, i. e., without any overload.

The characteristics of the fuel on which the fuel rate is based shall be submitted with the fuel rate. The applicant shall state the average temperature of the outside air and sea water in degrees Fahrenheit, representing average climatic conditions, upon which is based the computation of the rate of fuel consumption.

Diameter and pitch of propeller.
Type of drive and principal characteristics.
Particulars of all auxiliary machinery, including water rates of steam driven units.

SEC. 4. *Machinery Plans.*—

Arrangement of main propelling and auxiliary machinery.
Electrical generating plant.
Refrigerating plant.

SEC. 5. *Communication Facilities.*—

Data are required covering facilities for communication by radio, searchlight, sound or other means.

SEC. 6. *Particular Requirements Affecting Design.*—(a) The standard to be followed in regard to all types of vessels shall be as required by the report of the Committee on Commerce (United States Senate) made pursuant to Senate Resolution No. 7—74th Congress.

(b) The vessel must be entitled to receive from the American Bureau of Shipping certificates evidencing highest ratings or classifications in all particulars.

(c) Cargo vessels shall be at least one compartment ships.

(d) Provision for fuel and reserve feed water shall be sufficient to insure a radius of action of not less than six thousand (6,000) nautical miles at designed load draft and at the specified sustained sea speed, unless it can be shown that such a requirement will constitute a definite handicap.

(e) The stem is to be so designed as to make it suitable for the installation of paravane gear of the sliding shoe type.

(f) Necessary stiffening of deck shall be provided during construction of the vessel, suitable for mounting such guns as may be specified by the Navy Department after consideration of the plans.

(g) The specifications and plans must represent a vessel which in all her parts, appurtenances, equipment, and outfit will comply with all the laws of the United States applicable thereto, including the requirements of the Bureau of Marine Inspection & Navigation, Commerce Department, the Navy Department, and the United States Public Health Service, and all laws of all foreign countries whose ports will be visited by the vessel in the course of its regular operation.

By order of the United States Maritime Commission.

TELFAIR KNIGHT, *Secretary.*

Adopted, March 19th, 1937.

[F. R. Doc. 37-792; Filed, March 19, 1937; 3:36 p. m.]

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*Wednesday, March 24, 1937* *No. 56*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

### AMENDING THE INSTRUCTIONS TO DIPLOMATIC OFFICERS AND THE CONSULAR REGULATIONS

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes (U. S. C., title 22, sec. 132), it is ordered that section XV–4 of the Instructions to Diplomatic Officers and section 451 of the Consular Regulations be, and they are hereby, amended to read as follows:

*"Presents and testimonials.*—No diplomatic or consular officer shall ask or accept for himself or any other person, any present, emolument, office, or title of any kind from any king, prince, or foreign state. (U. S. Const., Art. I, sec. 9, cl. 8, U. S. C., title 22, § 126.) Any present, decoration, order, or testimonial in acknowledgment of services rendered to the citizens or governments of foreign states, or other thing, which shall be conferred on or presented by any foreign government to any officer of the United States, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by act of Congress. (5 U. S. C., § 115.)

"Thorough consideration was given by the Committee on Foreign Affairs of the House of Representatives in 1934 to the question whether the Congress should consent to the acceptance of presents, decorations, orders, medals, testimonials, or other things. It resulted in the enactment of the joint resolution approved June 27, 1934 (48 Stat. 1267), which authorized only certain *retired* officers and employees therein named to accept such decorations, orders, medals, or presents as had been tendered to them by foreign governments. Hence it appears to be the settled policy of the Congress to decline to authorize the acceptance by civilian officers of the Government in active service of presents, decorations, medals, orders, testimonials, or other things, when presented to or conferred on such officers by any king, prince, or foreign state. Furthermore, it is contrary to the policy of the Government to tender or to award presents, decorations, medals, orders, testimonials, or other things to representatives of foreign governments. In view of the attitude of the Congress and the policy of the Government, American diplomatic and consular officers are hereby *prohibited* from accepting in *any circumstances* any present, decoration, medal, order, testimonial, *or other thing* that may be tendered to them by any foreign king, prince, or foreign state."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 19, 1937.*

[No. 7577]

[F. R. Doc. 37-817; Filed, March 22, 1937; 2:23 p. m.]

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### EXECUTIVE ORDER

### EXCLUDING CERTAIN TRACTS OF LAND FROM TONGASS NATIONAL FOREST AND RESTORING THEM TO ENTRY

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tracts of land in Alaska, occupied as homesites and identified by elimination surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., be, and they are hereby, excluded from the Tongass National Forest and restored to entry under the applicable public-land laws:

Homesite No. 243, lot "I", Auke Lake group, Glacier Highway, in the vicinity of Juneau, 4.55 acres; approximate latitude 58°23'30" N., longitude 134°37'40" W.;

Homesite No. 368, lot "F", Triangle group, Glacier Highway, in the vicinity of Juneau, 4.82 acres; approximate latitude 58°22'40" N., longitude 134°38'10" W.;

Homesite No. 443, Baranof Island, Inner Lagoon, 4.10 acres; approximate latitude 56°15'15" N., longitude 134°38'50" W.;

Homesite No. 490, Gravina Island, Bostwick Bay, 4.48 acres; approximate latitude 55°13' N., longitude 131°43'15" W.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 19, 1937.*

[No. 7578]

[F. R. Doc. 37-816; Filed, March 22, 1937; 2:22 p. m.]

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### EXECUTIVE ORDER

### PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5165 OF JULY 26, 1929, WITHDRAWING PUBLIC LANDS

*Colorado*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5165 of July 26, 1929, withdrawing, together with other lands, the public lands in the following-described townships in Colorado, pending a resurvey, is hereby revoked as to said townships:

SIXTH PRINCIPAL MERIDIAN

Tps. 1 and 2 S., R. 86 W.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 19, 1937.*

[No. 7579]

[F. R. Doc. 37-815; Filed, March 22, 1937; 2:22 p. m.]



## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4729]

### ESTATE TAX

### REGULATIONS 80 AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Regulations 80, relating to the estate tax and approved November 7, 1934, are amended as set forth herein.

There is inserted immediately preceding article 15 the following statutory provision:

SECTION 805. (Revenue Act of 1936) *Revocable Transfers.*—(a) Section 302 (d) (1) of the Revenue Act of 1926, as amended, is amended to read as follows:

(d) (1) To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona-fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of decedent's death.

(b) Except in the case of transfers made after the date of the enactment of this Act, no interest of the decedent of which he has made a transfer shall be included in the gross estate under such section 302 (d) (1) unless it was includible under such section before its amendment by this section.

The first, second and third paragraphs of article 15 are amended to read as follows:

ART. 15. *Transfers during life.*—The following classes of transfers made by the decedent prior to his death, whether in trust or otherwise, if not constituting bona fide sales for an adequate and full consideration in money or money's worth, are subject to the tax: (1) transfers in contemplation of death (see article 16); (2) transfers to the extent that title remained in the decedent at the time of his death and the passing thereof was conditioned upon his death (see article 17); (3) transfers under which the decedent reserved or retained (in whole or in part) the use, possession, rents, or other income or enjoyment of the transferred property, for his life, or for a period not ascertainable without reference to his death, or for a period of such duration as to evidence an intention that it should extend to his death; including also the reservation or retention of the use, possession, rents, or other income, the actual enjoyment of which was to await the termination of a transferred precedent interest or estate (see article 18); (4) transfers under which the decedent retained the right, either alone or in conjunction with another person or persons, to designate who should possess or enjoy the property or the income therefrom (see article 19); and (5) transfers under which the enjoyment of the transferred property was subject at decedent's death to a change through the exercise, either by the decedent alone or in conjunction with another person or persons, of a power to alter, amend, revoke, or terminate, or such a power was relinquished in contemplation of decedent's death (see articles 20 and 21).

The value of transferred property includible in the gross estate is the value thereof at the date of decedent's death, or if the executor has duly elected pursuant to the provisions of section 202 of the Revenue Act of 1935 (by which section subdivision (j) was added to section 302 of the Revenue Act of 1926, as amended) to have the value of the gross estate determined as of the dates therein prescribed, then the value will be that as of the applicable date or dates so prescribed (see article 13½ added to Regulations 80 by Treasury Decision 4699, approved September 25, 1936, I. R. B. XV–40–8340). If a portion only of the property was so transferred as to come within the terms of the statute, only a corresponding proportion of the value of the property should be included in ascertaining the value of the gross estate. If the transferee has made additions to the property, or betterments, the enhanced value of the property due thereto should not be included.

To constitute a bona fide sale for an adequate and full consideration in money or money's worth the transfer must have been made in good faith, and the price must have been an adequate and full equivalent reducible to a money value. If the price was less than such a consideration, only the excess of the fair market value of the property (as of the date of decedent's death, or as of the applicable date under such an election as is mentioned in the last preceding paragraph) over the price received by the decedent should be included in ascertaining the value of the gross estate. For the purposes of the tax a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in decedent's property or estate, is not to any extent a consideration in money or money's worth.

Article 17 is amended to read as follows:

ART. 17. *Transfers conditioned upon survivorship.*—The statutory phrase, "a transfer * * * intended to take effect in possession or enjoyment at or after his death", includes a transfer by the decedent (other than a bona fide sale for an adequate and full consideration in money or money's worth) whereby and to the extent that the beneficial title to the property (if the transfer was in trust), or the legal title thereto (if the transfer was otherwise than in trust), remained in the decedent at the time of his death and the passing thereof was subject to the condition precedent of his death. If the tax applies, it does so without regard to the time of the transfer, whether before or after the enactment of the Revenue Act of 1916.

On the other hand, if, as a result of the transfer, there remained in the decedent at the time of his death no title or interest in the transferred property, then no part of the property is to be included in the gross estate merely by reason of a provision in the instrument of transfer to the effect that the property was to revert to the decedent upon the predecease of some other person or persons or the happening of some other event.

Subdivision (a) of article 18 is amended to read as follows:

ART. 18. *Transfers with possession or enjoyment retained.*—(a) *Transfers included.*—The statutory phrase, "a transfer * * * intended to take effect in possession or enjoyment at or after his death," includes a transfer, whether in trust or otherwise, made subject to the reservation or retention by the decedent of the use, or the possession, or the rents or other income or enjoyment of the transferred property, or any part thereof, for his life, or for a period not ascertainable without reference to his death, or for such a period as to evidence his intention that it should extend at least for the duration of his life; including also the reservation or retention of the use, possession, rents, or other income the actual enjoyment of which, by the decedent, was to be postponed until the termination of a transferred precedent interest or estate. (See article 15.)

If for any such period the use, possession, rents or other income (in whole or in part) were to be disposed of in discharge of a legal obligation of the decedent or otherwise for his pecuniary benefit, then to that extent the use, possession, rents or other income will be treated as having been reserved to or retained by the decedent.

Article 19 is amended to read as follows:

ART. 19. *Transfers with right retained to designate who shall possess or enjoy.*—(a) *Transfers included.*—The statutory phrase, "a transfer * * * intended to take effect in possession or enjoyment at or after his death", includes a transfer, by trust or otherwise, in connection with which the decedent reserved or retained, either to himself alone or in conjunction with any other person or persons, the right during his life, or for a period not ascertainable without reference to his death, or for such a period as to evidence an intention that the right should continue for at least the duration of his life, to designate the person or persons who should possess or enjoy the transferred property (in whole or in part), or any of the income thereof. (See article 15.)

(b) *Taxability.*—If the transfer was not a bona fide sale for an adequate and full consideration in money or money's worth, the property or the interest or interests therein so transferred shall be included in the gross estate if falling within any one of the following paragraphs:

(1) Regardless of when the transfer was made, if decedent died after the enactment of the Revenue Act of 1916 (September 8, 1916), and the right to so designate was reserved at the time of the transfer and was subject to such an exercise as would determine the ultimate disposition of the property or of an interest or interests therein, and such right was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the right and any adverse interest which was not substantial.

(2) When the transfer was made after the enactment of the Revenue Act of 1916 (September 8, 1916) and the decedent died after the enactment of the Revenue Act of 1932 (5 p. m., eastern standard time, June 6, 1932), or the transfer was made and the decedent died after 10.30 p. m., eastern standard time, March 3, 1931, and the right to so designate was reserved at the time of the transfer and was not subject to such an exercise as would determine the ultimate disposition of the property or of an interest or interests therein, but was limited to a designation of the person or persons who should possess or enjoy the property or the income therefrom (in whole or in part) for the period of decedent's life, or for a period not ascertainable without reference to his death, or for a period of such duration as to evidence an intent that it should extend for the remainder of decedent's life, and such right was

exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the transferred property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the right and of any adverse interest which was not substantial.

(3) When the transfer was made and decedent died after the enactment of the Revenue Act of 1932 (5 p. m., eastern standard time, June 6, 1932) and the right to so designate was reserved at the time of the transfer, whether exercisable by decedent alone or in conjunction with a person or persons having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

As used in this article, the expression, "reserved at the time of the transfer", includes any understanding, expressed or implied, had in connection with the making of the transfer that the right to designate the person or persons who should possess or enjoy the property or the income therefrom should later be created or conferred.

Article 20 is amended to read as follows:

ART. 20. Transfers with power to change the enjoyment.—(a) *Transfers included.*—Subdivision (d) of section 302 of the Revenue Act of 1926, as amended, embraces a transfer by trust or otherwise (if not amounting to a bona fide sale for an adequate and full consideration in money or money's worth) when at the time of decedent's death the enjoyment of the transferred property, or some part thereof or interest therein, was subject to any change through a power exercisable either by the decedent alone, or by him in conjunction with some other person or persons, to alter, or amend, or revoke, or terminate. (See article 15.)

The addition to the subdivision, by section 805 of the Revenue Act of 1936, of the phrase to the effect that it is not material in what capacity the power was subject to exercise by the decedent or by the other person or persons in conjunction with the decedent, is considered as merely declaratory of the meaning of the subdivision prior to the addition of the phrase.

The second phrase added by amendment in 1936 (namely, "without regard to when or from what source the decedent acquired such power") is not considered declaratory of the meaning of the subdivision prior to the amendment in a case in which no one of the powers enumerated in the subdivision was reserved at the time of the making of the transfer, but one or more thereof was conferred subsequent thereto (whatever the source from which conferred) without any understanding, expressed or implied, had in connection with the making of the transfer that such power or powers should be later conferred.

The third change made in the subdivision by the Revenue Act of 1936 consisted of the addition of the words "or terminate" following the words "to alter, amend, revoke." Such addition is considered but declaratory of the meaning of the subdivision prior to the amendment. A power to terminate capable of being so exercised as to revest in the decedent the ownership of the transferred property or an interest therein, or as otherwise to enure to his benefit or the benefit of his estate, is, to that extent, the equivalent of a power to "revoke", and when otherwise so exercisable as to effect a change in the enjoyment, is the equivalent of a power to "alter."

(b) *Taxability.*—The property or the interest or interests therein so transferred shall be included in the gross estate if coming within any one of the following paragraphs:

(1) Regardless of when the transfer was made, if the decedent died after the enactment of the Revenue Act of 1916 (September 8, 1916), and the power was reserved at the time of the transfer and was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the transferred property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the power and any adverse interest which was not substantial.

(2) When the transfer was made after the enactment of the Revenue Act of 1924 (4.01 p. m., eastern standard time, June 2, 1924) and before the amendment of the subdivision by the Revenue Act of 1936 became effective (June 23, 1936), and the decedent's death occurred at any time subsequent to the transfer, and the power was reserved at the time of the transfer and was exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

(3) When the transfer was made and the decedent died after June 22, 1936 (the date of the enactment of the Revenue Act of 1936), and the power was either reserved at the time of the transfer or later created or conferred, without regard to the source from which the power was acquired, and whether exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

As used in this and in the next succeeding article, the expression, "reserved at the time of the transfer", refers to a power which, having been reserved when the transfer was made, continued to the date of decedent's death (see the paragraph next following as to the conditions under which the power will be considered as existent at decedent's death) to be exercisable by decedent alone or by him in conjunction with some other person or persons, and includes any understanding, expressed or implied, had in connection with the making of the transfer that the power should later be created or conferred.

The power to alter, amend, revoke, or terminate will be considered to have existed on the date of the decedent's death though the exercise of the power was subject to a precedent giving of notice, or though the alteration, amendment, revocation, or termination would take effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice had been given or the power had been exercised, or though the exercise of the power was restricted to a particular time or the happening of a particular event which had not arrived or occurred at decedent's death. When determining the value of the gross estate in such cases the full value of the property transferred subject to the power should be discounted for the period required to elapse between the date of decedent's death and the date upon which the alteration, amendment, revocation, or termination could take effect. (See article 13 (10).)

The provisions of this article do not apply to a transfer when the power may be exercised only with the consent of all parties having an interest, vested or contingent, in the transferred property, and the power adds nothing to the rights of the parties as conferred by the applicable local law.

Article 21 is amended to read as follows:

ART. 21. Power relinquished in contemplation of death.—If the decedent had previously held, either alone or in conjunction with another person or persons, a power to alter, or amend, or revoke, or terminate a transfer made by him, and the power was subsequently relinquished in contemplation of the decedent's death (the relinquishment not amounting to a bona fide sale for an adequate and full consideration in money or money's worth), then to the extent that the transferred property or any interest therein had been subject to such relinquished power it is to be included in the gross estate if coming within any one of the following paragraphs:

(1) Regardless of when the transfer was made, if the power was reserved at the time of the transfer and was relinquished and the decedent died after the enactment of the Revenue Act of 1916 (September 8, 1916), and the power was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the transferred property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the power and any adverse interest which was not substantial.

(2) When the transfer was made after the enactment of the Revenue Act of 1924 (4.01 p. m., eastern standard time, June 2, 1924) and before the amendment of the subdivision by the Revenue Act of 1936 became effective (June 23, 1936), and the power was reserved at the time of the transfer and its relinquishment and the decedent's death subsequently occurred, and the power was exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

(3) When the transfer was made after June 22, 1936 (the date of the enactment of the Revenue Act of 1936), and the relinquishment of the power and the decedent's death subsequently occurred, and the power was either reserved at the time of the transfer or later created or conferred, without regard to the source from which the power was acquired, and whether exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

Within the meaning of this article, it is essential to a relinquishment of a power which is exercisable by the decedent in conjunction with another person or persons that the relinquishment by such other person or persons operates as a complete relinquishment of the power.

If the relinquishment be not admitted or shown to have been in contemplation of decedent's death, but occurred within two years prior to such death, and affected the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value in excess of $5,000 (as of the date of decedent's death, or as of the applicable date under such an election as is referred to in the second paragraph of article 15) then, to the extent of such excess, the relinquishment will be deemed, unless shown to the contrary, to have been in contemplation of decedent's death. (See article 15.)



Article 25 is amended by striking out the second sentence of the second paragraph, and inserting in lieu thereof the following:

Insurance is considered to have been taken out by the decedent, whether or not he made the application, if he acquired the ownership of, or any legal incident thereof in, the policy; but in the case of a decedent dying before November 7, 1934 (the date of the approval of Regulations 80), the provisions of the second paragraph of article 25 of Regulations 70 (1929 edition) will continue to apply.

Article 25 is further amended by striking out the last sentence thereof.

Article 36 is amended to read as follows:

ART. 36. *Claims against the estate.*—The amounts that may be deducted under this heading are such only as represent personal obligations of the decedent existing at the time of his death, whether or not then matured, and interest thereon which had accrued at the time of death. If, as authorized by subdivision (j) of section 302 of the Revenue Act of 1926, as amended (such subdivision having been added by section 202 of the Revenue Act of 1935), the executor has duly elected to have the value of the gross estate determined as of a date or dates prescribed in such subdivision, then the deduction on account of interest will be limited to the amount thereof accrued and unpaid at decedent's death, plus the interest earned between death and a date one year thereafter, unless the claim is sooner paid, in which case the amount of interest deductible will be the amount accrued to date of such payment. The deduction will include payments made of any interest accrued at decedent's death and payments of interest earned between death and one year thereafter, or between death and the date on which the claim was paid. Only claims enforceable against the decedent's estate may be deducted. If the claim is founded upon a promise or agreement, the deduction therefor is limited to the extent that the liability was contracted bona fide and for an adequate and full consideration in money or money's worth. Thus, a pledge or a subscription, evidenced by a promissory note or otherwise, even though enforceable against the estate, is deductible only to the extent that liability therefor was contracted bona fide and for an adequate and full consideration in cash or its equivalent. Liabilities imposed by law or arising out of torts are deductible. See Article 29 as to the relinquishment or promised relinquishment of dower and other marital interests.

Article 38 is amended to read as follows:

ART. 38. *Unpaid mortgages.*—Deduction is allowed of the full unpaid amount of a mortgage upon, or of an indebtedness in respect to, any property of the gross estate, including interest which had accrued thereon at the time of death, provided the value of the property, undiminished by the amount of the mortgage or indebtedness, is returned as part of the value of the gross estate. If decedent's estate is liable for the amount of the mortgage or indebtedness, the full value of the property subject to the mortgage or indebtedness must be included as part of the value of the gross estate; the amount of the mortgage or indebtedness being in such case allowed as a deduction. But if decedent's estate is not so liable, only the value of the equity of redemption (or value of the property, less the indebtedness) need be returned as part of the value of the gross estate. In no case may the deduction on account of the mortgage or indebtedness exceed the liability therefor contracted bona fide and for an adequate and full consideration in money or money's worth. If the executor has made the election referred to in the second sentence of article 36, the deduction on account of interest upon the mortgage or indebtedness will be limited to the amount thereof accrued and unpaid at decedent's death, plus the interest earned between death and a date one year thereafter, unless the mortgage or indebtedness is sooner paid or the property subject to the mortgage or indebtedness is sooner distributed, sold, exchanged or otherwise disposed of, the deduction in any such case being limited to the amount of interest accrued to the date of such payment, distribution, sale, exchange or other disposition. The deduction will include payments made of any interest accrued at decedent's death and payments of interest earned between death and one year thereafter, or between death and the date of payment of the mortgage or indebtedness, or the date on which the property subject thereto was distributed, sold, exchanged or otherwise disposed of. Real property, situated outside of the United States does not form a part of the gross estate, and no deduction may be taken of any mortgage thereon or any indebtedness in respect thereto.

Article 67 is amended to read as follows:

ART. 67. *Examination of return and determination of tax by the Commissioner.*—As soon as practical after returns are filed, they will be examined and the amount of the tax determined by the Commissioner under such procedure as he may from time to time prescribe.

If the executor makes written application to the Commissioner for a determination of the tax and discharge from personal liability therefor, the Commissioner will, within one year after receipt of such application, or if the application is made before the return is filed then within one year after the return is filed, notify the executor of the amount of the tax, and upon payment thereof, the executor will be discharged from personal liability for any deficiency in the tax thereafter found to be due. (See section 313 (b) and (c).)

Article 72 is amended to read as follows:

ART. 72. *Returns confidential.*—All estate tax returns and notices are treated as privileged communications and may not be exhibited, or the contents thereof divulged, to any person other than the executor or his duly authorized attorney or agent, except as prescribed in rules and regulations which may be separately issued upon the subject. This confidential treatment extends to records in possession of the Bureau of Internal Revenue, whether on file with the Commissioner, collector, or revenue agent, including information submitted or obtained in connection with a return. Internal revenue officers are not prohibited from disclosing the returned value of any item or the amount of any deduction, if such disclosure is necessary in order to arrive at the correct determination of the tax, but such right of disclosure does not extend to such information as the amount of the estate, the amount of tax, or other general data. If a copy of the return is desired because no copy was retained by the executor, or the retained copy has been lost or destroyed, or for other satisfactory reason, a copy may be furnished by the Commissioner to the executor, or to his authorized attorney or agent, upon payment of the fee prescribed.

Article 73 is amended by striking out the first and second paragraphs thereof.

This Treasury Decision is prescribed pursuant to the authority contained in section 1101 of the Revenue Act of 1926, 44 Stat. 111.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: March 18, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-818; Filed, March 22, 1937; 3:29 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

PRSO No. 6 Issued March 22, 1937

[Puerto Rico Sugar Order No. 6]

ALLOTMENT OF THE QUOTA FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by Public Resolution No. 109, 74th Congress, approved June 19, 1936, and by Section 8a of the Agricultural Adjustment Act, approved May 12, 1933, as amended, I, Harry L. Brown, Acting, Secretary of Agriculture, do hereby make, issue, publish and give public notice of this order, which shall have the force and effect of law and shall continue in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

*Whereas,* General Sugar Quota Regulations, Series 4, No. 1, establishes for Puerto Rico a quota of 831,508 short tons of sugar, raw value, and

*Whereas,* I hereby find that as of December 31, 1936, the surplus stocks of sugar carried over from the 1935/36 crop, or substitutions thereof, amounted to 109,807 short tons of sugar, raw value.

II

*Now, Therefore,* pursuant to the foregoing authority and in accordance with the provisions of Puerto Rico Sugar Order No. 5, which prescribes the basis for allotment of the 1937 Puerto Rico sugar quota, it is hereby ordered:

1. That during the calender year 1937 the processors named below are forbidden from importing into continental

United States for consumption, or which shall be consumed therein, any sugar from Puerto Rico in excess of the allotments set forth opposite their respective names:

| Name of processor | Allotment from processing | Allotment from surplus stocks | Marketing allotment |
|---|---|---|---|
| Aguirre | 95,731 | 5,467 | 101,198 |
| Cambalache | 34,428 | 488 | 34,916 |
| Canovanas | 29,749 | 942 | 30,691 |
| Carmen | 13,888 | 284 | 14,172 |
| Coloso | 31,628 | 495 | 32,103 |
| Constancia-Toa | 19,674 | | 19,674 |
| El Ejemplo | 12,110 | 343 | 12,453 |
| Eureka | 11,252 | 3 | 11,255 |
| Fajardo | 58,066 | 2,032 | 60,098 |
| Guanica | 90,777 | 3,836 | 94,613 |
| Guamani | 10,964 | 234 | 11,198 |
| Herminia | 1,778 | | 1,778 |
| Igualdad | 11,855 | 271 | 12,126 |
| Juanita | 15,122 | | 15,122 |
| Lafayette | 28,375 | 778 | 29,153 |
| Pluzuela Los Canos | 34,637 | 59 | 34,696 |
| Monserrate | 11,012 | 300 | 11,312 |
| Pellejas | 1,352 | | 1,352 |
| Plata | 9,904 | | 9,904 |
| Playa Grande | 7,354 | 137 | 7,491 |
| Rochelaise | 8,119 | 292 | 8,411 |
| Roig | 25,985 | 685 | 26,670 |
| Rufina | 26,217 | 1,465 | 27,682 |
| San Vicente | 29,313 | 506 | 29,819 |
| Santa Barbara | 2,521 | 96 | 2,617 |
| Soller | 5,021 | | 5,021 |
| Vannina | 13,162 | | 13,162 |
| Victoria | 15,904 | 174 | 16,078 |
| Eastern Sugar Associates | 81,233 | 4,310 | 85,543 |
| San Francisco | 3,367 | 137 | 3,504 |
| Caribe | 6,309 | | 6,309 |
| Constancia-Ponce | 7,982 | 233 | 8,215 |
| Mercedita | 31,859 | 572 | 32,431 |
| Boca Chica | 14,120 | 891 | 15,011 |
| | 802,778 | 25,000 | 827,778 |
| Reserve for future allotment | | | 3,730 |
| | | | 831,508 |

2. That the allotments fixed herein shall not be assigned or transferred without the approval of the Secretary, or his duly appointed agent.

3. That where surplus stocks of sugar have been processed from growers' surplus sugarcane, and settlement with growers has been made in terms of sugar, such growers' surplus sugar shall share in the allotment herein made to the processors on a pro rata basis.

4. That whenever any person is aggrieved because of any allotment made to him, or to any other person, or because he has received no allotment, or because of any provision herein, he may make application in writing under oath to the Secretary for the adjustment of any allotment, or for the issuance of an allotment, or for the modification of any provision herein, which application shall fully set forth his complaint and the facts in support thereof. If upon the basis of such application, the Secretary has reason to believe that the complaint is well founded, he will give due notice and opportunity for the interested persons to be heard on such application. Upon the basis of the record obtained at such hearing, the Secretary may grant or deny, in whole or in part, said application.

If any provision herein is declared invalid, in whole or in part, the validity of the remaining provisions shall not be affected thereby, and if any provision is declared inapplicable to any person or circumstance, the applicability of such provision to any other person or circumstance shall not be affected thereby.

The Chief, or the Acting Chief, of the Sugar Section of the Agricultural Adjustment Administration, and the Officer in Charge of the San Juan office of the Sugar Section of the Agricultural Adjustment Administration, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary of Agriculture in administering the provisions of this order.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 22nd day of March 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary.*

[F. R. Doc. 37-820; Filed, March 23, 1937; 11:43 a. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 33]

PARTICIPATION OF THE HOLDERS OF IMPAIRED CLASS B STOCK IN THE PROCEEDS OF LIQUIDATION OF A PRODUCTION CREDIT ASSOCIATION

AMENDMENT OF SECTION 104-1 OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly section 20 thereof, and pursuant to section 65 of said Act, the fifth (final) paragraph of section 104-1 is hereby amended to read as follows:

In case an association is liquidated, voluntarily or otherwise, while an impairment exists in the par value of any of its outstanding class B stock, its respective class B stockholders shall be entitled to participate in the net assets available for distribution among class B stockholders, to the extent only of the fair book value(s) of their respective shares at the time of such distribution. In the determination of such fair book value(s), the basis shall be the fair book value(s) last previously established by the board of directors which was (were) followed by the issuance of new shares of class B stock at par. If, upon liquidation, the amount of the net assets available for distribution among class B stockholders is found to be less than the aggregate of such basic fair book values, the resulting deficiency shall be treated as an impairment (or further impairment) of such basic fair book value(s). If, upon liquidation, the amount of the net assets available for distribution among class B stockholders is found to be greater than the aggregate of such basic fair book values, the resulting surplus shall be applicable, first, to the elimination (restoration) of any impairments reflected in such basic fair book value(s) and, second, to increasing the fair book value of all shares of class A and class B stock outstanding to an equal value per share above par.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-821; Filed, March 23, 1937; 11:52 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

**Home Owners' Loan Corporation.**

[Manual Amendment]

AUTHORIZING REGIONAL ACCOUNTANT TO USE CORPORATION'S SEAL

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 800 of the Consolidated Manual is hereby amended by adding a new paragraph, designated (m) to read as follows:

The Regional Accountant, or his deputy authorized to sign statements of account, is vested with the authority to affix the official seal of the Corporation whenever required upon statements of account in connection with his authentications thereof, and is authorized to have access to the seal of the Corporation for that purpose.

Adopted by the Federal Home Loan Bank Board on March 22, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-819; Filed, March 22, 1937; 4:22 p. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D., 1937.

[File No. 46-27]

IN THE MATTER OF THE APPLICATION OF MASSACHUSETTS UTILITIES ASSOCIATES

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Massachusetts Utilities Associates, a subsidiary company of New England Power Association, a registered holding company, having filed with this Commission an application pursuant to Section 9 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it of the following securities from New England Gas and Electric Association:

2,669 shares of Amesbury Electric Light Company Capital Stock, par value $25 each share.

130 shares of Central Massachusetts Light & Power Company Preferred Voting Trust, 6% Cumulative and Participating Preferred Voting Trust Shares, expressed value $100 each share.

110 shares of Central Massachusetts Light and Power Company Voting Trust No. 2 Common Voting Trust Shares, no par, stated or declared value.

6,214 shares of Central Massachusetts Light & Power Company 6% Cumulative and Participating Preferred Shares, expressed value $100 each share.

1,593 shares of Central Massachusetts Light & Power Company Common Shares, no par, stated or declared value.

4,624 shares Commonwealth Gas and Electric Companies Voting Trust, Common Voting Trust Shares, no par, stated or declared value.

819 shares of Commonwealth Gas & Electric Companies 6% Cumulative Preferred Shares, $100 expressed value each share.

67 shares of Franklin County Power Company 6% Cumulative and Participating Preferred Shares, $100 expressed value each share.

39 shares of Franklin County Power Company Common Shares, no par, stated or declared value.

74 shares of Gardner Gas, Fuel and Light Company Capital Stock, $100 par value each share.

353 shares of Marlborough Electric Company Capital Stock, $100 par value each share.

72 shares of Massachusetts Lighting Companies Shares Trust 6% Cumulative Preferred Trust Shares, $100 expressed value each share.

7 shares of Massachusetts Lighting Companies Shares Trust 8% Cumulative Preferred Trust Shares, $100 expressed value each share.

77 shares of Massachusetts Lighting Companies Shares Trust Common Trust Shares, no par, stated or declared value.

3,508 shares of Massachusetts Lighting Companies 6% Cumulative Preferred Shares, expressed value $100 each share.

1,239 shares of Massachusetts Lighting Companies 8% Cumulative Preferred Shares, expressed value $100 each share.

18,376 shares of Massachusetts Lighting Companies Common Shares, no par, stated or declared value.

142 shares of Merrimac Valley Power and Buildings Company, 7% Convertible, Cumulative, Preferred Stock, par value $100 each share.

102 shares Norwood Gas Company, Capital Stock, par value $100 each share.

3,780 shares of Weymouth Light and Power Company Capital Stock, par value $25 each share.

162 shares of Winchendon Electric Light and Power Company Capital Stock, par value $100 each share.

3,931 shares Worcester Suburban Electric Company Capital Stock, par value $25 each share.

Such application having been amended; a hearing thereon having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein:

It is ordered that the acquisition by applicant of such securities in the manner and subject to the terms sets forth in such application, as amended, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-822; Filed, March 23, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D., 1937.

[File No. 46-26]

IN THE MATTER OF THE APPLICATION OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

New England Gas and Electric Association, an affiliate under clause (A) of Section 2 (a) (11) of a number of public utility companies, having filed with this Commission an application pursuant to Section 9 (a) (2) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it of the following securities from Massachusetts Utilities Associates:

49,830 shares of the Capital Stock, par value $25 each share, of Plymouth County Electric Company

1,366 shares of 6% Cumulative and Participating Preferred Stock, par value $100 each share, of Plymouth Gas and Light Company, and

1,288 shares of the Common Stock, par value $100 each share, of Plymouth Gas and Light Company.

Such application having been amended; a hearing thereon having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that the acquisition by applicant of such securities in the manner and subject to the terms set forth in such application, as amended, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-823; Filed, March 23, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of March, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TEXAS-BLACK FARM, FILED ON MARCH 15, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the

respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that in Division III under the heading "Saturation" it is stated that "in this calculation a saturation factor of 70% is used", whereas in the actual calculation the figure "75%" is used;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 21st day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 6th day of April, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-825; Filed, March 23, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN-HANNUM FARM, FILED ON MARCH 15, 1937, BY JAMES M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the offering sheet is not properly signed by reason of the fact that the signature of the offeror is omitted, as is also the date;

(2) In that Exhibit A is incomplete in the following particulars:

(a) date omitted;
(b) scale omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 21st day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 6th day of April, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-824; Filed, March 23, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE H. C. DRILLING CORPORATION-VAN SCOY-MALLORY FARM, FILED ON MARCH 17, 1937, BY HAROLD C. STAYSA, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the offering sheet appears to affect interests in four non-contiguous tracts, which interests are not believed to be those as are described under Rule 335, Regulation B, of the General Rules and Regulations;

(2) In that the date set forth in Division I, paragraph 7, may not be correct;

(3) In that many of the sub-titles are not designated as required by Schedule D;

(4) In that the statement made under Division II, Item 3 (d), is apparently in conflict with the answer to the question under Division II, Item 3 (f);

(5) In that the statement is made in Division II, Item 7, that "the purchaser does not become a party to any management or operating contract", whereas it appears from an examination of Exhibit B that said statement may not be correct; further, that the information disclosed under Division II, Item 9, also appears to be in conflict with the statement above quoted;

(6) In that the statement made in Division II, Item 16 (a) (ii), may not be correct as it appears such answer should properly read "*excluding* income taxes";

(7) In that it appears from the information disclosed under Division II, Item 9, that the statement made in Division II, Item 25, may be incomplete and therefore misleading;

(8) In that the signature of the offeror affixed to the offering sheet is not dated;

(9) In that the legal descriptions of the properties involved, as disclosed by Exhibit A, Exhibit B and the attorney's opinion, do not agree by reason of the fact that Exhibit B appears to cover portions of lots 13, 15, 4 and 32, whereas Exhibit A appears to cover portions of lots 13, 15, 4 and 2 and the attorney's opinion seems to affect lots 11, 13, 4, 5 and 15;



It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 21st day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 6th day of April, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-826; Filed, March 23, 1937; 12:38 p. m.]

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*Thursday, March 25, 1937* *No. 57*

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

MONTANA GRAZING DISTRICTS NOS. 2 AND 3

MODIFICATION

MARCH 19, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, the land listed in that part of the order of April 8, 1935, establishing Montana Grazing District No. 3 which describes:

That part of Dawson County lying south of Yellowstone River

is hereby eliminated from Montana Grazing District No. 3 and added to Montana Grazing District No. 2.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-828; Filed, March 24, 1937; 9:33 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101—Amendment 7

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101

*Amendment 7*

Part VI of Southern Region Bulletin 101 is hereby amended by adding at the end thereof the following new section:

SECTION 67. The Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon request filed with the County Agent on Form SR–123, be obtained for application on the farm in accordance with the provisions of practice number 11. If triple superphosphate is so obtained a deduction of 50 cents for each 16 pounds of available phosphoric acid contained therein shall be made from the soil-building allowance for the farm, and no payment will be made for carrying out practice number 11 with the use of such triple superphosphate.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 24th day of March, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-843; Filed, March 24, 1937; 12:52 p. m.]

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## FEDERAL HOME LOAN BANK BOARD.

ISSUANCE OF CONSOLIDATED FEDERAL HOME LOAN BANK DEBENTURES

AMENDMENT TO RULES AND REGULATIONS

*Be it resolved*, That pursuant to the authority vested in the Board by the Federal Home Loan Bank Act (47 Stat. 725, 727, et seq.) and (47 Stat. 725, 733, 734) as amended by Section 503 of the National Housing Act (48 Stat. 1246, 1261), and particularly by sections 17 and 26 of the Federal Home Loan Bank Act and section 11 (b) thereof as amended by section 503 of the National Housing Act, section 32 (j) of the Rules and Regulations for Federal home loan banks is hereby amended to read as follows:

SEC. 32 (j) *Consolidated Debentures.*—(1) *Act.*—The board may issue consolidated Federal Home Loan Bank debentures which shall be the joint and several obligations of all Federal Home Loan Banks organized and existing under this Act, in order to provide funds for any such bank or banks, and such debentures shall be issued upon such terms and conditions as the board may prescribe. No such debentures shall be issued at any time if any of the assets of any Federal Home Loan Bank are pledged to secure any debts or subject to any lien, and neither the Board nor any Federal Home Loan Bank shall have power to pledge any of the assets of any Federal Home Loan Bank, or voluntarily to permit any lien to attach to the same while any of such debentures so issued are outstanding. The debentures issued under this section and outstanding shall at no time exceed five times the total paid-in capital of all the Federal Home Loan Banks as of the time of the issue of such debentures. It shall be the duty of the board not to issue debentures under this section in excess of the notes or obligations of member institutions held and secured under section 10 (a) of this Act by all the Federal Home Loan Banks.

SEC. 11 (b) The Federal Home Loan Bank Act as Amended.

(2) *Regulations—Issuance of Debentures.*—The Board shall determine the amount of all consolidated debentures to be issued, dates of issue, maturities, rates of interest, terms and conditions thereof and the manner in which the debentures shall be issued. When in the opinion of the Board it is desirable to issue consolidated debentures, the Board may direct the Governor to submit, after such communication with the several banks as may be practicable, recommendations as to the particulars of such issue, or may direct the Governor to convene the Bank Presidents' Council or submit such question to the Federal Savings & Loan Advisory Council for the purpose of making such recommendations. In any event the Governor shall inform the several banks of the final determination of the Board with respect to debentures, the issue and disposition thereof. The Board will thereafter authorize the issuance and disposition of the debentures provided for and the distribution of any proceeds thereof among the several banks. Subject to the provisions of the Federal Home Loan Bank Act, the Board, by limiting the issuance of debentures or, if and as required to give effect to this provision, by retiring debentures when permitted by the redemption provisions, will limit the aggregate obligations, including outstanding debentures, of all the Federal home loan banks (except obligations of one Federal home loan bank to another Federal home loan bank) to an amount not exceeding at any time five times the total paid-in capital, reserves, and surplus of all of the Federal home loan banks. And, furthermore, debentures having maturities of one year or less from date of issue will not be issued in an amount which, together with the amount of any such debentures then outstanding and other obligations maturing

within one year (except obligations of one Federal home loan bank to another Federal home loan bank) shall exceed, at the time of issue, the aggregate amount then invested in obligations of or guaranteed by the United States, deposits in banks or trust companies (except deposits by one Federal home loan bank in another Federal home loan bank), advances with a maturity of not exceeding one year, sums due within one year as amortization of principal of advances, and securities legal for trust funds except obligations issued under the Federal Home Loan Bank Act.

(3) *Regulations—Form of Debentures.*—The consolidated debentures shall be issued in series and all the debentures of the same series shall be of like date, tenor and effect except as to denominations, which shall be any or all of the following: $100, $500, $1,000, $5,000, $10,000, and $100,000. The form of registered debenture, of coupon debenture and of coupon shall be as set out in Exhibits G, H and I, annexed to the Rules and Regulations, provided that the Board may make in such forms such changes as are deemed expedient, and provided further that the Board may in its discretion from time to time issue interim receipts temporarily in lieu of definitive debentures in such forms and such manner as it may determine. The consolidated debentures shall be executed in the name of the Federal Home Loan Bank Board and authenticated by the facsimile signature of its Chairman and the seal of the Federal Home Loan Bank Board shall be affixed, attested by the Secretary of the Federal Home Loan Bank Board by facsimile signature. The debentures shall be payable at any Federal home loan bank or at such agency or agencies as the Federal Home Loan Bank Board may designate from time to time. A coupon debenture shall be payable to bearer and shall have attached interest coupons representing interest payable semi-annually, such coupons being signed by the Federal Home Loan Bank Board by the facsimile signature of its Comptroller. A registered debenture shall be payable to the person registered as owner whose name is inscribed thereon, or his registered assigns. The registration books are maintained on behalf of the Federal Home Loan Bank Board in the Division of Loans and Currency of the United States Treasury Department.

(4) *Regulations—Transactions (Transfers, exchanges, redemptions, etc.).*—The general regulations of the Treasury Department governing transactions in Treasury bonds and notes of the United States, as are now or may hereafter be prescribed from time to time by the Secretary of the Treasury, are hereby adopted as the regulations of the Federal Home Loan Bank Board for similar transactions in the consolidated debentures, so far as applicable.

(5) *Regulations—Redemption prior to maturity.*—The terms and conditions prescribed by the Board, with respect to any series of debentures and set forth in the text thereof, may include provisions for the redemption on any interest day or days, at any time prior to maturity, of any or all debentures of that series at such price not less than par as the Board may determine, and accrued interest. Two months' notice of redemption shall be given by publication in the Federal Register, or in a newspaper printed in the English language, published and of general circulation in the District of Columbia. In case of partial redemption the debentures to be redeemed will be determined by such method as may be prescried by the Board.

(6) *Regulations—Lost, Stolen, or Destroyed Debentures and Interim Receipts.*—The Statutes of the United States now or hereafter in force governing relief on account of the loss, theft, destruction, or mutilation of United States bonds, and the regulations of the Treasury Department, now or hereafter in force, governing the issuance of duplicates or the payment of lost, stolen, destroyed or mutilated bonds of the United States, so far as applicable, are hereby adopted as the regulations of the Federal Home Loan Bank Board for the issuance of duplicates or the payment of lost, stolen, destroyed, or mutilated consolidated debentures and interim receipts of the Federal home loan banks. The Secretary of the Treasury, or the Acting Secretary of the Treasury, is hereby authorized and empowered, on behalf of the Federal Home Loan Bank Board and the Federal home loan banks, to approve applications for relief and bonds of indemnity, and to issue duplicates or make payment of consolidated debentures and interim receipts of the Federal home loan banks. The Secretary, the Under Secretary, or any Assistant Secretary of the Treasury is hereby authorized to waive such regulations of the Federal Home Loan Bank Board on behalf of the Federal Home Loan Bank Board at his discretion in any particular case where a similar waiver would be allowed with respect to United States bonds; and the Secretary of the Treasury, or the Acting Secretary of the Treasury, is hereby authorized and empowered, as the agent of the Federal Home Loan Bank Board and the Federal home loan banks, to administer the foregoing provisions for relief and the regulations with respect thereto, and to delegate such authority at his discretion, to other officers and employees of the United States Treasury Department: *Provided*, That such delegation of authority shall not extend to powers herein expressly conferred upon the Secretary, Acting Secretary, Under Secretary, or Assistant Secretaries of the Treasury.

(7) *Regulations—Default.*—If any Federal Home Loan Bank shall fail to pay its proportion of interest or principal, determined by the extent of its participation, the Board will immediately call upon the other Federal home loan banks to make deposit of the amount necessary to meet said payment, the deposit to be made in such manner and in such amount as the Board may determine. Upon default of any obligations, a Federal home loan bank may be liquidated or reorganized by the Board.

(8) *Regulations—Amendments.*—The Federal Home Loan Bank Board reserves the right, at any time or from time to time, to revoke or amend these regulations, or to prescribe, and issue supplemental or amendatory rules and regulations governing consolidated Federal home loan bank debentures.

Adopted by the Federal Home Loan Bank Board on March 23, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-827; Filed, March 23, 1937; 2:03 p. m.]

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**Home Owners' Loan Corporation.**

[Manual Amendment]

ENDORSEMENT OF INSURANCE LOSS DRAFTS

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 903 of the Consolidated Manual is hereby amended by adding a second paragraph to read as follows:

The Treasurer, or Regional Treasurers and Assistant Regional Treasurers are authorized and directed, respectively, to endorse for the Corporation, without recourse, insurance loss drafts where the total loss on property securing the mortgage debt is not over $50, upon receipt from the Regional Insurance Supervisor of the approved certificate signed by the home owner showing that the property has been repaired; and to transmit the draft to the mortgagor.

Adopted by the Federal Home Loan Bank Board on March 23, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-829; Filed, March 24, 1937; 10:02 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 1811]

IN THE MATTER OF BUNTE BROTHERS, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, April 14, 1937, at ten o'clock in the forenoon of that day (central standard time), Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-830; Filed, March 24, 1937; 10:04 a. m.]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2695]

IN THE MATTER OF BUNTE BROTHERS, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, April 16, 1937, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-833; Filed, March 24, 1937; 10:05 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2915]

IN THE MATTER OF DILLING AND COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15. U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, April 7, 1937, at ten o'clock in the forenoon of that day (central standard time) at the Claypool Hotel, Indianapolis, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-839; Filed, March 24, 1937; 10:07 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2692]

IN THE MATTER OF GENERAL CONCESSIONS CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, April 5, 1937, at two o'clock in the afternoon of said day (eastern standard time), at room 424 of the Federal Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-832; Filed, March 24, 1937, 10:04 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2722]

IN THE MATTER OF SAMUEL GOLDBERG, AN INDIVIDUAL TRADING AS U. S. SPECIALTY AND MANUFACTURING COMPANY.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, April 5, 1937, at three o'clock in the afternoon of said day, in room 424, Federal Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-836; Filed, March 24, 1937; 10:06 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2922]

IN THE MATTER OF GROUP SALES CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, April 1, 1937, at ten o'clock in the forenoon of that day, in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-841; Filed, March 24, 1937; 10:07 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2696]

IN THE MATTER OF WALTER T. HALL AND MINNIE M. HALL, INDIVIDUALLY, AND AS COPARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF WALTER T. HALL AND COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, April 9, 1937, at ten o'clock in the forenoon of that day (central standard time), room 428 Federal Building, Ottumwa, Iowa.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-834; Filed, March 24, 1937; 10:05 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2916]

IN THE MATTER OF MAPLE CITY CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 6, 1937, at eleven o'clock in the forenoon of that day (central standard time), at the office of the Postmaster, Post Office Building, La Porte, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-840; Filed, March 24, 1937; 10:07 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2806]

IN THE MATTER OF MARCH OF TIME CANDIES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 13, 1937, at two o'clock in the afternoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-837; Filed, March 24, 1937; 10:06 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.



Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2900]

IN THE MATTER OF NATIONAL LABORATORY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, April 7, 1937, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-838; Filed, March 24, 1937; 10:06 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2707]

IN THE MATTER OF RALEIGH CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, April 8, 1937, at ten o'clock in the forenoon of that day (central standard time), in Court Room No. 3, Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-835; Filed, March 24, 1937; 10:05 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2686]

IN THE MATTER OF M. H. SOBEL, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 13, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-831; Filed, March 24, 1937; 10:04 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of March, 1937.

[File No. 2-1428]

IN THE MATTER OF NATIONAL INVESTED SAVINGS CORP.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of National Invested Savings Corporation, Washington, D. C., after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by National Invested Savings Corporation, Washington, D. C., be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

MARCH 24, 1937.

[F. R. Doc. 37-842; Filed, March 24, 1937; 12:45 p. m.]

*Friday, March 26, 1937* *No. 58*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

ESTABLISHING MUD LAKE MIGRATORY WATERFOWL REFUGE

*Minnesota*

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands acquired or to be acquired by the United States in the following-described area, comprising approximately 55,170 acres in Marshall, County, Minnesota, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife; *Provided*, that any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

FIFTH PRINCIPAL MERIDIAN

T. 157 N., R. 40 W.,
sec. 19, lots 1, 2, 3, and 4, E½NW¼, E½SW¼, and SE¼;
secs. 30 and 31.
T. 156 N., R. 40 W.,
sec. 4, S½NW¼ and SW¼;
sec. 5, SE¼NE¼ and S½;
sec. 6, lots 2 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
secs. 7 and 8;
sec. 9, NW¼;
sec. 18, N½.
T. 157 N., R. 41 W.,
secs. 15 to 23, inclusive; sec. 24, NE¼, S½NW¼, and S½;
secs. 25 to 36, inclusive.
T. 156 N., R. 41 W., all.
T. 157 N., R. 42 W.,
sec. 13, all;
sec. 14, S½S½;
secs. 23 to 26, inclusive, and secs. 35 and 36.
T. 156 N., R. 42 W.,
secs. 1 to 3, and secs. 10 to 15, inclusive;
sec. 16, lot 4;
sec. 21, lots 5 to 8, inclusive, and S½SE¼;
secs. 22 to 27, inclusive;
sec. 28, lots 3 to 6, inclusive, NE¼, SE¼SW¼, and SE¼;
sec. 29, lot 3;
sec. 32, lots 5 to 9, inclusive, SE¼NE¼ and E½SE¼;
secs. 33 to 36, inclusive.
T. 155 N., R. 42 W.,
sec. 1, lots 1 to 3, and lots 5 to 16, inclusive, and E½SE¼;
sec. 2, lots 5, 6, 11, 12, 13, 14, 15, and 16, E½SW¼, and W½SE¼;
sec. 3, lots 6 to 11, inclusive, and lot 13.

This refuge shall be known as the Mud Lake Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 23, 1937.*

[No. 7583]

[F. R. Doc. 37-845; Filed, March 24, 1937; 2:36 p. m.]

### EXECUTIVE ORDER

DESIGNATING AJO, ARIZONA, AS A CUSTOMS PORT OF ENTRY

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), I hereby designate the customs station of Ajo, Arizona, a customs port of entry in Customs Collection District No. 26 (Arizona), with headquarters at Nogales, Arizona, effective thirty days from the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 24, 1937.*

[No. 7584]

[F. R. Doc. 37-857; Filed, March 25, 1937; 11:47 a. m.]

### EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6473 OF DECEMBER 4, 1933, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6473 of December 4, 1933, withdrawing, together with other lands, the public lands in the following-described townships in Wyoming, pending a resurvey, is hereby revoked as to said townships:

SIXTH PRINCIPAL MERIDIAN

Tps. 14 and 15 N., R 97 W.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 24, 1937.*

[No. 7585]

[F. R. Doc. 37-856; Filed, March 25, 1937; 11:47 a. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

(T. D. 4730)

EFFECTIVE PERIOD OF CARRIERS TAXING ACT EXTENDED

REGULATIONS 93, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Public Resolution No. 9, Seventy-fifth Congress, approved February 27, 1937, entitled "Joint Resolution To amend the Act entitled 'An Act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes', approved August 29, 1935"[1] provides as follows:

That section 12 of the Act entitled "An Act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935, is amended by striking out "February 28, 1937" and inserting in lieu thereof "June 30, 1938".

To give effect to the foregoing provision of law, Regulations 93, approved March 11, 1936 are amended as follows:

(1) Article 1 (a) is amended by inserting after the parenthetical phrase therein, the words "as amended by Public Resolution No. 9, Seventy-fifth Congress, approved February 27, 1937".

(2) Articles 201, 301, 402, 501 and 609 are amended by striking out "February 28, 1937" wherever appearing therein and by inserting in lieu thereof "June 30, 1938".

(3) Article 401 is amended to read as follows:

ART. 401. *Quarterly returns of employees' tax and carriers' tax* — For the period beginning March 2, 1936, and ending May 31, 1936, and for each subsequent period of three calendar months ending on August 31, November 30, the last day of February, and May 31, each carrier shall prepare a return, in quadruplicate, on the prescribed form.

(4) The first sentence of the first paragraph of article 504 is amended to read as follows:

For the period beginning March 2, 1936, and ending May 31, 1936, and for each subsequent period of three calendar months ending on August 31, November 30, the last day of February, and May 31, each representative shall prepare a return, in quadruplicate, on the prescribed form.

(5) The following is inserted immediately preceding article 609:

Public Resolution No. 9,
Seventy-fifth Congress
Approved February 27, 1937.

That section 12 of the Act entitled "An Act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935, is amended by striking out "February 28, 1937" and inserting in lieu thereof "June 30, 1938."

This Treasurer Decision is prescribed under the authority contained in section 1101 of the Revenue Act of 1926, made applicable by section 8 (c) of the Act entitled "An Act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", as amended.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: March 22, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-844; Filed, March 24, 1937; 2:33 p. m.]

[1] 49 Stat. 974.



## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

[No. 5]

OWYHEE PROJECT—OREGON-IDAHO

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES[1]

MARCH 10, 1937.

Announcement is hereby made that water will be furnished during the irrigation season of 1937 (from April 15, to October 15, inclusive) for the irrigation of project lands, hereinafter described, upon a water rental basis, at rates and upon terms following:

For privately-owned lands in the Owyhee Irrigation District under the Kingman and Mitchell Butte laterals, and under the North Canal in the following sections:

Sections 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and N½ Sec. 22, Township 21 South, Range 46 East;
Sections 1, 2, 3, E½ of 4, 8, 9, 10, 11, 14, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 33, and 34, Township 20 South, Range 46 East, W. M.;
Sections 33, 34, and 35, Township 19 South, Range 46 East, W. M.;

A minimum charge of one dollar ($1.00) per acre for each irrigable acre whether irrigated or not, payable by the district in advance of delivery of water, for which amount two and six-seventh (2⅞) acre-feet of water per acre will be furnished. Thirty-five cents ($0.35) per acre-foot will be charged for any additional water furnished to any tract or farm unit in excess of two and six-sevenths acre-feet per irrigable acre, payable by the district December 1, 1937.

For other lands under the North Canal in the Owyhee Irrigation District:

A minimum charge of $1.00 per acre for the lands actually irrigated for two and six-sevenths acre-feet per acre per annum and payable by the district in advance of delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district December 1, 1937.

Water for the Owyhee Irrigation District will be delivered and measured at the nearest tap and weir to the individual farm.

For lands in the Kingman Colony Irrigation District:

A minimum charge of $1.00 per irrigable acre for two and six-sevenths acre-feet per acre per annum, payable by the district for each irrigable acre contained therein, in advance of the delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on December 1, 1937.

Water for the Kingman Colony Irrigation District will be measured and considered to be furnished to the district where delivered into the canal system of the district.

For lands in the Advancement Irrigation District:

A minimum charge of $1.00 per irrigable acre for two and six-sevenths acre-feet per acre per annum, payable by the district for each irrigable acre contained therein, in advance of the delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on December 1, 1937.

Water for the Advancement Irrigation District to be measured at the outlets of the North and South Advancement pumps.

For lands in the Ontario-Nyssa Irrigation District:

A minimum charge of three thousand one hundred fifty dollars ($3,150) for nine thousand (9,000) acre-feet of water, payable by the district in advance of delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on December 1, 1937.

Water for the Ontario-Nyssa Irrigation District will be delivered and measured into the Ontario-Nyssa canal at the head and at a feeder near the oil well and at other points mutually agreed on by the district and the Reclamation Bureau.

For lands in the Gem Irrigation District:

For old lands in the district, a minimum charge of three thousand five hundred dollars ($3,500) for ten thousand (10,000) acre-feet, payable by the district in advance of delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on December 1, 1937.

For new lands in the district, water may be furnished if and when available, depending on the progress of construction;

Thirty-five cents ($0.35) per acre-foot for water furnished, payable by the district when ordered, with a minimum payment of ten dollars ($10.00).

Water for the old lands of the Gem Irrigation District will be delivered into the A canal at the head and at the feeder near Jump Creek and measured at these points.

Water for the new lands will be delivered and measured at the nearest tap and weir to the individual farms.

For lands in the Payette-Oregon Slope, Bench and Crystal Irrigation Districts:

A minimum charge of one dollar ($1.00) per irrigable acre for two and six-sevenths (2⅞) acre-feet per acre per annum, payable by the respective districts for each irrigable acre contained therein in advance of delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the respective districts on December 1, 1937.

Water for the Payette-Oregon Slope, Bench and Crystal Irrigation Districts will be delivered and measured at the nearest tap and weir to the individual farms.

In determining the amount of water delivered on which rental charges will be based, in the case of the Kingman Colony, Advancement, Ontario-Nyssa, and the old lands of the Gem Irrigation District, deduction of ten percent (10%) will be made from the amounts measured at points of delivery to the respective districts as an allowance for losses in the district canals.

Applications for water on the basis of this public notice will be received at the office of the United States Bureau of Reclamation at Boise, Idaho, P. O. Box 937, and payments shall be made to that office.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-853; Filed, March 25, 1937; 9:32 a. m.]

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

**General Land Office.**

AIR NAVIGATION SITE WITHDRAWAL NO. 3 REDUCED

NEVADA

MARCH 15, 1937.

Under and pursuant to section 4 of the act of May 24, 1928 (45 Stat. 728), departmental order of July 24, 1928, withdrawing certain public lands in Nevada for use by the Department of Commerce as air navigation sites, is hereby revoked in so far as it affects the following-described land which is within Nevada Grazing District No. 1:

NEVADA

*Mt. Diablo Meridian*

T. 35 N., R. 68 E., NE¼NE¼ sec. 16, 40 acres.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-855; Filed, March 25, 1937; 10:14 a. m.]

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STOCK DRIVEWAY WITHDRAWALS NOS. 9 AND 52, REDUCED

NEW MEXICO

MARCH 18, 1937.

Departmental orders of February 28 and December 9, 1918, and June 7, 1923, as modified, which withdrew certain lands in New Mexico as Stock Driveways Nos. 9 and 52, under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked in so far as they affect the following described lands, which are within New Mexico Grazing Districts Nos. 3 and 6, established July 11 and April 8, 1935, respectively:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 4 W., NW¼ sec. 3, W½ secs. 10 and 15, E½ sec. 21, NW¼ sec. 22, E½, S½SW¼ sec. 28, S½ of secs. 29 and 30;
T. 10 S., R. 5 W., S½ sec. 25, SE¼SW¼ and S½SE¼ sec. 26, SE¼ sec. 33, N½ and SW¼ sec. 34, NW¼NE¼ and NW¼ sec. 35;
T. 11 S., R. 5 W., N½ of N½ of secs. 4 and 5, NE¼NE¼ and S½NW¼ sec. 6;
T. 14 S., R. 24 E., S½NE¼, NE¼SW¼, S½SW¼ and NW¼SE¼ sec. 21, S½N½ of secs. 22, 23 and 24, NW¼NW¼ sec. 28, N½N½ sec. 29, and N½NE¼ sec. 30;
T. 14 S., R. 25 E., S½N½ of secs. 19 and 20, SW¼NW¼, W½SW¼ and SE¼SW¼ sec. 21, S½SW¼ sec. 26, sec. 27, N½NE¼ and NE¼NW¼ sec. 28, N½N½ of secs. 35 and 36;
T. 10 S., R. 30 E., secs. 13, 23, 24 and 25, N½NE¼ and W½ sec. 26, secs. 27, 34 and 35;
T. 11 S., R. 30 E., secs. 1, 12, 13, 24 and 25;
T. 15 S., R. 30 E., E½ sec. 1, secs. 10, 11, 12 and 15, W½E½ and W½ of secs. 22 and 27, secs. 28, 29 and 30;
T. 6 S., R. 31 E., SW¼NW¼ and SW¼ sec. 7, NW¼ and S½ sec. 18, sec. 19, W½ sec. 20, secs. 29 and 30, and W½ sec. 31;
T. 7 S., R. 31 E., secs. 6 and 7, N½ sec. 18, secs. 30 and 31;
T. 8 S., R. 31 E., sec. 5, N½ sec. 6, secs. 8 and 17, N½ and SE¼ sec 20, secs. 29, 30 and 31;
T. 9 S., R. 31 E., secs. 5, 6, 7 and 8, N½, SW¼, N½SE¼ and SW¼SE¼ sec. 17, secs. 18 and 19, W½NE¼, NW¼ and S½ sec. 20, secs. 28, 29, 30 and 33;
T. 10 S., R. 31 E., secs. 4, 5, 7, 8, 9, 17, 18 and 19;
T. 11 S., R. 31 E., W½ of secs. 6, 7, 18 and 19, NW¼, N½SW¼ and SW¼SW¼ sec. 29, secs. 30 and 31;
T. 12 S., R. 31 E., secs. 6, 7 and 8, W½ sec. 9, secs. 17, 18, 20, 21, 28, 29 and 33;
T. 13 S., R. 31 E., sec. 4, SE¼ sec. 8, sec. 9, E½ sec. 17, NE¼ sec. 20, secs. 21, 28 and 33;
T. 14 S., R. 31 E., sec. 4, SE¼ sec. 8, sec. 9, NE¼ and W½ sec. 17, N½ and SW¼ sec. 19, NW¼ sec. 20, W½ of secs. 30 and 31;
T. 15 S., R. 31 E., NW¼ sec. 6;
Aggregating 60,394.15 acres.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-854; Filed, March 25, 1937; 10:14 a. m.]

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DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

ECR—B-101—Johnson County, Tennessee Issued March 24, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—JOHNSON COUNTY, TENNESSEE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101—Johnson County, Tennessee, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the general farm allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Rates and Conditions of Payment*

Payment will be made in connection with the utilization in 1937 of the land on any farm in Johnson County, Tennessee, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from Tobacco Soil-Depleting Bases.*—Payment will be made, at the rate of 5 cents per pound of the base yield per acre of tobacco for the farm, for each acre (or fraction thereof rounded to the nearest tenth of an acre) diverted from the tobacco soil-depleting base, not in excess of 25 percent of such base. Such diversion shall be in conjunction with the carrying out of the farming program established for the farm in accordance with Section 3 below.

SECTION 2. *General Farm Allowance.*—The general farm allowance is the maximum payment which can be earned for carrying out the farming program established for the farm. This allowance will be $1.00 for each acre of cropland in the farm, *provided* that in no event will the general farm allowance for any farm be less than $20.00.

SECTION 3. *Establishment of Farming Program.*—A farming program will be established for the farm for 1937, upon submission by the operator and approval by the County Committee acting under the supervision and direction of the East Central Division. Such program will include the following:

(a) Growing an acreage of tobacco not in excess of the tobacco soil-depleting base for the farm. (If the 1937 acreage of tobacco on the farm is less than the tobacco soil-depleting base, the provisions of Section 1 above will be applicable.)

(b) Growing an acreage of general soil-depleting crops not in excess of the general soil-depleting base for the farm.

(c) Growing not less than the minimum acreage of soil-conserving crops specified for the farm.

(d) Carrying out such of the soil-building practices listed in section 4 below as are specified for the farm.

The specified minimum acreage of soil-conserving crops and the specified soil-building practices will be recommended by the operator and the County Committee and shall be such as will best tend to meet the needs of the farm for soil restoration and conservation and prevention of erosion, taking into consideration the past production of crops, the size of the farm, type of soil, topography, and farming practices.



SECTION 4. *Soil-Building Practices.*—Any of the soil-building practices listed in this section 4 carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice may be specified as a soil-building practice in the farming program.

(a) *Seeding Legumes or Perennial Grasses.*—Seeding approved seeds of any of the following crops: Alfalfa, red clover, mammoth clover, sericea, bluegrass, Austrian winter peas, vetch; crimson clover, alsike clover, sweet clover, annual lespedeza, orchard grass, white clover, redtop, timothy, or any mixture of grasses or legumes listed in this subsection (a).

(b) *Growing Green Manure and Cover Crops.*—Plowing or discing under as green manure any of the crops named in this subsection (b) after the crop has attained a normal growth of at least two months, or leaving on the land any of these crops grown in 1937: soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, Italian ryegrass, oats, small grain mixtures, Sudan grass, millet, or sorghum, plowed or disced under; lespedeza, soybeans, velvet beans, or cowpeas, not grazed or pastured, when all of the forage is left on the land.

(c) *Planting Forest Trees.*—Planting forest trees, including post-producing species.

(d) *Improving Stands of Forest Trees.*—Improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland.

(e) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone or its equivalent [1] on cropland or non-crop pasture land, or not less than 500 pounds per acre, if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4.

(f) *Improving Land by Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate or its equivalent,[2] on any permanent pasture or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4.

If the superphosphate is to be applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, only one-half the number of pounds so applied will be considered as being used in carrying out this practice.

In connection with this practice the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent available $P_2O_5$) which, within the limit of such supply, may, upon request filed at the County Office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (f). If triple superphosphate is so obtained, deduction will be made, from any payments which otherwise would be made with respect to the farm, as provided in subsection (h) of section 5 of this Part I.

(g) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion.

SECTION 5. *Payment for Carrying Out Farming Program.*—The payment for carrying out the farming program established for the farm will be the general farm allowance, except that if the farming program is only partially carried out the payments which otherwise would be made with respect to the farm will be decreased by one dollar for each point by which the County Committee, acting under the supervision of the East Central Division, finds that the farming program has not been carried out in accordance with good farming practice; *provided*, however, that such deduction shall first be made from the payment for carrying out the farming program. Any soil-building practice (except that involving the use of triple superphosphate) which has been carried out with labor, seed, or other materials furnished in whole or in part by any State or Federal agency shall be treated as if it had not been carried out. For the purpose of determining the number of points for which deductions will be made each of the following items shall have the value in points shown therefor:

(a) Each acre (or fraction thereof rounded to the nearest tenth of an acre) of tobacco in excess of the base tobacco acreage for the farm: 50 points.

(b) Each acre (rounded to the nearest whole acre) of general soil-depleting crops in excess of the general soil-depleting base for the farm: 8 points; *provided* that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth, flood, or other unfavorable weather conditions in 1936 or 1937.

(c) Each acre (rounded to the nearest whole acre) by which the acreage of soil-conserving crops on the farm in 1937 falls below the specified minimum acreage of soil-conserving crops: 3 points.

(d) Each acre (rounded to the nearest whole acre) on which the secding of legumes or perennial grasses, or the growing of green manure crops or cover crops, was specified as a soil-building practice but on which such practice was not carried out: 2 points.

(e) Each acre on which the planting of forest trees was specified as a soil-building practice but on which such practice was not carried out: 5 points.

(f) Each acre on which the improvement of the stand of forest trees was specified as a soil-building practice but on which such practice was not carried out: 2 points.

(g) Each ton of ground limestone (rounded to the nearest ton), each 250 pounds of 16 percent superphosphate (rounded to the nearest 250 pounds), or their respective equivalents, or each 400 feet of terrace (rounded to the nearest 400 feet), specified as a soil-building practice but which was not carried out: 1½ points.

(h) Each 100 pounds of triple superphosphate obtained through the Agricultural Adjustment Administration in accordance with subsection (f) of section 4: 1½ points.

SECTION 6. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of the Johnson County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to the Johnson County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of the association under which it is estimated by the Agricultural

[1] Equivalent quantities of other materials may be substituted for ground limestone *provided* that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (e) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

[2] Equivalent quantities of other materials may be substituted for 16 percent superphosphate *provided* that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate.

Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

There shall also be credited to the Johnson County Agricultural Conservation Association for the payment of administrative expenses the amount, estimated by the Agricultural Adjustment Administration, of any extra administrative expenses incurred by the association in connection with this special Johnson County program not to exceed $1.00 for each application submitted in 1937.

SECTION 7. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

SECTION 8. *Calculation of Payments.*—The payments to any person under this program shall be calculated to the nearest whole dollar. Fractions of 50 cents or less will be dropped and fractions of more than 50 cents will be considered as $1.00.

*Part II. Classification of Crops*

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field corn, sweet corn, and popcorn).
(b) Cotton.
(c) Tobacco.
(d) Peanuts harvested for nuts.
(e) Broom corn.
(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.
(g Sorghum, when harvested.
(h) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
(i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
(j) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.
(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varities of lespedeza; crotalaria.
(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.
(d) Peanuts, when pastured.
(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.
(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.
(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)
(h) Forest trees, planted on cropland since January 1, 1934.
(i) Sweet sorghums, not harvested.

SECTION 3. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.
(b) Idle cropland.
(c) Cultivated fallow land.
(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.
(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

*Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base and a tobacco soil-depleting base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops and tobacco, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for tobacco.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields, shall be used as a basis for determining the soil-depleting bases and base yields per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms for Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936–39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *General Soil-Depleting Base.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than tobacco were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936.

SECTION 3. *Adjustment in Soil Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting bases and the base yields determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward wherever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of tobacco or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting bases for 1937.

SECTION 4. *Limits of Soil-Depleting Bases.*—The general soil-depleting bases and the tobacco soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in Johnson County, shall not exceed the acreage for each soil-depleting base which is established for such farms in the county by the Agricultural Adjustment Administration.

The total of the tobacco soil-depleting bases established in 1937 for farms on which such bases were not established in 1936, or on which no tobacco base acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in the county as shall be obtained by downward adjustment of the respective soil-depleting bases or base acreages, previously established for other farms in the county, except as approved by the Agricultural Adjustment Administration.

The weighted average base yield of tobacco for all farms for which soil-depleting bases are established in Johnson County shall not exceed the base yield established for the county by the Agricultural Adjustment Administration.

*Part IV. Miscellaneous Provisions*

SECTION 1. *Land to be Included Under Application.*—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant, or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out the farming program established for the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) A farm shall be regarded as being in Johnson County if the principal dwelling on the farm is located in said county, or, if there is no dwelling on the farm, if the major portion of the farm is located in said county.

(e) Any person who files an application for payment in Johnson County shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person shall also file an application with respect to any farm owned or operated by him in any other county.



SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm in Johnson County, or the proceeds thereof, who is not a member of the Johnson County Agricultural Conservation Association shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Division of Payments.*—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment with Respect to Tobacco.*—

15 percent to the producer who furnished the land,
15 percent to the producer who furnished the workstock and equipment,
70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco grown on the farm in 1937, or the proceeds thereof.

If the 1937 acreage of tobacco is zero, or, because of partial crop failure, is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the diversion payment with respect to tobacco shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the tobacco crop as it was intended to be grown.

(b) *Payment for Carrying Out Farming Program.*—The payment for carrying out the farming program established for the farm shall be made to the producer, or the person who rents the land to the producer for cash or for a fixed commodity payment, who the County Committee determines, under instructions issued by the Agricultural Adjustment Administration, has incurred the expense of carrying out the farming program.

In cases where the County Committee finds that two or more persons have incurred the expense of carrying out the farming program established for the farm, the share of each such person in the payment shall be determined by agreement of all producers on the farm. Where agreement of all producers is not obtained, the County Committee may recommend, subject to approval by the State Committee and the Director of the East Central Division, their determination of the share of each such person, such determination to be accompanied by a complete statement of the facts upon which the recommendation is based.

(c) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Changes in Leasing or Cropping Agreement and Other Devices.*—If it shall appear from an investigation made by the State Committee that any person who has made an application for payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

SECTION 6. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to a farm or farms in Johnson County has an interest as owner or oper-

ator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm had been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

*Part V. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*Johnson County* means the area included in Johnson County, Tennessee.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for Tennessee to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for Johnson County to assist in the administration of the 1937 Agricultural Conservation Program in the County.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of the crops produced on such farm or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than tobacco.

*Minimum acreage of soil-conserving crops* means the number of acres of soil-conserving crops specified in the farming program to be grown on cropland on the farm in 1937.

*Diversion payment* means a payment for the diversion of acreage from the tobacco soil-depleting base.

*General farm allowance* means the largest amount for any farm that may be obtained as a payment for carrying out the farming program established for 1937 for the farm.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; *provided* that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 24th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-858; Filed, March 25, 1937; 12:41 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

MONTHLY REPORTS OF REVENUES, EXPENSES, AND CAPITAL CHANGES OF TELEPHONE CARRIERS

FEBRUARY 24, 1937.

*To All Class A and Class B Telephone Carriers:*

There are enclosed 18 copies of the form of the Monthly Report of Revenues, Expenses, and Capital Changes.[1] It is requested that you make these reports in triplicate on the forms furnished and forward two copies to the Federal Communications Commission, Washington, D. C. The reports should be mailed as promptly as possible after the end of each month.

These forms have been revised to meet the requirements of the "Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935", which system, as amended by Telephone Division Order No. 7–D, became effective January 1, 1937. You are requested to destroy the blank forms sent to you under date of December 21, 1936, and use the enclosed forms commencing with January, 1937.

With reference to the returns in columns (a), (b), (e), and (f), you are requested to report the actual amounts shown on the respondent's books for the periods indicated and show in columns (c) and (g) the mathematical differences. The amounts of those portions of such differences resulting from the revision of the Uniform System of Accounts, Effective January 1, 1937, shall be explained under "Remarks" on the reverse side of the report.

The fourth ordering clause of Telephone Division Order No. 7–C has been construed as applying only to operating revenue, operating expense, and income accounts, and further construed as being complied with if the returns are shown on the basis of these instructions.

The amounts reported as items 25, 26, and 27, in columns (a) and (e) for January, 1937, should not include amounts transferred to accounts 100.1, 100.2, 100.3, and 100.4 under provisions of paragraph (D) of instruction 2 of the "Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935." Data for items 25, 26, and 27, in columns (b) and (f) may be shown by bracketing these items and reporting the increase or decrease in account 100, "Telephone plant", during the comparable 1936 period.

[1] Copies of these forms have been filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Federal Communications Commission.



It will be appreciated if the carriers which have been notified that they are subject only to Sections 201–5 of the Communications Act of 1934 will continue to file monthly reports for statistical purposes. While this letter is intended primarily for carriers filing monthly reports to the Commission (Carriers having annual revenues in excess of $250,000), a copy is also being forwarded to all other Class A and Class B telephone carriers, with the thought that the construction of the fourth ordering clause of Telephone Division Order No. 7–C appearing in the fourth paragraph of this letter will be of interest to such carriers.

No acknowledgment will be made of the receipt of these reports, but a record of the date of receipt of each report will be kept in the files of the Commission.

Your compliance in this matter will be appreciated.

Very truly yours,

JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-848; Filed, March 25, 1937; 9:22 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

IN RE INQUIRY AND INVESTIGATION OF METROPOLITAN EDISON COMPANY, ET AL.

[IT–5015]

PETITION FOR REHEARING GRANTED AND MATTERS INVOLVED IN THIS PROCEEDING ASSIGNED FOR HEARING

The Commission, having considered the matters involved in the inquiry and investigation instituted against Metropolitan Edison Company, et al., Docket IT–5015, and the petition for rehearing filed therein by the respondents, Metropolitan Edison Company, Northern Pennsylvania Power Company, Pennsylvania Electric Company, Erie Lighting Company, The Clarion River Power Company, and Solar Electric Company, under date of February 23, 1937, grants said petition for rehearing and assigns the matters involved in this proceeding for hearing in the hearing rooms of the Commission in Washington, D. C., on the 14th day of April, 1937, at 10 a. m.

The Secretary is directed to give notice to petitioners that the petition for rehearing has been granted and advise all parties in interest of the time and place of hearing.

Adopted by the Commission on March 23, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-851; Filed, March 25, 1937; 9:22 a. m.]

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

NOTICE OF HEARING

MINNESOTA POWER & LIGHT COMPANY, LICENSEE

[Project No. 346]

It appearing to the Commission that the matters involved in the determination of the actual legitimate cost of Project No. 346, Minnesota Power & Light Company, Licensee, are now at issue, said matters are assigned for hearing in the hearing room of the Commission in Washington, D. C., at 10 a. m., April 26, 1937; and the Secretary is directed to give notice thereof to the licensee and advise all parties in interest of the time and place of hearing.

Adopted by the Commission on March 23, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-849; Filed, March 25, 1937; 9:22 a. m.]

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

[DI 131]

NOTICE OF HEARING

APPLICATION OF PLATTE VALLEY PUBLIC POWER AND IRRIGATION DISTRICT

Upon application filed February 1, 1937, and renewed by formal petition filed February 25, 1937, by Platte Valley Public Power and Irrigation District, North Platte, Nebraska, praying for a reconsideration of the Commission's finding of January 19, 1937, that the interests of interstate commerce would be affected by the proposed construction of the project works described in applicant's declaration of intention, DI–131, filed on July 6, 1936, under Section 23 of the Federal Power Act; for a hearing upon such declaration and application and for an order suspending the operation of said finding pending final determination in the premises;

It is *ordered:*

(1) That the declaration of intention, DI–131, filed by Platte Valley Public Power and Irrigation District and the Commission's finding in connection therewith be reconsidered and that a hearing thereon be held in the Commission's hearing room, Washington, D. C., at 10 a. m., on May 17, 1937.

(2) That the prayer for an order suspending the operation of the Commission's finding of January 19, 1937, pending final determination in the premises be and the same is hereby granted.

Adopted by the Commission on March 23, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-850; Filed, March 25, 1937; 9:22 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 75]

ALLOCATION OF FUNDS FOR LOANS

MARCH 24, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Illinois 18 G Pike | $150,000 |
| Oklahoma 14 Love | 161,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-852; Filed, March 25, 1937; 9:28 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OIL PAYMENT IN THE JONES-LUCAS FARM, FILED ON MARCH 1, 1937, BY ALEX MACDONALD, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no

sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the gross production of water as disclosed by Division II, Item 16 (a) (ii), is not believed to be correct, and for that reason might prove misleading;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 8th day of April, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-860; Filed, March 25, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of March, 1937.

[File No. 1-1530]

IN THE MATTER OF TECK-HUGHES GOLD MINES, LIMITED CAPITAL STOCK, $1.00 PAR VALUE

ORDER POSTPONING HEARING

The Teck-Hughes Gold Mines, Limited, having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, for permission to withdraw from listing and registration on the New York Curb Exchange 4,807,144 shares of its Capital Stock, $1.00 Par Value; and

The Commission having ordered that the matter be set down for hearing before Robert P. Reeder, an officer of the Commission, on March 8, 1937, in Washington, D. C.; and

The Commission, at the request of the New York Curb Exchange, having postponed said hearing until March 23, 1937; and

Said Exchange having requested a further postponement of said hearing;

It is ordered, that said hearing be postponed until 10:00 A. M. on Tuesday, April 6, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer, said Robert P. Reeder, may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-864; Filed, March 25, 1937; 12:51 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of March, A. D. 1937.

[File # 46-19]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

[Public Utility Act of 1935]

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 (A) (1)

Public Service Company of New Hampshire, a subsidiary of New England Public Service Company, a registered holding company, having filed an application, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 1000 shares of beneficial interest in Swans Falls Company (being all of the outstanding shares of such company) pursuant to the terms of a proposed tripartite contract between the applicant, New England Public Service Company which is now the owner of such shares, and Swans Falls Company under which contract the applicant will be obligated to make an annual payment of $10,000 forever to New England Public Service Company and to pay to Swans Falls Company the costs of operating its properties, including taxes, maintenance and $2,400 per year on account of depreciation; with an option to the applicant to terminate the obligation with respect to such annual payments to New England Public Service Company upon payment to it of a lump sum of $150,000, provided that such payment is approved by the Public Service Commission of New Hampshire;

Such application having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that the acquisition covered by the aforesaid application be and the same hereby is approved, *provided*, however, that no payments shall be made by the applicant under the proposed tripartite contract unless, within 10 days after the execution thereof, a true copy of such contract shall be duly filed with the Public Service Commission of New Hampshire; and *provided further* that the applicant shall not make any payment to New England Public Service Company or to any other person pursuant to the provisions of Paragraph 3 of such contract unless such payment shall first have been approved by said Public Service Commission of New Hampshire.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-862; Filed, March 25, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of March, 1937.

[File No. 1-246]

IN THE MATTER OF COLONIAL BEACON OIL COMPANY COMMON STOCK, WITHOUT PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Colonial Beacon Oil Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw from listing and registration on the Boston Stock Exchange its Common Stock, Without Par Value; and

After appropriate notice, a hearing having been held in this matter; and



The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on March 22, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-865; Filed, March 25, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of March, 1937.

[File No. 1-1523]

IN THE MATTER OF UTAH METAL AND TUNNEL COMPANY CAPITAL STOCK, $1.00 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Utah Metal and Tunnel Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw from listing and registration on the Salt Lake Stock Exchange its Capital Stock, $1.00 Par Value; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on March 22, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-866; Filed, March 25, 1937; 12: 51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of March, 1937.

[File No. 1-702]

IN THE MATTER OF THE GRANBY CONSOLIDATED MINING, SMELTING AND POWER COMPANY, LIMITED CAPITAL STOCK, PAR VALUE $100

ORDER TERMINATING LISTING AND REGISTRATION

The Granby Consolidated Mining, Smelting and Power Company, Limited, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw from listing and registration on the Boston Stock Exchange its Capital Stock, Par Value $100; and

The Boston Stock Exchange having made application to strike such Capital Stock from listing and registration on the Exchange; and

The Commission having considered said applications, together with all pertinent information relating thereto, and having due regard for the public interest and the protection of investors;

It is ordered, that said applications be and the same hereby are granted, effective at the close of the trading session on March 22, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-867; Filed, March 25, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-CARTER-MILLER FARM, FILED ON MARCH 17, 1937, BY S. LEROY ESTES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the information set forth under Division II, Items 16 (c) and (d), is not believed to be correct and might, therefore, be misleading;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 8th day of April, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-859; Filed, March 25, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington. D. C., on the 24th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-DOUGLAS "A" FARM, FILED ON MARCH 18, 1937, BY T. S. HOSE, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the statement made in Division II, Item 13, may not be correct by reason of the fact it is not believed that the field was discovered in December, 1930, nor is it believed that there are approximately 21,000 producing oil wells in the field at the present time;

(2) In that Division III, Item 3, is incomplete in the following particulars:

(a) the porosity figure used was not determined;

(b) it is not stated by whom the saturation and recovery factors were determined;

(c) it is not fully explained how the estimated recovery factor of 70% was determined;

(d) volumetric shrinkage cannot be considered merely "possible." It has been determined by the U. S. Bureau of Mines to be at least 20% for East Texas crude;

(3) In that under Division II, Item 2 (c), the area in acres is said to be 91.65, whereas Exhibit B describes only 89.03 acres;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 8th day of April, 1937, at 3:00 o'clock in the afternoon at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-863; Filed, March 25,1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-YORK #13 FARM, FILED ON MARCH 18, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name preceding Division I is omitted;

(2) In that under Division II, Item 1, the smallest fractional interest proposed to be offered does not appear to be correctly stated;

(3) In that the party to whom the taxes are payable is omitted from the answer given under Division II, Item 12;

(4) In that under Division II, Item 16 (c), the figures for the months of May, 1936, and February, 1937, are not correctly stated;

(5) In that the information required to be stated relative to the gross production of water under Division II, Item 16 (a) (iii) is omitted;

(6) In that Exhibit B is not attached to or included in the offering sheet;

(7) In that the statement made under Division III, Item 3, is incomplete in the following particulars:

(a) it is not fully explained how the acre feet of Woodbine formation was determined;

(b) the calculation is not shown in two equations;

(8) In that Division III is not properly signed;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 8th day of April, 1937, at 3:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-861; Filed, March 25, 1937; 12:50 p. m.]

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## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

REVISION OF RATING BOARD DECISIONS

1009. (D) When the decision of a rating agency involves breaking of service connection (the burden of proof being on the Government), the claimant will be immediately notified in writing of the contemplated action and the detailed reasons therefor and will be given a reasonable period, not to exceed 60 days, from the date on which such notice is mailed to his last address of record, for the presentation of additional evidence pertinent to the question. This procedure is for application except (1) in case of fraud; (2) in case of a change in law; (3) in case of a change of interpretation of law specifically provided in a Veterans' Administration issue; or (4) where the evidence establishes the service connection to be clearly illegal. (March 25, 1937.)

(E). When a reduction of an award for a service connected disability is considered warranted by reason of a change in the physical condition, the claimant will be notified in writing of the proposed action and the detailed reasons therefor and will be informed that sixty days from the date on which such notice is mailed to him his case will be reviewed upon the basis of any evidence that he may desire to submit in the meantime as to why such reduction should not be effectuated. The claimant will also be given the opportunity to appear before the rating agency which reviews his case at the expiration of the sixty day period. The rating agency, after consideration of the representations made by the veteran at the hearing or of any additional evidence submitted, will take such action as may be indicated to develop the evidence further, if necessary, but if it is considered that the available evidence warrants a reduction, an appropriate rating will be rendered, and the provisions of Veterans Regulation No. 2 (a), Part I, Paragraph III (b), will be applied as to the effective date of reduction upon the basis of such rating. (March 25, 1937.) (Public No. 2 and Public No. 141, 73d Congress.)

[SEAL] FRANK T. HINES, *Administrator of Veterans' Affairs.*

[F. R. Doc. 37-846; Filed, March 24, 1937; 3:29 p. m.]

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REVISION OF REGULATIONS

MISCONDUCT

1065. (A) A disabling condition will be considered to be the result of misconduct for the purpose of all adjudications under Veterans Regulation No. 1 (a), when it is shown to have been incurred under conditions or in a manner set forth by Veterans Regulation No. 10, paragraph IX, without regard to any prior determinations respecting the manner of its incurrence. A finding in any case that a disabling condition is of misconduct nature, as defined by Veterans Regulation No. 10, paragraph IX, will bar any right to pension or compensation under Veterans Regulation No. 1 (a).

(B) 1. The words "willful misconduct" are used in Section 27 of Public No. 141, 73d Congress, and in all cases arising under this Section of that law, the term "willful misconduct" as defined by precedents under the World War Veterans' Act, 1924, as amended, will be applied.

2. For the purpose of adjudications under Section 28, Title III, Public No. 141, 73d Congress, the definition established by precedents under Section 200, World War Veterans Act, 1924, as amended, for willful misconduct will be applied, instead of the definition of misconduct set forth in Veterans Regulation No. 10, paragraph IX.

3. For the purpose of adjudications under Section 31, Title III, Public No. 141, 73d Congress, the definition established by precedents under Section 213, World War Veterans' Act, 1924, as amended, for misconduct will be applied.

(C) Gross negligence or gross carelessness, as referred to in Veterans Regulation No. 10, paragraph IX, is defined as the want of slight care. (A. D. 191-B and 296). (March 25, 1937.)

[SEAL] FRANK T. HINES, *Administrator of Veterans' Affairs.*

[F. R. Doc. 37-847; Filed, March 24, 1937; 3:29 p. m.]



*Saturday, March 27, 1937* *No. 59*

## DEPARTMENT OF THE INTERIOR.

### Office of Indian Affairs.

COLORADO RIVER INDIAN RESERVATION, CALIFORNIA AND ARIZONA

ORDER OF RESTORATION

MARCH 8, 1937.

Whereas, section 25 of the Act of April 21, 1904 (33 Stats. 224), as amended by section 3 of the Act of March 3, 1911 (36 Stats. 1063), provided for the reclamation and disposal of lands in the Colorado River Reservation, California and Arizona, and

Whereas, it apparently was intended that after reclamation a portion of such lands should become a part of the public domain and made available for settlement under the public land laws, and

Whereas, no reclamation project was undertaken on the Colorado River Reservation under the reclamation Act of June 17, 1902 (32 Stat. 388), authorized by section 25 of the Act of April 21, 1904, supra, and no part of the lands of said reservation (except a small area in the townsite of Parker), has been opened to settlement and sale or other form of disposition under any of the public land laws of the United States, and such lands have always been regarded as constituting a part of the Colorado River Reservation, and

Whereas, the Indians of the Colorado River Reservation, the Superintendent in charge of that jurisdiction, and the Commissioner of Indian Affairs have recommended that the status of the unallotted or surplus lands of the reservation, including vacant townsite areas, be definitely restored as a part of the tribal holdings of the Indians of the Colorado River Reservation.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the Act of June 18, 1934 (48 Stats. 984), I hereby find that restoration to undoubted tribal ownership of all undisposed of lands within the Colorado River Indian Reservation, including any vacant townsite lots within said reservation, will be in the public interest, and the said lands are hereby restored to such tribal ownership and are added to and made a part of the existing Colorado River Indian Reservation, subject to any valid existing rights, for the use and benefit of the Indians of that reservation and such other Indians as may be entitled to rights thereon.

HAROLD L. ICKES, *Secretary of the Interior.*

[F. R. Doc. 37-869; Filed, March 26, 1937; 9:37 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ECR—B-101—Kent County, Maryland March, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—KENT COUNTY, MARYLAND

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for Kent County in the State of Maryland and such modification or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions

of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased, depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

*Part I. Amount and Conditions of Payments*

SECTION 1. *Farm Allowance.*—A farm allowance representing the maximum payment which can be earned will be established for each farm. The farm allowance for each farm will be $1.60 for each acre of cropland in the farm varied according to the productivity of land used for the production of general soil-depleting crops on the farm and rounded to the nearest 10 cents. The index of productivity for each farm shall be the percentage which the normal yield of wheat for the farm is of the normal county average yield of wheat.

If, in accordance with section 3 below, the operator of any farm requests approval of a 1937 acreage of soil-depleting crops for the farm from 10 to 25 percent above the allotted acreage established for the farm, the farm allowance shall be one-half of the amount determined as provided above and rounded to the nearest dollar.

The acreage of cropland used in establishing the farm allowance for all farms in the county shall not exceed such acreage as shall be established for the county by the Agricultural Adjustment Administration.

SECTION 2. *Establishment of Farming Plan.*—A farming plan will be established for each farm in 1937 upon the recommendation of the County Committee under the supervision of the East Central Division. Such plan will include the following:

(a) Growing an acreage of soil-depleting crops not in excess of the allotted acreage for such crops, or not in excess of the approved acreage of such crops, whichever is applicable.

(b) Growing not less than a specified acreage of soil-conserving crops on land not used for soil-depleting crops in 1937.

(c) Carrying out specified soil-building practices.

The allotted acreage of soil-depleting crops established for farms shall, within the limits of the total acreage of soil-depleting crops established for all farms in the county by the Agricultural Adjustment Administration, be an acreage for each farm which is fair and reasonable for such farm, taking into consideration the following factors: the past production of crops; size, type of soil, production facilities, and farming practices; the allotted acreages established for similar farms in the county; and the soil-depleting bases established or which could have been established for such farm under the 1936 Agricultural Conservation Program.

The acreage of soil-conserving crops specified for each farm shall be that acreage which is obtained by subtracting from the total acreage of cropland in the farm the sum of the acreage of soil-depleting crops on the farm in 1937 and the normal acreage of idle cropland in the farm.

The soil-building practices specified for each farm shall be selected from the practices named in section 4 of Part II below and shall be such as will tend to meet the needs of the farm for soil restoration and conservation and result in economic use of the land in such farm.

SECTION 3. *Farms on which Operator Requests Approval of Soil-Depleting Acreage in Excess of the Allotted Acreage.*—The County Committee, at the request of the operator of the farm, shall approve (as requested by the operator) an acreage of soil-depleting crops for the farm for 1937 from 10 to 25 percent (both figures inclusive) above the allotted acreage for the farm. In such cases, the soil-building practices established for the farm shall have a value in points equal in number to not less than the number of dollars in the farm allowance established for the farm under section 1 above. For this purpose each soil-building practice shall have a value of 2 points per acre.

SECTION 4. *Payment.*—The payment for each farm will be the farm allowance, except that if the farming plan is only partially carried out the payment will be the farm allowance decreased by one dollar for each point by which the County Committee, under the supervision of the East Central Division, determines that the farming plan for the farm has not been carried out and by which any of the soil-building practices specified in the farming plan has been carried out with labor, seed, or other materials furnished in whole or in part by any State or Federal agency. For the purpose of determining the number of points by which the farm allowance will be decreased as provided above, each of the following items shall have a value in points as follows:

(a) For each acre (rounded to the nearest whole acre) of soil-depleting crops grown on the farm in 1937 in excess of the allotted acreage or in excess of the acreage approved for the farm, whichever is applicable: 10 points.

(b) For each acre by which the acreage of soil-conserving crops on the farm in 1937 falls below the acreage of soil-conserving crops established for the farm: 3 points.

(c) For each acre (rounded to the nearest whole acre) on which the carrying-out of a soil-building practice was specified but on which such practice was not carried out: 2 points.

SECTION 5. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of the Kent County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by the association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to the Kent County Agricultural Conservation Association for the payment of administrative expenses the sum of $2.00 per application for that number of applications submitted by members of the association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 6. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

SECTION 7. *Division and Calculation of Payments.*—The payment with respect to each farm will be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the crops grown on the farm in 1937 or the proceeds thereof. If the County Committee finds that the payment which would be made to producers on the farm by dividing the payment for the farm on the basis of the shares of such producers in the crops grown on the farm in 1937 or the proceeds thereof would not accurately measure the contribution of the different producers toward carrying out the farming practices specified for the farm, the payment with respect to the farm may be divided upon the basis of an agreement of all producers on the farm.

Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

The payment to each producer shall be calculated to the nearest dollar. Fractions of 50 cents or less will be dropped and fractions of more than 50 cents will be considered as $1.00.

*Part II. Soil-Building Practices and Classification of Crops*

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field corn, sweet corn, and popcorn).

(b) Broom corn.

(c) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(d) Sorghum, when harvested.

(e) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.

(f) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.

(g) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas, harvested for grain, hay or forage, except that for the year 1937 summer legumes grown as emergency hay crops on an acreage not in excess of that determined by the County Committee to be required to replace a shortage of feed on the farm caused by drouth in 1936 or 1937 may be disregarded in classifying the land on which such crops were grown.

(h) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grain seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.

(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas, when not harvested for grain, hay, or forage.

(d) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(e) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.

(f) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(g) Forest trees, planted on cropland since January 1, 1934.

(h) Sweet sorghums, not harvested.

SECTION 3. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock, not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar noncrop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

SECTION 4. *Soil-Building Practices.*—When carried out in accordance with good farming practices not later than October 1, 1937, the following shall be considered as soil-building practices:

(a) Seeding of approved seeds of any legume or perennial grass, with the exception of soybeans, velvet beans, field peas, or cowpeas.

(b) Plowing or discing under green-manure crops.

(c) Applying not less than 1,000 pounds per acre of ground limestone or ground oyster shell, or not less than 700 pounds per acre of hydrated lime, or not less than 500 pounds per acre of burned lime.

(d) Applying not less than 100 pounds per acre of 16 percent superphosphate or its equivalent in connection with the seeding or maintaining of any legume (with the exception of soybeans, velvet beans, field peas, and cowpeas) or perennial grass, or on permanent pasture, or on green-manure crops plowed or disced under.

(e) Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent on land on which superphosphate has been applied, as provided in paragraph (d) above.

(f) Control of erosion in accordance with methods approved by the East Central Division.

*Part III. Miscellaneous Provisions*

SECTION 1. *Land to be Included Under Application.*—An application for payment may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

SECTION 2. *Application and Eligibility for Payment.*—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant, or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice specified for the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) A farm shall be regarded as being in Kent county if the principal dwelling on the farm is located in said county, or, in case there is no dwelling on the farm, if the major portion of the farm is located in said county.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

SECTION 3. *Membership in Association.*—Any person having an interest in the crops produced on any farm (or the proceeds thereof) which is located in Kent County and who is not a member of the Kent County Agricultural Conservation Association shall become a member of the association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

SECTION 4. *Multiple Farm Holdings.*—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage of soil-depleting crops in 1937 exceeds the allotted acreage of soil-depleting crops or the approved acreage of soil-depleting crops for the farm(s), whichever is applicable, and

such farm(s) have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

*Part IV. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*Kent County* means the area included in Kent County, Maryland.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for Maryland to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for Kent County to assist in the administration of the 1937 Agricultural Conservation Program in that county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of the crops produced on such farm, or of the proceeds thereof.

*Producer* means an owner, an operator, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Farm allowance* means the maximum amount for any farm that may be obtained as payment in 1937 for carrying out the farming plan established for such farm.

*Allotted acreage* means that acreage of general soil-depleting crops established for a farm for 1937 in accordance with section 2 of Part I of this bulletin.

*Approved acreage* means an acreage of soil-depleting crops which is larger than the allotted acreage and which has been approved for the farm in accordance with section 3 of Part I of this bulletin.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 26th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-879; Filed, March 26, 1937; 12:42 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

RULES AND REGULATIONS FOR ISSUANCE OF THE CERTIFICATES OF SERVICE AND EFFICIENCY, CONTINUOUS DISCHARGE BOOKS, CERTIFICATES OF IDENTIFICATION AND CERTIFICATES OF DISCHARGE

By virtue of the authority prescribed by sections 1 and 7 of the act of June 25, 1936 (Public Law No. 808, 74th Congress, 49 Stat. p. 1930), and of section 1-f of the act of March 24, 1937 (Public Law No. 25, 75th Congress) the following rules and regulations are prescribed for the carrying out of the provisions of section 1 of the foregoing act of June 25, 1936, amending section 13 of the seamen's act of March 4, 1915 (38 Stat. p. 1169), relative to the issuance of certificates of service to able seaman, certificates of efficiency to lifeboat man, certificates of service to qualified member of the engine department and certificates of service to persons other than able seamen and qualified members of the engine department; and for carrying out of the provisions of the act of March 24, 1937 (Public Law No. 25) amending section 4551 R. S. as amended, relative to the issuance of continuous discharge books, certificates of identification and certificates of discharge.

SEC. 1. GENERAL

(a) An applicant for a certificate of service or efficiency, or for a continuous discharge book, or certificate of identification shall make written application, in duplicate, on Form 719-b, furnished by the Department of Commerce. The placing of finger or thumb prints on the application shall be optional with the seaman. This application may be for as many certificates or ratings for which the seaman believes he is qualified. In the case of a seaman applying for his first certificate of service or efficiency, the application shall include a request for a continuous discharge book or certificate of identification.

(b) An applicant for a certificate of service for a rating other than as able seaman or qualified member of the engine department shall take oath before one of the local inspectors or other officer authorized to give such oath, that he will faithfully and honestly perform all the duties required of him by law and carry out all lawful orders of his superior officers on shipboard.

(c) Every person employed on any merchant vessel of the United States of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes, below the rank of licensed officer, shall have a certificate of service issued by a board of local inspectors.

(d) When the application is submitted for a continuous discharge book or certificate of identification, and one certificate of service, the seaman shall furnish four (4) unmounted dull finish photographs of passport type (1½ x 2 inches) taken within 1 year. The photograph shall show the full face at least 1 inch in height, and shall show the head uncovered.

(e) When the application is for a certificate of service only, three (3) such photographs shall be furnished. When additional certificates are requested, one (1) additional photograph is required for each additional certificate.



(f) The applicant shall produce with his application, discharges or affidavits as documentary evidence of his service, indicating the names of the vessels on which he has had service, in what capacity, and on what waters.

(g) All existing certificates of service as able seaman or certificates of efficiency as lifeboat man shall be surrendered, effective March 26, 1937. (Old form of certificates only.)

(h) All applicants for certificates of service or efficiency shall appear in person before a board of local inspectors or their assistant inspectors.

(i) If the applicant possesses a continuous discharge book or certificate of identification, it shall be exhibited to the board.

(j) The original copy of each application for a continuous discharge book or certificate of identification and/or certificate of service or efficiency shall be forwarded to the Bureau of Marine Inspection and Navigation at Washington. Such applications shall be accompanied by Form 719-f listing the names, continuous discharge book or certificate of identification numbers and/or certificates of service and efficiency numbers as shown on each application.

(k) An applicant claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship to the issuing officer. Such evidence may be a birth certificate, Certificate of Naturalization, Marine License issued by the Bureau of Marine Inspection and Navigation, Seaman's Protection Certificate, old form of Seaman's Identification Certificate, Seaman's Passport, or an affidavit sworn to before a Notary Public by two persons who know he is an American citizen.

SEC. 2. CONTINUOUS DISCHARGE BOOKS AND CERTIFICATES OF IDENTIFICATION

[Act of March 24, 1937, amending sec. 4551 R. S. as amended]

(a) Every seaman employed on any merchant vessel of the United States of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be issued, at the option of the seaman, a continuous discharge book or certificate of identification upon application therefor, which shall be retained by him. This book or certificate of identification will bear a number, and this same number shall be shown on all certificates of service or efficiency issued to the holder of the book or certificate of identification. The term "navigable rivers" shall be held to include all waters over which a vessel inspected and certificated under the General Rules and Regulations prescribed by the Board of Supervising Inspectors for "Rivers" is permitted to be navigated.

(b) The shipping commissioner or, at ports where no shipping commissioner has been appointed, the collector or deputy collector of customs or United States local inspectors of steam vessels shall fill in the information required in the continuous discharge book or certificate of identification, which information shall be taken from the application, Form 719-B, and shall include the name of the seaman in full, his date of birth, personal description, statement of nationality, and home address. He shall also attach the seaman's photograph in the size and style herein required, impressing his official seal partly over same, and witness the seaman's signature, and shall have the seaman place his thumb print in the book or on the certificate of identification. Care must be taken that the above information is correctly entered.

(c) A monthly and yearly report shall be forwarded by all offices issuing continuous discharge books and certificates of identification to the Bureau of Marine Inspection and Navigation at Washington showing the total number of continuous discharge books and certificates of identification issued by their office.

(d) Every seaman, as referred to in subsection (a) of this section, shall produce a continuous discharge book or certificate of identification to the United States Shipping Commissioner before signing Articles of Agreement, and where the seamen are not signed on before a shipping commissioner the continuous discharge book or certificate of identification shall be exhibited to the master of the vessel at the time of his employment, as follows: As to vessels referred to in subsection (a) engaged in foreign and intercoastal voyages, immediately; and as to all other vessels referred to in subsection (a), on and after June 25, 1937. However, seamen who do not possess a continuous discharge book or certificate of identification may be employed at a foreign port or place provided that seamen so employed shall be furnished with either a continuous discharge book or certificate of identification at the first port of entry in the United States or its territories at which the vessel arrives after such seamen are employed.

(e) Only black ink shall be used in making entries in continuous discharge books, certificates of identification and certificates of discharge.

SEC. 3. ABLE SEAMAN

[Sec. 1 (a) act June 25, 1936, amending sec. 13, act March 4, 1915]

An applicant for a certificate of service as able seaman shall be at least 19 years of age and meet the following service requirements:

*High Seas and Inland Waters*

(a) Three years' service on deck at sea or on the Great Lakes on vessels of 100 gross tons or over to which sec. 1 (a) of the act of June 25, 1936, amending sec. 13 of the act of March 4, 1915, applies, including decked fishing vessels and vessels in the United States Government service of such tonnage.

(b) Graduates of school ships approved by and conducted under rules of the Secretary of Commerce who have served 12 months at sea following graduation.

(c) Twelve months on deck of such vessels at sea or on the Great Lakes.

*Great Lakes and Inland Waters*

(d) Eighteen months' service on deck at sea or on the Great Lakes, smaller lakes, bays or sounds on vessels of 100 gross tons or over to which sec. 1 (a) of the act of June 25, 1936, amending sec. 13 of the act of March 4, 1915, applies, including decked fishing vessels and vessels in United States Government service of such tonnage.

(e) No candidate for certificate of service as able seaman shall be examined until he presents an official certificate of a physician of the United States Public Health Service, or reputable physician acceptable to the local inspectors, that his eyesight, hearing and physical condition are such that he can perform the duties required of an able seaman, and that his color sense is normal.

(f) Before such a certificate is issued to any applicant, he shall prove to the satisfaction of the board of local inspectors, both by oral examination and by actual demonstration, that he has been trained in all the operations connected with the launching of lifeboats and life rafts, and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of taking command of a boat's crew. If convenient to board and applicant, written examination may be given in lieu of oral examination.

(g) The examination shall consist of questions regarding lifeboats and life rafts, the names of their essential parts, and a description of the required equipment; the clearing away, swinging out, and lowering of boats and rafts, the handling of boats under oars, including questions relative to the proper handling of a boat in running before a heavy sea, in pulling into a sea, etc.; the construction and functions of gravity, radial, and quadrantal types of davits. There shall also be included questions concerning the applicant's knowledge of nautical terms; boxing the compass, either by degrees or points according to his experience; running lights, passing signals, fog signals for vessels on high seas, in inland waters, or on the Great Lakes depending upon the waters on which the applicant has had service; distress signals; knowledge of commands in handling the wheel by obeying orders passed to him as "wheelsman", and knowledge of the use of engine room telegraph or bell-pull signals.

(h) In the actual demonstration, the applicant shall show his ability by taking command of a boat and directing the

operation of clearing away, swinging out, lowering the boat into the water, and acting as coxswain in charge of the boat under oars. He shall demonstrate his ability to row by actually pulling an oar in the boat. He shall also demonstrate knowledge of a few of the principal knots, bends, splices, and hitches in common use by actually making them.

(i) All existing certificates of service as able seaman shall be surrendered, effective March 26, 1937 (old form of certificate only), and the above regulations for the issuance of certificates of service as able seaman, when affecting a person surrendering a bona fide certificate and applying for a new certificate in lieu thereof, shall be modified in the following respect:

No physical examination shall be required unless the applicant in the opinion of the local inspectors obviously suffers physical defects appearing to render him incapable of performing such duties; and no further examination shall be required if the local inspectors are satisfied—from the statements submitted by him in his affidavit and application, or from other evidence—that the applicant is qualified as an able seaman. The local inspectors shall also satisfy themselves that the applicant surrendering the certificate is the bona fide holder thereof before issuing a new certificate.

(j) Each certificate issued shall state the waters on which the holder is permitted to be employed as an able seaman.

Certificates issued to seamen under paragraph (a) and (b) of this section shall be issued for "any waters" and shall be green in color.

Certificates issued to seamen under paragraph (c) shall be for "any waters—12 months" and shall be blue in color. (Holders of certificates under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

Certificates issued to seamen under paragraph (d) shall be for "Great Lakes—18 months service" and shall be blue in color. (Holders of certificates under this provision may comprise the required number of able seamen on vessels on the Great Lakes and on the smaller lakes, bays and sounds.) If the seaman possesses the requisite service for a certificate under paragraph (c), there shall be added "High Seas—12 months."

SEC. 4. LIFEBOAT MAN

[Sec. 1 (d) act June 25, 1936, amending sec. 13, act March 4, 1915]

(a) An applicant for a certificate of efficiency as lifeboat man shall have the qualifications and satisfactorily pass the examination prescribed by the existing rules and regulations of the Board of Supervising Inspectors The certificates shall be issued to successful applicants by the local inspectors.

(b) All existing certificates of efficiency as lifeboat man shall be surrendered, effective March 26, 1937, (old form of certificate only) and a new certificate will be issued in lieu thereof, upon application therefor. No further examination shall be required if the local inspectors are satisfied—from the statements submitted by him in his affidavit and application, or from other evidence—that the applicant is qualified as a lifeboat man. The local inspectors shall also satisfy themselves that the applicant surrendering the certificate is the bona fide holder thereof before issuing a new certificate.

SEC. 5. QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

[Sec. 1 (e) act of June 25, 1936, amending sec. 13, act of March 4, 1915]

(a) A qualified member of the engine department is any person below the rating of licensed officer and above the rating of coal passer, or wiper, who holds a certificate of service as such qualified member of the engine department issued by a board of local inspectors of the Bureau of Marine Inspection and Navigation. An applicant for a certificate of service as qualified member of the engine department shall produce to such inspectors definite proof of at least six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required to have such certificated men.

(b) No candidate for a certificate of service as a qualified member of the engine department shall be examined until he presents a certificate of a physician of the United States Public Health Service, or reputable physician acceptable to the local inspectors, attesting that his eyesight, hearing, and physical condition are such that he can perform the duties required of a qualified member of the engine department.

(c) Before such a certificate is issued to any applicant, he shall prove to the satisfaction of the board of local inspectors by an oral examination that he is trained in the duties required by his certificate. If convenient to board and applicant, written examination may be given in lieu of oral examination.

(d) Examinations shall consist of the following:

*Fireman.*—Applicant shall be examined on boiler operations, especially on oil burning systems and the hazards due to the accumulation of oil in the furnaces or bilges, or on fire room floors and tank tops. He shall have a good working knowledge of the use of water feeding devices, water indicators, pressure gages, safety valves, etc.

*Oiler.*—Applicant shall be given an examination on the operation of propelling units and lubricating systems and shall have a knowledge of the use of telegraphic or other maneuvering signals, also of the operation of auxiliaries.

*Water tender.*—The applicant shall be required to pass an examination on pumps, heaters, injectors, or other methods of feeding; also on burners and other equipment connected with fuel systems. He also shall be examined as to the maintenance of a safe water level in the boilers, the piping and connections used in the feed and blow-off systems, and the hazards incurred from low water. He shall also have a thorough knowledge of the engine and fire room fire-fighting equipment.

*Deck engineer.*—The applicant shall be examined as to his knowledge of auxiliary machinery, such as winches, anchor windlasses, steering gear, etc., also telemoters and fire extinguishng apparatus for cargo holds and confined spaces on deck.

*Refrigerating engineer.*—Applicant shall be examined as to his knowledge of the principles of refrigeration, the operation and maintenance of refrigerating machinery, and the hazards which prevail in the use of certain refrigerants, also as to his knowledge of how to act in any emergency, such as the accidental release of the refrigerant into the refrigerating space.

(e) An applicant holding a certificate of service for a particular rating as qualified member of the engine department and desiring certification for another rating covered by this same form of certificate, may, upon qualifying therefor, have endorsement made on the back of his certificate covering such certification.

(f) Personnel employed in the engine department of vessels covered by sec. 1 (e) of the act of June 25, 1936, amending sec. 13 of the act of March 4, 1915, and having the required sea service of 6 months on the effective date of these regulations need pass only the oral examination provided herein. No physical examination shall be required unless the applicant, in the opinion of the local inspectors, obviously suffers physical defects appearing to render him incapable of performing such duties.

SEC. 6. CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMEN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

[Sec. 1 (g) act June 25, 1936, amending sec. 13, act March 4, 1915]

(a) Certificates of service shall be issued to applicants for ratings other than able seamen or qualified members of the engine department, which certificates shall authorize the holders thereof to serve in the capacity specified therein. The applicant, however, shall produce satisfactory evidence to the local inspectors of his ability to perform the duties of the position for which he desires to be certificated.

(b) An applicant for a certificate of service as radio operator shall produce to the local inspectors his unexpired license to act in that capacity from the Federal Communications Commission.

(c) No examination will be required for such certificates of service except that applicants for ratings contemplating the handling of food, shall produce a certificate from a physician of the U. S. Public Health Service, or reputable physician acceptable to the local inspectors, stating that he is free from communicable disease.

(d) An applicant for a certificate of service as deck boy shall produce a certificate from a physician of the U. S. Public Health Service, or reputable physician acceptable to the local inspectors, that he is qualified physically.

(e) No holder of a certificate of service as a deck boy may receive a certificate of service as ordinary seaman until he shall have had an aggregate of 6 months' service as deck boy.

(f) An applicant holding a certificate of service for a rating other than able seaman, or qualified member of the engine department, and desiring certification for another rating covered by this same form of certificate may have endorsement made on the back of his certificate covering such certification, without examination; except that, if the endorsement is for a rating contemplating the handling of food, the applicant shall produce a certificate from a physician of the U. S. Public Health Service, or reputable physician acceptable to the local inspectors, stating that he is free from communicable disease.

SEC. 7. RULES FOR PREPARATION AND ISSUE OF CERTIFICATES OF SERVICE AND EFFICIENCY

(a) Upon application of any person for a certificate of service or efficiency, it shall be the duty of the board of local inspectors to give the applicant the required examination as soon as practicable in every case where an examination is required, or have the assistant inspectors give such examination.

(b) Upon satisfactory completion of the prescribed examination, the board of local inspectors shall prepare an original of each certificate which shall be delivered to the applicant. The board shall complete one stub record to be forwarded to the Bureau in Washington, together with the original copy of the completed application. Another stub record shall be completed and retained in the local office.

(c) Before delivery of the original certificate, the inspectors shall place one of the photographs in the proper position upon the certificates, and the seaman shall affix his signature partly over his photograph on the certificate in such manner as not to deface or obscure any of the features, and shall likewise affix his signature to each of the stubs. The seaman may at his option impress his left thump print on the back of the certificate of service or efficiency and upon each of the stubs. When the seaman has no left thumb, the imprint of the right thumb may be used and that fact noted.

(d) Each certificate shall be impressed with the seal of the issuing board, placed partially over the signature and photograph of the applicant. Each member of the issuing board shall affix his signature. The name of the issuing port, date of issue, and other pertinent information required to be shown on the certificate, including the proper discharge book or certificate of identification number, shall be properly entered.

(e) Any applicant for a certificate of service or of efficiency who has been duly examined and a certificate is refused by a board of local inspectors will not be permitted to make application for reexamination until 30 days have elapsed.

(f) A certificate of service or of efficiency is subject to suspension or revocation if the holder thereof is found guilty of any act of incompetency or misconduct or any act in violation of the provisions of Title 52 of the Revised Statutes or of any of the regulations issued thereunder. Such suspension or revocation shall be in accordance with the provisions of 4450 R. S., as amended.

(g) If an applicant has had a certificate revoked and is seeking a new one, the local inspectors shall, before issuing a new certificate, forward to the Bureau a full report with reference thereto.

(h) Any person whose certificate of service or of efficiency has been stolen, lost, or destroyed, shall report that fact to a board of local inspectors as soon as possible, and if a duplicate certificate is desired, shall make affidavit in duplicate on Form 719-e, furnishing the same number of photographs as provided for in the case of an application for an original certificate. The board of local inspectors shall forthwith transmit the original copy of the affidavit and two photographs to the Director of the Bureau of Marine Inspection and Navigation, who shall thereupon cause to be prepared a certificate which shall be similar to the former certificate, bear the same book or certificate of identification number as the former certificate, and be marked "duplicate." The certificate shall then be forwarded to the proper board of local inspectors, who shall issue the duplicate certificate in the same manner as an original.

(i) Whenever a certificate of service or of efficiency is reported to a board of local inspectors as having been stolen, lost, or destroyed, the local inspectors shall immediately report the fact by letter to the Director of the Bureau of Marine Inspection and Navigation, giving all the facts incident to its loss or destruction. By the same procedure, they shall report the recovery of any certificate of service or of efficiency, together with all facts incident to its recovery, and shall forward the recovered certificate to the Director of the Bureau of Marine Inspection and Navigation. The Bulletin published monthly by the Bureau shall contain information of reported loss, theft, revocation, or suspension of certificates.

(j) A monthly and yearly report shall be forwarded by each Board of Local Inspectors to the Bureau of Marine Inspection and Navigation at Washington showing the total number of each form of certificates of service and efficiency issued by their office.

SEC. 8. RULES AND REGULATIONS COVERING DISCHARGE OF SEAMEN

(a) Upon the discharge of any seaman and payment of his wages, the shipping commissioner, or collector or deputy collector of customs at ports where no shipping commissioner has been appointed, shall enter in the continuous discharge book of such seaman, if the seaman carries such a book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of the person making such entries, and nothing more. In cases where the law does not require the seaman to be shipped and discharged before a shipping commissioner, the master of the vessel shall make the required entries in the continuous discharge book. All entries shall be made in black ink.

(b) Upon the discharge of any seaman who holds a certificate of identification issued by the Bureau of Marine Inspection and Navigation and payment of his wages, the shipping commissioner or collector or deputy collector of customs at ports where no shipping commissioner has been appointed shall issue to the seaman a certificate of discharge on Form 718-A, and make the required entries therein showing the name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. The certificate of discharge shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by the shipping commissioner or, at ports where no shipping commissioner has been appointed, by the collector or deputy collector of customs. In cases where the law does not require the seaman to be shipped and discharged before a shipping commissioner, the master of the vessel shall issue such certificate

of discharge and make the required entries therein. All entries in certificates of discharge shall be made in black ink.

(c) Upon the discharge of any seaman in a foreign port the master shall make the proper entries in the continuous discharge book and on the ship's articles, and such entries shall be attested to by the consular officer. If the seaman possesses a certificate of identification the master of the vessel shall issue to the seaman a certificate of discharge on Form 718–A and make the required entries therein which shall be attested by the consular officer. If the seaman has lost his continuous discharge book or certificate of identification, the master shall furnish him with a temporary certificate of discharge (Form 719–A), attested to by the consular officer and note this fact on the articles.

(d) If a seaman loses his continuous discharge book, certificate of identification or certificate of discharge by shipwreck or other casualty, he shall be supplied with a duplicate of such book, certificate of identification, or certificate of discharge free of charge, upon application to a shipping commissioner or, at ports where no shipping commissioner has been appointed, to a collector or deputy collector of customs or United States local inspector of steam vessels. In other cases of loss, a charge shall be made for a duplicate of such book, certicate of identification or certificate of discharge in an amount equivalent to the cost thereof.

(e) The application for a duplicate continuous discharge book or certificate of identification shall be made in the form of an affidavit in duplicate on Form 719–e and three (3) photographs furnished. The shipping commissioner, collector or deputy collector of customs, or United States local inspectors of steam vessels shall transmit the original copy of the affidavit and two (2) photographs to the Director of the Bureau of Marine Inspection and Navigation, who shall thereupon cause to be prepared a continuous discharge book or certificate of identification bearing the same number as the former book or certificate of identification, and marked "duplicate." An affidavit for a duplicate certificate of discharge shall be made in the same manner as for a duplicate continuous discharge book or certificate of identification, except that it will not be necessary to furnish photographs for such certificates of discharge. Entries in duplicate continuous discharge books, certificates of identification, or certificates of discharge as taken from available records shall be made by the Central Records Section of the Bureau of Marine Inspection and Navigation. The duplicate continuous discharge book, certificate of identification or certificate of discharge shall then be forwarded to the proper shipping commissioner, collector or deputy collector of customs, or United States local inspectors of steam vessels, who shall issue the duplicate book or certificate of identification in the same manner as an original or, in the case of certificates of discharge shall deliver such certificates of discharge to the seaman.

(f) Whenever a continuous discharge book, certificate of identification or certificate of discharge is reported to a shipping commissioner, collector of customs or United States local inspector of steam vessels as having been stolen, lost, or destroyed, the shipping commissioner, collector of customs or United States local inspector of steam vessels shall immediately report the fact by letter to the Director of the Bureau of Marine Inspection and Navigation, giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of a continuous discharge book, certificate of identification or certificate of discharge with all the facts incident to its recovery, and shall forward the recovered book, certificate of identification or certificate of discharge to the Director of the Bureau of Marine Inspection and Navigation.

(g) Pending the issuance of a duplicate of the continuous discharge book or of the certificate of identification, the shipping commissioner, or collector or deputy collector of customs at ports where no shipping commissioner has been appointed, may furnish the seaman with a temporary certificate of discharge (Form 719–A) at the completion of the voyage, and this fact shall be noted on the articles. When the duplicate book has been issued, the record of shipment and discharge as shown on the temporary discharge will be entered in the book, and the temporary discharge shall be surrendered to the issuing officer; or when a duplicate of the certificate of identification has been issued, a certificate of discharge on Form 718–A, will be furnished the seaman and the temporary discharge surrendered to the issuing officer.

(h) To facilitate the keeping of a complete record of the entries made in the continuous discharge books and the certificates of discharge issued to seamen holding certificates of identification, the Shipping Articles have been revised to include the following items: On the front of the agreement the following information has been added: Name of ship; official number; port of registry; date of registry; registered tons; gross and net; horse power of engines; name and address of the registered managing owner or operator; number of seamen and apprentices for which accommodations are certified; and class of ship.

(i) Columns have been added to the articles under "Particulars of engagement" for entering the continuous discharge book number or certificate of identification number and serial number of license or certificate of service; and under "Particulars of discharge" columns have been added to show the place, date, and cause of leaving ship, or of death, also a column for mutual release.

(j) On the back of the Shipping Articles the following have been added:

A certification to the effect that such entries as are authorized by the act of March 24, 1937, amending section 4551 R. S., as amended, to be made in the continuous discharge books and on certificates of discharge, agree with those made on the articles, to be signed by the U. S. Shipping commissioner or other officer duly authorized to act as such.

A table showing citizenship requirements.

A recapitulation for showing the percentage of Americans on the articles and a certification as to the correctness of same to be signed by the U. S. Shipping Commissioner or other officer duly authorized to act as such.

A summary to show the different nationalities of the crew, segregated by departments.

Extracts from the laws for the information of masters.

(k) In the future, Shipping Articles shall be made out in triplicate. One of the copies shall be retained by the shipping commissioner, and the original and a copy given to the master who shall enter therein any changes made in the crew during the voyage. In case of the paying off of any members of the crew during voyage, they shall be required to sign the mutual release on both the original and the duplicate of the articles whether discharged before a shipping commissioner in an American port or before an American Consul in a foreign port. At the completion of the voyage, when the crew is paid off, the mutual release on both the original and the duplicate of the articles must be signed by all members of the crew; and the original copy, which must contain a complete record of the entries made in all continuous discharge books during the voyage, and the entries made in all certificates of discharge issued during the voyage to seamen holding certificates of identification, shall be forwarded to the Bureau at Washington, D. C. The duplicate copy shall be retained by the shipping commissioner.

(l) All columns on the Shipping Articles shall be properly filled in and the certifications on the back properly signed All entries made in the continuous discharge books during the voyage, and the entries made in all certificates of discharge issued during the voyage to seamen holding certificates of identification shall be shown on the ship's articles.

(m) Every seaman shall be required, when signing articles, to produce his continuous discharge book or certificate of identification, as well as his license or certificate of service, in order that the serial numbers may be entered on the articles.

(n) To further facilitate the keeping of a complete record of entries made in continuous discharge books and certificates of discharge, when seamen are not shipped and discharged before a shipping commissioner or collector or deputy collector of customs the master of the vessel shall make a report to the Bureau of Marine Inspection and Navigation, Washington, D. C., on Form 719–G, which must contain a complete record of the entries made in continuous discharge books and certificates of discharge, certified to by the master.

(o) Pending the preparation and distribution of permanent certificates of identification and permanent certificates of discharge there will be issued a temporary form of certificate of identification and temporary certificate of discharge in lieu thereof, which temporary certificates shall have the same force and effect as the permanent certificates of identification and certificates of discharge and shall be issued according to the regulations herein prescribed for permanent certificates of identification and permanent certificates of discharge except that the number of such temporary certificate of identification will not be placed on certificates of service and efficiency. The space provided on such certificate of service or efficiency for a book or certificate of identification number shall be left blank until the permanent certificate of identification is issued, at which time the number will be filled in. These temporary certificates of identification and temporary certificates of discharge shall be replaced by permanent certificates of identification and permanent certificates of discharge not later than June 25, 1937.

The foregoing supersedes any rules and regulations heretofore issued conflicting herewith.

Approved March 26, 1937.

[SEAL] ERNEST G. DRAPER,
*Acting Secretary of Commerce.*

[F. R. Doc. 37–880; Filed, March 26, 1937; 4:39 p. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

APPLICATION OF PARTIAL RELEASE PROCEEDS, ETC.—REAMORTIZATION OF ACCOUNTS

*Be it resolved*, That pursuant to authority vested in this Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647), and particularly by Sections 4 (a) and 4 (k) of said Act, as amended, it is hereby ordered that Section 800 (1) of the Consolidated Manual be amended to read as follows:

(1) Funds received by the Corporation for credit to its loan accounts or to accounts owing to it by reason of sales of acquired real property, from partial releases, grants of easements and flowage rights, insurance losses, mineral deeds, transactions affecting oil, gas or mineral interests, sales of timber, condemnation awards under decree or judgment of a Court or by agreement, substitution of security, additional security, other transactions which otherwise reduce or diminish the security held by the Corporation or the property sold by it and any other credits to borrowers' accounts other than repayments, are defined as "miscellaneous credits", and the net amount thereof shall be applied to the appropriate account (principal, interest, advances or other sums owing to the Corporation) in such manner, consistent with law and the provisions of the loan or sales contract as the General Manager and the General Counsel shall direct.

The authority vested in the General Manager by this subsection may be exercised also by the Regional Manager or an Assistant Regional Manager, and the authority so vested in the General Counsel may be exercised also by the Regional Counsel, all under procedure and limitations prescribed by the General Manager with the approval of the General Counsel. The Comptroller with the approval of the General Manager and the General Counsel may prescribe any necessary accounting procedure to effectuate the purpose of this sub-section; and

*Be it further resolved*, That all regulations, resolutions, administrative orders, bulletins and instructions or portions thereof, heretofore prescribed or promulgated, which are in conflict with the provisions of this section are hereby superseded and revoked; and



*Be it further resolved*, That pursuant to authority vested in this Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647), and particularly by Sections 4 (a) and 4 (k) of said Act, as amended, it is hereby ordered that the following be incorporated in Chapter II of the Consolidated Manual and be designated as Section 215;

SECTION 215. Upon the written request of the debtor, where necessary, the General Manager and the General Counsel may permit the payment of taxes, assessments, other governmental levies and charges, ground rents, attorneys' fees, cost of reconditioning or restoration, and such other items in connection with said transaction as they may deem proper, out of funds received from partial releases, grants of easements and flowage rights, insurance losses, mineral deeds, transactions affecting oil, gas or mineral interests, sales of timber, condemnation awards under decree or judgment of a Court or by agreement, substitution of security, additional security, other transactions which otherwise reduce or diminish the security held by the Corporation or the property sold by it, and from funds received as other credits to borrowers' accounts, except repayments, before directing the application of the net amount to the appropriate account, as provided in Section 800 (1) of Chapter VIII of the Consolidated Manual.

The General Manager with the approval of the General Counsel in connection with the application of the net amount of funds received from any of the foregoing transactions, as provided in said Section 800 (1), may direct that any loan account or any account owing to the Corporation by reason of the sale of real property may be reamortized, provided, however, that in case of loan accounts the period for repayment shall not exceed fifteen years from the date of the original loan, and in case of sales of acquired property such period shall not exceed fifteen years from the date of agreement of sale.

The authority vested in the General Manager by this section may be exercised also by the Regional Manager or an Assistant Regional Manager, and the authority so vested in the General Counsel may be exercised also by the Regional Counsel, all under procedure and limitations prescribed by the General Manager with the approval of the General Counsel; and

*Be it further resolved*, That all regulations, resolutions, administrative orders, bulletins, and instructions, and portions thereof, heretofore prescribed or promulgated which are in conflict with the provisions of this section, are hereby superseded and revoked; and

*Be it further resolved*, That the provisions of this resolution shall become effective 20 days after its adoption, Sundays and holidays excluded.

Adopted by the Federal Home Loan Bank Board on March 23, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–868; Filed, March 25, 1937; 2:19 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

### SECURITIES ACT OF 1933

AMENDMENT TO FORM A–1

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and the Securities Exchange Act of 1934, as amended, particularly Sections 15 (d) and 23 (a) thereof, and deeming that such information or documents as Form A–1, as hereby amended, requires to be set forth, but which are not specified in Schedule A of the Securities Act of 1933, are necessary and appropriate in the public interest and for the protection of investors, and that the adoption of this amendment is necessary to carry out the provisions of said Acts, hereby amends Form A–1 as follows:

I. Immediately preceding the heading *"Signature of Registrant"* in Form A–1 there is inserted the following:

UNDERTAKING TO FILE PERIODIC REPORTS

Pursuant to Section 15 (d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents, and reports as may be pre-

scribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in said Section 15 (d); provided, however, that this undertaking shall become operative only upon the conditions specified in said Section 15 (d), and provided, further, that the duty to file pursuant to this undertaking shall be automatically suspended upon the conditions an d for the periods specified in clauses (1), (2), and (3) of said Section 15 (d).[1]

II. At the bottom of the page on which the above paragraph ends, there is added the following footnote:

[1] Reference is made to Rule 730 which provides that the undertaking required by Section 15 (d) of the Securities Exchange Act of 1934 may be in this form. Any other form of undertaking which fully complies with said Section 15 (d) may be used.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–870; Filed, March 26, 1937; 12:18 p. m.]

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SECURITIES ACT OF 1933

AMENDMENT NO. 30 TO FORM A–2

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and the Securities Exchange Act of 1934, as amended, particularly Sections 15 (d) and 23 (a) thereof, and deeming that such information or documents as Form A–2, as hereby amended, requires to be set forth, but which are not specified in Schedule A of the Securities Act of 1933, are necessary and appropriate in the public interest and for the protection of investors, and that the adoption of this amendment is necessary to carry out the provisions of said Acts, hereby amends Form A–2 as follows:

Immediately preceding the heading *"Signatures"* in Form A–2, there is inserted the following:

UNDERTAKING TO FILE PERIODIC REPORTS

Pursuant to Section 15 (d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents, and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in said Section 15 (d); provided, however, that this undertaking shall become operative only upon the conditions specified in said Section 15 (d), and provided, further, that the duty to file pursuant to this undertaking shall be automatically suspended upon the conditions and for the periods specified in clauses (1), (2), and (3) of said Section 15 (d).

Immediately preceding the heading *"Instructions as to Signatures"* in the Instruction Book for Form A–2, there is inserted the following:

INSTRUCTION AS TO UNDERTAKING TO FILE PERIODIC REPORTS

Reference is made to Rule 730 which provides that the undertaking required by Section 15 (d) of the Securities Exchange Act of 1934 may be in the wording included in the form. Any other form of undertaking which fully complies with said Section 15 (d) may be used.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–871; Filed, March 26, 1937; 12:18 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA ET AL-GASSOWAY FARM, FILED ON MARCH 16, 1937, BY INDUSTRIAL INVESTMENT CORPORATION, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the gross production of water, as disclosed by Division II, Item 16 (a) (iii), is not believed to be correct by reason of the fact that the Commission has information that water is being produced from the property involved, the amount of which is greatly in excess of that set forth in the offering sheet;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 9th day of April, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–873; Filed, March 26, 1937; 12:18 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of March, 1937.

[File No. 1–1657]

IN THE MATTER OF CRANE COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE AND COMMON STOCK, $25 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Crane Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw from listing and registration on the Chicago Stock Exchange its 7% Cumulative Preferred Stock, $100 Par Value and its Common Stock, $25 Par Value; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on April 5, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–872; Filed, March 26, 1937; 12:18 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TEXAS-BLACK FARM, FILED ON MARCH 15, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 24, 1937, be effective as of March 24, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–875; Filed, March 26, 1937; 12:19 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN-HANNUM FARM, FILED ON MARCH 15, 1937, BY JAMES M. JOHNSON, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 22, 1937, be effective as of March 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–877; Filed, March 26, 1937; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-BRADLEY-MITCHELL FARM, FILED ON MARCH 19, 1937, BY R. A. COOK, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the statement made under Division II, Item 1, that the smallest fractional interest proposed to be offered is "equivalent to ¼ royalty acre" may not be correct by reason of the fact that a 1/1272 of the whole royalty interest appears to be equivalent to a ⅛ royalty acre if the tract involved contains 159 acres as stated in the answer to Division II, Item 2 (c);

(2) In that the number of barrels of oil produced, as set forth under Division II, Item 1, in which the smallest fractional interest proposed to be offered will be entitled to one barrel is not believed to be correct;

(3) In that the net production for ¼ royalty acre and the monthly pay off for ¼ royalty acre as disclosed by Division II, Item 16 (c) and (d) for the months enumerated are not believed to be correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 24th day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 9th day of April, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–878; Filed, March 26, 1937; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-McNABB FARM, FILED ON MARCH 19, 1937, BY S. LEROY ESTES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the Commission has information to the effect that Stanolind Oil Company may also be a purchaser of the oil from the tract involved, and, if so, the answer made under Division II, Item 5, is not correct;

(2) In that it is believed that the payments referred to under Division II, Item 8 (a), are not made directly to the interestholder but that the monies due the interestholder are first paid to British American, which, in turn, makes disbursement to the interestholders;

(3) In that Item 8 (d) (i) to (v), inclusive, is omitted.

(4) In that it appears that title to portions of every block described in Exhibit B is involved in litigation, as a result of which the royalty payments relating to those portions of said blocks involved in such litigation are being currently impounded, and the offering sheet does not disclose such litigation or whether the interests offered by said offering sheet are or are not involved in or affected by such litigation.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 24th day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 9th day of April, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-874: Filed, March 26, 1937; 12:19 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE WESTERN STATES-HADDOCK FARM, FILED ON MARCH 18, 1937, BY ALEX MACDONALD, RESPONDENT.

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Division II, Item 2 (c), states "137 acres", whereas it appears that the proper answer should be "1.37 acres";

(2) In that the statement made under Division II, Item 10 (a), does not appear to divulge the required information and for that reason might be misleading;

(3) In that the figures given under Division II, Item 26 (c) may not be correctly calculated;

(4) In that the smallest interest proposed to be offered, as set forth in Division II, paragraph 1, is said to be 1/96 of 1/8 overriding royalty interest, whereas Exhibit D provides for the conveyance of 1/48 of 1/8 interest;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 8th day of April, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-876; Filed, March 26, 1937; 12:20 p. m.]

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***Tuesday, March 30, 1937*** ***No. 60***

## TREASURY DEPARTMENT.

### Bureau of Customs.

DUTY ON MANUFACTURES WHOLLY OR IN CHIEF VALUE OF WOOL

MARCH 4, 1937.

*The Collector of Customs, New York, N. Y.*

SIR: Under date of January 6, 1937, the Bureau advised the Bush Woolen Mills Company, Dresden, Ohio, domestic manufacturer of steamer rugs, automobile robes, and carriage robes, in response to its request under the provisions of section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516), that steamer rugs, automobile robes, and carriage robes, wholly or in chief value of wool, and having fringe consisting of a portion of the warp threads and made by dropping certain weft threads, are being assessed with duty at the rate of 50% ad valorem under paragraph 1120 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 1120), as manufactures wholly or in chief value of wool, not specially provided for.

In a complaint dated January 15, 1937, the domestic manufacturer referred to has taken exception to the practice above stated and claims that such articles should be classified under paragraph 1111 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 1111), and if not under that paragraph, then under paragraph 1529 (a) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 1529), or paragraph 1109 of the same act (U. S. C., title 19, sec. 1001, par. 1109).

The Bureau was advised that the articles in question are not made with a separate fringe, but that the fringe results from the dropping of the weft yarn in the material. In a decision published as (1935) T. D. 47633, the United States Court of Customs and Patent Appeals held that similar steamer rugs and automobile robes, woven directly from yarns on a loom with an attachment which after the cloth is woven to a given length automatically omits the weft threads for a fixed distance (the individual articles being separated from each other after the weaving process by cutting through the middle of the space from which the weft threads are omitted), were not made of "blanketing" within the meaning of that term as used in paragraph 1111 of the Tariff Act of 1930, but were dutiable as manufactures of wool, not specially provided for, under paragraph 1120 of the said act. Following this decision, the action of the collector of customs in excluding merchandise of the character described from classification under paragraph 1111 of the Tariff Act of 1930, is approved and as the articles are not made in part of separate fringe, they would not be dutiable under paragraph 1529 (a) of the Tariff Act of 1930, in view of the decision of the Board of United States General Appraisers (now the Customs Court), published in (1925) T. D. 41273. As the articles in question are not woven fabrics but are steamer rugs, automobile robes, and carriage robes, the provisions of paragraph 1109 of the Tariff Act of 1930, are not applicable.

In view of the foregoing, the Bureau approves the present practice of classifying articles of the character above described as manufactures wholly or in chief value of wool, not specially provided for, and of assessing them with duty at the rate of 50% ad valorem under paragraph 1120 of the Tariff Act of 1930. The Bush Woolen Mills Company has been so advised.

In accordance with the provisions of section 516 (b) of the Tariff Act of 1930, notice is hereby given that the classification of and the rate of duty on merchandise of the character described, imported, or withdrawn from warehouse after the expiration of 30 days after the publication of this letter in the weekly Treasury Decisions, will be subject to the decision of the United States Customs Court in the event that a protest is filed under the provisions of that subdivision.

Very truly yours,

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved: March 4, 1937.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-882; Filed, March 27, 1937; 9:51 a. m.]

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[T. D. 48889]

CUSTOMS REGULATIONS AMENDED—SPECIAL PERMITS FOR IMMEDIATE DELIVERY

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in sections 448 (b), 623, and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1448 (b), 1623, and 1624), the Customs Regulations of 1931 are hereby amended as follows:

Article 349, as amended by T. D. 45761, is amended to read as follows:

ART. 349. *Application—Entry—Procedure.*—(a) Tariff Act of 1930, section 448 (b):

The Secretary of the Treasury is authorized to provide by regulations for the issuing of special permits for delivery, prior to formal entry therefor, of perishable articles and other articles, the immediate delivery of which is necessary.

(b) "Articles, the immediate delivery of which is necessary" includes, in addition to perishable articles, any other articles in connection with which it is definitely established that delay in securing release would occasion unusual loss or inconvenience to the importer or to the carrier bringing the merchandise to the port.

(c) Special permits for the delivery of articles of a class referred to in paragraph (b) prior to formal entry shall be granted only in cases where the collector of customs shall be satisfied that such delivery can be permitted with safety to the revenue.

(d) Applications for special permits for the delivery of imported articles prior to formal entry therefor shall be made in triplicate on customs Form 3461 and shall be supported by evidence satisfactory to the collector of the right of the applicant to make entry for the articles with respect to which the application is filed. If the application is approved, one copy thereof shall be retained as an office record, one copy shall be executed as the permit, and the third copy shall be forwarded to the comptroller of customs. If the collector is satisfied that the conditions warrant such action, a special permit may be granted to cover the delivery prior to formal entry of a class or classes of articles particularly described in the application for such permit and imported during a period not to exceed one year. In such case the fact of release of the merchandise, together with such supplemental information as may be necessary to identify the shipment and determine its quantity and value, shall be noted on the manifest and initialed by the customs officer who releases the merchandise.

(e) Except as provided in paragraph (f) of this article, no permit for the delivery of imported articles prior to formal entry shall be issued until there has been filed in connection with the application therefor a special single entry bond on customs Form 7551-A, with approved corporate surety, in a sum equal to the value of the articles plus the estimated duties thereon, if any; or a special term bond on customs Form 7553-A, with approved corporate surety, in a sum which the collector deems sufficient, but not less than $10,000. The special term bond may be filed in connection with a single application to cover several importations during a period of not more than one year, or in connection with several applications to be filed during a period of not more than one year.

(f) If the merchandise has been imported and there is filed with the application for a special permit a proper entry in regular form, accompanied by the estimated duties and supported by the regular entry bond (customs Form 7551 or 7553), the special bond provided for in the preceding paragraph will not be required.

(g) No special permit will be required for the delivery of importations for which informal entry is permitted as provided for in article 339.

(h) In the case of articles of a class referred to in paragraph (b), except those entered in accordance with paragraph (g), arriving from Canada or Mexico when the customhouse is closed, and destined to places other than the port of arrival, the application and the evidence of the right to make entry may be submitted to the chief customs officer on duty and a special permit may be issued for their release, provided the person making application has on file in the customhouse a special term bond as described in paragraph (e).

(i) In cases where formal entry is not made and estimated duties deposited within 48 hours (exclusive of Sundays and holidays) after the release of the articles under special permit, the collector shall take immediate action to collect, as liquidated damages, the penal sum of the bond in the case of a single entry bond, or an amount equal to the value of the articles as to which there was default, plus the duties thereon, in the case of a term bond, and, unless the claim is promptly satisfied, shall discontinue allowing immediate delivery of articles imported by or for the account of the person in default.

(j) Except in the case of articles entered in accordance with paragraph (g) of this article, the collector shall give timely notice of the arrival of the vessel or vehicle to the appraiser, who shall promptly detail an officer to examine the merchandise, except that when the vessel or vehicle arrives at night or on a Sunday or holiday, and the articles consist of fruits or vegetables or other merchandise which it is practicable to appraise by means of samples, the discharging inspector shall take samples in such manner and in such quantities as the appraiser may direct, and retain the same for examination on the next business day. The discharging inspector shall not release the merchandise to the carrier until it shall have been examined, or adequate samples shall have been taken when appraisement is to be made by sample, and shall keep an accurate account of all releases made under the special permit, which he shall attach to his return of cargo discharged.

(k) In all other respects the procedure shall be the same as in the case of other imported merchandise.

Insert T. D. 45386 as marginal reference opposite paragraph (f).

Article 1240 (a), as amended by T. D. 48508, is further amended by renumbering from 11 to 26 the subdivisions now numbered from 9 to 24 and by adding new subdivisions 9 and 10 as follows:

(9) Immediate delivery single entry bond, customs Form 7551–A, in an amount equal to the value of the articles plus the estimated duties thereon, if any.

(10) Immediate delivery term bond, customs Form 7553–A, in an amount which the collector deems sufficient, but not less than $10,000.

Customs Form 3461 is being appropriately revised.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: March 22, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–881; Filed, March 27, 1937; 9:51 a. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 34]

### RETIREMENT OF CLASS A STOCK OF PRODUCTION CREDIT ASSOCIATIONS

AMENDMENT OF SECTION 104–K OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly section 20 thereof, the following paragraph is hereby added at the end of section 104–k of the Rules and Regulations for Production Credit Associations:

A registered holder of class A stock which has been held by him for not less than two years may list such class A stock with the association for retirement. The association upon recommendation of its board of directors and with the consent of the corporation, may retire and cancel at its fair book value (not to exceed par) such amount of class A stock so listed, in the order of listing, as may be approved by its stockholders at a regular meeting; provided that for each share of class A stock so retired and cancelled, a share held by the corporation shall also be retired and cancelled at the same time.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37–883; Filed, March 29, 1937; 11:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of March, A. D. 1937.

[File No. 31–392]

IN THE MATTER OF THE APPLICATION OF PETROLEUM CORPORATION OF AMERICA

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Petroleum Corporation of America pursuant to Section 3 (a) (3) of the Public Utility Holding Company Act of 1935, for exemption as a holding company from the provisions of said Act,

It is ordered that a hearing on such matter be held on April 15, 1937, at 10 o'clock in the forenoon of that day at Room 726C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 10, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–885; Filed, March 29, 1937; 12:44 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of March, A. D. 1937.

[File No. 32–49]

IN THE MATTER OF WISCONSIN POWER AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Wisconsin Power and Light Company, a subsidiary of The Middle West Corporation, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by applicant of $1,000,000 principal amount of its First Mortgage Bonds, Series A, 4%, dated June 1, 1936, due June 1, 1966, to be sold at private sale to The Equitable Life Assurance Society of the United States. The applicant states that proceeds from the sale of such bonds are to be used to reimburse the treasury of the applicant for expenditures made by the applicant since June 1, 1936 for property, plant and equipment, and to provide funds for properties to be contructed or acquired by the applicant prior to December 31, 1937; and that such expenditures, made or to be made, are largely for extending electric service to farmers in the territory served by the applicant. The applicant also states that the issue and sale of the aforesaid bonds will be expressly authorized by the Public Service Commission of Wisconsin.

It is ordered that a hearing on such matter be held on April 6, 1937, at 11 o'clock in the forenoon of that day at Room 726–C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before the fifth day of April, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–897; Filed, March 29, 1937; 12:47 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA ET AL-GASSOWAY FARM, FILED ON MARCH 16, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–888; Filed, March 29, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WAMHOFF-MUSE (80-ACRE TRACT) FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 25th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 9th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOP, *Secretary.*

[F. R. Doc. 37–890; Filed, March 29, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WAMHOFF-MUSE (160-ACRE TRACT) FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 25th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 9th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–891; Filed, March 29, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-HAUCH FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 25th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 9th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–892; Filed, March 29, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-NELSON FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 25th day of March, 1937, at the office of the Securities and Exchange Commis-

sion, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 9th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-893; Filed, March 29, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-RAWSON FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 25th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 9th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-894; Filed, March 29, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of March, 1937.

IN THE MATTER OF WM. V. STENTON & COMPANY, A WASHINGTON CORPORATION NOW KNOWN UNDER THE NAME OF FISCAL SECURITIES COMPANY, 402 HYDE BUILDING, SPOKANE, WASHINGTON

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Wm. V. Stenton & Company, a corporation organized under the laws of the State of Washington and hereinafter called the registrant, having filed with the Commission on July 10, 1935, an application for registration on Form 1-M pursuant to Rule MA2 of the Commission's rules then governing over-the-counter markets; and the said registration having become effective on January 1, 1936, in accordance with the Commission's rules and regulations; and

The said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission, on November 13, 1936, having authorized investigation and hearing on the question of revocation and/or suspension of registration of the said registrant, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after appropriate notice, having come on for hearing on December 4, 1936, in the City of Seattle, State of Washington; and the said registrant having consented to the revocation of its registration; and such consent, dated January 6, 1937, having been introduced as Commission's exhibit No. 149; and it appearing that the name of the said registrant, by amendment to its articles of incorporation in 1935, was changed from Wm. V. Stenton & Company to Fiscal Securities Company; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Wm. V. Stenton & Company, now known under the name of Fiscal Securities Company, as a broker or dealer transacting business on over-the-counter markets, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-896; Filed, March 29, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-BRADLEY-MITCHELL FARM, FILED ON MARCH 19, 1937, BY R. A. COOK, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 26, 1937, be effective as of March 26, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-889; Filed, March 29, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA-BIERSCHENK FARM, FILED ON MARCH 8, 1937, BY S. LEROY ESTES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 22, 1937, be effective as of March 22, 1937; and

It is further ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-895; Filed, March 29, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-McNABB PARK, BLOCK #9, FARM, FILED ON MARCH 15, 1937, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 25, 1937, be effective as of March 25, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-887; Filed, March 29, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-MARY GRAHAM FARM, FILED ON MARCH 20, 1937, BY V. E. HELVIE, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the statement made relative to the gross production of water under Division II, Item 16 (a) (iii) is not believed to be correct by reason of the fact that the Commission has information that the property involved is producing water in excess of the percentage stated in the offering sheet.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 26th day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheets as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 9th day of April, 1937, at 3:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-886; Filed, March 29, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of March, 1937.

[File No. 2-2847]

IN THE MATTER OF METROPOLITAN PERSONAL LOAN CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Metropolitan Personal Loan Corporation, of New York, New York, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement contains untrue statements of material facts and fails to state material facts required to be stated therein and fails to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement contains untrue statements of material facts and omits to state material facts required to be stated and material facts necessary to make statements made not misleading, all as more fully set forth in the Trial Examiner's report in this matter which is hereby adopted, and being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Metropolitan Personal Loan Corporation, of New York, New York, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-884; Filed, March 29, 1937; 12:44 p. m.]

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*Wednesday, March 31, 1937* *No. 61*

## PRESIDENT OF THE UNITED STATES.

ENLARGING THE DEATH VALLEY NATIONAL MONUMENT—CALIFORNIA AND NEVADA

By the President of the United States of America

A PROCLAMATION

WHEREAS certain public lands contiguous to the Death Valley National Monument, established by the Proclamation of February 11, 1933 (47 Stat. 2554), have situated thereon various objects of historic and scientific interest, and are necessary for the proper care management and protection of unusual features of scientific interest within the said monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Death Valley National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of June 8, 1906 (ch. 3060, 34 Stat. 225; U. S. C. title 16 sec. 431), do proclaim that, subject to the provisions of the Act of Congress approved June 13, 1933 (48 Stat. 139), and to all valid existing rights, the following described lands in California and Nevada be, and the same are hereby added to and made a part of the Death Valley National Monument:

MOUNT DIABLO MERIDIAN—CALIFORNIA

T. 18 S., R. 44 E., that part southwest of former west boundary of Monument (unsurveyed).
T. 19 S., R. 44 E., that part southwest of former west boundary of Monument (unsurveyed).
T. 19 S., R. 45 E., that part southwest of former west boundary of Monument.
T. 20 S., R. 45 E., that part west of former west boundary of Monument.

SAN BERNARDINO MERIDIAN—CALIFORNIA

T. 25 N., R. 3 E., those parts of secs. 5, 8, 16 and 17 lying southwest of a line parallel to and 500 ft. northeasterly from the center line of Dante's View highway.
T. 18 N., R. 4 E., secs. 1 to 12, inclusive; N½ sec. 13; N½ sec. 14; N½ sec. 15; N½ sec. 16; N½ sec. 17; N½ sec. 18 (partly unsurveyed).
Tps. 19, 20 and 21 N., R. 4 E. (partly unsurveyed).
T. 22 N., R. 4 E., secs. 31 to 36, inclusive (partly unsurveyed).
T. 18 N., R. 5 E., secs. 1 to 12, inclusive; N½ sec 13; N½ sec. 14; N½ sec. 15; N½ sec. 16; N½ sec. 17, N½ sec. 18 (partly unsurveyed).
T. 19 N., R. 5 E. (partly unsurveyed).
T. 20 N., R. 5 E., secs. 25 to 36, inclusive (unsurveyed).
T. 18 N., R. 6 E., W½ sec. 5; secs 6 and 7; W½ sec 8; NW¼ sec. 17, N½ sec 18 (partly unsurveyed).
T. 19 N., R. 6 E., W½ sec. 5; secs. 6 and 7; W½ sec. 8; W½ sec. 17; secs. 18 and 19; W½ sec. 20; W½ sec. 29; secs. 30 and 31; W½ sec. 32 (unsurveyed).
T. 20 N., R. 6 E., W½ sec. 29; secs. 30 and 31; W½ sec. 32 (unsurveyed).

MOUNT DIABLO MERIDIAN—NEVADA

T. 11 S., R. 42 E. (unsurveyed).
Tps. 11 and 12 S., R. 43 E. (unsurveyed).
Tps. 11, 12 and 13 S., R. 44 E. (unsurveyed).
Tps. 11, 12, 13 and 14 S., R. 45 E. (partly unsurveyed), containing approximately 305,920 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535, U. S. C. title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the withdrawal made by Executive Order No. 6910 of November 26, 1934, as amended, and Executive Order of December 1, 1913, creating Public Water Reserve No. 13.

IN WITNESS WHEREOF, I have hereunto set by hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26th day of March, in the year of our Lord nineteen hundred and [SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

The President.
CORDELL HULL
*Secretary of State.*

[No. 2228]

[F. R. Doc. 37-909; Filed, March 30, 1937; 12:21 p. m.]

EXECUTIVE ORDER

AUTHORIZING CERTAIN EMPLOYEES OF THE NATIONAL LABOR RELATIONS BOARD TO ACQUIRE A COMPETITIVE CLASSIFIED CIVIL SERVICE STATUS

By virtue of and pursuant to the authority vested in me by the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes (5 U. S. C., sec. 631), it is hereby ordered that the employees, exclusive of the attorneys, examiners, regional directors, and an executive secretary, who were transferred, pursuant to the provisions of section 4 (b) of the National Labor Relations Act, approved July 5, 1935 (49 Stat. 449), from the National Labor Relations Board created by Executive Order No. 6763 of June 29, 1934, to the National Labor Relations Board created by the said Act, and who, by virtue of such transfer, now occupy positions in the National Labor Relations Board which are subject to the Civil Service Act and Rules, may acquire a competitive civil service status upon compliance with the provisions of section 6 of Civil Service Rule II, as amended by Executive Order No. 7408 of July 6, 1936.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 27, 1937.*

[No. 7587]

[F. R. Doc. 37-900; Filed, March 29, 1937; 3:49 p. m.]

EXECUTIVE ORDER

RESTORING TO THE TERRITORY OF HAWAII A PORTION OF THE FORT SHAFTER MILITARY RESERVATION

By virtue of and pursuant to the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 443, 447, it is ordered that the following-described parcel of land, situate at Kahauiki, Oahu, Territory of Hawaii, be, and it is hereby, restored to its previous status for the use of the Territory of Hawaii in connection with the extension of Middle Street by the diversion of Kahauiki Stream, and to provide for road to Mokumoa Island:

Beginning at the west corner of the tract, on the seashore of Mokumoa Island, the coordinates of which, referred to Government Survey Triangulation Station "Salt Lake", are 9,435.9 feet south and 5,615.8 feet east (which corner is identical with the south corner of the tract described in Executive Order No. 5521, dated December 26, 1930); from this corner the azimuth (measured clockwise from true south) and distance to Pipe "Cyril", at the end of course 68 of Land Court Application 1074, is 312°17', 107.78 feet;

Thence from said initial point by true azimuths and distances as follows:

241°30', 15.0 feet, to a point;
206°47', 18.88 feet, to a point;
348°50', 57.55 feet, to a point on the seashore of Mokumoa Island;

Thence along the seashore of Mokumoa Island, which is the boundary between the lands of Kahauiki and Moanalua, the direct azimuth and distance being 134° 40', 46.17 feet to the point of beginning.

The direction of the lines refer to the true meridian, and all azimuths were measured clockwise from true south. The tract as described contains an area of 806 square feet and is shown on drawing C. F. S. No. 7316-7320 entitled: "Proposed Canal (50 feet wide) for Diversion of Kahauiki Stream in connection with Middle Street Extension Project (King Street to Dillingham Boulevard) Kahauiki and Moanalua, Honolulu, Oahu, T. H." (scale 1 inch equals 40 feet), dated November 13, 1934, on file in the office of the Survey Department, Territory of Hawaii.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 27, 1937.*

[No. 7588]

[F. R. Doc. 37-899; Filed, March 29, 1937; 3:49 p. m.]



EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 4914 OF JUNE 23, 1928, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 4914 of June 23, 1928, withdrawing, together with other lands, the public lands in the following-described townships in Wyoming, pending a resurvey, is hereby revoked as to said townships:

SIXTH PRINCIPAL MERIDIAN

Tps. 24 N., Rs. 99 and 100 W.
T. 23 N., R. 100 W., secs. 1 to 14, inclusive.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 27, 1937.*

[No. 7589]

[F. R. Doc. 37-898; Filed, March 29, 1937; 3:49 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6119 OF MAY 2, 1933, WITHDRAWING PUBLIC LANDS

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6119 of May 2, 1933, withdrawing, together with other lands, the public lands in the following-described township in California, pending resurvey, is hereby revoked as to said township:

SAN BERNARDINO MERIDIAN

T. 22 N., R. 9 E., secs. 1, 2, and 12.

This order shall become effective upon the date of the official filing of the plat of the resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 29, 1937.*

[No. 7590]

[F. R. Doc. 37-908; Filed, March 30, 1937; 10:29 a. m.]

DEPARTMENT OF THE INTERIOR.

**General Land Office.**

STOCK DRIVEWAY WITHDRAWAL NO. 250

CALIFORNIA NO. 19

MARCH 18, 1937.

It appearing that the following-described public land in California is necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section ten of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), that such land, excepting any mineral deposits therein, be, and it is hereby, withdrawn from all disposal under the public land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights:

MT. DIABLO MERIDIAN

T. 45 N., R. 1 E.,
sec. 8, S½SE¼,
sec. 9, SW¼SW¼, 120 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-906; Filed, March 30, 1937; 9:39 a. m.]

**Office of Indian Affairs.**

SAN CARLOS PROJECT, ARIZONA

ORDER FIXING MAINTENANCE AND OPERATION CHARGES CALENDAR YEAR 1937

MARCH 23, 1937.

In compliance with the provisions of the Act of June 7, 1924 (43 Stat., 475-476) and acts supplementary thereto and the repayment contract of June 8, 1931, between the United States and the San Carlos Irrigation and Drainage District made pursuant to said act, the maintenance and operation charges assessable against the 50,000 acres of privately owned lands of the San Carlos project within the boundary of said San Carlos Irrigation and Drainage District for the calendar year 1937, based upon a total project area of 100,000 acres under constructed works, are hereby fixed as follows:

1. A fixed or basic charge of $1.80 per acre which shall entitle each acre in the District to have delivered for use thereon two acre feet of water per acre or its proportionate share of the available water supply. This fixed or basic charge shall be paid whether or not the land is in cultivation and whether or not the landowner uses any water.

2. Fifty cents per acre foot or fraction thereof for the first acre foot of water delivered in excess of the two acre feet provided for by the basic charge and one dollar per acre foot or fraction thereof for water delivered in excess of three (3) acre feet per acre, except such free water as may be delivered in accordance with the provisions of the repayment contract whenever such free water is available.

*Conditions*—The fixed or basic charge of $1.80 per acre shall be paid for each assessable acre within the San Carlos Irrigation and Drainage District on or before March 1, 1937.

Payments for excess water as herein provided for shall be made at the time of request for delivery thereof.

Payments made on account of the 50,000 acres of lands within the San Carlos Irrigation and Drainage District shall be paid to the Project Engineer of the Indian Irrigation Service, or other proper officer, by the San Carlos Irrigation and Drainage District.

The United States will make available for expenditure on account of the maintenance and operation of this project the $1.80 per acre fixed or basic charge for the 50,000 acres of Indian land in the project, and also the charge for excess water.

The per acre charges herein fixed are based upon the assessment of the entire area of 100,000 acres within the project under constructed works and the following estimated cost of maintaining and operating the works of the project exclusive of the maintenance and operation of the Project Power System which cost is payable from collections from the sale of power.

| | |
|---|---|
| Estimated Operation and Maintenance expenditures for the Calendar Year 1937, exclusive of Power System, Inventory Adjustments and Administrative Expense of District Office | $198,000 |
| Anticipated Collections for Excess Water | 18,000 |
| Balance | $180,000 |
| Appropriations requested for the Indian part | 90,000 |
| Payment required for District part | 90,000 |

Per acre cost for 100,000 acres, $1.80.

The San Carlos Irrigation and Drainage District upon request of its Board of Directors may continue for the period of this order to operate the canals serving lands in private and public ownership within its boundary, and in the event said District elects to continue such operation a credit of 70 cents per acre shall be allowed from the said basic charge for the area of district lands so operated and the basic charge to be paid to the Government by the District will accordingly be reduced to $1.10 per acre.

It should be understood that the provisions of this order requiring funds to be made available by the United States are dependent upon appropriations being made by Congress therefor; that the charges based upon the conditions defined shall apply to the calendar year 1937 only, and that nothing herein shall be construed as establishing a precedent for future years.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37-905; Filed, March 30, 1937; 9:39 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO A PROPOSED ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to Sections 8b and 8c of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, having reason to believe that the issuance of an amendment to a tentatively approved marketing agreement and an approved order with respect to the handling of milk in the Fall River, Massachusetts, Marketing Area would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923–July 1929, gave, on the 5th day of February, 1937, notice of a hearing, which was held on the 11th day of February, 1937, at North Westport, Massachusetts, on a proposed amendment to the tentatively approved marketing agreement and approved order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed amendment; and

Whereas, after such hearing and after the tentative approval by the Secretary, on the 16th day of March, 1937, of an amendment to the tentatively approved marketing agreement, handlers of more than 50 per centum of the volume of milk covered by such order, as amended, which is produced or marketed within the Fall River, Massachusetts, Marketing Area refused or failed to sign such marketing agreement, as amended, relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement, as amended, tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923–July 1929; and

2. That the issuance of the amendment to the order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the amendment to the order is approved or favored by over 79 per centum of the producers who, during the month of January 1937, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 24th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT,
*The President of the United States.*

Dated: March 25, 1937.

[F. R. Doc. 37-903; Filed, March 29, 1937; 4:35 p. m.]

AMENDMENT TO ORDER NO. 5, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Whereas, pursuant to Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the "act", the Secretary of Agriculture, hereinafter called the "Secretary", on April 3, 1936, tentatively approved a Marketing Agreement Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area; and

Whereas, on April 15, 1936, the Secretary issued order No. 5, regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, said order being effective 12:01 a. m., e. s. t., May 1, 1936; and

Whereas, the Secretary, having reason to believe that an amendment should be made to said tentatively approved marketing agreement and said approved order, gave, on the 5th day of February 1937, notice of a hearing to be held on the 11th day of February 1937, at North Westport, Massachusetts, on a proposed amendment to said tentatively approved marketing agreement and said approved order, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendment to said tentatively approved marketing agreement and said approved order; and

Whereas, after such hearing and after the approval, on the 16th day of March 1937, by the Secretary of an amendment to said tentatively approved marketing agreement, handlers of more than 50 percentum of the volume of milk covered by such order, as amended, which is marketed within the Fall River, Massachusetts, Marketing Area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the Secretary, determined on the 24th day of March, 1937, said determination being approved by the President of the United States on the 25th day of March 1937, that said refusal or failure tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923–July 1929, and that the issuance of this amendment to said order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by over 79 per centum of the producers who, during the month of January 1937, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the Fall River, Massachusetts, Marketing Area; and

Whereas, the Secretary finds, upon the evidence introduced at the hearing on such proposed amendment, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order:

1. That the method of calculating the bases of producers as herein set forth is fair and reasonable;

2. That the order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

3. That the issuance of the amendment to the order and all the terms and conditions of the order, as amended, will tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923–July 1929;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the act, hereby orders that order No. 5, regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, issued by the Secretary on April 15, 1936, be and it is hereby amended as follows:

Delete sections 4 and 5 of article VII and substitute therefor the following:

SEC. 4. *Bases.*—The base of each producer shall be a quantity of milk for each delivery period calculated in the following manner: Multiply the base rating, if any, in effect for such producer pursuant to section 5 of this article by the number of days on which such producer delivered milk during such delivery period.

SEC. 5. *Base-Ratings.*—For the purpose of calculating, pursuant to section 4 of this article, the bases of producers, the Market Administrator shall determine a base rating with respect to deliveries of milk in bulk to handlers from the farm currently (except as otherwise provided) operated by each producer as follows:

1. The rating in effect up to and including January 31, 1937, shall be such producer's average delivery per day during the calendar year 1935 or months thereof for which information is in the files of the Market Administrator;

2. The rating in effect for the months of February and March, 1937, shall be such producer's average delivery per day during that quarter of 1936 which is lowest of the three quarters beginning April 1, July 1, and October 1, 1936, respectively, or, at the option of such producer, 85 percent of his average delivery per day during the months of 1936 for which the information is in the files of the Market Administrator, exclusive of the month which immediately follows a month when such producer has the first tuberculin test of his herd;

3. The rating in effect for each calendar quarter subsequent to March 31, 1937, except as set forth in paragraph 5 of this section, shall be determined for each farm from which deliveries were made on not less than ten consecutive days of the first five delivery periods of the preceding calendar quarter, so that such new rating will be the rating which was in effect, or the average delivery per day for the days on which deliveries were made if less than the rating which was in effect during such five delivery periods, adjusted by a uniform quantity per farm which will bring the total of all such new ratings equal to 110–115 percent of the average daily Class I milk sold by handlers during the last calendar quarter of the preceding calendar year;

4. In the case of any producer who did not regularly sell milk for a period of 30 days prior to the effective date hereof to a handler or to persons within the Marketing Area, and who operates a farm for which no rating is in effect, the rating in effect until the next succeeding calendar quarter shall be the percentage of his average delivery per day, during the period of time when he receives the Class II price pursuant to paragraph 3 of section 1 of article VIII, computed by dividing the total deliveries, during such period of time, of all producers for whom ratings were in effect not in excess of their bases by the total deliveries of all such producers;

5. In the case of a producer who as a tenant moves his entire herd from one farm to another farm, the rating in effect for him during the remainder of the calendar quarter during which he moves may, at the option of such producer, be the rating for the farm previously operated by such producer instead of the rating, if any, which would otherwise be in effect for the newly occupied farm, in which event the rating for the previously operated farm shall cease to be in effect;

6. In the case of any producer for whom no rating is required to be in effect for any calendar quarter, pursuant to paragraphs 3, 4, or 5, the rating in effect for each delivery period during such calendar quarter shall be the percentage of his average delivery per day computed by dividing, for such delivery period, the total deliveries of all producers, for whom ratings are in effect pursuant to paragraphs 3, 4, and 5, not in excess of their bases by the total deliveries of all such producers.

In witness whereof, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Agricultural Adjustment Act, approved May 12, 1933, as amended, does hereby execute in duplicate and issue this amendment to the order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, issued on the 15th day of April, 1936, in the city of Washington, District of Columbia, on the 29th day of March 1937, and pursuant to the provisions hereof, declares this amendment to the said order to be effective on and after 12: 01 a. m., e. s. t., April 1, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-904; Filed, March 29, 1937; 4:35 p. m.]

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO AN ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to Sections 8b and 8c of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, having reason to believe that the issuance of an amendment to a tentatively approved marketing agreement and an approved order, as amended, with respect to the handling of milk in the St. Louis, Missouri, Marketing Area, would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in the said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1919–July 1929, gave, on the 27th day of February 1937, notice of a hearing which was held on the 6th day of March 1937 at St. Louis, Missouri, on a proposed amendment to the tentatively approved marketing agreement, as amended, and the approved order, as amended, regulating the handling of milk in the St. Louis, Missouri, Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed amendment to the aforementioned marketing agreement and order; and

Whereas, after such hearing and after the tentative approval by the Secretary on March 16, 1937, of an amendment to the tentatively approved marketing agreement, as amended, handlers of more than 50 percentum of the volume of milk covered by the order, as amended, which is produced or marketed within the St. Louis, Missouri, Marketing Area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement, as amended, tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will

give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1919–July 1929; and

2. That the issuance of the amendment to the order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the amendment to the order, as amended, is approved or favored by over seventy-eight (78) percentum of the producers who, during the month of January 1937, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 24th day of March 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT,
*The President of the United States.*

Dated: March 25, 1937.

[F. R. Doc. 37-902; Filed, March 29, 1937; 4:34 p. m.]

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AMENDMENT TO ORDER NO. 3 REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Whereas, pursuant to Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the "act," the Secretary of Agriculture, hereinafter called the "Secretary," on December 10, 1935, tentatively approved a Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area, and on March 30, 1936, tentatively approved an amendment to said agreement; and

Whereas, on January 30, 1936, the Secretary issued order No. 3, regulating the handling of milk in the St. Louis, Missouri, Marketing Area, said order being effective 12:01 a. m., c. s. t., February 1, 1936, and on April 13, 1936, issued an amendment to said order No. 3, said amendment being effective 12:01 a. m., c. s. t., April 17, 1936; and

Whereas, the Secretary, having reason to believe that further amendment should be made to said tentatively approved marketing agreement, as amended, and said order, as amended, gave, on the 27th day of February 1937, notice of a hearing to be held on the 6th day of March 1937 at St. Louis, Missouri, on a proposed amendment to said agreement and said order, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendment to said agreement and said order; and

Whereas, after such hearing and after the approval, on the 16th day of March 1937 by the Secretary of an amendment to said agreement, handlers of more than 50 per centum of the volume of milk covered by said order, as herein amended, which is marketed within the St. Louis, Missouri, Marketing Area, refused or failed to sign said agreement; and

Whereas, the Secretary determined on the 24th day of March 1937, said determination being approved by the President of the United States on the 25th day of March 1937, that said refusal or failure tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923–July 1929, and that the issuance of this amendment to said order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by over seventy-eight per centum of the producers who, during the month of January 1937, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the St. Louis, Missouri, Marketing Area; and

Whereas, the Secretary finds, upon the evidence introduced at the hearing on such proposed amendment, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order:

1. That the St. Louis, Missouri, Marketing Area, as herein redefined in terms of presently existing townships to eliminate territory no longer necessary to be included, is the smallest area practicable for the application of the order, as amended;

2. That the prices set forth in the order, as amended, will, over a period of time, tend to give milk marketed in the said marketing area a purchasing power, with respect to articles that producers buy, equivalent to, but not above, the purchasing power of such milk in the base period;

3. That the order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

4. That the issuance of the amendment to the order and all the terms and conditions of the order, as amended, will tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923–July 1929;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the act, hereby orders that order No. 3, regulating the handling of milk in the St. Louis, Missouri, Marketing Area, issued by the Secretary on January 30, 1936, be and it is hereby amended as follows:

1. Delete in paragraph 3 of section 1 of article I the words "and Collinsville" and insert the word "and" before Granite City.

2. Delete section 3 of article IV and renumber sections 4 and 5 as sections 3 and 4.

In witness whereof, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Agricultural Adjustment Act, approved May 12, 1933, as amended, does hereby execute in duplicate and issue this amendment to the order regulating the handling of milk in the St. Louis, Missouri, Marketing Area, issued on the 30th day of January 1936, in the city of Washington, District of Columbia, on the 29th day of March 1937, and, pursuant to the provisions hereof, declares this amendment to the said order to be effective on and after 12:01 a. m., c. s. t., April 1, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-901; Filed, March 29, 1937; 4:34 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

IN THE MATTER OF THE APPROVAL OR DISAPPROVAL OF CERTAIN AUTOMATIC ALARM DEVICES, IDENTIFIED AS MODEL A AND MODEL B

The Telegraph Division, at a special meeting, held on March 10, 1937, adopted the attached Report of the Commission in Docket No. 4409, in the matter of the Approval or Disapproval of certain Automatic Alarm Devices, identified as Model A and Model B.



[Docket No. 4409]

IN THE MATTER OF THE APPROVAL OR DISAPPROVAL OF CERTAIN AUTOMATIC ALARM DEVICES, IDENTIFIED AS MODEL A AND MODEL B

Submitted February 19, 1937. Decided March 10, 1937

*Headnotes*

Article 29 of the International Convention for Safety of Life at Sea, London, 1929, *held* to require approval of automatic alarm devices where it appears that the conditions set forth in the provisions of the Convention and of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932, have been satisfactorily met.

Having regard for physical limitations fundamental in the conception of an automatic alarm as provided for by treaty, certain automatic alarm devices *held* to comply with the provisions of said Conventions and the Commission's specifications (requirements and type tests) of October 1, 1935 so as to warrant approval of such devices subject to certain conditions.

*Appearances*

Mackay Radio and Telegraph Company, Federal Telegraph Company, *E. W. Stone, S. D. Browning, H. Pratt, E. G. Ports;* Radiomarine Corporation of America, *Frank W. Wozencraft, H. B. Martin, C. J. Pannill, I. F. Byrnes;* American Radio Telegraphists Association, *Mervyn Rathborne, Mort. Borow;* American-Hawaiian Steamship Company, Inter-Coastal Steamship Freight Association, *M. G. deQuevedo;* American-South African Line, Inc., Argonaut Line, Inc., *F. W. Osburn;* American Steamship Owners Association, *R. J. Baker;* Calmar Steamship Corporation, Ore Steamship Corporation, Ship Owners Association of the Pacific Coast, *George Laing;* C. D. Mallory and Company, Inc., *H. R. McNulty;* Fairfield Steamship Corporation, Greylock Steamship Corporation, Seas Shipping Company, *Frank B. Lyons, Frank V. Barnes;* Isthmian Steamship Company, *S. A. Medford;* Luckenbach Steamship Company, Inc., *W. G. Winne;* Lykes Brothers-Ripley Steamship Company, Inc., *E. A. Jamison;* Maritime Association of the Boston Chamber of Commerce, Mystic Steamship Company, *F. B. Craven;* Maritime Association of the Port of New York, *Cornelius H. Callahan;* Pacific-American Steamship Association, Waterfront Employers Association of San Francisco, *Ira L. Ewers, M. J. Petersen;* Pennsylvania Shipping Company, *M. A. Mathiasen;* Socony-Vacuum Oil Company, *H. W. Schlichting;* Standard Oil Company of New Jersey, *P. H. Harwood, H. L. Cornell;* The Texas Company, *A. S. Angus;* Tidewater Associated Oil Company, *R. K. Kelly, E. K. Jett, Carl F. Arnold, W. N. Krebs,* and *T. L. Bartlett* on behalf of the Federal Communications Commission.

*Report of Commission*

By the Commission: Telegraph Division, Commissioners Stewart, Chairman, Case and Prall.

By its Order, dated October 1, 1935, the Telegraph Division approved specifications containing automatic alarm requirements and type tests as complying with the requirements set forth in Article 22, paragraph 21 (4) of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932. Under the provisions of these specifications there were submitted to the Commission for approval certain automatic alarm devices. Thereafter, on January 26, 1937, the Telegraph Division, having under consideration the requests of several organizations to be heard on the question of the approval of these devices, directed that an informal public hearing be held in this matter. Appropriate notice of the time and place of the hearing and of the issues was published and copies of the notice were sent to all parties known to be interested. Pursuant to said notice and informal hearing was held before the Telegraph Division on February 19, 1937.

The International Convention for Safety of Life at Sea, London, 1929, which was ratified by the United States, effective November 7, 1936, provides (Article 29) that each ship required to be fitted with a radiotelegraph installation shall carry a qualified radio operator. Certain ships are further required under Article 29 of the Convention to maintain continuous watches by means of qualified operators, "if not fitted with an automatic alarm." It follows under this language that such a ship, if fitted with an automatic alarm meeting the provisions of the Convention, is exempt from the requirement of maintaining a continuous watch by qualified operators.

Article 29, paragraph 4, of the Safety Convention provides that by an automatic alarm is meant an automatic alarm receiver which complies with the requirements of Article 19, Section 21, of the General Radio Regulations annexed to the International Radiotelegraph Convention, Washington, 1927. The provisions of this article have been substantially carried forward into Article 22, Section 21, of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932. Subparagraph 4 of Section 21 of this article discloses the technical requirements to be met and subparagraph 5 contemplates approval by the Administration concerned and a finding, that it is satisfied by practical tests that the apparatus complies with the regulations, is made a condition precedent to such approval. The duty of making that finding is imposed upon this Commission.

Since the Safety Convention confers the privilege of exemption provided certain conditions are met, and since one of those conditions is determination by this Commission of whether or not these auto alarms meet the requirements of the Convention, the parties are entitled to the determination of that question. That question being determined in the affirmative, the right to the exemption is absolute. The questions of policy involved in the substitution of auto alarms for qualified operators is not before the Commission. That question was settled by the ratification of the Safety Convention making it the supreme law of the land. The provisions of the treaty which delegate the power of approval or disapproval, also, in so far as this Commission is concerned, specify the limitations upon the exercise of that power. Consequently, the only question before this Commission is whether the auto alarms now before it meet the requirements of the Conventions.

The Safety of Life at Sea Convention became effective January 1, 1933, for ships of countries which had ratified the Convention at that time. Inquiries by the Federal Radio Commission were made of several manufacturing companies and it appeared that the Radiomarine Corporation of America and the Mackay Radio and Telegraph Company had automatic alarm devices under development which were designed in an effort to meet the requirements of the General Radio Regulations of Madrid.

The Radio Commission's studies of alarm systems continued until the creation of the Federal Communications Commission, and this Commission, in 1934 and 1935, proceeded with the formulation of the appropriate specifications. In February, 1935, the Commission released a proposed outline of type tests for this equipment. On May 23, 1935, a meeting was held with representatives of various communication and shipping agencies and representatives of other departments of the Government, to consider these proposed specifications. The organizations represented at that meeting and also participating in the hearing on this matter on February 19, 1937, were: American Radio Telegraphists Association; American Steamship Owners Association; Mackay Radio and Telegraph Company; Federal Telegraph Company; Radiomarine Corporation of America. Other interested organizations were also present.

The representatives of these organizations and others held a further meeting on June 20, 1935, at which time agreement was reached as to the principles which were included in the final draft of the specifications. Thereafter, on October 1, 1935, the Telegraph Division, by order, adopted its specifications, entitled "Auto Alarm Requirements and Type Tests", corresponding in substance to the draft prepared by this group. The provisions of Article 22, Sections 21 (1) and

21 (4) of the General Radio Regulations of Madrid were made a part of these specifications.

The specifications provide, in addition to the technical performance to be required of the apparatus, for laboratory tests, manufacturers' tests, and field tests. The auto alarm models were ready for submission for test soon after ratification of the Safety Convention on the part of the United States. The laboratory tests were conducted by the National Bureau of Standards, with a Commission engineering observer present, between September 28, 1936 and October 30, 1936.

The reports submitted by the Bureau of Standards to the Commission, disclose that these laboratory tests were conducted under the conditions stipulated in the specifications adopted October 1, 1935. The nature of the laboratory tests was that described in detail in the specifications, and the results of the tests were published in three reports of the National Bureau of Standards; namely, "Description and Type Tests of Auto Alarm", "Report on Auto Alarm, Mackay Radio and Telegraph Company", and "Report on Auto Alarm, Radiomarine Corporation of America."

The results of these laboratory tests, together with variations disclosed by the tests, were discussed in a report to the Commission entitled "Report of the Engineering Department on the Results of Marine Auto-Alarm Tests", dated January 22, 1937. This report was furnished all parties prior to the hearing. Both the tests and the reports were also made the subject of detailed testimony at the hearing. Aside from certain comparatively minor matters which were corrected by the manufacturers following the laboratory tests and before the field tests, these variations were also disclosed in the field tests and will be hereinafter considered.

As further required by the specifications, reports of manufacturers' tests covering the two automatic alarm devices, together with supporting data were filed with the Commission. These tests, which were also made a part of the record of the hearing, related primarily to matters other than actual performance and represented the data required under the terms of the specifications.

Beginning on November 24, 1936, and continuing for a period of thirty consecutive days, field tests, as stipulated by the Commission's specifications, were made of these devices. Certain variations between the letter of the specifications and the actual performance of the devices submitted for test became apparent. The nature of these variations requires a consideration of the conditions under which the tests were made, the location at which the tests were made, and also of the interpretation to be given to the General Radio Regulations of Madrid.

The Commission finds that certain fundamental physical limitations are inherent in any automatic alarm device designed to operate on the type of radio signal prescribed in the Regulations. These inherent limitations were known to exist at the time the Regulations were adopted and must be taken into consideration in the interpretation of the requirements. It will be observed that the specifications, paragraph 1, provide that the "auto alarm shall be capable of positive and reliable operation with an input to the antenna of 500 microvolts and with a noise-to-signal ratio of 2 to 1". The term "noise" as used herein means radio frequency energy of every character including atmospherics other than the alarm signal itself. This provision was based on the requirements of the General Radio Regulation of Madrid, Article 22, Section 21 (4)–1 and –3 which read:

> 1. They (the automatic instruments) must be set into operation by the alarm signal even when numerous stations are working and also when there is atmospheric interference.
>
> 3. They must possess a sensitivity equal to that of a crystal-detector receiver connected to the same antenna.

Such devices, from their very nature, cannot be constructed to give positive and reliable operation when the received noise is of a continuous nature and equal to or above the level of the received alarm signal. If, however, the noise is interrupted for a fraction of a second during the spaces between any consecutive four dashes of the twelve dashes composing the alarm signal, such devices properly constructed, will operate regardless of the ratio between noise and signal. This inherent limitation was unquestionably known when the treaty provisions were framed and when the specifications were drawn, and it is the opinion of the Commission that the treaty and specifications provisions must be considered and construed in the light of this and other similar physical limitations in the nature of such devices. Otherwise the provisions of the Convention are a nullity.

The record shows that the field tests provided for in the specifications were of a rigorous and exacting nature. They were conducted under the supervision of the U. S. Coast Guard with an engineer observer of the Commission present. The field test location was the United States Coast Guard Reservation near the western end of the Sandy Hook peninsula at Fort Hancock, N. J. Ambrose and Scotland Lightships are located not far distant and all vessels bound to and from New York Harbor pass close to the test location. In addition to interference caused by those vessels which were equipped with radiotelegraphy and engaged in communication using frequencies within the distress frequency band, strong interference was produced by coastal telegraph stations along the Atlantic seaboard. Both the intensity and the continuity of the interference, particularly at night, were well in excess of that likely to be encountered under actual working conditions while a vessel is under way in the open sea.

Although these tests were made on shore under favorable atmospheric conditions, and although it is recognized that during some seasons of the year and in some areas the alarm would be subjected to strong atmospherics, the Commission nevertheless finds that reliance may be placed upon the "noise" tests conducted by the Bureau of Standards which were used to simulate such atmospherics. These tests, of course, showed that the alarms would not operate when the noise was of a continuous nature and equal to or above the signal level; however, when the supply of noise was interrupted, as by telegraphic keying or by short regular telegraphic dashes, the automatic alarms operated satisfactorily. As has already been explained, this performance must be considered to meet the requirements of the Convention and the specifications in that respect.

With respect to the requirement that the devices shall not be made inoperative by any signal, groups of signals, or atmospherics, and must be designed to be set into operation by the alarm signal only, the Commission finds that the alarm will give adequate warning when it ceases to be operative by reason of such causes. In no case was the auto alarm actuated by incoming signals unaided by or unrelated to the local "alarm signal" test transmission.

Except in certain particulars which the Commission finds can be remedied without affecting the efficiency of the alarms, the tests disclose without question that the automatic alarm devices submitted are capable of proper operation within the prescribed audio and radio frequency band, with the types of emission specified; that they contain the prescribed testing devices and controls and equipment for regulating sensitivity, and for disconnecting the system from the regular receiving apparatus, and that they are provided with bells capable of giving a satisfactory audible alarm in the event of failure of important units or component parts. As the nature of the adjustments which must be made and the reasons therefor are more or less self-evident, it will be sufficient to say that in the attached order the Commission has made requirements for the necessary modifications.

There has been published a summary of operating data of the two auto alarms which was compiled from the records maintained during the field tests. These data disclose that a total of 1325 alarm signals were transmitted for testing the Model A alarm and 1246 for testing the Model B alarm. Thirty-two series of tests were conducted, of which in obtaining the percentage figure shown in Column R, thirteen were rejected for the reason that it appeared during these tests extraneous conditions not properly chargeable to either alarm affected the operation.



The following recapitulation represents the overall efficiency expressed in percentage for 1115 of the total of 1325 transmissions to the Model A alarm and 1115 of the total of 1246 test transmissions to the Model B alarm, and represents, as has been stated, the results of the nineteen field test series which were made under conditions regarded as fulfilling the requirements for field tests:

*Auto-Alarm Field Test Data*

[November 24–December 24, 1936]

Frequencies:
487.5, 500.
512.5 kc
Strength of signals received from antenna:
442, 770, 1,000, 1,200, 15,000 microvolts.
Model A sensitivity control settings:
400, 500, 600, 750, 1,000.
Model B sensitivity control settings:
45, 50, 60.

| A | B | F | L | M | Q | R |
|---|---|---|---|---|---|---|
| Identity of alarm under test | Total number of auto-alarm signals transmitted to each alarm during field test for purposes of official computation | Number of alarm signals which rang bell and were sent during interference | Number of alarm signals which failed to ring bell and were sent during interference | Number of alarm signals which failed to ring bell and were sent when no interference was observed | Number of alarm signals which failed to ring bell in *per cent of total* alarm signals transmitted | Number of alarm signals which rang bell in *per cent of total* alarm signals transmitted |
| Model A Alarm | 1,115 | 222 | 135 | 90 | 22 | 78.0 |
| Model B Alarm | 1,115 | 228 | 152 | 72 | 20.1 | 79.9 |

The Commission also made a recapitulation of the total of 32 test series, including the 13 rejected series, which shows a slight change in the percentage efficiency reflected in Column R, above. The percentage on a basis of 32 test series for the Model A alarm is 75.5% and for the Model B alarm is 78.7%.

Opposition to the approval of these devices was expressed by the American Radio Telegraphists Association. This opposition, so far as material to the issues, was based on three principal grounds; namely, that the automatic devices are not the full equivalent in the matter of efficiency of a human operator; that the approval of such devices, while no operator now employed would be deprived of his position, would preclude additional operators from obtaining employment in the future; and that the alarms, generally speaking, did not afford the positive and reliable operation contemplated in the specifications.

With regard to the first of these objections, the treaty does not require that these automatic instruments should be the equivalent of a human operator. It should be borne in mind here, as it unquestionably was in drafting the treaty, that a human operator would not be able to receive signals during exceptional periods when static and signal interference are of a high level and of a continuous nature, for this has a bearing on any consideration made in the light of the treaty of the capability of the devices to operate under adverse conditions.

Socially important as the future possibility of employment for operators may well be, there is nothing in the Convention or other legislation which has been called to our attention which permits the consideration of that element here. A contention was also introduced by steamship owners relating to the heavy burden which would be thrown upon them in the employment of additional operators if the alarms were not approved. Neither the cost to the steamship companies nor the possibility of employment for additional operators can be considered here because the law governing the Commission's action provides in substance that the automatic instruments shall be permitted if found to comply satisfactorily with the Madrid Regulations.

The third objection on the part of the operators raises the merits of the question before us.

The Regulations do not expressly require perfect performance. Indeed, in the light of knowledge of things fundamental in the radio art, perfect performance could not be expected of any device capable of receiving the international alarm signal which could be conceived either now or at the time the Regulations were adopted.

The Commission must further recognize as a basic engineering principle the fact that no auto alarm can be designed to function properly in accordance with the requirements of the Convention when the necessary spaces between the dashes prescribed for the international alarm signal are entirely obliterated by interference in the form of signal interference or "noise" of sufficient strength. No showing has been made nor has any information been submitted to refute this basic principle. By far the majority of failures of the alarm to respond to field test transmissions were due to this limitation, and consequently these failures cannot be attributed to the design, construction or installation of the alarms. It follows, therefore, that in a determination of the percentage of efficiency with which the alarms function these failures would be excluded under a reasonable interpretation of the requirements and the resulting efficiency of the field tests in that case would have been considerably higher. The overall efficiency of the alarms is shown to be 78% for the Model A alarm and 79.9% for the Model B alarm. In view of what has been stated, the percentage of failure may be said to indicate for the most part only the proportion of time in which such continuity of noise occurred at the location and under the conditions selected for the field tests. These alarms, considered from the point of view of world-wide use, would not ordinarily be required to operate in regions of heavy traffic atmospherics, and, therefore, their average performance efficiency would be higher in actual use than the records show for the tests.

Since the alarms cannot be expected to show a performance efficiency of 100% for actual use, it is necessary to arrive at a figure that can be accepted as satisfactory. The Commission is of the opinion that on the basis of technical performance the two alarms submitted for test represent the most efficient and practicable automatic distress alarms which it is possible for American engineering skill to produce at this time in accordance with the Madrid Regulations and the specifications of the Commission. Inasmuch as the decision must be based on the factors hereinabove considered and inasmuch as the Commission finds that the devices meet the standard of good engineering performance under the specifications and Regulations, the Commission finds that the overall efficiency of the alarms is satisfactory.

A collateral element enhancing safety not strictly necessary to be considered here is the fact that an auto alarm device, if approved, would be available as a most valuable supplement to continuous watch aboard ships not required to have either operators or alarms and as a supplement aboard passenger ships in addition to the operators required for continuous watch. It was testified that a number of vessels not required to carry radio apparatus would be voluntarily equipped with automatic alarms if such alarms were made available with government approval. There might not be a sufficient inducement to the manufacturing companies to manufacture alarms for such ships alone if the alarms were not approved. It was testified also that some of the larger passenger vessels would install voluntarily automatic alarms so that while the operator on watch was engaged in handling traffic on other frequencies a means would be provided for a continuous listening watch on the distress frequency.

The record contains a frank statement on the part of both manufacturers that a year's experience with these devices unquestionably will develop important means by which the devices may be improved. No radio-controlled device not subjected to actual use for an extended period can be

regarded as perfected to the point of highest attainable efficiency. Consequently it is proper to place such restrictions on approval as will insure improvement.

It further appeared that about four months time will be required to complete the manufacture and installation of these devices aboard ships.

From the facts and circumstances shown by the record in this matter and by the Commission's own investigation, the Commission is of the opinion and so finds that the automatic alarm devices submitted for approval, being Radiomarine Corporation of America "Model AR–8600 Auto Alarm" and "Mackay Radio and Telegraph Company Auto Alarm Type 101–A, manufactured by Federal Telegraph Company" should be approved, subject, however, to the conditions and limitations set forth in the attached Order:

The Order will provide further conditions with respect to reexamination of the alarms during the period ending December 31, 1938. The Commission's Order will be made effective July 10, 1937. Certain safeguards relating to the use of these alarms will be provided by modification of the Ship Radiotelegraph Safety Instructions.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37–907; Filed, March 30, 1937; 9:40 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

### SECURITIES EXCHANGE ACT OF 1934

### AMENDMENT OF RULE AN21

The Securties and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12), 10 (b) and 23 (a) thereof, hereby amends paragraph (a) of Rule AN21 by deleting the words "three hundred and fifteenth" and inserting in lieu thereof the words "four hundred and sixth."

Paragraph (a), as amended, reads as follows:

(a) Evidences of indebtedness (1) which have been issued by any foreign state that is presently governed by an interim government which is holding office temporarily and which is to continue to hold such office only until the assumption thereof by a regular government which has been elected and (ii) as to which temporary exemption from the operation of Section 12 (a) shall expire pursuant to the terms of Rule AN7 on May 15, 1936, and as to which registration shall not be effective on that date, shall be exempt from the operation of said Section 12 (a) to and including the four hundred and sixth day following the assumption of office by such elected regular government.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–910; Filed, March 30, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of March A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-CARTER-MILLER FARM, FILED ON MARCH 17, 1937, BY S. LEROY ESTES, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–911; Filed, March 30, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-DOUGLAS "A" FARM, FILED ON MARCH 18, 1937, BY T. S. HOSE, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–912; Filed, March 30, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D., 1937.

[File 46–35]

IN THE MATTER OF WASHINGTON GAS AND ELECTRIC COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION PURSUANT TO SECTION 10 (A) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 UPON REQUEST OF APPLICANT

Washington Gas and Electric Company having filed application for approval of the acquisition of certain securities more particularly described in said application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935; and

Said applicant having asked leave to withdraw said application for the reason that it is of the opinion that Section 9 (a) of the Public Utility Holding Company Act of 1935 does not apply to the acquisition of said securities, by reason of the provisions of Rule 9 C–3;

It is ordered that said application of Washington Gas and Electric Company for approval of the acquisition of certain securities be, and it is hereby considered as having been withdrawn.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–911; Filed, March 30, 1937; 12:44 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-SKELLY-MARY GRAHAM FARM, FILED ON MARCH 8, 1937, BY R. L. WILLIAMS, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:30 o'clock in the forenoon of the 30th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 14th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–914; Filed, March 30, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON MARCH 22, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the date upon which the information disclosed by the offering sheet will expire as stated in Division I, Paragraph 8 is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 28th day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 13th day of April, 1937, at 10:00 A. M. in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–915; Filed, March 30, 1937; 12:45 p. m.]

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*Thursday, April 1, 1937* *No. 62*

## PRESIDENT OF THE UNITED STATES.

### ARMY DAY

By the President of the United States of America

A PROCLAMATION

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st Session, provides:

"That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civil bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the above Concurrent Resolution, do hereby declare April 6, 1937, Army Day, and I invite the Governors of the several States to issue Army Day proclamations; and, acting under the authority vested in me as Commander in Chief, I order military units throughout the United States, its Territories and possessions, to assist civic bodies in the appropriate observance of that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 29th day of March, in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
*Secretary of State.*

[No. 2229]

[F. R. Doc. 37–924; Filed, March 31, 1937; 11:08 a. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48891]

### PORT OF ENTRY

DESIGNATION OF AJO, ARIZONA, AS A CUSTOMS PORT OF ENTRY

*To Collectors of Customs and Others Concerned:*

There is published below for the information of customs officers and others concerned the following Executive Order, dated March 24, 1937,[1] designating Ajo, Arizona, as a cus-

[1] 2 F. R. 584.

toms port of entry in Customs Collection District No. 26 (Arizona), with headquarters at Nogales, Arizona, effective thirty days from the date of the order.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

EXECUTIVE ORDER

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), I hereby designate the customs station of Ajo, Arizona, a customs port of entry in Customs Collection District No. 26 (Arizona), with headquarters at Nogales, Arizona, effective thirty days from the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*March 24, 1937.*

[No. 7584]

[F. R. Doc. 37-916; Filed, March 30, 1937; 3:45 p. m.]

## POST OFFICE DEPARTMENT.

INDEMNITY NOT ORDINARILY PAYABLE ON ACCOUNT OF DAMAGE TO NEON SIGNS

MARCH 22, 1937.

Article 4, paragraph (h), page 166 of the July, 1936, Postal Guide, provides that indemnity will not be paid on account of damage to articles which are so fragile in their inherent nature as to prevent their safe carriage in the mails, regardless of the manner in which packed.

Owing to the extremely fragile nature of gaseous tubes for signs or outline lighting, commonly known as neon signs, indemnity will not be paid on account of damage which may occur to such articles shipped as domestic insured or C. O. D. mail, unless it is definitely established that the damage was due to rough treatment in the mails. In other words, favorable consideration will not be given to the payment of indemnity on account of damage to such articles merely because they are received in damaged condition by the addressee, unless the containers in which shipped were actually broken in the mails or it is otherwise definitely established that the parcels were mistreated while in the custody of the Postal Service. Postmasters are requested to appropriately advise patrons mailing articles of this character as insured or C. O. D. mail.

[SEAL] ROY M. NORTH,
*Acting Third Assistant Postmaster General.*

[F. R. Doc. 37-923; Filed, March 31, 1937; 10:16 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101, Amendment 6

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101

*Amendment 6*

Part III, Rates and Conditions of Payment, of Southern Region Bulletin 101, is hereby amended by adding the following new practices and conditions to section 16:

*Practice Number—Practices and Conditions—Rate*

15. Contour listing or furrowing pasture land, furrow channels to be not less than 8 inches in width and 4 inches in depth and not less than 3½ feet apart. (Payment will be made on the acreage occupied by the furrows computed on the basis of 3½ feet in width for each such furrow.) $0.70 per acre.

16. Ridging pasture land on slopes of two percent or greater, such narrow terraces or ridges to be at least 6 feet wide from bottom of furrow to bottom of furrow on the opposite side, at least 10 inches in height and not to exceed one-third of the regular terrace interval. $0.10 per 100 linear feet.

17. Cropland normally devoted to commercial vegetables but which in 1937 is either devoted continuously to a soil-conserving crop, or devoted to two or more soil-conserving crops, and from which no soil-depleting crop is harvested in 1937, *provided* that neither the seeding nor the disposition of the soil-conserving crops on such acreage shall be eligible for a class II payment under any other soil-building practice and, *provided further* that—

(a) for farms for which the general soil-depleting base was established in part by the growing of crops other than commercial vegetables, payment will not be made on an acreage in excess of the smaller of the following:

(1) the acreage determined by subtracting the acreage on the farm on which commercial vegetables are grown in 1937 from the acreage on the farm on which commercial vegetables were grown in 1936, or

(2) the acreage determined by subtracting the acreage on the farm on which general soil-depleting crops are grown in 1937 from the general soil-depleting base for the farm;

(b) for farms for which the general soil-depleting base was established by the growing of commercial vegetables only, payment will not be made on acreage in excess of the acreage determined by subtracting the acreage on the farm on which commercial vegetables are grown in 1937 from the general soil-depleting base for the farm. $8.00 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 30th day of March, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-917; Filed, March 30, 1937; 3:47 p. m.]

SR—B-101, Amendment 8, Southern Division March 30, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101

*Amendment 8*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Range-Building Practice 56, Section 85, Part VIII of Southern Region Bulletin 101, is hereby amended to read as follows:

*Practice Number—Practices and Conditions—Rate*

56. *Tanks and reservoirs.*—For constructing ponds or reservoirs with adequate spillways by building dams across natural cuts or ditches, creekbeds, or arroyos, in accordance with specifications of the State Agricultural Conservation Committee. (In the case of earthen dams payment will be made for the material used in the fill or dam and for the material excavated but not used in such fill or dam. If masonry dams are constructed in lieu of earthen dams, the cubic yards of earth which would have been required to construct an earthen dam of the length and depth required to hold the same depth of water on the same site shall be computed and payment will be made on the basis of such computed yardage.) $0.15 per cubic yard.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 30th day of March, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-918; Filed, March 30, 1937; 3:47 p. m.]

WR—B-101, California—Part X Issued March 30, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101

*California, Part X*

Western Region Bulletin No. 101—California is hereby supplemented by adding thereto the following Part X.



*Part X. County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing general diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of California:

| County | Average rate per acre for diversion from general soil-depleting base [1] | Average soil-building allowance rate per acre on acreage diverted for payment [2] | Average soil-building allowance rate per acre on all cropland on nondiversion farms and commercial orchard land on diversion farms [3] |
|---|---|---|---|
| Alameda | $6.80 | $4.55 | $0.91 |
| Alpine | 8.30 | 5.55 | 1.11 |
| Amador | 6.10 | 4.05 | .81 |
| Butte | 8.20 | 5.45 | 1.09 |
| Calaveras | 5.60 | 3.70 | .74 |
| Colusa | 7.40 | 4.95 | .99 |
| Contra Costa | 7.90 | 5.30 | 1.06 |
| Del Norte | 9.10 | 6.10 | 1.22 |
| Eldorado | 5.20 | 3.50 | .70 |
| Fresno | 7.40 | 4.95 | .99 |
| Glenn | 7.20 | 4.80 | .96 |
| Humboldt | 10.10 | 6.75 | 1.35 |
| Imperial | 8.30 | 5.50 | 1.10 |
| Inyo | 6.70 | 4.45 | .89 |
| Kern | 7.90 | 5.30 | 1.06 |
| Kings | 9.00 | 6.00 | 1.20 |
| Lake | 6.50 | 4.30 | .86 |
| Lassen | 4.90 | 3.30 | .66 |
| Los Angeles | 8.80 | 5.85 | 1.17 |
| Madera | 4.80 | 3.20 | .64 |
| Marin | 9.50 | 6.35 | 1.27 |
| Mariposa | 4.90 | 3.25 | .65 |
| Mendocino | 7.70 | 5.15 | 1.03 |
| Merced | 7.20 | 4.80 | .96 |
| Modoc | 6.00 | 4.00 | .80 |
| Mono | 5.20 | 3.45 | .69 |
| Monterey | 6.90 | 4.60 | .92 |
| Napa | 7.30 | 4.85 | .97 |
| Nevada | 6.30 | 4.20 | .84 |
| Orange | 6.80 | 4.50 | .90 |
| Placer | 4.60 | 3.10 | .62 |
| Plumas | 5.50 | 3.70 | .74 |
| Riverside | 6.20 | 4.10 | .82 |
| Sacramento | 7.30 | 4.85 | .97 |
| San Benito | 5.50 | 3.65 | .73 |
| San Bernardino | 9.00 | 6.00 | 1.20 |
| San Diego | 5.00 | 3.35 | .67 |
| San Francisco | 7.90 | 5.30 | 1.06 |
| San Joaquin | 8.50 | 5.65 | 1.13 |
| San Luis Obispo | 5.50 | 3.65 | .73 |
| San Mateo | 7.50 | 5.00 | 1.00 |
| Santa Barbara | 5.90 | 3.90 | .78 |
| Santa Clara | 7.00 | 4.70 | .94 |
| Santa Cruz | 7.30 | 4.85 | .97 |
| Shasta | 6.30 | 4.20 | .84 |
| Sierra | 5.50 | 3.65 | .73 |
| Siskiyou | 6.30 | 4.20 | .84 |
| Solano | 7.90 | 5.25 | 1.05 |
| Sonoma | 8.60 | 5.75 | 1.15 |
| Stanislaus | 8.20 | 5.50 | 1.10 |
| Sutter | 8.10 | 5.40 | 1.08 |
| Tehama | 6.60 | 4.40 | .88 |
| Trinity | 5.50 | 3.65 | .73 |
| Tulare | 7.00 | 4.70 | .94 |
| Tuolumne | 5.20 | 3.50 | .70 |
| Ventura | 8.10 | 5.40 | 1.08 |
| Yolo | 8.40 | 5.60 | 1.12 |
| Yuba | 5.90 | 3.95 | .79 |

[1] Pursuant to section 1, part II of WR—Bulletin 101—California.
[2] Pursuant to subsection A-2, section 2, part III of WR—Bulletin 101—California.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of WR—Bulletin 101—California.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the general soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 30th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-919; Filed, March 30, 1937; 3:47 p. m.]

WR—B-101—Colorado, Part X Issued March 30, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101

*Colorado, Part X*

Western Region Bulletin No. 101—Colorado is hereby supplemented by adding thereto the following Part X.

*Part X. County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Colorado:

| County | Average rate per acre for diversion from soil-depleting base [1] | Average soil-building allowance rate per acre on acreage diverted for payment [2] | Average soil-building allowance rate per acre on all cropland on nondiversion farms and commercial orchard land on diversion farms [3] |
|---|---|---|---|
| Adams | $3.70 | $2.50 | $0.50 |
| Alamosa | 7.10 | 4.75 | .95 |
| Arapahoe | 3.50 | 2.30 | .46 |
| Archuleta | 4.80 | 3.20 | .64 |
| Baca | 3.60 | 2.40 | .48 |
| Bent | 5.20 | 3.50 | .70 |
| Boulder | 8.40 | 5.60 | 1.12 |
| Chaffee | 7.30 | 4.90 | .98 |
| Cheyenne | 2.40 | 1.60 | .32 |
| Clear Creek | 3.30 | 2.20 | .44 |
| Conejos | 7.50 | 5.05 | 1.01 |
| Costilla | 7.60 | 5.10 | 1.02 |
| Crowley | 4.10 | 2.75 | .55 |
| Custer | 4.10 | 2.70 | .54 |
| Delta | 8.70 | 5.80 | 1.16 |
| Dolores | 3.20 | 2.10 | .42 |
| Douglas | 3.60 | 2.40 | .48 |
| Eagle | 9.80 | 6.50 | 1.30 |
| Elbert | 2.50 | 1.70 | .34 |
| El Paso | 2.50 | 1.65 | .33 |
| Fremont | 5.30 | 3.55 | .71 |
| Garfield | 8.80 | 5.85 | 1.17 |
| Gilpin | 2.90 | 1.95 | .39 |
| Grand | 6.90 | 4.60 | .92 |
| Gunnison | 5.00 | 3.35 | .67 |
| Hinsdale | 5.80 | 3.90 | .78 |
| Huerfano | 3.00 | 2.00 | .40 |
| Jackson | 5.30 | 3.55 | .71 |

[1] Pursuant to section 1, part II of WR—Bulletin 101—Colorado.
[2] Pursuant to subsection A-2, section 2, part III of WR—Bulletin 101—Colorado.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of WR—Bulletin 101—Colorado.

| County | Average rate per acre for diversion from general soil-depleting base | Average soil-building allowance rate per acre on acreage diverted for payment | Average soil-building allowance rate per acre on all cropland on nondiversion farms and commercial orchard land on diversion farms |
|---|---|---|---|
| Jefferson | $7.40 | $4.95 | $.99 |
| Kiowa | 2.50 | 1.65 | .33 |
| Kit Carson | 2.40 | 1.60 | .32 |
| Lake | 5.20 | 3.50 | .70 |
| La Plata | 7.30 | 4.85 | .97 |
| Larimer | 7.50 | 5.00 | 1.00 |
| Las Animas | 3.00 | 2.05 | .41 |
| Lincoln | 2.50 | 1.65 | .33 |
| Logan | 3.60 | 2.45 | .49 |
| Mesa | 8.10 | 5.40 | 1.08 |
| Mineral | 6.90 | 4.60 | .92 |
| Moffat | 4.60 | 3.05 | .61 |
| Montezuma | 5.20 | 3.45 | .69 |
| Montrose | 9.30 | 6.15 | 1.23 |
| Morgan | 3.60 | 2.40 | .48 |
| Otoro | 7.20 | 4.75 | .95 |
| Ouray | 7.00 | 4.65 | .93 |
| Park | 2.70 | 1.80 | .36 |
| Phillips | 4.20 | 2.80 | .56 |
| Pitkin | 9.30 | 6.20 | 1.24 |
| Prowers | 4.70 | 3.10 | .62 |
| Pueblo | 3.70 | 2.45 | .49 |
| Rio Blanco | 6.00 | 4.05 | .81 |
| Rio Grande | 8.50 | 5.65 | 1.13 |
| Routt | 5.40 | 3.65 | .73 |
| Saguache | 7.60 | 5.05 | 1.01 |
| San Juan [1] | | | |
| San Miguel | 4.80 | 3.20 | .64 |
| Sedgwick | 4.40 | 2.95 | .59 |
| Summit | 5.50 | 3.65 | .73 |
| Teller | 3.40 | 2.25 | .45 |
| Washington | 2.50 | 1.70 | .34 |
| Weld | 5.00 | 3.35 | .67 |
| Yuma | 3.30 | 2.20 | .44 |

[1] Included with La Plata County.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 30th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-920; Filed, March 30, 1937; 3:48 p. m.]

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WR—B-101—Washington, Part X — Issued March 30, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101

*Washington, Part X*

Western Region Bulletin No. 101—Washington is hereby supplemented by adding thereto the following Part X.

*Part X. County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Washington:

| County | Average rate per acre for diversion from soil-depleting base [1] | Average soil-building allowance rate per acre on acreage diverted for payment [2] | Average soil-building allowance rate per acre on all cropland on nondiversion farms and commercial orchard land on diversion farms [3] |
|---|---|---|---|
| Adams | $2.60 | $1.75 | $0.35 |
| Asotin | 4.40 | 2.95 | .59 |
| Benton | 3.90 | 2.65 | .53 |
| Chelan | 11.00 | 7.30 | 1.46 |
| Clallam | 12.10 | 8.05 | 1.61 |
| Clark | 9.70 | 6.50 | 1.30 |
| Columbia | 5.80 | 3.90 | .78 |
| Cowlitz | 9.70 | 6.50 | 1.30 |
| Douglas | 2.20 | 1.50 | .30 |
| Ferry | 5.10 | 3.40 | .68 |
| Franklin | 2.60 | 1.70 | .34 |
| Garfield | 5.40 | 3.60 | .72 |
| Grant | 1.90 | 1.25 | .25 |
| Grays Harbor | 10.80 | 7.20 | 1.44 |
| Island | 12.50 | 8.35 | 1.67 |
| Jefferson | 8.10 | 5.40 | 1.08 |
| King | 9.50 | 6.35 | 1.27 |
| Kitsap | 7.80 | 5.25 | 1.05 |
| Kittitas | 11.70 | 7.80 | 1.56 |
| Klickitat | 3.70 | 2.50 | .50 |
| Lewis | 9.30 | 6.20 | 1.24 |
| Lincoln | 3.10 | 2.10 | .42 |
| Mason | 8.90 | 5.90 | 1.18 |
| Okanogan | 4.80 | 3.25 | .65 |
| Pacific | 9.20 | 6.15 | 1.23 |
| Pend Oreille | 6.00 | 4.00 | .80 |
| Pierce | 8.50 | 5.70 | 1.14 |
| San Juan | 10.10 | 6.75 | 1.35 |
| Skagit | 14.40 | 9.60 | 1.92 |
| Skamania | 12.80 | 8.55 | 1.71 |
| Snohomish | 11.80 | 7.90 | 1.58 |
| Spokane | 5.40 | 3.55 | .71 |
| Stevens | 6.00 | 4.00 | .80 |
| Thurston | 8.40 | 5.60 | 1.12 |
| Wahkiakum | 10.10 | 6.75 | 1.35 |
| Walla Walla | 5.60 | 3.75 | .75 |
| Whatcom | 10.50 | 7.00 | 1.40 |
| Whitman | 5.70 | 3.80 | .76 |
| Yakima | 10.30 | 6.85 | 1.37 |

[1] Pursuant to section 1, part II of WR—Bulletin 101—Washington.
[2] Pursuant to subsection A-2, section 3, part III of WR—Bulletin 101—Washington.
[3] Pursuant to subsections A-3 and B-1 of section 3, part III of WR—Bulletin 101—Washington.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the



City of Washington, District of Columbia, this 30th day of March, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-921; Filed, March 30, 1937; 3:48 p. m.]

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## FEDERAL HOME LOAN BANK BOARD.

INTER-BANK DEPOSITS—FEDERAL HOME LOAN BANKS

AMENDMENT TO RULES AND REGULATIONS

*Be it resolved*, That pursuant to authority vested in the Federal Home Loan Bank Board by subsections (e) and (f) of Section 11 of the Federal Home Loan Bank Act (12 U. S. C. 1431 (e), (f)), paragraph (3) of subsection (f) of Section 32 of the Rules and Regulations for Federal Home Loan Banks is hereby amended by inserting at the end thereof the following:

So long as consolidated Federal home loan bank debentures are outstanding, no Bank shall make a deposit in another Bank except in connection with each issue of consolidated Federal home loan bank debentures unless there is mutual agreement for such deposit between the depositing Bank and the Bank which is to receive any such deposit, or unless the Governor shall order that any such deposit be made. Except at such times, no depositing Bank shall withdraw all or any part of any deposit from another Bank and no debtor Bank shall repay all or any part of any such deposit to the depositing Bank unless the depositing Bank and the debtor Bank mutually agree to such withdrawal or repayment or unless the Governor order such withdrawal or repayment. No Bank which has outstanding any deposit in another Bank shall obtain any of the proceeds of the sale of consolidated Federal home loan bank debentures unless, in accordance with the foregoing provisions, the withdrawal and repayment in full of such deposit is accomplished. No Bank having on deposit the funds of any other Bank may force the depositing Bank to accept payment thereof in part or in full at any time except in connection with each issue of consolidated Federal home loan bank debentures, and no such payment of any such deposit shall then be made without the consent of the depositing Bank if the Bank making such repayment is at that time applying for part of the proceeds from the sale of consolidated Federal home loan bank debentures. In the event no offering is made of consolidated Federal home loan bank debentures within each 90 day period after the date of the first such offering, adjustments of inter-bank deposits may be made at the end of each 90 day period on the initiative of either the depositing bank or a debtor bank. All transactions under this regulation shall be subject to such reasonable notices as the Governor may require and to instructions of the Governor.

Adopted by the Federal Home Loan Bank Board on March 30, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-926; Filed, March 31, 1937; 12:25 p. m.]

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## Home Owners' Loan Corporation.

[Manual Amendment]

APPOINTMENT OF "NON-EXECUTIVE" EMPLOYEES

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129), as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647), and particularly by Sections 4-a and 4-k of said Act as amended, Chapter XI of the Consolidated Manual be amended as follows:

Section 1118 is amended to read:

SEC. 1118. Regional Managers, or Regional Counsel for employees of the Legal Department, may appoint or authorize the appointment of "non-executive" employees in Regional and Field Offices, and may fix the salaries of such employees at such rates as they may determine, within budget allotments and consistent with Board policy, and within the applicable salary schedules fixed by the Board of Directors. The Director of Personnel, with the approval of the General Manager and General Counsel, may prescribe procedure hereunder.

Sections 1119, 1120, 1127, 1129 and 1132 (a) (1) are revoked.

Section 1126 is amended by striking out the words "or position" in the first sentence.

Section 1132 (a) (2) and (3) is re-numbered as Section 1132 (a) (1) and (2).

Adopted by the Federal Home Loan Bank Board on March 30, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-925; Filed, March 31, 1937; 12:25 p. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 77]

ALLOCATION OF FUNDS FOR LOANS

MARCH 30, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Arkansas 10 Pulaski | $190,000 |
| Ohio 68A Fulton (partial) | 170,000 |
| Texas 47 Deaf Smith | 135,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-922; Filed, March 31, 1937; 9:34 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of March, A. D., 1937.

[File No. 20—377A1-1]

IN THE MATTER OF AN OFFERING SHEET OF LANDOWNER'S PRODUCING ROYALTY INTERESTS IN THE WINDSOR-CULBERTSON NO. 1 FARM, FILED ON AUGUST 29, 1936, BY L. D. GREENFIELD COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of landowner's producing royalty interests in the Windsor-Culbertson No. 1 Farm, located in Orange County, California, which offering sheet was filed with the Commission on August 29, 1936, by L. D. Greenfield Company, of New York City, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on October 5, 1936, and due notice thereof having been given to the said respondent and the said respondent having failed to appear, and evidence both oral and documentary having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete and inaccurate in material respects, and

omits to state material facts required to be stated therein and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as more fully set forth in the Findings and Opinion of the Commission filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-927; Filed, March 31, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-TUNNELL #59 FARM, FILED ON MARCH 24, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name which by the form prescribed under Schedule A is required to be stated preceding Division I is omitted;

(2) In that under Division II, Item 12 (a), there is a failure to disclose to whom the taxes are payable;

(3) In that the figures stated for the months of September 1936 and February 1937 under Division II, Item 16, may not be correctly calculated, which statement might also be made relative to the figures set forth for the same months under Division II, Item 16 (d);

(4) In that it appears from the information disclosed by Exhibit B that there are 15 producing wells located upon the tract involved, which information, if correct, shows that the data required to be stated under Division II, Item 17 (b), is not complete. Reference is made to the instructional note under that number which provides that if the wells located on the particular tract involved number less than 15, the dates of completion of all of said wells must be stated;

(5) In that the text required to be stated by Schedule A under Division II, Item 18 (a) (viii) is omitted;

(6) In that it appears that the number of acres described in Exhibit B does not agree with the information given under Division II, Item 2 (c) and Division II, Item 17 (c);

(7) In that it appears from Exhibit B that the conveyance to be made will carry with it a ¼ of one acre mineral fee, which statement appears to disagree with the fraction given under Division II, Item 1, which provides that the smallest interest proposed to be offered is $^1/_8$ of one acre;

(8) In that the statement made under Division II, Item 19, does not appear to be such a statement as is required by the General Rules and Regulations of the Commission and might prove to be misleading.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 29th day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 14th day of April, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-928; Filed, March 31, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARGAY-BEMIS "A" FARM, FILED ON MARCH 24, 1937, BY LEO A. MCGRAIL & CO., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the number of barrels of oil which must be produced before the smallest fractional interest proposed to be offered will be entitled to receive one barrel does not appear to be correctly calculated in the statement made under Division II, Item 1;

(2) In that under Division II, Item 12 (a), the offering sheet fails to clearly state that the interest holder is liable for the payment of a proportionate share of the taxes to be deducted, and that the information disclosed therein may be misleading by reason of the fact that it appears there are six producing wells on the tract involved;

(3) In that the required information relative to the total production of oil from the tract required to be disclosed under Division II, Item 15, is omitted;

(4) In that the information relative to the gross production of water from the tract as set forth under Division II, Item 16 (a) (iii) may not be correct and might, therefore, be misleading;

(5) In that the figures set forth under Division II, Item 16 (d), may not be correct by reason of the fact that it appears that the proportionate amount payable for taxes has not been deducted;

(6) In that the proper form of statement preceding the signature on the offering sheet has apparently not been included. Reference is made to the form marked "1" immediately following Division II, Item 19, of Schedule A.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 29th day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 14th day of April, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-929; Filed, March 31, 1937; 12:37 p. m.]



*Friday, April 2, 1937* *No. 63*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

### ESTABLISHING OKEFENOKEE WILDLIFE REFUGE

*Georgia*

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all lands, including lands under water, acquired or to be acquired by the United States, lying within the following-described area, and comprising approximately 479,450 acres in Charlton, Clinch, and Ware Counties, Georgia, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, That any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

Beginning at the southeast corner of Ware County, Georgia, in the boundary between the States of Florida and Georgia;

Thence from said initial point, westerly along said State line, with the south boundary of Ware County and in part with the south boundary of Clinch County, to a point in the west boundary of lot 564, 13th District, Clinch County;

Thence passing within Clinch County,

Northerly, with lot lines through the 13th District to the northwest corner of lot 30 in the north boundary of the 13th District;

Westerly, between lot 29, 13th District, and lot 29, 12th District;

Thence continuing with lot lines in 12th District, Clinch County,

Northerly, between lots 28 and 29;

Westerly, between lots 28 and 45;

Northerly, with the west boundary of lots 45, 100, 117, 172, 189, and 244;

Easterly, between lots 244 and 261;

Northerly, between lots 260 and 261, and lots 316 and 317;

Easterly, between lots 317 and 332;

Northerly, between lots 331 and 332;

Easterly, between lots 331 and 390, 330 and 391, and lots 329 and 392, to the boundary between Clinch and Ware Counties;

Thence, northerly, on county line between lots 392 and 393;

Thence passing within Ware County and continuing with lot lines in 12th District,

Easterly, between lots 393 and 400, and lots 394 and 399;

Northerly, between lots 398 and 399;

Easterly, between lots 398 and 467;

Northerly, between lots 467 and 468, and lots 469 and 470;

Easterly, between lots 469 and 540, and lots 615 and 616, to the boundary between Ware and Charlton Counties;

Thence passing within Charlton County, with lot lines in the 4th Section, 10th District,

Easterly, between lots 3 and 4;

Northerly, between lots 3 and 22;

Easterly, between lots 22 and 23;

Northerly, between lots 23 and 26, and lots 24 and 25, to the boundary between Charlton and Ware Counties;

Thence, easterly, with county line to the southwest corner of lot 523, 8th District, Ware County;

Thence passing within Ware County, with lot lines in the 8th District,

Northerly, between lots 522 and 523, 490 and 491, and lots 476 and 477;

Easterly, between lots 444 and 477;

Northerly, between lots 443 and 444, and lots 431 and 432;

Easterly, between lots 397 and 432, 396 and 433, 395 and 434, 394 and 435, 393 and 436, and lots 392 and 437 to the line between the 8th and 9th Districts;

Thence continuing in Ware County, with lot lines in the 9th District,

Easterly, between lots 18 and 19;

Southerly, between lots 19 and 28;

Easterly, between lots 27 and 28, 65 and 66, 73 and 74, 111 and 112, 119 and 120, and lots 157 and 158;

Southerly, between lots 158 and 165;

Easterly, between lots 164 and 165, and lots 204 and 205;

Southerly, between lots 205 and 210, 206 and 209, and lots 207 and 208, to the boundary between Ware and Charlton Counties;

Thence, easterly, with county line, to the northeast corner of lot 48, 1st Section, 10th District, Charlton County;

Thence passing within Charlton County, with lot lines in 1st Section, 10th District,

Southerly, between lots 48 and 49, 47 and 50, 46 and 51, 45 and 52, 44 and 53, 43 and 54, 42 and 55, 41 and 56, 40 and 57, 39 and 58, and lots 38 and 59 to the south corner of lot 59 in the line between the 1st and 10th Districts;

Thence, southwesterly, with district line, to the southwest corner of lot 26, 1st District, Charlton County;

Thence continuing in Charlton County, with lot lines in 1st District,

Southeasterly, between lots 26 and 37;

Southwesterly, between lots 36 and 37, 38 and 39, 48 and 49, 50 and 51, 60 and 61, and lots 62 and 63;

Southeasterly, between lots 63 and 70;
Southwesterly, between lots 69 and 70, and lots 73 and 74;
Southeasterly, between lots 74 and 79, 75 and 78, and lots 76 and 77, to the line between the 1st District and the Headright Grants;
Southwesterly, with line between lot 77, 1st District, and the Headright Grants, 58.20 chains, to a point;

Thence passing within the Headright Grants with the following described line:

N. 88° 16′ E., 96.73 chains;
S. 28° 17′ W., 22.07 chains;
S. 89° 10′ W., 60.08 chains;
N. 83° 06′ W., 32.04 chains,

to the line between lot 77, 1st District, and the Headright Grants;
Thence, southwesterly, with the southeast boundary of lots 77 and 86;
Thence passing within 1st District, with lot lines,

Northwesterly, between lots 86 and 88, and lots 85 and 89;
Southwesterly, between lots 89 and 90, 95 and 96, and lots 104 and 105;
Southeasterly, between lots 104 and 111;
Southwesterly, between lots 111 and 112, and lots 122 and 123;
Southeasterly, between lots 122 and 131;
Southwesterly, between lots 131 and 132, 144 and 145, 154 and 155, 170 and 171, 180 and 181, 198 and 199, 208 and 209, and lots 226 and 227;
Northwesterly, between lots 227 and 237, and lots 228 and 236;
Southwesterly, between lots 235 and 236;
Northwesterly, between lots 235 and 259, 234 and 258, and lots 233 and 257;
Northeasterly, with northwest boundary of lot 233, to place of beginning.

This refuge shall be known as the Okefenokee Wildlife Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE.
*March 30, 1937.*

[No. 7593]

[F. R. Doc. 37-930; Filed, March 31, 1937; 1:36 p. m.]

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EXECUTIVE ORDER

ESTABLISHING JONES ISLAND MIGRATORY BIRD REFUGE

*Washington*

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described area, containing 179.07 acres, more or less, on Jones Island, in the San Juan Channel, State of Washington, be, and it is hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife:

WILLIAMETTE MERIDIAN

T. 36 N., R. 3 W.,
sec. 11, lots 1, 2 and 3;
sec. 14, lots 1 to 5, inclusive, and NE¼NW¼.

The Executive order of July 15, 1875, reserving certain public lands for lighthouse purposes, is hereby revoked in so far as it applies to the above-described land.

This refuge shall be known as the Jones Island Migratory Bird Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Mar. 30, 1937.*

[No. 7594]

[F. R. Doc. 37-932; Filed, March 31, 1937; 1:37 p. m.]

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EXECUTIVE ORDER

ESTABLISHING MATIA ISLAND MIGRATORY BIRD REFUGE

*Washington*

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all that area of unsurveyed land, comprising approximately 145 acres, known as Matia Island, situated in T. 38 N., R 1 W., Willlamette Meridian, San Juan County, Washington (the approximate geographic position of which island is in latitude 48°44′48″ N., and longitude 122°50′ W., from Greenwich), be, and it is hereby reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife.

The Executive order of July 15, 1875, reserving certain public lands for lighthouse purposes, is hereby revoked in so far as it applies to the above-described land.

This refuge shall be known as the Matia Island Migratory Bird Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Mar. 30, 1937.*

[No. 7595]

[F. R. Doc. 37-931; Filed, March 31, 1937; 1:37 p. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and subject to the conditions therein expressed and to valid existing rights, it is ordered that all of the vacant, unappropriated public lands within the following-described sections be, and they are hereby, temporarily withdrawn from settlement, location, sale, or entry and reserved for use of the War Department for military purposes:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 E., Secs. 7, 8, 17 and 18.
T. 1 S., R. 1 W., Secs. 12 and 13.

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Mar. 31, 1937.*

[No. 7596]

[F. R. Doc. 37-937; Filed, April 1, 1937; 10:16 a. m.]



## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4731]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

AMENDMENT OF T. D. 4560

*To District Supervisors and Others Concerned:*

1. Treasury Decision No. 4560, approved June 15, 1935, and issued pursuant to Public Resolution No. 40, approved June 18, 1934, (U. S. C. 1934 ed., title 26, sec. 1222) is amended by adding the following paragraphs at the end thereof:

The term "age" appearing in this regulation shall have the meaning given to such term by definition (j) of Article I of Regulations No. 5 Relating to Labeling and Advertising of Distilled Spirits, heretofore promulgated by the Federal Alcohol Administration.

The term "kind" appearing in this regulation shall mean the "Standards of Identity for Distilled Spirits" set forth in Article II of Regulations No. 5 Relating to Labeling and Advertising of Distilled Spirits, heretofore promulgated by the Federal Alcohol Administration.

"Age" and "kind" shall be stated respectively as required by Sections 39 and 34 of Article III of Regulations No. 5 Relating to Labeling and Advertising of Distilled Spirits, heretofore promulgated by the Federal Alcohol Administration.

2. These regulations shall be effective imemdiately.

[SEAL] ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

Approved: March 29, 1937.

[F. R. Doc. 37-934; Filed, March 31, 1937; 3:52 p. m.]

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### Public Health Service.

[Amendment No. 15 to Quarantine Regulations]

OBTAINING OF BILLS OF HEALTH BY AND QUARANTINE INSPECTION OF VESSELS PLYING BETWEEN FOREIGN PORTS ON OR NEAR THE FRONTIERS OF THE UNITED STATES AND PORTS OF THE CONTINENTAL UNITED STATES AND ALASKA

MARCH 9, 1937.

Pursuant to the authority contained in section 2 of the Act of February 15, 1893, as amended (U. S. C., title 42, sec. 82), paragraph 3 of the quarantine regulations of the United States, as amended, is further amended to read as follows:

3. Vessels operating exclusively between Canadian ports and ports in the continental United States and Alaska are exempted from obtaining consular bills of health at Canadian ports and from quarantine inspection upon arrival at ports in the continental United States and Alaska. Vessels operating exclusively between ports in the Republic of Cuba and in the Bahama Islands and ports in Florida, south of 28° north latitude, are exempted from obtaining consular bills of health at Cuban and Bahama Islands ports and from quarantine inspection upon arrival at the ports designated in the United States, but such vessels may be subjected to inspection to determine rat infestation and, when found rat infested, to deratization measures. However, during the prevalence of any of the quarantinable diseases at any foreign port of departure or call, all aforementioned vessels shall obtain at any such infected port or ports from the consular officer of the United States, or from the medical officer of the United States, when such officer has been detailed by the President, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, and such vessels shall be subject to quarantine inspection upon arrival at any port in the continental United States or Alaska.

[SEAL]. JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-933; Filed, March 31, 1937; 3:52 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Office of Indian Affairs.

STOCKBRIDGE AND MUNSEE BAND OF MOHICAN INDIANS, WISCONSIN

PROCLAMATION SETTING ASIDE LAND FOR RESERVATION

MARCH 19, 1937.

By virtue of authority contained in Section 7 of the Act of June 18, 1934 (48 Stat. L., 984), the lands described below, acquired by purchase for the use and benefit of the Stockbridge and Munsee Band of Mohican Indians of Wisconsin as authorized in accordance with the provisions of Section 5 of that Act are hereby proclaimed to be an Indian reservation:

All of Sec. 4, NE¼ Sec. 9, NW¼ Sec. 10, W½NE¼ Sec. 10, all in T. 28 N., R. 13 E., of the 4th Principal Meridian, Shawano County, Wisconsin, containing a total of 1049.88 acres more or less.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-935; Filed, April 1, 1937; 9:34 a. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

INCIDENTAL EXPENSE ACCOUNTS

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Chapter VII of the Consolidated Manual is hereby amended by adding a new section to be designated Section 721, which shall read as follows:

SEC. 721. Incidental Expense Accounts for State, Division, Territorial or District Offices maintained with the United States Treasury shall have such limitations as to the amounts that may be maintained on deposit and as to the amounts that may be disbursed in any one instance as may be determined by the Comptroller of the Corporation, with the approval of the General Manager and the General Counsel.

The State, Division, Territorial or District Manager shall have full responsibility for proper disbursements from such accounts within their respective jurisdictions, and reimbursement thereof shall be made from the Regional Working Funds.

Adopted by the Federal Home Loan Bank Board on March 31, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-936; Filed, April 1, 1937; 9:57 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of April, A. D. 1937.

[File No. 37-18]

IN THE MATTER OF WATER WORKS DEPARTMENT, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Water Works Department, Inc., pursuant to Section 13 (b) and Rule 13-22 of the Public Utility Holding Company

Act of 1935; it appearing that said declaration is filed with respect to organization and conduct of business of declarant as a subsidiary service company for American Water Works and Electric Company, Incorporated, a registered holding company, and certain associate companies;

It is ordered that a hearing on such matter be held on April 19, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 14, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-940; Filed, April 1, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE EAGLE ROCK-DARLING-ENGSTROM-HULTBERG-SWORD ET AL FARM, FILED ON MARCH 9, 1937, BY SUPREME OIL INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-944; Filed, April 1, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE POWDER RIVER-STREY-LEWIS ET AL. FARM, FILED ON FEBRUARY 23, 1937, BY POWDER RIVER BASIN ROYALTY CO., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 29, 1937, be effective as of March 29, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-945; Filed, April 1, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MORRIS-SEIBEL-CLAYTON FARM FILED ON MARCH 26, 1937, BY JAMES R. HAYNES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the representations made under Division II, Item 7, do not appear to be justified if the facts stated in Division II, Item 8, are taken into consideration;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 30th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 15th day of April, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.



Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-941; Filed, April 1, 1937; 12:56 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE MANNING-BRYSON #1 FARM, FILED ON MARCH 26, 1937, BY R. H. MANNING & COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the number of barrels of oil to be produced before the smallest fractional interest proposed to be offered will be entitled to one barrel, as set forth in Division II, Item 1, may not be correct;

(2) In that the area of the tract in acres, required to be stated under Division II, Item 2 (c), is not properly set forth;

(3) In that the plat attached to the offering sheet as Exhibit A appears to be deficient in the following particulars:

(a) depths and numbers of producing wells omitted;

(b) scale appears to be incorrectly stated;

(c) the tract involved appears to be inaccurately drawn by reason of the fact that the east line thereof should, according to the information disclosed by the offering sheet, be only one-half as long as the west line; whereas it appears that the east and west lines on the plat are of equal length;

(4) In that the statement made under Division II, Item 25, does not appear to clearly set forth the required information, and for that reason might be misleading;

(5) In that in the statement made under Division II, Item 12, it is not shown that the tract is "surrounded by producing wells";

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 30th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 15th day of April 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-942; Filed, April 1, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-CAMPION FARM, FILED ON MARCH 26, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the statement made under Division II, Item 19, is not believed to be true, and may be misleading;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 30th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 15th day of April, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-943; Filed, April 1, 1937; 12:57 p. m.]

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## VETERANS' ADMINISTRATION.

EMERGENCY OFFICERS RETIREMENT CLAIMS, REGULATIONS AMENDED

APPORTIONMENTS AUTHORIZED

R-1310. Disability pension, compensation, or emergency officers retirement pay, except that payable under the reenacted pension statutes or for service prior to April 21, 1898, amounting to more than $20.00 monthly, will be apportioned according to the table provided in R. & P. R-1311, except where otherwise authorized or provided herein—

(A) When the disabled person and his wife are not living together by reason of estrangement.

(B) Where the child or children are not in the custody of the disabled person.

(C) Where action is being effected toward the appointment of a fiduciary for an incompetent or insane beneficiary. (April 1, 1937.) (Public No. 141, 73d Congress.)

ADJUDICATION OF BENEFITS IN EMERGENCY OFFICERS RETIREMENT CLAIMS

R–1350. After a determination as to entitlement or nonentitlement is made by the board of veterans appeals, and after the approval of the necessary award action by the claims division, veterans claims service, claims for emergency officers retirement will be decentralized to the proper regional office or facility, except where jurisdiction is vested in central office as provided in R. & P. R–2050, and will thereafter be adjudicated by the adjudication division in the field offices for the purpose of awarding or apportioning emergency officers retirement payments, pension, or compensation; provided, that where denial is made by the board of veterans appeals in its capacity as a body of original jurisdiction in claims for emergency officers retirement pay, decentralization will be effected upon the expiration of a period of one year from the date on which notice of the decision is dispatched to the claimant, if in the meantime an appeal is not filed; and provided, further, that where denial is made by the board of veterans appeals on appeal, decentralization will be withheld for a period of six months from the date in which notice of the decision is sent to the claimant. Payment Card, Finance Form 1071, will be retained in central office. (April 1, 1937.) (Public No. 506, 70th Congress and Public No. 2, 73d Congress.)

SERVICE REQUIRED TO ESTABLISH TITLE TO EMERGENCY OFFICERS RETIREMENT PAY

R–1351. A person must have served as a commissioned officer in one of the branches of the service between April 6, 1917, and November 11, 1918, or if he served in Russia between April 6, 1917 and April 1, 1920, before he would be entitled to continue to receive retirement pay under Public No. 2, 73d Congress. (A. D. 117–A) (April 1, 1937.)

PROTECTION AFFORDED BENEFITS BEING PAID ON MARCH 20, 1933. PAYMENTS NOT LIMITED TO $275.00 PER MONTH

R–1352. The phrase "entitled to continue to receive retirement pay at the monthly rate now being paid him" contained in Section 10, Title I, Public No. 2, 73d Congress, and Veterans Regulation No. 5 does not include the additional allowance for nurse or attendant which was being paid the retired officer on March 20, 1933, since such allowance was not a part of the retirement pay. Section 28, Public No. 141, 73d Congress, was not intended nor designed to protect an award for a nurse or attendant to those retired officers who continued to receive retirement pay under Section 10, Title I, Public No. 2, 73d Congress. Any retired emergency officer in receipt of retired pay on March 20, 1933, will be deemed to have been in receipt of compensation or pension. That part of Public No. 2, 73d Congress, providing $275 as the maximum rate of pension or compensation which may be paid for disability, has no application to emergency officers retirement payments. (A. D. 158, 260.) (April 1, 1937.)

DISABILITY INCURRED WHILE SERVING AS ENLISTED MAN OR COMMISSIONED OFFICER

R–1353. Whether the disability was incurred while serving as an enlisted man or as a commissioned officer, an emergency officer, if otherwise eligible, is entitled to continue to receive retirement pay if he served as a commissioned officer between the dates specified in R. & P. R–1351 and the disability was incurred during an enlistment or enrollment entered into between such dates. (A. D. 117–A) (April 1, 1937.) (Public No. 506, 70th Congress.)

DIFFERENCE BETWEEN RETIREMENT PAY AND ACTIVE SERVICE PAY

R–1354. There may be paid to a retired emergency officer concurrently with active service pay, the difference between his retirement pay as such officer and his active service pay as a member of the armed forces. (A. D. 344.) (April 1, 1937.) (Public No. 506, 70th Congress.)

PHYSICAL EXAMINATIONS ON EMERGENCY OFFICERS RETIREMENT CLAIMS

R–1355. Physical examinations in connection with emergency officers retirement claims will be made only upon central office request initiated by the chairman, board of veterans appeals, and communicated to the field station concerned by the medical director; provided, that physical examinations for compensation or pension benefits will be authorized by the adjudication agency having jurisdiction of the claim. (April 1, 1937.) (Public No. 2, 73d Congress.)

SUBSEQUENT FINDINGS OF COMBAT INCURRENCE BY ADJUDICATING AGENCIES OF ORIGINAL JURISDICTION

R–1356. Where a claim for retirement has been allowed or denied by the board of veterans appeals, no other rating agency will thereafter make an initial finding in such claim that any disability was incurred in combat with an enemy of the United States. If a rating agency is of the opinion that the veteran has a disability which was incurred in combat, the claim will be transmitted to the board of veterans appeals with appropriate recommendation. The initial rating action taken by the board of veterans appeals in these cases will be subject to appeal within the time prescribed by regulations. (April 1, 1937.) (Public No. 506, 70th Congress.) (Public No. 2, 73d Congress.)

SUBSEQUENT FINDINGS OF THIRTY PER CENTUM OR MORE BY ADJUDICATING AGENCIES OF ORIGINAL JURISDICTION

R–1357. Where a claim for emergency officers retirement has been denied by the board of veterans appeals, no rating agency will thereafter make a rating of thirty per centum or more for a single disability or for a combination of disabilities effective on or before May 24, 1929, but if such rating is deemed to be indicated, the claim will be submitted to the board of veterans appeals with appropriate recommendation. (April 1, 1937.) (Public No. 506, 70th Congress.)

PUBLIC NO. 212, 72D CONGRESS

R–1358. (A) Public No. 212, 72d Congress, is permanent legislation, and, accordingly, the restrictions therein contained respecting payment of emergency officers retirement pay to Federal employees are for application. A finding by the board of veterans appeals that a disability is the direct result of the performance of military duty does not of itself meet the requirements of Public No. 212. There must be a specific finding of combat incurrence of a disability for which retirement was granted. The provisions of Paragraph X of Veterans Regulation No. 10 (c), permitting full pension or compensation to a Government employee for a disability due to the explosion of an instrumentality of war is not applicable to emergency officers retirement claims.

(B) A veteran whose emergency officers retirement pay was suspended by reason of this Act is entitled to benefits provided by Public No. 2 and No. 141, 73d Congress, without the necessity of filing a new claim, provided, however, that if he has rights to continuation of emergency officers retirement pay under Public No. 2, 73d Congress, he cannot receive other benefits without a specific election. (April 1, 1937.)

STATUTORY ALLOWANCE NOT PAYABLE

R–1359. Retired emergency officers and retired enlisted men and officers of the regular service are not entitled to the statutory allowances, including the additional allowance for a nurse or attendant, payable in addition to compensation. (April 1, 1937.) (Public No. 2, 73d Congress.)

SERVICE CONNECTION AND EVALUATION

JURISDICTION OF THE CENTRAL DISABILITY BOARD

R–2050. Within the jurisdiction of the central disability board, claims division, will be included claims for disability compensation and pension of the following classes:

(A) Those based upon all war and peace-time service prior to April 6, 1917.



(B) Those based upon service subsequent to July 2, 1921.

(C) Those based upon service between April 6, 1917, and July 2, 1921, when the person also has filed a claim based upon service during some other period.

(D) Those of veterans residing without the continental limits of the United States.

(E) Those of veterans residing within the territory in and adjacent to Washington, D. C., and not allocated to any other office.

(F) Those of persons in the unclassified service who have been employed by the Veterans' Administration for 90 days; and those of Veterans' Administration employees in the classified service. See R. & P. R–1012.

(G) Those in which rights under the World War Veterans Act, 1924, as amended, or under Section 15, Public No. 2, 73d Congress have been forfeited.

(H) Any other claims referred by competent authority. (April 1, 1937.) (Public No. 141, 73d Congress.)

(R–2225 canceled April 1, 1937.)

(R–2250 to 2263 canceled April 1, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37–939; Filed, April 1, 1937; 11:34 a. m.]

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PERMANENT RATINGS, REGULATIONS AMENDED

DETERMINATION OF PERMANENCE

R–1144. (B) All disability ratings relating to impairments, the lesions and symptoms of which have persisted at approximately the same level of severity as shown by two or more examinations at least five years apart, unless material improvement in the near future may be anticipated on the basis of evidence pertinent to the individual case, will be placed on a permanent basis. Mere differences in descriptive and diagnostic terms, or in emphasis or absence of emphasis on successive examinations, will be disregarded in this connection. With a major disability rated on a permanent basis, minor disabilities will be placed on a permanent rating, without regard to fluctuations in the past, except as set forth below.

(C) In the case of diseases or injuries of fluctuating severity over the past five year period, where the conversion of the current temporary rating to a permanent rating of the same degree would not be justified, permanent ratings may be made on the basis of the average severity disclosed by examinations covering this five year period, including a recent examination, or an examination conducted under R. & P. R–1265 if necessary. In such cases the several examinations utilized will be individually cited with dates, in connection with the diagnoses in question.

(D) Nothing herein will prevent rating on a permanent basis the residuals of all healed injuries. (April 1, 1937.) (Vets. Reg. No. 3–Series.)

REEXAMINATIONS TO BE REQUESTED WHEN NECESSARY

R–1185. (A) Reexaminations will be requested in cases in which it is indicated by evidence of record that there has been a material decrease in disability since the last examination, and in cases where there is evidence, pertinent to the individual case, that the disability is likely to improve materially in the future.

(B) Reexaminations for compensation and pension ratings in service connected cases under Public No. 2 or Public No. 141 will not be requested in cases conforming to the standards of permanence set forth in R. & P. R–1144 (B), (C), or (D). When not conforming to these standards, reexamination will be requested once in thirty months. Examinations at shorter intervals in accordance with anticipated improvement in individual cases may be requested when necessary with service connected diseases and injuries of recent origin or acute exacerbations temporarily increasing the severity.

(C) In non-service connected cases under Part III, Veterans Regulation No. 1 (a), wherein a permanent total rating may be in effect, or be hereafter granted, based on other than obviously static disabilities, reexaminations will be conducted within thirty months of the date the permanent total rating was first granted, and again within five years of the same date. In cases in which the permanent total disability is confirmed by such examinations, or by examinations covering a five year period previously conducted, or generally with obviously static disabilities, future reexaminations will not be requested. (April 1, 1937.)

REDUCTION NOT AUTHORIZED WITHOUT REEXAMINATION

R–1265. The protection afforded by Section 28, Public No. 141, 73d Congress, will not be withdrawn and compensation or pension reduced or discontinued by reason of a new evaluation without physical examination, except that a physical examination will not be requested where there is on file a recent report that accurately reflects the current disability, is adequate for rating purposes, and meets the particular requirements of the applicable provisions of the rating schedules. A change in the combined rating incident to rerating from a temporary to a permanent basis (not involving change in the percentage evaluation of any disability) may be effected without reexamination. (April 1, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37–938; Filed, April 1, 1937; 11:34 a. m.]

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## *Saturday, April 3, 1937* — *No. 64*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDERS NO. 6910 OF NOVEMBER 26, 1934, AS AMENDED, AND NO. 6964 OF FEBRUARY 5, 1935, AS AMENDED, WITHDRAWING PUBLIC LANDS IN CERTAIN STATES

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that Executive Orders No. 6910 of November 26, 1934, as amended, and No. 6964 of February 5, 1935, as amended, withdrawing public lands in certain States, be, and they are hereby, further amended by excluding from their operation all lands which are identified by survey made after the respective dates of the orders, and which upon the date of the acceptance of the survey thereof by the Commissioner of the General Land Office would otherwise become a part of the school-land grant of designated sections to any of the States mentioned in the said orders.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 1, 1937.*

[No. 7599]

[F. R. Doc. 37–952; Filed, April 2, 1937; 10:43 a. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48903]

AIRPORT OF ENTRY

WEEKS MUNICIPAL AIRFIELD, FAIRBANKS, ALASKA, DESIGNATED AS AN AIRPORT OF ENTRY WITHOUT TIME LIMIT

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Weeks Municipal Airfield, Fairbanks, Alaska, is hereby designated as

an airport of entry for the landing of aircraft from foreign countries, effective April 1, 1937.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: March 30, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-954; Filed, April 2, 1937; 12:04 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

TERMINATION OF LICENSE FOR MILK, GRAND RAPIDS, MICHIGAN, SALES AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under the provisions of the Agricultural Adjustment Act, as amended, for the purposes and within the limitations therein contained and pursuant to the general regulations issued thereunder, on the 30th day of June 1934, issued under his hand and the official seal of the Department of Agriculture a license for milk—Grand Rapids, Michigan, Sales Area, effective the 1st day of July 1934, which license was subsequently amended on November 5, 1934, and December 5, 1934, and May 1, 1935, and suspended on August 31, 1936; and

Whereas, the Secretary of Agriculture has determined to terminate said license as amended;

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture of the United States of America, acting under the authority vested in the Secretary of Agriculture by said Act, as amended, hereby terminates said license, as amended.

In witness whereof, Harry L. Brown, Acting Secretary of Agriculture of the United States of America, has executed this termination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March 1937, and hereby declares that this termination shall be effective on and after 12: 01 A. M., Eastern Standard Time, April 1, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-955; Filed, April 2, 1937; 12:38 p. m.]

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ECR—B-101—Virginia, Supplement (c) Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—VIRGINIA, SUPPLEMENT (C)

*Application and Eligibility for Payment*

Section 2 of Part IV of East Central Region Bulletin 101—Virginia is hereby amended by the addition of subsection (e) as follows:

(e) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of March 1937, and hereby declares that this termination shall be effective on and after 12: 01 A. M., Eastern Standard Time, April 1, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-947; Filed, April 1, 1937; 1:53 p. m.]

NER—B-101—Massachusetts, Supplement (2) Issued March 31, 1937
NER—B-101—Connecticut, Supplement (2)

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MASSACHUSETTS, SUPPLEMENT (2)
BULLETIN NO. 101—CONNECTICUT, SUPPLEMENT (2)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101 for Massachusetts and Bulletin No. 101 for Connecticut, as amended by the respective Supplement (1), are hereby amended as follows:

I

The definition of "Soil-Conserving Base" included in Part VI, "Definitions", is amended to read as follows:

*Soil-conserving base* means the acreage represented by the difference between (1) the total crop land (excluding commercial orchards and idle land) and (2) the sum of the 1937 tobacco soil-depleting base, the acreage of type 61 or 61a tobacco grown on the farm in 1937, and the 1936 general soil-depleting base which was or could have been established for the farm under the 1936 Agricultural Conservation Program.

II

The following paragraph is added at the end of subsection (a), section 4, of Part V:

In the case of a farm which is rented for cash or for a fixed commodity payment, the owner shall be considered a producer and shall be eligible to share in the soil-building payment as provided in the preceding paragraph, provided a request for such a division of payment between owner and tenant(s) is filed with the County Committee on the prescribed form and such form is signed by the tenant(s) and the owner.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-950; Filed, April 1, 1937; 1:54 p. m.]

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NER—B-101—New Hampshire, Supplement (2) Issued March 31, 1937
NER—B-101—New Jersey, Supplement (2)
NER—B-101—Vermont, Supplement (2)

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW HAMPSHIRE, SUPPLEMENT (2)
BULLETIN NO. 101—NEW JERSEY, SUPPLEMENT (2)
BULLETIN NO. 101—VERMONT, SUPPLEMENT (2)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101 for New Hampshire, Bulletin No. 101 for New Jersey, and Bulletin No. 101 for Vermont, as amended by the respective Supplement (1), are hereby amended as follows:

I

The following paragraph is added at the end of subsection (a), section 4, of Part IV:

In the case of a farm which is rented for cash or for a fixed commodity payment, the owner shall be considered a producer and shall be eligible to share in the soil-building payment as provided in the preceding paragraph, provided a request for such a division of payment between owner and tenant(s) is filed with the County Committee on the prescribed form and such form is signed by the tenant(s) and the owner.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-948; Filed, April 1, 1937; 1:53 p. m.]



NER—B-101—Pennsylvania, Supp. (4) Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA, SUPPLEMENT (4)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101 for Pennsylvania, as amended by Supplements (1), (2), and (3), is hereby amended as follows:

I

The matter in subsection (b) of section 4, Part VIII, reading as follows, is hereby stricken out:

The diversion payment with respect to a farm covered by an application for payment shall be divided among the producers concerned in the same proportion as the crops in the general soil-depleting base are divided under their lease or operating agreement.

In lieu of the matter stricken out the following is inserted:

(b) The general diversion payment with respect to a farm covered by an application for payment shall be divided among the producers concerned in the same proportion as the crops in the general soil-depleting base are divided under the lease or operating agreement.

The tobacco diversion payment for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-949; Filed, April 1, 1937; 1:54 p. m.]

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WR—B-101—Arizona, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101, ARIZONA, PART XI

Western Region Bulletin No. 101—Arizona is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the cotton and general soil-depleting bases shall be computed on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the general soil-depleting bases and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops except cotton in excess of the general soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the general soil-depleting base and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the general soil-depleting base: *provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant;

E. Compute for each such farm the applicant's share of the class I payment with respect to the decrease from the cotton soil-depleting base and total the amounts thus obtained;

F. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of cotton in excess of the cotton soil-depleting base and total the amounts thus obtained;

G. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the cotton soil-depleting base and total the amounts thus obtained;

H. Subtract the total obtained under subsection F from the total obtained under subsection E. The result, not in excess of the amount obtained under subsection G shall, subject to the applicable provisions of this part XI, be the class I payment to the applicant for diversion from the cotton soil-depleting base; *provided, however,* that, if the total obtained under subsection F is larger than that obtained under subsection E, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SECTION 2. *Deductions for failure to have soil-conserving acreage required with respect to the cotton soil-depleting bases on all farms owned or operated by the applicant in the county.*—A. Determine the applicant's share[1] of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

1. To the sum of the applicant's share of decreases from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

B. For each farm with a cotton soil-depleting base, compute the applicant's share[1] of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of $3.00 for each deficit acre.

SECTION 3. *Non-diversion Farms.*—A. The foregoing provisions of this part XI are not applicable to non-diversion farms; *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be classified as a diversion farm.

SECTION 4. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained.

C. The amount obtained under subsection A of this section 4, not in excess of the amount obtained under subsection B of this section 4 shall, subject to the applicable provisions of this part XI, be the amount of the class II payment to the applicant.

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.

SECTION 5. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-963; Filed, April 2, 1937; 12:40 p. m.]

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WR—B-101—California, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101, CALIFORNIA, PART XI

Western Region Bulletin No. 101—California is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple farm holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the cotton and general soil-depleting bases shall be computed on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share [1] of class I payment with respect to the decrease from the general soil-depleting bases and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops except cotton in excess cotton in excess of the general soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the general soil-depleting base and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the general soil-depleting base; *provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant;

E. Compute for each such farm the applicant's share of the class I payment with respect to the decrease from the cotton soil-depleting base and total the amounts thus obtained;

F. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of cotton in excess of the cotton soil-depleting base and total the amounts thus obtained;

G. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the cotton soil-depleting base and total the amounts thus obtained;

H. Subtract the total obtained under subsection F from the total obtained under subsection E. The result, not in excess of the amount obtained under subsection G shall, subject to the applicable provisions of this part XI, be the class I payment to the applicant for diversion from the cotton soil-depleting base; *provided, however,* that if the total obtained under subsection F is larger than that obtained under subsection E, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SECTION 2. *Deductions for failure to have soil-conserving acreage required with respect to the cotton soil-depleting bases on all farms owned or operated by the applicant in the county.*—A. Determine the applicant's share [1] of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

1. To the sum of the applicant's share of decreases from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

B. For each farm with a cotton soil-depleting base, compute the applicant's share [1] of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of $3.00 for each deficit acre.

SECTION 3. *Non-diversion Farms.*—A. The foregoing provisions of this part XI are not applicable to non-diversion farms; *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be classified as a diversion farm.

SECTION 4. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained.

C. The amount obtained under subsection A of this section 4, not in excess of the amount obtained under subsection B of this section 4 shall, subject to the applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SECTION 5. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-964; Filed, April 2, 1937; 12:40 p. m.]

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.



WR—B-101—Colorado, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—COLORADO, PART XI

Western Region Bulletin No. 101—Colorado is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share [1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SEC. 3.-*Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-959; Filed, April 2, 1937; 12:39 p. m.]

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.

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WR—B-101—Idaho, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—IDAHO, PART XI

Western Region Bulletin No. 101—Idaho is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share [1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SEC. 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the

applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F.R. Doc. 37-958; Filed, April 2, 1937; 12:38 p. m.]

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WR—B-101—Kansas, Part XI — Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—KANSAS, PART XI

Western Region Bulletin No. 101—Kansas is hereby supplemented by adding thereto the following Part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the cotton, tobacco and general soil-depleting bases shall be computed on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the general soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops except cotton and tobacco in excess of the general soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the general soil-depleting base and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the general soil-depleting base; *provided, however*, that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant;

E. Compute for each such farm the applicant's share of the class I payment with respect to the decrease from the cotton soil-depleting base and total the amounts thus obtained;

F. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of cotton in excess of the cotton soil-depleting base and total the amounts thus obtained;

G. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the cotton soil-depleting base and total the amounts thus obtained;

H. Subtract the total obtained under subsection F from the total obtained under subsection E. The result, not in excess of the amount obtained under subsection G shall, subject to the applicable provisions of this part XI, be the class I payment to the applicant for diversion from the cotton soil-depleting base; *provided, however*, that, if the total obtained under subsection F is larger than that obtained under subsection E, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant;

I. Compute for each such farm the applicant's share of the class I payment with respect to the decrease from the tobacco soil-depleting base and total the amounts thus obtained;

J. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of tobacco in excess of the tobacco soil-depleting base and total the amounts thus obtained;

K. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the tobacco soil-depleting base and total the amounts thus obtained;

L. Subtract the total obtained under subsection J from the total obtained under subsection I. The result, not in excess of the amount obtained under subsection K shall, subject to the applicable provisions of this part XI, be the class I payment to the applicant for diversion from the tobacco soil-depleting base; *provided, however*, that if the total obtained under subsection J is larger than that obtained under subsection I, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SECTION 2. *Deductions for failure to have soil-conserving acreage required with respect to the cotton and tobacco soil-depleting bases on all farms owned or operated by the applicant in the county.*—A. Determine the applicant's share[1] of the acreage of soil-conserving crops with respect to the cotton and tobacco soil-depleting bases as follows:

1. To the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton or tobacco soil-depleting base add—

a. The sum of the applicant's share of decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever is smaller, and

b. The sum of the applicant's share of decrease from the tobacco soil-depleting bases or the sum of the applicant's share of maximum diversion from the tobacco soil-depleting bases, whichever is smaller.

B. For each farm with a cotton or tobacco soil-depleting base, compute the applicant's share[1] of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton and tobacco soil-depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of $3.00 for each deficit acre.

SECTION 3. *Non-diversion Farms.*—A. The foregoing provisions of this part XI are not applicable to non-diversion farms; *provided, however*, that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be classified as a diversion farm.

SECTION 4. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained.

C. The amount obtained under subsection A of this section 4, not in excess of the amount obtained under subsection B of this section 4 shall, subject to the applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SECTION 5. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-965; Filed, April 2, 1937; 12:40 p. m.]

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WR—B-101—Montana, Part XI — Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—MONTANA, PART XI

Western Region Bulletin No. 101—Montana is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however*, that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however*, that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SEC. 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-967; Filed, April 2, 1937; 12:41 p. m.]

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WR—B-101—Nevada, Part XI — Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEVADA, PART XI

Western Region Bulletin No. 101—Nevada is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however*, that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however*, that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.

SEC. 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-968; Filed, April 2, 1937; 12:41 p. m.]

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WR—B-101—New Mexico, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101, NEW MEXICO, PART XI

Western Region Bulletin No. 101—New Mexico is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the cotton and general soil-depleting bases shall be computed on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the general soil-depleting bases and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops except cotton in excess of the general soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the general soil-depleting base and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the general soil-depleting base; *provided, however,* that if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant;

E. Compute for each such farm the applicant's share of the class I payment with respect to the decrease from the cotton soil-depleting base and total the amounts thus obtained;

F. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of cotton in excess of the cotton soil-depleting base and total the amounts thus obtained;

G. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the cotton soil-depleting base and total the amounts thus obtained;

H. Subtract the total obtained under subsection F from the total obtained under subsection E. The result, not in excess of the amount obtained under subsection G shall, subject to the applicable provisions of this part XI, be the class I payment to the applicant for diversion from the cotton soil-depleting base; *provided, however,* that, if the total obtained under subsection F is larger than that obtained under subsection E, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SECTION 2. *Deductions for failure to have soil-conserving acreage required with respect to the cotton soil-depleting bases on all farms owned or operated by the applicant in the county.*—A. Determine the applicant's share[2] of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

1. To the sum of the applicant's share of decreases from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

B. For each farm with a cotton soil-depleting base, compute the applicant's share[1] of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of $3.00 for each deficit acre.

SECTION 3. *Non-diversion Farms.*—A. The foregoing provisions of this part XI are not applicable to non-diversion farms; *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be classified as a diversion farm.

SECTION 4. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained.

C. The amount obtained under subsection A of this section 4, not in excess of the amount obtained under subsection B of this section 4 shall, subject to the applicable provisions of this part XI, be the amount of the class II payment to the applicant.

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of Part V governing the applicant's share of payment.



SECTION 5. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-966; Filed, April 2, 1937; 12:41 p. m.]

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WR—B-101—North Dakota Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NORTH DAKOTA, PART XI

Western Region Bulletin No. 101—North Dakota is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SEC. 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share in the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-962; Filed, April 2, 1937; 12:39 p. m.]

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WR—B-101—Oregon, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—OREGON, PART XI

Western Region Bulletin No. 101—Oregon is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SEC. 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.

non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-961; Filed, April 2, 1937; 12:39 p. m.]

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WR—B-101—Utah, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—UTAH, PART XI

Western Region Bulletin No. 101—Utah is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base: *Provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.

SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SEC. 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-960; Filed, April 2, 1937; 12:39 p. m.]

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WR—B-101—Washington, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WASHINGTON, PART XI

Western Region Bulletin No. 101—Washington is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SEC. 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-957; Filed, April 2, 1937; 12:38 p. m.]

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WR—B-101—Wyoming, Part XI Issued March 31, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WYOMING, PART XI

Western Region Bulletin No. 101—Wyoming is hereby supplemented by adding thereto the following part XI.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Class I Payments for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share[1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.



SEC. 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SEC. 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices on all diversion and non-diversion farms owned or operated by such person in the county shall be computed as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained;

B. For each farm compute the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) and total the amounts thus obtained;

C. The amount obtained under subsection A of this section 3, not in excess of the amount obtained under subsection B of this section 3 shall, subject to other applicable provisions of this Part XI, be the amount of the class II payment to the applicant.

SEC. 4. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of March, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-956; Filed, April 2, 1937; 12:38 p. m.]

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## Bureau of Entomology and Plant Quarantine.

[BEPQ-436]

ADMINISTRATIVE INSTRUCTIONS APPROVAL FOR ALTERNATIVE TREATMENT FOR COTTONSEED AS A CONDITION FOR INTERSTATE MOVEMENT FROM THE AREA REGULATED UNDER QUARANTINE NO. 61

[Issued under Regulation 6, Quarantine No. 61]

APRIL 1, 1937.

Pursuant to authority vested in the Bureau of Entomology and Plant Quarantine under regulation 6 of the revised

rules and regulations supplemental to Notice of Quarantine No. 61, revised, which provides that permits may be issued for the interstate movement of cottonseed from the regulated area on such conditions as may be prescribed by that Bureau, the Bureau hereby approves the following alternative treatment for cottonseed and permits may be issued for the interstate movement of cottonseed so treated:

When the cottonseed has been sterilized to 145° F. as a port of the continuous process of ginning, and in addition has been treated by sulphuric acid and screening, and subsequently has been protected from contamination in a manner satisfactory to the inspector.

[SEAL] AVERY S. HOYT,
*Acting Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-946; Filed, April 1, 1937; 1:52 p. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 22nd day of March, A. D. 1937.

IN THE MATTER OF THE CLASSIFICATION OF OPERATING CARRIERS BY STEAM RAILWAY BEING UNDER CONSIDERATION

*It is ordered*, That—

1. The order of this Commission dated January 23, 1936, in regard to the classification of switching and terminal companies be and it is hereby annulled effective January 1, 1937.

2. The order of November 22, 1920, relating to the classification of carriers be and it is hereby amended by adding to paragraph 1 of that order the following:

> In applying this classification to any switching or terminal company which is operated as a joint facility of owning or tenant railways, the sum of the annual railway operating revenues, the joint facility rent income, and the returns to joint facility credit accounts in operating expenses, shall be used in determining its class.

*It is further ordered*, That this order shall become effective as of January 1, 1937.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-953; Filed, April 2, 1937, 11:50 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 78]

ALLOCATION OF FUNDS FOR LOANS

MARCH 31, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Colorado 15 Morgan | $250,000 |
| Georgia 31A Upson | 67,000 |
| Iowa 45G Jackson (additional) | 20,000 |
| Kansas 3 Barton | 35,000 |
| Minnesota 18B Douglas (additional) | 140,829 |
| Mississippi 19 Marshall (additional) | 400 |
| Nebraska 5 Adams (additional) | 47,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-951; Filed, April 2, 1937; 9:35 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON MARCH 11, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-970; Filed, April 2, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE WILLIAMS-SANTA FE-PACIFIC R. R. FARM FILED ON MARCH 15, 1937, BY H. L. WILLIAMS, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter which was last set to be heard at 10:30 o'clock in the forenoon on the 2nd day of April, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 16th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-969; Filed, April 2, 1937; 12:48 p. m.]

*Tuesday, April 6, 1937* *No. 65*

## PRESIDENT OF THE UNITED STATES.

ENLARGING THE TONTO NATIONAL MONUMENT—ARIZONA

By the President of the United States of America

A PROCLAMATION

WHEREAS the area in the State of Arizona established as the Tonto National Monument by Proclamation of December 19, 1907, has situated thereon prehistoric ruins and ancient cliff dwellings which are of great ethnologic, scientific, and educational interest to the public; and

WHEREAS it appears that there are certain government-owned lands reserved by Proclamation of January 13, 1908, as a part of the Tonto National Forest, adjacent to the boundaries of the said monument, which are required for the proper care, management, and protection of the said historic ruins and ancient cliff dwellings:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the act of June 4, 1897, ch. 2, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Arizona are hereby excluded from the Tonto National Forest and reserved from all forms of appropriation under the public-land laws and added to and made a part of the Tonto National Monument:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 12 E., sec. 26, SW¼;
sec. 27, SE¼
sec. 35, NW¼ (unsurveyed), containing approximately 480 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes", approved August 25, 1916 (ch. 408, 39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof: *Provided*, That the administration of the monument shall be subject to the withdrawal for the Salt River Irrigation project, Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this first day of April in the year of our Lord nineteen hundred and
[SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
*The Secretary of State.*

[No. 2230]

[F. R. Doc. 37-975; Filed, April 3, 1937; 11:47 a. m.]

## DEPARTMENT OF STATE.

TRADE AGREEMENT NEGOTIATIONS WITH ECUADOR

PUBLIC NOTICE

APRIL 5, 1937.

Pursuant to Section 4 of an Act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as amended, and Executive Order No. 6750 of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Ecuador.

*Time and Place for Presentation of Written and Oral Statements.*—The Committee for Reciprocity Information has prescribed that all information and views in writing and all applications for supplemental oral presentation of views shall be submitted to the Committee for Reciprocity Information not later than twelve o'clock noon, May 3, 1937. They should be addressed to "Acting Chairman, Committee for Reciprocity Information, Old Land Office Building, 8th and E Streets, Northwest, Washington, D. C." Supplemental oral statements will be heard at a public hearing beginning at ten o'clock a. m., on May 17, 1937, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Old Land Office Building.

*Form and Manner of Presentation.*—The Committee for Reciprocity Information has prescribed the following regulations governing the submission of written and oral statements:

Written statements must be either typewritten or printed. They must be submitted in sextuplicate and at least one copy must be sworn to. Such statements will be treated as confidential, for the use only of the interdepartmental trade agreements organization.

Oral statements may be made to the Committee at the public hearing only by persons who have filed written statements or briefs and who have, within the time prescribed, made written application for a hearing in order that a schedule of appearances may be arranged. Oral statements shall be under oath.

CORDELL HULL,
*Secretary of State.*

APRIL 5, 1937.

LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO ECUADOR

APRIL 5, 1937.

With reference to the public notice, issued today, of intention to negotiate a trade agreement with the Government of Ecuador, the Secretary of State announces that unless supplementary public announcement is made, concessions by the Government of the United States will be considered only with respect to the articles described below.

| United States Tariff Act of 1930 | Description of articles | Present rates of duty |
|---|---|---|
| Paragraph: 752 | (a) For possible duty reductions: Bananas, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for. | 35% ad valorem. |
| 806 (a) | Naranjilla juice if unconcentrated. | 70¢ per gal. |
| 806 (b) | Naranjilla juice, concentrated | 70¢ per gal. on quantity of unconcentrated natural fruit juice contained therein. |
| 1504 (b) (1) | Hats or hoods, not blocked or trimmed, not bleached, dyed, colored, or stained, made wholly or in chief value of the fiber of the *carludovica palmata*, commercially known as toquilla fiber or straw. | 25% ad valorem. |
| | (b) For possible binding of present customs treatment: | |
| 1609 | Annatto, prepared or unprepared, and extracts thereof (not containing alcohol). | Free. |
| 1618 | Bananas, green or ripe | Free. |
| | Plantains, green or ripe | |
| 1619 | Barks, cinchona or other, from which quinine may be extracted. | Free. |
| 1653 | Cocoa or cacao beans, and shells thereof. | Free. |
| 1654 | Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of section 319. | Free. |
| 1684 | Kapok, not dressed or manufactured in any manner. | Free. |
| 1765 | Reptile skins, raw | Free. |
| 1778 | Tagua nuts (vegetable ivory) | Free. |
| 1803 (1) | Sawed balsa lumber and timber, not further manufactured than planed, and tongued and grooved; n. s. p. f. | Free. |
| 1803 (2) | Balsa wood in the log | Free. |
| Revenue Act of 1932 Section 601 (c) (6) | Balsa lumber, rough, or planed or dressed on one or more sides. | $1.50 per M feet, board m. |

If, as a result of presentations submitted by interested persons in accordance with the public notice issued today, or as a result of developments during the course of the negotiations, or for any other reason, it seems desirable to add to the above list of products, supplementary announcement will be made of the additions to the list. Such supplementary announcement will specify the dates for the presentation of written and oral statements in regard to any such additions.

PRESENTATION OF VIEWS TO THE COMMITTEE FOR RECIPROCITY INFORMATION WITH REFERENCE TO TRADE AGREEMENTS NEGOTIATIONS WITH ECUADOR

APRIL 5, 1937.

Notice was given today by this Government of intention to negotiate a trade agreement with Ecuador and of the time and place at which, and the manner in which, interested persons should present their views to the Committee for Reciprocity Information. With reference to this notice, an announcement was also made today of the list of products on which the United States will consider granting concessions to Ecuador. Although interested persons may present to the Committee for Reciprocity Information, in written or oral form, information or views regarding concessions on any article imported into the United States from Ecuador, or imported into Ecuador from the United States, concessions by the Government of the United States with respect to any article not included in the list referred to above, will not be considered unless a supplementary announcement is made.

The Committee for Reciprocity Information does not require that written statements submitted to it follow any particular outline. However, proper understanding of the views and desires of interested persons will be greatly facilitated if references are made to specific articles, rather than to general classes of articles, and if statements in regard to each article commence on a separate page. In the case of an export commodity, the information presented should include an accurate description of the article, together with the foreign tariff designation under which it is classified, the amount of the import duty and other charges imposed on or in connection with importation into the foreign country, and also data pertaining to prices, cost of packing and transportation, and net and gross weights.

Statements presented to the Committee for Reciprocity Information in accordance with the notice referred to above, together with digests thereof, are transmitted by that Committee to the appropriate committees of the interdepartmental trade agreements organization, which give them careful study before any recommendations are made. Statements regarding the proposed Ecuadoran agreement which cannot be submitted within the time specified in the notice referred to above will be given such consideration as may be possible at the time of receipt.

Statistics showing the products involved in the trade between the United States and Ecuador may be obtained from the Division of Foreign Trade Statistics of the Department of Commerce or from any district office of the Department of Commerce.

[F. R. Doc. 37-971; Filed, April 2, 1937; 3:23 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

(T. D. No. 4732)

AUTHORIZING INSPECTION BY STATE OFFICIALS OF ORIGINAL RETURNS FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY 1, 1935

*To Collectors of Internal Revenue and Others Concerned:*

Regulations 86, as amended by Treasury Decision 4626, C. B. XV-1, page 61, approved February 18, 1936, and Regulations 94, are amended as follows:

A new article is added after article 55 (b)-4, designated "Art. 55 (b)-5", as follows:

ART. 55 (b)-5. Inspection of original returns.—In addition to the inspection of copies of returns provided for in article 55 (b)-3, any properly authorized official, body, or commission, lawfully charged with administration of any State tax law, or properly designated representatives of such official, body, or commission, may, in the discretion of the Commissioner, inspect original income returns for any taxable year beginning after December 31, 1934, for the purpose of such administration. For the purposes of this article the word "returns" shall include information returns, schedules, lists, and other written statements filed with the Commissioner designed to be supplemental to or to become a part of income returns. When permission to inspect original returns is requested, the application of the Governor of the State shall conform to the requirements specified in article 55 (b)-4.

In any case where inspection of the original return is authorized in accordance with the provisions of this article, the Commissioner may, in his discretion, permit inspection of other records and reports which contain information included or required by statute to be included in the return.

Article 55 (b)-1 is amended by striking the figure "4" in the phrase "articles 55 (b)-2 to 55 (b)-4" and substituting therefore the figure "5".

This Treasury decision is issued under the authority prescribed by section 55 (b) (1) of the Revenue Act of 1934 as amended by Act April 19, 1935, and by section 55 (b) (1) of the Revenue Act of 1936.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved March 31, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-972; Filed, April 2, 1937; 3:44 p. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation.

[No. 34]

KLAMATH IRRIGATION PROJECT

PUBLIC NOTICE OF ANNUAL WATER CHARGES [1]

MARCH 17, 1937.

1. *Operation and Maintenance Charges.*—The annual operation and maintenance charge for the irrigation season of 1937, and thereafter until further notice, against all lands of the Main Division lying outside of the Klamath Irrigation District shall be a minimum charge of One dollar and ten cents ($1.10) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished at the rate of fifty cents ($0.50) per acre-foot.

2. The annual operation and maintenance charge for the irrigation season of 1937, and thereafter until further notice, against all lands of the Tule Lake Division remaining subject to public notice of September 29, 1922, lying outside of the Klamath Irrigation District, shall be a minimum charge of one dollar and eighty cents ($1.80) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre at the rate of fifty cents ($0.50) per acre-foot and all further quantities for seventy-five cents ($0.75) per acre-foot.

3. The annual operation and maintenance charges for the irrigation season of 1937, and thereafter until further notice, against all lands under individual Warren Act contracts, shall be a minimum charge of sixty-three cents ($0.63) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre; provided that for those contracts which have not been amended so as to increase the allowance of water from 2 to 2½ acre-feet per annum, only 2 acre-feet will be furnished under the minimum charge. Additional water will be furnished at the rate of twenty-five cents ($0.25) per acre-foot.

4. *Water Rental Charges.*—The annual water rental charge for the irrigation season of 1937, and thereafter until further notice, against all lands of the Tule Lake Division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927, March 30, 1928, February 6, 1929, September 10, 1930, and October 16, 1931, shall be a minimum charge of one dollar and eighty cents ($1.80) per irrigable acre, whether water is used or not, which will entitle the water users to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre at the rate of fifty cents ($0.50) per acre-foot and all further quantities for seventy-five cents ($0.75) per acre-foot.

5. For irrigation or waste water furnished Tule Lake leased lands, the charge, unless otherwise specified in the leases, shall be sixty-five cents ($0.65) per acre-foot for the season of 1937 and thereafter until further notice.

6. For water furnished lands not subject to the operation and maintenance or water-rental charges named above the charge shall be seventy-five cents ($0.75) per acre-foot for the season of 1937 and thereafter until further notice.

7. *Time of Payment.*—For lands of the Tule Lake Division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge of one dollar and eighty cents ($1.80) per irrigable acre stated above will be due and payable one-half before the delivery of water, if water is delivered before July 1, 1937, and one-half on or before July 1, 1937. If no water is delivered before July 1, 1937, then the entire charge shall become due and payable on that date. If the charge, or any part thereof, is unpaid on that date there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used, and if not paid on or before said due date, there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue.

8. For all other lands referred to herein the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used. On all payments not made on or before the due dates specified herein, there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue.

9. Where water-rental application is made for public land entered under the reclamation law after June 15 and where water-rental application is made after August 1 for land in private ownership, no water-rental charge shall be made for water delivered during the remainder of the irrigation season in which water-rental application is made.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-974; Filed, April 3, 1937; 9:48 a. m.]

[1] Act of June 17, 1902 (32 Stat., 388) as amended or supplemented.

### General Land Office.

RIO GRANDE NATIONAL FOREST BOUNDARIES ADJUSTED

MARCH 27, 1937.

It is ordered that so much of the proclamation of August 15, 1910, as defined the boundaries of the Rio Grande National Forest in Colorado, in such townships, be and it is hereby construed in conformity with the official plats of resurveys of Ts. 35 N., Rs. 4½ and 5 E., N. M. P. M., accepted by the General Land Office January 31, 1935, to read as follows:

T. 35 N., R. 4½ E., all fractional township;
T. 35 N., R. 5 E., secs. 3 to 10, inclusive, lots 1 to 6, inclusive, W½NE¼ and NW¼ sec. 15, N½, SW¼, W½SE¼ and lots 1 and 2 sec. 16, secs. 17 to 20, inclusive, lots 1, 2 and 3, W½NE¼, W½, W½SE¼ and SE¼SE¼ sec. 21, lots 1 to 5, inclusive, S½SW¼, SW¼SE¼ and E½ of tract 38 sec. 22, secs. 27 to 34, inclusive.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-973; Filed, April 3, 1937; 9:42 a. m.]



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—New York, Supplement (2) Issued April 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK, SUPPLEMENT (2)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101 for New York, as amended by Supplement (1), is hereby amended as follows:

I

The following paragraph is added at the end of subsection (a), section 4, of Part IV:

In the case of a farm which is rented for cash or for a fixed commodity payment, the owner shall be considered a producer and shall be eligible to share in the soil-building payment as provided in the preceding paragraph, provided a request for such a division of payment between owner and tenant(s) is filed with the County Committee on the prescribed form and such form is signed by the tenant(s) and the owner.

II

The following is added as Practice No. 21 under the heading "Controlling Soil Erosion".

21. Maintaining shrub windbreaks which are not over 10 years old and which have been planted in accordance with the provisions of practice 19. Maintenance shall include replacing dead shrubs, pruning or cutting back live shrubs as needed to secure sufficient thickness and vigor of growth to assure adequate protection against erosion, and other measures necessary to maintain a well kept, effective hedge. Payment will be made only if on inspection the windbreaks are found to be thick, well kept, and solidly planted with live shrubs.

Payment, 10 cents per linear rod of such windbreak.

III

The last paragraph under the heading "Green-Manure and Cover Crops", reading as follows, is hereby stricken out:

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 8 or 9 if the crop is one that is normally winter-killed.

In lieu of the matter stricken out the following is inserted:

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 8 or 9 if the crop is either one that is normally winter-killed, or is rye in orchards or on muck land.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of April, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-996; Filed, April 5, 1937; 12:57 p. m.]

SR—B-101, Amendment 5 March 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—AMENDMENT 5

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Part IX, Revised, of Southern Region Bulletin 101 is hereby amended by adding at the end thereof the following:

*D. Special Provisions for Wind Erosion Area*

SECTION 108. *Soil-Building Allowance.*—The provisions of this section 108 shall apply in addition to sections 1 and 2. On each farm in the wind erosion area qualifying therefor there may be established an additional soil-building allowance as follows:

(a) Seventy-five (75) cents for each acre of cropland on the farm, with respect to which cropland the County Committee determines that wheat has blown out in 1936 or 1937, that wheat or other crops have failed in 1936 or 1937, or that such land is abandoned because conditions have not been favorable to obtaining a natural or seeded vegetative cover, and that the vegetative cover and trash have disappeared to the extent that such land is susceptible to damage by wind erosion in 1937, provided such acreage does not include any acreage diverted for payment in 1937 and shall not exceed the total acreage of cropland on the farm less the sum of the acreage diverted for payment in 1937 and the soil-conserving base for such farm.

SECTION 109. *Soil-Building Practices.*—In addition to those practices listed in section 101, payment will be made for carrying out in 1937 any one or more of the following practices, upon the conditions listed in section 101 and at the following rates.

*Practice Number—Practices and Conditions—Rate Per Acre*

31. *Sorghums or Sudan grass*, seeded in 1937 in combination with or following listing or terracing, either solid in drills, or in rows not over 4 feet apart, on cropland of the type described in paragraph (a), section 108, provided a reasonably good growth is attained, only the heads of the sorghum or seed of the Sudan grass are removed and all the stalks are left on the land, and provided the producer's farming plan provides for such stalks to be left on the land until May 1, 1938, as a protection against wind erosion. (Payment will not be made under practice 28 in combination with this practice): $0.50.

32. *Sorghums or Sudan grass*, seeded in 1937, not in combination with listing or terracing, either solid in drills, or in rows not over 4 feet apart, on cropland of the type described in paragraph (a), section 108, provided a reasonably good growth is attained, only the heads of the sorghum or seed of the Sudan grass are removed and all the stalks are left on the land, and provided the producer's farming plan provides for such stalks to be left on the land until May 1, 1938, as a protection against wind erosion. (Payment will not be made under practice 28 in combination with this practice): $0.35.

33. *Basin listing*, when done on cropland in 1937 with approved basin lister which dams the lister furrows at regular intervals, provided the furrows are not more than 4 feet apart and not less than 4 inches in depth: [1] $0.20.

SECTION 110. *Deductions.*—No deductions will be made for an increase in the acreage of soil-depleting crops or for failure to have the minimum acreage of soil-conserving crops from the payment for carrying out one or more of the erosion-preventing soil-building practices numbered 21, 22, 23, 31, 32, and 33, if an additional soil-building allowance is computed in accordance with paragraph (a), section 108, but deductions will be made from such payments on a pro rata basis for administrative expenses of the program in accordance with section 65.

SECTION 111. *Preliminary Payment.*—On a preliminary application made on the prescribed form, any producer whose soil-building allowance has been established in accordance with section 108 may receive preliminary payment for carrying out one or more of the soil-building practices numbered 21, 22, 23, 31, 32, and 33 covered by such application which he has carried out before June 1, 1937, on land of the type described in paragraph (a), section 108. Such payment shall be 85 percent of the amount computed at the respective rate fixed in the statement of the soil-building practices. Only one such preliminary application may be submitted respecting any particular farm. The amount of such payment will be deducted from the total amount computed as due such producer under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program, which application shall be subject to all of the provisions of this Bulletin 101, and under such application the appropriate deduction shall be made for administrative expenses in connection with the producer's preliminary application.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 3rd day of April 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-997; Filed, April 5, 1937; 12:58 p. m.]

[1] Where basin listing is done on the contour and the furrows are not more than 4 feet nor less than 2 feet apart and not less than 8 inches in width and 4 inches in depth, such acreage shall be certified under practice 21.

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WR—B-101—Colorado—Supplement 2 Issued April 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—COLORADO—SUPPLEMENT 2

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Colorado, is hereby amended by this Supplement 2 as follows:

Part III, "Rates and Conditions of Soil-Building Payment", is supplemented by the addition of the following Section:

"SEC. 3. *Designation of Wind-Erosion Area and Special Provisions Applicable Thereto.*—The provisions of this Section 3 shall be applicable only to farms located in the counties of Baca, Bent, Cheyenne, Crowley, Kiowa, Las Animas, Otero, Prowers, and such additional counties or parts of counties, subject to wind erosion in 1937, as may be recommended by the State Committee and approved by the Director of the Western Division.

A. *Farm Acreage Subject to Active Wind-Erosion in 1937.*—The county committee shall determine for each farm in the wind-erosion area, upon which the operator intends to perform wind-erosion control practices in 1937, the acreage of cropland, excluding the maximum acreage which may be diverted for payment on such farm, subject in 1937, to active wind erosion. Such acreage shall be referred to as the "wind-erosion acreage."

B. *Additional Soil-Building Allowance.*—For each farm with respect to which the county committee has designated a wind-erosion acreage there will be added to the Soil-building allowance, computed in accordance with the provisions of Section 2 of this Part III, an additional amount of 75 cents for each acre of wind-erosion acreage. Such additional soil-building allowance may be earned only performing wind-erosion control practices.

C. *Wind-Erosion Control Practices.*—Payment will be made for carrying out on wind-erosion acreage in 1937, such of the following practices as are approved by the county committee for the farm, prior to their institution:

*Practices and Conditions—Rate of Payment*

P. *Contour Listing.*—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.25 per acre.

Q. *Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.20 per acre.

R. *Strip Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular three-row or four row double mold-board lister, basin lister, chisel, or hole digger; provided, that the width between strips shall not exceed 30 feet. This practice may be performed more than once on the same acreage, if necessary, to assure effective control following rains or prolonged periods of soil drifting: $0.10 per acre for each cultivation, total payment not to exceed $0.20 per acre.

S. *Planting of Cover Crops.*—Sorghums, sudan grass or millets when planted in rows, not greater than 42 inches apart, or close drilled; provided, however, that a reasonably good growth is attained, that only the heads of the sorghum or seed of the sudan grass are removed, that all of the stalks are left on the ground where grown, and that the operator's farming plan provides that such stalks may be left standing on the land until late in the spring of 1938, as a protection, against wind erosion.

1. If seeded on the contour or in combination with basin listing: $0.50 per acre.
2. If not seeded on the contour or in combination with basin listing: $0.35 per acre.

(Payment may be made with respect to this practice, in addition to Practices K, P, Q, or R, if carried out on the same acreage.)

D. *Deductions.*—The payments provided for in this Section shall not be subject to any deduction for increase in soil-depleting crops. However, such payments shall be subject to deduction for administrative expenses in accordance with the provisions of Section 7 of Part VI.

E. *Eligibility for Payment.*—Notwithstanding the provisions of Part V, payment for any of the foregoing wind-erosion control practices shall be made to the 1937 owner or operator who the county committee determines has performed such practices.

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 1, 1937, such wind-erosion control practices as are provided for in this Section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application, appropriate deduction shall be made for administrative expenses.

In testimony whereof Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of April, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-993; Filed, April 5, 1937; 12:56 p. m.]

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WR—B-101—Kansas, Supplement 2 Issued April 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—KANSAS, SUPPLEMENT 2

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Kansas, is hereby amended by this Supplement 2 as follows:

Part III, "Rates and Conditions of Soil-Building Payment", is supplemented by the addition of the following Section:

SEC. 4. *Designation of Wind-Erosion Area and Special Provisions Applicable Thereto.*—The provisions of this Section 4 shall be applicable only to farms located in the counties of Clark, Finney, Ford, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearny, Lane, Meade, Morton, Scott, Seward, Stanton, Stevens, Wichita, and such additional counties or parts of counties, subject to wind erosion in 1937, as may be recommended by the State Committee and approved by the Director of the Western Division.

A. *Farm Acreage Subject to Active Wind-Erosion in 1937.*—The county committee shall determine for each farm in the wind-erosion area, upon which the operator intends to perform wind-erosion control practices in 1937, the acreage of cropland, excluding the maximum acreage which may be diverted for payment on such farm, subject in 1937, to active wind erosion. Such acreage shall be referred to as the "wind-erosion acreage."

B. *Additional Soil-Building Allowance.*—For each farm with respect to which the county committee has designated a wind-erosion acreage there will be added to the soil-building allowance, computed in accordance with the provisions of Section 3 of this Part III, an additional amount of 75 cents for each acre of the wind-erosion acreage. Such additional soil-building allowance may be earned only by performing wind-erosion control practices.

C. *Wind-Erosion Control Practices.*—Payment will be made for carrying out on wind-erosion acreage in 1937, such of the following practices as are approved by the county committee for the farm, prior to their institution.

*Practices and Conditions—Rate of Payment*

U. *Contour Listing.*—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.25 per acre.

V. *Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular double moldboard lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.20 per acre.

W. *Strip Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular three-row or four-row double mold-board lister, basin lister, chisel, or hole digger; provided, that the width between strips shall not exceed 30 feet. This practice may be performed more than once on the same acreage, if necessary to assure effective control following rains or prolonged periods of soil drifting: $0.10 per acre for each cultivation, total payment not to exceed $0.20 per acre.

X. *Planting of Cover Crops.*—Sorghums, sudan grass or millets when planted in rows, not greater than 42 inches apart, or close drilled; provided, however, that a reasonably good growth is attained, that only the heads of the sorghum or seed of the sudan grass are removed, that all of the stalks are left on the ground where grown, and that the operator's farming plan provides that such stalks may be left standing on the land until late in the spring of 1938, as a protection against wind erosion.

1. If seeded on the contour or in combination with basin listing: $0.50 per acre.
2. If not seeded on the contour or in combination with basin listing: $0.35 per acre.

(Payment may be made with respect to this practice, in addition to Practices N, O, U, V, or W, if carried out on the same acreage.)

D. *Deductions.*—The payments provided for in this Section shall not be subject to any deduction for increase in soil-depleting crops. However, such payment shall be subject to deduction for administrative expenses in accordance with the provisions of Section 7 of Part VI.

E. *Eligibility for Payment.*—Notwithstanding the provisions of Part V, payment for any of the foregoing wind-erosion control practices shall be made to the 1937 owner or operator who the county committee determines has performed such practices.

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 1, 1937 such wind-erosion control practices as are provided for in this Section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator

under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

In testimony whereof Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of April, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-994; Filed, April 5, 1937; 12:57 p. m.]

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WR—B-101—New Mexico, Supplement 2 Issued April 3, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

### BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 2

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—New Mexico, is hereby amended by this Supplement 2 as follows:

Part III, "Rates and Conditions of Soil-Building Payment", is supplemented by the addition of the following section:

SEC. 3. *Designation of Wind-Erosion Area and Special Provisions Applicable Thereto.*—The provisions of this Section 3 shall be applicable only to farms located in the counties of De Baca, Colfax, Curry, Guadalupe, Harding, Mora, Quay, Roosevelt, San Miguel, Union, and such additional counties or parts of counties, subject to wind erosion in 1937, as may be recommended by the State committee and approved by the Director of the Western Division.

A. *Farm Acreage Subject to Active Wind Erosion in 1937.*—The county committee shall determine for each farm in the wind-erosion area, upon which the operator intends to perform wind erosion-control practices in 1937, the acreage of cropland, excluding the maximum acreage which may be diverted for payment on such farm, subject in 1937, to active wind erosion. Such acreage shall be referred to as the "wind-erosion acreage."

B. *Additional Soil-Building Allowance.*—For each farm with respect to which the county committee has designated a wind-erosion acreage there will be added to the soil-building allowance, computed in accordance with the provisions of Section 2 of this Part III, an additional amount of 75 cents for each acre of the wind-erosion acreage. Such additional soil-building allowance may be earned only by performing wind-erosion control practices.

C. *Wind-Erosion Control Practices.*—Payment will be made for carrying out on wind-erosion acreage in 1937, such of the following practices as are approved by the county committee for the farm, prior to their institution:

*Practices and Conditions—Rate of Payment*

Q. *Contour Listing.*—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.25 per acre.

R. *Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.20 per acre.

S. *Strip Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular three-row or four-row double mold-board lister, basin lister, chisel, or hole digger; provided, that the width between strips shall not exceed 30 feet. This practice may be performed more than once on the same acreage, if necessary, to ensure effective control following rains or prolonged periods of soil drifting: $0.10 per acre for each cultivation, not to exceed $0.20 per Acre.

T. *Planting of Cover Crops.*—Sorghums, sudan grass or millets when planted in rows, not greater than 42 inches apart, or close drilled; provided, however, that a reasonably good growth is attained, that only the heads, of the sorghum or seed of the sudan grass are removed, that all of the stalks are left on the ground where grown, and that the operator's farming plan provides that such stalks may be left standing on the land until late in the spring of 1938, as a protection against wind erosion.

1. If seeded on the contour or in combination with basin listing: $0.50 per Acre.

2. If not seeded on the contour or in combination with basin listing: $0.35 per Acre.

(Payment may be made with respect to this practice, in addition to Practices I, Q, R, or S, if carried out on the same acreage.)

D. *Deductions.*—The payments provided for in this Section shall not be subject to any deduction for increase in soil-depleting crops or for failure to have sufficient acreage of soil-conserving crops. However, payment provided for in this Section shall be subject to deduction for administrative expenses in accordance with the provisions of Section 7 of Part VI.

E. *Eligibility for Payment.*—Notwithstanding the provisions of Part V, payment for any of the foregoing wind-erosion control practices shall be made to the 1937 owner or operator who, the county committee determines, has performed such practices.

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 1, 1937 such wind-erosion control practices as are provided for in this Section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, apropriate deductions shall be made for administrative expenses.

In testimony whereof Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of April, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-995; Filed, April 5, 1937; 12:57 p. m.]

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## FARM CREDIT ADMINISTRATION.

[FCA 35]

### METHOD OF CALLING FARM LOAN BONDS FOR PAYMENT

### AMENDMENT OF SECTION 22, RULES AND REGULATIONS OF THE LAND BANK COMMISSIONER

APRIL 5, 1937.

Pursuant to the authority provided in the Federal Farm Loan Act, as amended (39 Stat. 360), the Act of January 23, 1932 (47 Stat. 12), the Farm Credit Act of 1933 (48 Stat. 257), and Executive Order No. 6084 of the President of the United States, dated March 27, 1933; Section 22 of the Rules and Regulations as amended (Chap. II, Section 12, Federal Register Compilation), is hereby amended to read as follows:

(a) *Method of calling for redemption farm loan bonds issued by individual Federal land banks.*—Any Federal land bank desiring to call any bond or bonds issued by such bank (or of which the payment has been assumed by it), then callable according to the terms and tenor thereof, shall file with the Land Bank Commissioner, at least twenty days prior to the date on which the call is to become effective, a certified copy of the resolution(s) of its board of directors authorizing such call, and a formal notice of such call, describing by date of issue, date of maturity, call date, interest rate, and serial numbers (except in the case of a call of all the outstanding bonds, not theretofore called for redemption, of one or more issues) the bond or bonds so called for redemption, and designating the place or places where the same will be paid and the date on which payment will be made. A copy of said notice shall at the same time be mailed, postage prepaid, to each Federal reserve bank and this fact certified under the seal of the bank making the call and submitted with the notice of call filed with the Land Bank Commissioner. The Land Bank Commissioner shall, at least fifteen days prior to the date on which the call is to become effective, approve or disapprove the call and cause the Federal land bank concerned and the Federal reserve banks to be notified of his approval or disapproval. If the call is approved, the land bank calling such bonds for payment shall cause notice of such call to be published at least fifteen days prior to the effective date of the call, in such journals and newspapers as the Land Bank Commissioner may direct; and a certificate that the required publicity has been given shall be filed with the Land Bank Commissioner. Approval of the call, and publication of the notice, as herein required, shall be deemed a complete call; and thereupon the bank making same will be relieved from paying any interest on the bonds called, after the date of payment specified in such notice.

In any case in which it is desired to call for redemption less than all of the outstanding bonds of any issue or issues, the bonds to be so called shall be determined by said bank in such manner as the Land Bank Commissioner shall direct or approve.

(b) *Method of calling for redemption farm loan bonds issued by joint stock land banks.*—Any joint stock land bank desiring to call any bond or bonds issued by such bank (or of which the payment has been assumed by it), then callable according to the terms and tenor thereof, shall file with the Land Bank Commissioner, at least twenty days prior to the date on which the call is to become effective, a certified copy of the resolution(s) of its board of directors authorizing such call, and a formal notice of such call, describing by date of issue, date of maturity, call date, interest rate, and serial numbers (except in the case of a call of all the outstanding bonds, not theretofore called for redemption, of one or more issues) the bond or bonds so called for redemption, and designating the place or places where the same will be paid and the date on which payment will be made. The Land Bank Commissioner shall, at least fifteen days prior to the date on which the call is to become effective, approve or disapprove the call and cause the joint stock land bank concerned to be notified of his approval or disapproval. If the call is approved, the joint stock land bank calling such bonds for payment shall cause notice of such call to be published at least fifteen days prior to the effective date of the call, in such journals and newspapers as the Land Bank Commissioner may direct; and a certificate that the required publicity has been given shall be filed with the Land Bank Commissioner. Approval of the call and publication of the notice, as herein required, shall be deemed a complete call; and thereupon the bank making same will be relieved from paying any interest on the bonds called, after the date of payment specified in such notice.

In any case in which it is desired to call for redemption less than all of the outstanding bonds of any issue or issues, the bonds to be so called shall be determined by said bank in such manner as the Land Bank Commissioner shall direct or approve.

[SEAL] A. S. GOSS,
*Land Bank Commissioner.*

[F. R. Doc. 37-977; Filed, April 5, 1937; 11:49 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 79]

### AMENDMENT OF PREVIOUS ALLOCATIONS OF FUNDS FOR LOANS

APRIL 2, 1937.

I hereby amend Administrative Order No. 32, dated November 11, 1936, by changing Iowa 45 Jackson to read, Iowa 45G Jackson.

I hereby amend Administrative Order No. 23, dated October 15, 1936, by dividing the allocation of $455,000 for Pennsylvania 13 Tioga into two allocations, one of $340,000 to be known as Pennsylvania 13 Tioga and the other of $115,000 to be known as Pennsylvania 13G Tioga.

I hereby amend Administrative Order No. 28, dated October 30, 1936, by dividing the allocation of $150,000 for Pennsylvania 12 Sullivan into two allocations, one of $130,000 to be known as Pennsylvania 12 Sullivan, the other of $20,000 to be known as Pennsylvania 12G Sullivan.

I hereby amend Administrative Order No. 62, dated February 25, 1937, by combining the allocation of $84,000 for Minnesota 62 Wright with the allocation of $70,000 for Minnesota 64 Hennepin, making a total of $154,000 to be known as Minnesota 62A Wright.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-976; Filed, April 5, 1937; 9:40 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of April, A. D. 1937.

[File No. 43-38]

### IN THE MATTER OF NEPSCO APPLIANCE FINANCE CORPORATION

### NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Nepsco Appliance Finance Corporation, a mutual service company and a subsidiary of a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and sale, from time to time, of Nepsco Appliance Finance Corporation 3% Deferred Debentures of December 1, 1936, in such amounts as not to exceed $350,000 aggregate principal amount outstanding at any one time; and with respect to the issue and sale to a bank or banks, from time to time, of its promissory notes in such amounts as not to exceed $1,000,000 aggregate principal amount outstanding at any one time. The declarant now has outstanding, in addition to its common stock, $345,000 aggregate principal amount of promissory notes and $120,000 aggregate principal amount of 4½% Deferred Debentures of August 1, 1934. The declarant states that part of the 3% Deferred Debentures covered by this declaration are to be sold to refund, par for par, the 4½% Deferred Debentures of the declarant now outstanding and that the other proceeds to be derived from the sale of the securities covered by this declaration are to provide necessary working capital for the conduct of its business of rendering appliance financing services to the various utility subsidiary companies of New England Public Service Company.

It is ordered that a hearing on such matter be held on April 22, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 17, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR. *Secretary.*

[F. R. Doc. 37-990; Filed, April 5, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of April, A. D. 1937.

[File No. 43-39]

IN THE MATTER OF NEPSCO SERVICES, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Nepsco Services, Inc., a subsidiary service company of a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and sale of $50,000 aggregate principal amount of Nepsco Services, Inc., 5% Debentures of August 1, 1935, at not less than the face value thereof plus accrued interest; and with respect to the issue and sale of 495 shares of its common stock of $10 par value at not less than par. The declarant states that the aforesaid securities are to be sold to New England Public Service Company and certain of its utility subsidiary companies; and that the proceeds from such sales are to be used to repay New England Public Service Company and certain of its utility subsidiary companies for monies advanced to the declarant, on open account, for working capital and equipment necessary in the conduct of its business as a service company rendering various classes of services to the companies in the holding company system of New England Public Service Company.

It is ordered that a hearing on such matter be held on April 22, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 17, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-991; Filed, April 5, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of April, A. D. 1937.

[File No. 30-42]

IN THE MATTER OF SOUTHERN UNITED GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Samuel W. White, as Trustee, and Southern United Gas Company, a New Jersey corporation, pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935, for an order declaring that said applicants, which heretofore filed a notification of registration pursuant to Section 5 (a) of said Act, have ceased to be a holding company by reason of a sale of all the company's assets pursuant to a reorganization plan.

It is ordered that a hearing on such matter be held on April 22, 1937, at ten o'clock in the forenoon of that day at Room 726C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State Commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 19, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-979; Filed, April 5, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE WESTERN STATES-HADDOCK FARM, FILED ON MARCH 18, 1937, BY ALEX MACDONALD, RESPONDENT.

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-989; Filed, April 5, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of April, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE MANNING-BRYSON #1 FARM, FILED ON MARCH 26, 1937, BY R. H. MANNING & COMPANY, RESPONDENT.

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-984; Filed, April 5, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of April, 1937.

[File No. 46-33]

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Great Lakes Utilities Company, a registered holding company, having filed with this Commission an application and an amendment thereto pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it, subject to the lien of the indenture securing Great Lakes Utilities Corporation First Lien Collateral Trust Gold Bonds, of certain securities, which, subject to said lien, are now held by a trustee appointed in proceedings for the reorganization of Great Lakes Utilities Corporation under Section 77B of the Bankruptcy Act and are as follows:

1,900 shares of Common Stock of the par value of $100 each, $650,000 aggregate principal amount of 6 Per Cent First Mortgage Bonds, $442,273.49 aggregate principal amount of notes and subscription to 599 shares of Common Stock of Ohio Gas Light and Coke Company.

25,000 shares of Common Stock without par value and $594,783.33 aggregate principal amount of notes of Gas Corporation of Michigan.

600 shares of Common Stock of the par value of $100 each of Rochelle Gas Company.

552 shares of Common Stock of the par value of $100 each and $149,109.10 aggregate principal amount of notes of Paxton Gas Company.

360 shares of Common Stock of the par value of $100 each and $20,000 aggregate principal amount of 6 Per Cent First Mortgage Bonds of Independence Gas Company.

250 shares of Common Stock of the par value of $100 each and $40,792.62 aggregate principal amount of notes of Peoples Gas and Power Company.

220 shares of Common Stock of the par value of $100 each of LeMars Gas Company.

800 shares of Common Stock of the par value of $100 each and $120,158.91 aggregate principal amount of notes of Watertown Gas Company.

671 shares of Common Stock without par value of Martinsville Gas Company.

260 shares of Common Stock without par value and $113,017.54 aggregate principal amount of notes of Virginia Gas and Utilities Company.

A hearing on such application, as amended, having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that the acquisition by applicant of such securities in the manner and subject to the terms set forth in such application as amended be and the same hereby is approved; provided, however, that such acquisition shall be made in all respects in compliance with the terms and provisions of a certain Plan of Reorganization, dated June 1, 1936, for Great Lakes Utilities Corporation and of the order confirming said Plan of Reorganization made on or about December 2, 1936 by the District Court of the United States for the District of Delaware.

It is further ordered that within ten days after the acquisition by applicant of such securities, the applicant shall file with this Commission a certificate of notification showing that such acquisition has been effected in accordance with the provisions of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-980; Filed, April 5, 1937; 12:52 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of April, 1937.

[File No. 46-34]

IN THE MATTER OF VOTING TRUSTEES FOR COMMON STOCK OF GREAT LAKES UTILITIES COMPANY

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Voting Trustees under a Voting Trust Agreement dated January 4, 1937 for Common Stock of Great Lakes Utilities Company, (which said voting trustees are a registered holding company) having filed with this Commission an application and an amendment thereto pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by such voting trustees of 153,034 shares of Common Stock of Great Lakes Utilities Company of the par value of one dollar each; and

A hearing on such application, as amended, having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that the acquisition by such voting trustees of such securities in the manner and subject to the terms set forth in such application as amended be and the same hereby is approved; provided, however, that such acquisition shall be made in all respects in compliance with the terms and provisions of a certain Plan of Reorganization dated June 1, 1936, for Great Lakes Utilities Corporation and of the order confirming said Plan of Reorganization made on or about December 2, 1936 by the District Court of the United States for the District of Delaware.

It is further ordered that within ten days after the acquisition by such voting trustees of such securities, such voting trustees shall file with this Commission a certificate of notification showing that such acquisition has been effected in accordance with the provisions of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-981; Filed, April 5, 1937; 12:52 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of April, 1937.

[File No. 43-34]

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

Great Lakes Utilities Company, a registered holding company, having filed with this Commission a declaration and an amendment thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with reference to the assumption by it of $1,676,500 aggregate principal amount of "Great Lakes Utilities Corporation First Lien Collateral Trust Gold Bonds, 5½% Series due 1942," and regarding the issue and sale by said Great Lakes Utilities Company of 153,034 shares of its Common Stock of the par value of one dollar each;

A hearing on such declaration, as amended, having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that said declaration as amended be and become effective as of April 2, 1937 upon condition however that said bonds shall be assumed and said shares of stock issued and sold in all respects in compliance with the terms and provisions of a certain Plan of Reorganization, dated June 1, 1936, for Great Lakes Utilities Corporation and of the order confirming said Plan of Reorganization made on or about December 2, 1936 by the District Court of the United States for the District of Delaware.

It is further ordered that within ten days after such assumption of bonds and issue of stock, the declarant shall file with this Commission a certificate of notification showing that such assumption of bonds and issue and sale of stock has been effected in accordance with the provisions of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-982; Filed, April 5, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of April, 1937.

[File No. 43-35]

IN THE MATTER OF VOTING TRUSTEES FOR COMMON STOCK OF GREAT LAKES UTILITIES COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

The Voting Trustees under a Voting Trust Agreement dated January 4, 1937 for Common Stock of Great Lakes Utilities Company, (which said voting trustees are a registered holding company) having filed with this Commission a declaration and an amendment thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with reference to the issue and sale by such voting trustees under such voting trust agreement of voting trust certificates representing 153,034 shares of such Common Stock;

A hearing on such declaration, as amended, having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein:

It is ordered that said declaration as amended be and become effective as of April 2, 1937 upon condition, however, that said voting trust certificates shall be issued and sold in all respects in compliance with the terms and provisions of a certain Plan of Reorganization, dated June 1, 1936, for Great Lakes Utilities Corporation and of the order confirming said Plan of Reorganization made on or about December 2, 1936 by the District Court of the United States for the District of Delaware.

It is further ordered that within ten days after the issue of such voting trust certificates such voting trustees shall file with this Commission a certificate of notification showing that such voting trust certificates have been issued and sold in accordance with the provisions of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-983; Filed, April 5, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-MARY GRAHAM FARM, FILED ON MARCH 20, 1937, BY V. E. HELVIE, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 31, 1937, be effective as of March 31, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-986; Filed, April 5, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON MARCH 22, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT.

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on March 31, 1937, be effective as of March 31, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-985; Filed, April 5, 1937; 12:53 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of April, A. D. 1937.

[File No. 20-467A2]

IN THE MATTER OF AN OFFERING SHEET OF LANDOWNER'S PRODUCING ROYALTY INTERESTS IN THE CARTER-SMITH LEASE, FILED ON AUGUST 8, 1936, BY GUY C. MCBRIDE, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of landowner's producing royalty interests in the Carter-Smith Lease, located in Pontotoc County, Oklahoma, which offering sheet was filed with the Commission on August 8, 1936, by Guy C. McBride of Los Angeles, California, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on September 14, 1936, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and evidence both oral and documentary having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as more fully set forth in the Findings and Opinion of the Commission filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-992; Filed, April 5, 1937; 12:55 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-MCNABB PARK COMMUNITY FARM, FILED ON MARCH 27, 1937, BY W. E. COOK, RESPONDENT.

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the number of barrels of oil which must be produced, as set forth in Division II, Item 1, before the smallest fractional interest proposed to be offered will be entitled to receive one barrel, may not be correctly calculated;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 2nd day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 16th day of April, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-987; Filed, April 5, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG FARM, FILED ON MARCH 27, 1937, BY ROYALTY INVESTMENTS CORPORATION, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the statement made in Division III, Item 3, that none of the wells on the tract are making any water is not believed to be true by reason of the fact that the Commission has information that two wells on the tract involved and two wells offsetting said tract on the west are producing water;

(2) In that the statement in Division III, Item 3, relative to the number of feet of saturated sand may not be correct, because it is believed that a reliable sub-surface structure map of the field will show that there is not either 130 feet or 120 feet of saturated sand above the water level;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 2nd day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said

hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 16th day of April, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-988; Filed, April 5, 1937; 12:54 p. m.]

## VETERANS' ADMINISTRATION.

### REVISION OF REGULATIONS

PAYMENT OF CLAIMS FOR THE COST OF MEDICAL, HOSPITAL, AND SURGICAL TREATMENT OF VETERANS ADMINISTRATION BENEFICIARIES AND TRAVEL EXPENSES INCIDENT TO SUCH MEDICAL CARE AND TREATMENT WHEN SERVICES ARE PERFORMED WITHOUT PRIOR WRITTEN VETERANS ADMINISTRATION AUTHORITY

*What Claims Included*

R–2680. (A) For the purpose of R. & P. R–2680 to R–2690, reimbursement of or payment for medical, hospital, and surgical treatment including travel expenses incident thereto, procured without prior written Veterans Administration authority, will, as to treatment rendered prior to March 20, 1933, be limited to those cases falling within the last proviso of section 202 (9), of the World War Veterans' Act, 1924; namely, (1) treatment must have been rendered or procured in an emergency, (2) when government facilities were not feasibly available, and (3) delay would have been hazardous,—all three elements named must be present and if any one is lacking payment will not be authorized,—provided that claim must have been duly filed with the Veterans Administration prior to March 20, 1933, as required by Public No. 307, 74th Congress, Act of August 23, 1935. As to claims for reimbursement of or payment for medical, hospital, and surgical treatment including travel expenses incident thereto, procured without prior written Veterans Administration authority, rendered subsequent to March 19, 1933, the entitlement criteria set forth herein will be followed, except as to World War Service limitations and time of filing claim. (26 Comp. Dec. 699) (April 5, 1937.)

*Adjudication in Central Office*

R–2686. All claims of this character filed will be adjudicated by the Central Office. Field stations receiving claims of this character whether filed under the provisions of Public No. 307, 74th Congress, or otherwise, will develop them, then forward with the case folder to the Central Office for consideration. (April 5, 1937.)

*Reimbursement for Treatment or Travel under Conditions not Authorized by Public No. 307, 74th Congress (Act of August 23, 1935)*

R–2690. Nothing in R. & P. R–2680 to R–2690, will be construed as permitting or authorizing reimbursement for emergency treatment or travel under conditions other than those specified therein. No authority exists to reimburse for cost of treatment procured through private sources merely in preference to treatment available through Government agencies. (Decisions Comptroller General, January 31, 1924, A. D. 8111, January 28, 1925, A–6594.) (April 5, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-978; Filed, April 5, 1937; 11:49 a. m.]

*Wednesday, April 7, 1937* *No. 66*

## TREASURY DEPARTMENT.

### Bureau of Customs.

(T. D. 48904)

CUSTOMS REGULATIONS AMENDED—DECLARATION OF CONSIGNEE ON ENTRY—OWNER'S DECLARATION

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C., title 19, sec. 66), and sections 485 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1485 and 1624), article 295 (c) and (d) of the Customs Regulations of 1931, as amended by Treasury Decision 47052, is further amended to read as follows:

(c) (1) Tariff Act of 1930, section 485 (c):

In the event that an entry is made by an agent under the provisions of section 484 of this Act and such agent is not in possession of such declaration of the consignee, such agent shall give a bond to produce such declaration.

(2) Tariff Act of 1930, section 485 (*f*):

Whenever such merchandise is consigned to a deceased person, or to an insolvent person who has assigned the same for the benefit of his creditors, the executor or administrator, or the assignee of such person or receiver or trustee in bankruptcy, shall be considered as the consignee; when consigned to a partnership the declaration of one of the partners only shall be required, and when consigned to a corporation such declaration may be made by any officer of such corporation, or by any other person specifically authorized by any officer of such corporation to make the same.

(3) The agent referred to in section 485 (c) is a person, acting under written authority from the consignee (section 484 (a)), who makes entry in the name of the consignee. A nominal consignee who makes entry in his own name is not an agent within the purview of such section 485 (c). When entry is made by an agent, he should execute on the entry form as agent the declaration of the consignee applicable to the person for whom he acts as agent. An agent shall not execute the declaration of a nominal consignee unless he is acting as agent for a nominal consignee. If the consignee (whether the actual owner or a nominal consignee) is an individual or partnership and the agent is not in possession of the consignee's declaration on customs Form 3347–A at the time the agent makes entry, the bond required by section 485 (c) must be given on customs Form 7551 or other appropriate form and must be conditioned for the production of the consignee's declaration. When the consignee is an individual or a partnership, the consignee's declaration may be executed only by the individual (principal) or one of the partners, and may not be executed by an agent.

(4) In view of the specific provision in section 485 (f) that when the merchandise is consigned to a corporation the consignee's declaration may be made by any officer of the corporation or by any other person specifically authorized by any officer of the corporation to make the same, such officer or other person who executes the declaration on behalf of the corporation is not considered to be an agent within the purview of section 485 (c) and he is not required by such section 485 (c) to produce or give bond to produce any further declaration.

The second paragraph of article 295 (d), as amended by T. D. 47052, is further amended by deleting the third sentence in the paragraph and inserting the following sentence in lieu thereof:

The owner's declaration, if filed, shall be on customs Form 3347, and may be filed only by the nominal consignee or his duly authorized agent.

Paragraph (e) is deleted.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved March 31, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-998; Filed, April 5, 1937; 2:58 p. m.]



**Office of the Secretary.**

(Misc. T. D. 2)

EXEMPT SECURITIES—SECURITIES EXCHANGE ACT

DESIGNATION OF CONSOLIDATED FEDERAL HOME LOAN BANK DEBENTURES FOR EXEMPTION UNDER SECURITIES EXCHANGE ACT OF 1934

APRIL 5, 1937.

SECURITIES AND EXCHANGE COMMISSION,
*1778 Pennsylvania Avenue, N. W.,*
*Washington, D. C.*

GENTLEMEN: Paragraph 12 of Section 3 (a) of the Securities Exchange Act of 1934 provides in part that the term "exempted security" or "exempted securities" as used in such act shall include "such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors."

In accordance with the provisions of this paragraph, I am designating for exemption securities issued by the Federal Home Loan Bank Board or the Federal Home Loan Banks under the authority of Section 11 of the Federal Home Loan Bank Act, as amended. This designation for exemption may be revoked, modified, or amended at any time with respect to securities not issued prior to such time.

Very truly yours,

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1003; Filed, April 6, 1937; 12:07 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

IR—B-1—Supplement D Issued April 5, 1937

1936 AGRICULTURAL CONSERVATION PROGRAM—INSULAR REGION

SUPPLEMENT D TO BULLETIN NO. 1

*Filing of Application for Grant*

Pursuant to authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, section C of Part II of Bulletin No. 1, 1936 Agricultural Conservation Program, Insular Region, is hereby amended to read as follows:

Payments will be made only upon applications for grant filed with a representative of the Insular Division (including Agents and other representatives of the Extension Service of the U. S. Department of Agriculture) on or before May 31, 1937.

In testimony whereof, M. L. Wilson, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 5th day of April, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1001; Filed, April 6, 1937; 11:45 a.m.]

### Bureau of Entomology and Plant Quarantine

BEPQ—Q–52 Revision of Regulation 3
Effective April 6, 1937

MODIFICATION OF PINK BOLLWORM QUARANTINE REGULATIONS

INTRODUCTORY NOTE

The following revision adds the County of Sierra in New Mexico and the Texas Counties of Crane, Loving, Upton, and Winkler to the lightly infested areas. While stock raising is the principal industry in these counties, a small amount of cotton is grown. This is carried into the present adjacent regulated areas for ginning. These counties are, therefore, included to authorize the movement of seed to farms and ranches therein for planting and feeding purposes. No other changes are made at this time.

AVERY S. HOYT,
*Acting Chief, Bureau of Entomology and Plant Quarantine.*

AMENDMENT NO. 2 TO REVISED RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 52

(Approved April 5th, 1937; effective April 6, 1937)

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 3 of the revised rules and regulations supplemental to Notice of Quarantine No. 52, on account of the pink bollworm of cotton, which were promulgated on October 13, 1936, as amended effective December 1, 1936, be and the same is hereby further amended to read as follows:

REGULATION 3. REGULATED AREAS; HEAVILY AND LIGHTLY INFESTED AREAS

REGULATED AREAS

In accordance with the provisos to Notice of Quarantine No. 52 (revised), the Secretary of Agriculture designates as regulated areas, for the purpose of these regulations, the following counties in Arizona, New Mexico, and Texas, including all cities, districts, towns, townships, and other political subdivisions within their limits:

*Arizona area.*—Counties of Cochise, Graham, and Greenlee.

*New Mexico area.*—Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, and Sierra.

*Texas area.*—Counties of Andrews, Brewster, Cameron, Cochran, Crane, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Hudspeth, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reeves, Starr, Terrell, Terry, Upton, Ward, Willacy, Winkler, and Yoakum; that part of *Bailey County* lying south of the following-described boundary line: beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of block A of the M. B. & B. survey to the western boundary of said county; that part of *Lamb County* lying south of the following-described boundary line: beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county.

HEAVILY INFESTED AREAS

Of the regulated areas, the following counties and parts of counties are hereby designated as heavily infested within the meaning of these regulations:

Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, in the State of Texas, and all of *Hudspeth County* in the same State except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

LIGHTLY INFESTED AREAS

The following areas are designated as lightly infested:

The counties of Cochise, Graham, and Greenlee in Arizona [1]; the counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lee, Luna, Otero, Roosevelt, and Sierra in New Mexico; the entire counties of Andrews, Cameron, Cochran, Crane, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Loving, Martin, Midland, Pecos, Reeves, Starr, Terry, Upton, Ward, Willacy, Winkler, and Yoakum, the regulated parts of Bailey and Lamb Counties in Texas, and that part of the northwest corner of Hudspeth County, Tex., lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through

[1] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under Quarantine No. 61, and shipments therefrom must comply with the requirements of that quarantine.

the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

This amendment shall be effective on and after April 6, 1937, and shall on that date supersede amendment No. 1, which became effective December 1, 1936.

Done at the city of Washington this 5th day of April 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 37-1002; Filed, April 6, 1937; 11:45 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2603]

IN THE MATTER OF EL MORO CIGAR COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, April 26, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in the Court Room, Federal Building, Greensboro, North Carolina.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1000; Filed, April 6, 1937; 11:13 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 80]

ALLOCATION OF FUNDS FOR LOANS

APRIL 5, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Alabama 21 Cherokee | $235,000 |
| Alabama 21G Cherokee | 75,000 |
| Michigan 5A Lenawee | 120,000 |
| Michigan 5G Lenawee | 130,000 |
| Michigan 37 Huron | 1,700,000 |
| Michigan 37G Huron | 300,000 |
| New Jersey 4 Monmouth | 113,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-999; Filed, April 6, 1937; 9:32 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 5th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE CAPROCK-PARKS #1 FARM, FILED ON FEBRUARY 27, 1937, BY CAPROCK OIL COMPANY, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the plat attached to the offering sheet, as amended, fails to disclose the fact that a well was drilled in the vicinity of the tract involved and on the property adjacent to the north; that said well failed to produce oil or gas and is, and always has been, what is commonly designated as a "dry hole";

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of April, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1009; Filed, April 6, 1937; 12:51 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 5th day of April, 1937.

[File No. 1-2064]

IN THE MATTER OF NORTH AMERICAN SECURITIES COMPANY, CLASS "A" SHARES, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Cleveland Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration 50,000 Class "A" Shares, No Par Value, of North American Securities Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10 o'clock A. M. on Tuesday, April 20, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1008; Filed, April 6, 1937; 12:51 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1937.

[File Nos. 46-38, 43-41]

IN THE MATTER OF STATES ELECTRIC & GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application and declaration having been duly filed with this Commission, by the States Electric & Gas Corporation, pursuant to Sections 10 and 7, respectively, of the Public Utility Holding Company Act of 1935; it appearing that said company has registered as purposing to become a holding company; that said application, pursuant to Section 10, is for the approval of the acquisition from General Water Gas & Electric Company and American Equities Company of certain securities including securities of public-utility companies and of Central New Hampshire Power Company, a registered holding company; the consideration for such acquisition to be $25,000 in cash, together with $2,190,000 five-year secured notes and 15,000 shares of common stock, Series B (non-voting for a period of five years, paid-in value $100,000); and that said declaration is filed, to effect such an exchange and otherwise, regarding the issue and sale of $2,190,000 of five-year secured notes, 4,800 shares of common stock, Series A (200 shares being now outstanding) and 15,000 shares of common stock, Series B;

It is ordered that a hearing on such matter be held on April 24, 1937, at ten o'clock in the forenoon of that day at Room 1101 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 20, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing, from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1004; Filed, April 6, 1937; 12:50 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1937.

[Files No. 32-50, No. 32-51, No. 46-37]

IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

Washington Gas Light Company, a subsidiary of Washington and Suburban Companies, a registered holding company, having duly filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition from its parent company of all of the 2,500 shares of outstanding capital stock and the notes outstanding in the aggregate principal amount of $677,150 of Alexandria Gas Company, and all of the 8,600 shares of outstanding common stock and the First Mortgage Gold Bonds, 6½% Series due 1948, outstanding in the principal amount of $231,000, of Washington Suburban Gas Company, and the notes of Washington Suburban Gas Company and advances to it made by Washington and Suburban Companies outstanding in the aggregate principal amount of $271,928.37; and having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue or sale of 12,500 shares of $4.50 Cumulative Convertible preferred Stock without par value, for the purpose of making the above acquisitions, and 37,500 shares of Common Stock without par value, to be authorized for the conversion of the aforesaid preferred stock; and having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue or sale of:

$10,000,000 principal amount of Refunding Mortgage Bonds, 3¾% Series due 1962,

35,000 shares of $4.50 Cumulative Convertible Preferred Stock, without par value,

both for the purpose of refunding certain presently outstanding bonds and for other purposes, and

495,000 shares of Common Stock, without par value,

of which 105,000 shares are to be authorized for the conversion of the aforesaid 35,000 shares of preferred stock, and 390,000 shares are to be issued to the present holders of 130,000 shares of common stock upon surrender of the presently outstanding common stock; and it appearing to the Commission that these related applications should be heard and considered together;

It is ordered that a hearing on such matter be held on April 23, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 17, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1006; Filed, April 6, 1937; 12:50 p. m.]

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[*Corrected Order*]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON MARCH 22, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the date upon which the information disclosed by the offering sheet will expire as stated in Division I, Paragraph 8, is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 28th day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 13th day of April, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1011; Filed, April 6, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-MCNABB PARK FARM, FILED ON MARCH 19, 1937, BY S. LEROY ESTES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 1, 1937, be effective as of April 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1007; Filed, April 6, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE WILLIAMS-SANTA FE-PACIFIC R. R. FARM, FILED ON MARCH 15, 1937, BY H. L. WILLIAMS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 2, 1937, be effective as of April 2, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1010; Filed, April 6, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 5th day of April, A. D., 1937.



[File No. 20-467A2]

IN THE MATTER OF AN OFFERING SHEET OF LANDOWNER'S PRODUCING ROYALTY INTERESTS IN THE MAGNOLIA-SMITH LEASE FILED ON AUGUST 8, 1936 BY GUY C. MCBRIDE, RESPONDENT.

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of landowner's producing royalty interests in the Magnolia-Smith Lease, located in Pontotoc County, Oklahoma, which offering sheet was filed with the Commission on August 8, 1936, by Guy C. McBride of Los Angeles, California, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on September 14, 1936, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and evidence both oral and documentary having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete and inaccurate in material respects, and omits to state material facts required to be stated herein and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as more fully set forth in the Findings and Opinion of the Commission filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1005; Filed, April 6, 1937; 12:50 p. m.]

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*Thursday, April 8, 1937* *No. 67*

## TREASURY DEPARTMENT.

### Office of the Secretary.

[1937—Department Circular No. 1]

VALUES OF FOREIGN MONEYS

APRIL 1, 1937.

Pursuant to Section 522, Title IV, of the Tariff Act of 1930, reenacting Section 25 of the act of August 27, 1894, as amended, the following estimates[1] by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1937, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by five per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of Section 522, Title IV, of the Tariff Act of 1930.

[SEAL] WAYNE C. TAYLOR, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-1015; Filed, April 7, 1937; 9:56 a. m.]

[1] See page 663.

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

[Docket No. IT-5465-M]

ORDER SETTING HEARING

PUBLIC SERVICE ELECTRIC AND GAS COMPANY AND SOMERSET, UNION AND MIDDLESEX LIGHTING COMPANY

The following order was adopted:

Public Service Electric and Gas Company, whose address is 80 Park Place, Newark, New Jersey having filed an application, IT-5465-M, under Section 203 of the Federal Power Act for approval of the merger of Somerset, Union and Middlesex Lighting Company into said Public Service Electric and Gas Company;

It is *ordered:*

That a hearing on said application be held on Thursday, April 22, 1937, at 10 a. m., in the Commission's hearing room, 8th floor Carpenters Building, 1003 K Street, N. W., Washington, D. C.

Adopted by the Commission on April 6, 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 37-1012; Filed, April 7, 1937; 9:38 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 81]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

APRIL 6, 1937.

I hereby amend administrative Order No. 13, dated August 22, 1936, by reducing the amount of $245,000 to $130,000 for project Iowa 14 Humboldt.

I hereby amend Administrative Order No. 13, dated August 22, 1936, by reducing the amount of $418,000 to $158,000 for project Iowa 30 Franklin.

I hereby amend Administrative Order No. 7, dated August 4, 1936, by reducing the amount of $278,000 to $143,000 for project Iowa 33 Calhoun.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1013; Filed, April 7, 1937; 9:38 a. m.]

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[Administrative Order No. 82]

RESCISSION OF ALLOCATION OF FUNDS FOR LOAN

APRIL 6, 1937.

I hereby rescind the allocation of funds for the below designated project, made by Administrative Order No. 46. This action is taken at the request of the applicant.

| Project Designation: | *Amount* |
|---|---|
| West Virginia 7 Hampshire | $170,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1014; Filed, April 7, 1937; 9:38 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE JB1, AMENDMENTS TO THE INSTRUCTION BOOKS FOR FORM 8-A AND FORM 23

The Securities and Exchange Commission, finding

(1) that the requirements of Form 8-A as more specifically defined in the Instruction Book accompanying that Form are necessary and appropriate in the public interest and for the protection of investors, and that insofar as the information required by such Form and Instruction Book is not within the provisions of Section 12 (b) of the Securities Exchange Act of 1934, it is of a character comparable to such information and is appli-

cable to the class of issuers and securities for which such Form is prescribed; and

(2) that the action herein taken is necessary and appropriate in the public interest and for the protection of investors;

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby takes the following action:

I. The paragraph of Rule JB1 under the caption "Form 8–A for Additional Securities" and the paragraph under the caption "Rule as to the Use of Form 8–A" at the beginning of the Instruction Book for such Form are amended as follows:

(a) By deleting the words "filed on or after March 7, 1936," and the word "or" between the figures 15 and 17; and

(b) By inserting after the figure 17 the words ", 22 or 23"; and

(c) By changing the period at the end of the Rule to a semicolon and adding the following:

provided that if Form 22 or 23 would be appropriate for original registration, this form shall be used only if securities of the registrant issued pursuant to the plan of reorganization or succession by reason of which Form 22 or 23 would be appropriate for original registration have been registered on such exchange pursuant to an application on such form.

The Rule as amended reads as follows:

This form shall be used for applications for registration of securities on an exchange on which other securities of the registrant, whether of the same or a different class, are registered pursuant to Section 12 (b) and (c) of the Act if Form 10, 11, 13, 15, 17, 22 or 23 would be the form appropriate for registration in case the registrant did not have securities so previously registered; provided that if Form 22 or 23 would be appropriate for original registration, this form shall be used only if securities of the registrant issued pursuant to the plan of reorganization or succession by reason of which Form 22 or 23 would be appropriate for original registration have been registered on such exchange pursuant to an application on such form.

II. The paragraph of Rule JB1 under the caption "Form 23 for Successor Issuers" and the paragraph under the caption "Rule as to the Use of Form 23" at the beginning of the Instruction Book for such Form are amended by inserting before the figure "8–B" the figure "8–A,".

The paragraph as amended reads as follows:

This form shall be used for applications for registration of securities of any issuer which has acquired, or is presently to acquire, directly or indirectly (through the acquisition of securities or otherwise) the major portion of its business and assets (other than cash) by acquiring all or a part of the business and assets of one or more other persons, and is continuing or is to continue, the business so acquired; provided, however, that this form shall not be used by issuers for which either Form 8–A, 8–B, 12, 12–A, 20, 21 or 22 is prescribed, or for applications filed with the exchange after the expiration of a full fiscal year of the issuer commencing on or after the date of succession.

The foregoing action shall be effective immediately upon publication, provided that for any application filed with the Commission on or before May 15, 1937, Form 22 or Form 23 may be used if appropriate prior to this action.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1016; Filed, April 7, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1937.

[File No. 32–52]

IN THE MATTER OF ABINGTON ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Abington Electric Company, a subsidiary company of Republic Service Corporation, a registered holding company, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of its Five Year 5% Promissory Note, dated March 8, 1937, and in the principal amount of $590,000 to said Republic Service Corporation, it being stated in said application that the proceeds of said note will be used to fund open account indebtedness owed by applicant to Republic Service Corporation and that such issue and sale have been expressly authorized by The Public Service Commission of the Commonwealth of Pennsylvania, the State in which applicant is organized and doing business.

It is ordered that a hearing on such matter be held on April 22, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 17, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1018; Filed, April 7, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1937.

[File No. 43–40]

IN THE MATTER OF MINNESOTA UTILITIES COMPANY

NOTICE OF HEARING AND ORDER DESIGNATING TRIAL EXAMINER

A declaration having been duly filed with this Commission by Minnesota Utilities Company, a subsidiary of American Utilities Service Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by said Minnesota Utilities Company to said American Utilities Service Corporation of a 30 year 6% Promissory Note of said Minnesota Utilities Company, in the principal amount of $48,500, to be dated January 1, 1935 and to mature January 1, 1965.

It is ordered that such matter be set down for hearing on April 26, 1937, at 10:00 o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and



VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)

| Country | Monetary unit | Value in terms of U. S. money | Remarks |
|---|---|---|---|
| Argentine Republic | Peso | $1.6335 | Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929. |
| Australia | Pound | 8.2397 | Control of gold stocks and exports authorized Dec. 17, 1929. |
| Austria | Schilling | .2382 | Exchange control established Oct. 9, 1931. |
| Belgium | Belga | .1695 | By decree of Mar. 31, 1936. 1 belga equals 5 Belgian francs. |
| Bolivia | Boliviano | .6180 | Conversion of notes into gold suspended Sept. 23, 1931. |
| Brazil | Milreis | .0871 | Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930. |
| British Honduras | Dollar | 1.6931 | Conversion of notes suspended. |
| Bulgaria | Lev | .0122 | Exchange control established Oct. 15, 1931. |
| Canada | Dollar | 1.6931 | Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933. |
| Chile | Peso | .2060 | Conversion of notes suspended July 30, 1931. |
| China | Yuan | | Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1s. 2½d., or about 29⅜¢ U. S., per yuan. |
| Hong Kong | Dollar | | reasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate. |
| Colombia | Peso | 1.6479 | bligation to sell gold suspended Sept. 24, 1931. |
| Costa Rica | Colon | .7879 | onversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932. |
| Cuba | Peso | 1.0000 | By law of May 25, 1934. |
| Czechoslovakia | Koruna | .0351 | By decree of Oct. 9, 1936. |
| Denmark | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Dominican Republic | Dollar | 1.6931 | U. S. money is principal circulating medium. |
| Ecuador | Sucre | .3386 | Conversion of notes into gold suspended Feb. 9, 1932. |
| Egypt | Pound (100 piasters) | 8.3692 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Estonia | Kroon | .4537 | Conversion of notes into gold suspended June 28, 1933. |
| Finland | Markka | .0426 | Conversion of notes into gold suspended Oct. 12, 1931. |
| France | Franc | | Monetary law of Oct. 1, 1936, provided for new gold content of franc to be fixed within the limits of 43 and 49 milligrams of gold .900 fine. |
| Germany | Reichsmark | .4033 | Exchange control established July 13, 1931. |
| Great Britain | Pound Sterling | 8.2397 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Greece | Drachma | .0220 | Conversion of notes into gold suspended Apr. 26, 1932. |
| Guatemala | Quetzal | 1.6931 | Conversion of notes into gold suspended Mar. 6, 1933. |
| Haiti | Gourde | .2000 | National bank notes redeemable on demand in U. S. dollars. |
| Honduras | Lempira | .8466 | Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar. |
| Hungary | Pengö | .2961 | Exchange control established July 17, 1931. |
| India [British] | Rupee | .6180 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Indo-China | Piaster | .6633 | Piaster pegged to French franc at the rate of 1 piaster=10 French francs. Information with regard to the relationship of piaster to franc subsequent to September 25, 1936, not yet available. |
| Irish Free State | Free State Pound | 8.2397 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Italy | Lira | .0526 | New gold content of 4.677 grams of fine gold per lira established by monetary law of Oct. 5, 1936. |
| Japan | Yen | .4440 | Embargo on gold exports Dec. 13, 1931. |
| Latvia | Lat | | Currency pegged to sterling Sept. 28, 1936, at 2,522 lati=£100. |
| Liberia | Dollar | 1.6931 | British money is principal circulating medium. |
| Lithuania | Litas | .1693 | Free export of gold suspended Oct. 1, 1935. |
| Mexico | Peso | | Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law. |
| Netherlands and colonies | Guilder (florin) | .6806 | Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936. |
| Newfoundland | Dollar | 1.6931 | Newfoundland and Canadian notes legal tender. |
| New Zealand | Pound | 8.2397 | Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations December 1931. |
| Nearagua | Cordoba | 1.6933 | Embargo on gold exports Nov. 13, 1931. |
| Norway | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Panama | Balboa | 1.6933 | U. S. money is principal circulating medium. |
| Paraguay | Peso (Argentine) | 1.6335 | Paraguayan paper currency is used; exchange control established June 28, 1932. |
| Persia (Iran) | Rial | .0824 | Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936. |
| Peru | Sol | .4740 | Conversion of notes into gold suspended May 18, 1932. |
| Philippine Islands | Peso | .5000 | By act approved Mar. 16, 1935. |
| Poland | Zloty | .1899 | Exchange control established Apr. 27, 1936. |
| Portugal | Escudo | .0748 | Gold exchange standard suspended Dec. 31, 1931. |
| Rumania | Leu | .0101 | Exchange control established May 18, 1932. |
| Salvador | Colon | .8466 | Conversion of notes into gold suspended Oct. 7, 1931. |
| Siam | Baht (Tical) | .7491 | Conversion of notes into gold suspended May 11, 1932. |
| Spain | Peseta | .3267 | Exchange control established May 18, 1931. |
| Straits Settlements | Dollar | .9613 | British pound sterling and Straits dollar and half dollar legal tender. |
| Sweden | Krona | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Switzerland | Franc | | Order of Federal Council enacted Sept. 27, 1936 instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold. |
| Turkey | Piaster | .0744 | 100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930. |
| Union of South Africa | Pound | 8.2397 | Conversion of notes into gold suspended Dec. 28, 1932. |
| Union of Soviet Republics | Chervonetz | 8.7123 | On Oct. 28, 1936, the Council of People's Commissars issued a decree fixing the value of the ruble in foreign exchanges at four and one-quarter French francs. |
| Uruguay | Peso | 1.7511 | Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. |
| Venezuela | Bolivar | .3267 | Premium on foreign currencies established Aug. 29, 1934, by agreement of banks. |
| Yugoslavia | Dinar | .0298 | Exchange control established Oct. 7, 1931. |

[THIS TABLE ACCOMPANIES F. R. Doc. 37–1015, PRINTED ON PAGE 661]

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 21, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence,

and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1017; Filed, April 7, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1937.

[File No. 32-53]

IN THE MATTER OF NORTHWESTERN WISCONSIN ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Northwestern Wisconsin Electric Company, a subsidiary company of American Utility Service Corporation, a registered holding company pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by applicant of $30,000 aggregate par amount of its 6% Cumulative Preferred Stock, par value $100 per share and $49,400 aggregate par value of its Common Stock, par value $100 per share, it being stated by applicant that all of said shares are to be delivered to two associates of applicant, Clam River Electric Company and Polk Electric Light Company, in consideration of the conveyance of all of the assets of such companies to applicant and that such issue and sale have been expressly authorized by the Public Service Commission of the State of Wisconsin, the State in which applicant is organized and doing business.

It is ordered that a hearing on such matter be held on April 22, 1937, at 2:30 o'clock in the afternoon of that day at Room 1101 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 17, 1937.

It is further ordered that John H. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1019; Filed, April 7, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE H. C. DRILLING CORPORATION-VAN SCOY-MALLORY FARM, FILED ON MARCH 17, 1937, BY HAROLD C. STAYSA, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1020; Filed, April 7, 1937; 12:47 p. m.]

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*Friday, April 9, 1937* *No. 68*

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101—Pulaski County, Arkansas

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—PULASKI COUNTY, ARKANSAS

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937 in Pulaski County, Arkansas, in accordance with the provisions of this Southern Region Bulletin 101—Pulaski County, Arkansas, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance herein set forth are computed upon the basis of an appropriation of $500,000,000 for the 1937 program and 85 percent participation by farmers in all regions. Such rates of payment, deductions, and the soil-building allowance may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

Pulaski Program A applies only to those farms for which a cotton base in excess of five acres can be established in 1937.

Pulaski Program B applies only to those farms for which no cotton base can be established in 1937 or the cotton base which can be established in 1937 is not in excess of five acres.

*Part I. Pulaski Program A*

SECTION 1. *Soil-Building Allowance under Pulaski Program A.*—The soil-building allowance for each farm under Pulaski Program A shall be the amount by which the maximum class I payment that may be earned on the farm in 1937 is less than $20.00. Such allowance can be earned



by carrying out any of the practices approved under Pulaski Program B.

SEC. 2. *Rate of Class I Payment.*—On any farm for which a cotton base in excess of five acres can be established a payment will be made for each acre diverted from the cotton base for the farm in 1937, at the rate of 5.8 cents for each pound of the normal per acre cotton yield, as adjusted for the farm, on an acreage not to exceed 35 percent of such base, provided that for each acre diverted for payment one acre of soil-conserving crops must be grown on cropland or an acre of cropland must be properly terraced in 1937.

SEC. 3. *Division of the Class I Payment.*—The class I payment made with respect to any farm shall be divided as follows:

(a) Thirty-seven and one-half (37½) percent to the producer who furnishes the land;

(b) Twelve and one-half (12½) percent to the producer who furnishes the workstock and equipment;

(c) Fifty (50) percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in 1937 in those soil-depleting crops, or the proceeds of such crops, in connection with which the class I payment is made.

SEC. 4. *Division of the Class I Payment Between Producers on a Farm.*—On any farm where there are two or more producers, the part of the class I payment to the farm which is divided on a crop-share basis shall be divided among the producers on the farm on the basis of each producer's contribution to the difference between the cotton base acreage and the 1937 cotton acreage on the farm. (The contribution of each producer shall be determined by agreement of all such producers as indicated by their signatures on the application for payment and the County Committee shall approve such agreement and indicate such approval by its certification on such application for payment, unless the Committee finds that one or more of such producers did not voluntarily enter into such agreement but were coerced into doing so.) In cases where all interested parties do not agree as to their respective contribution to the difference between the cotton base and the 1937 cotton acreage, the County Committee shall recommend the division of such acreage between such persons on the basis found by it to be in all the circumstances most fair and equitable.

*Part II. Pulaski Program B*

SECTION 11. *Deduction for Exceeding Cotton Base.*—If the acreage of cotton on any farm in 1937 exceeds the cotton base for 1937 for such farm, a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre determined for the farm under section 2, part I.

SEC. 12. *Soil-Building Allowance under Pulaski Program B.*—The soil-building allowance for each farm under Pulaski Program B shall be the sum of the items listed below or $20.00, whichever is the greater.

(a) Sixty-five cents (65¢) for each acre of cropland.

(b) $1.50 additional for each acre of cropland on which commercial vegetables were grown in 1936.

(c) $1.50 additional for each acre in commercial orchards on the farm on January 1, 1937.

SEC. 13. *Soil-Building Practices.*—The provisions of this section 13 are applicable *only* under Pulaski Program B *and* to farms under Pulaski Program A which may *not* earn a class I payment of as much as $20.00.

A class II payment will be made for carrying out any one or more of the following soil-building practices in 1937 at the rates and upon the conditions listed in this section 13, provided that

(a) in no event will the total of the class II payment respecting any farm exceed the soil-building allowance for the farm.

(b) none of the labor, seed, or materials for such practice is furnished or paid for by any Federal or State agency, and

(c) the practice is carried out by such methods and with such kinds and quantities of adapted seed, trees, and other material as conform to good farming practice.

*Practice Number—Practices and Conditions—Rate of Payment*

1. Alfalfa planted on cropland in 1937: $2.50 per acre.

2. Lespedeza, Austrian winter peas, vetch, or other locally adapted winter legume, or legume mixture[1] seeded on cropland in 1937: $1.50 per acre.

3. Soybeans, velvet beans, cowpeas, lespedeza, or other locally adapted summer legume, grown on cropland in 1937 and vines or stalks left on land or turned under: $1.00 per acre.

4. Bur clover, Austrian winter peas, vetch, or other locally adapted winter legume, plowed under in 1937, provided a reasonably good growth is attained: $1.00 per acre.

5. Establishment in 1937 of permanent pasture of perennial grasses or any pasture grass and legume mixture, on cropland or non-crop open pasture land on slopes of less than 5 percent: $3.00 per acre.

6. Establishment in 1937 of permanent pasture of perennial grasses or approved pasture grass and legume mixture, on cropland or non-crop open pasture land on slopes of 5 percent or greater, provided that:

(a) approximately one-third (⅓) and not less than one-fourth (¼) of each 100 feet of slope length shall be plowed (broken) on the approximate contour and planted to Bermuda grass,

(b) the intervening strips are seeded to perennial grasses or legumes and one or more grasses,

(c) the land is kept free of bushes and weeds, and

(d) the pasture is protected from excessive grazing: $3.50 per acre.

7. Forest trees, including post-producing species, planted on cropland in 1937: $5.00 per acre.

8. Establishing a winter cover crop on two acres or less by seeding fall oats or any other locally adapted small grains or mixtures of small grains and winter legumes, provided that:

(a) seeding is done not later than October 15, and

(b) seeding is done at the rate of at least two bushels of oats (or the equivalent thereof) per acre: $1.00 per acre.

9. Sixteen percent superphosphate or its equivalent[2] applied in 1937 on pastures or soil-conserving crops (excluding soybeans, cowpeas, velvet beans, and peanuts) but payment will not be made on an amount less than 100 pounds or in excess of 400 pounds per acre: $0.50 per 100 pounds.

10. Terracing land in 1937 in accordance with approved terracing practices for the land, including proper outlets: $0.40 per 100 feet.

SEC. 14. *Division of the Class II Payment.*—The class II payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the eligible producer who the County Committee determines under instructions issued by the Secretary has incurred the expense in 1937 of carrying out such soil-building practice; if the County Committee determines that two or more producers have shared in the expense incurred in carrying out such practice on the farm, the class II payment calculated for the particular acreage with respect to which such producers shared in such expense shall be divided equally among them.

*Part III. Establishment of Bases and Determination of Cropland applicable under programs A and B*

SECTION 21. *Cotton Base and Yield Per Acre.*—(a) *Cotton Base.*—

(1) The cotton base for the farm in 1937 shall be the cotton base which was or could have been established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) If, for causes other than flood, drought, or other abnormal weather conditions or because of substantial changes in the base acreage by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton base for the farm in 1936, the cotton base for 1937 shall be

[1] Mixtures of legumes listed in practice number 2 and non-legumes will be eligible for a payment of $1.50 per acre, provided such legumes are seeded at a rate equal to at least fifty (50) percent of the normal rate for such legumes.

[2] For example, 100 pounds of 48 percent superphosphate is the equivalent of 300 pounds of 16 percent superphosphate.

adjusted downward by the County Committee but not lower than 154 percent of the 1936 planted acreage.

(3) For farms on which cotton was grown in 1936 for the first time since 1933, a cotton base may be established on the basis of the acreage planted to cotton in 1936 subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(4) The sum of the cotton bases for the farms covered by work sheets in Pulaski County shall not exceed their proportionate share of the quota of cotton acreage established for such county by the Agricultural Adjustment Administration.

(b) *Determination of Yield Per Acre.*—

(1) The yield per acre of lint cotton for the farm shall be designated by the appropriate Community Committee, subject to such adjustment by the County Committee, as is necessary in order that the sum of the base cotton production for farms covered by work sheets in 1937 in the county shall not exceed the proportionate share of the quota of cotton production established for the county by the Agricultural Adjustment Administration.

(2) Each farm covered by a work sheet will have been inspected by at least one member of the Community Committee, serving for the community in which the farm is located, who shall report the facts to the Community Committee before the yield is designated for the farm.

(3) The yield designated for any farm shall be that yield, subject to adjustments indicated in this subsection (b), which the Community Committee finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of cotton on the farm. In designating the yield due consideration shall be given by such Committee to the trend of yield per acre as well as to the type of soil, drainage, erosion, production practices, and general fertility of the land. Other facts bearing on the yield which might reasonably be expected, including abnormal weather conditions, shall also be given due consideration. Such findings shall be examined by the County Committee in the light of all available facts and approved or modified by it accordingly.

SEC. 22. *Total Cropland.*—If the total acreage of cropland for the farm was established by accurate measurement in 1936, such acreage will be the 1937 acreage of cropland for the farm. If the total acreage of cropland for the farm was not so established in 1936, such acreage for the farm shall be established either by measurement in 1937 or on a basis which will result in an acreage of cropland comparable with that for farms on which such land was established by measurement.

*Part IV. Miscellaneous Provisions Applicable Under Programs A and B*

SECTION 31. *Persons Who May Make Applications For Payment.*—(a) An application for payment may be made by (1) an owner, (2) an operator, and (3) such other persons as may be designated by the Secretary.

(b) Payment will be made only upon application filed with the County Committee within the prescribed time. Each person applying for payment will be required to show that work sheets have been filed with the County Committee covering all land in the county owned or operated by him in 1937. Any person applying for payment who owns or operates farms in more than one county in Arkansas may be required to file with the State Committee a list of all such farms.

(c) A time limit for filing work sheets and applications for payment in the county will be designated by the State Committee subject to the approval of the Director of the Southern Division, and when so approved at least two weeks' public notice shall be given in advance of the expiration of such time limit.

SEC. 32. *Land Which May Be Covered by a Work Sheet and Application For Payment.*—(a) A work sheet shall cover all of one farm only, except as provided in the following subsections of this section 32.

(b) If two or more farms in the county are under the same ownership and are operated by the same person, such farms may be covered by one work sheet.

(c) If two or more tracts of land in the county are under different ownerships, even though they are operated by the same person, each such separately owned tract shall be covered by a separate work sheet.

(d) Tracts of land under the same ownership located in Pulaski County and one or more adjoining counties and operated as a single farm in 1937 shall be regarded as located in the county in which the principal dwelling on such farm is located, or if there is no dwelling on such farm, as located in the county in which the major portion of such farm is located.

(e) Except as provided in subsection (f) below, the land covered by an application for payment shall be the land covered by a single work sheet. The application for payment filed with respect to any land shall show the name and the extent of the interest of each person entitled to share in the payment with respect to such land. The amount of payment to any person with respect to the land covered by the application for payment shall, subject to the provisions of section 33 below, be determined by the performance on such land.

(f) If any person operates more than one farm in the county, such person may, subject to the conditions of this subsection (f), make one application for payment with respect to all such farms or several applications each covering one or more of such farms.

(1) An application for payment covering two or more farms in the county which are operated by the same person may be made only with the consent (indicated by signatures on the application for payment) of all persons who, as owner, share-tenant, or share-cropper, have an interest in the crops (or the proceeds thereof) grown in 1937 on any farm covered by the application; except that the signature of any person shall not be required in order to permit a grouping of such farms if such person would not receive a payment if each such farm were covered by a separate application for payment.

(2) In making determinations with respect to the amount of payment to be made under such application (in accordance with the provisions of this subsection (f)), all farms covered by one application for payment shall be considered as one farm.

SEC. 33. *Multiple Farm Holdings.*—If any person making application for payment in the county has an interest as owner or operator in one or more farms in the county which are not covered by an application for payment under which payment may be made, such person is required to furnish the County Committee a showing as to the acreage of cotton grown in 1937 on each such farm. If the County Committee finds from evidence submitted to it and such measurement of such farms as is deemed necessary that any such person has materially increased the 1937 acreage of cotton above the cotton base on any such farm, performance shall be checked on all such farms. The procedure shall be as follows:

(a) For each such farm multiply the 1937 cotton acreage by the rate per acre (determined pursuant to section 2, part I), and multiply each such result by the percentage (determined pursuant to the provisions of section 3, part I) due such person. Total the results thus obtained.

(b) For each such farm multiply the cotton base by the rate per acre (determined pursuant to section 2, part I) and multiply each such result by the percentage (determined pursuant to the provisions of section 3, part I) due such person. Total the results thus obtained.

(c) If the total obtained under subsection (a) above exceeds the total obtained under subsection (b) above, such excess shall be deducted from any payment which otherwise would be made to such person with respect to farms in the county covered by an application for payment.

(d) The procedure outlined in this section 33 shall at the option of the Secretary be applied to all farms owned or operated by the same person in the State.

SEC. 34. *Appeals.*—Any person who has reason to believe that any recommendation of the County Committee concerning his farm is not equitable may request the County Committee to reconsider its recommendation. If such person fails to agree with the final recommendation of the County Committee, such person may make an appeal, in accordance with the provisions of Amendment 4 to Southern Region Bulletin 101.

SEC. 35. *Deductions for Expenses.*—There shall be deducted pro rata from the payment to any person with respect to a farm or farms all or such part, as the Secretary shall prescribe, of the estimated administrative expenses incurred and to be incurred in the field in carrying out the 1937 program.

There shall be credited for the payment of administrative expenses the sum of $2.00 for each application for a farm on which the total payment (prior to deduction of any administrative expenses) as estimated by the Agricultural Adjustment Administration will be $20.00 or less.

SEC. 36. *Farms Under Other Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are approved for the farm by the County Committee prior to performance in accordance with instructions issued by the Secretary.

SEC. 37. *Reckoning Payments Without Regard to Claims.*—Any share of the class I or class II payments shall be computed and paid without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of the owner or any other creditor.

SEC. 38. *Changes in Leasing or Cropping Arrangement.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1936 leasing or cropping arrangement for the farm or has adopted any other device for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants or share-croppers would be entitled if the 1936 leasing or cropping arrangement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part.

SEC. 39. *Abandonment, Foreclosure, Death, Etc.*—If prior to harvest a producer voluntarily ceases to cultivate, sells, abandons, or through his own fault or neglect loses control of the cotton crop in connection with which a class I payment may be made, such producer shall not be entitled to such payment or any share therein and whoever succeeds him and as such successor is entitled to such crop or to share in it or its proceeds shall be entitled to such payment or to share therein, as the case may be, provided that by agreement of such producer and such successor person or persons (such agreement to be indicated or confirmed by their signatures on the application for payment) the cotton acreage may be divided between them and such payment may be divided between them accordingly. In no case shall any person who as a result of attachment, foreclosure, or other legal process comes into possession of cotton in connection with which a class I payment may be made or the land on which such crop was planted be entitled to any share in such class I payment if the producer previously entitled to such crop or to share in it or its proceeds did not voluntarily abandon such crop, and the producer so dispossessed shall be entitled to such payment or to share therein, as the case may be. In case of the death or incompetency of a producer occurring during the period of performance under the 1937 program, class I and class II payments shall be made or withheld in accordance with rules to be prescribed by the Secretary.

SEC. 40. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat the purposes of the 1937 program.

SEC. 41. *Other Provisions.*—No Community or County Committeeman shall have a voice in designating or approving any acreage or yield for any farm which he owns, operates, or controls; which is owned, operated, or controlled by his brother, sister, parent, child, or other near relative; or upon which he has a loan or other financial interest.

*Part V. Classification of Land Use and Crops*

Farm land when devoted to the crops and uses indicated below shall, except for such additions or modifications as may be approved by the Secretary, be classified as follows:

SEC. 51. *Soil-Depleting.*—Land on which any of the following crops is harvested shall, except as provided in section 53 below, be regarded as devoted to the production of soil-depleting crops for the year in which such crops are harvested.

(a) Corn (field corn, sweet corn, or popcorn).

(b) Cotton.

(c) Potatoes (Irish or sweet).

(d) Truck and vegetable crops, including melons and strawberries.

(e) Peanuts harvested for nuts.

(f) Grain sorghums, sweet sorghums, millets, broomcorn, or Sudan grass, harvested for grain, seed, or forage.

(g) Small grains harvested for grain or hay (wheat, oats, barley, rye, buckwheat, or any mixture of any of these).

SEC. 52. *Soil-Conserving.*—Land devoted to any of the following crops or uses shall be regarded as used for the production of a soil-conserving crop except that any land from which a soil-depleting crop is harvested in the same year shall be regarded as used for the production of a soil-depleting crop in such year, except as provided in section 53 below. Any acre on which two or more soil-conserving crops are grown in the same year shall not be counted as more than one acre of soil-conserving crops, except that any acre that is terraced in 1937 in accordance with approved terracing practices for the land and on which a soil-conserving crop is grown in 1937 may be allowed to count as two acres of soil-conserving crops.

(a) *Legumes*, including vetch, winter peas, clovers, alfalfa, lespedeza, soybeans, velvet beans, crotalaria, and cowpeas.

(b) *Peanuts*, if pastured.

(c) *Grasses*, including Dallis, Natal, rye grass, timothy, orchard, Bermuda, and carpet, or grass mixtures.

(d) *Grain sorghums (seeded solid), sweet sorghums, millets, or Sudan grass*, not harvested for grain, seed, or forage, or grain sorghums planted in rows and plowed under.

(e) *Cover crops*, including rye, barley, oats, wheat, and grain mixtures, not cut for grain or hay, provided a reasonably good growth is left on the land or plowed under.

(f) *Forest trees*, planted on cropland since January 1, 1934.

(g) *Terracing* land in 1937 in accordance with good terracing practices for the land.

SEC. 53. *Soil-Conserving Crops Grown in Combination With or Following Soil-Depleting Crops.*—Land devoted to soil-conserving crops grown in combination with or following soil-depleting crops shall be classified as follows:

(a) All the acreage of soil-depleting row crops interplanted or grown in combination with summer legumes (classified in section 52 above as soil-conserving) shall be classified as soil-depleting, and

(1) One-half (½) of the acreage also shall be classified as soil-conserving, provided the legume occupies at least one-half (½) of the land and attains a reasonably good growth, or

(2) One-third (⅓) of the acreage also shall be classed as soil-conserving, provided the legume occupies at least one-third (⅓) but less than one-half (½) of the land and attains a reasonably good growth.

(b) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in sec-

tion 52 above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(c) All land from which a soil-depleting crop is harvested in 1937 and on which terraces are constructed according to good terracing practices for the land shall in addition to being classified as soil-depleting be classified as soil-conserving.

*Part VI. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program (herein referred to as the 1937 program) in Pulaski County, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

*Southern Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 program in the Southern Region.

*Pulaski County* means the area in the State of Arkansas embraced in the county of Pulaski. Pulaski County is one of several areas in the Southern Region designated to operate under "Special Programs" as provided for in section 66 of Southern Region Bulletin 101.

*State Agricultural Conservation Committee*, herein referred to as State Committee, means the group of persons designated to assist the Secretary in the administration of the 1937 Program in the State of Arkansas.

*County Agricultural Conservation Association*, hercin referred to as county association, means the association of producers in Pulaski County authorized by the Secretary to assist in the administration of the 1937 program in that county.

*County Agricultural Conservation Committee*, herein referred to as County Committee, means the group of persons designated to assist the Secretary in the administration of the 1937 program in Pulaski County.

*Community Agricultural Conservation Committee*, herein referred to as Community Committee, means the group of persons designated for a community within Pulaski County to assist the Secretary in the administration of the 1937 program in such community.

*Person* means an individual, firm, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who (1) owns land which is not rented to another for cash or a fixed commodity payment, or (2) rents land from another for cash or a fixed commodity payment, or (3) is purchasing land on installments of cash or one or more commodities.

*Operator* means a person who as owner is operating a farm and is entitled to receive all or a portion of the crops produced thereon or of the proceeds of such crops, or who as share-tenant is operating a whole farm and is entitled under a written or oral lease or agreement to receive a portion of the crops produced thereon or of the proceeds of such crops.

*Share-Tenant* means a person other than an owner or share-cropper who is working a farm in whole or in part and is entitled under a written or oral lease or agreement to receive a portion of the crops produced thereon or of the proceeds of such crops.

*Share-Cropper* means a person who works a producer-unit under the supervision of an operator and is entitled under a written or oral agreement or State law to receive for his labor a share of any or all of the crops produced thereon or of the proceeds of such crops.

*Producer* means an owner, share-tenant, or share-cropper.

*Farm* means *all* land which in 1937 is operated by a person with labor, workstock, and farm machinery substantially separate from that for any other land except that the parts of such land having separate owners shall be considered as separate farms.

*Producer Unit* means any tract of land (whether a whole farm or a subdivision thereof) on which in 1937 one or more crops are planted or grown and which is farmed by (1) an owner with his own or his family's labor or with hired labor other than one or more share-croppers, or (2) a share-tenant with his own or his family's labor or with hired labor other than one or more share-croppers, or (3) a share-cropper.

*Cropland* means all farm land which is tillable and on which at least one crop of any kind other than wild hay was harvested or planted for harvest at some time between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to bearing or non-bearing orchards or vineyards other than those abandoned.

*Cotton Soil-Depleting Base*, herein referred to as cotton base, means the acreage established for the farm as that normally used thereon for the production of cotton.

*Class I Payment* means the payment under Pulaski Program A for diversion of acreage from the cotton base to the production of soil-conserving crops on cropland or to proper terracing of cropland in 1937.

*Class II Payment* means the payment for carrying out any soil-building practice approved by the Secretary.

*Soil-Building Allowance* for any farm means the largest amount of money that will be paid as a class II payment for the farm.

*Commercial Orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937 or later.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including Irish potatoes, sweetpotatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold to persons off the farm in 1936.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of April, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-1027; Filed, April 8, 1937; 12:43 p. m.]

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**Bureau of Animal Industry.**

[Amendment 6 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

APRIL 1, 1937.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

Maryland: Carroll, April 1, 1940.
New Jersey: Somerset, April 1, 1940.
New York: Broome, Tioga, April 1, 1940.
Puerto Rico: Rio Grande, April 1, 1940.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Dallas, Etowah, April 1, 1940.
Arkansas: Logan, Yell, April 1, 1940.
Colorado: Delta, Garfield, Montrose, Ouray, Pitkin, San Miguel, April 1, 1940.



Georgia: Carroll, Clayton, Crisp, Dooly, Elbert, Fayette, Franklin, Rockdale, April 1, 1940.
Illinois: Brown, Cass, Hamilton, Jackson, Schuyler, Wayne, April 1, 1940.
Iowa: Louisa, Palo Alto, Story, April 1, 1940.
Kentucky: Boyd, Letcher, Taylor, Washington, April 1, 1940
Minnesota: Pope, April 1, 1940.
Mississippi: Calhoun, Grenada, April 1, 1940.
Missouri: Dade, Henry, Polk, St. Clair, April 1, 1940.
North Carolina: Halifax, Rockingham, Northampton, April 1, 1940.
Oklahoma: Murray, Okmulgee, Woodward, April 1, 1940.
Pennsylvania: Crawford, Lycoming, Tioga, Warren, April 1, 1940.
South Carolina: Marlboro, April 1, 1940.
Tennessee: Carroll, Johnson, Rutherford, April 1, 1940.
Texas: Tarrant, April 1, 1940.
Virginia: Cumberland, Isle of Wight, Northampton, Pittsylvania, April 1, 1940.
West Virginia: Hancock, Mason, April 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

A. W. MILLER,
*Acting Chief of Bureau.*

[F. R. Doc. 37-1026; Filed, April 8, 1937; 12:43 p. m.]

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**FEDERAL COMMUNICATIONS COMMISSION.**

SHIP RADIO TELEGRAPH SAFETY INSTRUCTIONS

MARCH 10, 1937.

The Commission having further considered the radio provisions of the International Convention for the Safety of Life at Sea, London, 1929, in the light of the proceedings in the matter of approval or disapproval of certain automatic alarm devices identified as Model A and Model B, Docket No. 4409, which were conditionally approved by Telegraph Division Order No. 28 of March 10, 1937, today adopted the attached changes and additions to "Ship Radio telegraph Safety Instructions" of October 1, 1936, setting forth the requirements of law as of July 10, 1937, with reference to installation and use of automatic alarm receiving devices on shipboard.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

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*To United States Ship Owners, Ship Operating Agencies, Ship Masters, Licensees of Ship Radio Stations, and Others Concerned*

Subject: Change No. 1 to Ship Radiotelegraph Safety Instructions, October 1, 1936.
Effective Date: July 10, 1937.

The Ship Radiotelegraph Safety Instructions of October 1, 1936, are hereby amended as follows:

1. Delete paragraph 17 of the aforementioned Safety Instructions and substitute the following:

17. *Auto Alarm.*—(a) By an auto alarm receiver is meant a device which has been approved by the Commission in accordance with Telegraph Division Order No. 28, being identified as follows: Radiomarine Corporation of America "Model AR–8600 Auto Alarm", and "Mackay Radio and Telegraph Company Auto Alarm Type 101–A manufactured by Federal Telegraph Company."

(b) On Ships in which a watch is kept by means of an automatic alarm receiver, a means of giving an audible warning in the radiotelegraph operating room, in the radio operator's cabin and on the navigating bridge shall be provided, which shall operate continuously after the receipt of an alarm signal or a failure of the auto alarm system, until stopped. Only one switch for stopping the warning shall be provided and this shall be located in the radiotelegraph operating room. In addition, a failure resulting from prolonged static or noise, or both, shall operate a visual indicator on the bridge.

(c) Each auto alarm of the type designated above, when first installed aboard a vessel of the United States, must bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose, the principal components are designated as follows:

*Radiomarine Corporation of America "Model AR–8600 Auto Alarm"*

1 Combined receiver and selector unit, without regard to container.
1 Control and terminal box.

*"Mackay Radio and Telegraph Company Auto Alarm Type 101–A Manufactured by Federal Telegraph Company"*

1 Selector unit, without regard to container.
1 Receiver Unit, without regard to container.

(d) Having regard to paragraph 9 of these instructions, the Commission shall be informed in writing on the prescribed form immediately upon completion of each auto alarm installation aboard any vessel of the United States. Each report shall specify the type and serial number of the alarm, the name of the vessel, the date of completion of installation, the call letters and name of licensee of the ship radio station and the name of the owner and operating company of the vessel.

(e) Upon completion of each auto alarm installation, the electron tubes and dry batteries shall be dated to coincide with the date of completion of the installation. Only new electron tubes and new dry batteries shall be installed. The Commission reserves the right to require the replacement of these electron tubes and dry batteries with new tubes and new batteries if and when such replacement shall be deemed necessary.

(f) Each installation of an auto alarm shall include at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto alarm, which shall include:

1. A general technical description of the auto alarm, including a circuit diagram of the auto alarm receiver and a wiring diagram of its complete installation on shipboard.
2. A general explanation of its principles of operation.
3. A list of faults which may be indicated by the sounding of the audible alarm.
4. Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.
5. Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting.
6. Explanation of the effect of various sensitivity control settings upon the operation of the alarm.
7. Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

In addition, the instructions stipulated under items 5 and 6 above shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(g) The testing device of each individual auto alarm shall be permanently adjusted upon installation to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.

(h) While the ship is at sea the auto alarm shall be tested by means of the testing device supplied at least once every twenty-four hours, the timing of the dashes to be made by reference to the sweep seconds hand of the station's clock. A statement that the foregoing has been fulfilled must be inserted in the ship's official deck log and the radio log daily.

(i) Adequate records shall be maintained according to the prescribed forms covering operation of the auto alarm. These forms shall be mailed to the Commission at Washington, D. C., on the first day of each month, covering the month preceding, beginning January 1, 1938. These reports are for the information of the Commission and the contents thereof will not be disclosed.

(j) An entry shall be made in the ship's official log and the radio log when the warning light installed on the bridge to indicate when the alarm becomes inoperative remains lighted for a continuous period of five minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments, the reason for the failure, the names of any parts removed, added or substituted, and the time the alarm was restored to proper working condition.

2. Delete paragraph 19 of the aforementioned Safety Instructions and substitute the following:

19. *Clock.*—(a) Each ship *fitted* with an auto alarm shall be provided with a reliable clock with a sweep seconds hand, securely fastened in such a position that the seconds dial can be easily and accurately read by the operator from his normal receiving position, from the operating position at which he would transmit the auto alarm signal and from the operating position in the radio room used in testing the auto alarm for response to signals from the testing device. The clock shall have an hour dial not less than 5" in diameter and it shall be capable of operation for at least eight days on one winding.

(b) Each ship station *not* fitted with an auto alarm shall be provided with a reliable clock with a seconds hand, preferably a sweep seconds hand, securely fastened in such a position that the seconds dial can be easily and accurately read by the operator from his operating position. It shall have an hour dial not less than 5" in diameter and it shall be capable of operation for at least eight days on one winding.

3. The following shall be added at the end of paragraph 23 of the aforementioned Safety Instructions:

(c) Each installation of an auto alarm shall be provided with sufficient tools and spare parts which will be necessary for the maintenance of the alarm in a normal operating condition. The following items are considered indispensable in the appropriate installation. (The Commission will publish a list of the appropriate items to reach alarm within sixty days of the date hereof).

4. Delete paragraph (e) of paragraph 25 of the aforementioned Safety Instructions and substitute the following:

(e) On a ship fitted with an auto alarm, the auto alarm shall, while the vessel is under way, always be in operation when the operator is not on watch, including periods when the direction finder is in use.

5. The explanatory note at the bottom of page 30 is amended by striking out the last sentence and inserting in lieu thereof:

No auto alarm has been approved for use under the provisions of paragraph 25 (a) (1) above; however, an auto alarm device may be installed on any ship for use in addition to any operator requirements.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 37-1021; Filed, April 8, 1937; 9:55 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2898]

IN THE MATTER OF CALIFORNIA LUMBERMEN'S COUNCIL, COAST COUNTIES LUMBERMEN'S CLUB, CENTRAL VALLEY LUMBERMEN'S CLUB, NORTHERN COUNTIES LUMBERMEN'S CLUB, PENINSULA LUMBERMEN'S CLUB, AND SAN JOAQUIN LUMBERMEN'S CLUB, AND THE OFFICERS, COUNCILMEN, AND MEMBERS OF SAID ORGANIZATIONS AND ASSOCIATIONS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, April 15, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), Grand Jury Room No. 447, U. S. Post Office, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1023; Filed, April 8, 1937; 12:01 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2362]

IN THE MATTER OF ARCHIE RICHARD DAHL, INDIVIDUALLY, AND TRADING AS RELIABLE SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, April 21, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Ill.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1022; Filed, April 8, 1937; 12:01 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3066]

IN THE MATTER OF RUSSEK'S FIFTH AVENUE, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Horner, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 13, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1025; Filed, April 8, 1937; 12:02 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.



[Docket No. 3018]

IN THE MATTER OF HENRY R. SHAPIRO, INDIVIDUALLY, AND TRADING AS MONARCH FASHION COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, April 22, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1024; Filed, April 8, 1937; 12:01 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of April, A. D., 1937.

[File No. 31-386]

IN THE MATTER OF THE APPLICATION OF EASTERN SHORE GAS COMPANY

ORDER RESCINDING ORDER FOR HEARING AND CONSENTING TO WITHDRAWAL OF APPLICATION FOR EXEMPTION FROM PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

An order having been issued by the Commission on the 20th day of March, 1937, setting a time and place at which a hearing shall be held on the application of Eastern Shore Gas Company, pursuant to Section 2 (a) (4) of the Public Utility Holding Company Act of 1935, for an order declaring it not to be a gas-utility company, and designating Charles S. Moore, an officer of the Commission to preside at such hearing, and

Counsel for Eastern Shore Gas Company having advised the Commission that it desires to withdraw such application,

It is ordered, that the aforesaid order dated March 20, 1937, setting a time and place for hearing on such application of Eastern Shore Gas Company, and designating Charles S. Moore, an officer of the Commission to preside at such hearing be, and the same hereby is, rescinded, and

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the applicant, consents to the withdrawal of the application for exemption of the above-named applicant, and to that effect.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1028; Filed, April 8, 1937; 12:53 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of April, A. D., 1937.

[File No. 31-387]

IN THE MATTER OF THE APPLICATION OF EASTERN SHORE GAS COMPANY OF VIRGINIA, INC.

ORDER RESCINDING ORDER FOR HEARING AND CONSENTING TO WITHDRAWAL OF APPLICATION FOR EXEMPTION FROM PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

An order having been issued by the Commission on the 20th day of March, 1937, setting a time and place at which a hearing shall be held on the application of Eastern Shore Gas Company of Virginia, Inc., pursuant to Section 2 (a) (4) of the Public Utility Holding Company Act of 1935, for an order declaring it not to be a gas-utility company, and designating Charles S. Moore, an officer of the Commission to preside at such hearing, and

Counsel for Eastern Shore Gas Company of Virginia, Inc. having advised the Commission that it desires to withdraw such application,

It is ordered, that the aforesaid order dated March 20, 1937, setting a time and place for hearing on said application of Eastern Shore Gas Company of Virginia, Inc., and designating Charles S. Moore, an officer of the Commission to preside at such hearing be, and the same hereby, is, rescinded, and

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the applicant, consents to the withdrawal of the application for exemption of the above-named applicant, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1029; Filed, April 8, 1937; 12:53 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 7th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA-TRANSWESTERN-SUENRAM FARM, FILED ON APRIL 3, 1937, BY GEO. C. CREAGER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 5, 1937, be effective as of April 5, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1031; Filed, April 8, 1937; 12:53 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MORRIS-SEIBEL-CLAYTON FARM, FILED ON MARCH 26, 1937, BY JAMES R. HAYNES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the sub-

ject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 5, 1937, be effective as of April 5, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1032; Filed, April 8, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of April, 1937.

[File No. 2-1711]

IN THE MATTER OF THE LIVINGSTON MINING COMPANY

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement, as amended, of The Livingston Mining Company, of Boulder, Colorado, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement as amended includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by The Livingston Mining Company, of Boulder, Colorado, be and the same hereby is supended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1035; Filed, April 8, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA-TRANSWESTERN-SUENRAM FARM, FILED ON APRIL 3, 1937, BY GEO. C. CREAGER, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date on which the information contained in the offering sheet will be out of date as set forth in Division I, Paragraph 8, is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 7th day of May, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 22nd day of April, 1937, at 3:00 P. M. in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1030; Filed, April 8, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of April, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-MAXFIELD FARM, FILED ON APRIL 1, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the farm name required to be stated preceding Division I is omitted;

(2) In that the information concerning the taxes, as set forth under Division II, Item 11, is not believed to be wholly correct;

(3) In that it is not stated in Division II, Item 12, to whom the taxes are payable;

(4) In that the name of the horizon and its average depth below the surface is not given, as required under Division II, Item 17 (a), nor is the information required under (c) and (d) of this item given in the proper manner;

(5) In that the smallest fractional interest proposed to be offered, as shown by Exhibit B, is in conflict with the statement made in Division II, Item 1;

(6) In that the correct form for Division III of Schedule A has not been used. (The form as used in this filing was discontinued July 1, 1936.)

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 7th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 22nd day of April, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1033; Filed, April 8, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 7th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-KIRSCH-WINDERS FARM, FILED ON APRIL 1, 1937, BY J. H. LIEBERMAN, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the correct farm name required to be stated preceding Division I and under Division II, Item 2 (a), is omitted;

(2) In that the price of oil set forth in Division II, Item 1, may not be correct and does not agree with the price of oil stated in Division II, Item 16 (e);

(3) In that it is stated in Division II, Item 17 (b), that the "Wilkerson #1" was completed January 17, 1937, whereas the plat attached as Exhibit A shows it as still being drilled April 1, 1937. The information disclosed by the plat with reference to said "Wilkerson #1" also disagrees with that given in Division II, Item 18 (a) (v);

(4) In that the legal description disclosed by Exhibit B appears to disagree with description of the tract as shown by Exhibit A;

(5) In that the statement made in Division II, Item 13, is not believed to be correct by reason of the fact that the number of flowing wells may not be correctly given;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 7th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 22nd day of April, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1034; Filed, April 8, 1937; 12:54 p. m.]





*Saturday, April 10, 1937* *No. 69*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDMENT OF TARIFF OF UNITED STATES CONSULAR FEES

By virtue of and pursuant to the authority vested in me by section 1745 of the Revised Statutes (U. S. C., title 22, sec. 127), it is ordered that Item 8 of the Tariff of United States Consular Fees be, and it is hereby, amended to read as follows:

| | |
|---|---|
| "Executing application for passport (no exceptions) | $1.00 |
| Examination of passport application executed before a foreign official | 1.00 |
| Examination of passport application accompanied by a certificate signed by the applicant and two witnesses | 1.00 |
| Issue of passport | 9.00 |
| Exceptions— | |
| (a) Officers or employees of the United States traveling on official business, or members of their immediate families | No fee |
| (b) Seamen | No fee |
| (c) Widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad, whose journey is for the purpose of visiting graves of such soldiers, sailors, or marines | No fee |
| Amendment or verification of an American passport | No fee |
| Renewal of an American passport | $5.00 |
| Exceptions— | |
| Same as respects issue of passports if bearer of passport has status held by him at time of issue of passport | |
| Execution of application for registration | No fee |
| Issue of certificate of identity and registration | $1.00 |
| Execution of affidavit in regard to American birth in connection with application for registration or for passport | No fee |
| For a certified copy of executed form for repatriation of native-born American women under act of June 25, 1936 | $1.00" |

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 7, 1937.*

[No. 7600]

[F. R. Doc. 37-1037; Filed, April 8, 1937; 3:26 p. m.]

Division I, Paragraph 8, is not correct.



EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS TO PROVIDE MATERIAL FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS AND OTHER PUBLIC PROJECTS

*Oregon*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described public lands in Oregon be, and they are hereby, temporarily withdrawn from settlement, location, sale, or entry, and reserved for the purpose of providing material for the construction and maintenance of public roads and other public projects:

WILLAMETTE MERIDIAN

T. 41 S., R. 14 E., Sec. 5, NE¼SE¼.

This order shall continue in force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 7, 1937.*

[No. 7601]

[F. R. Doc. 37-1036; Filed, April 8, 1937; 3:26 p. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48914]

COUNTERVAILING DUTY—RYE GRAIN FROM THE REPUBLIC OF POLAND

TREASURY DECISION 47944, DATED OCTOBER 22, 1935, DECLARING A BOUNTY ON RYE GRAIN FROM THE REPUBLIC OF POLAND AND INSTRUCTING COLLECTORS OF CUSTOMS TO REQUIRE A DEPOSIT OF ESTIMATED DUTY EQUAL TO SUCH BOUNTY, REVOKED

*To Collectors of Customs and Others Concerned:*

Reference is made to Treasury Decision 47944, dated October 22, 1935, declaring a bounty on rye grain from the Republic of Poland pursuant to the authority contained in section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303), and instructing collectors of customs to require a deposit of the estimated countervailing duty equal to the net amount of the bounty.

Official information has been received to the effect that the payment of a bounty on rye grain from the Republic of Poland was discontinued effective March 16, 1937.

Therefore, pursuant to the authority contained in section 303 of the Tariff Act of 1930, Treasury Decision 47944 is hereby revoked effective as to shipments of such merchandise exported from the Republic of Poland on or after March 16, 1937.

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved, April 5, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1038; Filed, April 8, 1937; 3:48 p. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[No. 6]

OWYHEE IRRIGATION PROJECT, OREGON-IDAHO MITCHELL BUTTE AND DEAD OX FLAT DIVISIONS

ORDER OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

MARCH 17, 1937.

1. *Land for which water will be furnished.*—In pursuance of the Act of June 17, 1902, (32 Stat., 388) and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon proper water rental application being made therefor, water will be furnished on a rental basis under the Mitchell Butte and Dead Ox Flat Divisions of the Owyhee Irrigation project, Oregon-Idaho, in the irrigation season of 1937 and thereafter until further notice, for the irrigable lands shown on farm unit plats for T. 18 S., R. 45 E., Ts. 17, 18, 19 S., R. 46 E., Ts. 16, 17, 18 S., R. 47 E., Willamette Principal Meridian, and, beginning on April 15, 1937, entry may be made in accordance with this order for the following described farm units, to-wit:

WILLAMETTE MERIDIAN

| | | Irrigable acres |
|---|---|---|
| Township 18 South, Range 45 East, | | |
| Section 10, farm unit | "A"—SE¼ | 19 |
| | "B"—W½SW¼ | 30 |
| 12 | "A"—E½NE¼ | 49 |
| | "B"—SW¼NE¼, S½NW¼ | 45 |
| Township 17 South, Range 46 East, | | |
| Section 24, farm unit | "A"—SE¼NE¼, Sec. 24, Lot 2, Sec. 19, T. 17 S., R. 47 E. | 74 |
| | "B"—SW¼NE¼, SE¼NW¼ | 71 |
| 35 | "A"—NE¼NE¼ | 20 |
| | "B"—SE¼SE¼ | 31 |
| Township 18 South, Range 46 East, | | |
| Section 2, farm unit | "A"—Lots 1 and 2 | 9 |
| 6 | "A"—E½SW¼, W½SE¼ | 44 |
| | "B"—Lots 6 and 7 | 63 |
| 8 | "A"—N½NE¼, N½NW¼ | 9 |
| 10 | "A"—W½NW¼ | 33 |
| 26 | "A"—W½NW¼ | 60 |
| | "B"—N½SW¼ | 51 |
| | "C"—S½SW¼ | 63 |
| | "D"—S½SE¼ | 70 |
| 30 | "A"—E½NE¼, E½NW¼SE¼ | 35 |
| | "B"—E½SW¼SE¼, E½SE¼ | 53 |
| 32 | "A"—E½NE¼ | 63 |
| | "B"—W½NE¼ | 70 |
| | "C"—E½NW¼ | 53 |
| | "D"—SW¼ | 14 |
| 34 | "A"—NW¼NW¼ | 26 |
| | "B"—S½SW¼, Sec. 34; Lots 3 and 4, Sec. 3, T. 19 S., R. 46 E | 60 |
| | "C"—S½SE¼, Sec. 34; Lots 1 and 2, Sec. 3, T. 19 S., R. 46 E | 31 |
| Township 19 South, Range 46 East, | | |
| Section 4, farm unit | "A"—Lot 4 and SW¼NW¼, Sec. 4; Lot 1 and SE¼NE¼, Sec. 5 | 28 |
| Township 17 South, Range 47 East, | | |
| Section 3, farm unit | "A"—SE¼NW¼ | 30 |
| 7 | "A"—NW¼NE¼, S½NE¼, NE¼NW¼ | 26 |
| 9 | "A"—NE¼SW¼ | 14 |
| 17 | "A"—NW¼NE¼ | 16 |
| 19 | "B"—NE¼SW¼, W½SE¼ | 52 |
| 20 | "A"—SW¼SW¼ | 23 |

The farm unit plats referred to above were approved on the date of this order and are on file in the office of the Construction Engineer, Bureau of Reclamation, Boise, Idaho, and in the local land office at The Dalles, Oregon.

2. *Limit of acreage for which entry may be made or water rental secured.*—The limit of area of public land per entry, representing the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the farm unit plats for the respective farm units and ranges from 9 to 74 acres of irrigable area. The maximum limit of area for which water rental application may be made for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Filing of water-rental applications.*—Water-rental applications for lands in private ownership must be filed in the office of the Construction Engineer and such applications may be made on or after the date of this order. For public lands the water-rental applications must be made in accordance with the conditions hereinafter stated:

4. *Preference rights to soldiers.*—Pursuant to the provisions of joint Public Resolution No. 85, 71st Congress, approved June 12, 1930 (46 Stat., 580), and until July 15, 1937, the farm units described above will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any war, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to the service with the Army of the United States for which recognition is granted in the aforesaid Public Resolution No. 85: *Provided however*, That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, and capital required of all applicants under this order.

5. *Applicants must be qualified.*—No entry shall be accepted by the local land office until the applicant therefor has satisfied the Examining Board appointed for the Owyhee project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws) as to industry, experience, character, and capital, as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

6. *Requirements as to industry, experience, character, and capital.*—Each applicant must possess good health and have had at least two years' actual experience in farm work. He must have at least $2,000 in money free of liability or the equivalent thereof in livestock, farming equipment, or other assets deemed by the Examining Board to be as useful to the applicant as money. *Provided however*, That for farm units having irrigable areas of not more than twenty acres each applicant must have a net worth of $1,000 or the equivalent thereof.

7. *Examining Board.*—An Examining Board of three members has been appointed by the Secretary of the Interior, to consider the fitness of applicants to undertake the development and operation of a farm on the Owyhee project. Each applicant, except those described in Paragraph 12a, must appear in person before the Examining Board, and the Construction Engineer, who is the member representing the United States, and who will act as secretary of the board, will notify each applicant of the period of time set for his appearance and examination. The members of the board will be available at the project office when the opening is being held, where applicants will be examined. The board will announce such other incidental rules as will necessitate one appearance only by each applicant. Careful investigation shall be made to verify the statements and representations made by applicants, so that there may be no misunderstanding either regarding the applicant's fitness or his appreciation of the problem before him.

8. *Determination of relative standing of applicants.*—The relative standing of the applicants will be based upon a percentage rating with the following weights given to the four prescribed qualifications:

| | Percent |
|---|---|
| Character | 15 |
| Industry | 20 |
| Capital | 30 |
| Farm Experience | 35 |

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules, or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work;

CHARACTER

| | Percent |
|---|---|
| Fair | 5 |
| Good | 10 |
| Excellent | 15 |

INDUSTRY

| | Percent |
|---|---|
| Fair | 5 |
| Good | 10 |
| Excellent | 20 |

CAPITAL

| For farm units of more than 20 irrigable acres: | | For farm units of 20 irrigable acres or less: | |
|---|---|---|---|
| Capital: | Percent | Capital: | Percent |
| $2,000 to $2,999 | 20 | $1,000 to $1,499 | 20 |
| $3,000 to $3,999 | 22 | $1,500 to $1,999 | 22 |
| $4,000 to $4,999 | 24 | $2,000 to $2,499 | 24 |
| $5,000 to $5,999 | 25 | $2,500 to $2,999 | 25 |
| $6,000 to $6,999 | 26 | $3,000 to $3,499 | 26 |
| $7,000 to $7,999 | 27 | $3,500 to $3,999 | 27 |
| $8,000 to $8,999 | 28 | $4,000 to $4,499 | 28 |
| $9,000 to $9,999 | 29 | $4,500 to $4,999 | 29 |
| $10,000 or above | 30 | $5,000 or above | 30 |

FARM EXPERIENCE

| | Percent |
|---|---|
| 2 years in farming other than irrigation | 5 |
| 2 years' farming other than irrigation plus 1% for each additional year's experience up to a total of 12 years (including first two years), or a maximum of | 15 |
| 2 years in irrigation farming, any time | 20 |
| 2 years in irrigation farming, in last 4 years | 25 |
| 2 years in irrigation farming, in last 2 years | 30 |
| 2 years or more in responsible charge of irrigation farm in last 4 years | 35 |

9. *When and how to apply for a farm unit.*—Any person desiring to acquire any of the said public land must secure from the Construction Engineer, Boise, Idaho, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. A full answer must be made to each question propounded therein. If the applicant claims a preference right on account of military service, he shall attach to his application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated, or transferred to the regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preference right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said joint resolution of June 12, 1930. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or the order of transfer to the regular Army or Naval Reserve, as the case may be, which copy shall be certified by a notary public, to be a true copy of the original.

10. *Simultaneous filing of farm applications.*—All applications received on or before April 15, 1937, the date of opening, will be held and treated as simultaneously filed.

11. *Preference rights for ex-service men not filing in accordance with Paragraph 10.*—In order that ex-service men may take advantage of the preference right as provided in Paragraph 4 of this order, in the event that they fail to file on or before April 15, 1937, as set forth in Paragraph 10 above, their applications together with the proof to be furnished by them, must be filed in the Office of the Construction Engineer, Boise, Idaho, on or prior to July 15, 1937, the day upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail. Farm Applications received after April 15, 1937, will be filed and noted in the order of their receipt.

12. *Showing of applicants and selection thereof.*—(a) Where the applicant fails to make a *prima facie* case—that is, where the applicant does not possess good health or does not show at least two years' farm experience, and the assets required in Paragraph 6, the application shall be rejected and the applicant notified thereof by registered mail, and of his right to appeal to the Secretary of the Interior within 10 days from receipt of notice. Like action shall be taken where the evidence of military service is defective or not furnished. All appeals allowed under this order must be filed in the office of the project Construction Engineer at Boise, Idaho, and within 10 days from receipt of notice.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, of the time within which he must appear before it. After such personal examinations, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in Paragraph 8 of this order, and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, and of the right of appeal to the Secretary within 10 days from receipt of notice. After the expiration of the appeal period and in the absence of any pending appeals, the board shall select the 33 applicants (there being 33 farm units) with the highest rating, and notify each of the other applicants that since the number of qualified applicants exceeds the number of available farms, it is necessary to reject all applications below the first 33 in qualification ratings. Each rejected applicant may appeal to the Secretary within ten days. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection in the order of their ratings. However, the intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences.

13. *Notification of applicant that he has been selected.*—After the expiration of the appeal periods in all of the contingencies named above, or any other that may arise, and in the absence of pending appeals, the board shall notify each applicant selected for a farm, by registered mail, and enclose a water-rental application for the farm selected, which must be filled in by the applicant and returned to the Construction Engineer, within 10 days from receipt of notice, with payment of the water-rental charges, as specified in Paragraph 20. Upon receipt by the Construction Engineer of the water-rental application executed by the applicant and accompanied by the required payment, the board shall make appropriate notation on a copy of said water-rental application, which will entitle the applicant to file homestead application at the local land office, and the board will return said copy by registered mail to the applicant for that purpose. Such homestead application shall be made within 15 days from the date of receipt of the approved water-rental application. Failure to make homestead entry within the period named will render the application subject to rejection.

14. *Failure of selected applicant to complete transaction.*—If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in Paragraph 12.

15. *General entry for land described in Paragraph 1.*—On and after July 15, 1937, any public lands described in Paragraph 1 which remain unentered, shall be subject to entry under this order by any person having the necessary qualifications. If, on July 15, 1937, prior to 2 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for any such farm unit shall be determined in accordance with Paragraph 12 of this order.

16. *Warning against unlawful settlements.*—No person shall be permitted to gain or exercise any right under any settlement or occupation of any said public land begun without having at the time a valid approved water-rental application covering the land in question: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

17. *Owyhee Irrigation District.*—Substantially all of the lands covered by this public order are within the Owyhee Irrigation District organized under the laws of the State of Oregon. For any lands which are not within the district, the water-rental applicant will be required to agree to the inclusion of his land within the district before his application will be allowed.

18. *Contract with Owyhee Irrigation District.*—A contract was entered into October 14, 1926, and a supplementary contract on March 16, 1936, between the United States and the Owyhee Irrigation District, providing for payment of charges and operation of works.

19. *Construction charges.*—The construction cost shall be paid in accordance with the contract dated October 14, 1926, and the supplementary contract dated March 16, 1936, between the United States and the Owyhee Irrigation District, which contracts are on file in the office of the Construction Engineer, Bureau of Reclamation, Boise, Idaho, where they may be examined.

20. *Operation and Maintenance charges.*—Each successful applicant for any of these lands shall, before making homestead entry, pay to the United States one dollar ($1.00) for each irrigable acre in the farm unit chosen, as an advance payment for the rental of water for the season of 1937 and such payment will entitle him to two and six-sevenths (2⅔) acre-feet of water per acre. Additional water may be secured during the same season at the rate of thirty-five cents ($0.35) per acre-foot. If the successful applicant is unable to establish residence and prepare his land for cultivation and irrigation in time to raise a crop in 1937, credit will be given for such water-rental payment on charges for water coming due in the spring of 1938. In addition to such advance payment for rental of water, payment must also be made to the Owyhee Irrigation District of their regular annual assessment for District administration purposes at the same rate as the new lands of the District in private ownership. No water will be delivered to any of these farms unless all operation and maintenance charges then due have been paid.

21. *Reservation of rights of way for county highways.*—Rights of way are reserved for county highways across the farm units shown on said plats along all section lines, said rights of way being 30 feet in width on each side of said lines.

22. *Effect of relinquishment prior to one year's residence.*—In the event that any entry of public land shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in Paragraph 12 of this order.

23. *Waiver of mineral rights.*—All homestead entries for any of the above-described land will be subject to the laws of the United States governing mineral land and all applicants under this order must waive the right to the mineral content of the land, if required to do so by the Land Office, otherwise the homestead application will be rejected or the homestead entry cancelled.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1039; Filed, April 9, 1937; 9:35 a. m.]



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April, A. D., 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-298]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE COVERED BUTTON AND BUCKLE MANUFACTURING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been had under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717),

It is now ordered that the trade practice rules of Group I which have been approved by the Commission in this proceeding be, and the same are, hereby promulgated for the Covered Button and Buckle Manufacturing Industry, as follows:

### TRADE PRACTICE RULES

COVERED BUTTON AND BUCKLE MANUFACTURING INDUSTRY

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

*Group I*

The unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition or other illegal practices within the statutes and the decisions of the Federal Trade Commission and the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

*Rule 1.*

The practice of selling goods below the seller's cost, with the intent and with the effect of injuring a competitor and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule.

*Rule 2.*

Wilfully enticing away the employees of competitors, with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their businesses, is an unfair trade practice.

*Rule 3.*

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies or services, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 4.*

The imitation of the trade-marks, trade names, brands, labels or other marks of identification of competitors, having the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 5.*

(a) *Prohibited Discriminatory Differentials, Rebates, Refunds, Discounts, Credits and Other Allowances.*—It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any price differentials, rebates, refunds, discounts, credits or other allowances which effectuate a discrimination in price between different purchasers of goods of like grade and quality where either or any of the purchases involved therein are in commerce[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce[1] or to injure, destroy or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent prices changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited Brokerages and Commissions.*—It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited Advertising or Promotional Allowances, Etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotion allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any products or commodities manufactured, sold or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited Discriminatory Services or Facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale or offering for sale of

[1] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: Provided, That this shall not apply to the Philippine Islands.

such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Illegal Price Discrimination.* It is an unfair trade practice for any member of the industry or other person engaged in commerce,[1] in the course of such commerce, to discriminate in price in any other respect contrary to Section 2 of the Clayton Act as amended by the Act of Congress, approved June 19, 1936, (Public No. 692, 74th Congress), or knowingly to induce or receive a discrimination in price which is prohibited by such section as amended.

*Rule 6.*

Wilfully inducing or attempting to induce, by any false or deceptive means whatsoever, the breach of any lawful contract or contracts existing between competitors and their customers or their suppliers, or wilfully interfering with or obstructing the performance of any such contractual duties or services, with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their businesses, is an unfair trade practice.

*Rule 7.*

The making, or causing or permitting to be made or published, any false, untrue or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, substance, character, nature, origin, size or preparation of any product of the industry, or in any other material respect, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 8.*

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.

*Rule 9.*

Offering merchandise for sale at prices purported to be reduced from what are in fact fictitious prices, or offering merchandise for sale at a purported reduction in price when such purported reduction is in fact fictitious, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 10.*

The use of the word "free" where not properly or fairly qualified when the article is in fact not free, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 11.*

The practice of shipping or delivering products which do not conform to the samples submitted or representations made prior to securing the orders, without the consent of the purchasers to such substitutions, and having the tendency, capacity or effect of deceiving or misleading purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 12.*

Directly or indirectly to give or permit to be given or offer to give money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase industry products from the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors, is an unfair trade practice.

*Rule 13.*

Securing information from competitors concerning their businesses by false or misleading statements or representations or by false impersonation of one in authority, and the wrongful use thereof to unduly hinder or stifle the competition of such competitors, is an unfair trade practice.

*Rule 14.*

In connection with the sale or offering for sale of products of the industry, representing through advertising or otherwise that such products conform to any standards recognized in or applicable to the industry when such is not the fact, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 15.*

For any person, firm or corporation to hold himself or itself out to the public as a manufacturer or wholesaler when such is not the fact, or in any other manner to misrepresent the character, extent or type of his or its business, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 16.*

The false or deceptive marking or branding of products of the industry for the purpose or with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, use, size, material, content, origin, preparation, manufacture or distribution of such products, or in any other material respect, is an unfair trade practice.

*Rule 17.*

Withholding from or inserting in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the purpose or effect of thereby misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered April 6, 1937.

[F. R. Doc. 37-1040; Filed, April 9, 1937; 10:34 a. m.]

[1] See footnote, Page 677.

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2733]

IN THE MATTER OF TAYLOR WASHING MACHINE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 20, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1041; Filed, April 9, 1937; 10:34 a. m.]



SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

[File No. 31-395]

IN THE MATTER OF THE APPLICATION OF BOISE GAS LIGHT AND COKE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Boise Gas Light and Coke Company pursuant to Section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order declaring it not to be a subsidiary company of Hugh M. Morris and John N. Shannahan, Trustees of the Estate of Midland United Company,

It is ordered that a hearing on such matter be held on April 26, 1937, at 11:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 21, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1047; Filed, April 9, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of April, A. D. 1937.

[File No. 32-54]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and sale of

(A) $750,000 principal amount of First Mortgage 4¼% Bonds, Series B, due May 1, 1962, and

(B) $240,000 principal amount of 3½% Serial Notes, due $60,000 annually May 1, 1939-1942, and $360,000 principal amount of 4½% Serial Notes, due $60,000 annually May 1, 1943-1946 and $120,000 on May 1, 1947;

the net proceeds from the sale of which securities are to be expended for the construction of a 10,000 kilowatt steam-electric generating plant, including certain transmission lines and appurtenances, and for other construction, extensions or improvements.

It is ordered that a hearing on such matter be held on April 26, 1937, at 2 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 21, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1048; Filed, April 9, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARGAY-BEMIS "A" FARM, FILED ON MARCH 24, 1937, BY LEO A. MCGRAIL & CO., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1046; Filed, April 9, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-YORK #13 FARM, FILED ON MARCH 18, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 3:30 o'clock in the afternoon on the 8th day of April, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 23rd day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1044; Filed, April 9, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OIL PAYMENT IN THE JONES-LUCAS FARM, FILED ON MARCH 1, 1937, BY ALEX MACDONALD, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 2:00 o'clock in the afternoon on the 8th day of April, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:30 o'clock in the forenoon on the 23rd day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1045; Filed, April 9, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-MCNABB PARK COMMUNITY FARM, FILED ON MARCH 27, 1927, BY W. E. COOK, RESPONDENT.

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 6, 1937, be effective as of April 6, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1042; Filed, April 9, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-CAMPION FARM, FILED ON MARCH 26, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 7, 1937, be effective as of April 7, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1043; Filed, April 9, 1937; 12:43 p. m.]

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*Tuesday, April 13, 1937* *No. 70*

## PRESIDENT OF THE UNITED STATES.

### CHILD HEALTH DAY

By the President of the United States of America

A PROCLAMATION

WHEREAS the Congress by joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS safeguarding the health of children is protecting the vitality of the Nation; and

WHEREAS during the past year the Federal Government has been cooperating with the State and local governments in extending and improving child-health services:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, on the twenty-fifth anniversary of the founding of the Children's Bureau of the United States Department of Labor, do hereby designate the first day of May of this year as Child Health Day, and do call upon the people of the United States on that day to consider and appraise child-health conditions and the community organization for child health, and to plan for health protection for every child during the coming year; and I call upon the children to celebrate the gains they have made in health during the year and to lend their aid to the community in its year-round effort to promote the health of the Nation.



IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of April in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2231]

[F. R. Doc. 37-1056; Filed, April 10, 1937; 11:10 a. m.]

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### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 7261-A OF DECEMBER 31, 1935, AMENDING THE INSTRUCTIONS TO DIPLOMATIC OFFICERS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes (U. S. C., title 22, sec. 132), Executive Order No. 7261-A of December 31, 1935, amending the Instructions to Diplomatic Officers of the United States, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 9, 1937.*

[No. 7602]

[F. R. Doc 37-1055; Filed, April 10, 1937; 11:04 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Rhode Island—Supplement (3) Issued April 12, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—RHODE ISLAND—SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101 for Rhode Island, as amended by Supplements (1) and (2), is hereby amended by the addition of the following four practices to Part I:

WOODLANDS

10. Planting transplanted forest trees of approved varieties at the rate of at least 1,000 trees per acre.

Payment, $10.00 per acre.

11. Improving the stand of forest trees by cutting weed trees and thinning, or pruning, other trees to develop approximately 100 potential timber trees of desirable species well distributed over an acre of woodland. Operators shall obtain prior approval of the County Committee and instructions for carrying out the practice.

Payment, $3.00 per acre.

12. Constructing a fence consisting of not less than two strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture.

Payment, 15 cents per rod.

13. Constructing a fence consisting of not less than three strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodland previously used for pasture.

Payment, 20 cents per rod.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 12th day of April, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1057; Filed, April 12, 1937; 12:37 p. m.]

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### Bureau of Agricultural Economics.

ORDER AMENDING THE OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR WHEAT

By virtue of the authority vested in the Secretary of Agriculture by the United States Grain Standards Act, approved August 11, 1916 (U. S. Code, Title 7, Ch. 3, Sec. 74), I, Secretary of Agriculture, do hereby fix, establish, promulgate, and give public notice of, the following amendments, which shall become effective on the first day of August 1937, to the official grain standards of the United States for wheat as heretofore promulgated by the Secretary of Agriculture.

In the section entitled "Mixed Wheat (Class VII)", strike out the last three paragraphs and insert in lieu thereof the following:

The grade designation for Mixed Wheat shall be stated as provided in paragraph (a), (b), or (c) of this section:

(a) Except as specified in paragraphs (b) and (c) of this section, the grade designation for Mixed Wheat shall include successively, in the order named, (1) the number of the grade or the words "Sample grade", as the case may be, (2) the words "Mixed Wheat", and (3) the name and approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture in the order of its predominance; but if only one class exceeds 10 percent of the mixture, the name and approximate percentage of that class shall be included in the grade designation, followed by the name and approximate percentage of at least one other class.

(b) *Amber Mixed Durum.*—Amber Mixed Durum shall be Mixed Wheat consisting of a mixture of Durum and other wheats, which contains not more than a total of 15 percent of wheats other than common durum and which contains not less than 60 percent of Durum kernels that are hard and vitreous and of amber color. Amber Mixed Durum may contain not more than 5 percent of red durum, white, and soft red winter wheat, singly or combined.

The grade designation for Amber Mixed Durum shall include successively, in the order named, (1) the number of the grade or the words "Sample grade", as the case may be, and (2) the words "Amber Mixed Durum."

(c) *Mixed Durum.*—Mixed Durum shall be Mixed Wheat consisting of a mixture of Durum and other wheats, which contains not more than a total of 20 percent of wheats other than common durum. Mixed Durum may contain not more than 5 percent of red durum wheat, and may contain not more than 5 percent of white and soft red winter wheat, singly or combined.

The grade designation for Mixed Durum shall include successively, in the order named, (1) the number of the grade or the words "Sample grade", as the case may be, and (2) the words "Mixed Durum."

In testimony whereof I have hereunto set by hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 8th day of April 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1052; Filed, April 9, 1937; 3:21 p. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

AMENDMENTS TO BY-LAWS

Whereas, the present by-laws of the Home Owners' Loan Corporation contain a provision that they may be amended at any meeting of the Board provided that all members are present; and

Whereas, all members of the Board are present at this meeting; Therefore,

Be it resolved, That pursuant to the authority vested in the Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4-a and 4-k of said Act as amended, paragraphs numbered 4, 6, and 9 of the by-laws of the Home Owners' Loan Corporation adopted December 5, 1934 be and the same are hereby amended, respectively, to read as follows:

4. *Officers.*—The general officers of the Corporation shall be a Chairman of the Board of Directors, Vice-Chairman of the Board of Directors, General Manager, Secretary, General Counsel, Comptroller, Treasurer, and an Auditor. The Board of Directors may also appoint one or more Deputy General Managers, Assistant Secretaries, Assistant Comptrollers, Assistant Treasurers, Assistant Auditors, Associate General Counsel, Associate Counsel, and such additional general officers as it may deem necessary. The Board of Directors may also appoint Assistant General Managers, Regional Managers, Assistant Regional Managers, Regional Counsel, Assistant Regional Counsel, Regional Treasurers, Assistant Regional Treasurers, State Managers, Assistant State Managers, State Counsel and Assistant State Counsel, and such other officers as may be deemed necessary.

The Chairman and the Vice-Chairman of the Federal Home Loan Bank Board shall be ex-officio Chairman and Vice-Chairman, respectively, of the Board of Directors. All other officers shall be appointed by the Board of Directors for terms at the pleasure of the Board of Directors and at such salaries as the Board of Directors may determine.

6. *Employees.*—The Corporation shall have such employees as the Board of Directors may select or authorize who shall be employed at the pleasure of the Board of Directors and at such compensation as the Board of Directors may fix or authorize, with such duties as the Board of Directors may prescribe and such other duties as may be incidental to their employment.

9. *Contracts, other instruments.*—(a) Contracts of the Corporation specifically authorized by the Board of Directors may be executed on behalf of the Corporation by the Chairman of the Board of Directors, or the Vice Chairman of the Board of Directors, or such other officer or person as may be authorized by the Board of Directors to act, and such persons are authorized to affix the corporate seal to such contracts where necessary. Contracts of the Corporation authorized by the Rules and Regulations may be executed on behalf of the Corporation by the Chairman of the Board of Directors, the Vice Chairman of the Board of Directors, the General Manager, any Deputy General Manager, any Assistant General Manager, any Regional Manager, or by such other officers or persons as may be authorized by the Board of Directors or the Regulations, and such officers or persons are authorized to affix the corporate seal to such contracts where necessary.

(b) Any instrument in connection with the purchase, sale, management, or rental of any property owned by the Corporation or on which it holds a lien or which relates to any lien or claim held by the Corporation or to the foreclosure or enforcement thereof, may be executed, acknowledged or attested on behalf of the Corporation by such officers or persons as may be authorized by the Board of Directors or by the Regulations, and such officers or persons are authorized to affix the corporate seal to any such instrument and where necessary may appoint an attorney-in-fact to acknowledge any such instrument on behalf of the Corporation.

Adopted by the Federal Home Loan Bank Board on April 6, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1049; Filed, April 9, 1937; 1:43 p. m.]

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[Manual Amendment]

PROPERTY MANAGEMENT CHAPTER

Whereas the General Manager and General Counsel were authorized and directed to consolidate and coordinate the State and Regional Manuals by Board Resolution adopted May 25, 1936: Therefore

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, the Property Management Chapter of the Consolidated Manual be numbered 3 and provide as follows:

SEC. 300. The Property Management Division shall be responsible for all matters pertaining to real property securing liens held by the Corporation from the time foreclosure or the acceptance of deed in lieu of foreclosure has been authorized and all matters pertaining to real property acquired by the Corporation, except that the primary responsibility for protecting the Corporation's security from liens resulting from unpaid taxes, assessments, other governmental levies or charges, and ground rents, is placed upon the Legal Department. The efforts of the Legal Department in this direction shall be supplemented by the Property Management Division. Tax information relating to properties under the jurisdiction of the Property Management Division shall be requested from the Regional Counsel as provided in Chapter VI of the Manual of Rules and Regulations. The Division may, at the discretion of the Regional Manager or the General Manager, be given control over any other property, on which the Corporation holds a mortgage or other lien, where it appears to the best interests of the Corporation to transfer the control of such property to the Property Management Division. Its jurisdiction shall include the sale, rental, collection of rents, maintenance, repairs, reconditioning, rehabilitation, rebuilding, enlargement, demolishing, and periodic inspections of such properties. All appraisals in connection with properties under the jurisdiction of the Property Management Division, which that Division may deem to be necessary or advisable and to the best interests of the Corporation, shall be made under the direction of the Appraisal Section. All repairing, reconditioning, rehabilitation, rebuilding, and enlargement or demolishing of properties under the jurisdiction of the Property Management Division which that Division shall deem to be necessary or advisable and to the best interests of the Corporation shall be, according to approved procedure, under the direction and charge of the Reconditioning Section, except maintenance, and the repairs and the purchase of equipment incident to the maintenance of such properties. The Property Management Division may direct any maintenance and the repairs and the purchase of equipment incident to the maintenance of such properties to be accomplished under the direction of the Reconditioning Section. Any maintenance, purchase of equipment, repairs, reconditioning, rehabilitation, rebuilding and enlargement or demolishing authorized by the Property Management Division may be accomplished through Approved Contract Brokers under approved procedure. All such work accomplished through Approved Contract Brokers, except maintenance and the repairs and the purchase of equipment incident to maintenance, shall be under the direction and supervision of the Reconditioning Section.

The Regional or State Manager, with the advice of the Regional or State Counsel, may, in his discretion, bind the Corporation to expend such sums for sidewalks or street improvements or other local improvements affecting Corporation-owned property, or for the general improvement of the neighborhood in which an acquired property is located as may be considered by him to be for the interest of the Corporation, in order to enhance or to prevent the impairment of the value of such acquired property; and may on behalf of the Corporation join in and sign petitions or requests for any such improvements proposed to be made under special improvement laws, or otherwise comply with the provisions of said laws in order that said property may receive the benefits to be provided thereby. This authorization to the Regional or State Manager to bind the Corporation for such improvements shall be subject to the limitations as to amount set forth in Section 313 of this Chapter.

SEC. 301. The Property Management Division shall be under the control of the General Manager. There shall be assigned a Deputy General Manager in Charge of the Division who shall report to and take direction from the General Manager. The Deputy General Manager in Charge shall have all necessary authority to carry out the rules and regulations of the Board, relating to matters within the jurisdiction of the Division.

SEC. 302. There shall be a Property Committee in the Home Office in Washington, to be appointed by the Board of Directors, whose functions shall be:

(a) To review all cases where it is recommended that the property be sold at an amount which represents a loss to the Corporation in excess of 25%, based on ledger value, plus accrued and unpaid charges against the property, the estimated carrying charges for six months in advance and the commission of the broker, and to render a decision as to whether the property is to be offered for immediate sale or rental and set a minimum sales price for each such property.

(b) To review and render decisions with regard to all cases which the Regional Property Committee may deem it advisable to submit or which may be submitted by a Field Representative of the Property Management Division as an appeal from the decision of the Regional Property Committee.

(c) To review and render decisions in all cases where the amount of reconditioning, repairs and/or purchases of equipment and supplies, recommended by the Regional Manager, exceeds 33⅓% of the latest appraised value of the property, appraised in its then condition prior to reconditioning, or $1500.00, provided that the amount exceeds $500.00.

(d) To review and render decisions with regard to all leases other than month to month tenancies, except where the Deputy General Manager in Charge has authorized the Regional Manager to effect leases in behalf of the Corporation, for periods not exceeding two years.

(e) To review and render decisions in all cases where the Regional Manager recommends demolition in whole or in part.

(f) To review and render decisions in all cases where it is recommended by the Regional Manager that an offer be accepted from the owner of a property on which the Corporation holds a mortgage or other approved security instrument, to exchange such property for property acquired by the Corporation.

(g) To review and render decisions with regard to any other matters which the Manual of Rules and Regulations requires to be submitted to the Property Committee.

(h) To review and render decisions with regard to any other matters pertaining to the functions of the Property Management Division which the General Manager or the Deputy General Manager in Charge may deem advisable to submit.

SEC. 303. Each Regional Office shall have an Assistant Regional Manager in Charge of Property Management, who shall be appointed with the approval of the Board and act under the direction of the Regional Manager. All Property Management Forms and other approved Corporation forms used in connection with Property Management activities, which are required to be executed by the Regional Manager, the Assistant Regional Manager in Charge of Property Management, or by both, shall hereafter require one signature only and may be executed by the Regional Manager, or the Assistant Regional Manager in Charge of Property Management, or by a duly authorized deputy of either. The Division in the Regional Office shall, where the volume of work is sufficient to justify it, have four sections: (1) Analysis; (2) Sales; (3) Management; and (4) Records and Files. There shall be a Regional Property Committee whose functions shall be to review all cases where it is recommended that the property be sold at a loss to the Corporation, provided the amount of the loss does not exceed 25%, based on ledger value, plus accrued and unpaid charges against the property, the estimated carrying charges for six months in advance and the commission of the broker and to render a decision as to whether the property is to be offered for immediate sale or rental and set a minimum sales price for each such property. The Regional Property Committee shall consist of three members: the Regional Manager, the Assistant Regional Manager in charge of Property Management, and the Regional Appraiser. The Deputy General Manager in Charge may, at any time, supplement the membership of this Committee by the designation of a Field Representative of the Property Management Division to act as a fourth member of such Committee. The Regional Manager is designated as Chairman, and the Assistant Regional Manager in Charge as Vice Chairman of the Committee. The concurrence of a majority of the members shall be sufficient to decide any question that may me presented. In the event a Field Representative of the Property Management Division is designated to act on the Committee, such Field Representative may appeal to the Property Committee in Washington from any decision of the Regional Property Committee. The Regional Property Committee shall make a monthly report of its activities to the Property Management Division at Washington, D. C. The functions of the Division in the Regional Office and elsewhere within the Regional Area, and the procedure applicable thereto shall be in accordance with provisions of this resolution and as prescribed in the Manual of Rules and Regulations.

SEC. 304. The State Manager, under the immediate direction and control of the Regional Manager, shall be the supervisor for property management within the State. The District Manager shall be the supervisor for property management within the District. The Property Management Division in each of the State and District Offices shall have such office organization for the control of its various functions as may be required by the Regional Manager with the approval of the Deputy General Manager in Charge.

SEC. 305. The Property Management Division in the Home Office in Washington shall conduct its operations through the Assistant General Manager to the Regional Manager. The Regional Manager, in turn, shall control the activities of the Division through the Assistant Regional Manager in Charge of Property Management within the Regional Area. The field activities of the Property Management Division of the Regional Office shall be controlled from that office through the State Manager to the District Offices. All paper work, correspondence and reports shall, however, be sent direct between the Regional Offices and District Offices without the necessity of going through the State Office, but the State Office should be furnished necessary information with reference thereto. In those States where the State Office and any District Office or Offices have been consolidated, the State Office shall perform the functions which otherwise would be delegated to the District Office.

SEC. 306. It is the general policy of the Corporation to endeavor to dispose of, rent and manage its acquired properties through brokers or local representatives in all localities where satisfactory arrangements can be made and maintained for such facilities and where it appears to the best interests of the Corporation to conduct those activities through such agencies. The Regional Manager may also assign any other properties under the jurisdiction of the Property Management Division to brokers or local representatives for sale, rental or management when in his opinion it is advantageous to do so.

Lists of Contract Sales Brokers and Contract Management Brokers are to be prepared in accordance with regulations to be issued by the Deputy General Manager in Charge with the approval of the General Manager and the General Counsel. Such lists shall contain the names of persons, firms, or corporations engaged in the real estate business in the communities where the Corporation holds mortgages or other liens or has acquired real properties. The names which shall be placed upon these lists shall represent the best qualified brokers available in the territory. The individuals, firms and corporations shall be selected upon the basis of the best interests of the Corporation. The Contract Sales Broker shall act as the agent of the Corporation in selling such properties as may be listed with him and performing such other duties in connection therewith as may be required by the terms of the Sales Broker's Agreement entered into between such broker and the Corporation. The listing shall be subject to prior sale and also subject to change at any time and to the right of withdrawal upon written notice. The Contract Management Broker shall act as the agent of the Corporation in the rental and management of such properties as may be listed with him in accordance with the terms and conditions of the Management Broker's Agreement entered into between the broker and the Corporation.

In addition to the list of Contract Sales Brokers in each locality a list of Approved Sales Brokers shall be prepared and maintained. The list shall include the names of those active real estate brokers, in each area where the Corporation holds mortgages or other liens or has acquired real properties, who in the opinion of the Regional Manager or Deputy

General Manager in Charge are reputable and qualified to represent the Corporation in the sale of its properties and who have indicated their willingness to act as a broker on forms furnished by the Corporation for such purpose. As a condition precedent to being placed upon the approved list, brokers may be required to agree to submit any and all disputes and controversies arising out of sales commissions to arbitrators to be selected in accordance with procedure set forth in the Chapter of the Manual of Rules and Regulations relating to Property Management and to abide by the decision rendered by the arbitrators. At the same time that the property is listed with a Contract Sales Broker, the Corporation shall distribute, on its duly authorized forms, listings of any such property to all approved real estate brokers within a reasonably effective area of the property. Such a listing shall not be exclusive and the listing price shall be subject to change and the said price and the listing subject to withdrawal or prior sale of the property, all without notice. Such listing shall also be subject to the right of the Corporation to make a sale to any person upon condition that the Corporation shall not be obligated to pay any commission except in cases where the purchaser was procured by an Approved Broker with whom the property is listed. Approved Sales Brokers, upon receipt of any such listing, shall thereafter conduct all of their negotiations with the Corporation through the Contract Sales Broker designated in the listing.

SEC. 307. The General Manager upon the recommendation of the Regional Manager is authorized to fix the schedule of fees or compensation to be paid to Sales Brokers in each locality within the Regional Area. The going or local real estate board rate shall be used by the General Manager as a guide in fixing the amount of such compensation, provided the General Manager may, in his discretion, authorize a higher or lower compensation than the going rate or the rate fixed by the local real estate board whenever he deems the going rate to be too high or too low to serve the best interests of the Corporation. Sales made by any Contract Sales Broker's own organization will carry compensation at the rate authorized in the schedule fixed by the General Manager for Sales Brokers or such lower rate as may be considered between the broker and the Corporation and approved at the time any specific offer is approved by the Regional Manager or the Property Committee of the Corporation. Where the sale is effected by an Approved Sales Broker or outside broker, the broker making the sale shall be entitled to receive the sales commission and in such cases the compensation to be paid the Contract Sales Broker shall be limited to a 2% over-ride commission with a minimum over-ride of $25.00. The compensation to be paid to Contract Management Brokers for the rental and/or management of properties under the jurisdiction of the Property Management Division and for the collection of rents from such properties shall be in accordance with the Manual of Rules and Regulations.

SEC. 308. Brokers may be required to furnish surety bonds payable to the Corporation containing such terms and in such amounts as may be prescribed by the Manual of Rules and Regulations, which surety bonds shall be approved and accepted as provided in Chapter VI.

SEC. 309. In areas where the services of a satisfactory broker are not available, the Regional Manager may arrange for a representative citizen of the community to act for or represent the Corporation in the sale, rental or management of the properties under the jurisdiction of the Property Management Division. The requirements of this resolution and of the Manual of Rules and Regulations, covering the qualifications of brokers, the furnishing of surety bonds, the amount of compensation, the authorization for payment of compensation to brokers, and all of the procedure applicable to brokers shall apply to such representatives. In any territory or locality where the General Manager deems it to the best interests of the Corporation to set up its own organization for the sale, rental and/or management of properties, and for the carrying out of any of the other functions of the Division, additional personnel may be employed or existing personnel utilized for such purposes, and the provisions of this resolution and of the Manual of Rules and Regulations shall establish the procedure to be followed by the organization in the performance of its functions and duties.

SEC. 310. When properties are offered for sale, the Corporation should always endeavor to obtain the full current market price. In some cases prices may have to be fixed in amounts which will result in losses. Wherever possible prices should be set sufficiently high so that the Corporation may receive the benefit of all reasonable profits.

The Regional Manager or Assistant Regional Manager in Charge of Property Management shall, subject to the control of the Deputy General Manager in Charge, have authority to effect sales of properties under the jurisdiction of the Property Management Division at or above the minimum sales price which shall be fixed as follows: If the minimum sales price which the Regional Manager or Assistant Regional Manager in Charge desires to set is equal to or higher than the ledger value, plus accrued and unpaid charges against the property, the estimated carrying charges on the property for six months in advance and the commission of the broker, it shall be set by the Regional Manager or Assistant Regional Manager in Charge; If the minimum sales price recommended by the Regional Manager or Assistant Regional Manager in Charge is in an amount which would result in a loss to the Corporation of not to exceed 25%, based on ledger value, plus accrued and unpaid charges against the property, the estimated carrying charges for six months in advance and the commission of the broker, the minimum sales price shall be set by the Regional Property Committee; If the minimum sales price recommended by the Regional Manager or Assistant Regional Manager in Charge or by the Regional Property Committee is in an amount which represents a loss in excess of 25%, based on ledger value, plus accrued and unpaid charges against the property, the estimated carrying charges for six months in advance and the commission of the broker, the minimum sales price shall be set by the Property Committee in Washington.

There are three authorized plans for the sale of the properties of the Corporation, as follows:

(a) All cash for which deed will be delivered.

(b) A cash payment of at least 10% of the purchase price with the balance payable over a term of not exceeding fifteen years. In some jurisdictions the payment of 10% cash will not be sufficient to protect the Corporation in the event of foreclosure. In such jurisdictions a cash payment shall be required sufficient to protect the Corporation, from the date of sale to the time of possible reacquisition, in the payment of the broker's compensation, normal foreclosure costs, accrued interest, repairs, taxes, insurance and other usual and customary carrying charges and expenses.

(c) A cash payment of less than 10% of the purchase price with the balance amortized over a term of not exceeding fifteen years, where a sale is made under an installment or land contract or other similar instrument. The minimum cash payment required shall be in such amount as in the discretion of the Regional Manager will adequately protect the Corporation in the event of default and the re-acquisition of the property. In those jurisdictions where the time required to complete foreclosure or regain possession or the expense thereof is greater under an installment or land contract or other similar instrument than that required to foreclose a purchase money mortgage, deed of trust or other similar security instrument, or where the Regional Manager, with the advice of the Regional Counsel, determines that the use of an installment contract or other similar instrument would not be to the best interests of the Corporation, the sale shall not be made under this plan. In such cases a cash payment of at least 10% of the purchase price shall be required and deed shall be delivered and the balance of the purchase price shall be secured by a purchase money mortgage, deed of trust, or other approved security instrument, and shall be payable in accordance with the terms and conditions applicable to Plan "(b)". The terms and conditions applicable to the above plans of sale are as follows:

(a) In the case of a sale for all cash, an approved form of deed shall be delivered together with such other instruments as may be necessary in order to convey a proper title to the purchaser.

(b) In the case of a sale for a cash payment of at least 10% of the purchase price, the Corporation shall deliver a deed and take back a note or bond and approved security instrument for the balance of the purchase price, or enter into an installment or land contract or other similar instrument. Such balance of the purchase price shall bear interest at the rate of 5% per annum and shall be amortized by equal monthly payments over a period of not exceeding 15 years. Such payments shall be applied first to interest and the balance to principal, provided that if at least 33⅓% cash is paid the balance may be amortized, or in the discretion of the Regional Manager, no amortization payments may be required for a period of 5 years, and the full amount may be payable at the end of 5 years, or may be amortized after such 5 years, but within a period of 15 years from the date of the note or bond or installment contract, but in such case, during the period when no amortization payments are being made, interest payments shall be made quarterly or semi-annually. All installment or land contracts or other similar instruments, and all notes or bonds which the Corporation may take back to evidence the payment of a portion of the purchase price shall be on approved forms. Such notes or bonds shall be secured by an approved security instrument.

(c) In the case of a sale for a cash payment of less than 10% of the purchase price with the balance amortized over a term of not exceeding fifteen years and where the sale is made under an installment or land contract or other similar instrument, the balance due the Corporation shall bear interest at the rate of 5% per annum and shall be payable in equal monthly payments at the rate of at least 1% per month of the first balance due the Corporation after the original cash payment has been made, and such payments shall be applied first to interest and the balance to principal. Upon the payment of at least 25% of the purchase price, a deed may be delivered to the purchaser and a note or bond on approved form secured by an approved security instrument taken back for the balance of the purchase price. Such note or bond shall bear interest at the rate of 5% per annum and shall be amortized in even monthly payments and shall be for a term not exceeding fifteen years from the date of the execution of the installment or land contract or other similar instrument. All payments under the note or bond shall be applied first to interest and the balance to principal.

The Corporation shall not sell its acquired property either directly or indirectly to an employee of the Corporation or a spouse of such employee.

SEC. 311. Rental prices and schedules shall, subject to the restrictions set forth in this paragraph, be set by the Regional Manager or Assistant Regional Manager in Charge of Property Management. During the period in which the property is offered for rent, efforts should be directed toward obtaining the maximum amount possible. Month to month tenancies are deemed to be more desirable. All leases other than month to month tenancies shall be submitted to the Property Committee in Washington for approval, except where the Deputy General Manager in Charge authorizes the Regional Manager to effect leases in behalf of the Corporation, for periods not exceeding two years.

The Corporation shall not rent any property under the jurisdiction of the Property Management Division to an employee of the Corporation or to a spouse of such employee either directly or indirectly. This restriction shall not, however, affect tenancies existing on September 2, 1936. The Regional Manager shall have authority to authorize and direct the Regional Accountant to charge off rents payable to the Corporation from former tenants of properties or units "available to yield income" and under the jurisdiction of the Property Management Division. This authority shall not extend to tenants in possession. The Regional Manager is authorized to direct the charging off of such rents whenever, in his opinion, the same are uncollectible or when it appears to his satisfaction that it would not be to the best interests of the Corporation to incur any further expense either by way of suit or otherwise in an effort to enforce or make collections.

SEC. 312. Contracts, deeds, leases, or any instrument necessary or appropriate in connection with the sale or rental of any property under the jurisdiction of the Property Management Division may be executed by such officers as are authorized by resolution of the Board of Directors. Except for the sale of real properties, contracts and other instruments effecting the management of properties may be made on approved forms and executed in behalf of the Corporation under procedure prepared by the Deputy General Manager in Charge and approved by the General Manager and the General Counsel.

SEC. 313. Upon approval by the Regional Manager of any expenses of any nature whatsoever made or incurred in the performance of any of the functions or duties required or authorized to be done by this resolution or by the Manual of Rules and Regulations, proper vouchers shall be submitted to the Auditor or an authorized deputy for certification provided that, if the amount to be expended exceeds 33⅓% of the latest appraised value of the property appraised "as is" prior to reconditioning, or $1500.00, and provided also the amount exceeds $500.00, the approval of the Property Committee in the Home Office shall first be obtained. Payment of certified vouchers shall be made by the Regional Treasurer from the Regional Working Fund in accordance with established procedure. Such expenditures from the Regional Working Fund shall be reimbursed from such source as the Comptroller of the Corporation may determine. The Regional Manager is authorized to determine the necessity for such expenditures and the amounts thereof. Vouchers shall be accompanied by the proper receipts and releases, except as provided elsewhere in the Regulations. This authorization and the authorization to the State and District Managers contained in the next succeeding paragraph shall not extend to payrolls, travel or any other expenditure for which there is an established procedure requiring payment from the Home Office in Washington; nor to any compensation of fee attorneys; expenses for abstracts, surveys, title searches, title certificates, title insurance policies; attorneys' fees for deeds in lieu of foreclosure, foreclosures or other litigation, or expenses of litigation. Any legal fees and expenses shall be incurred, approved and paid in the manner provided in Chapter VI.

The State and District Managers may incur or approve charges in behalf of the Corporation for expenses made or incurred in the performance of any of the functions or duties required or authorized to be done by this Chapter in any case where the amount thereof does not exceed $300.00, provided that where such amount exceeds $300.00 the approval of the Regional Manager shall first be obtained. The State and District Managers are authorized and directed, within the limitations above stated, to determine the necessity for such expenditures and the amounts thereof. Charges and bills incurred or approved by the State or District Manager shall be paid by vouchers through the regular procedure provided therefor except in those cases where disbursements are authorized to be made by brokers out of funds in the possession of the broker received from the income of the particular property. Any authority hereinabove vested in the State Manager and the District Manager may also be exercised by any Assistant to the State Manager in Charge of Property Management, or by any Assistant to the District Manager in Charge of Property Management, or by any District Property Management Supervisor, when duly deputized for such purpose.

At the instance of the Regional, State, or District Manager, the Regional Counsel shall promptly arrange for the furnishing of services of fee attorneys, abstracts, surveys, title searches, title certificates and title insurance policies

obtained in connection with properties under the juridisdiction of the Property Management Division. The Regional Counsel shall promptly arrange for the furnishing of any such service requested by the Regional Manager or the State or District Manager when authorized by the Regional Manager to make such request.

Contract Management Brokers and Contract Sales Brokers may incur charges in behalf of the Corporation, and may expend, out of revenues from properties listed with them, monies for expenses made or incurred in the performance of any of the functions or duties required or authorized to be done by this Resolution or procedure promulgated thereunder, or by the Manual, provided that if the amount to be expended exceeds $25.00 on any particular property containing not more than one unit or $50.00 on any property containing more than one unit during any monthly accounting period, the approval of the State or District Manager shall first be obtained, except in any cases requiring emergency repairs for which the broker may incur charges not exceeding $100.00. In no event, however, shall the Contract Management Broker pay any bills or charges incurred in connection with any particular property which cannot be paid out of funds in possession of the Broker, received from the income of that particular property. If the funds in possession of the broker from any particular property are not of sufficient amount to pay the charges or bills incurred, then same shall be paid only by voucher through the regular procedure provided therefor. An accounting shall be made by such brokers for each and every item of expense incurred hereunder and payment therefor shall be supported by proper receipts and releases, except as provided elsewhere in the regulations. All expenditures authorized hereunder shall be made under such instructions and procedure as the Deputy General Manager in Charge of Property Management, subject to the approval of the General Manager and General Counsel, may from time to time prescribe. (Board Resolution adopted January 22, 1937.)

The authorization for the payment of expenses provided for in this section, shall apply to both recurring and nonrecurring items.

SEC. 314. The General Manager, upon the recommendation of the Regional Manager, may authorize the establishment of compensation of not to exceed two dollars per report to credit agencies for credit reports on individuals, corporations, and firms required by the regulations relating to Property Management, in localities where such reports may not be obtained at a lower cost. The General Manager shall file with the Auditor a schedule of fees in excess of one dollar per report which are authorized for any localities.

SEC. 315. The Deputy General Manager in Charge shall be required to make a report monthly on the operations of the Property Management Division to the General Manager for transmission to the Board. The General Manager shall consider such reports and, from time to time, make recommendations to the Board as to the policies to be followed by the Property Management Division, and the Board will give such direction to the General Manager as may appear to it to be appropriate.

SEC. 316. The advice of the General Counsel or an Associate General Counsel or an Associate Counsel or of the Legal Department shall be secured before action is taken on any matter arising within the Property Management Division which affects the legal position of the Corporation.

Be it further resolved, That the Deputy General Manager in Charge may recommend and the General Manager and the General Counsel are hereby authorized to prescribe procedure necessary to carry out the regulations set out herein or hereafter adopted by the Board; and

Be it further resolved, That all previously issued regulations which are in conflict herewith, or with regulations issued under authority granted herein are hereby superseded and repealed; and

Be it further resolved, That the provisions of this resolution shall become effective forty days after its adoption, Sundays and holidays excluded.

Adopted by the Federal Home Loan Bank Board on January 22, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1050; Filed, April 9, 1937; 1:43 p. m.]

## INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 115]

INCREASES IN FREIGHT RATES AND CHARGES

HEAVY BASIC COMMODITY LIST: AND RELATION OF FIFTH AND SIXTH CLASS RATES IN OFFICIAL TERRITORY

APRIL 9, 1937.

*Notice to All Concerned:*

The above-entitled proceeding is set for further hearing before Commissioner Aitchison at Hotel Morrison, Chicago, Illinois, commencing at ten o'clock a. m., Central Standard Time, Thursday, April 22, 1937, with respect to so much of the issues as relate to (1) general aspects of the case, (2) the so-called Heavy Basic Commodity list, comprising the involved rates on (a) coal and coke; iron ore; (b) articles in the iron and steel list; (c) articles in the lime, cement, and plaster list, concerning which testimony has already been received; (d) petroleum and its products, asphalt and road oil, tar and pitch, benzol, liquefied petroleum gas and lignin liquor and lignin pitch; and also (3) the relation of fifth and sixth classes to first-class rates in official territory. It is desired and expected that (except as hereinafter indicated) the record of testimony as to such issues shall be completed at the hearing in Chicago, including any rebuttal testimony of carriers.

For the purpose of bringing the record upon the foregoing-described issues down to the latest possible date before the submission, and for that purpose only, the proceeding is set down for further hearing before Commissioner Aitchison at the offices of the Commission in Washington, D. C., on Monday, June 14, 1937, at ten o'clock a. m., Eastern Standard Time.

Briefs may be served and filed not later than June 5, 1937. Parties filing briefs are directed to send thirty copies to the Interstate Commerce Commission for its use and for the use of the cooperating committee of state commissioners, and twenty-five copies to R. V. Fletcher, Transportation Building, Washington, D. C., for the use of counsel for the carriers. No other service of briefs will be required, but shippers or others desiring briefs of other shippers may make requests directly on the writer for such briefs. Parties desiring copies of the carriers' brief should make request of R. V. Fletcher at the address above shown. In this manner it is hoped that needless expense on the part of those filing briefs may be avoided. The particular attention of the parties is directed to rule XXI of the Rules of Practice as to the form and style of briefs, and to the requirement in Rule XIV (a) that each brief shall contain an abstract of the evidence relied on, with references to pages of the record or exhibit where the evidence appears. Adequate compliance with the rule as to abstracting testimony will facilitate consideration of the large record herein.

This proceeding is assigned for oral argument upon the issues above indicated, before the Commission, at its office in Washington, D. C., beginning at ten o'clock a. m., Eastern Standard Time, Wednesday, June 16, 1937. Counsel seeking an allotment of time should make written request therefor, addressed to the Commission, which should reach the Commission not later than June 5, 1937. So far as possible to do so, parties having common interests should consolidate their oral arguments and briefs, so as to avoid duplication and the dilution of the time available.

Reply briefs may be filed not later than June 22, 1937, and should be served on counsel whose briefs are thus replied to, and the same number of copies supplied as in the case of original briefs, as hereinbefore indicated.

So much of the Notice to the Public in this proceeding, dated February 6, 1937, as related to hearings to be held at Boston, Mass., Kansas City, Mo., and St. Paul, Minn., is canceled, inasmuch as by the cooperation of interested parties it has been made possible to concentrate the hearings at Washington, Atlanta, Ga., and Chicago.



*Transcontinental-Mountain-Pacific Rates*

The groups of issues in this proceeding for convenience designated as above, being those as to which hearings will commence at San Francisco, Calif., on April 12, 1937, as provided in the Commission's notice dated February 6, 1937, are assigned for further hearing before Commissioner Aitchison at the following places, and commencing at the times shown, viz:

Salt Lake City, Utah, at Hotel Utah, ten o'clock a. m. Mountain Standard Time, May 20, 1937.

Los Angeles, Calif., at the rooms of the Railroad Commission of the State of California, 707 State Building, ten o'clock a. m., Pacific Standard Time, May 24, 1937.

Portland, Oreg., at Hotel Portland, at ten o'clock a. m., Pacific Standard Time, June 2, 1937.

Announcement will be made hereafter as to the date of filing briefs, and for the argument of the Transcontinental-Mountain-Pacific issues.

*Other Issues*

The remaining issues in this proceeding will not be heard prior to the submission of the so-called heavy basic commodity list and fifth and sixth class relation issues, and are reserved for further announcement as to procedure.

*General*

For the convenience and guidance of all concerned the following is reproduced from the Notice to the Public issued by the Commission on February 6, 1937, in this proceeding, which are to be observed as special rules of procedure applicable in this proceeding:

In the preparation of exhibits, Rule XIII of the rules of practice should be followed. A copy of the Rule is attached. All documents submitted by a witness should be embraced in one exhibit, suitably bound together, whenever practicable. In order to supply the State Commissioners, the members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. As far as can be done, exhibits should be self-explanatory, in order to minimize the amount of time required for oral examination thereon. Witnesses coming with prepared statements of their testimony should have sufficient copies thereof for the use of counsel and the Commission. As the voluminous record already made in this proceeding is available for consideration, reference may be made to any exhibit or testimony already received, without reintroduction thereof. If it is desired to submit verified statements (affidavits) in lieu of personal production of a witness, 10 copies should be transmitted to the Commission, and 75 copies to Mr. R. V. Fletcher, attorney for the applicants, Transportation Building, Washington, D. C., a reasonable time in advance of the time when the same are to be submitted for the record. Copies must be furnished to other interested parties who request them, and the rules of practice as to preparation of exhibits should be followed as to style, mimeographing, printing, etc. These statements must be limited to matters of fact and should avoid argument. Unless these suggestions are followed, the verified statements (affidavits) may be excluded if objection is interposed to their reception.

Persons who desire to be heard at any of these hearings will facilitate the arrangements necessary by sending notice of their intention, stating the commodities involved, the number of witnesses, and the approximate amount of time necessary for presentation of direct testimony.

Correspondence relative to this matter should be addressed to the Commission at Washington, with reference to the Docket number, Ex Parte No. 115.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

RULE XIII, RULES OF PRACTICE (IN PART)

(c) 1. [*Tariffs; offer of matter contained in schedules.*]—In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff schedules so on file.

2. [*Reference in exhibits to tariff authority, routes, and distances.*]—All exhibits showing rates, fares, charges, or other tariff provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff authority therefor, and if distances are shown must also show the authority therefor, and, by lines and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff schedule lawfully on file with the Commission, or are definitely ascertainable from a tariff schedule on file with the Commission showing rates prescribed by the Commission and based on short line distances, provided the exhibit makes specific reference to such tariff schedule as provided by this rule.

(d) [*Copies of exhibits furnished opposing counsel.*]—When exhibits of a documentary character are to be offered in evidence copies must be furnished to opposing counsel, unless the presiding commissioner or examiner otherwise directs. Whenever practicable, the parties should interchange copies of exhibits before or at the commencement of the hearing.

(e) [*Size, form and identification of exhibits; relevancy, materiality; not argumentative.*]—All exhibits of a documentary character received in evidence are bound with the rest of the record in covers of uniform size. Whenever practicable they should be on one side only of sheets not exceeding 12½ inches from top to bottom by 22 inches in width, and a sufficient margin for binding, preferably 1½ inches, must be left blank on the left side of each sheet. They must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten. If typewritten they must in other respects conform to the requirements of Rule XXI (b). Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered, and, if the exhibit consists of five or more sheets, the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit and should bear an identifying number, letter, or short title which will readily distinguish the exhibit from the other exhibits of the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should be limited to statements of fact relevant and material to the issue, which can be shown in that form better than by oral testimony. They should not be argumentative.

[F. R. Doc. 37-1051; Filed, April 9, 1937; 2:03 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 83]

ALLOCATION OF FUNDS FOR LOANS

APRIL 8, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| Idaho 12A Benewah | $270,000 |
| Mississippi 22 Leake | 115,000 |
| Mississippi 28 Hancock | 87,000 |
| Pennsylvania 6B Indiana (Additional) | 280,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1053; Filed, April 10, 1937; 9:38 a. m.]

[Administrative Order No. 84]

ALLOCATION OF FUNDS FOR LOANS

APRIL 8, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Kansas 13 Brown | $100,000 |
| Kansas 15 Dickinson | 254,651 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1054; Filed, April 10, 1937; 9:38 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of April, A. D. 1937.

[File No. 46-36]

IN THE MATTER OF AMARILLO GAS COMPANY

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Amarillo Gas Company, a subsidiary company of Southwestern Development Company, a registered holding company, having duly filed with this Commission an application, and amendments thereto, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for the approval of the acquisition by it of

(1) all or any part of its own bonds, outstanding in the principal amount of $444,400 and

(2) Panhandle Pipe Line Company's four per cent promissory note in the principal amount of $225,000, to be dated August 1, 1937, and to mature in three instalments of $45,000 each, payable on July 1, 1938, July 1, 1939 and July 1, 1940, respectively, and one final instalment of $90,000 payable on July 1, 1941;

a hearing on said application, as amended, having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of such securities in accordance with the terms and conditions and for the purposes represented by said application, as amended, be, and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1060; Filed, April 12, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of April, A. D. 1937.

[File No. 43-36]

IN THE MATTER OF AMARILLO GAS COMPANY AND SOUTHWESTERN DEVELOPMENT COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

Southwestern Development Company, a Colorado corporation and a registered holding company, and Amarillo Gas Company, a Texas corporation and a subsidiary company thereof, having duly filed with this Commission a joint declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by Amarillo Gas Company and the guaranty by Southwestern Development Company of a four per cent promissory note, to be dated August 1, 1937, in the principal amount of $450,000, to mature in three instalments of $90,000 each, payable on July 1, 1938, July 1, 1939, and July 1, 1940, respectively, and one final instalment of $180,000 payable on July 1, 1941; a hearing on said declaration, as amended, having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said declaration, as amended, be and become effective on April 10, 1937, on condition that the issue, sale and guaranty of said note be effected in substantial compliance with the terms and conditions and for the purposes represented by said amended declaration; and

It is further ordered that, within ten days after the issue, sale and guaranty of said note, the declarants shall file with this Commission a certificate or certificates of notification, showing that such issue, sale and guaranty have been effected in accordance with the conditions of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1059; Filed, April 12, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of April, A. D. 1937.

[File No. 46-39]

IN THE MATTER OF REPUBLIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Republic Service Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of the Five Year 5% Promissory Note, in the principal amount of $590,000, of Abington Electric Company, its subsidiary company.

It is ordered that a hearing on such matter be held on April 22, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 21, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1058; Filed, April 12, 1937; 12:41 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-JANSSEN FARM, FILED ON FEBRUARY 19, 1937, BY ARTHUR SORY, RESPONDENT.

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the information disclosed by Division II, Item 16 (a) (iii) relative to the gross production of water from the tract involved is not believed to be correct;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 23rd day of April, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1065; Filed, April 12, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-HAUCH FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 5, 1937, be effective as of April 5, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1070; Filed, April 12, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-NELSON FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 5, 1937, be effective as of April 5, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1069; Filed, April 12, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-RAWSON FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 5, 1937, be effective as of April 5, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1071; Filed, April 12, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WAMHOFF-MUSE (80-ACRE TRACT) FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 5, 1937, be effective as of April 5, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1067; Filed, April 12, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of April A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WAMHOFF-MUSE (160-ACRE TRACT) FARM, FILED ON MARCH 4, 1937, BY JAMES H. HILT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 5, 1937, be effective as of April 5, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1068; Filed, April 12,1937; 12: 44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG FARM, FILED ON MARCH 27, 1937, BY ROYALTY INVESTMENTS CORPORATION, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1066; Filed, April 12, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CARTER-TATE FARM, FILED ON APRIL 6, 1937, BY W. R. BROWN & COMPANY, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the date upon which the information disclosed by the offering sheet will be out of date does not appear to be correctly set forth in Division I, paragraph 8: (Estimated production figures may not be used for the purpose of extending the effective period of an offering sheet—Division II, Item 16 (a).)

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of May, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 23rd day of April, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1064; Filed, April 12, 1937; 12:44 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE GOELZ-WILKINSON FARM, FILED ON APRIL 5, 1937, BY F. GEORGE GOELZ, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Division II, Item 10, requires that the names and approximate depths of all horizons represented as possibly oil and/or gas bearing and to possibly underlie the tract, be stated; whereas the answer to this item states that *it is proposed to explore* the horizons named and that by reason of the answer given the information disclosed thereby might prove to be misleading;

(2) In that it is not believed that the information disclosed by Division II, Item 12, is a valid or sufficient reason for claiming that possibly productive horizons underlie the tract involved;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 23rd day of April, 1937, at 11:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1063; Filed, April 12,1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MORRIS ET AL-HOLLENBECK FARM, FILED ON APRIL 5, 1937, BY JAMES R. HAYNES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the information given in Division II, Item 1, may not be correct by reason of the fact that it is required by the Rules and Regulations of the Commission and the form of offering sheet used that the number of barrels of oil or cubic feet of gas in which the smallest fractional interest proposed to be offered will be entitled to participate shall be stated in the ratio of "one out of ____", whereas the ratio used in the offering sheet in question is "three out of ____";

(2) In that the plat attached to the offering sheet as "Exhibit A" fails to disclose the required information by reason of the fact that the names of the operators of the properties adjacent to the tract involved are not given, nor is any statement made that said adjacent properties are not under lease;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 23rd day of April, 1937, at 11: 00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1062; Filed, April 12, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of April, A. D., 1937.

[File No. 20-501A1-1]

IN THE MATTER OF AN OFFERING SHEET OF OVERRIDING PRODUCING ROYALTY INTERESTS IN THE O'DONNELL FARM, FILED ON NOVEMBER 18, 1936, BY JOHN WIGHT, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of overriding producing royalty interests in the O'Donnell Farm, located in Carbon County, Wyoming, which offering sheet was filed with the Commission on November 18, 1936, by John Wight, of Billings, Montana, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on February 8, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is misleading and incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the Findings and Opinion of the Commission filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1061; Filed, April 12, 1937; 12:43 p. m.]

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*Wednesday, April 14, 1937* *No. 71*

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 1880]

IN THE MATTER OF MIKE GELLMAN AND NATE GELLMAN, INDIVIDUALLY AND AS COPARTNERS TRADING AS GELLMAN BROTHERS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 27, 1937, at two o'clock in the afternoon of said day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1074; Filed, April 12, 1937; 1:25 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 1857]

IN THE MATTER OF K & S SALES COMPANY, A CORPORATION, IN ITS OWN NAME AND RIGHT, AND TRADING UNDER THE NAMES AND STYLES OF GARDEN CITY NOVELTY MANUFACTURING COMPANY, GARDEN CITY NOVELTY COMPANY, AND MONTROSE SILK COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 27, 1937, at eleven thirty o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1073; Filed, April 12, 1937; 1:24 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3054]

IN THE MATTER OF W. A. LEITH, INDIVIDUALLY AND TRADING AS STYLE SILK COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, April 28, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1080; Filed, April 12, 1937; 1:28 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.



[Docket No. 1856]

IN THE MATTER OF J. V. LINEHAN AND C. A. WELDT, INDIVIDUALLY AND AS CO-PARTNERS, TRADING AS LION MANUFACTURING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 27, 1937, at 2:30 o'clock in the afternoon of said day (central standard time) in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1072; Filed, April 12, 1937; 1:24 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3053]

IN THE MATTER OF NATIONAL MANUFACTURERS DISTRIBUTING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A. Section 41).

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 27, 1937, at eleven o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1079; Filed, April 12, 1937; 1:27 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3044]

IN THE MATTER OF JOSEPH H. ROBINSON AND S. J. ROBINSON, CO-PARTNERS, TRADING AS J. ARTHUR WARREN COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 27, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and made his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1078; Filed, April 12, 1937; 1:27 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2294]

IN THE MATTER OF MAX SCHREIBER, PHILIP W. SIMONS, AND WILLIAM KLOMPUS, INDIVIDUALLY AND AS CO-PARTNERS TRADING UNDER THE NAME AND STYLE OF DE LUXE MANUFACTURING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 27, 1937, at three o'clock in the afternoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1075; Filed, April 12, 1937; 1:25 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2988]

IN THE MATTER OF SEAGRAM-DISTILLERS CORPORATION AND SEAGRAM-DISTILLERS CORPORATION OF MASSACHUSETTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 20, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Court Room No. 4, 12th Floor, Federal Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1077; Filed, April 12, 1937; 1:26 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3081]

IN THE MATTER OF ALBERT J. TARRSON, INDIVIDUALLY AND TRADING AS THE NATIONAL ADVERTISERS COMPANY, THE A. J. SALES AND MANUFACTURING COMPANY, THE TARRSON COMPANY, AND THE PLA-PAL RADIO AND TELEVISION COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 27, 1937, at ten thirty o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1081; Filed, April 12, 1937; 1:28 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2945]

IN THE MATTER OF WORTHMORE SALES PROMOTION SERVICE, INCORPORATED, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in the proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, April 26, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1076; Filed, April 12, 1937; 1:26 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of April, 1937.

IN THE MATTER OF ANTON R. FINK DOING BUSINESS AS A. R. FINK & CO., 220 MIDLAND BUILDING, DENVER, COLORADO

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Anton R. Fink, doing business as A. R. Fink & Co. and hereinafter called the registrant, having filed with the Commission on December 17, 1935, an application for registration on Form 1-M pursuant to Rule MA2 of the Commission's rules then governing over-the-counter markets; and the said registration having become effective on January 14, 1936, in accordance with the Commission's rules and regulations; and

The said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission, on December 21, 1936, having authorized investigation and hearing on the question of revocation and/or suspension of registration of the said registrant, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after appropriate notice, having come on for hearing on February 17, 1937, in the City of Denver, State of Colorado; and the said registrant having consented to the revocation of its registration; and such consent, dated December 7, 1936, having been introduced in evidence; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Anton R. Fink, as a broker or dealer transacting business on over-the-counter markets, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1082; Filed, April 13, 1937; 12:41 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of April, 1937.

IN THE MATTER OF WINTON L. GOOGINS, SEATTLE, WASHINGTON

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Winton L. Googins, hereinafter called the registrant, having filed with the Commission on June 24, 1935, an application for registration on Form 1-M pursuant to Rule MA2 of the Commission's rules then governing over-the-counter markets; and the said registration having become effective on January 1, 1936, in accordance with the Commission's rules and regulations; and

The said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission, on February 26, 1937, having ordered investigation and hearing on the question of revocation and or suspension of registration of the said registrant, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the Commission, on March 8, 1937, having issued a supplemental order with respect to such investigation and hearing; and the said matter, after appropriate notice, having come on for hearing on March 24, 1937, in the City of Seattle, State of Washington; and the said registrant having consented to the revocation of its registration; and such consent, dated March 26, 1937, having been introduced in evidence; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Winton L. Googins, as a broker or dealer transacting business on over-the-counter markets, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1085; Filed, April 13, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of April, 1937.

IN THE MATTER OF NORTH AMERICAN BOND & SHARE CORPORATION, A COLORADO CORPORATION, DENVER, COLORADO

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

North American Bond & Share Corporation, a corporation organized under the laws of the State of Colorado and hereinafter called the registrant, having filed with the Commission on June 20, 1936, an application for registration pursuant to Section 15 of the Securities Exchange Act of 1934, as amended; and the said registration having become effective on July 20, 1936; and

The Commission, on December 21, 1936, having authorized investigation and hearing on the question of revocation and/or suspension of registration of the said registrant, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after appropriate notice, having come on for hearing on February 17, 1937, in the City of Denver, State of Colorado; and the said registrant having consented to the revocation of its registration; and such consent, dated December 29, 1936, having been introduced in evidence; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of North American Bond & Share Corporation, as a broker or dealer transacting business on over-the-counter markets, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1084; Filed, April 13, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of April, 1937.

IN THE MATTER OF LEROY V. PEIFFER AND CHARLES H. PEIFFER DOING BUSINESS AS A PARTNERSHIP UNDER THE NAME OF INVESTORS SERVICE COMPANY, DENVER, COLORADO

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

LeRoy V. Peiffer and Charles H. Peiffer, doing business as a partnership under the name of Investors Service Company, hereinafter called the registrant, having filed with the Commission on December 5, 1935, an application for registration on Form 1-M pursuant to Rule MA2 of the Commission's rules then governing over-the-counter markets; and the said registration having become effective on January 1, 1936, in accordance with the Commission's rules and regulations; and

The said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission, on December 21, 1936, having authorized investigation and hearing on the queston of revocation and/or suspension of registration of the said registrant, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after appropriate notice, having come on for hearing on February 17, 1937, in the City of Denver, State of Colorado; and the said registrant having consented to the revocation of its registration; and such consent, dated December 7, 1936, having been introduced in evidence; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of LeRoy V. Peiffer and Charles H. Peiffer, doing business as a partnership under the name of Investors Service Company, as a broker or dealer transacting business on over-the-counter markets, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1083; Filed, April 13, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of April, A. D., 1937.

[File No. 20-495A1-1]

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING FREE-WORKING INTERESTS IN THE SMITH-FLEET-BELL-BEAVER BLOCK FARMS, FILED ON OCTOBER 21, 1936, BY A. D. BECK, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of non-producing free-working interests in the "Smith-Fleet-Bell-

Beaver Block Farms", located in Upshur County, Texas, and Prairie County, Arkansas, which offering sheet was filed with the Commission on October 21, 1936, by A. D. Beck, of Fort Worth, Texas, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on November 23, 1936, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete in material respects, and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the *Findings and Opinion of the Commission* filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1086; Filed, April 13, 1937; 12:42 p. m.]

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*Thursday, April 15, 1937* *No. 72*

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of April, A. D. 1937.

Commissioners: William A. Ayers, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2951]

IN THE MATTER OF UNITED STATES QUARRY TILE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, April 21, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1088; Filed, April 14, 1937; 9:59 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 85]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

APRIL 13, 1937.

I hereby amend Administrative Order No. 55, dated February 3, 1937, by reducing the allocation of $500,000 for project, Louisiana 7 Grant, to read $390,000.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1087; Filed, April 14, 1937; 9:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of April, A. D. 1937.

[File No. 37-14]

IN THE MATTER OF CITIZENS UTILITIES COMPANY

[Public Utility Act of 1935]

AMENDMENT TO ORDER GRANTING TEMPORARY EXEMPTION FROM THE PROVISIONS OF SECTION 13 (A) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Citizens Utilities Company, a registered holding company, having filed an application, and amendments thereto, for an exemption from the provisions of Section 13 (a) of the Public Utility Holding Company Act of 1935; a hearing on said application, as amended, having been duly held after appropriate notice; the Commission having issued an order on October 6, 1936 exempting said Citizens Utilities Company from the provisions of Section 13 (a) of said Act for a period of six months from the date of such order; said Citizens Utilities Company having requested, prior to the expiration of said six months period, a sixty-day extension of the exemption granted by such order; and the Commission thereupon having reconsidered the record in this case;

It is ordered that said order dated October 6, 1936 be, and it hereby is, amended to extend the exemption granted therein for an additional sixty day period by striking from said order the word "six", as the same appears in line five of the second paragraph of said order, and inserting in place thereof the word "eight".

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1102; Filed, April 14, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-65]

IN THE MATTER OF MCKEESPORT TIN PLATE COMPANY CAPITAL STOCK, NO PAR VALUE

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Capital Stock, No Par Value, of McKeesport Tin Plate Company; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, No Par Value, of McKeesport Tin Plate Company be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1092; Filed, April 14, 1937; 12:51 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-57]

IN THE MATTER OF G. C. MURPHY COMPANY COMMON STOCK, NO PAR VALUE

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of G. C. Murphy Company; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of G. C. Murphy Company be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1091; Filed, April 14, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-76]

IN THE MATTER OF G. C. MURPHY COMPANY 5% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the 5% Cumulative Preferred Stock, $100 Par Value, of G. C. Murphy Company; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the 5% Cumulative Preferred Stock, $100 Par Value, of G. C. Murphy Company be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1090; Filed, April 14, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-58]

IN THE MATTER OF WEST PENN POWER COMPANY 6% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the 6% Cumulative Preferred Stock, $100 Par Value, of West Penn Power Company; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the 6% Cumulative Preferred Stock, $100 Par Value, of West Penn Power Company be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1089; Filed, April 14, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-TUNNELL #59 FARM. FILED ON MARCH 24, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 14th day of April, 1937, at the office of the Securities and Exchange Commission, 13th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 29th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1103; Filed, April 14, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-64]

IN THE MATTER OF KAUFMANN DEPARTMENT STORES, INC., COMMON STOCK, $12.50 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Common Stock, $12.50 Par Value, of Kaufman Department Stores, Inc.; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto appropriate in the public interest and for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges pursuant to said application is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $12.50 Par Value, of Kaufmann Department Stores, Inc. be and the same is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1093; Filed, April 14, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-66]

IN THE MATTER OF NATIONAL STEEL CORPORATION CAPITAL STOCK, $25 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Capital Stock, $25 Par Value, of National Steel Corporation; and

After appropriate notice, a hearing having been held in this matter of October 20, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in odd lots on said exchange thereto appropriate in the public interest and for the protection of investors; and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in round lots on said exchange thereto necessary, or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges to said security in odd lots only is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the Pittsburgh Stock Exchange be and the same is hereby granted permission to extend unlisted trading privileges in odd lots only to the Capital Stock, $25 Par Value, of National Steel Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1094; Filed, April 14, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-67]

IN THE MATTER OF REPUBLIC STEEL CORPORATION COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Republic Steel Corporation; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto appropriate in the public interest and for the protection of investors; and



The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges pursuant to said application is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Republic Steel Corporation be and the same is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1096; Filed, April 14, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 9th day of April, 1937.

[File No. 7-68]

IN THE MATTER OF RUSTLESS IRON & STEEL CORPORATION COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Rustless Iron & Steel Corporation; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Curb Exchange, a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in odd lots on said exchange thereto appropriate in the public interest and for the protection of investors; and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in round lots on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges to said security in odd lots only is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the Pittsburgh Stock Exchange be and the same is hereby granted permission to extend unlisted trading privileges in odd lots only to the Common Stock, No Par Value, of Rustless Iron & Steel Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1095; Filed, April 14, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 9th day of April, 1937.

[File No. 7-78]

IN THE MATTER OF THE WEST PENN ELECTRIC COMPANY 6% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the 6% Cumulative Preferred Stock, $100 Par Value, of The West Penn Electric Company; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in odd lots on said exchange thereto appropriate in the public interest and for the protection of investors; and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in round lots on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges to said security in odd lots only is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the Pittsburgh Stock Exchange be and the same is hereby granted permission to extend unlisted trading privileges in odd lots only to the 6% Cumulative Preferred Stock, $100 Par Value, of The West Penn Electric Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1098; Filed, April 14, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-79]

IN THE MATTER OF THE WEST PENN ELECTRIC COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the 7% Cumulative Preferred Stock, $100 Par Value, of The West Penn Electric Company; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in odd lots on said exchange thereto appropriate in the public interest and for the protection of investors; and at which it was not established to the satis-

faction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in round lots on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges to said security in odd lots only is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the Pittsburgh Stock Exchange be and the same is hereby granted permission to extend unlisted trading privileges in odd lots only to the 7% Cumulative Preferred Stock, $100 Par Value, of The West Penn Electric Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1097; Filed, April 14, 1937; 12:52 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-77]

IN THE MATTER OF WEST PENN POWER COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the 7% Cumulative Preferred Stock, $100 Par Value, of West Penn Power Company; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in odd lots on said exchange thereto appropriate in the public interest and for the protection of investors; and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in round lots on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges to said security in odd lots only is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the Pittsburgh Stock Exchange be and the same is hereby granted permission to extend unlisted trading privileges in odd lots only to the 7% Cumulative Preferred Stock, $100 Par Value, of West Penn Power Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1101; Filed, April 14, 1937; 12:52 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-60]

IN THE MATTER OF WHEELING STEEL CORPORATION COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Wheeling Steel Corporation; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in odd lots on said exchange thereto appropriate in the public interest and for the protection of investors; and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in round lots on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges to said security in odd lots only is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the Pittsburgh Stock Exchange be and the same is hereby granted permission to extend unlisted trading privileges in odd lots only to the Common Stock, No Par Value, of Wheeling Steel Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1100; Filed, April 14, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-80]

IN THE MATTER OF WHEELING STEEL CORPORATION 6% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the 6% Cumulative Preferred Stock, $100 Par Value, of Wheeling Steel Corporation; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in odd lots on said exchange thereto appropriate in the public interest and for the protection of investors; and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in round lots on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges to said security in odd lots only is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the Pittsburgh Stock Exchange be and the same is hereby granted permission to extend unlisted trading privileges in odd lots only to the 6% Cumulative Preferred Stock, $100 Par Value, of Wheeling Steel Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1099; Filed, April 14, 1937; 12:52 p. m.]



*Friday, April 16, 1937* *No. 73*

## PRESIDENT OF THE UNITED STATES.

ORGAN PIPE CACTUS NATIONAL MONUMENT—ARIZONA

By the President of the United States of America

A PROCLAMATION

WHEREAS certain public lands in the State of Arizona contain historic landmarks, and have situated thereon various objects of historic and scientific interest; and

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument, to be known as the Organ Pipe Cactus National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of June 8, 1906 (ch. 3060, 34 Stat. 225; U. S. C. title 16, sec. 431), do proclaim that, subject to existing rights, the following-described lands in Arizona are hereby reserved from all forms of appropriation under the public-land laws and set apart as the Organ Pipe Cactus National Monument:

*Gila and Salt River Meridian*

Beginning at a point on the southern boundary of the Papago Indian Reservation which is the point for the corner of secs. 5, 6, 31, and 32, Tps. 17 and 18 S., R. 3 W.; thence south approximately five and one-half miles to the International Boundary; thence northwesterly along the International Boundary to the intersection with the position for the third meridional section line through unsurveyed T. 17 S., R. 8 W.; thence north on the third meridional section line through Tps. 17, 16, 15 and 14 S., R. 8 W. (unsurveyed), to the point for the corner of secs. 15, 16, 21 and 22; thence east on the third latitudinal section line through T. 14 S., Rs. 8, 7, 6 and 5 W., to the corner of sections 13, 18, 19 and 24, T. 14 S., Rs. 4 and 5 W., on the west boundary of the Papago Indian Reservation; thence southerly and easterly along the west boundary of the Papago Indian Reservation to the point for the corner of secs. 5, 6, 31, and 32, Tps. 17 and 18 S., R. 3 W., which is the point of beginning, containing approximately 330,690 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535; U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof; *Provided*, that the administration of the monument shall be subject to: (1) Right of the Indians of the Papago Reservation to pick the fruits of the organ pipe cactus and other cacti, under such regulations as may be prescribed by the Secretary of the Interior; (2) Proclamation of May 27, 1907 (35 Stat. 2136); (3) Executive Order No. 5462 of October 14, 1930; and (4) Executive Order of November 21, 1923, reserving a 40-acre tract as a public water reserve.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this 13 day of April, in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

[No. 2232]

[F. R. Doc. 37-1120; Filed, April 15, 1937; 1:11 p. m.]

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EMERGENCY BOARD, SOUTHERN PACIFIC COMPANY (PACIFIC LINES) AND NORTHWESTERN PACIFIC RAILROAD COMPANY—EMPLOYES

By the President of the United States of America

A PROCLAMATION

WHEREAS the President, having been duly notified by the National Mediation Board that disputes between the Southern Pacific Company (Pacific Lines) and the Northwestern Pacific Railroad Company, carriers, and certain of their employes represented by

Brotherhood of Locomotive Engineers;
Brotherhood of Locomotive Firemen and Enginemen;
Order of Railway Conductors;
Brotherhood of Railroad Trainmen;

which disputes have not been heretofore adjusted under the provisions of the Railway Labor Act, amended, now threaten substantially to interrupt interstate commerce within the states of California, Oregon, Nevada, Arizona, New Mexico and Texas to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of three persons not pecuniarily or otherwise interested in any organization of railway employes or any carrier, to investigate the aforementioned disputes and report its findings to me within thirty days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make

expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a. m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

All expenditures of the board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1937" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 14th day of April in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State*

[No. 2233]

[F. R. Doc. 37-1121; Filed, April 15, 1937; 1:11 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 346]

ORDER POSTPONING HEARING

MINNESOTA POWER & LIGHT COMPANY, LICENSEE

It appearing to the Commission that the Minnesota Power & Light Company, Licensee for Project No. 346, Minnesota, has filed an application for postponement of the hearing set for April 26, 1937; and for good cause shown, the hearing in the above matter is hereby continued to May 25, 1937, at 10 a. m.

Adopted by the Commission on April 13, 1937.

[SEAL]

LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1106; Filed, April 15, 1937; 10:44 a. m.]

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[Docket No. IT-5465-M]

ORDER POSTPONING HEARING

PUBLIC SERVICE ELECTRIC AND GAS COMPANY AND SOMERSET, UNION AND MIDDLESEX LIGHTING COMPANY

The following order was adopted:

It appearing to the Commission:

(1) Public Service Electric and Gas Company, whose address is 80 Park Place, Newark, New Jersey, having filed an application, IT-5465-M, under Section 203 of the Federal Power Act for approval of the merger of Somerset, Union and Middlesex Lighting Company into said Public Service Electric and Gas Company, and the matter having been set for hearing on April 22, 1937, by order of the Commission adopted April 6, 1937;

(2) That applicant having been requested to furnish certain additional information in connection with said application, which information, when furnished, will require additional time for consideration;

*It is ordered:*

That said hearing be postponed from April 22, 1937, to Monday, May 3, 1937, at the same time and place.

Adopted by the Commission on April 13, 1937.

[SEAL]

LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1107; Filed, April 15, 1937; 10:44 a. m.]

## FOREIGN-TRADE ZONES BOARD.

[Public Notice No. 2 (S. F.)]

PUBLIC NOTICE

EXAMINERS COMMITTEE, SAN FRANCISCO, CALIFORNIA

MARCH 22, 1937.

*To Whom It May Concern:*

Pursuant to the provisions of the Act approved June 18, 1934, Public No. 397 (48 Stat. 998, 1001), and the Regulations Governing the Establishment, Operation, Maintenance, and Administration of Foreign-Trade Zones in the United States, promulgated in pursuance of said Act, a public hearing will be held by an Examiners Committee, beginning at 10:00 a. m. Pacific Standard Time, on Wednesday, April 28, 1937, in Room 319 Custom House, San Francisco, California.

The subject of the hearing is an application by the Board of State Harbor Commissioners for a grant to establish a foreign-trade zone at San Francisco. General plans, showing the location of the project, may be examined at the office of the Examiners Committee, Room 311 Custom House, San Francisco, California, or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3054, Commerce Building, Washington, D. C. In brief, these contemplate the utilization of Pier 45, San Francisco Waterfront.

This public hearing is solely for the purpose of obtaining, in the most direct manner, the facts useful to the Foreign-Trade Zones Board. The immediate concern of the Examiners Committee is to determine whether or not the proposed plans are suitable for the accomplishment of the purpose of the foreign-trade zone under the Act, and whether or not the facilities and appurtenances which it is proposed to provide are sufficient. Particular attention is called to the fact that the instant application is the only one to be considered at this time. The question of its suitability is up for discussion, not the suitability of some other site.

A "foreign-trade zone" as provided in the act is "an isolated, enclosed, and policed area, under the supervision of a designated board of Federal officials, operated as a public utility by a corporation, in or adjacent to a port of entry, without resident population, furnished with the necessary facilities for lading and unlading, for storing goods, and for reshipping them by land and water; an area into which goods may be brought, stored, and subjected to certain specified manipulation operations. If reshipped to foreign points the goods may leave the restricted trade zone without payment of duties and without the intervention of customs officials, except under certain conditions. Such products cannot, of course, leave the trade zone for domestic use or consumption without full compliance with existing customs laws. * * * Goods may not be manufactured or exhibited in such an area. The area is subject equally with adjacent regions to all the laws relating to public health, vessel inspection, postal service, immigration, and to the supervision of Federal agencies having jurisdiction in ports of entry, including customs, to a limited extent."

All interested parties are invited to be present or represented at the hearing, particularly those who may be affected by the proposed grant. An opportunity to be heard (either in person or by duly appointed representative, either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who have manifested their interest in this application by complying with the following simple requirements:

1. A written or telegraphic request for an opportunity to be heard shall be filed before noon on April 24, 1937, at the office of the Examiners Committee, Room 311 Customs House, San Francisco, California, or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3054, Commerce Building, Washington, D. C., and shall indicate the number of witnesses, the general character of evidence, and the approximate amount of time required.

2. Such request shall include (a) the name of any persons seeking to speak at the hearing, and (b) the persons or groups he represents.



In the discretion of the Examiners Committee, persons who have not complied with the foregoing may be permitted, at any time prior to the closing of the hearing, to file written statements regarding the application under consideration. Such written statements should be condensed as much as possible.

Representation of interested parties by attorneys or others is permissible, but is not to be regarded as necessary. For accuracy of record, and for file with the report and recommendations of the Examiners Committee, all important facts and arguments should be submitted in writing; as these, together with the record, will be forwarded for consideration by the Foreign-Trade Zones Board in Washington.

You are requested to communicate the foregoing to any persons known by you to be interested in the matter who, not being known to this Committee, do not receive a copy of this notice.

L. P. NICKELL,
*Examiner, Bureau of Foreign and Domestic Commerce.*

CHARLES O. DUNBAR,
*Collector of Customs, San Francisco.*

LT. COL. JAMES A. DORST,
*District Engineer, San Francisco District.*

The foregoing Public Notice is hereby certified to be a true copy of the original.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the Foreign-Trade Zones Board, in the City of Washington, this 3rd day of April, One Thousand Nine Hundred and Thirty-Seven.

[SEAL]

THOS. E. LYONS,
*Executive Secretary, Foreign-Trade Zones Board.*

[F. R. Doc. 37-1104; Filed, April 15, 1937; 10:02 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 86]

ALLOCATION OF FUNDS FOR LOANS

APRIL 14, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Alabama 9G Clarke Washington | $30,000 |
| Illinois 26 Iroquois (partial) | 200,000 |
| North Carolina 14 Pitt | 60,000 |
| Ohio 41 Licking (partial) | 142,000 |
| Wisconsin 45G Chippewa (partial) | 150,000 |

JOHN M. CARMODY, *Administrator.*

[F. R Doc. 37-1105; Filed, April 15, 1937; 10:12 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-54]

IN THE MATTER OF ARMSTRONG CORK COMPANY 15-YEAR 4% DEBENTURES DUE JULY 1, 1950

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILIGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the 15-Year 4% Debentures due July 1, 1950, of Armstrong Cork Company; and

After appropriate notice, a hearing having been held in this matter on October 19th, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the 15-Year 4% Debentures due July 1, 1950, of Armstrong Cork Company be and the same is hereby denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1114; Filed, April 15, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April 1937.

[File No. 7-62]

IN THE MATTER OF BEECH CREEK RAILROAD COMPANY 4% GUARANTEED COMMON STOCK

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Beech Creek Railroad Company, 4% Guaranteed Common Stock; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Beech Creek Railroad Company, 4% Guaranteed Common Stock be and the same is hereby denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1113; Filed, April 15, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-63]

IN THE MATTER OF BELL TELEPHONE COMPANY OF PENNSYLVANIA 6½% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Bell Telephone Company of Pennsylvania 6½% Cumulative Preferred Stock, $100 Par Value; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the Philadelphia Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Bell Telephone Company of Pennsylvania 6½% Cumulative Preferred Stock, $100 Par Value be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1112; Filed, April 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-73]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION ON GOLD DEBENTURE BONDS 5% SERIES DUE JANUARY 15, 1961

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Gold Debenture Bonds 5% Series due January 15, 1961, of Columbia Gas & Electric Corporation; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Gold Debenture Bonds 5% Series due January 15, 1961, of Columbia Gas & Electric Corporation be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1109; Filed, April 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-72]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION 23-YEAR 5% GOLD DEBENTURE BONDS DUE APRIL 15, 1952

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Columbia Gas & Electric Corporation 23-Year 5% Gold Debenture Bonds due April 15, 1952; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Columbia Gas & Electric Corporation 23-Year 5% Gold Debenture Bonds due April 15, 1952 be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1110; Filed, April 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-55]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION 25-YEAR 5% GOLD DEBENTURE BONDS DUE MAY 1, 1952

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Columbia Gas & Electric Corporation 25-Year 5% Gold Debenture Bonds due May 1, 1952; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Columbia Gas & Electric Corporation 25-Year 5% Gold Debenture Bonds due May 1, 1952 be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1111; Filed, April 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-69]

IN THE MATTER OF SUPERIOR STEEL CORPORATION COMMON STOCK, $100 PAR VALUE

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Common Stock, $100 Par Value, of Superior Steel Corporation; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $100 Par Value, of Superior Steel Corporation be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1117; Filed, April 15, 1937; 12:47 p. m.]





*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-70]

IN THE MATTER OF TEXON OIL AND LAND COMPANY OF DELAWARE CAPITAL STOCK, PAR VALUE $2.00

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Capital Stock, Par Value $2.00, of Texon Oil and Land Company of Delaware; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established that said security is duly listed and registered on the New York Curb Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, Par Value $2.00, of Texon Oil and Land Company of Delaware be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1116; Filed, April 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-59]

IN THE MATTER OF THE WEST PENN ELECTRIC COMPANY $7.00 CUMULATIVE CLASS "A" STOCK, NO PAR VALUE

ORDER DENYING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the $7.00 cumulative Class "A" Stock, No Par Value, of The West Penn Electric Company; and

After appropriate notice, a hearing having been held in this matter on October 20, 1936, at which it was established that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission, based upon the evidence introduced at said hearing, not having found that the extension of unlisted trading privileges pursuant to said application is

necessary or appropriate in the public interest or for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the $7.00 cumulative Class "A" Stock, No Par Value, of The West Penn Electric Company be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1115; Filed, April 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of April, 1937.

[File No. 7-74]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION PREFERRED STOCK CUMULATIVE 5% SERIES, $100 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Pittsburgh Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 prescribed thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the Preferred Stock Cumulative 5% Series, $100 Par Value, of Columbia Gas & Electric Corporation; and

After appropriate notice, a hearing having been held in this matter on October 19, 1936, at which it was established to the satisfaction of the Commission that said security is duly listed and registered on the New York Stock Exchange, a national securities exchange, and that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in odd lots on said exchange thereto appropriate in the public interest and for the protection of investors; and at which it was not established to the satisfaction of the Commission that there exists in the vicinity of said applicant exchange sufficiently widespread public distribution of said security and sufficient public trading activity therein to render the extension of unlisted trading privileges in round lots on said exchange thereto necessary or appropriate in the public interest or for the protection of investors; and

The Commission based upon the evidence introduced at said hearing, having found that the extension of unlisted trading privileges to said security in odd lots only is appropriate in the public interest and for the protection of investors;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the Pittsburgh Stock Exchange be and the same is hereby granted permission to extend unlisted trading privileges in odd lots only to the Preferred Stock Cumulative 5% Series, $100 Par Value, of Columbia Gas & Electric Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1108; Filed, April 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE CAPROCK-PARKS #1 FARM, FILED ON FEBRUARY 27, 1937, BY CAPROCK OIL COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 10, 1937, be effective as of April 14, 1937; and

It is further ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1118; Filed, April 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE CAPROCK-PARKS #1 FARM, FILED ON FEBRUARY 27, 1937, BY CAPROCK OIL COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 10, 1937, be effective as of April 14, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1119; Filed, April 15, 1937; 12:48 p. m.]

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*Saturday, April 17, 1937* *No. 74*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6795 OF JULY 26, 1934, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6795 of July 26, 1934, withdrawing, together with other lands, the public lands in the following-described township in Wyoming, pending resurvey, is hereby revoked as to said township:

SIXTH PRINCIPAL MERIDIAN

T. 16 N., R. 93 W.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 14, 1937.*

[No. 7603]

[F. R. Doc. 37-1123; Filed, April 15, 1937; 2:32 p. m.]



EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6473 OF DECEMBER 4, 1933, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6473 of December 4, 1933, withdrawing, together with other lands, the public lands in the following-described townships in Wyoming, pending resurvey, is hereby revoked, as to said townships:

SIXTH PRINCIPAL MERIDIAN

Tps. 12 and 13 N., R. 97 W.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 14, 1937.*

[No. 7604]

[F. R. Doc. 37-1122; Filed, April 15, 1937; 2:32 p. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48921]

CUSTOMS REGULATIONS AMENDED—MARKING TO INDICATE COUNTRY OF ORIGIN OF MANIPULATED MERCHANDISE WITHDRAWN FOR CONSUMPTION

ARTICLES 509 AND 945, CUSTOMS REGULATIONS OF 1931, AMENDED TO REQUIRE MARKING TO INDICATE COUNTRY OF ORIGIN OF IMPORTED ARTICLES WHICH HAVE BEEN REPACKED OR MANIPULATED IN WAREHOUSE

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251 of the Revised Statutes and sections 304 and 556 of the Tariff Act of 1930 (U. S. C., title 19, secs. 66, 1304 and 1556), the Customs Regulations of 1931 are hereby amended as follows:

Article 509 is amended by adding a new paragraph to be designated paragraph (f), reading as follows:

(f) No article which has been repacked under article 938 of these regulations or section 562 of the Tariff Act of 1930, or which has been manipulated under that section, shall be withdrawn from warehouse for consumption unless such article (if subject to individual marking when imported) and its immediate container and the package in which it is contained at the time of withdrawal are marked to indicate the country of origin of such article in accordance with the provisions of section 304 of the Tariff Act of 1930. The word "articles" within the meaning of this paragraph includes packages and immediate containers withdrawn for consumption which have been removed from articles repacked or manipulated and not replaced thereon. These regulations shall not be construed to relieve an importer from payment of marking duty if it accrued by reason of the absence at the time of importation of the marking required by section 304, nor to require the further marking of articles, containers, or packages which were marked in accordance with section 304 at the time of importation, when such marking has not been affected by the repacking or manipulation.

Article 945 is amended by adding a new paragraph to be designated paragraph (e), reading as follows:

(e) Articles which have been repacked or manipulated, and their containers and packages, and the packages and containers described as articles in article 509 (f), shall not be withdrawn from warehouse for consumption unless they are marked to indicate the country of origin of the articles, in accordance with the provisions of section 304 of the Tariff Act of 1930 and article 509 (f). The storekeeper shall note the fact of such marking on the back of the permit, customs Form 3499.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, April 10, 1937:

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1125; Filed, April 15, 1937; 3:50 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1937.

[File No. 31-381]

IN THE MATTER OF SOUTH AMERICAN UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by South American Utilities Corporation, pursuant to Section 3 (a) (5) of the Public Utility Holding Company Act of 1935, for exemption as a holding company from the provisions of said Act,

It is ordered that a hearing on such matter be held on May 3, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 28, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1127; Filed, April 16, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of April, A. D., 1937.

IN THE MATTER OF LEWIS S. PARSONS, DOING BUSINESS AS L. S. PARSONS & CO., 345 POWERS BUILDING, ROCHESTER, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) (1) (C)

The registration of Lewis S. Parsons, doing business as L. S. Parsons & Co., as a broker or dealer on over-the-counter markets, having come on for hearing before the Commission upon the question of revocation or suspension; and the Commission having entered its opinion and findings of fact in the matter and being of the opinion that it is in the public interest and for the protection of investors to revoke said registration;

It is ordered, pursuant to Section 15 (b) (1) (C), that the registration of Lewis S. Parsons, doing business as L. S. Parsons & Co., be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1131; Filed, April 16, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MORRIS ET AL-HOLLENBECK FARM FILED ON APRIL 5, 1937, BY JAMES R. HAYNES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 14, 1937, be effective as of April 14, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1126; Filed, April 16, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GENERAL "L" COMMUNITY LEASE, FILED ON APRIL 12, 1937, BY A. BEN CHADWELL, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not believed to be correct;

(2) In that the figures set forth in Division II, Item 16 (c), for the months of April, October, November and December, 1936, and January, February and March, 1937, are not correctly calculated;

(3) In that from the legal description of the property disclosed by Exhibit B it cannot be ascertained that the interests to be conveyed by mineral deed will be the same as the smallest fractional interests proposed to be offered, as set forth in Division II, Item 1;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 15th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 30th day of April, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1129; Filed, April 16, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARGAY-BEMIS "A" FARM, FILED ON APRIL 12, 1937, BY HUGH MCCLELLAN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the information disclosed in Division II, Item 16 (a), is not believed to be correct by reason of the fact that from information given in Division II, Items 14 and 15, it appears that the tract involved has produced oil for a period of time in excess of that set forth in Division II, Item 16 (a);

(2) In that the statement made in Division II, Item 14, does not agree with similar information required to be disclosed in Division II, Items 16 (a) and 17 (b);

(3) In that the statement made in Division II, Item 18 (a) (iv), is inconsistent with the information disclosed by Exhibit A;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 15th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 30th day of April, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1130; Filed, April 16, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE EAGLE ROCK-DARLING-ENGSTROM ET AL FARM, FILED ON APRIL 10, 1937, BY SUPREME OIL INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 7, is not correctly stated;

(2) In that the information required to be given in Division II, Items 7, 8 and 9, of the offering sheet, is omitted by reason of the fact that an attempt has been made by the offeror to incorporate the required information by reference to the report of John P. Ruggles, which report is deficient in the following particulars:

(a) the information required to be given in Division II, Items 7 and 8, is not disclosed in the report;

(b) the information relative to the person making the report is not in the proper form and is not dated;

(c) the geologist's report, as filed, is not complete;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 15th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 30th day of April, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1128; Filed, April 16, 1937; 12:43 p. m.]

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VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

AUTHORIZATIONS

5054. Field examiners are authorized to examine into the correctness of claims and to administer oaths and affirmations in connection with claims arising under the laws administered by the Veterans Administration. (April 15, 1937.) (Veterans Regulation No. 10, paragraph XX.) (Public No. 844, 74th Congress.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-1124; Filed, April 15, 1937; 3:20 p. m.]

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## *Tuesday, April 20, 1937* — *No. 75*

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PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDERS NO. 6807 OF AUGUST 4, 1934, AND NO. 6863 OF OCTOBER 3, 1934, WITHDRAWING PUBLIC LANDS

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Orders No. 6807 of August 4, 1934, and No. 6863 of October 3, 1934, withdrawing the public lands in the following-described townships in New Mexico, pending resurvey, are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 2 N., R. 16 W.
Tps. 5 N., Rs. 17 and 18 W.
Tps. 7 S., Rs. 12 and 13 W.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 15, 1937.*

[No. 7605]

[F. R. Doc. 37-1134; Filed, April 16, 1937; 4:02 p. m.]

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EXECUTIVE ORDER

DESIGNATING THE CHAIRMAN OF THE UNITED STATES MARITIME COMMISSION

By virtue of and pursuant to the authority vested in me by section 201 (a) of the Merchant Marine Act, 1936 (49 Stat. 1985), I hereby designate Joseph P. Kennedy as Chairman of the United States Maritime Commission.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 16th, 1937.*

[No. 7606]

[F. R. Doc. 37-1133; Filed, April 16, 1937; 4:02 p. m.]

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TREASURY DEPARTMENT.

**Accounts and Deposits.**

[Department Circular No. 570 Revised.]

SURETY BONDS

APRIL 14, 1937.

The following is a list of those companies appearing upon the certification of the Acting Secretary of the Treasury dated April 14, 1937 (T. D. Form 356), as being the holders of certificates of authority from the Secretary of the Treas-

ury, issued under the Acts of Congress of August 13, 1894 (28 Stat. 279), and March 23, 1910 (36 Stat. 241), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

NAMES OF COMPANIES, LOCATIONS OF PRINCIPAL EXECUTIVE OFFICES, AND STATES IN WHICH INCORPORATED

CALIFORNIA

1. Associated Indemnity Corporation, San Francisco
2. Fireman's Fund Indemnity Co., San Francisco
3. National Automobile Insurance Co., Los Angeles
4. Occidental Indemnity Co., San Francisco
5. Pacific Indemnity Co., Los Angeles

CONNECTICUT

6. The Aetna Casualty and Surety Co., Hartford
7. The Century Indemnity Co., Hartford
8. Hartford Accident and Indemnity Co., Hartford

DELAWARE

9. Mellbank Surety Corporation, Pittsburgh, Pa.
10. Saint Paul-Mercury Indemnity Co. of St. Paul, Minn.

ILLINOIS

11. American Motorists Insurance Co., Chicago

INDIANA

12. Continental Casualty Co., Chicago, Ill.
13. Inland Bonding Co., South Bend

KANSAS

14. The Kansas Bankers Surety Co., Topeka
15. The Western Casualty and Surety Co., Fort Scott

MARYLAND

16. American Bonding Co. of Baltimore
17. Fidelity and Deposit Co. of Maryland, Baltimore
18. Maryland Casualty Co., Baltimore
19. United States Fidelity and Guaranty Co., Baltimore

MASSACHUSETTS

20. American Employers' Insurance Co., Boston
21. Massachusetts Bonding and Insurance Co., Boston

MICHIGAN

22. National Casualty Co., Detroit
23. Standard Accident Insurance Co., Detroit

MISSOURI

24. Central Surety & Insurance Corporation, Kansas City
25. Employers Reinsurance Corporation, Kansas City

NEW HAMPSHIRE

26. Peerless Casualty Co., Keene
27. Bankers Indemnity Insurance Co., Newark
28. Commercial Casualty Insurance Co., Newark
29. The Excess Insurance Co. of America, New York, N. Y.
30. International Fidelity Insurance Co., Jersey City

NEW YORK

31. American Re-Insurance Co., New York
32. American Surety Co. of New York
33. Columbia Casualty Co., New York
34. Eagle Indemnity Co., New York
35. The Fidelity and Casualty Co. of New York
36. General Reinsurance Corporation, New York
37. Glens Falls Indemnity Co., Glens Falls
38. Globe Indemnity Co., New York
39. Great American Indemnity Co., New York
40. The Home Indemnity Co., New York
41. London & Lancashire Indemnity Co. of America, Hartford, Conn.
42. Merchants Indemnity Corporation of New York
43. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
44. National Surety Corporation, New York
45. New Amsterdam Casualty Co., Baltimore, Md.
46. New York Casualty Co., New York
47. The Preferred Accident Insurance Co. of New York
48. Royal Indemnity Co., New York
49. Seaboard Surety Co., New York
50. Standard Surety and Casualty Co. of New York
51. Sun Indemnity Co. of New York
52. United States Casualty Co., New York
53. United States Guarantee Co., New York
54. The Yorkshire Indemnity Co. of New York

OHIO

55. The Ohio Casualty Insurance Co., Hamilton

PENNSYLVANIA

56. Eureka Casualty Co., Philadelphia
57. Indemnity Insurance Co. of North America, Philadelphia

SOUTH DAKOTA

58. Western Surety Co., Sioux Falls

TEXAS

59. American General Insurance Co., Houston
60. American Indemnity Co., Galveston
61. Commercial Standard Insurance Co., Fort Worth
62. Employers Casualty Co., Dallas
63. Texas Indemnity Insurance Co., Galveston
64. Trinity Universal Insurance Co., Dallas

VIRGINIA

65. Virginia Surety Co., Inc., Roanoke

WASHINGTON

66. General Casualty Co. of America, Seattle
67. United Pacific Insurance Co., Seattle

FOREIGN COMPANIES AUTHORIZED TO DO A REINSURANCE BUSINESS ONLY

68. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y.)
69. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.)
70. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.)
71. The Guarantee Co. of North America, Montreal, Canada (U. S. Office, New York, N. Y.)
72. London Guarantee and Accident Co., Ltd., London, England (U. S. Office, New York, N. Y.)
73. The Ocean Accident and Guarantee Corp., Ltd., London, England (U. S. Office, New York, N. Y.)

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1135; Filed, April 16, 1937; 4:26 p. m.]

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**Bureau of Customs.**

[T. D. 48923]

EXAMINATION OF MERCHANDISE—SPECIAL REGULATION

THE EXAMINATION OF LESS THAN ONE PACKAGE OF EVERY TEN PACKAGES OF CERTAIN MERCHANDISE AUTHORIZED

APRIL 13, 1937.

*To Collectors of Customs and Others Concerned:*

From the character and description of the merchandise named or described hereafter in this special regulation, I am of the opinion that the examination of less than one package of every ten packages of such merchandise covered by one invoice will amply protect the revenue, provided that such merchandise is:

(a) Imported in packages, the contents and values of which are uniform, or

(b) Imported in packages, the contents of which are identical as to character, although differing as to quantity and value per package.

Therefore, by virtue of the authority vested in the Secretary of the Treasury, including that conferred by sections 499 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1499 and 1624), I do by this special regulation permit and authorize, in the case of merchandise hereinafter named or described which is imported under either of the conditions above stated, a less number of packages than one package of every ten packages, but not less than one package of every invoice, to be examined:

Cloth, cotton (woven fabrics of cotton, in the piece, whether figured, fancy, or plain);
Confectionery;
Felt-base floor covering;
Fish, fresh, dried, or in brine,
Fruits, fresh, dried, canned or otherwise prepared or preserved;
Hoods and hat bodies, of wool, black;
Hosiery, cotton (without embroidery or clocking);
Linoleum;
Oilcloth, floor;
Tea (in containers of five pounds or more);
Vegetables, fresh, dried, canned or otherwise prepared or preserved.

This special regulation shall not be construed to preclude the examination of packages in addition to the minimum number hereby permitted to be examined if the collector or the appraiser shall deem it necessary that a greater number of packages be examined.

The number of this Treasury Decision should be noted as a marginal reference for article 307 of the Customs Regulations of 1931.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1138; Filed, April 16, 1937; 4:27 p. m.]

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**Bureau of Internal Revenue.**

[T. D. 4733]

METHOD OF PAYMENT OF INTERNAL REVENUE TAX ON DISTILLED SPIRITS FOR SHIPMENT IN TANK CARS

*To Collectors of Internal Revenue, District Supervisors, and Others Concerned:*

Pursuant to Section 13 of Title III of the National Prohibition Act (U. S. C., 1934 ed., title 27, section 83) and Section 308 of the Liquor Tax Administration Act (U. S. C., 1934 ed., Supp. II, title 27, section 74b) the following regulations are hereby prescribed:

PAYMENT OF INTERNAL REVENUE TAX ON DISTILLED SPIRITS FOR SHIPMENT IN TANK CARS

1. Effective June 1, the issuance by Collectors of Internal Revenue of Form 1, "Receipt for Payment of Taxes", as evidence of the payment of internal revenue tax on distilled spirits, including alcohol, to be shipped in tank cars, shall be discontinued. Thereafter, Collectors of Internal Revenue will issue Form 1595, "Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars", certifying payment of the internal revenue tax on distilled spirits, including alcohol, to be shipped in tank cars.

2. The vendor shall obtain the certificate of tax-payment by filing with the Collector of Internal Revenue in the district in which the vendor is located, Form 1594, "Application for Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars", accompanied by a remittance in the form of cash, certified check, or Post Office Money Order, and a report of the gauge of the contents of the car as prescribed by regulations.

3. Form 1595, "Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars", is not negotiable and shall not be used on any tank car other than the one described in the certificate of tax-payment.

4. Existing regulations in conflict herewith are amended accordingly.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: April 12, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1136; Filed, April 16, 1937; 4:26 p.m.]

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[T. D. 4734]

APPROVAL OF BONDS

*To District Supervisors:*

Pursuant to the authority conferred by Section 305 of the Liquor Tax Administration Act, (U. S. C., 1934 ed., Supp. II, title 26, sec. 1166 (c)) and Section 5 of the "Liquor Enforcement Act of 1936" (U. S. C., 1934 ed., Supp. II, title 27, sec. 225), the following regulations are prescribed:

1. Effective April 1, 1937, District Supervisors are authorized to approve all bonds (a) respecting the operation of bonded wineries, bonded storerooms, and breweries; (b) relating to the exportation of distilled spirits, including alcohol, fermented malt liquors and wines; (c) relating to the removal of distilled spirits, including alcohol, and wines to customs manufacturing warehouses; (d) relating to dealers in, and users of, specially denatured alcohol; (e) relating to the procurement and use of tax free alcohol; (f) relating to the transportation of specially denatured and tax free alcohol; and (g) relating to the withdrawal of distilled spirits free of tax.

2. All other bonds filed by an individual, firm, partnership, corporation, or association intending to commence or to continue the business of a distiller, rectifier, or as proprietor of an internal revenue bonded warehouse, distillery, denaturing bonded warehouse, or industrial alcohol plant, alcohol bonded warehouse and/or denaturing plant, will be approved by the Commissioner of Internal Revenue.

3. The bonds referred to in Paragraph one hereof shall be prepared and executed in triplicate and submitted to the Supervisor of the district in which the business is located; who will approve the bond if the principal has in all respects complied with the law and regulations.

If the bond is approved, the original copy shall be forwarded to the Commissioner, one copy sent to the principal, and the third copy retained by the District Supervisor.

If the bond is disapproved, all copies shall be returned to the principal and the surety or sureties notified of such disapproval. Appeal from such disapproval may be made to the Commissioner of Internal Revenue.

4. The bonds referred to in Paragraph two hereof shall be prepared and executed in triplicate and submitted to the Supervisor of the district in which the business is located; who will indicate on the bond his recommendation for approval or disapproval, as follows: "Recommended for approval"; or, "Recommended for disapproval". If the recommendation is for disapproval, the District Supervisor shall submit with it a statement setting forth his reasons therefor. The three copies of the bond shall be forwarded to the Commissioner with other qualifying documents required by law and regulations.

If the bond is approved, two copies shall be returned to the District Supervisor who shall forward one copy to the principal with authorization to operate, and retain the other copy for his files.

If the bond is disapproved, all copies shall be returned to the District Supervisor who will return them to the principal and notify the surety or sureties of such disapproval.

5. If the surety or sureties are found not to be acceptable by the Commissioner of Accounts and Deposits, the principal shall be required to file a new and satisfactory bond.

6. Regulations heretofore issued insofar as they are inconsistent herewith are hereby revoked.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved April 14, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1137; Filed, April 16, 1937; 4:27 p. m.]

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**POST OFFICE DEPARTMENT.**

CALIFORNIA STATE PLANT QUARANTINE

APRIL 6, 1937.

Under plant quarantines and regulations issued by the State of California, the shipment into that State of certain plants and plant materials, known to be hosts of injurious pests and plant diseases, is subject to certain requirements, or entirely prohibited.

The following table gives a summary of the California quarantine laws and regulations, showing the quarantined areas, the plants and plant products affected, and the pests and diseases of which such plants are known hosts. Under the provisions of paragraph 2 (b), amended section 596, Postal Laws and Regulations, postmasters should not accept such plants and plant products when presented for mailing in violation of these quarantine laws and regulations, and should invite the attention of the mailers thereto.

*Plants and Plant Products Prohibited or Regulated Entry into California*

| Area quarantined | Plants and plant products affected | | Plant pests and diseases |
|---|---|---|---|
| | Acceptance for mailing entirely prohibited | Accepted for mailing only when accompanied with approved certificate or California permit | |
| Entire United States except Arizona | Citrus fruits and plants and parts thereof except seed prohibited via mail. | Citrus seed admitted under California permit. | Scale insects, fruit flies and citrus canker. |
| All states east of and including Montana, Wyoming, Colorado and New Mexico. | Chestnuts and chinquapin plants and parts thereof including NUTS. | | Chestnut bark disease. |
| Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and West Virginia. | Almond, apple, apricot, cherry, chokecherry, nectarine, peach, pear, plum, and quince. Fruits and rooted plants. | Scions and budwood admitted under California permit from Nov. 1 to Mar. 1. | Oriental fruit moth and diseases of peach trees. |
| All states east of and including Montana, Wyoming, Colorado and New Mexico. | Filbert and hazel: Plants and parts thereof except nuts. | | Filbert blight. |
| Entire United States | Cotton bolls, cotton seed and seed hulls, from pest infested areas. | Lint, seed cotton, cottonseed, hulls and bolls admitted under California permit, from pest free areas. | Cotton boll weevil. |
| Idaho, Oregon, and Washington | Cherry fruits prohibited from infested counties. | Cherry fruits admitted if accompanied by origin State certificate stating cherries originated in county known to be free from cherry fruit flies. | Cherry fruit flies. |
| Entire United States | Sweet potato: Plants and parts thereof including tubers. Prohibited from infested areas. | Tubers and plants admitted if accompanied by origin State certificate stating same originated in area known to be free from sweet potato weevil. | Sweet potato weevil. |
| Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. | Tree of heaven; allamanda; Mexican orange; citrus; coffee; Japanese and common persimmon; gardenia spp.; ixora privets; China tree (melia spp.); wild olive or devil wood; toyon Christmas berry; otaheite gooseberry, West India gooseberry, jimbling; mock orange; severinia; green briers; tea plant; pepper wood, prickly ash; plants and parts thereof except fruit and seeds. | Following plants and parts thereof except fruit and seeds admitted if completely defoliated at origin Cinnamomum spp.; holly; jasminum spp.; crepe myrtle; Grecian laurel; honeysuckle, soapberry; China tree; lilacs, and viburnum spp. | Citrus white flies. |
| All States east of and including Montana, Wyoming, Colorado, and New Mexico. | Hickory, pecan, and walnut; plants and parts thereof except NUTS. | Scions and budwood admitted under California permit. | Pecan nut case bearer, pecan leaf case bearer. |
| Arizona, Arkansas, New Mexico, Oklahoma, and Texas. | | All plants admitted if free from roots and soil, or if accompanied by origin State certificate stating that same were grown on premises known to be free from ozonium root rot. | Ozonium root rot. |
| Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. | | Corn, broom corn, sorghums and Sudan grass except clean seed and shelled grain; plants and parts thereof admitted if accompanied by U. S. Federal fumigation or treatment certificate. (No restrictions on clean seed and shelled corn.) | European corn borer. |
| Same as above | | Lima and green shell beans in pod, beets with tops and rhubarb: Admitted if accompanied by U. S. Federal inspection certificate affirming freedom from corn borer, or U. S. Federal fumigation or treatment certificate. | Same as above. |
| Entire United States except Nevada | | Irish potato, tomato, and egg plant. Plants and cuttings thereof and potato tubers admitted if accompanied by origin State certificate that plants or tubers originated in locality known to be free from Colorado potato beetle. Potatoes also admitted if screened and certified. | Colorado potato beetle. |

Shippers desiring California permits must make application therefor direct to the Bureau of Plant Quarantine, State Department of Agriculture, Sacramento, California.

Postmasters at places in California where State inspection of plants and plant products is maintained under the Terminal Inspection Act should take the action prescribed by amended paragraph 4 (b), section 596, Postal Laws and Regulations, if parcels sent to such offices for terminal inspection are found to be in violation of these plant quarantine laws or regulations.

[SEAL] ROY M. NORTH,
*Acting Third Assistant Postmaster General.*

[F. R. Doc. 37–1150; Filed, April 17, 1937; 10:10 a. m.]

## MISSISSIPPI STATE PLANT QUARANTINE

### SWEET POTATO WEEVIL

APRIL 7, 1937.

Under plant quarantines and regulations issued by the State of Mississippi on account of the sweet potato weevil, the shipment into that State of certain plants and plant materials known to be hosts of this pest is subject to certain requirements, or entirely prohibited.

The shipment into Mississippi of *sweet potatoes, sweet potato plants, vines, cuttings, draws and slips, morning glory plants or parts thereof* is entirely prohibited from the *States of Florida and Louisiana; the southern part of Mobile County, Alabama; Camden, Decatur and Glynn Counties, Georgia; and all of the State of Texas except the counties of Cass, Bowie, Morris, Camp, Titus, Red River, Franklin, Hopkins, Delta and Lamar.* The articles named may be accepted at points outside such area for shipment into Mississippi only when accompanied with a permit certificate tag obtained by the shipper from the State Plant Board, State College, Mississippi.

Postmasters are, therefore, requested to observe the foregoing prohibitions and restrictions when such plants and plant materials are presented for mailing and also invite the attention of mailers thereto. This is in accordance with the law embodied in paragraph 2, amended section 596, Postal Laws and Regulations.

Postmasters at places in Mississippi where State inspection of plants and plant products is maintained under the Terminal Inspection Act should take the action prescribed by amended paragraph 4 (b), section 596, Postal Laws and Regulations, if parcels sent to such offices for terminal inspection are found to be in violation of these plant quarantine laws or regulations.

[SEAL] ROY M. NORTH,
*Acting Third Assistant Postmaster General.*

[F. R. Doc. 37–1149; Filed, April 17, 1937; 10:09 a. m.]

## MONTANA STATE PLANT QUARANTINES

### CHERRY FRUIT FLY AND BLACK LOCUST BORER

APRIL 8, 1937.

Under plant quarantines and regulations issued by the State of Montana, on account of the cherry fruit fly and the black locust borer, the shipment into that State of certain plants and plant materials known to be hosts of these pests is subject to certain requirements, or entirely prohibited.

The shipment into Montana of the fresh fruit of the cherry, and boxes or packages which have contained fresh cherries, is entirely prohibited from the following quarantined areas:

| | |
|---|---|
| In Idaho | The counties of Benewah and Latah. |
| In Oregon | The counties of Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Union, Washington, and Yamhill. |
| In Washington | The counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom, and Whitman. |

Fresh fruit of the cherry may be accepted in other counties in the States of Idaho, Oregon, and Washington for shipment into Montana only when accompanied with the prescribed certificate of the State of origin.

The shipment into Montana of black locust plants or untreated black locust products is entirely prohibited from the following quarantined areas:

The State of Washington.
All of the United States east of the eastern boundaries of the States of Montana, Idaho, Utah, and Arizona.

Postmasters are, therefore, requested to observe the foregoing prohibitions and restrictions when such plants and plant materials are presented for mailing, and also invite the attention of mailers thereto. This is in accordance with the law embodied in paragraph 2 (b), amended section 596, Postal Laws and Regulations.

Postmasters at places in Montana where State inspection of plants and plant products is maintained under the Terminal Inspection Act should take the action prescribed by amended paragraph 4 (b), section 596, Postal Laws and Regulations, if parcels sent to such offices for terminal inspection are found to be in violation of these plant quarantine laws or regulations.

[SEAL] ROY M. NORTH,
*Acting Third Assistant Postmaster General.*

[F. R. Doc. 37–1148; Filed, April 17, 1937; 10:09 a. m.]





## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

### SPECIAL RULE FOR COLORADO GRAZING DISTRICT NO. 3 [1]

A proper showing having been made and it having been found that the available public land is insufficient in Colorado Grazing District No. 3 to meet the requirements of all in the preferred class and that the general rule set forth in the Amendment to the Rules for Administration of Grazing Districts approved January 28, 1937,[2] is unsuited to local conditions and will not permit an effective and orderly administration of the act in that particular district, the preferred class will be divided for that district into two groups as follows:

1. Those who have dependent commensurate property which has been used in connection with the public range for any two full consecutive grazing seasons during the 5-year period immediately preceding the passage of the Taylor Grazing Act.
2. Those who do not have such prior use.

JULIAN TERRETT, *Acting Director.*

Approved: April 5, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37–1143; Filed, April 17, 1937; 9:51 a. m.]

### SPECIAL RULE FOR COLORADO GRAZING DISTRICT NO. 4 [1]

A proper showing having been made and it having been found that the available public land is insufficient in Colorado Grazing District No. 4 to meet the requirements of all in the preferred class and that the general rule set forth in the Amendment to the Rules for Administration of Grazing Districts approved January 28, 1937, is unsuited to local conditions and will not permit an effective and orderly administration of the act in that particular district, the preferred class will be divided for that district into two groups as follows:

1. Those who have dependent commensurate property which has been used in connection with the public range for any two full consecutive grazing seasons during the 5-year period immediately preceding the passage of the Taylor Grazing Act.
2. Those who do not have such prior use.

JULIAN TERRETT, *Acting Director.*

Approved: April 5, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37–1144; Filed, April 17, 1937; 9:51 a. m.]

### SPECIAL RULE FOR COLORADO GRAZING DISTRICT NO. 6 [1]

A proper showing having been made and it having been found that the available public land is insufficient in Colorado Grazing District No. 6 to meet the requirements of all in the preferred class and that the general rule set forth in the Amendment to the Rules for Administration of Grazing Districts approved January 28, 1937, is unsuited to local conditions and will not permit an effective and orderly administration of the act in that particular district, the preferred class will be divided for that district into two groups as follows:

1. Those who have dependent commensurate property which has been used in connection with the public range

[1] Under the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976), commonly known as the Taylor Grazing Act.

for two full consecutive grazing seasons during the 5-year period immediately preceding the passage of the Taylor Grazing Act.

2. Those who do not have such prior use.

JULIAN TERRETT, *Acting Director.*

Approved: April 5, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1145; Filed, April 17, 1937; 9:51 a. m.]

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## WITHDRAWAL FOR PROPOSED COLORADO GRAZING DISTRICT NO. 5 VACATED IN PART

APRIL 5, 1937.

Under authority of Departmental order of November 16, 1936, pursuant to section 1 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), notice was published on December 12, 1936, that a hearing would be held at Salida, Colorado, on January 25, 1937, or at any place or time to which said hearing might be adjourned for the purpose of considering the establishment of Grazing District No. 5 to include the following lands:

COLORADO

*Counties of Fremont, Park, and Saguache*

The publication of such notice had the effect, in accordance with the provisions of aforesaid act of withdrawing all public lands within the entire boundaries of the proposed district from all forms of entry and settlement.

With the exception of that part of the following described land in Saguache County located outside of national forests, it has been determined that the public lands within the area proposed for withdrawal are not appropriate for administration in a grazing district under the Taylor Grazing Act:

COLORADO

*New Mexico Principal Meridian*

Tps. 44 to 46 N., inclusive, R. 4 E.;
T. 42 N., R. 5 E.;
Tps. 44 to 46 N., inclusive, R. 5 E.;
Tps. 42 to 46 N., inclusive, R. 6 E.;
Tps. 42 to 47 N., inclusive, R. 7 E.;
Tps. 43 to 48 N., inclusive, R. 8 E.;
Tps. 45 to 48 N., inclusive, R. 9 E.;
Tps. 45 to 47 N., inclusive, R. 10 E.;
Tps. 45 to 46 N., inclusive, R. 11 E.

The withdrawal, therefore, is hereby vacated except as to the above-described land.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-1146; Filed, April 17, 1937; 9:51 a. m.]

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## NEW MEXICO GRAZING DISTRICT NO. 5

MODIFICATION

APRIL 10, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 5, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., Rs. 12, 14, and 15 E.;
T. 26 S., R. 21 E., secs. 5, 6, 7, 8, 17, 18, 19, N½, SW¼ sec. 20, W½ sec. 29, secs. 30, 31, W½ sec. 32.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-1142; Filed, April 17, 1937; 9:45 a. m.]

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## Division of Territories and Island Possessions.

[I. C. C. No. 121 (Cancels I. C. C. No. 103)]

THE ALASKA RAILROAD IN CONNECTION WITH ALASKA STEAMSHIP COMPANY (FX5 No. 5) AMERICAN YUKON NAVIGATION COMPANY (FX2 No. 1) PUGET SOUND FREIGHT LINES (FX5 No. 16)

JOINT FREIGHT TARIFF NO. 5-D

(Cancels Joint Freight Tariff No. 5-C)

*Naming Class and Commodity Rates Between Seattle and Tacoma, Washington, and Points on the Alaska Railroad, American Yukon Navigation Company, in Alaska*

Governed, except as otherwise provided herein, by The Western Classification No. 66 (as published in Consolidated Freight Classification No. 11) R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive reissues thereof. Transportation service in connection with The Alaska Railroad American Yukon Navigation Company, is subject to restoration and discontinuance as indicated on page 716 hereof. Issued February 27, 1937. Effective April 5, 1937. Authority Act March 12, 1914 and Executive Order No. 3861.

Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

The above is hereby confirmed.

April 16, 1937.

RUTH HAMPTON,
*Acting Director.*

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Puget Sound Navigation Company (FX5 No. 11) eliminated account service between Seattle and Tacoma, Wash., discontinued.

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RULES AND REGULATIONS

*Item No. 180—Advancing of Charges*

No advance charges will be paid, except such as are incidental to the transportation of freight (including drayage, wharfage or switching charges), and then only on such freight as in the estimate of the Agent is worth in excess of the freight charges at forced sale. The cost or any part thereof of the articles shipped must not in any case be advanced.

*Item No. 185—Conditions of Bill of Lading*

All property to be transported shall, unless otherwise agreed to in writing, be received, held, carried and delivered, subject to the conditions of the carrier's regular current bill of lading. All freight and other charges payable in United States gold coin or its equivalent.

*Item No. 190—Freight Must Be in Suitable Packages for Shipment*

All freight for shipment must be packed in shape for safe and expeditious handling. When tariff does not specify kind of package, it is understood that bags, barrels, boxes, crates or other suitable packages will be used; and when freight is offered in bulk or in such packages as would endanger contents or other cargo or steamer when handled with ordinary care, it shall be optional with the carrier to refuse to transport it or to accept it with notation on shipping receipt or bill of lading fully releasing the carriers from liability for any and all damage that may occur.

The carrier shall have the right to refuse to carry any freight offered for shipment which is likely to damage other freight or steamer or prove offensive to passengers.

*Item No. 195—Heavy Freight*

Heavy single pieces or packages of machinery, or other commodities weighing over 4,000 lbs. each, will take the Class and Commodity rates shown herein on the total weight plus the following additional rates per ton of 2,000 lbs., to cover extra cost of handling heavy pieces by steamer.

| Pieces or packages weighing | Per ton of 2,000 lbs. |
|---|---|
| Over 4,000 lbs., and not over 10,000 lbs. | $2.00 |
| Over 10,000 lbs., and not over 12,000 lbs. | 2.50 |
| Over 12,000 lbs., and not over 14,000 lbs. | 3.00 |
| Over 14,000 lbs., and not over 16,000 lbs. | 3.50 |
| Over 16,000 lbs., and not over 18,000 lbs. | 4.00 |
| Over 18,000 lbs., and not over 20,000 lbs. | 4.50 |
| Over 20,000 lbs., and not over 22,000 lbs. | 5.00 |
| Over 22,000 lbs., and not over 24,000 lbs. | 6.00 |
| Over 24,000 lbs., and not over 26,000 lbs. | 7.00 |
| Over 26,000 lbs., and not over 28,000 lbs. | 8.00 |
| Over 28,000 lbs., and not over 30,000 lbs. | 9.00 |
| Over 30,000 lbs., and not over 32,000 lbs. | 10.00 |
| Over 32,000 lbs., and not over 34,000 lbs. | 11.00 |
| Over 34,000 lbs., and not over 36,000 lbs. | 12.00 |
| Over 36,000 lbs., and not over 38,000 lbs. | 13.00 |
| Over 38,000 lbs., and not over 40,000 lbs. | 14.00 |

*Item No. 200—Marine Insurance*

Rates named herein do not include marine insurance. All risk of loss and damage incident to transportation of freight by water must be assumed by shippers, owners or consignee, who may protect themselves against such loss by covering their shipments with marine insurance.

*Item No. 205—Marking Freight*

In handling freight by steamer the men loading and discharging freight must be guided wholly by marks on packages. It is therefore of the utmost importance that every package or piece of freight be plainly marked with the full name or initials of consignee and destination in full. In accordance with the provisions of the carrier's bill of lading, the carrier will not be liable for miscarriage of goods that are not properly marked. All old marks must be obliterated.

*Item No. 210—Minimum Charge*

Except as otherwise provided, the minimum charge for a single shipment from one consignor to one consignee on one bill of lading shall be:

(a) If classified 1st class or lower, for one hundred (100) pounds at the class or commodity rate applicable thereto; or

(b) If classified higher than 1st class, for one hundred (100) pounds at the 1st class rate; or

(c) If the shipment contains articles in two or more classes, and no article is classified higher than 1st class for one hundred (100) pounds at the rate applicable to the article taking the highest rate; or if any one of the articles is classified higher than 1st class, the minimum charge shall be for one hundred (100) pounds at the 1st class rate; but

(d) In no case shall the charge on a single shipment be less than two ($2.00) dollars.

*Item No. 215—Maximum Charge*

In no case must the charges on a smaller quantity of freight at a higher rate exceed the charges on a minimum larger quantity at the lower rate.

*Item No. 220—Mixed Carloads of Lumber, Lath and Shingles*

Lumber, common, Lath, wooden, and Shingles, wooden, may be shipped in mixed carloads at the respective Class or Commodity Rates named herein on each, subject to minimum weight of 40,000 lbs.

*Item No. 225—Order Shipments*

When shipments are forwarded consigned to shipper's order or "to order", "notify ------" the name of the person to be notified must appear on the shipping receipt and bill of lading.

Agents and Pursers should see that this rule is carried out and full reference given on manifests or waybills to enable destination agent to advise consignees promptly on arrival of freight and to prevent delays, as all such shipments held account of delays of this character will be subject to storage charges.

Bills of lading for goods consigned "to order" will not be issued to Non-agency stations.

*Item No. 230—Outside Calls*

At Steamship Company's option its steamers will call at wharves other than its regular Seattle and Tacoma wharves (Alaska Steamship Company, Pier 2, Seattle, Wash., or Commercial Dock, Tacoma, Wash.), to there receive and/or deliver freight when the quantity is not less than 100 tons, or 100,000 feet board measure of lumber. The Steamship Company also reserves the right to call at wharves other than its said regular Seattle, Wash., and Tacoma, Wash., wharves to receive or deliver shipments of less than 100 tons of explosives or explosive oils and empty containers in which explosive oils have been shipped, when it is more convenient to the Steamship Company to make such calls than to receive or deliver such shipments over its said regular Seattle, Wash., or Tacoma, Wash., wharves. In any case freight received or delivered at wharves other than the Company's said regular Seattle, Wash., or Tacoma, Wash., wharves will be received or delivered only at ship's tackle, all expenses of moving freight on the wharf to or from ship's tackle to be borne by the shipment or the wharf at which such call is made.

*Item No. 235—Prepayment of Freight Charges*

Household goods, personal effects, samples of ore, perishable freight and other goods of doubtful valuation must be fully prepaid or guaranteed.

*Item No. 240—Perishable Freight*

Shipments of fruit, vegetables, eggs, canned goods, liquids, bulbs, nursery stock and all other commodities subject to deterioration by variation of weather, heat or cold, loss or damage resulting from inherent nature of the goods will only be accepted subject to owner's risk.

On shipments of green fruit and vegetables subject to decrease in weight by evaporation, Agents at destination will collect charges on basis of weight ascertained at point of shipment.

*Item No. 245—Perishable Freight "To Order"*

Perishable freight will not be accepted when consigned "to order."

[1] The rules and regulations, only, of the material listed, are printed herewith. The complete document has been filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Division of Territories and Island Possessions, Department of the Interior.

*Item No. 250—Rail and River Traffic*

Shipments will be accepted by carriers, parties to this tariff during the period of each year:

| From— | To— | For Transportation on the Vessels of the |
|---|---|---|
| April 15 | August 25 | Alaska Railroad. |
| April 15 | August 25 | American Yukon Navigation Company. |

Shipments also will be accepted from the latter date until the date announced by supplements to this tariff, subject to the condition that all freight left on hand at the port of trans-shipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of trans-shipment after the last sailing of each season of navigation, will be stored at the port of trans-shipment and storage charges assessed on such shipments as provided in Tariffs of The Alaska Railroad, lawfully on file with the Interstate Commerce Commission. In such cases shipping receipts, bills of lading and way-bills must bear notation to that effect.

Supplements announcing the final date upon which shipments will be accepted for transportation, under this tariff and effective supplements thereto, will be filed with the Interstate Commerce Commission and posted at points from which the rates apply not less than one day in advance of such date.

NOTE.—In applying the provisions of the preceding paragraph, the date on which final instructions for transportation via the water line are received will be considered the date of acceptance of the shipment.

The rate to be applied will be the rate in effect on the date shipments are received for transportation at points of origin.

Departure from the terms of Rule 12 (b) of Tariff Circular No. 20 is authorized under special permission of the Interstate Commerce Commission No. 104484 of March 24, 1931.

*Item No. 255—Refrigeration, Heater Car Service*

Rates named herein, except as otherwise provided, do not include cold storage or cool room service on steamers of the Alaska Steamship Company. When shippers desire shipments to be handled under refrigeration on this line, arrangements must be made through the Traffic Department of the Steamship Company at Seattle, Wash.

The charge for refrigeration or cool room service on steamers between Seattle, Wash., and Seward, Alaska, will be as follows, in addition to the class or commodity rate provided herein:

$1.00 per 100 lbs., Minimum Charge $1.00

Rates named herein, except as otherwise provided, do not include charge for additional service such as heating, icing, protection of property from frost or freezing, refrigeration, nor any factors entering into the refrigeration service (including the transportation of ice), between Seward, Alaska, and points in Alaska. See EXCEPTION:

Shipments transported under this tariff between Seward, Alaska, and points in Alaska are entitled to such privileges and subject to such charges as are published by The Alaska Railroad, providing for refrigeration or heater car service, lawfully on file with the Interstate Commerce Commission.

Perishable freight from or to points on the Tanana and Yukon rivers in Alaska served by steamer lines of The Alaska Railroad and American Yukon Navigation Company, Index Nos. 152 to 212 inclusive, requiring protection against heat or cold will only be accepted at owner's risk of freezing or other climatic conditions account no facilities available for protection while on such steamer lines.

EXCEPTION.—The less than carload or any quantity ratings set forth in the Western Classification named on Title Page or as provided herein will be applied on shipments transported on rail lines of The Alaska Railroad under refrigeration, in refrigerator cars, lined cars, heated cars, or cars otherwise specifically equipped for protection against heat or cold, as well as on shipments transported in ordinary cars.

*Item No. 260—Service Guarantee of Time*

The carriers, party to this tariff, do not agree to transport freight by any particular steamer or train or within any specified time, and the rates named herein are applicable only when the carriers have a suitable steamer sailing to or from the ports via which rates are named. If at any time, after having made reasonable effort, a steamer is unable to make delivery of a shipment owing to bad weather conditions or for any reason due to perils of the sea, the obligations imposed upon the carriers by the terms of this Tariff shall be considered fulfilled and delivery accomplished and the charges due at rates named herein shall be considered earned, after which the Carrier shall have the privilege of delivering shipment at the nearest accessible port; or returning goods to port of shipment; or making delivery on a subsequent voyage and collecting at tariff rates for such additional service.

*Item No. 265—Terminal and Other Charges, Privileges and Allowances*

Rates named herein do not include charges for storage, wharfage, handling (trucking between wharf and ship's tackle) transfer, loading to or unloading from cars, lighterage or other terminal charges except as specified below.

Rates named herein include wharfage, handling and loading to or unloading from cars at Seward, Alaska.

Rates named herein include wharfage, handling and loading to or unloading from cars at Nenana, Alaska on traffic from or to stations Index Nos. 152 to 212 inclusive.

Rates named herein include handling at stations on the Tanana and Yukon rivers in Alaska, stations Index Nos. 152 to 164 inclusive and stations Index Nos. 178 to 212 inclusive.

Rates named herein to and from Rampart, Alaska, Index No. 166 to Eagle, Alaska, Index No. 176 inclusive, do not include handling charges at points on Yukon River on line of American Yukon Navigation Company. Shipments to and from above points are subject to handling charges named in American Yukon Navigation Company's Tariff G. F. O. 435, I. C. C. No. 23 and successive issues thereof.

Except as otherwise provided herein, shipments transported under this Tariff are entitled to such privileges and subject to such charges as are published by individual lines, parties to this Tariff providing for Allowances, Arbitraries, Car Mileage, Demurrage, Diversions, Re-consignment, Rental of Special Equipment, Storage, Switching, Transfer, and other Transit and Terminal Service, lawfully on file with the Interstate Commerce Commission.

*Item No. 270—Transportation of Explosives*

Powder (except common black powder carried in steamer's magazine), dynamite and high explosives and explosive oils, including Benzine, Benzole, Camphene, Distillate, Gasoline, Naptha and Turpentine and empty carriers in which explosive oils have been shipped, can be carried only by exclusive freight steamers. Nitro-glycerine not taken under any circumstances.

The rates named herein on explosives, inflammables and other dangerous articles are applicable in connection and compliance with the regulations prescribed by the Interstate Commerce Commission for the transportation of explosives, as published in Agent W. S. Topping's Tariff No. 2, I. C. C. No. 2, supplements thereto or successive issues thereof.

*Item No. 275—U. S. Steamboat Inspection Service—Prohibited Commodities*

The transportation of freight by steamer is at all times subject to the rules and regulations prescribed by the United States Department of Commerce, Steamboat Inspection Service. Commodities, the carriage of which by passenger steamers is prohibited by law, and freight too bulky or too heavy to be handled advantageously by passenger steamers, will not be accepted for transportation except for forwarding by exclusive freight steamers at such times as freight steamers capable of handling such shipments may be sailing to the port of destination of such shipments.

*Item No. 280—United States Customs Regulations*

Shipper's Export Declaration in duplicate, in the form required by the United States Department of Customs, must be furnished by shipper with each shipment from a point in the United States to a point in Alaska, and vice versa. Shipments will not be accepted unless all necessary papers are furnished.

*Item No. 285—Valuables*

Bullion, Gold Dust, Jewelry, Jeweler's Sweepings and Tailings, Silver Foil or Leaf, Gold Leaf, Specie, Silverware, Treasure, Precious Stones, Raw Furs, Live Foxes and Valuable Documents must not be carried as freight, but should be shipped by express.

*Item No. 290—Western Classification Rules—Application of—*

The "Rules" published in current Western Classification also govern the application of rates named in this tariff, except as otherwise provided below or in individual items or rules of this tariff.

Exceptions to application of Western Classification rules.

The following rules of the current Western Classification will not apply in connection with this tariff:

Rule No. 10 Mixed carloads.
Rule No. 24 Freight in excess of full carloads.
Rule No. 34 Minimum carload weights.

*Item No. 295—Western Classification—Reference to Specific Items of*

Numerical reference to specific Items or Rules of Western Classification named on Title Page will refer to corresponding Items or Rules under whatever number they may appear, in a supplement to or successive issues of that classification.

*Item No. 300—Western Classification—Application of When Not in Conflict With the Provisions of This Tariff*

The ratings, rules and regulations, estimated and minimum weights, shipping and packing requirements, allowances and privileges, or other provisions or conditions, shown in this Tariff, abrogate and supersede those in Western Classification named on Title Page in conflict.

When the ratings in this Tariff are silent as to rules and regulations, estimated and minimum weights, shipping and packing requirements, allowances and privileges or other provisions or conditions, the ratings which are prescribed in such commodity items shall be subject to the terms, (including estimated and minimum weights, shipping and packing requirements, or other provisions or conditions) prescribed therefor in connection with the ratings in Western Classification referred to above on the same commodity.

[F. R. Doc 37-1151; Filed, April 19, 1937; 9:33 a. m.]

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## General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 209, OREGON NO. 26, ENLARGED

APRIL 5, 1937.

It appearing from examination that the following-described public lands should be included in Stock Driveway Withdrawal No. 209, Oregon No. 26, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and of section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

WILLAMETTE MERIDIAN

T. 12 S., R. 26 E., sec. 4, lots 3 and 4, S½NW¼, E½SW¼, SW¼SW¼, 280.35 acres.

Any mineral deposits in such lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1141; Filed, April 17, 1937; 9:45 a. m.]

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## National Park Service.

SEQUOIA NATIONAL PARK, CALIFORNIA

LOCAL SUBSIDIARY REGULATIONS

The following subsidiary regulations, issued under the authority of the Rules and Regulations approved by the Secretary of the Interior June 18, 1936 (1 F. R. 790), have been recommended by the superintendent and approved by the Director of the National Park Service, and are in force and effect within the boundaries of Sequoia National Park:

*Fishing.*—The following waters are closed to fishing during the calendar year 1937, as feeder streams and lakes for restocking main waters:

Watershed of the North Fork of the Kaweah River—
Cabin Meadow Creek.
Watershed of the Marble Fork of the Kaweah River—
Wolverton Creek above the Highway Bridge.
Clover Creek.
Watershed of the Middle Fork of the Kaweah River—
Castle Creek.
Boulder Creek.
Middle Fork between trail bridge in River Valley and junction of Cliff Creek.
Middle Fork between Potwisha Flume intake and trail bridge at Buckeye Camp.
Watershed of the East Fork of the Kaweah River—
Atwell Creek.
Deadwood Creek.
Deer Creek.
Whitman Creek.
Watershed of the South Fork of the Kaweah River—
Tuohy Creek.
South Fork above the South Fork Trail Crossing.
Squaw Creek.
Cedar Creek.
Putnam Creek.
Slide Canyon Creek.
Hidden Lake on Soda Creek.
Wallace Lake and stream for a distance of 300 yards below the lake.
All lakes within 300 feet of inlet or outlet.

All streams connected with any lake shall be closed for a distance of 300 feet from either the inlet or the outlet of the lake; and when any stream connecting two lakes is less than one-fourth mile in length the entire stream shall be closed.

*Open Season.*—On all waters in the watershed of the Kern River—July 1 to October 31, inclusive.

On all rainbow and golden trout streams and lakes above 8,000 feet elevation in the Kaweah watershed—July 1 to October 31, inclusive.

On all other waters of the park which are open to fishing—May 1 to October 31, inclusive.

*Limit of catch.*—The limit of catch shall be 25 fish per day (20 fish per day for golden trout) or 10 pounds and one fish, for each person fishing. A special limit of 10 fish per day or 5 pounds and one fish, caught or in possession, shall apply on the following waters:

Marble Fork of the Kaweah River and all of its tributaries, including lakes.
North Fork of the Kaweah River—
Dorst Creek.
Middle Fork of the Kaweah River—
Hamilton Lake.
Tamarack Lake.

Possession of more than one day's catch by any one person at any time shall be construed as a violation of this regulation.

*Fishing License.*—A California State fishing license is required of all persons fishing in the park.

All previous local subsidiary regulations relating to fishing in Sequoia National Park are hereby repealed.

Approved: April 12, 1937.

[SEAL] ARNO B. CAMMERER,
*Director, National Park Service.*

[F. R. Doc. 37-1147; Filed, April 17, 1937; 9:52 a. m.]

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

### AMENDMENT TO REGULATION T

Resolved, That effective April 23, 1937, the Board approve and adopt the following amendment to Regulation T:

Section 5 of Regulation T is hereby amended by striking out the date "July 1, 1937" in subsections (c) and (d) of said section and substituting therefor the date "January 1, 1938."

Adopted by the Board of Governors of the Federal Reserve System on April 13, 1937.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-1132; Filed, April 16, 1937; 3:14 p. m.]

## INTERSTATE COMMERCE COMMISSION.

### ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 12th day of April, A. D. 1937.

IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

The matter of modifying the Uniform System of Accounts for Electric Railways being under consideration:

*It is ordered,* That the following general-balance-sheet general and primary accounts and the text pertaining to the primary account be and they are hereby prescribed:

CAPITAL LIABILITY ADJUSTMENTS:

429½. Reorganization adjustments of capital.

There shall be credited to this account the net difference between the total of accounts 401 to 422, inclusive, and the total of accounts 423 to 446, inclusive, as those accounts are properly adjusted under the provisions of the reorganization plan confirmed under the authority of section 77 of the Bankruptcy Act.

The carrier shall apply to the Interstate Commerce Commission for permission to use this account for any adjustments of capital liabilities which are not made under authority of section 77 of the Bankruptcy Act.

NOTE.—The carrier may, if so authorized upon application to the Interstate Commerce Commission, charge to this account extraordinary losses in investments (included in accounts 401 to 406, inclusive) for which no provisions have previously been made.

*It is further ordered,* That this order shall become effective on April 15, 1937.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1153; Filed, April 19, 1937; 12:09 p. m.]

### ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 12th day of April, A. D. 1937.

IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

The matter of modifying the Classification of Income, Profit and Loss, and General Balance Sheet Accounts being under consideration:

*It is ordered,* That the following general-balance-sheet general and primary accounts and the text pertaining to the primary account be and they are hereby prescribed:

CAPITAL LIABILITY ADJUSTMENTS:

757½. Reorganization adjustments of capital.

There shall be credited to this account the net difference between the total of accounts 701 to 729, inclusive, and the total of accounts 751 to 778, inclusive, as those accounts are properly adjusted under the provisions of the reorganization plan confirmed under the authority of section 77 of the Bankruptcy Act.

The carrier shall apply to the Interstate Commerce Commission for permission to use this account for any adjustments of capital liabilities which are not made under authority of section 77 of the Bankruptcy Act.

NOTE.—The carrier may, if so authorized upon application to the Interstate Commerce Commission, charge to this account extraordinary losses in investments, (included in accounts 701 to 707, inclusive) for which no provisions have previously been made.

*It is further ordered,* That this order shall become effective on April 15, 1937.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1152; Filed, April 19, 1937; 12:09 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 87]

### ALLOCATION OF FUNDS FOR LOANS

APRIL 16, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| New Jersey 6 Sussex (Additional) | $ 42,000 |
| North Dakota 11 Cass (Additional) | 185,000 |
| Wyoming 6B Goshen | 33,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1139; Filed, April 17, 1937; 9:45 a. m.]

[Administrative Order No. 88]

### RESCISSION OF ALLOCATION OF FUNDS FOR PROJECT

APRIL 16, 1937.

I hereby rescind the allocation of funds for the below designated project, made by Administrative Order No. 69. This action is being taken because the project, Wisconsin 29A Clark, is to be served by the generating plant that is proposed in the allotment of Wisconsin 45G Chippewa:

| Project Designation: | *Amount* |
|---|---|
| Wisconsin 29G Clark | $150,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1140; Filed, April 17, 1937; 9:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### SECURITIES ACT OF 1933

AMENDMENT TO PART II OF FORM D-1

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and deeming that such information or documents as Part II of Form D-1, as hereby amended, requires to be set forth, but which are not specified in Schedule A of said Act, are necessary and appropriate in the public interest and for the protection of investors, and that the adoption of this amendment is necessary to carry out the provisions of Title I of said Act, hereby amends Part II of Form D-1 as follows:

Under the heading "Exhibits" in Part II of Form D-1, there is added immediately after the paragraph under the caption "Exhibit II-D" the following:

*Exhibit II-E.*—Copies of the instruments of organization and other constituent documents, exclusive of statutes, defining the rights of the holders of any of the securities referred to in answer to items 45, 47, and 48, or, if such instruments and documents have not yet been executed, an agreement to file, as amendments to the registration statement, copies of such instruments and documents when executed.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1155; Filed, April 19, 1937; 12:40 p. m.]

### SECURITIES ACT OF 1933

AMENDMENTS TO RULES 202 AND 203 OF THE GENERAL RULES AND REGULATIONS UNDER THE SECURITIES ACT OF 1933

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 3 (b) and 19 (a) thereof, finding that the amendments to Rules 202 and 203 hereby adopted are necessary to carry out the provisions of the Act and are necessary and appropriate in the public interest and for the protection of investors, hereby amends such Rules as follows:

Rules 202 and 203 are hereby amended by inserting in the first line of section (6) of the respective Rules, immediately following the word "That" and before the word "any", the words "three copies of". The texts of section (6) of Rule 202 and section (6) of Rule 203, as amended, read as follows:

(6) That three copies of any prospectus intended to comply with the requirements of section (7) below, which shall have been prepared or authorized by the issuer (or by a person controlling, controlled by, or under common control with, the issuer), shall have been filed with the Securities and Exchange Commission (with a separate letter of transmittal) prior to any use of such prospectus.

The foregoing action shall be effective May 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1156; Filed, April 19, 1937; 12:40 p. m.]

### SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO 17 TO THE INSTRUCTION BOOK FOR FORM 10

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, and deeming such action necessary for the execution of the functions vested in it by the Act and necessary and appropriate in the public interest and for the protection of investors, hereby amends the Instruction Book for Form 10 as follows:

Paragraph 3 under the caption "General Rules as to the Form" is deleted and there is inserted in lieu thereof the following new paragraph 3:

3. Attention is called to Section 24 (b) of the Act and to Rule UB2 of the General Rules and Regulations of the Commission concerning the right of the registrant to object to the public disclosure of material filed and the procedure to be followed in regard thereto.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1154; Filed, April 19, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-YORK #13 FARM, FILED ON MARCH 18, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 15, 1937, be effective as of April 15, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1158; Filed, April 19, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of April A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-SKELLY-MARY GRAHAM FARM, FILED ON MARCH 8, 1937, BY R. L. WILLIAMS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 15, 1937, be effective as of April 15, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1157; Filed, April 19, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-SKELLY-MARY GRAHAM FARM, FILED ON APRIL 13, 1937, BY T. G. THOMPSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the information required to be given in Division II, Item 16 (a) (iii), is not properly set forth, nor is the amount of water stated as being produced in the note accompanying this item believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 30th day of April, 1937, at 11:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continued thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1159; Filed, April 19, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-PHILLIPS-MCCAUGHTRY FARM, FILED ON APRIL 13, 1937, BY L. H. WITWER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, of the offering sheet, is not believed to be correct;

(2) In that the address of one of the operators, required to be given in Division II, Item 2 (d), is omitted;

(3) In that the total production of oil from the tract, as set forth in Division II, Item 15, may not be correct by reason of the fact that the total production figures given do not agree with the total gross production figures stated by months in Division II, Item 16 (a);

(4) In that by reason of the conflicting dates given in Division II, Item 15, it is impossible to determine to which date the total production of oil is computed;

(5) In that the figures set forth for the month of August, 1936, in Division II, Items 16 (c) and (d), may not be correctly figured;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 30th day of April, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1160; Filed, April 19, 1937; 12:41 p. m.]

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*Wednesday, April 21, 1937* *No. 76*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

TRANSFER OF LANDS FROM DIXIE NATIONAL FOREST TO NEVADA NATIONAL FOREST

*Nevada*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that that part of the Dixie National Forest known as the Moapa Division and situated within Townships 18, 19, and 20 South of Ranges 55, 56, and 57 East, Mt. Diablo Meridian, as fixed and defined by Proclamation No. 1465 of July 12, 1918, be, and it is hereby, transferred to and made a part of the Nevada National Forest.

It is not intended by this order to give a national-forest status to any publicly-owned lands which have hitherto not had such a status, nor to remove any publicly-owned lands from a national forest status.

This order shall become effective July 1, 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 19, 1937.*

[No. 7607]

[F. R. Doc. 37-1164; Filed, April 20, 1937; 10:19 a. m.]



## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 48922]

CUSTOMS REGULATIONS AMENDED—POWERS OF ATTORNEY—PROTESTS

ARTICLE 850, CUSTOMS REGULATIONS OF 1931, RELATING TO POWERS OF ATTORNEY TO FILE PROTESTS, FURTHER AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes, and section 624, Tariff Act of 1930 (U. S. C., title 19, secs. 66 and 1624), the last sentence of paragraph (b) of article 850 of the Customs Regulations of 1931, as amended by T. D. 48707, the effective date of which decision was extended to June 23, 1937, by T. D. 48863, is further amended to read as follows:

Corporate powers of attorney to file protests shall be signed by a duly authorized officer or employee of the corporation, and if the collector is otherwise satisfied as to the authority of such corporate officer or employee to grant such power of attorney, compliance with the requirements of article 296 (e) may be waived with respect to such power.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: April 14, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1163; Filed, April 19, 1937; 3:57 p. m.]

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## DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

NCR-B-1-L

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 1-L

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin No. 1, Revised, as amended, is hereby amended as follows:

1. Part V, Section 4, is hereby amended to read as follows:

SECTION 4. *Total Amount of Soil-Conserving Payments for Diversion from Crops in the General Soil-Depleting Base Where a Person Owns or Operates More Than One Farm in a County and Makes an Aplication for Payment With Respect to One or More of Such Farms.*

A. If a person owns or operates more than one farm in a county, none of which farms are cotton farms or sharecropper farms, and makes an application for payment with respect to one or more of such farms, the total amount of the soil-conserving payment to such person for diversion from crops in the general soil-depleting base shall, subject to the provisions of Sections 5, 6, 7, 8, 9, and 10 of Part V, be computed as follows:

(1) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the computed 1935 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(2) Add the amounts obtained under item (1) of this paragraph A.

(3) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the general soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(4) Add the amounts obtained under item (3) of this paragraph A.

(5) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the 1936 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(6) Add the amounts obtained under item (5) of this paragraph A.

(7) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the general soil-depleting base by 85 percent; multiply this result by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II, and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(8) Add the amounts obtained under item (7) of this paragraph A.

(9) Ascertain which of the amounts obtained under items (2) and (4) of this paragraph A is the larger.

(10) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the maximum general soil-conserving payment by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(11) Add the amounts obtained under item (10) of this paragraph A.

(12) If the amount obtained under item (6) of this paragraph A is less than the amount obtained under item (9) of this paragraph A, subtract the amount obtained under item (6) from the amount obtained under item (9). If the amount obtained under item (6) of this paragraph A is not less than the amount obtained under item (9) of this paragraph A, the calculations outlined in items (13) to (16), inclusive, of this paragraph A need not be made since a deduction must be calculated as hereinafter outlined.

(13) Subtract the amount obtained under item (8) of this paragraph A from the amount obtained under item (9) of this paragraph A.

(14) Multiply the amount obtained under item (12) of this paragraph A by the amount obtained under item (11) of this paragraph A.

(15) Divide the amount obtained under item (14) of this paragraph A by the amount obtained under item (13) of this paragraph A.

(16) Whichever of the amounts obtained under items (15) and (11) of this paragraph A is the smaller shall, subject to the provisions of the first paragraph of this paragraph A, be the amount of the soil-conserving payment for diversion from crops in the general soil-depleting base to such person.

If the amount obtained under item (6) of this paragraph A is greater than the amount obtained under item (9) of this paragraph A, a deduction will be made from any payments which would otherwise be made to such person for performance on farms owned or operated in the county with respect to which he makes an application for payment. The amount of such deduction shall be equal to the result obtained by subtracting the result ascertained under item (9) of this paragraph A from the result ascertained under item (6) of this paragraph A.

B. If a person owns or operates more than one farm in a county, one or more of which farms are cotton farms or sharecropper farms, and makes an application for payment with respect to one or more of such farms, the total amount of the soil-conserving payment to such person for diversion from crops in the general soil-depleting base shall be computed as outlined in paragraph A of this Section 4, except that for any cotton farm or sharecropper farm on which the 1936 general acreage is greater than the larger of the soil-depleting base or the computed 1935 general acreage, the percentage to be used in items (1), (3), (5), (7), and (10) of paragraph A of this Section 4 shall be the ratio determined by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm. If the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in items (1), (3), (5), (7), and (10) of paragraph A of this Section 4 shall be such person's percentage of the principal soil-depleting crop on the farm.

2. Part V, Section 5, is hereby amended to read as follows:

SECTION 5. *Total Amount of Cotton and Tobacco Soil-Conserving Payments and Payments with Respect to Sugar Beets and Flax Where a Person Owns or Operates More than One Farm in a County and Makes an Application for Payment with Respect to One or More of Such Farms.*

A. If a person owns or operates more than one farm in a county, none of which farms are cotton farms or sharecropper farms, and makes an application for payment with respect to one or more of such farms, the total amount of the cotton and tobacco soil-conserving payments and payments made with respect to sugar beets and flax to such person shall, subject to the provisions of Sections 4, 7, 8, 9, and 10 of Part V, be computed as follows:

(1) For each farm owned or operated in the county with respect to which such person makes an application for payment: (a) Multiply the number of acres diverted from the cotton soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (b) Multiply the number of acres diverted from the soil-depleting base for each kind of tobacco pursuant to the provisions of Section 2 (c) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (c) Multiply the acreage allotment for sugar beets by the rate per acre determined for such farm pursuant to the provisions

of Section 3 of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (d) Multiply the acreage allotment for flax by the rate per acre determined for such farm pursuant to the provisions of Section 4 of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(2) For each farm owned or operated in the county with respect to which such person makes an application for payment and on which there has been: (a) An increase in the acreage of cotton over the cotton soil-depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (b) An increase in the acreage of any kind of tobacco over the soil-depleting base for such kind of tobacco, multiply such number of excess acres by the rate determined for such farm for such kind of tobacco pursuant to the provisions of Section 2 (c) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (c) An increase in the acreage of sugar beets over the sugar beet soil-depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (d) An increase in the acreage of flax over the flax soil-depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(3) The sum of the amounts obtained under item (2) of this paragraph A for farms with respect to which such person makes an application for payment shall be subtracted from the sum of the amounts obtained under item (1) of this paragraph A for such farms. If the sum obtained under item (2) is greater than the sum obtained under item (1), the amount by which the sum obtained under item (2) exceeds the sum obtained under item (1) shall be deducted from any payments which otherwise would be made to such person for performance on farms owned or operated in the county by such person in 1936 with respect to which he makes an application for payment: Provided, That—

(a) The total amount of the soil-conserving payment to such person for diversion from cotton and tobacco soil-depleting bases, respectively, shall not exceed the sum of his shares (determined in accordance with the provisions of Section 3 of Part V) of the maximum cotton soil-conserving payment and of the maximum tobacco soil-conserving payment, respectively, for each farm in the county with respect to which such person makes an application for payment.

(b) The total amount of the payments to such person with respect to sugar beets and flax, respectively, shall not exceed the sum of his shares (determined in accordance with the provisions of Section 3 of Part V) of the maximum payments with respect to sugar beets and flax, respectively, as specified in Sections 3 and 4, respectively, of Part II, for each farm in the county with respect to which such person makes an application for payment.

B. If a person owns or operates more than one farm in a county, one or more of which farms are cotton farms or sharecropper farms, and makes an application for payment with respect to one or more of such farms, the total amount of the cotton and tobacco soil-conserving payments and payments made with respect to sugar beets and flax to such person shall be computed as outlined in paragraph A of this Section 5, except that—

(1) For a cotton farm or sharecropper farm on which the 1936 acreage of cotton is greater than the cotton soil-depleting base, the percentage to be used in item (2) (a) of paragraph A of this Section 5 shall be the ratio obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in item (2) (a) of paragraph A of this Section 5 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(2) For a cotton farm or sharecropper farm on which the 1936 acreage of any kind of tobacco is greater than the soil-depleting base for such kind of tobacco, the percentage to be used in item (2) (b) of paragraph A of this Section 5 shall be the ratio obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in item (2) (b) of paragraph A of this Section 5 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(3) For a cotton farm or sharecropper farm on which the 1936 acreage of sugar beets is greater than the sugar beet soil-depleting base, the percentage to be used in item (2) (c) of paragraph A of this Section 5 shall be the ratio obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in item (2) (c) of paragraph A of this Section 5 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(4) For any cotton farm or sharecropper farm on which the 1936 acreage of flax is greater than the flax soil-depleting base, the percentage to be used in item (2) (d) of paragraph A of this Section 5 shall be the ratio obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in item (2) (d) of paragraph A of this Section 5 shall be such person's percentage of the principal soil-depleting crop on such farm.

3. Part V, Section 9, is hereby amended to read as follows:

SECTION 9. *Deduction for Increase of 1936 General Acreage on Farms in a County with Respect to Which no Application for Payment is Made by a Person Who Owns or Operates More Than One Farm in Such County.*

A. If a person owns or operates more than one farm in a county, none of which farms are cotton farms or sharecropper farms, and does not make an application for payment with respect to all such farms and if as a result of:

(1) Multiplying for each farm with respect to which no application for payment is made by such person the computed 1935 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(2) Adding the amounts obtained under item (1) of this paragraph A;

(3) Multiplying for each farm with respect to which no application for payment is made by such person the general soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(4) Adding the amounts obtained under item (3) of this paragraph A;

(5) Multiplying for each farm with respect to which no application for payment is made by such person the 1936 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(6) Adding the amounts obtained under item (5) of this paragraph A;

(7) Ascertaining which of the amounts obtained under items (2) and (4) of paragraph A is the larger:

the amount obtained under item (6) of this paragraph A is greater than the amount obtained under item (7) of this paragraph A, a deduction will be made from any payments which would otherwise be made to such person for performance on farms owned or operated by him in the county in 1936 with respect to which he makes an application for payment. The amount of any such deduction shall be equal to the result obtained by subtracting the result obtained under item (7) of this paragraph A, from the amount obtained under item (6) of this paragraph A.

B. If a person owns or operates more than one farm in a county, one or more of which farms are cotton farms or sharecropper farms, and does not make an application for payment with respect to all of such farms, the amount of any deduction for increase of 1936 general acreage shall be computed as outlined in paragraph A of this Section 9, except that for any cotton farm or sharecropper farm on which the 1936 general acreage is greater than the larger of the computed 1935 general acreage and the general soil-depleting base, the percentage to be used in items (1), (3), and (5) of paragraph A of this Section 9 shall be the ratio determined by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm, by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in items (1), (3), and (5) of paragraph A of this Section 9 shall be such person's percentage of the principal soil-depleting crop on such farm.

4. Part V, Section 10, is hereby amended to read as follows:

SECTION 10. *Deduction for Increase of Cotton, Tobacco, Sugar Beets, and Flax Over the Cotton, Tobacco, Sugar Beet, and Flax Soil-Depleting Bases, Respectively, Where a Person Owns or Operates More Than One Farm in a County and Does Not Make an Application for Payment with Respect to All Such Farms.*

A. If a person owns or operates more than one farm in a county, none of which farms are cotton farms or sharecropper farms, and does not make an application for payment with respect to all such farms, and if the amount obtained by:



(A–1) Multiplying for each farm with respect to which no application for a payment is made by such person the number of acres by which the 1936 acreage of cotton exceeds the cotton soil-depleting base for such farm by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A–2) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres by which the 1936 acreage of any kind of tobacco exceeds the soil-depleting base for such kind of tobacco for such farm by the rate determined for such farm for such kind of tobacco pursuant to the provisions of section 2 (c) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A–3) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres by which the 1936 acreage of sugar beets exceeds the sugar beet soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A–4) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres by which the 1936 acreage of flax exceeds the flax soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A–5) Adding the amounts obtained under subsections (A–1), (A–2), (A–3), and (A–4) of this paragraph A for all such farms;

is greater than the amount obtained by:

(B–1) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres diverted from the cotton soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (b) and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(B–2) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres diverted from the soil-depleting base for each kind of tobacco by the rate determined for such farm for such kind of tobacco pursuant to the provisions of Section 2 (c) and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(B–3) Adding the amounts obtained in subsections (B–1) and (B–2) of this paragraph A for all such farms;

there shall be deducted from any payments which would otherwise be made to such person for performance on farms owned or operated by him in the county in 1936 with respect to which he makes an application for payment the amount obtained by subtracting from the amount obtained under subsection (A–5) of this paragraph A the amount obtained under subsection (B–3) of this paragraph A.

B. If a person owns or operates more than one farm in a county, one or more of which farms are cotton farms or sharecropper farms, and does not make an application for payment with respect to all such farms, the amount of any deduction for increase in the acreage of cotton, tobacco, sugar beets, or flax over the cotton, tobacco, sugar beet, or flax soil-depleting base, respectively, shall be computed as outlined in paragraph A of this Section 10, except that

(1) For any cotton farm or sharecropper farm on which the 1936 acreage of cotton exceeds the cotton soil-depleting base and in connection with which no application for payment is made, the percentage to be used in subsection (A–1) of paragraph A of this Section 10 shall be obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero the percentage to be used in subsection (A–1) of paragraph A of this Section 10 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(2) For any cotton farm or sharecropper farm on which the 1936 acreage of any kind of tobacco exceeds the soil-depleting base for such kind of tobacco and in connection with which no application for payment is made the percentage to be used in subsection (A–2) of paragraph A of this Section 10 shall be obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero the percentage to be used in subsection (A–2) of paragraph A of this Section 10 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(3) For any cotton farm or sharecropper farm on which the 1936 acreage of sugar beets exceeds the sugar beet soil-depleting base and in connection with which no application for payment is made the percentage to be used in subsection (A–3) of paragraph A of this Section 10 shall be obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero the percentage to be used in subsection (A–3) of paragraph A of this Section 10 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(4) For any cotton farm or sharecropper farm on which the 1936 acreage of flax exceeds the flax soil-depleting base and in connection with which no application for payment is made the percentage to be used in subsection (A–4) of paragraph A of this Section 10 shall be obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero the percentage to be used in subsection (A–4) of paragraph A of this Section 10 shall be such person's percentage of the principal soil-depleting crop on such farm.

The provisions of this NCR—B–1–L shall be effective as of October 19, 1937, so as to be included within the conditions mentioned in the *"Order With Respect To Payments Under The 1936 Agricultural Conservation Program—North Central Region"*, issued October 7, 1936, as amended.

In testimony whereof, H. A. Wallace, Secreary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 16th day of April, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1161; Filed, April 19, 1937; 2:01 p. m.]

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NCR—Tama County—B–101

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

### BULLETIN NO. 101—TAMA COUNTY, IOWA

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of Section 7 (a) of said Act for 1937, in Tama County, Iowa, in accordance with the following provisions of this North Central Region Tama County Bulletin No. 101, and such modifications thereof and such other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon whatever appropriation the Congress of the United States may hereafter make for such purpose and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowances set forth herein are computed upon the basis of an appropriation of $500,000,000 for the entire United States.

*Part I. Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Tama County, Iowa, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*North central region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*North central division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the North Central Region.

*State committee or State agricultural conservation committee* means the group of persons designated to assist in the

administration of the 1937 Agricultural Conservation Program in the State of Iowa.

*County agricultural conservation association or county association* means the association in Tama County organized to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*County agricultural conservation committee or county committee* means the group of persons designated for Tama County to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, firm, partnership, association, corporation, estate, or trust. The term "person" shall also include, wherever applicable, a State, a political subdivision of a State, or any agency thereof, and any Governmental agency that may be designated by the Secretary.

*Operator* means a person who as owner or tenant is operating a farm or a tract and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Owner* means (1) a person who owns a farm which farm is not rented to an operator for cash or for a fixed commodity payment, or (2) a person who owns a farm, all or part of which is field rented to and operated by other persons, or (3) a person who rents a farm from another for cash or for a fixed commodity payment, or (4) a person who is purchasing a farm on installments for cash or for a fixed commodity payment, all of which farm is not rented to an operator for cash or for a fixed commodity payment.

*Tenant* means a person other than an owner who is operating a farm or a tract and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof. A person who receives a share of a crop merely for harvesting such crop shall not be considered a tenant.

*Farm* means, except as otherwise provided herein, all contiguous farm land in Tama County under the same ownership and operated by one person. The term "farm" means also all contiguous farm land in Tama County under the same ownership all or part of which is field rented to and operated by other persons. The term "farm" also means contiguous farm land in Tama County operated by one person but owned by either (1) a husband and wife, (2) brothers, (3) sisters, (4) one or more brothers and one or more sisters, (5) parent and one or more children.

*Tract* means such part of a farm in Tama County as is operated by a person who does not operate all of such farm.

*Cropland* means all tillable farm land from which at least one crop other than wild hay or bluegrass seed was harvested or planted for harvest between January 1, 1930, and December 31, 1936, inclusive, but excluding (1) any acreage devoted on January 1, 1937, to orchards, and (2) any acreage which would otherwise be classified as cropland but which because of its topography, soil type, or low fertility, it is impractical to cultivate.

*Noncrop plowable pasture* means any noncrop pasture land which could be brought under cultivation without clearing or draining, except that which, due to topography, soil type, or drainage, would be highly susceptible to erosion or crop failure if cultivated. The term "noncrop plowable pasture" shall include any noncrop land used for the production of wild hay.

*Orchards* means the entire acreage in tree fruits, nut trees, vineyards, bush fruits, and nursery stock on the farm on January 1, 1937, even though such acreage is interplanted with other crops.

*Commercial vegetables* means vegetables and truck crops (including Irish potatoes, sweetpotatoes, tomatoes, green beans, pumpkins, cucumbers, melons, cantaloupes, commercial bulbs and flowers, strawberries, and sweet corn, but excluding peas for canning and sweet corn for canning) of which the principal part is sold to persons not living on the farm.

*Intertilled crop limit* for a farm means the highest acreage which may be planted on such farm to the crops listed in Section 1 of Part III without a deduction being made from any payments which would otherwise be made with respect to such farm.

*Old conserving acreage* on a farm means the acreage upon such farm used in accordance with subsection A of Section 2 of Part III.

*New conserving acreage* on a farm means the acreage upon such farm used in accordance with subsection B of Section 2 of Part III.

*Total conserving acreage* means the sum of the new conserving acreage and the old conserving acreage.

*Soil-conserving goal* for a farm means the acreage established for such farm under Section 3 of Part II.

*Soil-conserving payment* means a payment for the establishment or maintenance of conserving acreage on a farm.

*Soil-building payment* means a payment for the carrying out of an approved soil-building practice.

*Part II. Establishment of Limits, Goals, and Productivity Indexes*

SECTION 1. *County Intertilled Limit and Soil-Conserving Goal.*—The Agricultural Adjustment Administration has established for Tama County (a) a total acreage of intertilled crops which shall be known as the county intertilled limit, and (b) a total acreage of soil-conserving crops which shall be known as the county soil-conserving goal. Such limit and goal are based on the county limits established for Tama County under the 1936 Agricultural Conservation Program, the land measurements obtained pursuant to the 1936 Agricultural Conservation Program, and census reports. Such county intertilled limit is 133,654 acres and such county soil-conserving goal is 115,000 acres. The sum of the individual intertilled crop limits for all farms in Tama County shall not exceed the county intertilled limit and the sum of the individual soil-conserving goals for all farms in Tama County shall equal the county soil-conserving goal.

SECTION 2. *Intertilled Crop Limits.*—There shall be established for each farm in Tama County an intertilled crop limit. The intertilled crop limit for any farm shall represent the highest acreage on a farm which may be devoted to the uses specified in Section 1 of Part III without deduction from any payments which otherwise would be made with respect to such farm and shall be based upon such farm's productivity, topography, type of soil, size, degree of erosion, and ratio of other than conserving acreage planted in 1935 and 1936 to the acreage of cropland. The intertilled crop limit for a farm shall be comparable to the limit established for similar farms in the same community.

SECTION 3. *Soil Conserving Goals.*—There shall be established for each farm in Tama County a soil-conserving goal. The soil-conserving goal for a farm shall represent the acreage on such farm that should, according to good farming practice, be devoted to soil-conserving uses. The soil conserving goal shall be established for such farm on the basis of such farm's productivity, topography, type of soil, size, degree of erosion, and ratio of conserving acreage planted in 1935 and 1936 to the acreage of cropland. The soil-conserving goal for a farm shall be comparable to the goal established for similar farms in the same community.

SECTION 4. *Noncrop Plowable Pasture.*—There shall be established for each farm in Tama County the number of acres of noncrop plowable pasture on such farm. Such acreage shall not exceed the number of acres on noncropland otherwise qualifying as noncrop plowable pasture not used in 1937 as set forth in Sections 1 and 3 of Part III. However, if the sum of such acreages for all farms in Tama County exceeds 20,000 acres, the acreage of noncrop plowable pasture for each farm for which a soil-building allowance will be computed shall be reduced so that the total for all farms does not exceed 20,000 acres.

SECTION 5. *Productivity Indexes.*—There shall be established a productivity index for each farm in Tama County. Such productivity index shall be based upon the normal yield of corn per acre for the farm as compared with the normal yield of corn per acre for Tama County. The normal yield of corn per acre for Tama County shall be 42.7 bushels. Where the corn yield does not accurately reflect the productivity index of a farm, the yield of such other crop as does accurately reflect the productivity of such farm shall be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacities and as contrasted with other farms in the county having different soils and productive capacities.

SECTION 6. *Appeals.*—Any person who has reason to believe that the soil-conserving goal or intertilled crop limit established for such person's farm is not equitable, may request the county committee to reconsider its recommendations. If no agreement is reached between such person and such committee, an appeal may be taken to the State Committee in accordance with the instructions issued by the Director of the North Central Division.

*Part III. Classification of Farm Land*

The use of farm land in Tama County in 1937 shall be classified as either intertilled, soil-conserving, or neutral, as set forth in this Part III. In order for any cropland, other than an entire field or a grassed waterway, to be classified as soil-conserving, such cropland must be in a solid block contiguous to the entire side or end of a field and the line between the cropland, classified as soil-conserving, and the remaining portion of the field must be straight. Any acreage upon which unadapted seed, or mixtures containing any unadapted seed, is planted in 1937 shall be classified as if such unadapted seed, or such mixtures, were not planted.

SECTION 1. *Intertilled.*—Farm land devoted to the following uses or planted in 1937 to the following crops shall be classified as intertilled:

1. Corn of all types.
2. Grain sorghums and sweet sorghums for grain.
3. Sorghums for hay or forage, soybeans, rape, sudan grass, and millet, unless followed in 1937 by a crop listed in subdivision (a) of subsection B of Section 2 of this Part III or by a winter cover crop.
4. Mangels and cow-beets.
5. Truck and vegetable crops.
6. Bulbs and flowers.

SECTION 2. *Soil-Conserving.*—Cropland in 1937 not used as set forth in items 1, 2, 4, 5, and 6 of Section 1 of this Part III and not planted to sorghums for hay or forage, soybeans, rape, sudan grass or millet, and devoted to the crops and uses specified in this Section 2 shall be classified as soil-conserving:

A. *Old Conserving.*—Cropland upon which there was a good stand on or after July 1, 1937, of any of the crops listed in subsection B of this Section 2 seeded before November 1, 1936. Old conserving acreage also includes any acreage of cropland on the farm upon which there was a good stand on or after August 1, 1937, of any of the crops listed in subdivision (a) of subsection B of this Section 2, which was self-seeded in the fall of 1936, and on which land no crop (other than any crop listed in subdivision (a) of subsection B of this Section 2) was planted for harvest as grain or hay in 1937.

B. *New Conserving.*—

(a) Cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand which would normally survive the winter of 1937–38 of any of the crops listed in items 1, 2, 3, 5, and 6 of this subsection (a) seeded with adapted seed between November 1, 1936, and October 31, 1937, inclusive, and cropland upon which there was a good stand on or after September 1, 1936, of annual sweetclover seeded with adapted seed between November 1, 1936, and October 31, 1937; provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested for grain or hay.

1. Perennial legumes: alfalfa, and white clover.
2. Perennial grasses: bluegrass, timothy, redtop, reed canary grass, orchard grass, Bermuda grass, bromegrass, crested wheat grass, slender wheat grass, western wheat grass, bluestem grasses, perennial ryegrass, meadow fescue.
3. Biennial legumes: sweet, red, alsike, and mammoth clovers.
4. Annual sweetclover.
5. Mixtures of legumes listed under items 1, 3, and 4 of this subdivision (a), or mixtures of such legumes and the grasses listed under item 2 of this subdivision (a).
6. Trees, other than fruit or nut trees, planted since January 1, 1934.

(b) Cropland upon which there has been incorporated into the soil as green manure by plowing or discing of a good green vegetative growth of close-drilled or broadcast soybeans, seeded before July 1, 1937, and followed by a winter cover crop.

SECTION 3. *Neutral.*—Farm land devoted in 1937 to uses other than those specified in Sections 1 and 2 of this Part III shall be classified as neutral.

*Part IV. Rates and Conditions of Payment*

In connection with the utilization in 1937 of farm land in Tama County, payments will be made in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Soil-Conserving Payments.*—Soil-conserving payments shall, subject to the provisions of Sections 5, 6, 8, and 9 of this Part IV, be made with respect to each farm as follows:

(a) $5.75 (multiplied by the productivity index for the farm) per acre for the new conserving acreage not in excess of the soil-conserving goal.

(b) $3.70 (multiplied by the productivity index for the farm) per acre for the old conserving acreage not in excess of the difference between the soil-conserving goal and the new conserving acreage for which payment is made.

*Provided, however,* if a crop other than one of the crops specified in Section 2 of Part III is planted on any noncropland on such farm, the amount of payment shall be determined as follows:

(1) A payment of $3.70 per acre (multiplied by the productivity index of the farm) shall be made for an acreage determined by subtracting from the old conserving acreage the acreage of noncropland planted to a crop other than a crop specified in Section 2 of Part III. The number of acres upon which payment may be made shall not exceed the difference obtained by subtracting the new conserving acreage from the soil-conserving goal.

(2) A payment of $5.75 per acre (multiplied by the productivity index for the farm) shall be made for an acreage determined by subtracting from the new conserving acreage the excess of the acreage of noncropland planted to a crop other than a crop specified in Section 2 of Part III over the old conserving acreage. The number of acres upon which payment may be made shall not exceed the soil-conserving goal.

SECTION 2. *Soil-Building Allowance.*—A soil-building allowance shall be established for each farm. This allowance shall be the maximum amount which may be earned in 1937 by the carrying out on a farm of any of the soil-building practices listed in Section 3 of this Part IV. The soil-building allowance for a farm shall be the sum of the following:

(a) One dollar for each acre in the soil-conserving goal for such farm, or one dollar for each acre of cropland on such farm classified as soil-conserving in 1937, whichever is higher.

(b) One dollar for each acre of cropland on such farm on which one or more crops of commercial vegetables were grown in 1936.

(c) Seventy-five cents for each acre of noncrop plowable pasture land on such farm in 1937.

SECTION 3. *Soil-Building Payments.*—Soil-building payments will, subject to the provisions of Sections 5, 6, 8, and 9 of this Part IV, be made not in excess of the soil-building al-

lowance for a farm, for the carrying out in 1937 on such farm under the conditions specified therefor of any of the soil-building practices listed in this Section 3. To be eligible for soil-building payments, the practices listed herein must be carried out by such methods and using such materials and with such kinds and quantities of adapted seed and trees as conform to good farming practice. No soil-building payment will be made with respect to any farm for the seeding of red clover, or any mixtures containing red clover, unless all seedings of red clover and any mixtures containing red clover on such farm in 1937 are made with adapted red clover seed, nor will any soil-building payment be made with respect to any farm for the seeding of alfalfa, or any mixtures containing alfalfa, unless all seedings of alfalfa and any mixtures containing alfalfa on such farm in 1937 are made with adapted alfalfa seed. All practices for which payment is to be made must have been completed prior to November 1, 1937. Proof of performance for any practice shall consist of satisfactory evidence that the practice was completed in accordance with the conditions specified. A soil-building payment for any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for any practice is furnished free or paid for by any State or Federal agency, except that in the case of the soil-building practices designated under subsections (c) and (e) hereof, payment will be made at the stipulated rates on an acreage or quantity, which bears the same proportion to the total acreage or quantity with respect to such practice as the quantity of materials used, or the value of the labor and materials furnished by the owner or operator, bears to the total quantity of materials or the total value of labor and materials used in carrying out such practice.

Where several soil-building practices are adopted on the same acreage, payment will not be made for (1) more than one of the practices listed in subsections (c) to (f), inclusive, and (2) more than one practice twice, or any two practices of the eleven soil-building practices listed in subsections (a), (b), (g), and (h).

PRACTICES APPLICABLE TO ALL FARMS

(a) *Seedings of Adapted Legumes:* Seedings of adapted seed of any of the following legumes on farm land:

(1) Alfalfa—$2.50 per acre.

(2) Red Clover, mammoth, and white clover—$2.00 per acre.

(3) Alsike clover—$1.50 per acre.

(4) Legume mixtures or mixtures of legumes and the perennial grasses listed under subsection (b) hereof, which contain at least 50 percent by weight of alfalfa, red clover, white clover, alsike clover, and mammoth clover, or more than one of these legumes—$1.50 per acre.

(5) Biennial or annual sweetclover—$1.00 per acre.

(6) Legume mixtures or mixtures of legumes and the perennial grasses listed under subsection (b) hereof, except those qualifying under (a) (4) of this Section 3, which contain at least 50 percent by weight of alfalfa, red clover, white clover, alsike clover, mammoth clover, biennial sweetclover, and annual sweetclover, or more than one of these legumes—$1.00 per acre.

(b) *Seedings of Adapted Perennial Grasses.*—Seedings of adapted seed of any of the following grasses on farm land:

(1) Bluegrass and bromegrass—$2.00 per acre.

(2) Orchard grass and permanent pasture mixtures of grasses or grasses and legumes containing at least 50 percent by weight of the grasses listed in item (1) of this subsection—$1.50 per acre.

(3) Timothy, redtop, and permanent pasture mixtures of grasses or grasses and legumes containing at least 50 percent by weight of bluegrass, bromegrass, orchard grass, timothy, redtop, or more than one of these grasses, but which do not contain at least 50 percent of bluegrass, bromegrass, and orchard grass—$1.00 per acre.

(c) *Limestone.*—Application on cropland or noncrop pasture land of ground limestone or its equivalent:

(1) Application of ground limestone or its equivalent—$1.25 per ton. (The ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate. The following quantities of other calcareous substances are equivalent to one ton of ground limestone: 1400 pounds of hydrated lime; 2 cubic yards of water softening process refuse lime.)

(d) *Phosphate.*—Application of the following minimum amounts of phosphate materials per acre on noncrop pasture or on cropland used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which cropland or noncrop pasture in connection with such application no crop (other than those listed in subdivision (a) of subsection B of this Section 2) was planted in 1937.

(1) One hundred and thirty-three pounds of 20 percent superphosphate or its equivalent—$1.00 per acre. (The 20 percent superphosphate designated in this subsection (d) shall contain 20 percent by weight of available phosphoric acid. Other phosphates may be substituted for 20 percent superphosphate, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of available phosphoric acid contained in the specified quantity of 20 percent superphosphate.)

(e) *Planting and Protection of Trees.*—Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practices—$7.50 per acre, provided,

(1) in the case of forest planting there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 650 living trees per acre; or if due to uncontrollable natural causes a stand of 650 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected;

(2) in the case of windbreak or shelterbelt plantings, there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 300 living trees per acre; or if due to uncontrollable natural causes a stand of 300 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

(f) *Terracing.*—Terracing in 1937 of cropland or noncrop pasture land in accordance with good terracing practices—$0.40 per hundred feet, provided, the county committee after inspection has approved and designated in writing the area on which such practice is to be carried out.

PRACTICES APPLICABLE ONLY TO CROPLAND USED FOR GROWING COMMERCIAL VEGETABLES

(g) *Non-Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, annual grasses, or mixtures of these, grown on land used for the production of vegetable crops in 1936—$1.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

(h) *Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of a legume, or mixture of legumes, grown on land used for the production of vegetable crops in 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.



SECTION 4. *Division of Payments and Deductions.*—Any payment or deduction computed for any person with respect to any farm in Tama County shall be computed for such person with respect to such farm according to the percentages specified in this Section 4. The calculation of payments for any farm shall be based only on the performance on such farm.

(a) The share of the owner of a farm, who is also the only operator of such farm, of any payment or deduction computed with respect to such farm shall be 100 percent.

(b) The share of the operator of a farm, who rents such farm from another person for cash or a fixed commodity payment, of any payment or deduction computed with respect to such farm shall be 100 percent.

(c) The share of the owner of a farm, who rents such farm to another person on shares, of any payment or deduction computed with respect to such farm shall be 50 percent.

(d) The share of the operator of a farm, who rents such farm from another person on shares, of any payment or deduction computed with respect to such farm shall be 50 percent.

(e) The share of the operator of a tract in a farm of any payment or deduction computed with respect to such farm, shall be 50 percent of the percentage that the cropland in such tract is of the total cropland in such farm.

(f) The share of the owner of a farm, which contains one or more tracts, of any payment or deduction computed with respect to such farm, shall be obtained by subtracting from 100 percent the sum of the percentages obtained, under subsection (e) of this Section 4, for all persons operating tracts in such farm.

SECTION 5. *Deductions.*—

(a) If the 1937 intertilled acreage on any farm with respect to which a person is owner or operator is in excess of the intertilled crop limit for such farm, a deduction will be made from any payment which would otherwise be made to such person with respect to any farms in Tama County. Such deduction shall be computed by multiplying the result obtained by multiplying such number of excess acres by $9.25 (multiplied by the productivity index for such farm) by the percentage determined for such person for such farm under Section 4 of this Part IV.

(b) If the acreage of any noncropland[2] planted to a crop other than a crop listed in subdivision (a) of subsection B of Section 2 of Part III on any farm with respect to which a person is owner or operator, is in excess of the total conserving acreage on such farm, a deduction will be made from any payment which would otherwise be made to such person with respect to any farms in Tama County in an amount computed by multiplying each acre of such excess by $3.70 (multiplied by the productivity index for the farm) and then by multiplying the result so obtained by the percentage determined for such person for such farm under Section 4 of this Part IV.

SECTION 6. *Adjustment in Rates.*—All the rates and allowances specified in this Part IV are based upon an estimate of available funds and an estimate of participation. If participation in the North Central Region exceeds that estimated for such Region, all the rates and allowances specified in this Part IV may be reduced pro rata. If participation in the North Central Region is less than the estimate for such Region, all such rates and allowances may be increased pro rata. In no case will any rates or allowances be increased or decreased by more than 10 percent.

SECTION 7. *Applicability to Farms Under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such performance as is approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 8. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person with respect to any farm or farms may be withheld if any rotation, cropping, or other practices are adopted on any farm with respect to which such person is an owner or operator, which practices the Secretary determines tend to defeat the purposes of the 1937 Agricultural Conservation Program. If any person who has made an application for payment with respect to any farm or farms in Tama County has an interest as owner or operator in a farm in another county on which the acreage used for the production of soil-depleting crops in 1937 materially exceeds the acreage normally used for the production of any or all of such crops on such other farm or farms, the amount of any payment which otherwise would be made to such person may, in the discretion of the Secretary, be appropriately reduced.

SECTION 9. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any farm or farms in Tama County, all of such person's pro-rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of Tama County in cooperating in carrying out the Soil Conservation and Domestic Allotment Act. Such pro-rata share shall be determined by multiplying the total payments computed for such person with respect to any farm or farms in Tama County by the percentage that the estimated total of administrative expenses of the Association for Tama County, as approved by the North Central Division for 1937, is of the total payments estimated by the North Central Division which will be made with respect to farms in Tama County in 1937. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his farm or farms are located shall become a member thereof by his signing an application for payment with respect to such farm or farms. There shall be credited for the payment of administrative expenses the sum of $2.00 for each application for payment under which, prior to the deduction of any administrative expenses and as estimated by the Agricultural Adjustment Administration, the total payment will be $20.00 or less or under which there will be no payment.

*Part V. Miscellaneous Provisions*

SECTION 1. *Farm Land Across County Lines.*—Any farm land which under the provisions of North Central Region Bulletin No. 101, As Amended, should be included in an application for payment by an operator in a county other than Tama County, shall not be deemed to be in Tama County. The farm, of which such land would be a part under the definition of a farm for Tama County, shall not be deemed to include such land. Any farm land which properly would be included in an application for payment by an operator in Tama County, if the provisions of NCR Bulletin No. 101, As Amended, were applicable in Tama County, shall be deemed to be in Tama County and shall be deemed to be a Tama County farm.

SECTION 2. *Application and Eligibility for Payment.*—Payments will be made only upon application therefor filed with the county committee. Each person applying for payment will be required to show the extent to which the conditions upon which the payment is to be made have been met. The payment for a person who is owner or operator with respect to one or more farms in Tama County shall, subject to the provisions of Section 8 of Part IV, be determined by taking the sum of such person's shares of the payments on all farms in Tama County with respect to which he is owner or operator, less the sum of his shares of all deductions for all farms in Tama County with respect to which he is owner or operator.

No payment will be made to any person if the total amount of payment computed for such person is less than fifty cents.

In order for any person to be eligible to make an application for payment with respect to a farm under the 1937 Agricultural Conservation Program in Tama County, such person must show that he owned or operated such farm, or operated a tract in such farm on June 30, 1937, and has

been such owner or operator for a period of at least 60 consecutive days, which period must include June 30, 1937. In determining the number of days of ownership or operation, a fraction of a day will be considered as a whole day. In the event that more than one person has owned or operated a farm, or operated a tract in a farm on June 30, 1937, and for 60 consecutive days, the person who has owned or operated such farm or such tract prior to June 30, 1937, shall be regarded as the owner or operator of such farm or operator of such tract.

In the event of death, incompetency, abandonment, or discharge or release from a representative capacity, the period of ownership or operation may, upon recommendation of the county committee and upon approval by the Secretary or his duly authorized representative, be computed as follows:

(a) *In the Event of Death.*—If, because of the death of any party owning or operating a farm, or operating a tract in a farm, the person, whether the deceased, his heir or heirs, or the duly appointed representative, if any, of such decedent's estate, who owns or operates such farm, or operates such tract on June 30, 1937, has not owned or operated such farm, or operated such tract for 60 consecutive days, the period of such person's ownership or operation of such farm or operation of such tract, shall be deemed to include the time of ownership or operation of such farm, or the operation of such tract by the deceased person, his heir or heirs, or the duly appointed representative, if any, of his estate.

(b) *In the Event of Incompetency.*—If, because of the adjudication of incompetency of any person owning or operating a farm, or operating a tract in such farm, the person, whether the person who has been adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm, or operates such tract on June 30, 1937, has not owned or operated such farm or operated such tract for 60 consecutive days, the period of such person's ownership or operation of such farm, or operation of such tract shall be deemed to include the time of ownership or operation of such farm or operation of such tract by the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any.

(c) *In the Event of Abandonment.*—If, because of abandonment by any party owning or operating a farm, or operating a tract in a farm, the person, whether the person who has abandoned the farm or tract, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm, or operates such tract on June 30, 1937, has not owned or operated such farm or operated such tract for 60 consecutive days, the period of such person's ownership or operation of such farm, or operation of such tract, shall be deemed to include the time of ownership or operation of such farm or operation of such tract by the person who has abandoned such farm, his relative or relatives, or his duly appointed representative, if any.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If, because of the discharge or release from a representative or fiduciary capacity of any party owning or operating a farm, or operating a tract in a farm, the person, whether the representative or fiduciary who has been discharged or released from his representative or fiduciary capacity, or the person or persons who succeed such representative as owner or operator, who owns or operates such farm or operates such tract on June 30, 1937, has not owned or operated such farm or operated such tract for 60 consecutive days, the period of such person's ownership or operation of such farm, or operation of such tract shall be deemed to include the time of ownership or operation of such farm or operation of such tract by the representative or fiduciary capacity and the person or persons who succeed such representative or fiduciary as owner or operator of such farm, or operator of such tract.

No soil-building payment will be made to the person who is regarded as the owner or operator of a farm or operator of a tract for any soil-building practices carried out on such farm after he has ceased to own or operate such farm or operate such tract.

SECTION 3. *Persons Eligible to Execute an Application for Payment and Receive Payment Thereunder upon Happening of Certain Contingencies on or after July 1, 1937:*

(a) *In the Event of Death.*—If an owner or operator of a farm, or the operator of a tract in a farm, dies on or after July 1, 1937, and before making an application for payment with respect to such farm, the administrator or executor appointed by a court of competent jurisdiction for such decedent's estate shall be eligible to make an application for payment with respect to such farm, in lieu of such decedent. If an administrator or executor is not appointed for such estate, all the heirs of such decedent will be eligible to make application for payment with respect to such farm. If, prior to his death, the decedent had made an application for payment but did not receive the payment thereunder, such payment will be made to the administrator or executor appointed by a court of competent jurisdiction for such estate. If an administrator or executor is not appointed for such estate, such payment will be made to all the heirs of such decedent.

(b) *In the Event of Incompetency.*—If an owner or operator of a farm, or the operator of a tract in a farm is adjudged incompetent by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment with respect to such farm, the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate shall be eligible to make application for payment with respect to such farm in lieu of the incompetent. If the person adjudicated incompetent had, prior to such adjudication, made application for payment but did not receive the payment thereunder, such payment will be made to the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate.

(c) *In the Event of Abandonment.*—If an owner or operator of a farm, or the operator of a tract in a farm, abandons such farm or such tract on or after July 1, 1937, and before making an application for payment with respect to such farm, the person appointed by a court of competent jurisdiction to control and conserve the assets of the abandoned estate shall be eligible to make an application for payment with respect to such farm in lieu of the person who abandons such farm. If, prior to his abandonment, the person who abandons such farm or such tract had made an application for payment, but did not receive the payment thereunder, such payment will be made to the person appointed by a court of competent jurisdiction to control and conserve the assets of such abandoned estate.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If an administrator, executor, trustee, guardian, committee, receiver, conservator, or other representative or fiduciary who is the owner or operator of a farm, or the operator of a tract in a farm, is discharged or released from such representative or fiduciary position by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment, the person or persons who succeed such representative or fiduciary as owner or operator of such farm, or as operator of such tract, will be eligible to execute an application for payment with respect to such farm in lieu of the representative or fiduciary who has been discharged or released. If, prior to his discharge or release, the person who has been discharged or released from his representative or fiduciary position, had made an application for payment but did not receive the payment thereunder, such payment will be made to the person or persons who succeed such representative as owner or operator of such farm or as operator of such tract.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of April, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1171; Filed, April 20, 1937; 12:53 p. m.]



WR—B-101—Weber and Davis Counties—Utah Issued April 20, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WEBER AND DAVIS COUNTIES—UTAH

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Weber and Davis Counties—Utah, and such modifications or other provisions as may hereafter be made.

The 1937 agricultural conservation program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of $500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I. Definitions*

As used herein and in all forms and documents relating to the 1937 agricultural conservation program in Weber and Davis Counties, Utah, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 agricultural conservation program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the Administration of the 1937 agricultural conservation program in Utah.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 agricultural conservation program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop, other than wild hay, was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards, other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and straw-

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

berries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II. Rates and Conditions of Diversion and Sugar Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in Weber and Davis Counties, Utah, at the rates and subject to the conditions set forth herein:

SECTION 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[1]

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that such practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made;

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

PART III. *Rates and Conditions of Soil-Building Payment.*

SEC. 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State committe, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 agricultural conservation program. Payments will not be made for more than one practice carried out on the same acreage in 1937, except that payments will be made for the practice prescribed in Item H in addition to any one of the practices prescribed in Items A, B, C, E, and N; and payments will be made for the practice prescribed in Item O, in addition to any of the practices prescribed in Items A, B, C, D, E, H, J, K, and L.

*Practices and Conditions—Rate of Payment*

A. *Perrenial Legumes,* including alfalfa, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.50 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.
b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial Legumes* (except sweet clover), including red clover, alsike clover, and Mammoth clovers, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.
b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

C. *Sweet Clover,* and such annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.00 per acre.

2. Seeding on cropland under either of the following conditions: $1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.
b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

D. *Perennial grasses,* including bluegrass, orchard, brome, grama, wheat grasses (except crested wheat grass), rye grasses, Reed's canary grass, timothy, redtop, meadow fescue, and such other perennial grasses as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.
b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Mixtures of Grasses and Legumes recommended by the State Experiment Station and approved by the State committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $3.50 per acre.

2. Seeding on cropland in 1937, when seeded under either of the following conditions: $2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.
b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. *Crested Wheat Grass* seeded on cropland in 1937: $3.00 per acre.

G. *Restoration of Land to Native Grasses* on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices should be permanently devoted to grass: Provided, that

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; $0.25 per acre;

2. Approval has been obtained from the county committee;

3. Such land is not pastured, cropped or tilled in 1937; and

4. Any volunteer growth containing noxious weeds is clipped before formation of visible seeds.

H. *Application of Soil Amendments.*—Superphosphate applied to cropland seeded to perennial or biennial legumes in 1937, at a rate per acre of not less than 60 pounds of available $P_2O_5$: $2.25 per acre.

I. *Approved Summer Fallow,* embodying seasonal cultivation in 1937 in a manner which will leave a rough and cloddy surface without previous destruction of crop residue, and sufficient subsequent cultivation to prevent vegetative growth, provided no soil-depleting crop is grown for harvest in 1937 on such acreage: $0.50 per acre.

J. *Green Manure Crops.*—

1. Annual legumes including vetches, clovers, beans, peas, and grain and legume mixtures, and such other annual legumes as are approved by the Director of the Western Division, when seeded on irrigated cropland or interplanted in orchards, if turned under in the spring of 1937 after having attained a vigorous vegetative growth, or when seeded in the spring if turned under, after having attained a minimum of two months' unpastured growth: $2.00 per acre.

2. Perennial and biennial legumes including alfalfa and sweet clover and such other legumes as are approved by the Director of the Western Division, when grown on irrigated cropland and a good stand is turned under after having attained a minimum of two months' unpastured growth in 1937: $2.00 per acre.

3. Perennial and biennial legumes including alfalfa and sweet clover, and such other legumes as are approved by the Director of the Western Division, when grown in orchards and full growth of a good stand is mechanically incorporated into the surface soil in 1937 provided no part of the year's growth is removed from the land where grown, either mechanically or by pasture: $1.00 per acre.

4. Small grains, including rye, oats, barley and grain mixtures, and such other small grains as are approved by the Director of the Western Division, when seeded on irrigated cropland or interplanted in orchards if turned under in 1937 during or prior to the blooming stage: $1.00 per acre.

K. *Forest trees.*—

1. When planted on cropland in 1937, for woodlot purpurposes, if not less than 400 trees are planted per acre: $10.00 per acre.

2. When planted on cropland in 1937, for windbreak purposes, when planted in rows at right angles to the direction of the prevailing winds, providing trees are spaced not more than 8 feet apart in rows 6 to 10 feet apart: $0.06¼ per rod-row.

3. Maintaining forest trees planted since January 1, 1934 by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is determined: $4.00 per acre.

L. *Perennial Weed Control.*[2]—

1. Chemical treatment, when after obtaining the prior approval of the county committee, seriously infested areas are controlled by the application of chemicals in accordance with specifications issued by the Director of the Western Division: $10.00 per acre.

2. Periodic cultivation, when after obtaining the prior approval of the county committee, seriously infested areas are controlled by bi-weekly cultivations, in accordance with specifications issued by the Director of the Western Division: $5.00 per acre.

M. *Prevention of Water Erosion.*—When, after prior approval by the county committee of proposed plans submitted by the operator, water erosion control practices are carried out in 1937, as follows:

1. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed at intervals so as to result in vertical distances between the furrows, not to exceed one-foot drop on 2 percent slope, two-foot drop on 4 percent slope, three-foot drop on 8 percent slope, or four-foot drop on 12 percent slope: $0.05 per 100 linear feet of furrowing not to exceed $2.00 per acre.

2. For constructing and maintaining permanent dams for diversion of flood waters, or for filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate dams to prevent washing out: $0.15 per cubic yard of fill.

N. *Reseeding Non-Crop Pasture Land.*—For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses or mixtures recommended by the State Experiment Station and approved by the State committee: $0.20 per pound of seed sown, not to exceed $2.00 per acre.

O. *Prevention of soil erosion and leaching of plant food,* from irrigated land by control of the application of irrigation water; provided, (a) the water distribution system and control structures meet specifications recommended by the State committee and approved by the Director of the Western Division and are such as to make possible adequate control of irrigation water applications, (b) the water distribution system and control structures, as well as the number of acres to be irrigated in accordance with this practice, are approved by the county committee prior to the irrigation season, (c) the operator of the farm keeps accurate records of the use of water and crop/s seeded on each field in the area approved for irrigation (these records of water use and crop/s seeded shall be kept on forms to be prescribed by the State committee and approved by the Director of the Western Division, and shall be made available to the county committee for the determination of performance), (d) erosion has not occurred as a result of too frequent application of water on the area approved for irrigation; and further provided that; $2.00 per acre:

1. No single application of water on the area approved for irrigation exceeds six inches in depth; except that if

2. One, but not more than one, application of water on the area approved for irrigation exceeds six inches but does not exceed seven inches, payment will be made at two-thirds of the full rate;

3. One, but not more than one, application of water on the area approved for irrigation exceeds seven inches but does not exceed eight inches, payment will be made at one-third of the full rate.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, $10.00 or the sum of the following items, whichever is greater:

1. $1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[1] for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,[2] for each acre devoted to commercial orchards on the farm.

4. $1.00 for each acre of commercial orchards on the farm.

5. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, $20.00 or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.[1]

2. $1.00 for each acre of commercial orchards on the farm.

3. $1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. $2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

*Part IV. Rates and Conditions of Range-Building Payments*

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

[1] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

[2] Payment for the adoption of perennial weed control practices shall be limited to control of the following noxious weeds: White top, Wild morning glory, Canada thistle, Russian knapweed, and Perennial sow thistle.

[1] See Footnote 2 on Page 730.

*Practices and Conditions—Rate of Payment*

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed on slopes in excess of 2 percent, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough or in a pipe to a tank, watering trough, or reservoir: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, including deepening of existing wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is conveyed to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or storage reservoir: $1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For construction and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching for the purposes of irrigation, subsurface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: $0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, "Farm Drainage," published by the U. S. Deparment of Agriculture).

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all corner posts, poles, rails, and jacks to be good and sound: $0.30 per rod.

G. *Rodent Control.*—For destroying at least 90 percent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: $0.15 per acre.
2. Ground Squirrels: $0.06 per acre.
3. Prairie Dogs: $0.07½ per acre.

H. *Reseeding.*—For reseeding depleted range land in 1937 with good seeds of adapted varieties of perennial grasses approved by the Director of the Western Division: $0.20 per pound of seed sown.

I. *Fireguards.*—For the establishent of fireguards, not less than 4 feet in width, by plowing furrows or otherwise exposing the mineral soil: $0.03 per 100 linear feet.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State committee, at a rate of 35 cents per full month or such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if, (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increase in the acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payment may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators; Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

*Part V. Division of Payments*

SEC. 1. *Division of Payments Between Owner and Operator.*—

A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; Provided, however, That

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payments shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI. General Conditions for Payment*

SEC. 1. *Modifications for Farms under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1 of Part II; *Provided, however*, that if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld, in whole or in part, and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.



SEC. 6. *Practices Not Qualifying for Payment.*—

A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—

A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him, and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—

A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII. Establishment of Bases*

SEC. 1. *Soil-Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with resepct to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland on all farms in the county, the ratio of soil-depleting bases established in the county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall

not exceed the county average grazing capacity limit for such land.

*Part VIII. Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration, and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as indicated in sections 2 and 3 of this part VIII.

a. Corn (field, sweet and popcorn).
b. Potatoes.
c. Sugar beets for sugar or seed.
d. Cultivated sunflowers.
e. Annual truck, canning, and vegetable crops, and their seeds.
f. Melons.
g. Sorghums, including grain sorghums, sweet sorghums, and sudan grass for seed, grain, hay, or pasture.
h. Sweet sorghums for syrup.
i. Small grains including flax, for grain or hay, or pasture. (See subsection a of Sec. 2.)
j. Millets. (See subsection b of Sec. 2).
k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture or canning purposes. (See subsection f of Sec. 3).
l. Root crops grown for feed or seed.
m. Fiber plants.
n. Annual cut flowers and their seeds.
o. Rape.
p. Cultivated fallow (summer fallow) including approved summer fallow.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop:

a. The following grasses and legumes, and such other grasses and legumes as may be approved by the Director of the Western Division, without a nurse crop, or with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa; sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clovers; and mixtures thereof.

2. Grasses: Bluegrass, orchard, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's canary grass, Dallis, brome, grama, and mixtures thereof.

3. Grass and Legume Mixtures: Mixtures of 1 and 2 above.

b. Cover and green manure crops, including annual, biennial, and perennial legumes; rye, barley, oats, and grain mixtures; vetches; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth; except when followed by summer fallow on non-irrigated cropland.

c. Forest trees when planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, tree fruits, nut trees, bush, and small fruits, including strawberries, regardless of the use of the land between the rows.

b. Perennial vegetables, including asparagus, horseradish, and rhubarb.

c. Nursery stocks, including perennial ornamentals and perennial cut flowers, and their seeds.

d. Bulbs.

e. Idle crop land.

f. Any acreage upon which perennial or biennial legumes or perennial grasses are seeded in the fall of 1937 following summer fallow, when no soil-depleting crop is seeded on such land for harvest in 1937.

g. Cropland planted to forest trees between January 1, 1930, and December 31, 1933.

*Part IX. Appeals*

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 20th day of April, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1172; Filed, April 20, 1937; 12:53 p. m.]

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**Bureau of Agricultural Economics.**

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR CARRYING OUT THE PROVISIONS OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930, AS AMENDED

AMENDMENT TO SERVICE AND REGULATORY ANNOUNCEMENTS NO. 121, REVISED

By virtue of the authority vested in the Secretary of Agriculture by an "Act to suppress unfair and fraudulant practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, approved June 10, 1930 (46 Stat. 531), as amended April 13, 1934 (48 Stat. 584) and June 19, 1936 (49 Stat. 1533)," I, H. A. Wallace, Secretary of Agriculture, do make, prescribe and give public notice of the following amendments to the Rules and Regulations of the Secretary of Agriculture under said Act (Service and Regulatory Announcements No. 121, Revised) approved August 4, 1934.

Amend Regulation 5, section 2, paragraph 5, to read as follows:

PAR. 5. Where the amount of damages claimed does not exceed $500, a hearing need not be held unless deemed necessary or desirable by the Chief of the Bureau or the Solicitor, or granted upon application of complainant or respondent setting forth the peculiar circumstances making such hearing necessary for a proper presentation of the case. Proof in support of the complaint and the answer may be supplied in the form of depositions or verified statements of fact. Complainant's opening statement of facts should be mailed to the Solicitor within fifteen days following receipt of the Solicitor's notice that the case is to be submitted without a formal hearing. Respondent will have fifteen days from receipt of complainant's opening statement in which to furnish an answering statement of facts, and complainant will then have five days from receipt of respondent's answering statement in which to file a reply thereto. All such statements must be furnished in triplicate. Application for the furnishing of proof in deposition form must be promptly made and the information furnished as required by Regulation 5, section 3. Either party failing to furnish proof in the manner and within the time above specified, unless such time has been extended, will be deemed to have waived the furnishing thereof, and the disputed issues of fact and law may, subject to paragraph 7 of this section, be considered and decided upon the pleadings and attached exhibits, together with such proof as the opposing party may furnish.

Amend Regulation 5, section 2, by adding a new paragraph to be numbered 8, reading as follows:

PAR. 8. When a complaint has been regularly served upon the respondent therein named and such respondent thereafter fails or refuses to file an answer thereto, the verified complaint and attached exhibits, if any, may, subject to paragraph 7 of this section, be accepted both as a pleading and as proof.

Amend Regulation 5, section 5, paragraph 3, to read as follows:

PAR. 3. After an order has been issued the Secretary will consider an application for the reconsideration of such order when



a written petition for such proceeding is filed with the Chief of Bureau within fifteen days after such order has been served upon petitioner, provided such petition sets forth, (1) some fact or facts which disclose that the damages awarded are excessive or inadequate, or (2) the discovery of material evidence, together with a statement thereof, which was not available to petitioner prior to the hearing, or (3) the statement of some fact or facts which prima facie show that the proceedings did not conform to the requirements of the law.

Amend Regulation 8, section 1, by adding new paragraphs to be numbered 25, 26, 27, 28 and 29, reading as follows:

PAR. 25. The term "Guaranteed advance", as used in connection with an advance payment on consigned produce, shall be deemed to mean that the party making the advance guarantees that the net proceeds to the consignor shall at least equal the amount so advanced, and in any case where a guaranteed advance is made the consignor cannot be held liable for any deficit resulting from the sale of the produce, if such deficit is not occasioned by or contributed to by some act or acts of the consignor.

PAR. 26. The term "Accommodation advance, or regular advance", as used in connection with an advance of money or credit against anticipated net proceeds to be realized from the sale of consigned produce, shall be deemed to mean that the shipper has received an advance of money or credit and if the consigned produce does not sell for enough to cover the cost of transportation and handling, including customary or agreed commission and the advance made to him, the shipper must return to the one making the advance a sum equal to the deficit sustained.

PAR. 27. The term "Price arrival", in the absence of a contrary specific understanding, shall be deemed to mean that the produce is shipped either direct to the customer or to an agent of the shipper, for the benefit of the customer, the price to be subject to agreement between the customer and the shipper upon the arrival of the goods at the customer's destination and with sufficient time being permitted for inspection.

PAR. 28. The term "F. O. B. inspection and acceptance arrival" shall be deemed to mean that the commodity quoted or sold is to be placed by the seller free on board car or other agency of through transportation at shipping point, the cost of transportation to be borne by the buyer, but the seller to assume all risks of loss and damage in transit not caused by the buyer who has the right to inspect the goods upon arrival and to reject them if upon such inspection they are found not to meet the specifications of the contract of sale at destination. The buyer may not reject without reasonable cause. Such a sale is f. o. b. only as to price and is on a delivered basis as to quality and condition.

PAR. 29. The term "F. O. B. sale at delivered price" shall be deemed to mean the same as f. o. b. except that transportation charges from shipping point to destination shall be borne by the seller, that is, the sale is f. o. b. as to quality and delivered as to price.

In testimony whereof, I have hereunto set my hand and caused the signature of the Secretary of Agriculture to be affixed in the City of Washington, this 16th day of April, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1162; Filed, April 19, 1937; 2:01 p. m.]

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**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1937.

[File No. 37-19]

IN THE MATTER OF AMERICAN-UNITED FISCAL AGENCY, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by American-United Fiscal Agency, Inc., a subsidiary company, of American Light & Traction Company, a registered holding company, pursuant to Section 13 and Rule 13-22 of the Public Utility Holding Company Act of 1935, with respect to its organization and conduct of business as subsidiary service company for member companies of the United Light and Power Company holding-company system.

It is ordered that a hearing on such matter be held on May 12, 1937, at ten o'clock in the forenoon of that day at Room 1103 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 7, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1168; Filed, April 20, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1937.

[File No. 46-40]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Middle West Corporation pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 10,000 shares of $6 cumulative preferred stock (no par value) of the Central Illinois Public Survey Company, a corporation organized and existing under the laws of the State of Illinois, a subsidiary of the applicant within the meaning of Section 2 (a) (8) of the Public Utility Act of 1935 and an affiliate of the applicant within the meaning of Section 2 (a) (11) of the Public Utility Act of 1935, said securities to be acquired on the open market at the price prevailing when and as purchases are made;

It is ordered that a hearing on such matter be held on May 7, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 1, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1167; Filed, April 20, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of April, A. D. 1937.

[File No. 2-2690]

IN THE MATTER OF BAGDAD COPPER CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Bagdad Copper Corporation, Hillside, Arizona, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, in the Facing Sheet, Items 3, 18, 27, 31, 32, 33, 34, 35, 36, 38, 54, Exhibits B, C-3, C-5 and C-15 and the Prospectus; the matter having been set down for hearing, notice thereof having been duly served upon the registrant, a hearing having been held during the periods of January 6 to January 14, 1937, and March 30 to April 8, 1937, and evidence having been taken at such hearing in support of the allegations made in the notice of hearing; the registrant having consented to the entry of a stop order; and the Commission having duly considered the matter and being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Bagdad Copper Corporation, Hillside, Arizona, be, and the same hereby is, suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1165; Filed, April 20, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of April, 1937.

[File No. 2-1357]

IN THE MATTER OF TREASURE HILL EXTENSION MINES COMPANY, INCORPORATED

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Treasure Hill Extension Mines Company, Incorporated, Hamilton, Nevada, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make statements therein not misleading, all as more fully set forth in the Commission's Findings and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Treasure Hill Extension Mines Company, Incorporated, Hamilton, Nevada, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1166; Filed, April 20, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE COX-MCCLUSKEY FARM, FILED ON APRIL 14, 1937, BY H. J. COX, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct by reason of the fact that the statement is made in Division II, Item 27, of the offering sheet that the date as of which the information is given is January 12, 1937;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1170; Filed, April 20, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of April, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HYLAND-CAMPBELL FARM, FILED ON APRIL 14, 1937, BY SUPREME OIL INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

(2) In that the total production of oil from the tract, as set forth in Division II, Item 15, may not be correct by reason of the information disclosed by the note at the foot of page 4 of the offering sheet;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of May, 1937, at 10 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1169; Filed, April 20, 1937; 12:43 p. m.]

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*Thursday, April 22, 1937* **No. 77**

## DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

NER—B-101—Rhode Island—Supp. (4) Issued April 21, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—RHODE ISLAND—SUPPLEMENT (4)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101 for Rhode Island, as amended by Supplements (1), (2), and (3), is hereby amended by the addition of the following three practices to Part I:

SOIL MAINTENANCE ON CRANBERRY BOGS

Applying sand, free from stones or loam, at the following rates to fruiting cranberry bogs to prevent soil deterioration and decline in productive capacity of the land.

14. ½ inch of sand, evenly distributed, Payment, $7.50 per acre.
15. ¾ inch of sand, evenly distributed, Payment, $11.25 per acre.
16. 1 inch of sand, evenly distributed, Payment, $15.00 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of April, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1182; Filed, April 21, 1937; 12:47 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

AMENDMENT OF RULE 411

The Telegraph Division at its regular meeting on April 13, 1937 amended Rule 411 by substituting the expression "3 months" in lieu of "90 days."

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-1174; Filed, April 21, 1937; 12:02 p. m.]

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AMENDMENT OF RULE 442

The Telegraph Division at its regular meeting on April 13, 1937 amended Rule 442 to read as follows:

An applicant who fails examination for operator license of professional class may not be reexamined within 3 months, but this does not apply to examination of radiotelephone type following one of radiotelegraph type, nor vice versa, nor one for lower class following one for higher class of the same type, nor to successive examinations at a point named in Rule 30a.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-1173; Filed, April 21, 1937; 12:02 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of April, 1937.

IN THE MATTER PROCEEDING BEFORE THE SECURITIES AND EXCHANGE COMMISSION TO DETERMINE WHETHER DART & COMPANY, ET AL. SHOULD BE SUSPENDED OR EXPELLED FROM MEMBERSHIP ON CERTAIN NATIONAL SECURITIES EXCHANGES, PURSUANT TO SECTION 19 (A) (3) OF THE SECURITIES EXCHANGE ACT OF 1934

ORDER AMENDING ORDER OF FEBRUARY 16, 1937, AND AMENDING CAPTION

Whereas, the Commission by order dated February 16, 1937, directed Dart & Company, a partnership consisting of Harry A. Dart, Meyer Steinberg, Nathan Steinberg, Abraham Koven, Herbert LaVigne and George Blumenthal and Harry A. Dart, Meyer Steinberg, Nathan Steinberg and Abraham Koven as individuals, to appear before an officer of the Commission and show cause why they should not be suspended or expelled from membership on the Detroit Stock Exchange and the Chicago Stock Exchange pursuant to Section 19 (a) (3) of the Securities Exchange Act of 1934; and

Whereas, the Commission by orders dated March 1, 1937, and March 24, 1937, changed the date for the said hearing; and

Whereas, it now appears to the Commission that Herbert LaVigne and George Blumenthal are not now and never have been partners of Dart & Company, a partnership;

It is ordered that the Commission's order dated February 16, 1937, be amended so as to strike therefrom the names of

Herbert LaVigne and George Blumenthal wherever the same may appear, and that the caption of said order and of all other orders entered in said proceedings be amended by striking therefrom the names of Herbert LaVigne and George Blumenthal.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1175; Filed, April 21, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CARTER-TATE FARM, FILED ON APRIL 6, 1937, BY W. R. BROWN & COMPANY, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commmission on April 17, 1937, be effective as of April 17, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1178; Filed, April 21, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN KIRSCH-WINDERS FARM. FILED ON APRIL 1, 1937, BY J. H. LIEBERMAN, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 17, 1937, be effective as of April 17, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1177; Filed, April 21, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of April, A. D., 1937.

[File No. 20-464A8-1]

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNER'S ROYALTY INTERESTS IN THE ANDERSON-PRICHARD OIL CORP.-SWISHER LEASE, FILED ON NOVEMBER 21, 1936, BY G. E. FISHER, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of non-producing landowner's royalty interests in the Anderson-Prichard Oil Corp.-Swisher Lease, located in Oklahoma County, Oklahoma, which offering sheet was filed with the Commission on November 21, 1936, by G. E. Fisher, of Oklahoma City, Oklahoma, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on December 22, 1936, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and evidence both oral and documentary having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is misleading and incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the *Findings and Opinion of the Commission* filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1176; Filed, April 21, 1937; 12:43 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE AMERADA-TRANSWESTERN-SUENRAM FARM, FILED ON APRIL 16, 1937, BY S. LEROY ESTES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the statement made in Division II, Item 16 (a) (iii), relative to the gross production of water from the tract involved, is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 20th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1181; Filed, April 21, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARGAY-BEMIS "A" FARM, FILED ON APRIL 15, 1937, BY R. A. COOK, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the information required to be stated in Division II, Item 16 (a) (iii), relative to the gross production of water from the tract involved, as set forth in the offering sheet, is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 20th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commmission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1180; Filed, April 21, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BLACKSTOCK-TEXAS PACIFIC-TEGTMEYER FARM, FILED ON APRIL 16, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date on which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not believed to be correct;

(2) In that the lease boundaries of the tract involved in the offering sheet are not clearly defined in the plat attached to the offering sheet designated "Exhibit A";

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 20th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1179; Filed, April 21, 1937; 12:44 p. m.]

*Friday, April 23, 1937* *No. 78*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

### Order Regulating the Handling of Onions Grown in the State of Utah

Whereas, it is provided in Section 8c of the Agricultural Adjustment Act, approved May 12, 1933, as amended (hereinafter called the act), as follows:

(1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof;

and

Whereas, the Secretary of Agriculture, having reason to believe that the issuance of an order would tend to effectuate the applicable provisions of the declared policy of the act with respect to onions grown in the State of Utah, by establishing and maintaining such marketing conditions for said onions as would reestablish prices to farmers at a level that will give such onions a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of such onions in the base period, gave notice on the 5th day of November 1936, pursuant to the applicable provisions of the act and the regulations thereunder, of a hearing to be held in Salt Lake City, Utah, on November 14, 1936, on a proposed order regulating the handling of said onions, and upon said date and at said place conducted a public hearing thereon, giving due opportunity to all interested parties to be heard concerning said proposed order; and

Whereas, the Secretary of Agriculture has found and proclaimed that the purchasing power of onions grown in the State of Utah during the base period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such onions can be satisfactorily determined from available statistics of the Department of Agriculture for the period August 1919–November 1928; and

Whereas, the Secretary of Agriculture finds upon the evidence introduced at said hearing and the record thereof:

1. That customarily more than ninety percent (90%) of all carlot shipments of onions grown in Utah enter into the current of interstate and foreign commerce, and that the handling of said onions is in the current of interstate and foreign commerce and directly burdens, obstructs, and affects interstate and foreign commerce in the said commodity;

2. That for the period August 1929–July 1936 and the period August 1933–July 1936 the average price to farmers for said onions has represented sixty-four percent (64%) and seventy-three and three-tenths percent (73.3%), respectively, of the purchasing power of such onions during the aforesaid base period;

3. That, on the basis of conditions prevailing at the time of the said hearing, in order to give such onions in the 1936–1937 season a purchasing power with respect to articles that farmers buy equivalent to the average purchasing power of such onions in the aforesaid base period, it would have been necessary that the average price to farmers for said onions be approximately one dollar and thirty-two cents ($1.32) per one hundred (100) pounds;

4. That this order is limited in its application to the smallest regional production area that is practicable and consistent to carry out the applicable provisions of the declared policy of title I of the act with respect to establishing and maintaining such marketing conditions for onions grown in the State of Utah as will reestablish prices to growers that will give such onions a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such onions in the base period, and that the issuance of several orders applicable to any subdivision of the regional area covered by this order would not effectively carry out the said declared policy;

5. That there are no differences in the production and marketing of the principal varieties of said onions in the production area covered by this order that renders necessary different terms applicable to different parts of such area;

6. That the interest of the consumer is protected by reason of the fact that this order is designed to operate so as to bring about that approach to the level of prices which is declared to be the policy of Congress to establish by securing a gradual correction of the current level of prices at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in the domestic and foreign markets, and by reason of the fact that this order authorizes no action which has for its purpose the maintenance of prices to farmers above the level of prices which it is declared to be the policy of Congress to establish in subsection 1 of section 2 of said title 1;

7. That limiting the quantity of certain grades and sizes of such onions that may be shipped in the current of interstate or foreign commerce, as provided herein, will tend to restore prices to producers of onions in the State of Utah to a level having a purchasing power with respect to articles that producers buy equivalent to the purchasing power of said onions in the aforesaid base period;

8. That this order and all the terms and conditions thereof will tend to effectuate the applicable provisions of the declared policy of title I of the act with respect to onions grown in the State of Utah by establishing and maintaining such marketing conditions as will reestablish prices to producers at a level that will give agricultural commodities a purchasing power with respect to articles that producers buy equivalent to the purchasing power of agricultural commodities in the base period, at the same time protecting the interest of the consumer by (a) approaching the level of prices which it is declared to be the policy of Congress to establish in subsection (1) of section 2 of title I of the act by a gradual correction of the current level of prices at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to producers above the level which it is declared to be the policy of Congress to establish in the said subsection (1) of section 2 of title I of the act; and

Whereas, the Secretary finds:

1. That the marketing agreement regulating the handling of onions grown in Utah, executed by him on the 22nd day of April 1937, upon which a hearing was held on November 14, 1936, was signed by handlers who handled during the 1935–1936 season more than ninety percent (90%) of the volume of said onions which was marketed during the said season in the current of interstate and foreign commerce;

2. That this order regulates the handling of such onions in the same manner as the aforesaid marketing agreement, and is made applicable only to persons in the respective classes of industrial and commercial activities which are specified in the said marketing agreement; and

3. That the issuance of this order is favored by producers who, during the 1935–1936 season, which is hereby determined to be a representative period, have produced within the State of Utah for market at least two-thirds (⅔) of the volume of onions produced in said season within the State of Utah for market.



Now, therefore, it is ordered by the Secretary of Agriculture, acting under the authority vested in him as aforesaid, that the handling of the said onions in the current of interstate and foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such onions, from and after the date herein specified, shall be in conformity to and in compliance with the terms and conditions of this order.

#### ARTICLE I—DEFINITIONS

Section 1. *Definitions.*—As used in this order, the following terms have the following meanings:

1. "Secretary" means the Secretary of Agriculture of the United States.

2. "Act" means the Agricultural Adjustment Act, approved May 12, 1933, as amended.

3. "Person" means an individual, partnership, corporation, association, and any other business unit.

4. "Onions" means and includes all varieties of onions grown in and shipped from the State of Utah.

5. "Variety" means a type of onion having similar characteristics, as for example the yellow Spanish type, the white Spanish type, and the yellow Denvers type.

6. "To handle" or "to ship" means to sell for shipment in, to ship in, or in any other way to put into the channels of trade in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

7. "Season" means the twelve-month period beginning August 1 and ending July 31, both inclusive.

8. "Producer" means any person who produces onions in the State of Utah, for sale or shipment in the current of interstate or foreign commerce, or in any manner whereby the same directly burdens, obstructs or affects interstate or foreign commerce.

9. "Handler" means any person who handles onions, including producers who handle onions of their own production or for others.

10. "Control Board" means the control agency selected in accordance with the provisions of article II of this order.

#### ARTICLE II—CONTROL BOARD

Section 1. *Membership and Organization.*—1. A Control Board consisting of seven (7) members is hereby established to assist the Secretary in the administration of this order. Within five (5) days after the effective date of this order, and between the 15th and 31st day of May annually thereafter, there shall be named twelve (12) nominees, and said nominations shall then be certified to the Secretary. The nominations shall be made as follows:

(a) Six (6) nominees shall be chosen in a general election in which all handlers shall be entitled to participate. At any such election each handler shall be entitled to cast but one (1) ballot on behalf of himself, agents, partners, affiliates, subsidiaries and representatives.

(b) Six (6) nominees shall be chosen by producers in the following manner: Two (2) nominees shall be chosen at a general election in which all producers of Utah County shall be entitled to participate; two (2) nominees shall be chosen at a general election in which all producers of Davis and Salt Lake Counties shall be entitled to participate; and two (2) nominees chosen at a general election in which all producers of Weber, Morgan, Cache and Box Elder Counties shall be entitled to participate. At such elections each producer shall be entitled to cast one (1) ballot in behalf of himself, agents, partners, affiliates, subsidiaries and representatives. Each such nominee shall be a producer of onions who during the season preceding his nomination did not ship, consign or otherwise handle onions not produced by himself in excess of ten percent (10%) of the total quantity shipped, consigned or otherwise handled by such nominee.

2. The Secretary shall select from the nominees of the handlers, three (3) handler members and their respective alternates; from the nominees of Utah County, one (1) producer member and his alternate; from the nominees of Davis and Salt Lake Counties, one (1) producer member and his alternate; and from the nominees of Weber, Morgan, Cache and Box Elder Counties, one (1) producer member and his alternate. The six (6) members thus selected by the Secretary shall, at their first meeting, nominate not less than two (2) persons who shall be residents of the State of Utah but shall not be producers or handlers, and from such nominees the Secretary shall select a member and his alternate.

3. Any vacancy on the Control Board caused by death, resignation, removal, or for any other cause, shall be filled by the Secretary from two (2) nominees nominated, in the same manner as was the original member, within ten (10) days after the vacancy occurs; and the nominees shall be producers or handlers or neither, depending upon whether the vacancy was caused by a producer or handler member or a member that was neither a producer nor a handler member.

4. No delay in the nomination or selection of any member, alternate or successor of the Control Board shall be deemed to invalidate any such selection. Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or with the Secretary's designated representative.

5. Notwithstanding the other provisions of this section, the Secretary may select as members of the Control Board persons not nominated, provided such persons have the same qualifications for membership as are required of persons nominated.

Sec. 2. *Failure to Select Members.*—If a nomination for any member, alternate or successor is not made within the applicable period specified in this article, the Secretary may select a member, alternate or successor without regard to nominations.

Sec. 3. *Organization.*—1. Upon the selection of five (5) of its members, the Control Board may organize and commence to function: *Provided, however,* That the Control Board shall not perform any of its duties or exercise any authority provided herein while there are more than two (2) vacancies in its membership.

2. In the transaction of all business, each member of the Control Board shall be entitled to cast but one (1) vote.

Sec. 4. *Removal and Disapproval.*—The members of the Control Board (including successors and alternates), and any agents or employees appointed or employed by the Control Board, shall be subject to removal by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval shall be deemed null and void, except as to acts done prior to such disapproval and in reliance on, or in compliance with such regulation, determination or other act of the Control Board.

Sec. 5. *Expenses.*—Members of the Control Board shall serve without compensation, but shall be entitled to expenses necessarily incurred in the performance of their powers and duties hereunder.

Sec. 6. *Authority.*—The Control Board is hereby authorized:

1. To administer, as hereinafter specifically provided, the terms and provisions hereof;

2. To make, in accordance with the provisions herein contained, administrative rules and regulations;

3. To receive, investigate, and report to the Secretary of Agriculture complaints of violations of this order; and

4. To recommend to the Secretary of Agriculture amendments to this order.

Sec. 7. *Duties.*—The Control Board shall have the following duties:

1. To act as intermediary between the Secretary and any handler;

2. To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

3. To furnish to the Secretary such available information as he may request;

4. To appoint such employees as it may deem necessary and to determine the compensation and define the duties of such employees;

5. To require the posting of a bond by any member of the Control Board, or any person employed under this order, who handles funds. Such bond shall be in an amount not less than the maximum amount of funds that may, at any time, be entrusted to such member or employee under the terms of this order;

6. To consult with any committee established pursuant to any marketing agreement or with any handlers operating under an order of the Secretary with respect to the handling of onions grown in any area covered by such marketing agreement or order, which are handled at the same time or under similar conditions, to the end that this order may be administered, within the terms and conditions hereof, in conjunction with such marketing agreement or order, so as best to effectuate the purposes of the act; and

7. To perform such duties in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public No. 320, approved August 24, 1935, as amended, as may from time to time be assigned to it by the Secretary.

SEC. 8. *Procedure.*—All decisions of the Control Board shall be by a majority of the votes of the qualified members. Five (5) members of the Control Board shall constitute a quorum to transact all business.

SEC. 9. *Funds.*—All funds received by the Control Board, pursuant to any provision of this order, shall be used solely for the purpose therein specified and shall be accounted for in the following manner:

1. The Secretary may require the Control Board and its members to account for all receipts and disbursements; and

2. Upon the removal from office or upon the expiration of the term of office of any member of the Control Board, he shall account for all receipts and disbursements, and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member pursuant to this order.

ARTICLE III—GRADE AND SIZE REGULATION

SECTION 1. *Grades and Sizes.*—If the Secretary, upon recommendation of the Control Board or otherwise, finds regulation of shipments will tend to effectuate the purposes of this order, he may limit shipments of any or all varieties of onions produced during any season, for any period of time, by (1) prohibiting handlers from handling any or all varieties of onions of a United States grade or grades other than the grade or grades specified by the Secretary, and/or (2) prohibiting handlers from handling any or all varieties of onions of a size or sizes other than the size or sizes specified by the Secretary: *Provided,* That no such limitation of shipments by grade shall be applicable to any shipment when Federal-State Inspection Service cannot be had for such shipment. The Secretary shall give not less than three (3) days' notice to handlers and producers of any limitation of shipments pursuant to this section, by means of a press release, or by posting notices in such places as the Secretary may determine to be necessary or desirable, or by such other means as the Secretary deems necessary, for the purpose of notifying handlers and producers of the institution of such limitation.

SEC. 2. *Inspection.*—During any period in which the Secretary has limited shipments, as provided in section 1 of this article, no onions shall be handled from the State of Utah unless they have been inspected, and their variety, size, and conformity to the United States grades certified, by an authorized representative of the Federal-State Inspection Service.

SEC. 3. *Exemptions.*—1. Before the institution of any limitation of shipments pursuant to section 1 of this article, the Control Board shall determine the percentage which the total quantity of onions subject to such limitation and permitted to be shipped, is of the total quantity of such onions available for shipment from the State of Utah. The Control Board shall forthwith announce this percentage and the procedure by which exemption certificates may be issued to growers pursuant to this section.

2. Any producer who would, because of such limitation, be unable to dispose of as large a percentage of such onions produced by him as the percentage which the Control Board, pursuant to subsection 1 of this section, has determined can be handled from the State of Utah, may apply to the Control Board for permission to handle such onions of his own production, either himself or through a handler. In such case the Control Board shall issue a certificate granting to such producer permission to handle such onions to the extent necessary for such producer to dispose of a percentage of such onions available for shipment during the limitation period equal to the percentage determined by the Control Board pursuant to subsection 1 of this section The Control Board shall retain a copy of such certificate, together with a statement of the evidence upon which it was granted. If any grower is dissatisfied with the determination of the Control Board with respect to such exemption certificate, he may appeal to the Secretary.

SEC. 4. *Compliance.*—Except as provided in section 1 of article VI, no handler shall ship or contract to ship onions of a size or grade, the shipment of which has been prohibited by the Secretary pursuant to this article.

ARTICLE IV—EXPENSES

SECTION 1. *Expenses.*—Each handler shall pay to the Control Board such handler's pro rata share (as approved by the Secretary) of such expenses, as the Secretary may find will necessarily be incurred by the Control Board during any period specified by the Secretary, for the maintenance and functioning of the Control Board, other than expenses incurred in receiving, handling, holding or disposing of any quantity of onions received, handled, held or disposed of by such Control Board for the benefit or account of persons other than handlers subject to this order.

SEC. 2. *Shipping Permits.*—The Secretary may, in his discretion, for the purpose of collecting money for administrative expenses under this order, require handlers to purchase from the Control Board, for such specified period of time, permits to be affixed to each package or carload of onions before the same shall be handled: *Provided, however,* That any payments received for such permits shall be used for the purposes set forth in section 1 of this article, and shall, in no event, exceed the pro rata share of expenses required to be paid by any handler.

ARTICLE V—LIABILITY OF CONTROL BOARD MEMBERS

SECTION 1. *Liability.*—No member of the Control Board nor any employee thereof shall be held responsible individually in any way whatsoever to any handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member or employee, except for dishonesty.

ARTICLE VI—MISCELLANEOUS

SECTION 1. *Charitable Purposes.*—Nothing contained in this order shall be construed to authorize any limitation of the right to ship onions for consumption by charitable institutions or relief agencies. The Control Board may, from time to time, prescribe proper safeguards to prevent onions shipped for such purposes from being introduced into the commercial channels of trade contrary to the provisions of this order.

SEC. 2. *Effect of Termination or Amendment.*—Unless otherwise expressly provided in the notice of termination, or in the amendment of this order, no termination or amendment of this order shall either (a) affect, waive or terminate any right, duty, obligation or liability which shall have arisen or may thereafter arise in connection with any provision of this order, or (b) release or forgive any violation of this order occurring prior to the effective time of such termination or amendment, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

SEC. 3. *Continuing Power and Duty.*—If, upon the termination of this order, there are any obligations arising thereunder, the final approval or ascertainment of which requires further acts by any party subject thereto, or by the Control Board, or by any other person, the authority and/or duty to perform such further acts shall continue notwithstanding such termination: *Provided,* That any such acts required under the terms of this order to be performed by the Control Board hereunder shall be performed by the members of such board functioning at the effective time of such termination, or, if the Secretary shall so direct, by such other person, persons or agency as the Secretary may designate.

ARTICLE VII—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective Time.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated as follows:

(1) The Secretary may at any time terminate this order by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(2) This order shall, in any event, terminate whenever the provisions of the act authorizing it ceases to be in effect.

SEC. 2. *Proceedings After Termination.*—Upon the termination of this order, the members of the Control Board then functioning shall continue as joint trustees, for the purposes of this order, of all funds and property then in the possession of or under the control of said board, including claims for any funds unpaid or property not delivered at the time of such termination.

Said trustees (a) shall continue in such capacity until discharged by the Secretary;

(b) shall account, from time to time, for all receipts and disbursements and/or deliver all funds and property on hand, together with all books and records of the Control Board and of the joint trustees, to such person as the Secretary shall direct; and

(c) shall execute, upon the request of the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds and/or claims vested in the Control Board or the joint trustees pursuant to this order. Any funds collected pursuant to article IV, and held by such joint trustees or such person, over and above the amount necessary to meet outstanding obligations and expenses necessarily incurred by the joint trustees or such other person in the performance of their duties hereunder, shall be returned as soon as practicable (after the termination of this order) to the handlers, pro rata, in proportion to their contributions made pursuant to this order.

Any and all persons to whom funds and/or claims have been delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligations and duties with respect to said funds as are hereinabove imposed upon the members of said board.

ARTICLE VIII—DURATION OF IMMUNITIES

SECTION 1. *Immunities.*—The benefits, privileges, and immunities conferred by virtue of this order, shall cease upon its termination, except with respect to acts done under and during the existence of this order, and the benefits, privileges, and immunities conferred by this order upon any person shall cease upon the termination as to such person, except with respect to acts done under and during the existence of this order.

ARTICLE IX—AGENTS

SECTION 1. *Agents.*—The Secretary may by a designation in writing name any person not subject to this order, including any officer or employee of the Government, or name any Bureau or Division in the Department of Agriculture, or any board or committee created hereunder, to act as his agent or representative in connection with any of the provisions of this order.

ARTICLE X—AMENDMENTS

SECTION 1. *Proposals.*—Amendments to this order may be proposed at any time by any party subject hereto or by the Control Board.

ARTICLE XI—SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this order and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

ARTICLE XII—DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and/or, (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

In witness whereof, H. A. Wallace, Secretary of Agriculture, does hereby affix the seal of the Department of Agriculture, execute in duplicate and issue this order in the city of Washington, District of Columbia, on the 22nd day of April 1937, and pursuant to the provisions hereof declare this order to be effective on and after 12:01 A. M., m. s. t., April 26, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1184; Filed, April 22, 1937; 12:16 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D., 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-292]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE TUBULAR PIPINGS AND TRIMMINGS MANUFACTURING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been had under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914 (36 Stat. 717).

It is now ordered that the trade practice rules of Group I which have been approved by the Commission in this proceeding be, and the same are, hereby promulgated for the Tubular Pipings and Trimmings Manufacturing Industry, as follows:

TRADE PRACTICE RULES

TUBULAR PIPINGS AND TRIMMINGS MANUFACTURING INDUSTRY

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

*Group I*

The unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition or other illegal practices within the statutes and decisions of the Federal Trade Commission and the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

*Rule 1.*

The practice of selling goods below the seller's cost, with the intent and with the effect of injuring a competitor and where the effect may be to substantially lessen competition or tend to create a monopoly or unreasonably restrain trade, is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule.

*Rule 2.*

Wilfully inducing or attempting to induce, by any false or deceptive means whatsoever, the breach of any lawful contract or contracts existing between competitors and their customers or their suppliers, or wilfully interfering with or obstructing the performance of any such contractual duties or services, with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their businesses, is an unfair trade practice.

*Rule 3.*

The imitation of the trade-marks, trade names, brands, labels or other marks of identification of competitors, having the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 4.*

The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

(a) *Prohibited Discriminatory Differentials, Rebates, Refunds, Discounts, Credits and Other Allowances.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any price differentials, rebates, refunds, discounts, credits or other allowances which effectuate a discrimination in price between different purchasers of goods of like grade and quality where either or any of the purchases involved therein are in commerce[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce[1] or to injure, destroy or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them, *Provided however*—

(1) That the goods involved in any such transaction are sold for use, consumption or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited Brokerages and Commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited Advertising or Promotional Allowance, Etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotion allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any products or commodities manufactured, sold or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited Discriminatory Services or Facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Illegal Price Discrimination.* It is an unfair trade practice for any member of the industry or other person engaged in commerce,[1] in the course of such commerce, to discriminate in price in any other respect contrary to Section 2 of the Clayton Act as amended by the Act of Congress, approved June 19, 1936 (Public No. 692, 74th Congress), or knowingly to induce or receive a discrimination in price which is prohibited by such section as amended.

*Rule 6.*

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies or services, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 7.*

The making, or causing or permitting to be made or published, any false, untrue or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, substance, character, nature, origin, size or preparation of any product of the industry, or in any other material respect, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 8.*

Wilfully enticing away the employees of competitors, with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their businesses, is an unfair trade practice.

*Rule 9.*

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.

*Rule 10.*

Offering merchandise for sale at prices purported to be reduced from what are in fact fictitious prices, or offering merchandise for sale at a purported reduction in price when such purported reduction is in fact fictitious, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 11.*

The use of the word "free" where not properly or fairly qualified when the article is in fact not free, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 12.*

The practice of shipping or delivering products which do not conform to the samples submitted or representations made prior to securing the orders, without the consent of the purchasers to such substitutions, and having the tendency, capacity or effect of deceiving or misleading purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 13.*

Directly or indirectly to give or permit to be given or offer to give money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase industry products from the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors, is an unfair trade practice.

*Rule 14.*

Securing information from competitors concerning their businesses by false or misleading statements or representations or by false impersonation of one in authority, and the wrongful use thereof to unduly hinder or stifle the competition of such competitors, is an unfair trade practice.

*Rule 15.*

In connection with the sale or offering for sale of products of the industry, representing through advertising or otherwise that such products conform to any standards recognized in or applicable to the industry when such is not the fact, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 16.*

For any person, firm or corporation to hold himself or itself out to the public as a manufacturer or wholesaler when such is not the fact, or in any other manner to misrepresent the character, extent or type of his or its business, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 17.*

The false or deceptive marking or branding of products of the industry for the purpose or with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, use, size, material, content, origin, preparation, manufacture or distribution of such products, or in any other material respect, is an unfair trade practice.

*Rule 18.*

Withholding from or inserting in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the purpose or effect of thereby misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered April 19, 1937.

[F. R. Doc. 37–1183; Filed, April 21, 1937; 2:25 p. m.]

[1] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States; Provided, That this shall not apply to the Philippine Islands.





## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-MAXFIELD FARM, FILED ON APRIL 1, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 2:00 o'clock in the afternoon on the 22nd day of April, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 7th day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1187; Filed, April 22, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE GOELZ-WILKINSON FARM, FILED ON APRIL 5, 1937, BY F. GEORGE GOELZ, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 20, 1937, be effective as of April 20, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1185; Filed, April 22, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-JANSSEN FARM, FILED ON FEBRUARY 19, 1937, BY ARTHUR SORY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 17, 1937, be effective as of April 17, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1186; Filed, April 22, 1937; 12:35 p. m.]

***Saturday, April 24, 1937*** ***No. 79***

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 22nd day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2908]

IN THE MATTER OF NATIONAL PUBLICITY BUREAU, INC., A CORPORATION TRADING UNDER ITS OWN NAME AND AS NATIONAL PUBLICITY BUREAU AND ROGERS SILVERWARE DISTRIBUTORS, AND HUGH J. WANKE, INDIVIDUALLY AND AS PRESIDENT OF NATIONAL PUBLICITY BUREAU, INC., TRADING AS ROGERS SILVERWARE DISTRIBUTORS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, April 29, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in Room 626, Federal Building, Baltimore, Maryland.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1189; Filed, April 23, 1937; 10:02 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2823]

IN THE MATTER OF SOAP LAKE PRODUCTS CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

Whereas Charles P. Vicini, an examiner of this Commission, was heretofore appointed to take testimony and receive evidence in this proceeding, pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and whereas the said Charles P. Vicini, by reason of other duties to perform, will be unable to continue therein,

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding in the place and stead of the said Charles P. Vicini, beginning on Friday, April 30, 1937, at ten o'clock in the forenoon of that day (central standard time) at the Office of the Custodian, Federal Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1188; Filed, April 23, 1937; 10:02 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-PEACHES FARM, FILED ON APRIL 13, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the information disclosed in Division II, Item 16 (a) (iii), of the offering sheet, is not in proper form, and the statement made in the "note" under this item concerning the percentage of water being produced from the tract involved is not believed to be correct;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein, alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as Trial Examiner



to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 7th day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1195; Filed, April 23, 1937; 12:30 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1937.

[File No. 43-23]

IN THE MATTER OF NORTH AMERICAN GAS AND ELECTRIC COMPANY (PUBLIC UTILITY ACT OF 1935)

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7

North American Gas and Electric Company, a registered holding company, having filed an amended declaration, dated April 8, 1937, with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue of 82,400 shares of its common stock having a par value of 80¢ per share, and of $764,000 aggregate principal amount of its 6% Cumulative Income Debentures, dated January 1, 1937, due January 1, 1949, pursuant to an amended Plan of Reorganization, dated March 10, 1937, approved and confirmed by the United States District Court for the Southern District of New York on April 2, 1937; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said amended declaration be and become effective on April 22, 1937, on condition that the issue of such securities be effected in substantial compliance with all the terms and conditions set forth in said amended declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1190; Filed, April 23, 1937; 12:29 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY LEASE, FILED ON APRIL 17, 1937, BY E. T. CHASE, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the present price per barrel for oil required to be given in Division II, Item 1, is omitted;

(2) In that the offering sheet does not contain the original signature of the offeror as required by the Rules and Regulations of the Commission;

(3) In that Division 2, Item 13, requires that the representations made shall be of a factual nature, whereas the last paragraph of this item is not based upon facts, but is solely an expression of opinion.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 22nd day of May, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 7th day of May, 1937, at eleven o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1191; Filed, April 23, 1937; 12:29 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND ET AL, GASSOWAY FARM, FILED ON APRIL 17, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 22nd day of May, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be in-

complete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 7th day of May, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1194; Filed, April 23, 1937; 12:30 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND DEBORD "A" FARM FILED ON APRIL 17, 1937, BY PAUL J. MCKENNA, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as stated in Division I, Paragraph 8, is incorrect;

(2) In that the monthly pay-off for the smallest interest proposed to be offered, as stated in Division II, Item 16 (d), for the months of January and February 1937, does not appear to be correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 22nd day of May, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 7th day of May, 1937, at 11:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1192; Filed, April 23,1937; 12:29 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CAPITOL-MANSION-STATE ET AL. FARM, FILED ON APRIL 17, 1937, BY H. B. SEARS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, is incorrect;

(2) In that the net production for the smallest interest proposed to be offered for that period from October 1936 to April 1937, inclusive, as set forth in Division II, Item 16 (c), is not believed to be correct;

(3) In that the legend required to be given in Exhibit A is incomplete by reason of the fact that the symbols for an abandoned well and junked well are omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 22nd day of May, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 7th day of May, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1193; Filed, April 23, 1937; 12:29 p. m.]



*Tuesday, April 27, 1937* *No. 80*

## PRESIDENT OF THE UNITED STATES.

NATIONAL MARITIME DAY

By the President of the United States of America

A PROCLAMATION

WHEREAS May 22 of each year has been designated as National Maritime Day by Public Resolution 7, Seventy-third Congress, approved May 20, 1933, reading as follows:

"Whereas on May 22, 1819, the steamship The Savannah set sail from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That May 22 of each year shall hereafter be designated and known as National Maritime Day, and the President is authorized and requested annually to issue a proclamation calling upon the people of the United States to observe such National Maritime Day by displaying the flag at their homes or other suitable places and Government officials to display the flag on all Government buildings on May 22 of each year.":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to observe May 22, 1937, as National Maritime Day by displaying the flag at their homes or other suitable places, and do direct Government officials to display the flag on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of April in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2234]

[F. R. Doc. 37-1202; Filed, April 24, 1937; 10:25 a. m.]

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EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5596 OF APRIL 9, 1931, WITHDRAWING PUBLIC LANDS

*Nevada*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5596 of April 9, 1931, withdrawing public lands in Nevada, pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 22, 1937.*

[No. 7608]

[F. R. Doc. 37-1199; Filed, April 23, 1937; 2:59 p. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 7070 OF JUNE 12, 1935, PRESCRIBING REGULATIONS GOVERNING APPOINTMENTS OF EMPLOYEES PAID FROM EMERGENCY FUNDS

By virtue of and pursuant to the authority vested in me as President of the United States, paragraph 1 of Executive Order No. 7070 of June 12, 1935, prescribing regulations governing appointments of employees paid from emergency funds is hereby amended to read as follows:

1. No appointment or reappointment made by the several executive departments, independent establishments, and emergency agencies to a position the compensation in connection with which is paid from emergency funds, as distinguished from the appropriations for the regular activities of the Government, shall be made for a period extending beyond the date of expiration of the emergency appropriation from which such compensation is paid.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 23, 1937.*

[No. 7609]

[F. R. Doc. 37-1204; Filed, April 24, 1937; 12:18 p. m.]

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EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 6966 OF FEBRUARY 8, 1935, EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH NATIONAL FOREST AND RESTORING THEM TO ENTRY

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C., sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the description of homesite No. 20 contained in Executive Order No. 6966 of February 8, 1935, excluding certain tracts of land in Alaska from the Chugach National Forest and restoring them to entry under the applicable public-land laws, be, and it is hereby, amended to read as follows:

Home site No. 20, east of the Alaska Railroad, nearing Lawing, 3.96 acres; approximate latitude 60°23'28" N., longitude 149°21'26" W.

A plat of the amended elimination survey is on file in the General Land Office, Washington, D. C.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*April 23, 1937.*

[No. 7610]

[F. R. Doc. 37-1203; Filed, April 24, 1937; 12:13 p. m.]

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## TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4735]

MARKING PACKAGES OF WHISKEY—GAUGING MANUAL AMENDED

*To District Supervisors and Others Concerned:*

Paragraph 71 of the Gauging Manual, as amended by T. D. 4652, is amended, as to sub-paragraphs (d) and (e), to read as follows:

(d) Spirits distilled from a fermented mash of grain at more than 160 degrees and less than 190 degrees of proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to whiskey, and withdrawn from the cistern room of the distillery at not more than 110 degrees and not less than 80 degrees of proof, shall be branded "Whiskey."

(e) Spirits distilled at not exceeding 160 degrees of proof from a fermented mash of not less than 51% rye grain, corn grain,

wheat grain, malted barley grain, or malted rye grain, and withdrawn from the cistern room of the distillery at not more than 110 degrees and not less than 80 degrees of proof, shall be branded "Rye Whiskey," "Bourbon Whiskey," ("Corn Whiskey," if packaged in uncharred containers, or in reused containers which have not been recharred prior to use), "Wheat Whiskey," "Malt Whiskey," or "Rye Malt Whiskey," respectively.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, April 20, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc 37-1196; Filed, April 23, 1937; 2:02 p. m.]

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[T. D. 4736]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

AMENDMENT OF T. D. 4560 AND T. D. 4731

APRIL 22, 1937.

*To District Supervisors and Others Concerned:*

The second paragraph of Treasury Decision 4731 is amended to read as follows:

These regulations shall be effective on November 1, 1937.

[SEAL] ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1205; Filed, April 24, 1937; 12:30 p. m.]

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## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

SPECIAL RULE FOR IDAHO GRAZING DISTRICT NO. 1[1]

A proper showing having been made and it having been found that the available public land is insufficient in Idaho Grazing District No. 1 to meet the requirements of all in the preferred class and that the general rule set forth in the Amendment to the Rules for Administration of Grazing Districts approved January 28, 1937, is unsuited to local conditions and will not permit an effective and orderly administration of the act in that particular district, the preferred class will be divided for that district into two groups, as follows:

1. Those who have dependent commensurate property which has been used in connection with the public range for two full consecutive grazing seasons immediately preceding passage of the Taylor Grazing Act; provided, however, that if an applicant can show that his failure to use the public range in the required years was due to causes beyond his control and that he has two consecutive full grazing seasons' use within the period from June 28, 1929, to June 28, 1934, then such use shall be considered as equivalent to the two full consecutive seasons' use immediately preceding the passage of the act.

2. Those who do not have such prior use.

JULIAN TERRETT,
*Acting Director.*

Approved, April 16, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1200; Filed, April 23, 1937; 3:21 p. m.]

[1] Under the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), commonly known as the Taylor Grazing Act.

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

GSQR Series 4, No. 2 Issued April 24, 1937

GENERAL SUGAR QUOTA REGULATIONS, SERIES 4, NO. 1, SUPPLEMENT 1

ALLOTMENT OF THE UNALLOTTED RESERVE FOR FOREIGN COUNTRIES OTHER THAN CUBA FOR THE CALENDAR YEAR 1937

By virtue of the authority vested in the Secretary of Agriculture by Public Resolution No. 109, approved June 19, 1936, and by the Agricultural Adjustment Act, approved May 12, 1933, as amended, (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to regulate commerce with Cuba and other foreign countries, among the several States, with the Territories and possessions of the United States, and with the Commonwealth of the Philippine Islands, with respect to sugar, having due regard to the welfare of domestic producers and to the protection of domestic consumers and to a just relationship between the price received by domestic producers and the price paid by domestic consumers, do hereby make, prescribe, publish and give public notice of these regulations (constituting a supplement to General Sugar Quota Regulations, Series 4, No. 1), which shall have the force and effect of law and shall remain in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

1. Out of the unallotted reserve of 1,882.07 short tons of sugar, raw value, established for foreign countries other than Cuba, 1,732.07 short tons, raw value, are hereby made available for allotment to such countries in order of priority of arrival of the sugar in the continental United States.

2. The difference between the 1,882.07 short tons of sugar, raw value, and 1,732.07 short tons, raw value, to wit, 150 short tons, raw value, is hereby set aside as a reserve against polarization adjustments and other such contingencies.

In testimony whereof, I, H. A. Wallace, Secretary of Agriculture, have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 24th day of April 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-1206; Filed, April 26, 1937; 12:42 p. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

INSURANCE LOSS SETTLEMENTS

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, the second paragraph of Section 903 of the Consolidated Manual is hereby amended to read as follows:

The Treasurer, or Regional Treasurers and Assistant Regional Treasurers, State Managers and Division Managers are authorized and directed, respectively, to endorse for the Corporation, without recourse, insurance loss drafts where the total loss on property securing the mortgage debt is not over $50.00, upon receipt of the approved certificate signed by the home owner showing that the property has been repaired; and to transmit the draft to the mortgagor.

Adopted by the Federal Home Loan Bank Board on April 23, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1201; Filed, April 24, 1937; 10:10 a. m.]



## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 20th day of April, 1937.

[No. 10122]

STANDARD TIME ZONE INVESTIGATION

*It appearing*, That by report[1] and order dated October 24, 1918, the Commission defined the limits of the various time zones throughout the United States created by the act of Congress entitled "An Act to Save Daylight and to Provide Standard Time," approved March 19, 1918, which limits, as subsequently amended from time to time, were restated and redefined in the sixteenth supplemental report and order in this investigation dated May 19, 1928;

*It further appearing*, That by report and order dated August 14, 1936, as modified by report and order of September 23, 1936, the boundary between United States Standard Eastern and Central Time Zones, as so defined, was modified to include the lower Peninsula of Michigan and the entire State of Ohio within the Eastern Zone;

*And it further appearing*, That the Pennsylvania Railroad Company has filed a petition for modification of the said report and order of August 14, 1936; and that a full investigation of the matters and things involved has been made, and Division 2, on the date hereof, has made and filed its twenty-third supplemental report containing its findings of fact and conclusions thereon, which said report and the reports and orders of October 24, 1918, May 19, 1928, and August 14, and September 23, 1936, are hereby referred to and made parts hereof:

*It is ordered*, That the order entered on October 24, 1918, as subsequently modified and as restated by order of May 19, 1928, as modified by orders of August 14, and September 23, 1936, be, and it is hereby, further modified by making the addition shown in said twenty-third supplemental report; and that this modification shall become effective at 2 o'clock ante meridian, April 25, 1937.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1198; Filed, April 23, 1937; 2:27 p. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 21st day of April, A. D. 1937.

[Ex Parte No. MC 12]

IN THE MATTER OF SPECIAL AND INDIVIDUAL CONTRACTS OR AGREEMENTS OF CONTRACT CARRIERS BY MOTOR VEHICLES

Sections 203 (a) (15) and 204 (a) (2) and (6) of the Motor Carrier Act, 1935, being under consideration, and the said Division, on the date hereof, having made and filed a report containing its conclusions therein, which report is hereby referred to and made a part hereof:[1]

*It is ordered*, That all contract carriers by motor vehicle, as defined in section 203 (a) (15) of the said act, shall cease and desist on or before July 1, 1937, from transporting property for hire in interstate or foreign commerce except under special and individual contracts or agreements which shall be in writing, shall provide for transportation for a particular shipper or shippers, shall be bilateral and impose specific obligations upon both carrier and shipper or shippers, shall cover a series of shipments during a stated period of time in contrast to contracts of carriage governing individual shipments, and copies of which contracts or agreements shall be preserved by the carriers parties thereto so long as such contracts or agreements are in force and for at least one year thereafter.

*And it is further ordered*, That this order shall continue in force until the further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1197; Filed, April 23, 1937; 2:27 p. m.]

[1] The report was filed as a part of this document with the Division of the Federal Register; copies are available upon application to the Interstate Commerce Commission.

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND ET AL.-GASSOWAY FARM, FILED ON APRIL 17, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1208; Filed, April 26, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OIL PAYMENT IN THE JONES-LUCAS FARM, FILED ON MARCH 1, 1937, BY ALEX MACDONALD, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1207; Filed, April 26, 1937; 12:54 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of April, A. D., 1937.

[File No. 2-1045]

IN THE MATTER OF EMPORIA GOLD MINES, INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Emporia Gold Mines, Inc., 1600 Delaware Avenue, Wilmington, Delaware, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter and finding that the registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion in this matter this day issued, and being now fully advised in the premises.

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Emporia Gold Mines, Inc., 1600 Delaware Avenue, Wilmington, Delaware, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1209; Filed, April 26, 1937; 12:54 p. m.]

*Wednesday, April 28, 1937* *No. 81*

## PRESIDENT OF THE UNITED STATES.

EMERGENCY BOARD, PENNSYLVANIA; LONG ISLAND; BALTIMORE AND OHIO; READING; CENTRAL RAILROAD OF NEW JERSEY; LEHIGH VALLEY; NEW YORK CENTRAL; NEW YORK, NEW HAVEN & HARTFORD; DELAWARE, LACKAWANNA AND WESTERN; AND ERIE RAILROADS—EMPLOYES

By the President of the United States of America

A PROCLAMATION

WHEREAS the President, having been duly notified by the National Mediation Board that disputes between the Pennsylvania; Long Island; Baltimore and Ohio; Reading; Central Railroad of New Jersey; Lehigh Valley; New York Central; New York, New Haven & Hartford; Delaware, Lackawanna & Western; and Erie Railroads, carriers, and certain of their employees represented by

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees;
International Longshoremen's Association;

which disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, amended, now threaten substantially to interrupt interstate commerce within the state of New York and other states in the eastern part of the country to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of three persons not pecuniarily or otherwise interested in any organization of railway employes or any carrier, to investigate the aforementioned disputes and report its findings to me within thirty days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the Board, including traveling expenses and in conformity with Public No. 212, 72nd Congress, Approved June 30, 1932, 11:30 a. m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

All expenditures of the board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1937" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 26th day of April in the year of our Lord nineteen hundred and thirty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and sixty first.

FRANKLIN D ROOSEVELT

By the President,
CORDELL HULL
*Secretary of State*

[No. 2235]

[F. R. Doc. 37-1213; Filed, April 27, 1937; 12:02 p. m.]

## DEPARTMENT OF THE INTERIOR.

**Division of Grazing.**

SPECIAL RULE FOR COLORADO GRAZING DISTRICT NO. 1[1]

A proper showing having been made and it having been found that the available public land is insufficient in Colorado Grazing District No. 1 to meet the requirements of all in the preferred class and that the general rule set forth in the Amendment to the Rules for Administration of Grazing Districts approved January 28, 1937, is unsuited to local conditions and will not permit an effective and orderly administration of the act in that particular district, the preferred class will be divided for that district into two groups as follows:

1. Those who have dependent commensurate property which has been used in connection with the public range for any two full consecutive grazing seasons during the 5-year period immediately preceding the passage of the Taylor Grazing Act.
2. Those who do not have such prior use.

JULIAN TERRETT,
*Acting Director.*

Approved: April 20, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1210; Filed, April 27, 1937; 9:38 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

**Home Owners' Loan Corporation.**

SUBSTITUTION OF TRUSTEE—NORTH CAROLINA

Whereas C. S. Noble has been appointed trustee in many of the deeds of trust accepted by the Corporation in connection with loans in the state of North Carolina; and

Whereas the said C. S. Noble has removed from said State; and

[1] Under the act of June 28, 1934 (48 Stat. 12699) as amended June 26, 1936 (49 Stat. 1976), commonly known as the Taylor Grazing Act.



Whereas for the purpose of executing the powers granted in said trust it has become necessary to remove the said C. S. Noble as trustee and to appoint a substitute trustee in his place and stead: Therefore,

Be it resolved, pursuant to the authority vested in the Board of Directors by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4 (a), 4 (d) and 4 (k) of said Act as amended, That C. S. Noble is hereby removed as trustee in all deeds of trust in which he was named as trustee held by the Corporation in the State of North Carolina and T. C. Abernathy is hereby named as substitute trustee for any and all of the deeds of trust wherein the said C. S. Noble has been appointed trustee, said removal and substitution to be effective upon the execution and recording of an appropriate instrument for said purposes; and the Chairman of the Board or Vice-Chairman, the General Manager or any Deputy General Manager, the Secretary or any Assistant Secretary, the Treasurer or any Assistant Treasurer, the Regional or Assistant Regional Manager of the Atlanta Regional Office or the Regional or Assistant Regional Treasurer of the Atlanta Regional Office is each hereby authorized to execute, seal with the Corporate Seal, attest, acknowledge on behalf of the Corporation and deliver such instruments as may be necessary and proper to make effective the removal of the said C. S. Noble and the appointment of said T. C. Abernethy as substitute trustee in any or all of such deeds of trust; and

Be it further resolved, That the Secretary or any Assistant Secretary of the Corporation is authorized to certify and furnish such copies of this resolution as may be required and to authenticate, acknowledge and to do any other act necessary to entitle it to be recorded in North Carolina.

Adopted by the Board of Directors of Home Owners' Loan Corporation on April 26, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1212; Filed, April 27, 1937; 10:18 a. m.]

[Manual Amendment]

TRANSMITTAL OF DOCUMENTS IN PROPERTY SALES

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 752 of Chapter VII of the Manual is hereby amended by the addition of the following paragraph to be inserted after the second paragraph:

Where the Regional Counsel determines that it is necessary or desirable in connection with a contract of sale of the Corporation's property to deliver for examination or continuation any abstract, title policy or other evidence of title, survey, plat or other documents in the file to the contract purchaser or his attorney, title company or abstract company, he shall obtain such documents from the Regional Treasurer and may deliver the same, or forward the same by registered mail or express to the contract purchaser or his attorney, title company or abstract company. Said transmittal may be through the State or District Office of the Corporation or through a fee attorney, title or abstract company representing the Corporation. Such documents may likewise be forwarded by Regional or State Counsel to a fee attorney, title or abstract company representing or acting for the Corporation for the purpose of examination, continuation or any other purpose in connection with a sale of property. The expenses of any such transmittal and return expenses may be paid by the Corporation as a Corporation expense. Receipts containing an agreement to return as and when required shall be taken.

Adopted by the Federal Home Loan Bank Board on April 26, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1211; Filed, April 27, 1937; 10:18 a. m.]

## NATIONAL LABOR RELATIONS BOARD.

[Case No. C-166]

IN THE MATTER OF SAMOSET COTTON MILLS AND LOCAL NO. 2489, UNITED TEXTILE WORKERS OF AMERICA

NOTICE OF HEARING

*Please take notice* that pursuant to authority vested in the National Labor Relations Board under an Act of Congress (49 Stat. 449) a hearing will be held before the National Labor Relations Board on Wednesday, May 5, 1937, at 10 a. m., in Room 406, Denrike Building, 1010 Vermont Avenue, N. W., Washington, D. C., for the purpose of oral argument in the above entitled matter.

Argument will be limited to one hour.

You may appear and be heard if you so desire.

Dated, April 26, 1937.

[SEAL] BENEDICT WOLF, *Secretary.*

[F. R. Doc. 37-1216; Filed, April 27, 1937; 12:50 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of April, A. D. 1937.

[File No. 43-42]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by National Gas & Electric Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and sale of $400,000 First Lien Collateral Trust Bonds, 16-year, 5%, Series B, due April 1, 1953; of 35,000 shares of no par Common Stock; and with respect to the reclassification of all its presently outstanding Common Stock (being 275,328.27 shares) represented by voting trust certificates, from a par value of $10 a share to no par; said declaration stating that said securities are to be issued and sold in connection with the acquisition of securities and other interests in business, approved by the Commission on March 19, 1937;

It is ordered that a hearing on such matter be held on May 17, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 11, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1214; Filed, April 27, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1937.

[File No. 46-39]

IN THE MATTER OF REPUBLIC SERVICE CORPORATION

ORDER APPROVING ACQUISITION OF SECURITY PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Republic Service Corporation, a registered holding company, having duly filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it of the Five Year 5% Promissory Note of Abington Electric Company, said note to be in the aggregate principal amount of $590,000 and to be dated March 8, 1937; a hearing on said application having been held after appropriate notice, the record in this matter having been examined, and the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of said security in accordance with the terms and conditions of and for the purposes represented by such application, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1215; Filed, April 27, 1937; 12:37 p. m.]

*Thursday, April 29, 1937* *No. 82*

## DEPARTMENT OF THE INTERIOR.

### National Park Service.

RULES AND REGULATIONS

Made, published, and approved by the Secretary of the Interior on the 19th day of April, 1937, and to continue in force and effect until otherwise directed by the said Secretary.

GENERAL PROVISIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (ch. 408, sec. 3, 39 Stat. 535), as amended, and pursuant to the authority vested in the President under title II, secs. 202 and 209 of the National Industrial Recovery Act (48 Stat. 200, 202, 206), and by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115, 118), and delegated to the Secretary of the Interior by Executive Order No. 7496, November 14, 1936, the following regulations are hereby made and published for the proper use, management, government, and protection of, and maintenance of good order in, all of the Recreational Demonstration Areas which are, or hereafter may be, under the administrative jurisdiction of the National Park Service of the Department of the Interior, except those areas acquired or to be acquired for recreational areas in connection with the Blue Ridge Parkway.

*1. Preservation of Public Property, Natural Features and Curiosities*

The destruction, injury, defacement, removal or disturbance in any way of any public building, sign, equipment, marker, or other structure, or of any tree, flower, vegetation, rock, mineral formation, or of any animal, bird, or other wildlife, or of any ruins or relics, or of any other public property of any kind is prohibited: *Provided*, that flowers may be gathered in small quantities when, in the judgment of the project manager, their removal will not impair the beauty of the area. Before any flowers are picked, permit must be secured from the project manager.

Collections for scientific or educational purposes shall be permitted only in accordance with written permits first had and obtained from the project manager.

*2. Camping*

No camping is permitted outside the specially designated camp sites, except by special permit from the project manager.

Campers shall keep their campgrounds clean. Combustible rubbish shall be burned on camp fires and all other garbage and refuse of all kinds shall be placed in garbage cans provided for the purpose. At new or unfrequented camps, garbage shall be burned or buried.

Campers and others shall not wash clothing or cooking utensils in, or pollute in any other manner, the waters of the recreational demonstration areas.

Only in areas designated by the project manager may campers use any dead or fallen timber for fuel or other purposes.

The installation of permanent camping facilities by visitors is prohibited in all recreational demonstration areas. The digging or leveling of the ground in any camp site without the project manager's permission is prohibited.

Temporary camps must be completely razed and the sites cleaned before the departure of campers. In dismantling camps, all material, such as poles, bark, planks, platforms, etc., used in construction of temporary camps must be removed, and, if combustible, must be piled on the public camp woodpiles.

Campers shall not leave their camps unattended for more than 48 hours without special permission of the project manager, obtained in advance. Camping equipment left unattended in any public camping area for 48 hours or more is subject to removal by order of the project manager, the expense of such removal to be paid by the person or persons leaving such equipment.

No camp may be established in a recreational demonstration area and used as a base for hunting outside such area.

No camp shall be placed within 25 feet of any well-defined water course, water hydrant, or main road.

The project managers may, with the approval of the Director of the National Park Service, establish hours during which quiet must be maintained at any camp, and prohibit the running of motors at or near a camp during such hours.

*3. Bathing*

Bathing in any of the streams or lakes within the recreational demonstration areas is not permitted except at designated bathing places.

*4. Fishing*

Persons desiring to fish in the waters of any recreational demonstration area must secure a sporting fishing license, as required by the laws of the state in which such area is situated. All fishing in such areas must be done in conformity with the laws of the state regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs.

Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in hand, is prohibited.

Fishing in particular waters may be suspended, or restricted in regard to the use of particular kinds of bait, when the project manager, with the approval of the Director of the National Park Service, shall determine such suspension or restriction necessary and shall post such restrictions or suspensions.

*5. Picnicking*

Picnicking or the eating of lunches is permitted only in areas provided and designated for such use.

*6. Protection of Wildlife*

The recreational demonstration areas are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing or attempting to capture at any time of any wild birds or other animals, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the recreational demonstration areas unless specifically authorized by the Director of the National Park Service.

During the hunting season, arrangements must be made at entrance stations to identify and transport through the areas, where necessary, the carcasses of birds or animals legally killed outside the areas. Failure to make such arrangements shall be deemed a violation of this regulation.

*7. Firearms, Etc.*

Firearms, explosives, airguns, sling shots, traps, seines, and nets are prohibited within the areas except upon written permission of the project manager. The project manager may, in his discretion, permit the carrying of firearms by employees under his administrative jurisdiction when such possession is deemed necessary in the performance of official duties.

Visitors entering or traveling through the recreational demonstration areas to places beyond shall, at entrance, report and, if required to do so, surrender all such objects in their possession to the project manager, or his representative, and, in proper cases, may obtain his written permission to carry them through the area sealed. Failure to obtain such written permission shall be deemed a violation of this regulation. The Government assumes no responsibility for the loss of, or damage to, any such objects so surrendered to any project manager, nor are project managers authorized to accept the responsibility or custody of any other property for the convenience of the visitors.

*8. Fires*

Fires shall be lighted only in designated places. On public campgrounds the regular fireplaces constructed for the convenience of visitors must be used.

No lighted cigarette, cigar, pipe heel, match, or other burning material shall be thrown from any vehicle or saddle horse or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material.

Fires shall be lighted only when necessary and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

If permission has been granted by the project manager for the lighting of any fire away from designated places, such fires shall not be kindled near trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or mineral soil. Should camp be made in a locality where no such open space exists, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or mineral soil of an area considerably larger than that required for the fire.

If fires are found, put them out if possible and report your action to the nearest Government officer, or immediately notify the nearest Government officer of the location of the fire.

The use of fireworks or firecrackers in the areas is prohibited, except with the written permission of the project manager.

Permission to burn on any cleanup operation within the recreational demonstration areas must first be obtained in writing from the office of the project manager, and in such cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and all damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

*9. Sanitation*

Garbage, papers, or refuse of any kind shall not be thrown or left on or along roads, in camping or picnic areas, or any other place.

All comfort stations shall be used in a clean and sanitary manner.

Contamination of watersheds, of water supplies, or of any water used for drinking purposes is strictly prohibited.

*10. Gambling*

Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited. Possession of any implement or device commonly used or intended to be used for gambling purposes within any recreational demonstration area is prohibited.

*11. Disorderly Conduct*

Persons who render themselves obnoxious by disorderly conduct or bad behavior shall be subject to the punishment hereinafter prescribed for violation of these regulations, and may be summarily removed from the recreational demonstration area by the project manager.

*12. Radios*

The use of radios in public camps, hotels, or other buildings, or in automobiles, is prohibited when audible beyond the immediate vicinity of the radio set. Radios shall not be operated to the annoyance of other persons nor so as to disturb the quiet of camps or other public places.

*13. Cameras*

Before still pictures may be taken for commercial purposes and before a motion or sound picture requiring the use of artificial or special settings, or special equipment, or involving the performance of a professional cast, may be filmed in any of the recreational demonstration areas, authority must first be obtained, in writing, from the Secretary of the Interior. Still and motion picture cameras may be freely used by amateurs in the recreational demonstration areas for general scenic purposes.

Project managers may issue permits to take still and motion pictures in the recreational demonstration areas under their supervision without such previous authorization by the Secretary of the Interior, in the following circumstances, and on condition that the permittees shall refrain from offering any gratuity of whatsoever nature to any employee of the Government in connection with the exercise of the privilege herein authorized to be granted:

1. Professional photographers and motion picture cameramen desiring to take scenes of, or events in, the recreational demonstration areas as representatives of news concerns and for bona fide news publication;

2. Professional photographers and motion picture cameramen desiring to take scenes of, or events in, the recreational demonstration areas not for sale or for exhibition when paid admissions are charged, but for the purpose of stimulating the use of recreational demonstration areas;

3. Professional photographers and motion picture cameramen desiring to take scenes of, or events in, the recreational demonstration areas, for nonprofit educational purposes;

4. Professional photographers desiring to take park scenes for general artistic purposes.

*14. Lost Articles*

Persons finding lost articles, should deposit them at the office of the project manager leaving their own names and addresses, so that if the articles are not claimed by the owners within 60 days, they may be turned over to those who found them.

*15. Abandonment of Property*

The abandonment of any personal property in the recreational demonstration areas is prohibited.

*16. Dogs and Cats*

Dogs and cats are prohibited in the areas; provided, however, that employees and others may be authorized by the project manager to keep dogs for official purposes, subject to further conditions as may be determined by the project manager.

Day visitors with the permission of the project manager may bring dogs into the areas, provided they are kept on leash.

Stray dogs or cats running at large in the recreational demonstration areas may be killed to prevent molestation of the wildlife therein.

*17. Travel on Trails*

Persons traveling on the trails of the recreational demonstration areas on saddle animals shall not make short cuts but shall confine themselves to the main trails. Any or all roads and trails in the recreational demonstration areas may be closed to public use by order of the project manager when, in his judgment, conditions make travel thereon hazardous or dangerous, or when such action is necessary to protect the recreational demonstration areas.

Motorcycles shall not be operated upon trails.

*18. Restricted Areas*

All persons are prohibited from entering restricted areas posted as being closed to the public, except upon written permission from the project manager.

*19. Vehicles*

The recreational demonstration areas are open to automobiles operated for pleasure but they may not be operated outside the roads provided for them, and may be parked only in designated areas.

Motorcycles are admitted to the recreational demonstration areas under the same conditions as automobiles and are subject to the same regulations, so far as they are applicable.

Trucking over roads in the recreational demonstration areas which are officially posted indicating no trucking is allowed, shall be a violation of these regulations.

House car trailers are admitted to the recreational demonstration areas under the same conditions as automobiles and they may be parked for camping purposes only in areas designated for that purpose. All drainage or dumping refuse directly from trailers is prohibited.

Automobiles, trucks, and other vehicles permitted in the recreational demonstration areas may enter and leave by such entrances and between such hours as shall be determined by the project manager with the approval of the Director of the National Park Service, and indicated by official signs posted for that purpose. All vehicles shall come to a full stop at entrance stations.

There shall not be operated or moved upon any road within the boundaries of any recreational demonstration area any vehicle of any kind the face of wheels or tracks of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes, or any device which may tend to injure the roadway. This regulation applies to all rings or flanges upon guiding or steering wheels on any such vehicle, but it shall not be construed as preventing the use of ordinary detachable tire or skid chains.

The project manager may, with the approval of the Director of the National Park Service, establish the hours during which any of the roads within the recreational demonstration areas shall be open to the public and the direction of travel thereon. Information regarding such hours and direction of travel may be had upon application at the office of the project manager.

All motor vehicles except motorcycles shall be equipped with two headlights and one or more red taillights, the headlights to be of sufficient brilliancy to insure safety in driving at night, and all lights shall be kept lighted after sunset when the vehicle is on a road, and at all times when passing through unlighted tunnels. Headlights shall be dimmed when meeting other vehicles, riding or driving animals, or pedestrians.

At least one light must be carried on the left front side of all horse-drawn vehicles in a position so as to be visible from both front and rear.

Automobiles and other vehicles shall be so operated as to be under the safe control of the driver at all times. The speed shall be kept within such limits as may be necessary to avoid accidents. Speed of automobiles and other vehicles except ambulances and Government cars on emergency trips is limited to 35 miles per hour on all roads in the recreational demonstration areas unless a different limit be determined by the project manager with the approval of the Director of the National Park Service, and indicated by official signs posted for that purpose.

Any vehicle traveling slowly on any of the roads in the recreational demonstration areas, when overtaken by a faster moving motor vehicle, and upon suitable signal from such overtaking vehicle, shall move to the right to allow a safe passage.

Except in slow-moving traffic, a vehicle shall not follow another vehicle closer than 50 feet, nor closer than 15 feet at any time.

No motor vehicle shall be operated on any highway with clutch disengaged or gear out of mesh except for the purpose of changing or shifting gears or stopping or while being towed, or when such vehicle is equipped with commercial free-wheeling devices.

The horn shall be sounded on approaching sharp curves or other places where the view ahead is obstructed, or before passing other vehicles or pedestrians.

Muffler cut-outs shall be kept closed at all times within the limits of the recreational demonstration areas.

If vehicles stop because of accident or for any other reason, they shall be immediately parked in such a way as not to interfere with travel on the road.

The project manager may limit the time allowed for parking in any parking area upon the posting of signs indicating such limit.

Drivers of all vehicles shall comply with the directions of all official traffic signs posted in the recreational demonstration areas.

No person who is under the influence of intoxicating liquor or narcotic drugs shall operate or drive a motor-driven vehicle of any kind on the roads of the recreational demonstration areas.

*20. Advertisements*

Private notices or advertisements shall not be posted, distributed, or displayed in the recreational demonstration areas, excepting such as the project manager may deem necessary for the convenience and guidance of the public.

*21. Private Operations*

No person, firm, or corporation shall engage in or solicit any business in the recreational demonstration areas, excepting such as the project manager may deem necessary for the convenience and guidance of the public.

All persons, firms, or corporations holding franchises in the recreational demonstration areas shall keep the grounds used by them properly policed and shall maintain the premises in a sanitary condition to the satisfaction of the project manager. No operator shall retain in his employment a person whose presence in the area may be deemed by the project manager subversive to the good order and management of the area.

All operators shall require each of their public contact employees to wear a metal badge with a number thereon, or other mark of identification. The name and number corresponding therewith, or the identification mark, shall be registered in the office of the project manager. These badges must be worn in plain sight.

No person shall reside permanently in a recreational demonstration area, except that former resident owners of land acquired for a recreational demonstration area may in very exceptional cases be permitted to remain upon the land where their presence will not interfere with the development or use of the project.

Permittees shall cultivate only that portion of land heretofore in cultivation and the use of said land shall be consistent with good husbandry practices.

Permittees shall maintain all improvements on the land in a reasonable state of repair and shall not, except with the written consent of the project manager, remove or destroy present improvements or erect new improvements. All such additional improvements shall become the property of the United States.

Permittees shall be entitled to a reasonable quantity of wood for their own domestic purposes only and for such purposes may gather fallen timber and such standing timber as may be designated by the project manager.



Permittees shall burn no brush or conduct any land clearing operations except with the written consent of the project manager. Permittees shall be held responsible for any damage caused by fires resulting directly or indirectly from any lack of care on the part of any person or persons working on the lands under permit.

Permittees shall to the satisfaction of the project manager, provide for the disposal of all refuse, slash, waste, and other debris and for prevention of obstruction, pollution, or deterioration of springs, ponds, lakes, streams, and water courses on or in the vicinity of lands occupied by them.

Permittees shall be entitled to a reasonable amount of coal from the lands occupied by them for their own domestic purposes only, but they shall not extract for sale any minerals, gravel, oil, gas, or other products from below the surface of the land.

Billboards shall not be erected by the permittees or any advertising matter whatever displayed on the lands occupied by them, and no refreshment goods or products whatever shall be offered for sale on said lands without the written consent of the project manager.

Permittees, adjoining landowners, and all others shall provide against trespass by their livestock upon recreational demonstration areas. All trespasses committed will be punished to the fullest extent provided by law.

*22. Motor Boats*

The use of boats powered with either inboard or outboard motors is prohibited within the areas except on the lake of the Ozarks unless such use is specifically approved by the Director of the National Park Service.

LOCAL SUBSIDIARY REGULATIONS

Subsidiary regulations necessary to cover local situations and promulgated under general provisions contained in these regulations will be published in the FEDERAL REGISTER and may be seen at the headquarters of the recreational demonstration areas in which they are operative.

PENALTY

Any person who wilfully violates any of the foregoing rules or regulations is punishable by a fine of not to exceed $1,000.

Approved, April 19, 1937.

[SEAL] CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-1217; Filed, April 28, 1937; 9:45 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Bureau of Biological Survey.

AMENDING REGULATIONS RESPECTING GAME ANIMALS, LAND FUR-BEARING ANIMALS, GAME BIRDS, NONGAME BIRDS, AND NESTS AND EGGS OF BIRDS IN ALASKA

Pursuant to the authority and direction contained in section 10 of the Alaska Game Law of January 13, 1925 (43 Stat. 739; U. S. Code, title 48, sec. 198), as amended by act of February 14, 1931 (46 Stat. 1111; U. S. Code, title 48, sec. 198), upon consultation with and recommendation from the Alaska Game Commission, having determined when, to what extent, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds may be taken, possessed, transported, bought, or sold in Alaska, I, Secretary of Agriculture, do hereby adopt and publish the following amendments of regulations 3, 4, 5, 6, 9, 14, 18, 19, and 21 under the Alaska Game Law adopted and published March 9, 1936, effective July 1, 1936, permitting and governing the same, said amendments to be effective July 27, 1937:

REGULATION 3—POSSESSION AND TRANSPORTATION OF GAME ANIMALS AND GAME BIRDS

Game animals (except live animals) in numbers not exceeding the maximum seasonal limits prescribed by regulation 11, the hides, heads, and feet of game animals, articles made from such hides, heads, or feet, grouse and ptarmigan, and the skins and feathers of game birds, legally taken during the open season, may be possessed and transported at any time within the Territory by any person: *Provided*, That until dismembered the carcass of any moose, mountain sheep, and/or deer shall not be so mutilated that the sex of the animal cannot be determined: *And Provided Further*, That any person possessing any game animal, or part thereof, without a valid hunting or trapping license shall furnish on demand to any officer authorized to enforce the Alaska Game Law an affidavit showing the name and license number of the person from whom he received such game animal, or part thereof, together with such other information as the officer may require.

Any person may without a license possess and transport at any time within or out of the Territory the shed antlers of caribou, moose, and deer.

Any person may transport within the Territory during the period constituting the open season therefor migratory game birds legally taken during the open season, and any such migratory game bird or parts thereof in transit during the open season may continue in transit for such additional time immediately succeeding such open season not to exceed 5 days, as may be necessary to deliver the same to their destination and may be possessed within the Territory during the period constituting the open season and for an additional period of 10 days next succeeding such open season, but no person shall possess a greater number of migratory game birds, including ducks, geese, and brant, than is permitted by the regulations of the Secretary of Agriculture under the Migratory Bird Treaty Act.

Any person without a permit or license may possess and transport at any time within or out of the Territory any article manufactured from the skins and feathers of game birds and from the hides or hoofs of caribou, deer, or mountain goats, legally taken.

A nonresident citizen who is the holder of a valid game license, or a nonresident alien who is the holder of an alien special license, may possess and transport at any time within or out of the Territory one moose, three deer, two caribou, excepting if such caribou are from the Alaska Peninsula as particularly described in regulation 11, then only one, two mountain sheep excepting if such sheep are from the Kenai Peninsula as particularly described in regulation 11, then only one, two mountain goats, and two in the aggregate of large brown and grizzly bears, and not to exceed 1 day's bag limit of resident game birds and the maximum possession limit of migratory game birds as prescribed in regulation 13, or any parts of such animals, but no more of any one kind legally taken by him; but before any big-game animal or game bird or part thereof shall be transported out of the Territory, the person desiring to make a shipment shall first make and deliver to the transportation agent at the point of shipment, his affidavit to the effect that he has not violated any of the provisions of the Alaska Game Law or the regulations thereunder; that the big-game animal or game bird or part thereof which he desires to ship has not been purchased or sold and is not being shipped for the purpose of being sold, and that he lawfully killed the animal or game bird and is the owner of it or the part thereof which he desires to ship; and if the shipment consists of a caribou or mountain sheep or part thereof, the statement must show in the case of caribou whether the animal was killed on the Alaska Peninsula, and in the case of mountain sheep whether the animal was killed on the Kenai Peninsula, or elsewhere in the Territory. Such affidavit or affidavits shall accompany the express or freight bills of lading to the port of clearance, there to be taken up by the collector of the port; collectors of customs at ports of clearance shall promptly transmit such affidavits to the Commission.

A resident may export by express, freight, or parcel post for mounting and return to the Territory within 1 year, but not for sale, any game animals, birds, or parts thereof that have been legally acquired by him upon first procuring a resident export license, which license shall ac-

company the bill of lading when shipment is made by freight or express, and if made by parcel post, the license shall be attached securely to the outside of the package in a conspicuous place. On the return of the trophies to the consignor by express or freight, the export license shall accompany the bill of lading, but if returned by parcel post, the export license shall be attached securely to the outside of the package in a conspicuous place, and the collector of customs at the port of entry, or the postmaster through whose office it is received, shall detach the export license, note thereon the contents of the shipment, and promptly return the license to the Commission.

In the discretion of the Commission permits may be issued to residents of the Territory for the export of legally acquired game animals, birds, or parts thereof, for purposes other than sale. Such permits may be obtained from any member of the Commission, game warden, or collector of customs upon payment of the required fees. Such animals, birds, or parts thereof, may be shipped by express or freight, and the permit shall accompany the bill of lading covering any such shipment to the port of clearance from the Territory, where such permit shall be taken up by the collector of customs and returned to the Commission.

REGULATION 4.—POSSESSION AND TRANSPORTATION OF FUR-BEARING ANIMALS

Live land fur-bearing animals legally taken during an open season may be retained after the close of said open season or sold for propagation within the Territory: *Provided*, That persons possessing such animals shall report their possession to the Alaska Game Commission at Juneau and apply for a permit to possess such animals pursuant to regulation 22 hereof within 30 days after the close of said open season.

The skins of land fur-bearing animals for which an open season is provided, or parts thereof, when legally acquired, may be possessed and transported by any person at any time, except as hereinafter provided, but no person who is engaged in fur farming or is a fur dealer or an agent of a fur dealer shall possess or transport any fur-bearing animal or part thereof, unless at the time of such possession or transportation he is in possession of a valid license issued to him pursuant to the provisions of the Alaska Game Law, and no person shall possess or transport any illegal skin at any time. In case shipment is made by express or freight, the shipper shall first deliver to the transportation agent at the point shipment is accepted, or if by parcel post to the postmaster at the point of mailing, a statement correctly showing the number and kinds of skins in each shipment and stating further that no illegal skin or unsealed beaver skin is contained therein. Transportation agents and postmasters shall not knowingly accept shipments containing furs without such statement. If shipment is made by express or freight, such statement shall accompany it to the port of clearance, there to be taken up by the collector of the port, or, if by parcel post, by the postmaster at the office where mailed. In case skins or furs are shipped out of the Territory by means other than express, freight, or parcel post, the person transporting them shall deliver such statement to the collector of customs at the port of clearance. Collectors and postmasters shall promptly transmit such statements to the Commission.

Skins of beavers imported into the Territory shall be sealed with a seal prescribed by the Commission within 30 days after such importation, as hereinafter provided.

Persons importing beaver skins and desiring to have them sealed shall within 30 days present them to a member of the Commission, to a game warden, or to any other officer authorized by the Commission to seal skins, together with such proof of entry or affidavit or affidavits as the Commission or any such officer may require.

Persons having taken the skins of beavers shall, within 90 days after the close of the open season during which they were legally taken, personally present them to a member of the Commission, to a game warden, or to any other officer authorized by the Commission to seal or tag skins, together with an affidavit of lawful taking completed on a form adopted and furnished by the Commission and such other affidavit or affidavits as may be required by any officer authorized to seal such skins: *Provided*, That persons residing in remote localities and finding it impracticable to present such skins to an officer authorized to seal them as hereinbefore prescribed, may present such skins, together with affidavit of lawful taking completed on a form adopted and furnished by the Commission as hereinbefore prescribed, to any individual authorized by the Commission to attach thereto a tag bearing an authorization permitting such skins, if legally taken, to be sold and transported within the Territory, subject to examination and authentication by a representative of the Commission; and such skins so tagged shall be presented by a lawful possessor to a warden or member of the Commission, or to any other officer authorized by the Commission to seal skins, for sealing within 90 days after the close of the open season during which they were taken: *Provided*, That such commissioner, warden, or officer may require further affidavit or affidavits of the person taking the skins at any time before they are accepted and sealed as legal skins. A person having legally taken the skins of beavers during the open seasons may not sell, trade, or otherwise dispose of such skins until they have been sealed or tagged as hereinbefore provided, and no person may purchase or otherwise procure any such untagged or unsealed skins.

Skins of beavers, unless sealed as prescribed by this regulation may not be possessed or transported by any person after the expiration of the time within which they are required by this regulation to be sealed.

No person who is not a bona fide fur dealer shall possess at any time, unless sealed, numbers of skins of beavers in excess of the seasonal bag limits prescribed by regulation.

REGULATION 5.—MARKING SHIPMENTS OF GAME ANIMALS, GAME BIRDS, LAND FUR-BEARING ANIMALS, OR PARTS THEREOF

Each package in which game animals, game birds, land fur-bearing animals, or parts thereof are transported, shall have clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate statement of the number of each kind of game animals, game birds, land fur-bearing animals, or parts thereof, contained therein.

REGULATION 6.—SALE OF GAME ANIMALS AND GAME BIRDS IN CERTAIN PLACES, OF FUR-BEARING ANIMALS AND PARTS THEREOF, AND OF FEATHERS OF DUCKS AND GEESE

Nothing in this regulation shall be construed to permit any person to sell any game animal, game bird, or part thereof, except as hereinafter provided.

Except as hereinafter provided in this regulation and in regulation 7, in that portion of Alaska south of the summit of the Alaska Range and Ahklun Mountains a person who has legally killed caribou may sell the meat thereof, but no person to whom such meat is sold shall sell it otherwise than in cooked form and then only at roadhouses having a permit prescribed by the Secretary.

Except as hereinafter provided in this regulation and in regulation 7, in that portion of Alaska north of the Alaska Range and Ahklun Mountains, a person who has legally killed caribou, moose, and nonmigratory game birds may sell the meat thereof, but no person to whom such meat is sold shall resell it otherwise than in cooked form: *Provided*, That a permit, issued at the discretion of the Commission, shall be required for all restaurants, roadhouses, or public or other eating houses within such area, such permit authorizing the purchase and serving of such meats as provided herein, except that such meats shall not be sold or served within 5 miles of the center line of the Alaska Railroad, or within 5 miles of the center line of the Steese Highway from Fairbanks to and including Chatanika.

Nothing in this regulation shall be construed to permit the transportation to, or possession in, any other part of Alaska, of game meats sold under this regulation.

Any person may without a license buy and sell at any time in the Territory the feathers of wild ducks and wild geese, lawfully killed, and feathers of such birds seized and/or condemned by Federal or Territorial authorities, for use in making fishing flies, bed pillows, and mattresses, and for similar commercial purposes, but not for millinery or ornamental purposes; the hides or parts thereof of moose, caribou, deer, and mountain goats, legally taken during the open season; shed antlers of caribou, moose, and deer; and the skins and feathers of eagles, crows, hawks, owls, ravens, and cormorants.

A native-born resident Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, and a hunter or trapper, may sell without a license the skins of fur-bearing animals which he has lawfully taken.

A person not engaged or employed in the business of trading in such skins may buy without a license the skins of fur-bearing animals for his own use, but he may not sell the skins so purchased.

Any other person who is in possession of a valid license issued pursuant to the provisions of the Alaska Game Law authorizing him so to do may buy and sell the skins of fur-bearing animals at any time, but each such person shall have his license with him when buying or selling skins, except that a person buying or selling skins at an established place shall have his license posted conspicuously on the promises, and each such licensee shall produce his license for inspection by any game warden or other person requesting to see it.

REGULATION 9—METHODS OF TAKING GAME ANIMALS AND GAME BIRDS

*Except in areas enumerated and defined as closed to hunting under regulation 14* and as otherwise specifically permitted by regulations 22 and 23, game animals and game birds may be taken during the open season in the numbers mentioned in regulations 11 and 13 with a bow and arrow, spear, pistol, rifle, or gun not larger than no. 10 gage, by the use of artificial decoys, and from a blind or floating device (other than an airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole); but no person shall take any game animal or game bird from a motor vehicle, airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole, nor shall any person take any such game animal or game bird with the aid or use of a set gun of any description, a machine or sub-machine gun, a pit, deadfall, fire, jacklight, searchlight, or other artificial light, or by shooting from, on, or across any public highway, or within 33 feet of the center line of any public highway in the First and Third Judicial Divisions of the Territory; or any game animal with the aid or use of a dog, or while swimming, except that no game birds may be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells: *Provided*, That nothing in this regulation shall be construed to permit the hunting of migratory game birds contrary to the Migratory Bird Treaty Act regulations applicable to Alaska.

REGULATION 14.—CONTINUOUS CLOSE SEASON IN CERTAIN AREAS

Nothing in these regulations shall be construed to permit the taking at any time of any game animal, game bird, or fur-bearing animal—

in Mount McKinley National Park,
in Katmai National Monument,
in Glacier Bay National Monument,
on Kruzof and Partofshikof Islands,

in Eyak Lake closed area, including the drainage area of Eyak Lake and Power Creek, north and east of Cordova, more particularly described as follows: Beginning on the north boundary line of the city limits of the town of Cordova, Alaska, at a point where said boundary line is crossed by the divide between Eyak Lake and Power Creek and Orca Inlet and Orca Bay; thence in a general northeasterly direction along said divide to the intersection with parallel 60°40′ north; thence east along said parallel to the intersection with the divide between the watershed of Power Creek and Eyak Lake and the watershed of Ibek Creek; thence in a general southwesterly direction along said divide to the headwaters of Allen Creek; thence southwesterly along the course of Allen Creek to its confluence with Eyak Lake; thence southerly along the shore of Eyak Lake to the northerly side line of the Copper River & Northwestern Railway right of way; thence in a general westerly direction along the northerly side line of said railway right of way to the intersection with the east boundary line of the city limits of the town of Cordova; thence north along said east boundary of Cordova to the northeast corner of the boundary line of said town; thence west along the northern boundary line of said town to the point of beginning; containing approximately 22,000 acres;

in the Ward Lake area, Tongass National Forest, as posted and described by the United States Forest Service;

in the area of Mitkof Island 1 mile wide along the beach from the creek and cove immediately south of Blind Point to the city limits of Petersburg;

on any bird reservation except under permit or regulation by the Secretary of Agriculture;

on any island occupied under lease or permit for fur-farming purposes except by the occupant thereof;

or in any of the following-described areas along the line of the Alaska Railroad:

1. One-half mile in width situated to the eastward of the center line of the Alaska Railroad between mileposts 40.5 and 41.5.

2. One-half mile in width situated to the westward of the center line of the Alaska Railroad between mileposts 176 and 177.

3. One-half mile in width situated to the westward of the center line of the Alaska Railroad between mileposts 181.5 and 182.5.

4. One-half mile in width situated to the westward of the center line of the Alaska Railroad between mileposts 190 and 191.

5. One-half mile in width situated to the westward of the center line of the Alaska Railroad between mileposts 195.5 and 196.5.

6. One mile in width situated one-half mile to the eastward and one-half mile to the westward of the center line of the Alaska Railroad betwen mileposts 234.5 and 236.5.

7. One mile in width situated one-half mile to the westward and one-half mile to the eastward of the center line of the Alaska Railroad between mileposts 242 and 243.

8. One-half mile in width situated to the eastward of the center line of the Alaska Railroad between mileposts 250 and 252.

9. Beginning at a point 6 miles north of the Curry Hotel, thence east 1 mile, thence south 7 miles, thence west 2 miles, thence north 7 miles, thence east 1 mile to the place of beginning.

10. One mile in width on each side of the center line of the Alaska Railroad beginning at milepost 247 and extending to milepost 254.

11. One mile in width situated one-half mile to the northward and one-half mile to the southward of the center line of the Alaska Railroad between mileposts 40 and 52.

12. One thousand feet to the eastward and 1,000 feet to the westward of the center line of the Alaska Railroad between mileposts 282 and 293.

Nothing in these regulations shall be construed to permit the taking at any time except under permit of the Secretary of Agriculture of any—

game animal or game bird in Keystone Canyon closed area, including one-half mile on each side of and paralleling the Richardson Highway from milepost 13 (from Valdez) to milepost 20 (from Valdez);

game animal or game bird in the Big Delta closed area described as follows: Beginning at a point on the south bank of the Tanana River 1 mile east of the ferry at Big

Delta post office, thence south parallel to the Richardson Highway to a point 1 mile east of and opposite milepost 269 (from Valdez), thence westerly across and to a point on the west bank of the Big Delta River due west of aforesaid milepost 269 (from Valdez), thence north along the west bank of the Big Delta River to its junction with the south bank of the Tanana River, thence easterly along the south bank of the Tanana River to the place of beginning;

caribou in Steese Highway closed areas, including one-half mile on either side of and paralleling the center line of the Steese Highway from milepost 85 to milepost 88 (Twelve Mile Summit); and from milepost 106 to milepost 111 (Eagle Summit);

beaver or muskrat on the Kodiak-Afognak Islands group;

mountain goat on Baranof or Chichagof Islands;

moose between Cape Fairweather and Longitude 141°;

deer between Cape Fairweather and Longitude 141°, and in the Kodiak-Afognak Islands group;

buffalo (bison) in any part of Alaska;

musk ox in any part of Alaska;

elk in any part of Alaska;

large brown or grizzly bear in that area of land and water embracing the Glacier Bay National Monument, a part of the Tongass National Forest, and other lands included within the following described boundary: Beginning at the summit of Mount Fairweather, in approximate latitude 58°54′ N. and approximate longitude 137°31′ W., which point is identical with angle point no. 164 on the international boundary between Alaska and British Columbia and common to the most westerly point of the Glacier Bay National Monument, as established February 26, 1925; thence southwesterly, to Cape Fairweather on the Pacific Ocean, at the northwest corner of the Tongass National Forest, as established June 10, 1925; thence southeasterly, along the Pacific coast, including all islands along the coast, to the center channel of Cross Sound at the point of confluence with the Pacific Ocean; thence northeasterly, easterly, and southeasterly through the center channel of Cross Sound, North Inian Pass, North Passage, and Icy Passage to the center channel of Excursion Inlet at the point of Confluence with Icy Passage; thence easterly to a point on the east shore of Excursion Inlet at the foot of the spur ridge, which point is approximately 3 miles northeast of the Porpoise Island; thence northeasterly, following the summit of the spur ridge to the summit of the watershed between Excursion Inlet and Lynn Canal; thence northerly, northwesterly, and westerly, along the summit of the watershed between Excursion Inlet and Lynn Canal to the intersection of the east boundary of the Glacier Bay National Monument of the watershed divide of Excursion Inlet, Endicott River, and Glacier Bay, which point is in approximate latitude 58°42′ N. and approximate longitude 135°41′ W.; thence northwesterly, along the east and north boundary of the Glacier Bay National Monument, as now established, to the most northerly corner of said Glacier Bay National Monument, at a point on the international boundary between Alaska and British Columbia; thence southwesterly, along the international boundary between Alaska and British Columbia, through angle points nos. 157, 158, 159, 160, 161, 162, and 163 to the summit of Mount Fairweather, the point of beginning; excepting and reserving from the above-described area, all surveyed lands within fractional Tps. 39 and 40 S., Rs. 57, 58, and 59 E., Copper River Meridian;

large brown or grizzly bear on Afognak Island;

moose on the Alaska Peninsula south and west of Kvichak River, Iliamna Lake, and the old portage from Kamishak Bay to Kakhonak Bay;

moose on the Kenai Peninsula in the area described as follows: Beginning at the true point for the meander corner of fractional secs. 23 and 26, T. 6 N., R. 12 W., on the east shore of Cook Inlet, at low water; the approximate geographic position is in latitude 60°34′17″ N., and longitude 151°19′36″ W. from Greenwich; thence from said initial point easterly, between secs. 23 and 26 and secs. 24 and 25 to the corner of secs. 19, 24, 25, and 30, T. 6 N., Rs. 11 and 12 W.; thence easterly in T. 6 N., R. 11 W., along the north boundary of secs. 30, 29, and 28, to the NE. corner of sec. 28; thence southerly, along the east boundary of sec. 28 and sec. 33, to the corner of secs. 3, 4, 33, and 34, Tps. 5 and 6 N., R. 11 W.; thence easterly, along the north boundary of secs. 3, 2, and 1, to the NE. corner of T. 5 N., R. 11 W.; thence southerly, along the east boundary of sec. 1 to the meander corner of fractional secs. 1 and 6, on the right bank of the Kenai River; thence up the right bank of the Kenai River, at low water, to the outlet and westerly end of Skilak Lake; thence easterly, along and following the northerly shore of Skilak Lake, at low water, to a point on the northeasterly shore of the said lake at the mouth of the Kenai River; thence northeasterly, up the right bank of the Kenai River, at low water, to a point opposite the mouth of Russian River; this point falls on the west boundary of the Chugach National Forest as defined by Proclamation No. 1307, dated August 2, 1915; thence due north, following the west boundary of the Chugach National Forest as described by Proclamation No. 1741, dated May 29, 1925, to its intersection with Thurman Creek, thence following down the west bank of said creek and the Chickaloon River to Chickaloon Bay on Turnagain Arm of Cook Inlet, at low water; thence westerly and northwesterly, along the shore of Chickaloon Bay, at low water, to Point Possession; thence southwesterly, along the southeast shore of Cook Inlet, at low water, to the true point for the meander corner of fractional secs. 23 and 26, T. 6 N., R. 12 W., the place of beginning;

moose in the drainages of the Chilkoot and the Chilkat Rivers in Southeastern Alaska;

mountain sheep or mountain goat in the eastern part of the Kenai Peninsula east of the center line of the Alaska Railroad;

snowshoe hare on islands of the Kodiak-Afognak Islands group;

raccoon in any part of Alaska;

beaver on Baranof and Chichagof Islands or in the drainage to the Mendenhall Valley east of the main Glacier Highway;

muskrat in the Golovin Bay drainage;

black bear in the drainage to Anan Creek;

large brown or grizzly bear in the following areas on Admiralty Island:

*Thayer Mountain area.*—Beginning at the foot of the waterfall at the mouth of Hasselborg River on Salt Lake, head of Mitchell Bay; thence along the easterly bank of the Hasselborg River to the outlet of Hasselborg Lake; thence along the west shore of said lake to the outlet of the creek flowing into the head of the lake; thence upstream along the east bank of said creek to the trail crossing; thence in a southwesterly direction along the trail to the head of Thayer Lake; thence along the easterly shore of said lake to the extreme southern end of the lake; thence southeasterly approximately 2 miles in a straight line to the west end of Salt Lake at the head of Mitchell Bay; thence along the line of mean high tide of Salt Lake to the foot of the waterfall on Hasselborg River, the place of beginning; containing approximately 60 square miles;

*Pack Creek area.*—The entire watershed of Pack Creek, which empties into Seymour Canal near the north side of the entrance to Windfall Harbor; containing approximately 21 square miles;

mountain sheep or mountain goat in the Girdwood closed area described as follows: Beginning at the center of the bridge of the Crow Creek Road over California Creek, at approximately latitude 60°58′ north and longitude 149°8′ west of Greenwich, as shown on the preliminary topographic map of the Girdwood District, Alaska, 1931, published by the United States Geological Survey; thence on a course bearing due east continuing in a straight line to the west bank of Glacier Creek; thence northeasterly following the west and north bank of said creek and its largest northern tributary to its head; thence along the west side of the glacier it drains to the summit of the divide between Glazier Creek and the drainage to the north at approximately latitude 61°2′30″ north, longitude 149° west; thence westerly and northerly along said divide around the head of Raven Glacier to a point where said divide intersects the western margin of the most northern glacier in Raven Creek basin; thence following northeasterly and westerly along the western and southern margin of Eagle Glacier to its termination; thence westerly in a straight line to the junction of Camp and Raven Creeks; thence southwesterly along the south bank of Camp Creek to its head, at the divide between Camp Creek and the North Fork Ship Creek; thence northwesterly down the valley of the North Fork Ship Creek to a small lake in this valley; thence westerly along the south shore of said lake and continuing westerly along the south bank of North Fork Ship Creek to the junction of said creek with its first large tributary from the south, entering it about 1 mile east of Bird Creek Pass; thence southerly along the west bank of said tributary and its most westerly branch to the divide between North Fork Ship Creek and Bird Creek; thence southwesterly in a straight line to the junction of Bird Creek with its first large tributary from the head entering it from the south; thence southeasterly along the northern and eastern side of the stream bed of said tributary to the summit of the divide between the said tributary and the drainage of California Creek; thence southerly along the divide between California Creek and Bird Creek to a summit marked 4322 on the said preliminary topographic map of Girdwood District, Alaska, said point being in approximately latitude 60°59′ north, longitude 149°11′15″ west; thence southeasterly in a straight line to the point of beginning; containing approximately 77 square miles.

*Regulation 18.—Methods of Taking Land Fur-Bearing Animals and Recapture of Escaped Animals*

*Except in areas enumerated and defined as closed to trapping under regulation 14*, land fur-bearing animals may be taken during the open season in any number and in any manner, except by the aid or use of a set gun of any description a shotgun, fire, jack light, pit lamp, searchlight, or other artificial light, by means of a trap or device known as the "klips", or by means of any steel bear trap or any other trap with jaws having a spread exceeding 9 inches, or by means of strychnine, or other poison: *Provided*, That no dogs shall be used to take any land fur-bearing animal (except polar bears in fur district 8; and wolves and coyotes in fur districts 5, 6, 7, and 8), and no protected fur-bearing animal shall be taken from its home, den, or hole by digging, smoking, or the use of chemicals, and no home, house, den, or runway of a beaver or muskrat shall be injured or destroyed.

Beavers may be taken only by shooting with rifle and by the use of steel traps, but such traps shall not be placed within 25 feet of any beaver house or den. No beaver may be taken by or with the aid of a shotgun.

No fox shall be taken by the use of a trap set within 100 feet of a fox den.

Operators of licensed fur farms from which animals escape from captivity may conduct recapturing operations through the use of legal trapping devices within a period of 30 days after the discovery of escape of the animals. If such operations are conducted during the close season on wild animals of the same species, such operator shall immediately notify the nearest game warden in writing of the numbers and kinds of escaped animals, the kinds of devices being used in recapturing operations, and the locality where such operations are being conducted.

So-called "blackfish traps", commonly used near the Bering Sea coast for the taking of blackfish, shall be properly screened to prevent the capture or killing of land fur-bearing animals.

During the close seasons on land fur-bearing animals in the respective fur districts no person shall set, maintain, or attend traps for wolves, coyotes, or other unprotected animals without first procuring a permit, issuable at the discretion of the Commission, authorizing him to do so. Application for such permit shall be addressed to the Alaska Game Commission, Juneau, Alaska, and shall contain a statement of the nature and extent of the proposed operations of the applicant.

REGULATION 19.—OPEN AND CLOSE SEASON ON LAND FUR-BEARING ANIMALS

*Except in areas enumerated and defined as closed to trapping under regulation 14*, land fur-bearing animals may be taken in the specified districts and not to exceed the number of beavers set forth for the specified districts during the following open seasons:

*Fur District 1*

*Mink, marten, land otter, weasel* (ermine), *fox* (red, cross, and silver), *and lynx.*—December 20 to January 31.

*Muskrat.*—March 1 to April 30.

*Beaver.*—No open season.

*Black bear.*—September 1 to June 20. Bag limit two; *Provided*, That a resident may kill a black bear at any time or place when such animal is about to attack or molest persons or property.

*Wolf, coyote, wolverine, marmot, and ground squirrel* (spermophile).—No close season, may be taken by any person at any time in a lawful manner. (See regulations 2 and 18.)

*Fur District 2*

*Mink, marten, land otter, weasel* (ermine), *fox* (red, cross, and silver), *and lynx.*—December 1 to February 28; except that there shall be no open season in that part of the Kenai Peninsula west of the center line of the Alaska Railroad.

*Muskrat.*—April 1 to May 31; except on Kenai Peninsula where the open season shall be March 1 to April 30.

*Beaver.*—April 10 to May 10. Limit, 10 a season.

*Black bear.*—September 1 to June 20. Bag limit two; *Provided*, That a resident may kill a black bear at any time or place when such animal is about to attack or molest persons or property.

*Wolf, coyote, wolverine, marmot, and ground squirrel* (spermophile).—No close season, may be taken by any person at any time in a lawful manner. (See regulations 2 and 18.)

*Fur District 3*

*Mink, Marten, land otter, weasel* (ermine), *fox* (red, cross, silver, white, and blue), *and lynx.*—December 1 to January 31; except that there shall be no open season for mink, land otter, or weasel (ermine) on Unimak Island.

*Muskrat.*—March 10 to May 10.

*Beaver.*—No open season.

*Wolf, coyote, wolverine, black bear, marmot, and ground squirrel* (spermophile).—No close season, may be taken by any person at any time in a lawful manner. (See regulations 2 and 18.)

*Fur District 4*

*Mink, marten, land otter, weasel* (ermine), *fox* (red, cross, silver, white, and blue), *and lynx.*—December 1 to February 15.

*Muskrat.*—March 10 to May 10.

Beaver.—April 10 to May 10. Limit, 10 a season.

*Wolf, coyote, wolverine, black bear, marmot, and ground squirrel* (spermophile).—No close season, may be taken by any person at any time in a lawful manner. (See regulations 2 and 18.)

*Fur District 5*

*Mink, marten, land otter, weasel* (ermine), *fox* (red, cross, silver, white, and blue), *and lynx.*—November 16 to March 10.

*Muskrat.*—North of the Unalakleet River drainage, except Golovin Bay drainage, April 1 to June 7; south of the Unalakleet River, including its drainage April 1 to May 31.

*Beaver.*—April 25 to May 25. Limit, 10 a season.

*Polar bear, wolf, coyote, wolverine, black bear, marmot, and ground squirrel* (spermophile).—No close season, may be taken by any person at any time in a lawful manner. (See regulations 2 and 18.)

*Fur District 6*

*Mink, marten, land otter, weasel* (ermine), *fox* (red, cross, silver, white, and blue), *and lynx*.—November 16 to February 20.

*Muskrat*.—April 1 to May 31.

*Beaver*.—April 20 to May 20. Limit, 10 a season; except that there shall be no open season in that part of the Tanana River drainage east of the Richardson Highway and east of the divide between the Goodpaster River drainage and the Shaw Creek drainage and the divide between the Goodpaster River drainage and the upper Salcha River drainage.

*Wolf, coyote, wolverine, black bear, marmot, and ground squirrel* (spermophile).—No close season, may be taken by any person at any time in a lawful manner. (See regulations 2 and 18.)

*Fur District 7*

*Mink, marten, land otter, weasel* (ermine), *fox* (red, cross, silver, white, and blue), *and lynx*.—November 6 to February 20.

*Muskrat*.—March 1 to May 31.

*Beaver*.—April 20 to May 20. Limit, 10 a season.

*Wolf, coyote, wolverine, black bear, marmot, and ground squirrel* (spermophile).—No close season, may be taken by any person at any time in a lawful manner. (See regulations 2 and 18.)

*Fur District 8*

*Mink, marten, land otter, weasel* (ermine), *fox* (red, cross, silver, white, and blue), *and lynx*.—November 16 to March 31.

*Muskrat*.—April 10 to June 10.

*Beaver*.—No open season.

*Polar bear, wolf, coyote, wolverine, black bear, marmot, and ground squirrel* (spermophile).—No close season, may be taken by any person at any time in a lawful manner. (See regulations 2 and 18.)

REGULATION 21—DUTIES OF FUR FARMERS AND FUR TRADERS

Each licensed fur farmer or fur dealer, including stores operated by missions or otherwise for native Indians, Eskimos, or half-breeds, shall comply with the provisions of all Territorial laws relating to fur farmers and fur dealers, and, at all reasonable hours, shall allow any member of the Commission, any game warden, or any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under these regulations, and to inspect the books and records relating thereto; and each licensed fur farmer shall submit annually a written report on a form prescribed and furnished by the Commission stating the numbers and kinds of fur-bearing animals farmed, numbers and kinds of live fur-bearing animals or pelts bought and/or sold, and methods of farming such animals.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 28th day of April, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1225; Filed, April 28, 1937; 12:43 p. m.]

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**Food and Drug Administration.**

SERVICE AND REGULATORY ANNOUNCEMENTS

FOOD AND DRUG NO. 4, THIRD REVISION, SUPPLEMENT NO. 4

Under the authority conferred by the amendment of July 8, 1930, to the Federal Food and Drugs Act (sec. 8, par. 5, in the case of food), there are hereby promulgated, to become effective 90 days from date, a revision of the standard for canned cherries and a standard for canned red sour pitted cherries.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

APRIL 27, 1937.

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CANNED CHERRIES

STANDARD OF QUALITY AND CONDITION

43. Standard canned cherries are the normally flavored and normally colored canned food consisting of (1) the normal sized, uniform sized, fleshy, mature, unblemished, stemmed, whole fruit of the sweet cherry tree (*Prunus avium*), and (2) sugar solution of sufficient strength so that the liquid portion of the finished product reads not less than 16° Brix (read at the proper temperature for the instrument used).

49 (d). When canned cherries fail to meet the above standard only because of color, but are of a type where the flesh is of some color other than yellowish white, as Bing cherries, black cherries, etc., they shall bear a special statement showing the type to which they belong.

Paragraphs 44 to 49 (c) inclusive remain unchanged.

CANNED RED SOUR PITTED CHERRIES

STANDARD OF QUALITY AND CONDITION

83. Standard canned red sour pitted cherries are the normally flavored and normally colored canned food consisting of (1) the mature, unblemished, stemmed, pitted fruit of the red sour cherry tree (*Prunus cerasus*), and (2) sugar solution of sufficient strength so that the liquid portion of the finished product reads not less than 16° Brix (read at the proper temperature for the instrument used).

MEANING OF TERMS

84. The fruit is "normally colored" if the naturally developed general color of both liquid portion and flesh is red.

85. The fruit is "unblemished" if 85 per cent or more of the units in the container are free from such defects as limb rubs, scars, scabs, wind whips, brown spots, or other unsightly blemishes. Units showing skin discolorations having a total area of a circle 3/16 inch in diameter or less, with no perceptible discoloration of the fruit tissue under the skin, will not be considered as blemished.

86. The fruit is "pitted" when there is present in a can not more than one cherry pit, or its equivalent in broken pieces of shell, per each 20 ounces of net contents.

SUBSTANDARD QUALITY STATEMENT

87. Canned red sour pitted cherries which fail to meet the above standard shall, except as provided in section (a), bear the substandard statement in the form and manner prescribed in paragraph 1. The first line of the legend shall be "Below U. S. Standard"; the explanatory statement, except as provided in section (c) "Good Food—Not High Grade."

(a) When canned red sour pitted cherries fail to meet the above standard only in that they consist of cherries packed in water, they shall bear a special statement showing that fact, such as "Water-pack red sour pitted cherries".

(b) Canned red sour pitted cherries from which only a portion of the pits have been removed, so that there is present more than the amount permitted by paragraph 86, shall bear the statement prescribed in paragraph 87 and also the special statement "Partially pitted cherries."

(c) When canned red sour pitted cherries fail to meet the above standard only in that they are artificially colored, they shall bear the substandard statement in the form and manner prescribed in paragraph 1. The first line of the legend shall be "Below U. S. Standard"; the explanatory statement "Because artificially colored."



STANDARD REQUIREMENT FOR FILL OF CONTAINER

88. Canned red sour pitted cherries are of standard fill with respect to packing medium when the drained weight of cherries equals or exceeds the following amounts:

| Overall Dimensions Sealed Can | | Drained Cherries |
|---|---|---|
| Diameter | Height | |
| *Inches* 3 7/16 6 3/16 | *Inches* 4 9/16 7 | *Ounces* 13.5 74.0 |

To allow for shrinkage where considerable sugar is used a tolerance of 5 per cent below the above weights is allowed in products showing a Brix of 20° or above. Pending the issuance of standard fill requirements for cans of less usual sizes, red sour pitted cherries in cans of a size not mentioned above will be regarded as of standard fill with respect to packing medium when the drained weight of cherries equals or exceeds 1 ounce for each 2.6 cubic inches inside capacity of the container. Drained weight is determined by draining the contents of the container 2 minutes on an 8-mesh sieve. For containers under 3 pounds net weight, sieves 8 inches in diameter are used. For containers 3 pounds or over net weight, sieves 12 inches in diameter are used. The sieve is tilted as much as possible without shifting of the cherries. Excess liquid is removed by wiping the lower portion of the sieve with a cloth, the solids remaining on the sieve transferred to a tared dish and their weight determined.

SUBSTANDARD FILL STATEMENT

89. Canned red sour pitted cherries which contain a lesser proportion of fruit than required by the above standard shall bear the substandard statement in the form and manner prescribed in paragraph 10 (2).

[F. R. Doc. 37-1226; Filed, April 28, 1937; 12:43 p. m.]

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**FEDERAL HOME LOAN BANK BOARD.**

**Home Owners' Loan Corporation.**

[Manual Amendment]

RENUMBERING OF CHAPTERS; AUTHORIZATION OF ADVANCES FOR REPAIRS; EFFECTIVE DATE OF RECONDITIONING CHAPTER

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, the Reconditioning Chapter of the Consolidated Manual is hereby amended in the following respects:

(1) Sections 501 and 502 are combined into one section and numbered 501. The subsequent sections are correspondingly renumbered so that Section 503 shall be changed to 502; Section 504 to 503; Section 505 to 504; and Section 506 to 505.

(2) Section 502, as renumbered, is hereby amended to read as follows:

SEC. 502. The General Manager may authorize advances for the account of borrowers for repairs to protect the Corporation's interest in cases where borrowers are unable or fail to effect such repairs, and also advances for the account of borrowers for income-producing reconditioning as provided in Section 503. He is authorized also to execute on behalf of the Corporation contracts or other instruments relating to such repairs or income-producing reconditioning. The General Manager, except as otherwise expressly provided by the Board, may incur and approve the amount and payment of fees and expenses in connection with any such advances. Legal fees and expenses in connection with any such advances shall be incurred, approved and paid as provided in Chapter VI of the Manual. The authority herein conferred upon the General Manager may be exercised also by Regional, State and District Managers under procedure and limitations prescribed by the General Manager with the approval of the General Counsel. Advances for the account of the borrower made after the loan was closed shall be repaid in such manner, on such terms, and under such conditions and procedure as the General Manager and the General Counsel shall prescribe.

(3) The effective date of the Reconditioning Chapter of the Consolidated Manual (Chapter V) shall be 110 days after the date of its original adoption, January 19, 1937, Sundays and holidays excluded; and a resolution adopted on March 8, 1937 extending the time for the effective date to 80 days after the original adoption of said chapter is hereby amended to conform to the provisions hereof.

Adopted by the Federal Home Loan Bank Board on April 27, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1218; Filed, April 28, 1937; 10:23 a. m.]

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**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of April, 1937.

[File No. 2-1407]

IN THE MATTER OF GAGE PROTECTIVE COMMITTEE (SORENO HOTEL COMPANY)

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Gage Protective Committee, of St. Petersburg, Florida, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement contains untrue statements of material facts and fails to state material facts required to be stated therein and fails to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement contains untrue statements of material facts and omits to state material facts required to be stated and material facts necessary to make statements made not misleading, all as more fully set forth in the Trial Examiner's report in this matter which is hereby adopted, and being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Gage Protective Committee, of St. Petersburg, Florida, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1219; Filed, April 28, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HYLAND-CAMPBELL FARM, FILED ON APRIL 22, 1937, BY ANDREW J. BARRETT, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the re-

spondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the present price of oil, as set forth in Division II, Item 1, may not be correct;

(2) In that Division III is not properly signed;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 12th day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1220; Filed, April 28, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WILCOX-NEUFELD FARM, FILED ON APRIL 22, 1937, BY ANDREW J. BARRETT, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

(2) In that the present price of oil per barrel, as set forth in Division II, Item 1, does not appear to be correct;

(3) In that if the gravity of oil, as set forth in Division II, Item 18 (b), is correct, the price of oil set forth in Division II, Item 16 (e), is not correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 12th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1224; Filed, April 28, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SIMPSON-FELL-WESTHEIMER-BATES FARM, FILED ON APRIL 22, 1937, BY VIRGIL O. KING, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the text and information required to be given in Division II, Items 9 to 16, inclusive, of the offering sheet, are omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 12th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*

[F. R. Doc. 37-1221; Filed, April 28, 1937; 12:36 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE POWDER RIVER-LEWIS-RHOADES-COOPER-ELLIOTT FARMS, FILED ON APRIL 22, 1937, BY POWDER RIVER BASIN ROYALTY CO., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the address of the royalty owner of record, required to be stated in Division II, Item 2 (d), is omitted from the statements made under this item in connection with the "Deems W. Lewis" and "Albert Rhoades" properties;

(2) In that the statement made in connection with all of the properties described in the offering sheet in Division II, Item 3 (c) (iii), does not appear to be correct;

(3) In that the statement made in Division II, Item 3 (b), in connection with all of the properties set forth in the offering sheet, does not appear to be correct;

(4) In that the statement made in Division II, Item 11 (b), in connection with all of the properties described in the offering sheet, is ambiguous, uncertain and misleading;

(5) In that the statements made in Division II, Items 19 (a) and (b), in connection with all of the properties described in the offering sheet, are ambiguous and misleading;

(6) In that it is not possible to determine the name of the offeror by reason of the fact that the offering sheet is signed as "Attorney in Fact" and the name of the principal is not disclosed;

(7) In that Division III, referred to in the offering sheet in Division II, Item 9, is omitted;

(8) In that Exhibits A and B are omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 12th day of May, 1937, at 11: 30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1223; Filed, April 28, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MOELLING FARM, FILED ON APRIL 21, 1937, BY SOUTHWEST ROYALTIES COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

(2) In that the legend required to be given in Exhibit A is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 12th day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc 37-1222; Filed, April 28, 1937; 12:36 p. m.]

*Friday, April 30, 1937* *No. 83*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48942]

AIRPORTS OF ENTRY

CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named airports are hereby redesignated as airports of entry for the landing of aircraft from foreign countries for a period of one year from the dates shown opposite their respective names:

| Name | Location | Date of Redesignation |
|---|---|---|
| Graham Airport | Bellingham, Wash. | April 18, 1937. |
| Malone Airport | Malone, N. Y. | April 18, 1937. |
| Cape Vincent Harbor | Cape Vincent, N. Y. | April 25, 1937. |

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: April 24, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1227; Filed, April 28, 1937; 3:40 p. m.]

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### Bureau of Internal Revenue.

[Regulations No. 17, Amended, April, 1937]

INFORMATION CONCERNING DISPOSITION OF SUBSTANCES USED IN THE MANUFACTURE OF DISTILLED SPIRITS

*District Supervisors of the Bureau of Internal Revenue and Others Concerned:*

The following regulations are prescribed under the provisions of Joint Resolution No. 373, approved June 18, 1934, entitled "Joint Resolution to protect the revenue by requiring information concerning the disposition of substances used in the manufacture of distilled spirits," which is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That every person disposing of any substance of the character used in the manufacture of distilled spirits shall, when required by the Commissioner, render a correct return in such form and manner as the Commissioner, with the approval of the Secretary of the Treasury, may by rules and regulations prescribe, showing the names and addresses of the persons to whom such disposition was made, with such details, as to the quantity so disposed of or other information which the Commissioner may require as to such disposition, as will enable the Commissioner to determine whether all taxes due with respect to any distilled spirits manufactured from such substances have been paid. Any person who willfully violates any provision hereof, or of any such rules or regulations, and any officer, director, or agent of any such person who knowingly participates in such violation, shall upon conviction be fined not more than $500 or be imprisoned for not more than one year, or both. As used in this joint resolution (a) the term "distilled spirits" has the same meaning as that in which it is used in Title II of the Liquor Taxing Act of 1934; (b) the term "person" includes individuals, corporations, partnerships, associations, trusts, and other incorporated and unincorporated organizations; (c) "Commissioner" means the Commissioner of Internal Revenue; and (d) the term "substance of the character used in the manufacture of distilled spirits" includes, but not by way of limitation, molasses, corn sugar, cane sugar, and malt sugar.

ARTICLE I—DEFINITIONS

In these regulations the following words and phrases shall, unless otherwise stated, be considered as having the meaning herein defined:

(a) "Act" shall mean the Joint Resolution of Congress No. 373, approved June 18, 1934, entitled "Joint Resolution to protect the revenue by requiring information concerning the disposition of substances used in the manufacture of distilled spirits."

(b) "Commissioner" shall mean the Commissioner of Internal Revenue.

(c) "Substance" shall mean cane molasses of the grade commonly known as blackstrap molasses; dehydrated molasses; Corn sugar, beet sugar, and cane sugar; hydrol; sugar syrup, i. e. any known corn derivative containing more than 60% reducing sugar calculated as dextrose on a dry basis; yeast; cider; malt; oak chips, charred and not charred; Urea, ammonium phosphate, ammonium carbonate, ammonium sulphate and other yeast foods; corn meal, corn chops, cracked corn, rye chops, middlings, bran and other grain derivatives.

(d) "United States" shall mean the Continental United States and its outlying possessions to which the internal revenue laws apply.

(e) Words in the singular shall include the plural.

ARTICLE II—RETURNS

Every person in the United States who consigns, sells or otherwise disposes of any substance, as defined in paragraph (c) of Article I of these regulations, shall, when required in writing by the Commissioner of Internal Revenue, the Deputy Commissioner in charge of the Alcohol Tax Unit, or a District Supervisor or Acting District Supervisor of the Alcohol Tax Unit for the purpose of determining whether all taxes due with respect to any distilled spirits manufactured from such substances have been paid, render in writing a correct return showing (1) the date of the consignment, sale, or other disposition of the substance; (2) the quantity and kind of the substance consigned, sold, or otherwise disposed of; (3) the name and complete address of the purchaser, or person to whom disposition is made, and if the sale or disposition is made by or through any other person, the name and complete address of such other person; (4) the name and complete address of the consignee; (5) the date and method of shipment or delivery, such as by truck, or other conveyance, and the state or city registration number of such truck, or other conveyance, if any; (6) the name and complete address of the driver of such truck, or other conveyance, as shown by the driver's operator's license, if any, giving the number of the license and the date of issuance; (7) the name and complete address of the person to whom actual delivery has been, or is to be, made; and (8) the exact date of such delivery, or proposed delivery. Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by subdivisions (5) and (6) of this Article need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment.

Returns shall be filed with the officer or employee of the Bureau of Internal Revenue designated by the Commissioner or the officer requiring returns, not later than ten days after the receipt of the notice requiring the same to be filed, unless that notice shall specify a shorter period of time within which the return is to be made.

ARTICLE III—RECORDS

Every person in the United States who consigns, sells, or otherwise disposes of any substance, as defined in paragraph (c) of Article I of these regulations, shall keep at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with any such consignment, sale, or other disposition, as will enable such person to make the return provided for by Article II of these regulations: Provided, That, unless the Commissioner, Deputy Commissioner, District Supervisor, or Assistant District Supervisor shall, in writing, notify any such person so to do, he shall not be required to keep such books, records, documents, papers, invoices, bills of lading, etc., when the consignment, sale, or other disposition of any such substances at the same time, does not exceed the following: (a) 300 pounds of cane, corn, or beet sugar; (b) 250 gallons of blackstrap molasses, or (c) 5 pounds of yeast when packaged or cartoned in quarter pound, half pound, pound, or larger packages; (d) 100 gallons cider; (e) 250 pounds malt; (f) 300 pounds of dehydrated molasses; (g) 250 gallons of hydrol or sugar syrup; (h) 100 pounds of Urea, ammonium phosphate, ammonium carbonate, ammonium sulphate, or other yeast foods; (i) 300 pounds of corn meal, corn chops, cracked corn, rye chops, middlings, bran, or other grain derivatives. When any person has made a return pursuant to the procedure provided for in Article II of these regulations, such books, records, documents, papers, invoices, bills of lading, etc., shall be kept readily available for, and open to, inspection by any officer or employee of the Alcohol Tax Unit of the Bureau of Internal Revenue during the hours of business of such person.

ARTICLE IV—DELEGATION OF AUTHORITY

The Deputy Commissioner in charge of the Alcohol Tax Unit, Bureau of Internal Revenue, is charged with the administration and enforcement of the Act and these regulations, under the direction of the Commissioner.

These regulations shall become effective immediately.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: April 27, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1230; Filed, April 29, 1937; 12:30 p. m.]

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[Regulations No. 92, Amended, April, 1937]

REGULATIONS PRESCRIBED UNDER PROVISIONS OF TITLE I OF THE LIQUOR LAW REPEAL AND ENFORCEMENT ACT

*To District Supervisors of the Bureau of Internal Revenue and Others Concerned:*

The following regulations are prescribed under the provisions of Title I of the "Liquor Law Repeal and Enforcement Act", approved August 27, 1935.

ARTICLE I—DEFINITIONS

In these regulations the following words shall, unless otherwise stated, be considered as having the meaning herein defined:

(a) "Articles" shall mean denatured alcohol, denatured rum, ethyl acetate and any liquid substance or preparation which contains more than 25 per cent by volume of denatured alcohol or denatured rum;

(b) "Commissioner" shall mean the Commissioner of Internal Revenue;

(c) "Person" shall mean and include natural persons, firms, partnerships, corporations, and associations.

ARTICLE II—RETURNS

Every person in the United States who consigns, sells, or otherwise disposes of, articles as defined in these regulations, shall, when required in writing by the Commissioner of Internal Revenue, the Deputy Commissioner in charge of the Alcohol Tax Unit, or a District Supervisor or Acting District Supervisor of the Alcohol Tax Unit, for the purpose of determining whether such articles are being used for the recovery of alcohol in fraud of the internal revenue tax on such alcohol, render in writing a correct return showing (1) the date of each consignment, sale, or other disposition of, such articles on or after the receipt of the notice requiring such returns; (2) the quantity and kind of the articles consigned, sold, or otherwise disposed of; (3) the name and complete address of the purchaser, or person to whom disposition is made, and if the sale or disposition is made by or through any other person, the name and complete address of such other person; (4) the name and complete address of the consignee; (5) the date and method of shipment or delivery, such as by truck, or other conveyance, and the state or city registration number of such truck or other conveyance, if any; (6) the name and complete address of the driver of such truck, or other conveyance, as shown by the driver's operator's license, if any, giving the number of the license and the date of issuance; (7) the name and complete address of the person to whom actual delivery has been, or is to be, made; and (8) the exact date of such delivery, or proposed delivery. Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by subdivisions (5) and (6) of this Article need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment.

Returns shall be filed with the officer or employee of the Bureau of Internal Revenue designated by the Commissioner or the officer requiring returns, not later than ten days after the receipt of the notice requiring the same to be filed, unless that notice shall specify a shorter period of time within which the return is to be filed.

ARTICLE III—RECORDS

Every person who consigns, sells, or otherwise disposes of any such articles, as defined in these Regulations, shall, on and after the receipt of a notice in writing requiring returns to be made under Article II of these Regulations, keep at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with every such consignment, sale, or disposition, as will enable such person to make the return provided for by Article II of these regulations.

When any person has made a return pursuant to the procedure provided for in Article II of these regulations, such books, records, documents, papers, invoices, bills of lading, etc., shall be kept readily available for, and open to, inspection by any officer or employee of the Alcohol Tax Unit of the Bureau of Internal Revenue during the hours of business of such person.

ARTICLE IV

These regulations shall be in addition to, and shall not alter, modify or repeal, the provisions of existing regulations relating to denatured alcohol, denatured rum, or products containing such alcohol or rum.

ARTICLE V—DELEGATION OF AUTHORITY

The Deputy Commissioner in charge of the Alcohol Tax Unit, Bureau of Internal Revenue, is charged with the administration and enforcement of the Act and these regulations, under the direction of the Commissioner.

These regulations shall become effective immediately.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: April 27, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1231; Filed, April 29, 1937; 12:30 p. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[Docket No. IT-5465]

ORDER POSTPONING HEARING

PUBLIC SERVICE ELECTRIC AND GAS COMPANY AND SOMERSET, UNION AND MIDDLESEX LIGHTING COMPANY

The following order was adopted:

It appearing to the Commission:

(1) Public Service Electric and Gas Company, whose address is 80 Park Place, Newark, New Jersey having filed an application, IT-5465, under Section 203 of the Federal Power Act for approval of the merger of Somerset, Union and Middlesex Lighting Company into said Public Service Electric and Gas Company, and the matter having been set for hearing on April 22, 1937, and thereafter postponed to May 3, 1937, by order of the Commission adopted April 13, 1937, for the reason that certain additional information

to be thereafter furnished by applicant would require additional time for consideration;

(2) That such information not having been furnished by the applicant until April 27, 1937, the time between that date and May 3, 1937, is insufficient for the consideration of the same prior to hearing.

It is ordered:

That said hearing be postponed from May 3, 1937 to May 10, 1937, at 10:00 o'clock a. m., at the Commission's hearing room in Washington, D. C.

Adopted by the Commission on April 27, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1228; Filed, April 29, 1937; 9:29 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SIMPSON-FELL-WESTHEIMER BATES FARM, FILED ON APRIL 22, 1937, BY VIRGIL O. KING, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1233; Filed, April 29, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-DEBORD "A" FARM, FILED ON APRIL 17, 1937, BY PAUL J. MCKENNA, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1232; Filed, April 29, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARGAY-BEMIS "A" FARM, FILED ON APRIL 15, 1937, BY R. A. COOK, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 26, 1937, be effective as of April 26, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1237; Filed, April 29, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE COX-MCCLUSKEY FARM, FILED ON APRIL 14, 1937, BY H. J. COX, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 26, 1937, be effective as of April 26, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1238; Filed, April 29, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of April, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARGAY-BEMIS "A" FARM, FILED ON APRIL 12, 1937, BY HUGH MCCLELLAN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 24, 1937, be effective as of April 24, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1236; Filed, April 29, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-SKELLY-MARY GRAHAM FARM, FILED ON APRIL 13, 1937, BY T. G. THOMPSON, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 24, 1937, be effective as of April 24, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1235; Filed, April 29, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-PHILLIPS-MCCAUGHTRY FARM, FILED ON APRIL 13, 1937, BY L. H. WITWER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on April 22, 1937, be effective as of April 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1234; Filed, April 29, 1937; 12:42 p. m.]

## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

INSURANCE

*Determination of Age for Insurance Purposes*

3011. The age of the insured under yearly renewable term insurance and United States Government life insurance, for the purpose of fixing the rate of premium to be charged, will be determined by calculating from the date of birth to the effective date of the insurance, and the age at the nearest birthday will be used. The age of the beneficiary under such insurance for the purpose of continuous life installments with two hundred and forty installments guaranteed, will be determined by calculating from the date of birth to the date of death of the insured and the age as of last birthday will be used. If two or more dates of birth are given, the older age will be used for the insured and the premium rate will be fixed accordingly, but the younger age will be used for the beneficiary and the amount of each monthly installment will be fixed accordingly. In any event, the person in interest is privileged to furnish evidence in conformity with requirements of regulations for the purpose of establishing the date of birth of the insured or of the beneficiary. (April 30, 1937.) (Section 5, World War Veterans' Act, 1924.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-1229; Filed, April 29, 1937; 11:27 a. m.]

*Saturday, May 1, 1937* *No. 84*

## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48944]

COUNTERVAILING DUTY—RYE FLOUR FROM THE REPUBLIC OF POLAND

TREASURY DECISION 47943, DATED OCTOBER 22, 1935, REVOKED

*To Collectors of Customs and Others Concerned:*

Reference is made to Treasury Decision 47943, dated October 22, 1935, declaring, pursuant to the authority contained in section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303), that the Republic of Poland was paying bounties on the exportation of rye flour, and instructing collectors of customs to require a deposit of estimated countervailing duty on such merchandise imported directly or indirectly from that country.

Official information has been received to the effect that the payment of bounties on rye flour from the Republic of Poland was discontinued effective March 16, 1937.

Therefore, pursuant to the authority contained in section 303 of the Tariff Act of 1930, Treasury Decision 47943 is hereby revoked effective as to shipments of such merchandise exported from the Republic of Poland on or after March 16, 1937.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: April 27, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1243; Filed, April 30, 1937; 12:46 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

EXTENSION OF EFFECTIVE DATE OF PROPERTY MANAGEMENT CHAPTER

Whereas the procedure which is necessary to complete the Property Management Chapter of the Consolidated Manual has not been put into final form and additional time is required: Therefore,

Be it resolved, That pursuant to authority vested in this Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647), and particularly by Sections 4 (a) and 4 (k) of said Act, as amended, the resolution approving the Property Management Chapter of the Consolidated Manual adopted on January 22, 1937, and amended on March 8, 1937, is hereby further amended to provide that said chapter shall become effective one hundred and twenty days after January 22, 1937, Sundays and holidays excluded.

Adopted by the Federal Home Loan Bank Board on April 28, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–1242; Filed, April 30, 1937; 11:07 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2993]

IN THE MATTER OF AMERICAN LUBRICANTS COMPANY, INC., A CORPORATION.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, May 7, 1937, at ten o'clock in the forenoon of that day, Grand Jury Room No. 203, United States Post Office, Dayton, Ohio (eastern standard time).

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–1241; Filed, April 30, 1937; 10:53 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2844]

IN THE MATTER OF BASIC FOODS, INC., A CORPORATION, AND CURTIS HOWE SPRINGER

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, May 13, 1937, at two o'clock in the afternoon of that day, eastern standard time, in Room 203, City Hall, Johnstown, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–1239; Filed, April 30, 1937; 10:53 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2929]

IN THE MATTER OF WASHINGTON TRAINING INSTITUTE, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, May 3, 1937, at two o'clock in the afternoon of that day (eastern standard time) in Room 722, United States Post Office, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–1240; Filed, April 30, 1937; 10:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of April, A. D. 1937.



[File No. 2–108]

IN THE MATTER OF NATIONAL BOSTON MONTANA MINES CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of National Boston Montana Mines Corporation, of Helena, Montana, and the amendments filed July 2, November 21, December 6, 1934, and November 11, 1935, to such registration statement, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement as amended includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by National Boston Montana Mines Corporation, of Helena, Montana, be and the same hereby is suspended, and

It is further ordered that the amendments filed by National Boston Montana Mines Corporation, of Helena, Montana, on July 2, November 21, December 6, 1934, and November 11, 1935, not to be declared effective.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1244; Filed, April 30, 1937; 12:48 p. m.]

*Tuesday, May 4, 1937* *No. 85*

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 9 REDUCED

NEW MEXICO

APRIL 15, 1937.

Departmental order of February 28, 1918, as modified, which withdrew certain lands in New Mexico as Stock Driveway No. 9, New Mexico No. 3, under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), is hereby revoked in so far as it affects the following described lands, which are within New Mexico Grazing District No. 2 established March 27, 1936:

NEW MEXICO PRINCIPAL MERIDIAN

T. 7 S., R. 2 W., lots 2, 3, 4, 5, 8, 9 and NW¼SW¼ sec. 19, NW¼NE¼, NE¼NW¼ and lots 2 and 9 sec. 30;
T. 7 S., R. 3 W., N½ sec. 19, N½ and SE¼ sec. 20, S½ sec. 24, lots 1 and 2, W½NE¼, NW¼ and NW¼SW¼ sec. 25, NE¼SE¼ sec. 26, SW¼ sec. 28, E½ sec. 29, N½ sec. 33, sec. 34, SW¼NW¼ and W½SW¼ sec. 35;
T. 8 S., R. 3 W., NW¼ sec. 3, NE¼ and S½ of secs. 4 and 8, NW¼ of secs. 9 and 17, NE¼ and S½ sec. 18, W½ sec. 19 and NW¼NW¼ sec. 30;
T. 6 S., R. 4 W., lots 7, 12 and 13 sec. 6, lots 9, 10, 16 and 17 sec. 7, lots 6, 7, 10 and 11 sec. 18, lots 7, 8, 9, 10 and 17, NE¼SW¼ and SW¼SE¼ sec. 19, S½NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼ sec. 29, NE¼NE¼, lots 5, 6, 7 and 8 sec. 30;
T. 7 S., R. 4 W., NE¼ sec. 23 and N½ sec. 24;
T. 8 S., R. 4 W., SE¼SW¼ and S½SE¼ sec. 24, N½NE¼, NW¼, N½SW¼ and SW¼SW¼ sec. 25, NE¼SE¼ and S½SE¼ sec. 26, E½ sec. 35;
T. 9 S., R. 4 W., SE¼ sec. 11, W½ sec. 13, NE¼ sec. 14, W½ sec. 24, NW¼ sec. 25, N½ and SW¼ sec. 26, S½ N½, SW¼ and N½SE¼ sec. 34, NW¼ and NW¼SW¼ sec. 35;
aggregating 10,336.32 acres.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37–1247; Filed, May 1, 1937; 10:15 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B–101—Pennsylvania—Supplement (5) Issued April 30, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (5)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1), (2), (3), and (4) thereto, is hereby amended as follows:

I

Section 3 of Part VI, which reads as follows:

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-depleting and soil-conserving crops listed below shall, in addition to being regarded as being used for the production of a soil-depleting crop, also be regarded as being used for the production of a soil-conserving crop as follows:

(a) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 2 above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(b) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least two months' or 12 inches' growth shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

is stricken out and in lieu thereof the following is inserted:

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any combination of soil-depleting and soil-conserving crops shall be regarded for that year as used for the production of a soil-depleting crop only.

II

The definition of "soil-conserving base" in Part IX, "Definitions", which, as amended by Supplement (3), reads as follows:

*Soil-conserving base* means the acreage represented by the difference between (1) the sum of the total crop land (excluding commercial orchards and idle crop land) and the 1936 acreage of soil-conserving crops as described in Part VI, section 3 (legumes or perennial grasses following a soil-depleting crop in 1936, or green-manure crops plowed under in 1936 following commercial vegetables), and (2) the sum of the 1937 tobacco soil-depleting base (if any) and the 1937 general soil-depleting base which is or could be established for the farm.

is stricken out and in lieu thereof the following is inserted:

*Soil-conserving base* means the acreage of soil-conserving crops normally grown on the farm and is computed in the following manner:

1. Add (1) the 1937 tobacco soil-depleting base (if any), (2) the 1937 general soil-depleting base which is or could be established for the farm, and (3) the acreage of neutral land on the farm in 1936.

2. Subtract the sum obtained from the computation under paragraph 1 above from the figure representing the total crop land in the farm.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 30th day of April, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1257; Filed, May 3, 1937; 12:41 p. m.]

SR—B-101, Amendment 10

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 101—AMENDMENT 10

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Part IX, Revised, of Southern Region Bulletin 101 is hereby amended as follows:

I

The definition of the wind erosion area is amended to read as follows:

*Wind Erosion Area* means that area comprising the following counties within the wheat and grain sorghum area, except that counties may be added to the following if recommended by the State Committee before May 15, 1937, and approved by the Secretary.

*Texas.*—Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Donley, Ector, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Howard, Hutchinson, Kent, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Winkler, and Yoakum.

*Oklahoma.*—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward.

II

Section 101 is amended by changing Practice No. 27 to read as follows:

*Practice Number—Practices and Conditions—Rate*

27. *Reestablishment of native grasses* by seeding or sodding in 1937, or the establishment in 1937 of permanent pasture of perennial grasses or grass and legume mixtures on cropland, or noncrop open pasture land, which if in the wind erosion area has been contour listed since January 1, 1936, in accordance with the method outlined in practice 21: $2.50 per acre.

III

Section 111 is amended to read as follows:

*Preliminary Payment.*—On a preliminary application made on Form SR–114, any producer whose soil-building allowance has been established in accordance with section 108 may receive preliminary payment for carrying out one or more of the soil-building practices numbered 21, 22, 23, 31, 32, and 33 covered by such application which he has carried out before June 20, 1937, on land of the type described in paragraph (a), section 108. Such payment shall be 85 percent of the amount computed at the respective rate fixed in the statement of the soil-building practices. Only one such preliminary application may be submitted respecting any particular farm. The amount of such payment will be deducted from the total amount computed as due such producer under the complete and final application made by him on Form SR–109 for payment under the provisions of the 1937 Agricultural Conservative Program, which application shall be subject to all of the provisions of this Bulletin 101, and under such application the appropriate deduction shall be made for administrative expenses in connection with the producer's preliminary application.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 30th day of April, 1937.

[SEAL] H. A. WALLACE.
*Secretary of Agriculture.*

[F. R. Doc. 37–1256; Filed, May 3, 1937; 12:41 p. m.]

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Bureau of Animal Industry.

[Amendment 6 to B. A. I. Order 353]

ORDER TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OF RINDERPEST AND FOOT-AND-MOUTH DISEASE

[Effective April 30, 1937]

APRIL 29, 1937.

Under authority conferred upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930 (46 Stat. 590, 689), the order to prevent the introduction into the United States of rinderpest or foot-and-mouth disease (B. A. I. Order 353), dated June 1, 1935, and effective August 1, 1935, as amended September 20, 1935, September 24, 1935, April 27, 1936, August 19, 1936 and October 15, 1936, is hereby further amended by striking out the name "Great Britain" from said order, inasmuch as I have determined that neither foot-and-mouth disease nor rinderpest now exists in said foreign country of Great Britain, and I have so officially notified the Secretary of the Treasury.

This amendment, which for the purpose of identification is designated Amendment 6 to B. A. I. Order 353, shall be effective April 30, 1937.

Done at Washington this 29th day of April 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37–1249; Filed, May 1, 1937; 12:49 p. m.]

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[Amendment 7 to B. A. I. Order 353]

ORDER TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OF RINDERPEST AND FOOT-AND-MOUTH DISEASE.

[Effective May 1, 1937]

APRIL 30, 1937.

Under authority conferred upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930 (46 Stat. 590, 689), the order to prevent the introduction into the United States of rinderpest or foot-and-mouth disease (B. A. I. Order 353), dated June 1, 1935, and effective August 1, 1935, as amended September 20, 1935, September 24, 1935, April 27, 1936, August 19, 1936, October 15, 1936 and April 29, 1937, is hereby further amended by striking out the name "Sweden" from said order, inasmuch as I have determined that neither foot-and-mouth disease nor rinderpest now exists in said foreign country of Sweden, and I have so officially notified the Secretary of the Treasury.

This amendment, which for the purpose of identification is designated Amendment 7 to B. A. I. Order 353, shall be effective May 1, 1937.

Done at Washington this 30th day of April, 1937

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1246; Filed, April 30, 1937; 3:47 p. m.]

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FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D., 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21–302]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE WET GROUND MICA INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been had under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717),

It is now ordered that the trade practice rules of Group I which have been approved by the Commission in this proceeding and the rules in Group II which have been received by the Commission as expressions of the industry be, and the same are, hereby promulgated for the Wet Ground Mica Industry.

TRADE PRACTICE RULES

WET GROUND MICA INDUSTRY

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.



*Group I*

The unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition or other illegal practices within the statutes and decisions of the Federal Trade Commission and the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

*Rule 1.*

The selling, or offering to sell, Wet Ground Mica below seller's cost, with the intent and with the effect of injuring a competitor and where the effect may be to substantially lessen competition or tend to create a monopoly or unreasonably restrain trade, is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule.

*Rule 2.*

The using of any product of the industry as a "loss leader" to induct the purchase of other merchandise, the sale of which merchandise is used to recoup the loss sustained on the "loss leader" product so sold, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, and which unfairly diverts trade from or otherwise injures competitors, is an unfair trade practice.

*Rule 3.*

The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to transportation costs, production or sales, with the purpose and tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 4.*

(a) *Prohibited Discriminatory Differentials, Rebates, Refunds, Discounts, Credits and Other Allowances.*—It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any price differentials, rebates, refunds, discounts, credits or other allowances which effectuate a discrimination in price between different purchasers of goods of like grade and quality where either or any of the purchases involved therein are in commerce [1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce [1] or to injure, destroy or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares or merchandise in commerce [1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescense of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited Brokerages and Commissions.*—It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited Advertising or Promotional Allowances, Etc.*—It is an unfair trade practice for any member of the industry engaged in commerce [1] to pay or contract for the payment of advertising or promotion allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any products or commodities manufactured, sold or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited Discriminatory Services or Facilities.*—It is an unfair trade practice for any member of the industry engaged in commerce [1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of any services or facilities connected with the processing, handling, sale or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Illegal Price Discrimination.*—It is an unfair trade practice for any member of the industry or other person engaged in commerce,[1] in the course of such commerce, to discriminate in price in any other respect contrary to Section 2 of the Clayton Act as amended by the Act of Congress, approved June 19, 1936 (Public No. 692, 74th Congress), or knowingly to induce or receive a discrimination in price which is prohibited by such section as amended.

*Rule 5.*

Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the purpose or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

*Rule 6.*

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling, prices, values, credit terms, policies or services, with the tendency, capacity, or effect, of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

[1] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States; Provided, That this shall not apply to the Philippine Islands.

*Rule 7.*

Wilfully inducing or attempting to induce the breach of an existing contract or contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or wilfully interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice.

*Rule 8.*

The false or deceptive marking or branding of products of the industry, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, use, size, material, content, origin, preparation, manufacture, or distribution of such products, or in any other material respect, is an unfair trade practice.

*Rule 9.*

The making, or causing or permitting to be made or published, any false, untrue or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, use, size, material, content, origin, preparation, manufacture or distribution of any industry products, or in any other material respect, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

*Rule 10.*

It is an unfair trade practice for a member of the industry directly or indirectly to give or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or represenatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors, or from dealing or contracting to deal with competitors.

*Group II*

The trade practices embraced in Group II rules do not, *per se*, constitute violations of law. They are considered by the industry either to be unethical, uneconomical or otherwise objectionable; or to be conducive to sound business methods which the industry desires to encourage and promote. Such rules, when they conform to the above specifications and are not violative of law, will be received by the Commission, but the observance of said rules must depend upon and be accomplished through the cooperation of the members of the industry concerned, exercised in accordance with existing law. Where, however, such practices are used in such manner as to become unfair methods of competition in commerce or a violation of any law over which the Commission has jurisdiction, appropropriate proceedings will be instituted by the Commission as in the case of violation of Group I rules.

*Rule A.*

The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists fully setting forth his terms of sale.

*Rule B.*

The industry approves the giving of free samples of wet ground mica in sufficient quantity for experimental purposes and to acquaint purchasers or prospective purchasers with the grade or quality of the product offered for sale, where the giving of such free mica by any member of the industry is not, however, practiced or accomplished in such way or to such extent as to effectuate an illegal discrimination in price contrary to Section 2 of the Clayton Act as amended by the Act of Congress approved June 19, 1936 (Public No. 692, 74th Congress, Robinson-Patman Act).

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered April 29, 1937.

[F. R. Doc. 37-1245; Filed, April 30, 1937; 2:56 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 90]

ALLOCATION OF FUNDS FOR LOANS

APRIL 30, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Alabama 9B Clarke-Washington | $55,000 |
| Illinois 18B Pike | 40,000 |
| Illinois 21W Menard | 4,000 |
| Missouri 27W Andrew | 20,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1248; Filed, May 1, 1937; 10:15 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of May, A. D. 1937.

[File No. 47-8]

IN THE MATTER OF CITIZENS UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Citizens Utilities Company, a registered holding company, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of all the utility assets and business of Public Utilities Kansas Corporation, a subsidiary of the applicant by virtue of the ownership by applicant of all the capital stock of such subsidiary. The assets to be acquired consist of an electric high tension transmission line, approximately 40 miles in length, connected with the lines of the applicant at or near the corporate limits of the City of Goodland, Kansas, and extending through Edson, Brewster and Levant, Kansas, and to and connected with the electric properties of the City of Colby, Kansas, including the electric distribution systems in Brewster, Edson and Levant, Kansas, and territory contiguous and adjacent thereto as well as all branch lines and service lines and other miscellaneous property used and useful in connection therewith. The consideration for such acquisition is to be the surrender for cancellation of all the capital stock of Public Utilities Kansas Corporation and the assumption of all the obligations of such subsidiary by the applicant.

It is ordered that a hearing on such matter be held on May 20, 1937, at 2 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.



It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1250; Filed, May 3, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1937.

[File No. 43-33]

IN THE MATTER OF ILLINOIS POWER AND LIGHT CORPORATION

[Public Utility Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE UNDER SECTION 7

Illinois Power and Light Corporation, an indirect subsidiary of The North American Company, a registered holding company, having filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance, in accordance with the terms of its proposed Plan of Recapitalization, of the following securities:

483,500 shares of 5% Cumulative Convertible Preferred Stock of a par value of $50 per share,

483,500 Dividend Arrears Certificates,

783,500 shares of Common Stock having no par value but with a stated value of $25 per share, and

300,000 Warrants to purchase one share each of such Common Stock;

notice and opportunity for hearing on said declaration having been given; said declaration having been amended; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration, as amended, be and become effective on May 1, 1937, on condition that the issuance of the securities described in such declaration be effected in substantial compliance with all the terms and conditions set forth in said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1252; Filed, May 3, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of April, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GENERAL "L" COMMUNITY LEASE, FILED ON APRIL 12, 1937, BY A. BEN CHADWELL, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 30th day of April, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:30 o'clock in the forenoon on the 14th day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1254; Filed, May 3, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE EAGLE ROCK-DARLING-ENGSTROM ET AL. FARM, FILED ON APRIL 10, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 30th day of April, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended that the said hearing be continued to 10:00 o'clock in the forenoon on the 14th day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1255; Filed, May 3, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MOELLING FARM, FILED ON APRIL 26, 1937, BY ANDREW J. BARRETT, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 30th day of May, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said

hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 14th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1253; Filed, May 3, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAGNOLIA-CLYDE HARRIS FARM, FILED ON APRIL 24, 1937, BY W. H. CARRAHER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that in the estimate given in Division III of the offering sheet the engineer seeks to attach value to the tract in question by estimating a certain number of barrels of oil recoverable from the tract; that the estimate made is considered incomplete for the reason that the basis of such estimate is not deemed sufficient to warrant the conclusion expressed and might, therefore, prove to be misleading because

(a) the method used in determining the recoverable oil from the Viola Lime is not only a method difficult of application to a lime formation but is also a method applied, in this particular case, by using factors based upon belief, assumption and indication; and

(b) the estimation of recoverable oil from the Simpson Dolomite and Wilcox is based upon expectation and assumption. Expectation and assumption are not subject to expression in terms of barrels of oil;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 30th day of May, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 14th day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1251; Filed, May 3, 1937; 12:36 p. m.]

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*Wednesday, May 5, 1937* *No. 86*

## PRESIDENT OF THE UNITED STATES.

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO SPAIN

By the President of the United States of America

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"Whenever the President shall find that a state of civil strife exists in a foreign state and that such civil strife is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to such foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation Numbered 2163,[1] of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than $10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be

[1] 1 F. R. 153.



subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223–225; U. S. C., 1934 ed., title 22, secs. 238–245)."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States."

AND WHEREAS it is further provided by section 11 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of civil strife unhappily exists in Spain and that such civil strife is of a magnitude and is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to Spain would threaten and endanger the peace of the United States, and I do hereby admonish all citizens of the United States, or any of its possessions, and all persons residing or being within the territory or jurisdiction of the United States, or its possessions, to abstain from every violation of the provisions of the joint resolution above set forth, hereby made effective and applicable to the export of arms, ammunition, or implements of war from any place in the United States to Spain or to any other state for transshipment to, or for the use of, Spain.

And I do hereby declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 1 of the said joint resolution of Congress:

*Category I*

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains.

*Category II*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

*Category III*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below:

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

*Category IV*

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

*Category V*

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled.

*Category VI*

(1) Livens projectors and flame throwers;

(2) a. Mustard gas (dichlorethyl sulphide);

b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);

c. Methyldichlorarsine;

d. Diphenylchlorarsine;

e. Diphenylcyanarsine;

f. Diphenylaminechlorarsine;

g. Phenyldichlorarsine;

h. Ethyldichlorarsine;

i. Phenyldibromarsine;

j. Ethyldibromarsine;

k. Phosgene;

l. Monochlormethylchlorformate;

m. Trichlormethylchlorformate (diphosgene);

n. Dichlordimethyl Ether;

o. Dibromdimethyl Ether;

p. Cyanogen Chloride;

q. Ethylbromacetate;

r. Ethyliodoacetate;

s. Brombenzylcyanide;

t. Bromacetone;

u. Brommethylethyl ketone.

*Category VII*

(1) Propellant powders;

(2) High explosives as follows:

a. Nitrocellulose having a nitrogen content of more than 12%;

b. Trinitrotoluene;

c. Trinitroxylene;

d. Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);

e. Picric acid;

f. Ammonium picrate;

g. Trinitroanisol;

h. Trinitronaphthalene;

i. Tetranitronaphthalene;

j. Hexanitrodiphenylamine;

k. Pentaerythritetetranitrate (Penthrite or Pentrite);

l. Trimethylenetrinitramine (Hexogen or T.);

m. Potassium nitrate powders (black saltpeter powder);

n. Sodium nitrate powders (black soda powder);

o. Amatol (mixture of ammonium nitrate and trinitrotoluene);

p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);

q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-seven, and the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2236]

[F. R. Doc. 37-1259; Filed, May 4, 1937; 12:28 p. m.]

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ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

By the President of the United States of America

A PROCLAMATION

WHEREAS section 5 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

> "The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after June 1, 1937, be considered arms, ammunition, and implements of war for the purposes of section 5 of the said joint resolution of Congress:

*Category I*

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains.

*Category II*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

*Category III*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

*Category IV*

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

*Category V*

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled.

*Category VI*

(1) Livens projectors and flame throwers;

(2) a. Mustard gas (dichlorethyl sulphide);
b. Lewisite (Chlorvinyldichlorarsine and dichlordivinylchlorarsine);
c. Methyldichlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenyldichlorarsine;
h. Ethyldichlorarsine;
i. Phenyldibromarsine;
j. Ethyldibromarsine;
k. Phosgene;
l. Monochlormethylchlorformate;
m. Trichlormethylchlorformate (diphosgene);
n. Dichlordimethyl Ether;
o. Dibromdimethyl Ether;
p. Cyanogen Chloride;
q. Ethylbromacetate;
r. Ethyliodoacetate;
s. Brombenzylcyanide;
t. Bromacetone;
u. Brommethylethyl ketone.

*Category VII*

(1) Propellant powders;

(2) High explosives as follows:
a. Nitrocellulose having a nitrogen content of more than 12%;
b. Trinitrotoluene;
c. Trinitroxylene;
d. Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);
e. Picric acid;
f. Ammonium picrate;
g. Trinitroanisol;
h. Trinitronaphthalene;
i. Tetranitronaphthalene;
j. Hexanitrodiphenylamine;
k. Pentaerythritetetranitrate (Penthrite or Pentrite);
l. Trimethylenetrinitramine (Hexogen or T4);
m. Potassium nitrate powders (black saltpeter powder);
n. Sodium nitrate powders (black soda powder);
o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

This proclamation shall supersede the proclamation[1] of April 10, 1936, entitled "Enumeration of Arms, Ammunition, and Implements of War", on June 1, 1937.

[1] 1 F. R. 153.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2237]

[F. R. Doc. 37-1260; Filed, May 4, 1937; 12:28 p. m.]

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THE WHITE HOUSE,
*Washington, May 1, 1937.*

The Honorable HENRY MORGENTHAU, Jr.,
*Secretary of the Treasury.*

MY DEAR MR. SECRETARY: The Act to amend the Tariff Act of 1930, approved June 12, 1934 (48 Stat. 943), as extended by the Joint Resolution approved March 1, 1937 (Public Resolution No. 10, 75th Congress), provides in part that the duties proclaimed under its authority shall be applied to articles the growth, produce, or manufacture of all foreign countries, whether imported directly or indirectly. The Act further provides that the President may suspend the application of the proclaimed duties to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in the Act. Pursuant to these provisions of the Act, I hereby direct that the duties proclaimed on this date in connection with the trade agreement signed on February 19, 1937, with El Salvador, and all other duties heretofore proclaimed in connection with trade agreements signed under the authority of the Act (with the exception of the duties proclaimed in connection with the trade agreement signed on August 24, 1934, with Cuba) shall be applied from the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter, only to articles the growth, produce, or manufacture of the countries hereinafter designated and to such articles, in the case of each country, respectively, for the period indicated in the numbered section below in which such country is designated.

1. In respect of the products of each country designated in this section, the proclaimed duties shall be applied from the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter until thirty days from the date on which you are notified by me that the United States has ceased, or on a day certain will cease, to be bound by provisions of a treaty or agreement providing for most-favored-nation treatment in respect of customs duties.

Denmark
Italy
Portugal and its colonies and possessions

2. In respect of the products of each country designated in this section, the proclaimed duties shall be applied so long as such duties remain in effect and this direction is not modified in respect of such country.

Afghanistan
Albania
Andorra
Anglo-Egyptian Sudan
Arabian Shaikdoms not included under any other designation in this list
Argentina
Australian mandated territories
Austria
Belgium and its colony and mandated territories
Bhutan
Bolivia
Brazil
Bulgaria
Canada
Chile
China
Colombia
Costa Rica
Cuba (subject to the provisions of the trade agreement concluded with Cuba on August 24, 1934)
Czechoslovakia
Danzig, Free City of
Dominican Republic
Ecuador
Egypt
El Salvador
Estonia
Ethiopia (Abyssinia)
Finland
France (including Algeria) and its colonies, dependencies, protectorates, and mandated territories
Great Britain and Northern Ireland, and British colonies, dependencies, protectorates, and mandated territories
Greece
Greenland
Guatemala
Haiti
Honduras
Hungary
Iceland
India
Iran (Persia)
Iraq
Irish Free State
Italian colonies and possessions
Japanese Empire and mandated territories and Kwantung Leased Territory
Latvia
Liberia
Lithuania
Luxemburg
Mexico
Monaco
Morocco
Nepal
Netherlands and its colonies
Newfoundland
New Hebrides
New Zealand and mandated territories
Nicaragua
Norway
Oman (Muscat)
Panama
Paraguay
Peru
Poland
Rumania
San Marino
Saudi Arabia
Siam
Spain and its colonies and possessions
Sweden
Switzerland and Liechtenstein
Turkey
Union of South Africa and mandated territory
Union of Soviet Socialist Republics
Uruguay
Vatican City of the
Venezuela
Yemen
Yugoslavia

Because I find as a fact that their treatment of American commerce is discriminatory, I direct that the proclaimed duties shall not be applied to products of the following countries:

Australia, Commonwealth of
Germany

My letter addressed to you on October 3, 1936,[1] with reference to duties proclaimed in connection with trade agreements signed under authority of the Act of June 12, 1934, is hereby superseded.

You will please cause this direction to be published in an early issue of the weekly *Treasury Decisions*.

Very sincerely yours,

[SEAL]

FRANKLIN D ROOSEVELT

[F. R. Doc. 37-1258; Filed, May 4, 1937; 12:03 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D. 1937.

[File No. 32-56]

IN THE MATTER OF EAST ST. LOUIS LIGHT & POWER CO.

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by East St. Louis Light & Power Co., a subsidiary company of The North American Company, a registered holding company pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the pro-

[1] 1 F. R. 1536.

visions of Section 6 (a) of said Act of the issue and sale by applicant of $22,000,000 aggregate principal amount of its First Mortgage Bonds, 3¾% Series, due 1967, to be dated May 15, 1937, to mature May 15, 1967, and to bear interest at the rate of 3¾% per annum, it being stated by said applicant that said issue and sale are solely for the purpose of financing the business of applicant and will be expressly authorized by the Illinois Commerce Commission, the State Commission of the State in which applicant is organized and doing business.

It is ordered that a hearing on such matter be held on May 20, 1937, at ten o'clock in the forenoon of that day at Room 1103 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1263; Filed, May 4, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D. 1937.

[File No. 43-43]

IN THE MATTER OF EAST ST. LOUIS LIGHT & POWER CO.

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by East St. Louis Light & Power Co., a subsidiary company of The North American Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by applicant of 900,000 shares of its common stock ($20 par value) and 80,000 shares of its 6% preferred stock ($100 par value).

It is ordered that a hearing on such matter be held on May 20, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1264; Filed, May 4, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D. 1937.

[File No. 46-42]

IN THE MATTER OF EAST ST. LOUIS LIGHT & POWER CO.

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by East St. Louis Light & Power Co., a subsidiary company of The North American Company, a registered holding company, pursuant to Section 10 (a) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of the following:

2,500 shares of Capital Stock, of the par value of $100 per share, the only class of stock of Union Colliery Company.

Demand note in the amount of $929,541.16 payable to Union Electric Light and Power Company (Missouri) bearing interest at the rate of 6% per annum, payable only if earned.

Open account indebtedness owing to Union Electric Light and Power Company (Missouri) at the time of delivery.

It is ordered that a hearing on such matter be held on May 20, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1265; Filed, May 4, 1937; 1:03 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of May, A. D. 1937.

[File No. 46-41]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

NOTICE OF HEARING AND ORDER DESIGNATING TRIAL EXAMINER

An application having been duly filed with this Commission, by Southern Natural Gas Company pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of (1) all of the outstanding securities of Alabama Gas Company, except its First Mortgage Bonds, 4½% Series due 1951, and (2) all of the outstanding securities and certain indebtedness of Huntsville Gas Company for a purchase price consisting of $2,425,000 plus certain additional amounts estimated at approximately $255,000 in the aggregate, plus certain interest.

It is ordered that a hearing on such matter be held on May 20, 1937, at 10:00 o'clock in the forenoon of that day at Room 726-C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1262; Filed, May 4, 1937; 1:02 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D. 1937.

[File No. 46-43]

IN THE MATTER OF UNION ELECTRIC LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Union Electric Light and Power Company, a subsidiary company of The North American Company, a registered holding company pursuant to Section 10 (a) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of 900,000 shares of common stock, of the par value of $20 per share, and 40 shares of 6% cumulative preferred stock of a par value of $100 per share of East St. Louis Light & Power Co. (name to be changed to Union Electric Company of Illinois).

It is ordered that a hearing on such matter be held on May 20, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1261; Filed, May 4, 1937; 1:02 p. m.]

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## *Thursday, May 6, 1937* *No. 87*

### TREASURY DEPARTMENT.

Bureau of Narcotics.

[T. D. 26]

AMENDMENT TO REGULATIONS GOVERNING THE KEEPING OF RECORDS OF DISPOSITIONS OF EXEMPT PREPARATIONS

Pursuant to the authority contained in Section 6 of the Act of December 17, 1914 (38 Stat. 785, 789; U. S. Code (1934 Ed.) Title 26, Sec. 1041), as amended by Section 1007 of the Revenue Act of 1918 (40 Stat. 1057, 1132; U. S. Code (1934 Ed.), Title 26, Sec. 1041), Article 107 of Narcotic Regulations No. 5 is hereby amended to read as follows:

ARTICLE 107

*Records.*—Every manufacturer, producer, compounder, or vendor (including dispensing physicians), of exempt preparations must keep a record of all sales, exchanges, gifts, or other dispositions, the entries to be made at the time of delivery. This record must show the name, address, and registry number of the dealer to whom the preparation or remedy is sold, exchanged, or given, the name and quantity of the preparation or remedy, and the date upon which delivery to the purchaser or his agent or the carrier is made. A separate record must also be kept of disposals to persons other than dealers, showing the name of the person to whom the preparation or remedy is sold, exchanged, or given, made at the time of delivery, his address, the name and quantity of the preparation or remedy, and the date of delivery. The requirement of keeping a record of sales, exchanges, or gifts to persons other than dealers will be deemed to be complied with, if made pursuant to prescriptions, issued by registered physicians, calling for exempt narcotic preparations or remedies, if the information called for in the preceding sentence is shown on the prescription, and the prescription is kept on the narcotic prescription file.

The Government does not furnish blanks for the keeping of these records, but they should be in the following form:

*Form of record to be kept by manufacturers of or wholesale dealers in exempt preparations and remedies*

| Date of sale | Registration No. of person to whom sold | Name of purchaser | Address | Name of preparation or remedy | Quantity |
|---|---|---|---|---|---|
| | | | | | |

*Form of record to be kept by retail dealers in exempt preparations and remedies*

| Date of sale | Name of purchaser | Address | Name of preparation | Quantity |
|---|---|---|---|---|
| | | | | |

[SEAL] H. J. ANSLINGER,
*Commissioner of Narcotics.*

Approved May 3, 1937.
WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1268; Filed, May 5, 1937; 11:48 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

IR—B-101—Alaska. Issued May 4, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM

INSULAR REGION BULLETIN 101—ALASKA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of said act for 1937, in accordance with the provisions of this Insular Region Bulletin 101 for Alaska and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the Insular Region, but any such variation will not be in excess of 10 percent.

PART I—*Rates and Conditions of Payment*

Payment, in the amounts and subject to the conditions herein set forth, will be made in connection with the utilization in 1937 of the land designated in an application for payment under the 1937 Agricultural Conservation Program for Alaska.

SECTION 1. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out the soil-building practices set forth in section 2 of this Part I. This allowance will be the product of $5.00 multiplied by the number of acres of land on which one or more of practices numbered 1(a), 2, 5, 6, 7, and 8 is carried out in 1937: *Provided*, That in no event will the allowance for any farm be less than $20.00.

SECTION 2. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 1 above, for carrying out in the calendar year 1937 any of the soil-building practices listed herein, upon the conditions and at the rates herein specified: *Provided*, That the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, or other materials (except trees) is furnished free by any governmental agency.

1. *Planting Forest Trees.*—(a) Planting land entirely to forest trees or windbreak trees, either by planting seedling trees or by hand-seeding on suitably prepared land (see Farmers' Bulletin No. 1177, "Care and Improvement of the Farm Woods", published by the U. S. Department of Agriculture). Payment will be made at the rate of $5.00 per acre.

(b) Planting forest trees on the sides or crests of gulches or on erosion scars. Payment will be made at the rate of $1.00 per one hundred trees.

2. *Control of Erosion by Terracing.*—Constructing a sufficient amount of continuous terrace to give adequate protection against erosion (see Farmers' Bulletin No. 1669, "Farm Terracing", published by the U. S. Department of Agriculture). Payment will be made at the rate of 40 cents per one hundred feet of terrace: *Provided*, That no payment will be made for constructing Mangum type terraces on land of 20 percent or more slope.

3. *Control of Erosion by Ditching.*—Constructing permanent ditching, on land of 6 percent or more slope, with suitable outlets, and the slope of ditching not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing (see Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture). Payment will be made at the rate of 15 cents per one hundred linear feet of ditching.

4. *Control of Gullies.*—(a) Filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Payment will be made at the rate of 15 cents per cubic yard of fill or construction.

(b) Constructing and maintaining check dams in gullies (see Farmers' Bulletin No. 1234, "Gullies: How to Control and Reclaim Them", published by the U. S. Department of Agriculture). Payment will be made at the rate of 5 cents per linear foot of dams constructed.

5. *Contour Cultivation.*—(a) Plowing, planting and cultivating land of 2 percent or more slope along contour lines (see Leaflet No. 85, "Strip Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Payment will be made at the rate of 50 cents per acre.

(b) Listing land along contour lines for fallowing or for planting protective nondepleting cover crops: *Provided*, That if the land is of 8 percent or more slope, it is properly terraced. Payment will be made at the rate of 50 cents per acre.

(c) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing (see Leaflet No. 85, "Strip Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Payment will be made at the rate of $1.00 per acre.

6. *Planting Protective Nondepleting Cover Crops.*—(a) Interplanting protective nondepleting cover crops with other crops (see Farmers' Bulletin No. 1750, "Summer Crops for Green Manure and Soil Improvement", published by the U. S. Department of Agriculture). Payment will be made at the rate of $1.00 per acre.

(b) Planting protective nondepleting cover crops in rotation with other crops or using such crops for green manuring (see Farmers' Bulletin No. 1475, "Soil Productivity as Affected by Crop Rotation", and Farmers' Bulletin No. 1250, "Green Manuring", published by the U. S. Department of Agriculture). Payment will be made at the rate of $2.00 per acre if not irrigated, and $3.00 per acre if irrigated.

(c) Planting perennial varieties of protective nondepleting cover crops for permanent pasture or for cutting green for livestock feed (see Miscellaneous Publication No. 194, "A Pasture Handbook", published by the U. S. Department of Agriculture). Payment will be made at the rate of $3.00 per acre if not irrigated, and $4.00 per acre if irrigated.

7. *Applying Ground Limestone.*—Applying ground limestone, or its equivalent. Payment will be made at the rate of $1.40 per ton of ground limestone, and at the rate of $2.15 per ton of burned or hydrated lime; the total payment for liming not to exceed $2.80 per acre.

8. *Applying Chemical Fertilizer.*—Applying chemical fertilizer, of which the principal constituents of value are any form or combination of phosphoric acid, nitrogen, or potash. Payment will be made at the rate of 60 cents per one hundred pounds; the total payment not to exceed $3.00 per acre fertilized, plus $12.00.

PART II—*Miscellaneous Provisions*

SECTION 1. *Persons Eligible to Apply for and Receive Payment.*—Application for payment may be made only by an operator of a farm. In case there is more than one operator of a farm, the application shall be made by all operators of the farm.

Payments will be made to: (1) A sole operator; or (2) each operator of a group of two or more operators: *Provided*, That all operators of a farm signify in the application a per centum of the total payment under the application to be made to each operator; or (3) one operator of a group of two or more operators: *Provided*, That all operators of the farm designate such operator in the application as sole recipient, for their benefit, of the payment under the application, or (4) a person who is not an operator: *Provided*, That such person controls the land included within the farm with respect to which the application is made and is designated by the sole operator (or by all the operators) of the farm, as sole recipient for his (their) benefit, of the payment under the application.

When there is more than one operator of a farm, and such operators are unable to agree as to the percentage share which each is to receive of the payment under the application for such farm, the percentage share of the payment for any one of these operators shall be the same as the percentage share specified for such operator in the crop division agreement to which such operator is a party and which governs the division of the crop(s), or proceeds thereof, on the land on which practices have been carried out.

In the event of the death, disappearance, or incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance, or incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

SECTION 2. *Land to Be Designated in the Application.*—There shall be designated in the application all land included within a farm and any other land which serves as a watershed for the supply of water for such farm and on which Practice No. 1 is performed by the operator(s) of such farm.

SECTION 3. *Filing of Application.*—Payments will be made only upon applications filed with a representative of the Insular Division (including agents and other representatives of the Extension Service of the U. S. Department of Agriculture) on or before March 31, 1938.

PART III—*Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program for Alaska, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*Insular region* means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

*Insular division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program for the Insular Region.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable, a State, Territory, or Possession, a political subdivision or agency thereof, or any other governmental agency that may be designated by the Secretary.

*Operator* means a person (whether his relation to the farm be that of owner, cash tenant, share tenant, or sharecropper) who owns a portion or all of the crops growing on a farm on December 31, 1937, with respect to which an application for grant is made: *Provided*, That if no crop is growing on such farm on December 31, 1937, a person who owned a portion or all of the crop last grown on such farm will be regarded as an operator thereof.

*Farm* means all tracts of cropland and other farm land in Alaska operated by the same operator(s) in 1937 as a single farming unit, with cropping practices, work stock, farm machinery, and labor substantially separate from that for any other such unit.

*Cropland* means land which is tillable and from which any crop other than wild hay or wood was harvested between January 1, 1930 and January 1, 1937.

*Protective nondepleting cover crops* means any of the following: (1) all grasses, provided no grain is harvested therefrom, (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans and crotalaria, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza, lupines, and (4) any other crops approved by the Director of the Insular Division.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 4th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1281; Filed, May 5, 1937; 1:01 p. m.]

IR—B-101—Hawaii Issued May 4. 1937

1937 AGRICULTURAL CONSERVATION PROGRAM

INSULAR REGION BULLETIN 101—HAWAII

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7(a) of said act for 1937, in accordance with the provisions of this Insular Region Bulletin 101 for Hawaii and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the Insular Region, but any such variation will not be in excess of 10 percent.

*Part I—Rates and Conditions of Payment*

Payment, in the amounts and subject to the conditions herein set forth, will be made in connection with the utili-

zation in 1937 of the land designated in an application for payment under the 1937 Agricultural Conservation Program for Hawaii.

SECTION 1. *Allowance for soil-building practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out the soil-building practices specified in section 2 of this Part I. This allowance will be the product of $5.00 multiplied by the number of acres of land on which one or more of practices numbered 1(a), 2, 5, 6, 7, and 8 is carried out in 1937: *Provided*, That in no event will the allowance for any farm be less than $20.00.

SECTION 2. *Payment for soil-building practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 1 above, for carrying out in the calendar year 1937 any of the soil-building practices listed herein, upon the conditions and at the rates herein specified: *Provided*, That the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice and that no part of the labor, seed or other materials (except trees) is furnished free by any governmental agency.

1. *Planting Forest Trees.*—(a) Planting land entirely to forest trees or windbreak trees, either by planting seedling trees or by hand-seeding on suitably prepared land (see Farmers' Bulletin No. 1177, "Care and Improvement of the Farm Woods", published by the U. S. Department of Agriculture). Payment will be made at the rate of $5.00 per acre.

(b) Planting forest trees on the sides or crests of gulches or on erosion scars. Payment will be made at the rate of $1.00 per one hundred trees.

2. *Control of Erosion by Terracing.*—(a) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion (see Farmers' Bulletin No. 1669, "Farm Terracing", published by the U. S. Department of Agriculture). Payment will be made at the rate of 40 cents per one hundred feet of terrace: *Provided*, That no payment will be made for constructing Mangum type terraces on land of 20 percent or more slope.

(b) Constructing individual terraces or catch pits around coffee trees: *Provided*, That not less than 500 of such terraces or catch pits are constructed on each acre and that not less than 1000 feet of permanent ditching as specified in practice numbered 3 (a) are maintained on each acre. Payment will be made at the rate of $1.50 per acre.

3. *Control of Erosion by Ditching.*—(a) Constructing permanent ditching, on land of 6 percent or more slope, with suitable outlets, and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing (see Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture). Payment will be made at the rate of 15 cents per one hundred linear feet of ditching.

(b) Constructing temporary field ditching on land of 6 percent or more slope, with suitable outlets and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any ditching primarily for the purpose of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. Payment will be made at the rate of 5 cents per one hundred linear feet.

(c) Lining irrigation ditching on a grade of 2 percent or more with concrete or stone set in mortar, not including hand-applied plaster lining. Payment will be made at the rate of 8 cents per square foot of lining.

4. *Control of Gullies.*—(a) Filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Payment will be made at the rate of 15 cents per cubic yard of fill or construction.

(b) Constructing and maintaining check dams in gullies (see Farmers' Bulletin No. 1234, "Gullies: How to Control and Reclaim Them", published by the U. S. Department of Agriculture). Payment will be made at the rate of 5 cents per linear foot of dams constructed.

5. *Contour Cultivation.*—(a) Plowing, planting and cultivating land of 2 percent or more slope along contour lines (see Leaflet No. 85, "Strip Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Payment will be made at the rate of 50 cents per acre.

(b) Listing land along contour lines or, in areas subject to wind erosion, at approximately right angles to the direction of prevailing winds, for fallowing or for planting protective nondepleting cover crops: *Provided*, That if the land is of 8 percent or more slope, it is properly terraced. Payment will be made at the rate of 50 cents per acre.

(c) Furrowing range land along contour lines with furrows not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and with intervals between furrows not more than 25 feet. Payment will be made at the rate of 50 cents per acre.

(d) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing (see Leaflet No. 85, "Strip Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Payment will be at the rate of $1.00 per acre.

6. *Planting Protective Nondepleting Cover Crops.*—(a) Interplanting protective nondepleting cover crops with other crops (see Farmers' Bulletin No. 1750, "Summer Crops for Green Manure and Soil Improvement", published by the U. S. Department of Agriculture). Payment will be made at the rate of $1.00 per acre.

(b) Planting protective nondepleting cover crops in rotation with other crops or using such crops for green manuring (see Farmers' Bulletin No. 1475, "Soil Productivity as Affected by Crop Rotation", and Farmers' Bulletin No. 1250, "Green Manuring", published by the U. S. Department of Agriculture). Payment will be made at the rate of $2.00 per acre if not irrigated, and $3.00 per acre if irrigated.

(c) Planting perennial varieties of protective nondepleting cover crops for permanent pasture or for cutting green for livestock feed (see Miscellaneous Publication No. 194, "A Pasture Handbook", published by the U. S. Department of Agriculture). Payment will be made at the rate of $3.00 per acre if not irrigated, and $4.00 per acre if irrigated.

(d) Seeding depleted range land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Payment will be made at the rate of $2.00 per acre.

7. *Applying Ground Limestone.*—Applying ground limestone or its equivalent. Payment will be made at the rate of $1.40 per ton of ground limestone, and at the rate of $2.15 per ton of burned or hydrated lime; the total payment for liming not to exceed $2.80 per acre.

8. *Applying Chemical Fertilizer.*—Applying chemical fertilizer, of which the principal constituents of value are any form or combination of phosphoric acid, nitrogen, or potash. Payment will be made at the rate of 50 cents per one hundred pounds; the total payment not to exceed $2.50 per acre fertilized, plus $10.00; *Provided*, That in order for a plantation farm to qualify for this payment the chemical fertilizer applied must be in an amount not less than the minimum standard approved by the Director of the Insular Division.

9. *Range Fences.*—Constructing cross or drift fences of three or more wires, with posts not more than 20 feet apart, corner and end posts well braced and wires tightly stretched, for the purpose of protecting range land which has been reforested or reseeded or for permitting the natural replenishment of range vegetation. Payment will be made at the rate of 30 cents per rod of fence.

10. *Eradicating Range-Destroying Plants.*—Eradicating serious infestations of guava (Psidium guayava), lantana (Lantana camara), pamakani (Eupatorium adenopholum), firebush (Myrica americana), or jo-i weed (Stachytarpheta dichotoma, Verbena bonariensis) on range land: *Provided*, That such land is reseeded with adapted varieties of perennial grasses or legumes and a good stand obtained, and that practice numbered 5 (c) is carried out on any such land of 2 percent or more slope. Payment will be made at the rate of $1.00 per acre.

11. *Soil analysis and Field Experiment—No Payment.*—(a) *For plantation farms on which practice No. 7 of the 1936 Agricultural Conservation Program was not carried out.*—A soil map, or maps, showing the principal types of soil included in the cropland on the plantation farm, based on soil analyses sufficient to show the general nature of the textural and chemical composition, at various depths within the zone of root penetration, of each principal soil type, a copy of a map and a report of the analyses to be supplied to the local office of the Insular Division.

(b) *For all plantation farms.*—A field experiment on each principal type of soil included in the cropland on the plantation farm (but not more than one field experiment for each 500 acres of cropland) in the use of organic matter or chemical fertilizers, the experiment to be properly laid out, controlled, harvested, and reported to the local office of the Insular Division, or carried to that degree of completion which is practicable during the calendar year 1937, with not less than five repetitions of each individual treatment (variable) to be tested, and five repetitions of the standard check.

(c) *For plantation farms on which field experiments were established under the 1936 Agricultural Conservation Program which will not be completed during the calendar year 1937.*—The proper control and continuation of such experiments during the calendar year 1937.

(d) *For plantation farms on which field experiments were established under the 1936 Agricultural Conservation Program, which will be completed in 1937.*—The proper control of such experiments to the time of harvest and a report to the local office of the Insular Division including:

(1) A brief history of each experiment with a summary showing the kind and variety of crop used, the dates of planting and harvesting, the location, type of soil, size of plots, number of replications, quantities and formulas of fertilizer used, whether irrigated or not, and data concerning the presence of disease or pests.

(2) A tabulation of data showing the weight of the produce of each plot and, in the case of sugarcane, an analysis of the cane juice from each plot showing brix, purity, sucrose, and yield of sugar.

(3) A statement of any significant relationships which may appear between the application of various quantities or kinds of fertilizer and the chemical and textural composition of the soils on which the experiments were carried out.

(4) A statistical analysis of the yield data for each experiment indicating whether the yield differences observed have any statistical significance, and a statement of general conclusions which may be drawn from the data obtained, in the light of this analysis.

*Part II—Miscellaneous Provisions*

SECTION 1. *Persons Eligible to Apply for and Receive Payment.*—Application for payment may be made only by an operator of a farm. In case there is more than one operator of a farm, the application shall be made by all operators of the farm.

Payments will be made to: (1) A sole operator; or (2) each operator of a group of two or more operators: *Provided*, That all operators of a farm signify in the application a percentum of the total payment under the application to be made to each operator; or (3) one operator of a group of two or more operators: *Provided*, That all operators of the farm designate such operator in the application as sole recipient, for their benefit, of the payment under the application, or (4) a person who is not an operator: *Provided*, That such person controls the land included within the farm with respect to which the application is made and is designated by the sole operator (or by all the operators) of the farm, as sole recipient for his (their) benefit, of the payment under the application.

When there is more than one operator of a farm, and such operators are unable to agree as to the percentage share which each is to receive of the payment under the application for such farm, the percentage share of the payment for any one of these operators shall be the same as the percentage where specified for such operator in the crop division agreement to which such operator is a party and which governs the division of the crop(s), or proceeds thereof, on the land on which practices have been carried out.

In the event of the death, disappearance, or incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance, or incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

SECTION 2. *Land to Be Designated in the Application.*—There shall be designated in the application all land included within a farm and any other land which serves as a watershed for the supply of water for such farm and on which Practice No. 1 is performed by the operator(s) of such farm.

SECTION 3. *Filing of Application.*—Payments will be made only upon applications filed with a representative of the Insular Division (including agents and other representatives of the Extension Service of the U. S. Department of Agriculture) on or before March 31, 1938.

SECTION 4. *Plantation Farms.*—No payment will be made under this program with respect to an application pertaining to any plantation farm except on the condition that Practice No. 11 be performed in the manner applicable to such farm.

*Part III—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program for Hawaii, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*Insular region* means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

*Insular division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program for the Insular Region.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable, a State, Territory, or Possession, a political subdivision or agency thereof, or any other governmental agency that may be designated by the Secretary.

*Operator* means a person (whether his relation to the farm be that of owner, cash tenant, share tenant, or sharecropper) who operates range land in producing livestock or who owns a portion or all of the crops growing on a farm on December 31, 1937, with respect to which an application for grant is made: *Provided*, That if no crop is growing on such farm on December 31, 1937, a person who owned a portion or all of the crop last grown on such farm will be regarded as an operator thereof.

*Farm* means all tracts of cropland, range land, and other farm land in Hawaii, operated by the same operator(s) in 1937 as a single farming unit, with cropping practices, work stock, farm machinery, and labor substantially separate from that for any other such unit.

*Plantation farm* means any farm comprising more than 500 acres of cropland, not devoted to permanent pasture or to orchards or trees of any kind.

*Principal type of soil* means for any plantation farm each soil type which comprises either 200 acres of cropland on such farm or 30 percent of the total cropland on such farm.

*Cropland* means land which is tillable and from which any crop other than wild hay or wood was harvested between January 1, 1930 and January 1, 1937.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency

thereof, in which an operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation.

*Protective nondepleting cover crops* means any of the following: (1) all grasses, provided no grain is harvested therefrom, (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans, field beans and sweet potatoes not grown for commercial purposes, crotalaria, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza, lupines, and (4) any other crops approved by the Director of the Insular Division.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 4th day of May, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1282; Filed, May 5, 1937; 1:01 p. m.]

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IR—B-101—Puerto Rico — Issued May 4, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM

### INSULAR REGION BULLETIN 101—PUERTO RICO

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of said act for 1937, in accordance with the provisions of this Insular Region Bulletin 101 for Puerto Rico and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of $500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the Insular Region, but any such variation will not be in excess of 10 percent.

#### *Part I—Rates and Conditions of Payment*

Payment, in the amounts and subject to the conditions herein set forth, will be made in connection with the utilization in 1937 of the land designated in an application for payment under the 1937 Agricultural Conservation Program for Puerto Rico.

SECTION 1. *Payment for Diversion of Tobacco Acreage to Protective Nondepleting Cover Crops.*—For each acre included within the base acreage for tobacco for the farm, not in excess of 30 percent of such base acreage, which is not planted to tobacco during the 1937–38 tobacco season but which is planted in 1937 to protective nondepleting cover crops, payment will be made at the rate of $20.00 per acre: *Provided*, That in no case will payment for diversion of tobacco acreage be made with respect to any farm of which an operator is also an operator on another farm on which an acreage of tobacco is planted during the 1937–38 tobacco season in excess of the (or in absence of a) base acreage for tobacco for such farm: *And provided further*, That no payment will be made pursuant to practice numbered 6 in section 3 of this Part I on any acreage on which payment is made pursuant to this section 1.

SECTION 2. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out the soil-building practices set forth in section 3 of this Part I. This allowance will be the product of $5.00 multiplied by the number of acres of land on which one or more of practices numbered 1, 2, 5, 6, 7, and 8 is carried out in 1937: *Provided*, That in no event will the allowance for any farm having a base acreage for tobacco be less than $10.00, and in no event will the allowance for any other farm be less than $20.00.

SECTION 3. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 2 above, for carrying out in the calendar year 1937 any of the soil-building practices listed herein, upon the conditions and at the rates herein specified: *Provided*, That the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice and that no part of the labor, seed or other materials (except trees) is furnished free by any governmental agency: *Provided further*, That payment will be made in case the practice is carried out with labor furnished by the Puerto Rico Reconstruction Administration for a consideration, unless such practice is carried out as a part of the consideration for such labor.

1. *Planting Forest Trees.*—(a) Planting land entirely to forest trees or windbreak trees, either by planting seedling trees or by hand-seeding on suitable prepared land (see Farmers' Bulletin No. 1177, "Care and Improvement of the Farm Woods", published by the U. S. Department of Agriculture). Payment will be made at the rate of $5.00 per acre.

(b) Planting the normal number of coffee shade trees in established coffee groves, either by planting seedling trees or by hand-seeding on suitably prepared land. Payment will be made at the rate of $2.50 per acre.

(c) Planting land to a normal number of Erythrina for use as support and shade for vanilla, by planting cuttings on suitably prepared land. Payment will be made at the rate of $2.50 per acre.

2. *Control of Erosion by Terracing.*—(a) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion (see Farmers' Bulletin No. 1669, "Farm Terracing", published by the U. S. Department of Agriculture). Payment will be made at the rate of 40 cents per one hundred feet of terrace: *Provided*, That no payment will be made for constructing Mangum-type terraces on land of 20 percent or more slope.

(b) Constructing individual terraces or catch pits around coffee trees: *Provided*, That not less than 500 of such terraces or catch pits are constructed on each acre and that not less than 1,000 feet of permanent ditching as specified in practice numbered 3 (a) are maintained on each acre. Payment will be made at the rate of $1.50 per acre.

3. *Control of Erosion by Ditching.*—(a) Constructing permanent ditching on land of 6 percent or more slope, with suitable outlets, and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing (see Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture). Payment will be made at the rate of 15 cents per one hundred linear feet of ditching.

(b) Constructing temporary field ditching on land of 6 percent or more slope, with suitable outlets and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any ditching primarily for the purpose of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. Payment will be made at the rate of 5 cents per one hundred linear feet.

4. *Control of Gullies.*—(a) Filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Payment will be made at the rate of 15 cents per cubic yard of fill or construction.

(b) Constructing and maintaining check dams in gullies (see Farmers' Bulletin No. 1234, "Gullies: How to Control and Reclaim Them", published by the U. S. Department of Agriculture). Payment will be made at the rate of 5 cents per linear foot of dams constructed.

5. *Contour Cultivation.*—(a) Plowing, planting and cultivating land of 2 percent or more slope along contour lines (see Leaflet No. 85, "Strip Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Payment will be made at the rate of 50 cents per acre.

(b) Listing land along contour lines for fallowing or for planting protective nondepleting cover crops: *Provided*, That if the land is of 8 percent or more slope, it is properly terraced. Payment will be made at the rate of 50 cents per acre.

(c) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing (see Leaflet No. 85, "Strip Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Payment will be made at the rate of $1.00 per acre.

6. *Planting Protective Nondepleting Cover Crops.*—(a) Interplanting protective nondepleting cover crops with other crops (see Farmers' Bulletin No. 1750, "Summer Crops for Green Manure and Soil Improvement", published by the U. S. Department of Agriculture). Payment will be made at the rate of $1.00 per acre.

(b) Planting protective nondepleting cover crops in rotation with other crops or using such crops for green manuring (see Farmers' Bulletin No. 1475, "Soil Productivity as Affected by Crop Rotation", and Farmers' Bulletin No. 1250, "Green Manuring", published by the U. S. Department of Agriculture). Payment will be made at the rate of $2.00 per acre if not irrigated, and $3.00 per acre if irrigated.

(c) Planting perennial varieties of protective nondepleting cover crops for permanent pasture or for cutting green for livestock feed (see Miscellaneous Publication No. 194, "A Pasture Handbook", published by the U. S. Department of Agriculture). Payment will be made at the rate of $3.00 per acre if not irrigated, and $4.00 per acre if irrigated.

7. *Applying Ground Limestone.*—Applying ground limestone or its equivalent. Payment will be made at the rate of $1.40 per ton of ground limestone, and at the rate of $2.15 per ton of burned or hydrated lime; the total payment for liming not to exceed $2.80 per acre.

8. *Applying Chemical Fertilizer.*—Applying chemical fertilizer, of which the principal constituents of value are any form or combination of phosphoric acid, nitrogen, or potash. Payment will be made at the rate of 50 cents per one hundred pounds; the total payment not to exceed $2.50 per acre fertilized, plus $10.00: *Provided*, That in order for a plantation farm to qualify for this payment the chemical fertilizer applied must be in an amount not less than the minimum standard approved by the Director of the Insular Division: *And provided further*, That no payment will be made for the application of chemical fertilizer on land on which tobacco is grown at any time during the calendar year 1937.

9. *Making Compost.*—Making compost, for use on land on which feed crops for home consumption are grown. Payment will be made at the rate of 10 cents per cubic yard, the total payment not to exceed $10.00 (see Miscellaneous Publication No. 136, "Conservation of Fertilizer Materials from Minor Sources", published by the U. S. Department of Agriculture).

10. *Soil Analysis and Field Experiment—No Payment.*—(a) *For plantation farms on which practice No. 7 of the 1936 Agricultural Conservation Program was not carried out.*—A soil map, or maps, showing the principal types of soil included in the cropland on the plantation farm, based on soil analyses sufficient to show the general nature of the textural and chemical composition, at various depths within the zone of root penetration, of each principal soil type, a copy of a map and a report of the analyses to be supplied to the local office of the Insular Division.

(b) *For all plantation farms.*—A field experiment on each principal type of soil included in the cropland on the plantation farm (but not more than one field experiment for each 500 acres of cropland) in the use of organic matter or chemical fertilizers, the experiment to be properly laid out, controlled, harvested, and reported to the local office of the Insular Division, or carried to that degree of completion which is practicable during the calendar year 1937, with not less than five repetitions of each individual treatment (variable) to be tested, and five repetitions of the standard check.

(c) *For plantation farms on which field experiments were established under the 1936 Agricultural Conservation Program which will not be completed during the calendar year 1937.*—The proper control and continuation of such experiments during the calendar year 1937.

(d) *For plantation farms on which field experiments were established under the 1936 Agricultural Conservation Program, which will be completed in 1937.*—The proper control of such experiments to the time of harvest and a report to the local office of the Insular Division including:

(1) A brief history of each experiment with a summary showing the kind and variety of crop used, the dates of planting and harvesting, the location, type of soil, size of plots, member of replications, quantities and formulas of fertilizer used, whether irrigated or not, the data concerning the presence of disease or pests.

(2) A tabulation of data showing the weight of the produce of each plot and, in the case of sugarcane, an analysis of the cane juice from each plot showing brix, purity, sucrose, and yield of sugar.

(3) A statement of any significant relationships which may appear between the application of various quantities or kinds of fertilizer and the chemical and textural composition of the soils on which the experiments were carried out.

(4) A statistical analysis of the yield data for each experiment indicating whether the yield differences observed have any statisticial significance, and a statement of general conclusions which may be drawn from the data obtained, in the light of this analysis.

#### *Part II—Establishment of Tobacco Bases*

A base acreage for tobacco may established for any farm on which tobacco was grown in either 1935 or 1936.

SECTION 1. *Farms for Which Bases Were Established Under the 1936 Program.*—The base acreage for tobacco established for any farm under the 1936 Agricultural Conservation Program shall be used as a basis for determining the base acreage for tobacco for 1937, with adjustment as provided in section 3 of this Part II.

SECTION 2. *Farms for Which Bases Were Not Established Under the 1936 Program.*—For any farm for which no base acreage for tobacco was established under the 1936 Agricultural Conservation Program, there shall be used as a basis for determining the base acreage for tobacco for 1937, with adjustments as provided in section 3 of this Part II, either (1) the base acreage for tobacco which was or could have been established for such farm under the procedure for the 1935–36 tobacco production adjustment program, or (2) if no such base could have been established, the average of the acreages of tobacco planted on such farm in the tobacco seasons 1935–36 and 1936–37.

SECTION 3. *Adjustment of Bases.*—(a) *Inequitable Bases.*—The base acreage for tobacco determined for each farm in accordance with the provisions of this Part II shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of tobacco planted on a farm in the tobacco seasons 1935–36 and 1936–37 has been substantially less than the acreage which could have been

planted on the farm in such years with maximum payments under the 1935–36 tobacco production adjustment program or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted so as to reflect the plantings on the farm in such years and so as to be equitable as compared with other farms in the same locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

SECTION 4. *Limit of Tobacco Bases.*—The total of the base acreages for tobacco established for 1937 for all farms participating in the 1937 Agricultural Conservation Program in any municipality or other specified area shall not exceed the acreage for such base which is established for such farms in such municipality or other specified area by the Agricultural Adjustment Administration.

*Part III—Miscellaneous Provisions*

SECTION 1. *Persons Eligible to Apply for and Receive Payment.*—Application for payment may be made only by an operator of a farm. In case there is more than one operator of a farm, the application shall be made by all operators of the farm.

Payments will be made to: (1) a sole operator; or (2) each operator of a group of two or more operators: *Provided*, That all operators of a farm signify in the application a percentum of the total payment under the application to be made to each operator; or (3) one operator of a group of two or more operators: *Provided*, That all operators of the farm designate such operator in the application as sole recipient, for their benefit, of the payment under the application, or (4) a person who is not an operator: *Provided*, That such person controls the land included within the farm with respect to which the application is made and is designated by the sole operator (or by all the operators) of the farm, as sole recipient for his (their) benefit, of the payment under the application.

When there is more than one operator of a farm, and such operators are unable to agree as to the percentage share which each is to receive of the payment under the application for such farm, the percentage share of the payment for any one of these operators shall be the same as the percentage share specified for such operator in the crop division agreement to which such operator is a party and which governs the division of the crop(s), or proceeds thereof, on the land on which practices have been carried out.

In the event of the death, disappearance, or incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance, or incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

SECTION 2. *Land to Be Designated in the Application.*—There shall be designated in the application all land included within a farm and any other land which serves as a watershed for the supply of water for such farm and on which Practice No. 1 (a) is performed by the operator(s) of such farm.

SECTION 3. *Filing of Application.*—Payments will be made only upon applications filed with a representative of the Insular Division (including agents and other representatives of the Extension Service of the U. S. Department of Agriculture) on or before March 31, 1938.

SECTION 4. *Plantation Farms.*—No payment shall be made under this program with respect to an application pertaining to any plantation farm except on the condition that Practice No. 10 be performed in the manner applicable to such farm.

SECTION 5. *Land Area.*—All calculations involving land area will be made on the basis that one cuerda equals 0.97 acre.

*Part IV—Definitions*

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program for Puerto Rico, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*Insular Region* means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

*Insular division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program for the Insular Region.

*Person* means an individual, partnership, association, trust, estate, or corporation, and, wherever applicable, a State, Territory, or Possession, a political subdivision or agency thereof, or any other governmental agency that may be designated by the Secretary.

*Operator* means a person (whether his relation to the farm be that of owner, cash tenant, share tenant, or sharecropper) who owns a portion or all of the crops growing on a farm on December 31, 1937, with respect to which an application for grant is made: *Provided*, That, if no crop is growing on such farm on December 31, 1937, a person who owned a portion or all of the crop last grown on such farm will be regarded as an operator thereof.

*Farm* means all tracts of cropland and other farm land in Puerto Rico, operated by the same operator(s) in 1937 as a single farming unit, with cropping practices, work stock, farm machinery, and labor substantially separate from that for any other such unit.

*Plantation farm* means any farm comprising more than 500 acres of cropland, not devoted to permanent pasture or to orchards or trees of any kind.

*Principal type of soil* means for any plantation farm each soil type which comprises either 200 acres of cropland on such farm or 30 percent of the total cropland on such farm.

*Cropland* means land which is tillable and from which any crop other than wild hay or wood was harvested between January 1, 1930 and January 1, 1937.

*Base acreage for tobacco* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*Tobacco season* means the period beginning on September 1 of one calendar year and ending on March 1 of the succeeding calendar year.

*Protective nondepleting cover crops* means any of the following: (1) all grasses, provided no grain is harvested therefrom, (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans, field beans and sweet potatoes not grown for commercial purposes, crotalaria, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza, lupines, and (4) any other crops approved by the Director of the Insular Division.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 4th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1280; Filed, May 5, 1937; 1:01 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[Docket No. IT–5467]

NOTICE OF HEARING

UNION ELECTRIC LIGHT AND POWER COMPANY OF ILLINOIS AND EAST ST. LOUIS LIGHT & POWER COMPANY

Upon application filed May 3, 1937, by Union Electric Light and Power Company of Illinois and East St. Louis Light & Power Company for merger of the facilities owned by such companies and subject to the jurisdiction of the Federal Power Commission;



It is ordered: That a hearing on said application be held in the Commission's hearing room, Washington, D. C., at 10 a. m., on the 20th day of May, 1937.

Adopted by the Commission, May 4, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37–1266; Filed, May 5, 1937; 9:21 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 91]

ALLOCATION OF FUNDS FOR LOANS

MAY 3, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| Michigan 38 Cass | $125,000 |
| Montana 1W Ravalli | 8,600 |
| North Carolina 25 Rutherford | 65,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37–1267; Filed, May 5, 1937; 9:21 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D. 1937.

[File No. 32–55]

IN THE MATTER OF NORTHERN BERKSHIRE GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Northern Berkshire Gas Company, an indirect subsidiary of New England Power Association, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue or exchange by applicant of one share of capital stock of the par value of $100. The application states that it is proposed to issue such one share in exchange for all the outstanding capital stock of Deerfield River Electric Company (consisting of 2,000 shares of the par value of $25 per share, which are now owned by New England Power Association), to effect the consolidation of Deerfield River Electric Company with the applicant; and that New England Power Association intends upon payment to it of $115.59 by Massachusetts Lighting Companies to instruct applicant to issue such one share direct to Massachusetts Lighting Companies, which owns all applicant's outstanding stock.

It is ordered that a hearing on such matter be held on May 24, 1937, at 10 o'clock in the forenoon of that day at Room 1103 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 19, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1270; Filed, May 5, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D. 1937.

[File No. 41–5]

IN THE MATTER OF UNION ELECTRIC LIGHT AND POWER COMPANY OF ILLINOIS

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Union Electric Light and Power Company, a subsidiary company of The North American Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for an order authorizing applicant to issue, without any public offering thereof, its note or notes in an aggregate principal amount thereof not to exceed $6,750,000, such note or notes to bear interest at a rate not in excess of 5% per annum, and to mature not later than nine months, exclusive of days of grace, after the date of issue thereof, but to aggregate more than five per centum of the principal amount and par value of the other securities of the applicant now outstanding.

It is ordered that a hearing on such matter be held on May 20, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1271; Filed, May 5, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of May, A. D., 1937.

[File No. 30-42]

IN THE MATTER OF SOUTHERN UNITED GAS COMPANY

ORDER PURSUANT TO SECTION 5 (D) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Southern United Gas Company, a New Jersey corporation, and Samuel W. White, as Trustee of the property and assets thereof in proceedings under Section 77B of the Bankruptcy Act, having filed on November 30, 1935, a notification of registration pursuant to Section 5 (a) of the Public Utility Holding Company Act of 1935, and having filed on April 1, 1937, an application, verified March 29, 1937, pursuant to Section 5 (d) of said Act for an order declaring that such applicants have ceased to be a holding company; opportunity for hearing on said application having been given after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said Southern United Gas Company, a New Jersey corporation, and Samuel W. White, as such trustee, and each of them, have ceased to be a holding company, that this order is effective immediately and that accordingly the registration of the applicants pursuant to Section 5 (a) of the Public Utility Holding Company Act of 1935 hereby ceases to be in effect. This order shall not be deemed to relieve either applicant from any obligation to register under the Public Utility Holding Company Act if and whenever the status of such applicant so differs from that shown in the record in this proceeding that such applicant is a holding company as defined in Section 2 (a) (7) of said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1269; Filed, May 5, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HYLAND-CAMPBELL FARM, FILED ON APRIL 14, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 4th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:30 o'clock in the forenoon on the 19th day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1279; Filed, May 5, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HYLAND-CAMPBELL FARM, FILED ON APRIL 22, 1937, BY ANDREW J. BARRETT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 1, 1937, be effective as of May 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1276; Filed, May 5, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 4th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WILCOX-NEUFELD FARM, FILED ON APRIL 22, 1937, BY ANDREW J. BARRETT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 1, 1937, be effective as of May 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1272; Filed, May 5, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY LEASE, FILED ON APRIL 17, 1937, BY E. T. CHASE, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at



the office of the Commission on April 29, 1937, be effective as of April 29, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1277; Filed, May 5, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE AMERADA-TRANSWESTERN-SUENRAM FARM, FILED ON APRIL 16, 1937, BY LEROY ESTES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 1, 1937, be effective as of May 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1273; Filed, May 5, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CAPITOL-MANSION-STATE ET AL FARM, FILED ON APRIL 17, 1937, BY H. B. SEARS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 1, 1937, be effective as of May 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1275; Filed, May 5, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MOELLING FARM, FILED ON APRIL 21, 1937, BY SOUTHWEST ROYALTIES COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commissions' General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 1, 1937, be effective as of May 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1274; Filed, May 5, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE CONTINENTAL-REED LEASE, FILED ON APRIL 28, 1937; BY G. D. TERRIEN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the smallest interest proposed to be offered, as set forth in Division II, Item 1, may not be correct by reason of the information given in Exhibit B;

(2) In that the size of the interest of each lessee on record, required to be given in Division II, Item 5 (b), is omitted;

(3) In that the text and information required to be given in Division II, Items 9 (d), (i) to (v), inclusive, are omitted;

(4) In that an attempt has been made in Division II, Item 10, to incorporate the required information by reference, whereas it is required that the information requested shall be contained in and given as a part of each item.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 3rd day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance,

take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1276; Filed, May 5, 1937; 12:48 p. m.]

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*Friday, May 7, 1937* *No. 88*

## POST OFFICE DEPARTMENT.

### PENSION LETTERS—DELIVERY

APRIL 5, 1937.

Paragraph 3 of section 784, Postal Laws and Regulations, as amended December 30, 1936, under Order No. 9958 is hereby further amended to read as follows:

3. If the addressee has not died, reenlisted, removed, or, if a widow, remarried, the letters bearing instructions under the act of June 3, 1936, may be delivered to the addressee or, without his or her written order, to any member of his or her family or household, his or her clerk, servant, or agent who has been in the habit of receiving the addressee's ordinary mail with his or her knowledge and consent, or to any responsible person who presents the addressee's written order, except that in no case shall such mail be delivered to a claim agent, attorney, or broker. Such letters shall not be forwarded to another post office nor placed in lock or call boxes in the post office, nor delivered by city or rural carriers into receptacles on their routes. Upon receipt of such a letter addressed to the holder of a post-office box, notice shall be placed in the addressee's box requesting him to call or send a proper representative for the letter. The same procedure shall be followed with respect to such a letter addressed to rural-route boxes, unless the conditions are such that delivery at the addressee's residence is required by section 1014. The postmaster of any office to which such a letter has been inadvertently forwarded shall not effect delivery thereof but shall immediately return such letter to the post office of original address, such return to be made in post office penalty envelope together with a memorandum referring to the instructions printed on the Treasury Department envelope.

[SEAL] W. W. HOWES,
*Acting Postmaster General.*

[F. R. Doc. 37-1285; Filed, May 6, 1937; 10:16 a. m.]

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### INTOXICATING LIQUOR IN THE MAILS FROM ABROAD

APRIL 27, 1937.

Effective at once, any Postal Union (regular) mail article or parcel post package received from abroad which is found to contain spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind should be immediately withdrawn from the mails and turned over to the Collector of Customs for confiscation as a prohibited importation.

If the package contains admissible matter in addition to the intoxicating liquor, the liquor will be removed by the customs officer and the duty, if any, assessed on the admissible contents before the package is further transmitted in the mails. The customs officer will at the same time enclose in the package a notice informing the addressee of the seizure of the liquor, together with the reasons therefor.

Until further notice a bulletin of verification shall be sent by the United States exchange office of receipt to the foreign dispatching exchange office advising of the seizure of the liquor as a prohibited mail importation. If the liquor is discovered at an office other than the exchange office of receipt from abroad, such office shall make report to the exchange office from which received in order that the latter office may issue a bulletin of verification as indicated above. No reports of such seizures need be made to this office.

The above supersedes the instructions published under the caption "Liquor Prohibited Importation in the International Mails" in the Postal Bulletins of January 9 and January 26, 1934, and on page 12 of the February 1934 Supplement.

Postmasters will cause careful notice of the foregoing to be taken at their offices.

[SEAL] HARLLEE BRANCH,
*Second Assistant Postmaster General.*

[F. R. Doc. 37-1286; Filed, May 6, 1937; 10:16 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—New York—Supplement (3) Issued May 6, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK—SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101 for New York, as amended by Supplements (1) and (2) is hereby amended as follows:

I

The following is added as Practice No. 22 after the matter in Practice No. 7 and preceding the heading "Improving and Establishing Pastures":

22. Hulled sweet clover seed.
Payment, $1.25 per acre.

II

The following is added at the end of the matter under the heading "Establishing New Seedings of Grasses and Legumes" and preceding the heading "Liming":

or

Seeding sweet clover or mixtures containing sweet clover, using at least 12 pounds of hulled sweet clover seed per acre on land prepared for seeding by the application of amounts of lime and or superphosphate specified under the heading "Establishing New Seedings of Grasses and Legumes."

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 6th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1288; Filed, May 6, 1937; 12:26 p. m.]

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## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

### AIR COMMERCE REGULATIONS

AIR TRAFFIC RULE

Pursuant to the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (44 Stat. 1113), and the Act of June 19, 1934 (44 Stat. 1116), the following Air Traffic Rule is promulgated:

Aircraft shall not be navigated in the United States in closer proximity than one mile to the airship *Hindenburg* while it is in flight or moored; provided, that aircraft as specifically authorized by the United States Department of Commerce or the Navy Department may be navigated in closer proximity thereto and may land at the Lakehurst Naval Air Station while the airship *Hindenburg* is moored thereat.

Approved, to take effect May 5, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-1287; Filed, May 6, 1937; 11:08 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 92]

### AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

MAY 4, 1937.

I hereby amend Administrative Order No. 40, dated December 5, 1936, by changing Iowa 28 Cedar (Partial), $100,000 to read Iowa 9B Scott (Partial), $100,000.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1283; Filed, May 6, 1937; 9:29 a. m.]

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[Administrative Order No. 93]

### ALLOCATION OF FUNDS FOR LOANS

MAY 4, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Washington 23 Grays Harbor | $60,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1284; Filed, May 6, 1937; 9:29 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D. 1937.

[File No. 31-397]

### IN THE MATTER OF THE APPLICATION OF PHELPS DODGE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Phelps Dodge Corporation, pursuant to Section 3 (a) (3) of the Public Utility Holding Company Act of 1935, for exemption as a holding company from the provisions of said Act,

It is ordered that a hearing on such matter be held on May 21, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1289; Filed, May 6, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of May, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BLACKSTOCK-TEXAS PACIFIC-TEGTMEYER FARM, FILED ON APRIL 16, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 5th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 20th day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1290; Filed, May 6, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of May, 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG LEASE, FILED ON APRIL 28, 1937, BY FIRST DEPENDABLE OIL CORPORATION, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the information given in Division II, Item 16 (a) (iii), relative to the gross production of water from the tract involved, is not believed to be correct;

(2) In that the prices of highest and lowest gravity oil produced from the tract involved, as set forth in Division II, Item 16 (e), may not be accurate if the gravity of oil produced from the tract involved, as disclosed by Division II, Item 18 (b), is correctly set forth;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 4th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 20th day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1292; Filed, May 6, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL ET AL. BORNHOLDT FARM, FILED ON APRIL 28, 1937, BY HARRY W. HAYNES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 6, is not believed to be correct;

(2) In that from the information disclosed by Exhibit B it appears that the statement made in Division II Item 2 (c), is not correct by reason of the fact that Exhibit B shows 159 acres, whereas the statement is made in Division II, Item 2 (c), that the area in acres is "160";

(3) In that the information given in Division II, Item 3 (b), may not be correct by reason of the fact that the statement therein made appears to conflict with the information disclosed by Exhibit A;

(4) In that the information given in Division II, Item 3 (c) (ii), may not be accurate if the statement made in Division II, Item 3 (c) (vi), is correct, by reason of the fact that if no rentals are delinquent the next due date appears to be July 20, 1937;

(5) In that the information required to be given in Division II, Items 3 (c) (v) and 6 (a) (ii), is omitted;

(6) In that Exhibit A shows a drilling well, whereas it appears from the information given in Division II, Item 13, that the symbol of a location should be shown on the tract involved in Exhibit A, in lieu of the symbol for a drilling well;

(7) In that the depths of the horizons required to be given in Division II, Item 14, are omitted;

(8) In that the information given in Division II, Item 19 (c), appears to be ambiguous, and of such a nature that it is not possible to determine the purport of the statement made;

(9) In that the date upon which the signature of the offeror was affixed to the offering sheet is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 4th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 20th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1291; Filed, May 6, 1937; 12:56 p. m.]

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*Saturday, May 8, 1937* *No. 89*

## DEPARTMENT OF STATE.

REGULATION GOVERNING THE CARRIAGE OF SMALL ARMS AND AMMUNITION ON AMERICAN VESSELS ENGAGED IN COMMERCE WITH SPAIN

MAY 1, 1937.

Section 10 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution approved August 31, 1935, provides as follows:

SEC. 10. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, or any state wherein civil strife exists, named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels.

Section 11 of the said joint resolution provides a follows:

SEC. 11. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation[1] of May 1, 1937, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

In pursuance of those provisions of the law and of the President's proclamation of May 1, 1937, which are quoted above, the Secretary of State announces that American vessels engaged in commerce with Spain may carry such small arms and ammunition as the masters of these vessels may deem indispensable for the preservation of discipline aboard the vessels.

[SEAL] CORDELL HULL, *Secretary of State.*

[1] 2 F. R. 776.

[F. R. Doc. 37-1297; Filed, May 7, 1937; 9:51 a. m.]

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RULES AND REGULATIONS GOVERNING THE SOLICITING AND RECEIVING OF CONTRIBUTIONS FOR USE IN SPAIN

MAY 5, 1937.

Section 3 of the joint resolution of Congress approved May 1, 1937 (Public Resolution—No. 27—75th Congress—First Session), amending the joint resolution approved August 31, 1935, as amended, provides in part as follows:

(a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state or of any state wherein civil strife exists, named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or of any faction or asserted government within any such state wherein civil strife exists, or of any person acting for or on behalf of any faction or asserted government within any such state wherein civil strife exists, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, faction, asserted government or person, *or to solicit or receive any contribution for any such government, political subdivision, faction, asserted government or person:* * * * *Nothing in this subsection shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, political subdivision, faction, or asserted government, but all such solicitations and collections of funds shall be subject to the approval of the President and shall be made under such rules and regulations as he shall prescribe.* [Italics supplied]

* * * * * * *

(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

On May 1, 1937, the President issued a proclamation[1] in respect to Spain under the authority of section 1 of the said joint resolution thereby making effective in respect to that country the provisions of section 3 of the said joint resolution quoted above.

Section 11 of the said joint resolution provides as follows:

SEC. 11. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of May 1, 1937, referred to above, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

In pursuance of those provisions of the law and of the President's proclamation of May 1, 1937, which are quoted above, the Secretary of State promulgates the following regulations:

(1) Persons, organizations, or associations not acting for or on behalf of the Government of Spain or any political sub-division, faction or asserted government in that country desiring to solicit or collect funds to be used for medical aid and assistance in Spain or for food or clothing to relieve human suffering in that country shall register with the Secretary of State. To this end they shall make application to the Secretary of State in writing.

(2) Persons, organizations, or associations applying to register with the Secretary of State shall submit a statement under oath giving their names and addresses and information, (a) as to the means which they propose to employ to solicit or collect contributions, (b) the purposes for which these contributions are intended, and (c) the name or names and the address or addresses of the persons, organizations, or associations to whom the contributions received are ultimately to be sent; and organizations or associations so applying shall also submit under oath a statement of the names and addresses of their responsible officers.

(3) No person, organization, or association shall solicit or collect contributions without having in his or its possession a notice from the Secretary of State of acceptance of registration which has not been revoked; *Provided, however,* that nothing in this regulation shall be construed as requiring a person acting on behalf of a registrant to have in his possession a notice of acceptance of registration. Notices of acceptance of registration shall not be exhibited or be used in any manner which might be construed as implying official endorsement of organizations engaged in soliciting funds.

(4) Persons, organizations, or associations receiving notification of acceptance of registration shall submit to the Secretary of State on the first of every month following the receipt of such notification, sworn statements, in the form annexed hereto, setting forth the amount of the contributions received and the disposition made thereof.

(5) Registration may be revoked by the Secretary of State for failure to comply with provisions of the law or of these regulations.

ANNEX

Name_____
No. of Notice of Acceptance of Registration_____
Total of funds received by the registrant during the month of _____, 1937, _____
Total of funds expended by the registrant during the month of _____, 1937, for medical aid and assistance in Spain or for food and clothing to relieve human suffering in that country _____
Funds delivered to other persons, organizations, or associations during the month of _____, 1937, with the intention that it be ultimately expended for medical aid and assistance in Spain or for food and clothing to relieve human suffering in that country.

| Names of persons, organizations or associations | Addresses | Amounts |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

[SEAL] CORDELL HULL, *Secretary of State.*

[1] 2 F. R. 776.

[F. R. Doc. 37-1298; Filed, May 7, 1937; 9:51 a. m.]

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## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48953]

CUSTOMS REGULATIONS AMENDED—INVOICING

CUSTOMS REGULATIONS OF 1931, PROVIDING THAT CONSULAR INVOICES ARE NOT REQUIRED FOR IMPORTED MERCHANDISE NOT EXCEEDING $100 IN VALUE, AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 484 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1484 (b)),

article 294 (b) (1) of the Customs Regulations of 1931 is hereby amended to read as follows:

(1) Merchandise not exceeding $100 in dutiable value, and merchandise the purchase price of which, including the cost of packing and other dutiable items, does not exceed $100.

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved: April 30, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1301; Filed, May 7, 1937; 11:31 a. m.]

## WAR DEPARTMENT.

### REGULATIONS

### TO GOVERN THE OPENING OF THE WASHINGTON STREET HIGHWAY BRIDGE AND THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD BRIDGE ACROSS THE NORWALK RIVER AT NORWALK, CONNECTICUT

*The Law*

The River and Harbor Act of August 18, 1894, contains the following section:

SECTION 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

*The Regulations*

In pursuance of the foregoing law, the following regulations are prescribed to govern the opening of the Washington Street highway bridge and the New York, New Haven & Hartford Railroad bridge across the Norwalk River at Norwalk, Connecticut.

1. The owners of, or agencies controlling the above-named bridges shall provide the appliances and personnel necessary for the safe, prompt and efficient operation of the draw.

2. The draw shall be opened promptly when the signal, hereinafter prescribed for the opening of the draw, is received from an approaching vessel or other water craft which cannot pass under the closed draw except as hereinafter provided.

3. *Signals.*—

CALL SIGNALS FOR OPENING OF DRAW

Sound Signals:

Highway Bridge—Three short blasts of horn or whistle.

Railroad Bridge—One long and two short blasts of horn or whistle.

*Except* that for vessels drawing at the time 14 feet and more the above signal shall be followed by one long blast of horn or whistle.

Visual Signals:

To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard.

A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

ACKNOWLEDGING SIGNALS

*By bridge operator.*—
Sound Signals:

Draw to be opened immediately: Same as call signal.

Draw cannot be opened immediately, or, if open, must be closed immediately: 2 long blasts of a horn or whistle, to be closed immediately: 2 long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

Visual Signals:

Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

*By the vessel*—

Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

EXCEPTIONS

The highway bridge: Closed periods when the draw need not be opened except for vessels drawing at the time more than 14 feet of water:

Between 7:15 a. m. to 8:20 a. m.
Between 11:50 a. m. to 12:15 p. m.
Between 12:45 p. m. to 1:00 p. m., and
Between 4:15 p. m. to 5:15 p. m.

The railroad bridge: Closed periods when the draw need not be opened:

When signal for opening the bridge is given between the hours of 7:00 a. m. and 9:00 a. m., or between 4:00 p. m. and 6:00 p. m. and low tide is predicted in the tide tables published by the United States Coast and Geodetic Survey to occur within 1 hour before or after the time when such signal is given, the opening of the bridge may be delayed not to exceed 20 minutes from the time such signal is given. *Provided, however*, that when a train scheduled to pass beyond the bridge without stop has passed the last station nearest the bridge and is in motion toward the bridge, the bridge need not be opened until the approaching train has been brought to a stop.

4. A copy of these regulations shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.



5. These regulations shall take effect and be in force on and after the date of approval hereof and the regulations approved June 21, 1933, to govern the operation of the above named bridges are hereby revoked.

Approved, April 28, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

[F. R. Doc. 37-1296; Filed, May 7, 1937; 9:37 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

THE ALASKA RAILROAD

GENERAL CIRCULAR NO. 379

ANCHORAGE, ALASKA, APRIL 8, 1937.

*To All Concerned:*

Effective April 9, 1937, Dr. Walter C. Graham is appointed Railroad Surgeon at Seward, during the absence of Dr. A. D. Haverstock who has been granted leave of absence for a period of three months.

J. J. DELANEY,
*Acting General Manager.*

The above is hereby confirmed.
April 30, 1937.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37-1299; Filed, May 7, 1937; 9:53 a. m.]

THE ALASKA RAILROAD

DIVISION SHEET NO. 1

[(Cancels Division Sheet No. 1 to Tariff 5-C) to Joint Freight Tariff No. 5-D (I. C. C. No. 121)]

Applying on Class and Commodity rates between Seattle and Tacoma, Wash., and points on THE ALASKA RAILROAD, in ALASKA, in connection with Alaska Steamship Co., via SEWARD, ALASKA, port of interchange.

Governed by the Western Classification No. 66, supplements thereto or reissues thereof, and by exceptions to said classification as published in Joint Freight Tariff, No. 5-D, I. C. C. No. 121, or supplements thereto.

CLASS RATE PROPORTIONS ACCRUING TO ALASKA STEAMSHIP COMPANY

*Via Seward, Alaska*

| Stations | Class Rate Proportions in cents per 100 pounds | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | A | B | C | D | E |
| Primrose, Alaska (Index No. 6) to Anchorage, Alaska (Index No. 40) inclusive | 150 | 130 | 105 | 90 | 80 | 80 | 75 | 65 | 60 | 55 |
| Whitney, Alaska (Index No. 42) to Fairbanks, Alaska (Index No. 232) inclusive | 125 | 105 | 90 | 80 | 75 | 75 | 70 | 60 | 55 | 50 |

BALANCE OF THROUGH CLASS RATES ACCRUES TO THE ALASKA RAILROAD

*Exceptions to Western Classification*

Rates governed by exceptions to Western Classification will divide on class rate basis provided above, except as follows:

| Item | Commodities as described in individual items | Proportions in cents per 100 lbs. accruing to A. S. S. |
|---|---|---|
| 30 | Emigrant movables, carloads, Primrose (Index No. 6) to Anchorage (Index No. 40) inclusive | 75 |
| | Whitney (Index No. 42) to Fairbanks (Index No. 232) inclusive | 70 |
| 35 | Explosives, Viz: Powder, Dynamite, etc., Carloads or less than carloads | 125 |
| 40 | Explosives, Viz: Caps, Fuse, etc., Carloads or less than carloads | 125 |

BALANCE ACCRUES TO THE ALASKA RAILROAD

*Minimum Proportion*

Minimum proportion accruing to the Alaska Steamship Company will be the regular proportion of the class rate for 100 pounds at the class or commodity rate, but in no case less than $1.00.

*Heavy Pieces*

In addition to regular proportions named herein, the Alaska Steamship Company shall receive the entire revenue accruing under Item No. 195, Page 15 of tariff governing charges for handling heavy pieces by steamer.

*Refrigeration—Cool Room Service*

In addition to regular proportions named herein, the Alaska Steamship Company shall receive the entire revenue accruing under Item No. 255, Page 16 of tariff governing charges for handling shipments in Cold Storage or Cool Room on steamer.

Issued to become effective April 1, 1937.
Issued by:

O. F. OHLSON,
*General Manager,*
*Anchorage, Alaska.*

*Commodity Rate Proportions Accruing to Alaska Steamship Company on Traffic To or From Points on the Alaska Railroad and Connecting River Lines, via Seward, Alaska*

| Item no. | Commodity as described in individual items | A. S. S. proportion |
|---|---|---|
| 350 | Agricultural implements and parts | 30 |
| 355 | Airplane motors and cylinders | 125 |
| 360 | Alfalfa seed, etc | 30 |
| 365 | Canned goods | 75 |
| 370 | Cans, empty, including can ends | 105 |
| 375 | Cans, collapsed, including can ends | 40 |
| 380 | Carriers, empty returned beer kegs, etc | 45 |
| 381 | Carriers, viz. cylinders | 30 |
| 385 | Cement, fire clay, etc | 55 |
| 390 | Clams and crab, canned | 35 |
| 395 | Concrete reinforcing bars | 55 |
| 400 | Crabs, clams, fish, fresh | 55 |
| 405 | Explosives, etc | 125 |
| 410 | Fertilizer, etc | 30 |
| 415 | Fibre boxes, K. D | 80 |
| 420 | Fibreboard, etc.: | |
| | Anchorage | 65 |
| | Fairbanks | 60 |
| 425 | Fish, canned, etc | 33 |
| 430 | Fruit and vegetables, fresh | 230 |
| 431 | Fruit, viz. peaches | 116 |
| 435 | Grain and grain products | 65 |
| 440 | Hay and straw, comp | 75 |
| 445 | Hay and straw, s/c.: | |
| | Anchorage | 105 |
| | Fairbanks | 90 |
| 450 | Iron and steel and articles, etc | 80 |
| 455 | Lime, quick | 90 |
| 460 | Logs | 21 |
| 465 | Lumber, piling and poles | 55 |
| 470 | Lumber, common | 35 |
| 475 | Lumber, common | 25 |
| 485 | Meat, fresh, etc | [1] 245 |
| 490 | Meat, fresh | [1] 145 |
| 495 | Mining machinery | 55 |
| 500 | Ore and concentrates | [2] 25 |
| 502 | Petroleum products | 75 |
| 505 | Poles | 45 |
| 510 | Pole line construction material | 61 |
| 515 | Rutabagas and turnips: | |
| | Cordova | 30 |
| | Kodiak | 40 |
| 517 | Sacks: | |
| | L. C. L | 80 |
| | C. L | 75 |
| 520 | Salt | 35 |
| 525 | Sugar | 70 |
| 535 | Vegetables: | |
| | Cordova | 30 |
| | Kodiak | 40 |
| 540 | Vehicles, motor | 450 |
| 545 | Wire, copper | 65 |

[1] Proportion includes refrigerator and/or cool room service.
[2] Where value exceeds $50.00 per 2,000 pounds, proportions will be increased 25 percent for each 100 percent or fraction thereof of excess valuation. Balance accrues to The Alaska Railroad.

The A. S. S. proportions named herein *do not* include wharfage and handling charges at Seattle or Tacoma, which are additional to through rates.

The Alaska Railroad proportion will include wharfage, loading to or unloading from cars, switching and other

terminal service at Seward, Alaska. Lumber to be received at or delivered to ship's tackle at Seward, Alaska.

The above is hereby confirmed.

April 30, 1937.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37-1300; Filed, May 7, 1937; 9:53 a. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 36]

PRODUCTION CREDIT CORPORATION OF ST. PAUL

CONVERSION OF CLASS A STOCK

*To all Production Credit Associations in the States of Minnesota, North Dakota, Wisconsin and Michigan:*

Section 26 (d) of the Bylaws of your association and an identical provision contained in Section 104 (j) (1) Rules and Regulations for Production Credit Associations provide as follows:

*Class A Stock.*—Upon authorization of a loan to a holder of Class A stock the Board of Directors may permit the conversion of any or all of such Class A stock at the fair book value thereof (not to exceed par) into Class B stock in accordance with such terms and conditions as may be prescribed by the Corporation so long as it is the holder of any stock in the Association.

The manner of exercising the right to convert Class A stock into Class B stock was prescribed in PCA Bulletin No. 146 (April 21, 1936), but the privilege of making such conversion is hereby limited as follows:

So much only of Class A stock at the fair book value thereof (not to exceed par) may be converted into Class B stock as will satisfy the B stock requirements for the new loan negotiated by the owner of such stock; provided, that sufficient Class A stock should always be converted so that no fractional share of Class A stock will remain after the completion of the conversion.

[SEAL] PRODUCTION CREDIT CORPORATION OF ST. PAUL.
By GEORGE SUSENS, *President.*

Confirmed:

F. D. ELLIOTT,
*Vice President.*

[F. R. Doc. 37-1302; Filed, May 7, 1937; 11:55 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

AMENDMENT OF RULE 229

ASSIGNMENT OF FREQUENCIES IN AVIATION SERVICE

The Commission at a general session held on April 28, 1937, adopted the following Order amending Rule 229:

*Order*

The Commission having under consideration the assignment of frequencies in the aviation service;

And it appearing that public convenience, interest or necessity requires the assignment of the frequencies hereinafter designated to the various classes of stations named, pursuant to Section 303 (c) of the Communications Act of 1934

It is ordered, That effective this date, the Commission's Rule 229 be amended to read in part as follows:

| Frequency (kc) | | Allocation |
|---|---|---|
| • | • | • |
| 8240 | | Ship telegraph and aviation |
| • | • | • |
| 10,850 | | Fixed |
| | 10,855 | Aviation |
| 10,860 | | Fixed |
| • | • | • |
| 11,460 | | Fixed |
| | 11,470 | Aviation |
| 11,475 | | Government |
| • | • | • |
| 11,910 | | Aviation |
| • | • | • |
| 11,955 | | Fixed |
| | 11,960 | Aviation |
| 11,970 | | Fixed |
| • | • | • |
| 17,000 | | Coastal telegraph and aviation |
| • | • | • |
| 18,360 | | Aviation |

By the Commission.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 37-1293; Filed, May 7, 1937; 9:37 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[IT-5466]

APPLICATION OF PENNSYLVANIA ELECTRIC COMPANY AND THE CLARION RIVER POWER COMPANY FOR APPROVAL OF THE SALE OF ALL OF THE FRANCHISES AND PROPERTY OF THE CLARION RIVER POWER COMPANY TO PENNSYLVANIA ELECTRIC COMPANY

ORDER SETTING HEARING

Upon joint application of Pennsylvania Electric Company and The Clarion River Power Company filed April 30, 1937, under the provisions of Sections 8 and 203 of the Federal Power Act, for approval of the transfer of all of the franchises and property of said The Clarion River Power Company, including the Federal Power Commission license for Project No. 309 to Pennsylvania Electric Company for a consideration of $5,963,767.07, representing the cancellation of an indebtedness in said amount, and the assumption by Pennsylvania Electric Company of all debts and liabilities of said The Clarion River Power Company;

It is ordered: That a hearing upon said application be held on Wednesday, June 2, 1937, at 10:00 A. M., in the Commission's hearing room at Washington, D. C.

Adopted by the Commission on May 4, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1294; Filed, May 7, 1937; 9:37 a. m.]

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 874]

IN RE VIOLATION OF LICENSE BY WOODHOUSE MINING COMPANY

ORDER TO SHOW CAUSE

Upon consideration of licensed project No. 874, constructed under license issued to Woodhouse Mining Company on May 20, 1930, and upon the entire record in said matter, from which consideration it appears that the project works were constructed in violation of the plans and specifications approved by the Commission, and that such violation has not been remedied although licensee was notified by letter of July 27, 1936, that if such violation were not remedied by January 31, 1937, the matter would be brought to the attention of the Commission for reference to the Attorney General for revocation of license; and that no reply has been received by the Commission to said letter;

It is ordered:

(1) That Woodhouse Mining Company, licensee for project No. 874, appear at the office of the Commission in the Phelan Building, Market and O'Farrell Streets, San Francisco, California, at 10 o'clock a. m., on Thursday, June 10, 1937, to show cause why the matter of its violation of said license should not be referred to the Attorney General;



(2) That E. W. Kramer, Regional Director of the Commission at San Francisco, California, be and he is hereby designated as Examiner to conduct said hearing and for the purpose of said hearing to have all the rights, powers, and duties of an Examiner as prescribed in the Commission's order of January 28, 1936.

Adopted by the Commission on May 4, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1295; Filed, May 7, 1937; 9:37 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D., 1937.

[File No. 46-44]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Middle West Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it from Middle West Utilities Company of Canada, Ltd., all of whose outstanding securities are owned by applicant, of 3,000 shares of $6 Cumulative Preferred Stock without par value of Central Illinois Public Service Company, a subsidiary of applicant, for $199,563.75 in cash, and of 308 shares of common stock, without par value but having a stated value of $20 per share, of Kentucky Securities Company, a subsidiary of Kentucky Utilities Company which is a subsidiary of applicant, for $7,237 in cash.

It is ordered that a hearing on such matter be held on May 26, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 21, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1303; Filed, May 7, 1937; 12:51 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D. 1937.

[File No. 31-397]

IN THE MATTER OF THE APPLICATION OF PHELPS DODGE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Phelps Dodge Corporation, pursuant to Section 3 (a) (3) of the Public Utility Holding Company Act of 1935, for exemption as a holding company from the provisions of said Act,

It is ordered that a hearing on such matter be held on May 21, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 15, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1304; Filed, May 7, 1937; 12:51 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D. 1937.

[File No. 43-44]

IN THE MATTER OF SAN ANTONIO PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by San Antonio Public Service Company, a subsidiary of American Light & Traction Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the reclassification and change of the declarant's outstanding 55,000 shares of $100 par value common stock, all owned by said American Light & Traction Company, into a like number of shares of no par value common stock, fixing of the stated value thereof at $70 per share, thus reducing the common stock liability of declarant by $1,650,000, and the issue and exchange of new certificates representing the no par value common stock for the outstanding certificates representing the $100 par common stock, it being stated that the proposed transaction will permit declarant to write off an item of $2,507,263.93 of "going-concern value."

It is ordered that a hearing on such matter be held on May 25, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative or interested con-

sumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 20, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1305; Filed, May 7, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-PEACHES FARM, FILED ON APRIL 13, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:30 o'clock in the forenoon on the 7th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:00 o'clock in the afternoon on the 21st day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1307; Filed, May 7, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-TUNNELL #59 FARM, FILED ON MARCH 24, 1937, BY P. R. KNICKERBOCKER, RESPONDENT.

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 3, 1937, be effective as of May 3, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1306; Filed, May 7, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WAMHOFF-MUSE FARM, FILED ON APRIL 29, 1937, BY W. E. COOK, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 6, may not be correct;

(2) In that the name of the farm, as set forth in Division II, Item 2 (a), does not agree with the name disclosed by Exhibit A;

(3) In that the name of the railroad, required to be given in Division II, Item 10 (d), is omitted;

(4) In that the statement required to be made following Division II, Item 11, is omitted;

(5) In that it appears from the statement made in Division II, Item 12, that McMinn and Morton are the operators of the tract involved, which information is not disclosed by Exhibit A;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 21st day of May, 1937, at 11:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*

[F. R. Doc. 37-1311; Filed, May 7, 1937; 12:52 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA-GASSOWAY FARM, FILED ON APRIL 29, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, may not be correct;

(2) In that the Commission has information to the effect that the Amerada is the operator of this lease, which information does not agree with the statement made by you in Division II, Item 2 (d);

(3) In that the statement "no water has been reported", given in Division II, Item 13, does not agree with the information disclosed in Division II, Item 16 (a) (iii), wherein it is shown that well #2, located upon the tract involved, has produced as high as 87% water;

(4) In that the representations made in Division II, Item 13, should be of a factual nature, and for that reason it is not believed that the statement "The trend of the structure in this area, generally speaking, is thought to be north and south, and from the contours projected it appears that the entire Gassoway tract should be productive." is properly included in the information given in this item;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 21st day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1308; Filed, May 7, 1937; 12:52 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-DEBORD "A" FARM, FILED ON APRIL 29, 1937, BY ROBERT L. KINKAID, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not believed to be correct;

(2) In that it is not believed that the information given in Division II, Item 16 (a) (iii), relative to the gross production of water from the tract involved, truly reflects the current condition of the property by reason of the fact that the Commission has information to the effect that said tract, during the month of March, 1937, was producing in excess of 25% water, which information was available to the offeror prior to the filing of the offering sheet with the Commission;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 21st day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1309; Filed, May 7, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR ET AL.-SMITH FARM, FILED ON APRIL 29, 1937, BY L. H. WITWER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the information given in Division II, Item 1, relative to the number of barrels of oil which must be produced before the smallest fractional interest proposed to be offered will be entitled to receive one barrel, does not appear to be set forth in the offering sheet in such a manner as to make the information therein given not misleading;

(2) In that the statement made in Division II, Item 2 (c), may not be correct and does not agree with the information disclosed by Exhibit B. The information given in Division II, Item 2 (c), should be fully explained;

(3) In that the lease boundaries of the tract in which the grantees of the proposed mineral deed attached to the offering sheet as Exhibit B will participate, are not clearly defined in Exhibit A, and without a full and complete explanation the information given by said Exhibit A might be misleading;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 21st day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1310; Filed, May 7, 1937; 12:52 p. m.]

*Tuesday, May 11, 1937* *No. 90*

TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 48955]

REGULATIONS FOR ENTRY OF ARTICLES FOR THE EXHIBITION TO BE HELD AT DALLAS, TEXAS, IN 1937, BY THE GREATER TEXAS AND PAN-AMERICAN EXPOSITION

MAY 3, 1937.

*To Collectors of Customs and Others Concerned:*

Attention is invited to the provisions of Public Resolution No. 16 of the Seventy-fifth Congress, approved March 27, 1937, which read as follows:

That all articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at Dallas, Texas, beginning in June 1937, by the Greater Texas and Pan-American Exposition, a corporation, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Greater Texas and Pan-American Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the Greater Texas and Pan-American Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

(1) All packages containing imported merchandise to be entered under the provisions of the joint resolution shall be plainly marked "Greater Texas and Pan-American Exposition" and with the name of the country of origin and shall bear separate serial numbers.

(2) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of the joint resolution and valued at more than $100, must be covered by consular invoices certified as provided in article 271 of the Customs Regulations of 1931. Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1481) and shall show that the articles covered thereby are destined to the port of Dallas and are intended for exhibition or use at



the Greater Texas and Pan-American Exposition, Dallas, Texas.

(3) The Greater Texas and Pan-American Exposition shall give to the deputy collector of customs at Dallas, Texas, such security for compliance with the joint resolution and these regulations as may be approved by the Commissioner of Customs.

(4) The collector of customs at Galveston shall detail an officer to act as his representative at the Greater Texas and Pan-American Exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(5) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the Greater Texas and Pan-American Exposition or transferred thereto for exhibition, shall be reimbursed by the Greater Texas and Pan-American Exposition to the Government, payment to be made monthly to the deputy collector of customs, Dallas, Texas, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the revenue from customs."

(6) Articles to be entered under these regulations which arrive at ports other than Dallas shall be entered for immediate transportation without appraisement to the latter port in the manner provided by the general customs regulations.

(7) Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the Greater Texas and Pan-American Exposition in the manner prescribed in article 446 (c) of the Customs Regulations of 1931, except that in each case an entry under paragraph (8) of these regulations shall be filed, which shall supersede any previous entry, and no new bond other than that specified in paragraph (3) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the Greater Texas and Pan-American Exposition in the manner prescribed in article 318 of the Customs Regulations of 1931, as amended by (1934) T. D. 47021 and (1936) T. D. 48505.

(8) Upon the arrival at the port of Dallas of articles to be entered under these regulations the same should be entered on a special form of entry to read substantially as follows:

Entry for Exhibition

Entry No. ------

Entry at the port of Dallas of articles consigned or transferred to the Greater Texas and Pan-American Exposition under ---------- I. T. No. ------ ex S. S. ---------- from ---------- on the -------- day of ---------- ------ 1937, for exhibition purposes under Public Resolution No. 16 of the Seventy-fifth Congress, approved March 27, 1937.

| Mark | Number | Package and contents | Quantity | Invoice | Value |
|---|---|---|---|---|---|
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GREATER TEXAS AND PAN-AMERICAN EXPOSITION.

By ----------

(9) Upon such entry being made, the deputy collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the deputy collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. Upon the receipt of the articles at such buildings or at the appraiser's stores, the same shall be given a tentative appraisal prior to their exhibition or use. All imported exhibits so received in such buildings shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with paragraph (11) of these regulations.

(10) If for any reason articles imported for entry under these regulations are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the deputy collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided, or under the general tariff law, or for exportation. If not so entered within such period they will be regarded as abandoned to the Government.

(11) Any articles entered under these regulations may be withdrawn for exportation, for abandonment to the Government, destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal.

(12) At any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in article 810 of the Customs Regulations of 1931, as amended by (1936) T. D. 48099.

(13) Any articles entered under these regulations which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

(14) All entries under these regulations shall be made in the name of the Greater Texas and Pan-American Exposition, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and/or charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law, in the name of any person duly authorized in writing by the Greater Texas and Pan-American Exposition to make such entry, may be accepted by the deputy collector, and the bond of the Greater Texas and Pan-American Exposition shall thereafter be considered as collateral security for any duties and/or charges accruing on the merchandise covered by any such entry, unless the entry is for permanent exhibition, in which case the liability of the Greater Texas and Pan-American Exposition under its bond with respect to the articles covered by such entry, shall be terminated when the security required by the general tariff law has been given.

(15) The marking requirements of the Tariff Act of 1930 and the regulations promulgated thereunder will not apply to articles imported under these regulations except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act and the regulations

promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1319; Filed, May 7, 1937; 4:17 p. m.]

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## Public Debt Service.

[Department Circular No. 530, Revised; First Amendment]

AMENDMENT OF REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

APRIL 23, 1937.

*To Owners of United States Savings Bonds, and Others Concerned:*

1. Section VI of Department Circular No. 530, Revised, Dated December 16, 1936, is hereby amended to read as follows:

VI. GENERAL PAYMENT PROVISIONS

1. Savings bonds will be payable at or after maturity at their full value, or, at the option of the owner, will be redeemed prior to maturity (but not within 60 days after the issue date) at the appropriate redemption value as shown on the face of each bond. In order to secure payment the owner should present and surrender the bond as hereinafter provided (see paragraphs 6, 7 and 8 of this section), with the request for payment appearing on the back of the bond properly executed in accordance with the succeeding paragraphs.

2. The request for payment must be signed in ink or indelible pencil by the person in whose name the savings bond is inscribed or by the person entitled to receive payment under the provisions hereof. No request signed in behalf of the owner by an agent or a person acting under a power of attorney will be recognized by the Treasury Department. If the name of the owner or person entitled to receive payment, as it appears in the inscription, has been changed by marriage, or in any other legal manner, the signature to the request for payment should show both names and in the manner in which the change was made, as, for example, "Miss Mary T. Jones, now by marriage Mrs. Mary T. Smith". In the case of a change of name through divorce or by order of court, the request must be supported by a certified copy of the divorce decree or order of court.

3. The request for payment must be signed in the presence of, and be certified by, one of the following officers:

(a) Any United States postmaster, acting postmaster, or inspector in charge of a post office, or—

(1) At any post office of the first class (main office), the assistant postmaster, the postal cashier, superintendent of money orders, money order cashier, assistant cashier, bookkeeper, or foreman;

(2) At any post office of the second or third class the assistant postmaster or, if there is none, the clerk temporarily in charge of the office;

(3) At any classified branch or station the superintendent, assistant superintendent, assistant cashier, bookkeeper, foreman, clerk in charge, or employee temporarily in charge.

If any of the above designated post office officials other than a postmaster, acting postmaster, or inspector in charge of an office certifies to a request for payment, he should certify in the name of the postmaster, acting postmaster, or inspector in charge, followed by his own signature and official title, as, for example, "John Doe, postmaster, by Richard Roe, postal cashier". In the case of a clerk in charge of an office, branch, or station, the official title should be followed by the name of such office, branch, or station, as, for example, "John Doe, postmaster, by Richard Roe, clerk in charge, Main Street Station". The certification of any post office official must be authenticated by a legible imprint of a dating stamp of his post office.

(b) Any executive officer of an incorporated bank or trust company, whose signature must be authenticated by a legible impression of the corporate seal of the bank or trust company.

(c) Any officer authorized generally to witness assignments of United States registered bonds (see paragraphs 33-35, Department Circular No. 300, as amended).

4. No person authorized to certify requests for payment may certify a request for payment of a bond of which he is the owner, or in which he has an interest, either in his own right or in any representative capacity.

5. Certifying officers should require positive identification of the person executing the request for payment as the person whose name appears on the face of the bond, or the person entitled to request payment under the provisions of these regulations, and will be held fully responsible therefor.

6. If a savings bond is registered in the name of a natural person in his own right (see Section I, paragraph 2 (a)), or in the name of an incorporated or unincorporated body in its own right (see Section I, paragraph 2 (c)), and payment is to be made to the registered owner, the bond, after the request for payment has been duly executed as above provided, should be presented and surrendered to a Federal Reserve bank, or to the Treasurer of the United States, Washington, D. C.

7. If a savings bond is registered in the name of a fiduciary (see Section I, paragraph 2 (b)), or if payment is to be made to any person other than the registered owner, the bond, after the request for payment has been duly executed as above provided, should be presented and surrendered to the Treasury Department, Division of Loans and Currency, Washington, D. C., either direct or through any Federal Reserve bank.

8. In all cases presentation will be at the expense and risk of the owner, and, for his protection, the bonds should be forwarded by registered mail if not presented in person. Payment will be made by issuance of a check drawn to the order of the owner or other person entitled to payment and mailed to him at the address given in his request for payment.

2. The Secretary of the Treasury reserves the right to withdraw or amend this amendment at any time.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 37-1322; Filed, May 8, 1937; 12:24 p. m.]

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[Department Circular No. 571; First Amendment]

UNITED STATES SAVINGS BONDS—SERIES C

PAYMENT AT, OR REDEMPTION PRIOR TO MATURITY

APRIL 23, 1937.

Paragraph 11 of Department Circular No. 571, dated December 16, 1936, is hereby amended to read as follows:

11 (a) Any savings bond will be paid in full at maturity, or redeemed in whole or in part at the appropriate redemption value prior to maturity (but not within 60 days after the issue date), in accordance with the terms of the bond, and as provided in Department Circular No. 530, Revised, following presentation and surrender of the bond, by registered mail or otherwise, at the expense and risk of the owner, to the Treasury Department, Division of Loans and Currency, Washington, D. C., either direct or through any Federal Reserve Bank.

(b) Presentation for payment may also be made by registered mail or otherwise, at the expense and risk of the owner, at any agency or agencies which the Secretary of the Treasury may from time to time by regulation designate, and under such limitations as may be prescribed in such regulation.

(c) In all cases the request for payment appearing on the back of the bond must be duly executed by the owner in the presence of and certified by:

(1) Any United States postmaster or any other post office official authorized for that purpose (see Department Circular No. 530, Revised), whose signature must be authenticated by the imprint of his post office dating stamp;

(2) An executive officer of an incorporated bank or trust company (authenticated by the impress of the corporate seal of the bank or trust company); or

(3) Any other person duly designated by the Secretary of the Treasury for that purpose.

In case of the death or disability of the registered owner instructions should be obtained from the Treasury Department, Division of Loans and Currency, Washington, D. C., before the request is executed.

(d) Postmasters generally will assist owners in securing payment at or before maturity but they will not make payment of savings bonds. Payment in all cases will be made by issuance of a check drawn to the order of the owner or other person entitled to payment.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 37-1321; Filed, May 8, 1937; 12:24 p.m.]

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## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

[No. 6]

MILK RIVER IRRIGATION PROJECT

PUBLIC NOTICE OF ANNUAL WATER CHARGES [1]

APRIL 26, 1937.

1. Water rental charges for water delivered during the irrigation season of 1937, and thereafter until further notice, shall be as follows:

*Lands Within Irrigation Districts*

(a) For Class 5 lands within the Malta and Glasgow irrigation districts, 75 cents per acre foot, payable in advance, for lands actually irrigated;

(b) For State and public lands under lease and not subject to district taxation within the Malta and Glasgow irrigation districts, two dollars and twenty-five cents ($2.25) per irrigable acre, entitling the water user to one acre foot per acre, and one dollar and fifty cents ($1.50) per acre foot for additional water, payable in advance for lands actually irrigated;

(c) For lands irrigated by pumping within the Chinook, Malta, and Glasgow irrigation districts, one dollar ($1.00) per acre for lands irrigated. Payment for such service shall be made in advance, and the minimum charge shall be ten dollars ($10).

Water rental charges for lands in classes (a), (b), and (c), shall be paid by the water users to the irrigation districts in which the lands are located; provided that the irrigation districts after collecting the charges will credit each acre of land of classes (b) and (c) for which payments are made with fifty (50) cents per acre as an advance payment of construction charges to be assessed against such lands after they become subject to irrigation district taxation.

*Lands Outside of Irrigation Districts*

(d) For lands irrigated by gravity in the Malta and Glasgow divisions outside of the limits of the Malta and Glasgow irrigation districts, two dollars and fifty cents ($2.50) per acre of land actually irrigated, entitling the water user to not to exceed one acre foot of water, and one dollar and fifty cents ($1.50) per acre foot for additional water. Payment of the minimum charge, which shall be not less than $10, shall be made in advance of the delivery of water and subsequent payments for additional water, which also shall be not less than $10 each, shall be made when such additional water is ordered.

(e) For lands irrigated by pumping in the Malta and Glasgow divisions outside of the limits of the Malta and Glasgow irrigation districts, one dollar and twenty-five cents ($1.25) per acre of land irrigated, payment to be made in advance of the delivery of water with a minimum charge of $10.

Payment of water rental charges for lands of classes (d) and (e) shall be made to the Bureau of Reclamation, Malta, Montana.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1324; Filed, May 10, 1937; 9:36 a. m.]

[1] Act of June 17, 1932, 32 Stat. 388, as amended and supplemented

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ECR—B-101—Delaware, Supplement (a) Issued May 7, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—DELAWARE, SUPPLEMENT (A)

*1937 Acreage of Soil-Conserving Crops*

Section 4 of Part I of East Central Region Bulletin No. 101—Delaware, is hereby amended by the addition of the following, at the end of the first paragraph thereof:

Notwithstanding the foregoing provisions of this section 4, in the event (1) that all of the cropland on the farm is used in 1937 for the production of soil-conserving or soil-depleting crops; (2) that the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops for the farm; and (3) that the County Committee finds it is not practicable, because of the effects of flood, drouth or other unfavorable weather conditions, for the 1937 acreage of soil-conserving crops to equal the minimum acreage of soil-conserving crops for the farm; no deduction will be made for such part of the deficiency as the County Committee finds is due to an increase in the acreage of soil-depleting crops grown to replace a shortage of feed crops on the farm caused by flood, drouth or other unfavorable weather conditions in 1936 or 1937.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1312; Filed, May 7, 1937; 1:03 p. m.]

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ECR—B-101—Kentucky, Supplement (b) Issued May 7, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—KENTUCKY, SUPPLEMENT (B)

*1937 Acreage of Soil-Conserving Crops*

Section 5 of Part I of East Central Region Bulletin No. 101—Kentucky, is hereby amended by the addition of the following, at the end of the first paragraph thereof:

Notwithstanding the foregoing provisions of this section 5, in the event (1) that all of the cropland on the farm is used in 1937 for the production of soil-conserving or soil-depleting crops; (2) that the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops for the farm; and (3) that the County Committee finds it is not practicable, because of the effects of flood, drouth or other unfavorable weather conditions, for the 1937 acreage of soil-conserving crops to equal the minimum acreage of soil-conserving crops for the farm; no deduction will be made for such part of the deficiency as the County Committee finds is due to an increase in the acreage of soil-depleting crops grown to replace a shortage of feed crops on the farm caused by flood, drouth or other unfavorable weather conditions in 1936 or 1937.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1317; Filed, May 7, 1937; 1:04 p. m.]

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ECR—B-101—Maryland, Supplement (a) Issued May 7, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—MARYLAND, SUPPLEMENT (A)

*1937 Acreage of Soil-Conserving Crops*

Section 5 of Part I of East Central Region Bulletin No. 101—Maryland, is hereby amended by the addition of the following, at the end of the first paragraph thereof:

Notwithstanding the foregoing provisions of this section 5, in the event (1) that all of the cropland on the farm is used in 1937 for the production of soil-conserving or soil-depleting crops; (2) that the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops for the farm; and (3) that the County Committee finds it is not practicable, because of the effects of flood, drouth or other unfavorable weather conditions, for the 1937 acreage of soil-conserving crops to equal the minimum acreage of soil-conserving crops for the farm; no deduction will be made for such part of the deficiency as the County Committee finds is due to an increase in the acreage of soil-depleting crops grown to replace a shortage of feed crops on the farm caused by flood, drouth or other unfavorable weather conditions in 1936 or 1937.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1313; Filed, May 7, 1937; 1:03 p. m.]

ECR—B-101—North Carolina, Supplement (a) Issued May 7, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—NORTH CAROLINA, SUPPLEMENT (A)

*1937 Acreage of Soil-Conserving Crops*

Section 5 of Part I of East Central Region Bulletin No. 101—North Carolina, is hereby amended by the addition of the following, at the end of the first paragraph thereof:

Notwithstanding the foregoing provisions of this section 5, in the event (1) that all of the cropland on the farm is used in 1937 for the production of soil-conserving or soil-depleting crops; (2) that the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops for the farm; and (3) that the County Committee finds it is not practicable, because of the effects of flood, drouth or other unfavorable weather conditions, for the 1937 acreage of soil-conserving crops to equal the minimum acreage of soil-conserving crops for the farm; no deduction will be made for such part of the deficiency as the County Committee finds is due to an increase in the acreage of soil-depleting crops grown to replace a shortage of feed crops on the farm caused by flood, drouth or other unfavorable weather conditions in 1936 or 1937.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 1314; Filed, May 7, 1937; 1:03 p. m.]

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ECR—B-101—Tennessee, Supplement (b) Issued May 7, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—TENNESSEE, SUPPLEMENT (B)

*1937 Acreage of Soil-Conserving Crops*

Section 5 of Part I of East Central Region Bulletin No. 101—Tennessee, is hereby amended by the addition of the following, at the end of the first paragraph thereof:

Notwithstanding the foregoing provisions of this section 5, in the event (1) that all of the cropland on the farm is used in 1937 for the production of soil-conserving or soil-depleting crops; (2) that the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops for the farm; and (3) that the County Committee finds it is not practicable, because of the effects of flood, drouth or other unfavorable weather conditions, for the 1937 acreage of soil-conserving crops to equal the minimum acreage of soil-conserving crops for the farm; no deduction will be made for such part of the deficiency as the County Committee finds is due to an increase in the acreage of soil-depleting crops grown to replace a shortage of feed crops on the farm caused by flood, drouth or other unfavorable weather conditions in 1936 or 1937.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1316; Filed, May 7, 1937; 1:04 p. m.]

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ECR—B-101—Virginia, Supplement (b) Issued May 7, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—VIRGINIA, SUPPLEMENT (B)

*1937 Acreage of Soil-Conserving Crops*

Section 5 of Part I of East Central Region Bulletin No. 101—Virginia, is hereby amended by the addition of the following, at the end of the first paragraph thereof:

Notwithstanding the foregoing provisions of this section 5, in the event (1) that all of the cropland on the farm is used in 1937 for the production of soil-conserving or soil-depleting crops; (2) that the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops for the farm; and (3) that the County Committee finds it is not practicable, because of the effects of flood, drouth, or other unfavorable weather conditions, for the 1937 acreage of soil-conserving crops to equal the minimum acreage of soil-conserving crops for the farm; no deduction will be made for such part of the deficiency as the County Committee finds is due to an increase in the acreage of soil-depleting crops grown to replace a shortage of feed crops on the farm caused by flood, drouth or other unfavorable weather conditions in 1936 or 1937.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1318; Filed May 7, 1937; 1:04 p. m.]

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ECR—B-101—West Virginia, Supplement (a) Issued May 7, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—WEST VIRGINIA, SUPPLEMENT (A)

*1937 Acreage of Soil-Conserving Crops*

Section 5 of Part I of East Central Region Bulletin No. 101—West Virginia, is hereby amended by the addition of the following, at the end of the first paragraph thereof:

Notwithstanding the foregoing provisions of this section 5, in the event (1) that all of the cropland on the farm is used in 1937 for the production of soil-conserving or soil-depleting crops; (2) that the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops for the farm; and (3) that the County Committee finds it is not practicable, because of the effects of flood, drouth or other unfavorable weather conditions, for the 1937 acreage of soil-conserving crops to equal the minimum acreage of soil-conserving crops for the farm; no deduction will be made for such part of the deficiency as the County Committee finds is due to an increase in the acreage of soil-depleting crops grown to replace a shortage of feed crops on the farm caused by flood, drouth or other unfavorable weather conditions in 1936 or 1937.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1315; Filed, May 7, 1937; 1:04 p. m.]

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NER—B-101—Pennsylvania—Supplement (6) Issued May 8, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (6)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1), (2), (3), (4), and (5) thereto, is hereby amended as follows:

I

In order to correct a clerical error, the definition of "General soil-depleting base" contained in Part IX, "Definitions", which reads as follows:

*General soil-depleting* base means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops.

is stricken out and in lieu thereof the following is inserted:

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops except tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 8th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1328; Filed, May 10, 1937; 12:35 p. m.]

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WR—B-101, Oregon, Part X Issued May 8, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—OREGON, PART X

Western Region Bulletin No. 101—Oregon is hereby supplemented by adding thereto the following Part X.

*Part X. County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Oregon:

| County | Average Rate Per Acre for Diversion From Soil-Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment [2] | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Baker | $7.90 | $5.25 | $1.05 |
| Benton | 6.70 | 4.50 | .90 |
| Clackamas | 7.80 | 5.25 | 1.05 |
| Clatsop | 7.50 | 5.00 | 1.00 |
| Columbia | 8.60 | 5.70 | 1.14 |
| Coos | 9.00 | 5.95 | 1.19 |
| Crook | 6.50 | 4.30 | .86 |
| Curry | 7.20 | 4.80 | .96 |
| Deschutes | 7.00 | 4.65 | .93 |
| Douglas | 6.30 | 4.20 | .84 |
| Gilliam | 2.90 | 1.95 | .39 |
| Grant | 5.50 | 3.65 | .73 |
| Harney | 4.50 | 3.00 | .60 |
| Hood River | 8.90 | 5.95 | 1.19 |
| Jackson | 6.90 | 4.60 | .92 |
| Jefferson | 2.30 | 1.50 | .30 |
| Josephine | 6.80 | 4.50 | .90 |
| Klamath | 7.30 | 4.90 | .98 |
| Lake | 4.90 | 3.30 | .66 |
| Lane | 6.20 | 4.10 | .82 |
| Lincoln | 6.60 | 4.40 | .88 |
| Linn | 6.50 | 4.35 | .87 |
| Malheur | 10.00 | 6.70 | 1.34 |
| Marion | 7.20 | 4.80 | .96 |
| Morrow | 3.00 | 2.00 | .40 |
| Multnomah | 7.50 | 5.00 | 1.00 |
| Polk | 7.00 | 4.65 | .93 |
| Sherman | 3.80 | 2.55 | .51 |
| Tillamook | 7.20 | 4.80 | .96 |
| Umatilla | 5.50 | 3.65 | .73 |
| Union | 6.30 | 4.20 | .84 |
| Wallowa | 5.40 | 3.60 | .72 |
| Wasco | 4.50 | 3.00 | .60 |
| Washington | 8.50 | 5.65 | 1.13 |
| Wheeler | 4.30 | 2.90 | .58 |
| Yamhill | 7.90 | 5.25 | 1.05 |

[1] Pursuant to section 1, part II of W. R. Bulletin 101—Oregon.
[2] Pursuant to subsection A-2, section 3, part III of W. R. Bulletin 101—Oregon.
[3] Pursuant to subsections A-3 and B-1 of section 3, part III of W. R. Bulletin 101—Oregon.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 8th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1327; Filed, May 10, 1937; 12:35 p. m.]

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## Bureau of Animal Industry.

[Amendment 11 to B. A. I. Order 350]

REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND PUREBRED ANIMALS

AMENDING REGULATION 2, SECTION 3, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD ACROSS THE SEAS

[Effective on and after May 10, 1937]

Regulation 2, section 3, paragraph 1, of the regulations governing the recognition of breeds and purebred animals, effective under date of July 1, 1935, and identified as B. A. I. Order 350, is hereby amended so as to include and recognize for the purposes enumerated thereunder the following breed and book of record:

*Dogs*

| Name of breed | Book of record | By whom published |
|---|---|---|
| Welsh Hound | Welsh Hound Stud Book. | Welsh Hound Association, Capt. T. A. Howson, secretary, Offices of the Royal Welsh Agricultural Society, Queen Building, Queen Street, Wrexham, England. |

Done at Washington this 8th day of May, 1937.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1326; Filed, May 10, 1937; 12:35 p. m.]

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## FARM CREDIT ADMINISTRATION.

[FCA 38]

PRODUCTION CREDIT CORPORATION OF HOUSTON

TRANSFER AND CONVERSION OF CLASS A STOCK

*To All Production Credit Associations in the State of Texas:*

The following regulation is prescribed pursuant to Section 23 of the Farm Credit Act of 1933:

Class A stock may be converted into class B stock only when a loan has been approved to the holder of such class A stock and then the amount of stock to be converted must be limited to the amount necessary to enable the holder to obtain sufficient class B stock for his loan.

[SEAL] PRODUCTION CREDIT CORPORATION OF HOUSTON,
By VIRGIL P. LEE, *President.*

Confirmed:
JNO. H. SEALE, Jr., *Secretary.*

[F. R. Doc. 37-1323; Filed, May 10, 1937; 9:36 a. m.]

[FCA 37]

PRODUCTION CREDIT CORPORATION OF WICHITA

DIVISION OF LENDING AUTHORITY BETWEEN STATE-WIDE AND LOCAL PRODUCTION CREDIT ASSOCIATIONS IN COLORADO AND NEW MEXICO

*To All Production Credit Associations in the States of Colorado and New Mexico:*

The following regulations are prescribed pursuant to Section 23 of the Farm Credit Act of 1933:

1. The Colorado Livestock Production Credit Association of Denver, Colorado, and the Albuquerque Production Credit Association of Albuquerque, New Mexico, shall have authority to accept applications for and grant loans where the maximum amount of the original disbursement of loan proceeds (amount to be disbursed on closing of loan) will exceed $15,000 and all other associations in Colorado and New Mexico shall have authority to accept applications for and grant loans where said original disbursement is $15,000 or less. The amount of the loan commitment or advances authorized to be made shall not be taken into consideration in determining the amount of a loan, but the said original disbursement of loan proceeds shall be considered to be the controlling factor.

2. In case of renewals, every association in Colorado and New Mexico carrying a loan is authorized to accept applications for such renewals, regardless of the original disbursement of loan proceeds as hereinbefore defined, or of the total commitment; provided, however, that if the amount of the loan exceeds $15,000, the borrower may place application with the appropriate association specifically named in paragraph (1) hereof, if he desires to do so and likewise, if the amount of the renewal is $15,000 or less, the borrower may place application with the proper association transacting business in his particular territory.

3. The foregoing regulations shall govern lending operations of all associations in Colorado and New Mexico; provided, that the Albuquerque Production Credit Association of Albuquerque, New Mexico, shall not be bound by the limitations in paragraphs (1) and (2) hereof as to amounts of loans it may make within the counties of Bernalillo, Torrance, Santa Fe, Sandoval, Valencia, Catron, Socorro, McKinley, San Juan, Rio Arriba and Taos, New Mexico, and provided further, that any association in the states of Colorado and New Mexico will not be bound by the limitations as set forth in Paragraphs (1) and (2) herein, when granting loans to members of their respective boards of directors.

4. This regulation shall supersede all regulations heretofore issued in conflict herewith.

[SEAL] PRODUCTION CREDIT CORPORATION OF WICHITA.
By D. L. MULLENDORE, *President.*

Certified:
HARRY H. OLDEN,
*Secretary and Treasurer.*

[F. R. Doc. 37-1325; Filed, May 10, 1937; 11:44 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 16]

APPLICATION OF THE NIAGARA FALLS POWER COMPANY FOR AMENDMENT OF LICENSE

POSTPONEMENT OF HEARING

Upon petition filed May 4, 1937, pursuant to Section 2 of Rule 309-3 of the Commission's Rules of Practice and Regulations, by the Power Authority of the State of New York, with offices at Room 554, State Office Building, 80 Centre Street, New York City, New York, for leave to intervene and become a party to the proceedings before the Commission on the application of The Niagara Falls Power Company for amendment of license for Project No. 16 to divert an additional 275 cubic feet of water per second through said project;

It is ordered:

(1) That the licensee, The Niagara Falls Power Company, be and it is hereby given until May 14, 1937, to answer the petition filed by said Power Authority of the State of New York to intervene and become a party to said proceedings; and

(2) That the hearing heretofore set for Tuesday, May 11, on said application for amendment be and it is hereby postponed to the 7th day of June, 1937.

Adopted by the Commission on May 7, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1320; Filed, May 7, 1937; 4:33 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933—SECURITIES EXCHANGE ACT OF 1934

RULE ADOPTING FORMS 2-MD, 3-MD, AND 4-MD

*Amendment of Rule MD2*

The Securities and Exchange Commission, finding

(1) That the requirements of the following forms for annual reports pursuant to Section 15 (d) of the Securities Exchange Act of 1934—

(a) Form 2-MD for Investment Trusts having Securities Registered on Form C-1,
(b) Form 3-MD for Voting Trust Certificates, and
(c) Form 4-MD for Certificates of Deposit,

as more specifically defined in the instruction books for such respective forms, are necessary and appropriate in the public interest and for the proper protection of investors and to insure fair dealing in such securities as are registered under the Securities Act of 1933 and as to which such respective forms are to be used; and

(2) That the information called for by such respective forms and the exhibits specified in such instruction books are required to keep reasonably current the information and documents filed pursuant to Section 7 of the Securities Act of 1933, and are such as may be required pursuant to Section 13 of the Securities Exchange Act of 1934 in respect of similar securities listed and registered on national securities exchanges,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 15 (d) and 23 (a) thereof, hereby adopts Forms 2-MD, 3-MD, and 4-MD and the respective instruction books for such forms.[1]

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 15 (d) and 23 (a) thereof, hereby amends Rule MD2 as follows:

The caption to the paragraph prescribing the use of Form 2-MD is amended to read: *"Form 2-MD for Investment Trusts having Securities Registered on Form C-1."*

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1331; Filed, May 10, 1937; 12:47 p. m.]

[1] The forms and instruction books have been filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Securities and Exchange Commission.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D. 1937.

[File No. 32-57]

IN THE MATTER OF DRESSER POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Dresser Power Corporation, a newly formed indirect subsidiary of the Trustees of Midland United Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and sale by applicant of (1) $1,700,000 principal amount of common capital stock having a par value of $100 per share, and (2) $5,000,000 principal amount of First Mortgage Bonds, all maturing on or before twelve years from the date thereof; it being proposed that such stock be sold to Public Service Company of Indiana, which now owns all of the outstanding 10 shares of applicant's stock and which is a subsidiary of such trustees, in exchange for the right to make joint use of certain facilities and to obtain coal at cost and in exchange for $50,000 in cash, and that the $5,000,000 principal amount of such bonds be sold to Halsey Stuart & Co., Inc., for not less than $4,775,000 net to applicant which funds are to be used for the payment of the cost of constructing a 50,000 kilowatt electric generating unit and the building to house the same and of providing auxiliary equipment and other necessary facilities;

It is ordered that a hearing on such matter be held on May 27, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 22, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1329; Filed, May 10, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D. 1937.

[File No. 46-45]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by Public Service Company of Indiana, a subsidiary of the trustees of Midland United Company, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of $1,700,000 principal amount of common capital stock, having a par value of $100 per share, of Dresser Power Corporation, in consideration for (a) $50,000 cash, (b) the grant of a right to make joint use of certain general equipment and facilities at the Dresser Power station and (c) the grant of the right to obtain coal at cost from certain mines;

It is ordered that a hearing on such matter be held on May 27, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 22, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1330; Filed, May 10, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-DEBORD "A" FARM, FILED ON APRIL 29, 1937, BY ROBERT L. KINKAID, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1333; Filed, May 10, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of May, 1937.

IN THE MATTER OF HULL, CHIPMAN & COMPANY, POWERS BUILDING, ROCHESTER, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Hull, Chipman & Company, a partnership, hereinafter called the registrant, having filed with the Commission on August 13, 1936 an application for registration on Form 3–M pursuant to Rule MB1 of the Commission's rules; and the said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, on September 4, 1936; and

The Commission, on January 28, 1937, having authorized investigation and hearing on the question of revocation and/or suspension of registration of the said registrant, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after appropriate notice, having come on for hearing on March 29, 1937 in New York, New York; and the said registrant having consented to the revocation of its registration; and such consent having been received by the Commission on April 9, 1937 and having been introduced as Commission's Exhibit No. 10; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Hull, Chipman & Company as broker or dealer transacting business on over-the-counter markets be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1332; Filed, May 10, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MOELLING FARM, FILED ON APRIL 26, 1937, BY ANDREW J. BARRETT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 6, 1937, be effective as of May 6, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1334; Filed, May 10, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GENERAL "L" COMMUNITY LEASE, FILED ON APRIL 12, 1937, BY A. BEN CHADWELL, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding:

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 4, 1937, be effective as of May 4, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1335; Filed, May 10, 1937; 12:48 p. m.]

***Wednesday, May 12, 1937*** ***No. 91***

## DEPARTMENT OF STATE.

ADDITIONAL RULES AND REGULATIONS GOVERNING THE SOLICITING AND RECEIVING OF CONTRIBUTIONS FOR USE IN SPAIN

MAY 8, 1937.

The rules and regulations issued on May 5, 1937, pursuant to Section 3 of the joint resolution of Congress approved May 1, 1937, (Public Resolution—No. 27—75th Congress—First Session) amending the joint resolution approved August 31, 1935, as amended, are hereby amended as follows:

In view of the purposes and special status of "The American National Red Cross" as set forth in the Act of Congress approved January 5, 1905, entitled "An Act to incorporate the American National Red Cross" (33 Stat. 599), and particularly in view of the fact that it is required by law to submit to the Secretary of War for audit "a full, complete, and itemized report of receipts and expenditures of whatever kind", so that the submission to the Secretary of State of reports of funds received and expended would constitute an unnecessary duplication, "The American National Red Cross" is not required to conform to the provisions of the regulations issued May 5, 1937, with respect to soliciting and receiving contributions for use in Spain.

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. 37–1340; Filed, May 11, 1937; 11:13 a. m.]

## DEPARTMENT OF THE INTERIOR.

**Office of Indian Affairs.**

FLORENCE-CASA GRANDE IRRIGATION PROJECT

ORDER FIXING MAINTENANCE AND OPERATION CHARGES; CALENDAR YEAR 1937

APRIL 30, 1937.

In compliance with the provisions of the Act of May 18, 1916 (39 Stat., 123–130) and acts supplementary thereto and the agreement with the landowners commonly called the Florence-Casa Grande Landowners' Agreement, between the United States and the landowners in the Florence-Casa Grande Irrigation Project, the maintenance and operation charges assessable against the privately owned lands of the Florence-Casa Grande Irrigation Project which are not included within the San Carlos Project, are hereby fixed at $1.25 per acre for the calendar year 1937.

The charge of $1.25 per acre for each assessable acre of privately owned land shall be paid on or before May 15, 1937, and shall entitle each acre of such land to receive the quantity of water to which it is entitled in accordance with law, under the terms of the said Florence-Casa Grande Landowners' Agreement.

The San Carlos Irrigation and Drainage District which is operating the canals serving lands of the San Carlos Project which are in private and public ownership shall be allowed a credit of 65 cents per acre on account of all the aforesaid lands served by the District.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37–1338; Filed, May 11, 1937; 9:50 a. m.]



## DEPARTMENT OF AGRICULTURE.

**Bureau of Animal Industry.**

[Amendment 7 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

MAY 1, 1937.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

New Jersey: Monmouth, May 1, 1939.
New York: Cortland, May 1, 1940; Dutchess, May 1, 1940; Madison, May 1, 1940; Orange, May 1, 1940; Schoharie, May 1, 1940.
South Dakota: Brookings, May 1, 1940; Brule, May 1, 1940; Grant, May 1, 1940.
Puerto Rico: Gurabo, May 1, 1940; Juncos, May 1, 1940; San Lorenzo, May 1, 1940.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Jefferson, May 1, 1940.
Arkansas: Van Buren, May 1, 1940.
Colorado: Moffat, May 1, 1940; Rio Blanco, May 1, 1940.
Idaho: Elmore, May 1, 1940.
Illinois: Madison, May 1, 1940.
Indiana: Crawford, May 1, 1940.
Kansas: Rawlins, May 1, 1940; Sherman, May 1, 1940.
Kentucky: Butler, May 1, 1940; Boone, May 1, 1940; Clinton, May 1, 1940; Edmonson, May 1, 1940; Leslie, May 1, 1940; Montgomery, May 1, 1940; Todd, May 1, 1940; Trigg, May 1, 1940.
Michigan: Genesee, May 1, 1940.
Minnesota: Meeker, May 1, 1940.
Missouri: Clay, May 1, 1940; Ray, May 1, 1940.
Nebraska: Platte, May 1, 1940.
North Carolina: Cherokee, May 1, 1940; Chowan, May 1, 1940; Edgecombe, May 1, 1940.
Ohio: Athens, May 1, 1940; Hamilton, May 1, 1940; Marion, May 1, 1940; Ottawa, May 1, 1940.
Oklahoma: Garfield, May 1, 1940.
South Carolina: Marion, May 1, 1940.
Tennessee: Carter, May 1, 1940; Loudoun, May 1, 1940.
Texas: Bosque, May 1, 1940; Parker, May 1, 1940.
Virginia: Frederick, May 1, 1940; Halifax, May 1, 1940; Pulaski, May 1, 1940.
Washington: Grays Harbor, May 1, 1940; Mason, May 1, 1940; Wahkiakum, May 1, 1940.
West Virginia: Pendleton, May 1, 1940; Pleasants, May 1, 1940; Upshur, May 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

J. R. MOHLER,
*Chief of Bureau.*

[F. R. Doc. 37–1348; Filed, May 11, 1937; 12:38 p. m.]

**Bureau of Entomology and Plant Quarantine.**

BEPQ—Q. 48 Revision of Regulations 5 and 10

MODIFICATION OF JAPANESE BEETLE QUARANTINE REGULATIONS

INTRODUCTORY NOTE

An important change in the following amendment to the Japanese beetle quarantine regulations is the inclusion of additional territory in the regulated area (Regulation 5, Section A (1) (*ii*)) from which the movement by refrigerator car or motor truck of fruits and vegetables of any kind is restricted.

The amendment to regulation 5 also provides that the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified therein when in his judgment such action is considered advisable.

An amendment to regulation 10, paragraph (*e*), specifies the conditions under which permits or certificates may be issued to authorize the movement of fruits and vegetables by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

*Amendment No. 1 to the Rules and Regulations (Fifteenth Revision) Supplemental to Notice of Quarantine No. 48*

[Approved May 10, 1937; effective May 10, 1937]

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulations 5 and 10 of the rules and regulations (fifteenth revision) supplemental to Notice of Quarantine No. 48, on account of the Japanese beetle, which were promulgated March 1, 1937, be and the same are hereby amended to read as follows:

REGULATION 5.—RESTRICTIONS ON THE MOVEMENT OF FRUITS AND VEGETABLES

*Section A. Control of Movement*

(1) Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in paragraphs (*a*) to (*c*), inclusive of this section: (*i*) No green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and (*ii*) no fruits and vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motortruck from the State, District, counties, election districts, or city listed below to or through any point outside of the regulated areas:

*Delaware.*—The entire State.

*District of Columbia.*—The entire District.

*Maryland.*—Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; all of Caroline County except election districts of Hillsboro (No. 6), American Corners (No. 8) and Preston (No. 4); election district of Cambridge (No. 7), in Dorchester County; and election districts of Pittsburg (No. 4), Parsons (No. 5), Dennis (No. 6), Trappe (No. 7), Nutters (No. 8), Salisbury (No. 9), Delmar (No. 11), Camden (No. 13), Willards (No. 14), and Fruitland (No. 16), in Wicomico County.

*New Jersey.*—Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

*Pennsylvania.*—Counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia.

*Virginia.*—Counties of Accomac, Arlington, and Northampton.

*Provided*, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this regulation when in his judgment such action is considered advisable.

(*a*) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

(*b*) No certificate will be required for the interstate movement of fruits and vegetables on a through bill of lading either from an area not under regulation through a regulated area to another nonregulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement

to Brewer and Waterville, Maine; Buffalo, N. Y., or to the other regulated parts of Erie County, N. Y.; Cleveland, Columbus, and Toledo, Ohio; Burlington, Vt.; and Parkersburg, W. Va. No restrictions are placed on the interstate movement of fruits and vegetables from Brewer and Waterville, Maine; Buffalo, N. Y.; or from other parts of Erie County, N. Y.; Cleveland, Columbus, and Toledo, Ohio; Burlington, Vt.; and Parkersburg, W. Va.

(*c*) No restrictions are placed on the interstate movement of fruits or vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(*d*) No restrictions are placed on the interstate movement of any shipments of apples or peaches of less than 15 pounds to the shipment, or of bananas other than in entire bunches or in clusters of 25 or more.

(*e*) No restrictions are placed on the interstate movement of commercially packed apples in any quantity, except those moving via refrigerator cars or motor vehicles from the State, District, counties, election districts, or city listed in paragraph (1) (*ii*) of this section.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above, except that any such interstate shipments of fruits and vegetables may be inspected by inspectors at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

*Section B. Conditions of certification*

Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and October 15, inclusive, under one of the following conditions:

(1) When the fruits and vegetables, moving from a point in the regulated area other than the State, District, counties, election districts, or city listed in paragraph 1, (*ii*), of this regulation, or moving from such designated State, District, counties, election districts, or city other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the supervision of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for the safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables, other than onions and potatoes, moving via refrigerator car from the State, District, counties, election districts, or city listed in paragraph 1, (*ii*), of this regulation, have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between cleaning and loading such refrigerator car must be tightly closed and sealed.

(6) When the onions or potatoes moving via refrigerator car from the State, District, counties, election districts, or city listed in this regulation have been fumigated in the car, when deemed necessary in the judgment of the inspector, and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.

REGULATION 10. GENERAL CONDITIONS GOVERNING INSPECTION AND ISSUANCE OF CERTIFICATES AND PERMITS

(*a*) Persons intending to move or allow to be moved interstate any of the articles the movement of which is restricted in regulations 5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quality to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(*b*) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(*c*) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(*d*) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(*e*) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area, except that permits issued for the movement of fruits and vegetables from the State, District, counties, election districts, or city listed in Regulation 5, Section A (1) (*ii*) shall be limited to green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries. Fruits and vegetables other than the above named commodities may move from the State, District, counties, election districts, or city listed in Regulation 5, Section A, (1) (*ii*), only under certification.

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This amendment shall be effective on and after May 10, 1937.

Done at the city of Washington this 10th day of May 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1336; Filed, May 10, 1937; 3:56 p. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

SUBSTITUTION OF TRUSTEE—TEXAS

Whereas prior to the creation of the present three autonomous offices in the State of Texas, the trustee named in each loan made by Home Owners' Loan Corporation in Texas was James Shaw, then State Manager, who has since resigned from the service of the Corporation, necessitating the appointment of a substitute trustee in each such loan wherein foreclosure is directed; and whereas since the establishment of Division Offices in the State of Texas, the Managers thereof have been named trustees in all loans closed within their respective jurisdictions; and

Whereas under the law all foreclosure sales in Texas must be held on the same day of each month and the named trustees or duly designated substitutes must be in personal attendance at such sales in widely separated counties, making necessary the appointment of substitute trustees in a substantial number of foreclosure cases each month; and

Whereas under existing authority, certain Home Office and Regional Office officials alone are empowered to appoint substitute trustees and execute essential instruments in connection therewith, which necessitates the forwarding to the Regional Office and the return to Division Offices of all such instruments and results in added expense, confusion and frequent delay in completing foreclosures: Therefore,

Be it resolved, That pursuant to authority vested in the Board of Directors by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647), and particularly by Sections 4 (a), 4 (d) and 4 (k) of said Act, as amended, the Division Manager, the Division Counsel, the Assistant Division Counsel, each of Texas Division No. 1, Dallas; the District Manager, the District Counsel, each of Texas Division No. 1, Amarillo; the Division Manager, the Assistant Division Manager, the Division Counsel, the Assistant Division Counsel, each of Texas Division No. 2, Houston; the Division Manager, the Division Counsel, the Assistant Division Counsel, each of Texas Division No. 3, San Antonio; and the District Manager of Texas Division No. 3, El Paso; and their successors in office are hereby authorized and empowered to execute, seal with the corporate seal, attest, acknowledge on behalf of the Corporation, and deliver or accept any instrument, and perform any and all acts necessary or appropriate in connection with the appointment of substitute trustees under deeds of trust or other instruments securing debt now or hereafter held by the Corporation; and

Be it further resolved, That the Secretary or any Assistant Secretary of the Corporation is authorized to certify and furnish such copies of this resolution as may be required and to authenticate, acknowledge, and do any other act necessary to entitle it to be recorded in any jurisdiction.

Adopted by the Board of Directors of Home Owners' Loan Corporation on May 10, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1337; Filed, May 11, 1937; 9:44 a. m.]

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## FOREIGN-TRADE ZONES BOARD.

[Public Notice No. 3 (Mobile)]

PUBLIC NOTICE

EXAMINERS COMMITTEE, MOBILE, ALABAMA

MAY 5, 1937.

*To Whom It May Concern:*

Pursuant to the provisions of the Act approved June 18, 1934, Public No. 397 (48 Stat. 998, 1001), and the Regulations Governing the Establishment, Operation, Maintenance, and Administration of Foreign-Trade Zones in the United States, promulgated in pursuance of said Act, a public hearing will be held by an Examiners Committee, beginning at 10:00 o'clock in the forenoon, Central Standard Time, on Thursday, June 10, 1937, Room 420, Courthouse & Customhouse Building, Mobile, Alabama.

The subject of the hearing is an application by the Alabama State Docks Commission for a grant to establish a Foreign-Trade Zone at Mobile. General plans, showing the location of the project, may be examined at the office of the Examiners Committee, Room 420, Courthouse & Customhouse Building, Mobile, Alabama, or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3054, Commerce Building, Washington, D. C. In brief, these contemplate the utilization of Pier "A" south and certain adjoining structures and land area of the Alabama State Docks.



This public hearing is solely for the purpose of obtaining, in the most direct manner, the facts useful to the Foreign-Trade Zones Board. The immediate concern of the Examiners Committee is to determine whether or not the proposed plans are suitable for the accomplishment of the purpose of the foreign-trade zone under the Act, and whether or not the facilities and appurtenances which it is proposed to provide are sufficient. Particular attention is called to the fact that the instant application is the only one to be considered at this time. The question of the designated site is up for discussion, not the suitability of some other site.

A "foreign-trade zone" as provided in the Act is "an isolated, enclosed, and policed area, under the supervision of a designated board of Federal officials, operated as a public utility by a corporation, in or adjacent to a port of entry, without resident population, furnished with the necessary facilities for lading and unlading, for storing goods, and for reshipping them by land and water; an area into which goods may be bought, stored, and subjected to certain specified manipulation operations. If reshipped to foreign points the goods may leave the restricted trade zone without payment of duties and without the intervention of customs officials, except under certain conditions. Such products cannot, of course, leave the trade zone for domestic use or consumption without full compliance with existing customs laws. * * * Goods may not be manufactured or exhibited in such an area. The area is subject equally with adjacent regions to all laws relating to public health, vessel inspection, postal service, immigration, and to the supervision of Federal agencies having jurisdiction in ports of entry, including customs, to a limited extent."

All interested parties are invited to be present or represented at the hearing, particularly those who may be affected by the proposed grant. An opportunity to be heard (either in person or by duly appointed representative, either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who have manifested their interest in this application by complying with the following requirements:

1. A written or telegraphic request for opportunity to be heard shall be filed before noon, Central Standard Time, on Saturday, June 5, 1937, at the office of the Examiners Committee, Room 420, Courthouse & Customhouse Building, Mobile, Alabama, or before noon, Eastern Standard Time, on Saturday, June 5, 1937, at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3054, Commerce Building, Washington, D. C., and shall indicate the number of witnesses, the general character of evidence, and the approximate amount of time required.

2. Such request shall include (a) the name of any persons seeking to speak at the hearing, and (b) the persons or groups he represents.

In the discretion of the Examiners Committee, persons who have not complied with the foregoing may be permitted, at any time prior to the closing of the hearing, to file written statements regarding the application under consideration. Such written statements should be condensed as much as possible.

Representation of interested parties by attorneys or others is permissible but is not to be regarded as necessary. For accuracy of record, and for file with the report and recommendations of the Examiners Committee, all important facts and arguments should be submitted in writing, and these, together with the record, will be forwarded for consideration by the Foreign-Trade Zones Board in Washington.

You are requested to communicate the foregoing to any persons known by you to be interested in the matter, who, not being known to this Committee, do not receive a copy of this notice.

L. P. NICKELL,
*Examiner, Bureau Foreign and Domestic Commerce.*
JOSEPH H. LYONS,
*Collector of Customs, Port of Mobile.*
COLONEL RICHARD PARK,
*District Engineer, Mobile District.*

The foregoing Public Notice is hereby certified to be a true copy of the original.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the Foreign-Trade Zones Board, in the City of Washington, this 5th day of May, One Thousand Nine Hundred and Thirty-Seven.

[SEAL] THOS. E. LYONS,
*Executive Secretary, Foreign-Trade Zones Board.*

[F. R. Doc. 37-1339; Filed, May 11, 1937; 10:01 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May, 1937.

[File Nos. 43-45, 46-47]

IN THE MATTER OF PEOPLES LIGHT AND POWER COMPANY
AND
[File Nos. 43-46, 46-46]
IN THE MATTER OF VOTING TRUSTEES FOR CLASS A COMMON STOCK OF PEOPLES LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

Peoples Light and Power Company, a registered holding company, hereinafter called the "New Company", having filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of certain securities, being assets of Peoples Light and Power Corporation, hereinafter called the "Old Company", pursuant to a certain Plan of Reorganization of the Old Company, which Plan of Reorganization is dated June 1, 1936 and has been confirmed by the District Court of the United States for the District of Delaware by order dated December 8, 1936 entered in proceedings pending in said court under Section 77B of the Bankruptcy Act and entitled "In the Matter of Peoples Light and Power Corporation, Debtor, in Proceedings for Reorganization No. 1084 in Bankruptcy"; and

The New Company having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by the New Company, pursuant to said Plan of Reorganization, of certain Collateral Lien Bonds, Series A, due 1961, Scrip Certificates due January 1, 1946, Cumulative Convertible Preferred Stock, Class A Common Stock, Class B Common Stock, and Purchase Warrants for Class B Common Stock; and

The Voting Trustees under a proposed Voting Trust Agreement for such Class A Common Stock of the New Company (said Voting Trustees being a registered holding company) having filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by said Voting Trustees pursuant to said Plan of Reorganization, of such Class A Common Stock of the New Company; and

Said Voting Trustees having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by said Voting Trustees, pursuant to said Plan of Reorganization, of Voting Trust Certificates representing such Class A Common Stock of the New Company; and

It appearing to the Commission, that these related matters should be heard and considered together:

It is ordered that a hearing on such matters be held on June 1, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said parties and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 26, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in these matters, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1342; Filed, May 11, 1937; 12:28 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of May, 1937.

IN THE MATTER OF BOSTON PARCEL POST STATION, STAMPED FIRST MORTGAGE 5½% SINKING FUND GOLD BONDS DUE 1935, ISSUED BY BURLINGTON REALTY TRUST

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Real Estate Securities Exchange, Inc. having made application for unlisted trading privileges in Boston Parcel Post Station, Stamped First Mortgage 5½% Sinking Fund Gold Bonds due 1935, issued by Burlington Realty Trust, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the Boston Parcel Post Station, First Mortgage 5½% Sinking Fund Gold Bonds due 1935, issued by Burlington Realty Trust, a security admitted to unlisted trading privileges on said exchange,

It is ordered, that said application for unlisted trading privileges in Boston Parcel Post Station, Stamped First Mortgage 5½% Sinking Fund Gold Bonds due 1935, issued by Burlington Realty Trust, on the New York Real Estate Securities Exchange, Inc. be and is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1341; Filed, May 11, 1937; 12:28 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE EAGLE ROCK-DARLING-ENGSTROM ET AL. FARM, FILED ON APRIL 10, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;



It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 7, 1937, be effective as of May 7, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1346; Filed, May 11, 1937; 12:29 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HYLAND-CAMPBELL FARM, FILED ON APRIL 14, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 7, 1937, be effective as of May 7, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1347; Filed, May 11, 1937; 12:29 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-SUNRISE FARM, FILED ON MAY 3, 1937, BY R. E. PITTS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the total production of oil from the tract involved, as set forth in Division II, Item 15, is not believed to be correct, and does not agree with the gross production of oil by months, as given in Division II, Item 16 (a);

(2) In that the legal description of the property required to be included in Exhibit B is not complete, nor is it shown by the proposed conveyance set forth in said Exhibit B that any grantee thereunder will acquire title to the property described therein subject to a community oil and gas lease;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1344; Filed, May 11, 1937; 12:28 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GLEN ELLYN FARM, FILED ON MAY 3, 1937, BY R. E. PITTS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the legal description of the property required to be included in Exhibit B is not complete, nor is it shown by the proposed conveyance set forth in said Exhibit B that any grantee thereunder will acquire title to the property described therein subject to a community oil and gas lease;

(2) In that the fraction of royalty lot stated in Division II, Item 16 (c), is not believed to be correct by reason of the fact that in other portions of the offering sheet it appears that the smallest fractional interest proposed to be offered is ⅛ of 1 royalty lot, whereas in this particular item it is stated "½ of 1 royalty lot";

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence,

memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1345; Filed, May 11, 1937; 12:29 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE AMERADA-WEIR FARM, FILED ON MAY 3, 1937, BY L. H. WITWER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the total production of oil from the tract involved, as set forth in Division II, Item 15, is not believed to be correct;

(2) In that the gross production of oil for the month of May, 1936, as set forth in Division II, Item 16 (a) (i), is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 9th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 25th day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1343; Filed, May 11, 1937; 12:28 p. m.]

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*Thursday, May 13, 1937* *No. 92*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48961]

CUSTOMS REGULATIONS AMENDED—VESSEL SUPPLIES

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251 of the Revised Statutes and sections 309 (a) and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 66, 1309 (a) and 1624), the Customs Regulations of 1931 are amended as follows:

Article 457 (a), as amended by T. D. 48788, is further amended by inserting a period after the words and figures "customs Form 7506" and deleting the balance of the paragraph.

Article 461, as amended by T. D.'s 48495 and 48788, is further amended to read as follows:

ARTICLE 461.—*Cancellation of bonds.*—An affidavit of the master or other officer of the vessel having knowledge of the facts, showing that such supplies have been used on board the vessel and no portion thereof landed within the limits of the United States or any of its possessions, must be produced within six months from the date of the withdrawal to cancel the bond provided for in article 457 (c). The six-months period may be extended as provided in article 1255. Such an affidavit must likewise be produced when the withdrawal is made by the principal on the warehouse or rewarehouse entry bond to secure credit on such bond for the free withdrawal, except where the vessel departs from the port of withdrawal directly for a foreign port.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: May 8, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1352; Filed, May 12, 1937; 10:49 a. m.]

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### Public Health Service.

[Amendment No. 16 to Quarantine Regulations]

OBTAINING OF BILLS OF HEALTH BY AND QUARANTINE INSPECTION OF VESSELS PLYING BETWEEN FOREIGN PORTS ON OR NEAR THE FRONTIERS OF THE UNITED STATES AND PORTS OF THE CONTINENTAL UNITED STATES AND ALASKA

MAY 7, 1937.

Pursuant to the authority contained in section 2 of the Act of February 15, 1893, as amended (U. S. C., title 42, sec. 82), paragraph 3 of the quarantine regulations of the United States, as amended, is further amended to read as follows:

3. Vessels operating exclusively between Canadian ports and ports in the continental United States and Alaska are exempted from obtaining consular bills of health at Canadian ports and from quarantine inspection upon arrival at ports in the continental United States and Alaska. Vessels operating exclusively between ports in the Republic of Cuba and in the Bahama Islands and ports in Florida, south of 28° north latitude, and vessels operating exclusively between ports on the West Coast of Lower California and ports in the State of California, south of 33° north latitude, are exempted from obtaining consular bills of health at Cuban and Bahama Islands ports and at ports on the West Coast of Lower California, respectively, and from quarantine inspection upon arrival at the ports designated in the United States, but such vessels may be subjected to inspection to determine rat infestation and, when found rat infested, to deratization measures. However, during the prevalence of any of the quarantinable diseases at any foreign port of departure or call, all aforementioned vessels shall obtain at any such infected port or ports from the consular officer of the United States, or from the medical officer of the United States, when such officer has been detailed by the President, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, and such vessels shall be subject to quarantine inspection upon arrival at any port in the continental United States or Alaska.

[SEAL] JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1349; Filed, May 11, 1937; 2:34 p. m.]



## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

[I. C. C. No. 122]

THE ALASKA RAILROAD IN CONNECTION WITH ALASKA STEAMSHIP COMPANY (FX5-No. 5) PUGET SOUND FREIGHT LINES (FX5-No. 16)

JOINT FREIGHT TARIFF NO. 36-C[1]

*Naming Commodity Rates from Seattle and Tacoma, Washington to Anchorage, Alaska*

Governed, except as otherwise provided herein, by The Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive reissues thereof. Issued April 10, 1937. Effective April 12, 1937. Authority Act March 12, 1914 and Executive Order No. 3861.

Issued by—

O. F. OHLSON,
*General Manager,*
*Anchorage, Alaska.*

APPLICATION OF RATES

*Item No. 5.*—The commodity rates named herein apply only on shipments moving from Tacoma or Seattle, Washington, and destined to Anchorage, Alaska, and will not apply to intermediate points.

*Item No. 10.*—Rates named herein do not include charges for storage, wharfage, handling (trucking between wharf and ship's tackle), transfer, loading to or unloading from cars, lighterage or other terminal charges except that rates named herein include wharfage, handling and loading to cars at Seward, Alaska.

*Item No. 15.*—The joint rates published herein include all charges for switching, drayage, wharfage, handling loading or other transfer service at intermediate interchange points on shipments handled through and not stopped for special service at such intermediate interchange points.

*Item No. 20.*—The rates herein apply only via the Alaska Steamship Company, Puget Sound Freight Lines, Tacoma, Washington to Seattle, Washington; the Alaska Steamship Company, Seattle, Washington to Seward, Alaska; the Alaska Railroad, Seward, Alaska to Anchorage, Alaska.

CONDITIONS OF BILL OF LADING

*Item No. 25.*—All property to be transported shall, unless otherwise agreed to in writing, be received, held, carried and delivered, subject to the conditions of the carrier's regular current bill of lading. All freight and other charges payable in United States gold coin or its equivalent.

EXPLANATION OF ABBREVIATIONS

*Item No. 30.*—

| | |
|---|---|
| C. L | Carloads. |
| I. C. C | Interstate Commerce Commission. |
| K. D | Knocked Down. |
| Lbs | Pounds. |
| No | Number. |
| N. O. S | Not Otherwise Specified. |
| Viz | Namely. |

RULES AND REGULATIONS

*Item No. 35—Terminal and Other Charges, Privileges and Allowances.*—Except as otherwise provided herein, shipments transported under this tariff are entitled to such privileges and subject to such charges as are published by individual lines, parties to this Tariff providing for Allowances, Arbitraries, Car Mileage, Demurrage, Diversions, Re-consignment, Rental of Special Equipment, Storage, Switching, Transfer and other Terminal Service, lawfully on file with the Interstate Commerce Commission.

*Item No. 40—Western Classification—Application of, when not in Conflict with Provisions of this Tariff.*—The ratings, rules and regulations, estimated and minimum weights, shipping and packing requirements, allowances and privileges, or other provisions and conditions, shown in this Tariff, abrogate and supersede those in Western Classification named on title page in conflict.

When the ratings in this Tariff are silent as to rules and regulations estimated and minimum weights, shipping and packing requirements, allowances and privileges or other provisions or conditions, the ratings which are prescribed in such commodity items shall be subject to the terms (including estimated and minimum weights, shippings and packing requirement, or other provisions or conditions) prescribed therefor in connection with the ratings in Western Classification referred to above on the same commodity.

*Item No. 45—Marine Insurance.*—Rates named herein do not include Marine Insurance. All risk of loss and damage incident to transportation of freight by water must be assumed by shippers, owners or consignee, who may protect themselves against such loss by covering their shipments with marine insurance.

DESCRIPTION OF COMMODITIES

*Item No. 50—Groceries.*—Articles taking same rates as Groceries, when specific reference is made to this Item:

Groceries, Viz.:
- Barley, pearl.
- Beans.
- Breakfast Foods, cereal.
- Brine, sauerkraut.
- Candles.
- Cheese.
- Chocolate.
- Cocoa.
- Coconnut.
- Coffee.
- Coffee Substitutes.
- Compounds, bleaching, cleaning, lard, scouring, shortening and washing.
- Crackers.
- Dessert Preparations.
- Eggs, dried or dessicated.
- Farinaceous Goods.
- Fish, canned, dried, salted or smoked.
- Flour.
- Fruit, canned or dried.
- Hominy.
- Jams.
- Jellies.
- Juices, clam, fruit, sauerkraut and vegetable.
- Lard.
- Lime, chloride of.
- Lye.
- Macaroni.
- Meal, corn.
- Meats, canned, cured, salted or smoked.
- Milk, canned or powdered.
- Mincemeat.
- Molasses.
- Oats, rolled.
- Oil, cooking, olive and salad.
- Peanut Butter.
- Peas, whole or split.
- Pickles.
- Powder, baking.
- Preserves.
- Rice.
- Salad Dressing.
- Salt.
- Sauces.
- Sauerkraut.
- Soap.
- Soda, baking or cooking.
- Soups.
- Spaghetti.
- Spices.
- Starch.
- Starch, corn.
- Sugar.
- Syrup.
- Tapioca.
- Tea.
- Vegetables, canned or dried.
- Vermicelli.
- Vinegar.

*Item No. 55—Iron and Steel and Other Articles.*—As described below taking the same rates when specific reference is made to this Item:

Iron and Steel and Other Articles, Viz.:
- Bars, N. O. S., (subject to Note 1 shown below).
- Boilers, heating, cast or wrought iron, K. D.
- Boilers, range, iron or steel, without interior water heaters.
- Bolts, N. O. S., galvanized or plain.
- Brick, fire, in crates.
- Bronzing Liquids, japan.
- Cable, wire.
- Calcium, carbide of, in metal cans, boxed, in jacketed cans, or in iron or steel cans or drums.
- Chain.
- Clay, fire, in sacks.
- Cloth, wire, iron or steel.
- Coal, blacksmith, in sacks.
- Connections, pipe.
- Couplings, pipe.
- Felt, building, in bundles or rolls.
- Fencing, expanded metal, in bundles.
- Fencing, wire, welded or woven.
- Fittings, pipe, iron or steel.
- Fittings, pipe (clay, concrete or earthen).
- Furnaces, house heating, hot air, K D. (subject to Note 2 shown below).
- Kalsomine.
- Lacquers.
- Lead, bar, block or ingot.
- Lead, white or red, dry or in oil, in metal cans, in boxes or crates; in bulk in barrels, kits or pails.
- Locks, nut.
- Nails.
- Netting, poultry, in rolls.
- Nuts.
- Oil, linseed, in metal cans, in boxes or crates, in bulk, in barrels, in kits or pails.
- Paints, N. O. S.
- Paper, building, roofing and sheathing, plain or saturated, other than asbestos, in bundles or rolls.
- Pipe, cast or wrought, iron or steel.

[1] No Supplement to this Tariff will be issued except for the purpose of cancelling the Tariff, unless otherwise specifically authorized by the Commission.

Pipe, plate or sheet, U. S. standard gauge No. 16 or thicker.
Pipe, sewer (clay, concrete or earthen).
Plate, iron or steel, black, galvanized, painted or plain, corrugated or not corrugated, punched or not punched.
Radiators, hot water or steam.
Ranges, iron or steel charcoal, coal or wood.
Roofing, iron or steel, N. O. S.
Rope, wire.
Shellac, liquid.
Sheet, iron or steel, black, galvanized, painted or plain, corrugated or not corrugated, punched or not punched.
Spikes, including boat or track spikes.
Stoves, iron or steel, charcoal, coal or wood.
Turpentine, spirits of, in bulk, in barrels or in metal cans, boxed.
Valves, pipe.
Varnishes, N. O. S.
Wire, acid coppered, galvanized, painted, plain or tinned.
Wire, barbed.

NOTE 1.—Rates apply on drawn or rolled Iron or Steel Bars or Rods, either square, round or otherwise shaped in the drawing or rolling process; also on such Bars or Rods when bent, twisted or otherwise deformed, galvanized, ground, hammered, punched, sheared or threaded, but rates will not apply if further work has been done.

NOTE 2.—With each furnace there may be included equipment of each Dranper Regulators, Furnace Cement to set up Furnace, one set of firing tools or one wire brush.

COMMODITY RATES

COMMODITIES—STATIONS—RATES IN CENTS PER 100 LBS.

*Item No. 60.*—Beer, straight carloads, minimum weight 20,000 lbs., from Seattle, Tacoma, Wash., to Anchorage, Alaska: .144¾.[1]

*Item No. 65.*—Groceries and Other Articles, (as described in Item No. 50 on page 3), in packages, straight or mixed carloads, minimum weight 20,000 lbs., from Seattle, Tacoma, Wash., to Anchorage, Alaska: .144¾.[1]

*Item No. 70.*—Iron and Steel and Other Articles, (as described in Item No. 55 on page 3), straight or mixed carloads, minimum weight 20,000 lbs., from Seattle, Tacoma, Wash., to Anchorage, Alaska: .144¾.[1]

*Item No. 75.*—Liquors and Wines, straight or mixed carloads, minimum weight 20,000 lbs., from Seattle, Tacoma, Wash., to Anchorage, Alaska: .189¾.[1]

[F. R. Doc. 37-1350; Filed, May 12, 1937; 9:27 a. m.]

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[I. C. C. No. 123 (Cancels I. C. C. No. 102)]

THE ALASKA RAILROAD

LOCAL FREIGHT TARIFF NO. 8-R[1]

[Cancels Local Freight Tariff No. 8-Q]

*Naming Commodity Rates on Petroleum and Petroleum Products From Seward and Anchorage, Alaska, to Stations on the Alaska Railroad in Alaska*

Governed, except as otherwise provided herein, by Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive issues thereof. Issued April 14, 1937. Effective May 20, 1937. Authority Act March 12, 1914 and Executive Order No. 3861.

Issued by—

O. F. OHLSON,
*General Manager,*
*Anchorage, Alaska.*

Confirmed, May 10, 1937.
RUTH HAMPTON, *Acting Director.*

CANCELLATIONS

Rates carried in former tariff applying to stations not shown herein, are hereby cancelled account stations abandoned; after date of cancellation no rates in effect.

[1] No Supplement to this Tariff will be issued except for the purpose of cancelling the Tariff unless otherwise specifically authorized by the Commission.
[2] Reduction.

*Index of Stations to Which Rates Apply*

| Stations | Item No. | Stations | Item No. |
|---|---|---|---|
| Anchorage, Alaska | 50 | *Lawing, Alaska | 50 |
| *Anvik, Alaska | 85 | *Marshall, Alaska | 90 |
| *Blackburn, Alaska | 85 | Matanuska, Alaska | 55, 95 |
| *Campbells, Alaska | 75 | *McKinley Park, Alaska | 65, 100 |
| *Cantwell, Alaska | 65 | *Minto, Alaska | 75 |
| *Chulitna, Alaska | 60 | *Moose Creek, Alaska | 55 |
| *Colorado, Alaska | 60 | *Moose Pass, Alaska | 50 |
| *Eklutna, Alaska | 50 | Nenana, Alaska | 70 |
| Fairbanks, Alaska | 70 | *Nulato, Alaska | 80 |
| *Ferry, Alaska | 65 | *Palmult, Alaska | 90 |
| Galena, Alaska | 80 | Palmer, Alaska | 55, 95 |
| *Girdwood, Alaska | 50 | *Premier, Alaska | 55, 95 |
| Healy, Alaska | 65 | *Ruby, Alaska | 80 |
| Holy Cross, Alaska | 85 | *Russian Mission, Alaska | 90 |
| *Hot Springs Landing, Alaska | 75 | *Suntrana, Alaska | 65 |
| *Houston, Alaska | 100 | *Talkeetna, Alaska | 60, 100 |
| *Jonesville, Alaska | 55, 95 | *Tanana, Alaska | 75 |
| *Kaltag, Alaska | 85 | *Tolovana, Alaska | 75 |
| *Kokrines, Alaska | 80 | Wasilla, Alaska | 60, 100 |
| *Koyukuk, Alaska | 80 | *Willow, Alaska | 60, 100 |

* No agent. Freight charges must be prepaid.

EXPLANATION OF ABBREVIATIONS

I. C. C.---------- Interstate Commerce Commission.
N. O. S.---------- Not otherwise specified.
No.---------- Number.
Viz.---------- Namely.

EXCEPTIONS TO WESTERN CLASSIFICATION

Governing all rates named in this Tariff between points in Alaska except as otherwise provided in the Item.

MISCELLANEOUS

*Item No. 2—Inflammable Liquids Having Flash Point Lower than 200° Fahrenheit.*—Section 8, Rule 35 of Western Classification will not apply.

APPLICATION OF RATES

*Item No. 5*[1]*—Commodity Rates Applicable to Intermediate Points.*—Subject to the provisions of Notes 1, 2, 3 and 4 below, to any point of destination to which a commodity rate on a given article from a given point of origin and via a given route is not named in this tariff, which point is intermediate to a point to which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies from the same point of origin, apply to such intermediate point from such point of origin and via such route the commodity rate in this tariff on said article to the next point beyond to which a commodity rate is published herein on that article from the same point of origin via the same route.

NOTE 1.—When by reason of branch or diverging lines, there are two or more "next beyond" points, apply the rate to the next point beyond (in this tariff) which on that article from the same point of origin via the same route results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points to which commodity rates on the same article via the same route are published in this tariff, apply via that route to the intermediate point the rate to the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point to which the lowest charge is applicable.

NOTE 3.—If the class rate on the same article via the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4.—If there is in any other tariff a commodity rate on the same article to the intermediate destination point applicable over the same route from the same point of origin the provisions of this rule are not applicable to such intermediate destination point.

RULES AND REGULATIONS

*Item No. 10—Bills of Lading.*—All shipments transported under this Tariff will be subject to the bill of lading provisions named on pages 36 to 46 inclusive, of Western Classification No. 66, R. C. Fyfe, Agent, I. C. C. No. 24, supplements thereto or successive issues thereof.

*Item No. 15—Estimated and Minimum Weights.*—Except as otherwise provided, rates named in this Tariff will be

[1] Neither increase nor reduction.



subject to the rules, estimated and minimum weights and outage allowance provided in Western Classification named on Title Page.

*Item No. 20—Marine Insurance.*—Rates named herein do not include marine insurance. All risk of loss and damage incident to transportation of freight by water must be assumed by shippers, owners or consignees, who may protect themselves against such loss by covering their shipments with marine insurance.

*Item No. 25—Freight Destined to Points Served by Water Carriers.*—(a) All freight to points served by Water Carriers must be packed in shape for safe and expeditious handling. When Tariff does not specify kind of package, it is understood that bags, boxes, crates or other suitable packages may be used; and when freight is offered in such packages as would endanger contents when handled with ordinary care, it shall be optional with the Carrier to refuse to transport it, or to accept it, with notation on shipping receipt fully releasing it from any and all damage which may occur.

(b) Freight which vessels are prohibited from carrying under governmental regulations, including shipments in tank cars, will not be accepted for transportation to points served by Water Carriers.

*Item No. 30—Service Guarantee of Time.*—The carrier does not agree to transport freight by any particular steamer or train or within any specified time, and the rates named herein to points served by Water Carriers are applicable only when the carrier has a suitable steamer sailing to or from the ports via which rates are named. If at any time, after having made reasonable effort, a steamer is unable to make delivery of a shipment owing to bad weather conditions or for any reason due to perils of navigation, the obligations imposed upon the Carrier by the terms of this Tariff shall be considered fulfilled and delivery accomplished and the charges due at rates named herein shall be considered earned, after which the Carrier shall have the privilege of delivering shipment at the nearest accessible port; or returning goods to the point of shipment; or making delivery on a subsequent voyage and collecting at Tariff rates for such additional service.

*Item No. 35—Terminal and Other Charges, Privileges and Allowances.*—Shipments made at rates named herein are subject to the terminal and other charges; Privileges and Allowances provided in Terminal Tariff No. 3-A, I. C. C. No. 80, supplements thereto or succesive issues thereof.

*Item No. 40—Transportation of Dangerous Articles by Freight.*—Shipping containers, marking and packing requirements for the handling of Dangerous Articles, must be in accordance with the Rules and Regulations prescribed in Agent W. S. Topping's Freight Tariff No. 2, I. C. C. No. 2, supplements thereto or successive issues thereof.

*Commodity Rates*

| Item No. | Commodity | From— | To— | Rate in cents per 100 pounds[1] Less carloads | Carloads |
|---|---|---|---|---|---|
| 50 | Petroleum and petroleum products, viz. | Seward, Alaska. | *Lawing, Alaska | 50 | 30 |
| | Belt Oil. | | *Moose Pass, Alaska | 56 | 35 |
| | Benzine. | | *Girdwood, Alaska | 98 | 54 |
| | Crude Oil. | | Anchorage, Alaska | 130 | 67 |
| | Cordage Oil. | | *Eklutna, Alaska | 154 | 76 |
| 55 | Felt Oil. | | Matanuska, Alaska | 161 | 81 |
| | Floor Oil. | | Palmer, Alaska | 167 | 84 |
| | Fuel Oil. | | *Moose Creek, Alaska | 169 | 85 |
| | Gas Oil. | | *Premier, Alaska | 178 | 90 |
| | Gasoline. | | *Jonesville, Alaska | 178 | 90 |
| | Harness Oil. | | | | |
| 60 | Leather Oil. | | Wasilla, Alaska | 167 | 84 |
| | Liquified Petroleum Gas, in steel cylinders | | *Willow, Alaska | 189 | 93 |
| | Lubricating Grease. | | *Talkeetna, Alaska | 221 | 110 |
| | Lubricating Oil. | | *Chulitna, Alaska | 256 | 122 |
| | Miners' Oil. | | *Colorado, Alaska | 276 | 129 |
| | Miners' Oil Stock. | | | | |
| | Naphtha. | | | | |
| 65 | Naphtha Distillate. | | *Cantwell, Alaska | 284 | 135 |
| | Neatsfoot Oil. | | *McKinley Park, Alaska | 295 | 142 |
| | Paint Oil. | | Healy, Alaska | 300 | 146 |
| | Paraffine Wax. | | *Suntrana, Alaska | 302 | 148 |
| | Paraffine Wax Candles. | | *Ferry, Alaska | 307 | 150 |
| | Petrolatum. | | | | |
| 70 | Petroleum Axle Grease. | | Nenana, Alaska | 323 | 153 |
| | Petroleum Grease, N. O. S. | | Fairbanks, Alaska | 343 | 175 |
| | Petroleum Oil, N. O. S. | | *Minto, Alaska | 332 | 153 |
| 75 | Putty Oil. | | *Campbells, Alaska | 332 | 153 |
| | Refined Oil Distillate. | | *Tolovana, Alaska | 337 | 153 |
| | Refined Oil, illuminating or burning. | | *Hot Sp'gs L'dg., Alaska | 342 | 153 |
| | Transformer Oil. | | *Tanana, Alaska | 347 | 153 |
| | Less than carloads. | | | | |
| 80 | | | *Kokrines, Alaska | 352 | 153 |
| | | | *Ruby, Alaska | 357 | 153 |
| | | | *Galena, Alaska | 357 | 153 |
| | | | *Koyukuk, Alaska | 362 | 153 |
| | | | *Nulato, Alaska | 362 | 153 |
| 85 | | | *Kaltag, Alaska | 362 | 153 |
| | | | *Blackburn, Alaska | 367 | 153 |
| | | | *Anvik, Alaska | 372 | 153 |
| | | | Holy Cross, Alaska | 377 | 153 |
| 90 | Straight or mixed carloads, in packages, minimum weights 30,000 pounds; in tank cars subject to rules, minimum, and estimated weights, as provided in Western Classification named on Title Page. | | *Palmult, Alaska | 377 | 153 |
| | | | *Russian Mission, Alaska | 382 | 153 |
| | | | *Marshall, Alaska | 382 | 153 |
| 95 | | Anchorage, Alaska. | Matanuska, Alaska | 67 | 38 |
| | | | Palmer, Alaska | 73 | 40 |
| | | | *Premier, Alaska | 87 | 46 |
| | | | *Jonesville, Alaska | 87 | 46 |
| 100 | | Anchorage, Alaska. | Wasilla, Alaska | 73 | 42 |
| | | | Houston, Alaska | 91 | 46 |
| | | | *Willow, Alaska | 98 | 50 |
| | | | *Talkeetna, Alaska | 130 | 65 |
| | | | *McKinley Park, Alaska | 224 | 110 |

*No Agent. Freight charges must be prepaid.
[1] Increase.

[F. R. Doc. 37-1351; Filed, May 12, 1937; 9:27 a. m.]

## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[General Order No. 246]

AMENDMENT OF RULE 1, HEAD TAX, IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED

MAY 10, 1937.

By virtue of and pursuant to the authority conferred by sections 2 and 23 of the Immigration Act of 1917 (Act of February 5, 1937, 39 Stat. 875, 892; U. S. C., Ti. 8, Secs. 102, 132). Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Ti. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, Rule 1 of the Immigration Rules of January 1, 1930, as amended, is hereby amended to read as follows, effective July 1, 1937:

RULE 1—HEAD TAX

SUBDIVISION A—ALIENS SUBJECT TO TAX

PARAGRAPH 1. Section 2 of the Act of February 5, 1917, provides, with certain exceptions, that there shall be levied, collected, and paid, a tax of $8 for every alien, including alien seamen regularly admitted as provided in that act, entering the United States, and that said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle or when collection from the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance, or vehicle bringing such alien into the United States is impracticable.

PAR. 2. There shall be collected on behalf of every alien admitted to the United States, except those classes enumerated in Subdivision B hereof, a head tax of $8.

PAR. 3. Such tax also shall be collected from aliens within paragraph 1 (c) of Subdivision B hereof when their stay is extended beyond sixty (60) days, and from aliens within paragraph 1 (1) of the same Subdivision when their stay is extended beyond one year.

SUBDIVISION B—ALIENS NOT SUBJECT TO TAX

PARAGRAPH 1. The head tax shall not be levied upon the following classes of aliens:

(a) Diplomatic and consular officers and other accredited officials of foreign Governments, their suites, families, and guests, for whatsoever purpose they come;

(b) Children under 16 years of age who accompany their father or mother and whose relationship and age are established;

(c) Aliens in transit through the United States, as defined in Rule 6, as amended, effective July 1, 1937;

(d) Aliens whose legal domicile or bona fide residence was in Canada, Newfoundland, Cuba, or Mexico for at least one year immediately preceding entry and who enter the United States from one of such countries for a temporary period in no instance exceeding one year; this exemption shall not be lost merely by reason of temporary absences of short duration from such countries;

(e) Aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory;

(f) Aliens temporarily admitted to the United States who, during the period of temporary admission, go to foreign contiguous territory for temporary visits;

(g) Aliens who, starting from a port of the United States, return thereto after a continuous sea trip or cruise without change of vessel;

(h) Aliens who, without taking up residence in the United States, habitually cross and recross the land boundaries and who hold the identification card prescribed in paragraph 1, subdivision Q of rule 3, as amended;

(i) Aliens lawfully admitted and having a bona fide residence in the United States who, without relinquishing such residence, visit Canada, Newfoundland, Cuba, or Mexico for a temporary period in no instance exceeding six months;

(j) Citizens and alien residents of the Virgin Islands of the United States, Puerto Rico, Hawaii, Guam, or citizens of the Philippine Islands not citizens of the United States admitted to the Territory of Hawaii without an immigration or passport visa in accordance with the provisions of paragraph (1) of section 8 (a) of the Act of March 24, 1934;

(k) Alien seamen landing with the intention to reship foreign:

(l) Alien seamen regularly admitted who have not since forfeited their status, except seamen admitted under the proviso to paragraph 5, subdivision E, rule 7;

(m) Aliens in the military or naval service of the United States, including the Marine Corps, when entering the country under orders to do so from the proper authority in those branches;

(n) Aliens admitted to the United States as bona fide students under subdivision (e) of Section 4, of the Immigration Act of 1924, who, without relinquishing such status, visit Canada, Newfoundland, Cuba, or Mexico for a temporary period in no instance exceeding six months.

SUBDIVISION C—ALIEN SEAMEN REGULARLY ADMITTED—TAX

PARAGRAPH 1. A head tax of $8 shall be levied, collected, and paid for every alien seaman regularly admitted as an immigrant as provided in the immigration acts of 1917 and 1924.

PAR. 2. Where an alien seaman is discharged in a United States port by the master or any officer of the vessel bringing such alien to the United States, and thereupon makes application for regular admission as an immigrant and is admitted, the tax shall be paid by the master, agent, owner, or consignee of the vessel or transportation line responsible under the provisions of section 2 of the Act of February 5, 1917.

SUBDIVISION D—BURDEN OF PROOF IN CLAIMS FOR EXEMPTION

PARAGRAPH 1. The burden of proof shall be upon the alien to establish that he is within the classes exempted by law from the payment of head tax, and in all cases where such fact is not established to the satisfaction of the immigration officer the tax shall be collected and paid on account of such alien in the manner herein provided.

GENERAL ORDERS REPEALED

General Orders Nos. 199 and 204, dated February 20 and June 19, 1933, respectively, and those portions of General Orders Nos. 209 and 240, dated June 8, 1934, and January 15, 1937, respectively, which amended Rule 1 of the Immigration Rules of January 1, 1930, are hereby repealed effective July 1, 1937.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:
FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-1354; Filed, May 12, 1937; 11:21 a. m.]

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[General Order No. 247]

AMENDMENT OF RULE 6, ALIENS IN TRANSIT, IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED

MAY 10, 1937.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Ti. 8, Sec. 102), Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Ti. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, Rule 6 of the Immigration Rules of January 1, 1930, as amended, is hereby amended to read as follows, effective July 1, 1937:

RULE 6—ALIENS IN TRANSIT

SUBDIVISION A—DEFINITION

PARAGRAPH 1. Any alien who applies for admission to the United States with the intention of departing therefrom within 60 days, and who is admitted for a period not exceeding 60 days, shall be regarded as an "alien in transit."

SUBDIVISION B.—EXAMINATION—SURVEILLANCE

PARAGRAPH 1. Any alien arriving at a port of the United States and applying for admission as a transit alien may be temporarily admitted for a reasonable time not exceeding 60 days, for the purpose of such transit when it is satisfactorily established (1) that the alien is not an immigrant within the meaning of Section 3 of the Immigration Act of 1924; (2) that he will depart from the United States within 60 days; (3) that he is not a member of any one of the excluded classes, except excludable aliens whose temporary admission has been authorized in advance by the Secretary of Labor; and (4) that he does not seek such transit privilege for the purpose of evading or violating any of the provisions of the immigration laws.

PAR. 2. The Secretary of Labor or the officer in charge may (1) require that the alien shall be accompanied while in transit by a sufficient number of immigration officers and guards or attendants as will insure his passage through and out of the United States without unnecessary delay, and (2) exact a bond in a sum not less than $500 conditioned that the alien shall by continuous transit pass through and out of the United States within a reasonable time, not exceeding 60 days, thereafter.

PAR. 3. The accompanying immigration officials provided for in (1) of paragraph 2 hereof shall be designated and detailed for such purpose by the officer in charge at the port of arrival, and upon request of such officer in charge the transportation company or companies interested shall at their own expense furnish guards or attendants, in such number as shall be required by such officer, to assist such immigration officials, and such guards or attendants shall be under the immediate control and direction of such accompanying immigration officials during the time such alien is in transit through the United States: *Provided*, That all necessary expense incurred by such accompanying immigration official or officials and such guards or attendants, including their transportation to and from the place where such alien departs from the United States, shall be paid by such interested transportation company or companies.

PAR. 4. Any alien arriving at a port of the United States and applying for admission as a transit alien shall, if found to be a member of any one of the excluded classes, be refused permission to enter in the same manner as an immigrant alien. Cases where refusal of the transit privilege would entail excessive hardship may be reported to the Central Office for a special ruling.

PAR. 5. Any alien temporarily admitted to the United States as a transit alien who shall fail or refuse to pass through and out of the United States within the time fixed or allowed, or who shall be found within the United States after the expiration of such time, shall be deemed to be unlawfully within the United States and shall on warrant of the Secretary of Labor be taken into custody and departed as provided in Section 14 of the Immigration Act of 1924.

GENERAL ORDERS REPEALED

General Order No. 234, dated July 21, 1936, and those portions of General Orders Nos. 201 and 240, dated March 3, 1933, and January 15, 1937, respectively, which amended Rule 6, are repealed effective July 1, 1937.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:
FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-1355; Filed, May 12, 1937; 11:21 a. m.]

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## FARM CREDIT ADMINISTRATION.

[FCA 39]

PRODUCTION CREDIT CORPORATION OF SPRINGFIELD

CONVERSION OF CLASS A STOCK TO CLASS B STOCK

*To all Production Credit Associations in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.*

The following regulation is prescribed pursuant to Section 20 of the Farm Credit Act of 1933 and Section 104 j (1) of the Revised Rules and Regulations for Production Credit Associations effective March 1, 1936:

The amount of Class A stock converted into Class B stock in any case ordinarily should not exceed the amount necessary to enable the holder to obtain sufficient Class B stock for his loan, but when such conversion would result in the ownership by the stockholder-borrower of only one or a fractional share of Class A stock, the conversion of the full amount of his Class A stockholdings may be permitted.

PRODUCTION CREDIT CORPORATION OF SPRINGFIELD.

[SEAL] By H. B. MUNGER, *President.*

[F. R. Doc. 37-1356; Filed, May 12, 1937; 12:01 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1937.

[File No. 43-47]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Arkansas-Missouri Power Corporation, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and disposition by declarant, as successor to Arkansas-Missouri Power Company, of the following securities:

$2,834,625 aggregate principal amount of First Mortgage 5% Bonds, Series A, dated January 1, 1937, due January 1, 1957, with Special Bond Coupons, aggregating $56,692.50 and payable without interest on or before January 1, 1940, attached thereto,

18,897.5 shares of 6% Cumulative Preferred Stock, having a par value of $50 per share,

182,605 shares of Common Stock, having a par value of $1 per share, 16,000 shares of which will be held in the treasury for delivery of stock purchase warrants,

Common Stock Purchase Warrants entitling holders to purchase 16,000 shares, in the aggregate, of common stock at $9 per share on or prior to December 31, 1938 and thereafter and on or prior to December 31, 1941 at $10 per share, and

Cash Scrip, payable from limited sources, in the principal amount of $200,313.50,

pursuant to a Plan of Reorganization approved and confirmed by the District Court of the United States for the Northern District of Illinois, Eastern Division, in proceedings for the reorganization of Arkansas-Missouri Power Company under Section 77B of the Bankruptcy Act, as amended; and the issuance of the aforesaid securities having been approved by the Public Service Commission of Missouri and the Department of Public Utilities of Arkansas;

It is ordered that a hearing on such matter be held on June 2, 1937, at 2 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N.W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 29, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1362; Filed, May 12, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA-GASSOWAY FARM, FILED ON APRIL 29, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the

interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1361; Filed, May 12, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-McNABB PARK COMMUNITY LEASE, FILED ON MAY 4, 1937, BY FIRST DEPENDABLE OIL CORPORATION, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the purchaser of the oil named in Division II, Item 5, is not believed to be correct by reason of the fact that the Commission has information to the effect that all oil produced from the tract involved is purchased by the Stanolind Crude Oil Purchasing Company;

(2) In that the statement made in Division II, Item 8 (a), may not be correct by reason of the fact that it is believed that payment for the oil produced from the tract involved will be made in an indirect manner, i. e., by Stanolind Crude Oil Purchasing Company, to British-American and thence to the interest holder;

(3) In that the legal description required to be given in the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1359; Filed, May 12, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GENERAL-BABCOCK-L. GRAVES FARM, FILED ON MAY 4, 1937, BY T. S. HOSE, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that in Division III, Item 3, it is not fully explained how the various factors used were determined for the tract in question nor is the special report by Keith A. Spitznagel included as a part of the offering sheet;

(2) In that the date of completion of well #5 is not given in Division II, Item 17 (b), nor is an explanation given for the abandonment of the one well referred to in Division II, Item 18 (a) (ii);

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1357; Filed, May 12, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE ARCADIA-ANDERSON FARM, FILED ON MAY 4, 1937, BY T. S. HOSE, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that in Division III, Item 3, it is not fully explained how the various factors used were determined for the tract in question, nor is the special report by Keith A. Spitznagel included as a part of the offering sheet;

(2) In that the plat attached to the offering sheet as Exhibit A is not drawn to the proper scale;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of June, 1937; that an opportuntiy for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1360; Filed, May 12, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHAWVER-ERKER FARM, FILED ON MAY 4, 1937, BY J. M. MORRIS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not believed to be correct;



(2) In that the statement required to be given in the offering sheet immediately preceding the signature of the offeror, is not in the correct form;

(3) In that the signature of the offeror is not affixed to the offering sheet, as required by the rules and regulations of the Commission;

(4) In that the rules and regulations of the Commission provide that four signed duplicate original offering sheets be filed with the Commission, whereas only one copy of the offering sheet is filed;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 10th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 26th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1358; Filed, May 12, 1937; 12:35 p. m.]

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## UNITED STATES RAILROAD ADMINISTRATION.

[Accounting Circular No. 169]

DESTRUCTION OF RECORDS BY CARRIERS

MAY 10, 1937.

*To all Carriers Formerly Under Federal Control:*

The provisions of Accounting Circular No. 148, dated June 14, 1920, covering the procedure to be followed by carriers formerly under Federal control when they desire to destroy accounts, records, memoranda, etc., relating to Federal operations of the carriers, are hereby rescinded.

Hereafter it will not be necessary for the carriers to report to the United States Railroad Administration the accounts, records, etc. which they desire to destroy and to obtain the consent of the Director General of Railroads for the destruction of such records.

Such accounts, records, memoranda, etc., covering Federal operations of the carriers, which may still be in their possession, may be destroyed in accordance with the rules of the Interstate Commerce Commission covering the destruction of the carriers' records, without further reference to the Director General of Railroads.

[SEAL] H. MORGENTHAU, Jr.,
*Director General of Railroads.*

[F. R. Doc. 37-1353; Filed, May 12, 1937; 10:49 a. m.]

*Friday, May 14, 1937* *No. 93*

## DEPARTMENT OF AGRICULTURE.

### Forest Service.

RULES AND REGULATIONS TO GOVERN EXERCISE OF TIMBER RIGHTS RESERVED IN CONVEYANCES TO THE UNITED STATES

In conformity with the provisions of Section 9 of the Act approved March 1, 1911 (36 Stat. 961), as amended, I, Henry A. Wallace, Secretary of Agriculture, do hereby establish the following regulations, to govern the cutting and removal of timber (and timber products) from lands purchased by the United States under the authority of said Act of March 1, 1911, as amended, in cases where the right to cut and remove such timber and timber products is to be reserved by the vendor by stipulation in the deed of conveyance to the United States.

Whoever begins such operations must, on demand, exhibit to the Forest Officer in charge satisfactory evidence of authority from the grantor so to do, and must comply with the following requirements:

1. In the cutting and removal of timber and timber products and in the location or construction of mills, logging roads, railroads, chutes, landings, camps or other improvements, no unnecessary damage shall be done to any small growth or to trees left standing. No monument or witness trees shall be cut or destroyed.

2. All trees, timber or timber products cut, damaged or destroyed by the operator of species or sizes not specifically reserved shall be paid for at double the usual rates charged in the locality for sales of similar National Forest timber and timber products.

3. All slash resulting from the exercise of the reserved rights shall be disposed of as directed by the Forest Supervisor.

4. Location of buildings, camps, other structures, and of roads providing ingress or egress to or from the reserved timber, shall be approved by the Forest Supervisor prior to the beginning of construction. All buildings, camps, equipment, and other structures shall be removed from the land within one year from date of completion or abandonment of the operation. Otherwise such buildings, camps, equipment, and other structures shall become the property of the United States.

5. Nothing herein contained shall be construed to exempt the operator or the timber operations from any requirements of the laws of the State in which situated; nor from compliance with or conformity to any requirement of any law or regulation which later may be enacted or promulgated, and which otherwise would be applicable.

6. While operations are in progress, the operators, contractors, sub-contractors, and employees of contractors and sub-contractors at work on the National Forest, shall use due diligence in the prevention and suppression of fire, and shall be available for service in the extinguishment and suppression of all fires within two miles of said operation. Provided that if such fire does not originate through any negligence on the part of the operators, contractors, sub-contractors, or their employees and does not threaten their structures, improvements or property, that they shall be paid for their services at the current rate of pay of fire fighters employed by the United States.

7. Only one cutting shall be made on any portion of the area on which timber is reserved. Provided, that the Forest Supervisor may permit the cutting of special products, or products the cutting of which is seasonal, on any portion of the area in advance of the cutting of the chief products of the reserved timber. Each reservation of timber shall include a specific period of time within which material may be removed after the cutting for the chief products on any portion of the area, and any material remaining on a cut-over area shall, on the expiration of that period, become the property of the United States.

All regulations hitherto issued by the Secretary of Agriculture to govern the exercise of timber rights reserved in conveyances to the United States are hereby superseded as to timber rights hereafter reserved.

In testimony thereof, I have hereunto set my hand and official seal at the City of Washington this 12th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1369; Filed, May 13, 1937; 12:38 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 40]

APPROVAL OF SPECIAL INTEREST RATES FOR FIRST MORTGAGE LOANS ON FARMS IN THE THIRD FEDERAL LAND BANK DISTRICT ENGAGED PRIMARILY IN THE PRODUCTION OF NAVAL STORES

MAY 13, 1937.

Whereas, it is provided by paragraph Second of Section 12 of the Federal Farm Loan Act, as amended, (U. S. C., Title 12, Section 771), that except with the approval of the Governor of the Farm Credit Administration, the interest rate on first mortgage loans made by any Federal land bank through national farm loan associations shall not exceed by more than 1 per centum per annum the interest rate in the last series of farm loan bonds issued by said bank; and

Whereas, it appears to the satisfaction of the Governor of the Farm Credit Administration that loans upon farm lands in the Third Federal Land Bank District employed in the production of naval stores as defined by Section 2 of the Naval Stores Act (U. S. C., Title 7, Section 92) are subject to special hazards and that it is necessary that the security for such loans be inspected from time to time by qualified inspectors; and

Whereas, The Federal Land Bank of Columbia has requested approval of a rate of interest on such loans through national farm loan associations 1½ per centum per annum in excess of the interest rate in the last series of farm loan bonds issued by said bank; and

Whereas, by virtue of the provisions of paragraph (b) of Section 7 of the Federal Farm Loan Act, as amended, (U. S. C., Title 12, Section 723), upon approval of such request by the Governor of the Farm Credit Administration the rate of interest on such loans direct to borrowers will be 2 per centum per annum in excess of the interest rate of the last series of farm loan bonds issued by said bank,

Now, therefore, it is ordered, That a rate of interest 1½ per centum per annum in excess of the interest rate in the last series of farm-loan bonds issued by The Federal Land Bank of Columbia be and hereby is approved for mortgage loans made by said bank through national farm-loan associations after the effective date of this Order on the security of any farm land in the Third Federal Land Bank District that is employed primarily in the production of naval stores as defined by Section 2 of the Naval Stores Act (U. S C., Title 7, Section 92).

The provisions of this Order shall be effective as of the opening of business on the date above written and shall remain in full force and effect until amended or revoked.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-1363; Filed, May 13, 1937; 11:51 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO BANK RULES AND REGULATIONS

Be it resolved, that pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), paragraph (6) of Section 48 of the Rules and Regulations for Federal Home Loan Banks is hereby amended to read as follows:

(6) *Regulations.*—Each semi-annual assessment under the provisions of Section 18 (b) of the Act shall be made on the following basis: Each Bank will be charged $2,500, and any additional amount which may be necessary to meet the Board's expenses will be assessed upon the several Banks in the same proportion, as determined by the Board's Comptroller, as the average gross income of the respective Banks for the six months' period next preceding, hereinafter prescribed, bears to the average gross income of all the Banks for the same period of time. For the assessment for the first half of a calendar year, average gross income (including any refunds of the Board's assessments and any other items of income of an extraneous or extraordinary character) shall be determined from information contained in the reports of the respective Banks for each month during the period from June 1 through November 30, and for the assessment for the last half of a calendar year such determination shall be made from information contained in the reports of the respective Banks for each month during the period from December 1 through May 31. Payment by the Banks of said assessments shall be made in such manner as the Board's Comptroller shall request.

Adopted by the Federal Home Loan Bank Board on May 12, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1365; Filed, May 13, 1937; 11:58 a. m.]

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Be it resolved, that pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), Section 8 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

SECTION 8. Upon receipt of a petition for charter, a hearing will be conducted in accordance with section 29 hereof, except as otherwise therein provided.

Be it further resolved, that pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), Section 29 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

SECTION 29. (a) Any person (hereinafter referred to as an "applicant") who has made an application or petition to the Board may request a hearing, provided the application or petition has been denied or disapproved by the Board. At any time after the filing of an application or petition to the Board by any person and before consideration thereof by the Board in accordance with these rules and regulations, any interested person (hereinafter referred to as a "protestant") may request a hearing provided such protestant shall simultaneously file with the Board specific objections to the granting of the application or petition. Upon receipt of written request for such hearing, the Board or the Review Committee of the Board will fix a date for such hearing not earlier than 10 days nor later than 30 days after the date of the resolution of the Board or the order of the Review Committee fixing such hearing date. Unless the Board shall otherwise determine, such hearings will be conducted by the Review Committee at the offices of the Board at Washington, D. C. The Board may fix some other place, convenient to the parties, for conducting such hearing, in which event such hearing shall be conducted at such place and upon such conditions as the Board may prescribe. If the Board fixes such hearing date and the place of such hearing, a certified copy of such resolution shall be forwarded to the applicants and to the protestants by the Secretary or an Assistant Secretary to the Board. If the Review Committee fixes the date and place of such hearing, a copy of an order signed by the Chairman of the Review Committee shall be sent to the applicants and protestants by the Secretary or an Assistant Secretary to the Board. The Board may direct such other written or published notice of the time and place of such hearing as it may deem appropriate. At least 5 days before the date of the hearing, the person or persons requesting such hearing (either the applicants or the protestants) shall file with the Board a written statement of intention to appear and present testimony in person at such hearing. In the event no such statement of intention to appear in person at a hearing has been filed with the Board within such period, the Board may dispense with the hearing. At any such hearing any applicant or protestant or any other interested person may appear in person or by attorney and submit any evidence pertinent to the questions at issue. In lieu of such appearance, evidence may be submitted in writing. The Board may order a hearing in connection with its consideration of any matter, whether or not any request therefor has been made by any person. The Board may dispense with any hearing provided for by this section when, in its judgment, no need therefor exists. In the event that the Review Committee or other representative of the Board conducts any such hearing, such committee or representative shall cause a stenographic record of such hearing to be made and shall consider the evidence submitted thereat and make recommendations thereon to the Board. A representative of the Legal Department of the Board, selected as the General Counsel shall determine, shall attend each such hearing and be available to advise all persons appearing thereat regarding the pertinent provisions of the statutes and regulations so that, as fully as possible, all pertinent facts shall be adduced. Upon consideration of the law and the facts, the Board will take such action upon any such application or petition as it shall deem to be appropriate.

(b) Upon receipt of a petition for charter, the Board or the Review Committee will fix the hour, date and place of hearing upon such petition and will conduct such hearing in accordance with the provisions of subsection (a) of this section. The applicants shall promptly cause to be published in a newspaper printed in the English language of general circulation in the county in which the proposed Federal association will have its home office, a notice in the form prescribed in subsection (e) of this section. The applicants shall cause to be filed with the Board prior to said hearing an affidavit of publication as provided in subsection (e) of this section, subscribed by the chairman of the organization committee or by the petitioners. Unless such notice shall have been duly published by the applicants, no hearing upon the petition for charter shall be conducted and no action will be taken by the Board upon such petition until the requirements of this subsection have been complied with.

(c) At any time after the filing of an application for permission to organize a Federal association and before the approval of such application, any person may file with the Board specific written objections to the granting of permission to organize a Federal savings and loan association. In the event any such written objection is filed with the Board, and unless the Board determines to deny such application, a hearing on said application may, in its discretion, be conducted in accordance with the provisions of subsection (a) of this section. Such hearing may, in the discretion of the Board, be in lieu of the hearing provided in subsection (b) of this section. The applicants shall cause to be published in the manner specified in subsection (b) of this section a notice in the form prescribed in subsection (e) of this section, and shall file an affidavit of publication as provided in subsection (e) of this section. Such affidavit shall be sworn to by each of the applicants. Unless such notice shall have been duly published by the applicants, no hearing upon the application for permission to organize a Federal association shall be conducted and no action will be taken by the Board upon such application until the requirements of this subsection have been complied with.

(d) Upon receipt of an application from any Federal association for approval of the establishment of a branch office or the moving of any office from its immediate vicinity, the Board, unless it determines to deny such application, will cause a hearing to be conducted in accordance with subsection (a) of this section. The applicant shall cause to be published, in the county in which it proposes to establish a branch office or to which it intends to move the location of any office and in the manner specified in subsection (b) of this section, a notice in the form prescribed in subsection (e) of this section, and shall file an affidavit of publication as provided in subsection (e) of this section. Such affidavit shall be sworn to by the president or secretary of the applicant Federal association. Unless such notice shall be duly published by the applicant, no hearing upon any such application shall be conducted and no action will be taken by the Board upon such application until the requirements of this subsection have been complied with. The notice shall be signed by the Federal association. Upon receipt of an application from any Federal association for approval of the maintenance of a branch office the Board may, in its discretion, conduct a hearing in accordance with the provisions of subsection (a) of this section and may, in its discretion, require the applicant to cause to be published in the manner and in the form specified in subsection (e) of this section, a notice of such hearing and require an affidavit of publication of such notice to be filed with the Board.

(e) The form of notice required to be published pursuant to the provisions of this section shall be as follows:

"Notice is hereby given that at ____ o'clock in the _____ noon on _____, 19____, a hearing will be conducted by the Federal Home Loan Bank Board or by the Review Committee or other representative of the Board at _____, upon (insert appropriate reference to the application or petition as indicated in this subsection (e)) in the County of _____. Notice of intention to appear and specific objections to the application should be filed with the Board at least 5 days before the date of the hearing. If no notice of intention to appear and no specific objections have been received by the Board at least 5 days before the date of the hearing, the Board may dispense with the hearing. Any interested person may appear in person or by attorney and submit any evidence at such hearing pertinent to the questions at issue. In lieu of such appearance evidence may be submitted in writing."

The hour and date fixed by resolution of the Board or by order of the Review Committee signed by the Chairman of the Review Committee shall be inserted in the notice as the hour and date of the hearing. The notice shall state that the hearing will be held at the offices of the Board at Washington, D. C., unless a resolution of the Board fix some other place, in which event the

notice shall state the address of the place of hearing so fixed. The following references to the application or petition shall be inserted in the public notice:

(1) If the petition is for a Federal charter: "the petition of the undersigned for a charter for a Federal savings and loan association to be organized."

(2) If the application is for permission to organize a Federal association: "the application of the undersigned for permission to organize a Federal savings and loan association."

(3) If the application is for the approval of the establishment of a branch office: "the application of the undersigned for approval of the establishment of a branch office to be located at (insert proposed address of branch office)."

(4) If the application is for the approval of the maintenance of a branch office: "the application of the undersigned for approval of the maintenance of a branch office located at (insert address of branch office)."

(5) If the application is for approval of the establishment of an agency and the Board determines that a hearing shall be conducted: "the application of the undersigned for approval of the establishment of an agency to be located at (insert proposed address of agency)."

(6) If the application is for approval of the maintenance of an agency and the Board determines that a hearing shall be conducted: "the application of the undersigned for approval of the maintenance of an agency located at (insert address of agency)."

(7) If the application is for approval of changing the location of any office of the association from its immediate vicinity: "the application of the undersigned for approval of a change of location of its (insert 'home', 'branch', 'agency', as the case may be) office, now located at (insert present address of office) to (insert address to which the association proposes to move such office)."

(8) If the hearing is ordered by the Board, although not requested by any applicant or protestant, a clear statement of the purpose of the hearing.

The form of affidavit of publication required to be filed pursuant to the provisions of this section shall state that a notice in the form affixed thereto was caused to be published in a newspaper of general circulation (naming the newspaper) in the county named in the edition appearing on the date stated in the affidavit. Such affidavit of publication shall be sworn to before a notary public or other officer competent to take acknowledgments of deeds.

Adopted by the Federal Home Loan Bank Board on May 12, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F R. Doc. 37-1364; Filed, May 13, 1937; 11:58 a. m.]

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AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), the last three sentences of subsection (a) of Section 12 of the Rules and Regulations for Federal Savings and Loan Associations are hereby stricken and the following inserted in lieu thereof:

The original bond shall be kept in the home office of the association, and a true copy thereof shall be filed with the Federal home loan bank of which the association is a member. Each such bond shall contain clauses, in form approved by the Board, empowering the Federal home loan bank, in the case of any defalcation covered by such bond, to give notice to the surety of loss, file any claims in connection therewith, and bring any action at law or in equity to enforce such bond, all in accordance with the terms of such bond, and requiring the surety to notify the Federal home loan bank before cancellation of the bond.

Adopted by the Federal Home Loan Bank Board on May 12, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1367; Filed, May 13, 1937; 11: 58 a. m.]

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AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), subsection (d) of Section 42 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

(d) The purchase and sale of mortgages shall not constitute the major activity of a Federal association. No Federal association which holds a mortgage or other instrument securing a debt which is a first lien upon real estate and which simultaneously holds one or more additional mortgages or other instruments securing a debt and constituting liens inferior to the first lien upon the same real estate, shall sell or otherwise dispose of any such mortgage or other instrument, unless it shall simultaneously sell or otherwise dispose of all mortgages or other instruments constituting inferior liens upon the same real estate.

Adopted by the Federal Home Loan Bank Board on May 12, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1368; Filed, May 13, 1937; 11:59 a. m.]

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**Federal Savings and Loan Insurance Corporation.**

AMENDMENT TO RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

Be it resolved, That pursuant to authority vested in the Board of Trustees of the Federal Savings and Loan Insurance Corporation by Sections 402 (a) and 403 (b) of the National Housing Act (12 U. S. C. 1725 (a), 1726 (b)), subsection (a) of Section 15 of the Rules and Regulations for Insurance of Accounts is hereby amended by adding at the end thereof the following:

A true copy of such bond shall be filed with the Federal home loan bank of the district in which such insured institution is located, as agent of the Corporation, and either the original of such bond or a true copy thereof shall be kept in the principal office of such institution; and such bond shall contain, unless contrary to applicable law, a clause, in form approved by the Corporation, requiring the surety to notify such Federal home loan bank and the State supervisory authority before cancellation of the bond.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on May 12, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1366; Filed, May 13, 1937; 11:58 a. m.]

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**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of May, 1937.

IN THE MATTER OF LEFCOURT STATE BUILDING (N. Y. C.), STAMPED FIRST MORTGAGE LEASEHOLD 6¼% SERIAL GOLD BONDS, DUE 1929-1943, ISSUED BY 1375-1383 BROADWAY CORPORATION

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Real Estate Securities Exchange, Inc. having made application for unlisted trading privileges in Lefcourt State Building (N. Y. C.), Stamped First Mortgage Leasehold 6¼% Serial Gold Bonds, due 1929-1943, issued by 1375-1383 Broadway Corporation, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the Lefcourt State Building (N. Y. C.), First Mortgage Leasehold 6¼% Serial Gold Bonds, due 1929-1943, issued by 1375-1383 Broadway Corporation, a security admitted to unlisted trading privileges on said exchange,

It is ordered, that said application for unlisted trading privileges in Lefcourt State Building (N. Y. C.), Stamped First Mortgage Leasehold 6¼% Serial Gold Bonds, due 1929-1943, issued by 1375-1383 Broadway Corporation, on the New York Real Estate Securities Exchange, Inc. be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1370; Filed May 13, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE POWDER RIVER-LEWIS-RHOADES-COOPER-ELLIOTT FARMS, FILED ON APRIL 22, 1937, BY POWDER RIVER BASIN ROYALTY CO., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:30 o'clock in the forenoon on the 12th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 3:00 o'clock in the afternoon on the 27th day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1373; Filed, May 13, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-PEACHES FARM, FILED ON APRIL 13, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 10, 1937, be effective as of May 10, 1937; and

It is further ordered that the Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1376; Filed, May 13, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of May, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG LEASE, FILED ON APRIL 28, 1937, BY FIRST DEPENDABLE OIL CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 10, 1937, be effective as of May 10, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1375; Filed, May 13, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of May, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE CONTINENTAL-REED LEASE, FILED ON APRIL 28, 1937, BY G. D. TERRIEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 10, 1937, be effective as of May 10, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1374; Filed, May 13, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL ET AL. ISENSEE-FLATO FARM, FILED ON MAY 5, 1937, BY JAMES W. TAIT CO., INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is incorrect;

(2) In that the total production of oil from the tract, as set forth in Division II, Item 15, may not be correct by reason of the fact that the figures given in this item do not agree with those set forth in Division III, Item 4 (b);

(3) In that the figures given for the months of November and December, 1936, and January, 1937, in Division II, Item 16 (d), are not believed to be correct;

(4) In that the information given in Division III, Item 3, is not believed to be correct by reason of the fact it is stated that 260 acres are productive for the 4400 ft. sand, whereas in the tabulation contained therein 270 acres is used, thus the total shown for the estimated recovery in barrels is not the total of the three figures added. However, the total shown is the correct figure. The multiplication for the 4400 ft. sand should be corrected by using 260 acres instead of 270;

The "results" for the developed and undeveloped portions of the lease are not believed to be correct, and are not in accord with the total given in the tabulation;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 11th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 27th day of May, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1372; Filed, May 13, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG FARM, FILED ON MAY 5, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the information given in Division II, Item 16 (a) (iii), relative to the gross production of water from the tract involved is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 11th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 27th day of May, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1371; Filed, May 13, 1937; 12:39 p. m.]

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*Saturday, May 15, 1937* *No. 94*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

EXCLUDING CERTAIN TRACTS OF LAND FROM TONGASS NATIONAL FOREST AND RESTORING THEM TO ENTRY

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tracts of land in Alaska, occupied as homesites and identified by elimination surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., be, and they are hereby, excluded from the Tongass National Forest and restored to entry under the applicable public-land laws:

Homesite No. 15, Prince of Wales Island, East shore of Salt Chuck, Kasaan Bay, 4.78 acres; approximate latitude 55°37′ N., longitude 132°32′ W.;

Homesite No. 94, Revillagigedo Island, Naha River, 3.99 acres; approximate latitude 55°35′30″ N., longitude 131°34′30″ W.;

Homesite No. 133, lot "E", Mud Bay Group, Tongass Highway, Revillagigedo Island, 4.99 acres; approximate latitude 55°24′32″ N., longitude 131°45′32″ W.;

Homesite No. 342, East Craig Group, Prince of Wales Island, 2.52 acres; approximate latitude 55°28′41″ N., longitude 133°08′29″ W.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 11, 1937.*

[No. 7614]

[F. R. Doc. 37-1377; Filed, May 13, 1937; 2:25 p. m.]



## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 12 to B. A. I. Order 350]

REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND PUREBRED ANIMALS

AMENDING REGULATION 2, SECTION 3, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD ACROSS THE SEAS

*Effective on and after May 14, 1937*

Regulation 2, section 3, paragraph 1, of the regulations governing the recognition of breeds and purebred animals, effective under date of July 1, 1935, and identified as B. A. I. Order 350, is hereby amended so as to include and recognize for the purposes enumerated thereunder the following breed and book of record:

*Cattle*

| Name of breed | Book of record | By whom published |
|---|---|---|
| South Devon..... | Herd Book of South Devon Cattle. | South Devon Herd Book Society, S. Arthur Yeo, secretary, 3, West Street, Okehampton, Devon, England. |

Done at Washington this 13th day of May, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1386; Filed, May 14, 1937; 12:38 p. m.]

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## Forest Service.

RULES AND REGULATIONS TO GOVERN EXERCISES OF MINERAL RIGHTS RESERVED IN CONVEYANCES TO THE UNITED STATES

In conformity with the provisions of the Act of February 28, 1925 (43 Stat. 1090), I, Henry A. Wallace, Secretary of Agriculture, do hereby establish the following regulations to govern ingress and egress and the use of the surface in the extraction of minerals, oil, gas and other inorganic resources, from lands acquired by the United States through exchange under authority of the Act of March 20, 1922 (42 Stat. 465), and acts amendatory thereof authorizing the acquisition, by exchange, of lands chiefly valuable for National Forest purposes, within the boundaries of National Forests or of specifically defined areas adjacent thereto, in cases where the right to extract such mineral resources is to be reserved by the vendor by stipulation to be expressed in and made a part of the deed of conveyance to the United States.

Whoever begins such operations must, on demand, exhibit to the Forest Officer in charge satisfactory evidence of authority from the grantor so to do, and must comply with the following requirements:

1. Only so much of the surface of the land shall be used or disturbed as is necessary in the bona fide prospecting, mining, drilling, or manufacturing of the minerals; but no right to so occupy, use, or disturb such land shall be recognized unless the recorded owner of the reserved mineral rights, or his legally authorized representative, shall have applied for and received from the Forest Supervisor a permit authorizing such use or occupancy, for which permit advance payment shall be made annually at the rate of $6 per acre or fraction thereof.

All buildings, camps, equipment, and other structures shall be removed from the land within one year from date of completion or abandonment of the operation, which shall be construed as being the date when payment of the permit charges for the land terminates. Otherwise such buildings, camps, equipment, and other structures shall become the property of the United States.

2. If the exercise of the rights herein reserved will result in the stripping, collapse, or other damage of the land or any improvements thereon, the recorded owner of the reserved rights, or his legally authorized representative, shall, upon written notification by the Forest Supervisor, pay to the designated fiscal officer of the United States, for deposit in a cooperative fund, the amount determined by the Forest Officer in charge of the area to be necessary to restore the land to a serviceable or safe condition or to repair or replace the improvements damaged or destroyed; such cooperative deposits to be available for expenditure by the United States for the purposes for which deposited.

3. All marketable timber and other timber products cut, destroyed, or damaged in prospecting, mining, drilling, or removing minerals, coal, oil, and gas, or in manufacturing products therefrom, and in the location and construction of buildings or works of any kind for use in connection therewith, shall be paid for at the usual rates charged in the locality for sales of similar National Forest timber and timber products.

All slash resulting from such cutting or destruction shall be disposed of as directed by the Forest Officer. No timber or reproduction shall be unnecessarily cut, destroyed, or damaged.

4. All mining operators shall in all developments and operations make all reasonable provisions for the disposal of tailings, dumpage, and other deleterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of the land, streams, ponds, lakes, or springs.

5. Nothing herein contained shall be construed to exempt the operator or the mining operations from any requirements of the laws of the State in which situated; nor from compliance with or conformity to any requirements of any law or regulation which later may be enacted or promulgated, and which otherwise would be applicable.

6. While operations are in progress the operators, contractors, subcontractors, and employees of contractors and subcontractors at work on the National Forest shall use due diligence in the prevention and suppression of fire, and shall be available for service in the extinguishment and suppression of all fires within two miles of said operation. Provided that if such fire does not originate through any negligence on the part of the operators, contractors, subcontractors, or their employees and does not threaten their structures, improvements, or property they shall be paid for their services at the current rate of pay of fire fighters employed by the United States.

All regulations hitherto issued by the Secretary of Agriculture to govern the exercise of mineral rights reserved in conveyances to the United States are hereby superseded as to mineral rights hereafter reserved.

In testimony thereof I have hereunto set my hand and official seal at the City of Washington this 13th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1387; Filed, May 14, 1937; 12:38 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

SUPPLEMENT TO CHANGE NO. 1 TO SHIP RADIOTELEGRAPH SAFETY INSTRUCTIONS, OCTOBER 1, 1936

SPARE PARTS CONSIDERED INDISPENSABLE FOR MAINTENANCE OF CERTAIN AUTO-ALARMS

The Telegraph Division at its regular meeting on May 4, 1937, issued the following notice:

*"To: Mackay Radio and Telegraph Company, Radiomarine Corporation of America, United States Ship Owners, Ship Operating Agencies, Ship Masters, Licensees of Ship Radio Stations, and Others Concerned.*

"Subject: Supplement to Change No. 1 to Ship Radiotelegraph Safety Instructions, October 1, 1936.

"Effective Date: July 10, 1937.

"Reference is made to Mimeograph No. 20338 of March 10, 1937, wherein the Ship Radiotelegraph Safety Instructions

of October 1, 1936, were amended following the promulgation of Order No. 28 by the Telegraph Division.

"In accordance with Section 3 (c) of Mimeograph No. 20338, there is published the following list of spare parts which are considered indispensable for the maintenance of the following listed auto-alarms in a normal and effective operating condition.

"*Radiomarine Corporation of America, Model AR–8600, Auto-Alarm*

ELECTRON TUBES

"One type 6 H 6.
"One type 6 A 8.
"Two type 6 K 7.
"Five type 1611 (previously designated as 6 F 6).

"OTHER ITEMS

"Two bridge warning-light bulbs.
"One 30-ohm filament resistor.
"One 9-volt dry-cell bias battery.
"Nine glass-enclosed 6 ampere fuses.
"Six glass-enclosed ½ ampere fuses.
"Six 10-ampere fuse links for cartridge-type fuses.
"Two cartridges for 10 ampere fuse links.

"*Mackay Radio and Telegraph Company—Auto-Alarm Type 101–A—Manufactured by Federal Telegraph Company*

"ELECTRON TUBES

"One type 6 D 6.
"One type 89.
"Three type 76.

"OTHER ITEMS

"Two bridge warning-light bulbs.
"Two commutating brushes for selector motor.
"Two governor brushes for selector motor.
"Two brush springs for selector motor.
"Six fuses for receiver power supply unit.
"Three cartridges for 6 ampere fuse links.
"One cartridge for 3 ampere fuse links.
"Nine 6 ampere fuse links for cartridge-type fuses.
"Three 3 ampere fuse links for cartridge-type fuses.
"One 4½ volt dry cell bias battery.

"These spare parts shall be supplied with each respective auto-alarm installation aboard a vessel of the United States when such installation is made to fulfill the requirements of law, in addition to the spare parts and tools specified in paragraph 23 of the Ship Radiotelegraph Safety Instruction (mimeograph 18378 of October 1, 1936) or those specified in any superseding instructions or regulations. The foregoing lists may be superseded whenever additional parts or tools are deemed necessary by the Commission for the proper operation and maintenance of these auto-alarms."

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37–1382; Filed, May 14, 1937; 11:46 a. m.]

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AERONAUTICAL AND AERONAUTICAL POINT-TO-POINT STATIONS IN ALASKA

The Telegraph Division at its regular meeting on May 4, 1937, adopted the following policy:

"In general, aeronautical and aeronautical point-to-point stations in Alaska will be divided into two groups, the Orange Chain comprising the route now established from Fairbanks to Bethel together with any feeder routes that might eventually be established, and a Green Chain to include other routes now regularly established lying from Fairbanks to Cordova and Kennecott and from Anchorage to Dillingham; the growth of this route to be guided until eventually it may cover the air routes from Ketchikan to Fairbanks via Juneau, Cordova, and Anchorage, and from Tanana Crossing to Dillingham via Anchorage, together with miscellaneous feeder routes and a possible extension down the Aleutian Chain."

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37–1333; Filed, May 14, 1937; 11:47 a. m.]

AERONAUTICAL, ETC., STATIONS—FREQUENCIES

*Amendment of Rules 253 and 262a, B, b*

The Telegraph Division at its regular meeting on May 4, 1937, amended Rules 253 and 262a, B, b, to read, as follows:

253. Aeronautical or aeronautical point-to-point stations will not be licensed to use more than 1 kilowatt of power on the frequencies above 11500 kilocycles; Provided, however, that aeronautical and aeronautical point-to-point stations at communications division terminals may be authorized to use a power not in excess of 5,000 watts on condition that the operating frequency is maintained within 0.02 percent of the assigned frequency, and that suitable filters are embodied in the equipment to limit the frequency band of emission to 5 kilocycles.

RULE 262A, B, B

SOUTHERN TRANSCONTINENTAL CHAIN AND FEEDERS (BROWN)

* * * * * * *

*Available for Aeronautical Point-to-Point Stations*

| | | |
|---|---|---|
| 2612 | 4690 | 6560 [3] |
| 2636 | 6540 [3] | 7700: Day only [10] |
| 3467.5 | 6550 [3] | 10190: Day only |
| | | 18360: Day only [10] |

* * * * * * *

EASTERN CONTINENTAL CHAIN AND FEEDERS (GREEN)

* * * * * * *

*Available for Aeronautical Point-to-Point Stations*

| | | |
|---|---|---|
| 2608 | 4745 | 6600 [3] |
| 2748 | 5310 | 8130: Day only [9] |
| 4740 | 6590 [3] | 10855: Day only [10] |
| | | 11960: Day only [10] |

NORTHWESTERN CONTINENTAL CHAIN AND FEEDERS (PURPLE)

* * * * * * *

*Available for Aeronautical Point-to-Point Stations*

| | | |
|---|---|---|
| 2644 | 6490 [3] | 8130: Day only [8] |
| 2994 [12] | | 10855: Day only [10] |

MID-CONTINENTAL CHAIN AND FEEDERS (YELLOW)

* * * * * * *

*Available for Aeronautical Point-to-Point Stations*

| | | |
|---|---|---|
| 2640 | 4650 | 8070: Day only [10] |
| | | 11910: Day only [10] |

SOUTHERN INTERCONTINENTAL CHAIN AND FEEDERS (ORANGE)

*Available for Aeronautical and Aircraft Stations*

| | | | |
|---|---|---|---|
| 2870 | 5165 [3] | 6570 | 12330 |
| 2986 [4] | 5375 | 8220 | 16440 |
| 3082.5 | 5405: Day only | 8240 [3] | 17000 [3] |
| | 5692.5 | 11470 [3] | |

*Available for Aeronautical Point-to-Point Stations*

| | | | |
|---|---|---|---|
| 2648 | 5375 | 8240 [3 7] | 12330 [7] |
| 2986 [4] | 6570 [3] | 9310 [6 8] | 16240 |
| 3082.5 | 6580 [2] | 10955 [8 9] | 16440 [7] |
| 5165 [5] | 8220 [7] | 11470 [8 11] | 17000 [3 7] |

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37–1380; Filed, May 14, 1937; 11:46 a. m.]

[2] These frequencies assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.
[4] Available for use in the Pacific area only.
[5] These frequencies are assigned upon the express condition that no interference will be caused to the international service of any station, which, in the discretion of the Commission may have priority on the frequency, or frequencies with which interference results.
[7] These frequencies are assigned for secondary use upon the express condition that no interference is caused to the international mobile service.
[8] Subject to the condition that no interference is caused to Government stations.
[9] For use on routes lying south of the United States only.
[10] Subject to the condition that no interference is caused to existing services and that the operating frequency will be maintained within 0.02 percent of the assigned frequency.
[12] Subject to the condition that no interference is caused to aeronautical and aircraft stations.



AVIATION SERVICE, ALASKA—FREQUENCIES AVAILABLE

*Amendment of Rule 419*

The Telegraph Division at its regular meeting on May 4, 1937, amended Rule 419 by adding at the end thereof, a new paragraph as follows:

F. AVIATION SERVICE

The following frequencies are available on condition that no interference is caused to stations in other services, or to stations in the aviation service outside of Alaska:

*For aircraft and aeronautical stations of the Orange Chain:* A1, A2, A3—1638—3082.5—5692.5—8220

*For aeronautical point-to-point stations of the Orange Chain:* A1, A2—1638—2648—3082.5—4125—6570—8015 [1]

*For aircraft and aeronautical stations of the Green Chain:* A1, A2, A3—2922—2946—4724.5—5652.5—6590 [1]

*For aeronautical point-to-point stations of the Green Chain:* A1, A2—2608—2748—4740—4745—5310—6590 [1]

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37–1381; Filed, May 14, 1937; 11:46 a. m.]

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## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO BANK RULES AND REGULATIONS

APPLICATIONS FOR MEMBERSHIP AND STOCK SUBSCRIPTION

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), paragraph (1) of section 25 (a) of the Rules and Regulations for Federal Home Loan Banks be amended to read as follows:

(1) *Regulations.*—Upon the request of an institution desiring to become a member of a bank, the Bank may supply such institution with appropriate forms for application for membership and stock subscription. Institutions of the savings and loan type, and savings banks, shall file an application in the form of Exhibit E annexed hereto and made a part hereof. Insurance companies shall file an application in the form of Exhibit E annexed hereto and made a part hereof except that instruction No. 3 (c) shall be stricken. Each applicant shall file in duplicate its application for membership, with the Bank of the district in which it is located.

Adopted by the Federal Home Loan Bank Board on May 13, 1937.

[SEAL] H. CAULSEN, *Assistant Secretary.*

[F. R. Doc. 37–1384; Filed, May 14, 1937; 12:04 p. m.]

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AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

BOND OF PROPOSED ASSOCIATION

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), the third sentence of Section 4 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

Such bond shall name the Federal home loan bank of the district in which the proposed association is to be located as obligee, and shall be delivered to such Federal home loan bank.

Adopted by the Federal Home Loan Bank Board on May 13, 1937.

[SEAL] H. CAULSEN, *Assistant Secretary.*

[F. R. Doc. 37–1385; Filed, May 14, 1937; 12:04 p. m.]

[1] Not to be used between the hours of 6:00 p. m. and 6:00 a. m., P. S. T.

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 95]

ALLOCATION OF FUNDS FOR LOANS

MAY 12, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| North Carolina 27 Hyde | $15,000 |
| North Carolina 270 Hyde | 25,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37–1378; Filed, May 14, 1937; 9:26 a. m.]

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[Administrative Order No. 96]

RESCISSION OF ALLOCATION OF FUNDS FOR LOANS

MAY 12, 1937.

I hereby rescind the allocation of funds for the below designated projects made by Administrative Order No. 83, dated April 8, 1937, and Administrative Order No. 73, dated March 18, 1937. The reason for this action is that these projects have been combined with a single project allocation for which is made by the second part of this Order.

| Project Designation: | *Amount* |
|---|---|
| Idaho 10 Nez Perce | $250,000 |
| Idaho 10G Nez Perce | 75,000 |
| Idaho 12 Benewah | 270,000 |

ALLOCATION OF FUNDS FOR LOAN

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Idaho 10A Nez Perce | $400,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37–1379; Filed, May 14, 1937; 9:26 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

BANK HOLDING COMPANIES, APPLICATION FOR REGISTRATION

*Rule Adopting Form 24; Amendment to Rule JB1*

The Securities and Exchange Commission, finding

(1) that the requirements of Form 24, as more specifically defined in the instruction book accompanying that form, are necessary and appropriate in the public interest and for the protection of investors, and that, insofar as the information required by such form and instruction book is not within the provisions of Section 12 (b) of the Securities Exchange Act of 1934, it is of a character comparable to such information and is applicable to the class of issuers and securities for which such form is prescribed; and

(2) that the exhibits required by such instruction book are necessary and appropriate for the proper protection of investors and to insure fair dealing in the securities registered on Form 24,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a)

thereof, hereby adopts Form 24 and the instruction book accompanying Form 24.[1]

The Securities and Exchange Commission, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby amends Rule JB1 by inserting after the paragraph under the caption "Form 23 for Successor Issuers" the following paragraph:

*Form 24 for Bank Holding Companies.*—This form shall be used for applications for the registration of securities of any person which is engaged, either directly or through subsidiaries, primarily in the business of owning securities of banks, for the purpose or with the effect of exercising control.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1394; Filed, May 14, 1937; 1:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D. 1937.

[File No. 43-49]

IN THE MATTER OF EAST ST. LOUIS LIGHT & POWER CO

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by East St. Louis Light & Power Co., a subsidiary company of The North American Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of $2,335,582.50 aggregate principal amount of its promissory notes, it being stated that said notes will be issued solely for the purpose of discharging $2,400,000 principal amount of declarant's First Mortgage 5 Per Cent Bonds.

It is ordered that a hearing on such matter be held on May 20, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 19, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is, designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR. *Secretary.*

[F. R. Doc. 37-1389; Filed, May 14, 1937; 1:00 p. m.]

[1] Form 24 and the accompanying instruction book were filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Securities and Exchange Commission.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1937.

[File No. 43-48]

IN THE MATTER OF UNION ELECTRIC LIGHT AND POWER COMPANY OF ILLINOIS

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Union Electric Light and Power Company of Illinois, a subsidiary company of The North American Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the conversion of 625,000 shares of its Common Stock, of the par value of $20 per share, and 80,000 shares of its 6% Cumulative Preferred Stock of the par value of $100 per share into, respectively, 695,000 shares of Common Stock of the par value of $20 per share and 80,000 shares of 6% Cumulative Preferred Stock of the par value of $100 per share of Union Electric Company of Illinois, pursuant to a proposed merger of declarant into said Union Electric Company of Illinois;

It is ordered that a hearing on such matter be held on May 20, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 19, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1390; Filed, May 14, 1937; 1:00 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D. 1937.

[File No. 41-5]

IN THE MATTER OF UNION ELECTRIC LIGHT AND POWER COMPANY OF ILLINOIS

SUPPLEMENTAL NOTICE OF AND ORDER FOR HEARING

An amended application having been duly filed with this Commission, by Union Electric Light and Power Company, a subsidiary company of The North American Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for an order authorizing applicant to issue, without any public offering thereof, its note or notes in an aggregate principal amount thereof not to exceed $14,750,000 (in lieu of the $6,750,000 aggregate principal amount previously applied for), such note or notes to bear interest at a rate not in excess of 5% per annum, and to mature not later than nine months, exclusive of days of grace, after the date of issue thereof, but to aggregate more than 5 per centum of the principal amount and par value of the other securities of the applicant now outstanding, it being stated that the additional $8,000,000, authorization of which is now applied for, will be used for the purpose of retiring the outstanding 6% Cumulative Preferred Stock of applicant.

It is ordered that a hearing on such matter be held on May 20, 1937, at 10 o'clock in the forenoon of that day at Room 1103 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 19, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1388; Filed, May 14, 1937; 1:00 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-McKAY FARM, FILED ON MAY 8, 1937, BY LOUIS BERNSTEIN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inacurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, is not correct;

(2) In that the number of barrels of oil which must be produced before the smallest fractional interest proposed to be offered will be entitled to receive one barrel does not appear to be correctly calculated in the statement made in Division II, Item 1;

(3) In that the information given in Division II, Item 13, relative to the number of producing wells, is not believed to be correct;

(4) In that the total production of oil from the tract, as set forth in Division II, Item 15, may not be correct by reason of the fact that the figures therein given do not agree with the gross production of oil by months as set forth in Division II, Item 16 (a);

(5) In that the legal description of the property, required to be given in Exhibit B, is omitted.





It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 12th day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 28th day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1391; Filed, May 14, 1937; 1:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-L. DAUGHERTY FARM, FILED ON MAY 8, 1937, BY SCHAPPERT-TEDEN-BLUMER, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the allowable production of oil from the tract involved required to be stated in Division II, Item 16 (b) is not given;

(2) In that it is stated in Division II, Item 16 (a) that there was no production from the tract involved during the month of April, 1936. No reason or explanation is given for this statement, and it may be incorrect by reason of the fact that in Division II, Item 16 (f), it is stated: "No wells shut-in or abandoned.";

(3) In that the date upon which the signature of the offeror was affixed to the offering sheet is omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 12th day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner

to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 28th day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1392; Filed, May 14, 1937; 1:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-BRACHT #6 FARM, FILED ON MAY 7, 1937, BY ROY M. SMITH, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the legal description required to be included as a part of Exhibit B is incomplete;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 12th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 28th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1393; Filed, May 14, 1937; 1:01 p. m.]

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*Tuesday, May 18, 1937* *No. 95*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6258 OF AUGUST 22, 1933, WITHDRAWING PUBLIC LANDS

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6258 of August 22, 1933, withdrawing public lands in T. 16 S., R. 8 W., New Mexico Principal Meridian, New Mexico, pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 13, 1937.*

[No. 7615]

[F. R. Doc. 37-1395; Filed, May 14, 1937; 1:45 p. m.]

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### EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked in so far as it affects any public lands within the following-described area in Wyoming:

SIXTH PRINCIPAL MERIDIAN

*Site I*

T. 37 N., R. 67 W.,
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;
T. 38 N., R. 67 W.,
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;
T. 39 N., R. 67 W.,
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;
T. 40 N., R. 67 W.,
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;
T. 41 N., R. 67 W.,
secs. 1 to 24, inclusive;
sec. 25, N½;
sec. 26, N½;
sec. 27, N½;
secs. 28 to 33, inclusive;
Tps. 42 to 44 N., R. 67 W.;
Tps. 37 to 44 N., R. 68 W.;
Tps. 38 to 44 N., R. 69 W.;
Tps. 38 to 43 N., R. 70 W.;
T. 44 N., R. 70 W.,
secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive;
Tps. 38 to 43 N., Rs. 71 to 73 W.

*Site II*

T. 55 N., R. 68 W.,
sec. 19, W½;
T. 53 N., R. 69 W.,
sec. 5, lots 2, 3, 4, SW¼NE¼;
sec. 6, lots 1, 2, 3, 4, SW¼NE¼, SE¼NW¼;
Tps. 54 and 55 N., Rs. 69 and 70 W.;
T. 54 N., R. 71 W.,
sec. 1, N½, NW¼SE¼, E½SE¼;
sec. 23, SE¼, E½SW¼;
sec. 24, S½N½, NE¼NW¼, S½;
secs. 25 and 26.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Thunder Basin Project, LA-WY 1: *Provided*, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 13, 1937.*

[No. 7616]

[F. R. Doc. 37-1396; Filed, May 14, 1937; 1:46 p. m.]

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### EXECUTIVE ORDER

INCREASING THE AMOUNTS AVAILABLE FOR PUBLIC PROJECTS UNDER CLAUSES (F), (G), AND (H) OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1936

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1936 (49 Stat. 1608), and in order to effectuate the purposes of the appropriation made by that Act, it is ordered (1) that the amount specified in clause (f) of the second paragraph of the said Act, to be used for assistance for educational, professional and clerical persons, be, and it is hereby, increased by $7,101,000, (2) that the amount specified in clause (g) of said paragraph, to be used for women's projects, be, and it is hereby, increased by $7,101,000, and (3) that the amount specified in clause (h) of said paragraph, to be used for miscellaneous work projects, be, and it is hereby, increased by $16,605,000, these amounts to be transferred from the amount specified in clause (i) of the said paragraph—so that the amounts available under the Emergency Relief Appropriation Act of 1936, as supplemented by the First Deficiency Act, fiscal year 1937, approved February 9, 1937, and as modified by Executive Orders No. 7469[1] of October 13, 1936, No. 7512[2] of December 16, 1936, and No. 7553[3] of February 17, 1937, shall be, for the several classes of public projects enumerated in the said paragraph, as follows:

| | |
|---|---|
| (a) Highways, roads and streets | $678,165,000 |
| (b) Public Buildings | 244,410,000 |
| (c) Parks and other recreational facilities, including buildings therein | 257,235,000 |
| (d) Public utilities, including sewer systems, water supply and purification, airports, and other transportation facilities | 254,970,000 |
| (e) Flood control and other conservation | 210,465,000 |
| (f) Assistance for educational, professional, and clerical persons | 160,236,000 |
| (g) Women's projects | 160,236,000 |
| (h) Miscellaneous work projects | 133,530,000 |
| (i) National Youth Administration | 86,118,000 |
| (j) Rural rehabilitation, loans, and relief to farmers and livestock growers | 153,135,000 |

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 13, 1937.*

[No. 7617]

[F. R. Doc. 37-1397; Filed, May 14, 1937; 1:45 p. m.]

[1] 1 F. R. 1581.
[2] 1 F. R. 2159.
[3] 2 F. R. 338.



## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48966]

CUSTOMS REGULATIONS AMENDED—TOBACCO INVOICES

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 161, Revised Statutes (U. S. C., title 5, sec. 22) and section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), article 192 (c) of the Customs Regulations of 1931 is amended to read as follows:

(c) No tobacco invoices, Internal-revenue Form 774, are required for shipments of tobacco to foreign countries made from customs bonded warehouses of class 6. Such form, however, is required for each shipment or delivery of tobacco to warehouses of class 6; for each shipment withdrawn for consumption from customs bonded warehouses of classes 1, 2, 3, and 8; and for each shipment entered for direct consumption. The invoice should be forwarded to the Commissioner of Internal Revenue, Tobacco Division, Washington, D. C.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: May 12, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1399; Filed, May 15, 1937; 9:39 a. m.]

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## POST OFFICE DEPARTMENT.

ADJUSTED SERVICE BONDS—ONE YEAR'S INTEREST PAYABLE BEGINNING JUNE 15, 1937

MAY 8, 1937.

If the owner of an Adjusted Service Bond desires to have his request for payment thereof certified, and surrenders the bond, but wants payment withheld until June 15, when one year's interest will have accrued, the postmaster shall accept, certify, and cancel it following the usual procedure. The bond shall be included with the day's shipment of Adjusted Service Bonds to the nearest Federal Reserve bank, as provided in the notices published in the Postal Bulletins of January 6 and April 6, 1937, but all bonds on which payment is to be delayed shall be listed on, and attached to, a separate invoice (Form ASB-2), which shall be conspicuously marked "For payment June 15, 1937." If the day's shipment of bonds includes some on which immediate payment is desired and some on which payment is to be withheld until June 15, two invoices must be prepared, each of which shall be attached to the bonds described thereon. Both sets of bonds, however, shall be registered under one cover.

[SEAL] ROY M. NORTH,
*Acting Third Assistant Postmaster General.*

[F. R. Doc. 37-1415; Filed, May 17, 1937; 10:55 a. m.]

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POSTAGE STAMPS NOT TO BE COVERED WITH MUCILAGE OR PASTE

MAY 6, 1937.

It has come to attention that when affixing stamps (especially precanceled stamps) to mail matter, particularly fourth-class or parcel-post mail, it is the practice of some persons and concerns to cover the face of the stamps with mucilage or other adhesive material used in affixing the stamps and labels to the matter.

This is not permissible, as the stamps cannot be properly defaced and loss of revenue may result through the possible reuse of the stamps. Postmasters should, therefore, advise patrons who follow this objectionable practice that it must be discontinued.

[SEAL] ROY M. NORTH,
*Acting Third Assistant Postmaster General.*

[F. R. Doc. 37-1414; Filed, May 17, 1937; 10:55 a. m.]

DEPARTMENT OF THE INTERIOR.

**General Land Office.**

[Circular No. 1401 Revised]

REGULATIONS GOVERNING THE LEASING OF PUBLIC LANDS, EXCLUSIVE OF ALASKA, FOR THE GRAZING OF LIVESTOCK[1]

APRIL 30, 1937.

*Registers, United States Land Offices, Director, Division of Investigations.*

SIRS: Section 15 of the act of June 28, 1934 (48 Stat. 1269), as amended by section 5 of the act of June 26, 1936 (49 Stat. 1976), provides that:

> The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe: *Provided*, That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except, that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary.

In general, the act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

I. Leases where no preference right is involved.

II. Preference right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

III. Where isolated or disconnected tracts embrace 760 acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of 90 days after such tract is offered for lease upon the terms and conditions prescribed by the Secretary of the Interior.

The Registers of the district land offices will continue to adjudicate all applications for grazing leases received in their offices prior to the date of approval of these regulations in accordance with the instructions contained in Circular No. 1412.

The following rules and regulations are prescribed for the administration of section 15 of the act of June 28, 1934, as amended by the act of June 26, 1936:

I

APPLICATION FOR LEASE

(1) An application for lease should be filed on form 4–721, approved April 30, 1937, in the United States district land office for the district in which the lands applied for are situated, except that in the States in which there are no district land offices, the application should be forwarded to this office.

(2) The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate and may be filed in either office. The original application, only, need be sworn to.

(3) Any person who is a citizen of the United States or who has declared his intention to become a citizen, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file such an application.

(4) Owners, homesteaders, leasees, or other lawful occupants of lands contiguous to those applied for shall have a preference right to a lease for so much of said lands as may be necessary to permit proper use of such contiguous lands, except that owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract applied for embracing 760 acres or less, shall have a preference right during a period of 90 days after such tract is offered for lease, to lease the whole of such tract upon the terms and conditions prescribed by the Secretary of the Interior.

(5) The application to lease should set forth as follows:

(a) Applicant's name and post office address.

(b) A statement as to whether the applicant is a native-born or naturalized citizen of the United States, or has declared his intention to become a citizen. If naturalized, or a declarent, evidence thereof must be furnished.

(c) If the applicant is a corporation, a certified copy of the articles of incorporation must accompany the application, and if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.

(d) A description of the lands applied for must be furnished in terms of the legal subdivisions of the public land surveys, together with a statement as to whether the lands contain any springs or water holes, and whether the lands are occupied or used for any purpose and by whom.

(e) A complete description in terms of legal subdivisions of the public land surveys of the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired.

(f) A statement as to the number and kind of stock to be grazed upon the lands, seasons of contemplated use, and the manner in which the applicant plans to graze the lands applied for in connection with his general operations. Such statement shall not prejudice the application, and the applicant may amend it to conform to any objection or requirement made by the Secretary of the Interior as to the kind or number of stock, seasons of use or grazing plans.

(g) A statement as to what previous use, if any, the applicant has made of the lands applied for, and whether the lands have been used by anyone else. If so, by whom, for what purpose, and to what extent.

(6) The filing of an application under this section in conformity with these regulations will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing, or patenting under the provisions of the applicable laws.

(7) The filing of an application will not segregate the land applied for from application by other applicants for grazing lease. Conflicting or junior grazing lease applications will be received, noted, and disposed of in the same manner as senior or prior grazing lease applications.

(8) As the issuance of a lease is within the discretion of the Secretary of the Interior, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the exclusive use of the lands applied for, pending the execution of a lease by the Secretary of the Interior.

(9) Every applicant for a lease must pay to the Register of the district land office, at the time of filing an application, a fee of five dollars if his lease application is for 1,000 acres or less, and an additional five dollars for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained and earned, as a service charge.

(10) If a protestant against the issuance of a lease desires to lease all or part of the land embraced in the application against which a protest is filed, the protest should be accompanied by an application to lease.

(11) Any person receiving a temporary one-year lease based on an application filed prior to the date of approval of these regulations, who desires to continue to lease the lands involved, will not be required to file a new application for lease on form 4–721 but will be required to file a petition in triplicate for the renewal of his lease on a form to be furnished. No filing fee will be required in connection with petitions for such renewals.

(12) Action on petitions for renewals will be governed by the instructions contained in the following section II hereof except that new serial numbers will not be assigned to the same.

[1] Under the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976).



II

ACTION ON APPLICATIONS AND PETITIONS FOR RENEWALS

(13) Upon receipt of an application, the Register of the district land office will assign the current serial number thereto, note the same on his records, and if all is found to be regular, forward the original to this office, and the duplicate to the Special Agent in Charge of the Division of Investigations for the division in which the lands are situated. The original and duplicate applications should be accompanied with a status report by the Register of all the lands applied for.

(14) The triplicate copy will be retained by the Register for his files. In case the application embraces land in two land districts, the quadruplicate copy will be forwarded to the appropriate land office for notation and for a serial number.

(15) The register of the land office receiving the quadruplicate copy will furnish a report to this office and the Special Agent in Charge as to the status of the land in his district embraced in the application for lease. The balance of the administrative work up to the point of issuing the lease will be handled through the office in which the complete application was filed.

(16) All instructions heretofore issued regarding publication of notices offering lands for lease are hereby rescinded. A general order by this Department relative to the offering of all public lands, including those now embraced in temporary one-year leases, will be issued in due course.

(17) Upon receipt of the duplicate copy of an application or petition for renewal the Special Agent in Charge will have an investigation made and submit a report to this office as to the applicant's qualifications, the pertinent facts as to any and all conflicting applications especially as to those where the questions of preference rights and extent thereof are involved.

(18) The report of the Special Agent in Charge should also include a statement as to the carrying capacity of the lands applied for, the value of the lands for grazing purposes, due regard being given to the number and kind of livestock to be grazed. It should also recommend the rental value to be charged, the term of the lease to be granted, and any other recommendations which may be helpful in the adjudication of the application.

III

ISSUANCE OF OR RENEWAL OF LEASES

(19) If, after receipt of an application or petition for renewal and upon consideration of the facts presented, it is decided by this office that the applicant is entitled to a lease for all or any of the lands applied for, a proposed lease will be prepared, in quadruplicate, and copies will be sent to the district land office for execution by the applicant. At the same time, protests and conflicting applications will be disposed of, subject to the right of appeal to the Secretary of the Interior.

(20) If the proposed lease is properly executed and returned to this office, it will be transmitted, together with any appeals filed by the protestants or conflicting applicants, with appropriate recommendations, to the Secretary of the Interior for consideration. The same procedure will be followed where it is determined that more than one applicant is entitled to a lease and a division of the lands is necessary, except that such conflicting applicants will be afforded an opportunity to agree to the division of such lands. If an acceptable adjustment cannot be made by the parties in interest, the award of a lease, or leases, will be determined by the Commissioner of the General Land Office, on the basis of all the facts presented, subject to the approval of the lease, or leases, by the Secretary of the Interior.

IV

LEASED LANDS SUBJECT TO CLASSIFICATION

(21) Lands embraced in a grazing lease shall be subject to classification and disposal under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), provided that before the allowance of any entry, selection or location under said section 7 evidence must be furnished that the applicant has agreed to compensate the leases for any grazing improvements placed on the lands entered, selected or located, under the authority of the lease and for any injury caused to the lessee's greazing operations by reason of the loss of the leased lands from his lease-hold. If the interested parties are unable to reach an agreement as to the amount of such compensation the amount shall be fixed by the Commissioner of the General Land Office subject to the right of appeal to the Secretary of the Interior, whose decision shall be final. All such agreements, to be effective, must be approved by the Commissioner of the General Land Office. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancellation of the entry, selection of location. All subsequent annual rental charges will be proportionately reduced for the loss of the lands from the lease-hold.

V

RENTAL

(22) Each lessee shall pay to the proper district land office, such annual rental as may be determined to be a fair compensation to be charged for the grazing of livestock on the leased land.

VI

DURATION OF LEASES

(23) When the necessary basic information has been secured by the Division of Investigations leases may be issued in the discretion of the Secretary of the Interior for periods of not more than ten years. However, when the facts and circumstances are such as to warrant limiting the leases to five years or less, the leases will be so limited. In the absence of necessary basic data the leases will be limited to one year. When a lease expires it may be renewed, in the discretion of the Secretary of the Interior, upon such terms and conditions as he may prescribe.

VII

USE OF LANDS

(24) After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of a lease for any reason or upon termination of a lease except when a renewal is requested, the Secretary of the Interior may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. When an agreement cannot be reached between the interested parties as to the amount to be paid, the decision of the Secretary of the Interior shall be final and conclusive. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(a) The lessee will be required to comply with the provisions of the laws of the State in which the leased lands

are located with respect to the cost and maintenance of partition fences.

VIII

CAUSES FOR CANCELLATION

(25) A lease may be canceled by the Secretary of the Interior:

(a) If the lessee persistently overgrazes the lands or uses them in any manner which causes soil erosion, or for any purposes detrimental to the lands or the livestock industry.

(b) If the lessee uses the leased premises, or any part thereof, for any purpose foreign to grazing or in violation of any terms of the lease.

(c) If the lessee shall fail to pay the annual rental, or any part thereof.

(d) If the lessee shall fail to comply with any part of these regulations or the terms of the lease.

(e) If a preference right lessee fails to retain ownership or control of the lands tendered as a basis for such preference right.

(f) If the lessee assigns or sub-leases all or any part of the leased area without obtaining the approval of the Secretary of the Interior.

Each lessee must accept as final any decision rendered by the Secretary of the Interior with reference to the violations of the terms of the lease, and, if required by the decision, must surrender the leased premises to the United States. No decision will, however, be rendered until the lessee has been formally advised of the cause for cancellation and afforded a timely opportunity to make a showing as to why the lease should not be canceled.

IX

INSPECTION

(26) Representatives of the Secretary of the Interior shall at any time have the right to enter the leased premises for the purpose of inspection.

X

ASSIGNMENT

(27) Proposed assignments of a lease, in whole or in part, must be submitted to the Secretary of the Interior, on a form to be provided, for approval; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved by the Secretary of the Interior.

(28) These regulations shall be considered to be a part of every grazing lease issued pursuant to the provisions of this Act.

(29) These regulations supersede all instructions previously issued under said section 15 of the act approved June 28, 1934, as amended June 26, 1936.

(30) Forms of application and lease are attached and made a part hereof.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

I concur:

B. B. SMITH,
*Director, Division of Investigations.*

Approved, April 30, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

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(To be filed in triplicate if the lands applied for are all in one land district; in quadruplicate if in more than one land district)

Form 4–721 Approved April 30, 1937

APPLICATION FOR GRAZING LEASE

United States Land Office _____. Serial No. _____
Receipt No. _____
Date_____ 19____

(1) I, _____ of _____
(Name of applicant) (Post Office address)
hereby apply to lease under section 15 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), the _____
_____
_____
Section _____, Township _____, Range _____, Meridian _____, containing _____ acres, within the _____ land district.

(If the lands applied for are within two land districts, the application must be filed in quadruplicate. A description of the lands should be given by legal subdivision if surveyed, or, if not surveyed, by metes and bounds or such other description as will fully identify the land.)

(2) Describe by legal subdivisions the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired, and when the right will expire, if it is held for a period of years. _____
Section _____, Township _____, Range _____, Meridian _____

(a) How many acres of your privately-owned lands are under cultivation? _____ acres.

(b) How many acres are used for grazing purposes? _____ acres.

(3) State briefly your experience in the livestock industry and give two references.
_____
_____
_____

(4) State what interests, if any, you have in any other lease or pending application for lease under section 15 of the act approved June 28, 1934, as amended by the act of June 26, 1936.
_____
_____
_____

(5) Are you a citizen of the United States? _____ By birth? _____ By naturalization? _____

(If by naturalization, evidence of such naturalization must be furnished.)

If not a citizen, have you filed the necessary declaration of intention to become such? _____ When? _____ Where? _____

(If the applicant is a corporation, a certified copy of the articles of incorporation, together with a copy, signed by proper official, of the minutes of the meeting authorizing the filing of the application and, if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.)

(6) Do the lands applied for contain any springs or water holes?_____ If so, describe them, giving the location by section, township and range_____

(a) Are the lands applied for occupied or used for any purpose?_____ By whom?_____ For what purpose?_____

(7) Do you own or control any source of water supply needed or used for livestock purposes?_____ Describe it_____
_____
Where located_____
(Subdivision, section, township, and range.)

(8) State the number and kind of stock to be grazed on the leased lands_____, seasons of contemplated use_____, the manner in which you plan to graze the lands applied for in connection with your general operations _____
_____
_____

(9) Have you previously used the lands covered by this application?_____ If so, for how many years and for what usual period each year?_____

(a) How many stock have you grazed thereon during the average year?_____

by any other persons?_____ If so, by whom?_____
_____ To what extent?_____

(11) How many head of livestock do you own?_____
Cattle_____; Horses_____; Sheep_____; Goats_____

_____
(Signature of applicant)

Subscribed and sworn to before me This the _____day of _____, 19____.

_____
_____
(Official designation of Officer.)

---

(To be executed by applicant in quadruplicate.)

Form 4–722, Approved April 30, 1937

FORM OF LEASE

LEASE OF LANDS FOR GRAZING LIVESTOCK

[Section 15 of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976)]

Serial _____

This indenture of lease, entered into as of _____ by and between the United States of America, party of the first part, hereinafter called the lessor, acting in this behalf by the _____ and _____
(Name of applicant)
of _____, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), entitled "An Act to stop injury to the public grazing lands by preventing over-grazing and soil deterioration, to provide for their orderly use, improvement and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," hereinafter referred to as the act, which is made a part hereof.

(Post office address)

WITNESSETH:

That the lessor, in consideration of the rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee an exclusive right and privilege of using for grazing purposes the following-described tract of land:
_____
_____
containing approximately _____ acres, together with the right to construct and maintain thereon all buildings or other improvements necessary to the full enjoyment thereof, for a period of _____ years, and if at the end of said period the Secretary of the Interior shall determine that a new lease should be granted, the lessee herein will be accorded a preference right thereto upon such terms and for such duration as may be fixed by the lessor.

In consideration of the foregoing, the lessee hereby agrees:

(a) To pay the lessor as annual rental the sum of $_____ for the first year of the lease and a like sum per year for the second and third years of the lease. The rental may be adjusted at the end of the third year of the lease and at three year intervals thereafter. If at the date of any adjustment of the rental, the lease will expire within less than three years, such adjustment shall be effective for the unexpired term of the lease. Annual rental shall reasonably conform to but in no case be in excess of the rental charged by the State or individuals for grazing privileges on lands of similar character in the immediate vicinity of the lease-hold. When the annual rental amounts to $10.00 or more, the lessee may elect to make payment in two equal installments. One-half of the first year's rental to be paid prior to the execution of the lease and the remaining one-half to be paid within six months after the date of execution. For the second and each succeeding year of the lease one-half of the rental to be paid on the anniversary of the lease and the unpaid balance to be paid within six months from said anniversary. When the annual rental is less than $10.00 it must be paid in full prior to the execution of the lease and annually thereafter on the anniversary of the lease.

(b) To observe the laws and regulations for the protection of game animals, game birds, and nongame birds, and not unnecessarily disturb such animals or birds.

(c) That neither he nor his employees will set fires that will result in damage to the range or to wild life, and to extinguish all camp fires started by him or any of his employees before leaving the vicinity thereof.

(d) To comply with the provisions of the laws of the State in which the leased lands are situated with respect to the cost and maintenance of partition fences.

The lessor expressly reserves:

(a) The right to permit prospecting, locating, developing, mining, entering, leasing or patenting the mineral resources, and to dispose of such resources under any laws applicable thereto; the right to permit the use and disposition of timber on the lands embraced in this lease, under existing laws and regulations; and nothing herein contained shall restrict the acquisition, granting, or use of permits or rights of way under existing law.

(b) The right to close portions of the leased area to grazing whenever, because of drought, epidemic of disease, incorrect handling of the stock, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition. However, such temporary closing of any area shall not operate to exclude such area from the boundaries of a lease.

(c) The right to reduce the leased area if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, townsites, mining claims, and for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. However, a proportionate reduction will be made in the annual rental charges.

(d) The right to classify and permit entry, selection or location under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1975), of any part or all of the leased lands, provided that before the allowance of any application therefor the applicant shall agree, subject to the approval of the Commissioner of the General Land Office, to compensate the lessee in accordance with paragraph (21) of these regulations.

It is further understood and agreed:

(a) That the lessee expressly agrees that authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(b) That the lessee shall not sell or remove for use elsewhere any timber growing on the leased land but may take such timber thereon as may be necessary for the erection and maintenance of improvements required in the operation of this lease.

(c) That this lease is granted subject to valid existing rights and to all rules and regulations which the Secretary of the Interior has prescribed.

(d) That the lessee may construct, or maintain and utilize any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of this lease, but any such fence shall be so constructed as to permit ingress and egress for miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(e) That the lessee shall take all reasonable precaution to prevent and suppress forest, brush, and grass fires.

(f) The lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of this lease for any reason or upon termination thereof except when a renewal is requested, the Secretary of the Interior may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. When an agreement cannot be reached between the interested parties as to the amount to be paid, the decision of the Secretary of the Interior shall be final and conclusive. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(g) That the lessee agrees to comply with all Federal and local laws regarding sanitation and such other sanitary measures as may be necessary.

(h) That the lessee will not enclose roads or trails commonly used for public travel so as to interfere with the traveling of persons who do not molest grazing animals.

(i) If the lessee shall fail to pay the rental as herein specified, or shall fail to comply with the provisions of the act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof or of the general regulations promulgated and in force at the date hereof, and such default shall continue 60 days after service of written notice thereof by the lessor, then the lessor may, in his discretion, terminate and cancel this lease.

(j) That the lessee shall not assign this lease or any interest therein, nor sublet any portion of the lease premises without the written consent of the Secretary of the Interior.

It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof:

THE UNITED STATES OF AMERICA,
By _____,
*First Assistant Secretary of the Interior, Lessor.*
_____,
_____,
*Lessee.*

Witness to signature of Lessee:
_____
_____

[F. R. Doc. 37–1400; Filed, May 15, 1937; 9:41 a. m.]

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STOCK DRIVEWAY WITHDRAWALS NOS. 9 AND 47 REDUCED

NEW MEXICO

MAY 6, 1937.

Departmental orders of February 28 and December 9, 1918, as modified, which withdrew certain lands in New Mexico as Stock Driveways Nos. 9 and 47, New Mexico Nos. 3 and 5, respectively, under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked in so far as they affect the following described lands, which are within New Mexico Grazing District No. 4 established April 8, 1935:

NEW MEXICO PRINCIPAL MERIDIAN

T. 7 S., R. 1 E., those parts of secs. 19, 30 and 31 not in grants, lot 3, NE¼SW¼, S½SW¼ and SE¼ sec. 20, S½ of secs. 21 to 24, inclusive;
T. 8 S., R. 1 E., W½W½ sec. 5, those parts of secs. 6, 7, 18, W½ sec. 17 and N½ sec. 20 not in grant, W½ sec. 8, SE¼ sec. 17 and N½ of secs. 21 to 24, inclusive;
T. 10 S., R. 1 E., that part of S½S½ sec. 10 and N½ sec. 15 not in grant, S½S½ sec. 11, N½ sec. 13, N½NE¼, SE¼NE¼, N½NW¼ and SW¼NW¼ sec. 14;

T. 5 S., R. 2 E., N½NE¼, SW¼NE¼, SE¼NW¼, and SE¼ sec. 3, NE¼ sec. 10, N½ and N½S½ sec. 11, N½ sec. 12, sec. 23, S½NW¼ and S½ sec. 25 and NE¼ sec. 26;
T. 7 S., R. 2 E., S½ of secs. 19 to 24, inclusive;
T. 8 S., R. 2 E., W½ sec. 19, S½ sec. 25, SE¼ sec. 26, SW¼ sec. 28, sec. 29, N½ sec. 30, NW¼ and S½ sec. 33, S½ sec. 34, NE¼ and S½ sec. 35;
T. 10 S., R. 2 E., E½SE¼ sec. 7, S½N½, N½S½ and SW¼SW¼ sec. 8, S½N½ and N½S½ sec. 9, N½ and NW¼SW¼ sec. 10, sec. 11, N½ sec. 12, W½NW¼ sec. 17 and N½ sec. 18;
T. 5 S., R. 3 E., N½ of secs. 7, 8 and 9, sec. 10, S½ of secs. 11 and 12, SW¼ sec. 30 and W½ sec. 31;
T. 6 S., R. 3 E., W½ of secs. 6 and 7, sec. 18, W½ of secs. 19, 30 and 31;
T. 7 S., R. 3 E., W½ sec. 6, sec. 7, N½ of secs. 8 to 11, inclusive, N½ and SE¼ sec. 12, W½ of secs. 18, 19, 30 and 31;
T. 8 S., R. 3 E., sec. 6, W½ of secs. 7, 18 and 19, NE¼ and S½ sec. 25, S½ of secs. 26 to 29, inclusive, and sec. 30;
T. 10 S., R. 3 E., N½ of secs. 1 and 2, sec. 3, N½ of secs. 4 and 5, N½ and SW¼ sec. 6 and NW¼ sec. 7;
T. 1 S., R. 4 E., NW¼ and S½ sec. 1, E½ of secs. 12, 13, 24 and 25;
T. 2 S., R. 4 E., NE¼ and S½ sec. 1, E½E½ sec. 11, W½W½ sec. 12, NE¼ and S½ sec. 14, W½ sec. 23, S½ sec. 25, NW¼ and S½ sec. 26, SE¼ sec. 27, E½ and SW¼ sec. 34;
T. 3 S., R. 4 E., W½ of secs. 3 and 10, sec. 15, W½ of secs. 22, 27 and 34;
T. 4 S., R. 4 E., W½ of secs. 3, 10, 15, 22, 27 and 34;
T. 5 S., R. 4 E., W½ sec. 3, S½ of secs. 7, 8 and 9, sec. 10, N½ of secs. 11 and 12;
T. 7 S., R. 4 E., NW¼ and S½ sec. 7, S½ of secs. 8 to 12, inclusive;
T. 8 S., R. 4 E., W½ of secs. 30 and 31;
T. 9 S., R. 4 E., N½ of secs. 1 and 2, sec. 3, NE¼ and N½NW¼ sec. 4, N½ sec. 5, N½ and SW¼ sec. 6, NW¼ and S½ sec. 7, W½SW¼ sec. 8, W½W½ sec. 17, E½E½ sec. 18, sec. 19, W½NW¼ sec. 20, W½ of secs. 30 and 31;
T. 10 S., R. 4 E., NW¼ sec. 6;
T. 1 S., R. 5 E., S½SW¼ sec. 30 and W½ sec. 31;
T. 2 S., R. 5 E., NW¼ sec. 6, S½ of secs. 28 and 29, and sec. 30;
T. 4 S., R. 5 E., S½ of secs. 25 to 29, inclusive, SE¼ sec. 30, E½ sec. 31 and E½ sec. 35;
T. 5 S., R. 5 E., E½ sec. 6 and N½ sec. 7;
T. 7 S., R. 5 E., sec. 7 and S½ of secs. 8 to 11, inclusive;
T. 8 S., R. 5 E., E½ sec. 33;
T. 9 S., R. 5 E., N½ of secs. 4, 5 and 6;
T. 3 S., R. 6 E., N½ and SW¼ sec. 6, W½ of secs. 7, 18, 19, 30 and 31;
T. 4 S., R 6 E., sec. 6, W½ of secs. 7, 18 and 19, S½ of secs. 25 to 29, inclusive, W½ and SE¼ sec. 30 and E½ sec. 33;
T. 4 S., R. 7 E., W½ of secs. 30 and 31;
T. 5 S., R. 7 E., W½ sec. 6, sec. 7, S½ of secs. 8 and 9, S½S½ sec. 10, SW¼, sec. 13, NW¼NE¼, S½NE¼, NW¼ and SE¼ sec. 14, N½N½ sec. 15, NE¼NE¼ sec. 23 and NW¼NE¼, S½NE¼, NW¼ and SE¼ sec. 24;
T. 4 S., R. 8 E., N½ of secs. 9 to 12, inclusive;
T. 5 S., R. 8 E., S½ sec. 19, N½ and SE¼ sec. 30 and E½ sec. 31;
T. 6 S., R. 8 E. sec. 1, N½ of secs. 2 to 5, inclusive, and NE¼ sec. 6;
T. 4 S., R. 9 E., N½ of secs. 7 to 11, inclusive, and sec 12;
T 4 S., R. 10 E., N½ sec. 7, N½ and SE¼ sec. 8, E½ of secs. 17 and 20, S½ of secs. 21, 22 and 23 and sec. 24;
T. 17 S., R. 10 E., sec. 33;
T. 4 S., R. 11 E., S½ of secs. 19 and 20, NE¼, SE¼NW¼, SW¼ and N½SE¼ sec. 21, N½ sec. 22 and N½NW¼ sec. 23;

aggregating approximately 77,782 acres.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1401; Filed, May 15, 1937; 9:41 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 13 to B. A. I. Order 350]

REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND PUREBRED ANIMALS

AMENDING REGULATION 2, SECTION 3, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD ACROSS THE SEAS

[Effective on and after May 15, 1937]

Regulation 2, section 3, paragraph 1, of the regulations governing the recognition of breeds and purebred animals, effective under date of July 1, 1935, and identified as B. A. I. Order 350, is hereby amended so as to include and recognize for the purposes enumerated thereunder the following breeds and book of record:

*Dogs*

| Name of breed | Book of record | By whom published |
|---|---|---|
| Schnauzers and Pinschers. | Zuchtnuch der Fachschaft für Schnauzer und Pinscher | Fachschaft für Schnauzer und Pinscher, Josef Best, Breeding Warden, Wehrheim im Taunus, Germany. |

Done at Washington this 14th day of May, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1404; Filed, May 15, 1937; 10:58 a. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

REGULATIONS TO PROMOTE SAFETY OF LIFE DURING THE INTERCOLLEGIATE REGATTA AT POUGHKEEPSIE, NEW YORK, ON JUNE 22, 1937

The following regulations are hereby prescribed under authority of the Act of April 28, 1908 (35 Stat. 69):

On the day of the regatta all visiting yachts and excursion boats will be given positions to the eastward of the established easterly line of the course in the order of arrival and application. Small yachts and boats will be given positions in front of the larger craft. No vessels will be allowed to anchor to the westward of the course or within 100 yards up stream or down stream from the finish line on either side of course.

All visiting vessels must be anchored in their assigned positions one hour before the start of the first race, and thereafter until the finish of the last race of the day no vessel will be allowed on the course excepting the steward's boat, the launches of the competing crews, and other official boats.

No vessel shall pass up or down the river during the progress of the races. A succession of sharp, short whistles from the United States vessel patrolling the course shall serve as a signal for vessels to stop. Pilots of vessels shall stop when directed to do so by the United States officer in charge.

No vessel will be allowed to make fast to the judges' boat at the finish line, excepting boats carrying telephone or telegraph cables and the stewart's dispatch boat.

Prior to the alignment of the crews on the starting line, all vessels entitled to follow excepting the steward's boat shall take their places to the eastward of the course and shall not be permitted to run ahead of the steward's boat or any crew continuing in the race.

No vessel or boat of any description shall pass over the course until fifteen minutes after the conclusion of the last race, and then with due regard for the safety of competing crews returning to their training quarters over the course.

The above regulations will be enforced subject to the discretion of the United States officer in charge.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-1428; Filed, May 17, 1937; 12:47 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO BANK RULES AND REGULATIONS

EX-OFFICIO MEMBERS OF ANY STANDING COMMITTEE OF THE BOARD

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Sections 12 and 17 of the Federal Home Loan Bank Act (12 U. S. C. 1432, 1437), the last sentence of Section 1 of Article V or Exhibit D of the Rules and Regulations for Federal Home Loan Banks is hereby amended to read as folows:

When so designated by resolution of the Board and under such directions as may be stated therein, the president or a vice-president, or other officers, who are not members of the Board, may act as ex-officio members of any standing committee of the Board, except the executive committee or other committee exercising powers of the Board in the management and direction of the affairs of the bank; provided that the presence of only one such ex-officio member may be counted in determining the requirement of a quorum, and provided further that if the president is a member of the Board, he shall be an ex-officio member of every standing committee of the Board.

Adopted by the Federal Home Loan Bank Board on May 14, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R Doc. 37-1416; Filed, May 17, 1937; 12:31 p. m.]



## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[IT-5468]

APPLICATION OF CHELAN ELECTRIC COMPANY AND THE WASHINGTON WATER POWER COMPANY

NOTICE OF HEARING

Upon application filed by Chelan Electric Company and The Washington Water Power Company for approval of the sale and disposition of the whole of the facilities of the former company to the latter company and for approval of the transfer from Chelan Electric Company to The Washington Water Power Company of licenses issued by the Commission for projects Nos. 204, 621, and 637;

It is ordered:

That a hearing on said application be held in the Commission's hearing room in the Hurley-Wright Building, Washington, D. C., beginning at 10 a. m., on the 3rd day of June, 1937.

Adopted by the Commission on May 13, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1402; Filed, May 15, 1937; 9:41 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3033]

IN THE MATTER OF BABIGLO COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, May 19, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1398; Filed, May 14, 1937; 1:47 p. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 8th day of April, A. D. 1937.

[Ex Parte No. MC 9]

IN THE MATTER OF THE FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

Whereas the Commission, by Division 5, by its Order of January 19, 1937, as amended by its orders of January 28, 1937, and February 8, 1937, requires certain classes or groups of line-haul or over-the-road contract carriers by motor vehicle subject to the provisions of the Motor Carrier Act, 1935, as specified therein, to file with the Commission, publish, and keep open for public inspection on or before April 15, 1937, copies of each and every contract existing and in force on said date containing the charges of such contract carriers for the transportation of property in interstate or foreign commerce and any rule, regulation or practice affecting such charges and the value of the service thereunder:

*And it appearing,* That the matter has been referred to the entire Commission for consideration and that such consideration cannot be completed prior to the effective date of the Order of January 19, 1937, as amended, and for that reason the effective date of said order of January 19, 1937, as amended, should be further postponed;

*It is ordered,* That the time for compliance with the said order of January 19, 1937, as amended by the orders of January 28, 1937, and February 8, 1937, be, and it is hereby, extended from April 15, 1937, to June 15, 1937, and that said order of January 19, 1937, in every other respect shall remain in full force and effect.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1405; Filed, May 15, 1937; 11:11 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of April, A. D. 1937.

[No. MC C-1]

ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

*It is ordered,* That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of St. Louis, Mo., East St. Louis, Ill., and contiguous communities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from the regulation under section 203 (b) (8) of the Act, be, and it is hereby, defined to include the area within the corporate limits of St. Louis, University City, Clayton, Richmond Heights, Brentwood, Maplewood, Webster Groves, and Shrewsbury, Mo.; that part of St. Louis County, Mo., north

of University City, Mo., west of St. Louis, Mo., and east and south of a line extending northward from the corporate limits of University City along Hanley Road to Page Avenue, thence southeastward along Page Avenue to St. Charles Rock Road, thence southeastward along St. Charles Rock Road to Lucas and Hunt Road, thence northeastward along Lucas and Hunt Road to Hord Avenue, thence northeastward and southeastward along Hord Avenue to Jennings Station Road, thence northeastward along Jennings Station Road to Ferry Road, thence southeastward along Ferry Road to the corporate limits of St. Louis; that part of St. Louis County, Mo., south of Webster Groves and Shrewsbury, Mo., south and west of St. Louis, Mo., west of the Mississippi River, and east and north of a line extending southeastward from the corporate limits of Webster Groves along Grant Road to Gravois Road, thence southwestward along Gravois Road to Musick Avenue, thence southeastward along Musick Avenue to Green Park Road, thence southeastward and eastward along Green Park Road to Lemay Ferry Road, thence southwestward along Lemay Ferry Road to Jefferson Barracks Road, thence southeastward along Jefferson Barracks Road to the limits of Jefferson Barracks, Mo., thence northeastward and eastward along the limits of Jefferson Barracks to the Mississippi River; and the area within the corporate limits of East St. Louis, Nameoki, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill.

*It is further ordered,* That the exemption in section 203 (b) (8), to the extent it affects transportation by motor vehicle between Belleville, Ill., on the one hand, and points in the above-described zone, on the other, be, and it is hereby, removed and that said transportation be, and it is hereby, subjected to all of the provisions of the motor Carrier Act, 1935.

*And it is further ordered,* That this order shall become effective 30 days from the date hereof and shall continue in effect until further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1406; Filed, May 15, 1937; 11:11 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 4th day of May, A. D. 1937.

[No. MC C-1]

ST. LOUIS, MO., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor;

*It is ordered,* That the effective date of the order of April 5, 1937, which prescribed the boundaries of the area to be considered as the zone adjacent to and commercially a part of St. Louis, Mo., and contiguous municipalities be, and it is hereby, postponed to June 5, 1937.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1407; Filed, May 15, 1937; 11:12 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of April, A. D. 1937.

[No. MC C-2]

NEW YORK, N. Y., COMMERCIAL ZONE

Investigation of the matters and things involved having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof: [1]

*It is ordered,* That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of New York, N. Y., and contiguous municipalities in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the Act from regulation be, and it is hereby, defined to include the following territory:

The area within the corporate limits of the cities of New York, Yonkers, Mount Vernon, North Pelham, Pelham, Pelham Manor, Great Neck Estates, Floral Park, and Valley Stream, N. Y., and Englewood, N. J.; the area within the borough limits of Alpine, Tenafly, Englewood Cliffs, Leonia, Fort Lee, Edgewater, Cliffside Park, Fairview, Palisades Park, and Ridgefield Boroughs, Bergen County, N. J.; and that part of Hudson County, N. J., east of Newark Bay and the Hackensack River.

*It is further ordered,* That the exemption in section 203 (b) (8), to the extent it affects transportation by motor vehicle between Elizabeth, Linden, and Perth Amboy, New Jersey, and that part of New Jersey east of U. S. Highway 9 extending southward from the city limits of Linden to the city limits of Perth Amboy, on the one hand, and points in the above-described zone, on the other, be, and it is hereby, removed and that said transportation be, and it is hereby, subjected to all of the provisions of the Motor Carrier Act, 1935.

*And it is further ordered,* That this order shall become effective 30 days from the date hereof and shall continue in effect until further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1408; Filed, May 15, 1937; 11:12 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 22nd day of April, A. D. 1937.

[No. MC C-2]

NEW YORK, N. Y., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor;

*It is ordered,* That the effective date of the order of April 5, 1937, which prescribes the boundaries of the area to be considered as the zone adjacent to and commercially a part of New York, N. Y., and contiguous municipalities be, and it is hereby, postponed to June 5, 1937.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1409; Filed, May 15, 1937, 11:13 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of April, A. D. 1937.

[No. MC C-3]

CHICAGO, ILL., COMMERCIAL ZONE

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof: [1]

*It is ordered,* That for the purpose of administration, and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of Chicago, Ill., and contiguous municipalities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the Act from regulation, be, and it is hereby, defined to include the area within the corporate limits of Chicago, Evanston, Oak Park, Cicero, Berwyn, River Forest, Spring Forest, Worth, Homewood, and Lansing, Ill.; the area within the township limits of Niles, Maine, Leyden, Norwood Park, Proviso, Lyons, Riverside, Stickney, Worth, Calumet, Bremen, and Thornton Townships, Cook County, Ill.; and the area within the corporate limits of Hammond, Whiting, East Chicago, and Gary, Ind.

*And it is further ordered,* That this order shall become effective 30 days from the date hereof and shall continue in effect until the further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1410; Filed, May 15, 1937; 11:13 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of April, A. D. 1937.

[No. MC C-3]

CHICAGO, ILL., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor;

*It is ordered,* That the effective date of the order of April 5, 1937, which prescribes the boundaries of the area to be considered as the zone adjacent to and commercially a part of Chicago, Ill., and contiguous municipalities be, and it is hereby, postponed to June 5, 1937.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1411; Filed, May 15, 1937; 11:13 a. m.]

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[1] Reports filed with Division of the Federal Register, The National Archives; copies available upon application to Interstate Commerce Commission.

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 97]

ALLOCATION OF FUNDS FOR LOANS

MAY 14, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| Kentucky 18 Meade | $135,000 |
| Kentucky 20 McCracken | 140,000 |
| Kentucky 31 Union (Partial) | 100,000 |
| South Dakota 7 Lincoln | 208,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1403; Filed, May 15, 1937; 9:42 a. m.]

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[Administrative Order No. 98]

ALLOCATION OF FUNDS FOR LOANS

MAY 15, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation:* | *Amount* |
|---|---|
| Arkansas 15 Woodruff (Partial) | $100,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1413; Filed, May 17, 1937; 9:36 a. m.]

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[1] Report filed with Division of the Federal Register, The National Archives; copies available upon application to Interstate Commerce Commission.



## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

UNDERTAKING TO FILE PERIODIC REPORTS

*Amendments to Forms C-1, C-2, D-1, D-1A, E-1, F-1, G-1, and G-2*

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and the Securities Exchange Act of 1934, as amended, particularly Sections 15 (d) and 23 (a) thereof, and deeming that such information or documents as Forms C-1, C-2, D-1, D-1A, E-1, F-1, G-1, and G-2, as hereby amended, require to be set forth, but which are not specified in Schedule A of the Securities Act of 1933, are necessary and appropriate in the pubic interest and for the protection of investors, and that the adoption of these amendments is necessary to carry out the provisions of said Acts, hereby amends Forms C-1, C-2, D-1, D-1A, E-1, F-1, G-1, and G-2 as follows:

I. Immediately preceding the heading relating to signatures in Forms C-1, C-2, D-1 (both Part I and Part II), D-1A, E-1, F-1, G-1, and G-2, there is inserted the following:

UNDERTAKING TO FILE PERIODIC REPORTS

Pursuant to Section 15 (d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents, and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in said Section 15 (d); provided, however, that this undertaking shall become operative only upon the conditions specified in said Section 15 (d), and provided, further, that the duty to file pursuant to this undertaking shall be automatically suspended upon the conditions and for the periods specified in clauses (1), (2), and (3) of said Section 15 (d).[1]

II. At the bottom of the page in each Form on which the above paragraph ends, there is added the following footnote:

[1] Reference is made to Rule 730 which provides that the undertaking required by Section 15 (d) of the Securities Exchange Act of 1934 may be in this form. Any other form of undertaking which fully complies with said Section 15 (d) may be used.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1427; Filed, May 17, 1937; 12:38 p. m.]

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SECURITIES EXCHANGE ACT OF 1934

FIRST ANNUAL OR INTERIM REPORT

*Amendment of Rule KA4*

The Securities and Exchange Commission deeming—

(a) that Rule KA4 as hereby amended is necessary and appropriate for the proper protection of investors and to insure fair dealings in securities registered on national securities exchanges; and

(b) that the information required by Rule KA4 as hereby amended is required by the Commission to keep reasonably current the information and documents filed pursuant to Section 12 of the Securities Exchange Act of 1934,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, and deeming such action necessary for the execution of the functions vested in it by the Act, hereby amends Paragraph (b) of Rule KA4 to read as follows:

(b) The first annual or interim report, other than a report required by Paragraph (a) of this Rule, filed pursuant to Rule KA1 or KA5 by a registrant having securities registered on Form 8–S, shall include information regarding the single predecessor or group of predecessors for the period from the most recent fiscal closing date prior to the registrant's succession to the date of such succession, as if such predecessor or group of predecessors were the registrant. The financial statements and schedules filed shall give effect to the operations of, and transactions by, the predecessor or group of predecessors during the period from the most recent fiscal closing date prior to the date of the registrant's succession to the date of such succession, as if such predecessor or group of predecessors were the registrant. A statement that effect has been given to such operations the transactions shall be made in a footnote or otherwise. No separate financial statements or schedules for the predecessor or predecessors need be filed.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1426; Filed, May 17,1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1937.

[File No. 42–1]

IN THE MATTER OF MIDDLE WEST SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Middle West Service Company, a subsidiary service company of The Middle West Corporation, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and delivery by applicant of a 4% Demand Note, in the principal amount of $75,000 and to be dated April 30, 1937, to The Middle West Corporation in substitution for and renewal or extension of applicant's note of like amount due April 30, 1937 held by The Middle West Corporation.

It is ordered that a hearing on such matter be held on June 4, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 29, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1417; Filed, May 17, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1937.

[File No. 43–42]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION

SUPPLEMENTAL NOTICE OF AND ORDER FOR HEARING

An amended declaration having been duly filed with this Commission, by National Gas & Electric Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and sale of $400,000 First Lien Collateral Trust Bonds, 16-year, 5%, Series B, due April 1, 1953; of 35,000 shares of No Par Common Stock; and with respect to the reclassification of all its presently outstanding Common Stock (being 275,328.27 shares) represented by Voting Trust Certificates, from a par value of $10 a share to no par, together with an increase in the authorized number of shares of No Par Common Stock increased from 425,000 to 450,000 shares and with the abrogation of the preemptive right of existing stockholders to subscribe to any shares of the capital stock of the declarant; said declaration further stating that said securities are to be issued and sold in connection with the acquisition of securities and other interests in business, approved by the Commission, on March 19, 1937;

It is ordered that a hearing on such matter be held on May 28, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 24, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1425; Filed, May 17, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of May, 1937.

IN THE MATTER OF MCKEESPORT TIN PLATE CORPORATION, COMMON STOCK $10 PAR VALUE

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The Philadelphia Stock Exchange having made application for unlisted trading privileges in McKeesport Tin Plate Corporation Common Stock $10 Par Value, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and



It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the McKeesport Tin Plate Company Capital Stock No Par Value, a security admitted to unlisted trading privileges on said exchange,

It is ordered that said application for unlisted trading privileges in McKeesport Tin Plate Corporation Common Stock $10 Par Value be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1424; Filed, May 17, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1937.

[File No. 43–38]

IN THE MATTER OF NEPSCO APPLIANCE FINANCE CORPORATION

[Public Utility Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7

Nepsco Appliance Finance Corporation, an approved mutual service company, having filed a declaration with the Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale, from time to time,

(1) of its 3% Deferred Debentures of December 1, 1936, due December 1, 1956, in amounts which will not at any one time exceed $350,000 aggregate principal amount outstanding, and

(2) of its promisory notes in amounts which, including such notes presently outstanding, will not at any one time exceed $1,000,000 pricipal amount outstanding;

notice and opportunity for hearing on said declaration having been given; said declaration having been amended; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration be and become effective forthwith, on condition, however,

(1) that the aforesaid debentures shall be issued and sold, or resold, only to companies in the holding company system of which the declarant is a member;

(2) that the declarant shall not issue and sell any of the aforesaid promissory notes which shall have a maturity date later than December 31, 1938; and

(3) that the issue and sale of the aforesaid notes and debentures shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration, as amended, in so far as such terms, conditions and purposes are compatible with the foregoing conditions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1423; Filed, May 17, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1937.

[File No. 43–39]

IN THE MATTER OF NEPSCO SERVICES, INC.

[Public Utility Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7

Nepsco Services, Inc., an approved subsidiary service company, having filed a declaration with the Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of $50,000 aggregate principal amount of its 5% Debentures of August 1, 1936, due August 1, 1956, at not less than the face value thereof plus accrued interest, and of 495 shares of its common stock, having a par value of $10 per share, at not less than par; notice and opportunity for hearing on said declaration having been given; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration be and become effective forthwith, on condition, however, that the issue and sale of the aforesaid securities shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration, and upon the further condition that none of the aforesaid debentures shall be resold by any company acquiring such debentures except to companies in the holding company system of which the declarant is a member.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1418; Filed, May 17, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAGNOLIA-CLYDE HARRIS FARM, FILED ON APRIL 24, 1937, BY W. H. CARRAHER, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 14th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:30 o'clock in the forenoon on the 28th day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1420; Filed, May 17, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BLACKSTOCK-TEXAS PACIFIC-TEGTMEYER FARM, FILED ON APRIL 16, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 13, 1937, be effective as of May 13, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore

entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1419; Filed, May 17, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D., 1937.

[File No. 20-460A1-1]

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNER'S ROYALTY INTERESTS IN THE LOUAL-CARTER-CRADDOCK FARM, FILED ON JULY 27, 1936, BY FREDRICK FALKIN & COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of producing landowner's royalty interests in the "Loual-Carter-Craddock Farm", located in Pontotoc County, Oklahoma, which offering sheet was filed with the Commission on July 27, 1936, by Fredrick Falkin & Company of Los Angeles, California, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on August 31, 1936, November 30, 1936 and December 7, 1936, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete, inaccurate and misleading in material respects and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the *Findings and Opinion of the Commission* filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1421; Filed, May 17, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D C., on the 14th day of May, A D., 1937.

[File No. 20-509A1-1]

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING OVERRIDING ROYALTY INTERESTS IN THE THOMASSON-DURHAM ET AL. COMMUNITY FARM, FILED ON DECEMBER 23, 1936, BY E. M. THOMASSON PRODUCING COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of non-producing overriding royalty interests in the "Thomasson-Durham et al—Community Farm", located in Crane County, Texas, which offering sheet was filed with the Commission on December 23, 1936, by E. M. Thomasson Producing Company, of Denver, Colorado, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on January 28, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and oral and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and regulations of the Commission, all as set forth in the *Findings and Opinion of the Commission* filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing and of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1422; Filed, May 17, 1937; 12:36 p. m.]

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## VETERANS' ADMINISTRATION.

REGULATIONS AND PROCEDURE

ADDITION OF PARAGRAPHS 80, 82, 84 AND 86

*Delegations of Authority* [1]

80. *Delegations of authority to Veterans' Administration personnel.*—(A) Employees who are assigned duties which may be determined as necessitating delegated authority will be given such authority in writing through the medium of appropriate numerical series of authorization orders before being permitted to perform such duties. Any employee receiving delegated power to act, will be without authority to have any other person perform any of the duties under his delegation of authority or to sign for him, any paper covered under such authority. The Administrator will sign all delegations of authority to individuals, which, under the provisions of the Acts governing the Veterans' Administration, require that specific legal authority to perform such duties be directly delegated by the Administrator. The Administrator will also sign such other authorities as he may determine necessary. All delegations of authority, not requiring direct authority from the Administrator, will be signed either by the solicitor or by the assistant administrator concerned.

(B) When it is necessary to amend the authority already delegated to an employee, the amendment will be made by the issuance of a new authorization order which will be prepared to contain a statement of the complete authority delegated to him and will cancel the old order so that no employee will have more than one authorization order of the same series in effect at any one time. Upon receipt of the new order, the employee will immediately return his old order for cancelation. Each employee will have available a copy of his delegated authority and a copy will be placed in his personnel file.

(C) When an employee to whom an authorization order has been issued leaves the service, is transferred from one station to another, or his duties are modified so as to make unnecessary the authority, his delegated authority is thereupon terminated and his authorization order will be returned for cancelation. Termination of delegated authority will be through the medium of an appropriate cancelation order in the same series and will bear the same number as the original authorization order with the added letter "A". The Administrator will sign all cancelation orders of the Administrator's authorization order series. All other series of cancelation orders will be signed by the solicitor or assistant administrator for the employees under their charge. Each office or service will maintain a complete set of copies of the active authorization orders and cancelation orders issued to employees under its charge.

(D) All authorization and cancelation orders referred to in R. & P. 80 to 86 inclusive, after being signed, will be sent to the regulations and procedure division for photostating, appropriate distribution in central office, and the maintenance of the file of original orders. The director of finance will forward copies to other Government agencies when necessary.

(E) Any employee, who is performing duties under a delegation of authority which may have been issued by memorandum, letter, or otherwise, but which should be and is not a part of any of the numerical authorization order series, will be reissued a delegation of authority covering such duties under the proper authorization order series. On and after June 30, 1937, all delegations of authority of the kind referred to herein, issued to employees of central office at any time, which are not within one of the numerical series of authorization orders, will be null and void. (May 15, 1937.)

82. *Delegations of authority to central office personnel.*—(A) All delegations of authority to employees of central office will be made a part of an authorization order series either of the Administrator, the solicitor, any assistant administrator, or of one of the several services, as may be applicable. All orders in the various series will be prepared naming the employee, the title of his position and his organizational assignment, and specifying exactly the authority thereby delegated to him, and will be signed in the manner specified herein. Authorization orders will be issued in numerical sequence within the series applicable to the organizational assignment of the employee and in the manner specified herein. Once a delegation of authority has been issued to an employee, it will remain in effect only so long as the employee's duties require performance under the authority, or until it is superseded by an amended order or is canceled.

(B) The Authorization Order Series of the Adiministrator. Delegations of authority in the "Administrator's Authorization Order" series will be issued to the assistant administrators; to the solicitor; to the chairman, board of veterans appeals; to the executive assistant to the administrator; to the employees under the chairman, board of veterans appeals; to the employees under the executive assistant; and to such other employees as may be especially determined. All such authorization orders and cancelation orders will be signed by the Administrator. For employees under the chairman, board of veterans appeals, or under the executive assistant, the orders will be signed as being recommended by the officer concerned before submission to the Administrator for approval and signature.

(C) The Authorization Order Series of the Solicitor, of the Assistant Administrators, and of the Services. Delegations of authority in these series will be issued to employees under the solicitor, the assistant administrator concerned, or the service concerned, as applicable. If it is necessary that the authority be delegated to any of these employees by the Administrator as provided in R. & P. 80 (A), the order will be signed as being recommended by the solicitor or by the assistant administrator concerned before submission to the Administrator for approval and signature. If it is not necessary that the authority be delegated by the Administrator, the order will be signed by the solicitor for his employees and for employees in a service by the director of such service as being recommended by him before submission to the assistant administrator for approval and signature. All cancelation orders in the respective series will be signed by the solicitor or by the assistant administrator upon recommendation of the director of service for their respective series. (May 15, 1937.)

84. *Delegation of authority to employees to issue subpenas, etc.*—(A) Managers of regional offices and facilities having regional office activities, and such other employees to whom such authority is delegated by the Administrator, shall have the power to issue subpenas for (by countersigning Form 4003 revised), and compel the attendance of witnesses within a radius of 100 miles from the place of hearing and to require the production of books, papers, documents and other evidence.

(B) Any person required by such subpena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the District Courts of the United States. In case of disobedience to any such subpena, the aid of any District Court of the United States or the District Court of the United States in and for the District of Columbia may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(C) Recommendations for the delegation of authority to an employee to issue subpenas shall be made to the Administrator and such authority will be granted through "Administrator's Authorization Orders".

(D) Discretion will be used in the exercise of this power which will not be used except when necessary or when the evidence can not be obtained efficiently in any other way. (May 15, 1937.)

86. *Delegation of authority to employees in central office and the field to make findings of fact, etc.*—(A) Employees in the field by virtue of the authority delegated to them by the Administrator will have the power to make findings of fact, determinations of existing law, Veterans Administration regulations and precedents established thereunder as applicable to pension and compensation cases, and to make decisions as to the rights of claimants to benefits and awards under the laws relating to the Veterans Administration.

(B) Recommendations for the delegation of authority to a field employee to make such findings of fact, etc., will be made through the manager to the assistant administrator, compensation and pensions, who will cause to be prepared an appropriate authorization order with recommendation thereon, over his signature for approval by the Administrator. This delegated authority will be made through the medium of a numerical series of orders known as "Pension Field Authorization Orders." When an employee is relieved of the duties requiring the delegated authority, the manager will immediately return his authorization order to the assistant administrator, compensation and pensions. The assistant administrator thereupon will issue a cancelation order over his own signature, sending the original copy to the regulations and procedure division for photostating and distribution in central office.

(C) Delegations of authority to employees in central office to make findings of fact, etc., will be in accordance with R. & P. 82 (A) and (C). (May 15, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-1412; Filed, May 15, 1937; 11:50 a. m.]

[1] Authority of Pub. No. 2, 73d Cong., and Title III, Pub. No. 844, 74th Cong.

*Wednesday, May 19, 1937* *No. 96*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4737]

TRANSFER OF TAXPAID RECTIFIED SPIRITS BY PIPE LINE FROM RECTIFYING PLANTS TO CONTIGUOUS TAXPAID BOTTLING HOUSES

*To District Supervisors and Others Concerned:*

Pursuant to the authority conferred by Section 605 of the Revenue Act of 1918, (U. S. C., 1934 ed., title 26, sec. 1151), as amended by Section 319 of the Liquor Tax Administration Act, (U. S. C., 1934 ed., Supp. II, title 26, sec. 1151 (2)), the following regulations are prescribed:

Where a rectifying plant and a taxpaid bottling house are operated on contiguous premises by a distiller or proprietor of an internal revenue bonded warehouse, the Commissioner may, in his discretion, authorize the transfer of rectified spirits on which the rectification tax has been paid from the bottling tanks in the rectifying plant to the bottling tanks in the taxpaid bottling house by means of pipe line.

A separate and permanent pipe line shall be installed to connect the rectifying plant with each bottling tank in the taxpaid bottling house. The pipe lines shall be exposed to view throughout their entire length, and all connections, valves, flanges, etc., shall be brazed or welded from the point where they leave the rectifying plant premises, provided, however, that the termination of such pipe lines in the rectifying plant may remain open to permit hose connection with the bottling tanks. There shall be painted on each such pipe line, on that portion extending into the rectifying plant, a number corresponding with the serial number of the tank in the taxpaid bottling house to which it connects.

When taxpaid rectified spirits are authorized to be transferred as above provided, the procedure for taxpaying rectified spirits in the bottling tank in the rectifying plant will be the same as provided by Regulations 15, except that at the time of taxpayment an extra copy of Form 237 will be executed and certified by the Collector. The extra copy of Form 237 will be attached to Form 230 on the bottling tank in the taxpaid bottling house as evidence that the proper tax on the spirits therein has been paid.

Upon completion of transfer of the rectified spirits to the taxpaid bottling house, there shall be entered under Part 7, "Certificate of Cases Filled", on all copies of Form 237, a statement that the spirits described on the reverse side of this form have been transferred by pipe line to Bottling Tank No. ---------- in the contiguous taxpaid bottling house operated by ----------, and the date of such transfer. This statement shall also include the serial number of Form 230 to which the extra copy of Form 237 is to be attached in the bottling house. Upon completion of bottling the extra copy of Form 237 will remain attached to the appropriate Form 230 and be transmitted to the District Supervisor in the manner prescribed by T. D. 4561.

Rectifiers who transfer their entire production by pipe line, pursuant to the provisions of this Treasury Decision, will not be required to provide a Finished Products Room as prescribed by Regulations 15.

Regulations 15, as amended, and T. D. 4561 are hereby amended accordingly.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, May 14, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1429; Filed, May 17, 1937; 2:57 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

AMENDMENT TO THE RULES FOR ADMINISTRATION OF GRAZING DISTRICTS [1]

MAY 10, 1937.

The Rules for Administration of Grazing Districts approved March 2, 1936, as amended January 28, 1937, are hereby amended by substituting the following for the portion beginning with the heading "Hearings and Appeals", on page 7:

APPLICATIONS, HEARINGS, AND APPEALS

1. *Consideration of applications; recommendation; notice.*—An application for grazing privileges will be considered in the first instance by the advisory board of the district in which privileges are sought. The advisory board will make its recommendation to the Division of Grazing. If such recommendation is favorable, the Division will so notify the applicant by ordinary mail. If the recommendation is adverse, notice thereof will be served on the applicant either personally by the regional grazier, or such person as may have been by him designated, or by registered letter sent to the address given by the applicant in his application for grazing license. Such notice will name a place and date, not less than ten (10) days thereafter, when protests against the recommendation of the advisory board will be heard. At the conclusion of the first meeting held for the purpose of considering applications, a list of all recommendations and a notice showing the dates and places at which protests will be heard shall be posted at the board's place of meeting.

2. *Hearing of protests; reconsideration by advisory board; notice.*—At the dates and places fixed for hearing protests any party may appear, either in person or by attorney or other representative, or may file a written protest with the advisory board, which thereupon will reconsider its previous recommendation in the light of the protest and make a final recommendation to the Division of Grazing. If such recommendation is favorable to the applicant, the Division will so notify him by ordinary mail. If the recommendation is adverse, notice thereof will be served on the applicant either personally by the regional grazier, or someone designated by the regional grazier for that purpose, or by registered letter sent to the address given by the applicant in his application for grazing license.

At the conclusion of the meeting held for the purpose of considering protests, a list of all recommendations which are different from the first recommendations of the advisory board shall be posted at the board's place of meeting.

3. *Allowance or rejection of application by regional grazier; modification; notice; appeal to examiner.*—The regional grazier is vested with authority, in his discretion and in the light of all facts and circumstances, to issue or refuse to issue a grazing license. If a license is refused or issued in modified form, a notice, including a recital of specific reasons for the action taken, will be served on the applicant either personally by the regional grazier, or by such person as may have been by him designated, or by registered letter sent to the address given by the applicant in his application for grazing license. Such notice will advise the applicant of his privilege to file an appeal to an examiner of the Division of Grazing in the local office of the Division within fifteen (15) days following receipt of notice. Such appeal shall be accompanied by specifications of error setting forth in a clear and concise manner the matters upon which it is based. Any other interested party, including local organizations of stockmen, may file a request for permission to be heard in the appeal and shall serve the appellant with a copy of such request. Such a party shall be known and designated as an intervenor.

4. *Fixing of place and date for hearing before examiner on appeal; notice.*—Upon the filing of the appeal and specifications of error, the regional grazier will fix a place within or near the district and a date at which a hearing will be held by one of such representatives of the Division of Grazing as may have been designated by the Director of Grazing to conduct hearings. Such representative, however, shall be one other than the regional grazier from whose decision the appeal is taken. For the purpose of the hearing, such representative of the Division of Grazing shall be known and designated as an examiner. The date for such hearing shall be ten (10) days or more after the date of filing of the appeal. Notice of the place and date of hearing will be given to the appellant and to all intervenors of record at the time of notice.

5. *Authority of examiner.*—The examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses and to administer oaths, to call and question witnesses, and to make a finding of fact and a decision.

6. *Conduct of hearing before examiner.*—The appellant, the regional grazier, and recognized intervenors may stipulate the issue or issues involved in the case and so far as possible all material facts. Documentary evidence also may be entered by stipulation. The regional grazier, or his representative, will then state the grounds of the decision from which the appeal has been taken, together with such explanation as may be deemed necessary, and will call and examine such witnesses on the issues involved as the examiner may request. Upon the conclusion of this testimony the appellant shall present his case, following which intervenors, in the discretion of the examiner, may present evidence. All oral testimony shall be under oath, and witnesses will be subject to cross-examination by any party. The examiner will himself question any witness whenever it appears necessary. Objections to evidence will be duly noted, but not ruled upon, by the examiner, and such objections will be considered upon an appeal from the decision of the examiner. The examiner will, however, summarily stop examination which is obviously irrelevant and may summarize objections for the record and limit their repetition.

7. *Finding and recommendation of examiner; notice.*—Within ten (10) days following the conclusion of the hearing the examiner will make a finding of fact and a decision, which shall become a part of the record on appeal, and a copy of which shall be sent by registered mail to the appellant and to all the intervenors.

8. *Notices of appeal; furnishing copies of record.*—Within ten (10) days after the receipt of the decision of the examiner any party desiring to appeal shall file a written notice of his intention to appeal and may request a copy of the transcript of testimony. Such transcript shall be furnished without charge to the appellant, and one copy may also be furnished to the intervenors. The intervenors' copy will be delivered to whosoever is designated by them or, in the event of disagreement, to the intervenor designated by the examiner. Such notice of appeal and request for a copy of the transcript shall be filed in the office of the chief examiner, Division of Grazing, Department of the Interior, Salt Lake City, Utah.

9. *Appeals to the Secretary of the Interior.*—An appeal from the decision of the examiner to the Secretary of the Interior shall be filed, together with any brief desired in support thereof, within 30 days after date of receipt of the transcript of the testimony, in the office of the chief examiner, Division of Grazing, Department of the Interior, Salt Lake City, Utah. The appeal in other respects shall be made in accordance with the Rules of Practice of the Department of the Interior in effect at the time such appeal is taken.

F. R. CARPENTER,
*Director of Grazing.*

Approved, May 10, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1430; Filed, May 18, 1937; 9:28 a. m.]

[1] Under the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), commonly known as the Taylor Grazing Act.



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—New York, Supplement (4) Issued May 17, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK, SUPPLEMENT (4)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New York, as amended by Supplements (1), (2), and (3) thereto, is hereby amended as follows:

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Practice No. 12, under the heading "Fruit Land", which reads as follows:

12. Establishing, on a farm in a commercial vineyard area, an acreage of biennial or perennial legumes, or mixtures of these with grasses, on unproductive vineyard land from which all vines have been removed in 1937. Payment, $5.00 per acre.

is stricken out and in lieu thereof the following is inserted:

12. Either (1) establishing, on a farm in a commercial vineyard area, an acreage of biennial or perennial legumes, or mixtures of these with grasses, on unproductive vineyard land from which all vines have been removed in 1937 or (2) increasing, on a farm in a commercial vineyard area, the acreage of biennial or perennial legumes, or mixtures of these with grasses, not in vineyards, above the combined acreage of such crops normally grown on such farm, when the increase is accompanied by the removal of all vines from an acreage of unproductive vineyard equal to that on which the increase in the above conserving crops was made. Payment, $5.00 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 17th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1438; Filed, May 18, 1937; 12:42 p. m.]

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WR—B-101—Colorado, Supplement 3 Issued May 17, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—COLORADO, SUPPLEMENT 3

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Colorado, as amended by Supplement 2, is hereby further amended:

Part III, Section 3C, practices P and Q of Supplement 2, WR—B-101—Colorado, are amended to read as follows:

P. *Contour Listing.*—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.25 per acre.

(Attention is called to Part III, Section 1 of WR—B-101—Colorado, as amended by Supplements 1 and 2, whereby payment will not be made with respect to more than one practice carried out on the same acreage except as specifically provided otherwise.)

Q. *Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular double mold-board lister, basin lister, or chisel: provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.20 per acre.

Part III, Section 3, paragraph F of Supplement 2, WR—B-101—Colorado, is amended to read as follows:

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 20, 1937, such wind-erosion control practices as are provided for in this section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be

in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 17th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1435; Filed, May 18, 1937; 12:41 p. m.]

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WR—B-101—Kansas, Supplement 3 Issued May 17, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—KANSAS, SUPPLEMENT 3

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Kansas, as amended by Supplement 2, is hereby further amended:

Part III, Section 4C, Practices U and V of Supplement 2, WR—B-101—Kansas, are amended to read as follows:

U. *Contour Listing.*—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.25 per acre.

(Attention is called to Part III, Section 1 of WR—B-101—Kansas, as amended by Supplements 1 and 2, whereby payment will not be made with respect to more than one practice carried out on the same acreage except as specifically provided otherwise.)

V. *Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.20 per acre.

Part III, Section 4, paragraph F of Supplement 2, WR—B-101—Kansas, is amended to read as follows:

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 20, 1937, such wind-erosion control practices as are provided for in this Section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 17th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1436; Filed, May 18, 1937; 12:41 p. m.]

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WR—B-101—New Mexico, Supplement 3 Issued May 17, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 3

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—New Mexico, as amended by Supplement 2, is hereby further amended:

Part III, Section 30, Practices Q and R of Supplement 2, WR—B-101—New Mexico, are amended to read as follows:

Q. *Contour Listing.*—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.25 per acre.

(Attention is called to Part III, Section 1 of WR—B-101—New Mexico, as amended by Supplements 1 and 2, whereby payment will not be made with respect to more than one practice carried out on the same acreage except as specifically provided otherwise.)

R. *Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: $0.20 per acre.

Part III, Section 3, paragraph F of Supplement 2, WR—B-101—New Mexico, is amended to read as follows:

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 20, 1937, such wind-erosion control practices as are provided for in this Section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 17th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1437; Filed, May 18, 1937; 12:42 p. m.]

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Bureau of Animal Industry.

[Amendment 3 to B. A. I. Order 357]

AMENDMENT TO RULES AND REGULATIONS WITH RESPECT TO STOCKYARD OWNERS, MARKET AGENCIES, DEALERS, AND LICENSEES

REGISTRATION BY MARKET DEALERS; APPLICATIONS FOR LICENSES

MAY 17, 1937.

Under authority of the act of Congress approved August 15, 1921 (U. S. C., title 7, secs. 181–229), as amended by the act approved August 14, 1935 (U. S. C., sup. I, title 7, secs. 218–218d), the general rules and regulations of the Secretary of Agriculture with respect to stockyard owners, market agencies, dealers, and licensees (B. A. I. Order 357), issued November 9, 1935, effective November 25, 1935, are hereby amended as hereinafter set forth.

Amendment 2 to B. A. I. Order 357 is hereby revoked and in lieu thereof the following regulation to be designated as regulation 3 is prescribed:

3. (*a*) Registration (sec. 303, title III) by market agencies and dealers shall be accomplished by properly filling out and delivering to the Bureau of Animal Industry at Washington, D. C., by mail or otherwise, a form which will be furnished on request for the purpose.

(*b*) Applications for licenses (sec. 502 (*b*) title V) may be made by persons subject to the licensing provisions of the amendment by properly filling out and delivering to the Chief of the Bureau of Animal Industry at Washington, D. C., by mail or otherwise, a form of application, which will be furnished by said Bureau upon request. The Secretary will issue a license to any applicant furnishing the required information unless he finds after opportunity for a hearing that such applicant is unfit to engage in the activity for which he has made application, or that he is financially unable to fulfill the obligations that he would incur as a licensee. If, after a hearing, it appears that the applicant is financially unable to fulfill his obligations as a licensee, the Secretary may grant applicant a license upon his executing and maintaining a surety bond or satisfactory equivalent thereof, provided such bond or equivalent meets the following standards:

Such bond or equivalent shall be conditioned to secure the performance of the obligations of the licensee incurred as such and may contain such other terms and conditions, not inconsistent with the requirements of these regulations, as may be agreed on between the parties thereto. If a bond is maintained, the surety on such bond shall be a surety company approved by the Treasury Department of the United States for bonds executed to the United States. However, any other form of indemnity which is found by the Chief of the Bureau of Animal Industry at Washington, D. C., to afford substantially equivalent protection may be accepted in lieu of a bond. Whenever, in the judgment of the Chief of the Bureau of Animal Industry at Washington, D. C., the condition of the business of any licensee is such as to render his bond or equivalent inadequate, the same shall, upon notice, be adjusted to meet the requirements of this regulation.

Any surety bond or equivalent shall contain a provision requiring that at least 10 days prior notice in writing be given to the Bureau of Animal Industry at Washington, D. C., by the party terminating such bond or equivalent in order to effect such termination.

Fully executed duplicates of bonds or equivalents shall be filed with the Bureau of Animal Industry at Washington, D. C.

This amendment, which is designated as Amendment 3 to B. A. I. Order 357, shall become and be effective on May 18, 1937.

Done at Washington, D. C., this 17th day of May, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1434; Filed, May 18, 1937; 12:41 p. m.]

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DEPARTMENT OF COMMERCE.

Bureau of Air Commerce.

[Amendment No. 8, Aeronautics Bulletin No. 7]

AIR COMMERCE REGULATIONS

(Edition of January 1, 1934)

NAVIGATION OF AIRCRAFT MANUFACTURED IN THE UNITED STATES FOR DELIVERY TO A FOREIGN PURCHASER

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (44 Stat. 1113), and the Act of June 19, 1934 (44 Stat. 1116), Chapter 4 of Aeronautics Bulletin No. 7 is hereby amended by adding after the period at the end of Section 40 (A) thereof the following paragraph:

An aircraft bearing foreign identification marks or insignia, manufactured in the United States for delivery to a foreign purchaser, may be navigated for demonstration purposes for a limited time within the immediate vicinity of the manufacturer's airport on application made to and approved by the Secretary of Commerce.

Approved to take effect May 18, 1937.

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-1433; Filed, May 18, 1937; 12:36 p. m.]

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FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation.

[Manual Amendment—Loan Service Chapter]

MORTGAGED, ETC., PROPERTY PURCHASES BY OFFICERS OR EMPLOYEES OF CORPORATION

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, Section 205 of the Loan Service Chapter of the Manual be amended by the addition of a new subsection to be designated 205 (e), which shall read as follows:

SEC. 205 (e). Officers or employees of the Corporation are not permitted to purchase from home owners properties on which the Corporation holds a mortgage or other security instrument unless and until the transaction has been submitted to the Property Committee in Washington and the approval of the General Manager obtained in accordance with procedure to be prescribed.

Adopted by the Federal Home Loan Bank Board on May 17, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1431; Filed, May 18, 1937; 11:03 a. m.]

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INTERSTATE COMMERCE COMMISSION.

INSTRUCTIONS GOVERNING PROCEEDINGS UNDER THE MOTOR CARRIER ACT, 1935

MAY 10, 1937.

The Commission has adopted the following special instructions governing proceedings under the Motor Carrier Act, 1935.

1. Except as indicated in these special instructions, proceedings under the Motor Carrier Act, 1935, are governed by the applicable or analogous provisions of the Commission's Rules of Practice.

2. When, in the Rules of Practice, reference is made to commissioners or examiners, it will be understood that the reference also includes a special board composed of State representatives (herein called "joint board") to whom matters have been referred pursuant to section 205 of the act for hearing, consideration, and recommendation of an appropriate order thereon (herein called "referred matter"). Those to whom matters are so referred will be called referees.

3. A referee may not grant leave to amend or file any pleadings, or to intervene, in a referred matter, upon application tendered at the hearing, if thereby the issues would be unduly broadened, or if thereby the issues would be so narrowed as to make the referred matter one which should properly be referred to a different referee.

4. Formal complaints must be filed with the Commission at Washington and should be accompanied by a statement of the point at which hearing is desired. They should specifically name the States in which the assailed rates, fares, or charges apply. Addresses of all defendants should be shown in order to insure proper service. Sufficient copies must accompany each formal complaint to enable the Commission to serve one upon each defendant, to supply one to the State board of each State included within the scope of the complaint, and to retain three for its own use.

5. Informal complaints may be communicated to the Commission at Washington or at the nearest district office of the Bureau of Motor Carriers of the Commission.[1]

6. Protests against applications under any provisions of the Motor Carrier act, 1935, or any requirement established pursuant thereto, must conform to the requirements of rule XXI of the Rules of Practice. They must contain a concise statement of the interest of the protestant in the proceeding and the grounds upon which the protest is based, and when practicable each ground of protest should be set up in separately numbered paragraphs.

7. In shortened procedure cases sufficient copies of memoranda should be submitted to enable the Commission to retain five copies, in addition to the original, for use by itself and the referees, and to make service upon each party previously designated to receive copies.

[1] District offices, numbered as follows, are maintained at the following points: 1, Boston, Mass.; 2, New York, N. Y.; 3, Philadelphia, Pa.; 4, Pittsburgh, Pa.; 5, Charlotte, N. C.; 6, Atlanta, Ga.; 7, Nashville, Tenn.; 8, Chicago, Ill.; 9 Minneapolis Minn.; 10, Kansas City, Mo.; 11, Little Rock, Ark.; 12, Fort Worth, Tex.; 13, Denver Colo.; 14, Salt Lake City, Utah; 15, Portland, Oreg.; 16, San Francisco, Calif.

8. In referred matters, which are governed so far as applicable by the usual procedure of the Commission as to "proposed report" cases (Rule XIV of the Rules of Practice), the referee will fix the time for the simultaneous filing of briefs; and after the expiration of such time will file with the Commission a report and recommended order containing the statement of the issues and facts and the findings and recommended conclusions, which will be served by the Commission. Exceptions may be taken as provided by Rule XIV (d) 4 of the Rules of Practice. If no exceptions are filed within the period allowed the referee's recommended order shall become the order of the Commission and become effective unless within such period it is stayed or postponed by the Commission. If exceptions are filed within the period allowed the Commission will grant such review or make such orders or hold or authorize such further hearings or proceedings in the premises as may be necessary or proper. In all cases where an order becomes effective within the meaning of this rule a notice to that effect will be served on the parties.

9. A petition for rehearing, reargument, or reconsideration of an order entered in proceedings under the provisions of sections 206, 209, or 211 of the act, whereby applicants, after formal hearing, have been granted a certificate, permit, or license, must be filed within 30 days after service of the final report therein, or after service of notice that the recommended order of the referee has become effective, and the date of mailing of the report or notice to the parties shall be considered as the date of the service.

10. Whenever the Commission orders, without hearing, that a certificate of public convenience and necessity or a permit, under sections 206 or 209 of the act shall be issued and become effective on a designated date unless on the Commission's own motion or for good cause shown it is otherwise ordered, petitions for the staying of the order or for the withholding of the issuance of such certificate or permit, or other objection thereto, must be in writing, which shall contain a statement of the grounds relied upon, and be verified by one having knowledge of the facts therein stated. Such petition or objection shall be filed at the office of the Commission in Washington at least 10 days prior to the date designated in the order for the issuance of such certificate or permit.

11. Applications under the Motor Carrier Act, 1935, for certificates, permits, and licenses, for substitution of prospective purchaser, for transfer of certificates and permits, for determination of status, and for authority to consolidate, merge, acquire control, and to issue or assume obligation with respect to securities (including the reporting of action taken pursuant to authority granted), shall be in the form and contain the information called for on the appropriate form for each purpose as provided in the appendix hereto, and shall be filed and served, and shall otherwise conform to the instructions contained on the pertinent form.

[SEAL] W. P. BARTEL, *Secretary.*

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APPENDIX

*List of forms used in making application under the Motor Carrier Act, 1935, for certificates, permits, and licenses, for substitution of prospective purchaser, for transfer of certificates and permits, for determination of status, and for authority to consolidate, merge, acquire control, and to issue, or assume obligation with respect to, securities (including the reporting of action taken pursuant to authority granted) and related forms:*

B. M. C. A–1. Application for certificate of public convenience and necessity—property, and for permit—property, for use in supplying additional information by carriers who on or before February 12, 1936, filed applications under the "grandfather" clauses of sections 206 and 209 on form B. M. C. A.

B. M. C. A–2. Application for certificate of public convenience and necessity—passengers, and for permit—passengers, for use in supplying additional information by carriers who on or before February 12, 1936, filed applications under the "grandfather" clauses on form B. M. C. A.

B. M. C. 3. Designation of agent for service of notices, orders and process. Sections 221 (a) and 221 (c). This form is required to be filed with all applications for authority to operate under the act on Forms B. M. C. A.–1, A–2, 4, 5, 8, 9, 10, and 11.

B. M. C. 4. Application for brokerage license—property. Section 211. B. M. C. 3 required.

B. M. C. 5. Application for brokerage license—passengers. Section 211. B. M. C. 3 required.

B. M. C. 6. Application to register by common carriers engaged, within a single State, in the transportation of property in interstate or foreign commerce. Section 206 (a). Order issued covering form is directed to carriers lawfully engaged in operation solely within a single State under authority of a certificate granted by such State, who between places within such State engage in transportation of property in interstate or foreign commerce.

B. M. C. 7. Application to register by common carriers engaged within a single State in the transportation of passengers in interstate or foreign commerce. Section 206 (a). See reference to the order in connection with B. M. C. 6.

B. M. C. 8. Application for certificate of public convenience and necessity—property. Sections 206, 207, and 208. Covers application by *common carriers* of property (1) to institute new operations, (2) to extend an operation for which a separate application has been filed with or certificate issued by the Commission, and (3) for any operations for which application was not filed under the "grandfather" clause on or before February 12, 1936. B. M. C. 15 (notice) required in addition to B. M. C. 3.

B. M. C. 9. Application for certificate of public convenience and necessity—passengers. Sections 206, 207, and 208. See description of operations outlined under B. M. C. 8. Forms B. M. C. 3 and 15 required.

B. M. C. 10. Application for permit—property. Section 209. See description of operations under B. M. C. 8. B. M. C. 3 and 15 required.

B. M. C. 11. Application for permit—passengers. Section 209. See description of operations under B. M. C. 8. B. M. C. 3 and 15 required.

B. M. C. 12. Application for determination of status under section 203 (b) (8) of carriers engaged in the local interstate transportation of *passengers* wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of a municipality or municipalities, but not under a common control, management, or arrangement for a continuous carriage to or from a point without such municipality, municipalities, or zone. B. M. C. 16 (notice) required.

B. M. C. 15. Notice. To be served, in person or by registered mail, upon each motor carrier and each carrier by rail or water, known to applicant, with whose service the operations covered by Forms B. M. C. 8, 9, 10, and 11 are or will be directly competitive.

B. M. C. 16. Notice. To be served, in person or by registered mail, upon each motor carrier with whose service the operations covered by B. M. C. 12 are directly competitive.

B. M. C. 18. Application for determination of status under section 203 (b) (8) of carriers engaged in local interstate transportation of *property* wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of a municipality or municipalities, but not under a common control, management, or arrangement for a continuous carriage to or from a point without such municipality, municipalities, or zone. B. M. C. 19 (notice) required.

B. M. C. 19. Notice. To be served, in person or by registered mail, upon each motor carrier known to applicant, with whose service the operations covered by B. M. C. 18 are directly competitive.

B. M. C. 20. Application for authority under section 213 to consolidate or merge.

B. M. C. 21. Application for authority under section 213 to purchase, to lease, or to contract to operate the properties, or any part thereof, of a motor carrier, or for acquisition of control of such carrier through ownership of its stock.

B. M. C. 22. Application for authority under section 214 to issue securities.

B. M. C. 23. Application for authority under section 214 to assume obligation or liability as lessor, lessee, guarantor, indorser, surety, or otherwise, in respect of the securities of any other person, natural or artificial.

B. M. C. 26. Applications under sections 206 and 209, for substitution of prospective purchaser in lieu of applicant.

B. M. C. 27. Applications under section 212 (b) to transfer certificates of public convenience and necessity or permits.

B. M. C. 28. Certificate of notification of securities sold, pledged, repledged, or otherwise disposed of, required by section 214 (paragraph (5), section 20 (a), Interstate Commerce Act), including obligations of the applicant authenticated or issued by trustees or others.

B. M. C. 29. Certificate of notification of the issue of notes maturing not more than two years after the dates thereof, required by section 214 (paragraph (9), section 20 (a), Interstate Commerce Act).

B. M. C. 30. Periodical report of the disposition made of securities authorized under section 214 (paragraph (10), section 20 (a), Interstate Commerce Act), or of notes maturing not more than two years after the date thereof, and of the application of the proceeds of such securities, or notes, required by said section.

[F. R. Doc. 37–1432; Filed, May 18, 1937; 11:52 a. m.]



## NATIONAL LABOR RELATIONS BOARD.

*United States of America—Before the National Labor Relations Board*

[Case No. C–110]

IN THE MATTER OF PACIFIC MILLS, LYMAN DIVISION AND UNITED TEXTILE WORKERS OF AMERICA, LOCAL UNION NO. 2191

ORDER ADJOURNING HEARING

Please take notice that the hearing previously scheduled in this case for May 14, 1937, at 10 a. m., Room 406, Denrike Bldg., 1010 Vermont Avenue, Washington, D. C., is hereby adjourned to May 25, 1937, at 10 a. m., at the same place.

Dated, Washington, D. C., May 11, 1937.

By direction of the Board:

[SEAL] BENEDICT WOLF, *Secretary.*

[F. R. Doc. 37–1443; Filed, May 18, 1937; 1:00 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1937.

[File No. 47–9]

IN THE MATTER OF LONE STAR GAS CORPORATION, LONE STAR GAS COMPANY, AND COMMUNITY NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A joint application having been duly filed with this Commission by Lone Star Gas Corporation, a registered holding company, Lone Star Gas Company and Community Natural Gas Company, subsidiaries thereof, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition, pursuant to an agreement with The Chase National Bank of the City of New York and National Tube Company, of certain assets owned by Texas Public Service Company, West Coast Power Company, and Texas Public Service Production Corporation, subsidiaries of Peoples Light and Power Corporation, consisting of the San Angelo-Coleman and San Angelo-Girvin pipe lines and collection and distribution systems, located in the State of Texas, including all leases, gas purchase and sales contracts and other contracts, franchises and appurtenances belonging thereto, all of which The Chase National Bank of the City of New York and National Tube Company are entitled to receive under the Plan of Reorganization of Peoples Light and Power Corporation, the consideration for such acquisition being $1,762,000 plus interest from March 31, 1936 at the rate of 4% per annum subject to certain adjustments provided for in the aforesaid agreement;

It is ordered that a hearing on such matter be held on June 1, 1937, at 2 o'clock in the afternoon of that day in Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 28, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1441; Filed, May 18, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, A. D. 1937.

[File No. 46–48]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Middle West Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of the following securities:

$540,600 principal amount of First Mortgage 5% Bonds, Series A, dated January 1, 1937, due January 1, 1957, with Special Bond Coupons, aggregating $10,812 and payable without interest on or before January 1, 1940, attached thereto,

3,604 shares of 6% Cumulative Preferred Stock, having a par value of $50 per share,

$32,530⅝ shares of Common Stock, having the par value of $1 per share, and

$38,202.40 principal amount of Cash Script,

to be issued by Arkansas-Missouri Power Corporation, a registered holding company, as successor to Arkansas-Missouri Power Company, pursuant to a Plan of Reorganization approved and confirmed by the United States District Court for the Northern District of Illinois, Eastern Division, in proceedings for the reorganization of Arkansas-Missouri Power Company under Section 77–B of the Bankruptcy Act, as amended; and said Arkansas-Missouri Power Corporation having filed a declaration with this Commission, pursuant to Section 7 of the Act, regarding the issue and disposition of the aforesaid securities;

It is ordered that a hearing on such matter be held on June 2, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 29, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1440; Filed, May 18, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 18th day of May, 1937.

[File No. 43-50]

IN THE MATTER OF MISSISSIPPI PUBLIC SERVICE COMPANY AND

[File No. 43-51]

IN THE MATTER OF IOWA WATER SERVICE COMPANY AND

[File No. 43-52]

IN THE MATTER OF TEXAS PUBLIC SERVICE COMPANY AND

[File No. 43-53]

IN THE MATTER OF WEST COAST POWER COMPANY AND

[File No. 43-54]

IN THE MATTER OF KANSAS PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

Peoples Light and Power *Company*, a registered holding company, hereinafter called the "New Company", and certain Voting Trustees (also a registered holding company) heretofore filed with this Commission declarations and applications pursuant to Sections 7 and 10 (a) (1) of the Public Utility Holding Company Act of 1935 with respect to issues and acquisitions pursuant to a Plan of Reorganization, dated June 1, 1936, of Peoples Light and Power *Corporation*, hereinafter called the "Old Company" (File Nos. 43-45, 46-47, 43-46 and 46-46). These declarations and applications have been set down and noticed for joint hearing on June 1, 1937.

Mississippi Public Service Company, Iowa Water Service Company, Texas Public Service Company, West Coast Power Company and Kansas Public Service Company, all being subsidiaries of the Old Company, have now filed with this Commission, pursuant to Section 7 of said Act, declarations with respect to the issue and sale, in connection with said Plan of Reorganization, of securities of said subsidiaries as follows:

*Mississippi Public Service Company*

$500,000 principal amount of First Mortgage Bonds, Series A, due 1961, to be issued in replacement of a like principal amount of demand 5½% Notes

850 shares of common capital stock without part value to be sold for $85,000 cash to the Old Company or its trustees

*Iowa Water Service Company*

$599,000 principal amount of First Mortgage Bonds, Series A, 5%, due 1961, whereof $571,000 principal amount are to be issued in replacement of a like principal amount of First Mortgage 5½% Gold Bonds, Series of 1941, and the remaining $19,000 principal amount are to be sold to the Old Company or its trustees for cash at the principal amount thereof

2,000 shares of common capital stock without par value to be issued in replacement of 1,056 shares of common capital stock of the par value of $100 per share now outstanding

*Texas Public Service Company*

$3,907,500 principal amount of First Mortgage Bonds, 5%, Series due 1961, bearing interest from January 1, 1936, to be issued, together with a cash adjustment of $4,785.01, in replacement of $3,568,000 principal amount of First Mortgage 5½% Gold Bonds, Series of 1941, with $539,660.01 accrued interest to December 31, 1936

12,500 shares of common capital stock without par value, with a stated value of $1,250,000, to replace 37,000 shares of common capital stock without par value now outstanding, with a stated book value of $1,326,960.05, resulting in a reduction in capital of $76,960.05 to be credited to capital surplus

*West Coast Power Company*

$1,300,000 First Mortgage Bonds, Series A, 4½%, due 1961, to be issued in replacement of a like principal amount of First Mortgage 5½% Gold Bonds, Series of 1941 ($1,456,500 principal amount of said First Mortgage 5½% Gold Bonds, Series of 1941, are to be cancelled and surrendered to the West Coast Power Company as a contribution to capital)

11,500 shares of common capital stock without par value, with a stated value of $1,150,000, to be issued in replacement of 47,300 shares of common capital stock of the par value of $100 per share resulting in a reduction of $3,580,000 in the capital stock of said West Coast Power Company

*Kansas Public Service Company*

$350,000 principal amount of First Mortgage Bonds, Series A, 5% due 1961, whereof $343,000 principal amount are to be issued in replacement of a like principal amount of First Mortgage 5½% Gold Bonds, Series of 1941, and $2,000 principal amount are to be sold to the Old Company or its trustees for cash at the principal amount thereof

2,000 shares of common capital stock without par value to be issued in replacement of 750 shares of common capital stock without par value now outstanding following a reduction in the capital represented by said 750 shares from $234,366 to $200,000 so that the amount of capital represented by said 2,000 shares, to be issued in replacement as aforesaid, will be $200,000

It appearing to the Commission that these related matters should be heard and considered together:

It is ordered that a hearing on the before mentioned declarations filed by Mississippi Public Service Company, Iowa Water Service Company, Texas Public Service Company, West Coast Power Company and Kansas Public Service Company, and any amendments thereto, be held, jointly with the hearing on the before mentioned declarations and applications filed by the New Company and before mentioned Voting Trustees, and any amendments thereto, on June 1, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said parties and to any interested State, State commission, State securities commission, municipality, and any other political subdivsion of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 26, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in these matters, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1439; Filed, May 18, 1937; 12:45 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D., 1937.

[File No. 2-2763]

IN THE MATTER OF CONDOR PICTURES, INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant, Condor Pictures, Inc., of Wilmington, Delaware, filed December 30, 1936, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Condor Pictures, Inc., of Wilmington, Delaware, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R Doc. 37-1442; Filed, May 18, 1937; 12:45 p. m.]



*Thursday, May 20, 1937* *No. 97*

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ABOLISHING VINEYARD HAVEN, MASSACHUSETTS, AS A CUSTOMS PORT OF ENTRY

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), it is ordered that Vineyard Haven, Massachusetts, be, and it is hereby, abolished as a customs port of entry in Customs Collection District No. 4 (Massachusetts), as a customs port of entry, effective immediately.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 18, 1937.*

[No. 7618]

[F. R. Doc. 37-1447; Filed, May 19, 1937; 11:01 a. m.]

DEPARTMENT OF THE INTERIOR.

**Division of Territories and Island Possessions.**

[I. C. C. No. 124 (Cancels I. C. C. No. 70)]

THE ALASKA RAILROAD

LOCAL AND PROPORTIONAL FREIGHT TARIFF NO. 1-B

(Cancels Tariff No. 1-A)

*Naming Rates on Coal and Coal Briquettes, Carloads from Black Diamond, Eska, Houston, Jonesville, Premier, Suntrana, Alaska, to Stations on The Alaska Railroad in Alaska*

Governed, except as otherwise provided herein, by the Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive issues thereof. Issued April 15, 1937. Effective May 20, 1937. Authority Act March 12, 1914 and Executive Order No. 3861. Issued by O. F. OHLSON, *General Manager, Anchorage, Alaska*.

Confirmed: May 17, 1937. Ruth Hampton, Acting Director.

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CANCELLATIONS

Rates carried in former Tariff applying to or from stations not shown herein, are hereby cancelled account stations abandoned; after date of cancellation no rates in effect.

APPLICATION OF RATES

*Item No. 10*[1]*—Commodity Rates Applicable from Intermediate Points.*—Subject to the provisions of Notes 1, 2, 3 and 4 below, from any point of origin from which a commodity rate on a given article to a given destination and via a given route is not named in this tariff, which point is intermediate to a point from which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies to the same destination, apply from such intermediate point to such destination and via such route the commodity rate in this tariff on said article from the next point beyond from which a commodity rate is published herein on that article to the same destination via the same route.

NOTE 1.—When by reason of branch or diverging lines, there are two or more "next beyond" points, apply the rate from the next point beyond (in this tariff) which on that article to the same destination via the same route results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points from which commodity rates on the same article via the same route are published in this tariff, apply via that route from the intermediate point the rate from the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point from which the lowest charge is applicable.

NOTE 3.—If the class rate on the same article via the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4.—If there is in any other tariff a commodity rate on the same article from the intermediate origin point applicable over the same route to the same destination, the provisions of this rule are not applicable from such intermediate origin point.

*Item No. 15*[1]*—Commodity Rates Applicable to Intermediate Points.*—Subject to the provisions of Notes 1, 2, 3 and 4 below, to any point of destination to which a commodity rate on a given article from a given point of origin and via a given route is not named in this tariff, which point is intermediate to a point to which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies from the same point of origin, apply to such intermediate point from such point of origin and via such route the commodity rate in this tariff on said article to the next point beyond to which a commodity rate is published herein on

[1] Neither increase nor reduction.

that article from the same point of origin via the same route.

NOTE 1.—When by reason of branch or diverging lines, there are two or more "next beyond" points, apply the rate to the next point beyond (in this tariff) which on that article from the same point of origin via the same route results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points to which commodity rates on the same article via the same route are published in this tariff, apply via that route to the intermediate point the rate to the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point to which the lowest charge is applicable.

NOTE 3.—If the class rate on the same article via the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4.—If there is in any other tariff a commodity rate on the same article to the intermediate destination point applicable over the same route from the same point of origin the provisions of this rule are not applicable to such intermediate destination point.

RULES AND REGULATIONS

*Item No. 25—Bills of Lading.*—All shipments transported under this Tariff will be subject to the bill of lading provisions named on pages 36 to 46 inclusive of Western Classification No. 66, R. C. Fyfe, Agent, I. C. C. No. 24, supplements thereto or successive issues thereof.

*Item No. 30—Minimum Weight—Coal; Coal Briquettes.*—The minimum weight on Coal or Coal Briquettes moving under this Tariff is 40,000 pounds.

*Item No. 35—Station Changes and Facilities and Prepay Requirements.*—Governed by Tariff No. 13–B, I. C. C. No. 77, supplements thereto or successive issues thereof, as to prepay requirements, change in names of stations, additions and abandonment of stations, restrictions as to non-acceptance or non-delivery of freight and changes in station facilities, except as otherwise shown herein.

*Item No. 40—Terminal Charges, Privileges and Allowances.*—Shipments made at rates named herein are subject to the Terminal Charges, Privileges and Allowances provided in Terminal Tariff No. 3–A, I. C. C. No. 80, supplements thereto or successive issues thereof.

*Item No. 45—Weighing, Re-Weighing on Coal; Coal Briquettes.*—(1) The actual weight (observing proper minimum) as determined on track scales at originating point or first available weighing station, will apply in assessment of freight charges on shipments of Coal and Coal Briquettes.

(2) Coal and Coal Briquettes will be reweighed under the following rules:—

(a) When shippers or consignees request reweighing of a car such request when practicable will be complied with. When reweighing shows that the actual weight differs from the initial weight by more than one and one-half (1½%) per cent (minimum 500 lbs.[2]), the actual weight determined by reweighing, whether greater or less, shall be protected (observing proper minimum) and no charge for reweighing will be made, otherwise the following charges will apply:

(b) When reweighing on track scales is performed at destination, providing order to reweigh is placed in time to avoid extra switching, a charge of $4.50 per car for weighing will be made.

(c) When destined to station not equipped with a track scale loaded car may be reweighed on track scale, located on the direct route to destination, provided request is received in ample time to admit of such weighing and a charge of $4.50 per car will be made for each car so weighed.

(d) If request of consignor or consignee for reweighing is received after cars have been placed for unloading, necessitating extra switching movement, the regularly published switching charges will be collected, in addition to the authorized reweighing charge.

[2] Reduction.
[3] Increase.

| Index No. | To— | Coal and coal briquettes, carloads (for minimum weights, see item No. 30) | | |
|---|---|---|---|---|
| | | From— | | |
| | | Black Diamond, Alaska [1] Premier, Alaska [1] Jonesville, Alaska [1] Eska, Alaska [1] | Houston, Alaska [1] | Suntrana, Alaska [1] |
| | | Rate in cents per ton of 2,000 pounds | | |
| 2 | Seward, Alaska | 375 | 375 | 475 |
| 4 | Woodrow, Alaska [2] | 375 | 375 | 470 |
| 6 | Divide, Alaska [2] | 365 | 365 | 465 |
| 8 | Primrose, Alaska [2] | 355 | 355 | 460 |
| 10 | Lawing, Alaska [2] | 350 | 350 | 460 |
| 12 | Moose Pass, Alaska [2] | 340 | 340 | 455 |
| 14 | Johnson, Alaska [2] | 335 | 335 | 455 |
| 16 | Hunter, Alaska [2] | 330 | 330 | 450 |
| 18 | Grandview, Alaska [2] | 325 | 325 | 450 |
| 20 | Tunnel, Alaska | 310 | 310 | 445 |
| 22 | Spencer, Alaska [2] | 295 | 295 | 440 |
| 24 | Portage, Alaska [2] | 285 | 285 | 440 |
| 26 | Kern, Alaska [2] | 275 | 275 | 435 |
| 28 | Girdwood, Alaska [2] | 265 | 265 | 435 |
| 30 | Bird, Alaska [2] | 255 | 255 | 430 |
| 32 | Indian, Alaska [2] | 245 | 245 | 425 |
| 34 | Rainbow, Alaska [2] | 235 | 235 | 425 |
| 36 | Potter, Alaska [2] | 230 | 230 | 420 |
| 38 | Campbell, Alaska [2] | 215 | 215 | 415 |
| 40 | Anchorage, Alaska | 210 | 210 | 415 |
| 42 | Whitney, Alaska [2] | 200 | 205 | 410 |
| 44 | Eagle River, Alaska [2] | 185 | 190 | 410 |
| 46 | Birchwood, Alaska [2] | 170 | 170 | 405 |
| 48 | Eklutna, Alaska [2] | 155 | 160 | 400 |
| 50 | Matanuska, Alaska | 140 | 145 | 395 |
| 52 | Palmer, Alaska | 140 | 155 | 415 |
| 54 | Moose Creek, Alaska [2] | 140 | 170 | 420 |
| 56 | Black Diamond, Alaska [2] | 140 | 175 | 430 |
| 58 | Premier, Alaska [2] | 140 | 185 | 445 |
| 60 | Sutton, Alaska [2] | 140 | 180 | 425 |
| 62 | Jonesville, Alaska [2] | 140 | 190 | 450 |
| 64 | Eska, Alaska [2] | 140 | 190 | 450 |
| 66 | Wasilla, Alaska | 155 | 140 | 390 |
| 68 | Pittman, Alaska [2] | 170 | 140 | 385 |
| 70 | Houston, Alaska [2] | 190 | | 380 |
| 72 | Willow, Alaska [2] | 210 | 140 | 375 |
| 74 | Kashwitna, Alaska [2] | 220 | 140 | 375 |
| 76 | Caswell, Alaska [2] | 230 | 150 | 360 |
| 78 | Montana, Alaska [2] | 240 | 165 | 350 |
| 80 | Sunshine, Alaska [2] | 250 | 175 | 340 |
| 82 | Talkeetna, Alaska [2] | 265 | 200 | 325 |
| 84 | Cluse, Alaska [2] | 285 | 215 | 315 |
| 86 | Curry, Alaska | 305 | 250 | 295 |
| 88 | Sherman, Alaska [2] | 325 | 245 | 280 |
| 90 | Gold Creek, Alaska [2] | 330 | 250 | 270 |
| 92 | Canyon, Alaska [2] | 335 | 260 | 265 |
| 94 | Chulitna, Alaska [2] | 345 | 270 | 255 |
| 96 | Hurricane, Alaska [2] | 355 | 280 | 245 |
| 98 | Honolulu, Alaska [2] | 360 | 290 | 230 |
| 100 | Colorado, Alaska [2] | 375 | 305 | 220 |
| 102 | Broad Pass, Alaska | 380 | 315 | 210 |
| 104 | Summit, Alaska [2] | 385 | 325 | 195 |
| 106 | Cantwell, Alaska [2] | 385 | 335 | 180 |
| 108 | Windy, Alaska [2] | 390 | 350 | 165 |
| 110 | Carlo, Alaska [2] | 395 | 360 | 150 |
| 112 | Yanert, Alaska [2] | 395 | 370 | 140 |
| 114 | McKinley Park, Alaska [2] | 400 | 380 | 140 |
| 116 | Moody, Alaska [2] | 400 | 380 | 140 |
| 118 | Healy, Alaska | 405 | 385 | 140 |
| 120 | Suntrana, Alaska [2] | 425 | 385 | |
| 122 | Lignite, Alaska [2] | 410 | 385 | 140 |
| 124 | Ferry, Alaska | 410 | 390 | 140 |
| 126 | Browne, Alaska [2] | 415 | 395 | 160 |
| 128 | Kobe, Alaska [2] | 420 | 400 | 165 |
| 130 | Clear, Alaska [2] | 420 | 400 | 175 |
| 132 | Julius, Alaska [2] | 425 | 405 | 190 |
| 134 | Nenana, Alaska | 430 | 410 | 210 |
| 136 | North Nenana, Alaska [2] | 435 | 410 | 215 |
| 138 | Dunbar, Alaska [2] | 440 | 420 | 235 |
| 140 | Standard, Alaska [2] | 445 | 425 | 250 |
| 142 | Martin, Alaska [2] | 455 | 430 | 270 |
| 144 | Happy, Alaska [2] | 460 | 435 | 285 |
| 146 | Ester, Alaska [2] | 460 | 435 | 290 |
| 148 | College, Alaska [2] | 460 | 440 | 295 |
| 150 | Fairbanks, Alaska | 460 | 440 | 300 |

[1] Advance.
[2] Reduction.
[3] No agent. Freight charges must be prepaid.



| Item No. | Commodity | Application | | Rates in cents per ton of 2,000 pounds |
|---|---|---|---|---|
| | | To— | From— | |
| 50 | Coal, carloads. For minimum weight, see Item No. 30. | Seward, Alaska. | Black Diamond, Alaska. Premier, Alaska... Jonesville, Alaska. Eska, Alaska..... | [1] 210 |
| | | | Houston, Alaska.. Suntrana, Alaska. | [2] 210 [1] 307 |

[1] Increase.
[2] Reduction.
[3] Proportional rate; applies only on traffic destined beyond Seward, Alaska.

[F. R. Doc. 37–1445; Filed, May 19, 1937; 10:08 a. m.]

[I. C. C. No. 126]

THE ALASKA RAILROAD

LOCAL FREIGHT TARIFF NO. 10–Y [1]

*Naming Rates on Coal and Coal Briquettes from Black Diamond, Eska, Houston, Jonesville, Premier, Suntrana, Alaska to Stations on The Alaska Railroad in Alaska*

Governed, except as otherwise provided herein, by Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive issues thereof. Issued April 19, 1937. Effective May 25, 1937. Authority Act March 12, 1914 and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

Confirmed: May 17, 1937. Ruth Hampton, Acting Director.

APPLICATION OF RATES

*Item No. 5* [2]*—Commodity Rates Applicable to Intermediate Points.*—Subject to the provisions of Notes 1, 2, 3 and 4 below, to any point of destination to which a commodity rate on a given article from a given point of origin and via a given route is not named in this tariff, which point is intermediate to a point to which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies from the same point of origin, apply to such intermediate point from such point of origin and via such route the commodity rate in this tariff on said article to the next point beyond to which a commodity rate is published herein on that article from the same point of origin via the same route.

NOTE 1.—When by reason of branch or diverging lines, there are two or more "next beyond" points, apply the rate to the next point beyond (in this tariff) which on that article from the same point of origin via the same route results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points to which commodity rates on the same article via the same route are published in this tariff, apply via that route to the intermediate point the rate to the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point to which the lowest charge is applicable.

NOTE 3.—If the class rate on the same article via the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4.—If there is in any other tariff a commodity rate on the same article to the intermediate destination point applicable over the same route from the same point of origin the provisions of this rule are not applicable to such intermediate destination point.

RULES AND REGULATIONS

*Item No. 10—Bills of Lading.*—All shipments transported under this Tariff will be subject to the bill of lading provisions named on pages 36 to 46 inclusive, of Western Classification No. 66, R. C. Fyfe, Agent, I. C. C. No. 24, supplements thereto or successive issues thereof.

*Item No. 15* [2]*—Marine Insurance.*—Rates named herein do not include marine insurance.

*Item No. 20—Station Changes and Facilities and Prepay Requirements.*—Governed by Tariff No. 13–B, I. C. C. No. 77, supplements thereto or successive issues thereof, as to prepay requirements, change in names of stations, additions and abandonment of stations, restrictions as to non-acceptance or non-delivery of freight and changes in station facilities, except as otherwise shown herein.

*Item No. 25—Terminal Charges, Privileges and Allowances.*—Shipments made at rates named herein are subject to the Terminal Charges, Privileges and Allowances provided in Terminal Tariff No. 3–A, I. C. C. No. 80, supplements thereto or successive issues thereof.

*Item No. 30* [2]*—Service Guarantee of Time.*—The carrier does not agree to transport freight by any particular steamer or train or within any specified time, and the rates named herein to points served by Water Carriers are applicable only when the carrier has a suitable steamer sailing to or from the ports via which rates are named.

*Item No. 35* [2]*—Weighing Coal and Coal Briquettes.*—The actual weight (observing proper minimum), as determined on track scales at originating point or first available weighing station, will apply in assessment of freight charges on shipments of Coal and Coal Briquettes.

[1] No Supplement to this Tariff will be issued except for the purpose of cancelling the Tariff unless otherwise specifically authorized by the Commission.
[2] Neither increase nor reduction.

| Index No. | To— | Coal and coal briquettes, sacked (minimum weight 2,000 pounds) | | |
|---|---|---|---|---|
| | | From— | | |
| | | Black Diamond, Alaska; Premier, Alaska; Jonesville, Alaska; Eska, Alaska | Houston, Alaska | Suntrana, Alaska |
| | | Rate in cents per ton of 2,000 pounds [1] | | |
| 2 | Tanana, Alaska [2] | —600 | 580 | 440 |
| 4 | Ruby, Alaska [2] | 650 | 630 | 490 |
| 6 | Holy Cross, Alaska | 700 | 680 | 540 |
| 8 | Marshall, Alaska [2] | 750 | 730 | 590 |

[1] Reduction.
[2] No Agent. Freight charges must be prepaid.

[F. R. Doc. 37–1446; Filed, May 19, 1937; 10:09 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

ECR—B–101—West Virginia, Supplement (b) Issued May 19, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—WEST VIRGINIA, SUPPLEMENT (B)

*Growing Green Manure Crops*

Subsection b (2) of section 4 of Part I of East Central Region Bulletin 101—West Virginia, is hereby amended to read as follows:

(2) Crimson clover, or vetch, plowed or disced under; rye, barley, wheat, oats, buckwheat, Italian ryegrass, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, or cowpeas, not grazed or pastured and not harvested for grain when all of the forage is left on the land; [1] lespedeza not grazed or pastured when all of the forage is left on the land: $1.00.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1472; Filed, May 19, 1937; 12:46 p. m.]

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WR—B-101, Idaho, Part X — Issued May 19, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—IDAHO, PART X

Western Region Bulletin No. 101—Idaho is hereby supplemented by adding thereto the following Part X.

*Part X. County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Idaho:

| County | Average Rate Per Acre for Diversion From Soil-Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment [2] | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Ada | $11.90 | $7.90 | $1.58 |
| Adams | 4.30 | 2.85 | .57 |
| Bannock | 4.80 | 3.20 | .64 |
| Bear Lake | 4.50 | 3.00 | .60 |
| Benewah | 5.70 | 3.85 | .77 |
| Bingham | 11.40 | 7.60 | 1.52 |
| Blaine | 7.00 | 4.65 | .93 |
| Boise | 4.20 | 2.80 | .56 |
| Bonner | 5.40 | 3.60 | .72 |
| Bonneville | 7.00 | 4.70 | .94 |
| Boundary | 10.70 | 7.15 | 1.43 |
| Butte | 8.30 | 5.50 | 1.10 |
| Camas | 2.80 | 1.90 | .38 |
| Canyon | 13.50 | 9.05 | 1.81 |
| Caribou | 4.20 | 2.85 | .57 |
| Cassia | 7.70 | 5.15 | 1.03 |
| Clark | 5.00 | 3.30 | .66 |
| Clearwater | 6.10 | 4.05 | .81 |
| Custer | 6.30 | 4.20 | .84 |
| Elmore | 6.80 | 4.55 | .91 |
| Franklin | 6.00 | 4.00 | .80 |
| Fremont | 5.50 | 3.65 | .73 |
| Gem | 9.30 | 6.20 | 1.24 |
| Gooding | 10.80 | 7.20 | 1.44 |
| Idaho | 5.80 | 3.90 | .78 |
| Jefferson | 9.30 | 6.20 | 1.24 |
| Jerome | 13.20 | 8.80 | 1.76 |
| Kootenai | 4.30 | 3.00 | .60 |
| Latah | 6.90 | 4.60 | .92 |
| Lemhi | 7.60 | 5.05 | 1.01 |
| Lewis | 6.10 | 4.10 | .82 |
| Lincoln | 10.70 | 7.15 | 1.43 |
| Madison | 4.80 | 3.25 | .65 |
| Minidoka | 12.30 | 8.20 | 1.64 |
| Nez Perce | 6.10 | 4.05 | .81 |
| Oneida | 3.60 | 2.40 | .48 |
| Owyhee | 11.40 | 7.60 | 1.52 |
| Payette | 11.80 | 7.90 | 1.58 |
| Power | 2.80 | 1.90 | .38 |
| Shoshone | 5.10 | 3.40 | .68 |
| Teton | 3.80 | 2.50 | .50 |
| Twin Falls | 12.50 | 8.35 | 1.67 |
| Valley | 5.30 | 3.55 | .71 |
| Washington | 6.40 | 4.30 | .86 |

[1] Pursuant to section 1, part II of W. R. Bulletin 101-Idaho.
[2] Pursuant to subsection A-2, section 3, part III of W. R. Bulletin 101-Idaho.
[3] Pursuant to subsections A-3 and B-1 of section 3, part III of W. R. Bulletin 101-Idaho.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1471; Filed, May 19, 1937; 12:45 p. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 346]

MINNESOTA POWER & LIGHT COMPANY, LICENSEE

NOTICE OF POSTPONEMENT OF HEARING

It appearing to the Commission that the Minnesota Power & Light Company, Licensee for Project No. 346, Minnesota, has filed an application for postponement of the hearing set for May 25, 1937; and for good cause shown, the hearing in the above matter is hereby continued to June 29, 1937, at 10 a. m.

Adopted by the Commission on May 18, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1444; Filed, May 19, 1937; 10:08 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, A. D., 1937.

[File No. 51-2]

IN THE MATTER OF CENTRAL AND SOUTH WEST UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Central and South West Utilities Company, a registered holding company and a subsidiary of The Middle West Corporation, a registered holding company, pursuant to Section 12 (c) and Rule 12C-2 of the Public Utility Holding Company Act of 1935, for approval of the payment of a dividend of $1.75 on each outstanding share of Prior Lien Preferred Stock, $7 Dividend Series, and a dividend of $1.50 on each outstanding share of Prior Lien Preferred Stock, $6 Dividend Series; such application stating that applicant had reduced its capital represented by its Common Stock in the amount of $22,543,389.42 and created a capital surplus of corresponding amount, against which has been written off the accumulated deficit of applicant, in excess of $22,000,000, resulting largely from losses and balance sheet adjustments of its subsidiary companies; such application further stating that the proposed dividends will be paid solely from dividends received by applicant from its subsidiaries subsequent to the reduction of the applicant's capital and from earnings accruing subsequent to that time, and that this application is filed to avoid the possibility of violating Rule 12C-2;



It is ordered that a hearing on such matter be held on June 3, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1470; Filed, May 19, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of May, A. D. 1937.

[File No. 43-56]

IN THE MATTER OF CITIZENS UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Citizens Utilities Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the assumption of liability on $17,500 principal amount of City of Brewster Electric Light Bonds, dated January 1, 1921, bearing interest at the rate of 6% per annum and maturing serially between the date thereof and January 1, 1951; liability on said bonds having been heretofore assumed by Public Utilities Kansas Corporation, all of the securities of which (except such bonds) are owned by Citizens Utilities Company; and the said Citizens Utilities Company having heretofore filed an application with this Commission, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Act, for approval of the acquisition by it of all the assets and business of Public Utilities Kansas Corporation;

It is ordered that a hearing on such matter be held on June 4, 1937, at 11 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1448; Filed, May 19, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-182]

IN THE MATTER OF ASSOCIATED GAS & ELECTRIC CORPORATION 4½% DEBENTURES DUE JUNE 1, 1973

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 4½% Debentures due June 1, 1973, of Associated Gas & Electric Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1454; Filed, May 19, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-183]

IN THE MATTER OF ASSOCIATED GAS & ELECTRIC CORPORATION 5% DEBENTURES DUE JUNE 1, 1973

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 5% Debentures due June 1, 1973, of Associated Gas & Electric Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1453; Filed, May 19, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-185]

IN THE MATTER OF ASSOCIATED GAS & ELECTRIC CORPORATION 4½% DEBENTURES DUE FEBRUARY 1, 1978

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 4½% Debentures due February 1, 1978, of Associated Gas & Electric Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1462; Filed, May 19, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-184]

IN THE MATTER OF ASSOCIATED GAS & ELECTRIC CORPORATION 3½% DEBENTURES DUE MARCH 15, 1978

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 3½% Debentures due March 15, 1978, of Associated Gas & Electric Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1452; Filed, May 19, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-171]

IN THE MATTER OF ATLANTIC CITY ELECTRIC COMPANY GENERAL MORTGAGE BONDS, 3¼% SERIES DUE JAN. 15, 1964

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the General Mortgage Bonds, 3¼% Series due Jan. 15, 1964, of Atlantic City Electric Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1461; Filed, May 19, 1937; 12:43 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-172]

IN THE MATTER OF CALIFORNIA WATER SERVICE COMPANY FIRST MORTGAGE 4% BONDS, SERIES "B", DUE MAY 1, 1961

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage 4% Bonds, Series "B" due May 1, 1961, of California Water Service Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1460; Filed, May 19, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-160]

IN THE MATTER OF CENTRAL MAINE POWER COMPANY FIRST AND GENERAL MORTGAGE BONDS, SERIES "H", 3½% DUE AUGUST 1, 1966

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First and General Mortgage Bonds, of Series "H", 3½% due August 1, 1966, of Central Maine Power Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1459; Filed, May 19, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-186]

IN THE MATTER OF CITIES SERVICE COMPANY 5% GOLD DEBENTURES DUE APRIL 1, 1958

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 5% Gold Debentures due April 1, 1958, of Cities Service Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1456; Filed, May 19, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-187]

IN THE MATTER OF CITIES SERVICE COMPANY 5% GOLD DEBENTURES DUE NOVEMBER 1, 1963

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 5% Gold Debentures due November 1, 1963, of Cities Service Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1458; Filed, May 19, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-188]

IN THE MATTER OF CITIES SERVICE COMPANY 5% GOLD DEBENTURES DUE MARCH 1, 1969

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 5% Gold Debentures due March 1, 1969, of Cities Service Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunty to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1457; Filed, May 19, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-161]

IN THE MATTER OF THE CUDAHY PACKING COMPANY CONVERTIBLE SINKING FUND 4% DEBENTURES DUE SEPTEMBER 1, 1950

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Convertible Sinking Fund 4% Debentures due September 1, 1950, of The Cudahy Packing Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1455; Filed, May 19, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-167]

IN THE MATTER OF THE PEOPLES GAS LIGHT AND COKE COMPANY FIRST AND REFUNDING MORTGAGE 4% BONDS, SERIES "D", DUE JUNE 1, 1961

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First and Refunding Mortgage 4% Bonds, Series "D", due June 1, 1961, of The Peoples Gas Light and Coke Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1464; Filed, May 19, 1937; 12:44 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-180]

IN THE MATTER OF UTAH-IDAHO SUGAR COMPANY COMMON STOCK, PAR VALUE $5

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, par value $5, of Utah-Idaho Sugar Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1463; Filed, May 19, 1937; 12:43 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of May, 1937.

IN THE MATTER OF THE PROCEEDING BEFORE THE SECURITIES AND EXCHANGE COMMISSION TO DETERMINE WHETHER DART & COMPANY, A PARTNERSHIP CONSISTING OF HARRY A. DART, MEYER STEINBERG, NATHAN STEINBERG, ABRAHAM KOVEN, HARRY A. DART; MEYER STEINBERG; NATHAN STEINBERG; ABRAHAM KOVEN; SHOULD BE SUSPENDED OR EXPELLED FROM MEMBERSHIP ON CERTAIN NATIONAL SECURITIES EXCHANGES; PURSUANT TO SECTION 19 (A) (3) OF THE SECURITIES EXCHANGE ACT OF 1934

ORDER DISCONTINUING PROCEEDING

A proceeding having heretofore been instituted pursuant to Section 19 (a) (3) of the Securities Exchange Act of 1934 to determine whether to suspend or to expel the respondents from membership on the Detroit Stock Exchange and the Chicago Stock Exchange, which memberships were held in the names of respondents Nathan Steinberg and Meyer Steinberg, respectively, and it now appearing that since the institution of such proceeding the respondent Nathan Steinberg has been expelled from membership on the Detroit Stock Exchange by said Exchange and the respondent Meyer Steinberg has resigned from membership on the Chicago Stock Exchange, by reason whereof neither respondent Dart & Company nor any of the individual respondents herein who constitute the partners of said firm is now a member of any national securities exchange within the meaning of the Securities Exchange Act of 1934 and said proceeding has become moot.

It is ordered that the proceeding heretofore instituted against the respondents herein pursuant to Section 19 (a) (3) of the Securities Exchange Act of 1934 be and the same is hereby discontinued, without prejudice, however, to the revocation of this discontinuance as to the respondents or any of them in the event that the respondents or any of them shall hereafter become a member of a national securities exchange within the meaning of the Securities Exchange Act of 1934 or for other good cause.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1449; Filed, May 19, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

IN THE MATTER OF LOUIS GROW, 15 PARK AVENUE, NEWTON, MASSACHUSETTS

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of Louis Grow as a broker or dealer on the over-the-counter markets having come on for hearing and oral argument before the Commission upon the question of revocation or suspension; and the Commission having entered its opinion and findings of fact in the matter and being of the opinion that it is in the public interest and for the protection of investors to revoke said registration;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Louis Grow be and the same is hereby revoked, but without prejudice to any application which he may file to set aside this order after the expiration of six months from the date of hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1451; Filed, May 19, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

IN THE MATTER OF B. W. SARGENT, DOING BUSINESS AS SARGENT AND COMPANY, 2117 ALAMO NATIONAL BANK BUILDING, SAN ANTONIO, TEXAS

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 51 (B) OF SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of B. W. Sargent, doing business as Sargent and Company, as a broker or dealer on over-the-counter markets, having come on for hearing before the Commission upon the question of revocation or suspension; and the Commission having entered its findings of fact in the matter and being of the opinion that it is in the public interest and for the protection of investors to revoke said registration;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of

B. W. Sargent, doing business as Sargent and Company, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1450; Filed, May 19, 1937; 12:40 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WAMHOFF-MUSE FARM, FILED ON APRIL 29, 1937, BY W. E. COOK, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 14, 1937, be effective as of May 14, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1467; Filed, May 19, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN MCNABB PARK COMMUNITY LEASE FILED ON MAY 4, 1937, BY FIRST DEPENDABLE OIL CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 14, 1937, be effective as of May 14, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1466; Filed, May 19, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18 day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-L. DAUGHERTY FARM, FILED ON MAY 8, 1937, BY SCHAPPERT-TEDEN-BLUMER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 15, 1937, be effective as of May 15, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1465; Filed, May 19, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TIDEWATER-SHAFFER FARM, FILED ON MAY 11, 1937, BY LEIGH J. SESSIONS CORPORATION, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

(2) In that the number of barrels of oil which must be produced before the smallest fractional interest proposed to be offered will be entitled to receive one barrel does not appear to be correctly set forth in the statement made in Division II, Item 1;

(3) In that the statement made in Division II, Item 8 (a), may not be correct by reason of the fact that the Tidewater Oil Company appears to be the operator of the lease and might, therefore, not be the purchaser of the oil produced from the tract involved; and for that reason it appears that all payments made by the purchaser of the oil are paid to the investor in an indirect manner, which condition, if true, necessitates the inclusion in the offering sheet of the text and statements required to be given in Division II, Item 8 (d), (i) to (v) inclusive;

(4) In that the information given in Division II, Item 18 (a) (iv), is not believed to be correct by reason of the fact that the plat shows well #2 is a drilling well;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2nd day of June, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1468; Filed, May 19, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE RATHKE-WADLEY-HILL FARM, FILED ON MAY 12, 1937, BY SUPREME OIL INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that portions of three of the copies of the offering sheet filed with the Commission are illegible, and for that reason it is impossible to determine whether the statements therein made are in accordance with the rules and regulations of the Commission;

(2) In that because of the conflicting information given by the figures set forth in Division II, Items 16 (c) and (d), and the note thereunder, it is not possible to determine that the smallest fractional interest proposed to be offered, as set forth in Division II, Item 1, is correct;

(3) In that the information given in Division II, Item 13, relative to the approximate number of producing wells in the field, may not be correct;

(4) In that the total production of oil from the tract, as set forth in Division II, Item 15, may not be correct by reason of the fact that the figures given in this item do not agree with the gross production, by months, as disclosed by Division II, Item 16 (a);

(5) In that the text and statement required to be given in Division II, Item 19, if a Division III is not included as a part of the offering sheet, are omitted; nor is a Division III included;

(6) In that the date as of which the information is given by Exhibit A is omitted; nor is the scale of the property included as a part of said Exhibit A;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2nd day of June, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1469; Filed, May 19, 1937; 12:45 p. m.]





*Friday, May 21, 1937* *No. 98*

## DEPARTMENT OF STATE.

NEGOTIATION OF TRADE AGREEMENT WITH CZECHOSLOVAKIA CONTEMPLATED

MAY 7, 1937.

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as amended, and Executive Order No. 6750, of June 27, 1934, the Secretary of State announced today that this Government contemplates the negotiation of a trade agreement with Czechoslovakia, and invited interested persons to submit suggestions as to the products that should be considered.

This preliminary announcement, which is made with a view to obtaining suggestions from interested persons in the early stages of the discussions, should not be confused with notice of intention to negotiate. Notice of intention to negotiate will be issued at a later date, after receipt of the proposals of the Government of Czechoslovakia, at which time there will also be made public a list of products on which the United States will consider granting concessions to Czechoslovakia (whether in the form of reductions in import duties or binding of existing tariff treatment).

Suggestions as to products to be considered in the negotiations with Czechoslovakia may concern either exports or imports. Exact technical descriptions of the products in question should be given, including, so far as possible, their nomenclature in the tariff laws of the importing country. These suggestions may be submitted in any form, and need not be under oath. They should be addressed to the Chairman of the Committee for Reciprocity Information, 7th and F Streets, N. W., Washington, D. C., and should reach the Committee not later than June 6, 1937.

Suggestions received by the Committee for Reciprocity Information will be distributed promptly to all agencies of the trade-agreements organization for use in the preparation of lists of commodities that may be involved in the negotiations. The list of products upon which the United States will consider the granting of concessions to Czechoslovakia will be published as part of the notice of intention to negotiate. Notice of intention to negotiate, as has been done in the case of other countries, will also indicate dates for the submission of briefs and applications for oral hearings, and the dates on which the customary open hearings will be held. The listing of products will indicate to American producers and importers whether or not particular tariff rates in which they are interested are under consideration. They will thus be saved the trouble of preparing briefs on products of interest to them but which are not expected to be involved in the negotiations.

A detailed compilation showing the merchandise involved in the trade between the United States and Czechoslovakia

in 1929 and 1935, prepared in the Division of Foreign Trade Statistics and the Division of Regional Information of the Department of Commerce, may be obtained from the Bureau of Foreign and Domestic Commerce, or from any of the District Offices of the Department of Commerce, as well as from the Committee for Reciprocity Information or from the Department of State.

CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 37-1474; Filed, May 20, 1937; 9:54 a. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 41]

PRODUCTION CREDIT CORPORATION OF SPOKANE
CLASS A STOCK CONVERSION

*To all production credit associations in the states of Oregon, Washington, Montana and Idaho:*

*Conversion of Class A to Class B stock by Holder.*—Your attention is invited to Section 26 (d) of the bylaws adopted by the production credit associations of this district, and to the first paragraph of Section 104 (j) 1 of the Rules and Regulations for Production Credit Associations, both sections reading as follows:

*Class A Stock.*—Upon the authorization of a loan to a holder of class A stock, the board of directors may permit the conversion of any or all such class A stock at the fair book value thereof (not to exceed par) into class B stock in accordance with such terms and conditions as may be prescribed by the corporation so long as it is the holder of any stock of the association.

Instances have been brought to our attention where Class A stockholders have been permitted to convert their class A stockholdings into Class B stock at the time of obtaining a loan although the borrower did not require the full amount of the Class B stock so held after the conversion in connection with his loan. As the corporation is required to prescribe such terms and conditions under which this type of conversion is effected, the conversion of class A stock into class B stock should be limited to the amount necessary to enable the holder to obtain sufficient class B stock for his loan.

There may be cases, of course, in which proper compliance with this principle would result in the ownership by the stockholder borrower of, for example, only one or a fractional share of class A stock and in instances of this kind it is permissible to allow the conversion of the full amount of his class A stockholdings.

*Transfer of Class A Stock to Individual Desiring to Become Borrower.*—In instances where a class A stockholder arranges to sell and transfer his stock to another individual who intends to convert it into class B stock for use in obtaining an association loan, it is not necessary for the association to request the corporation to issue a class A stock certificate to the transferee-purchaser. Such a class A stock certificate, if it were issued, would be subject to immediate cancelation for the purpose of converting the class A stock to class B stock.

It is only necessary for the transferee of the original class A stock certificate to submit it to the association from which he desires to obtain a loan with an order to convert it into class B stock of the association. The association will thereupon forward such order and certificate to the corporation with a request for cancelation accompanied by proper evidence of the consent of the Board of Directors to the conversion.

The Corporation will record the transaction as transfer agent and the Secretary of the association will issue the Class B stock to the new borrower and make the necessary entries on the association's records. Advice of Stock Transfer, Retirement, or Conversion, Form PCA 112B, will be used covering a transaction of this kind. The transaction will be considered a conversion and the description of the class A stock certificate will be entered in the section headed, "Stock Canceled." In the space provided for stockholder, the association will show the name of the transferee or purchaser of the stock, and immediately underneath the new stockholder's name, the following will be noted "Acquired by Purchase from (original stockholder)". A purchaser of class A stock under the above procedure would be limited to the conversion to Class B stock of only the amount necessary to cover his loan as outlined above.

[SEAL] PRODUCTION CREDIT CORPORATION OF SPOKANE,
By ERNEST E. HENRY, *President.*

[F. R. Doc. 37-1475; Filed, May 20, 1937; 12:05 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3009]

IN THE MATTER OF WAIN'S LABORATORY, INC.

SUBSTITUTE ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

Whereas Charles P. Vicini, an examiner of this Commission, was heretofore appointed to take testimony and receive evidence in this proceeding, pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and whereas the said Charles P. Vicini, by reason of other duties to perform, will be unable to continue therein,

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding in the place and stead of the said Charles P. Vicini, beginning on Tuesday, May 25, 1937, at ten o'clock in the forenoon of that day, in room 424, 815 Connecticut Avenue, N. W., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent.

The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1473; Filed, May 19, 1937; 2:44 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, A. D., 1937.

[Files No. 32-59 and No. 32-63]

IN THE MATTER OF THE BUCKEYE LIGHT & POWER COMPANY

[File No. 32-61]

THE BRADFORD & GETTYSBURG ELECTRIC LIGHT & POWER COMPANY

[File No. 32-64]

THE BROOKVILLE & LEWISBURG LIGHTING COMPANY

[File No. 32-60]

THE NEW MADISON LIGHTING COMPANY

[File No. 32-62]

THE EATON LIGHTING COMPANY

[File No. 32-58]

THE WESTERN OHIO PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications having been duly filed with this Commission, by the above-listed applicants, all Ohio corporations and subsidiaries of United Public Utilities Corporation, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and sale of certain 6% promissory notes, payable on or before January 1, 1945, by the companies, in the principal amounts, and for the purposes indicated below:

(A) *The Buckeye Light & Power Company.*—

(1) $34,083.54, in substitution for seven demand promissory notes of said applicant;

(2) $60,000.00, in funder of open book account in the amount of $60,000.00 owing by said applicant to The Greenville Electric Light and Power Company, a subsidiary of United Public Utilities Corporation operating in Ohio;

(3) $54,875.99, to be sold for cash to reimburse the treasury of said applicant for net additions, extensions, and improvements to the system of said applicant between 1931 and 1936.

(4) $50,000.00, in refunder of indebtedness of said applicant represented by its Ten-Year, 7%, Gold Debenture Bonds, matured on June 16, 1934;

(B) *The Bradford & Gettysburg Electric Light & Power Company.*—

$30,069.11, to be sold for cash, to reimburse the treasury of said applicant for net additions, extensions, and improvements to the system of said applicant between 1931 and 1936;

(C) *The Brookville & Lewisburg Lighting Company.*—

(1) $6,604.37, in substitution for eight demand promissory notes of said applicant now outstanding;

(2) $5,230.29, to be sold for cash, to reimburse the treasury of said applicant for net additions, extensions, and improvements to the system of said applicant between 1931 and 1936;

(D) *The New Madison Lighting Company.*—

(1) $1,546.24, in substitution for seven demand promissory notes of said applicant now outstanding;

(2) $1,032.83, to be sold for cash, to reimburse the treasury of said applicant for net additions, extensions, and improvements to the system of said applicant between 1931 and 1936;

(E) *The Eaton Lighting Company.*—

$11,283.98, to be sold for cash, to reimburse the treasury of said applicant for net additions, extensions, and improvements to the system of said applicant between 1931 and 1936;

(F) *The Western Ohio Public Service Company.*—

$13,968.69, in substitution for demand promissory note of said applicant given in renewal of seven demand promissory notes previously outstanding;

and it appearing to the Commission that these related applications should be heard and considered together;

It is ordered that a hearing on such matter be held on June 9, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said parties and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 4, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1477; Filed, May 20, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, 1937.

[File No. 43-55]

IN THE MATTER OF CALIFORNIA PUBLIC SERVICE COMPANY

and

[File No. 44-1]

IN THE MATTER OF WEST COAST POWER COMPANY

and

[File No. 44-2]

IN THE MATTER OF MISSISSIPPI PUBLIC SERVICE COMPANY

and

[File No. 44-3]

IN THE MATTER OF TEXAS PUBLIC SERVICE COMPANY

and

[File No. 44-4]

IN THE MATTER OF KANSAS PUBLIC SERVICE COMPANY

and

[File No. 44-5]

IN THE MATTER OF IOWA WATER SERVICE COMPANY

and

[File No. 44-6]

IN THE MATTER OF CALIFORNIA PUBLIC SERVICE COMPANY

and

[File No. 46-49]

IN THE MATTER OF HUGH M. MORRIS AND HAROLD S. SCHUTT TRUSTEES OF PEOPLES LIGHT AND POWER CORPORATION

and

[File No. 47-10]

IN THE MATTER OF HUGH M. MORRIS AND HAROLD S. SCHUTT TRUSTEES OF PEOPLES LIGHT AND POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

Peoples Light and Power *Company*, a registered holding company, hereinafter called the "New Company", and certain Voting Trustees (also a registered holding company) heretofore filed with this Commission declarations and applications pursuant to Sections 7 and 10 (a) (1) of the Public Utility Holding Company Act of 1935 with respect to issues and acquisitions pursuant to a Plan of Reorganization, dated June 1, 1936, of Peoples Light and Power *Corporation*, hereinafter called the "Old Company" (File Nos. 43-45, 46-47, 43-46 and 46-46). Thereafter Mississippi Public Service Company, Iowa Water Service Company, Texas Public Service Company, West Coast Power Company and Kansas Public Service Company, all being subsidiaries of the Old Company, filed with this Commission, pursuant to Section 7 of said Act, declarations with respect to the

issue and sale, in connection with said Plan of Reorganization, of securities of said subsidiaries (File Nos. 43–50, 43–51, 43–52, 43–53, and 43–54).

All of the before mentioned declarations and applications have been set down and noticed for joint hearing on June 1, 1937.

California Public Service Company, a subsidiary of the Old Company, has now filed with this Commission (File No. 43–55) pursuant to Section 7 of said Act, a declaration with respect to the issue and sale, in connection with said Plan of Reorganization, of obligations and stock of said California Public Service Company as follows:

$400,000 principal amount of First Mortgage Bonds, Series A, 5% due 1961, whereof $289,000 principal amount are to be issued in replacement of a like principal amount of First Mortgage 5½% Gold Bonds, Series of 1941, and $111,000 principal amount are to be issued in replacement (in part) of a 6% demand note, in the principal amount of $227,500, payable to Peoples Light and Power Corporation.

3,000 shares of common capital stock without par value and with a stated book value of $100 per share, whereof 1,864 shares are to be issued in replacement of a like number of shares of common capital stock of the par value of $100 per share now outstanding and 1,136 shares are to be issued in replacement (in part) of the before mentioned 6% demand note.

Open account indebtedness in the amount of $2,900 to be created upon cancellation of the before mentioned 6% demand note and representing the portion of such note not replaced by bonds and stock as hereinbefore set forth.

Each of the six hereinbefore mentioned subsidiaries of the Old Company has now filed with this Commission (File Nos. 44–1, 44–2, 44–3, 44–4, 44–5 and 44–6) an application, pursuant to Rule 12C–1, with respect to the acquisition by such subsidiary of certain of its now outstanding securities from the trustees of the Old Company; all in connection with the before mentioned plan of Reorganization.

The trustees of the Old Company have now filed with this Commission (File No. 46–49) an application pursuant to Section 10 (a) (1) of said Act with respect to the acquisition by said trustees, in connection with said Plan of Reorganization, of certain securities of subsidiaries of the Old Company including the securities covered by the before mentioned declarations filed pursuant to Section 7 of said Act by the six subsidiaries hereinbefore mentioned.

The trustees of the Old Company have now also filed with this Commission (File No. 47–10) an application pursuant to Section 10 (a) (2) of said Act with respect to the acquisition by said trustees, in connection with said Plan of Reorganization, of certain assets of Texas Public Service Company and its subsidiary, Texas Public Service Production Corporation, which assets relate to the San Angelo-Coleman Division of Texas Public Service Company.

It appearing to the Commission that these related matters should be heard and considered together:

It is considered that a hearing on the before mentioned declaration filed by California Public Service Company pursuant to Section 7, the six before mentioned applications pursuant to Rule 12C–1, the before mentioned applications filed by the trustees of the Old Company pursuant to Sections 10 (a) (1) and 10 (a) (2) respectively, and any amendments to any thereof, be had, jointly with the hearing on the declarations and applications (and any amendments thereto) relating to said Plan of Reorganization and heretofore set down and noticed for hearing, on June 1, 1937, at 10: 00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said parties and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 26, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in these matters, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1476; Filed, May 20, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7–162]

IN THE MATTER OF THE CUDAHY PACKING COMPANY FIRST MORTGAGE SINKING FUND BONDS, SERIES "A", 3¾%, DUE SEPTEMBER 1, 1955

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage Sinking Fund Bonds, Series "A", 3¾%, due September 1, 1955, of The Cudahy Packing Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opporunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1491; Filed, May 20, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.



[File No. 7–163]

IN THE MATTER OF CUMBERLAND COUNTY POWER AND LIGHT COMPANY FIRST MORTGAGE BONDS, 3½% SERIES DUE OCTOBER 1, 1966

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage Bonds, 3½% Series due October 1, 1966, of Cumberland County Power and Light Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 a. m. on Tuesday, June 1, 1937, in Room 1102, Securities and Exchange Commmission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1490; Filed, May 20, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7–173]

IN THE MATTER OF FLORIDA POWER CORPORATION FIRST MORTGAGE 4% BONDS, SERIES "C", DUE DECEMBER 1, 1966

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage 4% Bonds, Series "C", due December 1, 1966, of Florida Power Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 a. m. on Tuesday, June 1, 1937, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1489; Filed, May 20, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7–189]

IN THE MATTER OF HOUSTON LIGHTING & POWER COMPANY FIRST MORTGAGE BONDS, 3½% SERIES DUE DECEMBER 1, 1966

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage Bonds, 3½% Series due December 1, 1966, of Houston Lighting & Power Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given:

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1488; Filed, May 20, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7–174]

IN THE MATTER OF METROPOLITAN EDISON COMPANY FIRST MORTGAGE BONDS, SERIES "G", 4%, DUE MAY 1, 1965

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage Bonds, Series "G", 4%, due May 1, 1965, of Metropolitan Edison Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1487; Filed, May 20, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-175]

IN THE MATTER OF MISSOURI POWER & LIGHT COMPANY FIRST MORTGAGE BONDS 3¾% SERIES DUE DECEMBER 1, 1966

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934 AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage Bonds 3¾% Series due December 1, 1966, of Missouri Power & Light Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 a. m. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1486; Filed, May 20, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-191]

IN THE MATTER OF NATIONAL TUNNEL & MINES COMPANY CAPITAL STOCK, WITHOUT PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Capital Stock, without par value, of National Tunnel & Mines Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1485; Filed, May 20, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-164]

IN THE MATTER OF NEW ENGLAND POWER COMPANY FIRST MORTGAGE BONDS, SERIES "A", 3½% DUE NOVEMBER 15, 1961

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage Bonds, Series "A", 3½% due November 15, 1961, of New England Power Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1484; Filed, May 20, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.



[File No. 7-190]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (A MINNESOTA CORPORATION) FIRST AND REFUNDING MORTGAGE BONDS, 3½% SERIES DUE FEBRUARY 1, 1967

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First and Refunding Mortgage Bonds, 3½% Series due February 1, 1967, of Northern States Power Company (a Minnesota Corporation); and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc 37-1483; Filed, May 20, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-165]

IN THE MATTER OF OKLAHOMA GAS AND ELECTRIC COMPANY 4% DEBENTURES DUE DECEMBER 1, 1946

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 4% Debentures due December 1, 1946, of Oklahoma Gas and Electric Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1482; Filed, May 20, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-166]

IN THE MATTER OF OKLAHOMA GAS AND ELECTRIC COMPANY FIRST MORTGAGE BONDS, 3¾% SERIES DUE DECEMBER 1, 1966

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage Bonds, 3¾% Series due December 1, 1966, of Oklahoma Gas and Electric Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 A. M. on Tuesday, June 1, 1937, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1481; Filed, May 20, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 7-176]

IN THE MATTER OF PACIFIC LIGHTING CORPORATION 4½% SINKING FUND DEBENTURES DUE OCTOBER 1, 1945

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 4½% Sinking Fund Debentures due October 1, 1945, of Pacific Lighting Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10 a. m. on Tuesday, June 1, 1937, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production

of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1480; Filed, May 20, 1937; 12: 46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL ET AL-ISENSEE-FLATO FARM, FILED ON MAY 5, 1937, BY JAMES W. TAIT CO., INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1479; Filed, May 20, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE AMERADA-WEIR FARM, FILED ON MAY 3, 1937, BY L. H. WITWER, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1478; Filed, May 20, 1937; 12:45 p. m.]

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*Saturday, May 22, 1937* *No. 99*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4738]

BOTTLING DISTILLED SPIRITS IN BOND

MARKS AND BRANDS ON CASES

*To District Supervisors and Others Concerned:*

Treasury Decision 4722, approved December 30, 1936, is hereby amended by striking out the words "five-eighths," appearing in Section 16, Paragraph (a), Line 3, and inserting in lieu thereof the words "one-half."

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: May 19, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1493; Filed, May 21, 1937; 10:03 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 99]

ALLOCATION OF FUNDS FOR LOANS

MAY 19, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Tennessee 19B Rutherford | $6,000 |
| Washington 25 Cowlitz | 88,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1492; Filed, May 21, 1937; 9:44 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of May, A. D. 1937.

[File No. 46-52]

IN THE MATTER OF CLAM RIVER ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Clam River Electric Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of the following securities:

6% Cumulative Preferred Stock, par value $100 per share of Northwestern Wisconsin Electric Company, 150 Shares.

Common Stock, par value $100 per share of Northwestern Wisconsin Electric Company, 259 Shares.

It is ordered that a hearing on such matter be held on June 7, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers



or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 2, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1497; Filed, May 21, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D. 1937.

[File No. 46-53]

IN THE MATTER OF POLK ELECTRIC LIGHT CO.

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Polk Electric Light Co., a subsidiary company of American Utilities Service Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of the following securities:

6% Cumulative Preferred Stock, par value $100 per share of Northwestern Wisconsin Electric Company, 150 Shares.

Common Stock, par value $100 per share of Northwestern Wisconsin Electric Company, 235 Shares.

It is ordered that a hearing on such matter be held on June 7, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 2, 1937.

It is further ordered that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1496; Filed, May 21, 1937; 12:41 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, 1937.

[File Nos. 43-57 & 44-7]

IN THE MATTER OF THE APPLICATIONS OF WESTERN STATES UTILITIES COMPANY

and

[File No. 46-50]

IN THE MATTER OF THE JOINT APPLICATION OF TEXAS PUBLIC SERVICE COMPANY AND TEXAS PUBLIC SERVICE FARM COMPANY

and

[File No. 46-51]

IN THE MATTER OF THE JOINT APPLICATION OF IOWA WATER SERVICE COMPANY, KANSAS PUBLIC SERVICE COMPANY, AND WEST COAST POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

Peoples Light and Power *Company*, a registered holding company, hereinafter called the "New Company", and certain Voting Trustees (also a registered holding company) heretofore filed with this Commission declarations and applications pursuant to Sections 7 and 10 (a) (1) of the Public Utility Holding Company Act of 1935 with respect to issues and acquisitions pursuant to a Plan of Reorganization, dated June 1, 1936, of Peoples Light and Power *Corporation*, hereinafter called the "Old Company" (File Nos. 43-45, 46-47, 43-46, and 46-46). Mississippi Public Service Company, Iowa Water Service Company, Texas Public Service Company, West Coast Power Company, Kansas Public Service Company, and California Public Service Company, all being subsidiaries of the Old Company, heretofore filed with this Commission, pursuant to Section 7 of said Act, declarations with respect to the issue and sale, in connection with said Plan of Reorganization, of securities of said subsidiaries (File Nos. 43-50, 43-51, 43-52, 43-53, 43-54, and 43-55) and applications, pursuant to Rule 12C-1, with respect to the acquisition by such subsidiaries, in connection with such Plan of Reorganization, of certain of their now outstanding securities from the trustees of the Old Company (File Nos. 44-1, 44-2, 44-3, 44-4, 44-5, and 44-6). The trustees of the Old Company heretofore filed with this Commission two applications (File Nos. 46-49 and 47-10) pursuant to Sections 10 (a) (1) and 10 (a) (2) of said Act respectively and relating respectively to the acquisition by said trustees, in connection with said Plan of Reorganization, of (1) certain securities of subsidiaries of the Old Company, including the securities covered by the beforementioned declarations filed by the six subsidiaries before mentioned, and (2) certain assets relating to the San Angelo-Coleman Division of Texas Public Service Company.

All of the before-mentioned declarations and applications have been set down and noticed for joint hearing on June 1, 1937.

Western States Utilities Company, a subsidiary of the Old Company, has now filed with this Commission (File No. 43-57), pursuant to Section 7 of said Act, a declaration with respect to the issue and sale, in connection with said Plan of Reorganization, of 2,500 shares of common capital stock without par value of said Western States Utilities Company, with a stated book value of $250,000, to be issued in replacement of 5,000 shares of common capital stock without par value, now outstanding, and, having a stated book value of $280,364.96.

Said Western States Utilities Company has also now filed with this Commission (File No. 44-7) an application pursuant to Rule 12C-1 with respect to the acquisition by it, in connection with said Plan of Reorganization, of its Demand 6% Note, to be cancelled and surrendered to it as a contribution to its capital.

Texas Public Service Company, hereinbefore mentioned, and Texas Public Service Farm Company have now filed with this Commission (File No. 46–50) a joint application, pursuant to Sections 10 (a) (1) and 10 (a) (3) of said Act, with respect to (a) the acquisition by Texas Public Service Company of securities of Texas Public Service Farm Company, viz., 250 shares of common capital stock without par value, being the initial capital stock to be issued, and a First Mortgage 6% Note, due January 1, 1961, in the principal amount of $270,000 and (b) the acquisition by Texas Public Service Farm Company of certain rice farm lands, rice warehouses, farm buildings, implements, etc., constituting the so-called rice farming and warehousing properties of Texas Public Service Company; all in connection with said Plan of Reorganization.

Iowa Water Service Company, Kansas Public Service Company and West Coast Power Company, all hereinbefore mentioned have now filed with this Commission (File No. 46–51) a joint application, pursuant to Section 10 (a) (1) of said Act, with respect to the acquisition by them, in connection with said Plan of Reorganization, from the trustees of the Old Company, of shares of cumulative convertible preferred stock and Class B common stock of the New Company in replacement of claims which they have against the Old Company;

It appearing to the Commission that these related matters should be heard and considered together;

It is ordered that a hearing on the before mentioned applications filed by Western States Utilities Company, the before mentioned joint application filed by Texas Public Service Company and Texas Public Service Farm Company, the before mentioned joint application filed by Iowa Water Service Company, Kansas Public Service Company, and West Coast Power Company, and any amendments to any thereof, be had, jointly with the hearing on the declarations and applications (and any amendments thereto) relating to said Plan of Reorganization and heretofore set down and noticed for hearing, on June 1, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said parties and to any interested State, State commission, State securities comission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 26, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in these matters, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1498; Filed, May 21, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL ET AL.-BORNHOLDT FARM, FILED ON APRIL 28, 1937 BY HARRY W. HAYNES, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 20th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 3:00 o'clock in the afternoon on the 4th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1494; Filed, May 21, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, A. D., 1937.

[File No. 20–485A1–1]

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE BRITISH-AMERICAN ET AL.-MCNABB FARM, FILED ON JANUARY 4, 1937, BY LOUIS BERNSTEIN, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of producing landowners' royalty interests in the "British-American et al.-McNabb Farm" located in Oklahoma County, Oklahoma, which offering sheet was filed with the Commission on January 4, 1937, by Louis Bernstein, of New York, New York, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on February 10, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and documentary evidence having been introduced and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete and inaccurate in material respects and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the *Findings and Opinion of the Commission* filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1495; Filed, May 21, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, A. D., 1937.



[File No. 20–509A2–1]

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING OVERRIDING ROYALTY INTERESTS IN THE THOMASSON-DURHAM ET AL. COMMUNITY FARM, FILED ON JANUARY 15, 1937, BY E. M. THOMASSON PRODUCING COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of producing overriding royalty interests in the "Thomasson-Durham et al Community Farm", located in Crane County, Texas, which offering sheet was filed with the Commission on January 15, 1937, by E. M. Thomasson Producing Company, of Denver, Colorado, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on February 19, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete and misleading in material respects, and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the *Finding and Opinion of the Commission* filed in the proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1499; Filed, May 21, 1937; 12:42 p. m.]

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*Tuesday, May 25, 1937* *No. 100*

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

NOTICE OF INTENTION TO PROMULGATE THE BITUMINOUS COAL CODE

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, by said Act duly established, does hereby give notice of its intention to promulgate and make effective on June 21, 1937, pursuant to section 5 (a) of said Act, the Bituminous Coal Code as provided for in section 4 of said Act.

The Commission finds and hereby declares that the promulgation of said Bituminous Coal Code cannot be accomplished at a date earlier than June 21, 1937, for the reason that the intervening period of time is required:

(a) To permit the preparation and printing of copies of said Bituminous Coal Code and forms of acceptance thereof.

(b) To permit distribution by the Commission of the copies of said code and of the forms of acceptance thereof, as required by said Act, to bituminous coal producers throughout the United States.

(c) To afford the said producers a reasonable opportunity for the consideration of said Bituminous Coal Code and of their acceptance of membership therein, to take such action as may be necessary to authorize the acceptance of such membership in the code, and to execute and file with the Commission such forms of acceptance in the manner hereinafter provided.

The Commission further finds and declares that promulgation of the code at a date earlier than June 21, 1937, would result in undue hardship to producers who might become liable to the tax imposed by subsection (b) of section 3 of the Act without having had a reasonable opportunity to accept the code.

The Bituminous Coal Code to be promulgated by the Commission on June 21, 1937, and to be effective from and after said date, will contain the following conditions and provisions required to be contained therein by section 4 of the Act, and no others, such provisions being intended to regulate interstate commerce in bituminous coal and which shall be applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal and to be effective as provided in said Act:

BITUMINOUS COAL CODE

*Part 1. Organization*

(a) Twenty-three district boards of code members shall be organized. Each district board shall consist of not less than three nor more than seventeen members. The number of members of the District board shall, subject to the approval of the Commission, be determined by the majority vote of the district tonnage during the calendar year 1936 represented at a meeting of the code members of the district called for the purpose of such determination and for the election of such district board; and all code members within the district shall be given notice of the time and place of the meeting. All but one of the members of the district board shall be code members or representatives of code members truly representative of all the mines of the district. The number of such producer members shall be an even number. One-half of such producer members shall be elected by the majority in number of the code members of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output of the code members in the district, for the calendar year preceding the date of the election: *Provided*, That not more than one officer or employee of any code member within a district shall be a member of the district board at the same time. The remaining member of each district board shall be selected by the organization of employees representing the preponderant number of employees in the industry of the district in question. The term of district board members shall be two years and until their successors are elected. The Commission shall have power to remove any member of any district board upon its finding, after due notice and hearing, that said member is guilty of inefficiency, willful neglect of duty, or malfeasance in office.

The district boards shall have power to adopt bylaws and rules of procedure, subject to approval of the Commission, and to appoint officers from within or without their own membership, to fix their terms and compensation, to provide for reports, and to employ such committees, employees, arbitrators, and other persons necessary to effectuate their purposes. Members of the district board shall serve, as such, without compensation but may be reimbursed for their reasonable expenses. The territorial boundaries or limits of the twenty-three districts are set forth in the schedule entitled "Schedule of Districts" and annexed to this code.

Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the territorial boundaries or limits of any district or minimum-price area are such as to make it substantially impracticable to establish minimum prices in accordance wth all the standards set forth in subsections (a) and (b) of part II of this code, and that a change in such territorial boundaries or limits or a division or consolidation of such districts or minimum-price areas would render the establishment of minimum prices in accordance with all such standards more practicable, it shall by order make such changes, divisions, and consolidations

as it finds will substantially aid in such establishment of minimum prices.

(b) The expense of administering this code by the respective district boards shall be borne by the code members in the respective districts, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by such boards with the approval of the Commission. Such assessments may be collected by the district board by action in any court of competent jurisdiction.

(c) Nothing contained in the Act shall constitute the members of a district board partners for any purpose. Nor shall any member of a district board or officer thereof be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the district board. Nor shall any member or officer of a district board, exercising reasonable diligence in the conduct of his duties under the Act, be liable to anyone for any action or omission to act under the Act except for his own willful misfeasance or for nonfeasance involving moral turpitude.

(d) No action complying with the provisions of this code taken while the Act is in effect, or within sixty days thereafter, by any code member or by any district board, or officer thereof shall be construed to be within the prohibitions of the antitrust laws of the United States.

*Part II. Marketing*

The Commission shall have power to prescribe for code members minimum and maximum prices, and marketing rules and regulations, as follows:

(a) All code members shall report all spot orders to such statistical bureau hereinafter provided for as may be designated by the Commission and shall file with it copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda, and such other information concerning the preparation, cost, sale, and distribution of coal as the Commission may authorize or require. All such records shall be held by the statistical bureau as the confidential records of the code member filing such information.

For each district there shall be established by the Commission a statistical bureau which shall be operated and maintained as an agency of the Commission. Each statistical bureau shall be under the direction of a manager, who shall be appointed by the Commission. No producer, employee, or representative of a producer, and, except as the Commission may specifically approve, no member of a district board or employee or representative thereof shall be an employee of any statistical bureau.

Each district board shall, from time to time on its own motion or when directed by the Commission, propose minimum prices free on board transportation facilities at the mines for kinds, qualities, and sizes of coal produced in said district, and classifications of coal and price variations as to mines, consuming market areas, values as to uses and seasonal demand. Said prices shall be proposed so as to yield a return per net ton for each district in a minimum price area, as such districts are identified and such area is defined in the subjoined table designated "minimum-price-area table", equal as nearly as may be to the weighted average of the total costs, per net ton, determined as hereinafter provided, of the tonnage of such minimum price area. The computation of the total costs shall include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, royalties, depreciation and depletion (as determined by the Bureau of Internal Revenue in the computation of the Federal income tax) and all other direct expenses of production, coal operators' association dues, district board assessments for Board operating expenses only levied under this code, and reasonable costs of selling and the cost of administration.

MINIMUM-PRICE-AREA TABLE

Area 1: Eastern Pennsylvania, district 1; western Pennsylvania, district 2; northern West Virginia, district 3; Ohio, district 4; Michigan, district 5; Panhandle, district 6; Southern numbered 1, district 7; Southern numbered 2, district 8; that part of Southeastern district 13, comprising Van Buren, Warren, and McMinn Counties in Tennessee.

Area 2: West Kentucky, district 9; Illinois, district 10; Indiana, district 11; Iowa, district 12.

Area 3: Southeastern, district 13, except Van Buren, Warren, and McMinn Counties in Tennessee.

Area 4: Arkansas-Oklahoma, district 14.

Area 5: Southwestern, district 15.

Area 6: Northern Colorado, district 16; southern Colorado, district 17; New Mexico, district 18.

Area 7: Wyoming, district 19; Utah, district 20.

Area 8: North Dakota and South Dakota, district 21.

Area 9: Montana, district 22.

Area 10: Washington and Alaska, district 23.

The minimum prices so proposed shall reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coal, shall be just and equitable as between producers within the district, and shall have due regard to the interests of the consuming public. The procedure for proposal of minimum prices shall be in accordance with rules and regulations to be approved by the Commission.

A schedule of such proposed minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship, shall be submitted by the district board to the Commission, which may approve, disapprove, or modify such proposed minimum prices to conform to the requirements of this subsection, which shall serve as the basis for the coordination provided for in the succeeding subsection (b): *Provided*, That all minimum prices proposed for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable, as between producers within the district: *And provided further*, That no minimum price shall be proposed that permits dumping.

As soon as possible after its creation, each district board shall determine, from cost data submitted by the proper statistical bureau of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in the district in the calendar year 1936. The district board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1936. Such determination and the computations upon which it is based shall be promptly submitted to the Commission by each district board in the respective minimum-price area. The Commission shall thereupon determine the weighted average of the total costs of the tonnage for each minimum-price area in the calendar year 1936, adjusted as aforesaid, and transmit it to all the district boards within such minimum-price area. Said weighted average of the total costs shall be taken as the basis, to be effective until changed by the Commission, for the proposal and establishment of minimum prices. Thereafter, upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton of two thousand pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, the Commission shall increase or decrease the minimum prices accordingly. The weighted average figures of total cost determined as aforesaid shall be available to the public.

Each district board shall, on its own motion or when directed by the Commission, propose reasonable rules and regulations incidental to the sale and distribution, by code members within the district, of coal. Such rules and regulations shall not be inconsistent with the requirements of this code and shall conform to the standards of fair competition hereinafter established. Such rules and regulations shall be submitted by the district board to the Commission with a statement of the reasons therefor, and the Commission may approve, disapprove, or modify the same, for the purpose of coordination.

(b) District boards shall, under rules and regulations established by the Commission, coordinate in common consuming market areas upon a fair competitive basis the minimum prices and the rules and regulations proposed by them, respectively, under subsection (a) of part II of this code. Such coordination, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices proposed for any kind, quality, or size of coal for shipment into any common consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, shall reflect as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coal produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy; and shall preserve as nearly as may be existing fair competitive opportunities. The minimum prices proposed as a result of such coordination shall not, as to any district, reduce or increase the return per net ton upon all the coal produced therein below or above the minimum return as provided in subsection (a) of part II of this code by an amount greater than necessary to accomplish such coordination, to the end that the return per net ton upon the entire tonnage of the minimum price area shall approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area. Such coordinated prices and rules and regulations, together with the data upon which they are predicated, shall be submitted to the Commission. The Commission shall thereupon establish, and from time to time, upon complaint or upon its own motion, review and revise the effective minimum prices and rules and regulations in accordance with the standards set forth in subsections (a) and (b) of part II of this code.

(c) When, in the public interest, the Commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the Commission shall have the power to establish maximum prices free on board transportation facilities for coal in any district. Such maximum prices shall be established at a uniform increase above the minimum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided*, That no maximum price shall be established for any mine which shall not yield a fair return on the fair value of the property.

(d) If any code member or district board or member thereof, or any State or political subdivision of a State, or the consumers' counsel, shall be dissatisfied with such coordination of prices or rules and regulations, or by a failure to establish such coordination of prices or rules and regulations, or by any minimum or maximum prices established pursuant to subsections (b) or (c) of part II of this code, he or it shall have the right, by petition, to make complaint to the Commission, and the Commission shall, under rules and regulations established by it, and after notice and hearing, make such order as may be required to effectuate the purpose of subsections (b) and (c) of part II of this code. Pending final disposition of such petition, and upon reasonable showing of necessity therefor, the Commission may make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

(e) No coal subject to the provisions of this code shall be sold or delivered or offered for sale at a price below the minimum or above the maximum therefor established by the Commission, and the sale or delivery or offer for sale of coal at a price below such minimum or above such maximum shall constitute a violation of this code: *Provided*, That the provisions of this paragraph shall not apply to a lawful and bona fide written contract entered into prior to June 16, 1933.

The making of a contract for the sale of coal at a price below the minimum or above the maximum therefor established by the Commission at the time of the making of the contract shall constitute a violation of this code, and such contract shall be invalid and unenforceable.

From and after the date of approval of the Act, until prices shall have been established pursuant to subsections (a) and (b) of part II of this code, no contract for the sale of coal shall be made providing for delivery for a period longer than thirty days from the date of the contract.

No contract shall be made for the sale of coal for delivery after the expiration date of the Act at a price below the minimum or above the maximum therefor established by the Commission and in effect at the time of making the contract.

The minimum prices established in accordance with the provisions of this code shall not apply to coal sold and shipped outside the domestic market. The domestic market shall include all points within the continental United States and Canada, and car-ferry shipments to the island of Cuba. Bunker coal delivered to steamships for consumption thereon shall be regarded as shipped within the domestic market. Maximum prices established in accordance with the provisions of this code shall not apply to coal sold and shipped outside the continental United States.

(f) All data, reports, and other information in the possession of any agency of the United States in relation to coal shall be available to the Commission and to the office of the consumers' counsel for the administration of the Act.

(g) The price provisions of the Act shall not be evaded or violated by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof. The Commission is hereby authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make this subsection effective.

(h) The Commission shall, by order, prescribe due and reasonable maximum discounts or price allowances that may be made by code members to persons (whether or not code members), herein referred to as "distributors", who purchase coal for resale and resell it in not less than cargo or railroad carload lots; and shall require the maintenance and observance by such persons, in the resale of such coal, of the prices and marketing rules and regulations established under this code.

UNFAIR METHODS OF COMPETITION

(i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of this code:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: *Provided however*, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform

to a bona-fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

9. The unauthorized use, whether in written or oral form, of trade-marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under the Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers, whereby they are[1] any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by the Act.

13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal.

It shall not be an unfair method of competition or a violation of this code or any requirement of the Act (1) to sell to or through any bona-fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members; (2) to sell through any intervening agency to any such cooperative organization; or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by this code to be paid or allowed, to other purchasers for purchases in wholesale or middleman quantities.

(j) The Commission shall have jurisdiction to hear and determine written complaints made by any code member, district board, or member thereof, State or political subdivision of a State, or the consumers' counsel, which charge any violation of this code specified in part II thereof. It shall make and publish rules and regulations for the consideration and hearing of any such complaint, and all interested parties shall be required to conform thereto. The Commission shall make due effort toward adjustment of such complaints and shall endeavor to compose the differences of the parties, and shall make such order or orders in the premises, from time to time, as the facts and the circumstances warrant. Any such order shall be subject to review as are other orders of the Commission.

[1] So in original act.

(k) In the investigation of any complaint or violation of this code, or of any rule or regulation the observance of which is required under the terms hereof, the Commission shall have power by order to require such reports from, and shall be given access to inspect the books and records of, code members to the extent deemed necessary for the purpose of determining the complaint. Any such order shall be subject to review as are other orders of the Commission.

(l) The provisions of this code shall not apply to coal consumed by the producer or to coal transported by the producer to himself for consumption by him.

As used in this Code—

The term "Act" means the Act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937.

The term "Commission" means the National Bituminous Coal Commission established by said Act.

The term "code" means this Bituminous Coal Code.

Producers accepting membership in this code as provided in section 5 (a) of the Act shall be, and are herein referred to as, "code members", and the provisions of this code shall apply only to such code members, except as otherwise provided by subsection (h) of part II of section 4 of the Act.

The term "coal" means bituminous coal.

The term "bituminous coal" includes all bituminous, semi-bituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more.

The term "producer" includes all individuals, firms, associations, corporations, trustees, and receivers engaged in the business of mining coal.

The term "interstate commerce" means commerce among the several States and Territories, with foreign nations, and with the District of Columbia.

The provisions of this code and all rules, regulations, and orders of the Commission made pursuant thereto shall be applicable to all interstate commerce in coal, and shall also apply to all transactions in coal in intrastate commerce by any person or in any locality which the Commission shall by order, pursuant to section 4–A of the Act, declare to be subject to the provisions of section 4 of the Act and this code.

ANNEX TO CODE—SCHEDULE OF DISTRICTS

*Eastern Pennsylvania*

*District 1.*—The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntingdon, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the P. & S. R. R. on the west bank of the Allegheny River and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

*Western Pennsylvania*

*District 2.*—The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the P. & S. R. R.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.



Fayette County, except all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.

*Northern West Virginia*

*District 3.*—The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

*Ohio*

*District 4.*—All coal-producing counties in Ohio.

*Michigan*

*District 5.*—All coal-producing counties in Michigan.

*Panhandle*

*District 6.*—The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

*Southern Numbered 1*

*District 7.*—The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake and Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Fork branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Boissevain branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad and that portion of said county on the headwaters of Dismal Creek, east of Lynn Camp Creek (a tributary of Dismal Creek).

*Southern Numbered 2*

*District 8.*—The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake and Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railway lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickinson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the headwaters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek), and that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk and Western Railroad and branch from Bluestone Junction to Boissevain of Norfolk and Western Railroad and Richlands-Jewell Ridge broanch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Rockcastle, Wayne, Whitley.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

*West Kentucky*

*District 9.*—The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

*Illinois*

*District 10.*—All coal-producing counties in Illinois.

*Indiana*

*District 11.*—All coal-producing counties in Indiana.

*Iowa*

*District 12.*—All coal-producing counties in Iowa.

*Southeastern*

*District 13.*—All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

*Arkansas-Oklahoma*

*District 14.*—The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, Le Flore, Sequoyah.

*Southwestern*

*District 15.*—All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

*Northern Colorado*

*District 16.*—The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

*Southern Colorado*

*District 17.*—The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

*New Mexico*

*District 18.*—The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Pinal, Navajo, Graham, Apache, Coconino.

All coal-producing counties in California.

*Wyoming*

*District 19.*—All coal-producing counties in Wyoming.

The following counties in Idaho: Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Bannock, Power, Carribou, Oneida, Franklin, Bear Lake.

*Utah*

*District 20.*—All coal-producing counties in Utah.

*North Dakota-South Dakota*

*District 21.*—All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

*Montana*

*District 22.*—All coal-producing counties in Montana.

*Washington*

*District 23.*—All coal-producing counties in Washington. All coal-producing counties in Oregon.

The territory of Alaska.

By order of the Commission.

[SEAL] NORMAN G. SCHMIDT,
*Acting Secretary.*

Dated this 21st day of May 1937.

[F. R. Doc. 37-1506; Filed, May 24, 1937; 12:41 p. m.]

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PROMULGATION OF FORM OF ACCEPTANCE FOR MEMBERSHIP IN THE BITUMINOUS COAL CODE

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby promulgates the following form of acceptance for membership in the Bituminous Coal Code, which form of acceptance shall be used by all producers of bituminous coal who elect to accept membership in said code:

FORM 1

*Acceptance of the Bituminous Coal Code*

Name of producer _____

Status of producer _____
(Corporation, partnership, individual, trustee, etc.)

Post office address _____
(Street) (Town or City) (State)

The undersigned, a bituminous coal producer, hereby accepts the Bituminous Coal Code as published by the National Bituminous Coal Commission on May 21, 1937, and which is to be promulgated by said Commission on June 21, 1937, pursuant to and under the provisions of the Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, and hereby claims exemption from the tax imposed by subsection (b) of section 3 of said Act during the continuance of his membership in the code.

The names or other designations of the mines now operated by the undersigned, the respective locations thereof by state and county and by district (as such term is defined in the Act), and the number of tons of coal produced at such mines during the calendar year 1936 are as follows:

| Name of mine | Location (State and county) | District | 1936 Tonnage |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

If above space not sufficient attach supplemental sheet or rider.

No producer shall, by reason of his acceptance of the code or of the exemption from the tax provided in subsection (b) of section 3 of the Act, be held to be precluded or estopped from contesting the constitutionality of any provision of the Act of the code, or the validity or application of either to him or to any part of the coal produced by him.

This acceptance, if filed with the Commission at Washington, D. C., prior to the date of promulgation of said code, shall be effective as of such promulgation date and if filed subsequent to the date of promulgation of the code, shall be effective from and after the date of filing with the Commission at Washington, D. C.

In Witness Whereof, said producer has caused this acceptance to be duly executed at _____ this _____ day of _____, 193__.

Witness:

_____ (1) _____ [SEAL]
(Individual, receiver, trustee, etc.)

(2) _____
(A partnership)

Witness:

_____ By _____ [SEAL]
(Partner)

(3) _____
(A corporation)

Attest:

By _____
(Title of officer)

_____

_____
(Title of officer)

[CORPORATE SEAL]

NOTE.—All acceptances must be acknowledged before an official authorized to take acknowledgments. Forms are included for acknowledgment of acceptances by individuals, partnerships, and corporations.

(1) Acknowledgment by Individual

State of _____,
County of _____, ss:

On this _____ day of _____, 193____, before me, a {Notary Public[1] / Justice of the Peace[1]} in and for said County and State, personally appeared _____, who, in due form of law, acknowledged the foregoing acceptance of the Bituminous Coal Code to be his free act and deed.

_____

_____

My commission expires _____.

[SEAL]

_____

(2) Acknowledgment by Partner on Behalf of Partnership

State of _____,
County of _____, ss:

On this _____ day of _____, 193 ____, before me, a {Notary Public[1] / Justice of the Peace[1]} in and for said County and State, personally appeared _____, a member of the partnership doing business as _____,
(Name of partner) (Name of partnership)
who, in due form of law, duly acknowledged the foregoing acceptance of the Bituminous Coal Code to be the free act and deed of said partnership.

[SEAL]

_____

My commission expires _____

(3) Acknowledgment on Behalf of Corporation

State of _____,
County of _____, ss:

Before me a {Notary Public[1] / Justice of the Peace[1]} in and for said County and State, personally appeared _____, who
(Name of deponent)
being duly sworn according to law, deposes and says that he is _____ of _____, a
(Title of officer) (Name of accepting corporation)
a corporation duly incorporated under the laws of the State of _____, that the seal affixed to the foregoing acceptance of the Bituminous Coal Code is the corporate seal of the corporation, that such acceptance was signed and sealed on behalf of the corporation by authority of its {board of directors[1] / shareholders[1]} and that deponent acknowledges the same to be the free act and deed of the corporation.

_____

Sworn to and subscribed before me this _____ day of _____, 193__.

[SEAL] _____

My commission expires _____.

*Instructions*

1. All acceptances of the Code must be unqualified and shall not be altered as to form in any respect.

2. Each acceptance must contain complete information as to the names, locations, and tonnages of all mines of the acceptor.

3. Acceptances by corporation producers must be signed and acknowledged by a duly authorized principal officer or officers of the corporation and must be accompanied by a proper certificate of authority of the directors or shareholders of the corporation.

Acceptances on behalf of partnership producers must be signed and acknowledged by one or more of the partners duly authorized for that purpose.

Acceptances of individual producers must be signed and acknowledged by the producer or his agent duly qualified for that purpose.

4. Where any individual, partnership, or corporation files an acceptance for any other individual, partnership, or corporation a copy of the power of attorney or other authorization, duly witnesssed and acknowledged, must accompany the acceptance.

5. Separate acceptances must be filed by or on behalf of each producer. The rights and exemptions created by an acceptance shall not be transferable or assignable and shall not extend to any other producer, individual, partnership, or corporation, regardless of affiliation or interest.

6. An acceptance shall become effective only when properly executed and filed with the Commission at Washington, D. C. A copy of the acceptance must be filed by the producer with the Acting District Secretary (if acceptance is filed prior to the election of a district board) or with the Secretary of the District Board (if acceptance is filed subsequent to the election of the district board) in each district within which the producer is engaged in the mining of coal.

[1] Strike out inapplicable title.



7. Until otherwise notified in writing, the Commission will direct all communications and notices to the producer at the post office address stated in this acceptance.

By order of the Commission.

Dated this 21st day of May 1937.

[SEAL] NORMAN G. SCHMIDT,
*Acting Secretary.*

[F. R. Doc. 37-1505; Filed, May 24, 1937; 12:41 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

ADOPTION OF ORDER NO. 29

The Telegraph Division at a special meeting on May 21, 1937, adopted the following Order:

ORDER NO. 29

The Telegraph Division having under consideration the provisions of Public No. 97, an Act to amend the Communications Act of 1934 for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes, approved by the President on May 20, 1937, which Act became effective upon approval; and having been authorized and directed as set forth in Minute No. 512 of the Federal Communications Commission of May 12, 1937; and

Whereas, Public No. 97 has for one of its purposes "to make more effective the International Convention for the Safety of Life at Sea, 1929", and authorizes the Commission to make rules and regulations and prescribe restrictions and conditions to carry out the provisions of the Act and the Safety Convention; and

Whereas, pursuant to said Convention the Commission has heretofore issued its Ship Radiotelegraph Safety Instructions of October 1, 1936, as amended March 10, 1937; and

Whereas, pursuant to Article 28 of said Convention, the Commission on March 10, 1937, granted an extension of exemption from the requirements of a continuous watch on cargo ships of the United States, subject to said Convention, of 5500 gross tons or over, to and including August 6, 1937, provided that such ships maintain during that period a radio watch, by means of a licensed operator of the proper grade, or at least eight hours per day in the aggregate; and without removing or altering the requirements of the Ship Act of 1910, as amended, with regard to such vessels; and

Whereas, Public No. 97 extends to all cargo ships of 1600 gross tons or over continuous radio watch requirements as imposed by the Safety Convention on cargo vessels of 5500 gross tons or over, provided, however, that such vessels if fitted with an auto-alarm approved by the Commission shall maintain, by means of a licensed operator of the proper grade, a watch of at least eight hours per day in the aggregate; and

Whereas, the Telegraph Division on March 10, 1937, entered its Order No. 28 conditionally approving certain automatic alarm devices, being Radiomarine Corporation of America "Model AR-8600 auto-alarm" and "Mackay Radio and Telegraph Company auto-alarm Type 101-A manufactured by Federal Telegraph Company", subject to certain restrictions, said Order being made effective as of July 10, 1937; and

Whereas, Public No. 97 provides that subject to certain conditions the Commission may defer any or all the requirements of installation and operation of ship radio equipment, maintenance of watches by means of operators and installations on life boats for a period not to exceed six months after approval in regard to any classes of ships of the United States not subject to the provisions of the Safety Convention if it is found impracticable to obtain the necessary equipment or make the required installations; and

Whereas, the Commission finds that it is not impracticable for all passenger vessels or for those cargo vessels of 1600 gross tons or over which engage in intercoastal voyages through the Panama Canal or in voyages between the United States and any of its possessions, over-seas territories, protectorates or territories under suzerainty or mandate to obtain the necessary equipment or to make the required installations; and

Whereas, the Commission finds that it is impracticable for certain other cargo vessels of 1600 gross tons or over to obtain the necessary equipment or to make the required installations immediately; and

Whereas, some cargo vessels of 1600 gross tons or over have been required by law to maintain or have voluntarily maintained radio equipment, hours of radio watch and other safety measures and the Commission is of the opinion that it is not impracticable or unreasonable for such vessels to continue to maintain such equipment, watches, or other safety measures, if such vessels desire to take advantage of the exemption; and

Whereas, Public No. 97 repeals such part or parts of the Ship Act of 1910 as amended as relate to the ocean and steamers navigating thereon, but in all other respects said Act is continued in full force and effect;

It is therefore ordered that the Ship Radiotelegraph Safety Instructions of October 1, 1936, as amended March 10, 1937, are hereby superseded by the Ship Radiotelegraph Safety Rules, a copy of these Rules being attached to and made a part of this Order, and being applicable to all vessels which are subject to the requirements of Public No. 97, or the Safety Convention, subject, however, to the exemption hereinafter ordered; and

It is further ordered that the exemption from the requirement of a continuous radio watch to and including August 6, 1937, heretofore granted by this Commission to cargo vessels of 5500 gross tons or over subject to the requirements of the Safety Convention shall remain in effect, subject to the same terms and conditions imposed by the Commission in granting the extension of exemption of March 10, 1937, and said exemption is hereby extended to all cargo ships of 1600 gross tons or over, subject to the same terms and conditions as those heretofore prescribed for cargo vessels of 5500 goss tons or over, for the period to and including August 6, 1937;

Provided, however, that such exemption from the requirement of a continuous radio watch in the case of each vessel to which it may apply, shall be conditioned upon the continued maintenance by such vessel of all radio equipment, hours of watch, and other safety measures in effect or in operation on board same either by law or voluntary action on the date of the approval of Public No. 97;

Provided further, that all ships not subject to the provisions of the Safety Convention except passenger ships are hereby exempted from such requirements of Sections 351 to 355, inclusive of Public No. 97 as relate to the obtaining of equipment or making the required installations, until August 6, 1937;

Provided further, that the limitations as to vessels coming within the requirements of the Ship Act contained in the extension of exemption granted on March 10, 1937, which exemption is hereinabove continued in effect, are no longer in effect in so far as they relate to the ocean and steamers navigating thereon, but are continued in force with regard to vessels navigating the Great Lakes;

Provided further, that no exemption hereinabove provided for shall apply to any passenger ship as defined in Public No. 97; and

Provided further, that the exemption from maintaining a continuous watch shall not be construed as exempting any vessel engaged in intercoastal voyages through the Panama Canal or engaged in voyages between the United States and any of its possessions, over-seas territories, protectorates or territories under suzerainty or mandate from making the required installations or from maintaining a radio watch, by means of a licensed operator of the proper grade, of at least eight hours per day in the aggregate."

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

## SHIP RADIOTELEGRAPH SAFETY RULES

(Adopted pursuant to the Communications Act of 1934 as amended, and as further amended by Public No. 97, approved May 20, 1937)

MAY 21, 1937.

1. *Effective Date.*—These rules, exclusive of the rules contained in Appendix I, may be cited as the "Ship Radiotelegraph Safety Rules", and became effective on May 21, 1937. *These rules supersede the Ship Radiotelegraph Safety Instructions of October 1, 1936, and amendments thereto of March 10, 1937, and May 4, 1937.*

2. *Ships to Which These Rules Apply.*—Except as provided in paragraph 3, these Ship Radiotelegraph Safety Rules apply to all United States ships navigated in the open sea outside of a harbor or port, and all United States and foreign ships which leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, other than a cargo ship of less than 1600 gross tons. Owners, operating agencies, and masters of such ships shall comply with the requirements hereinafter specified.

3. *Exceptions.*—The provisions of these Rules shall not apply to:

(a) A ship of war;

(b) A ship of the United States belonging to and operated by the Government, except a ship of the United States Maritime Commission, the Inland and Coastwise Waterways Service, or the Panama Railroad Company;

(c) A foreign ship belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect;

(d) Yachts of less than six-hundred gross tons not subject to the radio provisions of the Safety Convention;

(e) Vessels in tow;

(f) A vessel navigating solely on the Great Lakes,[1] or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States.

4. *Definitions.*—Unless the context otherwise requires, the expressions used herein have the meaning hereby assigned to them:

(a) "Safety Convention" means the International Convention for the Safety of Life at Sea, London, 1929, and the regulations referred to therein.

(b) "Passenger" is any person carried on board a ship or vessel except

(1) the officers and crew actually employed to man and operate the ship,

(2) persons employed to carry on the business of the ship, and

(3) persons on board a ship when they are carried, either because of the obligation laid upon the master to carry shipwrecked, distress, or other persons in like or similar situations or by reason of any circumstances over which neither the master, the owner, nor the charterer (if any) has control.

(c) The term "person" as used in these rules means any person carried on board a ship, including officers and crew.

(d) A "ship" or "vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(e) A ship shall be considered a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers.

(f) "Cargo ship" means any ship which is not a passenger ship.

(g) The term "radio watch" or "watch" as used in these Safety Rules means the service performed by a qualified operator when on duty in the radio room of a vessel listening continuously for signals of other stations transmitting on the international calling and distress frequency,[2] 500 kc, except when such operator, subject to authority of the master, is engaged in transmitting or receiving signals or messages on any authorized frequency, to or from any station in the maritime mobile service. Regardless of message traffic and signals, however, (except distress, urgent, or safety signals and messages) the operator shall listen on 500 kc at least twice per hour during the international silent period for three minutes, beginning at 15 minutes and at 45 minutes past each hour, Greenwich mean time, as specified by Article 19, paragraph 2, of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932.

(h) A "qualified operator" or "operator" on a ship of the United States means a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission.[3]

(i) A "qualified operator" or "operator" on a foreign ship means a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932, or complying with an agreement or treaty between the United States and the country to which the ship belongs.

(j) "Harbor" or "port" means any place to which ships may resort for shelter or to load or unload passengers or goods, or to obtain fuel, water, or supplies. This term shall apply to such places whether proclaimed public or not and whether natural or artificial.

(k) An "international voyage" is a voyage from a country to which the Safety Convention applies to a port outside such country, or conversely; and for this purpose every colony, overseas territory, protectorate or territory under suzerainty or mandate, is regarded as a separate country.

(l) "Commission" means the Federal Communications Commission.

(m) 1. "Auto-alarm"[4] on a foreign ship means an automatic alarm receiver which has been approved by the country to which the ship belongs, provided the United States and the country to which the ship belongs are both parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus.

2. "Auto-alarm" on a ship of the United States subject to the provisions of these rules means an automatic alarm receiver complying with law and approved by the Commission.

[1] Such part or parts of the Act entitled "An Act to require apparatus and operators for radio communication on certain ocean steamers" approved June 24, 1910, as amended, (generally known as the "Ship Act") as relate to the ocean and to steamers navigating thereon, were repealed by Section 602 (e) of the Communications Act of 1934, as amended by Public No. 97 approved May 20, 1937. In all other respects said Act is continued in full force and effect. See also Rule 284 (d) in Appendix I.

[2] The distress frequency on the Great Lakes is 410 kc.

[3] Rules 420 to 448 of the general rules of the Commission relate to the qualifications of radio operators.

[4] Section 3 (x) of the Communications Act of 1934, as amended by Public No. 97 approved May 20, 1937, reads in part as follows: "Nothing in this Act, or in any other provision of law shall be construed to require the recognition of an auto-alarm as complying with Part II of Title III of this Act on a foreign ship subject to such part, whose country of origin is not a party to a treaty, convention, or agreement with the United States in regard to such apparatus."



5. *Certificates*[5].—

(a) Every ship of the United States to which the Safety Convention applies[6] shall comply with the radio and communications provisions of said Convention at all times while the vessel is in use, in addition to all other requirements of law, and shall have on board an appropriate certificate as prescribed herein.

(b) The Safety Certificate (for passenger ships) and the Safety Radiotelegraphy Certificate (for cargo ships) showing compliance with the radio provisions of the Safety Convention will be issued by the Bureau of Marine Inspection and Navigation, Department of Commerce.

(c) The issuance of these certificates will be contingent upon compliance with the provisions of these rules as determined by an inspection by the Commission of the radiotelegraph installation on the ship in question. Following the inspection, the radio particulars will be certified by the Commission to the Bureau of Marine Inspection and Navigation for insertion in the Certificate.

(d) An Exemption Certificate granting to a particular ship an exemption from the radio requirements of the Safety Convention will be issued by the Bureau of Marine Inspection and Navigation upon certification to the Bureau by the Commission after determination by the Commission as hereinafter specified.

(e) The decision of the Commission in all matters affecting the use of radio on board ships subject to the provisions hereof will be final subject to review only in accordance with law.

(f) If the holder of a Safety Certificate or a Safety Radiotelegraphy Certificate violates the provisions of the Safety Convention, or of the Communications Act, or the rules, regulations, or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of the Communications Act so requires, the Commission, after hearing in accordance with law, may request the modification or cancellation of such Certificate by the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(g) The responsibility for initiating action preliminary to obtaining a Safety, Safety Radiotelegraphy, or Exemption Certificate, rests upon the ship owner, ship operating agency, licensee of the ship station, and master.

[5] *Instructions governing procedure when in foreign ports*—

(a) Ships of the United States subject to the Safety Convention in ports of any of the foreign countries parties to the Safety Convention (See Appendix I) may expect to be required by local authorities to exhibit a Safety Certificate, a Safety Radiotelegraphy Certificate, or an Exemption Certificate relating to radio issued by the Government of the United States. Lacking a Certificate, or if the local authorities, upon inspection, find that the ship does not comply with the terms of the Certificate or the Safety Convention, the ship will then be subject to the laws of the country concerned applicable to such a case.

(b) In the event any ship owner or ship operating agency has a cargo vessel in foreign waters, for which a Safety Radiotelegraphy Certificate is desired and which cannot be made available to the Commission for inspection, a letter outlining the circumstances should be directed to the Commission. Appropriate instructions will be issued upon receipt of such letter. If circumstances will not permit of this procedure while the ship is in a port of one of the countries parties to the Safety Convention, the Master of the ship may apply to a United States consul in that country to request the appropriate local Government authorities to make the required inspection and issue a Safety Radiotelegraphy Certificate, or, in case of a passenger vessel, complete the radio particulars on the Safety Certificate. The consul should request that the Certificate contain the following clause: "Good only until this vessel reaches a port of the continental United States, but in any event for a period not exceeding five months." Such certificates issued under the authority of the foreign government will be accorded the same force as certificates issued by the United States.

(c) If a ship at the time a certificate expires is not in a port of the United States, the certificate may be extended by applying to a United States consul but such extension will be granted only for the purpose of allowing the ship to complete its return voyage to its own country. No certificate will be extended for a longer period than five months.

[6] All ships of American registry engaged on international voyages, other than cargo vessels of less than 1600 gross tons, except vessels navigating solely on the Great Lakes or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States.

6. *Inspections.*[7]—

(a) Every ship of the United States, to which these Safety Rules apply, shall have its radiotelegraph installation inspected by the Commission at least once each year.

(b) Upon receipt of an application in proper form, the Commission will make the annual inspection, prescribed by paragraph 6 (a) hereof, of the radiotelegraph installation aboard a vessel of the United States subject to these rules. The responsibility for initiating action, preliminary to this inspection, rests upon the ship owner, ship operating agency, ship station licensee, and master.

(c) If, after inspection of a ship station subject to these rules, the Commission is satisfied that all relevant provisions of law, rules and regulations, and the station license, have been complied with, that fact will be certified to on the station license.

(d) In addition to the annual inspection and the inspection preliminary to issuance of a Safety Certificate or a Safety Radiotelegraphy Certificate, other inspections may be made by radio inspectors of the Commission or other authorized Government representatives at frequent intervals, to insure compliance with these provisions.

(e) The radio installation aboard a ship shall be available for inspection by authorized Government representatives at any reasonable time.

7. *Station License.*—

(a) The Safety Certificate, Safety Radiotelegraphy Certificate, and the Exemption Certificate discussed herein and the procedure for obtaining such certificates are in addition to, and entirely separate and apart from, the ship radio station licenses required under the Communications Act of 1934, as amended. Ships not heretofore required to be equipped with radio installations but which are subject to the present rules must apply for ship radio station licenses in accordance with the existing procedure.

(b) In addition to the provisions normally included in a ship radio station license, the station license of each ship of the United States subject to these Rules will include particulars with reference to the items specifically required thereby.

8. *Laws and Treaties.*—Nothing herein contained is to be construed as relieving any ship subject to the "Act to require apparatus and operators for radio communication on certain ocean steamers" approved June 24, 1910, as amended by an Act approved July 23, 1912 (the Ship Act), the Communications Act of 1934 as amended, the International Telecommunication Convention, Madrid, 1932, the General Radio Regulations annexed thereto, or any additional Rules and Regulations of the Commission, from full compliance therewith. The Communications Act, the Safety Convention and

[7] *Instructions Relative to Applications for Inspection of Ship Stations.*

Application forms for inspection may be obtained from any office of the Commission, or any office of the Bureau of Marine Inspection and Navigation, Department of Commerce, and upon completion should be returned to the office of the Inspector-in-Charge of the radio district embracing the port at which it is desired that the inspection be made. A list of the radio districts, giving the address of each Inspector-in-Charge and the ports embraced by each district is attached as Appendix III.

To avoid delays and obviate the necessity for reinspection, the owner should have his radio representative make a preliminary inspection and make such repairs, replacements, additions, and adjustments of the radio installation as may be necessary to insure compliance with these requirements. Failure to comply with this procedure may result in considerable delay ensuing before a ship station license can be endorsed or a recommendation for Safety or Safety Radiotelegraphy Certificate can be forwarded by the Commission to the Bureau of Marine Inspection and Navigation. This possibility of delay arises from the fact that the Commission's ship inspection force is relatively small at the present time and because such inspections are planned in accordance with a definite schedule.

On the date determined upon for inspection by the Commission, the owner must have, in addition to his radio representative, at least one operator, preferably the chief operator, in attendance. In addition, there must be such members of the crew, or other persons as may be necessary to launch the radio-equipped lifeboat(s) and to lower and hoist the ship's antennae. Proper power must be available to operate the equipment.

all present rules are to be construed as supplementing the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932, designated above, in all matters governed by both. However, the provisions of the "Ship Act" now are applicable to vessels only when they are navigated on the Great Lakes.

9. *Applications for Exemption.*—

(a) An application under oath may be made direct to the Federal Communications Commission at Washington, D. C., requesting that a particular ship be exempt from the provisions of the Safety of Life at Sea Convention; Title III, Part II, of the Communications Act of 1934 as amended, and these Rules. It should describe the ship, or ships, to which it applies, the nature and extent of the voyages for which exemption is claimed, the maximum distance from land the ship is expected to be navigated and should specify in detail the reasons for exemption. Certified copies of the log of a number of voyages made (over periods of time which may be specified by the Commission) by the subject ship over the waters in question should be submitted. In case any accidents have occurred recently on the route in question, full particulars regarding the facts should be submitted, including a statement of the communication facilities which were available.

(b) Consideration will be given to requests for exemption in the following cases only and upon the bases that the route and conditions of the voyage, or voyages, are such as to render a radio installation (as specified herein) unreasonable or unnecessary:

(1) Individual passenger ships which, in the course of their voyage, do not go more than

A. 20 miles from the nearest land; or

B. 200 miles in the open sea between two consecutive ports.

(2) Passenger ships less than one-hundred gross tons not subject to the radio provisions of the Safety Convention.

(3) Sailing Ships.

(4) Individual cargo ships which, in the course of their voyage, do not go more than 150 miles from the nearest land.

(c) If the Commission shall determine that an exemption is warranted, the Commission will approve the issuance of an Exemption Certificate to such ships on international voyages, which will then be issued by the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(d) With regard to United States ships not subject to the Safety Convention, an appropriate certification will be issued by the Commission.

(e) The determination of the Commission in respect to exemptions provided for herein will be final, subject only to the right of review by the courts.

10. *Location of Radio Station.*—The ship's radio operating room and the emergency or reserve installation shall be placed in the upper part of the ship in a position of the greatest possible safety and as high as practicable above the deepest load water line, and the location of such room or rooms will be approved by the Bureau of Marine Inspection and Navigation of the Department of Commerce.

11. *Radiotelegraph Equipment.*[8]—

(a) The radiotelegraph installation shall comprise a main and an emergency or reserve installation; provided, however, that on a cargo ship, if the main installation complies with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted.

(b) The main and emergency installation shall be so arranged that change from transmission to reception and vice versa can be made as rapidly as possible.

(c) Approval of the radio installation within the radio room of a ship of the United States to which these rules apply, including the electrical wiring interconnecting the various components of the installation, will be within the jurisdiction of the Commission.

12. *Transmitters.*—

(a) The main and emergency or reserve transmitters shall be capable of transmitting on the distress frequency. 500 kilocycles; the direction finder frequency, 375 kilocycles; and also at least one working frequency in the band 350–485 kilocycles, and be capable of changing from any one of the frequencies to any one of the others as rapidly as possible. They must be capable of types A–2 or B (spark)" emission, and must have a note frequency of not less than 100 cycles per second.

(b) The main transmitter shall have a normal range of at least 200 nautical miles; that is to say, it must be capable of tarnsmitting clearly perceptible signals from ship to ship over a range of 200 nautical miles by day under normal conditions and circumstances. The normal range of the emergency or reserve transmitter as defined above must be at least 100 nautical miles.

(c) The minimum allowable power rating of transmitters which may be installed for the purpose of compliance with the terms of paragraph 13 (b), shall be as follows:

*For Main Transmitters*

| Radio Frequency | Type of Emission | Rated Power |
|---|---|---|
| 500 kc.<br>500 kc. | B<br>A–2 | 1,000 watts input to transformer.<br>200 watts into the antenna circuit or 400 watts into the plate circuit of the last radio stage. |

*For Emergency Transmitters*

| Radio Frequency | Type of Emission | Rated Power |
|---|---|---|
| 500 kc.<br>500 kc. | B<br>A–2 | 500 watts input to transformer.<br>50 watts into antenna circuit or 100 watts into the plate circuit of the last radio stage. |

(d) For operation on 375 kc and the one working frequency required, the rated power shall not be less than one-half of the rated power specified herein for operation on 500 kc.

(e) A transmitter installed for the purpose of compliance with the terms of paragraph 13 (b) having a rated power of less than that specified may be tentatively approved subject to a practical demonstration of its represented performance if such proof is deemed necessary by the Commission.

(f) A record shall be kept of the adjustments of the transmitters for the frequencies 375 and 500 kilocycles. The adjustments may be recorded on the transmitters or posted in the radio room.

13. *Receivers.*—

(a) Two complete radio receivers shall be provided, one to be associated with the main transmitter and one to be located in close proximity to the emergency transmitter, provided that if the emergency transmitter is in close proximity to and operated from the same position as the main receiver, the emergency receiver may be omitted.

(b) Each receiver shall be capable of radiotelegraph reception, types A–1, A–2, and B, in the band 350 to 515 kilocycles and in addition the main receiver shall be capable of reception in the band 100–200 kilocycles (time signals, etc.).

(c) The receiver associated with the emergency transmitter shall be arranged so as to be capable of reception in the band 350–515 kilocycles by means of a rectifier of the crystal type or a receiver may be provided using a crystal rectifier.

(d) These requirements do not preclude the use of receivers also capable of reception in bands outside those specified herein.

14. *Power.*—

(a) Sufficient power shall be available at the ship station at all times to operate the main radiotelegraph installation efficiently at full power and at the same time to charge, at their required rates, all storage batteries used in connection with the radiotelegraph installations. The emergency or reserve installation shall include a source of power which when energizing this installation shall be independent of the propelling power of the ship and of any other electrical system, and shall be capable of being put into operation rapidly and of operating the emergency installation so as to provide a normal transmitting and receiving range of at least 100 nautical miles continuously for at least six consecutive hours.

(b) The ship owner, operating agency, or station licensee shall, if requested, prove to the satisfaction of the Commission's inspector that the emergency power supply is of sufficient capacity to satisfy the requirements stipulated in the preceding paragraph.

(c) In the case of an oil or gas driven engine generator used for an emergency power supply, proof of capacity may be established by using as a basis the fuel consumption during the period of one hour when supplying a load equivalent to 70% of the key-locked demand of the emergency radio transmitter and radio station emergency light(s).

(d) In the case of a storage battery emergency power supply, its capability may be determined by a six-hour discharge test when supplying a load equivalent to 70% of the key-locked demand of the emergency radio transmitter and radio station emergency light(s).

(e) At the conclusion of the tests outlined above, no part of the emergency source of power shall have an excessive temperature rise, as defined and measured in accord with standard engineering practice, nor shall the specific gravity or voltage of the storage battery be below the standard for 90% discharge for the battery involved.

(f) No electrical load circuit(s) other than the emergency radio installation and emergency radio light(s) shall be connected directly or indirectly to the emergency source of power. Emergency batteries, when employed, shall be located in close proximity to the emergency transmitter and receiver, subject, however, to the provisions of the following paragraph.

(g) Approval of the exact point and method of location, on board a vessel, of a storage battery or engine-driven generator and fuel tank, used as a source of power for any component of a licensed ship radio station, and the method of ventilating the battery compartment will be within the jurisdiction of the Bureau of Marine Inspection and Navigation of the Department of Commerce. The approval of the battery or engine-driven generator from the standpoint of its electrical specifications and its ability to produce the required power, will be within the jurisdiction of the Commission.

(h) The emergency source of power shall be maintained in readiness to operate at its full efficiency at all times while the vessel is in active service.

(i) Prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is at sea, the condition of the emergency power supply and emergency radio installation shall be determined by actual operation.

(j) If batteries are used as the emergency transmitter power supply, or are used for the purpose of starting a gas or oil driven emergency generator, tests shall be made of the charging circuits for polarity and correct charging rate. Hydrometer readings of the electrolyte of a pilot cell and such other cells as are necessary to determine the state of charge of the emergency battery shall be taken daily. In the case of an oil or gas driven emergency generator, a daily check shall be made of the quantity of fuel in the supply tank.

(k) A statement that the duties required by paragraphs 15 (i) and (j) hereof have been fulfilled, including a statement of the hydrometer reading and amount of fuel, must be inserted in the ship's radio log each day. During severe weather at sea these duties need not be performed if it is impracticable or dangerous to do so, provided an appropriate entry to this effect is made in the radio station log.

(l) The power leads from the main power supply to the main radio installation and from the emergency power supply to the emergency installation shall be encased and routed in the manner best suited to protect them from injury due to damage to the ship and shall be properly protected with fuses. All conductors shall be kept clear of electrical grounds. In the event that, due to the ship's structure, a long indirect routing is necessary, an alternate circuit shall be provided over another route. In all cases, the Rules and Regulations of the Bureau of Marine Inspection and Navigation of the Department of Commerce relating to the installation of these circuits shall be complied with.

(m) The cooling system of all auxiliary engine units driving the emergency power supply shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the vessel.

15. *Auto-Alarm.*[10]—

(a) An "Auto-alarm" is defined by paragraphs 4 (m), (1) and (2) hereof. Radiomarine Corporation of America "Model AR–8600 Auto-Alarm" and "Mackay Radio and Telegraph Company Auto-Alarm Type 101–A manufactured by Federal Telegraph Company" are the only auto-alarms approved by the Commission in accordance with Telegraph Order No. 28 for installation aboard United States cargo vessels in compliance with law.

(b) On ships aboard which an automatic alarm receiver is installed in accordance with the provisions of these rules, a means of giving an audible warning in the radiotelegraph operating room, in the radio operator's cabin, and on the navigating bridge shall be provided, which shall operate continuously after the receipt of an alarm signal or a failure of the auto-alarm system, until stopped. Only one switch for stopping the warning shall be provided and this shall be located in the radiotelegraph operating room. In addition, a failure of the alarm to function normally resulting from prolonged static or any type of prolonged electrical input, or both, shall operate a visual indicator on the bridge. The type and method of installation of such visual indicator will be within the jurisdiction of the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(c) Each auto-alarm of the type designated above, when first installed aboard a vessel of the United States, must bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components are designated as follows:

*"Radiomarine Corporation of America Model AR–8600 Auto-Alarm"*

1 Combined receiver and selector unit, without regard to container.
1 Control and terminal box.

*"Mackay Radio and Telegraph Company Auto-Alarm Type 101–A manufactured by Federal Telegraph Company"*

1 Selector unit, without regard to container.
1 Receiver unit, without regard to container.

[8] See Commission Order No. 29 of May 21, 1937, for provisions relating to certain temporary exemptions from these rules.

[9] See Rule 293 of the Commission, included in Appendix I.

[10] See Telegraph Order No. 28 of March 10, 1937.

(d) The Commission shall be informed in writing on the prescribed form immediately upon completion of each auto-alarm installation aboard any vessel of the United States. Each report shall specify the type and serial number of the alarm, the name of the vessel, the date of completion of installation, the call letters and name of licensee of the ship radio station and the name of the owner and operating company of the vessel.

(e) Upon completion of each auto-alarm installation, the electron tubes and dry batteries shall be dated to coincide with the date of completion of the installation. Only new electron tubes and new dry batteries shall be installed. The Commission may require the replacement of these electron tubes and dry batteries with new tubes and new batteries if and when such replacement is deemed necessary.

(f) Each installation of an auto-alarm shall include at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto-alarm, which shall include:

(1) A general technical description of the auto-alarm, including a circuit diagram of the auto-alarm receiver and a wiring diagram of its complete installation on shipboard.

(2) A general explanation of its principles of operation.

(3) A list of faults which may be indicated by the sounding of the audible alarm.

(4) Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.

(5) Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting.

(6) Explanation of the effect of various sensitivity control settings upon the operation of the alarm.

(7) Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

In addition, the instructions stipulated under items 5 and 6 above shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(g) The testing device of each individual auto-alarm shall be permanently adjusted upon installation to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.

(h) While the ship is at sea the auto-alarm shall be tested at least once every twenty-four hours by means of the testing device supplied as part of the alarm, the timing of the dashes to be made by reference to the seconds hand of the station's clock. A statement that the foregoing has been fulfilled must be inserted in the ship's official log and the radio log daily.

(i) Adequate records shall be maintained according to the prescribed forms covering operation of the auto-alarm. These forms shall be mailed to the Commission at Washington, D. C., on the first day of each month, covering the month preceding, beginning January 1, 1938. These reports are for the information of the Commission and the contents thereof will not be disclosed.

(j) An entry shall be made in the ship's official log and the radio log when the warning light installed on the bridge, (to indicate when the alarm becomes inoperative), remains lighted for a continuous period of five minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments; the reason for the failure; the names of any parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating condition.

(k) An entry shall be made in the radio log whenever the auto-alarm becomes inoperative due to causes not indicated by the warning light, or whenever an auto-alarm bell rings. The entry shall include a statement giving particulars as to the time the operator was called to make necessary repairs or adjustments; the reason for the bell ringing or failure to operate; the parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating condition.

16. *Communication Between Radiotelegraph Station and Bridge.*—Where the radio room does not adjoin or open onto the navigating bridge structure of the ship, there shall be provided, between the bridge and the radio room, an efficient means of communication independent of any other communication system of the ship. Where the operating position of the emergency installation is not in the same compartment with the main radiotelegraph station, a similar means of communication also shall be provided between that position and the bridge of the ship. Determination of the necessity for these communication systems will be within the jurisdiction of the Commission. Determination of the type and location of these systems (except their point of termination in the radio room) and their ability to provide efficient communication shall be within the jurisdiction of the Bureau of Marine Inspection and Navigation of the Department of Commerce.

17. *Clock.*—

(a) Each ship *fitted* with an auto-alarm shall be provided with a reliable clock with a sweep seconds hand, securely fastened in such a position that the seconds dial can be easily and accurately read by the operator from his normal receiving position, from the operating position at which he would transmit the auto-alarm signal and from the operating position in the radio room used in testing the auto-alarm for response to signals from the testing device. The clock shall have an hour dial not less than 5" in diameter and it shall be capable of operation for at least eight days on one winding; provided, however, that deviations from these specifications may be authorized by the Commission if such deviation does not adversely affect the reliability of the clock or the ability of the ship radio operator to transmit by hand the international auto-alarm signal when using the clock for timing these signals. A request for approval of any deviation from these specifications must be accompanied by a sample of the proposed clock face.

(b) Each ship station *not* fitted with an auto-alarm shall be provided with a reliable clock in conformity with the specifications of the preceding paragraph 19 (a); provided, however, that such ship station shall be exempt from the requirement of a sweep seconds hand until on and after January 1, 1939. A request for any other deviation from these specifications must be accompanied by a sample of the proposed clock face.

18. *Emergency Lights.*—

(a) There shall be provided in both the main radiotelegraph operating room and the main radiotelegraph transmitter room(s) emergency electric lighting operated from the ship's emergency power supply or the power supply of the emergency radio installation, independent of the ship's main electrical system, and so arranged as to provide satisfactory illumination to the operating controls, clock, and meters.

(b) In case the emergency transmitter or receiver is not located in any of the rooms associated with the main radio installation, a similar emergency lighting arrangement also shall be provided in the room or rooms containing such emergency apparatus.

(c) A spare electric light bulb shall be provided in an accessible location in each room.

19. *Lifeboats.*—The radiotelegraph installation on motor lifeboats designated by the Bureau of Marine Inspection and Navigation as requiring a radio installation shall be in efficient operating condition at all times while the ship is under way and shall comply with the following:

(a) *Frequency of operation of transmitters:* 500 kc.

(b) *Type of emission of transmitter:* A–2.

(c) *Frequency tolerance of transmitter:* 0.5 per cent.

(d) *Power of transmitter.*—Not less than 75 watts into the plate circuit of the stage supplying power to the antenna.

(e) *Antenna.*—A single wire inverted L or T not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(f) *Receiver.*—Electron tube type. Frequency range at least 350 to 550 kilocycles and capable of reception on Types A–1, A–2, and B waves.

(g) *Power Supply.*—For transmitter, storage battery; for receiver, dry battery, storage battery, or dynamotor operated from transmitter power supply. The power supply shall at all times be capable of operating the entire radio installation for a continuous period of at least six hours. If the power supply is also used to operate electrical equipment other than radio, its capacity must be sufficient so as not to affect adversely its ability to fulfill the foregoing requirement.

(h) *Installation.*—The component parts and assembly of entire installation shall primarily insure the utmost dependable operation, the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage, and they shall be so housed and treated as to withstand saline dampness for extended period without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray. Storage batteries shall be mounted in cabinets which will provide protection from salt water spray and also allow proper ventilation. Provision shall be made to protect the operator from the elements when the lifeboat is afloat. Provision shall also be made for the expeditious erection of the antenna system under adverse weather and sea condition. The use of metal masts and stays, unless broken by insulators, or of any structure of ground potential at the mastheads is not permitted.

(i) *Inspection.*—

(1) The lifeboat radio installation shall be inspected and tested by a qualified representative of the licensee of the ship radio station within 24 hours prior to departure to sea from each port (except not necessarily more than once each week) and at least once each year with the lifeboat afloat in the water. The results of the inspection and tests shall be noted in the ship's radio station log and the master informed. The test shall include an actual test of the transmitter connected to the regular antenna (erected) and receiver to determine that both are in effective operating condition; provided that, when testing with the lifeboat not afloat in the water, the transmitter may be tested on an artificial antenna, in lieu of the regular lifeboat antenna, having electrical characteristics equal to the regular antenna. Transmission tests shall be conducted under the same procedure as prescribed for testing of the ship's radio station transmitters to avoid interference. Transmission tests shall not be made during the silent period.

(2) When the vessel is under way, provision shall be made for the charging of storage batteries and the routing inspection of all batteries, without removing them from the lifeboat. Examination shall be made at least once every seven days by the operator on the vessel and a statement as to the condition and specific gravity, in the case of a lead-acid battery, or voltage, in the case of dry or Edison batteries, shall be entered in the ship's radio station log. Dry batteries shall be replaced when it is found that the voltage under load has fallen 20 per cent below the rated voltage of the battery.



(j) *Spare parts and tools.*—In addition to spare parts and tools kept elsewhere, there shall be kept in the lifeboat at least one vacuum tube of each type used, a supply of insulated wire of such length and nature as to be suitable as an emergency antenna, and such tools as may be necessary.

(k) *Instructions.*—Instructions shall be plainly marked on the apparatus in sufficient detail to permit uninstructed personnel to place equipment in operation and to transmit signals which are suitable for use in obtaining direction finder bearings.

20. *Direction Finder.*—

(a) Each passenger ship of 5,000 gross tonnage and over subject to the provisions of these rules shall be equipped with an efficient radio direction finding apparatus (radio compass) properly adjusted in operating condition, which apparatus is approved by the Commission. This apparatus shall be efficient and capable of receiving clearly perceptible radio signals and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on any frequency between 285 and 515 kilocycles.

(b) An efficient means of communication independent of any other communication system of the ship shall be provided between the direction finding apparatus and the bridge if this apparatus, in the opinion of the Bureau of Marine Inspection and Navigation of the Department of Commerce, is located elsewhere than on the bridge. Determination of the type and location of this system and its ability to provide efficient communication will be within the jurisdiction of the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(c) For the issuance of an initial certificate and endorsement of station license and pending issuance of specifications and type approval of direction finding apparatus, the Commission will approve temporarily any make of direction finder in operating condition within the frequency range noted above, and on board at time of inspection. Satisfactory evidence must be given to the Inspector that it complies with sub-paragraph (a) above. In the case of a new installation which has not been in use, approval of instrument on board may be given pending calibration or determination, at the first opportunity, of capability of determining true bearings.

(d) Standard specifications for direction finding apparatus and instructions as to the procedure for obtaining type approval will be issued at a later date.

21. *Spare Parts and Tools.*—

(a) Sufficient tools to make any minor adjustments of the installation shall be provided, together with spare apparatus and spare parts sufficient to maintain the installations, required by these rules, in efficient working condition, which shall be securely stowed and readily accessible to the operator in case of emergency.

(b) The following items are considered indispensable for the maintenance of the appropriate installation:

(1) Not less than 300 feet of antenna wire of sufficient length for the erection of a single wire emergency antenna. This should be equal to the length of the horizontal portion and lead-in of the main antenna.

(2) Two appropriate antenna insulators for use in the erection of an emergency transmitting and receiving antenna.

(3) At least one electron tube of each type used. In the case of apparatus requiring a matched tube in the oscillator circuit, the spare tube shall be matched and marked.[11]

(4) At least one electron tube of each type used in the direction finder.

(5) One set of gaskets and at least four studs for spark gaps.

(6) Electrodes, arc chamber gasket and alcohol for arc transmitter.

[11] See also paragraph 21 (c).

(7) One spare bearing for each type of machine employing sleeve bearings with rings.

(8) One complete set of new brushes.[11]

(9) One spare pair of headphones, with cords and, if used, a plug.

(10) Extra fuses of all kinds used.[12]

(11) Tools, including assorted screw drivers, assorted wrenches (including spark gap wrench), pliers with side cutter.

(12) Hydrometer.

(13) At least one gallon distilled (or equal) water for storage batteries.

(14) A high resistance direct current voltmeter of at least one thousand ohms per volt and capable of measuring 2, 6, and 110 volts with an accuracy of three per cent.

(15) Instruction book and circuit diagram covering the transmitters, receivers, direction finder, and auto-alarm if provided on board the ship.[13]

(c) Each installation of an auto-alarm shall be provided with sufficient tools and spare parts which will be necessary for the maintenance of the alarm in a normal operating condition.

The following items are considered indispensable in the appropriate installation:

(1) *Radiomarine Corporation of America, Model AR–8600 Auto-Alarm*

ELECTRON TUBES

One type 6 H 6
One type 6 A 8
Two type 6 K 7
Five type 1611

OTHER ITEMS

Two bridge warning-light bulbs
One 30-ohm filament resistor
One 9-volt dry-cell bias battery
Nine glass-enclosed 6 ampere fuses
Six glass-enclosed ½ ampere fuses
Six 10-ampere fuse links for cartridge-type fuses
Two cartridges for 10-ampere fuse links

(2) *Mackay Radio and Telegraph Company Auto-Alarm Type 101–A, Manufactured by Federal Telegraph Company*

ELECTRON TUBES

One type 6 D 6
One type 89
Three type 76

OTHER ITEMS

Two bridge warning-light bulbs
Two commutating brushes for selector motor
Two governor brushes for selector motor
Two brush springs for selector motor
Six fuses for receiver power supply unit
Three cartridges for 6-ampere fuse links
One cartridge for 3-ampere fuse links
Nine 3-ampere fuse links for cartridge-type fuses
Three 3-ampere fuse links for cartridge-type fuses
One 4½ volt dry cell bias battery

22. *Logs.*—Each ship station shall maintain an accurate station log of the operation of such station in accordance with the following:

(a) During the time a watch is maintained by an operator, an entry shall be made at least every 15 minutes. All calls or replies made shall be entered giving time, stations heard or worked, and frequency involved. In general, a positive entry must be made consisting of calls heard, traffic observed, and a specific statement as to the conduct of communication during the international silent periods.

[11] See also paragraph 21 (c).
[12] See also Rule No. 21 (c).
[13] See also Rule No. 15 (f).

(b) The entry "on watch" shall be made by the operator assuming a watch or opening a station for service, followed by his signature. The entry "off watch" shall be made by the operator when terminating his watch or closing a station, followed by his signature.

(c) Entries shall be made of:

(1) All distress,[14] automatic alarm, urgent and safety signals intercepted, the full text of distress messages and distress communications, and incidents or occurrences which may appear to be of importance to safety of life or property at sea;

(2) Unusual interference observed, breakdown of apparatus, failure of power supply, noises or disturbances tending to delay traffic;

(3) Time of arrival at and departure from ports, giving names of each.

(4) Results of tests of the lifeboat radio installation(s).

(d) Each sheet of the log shall be numbered and dated. The times used for making an entry in the station log shall be expressed in four figures starting at midnight of the time at the Meridian of Greenwich. The abbreviation "GMT" shall be stated at the heading of the column in which the time is entered.

(e) When reference is made to stations in a log, they shall be referred to by their international call letters, except they may also be referred to by name if it is found more convenient.

(f) Entries shall be made daily of:

(1) Results[15] of tests and operation of auto-alarm apparatus, if fitted.

(2) Results of tests of emergency installation.

(3) Approximate position of vessel each day, preferably noon position, either in terms of latitude and longitude or the distance in nautical miles and direction from a point of reference.

(4) Statement as to comparison of radio station clock with standard time (such as radio time signals) including the errors found and corrections made, if any.

(g) Ship station logs shall be fully completed at the end of each trip or voyage, and before the operators responsible leave the ship. Completed logs shall be kept under proper custody either aboard the ship upon which the station is located or at an established shore office of the licensee of the ship station, or his authorized agent. If logs are permanently filed ashore, they must be retained aboard ship for at least twenty-four hours after the vessel's arrival in a port of the United States (unless sailing in the meantime). Logs shall not be removed from the ship's radio station, during a voyage or when in a foreign port.

(h) Logs shall be made available for inspection upon the request of an authorized Government representative.

(i) Routine logs shall be retained for a period of one year. Logs involving distress messages or communications shall be retained until destruction is specifically authorized by the Commission.

(j) No log or portion thereof shall be erased, obliterated, or wilfully destroyed, and any necessary correction may be made only by the operator originating the entry, who shall strike out the erroneous portion and initial the correction made. Rough logs may be transcribed into smooth logs (condensed form), but in such case the original log or memoranda thereof shall be preserved, and made a part of the complete log.

23. *Operators and Watches.*[16]—

(a) Each cargo ship required by these Rules to be fitted with a radio installation and which is not fitted with an auto-alarm, and each passenger ship required by these Rules to be fitted with a radio installation, shall, for safety purposes, carry at least two qualified operators.

(b) A cargo ship required by these Rules to be fitted with a radio installation, which is fitted with an auto-alarm in accordance with these Rules, shall, for safety purposes, carry at least one qualified[17] operator. In the case of a United States cargo vessel, this operator shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

(c) Each ship of the United States required by these Rules to be fitted with a radio installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: provided, however, that in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a qualified operator, upon the express condition that the auto-alarm shall be in operation whenever the operator is not on watch and the ship is being navigated outside of a harbor or port, including periods when the direction finder is in use.

(e) In the event of the failure of the auto-alarm and satisfactory repairs cannot be made on board at sea, the master shall endeavor to have it repaired at the first port of call where repair facilities are obtainable. The ship must not again proceed to sea until the auto-alarm is satisfactorily repaired or unless the appropriate number of operators are on board to carry on the hours of watch required of the vessel when not fitted with an auto-alarm.

(f) The operator, or operators, employed for such an emergency may hold a certificate as an operator issued by another country.[18] However, in such case, the operator or operators must be replaced as soon as possible by an operator holding a certificate of the proper class, as prescribed and issued by the Commission, pending restoration of the auto-alarm to service.

24. *Forfeitures.*—

(a) Any ship that leaves or attempts to leave any harbor or port of the United States in violation of the provisions of Title III, Part II of the Communications Act of 1934, as amended, or in violation of any rules of the Commission promulgated thereunder or any ship of the United States that is navigated outside of any harbor or port in violation of any of the provisions thereof, shall forfeit to the United States the sum of $500, recoverable by way of suit or libel subject, however, to remission or mitigation by the Commission. Each such departure or attempted departure, and in the case of a ship of the United States, each day during which such navigation occurs, shall constitute a separate offense.

(b) Every wilful failure on the part of the master of a ship of the United States to enforce or to comply with the provisions of Title III, Part II of the Communications Act of 1934, as amended, or in violation of any rules of the Commission promulgated thereunder, as to equipment, operators, watches, or radio service shall cause him to forfeit to the United States the sum of $100 subject, however, to remission or mitigation by the Commission.

(c) In addition to the forfeitures specified by the preceding paragraphs (a) and (b), the penalties and forfeitures provided by Title V of the Communications Act of 1934, as amended, are also applicable to violations of the provisions of Title III, Part II of that Act.

[14] See also paragraph No. 15 (h), (j), and (k).
[15] See also paragraph No. 17 (h), (j), and (k).
[16] Nothing contained in Public No. 97 or in these rules specifies what shall be the hours of labor for any radio operator. Nothing in Public No. 97 or in these rules is to be construed as affecting or limiting in any way the jurisdiction or powers of the Department of Commerce in that regard under any other laws or under the Rules or Regulations of that Department.

[17] For vessels of the United States, operator's qualifications are specified by Commission Rules 420 to 448, inclusive.
[18] Art. 10. par. 1 (2) of the General Radio Regulations Annexed to the International Telecommunication Convention of Madrid, 1932, reads as follows:
"(2) In case of absolute unavailability of the operator in the course of a crossing, flight, or voyage, the Master or the person responsible for the mobile station may authorize, but only temporarily, an operator holding a certificate issued by another contracting government to carry on the radio service. When it becomes necessary to employ, as temporary operator, a person not holding an adequate certificate, this service must be limited to emergencies. In any case, the operator or the above-mentioned person must be replaced as soon as possible by an operator holding the certificate prescribed in par. 1 (1) above."



APPENDIX I

PART I

*Extracts from the rules and regulations of the Federal Communications Commission*

SHIP SERVICE

Revised May 21, 1937.

NOTE.—These extracts are taken from the ship station chapter of the general rules of the Commission which apply to all licensed ship stations of the United States and to such foreign ship stations as are specified therein.

281. The Ship Acts of July 23, 1912, and June 24, 1910, are reprinted for convenient reference: [1]

An act approved July 23, 1912, amending section 1 of an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers", approved June 24, 1910.[2]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That from and after October first, nineteen hundred and twelve, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred miles, day or night. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least one hundred miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provision of this paragraph as to equipment, operators, and watches, shall subject him to a penalty of one hundred dollars.

That the provisions of this section shall not apply to steamers plying between ports, or places, less than two hundred miles apart.

SECTION 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April first, nineteen hundred and thirteen, and so far as it relates to ocean cargo steamers shall take effect on and after July first, nineteen hundred and thirteen: *Provided*, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.

The remaining sections of the act of June 24, 1910, which are unchanged, read as follows:

SECTION 2. That for the purpose of this act apparatus for radio communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio communication.

SECTION 3. That the master or other person being in charge of any such vessel which leaves or attempts to leave any port

[1] Such part or parts of the Act entitled "An Act to require apparatus and operators for radio communication on certain ocean steamers" approved June 24, 1910, as amended, (generally known as the "Ship Act") as relate to the ocean and to steamers navigating thereon, were repealed by section 602 (e) of the Communications Act of 1934 as amended by Public 97 approved May 20, 1937. In all other respects said Act is continued in full force and effect. See also Rule 284 (d) herein.
[2] The amended Act applies to vessels licensed to carry as well as those actually carrying 50 or more persons, etc.

of the United States in violation of any of the provisions of this act shall, upon conviction, be fined in a sum not more than five thousand dollars, and any such fine shall be a lien upon such vessel, and such vessels may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense.

SECTION 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure the proper execution of this act by collectors of customs and other officers of the Government.

282. The term "ship service" means a radiocommunication service carried on between ship stations and coastal stations or between ship stations and other maritime mobile stations.

Upon application being made, the Commission may grant authority for a radio station operated on board a pleasure vessel or a yacht, or on board a vessel or other mobile unit, undertaking scientific expedition, to transmit on ship frequencies above 3000 kilocycles designated in the license of such ship station, for the secondary purpose of communicating directly with licensed amateur stations, on condition that such transmission shall not interfere with the primary use of these frequencies for regular commercial maritime communication, and provided the applicant makes a satisfactory showing that:

a. The messages to be exchanged with amateur stations will contain no material savoring of a commercial transaction.

b. Unusual circumstances will obtain during the contemplated voyage(s) making it extremely beneficial to the applicant to communicate direct with amateur stations, rather than indirectly through other maritime mobile stations or directly through authorized or coastal stations connecting landwire systems.

283. The term "ship station" means a station on board a vessel not permanently moored.

284. Ship stations shall be classified as follows:

a. *First Class.*—Stations whose duration of service is continuous while the vessel is being navigated.

b. *Second Class.*—Stations carrying on a designated service of limited duration.

c. *Third Class.*—Stations of which the duration of service is less than that specified for the stations in the second class and stations whose duration of service is undetermined.

d. The licensee of a ship radio station on board a vessel of the United States licensed to carry, or carrying, fifty or more persons, including passengers or crew, or both, shall maintain continuous hours of service in accordance with the rules governing first class ship radio stations at all times while the vessel is being navigated *on the Great Lakes* between ports or places more than two hundred miles apart, provided, however, that vessels which are also licensed to carry less than 50 persons and/or ply less than 200 miles between ports or places may be granted radio station licenses specifying more than one class.

e. Provided the transmitting equipment to be used in lifeboats is described in the application for license and in the license for the ship to which the lifeboat(s) is attached, such equipment may be operated for maintenance tests and emergency communication under the regular license of the ship stations without a separate license posted in the lifeboat(s). The call signals to be used by a lifeboat operating under this rule shall be the regularly assigned call of the ship station to which the lifeboat *is* attached, to be followed by the international break sign, BT, and the number of the lifeboat.

f. Provided the transmitting equipment to be used on a cable marker—buoy is described in the application for license and in the license for the ship with which the buoy is associated, such equipment may be operated on the frequency 278 kilocycles for direction finding purposes, under the regular license of the ship station, with A–1 or A–2 emission and a maximum power of 10 watts. The call signals to be used for a transmitter operating under this rule shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the international break sign, BT, and the identifying number of the buoy. The transmitter shall be continuously monitored by a regularly licensed operator aboard the associated cable repair ship. Should a frequency deviation in excess of 0.5 per cent or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the deviation is corrected or until the transmitter can be operated without causing interference.

285. The following frequencies are allocated for the following types of ship service; in assigning any frequency designed under (b) and (c) below, the use of that frequency may be restricted to communication with a specified coastal telephone or coastal harbor station:

a. For telegraph communication primarily with coastal telegraph stations:

| | | | | | |
|---|---|---|---|---|---|
| 143 | | | 4,140 | Calling | 11,025 | |
| 152 | | | 4,145 | | 11,040 | Calling |
| 153 | | | 4,150 | | 11,055 | |
| 154 | | | 4,160 | | 11,070 | |
| 155 | | | 4,165 | | 11,085 | |
| 156 | | | 5,510 | | 12,360 | |
| 157 | | | 5,515 | | 12,375 | |
| 158 | | | 5,520 | Calling | 12,390 | |
| 160 | | | 5,525 | | 12,420 | Calling |
| 355 [1] | | | 5,530 | | 12,435 | |
| 375 | (See Rule 290) | | 6,170 | | 12,450 | |
| 394 | | | 6,180 | | 16,460 | |
| 400 | | | 6,190 | | 16,480 | |
| 410 | Calling only on Great Lakes, working in other regions. | | 6,200 | | 16,500 | |
| | | | 6,210 | Calling | 16,520 | |
| | | | 6,220 | | 16,560 | Calling |
| 425 | | | 6,230 | | 16,580 | |
| 454 | | | 8,240 | | 16,660 | |
| 468 | | | 8,250 | | 16,680 | |
| 500 | Calling only (not for use on Great Lakes) | | 8,260 | | 22,025 | |
| | | | 8,280 | Calling | 22,050 | |
| 3,105 | Calling | | 8,290 | | 22,080 | Calling |
| 3,115 | | | 8,300 | | 22,100 | |
| | | | 8,320 | | 22,125 | |
| | | | 8,830 | | 22,150 | |

[1] Available for non-government stations for assignment to United States Shipping Board vessels for communication with government stations.

b. For telephone communications primarily with coastal telephone stations:

| | | | | |
|---|---|---|---|---|
| 4,400 | | 6,650 | 13,215 | 17,680 |
| | 4,402.5 | 6,660 | 13,230 | 22,925 |
| 4,405 | | 6,670 | 13,245 | 22,950 |
| 4,410 | | 8,810 | 13,260 | 22,975 |
| | 4,412.5 | 8,820 | 13,275 | 23,000 |
| 4,415 | | 8,830 | 17,600 | |
| 4,420 | | 8,840 | 17,620 | |
| | 4,422.5 | 8,850 | 17,640 | |
| 4,425 | | 13,200 | 17,660 | |
| 4,455 | | | | |
| | 4,457.5 | | | |
| 4,460 | | | | |

c. For telephone or telegraph communication primarily with coastal harbor stations:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 2,108 | | 2,132 | | 2,164 | | 2,196 | |
| | 2,110 | | 2,134 | | 2,166 | | 2,198 |
| 2,112 | | 2,136 | | 2,168 | | 2,200 | |
| 2,116 | | 2,140 | | 2,172 | | 2,204 | |
| | 2,118 | | 2,142 | | 2,174 | | 2,206 |
| 2,120 | | 2,144 | | 2,176 | | 2,208 | |
| 2,124 | | 2,156 | | 2,180 | | | |
| | 2,126 | | 2,158 | | 2,182 | | |
| 2,128 | | 2,160 | | 2,184 | | | |

d. For telephone or telegraph communication primarily between ship harbor stations:

2,736
2,738
2,740

286. The international calling and distress frequency is 500 kilocycles. In the Great Lakes region the frequency 410 kilocycles shall be used for calling and distress purposes in lieu of the international calling and distress frequency 500 kilocycles.

287. The international calling and distress frequency 500 kilocycles (410 kilocycles on the Great Lakes only) and all other radiotelegraph calling frequencies herein allocated may be used for the transmission of operating signals and a single short radiotelegram, provided no interference is caused to distress, urgent, safety, or call signals.



288. In no case shall the calling frequency 500 kilocycles (410 kilocycles on the Great Lakes) be used for working purposes except as provided in Rule 287 and as may be necessary for the handling of distress, urgent, or safety messages. Other calling frequencies may be used for working purposes, provided no interference is caused to calls from mobile stations.

289. Frequencies designated in a ship station license as "working" may be used for all purposes for which calling frequencies are authorized and in addition may be used for the handling of regular message traffic.

289a. The operation of radio stations on frequencies below 28000 kilocycles on board any vessel in the territorial waters and inland waters of the United States shall be in accordance with the following limitations:

(1) The frequencies used shall be those allocated for use by mobile stations by the existing International Regulations.

(2) The use of radio equipment shall not interfere with the normal communication of other radio services.

(3) Only messages originating on ships with passengers or members of the crew may be transmitted; i. e., no message shall be handled unless it is one that would be normally routed in the mobile service.

(4) Except for the handling of emergency communications, damped wave transmitting apparatus shall not be used on board a ship alongside the dock or at anchor in a harbor of the United States.

289b. Except for the handling of emergency communications relating to the safe navigation of the vessel, and the handling of messages relating to ships in distress, the privileges granted by Rule 289a are extended only to those foreign ships which belong to countries granting similar privileges to American ships in their territorial and inland waters.

289c. The use of radio by foreign men-of-war in United States ports and territorial waters may be authorized on frequencies allocated to the mobile service by the International Regulations in force, upon condition that no interference will result to the service carried on by other stations. Normally, requests from foreign men-of-war to use their radio equipment for communications while in United States ports and territorial waters shall be made to one of the Naval District Commandants, or, after arrival in port, to the Senior U. S. Naval Officer present. The headquarters of District Commandants concerned are located at Boston, New York, Philadelphia, Norfolk, Charleston, (South Carolina) San Diego, San Francisco, Seattle, Pearl Harbor, T. H., Balboa, Canal Zone, and Cavite, P. I. In addition to having senior naval officers stationed at these places, the Navy has officers performing various duties at practically all other important United States ports. When a Naval officer is not present, requests shall be made to the port authorities, or to the Navy Department, Washington, D. C. The authority to grant such requests is lodged in the official who is authorized to receive the request.

290. The frequency 375 kilocycles shall be used only for communication relative to obtaining or furnishing position reports by means of radio direction-finding stations.

291. In addition to the frequencies designated in the license of a ship station, such station may transmit:

a. On any frequency between 110 and 194 kilocycles when directed to do so by a coast station operating in this band, provided no interference results to the service of any other coast station. The operating frequency of the ship station shall be designated by the coast station.

b. On a frequency above 385 kilocycles used by a coast station when directed to do so by the coast station to which the frequency is assigned.

292. Except in case of signals or messages relating to vessels in distress, all ship stations shall use the minimum amount of energy necessary to carry out any communication desired.

293. Except under the following condition no license will be issued for the operation of any radio station, or proposing to use, transmitting apparatus employing damped-wave emission. If such apparatus was installed on board a ship prior to January 1, 1930, license will be issued for the operation of damped-wave transmitters on the following frequencies only:

| | |
|---|---|
| 375 kilocycles | 454 kilocycles |
| 410 kilocycles | 500 kilocycles |
| 425 kilocycles | |

294. The logarithmic decrement per complete oscillation in the wave trains emitted by the transmitter of a ship station using damped-waves shall not exceed two-tenths, except when sending distress signals or signals and messages relating thereto.

295.[2] The licensee of each ship station shall maintain an accurate log of the operation of such station on the international calling and distress frequency, 500 kilocycles (410 kilocycles on the Great Lakes), as follows:

a. At stations were continuous watch is maintained an entry shall be made at least every 15 minutes. At stations having limited hours of operation similar entry shall be made during the time the station is active. All calls or answers made shall be entered, giving time and call letters of station worked. Stations may be designated by their call letters in all log entries.

b. Entry shall be made of any unlawful interference from other stations.

c. Distress calls and any unusual and special incidents shall be duly entered.

d. Notations shall be made of any breakdowns of apparatus, failure of power supply, noises or disturbances tending to delay traffic.

e. When a change in the watch is made, the operator relieved shall sign his name with the indication "off watch", and the relieving operator shall sign his name showing that he is "on watch."

f. Each sheet of the log shall be numbered and dated. The time used for making an entry in the radio log shall be expressed in conformity with European practice in four figures, starting at midnight of the time at the Meridian of Greenwich, that is, 12:01 A. M. is to be shown as "0001"; 1:00 A. M. as "0100"; 1:00 P. M. as "1300"; 6:30 P. M. as "1830"; 12:00 midnight as "2400"; etc. (This method of expression is equivalent to that denominated in this country as "Greenwich Civil Time.") The abbreviation "G. M. T." shall be stated at the heading of the column in which the time is entered.

g. Time of arrival at and departure from ports, giving names of each.

h. Approximate position of vessel showing miles and direction from some given point each day. Latitude and longitude may be used (noon position is preferred).

i. These logs shall be made available upon request by authorized Government representatives. These logs shall be filed either aboard the ship on which the station is located or at established offices of the licensee where they shall be made available upon request by authorized Government representatives.

296. A marine transmitter operated by its individual storage battery of at least 4 hours continuous capacity will meet the requirements of the Ship Act (Rule 281) as a proper auxiliary power supply when this transmitter is licensed for emergency service, or for both routine and emergency service under the following conditions:

a. Where such transmitter is used only for emergency service it shall be operated by a storage battery having at least 4 hours continuous capacity or other auxiliary power supply, independent of the vessel's main electric power plant, capable of continuously operating this set for at least 4 hours.

b. Where such transmitter is used for both routine and emergency service, in addition to the power supply specified in Section I, an entirely separate source of power

[2] Stations on board ships subject to the provisions of the Ship Radiotelegraph Safety Rules shall be governed by paragraph 22 thereof.

shall be provided for the routine service. This separate power supply may consist of an additional battery or other source of power.

The term "emergency service" as used herein means the transmission of distress, alarm, urgent or safety signals, or messages relating thereto, or any matter relating to the safety of life or property, or any transmission for determining that the apparatus is in good working condition.

The term "routine service" as used herein means all other transmissions authorized for ship stations.

c. A reliable clock with a seconds hand, preferably sweep seconds hand, shall be provided in the radio room.

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## APPENDIX I

### PART 2

*Extracts from the General Rules and Regulations of the Commission which Relate to the Operation of Ship Stations*

189. The term "mobile station" means a station that is capable of being moved and ordinarily does move.

191. The term "land station" means a station not capable of being moved, carrying on a mobile service.

193. The term "mobile service" means a radiocommunication service carried on between mobile and land stations and by mobile stations, communicating among themselves, special services being excluded.

195. The term "special service" means a radiocommunication service carried on especially for the needs of a specific service of general interest and not open to public correspondence, such as a service of radiobeacons, radio direction finding, time signals, regular meteorological bulletins, notices to navigators, press messages addressed to all, medical notices (medical consultation by radio), standard frequencies, emissions for scientific purposes, etc.

196. The term "international service" means a radiocommunication service between offices or stations under the jurisdiction of different countries, or between stations of the mobile service, except when the latter are of the same nationality and are within the limits of the country to which they belong. An internal or national radiocommunication service which is likely to cause interference with other services beyond the limits of the country in which it operates, shall be considered as an international service from the standpoint of interference.

198. The term "public service" means a service for the use of the public in general.

199. The term "public correspondence" means any radio communication where the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

200. The term "private service" means a radiocommunication service which is not open to public correspondence and which may be used only by specified persons for either general or specific purposes.

201. The term "private enterprise" means any person, company, or corporation which operates one or more stations for radio communication.

202. The term "limited service" means a service which can be used only by specified persons or for special purposes.

203. The term "radio operating signals" means a letter, figure, or combination of letters and figures, or both, designed to facilitate the conduct of communications; for example, the list of abbreviations to be used in Radio Transmission, appendix I to the General Regulations annexed to the International Radiotelegraph Convention.

204. Allocations of bands of frequencies to services, such as mobile, fixed, broadcast, amateur, etc., are set forth in article 5 of the General Regulations annexed to the International Radiotelegraph Convention and in the North American Radio Agreement. These allocations will be adhered to in all assignments to stations capable of causing international interference.

205. The national standard of radio-frequency maintained by the Bureau of Standards, Department of Commerce, shall be the basis for all frequency measurements and assignments will be made on the basis of this standard.

206. The licensee of each station, except amateur, shall provide for measurement of the station frequency and establish procedure for checking it regularly. These measurements of station frequency shall be made by means independent [1] of the frequency control of the transmitter and shall be of such an accuracy that the limit of error is within the frequency tolerance allowed the station.

207. Licensees shall use radio transmitters, the emissions of which do not cause interference, outside the authorized band, that is detrimental to traffic and programs of other authorized stations.

210. Radio communications or signals relating to ships or aircraft in distress shall be given absolute priority. Upon notice from any station, Government or commercial, all other transmission shall cease on such frequencies and for such time as may, in any way, interfere with the reception of distress signals or related traffic.

211. No station shall resume operation until the need for distress traffic no longer exists, or it is determined that said station will not interfere with distress traffic as it is then being routed and said station shall again discontinue if the routing of distress traffic is so changed that said station will interfere. The status of distress traffic may be ascertained by communication with Government and commercial stations.

214. Only an operator holding a radiotelegraph class of operator's license may manipulate the transmitting key of a manually operated coastal telegraph or mobile telegraph station in the international service; and only a licensed amateur operator may manipulate the transmitting key at a manually operated amateur station. The licensees of other stations operated under the constant supervision of duly licensed operators may permit any person or persons, whether licensed or not, to transmit by voice or otherwise, in accordance with the types of emission specified by the respective licenses.

220. Licensees of stations other than broadcast stations are authorized to carry on such routine tests as may be required for the proper maintenance of the stations, provided, however, that these tests shall be so conducted as not to cause interference with the service of other stations.

221. The original of each station license, except amateur, portable, and portable-mobile stations, shall be posted by the licensee in a conspicuous place in the room in which the transmitter is located. In the case of amateur, portable, and portable-mobile stations, the original license, or a photostat copy thereof, shall be similarly posted or kept in the personal possession of the operator on duty.

a. The original license of each station operator, except amateur and aircraft radio station operators, and operators of portable and portable-mobile stations, shall be posted in a conspicuous place in the room occupied by such operator while on duty. In the case of an amateur or aircraft radio operator, and operators of portable or portable-mobile stations, the original operator's license shall be similarly posted or kept in his personal possession and available for inspection at all times while the operator is on duty.

b. When an operator's license cannot be posted because it has been mailed to an office of the Federal Radio Commission for endorsement or other change, such operator may continue to operate stations in accordance with the class of license held, for a period not to exceed 60 days, but in no case beyond the date of expiration of the license.

[1] Paragraph 5 (3), Article 9 of the General Radio Regulations annexed to the International Telecommunication Convention of Madrid, 1932, provides that all ship stations transmitting on frequencies in the band 100 to 160 kilocycles and on frequencies above 4000 kilocycles must be equipped with a wavemeter (frequency meter) or equivalent device. However, in the case of ship stations which are equipped with a properly stabilized and calibrated master-oscillator, the Commission will recognize a master-oscillator of this type as coming within the meaning of "equivalent device", provided the calibration of the said transmitter and of the circuit as a whole is such as to permit the convenient adjustment of the transmitter to its licensed frequencies within the tolerance for mobile stations specified by Rule 227.

224. a. Except for an amateur station, each radio station license or other instrument of authorization shall designate the type of emission which the station is authorized to employ, shall specify the center frequency of the frequency band of emission of such width as is authorized for the type of emission, and shall specify the frequency tolerance in accordance with which the assigned frequency shall be maintained.

b. The term "frequency band of emission" means that the frequency band of an emission is the frequency band actually occupied by the emission for the type of emission and for the signaling speed used.

c. The term "frequency tolerance" means the maximum permissible separation between the frequency assigned to a station and the actual frequency of emission.

227.[2] The licensee of each station, except amateur, shall maintain the assigned frequency within the tolerance as set out in the following table:

*Tolerance Table*

| Frequency Range (kilocycles) | Frequency Tolerance | |
|---|---|---|
| | A<br>Applicable to stations licensed or authorized by construction permits prior to September 3, 1931 | B<br>Applicable to all equipment authorized subsequent to September 3, 1931 |
| A. 10 to 550 kilocycles: | *Per cent, plus or minus* | *Per cent, plus or minus* |
| (c) Mobile stations except those using damped waves or simple oscillator transmitters | .5 | .5 |
| (d) Mobile stations using damped waves or simple oscillator transmitters | [1] 1.0 | .5 |
| C. 1,500 to 6,000 kilocycles: | | |
| (c) Mobile stations using frequencies not normally used for ship radiotelegraph transmissions | .05 | .04 |
| (d) Other mobile stations | .1 | .1 |
| D. 6,000 to 28,000 kilocycles: | | |
| (c) Mobile stations using frequencies not normally used for ship radiotelegraph transmissions | .05 | .04 |
| (d) Other mobile stations | .1 | .1 |

[1] This tolerance is applicable to previously licensed simple oscillator transmitters transferred to other mobile stations.

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## APPENDIX II

The following were parties to the International Convention for the Safety of Life at Sea, London, 1929, on May 15, 1937:

Argentina
Australia
Belgium
Brazil
Bulgaria
Canada
China
Chosen
Danzig
Denmark
Egypt
Estonia
Finland
France
Germany
Hong Kong and the Straits Settlements
Hungary
Iceland
India
Irish Free State
Italy
Italian Colonies of Libya, Eritrea and Somaliland and Italian Islands in the Aegean
Japan
Taiwan and Leased Territory of Kwantung
The Netherlands
Netherlands East Indies
New Zealand
Norway
Panama
Poland
Portugal
Rumania
Spain
Sweden
Union of Soviet Socialist Republics
United Kingdom of Great Britain (England, Scotland, Wales, and Northern Ireland)
United States

Any colony, overseas territory, protectorate, or territory under suzerainty or mandate of any country is not a party to the Safety Convention unless it is specifically included in the above list.

[2] Only that part of Rule 227 which is applicable to mobile stations is quoted.



## APPENDIX III

### FEDERAL COMMUNICATIONS COMMISSION RADIO INSPECTION DISTRICTS

| Radio District | Address of the Inspector in Charge | Ports |
|---|---|---|
| 1 | Customhouse, Boston, Mass. | All New England. |
| 2 | Federal Building, New York, N. Y. | New York, Yonkers, Newark and vicinity. |
| 3 | New United States Customhouse, Philadelphia, Pa. | Philadelphia, Camden, Chester, Marcus Hook, and Wilmington, Del. |
| 4 | Fort McHenry, Baltimore, Md. | Baltimore, and Alexandria, Va. |
| 5 | New Post Office Building, Norfolk, Va. | Norfolk, Newport News, Richmond, and Hopewell, Va. |
| 6 | New Post Office Building, Atlanta, Ga. | Savannah, Ga., and Charleston, S. C. |
| 7 | Room 12, Federal Building, Miami, Fla. | Jacksonville, Miami, Key West, Tampa and Pensacola, Fla. |
| 8 | Customhouse, New Orleans, La. | New Orleans, Gulfport, Mobile, Baton Rouge, and vicinity. |
| 9 | Prudential Building, Galveston, Tex. | Galveston, Brownsville, Houston, Port Arthur, Beaumont, and Corpus Christi, Tex. |
| 11 | Rives-Strong Building, Los Angeles, Calif. | San Pedro and San Diego, Calif. |
| 12 | Customhouse, San Francisco, Calif. | San Francisco and Oakland, Calif. |
| 13 | New United States Courthouse, Portland, Oreg. | Portland, Astoria and Coos Bay. |
| 14 | Federal Office Building, Seattle, Wash. | Seattle, Bremerton, Olympia, Tacoma, Bellingham, Port Angeles, and Grays Harbor. |
| 21 | Aloha Tower, Honolulu, Territory of Hawaii. | Hawaiian Islands. |

[F. R. Doc. 37-1503; Filed, May 22, 1937; 11:30 a. m.]

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## INTERNATIONAL FISHERIES COMMISSION.

### REGULATIONS OF THE INTERNATIONAL FISHERIES COMMISSION ADOPTED PURSUANT TO THE PACIFIC HALIBUT FISHERY CONVENTION BETWEEN THE DOMINION OF CANADA AND THE UNITED STATES OF AMERICA, SIGNED MAY 9, 1930

1. The convention waters shall be divided into the following areas, all directions given being magnetic.

(a) Area 1 shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay light on Cape Shoalwater, as shown on Chart 6185 published in May, 1926, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46°43'07" N., longitude 124°04'18" W.

(b) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304 published in September, 1923, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'48" N., longitude 136°38'24" W., thence south one-quarter east.

(c) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running south from the southwestern extremity of Cape Sagak on Umnak Island, at a point approximately latitude 52°41'25" N., longitude 168°58'05" W., and that are south of the Alaska Peninsula and of the Aleutian Islands including the intervening straits or passes.

(d) Area 4 shall include all convention waters not included in Areas 1, 2, and 3.

2. The catch of halibut to be taken during the fishing season of 1937 from Area 2 shall be limited to approximately 21,700,000 pounds of salable halibut, and from Area 3 to approximately 24,300,000 pounds of salable halibut, or, if the International Fisheries Commission shall at any time so decide, the catch shall not be limited separately in Areas 2 and 3, but shall be limited to 46,000,000 pounds of salable halibut from the combined Areas 2 and 3, the weights in each or any such limit to be computed as with heads off and entrails removed. The International Fisheries Commission shall as early in the said year as is practicable de-

termine and announce to the respective Governments the date on which it deems each such limit of catch will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and the area or areas to which such limit applies shall at that date be closed to all halibut fishing for the duration of the close season as defined and modified in Section 5 of these regulations provided that if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date it may substitute another date, provided also that the International Fisheries Commission may fix any date subsequent to November 1 as the commencement of the close season regardless of the catch which it deems will be attained by such date, and provided further that nothing in this regulation shall prohibit the fishing for other species of fish and fishing by the International Fisheries Commission as provided for in Article 1 of the Treaty.

3. (a) All vessels of five tons net or over which shall fish halibut with set lines or bottom nets or trawls and all vessels which shall fish for halibut in any manner and which shall transport the same from one area as defined by these regulations to another such area for landing or for sale, must be licensed by the International Fisheries Commission prior to such fishing operations. This license shall be issued without fee by the customs officers of either Government or by the International Fisheries Commission representatives, and each such vessel shall at all times carry this license, which license shall at all times be subject to inspection by authorized officers of either Government or by representatives of the International Fisheries Commission.

(b) The license shall not be valid unless validated before departure is allowed from the port of last clearance prior to each fishing operation for which statistical returns are required, and such validation shall be void within 45 days thereafter unless renewed within that period. The area or areas as defined in Section 1 in which fishing operations are to be carried on during the next succeeding voyage must be entered on the face of the license prior to said validation. This validation shall be by customs officers or International Fisheries Commission representatives and shall not be made unless the provisions of Section 3 (c) and 3 (d) of these regulations have been complied with for all landings and all fishing operations since issue of the license provided that if the master or operator of any vessel shall fail to comply with the provisions of Section 3 (c) and 3 (d) the license of such vessel may be validated by authorized representatives of the International Fisheries Commission upon evidence either that there has been a judicial determination of the offense or that the said master or operator is no longer responsible for, nor sharing in, the operations of the vessel licensed. A new license may be issued by the officer accepting statistical return at any time to vessels which shall have furnished proof of loss of the license form previously issued, or when there shall be no further space for record of validation thereon, providing the receipt of statistical return shall be shown on the new form for any halibut taken during or after the voyage upon which loss has occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(c) Statistical return as to the amount of fish of each species taken during fishing operations must be made by the master or operator of any licensed vessel within 48 hours of landing, sale, or transfer of halibut, or of first port of entry thereafter, except that within any area in which the catch is not limited by these regulations the master or operator of licensed vessels shall at all times keep with the license such records as are necessary to make statistical return which shall be made at such times as shall be required by the International Fisheries Commission or by customs officers. The statistical return must state the port of landing, the amount taken within each area defined in Section 1 of these regulations, and the dates of operation in each such area. The total return must include all halibut landed or transferred to other vessels and must be full, true, and correct in all respects herein required. The master, operator, and/or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the International Fisheries Commission or by any officer receiving such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. A copy of such return must be forwarded by the customs officer to the International Fisheries Commission at such times as the latter shall require.

(d) The master or operator of any vessel licensed under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be open to inspection of authorized representatives of the International Fisheries Commission. The master, operator, and/or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the International Fisheries Commission or by any officer of either Government to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

(e) When required for purposes of the Treaty all persons, firms, or corporations that shall buy halibut from fishing or transporting vessels shall keep and on request furnish to the International Fisheries Commission records of each purchase of halibut, showing date, locality of purchase, name of vessel purchased from, and the amount in pounds according to trade categories. Such persons, firms, or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

4. The following areas having been found to be populated by small immature halibut, are hereby closed to all halibut fishing:

First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated; from the north extremity of Cape Ulitka, Noyes Island approximately latitude 55°33'42'' N., longitude 133°43'39'' W., to the south extremity of Wood Island, approximately latitude 55°39'38'' N., longitude 133°42'32'' W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'42'' N., longitude 133°47'45'' W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'41'' N., longitude 133°48'04'' W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°35'00'' N., longitude 134°14'45'' W.; thence southeast by south twelve and five-eighths miles to a point approximately latitude 55°22'24'' N., longitude 134°13'05'' W.; thence northeast fourteen miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26'06'' N., longitude 133°49'14'' W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in April 1925, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

Second, that area lying in the waters off the north coast of Graham Island, British Columbia, within the following boundary: From the northwest extremity of Wiah Point, latitude 54°06'50'' N., longitude 132°19'18'' W., true north five and one-half miles to a point approximately latitude 54°12'20'' N., longitude 132°19'18'' W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time), of the highest point of Tow Hill, Graham Island, latitude 54°04'24'' N., longitude 131°48'00'' W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

5. Under the authority of Article 1 of the aforesaid Convention the close season as therein defined shall be modified so as to end at 12 midnight of March 15 of 1937 and at 12 midnight of March 31 of each year thereafter and shall begin at 12 midnight of November 30 of each year unless an earlier date is determined upon by the International Fisheries Commission under the provisions of Section 2 of these regulations as that on which it deems the limitation of catch for such area shall be attained provided that the close season in Area 2 or 3 whichever shall be later shall apply to Area 4, and that the close season for Area 2 shall apply to Area 1.

6. The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in Areas 1 and 2.

7. These regulations shall supersede all previous regulations adopted pursuant to the Convention between the Dominion of Canada and the United States of America for preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed May 9, 1930.

GEORGE J. ALEXANDER,
*Chairman.*
FRANK T. BELL.
A. J. WHITMORE.
EDWARD W. ALLEN.
*Secretary.*

Approved:
FRANKLIN D ROOSEVELT
MAY 11, 1937.

Regulations adopted March, 1937.

The foregoing regulations were submitted for approval by the President of the United States and the Governor General of Canada pursuant to Article III of the Pacific Halibut Convention between the United States and Canada, signed May 9, 1930, 47 Stat. (pt. 2) 1872. The regulations were approved by the Governor General of Canada on April 23, 1937, and by the President of the United States on May 11, 1937.

[F. R. Doc. 37-1500; Filed, May 21, 1937; 2:28 p. m.]

## INTERSTATE COMMERCE COMMISSION.

### ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of April, A. D. 1937.

The subject of periodical reports of operating statistics from carriers by steam railway of Class I being under consideration:

*It is ordered,* That the order of this Commission dated November 25, 1935, dealing with railway operating statistics, as amended by order of December 12, 1936, be and hereby is further amended by modifying the report forms as follows:

FORM OS-A

Footnote to Item 1, relating to miles of road operated at close of month, to read, "State in whole numbers."

Note (G) under Notes of Instruction to read:

In computing the averages for item 15 according to the formula provided, omit from item 3-12 the miles allowed train locomotives for performing switching service at initial and final terminals. State the amounts so omitted in a footnote.

FORM OS-B

Footnote to Item 1, relating to miles of road operated at close of month, to read "State in whole numbers."

FORM OS-D

Footnotes to Item 1, relating to miles of road operated at close of month, freight service, and to Item 2, relating to miles of road operated at close of month, passenger service, to read, "State in whole numbers."

FORM OS-E

Reference to Note (E) to appear after Item 10, Number of units of fuel and power equivalent to 1 net ton of coal.

FORM OS-F

Note (B) under Notes of Instruction to read:

(B) The term "stored locomotives" means locomotives in serviceable condition and available for service at the end of the month for which the report is rendered and which have not been used since the 15th day of that month; it includes locomotives under white lead or otherwise stored. The term "unserviceable locomotives" means locomotives awaiting or undergoing repairs if held more than 24 clock-hours on that account and includes unserviceable stored locomotives.

*It is further ordered,* That this order shall become effective as of July 1, 1937.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1504; Filed, May 24, 1937; 12:40 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 100]

### ALLOCATION OF FUNDS FOR LOANS

MAY 20, 1937

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Kentucky 30 Shelby (partial) | $100,000 |
| Kentucky 33 Daviess (partial) | 100,000 |
| Kentucky 37 Owen | 130,000 |
| Tennessee 21B Franklin | 155,000 |
| Virginia 28 Lancaster | 149,000 |
| Virginia 28G Lancaster | 35,000 |
| Idaho 10G Nez Perce | 75,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1501; Filed, May 22, 1937; 10:05 a. m.]

[Administrative Order No. 101]

### AMENDMENTS OF ALLOCATIONS OF FUNDS FOR LOANS

MAY 20, 1937.

I hereby amend Administrative Order No. 4, dated July 28, 1936, by reducing the allotment of $133,000 on the project Missouri 19 Boone to read $116,000. It was found unnecessary to use the total funds allotted and the rescission is being made so that the allotment will be in line with the loan contract.

I hereby amend Administrative Order No. 14, dated August 27, 1936, by reducing the allotment of $430,000 for project North Carolina 23 Caldwell to read $400,000. This action is being taken so that the allotment will be in line with the loan contract, since it was found unnecessary to use the total funds allotted.

I hereby amend Administrative Order No. 17, dated September 21, 1936, by reducing the allotment of $400,000 for project Texas 38 Hill to read $310,000. This action is being taken because the construction of a generating plant was found unnecessary.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1502; Filed, May 22, 1937; 10:05 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of May, A. D. 1937.

[File No. 46-54]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

[File No. 47-11]

NOTICE OF AND ORDER FOR HEARING

Arkansas-Missouri Power Corporation, a registered holding company, having duly filed with this Commission, pursuant to Section 10 of the Public Utilities Holding Company Act of 1935, two applications, one for approval of the acquisition by applicant of 14,547 shares of common stock, having no par value, being all of the common stock of East Missouri Power Company, a subsidiary of Arkansas-Missouri Power Company, and the other for approval of acquisition by applicant of all the assets and business of Arkansas-Missouri Power Company, both acquisitions to be made pursuant to a Plan of Reorganization approved and confirmed by the District Court of the United States for the Northern District of Illinois, Eastern Division, in proceedings for the reorganization of Arkansas-Missouri Power Company under Section 77-B of the Bankruptcy Act, as amended; said Arkansas-Missouri Power Corporation having heretofore filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and disposition of certain securities pursuant to such Plan of Reorganization; and it appearing to the Commission that the aforesaid applications and declaration are related matters and should be heard concurrently;

It is ordered that a hearing on such matters be held on June 2, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1509; Filed, May 24, 1937; 1:14 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-HARRELL-FRANCIS COMMUNITY LEASE, FILED ON MAY 14, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that much of the information contained in Division II, Item 13, is not applicable to that portion of the field in which the tract involved is located and might, therefore, be misleading;

(2) In that the total production of oil from the tract, as set forth in Division II, Item 15, is not believed to be correct by reason of the fact that it does not agree with the gross production of oil, by months, as given in Division II, Item 16 (a);

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of June, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1510; Filed, May 24, 1937; 1:14 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-HARJOGE FARM, FILED ON MAY 15, 1937, BY HUTCHINSON & CO., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the statement made relative to the amount of water produced from the tract involved for that period, as set forth in the offering sheet in Division II, Item 16 (a) (iii), does not disclose in the proper manner the information required to be given, nor is the statement as contained in the offering sheet believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 20th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to adminster oaths, and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of June, 1937, at 4:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1508; Filed, May 24, 1937; 1:16 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-MARIPOSA FARM, FILED ON MAY 14, 1937, BY JAMES M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of June, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1511; Filed, May 24, 1937; 1:15 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GLEN ELLYN FARM, FILED ON MAY 15, 1937, BY JAMES M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct:

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of June, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1507; Filed, May 24, 1937; 1:15 p. m.]

*Wednesday, May 26, 1937* *No. 101*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

POWER SITE RESTORATION NO. 484 REVOCATION OF EXECUTIVE ORDER OF JUNE 8, 1909, CREATING TEMPORARY POWER SITE WITHDRAWAL NO. 17, AND PARTIAL REVOCATION OF EXECUTIVE ORDER OF JULY 2, 1910, CREATING POWER SITE RESERVE NO. 17

*Montana*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, the Executive Order of June 8, 1909, withdrawing land for Temporary Power Site Withdrawal No. 17, is hereby revoked, and the Executive Order of July 2, 1910, withdrawing lands for power site reserves, is hereby revoked as to the following-described land withdrawn for Power Site Reserve No. 17:

PRINCIPAL MERIDIAN

T. 9 S., R. 10 W., sec. 2, E½SE¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 24, 1937.*

[No. 7620]

[F. R. Doc. 37-1523; Filed, May 25, 1937; 11:47 a. m.]

### EXECUTIVE ORDER

POWER SITE RESTORATION NO. 485. PARTIAL REVOCATION OF EXECUTIVE ORDER OF MARCH 31, 1911, CREATING POWER SITE RESERVE NO. 178

*Utah*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, the Executive Order of March 31, 1911, withdrawing lands for Power Site Reserve No. 178, is hereby revoked as to the following-described lands:

SALT LAKE MERIDIAN

T. 5 S., R. 3 E.,
sec. 26, lot 2, SW¼NE¼, SE¼NW¼, and NE¼SW¼;
sec. 33, lot 3 (SE¼SW¼).
T. 6 S., R. 3 E.,
sec. 4, lots 3 and 4;
sec. 5, lots 3 and 4;
sec. 6, lots 4 and 5.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 24, 1937.*

[No. 7621]

[F. R. Doc. 37-1524; Filed, May 25, 1937; 11:47 a. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48980]

PORT OF ENTRY

ABOLITION OF VINEYARD HAVEN, MASSACHUSETTS, AS A CUSTOMS PORT OF ENTRY

*To Collectors of Customs and Others Concerned:*

There is published below for the information of customs officers and others concerned the following Executive Order, dated May 18, 1937, abolishing Vineyard Haven, Massachusetts, as a customs port of entry in Customs Collection District No. 4 (Massachusetts), with headquarters at Boston, Massachusetts, effective as of the date of the order.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

EXECUTIVE ORDER

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), it is ordered that Vineyard Haven, Massachusetts, be, and it is hereby, abolished as a customs port of entry in Customs Collection District No. 4 (Massachusetts), effective immediately.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 18, 1937.*

[F. R. Doc. 37-1518; Filed, May 24, 1937; 4:11 p. m.]

### Bureau of Internal Revenue.

[T. D. 4739]

INSPECTION OF RETURNS UNDER TITLE VIII OF THE SOCIAL SECURITY ACT

*To Collectors of Internal Revenue and Others Concerned:*

Returns required to be filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act, or under regulations made pursuant thereto, shall, at such time or times and in such manner as the Commissioner may determine, be made available to the Social Security Board, or to any officer or employee of the said Board duly designated by it, for use in connection with the performance of the duties imposed on the Social Security Board by the Social Security Act.

This Treasury Decision is prescribed under the authority contained in Sections 808 and 1102 of the Social Security Act.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

May 24, 1937.
Adopted and Approved:

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1521; Filed, May 25, 1937; 10:49 a. m.]

### REGULATIONS NO. 13

UNDER THE PROVISIONS OF JOINT RESOLUTION APPROVED JUNE 18, 1934, ENTITLED "JOINT RESOLUTION TO PROTECT THE REVENUE BY REGULATION OF THE TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS", REVISED MAY, 1937

The following regulations are prescribed under the provisions of the joint resolution approved June 18, 1934, entitled "Joint resolution to protect the revenue by regulation of the traffic in containers of distilled spirits":

ARTICLE 1. *Definitions.*—In these regulations the following words and phrases shall, unless otherwise stated, be considered as having the meaning herein defined:

(*a*) "Act" shall mean the joint resolution of Congress approved June 18, 1934, entitled "Joint resolution to protect the revenue by regulation of the traffic in containers of distilled spirits."

(*b*) "Supervisor" shall mean the district supervisor of the Alcohol Tax Unit of the Bureau of Internal Revenue.

(*c*) "Distilled spirits" shall mean (*a*) ethyl alcohol, hydrated oxide of ethyl, and spirits of wine, from whatever source derived or by whatever process produced, and (*b*) any alcoholic distillate fit for beverage purposes, such as whisky, brandy, gin, rum, liqueurs, cordials, and bitters, and all compounds, by whatever name called, containing distilled spirits and fit for beverage purposes, but shall not include wine containing 24 per centum or less of alcohol by volume: *Provided*, That this definition shall not apply to or include anhydrous alcohol, and alcohol withdrawn for tax-free purposes, pursuant to Title III of the National Prohibition Act and regulations thereunder.

(*d*) "Commissioner" shall mean the Commissioner of Internal Revenue.

(*e*) "Liquor bottle" shall mean any glass container for packaging distilled spirits for sale at retail, of a capacity of one-half pint or greater, conforming to these regulations and to the regulations prescribed by the Federal Alcohol Administration, the regulations in that regard heretofore promulgated by the Federal Alcohol Administration being hereby adopted as a part of these regulations.[1]

(*f*) "Application" shall mean a formal written request for a permit for one or more of the privileges authorized by these regulations, verified under oath or supported by a verified statement of facts.

(*g*) "Permit" shall mean a written authorization signed by the supervisor, describing the acts permitted to be performed.

(*h*) "Person" shall mean and include natural persons, associations, copartnerships, and corporations.

(*i*) "Distiller" shall mean any person operating a registered distillery under the internal revenue laws, and shall include the proprietor of an industrial alcohol plant engaged in bottling, for nonindustrial use,[2] ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source derived or by whatever process produced.

(*j*) "Rectifier" shall mean any person required to pay special tax as such, pursuant to section 3244, Revised Statutes, and who is authorized to obtain distilled spirits in bulk containers.

(*k*) "Importer" shall mean any person authorized to import distilled spirits into the United States.

(*l*) "Wholesale liquor dealer" shall mean any person required to pay special tax as such, pursuant to section 3244, Revised Statutes, and who is authorized to bottle distilled spirits.

(*m*) "Vintage spirits" shall mean all imported distilled spirits which are not less than 10 years old and which were bottled prior to the effective date of these regulations.

(*n*) "United States" shall mean the continental United States and its outlying possessions to which the internal revenue laws apply; and all other possessions of the United States shall be deemed to be foreign countries for the purposes of these regulations.

(*o*) Effective November 1, 1937, "age" shall have the meaning given to such term by definition (*j*) of Article I of Regulations 5, Relating to labeling and advertising of distilled spirits, heretofore promulgated by the Federal Alcohol Administration, and shall be stated as required by section 39 of Article III of Regulations 5, Relating to labeling and advertising of distilled spirits, heretofore promulgated by the Federal Alcohol Administration.

(*p*) Effective November 1, 1937, "kind" shall mean the "Standards of identity for distilled spirits" set forth in Article II of Regulations 5, Relating to labeling and advertising of distilled spirits, heretofore promulgated by the Federal Alcohol Administration, and shall be stated as required by section 34 of Article III of Regulations 5, Relating to labeling and advertising of distilled spirits, heretofore promulgated by the Federal Alcohol Administration.

ART. 2. *Manufacture and sale of bottles for packaging distilled spirits.*—(1) Any person intending to engage in the manufacture of liquor bottles shall apply to the supervisor of the district in which his principal place of business is situated for an appropriate permit authorizing him to engage in such manufacture, and, except as may otherwise be provided herein, no person may hereafter manufacture, ship, consign, or deliver liquor bottles unless in accordance with the terms of such a permit.

(2) No person may ship, consign, or deliver liquor bottles except to such distillers, rectifiers, importers, or wholesale liquor dealers as may be certified in writing by the supervisor to be entitled under these regulations to receive shipment or delivery.

(3) There shall be blown legibly either in the bottom or in the body of each liquor bottle the permit number of the manufacturer, the year of manufacture (which may be indicated by the last numeral), and a symbol assigned by the supervisor to represent the name of the distiller, rectifier, importer, or wholesale liquor dealer procuring the same, and there shall be blown legibly on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That liquor bottles of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialities as may be specified from time to time by the Commissioner, may be manufactured and shipped, consigned, or delivered without indicia representing the name of the distiller, rectifier, importer, or wholesale liquor dealer procuring the same.

(4) Liquor bottles, and other containers, authorized by this article, in which distilled spirits are packaged for sale at retail shall also bear labels with the following brands and marks thereon:

(*a*) Brand name, kind, and alcoholic content of the distilled spirits, by proof, except that the alcoholic content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

(*b*) Net contents of such bottles or containers, unless the statement of the net contents is legibly blown therein.

(*c*) Name and address of the distiller or rectifier, by or for whom the spirits are bottled, except that the name and address of a dealer may be substituted for the name and address of the distiller or rectifier, if such name and address are preceded by the words "Bottled for ----------" or "Bottled expressly for ----------"

(*d*) If whisky, not blended or rectified, the age thereof, but this statement shall not be required as to Scotch, Irish, or Canadian whisky, or whisky bottled in bond.

(*e*) If blended or rectified whisky, the age of the youngest whisky therein, but this statement shall not be required as to Scotch, Irish, or Canadian whisky; and the respective percentage, by volume, of whisky, or whiskies, and neutral spirits.

(*f*) A statement of the percentage, by volume, of coloring matter, if such coloring matter is present in the distilled spirits in excess of 2½ per cent by volume, except that this requirement shall not apply to liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

ART. 3. *Use of bottles for packaging distilled spirits.*—(1) The use for packaging distilled spirits for sale at retail of containers of one-half pint capacity or greater, other than liquor bottles as herein defined and otherwise conforming to these regulations, is prohibited: *Provided*, That upon application by any rectifier or wholesale liquor dealer the supervisor of the district in which the plant of such rectifier or wholesale liquor dealer is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use by such rectifier or wholesale liquor dealer of other containers for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner: *Provided further*, That upon application by any distiller, rectifier, or wholesale liquor dealer the supervisor of the district in which the plant of such distiller, rectifier, or wholesale liquor dealer is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use, for packaging distilled spirits generally, of earthenware containers of distinctive design, marked legibly, by underglaze coloring, (*a*) either on the bottom or on the body with a symbol assigned by the supervisor to represent the name of the distiller, rectifier, or wholesale liquor dealer procuring the same, and (*b*) on the shoulder or body with the words "Federal Law Forbids Sale or Reuse of This Bottle."

(2) No distiller, rectifier, importer, or wholesale liquor dealer shall accept shipment or delivery of liquor bottles except from persons holding permits under the provisions of paragraph 1 of article 2 of these regulations.

(3) No distiller, rectifier, importer, or wholesale liquor dealer shall use any liquor bottle except for packaging distilled spirits or resell any liquor bottle except in connection with the sale of its contents, or divert any liquor bottle from his own use except upon application to and authorization by the Commissioner.

[1] Digest of pertinent portions of the regulations of the Federal Alcohol Administration will be found in Appendix B.

[2] See Federal Alcohol Administration regulations relating to nonindustrial use of distilled spirits and wine, Regulations No 2, approved December 20, 1935.

ART. 4. *Reports and inventories.*—(1) A certified copy of each order for the shipment or delivery of liquor bottles, showing the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding, and the shipment or delivery date requested by the consignee, shall be forwarded by the distiller, rectifier, importer, or wholesale liquor dealer placing the order, to the supervisor of the district in which the consignee's place of business is situated, at the time the order is placed.

(2) A certified report showing the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding the number of packages, and the size, quantity, and description of bottles furnished, shall be forwarded by the manufacturer-consignor to the supervisor of the district in which the consignee's place of business is situated when any shipment or delivery of liquor bottles is made, and a certified copy of such report shall accompany the shipment or delivery.

(3) A notice of the receipt of shipment or delivery, showing the name of the manufacturer-consignor, the date of the order, the date of shipment or delivery, the date of receipt, the method of forwarding, the destination, the number of packages, and the size, quantity and description of bottles received, shall be forwarded by the consignee to the supervisor of the district in which the consignee's place of business is situated, upon receipt of any shipment or delivery of liquor bottles.

(4) All persons authorized by any supervisor to engage in the manufacture of liquor bottles, and all distillers, rectifiers, importers and wholesale liquor dealers shall furnish to the supervisor of the district in which their principal places of business are situated such inventories and reports, and they shall keep such records, relating to the manufacture, shipment, delivery, purchase, use, or sale of all bottles designed or intended for the packaging of distilled spirits, as the Commissioner may from time to time require.

(5) The records required to be kept under the provisions of this article, and all stocks of bottles in the hands of liquor-bottle manufacturers, distillers, rectifiers, importers, and wholesale liquor dealers shall at all times be available for inspection by the Commissioner or his assistants, agents, and inspectors.

ART. 5. *Imports and exports.*—(1) The importation into the United States of containers of one-half pint capacity or greater for use in packaging distilled spirits for sale at retail, except in connection with the importation of the liquor contained therein, is prohibited: *Provided*, That upon application by any importer the supervisor of the district in which the port of entry is situated may in his discretion, by the issuance of an appropriate permit, authorize the importation of empty liquor bottles, or other containers, for packaging distilled spirits imported by him. There shall be blown legibly either in the bottom or in the body of all empty bottles imported under the provisions of this paragraph, the name, and the name of the city of address, of the importer thereof, and there shall be blown legibly in the shoulder of each bottle the words "Federal Law Forbids Sale or Reuse of This Bottle."

(2) No distilled spirits for sale at retail may be imported into the United States in containers of one-half pint capacity or greater, other than liquor bottles as defined herein, unless in accordance with the terms of a permit issued, upon proper application, by the supervisor of the district in which the port of entry is situated, expressly authorizing importation in containers other than liquor bottles. The provisions of this paragraph shall not apply to the importation of distilled spirits in bulk containers of a capacity of 5 wine gallons or greater.

(3) There shall be blown legibly either in the bottom or in the body of all liquor bottles containing distilled spirits imported from foreign countries the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and there shall be blown legibly on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That upon proper application the supervisor of the district in which the port of entry is situated may, in his discretion, issue a permit authorizing (*a*) the importation, in bottles not so marked, of vintage spirits, if accompanied by authenticated certificates of origin establishing such spirits to be as defined in these regulations, and (*b*) the importation of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialities as may be specified from time to time by the Commissioner in bottles of distinctive shape or design, not marked as herein required.

(4) Containers, whether filled or empty, imported in violation of the provisions of this article shall be denied entry into the United States.

(5) Containers of distilled spirits exported in bond shall not be subject to these regulations, and the manufacture, and the shipment or delivery, of containers for packaging such spirits, as well as the manufacture for exportation, and the exportation to foreign countries, of empty containers for packaging distilled spirits for sale at retail may, upon application, in the discretion of the supervisor of the district in which such manufacture is carried on, be authorized under permit.

(6) Wherever in these regulations the name of any city or country is required to be blown in any bottle, the name may be either in the language of such country or in English.

(7) Liquor bottles, and other containers, authorized by this article, in which distilled spirits are imported for sale at retail shall also bear labels with the following marks and brands thereon:

(*a*) Brand name, kind, and alcoholic content of the distilled spirits, by proof, except that the alcoholic content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

(*b*) Net contents of such bottles or containers, unless the statement of the net contents is legibly blown therein.

(*c*) Name and address of the importer, or exclusive agent, or sole distributor, or other person responsible for the importation.

(*d*) If whisky, not blended or rectified, the age thereof, but this statement shall not be required as to Scotch, Irish, or Canadian whisky.

(*e*) If blended or rectified whisky, the age of the youngest whisky therein, but this statement shall not be required as to Scotch, Irish, or Canadian whisky; and the respective percentage, by volume, of whisky, or whiskies, and neutral spirits.

(*f*) A statement of the percentage, by volume, of coloring matter, if such coloring matter is present in the distilled spirits in excess of 2½ per cent by volume, except that this requirement shall not apply to liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

ART. 6. *Permits, revocation proceedings.*—(1) Permits shall be issued only upon application therefor, filed with the supervisor in such form and in accordance with such rules as may be prescribed by the Commissioner.

(2) The supervisor shall make a thorough investigation of each application and all material facts ascertained shall be taken into account by him in acting thereon.

(3) (*a*) If, after considering an application, together with all material facts ascertained by investigation, the supervisor is of the opinion that the applicant is entitled to a permit under the law and regulations, the supervisor shall issue the permit as applied for.

(*b*) If the applicant is not entitled under subsection (*a*) to a permit, the supervisor shall disapprove the application and shall forthwith advise the applicant of such disapproval and of the grounds therefor.

(4) (*a*) Within 15 days after notice of disapproval, the applicant may file with the supervisor a request, in writing, for a hearing upon the application. If no request for hearing is received within such period, the disapproval shall be final. If request for hearing is received within such period, the supervisor shall designate a place and date of hearing and shall notify the applicant thereof. Notice of place and date of hearing shall be given not less than 15 days in advance of the date of hearing. Following the hearing, which may be held by the supervisor or his duly authorized agent, the supervisor shall make findings on the basis of the record, and shall thereupon, in accordance with the findings, affirm or reverse the disapproval of the application. If the original disapproval is reversed, the supervisor shall promptly issue the permit applied for. If the original disapproval is affirmed, the supervisor shall forthwith notify the applicant, who may, within 15 days of such notification, file with the supervisor a request for review of the record by the Commissioner. The supervisor shall forward such request to the Commissioner, together with a copy of the record.

(*b*) If the Commissioner shall grant such review and shall, upon the record of the hearing before the supervisor, reverse the findings of the supervisor, he shall remand the record for further proceedings in accordance with his findings. If he affirms the findings of the supervisor, he shall so notify the applicant and his action thereon shall be final.

(*c*) Should the supervisor or Commissioner deem a rehearing necessary he may, upon application by the permittee, or on his own motion, order the same, and such rehearing shall be held before the supervisor, or his duly authorized agent, and shall otherwise conform to the requirements of this section, including findings and decision by the supervisor and review by the Commissioner. The testimony of the previous hearing may be made a part of the rehearing record.

(5) (*a*) All applicable provisions of these regulations, and all statements, conditions, and stipulations contained in an application for a permit, and all statements, evidence, affidavits, and other documents filed in support thereof, shall be considered as part of the terms and conditions of the permit.

(*b*) Each permit will specifically designate and limit the acts authorized by it and the time and place where such acts may be performed. Such permit may be issued for any specified period of time, not exceeding one year.

(6) If the supervisor has reason to believe that the permittee has violated, or is violating, any of the provisions of the Act, the regulations thereunder, or any of the terms or conditions of the permit, he shall serve a citation upon such permittee, ordering him to appear at a time and place designated in the citation, and show cause why his permit should not be suspended or revoked. The hearing date shall not be earlier than 15 days after the date of service of the citation. The permittee may appear at such hearing in person, or by attorney, and he and the attorney for the Government may offer such evidence, including affidavits, and submit such arguments and briefs with respect to the permit as may be deemed appropriate. The supervisor shall cause the testimony to be duly recorded, and, upon completion of the hearing, shall make a finding and order suspending or revoking the permit, or dismissing the proceedings, as in his judgment the evidence may warrant. He shall then promptly notify the permittee of his action. Should the permittee desire a review of the finding and order by the Commissioner, the procedure in such case shall conform to that prescribed in section 4 hereof for applicants for permits, except that the order of the Commissioner shall be for a rehearing or for the reversal and remanding of the proceeding or for the final revocation of the permit.

(7) The citation in revocation and suspension proceedings shall contain a statement of the acts charged as having been committed by the permittee and constituting grounds upon which suspension or revocation of his permit is sought. Service of such citation shall be made by mailing an original copy thereof to the permittee, by registered mail (with request for registry return receipt card), at the address stated in the permit, or by delivery of such original copy to such permittee personally by an officer or agent of the Commissioner. A certificate of mailing and the registry return card, or certificate of the officer or agent making personal service shall be filed as part of the record in the case and shall be prima facie evidence of valid service of the citation.

(8) When any permit is suspended, revoked, or surrendered, stocks of liquor bottles on hand or in process may be disposed of by the permittee in accordance with directions of the Commissioner. If such stocks are not so disposed of, they shall be seized and forfeited as provided in the Act.

ART. 7. *Purchase, sale, and possession of used bottles.*—(1) The purchase or sale of used liquor bottles, except as herein provided, and the reuse thereof for packaging distilled spirits, are prohibited.

(2) The possession of used liquor bottles by any person other than the person who empties the contents thereof is prohibited. This shall not prevent the owner or occupant of any premises upon which such bottles may lawfully be emptied from assembling the same in reasonable quantities upon such premises for the purposes of destruction.

ART. 8. *General provisions.*—The Deputy Commissioner in Charge of the Alcohol Tax Unit, Bureau of Internal Revenue, and his assistants, agents, and inspectors, are, under the direction of the Commissioner, charged with the administration and enforcement of the Act and these regulations.

ART. 9. *Regulations 13 superseded; application of new regulations.*—These regulations shall, on and after the date upon which they take effect, supersede Regulations 13 of the Bureau of Internal Revenue, and all amendments and modifications thereof. But these regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause or proceeding prior to such date, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability, or forfeiture incurred prior to such date.

Approved: May 24, 1937.

[SEAL] ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

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APPENDIX A

H. J. Res. 370. Public Resolution No. 40, Seventy-third Congress, approved June 18, 1934.[1]

APPENDIX B

Digest of certain portions of regulations of the Federal Alcohol Administration relating to standard bottles for distilled spirits, effective August 15, 1936.[2]

[F. R. Doc. 37-1522; Filed, May 25, 1937; 10:49 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

MONTANA GRAZING DISTRICT NO. 5

MODIFICATION

MAY 18, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of November 3, 1936, establishing Montana Grazing District No. 5, is hereby modified to include within its exterior boundaries the following described lands:

MONTANA

PRINCIPAL MERIDIAN

T. 1 N., Rs. 4 and 5 W., those parts in Jefferson County;
T. 2 N., R. 4 W.,
secs. 2 to 36 inclusive;
T. 3 N., R. 4 W.,
secs. 3 to 10, 15 to 22, and 26 to 35 inclusive;
T. 4 N., R. 4 W.,
secs. 4, 5, 8, 9, 16, 17, 20, 21, and secs. 28 to 34 inclusive;

[1] 48 Stat. L. 1020.
[2] Treasury Decision 4641, 1 F. R. 373.

T. 2 N., R. 5 W.,
secs. 1, 2, 5, and secs. 7 to 36 inclusive;
T. 3 N., R. 5 W.,
secs. 25, 26, 35, and 36;
T. 1 N., R. 6 W.,
secs. 1 to 4, 9 to 16 inclusive;
secs. 20 and 21, those parts in Jefferson County;
secs. 22 to 25 inclusive;
secs. 26, 27, 28, 35, and 36, those parts in Jefferson County;
T. 2 N., R. 6 W.,
secs. 11 to 14, 23 to 26, 35 and 36;
T. 1 S., R. 4 W.,
secs. 6 and 7, those parts in Jefferson County;
T. 1 S., R. 5 W., that part in Jefferson County;
T. 5 S., R. 10 W.,
sec. 24, S½;
secs. 25 and 36.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the FEDERAL REGISTER.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-1519; Filed, May 25, 1937; 9:51 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101, Montana, Part X — Issued May 24, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—MONTANA, PART X

Western Region Bulletin No. 101—Montana is hereby supplemented by adding thereto the following Part X.

*Part X. County Average Rates*

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Montana:

| County | Average Rate Per Acre for Diversion from Soil-Depleting Base [1] | Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment [2] | Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Beaverhead | $7.00 | $4.65 | $0.93 |
| Big Horn | 4.30 | 2.85 | .57 |
| Blaine | 3.80 | 2.55 | .51 |
| Broadwater | 4.20 | 2.75 | .55 |
| Carbon | 5.70 | 3.80 | .76 |
| Carter | 4.00 | 2.65 | .53 |
| Cascade | 3.90 | 2.60 | .52 |
| Chouteau | 3.60 | 2.35 | .47 |
| Custer | 3.30 | 2.20 | .44 |
| Daniels | 3.80 | 2.50 | .50 |
| Dawson | 3.40 | 2.30 | .46 |
| Deer Lodge | 5.90 | 3.90 | .78 |
| Fallon | 3.90 | 2.60 | .52 |
| Fergus | 3.80 | 2.55 | .51 |
| Flathead | 5.50 | 3.70 | .74 |
| Gallatin | 4.80 | 3.15 | .63 |
| Garfield | 3.20 | 2.15 | .43 |
| Glacier | 3.20 | 2.10 | .42 |
| Golden Valley | 2.80 | 1.90 | .38 |
| Granite | 4.50 | 3.00 | .60 |
| Hill | 3.10 | 2.05 | .41 |
| Jefferson | 4.40 | 2.95 | .59 |
| Judith Basin | 3.50 | 2.35 | .47 |
| Lake | 4.90 | 3.25 | .65 |
| Lewis and Clark | 3.50 | 2.35 | .47 |
| Liberty | $2.40 | $1.65 | $0.33 |
| Lincoln | 5.00 | 3.35 | .67 |
| McCone | 3.30 | 2.20 | .44 |
| Madison | 5.40 | 3.55 | .71 |
| Meagher | 3.10 | 2.05 | .41 |
| Mineral | 4.20 | 2.80 | .56 |
| Missoula | 4.20 | 2.80 | .56 |
| Musselshell | 2.70 | 1.80 | .36 |
| Park | 3.90 | 2.60 | .52 |
| Petroleum | 2.60 | 1.65 | .33 |
| Phillips | 3.30 | 2.20 | .44 |
| Pondera | 3.80 | 2.55 | .51 |
| Powder River | 3.40 | 2.30 | .46 |
| Powell | 4.40 | 2.95 | .59 |
| Prairie | 3.30 | 2.20 | .44 |
| Ravalli | 6.50 | 4.35 | .87 |
| Richland | 4.00 | 2.65 | .53 |
| Roosevelt | 3.80 | 2.55 | .51 |
| Rosebud | 3.40 | 2.30 | .46 |
| Sanders | 4.30 | 2.90 | .58 |
| Sheridan | 3.80 | 2.55 | .51 |
| Silver Bow | 6.40 | 4.25 | .85 |
| Stillwater | 3.80 | 2.55 | .51 |
| Sweet Grass | 4.40 | 2.95 | .59 |
| Teton | 3.90 | 2.60 | .52 |
| Toole | 2.70 | 1.80 | .36 |
| Treasure | 4.10 | 2.75 | .55 |
| Valley | 3.40 | 2.25 | .45 |
| Wheatland | 2.50 | 1.70 | .34 |
| Wibaux | 3.90 | 2.60 | .52 |
| Yellowstone | 4.10 | 2.70 | .54 |

[1] Pursuant to section 1, part II of W. R. Bulletin 101—Montana.
[2] Pursuant to subsection A-2, section 2, part III of W. R. Bulletin 101—Montana.
[3] Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—Montana.

SEC. 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 24th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1526; Filed, May 25, 1937; 12:39 p. m.]

### Bureau of Animal Industry.

[Amendment 3 to B. A. I. Order 357]

RULES AND REGULATIONS WITH RESPECT TO STOCKYARD OWNERS, MARKET AGENCIES, DEALERS, AND LICENSEES

[Effective on and after May 18, 1937]

MAY 25, 1937.

Under authority of the act of Congress approved August 15, 1921 (U. S. C., title 7, secs. 181-229), as amended by the act approved August 14, 1935 (U. S. C., sup. I, title 7, secs. 218-218d), amendment 3 to B. A. I. Order 357, effective May 18, 1937, amending the general rules and regulations of the Secretary of Agriculture with respect to stockyard owners, market agencies, dealers, and licensees, is hereby corrected as follows:

I

In order to correct a clerical error that part of amendment 3 reading as follows:

Amendment 2 to B. A. I. Order 357 is hereby revoked and in lieu thereof the following regulation to be designated as regulation 3 is prescribed:

3. (*a*) Registration (sec. 303, title III) by market agencies and dealers shall be accomplished by properly filling out and delivering to the Bureau of Animal Industry at Washington, D. C., by mail or otherwise, a form which will be furnished on request for the purpose.

is stricken out and in lieu thereof the following is inserted:

Amendment 2 to B. A. I. Order 357 is hereby revoked and in lieu thereof the following regulation to be designated as regulation 2 is prescribed:

2. (*a*) Registration (sec. 303, title III) by market agencies and dealers shall be accomplished by properly filling out and delivering to the Bureau of Animal Industry at Washington, D. C., by mail or otherwise, a form which will be furnished on request for the purpose.

Done at Washington, D. C., this 25th day of May, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1527; Filed, May 25, 1937; 12:39 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

APPROVAL OF MISCELLANEOUS ITEMS OF EQUIPMENT

MAY 10, 1937.

Pursuant to call under authority of Section 4405 of the Revised Statutes by the Honorable Daniel C. Roper, Secretary of Commerce, a special meeting of the Executive Committee of the Board of Supervising Inspectors, consisting of H. C. Shepheard, Acting Director; George Fried, and Eugene Carlson, was held in the office of the Director, Washington, D. C. on May 6, 1937. The following Resolution No. 1511-89 was unanimously adopted.

[Resolution No. 1511-89]

Resolved, That under authority of Sections 4405 and 4491, R. S., the following equipment be and hereby is approved for use on vessels subject to inspection:

FIRE EXTINGUISHERS FOR USE ON TANK BARGES

4092. "No. 4 Fire Gun", 1-gallon carbon tetrachloride fire extinguisher, American La France and Foamite Industries, Inc., of Elmira, N. Y.

4039. "Phister No. 3½", 3½-gallon carbon tetrachloride fire extinguisher, The Phister Manufacturing Co., of Cincinnati, Ohio.

4065. "Captain Duplex Pump Fyr-Fyter", 1-gallon carbon tetrachloride fire extinguisher, The Fyr-Fyter Company, of Dayton, Ohio.

4065-1. "Central Station Fyr-Fyter", 2-gallon carbon tetrachloride fire extinguisher, The Fyr-Fyter Company, of Dayton, Ohio.

APPARATUS FOR EXTINGUISHMENT OF FIRE IN COMPARTMENTS OF VESSELS

3826-1. "National Foam Generator", Model "S-3", National Foam System, Inc., of Philadelphia, Pa. (Approved for tank barges where not less than 20 gallons of water per minute at a pressure of not less than 50 pounds per square inch is available at the generator. Generator equipped with not more than 100 feet of hose.)



3826. "Model 11 Foam Generator", American La France and Foamite Industries, Inc., of Elmira, N. Y. (Approved for tank barges where not less than 20 gallons of water per minute at a pressure of not less than 50 pounds per square inch is available at the generator. Generator equipped with not more than 100 feet of hose.)

2937-2. "Minute Man" Marine Type, 40-gallon foam fire extinguisher, Pyrene Manufacturing Co., of Newark, N. J.

BUOYANT APPARATUS

3822. "5-person Balsa-wood Buoyant Apparatus", C. C. Galbraith and Son, Inc., of New York, N. Y.

3822. "11-person Balsa-wood Buoyant Apparatus", C. C. Galbraith and Son, Inc., of New York, N. Y.

3894. "6-person Balsa-wood Buoyant Apparatus", Atlantic-Pacific Manufacturing Corporation, of Brooklyn, N. Y.

3894-1. "8-person Balsa-wood Buoyant Apparatus", Atlantic-Pacific Manufacturing Corporation, of Brooklyn, N. Y.

LIFEBOATS

3132. "26-foot, 46 Person, Aluminum Alloy Lifeboat", United Fruit Company, Pier 9, North River, New York, N. Y.

LIFEBOAT LOWERING GEAR

3825. "Inter-Island Lifeboat Lowering Gear", Inter-Island Steam Navigation Company, Honolulu, Hawaii. (Approved for use with wooden lifeboats only.)

WATCHMAN'S SUPERVISORY CLOCK

3513. "Marine Watchman's Supervisory Clock", Chapman and Moore Company, Baltimore, Md.

LIFE-PRESERVERS

3096-1. "Adult's Combination Kapok and Block Cork Life Preserver", Atlantic-Pacific Manufacturing Corp., 124-130 Atlantic Avenue, Brooklyn, N. Y.

4042. "Adult's Block Cork Life Preserver", Sea-Lite Manufacturing Corp., 791 Tremont Street, Boston, Mass.

AUTOMATIC SPRINKLER EQUIPMENT

4055. "Issue 'A' Automatic Sprinkler Heads", C. S. B. Sprinkler Company, Laconia, N. H.

[SEAL] H. C. SHEPHEARD,
*Acting Director.*
GEO. FRIED,
*Supervising Inspector, Second District.*
EUGENE CARLSON,
*Supervising Inspector, Third District.*

Approved:
DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-1525; Filed, May 25, 1937; 12:07 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

SALE OR RENTAL TO EMPLOYEE OR SPOUSE OF EMPLOYEE

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 1 b (1) of Chapter V of the Regional Manual and Chapter XIX of the State Manual, be amended by the addition of a new subsection to be designated (h), which new subsection shall read as follows:

To review all cases where the Regional Manager recommends the approval of the purchase by any officer or employee of the Corporation from a home owner of property on which the Corporation holds a mortgage or other security instrument, or where the Regional Manager recommends the sale of a property owned by the Corporation, directly or indirectly, to an employee of the Corporation or to the spouse of such employee, and to submit such cases with its recommendations to the General Manager for final action; and

[1] Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—Montana.

15, 1921 (U. S. C., title 7, secs. 181–229), as amended by the



Be it further resolved, That pursuant to said authority, Section 10–n of Chapter V of the Regional Manual and Chapter XIX of the State Manual be amended to read as follows:

The Corporation shall not sell its acquired property either directly or indirectly to an employee of the Corporation or to a spouse of such employee unless and until the transaction has been submitted to the Property Committee in Washington and the approval of the General Manager obtained; and

Be it further resolved, That pursuant to said authority, the third paragraph of Section 11–g of Chapter V of the Regional Manual and Chapter XIX of the State Manual be amended to read as follows:

The Corporation shall not rent any property under the jurisdiction of the Property Management Division to an employee of the Corporation or to a spouse of such employee either directly or indirectly unless and until the approval of the Regional Manager has been obtained. This restriction shall not, however, affect tenancies existing on September 2, 1936.

Adopted by the Federal Home Loan Bank Board on May 24, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–1520; Filed, May 25, 1937; 10: 25 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### ADOPTION OF PRINTED COMPILATION OF GENERAL RULES AND REGULATIONS UNDER THE SECURITIES ACT OF 1933 [1]

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 19 (a) thereof, and deeming such action necessary to carry out the provisions of the Act and necessary and appropriate in the public interest and for the protection of investors, hereby adopts the General Rules and Regulations under the Securities Act of 1933 as contained in the printed compilation dated April 30, 1937, attached hereto.

The above-mentioned General Rules and Regulations shall become effective immediately upon publication, with the exception of Regulation B thereof, which shall become effective June 1, 1937. Regulation B as heretofore in effect shall cease to be in effect June 1, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1516; Filed, May 24, 1937; 1: 22 p. m.]

### RESCISSION OF EXISTING REGULATION B AND ADOPTION OF WHOLLY NEW REGULATION B RELATING TO EXEMPTION OF FRACTIONAL UNDIVIDED INTERESTS IN OIL OR GAS RIGHTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, and particularly Sections 3 (b) and 19 (a) thereof, finding (a) that registration of fractional undivided interests in oil or gas rights is not necessary in the public interest, or for the protection of investors, by reason of the small amounts involved and the limited character of the public offerings thereof, if such securities are sold in conformity with the terms and conditions of Regulation B, as hereinafter adopted; (b) that it is, however, necessary in the public interest and for the protection of investors that such exemption from registration be conditioned upon compliance with the provisions of Regulation B, as hereinafter adopted; and (c) that such action is necessary to carry out the provisions of the Act, hereby takes the following action:

I. The articles and rules now comprising Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, are hereby rescinded, such rescission to become and be effective June 1, 1937; and

[1] The printed Compilation of General Rules and Regulations was filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Securities and Exchange Commission, Washington, D. C.

II. There is hereby adopted, to become and be effective June 1, 1937, a new Regulation B, consisting of the following articles and rules:

### REGULATION B

### EXEMPTIONS RELATING TO FRACTIONAL UNDIVIDED INTERESTS IN OIL OR GAS RIGHTS

*Article 1. Definitions*

*Rule 300. Definitions of Terms Used in Regulation B.*

When used in Regulation B:

(a) The term "fractional undivided interests in oil or gas rights" includes landowners' royalty interests, overriding royalty interests, working interests, participating royalty interests, oil payments, gas payments, and oil and gas payments, as defined in Subdivisions (b) to (f), inclusive, of this rule.

(b) The term "landowners' royalty interests" means fractional undivided landowners' oil or gas royalty interests.

(c) The term "overriding royalty interests" means fractional undivided interests in an oil or gas leasehold, or fractional undivided rights of participation in the oil or gas, or in the proceeds of the sale of the oil or gas, produced from specified tracts of land (excluding landowners' royalty interests), which interests or rights are unlimited as to the amount ultimately to be received, but which do not share in any part of the expense of development, operation, or production.

(d) The term "working interests" means fractional undivided interests in an oil or gas leasehold, the holder of which interests shares in any part of the expense of development, operation, or production.

(e) The term "participating royalty interests" means fractional undivided rights of participation in the oil or gas, or in the proceeds of the sale of the oil or gas, produced from specified tracts of land (excluding landowners' royalty interests and working interests), which interests or rights are unlimited as to the amount ultimately to be received, but which share in any part of the expense of development, operation, or production.

(f) The terms "oil payments", "gas payments", and "oil and gas payments", mean fractional undivided interests in, or rights of participation in, the oil or gas, or in the proceeds of the sale of oil or gas, produced by another (excluding landowners' royalty interests), which are limited to the amount fixed in barrels of oil, cubic feet of gas, or dollars.

(g) The term "offeror" means any issuer of, underwriter of, or dealer in, any of the interests or rights defined in Subdivisions (b) to (f), inclusive, of this rule, or any other person who issues, offers, or sells, any such interests or rights.

(h) The term "offering sheet" means any of the schedules from A to F, inclusive, the form of which is prescribed by the Commission, when appropriately completed so as to comply with the requirements of Regulation B, and particularly Rule 330 thereof.

*Article 2. Exemptions Available to Fractional Undivided Interests in Oil or Gas Rights Under Section 3 (b) of the Act*

*Rule 310. Limitation upon Exemption.*

Pursuant to Section 3 (b) of the Securities Act of 1933, as amended, but subject to the terms and conditions prescribed by Regulation B and the rules contained therein, fractional undivided interests in oil or gas rights, as defined in Rule 300, are added to the classes of securities exempted as provided in Section 3 (a) of such Act; but no issue or offering, of which any interests sought to be exempted hereunder is a part, shall be exempted under Regulation B where the aggregate amount at which such issue or offering is issued, offered, or sold, exceeds $100,000.

*Rule 312. Exemption not Available to Offeror, if Unregistered Dealer.*

If any offeror of any of the fractional undivided interests in oil or gas rights defined in Rule 300 is, in fact, a "dealer",



as such term is defined in the Securities Exchange Act of 1934, the exemption provided by Regulation B shall not be available, and, such offeror shall not be relieved from the liability which, in the absence of the exemption provided by Regulation B, would be imposed upon him because the security offered for sale, or sold, was unregistered, unless such offeror is, at the time of each offer to sell, and at the time of each sale, duly registered as a dealer under Section 15 of said Act.

*Rule 314. Exception to Availability of Exemption.*

Notwithstanding any provision of Regulation B, or any rule thereunder, no exemption shall be available for any issue, offering, or sale, of overriding royalty interests, working interests, participating royalty interests, oil payments, gas payments, or oil and gas payments, if the operating lessee or lessees then own, unencumbered, or if it appears that the operating lessee or lessees will own, unencumbered, in his, or their, name, or names, upon completion of the sale of the issue or offering sought to be exempted hereunder, less than a 40 per cent working interest in the tract, or tracts, of land involved, or less than 40 per cent of 100 per cent of all oil, gas, and other hydrocarbon substances produced, or to be produced, from the tract, or tracts, of land involved.

As used in this rule, the term "operating lessee or lessees" shall include the lessee of record actually engaged in developing and operating the tract, or tracts, involved, and all other owners of working interests who are regularly engaged in the business of exploring for, or producing, oil or gas, and who have consented in writing to the development and operation of said tract, or tracts, by such lessee of record.

*Article 3. Requirements for Offeror Seeking Exemption*

*Rule 320. Conditions to Exemption and Relief from Liability for Non-registration.*

The exemption provided by Regulation B shall be available, and, an offeror of any of the fractional undivided interests in oil or gas rights defined in Rule 300 shall be relieved from the liability which, in the absence of the exemption provided by Regulation B, would be imposed upon him because the security offered for sale, or sold, was unregistered, only upon condition:

(a) That prior to any offer to sell any security sought to be exempted hereunder, the offeror, or some person acting on his behalf, shall file with the Commission four copies of an offering sheet accurately describing such security and complying with the requirements of Rule 330.

(b) That the offeror, at the time of the initial offer to sell any security sought to be exempted hereunder, shall deliver, or cause to be delivered, to every person solicited to buy, a copy of the offering sheet then on file with the Commission (as amended, if amended) accurately describing such security and complying with the requirements of Rule 330.

The term "offer to sell", as used in Subdivision (b) of this rule, shall not be deemed to include a notice, circular, advertisement, letter, or communication published in any newspaper, or sent through the mails, or by means of any instrument of transportation, or communication in interstate commerce, or broadcast by radio, if such notice, circular, advertisement, letter, communication, or radio broadcast states only from whom an offering sheet may be obtained, and, in addition, does no more than identify the security, state the price thereof, and state by whom orders will be executed.

(c) That the offering sheet referred to in Subdivisions (a) and (b) of this rule is fully effective in all respects at the time of each initial offer to sell and at the time of the making of each contract for the sale of any security described therein.

(d) That prior to the making of each contract of sale with, and prior to the payment of any part of the consideration by, the purchaser of any security sought to be exempted hereunder, the offeror shall deliver to each purchaser evidence satisfactory to each such purchaser of the validity of the title which he is to receive and upon which the value of his interest depends.

(e) That not later than fifteen days after the making of each contract for the sale of any interest sought to be exempted hereunder, the offeror making such sale shall file with the Commission a written report of such sale on Form 1–G,[1] which shall be kept confidential, unless the Commission shall order otherwise.

*Rule 322. Transactions Conditionally Excepted.*

Compliance with Rule 320 shall not be required in any of the following types of transactions, provided exact copies of any prospectus, notice, circular letter, or circular communication sent through the mails, or by means of any instrument of transportation or communication in interstate commerce, to any of the persons, corporations, or trusts designated in Subdivisions (b), (c), and (d) of this rule, preliminary to the delivery of, or in lieu of, an offering sheet, or designed to communicate any of the information required in any offering sheet, are simultaneously filed with the Commission:

(a) Offers or sales to a person regularly engaged in the business of exploring for, or producing, oil or gas.

(b) Offers or sales to a person duly registered as a dealer under Section 15 of the Securities Exchange Act of 1934, as amended, who is resident, or, if a partnership or corporation, maintains a bona fide place of business within the same state or territory within which the oil or gas property involved in such sale is located.

(c) Offers or sales to a person duly registered as a dealer under Section 15 of the Securities Exchange Act of 1934, as amended, who is not resident, or, if a partnership or corporation, does not maintain a bona fide place of business within the same state or territory within which the oil or gas property involved in such sale is located, provided and upon condition that the offeror making the sale in question shall, not later than fifteen days after making the sale of the interest, file with the Commission a written report of such sale on Form 2–G,[1] which shall be kept confidential unless the Commission shall order otherwise.

(d) Offers or sales to a corporation or trust, not registered as a dealer under Section 15 of the Securities Exchange Act of 1934, as amended, the assets of which consist principally of oil or gas rights, and stock of which, or certificates of interest or participation in which, are at the time registered under the Securities Act of 1933, as amended, provided and upon condition that the offeror making the sale in question shall, not later than fifteen days after making the sale of the interest, file with the Commission a written report of such sale on Form 2–G, which shall be kept confidential unless the Commission shall order otherwise.

*Rule 324. Filing of Offering Sheets on Behalf of Other Persons.*

An offering sheet may be filed with the Commission for, and on behalf of, other persons, provided all such other persons are duly registered as dealers under Section 15 of the Securities Exchange Act of 1934, as amended, and upon condition that signed lists containing the names and addresses of all such persons are filed with the Commission in duplicate prior to any use of such offering sheet by such other persons; and the Commission may refuse to accept for filing any list which contains the name of any person who is not so registered.

*Rule 326. Liability for Unauthorized Use of Offering Sheet.*

Any person using an offering sheet in connection with an offer to sell any security described therein shall not be entitled to the exemption provided by Regulation B, and, shall not be relieved from any liability which, in the absence

[1] Forms 1–G and 2–G were filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to Securities and Exchange Commission, Washington, D. C.

of the exemption provided by Regulation B, would be imposed upon such person because such security was unregistered, unless such offering sheet has previously been filed with the Commission by, or for, and on behalf of, such person, and is at the time of its use fully effective.

*Rule 328. Restricting Use of Estimations not Included in Offering Sheets.*

A person using any estimation of the amount of oil or gas recoverable from the tract involved, or from any other tract for comparative purposes, in connection with an offer to sell any fractional undivided interest in oil or gas rights, defined in Rule 300, shall not be entitled to the exemption provided by Regulation B, and, shall not be relieved from any liability which, in the absence of the exemption provided by Regulation B, would be imposed upon such person because such security was unregistered, unless such estimation is included in, and furnished as part of, an offering sheet accurately describing such security: *Provided, however,* That the provisions of this rule shall not be applicable in the case of a sale to a person regularly engaged in the business of exploring for, or producing, oil or gas.

*Article 4. Form of Offering Sheets*

*Rule 330. Form and Contents of Offering Sheets.*

The offering sheets required by Regulation B, and particularly Rule 320 thereof, shall be filed with the Commission substantially in the form prescribed by the Commission in the schedules specifically enumerated in Subdivision (g) of this rule, which schedules are, by reference, hereby incorporated in, and made a part of, this rule.

(a) The offering sheet shall contain in substance, in the prescribed sequence, the statements, information, and factual data required by the appropriate schedule and shall be responsive to the requirements of each and every item and exhibit of the appropriate schedule.

(b) If an item of required information cannot be furnished, or there is reason to doubt the accuracy of all the information which has been acquired with regard thereto, the answer to the item may be omitted, but a full explanation of the reason for the omission must be given. In no case, however, may there be omitted on this ground information which is a matter of public record in the state or territory in which the tract is located.

(c) All information contained in an offering sheet, including exhibits, shall be as of a date not more than 110 days prior to the delivery of the offering sheet to the purchaser, and also as of a date not more than 110 days prior to the making of each contract for the sale of any security described therein.

(d) Each offering sheet filed with the Commission shall be executed in the manner prescribed by the Commission and shall bear the original signature of the person making the filing.

(e) Each offering sheet used, distributed, or delivered by the person making the filing shall be a copy of the offering sheet filed with the Commission (as amended, if amended).

(f) Each offering sheet used, distributed, or delivered by a person other than the person filing same with the Commission shall be a copy of the offering sheet filed with the Commission (as amended, if amended). It shall also be executed in the manner prescribed by the Commission, and shall bear the original signature of the person so using, distributing, or delivering same.

(g) The schedules hereinbefore referred to, and which are, by reference, hereby incorporated in, and made a part of, this rule, are as follows: [1]

(1) *Schedule A.*—If the interests offered are producing landowners' royalty interests.

(2) *Schedule B.*—If the interests offered are non-producing landowners' royalty interests.

(3) *Schedule C.*—If the interests offered are producing overriding royalty interests, working interests, or participating royalty interests.

(4) *Schedule D.*—If the interests offered are non-producing overriding royalty interests, working interests, or participating royalty interests.

(5) *Schedule E.*—If the interests offered are oil payments, gas payments, or oil and gas payments to be made from tracts represented to be producing at the time of the offering.

(6) *Schedule F.*—If the interests offered are oil payments, gas payments, or oil and gas payments to be made from tracts represented to be non-producing at the time of the offering.

Specimen copies of Schedules A to F, inclusive, may be procured from the Securities and Exchange Commission, Washington, D. C., upon request.

*Rule 332. Representations in Offering Sheets.*

Every offering sheet, whether it does, or does not, comply with the requirements of Rule 330, shall be deemed to have been filed or used or distributed or delivered upon the express condition that:

(a) All statements or information contained in Divisions I and II of any offering sheet, or in any exhibit attached thereto or incorporated therein, shall constitute continuing representations, by the person filing such offering sheet to any person who may, in reliance upon a copy of such offering sheet, purchase any interest described therein, that the statements contained in Divisions I and II thereof and in the exhibits attached thereto are substantially correct and that no material fact has been omitted, the inclusion of which would reasonably appear necessary, in the light of the circumstances, to make the information contained therein not misleading to the purchaser.

(b) All statments or information contained in any offering sheet, or in any exhibit attached thereto or incorporated therein, shall constitute continuing representations by any offeror who shall deliver, or cause such offering sheet to be delivered, to any person who may, in reliance upon a copy of such offering sheet, purchase any interest described therein from, or through, such offeror, that such offering sheet is a true copy of an offering sheet filed with the Securities and Exchange Commission in compliance with the Rules and Regulations of the Commission on behalf of such offeror, that such offeror has reasonable grounds to believe, and does believe, that the statements contained therein are substantially correct, and, that no material fact known to the offeror has been omitted, the inclusion of which would reasonably appear necessary, in the light of the circumstances, to make the information contained therein not misleading to the purchaser.

(c) If an estimation of recoverable oil or gas, or a geological report made by someone other than the person filing the offering sheet, is included in the offering sheet, the contents thereof shall not be regarded as a representation by the person filing the offering sheet, provided the person filing the offering sheet has reason to believe, and does believe, that the author of such estimation or report possesses the qualifications and integrity necessary to make such estimation or report, and provided the person filing the offering sheet does not know or believe the estimation or report to be untrue or misleading in any respect.

*Rule 334. Interests Involving Non-contiguous Tracts.*

Oil or gas interests involving non-contiguous tracts of land may be included in the same offering sheet only upon condition that:

(a) All interests hereby offered for sale are producing landowners' royalty interests.

(b) All tracts so involved are currently producing oil or gas and are located wholly within the limits of the same oil or gas pool.

(c) All tracts so involved are being currently operated by the same operator under an oil and gas lease executed by one or more landowners, each of whom was, at the time of the execution of said oil and gas lease, the owner of a fee or mineral interest in each of the tracts involved.

(d) The purchaser of any such interest is entitled to the same fractional portion of the oil and gas produced from each tract covered by said lease, irrespective of the specific tract to which such purchaser may receive a conveyance and irrespective of the specific tract from which such production may be obtained.

[1] Schedules A to F were filed with the Division of the Federal Register, The National Archives.



*Article 5. Suspension Orders and Their Effect*

*Rule 340. Suspension Orders.*

(a) If, at any time within seven days after the date upon which an offering sheet is received by the Commission for filing, the Commission has reasonable grounds to believe that such offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any of the requirements of Regulation B, the Commission may enter an order temporarily suspending the effectiveness of the filing of such offering sheet pending a final hearing thereon. The Commission shall, promptly upon the entry of any such order, give notice to the person filing such offering sheet: (1) that such order has been entered, and (2) that the Commission will, upon receipt of a written request from the person filing such offering sheet, set the matter for hearing, within twenty days after the receipt of such request, at a place to be designated by the Commission. Upon receipt of any such request the Commission will forthwith set the matter for hearing accordingly, and will promptly give notice of the time and place thereof. If the Commission does not set the matter for hearing upon a date within such twenty-day period, the order for suspension then in effect shall, upon expiration of said twenty-day period, expire and be of no further force or effect. Such hearing may be continued from time to time for cause, but if the Commission does not enter an order permanently suspending the effectiveness of such offering sheet within sixty days after such hearing is finally closed, the suspension order then in effect shall, upon expiration of said sixty-day period, likewise expire and be of no further force or effect.

(b) If, at any time after notice and opportunity for hearing, either at the written request of a person filing an offering sheet or upon motion of the Commission, the Commission finds that an offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any of the requirements of Regulation B, the Commission may enter an order permanently suspending the effectiveness of the filing of such offering sheet, or, if an order has been entered pursuant to Subdivision (a) of this rule, and is still in effect, may make the suspension effected by such order permanent.

(c) If, before the hearing with respect thereto is finally closed, the Commission finds that an offering sheet has been amended to cure the objections specified in any temporary suspension order entered pursuant to Subdivision (a) of this rule, or specified in any notice given pursuant to Subdivision (b) of this rule, the Commission will thereupon terminate the proceeding which may have been instituted by any such temporary suspension order, or by any such notice, and give notice of such action to the person who filed the offering sheet.

(d) All notices required by this rule shall be given to the person who filed the offering sheet, and shall be given either by personal service, or by registered mail, or confirmed telegraphic notice, addressed to such person at the address given in the offering sheet.

*Rule 342. Effect of Suspension Order.*

An offering sheet complying with the requirements of Regulation B, and particularly Rule 330, shall become effective on the eighth day after the day upon which it is received by the Commission for filing, except that:

(a) If the Commission shall enter an order under Rule 340 (a) suspending the effectiveness of the filing of such offering sheet within seven days after the date upon which it is received by the Commission for filing, the filing thereof shall not become effective for any purpose whatever until such proceeding is terminated, or such order for suspension expires.

(b) If the Commission shall at any time give notice of a hearing or enter an order under Rule 340 (b) suspending the effectiveness of the filing of such offering sheet, said offering sheet shall not be effective for any purpose whatever subsequent to the giving of such notice or during the period of such suspension.

*Article 6. Withdrawal, Amendment, and Termination of Offering Sheets*

*Rule 350. Withdrawal of Offering Sheet.*

Any person who has filed an offering sheet may apply to the Commission for an order consenting to the withdrawal of same, provided none of the securities described in said offering sheet have been sold, and such person shall so represent to the Commission in writing. The Commission will enter an order consenting thereto unless it shall find that sales of the securities described in said offering sheet have, in fact, been made.

*Rule 352. When Offering Sheet may be Amended.*

Any person who has filed an offering sheet may, subject to the provisions of Rule 354, file amendments thereto, but only under the following conditions and in the following instances:

(a) In the event none of the securities referred to in said offering sheet have been sold and the person filing the offering sheet shall so represent to the Commission in writing.

(b) In the event a suspension order is in effect and the hearing with respect thereto has not been finally closed.

(c) In the event no suspension order is in effect, but notice has been given by the Commission pursuant to Rule 340 (b), and the hearing with respect thereto has not been finally closed.

*Rule 354. How Offering Sheet may be Amended.*

Any amendment to an offering sheet shall be filed in accordance with this rule and shall become and be effective only as hereinafter provided:

(a) The amendment shall be filed with the Commission, in quadruplicate, and each copy shall bear the signature of the person who filed the offering sheet as well as every other person whose estimations or statements are modified or affected by such amendment.

(b) An amendment shall be made either by filing or substituting a wholly corrected offering sheet, or by filing or substituting entire exhibits or pages, as amended.

(c) Any amendment complying with the requirements of this rule shall become effective at such time as the Commission may order.

*Rule 356. Voluntary Termination of Effectiveness of Offering Sheet.*

Any person who has filed an offering sheet may apply to the Commission for an order terminating the effectiveness of the filing thereof, provided such person shall file with the Commission an affidavit that all persons on whose behalf said offering sheet has been filed, to whom copies thereof have been delivered (naming all such persons), have been notified in writing of the intention to terminate the effectiveness of said offering sheet. The Commission will enter an order terminating the effectiveness of such offering sheet unless it shall find that such affidavit is insufficient, or that such notice of intention has not been given, as required, or it is not appropriate in the public interest so to do.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1517; Filed, May 24, 1937; 1: 22 p. m.]

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RESCISSION OF EXISTING FORMS 1–G AND 2–G AND ADOPTION OF WHOLLY NEW FORMS 1–G AND 2–G REFERRED TO IN REGULATION B

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933,

as amended, and particularly Sections 3 (b) and 19 (a) thereof, finding that the requirements of Forms 1–G and 2–G are necessary to carry out the provisions of Section 3 (b) of the Securities Act of 1933, as amended, and Regulation B of the General Rules and Regulations promulgated by the Commission thereunder, hereby takes the following action:

1. The existing forms designated as Forms 1–G and 2–G,[1] heretofore adopted by the Commission and now in effect, are hereby rescinded, such rescission to become and be effective June 1, 1937;

2. There are hereby adopted, to become and be effective June 1, 1937, two new forms designated as Forms 1–G and 2–G respectively.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1536; Filed, May 25, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1937.

[File No. 43–58]

IN THE MATTER OF DEERFIELD RIVER ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Deerfield River Electric Company, a subsidiary of New England Power Association, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding corporate action by declarant entitling New England Power Association, its sole stockholder, to receive, upon consolidation of declarant with Northern Berkshire Gas Company and in exchange for 2,000 shares of $25 par value capital stock of declarant, one share of $100 par value capital stock of Northern Berkshire Gas Company.

It is ordered that a hearing on such matter be held on June 2, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1530; Filed, May 25, 1937; 12:50 p. m.]

[1] See footnote on Page 905.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1937.

[File No. 46–56]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Kentucky Utilities Company, a subsidiary of a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of the following securities:

$245,250 principal amount of First Mortgage 5% Bonds, Series A, dated January 1, 1937, due January 1, 1957, with Special Bond Coupons, aggregating $4,905 and payable without interest on or before January 1, 1940, attached thereto,

1,635 shares of 6% Cumulative Preferred Stock, having a par value of $50 per share,

1,962 shares of Common Stock, having a par value of $1 per share, and

$17,331 principal amount of Cash Scrip,

to be issued by Arkansas-Missouri Power Corporation, a registered holding company, as successor to Arkansas-Missouri Power Company, pursuant to a Plan of Reorganization approved and confirmed by the United States District Court for the Northern District of Illinois, Eastern Division, in proceedings for the reorganization of Arkansas-Missouri Power Company under Section 77–B of the Bankruptcy Act, as amended; said Arkansas-Missouri Power Corporation having filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and disposition of the aforesaid securities; and it appearing to the Commission that the aforesaid application and declaration are related matters and should be heard concurrently;

It is ordered that a hearing on such application be held on June 2, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Ave, NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State Commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1528; Filed, May 25, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1937.



[File No. 46–55]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by New England Power Association, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of one share of $100 par value capital stock of Northern Berkshire Gas Company which it will become entitled to receive upon consolidation of Deerfield River Electric Company with Northern Berkshire Gas Company and in exchange for 2,000 shares of $25 par value capital stock of Deerfield River Electric Company owned by applicant and which it will upon payment to it of $115.59 direct Northern Berkshire Gas Company to issue to Massachusetts Lighting Companies, owner of all the outstanding stock of such issuer.

It is ordered that a hearing on such matter be held on June 2, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1529; Filed, May 25, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of May, A. D., 1937.

[File No. 41–5]

IN THE MATTER OF UNION ELECTRIC LIGHT AND POWER COMPANY OF ILLINOIS

ORDER AUTHORIZING INCREASE OF PERCENTAGE OF SHORT-TERM INDEBTEDNESS PURSUANT TO CLAUSE (3) OF THE FIRST SENTENCE OF SECTION 6 (B) OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Union Electric Light and Power Company of Illinois, a subsidiary company of The North American Company, a registered holding company, having filed with the Commission an application with respect to the issue at private sale of certain short-term promissory notes in an aggregate amount not to exceed $14,750,000, but which will aggregate more than five per centum of the principal amount and par value of the other securities of applicant now outstanding; the applicant having requested pursuant to the provisions of the first sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935, that the Commission shall authorize such increase or enlargement of said five per centum as may be necessary to permit it to issue such notes; a hearing having been held on said application, as amended, after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its Findings herein:

It is ordered that if the applicant, for the purposes set forth in said application, shall issue its promissory notes having an aggregate principal amount not exceeding $14,750,000, bearing interest at a rate not exceeding two per cent per annum and maturing in not more than nine months from the date or dates thereof, then and in that case the aggregate amount of outstanding notes and drafts having a maturity of nine months or less, exclusive of days of grace, as to which the applicant is primarily or secondarily liable, may exceed five per centum of the principal amount and par value of the other securities which the applicant will then have outstanding by such amount as may be necessary to permit the issuance of such notes as aforesaid, *provided, however*, that such enlargement of said percentage shall be only for the purpose of permitting the issue of such notes as aforesaid and shall not be applicable to the issue, renewal or guaranty by the applicant of any other or further notes, drafts or other obligations.

It is further ordered that within ten days after issue of any of said notes, the applicant shall file with this Commission a certificate of notification showing that the proceeds of said notes have been used for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1537; Filed, May 25, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of May, A. D., 1937.

[File No. 43–49]

IN THE MATTER OF EAST ST. LOUIS LIGHT & POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

East St. Louis Light & Power Co., a subsidiary company of The North American Company, a registered holding company, having filed with the Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it of $2,335,000 aggregate principal amount of promissory notes and the assumption by it of $14,750,000 of promissory notes of Union Electric Light and Power Company of Illinois; a hearing having been held upon the declaration, as amended, after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its Findings herein:

It is ordered that said declaration be and the same hereby is permitted to become effective forthwith, subject to the terms and for the purposes represented therein, upon condition, however, that declarant shall file with this Commission within ten days after the issue or assumption of any of said notes, its certificate of notification showing that the proceeds of said notes have been used for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1534; Filed, May 25, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE ARCADIA-ANDERSON FARM, FILED ON MAY 4, 1937, BY T. S. HOSE, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1513; Filed, May 24, 1937; 1:18 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GENERAL-BABCOCK-L. GRAVES FARM FILED ON MAY 4, 1937, BY T. S. HOSE, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1512; Filed, May 24, 1937; 1:17 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR ET AL-SMITH FARM, FILED ON APRIL 29, 1937, BY L. H. WITWER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 19, 1937, be effective as of May 19, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1515; Filed, May 24, 1937; 1:18 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG FARM, FILED ON MAY 5, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 18, 1937, be effective as of May 18, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1514; Filed, May 24, 1937; 1:18 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SUNRAY-PHILLIPS-STATE COMMUNITY LEASE, FILED ON MAY 10, 1937, BY LOUIS BERNSTEIN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the legend contained in Exhibit A is incomplete by reason of the fact that the symbols for abandoned wells and junked holes are omitted;

(2) In that the legal description contained in Exhibit B is not correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and



It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 8th day of June, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1533; Filed, May 25, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN-MORAN FARM, FILED ON MAY 17, 1937, BY J. E. GRATTAN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 8th day of June, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1532; Filed, May 25, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE REPOLLO-BYRD FARM, FILED ON MAY 17, 1937, BY L. H. WITWER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, is not correct;

(2) In that from the information disclosed by Division II, Item 16 (e), it appears that the present price per barrel for oil, as set forth in Division II, Item 1, is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 8th day of June, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1531; Filed, May 25, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

[File No. 20-422A1-2]

IN THE MATTER OF AN OFFERING SHEET OF LANDOWNER'S PRODUCING ROYALTY INTERESTS IN THE CENTRAL PETROLEUM CO.—BENSO "A" FARM. FILED ON JANUARY 14, 1937, BY KENT K. KIMBALL, RESPONDENT.

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether an order should be entered suspending the effectiveness of the filing of an offering sheet of landowner's producing royalty interests in the "Central Petroleum Co.-Benso 'A' Farm", located in Russell County, Kansas, which offering sheet was filed with the Commission on January 14, 1937, by Kent K. Kimball, of Tulsa, Oklahoma, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on February 19, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and oral and documentary evidence having been introduced, and the hearing having been closed and the Commission having found upon the evidence that said offering sheet is incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the Findings and Opinion of the Commission filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1535; Filed, May 25, 1937; 12:52 p. m.]

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*Thursday, May 27, 1937* *No. 102*

## FARM CREDIT ADMINISTRATION.

[FCA 42]

PRODUCTION CREDIT CORPORATION OF OMAHA

CONVERSION OF CLASS A STOCK INTO CLASS B STOCK

*To all production credit associations in the states of Iowa, South Dakota, Nebraska, and Wyoming:*

The following regulation is prescribed pursuant to Section 26 (d) of the By-Laws, and to the first paragraph of Section 104 (j) 1 of the Rules and Regulations:

The associations are instructed to limit the conversion of Class A stock into Class B stock to an amount necessary to enable the holder to obtain sufficient Class B stock for his present loan and his probable future requirements during the term of the loan.

PRODUCTION CREDIT CORPORATION OF OMAHA.

[SEAL] L. A. CHRISTENSEN, *President.*

[F. R. Doc. 37-1540; Filed, May 26, 1937; 11:59 a. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project 184]

SUPPLEMENTAL APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY

ORDER FOR REHEARING

Upon application filed April 26, 1937, of Pacific Gas and Electric Company, licensee under license for Project No. 184, for a rehearing of the matters embraced within the Commission's order of March 23, 1937, relating to amendment of the project license, and particularly for a reconsideration of that part of the Commission's order denying applicant's request for elimination of the provision requiring construction of the Alder Creek reservoir and for elimination of the provision requiring enlargement of the El Dorado conduit, from the license;

It is ordered:

That a rehearing of the aforesaid matters be held on Tuesday, June 15, 1937, at 10 a. m. in the Commission's hearing room, Hurley-Wright Building, Washington, D. C.

Adopted by the Commission on May 18, 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 37-1538; Filed, May 26, 1937; 9:24 a. m.]

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## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-301]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE CONCRETE BURIAL VAULT MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO OFFER SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Concrete Burial Vault Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than June 15, 1937. In the event requests to be heard on the said rules are received, opportunity will be afforded such applicants to present their views on June 15, 1937. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered: May 25, 1937.

[F. R. Doc. 37-1539; Filed, May 26, 1937; 9:32 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

ADOPTION OF RULES, REGULATIONS AND FORMS UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly Section 20 (a) thereof, and finding that such action is necessary and appropriate to carry out the provisions of the Act and necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission hereby adopts the printed compilation of "General Rules and Regulations and Forms under the Public Utility Holding Company Act of 1935", dated May 15, 1937, a copy of which is attached hereto.[1]

The foregoing General Rules and Regulations and Forms shall become effective immediately upon the publication thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1541; Filed, May 26, 1937; 12:42 p. m.]

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[Release No. 673]

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

MINOR AMENDMENTS TO RULES

Acting pursuant to the public Utility Holding Company Act of 1935, and particularly Sections 5 and 20 (a) thereof, and, finding that such action is necessary and appropriate in the public interest, for the protection of investors and consumers, and to carry out the provisions of said Act, the Securities and Exchange Commission hereby amends Rule 5A-3 to read as follows:

*Rule 5A-3. Form of Notification of Registration.*

Form U5A marked "adopted October 2, 1936" is hereby prescribed as the form for notification of registration filed with the Commission pursuant to Section 5 (a). Every such notification of registration shall be prepared and submitted in accordance with the instructions for the use of such form incorporated therein.

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly Sections 5 and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest, for the protection of investors and consumers, and to carry out the provisions of said Act, the Securities and Exchange Commission hereby amends Rule 5B-1, to read as follows:

*Rule 5B-1. Registration Statements—Form and Time of Filing.*

Form U5B, marked "Adopted October 2, 1936", is hereby prescribed as the form for registration statements required to be filed with the Commission pursuant to section 5. Every such registration statement shall be prepared and submitted in accordance with the instructions for the use of such form incorporated therein. Every holding company which filed a notification of registration pursuant to section 5 (a) on or before September 1, 1936, shall file with the Commission a registration statement on form U5B on or before December 1, 1936, or within 1 year after the date when its notification of registration became effective, whichever of such dates shall be the earlier. Each holding company which shall file its notification of registration after September 1, 1936, shall file with the Commission a registration statement on Form U5B within 90 days after the filing of such notification of registration, and each company which shall file such a notification prior to becoming a holding company, shall file such statement on Form U5B within 90 days after the date of becoming a holding company, but the Commission, upon a showing of reasonable cause therefor, may extend such time.

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly Sections 6 (b) and 20 (a) thereof, and, finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers to carry out the provisions of said Act, the Securities and Exchange Commission hereby amends Rule 6B-1 to read as follows:

*Rules 6B-1. Applications by Subsidiaries Concerning Securities Expressly Authorized by State Commissions.*

Form U6B-1 marked "adopted October 30, 1936", executed in accordance with the Instructions therefor, is hereby prescribed for applications pursuant to the provisions of Section 6 (b), by subsidiaries of registered holding companies for exemption from the provisions of Section 6 (a) with respect to the issue or sale of securities solely for the purpose of financing the business of such applicants and which have been or will be expressly authorized by the State Commissions of the States in which such applicants are organized and doing business.

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly Sections 7 and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and to carry out the provisions of said Act, the Securities and Exchange Commission hereby amends Rule 7A-1 to read as follows:

*Rule 7A-1. Form of Declarations.*

Declarations pursuant to Section 7 in respect of the issue or sale of any security of a registered holding company or subsidiary company thereof, or of the exercise by any such company of any privilege or right to alter the priorities, preferences, voting power or other rights of the holders of an outstanding security of any such company shall comply with Form U-7 and Instructions for Form U-7, dated April 9, 1936, and shall contain the information therein specified.

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Section 10 and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and to carry out the provisions of said Act, the Securities and Exchange Commission hereby amends Rule 10A-1 to read as follows:

*Rule 10A-1. Form of Applications for Approval of Acquisitions.*

(a) Applications for the approval of the acquisition of securities pursuant to Section 10 shall comply with Form U-10-1 and the Instructions for Form U-10-1, dated April 9, 1936, and shall contain the information therein specified.

(b) Applications for the approval of the acquisition of utility assets or of any other interest in any business pursuant to Section 10 shall comply with Form U-10-2 and the Instructions for Form U-10-2, dated April 9, 1936, and shall contain the information therein specified.

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly Sections 13, 3 (d) and 20 (a) thereof, and finding it necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends Rule 13-3A, to be designated Rule 13-3, and to read as follows:

*Rule 13-3. Temporary Exemption From Section 13.*

(a) Every registered holding company shall be exempt from the provisions of Section 13 and the rules and regulations adopted thereunder for a period of 30 days after the date when such company shall first become a registered holding company, and every subsidiary of such a registered holding company and every company principally engaged in performing services or construction for, or making sales to, associates of such registered holding company shall likewise be exempt from such provisions for said period: *Provided,* That, during such period, such company shall comply with the provisions of Rule 13-31 with respect to the performance of services or construction for associate companies on the basis of cost and with the provisions of Rule 13-40 with respect to sales of goods produced by the seller. As to any company principally engaged in performing services or construction for, or selling goods to, associate companies, such exemption shall expire on the first day of the calendar month immediately succeeding the effective date of such registration unless on and after the first day of such month all accounts and records of such company with respect to such matters shall be maintained in accordance with the provisions of Rule 13-50 or other rule of the Commission with respect to the accounts and records of mutual service companies and subsidiary service companies.

[1] The printed compilation referred to was filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Securities and Exchange Commission.

(b) If, within said period of 30 days after registration of any such holding company, or 30 days after the date of its becoming a holding company in the event of such company filing a notification prior to becoming a holding company, an application or a declaration pursuant to Rule 13–22 shall be filed with the Commission by or on behalf of any company desiring to perform services or construction for, or make sales of goods to, associate companies in such holding-company system, such applicant or declarant may, to the extent set forth in such document, perform services or construction for, or make sales of goods to, such companies until the Commission shall take final action on such application or declaration: *Provided, however,* That, during such period, such applicant or declarant shall comply with all provisions of the Act and of the rules and regulations thereunder that would have been applicable to it if the Commission had previously taken favorable action on such application or declaration.

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly Section 13 and 20 (a) thereof, and finding that certain amendments to Rules 13–11 and 13–21 are necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends Rules 13–11 and 13–21 to read as follows:

*Rule 13–11. Service, Sales and Construction by Registered Holding Companies.*

Subject to compliance with the provisions of such rules, regulations, or orders of the Commission as may be applicable (including Rule 13–31) a registered holding company may perform services or construction for, or sell goods to, an associate company thereof, which is a public utility company, a mutual service company, or a company engaged in the business of performing services or construction for, or selling goods to, associate public-utility companies, and such transaction shall be exempt from the provisions of Section 13 (a) of the Act, if

(a) such holding company is principally engaged in the business of an operating electric or gas utility company, or any business or businesses other than that of selling goods to associate companies, that of performing services or construction, that of a holding company or fiscal or financing agency of a holding company, or that of an investment company or investment trust; and incidentally to such business, performs such services or construction or sells such goods; or

(b) such services, construction, or goods are reasonably required by such associate to meet a break-down or other emergency, and the parties believe in good faith that, under the conditions then existing, such transaction will be to the advantage of such associate; or

(c) such transaction consists of performance of a contract made before August 26, 1935, for the construction of a specific project, building, or unit, pursuant to which contract substantial expenses were incurred before August 26, 1935; or

(d) such transaction consists of the sale, at not more than cost less depreciation, of goods purchased by such holding company for its own use; or

(e) such transaction consists of a sale of goods which is merely incidental to a sale of an entire business or a substantial portion thereof, or to a sale of assets other than goods; or

(f) such transaction, although not exempted by any of the foregoing subparagraphs of this Rule, is not in the regular course of business of such holding company and does not involve a cost to the associate of more than $2,500 including the cost to such associate of all previous transactions with such holding company consummated in the same fiscal year which were exempted only by this subparagraph (f).

*Rule 13–21. Subsidiaries Authorized to Perform Services or Construction or to Sell Goods.*

(a) Subject to compliance with the provisions of such rules, regulations, or orders of the Commission as may be applicable (including Rule 13–31) the following classes of subsidiary companies of registered holding companies may perform services or construction for, or sell goods to, associate companies thereof:

(1) an approved mutual service company;

(2) a subsidiary company whose organization and conduct of business the Commission has found, pursuant to Rule 13–22, sufficient to meet the requirements of Section 13 (b) of the Act;

(3) a subsidiary company which is principally engaged in the business of an operating electric or gas utility company, or any business or businesses other than that of selling goods to associate companies, that of performing services or construction, that of a holding company or fiscal or financing agency of a holding company, or that of an investment company or investment trust; and which, incidentally to such business, performs such services or construction or sells such goods.

(b) Any subsidiary of a registered holding company whether or not it is a company specified in subparagraph (1), (2) or (3) above, may perform services or construction for, or sell goods to, an associate company thereof, if:

(1) such associate company is not an electric or gas utility company, and is principally engaged in a business or businesses other than that of a holding company or fiscal or financing agency of a holding company, or that of an investment company or investment trust; or

(2) such services, construction, or goods are reasonably acquired by such associates to meet a break-down or other emergency, and the parties believe in good faith that, under the conditions then existing, such transaction will be to the advantage of such associate; or

(3) such transaction consists of performance of a contract made before August 26, 1935, for the construction of a specific project, building, or unit, pursuant to which contract substantial expenses were incurred before August 26, 1935; or

(4) such transaction consists of the sale, at not more than cost less depreciation, of goods purchased by such subsidiary company for its own use; or

(5) such transaction consists of a sale of goods which is merely incidental to a sale of an entire business or a substantial portion thereof, or to a sale of assets other than goods; or

(6) such transaction consists of a sale of goods produced by the seller.

(c) This rule shall not be applicable to a subsidiary which is itself a registered holding company. Such company may perform services or construction for, or sell goods to, associate companies as provided in Rule 13–11.

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, and particularly Sections 17 (c) and 20 (a) thereof, and finding that certain amendments to Rule 17C–9 are necessary and appropriate and will not adversely affect the public interest or the interest of investors or consumers, the Securities and Exchange Commission hereby amends Rule 17C–9 so that the same shall read as follows:

*Rule 17C–9. Filing of Statements with Respect to Certain Rules.*

Each registered holding company or subsidiary of a registered holding company which has as an officer or director any person who has any financial connection which would make it unlawful for him to hold such position except for Rules 17C–4, 17C–7, or 17C–8 shall within 30 days after registration of such holding company (or if such person is not then such an officer or director, within 30 days after he becomes such) file with the Commission a statement signed by such person, setting forth the facts by virtue of which it is deemed that such rule or rules are applicable. Similar statements shall also be filed within 30 days subsequent to each annual meeting of such company thereafter while such person remains an officer or director and continues such financial connection. A company having several such officers or directors may file a single statement signed by all of them. No form is prescribed for such statement. One original only need be filed, but, if acknowledgment is desired, a duplicate should also be filed.

Effective May 13, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1551; Filed, May 26, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of May, A. D., 1937.

[File No. 47–12]

IN THE MATTER OF CITIZENS UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Citizens Utilities Company, a registered holding Company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of all the assets and business of its wholly owned subsidiary, Newport Electric Corporation, an electric utility operating in the northern part of the State of Vermont, with distribution lines extending into a small portion of the Province of Quebec, Canada, the consideration for such acquisition being the surrender for cancellation of all the capital stock of Newport Electric Corporation, the cancellation of all indebtedness of such company held by applicant and the assumption by applicant of liability on all the obligations of such company;

It is ordered that a hearing on such matter be held on June 4, 1937, at 11 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or require the protection of investors or consumers It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 3, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1543; Filed, May 26, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of May, A. D. 1937.



[File No. 46–57]

IN THE MATTER OF THE APPLICATION OF EASTERN SHORE GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Eastern Shore Gas Corporation, an affiliate of The Eastern Shore Gas Company and Eastern Shore Gas Company of Virginia, Incorporated, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of 173 shares of common stock (in exchange for 346 shares of applicant's common stock) and 1024 shares of preferred stock (in exchange for 1126.4 shares of applicant's preferred stock and 563.2 shares of applicant's common stock) of The Eastern Shore Gas Company and of 6 shares of common stock (in exchange for 12 shares of applicant's common stock) and 20 shares of preferred stock (in exchange for 110 shares of applicant's preferred stock and 55 shares of applicant's common stock) of Eastern Shore Gas Company of Virginia, Incorporated; all the other shares of each of said two companies now being owned by applicant.

It is ordered that a hearing on such matter be held on June 15, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 10, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1542; Filed, May 26, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHAWVER-ERKER FARM, FILED ON MAY 4, 1937, BY J. M. MORRIS, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 26th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as

amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 10th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1547; Filed, May 26, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-SUNRISE FARM, FILED ON MAY 3, 1937, BY R. E. PITTS, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 25th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:00 o'clock in the afternoon on the 9th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1546; Filed, May 26, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GLEN ELLYN FARM, FILED ON MAY 3, 1937, BY R. E. PITTS, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 25th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:00 o'clock in the afternoon on the 9th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1548; Filed, May 26, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-MCKOY FARM, FILED ON MAY 8, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 19, 1937, be effective as of May 19, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1549; Filed, May 26, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TIDEWATER-SHAFFER FARM, FILED ON MAY 11, 1937, BY LEIGH J. SESSIONS CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pusuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 22, 1937, be effective as of May 22, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1550; Filed, May 26, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-RICKARD LEASE, FILED ON MAY 20, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the total production of oil from the tract, as set forth in Division II, Item 15, may not be correct, and does not agree with the gross production of oil as set forth by months in Division II, Item 16 (a);

(2) In that the legal description of the property, required to be given in Exhibit A, is incomplete;

NOTE.—In instances where portions of property contained in a block subject to a community lease are being offered for sale, it is suggested that a description of all of the lots in which interests might be offered be included in the legal description set forth in Exhibit B, and that an explanatory note be inserted to the effect that it is the intention of the offeror to offer interests only in portions of the entire property, but that such interests are entitled to participate in the total production from the tract involved on a prorata basis, by reason of the participation which said interest has under the community lease affecting the tract.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 24th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It it further ordered that the taking of testimony in this proceeding commence on the 9th day of June, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1544; Filed, May 26. 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE INLAND-HOWES-CAPITOL FARM, FILED OF MAY 20, 1937, BY SUPREME OIL INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the number of barrels of oil which must be produced before the smallest fractional interest proposed to be offered will be entitled to receive one barrel, as set forth in Division II, Item 1, is not correct;

(2) In that the statement made in Division II, Item 9 (b), relative to whether or not the royalty is perpetual, may not be correct, and does not appear to agree with information disclosed by Exhibit B;

(3) In that in Division II, Item 11 (c), the amount of taxes required to be given is omitted;

(4) In that the statement contained in Division II, Item 13, that "there are practically no dry holes within the producing area, which has resulted in a closer development than is ordinarily found", is not believed to be correct by reason of the fact that there are comparatively large areas within the field that have not been drilled, and therefore the statement made may be misleading;

(5) In that the statement relative to the number of producing wells in the north extension of the Oklahoma City field, as set forth in Division II, Item 13, is not believed to be correct; nor is the legal description of the property, as contained in this item, believed to be correct by reason of the fact that it is in conflict with the legal description contained in Exhibit B, and does not agree with the information given in Exhibit A;

(6) In that the date as of which the gross production of oil is disclosed in Division II, Item 16 (a), is omitted;

(7) In that the figures given in Division II, Items 16 (c) and (d), are not believed to be correct;

(8) In that the statement made in Division II, Item 16 (f), is not correct;

(9) In that the statement made in Division II, Item 19, is not intelligible, and for that reason may prove to be misleading.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 24th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 9th day of June, 1937, at 3:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania, Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1545; Filed, May 26, 1937; 12:43 p. m.]



*Friday, May 28, 1937* *No. 103*

## PRESIDENT OF THE UNITED STATES.

NATIONAL AVIATION DAY

By the President of the United States of America

A PROCLAMATION

WHEREAS the people of the United States may justly claim to have taken a leading part in the development of the science of aeronautics and to enjoy today an outstanding position among the nations of the world in the use of air transport; and

WHEREAS Public Resolution No. 32 Seventy-fifth Congress, first session, approved May 25, 1937, provides in part:

"That the President of the United States is authorized to designate May 28, 1937, as National Aviation Day, and to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in the United States":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting in accord with the purposes of the Congress to stimulate interest in aviation with a view to the further advancement of the science of aeronautics, do hereby call upon the people of the United States to observe May 28, 1937, as National Aviation Day with appropriate exercises, and do direct Government officials to display the flag on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26th day of May, in the year of our Lord nineteen hundred and [SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
SUMNER WELLES,
*Acting Secretary of State.*

[No. 2238]

[F. R. Doc. 37-1558; Filed, May 27, 1937; 12:23 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

AMENDMENT OF RULES FOR ADMINISTRATION OF GRAZING DISTRICTS APPROVED MARCH 2, 1936, AS AMENDED JANUARY 28, 1937

Under the heading "Licenses", after the last paragraph on page 3 of the said amendment add the following:

Licenses will be issued in the above-named order of classes until the carrying capacity of the public range shall be attained. If a class more than exhausts the capacity of the range, all junior classes will be eliminated, and cuts within the last-recognized class shall be made by reduction of numbers or limitation of seasonal use until the number equal to the fixed carrying capacity of the public range is reached.

Nonuse licenses for which no fee will be charged will be issued to holders of licenses who apply for them, within the discretion of the regional grazier.

When nonuse licenses are issued to applicants for reasons other than range conservation purposes, the regional grazier may issue temporary licenses for an equivalent number of stock for the period for which the nonuse licenses are issued.

On page 3 of said rules of March 2, 1936, under the heading "Fees", add the following paragraphs:

CHARGE FOR WATER

All except those having a license to graze in the district wherein the water is located will be charged a service fee for watering livestock at wells operated and maintained by the Division of Grazing at the rate of one-tenth (1/10) of a cent per head of sheep and goats and one-half (1/2) of a cent per head of cattle and horses.

CROSSING PERMITS

A fee of one-twentieth (1/20) of a cent per head per day for sheep or goats and one-fourth (1/4) of a cent per head per day for cattle or horses will be charged for crossing permits, but no charge will be made for permits on stock driveways established under the provision of section 10 of the act of December 29, 1916 (39 Stat. 862), or on limited and defined trails over public lands within a grazing district where the purpose is proper and lawful.

REFUNDS

During periods of range depletion due to severe drought or other natural causes, or in case of a general epidemic of disease, during the life of the permit, the Secretary of the Interior will in his discretion remit, reduce, refund in whole or in part, or postpone payment of grazing fees for such depletion period so long as the emergency exists.

The failure to utilize grazing rights after a license is issued will not entitle a licensee to a refund of fees properly paid. However, where fees have been paid which are not required by law or in excess of lawful requirements, an application for refund may be made under the provisions of the act of June 27, 1930 (46 Stat. 822).

On page 3 of the rules of March 2, 1936, under the heading "Election of District Advisors", amend the fourth paragraph to read as follows:

Notice of the time and place of said election shall be published in some newspaper of general circulation in the locality by the regional grazier for the area or areas affected. The notice will also be posted in the office of the regional grazier and in the principal post office in the locality involved.

F. R. CARPENTER, *Director.*

Approved: May 19, 1937

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1555; Filed, May 27, 1937; 9:39 a. m.]

### National Bituminous Coal Commission.

ORDER NO. 1

AN ORDER PROVIDING FOR THE ORGANIZATION OF DISTRICT BOARDS

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes", (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. District Boards of coal producers shall be organized in all districts as defined in said Act, pursuant to its provisions and in conformity with the terms of this order.

2. For the purpose of effectuating this order, the following named persons are hereby appointed Acting District Secretaries for the Commission in their respective districts:

| District | Name | Address |
|---|---|---|
| 1 | W. A. Jones | c/o Central Pennsylvania Coal Producers Assn., Altoona, Pennsylvania. |
| 2 | B. H. Canon | Oliver Building, Pittsburgh, Pennsylvania. |
| 3 | D. T. Buckley | Post Office Box 1161, Fairmont, West Virginia. |
| 4 | Ezra Van Horn | Rockefeller Building, Cleveland, Ohio. |
| 5 | Frank Heath | 118 North Washington St., Saginaw, Michigan. |
| 6 | George A. Blackford | 500 Board of Trade Building, Wheeling, West Virginia. |
| 7 | P. M. Snyder | Mt. Hope, West Virginia. |
| 8 | E. C. Mahan | Southern Coal and Coke Co., Knoxville, Tennessee. |
| 9 | Brent Hart | Hart Coal Corporation, Madisonville, Kentucky. |
| 10 | J. B. Henderson | Illinois Coal Operators Assn., 307 North Michigan Avenue, Chicago, Illinois. |
| 11 | Jonas Waffle | Opera House Block, Terre Haute, Indiana. |
| 12 | M. G. Youngquist | Folk Building, Des Moines, Iowa. |
| 13 | James L. Davidson | Webb Crawford Building, Birmingham, Alabama. |
| 14 | S. A. Bramlette | Merchants National Bank Bldg., Fort Smith, Arkansas. |
| 15 | W. E. Blucher | 540 Dwight Bldg., Kansas City, Missouri. |
| 16 | N. C. Brooks | 308 Sugar Bldg., Denver, Colorado. |
| 17 | F. O. Sandstrom | Boston Bldg., Denver, Colorado. |
| 18 | A. R. Litts | c/o Diamond Coal Co., Gallup, New Mexico. |
| 19 | L. W. Mitchell | 610 Boyd Bldg., Cheyenne, Wyoming. |
| 20 | B. P. Manley | Ezra Thompson Bldg., Salt Lake City, Utah. |
| 21 | E. M. Hendricks | 307 Broadway, Bismarck, North Dakota. |
| 22 | M. F. Purcell | c/o Montana Coal Operators Ass'n., Billings, Montana. |
| 23 | D. S. Hanley | 1310 Smith Tower, Seattle, Washington. |

3. The appointment of an acting district secretary shall become effective upon his taking and signing an oath of office before an officer qualified to administer oaths and upon his telegraphing to the Commission at Washington, D. C., his acceptance of the appointment within 24 hours after receipt of a copy of this order. The Commission reserves the right at any time to revoke the appointment of any acting district secretary without prior notice or hearing, and to appoint a successor.

4. Acting district secretaries shall serve without compensation, but shall be reimbursed from funds of the district boards to be provided by assessments levied as authorized in subsection (b) of Part I of Section 4 of the Act, for reasonable expenses incurred in complying with this Order.

5. Within 24 hours after receipt of a copy of this Order and upon acceptance of his appointment, each of the above named acting district secretaries shall notify the Commission by telegraph at Washington, D. C., indicating the time and place fixed by him for the organization meeting of the district board and the quantity of forms required for his use in organizing the producers of his district in conformity with the provisions of this Order and of said Act.

6. The duties of an acting district secretary shall be as follows:

(a) Subject to review by the Commission, to fix a time and place of a meeting for the organization of the district board in conformity with the provisions of this order and of said Act, such meeting to be held not earlier than June 22, 1937, and not later than June 25, 1937.

(b) To ascertain, as far as practicable, the names and post office addresses of all known bituminous coal producers in such district and to give notice in the manner and form herein provided of the time and place of such meeting, and to make distribution of all forms as required by this Order.

(c) To receive and safely keep for delivery to the district board, when organized, copies of code acceptances and all proxies herein provided for, and to list and arrange, prior to the time of said meeting, such proxies and acceptances in such manner as to facilitate their use at the meeting.

(d) To call said meeting to order at the time and place fixed in said notice, to act as temporary chairman, and to prescribe rules for the proper conduct of said meeting.

(e) Subject to review by the Commission, and in accordance with the provisions of the Act and the orders of the Commission, to determine the voting qualifications of all code members proposing to vote at such organization meeting, and also to determine the validity of all proxies filed on behalf of code members, and to do such other things as the Commission, by its subsequent instructions, may order and direct.

(f) Within 10 days after said meeting, to file with the Commission at Washington, D. C., a full report of the proceedings of said meeting, together with proof of service and of publication of the notice of meeting, in conformity with the requirements of this Order. Upon filing of such report and acceptance thereof by the Commission, the appointment of such acting district secretary shall terminate.

7. The notice of time and place of said meeting shall be in the form attached to this Order, marked Form No. 2. Not less than 15 days prior to the day fixed for said meeting, said notice shall be published once in at least one newspaper of general circulation in the district, and not less than 15 days prior to the day fixed for said meeting, a copy of said notice upon Form 2 shall be mailed to all known bituminous coal producers in the district, together with a copy of the Bituminous Coal Code as published and proposed to be promulgated, a copy of Order No. 1, three (3) copies of the form of acceptance (Form No. 1) and two (2) copies of Form No. 3.

8. Proof of service of said notice shall be made as directed by the Commission. Proof of publication of said notice shall be made by affidavit of the publishers of the newspapers in a form customary in the district.

9. Producers accepting membership in the code, as provided in Section 5 (a) of the Act, and in the orders and regulations of the Commission, shall be code members, and as such may qualify themselves to vote at meetings held pursuant to subsection (a) of Part I of Section 4 of said Act. Each qualified code member may attend any meeting and vote in the manner provided in said Act, either in person or by proxy but shall not be entitled to vote at any meeting on a cumulative basis. No person other than a qualified code member or his duly authorized proxy, as herein provided, shall have any vote or voice at any meeting, or the right to participate in said meeting.

10. A qualified code member within the meaning of this Order shall be a producer as defined in said Act, who, prior to the date and hour of said meeting, has performed each of the following acts: (a) Mailed to the Commission at Washington, D. C., his or its acceptance of the Bituminous Coal Code, duly executed on the form promulgated by the Commission (designated as Form No. 1); (b) filed with (actually placed in the possession of) the acting district secretary, for his delivery to the secretary of the district board when elected, a duplicate original of said acceptance.

11. All proxies shall be in the form attached to this Order, designated as Form No. 3, and to be valid shall be executed as required in this Order and filed in fact with the acting district secretary not less than 24 hours prior to the date and hour fixed for said meeting. No proxy shall, under any circumstances, have any validity which shall not have been executed and filed in conformity with this Order.

12. Qualified code members, as defined in this Order, and properly represented at the meeting, shall first proceed to a determination of the number of members to comprise the district board in accordance with the provisions of subsection (a) of Part I of Section 4 of said Act, and thereafter an election of members of the district board shall be held as stipulated in said Section 4 and in this Order; *provided*, That one vacancy shall be left in the total number of members of the district board, such vacancy to be hereafter filled by a person to be designated by the Commission and selected by the organization of employees representing the preponderant number of employees in the industry of the district, as stipulated in said Act; and *provided further*, That the number of members elected at the meeting shall be an even number as required by said Act.

Following the election of district board members, the organization meeting shall be adjourned subject to the call of its Chairman, pending a review of the proceedings by the Commission and confirmation of the election of the district board members, which shall be based upon a finding that said meeting and election have been held in conformity with said Act and the orders of the Commission, and that the district board members, so elected, are code members or representatives of code members, truly representative of all the mines in the district.

13. Following the election of members of the district board, the board shall proceed to organize as promptly as possible, and after organization shall transmit to the Commission for its consideration and approval, a full report of said meeting, which report shall be duly certified by the secretary of the district board. Said report shall include such information as will inform the Commission as to whether or not members of said board are truly representative of all the mines of the district, as provided in said Act, and as to whether said organization meeting was conducted in conformity with the provisions of said Act and the orders of the Commission.

14. District boards, when organized, shall be known as Bituminous Coal Producers Board for District No. ____.

15. No district board organized at any meeting called or held otherwise than in conformity with this Order will be recognized by the Commission.

By Order of the Commission.

Dated this 24th day of May, 1937.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

[F. R. Doc. 37-1569; Filed, May 27, 1937; 1:52 p. m.]



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101—Amendment 9

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—AMENDMENT 9

Subsection (c) of Section 18 of Southern Region Bulletin 101 is hereby amended to read as follows:

(c) The class I payment made in connection with the general base on any farm in the following counties in western Oklahoma and western Texas shall be divided among the interested producers in the same proportion as the crops in such base or the proceeds of such crops are divided under the lease or operating agreement on such farm:

Oklahoma: Adair, Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Custer,

Delaware, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Kay, Kingfisher, Kiowa, Logan, McClain, Major, Mayes, Noble, Nowata, Oklahoma, Osage, Ottawa, Pawnee, Payne, Roger Mills, Rogers, Stephens, Texas, Tillman, Washington, Washita, Woods, and Woodward.

Texas: Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Deaf Smith, Floyd, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Lubbock, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, and Yoakum.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture, to be affixed in the City of Washington, District of Columbia, this 27th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1559; Filed, May 27, 1937; 12:39 p. m.]

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**Bureau of Animal Industry.**

[Amendment 8 to B. A. I. Order 353]

ORDER TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OF RINDERPEST AND FOOT-AND-MOUTH DISEASE

[Effective May 29, 1937]

Under authority conferred upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930 (46 Stat. 590, 689), the order to prevent the introduction into the United States of rinderpest or foot-and-mouth disease (B. A. I. Order 353), dated June 1, 1935, and effective August 1, 1935, as amended September 20, 1935, September 24, 1935, April 27, 1936, August 19, 1936, October 15, 1936, April 29, 1937 and April 30, 1937, is hereby further amended by striking out the name "Denmark" from said order, inasmuch as I have determined that neither foot-and-mouth disease nor rinderpest now exists in said foreign country of Denmark, and I have so officially notified the Secretary of the Treasury.

This amendment, which for the purpose of identification is designated Amendment 8 to B. A. I. Order 353, shall be effective May 29, 1937.

Done at Washington this 27th day of May, 1937.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1562; Filed, May 27, 1937; 12:39 p. m.]

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**Bureau of Entomology and Plant Quarantine.**

[B. E. P. Q.—450]

ADMINISTRATIVE INSTRUCTIONS; APPROVAL OF ALTERNATIVE TREATMENT FOR THE INTERSTATE MOVEMENT OF BALED COTTON LINTERS GINNED FROM COTTONSEED PRODUCED IN AREAS LIGHTLY INFESTED WITH THE PINK BOLLWORM

[Issued under Regulation 9, Quarantine No. 52]

MAY 27, 1937.

Pursuant to authority vested in the Bureau of Entomology and Plant Quarantine Under Regulation 9 of the rules and regulations supplemental to Notice of Quarantine No. 52 (revised), which provides that baled linters produced in a lightly infested area to be shipped interstate to nonregulated territory must be either fumigated under vacuum, or compressed, or roller treated, or given such other treatment as may later be approved by the said Bureau, the Bureau hereby approves the following alternative treatment:

Permits may be issued for the interstate movement of baled cotton linters ginned from cottonseed grown in a regulated area lightly infested with the pink bollworm when such linters are produced from seed which has been heated to a temperature of at least 155° Fahrenheit in approved apparatus under the supervision of an inspector and subsequently handled so as to prevent contamination. Such treatment shall be given separate and apart from ginning operations and removed from other contaminated cotton products.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-1560; Filed, May 27, 1937; 12:39 p. m.]

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[B. E. P. Q.—414 (Revised)]

ADMINISTRATIVE INSTRUCTIONS; TREATMENT REQUIREMENTS REMOVED AS A CONDITION FOR INTERSTATE SHIPMENT OF BALED LINT AND LINTERS, AND PRODUCTS THEREOF FROM CERTAIN SPECIFIED PINK BOLLWORM LIGHTLY INFESTED AREAS OF NEW MEXICO AND TEXAS

[Issued under Regulations 8, 9, and 10 of Quarantine No. 52]

MAY 27, 1937.

In accordance with the authorizations contained in Regulations 8, 9, and 10, Quarantine No. 52, on account of the pink bollworm, notice is hereby given that baled cotton lint, baled cotton linters, and products thereof, from all of Lea and Roosevelt Counties of the pink bollworm regulated area in New Mexico and from that part of the pink bollworm regulated area in Texas comprising the counties of Andrews, Cochran, Dawson, Ector, Gaines, Glasscock, Hockley, Howard, Martin, Midland, Terry, and Yoakum, and those parts of the counties of Bailey and Lamb particularly described in Regulation 3 of Amendment No. 2 to Revised Rules and Regulations Supplemental to Notice of Quarantine No. 52, may be moved interstate without restriction other than that a permit issued by the United States Department of Agriculture must be secured and attached to the articles or shipping papers in accordance with the methods prescribed in Regulation 15 of said quarantine.

These Administrative Instructions amend and supersede Administrative Instructions B. E. P. Q.—414, dated September 28, 1936, and are issued for the purpose of including all of the counties of Dawson and Midland and the adjacent counties of Glasscock, Howard, and Martin, which have recently been added to the area described therein.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-1561; Filed, May 27, 1937; 12:39 p. m.]

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**FEDERAL HOME LOAN BANK BOARD.**

**Federal Savings and Loan Insurance Corporation.**

AMENDMENT TO RULES AND REGULATIONS; INSURANCE OF ACCOUNTS; COPIES OF CHARTER

Be it resolved, That pursuant to authority vested in the Board of Trustees of the Federal Savings and Loan Insurance Corporation by Sections 402 (a) and 403 (b) of the National Housing Act (12 U. S. C. 1725 (a), 1726 (b)), subsection (a) of Section 8 of the Rules and Regulations for Insurance of Accounts is hereby amended by the addition of a new sentence at the end thereof, as follows:

"Provided that any insured institution, which includes in the provisions of every certificate, passbook and other instrument certifying investment issued by it in a form approved by the Federal Savings and Loan Insurance Corporation, a full and understandable statement of the investor's withdrawal or repurchase rights, the institution's membership and/or repurchase fees, the method of maturing contracts and the rate of interest paid and/or the dividend provisions under which the institution operates, shall not be required to agree by resolution of its board of trustees to deliver to each member, upon admission to membership, a true copy of its charter and bylaws as amended."

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on May 26, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1557; Filed, May 27, 1937; 12:12 p. m.]

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**Home Owners' Loan Corporation.**

MANUAL AMENDMENT

STATE MANAGER'S ESCROW ACCOUNT; USE AS REPOSITORY FOR TRUST FUNDS

Be it resolved, That pursuant to the authority vested in the Board of Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 741 of Chapter VII of the Consolidated Manual is hereby repealed and shall be deleted from the Consolidated Manual effective July 1, 1937.

Adopted by the Federal Home Loan Bank Board on May 26, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1556; Filed, May 27, 1937; 12:12 p. m.]

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**FEDERAL POWER COMMISSION.**

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 934]

APPLICATION OF GASCONADE RIVER POWER COMPANY

NOTICE OF HEARING

Upon application filed November 22, 1932 and amendments thereof filed January 28 and February 25, 1935, by Gasconade River Power Company, having its office and principal place of business at Kansas City, Missouri, for a license to construct, maintain, and operate a project on the Gasconade River in Phelps and Pulaski Counties, Missouri, consisting of a concrete gravity dam about 119 feet high in said river in the vicinity of Arlington and Jerome and immediately above the mouth of Little Piney Creek, a power house to be constructed as a part of the dam and to contain 4 generating units and appurtenant equipment, a reservoir with 376,800 acre-feet of useful storage capacity and with normal water surface at elevation 770 feet above mean sea level and extending upsteam 42½ miles to Sec. 29, T. 37 N., R. 12 W., a step-up substation, and other pertinent structures;

It appearing that said applicant has not shown that it can construct the project in accordance with the provisions of the Federal Power Act.

And it appearing that numerous communications and protests with respect to the granting of said application have been received pursuant to public notice of the filing of said application;

It is ordered:

That a hearing be held on said application at 10 a. m., July 7, 1937, in the Commission's hearing room at 1800 Pennsylvania Ave., N. W., Washington, D. C., at which time and place any interested person or agency may appear and be heard.

Adopted by the Commission on May 25, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1552; Filed, May 27, 1937; 9:38 a. m.]

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Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.



[I. D. No. 817; I. D. No. 818; I. D. No. 819; I. D. No. 822]

APPLICATION OF WILLAM LEROY CHANDLER; APPLICATION OF GORDON S. GILLESPIE; APPLICATION OF ARTHUR B. HILL; APPLICATION OF PETER J. REMPE

NOTICE OF HEARING

Upon applications of William LeRoy Chandler, Gordon S. Gillespie, Arthur B. Hill, and Peter J. Rempe, all of 90 Broad Street, New York, N. Y., filed on January 27, 1937, and the supplemental information pertaining thereto, filed March 15, 1937, pursuant to Section 305 (b) of the Federal Power Act, for authorization to hold the positions set forth in their respective applications;

It appearing that said applicants are members of the staff of Stone and Webster Service Corporation, which corporation holds supervisory service contracts with the public utilities on which said applicants are seeking authority to hold said positions;

The Commission having considered the information therein contained *finds:*

That said applicants have not made due showing in the form and manner prescribed by the Commission that neither public not private interests would be adversely affected by their holding the said positions;

And the Commission orders:

That said applicants, and each of them, show cause why said applications should not be denied, at a hearing on said applications to be held in the Commission's hearing room, Washington, D. C., at 10:00 a. m., on the 25th day of June, 1937.

Adopted by the Commission on May 25, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1553; Filed, May 27, 1937; 9:38 a. m.]

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**RURAL ELECTRIFICATION ADMINISTRATION.**

[Administrative Order No. 102]

RESCISSION OF ALLOCATION OF FUNDS FOR LOANS

MAY 26, 1937.

I hereby rescind the allocation of funds ($105,000) for the project, Louisiana 8 Terrebonne, made by Administrative Order No. 55, dated February 3, 1937. This action is being taken because on re-examination of the project, it was found not economically feasible.

I hereby rescind the allocation of funds ($56,000) for the project, New Mexico 2 Valencia, made by Administrative Order No. 36, dated November 13, 1936. This action is being taken because the power company, since allotment was made, have built into the territory to such an extent that the project at the present time is not economically feasible.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1554; Filed, May 27, 1937; 9:38 a. m.]

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**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of May, 1937.

IN THE MATTER OF THE 25 APPLICATIONS OF NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO CERTAIN SECURITIES

ORDER POSTPONING HEARING

The New York Curb Exchange having made application to the Commission pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1 promul-

gated thereunder, for permission to extend unlisted trading privileges to the following securities:

Associated Gas & Electric Corporation:
4½% Debentures due February 1, 1978.
3½% Debentures due March 15, 1978.
5% Debentures due June 1, 1973.
4½% Debentures due June 1, 1973.

Atlantic City Electric Company:
General Mortgage Bonds, 3¼% Series, due January 15, 1964.

California Water Service Company:
First Mortgage 4% Bonds, Series "B", due May 1, 1961.

Central Maine Power Company:
First & General Mortgage Bonds, Series "H", 3½% due August 1, 1966.

Cities Service Company:
5% Gold Debentures due April 1, 1958.
5% Gold Debentures due November 1, 1963.
5% Gold Debentures due March 1, 1969.

The Cudahy Packing Company:
First Mortgage Sinking Fund Bonds, Series "A", 3¾% due September 1, 1955.
Convertible Sinking Fund 4% Debentures due September 1, 1950.

Cumberland County Power & Light Company:
First Mortgage Bonds 3½% Series due October 1, 1966.

Florida Power Corporation:
First Mortgage 4% Bonds Series "C" due December 1, 1966.

Houston Lighting & Power Company:
First Mortgage Bonds, 3½% Series, due December 1, 1966.

Metropolitan Edison Company:
First Mortgage Bonds Series "G" 4% due May 1, 1965.

Missouri Power & Light Company:
First Mortgage Bonds 3¾% Series due December 1, 1966.

National Tunnel & Mines Company:
Capital Stock, Without Par Value.

New England Power Company:
First Mortgage Bonds Series "A" 3½% due November 15, 1961.

Northern States Power Company:
First and Refunding Mortgage Bonds, 3½% Series due February 1, 1967.

Oklahoma Gas & Electric Company:
First Mortgage Bonds 3¾% Series due December 1, 1966.
4% Debentures due December 1, 1946.

Pacific Lighting Corporation:
4½% Sinking Fund Debentures due October 1, 1945.

The Peoples Gas Light & Coke Company:
First & Refunding Mortgage 4% Bonds Series "D" due June 1, 1961.

Utah-Idaho Sugar Company:
Common Stock, Par Value $5; and

The Commission having ordered that the matter be set down for hearing on June 1st, 1937, in Washington, D. C.; and

The New York Security Dealers Association and the New England Security Dealers Association having requested a postponement of said hearing until June 15th, 1937;

It is ordered, that said hearing be postponed until 10:00 A. M. on Tuesday, June 15th, 1937, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as may be determined by the Commission or its officer presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1563; Filed, May 27, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of May, 1937.

IN THE MATTER OF H. OWEN JONES, DOING BUSINESS AS H. OWEN JONES COMPANY, 60 BROAD STREET, NEW YORK, NEW YORK

ORDER SUSPENDING REGISTRATION PURSUANT TO SECTION 15(B) OF SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of H. Owen Jones, doing business as H. Owen Jones Company, as a dealer on over-the-counter markets having come on for hearing before the Commission upon the question of revocation or suspension pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, and the Commission having entered its findings of fact in the matter, and being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors to suspend the said registration;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of H. Owen Jones, doing business as H. Owen Jones Company, as dealer transacting business on over-the-counter markets, be and the same is hereby suspended until further order of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1564; Filed, May 27, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of May, 1937.

[File No. 46-41]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Southern Natural Gas Company having filed with this Commission an application and amendments thereto, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by said Company of (a) all of the outstanding securities of Alabama Gas Company, an Alabama corporation, except its First Mortgage Bonds, 4½% Series, due 1951, outstanding in the hands of the public in a principal amount not in excess of $1,500,000, and (b) all of the outstanding securities and certain indebtedness of Huntsville Gas Company, a Delaware corporation;

A hearing on such application as amended having been duly held after appropriate notice, the record in this matter having been duly considered, and the Commission having made its findings herein;

It is ordered that such acquisition by applicant in the manner and subject to the terms set forth in such application as amended be and the same hereby is approved;



It is further ordered that within ten days after such acquisition the applicant shall file with this Commission a certificate of notification showing that such acquisition has been effected in accordance with the provisions of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1565; Filed, May 27, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of May, 1937.

IN THE MATTER OF THOMAS J. LAWSON, ELECTRIC BUILDING, FORT WORTH, TEXAS

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Thomas J. Lawson, hereinafter called the registrant, having filed with the Commission on August 13, 1936 an application for registration on Form 3-M pursuant to Rule MB1 of the Commission's rules; and the said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, on August 26, 1936; and

The Commission on March 30, 1937 having authorized investigation and hearing on the question of revocation and/or suspension of registration of the said registrant pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after appropriate notice, having come on for hearing on April 28, 1937 in Fort Worth, Texas; and the said registrant having consented to the revocation of its registration; and such consent having been received by the Commission on April 29, 1937 and having been introduced as Commission's Exhibit No. 8; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Thomas J. Lawson as broker or dealer transacting business on over-the-counter markets be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1566; Filed, May 27, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-RICKARD LEASE, FILED ON MAY 20, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1567; Filed, May 27, 1937; 12:58 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of May, 1937.

[File Nos. 43-45, 46-47]

IN THE MATTER OF PEOPLES LIGHT AND POWER COMPANY

and

[File Nos. 43-46, 46-46]

IN THE MATTER OF VOTING TRUSTEES FOR CLASS A COMMON STOCK OF PEOPLES LIGHT AND POWER COMPANY

Peoples Light and Power Company having applied, pursuant to Rule VII (b) of the Rules of Practice of this Commission, for an order authorizing the taking by deposition of the testimony of George N. White in connection with the above entitled matters; and

It appearing to the Commission that such application should be granted;

It is ordered that the testimony of said George N. White be taken by deposition before Richard Townsend, an officer of this Commission on May 29, 1937, at 10:00 o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1568; Filed, May 27, 1937; 12:58 p. m.]

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*Saturday, May 29, 1937* *No. 104*

## PRESIDENT OF THE UNITED STATES.

TERCENTENARY OF BIRTH OF PERE MARQUETTE

By the President of the United States of America

A PROCLAMATION

WHEREAS the preamble to Public Resolution No. 33, Seventy-fifth Congress, first session, approved May 27, 1937, requesting the President to proclaim the tercentenary of the birth of Pere Jacques Marquette, recites:

"Whereas the 1st day of June 1937 marks the three-hundredth anniversary of the birth of Pere Jacques Marquette, the first white man to explore the upper Mississippi Valley; and

"Whereas it is eminently fitting that the tercentenary of the birth of this zealous missionary and fearless explorer should be commemorated by suitable patriotic, religious, and public exercises during such year:"

AND WHEREAS the text of the said Public Resolution provides:

"That the President of the United States is authorized and requested to issue a proclamation calling upon all officials of the Government to display the flag of the United States on all Government buildings on June 1, 1937, and inviting all people of the United States to observe the day and the anniversary year in schools, churches, and other suitable places, with appropriate ceremonies commemorating the tercentenary of the birth of Pere Jacques Marquette.":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States, do hereby direct all Govern-

ment officials to display the flag of the United States on all Government buildings on the first day of June 1937, and I invite all people of the United States to observe that day and anniversary year in schools, churches, and other suitable places with appropriate ceremonies commemorating the tercentenary of the birth of Pere Jacques Marquette.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27'' day of May, in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
SUMNER WELLES,
*Acting Secretary of State.*

[No. 2239]

[F. R. Doc. 37–1573; Filed, May 28, 1937; 12:26 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 43]

PRODUCTION CREDIT CORPORATION OF COLUMBIA

TRANSFER AND CONVERSION OF CLASS A STOCK

*To All Production Credit Associations in the States of North Carolina, South Carolina, Georgia and Florida.*

The following regulation is prescribed pursuant to Section 23 of the Farm Credit Act of 1933:

Class A stock may be converted into Class B stock only when a loan has been approved to the holder of such Class A stock and then the amount of stock to be converted must be limited to the amount necessary to enable the holder to obtain sufficient Class B stock for his loan.

PRODUCTION CREDIT CORPORATION OF COLUMBIA,
[SEAL] ERNEST GRAHAM, *President.*

[F. R. Doc. 37–1579; Filed, May 28, 1937; 12:37 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[IT–5466]

APPLICATION OF THE CLARION RIVER POWER COMPANY AND PENNSYLVANIA ELECTRIC COMPANY

NOTICE OF CONTINUANCE OF DATE OF HEARING

Upon application of The Clarion River Power Company and Pennsylvania Electric Company, filed May 25, 1937, for a continuance of the hearing now set for June 2, 1937, on the application of said companies, filed April 30, 1937, for approval of the sale and transfer of the franchises, properties and license of said The Clarion River Power Company to said Pennsylvania Electric Company;

For good cause shown, it is *ordered:*

That the hearing on said matter be and it is hereby continued to 10 a. m., Thursday, June 10, 1937, at the Commission's hearing room, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on May 27, 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 37–1570; Filed, May 28, 1937; 9:52 a. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 17th day of May, A. D. 1937.

APPLICATION FOR CHANGE OF ROUTE

IN THE MATTER OF APPLICATIONS FOR CHANGE OF AUTHORIZED ROUTE

The matter of applications under the above title being under consideration:

*It is ordered,* That applications for change of route authorized under the Motor Carrier Act, 1935, shall be in the form and contain the information called for in the form of application attached hereto and made part hereof.[1]

*It is further ordered,* That the verified original application and one copy thereof shall be filed with this Commission, and that one copy shall be delivered in person or sent by registered mail to the Board, Commission, or official of each State in which applicant operates (or to the Governor where there is no Board, Commission, or official) having authority to grant or approve certificates or permits authorizing motor carrier operations in intrastate commerce, and that one copy shall be served, in person or by registered mail, upon each motor carrier and each carrier by rail or water, known to the applicant, with whose service the operations described in such application are or will be directly competitive.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–1571; Filed, May 28, 1937; 11:58 a. m.]

ORDER

At a General Session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 24th day of May, A. D. 1937.

PETITION OF CARRIERS FOR AUTHORITY TO WAIVE DEMURRAGE CHARGES WHICH ACCRUED ON ACCOUNT OF RECENT FLOOD CONDITIONS

*It appearing,* That by Supplement No. 6 to Agent Jones' tariff I. C. C. No. 2944 Paragraph 4 was added to Section A of Rule 8 thereof effective April 1, 1937, which new paragraph reads as follows:

When, because of floods, earthquakes, hurricanes or tornadoes, and conditions in the devastated area resulting therefrom, it is impossible for a Consignor or Consignee to get to or to load or unload a car, the detention directly chargeable thereto will be eliminated in computing demurrage.

That Paragraph 2 of Section B, Rule 8, and Section E of Rule 9 were amended effective April 1, 1937, to read as follows, the italicized matter being added to the former rules:

Cars for unloading or reconsigning. When, as the result of the act or neglect of any carrier, *floods, earthquakes, hurricanes or tornadoes and conditions in the devastated area resulting therefrom,* cars originating at the same point, moving via the same route and consigned to one consignee at one point, are bunched or when cars originating at different points and transported via the same route from an intermediate common point to destination are bunched after arriving at the common point (in which event the dates of arrival of the cars at common point will govern in determining the bunching instead of the dates of shipments), and are tendered for delivery by this railroad in accumulated number in excess of daily shipments, the consignee shall be allowed such free time as he would have been entitled to had the cars not been bunched, but when any car is released before the expiration of such free time, the free time on the next car will be computed from the first 7:00 a. m. following such release; provided, however, no allowance will be made unless claim is presented in writing to this railroad's agent within thirty days, exclusive of Sundays and legal holidays, after the date on which bill for demurrage is rendered, supported by a statement showing date and point of shipments of each car involved in the bunching claim.

NOTE.—Under this rule, cars moving from different points and/or via different routes to destination and arriving on different dates will be considered bunched if tendered for delivery on one day and such free time shall be allowed as the consignee would have been entitled to, had the cars been placed or tendered for delivery in the order of their arrival.

Section E of Rule 9:

A party who enters into this average agreement shall not be entitled to include therein cars subject to Rule 2, Sections B and C, page 43 of tariff, as amended, Rule 3, Section B, Paragraph 2 (f)–1, page 44 of tariff, as amended, nor Rule 6, Sections B and C, page 48 of tariff, nor shall he be entitled to cancellation or refund of demurrage charges under Section A, Paragraph 1, of Rule 8, page 49 of tariff, as amended, nor under Section B of Rule 8, page 49 of tariff, as amended, except when bunching has been caused by *floods, earthquakes, hurricanes or tornadoes, and conditions in the devastated area resulting therefrom,* strike of carrier's employes, or when shipments of coal, withheld by the carrier to protect its fuel supply, are subsequently delivered to consignee in accumulated numbers.

*And it further appearing,* That during the period January 2, 1937, to March 31, 1937, both dates inclusive, demurrage charges accrued on cars detained in the Mississippi and Ohio River valleys as a result of flood conditions, which demurrage charges would not have accrued under the rules effective April 1, 1937, referred to above, and that petition having been filed with the Commission on behalf of carriers party to said tariff requesting authority to adjust demurrage charges on cars so detained to the basis effective April 1, 1937,

*It is ordered,* That the carriers party to Agent Jones' tariff I. C. C. No. 2944 be, and they are hereby, authorized and directed to refund amounts collected under the provisions of said tariff for demurrage charges which accrued during the period from January 2, 1937, to March 31, 1937, both dates inclusive, and to waive collection of any outstanding amounts assessed under the provisions of the rules in those instances where demurrage charges would not have accrued under the rules which became effective on April 1, 1937.

*It is further ordered,* That the carriers party to Agent Jones' tariff I. C. C. No. 2944 promptly file with the Commission statements definitely and clearly describing the cars upon which adjustments shall have been made under authority of this order.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–1572; Filed, May 28, 1937; 11:58 a. m.]

[1] Application referred to was filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

[File No. 46–40]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by The Middle West Corporation, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 10,000 shares of $6 cumulative preferred stock (no par value) of the Central Illinois Public Service Company, an Illinois corporation, said securities to be acquired on the open market at the price prevailing when and as purchases are made; and

A hearing on such matter having been held on May 7, 1937, pursuant to an order entered herein by this Commission on the 20th day of April, 1937, and said The Middle West Corporation now desiring to produce further evidence in such matter;

It is ordered that a hearing at which further evidence upon any issue in said matter may be produced shall be held on June 8, 1937, at 2 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, NW, Washington, D. C.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn or continue said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1574; Filed, May 28, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of May, A. D., 1937.

[File No. 46–42]

IN THE MATTER OF EAST ST. LOUIS LIGHT & POWER CO.

ORDER APPROVING ACQUISITION PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

East St. Louis Light & Power Co., a subsidiary company of The North American Company, a registered holding company, having filed an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 2,500 shares of the par value of $100 per share, of the Common Stock of Union Colliery Company, and a demand note, in the principal amount of $929,541.16 of said Union Colliery Company, said demand note being dated January 1, 1936; a hearing on said application, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that the acquisition of the securities covered by said application be and the same hereby is approved subject to the terms and for the purposes represented by said application, upon condition, however, that on or before the first day of April of each year while it shall continue to control such company, applicant shall file or shall cause said Union Colliery Company to file with this Commission a report, as to the last preceding calendar year, showing the amount of coal sold to it by Union Colliery Company, the type of such coal, the price at which sold to the applicant, and the sales price of comparable coal under comparable conditions obtainable in the open market.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1577; Filed, May 28, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of May, A. D., 1937.

[File No. 46–43]

IN THE MATTER OF UNION ELECTRIC LIGHT AND POWER COMPANY

ORDER APPROVING ACQUISITION PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Union Electric Light and Power Company, a subsidiary company of The North American Company, a registered holding company, having filed an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of 900,000 shares of Common Stock, of a par value of $20 per share, and 40 shares of 6% Cumulative Preferred Stock, of a par value of $20 per share of Union Electric Company of Illinois (now

East St. Louis Light & Power Co.); a hearing on said application having been held after appropriate notice; the record in this matter having been examined; the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of the securities covered by said application is approved, subject to the terms and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1578; Filed, May 28, 1936; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1937.

[File No. 43–43]

IN THE MATTER OF EAST ST. LOUIS LIGHT & POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

East St. Louis Light & Power Co., a subsidiary company of The North American Company, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue by it of 900,000 shares of its Common Stock, of the par value of $20 per share, and 80,000 shares of its 6% Cumulative Preferred Stock, of a par value of $100 per share, and regarding the assumption by it of $250,000 aggregate principal amount of the 5 Per Cent. First Mortgage Twenty-Year Bonds of Alton Railway and Illuminating Company, due October 1, 1939 and $250,000 aggregate principal amount of the 5 Per Cent. First Mortgage Forty-Year Bonds of Alton Railway, Gas and Electric Company, due October 1, 1939; a hearing on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said declaration be and become effective forthwith, subject to the terms and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1575; Filed, May 28, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1937.

[File No. 43–48]

IN THE MATTER OF UNION ELECTRIC LIGHT AND POWER COMPANY OF ILLINOIS

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

Union Electric Light and Power Company of Illinois having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the conversion of 625,000 shares of its Common Stock of the par value of $20 per share, into 695,000 shares of Common Stock of the par value of $20 per share, and the conversion of 80,000 shares of its 6% Cumulative Preferred Stock of a par value of $100 per share, into 80,000 shares of 6% Cumulative Preferred Stock of a par value of $100 of Union Electric Company of Illinois, pursuant to a proposed merger of declarant with said Union Electric Company of Illinois; a hearing on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having filed its findings herein:

It is ordered that said declaration be and become effective forthwith, subject to the terms and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1576; Filed, May 28, 1937; 12:37 p. m.]

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*Wednesday, June 2, 1937* *No. 105*

## PRESIDENT OF THE UNITED STATES.

REVOCATION OF PROCLAMATION NO. 2223 OF FEBRUARY 1, 1937, AUTHORIZING FREE ENTRY OF SUPPLIES IMPORTED FOR USE IN EMERGENCY FLOOD RELIEF WORK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by Proclamation No. 2223 of February 1, 1937,[1] issued under the authority of section 318 of the Tariff Act of 1930 (46 Stat. 696), an emergency was declared to exist on account of disastrous floods then occuring in the valleys of the Ohio and Mississippi rivers and tributaries thereof, making it necessary to extend aid on a large scale to the flood sufferers; and

WHEREAS by the said proclamation the Secretary of the Treasury is authorized to permit during the continuance of the emergency, and within such limits and subject to such conditions as he might deem necessary, the importation free of duty of such food, clothing, and medical, surgical, and other supplies as he might designate, when imported for use in such emergency relief work; and

WHEREAS the said proclamation provides that the termination of the emergency shall be determined by the President and declared by his proclamation:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, have determined, and do hereby declare and proclaim, that the emergency on which Proclamation No. 2223 of February 1, 1937, was based no longer exists, and I do hereby revoke the said proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27'' day of May in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
*Acting Secretary of State.*

[No. 2240]

[F. R. Doc. 37–1593; Filed, May 29, 1937; 9:32 a. m.]

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## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 48995]

CUSTOMS REGULATIONS AMENDED—BOND—EXAMINATION OF MERCHANDISE

CUSTOMS REGULATIONS OF 1931, RELATING TO CONSUMPTION ENTRY BONDS, CUSTOMS FORMS 7551 AND 7553, AND TO THE EXAMINATION OF MERCHANDISE, RESPECTIVELY, FURTHER AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes, and section 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 66 and 1624), the Customs Regulations of 1931 are hereby amended as follows:

Article 309 (a), as amended by T. D. 48462, is further amended by inserting after the word "custody" in line 10 the following:

at the public stores or on the wharf or other place in charge of a customs officer

Article 772, as amended by T. D. 48739, is further amended as follows:

Paragraph (c) is amended to read as follows:

(c) Before permitting the removal of merchandise for examination elsewhere than at the public stores, wharf, or other place in charge of a customs officer, the collector shall require the importer to stipulate in writing that he will not contest the validity of the appraisement because examination is made elsewhere than at the public stores, and to execute a bond on customs Form 7551 or 7553 or other appropriate form conditioned for the redelivery of the merchandise after its release from customs custody upon the completion of final examination for purposes of appraisement (art. 1058 (f)) if demand for redelivery is made in accordance with article 311. The bond shall contain added conditions providing that the importer shall hold the merchandise at the place to which it has been removed for examination until it has been released from customs custody and that he shall transfer the merchandise, at any time before such release, to such place as the collector may direct. The collector may also require the importer to deposit an amount sufficient to cover the additional expense of such examination.

Paragraph (d) is amended as follows:

Change the capital "T" in the first word "The" to a small "t" and add at the beginning of the paragraph the following:

Except as provided in paragraph (f).

Paragraph (e) is amended by deleting the words "redelivered to customs custody" in lines 5 and 6 and inserting in lieu thereof the words "transferred to such place as he may direct".

Paragraph (f) is amended by deleting the words "release the packages to the importer" in lines 16 and 17, and inserting in lieu thereof the words "permit the merchandise to be removed to the place at which it is to be set up or assembled for examination", and by deleting the words "the issuance of the delivery permit" in lines 17 and 18, and inserting in lieu thereof the words "such removal".

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: May 15, 1937.

JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–1581; Filed, May 28, 1937; 2:52 p. m.]

[1] 2 F. R. 228.

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## POST OFFICE DEPARTMENT.

SPECIAL PACKING REQUIREMENTS FOR INTERNATIONAL PARCEL-POST PACKAGES CONTAINING LIQUIDS AND SUBSTANCES WHICH EASILY LIQUEFY

MAY 24, 1937.

Claims for indemnity are still being received in connection with parcels addressed to foreign countries containing liquids and substances which easily liquefy, showing that the parcels were not prepared for mailing in accordance with the special packing requirements for such parcels.

As provided in the fourth paragraph, Page 256, of the July, 1936, Postal Guide, liquids and substances which easily liquefy must be packed in two receptacles. Between the first (bottle, flash, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fibreboard, or receptacle of equal strength) there shall be left a space to be filled with sawdust, bran or other absorbent material in sufficient quantity to absorb *all* the liquid contents in the case of breakage. However, in the case of Great Britain and Northern Ireland and those countries receiving parcels via Great Britain, Federated Malay States, Irish Free State, Leeward Islands, Straits Settlements and Windward Islands, the outer receptacle should be of strong wood or metal.

Failure to observe the foregoing not only deprives claimants of the right to any indemnity which might otherwise have been payable, but, as pointed out in previous notices, also renders other parcels included in the same dispatch liable to damage in case of breakage. Therefore, postmasters are directed to have accepting employees use more care to see that parcels containing liquids and substances which easily liquefy are packed as required before acceptance for mailing. In case of doubt, inquiry should be made as to the nature of the contents and packing.

[SEAL] HARLLEE BRANCH,
*Second Assistant Postmaster General.*

[F. R. Doc. 37–1580; Filed, May 28, 1937; 1:10 p. m.]

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## DEPARTMENT OF THE INTERIOR.

**Division of Territories and Island Possessions.**

[Supplement No. 3 to I. C. C. No. 80[1]]

THE ALASKA RAILROAD

SUPPLEMENT NO. 3 TO TERMINAL TARIFF NO. 3–A

*Naming charges for wharfage, dockage, and other terminal charges at points on The Alaska Railroad.*

The following items carried in Terminal Tariff No. 3–A, I C. C. No. 80, naming rules, regulations and rates governing wharfage, handling, loading and unloading, and other terminal service, are hereby cancelled. After date of cancellation, rates named in Tariff No. 37, I. C. C. No. 129 will apply:

| Item No.: | *Description* |
|---|---|
| 45–A | Application |
| 50 | Storage |
| 55–A | Shipments handled over side of vessel |
| 60–A | Minimum charge |
| 65 | Explosives |
| 69 | Handling charges |
| 70 to 155, inclusive | Rates on wharfage, loading and unloading |
| 165 | Absorption of wharfage charges, etc. |
| 166–A | Absorption of wharfage charges, etc. |
| 175 | Water furnished |
| 185 | Recondition packages |
| 190 | Dockage |

Issued April 29, 1937. Effective June 1, 1937. Authority: Act, March 12, 1914, and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, The Alaska Railroad.

The above is hereby confirmed, May 25, 1937.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37–1584; Filed, May 29, 1937; 9:29 a. m.]

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[I. C. C. No. 129]

THE ALASKA RAILROAD

LOCAL FREIGHT TARIFF NO. 37

*Naming charges for handling, loading, unloading and wharfage and providing for absorption of terminal charges as specified on all freight handled over docks or wharves and also charges for dockage, crane service and other terminal services at Seward, Nenana and Holy Cross, Alaska.*

Issued April 29, 1937. Effective June 1, 1937. Issued by O. F. Authority: Act, March 12, 1914, and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

The above is hereby confirmed, May 25, 1937.

RUTH HAMPTON,
*Acting Director.*

CANCELLATIONS

The following Items formerly carried in Terminal Tariff No. 3–A, I. C. C. No. 80, are hereby cancelled. After date of cancellation rates named herein will apply.

[1] Cancels Supplement No. 2. Supplements Nos. 1 and 3 contain all changes that are effective on the date hereof.

Item Nos. 45–A, 50, 55–A, 60–A, 65, 69, 70 to 155 inclusive, 165, 166–A, 175, 185 and 190.

EXPLANATION OF ABBREVIATIONS

| | |
|---|---|
| Bbls | Barrels. |
| B. M | Board Measure. |
| C. L | Carloads. |
| Cu. Ft | Cubic feet. |
| I. C. C | Interstate Commerce Commission. |
| K. D | Knocked down. |
| Lbs | Pounds. |
| L. C. L | Less than carloads. |
| No | Number. |
| N. O. S | Not otherwise specified herein. |
| O. R. B | Owners risk breakage |
| S. U | Set up. |
| Viz | Namely. |

RULES AND REGULATIONS

*Item No. 5* [1]*—Application.*—Except as otherwise specifically provided in individual items or tariffs lawfully on file with the Interstate Commerce Commission, rates named in this tariff will apply on all traffic moving by water and handled over Docks or Wharves at Seward, Nenana and Holy Cross, Alaska.

*Exception.*—Traffic moving under through rates to which this Carrier is a party will be subject to such rules and charges for handling, wharfage, loading or unloading as named in individual tariffs naming through rates.

*Item No. 10* [1]*—Wharfage.*—Wharfage charges are charges made on freight passing over docks or wharves and does not include charges for any other service.

*Item No. 15* [1]*—Handling.*—Handling charges are charges made for handling freight between dock or wharf and ship's slings.

*Item No. 20—Loading and Unloading.*—Loading or unloading charges are charges made on freight loaded into or on cars or unloaded from cars and include handling between cars and dock warehouse, but do not include handling to or from ship's slings.

*Item No. 25—Shipments Handled over Side of Vessel when Laying Alongside of Wharf.*—Freight loaded or discharged over side of vessel, from or to vessel or scow; or taken from or discharged into water when vessel is laying alongside wharf will be charged one-fourth wharfage rates named herein.

*Item No. 30* [1]*—Shipments Handled Direct between Vessels when Laying Alongside Wharf.*—Freight handled direct between vessels or scows when handled over dock or wharf without being deposited at a place of rest on dock or wharf will be charged one-half the wharfage rates named herein, in addition to the handling charges named herein. Shipments handled through dock warehouse for transfer between vessels or scows will be subject to the full wharfage and handling charges named herein.

*Item No. 35* [1]*—Freight Handled Direct between Open Cars and Vessel.*—Freight handled direct between open cars and vessel by ship's slings will be subject to the wharfage charges and loading or unloading charges named herein.

*Item No. 40—Freight Handled Direct between Box Cars and Vessel.*—Freight handled direct between box cars spotted at ship's side and vessels, by ship's slings or other means, without being deposited at place of rest on dock, will be considered the same as cargo handled from car to said place of rest and from said place of rest to ship's sling and vice versa, and subject to like charges.

*Item No. 45* [1]*—Ship's Stores.*—Ship's stores handled over dock will be subject to handling charges only and will not be subject to wharfage charges. Repair material, fuel oil, fuel coal, are subject to wharfage charges named herein.

*Item No. 50—Minimum Charge.*—The minimum charge for any single shipment will be as follows:

Handling: 25 cents; Wharfage: 50 cents; Loading: 25 cents; Unloading: 25 cents.

*Item No. 55* [1]*—Storage.*—All freight is subject to storage charges provided in Terminal Tariff No. 3–A, I. C. C. No. 80, supplements thereto or successive issues thereof.

*Item No. 60—Explosives.*—The rates named herein on explosives, inflammables and other dangerous articles are applicable in connection and compliance with the regulations prescribed by the Interstate Commerce Commission for the transportation of explosives, as published in Agent W. S. Topping's Tariff No. 2, I. C. C. No. 2, supplements thereto or successive issues thereof, and acceptance is subject to local regulations and conditional upon immediate removal from docks or wharves by connecting line or consignee.

[1] Neither Increase nor Reduction.

ABSORPTION OF WHARFAGE AND LOADING OR UNLOADING CHARGES OVER DOCKS OR WHARVES AT SEWARD, ALASKA

*Item No. 65—Bulk Coal.*—On carload shipments of bulk coal originating on The Alaska Railroad and destined to points on connecting lines, The Alaska Railroad will absorb, when it receives a line haul, the wharfage and unloading charges. Connecting line to stow coal in vessel and trim vessel.

*Item No. 70* [1]*—Sacked Coal.*—On carload shipments of sacked coal originating on The Alaska Railroad and destined to points on connecting lines, The Alaska Railroad will absorb, when it receives a line haul, the wharfage charges. Connecting line to stow coal in vessel and trim vessel.

*Rates for Handling, Wharfage, Loading and Unloading*

[Applying on traffic handled over Docks or Wharves described in Item No. 5]

| Item No. | Commodity | Charges in Cents per ton of 2,000 lbs., or 40 cubic feet, as per ship's manifest, except as otherwise provided. Handling | Wharfage | Loading or Unloading |
|---|---|---|---|---|
| 100 | All Freight, N. O. S | 50 | [4] 150<br>[5] 200 | 50 |
| 105 | Aeroplanes, K. D. (Wings and Fuselage separate), each [2] | 250 | 500 | 500 |
| 110 | Automobiles, Auto Trucks, Auto Chassis, Tractors or Trailers, on own wheels, each [2] | 200 | 300 | 300 |
| 115 | Box Shooks and Fibre Cartons, K. D., Barrel or Keg Stock, S. U. or K. D. [2] | 25 | 50 | 50 |
| 120 | Bricks, loose, O. R. B., per 1,000 brick | 75 | 225 | 75 |
| | Bricks, in boxes or crates, O. R. B | 50 | 100 | 50 |
| 125 | Cans, empty, S. U., or collapsed, including can ends or tops | 25 | 50 | 50 |
| 130 | Carriers, empty, returned | 25 | 80 | 50 |
| 135 | Cement | 50 | 100 | 50 |
| 140 | Coal, bulk, per ton of 2,000 lbs | 25 | 50 | 30 |
| | Coal, sacked, per ton of 2,000 lbs | 25 | 100 | [3] 25 |
| 145 | Explosives | 100 | 300 | 100 |
| 150 | Films, moving picture, exposed, positives | 75 | 250 | 75 |
| 155 | Fish, canned, frozen, salted or pickled | 5 | 80 | 50 |
| 160 | Gasoline, Distillate, Benzine, Benzole, Camphene, Naphtha, Turpentine and analogous Explosive Oils | 75 | 225 | 75 |
| 165 | Livestock, viz.: | | | |
| | Bulls, Jacks and Stallions, per head | 150 | 150 | [6] 150 |
| | Horses, Mules and Cattle, per head | 100 | 100 | [6] 100 |
| | Calves and Colts, not over six months old, per head | 50 | 50 | [6] 50 |
| | Hogs, per head | 25 | 25 | [6] 25 |
| | Sheep and Goats, in lots of less than 50 head, per head | 25 | 25 | [6] 25 |
| | Sheep and Goats, in lots of 50 head or more, per head | 15 | [7] 15 | [6] 15 |
| | Fowl and Animals, crated, per 40 cubic feet | 50 | 100 | 50 |
| 170 | Lumber and Lumber Products, viz: | | | |
| | Lumber, per 1,000 feet, B. M | 50 | 150 | 50 |
| | Lumber, in lots of 100,000 feet B. M. or over, per 1,000 feet, B. M | 50 | 100 | 50 |
| | Lath, per 1,000 lath | 10 | 30 | 10 |
| | Shingles, per 1,000 shingles | 5 | 15 | 5 |
| | Piling, Poles or Logs, per 1,000 feet B. M. | 50 | 100 | 50 |
| | NOTE.—Lumber shipments will be handled only at shipper's load and count. | | | |
| 175 | Plaster or Fire Clay | 50 | 100 | 50 |
| 180 | Potatoes or Vegetables | 50 | 100 | 50 |
| 185 | Salt, in lots of 5 tons or over | 25 | 100 | 50 |
| 190 | Wire Netting, Fish Trap, in lots of 15 tons or over | 25 | 100 | 50 |
| 195 | Baggage, Mail or Express [8] | 50 | (9) | (9) |

[2] Applies southbound only.
[3] Increase.
[4] Reduction.
[5] Applies at Seward, Alaska.
[6] Applies at Nenana and Holy Cross, Alaska.
[7] Feed for livestock, tariff rates: When loading or unloading is performed by owner or shipper these charges will not apply.
[8] Feed for livestock, tariff rates: Minimum charge, any one shipment $12.50.
[9] No charge for wharfage.
[10] No loading or unloading performed.

[2] Increase.



TERMINAL CHARGES, FACILITIES, ETC.

*Item No. 210—Water Furnished Vessels.*—The following charges will be made for furnishing water to vessels at wharves:

| | |
|---|---|
| Gas Launches | $0.75 |
| Ocean Barges | 1.50 |
| Vessels under 50 net registered tons | 1.50 |
| Vessels 50 net registered tons to 150 net registered tons | 2.50 |
| Vessels 151 net registered tons to 500 net registered tons | 5.00 |
| Vessels 501 net registered tons and over | 10.00 |

*Item No. 215* [1]*—Use of Cranes.*—For use of locomotive crane, the following charges will be made:

| | |
|---|---|
| All service, per hour | $10.00 |
| Minimum charge | 10.00 |

Locomotive cranes will only be furnished when available at the convenience of the carrier.

Fractional parts of an hour will be computed as one hour.

Time to be computed from time of leaving for work until time of return.

When two cranes are required at Seward, Alaska, for handling heavy lifts from and to steamers which necessitates the moving of an extra crane from outlying points to Seward for this purpose, the following charges will apply for the use of both cranes for each piece or package lifted:

| | *Per ton of 2,000 lbs.* |
|---|---|
| Pieces or packages weighing: | |
| Over 30,000 lbs., and not over 32,000 lbs | $5.00 |
| Over 32,000 lbs., and not over 34,000 lbs | 5.50 |
| Over 34,000 lbs., and not over 36,000 lbs | 6.00 |
| Over 36,000 lbs., and not over 38,000 lbs | 6.50 |
| Over 38,000 lbs | 7.00 |
| Minimum charge for each steamer on which two cranes are used will be | 200.00 |

The charges named above will include services of crane engineer, crane fireman and crane foreman. Any additional crew required will be charged at cost plus 15 per cent.

*Item No. 220—Reconditioning Packages.*—Whenever it is necessary to repack insecure packages to prevent loss or damage, or to recondition damaged packages for which this Carrier is not responsible, such repacking or reconditioning shall be charged to the shipment at actual cost of labor and materials plus 15 per cent for supervision.

*Item No. 225—Dockage.*—The following dockage charges will be made at wharves and docks at Seward, Nenana and Holy Cross, Alaska:

| | | |
|---|---|---|
| Vessels under 10 net registered tons | Exempt. | |
| Vessels 10 net registered tons to 50 net registered tons | $1.00 | per day. |
| Vessels 51 net registered tons to 100 net registered tons | 2.00 | per day. |
| Vessels 101 net registered tons to 200 net registered tons | 4.00 | per day. |
| Vessels 201 net registered tons to 400 net registered tons | 6.00 | per day. |
| Vessels 401 net registered tons to 600 net registered tons | 8.00 | per day. |
| Vessels 601 net registered tons to 800 net registered tons | 10.00 | per day. |
| Vessels 801 net registered tons and over: | | |
| First day, per net registered ton [4] | 0.01 | per day. |
| Each succeeding day, per net registered ton [4] | 0.00½ | per day. |
| Second dockage at same port on one voyage, per net registered ton [4] | 0.00½ | per day. |

Dockage commences upon the vessel when she makes fast to the wharf and each twenty-four hours thereafter, or part thereof constitutes a day's dockage.

[F. R. Doc. 37–1585; Filed, May 29, 1937; 9:29 a. m.]

## General Land Office.

[Circular No. 1428]

AMENDMENT OF CIRCULAR CONTAINING REGULATIONS GOVERNING EXCHANGES OF STATE LANDS UNDER SECTION 8 OF THE GRAZING ACT AS AMENDED BY THE ACT OF JUNE 26, 1936 (49 STAT. 1976)

*Registers, U. S. Land Offices.*

SIRS: Paragraph 1 of the regulations, Circular No. 1398, approved by the Department July 22, 1936, contains the following statement:

School sections, surveyed or unsurveyed, included within national forests, national parks and monuments, Indian or other reservations or withdrawals, may not be offered as a basis for exchange under said section 8 of the Taylor Grazing Act as amended.

Said circular is hereby amended by substituting the following paragraph for the one above quoted:

State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Such exchanges may be based either upon equal areas or upon equal values, excepting those cases in which unsurveyed school sections and school sections surveyed after their inclusion within a reservation are offered as a basis, in which cases the exchange must be based upon equal areas.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

Approved May 17, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37–1583; Filed, May 29, 1937; 9:29 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B–101—Pennsylvania—Supplement (7) Issued May 29, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (7)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1), (2), (3), (4), (5), and (6) thereto is hereby amended as follows:

I

The first paragraph under the heading "Seeding Land to Permanent Pasture or Establishing New Pastures or Permanent Sod Waterways", which reads as follows:

Applying on crop or pasture land, either at or before the time of seeding, not less than the following quantities of the following materials or their equivalent [1] per acre and seeding such land between March 1, 1937, and October 31, 1937, to at least 18 pounds per acre of a pasture mixture containing at least 6 pounds per acre of approved varieties of clover seed (such seedings not to be used for green-manure):,

is stricken out and in lieu thereof the following is inserted:

Applying on crop or pasture land, either at or before the time of seeding, or, where the county committee determines that the required material is not available at that time, at the first reasonable opportunity after the time of seeding but not later than September 1, 1937, not less than the following quantities of the following materials or their equivalent [1] per acre and seeding such land between March 1, 1937, and October 31, 1937, to at least 18 pounds per acre of a pasture mixture containing at least 6 pounds per acre of approved varieties of clover seed (such seedings not to be used for green-manure):

II

The first paragraph under the heading "Establishing New Seedings of Alfalfa or Mixtures of Alfalfa and other Clovers and Grasses", which reads as follows:

Applying, at or before the time of seeding, not less than the following quantities of the following materials or their equivalent [1] per acre, and seeding such land between February 1, 1937, and October 31, 1937, with either (a) at least 15 pounds per acre of approved varieties of alfalfa seed or (b) a mixture containing at least 8 pounds of approved varieties of alfalfa seed, 4 pounds of approved varieties of clover, and 4 pounds of timothy seed, per acre, provided that the timothy may have been seeded in the fall of 1936 (none of above seedings to be used for green manure):,

is stricken out and in lieu thereof the following is inserted:

Applying, at or before the time of seeding, or, where the county committee determines that the required material is not available at that time, at the first reasonable opportunity after the time of seeding but not later than September 1, 1937, not less than the following quantities of the following materials or their equivalents [1] per acre, and seeding such land between February 1, 1937, and October 31, 1937, with either (a) at least 15 pounds per acre of approved varieties of alfalfa seed or (b) a mixture containing at least 8 pounds of approved varieties of alfalfa seed, 4 pounds of approved varieties of clover, and 4 pounds of timothy seed, per

[2] Reduction.
[4] Minimum charge $10.00.
[5] Minimum charge $5.00.

acre, provided that the timothy may have been seeded in the fall of 1936 (none of above seedings to be used for green-manure):

III

The first paragraph under the heading "Establishing New Seedings of Clover and Timothy", which reads as follows:

Applying, at or before the time of seeding, not less than the following quantities of the following materials or their equivalents[1] per acre, and seeding such land between February 1, 1937, and October 31, 1937, with a mixture of at least 6 pounds of approved varieties of clover and at least 5 pounds of timothy in an approved nurse crop, provided that the timothy may have been seeded in the fall of 1936:,

is stricken out and in lieu thereof the following is inserted:

Applying, at or before the time of seeding, or, where the county committee determines that the required material is not available at that time, at the first reasonable opportunity after the time of seeding but not later than September 1, 1937, not less than the following quantities of the following materials or their equivalents[1] per acre, and seeding such land between February 1, 1937, and October 31, 1937, with a mixture of at least 6 pounds of approved varieties of clover and at least 5 pounds of timothy in an approved nurse crop, provided that the timothy may have been seeded in the fall of 1936:

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 29th day of May, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1616; Filed, June 1, 1937; 12:39 p. m.]

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NER—B-101—Rhode Island—Supplement (5) Issued June 1, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—RHODE ISLAND—SUPPLEMENT (5)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Rhode Island, as amended by Supplements (1), (2), (3), and (4) thereto, is hereby amended by striking out the first and second paragraphs relating to "16 percent Nitrate of Soda" under the heading "Fertilizing Soil-Conserving Crops", which read as follows:

| | | |
|---|---|---|
| On pasture, or on hay land, or in orchards provided the entire interplanted crop in the orchard is left on the land | 100 | 200 |
| On new seedings of legumes or grasses, or on green-manure crops | 100 | 150 |

and inserting the following in lieu thereof:

| | | |
|---|---|---|
| On pasture, or in orchards provided the entire interplanted crop in the orchard is left on the land | 100 | 200 |
| On new seedings of legumes or grasses, on hay land or on green-manure crops | 100 | 150 |

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 1st day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1617; Filed, June 1, 1937; 12:39 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2748]

IN THE MATTER OF ARPAUL COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, June 4, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1589; Filed, May 29, 1937; 9:31 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2914]

IN THE MATTER OF BRADAS & GHEENS, INCORPORATED, C. E. GHEENS, AN INDIVIDUAL, TRADING AS BRADAS & GHEENS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, June 7, 1937, at ten o'clock in the forenoon of that day (central standard time), in a court room of the Federal Building, Louisville, Kentucky.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1590; Filed, May 29, 1937; 9:31 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.



[Docket No. 2913]

IN THE MATTER OF MARCELLE CANDIES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, June 9, 1937, at nine o'clock in the forenoon of that day (central standard time), at room number 324, Old Post Office Building, Atlanta, Georgia.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1591; Filed, May 29, 1937; 9:31 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3045]

IN THE MATTER OF MELSTER CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 22, 1937, at a court room in the Federal Building, at ten o'clock in the forenoon of that day (central standard time), Madison, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1592; Filed, May 29, 1937; 9:31 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 1802]

IN THE MATTER OF NATIONAL CANDY COMPANY, INC., A CORPORATION, IN ITS OWN NAME AND RIGHT AND TRADING AS PAN CONFECTION FACTORY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Sec. 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, June 18, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 516 Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1587; Filed, May 29, 1937; 9:30 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2702]

IN THE MATTER OF PEARSON CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Monday, June 21, 1937, at ten o'clock in the forenoon of that day (central standard time), at room 307, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1588; Filed, May 29, 1937; 9:30 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

NOTICE

MINIMUM RATES, CHARGES, AND TARIFFS

*To All Motor Carriers Subject to Sections 216 and 218 of the Motor Carrier Act, 1935:*

MAY 28 1937.

In the Commission's Notice of February 13, 1936, all motor carriers were admonished to file, effective April 1, 1936, schedules of minimum rates and charges, if contract car-

riers, and tariffs, if common carriers. It was further stated that each carrier who was in *doubt* at that time as to whether it was a contract or a common carrier should file schedules of minimum rates and charges, or tariffs, or both, according to its best judgment of the status of its operation under the Motor Carrier Act, 1935.

Some motor carriers have recently attempted under the authority of the Notice of February 13, 1936, to file with the Commission, rates and charges for both common and contract carrier operation. The Notice of February 13, 1936 was issued because of the emergency resulting from the requirements of the Motor Carrier Act, 1935, relating to the initial filing of carriers' rates and charges. That emergency no longer exists. Any carrier who elected to file initial rates and charges either as a common carrier or as a contract carrier only, may not now engage in dual operation and file charges both as a contract and a common carrier.

If the carrier now desires to begin dual operation it will be necessary for it to file a formal application and await the action of the Commission thereon before beginning such operation.

The Notice of February 13, 1936, is hereby withdrawn and rescinded in its entirety.

[SEAL] W. P. BARTEL *Secretary.*

[F. R. Doc. 37-1595; Filed, May 29, 1937; 11:46 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of May, A. D. 1937.

[No. MC C-3]

CHICAGO, ILL., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor:

*It is ordered*, That the effective date of the order of April 5, 1937, which prescribes the boundaries of the area to be considered as the zone adjacent to and commercially a part of Chicago, Ill., and contiguous municipalities be, and it is hereby, postponed to July 1, 1937.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1598; Filed, May 29, 1937; 11:47 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of May, A. D. 1937.

[No. MC C-2]

NEW YORK, N. Y., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor:

*It is ordered*, That the effective date of the order of April 5, 1937, which prescribes the boundaries of the area to be considered as the zone adjacent to and commercially a part of New York, N. Y., and contiguous municipalities be, and it is hereby, postponed to July 1, 1937.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1597; Filed, May 29, 1937; 11:47 a. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of May, A. D. 1937.

[No. MC C-1]

ST. LOUIS, MO., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor:

*It is ordered*, That the effective date of the order of April 5, 1937, which prescribes the boundaries of the area to be considered as the zone adjacent to and commercially a part of St. Louis, Mo., and contiguous municipalities be, and it is hereby postponed to July 1, 1937.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1596; Filed, May 29, 1937; 11:47 a. m.]

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## NATIONAL LABOR RELATIONS BOARD.

*United States of America—Before the National Labor Relations Board*

[Case C-142]

IN THE MATTER OF UNITED STATES STEEL CORPORATION AND CARNEGIE-ILLINOIS STEEL CORP. AND STEEL WORKERS ORGANIZING COMMITTEE AND AMALGAMATED ASSOCIATION OF IRON, STEEL AND TIN WORKERS

NOTICE OF HEARING

Please take notice that pursuant to authority vested in the National Labor Relations Board under an Act of Congress (49 Stat. 449) a further hearing will be held before the National Labor Relations Board on Friday, June 4, 1937, at 10 a. m., Room 406 Denrike Building, 1010 Vermont Avenue, N. W., Washington, D. C.

You may appear and be heard if you so desire.

Dated, Washington, D. C., May 28, 1937.

[SEAL] BENEDICT WOLF, *Secretary.*

[F. R. Doc. 37-1594; Filed, May 29, 1937; 11:07 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 103]

ALLOCATION OF FUNDS FOR LOANS

MAY 27, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Arkansas 11 Jackson (partial) | $100,000 |
| New Mexico 4 Eddy (partial) | 104,000 |
| New Mexico 4G Eddy (partial) | 60,000 |
| Ohio 65A Fairfield (partial) | 105,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1586; Filed, May 29, 1937; 9:30 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of May, A. D., 1937.

[File No. 43-44]

IN THE MATTER OF SAN ANTONIO PUBLIC SERVICE COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

San Antonio Public Service Company, a subsidiary of American Light & Traction Company, a registered holding company, having duly filed with this Commission a declaration, and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the reclassification and change of the declarant's outstanding 55,000 shares of $100 par value common stock, all owned by said American Light & Traction Company, into a like number of shares of no par value common stock, the fixing of the stated value thereof at $70 per share, and the issue and exchange of new certificates representing the no par value common stock for the outstanding certificates representing the $100 par value common stock; a hearing on said amended declaration having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered, that said amended declaration be and become effective on May 29, 1937, on condition that the acts covered thereby be effected in substantial compliance with the terms and conditions and for the purposes represented by said amended declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1613; Filed, June 1, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-BRACHT #6 FARM, FILED ON MAY 7, 1937, BY ROY M. SMITH, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 28th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 11th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1608; Filed, June 1, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-SUNRISE FARM, FILED ON MAY 3, 1937, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341(d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 25, 1937, be effective as of May 25, 1937: and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1614; Filed, June 1, 1937; 12:37 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GLEN ELLYN FARM, FILED ON MAY 3, 1937, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 25, 1937, be effective as of May 25, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1615; Filed, June 1, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SIMPSON-FELL-WESTHEIMER-BATES FARM, FILED ON MAY 24, 1937, BY LOUIS BERNSTEIN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, required to be given in Division I, Paragraph 8, of the offering sheet, is omitted;

(2) In that the number of barrels of oil which must be produced from the tract involved before the purchase price of the smallest fractional interest is returned, as set forth in Division II, Item 1, is not correct.

It is ordered, pursuant to Rule 340(a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material

to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 11:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1607; Filed, June 1, 1937; 12: 35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-JANSSEN FARM, FILED ON MAY 24, 1937, BY ELMER J. COUSINO, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, is not correct;

(2) In that the information contained in Division II, Item 13, relative to the number of producing wells on the tract involved, may not be correct by reason of the fact that such information does not agree with similar information disclosed by the plat attached to the offering sheet as Exhibit A;

(3) In that the total production of oil from the tract, as set forth in Division II, Item 15, is not believed to be correct by reason of the fact that it does not agree with the gross production of oil by months as given in Division II, Item 16 (a) (1);

(4) In that the figures set forth for the months of February and March, 1937, in Division II, Item 16 (d), are not believed to be correct;

(5) In that the copy of the proposed conveyance, required to be attached to the offering sheet as Exhibit B, is omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1609; Filed, June 1, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG FARM, FILED ON MAY 22, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the statement made in Division II, Item 16 (a) (III), relative to the gross production of water from the tract involved, is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1603; Filed, June 1, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D. 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-YOUNG FARM, FILED ON MAY 22, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the information disclosed by Division II, Item 16 (a) (iii), relative to the gross production by water from the tract involved may be misleading by reason of the fact that it is believed the tract in question has, since February, 1937, begun to produce water, and that such information is not disclosed in the offering sheet although such facts were available to the offeror;

(2) In that the information contained in Items 17 (b) and 18 (a), (iv) and (v), does not agree with similar information given in the plat attached to the offering sheet as "Exhibit A";

(3) In that the legend required to be given as a part of Exhibit A is incomplete by reason of the fact that the symbol for a "dry hole" is omitted;

It is ordered, pursuant to rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1606; Filed, June 1, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-STILES COMMUNITY FARM, FILED ON MAY 21, 1937, BY S. LEROY ESTES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the information contained in Division II, Item 13, may be misleading by reason of the fact that the statement that the lease is located in the "central portion of the present developed area", is not believed to be correct, and for the further reason that "present developed area" infers that the limits of the field have not yet been defined;

(2) In that the date upon which the discovery well of the Oklahoma City field was plugged back, as set forth in Division II, Item 13, is not believed to be correct;

(3) In that the legal description contained in the proposed conveyance attached to the offering sheet as "Exhibit B" is incomplete;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 3:15 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1610; Filed, June 1, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTERSET IN THE GULF-WISE-VINSON FARM FILED ON MAY 21, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the allowable production of oil from the tract involved is not set forth in Division II, Item 16 (b) (i), for the months of February, March and April, 1937;

(2) In that the information required to be given by the plat attached to the offering sheet as Exhibit A, is incomplete in the following particulars:

(a) The depths of some of the wells completed in the Wilcox Sand are omitted;

(b) The depth of the dry hole located on the Magnolia-Green tract is omitted;

(c) It appears that other information disclosed by the plat is not current.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1602; Filed, June 1, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE INLAND-HOWES CAPITOL FARM, FILED ON MAY 21, 1937, BY HARRY A. GEORGE, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the legal description contained in the proposed conveyance attached to the offering sheet as "Exhibit B" is incomplete;

(2) In that the statement made in Division II, Item 13, relative to the date upon which the discovery well of the Oklahoma City field was plugged back, is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 3:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1611; Filed, June 1, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-RISSE FARM, FILED ON MAY 21, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the information given in Division II, Item 16 (a) (iii), relative to the gross production of water produced from the tract involved, is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 3:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

able grounds to believe, and therefore alleging, that the examiner is directed to close the hearing and make his report of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1612; Filed, June 1, 1937; 12:36 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-WESTFAHL FARM, FILED ON MAY 24, 1937, BY SOUTHWEST ROYALTIES COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the statement required to be given immediately preceding the signature of the offeror is incorrect as to form; also, the address of offeror is omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 2:30 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1605; Filed, June 1, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-STILES COMMUNITY FARM, FILED ON MAY 21, 1937, BY STANDARD DEALERS COMPANY, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the information contained in Division II, Item 13, may be misleading by reason of the fact that the statement that the lease is located in the "central portion of the present developed area", is not believed to be correct, and for the further reason that "present developed area" infers that the limits of the field have not yet been defined;

(2) In that the date upon which the discovery well of the Oklahoma City field was plugged back, as set forth in Division II, Item 13, is not believed to be correct;

(3) In that the legal description contained in the proposed conveyance attached to the offering sheet as "Exhibit B" is incomplete;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 4:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1604; Filed, June 1, 1937; 12:34 p. m.]

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## VETERANS' ADMINISTRATION.

### REVISION OF REGULATIONS

DEDUCTION OF INSURANCE PREMIUMS FROM DISABILITY COMPENSATION, RETIREMENT PAY, OR PENSION

R-3020. The insured under a United States Government life insurance policy; or under yearly renewable term insurance, may authorize the monthly deduction of premiums from disability compensation, retirement pay, or pension that may be due and payable to him under any laws administered by the Veterans Administration, in accordance with the following provisions:

(A) The authorization must be in writing over the signature of the insured, and whenever practicable on such forms as may be prescribed by the Veterans Administration.

(B) The monthly disability compensation, retirement pay, or pension so due and payable must be equal to, or in excess of, the amount of the insurance premium figured on a monthly basis.

(C) The authorization will be effective on the first day of the month next following the month in which it is received by the Veterans Administration, unless the insured elects to have the authorization become effective on the first day of a succeeding month.

(D) The authorization may be canceled by the insured at any time by notice in writing to the Veterans Administration. Such cancelation will be effective on the first day of the month following the month in which it is received by the Veterans Administration.

(E) If the benefits payable to the insured are apportioned under the regulations of the Veterans Administration now in effect or hereafter issued, the deduction authorized by the insured shall be from that portion awarded to the insured under such regulations. (May 28, 1937.) (Section 5, World War Veterans Act, 1924.)

EFFECTIVE DATE OF AUTHORIZATION FOR DEDUCTION OF INSURANCE PREMIUMS FROM DISABILITY COMPENSATION, RETIREMENT PAY, OR PENSION

R–3021. When premium deductions are authorized by the insured under United States Government life insurance or under yearly renewable term insurance, in accordance with the provisions of Veterans Administration regulations, the Veterans Administration will make monthly deductions from the disability compensation, retirement pay, or pension, due and payable to the insured, of an amount sufficient to pay the monthly premium on the insurance. Such deductions shall begin with the month in which the authorization is effective and continue so long as the disability compensation, retirement pay, or pension due and payable to the insured is sufficient to pay the monthly insurance premium, unless the authorization is sooner canceled or otherwise terminated. (May 28, 1937.) (Section 5, World War Veterans Act, 1924.)

PREMIUMS TO BE DEDUCTED FROM DISABILITY COMPENSATION, RETIREMENT PAY, OR PENSION, TREATED AS PAID, FOR PURPOSE OF PREVENTING LAPSE

R–3022. When premium deductions are authorized by the insured under United States Government life insurance or under yearly renewable term insurance, in accordance with the provisions of Veterans Administration regulations, the insurance premium will be treated as paid for the purpose only of preventing lapse of the insurance, although such deduction is not in fact made, if upon the due date of the premium there is due and payable to the insured an amount of disability compensation, retirement pay, or pension sufficient to provide the payment. Any premium authorized to be deducted from disability compensation, retirement pay, or pension due and payable to the insured and not actually paid, shall be deducted from any amount of current disability compensation, retirement pay, or pension that may become due and payable to the insured. The amounts so deducted for premiums shall be deposited and covered into the Treasury to the credit of the military and naval insurance appropriation or the United States Government life insurance fund, as may be proper. (May 28, 1937.) (Section 5, World War Veterans Act, 1924.)

TERMINATION OF THE AUTHORIZATION TO DEDUCT INSURANCE PREMIUMS FROM DISABILITY COMPENSATION, RETIREMENT PAY, OR PENSION

R–3023. Deduction of insurance premiums on United States Government life insurance or on yearly renewable term insurance shall cease and the authorization shall terminate if the disability compensation, retirement pay, or pension becomes insufficient to provide the premium, or if disability compensation, retirement pay, or pension is no longer due and payable to the insured. The insurance shall lapse after the termination or cancelation of the authorization to deduct premiums from disability compensation, retirement pay, or pension, unless the premium be otherwise paid within the grace period. The insured will be notified, by letter directed to his last address of record, of the termination of the authorization to deduct premiums; but the failure to give such notice or the failure to receive such notice, shall not prevent lapse of the insurance. (May 28, 1937.) (Section 5, World War Veterans Act, 1924.)

DEDUCTION OF PREMIUMS ON TOTAL DISABILITY INSURANCE

R–3024. An authorization to deduct premiums on a contract of United States Government life insurance in accordance with the provisions of R. & P. R–3020, R–3021, R–3022, and R–3023 will be deemed to include the premiums on any contract of total disability insurance that may be attached to said contract of United States Government life insurance, and the provisions of said paragraphs shall be applicable jointly and inseparably to both contracts as though they were one contract. (May 28, 1937.) (Section 5, World War Veterans Act, 1924.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37–1582; Filed, May 28, 1937; 3:25 p. m.]

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*Thursday, June 3, 1937* *No. 106*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR THE USE OF THE UNITED STATES INDIAN SERVICE HOSPITAL

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SEC. 1. Executive Order No. 6006 of January 23, 1933, withdrawing and reserving a tract of land identified as United States Survey No. 1946 for public use as a source of water for domestic purposes in the community of Unalaska, is hereby revoked.

SEC. 2. Subject to the conditions expressed in the abovementioned acts and to all valid existing rights, the tract of land described in section 1 of this order is hereby temporarily withdrawn from settlement, location, sale or entry, and reserved for use by the United States Indian Service Hospital at Unalaska.

SEC. 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 29, 1937.*

[No. 7622]

[F. R. Doc. 37–1620; Filed, June 1, 1937; 3:43 p. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE OF DEPARTMENT OF AGRICULTURE AS ADDITION TO AGRICULTURAL FIELD STATION

*Oregon*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that the following-described lands within the Umatilla Federal Irrigation Project, Oregon, be, and they are hereby, temporarily withdrawn from settlement, location, sale, or entry, and reserved for the use of the Department of Agriculture as an addition to the existing agricultural field station.

WILLAMETTE MERIDIAN, OREGON

Township 4 North, Range 28 East,
Section 22, S½ NE¼, SE¼ NW¼, and SW¼.

This order shall continue in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 29, 1937.*

[No. 7623]

[F. R. Doc. 37–1621; Filed, June 1, 1937; 3:42 p. m.]

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EXECUTIVE ORDER

ENLARGING THE TONGASS NATIONAL FOREST

*Alaska*

By virtue of and pursuant to the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that, subject to valid existing rights, the tract of public land in Alaska lying within the following-described boundaries be, and it is hereby, included in and made a part of the Tongass National Forest:

Beginning at corner No. 3, Juneau Elimination from the Tongass National Forest, Proclamation No. 1742, June 10, 1925, approximately in latitude 58°15′ N., longitude 134°27′ W.

Thence from said initial point, by metes and bounds,

Northerly along the crest of the main divide between Lawson and Cowee Creeks, to corner No. 5, U. S. Mineral Survey No. 66–A, Boston Lode;

N. 45°00′ W., 45.45 chains, along side lines of the Boston and New York Lodes to corner No. 6, U. S. Mineral Survey No. 61, New York Lode;

N. 46°09′ E., 0.05 chains, along end line of New York Lode to corner No. 3, U. S. Mineral Survey No. 1072, Happy Jack Lode;

N. 47°08′ W., 22.64 chains, along side line of Happy Jack Lode to corner No. 4, identical with corner No. 2, Gold Bullion Lode, U. S. Survey No. 1072;

N. 50°18′ W., 22.73 chains, along side line of Gold Bullion Lode to corner No. 3 thereof;

N. 50°00′ W., 191 chains, approximate bearing and distance, to corner No. 3, U. S. Survey No. 471, identical with corner No. 5, Juneau Elimination;

S. 38°18′ W., 85.26 chains, along Juneau Elimination boundary to corner No. 4 thereof;

S. 32°53′ E., 361.37 chains, along Juneau Elimination boundary to corner No. 3 thereof, the place of beginning, containing approximately 3800 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 29, 1937.*

[No. 7624]

[F. R. Doc. 37–1622; Filed, June 1, 1937; 3:42 p. m.]

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EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5144 OF JUNE 25, 1929, WITHDRAWING PUBLIC LANDS

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5144 of June 25, 1929, withdrawing the public lands in certain therein-described townships in New Mexico, pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 29, 1937.*

[No. 7625]

[F. R. Doc. 37–1623; Filed, June 1, 1937; 3:42 p. m.]

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## DEPARTMENT OF STATE.

INTERNATIONAL TRAFFIC IN ARMS

LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR

[Fourth Edition]

CONTENTS

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Part II.—The President's proclamation of May 1, 1937.
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Part IV.—Records of manufacture, export, and import.
Part V.—Special provisions in regard to military secrets.
Part VI.—Special provisions in regard to exportation to China, Cuba, Honduras, and Nicaragua.
Part VII.—Special provisions in regard to exportation to Spain.
Part VIII.—Special provisions in regard to the exportation of tin-plate scrap.

INTRODUCTORY STATEMENT

The Secretary of State announces that the regulations contained herein supersede, as of this date, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war, and other munitions of war.

*June 1, 1937.*

PART I

*Section 5 of the Joint Resolution Approved by the President May 1, 1937, Amending the Joint Resolution of August 31, 1935*

Section 5 of the joint resolution approved by the President on May 1, 1937, amending the joint resolution of August 31, 1935, reads as follows:

"SEC. 5. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the 'Board') to carry out the provisions of this Act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of this Act is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

"(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this Act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

"(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of $500, unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the twelve months immediately preceding his registration, in which case he shall pay a registration fee of $100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of $500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than $50,000 during the twelve months immediately preceding the renewal, or a fee of $100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the twelve months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of $400 to every person who shall have paid a registration fee of $500 pursuant to this Act, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the twelve months immediately preceding his registration.

"(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any of the arms, ammunition, or implements of war referred to in this Act, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war referred to in this Act, without first having obtained a license therefor.

"(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

"(f) Licenses shall be issued to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this Act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"(g) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, all licenses theretofore issued under this Act shall ipso facto and immediately upon the issuance of such proclamation, cease to grant authority to export arms, ammunition, or implements of war from any place in the United States to any belligerent state, or to any state wherein civil strife exists, named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists; and said licenses, insofar as the grant of authority to export to the state or states named in such proclamation is concerned, shall be null and void.

"(h) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this Act.

"(i) The provisions of the Act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., 1934 ed., title 50, sec. 72), are hereby repealed as of December 31, 1937.

"(j) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. The Board shall include in such reports a list of all persons required to register under the provisions of this Act, and full information concerning the licenses issued hereunder.

"(k) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section."

Section 1 of the same joint resolution reads in part as follows:

"(e) Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than $10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223–225; U. S. C., 1934 ed., title 22, secs. 238–245).

"(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

Section 12 of the same joint resolution reads as follows:

"SEC. 12. In every case of the violation of any of the provisions of this Act or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than five years, or both."

Section 13 of the same joint resolution reads as follows:

"SEC. 13. For the purposes of this Act—

"(a) The term 'United States', when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

"(b) The term 'person' includes a partnership, company, association, or corporation, as well as a natural person.

"(c) The term 'vessel' means every description of watercraft (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on, under, or over water.

"(d) The term 'American vessel' means any vessel (including aircraft) documented under the laws of the United States.

"(e) The term 'vehicle' means every description of carriage (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on or over land.

"(f) The term 'state' shall include nation, government, and country."

PART II

*The President's Proclamation of May 1, 1937*

The President's proclamation of May 1, 1937, issued pursuant to section 5 of the joint resolution of May 1, 1937, amending the joint resolution of August 31, 1935, reads as follows:

By the President of the United States of America

A PROCLAMATION

WHEREAS section 5 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after June 1, 1937, be considered arms, ammunition, and implements of war for the purposes of section 5 of the said joint resolution of Congress:

*Category I.*

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains.



*Category II.*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plates for such vessels.

*Category III.*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below:

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

*Category IV.*

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

*Category V.*

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled.

*Category VI.*

(1) Livens projectors and flame throwers;

(2) a. Mustard gas (dichlorethyl sulphide);

b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);

c. Methyldichlorarsine;

d. Diphenylchlorarsine;

e. Diphenylcyanarsine;

f. Diphenylaminechlorarsine;

g. Phenyldichlorarsine;

h. Ethyldichlorarsine;

i. Phenyldibromarsine;

j. Ethyldibromarsine;

k. Phosgene;

l. Monochlormethylchlorformate;

m. Trichlormethylchlorformate (diphosgene);

n. Dichlordimethyl Ether;

o. Dibromdimethyl Ether;

p. Cyanogen Chloride;

q. Ethylbromacetate;

r. Ethyliodoacetate;

s. Brombenzylcyanide;

t. Bromacetone;

u. Brommethylethyl ketone.

*Category VII.*

(1) Propellant powders;

(2) High explosives as follows:

a. Nitrocellulose having a nitrogen content of more than 12%;

b. Trinitrotoluene;

c. Trinitroxylene;

d. Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);

e. Picric acid;

f. Ammonium picrate;

g. Trinitroanisol;

h. Trinitronaphthalene;

i. Tetranitronaphthalene;

j. Hexanitrodiphenylamine;

k. Pentaerythritetetranitrate (Penthrite or Pentrite);

l. Trimethylenetrinitramine (Hexogen or T4);

m. Potassium nitrate powders (black saltpeter powder);

n. Sodium nitrate powders (black soda powder);

o. Amatol (mixture of ammonium nitrate and trinitrotoluene);

p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);

q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

This proclamation shall supersede the proclamation of April 10, 1936,[1] entitled "Enumeration of Arms, Ammunition, and Implements of War", on June 1, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

PART III

*General Regulations*

In compliance with that paragraph of section 5 of the joint resolution approved May 1, 1937, amending the joint resolution of August 31, 1935, which requires the Secretary of State to promulgate such rules and regulations with regard to the enforcement of that section as he may deem necessary to carry out its provisions, the Secretary of State promulgates the following regulations:

(1) All persons engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration in the form printed below. The articles manufactured, exported, or imported shall be listed on the application for registration under the same categories and in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.

Registration Number

(Not to be filled in by the applicant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

*Application for Registration*

Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 5 of the Joint Resolution of Congress Approved by the President May 1, 1937, Amending the Joint Resolution of August 31, 1935.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person):

---

(2) Principal place of business:

---

(3) Other places of business in the United States:

---

---

---

(4) The applicant is engaged in the {manufacture / importation / exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.

*Category I.*

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[1] 1 F. R. 153.

*Category II.*

*Category III.*

*Category IV.*

*Category V.*

*Category VI.*

*Category VII.*

The above list includes all articles defined as arms, ammunition, and implements of war by the President's proclamation of May 1, 1937, which are manufactured, imported, or exported by the undersigned.

(Signature)

(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Signed and sealed in my presence this _____ day of _____, 19___

(Notary public)

The registration fee of {$100 / $500} is transmitted herewith in the form of {certified check / money orders} (Checks should be made payable to the order of the Secretary of State.)

(Perforation)

| Registration Number |
|---|
| (Not to be filled in by the applicant) |

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

*Certificate of Registration*

Persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war, pursuant to Section 5 of the Joint Resolution of Congress approved by the President May 1, 1937, amending the Joint Resolution of August 31, 1935.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation as well as a natural person):

(2) Principal place of business:

(3) Other places of business in the United States:

(4) The applicant is engaged in the {manufacture / importation / exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.

*Category I.*

*Category II.*

*Category III.*

*Category IV.*

*Category V.*

*Category VI.*

*Category VII.*

(These spaces are not to be filled in by the applicant)

This certifies that the person named above has registered in compliance with the provisions of the joint resolution of Congress approved May 1, 1937, amending the joint resolution of August 31, 1935, and has paid the required registration fee of $100 or $500, as the case may be. This certificate is valid for a period of 5 years from _____

FOR THE SECRETARY OF STATE:

[SEAL] By _____

(2) Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee in the form of money orders or a certified check. This fee is in the amount of $100 for persons who have not manufactured, exported, or imported arms, ammunition, or implements of war, as enumerated in the President's proclamation of May 1, 1937, to a total sales value of more than $50,000 during the 12 months immediately preceding their application for registration, and in the amount of $500 for persons who have manufactured, exported, or imported arms, ammunition, or implements of war, as enumerated, to a total sales value of more than $50,000 during the 12 months immediately preceding their application. Persons paying a fee of $100 shall submit with their application for registration an affidavit, signed and sworn to before a notary public by a responsible officer of the company, stating that the company did not manufacture, export, or import arms, ammunition, or implements of war, as enumerated in the President's proclamation of May 1, 1937, to a total sales value of more than $50,000 during the 12 months immediately preceding the application for registration and setting forth such evidence in substantiation of this affirmation as may seem appropriate.

(3) Upon receipt of an application for registration and the appended certificate of registration, duly filled out and accompanied by a registration fee of $100 or $500, as the case may be, and by a satisfactory affidavit as described above in the case of persons paying a fee of $100, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. This certificate of registration must be conspicuously displayed at the principal place of business of the person registered.

(4) Every person registered shall notify the Secretary of State of any change in the list of arms, ammunition, and implements of war which he manufactures, exports, or imports, and, upon such notification, the Secretary of State will issue to such person an amended certificate of registration free of charge, which will remain valid until the date of expiration of the original certificate issued to him.

(5) The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 5 of the joint resolution.



(6) Persons who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 5 of the joint resolution.

(7) The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the act known as the National Firearms Act (48 Stat. 1236), approved by the President June 26, 1934. This act imposes certain taxes and restrictions upon the manufacture of, importation of, and commerce in certain firearms which are defined as "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition." Rules and regulations for the enforcement of this act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(8) No person not registered under section 5 shall export or import any of the arms, ammunition, or implements of war listed in the President's proclamation of May 1, 1937. All persons registered shall obtain from the Secretary of State a license to cover each shipment exported or imported. Blank forms of application for license similar to those printed below will be furnished by the Secretary of State upon request.

[Original]

DEPARTMENT OF STATE

UNITED STATES OF AMERICA

*Application for License to Export Arms, Ammunition or Implements of War*

[Application to be made in duplicate]

| | | |
|---|---|---|
| Applicant's registration No. ____ | _____ (Insert here name of country of destination) | License No. _____ (For official use only) |

GENERAL INSTRUCTIONS

(*a*) One duplicate application should be made for each complete shipment to any one consignee and may cover more than one commodity, but may not cover shipments to more than one country.

(*b*) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(*c*) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(*d*) Commodities appearing under (6) below should be listed under the number of the pertinent category and category subdivision of the President's proclamation of May 1, 1937, unless they are not covered by this proclamation. Each commodity listed should be designated clearly and specifically.

(*e*) A separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the cost of the articles exported only, and should not include such supplementary costs as packing, freight, etc.

(*f*) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(*g*) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.

(*h*) When countersigned and impressed with the seal of the Department of State this application becomes a license.

DEPARTMENT OF STATE, *Washington, D. C.*

(1) Date of application _____

(2) Applicant's Reference No. _____

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant _____ By _____ (To be signed in ink)

(4) Consignee in foreign country. Name _____ Nationality _____ Address: Street _____ State or province _____ City _____ Country _____

(5) Purchaser in foreign country. Name _____ Nationality _____ Address: Street _____ State or province _____ City _____ Country _____

| (6) Commodity and quantity thereof (to be listed as indicated under instruction (d)) | (7) Number of articles | (8) Approximate weight | (9) Approximate value |
|---|---|---|---|
| | | | |

(10) State the specific purpose for which the material is required:

(11) License to be sent to— Name _____ Address: Street _____ City _____ State _____

(12) Consignor in United States— Name _____ Nationality _____ Address: Street _____ City _____ State _____ Nature of business _____

License is hereby granted to the applicant mentioned herein to export from the United States of America to _____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

Shipment must be made from port of exit within 1 year from date of this license as given below under the seal of the Department.

If partial shipments are made on this license, endorsements by the collectors of customs will be made below.

| Description | Quantity | Number of articles | Value | Port of exit | Date | Name of officer |
|---|---|---|---|---|---|---|
| | | | | | | |

Date of license _____

(For official use only)

(When countersigned and impressed with the seal of the Department of State this application becomes a license.)

For the Secretary of State:

By _____

[For official use only]

[Original]

DEPARTMENT OF STATE

UNITED STATES OF AMERICA

*Application for License to Import Arms, Ammunition, or Implements of War*

[Application to be made in duplicate]

| | | |
|---|---|---|
| Applicant's registration no. | _____ (Insert here name of country of origin) | License no. _____ (For official use only) |

GENERAL INSTRUCTIONS

(*a*) One duplicate application should be made for each complete shipment imported and may cover more than one commodity, but may not cover shipments from more than one country.

(*b*) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(*c*) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(*d*) Commodities appearing under (6) below should be listed under the number of the pertinent category or category subdivision of the President's proclamation of May 1, 1937. Each commodity listed should be designated clearly and specifically.

(*e*) A separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the cost of the article imported only, and should not include such supplementary costs as packing, freight, etc.

(*f*) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(*g*) Any attempt to import a commodity differing in any way from that licensed, or any alteration of a license in an attempt to import without a license, is punishable under appropriate acts of Congress.

(*h*) When countersigned and impressed with the seal of the Department of State this application becomes a license.

DEPARTMENT OF STATE, *Washington, D. C.*

(1) Date of application _____

(2) Applicant's Reference No. _____

The undersigned hereby applies for license to import the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant---------- By----------
(To be signed in ink)

| | | | |
|---|---|---|---|
| (4) Consignor in foreign country. | Address | Street---- | Nationality---------- |
| | | City----- | State or province--- |
| | Name---------- | | Country---------- |
| (5) Seller in foreign country. | Address | Street---- | Nationality---------- |
| | | City----- | State or province--- |
| | Name---------- | | Country---------- |

| (6) Commodity and quantity thereof (to be listed as indicated under instruction (d)) | (7) Number of articles | (8) Approximate weight | (9) Approximate value |
|---|---|---|---|
| | | | |

(10) State the specific purpose for which the material is required:
---
---
---

(11) License to be sent to: Name---- Address: Street---- City------ State----

(12) Consignee in United States: Name---------- Nationality---------- Address: Street---- City------ State---- Nature of business----------

License is hereby granted to the applicant mentioned herein to import into the United States of America from---------- the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

Shipment must be received at the port of entry within 1 year from date of this license as given below under the seal of the Department.

If partial shipments are received on this license, endorsements by the collectors of customs will be made below.

| Description | Quantity | Number of articles | Value | Port of entry | Date | Name of officer |
|---|---|---|---|---|---|---|
| | | | | | | |

Date of license ----------
(For official use only)

(When countersigned and impressed with the seal of the Department of State this application becomes a license.)

For the Secretary of State:

By ----------

[For official use only]

(9) The Secretary of State will issue import licenses to all applicants who have duly filled out an application for license, provided that, in case the articles to be imported are firearms, as enumerated in the National Firearms Act of June 26, 1934, referred to under (7) above, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury.

(10) The Secretary of State will issue export licenses to all applicants who have duly filled out an application for license, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party. (See parts V, VI, and VII, below.)

(11) Export and import licenses are not transferable and are subject to revocation without notice, if the exportation or the importation authorized by the license becomes illegal before the shipment is made. If not revoked, licenses are valid for 1 year from the date of issuance.

(12) No alterations may be made except by the Department of State, or by collectors of customs acting under the specific instructions of the Department of State, in export or import licenses which have been issued under the seal of the Secretary of State.

(13) Export or import licenses which have expired must be returned immediately to the Secretary of State.

(14) The country designated on the application for license to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transshipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export license is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export license until he is informed of the country of ultimate destination in order that he may assure himself that the license may be legally issued.

(15) The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

(16) The originals of licenses for the export and the import of arms, ammunition, and implements of war must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a sea-going vessel, 24 hours before the lading of the vessel.

(17) Arms, ammunition, and implements of war covered by an export license must, when exported, be packed separately from all other goods.

(18) Export licenses for arms, ammunition, and implements of war which are shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed.

(19) Articles entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country, will not be considered as imported or exported within the meaning of section 5 of the joint resolution, unless they are destined to a country to which the exportation of arms, ammunition, and implements of war is subjected to special restrictions other than the requirement that an export license be obtained.

(20) Persons who are registered as exporters or importers of arms, ammunition, or implements of war under section 5 of the joint resolution may make application for export or import licenses on behalf of persons who are not required to register under the joint resolution but who may, in accordance with the provisions of paragraph (6) above, desire to make or receive occasional shipments of arms, ammunition, or implements of war.

(21) Arms, ammunition, and implements of war which are more than 100 years old will not be considered as arms, ammunition, or implements of war within the meaning of section 5 of the joint resolution.

(22) Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 5 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Secretary of the Treasury under the National Firearms Act of June 26, 1934, referred to in (7) above, as may be applicable in the premises.)

(23) Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 5 of the joint resolution.

(24) Arms, ammunition, and implements of war which are shipped or transported from a port of the United States for the exclusive use of the armed forces of the United States will not be considered as exported within the meaning of section 5 of the joint resolution.

(25) Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 5 of the joint resolution. An export license must be obtained, however, before such articles are reexported.

(26) Licenses are required for the export or the import of those articles only which are specifically mentioned in the President's proclamation of May 1, 1937. No license is required for the export or the import of the component parts of the articles or units enumerated in that proclamation, unless those parts are shipped in such a manner as to constitute, in fact, a complete unit or article in unassembled form. The only exceptions to this ruling are in the case of aircraft wheels and aircraft propeller blades, which are considered as constituting to such an unusual degree the main body of aircraft undercarriage units and aircraft propellers that a license is required for the export of wheels and propeller blades, even when they are shipped alone.

(27) Forgings and castings for any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, which have reached such a stage in manufacture that they are clearly identifiable as forgings or castings for arms, ammunition, and implements of war, are considered as constituting arms, ammunition, and implements of war for the purposes of section 5 of the joint resolution, and licenses will be required for their export or import.

(28) A license is required for the export of all articles listed in subsection (5) of category I of the President's proclamation of May 1, 1937, which are intended or adapted for war purposes. The fact that such an article, when exported, is filled with a nonlethal gas or fluid having a common nonmilitary use will be considered as prima-facie evidence that the article is not intended for war purposes. No license is required for the export of articles listed under subsection (5), even if exported empty, which are adapted and intended solely for nonmilitary use. Articles listed in subsection (5) will be considered *ipso facto* as intended or adapted for war purposes, unless when exported they either contain a nonlethal gas or fluid or can be proven to be adapted and intended solely for a specific nonmilitary use.

(29) The term "propellant powders", as used in paragraph (1) of category VII of the President's proclamation of May 1, 1937, applies to propellant powders in bulk form. It does not apply to such powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licenses will not, therefore, be required for the export or import of such cartridges or devices, even though they may contain propellant powder.

(30) Airplanes flown or shipped from the United States will not be considered as exported within the meaning of section 5 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot during the entire period of their sojourn abroad, and, further, when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's proclamation of May 1, 1937, in any foreign country. Should the owners, after the departure of a plane flown or shipped from the United States without an export license, propose to place the plane under foreign registry or to have it operated by a pilot not holding a United States license, or to dispose of the plane or any of the essential parts referred to in any foreign country, the plane, or the part in question, must be returned to the United States and a license obtained for its export to the country concerned. Airplanes of American registry returning to the United States from foreign countries will not be considered as imported within the meaning of section 5 of the joint resolution. Airplanes of foreign registry entering the United States for a temporary sojourn or leaving the United States after such a sojourn will not be considered as imported or exported within the meaning of section 5 of the joint resolution.



PART IV

*Records of Manufacture, Export, and Import*

The Secretary of State prescribes that all persons required to register under section 5 of the joint resolution approved May 1, 1937, amending the joint resolution of August 31, 1935, shall maintain, subject to the inspection of the duly authorized agents of the Secretary of State or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

PART V

*Special Provisions in Regard to Military Secrets*

Title I of the Espionage Act, approved June 15, 1917, reads in part as follows:

"Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years . . ."

The Secretary of State will not issue a license authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this act if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:

"(a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and

"(b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure."

Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those departments, or which have been developed in accordance with Army or Navy specifications and submitted to either department for evaluation for procurement.

Prospective exporters of arms, ammunition, and implements of war should, before applying for a license to authorize the exportation of any article falling within the above categories which may possibly involve military secrets of interest to the national defense, communicate with the Secretary of State in advance of the proposed shipment in

order that he may be in a position to ascertain for the prospective exporter whether or not military secrets are, in fact, involved therein.

PART VI

*Special Provisions in Regard to Exportation to China, Cuba, Honduras, and Nicaragua*

A joint resolution of Congress approved January 31, 1922, reads in part as follows:

". . . That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

"SEC. 2. Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding $10,000, or by imprisonment not exceeding two years, or both."

A convention between the United States of America and other American republics in regard to the duties and rights of states in the event of civil strife, signed at Habana, February 20, 1928, and ratified by the United States on May 21, 1930, reads in part as follows:

"ARTICLE 1

"The contracting states bind themselves to observe the following rules with regard to civil strife in another one of them:

". . . . . .

"3. To forbid the traffic in arms and war material, except when intended for the government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied."

Pursuant to the authority conferred by the joint resolution of January 31, 1922, a Presidential proclamation, which is still in effect, was issued on March 4, 1922, in respect to China, as follows:

By the President of the United States of America

A PROCLAMATION

WHEREAS, Section I of a Joint Resolution of Congress, entitled a "Joint Resolution To prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes," approved January 31, 1922, provides as follows:

"That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

And whereas, it is provided by Section II of the said Joint Resolution that "Whoever exports any arms or munitions of war in violation of section 1 shall on conviction, be punished by fine not exceeding $10,000, or by imprisonment not exceeding two years, or both."

NOW, THEREFORE, I, WARREN G. HARDING, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in China such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to China, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the Power of prescribing exceptions and limitations to the application of the said Joint Resolution of January 31, 1922, as made effective by this my Proclamation issued thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fourth day of March in the year of our Lord one thousand nine hundred and twenty-two and of the Independence of the
[SEAL] United States of America the one hundred and forty-sixth.

WARREN G HARDING

By the President:
HENRY P. FLETCHER
*Acting Secretary of State.*

Similar Presidential proclamations, which are still in effect, were issued on March 22, 1924, in respect of Honduras; on September 15, 1926, in respect of Nicaragua; and on June 29, 1934, in respect of Cuba.

In accordance with the authority conferred upon him in these proclamations, the Secretary of State will permit the exportation to China, Cuba, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's proclamation of May 1, 1937, only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized.

The bringing about of notification to the Department of State through the appropriate embassy or legation that the government of an importing state desires that the exportation of a shipment be authorized is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.

In compliance with article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana, March 11, 1926, which reads in part as follows:

"The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries."

and in compliance with the laws of Cuba which restrict the importation of arms, ammunition, and implements of war of all kinds by requiring an import permit for each shipment, export licenses for shipments of arms, ammunition, and implements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's proclamation of May 1, 1937:

(1) Arms and small arms using ammunition of caliber .22 or less, other than those classed as toys.

(2) Spare parts of arms and small arms of all kinds and calibers, other than those classed as toys, and of guns and machine guns.

(3) Ammunition for the arms and small arms under (1) above.

(4) Sabers, swords, and military machetes with cross-guard hilts.



(5) Explosives as follows: Explosive powders of all kinds for all purposes; nitrocellulose having a nitrogen content of 12 percent or less; diphenylamine; dynamite of all kinds; nitroglycerine; alkaline nitrates (ammonium, potassium, and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; and acetones.

(6) Tear gas ($C_6H_5COCH_2Cl$) and other similar nontoxic gases and apparatus designed for the storage or the projection of such gases.

No export licenses will be issued for shipments destined to China, Cuba, Honduras, or Nicaragua of the appliances and substances listed under category VI in the President's proclamation of May 1, 1937.

In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

PART VII

*Special Provisions in Regard to Exportation to Spain*

A joint resolution of Congress approved January 8, 1937, reads as follows:

"JOINT RESOLUTION

"To Prohibit the Exportation of Arms, Ammunition, and Implements of War from the United States to Spain.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That during the existence of the state of civil strife now obtaining in Spain it shall, from and after the approval of this Resolution be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to Spain or to any other foreign country for transshipment to Spain or for use of either of the opposing forces in Spain. Arms, ammunition, or implements of war, the exportation of which is prohibited by this Resolution, are those enumerated in the President's Proclamation No. 2163 of April 10, 1936.

"Licenses heretofore issued under existing law for the exportation of arms, ammunition, or implements of war to Spain shall, as to all future exportations thereunder, ipso facto be deemed to be cancelled.

"Whoever in violation of any of the provisions of this Resolution shall export, or attempt to export, or cause to be exported either directly or indirectly, arms, ammunition, or implements of war from the United States or any of its possessions, shall be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

"When in the judgment of the President the conditions described in this Resolution have ceased to exist, he shall proclaim such fact, and the provisions hereof shall thereupon cease to apply.

"Approved, January 8, 1937, at 12.30 p. m."

Section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution approved August 31, 1935, reads as follows:

"SECTION 1. (a) Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

"(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

"(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such civil strife is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to such foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state.

"(d) The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation Numbered 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925.

"(e) Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than $10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223–225; U. S. C., 1934 ed., title 22, secs. 238–245).

"(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

"(g) Whenever, in the judgment of the President, the conditions which have caused him to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same, and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed, or forfeitures incurred, prior to such revocation."

Pursuant to the provisions of subsections (c) and (d) of this section, the President, on May 1, 1937, issued a proclamation as follows:

By the President of the United States of America

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"Whenever the President shall find that a state of civil strife exists in a foreign state and that such civil strife is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to such foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation Numbered 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than $10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223–225; U. S. C., 1934 ed., title 22, secs. 238–245)."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States."

AND WHEREAS it is further provided by section 11 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of civil strife unhappily exists in Spain and that such civil strife is of a magnitude and is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to Spain would threaten and endanger the peace of the United States, and I do hereby admonish all citizens of the United States, or any of its possessions, and all persons residing or being within the territory or jurisdiction of the United States, or its possessions, to abstain from every violation of the provisions of the joint resolution above set forth, hereby made effective and applicable to the export of arms, ammunition, or implements of war from any place in the United States to Spain or to any other state for transshipment to, or for the use of, Spain.

And I do hereby declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 1 of the said joint resolution of Congress:

*Category I.*

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains.

*Category II.*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

*Category III.*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below:

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

*Category IV.*

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

*Category V.*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, other than those included in Category III;

(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3). Aircraft engines, unassembled, assembled, or dismantled.

*Category VI.*

(1) Livens projectors and flame throwers;

(2) a. Mustard gas (dichlorethyl sulphide);

b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);

c. Methyldichlorarsine;

d. Diphenylchlorarsine;

e. Diphenylcyanarsine;

f. Diphenylaminechlorarsine;

g. Phenyldichlorarsine;

h. Ethyldichlorarsine;

i. Phenyldibromarsine;

j. Ethyldibromarsine;

k. Phosgene;

l. Monochlormethylchlorformate;

m. Trichlormethylchlorformate (diphosgene);

n. Dichlordimethyl Ether;

o. Dibromdimethyl Ether;

p. Cyanogen Chloride;

q. Ethylbromacetate;

r. Ethyliodoacetate;

s. Brombenzylcyanide;

t. Bromacetone;

u. Brommethylethyl ketone.

*Category VII.*

(1) Propellant powders;

(2) High explosives as follows:

a. Nitrocellulose having a nitrogen content of more than 12%;

b. Trinitrotoluene;

c. Trinitroxylene;

d. Tetryl (trinitrophenol methyl nitramine or tentranitro methylaniline);

e. Picric acid;

f. Ammonium picrate;

g. Trinitroanisol;

h. Trinitronaphthalene;

i. Tetranitronaphthalene;

j. Hexanitrodiphenylamine;

k. Pentaerythritetetranitrate (Penthrite or Pentrite);

l. Trimethylenetrinitramine (Hexagon or T4);

m. Potassium nitrate powders (black saltpeter powder);

n. Sodium nitrate powders (black soda powder);

o. Amatol (mixture of ammonium nitrate and trinitrotoluene);



p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);

q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

No export licenses will be issued for shipments destined to Spain of any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937.

By virtue of the power delegated to the Secretary of State by this proclamation of May 1, 1937, to promulgate such rules and regulations not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, as made effective by this proclamation, the Secretary of State may require exporters of any of the arms, ammunition, or implements of war enumerated in the proclamation to present convincing evidence that they are not destined to Spain and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

Section 6 of the joint resolution of Congress approved May 1, 1937, reads as follows:

"SEC. 6. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel to carry any arms, ammunition, or implements of war to any belligerent state, or to any state wherein civil strife exists, named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists.

"(b) Whoever, in violation of the provisions of this section, shall take, or attempt to take, or shall authorize, hire, or solicit another to take, any American vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than $10,000, or imprisoned not more than five years, or both; and, in addition, such vessel, and her tackle, apparel, furniture, and equipment, and the arms, ammunition, and implements of war on board, shall be forfeited to the United States."

Section 10 of the same joint resolution reads as follows:

"SEC. 10. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, or any state wherein civil strife exists, named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels."

Under the provisions of this section and by virtue of the power delegated to the Secretary of State by this proclamation of May 1, 1937, to promulgate such rules and regulations not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, the Secretary of State on May 1, 1937, announced that American vessels engaged in commerce with Spain might carry such small arms and ammunition as the masters of these vessels might deem indispensable for the preservation of discipline aboard the vessels.

Part VIII

*Special Provisions in Regard to the Exportation of Tin-Plate Scrap*

The Secretary of State, pursuant to the authority vested in him by Executive Order No. 7297, of February 16, 1936, prescribed, on December 7, 1936, by and with the advice and consent of the National Munitions Control Board, the following regulations to govern the exportation of tin-plate scrap under the provisions of the act of Congress approved February 15, 1936, entitled "An act to provide for the protection and preservation of the domestic sources of tin":

"(1) For the purpose of the act the term 'tin-plate scrap' is construed, provisionally, to mean tin-plate clippings, cuttings, stampings, trimmings, skeleton sheets, and all other miscellaneous pieces of discarded tin plate, which result from (1) the manufacture of tin plate, or (2) the manufacture of tin-bearing articles from tin plate. As thus defined, the term 'tin-plate scrap' does not include tin-plate waste, tin-plate circles, tin-plate strips, tin-plate cobbles, and tin-plate scroll shear butts, when packed separately and sold as such, and when not intermingled with tin-plate scrap.

"(2) Blank forms of application for export licenses similar to that printed below will be furnished by the Secretary of State on request.

[Original]

DEPARTMENT OF STATE
UNITED STATES OF AMERICA

*Application for License to Export Tin-Plate Scrap*

[Application to be made in duplicate]

| (Insert here name of country of destination) | License no. (For official use only) |
|---|---|

GENERAL INSTRUCTIONS

(a) One duplicate application should be made for each complete shipment to any one consignee.

(b) Applications should be typewritten, with the exception of signature which should be written in ink.

(c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(d) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(e) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.

(f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

DEPARTMENT OF STATE,
*Washington, D. C.*

(1) Date of application_____
(2) Applicant's Reference No._____

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith regarding it.

(3) Name of applicant_____ By_____
(Signature)
_____
(Title)

(4) Consignee in foreign country. Name_____ Nationality_____ Address: Street_____ State or province_____ City_____ Country_____

(5) Purchaser in foreign country. Name_____ Nationality_____ Address: Street_____ State or province_____ City_____ Country_____

| (6) Character of tin-plate scrap to be exported | (7) Number and type of containers | (8) Approximate weight | (9) Approximate value |
|---|---|---|---|
| | | | |

(10) The tin-plate scrap to be exported under this license was produced by:

---------- ----------
(Name) (Address)

(11) State the specific purpose for which the material is required:

---

(12) State the reason or reasons why the applicant wishes to export the tin-plate scrap referred to in this application rather than to sell it in the United States:

---

(13) License to be sent to— {Name---- Address: Street---City---State---

(14) Consignor in United States. {Name---Nationality---- Address: Street---City---State--- Nature of business----

If partial shipments are made on this license, endorsement by the collectors of customs will be made below.

| Quantity | Value | Port of exit | Date | Name of officer |
|---|---|---|---|---|
| | | | | |

License is hereby granted to the applicant mentioned herein to export from the United States of America to---- the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

This license remains valid, unless revoked, for shipments from port of exit at any time during the calendar year in which issued. All licenses expire automatically at the close of the calendar year in which issued.

Date of license----

(For official use only)

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

For the Secretary of State:

By ----,
*Chief, Office of Arms and Munitions Control.*

[For official use only]

"(3) The Secretary of State will issue export licenses to cover proposed shipments of tin-plate scrap to applicants who have duly filled out the above form, when in the opinion of the National Munitions Control Board the issuance of such licenses may be consistent with the purposes of the act. Copies of the statement of the procedure adopted by the Board to govern the issuance of licenses may be obtained from the Secretary of State.

"(4) The shipper's export declaration (customs form 7525) must contain the same information in regard to the nature and the value of the tin-plate scrap to be exported as that which appears on the application for license.

"(5) Export licenses and export declarations covering tin-plate scrap must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a sea-going vessel, 24 hours before the lading of the vessel."

CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 37-1619; Filed, June 1, 1937; 2:28 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

[I. C. C. No. 127 [1]]

THE ALASKA RAILROAD

LOCAL FREIGHT TARIFF NO. 10–Z [2]

*Naming rates on coal and coal briquettes from Black Diamond, Eska, Houston, Jonesville, Premier, Suntrana, Alaska to stations on The Alaska Railroad in Alaska*

Governed, except as otherwise provided herein, by Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive issues thereof. Issued April 20, 1937. Effective July 17, 1937. Authority Act March 12, 1914 and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

The above is hereby confirmed, May 24, 1937.

RUTH HAMPTON,
*Acting Director.*

APPLICATION OF RATES

*Item No. 5—Commodity Rates Applicable to Intermediate Points.*—Subject to the provisions of Notes 1, 2, 3 and 4 below, to any point of destination to which a commodity rate on a given article from a given point of origin and via a given route is not named in this tariff, which point is intermediate to a point to which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies from the same point of origin, apply to such intermediate point from such point of origin and via such route the commodity rate in this tariff on said article to the next point beyond to which a commodity rate is published herein on that article from the same point of origin via the same route.

NOTE 1.—When by reason of branch or diverging lines, there are two or more "next beyond" points, apply the rate to the next point beyond (in this tariff) which on that article from the same point of origin via the same route results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points to which commodity rates on the same article via the same route are published in this tariff, apply via that route to the intermedate point the rate to the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point to which the lowest charge is applicable.

NOTE 3.—If the class rate on the same article via the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4.—If there is in any other tariff a commodity rate on the same article to the intermediate destination point applicable over the same route from the same point of origin the provisions of this rule are not applicable to such intermediate destination point.

RULES AND REGULATIONS

*Item No. 10—Bills of Lading.*—All shipments transported under this Tariff will be subject to the bill of lading provisions named on pages 36 to 46 inclusive, of Western Classification No. 66, R. C. Fyfe, Agent, I. C. C. No. 24, supplements thereto or successive issues thereof.

*Item No. 15—Marine Insurance.*—Rates named herein do not include marine insurance.

*Item No. 20—Station Changes and Facilities and Prepay Requirements.*—Governed by Tariff No. 13–B, I. C. C. No. 77, supplements thereto or successive issues thereof, as to prepay requirements, change in names of stations, additions and abandonment of stations, restrictions as to non-acceptance or non-delivery of freight and changes in station facilities, except as otherwise shown herein.

*Item No. 25—Terminal Charges, Privileges and Allowances.*—Shipments made at rates named herein are subject to the Terminal Charges, Privileges and Allowances provided in Terminal Tariff No. 3–A, I. C. C. No. 80, supplements thereto or successive issues thereof.

*Item No. 30—Service Guarantee of Time.*—The carrier does not agree to transport freight by any particular steamer or train or within any specified time, and the rates named herein to points served by Water Carriers are applicable only when the carrier has a suitable steamer sailing to or from the ports via which rates are named.

*Item No. 35—Weighing Coal and Coal Briquettes.*—The actual weight (observing proper minimum), as determined on track scales at originating point or first available weighing station, will apply in assessment of freight charges on shipments of Coal and Coal Briquettes.

| Index | To— | Coal and coal briquettes, sacked; minimum weight, 2,000 pounds | | |
|---|---|---|---|---|
| | | From— | | |
| | | Black Diamond, Alaska; Premier, Alaska; Jonesville, Alaska; Eska, Alaska | Houston, Alaska | Suntrana, Alaska |
| | | Rate in cents per ton of 2,000 pounds [3] | | |
| 2 | Tanana, Alaska [1] | 700 | 680 | 540 |
| 4 | Ruby, Alaska [1] | 750 | 730 | 590 |
| 6 | Holy Cross, Alaska | 800 | 780 | 640 |
| 8 | Marshall, Alaska [1] | 850 | 830 | 690 |

[1] No agent. Freight charges must be prepaid. [3] Increase.

[F. R. Doc. 37-1600; Filed, June 1, 1937; 9:56 a. m.]

[I. C. C. No. 125 [1]]

THE ALASKA RAILROAD

PROPORTIONAL FREIGHT TARIFF NO. 35–B

*Naming Commodity Rates on Fuel Oil from Seward, Alaska to Holy Cross, Alaska on The Alaska Railroad in Alaska*

Governed, except as otherwise provided herein, by Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive issues thereof. Issued on ten days' notice under authority of Rule 62, Interstate Commerce Commission Tariff Circular 20. Issued April 19, 1937. Effective May 6, 1937. Authority Act March 12, 1914 and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

The above is hereby confirmed, May 24, 1937.

RUTH HAMPTON,
*Acting Director.*

APPLICATION OF RATES

*Item No. 5.—Application of Proportional Rates.*—Rates named herein apply only on traffic destined to Iditarod, Alaska.

*Item No. 10 [2].—Commodity Rates Applicable from Intermediate Points.*—Subject to the provisions of Notes 1, 2, 3 and 4 below, from any point of origin from which a commodity rate on a given article to a given destination and via a given route is not named in this tariff, which point is intermediate to a point from which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies to the same destination, apply from such intermediate point to such destination and via such route the commodity rate in this tariff on said article from the next point beyond from which a commodity rate is published herein on that article to the same destination via the same route.

NOTE 1.—When by reason of branch or diverging lines, there are two or more "next beyond" points, apply the rate from the next point beyond (in this tariff) which on that article to the same destination via the same route results in the lowest charge.

NOTE 2.—If the intermediate point is located between two points from which commodity rates on the same article via the same route are published in this tariff, apply via that route from the intermediate point the rate from the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point from which the lowest charge is applicable.

NOTE 3.—If the class rate on the same article via the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4.—If there is in any other tariff a commodity rate on the same article from the intermediate origin point applicable over the same route to the same destination, the provisions of this rule are not applicable from such intermediate origin point.

RULES AND REGULATIONS

*Item No. 15—Bills of Lading.*—All shipments transported under this Tariff will be subject to the bill of lading provisions named on pages 36 to 46 inclusive, of Western Classification No. 66, R. C. Fyfe, Agent, I. C. C. No. 24, supplements thereto or successive issues thereof.

*Item No. 20 [3]—Marine Insurance.*—Rates named herein do not include marine insurance.

*Item No. 25—Freight Destined to Points Served by Water Carriers.*—(a) All freight to points served by Water Carriers must be packed in shape for safe and expeditious handling. When Tariff does not specify kind of package, it is understood that bags, boxes, crates or other suitable packages may be used; and when freight is offered in such packages as would endanger contents when handled with ordinary care, it shall be optional with the Carrier to refuse to transport it, or to accept it, with notation on shipping receipt fully releasing it from any and all damage which may occur.

(b) Freight which vessels are prohibited from carrying under governmental regulations, including shipments in tank cars, will not be accepted for transportation to points served by Water Carriers.

*Item No. 30 [3]—Service Guarantee of Time.*—The carrier does not agree to transport freight by any particular steamer or train or within any specified time, and the rates named herein to points served by Water Carriers are applicable only when the carrier has a suitable steamer sailing to or from the ports via which rates are named.

*Item No. 35—Terminal and Other Charges, Privileges and Allowances.*—Shipments made at rates named herein are subject to the terminal and other charges; Privileges and Allowances provided in Terminal Tariff No. 3–A, I. C. C. No. 80, supplements thereto or successive issues thereof.

*Item No. 40—Transportation of Dangerous Articles by Freight.*—Shipping containers, marking and packing requirements for the handling of Dangerous Articles, must be in accordance with the Rules and Regulations prescribed in Agent W. S. Topping's Freight Tariff No. 2, I. C. C. No. 2, supplements thereto or successive issues thereof.

*Commodity Rates*

| Item No. | Commodity | From— | To— | Rate in Cents per 100 Pounds |
|---|---|---|---|---|
| 45 | Oil, Fuel, not over 30° gravity, in Drums or Barrels. Carloads, minimum weight 40,000 pounds. | Seward, Alaska. | Holy Cross, Alaska. | [3] 113 |

[3] Reduction.

[F. R. Doc. 37-1599; Filed, June 1, 1937; 9:56 a. m.]

THE ALASKA RAILROAD

HOSPITAL RATE FOR CHILDREN

APRIL 23, 1937.

Effective this date the following rate is established for children occupying bed in hospital:

[1] Cancels I. C. C. No. 126. No Supplement to this Tariff will be issued except for the purpose of cancelling the Tariff unless otherwise specifically authorized by the Commission.
[2] Cancels Tariff No. 10–Y.

[1] No Supplement to this Tariff will be issued except for the purpose of cancelling the Tariff unless otherwise specifically authorized by the Commission.
[2] Neither increase nor reduction.

Room rate Child under 12 years of age: $4.00 per day. This rate includes nursing and subsistence.

O. F. OHLSON,
*General Manager.*

The above is hereby confirmed, May 24, 1937.

RUTH HAMPTON, *Acting Director.*

[F. R. Doc. 37-1601; Filed, June 1, 1937; 9:56 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[*Special Investigation Docket No. 1*]

RESUMPTION OF HEARINGS IN TELEPHONE INVESTIGATION

The Telephone Division at its regular meeting held on May 26, 1937, issued the following notice:

SPECIAL INVESTIGATION DOCKET NO. 1

Notice is hereby given by the Federal Communications Commission, Washington, D. C., that hearings in the telephone investigation now being conducted under and pursuant to Public Resolution No. 8, of the 74th Congress, will resume at 10 o'clock a. m., Thursday, June 17, 1937, at the offices of the Federal Communications Commission at Washington, D. C.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-1625; Filed, June 2, 1937; 9:44 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

**Home Owners' Loan Corporation.**

[Manual Amendment]

REGULATIONS FOR TREASURY SECTION, COMPTROLLERS' DIVISION

PETTY CASH FUND

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 705 of Chapter VII of the Consolidated Manual is hereby amended to read as follows:

SEC. 705. The Regional Treasurer is authorized to maintain a Petty Cash Fund not in excess of $25.00 which may be obtained from the Home Office at the request of the Regional Manager. The fund shall be used for incidental expenses such as postage due, carfare, and other such purposes; reimbursement for such expenditures will be made from the Regional Working Fund upon a voucher properly supported by receipts and duly certified by the Auditor or an authorized deputy.

Adopted by the Federal Home Loan Bank Board on June 1, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1618; Filed, June 1, 1937; 2:06 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 16]

APPLICATION OF THE NIAGARA FALLS POWER COMPANY FOR ADDITIONAL DIVERSION OF 275 C. F. S.

DENIAL OF APPLICATION FOR CONTINUANCE OF HEARING; POSTPONEMENT OF HEARING; AND HEARING ON PETITION TO INTERVENE AND OBJECTIONS THERETO

Upon application filed May 27, 1937 by The Niagara Falls Power Company, applicant, for continuance of hearing set for June 7th upon its application for amendment of license for project No. 16 so as to include therein authority to divert additional 275 c. f. s. through said project; and

Upon petition filed May 4, 1937 by The Power Authority of the State of New York for leave to intervene as a party in said proceeding, to which petition to intervene objections were filed by the applicant; and

Upon request of the Attorney General of the State of New York, on behalf of The Water Power and Control Commission for extension to June 15th of the time for filing objections to said petition of intervention;

It is ordered:

(1) That the petition of the applicant for indefinite continuance of the hearing set for June 7th in the above matter be and it is hereby denied;

(2) That the Attorney General of the State of New York be given until June 15, 1937 for filing on behalf of The Water Power and Control Commission objections to said petition to intervene;

(3) That said hearing set for June 7th be continued to June 17, 1937, at 10 a. m.

(4) That June 15, 1937, at 10 a. m. be set for hearing on said petition to intervene and on all objections thereto.

Adopted by the Commission on May 28, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1624; Filed, June 2, 1937; 9:44 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2961]

IN THE MATTER OF WILLIAM P. BENNETT AND CHARLES C. BENNETT, CO-PARTNERS, DOING BUSINESS UNDER THE TRADE NAME PEANUT NOVELTY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 15, 1937, at ten o'clock in the forenoon of that day (central standard time), in the Library of the Federal Building, Dallas, Texas.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1627; Filed, June 2, 1937; 9:45 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March; Ewin L. Davis; Robert E. Freer.



[Docket No. 2969]

IN THE MATTER OF CONSOLIDATED CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 15, 1937, at ten thirty o'clock in the forenoon of that day (central standard time), in the library, of the Federal Building, Dallas, Texas.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1626; Filed, June 2, 1937; 9:45 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2990]

IN THE MATTER OF SCHENLEY DISTILLERS CORPORATION, SCHENLEY DISTRIBUTORS, INC., SCHENLEY PRODUCTS COMPANY, A CORPORATION, AND SCHENLEY DISTRIBUTORS OF NEW ENGLAND, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 8, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500 at 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1628; Filed, June 2, 1937; 9:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE POWDER RIVER-LEWIS-RHOADES-COOPER-ELLIOTT FARMS, FILED ON APRIL 22, 1937, BY POWDER RIVER BASIN ROYALTY CO. RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission: and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1629; Filed, June 2, 1937; 12:57 p. m.]

***Friday, June 4, 1937*** ***No. 107***

## POST OFFICE DEPARTMENT.

LETTERS ATTACHED TO PARCELS

APRIL 28, 1937.

It is frequently desirable or necessary when mailing parcels at the fourth-class rates of postage to send therewith written instructions or communications which, if inclosed in the parcels, would subject the entire parcels to postage at the first-class rate.

In order to enable mailers to meet this need, provision has been made under which a letter may be placed in an envelope, fully prepaid at the first-class rate and addressed to correspond with the address on the parcel, and then be tied to or otherwise securely attached to the outside of the parcel in such manner as to prevent separation therefrom and not to interfere with the address on the parcel.

The stamps to cover the postage on the parcel must be affixed to the wrapper of the parcel, and those to pay the postage on the letter must be affixed to the envelope of the letter. Postage may also be paid on such matter by permit holders by means of precanceled stamps or in money on metered or nonmetered matter, the same method of paying postage being used on both classes of matter, except that permit indicia and precanceled stamps may be used on the different portions of such a combination parcel.

Combination envelopes or containers having two compartments may be used for this purpose. When the two portions or compartments of a combination container are inseparable the matter will be accepted with the sender's and addressee's names and addresses on one portion only if the sender so desires.

The postage on such combination parcels is computed on the exact weight of each class of matter, including the weight of the portion of the container in which the respective class of matter is inclosed.

Parcels to which letters are so attached are treated as fourth-class matter. Only one special delivery fee is required when such parcels are sent as special delivery matter. The stamps for the fee should be affixed to the parcels.

In every instance, the letter must be placed on the address side of the parcel and not on the back. The placing of the letter on the back or the placing of the name and address of the sender or addressee on two or more sides of the parcel causes confusion and delay in ascertaining whether proper postage has been prepaid and may result in postal indorse-

ments, such as "Special Handling," "Special Delivery," etc., appearing on one side only being overlooked. Any instructions as to the return of a parcel of this kind appearing on the two portions must be consistent.

Letters may be attached to second or third-class matter under the same conditions.

It is contemplated under the provisions for attaching a communication to a parcel that the communication shall be inclosed in an envelope and prepaid at the letter rate, 3 cents an ounce or fraction thereof. There is no objection, however, to attaching to a parcel prepaid at the third- or fourth-class rate a card bearing a communication, provided postage at the letter rate, that is, 3 cents, is prepaid on the card and affixed thereto.

When a piece of third-class matter of no obvious value and not bearing the pledge of the sender to pay return postage, to which is attached a letter prepaid at the first-class rate, is undeliverable and the third-class matter is of such character that it may be disposed of as waste by the postmaster in accordance with the regulations governing the disposition of undeliverable matter of that class, the letter is detached, indorsed to show that fact and then sent to the Division of Dead Letters and Dead Parcel Post or proper branch thereof. The third-class matter is then disposed of as waste. This procedure is followed in all such cases regardless of whether the letter bears the sender's return card. In the case of undeliverable matter of the third or fourth class of obvious value, to which a letter is attached, the letter may not be detached and handled separately, but the entire parcel should be treated in accordance with sections 808 to 811, Postal Laws and Regulations. It would not be permissible in the case of a combination parcel which is refused by the addressee to separate the letter prepaid at the first-class rate from the parcel and deliver the letter to the addressee.

Third-class matter fully prepaid at the third-class rate of postage may be attached to or mailed with matter of the second or fourth class fully prepaid at the rate applicable to matter of the respective class, in the manner and under the conditions set forth above, provided the envelope or portion of the container in which the third-class matter is inclosed is prominently indorsed "Third Class" and left unsealed.

[SEAL] ROY M. NORTH,
*Acting Third Assistant Postmaster General.*

[F. R. Doc. 37-1632; Filed, June 3, 1937; 11:58 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

### RATES OF PAY FOR GOVERNMENT COMMUNICATIONS BY TELEGRAPH

#### ADOPTION OF TELEGRAPH DIVISION ORDER NO. 15-C

The Telegraph Division at a regular meeting held May 25, 1937, adopted Telegraph Division Order No. 15-C:

The Telegraph Division having under consideration the matter of rates of pay for Government communications by telegraph:

It is ordered:

1. That during the period July 1, 1937 to June 30, 1938, both inclusive, telegraph communications between the several departments of the Government and their officers and agents, in their transmission over the lines or circuits of any telegraph company subject to the Post Roads Act, approved July 24, 1866, 14 Stat. 221, as amended, U. S. C., title 47, shall have priority over all other business and shall be sent at charges not exceeding forty (40) per centum of the charges applicable to commercial communications of the same class, of the same length, and between the same points in the United States, except that the charges for serial messages and timed wire service shall not exceed eighty (80) per centum of the charges applicable to like commercial serial messages and timed wire service between the same points in the United States; provided, however, that the minimum charge for day messages shall be 25 cents, for day letters 45 cents, for night messages 20 cents, for night letters 30 cents, for serial messages 54 cents, and for timed wire service 45 cents, unless any of these amounts shall be greater than the minimum for a corresponding commercial message in which event the provision set forth in paragraph 5 below shall apply: and provided, further, that a day letter shall be charged for as a day letter or a day message, according to which of these classifications shall produce the lower charge for the particular message; and that an overnight message shall be charged for as a night message or as a night letter, according to which of these two classifications shall produce the lower charge for the particular message; and provided, further, that when the first section of a serial message is not followed by another on the same day, it shall be charged for as a day message; that when more than one section is filed on the same day, the sections shall be charged for at the serial rates or each section shall be charged for as a day message, according to which of these classifications shall produce the lower total charge; and that timed wire messages shall be charged for as timed wire service or as day messages, according to which of these classifications shall produce the lower charge; and provided, further that the provisions of this paragraph shall apply only to Government messages filed as day messages, day letters, night messages, night letters, serial messages, or timed wire communications.

2. That during the period stated telegraph communications between the several departments of the Government and their officers and agents, between points in the continental United States and points in possessions of the United States, between points in different possessions, and between points in the continental United States, including such possessions, and points in foreign countries and ships at sea transmitted by any carrier or carriers subject to the Post Roads Act, or subject to the terms of a permit signed, or license granted, by the President of the United States giving the Postmaster General authority to fix rates of pay for Government communications by telegraph shall, between all points embraced within the scope of such Act, permit, or license, have priority over all other business, and shall be sent at charges not exceeding fifty (50) per centum of the full ordinary charges applicable to commercial communications of the same length and between the same points, except that charges for Government code messages shall not exceed sixty (60) per centum of the ordinary Government charges as herein prescribed; provided, however, that in cases where Government messages are transmitted between any of such points in part over the facilities of any carrier or carriers subject to the Post Roads Act, or subject to the terms of any permit signed, or license granted, by the President giving authority to the Postmaster General to fix rates, (such carrier or carriers being hereinafter called domestic carrier or carriers), and in part over the facilities of a carrier, carriers, administration, or administrations not subject thereto, (hereinafter called foreign carriers or administrations), the charges for Government communications shall not exceed the following, to wit:—for Government communications between points in the continental United States and Mexico or Canada, the charges shall not exceed the amounts derived by applying the percentages stated in the first ordering paragraph herein, to the prevailing commercial charges between the points of origin or destination in the continental United States and the border, plus the prevailing charges applicable to United States Government messages between points of origin or destination in Mexico and Canada and the border; and for Government communications between all other points, the charges shall not exceed the percentages specified in the second ordering paragraph herein, applied to the full portion of the charges accruing to the domestic carrier or carriers, plus the charges actually made for United States Government communications by such foreign carriers or administrations; and provided further, (a) that with respect to government ordinary messages to and from the Philippine Islands and the Canal Zone, the percentages specified shall apply to such communications only in so far as the transmission takes place within the United States and its possessions, other than the Philippine Islands and the Canal Zone; (b) that the charges for government ordinary messages during the perlor stated, between the following named points, shall be:

| | *Per word* |
|---|---|
| Between New York, N. Y., and Canal Zone | $0.15 |
| Between Fisherman's Point, Guantanamo Bay, Cuba and Canal Zone | .09 |
| Between Limon, San Jose, and Puntarenas, C. R., and Canal Zone | 0.075 |
| Between San Francisco, Calif., and Philippine Islands: | |
| Luzon Island, Manila | 0.195 |
| Luzon Island, other offices | .245 |
| Other Islands, all offices | .375 |
| Between Honolulu, Hawaii, and Philippine Islands: | |
| Luzon Island, Manila | .165 |
| Luzon Island, other offices | .215 |
| Other Islands, all offices | .345 |
| Between Midway Island and Philippine Islands: | |
| Luzon Island, Manila | .13 |
| Luzon Island, other offices | .18 |
| Other Islands, all offices | .31 |
| Between Sumaye, Guam and Philippine Islands: | |
| Luzon Island, Manila | .075 |
| Luzon Island, other offices | .125 |
| Other Islands, all offices | .255 |
| Between Manila and China: | |
| Shanghai | 0.10 |
| Hongkong | .0575 |
| Kwangi, Kwantung Provinces | .11 |
| Macao | .11 |
| Manchuria (other than Japanese offices) | .15 |
| All other places | .15 |
| Between Manila and Japan: | |
| Formosa | .23 |
| All other places, including Caroline Islands, Chosen-Corea, Jaluit (Marshall Islands), Japanese Saghalien, Kwangtung Peninsula (China), Palaos Islands, Pescadores Islands, Saipan (Marianne Islands), and Japanese offices in Manchuria | .235 |
| Between Washington, D. C. and Philippine Islands: | |
| Luzon Island, Manila | .27 |
| Luzon Island, other offices | .32 |
| Other Islands, all offices | .45 |

and provided that the charges for Government code messages between the foregoing points shall be 60 percent of the charges above specified for Government ordinary messages; and (c) that with respect to Government messages to and from ships at sea the percentages specified shall not apply to the coastal station and ship station charges; and (d) that with respect to Government night messages to and from points in Canada and Mexico transmitted by carriers having both night message and night letter classifications in effect to and from such points but having only night letter classifications in effect between points in the United States, such Government night messages shall be regarded as night letters for the purpose of determining the prevailing commercial charges for such messages to and from points in the United States and the border.

3. That the provisions of the first and second ordering paragraphs shall be construed to include messages transmitted over facilities of Naval Communications Service in connection with facilities of a domestic carrier or carriers or with facilities of a domestic carrier or carriers and foreign carriers or administrations, the Naval Communications Service making no charge for its own service.

4. That if any new service shall be established during the period stated, a supplementary order will be issued fixing the Government charge for such service.

5. That in no case shall the charge for a Government message exceed the charge for a corresponding commercial message; and that in cases where the charge for a Government message, as determined herein, shall include a fraction of a cent, such fraction, if less than one-half, shall be disregarded, if one-half or more, it shall be counted as one cent; except that the charge for Government code messages shall be rounded up to the next higher half cent, if the fraction be less than one-half, and to a full cent, if the fraction be more than one-half.

6. That all Government communications shall have priority over all other business, as above provided, and shall, unless otherwise provided herein, be subject to the classifications, practices and regulations applicable to the corresponding commercial communications.

7. That every domestic carrier which is subject to the Communications Act of 1934, shall, not later than 30 days after service of this order, file with this Commisison all schedules of charges applicable to Government communications established pursuant to this order, said schedules to be filed in full compliance with the requirements of Section 203 of the Communications Act of 1934, and with the rules contained in Tariff Circular No. 1, to be constructed in such manner and form that the full charges for all Government messages from origins to destinations can be exactly and readily ascertained therefrom, and to name effective dates as of July 1, 1937, provided, however, that if schedules applicable to Government messages are already on file and in effect and are in accord with the provisions of this order, new and revised schedules need not be filed.

8. That every domestic carrier required under the terms of any permit signed, or license granted, by the President of the United States to transmit messages for the Government of the United States or any of its possessions, free of charge, shall file schedules in accordance with paragraph 7 above, and with the terms of such permit or license.

9. That in every case where during the period stated any schedule containing charges applicable to commercial messages shall be changed, or the charges made by the foreign carriers or administrations shall be changed, the schedule containing the charges applicable to Government messages shall be correspondingly changed, effective on the same date, provided, however, that this provision shall not apply where, under the terms of the permit or license, a domestic carrier is required to transmit Government messages free of charge, nor with respect to charges to and from the Philippine Islands and the Canal Zone the specific amounts of which are fixed and stated in the second ordering paragraph above.

10. That nothing herein contained shall apply to charges fixed by agreement between the Secretary of Agriculture and the companies performing the service under the Department of Agriculture Appropriation Act.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-1631; Filed, June 3, 1937; 11:31 a. m.]

## NATIONAL LABOR RELATIONS BOARD.

*United States of America—Before the National Labor Relations Board*

[Case No. C-105]

IN THE MATTER OF J. FREEZER & SON, INC., AND AMALGAMATED CLOTHING WORKERS OF AMERICA AND DAPHNE RIDPATH, SYLVIA RIDPATH, AND GRACE RIDPATH

NOTICE OF HEARING

Please take notice that pursuant to authority vested in the National Labor Relations Board under an Act of Congress (49 Stat. 449) a hearing will be held before the National Labor Relations Board on Friday, June 4, 1937, at 11 a. m., in Room 406, Denrike Bldg., 1010 Vermont Avenue, N. W., Washington, D. C., for the purpose of oral argument in the above entitled matter.

You may appear and be heard if you so desire.

Dated, May 29, 1937, Washington, D. C.

[SEAL] BENEDICT WOLF, *Secretary.*

[F. R. Doc. 37-1630; Filed, June 2, 1937; 2:59 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of June, A. D., 1937.

[File No. 46-58]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Washington and Suburban Companies, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 12,500 shares of the $4.50 Cumulative Convertible Preferred Stock, without par value, of the Washington Gas Light Company, 83.99% of whose outstanding voting stock is now owned by applicant; the consideration to consist of the following securities now held by applicant:

$675,000 principal amount of demand notes of Alexandria Gas Company, a subsidiary of applicant, and interest accrued thereon;

2,500 shares of capital stock of Alexandria Gas Company;

$231,000 principal amount of bonds of Washington Suburban Gas Company, a subsidiary of applicant, and interest accrued thereon;

$271,928.37 principal amount of demand notes of Washington Suburban Gas Company (including $1 advance on open account), and interest accrued thereon; and

8,600 shares of common stock of Washington Suburban Gas Company.

It is ordered that a hearing on such matter be held on June 22, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1776 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 16, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission:

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1633; Filed, June 3, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-RISSE FARM, FILED ON MAY 21, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commisison, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1635; Filed, June 3, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE RATHKE-WADLEY-HILL FARM, FILED ON MAY 12, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 2nd day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 17th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1634; Filed, June 3, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE EAGLE ROCK-DARLING-ENGSTROM-HULTFERG-SWORD ET AL LEASE, FILED ON MAY 27, 1937, BY SUPREME OIL INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the number of barrels of oil which must be produced before the smallest fractional interest proposed to be offered will be entitled to receive one barrel, does not appear to be correctly calculated in the statement made under Division II, Item 1;

(2) In that the legal description required to be given in Exhibit B is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1636; Filed, June 3, 1937; 12:50 p. m.]



*Saturday, June 5, 1937* *No. 108*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49004]

AIRPORT OF ENTRY

SANDUSKY MUNICIPAL AIRPORT, SANDUSKY, OHIO, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Sandusky Municipal Airport, Sandusky, Ohio, is hereby designated as an airport of entry for the landing of aircraft from foreign countries for a period of one year from the date of approval of this order.

[SEAL] J. H. MOYLE, *Commissioner of Customs.*

Approved, June 1, 1937.

STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-1652; Filed, June 4, 1937; 12:24 p. m.]

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[T. D. 49005]

AIRPORTS OF ENTRY

CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named airports are hereby redesignated as airports of entry for the landing of aircraft from foreign countries for a period of one year from June 2, 1937:

Great Falls Municipal Airport, Great Falls, Mont.
Havre Municipal Airport, Havre, Mont.
Scobey Airport, Scobey, Mont.
Plattsburg Municipal Airport, Plattsburg, N. Y.
Spokane Municipal Airport (Felts Field), Spokane, Wash.
Watertown Municipal Airport, Watertown, N. Y.

[SEAL] JAMES H. MOYLE, *Commissioner of Customs.*

Approved, June 1, 1937.

STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-1653; Filed, June 4, 1937; 12:24 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—Arizona, Supplement 1. Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—ARIZONA, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Arizona is amended by this supplement as follows:

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part II, Section 1, is amended to read as follows:

SECTION 1. *General Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[1]

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practices at the end thereof.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period. $0.35 per animal unit for each full month.

K. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill but not in excess of $50.00 for each dam.

[1] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 4, Subsection A, is amended to read as follows:

A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, Part II; *Provided, however,* That if the general soil-depleting base on any nondiversion farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres.

Part VI, Section 4, Subsection C, is amended to read as follows:

C. If the total acreage of soil-depleting crops on any farm upon which an acreage of cotton is diverted for payment in 1937 does not equal or exceed the sum of (1) the normal soil-conserving acreage established for the farm, and (2) the acreage diverted for payment from the cotton soil-depleting base, a deduction shall be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 for each acre by which the total acreage of soil-conserving crops on the farm in 1937 is less than such sum.

Part VI, Section 8, Paragraph B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VII, Section 3, is amended by adding the following at the end thereof:

E. The County Committee shall not establish a cotton soil-depleting base for any farm which is no longer a cotton farm and shall adjust downward the cotton soil-depleting base which might otherwise be established for any farm if it is determined that because of a change in the production practices on such farm the acreage adapted to the production of cotton is less than the cotton soil-depleting base which might otherwise have been established for such farm.

F. 1. The normal yield per acre of lint cotton for the farm shall be designated by the appropriate community committee, subject to such adjustment by the county committee as is necessary in order that the weighted average yield for all cotton farms in the county or other area shall not exceed the yield established for such county or other specified area by the Agricultural Adjustment Administration, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

2. Each cotton farm covered by a work sheet shall be inspected by at least one member of the community committee, serving for the community in which the farm is located, who shall report his observations to the community committee before the yield is designated for the farm.

3. The normal yield designated for any farm shall be that yield, subject to necessary adjustments by the county committee, which the community committee finds from available facts to be the yield which could have been reasonably expected from the land devoted to the production of cotton on the farm as an average yield during the 5-year period 1928–1932. Such findings shall be examined by the county committee in the light of all available facts and recommended or modified by it accordingly. In reviewing the yields designated by the community committee the county committee shall give due consideration to the trend of yields per acre, type of soil, drainage, irrigation, erosion, production practices, general fertility of the land, and abnormal weather conditions, but the weighted average yield for all farms in the county shall not exceed the limitations prescribed.

Part VII is amended by the addition of Section 6 as follows:

SECTION 6. *Normal Soil-Conserving Acreage.*—There shall be established for each farm for which a cotton soil-depleting base is established a normal soil-conserving acreage which shall represent the acreage of all soil-conserving crops grown on the farm under normal conditions. The sum of the normal soil conserving acreages, established for all cotton farms in the county, shall not be greater than nor less than their proportionate share of the total soil conserving acreage quota for the county. The state committee shall review the total normal soil conserving acreage established for all cotton farms in the county and shall, if necessary, recommend that further adjustments be made to properly correlate the recommendations of the county committee with available statistical information.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops and green manure crops and as provided in Section 3 of this Part VIII with respect to nurse crops and emergency forage crops:

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sweetpotatoes.
e. Sugar beets.
f. Peanuts.
g. Root crops grown for feed.
h. Hemp.
i. Cultivated sunflowers.
j. Mustard (commercial).
k. Rape.
l. Truck and vegetable crops and their seeds; melons and strawberries.
m. Grain sorghums, sweet sorghums, broom corn, and Sudan grass harvested for seed, grain, or hay; or pastured.
n. Millets.
o. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas harvested for seed, hay, or pastured.
p. Cotton.

Part VIII, Section 2, first paragraph is amended to read as follows:

SECTION 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to a poor stand of soil-conserving crops.

Part XI, Section 4, is amended to read as follows:

SECTION 4. *Determination of Class II Payments.*—The amount of Class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, *except that,* item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 4, not in excess of the soil-building allowance obtained under Subsection B of this Section 4 shall, subject to the applicable provisions of this Part XI, be the amount of the Class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1651; Filed, June 4, 1937; 11:20 a. m.]



WR—B–101—California, Supplement 1 Issued June 3, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

### BULLETIN NO. 101—CALIFORNIA, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—California is amended by this supplement as follows:

Part I, definition of "Rice soil-depleting base" is amended to read as follows:

*Rice Soil-Depleting Base* on a farm means the number of acres allocated to the farm for the production of rice in 1937.

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any other land than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part I, definition of "Diversion Farm" is amended to read as follows:

*Diversion Farm* means any general diversion farm or any farm with respect to which a cotton soil-depleting base is established, and, for the purpose of computing the soil-building allowance but for no other purpose, any farm with respect to which a rice soil-depleting base is established.

Part II, Section 1, is amended to read as follows:

SECTION 1. *General Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[1]

Part III, Section 1, Practice H, Items 3, 4, and 5 are amended and Item 6 is added, to read as follows:

3. Volunteer cover and green manure crops when grown in 1937 on cropland which was seeded to a soil-depleting crop for harvest in 1936 if a stand equivalent to a seeded cover crop is turned under after attaining height and growth equivalent to a seeded cover crop; provided, the crop is not pastured and no soil-depleting crop is seeded for harvest in 1937 on such cropland. $1.00 per acre.

4. Volunteer cover and green manure crops when grown in 1937 in grain stubble, if a good stand and growth equivalent to a seeded cover crop is turned under in 1937; provided, the stubble may have been pastured but not plowed or burned following the harvest of the soil-depleting crop, and no soil-depleting crop is seeded in 1937 on such cropland. $0.50 per acre.

5. Planned volunteer cover and green manure crops consisting of mustards—white, black, trieste; white melva; giant amaranthus, annual legumes and mixtures thereof, and such other crops as are approved by the Director of the Western Division, when grown in 1937 in commercial orchards and other perennial plantings including hops, asparagus and artichokes, if a stand equivalent to a seeded crop is turned under prior to June 1, 1937; provided, the volunteer growth is the result of practices followed in previous years of allowing the seed of such crops to mature and reseed before turning under. $1.50 per acre.

6. Small grains, including rye, oats, barley and grain mixtures, and such other small grains as are approved by the Director of the Western Division, (a) when seeded on cropland or interplanted in orchards or vineyards if turned under in 1937 during or prior to the blooming stage without pasturing or, if pastured and turned under, shall have attained at least 60 days' growth before pasturing and 30 days' growth after pasturing before turned under, or (b) when interplanted in orchards or vineyards if clipped provided the clippings are not raked or removed from the land where grown, either mechanically or by pasture. $1.00 per acre.

Part III, Section 1, Practice J is amended to read as follows:

J. *Addition of Organic Matter.*—In orchards, vineyards, and other perennial plantings including hops, artichokes, and asparagus.

1. For the application and mechanical incorporation of legume straw into the surface soil in 1937. $0.75 per ton, *dry weight,* not to exceed $3.75 per acre.

2. For the application and mechanical incorporation of non-leguminous straw into the surface soil in 1937. $0.50 per ton, *dry weight,* not to exceed $2.50 per acre.

3. For the application and mechanical incorporation of grape pomace into the surface soil in 1937. $0.75 per ton not to exceed $3.75 per acre.

Part III, Section 1, Practice K, Items 2 and 3 are amended to read as follows:

2. When species of forest trees approved by the State committee are planted in 1937 in rows as windbreaks for citrus or deciduous fruit orchards in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, if the trees are irrigated periodically after planting, and the interspaces are cultivated often enough to control volunteer growth, as follows:

a. In single rows, if the trees are spaced not more than 5 feet apart in single rows not less than 330 feet apart. $0.25 per rod-row.

b. In double rows, if the trees are spaced not more than 8 feet apart in rows not more than 8 feet apart with double rows not less than 330 feet apart. $0.35 per rod of double row.

3. When rye, wheat, barley, corn, sorghums, Sudan grass, sunflowers, castor beans, and such other annual plants as are approved by the Director of the Western Division are grown in 1937 in strips not less than 4 feet in width on cropland to prevent soil drifting on adjoining cropland, if such crops are not harvested for grain, hay, or pastured in 1937. $0.01 per linear rod, not to exceed $0.30 per acre of alternate strips and crops.

Part IV, Section 1, first paragraph is amended to read as follows:

SECTION 1. *Range-building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice D is amended to read as follows:

D. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound, provided, that on land where conditions are such that posts cannot be set regularly at the distances apart designated herein, the posts may be set not more than 30 feet apart with stays not more than 7½ feet apart placed in the intervening spaces. $0.30 per rod.

Part IV, Section 1, Practice E, Items 1 and 2 are amended to read as follows:

1. Crested Wheat Grass provided such range land is used exclusively in 1937 for the grazing of range livestock. $0.20 per pound of seed sown.

2. Western Rye, Harding, Orchard, Meadow Fescue, Tall Oat, grama and red top grasses, or mixtures thereof, provided such range land is used exclusively in 1937 for the grazing of range livestock. $0.15 per pound of seed sown.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof.

J. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, bromc grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit

[1] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 4, Subsection A, is amended to read as follows:

A. If the 1937 acreage of soil-depleting crops, except cotton and rice, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, Part II; *Provided, however,* That if the general soil-depleting base on any nondiversion farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton and rice, in excess of 20 acres.

Part VI, Section 4, Subsection C, is amended to read as follows:

C. If the total acreage of soil-conserving crops on any farm upon which cotton is diverted for payment in 1937 does not equal or exceed the sum of (1) the normal soil-conserving acreage established for the farm, and (2) the acreage diverted for payment from the cotton soil-depleting base, a deduction shall be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 for each acre by which the total acreage of soil-conserving crops on the farm in 1937 is less than such sum.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VII, Section 2, is amended by adding the following at the end thereof:

E. The County Committee shall not establish a cotton soil-depleting base for any farm which is no longer a cotton farm and shall adjust downward the cotton soil-depleting base which might otherwise be established for any farm if it is determined that because of a change in the production practices on such farm the acreage adapted to the production of cotton is less than the cotton soil-depleting base which might otherwise have been established for such farm.

F. 1. The normal yield per acre of lint cotton for the farm shall be designated by the appropriate community committee, subject to such adjustment by the county committee as is necessary in order that the weighted average yield for all cotton farms in the county or other area shall not exceed the yield established for such county or other specified area by the Agricultural Adjustment Administration, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

2. Each cotton farm covered by a work sheet shall be inspected by at least one member of the community committee, serving for the community in which the farm is located, who shall report his observations to the community committee before the yield is designated for the farm.

3. The normal yield designated for any farm shall be that yield, subject to necessary adjustments by the county committee, which the community committee finds from available facts to be the yield which could have been reasonably expected from the land devoted to the production of cotton on the farm as an average yield during the 5-year period 1928–1932. Such findings shall be examined by the county committee in the light of all available facts and recommended or modified by it accordingly. In reviewing the yields designated by the community committee the county committee shall give due consideration to the trend of yields per acre, type of soil, drainage, irrigation, erosion, production practices, general fertility of the land, and abnormal weather conditions, but the weighted average yield for all farms in the county shall not exceed the limitations prescribed.

Part VII is amended by adding the following new sections:

SECTION 7. *Normal Soil-Conserving Acreage.*—There shall be established for each farm for which a cotton soil-depleting base is established a normal soil-conserving acreage which shall represent the acreage of all soil-conserving crops grown on the farm under normal conditions. The sum of the normal soil-conserving acreages, established for all cotton farms in the county, shall not be greater than nor less than their proportionate share of the total soil-conserving acreage quota for the county. The state committee shall review the total normal soil-conserving acreage established for all cotton farms in the county and shall, if necessary, recommend that further adjustments be made to properly correlate the recommendations of the county committee with available statistical information.

SECTION 8. *Rice Base Acreage, Base Production, and Domestic Consumption Quota.*—The total rice base acreage, rice base production and domestic consumption quota for all farms in California shall not exceed 103,000 acres, 2,928,765 bags, and 2,833,311 bags, respectively. The rice base acreage and the rice base production of any producer in 1937 shall be the rice base acreage and the rice base production, respectively, which was established or which could have been established for such producer under the procedure prescribed with reference to the 1936 Agricultural Conservation Program, and shall be subject to such adjustments as are provided for therein. The domestic consumption quota for any producer shall be 96.73 percent of such producer's rice base production.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested, except as provided in Section 2 of this Part VIII with respect to nurse crops, cover and green manure crops and volunteer grain for pasture:

a. Corn (field, sweet, and popcorn).
b. Potatoes.
c. Sweetpotatoes and yams.
d. Sugar beets for sugar or seed.
e. Cultivated sunflowers.
f. Annual truck, canning, and vegetable crops, and their seeds.
g. Melons.
h. Sorghums, including Sudan grass, milo maize, Egyptian corn, broom corn, and other grain and sweet sorghum, for seed, grain, hay, or pasture.
i. Small grains including flax for grain or hay; or pasture.
j. Millets.
k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture, or canning purposes.
l. Root crops grown for feed or seed.
m. Cotton.
n. Rice.
o. Fiber plants including hemp.
p. Commercial mustard.
q. Tobacco.
r. Annual cut flowers and their seeds.
s. Peanuts.
t. Volunteer grains when cut for hay or grain.

Part VIII, Section 2 is amended by striking out the word "Land" immediately following the title, "Soil-Conserving Crops", and by substituting in lieu thereof the word "Cropland".

Part XI, Section 4, is amended to read as follows:

SECTION 4. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of part III, Section 2, *except that,* item 2 in Subsection A of said part and Section shall not be used in such computation;

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under subsection A of this section 4, not in excess of the soil-building allowance obtained under subsection B of this section 4 shall, subject to the applicable provisions of this part XI, be the amount of the class II payment to the applicant."

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1650; Filed, June 4, 1937; 11:20 a. m.]



WR—B-101—Colorado, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—COLORADO, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Colorado is amended by this supplement as follows:

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part III, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for practices prescribed in Item A, Item B, Item C, Item D, or Item E of Section 1, in addition to the practices prescribed in Item G, or Item K.

Part III, Section 1, Practice J, is amended to read as follows:

J. Addition of organic material in the form of hay or straw, in commercial orchards and vineyards at a rate of not less than 5 tons per acre, between February 1, 1937, and October 31, 1937, provided such organic material is mechanically incorporated into the soil. $5.00 per acre.

Part III, Section 1, is amended by changing Practice M–1 and M–2 to read as follows:

1. *Controlled Summer Fallow on Non-Irrigated Land.*—

a. Controlled summer fallowing when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough-cloddy surface reasonably free from volunteer growth. First tillage operation to be performed prior to June 15, 1937. $1.00 per acre.

b. Controlled summer fallow, in accordance with the provisions of Item M–1–a, when listed on the contour with lister furrows not more than 4 feet apart nor less than 4 inches in depth or when listed with dams in the lister furrows not more than 16 feet apart, and in accordance with specifications recommended by the State committee and approved by the Director of the Western Division. $1.50 per acre.

2. *Establishment of Strip Cropping and Fallow.*—

a. Fallow strips (two or more strips of fallow) shall be not less than five rods nor more than 20 rods in width, with intervening strips of small grain crops, sorghum or Sudan grass broadcast or in rows not more than 28 inches apart, or small grain stubble, provided, however, at least one-third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937 a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or the acreage devoted to crop (or stubble), whichever is the smaller, and only with respect to the acreage of strip cropping and fallow which is in addition to the acreage used for that practice in 1936. $1.00 per acre.

b. Combination of Practices M–1 and M–2–a. $2.00 per acre.

Part III, Section 1, is amended by changing Practice M–6 to read as follows and by adding the following practice M–7:

6. Planting of cover crops to control wind erosion: Sudan grass or millet or sweet sorghums when planted in rows not greater than 42 inches apart or any sorghum or Sudan grass or millet when close drilled or broadcast; provided, however, that no portion of the crop is harvested or pastured in any manner whatsoever. The county committee shall approve this practice only when the prior approval of the community committee has been obtained. $2.00 per acre.

7. Contour farming on cropland in 1937, when small grain or intertilled crops are planted or seeded on the contour, provided, however, the slopes are in excess of two percent. $0.50 per acre.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

J. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division, $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land, $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range Building Allowance.*—The range building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Paragraph B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, and payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested, except as provided in Section 2 of this Part VIII with respect to nurse crops, and as provided in Section 3 of this Part VIII, with respect to emergency forage crops, and winter pasture crops, and sorghums, Sudan grass, or millets grown in 1937 on designated wind erosion acreage.

a. Small grains including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Mustard (commercial).
h. Rape.
i. Truck and vegetable crops and their seed, melons and strawberries.

j. Grain sorghums, sweet sorghums, broom corn, and Sudan grass harvested for seed, grain, hay, or pastured.
k. Millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed, or hay.

Part VIII, Section 2 is amended by striking out the word "Land" immediately following the title, "Soil-Conserving Crops", and by substituting in lieu thereof the word "Cropland."

Part VIII, Section 3, Item f, is amended to read as follows:

f. Small grains seeded as a winter cover crop and pastured, but not harvested for grain or hay.

Part VIII, Section 3, is amended by adding item g to read as follows:

g. Sorghums, Sudan Grass, or millets grown in 1937 on designated wind erosion acreage in accordance with the provisions for carrying out approved wind erosion control practices on such acreage.

Part XI, Section 3, is amended to read as follows:

SECTION 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, *except that*, item 2 in Subsection A of said part and section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under subsection A of this section 3, not in excess of the soil-building allowance obtained under subsection B of this section 3 shall, subject to the applicable provisions of this part XI, be the amount of the class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1649; Filed, June 4, 1937; 11:19 a. m.]

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WR—B-101—Idaho, Supplement 1. Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—IDAHO, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Idaho is amended by this supplement as follows:

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part III, Section 1, Practice O, Item 1, is amended to read as follows:

1. Gypsum, in Northern Idaho counties of Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Idaho, Lewis, and Nez Perce, when applied to cropland in 1937, in an amount not less than 200 pounds per acre and in connection with new seedings of legumes or legume-grass mixtures. $2.00 per acre.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, Practice J, is amended to read as follows:

J. *Railing Sagebrush.*—For destroying sagebrush by use of railroad rails or by other mechanical methods that result in the destruction of at least 75 percent of the sagebrush cover. Payment for this practice will not be made unless either range-building practice H or K of this Section I of Part IV is also carried out on the acreage on which sagebrush has been railed. $0.50 per acre.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

L. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, sharetenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to cover crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to nurse crops, summer fallow, emergency forage crops, and winter cover crops:

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).



c. Potatoes.
d. Sweetpotatoes.
e. Sugar beets.
f. Root crops grown for feed.
g. Hemp.
h. Cultivated sunflowers.
i. Mustard (commercial).
j. Rape.
k. Truck and vegetable crops and their seeds; melons, and strawberries.
l. Grain sorghums, sweet sorghums, broom corn and Sudan grass, harvested for seed, grain, or hay; or pastured.
m. Millets.
n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas harvested for seed or hay; or pastured.
o. Flowers and their seeds.
p. Kale.
q. Annual grasses, including Italian rye grass and Bromus Secalinus.
r. Cultivated fallow (summer fallow).

Part VIII, Section 2, first paragraph, is amended to read as follows:

SEC. 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of this Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to a poor stand of soil-conserving crops, and soil-conserving crops following summer fallow.

Part VIII, Section 2, Subsection b, is amended to read as follows:

b. Green manure crops, including annual legumes, rye, and mixtures of annual legumes and small grains when turned under in 1937, after attaining at least two months' growth; except when followed by summer fallow on non-irrigated cropland.

Part XI, Section 3 is amended to read as follows:

SECTION 3. *Determination of Class II Payments.*—The amount of of Class II payment is to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 3, *except that*, item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3, shall, subject to the applicable provisions of this Part XI, be the amount of the Class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1648; Filed, June 4, 1937; 11:19 a. m.]

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WR—B-101—Kansas, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—KANSAS, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Kansas is amended by this supplement as follows:

Part II, Section 1, is amended to read as follows:

SECTION 1. *General Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.[1]

Part III, Section 1, Practice J, is amended to read as follows:

J. *Winter Cover Crops—Non-Legumes.*—When winter small grains are grown on cropland preceding or following a 1937 vegetable crop or in commercial orchards in 1937 and turned under after attaining at least two months' growth. $1.00 per acre.

Part III, Section 1, Practice K, is amended to read as follows:

K. Addition of organic material, consisting of hay or straw, in commercial orchards at a rate of not less than five tons per acre, between February 1, 1937, and October 31, 1937, provided such organic material is mechanically incorporated into the soil. $5.00 per acre.

Part III, Section 1, is amended by adding Practice L–3 to read as follows:

3. When drilled in rows in 1937 at a rate of not less than 400 pounds per acre. Such limestone is to be ground to such fineness that 30 percent will pass through a 100 mesh sieve. $0.50 per acre.

Part III, Section 1, Practice O, is amended to read as follows:

O. Contour farming on cropland in 1937, when small grain or intertilled crops are planted or seeded on the contour; provided, however, the slopes are in excess of one percent. $0.50 per acre.

Part III, Section 1, Practice Q–1, is amended to read as follows:

1. Controlled summer fallowing when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough-cloddy surface, reasonably free from volunteer growth. First tillage operation must be performed prior to June 15, 1937. $1.00 per acre.

Part III, Section 1, Practice Q–2, is amended to read as follows:

2. Establishment of strip cropping and fallow, the fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width, with intervening strips of small grain crops, sorghum or Sudan grass, close drilled or broadcast, or listed in rows not more than 28 inches apart, or small grain stubble, provided, however, at least one-third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937, a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or the acreage devoted to crops or stubble, whichever is the smaller, and only with respect to the acreage of strip cropping and fallow which is in addition to the acreage used for that practice in 1936. $1.00 per acre.

Part III, Section 1, is amended by adding items Q–5 and Q–6 to read as follows:

5. Controlled summer fallow: the summer fallow to be controlled in accordance with the provisions of Practice Q–1, and listed on the contour with lister furrows not more than 4 feet apart nor less than 4 inches in depth or when listed with dams in the listed furrows not more than 16 feet apart, and in accordance with specifications recommended by the State committee and approved by the Director of the Western Division. $1.50 per acre.
6. Combination of Practices Q–2 and Q–5. $2.00 per acre.

Part III, Section 2, is amended by the addition of subsection e as follows:

e. The practice specified in Item N together with the practice specified in Item Q, sub-item 1 or sub-item 5.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with

[1] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

corner posts well braced, or (b) not fewer than three poles, or rails, nailed with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part VI, Section 4, Subsection A, is amended to read as follows:

A. If the 1937 acreage of soil-depleting crops, except cotton and tobacco, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II: *Provided, however*, That if the general soil-depleting base on any non-diversion farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton and tobacco, in excess of 20 acres.

Part VI, Section 4, Subsection D is amended to read as follows:

D. If the total acreage of soil-conserving crops on any farm upon which an acreage of cotton and tobacco is diverted for payment in 1937 does not equal or exceed the sum of (1) the normal soil-conserving acreage established for the farm, and (2) the acreage diverted for payment from the cotton and tobacco soil-depleting bases, a deduction shall be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 for each acre by which the total acreage of soil-conserving crops on the farm in 1937 is less than such sum.

Part VI, Section 8, Paragraph B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VII, Section 3, Subsection A, is amended by adding the following Item 5 at the end thereof.

5. The county committee shall not establish a cotton soil-depleting base for any farm which is no longer a cotton farm and shall adjust downward the cotton soil-depleting base which might otherwise be established for any farm if it is determined that because of a change in the production practices on such farm the acreage adapted to the production of cotton is less than the cotton soil-depleting base which might otherwise have been established for such farm.

Part VII, Section 3, Subsection B, is amended by adding thereto the following paragraph:

The sum of the tobacco soil-depleting bases for all farms covered by work sheets in any County, or other specified area, shall not exceed their proportionate share of the quota of tobacco acreage established for such county, or other specified area, by the Agricultural Adjustment Administration.

Part VII, Section 3, is amended by adding at the end thereof the following new sub-section C:

C. 1. The normal yield per acre of lint cotton or tobacco for the farm shall be designated by the appropriate community committee, subject to such adjustment by the county committee as is necessary in order that the weighted average yield for all cotton or tobacco farms in the county or other area shall not exceed the yield established for such county or other specified area by the Agricultural Adjustment Administration, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

2. Each cotton or tobacco farm covered by a work sheet shall be inspected by at least one member of the community committee, serving for the community in which the farm is located, who shall report his observations to the community committee before the yield is designated for the farm.

3. The normal yield designated for any farm shall be that yield, subject to necessary adjustments by the county committee, which the community committee finds from available facts to be the yield which could have been reasonably expected from the land devoted to the production of cotton or tobacco on the farm as an average yield during the 5-year period 1928–1932. Such findings shall be examined by the county committee in the light of all available facts and recommended or modified by it accordingly. In reviewing the yields designated by the community committee the county committee shall give due consideration to the trend of yields per acre, type of soil, drainage, irrigation, erosion, production practices, general fertility of the land, and abnormal weather conditions, but the weighted average yield for all cotton or tobacco farms in the county shall not exceed the limitations prescribed.

Part VII is amended by adding the following new section at the end thereof:

SECTION 6. *Normal Soil-Conserving Acreage.*—There will be established for each farm for which a cotton or tobacco soil-depleting base is established a normal soil-conserving acreage which shall represent the acreage of all soil-conserving crops grown on the farm under normal conditions. The sum of the normal soil-conserving acreages, established for such farms in the county, shall not be greater than nor less than their proportionate share of the total soil-conserving acreage quota for the county. The state committee shall review the total normal soil-conserving acreage established in the county and shall, if necessary, recommend that further adjustments be made to properly correlate the recommendations of the county committee with available statistical information.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and as provided in Section 3 of this Part VIII with respect to emergency forage crops, and winter cover crops, and sorghums, Sudan grass, or millets grown in 1937 on designated wind erosion acreage.

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Cotton.
d. Tobacco.
e. Potatoes and sweet potatoes.
f. Sugar beets and root crops grown for feed.
g. Cultivated sunflowers.
h. Mustard (commercial).
i. Truck and vegetable crops and their seed; melons, and strawberries.
j. Grain sorghums, sweet sorghums, broom corn and Sudan grass, harvested for seed, grain, hay, or pastured.
k. Rape and millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed and hay.

Part VIII, Section 2 is amended by striking out the word "Land" immediately following the title, "Soil-Conserving Crops", and by substituting in lieu thereof the word "Cropland."

Part VIII, Section 3, Subsection d, is amended to read as follows:

d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; *provided*, such use of land shall have been approved by the county committee prior to May 1, 1937.

Part VIII, Section 3, is amended by adding item g to read as follows:

g. Sorghums, Sudan grass, or millets grown in 1937 on designated wind erosion acreage in accordance with the provisions for carrying out approved wind erosion control practices on such acreage.

Part X, Section 1, Footnote 2, is amended to read as follows:

[2] Pursuant to Subsection A–2, Section 3, Part III of WR Bulletin—101—Kansas.

Part X, Section 1, Footnote 3, is amended to read as follows:

[3] Pursuant to Subsection A–3 and B–1 of Section 3, Part III of WR Bulletin—101—Kansas.

Part XI, Section 4, is amended to read as follows:

SECTION 4. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent.

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum



soil-building allowance) computed in accordance with the provisions of Part III, Section 3, *except that*, item 2 in subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 4, not in excess of the soil-building allowance obtained under Subsection B of this Section 4 shall, subject to the applicable provisions of this Part XI, be the amount of the Class II payment to the applicant."

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1647; Filed, June 4, 1937; 11:18 a. m.]

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WR—B-101—Montana, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—MONTANA, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Montana is amended by this supplement as follows:

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part III, Section 1, second paragraph, is amended to read as follows:

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for the practice prescribed in item F in addition to any one of the practices prescribed in items K. N, and P, and payment will be made for the practice prescribed in item J in addition to the practice prescribed in item K.

Part III, Section 1, Practice K, is amended to read as follows:

K. *Plowless Fallow.*—First tillage to be completed by June 1, 1937, and subsequent tillage frequently enough to prevent weed growth. All tillage to be done by implements that leave the surface rough and planted growth near the surface. Approved implements to be field cultivator, lister, or any one way disc where one way disc is used only for initial cultivation. $1.00 per acre.

Part III, Section 1, is amended by adding the following Practice S:

S. 1. *Controlled Summer Fallow.*—The summer fallow shall be controlled in accordance with the provisions of Practice K and listed on the contour with lister furrows not more than four feet apart nor less than four inches in depth or listed with dams in the lister furrows not more than sixteen feet apart, and in accordance with specifications recommended by the State Committee and approved by the Director of the Western Division. $1.50 per acre.

2. Combination of Practices J and S, 1. $2.00 per acre.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practices at the end thereof:

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period. $0.35 per animal unit for each full month.

K. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof: brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—

The range building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance, or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to nurse crops, summer fallow, or emergency forage crops:

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Mustard (commercial).
h. Rape.

l. Truck and vegetable crops and their seed; melons, and strawberries.
j. Grain sorghums, sweet sorghum, broom corn and Sudan grass, harvester for seed, grain, or hay; or pastured.
k. Millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay.
m. Cultivated fallow (summer fallow) unless otherwise provided.

Part VIII, Section 2, first paragraph, is amended to read as follows:

SECTION 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to a poor stand of soil-conserving crops, and soil-conserving crops following summer fallow.

Part XI, Section 3, is amended to read as follows:

SECTION 3. *Determination of Class II Payments.*—The amount of Class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and non-diversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent:

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, *except that*, item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3 shall, subject to the applicable provisions of this Part XI, be the amount of the class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1646; Filed, June 4, 1937; 11:18 a. m.]

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WR—B-101-Nevada, Supplement 1 Issued June 3, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEVADA, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Nevada is amended by this supplement as follows:

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice D, is amended to read as follows:

D. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

H. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadowland with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, and such other perennial grasses and legumes recommended by the State Committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Northern Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops:

a. Corn (field, sweet, and popcorn).
b. Potatoes.
c. Sugar beet seed.
d. Cultivated sunflowers.
e. Truck, canning, and annual vegetable crops, and their seed or plants, and melons.
f. Sorghums.
g. Small grains.
h. Millets.
i. Soybeans, field beans, cowpeas, field peas, and seed peas, harvested for grain, seed, hay; or pastured; or used for canning purposes.
j. Root crops, grown for feed.
k. Cotton.

Part VIII, Section 2 is amended by striking out the word "Land" immediately following the title, "Soil-Conserving Crops", and by substituting in lieu thereof the word "Cropland."

Part XI, Section 3, is amended to read as follows:

SECTION 3. *Determination of Class II Payments.*—The amount of class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this part XI, by 66.7 percent.

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, *except that*, item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under subsection A of this section 3, not in excess of the soil-building allowance obtained under subsection B of this section 3 shall subject to the applicable provisions of this part XI, be the amount of the class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1645; Filed, June 4, 1937; 11:18 a. m.]

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WR—B-101—New Mexico, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—New Mexico is amended by this supplement as follows:

The definition of "Range land" in part I is amended to read as follows:

*Range land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part II, Section 1, is amended to read as follows:

SECTION 1. *General Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of 15 percent of such base, at an average rate for the United States of $6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.

Part III, Section 1, Practice J, is amended to read as follows:

J. *Contour Listing of Non-Irrigated Cropland.*—For cultivation on the contour with a regular double mold-bored lister, basin lister, or chisel; provided, the furrows shall be approximately from 2 feet to 4 feet apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be approximately 4 inches in width and 6 inches in depth; and provided, also that no soil-depleting crop is planted for harvest in 1937 on such cropland. $1.00 per acre.

Part III, Section 1, Practice K, is amended to read as follows:

K. *Border Planting on Non-Irrigated Cropland.*—Border Planting on fields where planted borders are 100 feet wide or more, and the crop is not pastured or cut for hay or gain; provided, however, that payment shall be made with respect to the area so planted not in excess of 300 feet in width. $1.00 per acre.

Part III, Section 1, is amended by changing Practices N and O to read as follows:

N. *Controller Summer Fallow on Non-Irrigated Cropland.*—1. Controlled summer fallowing when tilled in such manner and with such implements as will result in a minimum of wind and water erosion, by creating and maintaining a rough, clodd surface, reasonably free from volunteer growth, first tillage operation to be performed prior to June 15, 1937. $1.00 per acre.

2. Controlled summer fallowing, in accordance with the provisions of N, 1, when listed on the contour with lister furrows not more than 4 feet apart nor less than 4 inches in depth or when listed with dams in the listed furrow not more than 16 feet apart, and in accordance with specifications recommended by the State committee and approved by the Director of the Western Division. $1.50 per acre.

O. *Contour Strip Cropping and Fallow on Non-Irrigated Cropland.*—1. Contour strip planting of any crops when width of strips of crop is not less than 9 feet nor the distance between strips more than 150 feet; Provided, however, that only the area planted to strip crops shall be considered in computing the acreage devoted to this practice. $1.00 per acre.

2. Combination of practices N and O-1. $2.00 per acre.

Part III, Section 1, is amended by adding item P as follows:

P. *Cover Crops to Control Wind-Erosion.*—Sudan grass or sweet sorghums when planted in rows not greater than 42 inches apart, or any sorghum or Sudan grass when close drilled or broadcast; provided, however, that no portion of the crop is harvested or pastured in any manner whatsoever. $2.00 per acre.

Part IV, Section 1, "first paragraph," is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by the addition of the following range-building practices at the end thereof.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period. $0.35 per animal unit for each full month.

K. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State Committees, he determines

the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Subdivision B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance, or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VI, Section 4, Subsection A, is amended to read as follows:

A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined on any non-diversion farm under section 1, part II; *Provided, however,* That if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres.

Part VI, Section 4, Subsection C, is amended to read as follows:

C. If the total acreage of soil-conserving crops on any farm upon which cotton is diverted for payment in 1937 does not equal or exceed the sum of (1) the normal soil-conserving acreage established for the farm, and (2) the acreage diverted for payment from the cotton soil-depleting base, a deduction shall be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 for each acre by which the total acreage of soil-conserving crops on the farm in 1937 is less than such sum.

Part VII, Section 3, is amended by adding the following at the end thereof:

E. The County Committee shall not establish a cotton soil depleting base for any farm which is no longer a cotton farm and shall adjust downward the cotton soil depleting base which might otherwise be established for any farm if it is determined that because of a change in the production practices on such farm the acreage adapted to the production of cotton is less than the cotton soil depleting base which might otherwise have been established for such farm.

F. 1. The normal yield per acre of lint cotton for the farm shall be designated by the appropriate community committee, subject to such adjustment by the county committee as is necessary in order that the weighted average yield for all cotton farms in the county or other area shall not exceed the yield established for such county or other specified area by the Agricultural Adjustment Administration, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

2. Each cotton farm covered by a work sheet shall be inspected by at least one member of the community committee, serving for the community in which the farm is located, who shall report his observations to the community committee before the yield is designated for the farm.

3. The normal yield designated for any farm shall be that yield, subject to necessary adjustments by the county committee which the community committee finds from available facts to be the yield which could have been reasonably expected from the land devoted to the production of cotton on the farm as an average yield during the 5-year period 1928–1937. Such findings shall be examined by the county committee in the light of all available facts and recommended or modified by it accordingly. In reviewing the yields designated by the community committee the county committee shall give due consideration to the trend of yields per acre, type of soil, drainage, irrigation, erosion, production practices, general fertility of the land, and abnormal weather conditions, but the weighted average yield for all farms in the county shall not exceed the limitations prescribed.

Part VII is amended by the addition of Section 6 as follows:

SECTION 6. *Normal Soil-Conserving Acreage.*—There shall be established for each farm for which a cotton soil-depleting base is established a normal soil-conserving acreage which shall represent the acreage of all soil-conserving crops grown on the farm under normal conditions. The sum of the normal soil conserving acreages, established for all cotton farms in the county, shall not be greater than nor less than their proportionate share of the total soil conserving acreage quota for the county. The state committee shall review the total normal soil conserving acreage established for all cotton farms in the county and shall, if necessary, recommend that further adjustments be made to properly correlate the recommendations of the county committee with available statistical information.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to nurse crops, pastured winter cover crops, and emergency forage crops, and sorghums, Sudan grass or millets grown in 1937 on designated wind erosion acreage.

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sweet potatoes.
e. Sugar beets.
f. Peanuts.
g. Root crops grown for feed.
h. Hemp.
i. Cultivated sunflowers.
j. Mustard (commercial).
k. Rape.
l. Truck and vegetable crops and their seeds; melons and strawberries.
m. Grain sorghum, sweet sorghums, broom corn and Sudan grass, harvested for seed, grain, or hay; or pastured.
n. Millets.
o. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas and canning peas, harvested for seed, or hay; or pastured.
p. Cotton.

Part VIII, Section 2, first paragraph, is amended to read as follows:

SECTION 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 with respect to a poor stand of soil-conserving crops.

Part VIII, Section 3, is amended by adding item h to read as follows:

h. Sorghums, Sudan Grass, or millets grown in 1937 on designated wind erosion acreage in accordance with the provisions for carrying out approved wind erosion control practices on such acreage.

Part VIII is supplemented by the addition of Section 4 as follows:

SECTION 4. *Soil-Building Practices Substituted for Soil-Conserving Crops.*—Cropland devoted to the following soil-building practices in 1937 on non-irrigated farms for which a cotton soil-depleting base is established shall be regarded as used for the production of a soil-conserving crop within the meaning of Section 2 of this Part VIII:

A. Contour Listing, when carried out in accordance with the provisions of Practice J of Section 1 of Part III.

B. Controlled Summer Fallow, when carried out in accordance provisions of Practice J of Section 1 of Part III.

Part XI, Section 4, is amended to read as follows:

SECTION 4. *Determination of Class II Payments.*—The amount of Class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, *except that,* item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 4, not in excess of the soil-building allowance obtained under Subsection B of this Section 4 shall, subject to the applicable provisions of this Part XI, be the amount of the Class II payment to the applicant.



In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1644, Filed, June 4, 1937; 11:17 a. m.]

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WR—B–101—North Dakota, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NORTH DAKOTA, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—North Dakota is amended by this supplement as follows:

Part III, Section 1, Practice K, is amended to read as follows:

K. *Plowless fallow.*—First tillage to be completed by June 1, 1937, and subsequent tillage frequent enough to prevent weed growth. All tillage to be done by implements that leave the surface rough and planted growth near the surface. Approved implements to be field cultivator, lister, or one way disc, where one way disc is used only for initial cultivation. $1.00 per acre.

Part III, Section 1, is amended by adding the following Practice P.

P. 1. *Controlled Summer Fallow.*—The summer fallow shall be controlled in accordance with the provisions of Practice K and listed on the contour with listed furrows not more than four feet apart nor less than four inches in depth or listed with dams in the listed furrows not more than sixteen feet apart, and in accordance with specifications recommended by the State committee and approved by the Director of the Western Division. $1.50 per acre.
2. Combination of Practices J and P 1. $2.00 per acre.

Part IV, Section 1, first paragraph, is amended to read as follows:

Payment will be made for the carrying out on range land in 1937, such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by the addition of Practice I as follows:

I. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period. $0.35 per animal unit for each full month.

Part VI, Section 8, Paragraph B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.



Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to nurse crops, and emergency forage crops:

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Mustard (commercial).
h. Rape.
i. Truck and vegetable crops and their seed; melons, and strawberries.
j. Grain sorghums, sweet sorghums, broom corn and Sudan grass, harvested for seed, grain, or hay; or pastured.
k. Millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay.

Part VIII, Section 2, first paragraph, is amended to read as follows:

SECTION 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to a poor stand of soil-conserving crops.

Part XI, Section 3, is amended to read as follows:

SECTION 3. *Determination of Class II Payments.*—The amount of Class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, *except that,* item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3 shall, subject to the applicable provisions of this Part XI, be the amount of the Class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1643; Filed, June 4, 1937; 11:17 a. m.]

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WR—B–101—Oregon, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—OREGON, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Oregon is amended by this supplement as follows:

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof,

in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part III, Section 1, Practice J, first paragraph, is amended to read as follows:

J. *Green Manure Crops.*—When green manure crops, including rye, commercial mustard, turnips, annual legumes, and mixtures of annual legumes and small grains are grown in 1937 on cropland and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed, or canning purposes.

Part III, Section 1, is amended by the addition of Practice U, Items 1 and 2 as follows:

U. *For application of gypsum on cropland in 1937,* in connection with new seedings of legumes or legume-grass mixtures:

1. 400 pounds per acre, containing 20 percent available sulphur or its sulphur equivalent, on irrigated lands in Eastern Oregon. $3.50 per acre.

2. 100 pounds per acre, containing 20 percent available sulphur or its sulphur equivalent, on land in Benton, Multnomah, Clackamas, Marion, Linn, Columbia, Yamhill, Lane, Washington, and Polk Counties. $1.00 per acre.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, Item 2, Practice H, is amended to read as follows:

2. In the counties of Lane, Douglas, Coos, Curry, Josephine, Jackson, and Linn, for reseeding depleted range land before December 31, 1937, at a rate not less than seven pounds per acre, with such mixtures of the following grasses as may be approved for each county by the State Committee: Common western rye grass, English rye grass, timothy, orchard grass, bent grass, chewings fescue, Kentucky bluegrass, white clover, bur clover, and velvet grass; provided that the range land in the ranching unit is used in 1937 exclusively for the grazing of range livestock. $1.00 per acre.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

K. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed or adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committeee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow lands. $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Paragraph B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance, or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to nurse crops, summer fallow, emergency forage crops, cover crops, and support crops:

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sweet potatoes.
e. Sugar beets.
f. Root crops grown for feed.
g. Hemp.
h. Cultivated sunflowers.
i. Mustard (commercial).
j. Rape.
k. Truck and vegetable crops (except perennial vegetables) and their seeds; melons, and strawberries.
l. Grain sorghums, sweet sorghums, broom corn, and Sudan grass, harvested for seed, grain, or hay; or pastured.
m. Millets.
n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for seed, or hay; or pastured.
o. Flowers and their seeds.
p. Kale.
q. Annual grasses, including Italian rye grass and Bromus Secalinus.
r. Cultivated fallow (summer fallow).

Part VIII, Section 2, first paragraph, is amended to read as follows:

SECTION 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to a poor stand of soil-conserving crops, and the seeding of soil-conserving crops following summer fallow.

Part VIII, Section 2, Subsection b, is amended to read as follows:

b. Green manure crops, including annual legumes, commercial mustard, turnips, rye, and mixtures of annual legumes and small grains when turned under in 1937, after attaining at least two months' growth; except when followed by summer fallow on non-irrigated cropland in Eastern Oregon.

Part VIII, Section 3, Subsection f, is amended to read as follows:

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops or winter-seeded peas and vetch with small grains as a support crop, on the farm which was winter-killed or destroyed by drought in the period beginning July 1, 1936; provided, such use of land shall have been approved by the county committee prior to May 1, 1937.

Part XI, Section 3, is amended to read as follows:

SECTION 3. *Determination of Class II Payments.*—The amount of Class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.



B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section I, Subsection D, of this Part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 3, *except that,* item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3 shall, subject to the applicable provisions of this Part XI, be the amount of the Class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1642; Filed, June 4, 1937; 11:16 a. m.]

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WR—B-101—Utah, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—UTAH, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Utah is amended by this supplement as follows:

The definition of "Range land" in part I is amended to read as follows:

*Range land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more or which, on the average for the ranching unit, are required to graze one animal unit.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

K. Mountain Meadow Land Practices Designated under section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. Earthen Dams for Erosion Control on Mountain Meadows. For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill, not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and cover and green manure crops, and as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow:

a. Corn (field, sweet, and popcorn).
b. Potatoes.
c. Sugar Beets for sugar or seed.
d. Cultivated sunflowers.
e. Annual truck, canning, and vegetable crops, and their seeds.
f. Melons.
g. Sorghums, including grain sorghums, sweet sorghums, and Sudan grass for seed, grain, hay, or pasture.
h. Sweet sorghums for syrup.
i. Small grains, including flax.
j. Millets.
k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture or canning purposes.
l. Root crops grown for feed or seed.
m. Fiber plants.
n. Annual cut flowers and their seeds.
o. Rape.
p. Cultivated fallow (summer fallow) including approved summer fallow.

Part VIII, Section 2, first paragraph, is amended to read as follows:

SEC. 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow.

Part VIII, Section 2, Subsection b, is amended to read as follows:

b. Cover and green manure crops consisting of annual, biennial and perennial legumes; rye, barley, oats, and grain mixtures; vetches; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth; except when followed by summer fallow on non-irrigated cropland.

Part XI, Section 3, is amended to read as follows:

SEC. 3. *Determination of class II Payments.*—The amount of class II payments to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowances as follows:

1. Multiply the class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of part III, Section 2, *except that*, item 2 in subsection A of said part and Section shall not be used in such computation;

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3 shall, subject to the applicable provisions of this part XI, be the amount of the class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1641; Filed, June 4, 1937; 11:16 a. m.]

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WR—B-101—Washington, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WASHINGTON, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Washington is amended by this supplement as follows:

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part III, Section 1, Practice J, Item 2b is amended to read as follows:

On all cropland in Western Washington[1] in addition to the irrigated districts of Yakima, Kittitas, Okanogan, Chelan, Benton, Walla Walla, Franklin, Douglas, Spokane, and Asotin Counties.

Part III, Section 1, Practice M, Footnote 1, is amended to read as follows:

[1]As used herein, the "dry land areas" means that part of Garfield County known as Pataha, Pomeroy Ward One, and Pomeroy Ward Two, and that part of Okanogan County known as Ellisforde, Mason City, Elmerton, Riverside, and Anglin precincts, in addition to the area specified in Footnote 1, Section 1, WR Bulletin 2—Washington 1. Revised, issued July 14, 1936.

Part III, Section 1, Practice P, is amended to read as as follows:

P. Superphosphate application in Western Washington and on irrigated lands in Eastern Washington. When superphosphate is applied in 1937 to new seedings of legumes or legume and grass mixtures at or before time of seeding and to old meadows and cropland pastures at rate of not less than 60 pounds of available $P_2O_5$ per acre in combination with not less than 6 tons of barnyard manure or its equivalent in liquid manure. $2.25 per acre.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

K. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Paragraph B, is amended to read as follows:

B. An application for payment may be made by an owner, sharetenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payments.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to nurse crops, soil-conserving crops following summer fallow, emergency forage crops, cover crops, and support crops:

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sweet potatoes.
e. Sugar beets.
f. Root crops grown for feed.
g. Hemp.
h. Cultivated sunflowers.
i. Mustard (commercial).
j. Rape.
k. Truck and vegetable crops (except perennial vegetables) and their seeds; melons and strawberries.
l. Grain sorghums, sweet sorghums, broom corn, and Sudan grass, harvested for seed, grain or hay; or pastured.
m. Millets.
n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for seed, or hay, or pastured.
o. Flowers and their seeds.
p. Kale.
q. Annual grasses, including Italian rye grass and Bromus Secalinus.
r. Cultivated fallow (summer fallow).



Part VIII, Section 2, first paragraph, is amended to read as follows:

SEC. 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of this Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year; and except as provided in Section 3 of this Part VIII with respect to a poor stand of soil-conserving crops; and soil-conserving crops following summer fallow.

Part VIII, Section 2, Subsection b, is amended to read as follows:

b. Green manure crops, including annual legumes, rye, and mixtures of annual legumes and small grains when turned under in 1937, after attaining at least two months' growth, except when followed by summer fallow on non-irrigated cropland.

Part VIII, Section 3, Subsection f, is amended to read as follows:

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops, or winter-seeded peas and vetch when seeded with small grains as a support crop, on the farm which was winterkilled or destroyed by drought in the period beginning July 1, 1936; provided, such use of land shall have been approved by the county committee prior to May 1, 1937.

Part XI, Section 3 is amended to read as follows:

SECTION 3. *Determination of Class II Payments.*—The amount of Class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and non-diversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 3, *except that*, item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3 shall, subject to the applicable provisions of this Part XI, be the amount of the Class II payment to the applicant.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1640, Filed, June 4, 1937; 11:15 a. m.]

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WR—B-101—Wyoming, Supplement 1 Issued June 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WYOMING, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Wyoming is amended by this supplement as follows:

The definition of "Range Land" in part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part III, Section 1, first paragraph is amended to read as follows:

SECTION 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for any one of the practices prescribed in Items A, B, C, D, and E in addition to any one of the practices prescribed in Items F, H, and I.

Part III, Section 1 "Practice H" is amended to read as follows:

H. In the counties of Laramie, Goshen, Platte, Niobrara, Converse, Natrona, Weston, Crook, Campbell, Sheridan, Johnson, and Lincoln and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. *Controlled summer fallowing*, when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough, cloddy, trashy, surface, reasonably free from volunteer growth. First tillage operation to be performed prior to June 15, 1937. $1.00 per acre.

2. *Controlled summer fallow*, in accordance with the provisions of H, 1, when listed on the contour with lister furrows not more than 4 feet apart, nor less than 4 inches in depth or when listed with dams in the lister furrow not more than 16 feet apart, and in accordance with specifications recommended by the State committee and approved by the Director of the Western Division. $1.50 per acre.

Part III, Section 1, "Practice I" is amended to read as follows:

I. In the counties of Laramie, Goshen, Platte, Niobrara, Converse, Natrona, Weston, Crook, and Campbell and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division.

1. *Establishment of strip cropping and fallow*, the fallow strips (two or more strips of fallow) to be not less than one rod nor more than 20 rods in width with intervening strips of small grain crops, sudan grass, close drilled or broadcast, or small grain stubble; provided, however, at least one third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937 a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or strips devoted to crops or stubble, whichever is the smaller, and only with respect to the acreage of strip crop and fallow which is in addition to the acreage used for that practice in 1936. $1.00 per acre.

2. *Combination of practices H and I, 1.* $2.00 per acre.

Part IV, Section 1, first paragraph is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound. $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

J. Mountain Meadow Land Practices in Counties Designated under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land.*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division. $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthen Dams for Erosion Control on Mountain Meadow.*—For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land. $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus, in the case of certain mountain counties designated by the Director of the Western Division, 40¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties designated by the Director of the Western Division for the purposes of this section shall be those counties for which, upon the basis of the recommendations of the county and State committees, he determines the mountain meadow land practices specified in Part IV of this bulletin to be necessary and effective in promoting land conservation. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and as provided in Section 3 of this Part VIII with respect to emergency forage crops:

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Truck and vegetable crops and their seed; melons, and strawberries.
h. Grain sorghums, sweet sorghum, and Sudan grass, harvested for seed, grain, or hay, or pastured.
i. Millets.
j. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay.
k. Rape.

Part VIII, Section 2 is amended by striking out the word "Land" immediately following the title, "Soil-Conserving Crops", and by substituting in lieu thereof the word "Cropland".

Part VIII, Section 2, Item a, is amended to read as follows:

a. The following legumes and perennial grasses and such other legumes and grasses as may be approved by the Director of the Western Division when seeded without a nurse crop, or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay; alfalfa, alsike clover, sweet clover, red clover, bluegrass, orchard grass, brome grass, grama grass, buffalo grass, wheat grasses, rye grasses, timothy, and redtop.

Part XI, Section 3, is amended to read as follows:

SECTION 3. *Determination of Class II Payments.*—The amount of Class II payment to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and nondiversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent.

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, *except that*, item 2 in Subsection A of said Part and Section shall not be used in such computation.

3. To the amount obtained under item 1, above, add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3 shall, subject to the applicable provisions of this Part XI, be the amount of the Class II payment to the applicant."

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 3rd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1639; Filed, June 4, 1937; 11:15 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

EFFECTIVE DATE OF A RESOLUTION ON THE SUBJECT OF PARTIAL RELEASE AND OTHER PROCEEDS AND REAMORTIZATION OF ACCOUNTS

*Be it resolved*, That pursuant to authority vested in this Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4 (a) and 4 (k) of said Act, the effective date of a resolution on the subject of Partial Release and Other Proceeds and Reamortization of Accounts, adopted on March 23, 1937, shall be July 1, 1937; and said resolution is hereby amended accordingly.

Adopted by the Federal Home Loan Bank Board on June 4, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1657; Filed, June 4, 1937; 12:27 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2914]

IN THE MATTER OF BRADAS & GHEENS, INCORPORATED, A CORPORATION, AND C. E. GHEENS, AN INDIVIDUAL, TRADING AS BRADAS & GHEENS

SUBSTITUTE ORDER FIXING TIME AND PLACE FOR TAKING TESTIMONY

Whereas the above-entitled proceeding having been set for hearing on Monday, June 7, 1937, at ten o'clock in the forenoon of that day, in the City of Louisville, Kentucky, and it now appearing necessary to change the time and place of hearing.

It is, therefore, ordered that the taking of testimony herein begin on Monday, June 21, 1937, at ten thirty o'clock in the forenoon of that day (central standard time), in room 307, Federal Building, Minneapolis, Minnesota.

By direction of the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1638; Filed, June 4, 1937; 10:00 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1937.

[File No. 52-1]

IN THE MATTER OF GENESEE VALLEY GAS COMPANY, INC.

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Genesee Valley Gas Company, Inc., a subsidiary of a registered holding company, pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935, for approval of a Plan of Reorganization proposed by its management in proceedings, for the reorganization of such company, pending in the United States District Court for the Southern District of New York pursuant to Section 77B of the Federal Bankruptcy Act, as amended; the applicant having presently outstanding $733,000 principal amount of First Lien 6% Gold Bonds, $106,987.50 principal amount of Secured Notes, $283,500 principal amount of 10 Year 7% Debenture Gold Bonds, 336 shares of 7% Cumulative Prior Preference Stock having a par value of $100 per share, and 941 shares of Common Stock having no par value; and it being proposed, under said Plan, that all of the aforesaid securities, except the said First Lien 6% Gold Bonds which will not be affected thereby, are to be surrendered and cancelled in exchange for not exceeding in the aggregate 37,400 shares of new Common Stock having no par value;

It is ordered that a hearing on such matter be held on June 28, 1937, at two o'clock in the afternoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 25, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1655; Filed, June 4, 1937; 12:25 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1937.

[File No. 43-59]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Union Electric Company of Missouri (formerly Union Electric Light and Power Company), a subsidiary company of The North American Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of declarant's:

$80,000,000 aggregate principal amount of First Mortgage and Collateral Trust Bonds, 3¾ Series due 1962—due July 1, 1962; and

$15,000,000 aggregate principal amount of 3% notes, due 1942—due July 1, 1942.

It is ordered that a hearing on such matter be held on June 21, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 16, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1654; Filed, June 4, 1937; 12:25 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1937.

[File No. 46-59]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Union Electric Company of Missouri (formerly Union Electric Light and Power Company), a subsidiary company of The North American Company, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of $22,000,000 principal amount of First Mortgage Bonds, 3¾% Series of 1962, due July 1, 1962, presently to be issued by Union Electric Company of Illinois (formerly East St. Louis Light & Power Co.).

It is ordered that a hearing on such matter be held on June 21, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested con-

sumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 16, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37—1656; Filed, June 4, 1937; 12: 25 p. m.]

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## VETERANS' ADMINISTRATION.

### RULES GOVERNING THE SELECTION OF VETERANS TO COMPOSE THE VETERANS' CONTINGENT FOR EMERGENCY CONSERVATION WORK

[Supplement No. 6 to Rules Issued October 1, 1934]

JUNE 3, 1937.

CERTIFICATION AND NOTIFICATION

The instructions contained in sub-paragraphs 1 and 2 of Paragraph 11–B of Rules Governing the Selection of Veterans to Compose the Veterans' Contingent for Emergency Conservation Work issued October 1, 1934, are hereby cancelled, and in lieu thereof the following instructions are issued effective immediately.

Transient veterans desiring to enroll in the veterans' contingent of the Civilian Conservation Corps will submit application to the Manager having jurisdiction over the territory in which the applicant's permanent address as shown on the application, is located. These applications will be considered by the Manager concerned in connection with other applications received, and if the veteran is selected, appropriate notification will be forwarded to his permanent address.

Transient veterans may obtain applications (Form P–130) from any Veterans' Administration Regional Office or combined facility having Regional Office activities. The form should be prepared in duplicate, and both the original and duplicate forwarded to the Manager as designated above.

The Managers of Regional Offices and combined facilities are instructed to provide assistance to transient veterans who apply in person at their respective stations, in the preparation and forwarding of application forms, and to advise such veterans that it will be necessary for them to return to their permanent address to await notification. They should not, however, be given any assurance that they will be selected by the Manager concerned, but advised that their applications will be given due consideration under controlling instructions.

Those veterans who are domiciliary members of a Veterans Administration Facility or who are bona fide members of a Soldiers' and Sailors' Home, and who are actually present at such Facility or Home, may give the address of the Facility or Home as their permanent address when preparing their applications for enrollment. Their applications will be for the consideration of the Manager having jurisdiction in Civilian Conservation Corps matters in the State in which the Facility or Home at which the veteran is a member, is located. Such members should not be encouraged to seek enrollment in the Civilian Conservation Corps, and their applications should not be given preferential consideration.

These instructions make it incumbent upon transient veterans to return to their place of permanent address before they may be enrolled in the Civilian Conservation Corps, and accordingly veterans who seek enrollment therein should be encouraged to remain at their place of permanent address.

The instructions contained herein are also for application by the Chief of the Contact Division in Central Office, and accordingly veterans should not come to Washington seeking enrollment in the Civilian Conservation Corps. Subsequently only veterans who have an established permanent address in the District of Columbia will be enrolled in the Civilian Conservation Corps at Washington, D. C.

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 37–1637; Filed, June 3, 1937; 3:25 p. m.]

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*Tuesday, June 8, 1937* *No. 109*

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## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4740]

AUTHORIZING EXEMPTION FROM STAMP TAX ON PASSAGE TICKETS TO CERTIFIED PERSONS ATTENDING THE BOY SCOUT WORLD JAMBOREE IN THE NETHERLANDS

*To Collectors of Internal Revenue and Others Concerned:*

The Act of April 17, 1937 (Public No. 40, 75th Congress, 1st Session) provides, in part, as follows:

• • • That the Commissioner of Internal Revenue be, and he is hereby, authorized under such rules and regulations as he shall promulgate to remit the tax on steamship tickets to bona-fide Scouts and Scouters certified by the National Council, Boy Scouts of America, attending this Jamboree. • • •

In pursuance of these provisions the following regulations are promulgated:

The stamp tax imposed by Schedule A–5, Title VIII of the Revenue Act of 1926, as amended by section 442 of the Revenue Act of 1928, shall not apply to any passage ticket issued to any person who has been certified by the National Council, Boy Scouts of America, as being a bona fide Scout or Scouter attending the World Jamboree to be held in the Netherlands during the months of July and August, 1937.

The certification shall be in the form of an official certificate of identification, in duplicate, bearing the seal of the Boy Scouts of America and the facsimile signature of the President of that organization, certifying that such Scout or Scouter named in the certificate is a member of the World Jamboree contingent.

Upon presentation of the identification certificate to the steamship company, the passage ticket may be issued free of tax, the duplicate certificate of identification being retained by the steamship company. In all such cases a notation shall be made on the passenger manifest indicating why no tax was paid.

This Treasury Decision is issued under the authority contained in section 1101 of the Revenue Act of 1926, and pursuant to the provisions of the Act of April 17, 1937, (Public No. 40, 75th Congress, 1st Session).

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: June 3, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–1661; Filed, June 5, 1937; 10:07 a. m.]



[T. D. 4741]

## EXCESS PROFITS ON NAVY CONTRACTS

EXPENSES OF ADMINISTRATION—SELLING, BIDDING AND SERVICING EXPENSES AND SELF-INSURANCE

*To Officers and Employes of the Treasury Department, the Navy Department, and others concerned:*

Article 8 (g) of Treasury Decision 4723, relating to expenses of administration, is amended to read as follows:

(g) *Expenses of administration.*—Expenses of administration, usually termed "administrative overhead", which are treated in this article as a part of general expenses in determining the cost of performing a contract or subcontract (see paragraph (b) of this article) comprehend the expenses incident to and necessary for the performance of the contract or subcontract, which are incurred in the general administration of the business, such as—

(1) *Compensation for personal services of employees.*—The salaries of the corporate and general executive officers and the salaries and wages of administrative clerical employees and of the office services employees (telephone operators, janitors, cleaners, watchmen and office equipment repairmen).

(2) *Selling (including bidding) and servicing expenses.*—In lieu of direct charges for selling expenses (including bidding expenses) or for servicing expenses incident to delivered or installed articles, there may be allocated to the cost of performing a contract or subcontract the proportions of such expenses which by reference to all the pertinent facts and circumstances reasonably constitute a part of such cost. For the purposes of this method of treating selling and bidding expenses, the total of such allowable expenses which may be the basis of an allocation to the cost of performing a contract or subcontract shall include all expenditures in connection with preparing and submitting bids or other work incident to a prospective contract or subcontract.

(3) *Other expenses.*—Miscellaneous office and administrative expenses, such as stationery and office supplies, postage, repair and depreciation of office equipment, employees' welfare expenses, premiums and dues on compensation insurance; employers' payments to unemployment, old age and social security Federal and State funds not including payments deducted from or chargeable to employees or officers; pensions and retirement payments to administrative office employees and accident compensation to office employees (as to self-insurance, see the following subparagraph); but including no items which are not incidental to activities necessary for the performance of the contract or subcontract.

Subject to the exception stated in this subparagraph, in cases where a contracting party assumes its own insurable risks (usually termed "self-insurance"), losses and payments will be allowed in the cost of performing a contract or subcontract only to the extent of the actual losses suffered or payments incurred during, and in the course of, the performance of the contract or subcontract and properly chargeable to such contract or subcontract. If a contracting party assumes its own insurable risks (a) for compensation paid to employees for injuries received in the performance of their duties, or (b) for unemployment risks in States where insurance is required, there may be allowed as a part of the cost of performing a contract or subcontract a reasonable portion of the charges set up for purposes of self-insurance under a system of accounting regularly employed by the contracting party, as determined by the Commissioner of Internal Revenue, at rates not exceeding the lawful or approved rates of insurance companies for such insurance, reduced by amounts representing the acquisition cost in such companies, providing the contracting party adopts and consistently follows this method with respect to self-insurance in connection with all contracts and subcontracts subsequently performed by him.

Allowances for interest on invested capital are not allowable as costs of performing a contract or subcontract.

Among the items which shall not be included as a part of the cost of performing a contract or subcontract or considered in determining such cost, are the following: Selling expenses, including compensation of employees engaged in selling, operation and maintenance of sales offices, commissions, advertising and demonstrations, depreciation of sales equipment, and gratis service, which do not constitute proper charges (1) as direct costs or (2) as provided in paragraph (g) (2) of this article; entertainment expenses; dues and memberships other than of regular trade associations; donations; losses on other contracts; profits or losses from sales or exchanges of capital assets; extraordinary expenses due to strikes or lockouts; fines and penalties; amortization of unrealized appreciation of values of assets; expenses and depreciation of idle plant; increases in reserve accounts for contingencies, repairs, compensation insurance (except as above provided with respect to self-insurance) and guarantee work; Federal and State income and excess profits taxes and surtaxes; cash discount earned up to one percent of the amount of the purchase, except that all discounts on subcontracts subject to the Act will be considered; interest incurred or earned; bond discount or finance charges; income from royalties; premiums for life insurance on the lives of officers; legal and accounting fees in connection with reorganizations, security issues, capital stock issues and the prosecution of claims against the United States (including income tax matters); taxes and expenses on issues and transfers of capital stock; losses on investments; bad debts; and expenses of collection and exchange.

In order that the cost of performing a contract or subcontract may be accounted for clearly, the amount of any excess profits repayable to the United States pursuant to the Act should not be charged to or included in such cost.

Excessive or unreasonable payments whether in cash, stock or other property ostensibly for salaries, bonuses or other compensation for personal services, may not be included in the cost of performing a contract or subcontract.

This Treasury decision is prescribed pursuant to the provisions of section 3 of the Act of March 27, 1934, 48 Stat. L. 505 (U. S. C. title 34, sec. 496), as amended by the Act of June 25, 1936, 49 Stat. L. 1926 (U. S. C. Sup. II, title 34, sec. 496).

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, June 1, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

Approved, June 3, 1937.

CLAUDE A. SWANSON,
*Secretary of the Navy.*

[F. R. Doc. 37–1669; Filed, June 7, 1937; 12:23 p. m.]

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## Public Debt Service.

[Department Circular No. 575]

OFFERING OF UNITED STATES OF AMERICA TREASURY NOTES

1⅜ PERCENT, SERIES D–1939, DUE SEPTEMBER 15, 1939

1¾ PERCENT, SERIES A–1942, DUE MARCH 15, 1942

JUNE 7, 1937.

*Both series dated and bearing interest from June 15, 1937*

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States in two series, designated 1⅜ percent Treasury Notes of Series D–1939 and 1¾ percent Treasury Notes of Series A–1942, respectively. The amount of the offering of each series of notes is $400,000,000, or thereabouts.

II. DESCRIPTION OF NOTES

1. The notes of Series D–1939 will be dated June 15, 1937, and will bear interest from that date at the rate of 1⅜ percent per annum, payable on a semi-annual basis on September 15, 1937, and thereafter on March 15 and September 15 in each year. They will mature September 15, 1939, and will not be subject to call for redemption prior to maturity.

2. The notes of Series A–1942 will be dated June 15, 1937, and will bear interest from that date at the rate of 1¾ percent per annum, payable on a semi-annual basis on September 15, 1937, and thereafter on March 15 and September 15 in each year. They will mature March 15, 1942, and will not be subject to call for redemption prior to maturity.

3. The notes shall be exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes, or gift taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority.

4. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

5. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

6. Bearer notes with interest coupons attached will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case and for each series to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before June 15, 1937, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve bank of its district.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 37-1670; Filed, June 7, 1937; 12:24 p. m.]

## WAR DEPARTMENT.

REGULATIONS GOVERNING THE ERECTION AND MAINTENANCE OF DUCK BLINDS IN MARYLAND AND VIRGINIA WATERS

NOTICE

*To whom it may concern:*

The regulations approved May 19, 1930, by the Assistant Secretary of War to govern the erection and maintenance of duck blinds in Chesapeake Bay, Maryland and Virginia, are hereby extended and made applicable to Assawoman, Isle of Wight and Sinepuxent Bays, Maryland, and Chincoteague Bay, Maryland and Virginia, and their tributary waters.

NOTE.—The aforementioned bays are under the jurisdiction of the District Engineer, U. S. Engineer Office, 300 Customhouse, Baltimore, Maryland.

Recommended, April 3, 1937.

[SEAL] E. M. MARKHAM,
*Major General, Chief of Engineers.*

Approved, May 4, 1937.
HARRY H. WOODRING,
*Secretary of War.*

[F. R. Doc. 37-1659; Filed, June 5, 1937; 9:30 a. m.]

RULES AND REGULATIONS RELATING TO THE ANCHORAGE GROUNDS IN NEW BEDFORD OUTER HARBOR, BUZZARDS BAY, VINEYARD AND NANTUCKET SOUNDS, MASSACHUSETTS

The "Anchorage Grounds in New Bedford Outer Harbor, Buzzards Bay, Vineyard and Nantucket Sounds, Massachusetts, and Rules and Regulations relating thereto" approved by the Secretary of War, April 16, 1923, and modified March 29, 1930, are hereby further modified as follows:

Under the title "Anchorage Grounds", the description of Anchorage C, Bird Island, is modified so as to read:

ANCHORAGE C

BIRD ISLAND

Within the area west of a line parallel with and 850 feet westerly from center line of proposed Clevelands Ledge Channel; north of a line bearing 129° from Bird Island Light; east of a line bearing 25½° and passing through Bird Island Reef Buoy No. 13; and south of a line bearing 270° from Wings Neck Light.

Under the title "Anchorage Grounds", the description of Anchorage D, Wings Neck, is modified so as to read:

ANCHORAGE D

WINGS NECK

Beginning at a point bearing 185° and 1,200 yards distant from Flashing Red Light No. 4 on the Steel Pile Dolphin, located on the south side of Hog Island Channel at station 630 O, the area south of a line bearing 129° from said point and passing through a point in a line bearing 209° from Wings Neck Light, and distant approximately 733 yards therefrom; west of a line bearing 209° from Wings Neck Light to Southwest Ledge, North Part, Buoy No. 10 and west of a line bearing 199° from said Buoy No. 10; north of a line bearing 129° from Bird Island Light to a point 850 feet easterly, right angle distance, from center line of proposed Clevelands Ledge Channel; east of a line parallel to and 850 feet easterly from said center line of proposed Clevelands Ledge Channel and east of a line bearing 38½° to the point of beginning.

Recommended:

[SEAL] E. M. MARKHAM,
*Major General, Chief of Engineers.*

Approved April 27, 1937.
HARRY H. WOODRING,
*Secretary of War.*

[F. R. Doc. 37-1665; Filed, June 7, 1937; 10:06 a. m.]

## DEPARTMENT OF THE INTERIOR.

**Division of Grazing.**

COLORADO GRAZING DISTRICT NO. 3

MODIFICATION

MAY 26, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of April 8, 1935, establishing Colorado Grazing District No. 3, is hereby modified to include within its exterior boundaries the following described lands:

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

T. 44 N., R. 4 E.,
secs. 1, 2, S½ secs. 3 and 4, secs. 9 to 12, W½ sec. 13, secs. 14, 15, and 16;



T. 45 N., R. 4 E.,
secs. 1, 12, 13, 24, 25, 26, 35, and 36;
T. 46 N., R. 4 E.,
sec. 36;
T. 42 N., R. 5 E.,
secs. 1, 2, 11, 12, and 13;
T. 44 N., R. 5 E.,
secs. 6 and 7;
T. 45 N., R. 5 E.,
secs. 1 to 31; W½ sec. 32;
T. 46 N., R. 5 E.,
S½NE¼, SE¼ sec. 20, secs. 21, 22, 23, 25 to 29 inclusive, E½, E½NW¼, SW¼ sec. 30, secs. 31 to 36 inclusive;
T. 42 N., R. 6 E., all;
T. 43 N., R. 6 E.,
secs. 1, 2, 11 to 16 inclusive, 21 to 28 inclusive, and 32 to 36 inclusive;
T. 44 N., R. 6 E.,
secs. 1, 2, 25, and 36;
T. 45 N., R. 6 E., all;
T. 46 N., R. 6 E.,
secs. 3, 10, 13, 14, 15, 20 to 36 inclusive;
Tps. 42, 43, and 44 N., R. 7 E.;
T. 45 N., R. 7 E.,
secs. 4 to 11 inclusive, 13 to 36 inclusive;
T. 46 N., R. 7 E.,
secs. 1, 2, N½ sec. 12, secs. 18 and 19;
T. 45 N., R. 7 E.,
secs. 25, 35, and 36;
Tps. 43 and 44 N., R. 8 E.;
T. 45 N., R. 8 E.,
secs. 12, 13, 14, 19 to 36 inclusive;
T. 46 N., R. 8 E.,
secs. 7, 8, S½ sec. 12, E½, E½NW¼, NW¼NW¼, E½SW¼ sec. 13, sec. 16, E½, NW¼, NE¼SW¼ sec. 17, N½NE¼ sec. 18, NE¼ sec. 20, sec. 21, S½ secs. 22 and 23, E½, E½NW¼, SW¼NW¼, SW¼ sec. 24, secs. 25 to 28 inclusive, N½ secs. 33, 34, and 35;
T. 47 N., R. 8 E.,
sec. 1, N½, E½SE¼ sec. 2, E½E½ sec. 11, secs. 12, 13, E½E½ sec. 14, E½ sec. 24;
T. 48 N., R. 8 E., those parts of secs. 9 and 10 in Saguache County, sec 11, W½ sec. 13, secs. 14, 15, 16, 21 to 27 inclusive, 35 and 36;
T. 45 N., R 9 E.,
secs. 1 to 5 inclusive, 7 to 36 inclusive;
T. 46 N., R. 9 E.,
secs. 1 to 30 inclusive, 32 to 36 inclusive;
T. 47 N., R. 9 E.,
secs. 4 to 10, S½ sec 11, secs. 13 to 36 inclusive;
T. 48 N., R. 9 E., W½ sec 19, W½ sec. 29, secs. 30, 31, 32, SW¼ sec. 33;
T. 45 N., R. 10 E., all;
T. 46 N., R. 10 E., SW¼ sec. 1, S½ secs. 2 and 3, secs. 4 to 36 inclusive;
T. 47 N., R. 10 E., W½ sec. 19, W½ sec. 29, secs. 30, 31, 32, W½ sec. 33;
T. 45 N., R. 11 E., W½ secs. 6 and 7, secs. 18, 19, W½ sec. 29, secs. 30, 31, and 32;
T. 46 N., R. 11 E., W½ secs. 18, 19, 30, and 31.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the Federal Register.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-1658; Filed, June 5, 1937; 9:30 a. m.]

**Division of Territories and Island Possessions.**

[I. C. C. No. 128 (Cancels I. C. C. No. 121)]

THE ALASKA RAILROAD

*In Connection With Alaska Steamship Company (FX5 No. 5), American Yukon Navigation Company (FX2 No. 1), Puget Sound Freight Lines (FX5 No. 16)*

JOINT FREIGHT TARIFF NO. 5-E [1]

[Cancels Joint Freight Tariff No. 5-D]

Naming class and commodity rates between Seattle and Tacoma, Washington, and points on the Alaska Railroad, American Yukon Navigation Company in Alaska.

Governed, except as otherwise provided herein, by the Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive reissues thereof. Transportation service in connection with The Alaska Railroad, American Yukon Navigation Company, is subject to restoration and discontinuance as indicated in this document.

Issued, April 28, 1937. Effective, May 30, 1937. Authority: Act of March 12, 1914, and Executive Order No. 3861. Issued by

O. F. OHLSON,
*General Manager, Anchorage, Alaska.*

June 2, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37-1663; Filed, June 7, 1937; 9:59 a. m.]

[I. C. C. (Freight Series) No. 130; I. C. C. (Passenger Series) No. 232 [2]]

THE ALASKA RAILROAD

*In connection with Alaska Steamship Company (FX5 No. 5)—(PX5 No. 8)*

JOINT FREIGHT TARIFF NO. 38—JOINT PASSENGER TARIFF NO. 196 [2]

Naming commodity rates on settlers' effects, also settlers' fares from Seattle, Washington, to Palmer and Fairbanks, Alaska.

Governed, except as otherwise provided herein, by Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, Supplements thereto or successive reissues thereof.

Issued, May 5, 1937. Effective, June 10, 1937. Authority: Act of March 12, 1914 and Executive Order No. 3861. Issued by

O. F. OHLSON,
*General Manager, Anchorage, Alaska.*

June 2, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37-1664; Filed June 7, 1937; 9:59 a. m.]

## DEPARTMENT OF AGRICULTURE.

**Forest Service.**

[Administrative Order]

DESIGNATING CERTAIN LANDS AS A PART OF THE HIAWATHA NATIONAL FOREST, MICHIGAN

By virtue of and pursuant to the provisions of Section 11 of the Act of Congress approved March 1, 1911 (36 Stat. 961) as amended, lands acquired or hereafter acquired for forestry purposes and lying within the following described area are hereby made a part of the Hiawatha National Forest, in Michigan, to wit:

Township 46 north range 23 west
Sections 11 to 15 inclusive, 21 to 29 inclusive, 33, 34 and 35.
Township 45 north range 23 west.
Section 2, north half
Michigan Principal Meridian

[SEAL] H. A. WALLACE, *Secretary.*

June 7, 1937.

[F. R. Doc. 37-1671; Filed, June 7, 1937; 12:38 p. m.]

[1] Applications for copies should be addressed to O. F. Ohlson, General Manager, Anchorage, Alaska, or to Division of Territories and Island Possessions, Department of the Interior, Washington, D. C.

[1] No supplement to this tariff will be issued except for the purpose of cancelling the tariff, unless otherwise specifically authorized by the Commission.

[2] Applications for copies should be addressed to O. F. Ohlson, General Manager, Anchorage, Alaska, or to Division of Territories and Island Possessions, Department of the Interior, Washington, D. C.

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

CHANGE OF NAMES OF VESSELS

By virtue of the authority conferred by section 2 of the act of February 19, 1920, the following regulations are established for the purpose of carrying out the provisions of that act, providing for the change of names of vessels:

1. The name of a documented vessel shall not be changed except with the consent and approval of the Director of the Bureau of Marine Inspection and Navigation, under penalty of forfeiture.

2. The application for change in name shall be executed under oath by the owner of the vessel, addressed to the Director of the Bureau of Marine Inspection and Navigation, and submitted in duplicate to the collector of customs at the home port of the vessel.

3. The application must state the change desired, the reasons therefor, place and date of build, official number, rig, gross tonnage, and the name or names of the owner of the vessel. It must state in detail a list of all liens, mortgages, etc., on record against the vessel; and the consent of the mortgagee or other beneficiary under each lien or mortgage must be submitted in writing with the application.

4. Certificates, Commerce Form 1330, from the collectors at each port where the vessel has been permanently documented must also be submitted. If an abstract and certificate of record of title, Form 1331, from each port of permanent documentation since the passage of the Merchant Marine Act of 1920 is on file with the collector at the home port, such collector may issue Form 1330, noting that Forms 1331 are on file.

5. Application under the new name for approval of the home port must also be submitted in the case of change of ownership or change of home port only.

6. In transmitting the application the collector shall note the date and place of last inspection. In case the vessel is not usually inspected, the local inspectors are authorized to make special examinations and to furnish necessary certificate of seaworthiness.

7. The collector shall see that there has been compliance with these preliminaries and thereupon forward the application with his recommendation, giving any reasons within his knowledge for or against the change.

8. If the application is approved by the Director of the Bureau of Marine Inspection and Navigation, the collector shall collect the fee prescribed in the statute, deposit it as a navigation fee, inserting in Customs Form 1008 the old name of the vessel, her gross tonnage, and the amount of the fee collected. Permission for change of name is not effective until the fee is paid.

9. The order for the change in name must be published in some daily or weekly paper at or nearest to the port of documentation, in at least four consecutive issues.

10. The cost of procuring evidence and of advertising must be paid by the applicant.

11. Copies of the newspaper in which the advertisement appeared, together with the receipt for the payment of the cost thereof, shall be furnished by the applicant to the collector of customs and by him forwarded to the Director of the Bureau of Marine Inspection and Navigation with a copy of the new document issued.

12. An accurate index of changes of names of documented vessels under old and new names, with dates of authorization, etc., should be kept by the collector.

13. A vessel formerly documented, sold to the United States, and resold to citizens, shall be redocumented under the old name and official number; but a vessel never before documented and sold by the United States to citizens may be documented under any name.

[SEAL] H. C. SHEPHEARD,
*Acting Director, Bureau of Marine Inspection and Navigation.*

Approved, June 4, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-1660; Filed, June 5, 1937; 9:51 a. m.]

## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[11th Amendment of General Order No. 229]

PORT OF SANDUSKY, OHIO, FOR THE ENTRY INTO THE UNITED STATES OF ALIENS ARRIVING BY AIRCRAFT

JUNE 4, 1937.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C., Ti. 49, Sec. 177 (d)), the Sandusky Municipal Airport, Sandusky, Ohio, is hereby designated as a temporary port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (b), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended by General Order No. 229, dated December 21, 1935, and amendments thereto, is amended by adding the following after Rouses Point, N. Y., Rouses Point Seaplane Base: Sandusky, Ohio, Sandusky Municipal Airport.

[SEAL] FRANCES PERKINS, *Secretary.*

Approval recommended:

I. F. WIXON,
*Deputy Commissioner of Immigration and Naturalization.*

[F. R. Doc. 37-1666; Filed, June 7, 1937; 10:33 a. m.]

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[General Order No. 248]

AMENDMENT OF PARAGRAPH 1, SUBDIVISION K, REMOVAL BY CONSENT, OF RULE 19 OF THE IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED

JUNE 4, 1937.

Pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Title 8, Sec. 102), Paragraph 1, Subdivision K of Rule 19 of the Immigration Rules of January 1, 1930, as amended, is amended to read as follows:

Any alien who has fallen into distress or is in need of public aid from causes arising subsequent to entry and is desirous of being removed to his native country, or the country from whence he came, or to the country of which he is a citizen or subject, may, on order of the Commissioner of Immigration and Naturalization, at any time after entry, be so removed at Government expense. Any alien applying for removal should be informed that if he is so removed he shall forever be ineligible for readmission except upon the approval of the Secretary of State and the Secretary of Labor.

General Order No. 168 is hereby canceled.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-1667; Filed, June 7, 1937; 10:33 a. m.]

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[General Order No. 249]

AMENDMENT OF RULE 6, DECLARATION OF INTENTION, AND RULE 7, PETITION FOR CITIZENSHIP, OF THE NATURALIZATION REGULATIONS OF DECEMBER 1, 1936

JUNE 4, 1937.

By virtue of and pursuant to authority conferred by Section 28 of the Naturalization Act of June 29, 1906 (34 Stat. 606; U. S. C. title 8, section 356), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515), and Executive Order No. 6166, dated June 10, 1933, the following changes are hereby made in the Naturalization Regulations of December 1, 1936:

Subdivision B of Rule 6 is amended by changing the title thereof to read—

How executed and disposed of—Numbering—Oath.



That subdivision is further amended by adding the following paragraph thereto:

PAR. 4. At the time of the execution of the declaration of intention, the following oath or affirmation shall be administered to the declarant:

You do swear (affirm) that the statements you have made and the intentions you have expressed in this declaration of intention subscribed by you are true to the best of your knowledge and belief: So help you God.

* * * * * * * *

Subdivision B of Rule 7 is amended by changing the title thereof to read—

Limitation on filing petition—Oath.

That subdivision is further amended by adding the following paragraph thereto:

PAR. 3. The petition for naturalization shall be executed under oath or affirmation. The following shall be administered to the petitioner:

You do swear (affirm) that you know the contents of this petition for naturalization subscribed by you, that the same are true to the best of your own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters you believe them to be true, and that this petition was signed by you with your full, true name: So help you God.

The following shall be administered to each of the witnesses who verify the petition:

You do swear (affirm) that the statements of fact you have made in the affidavit of this petition for naturalization subscribed by you are true to the best of your knowledge and belief: So help you God.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-1668; Filed, June 7, 1937; 10:33 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1937.

[File No. 46-60]

IN THE MATTER OF THE APPLICATION OF MORRIS E. FEIWELL, EMANUEL M. GOODMAN AND EDWARD P. ALLEN, VOTING TRUSTEES

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Morris E. Feiwell, Emanuel M. Goodman and Edward P. Allen, Voting Trustees, and a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of 310,816 shares, each of ten cents par value, consisting of all the outstanding shares of common stock of Granite City Generating Company, issued pursuant to the Second Amended Plan of Reorganization of St. Louis Gas & Coke Corporation.

It is ordered that a hearing on such matter be held on June 17, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 12, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1675; Filed, June 7, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1937.

[File No. 43-60]

IN THE MATTER OF THE DECLARATION OF MORRIS E. FEIWELL, EMANUEL M. GOODMAN AND EDWARD P. ALLEN, VOTING TRUSTEES

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Morris E. Feiwell, Emanuel M. Goodman and Edward P. Allen, voting trustees, and a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, for the approval of the issue or sale of Voting Trust Certificates representing 310,816 shares of Common Stock of Granite City Generating Company pursuant to the Second Amended Plan of Reorganization of St. Louis Gas & Coke Corporation.

It is ordered that a hearing on such matter be held on June 17, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 12, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1672; Filed, June 7, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1937.

[File No. 47-13]

IN THE MATTER OF THE APPLICATION OF GRANITE CITY GENERATING COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Granite City Generating Company, a subsidiary of Morris E. Feiwell, Emanuel M. Goodman, and Edward P. Allen, Voting Trustees, and a registered holding company, pursuant to Section 10 (a) (2) and (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of the electric generating properties and certain other property from George B. Evans, Trustee of St. Louis Gas & Coke Corporation, pursuant to the Second Amended Plan of Reorganization of St. Louis Gas & Coke Corporation.

It is ordered that a hearing on such matter be held on June 17, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washingtn, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 12, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1674; Filed, June 7, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1937.

[File No. 43-61]

IN THE MATTER OF THE DECLARATION OF GRANITE CITY GENERATING COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Granite City Generating Company, a subsidiary of Morris E. Feiwell, Emanuel M. Goodman, and Edward P. Allen, Voting Trustees, and a registered holding company pursuant to Section 7 of the Public Utility Holding Company Act of 1935, for the approval of the issue or sale of 310,816 shares of Common Stock, each of ten cents par value, and $1,554,080 5% First (Closed) Mortgage 25-Year S. F. Bonds, to be issued pursuant to the Second Amended Plan of Reorganization of St. Louis Gas & Coke Corporation.

It is ordered that a hearing on such matter be held on June 17, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 12, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1673; Filed, June 7, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of June, A. D., 1937.

[File No. 43-51]

IN THE MATTER OF IOWA WATER SERVICE COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION

Iowa Water Service Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by the declarant of certain securities in connection with the reorganization of Peoples Light and Power Corporation; and

The declarant having requested the withdrawal of such declaration;

The Commission, having due regard for the public interest and the interest of investors and consumers, consents to the withdrawal of said declaration, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1686; Filed, June 7, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-HARJOGE FARM, FILED ON MAY 15, 1937, BY HUTCHISON & CO., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 4:00 o'clock in the afternoon on the 4th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 18th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1676; Filed, June 7, 1937; 12:49 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SUNRAY-PHILLIPS-STATE COMMUNITY LEASE, FILED ON MAY 19, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 1, 1937, be effective as of June 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1679; Filed, June 7, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-HARRELL-FRANCIS COMMUNITY LEASE, FILED ON MAY 14, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 1, 1937, be effective as of June 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1687; Filed, June 7, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN-MORAN FARM, FILED ON MAY 17, 1937, BY J. E. GRATTAN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 29, 1937, be effective as of May 29, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1688; Filed, June 7, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL ET AL. BORNHOLDT FARM, FILED ON APRIL 28, 1937, BY HARRY W. HAYNES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 3, 1937, be effective as of June 3, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1678; Filed, June 7, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER ON AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-MARIPOSA FARM, FILED ON MAY 14, 1937, BY JAMES M. JOHNSON, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 1, 1937, be effective as of June 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1677; Filed, June 7, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GLEN ELLYN FARM, FILED ON MAY 15, 1937, BY JAMES M. JOHNSON, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 1, 1937, be effective as of June 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1682; Filed, June 7, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-BRACHT #6 FARM, FILED ON MAY 7, 1937, BY ROY M. SMITH, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 1, 1937, be effective as of June 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1680; Filed, June 7, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-WESTFAHL FARM, FILED ON MAY 24, 1937, BY SOUTHWEST ROYALTIES COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 2, 1937, be effective as of June 2, 1937; and

It is further ordered, that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1689; Filed, June 7, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE REPOLLO-BYRD FARM, FILED ON MAY 17, 1937, BY L. H. WITWER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 1, 1937, be effective as of June 1, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1681; Filed, June 7, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MARY WHIPPLE LEASE, FILED ON MAY 29, 1937, BY D. F. BERNHEIMER & CO., INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) The statement made in Division II, Item 16 (a) (iii), relative to the gross production of water from the tract involved, is not believed to be correct and might be misleading;



(2) In Division II, Item 12 (a), no statement is made as to whom the state proration tax and the health tax are payable;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1683; Filed, June 7, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-CONTINENTAL-YOUNG LEASE, FILED ON MAY 29, 1937, BY S. LEROY ESTES, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

The statement made in Division II, Item 16 (a) (iii), relative to the gross production of water from the tract involved, is not believed to be correct and might, therefore, be misleading;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1685; Filed, June 7, 1937; 12:51 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WESTGATE-CARY No. 14 LEASE, FILED ON MAY 29, 1937, BY ARTHUR SORY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) The statements made in Division II, Item 13, relative to the number of producing wells, are not believed to be correct;

(2) The total production of oil from the tract involved, as set forth in Division II, Item 15, may not be correct, and does not agree with the gross production of oil as given, by months, in Division II, Item 16 (a);

(3) The fractional interest proposed to be offered, as set forth in Exhibit B, is not believed to be correct, and does not agree with the smallest fractional interest proposed to be offered, as given in Division II, Item 1;

(4) The legal description required to be included in Exhibit B is incomplete;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1684; Filed, June 7, 1937; 12:51 p. m.]

*Wednesday, June 9, 1937* *No. 110*

## DEPARTMENT OF LABOR.

### United States Employment Service.

RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE ACT OF JUNE 6, 1933, PROVIDING FOR THE ESTABLISHMENT OF A NATIONAL EMPLOYMENT SYSTEM AND FOR COOPERATION WITH THE VARIOUS STATES IN THE PROMOTION OF SUCH SYSTEM

JUNE 7, 1937.

Pursuant to the authority conferred by Section 12 of the Act of June 6, 1933 (48 Stat. 113; U. S. C., Title 29, Sec. 49K), commonly called the Wagner-Peyser Act, the following rules and regulations are prescribed for the administration of the provisions of said act:

#### RULE 1—DEFINITIONS

In these rules and regulations the following words shall, unless otherwise stated, be considered as having the meaning herein defined:

(a) "Federal Service" means the United States Employment Service;

(b) "State Service" means a State Employment Service;

(c) "Federal Director" means the Director of the United States Employment Service, Washington, District of Columbia;

(d) "State Director" means the Director of a State Employment Service;

(e) "Official forms" means forms provided by the United States Employment Service;

(f) "Wagner-Peyser Act" means the Act of June 6, 1933.

#### RULE 2—DOCUMENTS TO BE FURNISHED BY A STATE SERVICE

Each State Service shall submit the following documents to the Federal Director:

(a) A certified copy of the act of the State legislature accepting the provisions of the Wagner-Peyser Act;

(b) Certified statements on official forms of all amounts of State and local funds appropriated or otherwise made available for expenditure by the State Service and to be matched by Federal apportionments. The certificates shall be signed by the State Treasurer, or by the Treasurer of the local subdivision or by the proper custodian of the available funds;

(c) State plans of cooperation prepared on official forms, which shall include the following information and data;

(1) A statement of acceptance by the State Service of these rules and regulations;

(2) A statement of the organization of the State Service, showing—

A. Of what department or agency of State Government the State Service is a part;

B. The line of administrative authority from the chief administrative officer of the State Service to higher officials in the State government;

C. The delegation of responsibility and lines of authority expected to be followed within the State Service during the period covered by the plans;

(d) Such organization charts as will accurately present the form of organization and the lines of authority and responsibility;

(e) The designation of that official or agency having legal authority to make appointments of personnel in the State Service as defined in State law, or as properly delegated in accordance with State law;

(f) The statement of the location of, and area served by, all existing and proposed offices of the entire public employment service system of the State;

(g) The detailed budget of estimated income and expenditure for the entire public employment service system of the State during the period covered by the plans;

(h) Provision for cooperation between the State board, department or agency which is charged with the administration of State laws for vocational rehabilitation of physically handicapped persons and the State Service (in each State where such a State board, department or agency exists).

#### RULE 3—APPROVAL OF STATE PLANS

Notice of approval by the Federal Director of the plans submitted by the legally designated State agency shall be in the form of an "Agreement of Affiliation" between the State Service and the Federal Service, which agreement shall incorporate the complete statement of such plans.

#### RULE 4—ADMINISTRATION OF STATE SERVICES

Each State Service shall be under the direction of a State Director, or chief executive officer, who shall devote his full time to the activities of such service. These rules and regulations shall be applied uniformly by the State Director in the administration of the State Service.

#### RULE 5—FISCAL AFFAIRS, REPORTS AND AUDITS

(a) Fiscal affairs, preparation of budgets, maintenance of accounts and quarterly reports of expenditures, for the entire State employment service system, shall be conducted in accordance with the Bulletin of the Federal Service, entitled "Fiscal Rules and Regulations."

(b) The accounting records and the supporting data pertaining to expenditures for the entire State Service system shall be subject to audit by the Federal Service annually, or so often as the Federal Director may require.

#### RULE 6—MINIMUM STANDARDS OF EFFICIENCY

The following minimum standards of efficiency shall apply to each State Service, in all of its operations throughout the State;

(a) The official name of the State Service shall be "_____ State Employment Service Affiliated with United States Employment Service";

(b) Personnel of the State Service and all employees assigned for duty with the State employment service system shall be selected and shall hold office in accordance with the State Civil Service laws, or in accordance with the Merit System of the Federal Service as provided in the bulletin of the Federal Service, entitled "Personnel Standards of the United States Employment Service";

(c) The premises, layout, signs and equipment of the State Service offices shall conform with the standards stated in Employment Office Manual entitled "Premises, Layout and Equipment of Public Employment Offices";

(d) The interviewing of applicants shall be conducted in accordance with principles indicated in Employment Office Manual entitled "Interviewing Applicants in Public Employment Offices";

(e) All definitions and forms used by the State Service in connection with the placement process, maintenance of files, and preparation of reports shall be as prescribed in the following Employment Office Manuals:

"Registration Procedures",

"Procedures for Handling Employer Orders and Placements",

"Maintenance of Contacts with Applicants."

#### RULE 7—STATISTICS, CURRENT ACTIVITIES, AND RESEARCH

(a) Each State Service shall report current activities in accordance with the following Employment Office Manuals:

"Preparation of Reports of Activities in Public Employment Offices",

"Occupational Titles and Codes for use in Public Employment Offices—Group Arrangement",

"Occupational Titles and Codes for use in Public Employment Offices—Alphabetic Arrangement",

"Industrial Classifications and Codes for use in Public Employment Offices",

(b) A member of the administrative staff of each State Service shall be charged with responsibility for the supervision of the reporting program in all offices of the State Service, and in each employment office a qualified member of the staff shall be charged with responsibility for administration of the reporting program.



(c) All research projects to be undertaken by the State Service which may involve the expenditure of Federal funds or of State funds appropriated to the State Service shall be referred to the Federal Service for approval before incorporation in the program of the State Service.

#### RULE 8—VETERANS' PLACEMENT SERVICE

Each State Service shall maintain a veterans' service to be devoted to securing employment for veterans. For that purpose it shall utilize as a member of its administrative staff, the State Veterans' Placement Representative of the Federal Service in the performance of the duties outlined in the "Guide for the Directors of State Employment Service and Veterans' Placement Representatives." Each State Service shall incorporate and coordinate the Veterans' Placement Service in all operating offices of its system.

#### RULE 9—FARM PLACEMENT SERVICE

Each State Service shall maintain a farm placement service. For that purpose it shall utilize as a member of its administrative staff the service of the State Farm Placement Supervisor, (in those States where such supervisors have been appointed by the Federal Service), in the performance of the duties outlined in the "Manual for Placement of Agricultural Labor". Each State Service shall incorporate and coordinate the Farm Placement Service in all operating offices of its system.

#### RULE 10—AFFILIATED EMPLOYMENT AGENCIES

A municipal, junior, or other public employment agency may be affiliated with a State Service, at the discretion of the State Director, and with the concurrence of the Federal Director, only if such municipal, junior, or other employment agency:

(a) Becomes by agreement of affiliation with the State Service a part of the State-controlled system of public employment offices;

(b) Is supported in whole or in part by funds made available by an agency of the State, or by a local subdivision;

(c) Is administered by a public board or agency;

(d) Accepts no fees for its service;

(e) Does not duplicate the service provided by an office of the State Service;

(f) Employs one or more workers giving full time to placement work, or to employment counseling;

(g) Maintains its activities for the entire twelve months of the year.

#### RULE 11—INTERSTATE CLEARANCE OF WORKERS

Provision shall be made by each State Service for the interstate clearance of workers and of unfilled openings in accordance with instructions entitled "Procedures for Effecting Clearance of Workers in Public Employment Offices".

#### RULE 12—NOTICE OF STRIKES AND LOCKOUTS

Each State Service shall give notice of strikes and lockouts in accordance with the instructions entitled "Procedure for Giving Effect to the Provision of the Wagner-Peyser Act Regarding Strikes or Lockouts".

#### RULE 13—FREE TRANSMISSION OF OFFICIAL MAIL

It shall be the duty of each State Service, which becomes entitled to free transmission of official mail matter, to see that all offices of its system exercise that privilege subject to the requirements of law and of the regulations of the Post Office Department as well as subject to the rules of the Federal Service as stated in "Use of the Penalty Mailing Privilege by State Employment Services Affiliated with United States Employment Service".

#### RULE 14—ADVISORY COUNCILS

(a) A State Advisory Council shall be appointed for each State Service and shall function in accordance with the provisions of Section 11 (a) of the Wagner-Peyser Act and the "Specifications governing State Advisory Councils and State Employment Services affiliated with the United States Employment Service".

(b) Local Advisory Councils may be organized at the option of a State Service. When organized, they shall comply, in so far as practicable with "Specifications Governing Local Advisory Councils of State Employment Services affiliated with the United States Employment Service".

#### AMENDMENTS, SUPPLEMENTS, REPEALS

The foregoing rules and regulations may from time to time be amended, supplemented, or repealed by appropriate orders issued by the Director of the United States Employment Service, with approval of the Secretary of Labor.

[SEAL] W. FRANK PERSONS,
*Director of the United States Employment Service.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-1701; Filed, June 8, 1937; 12:42 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Food and Drug Administration.

AMENDMENT OF AUGUST 27, 1935, TO FEDERAL FOOD AND DRUGS ACT, AND REGULATIONS FOR THE INSPECTION OF CANNED SHRIMP THEREUNDER

*Secretary of Agriculture:*

Under the authority conferred by the Amendment of August 27, 1935, to the Federal Food and Drugs Act (Sec. 10A), I recommend the adoption and promulgation, to become effective July 1, 1937, of the following revised regulations to supersede the former regulations governing the inspection of canned shrimp.

[SEAL] W. G. CAMPBELL,
*Chief, Food and Drug Administration.*

Approved:

H. A. WALLACE,
*Secretary of Agriculture.*

*June 8, 1937.*

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[Public—No. 346—74th Congress]

[S. 3194]

AN ACT

TO AMEND SECTION 10A OF THE FEDERAL FOOD AND DRUGS ACT OF JUNE 30, 1906, AS AMENDED

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10A of the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes", approved June 30, 1906, as amended, is amended to read as follows:

"SEC. 10A. The Secretary of Agriculture, upon application of any packer of any sea food for shipment or sale within the jurisdiction of this Act, may, at his discretion, designate inspectors to examine and inspect such food and the production, packing, and labeling thereof. If on such examination and inspection compliance is found with the provisions of this Act and regulations promulgated thereunder, the applicant shall be authorized or required to mark the food as provided by regulation to show such compliance. Services under this section shall be rendered only upon payment by the applicant of fees fixed by regulation in such amounts as may be necessary to provide, equip, and maintain an adequate and efficient inspection service. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary of Agriculture for expenditures incurred in carrying out the purposes of this section, including expenditures for salaries of additional inspectors when necessary to supplement the number of inspectors for whose salaries Congress has appropriated. The Secretary is hereby authorized to promulgate regulations governing the sanitary and other conditions under which the service herein provided shall be granted and maintained, and for otherwise carrying out the purposes of this section. Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification devices authorized or required by the provisions of this section or regulations thereunder, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than $1,000 nor more than $5,000, or both such imprisonment and fine."

Approved, August 27, 1935.

## Revised Regulations for Inspection of Canned Shrimp

EFFECTIVE JULY 1, 1937

*Application for Inspection*

1. Any packer of canned shrimp who desires inspection service, or the renewal thereof, under the provisions of section 10A of the Federal Food and Drugs Act shall make application therefor on a form supplied by the Food and Drug Administration. The application shall be accompanied by a payment of $300, as prescribed by regulation 13 (b). Such payment shall be made in the form prescribed by regulation 13 (f).

*Conditions and Equipment Required for Granting Inspection*

2. (a) The Secretary of Agriculture, upon application by the packer, may grant inspection at the establishment covered by such application when he determines that the establishment complies with (b) to (m), inclusive, of this regulation.

(b) All exterior openings of the cannery shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps or other approved insect control devices shall be installed.

(c) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the shrimp before delivery to the picking tables.

(d) Picking and packing rooms shall be separate, and fixtures and equipment thereof shall be so constructed and arranged as to permit thorough cleaning. Such rooms shall be adequately lighted and ventilated, and the floors thereof shall be tight and arranged for thorough cleaning and proper drainage. Blanching tanks shall not be located in picking room. Open drains from picking room shall not enter packing or blanching room. If picking and packing rooms are in separate buildings such buildings shall not be more than 100 yards apart, unless, with the approval of the Food and Drug Administration, such conditions are maintained as will enable efficient inspection.

(e) The tops of picking and packing tables and the interior of washtanks, flumes, blanching tanks, brine tanks, and all utensils for handling shrimp shall be of metal other than lead or of other smooth, hard, non-porous material that can be readily cleaned. Metal seams shall be smoothly soldered.

(f) Suitable containers, flumes, chutes, or conveyors shall be provided for removal of offal from picking room.

(g) Adequate supplies of steam and of clean, unpolluted running water shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(h) Adequate toilet facilities of sanitary type shall be provided.

(i) An adequate number of sanitary wash basins, with liquid or powdered soap, shall be provided in both the picking and packing rooms. Paper towels shall also be provided in the packing room.

(j) Signs requiring employees handling shrimp to wash their hands after each absence from post of duty shall be conspicuously posted in the picking and packing rooms and elsewhere about the cannery as conditions require.

(k) Equipment shall be provided for code marking cans or other immediate containers.

(l) Each processing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2°. For steam cook such thermometers shall be installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. For water cook such thermometers shall be installed in the door or shell of the retort below the water level. If the thermometer is installed within a fitting such a fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least ⅛ inch in diameter. If the thermometer is installed within the door or shell of the retort the bulb shall project at least two-thirds of its length into the principal chamber thereof.

(3) A recording thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2°. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds with scale divisions not greater than 1 pound. Such gauge shall be connected to the chamber of the retort by a short goose-neck tube. The gauge shall be not more than 4 inches higher than the goose-neck.

(5) For steam cook, a blow-off vent of at least ¾ inch inside diameter in the top of the retort.

(6) For steam cook, a ⅛ inch bleeder in top of retort.

(7) For steam cook, a baffle plate in the base of retort, unless retort baskets with perforated base plates are provided.

(m) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safe-keeping of records and equipment.

*Refusal of Inspection and Cancellation of Application*

3. (a) The Secretary of Agriculture may refuse inspection at any establishment for cause. In case of refusal he will notify the applicant of the reason therefor and return to such applicant the fees which accompanied the application, less any expenses incurred by the Food and Drug Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

(b) The applicant may upon written notice to the Food and Drug Administration withdraw his application for inspection before an inspector is assigned to the establishment. In case of withdrawal, the Secretary will return to such applicant the fees which accompanied the application less any expenses incurred by the Food and Drug Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

*Uninspected Shrimp Excluded From Inspected Establishments*

4. (a) No establishment to which inspection has been granted shall at any time thereafter can shrimp which has not been inspected under these regulations, or handle or store on the premises any canned shrimp which has not been so inspected; *Provided*, That this paragraph shall not apply to any establishment after termination of inspection therein as authorized by regulation 14.

(b) All shrimp delivered to or held in any establishment during any inspection period or subperiod shall be subject to inspection, but certificates of inspection will not be issued under these regulations on any shrimp except canned shrimp.

(c) Any shrimp condemned by the inspector as filthy, decomposed, putrid, or unfit for food shall be disposed of as provided for in regulation 5 (h).

*Sanitary Operating Conditions*

5. (a) The decks and holds of boats catching shrimp for any inspected establishment shall be kept in a sanitary condition. When necessary such boats shall be supplied with sufficient clean ice to maintain the shrimp under refrigeration until unloaded.

(b) Canneries, cannery freight boats, and other cannery conveyances shall accept only fresh, clean, sound shrimp.

(c) The decks and holds of all boats and the bodies of other conveyances transporting shrimp to the cannery shall be kept in sanitary condition. Shrimp delivered to or caught by such boats or delivered to such conveyances shall be iced down immediately with sufficient clean ice to maintain the shrimp under refrigeration until delivery to cannery.



(d) After delivery of each load of shrimp to cannery, decks and holds of each boat and the body of each conveyance making such delivery shall be washed down with clean, unpolluted water and all debris shall be cleaned therefrom before leaving the cannery premises.

(e) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(f) As often as is necessary to maintain sanitary conditions, unloading platforms and equipment shall be washed with clean, unpolluted water, and all debris shall be cleaned therefrom.

(g) After each delivery to the cannery shrimp shall be handled expeditiously and under such conditions as to safeguard against contamination or spoilage up to the time of final processing.

(h) The packer shall immediately destroy for food purposes any shrimp in his possession condemned by the inspector as filthy, decomposed or putrid, or otherwise unfit for food. Shrimp condemned on boat or unloading platform shall not be taken into the ice box or picking room.

(i) Offal, debris, or refuse from any source whatever, shall not be allowed to accumulate in or about the cannery or premises.

(j) Offal from picking tables shall not be piled on the floor, but shall be placed in suitable containers for frequent removal, or shall be removed by flumes, conveyors, or chutes.

(k) No picked shrimp shall be returned to the picking table after delivery to the weigher.

(l) Where the shrimp, at any time after picking and until enclosed in the can or other immediate container, are transported from one building to another they shall be protected by properly covered containers.

(m) All floors and other parts of the cannery and all cannery fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in sanitary condition.

(n) The packer shall require all employees handling shrimp to wash their hands after each absence from post of duty.

(o) The packer shall require all employees to observe proper habits of cleanliness, and shall not knowingly employ in or about the cannery any person afflicted with infectious or contagious disease.

*Code-Marking Cans*

6. (a) Cans and other immediate containers shall be marked with codes to show at least the date of packing and the establishment in which they were packed. Where shrimp are graded for size, the code shall also show the size, except in cases of glass containers. Such marks shall be affixed before the containers are placed in the processing retorts.

(b) Keys to all code marks shall be given to the inspector.

(c) The lot identified by each code mark shall be stored separately pending final inspection.

*Processing*

7. (a) The closure of the can and the time and temperature of processing the canned shrimp shall be adequate to prevent bacterial spoilage.

(b) The following processes shall be employed for the containers indicated:

DRY PACK

| Kind of container | Liner | Size | Time at 240° F. | Time at 250° F. |
|---|---|---|---|---|
| Tin | One piece | 211 x 400 | 85 minutes | 66 minutes. |
| Tin | One piece | 307 x 208 | 85 minutes | 66 minutes. |
| Tin | One piece | 307 x 315 | 90 minutes | 70 minutes. |
| Tin | Two pieces | 211 x 400 | 80 pieces | 62 minutes. |
| Tin | Two piece | 307 x 208 | 80 minutes | 62 minutes. |
| Tin | Two piece | 307 x 315 | 85 minutes | 66 minutes. |
| Tin | Three piece or no liner | 211 x 400 | 70 minutes | 53 minutes. |
| Tin | Three piece or no liner | 307 x 208 | 70 minutes | 53 minutes. |
| Tin | Three piece or no liner | 307 x 315 | 75 minutes | 57 minutes. |
| Tin (high vacuum) | Three piece or no liner | 307 x 208 | 85 minutes | |

WET PACK

| Kind of container | Size | Time at 240° F. | Time at 250° F. |
|---|---|---|---|
| Tin | 102 x 300 | | 10 minutes. |
| Tin | 211 x 400 | 20 minutes | 10 minutes. |
| Tin | 307 x 208 | 20 minutes | 10 minutes. |
| Tin | 307 x 315 | 23 minutes | 12 minutes. |
| Tin | 502 x 510 | | 15 minutes. |
| Tin | 603 x 700 | | 15 minutes. |
| Glass | 2 to 9 fl. oz. inclusive | 28 minutes | 14 minutes. |

(c) For steam cook, blow-off vent shall be open during the coming-up period, until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire processing period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the canned shrimp to which such record relates and the date of such record. The packer shall keep such charts for at least one year, and upon request shall furnish them to any inspector of the Food and Drug Administration.

*Testing of Samples*

8. (a) Adequate samples shall be drawn by the inspector from the lot of canned shrimp identified by each code mark to determine whether or not such lot conforms to all requirements of the Federal Food and Drugs Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, any lot of canned shrimp condemned by the inspector as not complying with regulation 7 (a), or as filthy, decomposed, putrid, or unfit for food.

*Labeling*

9. (a) Labels on canned shrimp packed and certified under these regulations shall bear the mark "Production supervised by U. S. Food and Drug Administration", with or without the official establishment number. Such mark shall be plainly and conspicuously displayed in type of uniform size and style on a background of strongly contrasting color, and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(b) Two proofs or eight specimens of each label intended for use on inspected canned shrimp or on or within the cases therefor, shall be submitted to the Food and Drug Administration for approval. If proofs are submitted, eight specimens of the label shall be sent to the Administration after printing. The Food and Drug Administration is hereby authorized to approve labels for use on canned shrimp inspected under these regulations if such labels when so used comply with the provisions of the Food and Drugs Act, amendments thereto, and regulations thereunder. The Food and Drug Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labels for canned shrimp intended for export under the provisions of regulation 10 (d).

(c) No commercial brand appearing on any label approved under (b) of this regulation, and no label simulating one so approved, shall be used thereafter on any canned shrimp other than that which has been inspected under these regulations: *Provided*, that this paragraph shall not apply to any packer's label after termination of inspection as provided in regulation 14, or to any distributor's label after three months' written notice by the owner thereof to the Food and Drug Administration that its use on inspected canned shrimp has been discontinued and will not be resumed.

(d) Canned shrimp labeling authorized by or approved under (a) or (b) of this regulation shall be used only as authorized by these regulations. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Food and Drugs Act, as amended.

*Certificates of Inspection, Warehousing and Export Permits*

10. (a) After finding any parcel of labeled canned shrimp identified by code marks to conform to all requirements

of the Food and Drugs Act, amendments thereto, and regulations thereunder the inspector shall issue to the packer thereof a certificate showing that such parcel so conforms. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the size of the containers, and the commercial brand appearing on the labels.

(b) Certificates shall be issued only for canned shrimp which bears labeling approved under regulation 9 (b).

(c) Any packer who desires to move unlabeled canned shrimp for storage in any warehouse elsewhere than on the premises where such shrimp was packed shall make application for warehousing on a form supplied by the Food and Drug Administration. Such application shall give the name and location of the warehouse in which such shrimp is to be stored, and shall be accompanied by an agreement signed by the owner or operator of such warehouse that inspectors shall have free access at all times to any such shrimp, and that conditions which will preserve the identiy of each lot of such shrimp shall be continuously maintained pending compliance with the provisions of (e) of this regulation. If such application is approved and it appears to the inspector that any parcel of canned shrimp complies with regulation 7 (a) and is neither adulterated nor slack filled, the inspector or other appropriate officer of the Food and Drug Administration shall issue to the packer of such shrimp, on his request, a warehousing permit covering such parcel. Such permit shall specify the code mark to which it applies, the size of shrimp in the containers, the size of such containers, the quantity of the parcel so marked, the type of pack, and the place from which the shrimp is to be moved. When any provision of the agreement is violated, the Administration may revoke any permit so issued, and may also revoke its approval of the application of the packer for warehousing.

(d) The proviso of section 2 of the Federal Food and Drugs Act declares that no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped. Application for an export permit based on an order from a foreign purchaser for unlabeled canned shrimp or canned shrimp bearing or intended to bear labels which fail to comply with sections 8 and 10A of the Federal Food and Drugs Act, as amended, or regulations thereunder, only because of the absence of descriptive or informational declarations required thereunder, shall be made to the inspector. The application shall be accompanied by the order from the foreign purchaser and, if so required by the Food and Drug Administration, shall state whether or not such shrimp complies with the laws of the foreign country to which it is to be shipped. The inspector shall be directed to issue to such packer an export permit if such canned shrimp complies with the laws of the foreign country to which it is intended to be shipped and if the inspector finds that it complies with the provisions of these regulations regarding wholesomeness and sanitary conditions and that it accords with the specifications and directions of the foreign purchaser. If such order specifies labeled canned shrimp, six specimens of the label to be used thereon shall accompany such application. Such permit shall show the inspector's findings, the code marks on such shrimp, and the quantity thereof. The cases of such canned shrimp shall be plainly and conspicuously marked "For Export." The inspector shall not issue a certificate on such canned shrimp nor shall the packer distribute it within the jurisdiction of the United States. The packer shall furnish the inspector documentary evidence showing exportation of all such shrimp. No canned shrimp packed under the provisions of this paragraph shall be stored in any warehouse in the United States elsewhere than on the premises where such shrimp was packed, except on written permission of the Chief of the Food and Drug Administration Station within whose territory such warehouse is located.

(e) No canned shrimp shall be moved from an inspected establishment, except for destruction for food purposes under the immediate supervision of the inspector, or for storage authorized under (c) of this regulation, or for export authorized under (d) of this regulation, until a certificate for such shrimp has issued. No canned shrimp stored under the authority of (c) of this regulation shall be moved from the warehouse where stored, until a certificate or export permit therefor has issued.

*Access of Inspectors to Establishments and Shipping Records*

11. Inspectors shall have free access at all times to all parts of any establishment to which they are assigned and to freight and fishing boats and other conveyances supplying shrimp to such establishment. The packer shall keep for at least one year a record of shipments from each lot of canned shrimp identified by a code mark, and upon request of the inspector shall furnish the shipping records thereon.

*Assignment of Inspectors and Periods of Inspection*

12. (a) Except as provided by (b) and (c) of this regulation an initial assignment of one or more inspectors shall be made to each establishment granted inspection under these regulations. Thereafter the Food and Drug Administration shall adjust the number of inspectors assigned to any establishment, or to any organization formed under the authority of (c) of this regulation, to the number required for continuous and official inspection.

(b) Upon the agreement of packers operating two or more neighboring establishments of small output to receive shrimp and operate such establishments at different specified times, and with the approval of the Food and Drug Administration, one inspector may be assigned to such establishments. The agreement shall bind each packer party thereto not to receive or handle any shrimp in his establishment except when an inspector is present in such establishment, and to be jointly and severally liable for the fees required by regulation 13. Applications for such joint inspection shall be submitted by each packer party to the agreement and shall be accompanied by a signed copy of such agreement, which shall specify the time each such packer will operate his establishment. For the purposes of regulation 13 the packers party to such agreement shall be regarded as one packer with one establishment.

(c) Upon the organization of packers operating a group of establishments in any locality under an agreement for cooperative inspection, and with the approval of the Food and Drug Administration, any number of inspectors requested by such organization may be initially assigned to such group of establishments. Applications for such cooperative inspection shall be submitted by each packer party to the agreement and shall be accompanied by a signed copy of such agreement, which shall designate an officer of the organization who shall be solely responsible for the apportionment of inspection service in the establishments of members of the organization. Such officer shall furnish means for any necessary transportation of inspectors between establishments. The agreement shall bind each packer party thereto not to receive or handle any shrimp in his establishment except when an inspector is present in such establishment, and to be jointly and severally liable for the fees required by regulation 13. For the purposes of regulation 13 each organization formed under the authority of this paragraph shall be regarded as one packer with one establishment.

(d) Applications by two or more packers for inspection of one establishment to be jointly or severally operated by them shall be accompanied by an agreement signed by such packers binding each to be jointly and severally liable for the fees required by regulation 13. For the purposes of regulation 13 the packers party to such agreement shall be regarded as one packer.

(e) Inspection shall be continuous for the entire inspection period; except that, upon application by the packer or by any organization formed under the authority of (c) or (d) of this regulation, and with the approval of the Food and Drug Administration, any inspection period may be divided between one continuous subperiod in the fall season and one continuous subperiod in the spring season.

(f) The initial inspection period shall be for six months. In order to allow for the preparation of necessary facilities and the employment of competent personnel to maintain an adequate and efficient inspection service all initial inspection periods shall begin not later than September 15 of any year. All inspection periods or extensions of such periods shall terminate not later than June 30 of each year.



*Inspection fees*

13. (a) The packer shall pay to the Treasurer of the United States a fee of five cents for each case of canned shrimp packed by him during the initial inspection period; but in no case shall the payment be less than $100 for each month of such period.

(b) An initial payment of $300 shall accompany the application for inspection, or renewal thereof, as provided by regulation 1. A second payment of $300 shall be made immediately after packing 5,000 cases, but in no event later than two months after the date specified in the application for the beginning of inspection: *Provided*, That if the Department of Agriculture is not prepared to begin inspection until after the date specified in the application, the second payment of $300 shall be made not later than two months after the date on which inspection is begun.

(c) When any packer desires extension of the inspection period in any establishment beyond six months, but in no case beyond June 30 of any year, he shall apply therefor on a form provided by the Food and Drug Administration. The packer shall pay to the Treasurer of the United States a fee of five cents for each case of canned shrimp packed by him during the extended inspection period; but in no case shall the payment be less than $100 for each month's extension desired. Application for an extended inspection period shall be accompanied by a payment to the Treasurer of the United States of $100 for each month's extension desired: except that when such extension is for a period of three or more months, payment of one-half the prescribed fee may accompany the application; payment of the second half shall then be made immediately after packing 2,000 cases, but in no event later than one month after the date specified in the application for the beginning of such extension: *Provided*, That any excess fees paid under (d) of this regulation remaining to the credit of the packer at the time an extended inspection period is approved may be applied, upon a written request by the packer, to the payments required for extension: *Provided further*, That if because of curtailed production, or for other cause, the fees prescribed in this paragraph, together with the fees collected under (a) of this regulation and any available sum appropriated by Congress toward the expense of this service, are not sufficient to defray the costs of the inspection service during the extended inspection period, the Department of Agriculture, after due notice to the packer, may require such increase as may be deemed necessary in the minimum monthly fee and the fee for each case of canned shrimp packed during the extension period.

(d) The packer shall make advance payments of any additional fees required under (a) of this regulation whenever necessary to prevent arrears in payment of such fees. Each such payment shall be not less than $250 unless the Food and Drug Administration on an estimate of probable output authorizes payment in other amount. The Treasurer of the United States will refund to the packer, after termination of the inspection period, any excess payment so made.

(e) If unlabeled canned shrimp is stored and expense is thereafter incurred in the final inspection of such shrimp for the purpose of issuing a certificate or export permit thereon, the packer shall pay to the Treasurer of the United States a fee to cover all expenses for salary, travel, or subsistence, incurred in such inspection, in accordance with the regulations of the Department of Agriculture.

(f) All payments required by these regulations shall be by New York draft, certified check, or cashier's check, drawn to "Treasurer, United States." All such drafts or checks, except for the fees required by regulation 1, shall be delivered to the inspector for transmission to the Treasurer of the United States.

(g) For the purposes of this regulation a case of canned shrimp shall be 48 No. 1 cans (211 x 400), or the equivalent thereof.

*Suspension and Termination of Inspection*

14. (a) The Food and Drug Administration may suspend and the Secretary of Agriculture may withdraw inspection in any establishment (1) upon failure of the packer to comply with any provision of these regulations, or (2) upon the dissemination by the packer or his agent of any representation which is false or misleading in any particular regarding canned shrimp packed under the inspection service provided by these regulations.

(b) When inspection is suspended or withdrawn in any establishment under authority of (a) of this regulation, the Treasurer of the United States will not refund any balance of advance fees paid for such establishment, nor will the Department of Agriculture, in case of suspension of inspection, lengthen the inspection period to compensate for time lost while the suspension is enforced.

(c) The packer, on or after June 30 of any year, but before the resumption of packing thereafter, may terminate inspection under these regulations by giving written notice of such termination to the Secretary of Agriculture.

[F. R. Doc. 37-1702; Filed, June 8, 1937; 12:54 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

INCREASE OR DECREASE OF FEDERAL HOME LOAN BANK STOCK HELD BY MEMBER INSTITUTIONS

AMENDMENT TO RULES AND REGULATIONS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), Subsection (b) of Section 26 of the Rules and Regulations for Federal Home Loan Banks is hereby amended by adding at the end thereof the following paragraph:

The board of directors of any bank may increase or decrease the amount of stock of any member from time to time so that the stock held by each member shall conform to the provisions of Section 6 (c) of the Act. In any case in which the amount of stock held by a member is decreased upon proper application of such member, the bank shall pay for each share of stock, upon its surrender, an amount equal to the value thereof, which value shall be determined as provided in Section 6 (1) of the Act, or, at its election, apply the whole or any part of such payment as a credit upon the indebtedness of the member to the bank. In no case shall there be a reduction in the amount of stock held by any member to an amount less than that required by Section 10 (c) of the Act. The board of directors of any bank may, by resolution designate the duly constituted executive committee or any officer of such bank to exercise the powers granted by this paragraph.

Adopted by the Federal Home Loan Bank Board on June 7, 1937.

[SEAL] R. L. NAGLE, *Secretary*.

[F. R. Doc. 37-1692; Filed, June 8, 1937; 9:29 a. m.]

## Home Owners' Loan Corporation.

[Manual Amendment]

PLACING UNDER CONTROL AND GENERAL SUPERVISION OF THE GENERAL COUNSEL CONSUMMATION OF AGREEMENTS FOR THE SALE OF ACQUIRED REAL ESTATE

Be is resolved, That pursuant to the authority vested in the Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647), and particularly by Sections 4 (a) and 4 (k) of said Act, as amended, Chapter VI of the Manual is hereby amended by the addition of a new

Section, to be designated Section 616, which shall read as follows:

Agreements for the sale of real estate executed by the Corporation shall be consummated under the control and general supervision of the General Counsel who is authorized to issue all necessary instructions relating thereto. He is authorized also to permit or approve such deviation in and from approved forms or procedure promulgated hereunder as he may deem proper with respect to specific cases. The General Counsel, with the approval of the General Manager, is further authorized to permit deviation from such procedure with respect to particular localities and to make or authorize such adjustments in consummating sales as may be in the Corporation's interest. Other departments or divisions shall furnish to the Legal Department any necessary information or assistance within their province in connection with the consummation of sales. The authority herein conferred may be exercised also by Regional, State or District Counsel under procedure and limitations prescribed by the General Counsel with the approval of the General Manager.

Adopted by the Federal Home Loan Bank Board on June 7, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1693; Filed, June 8, 1937; 9:29 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 104]

ALLOCATION OF FUNDS FOR LOANS

JUNE 7, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| Mississippi 23A Copiah | $205,000 |
| Tennessee 17 Hardeman | 13,200 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1690; Filed, June 7, 1937; 3:03 p. m.]

[Administrative Order No. 105]

ALLOCATION OF FUNDS FOR LOANS

JUNE 7, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| Alabama 23 Pike (partial) | $105,000 |
| Kentucky 27A Boyle (partial) | 50,000 |
| Mississippi 21B Coahoma (additional) | 10,000 |
| Oregon 14 Umatilla | 129,000 |
| Washington 14 King (additional) | 6,200 |
| West Virginia 8G Hardy | 45,000 |
| West Virginia 10 Harrison | 211,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1691; Filed, June 7, 1937; 3:03 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN ET AL-BELLE MCGREW TRACT, FILED ON JUNE 1, 1937, BY W. E. COOK, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered by means of the offering sheet is not correctly expressed in Division II, Item 1;

(2) In that in Division II, Item 13, no statement is made as to the approximate number of wells now drilling;

(3) In that in Division II, Item 20 (e), the figures given are not believed to be correct by reason of the fact that it appears the prorata deduction for taxes has not been made;

(4) In that the proposed instrument of conveyance, attached to the offering sheet as "Exhibit B", is incomplete;

(5) In that one of the signature forms required to be included as a part of the offering sheet, is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1699; Filed, June 8, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-"L" COMMUNITY TRACT, FILED ON JUNE 1, 1937, BY RAYMOND F. KELLY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

(2) In that the lease boundaries of the tract involved, required to be shown in Exhibit A, are omitted;



It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1700; Filed, June 8, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-"L" COMMUNITY TRACT, FILED ON JUNE 2, 1937, BY HARRY A. MEDLEY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

(2) In that the figures set forth in Division II, Items 16 (c) and (d), for the month of June, 1936, and March and April, 1937, are not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1695; Filed, June 8, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAGNOLIA-HARRIS TRACT, FILED ON JUNE 1, 1937, BY ROYAL PETROLEUM CORPORATION, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 10, no statement is made as to whom the proration tax, health tax and Federal tax are payable;

(2) In that in Division II, Item 20 (b), the gross production of water from the tract involved is not set forth in percentages, by months, as required by the Rules and Regulations of the Commission;

(3) In that in Division II, Item 20 (e), the figures given do not disclose the actual net pay-off by reason of the fact that it appears the proportionate share of the taxes have not been deducted;

(4) In that the proposed instrument of conveyance, attached to the offering sheet as "Exhibit B", is incomplete;

(5) In that the statement made in Division II, Item 21, is not responsive to the question asked and might, therefore, be misleading;

(6) In that one of the signature forms required to be included as a part of the offering sheet, is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1694; Filed, June 8, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE UNION-MAHONEY TRACT, FILED ON JUNE 1, 1937, BY ROYALTY GROUP CORPORATION, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is incorrect;

(2) In that the statement is made in Division II, Item 10, that at the present time there is not a market for all of the oil produced on the tract, but no statement is made, as required, relative to the portion which now has a market available;

(3) In that the total production of oil from the tract, as set forth in Division II, Item 15, is not believed to be correct and does not agree with the gross production of oil as given by months in Division II, Item 16 (a);

(4) In that there is included in Division II, Item 16 (a), estimated figures for May, 1937, which estimated figures may not properly be included in said item;

(5) In that the net production and monthly pay-off figures set forth in Division II, Items 16 (c) and (d), for the month of January, 1937, are not believed to be correct;

(6) In that the production figures given in Division III, Item 4 (b), may not be correct by reason of the fact that they are not in accord with the true production figures required to be given in Division II, Items 15 and 16;

(7) In that if the production figures set forth in Division III, Item 4 (b), are incorrect, the figures contained in Division III, Items 4 (c) and (d), may be incorrect;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1696; Filed, June 8, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG TRACT, FILED ON JUNE 1, 1937, BY T. G. THOMPSON, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the statement made in Division II, Item 16 (a) (iii), relative to the gross production of water from the tract involved, is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1698; Filed, June 8, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE USCAN-PHILLIPS-BEMIS TRACT, FILED ON JUNE 1, 1937, BY R. L. WILLIAMS, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information given in Division II, Item 16 (a), relative to the gross production of oil and water from the tract involved, is not current, and is not believed to present the true condition of the fluid production from said tract; that current information relative to the fluid production from said tract is available to the offeror, and should be set forth in the offering sheet to make the information therein given not misleading;

(2) In that the scale of the property, required to be given as a part of Exhibit A, is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1697; Filed, June 8, 1937; 12:37 p. m.]



*Thursday, June 10, 1937* *No. 111*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-46 O-46]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF CELERY GROWN IN STATE OF FLORIDA

Whereas, under the Agricultural Adjustment Act, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to celery grown in the State of Florida;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing on a proposed marketing agreement and a proposed order regulating the handling of celery grown in the State of Florida to be held in the Chamber of Commerce Building, Sanford, Florida, on June 25, 1937 at 9:30 a. m.

The proposed marketing agreement and order provide for the regulation of the handling of celery produced in the area stated, and, among other things, provision is made for: (a) the establishment of a Control Board, (b) limitation of shipments by means of period proration, and (c) assessments for expenses of administration.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

Copies of the proposed marketing agreement and the proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

Dated: June 8, 1937.

[F. R. Doc. 37-1703; Filed, June 8, 1937; 1:26 p. m.]

### Commodity Exchange Administration.

*United States of America—Before the Secretary of Agriculture*

[Docket No. 1 C. E. A.]

ORDER REVOKING REGISTRATION AS FUTURES COMMISSION MERCHANT UNDER THE COMMODITY EXCHANGE ACT

SECRETARY OF AGRICULTURE, COMPLAINANT, *v.* DANIEL A. DE LATTRE, RESPONDENT

*Proceedings*

This is a proceeding under the Commodity Exchange Act which was instituted by the Secretary of Agriculture by a complaint on May 13, 1937.

In the complaint it was alleged that Daniel A. De Lattre, hereinafter called the registrant, filed with the Department of Agriculture on August 31, 1936, an application on Form 1-R for registration as futures commission merchant pursuant to said act and the rules and regulations of the Secretary of Agriculture; that a registration was issued by the Secretary of Agriculture on September 4, 1936; that the registrant was expelled from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to the action of the board of directors of that exchange on March 16, 1937; and, that the registrant violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report on Form 3-R the fact of the expulsion referred to above within ten days after the date thereof. Said registrant was notified to appear at a hearing at 10 a. m. on June 7, 1937, at Washington, D. C., before a referee to be designated by the Secretary of Agriculture and show cause, if any there be, why the registration of said registrant should not be suspended or revoked.

The complaint was duly served upon the registrant, and on May 26, 1937, said registrant waived a hearing in this proceeding and the right to submit evidence therein, consenting and agreeing that his registration as futures commission merchant be revoked by the Secretary of Agriculture.

*Findings of Fact*

The Secretary finds (1) that Daniel A. De Lattre filed an application on August 31, 1936, on Form 1-R for registration as futures commission merchant pursuant to said act and the rules and regulations of the Secretary; (2) that registration was issued by the Secretary of Agriculture on September 4, 1936; (3) that said registrant was expelled from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to action of the board of directors of that exchange on March 16, 1937; (4) that said registrant has violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report the fact of such expulsion within ten days after

the date thereof as required by said rules and regulations; and (5) that said registrant, on May 26, 1937, waived a hearing and the right to submit evidence and consented that his registration as a futures commission merchant under said act be revoked by the Secretary of Agriculture.

*Order*

It is therefore ordered, pursuant to provisions of said act, that the registration of Daniel A. De Lattre be, and the same is hereby revoked.

It is further ordered that a copy of this order be served upon the respondent by registered mail and that this order shall become effective immediately.

In witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 8th day of June, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1706; Filed, June 9, 1937; 12:07 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 16]

APPLICATION OF THE NIAGARA FALLS POWER COMPANY FOR ADDITIONAL DIVERSION OF 275 C. F. S.

POSTPONEMENT OF HEARINGS

Upon applications filed by The Niagara Falls Power Company and The Power Authority of the State of New York for a continuance of the hearing set for June 17, 1937, upon the application of said company for amendment of license for project No. 16 to include therein authority to divert 275 c. f. s. of additional water through said project; and

Upon application of The Power Authority of the State of New York for continuance of the hearing set for June 15, 1937, upon its petition for intervention in said proceeding and objections thereto;

It is ordered:

(1) That the time for filing objections by the Attorney General of the State of New York on behalf of The Water Power and Control Commission to the intervention of the New York Power Authority be and it is hereby extended to a date to be fixed by the Commission upon not less than 10 days' notice;

(2) That the hearing set for June 15, 1937, on the petition of intervention and objections thereto be and it is hereby continued to a date to be fixed by the Commission upon not less than 10 days' notice thereof to all interested persons; and

(3) That the hearing set for June 17, 1937, upon the application for amendment of the license be and it is hereby continued to a date to be fixed by the Commission upon not less than 15 days' notice to all interested persons.

Adopted by the Commission on June 5, 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 37-1704; Filed, June 8, 1937; 3:28 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 106]

AMENDMENTS OF ALLOCATIONS OF FUNDS FOR LOANS

JUNE 8, 1937.

I hereby amend Administrative Order No. 10, dated August 11, 1936, by reducing the allocation of $118,000 for project, Georgia 34 Carroll to read $106,540. This action is being taken because it was found unnecessary to use the entire funds originally allotted.

I hereby amend Administrative Order No. 79, dated April 2, 1937, by rescinding the allocation of $75,000 for project, Iowa 45G Jackson and also amend Administrative Order No. 78, dated March 31, 1937, by rescinding the allocation of $20,000 for project, Iowa 45G Jackson. This action is being taken because it is not possible to execute a loan contract in the remaining period. It is expected that allotment will be made out of next year's appropriation as soon as this appropriation is available.

I hereby amend Administrative Order No. 79, dated April 2, 1937, by rescinding the allocation of $115,000 for project, Pennsylvania 13G Tioga. This action is being taken because it was not found necessary to use this money for a generating plant since the project has found a satisfactory source of power.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1705; Filed, June 9, 1937; 9:40 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-W. M. JOHNSON TRACT, FILED ON FEBRUARY 17, 1937, BY W. M. JOHNSON, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that it is believed the tract involved is subject to an oil and gas lease covering 1280 acres of land, the terms of which lease provide, in effect, that all rentals and royalties accruing from said 1280 acres shall be paid to the various owners in proportion to their ownership of the whole of said land, and that no owner of a segregated portion thereof shall be entitled to all of the royalties accruing from developments on such segregated tract; that no disclosure of this provision is made in the offering sheet, and that by its omission the information given is misleading;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 22nd day of June, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.



Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1712; Filed, June 9, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the eighth day of June A. D., 1937.

IN THE MATTER OF KINNER AIRPLANE AND MOTOR CORPORATION, LTD., $1.00 PAR VALUE COMMON STOCK

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, Kinner Airplane and Motor Corporation, Ltd., a corporation, is the issuer of $1.00 par value Common Stock; and

Whereas, said Kinner Airplane and Motor Corporation, Ltd., registered such security on the Los Angeles Stock Exchange and on the San Francisco Curb Exchange by filing on or about April 16, 1935, on or about February 7, 1936, on or about March 26, 1936, and on or about September 8, 1936, applications with the said Exchanges and with the Commission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and Rule JB1, as amended, promulgated by the Commission thereunder; and

Whereas, Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security registered on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas, said Kinner Airplane and Motor Corporation, Ltd., filed on or about June 1, 1937, an annual report on Form 10-K for the fiscal year ended December 31, 1936, pursuant to Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and Rules KA1 and KA2 promulgated by the Commission thereunder; and

Whereas, said Kinner Airplane and Motor Corporation, Ltd., has failed to comply with the provisions of said Section 13 (a) and (b), said Rules KA1 and KA2 and with the provisions of said Annual Report on Form 10-K and with the provisions of the said Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that in neither the Annual Report filed by it nor in any amendment thereto does Item 8 of said Form 10-K contain the financial statements for the year ended December 31, 1936 required by said Item 8 and the Instructions thereto and the Rules and Regulations of the Commission.

It is ordered that pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said Kinner Airplane and Motor Corporation, Ltd., has so failed to comply with said provisions of said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with either provision of said Section or of any rule or regulation promulgated by the Commission under said Section, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said $1.00 par value Common Stock on the Los Angeles Stock Exchange and on the San Francisco Curb Exchange; and

It is further ordered that said Kinner Airplane and Motor Corporation, Ltd., appear before an officer of the Commission and show cause why the registration of said $1.00 par value Common Stock on said Los Angeles Stock Exchange and on said San Francisco Curb Exchange should not be suspended for a period not exceeding twelve months or withdrawn, as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

It is further ordered that for the purpose of such proceeding, Howard A. Judy, an officer of the Commission, be and hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that a public hearing for the taking of testimony begin on the 16th day of June, 1937, at 10:00 a. m. at the Regional Office of the Securities and Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1707; Filed, June 9, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG FARM, FILED ON MAY 22, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1709; Filed, June 9, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-YOUNG FARM, FILED ON MAY 22, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Desigating a Trial Examiner, heretofore en-

tered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1710; Filed, June 9, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-HARJOGE FARM, FILED ON MAY 15, 1937, BY HUTCHISON & CO., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1711; Filed, June 9, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GENERAL-BABCOCK-GRAVES TRACT, FILED ON JUNE 1, 1937, BY T. S. HOSE, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect or respects, hereinafter enumerated, to wit:

(1) In that Division II, Item 2 (f), requires that the number of *lessees* of record be stated, whereas the information given in this item pertains to the number of leases of record;

(2) In that the gross production of water from the tract involved is not set forth in Division II, Item 16 (a) (iii), in percentages by months;

(3) In that the gross production of oil and water from the tract involved is not set forth in Division II, Item 16 (a), for the months of March and April, 1937; that the failure to set forth this information constitutes an omission to disclose a material fact required to be stated to make the information contained in the offering sheet not misleading;

(4) In that the legend contained in Exhibit A is incomplete by reason of the fact that the symbol for "abandoned well" is omitted;

(5) In that the estimate of recoverable oil, as given in Division III of the offering sheet, is incomplete and misleading by reason of the fact that it fails to consider the effect of water encroachment on the tract involved because of its structural position;

NOTE.—In explanation of the above, it is pointed out that at the present rate of production of approximately 5000 barrels per month, it would require twelve years to produce the 734,894 barrels estimated as future recoverable. In view of known water conditions in the vicinity of this lease, an estimate of the approximate date when this property will be completely flooded by advancing water should be made.

(6) In that the respondent named herein is in fact a dealer, and as such is not registered as required by Section 15 of the Securities Exchange Act of 1934, as amended;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1708; Filed, June 9, 1937; 12:45 p. m.]

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*Friday, June 11, 1937* *No. 112*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6120 OF MAY 2, 1933, WITHDRAWING PUBLIC LANDS

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6120 of May 2, 1933, withdrawing public lands in California, pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 8, 1937.*

[No. 7627]

[F. R. Doc. 37-1713; Filed, June 9, 1937; 1:34 p. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND

*Arkansas*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6964 of February 5, 1935, as amended, temporarily withdrawing all public lands in certain States for classification and other purposes, is hereby revoked as to the following-described tract of public land in Arkansas:

FIFTH PRINCIPAL MERIDIAN

T. 4 S., R. 28 W., sec. 31, lots 1 and 5 of NW¼, 79.50 acres.

SECTION 2. Subject to all valid existing rights, the land described in section 1 of this order is hereby temporarily withdrawn from settlement, location, sale, or entry for classification.

SECTION 3. The withdrawal made by section 2 of this order shall continue in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 8, 1937.*

[No. 7628]

[F. R. Doc. 37-1714; Filed, June 9, 1937; 1:35 p. m.]

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EXECUTIVE ORDER

POWER-SITE RESTORATION NO. 483. PARTIAL REVOCATION OF EXECUTIVE ORDER OF OCTOBER 23, 1914, CREATING POWER-SITE RESERVE NO. 451

*Arizona*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497, the Executive Order of October 23, 1914, creating Power-Site Reserve No. 451, as affected by Power-Site Interpretation No. 231, approved November 22, 1934, is hereby revoked as to the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 25 N., R. 10 E.,
sec. 1, lots 1, 2, 3, and 4, NW¼ SW¼, and SE¼ SW¼;
sec. 2, lots 1, 2, 3, 4, and 5, S½ NW¼, and N½ SE¼;
sec. 3, lot 1;
sec. 12, lots 1 and 2, W½ NE¼, NE¼ NW¼, N½ SE¼, and SE¼ SE¼;
sec. 13, E½ E½.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 9, 1937.*

[No. 7631]

[F. R. Doc. 37-1715; Filed, June 10, 1937; 11:19 a. m.]

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## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49016]

CUSTOMS REGULATIONS AMENDED

VESSELS—ENROLLMENT AND LICENSE—COASTING TRADE AND FISHERIES

JUNE 3, 1937.

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 161 of the Revised Statutes (U. S. C., title 5, sec. 22), the Customs Regulations of 1931 are amended as follows:

Article 23 (b) is amended to read as follows:

(b) Vessels engaged exclusively in the "cod fishery" should be so licensed. Vessels engaged in taking fish of any other description should be licensed for the "mackerel fishery". Vessels engaged in the whale fishery should be licensed for the "whale fishery". Vessels which engage in both the coasting trade and the fishery (other than the "whale fishery") may be licensed for the "coasting trade and mackerel fishery". Vessels engaged in taking out fishing parties are not fishing vessels and should be licensed for the coasting trade unless they intend to proceed to foreign ports, in which case a certificate of registry is required (art. 22). See article 65 for vessels on the Great Lakes.



Article 65 (a) is amended by the addition of a new second sentence to read as follows:

Vessels so documented operating on the Great Lakes and their connecting and tributary waters may, without change in the form of enrollment and license engage in the taking within such waters of fish of every description.

Article 202 (a) is amended to read as follows:

(a) The master of a vessel licensed to carry on the fisheries which is about to engage in a fishing voyage, must, if the vessel intends to touch or trade at a foreign port or place, obtain from the collector at the port from which the vessel is to depart, a permit (commerce Form 1379) for such purpose. On return to the United States he must make regular entry, surrender the permit to touch and trade, and in all respects conform to the regulations prescribed for vessels arriving from a foreign port. A permit to touch and trade for the purpose of touching at a foreign port or place may not be issued to a vessel licensed for the "coasting trade and mackerel fishery" which is departing on a voyage to engage exclusively in trade. In such a case, the vessel must secure a certificate of registry and obtain clearance for the foreign port or place.

Insert R. S. 4321 (U. S. C. (1934 ed., supp. II), title 46, sec. 263) as marginal reference opposite articles 23 (b), 65 (a), and 202 (a).

The foregoing amendments have been approved by the Secretary of Commerce.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1716; Filed, June 10, 1937; 12:37 p. m.]

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## DEPARTMENT OF AGRICULTURE.

**Bureau of Animal Industry.**

AMENDMENT 8 TO DECLARATION NO. 12

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

*June 1, 1937.*

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named:

California: Humboldt, June 1, 1940; Santa Rosa Island, June 1, 1940.
New Jersey: Union, June 1, 1939; Morris, June 1, 1939.
New York: Herkimer, June 1, 1940; Ulster, June 1, 1940.
South Dakota: Day, June 1, 1940; Edmunds, June 1, 1940; McPherson, June 1, 1940.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

California: Siskiyou, June 1, 1943; Shasta, June 1, 1940.
Florida: Jackson, June 1, 1940; Liberty, June 1, 1940; Wakulla, June 1, 1940.
Georgia: Bleckley, June 1, 1940; Crawford, June 1, 1940; Peach, June 1, 1940; Taylor, June 1, 1940; Wilcox, June 1, 1940.
Idaho: Butte, June 1, 1940.
Illinois: Perry, June 1, 1940; Winnebago, June 1, 1940.
Indiana: Starke, June 1, 1940.
Iowa: Adair, June 1, 1940; Emmet, June 1, 1940.
Kentucky: Bullitt, June 1, 1940; Calloway, June 1, 1940; Floyd, June 1, 1940; Johnson, June 1, 1940.
Michigan: Ionia, June 1, 1940; Kalamazoo, June 1, 1940.
New York: Essex, June 1, 1940; Schuyler, June 1, 1940; Warren, June 1, 1940; Yates, June 1, 1940.
North Carolina: Gaston, June 1, 1940; Lincoln, June 1, 1940; Mitchell, June 1, 1940; Polk, June 1, 1940.
North Dakota: Emmons, June 1, 1943; McIntosh, June 1, 1943; Ward, June 1, 1943.
Ohio: Crawford, June 1, 1940; Fairfield, June 1, 1940; Madison, June 1, 1940; Muskingum, June 1, 1940; Pickaway, June 1, 1940; Richland, June 1, 1940.
Pennsylvania: Northumberland, June 1, 1940.
South Carolina: Aiken, June 1, 1940; Kershaw, June 1, 1940; Union, June 1, 1940.
Tennessee: Hamilton, June 1, 1940; Unicoi, June 1, 1940; White, June 1, 1940.
Virginia: Bedford, June 1, 1940; Rockingham, June 1, 1940.
Wisconsin: Grant, June 1, 1943; LaFayette, June 1, 1943.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL] J. R. MOHLER,
*Chief of Bureau.*

[F. R. Doc. 37-1717; Filed, June 10, 1937; 12:37 p. m.]

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**Commodity Exchange Administration.**

*United States of America—Before the Secretary of Agriculture*

[Docket No. 2 C. E. A.]

ORDER REVOKING REGISTRATIONS AS FUTURES COMMISSION MERCHANT, AND AS FLOOR BROKER, UNDER THE COMMODITY EXCHANGE ACT

SECRETARY OF AGRICULTURE, COMPLAINANT, *v.* HENRY J. NOVOTNY, RESPONDENT

*Proceedings*

This is a proceeding under the Commodity Exchange Act which was instituted by the Secretary of Agriculture by a complaint on May 13, 1937.

In the complaint it was alleged that Henry J. Novotny, hereinafter called the registrant, filed with the Department of Agriculture on August 26, 1936, an application on Form 1–R for registration as futures commission merchant, and an application on Form 2–R for registration as floor broker, pursuant to said act and the rules and regulations of the Secretary of Agriculture; that the said registrations were issued by the Secretary of Agriculture on September 2, 1936, and September 4, 1936, respectively; that the registrant was expelled from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to the action of the board of directors of that exchange on March 16, 1937; and that the registrant violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report on Form 3–R the fact of the expulsion referred to above within ten days after the date thereof. Said registrant was notified to appear at a hearing at 10 a. m. on June 7, 1937, at Washington, D. C., before a referee to be designated by the Secretary of Agriculture and show cause, if any there be, why the registrations of said registrant should not be suspended or revoked.

The complaint was duly served upon the registrant, and on May 26, 1937, said registrant waived a hearing in this proceeding and the right to submit evidence therein, consenting and agreeing that his registration as futures commission merchant and registration as floor broker be revoked by the Secretary of Agriculture.

*Findings of Fact*

The Secretary finds (1) that Henry J. Novotny filed an application on August 26, 1936, on Form 1–R for registration as futures commission merchant, and an application on Form 2–R for registration as floor broker, pursuant to said act and the rules and regulations of the Secretary; (2) that the said registrations were issued by the Secretary of Agriculture on September 2, 1936, and September 4, 1936, respectively; (3) that said registrant was expelled from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to action of the board of directors of that exchange on March 16, 1937; (4) that said registrant has violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report the fact of such expulsion within ten days after the date thereof as required by said rules and regulations; and (5) that said registrant, on May 26, 1937, waived a hearing and the right to submit evidence and consented that his registration as futures commission merchant and registration as floor broker under said act be revoked by the Secretary of Agriculture.

*Order*

It is therefore ordered, pursuant to provisions of said act, that the registrations of Henry J. Novotny be, and the same are hereby revoked.

It is further ordered that a copy of this order be served upon the respondent by registered mail and that this order shall become effective immediately.

It witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 10th day of June 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1718; Filed, June 10, 1937; 12:37 p. m.]

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*United States of America—Before the Secretary of Agriculture*

[Docket No. 3 C. E. A.]

ORDER REVOKING REGISTRATIONS AS FUTURES COMMISSION MERCHANT, AND AS FLOOR BROKER, UNDER THE COMMODITY EXCHANGE ACT

SECRETARY OF AGRICULTURE, COMPLAINANT, *v.* FRED J. HOLZAPFEL, RESPONDENT

*Proceedings*

This is a proceeding under the Commodity Exchange Act which was instituted by the Secretary of Agriculture by a complaint on May 13, 1937.

In the complaint it was alleged that Fred J. Holzapfel, hereinafter called the registrant, filed with the Department of Agriculture on August 29, 1936, an application on Form 1–R for registration as futures commission merchant, and an application on Form 2–R for registration as floor broker, pursuant to said act and the rules and regulations of the Secretary of Agriculture; that the said registrations were issued by the Secretary of Agriculture on September 3, 1936, and September 4, 1936, respectively; that the registrant was suspended from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to the action of the board of directors of that exchange on March 24, 1937; and that the registrant violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report on Form 3–R the fact of the suspension referred to above within ten days after the date thereof. Said registrant was notified to appear at a hearing at 10 a. m. on June 7, 1937, at Washington, D. C., before a referee to be designated by the Secretary of Agriculture and show cause, if any there be, why the registrations of said registrant should not be suspended or revoked.

The complaint was duly served upon the registrant, and on May 20, 1937, said registrant waived a hearing in this proceeding and the right to submit evidence therein, consenting and agreeing that his registration as futures commission merchant and registration as floor broker be revoked by the Secretary of Agriculture.

*Findings of Fact*

The Secretary finds (1) that Fred J. Holzapfel filed an application on August 29, 1936, on Form 1–R for registration as futures commission merchant, and an application on Form 2–R for registration as floor broker, pursuant to said act and the rules and regulations of the Secretary; (2) that the said registrations were issued by the Secretary of Agriculture on September 3, 1936, and September 4, 1936, respectively; (3) that said registrant was suspended from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to action of the board of directors of that exchange on March 24, 1937; (4) that said registrant has violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report the fact of such suspension within ten days after the date thereof as required by said rules and regulations; and (5) that said registrant, on May 20, 1937, waived a hearing and the right to submit evidence and consented that his registration as futures commission merchant and registration as floor broker under said act be revoked by the Secretary of Agriculture.

*Order*

It is therefore ordered, pursuant to provisions of said act, that the registrations of Fred J. Holzapfel be, and the same are hereby revoked.

It is further ordered that a copy of this order be served upon the respondent by registered mail and that this order shall become effective immediately.

In witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 10th day of June 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1719; Filed, June 10, 1937; 12:38 p. m.]

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*United States of America—Before the Secretary of Agriculture*

[Docket No. 4 C. E. A.]

ORDER REVOKING REGISTRATION AS FUTURES COMMISSION MERCHANT UNDER THE COMMODITY EXCHANGE ACT

SECRETARY OF AGRICULTURE, COMPLAINANT, *v.* ABRAHAM ARTHUR BANK, RESPONDENT

*Proceedings*

This is a proceeding under the Commodity Exchange Act which was instituted by the Secretary of Agriculture by a complaint on May 13, 1937.

In the complaint it was alleged that Abraham Arthur Bank, hereinafter called the registrant, filed with the Department of Agriculture on August 22, 1936, an application on Form 1–R for registration as futures commission merchant pursuant to said act and the rules and regulations of the Secretary of Agriculture; that a registration was issued by the Secretary of Agriculture on September 1, 1936; that the registrant was suspended from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to the action of the board of directors of that exchange on March 24, 1937; and that the registrant violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report on Form 3–R the fact of the suspension referred to above within ten days after the date thereof. Said registrant was notified to appear at a hearing at 10 a. m. on June 7, 1937, at Washington, D. C., before a referee to be designated by the Secretary of Agriculture and show cause, if any there be, why the registration of said registrant should not be suspended or revoked.

The complaint was duly served upon the registrant, and on May 20, 1937, said registrant waived a hearing in this proceeding and the right to submit evidence therein, consenting and agreeing that his registration as futures commission merchant be revoked by the Secretary of Agriculture.

*Findings of Fact*

The Secretary finds (1) that Abraham Arthur Bank filed an application on August 22, 1936, on Form 1–R for registration as futures commission merchant prusuant to said act and the rules and regulations of the Secretary; (2) that registration was issued by the Secretary of Agriculture on September 1, 1936; (3) that said registrant was suspended from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to action of the board of directors of that exchange on March 24, 1937; (4) that said registrant has violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report the fact of such suspension within ten days after the date thereof as required by said rules and regulations; and (5) that said registrant, on May 20, 1937, waived a hearing and the right to submit evidence and consented that his registration as futures commission merchant under said act be revoked by the Secretary of Agriculture.

*Order*

It is therefore ordered, pursuant to provisions of said act, that the registration of Abraham Arthur Bank be, and the same is hereby revoked.

It is further ordered that a copy of this order be served upon the respondent by registered mail and that this order shall become effective immediately.

In witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 10th day of June 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1720; Filed, June 10, 1937; 12:38 p. m.]

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*United States of America—Before the Secretary of Agriculture*

[Docket No. 5 C. E. A.]

ORDER REVOKING REGISTRATION AS FUTURES COMMISSION MERCHANT UNDER THE COMMODITY EXCHANGE ACT

SECRETARY OF AGRICULTURE, COMPLAINANT, *v.* LE MARK LEWIS, RESPONDENT

*Proceedings*

This is a proceeding under the Commodity Exchange Act which was instituted by the Secretary of Agriculture by a complaint on May 13, 1937.

In the complaint it was alleged that Le Mark Lewis, hereinafter called the registrant, filed with the Department of Agriculture on September 9, 1936, an application on Form 1–R for registration as futures commission merchant pursuant to said act and the rules and regulations of the Secretary of Agriculture; that a registration was issued by the Secretary of Agriculture on September 10, 1936; that the registrant was suspended from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to the action of the board of directors of that exchange on March 24, 1937; and that the registrant violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report on Form 3–R the fact of the suspension referred to above within ten days after the date thereof. Said registrant was notified to appear at a hearing at 10 a. m. on June 7, 1937, at Washington, D. C., before a referee to be designated by the Secretary of Agriculture and show cause, if any there be, why the registration of said registrant should not be suspended or revoked.

The complaint was duly served upon the registrant, and on May 21, 1937, said registrant waived a hearing in this proceeding and the right to submit evidence therein, consenting and agreeing that his registration as futures commission merchant be revoked by the Secretary of Agriculture.

*Findings of Fact*

The Secretary finds (1) that Le Mark Lewis filed an application on September 9, 1936, on form 1–R for registration as futures commission merchant pursuant to said act and the rules and regulations of the Secretary; (2) that registration was issued by the Secretary of Agriculture on September 10, 1936; (3) that said registrant was suspended from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to action of the board of directors of that exchange on March 24, 1937;

(4) that said registrant has violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report the fact of such suspension within ten days after the date thereof as required by said rules and regulations; and (5) that said registrant, on May 21, 1937, waived a hearing and the right to submit evidence and consented that his registration as futures commission merchant under said act be revoked by the Secretary of Agriculture.

*Order*

It is therefore ordered, pursuant to provisions of said act, that the registration of Le Mark Lewis be, and the same is hereby revoked.

It is further ordered that a copy of this order be served upon the respondent by registered mail and that this order shall become effective immediately.

In witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 10th day of June 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1721; Filed, June 10, 1937; 12:38 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1937.

[File No. 43-62]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Iowa Public Service Company, a registered holding company and a subsidiary of Penn Western Gas & Electric Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue by declarant of $1,000,000 principal amount of First Mortgage Bonds 5% Series due 1957, and the sale thereof by declarant at par for investment to The Equitable Life Assurance Society of the United States for the purpose of raising new money to enable declarant to construct and pay for property additions;

It is ordered that a hearing on such matter be held on June 28, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 23, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1722; Filed, June 10, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-STILES COMMUNITY FARM, FILED ON MAY 21, 1937, BY S. LEROY ESTES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 7, 1937, be effective as of June 7, 1937; and

It is further ordered, that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1723; Filed, June 10, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SIMPSON-FELL-WESTHEIMER-BATES FARM, FILED ON MAY 24, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 8, 1937, be effective as of June 8, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1724; Filed, June 10, 1937; 12:45 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of June, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE INLAND-HOWES-CAPITOL FARM, FILED ON MAY 20, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 3:00 o'clock in the afternoon on the 9th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 24th day of June, 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1725; Filed, June 10, 1937; 12:46 p. m.]

*Saturday, June 12, 1937* *No. 113*

## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49018]

POWERS OF ATTORNEY—PROTESTS

EFFECTIVE DATE OF T. D. 48707, AS EXTENDED BY T. D. 48863, FURTHER EXTENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251 of the Revised Statutes (U. S. C., title 19, sec. 66) and section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), the effective date of T. D. 48707, as extended by T. D. 48863, is hereby further extended from June 23, 1937, to September 15, 1937, in view of the fact that customs Form 5295, Power of Attorney to File Protests (General), and customs Form 5295-A, Power of Attorney to File Protests (Special), have not yet been printed.

Collectors of customs should promptly submit requisitions for the required supplies of the above forms. Such requisitions will be filled as soon as the forms are available for distribution.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: June 7, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1729; Filed, June 11, 1937; 12:26 p. m.]

## DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

SR—B-101—Amendment 3

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—AMENDMENT 3

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Southern Region Bulletin 101, as amended, is hereby further amended as follows:

I

Section 14, Sugarcane for Sugar, is amended by striking out the period at the end of the first paragraph thereof and inserting in lieu of such period a comma and the following:

provided an acreage of cropland on the farm equal to not less than 30 percent of the 1937 sugarcane base for the farm is devoted to soil-conserving crops in 1937. If the acreage of soil-conserving crops on cropland on the farm in 1937 does not equal or exceed 30 percent of the sugarcane base for the farm, the payment with respect to sugarcane for sugar shall be the percentage of the payment which otherwise would be made with respect to sugarcane for sugar that the acreage of soil-conserving crops on cropland on the farm is of 30 percent of the sugarcane base for the farm.

II

Section 17, Minimum Acreage of Soil-Conserving Crops, is amended by striking out the period at the end thereof and inserting in lieu of such period a comma and the following:

provided, however, that if a sugarcane base is established for the farm in 1937 the acreage on which such deduction is computed shall not exceed that acreage by which the minimum acreage of soil-conserving crops, computed pursuant to this section 17, exceeds 30 percent of the sugarcane base for the farm.

III

Section 32, Soil-Conserving, is hereby amended by adding the following new subsection (h):

(h) For any farm in the State of Florida for which a sugarcane base is established in 1937 one and one-half acres of land which meets the requirements specified below may be substituted in lieu of an acre of soil-conserving crops:

(1) On which the top soil is combustible;
(2) from which no soil-depleting crop is harvested in 1937; and
(3) for which adequate facilities (ditches, pumps, and other necessary equipment) have been maintained (whether constructed or installed in 1937 or earlier) for flooding the land during the 1937 fire hazard season as a protection against the destruction of such top soil by fire.

The facilities required to constitute adequate protection against fire for the purposes of this provision are as follows:

A. An area containing a definite acreage shall be set aside by the producer which meets the requirements set forth in (1), (2), and (3), above. The producer shall furnish the legal description of the land in the area upon which he proposes to carry out the provisions of this subsection (h).

B. Such area shall have constructed thereon lateral ditches, or canals, at least one to every one-half mile, not less than 10 feet in width and in which at all times the water level shall be maintained within 3 feet of the surface of the land. These canals or ditches shall be kept clean of weed growth and free from obstructions in order that they may function properly. The system of lateral canals or ditches shall be connected with main canals of the drainage district in which the property is located. Locks and gates shall be provided to control the water level in the lateral ditches or canals.

C. The banks or dikes on the lateral ditches or canals shall be such as to separate the area upon which fire control is undertaken pursuant to this subsection (h) from other land and thus permit flooding of such area.

D. At all times a sufficient amount of water and sufficient facilities are to be available in order to provide within a period of forty-eight hours at least one inch of water over the whole area or at least three inches of water over any portion of the area between canals or dikes.

E. A fireguard around the area to be controlled shall be provided by disking or plowing a strip not less than 30 feet wide on the outer margin. Such fireguard is to be maintained from the time of the first killing frost until the end of the 1937 fire hazard season.

There may be substituted for such fireguard:

(a) On all or any portion of the area the practice of maintaining the water level within 18 inches of the surface of the soil from the time of the first killing frost until the end of the 1937 fire hazard season; or

(b) portable pumping outfits, one to each 1,000 acres or fraction thereof in the fire control area, such portable pumping outfit to consist of a pump of at least 500 gallons per minute capacity, engine to drive same, and at least 1,500 feet of pressure hose not less than 5 inches in diameter.

F. As a condition of performance in case fire occurs within the protected area in the 1937 fire hazard season, the producer shall submit evidence to the County Committee as to what use was made of the facilities of the kinds prescribed above together with a full report of the circumstances and conditions pertaining to such fire.

If the County Committee finds reasonable precautions have been taken by the producer to keep fire out of the area during the 1937 fire hazard season or in case fire has broken out in the area in such period and reasonably prompt and effective use of such facilities and equipment was made to control and extinguish the fire, it shall approve the producer's application for payment, provided the other conditions of Southern Region Bulletin 101 applicable in such case have been met.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1743; Filed, June 11, 1937; 12:45 p. m.]

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SR—B-101—Amendment 12

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 101—AMENDMENT 12

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Part IX, Revised, of Southern Region Bulletin 101, as amended, is hereby further amended by changing subsections (d) and (e) of section 104 to read as follows:

(d) Sudan grass, seeded solid or broadcast, or in rows less than 10 feet apart, not harvested for seed or hay.

(e) Any sorghum or millet seeded solid or broadcast, or sweet sorghum in rows less than 10 feet apart, grown in 1937 and all the crop left on the land (or either left on the land or plowed under in counties outside the wind erosion area), provided a reasonably good growth is attained.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1742; Filed, June 11, 1937; 12:45 p. m.]

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NER—B-101—Connecticut, Supplement (3) Issued June 11, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—CONNECTICUT, SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Connecticut, as amended by Supplements (1) and (2) thereto, is hereby further amended by adding the following at the end of Part I:

GREEN-MANURE CROPS ON SPECIALIZED VEGETABLE FARMS

14. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during the entire 1937 crop-growing season, including a cover crop for the winter of 1937-38. No payment will be made for practice 6 or 7 when carried out on the same land on which this practice is paid for.

Payment, $20.00 per acre.

15. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during that part of the 1937 crop-growing season beginning with July 1, including a cover crop for the winter of 1937-38. No payment will be made for practice 6 or 7 when carried out on the same land on which this practice is paid for.

Payment, $12.50 per acre.

NITRATE OF SODA ON GREEN-MANURE CROPS

16. Applying not in excess of 200 pounds of 16 percent nitrate of soda, or its equivalent, per acre to green-manure crops on land normally devoted to the production of commercial vegetables either at the time of seeding or immediately thereafter.

Payment, 64¢ per 100 lbs.

In testimony whereof, H. A. Wallace, secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1750; Filed, June 11, 1937; 12:47 p. m.]

NER—B-101—Maine, Supplement (3) Issued June 11, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MAINE, SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Maine, as amended by Supplements (1) and (2) thereto, is hereby further amended by adding the following at the end of Part I:

GREEN-MANURE CROPS ON SPECIALIZED VEGETABLE FARMS NOT ELIGIBLE TO EARN A DIVERSION PAYMENT

16. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during the entire 1937 crop-growing season, including a cover crop for the winter of 1937-38. No payment will be made for practice 6 or 7 when carried out on the same land on which this practice is paid for.

Payment $20.00 per acre.

17. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during that part of the 1937 crop-growing season beginning with July 1, including a cover crop for the winter of 1937-38. No payment will be made for practice 6 or 7 when carried out on the same land on which this practice is paid for.

Payment $12.50 per acre.

MULCH ON SPECIALIZED VEGETABLE FARMS

18. On a specialized vegetable farm applying to land from which commercial vegetables are harvested annually not less than two tons per acre of approved mulching material not produced on the farm, in addition to leaving on the land all organic material other than the harvested vegetables produced thereon during 1937.

Payment, $2.00 per ton limited to a total of not more than $10.00 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1749; Filed, June 11, 1937; 12:47 p. m.]

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NER—B-101—Maine, Supplement (4) Issued June 11, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MAINE, SUPPLEMENT (4)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Maine, as amended by Supplements (1), (2), and (3) thereto, is hereby further amended as follows:

I

Section 1 of Part III, which reads as follows:

SECTION 1. *Payment for Diversion.*—For each acre diverted from the general soil-depleting base for any farm eligible to earn a diversion payment not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States varied among farms according to the relative productivity of crop land used for the production of crops in the general soil-depleting base.

is stricken out and in lieu thereof the following is inserted:

SECTION 1. *Payment for Diversion.*—For each acre diverted from the general soil-depleting base for any farm eligible to earn a diversion payment, payment will be made on the number of acres so diverted not in excess of 15 percent of such base at the following county average rates, varied among farms in the county according to the relative productivity of crop land used for the production of crops in the general soil-depleting base for the farm:

| County: | *Rate of payment per acre* |
|---|---|
| Aroostook | $17.10 |
| Penobscot | 14.40 |
| Piscataquis | 13.90 |
| Somerset | 12.10 |
| Waldo | 13.50 |



II

Section 3 of Part IV, which reads as follows:

SECTION 3. *Increase in Acreage of General Soil-Depleting Crops on Farms Not in Eligible Diversion Areas.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction, from any payment that would otherwise be made for such farm, at the rate of $9.00 per acre adjusted to the productivity index for the county, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

is stricken out and in lieu thereof the following is inserted:

SECTION 3. *Increase in Acreage of General Soil-Depleting Crops on Farms Not in Eligible Diversion Areas.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction, from any payment which would otherwise be made for such farm, at the following county average rate for the county in which the farm is located, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

| County: | *Rate of payment per acre* |
|---|---|
| Androscoggin | $12.60 |
| Aroostook | 17.10 |
| Cumberland | 11.70 |
| Franklin | 12.10 |
| Hancock | 11.70 |
| Kennebec | 12.10 |
| Knox | 11.20 |
| Lincoln | 10.80 |
| Oxford | 12.60 |
| Penobscot | 14.40 |
| Piscataquis | 13.90 |
| Sagadahoc | 11.20 |
| Somerset | 12.10 |
| Waldo | 13.50 |
| Washington | 12.60 |
| York | 11.70 |

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1740; Filed, June 11, 1937; 12:45 p. m.]

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NER—B-101—Massachusetts, Supplement (3) Issued June 11, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MASSACHUSETTS, SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Massachusetts, as amended by Supplements (1) and (2) thereto, is hereby further amended by adding the following at the end of part I:

SPECIALIZED VEGETABLE FARMS

18. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during the 1937 crop-growing season following July 1, including a cover crop for the winter of 1937-38. No payment will be made for practice 7 or 8 when carried out on the same land on which this practice is paid for.

Payment, $12.50 per acre.

19. On a specialized vegetable farm applying to land from which commercial vegetables are harvested annually not less than two tons per acre of approved mulching material not produced on the farm, in addition to leaving on the land all organic material other than the harvested vegetables produced thereon during 1937.

Payment, $2.00 per ton limited to a total of not more than $10.00 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1748; Filed, June 11, 1937; 12:47 p. m.]

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NER—B-101—New Jersey, Supplement (3) Issued June 11, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW JERSEY, SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New Jersey, as amended by Supplements (1) and (2) thereto, is hereby further amended by adding the following at the end of Part I:

SPECIALIZED VEGETABLE FARMS

17. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during the entire 1937 crop-growing season, including a cover crop for the winter of 1937-38. No payment will be made for practice 3 or 4 when carried out on the same land on which this practice is paid for.

Payment, $20.00 per acre.

18. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during that part of the 1937 crop-growing season beginning with August 1, including a cover crop for the winter of 1937-38. No payment will be made for practice 3 or 4 when carried out on the same land on which this practice is paid for.

Payment, $10.00 per acre.

19. On a specialized vegetable farm applying to land from which commercial vegetables are harvested annually not less than two tons per acre of approved mulching material not produced on the farm, in addition to leaving on the land all organic material other than the harvested vegetables produced thereon during 1937.

Payment, $2.00 per ton limited to a total of not more than $10.00 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1747; Filed, June 11, 1937; 12:47 p. m.]

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NER—B-101—New York, Supplement (5) Issued June 11, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK, SUPPLEMENT (5)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New York, as amended by Supplements (1) to (4), inclusive, thereto, is hereby further amended by adding the following at the end of Part I:

SPECIALIZED VEGETABLE FARMS.

23. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during the entire 1937 crop-growing season, including a cover crop for the winter of 1937-38. No payment will be made for practice 8 or 9 when carried out on the same land on which this practice is paid for.

Payment, $20.00 per acre.

24. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during that part of the 1937 crop-growing season beginning with July 1, including a cover crop for the winter of 1937–38. No payment will be made for practice 8 or 9 when carried out on the same land on which this practice is paid for.

Payment, $12.50 per acre.

25. On a specialized vegetable farm applying to land from which commercial vegetables are harvested annually not less than two tons per acre of approved mulching material not produced on the farm, in addition to leaving on the land all organic material other than the harvested vegetables produced thereon during 1937.

Payment, $2.00 per ton limited to a total of not more than $10.00 per acre.

NITRATE OF SODA ON GREEN-MANURE CROPS

26. Applying not in excess of 200 pounds of 16 percent nitrate of soda, or its equivalent, per acre to green-manure crops on land normally devoted to the production of commercial vegetables either at the time of seeding or immediately thereafter.

Payment, 64¢ per 100 lbs.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1746; Filed, June 11, 1937; 12:46 p. m.]

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NER—B–101—Pennsylvania, Supplement (8) Issued June 11, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—PENNSYLVANIA, SUPPLEMENT (8)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) to (7), inclusive, thereto, is hereby further amended by adding the following at the end of Part I:

GREEN-MANURE CROPS ON SPECIALIZED VEGETABLE FARMS NOT ELIGIBLE TO EARN A GENERAL DIVERSION PAYMENT

44. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during the entire 1937 crop-growing season, including a cover crop for the winter of 1937–38. No payment will be made for practice 42 or 43 when carried out on the same land on which this practice is paid for.

Payment, $20.00 per acre.

45. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during that part of the 1937 crop-growing season beginning with July 1, including a cover crop for the winter of 1937–38. No payment will be made for practice 42 or 43 when carried out on the same land on which this practice is paid for.

Payment, $12.50 per acre.

MULCH ON SPECIALIZED VEGETABLE FARMS

46. On a specialized vegetable farm applying to land from which commercial vegetables are harvested annually not less than two tons per acre of approved mulching material not produced on the farm, in addition to leaving on the land all organic material other than the harvested vegetables produced thereon during 1937.

Payment, $2.00 per ton limited to a total of not more than $10.00 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1745; Filed, June 11, 1937; 12:46 p. m.]

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NER—B–101—Pennsylvania, Supplement (9) Issued June 11, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (9)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) to (8), inclusive, thereto, is hereby further amended as follows:

I

Section 1 of Part IV, which reads as follows:

SECTION 1. *General Diversion Payment.*—For each acre diverted from the general soil-depleting base for any farm eligible to earn a general diversion payment not in excess of 15 percent of such base, payment will be made at a rate which will average $9.00 per acre for the United States, varied for all farms in a county according to the productivity index for the county, *provided* that such payment will not be made with respect to an acreage greater than the acreage by which the acreage of soil conserving crops on the farm in 1937 exceeds the sum of the soil conserving base, and the acreage diverted for payment from the tobacco soil depleting base.

is stricken out and in lieu thereof the following is inserted:

SECTION 1. *General Diversion Payment.*—For each acre diverted from the general soil-depleting base for any farm eligible to earn a general diversion payment, payment will be made on the number of acres so diverted not in excess of 15 percent of such base at the following county average rate for the county in which the farm is located, *provided* that such payment will not be made with respect to an acreage greater than the acreage by which the acreage of soil-conserving crops on the farm in 1937 exceeds the sum of the soil-conserving base and the acreage diverted for payment from the tobacco soil-depleting base:

| County: | *Rate of payment per acre* |
|---|---|
| Adams | $10.70 |
| Berks | 11.70 |
| Chester | 14.90 |
| Cumberland | 11.20 |
| Delaware | 14.40 |
| Franklin | 10.80 |
| Lancaster | 15.90 |
| Lebanon | 12.70 |
| York | 13.30 |

II

Section 4 of Part V, which reads as follows:

SECTION 4. *Increase in Acreage of General Soil-Depleting Crops on Farms Not in Eligible General Diversion Areas.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction, from any payment that would otherwise be made for such farm, at the rate of $9.00 per acre adjusted to the productivity index for the county, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

is stricken out and in lieu thereof the following is inserted:

SECTION 4. *Increase in Acreage of General Soil-Depleting Crops on Farms Not in Eligible General Diversion Areas.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment which would otherwise be made for such farm, at the following county average rate for the county in which the farm is located, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

| County: | *Rate of payment per acre* |
|---|---|
| Adams | $10.70 |
| Allegheny | 10.10 |
| Armstrong | 9.60 |
| Beaver | 9.60 |
| Bedford | 9.70 |
| Berks | 11.70 |
| Blair | 10.10 |
| Bradford | 10.00 |
| Bucks | 12.80 |
| Butler | 10.60 |
| Cambria | 10.30 |



| County—Continued. | *Rate of payment per acre* |
|---|---|
| Cameron | $9.40 |
| Carbon | 10.40 |
| Centre | 10.30 |
| Chester | 14.90 |
| Clarion | 10.00 |
| Clearfield | 9.80 |
| Clinton | 10.60 |
| Columbia | 10.80 |
| Crawford | 10.40 |
| Cumberland | 11.20 |
| Dauphin | 11.50 |
| Delaware | 14.40 |
| Elk | 9.60 |
| Erie | 10.60 |
| Fayette | 10.30 |
| Forest | 9.40 |
| Franklin | 10.80 |
| Fulton | 8.90 |
| Greene | 10.20 |
| Huntingdon | 8.90 |
| Indiana | 10.00 |
| Jefferson | 10.10 |
| Juniata | 10.10 |
| Lackawanna | 10.40 |
| Lancaster | 15.90 |
| Lawrence | 10.40 |
| Lebanon | 12.70 |
| Lehigh | 11.80 |
| Luzerne | 10.80 |
| Lycoming | 11.00 |
| McKean | 9.00 |
| Mercer | 10.40 |
| Mifflin | 10.70 |
| Monroe | 9.70 |
| Montgomery | 13.10 |
| Montour | 10.80 |
| Northampton | 12.10 |
| Northumberland | 10.80 |
| Perry | 9.70 |
| Philadelphia | 13.30 |
| Pike | 9.40 |
| Potter | 9.10 |
| Schuylkill | 10.90 |
| Snyder | 10.30 |
| Somerset | 10.70 |
| Sullivan | 9.90 |
| Susquehanna | 10.70 |
| Tioga | 9.30 |
| Union | 11.20 |
| Venango | 10.10 |
| Warren | 10.10 |
| Washington | 10.60 |
| Wayne | 10.50 |
| Westmoreland | 10.80 |
| Wyoming | 10.10 |
| York | 13.30 |

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1741; Filed, June 11, 1937; 12:45 p. m.]

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NER—B–101—Rhode Island, Supplement (6) Issued June 11, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—RHODE ISLAND, SUPPLEMENT (6)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Rhode Island, as amended by Supplements (1) to (5), inclusive, thereto, is hereby further amended by adding the following at the end of Part I:

GREEN-MANURE CROPS ON SPECIALIZED VEGETABLE FARMS

17. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during the entire 1937 crop-growing season, including a cover crop for the winter of 1937–38. No payment will be made for practice 7 or 8 when carried out on the same land on which this practice is paid for.

Payment, $20.00 per acre.

18. On a specialized vegetable farm devoting land from which two or more vegetable crops are harvested annually to an approved system of green-manure crops during that part of the 1937 crop-growing season beginning with July 1, including a cover crop for the winter of 1937–38. No payment will be made for practice 7 or 8 when carried out on the same land on which this practice is paid for.

Payment, $12.50 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1744; Filed, June 11, 1937; 12:46 p. m.]

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[Docket No. A–47 O–47]

## NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas, under the Agricultural Adjustment Act, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of milk in the La Porte County, Indiana, Marketing Area;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of milk in the La Porte County, Indiana, Marketing Area, in the Little Court Room, Court House, La Porte, La Porte County, Indiana, on June 28, 1937 at 1:30 p. m.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the La Porte County, Indiana, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce in such milk. Among other things, the proposed marketing agreement and order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of individual handler pools; (e) deductions from payments to producers for marketing services by market administrator; (f) reports of handlers; (g) expense of administration.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

Dated: June 11, 1937.

[F. R. Doc. 37–1754; Filed, June 11, 1937; 1:24 p. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 184]

SUPPLEMENTAL APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY

ORDER CONTINUING REHEARING AND CHANGING PLACE OF HEARING

Upon telegraphic request received June 4, 1937, from Pacific Gas and Electric Company, licensee, under license for Project No. 184, for a continuance of the rehearing set for June 15, 1937, upon its application for amendment of said license and for a change of place of hearing to Sacramento, California; and

For good cause shown, it is ordered:

(1) That the rehearing in the above-entitled matter originally set for June 15, 1937, at Washington, D. C. be and the same is hereby continued until Monday, July 19, 1937, to be held at Room 431, New Post Office Building, Sacramento, California beginning at 10:00 a. m., to be thence continued in Room 901 at Phelan Building, San Francisco, California upon order of the presiding Commissioner;

(2) That Commissioner Manly be and he is hereby designated to conduct said hearing.

Adopted by the Commission on June 4, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-1726; Filed, June 11, 1937; 9:36 a. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of June, A. D., 1937.

QUALIFICATIONS OF DRIVERS

The subject of the qualifications of drivers of motor vehicles employed by motor carriers being under consideration, and

*It appearing* to the Commission that it is necessary for it to have before it information concerning the ages, physical characteristics, experience, and licensing of such drivers as an aid in ultimately determining the necessity for the establishment of a licensing system and for other purposes, and

*It further appearing*, That the Commission is authorized to require special reports from all motor carriers by the provisions of Section 220 (a) of the Motor Carrier Act, 1935,

*It is therefore ordered*, That all common and contract carriers subject to the Motor Carrier Safety Regulations of this Commission shall on or before the 15th day of September, 1937, report to this Commission upon the form hereinafter prescribed the information called for in said form in respect to the drivers of all motor vehicles subject to the Motor Carrier Act, 1935, including both the motor carrier himself if he drives such a vehicle, as well as all employees of the motor carrier who drive such vehicles, such information to report the conditions prevailing and the information existing on the first day of July, 1937, and

*It is further ordered*, That such information shall be given upon a form to be supplied to all carriers which shall be in words and figures as follows:

[Form BMC-54]

INTERSTATE COMMERCE COMMISSION

BUREAU OF MOTOR CARRIERS

*Washington*

DRIVER INFORMATION FORM

----------, 1937.
(Date)

*Instructions*

1. The information required on this form must be filed for every driver, including owner-drivers, so employed as of July 1, 1937. The form is to be filled out in duplicate. Send the original to the Interstate Commerce Commission, Bureau of Motor Carriers, Section of Safety, Washington, D. C., on or before September 15, 1937. The duplicate is to be retained for carriers' files.
2. Print, typewrite, or write legibly all information required.
3. Signatures of driver and reporting official must be in the handwriting of the person concerned—*Not* printed or typewritten.
4. Be sure name of driver is shown in full—first, middle, and last names.
5. Residence or address must include name and number of house or premises, city or town, and State.

Name of driver ----------
Residence ----------
Name of employing carrier ----------
Address ----------

*Description of Driver*

| Date of birth | Sex | Race | Height | Weight | Color hair | Color eyes |
|---|---|---|---|---|---|---|
| | | | | | | |

----------
(Signature of driver)

*Driver's Experience*

Has driven motor vehicles since----------
(State year driver began driving)

Has driven motor vehicles as follows:

[Fill in estimated mileage for each type]

| Type of Vehicle | Miles Driven |
|---|---|
| Passenger cars | |
| Buses | |
| Taxicabs | |
| Trucks, 1½ tons or less | |
| Trucks, over 1½ tons | |
| Trailer combinations | |

State or States in which now licensed:

| State | As chauffeur or operator (state which) | License number | Date of expiration |
|---|---|---|---|
| | | | |

Date of last medical examination, if any, in connection with employment as a driver ----------.

*Length of Employment*

If driver is an employee, the following information must be supplied by employing carrier:

The driver whose name and description are given above has been employed by me/us since---------- ----------
(Month) (Day)
----------
(Year)

Signature of reporting official: ----------

Title ----------

*And it is further ordered*, That this order shall be effective on the first day of July, 1937.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1751; Filed, June 11, 1937, 12:57 p. m.]

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of June, A. D. 1937.

[Ex Parte No. MC 9 [1]]

IN THE MATTER OF FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

Sections 218 (a) and 220 (a) of the Motor Carrier Act, 1935, being under consideration, and the Commission on the date hereof, having made and filed a report containing the conclusions therein, which report is hereby referred to and made a part hereof:

*It is ordered*, That all contract carriers of property by motor vehicle, as defined in section 203 (a) (15) of the said act, shall on or before July 15, 1937, file with the Commission at its office in Washington, D. C., a true copy of each and every contract for transportation of property existing and in force on said date, and within twenty days after the date any subsequent contract for transportation of property is entered into a true copy thereof, all of which shall contain the charges of such contract carriers for the transportation of property in interstate or foreign commerce, and any rule, regulation, or practice affecting such charges and the value of the services thereunder.

*It is further ordered*, That the order of January 19, 1937, heretofore entered in this proceeding be, and it is hereby, rescinded and set aside.

*And it is further ordered*, That this order shall continue in force until the further order of the Commission.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1753; Filed, June 11, 1937; 12:57 p. m.]

[1] The report of the Commission was filed with the Division of the Federal Register. The National Archives; requests for copies should be addressed to the Interstate Commerce Commission, Washington, D. C.



ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of June, A. D., 1937.

[Ex Parte No. MC 4]

IN THE MATTER OF QUALIFICATIONS OF EMPLOYEES AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON CARRIERS AND CONTRACT CARRIERS BY MOTOR VEHICLE

The subject above captioned being under further consideration, and

*It appearing*, That it is undesirable at the present time to prescribe a continuing process of listing drivers of motor vehicles employed by motor carriers until further consideration of a proposed licensing system for such drivers and other proposed actions by the Commission, and

*It further appearing*, That all necessary information and data on the subject can be more easily obtained in the form of special reports to be made by motor carriers,

*It is therefore ordered*, That the order herein made December 23, 1936 to become effective July 1, 1937 in so far as it promulgates Paragraph 4 of Part I of the Appendix to the Report of the Commission, Division 5, which paragraph in substance requires a report by every motor carrier of certain information concerning every driver employed by such carrier to be furnished within 60 days after the effective date of said order and the same kind of information within 20 days of the employment of a new driver, and includes a form entitled, "Driver Identification Form", be, and hereby is, vacated and said paragraph is hereby eliminated from the Motor Carrier Safety Regulations, and

*It is further ordered*, That in all respects except as in this order provided the Motor Carrier Safety Regulations and the order of December 23, 1936, herein shall remain in full force and effect.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1752; Filed, June 11, 1937; 12:57 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 107]

ALLOCATION OF FUNDS FOR LOANS

JUNE 10, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Alabama 23 Pike (Additional) | $254,000 |
| Arkansas 11 Jackson (Additional) | 89,000 |
| Arkansas 15 Woodruff (Additional) | 88,000 |
| Colorado 7W Mesa | 4,000 |
| Georgia 20B Troup | 3,000 |
| Georgia 34W Carroll | 16,375 |
| Iowa 9C Scott | 22,712 |
| Iowa 30B Franklin | 75,000 |
| Kentucky 14W Henderson | 40,000 |
| Kentucky 27A Boyle (Additional) | 50,000 |
| Minnesota 18W Douglas | 1,625 |
| Mississippi 1C Monroe | 47,000 |
| Virginia 22W Caroline | 10,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1727; Filed, June 11, 1937; 9:36 a. m.]

[Administrative Order No. 108]

RESCISSION OF ALLOCATIONS OF FUNDS FOR LOANS

JUNE 10, 1937.

I hereby rescind the allocation of funds ($30,000) for the project, Alabama 9G Clarke Washington, made by Administrative Order No. 86, dated April 14, 1937. This action is being taken because it was found unnecessary to use this money for a generating plant since the project has found a satisfactory source of power.

I hereby rescind the allocation of funds ($75,000) for the project, Alabama 21G Cherokee, made by Administrative Order No. 80, dated April 5, 1937. This action is being taken because it was found unnecessary to use this money for a generating plant since the project has found a satisfactory source of power.

I hereby rescind the allocation of funds ($70,000) for the project, Arkansas 8G Mississippi, made by Administrative Order No. 69, dated March 9, 1937. This action is being taken because it was found unnecessary to use this money for a generating plant since the project has found a satisfactory source of power.

I hereby rescind the allocation of funds ($60,000) for the project, Maine 2 Penobscot, made by Administrative Order No. 27, dated October 30, 1936. This action is being taken because it does not appear possible to complete negotiations before the end of the fiscal year and if it is found possible to negotiate a loan contract, an allotment will be made from next year's funds.

I hereby rescind $15,400 of the allocation of funds for the project, Ohio 74 Butler, made by Administrative Order No. 21, dated October 1, 1936. This action is being taken because it was not necessary to use the entire funds allotted.

I hereby rescind the allocation of funds ($13,200) for the project, Tennessee 17 Hardeman, made by Administrative Order No. 69, dated March 9, 1937. This action is being taken because it is impossible to work out the legal difficulties before the end of the fiscal year.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1728; Filed, June 11, 1937; 9:36 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL ET AL-JANSSEN "B" TRACT, FILED ON MAY 20, 1937, BY W. E. COOK, RESPONDENT.

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the

offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the information contained in Division II, Item 16 (a) (iii), of the offering sheet, relative to the gross production of water from the tract involved, is not correct and is, therefore, misleading;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 24th day of June, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1738; Filed, June 11, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CARTER-MABEE-MAGNOLIA-SMITH TRACT, FILED ON JUNE 4, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information given in Division II, Item 18 (a), concerning the number of wells drilled, does not appear to be correct by reason of the fact that other portions of the offering sheet indicate that there are nineteen oil wells and one gas well on the tract involved; (Note: Although no value is claimed in the offering sheet for gas, the information relative to the gas well should be given in this item.)

(2) In that no statement is made in Division II, Item 18 (i), relative to the gas well located on the tract involved. However, it is believed that to make the information contained in the offering sheet not misleading, an explanation should be given in this Item as to the disposition of all gas produced from such gas well;

(3) In that the figures set forth in Division II, Item 20 (d) for the months of May, June and August, 1936, and February and March, 1937, are not believed to be correct;

(4) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(5) In that one of the signature forms required to be included as a part of the offering sheet is omitted;

(6) In that the legend required to be given as a part of Exhibit "A" is incomplete by reason of the fact that the symbol for "abandoned well" is omitted;

(7) In that Exhibit "B" is incomplete by reason of the fact that the proposed instrument of conveyance, attached to the offering sheet as such Exhibit, does not disclose the smallest fractional interest proposed to be conveyed.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1730; Filed, June 11, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 5, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:



(1) In that the smallest fractional interest offered, as set forth in Division II, Item 1, of the offering sheet, is not believed to be correct;

(2) In that some of the information contained in Division II, Item 13, may be inaccurate by reason of the fact that it is not believed that the number of producing wells in the Oklahoma City Field is correctly stated, nor is it believed that the statement made relative to the date upon which the discovery well was "plugged back" is correct;

(3) In that one of the signature forms required to be included as a part of the offering sheet is omitted;

(4) In that the proposed instrument of conveyance, attached to the offering sheet as Exhibit B, is incomplete by reason of the fact that the fractional interest proposed to be conveyed is omitted.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1732; Filed, June 11, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 5, 1937, BY J. H. LIEBERMAN, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered, required to be given in Division II, Item 1, is not properly stated, nor is the number of barrels of oil which must be produced before the smallest fractional interest offered will be entitled to one barrel believed to be correct;

(2) In that in Division II, Item 10, no statement is made by whom the taxes in said Item are assessed, nor is the time of payment of such taxes set forth;

(3) In that the information required to be given in Division II, Item 13, is incomplete by reason of the fact that no statement is made as to the approximate number of drilling wells or as to the location of the tract in relation to the field;

(4) In that the statement made in Division II, Item 18 (i), is not responsive to the question asked and may not be correct by reason of the fact that the plat, attached to the offering sheet as Exhibit "A", does not disclose any gas wells;

(5) In that the statement made in Division II, Item 19 (c), is incomplete by reason of the fact that the depth at which each well was completed is omitted;

(6) In that from the information given in Division II, Item 20 (b), it is not possible to determine whether or not the tract involved has produced water for the months enumerated other than the month of May, 1936;

(7) In that the information required to be given in Division II, Items 20 (f) and (g), is not disclosed by months;

(8) In that one of the signature forms required to be included in the offering sheet is omitted;

(9) In that the proposed instrument of conveyance, attached to the offering sheet as Exhibit "B", is incomplete by reason of the fact that it does not set forth the smallest fractional interest proposed to be offered;

(10) In that the legal description of the tract involved, as set forth in Exhibit "B", does not agree with the property described in Division II, Item 2 (c).

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1735; Filed, June 11, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HOLLENBACK ET AL-NORMAN TRACT, FILED ON JUNE 4, 1937, BY ALEX MACDONALD, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the statement made in Division II, Item 19, is incomplete by reason of the fact that it fails to disclose the information required to be given in said Item;

(2) In that one of the signature forms required to be included as a part of the offering sheet is omitted;

(3) In that the statement made in Division II, Item 12, is incomplete by reason of the fact that no reason or explanation is given for the statement "This tract is an oil bearing area";

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1733; Filed, June 11, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-METROPOLITAN LIFE INSURANCE TRACT, FILED ON JUNE 5, 1937, BY ROYAL PETROLEUM CORPORATION, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 10, no statement is made by whom the taxes in said Item are assessed, nor is any information given relative to the time of payment of such taxes;

(2) In that the total production of oil from the tract, as set forth in Division II, Item 15, is not believed to be correct for the reason that the figures given do not agree with the actual gross production of oil from the tract, as set forth by months in Division II, Item 20 (a);

(3) In that the figures given in Division II, Item 20 (b), do not appear to be correctly calculated;

(4) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(5) In that the statement made in Division II, Item 21, is not responsive to the question asked and might, therefore, be misleading;

(6) In that one of the signature forms required to be included as a part of the offering sheet is omitted;

(7) In that the proposed instrument of conveyance, attached to the offering sheet as Exhibit "B", is incomplete by reason of the fact that the smallest fractional interest proposed to be conveyed is omitted.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1734; Filed, June 11, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-FRANKLIN TRACT, FILED ON JUNE 4, 1937, BY G. D. TERRIEN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 10, it is not disclosed by whom the taxes mentioned in said item are assessed;

(2) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(3) In that one of the signature forms required to be included as a part of the offering sheet is omitted;

(4) In that the legend required to be given as a part of Exhibit A is incomplete by reason of the fact that the symbol for "abandoned well" is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1736; Filed, June 11, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-MARVEL TRACT, FILED ON JUNE 4, 1937, BY G. D. TERRIEN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the price of oil, as stated in Division II, Item 16, may not be correct and does not agree with the price of oil as set forth in Division II, Item 20 (g);

(2) In that the actual monthly pay-off for the smallest interest offered for the months of April to July, inclusive, 1936, may not be correct;

(3) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(4) In that the actual gross production of oil for the month of April, 1937, is not set forth in Division II, Item 20 (a), and it is believed that the failure to disclose this information constitutes an omission on the part of respondent to state a material fact required to be stated to make the statements contained in the offering sheet not misleading.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1737; Filed, June 11, 1937; 12:43 p. m.]

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*United States of America Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE REPOLLO-AMERADA-TEXAS-PHILLIPS TRACT, FILED ON JUNE 4, 1937, BY L. H. WITWER, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, oil as set forth in Division II, Item 20 (g);

(1) In that the price of oil, as stated in Division II, Item 16, may not be correct and does not agree with the price of oil as set forth in Division II, Item 20 (g);

(2) In that the actual monthly pay-off for the smallest interest offered for the months of April to July, inclusive, 1936, may not be correct;

(3) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(4) In that the actual gross production of oil for the month of April, 1937, is not set forth in Division II, Item 20 (a), and it is believed that the failure to disclose this information constitutes an omission on the part of respondent to state a material fact required to be stated to make the statements contained in the offering sheet not misleading.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from re-

spondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1731; Filed, June 11, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of May, A. D., 1937.

[*Corrected Order*]

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-WISE-VINSON FARM, FILED ON MAY 24, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the allowable production of oil from the tract involved is not set forth in Division II, Item 16 (b) (1), for the months of February, March and April, 1937;

(2) In that the information required to be given by the plat attached to the offering sheet as Exhibit A, is incomplete in the following particulars:

(a) The depths of some of the wells completed in the Wilcox Sand are omitted;

(b) The depth of the dry hole located on the Magnolia-Green tract is omitted;

(c) It appears that other information disclosed by the plat is not current.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 27th day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission, be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of June, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1739; Filed, June 11, 1937; 12:43 p. m.]

*Tuesday, June 15, 1937* *No. 114*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49019]

CUSTOMS REGULATIONS AMENDED—POST ENTRY

JUNE 8, 1937.

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), and section 161 of the Revised Statutes (U. S. C., title 5, sec 22), article 123 of the Customs Regulations of 1931, as amended by T. D. 48171, is further amended by adding a new paragraph (b) to read as follows:

(b) Post entry on customs Form 3257, in duplicate, shall be made for all merchandise, including bulk merchandise, and baggage, which is not included in or which does not agree with the manifest, and the fee (Art. 208) paid. One copy shall be mailed or delivered promptly to the comptroller.

This regulation has been approved by the Secretary of Commerce.

A supply of customs Form 3257 is now available, and supplies thereof may be obtained by submitting requisitions to the Department.

[SEAL] STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-1756; Filed, June 12, 1937; 9:27 a. m.]

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## WAR DEPARTMENT.

[Bulletin No. 4]

RULES AND REGULATIONS FOR NATIONAL RIFLE AND PISTOL MATCHES, 1937

MAY 20, 1937.

*Rules and regulations for the national matches, 1937.*—The following rules and regulations for the national rifle and pistol matches, 1937, for which are awarded the national trophies, medals, and other badges, as recommended by the National Board for the Promotion of Rifle Practice at a meeting convened at Washington, D. C., March 12, 1937, are published for the information and guidance of all concerned.

*General conditions.*—The rules and regulations for the national matches, except as provided for and published in this bulletin, will be found in the Official Program of the National Matches, Basic Field Manual, Volume III, Part One, Chapter 1 (Rifle Marksmanship), Chapter 2 (Automatic Rifle Marksmanship), Chapter 3 (Automatic Pistol Marksmanship), AR 600-75, AR 740-10, and the Official Rules for Rifle and Pistol Shooting, National Rifle Association (latest revision).

1. *Dates and places at which national matches and school will be held.*—For the year 1937 the national matches and the Small Arms Firing School held in conjunction therewith will be held at Camp Perry, Ohio, for a period of 21 days beginning Sunday, August 22, 1937, and ending Saturday, September 11, 1937, both dates inclusive.

2. *Small Arms Firing School.*—The Small Arms Firing School will be held from Sunday, August 22, 1937, to Friday, August 27, 1937 (6 days), both dates inclusive. The period designated above will be devoted primarily to the school.

3. *National Rifle Association matches.*—The matches for which medals and trophies are provided by the National Rifle Association will be held from Saturday, August 28, 1937, to Sunday, September 5, 1937 (9 days), both dates inclusive.

4. *National matches.*—The national rifle and pistol matches for which are awarded the national trophies, medals, and other badges will be held from Monday, September 6, 1937, to Saturday, September 11, 1937 (6 days), both dates inclusive.

The national matches for the year 1937 will consist of the following:

*a.* Infantry match.
*b.* National individual rifle match.
*c.* Citizens' military championship match.
*d.* National individual pistol match.
*e.* National pistol team match.
*f.* National rifle team match.

5. *Executive officer may change program.*—The foregoing restrictions on dates and periods for the school and designated matches will be adhered to unless weather conditions interfere to such an extent as to make changes necessary, in which case the executive officer will make the required alteration in the program.

NATIONAL RIFLE TEAM MATCH

6. *Open to:* Teams consisting of a team captain, team coach, 10 firers, and 2 alternates.

*a. Service teams:*

(1) Regular Army, from the Infantry, Cavalry, and Engineers, 1 each.
(2) United States Navy, 1.
(3) United States Marine Corps, 1.
(4) United States Coast Guard, 1.
(5) United States Military Academy, 1.
(6) United States Naval Academy, 1.

*b. National Guard and Organized Reserves teams:*

(1) Federally recognized National Guard of the several States and Territories, including the District of Columbia, 1 each.
(2) Federally recognized Naval Militia of the several States and Territories, including the District of Columbia, 1 each.
(3) Naval Reserve, not more than 4 teams as designated by the Navy Department.
(4) Marine Corps Reserve, not more than 2 teams as designated by the Navy Department.
(5) Organized Reserves, 1 team.

*c. Civilian teams:*

(1) One civilian team from each of the several States and Territories, including the District of Columbia, to be selected by competition.
(2) Reserve Officers' Training Corps, 1 from each corps area.
(3) Citizens' Military Training Camps, 1 from each corps area.
(4) Any organization composed of veterans of any war or wars in which the United States has been engaged, 1 or more.

7. *Course of fire.—First stage.*—Slow fire, 200 yards—target A. Ten shots standing. Time limit, 1 minute per shot. No sighting shots.

*Second stage.*—Rapid fire, 200 yards—target A. Ten shots. Kneeling or sitting, from standing. Time limit, 1 minute. Battle sight or leaf sight may be used.

*Third stage.*—Rapid fire, 300 yards—target A. Ten shots. Prone from standing. Time limit, 1 minute 10 seconds. Battle sight or leaf sight may be used.

*Fourth stage.*—Slow fire, 600 yards—target B. Ten shots. Prone. No sighting shots. No artificial rest. Time limit, 1 minute per shot.

*Fifth stage.*—Slow fire, 1,000 yards—target C. Twenty shots. Prone. No sighting shots. No artificial rest. Time limit 1½ minutes per shot.

8. *Eligibility requirements.*—At least 50 percent of the shooting members of each team representing the several arms of the Army, the Navy, the Marine Corps, and the Coast Guard shall be men who have never before shot as members of any national match rifle team.

Teams other than those representing the several arms of the Army, the Navy, the Marine Corps, and the Coast Guard shall be subject to the following elimination rules:

A team listed in class A after the national matches of 1936 or after the last national matches in which such team competed shall have at least 40 percent of its shooting members composed of men who have never before shot on any national match rifle team.



A team listed in class B after the national matches of 1936 or after the last national matches in which such team competed shall have at least 30 percent of its shooting members composed of men who have never before shot on any national match rifle team.

A team listed in class C after the national matches of 1936 or after the last national matches in which such team competed shall have at least 20 percent of its shooting members composed of men who have never before shot on any national match rifle team.

A team listed as "unclassified" after the national matches of 1936 or after the last national matches in which such team competed shall have at least 10 percent of its shooting members composed of men who have never before shot on any national match rifle team.

Participation as a shooting member of a Reserve Officers' Training Corps or Citizens' Military Training Camps team will not be considered as previous participation within the above eligibility requirements.

9. *Team regulations.*—No team shall have as a team captain, team coach, or range officer, or as a shooting member or alternate, anyone who is less than 16 years of age on his last birthday, or who is not a citizen of the United States.

All team members to be eligible to shoot in the national rifle team match must have been selected through competition before arrival at the national match camp and must be so certified to the executive officer of the national matches in proper credentials, and must also attend the full course of the Small Arms Firing School unless they have received a certificate of proficiency from it or from a similar service school of the Regular Army, Navy, Marine Corps, or Coast Guard, or can furnish satisfactory evidence of attending such a course.

Each team captain upon arrival at Camp Perry shall present to the executive officer of the national matches an order in triplicate signed by the adjutant general of the State or other proper authority designating the team officials and other members of the team, giving their home addresses and certifying as to their eligibility under these rules and regulations.

The list shall contain the names of not to exceed 14 eligibles, from among whom the team, including the team captain and team coach, shall be finally selected.

Any person, regardless of his classification, is eligible to act as coach for Reserve Officers' Training Corps, Citizens' Military Training Camps, or other civilian teams. A team reporting at the national matches without a coach may request the executive officer to furnish such a coach, and upon request the executive officer will detail a coach from any officers, enlisted men, or civilians available. A coach selected after arrival at Camp Perry will not be entitled to any change in previous status as to pay and allowances from the United States.

Members of the National Guard and all other Reserve components will shoot only as members of their respective components.

Former members of the Reserve Officers' Training Corps and of the Citizens' Military Training Camps who have joined any other component of the Army may compete as a member of a Citizens' Military Training Camp or Reserve Officers' Training Corps team, provided that not more than 6 months have elapsed since joining such component of the Army.

10. *Entries.*—Not later than 6 p. m. of the day of the prescribed preliminary team practice each team captain will submit to the statistical officer at his office, on blank score cards in duplicate, furnished for the purpose, a legible list of the members of his team, showing the correct first name, middle initial, last name, grade, and organization of the team captain, team coach, 10 firers, and 2 alternates. Any or all of the alternates listed, and no others, may be substituted as shooting members at any time prior to the beginning of the score of the last pair at the initial stage of the match. Thereafter substitution may be made only

on surgeon's certificate of disability approved by the executive officer.

Either the team captain or the coach or both, if otherwise eligible under the rules may serve also as shooting members provided they have also been listed as shooting members or alternates.

11. *Elimination of teams.*—The executive officer may, at his discretion, at any time after the first stage, eliminate from further participation in the match any number of teams of lower standing in excess of a remaining number of 50 teams.

12. *Classification and prizes.*—After the national rifle team match the teams shall be classified in descending sequence, as class A, class B, class C, and "unclassified." In each of the first three classes there shall be listed 10 teams exclusive of service teams. Thereafter each service team shall be placed in class A, class B, class C, or "unclassified" according to its total score regardless of the number of teams then resulting in each class. A distinctive medal will be awarded each member of each team in class A, class B, and class C. All teams not listed in class A, class B, or class C shall be unclassified.

13. *Medals to team officers and alternates.*—For the awarding of the medals referred to above each team officer and alternate herein provided for shall be awarded a medal.

14. *Award of trophies.*—One trophy shall be awarded to the highest team representing the United States services. One trophy shall be awarded to the highest team from the National Guard or State troops of the several States and Territories and the Naval Reserves of the several naval districts, both including the District of Columbia, the Organized Reserves, and the Marine Corps Reserve. One trophy shall be awarded to the highest team representing the Citizens' Military Training Camps and the Reserve Officers' Training Corps. One trophy shall be awarded to the highest civilian team.

Among the above-stated trophy teams the "National Trophy" shall be awarded to the highest team. The "Hilton Trophy" shall be awarded to the highest team of the remaining three classes. The "Soldier of Marathon Trophy" shall be awarded to the highest team of the remaining two classes. The "Minuteman Trophy" shall be awarded to the highest team of the remaining class. These trophies to be held by the winners until the next national matches.

To the highest individual competitor in the national rifle team match shall be awarded the Pershing Trophy, to be held until the next national match, and the Pershing Trophy gold medal, to be the permanent property of the winner.

A miniature of each of the above-named trophies shall also be awarded in each case where the original trophy is awarded, such miniature trophy to be the permanent property of the team or individual winning the original trophy in that year.

NATIONAL PISTOL TEAM MATCH

15. *Open to.*—Teams consisting of a team captain and 5 firers and 1 alternate from the following:

*a. Service teams:*

(1) Regular Army, from the several arms, 1 each.
(2) United States Navy, 1.
(3) United States Marine Corps, 1.
(4) United States Coast Guard, 1.
(5) United States Military Academy, 1.
(6) United States Naval Academy, 1.

*b. National Guard and Reserve teams:*

(1) Federally recognized National Guard of the several States and Territories, including the District of Columbia, 1 each.
(2) Federally recognized Naval Militia of the several States and Territories, 1 each.
(3) The Naval Reserve, 1 or more as designated by the Navy Department.
(4) The Marine Corps Reserve, 1 or more as designated by the Navy Department.
(5) Organized Reserves, 1 or more as designated by the War Department.

*c. Civilian teams:*

(1) One civilian team from each of the several States and Territories, including the District of Columbia, to be selected by competition.
(2) Reserve Officers' Training Corps, 1 or more.
(3) Citizens' Military Training Camps, 1 or more.
(4) Any organization composed of veterans of any war or wars in which the United States has been engaged, 1 or more.
(5) Any organized police or constabulary force in the United States, 1 team.

*d.* The allowances for transportation and subsistence or reimbursements therefor provided for members of the several national match rifle teams will be paid only to such members of the several national match pistol teams as have also been properly designated as members of a national match rifle team. All other members of the several national match pistol teams must provide for their own expenses, except that the executive officer is authorized to furnish all such members with tentage and such other equipment as may be available.

*e.* At least 20 percent of the shooting members of each pistol team shall be men who have never before shot as members of any national match pistol team.

*f.* Members of Reserve components attending the national matches at their own expense may fire as members of an organized police or constabulary team provided they are bona fide members of those organizations. They cannot fire as members of a civilian team other than police or constabulary. Teams composed of both civilians and policemen will not be permitted.

16. *Course of fire.—First stage.*—Slow fire, 50 yards—Standard American 50-yard target, 2 scores (5 shots each); 1 minute per shot.

*Second stage.*—Timed fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target", 2 scores (5 shots each); 20 seconds per score.

*Third stage.*—Rapid fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target", 2 scores (5 shots each); 10 seconds per score.

17. *Positions.*—Standing without body or artificial rest; one hand only to be used.

18. *Prizes.*—The "gold cup" trophy shall be awarded to the winning team to be held until the next national matches, and to each member of the highest one-third of the teams shooting shall be awarded a medal.

A miniature of the above-named trophy shall also be awarded to the team winning the original trophy, this miniature trophy to be the permanent property of the winning team.

INDIVIDUAL MATCHES

19. *Open to.*—The national individual rifle match and the national individual pistol match are open to any citizen of the United States.

20. *Entries.—a.* Each team captain in the national rifle team match will see that entries for all members of his team desiring to enter the national individual rifle match and the national individual pistol match are properly made out and delivered to the statistical officer at one time on the special entry form provided for this purpose.

*b.* Individual competitors not members of regularly accredited teams may make entry in person or by mail addressed to the statistical officer, national matches, Camp Perry, Ohio.

*c.* Entries for these events shall be made not later than 48 hours before the beginning of each match.

21. *Elimination of competitors.*—The executive officer, at his discretion, at any time after the first stage of each match may eliminate from further participation in that match any number of competitors of lower standing in excess of a remaining number of 500 competitors.

22. *Status of individual competitors.*—See paragraph 42, "General Regulations."



NATIONAL INDIVIDUAL RIFLE MATCH

23. *Course of fire.*—The course of fire and rules in regard to arms and ammunition are the same as for the national rifle team match.

24. *Prizes.*—The "Daniel Boone" trophy shall be awarded to the winner, to be held until the next national matches. The William Randolph Hearst Trophy shall be awarded to the high Reserve Officers' Training Corps student.

*a.* To each of the 15 competitors, not distinguished marksmen, making the highest aggregate scores, a gold medal.

*b.* To each of the 25 competitors, not distinguished marksmen, making the next highest aggregate scores, a silver medal.

*c.* To each of the 100 competitors, not distinguished marksmen, making the next highest aggregate scores, a bronze medal.

*Provided,* That if the number of competitors starting in the national individual rifle match is less than 1,000, the total number of medals will be 1 for each 10 competitors, disregarding fractions, exclusive of distinguished marksmen; the gold, silver, and bronze medals to be in the ratio given above.

*d.* Distinguished marksmen will be placed according to their respective scores among the above medal winners. Only one medal of each class will be awarded any medal winner regardless of the year in which won. When one medal of any class (gold, silver, or bronze) has been issued, a medal winner will thereafter be issued an appropriate bar in lieu of a medal.

A miniature of the "Daniel Boone" trophy shall also be awarded to the individual winning the original trophy, this miniature trophy to be the permanent property of the winner.

25. *Qualification badges.*—An appropriate badge representing qualification in the Regular Army course will be issued to all civilians who qualify as expert rifleman, sharpshooter, or marksman in the national individual rifle match. In case any competitors are eliminated from firing the 1,000-yard stage, the 1,000-yard stage will not be counted in the computation of qualifying scores for expert rifleman, sharpshooter, and marksman. These qualifying scores will be expert rifleman, 170; sharpshooter, 154; marksman, 140. In case no competitors are eliminated from firing the 1,000-yard stage, the qualifying scores will be expert rifleman, 255; sharpshooter, 230; marksman, 210.

All civilians, including members of the Reserve Officers' Training Corps and Citizens' Military Training Camps, will obtain their insignia from the Director of Civilian Marksmanship.

CITIZENS' MILITARY CHAMPIONSHIP MATCH

26. *Open to.*—All citizens of the United States, except members of the Regular services.

27. *Course and conditions.*—The conditions as to the course of fire and rules as to arms and ammunition to be the same as for the national individual rifle match.

28. *Entry not required.*—This match to be fired in conjunction with the national individual rifle match. Scores made in the national individual rifle match to be counted for prizes in this match.

29. *Prizes.*—To the 10 highest competitors, gold medals. To the next highest 15 competitors, silver medals.

NATIONAL INDIVIDUAL PISTOL MATCH

30. *Course of fire.*—The course of fire and rules in regard to arms and ammunition are the same as for the national pistol team match.

31. *Prizes.*—The "Custer" trophy shall be awarded to the winner, to be held until the next national matches, and—

*a.* To each of the 12 competitors, not distinguished pistol shots, making the highest aggregate scores, a gold medal.

*b.* To each of the 24 competitors, not distinguished pistol shots, making the next highest aggregate scores, a silver medal.

*c.* To each of the 36 competitors, not distinguished pistol shots, making the next highest aggregate scores, a bronze medal.

*d.* Distinguished pistol shots shall be placed according to their respective scores among the above medal winners. Only one medal of each class shall be awarded any medal winner, regardless of the year in which won. When one medal of any class (gold, silver, or bronze) has been issued, a medal winner will thereafter be issued an appropriate bar in lieu of a medal.

A miniature of the "Custer" trophy shall also be awarded to the individual winning the original trophy, this miniature trophy to be the permanent property of the winner.

32. *Elimination of competitors.*—The executive officer may, in his discretion, and by such standards as he may prescribe, eliminate competitors after each stage of the national individual pistol match.

33. *Qualification badges.*—An appropriate badge representing qualifications in the Regular Army course will be issued to all civilians who qualify as pistol expert, pistol sharpshooter, or pistol marksman in the national individual pistol match. Qualifying scores: Pistol expert, 240; pistol sharpshooter, 225; pistol marksman, 210. All civilians, including members of the Reserve Officers' Training Corps and Citizens' Military Training Camps, will obtain their insignia from the Director of Civilian Marksmanship.

INFANTRY MATCH

34. *Open to.*—Teams consisting of team captain, 6 riflemen, and 1 automatic rifleman, selected from the 14 eligibles on each national match team.

Entry of Service, National Guard, and Organized Reserve teams will be compulsory. Other teams optional. Each branch of the service may enter 1 or more teams.

Full details of this match will be announced in a separate bulletin.

The problem will involve fire and movement.

ARMS AND AMMUNITION—RIFLE MATCHES

35. *Arm.*—Rifle, United States, caliber .30, M1903, having not less than 3-pound trigger pull, equipped with either the old service model stock or the pistol grip, type C, modified stock, with the knurled head cocking piece with either regular or reversed lock. The headless cocking piece will be permitted with service rifles when used with telescopic sights. It will be permitted in rifles of a commercial manufacture when these rifles are designed for a headless cocking piece. Modification of the rifle to permit the use of the telescopic sight or receiver sight is permitted.

36. *Rifles available.*—National match type rifles, current model, furnished by the Ordnance Department, will be made available upon arrival of teams and individuals partcipating in the matches, under rules and regulations announced by the executive officer thereof.

Such necessary orders and instructions regarding the issue of arms and equipment to, and return thereof by, all teams and individuals attending national matches as are necessary to provide adequate protection to the United States will be published by the executive officer of the national matches.

37. *Changing arms.*—No two competitors will fire in the national matches with the same rifle. No competitor will change his rifle during any competition unless his first piece has become unserviceable through accident. Such contingency will be verified by a range official. Violation of this rule will be a just cause for exclusion from the competition.

38. *Ammunition.*—Ammunition selected for the national matches will be issued by the ordnance officer, national matches, to the competitors at the firing points for practice and for use in the rifle matches. No other ammunition than this will be used in the national individual rifle and national rifle team matches.

ARMS AND AMMUNITION—PISTOL MATCHES

39. *Arm.*—Pistol, United States, caliber .45, M1911 or M1911 A1, having not less than 4-pound trigger pull, as issued by ordnance officer, national matches, or the same type and caliber of pistol as manufactured by Colt Patent Fire Arms Co., privately owned, which may be equipped with front and rear sights similar in design to the issue sights, though different in dimension. The notch of the rear sight may be rectangular.

40. *Ammunition.*—Ammunition selected for the national matches will be issued by the ordnance officer, national matches, to the competitors at the firing points for practice and for use in the pistol matches. No other ammunition than this will be used in the national individual pistol and national pistol team matches.

41. *Changing arms.*—No competitor will change his pistol during any competition unless his first piece has become unserviceable through accident. Such contingency will be verified by a range official. Violation of this rule will be a just cause for exclusion from the competition.

GENERAL REGULATIONS—APPLICABLE TO ALL MATCHES

42. *General.*—The executive officer may, in his discretion, in order to operate the range efficiency, change the order of fire of the several stages of any match.

Retired officers and retired enlisted men of the Regular services shall be classified as "service" individuals.

A civilian competitor is one who is without any military or naval affiliation whatsoever, either Regular, National Guard, or Reserve. (See exception in par. 15*f*.) Members of the Reserve Officers' Training Corps and trainees of the Citizens' Military Training Camps will be classified as civilians.

A competitor, either an individual or a team shooting member or alternate, can have but a single status. (See exception in par 15 *f*.) If he belongs to the Regular services he can compete only in such status and in the arm or service to which he actually belongs. Members of the Regular services who hold Reserve commissions will be permitted to shoot in their regular status only.

Any competitor reporting in any but his proper status as set forth above will be ineligible to compete, and a team shall be disqualified in any match in which any of its specified members have so entered in a false status.

43. *Competitors pay attention to score.*—Competitors must pay attention to the score as announced and recorded so that any error may be promptly investigated. The record value of any shot will not be changed after the following shot has been fired, unless some special message with reference to it is received from one of the pit officers.

44. *Competitors to sign score cards.*—Competitors must sign the score card in individual matches and team captains must sign the score card in team matches.

45. *Competitors may be required to score, mark targets, or act as range officers.*—Any competitor who is detailed to perform any of these duties and fails to do so in a satisfactory manner to the executive officer will forfeit his right to compete in that match and, in the discretion of the executive officer, be debarred during the remainder of the matches from further participation in any match or any practice.

46. *In team matches teams may be required to furnish scorers* for teams firing on adjacent targets. Members of a team may perform this duty in turn.

47. *Team representatives in the pits.*—In the national rifle team match each team will furnish a team representative for duty in the pits. The team representatives shall assemble at the times and places ordered. They will be sent to the pits before the assignment of targets is made to teams. They will be be assigned to targets without regard to the assignments at the firing points. They will be subject to the orders of the range officers on duty in the pits and will make with a pencil, before each shot is marked or pasted, a small circle around each shot hole. They will call any irregularity or question of doubt to the attention of the range officer on duty in the pit, and the range officer's decision shall be final.

48. *Competitors present punctually.*—Competitors must be present at the firing points punctually at the time or in the order stated on their score cards. In team matches only the first pair need be present at the hour set for firing to begin. No application on the part of a competitor for an alteration of his assignment will be entertained, except that in team matches team captains may change the order of firing of the members of their teams if they so desire.

The squads of competitors will be stationed on the benches in rear of the firing point where each competitor must remain until called by the score keeper or range officer to take his position at the firing point.

49. *Competitors in rear of firing points.*—No one except the officials of the range, the competitors on the firing points, and scorers and others on duty will be permitted in front of the benches without special permission of the officer in charge, except that in team matches when coaching is permitted a coach may take his place on the line and between the men of the pair firing. He cannot shift his position nor shift the position of the men of the pair firing for the purpose of forming a windshield for the firer. He must confine himself to the normal position of a coach and his activities to those normally expected of a coach. The coach will not assist the firer in any manner in loading his piece.

The team captain and one assistant may be seated in front of the line of benches but not in advance of the line of scorers. The team captain may coach, but only if he withdraws his coach from the line or is himself actually on the line as coach. No expressions must be uttered loud enough to be heard at the firing point.

50. *Competitors called in advance.*—In slow-fire stages of individual matches the competitor next to fire will be called to the firing point when the competitor firing has five remaining shots to fire. A competitor failing to answer when his name is called and then promptly to take position at the firing point will forfeit his right to fire, provided the time shown on his score card for him to appear has passed. The next competitors present assigned to the target then in order have the option of entering immediately or of waiting until their scheduled time.

51. *Time limit.*—In individual slow fire, competitors may fire with the deliberation they deem necessary, provided that the time limit allowed for one relay at the particular range is not exceeded.

Competitors will take their places promptly on the firing line. Time will begin when they are ready to fire. However not more than 3 minutes will be allowed for preparation.

In individual slow-fire matches it is impracticable to keep an accurate check on the time allowance used by the firer and the target operator in the pit. In the absence of specific protest to the range officer by the firer prior to the completion of the score, and in ample time to enable the range officer to check the time used by each, it will be assumed that the target is being satisfactorily operated. If protest is made by the firer, the range officer will check the time used by the firer and by the target operator and make such decision and adjustments as in his judgment are warranted. The firer may appeal from the decision of the range officer to the chief range officer, whose decision shall be final, except on written appeal to the executive officer submitted to the statistical officer before 9 p. m. of the day of the occurrence.

The time for a relay begins at the time stated on the original score card. If the time stated on the original and duplicate score cards does not agree, adjustment will be made by the statistical officer and the chief range officer.

52. *Time limits.* The time limit for slow-fire rifle competitions is one minute per shot at ranges up to and including 600 yards. At ranges over 600 yards the time limit is one and a half minutes per shot.

In rapid fire the time limit at 200 yards is one minute for ten shots, the competitor to be in a standing position when the target starts to appear.

At 300 yards the time limit is one minute ten seconds for ten shots, the competitor to be in a standing position when the target starts to appear.

In team matches a total team time is allotted for each stage. The time is arrived at by adding the total number of shots at each stage, computing the time as indicated above, and adding three minutes for each change of relays.

The time will be taken from the command to "Commence firing" to the firing of the last shot required at each range; no time credit will be carried back from one range to another. When the firing of a stage is to be interrupted by an intermission, the executive officer may decide what portion of the competitors will fire before the intermission and may assign the time proportionately.



53. *Extensions of time.*—If an accident to the target, difficulty in operating the same, or any other reason over which the competitor or team has no control causes delay, such time credit as the range officer may decide will be allowed and immediately entered on the scoreboard and score card, the effect of which will be to extend the time limit by that amount.

54. *Shots fired after expiration of time scored misses.*—All shots fired after expiration of the time limit will be recorded as marked, but circles shall be drawn around any such shots, and notation shall be made on the score card of such shots as may be fired after the expiration of the time limit, and such shots shall be considered as having been misses.

55. *Loading arms.*—No arms shall be loaded except at the firing point, the muzzle of the rifle or pistol being kept in the direction of the target until the arm is either discharged or unloaded. When not at the firing point and in the act of firing, rifles shall be carried at all times with chambers open. When not at the firing point and in the act of firing, pistols will have their magazines withdrawn and the slides pulled back.

56. *Drawing targets.*—In the national rifle team matches targets will be drawn for each half day's firing or whenever firing has been interrupted and the pits unsealed. This drawing will take place in rear of the center target of the first range in the order of fire for the particular half day, one-half hour before the time set for firing to begin. The team captain or his representative will be present and draw for his team. In all other team matches targets will be assigned by lot in advance by the statistical officer and the assignment announced at the firing point of the first range 15 minutes before the time set for firing to begin. The drawing of targets will not take place nor the assignment of targets announced until after all parties who are to enter the pits have passed out of sight behind the butts.

57. *Coaching.*—In team matches coaching by any member of the team will be permitted.

58. *Gun sling, pads, gloves, positions, etc.*—*a.* The gun sling may be used at all ranges, except 200 yards standing, as an auxiliary to steady the piece, in connection with one arm only. No knot will be tied in the sling and the sling itself will not be added to or modified except that an empty cartridge case or small article that does not mutilate the sling in any way may be used between the keepers for the purpose of adjustment. The use of a hook or small roll on the sleeve of a shooting coat or shirt to keep the sling in place on the arm is prohibited.

*b.* Pads of moderate size and thickness may be worn on both elbows, on the right or left shoulder, and on the right or left upper arm. Shoulder pads so designed as to aid materially in retaining the rifle butt in the firing position against the shoulder are prohibited. Pads of such size or thickness as to form artificial support are prohibited.

*c.* No gloves may be worn which in any way form an artificial support.

*d.* The authorized positions are standing, kneeling, sitting, and prone, and are defined as follows:

(1) *Standing.*—Erect on both feet. No other portion of the body receiving artificial support.

The gun sling may not be used, and shall be adjusted to what is known as the "parade" position.

The forward hand shall be extended, so that the arm will be entirely free from touching or resting against the body.

Including the sling within the grasp shall be optional.

(2) *Kneeling.*—Weight of body supported on right knee and foot and left foot, or left knee and foot and right foot; no other part of the body to touch the ground.

Sitting on the side of the foot instead of the heel will be permitted.

The rifle will be supported by both hands and one shoulder only. The point of the elbow supporting the piece will be approximately on or just inside the point of the knee.

The elbow of the hand engaged in operating the trigger must be free from all support.

(3) *Sitting.*—Weight of the body supported on buttocks and feet. No other portion of the body to touch the ground.

Rifle to be supported by both hands and one shoulder only.

The left hand (or in the case of a left-handed shooter, the right hand) must not rest on leg or knee.

Elbows resting approximately on or just inside the point of the knee.

Legs to be apart or crossed at the option of the firer.

(4) *Prone.*—Body extended on the ground, head toward the target. No portion of the arms below the elbow shall rest on the ground or any artificial support.

*e.* The method of assuming any position will be optional with the firer.

*f.* The making or use of elbow holes is prohibited.

59. *Field glasses and wind flags.*—*a. Field glasses, use of.*—Competitors may use field glasses or telescopes. They may also use a watch, a micrometer, small individual score book, pencil, and shooting bag.

*b. Wind flags.*—For purposes of instruction in practice and in the matches, two streamers will be put up over each target pit. The executive officer of the matches is authorized to lower these flags during the Infantry match.

60. *Challenges.*—If a competitor desires to challenge his shot just fired for alleged incorrect marking, he must pay a fee of one dollar to the range officer.

The range officer will receive the dollar, go to the telephone, call the pit officer on the target and say "Re-mark Target No. —, it is challenged."

The pit officer will call the nearest available pit officer and both will carefully recheck the target and cause it to be remarked. If the competitor's challenge is sustained and it is shown that the marking is incorrect, the money will be returned to him immediately; otherwise it is forfeited. Repeated challenges of the same shot are not permitted.

In no case will the value of a hit be changed after the next shot has been fired except by a message from a pit officer in charge of the target.

Range officers will deliver all challenge money collected to the chief range officer before leaving the range. The chief range officers will deliver all challenge money to the executive officer who in the case of the National Rifle Association matches will deliver it to the National Rifle Association.

If a competitor desires to challenge the correctness of any official bulletin, he must pay one dollar to the chief statistical officer. If the challenge of the competitor is sustained and it is decided that the bulletin in question is incorrect, the money will be returned to him immediately, otherwise, the money paid will be forfeited and will be disposed of as directed by the executive officer.

If for any reason a competitor's target is not re-marked when challenged, his money will be retuned to him immediately and will not be permitted to fire over.

61. *Protests.*—Protests and objections must not be directly submitted to the executive officer but to the range officers of the firing point concerned. In case a competitor considers the decision of the latter unwarranted by the facts presented, he may appeal to the chief range officer and then to the executive officer, in writing, before 9 p. m. of the day of the occurrence. Appeals from the decisions of the executive officer must be made in writing and forwarded through that officer to the appeals board, which will consist of those members of the National Board for the Promotion of Rifle Practice, not less than 3 in number, who are present at the national matches at the time of the protest. The decisions of this appeals board will be final.

62. *Ammunition, unauthorized.*—Any competitor having any ammunition in his belt or about his person when he takes his place at the firing stand, other than that authorized, may be immediately debarred

63. *Firing, unauthorized.*—No firing except at the targets in prescribed competition or practice will be allowed. Any

violation of this rule will disqualify the offending competitor for the period of the matches.

64. *Piece, unserviceable.*—An unserviceable or disabled piece is a rifle or pistol which is pronounced by a range official as unsuitable for match competition.

65. *Cartridge, defective.*—A defective cartridge is one which bears the mark of the firing pin on the primer and which, when tried under the direction of a range officer in the same rifle, still remains unfired.

TIES

66. *Ties in the national individual rifle match* will be decided—

*a.* By the highest score at the longest range.

*b.* By the highest score at the next longest range, etc.

67. *At any range ties* will be decided —

*a.* By the fewest misses.

*b.* By the fewest hits of the lowest value.

*c.* By the fewest hits of the next lowest value, etc.

*d.* In slow fire, by the inverse order of the hits, counting singly from the last to the first.

*e.* If still a tie, the competitors concerned will fire single shots until the tie is broken.

68. *Ties in the national rifle team match* will be decided—

*a.* By the team aggregate at the longest range.

*b.* By the team aggregate at the next longest range, etc.

*c.* By the fewest misses.

*d.* By the fewest hits of lowest value.

*e.* By the fewest hits of next lowest value, etc.

*f.* If still a tie, the team with misses or with hits of lowest value at the longest range will be outranked.

69. *Ties in the national individual pistol match* will be decided—

*a.* By the highest score at rapid fire.

*b.* By the highest score at timed fire.

*c.* By the highest score at slow fire.

At any stage ties will be decided—

*a.* By the fewest misses.

*b.* By the fewest hits of lowest value.

*c.* By the fewest hits of next lowest value, etc.

*d.* If still a tie, in slow fire, by the inverse order of shots, counting singly, from the last to the first.

70. *Ties in the national pistol team match* will be decided—

*a.* By the highest team aggregate at rapid fire.

*b.* By the highest team aggregate at timed fire.

*c.* By the highest team aggregate at slow fire.

At any stage ties in team matches will be decided—

*a.* By the fewest misses.

*b.* By the fewest hits of lowest value.

*c.* By the fewest hits of next lowest value, etc.

71. *Penalties.*—*a.* Any person, whether a competitor or not, interfering with any of the firers, or annoying them in any way, will be warned to desist, and if he repeats the offense he will at once be ordered off the range.

*b.* Any competitor—

(1) Who shall fire in a name other than that under which he entered, or who shall fire twice for the same prize, or

(2) Who shall be guilty of any conduct considered by the executive officer to be discreditable, or

(3) Who shall be guilty of falsifying his score or being accessory thereto, or

(4) Who shall offer a bribe of any kind to any employee or other person, or

(5) Who shall be detected in an evasion of the conditions prescribed for the conducting of any match, or

(6) Who shall refuse to obey any instructions of the executive officer or a range officer, or

(7) Who shall be guilty of disorderly conduct or of being intoxicated,

shall, upon the offense being proved to the satisfaction of the executive officer, be disqualified from competing in the matches and shall not be entitled to have any prize won by him at the time of the competition awarded him.

72. *Badges and medals awarded by National Board.*—Distribution of medals and qualification insignia won in the national rifle and pistol matches for which are awarded the national trophies, medals, and other badges will be made at the office of the National Board for the Promotion of Rifle Practice at the national matches during the time such office is open at Camp Perry, Ohio, and thereafter at that office in Washington, D. C., with which all correspondence concerning such medals and other badges will be conducted. Any person applying for a medal or badge at the office of the National Board for the Promotion of Rifle Practice in either place, before receiving it, must be identified both as to himself and his signature.

73. *Strength of Rifle teams.*—The strength of authorized rifle teams at National Matches, 1937, is fixed as follows:

*a. Service teams.*—One team captain, 1 team coach, 10 principals, 2 alternates; total 14.

*b. National Guard teams.*—One team captain, 1 team coach, 10 principals, 2 alternates; total 14.

*c. Organized Reserves teams.*—One team captain, 1 team coach, 10 principals, 2 alternates; total 14.

*d. Reserve Officers' Training Corps and Citizens' Military Training Camps teams.*—One team captain, 10 principals, 2 alternates, 1 coach to be an officer of the Regular Army; total 14.

*e. Civilian teams.*—One team captain, 1 team coach, 10 principals, 2 alternates; total 14. The coach may be selected from any source whatever. If selected from a class other than civilian, he cannot be a shooting member of the team.

74. *Pay, allowances, travel, and subsistence.*—*a.* Members of authorized rifle teams as listed in paragraph 6*b* of this bulletin will receive pay, allowances, and travel for the period while attending the national matches. This period will include the time consumed in traveling the shortest usually traveled route from their homes to Camp Perry, Ohio, and return to their homes.

*b.* The enlisted members of the rifle teams listed in paragraph 6*b* of this bulletin will be entitled to a subsistence allowance of $1.50 per day while traveling from their homes to Camp Perry, Ohio, and return to their homes, and while at the national matches to $1.20 per day for not to exceed 21 days from August 22 to September 11, 1937.

*c.* The members of the rifle teams listed in paragraph 6*c* of this bulletin will be entitled to travel including subsistence at the rate of 5 cents per mile while en route from their homes to Camp Perry, Ohio, and return. While participating in the national matches, they will be entitled to a subsistence allowance of $1.20 per day for not to exceed 21 days from August 22 to September 11, 1937.

*d.* The members of rifle teams listed in paragraph 6*a* of this bulletin will be entitled to travel from points of tryout to Camp Perry, Ohio, and from Camp Perry to their home stations upon completion of the matches. Subsistence allowance for enlisted men while traveling will be at the rate of $1.50 per day. While participating in the national matches enlisted members of these teams will be entitled to subsistence allowances at the rate of $1.20 per day for not to exceed 21 days from August 22 to September 11, 1937.

SPECIAL INSTRUCTIONS TO SCORERS AND THEIR DUTIES

75. *Scoring.*—Scorers at mid and long ranges will be supplied with field glasses.

76. *Scorers must confine their language to their strict duties.*—They must not enter into disputes with competitors or others. If any question arises, the scorer promptly calls: "Range officer number ------", stating the number of his target.

77. *In individual matches* as soon as he receives the score cards, the scorer will enter on the scoreboard the names of all competitors in the order of the relays, placing the number of the relay before each name and leaving blank spaces on the scoreboard when there are vacancies in the relays.

78. *Team and individual competitions.*—*a.* In team competitions two competitors will occupy a firing point and fire alternately on the target, the competitor on the right firing first. A shot fired out of turn shall be scored a miss. When



in his opinion it is necessary, a range officer may require a left-handed firer to be on the left of a pair.

*b.* In individual competitions 1 competitor may be required to complete his score before the next competitor begins to fire, or 2 competitors may be required to occupy a single firing point and fire alternately, the competitor on the right firing first.

79. *In team matches* the scorer will enter on the scoreboard the names of the members of the team in the order in which the team captain desires that the competitors fire and will change this order at any time at the request of the team captain.

80. *When a competitor is not present* when it is his turn to fire, or when his name is called, or when competitors arrive after their relays are due and have been called, the scorer will report the fact to the range officer.

81. *When a competitor finishes his string,* the scorer places the total on the scoreboard and announces thus "(Title, name); total score, 92." He then enters the total on the score card, signs it, and in individual matches exhibits it to the competitor who will verify and sign the card in the space provided.

82. *When a competitor is going to and leaving the firing point,* if the chamber of his rifle is closed, the scorer will require him to open the bolt.

83. *If a scorer or a competitor desires a target disked, redisked, or reexamined,* the scorer must call the range officer.

84. *A scorer is not permitted to make any erasures, corrections, or changes* on the score card. If a correction is necessary, it must be made and initialed by the range officer who signs the card.

85. *Scores on the blackboard must not be erased* without orders from a range officer. The scores must be exhibited to public view during the continuation of the match or until the range is closed.

86. *The scorer writes upon the scoreboard* the value of each hit as soon as he announces it, and then, unless the shot is challenged, he enters it upon the score card.

87. *Upon the completion of the scores at any range,* score cards should be verified, signed, and collected by the range officers and by them delivered to the range statistical officer at the earliest practicable moment.

88. *Care must be taken to enter the slow-fire scores* in exactly the order in which the shots were fired because ties are decided by order of the hits.

89. *In slow fire, if more than one hit is found* on the same target after a competitor has just fired from the firing point assigned to that target, that competitor will receive the highest value, and no record will be made of the other hits.

90. *In slow fire the score is announced thus:* "(Title, name); first shot for record a 5."

91. *In rapid fire the score is announced, for example, thus:* "Target number ------ (title, name), 1 five, 2 fives, 3 fives, 4 fives, 5 fives; 1 four, 2 fours, 1 three, 1 two, 1 miss." The score is recorded on the blackboard in the same fashion as in slow fire.

92. *When a target is marked the scorer must announce the score* in a tone sufficiently loud to be heard by the firer and the bystanders.

The firer may request that the scoreboard be turned so he can verify the correctness of his score as the shots are recorded. No alteration will be made in the recorded score after a succeeding shot has been fired except on notification from the pit.

93. *When a competitor has fired and the target has not been pulled,* the scorer may call to the telephone, "Mark number ------", but must call the range officer when a message to disk, redisk, reexamine, or any other message is to be telephoned.

94. *When the target is improperly operated* or in case of a misfire, disabled piece, or any other unusual occurrence, the scorer will promptly report the facts to the range officer.

95. *All shots fired count.*—All shots fired by the competitor after he has taken his piece at the firing point will be considered in his score, even if his piece is not directed toward the target or is accidentally discharged.

No exception to this rule may be made for any reason except as provided in paragraph 96. A shot fired out of turn shall be scored a miss. A shot fired by a competitor after taking his place upon the firing line and before the order "commence firing" is scored a miss.

96. *Target withdrawn while firing.*—In slow fire, if the target is withdrawn from the firing position just as the shot is fired, the scorer at that firing point will at once report the fact to the range officer, who, if satisfied upon investigation that the case is as represented, will direct that the shot fired be not considered, that the competitor fire another shot, and that credit be given for time lost.

97. *Hits on the wrong target* are scored as misses.

98. *In rapid fire any unfired cartridges count as misses,* except that in case of a defective cartridge or a disabled piece the score is not recorded and another string may be fired.

99. *In rapid fire, if a competitor fires less than the prescribed number of shots* through his own fault, and there should be more hits marked on his target than he fired shots, he shall be scored the number of shots of highest value equal to the number he fired and a miss for each unfired cartridge.

100. *If in rapid fire there are more than the proper number of hits* on a target, the score is not recorded and another string is fired, except that if all the hits are of equal value the competitor assigned to that target shall be scored with 10 hits. See paragraph 120.

101. *In an individual match when a competitor has made a possible record score* in slow fire he will continue to fire until he has made a hit with less than the highest value. Each extra shot will be scored on the board and on the face of the score card, beginning under the first record shot.

102. *Use of the telephone.*—*a.* Messages on the telephone must be brief and explicit.

*b.* "Mark" a target means that the firer at the firing point has fired and the target has not been pulled.

*c.* "Disk" or "redisk" a target means that the target must be disked or redisked without being pulled. It is not necessary to call the pit officer to the target.

103. *During matches no communications will be transmitted to the pit* from anyone except range officers or other officers of the match, except that scorers may send messages to mark a target, but not to disk or redisk.

104. *Use of the telephone must be confined strictly to necessary business.*—No other conversation or information of any kind whatsoever is permitted.

SPECIAL INSTRUCTIONS TO MARKERS AND THEIR DUTIES

105. *Pistol fire.*—In pistol fire, using pits, in order to prevent the markers from knowing who is firing, the name of the competitor is omitted and the number of his target will be called, thus: "Target number --------, fifth shot a 10."

106. *All targets will be operated single-target fashion.*—If the same kind of a target is used on the rear carrier as a counterbalance, it will be faced to the rear.

107. *A shot hole whose leaded edge comes in contact* with the outside of bull's-eye or figure or the rings or lines of a target receives the higher value as if it had struck inside the line.

108. *Ricochets.*—A hole made by a ricochet bullet does not count as a hit and will be marked and scored as a miss. A bullet that keyholes is not necessarily a ricochet. If there is doubt as to whether a hole is caused by a ricochet bullet, the pit officer must be called.

109. *A target is said to be at "half-mast"* when the front and rear targets are at the same heights, or if there is a counterbalance instead of a target on the rear carrier when the bull's-eye or figure is opposite the marker's head.

110. *The firing line will notify the pits to place the targets at half-mast* when not in use, so that the markers will not be required to watch those targets. When targets are at half-mast the marker must remain at his station ready to serve the target immediately.

111. *"Secure" a target* means that the target is no longer needed for service. The target should be pulled (or placed

at half-mast if double targets are on the carriers), the spotters removed, and all shot holes pasted.

112. *Use of spotters.*—In marking targets, 3-inch and 5-inch spotters will be used except that upon request of a firer a larger spotter may be used for subsequent shots.

113. *Marker must watch the target attentively.*—When the target is hit the marker pulls it down and removes the spotter from the old shot hole and places it on the new shot hole. If the hit is in or touching the bull's-eye, the white or red side of the spotter is shown. If not a 5, the black side is shown. The hole from which the spotter is removed is pasted, the target raised and disked, placing the center of the disk showing the proper value over the center of the spotter. In lieu of disks, semaphorers may be used.

114. *In slow fire if more than one hit is found on a target* spotters are placed in each hole. The hit of the highest value is signaled and the pit officer is called, who will cause a report to be telephoned to the firing line.

115. *Before a miss is signaled* the edge of the bull's eye, the rings, and the numbers are carefully examined by moving the fingers over them, and a pit officer is called to inspect the target. Red flags for signaling misses will not be provided markers, but to pit officers, who will personally signal all misses.

116. *No attempt will be made in marking misses to indicate* on which side of the target the miss was made, or whether the shot was high or low. The red disk or flag will be moved across the middle of the target in the same manner in every case.

117. *Rapid fire.*—The target is marked after each string.

118. *In matches the target will not be pasted until orders to paste are given,* so that the firing line will have an opportunity to challenge the marking.

119. *One blast of the whistle or stroke of the gong indicates "stand by";* two blasts or strokes indicate "up" or "down."

120. *In case of more than the proper number of hits on a target* the fact will be reported to the range officer and telephoned to the firing line and the target will not be marked, unless all hits are of equal value. See paragraph 100.

121. *In disking,* care must be taken to place the center of the disk accurately over each shot hole. Spotters are not used in rapid fire. Fives are disked first, then fours, then threes, then twos: each miss is signaled, and the target is then withdrawn. Each target is placed at half-mast as soon as it has been pasted.

OFFICIALS OF THE COMPETITION

122. *The officials of the competition shall consist of*—

*a.* An executive officer and assistants.
*b.* An adjutant and assistants.
*c.* A quartermaster and assistants.
*d.* A mess officer and assistants.
*e.* A statistical officer and assistants.
*f.* A chief range officer and such assistants as may be necessary.
*g.* A surgeon and assistants.
*h.* An ordnance officer and assistants.
*i.* A signal officer.
*j.* A finance officer.

The officials may be selected from the Army, Navy, Marine Corps, National Guard, Organized Reserves, or Coast Guard.

123. *The duties of the officers shall be as follows:*

*a. Executive officer.*—The executive officer will have command of the camp.

*b. Assistant executive officers.*—The assistant executive officers shall perform such duties as the executive officer may direct.

*c. Adjutant.*—The adjutant shall discharge the duties of adjutant to the executive officer.

*d. Quartermaster.*—The quartermaster shall have charge of the issue of stores and supplies of his own department to the competitors, and shall discharge such other duties as may be assigned to him by the executive officer.

*e. Statistical officer.*—The statistical officer will assign the competitors to targets and to order of firing. He will verify the additions of the scores as reported by the score keepers when requested, grade the scores in order of excellence, and prepare the results for official announcement.

*f. Range officers.*—The range officers will supervise the marking and scoring; they will see that the competitors do not evade any of the regulations, verify the scores on the score card with the blackboard and see that they agree, add up the totals, certify to the correctness of same, require the team captain or contestant to sign the card after the score has been totaled, and deliver the card or cards to the range statistical officer.

The range officer in charge of the firing point must witness any alterations of a score card and must endorse the alteration.

During the shooting of all competitions range officers shall be detailed to the pits at each distance, and shall remain in the pit until the firing at that distance is finished.

The executive officer and chief range officers will formally assemble and instruct the range officers in their duties, and the range officers shall be placed on duty during the preliminary practice for their practical instruction.

*g. Surgeon.*—The surgeon shall have charge of the health and sanitary conditions of the camp and rifle range, and shall perform such other duties as pertain to his profession.

*h. Ordnance officer.*—The ordnance officer under the direction of the executive officer, national matches, will establish and maintain the ordnance depot, national matches, from which all issues and sales shall be made under existing regulations. He shall make timely requisitions for all supplies not previously requisitioned by the executive officer, National Board for the Promotion of Rifle Practice, and will maintain such records of transactions as will permit of rendering timely reports for use in settlement of accounts between the Ordnance Department and the National Board for the Promotion of Rifle Practice.

The ordnance officers assigned as technical advisers will perform such duties as are delegated or assigned by the executive officer, national matches.

*i. Signal officer.*—The signal officer shall have charge of the electrical equipment of the range and of the property of the Signal Corps.

*j. Finance officer.*—The finance officer shall have charge of all receipts, disbursements, and accounts, and render the necessary reports and returns, and perform such other duties as the executive officer shall direct.

124. *Requests for information* in regard to the rules and conduct of the matches should be addressed to "Executive Officer, National Board for the Promotion of Rifle Practice, War Department, Washington, D. C." [A. G. 353.3 (3-25-37).]

BY ORDER OF THE SECRETARY OF WAR:

MALIN CRAIG,
*Chief of Staff.*

OFFICIAL:
E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[SEAL] FRANK C. BURNETT,
*Brigadier General, Acting The Adjutant General.*

[F. R. Doc. 37-1764; Filed, June 14, 1937; 9:51 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

[I. C. C. No. 233]

THE ALASKA RAILROAD

LOCAL PASSENGER TARIFF NO. 19[1]

*Naming One Way and Round Trip Fares between Anchorage and Palmer, Alaska*

Issued under authority of Rule 52 Interstate Commerce Commission Tariff Circular No. 18-A.

[1] No supplement will be issued to this tariff except for the purpose of cancelling the tariff.



Issued May 19, 1937. Effective May 29, 1937. Authority: Act of March 12, 1914, and Executive Order No. 3861. Issued by: O. F. Ohlson, General Manager, Anchorage, Alaska.
*June 8, 1937.*

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director.*

GENERAL RULES AND REGULATIONS

1. *Stations from and to which this tariff applies:* This tariff applies between Anchorage, Alaska, and Palmer, Alaska, only.
2. *Dates of sale:* Daily.
3. *Limits:* Final return limit will be forty-eight (48) hours after date of sale.
4. *Fares:* $1.50 for the one-way fare, and $2.50 for the round trip.[2]
5. *Stopovers:* Stopovers will not be permitted in either direction on tickets sold under this tariff.
6. *Tickets:* Use Form L-2-2 round trip tickets reading Palmer to Anchorage and return, Form L-2-0 round trip tickets reading Anchorage to Palmer and return, and Form L-4 tickets for the one-way trip in either direction. Tickets sold under this tariff will not be good on main-line trains between Anchorage and Matanuska.
7. *Children:* Tickets may be sold at one-half the fares named herein for children five years of age and under twelve years of age. Children under five years of age will be carried free when accompanied by parent or guardian.
8. *Baggage:* For baggage rules including free allowance, excess charges, etc., see Local Baggage Tariff No. 2, I. C. C. No. 22 (Alaskan Engineering Commission Series), supplements thereto and reissues thereof. Excess baggage charges will be made on basis of the one-way fares shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.
9. *Tickets non-transferable:* All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased.

[F. R. Doc. 37-1757; Filed, June 12, 1937; 9:30 a. m.]

### Office of Indian Affairs.

GRAZING REGULATIONS FOR THE NAVAJO AND HOPI RESERVATIONS

*Authority.*—The Secretary of the Interior has the authority to regulate the grazing of livestock on tribal lands within Indian reservations so as to prevent overgrazing and the destruction of the soil through erosion. The following statutory authority is cited:

Act of June 30, 1834 (4 Stat., 738); 25 U. S. C. 9.
Act of March 3, 1849 (9 Stat., 395); R. S. Sec. 441; 5 U. S. C. 485.
Act of March 3, 1865 (13 Stat., 563); 25 U. S. C. 192.
Act of July 4, 1884 (Sec. 1) (23 Stat., 94); 25 U. S. C. 195.
Act of August 15, 1894, Sec. 1 (28 Stat., 305); 25 U. S. C. 402.
Act of June 30, 1919 (41 Stat., 9); R. S. Sec. 2138; 25 U. S. C. 214.
Act of February 15, 1929 (45 Stat., 1185); 25 U. S. C. 231.

The General Grazing Regulations approved on December 28, 1935, by the Assistant Secretary of the Interior, authorized the Commissioner of Indian Affairs to regulate the grazing of livestock on Indian lands under conditions set forth therein. In accordance with this authority and that of the Grazing Committee of the Navajo Tribal Council acting in accordance with a resolution of the Navajo Tribal Council dated November 24, 1936, the grazing of livestock on the Navajo and Hopi Reservations shall be governed by the following regulations.

*Objectives.*—It is the purpose of these regulations to aid the Navajo and Hopi Indians in the achievement of the following objectives:

1. The preservation of the forage, the land, and the water resources on the Navajo and Hopi Indian Reservations, and the building up of those resources where they have deteriorated.
2. The protection of the interests of the Navajo and Hopi Indians from the encroachment of unduly aggressive and anti-social individuals who may or may not be members of the tribe.
3. The adjustment of the livestock numbers to the carrying capacity of the range in such a manner that the total economy of the tribe will be preserved.
4. The improvement of livestock through better breeding practices, the establishment of buck pastures and the maintenance of a sound culling policy.

*Regulations.*—The following grazing regulations are hereby made effective as of July 1, 1937, for the Navajo and Hopi Indian Reservations, including all land held in trust by the United States for the Navajo and Hopi Tribes, and all lands hereafter added to the Navajo and Hopi Reservations, but not including individually owned lands; provided, that only such part of these regulations shall be enforced on the Hopi Reservation as are not in conflict with provisions of the constitution, by-laws, and charter of the Hopi Tribe heretofore or hereafter ratified or any tribal action authorized thereunder:

1. The Commissioner of Indian Affairs shall establish land management districts within the Navajo and Hopi Indian Reservations, based upon the social and economic requirements of the Indians and the necessity of rehabilitating the grazing lands.
2. The Commissioner of Indian Affairs shall promulgate for each land management district the carrying capacity for livestock.

*Instructions.*—Carrying capacities shall be stated in terms of sheep units year-long, in the ratio of, mules and horses 1 to 5, cattle 1 to 4, goats 1 to 1. The latter figure in each case denotes sheep units. Animals six months of age or older shall be counted against the carrying capacity. Carrying capacities shall be determined in accordance with the methods now in use by the Navajo Service and approved by the "Inter-Agency Range Survey Committee for the Southwestern States." Grazing surveys and other land management planning concerning land used exclusively by Hopi Indians will be made by the Land Management Division of the Navajo Service. Pursuant to the Constitution of the Hopi Tribe or Section 6 of the Act of June 18, 1934, the direct responsibility for carrying out all land management plans for District Six of the combined Navajo-Hopi Reservations, as indicated on the attached map,[1] shall be that of the Superintendent of the Hopi Indians.

3. The Superintendent shall keep accurate records of ownership of all livestock.

*Instructions.*—In order to obtain true records of ownership, the head of each livestock-owning family group shall personally appear at the dipping vat with his or her sheep and goats, together with the sheep and goats belonging to members of his or her family group. Should the head of the family group be unable to appear personally he or she shall designate a representative to act for and in his or her behalf. The sheep and goats will be dipped and recorded in the name of the family head, as defined in Section 8. Ownership will be established on the basis of such dipping records and of round-ups, counts, and other methods for determining the true number of livestock Grazing permits will be issued for that number of stock plus the issue of such animals, including those which exceed the six-months age during the year, which the family group will be permitted to graze during the rehabilitation period. Grazing permits issued to family heads owning sheep and goats shall include all classes of livestock. Numbers of cattle, horses, mules, and burros belonging to each family group will be determined by round-ups or other methods of counting stipulated by the Superintendent. For the purpose of maintaining accurate records of ownership, all stock will be branded or marked as the Superintendent

[2] Reduction.

[1] Not filed with Division of the Federal Register. The National Archives; available for inspection at office of Superintendent of Hopi Indians.

may specify. The Superintendent shall prepare and keep current a register containing the names of all family heads using the range, the number of each kind of stock grazed, the carrying capacity of each land management district, and the periods during which grazing should be permitted in each part thereof. An annual stock census will be taken to insure that the carrying capacity is not being exceeded. Duplicate records will be kept in the offices of the District Supervisors.

4. The Superintendent shall reduce the livestock in each district to the carrying capacity of the range.

*Instructions.*—Necessary reductions will be made by districts. In order to make these reductions, the Superintendent should determine the total stock in each district in sheep units; calculate the total required reduction by subtracting the carrying capacity from this figure; and specify by how much each family group should reduce to accomplish this total reduction. The sale of non-productive, unserviceable and cull animals (including excess horses, scrub cattle, wether sheep and goats, and old ewes) shall be encouraged before reductions are made in breeding herds. For the purpose of effecting the widest and most equitable distribution of stock ownership and range privileges, recognized family groups will be considered as the units of ownership and reductions so far as practicable will be made so as to place the burden on those stock-owning family groups who are best able to bear the burden. To this end maximum limits and base preference numbers will be established for each land management district by the Superintendent. Reductions will be made, so far as possible, among those families having more than the maximum limit. No increases during the rehabilitation period will be permitted to any family group, except that groups owning less than the base preference number may be permitted to increase their holdings after the livestock in the district has been reduced to carrying capacity, provided there is a proportionate decrease by owners of more than the base preference number. During the rehabilitation period, no new stock-owning families or heads of families will be granted grazing permits unless warranted by unusual circumstances. (See Section 8 for definitions of terms used in this section.)

5. The Superintendent is authorized to assess and collect trespass fees and, with the consent of the tribal council of the Navajo Indians, he may also assess and collect grazing fees upon all stock owned in excess of the base preference number and upon all non-productive stock owned below the base preference number. The tribal authorities of the Hopi Indians may also assess and collect similar grazing fees in accordance with the terms of the constitution and by-laws and charter of the Hopi Indians.

*Instructions.*—Trespass fees which equal the value of the forage consumed, damages to property injured or destroyed, and salaries and expenses of employees incurred in investigation, report, and prosecution of the case should be sought in addition to the penalty prescribed by law for unauthorized use of the range or failure to remove a stipulated number of unpermitted stock from the range by the date specified by the Superintendent or his authorized representative. All grazing fees on the Navajo Reservation must be paid to the District Supervisor or to the Superintendent and deposited in accordance with the fiscal regulations. All grazing fees shall be payable on or before December 1st, which shall be considered as the beginning of the permit year. All grazing fees on the Hopi Reservation shall be collected and deposited in accordance with the provisions of the constitution, by-laws and charter after the organization of the Hopi Indians has been completed. Until the tribal organization has been completed the grazing fees shall be collected and deposited as on the Navajo Reservation.

6. The Superintendent shall require to be dipped, restrict the movement of, or prevent the introduction of, livestock where necessary to prevent the spread of contagious or infectious diseases or where necessary in the economic interest of the Navajo or Hopi Indians.

*Instructions.*—Livestock shall be dipped annually, when in the opinion of the Superintendent such dipping is necessary to prevent the spread of contagious diseases. These annual dippings shall be completed on or before September 1st of each year. Livestock may, however, be dipped at other times when necessary. No stock shall be brought on the reservations from outside without a permit from the Superintendent, in order to safeguard Indian livestock from infectious and contagious diseases and insure good quality sires and breeding stock. The Superintendent may also hold annual roundups of cattle, horses, and mules in each district for the purpose of vaccinating, dehorning, castrating or branding.

7. The Superintendent shall regulate the fencing of range and agricultural lands.

*Instructions.*—Written authorization from the Superintendent or his authorized representatives must be secured before any fences are constructed. The Superintendent may require the removal of any unauthorized existing fences, if in his judgment such fences interfere with proper range management or an equitable distribution of range privileges. All inclosures fenced for the purpose of protecting agricultural land shall be kept to a size commensurate with the needs for protection of this agricultural land.

8. The Superintendent shall regulate the construction of all dwellings, corrals and other structures within one-quarter mile of government developed springs or wells.

*Instructions.*—Written authorization from the Superintendent or his authorized representatives must be secured before any dwellings, corrals, or other structures may be constructed within one-quarter mile of government developed springs or wells.

9. Definitions:

*Family Group.*—A single home economic unit, living closely associated in one or more grouped hogans or houses, which shares its livestock and agricultural income in common and recognizes one individual as the family head.

*Family Head.*—The person who exercises control of a family group either because of the responsibility placed on him by blood relationship, moral or economic obligations, or otherwise.

*Rehabilitation Period.*—That time which is required under proper range use and administration to effect range recovery great enough to make possible a readjustment of livestock numbers to a higher carrying capacity of the range.

*Navajo Service.*—The integrated activities of the Soil Conservation Service and the Indian Service as they apply to the Navajo and Hopi Reservations under the provisions of the "Unified Navajo Program".

*Base Preference.*—That number of livestock which each stock-owning family group within a district would own if the carrying capacity of the district range were equally distributed among them.

*Maximum Limit.*—That number of livestock to which all of the larger family groups in a district would have to reduce their herds in order to eliminate the livestock grazed in excess of the carrying capacity of the district. (See chart on page 1025 for further explanation of the meaning of this term.)

*Hopi Reservation.*—For the purpose of these regulations District 6, as now established by the Navajo Service, shall constitute the Hopi Reservation until such time as the boundaries thereof are definitely determined in accordance with Article I of the Constitution and By-laws of the Hopi Tribe.

[SEAL] JOHN COLLIER,
*Commissioner of Indian Affairs.*

Approved: June 2, 1937
OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37-1763; Filed, June 14, 1937; 9:45 a. m.]



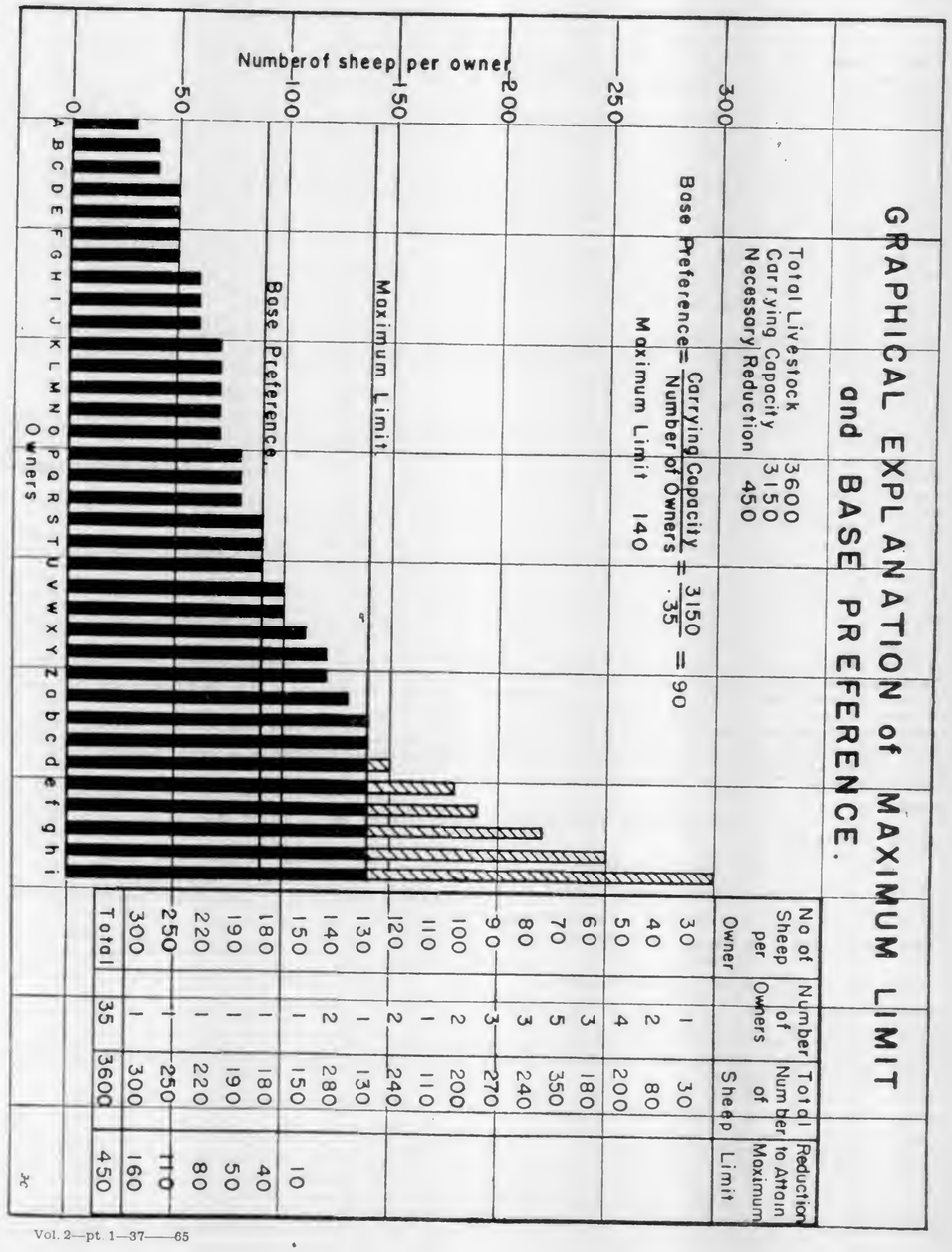

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-48 O-48]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MARKETING AREA

Whereas, under the Agricultural Adjustment Act, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of milk in the Louisville, Kentucky, Marketing Area;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of milk in the Louisville, Kentucky, Marketing Area, in the Brown Hotel, Louisville, Kentucky, on July 1, 1937 at 9:30 a. m.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the Louisville, Kentucky, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs or effects interstate commerce in such milk. Among other things, the proposed marketing agreement and order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of a marketwide equalization pool; (e) deductions from payments to producers for marketing services by market administrator; (f) reports of handlers; (g) expense of administration.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

Dated: June 14, 1937.

[F. R. Doc. 37-1765; Filed, June 14, 1937; 11:31 a. m.]

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NER—B-101—Connecticut—Supplement (4) Issued June 12, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—CONNECTICUT—SUPPLEMENT (4)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Connecticut, as amended by Supplements (1), (2), and (3) thereto, is hereby by further amended as follows:

Part IV, *"Provisions Affecting Payments"*, is amended by adding at the end thereof the following new section:

SECTION 5. *Multiple Farm Holdings.*—If any person who has made an application for payment with respect to any diversion farm in a county has an interest as a producer in more than one farm in such county, the county committee shall investigate the 1937 cropping practices on all farms in the county in which such person has an interest as a producer. If the county committee determines that on any such farm or farms the acreage of soil-depleting crops has in 1937 been increased over the acreage normally used for the production of soil-depleting crops for the purpose of, or so as to have the effect of, offsetting any diversion from soil-depleting crops to soil-conserving crops on the farm with respect to which such application for payment is filed, the following procedure shall be followed:

(a) For each such farm in the county in which the same producer has an interest there shall be filed a work sheet, report of performance, and an application for payment. For each such farm the payment will be computed as for any individual farm.

(b) If, on any such farm, the amount of deduction, due to an excess acreage of soil-depleting crops, is larger than the amount of any payment earned for such farm, the county committee shall indicate, on each application for payment covering a farm in which such producer has an interest, that the payment for such producer shall be computed so that such deduction will be applied against any payment(s) otherwise earned by such producer on any farm(s) in the county in which he has an interest.

Done at Washington, D. C., this 12th day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1770; Filed, June 14, 1937; 11:32 a. m.]

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NER—B-101—Maine—Supplement (5) Issued June 12, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MAINE—SUPPLEMENT (5)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Maine, as amended by Supplements (1) to (4), inclusive, is hereby further amended as follows:

Part IV, *"Provisions Affecting Payment"*, is amended by adding at the end thereof the following new section:

SECTION 7. *Multiple Farm Holdings.*—If any person who has made an application for payment with respect to any diversion farm in a county has an interest as a producer in more than one farm in such county, the county committee shall investigate the 1937 cropping practices on all farms in the county in which such person has an interest as a producer. If the county committee determines that on any such farm or farms the acreage of soil-depleting crops has been increased over the acreage normally used for the production of soil-depleting crops for the purpose of, or so as to have the effect of, offsetting any diversin from soil-depleting crops to soil-conserving crops on the farm with respect to which such application for payment is filed, the following procedure shall be followed:

(a) For each such farm in the county in which the same producer has an interest there shall be filed a work sheet, report of performance, and an application for payment. For each such farm the payment will be computed as for any individual farm.

(b) If, on any such farm, the amount of deduction, due to an excess acreage of soil-depleting crops, is larger than the amount of any payment earned for such farm, the county committee shall indicate, on each application for payment covering a farm in which such producer has an interest, that the payment for such producer shall be computed so that such deduction will be applied against any payment(s) otherwise earned by such producer on any farm(s) in the county in which he has an interest.

Done at Washington, D. C., this 12th day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1769; Filed, June 14, 1937; 11:32 a. m.]

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NER—B-101—Massachusetts—Supplement (4) Issued June 12, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MASSACHUSETTS—SUPPLEMENT (4)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Massachusetts, as amended by Supplements (1) to (9), inclusive, is hereby further amended as follows:

Part IV, *"Provisions Affecting Payments"*, is amended by adding at the end thereof the following new section:

SECTION 5. *Multiple Farm Holdings.*—If any person who has made an application for payment with respect to any diversion



farm in a county has an interest as a producer in more than one farm in such county, the county committee shall investigate the 1937 cropping practices on all farms in the county in which such person has an interest as a producer. If the county committee determines that on any such farm or farms the acreage of soil-depleting crops has in 1937 been increased over the acreage normally used for the production of soil-depleting crops for the purpose of, or so as to have the effect of, offsetting any diversion from soil-depleting crops to soil-conserving crops on the farm with respect to which such application for payment is filed, the following procedure shall be followed:

(a) For each such farm in the county in which the same producer has an interest there shall be filed a work sheet, report of performance, and an application for payment. For each such farm the payment will be computed as for any individual farm.

(b) If, on any such farm, the amount of deduction, due to an excess acreage of soil-depleting crops, is larger than the amount of any payment earned for such farm, the county committee shall indicate, on each application for payment covering a farm in which such producer has an interest, that the payment for such producer shall be computed so that such deduction will be applied against any payment(s) otherwise earned by such producer on any farm(s) in the county in which he has an interest.

Done at Washington, D. C., this 12th day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1767; Filed, June 14, 1937; 11:31 a. m.]

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NER—B-101—New York—Supplement (6) Issued June 12, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK—SUPPLEMENT (6)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New York, as amended by Supplements (1) to (5), inclusive, is hereby further amended as follows:

Part III, *"Provisions Affecting Payments"*, is amended by adding at the end thereof the following new section:

SECTION 5. *Multiple Farm Holdings.*—If any person who has made an application for payment with respect to any diversion farm in a county has an interest as a producer in more than one farm in such county, the county committee shall investigate the 1937 cropping practices on all farms in the county in which such person has an interest as a producer. If the county committee determines that on any such farm or farms the acreage of soil-depleting crops has in 1937 been increased over the acreage normally used for the production of soil-depleting crops for the purpose of, or so as to have the effect of, offsetting any diversion from soil-depleting crops to soil-conserving crops on the farm with respect to which such application for payment is filed, the following procedure shall be followed:

(a) For each such farm in the county in which the same producer has an interest there shall be filed a work sheet, report of performance, and an application for payment. For each such farm the payment will be computed as for any individual farm.

(b) If, on any such farm, the amount of deduction, due to an excess acreage of soil-depleting crops, is larger than the amount of any payment earned for such farm, the county committee shall indicate, on each application for payment covering a farm in which such producer has an interest, that the payment for such producer shall be computed so that such deduction will be applied against any payment(s) otherwise earned by such producer on any farm(s) in the county in which he has an interest.

Done at Washington, D. C., this 12th day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1768; Filed, June 14, 1937; 11:32 a. m.]

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NER—B-101—Pennsylvania—Supplement (10) Issued June 12, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (10)

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) to (9), inclusive, is hereby further amended as follows:

Part V, *"Provisions Affecting Payment"*, is amended by adding at the end thereof the following new section:

SECTION 8. *Multiple Farm Holdings.*—If any person who has made an application for payment with respect to any diversion farm in a county has an interest as a producer in more than one farm in such county, the county committee shall investigate the 1937 cropping practices on all farms in the county in which such person has an interest as a producer. If the county committee determines that on any such farm or farms the acreage of soil-depleting crops has in 1937 been increased over the acreage normally used for the production of soil-depleting crops for the purpose of, or so as to have the effect of, offsetting any diversion from soil-depleting crops to soil-conserving crops on the farm with respect to which such application for payment is filed, the following procedure shall be followed:

(a) For each such farm in the county in which the same producer has an interest there shall be filed a work sheet, report of performance, and an application for payment. For each such farm the payment will be computed as for any individual farm.

(b) If, on any such farm, the amount of deduction, due to an excess acreage of soil-depleting crops, is larger than the amount of any payment earned for such farm, the county committee shall indicate, on each application for payment covering a farm in which such producer has an interest, that the payment for such producer shall be computed so that such deduction will be applied against any payment(s) otherwise earned by such producer on any farm(s) in the county in which he has an interest.

Done at Washington, D. C., this 12th day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1766; Filed, June 14, 1937; 11:31 a. m.]

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### Bureau of Animal Industry.

[Amendment 9 to B. A. I. Order 353]

AMENDMENT TO ORDER TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OF RINDERPEST AND FOOT-AND-MOUTH DISEASE

[Effective June 11, 1937]

JUNE 11, 1937.

Under authority conferred by law upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930 (46 Stat. 590, 689), the order to prevent the introduction into the United States of rinderpest and foot-and-mouth disease (B. A. I. Order 353), dated June 1, 1935, and effective August 1, 1935, as amended, is hereby further amended by restoring the name "Great Britain" to the list of countries in said order, as I have determined that foot-and-mouth disease again exists in said country of Great Britain and I have so officially notified the Secretary of the Treasury.

Amendment 6 to B. A. I. Order 353, effective April 30, 1937, is hereby revoked.

This amendment, which for purpose of identification is designated Amendment 9 to B. A. I. Order 353, shall be effective on and after June 11, 1937.

Done at Washington this 11th day of June 1937.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1755; Filed, June 11, 1937; 3:53 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTIONS FROM COMPLIANCE WITH RADIOTELEGRAPH INSTALLATION REQUIREMENT OF SAFETY OF LIFE AT SEA CONVENTION

The Telegraph Division at its regular meeting held June 8, 1937, ratified the Commission's action of June 5, 1937 and adopted the following order:

The Commission this day extended the exemption from the radiotelegraph installation requirement of Article 27 of the Safety of Life at Sea Convention and Section 351 (a) of Public No. 97, approved May 20, 1937, amending the Communications Act, pursuant to the provisions of Article 28 of

the Convention and Section 352 (b) of Public No. 97, which was granted the Puget Sound Navigation Company on March 9, 1937, and extended on May 8, 1937, for the following vessels and voyages:

1. The S. S. *Iroquois* and S. S. *Olympic* for international voyages between Seattle, Washington, and Victoria, B. C. via Port Townsend and Port Angeles.

2. The S. S. *Quilcene*, S. S. *City of Angeles* and S. S. *Rosario* for international voyages between Anacortes, Washington, and Sydney, B. C. via Friday Harbor, San Juan Island and Orues, Orues Island.

pending further order of the Commission and in any event for a period not to exceed 30 days from the date of this order, subject to the same terms and conditions as those specified in the original order of exemption, in order to enable the Commission to further consider information bearing upon the route and conditions of the voyages in question.

By order of the commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-1762; Filed, June 14, 1937; 9:45 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2748]

IN THE MATTER OF ARPAUL COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, June 18, 1937, at nine o'clock in the forenoon of that day, in room 500, 45 Broadway, New York (eastern standard time).

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1758; Filed, June 14, 1937; 9:37 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2962]

IN THE MATTER OF NATIONAL MODES, INC.; NATIONAL MODES HOLDING CORPORATION, INC.; AND JOHN BLOCK

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, June 16, 1937, at nine o'clock in the forenoon of that day (eastern standard time) in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1759; Filed, June 14, 1937; 9:37 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2925]

IN THE MATTER OF THE TAREX COMPANY

SUBSTITUTE ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY.

Whereas, Charles P. Vicini, an examiner of this Commission, was heretofore appointed to take testimony and receive evidence in this proceeding, pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and whereas the said Charles P. Vicini, by reason of other duties to perform, will be unable to continue therein,

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding in the place and stead of the said Charles P. Vicini, beginning on Monday, June 14, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1760, Filed, June 14, 1937; 9:37 a. m.]

## NATIONAL LABOR RELATIONS BOARD.

*United States of America—Before the National Labor Relations Board*

[Case No. R-156]

IN THE MATTER OF INDUSTRIAL RAYON CORPORATION AND INDUSTRIAL RAYON CORPORATION OF VIRGINIA AND TEXTILE WORKERS ORGANIZING COMMITTEE

NOTICE OF HEARING

On June 9, 1937, there was filed with the National Labor Relations Board, Washington, D. C., a petition by Sidney Hillman, Chairman, Textile Workers Organizing Committee, alleging that a question affecting commerce has arisen concerning the representation of the employees in the Cleveland, Ohio, plant of the Industrial Rayon Corporation, and in the Covington, Virginia plant of the Industrial Rayon Corporation of Virginia, and requesting that, pursuant to authority granted in Section 9 (c) of the National Labor Relations Act, the National Labor Relations Board investigate such controversy and certify the name or names of the representatives that have been designated or selected by said employees.

Copies of said petitions are attached hereto.[1]

It appearing to the National Labor Relations Board that a question affecting commerce has arisen concerning the representation of employees in the Cleveland plant of the Industrial Rayon Corporation and in the Covington plant of the Industrial Rayon Corporation of Virginia.

You are hereby notified that, pursuant to Section 9 (c) of the National Labor Relations Act, on the 18th day of June, 1937, at 10 o'clock, E. S. T., in the forenoon, at the offices of the National Labor Relations Board, Denrike Building, 1010 Vermont Ave., N. W., Washington, D. C., a hearing will be conducted by a trial examiner to be designated in accordance with the Rules and Regulations—Series 1, as amended, Article IV, Section 3, and Article III, Section 5, upon the question of representation affecting commerce which has arisen, at which time and place you shall have the right to appear in person or otherwise, and give testimony.

Enclosed herewith for your information is a copy of Rules and Regulations, Series 1, as amended, made and published by the National Labor Relations Board pursuant to authority granted it in the National Labor Relations Act. Your attention is particularly directed to Article III of said Rules and Regulations.

In witness whereof the National Labor Relations Board has caused this, its notice of hearing, to be signed by the Secretary of the Board on the 12th day of June, 1937.

By direction of the Board.

[SEAL] BENEDICT WOLF, *Secretary.*

[F. R. Doc. 37-1761; Filed, June 14, 1937; 9:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

[File No. 32-65]

IN THE MATTER OF GRANITE STATE ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Granite State Electric Company, a subsidiary of New England Power Association, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and sale of 3,610 shares of $100 par value capital stock to New England Power Association for not less than $361,000 cash, for the purpose of retiring on August 1, 1937, $361,000 for applicant's First Mortgage Five Per Cent Bonds, dated August 1 1917, maturing August 1, 1942.

It is ordered that a hearing on such matter be held on June 30, 1937, at 11:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 25, 1937.

[1] Not submitted to the Division of the Federal Register, The National Archives, as a part of this document.



It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1772; Filed, June 14, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D., 1937.

[File No. 46-61]

IN THE MATTER OF INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF AND ORDER FOR HEARING

An application has been duly filed with this Commission, by International Hydro-Electric System pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 1,500,000 common shares of Gatineau Power Company, a wholly owned subsidiary of Canadian Hydro-Electric Corporation, Limited, a subsidiary (not wholly owned) of the applicant. Such acquisition is to be pursuant to a plan for the amalgamation of the said Canadian Hydro-Electric Corporation, Limited, with the said Gatineau Power Company to be carried out by a Compromise or Arrangement between Canadian Hydro-Electric Corporation, Limited, and its shareholders pursuant to Section 122 of the Companies Act, 1934, of the Dominion of Canada. Under the provisions of such Compromise or Arrangement the applicant, which now owns all of the outstanding 6% non-cumulative second preferred and common shares of Canadian Hydro-Electric Corporation, Limited, will receive in substitution therefor the before mentioned 1,500,000 common shares of Gatineau Power Company, and the holders of the outstanding 6% cumulative first preferred shares of Canadian Hydro-Electric Corporation, Limited, will receive in substitution therefor 5% cumulative preferred and common shares of Gatineau Power Company on the basis of one 5% cumulative preferred share and one common share of Gatineau Power Company for each 6% cumulative first preferred share of Canadian Hydro-Electric Corporation, Limited.

It is ordered that a hearing on such matter be held on July 1, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 26, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence,

and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1771; Filed, June 14, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, 1937.

[File No. 1-1175]

IN THE MATTER OF COOPER BESSEMER CORPORATION $3 CUMULATIVE PREFERRED STOCK, SERIES A, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Cooper Bessemer Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its $3 Cumulative Preferred Stock, Series A, No Par Value, from listing and registration on the New York Curb Exchange and the Cleveland Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10 o'clock a. m. on Monday, June 28, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission:

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1779; Filed, June 14, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, 1937.

[File No. 1-113]

IN THE MATTER OF DISTILLERS AND BREWERS CORPORATION OF AMERICA COMMON STOCK, $5 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Distillers and Brewers Corporation of America, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $5 Par Value, from listing and registration on the Board of Trade of the City of Chicago; and

The Commission deeming it necessary for the protection on investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 2 o'clock P. M. on Monday, June 28, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1778; Filed, June 14, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, 1937.

[File No. 1-487]

IN THE MATTER OF GULF STATES STEEL COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Common Stock, No Par Value, of Gulf States Steel Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 11 o'clock A. M. on Friday, June 25, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1776; Filed, June 14, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, 1937.

[File No. 1-2586]

IN THE MATTER OF KEYSTONE DIVIDE MINING COMPANY COMMON STOCK, 10 CENTS PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The San Francisco Mining Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Common Stock, 10 cents par value, of Keystone Divide Mining Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10 o'clock A. M. on Friday, June 25, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1774; Filed, June 14, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, 1937.

[File No. 1-572]

IN THE MATTER OF THE MENGEL COMPANY, 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the 7% Cumulative Preferred Stock, $100 Par Value, of The Mengel Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 3 o'clock P. M. on Friday, June 25, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1775; Filed, June 14, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, 1937.



[File No. 1-1813]

IN THE MATTER OF MERCHANTS PETROLEUM COMPANY COMMON STOCK, $1.00 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Merchants Petroleum Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1.00 Par Value, from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 11 o'clock A. M. on Monday, June 28, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1773; Filed, June 14, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, 1937.

[File No. 1-2188]

IN THE MATTER OF SQUARE D COMPANY, CLASS A PREFERRED STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Class A Preferred Stock, No Par Value, of Square D Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 2 o'clock P. M. on Friday, June 25, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1777; Filed, June 14, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commision held at its office in the City of Washington, D. C., on the 11th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-JANSSEN FARM, FILED ON MAY 24, 1937, BY ELMER J. COUSINO, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 2: 00 o'clock in the afternoon on the 11th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:30 o'clock in the forenoon on the 25th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1783; Filed, June 14, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-WISE-VINSON FARM, FILED ON MAY 24, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 11th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 25th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1781; Filed, June 14, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE INLAND-HOWES CAPITOL FARM, FILED ON MAY 21, 1937, BY HARRY A. GEORGE, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 3:00 o'clock in the afternoon on the 11th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 25th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1782; Filed, June 14, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of June, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-STILES COMMUNITY FARM, FILED ON MAY 21, 1937, BY STANDARD DEALERS COMPANY, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 4:00 o'clock in the afternoon on the 11th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:30 o'clock in the forenoon on the 25th day of June, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1784; Filed, June 14, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MARY WHIPPLE LEASE, FILED ON MAY 29, 1937, BY D. F. BERNHEIMER & CO., INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 9, 1937, be effective as of June 9, 1937.

It is further ordered, that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commmission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1780; Filed, June 14, 1937; 12:48 p. m.]



*Wednesday, June 16, 1937* *No. 115*

## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49017]

AIRPORTS OF ENTRY

CERTAIN TEMPORARY AIRPORTS OF ENTRY DESIGNATED AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named temporary airports of entry for the landing of aircraft from foreign countries are hereby designated as airports of entry without time limit, effective June 1, 1937:

Ford Airport, Detroit, Michigan.
Douglas Airport, Douglas, Arizona.
Eagle Pass Airport, Eagle Pass, Texas.
Laredo Airdrome, Laredo, Texas.
Dinner Key Seaplane Base, Miami, Florida.
Portal Airport, Portal, North Dakota.
Port Angeles Airport, Port Angeles, Washington.
Isla Grande Airport, San Juan, Puerto Rico.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: June 10, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1789; Filed, June 15, 1937; 10:57 a. m.]

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## DEPARTMENT OF THE INTERIOR.

**General Land Office.**

STOCK DRIVEWAY WITHDRAWAL NO. 251

CALIFORNIA NO. 20

JUNE 4, 1937.

Under and pursuant to the provisions of section ten of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), it is hereby ordered that the following-described lands in California, be, and they are hereby withdrawn from all disposal under the public land laws, subject to valid existing rights, and reserved for use by the general public as a stock driveway:

MT. DIABLO MERIDIAN

T. 47 N., R. 3 E.,
sec. 19, lots 1 to 5 inclusive, SE¼ SE¼,
sec. 20, E½ NE¼, SW¼ NE¼, NW¼ SW¼ and lots 1 and 2.
sec. 30, lot 1 and NE¼ NW¼.
428.69 acres.

And it is ordered that departmental order of June 25, 1919, withdrawing certain lands for reclamation purposes, be, and it is hereby, modified so far as it affects the above-described lands and made subject to the withdrawal made by this order.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-1788; Filed, June 15, 1937; 9:37 a. m.]

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**Office of Indian Affairs.**

REGULATIONS GOVERNING EDUCATION OF INDIAN CHILDREN UNDER CONTRACTS WITH STATE OR TERRITORIAL GOVERNMENTS IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF JUNE 4, 1936 (49 STAT. 1458)

MAY 27, 1937.

For convenience, the State or Territory contracting for education of Indian children in accordance with the terms of these regulations will be referred to herein simply as the "State."

1. When in the opinion of the Commissioner of Indian Affairs it is to the advantage of the Indians, he may enter into negotiations with the authorities of any State for education of Indian children residing therein under a contract in accordance with the terms of the act of June 4, 1936, above cited.

2. Education for Indian children in the public elementary schools, public secondary schools, junior or senior colleges, special schools, vocational or trade schools of a State contracting for education of Indian children, shall be provided upon the same terms and under the same conditions as to all other citizens of the State.

3. The State shall secure regular attendance of Indian pupils in public schools in accordance with the law of the State in the same manner and to the same extent as with children of other races in accordance with any regulations promulgated by the Secretary of the Interior under the act of February 15, 1929 (45 Stat. 1185), which provides:

That the Secretary of the Interior shall permit the agents and employees of any state to enter upon Indian tribal lands, reservations, or allotments therein for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or to enforce compulsory school attendance of Indian pupils as provided by the law of the state, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

No Indian children shall be debarred from any school by reason of race, personal condition, condition of health, or delinquency, except in accordance with State laws as applied in cases of citizens of any other race.

4. The State shall provide in all schools having Indian pupils adequate standards of educational service, such standards to be not less than the highest maintained by the State in respect to professional preparation of teachers, school equipment and supplies, text and library books, and construction and sanitation of buildings, in accordance with the provisions of the act above cited.

5. The Federal Government retains the right to cooperate through Superintendents, Education Field Agents, and other officials; and schools where Indian children are enrolled shall be open to visits of observation and consultation by duly accredited representatives of the Federal Government. Any designation of state employees or employment of state or Federal employees for specific attention to problems of Indian education must be determined in consultation between the State Superintendent of Public Instruction and the designated representative of the Commissioner of Indian Affairs.

6. When mutually so agreed and stated in the contract, the Indian Service may provide the services of one or more local representatives to be charged with duties agreed upon and made a part of the contract. Such representatives will be maintained on the Federal payroll, their salaries, or a part thereof, to be deducted from the amount of the contract or to be in addition thereto, as provided in each individual contract.

7. Superintendents of agencies, education field agents, and other Indian Service officers will be instructed to cooperate with the State and its agencies in its program of Indian education.

8. Money paid by the United States under the terms of this contract shall be used and expended only for obligations of the fiscal year covered by the contract except with approval of the Commissioner of Indian Affairs. Expenditures shall be in accordance with the provisions of a budget prepared on forms provided by the Indian Service, submitted by State officials, prior to approval of the contract, and approved by the Commissioner of Indian Affairs showing educational needs of the several districts enrolling Indian children, to provide a suitable education program to meet the needs of white and Indian children enrolled. No item of the approved budget shall be increased more than ten per cent (10%) without prior authority of the Commissioner of Indian Affairs. Prior to March 1 of each succeeding year, there shall be submitted by the State to the Indian Office a

report for the first half of the school year, showing the enumeration of Indian children of school age, and the number of Indian children enrolled in each class of school by counties or other convenient geographic division, or by school districts if practicable, in schools where federal aid is extended. At the close of each fiscal year the State Superintendent of Public Instruction shall submit a report for the entire school year showing the enumeration of Indian children of school age, number of Indian children enrolled in each class of school, as provided for the first half of the year, and also showing the average daily attendance for the year in schools where federal aid is extended. There shall also be submitted a financial report in which all expenditures for the year shall be set forth in comparison to the budget estimates for each of the specific items of the budget. With this report shall be submitted a budget estimate showing the needs for the next ensuing fiscal year. In addition to the statistical report there shall be submitted a narrative report of the general conditions of Indian education.

9. The State may provide educational facilities contemplated by these regulations by appropriate agreements with local school units or by directly establishing, equipping, and maintaining schools independently of existing local school units, whichever in the judgment of the State education officials seems best.

10. Any Indian schools within the State, maintained by the Federal Government, may be exempted from the provisions of the education contract when so provided in the contract.

11. Payment shall be made to the official designated by the State under the terms of the contract to receive payment for the State, in the amount agreed upon. Payment may be made in three or nine equal payments, as provided for by the terms of the individual contract, except as provided by section 12. Payments for the fiscal year shall not aggregate more than the amount of the contract. Where three payments are to be made, they shall be for periods ending approximately November 30, February 28 and May 31. When nine payments are to be made they shall be for periods ending approximately September 30, October 31, November 30, December 31, January 31, February 28, March 31, April 30 and May 31.

12. In areas in which summer activities on behalf of Indian children are conducted, payments may be made during the months of July, August and June upon presentation of vouchers properly certified covering expenses involved, which will include salaries of teachers paid on a twelve (12) months' basis and expenses of administration which continue during the summer.

13. Payments will be made at the end of each specified period in accordance with the provisions of the contract on vouchers, in duplicate, submitted through the State Superintendent of Indian Education or his designated representatives, or through the official designated by the contract, and the original of such voucher must be certified to by the State Superintendent of Public Instruction or his designated representative, evidencing that services have been rendered in accordance with these regulations and the true intent and meaning of the contract. All contracts made under the provisions of these regulations shall be subject to funds being appropriated to meet the amount involved.

14. No Federal property may be used for state school purposes unless covered by a specific permit applied for by the School Board of Directors through the State Department of Education and approved by the Commissioner of Indian Affairs.

15. When non-expendable government property is turned over to public school authorities under the terms of these regulations, a bond will be required to insure proper care of such property. The bond shall be filed by the person having custody of the property with the responsible local representative of the Indian Service and shall be in such an amount as will properly safeguard the interests of the government. The bond shall run in favor of the United States and shall be furnished at no expense to the Federal Government.

16. The State shall include in its budget for operation of the school suitable amounts for maintenance of Federally owned school buildings which may be made available for its use in reasonable repair, but will not be required to assume the cost of remodeling, rebuilding, or of major improvements thereto not customarily coming within the scope of ordinary repairs, unless otherwise provided for in the contract.

17. The appointment of personnel in schools predominantly Indian and supported in the major amount of their budget by funds provided under this contract, shall be approved by the authorized representatives of the State and Indian Office.

18. By mutual consent of the parties thereto any contract made hereunder may be changed, altered, modified, amended, or abrogated in whole or in part.

19. In accordance with Section 3737 of the Revised Statutes (Section 15, Title 41, U. S. Code) the State shall agree not to transfer any contract made pursuant hereto, or any interest therein; any violation of this provision will automatically terminate all obligations on the part of the government thereunder.

20. No Member of or Delegate to Congress, resident commissioner, officer, agent or other employee of the Government shall be admitted to any share or part in any contract made hereunder or derive any pecuniary benefit therefrom, but this restriction shall not be construed to extend to any such contract made with a corporation or company for its general benefit.

21. All contracts made pursuant hereto amounting to $2,000 or over shall be subject to approval by the Secretary of the Interior.

WILLIAM ZIMMERMAN, JR.,
*Assistant Commissioner.*

Approved: June 8, 1937.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37-1787; Filed, June 15, 1937; 9:36 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Alaska Game Commission.

REGULATIONS OF THE ALASKA GAME COMMISSION RELATING TO GUIDES, POISONS, AND RESIDENT TRAPPING LICENSES

By virtue of the authority conferred upon the Alaska Game Commission by the act of January 13, 1925 (43 Stat. 739; U. S. Code, title 48, secs. 192–211; as amended by the act of February 14, 1931, 46 Stat. 1111; U. S. Code, Supp. title 48, secs. 192–207), entitled "An act to establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes", the following regulations for the protection of game animals, land fur-bearing animals, and birds in Alaska are made and published, to take effect July 1, 1937:

REGULATION A. EMPLOYMENT OF GUIDES BY NONRESIDENTS HUNTING IN ALASKA

No nonresident of the Territory shall take game animals or black bears or polar bears for sport or for trophies in Alaska unless accompanied by a registered guide duly licensed by the Commission, except that nonresident Federal officials engaged in investigations in Alaska upon securing a special permit from the Commission shall not be required to employ licensed guides when taking game animals, or said black or polar bears: *Provided*, That no registered guide shall accompany more than one nonresident hunter in the field, except that he may accompany a nonresident man and or wife and/or minor child when such additional persons are duly licensed.

No nonresident shall pursue or disturb a large brown or grizzly bear for the purpose of photographing such animal unless accompanied by a registered guide.

REGULATION B. QUALIFICATIONS OF GUIDES

Only a resident citizen or a resident native Indian or Eskimo who is the holder of a valid registered guide license shall act as guide for a nonresident taking game animals or black or polar bears for sport or for trophies in Alaska. Any person desiring to be registered with the Commission and granted a guide license for guiding nonresident hunters shall file with the Commission an application on a form issued by the Commission, which shall be subscribed and sworn to by the applicant before a person authorized to administer oaths. Such application shall state applicant's citizenship and resident status, his permanent address, and the regions in which he desires to guide nonresident hunters. Each applicant for a registered guide license shall have been a resident of Alaska for 5 years immediately preceding his making application for such license and shall be required to undergo a written and oral examination given by a member of the Commission or by such person as the Commission may designate, to determine his qualifications to guide, and his knowledge of the Alaska game law and regulations.

If, in the opinion of the Commission, an applicant for guide license does not possess sufficient field experience, but meets all other requirements of the regulations, an assistant guide license may be issued to the said applicant limiting his guiding privileges until such time as the Commission is satisfied that he is qualified for a regular guide license.

No registered guide license shall be issued unless the applications therefor shall have been approved by the Alaska Game Commission at a regular or special meeting: *Provided*, That in cases of emergency the executive officer may, after due investigation and being satisfied of the applicant's qualifications, issue a special guide license upon an application properly completed and accompanied by the required fee, authorizing the licensee to guide certain specified nonresident hunters, who shall be named in the application for such license: *Provided further*, That the extension of guiding privileges authorized by such licenses or the renewal therefor shall be made only upon compliance with the requirements first above stated.

A registered guide license must bear the signature of the chairman of the Commission and be countersigned by one other member of the Commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the Commission, and shall not be transferable.

Each licensed guide shall submit to the Commission immediately upon completion of a hunting trip, a report containing the name and address of each nonresident in each hunting party for which he acted as guide, the period covered by his services rendered each hunting party during the open season, the number and species of animals taken by each nonresident guided by him, the number and species of animals wounded but not secured by each nonresident hunter guided by him, and the numbers and localities of each species of big game animal observed by him and members of the hunting party, and such other information as the Commission may require.

REGULATION C. USE OF POISON

No hunter or trapper, including native Indians or Eskimos, shall have in possession any poison compounds of strychnine, arsenic, phosphorus, antimony, barium, the cyanides, corrosive sublimate, or any other poison capable of being used for killing fur-bearing or game animals. Possession shall include presence of such poisons in camps, cabins, buildings, or boats occupied by hunters, trappers, native Indians, or Eskimos.

REGULATION D. RESIDENT TRAPPING AND/OR HUNTING LICENSES

After July 1, 1937, no resident of Alaska over sixteen years of age, except a native-born Indian, Eskimo, or half-breed, who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, shall take or attempt to take land fur-bearing animals in Alaska without first having obtained a resident trapping license.

After July 1, 1937, no resident of Alaska over sixteen years of age, except a native-born Indian, Eskimo, or half-breed, who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, shall take or attempt to take animals (other than fur-bearing animals) or birds included in the terms of the Alaska game law, without first having obtained a resident hunting license: *Provided*, That a person who is the holder of a resident trapping license shall be entitled to the privilege of hunting without a hunting license.

On and after July 1, 1937, all former regulations of the Alaska Game Commission relating to guides, poisons, and resident hunting and trapping licenses shall be and are hereby, revoked.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused the official seal of the Commission to be affixed in the City of Juneau, Territory of Alaska, this 16th day of March, 1937.

EARL N. OHMER,
*Commissioner First Judicial Division.*
FRANK P. WILLIAMS,
*Commissioner Second Judicial Division.*
ANDREW A. SIMONS,
*Commissioner Third Judicial Division.*
IRVING MCK. REED,
*Commissioner Fourth Judicial Division and Chairman.*
FRANK DUFRESNE,
*Chief Representative of the Bureau of Biological Survey Resident in Alaska, and Secretary.*

[F. R. Doc. 37-1791; Filed, June 15, 1937; 11:57 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 109]

ALLOCATION OF FUNDS FOR LOANS

JUNE 12, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Iowa 48G Pocahontas (Additional) | $75,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1785; Filed, June 15, 1937; 9:36 a. m.]

[Administrative Order No. 110]

RESCISSION OF ALLOCATION OF FUNDS FOR LOAN

JUNE 12, 1937.

I hereby amend Administrative Order No. 107, dated June 10, 1937, by rescinding the allocation of $75,000 for the project, Iowa 30B Franklin. This action is being taken because it was found necessary to use these funds for the generating plant which will supply current for this project.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1786; Filed, June 15, 1937; 9:36 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of June, 1937.

[File No. 1-2046]

IN THE MATTER OF FOURTH NATIONAL INVESTORS CORPORATION
COMMON STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration

the Common Stock, $1 Par Value, of Fourth National Investors Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at two o'clock P. M. on Tuesday, June 29, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1801; Filed, June 15, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of June, 1937.

[File No. 1-588]

IN THE MATTER OF GENERAL GAS AND ELECTRIC CORPORATION $7 CUMULATIVE PREFERRED AND $8 CUMULATIVE PREFERRED STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the $7 Cumulative Preferred and $8 Cumulative Preferred Stock of General Gas and Electric Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at three o'clock P. M. on Tuesday, June 29, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1804; Filed, June 15, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of June, 1937.

[File No. 1-2141]

IN THE MATTER OF ILLINOIS ART INDUSTRIES, INC., CUMULATIVE PREFERRED STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Cumulative Preferred Stock, No Par Value, of Illinois Art Industries, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at ten o'clock A. M. on Tuesday, June 29, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1800; Filed, June 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 14h day of June, 1937.

[File No. 1-1292]

IN THE MATTER OF PIERCE PETROLEUM CORPORATION COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Common Stock, No Par Value, of Pierce Petroleum Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at ten o'clock A. M. on Wednesday, June 30, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1792; Filed, June 15, 1937; 12:45 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of June, 1937.

[File No. 1-2049]

IN THE MATTER OF THIRD NATIONAL INVESTORS CORPORATION COMMON STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Common Stock, $1 Par Value, of Third National Investors Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at eleven o'clock A. M. on Tuesday, June 29, 1937, in Room 1101, Securities and Exchange Commission Building, 1773 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1799; Filed, June 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GENERAL-BABCOCK-GRAVES TRACT, FILED ON JUNE 1, 1937, BY T. S. HOSE, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest;

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1803; Filed, June 15, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG TRACT, FILED ON JUNE 1, 1937, BY T. G. THOMPSON, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 11, 1937, be effective as of June 11, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1793; Filed, June 15, 1937; 12:45 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, A. D., 1937.

[File No. 2-1852]

IN THE MATTER OF CAMPANA GOLD MINES, INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant, Campana Gold Mines, Inc., of Chicago, Illinois, filed December 30, 1935, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the report of the Trial Examiner in this proceeding, which said report is hereby adopted by the Commission, and the Commission being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Campana Gold Mines, Inc., of Chicago, Illinois, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1802; Filed, June 15, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE FRAZER-SMITH-G. VAN NOTE TRACT, FILED ON JUNE 7, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the form of the schedule filed does not comply with the form required to be filed under the revised Rules and Regulations of the Commission, which became effective as of June 1, 1937;

(2) In that the lease boundaries of the tract shown on the plat attached as "Exhibit A" to the offering sheet, are not clearly defined;

(3) In that the proposed instrument of conveyance, attached to the offering sheet as "Exhibit B", is incomplete by reason of the fact the smallest interest to be offered is omitted;

(4) In that the offering sheet, as filed, is inaccurate by reason of the fact that it purports to cover a landowner's non-producing royalty interest, whereas from information disclosed by said offering sheet it appears that there is, at the present time, a producing oil well located upon the tract involved;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1798; Filed, June 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAHILE-G. VAN NOTE TRACT, FILED ON JUNE 7, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the form of the schedule filed does not comply with the form required to be filed under the revised Rules and Regulations of the Commission, which became effective as of June 1, 1937;

(2) In that the lease boundaries of the tract shown on the plat attached as "Exhibit A" to the offering sheet, are not clearly defined;

(3) In that the proposed instrument of conveyance, attached to the offering sheet as "Exhibit B", is incomplete by reason of the fact the smallest interest to be offered is omitted;

(4) In that the offering sheet, as filed, is inaccurate by reason of the fact that it purports to cover a landowner's non-producing royalty interest, whereas from information disclosed by said offering sheet it appears that there is, at the present time, a producing oil well located upon the tract involved;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1794; Filed, June 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARSHALL-G. VAN NOTE TRACT, FILED ON JUNE 7, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated to wit:



(1) In that the form of the schedule filed does not comply with the form required to be filed under the revised Rules and Regulations of the Commission, which became effective as of June 1, 1937;

(2) In that the lease boundaries of the tract shown on the plat attached as "Exhibit A" to the offering sheet, are not clearly defined;

(3) In that the proposed instrument of conveyance, attached to the offering sheet as "Exhibit B", is incomplete by reason of the fact the smallest interest to be offered is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matter, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1797; Filed, June 15, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE LAKE-FAIR PARK LEASE, FILED ON JUNE 7, 1937, BY NORRIS GILBERT & COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered, as set forth in Division II, Item 1, of the offering sheet, does not appear to be correctly stated;

(2) In that one of the signature forms, required to be included as a part of the offering sheet, is omitted;

(3) In that the statement made in Division II, Item 24, is incomplete by reason of the fact it is stated that it was necessary to place the field on a strict proration basis, but no information is given as to the present basis of proration;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1795; Filed June 15, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-HERBERT-HENDRICKS TRACT, FILED ON JUNE 8, 1937, BY ROYAL PETROLEUM CORPORATION, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340(A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information required to be given in Division II, Items 10 (b), (c) and (d), is incomplete by reason of the fact that the names of the persons by whom the taxes mentioned in said items are assessed, are omitted;

(2) In that the date of initial production of oil from the tract involved, as set forth in Division II, Item 14, is not believed to be correct, and does not agree with similar information disclosed by Division II, Item 20 (a);

(3) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(4) In that the statement made in Division II, Item 21, is not responsive to the question asked, and might, therefore, be misleading;

(5) In that one of the signature forms, required to be included as a part of the offering sheet is omitted;

(6) In that the legend required to be included as a part of Exhibit A is incomplete for the reason that the symbol for well #7, located on the Gulf-Daugherty Tract, is omitted;

(7) In that the proposed instrument of conveyance, attached to the offering sheet as "Exhibit B", is incomplete by reason of the fact that the smallest interest proposed to be conveyed is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the

effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1796; Filed June 15, 1937; 12:46 p. m.]

## VETERANS' ADMINISTRATION.

### REVISION OF REGULATIONS

### SERVICE ACTS, CIVIL WAR

R-2570. Original awards of death pension under the Service Acts relating to the Civil War (Act of May 1, 1920, 41 Stat. 565; Act of July 3, 1926, 44 Stat. 806; Act of June 9, 1930, 46 Stat. 529) shall commence:

(A) (1) *Widows.*—The date of filing formal application;

(2) *Remarried Widows.*—The date of filing formal application.

(B) *Children.*—The date of filing formal application, except that if the widow is barred under the provisions of Section 4706, Revised Statutes, or has forfeited title under the Act of August 7, 1882 (22 Stat. 345), pension shall commence from the date of last payment to the widow if payment of pension has been made to her. (January 25, 1936.)

### SERVICE ACT, INDIAN WARS

R-2571. Original awards of death pension under the service act relating to the Indian Wars (Act of March 3, 1927, 44 Stat. 1361) shall commence:

(A) (1) *Widows.*—The date of filing formal application;

(2) *Remarried Widows.*—The date of filing formal application.

(B) *Children.*—The date of filing formal application, except that in case of death or remarriage of a pensioned widow or forfeiture of her title, their payments shall commence from the date of such death, remarriage, or forfeiture. (January 25, 1936.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-1790; Filed, June 15, 1937; 11:37 a. m.]

*Thursday, June 17, 1937* **No. 116**

## TREASURY DEPARTMENT.

### Federal Alcohol Administration Division.

NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENT TO REGULATIONS NO. 5, RELATING TO LABELING AND ADVERTISING OF DISTILLED SPIRITS

REQUIRING LABELS ON PRODUCTS STORED IN REUSED COOPERAGE TO BEAR STATEMENTS INDICATING THAT FACT

JUNE 16, 1937.

Pursuant to the provisions of Section 5 (e) of the Federal Alcohol Administration Act as amended:

Notice is hereby given of a public hearing to be held on Monday, June 28, 1937, at 10:00 a. m., at the Mayflower Hotel, Connecticut Avenue and De Sales Street, Washington, D. C., for the purpose of taking evidence with reference to the proposed amendment of Regulations No. 5, Relating to the Labeling and Advertising of Distilled Spirits:

1. In such manner as to require the labels for American type whiskey, other than corn whiskey, produced on or after July 1, 1936 and stored in reused cooperage, to bear the following statement, or some similar statement:

This whiskey was stored in reused cooperage and is not entitled to claim age under Government regulations.

2. In such manner as to require the labels for blended whiskey, containing American type whiskey (other than corn whiskey) produced on or after July 1, 1936 and stored in reused cooperage, to bear a statement indicating the quantity of such whiskey contained in the product and, in addition thereto, a statement to the effect that such whiskey was stored in reused cooperage and is not entitled to claim age under Government regulations.

[SEAL] W. S. ALEXANDER, *Administrator.*

[F. R. Doc. 37-1306; Filed, June 16, 1937; 10:52 a. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER AMENDING RULE ON REVERSE GEAR, INSPECTION AND TESTING OF STEAM LOCOMOTIVES AND TENDERS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C. on the 8th day of June, A. D. 1937.

[No. 24050]

*A. Johnston, Grand Chief Engineer of the Brotherhood of Locomotive Engineers, et al.* v. *Atlantic Coast Line Railroad Company, et al.*

This case being at issue upon complaint and answers on file, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof: [1]

*It is ordered*, That rule No. 157 of the rules and instructions for the inspection and testing of steam locomotives and tenders approved and established in accordance with the act of February 17, 1911, as amended, be, and it is hereby, amended to read as follows:

157. *Reverse gear.*—Reverse gear, reverse levers, and quadrants shall be maintained in a safe and suitable condition for service. Reverse lever latch shall be so arranged that it can be easily disengaged, and provided with a spring which will keep it firmly seated in quadrant. Proper counterbalance shall be provided for the valve gear.

(a) All steam locomotives built on or after September 1, 1937, shall be equipped with a suitable type of power-operated reverse gear.

(b) All steam locomotives used in road service built prior to September 1, 1937, which weigh [2] on driving wheels 150,000 pounds or more, and all steam locomotives used in switching service, built prior to September 1, 1937, which weigh on driving wheels 130,000 pounds or more, which are equipped with manually-operated reverse gear, shall have a suitable type of power-operated reverse gear substituted therefor the first time after September 1, 1937, that said locomotives are given repairs defined by the United States Railroad Administration as class 3,[3] or heavier, and all such steam locomotives shall be so equipped before September 1, 1942.

(c) When steam connections to air-operated power reverse gear are used, the operating valves shall be conveniently located in the cab of the locomotive and so arranged and maintained that in case of air failure steam may be quickly used to operate the reverse gear

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1805; Filed, June 15, 1937; 2:52 p. m.]

[1] Filed with Division of the Federal Register, The National Archives; copies available upon application to the Interstate Commerce Commission.

[2] Weight on driving wheels means the weight of a locomotive in working order that is supported by the coupled driving wheels when it rests on a straight and level track, as defined in the Locomotive Cyclopedia.

[3] Class 3 repairs as defined by the United States Railroad Administration are as follows: "Flues all new or reset (superheater flues may be excepted); necessary repairs to fire box and boiler; tires turned or new; general repairs to machinery and tender."



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D. 1937.

[File No. 32-66]

IN THE MATTER OF DETROIT CITY GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Detroit City Gas Company, a subsidiary company of American Light & Traction Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by applicant of $500,000 aggregate principal amount of its unsecured notes maturing 25 months after date of issue and $4,000,000 aggregate principal amount of its secured notes maturing 3 years after date of issue, said unsecured notes to bear interest at the rate of 3% per annum and said secured notes to bear interest at the rate of 2% and 3½% per annum, and the securing by pledge of said secured notes by deposit of $2,500,000 of applicant's First Mortgage Bonds Series C 4½% due 1965 (and certain additional pledged cash), and the issue and deposit at any time and from time to time of additional such first mortgage bonds up to the maximum principal amount of $1,500,000 against the withdrawal of an equal amount of such pledged cash, it being stated by applicant that said issue and disposition of said securities are solely for the purpose of financing the business of the applicant and will be expressly authorized by the Michigan Public Utilities Commission, the State commission of the state in which applicant is organized and doing business.

It is ordered that a hearing on such matter be held on July 2, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 28, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1807; Filed, June 16, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of June, A. D. 1937.

[Files No. 44-8 and 43-63]

IN THE MATTER OF MIDDLE WEST UTILITIES COMPANY OF CANADA LIMITED

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Middle West Utilities Company of Canada Limited, a subsidiary of a registered holding company, pursuant to Rule 12C-1 promulgated under the Public Utility Holding Company Act of 1935, for approval of the acquisition by purchase at not more than par of 36,000 shares of its $7 Cumulative Preference Stock (par value $100), 50,000 shares of which are presently outstanding and held by The Middle West Corporation, the owner of substantially all of the outstanding securities of the applicant, such acquired shares to be cancelled and the paid-up share capital of the applicant to be reduced by an amount equal to the aggregate par value of such acquired shares of said $7 Cumulative Preference Stock; a declaration having been duly filed with this Commission, by said Middle West Utilities Company of Canada Limited, pursuant to Section 7 of the Act, regarding the alteration of the rights of the holders of its said $7 Cumulative Preference Stock by the cancellation of all cumulative dividends accrued and unpaid to July 1, 1937, on the 14,000 shares thereof which will remain outstanding after the proposed acquisition above referred to, cumulative dividends thereon to commence to accrue on and from that date; and it appearing to the Commission that the aforesaid application and declaration are related matters and should be heard concurrently;

It is ordered that a hearing on such matter be held on June 25, 1937, at two o'clock in the afternoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 23, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1808; Filed, June 16, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE UNION-MAHONEY TRACT, FILED ON JUNE 1, 1937, BY ROYALTY GROUP CORPORATION, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1809; Filed, June 16, 1937; 12:49 p. m.]

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***Friday, June 18, 1937*** ***No. 117***

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

CERTAIN PLACES DESIGNATED AS CUSTOMS PORTS OF ENTRY

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), it is ordered as follows:

1. I hereby designate the following places as customs ports of entry, effective thirty days from the date of this order:

| | |
|---|---|
| Freeport, Texas. | Customs Collection District No. 22 (Galveston)—Headquarters, Galveston, Texas. |
| Ysleto, Texas. | Customs Collection District No. 24 (El Paso)—Headquarters, El Paso, Texas. |
| Lynden, Washington.<br>Metaline Falls, Washington. | Customs Collection District No. 30 (Washington)—Headquarters, Seattle, Washington. |
| Opheim, Montana.<br>Peskan, Montana.<br>Piegan, Montana.<br>Morgan, Montana.<br>Raymond, Montana.<br>Roosville, Montana.<br>Scobey, Montana.<br>Turner, Montana.<br>Westby, Montana.<br>Whitetail, Montana.<br>Whitlash, Montana. | Customs Collection District No. 33 (Montana and Idaho)—Headquarters, Great Falls, Montana. |
| Dunseith, North Dakota.<br>Fortuna, North Dakota.<br>Maida, North Dakota.<br>Noonan, North Dakota. | Customs Collection District No. 34 (Dakota)—Headquarters, Pembina, North Dakota. |
| Pigeon River Bridge, Minnesota.<br>Pine Creek, Minnesota.<br>Roseau, Minnesota. | Customs Collection District No. 36 (Duluth and Superior)—Headquarters, Duluth, Minnesota. |
| South Haven, Michigan. | Customs Collection District No. 38 (Michigan)—Headquarters, Detroit, Michigan. |

2. The Townships of Highgate and Franklin, Franklin County, State of Vermont, which were included within the limits of the customs port of St. Albans, Vermont, in Customs Collection District No. 2 (Vermont), by Executive Order No. 3925 of November 13, 1923, are hereby detached from the port of St. Albans.

3. I hereby designate Highgate Springs, Vermont, a customs port of entry in Customs Collection District No. 2 (Vermont), which port of entry shall include the Township of Highgate within its limits, effective thirty days from the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 15, 1937.*

[No. 7632]

[F. R. Doc. 37-1812; Filed, June 16, 1937; 3:15 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

### NOTICE OF HEARING

The Telegraph Division at its regular meeting held June 1. 1937, approved the following Notice of Hearing:

[Docket No. 4615]

IN RE: APPLICATIONS OF THE WESTERN UNION TELEGRAPH COMPANY FOR CONSTRUCTION PERMITS FOR NEW PORTABLE SPECIAL EMERGENCY RADIOTELEGRAPH STATIONS AND FOR NEW PORTABLE GENERAL EXPERIMENTAL RADIOTELEGRAPH STATIONS

You are notified that the Telegraph Division has granted the request of The Western Union Telegraph Company for informal hearing upon its application for construction permits for portable special emergency radiotelegraph stations and portable general experimental radiotelegraph stations and that the informal hearing will be held in the office of the Commission, New Post Office Building, Washington, D. C., beginning at 10:00 A. M., July 23, 1937.

The Statement of The Western Union Telegraph Company as to the time of operation of the proposed stations and as to the facts showing why the operation of such stations will be in the public convenience, interest or necessity is hereto attached and will serve as the basis of the hearing. If interested, you are invited to have a representative or representatives present at this informal hearing.

Dated at Washington, D. C., June 3, 1937.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary*.

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*Statement of the Western Union Telegraph Company*

A. Special Emergency Stations:

The station proposed herein is to be used to replace existing wire systems in the event that due to emergency conditions wire systems become inoperative. Although used for public service no specific charge will be made for the use of this station, the rates being the normal rates as set forth in the published tariffs of applicant for the various points concerned.

The stations are desired in order to provide more efficient telegraph service during periods of wire prostrations due to floods, hurricanes and other Acts of God. During the recent flood in the Ohio and Mississippi Valley sections wire systems of applicant were inoperative over areas ranging in distance from 15 to 20 miles. This is to be one of several stations, the equipment for which is to be stored at strategic locations and in the event of an emergency this station with others will be set up to supplement prostrated wire systems for the period of emergency.

B. General Experimental Stations:

The station proposed herein is to be used to replace existing wire systems in the event that due to emergency conditions wire systems become inoperative. Although used for public service no specific charge will be made for the use of this station, the rates being the normal rates as set forth in the published tariffs of applicant for the various points concerned.



The stations are desired in order to provide more efficient telegraph service during periods of wire prostrations due to floods, hurricanes and other Acts of God. During the recent flood in the Ohio and Mississippi Valley sections wire systems of applicant were inoperative over areas ranging in distance from 15 to 20 miles. This is to be one of several stations, the equipment for which is to be stored at strategic locations and in the event of an emergency this station with others will be set up to supplement prostrated wire systems for the period of the emergency. An exception is sought under Rule 320 which will permit a general message traffic to be conducted enabling the applicant to obtain information and data in order to determine if the ultra high frequencies will be useful during emergencies.

Nature of Experimentation:

(a) To develop equipment that will supplement wire service during periods of prostration and to develop the application of printer equipment to radio service.

(b) Through the use of experimental frequencies in the ultra high frequency region, applicant expects to develop equipment suited to the needs of an emergency service. The equipment to be designed to be thoroughly portable and readily welded into a wire system in time of stress.

(c) Applicant's Engineers have carried on research and developmental work in connection with cable and wire systems, some of the principles of which it believes are applicable to radio problems. Applicant has had an Electronics Laboratory located at Water Mill, L. I., for a period of over 10 years which laboratory has been devoted to the problem of keeping applicant informed of radio progress and the developments therein that were applicable to cable and wire line problems.

(d) At the Water Mill Laboratory, there is a staff of graduate engineers who have had experience along lines mentioned in (c) above and many of whom personally have had experience in commercial, amateur and reserve forces of the Army and Navy.

[F. R. Doc. 37-1826; Filed, June 17, 1937; 9:40 a. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Federal Savings and Loan Insurance Corporation.

ELIMINATION OF REQUIREMENT FOR FILING OF SEMI-ANNUAL REPORTS WITH THE CORPORATION

AMENDMENT TO RULES AND REGULATIONS

*Be it resolved*, that pursuant to authority vested in the Board of Trustees of the Federal Savings and Loan Insurance [Corporation] by Sections 402 (a) and 403 (b) of the National Housing Act (12 U. S. C. 1725 (a), 1726 (b)), Section 14 of the Rules and Regulations for Insurance of Accounts is hereby amended to read as follows:

SEC. 14. Every insured institution shall make an annual report of its affairs as of the end of its fiscal year upon forms prescribed by the Board. Two copies shall be filed within 30 days after the end of the fiscal year.

*Be it further resolved*, that, it being deemed this amendment is of an emergency character, said amendment shall be effective immediately.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on June 16, 1937.

[SEAL] R. L. NAGLE, *Secretary*.

[F. R. Doc. 37-1813; Filed, June 17, 1937; 9:26 a. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[IT-5469]

APPLICATION OF INLAND POWER & LIGHT COMPANY AND PACIFIC POWER & LIGHT COMPANY

ORDER SETTING DATE OF HEARING

Upon joint application of Inland Power & Light Company and Pacific Power & Light Company, with offices in Public Service Building, Portland, Oregon, filed June 11, 1937, pursuant to Section 8 and 203 (a) of the Federal Power Act, for approval of the transfer by the former company of all its property, rights, licenses and assets to the latter company for the purpose of consolidating the properties, assets, and operations of the two companies, the transferee to assume all the debts and obligations of the transferor;

It is ordered:

That a public hearing on said application be held on Monday, July 19, 1937, at 10:00 a. m. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Ave., N. W., Washington, D. C.

Adopted by the Commission on June 15, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary*.

[F. R. Doc. 37-1825; Filed, June 17, 1937; 9:40 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2972]

IN THE MATTER OF BOURJOIS, INCORPORATED, BOURJOIS SALES CORPORATION, AND BARBARA GOULD SALES CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 22, 1937, at nine o'clock in the forenoon of that day (eastern standard time), Room 823, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-1815; Filed, June 17, 1937; 9:33 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3090]

IN THE MATTER OF CALIFORNIA RICE INDUSTRY, AN ASSOCIATION, ITS OFFICERS AND MEMBERS; HARRY M. CREECH, GEORGE W. BREWER, WILLIAM CRAWFORD, FLORENCE M. DOUGLAS, CHARLES S. MORSE, J. S. RITTERBAND, W. T. WELISCH, I. YAMAKAWA, O. F. ZEBAL, R. A. RENAUD, HUGH BABER, LEON BRINK, N. F. DOUGHERTY, ERNEST GRELL, LEWIS MANOR, AND A. E. SCARLETT, OFFICERS OF THE CALIFORNIA RICE INDUSTRY, AN ASSOCIATION; CHARLES S. MORSE, ALLEN A. MORSE, NELSON B. MORSE, CLARENCE G. MORSE AND GERTRUDE MORSE, TRADING AS CAPITAL RICE MILLS, A MEMBER OF THE CALIFORNIA RICE INDUSTRY, AN ASSOCIATION; ELLEN S. GROSJEAN AND EILEEN CALLAGHAN, TRADING AS C. E. GROSJEAN RICE MILLING CO., A MEMBER OF THE CALIFORNIA RICE INDUSTRY, AN ASSOCIATION; WILLIAM CRAWFORD, TRADING AS WOODLAND RICE MILLING COMPANY, A MEMBER OF THE CALIFORNIA RICE INDUSTRY, AN ASSOCIATION; GROWERS RICE MILLING COMPANY, A CORPORATION; PACIFIC TRADING COMPANY, INC., A CORPORATION; PHILLIPS MILLING COMPANY, A CORPORATION; RICE GROWERS ASSOCIATION OF CALIFORNIA, A CORPORATION, AND ROSENBERG BROTHERS AND COMPANY, A CORPORATION; ALL MEMBERS OF THE CALIFORNIA RICE INDUSTRY, AN ASSOCIATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, June 17, 1937, at ten o'clock in the forenoon of that day (Pacific standard time), in Room 447, Post Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1823; Filed, June 17, 1937; 9:36 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3017]

IN THE MATTER OF CHARLES OF THE RITZ, INCORPORATED, AND CHARLES OF THE RITZ DISTRIBUTORS CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 22, 1937, at nine o'clock in the forenoon of that day (eastern standard time), Room 823, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1819; Filed, June 17, 1937; 9:34 a. m.]

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*United States of America Before Federal Trade Commission*

At the regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2975]

IN THE MATTER OF COTY, INC., COTY CORPORATION, LTD. (MARYLAND), COTY CORPORATION, LTD. (TENNESSEE), COTY CALIFORNIA CORPORATION, AND COTY NEW JERSEY CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 22, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 823, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1818; Filed, June 17, 1937; 9:34 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2948]

IN THE MATTER OF EASTERN PHARMACAL COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, June 21, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York.



Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1814; Filed, June 17, 1937; 9:33 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2974]

IN THE MATTER OF ELMO, INCORPORATED, AND ELMO SALES CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 22, 1937, at nine o'clock in the forenoon of that day (eastern standard time), Room 823, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1817; Filed, June 17, 1937; 9:34 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3120]

IN THE MATTER OF GOTHAM SALES COMPANY, INC., A CORPORATION, ALSO TRADING AS UNIVERSAL MERCHANDISE COMPANY, TIP TOP LABORATORIES, SCIENTIFIC FOOD PRODUCTS COMPANY, PRIZE MEDAL LABORATORIES, SCIENTIFIC BEAUTY INSTITUTE, RX MANUFACTURING COMPANY, SCIENTIFIC LABORATORIES, LADY FAIR LABORATORIES; HARRY J. GOTTSEGEN, ALFRED GOTTSEGEN, MAX GOTTSEGEN, MARTIN GOTTSEGEN, AND ALEXANDER GOTTSEGEN, INDIVIDUALLY AND AS COPARTNERS, TRADING AS UNIVERSAL MERCHANDISE COMPANY, TIP TOP LABORATORIES, SCIENTIFIC FOOD PRODUCTS COMPANY, PRIZE MEDAL LABORATORIES, SCIENTIFIC BEAUTY INSTITUTE, RX MANUFACTURING COMPANY, SCIENTIFIC LABORATORIES, LADY FAIR LABORATORIES, AND AS OFFICERS OF GOTHAM SALES COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, June 23, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc 37-1824; Filed, June 17, 1937; 9:36 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2973]

IN THE MATTER OF RICHARD HUDNUT, AND RICHARD HUDNUT SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, Sec. 13, as amended),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 22, 1937, at nine o'clock in the forenoon of that day (eastern standard time), Room 823, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1816; Filed, June 17, 1937; 9:33 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3029]

IN THE MATTER OF JOHNSON & JOHNSON, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, June 25, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 823, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1821; Filed, June 17, 1937; 9:35 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3026]

IN THE MATTER OF KIDDER OIL COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, June 21, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in room 901, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1820; Filed, June 17, 1937; 9:35 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3039]

IN THE MATTER OF PRIMROSE HOUSE, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 22, 1937, at nine o'clock in the forenoon of that day (eastern standard time), Room 823, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent.

The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1822; Filed, June 17, 1937; 9:35 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of June, A. D. 1937.

IN THE MATTER OF APPLICATIONS UNDER SECTION 1, PARAGRAPHS (18) TO (21), INCLUSIVE, OF THE INTERSTATE COMMERCE ACT FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OR EXTENSION OF LINES OF RAILROAD, FOR THE ACQUISITION OF LINES OF RAILROAD, AND FOR THE OPERATION OF LINES OF RAILROAD UNDER CONTRACTS FOR JOINT USE.

The matter of applications under the above title being under consideration:

*It is ordered*, That such applications shall set forth the following information:

(a) Exact corporate name of the applicant.

(b) Whether the applicant is (1) a carrier by railroad subject to the interstate commerce act, (2) a corporation organized to construct and operate a railroad but not an operating corporation, or (3) an unincorporated organization, or an individual.

(c) Date of incorporation, and government, state or territory, under the laws of which the applicant was organized. If incorporated under the laws of, or authorized to operate in, several states, give the facts in regard thereto.

(d) Whether it is proposed (1) to construct a new line of railroad or an extension of an existing line of railroad, (2) to acquire a line of railroad, or (3) to operate over a line of railroad under a contract for joint use.

(e) Each state, and each county thereof, in which the proposed construction, acquisition or operation would be located.

(f) The route and termini of the line it is proposed to construct, acquire, or operate. In cases of construction or acquisition give the name of each incorporated city or village through which the line would pass; in cases of operation under contract for joint use, name the intermediate points to be served.

(g) The total number of miles of track proposed to be constructed, acquired, or operated, showing main lines and branch lines separately.

(h) The reasons, briefly stated, why the present or future public convenience and necessity require or will require the proposed construction, acquisition, or operation. (Detailed reasons should be reserved for the return to the questionnaire hereto annexed).

(i) Applicant's general plan for financing the proposed construction, or acquisition, and applicant's relation, if any, traffic or financial, to any other corporation or corporations.

(j) Reference to action by stockholders or directors of the applicant authorizing the making and filing of the application, giving date and place of meeting.

(k) Name, title and post office address of counsel or officer to whom correspondence in regard to application is to be addressed.

(l) The application and each copy thereof shall be accompanied by map drawn to scale, showing fully the geographic situation of the lines it is proposed to construct, acquire, or operate, and their relation to existing railroads. Towns, villages, large rivers or lakes, national parks and reservations should be shown, at least near the route. The limits of the area which the applicant claims would be served should be shown when possible. The map and each copy thereof shall be on a sheet 8 x 10½ inches, or a multiple of that size not larger than 16 x 21 inches, and folded to dimension. The proposed line should be shown in clear relief on the prints by color or otherwise. In addition, 3 extra copies of the map should be submitted, unbound, for the use of the Commission.

(m) Applications for authority to operate under contracts for joint use shall be accompanied by copies of the contract governing such use.

*It is further ordered*, That the following procedure shall govern the execution, filing, and subsequent disposal of the application:

The original application shall be signed by an executive officer of the applicant, shall be verified under oath, and shall show, among other things, that the affiant has knowledge of the matters and things therein stated and is duly authorized by the applicant to verify and file the application.

The original application and nine copies for the use of the Commission, and two additional copies for each state which includes any part of the proposed route, shall be filed with the Secretary of the Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copies may be stamped or typed, and the notarial seal may be omitted. Additional copies shall be furnished as directed by the Commission.

Upon receipt of the application, the Commission will: (a) serve notice thereof on, and file a copy thereof with, the governor and public service commission of each state in which any part of the proposed construction, acquisition, or operation would be located, accompanied by an inquiry as to whether the governor or other representative of the state desires to be heard in the matter, and (b) transmit to the applicant the questionnaire attached hereto and made a part hereof; together with a notice of the filing of the application, which notice shall be published by the applicant at least once during each of three consecutive weeks in some newspaper of general circulation in each county in which any part of the line proposed to be constructed, acquired, or operated is located.

The return to the questionnaire shall be filed with the Commission as soon as practicable, but not later than six weeks after receipt thereof. Action will not be taken on the application, and a hearing thereon, if considered necessary by the Commission, will not be ordered until after the return to the questionnaire shall have been received. The Commission will mail a copy of the return to the questionnaire to each governor and public service commission to whom a copy of the application was sent.

*It is further ordered*, That the application and the return to the questionnaire shall be prepared in typewritten or printed form on paper approximately 8½ x 11 inches, with 1½ inch margin at the left side for binding.

*It is further ordered*, That the order of Division 4 of January 22, 1924, relating to applications filed under Section 1 (18) to (21), inclusive, of the interstate commerce act, be, and it is hereby, revoked.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

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QUESTIONNAIRE

*General Instructions*

Responses to all questions and requirements of the questionnaire shall be full and complete. Responses of a general nature will not be acceptable. For estimates and opinions the supporting data shall be given. Information not specifically requested but which may be helpful to the Commission in reaching correct conclusions should be supplied in detail.

In the return to the questionnaire the questions must appear before the answers thereto and must be numbered and lettered as in the questionnaire hereto annexed. Each copy of the return shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copy may be stamped or typed and the notarial seal may be omitted. Statement of the same facts in answer to two or more questions should generally be avoided, suitable reference being made where necessary.

In connection with applications for authority to acquire lines of railroad and to operate under contracts for joint use, questions clearly relating only to construction may be answered by the words "not applicable."

The original return and nine copies for the use of the Commission, and two additional copies for each state in which is located any part of the lines to be constructed, acquired or operated, shall be filed with the Secretary of the Commission, Washington, D. C.

*Return to Questionnaire*

The _____ Company, having made application to the Interstate Commerce Commission, under section 1 (18) of the interstate commerce act, for

_____
Here
_____
state
_____
in detail
_____
the nature
_____
of application.

which application is filed in the office of the Commission in Finance Docket No. _____, hereby affirms that notice of the application has been published in the form prescribed by the Commission, at least once during each of three consecutive weeks, in the following newspapers:

_____
Beginning
_____
Beginning
_____
Beginning
_____

that said newspapers are of general circulation in each of the following counties of the states named:

| (state) | (counties) |
|---|---|
| | |
| | |
| (state) | (counties) |
| | |

which are all of the states and counties in which the proposed new line of railroad, or the line to be acquired or operated, would be situated; and that the newspaper clippings hereto attached contain true copies of the notice as published in said newspapers. The applicant also submits the following information required by the Commission:

1. The essential facts to show that the applicant is a carrier by railroad, engaged in the transportation of passengers or property, subject to the interstate commerce act, or is a corporation organized to construct and operate a railroad. If not incorporated, so state, giving complete description of party or parties filing the application.

2. Whether the proposed new line of railroad would be both constructed and operated by the applicant.

3. Whether any corporation, individual, or trustee, holds control over the applicant at the date of filing this return. If so:

(a) The form of control, whether sole or joint, and whether in trust.
(b) The name and business address of the controlling corporation, individual, or trustee.
(c) The manner in which control was established.
(d) The extent of control.
(e) Whether control is direct or indirect; if indirect, the name and business address of the intermediary through which it was established and is exercised.
(f) The name and business address of the beneficiaries for whom the trust, if any, is maintained.
(g) The purposes of the trust.

4. Whether the applicant is connected by stock ownership, or otherwise, with any industry to be served by the line proposed to be constructed, acquired, or operated. If so, state the facts.

5. The chief uses and purposes of the proposed line or operation.

6. The classes of service to be performed, as passenger, freight, express, and switching.

7. The kind of motive power to be used. If electric power, state source and estimated cost.

8. Whether the line proposed to be constructed, acquired, or operated would receive material revenue from the territory

traversed, or serve any material public convenience and necessity of the local territory.

9. The name, area, and population of each county in which the line to be constructed or acquired would be located, and the name and population of each city, town and village at which a station would be or is established, together with its distance from a designated initial point, with the source of information as to population.

10. The names and places mentioned in paragraph 9 that are now served by common carrier railroads (excluding street railways), and the name of each such carrier serving the several places.

11. The names of the places mentioned in paragraph 9 that have no common carrier railroad service, the distance in miles of each such place from the nearest station on a common carrier railroad, the name of each such railroad and the character of the connecting highway.

12. The name and population of each city, town and village (together with state and county in which located), within the area to be served but not on the proposed route.

13. The approximate distance in miles by highway from the nearest station on the line to be constructed or acquired to each of the places mentioned in paragraph 12, and the names of all common carrier railroads that now serve each of the places.

14. The names of common carrier railroads with which the line to be constructed or acquired would connect, and the proposed points of track connection.

15. The number of common carrier truck and bus lines operating in the area to be traversed by the line to be constructed or acquired, and the character of service performed by each.

16. The general character of the country through which the line to be constructed or acquired would extend. Indicate whether it is level, rolling, mountainous, cultivated, pasture, prairie, desert, rocky, or timbered, etc.

17. The approximate area of the territory to be served by the line to be constructed or acquired, an estimate of the population therein, and the area,

(1) in timber,
(2) in pasture, and
(3) under cultivation
(See General Instructions)

18. The kinds of industry carried on in the area to be served, such, for example, as farming, dairying, grazing, coal mining, manufacturing, lumbering, etc., and the relative importance of each.

19. The main facts as to the age, growth and extent of such industries, their probable future growth and permanence and the reasons therefor.

20. What carriers now serve these industries, and to what extent.

21. Whether the chief support of the line to be constructed or acquired would come from the general community or from some particular industry or industries, located or to be located. In the latter case, give facts concerning such particular industry or industries and applicant's contractual or financial relation thereto.

22. Whether the proposed new line of railroad would be built primarily for a direct profit from railway operation, or for the advantage of any other industry or business. If for the latter, state what industry or business would be so benefited, what such advantages would be, and the applicant's contractual or financial relation to said industry.

23. If the line to be constructed or acquired is an extension of an existing railroad, or a branch, connecting track, or cutoff, the extent to which it is expected to be directly profitable in itself, and the extent to which it is expected to be justified by its effect on the business of the existing line.

24. If the line of railroad to be constructed, acquired, or operated is to be a connecting link between existing railroads, the kind and volume of traffic, expressed in tons or carloads, that probably would be interchanged, and the economies that would be effected by such interchange.

25. Of the interchange traffic mentioned in answer to paragraph 24, what part, expressed in tons or carloads, cannot be hauled or moved by existing railroads or truck lines.

26. The facts concerning any agreement, tentative or otherwise, with existing carriers, covering operation, interchange of traffic, division of rates, or trackage rights, in connection with the line to be constructed, acquired, or operated.

27. Whether any aid, gift, grant of right of way, or other donation has been promised in connection with the proposed new line of railroad; if so, state specifically the nature, amount, and value of such promised donations.

28. The manner in which it is proposed to finance construction and equipment, or acquisition, the kind and amount of securities to be issued, and the approximate terms of their sale; to what extent funds for financing are now available, and which, if any, of such securities would be underwritten by industries to be served by the proposed line.

29. An estimate, in detail, of the character and volume of traffic expected and the gross revenue to be derived therefrom, covering each of the first five years of operation, together with an estimate of the annual gross revenues expected after the first five years. The detailed estimate required for the first five years should show the amount of each class of traffic, the mean length of haul, the rate per unit, and the revenue to be derived, also chief points or territories of origin and destination.

30. The estimated gross revenue, operating expenses, net revenue, and net railway operating income, corresponding with the estimates of traffic under paragraph 29. By "net railway operating income" is meant the excess of the credits over the debits to income, as reflected by the operating revenue, operating expense, railway tax accrual, uncollectible railway revenue, equipment rent, and joint facilities rent accounts.

31. The part of the estimated traffic which will constitute net additional business developed or created by the construction of the proposed new line of railroad, and the part that will be diverted from existing railroads.

32. The dates on which it is expected to begin and to complete the construction of the proposed new line of railroad.

33. The engineering work in full detail which has been done with respect to the proposed new line at the time of filing the return.

34. The following details concerning the line to be constructed:

(a) The gage and number of main line tracks.
(b) Weight of rail for main line track.
(c) Rate of maximum grade in each direction, and whether and how compensated for curvature.
(d) Rate of limiting grade that will fix train loading in each direction, and whether and how compensated for curvature.
(e) If helper grades are to be used, the location, length, rate, and direction of ascent for each.
(f) The maximum rate of curve.
(g) The average amount of curvature per mile, in degrees.
(h) The approximate length and height of wooden trestles or other temporary construction.

(Details under this paragraph not fixed by survey are to be estimated from reconnaissances so far as possible.)

Question 34 should also be answered for lines to be acquired, so far as the information may be available.

35. An estimate of total increase in charges to road and equipment account during the first five (5) years after completion of the new line. If this displaces rental charges on equipment, so show.

36. Any additional facts or reasons to show that the public convenience and necessity require the granting of this application.

*Exhibits Required*

In the case of applications for authority to construct, there shall be filed with the return to the questionnaire the following exhibits: (copies of return need not contain any exhibits except E and F).

A. A copy of the engineering report of reconnaissance for the proposed line, if records of location surveys are not submitted.

B. A copy of the specifications as to construction, if any exist.

C. A map of the location projected or actually staked for the proposed line. If such location has been made. This map should show the alignment in detail, with the usual topographic features added. Small maps may be folded accordion fashion to conform to the size of the return. If more than 12 feet long, the maps should be submitted in a continuous roll.

D. A copy of the best available profile of the proposed line. If more than 12 feet long submit in a continuous roll, otherwise fold to the size of the return.

E. (1) A detailed estimate of the cost of building the proposed line, with all the necessary appurtenances (except equipment), classified by Interstate Commerce Commission primary accounts; also a concise detail of estimated quantities and prices covering what is set down under Accounts 3 to 12, inclusive. Details may be required for other principal accounts. A complete estimate showing quantities and prices in reasonable detail may be submitted in any form.

(2) Detailed estimates of the kind and cost (or rental cost) of the equipment required to handle the estimated traffic separately for the first and the fifth years of complete operation. State whether the equipment is to be bought or rented; show second-hand equipment as such; give number of units, class of service and general type, with the weight and tractive power of locomotives and capacity of freight cars.

F. If the applicant is a going concern, copies of the income account for the five preceding calender years and for the months of the current year for which the figures are available; also copies of the latest profit and loss account and general balance sheet.

G. Opinion of counsel that the proposed construction is within the charter powers of the applicant.

*Oath*

State of _____

*County of* _____, *ss.*

_____ makes oath and says that he is

(Name of affiant)

the _____ of the _____

(Title of affiant) (Corporate name of applicant)

_____ applicant herein; that he has been authorized by proper corporate action on the part of said applicant to verify and file with the Interstate Commerce Commission the foregoing return to questionnaire of said Commission in respect of the application in Finance Docket No. _____; that he has carefully examined all of the statements referred to in said return and the exhibits attached thereto and made a part thereof; that he has knowledge of the matters set forth in such return and that all such statements made and the matters set forth therein are true and correct to the best of his knowledge, information and belief.

_____

Subscribed and sworn to before me _____ in and for the State and County above named, this _____ day of _____ 193__.

_____

My Commission expires _____.

[F. R. Doc. 37-1810; Filed, June 16, 1937; 2:18 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of June, A. D., 1937.

[File No. 46-23]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Middle West Corporation, a registered holding company, having duly filed with this Commission an application, and amendment thereto, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it from Middle West Utilities Company of Canada, Ltd., all of whose outstanding securities are owned by applicant, of 4,248½ shares of Common Stock ($1.00 Par) of United Public Service Corporation; a hearing on said amended application having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of such securities in accordance with terms and conditions and for the purposes represented by said amended application be, and the same hereby is, approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1834; Filed, June 17, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of June, A. D., 1937.

[File No. 46-24]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Middle West Corporation, a registered holding company, having duly filed with this Commission an application, and amendment thereto, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it from Middle West Utilities Company of Canada, Ltd., all of whose outstanding securities are owned by applicant, of 1,000 shares of Common Stock without par value of Missouri Gas & Electric Service Company; a hearing on said amended application having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of such securities in accordance with terms and conditions and for the purposes represented by said amended application be, and the same hereby is, approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1835; Filed, June 17, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 9, 1937, BY LOUIS BERNSTEIN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the figures set forth in Division II, Item 20 (e), for the months of June, July, August and November, 1936, and March 1937, may not be correct;

(2) In that the second signature form required to be included as a part of the offering sheet is omitted;

(3) In that the statement made in Division II, Item 13, is incomplete by reason of the fact that it is stated it was necessary to place the field on a strict proration basis, but no statement is made relative to the present proration

basis, strict or otherwise, and because of the failure to disclose this additional information, the statements made might be misleading.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1831; Filed, June 17, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE PHILLIPS D. HARRELL TRACT, FILED ON JUNE 10, 1937, BY A. BEN CHADWELL, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered, as set forth in Division II, Item 1, is not believed to be correct, nor is the number of barrels of oil which must be produced from the tract involved before the smallest fractional interest offered will be entitled to one barrel believed to be correctly stated;

(2) In that the legal description set forth in Division II, Item 2 (c), is not believed to be correct by reason of the fact that it does not agree with the information disclosed by the plat attached to the offering sheet as "Exhibit A" or the legal description set forth in the proposed instrument of conveyance attached to the offering sheet as "Exhibit B";

(3) In that in Division II, Item 10, the name of the person by whom the taxes mentioned in said item are assessed, is omitted; nor is time of payment given or statement that the interests offered are chargeable with a proportionate deduction of said taxes;

(4) In that in Division II, Item 13, the number of drilling wells is omitted; also, the date upon which the discovery well was "plugged back" is not believed to be correct;

(5) In that the statement made in Division II, Item 17 (b), is not responsive to the question asked and might, therefore, be misleading;

(6) In that the figures set forth in Division II, Items 20 (d) and (e), are not believed to be correct;

(7) In that from the information contained in the proposed instrument of conveyance attached to the offering sheet as "Exhibit B", it is not possible to determine the smallest fractional interest proposed to be conveyed;

It is ordered, pursuant to Rule 340(a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1829; Filed, June 17, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE WOFFORD-MILITARY #2 TRACT, FILED ON JUNE 10, 1937, BY JAMES M. JOHNSON, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340(A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the second signature form required to be included in the offering sheet is omitted;

(2) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the smallest interest proposed to be conveyed is not set forth;

(3) In that the information given in Division II, Item 13, is incomplete by reason of the fact that it is stated it was necessary to place the field on a strict proration basis, but no mention is made of the present proration conditions;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1828; Filed, June 17, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE AMERADA-REPOLLO-TEXAS-PHILLIPS TRACT, FILED ON JUNE 12, 1937, BY SCHAPPERT-TEDEN-BLUMER, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 10, the names of the persons by whom the taxes mentioned in said item are assessed are omitted;

(2) In that the second signature form required to be included in the offering sheet is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1827; Filed, June 17, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE SHELL ET AL-ISENSEE-FLATO TRACT, FILED ON JUNE 9, 1937, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the form of schedule filed does not conform to the schedule prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective as of June 1, 1937;

(2) In that the information concerning the gross production of water from the tract involved is not set forth in percentages by months, nor is the information, as given, believed to be correct;

(3) In that some of the figures set forth in Division II, Items 16 (c) and (d), may not be correct;

(4) In that the proposed instrument of conveyance, attached to the offering sheet as Exhibit "B", is incomplete by reason of the fact that the smallest interest proposed to be conveyed is omitted;

(5) In that in Division III, the average estimated recovery per acre of 19,567.25 barrels, has not been "established."

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1833; Filed, June 17, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTEREST IN THE BRITISH-AMERICAN-RUSSELL TRACT, FILED ON JUNE 9, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered is not stated in terms of the total production from the tract involved as is required in Division II, Item 1;

(2) In that the legal description of the tract involved, required to be stated in Division II, Item 2 (c), is incomplete;

(3) In that it appears from information contained in Division II, Item 5, that payment for oil produced from the tract involved is made to the interest holders in an indirect manner, which information, if correct, requires that the text and answers required to be given in Division II, Item 12 (a) to (c), inclusive, shall be included in the offering sheet;

(4) In that the depth of the well located upon the tract involved, as set forth in Division II, Item 19 (c), does not agree with the depth of the well shown on the plat attached to the offering sheet as Exhibit "A";

(5) In that the proposed instrument of conveyance, attached to the offering sheet as Exhibit "B", is incomplete by reason of the fact that the smallest interest proposed to be conveyed is omitted, and the complete legal description of the property is not given;

(6) In that the statement contained in Division II, Item 13, relative to the date as of which the discovery well was "plugged back" is not believed to be correct.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F R Doc 37-1832: Filed, June 17, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE SUNRAY-KNOX GARVIN-HOWE'S CAPITOL COMMUNITY TRACT, FILED ON JUNE 10, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 1, the smallest fractional interest is not stated in terms of the total production from the tract involved;

(2) In that the legal description of the tract involved, as set forth in Division II, Item 2 (c), is not believed to be correct, and does not agree with similar information contained in the proposed instrument of conveyance attached to the offering sheet as "Exhibit B";

(3) In that the figures set forth in Division II, Item 20 (d), for the months beginning September, 1936 and ending January, 1937, inclusive, are not believed to be correct;

(4) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it apears that the prorata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(5) In that the second signature form required to be included in the offering sheet is omitted;

(6) In that the statement made in Division II, Item 13, relative to the date as of which the discovery well was "plugged back", is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1830; Filed, June 17, 1937; 12:41 p. m.]



SOCIAL SECURITY BOARD.

[Regulation No. 1]

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

It being found by the Social Security Board (hereinafter referred to as the Board) that the public interest and the efficient administration of the functions with which the Board is charged under the Social Security Act require that the confidential nature of all wage records and other records or information in possession of the Board, pertaining to any person, be preserved.

Now, therefore, pursuant to authority contained in Section 1102 of the Social Security Act the Board hereby adopts and promulgates the following regulation:

(1) No member, officer, or employee of the Board, except as authorized by this regulation or otherwise expressly authorized by the Board, shall produce or disclose to any person or before any tribunal, directly or indirectly, whether in response to a subpoena or otherwise, any record (including any file, letter, application, claim, return, report, or other paper or document) or any information acquired therefrom or otherwise officially acquired, pertaining to any person.

(2) Any request or demand for any such record or information, disclosure of which is forbidden by this regulation, shall be declined upon the authority of this regulation. If any member, officer, or employee of the Board is sought to be required, by subpoena or other compulsory process, to produce such record or give such information, he shall respectfully decline to present such record or divulge such information, basing his refusal upon this regulation.

(3) Disclosure of such records or information is hereby authorized, in such manner as the Board may by instructions prescribe, in the following cases:

(a) To any claimant or prospective claimant for benefits under Title II of the Social Security Act, or his duly authorized representative, as to matters directly concerning such claimant or prospective claimant;

(b) To any officer or employee of the Treasury Department of the United States lawfully charged with the administration of Title VIII or Title IX of the Social Security Act, for the purpose of such administration only;

(c) To any official, body or commission lawfully charged with the administration of any State unemployment compensation law or tax levied in connection therewith, for the purpose of such administration only.

(4) Nothing herein shall be construed to preclude the disclosure by the Board, or any member, officer or employee thereof, of any such record or information in any formal proceeding under the Social Security Act; nor shall anything herein be construed to prohibit the publication of statistical data or other information not relating to any particular person; nor shall this regulation apply to personnel information relating to employees of the Board.

(5) As used in this regulation, the term "person" includes an individual, a trust or estate, a partnership, or a corporation; the term "corporation" includes associations, joint-stock companies, and insurance companies; the term "State" includes Alaska, Hawaii and the District of Columbia.

By the Board: Adopted, June 15, 1937.

[SEAL] A. J. ALTMEYER, *Chairman.*

[F. R. Doc. 37-1811; Filed, June 16, 1937; 3:13 p. m.]

## *Saturday, June 19, 1937* *No. 118*

PRESIDENT OF THE UNITED STATES.

CONVEYING TO THE PEOPLE OF PUERTO RICO CERTAIN LAND HERETOFORE RESERVED FOR PURPOSES OF THE UNITED STATES

By the President of the United States of America

A PROCLAMATION

WHEREAS the President of the United States, under an act of Congress approved March 2, 1917 (39 Stat. 951–968), entitled "AN ACT To provide a civil government for Porto Rico, and for other purposes," is authorized to convey to the people of Puerto Rico from time to time, in his discretion, such lands, buildings, or interests in land or other property now owned by the United States and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States; and

WHEREAS the island within the territorial limits of Puerto Rico known as Desecheo Island, heretofore reserved by Executive Order No. 1669 of December 19, 1912, as a preserve and breeding ground for native birds, is no longer needed for purposes of the United States; and

WHEREAS this island is desired by the Insular Government of Puerto Rico for use as a forest reserve and as a preserve and breeding ground for native birds, and may be advantageously used by the people of Puerto Rico;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States, by virtue of the authority in me vested, do hereby proclaim and make known that Desecheo Island, located in Mona Passage, Puerto Rico, approximately in latitude eighteen degrees twenty-three minutes north, longitude sixty-seven degrees twenty-nine minutes west from Greenwich, as indicated upon the diagram hereto attached and made a part hereof,[1] is hereby transferred and conveyed, subject to the reservations and conditions hereafter mentioned, to the people of Puerto Rico to be used for forest reserve and native bird preserve purposes only.

There is reserved to the United States the right to occupy such areas of Desecheo Island as may be needed for the establishment of aids to navigation, together with rights for landing and ingress and egress to the areas so occupied by the United States.

In the event that Desecheo Island shall cease to be used for forest reserve and native bird preserve purposes, or be devoted to any other than forest reserve and native bird preserve purposes, the same shall revert to the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16" day of June, in the year of our Lord nineteen hundred and thirty-

[SEAL] seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,

*Secretary of State.*

[No. 2241]

[F. R. Doc. 37-1844; Filed, June 18, 1937; 12:30 p. m.]

EXECUTIVE ORDER

AMENDMENT OF THE EXECUTIVE ORDER OF JANUARY 17, 1873, RELATING TO THE HOLDING OF STATE OR LOCAL OFFICES BY FEDERAL OFFICERS AND EMPLOYEES

By virtue of and pursuant to the authority vested in me by section 1753 of the Revised Statutes of the United States (U. S. C., Title 5, section 631), and as President of the United States, the Executive Order of January 17, 1873, as amended, prohibiting, with certain exceptions, Federal officers and employees from holding state, municipal, or other local offices, is hereby further amended so as to permit any state, county, or municipal officer, when duly elected by qualified voters of a grazing district and appointed by the Secretary of the Interior, to serve as a district advisor under the Act of June 28, 1934 (48 Stat. 1269), as amended, at a per diem salary for intermittent duty, when in the opinion of the

[1] See page 1055.

Secretary of the Interior such services are required in the interest of grazing on the public lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 17, 1937.*

[No. 7636]

[F. R. Doc. 37-1840; Filed, June 18, 1937; 11:47 a. m.]

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## POST OFFICE DEPARTMENT.

[Order No. 10459]

CLASSIFICATION OF BILLS OR STATEMENTS OF ACCOUNT PRODUCED BY PHOTOGRAPHIC OR MECHANICAL PROCESS

JUNE 4, 1937.

Paragraph 1, section 561, Postal Laws and Regulations, is amended to read as follows:

561. Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 240 of this title, but bills or statements of account produced by any photographic or mechanical process shall not be accepted as mail matter of the third class unless presented in quantities of twenty or more identical copies. When such bills or statements are not identical or are presented in quantities of less than twenty identical copies, they shall be subject to postage at the first-class rate. (Act of February 28, 1925, 39 U. S. C. 235, as amended by the Act of April 27, 1937, Public No. 55, 75th Congress).

Section 505, Postal Laws and Regulations, is amended by adding the following as paragraph 4:

4. Bills or statements of account produced by any photographic or mechanical process when mailed in quantities of less than twenty identical pieces shall be treated as first-class matter. See section 561.

[SEAL] JAMES A. FARLEY,
*Postmaster General.*

[F. R. Doc. 37-1839; Filed, June 18, 1937; 10:53 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Park Service.

YELLOWSTONE NATIONAL PARK

LOCAL SUBSIDIARY REGULATIONS

The following subsidiary regulations, issued under the authority of the Rules and Regulations approved by the Secretary of the Interior June 18, 1936 (1 F. R. 672), have been recommended by the superintendent and approved by the Director of the National Park Service, and are in force and effect within the boundaries of Yellowstone National Park:

*Fishing.*—The following waters are permanently closed to fishing:

Indian Creek.
Panther Creek.
Glen Creek.
Gardiner River for its entire length above the Mammoth water supply intake.
White Lake, Fern Lake, and Tern Lake, on the Mirror Plateau.
Duck Lake, near West Thumb.
Buck Lake, Fish Lake, and Shrimp Lake, near Soda Butte.

All streams trapped by the Bureau of Fisheries shall be closed from the mouths of the streams to a distance of three miles above the traps, during the spawning season. Such closed streams will be posted by the Bureau of Fisheries: all other closed waters will be posted by the National Park Service.

*Open Season.*—The fishing season in Yellowstone National Park shall be from sunrise on May 23 to sunset on October 20 of each year, except in special areas as hereinafter specified.

Special Areas:

Grebe Lake, near Canyon, shall be open to fishing from August 20 to October 20, inclusive.

The Yellowstone River, from a point 150 yards above Fishing Bridge to the Upper Falls at Canyon, shall be open to fishing from July 1 to October 20, inclusive.

Campanula, Cougar, Duck, Maple, Gneiss, and Grayling Creeks shall be open to fishing from May 23 to July 10, inclusive.

The Madison River, for its entire length within the park shall be open to fishing from May 23 to September 30, inclusive.

Heart, Lewis, and Shoshone Lakes, and the Yellowstone River from the mouth of the Lamar River to the north boundary of the park shall be open to fishing from May 1 to October 31, inclusive.

*Limit of Catch.*—The limit of catch per day for each person fishing in the waters of Yellowstone National Park shall be 15 pounds of fish (dressed weight with heads and tails intact) plus one fish, not to exceed a total of 10 fish, except as hereinafter specified.

Special Limits:

On the following waters, the limit of catch per day for each person fishing shall be 10 pounds of fish (dressed weight with heads and tails intact) plus one fish, not to exceed a total of five fish:

(a) Within a one-mile radius of the boat docks at West Thumb.

(b) All waters of Yellowstone Lake inclosed by a line from Gull Point to the extreme north end of Stevenson's Island and continued to the mouth of Pelican Creek.

(c) The Yellowstone River from the outlet of Yellowstone Lake at Fishing Bridge to the Upper Falls at Canyon.

Restriction on Use of Bait:

No salmon eggs or other fish eggs, either fresh or preserved, shall be used as bait. The possession of such salmon eggs or other fish eggs is prohibited within the park.

*Size and weight limits for vehicles—*

Load Limits:

It shall be unlawful for any person to operate, or move upon any public highway in Yellowstone National Park, any vehicle which has a gross weight, including vehicle and load, in excess of that set forth in the following regulations:

(a) Any two axle vehicle, whose gross weight, including vehicle and load, exceeds 24,000 pounds (12 tons).

(b) Any vehicle whose gross weight, including vehicle and load, exceeds 30,000 pounds (15 tons).

Dimensions of Vehicles and Loads:

No vehicle shall be moved or operated on any of the public highways of Yellowstone National Park when the total outside width and length, including the load thereon, exceeds eight feet in width and thirty-three feet in length for a single vehicle or sixty feet in length for a combination of vehicles, or when the total height of a vehicle, including the load thereon, exceeds twelve feet and six inches.

*Speed.*—The maximum speed of automobiles and other vehicles in Yellowstone National Park shall not exceed the following prescribed limits:

(a) In all areas which are so posted and on dangerous curves, 15 miles per hour.

(b) On the Norris Junction-Canyon Junction road, 25 miles per hour.



# DESECHEO ISLAND RESERVATION

## For Protection of Native Birds

## PUERTO RICO

*Embracing Desecheo Island in Mona Passage, as segregated by broken line and designated "Desecheo Island Reservation."*

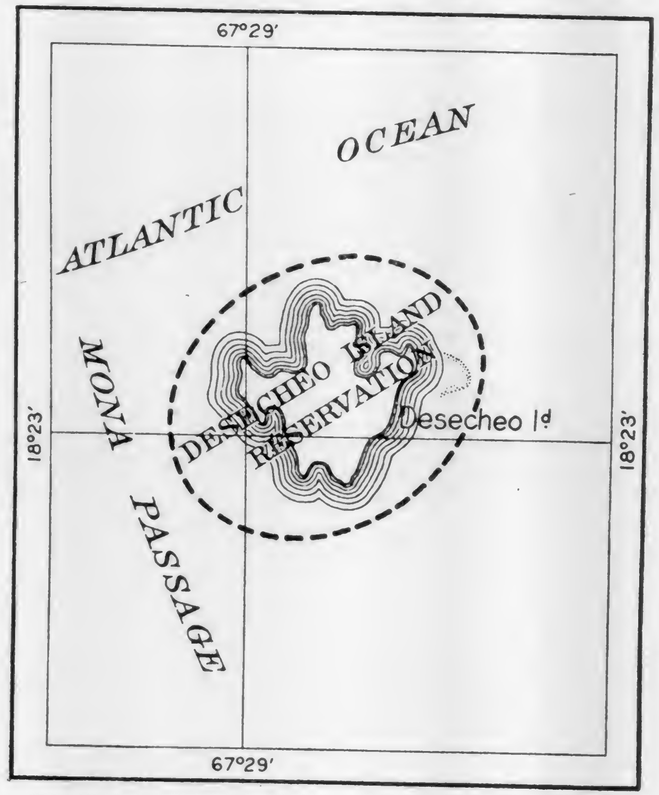


DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Fred W. Johnson, Commissioner

DIAGRAM ACCOMPANYING PROCLAMATION APPEARING ON PAGE 1053.

(c) All trucks of a ton and a half capacity or over, 30 miles per hour.

(d) Cars towing trailers, other cars or vehicles of any kind, 30 miles per hour.

(e) On straight and open stretches, 45 miles per hour.

All previous local subsidiary regulations applying to Yellowstone National Park are hereby repealed.

Approved: June 14, 1937.

[SEAL] A. E. DEMARAY,
*Acting Director, National Park Service.*

[F. R. Doc. 37-1838; Filed, July 18, 1937; 9:35 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

EXTENSION OF EFFECTIVE DATE OF PROPERTY MANAGEMENT CHAPTER

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, the effective date of the Property Management Chapter of the Consolidated Manual (Chapter III) shall be one hundred sixty days after the date of its original adoption, January 22, 1937, Sundays and holidays excluded; and the resolutions adopted on March 8, 1937 and April 28, 1937 extending the time of the effective date to eighty days and one hundred and twenty days, respectively, after the original adoption of said Chapter are hereby amended to conform to the provisions hereof.

Adopted by the Federal Home Loan Bank Board on June 17, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37 1837; Filed, June 17, 1937; 2:54 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of June, A. D. 1937.

[File No. 51-3]

IN THE MATTER OF CLAM RIVER ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Clam River Electric Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, pursuant to Section 12 (c) and Rule 12C-2 thereunder of the Public Utility Holding Company Act of 1935, for approval of the payment of liquidating dividends.

It is ordered that a hearing on such matter be held on June 28, 1937, at 9:45 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 26, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting the said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1842; Filed, June 18, 1937; 12:25 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of June, A. D. 1937.

[File No. 51-4]

IN THE MATTER OF POLK ELECTRIC LIGHT CO.

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Polk Electric Light Co., a subsidiary company of American Utilities Service Corporation, a registered holding company, pursuant to Section 12 (c) and Rule 12C-2 thereunder of the Public Utility Holding Company Act of 1935, for approval of the payment of liquidating dividends.

It is ordered that a hearing on such matter be held on June 28, 1937, at 9:45 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 26, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting the said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1841; Filed, June 18, 1937; 12:25 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE RATHKE-WADLEY-HILL FARM, FILED ON MAY 12, 1937, BY SUPREME OIL INC, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 17th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 2nd day of July, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1843; Filed, June 18, 1937; 12:25 p. m.]



*Tuesday, June 22, 1937* *No. 119*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

PROMULGATING THE EFFECTIVE DATE OF THE CODE PROVIDED FOR IN THE BITUMINOUS COAL ACT OF 1937 AND OF SECTION 3 OF SAID ACT

WHEREAS the National Bituminous Coal Commission, created under the Bituminous Coal Act of 1937 (Public, No. 48, 75th Cong., 1st Sess.), acting pursuant to the said Act promulgated the Bituminous Coal Code provided for by the said Act on June 21, 1937; and

WHEREAS the said National Bituminous Coal Commission theretofore on May 24, 1937, promulgated forms of acceptance for membership in the said Code;

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 18 of the said Act, I hereby promulgate June 21, 1937, as the effective date of the said Bituminous Coal Code and of section 3 of the said Bituminous Coal Act of 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 21, 1937.*

[No. 7640]

[F. R. Doc. 37-1858; Filed, June 21, 1937; 11:10 a. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49028]

AIRPORTS OF ENTRY

CERTAIN AIRPORTS DESIGNATED AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named airports are hereby designated as airports of entry for the landing of aircraft from foreign countries, effective June 18, 1937:

Detroit Municipal Airport, Detroit, Michigan.
Juneau Airport, Juneau, Alaska.
Ketchikan Airport, Ketchikan, Alaska.
Port Townsend Airport, Port Townsend, Wash.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: June 17, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1854; Filed, June 21, 1937; 10:20 a. m.]



## POST OFFICE DEPARTMENT.

LETTERS OR SAMPLES OF MERCHANDISE FOR CHINA MAY NOT CONTAIN ARTICLES LIABLE TO CUSTOMS DUTY

JUNE 7, 1937.

The Postal Administration of China has advised this Department that letters or samples of merchandise for China may not contain articles liable to customs duty, and that such articles will be returned to origin in accordance with international postal regulations.

The subheading "Prohibitions" of the item "China" on page 324 of the July 1936 Postal Guide is modified accordingly.

[SEAL] J. W. COLE,
*Acting Second Assistant Postmaster General.*

[F. R. Doc. 37-1852; Filed, June 21, 1937; 9:57 a. m.]

CUSTOMS DUTY ON POSTAGE STAMPS FOR NEWFOUNDLAND

JUNE 10, 1937.

The Postal Administration of Newfoundland has advised this Department that postage stamps imported into Newfoundland by merchants and collectors of postage stamps are liable to customs duty.

Consequently, ordinary or registered letters containing such stamps should bear the green (customs) label—Form 2976, and have inclosed therein the paper form of customs declaration—Form 2976-A, (see page 221 of the current Annual Postal Guide). The customs declaration (Form 2976-A) should be accurately filled in and show the correct value of the postage stamps inclosed.

Letters which contain postage stamps and do not bear the green label are liable to confiscation or the payment of a fine by the addressee upon delivery.

Postmasters will cause due notice of the foregoing to be taken at their offices and the widest publicity, without expense to the Department, to be given thereto.

[SEAL] HARLLEE BRANCH,
*Second Assistant Postmaster General.*

[F. R. Doc. 37-1853; Filed, June 21, 1937; 9:57 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

ANCHORAGE, ALASKA, *May 25, 1937.*

[Bulletin No. 1004]

TIME TABLE NO. 29

*To All Concerned:*

Effective Sunday, June 6th, 1937 at 12:01 a. m. time table No. 29[1] will be in effect.

Receipt for this time table will be required as provided in Rule 286.

W. A. STILES,
*Chief Dispatcher.*

June 16, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director.*

[F. R. Doc. 37-1851; Filed, June 21, 1937; 9:40 a. m.]

[1] Applications for copies should be addressed to O. F. Ohlson, General Manager, Anchorage, Alaska, or to Division of Territories and Island Possessions, Department of the Interior, Washington, D. C.

**National Bituminous Coal Commission.**

[Order No. 2]

ORDER FOR AND NOTICE OF HEARING UPON CLAIM THAT SUBSTANTIALLY ALL TRANSACTIONS IN BITUMINOUS COAL IN INTRASTATE COMMERCE IN CERTAIN LOCALITIES DIRECTLY AFFECT INTERSTATE COMMERCE AND PRODUCE OTHER RESULTS DETRIMENTAL TO INTERSTATE COMMERCE IN SUCH COAL

It being claimed by various responsible producers and producers' organizations that substantially all transactions in bituminous coal in intrastate commerce within the several localities hereinafter named directly affect interstate commerce in such coal and cause, and will cause, undue and unreasonable advantage, preference and prejudice as between such commerce in such localities on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937; and it appearing to the Commission after investigation that there is substantial support in fact for such claim; and the Consumer's Counsel of the National Bituminous Coal Commission, having requested that a proceeding be instituted under the provisions of Section 4-A of such Act for the purpose of investigating the aforesaid claim and for the purpose of determining which, if any, of such transactions in intrastate commerce in such coal are subject to, and ought to be made subject to, the provisions of Section 4 of such Act; *Now therefore*, the National Bituminous Coal Commission, under authority of the provisions of such Section 4-A, hereby orders and directs as follows:

On the 12th day of July, 1937, commencing at the hour of 10:00 A. M., at the hearing room of the Commission at the Carlton Hotel, Washington, D. C., a hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the localities hereinafter named and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice will exist between localities in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discrimination against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and the provisions of Section 4-A of said Act.

The localities, concerning which hearings will be held, and above referred to, are as follows: The States of Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Montana, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wyoming and the Territory of Alaska.

Following the commencement of the hearing at Washington, D. C., the Commission will in its discretion designate the times and places for further hearings at points convenient to the respective localities named in this order and further notice thereof will be given to producers of bituminous coal by publication of a notice in newspapers of general circulation in such manner as the Commission shall hereafter direct.

Any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

Failure of any producer to appear and present evidence at the hearing herein noticed to be held in Washington, D. C., on July 12th, 1937, will not prejudice the case of any producer to be heard upon such application.

This order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

The respective acting district secretaries, as designated in Order No. 1 of the Commission, shall, under the direction of the Secretary of the Commission, forthwith mail a copy of this notice to each known producer of bituminous coal in each of the localities aforesaid and shall publish at the expense of the Commission a copy of this order and notice upon three (3) consecutive days in a newspaper of general circulation in each of such localities. Each notice published need contain only the name of the particular locality affected in which such publication is made and need not contain this paragraph.

By order of the Commission.

Dated this 19th day of June 1937.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

[F. R. Doc. 37–1855; Filed, June 21, 1937; 10:39 a.m.]

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[Order No. 3]

NOTICE AND ORDER EXTENDING TIME FOR PRODUCERS IN THE TERRITORY OF ALASKA TO FILE ACCEPTANCES OF BITUMINOUS COAL CODE

At a regular session of the National Bituminous Coal Commission held at its office in the City of Washington, D. C., on the 18th day of June, 1937,

It appearing to the Commission that producers of bituminous coal in the territory of Alaska have not received the documents issued and published by the Commission on the 21st day of May, 1937, entitled "Notice of Intention to Promulgate the Bituminous Coal Code" and "Promulgation of Form of Acceptance for Membership in the Bituminous Coal Code", in sufficient time to enable such producers to file such acceptance with the Commission at Washington, D. C., and it appearing to the Commission that such producers are entitled to special relief, now therefore, pursuant to authority of the Bituminous Coal Act of 1937,

It is hereby ordered, and notice is hereby given, as follows:

1. All acceptances of membership in such code, filed with the Commission at its office in the City of Washington, D. C., on or before August 1, 1937, by producers of bituminous coal in the territory of Alaska, in compliance with each of the aforesaid documents and with such Act, shall be considered to have been filed, and shall be effective, nunc pro tunc, as of date of June 21, 1937 All such acceptances filed after August 1, 1937, shall be effective only as of date of actual filing.

2. The Secretary of the Commission is directed to forthwith mail a copy of this order to each of the following addressees, addressed to them at the address, or addresses, stated after their respective names:

D. S. Hanley, Acting District Secretary, 2010 Smith Tower, Seattle, Washington.

The Commissioner of Internal Revenue, Washington, D. C.

Delegate Anthony J. Dimond, House of Representatives, Washington, D. C.

Edward F. Medley, 1010 American Bank Building, Seattle, Washington.

Evans Jones Coal Company, Jonesville, Alaska, and also Seattle, Washington.

Healy River Coal Corporation, Suntrana, Alaska, and also Seattle, Washington.

Wishbone Hill Coal Company, Wishbone Hill, Alaska, and also Seattle, Washington.

New Black Diamond Coal Company, Anchorage, Alaska, and also Seattle, Washington.

Alaska Mantanuska Coal Company, Anchorage, Alaska, and also Seattle, Washington.

3. The acting District Secretary aforesaid is hereby directed to mail a copy of this order and notice to any known producer, or other interested party known to him, not listed in the preceding paragraph.



4. The Secretary of the Commission is directed to cause to be noted or stamped upon each acceptance received by the Commission on or before August 1, 1937, in compliance with this order, a notation endorsed with his signature as follows:

Effective, nunc pro tunc, as of date of June 21, 1937, pursuant to authority of Order No. 3.

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*Secretary.*

By order of the Commission.

Dated this 19th day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–1856; Filed, June 21, 1937; 10:39 a.m.]

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[Order No. 4]

AN ORDER PROMULGATING THE BITUMINOUS COAL CODE

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, by said Act duly established, does hereby promulgate and publish, pursuant to section 5 (a) of said Act, the Bituminous Coal Code as provided for in section 4 of said Act.

The Bituminous Coal Code herein promulgated is as follows, to-wit:

BITUMINOUS COAL CODE

*Part I. Organization*

(a) Twenty-three district boards of code members shall be organized. Each district board shall consist of not less than three nor more than seventeen members. The number of members of the district board shall, subject to the approval of the Commission, be determined by the majority vote of the district tonnage during the calendar year 1936 represented at a meeting of the code members of the district called for the purpose of such determination and for the election of such district board: and all code members within the district shall be given notice of the time and place of the meeting. All but one of the members of the district board shall be code members or representatives of code members truly representative of all the mines of the district. The number of such producer members shall be an even number. One-half of such producer members shall be elected by the majority in number of the code members of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output of the code members in the district, for the calendar year preceding the date of the election: *Provided*, That not more than one officer or employee of any code member within a district shall be a member of the district board at the same time. The remaining member of each district board shall be selected by the organization of employees representing the preponderant number of employees in the industry of the district in question. The term of district board members shall be two years and until their successors are elected. The Commission shall have power to remove any member of any district board upon its finding, after due notice and hearing, that said member is guilty of inefficiency, willful neglect of duty, or malfeasance in office.

The district boards shall have power to adopt bylaws and rules of procedure, subject to approval of the Commission, and to appoint officers from within or without their own membership, to fix their terms and compensation, to provide for reports, and to employ such committees, employees, arbitrators, and other persons necessary to effectuate their purposes. Members of the district board shall serve as such, without compensation but may be reimbursed for their reasonable expenses. The territorial boundaries or limits of the twenty-three districts are set forth in the schedule entitled "Schedule of Districts" and annexed to this code.

Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the territorial boundaries or limits of any district or minimum-price area are such as to make it substantially impracticable to establish minimum prices in accordance with all the standards set forth in subsections (a) and (b) of part II of this code, and that a change in such territorial boundaries or limits or a division or consolidation of such districts or minimum-price areas would render the establishment of minimum prices in accordance with all such standards more practicable, it shall by order make such changes, divisions, and consolidations as it finds will substantially aid in such establishment of minimum prices.

(b) The expense of administering this code by the respective district boards shall be borne by the code members in the respective districts, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by such boards with the approval of the Commission. Such assessments may be collected by the district board by action in any court of competent jurisdiction.

(c) Nothing contained in the Act shall constitute the members of a district board partners for any purpose. Nor shall any member of a district board or officer thereof be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the district board. Nor shall any member or officer of a district board, exercising reasonable diligence in the conduct of his duties under the Act, be liable to anyone for any action or omission to act under the Act except for his own willful misfeasance or for nonfeasance involving moral turpitude.

(d) No action complying with the provisions of this code taken while the Act is in effect, or within sixty days thereafter, by any code member or by any district board, or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

*Part II. Marketing*

The Commission shall have power to prescribe for code members minimum and maximum prices, and marketing rules and regulations, as follows:

(a) All code members shall report all spot orders to such statistical bureau hereinafter provided for as may be designated by the Commission and shall file with it copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda, and such other information concerning the preparation, cost, sale, and distribution of coal as the Commission may authorize or require. All such records shall be held by the statistical bureau as the confidential records of the code member filing such information.

For each district there shall be established by the Commission a statistical bureau which shall be operated and maintained as an agency of the Commission. Each statistical bureau shall be under the direction of a manager, who shall be appointed by the Commission. No producer, employee, or representative of a producer, and, except as the Commission may specifically approve, no member of a district board or employee or representative thereof shall be an employee of any statistical bureau.

Each district board shall, from time to time on its own motion or when directed by the Commission, propose minimum prices free on board transportation facilities at the mines for kinds, qualities, and sizes of coal produced in said district, and classification of coal and price variations as to mines, consuming market areas, values as to uses and seasonal demand. Said prices shall be proposed so as to yield a return per net ton for each district in a minimum price area, as such districts are identified and such area is defined in the subjoined table designated "minimum-price-area table", equal as nearly as may be to the weighted average of the total costs, per net ton, determined as hereinafter provided, of the tonnage of such minimum price area. The computation of the total costs shall include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, royalties, depreciation and depletion (as determined by the Bureau of

Internal Revenue in the computation of the Federal income tax) and all other direct expenses of production, coal operators' association dues, district board assessments for Board operating expenses only levied under this code, and reasonable costs of selling and the cost of administration.

MINIMUM-PRICE-AREA TABLE

Area 1: Eastern Pennsylvania, district 1; western Pennsylvania, district 2; northern West Virginia, district 3; Ohio, district 4; Michigan, district 5; Panhandle, district 6; Southern numbered 1, district 7; Southern numbered 2, district 8; that part of Southeastern district 13, comprising Van Buren, Warren, and McMinn Counties in Tennessee.

Area 2: West Kentucky, district 9; Illinois, district 10; Indiana, district 11; Iowa, district 12.

Area 3: Southeastern, district 13, except Van Buren, Warren, and McMinn Counties in Tennessee.

Area 4: Arkansas-Oklahoma, district 14.

Area 5: Southwestern, district 15.

Area 6: Northern Colorado, district 16; southern Colorado, district 17; New Mexico, district 18.

Area 7: Wyoming, district 19; Utah, district 20.

Area 8: North Dakota and South Dakota, district 21.

Area 9: Montana, district 22.

Area 10: Washington and Alaska, district 23.

The minimum prices so proposed shall reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coal, shall be just and equitable as between producers within the district, and shall have due regard to the interests of the consuming public. The procedure for proposal of minimum prices shall be in accordance with rules and regulations to be approved by the Commission.

A schedule of such proposed minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship, shall be submitted by the district board to the Commission, which may approve, disapprove, or modify such proposed minimum prices to conform to the requirements of this subsection, which shall serve as the basis for the coordination provided for in the succeeding subsection (b): *Provided*, That all minimum prices proposed for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable, as between producers within the district: *And provided further*, That no minimum price shall be proposed that permits dumping.

As soon as possible after its creation, each district board shall determine, from cost data submitted by the proper statistical bureau of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in the district in the calendar year 1936. The district board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1936. Such determination and the computations upon which it is based shall be promptly submitted to the Commission by each district board in the respective minimum-price area. The Commission shall thereupon determine the weighted average of the total costs of the tonnage for each minimum-price area in the calendar year 1936, adjusted as aforesaid, and transmit it to all the district boards within such minimum-price area. Said weighted average of the total costs shall be taken as the basis, to be effective until changed by the Commission, for the proposal and establishment of minimum prices. Thereafter, upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton of two thousand pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, the Commission shall increase or decrease the minimum prices accordingly. The weighted average figures of total cost determined as aforesaid shall be available to the public.

Each district board shall, on its own motion or when directed by the Commission, propose reasonable rules and regulations incidental to the sale and distribution, by code members within the district, of coal. Such rules and regulations shall not be inconsistent with the requirements of this code and shall conform to the standards of fair competition hereinafter established. Such rules and regulations shall be submitted by the district board to the Commission with a statement of the reasons therefor, and the Commission may approve, disapprove, or modify the same, for the purpose of coordination.

(b) District boards shall, under rules and regulations established by the Commission, coordinate in common consuming market areas upon a fair competitive basis the minimum prices and the rules and regulations proposed by them, respectively, under subsection (a) of part II of this code. Such coordination, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices proposed for any kind, quality, or size of coal for shipment into any common consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, shall reflect as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coal produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy; and shall preserve as nearly as may be existing fair competitive opportunities. The minimum prices proposed as a result of such coordination shall not, as to any district, reduce or increase the return per net ton upon all the coal produced therein below or above the minimum return as provided in subsection (a) of part II of this code by an amount greater than necessary to accomplish such coordination, to the end that the return per net ton upon the entire tonnage of the minimum price area shall approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area. Such coordinated prices and rules and regulations, together with the data upon which they are predicated, shall be submitted to the Commission. The Commission shall thereupon establish, and from time to time, upon complaint or upon its own motion, review and revise the effective minimum prices and rules and regulations in accordance with the standards set forth in subsections (a) and (b) of part II of this code.

(c) When, in the public interest, the Commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the Commission shall have the power to establish maximum prices free on board transportation facilities for coal in any district. Such maximum prices shall be established at a uniform increase above the minimum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided*, That no maximum price shall be established for any mine which shall not yield a fair return on the fair value of the property.

(d) If any code member or district board or member thereof, or any State or political subdivision of a State, or the consumers' counsel, shall be dissatisfied with such coordination of prices or rules and regulations, or by a failure to establish such coordination of prices or rules and regulations, or by any minimum or maximum prices established or (c) of part II of this code, he or it shall have the right, by petition, to make complaint to the Commission, and the Commission shall, under rules and regulations established by it, and after notice and hearing, make such order as may be required to effectuate the purpose of subsections (b) and (c) of part II of this code. Pending final disposition of such petition, and upon reasonable showing of necessity therefor, the Commission may make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.



(e) No coal subject to the provisions of this code shall be sold or delivered or offered for sale at a price below the minimum or above the maximum therefor established by the Commission, and the sale or delivery or offer for sale of coal at a price below such minimum or above such maximum shall constitute a violation of this code: *Provided*, That the provisions of this paragraph shall not apply to a lawful and bona fide written contract entered into prior to June 16, 1933.

The making of a contract for the sale of coal at a price below the minimum or above the maximum therefor established by the Commission at the time of the making of the contract shall constitute a violation of this code, and such contract shall be invalid and unenforceable.

From and after the date of approval of the Act, until prices shall have been established pursuant to subsections (a) and (b) of part II of this code, no contract for the sale of coal shall be made providing for delivery for a period longer than thirty days from the date of the contract.

No contract shall be made for the sale of coal for delivery after the expiration date of the Act at a price below the minimum or above the maximum therefor established by the Commission and in effect at the time of making the contract.

The minimum prices established in accordance with the provisions of this code shall not apply to coal sold and shipped outside the domestic market. The domestic market shall include all points within the continental United States and Canada and car-ferry shipments to the island of Cuba. Bunker coal delivered to steamships for consumption thereon shall be regarded as shipped within the domestic market. Maximum prices established in accordance with the provisions of this code shall not apply to coal sold and shipped outside the continental United States.

(f) All data, reports, and other information in the possession of any agency of the United States in relation to coal shall be available to the Commission and to the office of the consumers' counsel for the administration of the Act.

(g) The price provisions of the Act shall not be evaded or violated by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof. The Commission is hereby authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make this subsection effective.

(h) The Commission shall, by order, prescribe due and reasonable maximum discounts or price allowances that may be made by code members to persons (whether or not code members), herein referred to as "distributors", who purchase coal for resale and resell it in not less than cargo or railroad carload lots; and shall require the maintenance and observance by such persons, in the resale of such coal, of the prices and marketing rules and regulations established under this code.

UNFAIR METHODS OF COMPETITION

(i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of this code:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: *Provided however*, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona-fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

9. The unauthorized use, whether in written or oral form, of trade-marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under the Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers, whereby they are[1] any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by the Act.

13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal.

It shall not be an unfair method of competition or a violation of this code or any requirement of the Act (1) to sell to or through any bona-fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members; (2) to sell through any intervening agency to any such cooperative organization; or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by this code to be paid or allowed, to other purchasers for purchases in wholesale or middleman quantities.

[1] So in original act.

(j) The Commission shall have jurisdiction to hear and determine written complaints made by any code member, district board, or member thereof, State or political subdivision of a State, or the consumers' counsel, which charge any violation of this code specified in part II thereof. It shall make and publish rules and regulations for the consideration and hearing of any such complaint, and all interested parties shall be required to conform thereto. The Commission shall make due effort toward adjustment of such complaints and shall endeavor to compose the differences of the parties, and shall make such order or orders in the premises, from time to time, as the facts and the circumstances warrant. Any such order shall be subject to review as are other orders of the Commission.

(k) In the investigation of any complaint or violation of this code, or of any rule or regulation the observance of which is required under the terms hereof, the Commission shall have power by order to require such reports from, and shall be given access to inspect the books and records of, code members to the extent deemed necessary for the purpose of determining the complaint. Any such order shall be subject to review as are other orders of the Commission.

(l) The provisions of this code shall not apply to coal consumed by the producer or to coal transported by the producer to himself for consumption by him.

As used in this Code—

The term "Act" means the Act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937.

The term "Commission" means the National Bituminous Coal Commission established by said Act.

The term "code" means this Bituminous Coal Code.

Producers accepting membership in this code as provided in section 5 (a) of the Act shall be, and are herein referred to as, "code members", and the provisions of this code shall apply only to such code members, except as otherwise provided by subsection (h) of part II of section 4 of the Act.

The term "coal" means bituminous coal.

The term "bituminous coal" includes all bituminous, semibituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more.

The term "producer" includes all individuals, firms, associations, corporations, trustees, and receivers engaged in the business of mining coal.

The term "interstate commerce" means a commerce among the several States and Territories, with foreign nations, and with the District of Columbia.

The provisions of this code and all rules, regulations, and orders of the Commission made pursuant thereto shall be applicable to all interstate commerce in coal, and shall also apply to all transactions in coal in intrastate commerce by any person or in any locality which the Commission shall by order, pursuant to section 4–A of the Act, declare to be subject to the provisions of section 4 of the Act and this code.

ANNEX TO CODE—SCHEDULE OF DISTRICTS

*Eastern Pennsylvania*

District 1. The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntingdon, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the P. & S. R. R. on the west bank of the Allegheny River and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

*Western Pennsylvania*

District 2. The following counties in Pennsylvania: Allegheny, Beaver, Butler, Green, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the P. & S. R. R.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.

*Northern West Virginia*

District 3. The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

*Ohio*

District 4. All coal-producing counties in Ohio.

*Michigan*

District 5. All coal-producing counties in Michigan.

*Panhandle*

District 6. The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

*Southern Numbered 1*

District 7. The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake and Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Rock branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Boissevain branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad and that portion of said county on the headwaters of Dismal Creek, east of Lynn Creek (a tributary of Dismal Creek).

*Southern Numbered 2*

District 8. The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake and Ohio Railroad and north thereof.



Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railway lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickinson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the headwaters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek), and that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk and Western Railroad and branch from Bluestone Junction to Boissevain of Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Rockcastle, Wayne, Whitley.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

*West Kentucky*

District 9. The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

*Illinois*

District 10. All coal-producing counties in Illinois.

*Indiana*

District 11. All coal-producing counties in Indiana.

*Iowa*

District 12. All coal-producing counties in Iowa.

*Southeastern*

District 13. All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

*Arkansas-Oklahoma*

District 14. The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, Le Flore, Sequoyah.

*Southwestern*

District 15. All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

*Northern Colorado*

District 16. The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

*Southern Colorado*

District 17. The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

*New Mexico*

District 18. The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Pinal, Navajo, Graham, Apache, Coconino.

All coal-producing counties in California.

*Wyoming*

District 19. All coal-producing counties in Wyoming.

The following counties in Idaho: Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Bannock, Power, Caribou, Oneida, Franklin, Bear Lake.

*Utah*

District 20. All coal-producing counties in Utah.

*North Dakota-South Dakota*

District 21. All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

*Montana*

District 22. All coal-producing counties in Montana.

*Washington*

District 23. All coal-producing counties in Washington. All coal-producing counties in Oregon.

The territory of Alaska.

By order of the Commission.

Dated this 21st day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–1857; Filed, June 21, 1937; 10:39 a. m.]

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[Order No. 5]

AN ORDER DESIGNATING THE EMPLOYEES' MEMBER OF THE RESPECTIVE DISTRICT BOARDS

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, after investigation and upon due consideration, finds and orders as follows:

1. The Commission finds that the United Mine Workers of America is the organization of employees in the bituminous coal industry representing the preponderant number of employees in such industry in each of the twenty-three districts, as defined in said Act.

2. The Commission finds that the following named persons have been duly selected by such organization for membership in the respective district boards provided for under said Act:

*District 1—Eastern Pennsylvania.*—James Mark, Miners, Building, Clearfield, Pennsylvania.

*District 2—Western Pennsylvania.*—P. T. Fagan, 1208 Commonwealth Building, Pittsburgh, Pennsylvania.

*District 3—Northern West Virginia.*—Frank Miley, Commercial Building, Fairmont, West Virginia.

*District 4—Ohio.*—John Owens, 85 East Gay Street, Columbus, Ohio.

*District 5—Michigan.*—John Hatton, 1527 Marquette Street, Saginaw, Michigan.

*District 6—Panhandle.*—G. W. Savage, 85 East Gay Street, Columbus, Ohio.

*District 7—Southern Numbered 1.*—William Blizzard, Box 1332, Charleston, West Virginia.

*District 8—Southern Numbered 2.*—Samuel Caddy, 1408 First National Bank Building, Lexington, Kentucky.

*District 9—West Kentucky.*—Ed. J. Morgan, Madisonville, Kentucky.

*District 10—Illinois.*—Ray Edmundson, United Mine Workers' Building, Springfield, Illinois.

*District 11—Indiana.*—Frank Barnhart, 210 Odd Fellows Building, Terre Haute, Indiana.

*District 12—Iowa.*—Frank Wilson, Box 229, Albia, Iowa.

*District 13—Southeastern.*—William Mitch, 517 Comer Building, Birmingham, Alabama.

*District 14—Arkansas-Oklahoma.*—David Fowler, 722 Metropolitan Building, Muskogee, Oklahoma.

*District 15—Southwestern.*—Henry Allai, Box 436, Pittsburg, Kansas.

*District 16—Northern Colorado.*—O. F. Nigro, Box 1466, Denver, Colorado.

*District 17—Southern Colorado.*—Frank Hefferly, 315 Security Building, Denver, Colorado.

*District 18—New Mexico.*—Rudolph Hefferly, Box 127, Gallup, New Mexico.

*District 19—Wyoming.*—James Morgan, 3210 Dillon Avenue, Cheyenne, Wyoming.

*District 20—Utah.*—John M. Ross, Box 904, Cheyenne, Wyoming.

*District 21—North Dakota-South Dakota.*—David McKee, Bear Creek, Montana.

*District 22—Montana.*—Joe Hunter, Box 1257, Billings, Montana.

*District 23—Washington.*—Richard Francis, Box 299, Renton, Washington.

3. It is hereby ordered that the above named persons be and they are hereby confirmed as members of the district boards for the several districts set opposite their respective names, and are entitled to the rights and privileges and subject to the obligations of district board members.

4. Any organization of employees in the bituminous coal industry, other than the organization named in this order, claiming to represent the preponderant number of employees in such industry in any district, may obtain a review of this order by the Commission upon filing with the Commission at Washington, D. C., on or before the 21st day of July, 1937, a written petition setting forth the district in which the protestants claim to represent the preponderant number of employees in the industry, the total number of such employees in said district, and the number of such employees who are members of the protestant organization, and such other facts as are pertinent to the determination of the question of representation, which said petition shall be verified by affidavit of an officer or officers of said organization. If any such petition is filed, the Commission may, in its discretion, conduct a hearing thereon.

5. The acting district secretary of the Commission for each district shall forthwith publish, at the expense of the Commission, a copy of this order once a week for two successive weeks in a newspaper of general circulation in said district, and shall thereafter file with the Commission proof of such publication in the customary form.

6. The term of district board members appointed hereunder shall become effective upon the confirmation by the Commission of the producer members of the respective district boards and shall be for two years from said date and until their successors are qualified, unless such appointments are previously terminated by further order of the Commission in accordance with the provisions of this order or of said Act.

7. A copy of this order, duly certified by the Secretary of the Commission, shall constitute the credentials of each district board member named herein.

By order of the Commission.

Dated this 21st day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-1859; Filed, June 21, 1937; 12:11 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-49 O-49]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF MILK IN FALL RIVER, MASSACHUSETTS, MARKETING AREA

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of milk in the Fall River, Massachusetts, Marketing Area;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, in the Watuppa Grange Hall, North Westport, Massachusetts, on June 28, 1937, at 1:00 p. m., daylight saving time.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the Fall River, Massachusetts, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce in such milk. Among other things, the proposed marketing agreement and order provide for: (a) selection of a Market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of a marketwide equalization pool with a base rating plan; (e) deductions from payments to producers for marketing services by market administrator; (f) reports of handlers; (g) expense of administration.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

Dated: June 19, 1937.

[F. R. Doc. 37-1860; Filed, June 21, 1937; 12:19 p. m.]

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[Docket No. A-50 O-50]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Whereas, under Public Act No. 10, 73d Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of milk in the Greater Boston, Massachusetts, Marketing Area;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, in the Armory, St. Johnsbury, Vermont, on June 29, 1937, at 9:30 a. m., eastern standard time; the Senate Chamber, State House, Augusta, Maine, on June 30, 1937, at 9:30 a. m., eastern standard time, and the Gardner Auditorium, State House, Boston, Massachusetts, on July 1, 1937, at 9:30 a. m., daylight saving time.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the Greater Boston, Massachusetts, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in such milk. Among other things, the proposed marketing agreement and order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of a marketwide equalization pool; (e) deductions from payments to producers for marketing services by market administrator; (f) reports of handlers; (g) expense of administration.

It is hereby declared that an emergency exists in the handling of milk in the Greater Boston, Massachusetts, Marketing Area, which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

Dated: June 19, 1937.

[F. R. Doc. 37-1861; Filed, June 21, 1937; 12:19 p. m.]

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SR—B-1, Revised, Supplement (y).

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN DIVISION

BULLETIN NO. 1, REVISED

*Supplement (y)*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Southern Region Bulletin No. 1, Revised, as amended, is hereby further amended as follows:

I

Section 6 of Part II is amended by adding at the end thereof the following new paragraph:

In cases where any deduction computed pursuant to this section 6 cannot be made in full on the computation schedule prepared for the application for payment covering the farm in question and the multiple-farm provisions of sections 5, 6, and 7 of Part V, Southern Region Bulletin No. 1, Revised, are not applicable to the producer in question, the portion of such remaining part of such deduction which shall be applied against any payment which otherwise would be made to such person with respect to rice in the State shall be in the proportion that his portion of the minimum acreage of soil-conserving crops required with respect to all soil-depleting bases bears to the total minimum acreage of soil-conserving crops required with respect to the farm. (The minimum acreage of soil-conserving crops required with respect to each soil-depleting base shall be multiplied by the percentage of the class I payment to which such person would be entitled with respect to that soil-depleting base, if there were a class I payment, in order to determine such person's portion of the soil-conserving crops required with respect to that soil-depleting base.) No deduction on account of any such remaining part shall be made except as provided herein.

II

Section 7 of Part II is amended by adding at the end thereof the following new subsection:

(e) In cases where any deduction computed pursuant to this section 7 cannot be made in full on the computation schedule prepared for the application for payment covering the farm in question and the multiple-farm provisions of sections 5, 6, and 7 of Part V of Southern Region Bulletin No. 1, Revised, are not applicable to the producer in question, the portion of such remaining part of such deduction which shall be applied against any payment which otherwise would be made to such person with respect to rice in the State shall be in the proportion that his portion of the deduction for excess acreage of soil-depleting crops with respect to all soil-depleting bases in connection with which there is a deduction for excess acreage bears to the total deduction for excess acreage of soil-depleting crops with respect to the farm. (The deduction for excess acreage with respect to each soil-depleting base in connection with which there is excess acreage shall be multiplied by the percentage of the class I payment to which such person would be entitled with respect to that soil-depleting base, if there were a class I payment, in order to determine such person's portion of the deduction for excess acreage with respect to that soil-depleting base.) No deduction on account of any such remaining part shall be made except as provided herein.





The provisions of this Supplement (y) shall be effective as of October 26, 1936, so as to be included within the conditions mentioned in the "Order with Respect to Payments Under the 1936 Agricultural Conservation Program—Southern Region", issued October 7, 1936, as amended October 26, 1936, and the conditions mentioned in the "Order with Respect to Payments Under the 1936 Agricultural Conservation Program—Southern Region", issued January 6, 1937 (see FEDERAL REGISTER, January 6, 1937, page 38).

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of June, 1937.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 37-1848; Filed, June 19, 1937; 12:16 p. m.]

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WR—B-1, Revised—Supplement (j). Issued June 18, 1937

1936 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 1 REVISED, SUPPLEMENT (J)

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 1 Revised, as amended by Supplements (a) to (i), inclusive, is hereby further amended by this Supplement (j), as follows:

Part II. Rates and Conditions of Payment, Section 7, Minimum Acreage of Soil-Conserving Crops, is amended to read as follows:

SEC. 7. *Minimum Acreage of Soil-Conserving Crops.*—If the total acreage of soil-conserving crops on cropland on the farm in 1936 does not equal or exceed an acreage equal to the sum of—

(a) 15 percent of the general soil-depleting base;
(b) 20 percent of the cotton soil-depleting base;
(c) 20 percent of the tobacco soil-depleting base;
(d) 25 percent of the sugar beet soil-depleting base;[3] and
(e) 20 percent of the flax soil-depleting base;[4] a deduction will be made from any payment other than any soil-building payment which would otherwise be made to any person with respect to the farm pursuant to any provisions herein in an amount equal to the sum obtained as follows: Multiply the number of acres by which the total acreage of soil-conserving crops on cropland on the farm in 1936 is less than the total acreage specified in this section by an amount equal to 1½ times the rate per acre determined for the farm under Section 2 (a) of Part II, and multiply this result by the percentage of the principal soil-depleting crop to which such person is entitled (such percentage to be determined pursuant to the provisions of Section 3 of Part VI.)

[3] Such acreage must be adapted to the production of sugar beets.
[4] In the States of California, Arizona, and New Mexico, winter cover crops planted between July 15, 1936, and December 1, 1936, and turned under before reaching maturity with a minimum of 90 days' unpastured growth may be substituted at a rate of 1 acre of such winter cover crops for 1 acre of soil-conserving crops (specified in Sec. 2, Part IV, Classification of Crops) although such winter cover crops are planted on land from which a soil-depleting crop is harvested in 1936.

Part II. Rates and Conditions of Payment, Section 8, Increase in Acreage of Soil-Depleting Crops, is amended by adding the following paragraph (d) at the end thereof:

(d). Notwithstanding the foregoing provisions of this Section, the amount of the deductions therein provided which shall be made from the payment which otherwise would be made to any person with respect to the farm shall be equal to the sum obtained by multiplying the amount of deductions obtained pursuant to the foregoing provisions of this Section by the percentage of the principal soil-depleting crop to which such person is entitled (such percentage to be determined in accordance with the provisions of Section 3, Part VI.)

Part VII. Range Lands, Section 2, Range-Building Payment, is amended to read as follows:

"SEC. 2. *Range-Building Payments.*—Payment will be made for the carrying out of such range-building practices on range land in 1936 at such rates in any State, and upon such conditions as are recommended by the State committee for such State, or by the Agricultural Adjustment Administration, and approved by the Secretary. Such payments shall not be subject to the deductions provided in Sections 5, 7, and 8 of Part II for failure to have a minimum acreage of soil-conserving crops and for increase in acreage of soil-depleting crops. Such practices, rates of payment, and conditions will be contained in Western Region Bulletin No. 2, as amended for the State.

The provisions of this Supplement (j) shall be effective as of October 7, 1936, so as to be included within the conditions mentioned in the "Order with Respect to Payments under the 1936 Agricultural Conservation Program—Western Region", issued October 7, 1936, (See FEDERAL REGISTER, October 8, 1936, p. 1545), and the conditions mentioned in the "Order with Respect to Payments under the 1936 Agricultural Conservation Program—Western Region", issued January 6, 1937, (See FEDERAL REGISTER, January 8, 1937, p. 38).

Done at Washington, D. C., this 18th day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1847; Filed, June 19, 1937; 12:16 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 7-E]

UNIFORM SYSTEM OF ACCOUNTS FOR TELEPHONE COMPANIES

RELIEF AND PENSIONS ACCOUNT

The Telephone Division at its regular meeting held on June 16, 1937, adopted the following order:

ORDER NO. 7-E

The Telephone Division having under consideration its Order No. 7-C promulgating the "Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, Effective January 1, 1936", as amended by Order No. 7-D, effective January 1, 1937, and the text of account 672, "Relief and pensions", of said system of accounts;

*It is ordered*, That the following sentence be added to paragraph (D) of the text of account 672, "Relief and pensions", page 107:

Each company that has adopted the accrual plan of accounting for pensions shall make no change in the accounting therefor or in the method of computing the amounts of the accruals recorded in the accounts under the plan without first submitting full particulars of the proposed changes and a detailed statement of the reasons therefor to this Commission for its consideration and approval.

*It is further ordered*, That each company that has adopted the accrual plan of accounting for pensions shall, within 30 days from the effective date of this order, submit to this Commission for its consideration and approval a detailed statement of the reasons for and full particulars concerning (a) any changes that have been made (or have become effective in the accounts) since December 31, 1936, in the accounting for the plan or in the method of computing the amounts of the accruals recorded in the accounts under the plan, (b) the amounts of the estimated increases or decreases in the annual accruals occasioned by each such change, and (c) the accounts affected by each such change.

*It is further ordered*, That Order No. 7-E shall become effective on the 16th day of June, 1937.

By the Commission, Telephone Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-1846; Filed, June 19, 1937; 9:44 a. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

RULES AND REGULATIONS GOVERNING THE DISPLAY OF IDENTIFICATION PLATES BY MOTOR CARRIERS SUBJECT TO THE MOTOR CARRIER ACT, 1935

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 7th day of May, 1937.

IN THE MATTER OF DISPLAY OF IDENTIFICATION PLATES ACCORDING TO THE PROVISIONS OF SECTION 224, MOTOR CARRIER ACT, 1935.

*It is ordered*, That the following rules and regulations be, and they are hereby, approved and prescribed, and from and after the 1st day of October 1937 shall be observed by motor carriers subject to the Motor Carrier Act, 1935:

I

(*a*) On and after the 1st day of October 1937 an identification plate issued by this Commission shall be carried without obstruction on the rear of each motor vehicle when operated.

(1) as authorized by a certificate or permit issued by this Commission,

(2) as authorized by a State certificate conforming with the second proviso of section 206 (a) of the Motor Carrier Act, 1935, and duly registered with this Commission, or

(3) as described by an application filed in compliance with those provisions of the Motor Carrier Act, 1935, according to which a motor carrier may continue operations pending consideration of an application for a certificate or permit.

No motor vehicle shall display any such identification plate at any other time or on any other occasion.

(*b*) An identification plate shall be displayed only upon motor vehicles operated by and under the control, supervision, and responsibility of the motor carrier to whom such plate is issued. No motor carrier shall transfer any identification plate to any other person or persons.

II

(*a*) Application for identification plates shall be in the form B. M. C. 71, attached hereto and made part hereof. The application shall be signed and verified under oath by the motor carrier, or by a duly authorized agent of the motor carrier, to whom the plates shall be issued.

(b) The application shall be accompanied by payment of twenty-five cents (25¢) for each plate as the reasonable cost thereof. Payment shall be made by New York draft, certified check, express or postal money order, payable to the order of the Treasurer of the United States.

(c) Except as replacement for identification plates lost, totally destroyed, stolen, or returned to the Commission, the total number of identification plates issued to a motor carrier shall not be more than the number of vehicles operated in interstate or foreign commerce by such motor carrier at the time any application is made for such plates.

III

Identification plates shall be surrendered voluntarily or upon written direction of this Commission by sending the plates at the expense of the motor carrier to the Interstate Commerce Commission, Bureau of Motor Carriers, Washington, D. C., when and if the motor carrier no longer engages in operations subject to the provisions of sections 206 or 209 of the Motor Carrier Act, 1935, by reason of

(1) the suspension or revocation of any such certificate or permit,

(2) a determination that the motor carrier is not entitled to a certificate or permit for which application has been made,

(3) the transfer of rights to a certificate or permit issued or to be issued, or

(4) the permanent cessation of such operations by the motor carrier.



IV

(*a*) In the event of loss, total destruction, or theft of an identification plate, the motor carrier shall, within 10 days after learning of such loss, destruction, or theft, place in the United States mails, in a closed envelope properly stamped and addressed, a notice to the Interstate Commerce Commission, Bureau of Motor Carriers, Washington, D. C., stating the number upon the plate, the time and place of such loss, destruction, or theft (giving the approximate time or place if the exact fact is not known), and the motor carrier's opinion as to the cause of such loss, destruction, or theft.

(*b*) If a motor carrier learns of the location of a lost or stolen identification plate, such carrier must diligently pursue all lawful means to secure such plate.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[Form B. M. C. 71]

APPLICATION FOR IDENTIFICATION PLATES

[To be submitted in duplicate]

No. MC _____

_____ doing business as _____
(Name)

_____, _____, _____
(Street) (City) (State)

Number of plates requested _____ Total amount enclosed, $_____

_____ makes oath and says that he is the _____ of the motor carrier named above; that he is authorized to act on behalf of said carrier in the matter of application for identification plates to be displayed upon the motor vehicles operated by said carrier; that the total number of motor vehicles so operated are _____ passenger vehicles, _____ trucks, _____ tractors, _____ semitrailers, _____ two-wheel trailers, and _____ four-wheel trailers; and that he does hereby make application for _____ identification plates to be displayed upon these motor vehicles. He hereby agrees on behalf of said carrier that title to said identification plates shall at all times remain in the Interstate Commerce Commission, and that the reasonable cost thereof, herewith transmitted, is paid the said Commission in consideration of the right of the carrier to use the said identification plates in pursuance of the carrier's authorized interstate operations, and that the same will be surrendered by the carrier to the Commission whenever the Commission shall by general or special order or regulation require.

Subscribed and sworn to before me, a _____ in and for the State of _____ and County of _____ this _____ day of _____, 1937.

[SEAL]

_____
My commission expires _____, 19__.

[Only one of the two copies of this application need be verified under oath]

[F. R Doc. 37-1845; Filed, June 18, 1937; 2:54 p m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 111]

RESCISSION OF ALLOCATION OF FUND FOR LOAN

JUNE 19, 1937.

I hereby rescind the allocation of funds ($300,000) for the project, Virginia 25 Fairfax, made by Administrative Order No. 21, dated October 1, 1936. This action is being taken because the company was not able to furnish adequate collateral for the loan.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1849; Filed, June 21, 1937; 9:32 a. m.]

[Administrative Order No. 112]

ALLOCATION OF FUNDS FOR LOANS

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Illinois 26B Iroquois | $300,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1850; Filed, June 21, 1937; 9:32 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE ANDERSON & KERR ET AL.-ROSE TRACT, FILED ON JUNE 15, 1937, BY LOUIS BERNSTEIN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the statement made in Division II, Item 10, is incomplete by reason of the fact that the names of the persons by whom the various taxes are assessed are omitted;

(2) In that portions of the text required to be stated in Division II, Item 17, are omitted, nor is any information given in subdivision (c) of this Item relative to the percentage of production allotted the tract involved;

(3) In that by reason of the apparent conflict between the information as to the price of oil given in Division II, Item 16 and that set forth in Division II, Item 20 (g), it is not possible to determine that the figures set forth in Division II, Item 20 (e) show the actual net monthly pay-off for the smallest interest offered;

(4) In that the proposed instrument of conveyance attached to the offering sheet as Exhibit "B" is incomplete by reason of the fact that the smallest interest proposed to be conveyed is not set forth.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time

and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1870; Filed, June 21, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE SINCLAIR-PRAIRIE-BAGBY TRACT, FILED ON JUNE 15, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the date upon which the effectiveness of the offering sheet will expire, as set forth in Division I, Paragraph 5, is incorrect;

(2) In that the depth of the Bagby #4 Well, as set forth in Division II, Item 19 (c), is not believed to be correct by reason of the fact that it does not agree with the depth of the same well as set forth in the plat attached to the offering as Exhibit "A";

(3) In that the proposed instrument of conveyance attached to the offering sheet as Exhibit B is incomplete for the reason that the smallest interest proposed to be conveyed is not set forth.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1867; Filed, June 21, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE GULF-REEVES TRACT, FILED ON JUNE 14, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered as set forth in Division II, Item 1, is not expressed in terms of the total production from the entire tract;

(2) In that in Division II, Item 2 (e), no statement is made as to whether or not the interest offered is perpetual;

(3) In that the second signature form required to be included as a part of the offering sheet is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1865; Filed, June 21, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities aind Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE TEXAS-EMPIRE-LEE TRACT, FILED ON JUNE 14, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:



(1) In that the smallest fractional interest offered as set forth in Division II, Item 1, is not expressed in terms of the total production from the entire tract;

(2) In that in Division II, Item 2 (e), no statement is made as to whether or not the interest offered is perpetual;

(3) In that the figures set forth in Division II, Items 20 (d) and (e), are not believed to be correct;

(4) In that the second signature form required to be included as a part of the offering sheet is omitted;

(5) In that the depths of Texas Company wells numbered 22 and 23 are not stated in the information required to be given on the plat attached to the offering sheet as "Exhibit A";

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1866; Filed, June 21, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF OIL PAYMENTS IN THE GRAND-MARTIN LEASE, FILED ON JUNE 11, 1937, BY GRAND PETROLEUM CORPORATION, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that from information disclosed by the proposed instrument of conveyance attached to the offering sheet as "Exhibit B", it appears that the interests proposed to be offered are not "oil payments" as defined under Rule 300 (f) of the General Rules and Regulations of the Commission, and for such reason the form and contents of the offering sheet, as filed, are incorrect;

(Note: The appropriate form appears to be Schedule D.)

(2) In that from information disclosed by the offering sheet in question it appears that an exemption from registration is not available for the reason that it is believed the operating lessee will own, unencumbered, upon completion of the sale of the offering, less than 40% of 100% of all oil, gas, or other hydrocarbon substances to be produced from the tract involved;

(Note: See Rule 314.)

(3) In that in Division II, Item 16, no statement is made as to the amount of taxes which may be assessed against the smallest interest proposed to be offered;

(4) In that in Division II, Items 21 (d), (e) and (f), no statement is made as to the distance of the tract involved from the nearest oil pipe line, gas pipe line, and railroads, respectively;

(5) In that the smallest interest proposed to be conveyed, as set forth in Exhibit B, does not agree with the smallest interest proposed to be offered, as disclosed by Division II, Item 1;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1871; Filed, June 21, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE PHILLIPS-MAYO TRACT, FILED ON JUNE 11, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the depth at which #1 Mayo well was completed, as set forth in Division II, Items 19 (c) and (e), does not agree with the depth of said well as stated in the plat attached to the offering sheet as "Exhibit A";

(2) In that the second signature form required to be included as a part of the offering sheet is omitted;

(3) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the smallest interest proposed to be offered is not set forth;

(4) In that the statement made in Division II, Item 13, relative to the date as of which the discovery well was "plugged back" is not believed to be correct;

(5) In that certain information disclosed by Division II, Item 13, may be misleading by reason of the fact that reference is made to "present developed area", which infers that the limits of the field have not yet been defined;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1868; Filed, June 21, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE CARTER-T. SCOTT TRACT, FILED ON JUNE 14, 1937, BY VIRGIL O. KING, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered, as set forth in Division II, Item 1, is not expressed in terms of the total production from the entire tract;

(2) In that in Division II, Item 10, no statement is made as to whether or not the interests offered are chargeable with, or subject to, a deduction for any assessments or taxes;

(3) In that it is required in Division II, Item 20 (b), that the percentage of water, in fluid, produced from the tract involved, shall be stated in percentages by months, whereas such information as is given is not set forth in the required manner;

(4) In that in Division II, Item 20 (c), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the prorata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(5) In that the second signature form required to be included as a part of the offering sheet is omitted;

(6) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the smallest interest proposed to be conveyed is not set forth;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1863; Filed, June 21, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE GULF-SCOTT TRACT, FILED ON JUNE 14, 1937, BY VIRGIL O. KING, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340(A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered, as set forth in Division II, Item 1, is not expressed in terms of the total production from the entire tract;

(2) In that in Division II, Item 10, no statement is made as to whether or not the interests offered are chargeable with, or subject to, a deduction for any assessments or taxes;

(3) In that it is required in Division II, Item 20 (b), that the percentage of water, in fluid, produced from the tract involved, shall be stated in percentages by months, whereas such information as is given is not set forth in the required manner;

(4) In that in Division II, Item 20 (c), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the prorata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;



(5) In that the second signature form required to be included as a part of the offering sheet is omitted;

(6) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the smallest interest proposed to be conveyed is not set forth;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1864; Filed, June 21, 1937; 12:31 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE SHAFFER-HAUSCHILD TRACT, FILED ON JUNE 14, 1937, BY L. E. MORENCY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 13, no statement is made as to the number of drilling wells, which information is required to be given in this item;

(2) In that the total production of oil from the tract, as set forth in Division II, Item 15, is not believed to be correct by reason of the fact that it does not agree with the actual gross production of oil from the tract as set forth by months in Division II, Item 20 (a);

(3) In that the figure given for the month of February, 1937, in Division II, Item 20 (e), is not believed to be correct;

(4) In that the second signature form required to be included as a part of the offering sheet is omitted;

(5) In that a copy of the proposed instrument of conveyance required to be attached to the offering sheet as "Exhibit B" is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1862; Filed, June 21, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 11, 1937, BY SUPREME OIL INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the offering sheet, as filed, does not comply as to form with the schedule required to be filed if the interests offered are producing landowner's royalty interests, pursuant to Rule 330 of the General Rules and Regulations of the Commission;

(2) In that the present price of oil, as set forth in Division II, Item 1, of the offering sheet, as filed, does not agree with the price of oil given in Division II, Item 20 (g);

(3) In that the area in acres of the tract involved, as set forth in Division II, Item 2 (d), does not agree with like information contained in the proposed instrument of conveyance attached to the offering sheet as "Exhibit B";

(4) In that the price of oil, as stated in Division II, Item 6, is not believed to be correct if the gravity of the oil produced from the tract as set forth in Division II, Item 16, is considered, which statement may also be made relative to the information given in Division II, Item 7;

(5) In that in Division II, Item 10, no statement is made as to the basis of computation of the taxes mentioned, nor the dates as of which such taxes are payable; there is also a failure to state that the smallest interest proposed to be offered is subject to a proportionate deduction for the payment of said taxes;

(6) In that the price of oil as set forth in Division II, Item 16, does not agree with similar information required to be given in Division II, Item 20 (g);

(7) In that in Division II, Item 19 (c), it is required that the depth of each completed well be stated, whereas such information is omitted;

(8) In that the figure given in Division II, Item 20 (d), for the month of August, 1936, is not believed to be correct;

(9) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the prorata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(10) In that the second signature form required to be included in the offering sheet is omitted;

(11) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the smallest interest proposed to be conveyed is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1869; Filed, June 21, 1937; 12:34 p. m.]

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*Wednesday, June 23, 1937* *No. 120*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[Regulations 98]

### TAXES ON THE SALE OR OTHER DISPOSAL OF BITUMINOUS COAL IMPOSED UNDER THE BITUMINOUS COAL ACT OF 1937 [1]

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86. Promulgation of regulations.

[1] Approved April 26, 1937—Public, No. 48, Seventy-fifth Congress.



These regulations relate to the taxes on the sale or other disposal of bituminous coal imposed under section 3 of the Bituminous Coal Act of 1937 (Public, No. 48, Seventy-fifth Congress), approved April 26, 1937.

Chapter I defines terms that are used in the Act and in these regulations.

Chapter II deals with the effective date and the geographical scope of the taxes.

Chapter III deals with the tax which applies to all producers (imposed under subsection (a) of section 3).

Chapter IV deals with sales that are exempt from the tax imposed under subsection (a) of section 3.

Chapter V deals with the tax imposed under subsection (b) of section 3, which is applicable to producers who are not members of the coal code but whose transactions in coal come within the conditions and the provisions prescribed in the code or directly affect interstate commerce in bituminous coal.

Chapter VI deals with the exemption from the tax imposed by subsection (b) of section 3 which is allowed to code members.

Chapter VII deals with exports and shipments to possessions of the United States.

Chapter VIII deals with administrative and other general provisions, including those relating to the return and the payment of taxes.

The sections of law quoted, except as otherwise indicated, are contained in the Bituminous Coal Act of 1937.

For convenient reference the complete text of the sections of the Act relating specifically to the taxes imposed under the Act are set forth in an Appendix to these regulations.

## CHAPTER I

### DEFINITIONS

SECTION 17

As used in this Act—

(a) The term "coal" means bituminous coal.

(b) The term "bituminous coal" includes all bituminous, semi-bituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more.

(c) The term "producer" includes all individuals, firms, associations, corporations, trustees, and receivers engaged in the business of mining coal.

(d) The term "interstate commerce" means commerce among the several States and Territories, with foreign nations, and with the District of Columbia.

(e) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

SECTION 3 (A)

* * * * * *

The term "disposal" as used in this section includes consumption or use (whether in the production of coke or fuel, or otherwise) by a producer, and any transfer of title by the producer other than by sale.

ARTICLE 1. *Meaning of terms.*—As used in these regulations—

(a) The terms defined in the applicable provisions of law shall have the meaning so assigned to them.

(b) The term "Act" means the Bituminous Coal Act of 1937.

(c) The term "tax" means the tax imposed under section 3 (a) or the tax imposed under section 3 (b), accordingly as indicated by the context of the article.

(d) The term "sale" includes an agreement whereby the seller transfers the property (that is, the title or the substantial incidents of ownership) in coal to the buyer for a consideration called the price, which may consist of money, services, or other property.

(e) The term "sale price at the mine" means the amount received, or to be received, by the producer upon the sale of any quantity of coal, not including the amount of any transportation or delivery charges from the mine where produced.

(f) The term "fair market value" in the case of coal disposed of otherwise than by sale at the mine, and coal sold otherwise than through an arms' length transaction, means the current market price at the mine of coal of a comparable kind, quality, and size produced for market in the locality where the coal so disposed of is produced.

(g) The term "Commission" means the National Bituminous Coal Commission.

(h) The term "code" means the Bituminous Coal Code promulgated by the Commission.

(i) The term "code member" means a producer who has accepted membership in the code.

(j) The term "taxpayer" means any person subject to the taxes imposed by the Act.

(k) The term "person" includes a natural person, a corporation, a partnership, a company, a trust or estate, a joint-stock company, an association, or other unincorporated organization or group. It includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

(l) The term "Secretary" means the Secretary of the Treasury.

(m) The term "Commissioner" means the Commissioner of Internal Revenue.

(n) The term "collector" means a collector of internal revenue.

(o) The terms "includes" and "including" when used in a statement contained in these regulations, shall not be deemed to exclude other things otherwise within the meaning of such statement.

## CHAPTER II

### EFFECTIVE DATE AND THE GEOGRAPHICAL SCOPE

SECTION 18

Section 3 of this Act shall become effective on the first day of the second calendar month after the enactment of this Act, unless the Commission shall not at that time have promulgated the code and forms of acceptance for membership therein, in which event section 3 of this Act shall become effective from and after the date when the Commission shall have promulgated the code and such forms of acceptances, which date shall be promulgated by Executive order of the President of the United States. All other sections, except section 20 (a), of this Act shall become effective on the day of the approval of this Act.

SECTION 19

This Act shall cease to be in effect (except as provided in section 13 of the Revised Statutes) and any agencies and offices established thereunder shall cease to exist on and after four years from the date of the approval of this Act.

ART. 11. *Effective date.*—The taxes attach to sales or other disposals of coal made by the producer thereof on and after the effective date, which will be announced by the Commissioner.[1]

ART. 12. *Geographical scope.*—The taxes attach to sales or other disposals of coal produced within the United States, which is defined in the Act to include only the States, the Territories of Alaska and Hawaii, and the District of Columbia, regardless of where the sales or other disposals occur.

## CHAPTER III

### TAX IMPOSED UNDER SUBSECTION (A) OF SECTION 3

SECTION 3 (A)

There is hereby imposed upon the sale or other disposal of bituminous coal produced within the United States when sold or otherwise disposed of by the producer thereof an excise tax of 1 cent per ton of two thousand pounds.

* * * * * *

SECTION 3 (C)

The taxes imposed by this section shall be paid to the United States by the producer * * *.

ART. 21. *Rate and measure of tax.*—A tax of 1 cent per ton of 2,000 pounds is imposed by section 3 (a) upon the sale or other disposal of coal by the producer thereof.

[1] See page 1078.

ART. 22. *Liability for tax.*—The tax imposed by section 3 (a) is payable by the producer of the coal, and applies to all producers regardless of code membership. (For definition of producer see section 17 of the Act.)

ART. 23. *When the tax attaches.*—The tax attaches immediately upon sale or other disposal of the coal by the producer. (See article 1 (*d*) and section 3 (a) of the Act.)

## CHAPTER IV

### SALES NOT SUBJECT TO TAX

#### SECTION 3 (E)

(e) The tax imposed by subsection (a) of this section shall not apply in the case of a sale of coal for the exclusive use of the United States or of any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental functions. Under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, a credit against the tax imposed by subsection (a) of this section or a refund may be allowed or made to any producer of coal in the amount of such tax paid with respect to the sale of coal to any vendee, if the producer has in his possession such evidence as the regulations may prescribe that such coal was resold by any person for the exclusive use of the United States or of any State, Territory of the United States, or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental functions.

ART. 31. *Sales to the United States, any State or Territory of the United States, the District of Columbia, or any political subdivision of any thereof.*—The tax imposed by section 3 (a) will not attach to a sale of bituminous coal for the exclusive use of the United States or of any State, or Territory of the United States, or the District of Columbia, or any political subdivision of any of them, for use in the performance of essential governmental functions. To establish the exempt character of such sale when made by the producer direct to any of the above-mentioned governmental units, the producer must obtain from his vendee prior to or at the time of sale, and retain in his possession, an exemption certificate in the form prescribed later in this article.

If coal, upon the sale of which the producer has paid the tax, is resold by any person to any of the governmental units mentioned above for the exclusive use in the performance of essential governmental functions, the producer of such coal, if he has in his possession a properly executed exemption certificate establishing the exempt character of such resale, may take credit on his monthly return, or claim refund on Form 843, for the amount of such tax paid.

The certificate required by this article shall be in substantially the following form:

#### EXEMPTION CERTIFICATE

[For use by the United States, States, Territories, or political subdivisions thereof, or the District of Columbia]

_____, 193--
(Date)

The undersigned hereby certifies that he is the _____
(Title of officer)
_____ of _____
(United States, State, Territory, or political subdivision, or District of Columbia) and that he is authorized to execute this certificate and that the bituminous coal specified in the accompanying order or contract, or on the reverse side hereof, is purchased from _____ for the exclusive
(Name of vendor)
use _____ of _____
(Governmental unit) (United States, State, Territory, or political subdivision, or District of Columbia) for use in the performance of essential governmental functions.

It is understood that the exemption from tax in the case of sales of bituminous coal to the United States, States, etc., is limited to such coal purchased for their exclusive use for use in the performance of essential governmental functions, and it is agreed that if coal purchased tax-free under this exemption certificate is used otherwise or is sold to employees or others, the vendee will report such fact to the vendor. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than five years, or both, together with costs of prosecution.

_____ _____.
_____
(Title of officer)

The exemption certificates and proper records of invoices, orders, etc., relative to tax-free sales must be retained by the producer for a period of at least four years and must be readily accessible for inspection by internal revenue officers. If upon inspection it is found that a producer's records with respect to any sale claimed to be tax-free do not contain a proper exemption certificate, as above outlined, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the producer shall be liable for the tax upon such sale.

## CHAPTER V

### TAX IMPOSED UNDER SUBSECTION (B) OF SECTION 3

(b) In addition to the tax imposed by subsection (a) of this section, there is hereby imposed upon the sale or other disposal of bituminous coal produced within the United States, when sold or otherwise disposed of by the producer thereof, which would be subject to the application of the conditions and provisions of the code provided for in section 4, or of the provisions of section 4-A, an excise tax in an amount equal to 19½ per centum of the sale price at the mine in the case of coal disposed of by sale at the mine, or in the case of coal disposed of otherwise than by sale at the mine, and coal sold otherwise than through an arm's length transaction, 19½ per centum of the fair market value of such coal at the time of such disposal or sale. In the case of any producer who is a code member as provided in section 4 and is so certified to the Commissioner of Internal Revenue by the Commission, the sale or disposal by such producer during the continuance of his membership in the code of coal produced by him shall be exempt from the tax imposed by this subsection.

#### SECTION 3 (C)

(c) The taxes imposed by this section shall be paid * * * by the producer * * *.

#### SECTION 3 (D)

(d) In the case of coal disposed of otherwise than by sale at the mine, and coal sold otherwise than through an arm's length transaction, the Commissioner of Internal Revenue shall determine the market value thereof. Such market value shall equal the current market price at the mine of coal of a comparable kind, quality, and size produced for market in the locality where the coal so disposed of is produced.

ART. 41. *Rate and measure of tax.*—The tax imposed by section 3 (b) is 19½ per cent of the sale price at the mine, or in the case of coal disposed of otherwise than by sale at the mine and coal sold otherwise than through an arm's length transaction 19½ per cent of the fair market value of such coal at the time of sale or disposal. (See article 1 (*f*) for definition of fair market value.)

If, because of special arrangements between a producer and purchaser (as in the case of intercompany transfers at cost or at a fictitious price), the price for which coal is sold by the producer does not represent a fair market price, the sale will be presumed to be one made otherwise than through an arm's length transaction. In such case the tax shall be computed upon the fair market value of the coal.

ART. 42. *Application of tax.*—The tax imposed by section 3 (b) is applicable with respect to (*a*) the sale or other disposal of coal in interstate commerce by a producer while he is not a member of the code and (*b*) to the sale or other disposal of coal by a producer in intrastate commerce while he is not a member of the code, if the Commission shall have by order declared that such transactions in intrastate commerce cause an undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce in coal on the other, or any undue, unreasonable, or unjust discrimination against interstate commerce in coal, or in any manner directly affect interstate commerce in coal, as provided by section 4-A of the Act. (See section 4-A for the provision regarding exemption from the liability imposed by section 4.)

ART. 43. *Liability for tax.*—The tax imposed by section 3 (b) is payable by the producer of the coal. (See article 51 for exemption.)

ART. 44. *When the tax attaches.*—The tax imposed by section 3 (b) attaches immediately upon the sale or other disposal by the producer. (See article 1 (*d*) and section 3 (a).)



## CHAPTER VI

### EXEMPTION ALLOWABLE TO CODE MEMBERS

#### SECTION 3 (B)

* * * In the case of any producer who is a code member as provided in section 4 and is so certified to the Commissioner of Internal Revenue by the Commission, the sale or disposal by such producer during the continuance of his membership in the code of coal produced by him shall be exempt from the tax imposed by this subsection.

* * * * * * *

#### SECTION 5

(b) The membership of any such coal producer in such code and his right to an exemption from the taxes imposed by section 3 (b) of this Act, may be revoked by the Commission * * *.

(c) Any producer whose membership in the code and whose right to an exemption from the tax imposed by section 3 (b) of this Act shall have been revoked and canceled may apply to the Commission and shall have the right to have his membership in the code restored * * *.

ART. 51. *Exemption of code members.*—The sales or other disposals of coal made by producers during the existence of their status as code members are not subject to the tax imposed under subsection (b) of section 3.

ART. 52. *Producers entitled to exemption.*—To be entitled to the exemption provided for in section 3 (b) from the tax imposed thereunder a producer must have been a member of the code during that part of the taxable period covered by his monthly return for which the exemption is claimed, and his membership in the code certified by the Commission to the Commissioner of Internal Revenue. (See article 71.) No exemption is allowable (1) to a producer with respect to coal sold or disposed of prior to the time he acquired membership in the code or (2) after the Commission has revoked or canceled the code membership in the manner provided in the Act.

## CHAPTER VII

### EXPORTS AND SHIPMENTS TO POSSESSIONS OF THE UNITED STATES

#### SECTION 1121 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 627 OF THE REVENUE ACT OF 1932 AND SECTION 7 OF THIS ACT

Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the taxes imposed under the provisions of Title IV or VI or of section 903 shall not apply in respect of articles sold or leased for export or for shipment to a possession of the United States and in due course so exported or shipped. Under such rules and regulations the amount of any internal-revenue tax erroneously or illegally collected in respect of such articles so exported or shipped may be refunded to the exporter or shipper of the articles, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded.

ART. 61. *Sales for export.*—To be exempt from taxes imposed under section 3 (a) and section 3 (b) it is necessary that two conditions be met, (1) that the coal be sold for export, and (2) that it be exported in due course.

Coal will be regarded as having been sold for export if the producer has in his possession at the time that title passes or at the time of shipment (whichever is prior), (*a*) a written order or contract of sale showing that the producer is to ship the coal direct to a foreign destination or (*b*), where delivery is to be made within the United States, a sworn statement from the purchaser showing (1) that the coal is purchased to fill a particular order or contract then held by the purchaser for foreign shipment, or to fill future orders for delivery to a foreign destination, and (2) that such coal will be transported to its foreign destination in due course prior to use or resale.

In these cases the producer, for a period of six months from the date when title passes or the date of shipment (whichever is prior), shall not be required to pay tax on the coal so sold. If within such period the producer has not received and attached to the order or contract proper "proof of exportation" (see article 62), then the producer shall include the tax on the sale of such coal in his return for the month in which the 6-month period expires.

ART. 62. *Proof of exportation.*—Exportation may be evidenced by (1) a copy of the export bill of lading, or (2) a certificate by the agent or representative of the export carrier showing actual exportation of the coal, or (3) a certificate of landing signed by a customs officer of the foreign country to which the coal is exported, or (4) if such foreign country has no customs administration a sworn statement of the foreign consignee covering receipt of the coal, or (5) if the purchaser, and not the producer, is the exporter, an affidavit from the purchaser for export stating that the coal was in fact exported in due course prior to use or resale within the United States and specifying the evidence referred to under (1), (2), (3), or (4) which he has in his possession covering exportation of the coal, and that such evidence is available for inspection by Government officers.

In all cases the sales records, together with the evidence of the proof of exportation, shall be preserved by the producer for a period of at least four years from the last day of the month following the sale, and must be readily accessible for inspection by internal revenue officers.

In any case in which the producer does not have in his possession and available for inspection within the 6-month period proof of exportation as outlined herein, the producer shall pay the tax involved. If later the producer secures proof of exportation, a claim for refund of any tax paid may be filed or a credit may be taken upon any subsequent monthly return, but such action must be taken within the 4-year period of limitation prescribed by section 3228, United States Revised Statutes, as amended. (See article 84.)

ART. 63. *Shipments to possessions of the United States.*—The same provisions which relate to sales of coal for export and proof of exportation will apply to sales for shipment to a possession of the United States. (See articles 61 and 62.)

## CHAPTER VIII

### ADMINISTRATIVE AND OTHER GENERAL PROVISIONS

#### *Returns and Payment of Taxes*

#### SECTION 3 (C)

(c) The taxes imposed by this section shall be paid to the United States by the producer, and shall be payable monthly for each calendar month on or before the first business day of the second succeeding month, under such regulations and in such manner as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

#### SECTION 7

All provisions of law, including penalties and refunds, applicable in respect of the taxes imposed by Title IV of the Revenue Act of 1932, as amended, shall, insofar as applicable and not inconsistent with the provisions of this Act, be applicable with respect to taxes imposed under this Act.

#### SECTION 1102 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 627 OF THE REVENUE ACT OF 1932 AND SECTION 7 OF THIS ACT

(a) Every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

(c) The Commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by any internal revenue law (except returns required under income or estate tax laws) to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

(d) Any oath or affirmation required by the provisions of this Act or regulations made under authority thereof may be administered by any officer authorized to administer oaths for general purposes by the law of the United States or of any State, Territory, or possession of the United States, wherein such oath or affirmation is administered, or by any consular officer of the United States.

ART. 71. *Returns.*—Every producer made liable to the taxes imposed by section 3 of the Act shall prepare for each calendar month a return in duplicate on Form 1 (Coal) in accordance with the instructions thereon and in accordance with these regulations. The return shall be under oath and

verified before an officer duly authorized to administer oaths. If the amount of the tax shown by the return to be due is $10 or less, the return may be signed and acknowledged before two subscribing witnesses instead of under oath.

ART. 72. *Time for filing returns.*—The return for each calendar month shall be filed in duplicate with the collector for the district in which is situated the principal place of business of the person filing the return, on or before the first business day of the second succeeding month. For example, the return for the month of June, 1937, is due on or before August 2, 1937 (August 1, 1937, falling on Sunday).

ART. 73. *Time of payment of tax.*—The amount of tax shown on the return to be due shall be paid to the collector at the time fixed for filing the return, without assessment by the Commissioner or notice from the collector.

SECTION 626 OF THE REVENUE ACT OF 1932, MADE APPLICABLE BY SECTION 7 OF THIS ACT

* * * * * *

(b) * * * If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid.

SECTION 404 OF THE REVENUE ACT OF 1935

Notwithstanding any provision of law to the contrary, interest accruing during any period of time after the date of the enactment of this Act upon any internal-revenue tax (including amounts assessed or collected as a part thereof) or customs duty, not paid when due, shall be at the rate of 6 per centum per annum.

ART. 81. *Interest on delinquent taxes.*—If the tax is not paid when due there shall be added as part of the tax interest at the rate of 6 per cent per annum from the time when the tax became due until paid.

*Penalties*

SECTION 3176, UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1103 OF THE REVENUE ACT OF 1926 AND SECTION 619 (D) OF THE REVENUE ACT OF 1928, MADE APPLICABLE BY SECTION 7 OF THIS ACT

* * * In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SECTION 406, REVENUE ACT OF 1935

In the case of a failure to make and file an internal-revenue tax return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after the date of the enactment of this Act, if a 25 per centum addition to the tax is prescribed by existing law, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

SECTION 3184, UNITED STATES REVISED STATUTES

Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner of Internal Revenue, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof. If such person does not pay the taxes within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of five per centum additional upon the amount of taxes, and interest at the rate of one per centum a month.

ART. 82. *Penalties.*—A failure to file a return as required by these regulations causes to accrue a penalty of 5 per cent of the amount of the tax if such failure is for not more than 30 days, with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues. In no case, however, shall the penalty exceed 25 per cent in the aggregate.

If assessment is made of the tax, penalty, or interest, and payment is not made within 10 days after the issuance of the form for first notice and demand, based on assessment approved by the Commissioner, there will accrue a 5 per cent penalty, and interest at the rate of 6 per cent a year computed upon the entire assessment (including penalty and interest, if any) from 10 days after issuance of said form until date of payment. In cases where assessment is settled by partial payments, interest is to be computed from the expiration of the first 10-day notice through the date of the first payment and from the next succeeding day to the date of the next payment, until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 per cent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 per cent penalty applies. The filing of the claim does not stay the running of interest, which continues to run for the full period that intervenes between the date of expiration of the first notice and demand and the date of payment.

If a false or fraudulent return be willfully made, the penalty under section 3176 of the Revised Statutes is 50 per cent of the total tax due.

*Records*

SECTION 1104 OF THE REVENUE ACT OF 1926, AS AMENDED BY SECTION 618 OF THE REVENUE ACT OF 1928, MADE APPLICABLE BY SECTION 627 OF THE REVENUE ACT OF 1932 AND SECTION 7 OF THIS ACT

The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

ART. 83. *Records.*—Every producer shall keep on file at the principal place of business, or at some other convenient or safe location, accurate records and accounts of all transactions involving the sale or other disposal of bituminous coal. Evidence with respect to sales for export, and sales to the United States, States, Territories, or political subdivisions thereof, or the District of Columbia, shall also be maintained. (See articles 31 and 62.)

The records shall contain sufficient information to enable the Commissioner to determine whether the correct amount of tax has been paid. Such records shall at all times be open for inspection by internal revenue officers, and shall be maintained for a period of at least four years from the date the tax became due or, in the case of tax-free sales, for a period of at least four years from the 1st day of the second succeeding month following the month in which the sale was made.

*Closing Agreements*

SECTION 606 (A) AND (B) OF THE REVENUE ACT OF 1928

(a) *Authorization.*—The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal-revenue tax for any taxable period ending prior to the date of the agreement.

(b) *Finality of agreements.*—If such agreement is approved by the Secretary, or the Undersecretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) the case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) in any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

*Jeopardy Assessments*

SECTION 1105 OF THE REVENUE ACT OF 1932, AS AMENDED BY SECTION 510 OF THE REVENUE ACT OF 1934

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3187 of the Revised Statutes, as amended.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

*Refunds*

SECTION 3220 OF THE UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1111 OF THE REVENUE ACT OF 1926 AND SECTION 619 (B) OF THE REVENUE ACT OF 1928

Except as otherwise provided * * * the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; * * *.

SECTION 3228 (A) OF THE UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1112 OF THE REVENUE ACT OF 1926, SECTION 619 (C) OF THE REVENUE ACT OF 1928, AND SECTION 1106 (A) OF THE REVENUE ACT OF 1932

All claims for the refunding or crediting of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, * * * be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax, penalty, or sum. The amount of the refund * * * shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SECTION 621 (C) OF THE REVENUE ACT OF 1932, AS AMENDED BY SECTION 401 (C) OF THE REVENUE ACT OF 1935, MADE APPLICABLE BY SECTION 7 OF THIS ACT.

(c) Interest shall be allowed at the rate of 6 per centum per annum with respect to any amount of tax under this title credited or refunded * * *.

ART. 84. *Refunds.*—A tax (including any penalty or interest) erroneously, illegally, or otherwise wrongfully collected may be refunded by the Commissioner. A claim for such refund shall be made on the prescribed form in accordance with the instructions printed on such form and in accordance with these regulations. Copies of the prescribed forms may be obtained from the collector. The claim shall set forth clearly in detail the reasons and facts relied upon in support of the claim, shall be made under oath, and presented within four years next after payment of such taxes.

*Limitation on Refunds*

SECTION 621 (D) OF THE REVENUE ACT OF 1932, MADE APPLICABLE BY SECTION 7 OF THIS ACT

(d) No overpayment of tax under this title shall be credited or refunded (otherwise than under subsection (a), in pursuance of a court decision or otherwise, unless the person who paid the tax establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the vendee, or (2) that he has repaid the amount of the tax to the ultimate purchaser of the article, or unless he files with the Commissioner written consent of such ultimate purchaser to the allowance of the credit or refund.

ART. 85. *Limitation on refunds.*—No credit or refund shall be allowed, whether in pursuance of a court decision or otherwise, unless the taxpayer files a sworn statement explaining satisfactorily the reason for claiming the credit or refund and establishing (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the vendee, or (2) that he has either repaid the amount of the tax to the ultimate purchaser of the article or has secured the written consent of such ultimate purchaser to the allowance of the credit or refund. In the latter case the written consent of the ultimate purchaser must accompany the sworn statement filed with the credit or refund claim. The statement supporting the credit or refund claim must also show whether any previous claim for credit or refund covering the amount involved, or any part thereof, has been filed with the collector or Commissioner.

*Additional Penalties*

SECTION 1123 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 627 OF THE REVENUE ACT OF 1932 AND SECTION 7 OF THIS ACT

Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both.

SECTION 35 OF THE CRIMINAL CODE OF THE UNITED STATES, AS AMENDED BY ACT OF CONGRESS APPROVED JUNE 18, 1934 (PUBLIC, NO. 394, SEVENTY-THIRD CONGRESS)

Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; * * * or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; * * * shall be fined not more than $10,000 or imprisoned not more than 10 years, or both. * * *

*Authority for Regulations*

SECTION 628 OF THE REVENUE ACT OF 1932, MADE APPLICABLE BY SECTION 7 OF THIS ACT

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title in so far as it relates to the taxes * * *.

SECTION 3 (C) OF THE ACT

The taxes imposed by this section shall be paid to the United States by the producer, and shall be payable monthly for each calendar month on or before the first business day of the second succeeding month, under such regulations and in such manner as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

ART. 86. *Promulgation of regulations.*—In pursuance of the provisions of section 3 (c) of the Act and the other provisions of the internal revenue laws, the foregoing regulations are hereby prescribed.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: June 19, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

APPENDIX

SECTIONS OF THE ACT WHICH RELATE TO THE IMPOSITION OF THE TAXES

[The original document quotes Sections 3, 4, 4-A, 5, 7, 17, 18, 19, and 21 of the Bituminous Coal Act of 1937, approved April 26, 1937, Public No. 48, Seventy-fifth Congress.]

[F. R. Doc. 37-1872; Filed, June 21, 1937; 3:35 p. m.]

[T. D. 4742]

AMENDING ARTICLE 11 OF REGULATIONS 98 RELATING TO THE TAXES ON THE SALE OR OTHER DISPOSAL OF BITUMINOUS COAL IMPOSED UNDER THE BITUMINOUS COAL ACT OF 1937, APPROVED APRIL 26, 1937

*To Collectors of Internal Revenue and Others Concerned:*

The President of the United States, on June 21, 1937, issued the following Executive order:

"Whereas the National Bituminous Coal Commission created under the Bituminous Coal Act of 1937 (Public, No. 48, 75th Cong., 1st Sess.), acting pursuant to section 5 (a) of the said act, promulgated the Bituminous Coal Code on June 21, 1937 and forms of acceptance for membership therein on May 24, 1937:

"*Now, therefore*, by virtue of and pursuant to the authority vested in me by section 18 of the said act, I hereby announce June 21, 1937 the effective date of the said Bituminous Coal Code and of section 3 of the said Bituminous Coal Act of 1937".

In pursuance of the provisions contained in section 3 (c) of the Bituminous Coal Act of 1937, and of section 628 of the Revenue Act of 1932, made applicable by section 7 of the Bituminous Coal Act of 1937, Article 11 of Regulations 98,[1] is hereby amended to read as follows:

ART. 11. Effective date—The taxes attach to sales or other disposals of coal made by the producer thereof on and after June 21, 1937, but do not attach to sales or other disposals made on and after four years from the date of the approval of the Act, April 26, 1937.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: June 22, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–1884; Filed, June 22, 1937; 1:22 p. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 6]

AN ORDER PROVIDING FOR PROVISIONAL APPROVAL OF MARKETING AGENCIES AND REPORTS REQUIRED IN CONNECTION THEREWITH

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, having on June 21, 1937, promulgated the Code provided for in Section 4 of said Act, directs the attention of all producers to certain provisions of Section 12 of said Act, which provide as follows:

Any combination between producers creating a marketing agency for the disposal of competitive coals in interstate commerce or in intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency, or by the agreement of the producers operating through such agency, shall, after promulgation of the code provided for in section 4, be unlawful as a restraint of interstate trade and commerce within the provisions of the Act of Congress of July 2, 1890, known as the Sherman Act, and Acts amendatory and supplemental thereto, unless such producers have accepted the code provided for in section 4 and shall comply with its provisions.

Subject to the approval of the Commission, a marketing agency may, as to its members, or such marketing agencies may, as between and among themselves, provide for the cooperative marketing of their coal, at prices not below the effective minimum prices nor above the effective maximum prices prescribed in accordance with section 4: *Provided*, That no such approval shall be granted by the Commission unless it shall find that the agreement under which such agency or agencies propose to function (1) will not unreasonably restrict the supply of coal in interstate commerce, (2) will not prevent the public from receiving coal at fair and reasonable prices, (3) will not operate against the public interest, and (4) that each such agency and its members have agreed to observe the effective marketing regulations and minimum and maximum prices from time to time established by the Commission and otherwise to conduct the business and operations of the agency in conformity with reasonable regulations for the protection of the public interest, to be prescribed by the Commission.

[1] See page 1072.

Pursuant to the authority of said Act, it is hereby ordered that the following requirements applicable to marketing agencies shall be effective as of this date:

Any marketing agency as defined in said Section 12 may, pending the establishment by the Commission of rules providing for formal approval of such agencies and regulations governing their business and operations, secure provisional approval by the Commission upon compliance with the following requirements:

1. Any such agency organized and engaged in business on or prior to June 21, 1937, the date of promulgation of the Bituminous Coal Code, may, on or before July 15, 1937, make application for provisional approval of its continued operation.

2. Any marketing agency which proposes to commence operations after June 21, 1937, may, before engaging in the cooperative marketing of bituminous coal for producers or others, make application to the Commission for provisional approval.

3. It shall be a condition precedent to every such application and approval that all producers who are financially or otherwise interested in said marketing agency and all producers for whom the marketing agency proposes to sell coal, whether as agent, factor, wholesale distributor or otherwise, shall, on or prior to June 21, 1937, in the case of agencies operating on or before that date, or prior to the date of application for approval in other cases, have accepted the Bituminous Coal Code as promulgated by the Commission under said Act.

4. Each application shall be verified by a principal officer or officers of the applicant and shall be accompanied by the following documents:

(a) A statement listing the name and post office address of each producer or distributor of coal for whom the applicant proposes to act whether as agent, factor, wholesale distributor or otherwise, together with the date upon which each producer member filed formal acceptance of the code.

(b) A statement listing the name and post office address of each agent and subagent of each producer member and of the applicant.

(c) A statement listing the name, location and 1936 tonnage of each mine operated by each producer member specifying the current tonnages of each mine subject to the provisions of the marketing agency agreement.

(d) A copy of the articles of association and by-laws of such marketing agency if a corporation, or a copy of the agreement creating such marketing agency if the applicant is unincorporated.

(e) A copy of all forms of contract or contracts entered into or proposed to be entered into between applicant and its producer members, together with a copy of all forms of subagency agreement of the marketing agency, if any.

(f) A brief description of the producing field or fields in which the applicant is established or proposes to be established, together with such statement of facts as will enable the Commission to determine whether the agreement under which the applicant proposes to function:

(1) Will not unreasonably restrict the supply of coal in interstate commerce;

(2) will not prevent the public from receiving coal at fair and reasonable prices; and

(3) will not operate against the public interest.

(g) A brief description of the consuming market or markets in which applicant operates or proposes to operate.

(h) A written stipulation by the applicant that such agency and its members agree to observe the effective marketing regulations and minimum and maximum prices from time to time established by the Commission, and otherwise to conduct the business and operations of the agency in conformity with reasonable regulations for the protection of the public interest, to be prescribed by the Commission.

(i) A statement listing the names and addresses of applicant's officers, directors, and managing agents.

(j) A certified copy of the resolution of the board of directors or other governing body of applicant, authorizing the filing of such application for provisional approval with the National Bituminous Coal Commission.

Twelve (12) copies of the application shall be filed with the Commission.

5. The Commission shall conduct a hearing upon notice upon any such application and shall thereafter make findings of fact and enter its order provisionally approving or disapproving such agency.

Orders of approval of such marketing agencies making application under paragraph one (1) of this order shall extend and apply to such agencies from and after the 21st day of June 1937. In all other cases the order of approval shall be effective on the date of publication. Orders of disapproval shall be effective on the tenth day following publication of such order.

6. No producer who has accepted the Bituminous Coal Code shall continue to be financially or otherwise interested in, or be a member of, a marketing agency which fails to make application for approval as provided for in this order, or to secure such approval, nor shall any code member directly or indirectly market any coal through any such agency which fails to make such application or to secure such approval.

7. The failure of any code member to terminate relations with any agency which has failed to make application on or before July 15, 1937, or before commencement of operations, as provided in paragraphs one (1) and two (2) of this order, or which has been subjected to an order of disapproval, within ten (10) days after the date of publication of such order in the FEDERAL REGISTER, shall be deemed a violation of the rules and regulations of the Commission as prescribed under the provisions of the Code and of said Act.

8. No marketing agency shall enter into any agreement with any other marketing agency relating to the marketing of coal subject to the provisions of the Code and the Act except with the approval of the Commission first obtained.

9. The provisional approval of the Commission, when granted, shall extend and apply to the organization and general plan of operation of the marketing agency and shall not be construed as an approval of specific acts of the marketing agency with reference to the classification of coals and the determination of prices for specific coals.

10. All contracts and agreements entered into by marketing agencies shall be submitted to the Commission and such contracts and agreements shall be made subject to review and the further order of the Commission.

By order of the Commission.

Dated this 21st day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*

[F. R. Doc. 37–1873; Filed, June 22, 1937; 11:09 a. m.]

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[Order No. 7]

AN ORDER PRESCRIBING A RULE FOR QUALIFICATION OF MEMBERS AND EMPLOYEES OF DISTRICT BOARDS

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders, makes and promulgates the following rule relating to the qualification of members and employees of District Boards:

1. All district board members and all employees of the several District Boards shall, before entering upon their respective duties, qualify for such duties by taking an oath of office in the form hereinafter prescribed. The term "employee" shall include all persons engaged or appointed to perform, whether for compensation or gratuitously, any service for the District Board or any agency including committees of the District Boards.

2. In the case of employees of district boards the oath of office shall be filed with the secretary of the board, and in the case of members of the district boards the oath of office shall be executed in duplicate, one copy thereof to be filed with the National Bituminous Coal Commission and one copy with the secretary of the district board.

3. The form of oath of office shall be as follows:

OATH OF OFFICE

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO._____

I, _____ a member of the District Board, an employee thereof (District No._____), do solemly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true and faithful allegiance to the same; that I will well, faithfully and impartially observe and comply with the obligations imposed by the Bituminous Coal Act of 1937 and by the Commission upon officers and employees performing duties thereunder; that I take this obligation freely without any mental reservation or purpose of evasion; and that neither I nor anyone acting in my behalf have given, promised, or paid any consideration for the purpose of securing election or appointment, and that I am subject to no obligation to any producer, distributor or consumer of bituminous coal relating to the performance of the duties of my office.

_____
(Signature)

Subscribed and sworn to before me this _____ day of _____ A. D., 193__, at _____
(City or place)
_____
(State)

[SEAL]

_____

NOTE.—This oath is to be taken before a notary public or any other public official authorized to administer an oath. All employees of District Boards shall execute the said oath of office (one copy only) and file the same with the Secretary of the District Board.

Failure to comply with this order shall disqualify a person for membership in, or employment by, the District Board.

By order of the Commission.

Dated this 21st day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–1874; Filed, June 22, 1937; 11:09 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of June, A. D., 1937.

[File Nos. 46–38, 43–41]

IN THE MATTER OF STATES ELECTRIC & GAS CORPORATION

ORDER APPROVING APPLICATION AND FIXING EFFECTIVE DATE FOR DECLARATION

States Electric and Gas Corporation having registered as a company purposing to become a holding company; having filed with this Commission an application and amendments thereto pursuant to Section 10 (a) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it of certain interests in the following companies, consisting of the securities and claims on open account, as listed below:

From General Water Gas & Electric Company:

| | | |
|---|---|---|
| (1) *The Home Natural Gas Company:* | | |
| Note—Dated June 7, 1937, Maturing June 6, 1938, Interest 5% | | $545,000.00. |
| Common Stock $5.00, par value | | 4,000 shares. |
| Consideration assigned $440,000. | | |
| (2) *Peoples Gas Company:* | | |
| Note—Dated Sept. 23, 1936, Maturing June 23, 1937, Interest 4% | | $3,000.00. |
| Common Stock $100.00, par value | | 547 shares. |
| Consideration assigned $5,000. | | |

(3) *Oklahoma Electric & Water Company:*
Note—Dated June 7, 1937, Maturing June 6, 1938, Interest 6%—$521,000.00.
Common Stock $10.00, par value—17,500 shares.
Consideration assigned $485,000.

(4) *South Carolina Utilities Company:*
Note—Dated June 7, 1937, Maturing June 6, 1938, Interest, 6%—$92,200.00.
Common Stock $100 par value—2,000 shares.
Consideration assigned $550,000.

(5) *Central New Hampshire Power Company and Subsidiaries:*

*Central New Hampshire Power Company:*
Demand Note—Dated October 1, 1934, Non-interest bearing—$218,500.00.
Preferred Stock, no par value—3,500 shares.
Common Stock, no par value—10,000 shares.

*East Andover Light & Power Company:*
Open account—$2,500.00.
Common Stock $100 par value—25 shares.

*Goodrich Falls Electric Company:*
Open account—$20,000.00.

*Meredith Electric Light Company:*
Open account—$18,000.00.

*Pemigewasset Electric Company:*
Open account—$3,000.00.

*Kansas-Oklahoma Natural Gas Company:*
Note—Dated Sept. 18, 1935, Maturing—Demand—Interest, 6%—$13,000.00.
Note—Dated Dec. 28, 1935, Maturing—Demand—Interest, 6%—$7,000.00.
Common Stock $100.00 par value—100 shares.

*New Mexico Public Utilities Corporation:*
Demand Note—Dated Dec. 1, 1934, Interest, 6%—$120,000.00.
Common Stock, no par value—1,000 shares.

*General Management Corporation:*
Common Stock, no par value—5,000 shares.
Consideration assigned $535,000.

From American Equities Company:

(1) *Wanoat Associates:*
Preferred Stock, $6.00, no par value—3,549 shares.
Demand Note, Ralph P. Buell, secured by Common Stock of Wanoat Associates—$1,000.00.

(2) *St. Johnsbury Gas Company:*
Common Stock, $100.00 par value—1,000 shares.

(3) *Vermont Lighting Corporation:*
Open account, non-interest bearing—$35,000.00.
6% Preferred Stock $100.00, par value—909 shares.
Common Stock $100.00 par value—2,970 shares.
Consideration assigned $200,000.

and having filed a declaration and amendments thereto, pursuant to Section 7 of said Act, regarding the issuance and sale by States Electric & Gas Corporation, as part of the consideration for said acquisition, of the following securities:

(1) Five secured notes to be dated as of the issuance thereof and to be payable on or before May 1, 1942, being for the amounts of $445,000, $485,000, $550,000, $410,000 and $200,000.

(2) 15,000 shares of $1.00 par common stock, Series B.

(3) 4,800 shares of $1.00 par common stock, Series A, 200 shares of such stock being now outstanding.

A hearing on said application and declaration having been duly held for appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings and opinion;

It is ordered that the acquisition by applicant of said securities in accordance with the terms and conditions and for the purposes represented by such application, as amended, be and the same hereby is approved, and that said declaration shall be and become effective as of the date of this order, subject, however, to the condition that no alteration be made in the terms of the agreements between States Electric & Gas Corporation and the vendor companies, and the other interested parties, as such agreements are set forth in said application and declaration, other than modifications resulting in a reduction of the release values assigned to the various securities to be acquired by States or any arrangements which may be entered into to permit States to re-acquire at a discount any of the aforesaid notes to be issued by it, and except such further modifications as may be expressly authorized by order of the Commission.

States Electric & Gas Corporation having, in connection with said declaration and application, presented for the consideration of the Commission, as a possible condition to said order, the question of what, if any, restrictions should be imposed upon it with respect to causing or permitting the payment of any dividends by its proposed subsidiary companies, said subsidiary companies being now advised of the pendency of said question and offering no objection thereto, and the Commission finding it necessary and appropriate to protect the financial integrity of the companies which will become companies of the States Electric & Gas Corporation holding company system and to safeguard the working capital of the public-utility companies in said system and to prevent the payment of dividends out of capital or unearned surplus by such companies and to prevent the circumvention of the conditions of this order;

It is further ordered, pursuant to Section 12 (c) of the Act, and as a condition to the foregoing order, that applicant shall not cause or permit Oklahoma Electric & Water Company to declare or pay any dividend unless such dividend shall first be expressly authorized by order of the Commission; that so long as any of the following companies shall remain subsidiaries of the applicant, such holding company shall not cause or permit New Mexico Public Utilities Corporation, Peoples Gas Company, South Carolina Utilities Company, St. Johnsbury Gas Company, Vermont Lighting Corporation, The Home Natural Gas Company, Oklahoma Electric & Water Company, The Kansas-Oklahoma Natural Gas Company, New Hampshire Power Company, East Hanover Light & Power Company, Goodrich Falls Electric Company, Meredith Electric Company, Pemigewasset Electric Company, Wanoat Associates, North Attleboro Gas Company or Ware Gas Company, to declare or pay any dividend, unless, from and after the time when it became a subsidiary of the applicant, such subsidiary shall have applied a sum equal to 15 per cent of its gross revenues as an aggregate provision for maintenance and depreciation, or shall have retained in its capital or surplus accounts such portion of said sum as may be in excess of the maximum permitted to be charged against earnings by applicable State law or by any requirement of any State commission; that applicant shall not cause or permit The Kansas-Oklahoma Natural Gas Company to declare or pay any dividend unless said subsidiary shall first have set apart a sum equal to 10 per cent of its gross revenues for such purposes; and that none of said subsidiary companies referred to in this paragraph, so long as it continues to be a subsidiary company of applicant, shall declare or pay any dividend otherwise than in compliance with the foregoing conditions of this paragraph; provided, however, that none of the restrictions contained in this paragraph shall be applicable to any dividend declaration or payment if concurrently with the declaration and payment thereof applicant, or any subholding company of applicant entitled to receive such dividend, shall subscribe and pay for additional capital stock of the subsidiary company paying such dividend in an amount equal to all or such part of such dividend as to which any of such restrictions may be applicable.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1882; Filed, June 22, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of June, 1937.

[File No. 1-1530]

IN THE MATTER OF TECK-HUGHES GOLD MINES, LTD. CAPITAL STOCK, $1.00 PAR VALUE

ORDER DISMISSING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Teck-Hughes Gold Mines, Ltd., having made application to the Commission, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, to withdraw its Capital Stock, $1.00 Par Value, from listing and registration on the New York Curb Exchange; and

After appropriate notice, a hearing having been held in this matter on April 6, 1937, at which the applicant did not appear and at which the New York Curb Exchange appeared in opposition to said application; and

The Commission having filed its Findings and Opinion herein;

It is ordered, that said application be and the same is hereby dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1877; Filed, June 22, 1937; 12:49 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of June A. D., 1937.

IN THE MATTER OF KINNER AIRPLANE AND MOTOR CORPORATION, LTD., $1.00 PAR VALUE COMMON STOCK

ORDER DISMISSING PROCEEDINGS INSTITUTED PURSUANT TO SECTION 19 (A) (2), SECURITIES EXCHANGE ACT OF 1934

The Commission having directed, under date of June 8, 1937, that, pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, a hearing be held at the Commission's Regional Office, 650 South Spring Street, Los Angeles, California, at 10:00 A. M. on June 16, 1937, to determine whether the registration on the Los Angeles Stock Exchange and on the San Francisco Curb Exchange of the $1.00 Par Value Common Stock of Kinner Airplane and Motor Corporation, Ltd., should be suspended or withdrawn; and

Kinner Airplane and Motor Corporation, Ltd., prior to the date of said hearing, having by amendment filed its financial statements for the year ended December 31, 1936; it is

Ordered that the proceedings heretofore instituted against Kinner Airplane and Motor Corporation, Ltd., pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934 be and the same hereby are dismissed, and the hearing therein cancelled.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1883; Filed, June 22, 1937; 12:51 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of June, A. D., 1937.

[File No. 2-2121]

IN THE MATTER OF NATIONAL PETROLEUM CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of National Petroleum Corporation, of Dallas, Texas, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement contains untrue statements of material facts and fails to state material facts required to be stated therein and fails to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement contains untrue statements of material facts and omits to state material facts required to be stated and material facts necessary to make statements made not misleading, all as more fully set forth in the Trial Examiner's report in this matter which is hereby adopted as the Commission's Findings of Fact herein, and being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by National Petroleum Corporation, of Dallas, Texas, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1878; Filed, June 22, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, 1937.

[File No. 2-2592]

IN THE MATTER OF RICKARD RAMORE GOLD MINES, LTD.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Rickard Ramore Gold Mines, Ltd., of Toronto, Ontario, Canada, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Rickard Ramore Gold Mines, Ltd., of Toronto, Ontario, Canada, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1879; Filed, June 22, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-HOUSTON-CAMPBELL TRACT, FILED ON JUNE 14, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under

the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered as set forth in Division II, Item 1, is not expressed in terms of the total production from the entire tract;

(2) In that in Division II, Item 2 (e), no statement is made as to whether or not the interest offered is perpetual;

(3) In that the depth of the A. F. Houston #1 well, as set forth in Division II, Item 19 (c), does not agree with the depth of the same well as disclosed by the plat attached to the offering sheet as "Exhibit A";

(4) In that the second signature form required to be included as a part of the offering sheet is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact neccessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1880; Filed, June 22, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE HUMBLE-WHITE TRACT, FILED ON JUNE 14, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered, as set forth in Division II, Item 1, is not expressed in terms of the total production from the entire tract, nor is the number of barrels of oil which must be produced before the smallest fractional interest offered will be entitled to one barrel, believed to be correctly stated;

(2) In that in Division II, Item 2 (e), no statement is made as to whether or not the interest offered is perpetual;

(3) In that the depth of well #1-A, as set forth in Division II, Item 19 (c), does not agree with the depth of said well as disclosed by the plat attached to the offering sheet as "Exhibit A";

(4) In that the second signature form required to be included as a part of the offering sheet is omitted;

(5) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" may be misleading unless the information set forth in Division II, Item 21, is included as a part of such conveyance;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1881; Filed, June 22, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE CARTER-T. SCOTT TRACT, FILED ON JUNE 14, 1937, BY VIRGIL O. KING, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340(A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered, as set forth in Division II, Item 1, is not expressed in terms of the total production from the entire tract;

(2) In that in Division II, Item 10, no statement is made as to whether or not the interests offered are chargeable with, or subject to, a deduction for any assessments or taxes;

(3) In that it is required in Division II, Item 20 (b), that the percentage of water, in fluid, produced from the tract involved, shall be stated in percentages by months, whereas such information as is given is not set forth in the required manner;

(4) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the prorata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;



(5) In that the second signature form required to be included as a part of the offering sheet is omitted;

(6) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the smallest interest proposed to be conveyed is not set forth;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1875; Filed, June 21, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE GULF-SCOTT TRACT, FILED ON JUNE 14, 1937, BY VIRGIL O. KING, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered, as set forth in Division II, Item 1, is not expressed in terms of the total production from the entire tract;

(2) In that in Division II, Item 10, no statement is made as to whether or not the interests offered are chargeable with, or subject to, a deduction for any assessments or taxes;

(3) In that it is required in Division II, Item 20 (b), that the percentage of water, in fluid, produced from the tract involved, shall be stated in percentages by months, whereas such information as is given is not set forth in the required manner;

(4) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(5) In that the second signature form required to be included as a part of the offering sheet is omitted;

(6) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the smallest interest proposed to be conveyed is not set forth.

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1876; Filed, June 21, 1937; 12:33 p. m.]

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## *Thursday, June 24, 1937* *No. 121*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

TRANSFERRING TO THE SECRETARY OF THE TREASURY THE FUNCTIONS DELEGATED TO THE SECRETARY OF LABOR BY EXECUTIVE ORDER NO. 2889 OF JUNE 18, 1918

By virtue of and pursuant to the authority vested in me by the act entitled "An Act To authorize the President to provide housing for war needs", approved May 16, 1918 (40 Stat. 550), as amended and supplemented, it is ordered that all powers, rights, privileges, and duties (including the power to execute deeds, contracts, or other instruments of conveyance) delegated to the Secretary of Labor by Executive Order No. 2889 of June 18, 1918, be, and they are hereby, transferred to the Secretary of the Treasury to be exercised and performed by the said Secretary through the Director of Procurement; and the Secretary of Labor shall take such action as may be necessary to carry out the purposes of this order, including the transfer of all the stock of the United States Housing Corporation, now held by the Secretary of Labor as trustee, to the Secretary of the Treasury as trustee for the United States.

This order shall supersede the said Executive Order No. 2889 of June 18, 1918, and shall become effective July 1, 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 22, 1937.*

[No. 7641]

[F. R. Doc. 37-1885; Filed, June 23, 1937; 11:57 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NCR—B-101, as Amended, Supplement No. 2

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED, SUPPLEMENT NO. 2

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and

Domestic Allotment Act, North Central Region Bulletin 101, as Amended, is further amended as follows:

*Part I—Definitions*

1. The definition of Area "A" is amended by deleting the following counties in Nebraska: Merrick, Nance, Polk, and York.

2. The definition of "operator" is amended to read as follows:

*Operator* means a person who as owner or share-tenant is operating a farm and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

3. The definition of a "diversion farm" is amended to read as follows:

*Diversion farm* means (1) any farm in a county operated by a person who operates a farm or farms in such county with respect to which farm or farms the sum of the general soil-depleting bases established therefor is 20 acres or more, and (2) any farm in a county owned and operated by a person and any contiguous farm or farms owned by such person in such county which are field rented by such person to any other persons if the sum of the general soil-depleting bases established for all such farms is 20 acres or more, and (3) any farm for which a cotton or final tobacco soil-depleting base is established.

4. The definition of "New Conserving Acreage" is amended to read as follows:

*New conserving acreage* means the acreage of cropland in the farm upon which there is, on the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a crop listed in Section 2 (a) of Part III which was seeded in accordance with good farming practices between November 1, 1936, and October 31, 1937, inclusive, and which acreage is classified as soil-conserving in 1937. New conserving acreage also means the acreage of cropland used in accordance with subsection (b) of Section 2 of Part III. No acreage can be classified as new conserving if any of the crops listed in Section 1 of Part III are harvested as grain or hay from such acreage in 1937.

5. The definition of "Old Conserving Acreage" is amended to read as follows:

*Old conserving acreage* means the acreage of cropland in the farm which was seeded prior to November 1, 1936, and upon which acreage there was a good stand of a crop listed in Section 2 (a) of Part III on or after July 1, 1937, and which acreage is classified as soil-conserving in 1937. Old conserving acreage also means any acreage of cropland on the farm upon which there was a good stand of a crop listed in Section 2 (a) of Part III on or after July 1, 1937, which was self-seeded in the fall of 1936 and which acreage is classified as soil-conserving in 1937. Old conserving acreage also means the acreage of cropland used in accordance with Section 2 (c) of Part III. No acreage can be classified as old conserving if on such acreage any crop listed in Item 1 of Section 1 (b) of Part III: (1) Is seeded for harvest in 1937 at a rate in excess of one-half the normal rate of seeding alone for grain; (2) is seeded in 1937 at a rate not in excess of one-half the normal rate of seeding alone for grain and is cut for grain or hay; (3) is a volunteer stand, which volunteer stand it would be practical to cut for grain or hay if such crop were growing alone; (4) is seeded in 1936 at a rate not in excess of one-half the normal rate of seeding alone for grain if it would be practical to cut such crop for grain or hay if such crop were growing alone.

6. The definition of "Diversion Payment" is amended to read as follows:

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base. A diversion payment is not made with respect to a nondiversion farm.

7. The definition of "Conserving Payment" is amended to read as follows:

*Conserving payment* means a payment for the increase of soil-conserving acreage. A conserving payment is not made with respect to a farm which is either a dryland farm or nondiversion farm.

8. The definition of "Maximum Conserving Payment" is amended to read as follows:

*Maximum conserving payment* for a farm means the largest amount of payment which may be earned for an increase in the acreage classified as soil-conserving on such farm. For any farm which does not have a cotton or tobacco soil-depleting base, such amount shall be computed by multiplying the rate for conserving payments for such farm by the acreage for which diversion payments are computed with respect to such farm. For any farm which has a cotton or tobacco soil-depleting base, such amount shall be computed by multiplying the rate per acre for conserving payments by the acreage obtained by subtracting the total acreage classified as soil-depleting from the total soil-depleting base, or the acreage for which diversion payments are computed with respect to such farm, whichever is the smaller.

9. Part I, Definition, is amended by the addition of the following new definitions:

*Combination farm* means any farm, other than a cotton farm or sharecropper farm, rented partly on shares and on which farm part or all of the new conserving acreage is rented for cash.

*County* means the political or civil division of a State designated as a county, except for the purposes of the 1937 Agricultural Conservation Program in the North Central Region the political or civil divisions of Polk, Ottertail, and St. Louis in Minnesota, and Pottawattamie in Iowa shall not be deemed counties. For the purposes of the 1937 Agricultural Conservation Program in the North Central Region, the townships of Badger, Brandzvold, Chester, Columbia, Eden, Garden, Garfield, Godfrey, Grove Park, Gully, Hill River, Johnson, King, Knute, Kessor, Queen, Rosebud, Sletten, Tilden, Winger, and Woodside in the political or civil division in Minnesota known as Polk shall be a county known as East Polk County; the townships of Andover, Angus, Belgium, Brandt, Brislet, Bygland, Crookston, Esther, Euclid, Fairfax, Fanny, Farley, Fisher, Gentilly, Grand Forks, Hammond, Helgeland, Higdem, Hubbard, Huntsville, Kertsonville, Keystone, Liberty, Lowell, Nesbit, Northland, Onstad, Parnell, Reis, Rinehart, Roome, Russia, Sandsville, Scandia, Sullivan, Tabor, Tynsid, and Vineland in the political or civil division in Minnesota known as Polk shall be a county known as West Polk County; the townships of Blowers, Bluffton, Butler, Candor, Compton, Corliss, Dead Lake, Deer Creek, Dora, Eastern, Edna, Folden, Elmo, Girard, Gorman, Henning, Hobert, Homestead, Inman, Leaf Lake, Newton, Oak Valley, Ottertail, Otto, Paddock, Parkers Prairie, Perham, Pine Lake, Rush Lake, Star Lake, and Woodside in the political or civil division in Minnesota known as Ottertail shall be a county known as East Ottertail County; the townships of Aastad, Amor, Aurdal, Buse, Carlisle, Clitherell, Dane Prairie, Dunn, Eagle Lake, Effington, Elizabeth, Erhards Grove, Everts, Fergus Falls, Friberg, Leaf Mountain, Lida, Maine, Maplewood, Nidaros, Norwegian Grove, Orwell, Oscar, Pelican, St. Olaf, Scambler, Sverdrup, Tordenskjold, Trondhjem, Tumuli, and Western in the political or civil division in Minnesota known as Ottertail shall be a county known as West Ottertail County; the townships of Alborn, Alden, Arrowhead, Brevator, Canosia, Cedar Valley, Cotton, Dulver, Duluth, Duluth City, Elmer, Fine Lakes, Floodwood, Fredenburg, Gnesen, Grand Lake, Holden, Herman, Industrial, Kelsey, Lakewood, Meadowlands, Midway, Ness, New Independence, Normania, Northland, Payne, Prairie, Lake, Rice Lake, Solway, Stoney Brook, Troivola, Van Buren, 52—21, 53—16, and 54—15 in the political or civil division in Minnesota known as St. Louis shall be a county known as South St. Louis County; the townships of Alango, Angora, Argo, Balkan, Biwabik, Cherry, Clinton, Clovin, Elisburg, Embarrass, Fayal, Field, Great Scott, Kugler, Lovelle, Lledeing, Linden Grove, McDavitt, Nichols, Owens, Pike, Sandy, Stuntz, Sturgeon, Vermillion, Waasa, Worcom, White, Willow Valley, Wucuri, 50—14, 56—15, 56—18, 55—21, 56—14, 56—16, 56—17, 57—14, 57—16, 59—16, 59—18, 59—21, 60—18, 60—19, 62—17, 62—21, 63—19, 63—21, and 64—21 in the political or civil division in Minnesota known as St. Louis shall be a county known as North St. Louis County; the townships of Belknap, Carson, Center, Grove, James, Knox, Layton, Lincoln, Macedonia, Pleasant, Valley, Waveland, and Wright in the political or civil division in Iowa known as Pottawattamie shall be a county known as East Pottawattamie County; the townships of Boomer, Crescent, Garner, Hardin, Hazel Dell, Kane, Keg Creek, Lake, Lewis, Mindan, Neola, Norwalk, Rockford, Silver Creek, York, and Washington in the political or civil division in Iowa known as Pottawattamie shall be a county known as West Pottawattamie County.

*Sown corn* means corn planted in such manner that the corn plants are so close together that under no circumstances will kernels form on the ears. Such corn may be (1) sown broadcast or close-drilled; or (2) planted in rows one-half the normal distance apart with at least the normal number of plants to the hill; or (3) planted in rows the normal distance apart but with at least seven plants to the hill; or (4) listed in rows the normal distance apart but with at least twice the normal number of plants to the row.

*Part II—Establishment of Limits, Bases, Grazing Capacities, Productivity Indexes, and Yields*

10. The second paragraph of Section 4 of Part II is amended to read as follows:

If the acreage planted to any specified type of tobacco in 1937 on any farm is less than fifty percent of the preliminary soil-depleting base established for such farm for such type of tobacco, the preliminary soil-depleting base for such farm for such type of tobacco shall be adjusted downward so that the final soil-depleting base established for such farm for such type of tobacco does not exceed an acreage equal to twice the acreage of such type of tobacco planted on such farm in 1937.

11. Section 8 of Part II is amended to read as follows:

SECTION 8. *Pasture grazing capacities.*—There shall be established for each farm containing noncrop plowable pasture land a pasture grazing capacity for such farm expressed in terms of animal units. Such grazing capacity for any farm shall represent the total number of animal units which the noncrop plowable pasture in such farm will carry during the normal pasture season. Such grazing capacity for any farm shall be determined by first establishing the pasture grazing capacity for an average acre of noncrop plowable pasture land in such farm by making such deviation from the pasture grazing capacity established by the Agricultural Adjustment Administration for an average acre of noncrop plowable pasture land in the county as is justified by the composition, palatability, density of vegetative growth, degree of erosion, and topographic features of the noncrop plowable pasture land in such farm. The pasture grazing capacity so determined for an average acre of noncrop plowable pasture land in such farm shall be multiplied by the acreage of noncrop plowable pasture land in such farm not used in 1937 as specified in Sections 1 and 3 (exclusive of items (3) and (5) of Section 3 (a) of Part III) of Part III. The result so obtained shall be the pasture grazing capacity of such farm.



*Part III—Classification of Farmland*

12. Item (1) of subsection (a) of Section 1 of Part III is amended to read as follows:

(1) Corn (including field, sweet, and popcorn but not including sown corn).

13. Item (2) of subsection (a) of Section 1 of Part III is amended to read as follows:

(2) Grain sorghums.

14. Item (3) of subsection (a) of Section 1 of Part III is amended to read as follows:

(3) Cotton (including idle cropland not in excess of the acreage obtained by subtracting the acreage planted to cotton in 1937 from 65 percent of the cotton soil-depleting base, which idle cropland was not planted to cotton in 1937 because of abnormal weather conditions).

15. Item (7) of subsection (a) of Section 1 of Part III is amended to read as follows:

(7) Field beans.

16. Item (2) of subsection (b) of Section 1 of Part III is amended to read as follows:

(2) Any of the following crops harvested for seed: Sudan grass, millet, and sweet sorghums.

17. Item (3) of subsection (b) of Section 1 of Part III is amended to read as follows:

(3) Field peas for seed: soybeans and cowpeas for grain or seed except in Area "B".

18. The first sentence of subsection (c) of Section 1 of Part III is amended to read as follows:

(c) The acreage by which the sum of the idle cropland (not including any idle cropland considered as cotton under item (3) of subsection (a) of Section 1 of this Part III), and the acreage planted to any of the following crops and used as specified herein, exceeds the acreage obtained by subtracting the old conserving acreage from the soil-conserving base.

19. The first sentence of item (1) of subsection (c) of Section 1 of Part III is amended to read as follows:

(1) Any of the following crops not harvested for grain: Wheat, oats, barley, rye, flax, emmer, speltz, sown corn, and mixtures of any such crops.

20. Item (2) of subsection (c) of Section 1 of Part III is amended to read as follows:

(2) Field peas, soybeans, cowpeas, and buckwheat not harvested as grain or seed. (This item (2) does not include any acreage planted to soybeans, cowpeas, and buckwheat and used as specified in item (1) of Section 2 (b) of Part III.) This item (2), insofar as it relates to soybeans and cowpeas, is not applicable to Area "B".

21. Item (3) of subsection (c) of Section 1 of Part III is amended to read as follows:

(3) Any of the following crops not harvested for seed: Sudan grass, millet, sweet sorghums, and rape.

22. Item (4) of subsection (c) of Section 1 of Part III is deleted.

23. The parenthetical expression immediately preceding subsection (a) of Section 2 of Part III is amended to read as follows:

(This Section 2 does not exclude any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in this Section 2 or the first cultivation meeting the requirements set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except such seeding or first cultivation must be completed by May 15 in Nebraska.)

24. Subsection (a) of Section 2 of Part III is amended by the addition of the following new item:

(7) Crimson clover, bur-clover, vetch (except vetch harvested for seed), black medica and yellow treefoil (hop clover).

25. Item (1) of subsection (a) of Section 3 of Part III is amended by striking out the names of Ottertail, Polk, and St. Louis and substituting for Ottertail the names "East Ottertail" and "West Ottertail" and substituting for Polk the names "East Polk" and "West Polk" and substituting for St. Louis the names "North St. Louis" and "South St. Louis."

26. The first sentence of item (1) of subsection (a) of Section 3 of Part III is amended to read as follows:

(1) Land summer fallowed on which the first tillage operation is completed by the date hereinafter specified and which land is properly cultivated until August 1, 1937, in such a manner as will tend to prevent wind erosion, water erosion, and weed growth.

27. Item (4) of subsection (a) of Section 3 of Part III is amended to read as follows:

(4) Noncropland such as waste land, roads, lanes, lots, yards, noncrop pasture land, land reverting to permanent pasture, and noncrop woodland, provided it is not planted to a crop listed in subsections (a) and (b) of Section 1 of this Part III.

27a. The parenthetical expression appearing at the end of item (1) of subsection (a) of Section 3 of Part III is amended to read as follows:

(This item (1) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested for grain or hay in 1937 and such acreage otherwise meets the requirements of this item (1). If any acreage can be classified as neutral under this item (1) and conserving under Section 2 of this Part III, such acreage shall be classified as conserving.)

27b. Subsection (a) of Section 2 of Part III is amended to read as follows:

(a) Cropland upon which there was a good stand on or after July 1, 1937, of any of the following crops seeded before November 1, 1936; and cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand seeded in accordance with good farming practices which, with the exception of the crops listed in item (4) hereof, would normally survive the winter of 1937–38, of any of the following crops seeded between November 1, 1936, and October 31, 1937, inclusive, provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain.

27c. The sentence in parenthesis in item (3) of Section 3 (a) of Part III is amended to read as follows:

(This item (3) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in this Section 2 or a first cultivation meeting the requirements set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except such seeding or first cultivation must be completed by May 15 in Nebraska, and (2) such acreage otherwise meets the requirements of this item (3).)

28. Item (6) of subsection (a) of Section 3 of Part III is amended to read as follows.

(6) Land planted to rye, sweet sorghums, or Sudan grass on sandy loam or coarser soils such as Valentine sand, Dune sand, and Dickinson loamy sand in Antelope, Arthur, Banner, Blaine, Boone, Brown, Box Butte, Boyd, Chase, Cherry, Cheyenne, Custer, Dawes, Deuel, Dundy, Garden, Garfield, Grant, Greeley, Hayes, Holt, Hooker, Keith, Keyapaha, Kimball, Lincoln, Logan, Loup, Madison, McPherson, Merrill, Perkins, Pierce, Rock, Scotts Bluff, Sheridan, Sioux, Thomas, Valley and Wheeler Counties in Nebraska, and on sandy loam or coarser soils such as Barnes, Boarden, Sioux, Valentine, and Fargo in Aurora, Beadle, Bennett, Brown, Campbell, Clark, Corson, Davison, Day, Dewey, Fall River, Gregory, Haakon, Harding, Jackson, Jerauld, Kingsbury, Lyman, Marshall, Meade, Pennington, Perkins, Potter, Sanborn, Shannon, Spink, Todd, Tripp, Washabaugh, Washington, Walworth, and Ziebach Counties of South Dakota, provided (1) such crops are seeded before July 1, 1937, at the normal rate of seeding for grain, (2) a good growth of such crops is obtained and not harvested for grain or hay, or pastured, and (3) the county committee after inspection has approved and designated such cropland.

29. The first sentence of subsection (b) of Section 3 of Part III is amended to read as follows:

(b) The acreage equal to the sum of the idle cropland (not including any idle cropland considered as cotton under item (3) of subsection (a) of Section 1 of this Part III), and the acreage planted to any of the following crops and used as specified herein,

not in excess of the acreage obtained by subtracting the old conserving acreage from the soil-conserving base.

30. The first sentence of item (1) of subsection (b) of Section 3 of Part III is amended to read as follows:

(1) Any of the following crops not harvested for grain: Wheat, oats, barley, rye, flax, emmer, speltz, sown corn, and mixtures of any such crops. If oats, barley, and flax, or mixtures of any of these crops are cut for hay, not more than an average of 10 percent of the kernels on the plants in the field can have advanced beyond the milk stage of maturity and at the time of cutting all parts of the plant must be of a uniform green appearance; except that under dry conditions the lower part of the plants may be yellowish green or yellow in color. If wheat, rye, emmer, and speltz, or mixtures of any of these crops are cut for hay, none of the kernels on the plants in the field can have advanced beyond the milk stage of maturity and at the time of cutting all parts of the plants must be of a uniform green appearance; except that under dry conditions the lower part of the plants may be yellowish green or yellow in color.

31. Item (2) of subsection (b) of Section 3 of Part III is amended to read as follows:

(2) Field peas, soybeans, cowpeas, and buckwheat not harvested as grain or seed. If field peas, soybeans, cowpeas, and buckwheat are cut for hay, the seed cannot have advanced beyond the half grown stage of maturity and at the time of cutting the plant must have a uniform green appearance; except that under dry conditions the lower part of the plants may be yellowish green or yellow in color. (This item (2) does not include any acreage planted to soybeans, cowpeas, and buckwheat and used as specified in item (1) of Section 2 (b) of Part III.) This item (2), insofar as it relates to soybeans and cowpeas, is not applicable to Area "B."

32. Item (3) of subsection (b) of Section 3 of Part III is amended to read as follows:

(3) Any of the following crops not harvested for seed: Sudan grass, millet, sweet sorghums, and rape.

33. Item (4) of subsection (b) of Section 3 of Part III is deleted.

*Part IV—Rates and Conditions of Payment*

34. Section 2 of Part IV is amended to read as follows:

SECTION 2. *Person's Percentage of Payments, Allowances and Deductions.*—The percentage of any payments, allowances, or deductions to which any person is entitled with respect to any farm, shall be determined as set forth in this Section 2. The term "principal soil-depleting crop", as used herein, means the soil-depleting crop, exclusive of sugar beets, to which the greatest number of acres on the farm is devoted in 1937. For the purpose of this Section 2, all small grains, or the proceeds thereof, which are divided in the same percentage shall be considered as one soil-depleting crop. If there is no soil-depleting crop, other than sugar beets, which has a larger acreage than any other soil-depleting crop on the farm, the principal soil-depleting crop shall be the soil-depleting crop on the farm which is of major importance in terms of acreage in the county in which such farm is located.

(a) If the operator of a farm is the owner of such farm, which farm is not operated with the aid of sharecroppers, such person's percentage of any payment, soil-building allowance, or deduction computed with respect to such farm shall be 100 percent.

(b) The percentage for the owner and for the operator of a share-rented farm, which farm is not a combination, cotton, or sharecropper farm, of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be such person's percentage of the principal soil-depleting crop, or the proceeds thereof, under the lease or operating agreement relating to such farm. If no soil-depleting crop, other than sugar beets, is planted in 1937 on a share-rented farm, which farm is not a combination, cotton, or sharecropper farm, the percentage for the owner and for the operator of such farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm shall be 50 percent. If no soil-depleting crop is planted for harvest in 1937 on a share-rented farm on which all the cropland is entirely summer fallowed in 1937, and which farm is not a combination, cotton, or sharecropper farm, the percentage of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm for the operator thereof shall be 66⅔ percent and for the owner thereof shall be 33⅓ percent.

(c) The percentage for the operator of a combination farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be determined as follows:

(1) Multiply the new conserving acreage in such farm rented for cash by the operator by 100%;

(2) Multiply the new conserving acreage in such farm rented on shares by the operator's percentage of the principal soil-depleting crop on such farm;

(3) Add the results obtained under items (1) and (2) of this subsection (c);

(4) Divide the result obtained under item (3) of this subsection (c) by the sum of the new conserving acreage on such farm and multiply this result by 100. The percentage for the owner of a combination farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be computed by subtracting from 100 percent the percentage obtained for the operator of such farm under item (4) of this subsection (c).

(d) The percentage for the owner and for the operator of a share-rented farm, which farm is not operated with the aid of sharecroppers, of any sugar beet payment computed with respect to such farm, shall be such persons's percentage of the sugar beets, or the proceeds thereof, under the lease or operating agreement relating to such farm.

(e) If a person is an owner, operator, or sharecropper with respect to a cotton farm, such person's percentage of any diversion payment computed with respect to such farm pertaining to the soil-depleting base for a crop which was planted on such farm for harvest in 1937, shall be the sum of the percentages determined for such person under items (1), (2), and (3) of this subsection (e):

(1) 37½ percent to the person who furnished the land;

(2) 12½ percent to the person who furnished the workstock and equipment. If more than one person furnished the workstock and equipment for such farm, the percentage to each person who furnished workstock and equipment in connection with the acreage used for the production of the crop with respect to which such diversion payment is computed, shall be obtained by dividing the acreage of such crop for which such person furnished workstock and equipment by the total acreage of such crop on such farm and multiplying this result by 12½ percent;

(3) 50 percent to be divided among the persons who are parties to the lease or operating agreement relating to such farm in the proportion in which such persons are entitled to share under such lease or operating agreement in the crops grown on such farm in 1937, or the proceeds thereof, with respect to which any diversion payment is made.

(f) If a person is an owner, operator, or sharecropper with respect to a cotton farm, such person's percentage of any diversion payment computed with respect to such farm pertaining to the soil-depleting base for a crop which is normally planted on such farm but which was not planted on such farm in 1937, shall be the sum of the percentages determined for such person under items (1) and (2) of this subsection (f):

(1) 37½ percent to the person who furnished the land;

(2) 62½ percent to be divided in accordance with an agreement among the persons who are parties to the lease or operating agreement relating to such farm, which agreement is approved by the county committee. If there is no such agreement approved by the county committee, the 62½ percent of such payment shall be divided equally among the persons who are parties to the lease or operating agreement relating to such farm.

(g) If a person is an owner, operator, or sharecropper with respect to a sharecropper farm, the percentage for such person of any diversion or sugar beet payment computed with respect to such farm shall be the percentage in which such person is entitled to share under the lease or operating agreement relating to such farm in the crops grown on such farm in 1937, or the proceeds thereof, with respect to which any such payments are computed with respect to such farm. If on such farm no crop was planted in 1937 with respect to which any diversion payment is computed with respect to such farm, such person's percentage of such payment shall be his share specified in an agreement among the persons who are parties to the lease or operating agreement relating to such farm, which agreement is approved by the county committee. If no such agreement is approved by the county committee, such payment shall be divided equally among the persons who are parties to the lease or operating agreement relating to such farm.

(h) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's percentage of any conserving payment computed with respect to such farm shall be the percentage that the sum of all diversion payments computed for such person with respect to such farm is of the sum of all diversion payments computed for such farm.

(i) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, the total computed soil-building payment for such person with respect to such farm shall be the sum of the share of such person of the soil-building payment for each soil-building practice carried out on such farm, computed as follows: The soil-building payment for any practice shall be made to the person, determined by the county committee, who has incurred the expense in 1937 with respect to which the soil-building payment is to be made; where two or more persons are determined by the county committee to have incurred the expense in 1937 with respect to such practice, the soil-building payment for such practice shall be divided equally among such persons.

(j) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's percentage of any deduction computed with respect to such farm shall be the percentage that the sum of all payments computed for such person with respect to such farm is of the sum of all payments computed for such farm. If there is no payment computed for a person who is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, and there is a deduction computed with respect to such farm, such person's percentage of such deduction shall be such person's percentage of the principal soil-depleting crop on such farm.

(k) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's percentage of the soil-building allowance for such farm shall be the percentage that the total soil-building payments computed for such person with respect to such farm is of the total soil-building payments computed with respect to such farm. If there is no soil-building payment computed with respect to a cotton or sharecropper farm, the percentage of the soil-building allowance for such farm of a person who is both the owner and operator of such farm shall be 100 percent. If there is no soil-building payment computed with respect to a cotton or sharecropper farm, the percentage of the soil-building allowance for such farm of a person who is either a share-tenant of such farm or such share-tenant's landlord shall be 50 percent.

The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to any farm and also as used with reference to any payment, deduction, or allowance for such person with respect to such farm shall mean the percentage of such payment, deduction, or allowance determined for such person for such farm under this Section 2.

Any share of payments shall be computed and paid without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against any crop, or the proceeds thereof, in favor of the owner or any creditor. If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from any previous leasing or cropping arrangement for the farm, for the purpose of, or which would have the effect of, diverting to such person any payment to which any tenants or sharecroppers would be entitled if the previous leasing or cropping arrangements were in effect for 1937, the amount of any payment which would otherwise be made to such person may be withheld in whole or in part.

35. Subsection (h) of Section 6 of Part IV is amended to read as follows:

(h) The total general diversion payments which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 6 from the amount obtained under subsection (b) of this Section 6, or the amount obtained under subsection (f) of this Section 6, whichever is the smaller.

36. Subsection (h) of Section 7 of Part IV is amended to read as follows:

(h) The total diversion payments for such type of tobacco which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 7 from the amount obtained under subsection (b) of this Section 7, or the amount obtained under subsection (f) of this Section 7, whichever is the smaller.

37. Subsection (h) of Section 8 of Part IV is amended to read as follows:

(h) The total cotton diversion payments which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 8 from the amount obtained under subsection (b) of this Section 8, or the amount obtained under subsection (f) of this Section 8, whichever is the smaller.

38. Subsection (b) of Section 10 of Part IV is amended to read as follows:

(b) If such farm is a diversion farm and if the 1937 corn acreage on such farm exceeds the larger of (1), the corn limit for such farm, or (2), 15 acres, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage.

39. Section 10 of Part IV is amended by the addition of the following subsections (g) and (h):

(g) If such farm is a nondiversion farm and if tobacco is planted on such farm in 1937, the amount of deduction for such person for each type of tobacco planted on such farm in 1937 shall be computed by multiplying the number of acres planted on such farm to each type of tobacco by the rate per acre for diversion payments for such type of tobacco which would be determined for such farm if it had a soil-depleting base for such type of tobacco and multiplying this result by such person's percentage.

(h) If such farm is a nondiversion farm and if cotton is planted on such farm in 1937, the amount of deduction for such person shall be computed by multiplying the number of acres planted on such farm to cotton by the rate per acre for cotton diversion payments which would be determined for such farm if it had a cotton soil-depleting base and multiplying this result by such person's percentage.



40. The last paragraph of Section 10 of Part IV is amended to read as follows:

If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county, upon which the 1937 general acreage is in excess of twenty acres, the deduction for such person for such excess on each such farm shall be computed for each farm as set forth under subsection (e) of this Section 10. If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county in Area "A", upon which the 1937 corn acreage is in excess of twenty acres, the deduction for such person for such excess on each such farm shall be computed for each farm as set forth under subsection (f) of this Section 10. If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county, upon which farm tobacco is planted in 1937, the deduction for such person for such acreage on each such farm shall be computed for each farm set forth under subsection (g) of this Section 10. If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county, upon which farm cotton is planted in 1937, the deduction for such person for such acreage on such farm shall be computed for each farm as set forth under subsection (h) of this Section 10.

41. Subsection (c) of Section 11 of Part IV is amended to read as follows:

(c) Multiplying for each diversion farm in Area "A" with respect to which such person is an owner, operator, or sharecropper, the larger of (1), the corn limit for such farm, or (2), 15 acres, by the rate per acre for general diversion payments for such farm and multiplying the result by such person's percentage.

43. The last sentence of the second paragraph of Section 13 of Part IV is deleted and the following is substituted therefor:

A soil-building payment for any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for any practice is furnished free or paid for by any State or Federal agency, except that in the case of the soil-building practices designated under subsections (c), (g), and (p) hereof, payment will be made at the stipulated rates on an acreage or quantity, which bears the same proportion to the total acreage or quantity with respect to such practice as the quantity of materials used, or the value of the labor and materials furnished, by the owner, operator, or sharecropper bears to the total quantity of materials or the total value of labor and materials used in carrying out such practice. If trees are purchased from a Clark-McNary cooperative State nursery, such purchase shall not be deemed to be paid for in whole or in part by a State or Federal agency.

44. The third and fourth paragraphs of Section 13 of Part IV are amended to read as follows:

Where several soil-building practices are adopted on the same acreage on a farm which is not a dryland farm, payment will not be made for: (1), more than one of the practices listed in the same subsection in the case of subsections (c) to (k), inclusive, of this Section 13; and (2), more than one practice twice, or any two practices of the fourteen soil-building practices listed in subsections (a), (b), (x), (y), and (z) of this Section 13. Where several soil-building practices are adopted on the same acreage on a dryland farm, payment will not be made for: (1), more than one of the practices listed in subsections (l), (m) and (n) of this Section 13; (2), more than two of the following: A practice listed in either subsection (l), (m), or (n) of this Section 13, a practice listed in either subsection (a) or (b) of this Section 13, and the increased rate of payment for dryland farms specified in the sixth paragraph of this Section 13.

Except as otherwise provided, the soil-building practices listed in subsections (a) to (k), inclusive, will be applicable to all farms; the soil-building practices listed in subsections (l) to (s), inclusive, will be applicable only to dryland farms; the soil-building practices listed in subsections (t) to (w), inclusive, will be applicable only to orchards, and the practices listed in subsections (x) to (z), inclusive, will be applicable only to cropland used for the growing of commercial vegetables.

45. Section 13 of Part IV is amended by changing the location of the subtitles preceding subsections (k), (s), and (w), respectively, to precede subsection (l), (t), and (x), respectively.

46. Item (1) of subsection (a) of Section 13 is amended to read as follows:

(1) Alfalfa, (seeded alone or in mixtures with the perennial grasses listed under subsection (b) hereof, provided, that such alfalfa is seeded at the full rate of seeding alfalfa alone)—$2.50 per acre.

46. Item (1) of subsection (a) of Section 13 is amended to read as follows:

(1) Application of ground limestone or its equivalent—$1.25 per ton. (The ground limestone should not be coarser than that

obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonate equivalent to not less than 80 percent of calcium carbonate. The following quantities of other calcareous substances are equivalent to one ton of ground limestone in the following designated States: 1,400 lbs. of hydrated lime or 2 cubic yards of marl, in the entire North Central Region; 2 cubic yards of sugar beet refuse lime in Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin; 2 cubic yards of calcium carbide refuse lime in Indiana, Iowa, Michigan, and Wisconsin; 2 cubic yards of paper mill refuse lime in Michigan, Minnesota and Wisconsin; 2 cubic yards of water softening process refuse lime in Illinois and Iowa; 2 cubic yards of commercial wood ashes in Michigan and Wisconsin; ½ ton of commercial burnt lime and 4 cubic yards of calcareous clay in Wisconsin; one ton of burnt lime waste in Iowa and Wisconsin; 1 ton of agricultural limestone meal in Ohio; 2,700 lbs. of limestone screenings, or 1,400 lbs. of pulverized limestone in Ohio and Wisconsin; 3 tons of tailings from zinc mines in Wisconsin.)

47. Subsection (j) of Section 13 is amended to read as follows:

(j) *Restoration of Noncrop Plowable Pasture.*—Restoration by nongrazing until November 1, 1937, of noncrop plowable pasture—$2.00 per animal unit of the pasture grazing capacity of such noncrop plowable pasture, provided, (1) the county committee, after inspection, has approved and designated in writing the area on which such practice is to be carried out, (2) no hay or seed is harvested from such pasture land, (3) such pasture land is not tilled for any purpose other than to improve the stand of pasture grasses and legumes thereon, and (4) the maturing of noxious weed seeds on such pasture is prevented by the clipping of such pasture.

48. Section 13 of Part IV is amended by designating subsections (k), (l), (m), (n), (o), (p), (q), (r) as subsections (l), (m), (n), (o), (p), (q), (r), (s), respectively, and by adding the following new subsection as subsection (k):

(k) *Contour Strip Cropping.*—Growing in 1937 on slopes of three percent or more of small grain crops, sweet sorghums, Sudan grass, legumes, perennial grasses, or mixtures of any of these, all close drilled or broadcast, and intertilled crops in alternate strips, running on the contour—$1.00 per acre, provided, (1) the county committee after inspection has approved and designated in writing the area and manner in which such practice is carried out, (2) the strips shall be planted on the contour, (3) the deviation of the strips from the true contour shall not exceed at any point a percentage equal to three-fourths of the percentage slope of the land, but in any case the maximum deviation shall not exceed four percent, (4) no deviation of strips from the true contour shall be for a greater continuous distance than 60 feet, (5) the width of any strip on land with a slope of three percent shall not exceed 120 feet, and (6) the width of any strip on land with a slope of more than three percent shall not exceed 120 feet less 5 feet for each percent by which the slope is greater than three percent.

49. Subsection (l), (lettered (k) prior to amendment numbered 47) is amended to read as follows:

(l) *Protected Strip Fallow.*—$2.00 per acre in fallow, provided, (1) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (2) tillage operations are carried out until August 1, 1937, in such a manner as will prevent weed growth, wind erosion, and water erosion, (3) the slope on the land to be fallowed is not in excess of eight percent, (4) the land on which the slope is in excess of three percent is listed on the contour, (5) the fallow is in alternate strips with small grain crops, sorghums, Sudan grass, or millet, all close drilled or broadcast, or sorghums in rows of approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds or running on the contour, (6) the stubble is left on the strips devoted to crops in such a manner as will prevent wind erosion.

50. Subsection (m) (lettered (l) prior to amendment numbered 49) is amended to read as follows:

(m) *Protected Summer Fallow and Basin Listing.*—$2.00 per acre in fallow, provided, (1) basin listing is practical to preserve moisture and will prevent water erosion, (2) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska, and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (3) tillage operations are carried out until August 1, 1937, in such a manner as will prevent weed growth, wind erosion, and water erosion, (4) the slope on the land to be fallowed and basin listed is not in excess of eight percent, (5) land on which the slope is in excess of three percent is listed on the contour, (6) adjoining furrows, not less than 8 inches in width and not less than 4 inches in depth are constructed, maintained, and dammed at intervals of not more than twenty feet, (7) the land is seeded in the fall to a cover crop or lister ridges are left over the winter to prevent wind erosion.

51. Subsection (n) (lettered (m) prior to amendment numbered 47) is amended to read as follows:

(n) *Protected Summer Fallow.*—$1.50 per acre in fallow, provided, (1) block fallow is practical on the land fallowed, (2) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska, and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (3) tillage operations are carried out until August 1, 1937, in such a manner as will prevent weed growth, wind erosion, and water erosion, (4) the slope on the land to be fallowed is not in excess of eight percent, (5) the land on which the slope is in excess of three percent is listed on the contour, (6) the land is seeded in the fall to a cover crop, or lister ridges are left over the winter to prevent wind erosion.

52. Subsection (r) (lettered (q) prior to amendment numbered 47) is amended to read as follows:

(r) *Contour Furrows on Permanent Pasture Land.*—Construction of contour furrows on permanent farm pasture land with slopes not in excess of eight percent, except permanent farm pasture land that is sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre for the area contour furrowed, provided, (1) the contour furrows are constructed on the contour level not less than 8 inches in width and four inches in depth, (2) the contour furrows are dammed at intervals of not more than 100 feet, (3) the width of the furrows on any land with a slope of three percent or less shall not exceed 25 feet, (4) the width between the furrows on any land with a slope of more than three percent shall not exceed 25 feet less three feet for each percent by which the slope is greater than three percent.

53. Section 13 of Part IV is amended by deleting subsections (s), (t), (w), (x), (y), (z) and adding the following new sections:

(t) Winter Cover Crops:

1. Incorporation into the soil by plowing or discing between March 1, 1937, and June 30, 1937, inclusive, of a good vegetative growth of any of the following crops: wheat, rye, oats, barley, buckwheat, Sudan grass, millet, annual legumes, or mixtures of any of these seeded in the late summer or fall of 1936—$1.00 per acre, provided, such crop has attained at least 60 days' growth and is not pastured or harvested for grain or hay.

2. Seeding after May 1, 1937, of any of the crops listed under item (1) of this subsection (t), except soybeans and cowpeas—$1.00 per acre, provided (1) a good vegetative growth of any of such crops is on the land on the date as of which final inspection of the farm is made for the purpose of determining performance, and (2) such crop is not pastured or otherwise taken from the land.

(w) *Sanding Cranberry Bogs.*—Application of not less than the following quantities of sand, free from stones and loam, on fruiting cranberry bogs to prevent soil deterioration and decline in productive capacity of the land:

1. One-half inch of sand, evenly distributed—$7.50 per acre.
2. Three-fourths inch of sand, evenly distributed—$11.25 per acre.
3. One inch of sand, evenly distributed—$15.00 per acre.

(x) *Nonleguminous Green Manure Crop on Vegetable Land.*—

1. Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for production of vegetable crops in 1935 and 1936—$1.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

2. Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for the production of vegetable crops in 1935 and 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, (2) a good vegetative growth of such crop was incorporated into the soil, and (3) at least one less soil-depleting crop is grown on such land in 1937 than the 1935–1936 annual average number of soil-depleting crops grown on such land.

(y) *Leguminous Green Manure Crop on Vegetable Land.*—

1. Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of a legume, or mixture of legumes grown on land used for the production of vegetable crops in 1935 and 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

2. Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of a legume, or mixture of legumes grown on land used for the production of vegetable crops in 1935 and 1936—$4.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, (2) a good vegetative growth of such crop was incorporated into the soil, and (3) at least one less soil-depleting crop is grown on such land in 1937 than the 1935–1936 annual average number of soil-depleting crops grown on such land.

(z) *Seeding of Rye on Vegetable Land on a Nondiversion Farm.*—Seeding after May 1, 1937, of rye on a nondiversion farm on land used for the production of vegetable crops in 1935 and 1936—$1.00 per acre, provided, (1) a good vegetative growth of such crop is on the land on the date as of which final inspection of the farm is made for the purpose of determining performance, and (2) such crop is not pastured or otherwise taken from the land.

54. The third sentence of Section 16 of Part IV is deleted and the following is substituted therefor:

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment shall not be made for any soil-building practice carried out on such farm unless, (1) the cooperating agency has approved in writing on Form ACP–35 the carrying out of any such practice on such farm, (2) the cooperating agency has not furnished any labor, seed, or materials for the carrying out of such practice, provided, if labor, seed, or materials are furnished by the Soil Conservation Service or the Resettlement Administration for a practice specified in either subsection (c), (g), or (p) of Section 13 of this Part IV, and such cooperating agency has approved in writing the carrying out of such practice, payment will be made to the extent specified in the third paragraph of Section 13 of Part IV.

54a. Subsection (s) (lettered (r) prior to amendment numbered 47) is amended to read as follows:—

(s) *Restoration to Native Grass of Noncropland.*—Restoration to native grass of noncropland plowed at least once between January 1, 1930, and December 31, 1936, inclusive, which in accordance with good farming practices should be permanently devoted to grass—$0.25 per acre, provided, (1) both the operator and owner have designated the acreage and have stated in writing their intention to let such acreage revert to grass, (2) written approval has been obtained from the county committee, and (3) such land is not pastured or tilled in 1937 and no crop is harvested therefrom.

*Part V—Miscellaneous Provisions*

55. The first sentence of Section 1 of Part V is amended to read as follows:

A farm shall include all irrigated or nonirrigated land in a county under the same ownership which is farmed by the same operator as all or part of one farming unit.

56. Subsection (f) of Section 1 of Part V is amended to read as follows:

(f) If the major portion of the cropland operated as all or part of one farming unit by an operator is rented on shares from a landlord and the remaining portion of the land rented from such landlord and operated by such operator is rented for cash, such share-rented and cash-rented land shall be regarded as one farm.

57. Subsection (g) of Section 1 of Part V is deleted.

58. The first sentence of Section 3 of Part V is amended to read as follows:

An owner is a person who owns farm land constituting all or part of a farming unit which is not entirely rented to another for cash or for a fixed commodity payment or who rents farm land constituting all or part of a farming unit from another for cash or for a fixed commodity payment or who is purchasing land constituting all or part of a farming unit for cash or for a fixed commodity payment.

59. The fourth paragraph of Section 5 of Part V is amended by the addition at the end thereof of the following:

In determining the ownership of a farm where an offer to purchase, option, or similar instrument has been executed with respect to such farm, the person executing the offer to purchase or holding the option shall not be deemed to be the owner of such farm unless on or before June 30, 1937, the sale is completed by payment of the stipulated down payment by the vendor and delivery of the deed or land contract by the vendee.

60. The fifth paragraph of Section 5 of Part V is amended to read as follows:

A person who has no interest or right in the farming operations on a farm in 1937 except to harvest a crop or crops which he planted in the fall of 1936 shall not be regarded as the operator of such farm and the person who operates the farm other than for the purpose of harvesting a crop therefrom which was planted by another person in the fall of 1936 and who operates the remainder of the farming unit of which such farm is a part shall be regarded as the operator of such farm. A person who has the right in 1937 to harvest a crop or crops on a farm which he planted in the fall of 1936 as well as the right to the possession of such land until such crop is harvested shall be deemed the operator of such farm.





*Part VI—Range Lands*

61. Subsection (b) of Section 5 of Part VI is amended to read as follows:

(b) *Contouring.*—Construction of contour furrows on range land with slopes not in excess of eight percent and not sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre for the area contour furrowed, provided, (1) the contour furrows are constructed on the contour level, not less than 8 inches in width and 4 inches in depth and are dammed at intervals of not more than 100 feet, (2) the width between the furrows on any land with a slope of three percent or less shall not exceed 25 feet, less three feet for each percent by which the slope is greater than three percent.

62. Part VI is amended by the addition of the following new sections:

SECTION 7. *Ranch or Ranching Unit Located in More Than One County.*—If a ranch is located in two or more adjacent counties, such ranch shall be regarded as located in the county in which the base of operations of such ranch is located. If a ranching unit is located in two or more adjacent counties, such ranching unit shall be regarded as located in the county in which the base of operations of such ranching unit is located.

SECTION 8. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any ranch or ranches in a county, all of such person's pro-rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act. Such pro-rata share shall be determined by multiplying the total payments computed for such person with respect to any ranch or ranches in such county by the percentage that the estimated total of administrative expenses of the Association for such county as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farms in such county in 1937. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his ranch or ranches are located shall become a member thereof by his signing an application for payment with respect to such ranch or ranches.

63. The definition of "Range Land" is amended to read as follows:

*Range land* means any land containing more than 640 acres operated by persons in Nebraska and South Dakota other than that owned or controlled by the United States Government, or any agency thereof, which produces forage without cultivation or general irrigation, ten acres or more of which on the average are required to sustain one animal unit for a period of twelve months.

64. The first sentence of Section 17 of Part V is deleted and the following is substituted therefor:

No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 Program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made. Payments will not be made for changes in the use of any acreage which involve the destruction of foods, fibre, or feed grains.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 22nd day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–1891; Filed, June 23, 1937; 12:40 p. m.]

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WR—B–101—Weber and Davis Counties, Utah, Supplement 1
Issued June 22, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WEBER AND DAVIS COUNTIES, UTAH,
SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Weber and

Davis Counties, Utah, is amended by this supplement as follows:

The definition of "Range land" in part I is amended to read as follows:

*Range land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound: $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

K. Mountain Meadow Land Practices Applicable Only if an Acreage Allowance for Mountain Meadow Land is Established under Section 2 of this Part IV.

1. Reseeding Mountain Meadow Land.

For reseeding depleted mountain meadow land with good seed of adapted varieties of the following perennial grasses, and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division: $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. Earthen Dams for Erosion Control on Mountain Meadows.

For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land: $0.15 per cubic yard of fill, not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof. However, if the Director of the Western Division determines, upon the basis of the recommendations of the county and State committees, that the mountain meadow land practices specified in Part IV, Section 1, Practice K are necessary and effective in promoting land conservation in either Weber or Davis County, or both, the range-building allowance shall be equal to $1.50 times the grazing capacity thereof, plus 40 cents times the number of acres of mountain land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch-operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and cover and green manure crops, and as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow:

a. Corn (field, sweet, and popcorn).
b. Potatoes.
c. Sugar Beets for sugar or seed.
d. Cultivated sunflowers.
e. Annual truck, canning, and vegetable crops, and their seeds.
f. Melons.
g. Sorghums, including grain sorghums, sweet sorghums, and Sudan grass for seed, grain, hay, or pasture.
h. Sweet sorghums for syrup.
i. Small grains, including flax.
j. Millets.
k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture or canning purposes.
l. Root crops grown for feed or seed.
m. Fiber plants.
n. Annual cut flowers and their seeds.
o. Rape.
p. Cultivated fallow (summer fallow) including approved summer fallow.

Part VIII, Section 2, first paragraph, is amended to read as follows:

SEC. 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow.

Part VIII, Section 2, Subsection b, is amended to read as follows:

b. Cover and green manure crops consisting of annual, biennial and perennial legumes; rye, barley, oats, and grain mixtures; vetches; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth; except when followed by summer fallow on non-irrigated cropland.

Part X is added to read as follows:

PART X—COUNTY AVERAGE RATES

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be as follows:

| County | Average Rate per Acre for Diversion From Soil-Depleting Base [1] | Average Soil-Building Allowance Rate per Acre on Acreage Diverted for Payment [2] | Average Soil-Building Allowance Rate per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3] |
|---|---|---|---|
| Davis | $10.60 | $7.05 | $1.41 |
| Weber | 9.70 | 6.45 | 1.29 |

[1] Pursuant to Section 1, Part II of WR Bulletin No. 101—Weber and Davis Counties, Utah.

[2] Pursuant to Subsection A-2, Section 2, Part III of WR Bulletin No. 101—Weber and Davis Counties, Utah.

[3] Pursuant to Subsection A-3 and B-1 of Section 2, Part III of WR Bulletin No. 101—Weber and Davis Counties, Utah.

SECTION 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100, except that for any farm on which normal summer fallow acreage represents a part of the soil-depleting base established for such farm, a downward adjustment must be made in the farm rates, so determined, in proportion to the amount of acreage normally devoted to summer fallow which has been included in the soil-depleting base established for the farm.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration.



Part XI is added to read as follows:

PART XI—MULTIPLE FARM HOLDINGS

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share [1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however*, that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SECTION 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *Provided, however*, that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SECTION 3. *Determination of Class II Payments.*—The amount of class II payments to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and non-diversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66⅔ percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, except that, item 2 in subsection A of said part and section shall not be used in such computation;

3. To the amount obtained under item 1, above add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3 shall, subject to the applicable provisions of this Part XI, be the amount of the class II payment to the applicant.

SECTION 4. *Adjustment of Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 22nd day of June 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1892; Filed, June 23, 1937; 12: 41 p. m.]

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of Part V governing the applicant's share of payment.

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHAWVER-ERKER FARM, FILED ON MAY 4, 1937, BY J. M. MORRIS, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1888; Filed, June 23, 1937; 12:32 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE USCAN-PHILLIPS-BEMIS TRACT FILED ON JUNE 1, 1937, BY R. L. WILLIAMS, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1886; Filed June 23, 1937; 12:32 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-W. M. JOHNSON TRACT, FILED ON FEBRUARY 17, 1937, BY W. M. JOHNSON, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard

at 2: 00 o'clock in the afternoon on the 22nd day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10: 00 o'clock in the forenoon on the 7th day of July, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1890; Filed, June 23, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 5, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commisison on June 17, 1937, be effective as of June 17, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1889; Filed, June 23, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-STILES COMMUNITY FARM, FILED ON MAY 21, 1937, BY STANDARD DEALERS COMPANY, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 16, 1937, be effective as of June 16, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1887; Filed, June 23, 1937; 12:32 p. m.]

*Friday, June 25, 1937* *No. 122*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ESTABLISHING BOMBAY HOOK MIGRATORY WATERFOWL REFUGE

*Delaware*

By virtue of and pursuant to the authority vested in me as President of the United States and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands and waters acquired or to be acquired by the United States in the following-described area, comprising approximately 12,177 acres, in Kent County, Delaware, be, and they are hereby, reserved and set apart, subject to existing valid rights, for the use of the Department of Agriculture, as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, That any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

Beginning at a point on the south end of Kelly Island on the north, or left, bank of Mahon River, said point being marked with a U. S. Biological Survey standard concrete post set 14 inches in the ground and supported by a mound of earth, from which the U. S. Coast & Geodetic Survey triangulation station "MAHON" bears S. 65°05′ W., 6.58 chains distant, and the northeast corner of the porch of Mahon Lighthouse bears S. 64°37′ W., 7.58 chains distant.

Thence from said initial point, along the southwest side of Kelly Island, upstream with the left bank meanders of Mahon River, northwesterly 308.02 chains, to a point at the mouth of Old Womans Gut at its junction with the Mahon River;

Thence upstream with the left bank meanders of Old Womans Gut, northwesterly 44.27 chains, to a point at the junction of Old Womans Gut with an unnamed gut;

Thence downstream with the right bank meanders of the unnamed gut and Herring Branch, northerly 57.95 chains, to a point on the northwest side of Kelly Island at the mouth of Herring Branch, at its junction with Dona River, also known as Simmons Creek;

Thence crossing Dona River, N. 19°35′ W., 6.34 chains, to a point on the south end of Kent Island on the left, or north, bank of said river;

Thence along the southwest side of Kent Island, upstream with the left bank meanders of Dona River, northwesterly 280.05 chains, to a point opposite the mouth of Muddy Branch in the center-line of Little Fork;

Thence along the south side of Needhams Island, upstream with the left bank meanders of Muddy Branch, northwesterly 78.14 chains, to a point in the center-line of Boat Gut, at its junction with Muddy Branch;

Thence with the meanders of the center-line of Boat Gut, northerly 54.50 chains, to a point in the center-line of Boat Gut at its intersection with Leipsic River;

Thence, crossing Leipsic River, N. 1°59′ E., 2.68 chains, to a point on the north, or left, bank thereof;

Thence upstream with the left bank meanders of Leipsic River, northwesterly 65.48 chains, to a point on the left bank of said river at Whitehall Landing;

Thence, leaving the bank of Leipsic River and crossing Whitehall Neck, west 0.75 chain; N. 5°29′ W., 26.27 chains; N. 7°06′ W., 18.95 chains, to a point in the center-line of Whitehall Neck road;

Thence with the center-line of Whitehall Neck road, S. 80°32′ E., 0.39 chain, to the intersection of the center-lines of said road where it turns to the south;

Thence, leaving Whitehall Neck road and continuing across Whitehall Neck, N. 7°06′ W., 17.47 chains; N. 78°41′ E., 11.03 chains; N. 6°58′ W., 52.36 chains; S. 77°19′ W., 11.00 chains; S. 80°52′ W., 46.60 chains, to a point in the center-line of Finis road;

Thence with the center-line of Finis road, N. 8°09′ E., 8.70 chains, to the intersection with the center-line of Dawson's Branch;

Thence with the center-line of Dawson's Branch, northwesterly 72.21 chains, to a point;

Thence, leaving Dawson's Branch, N. 2°32′ W., 28.27 chains, to a point in the center-line of Dutch Neck road;

Thence with the center-line of Dutch Neck road, N. 82°23′ E., 2.00 chains, to a point;

Thence, leaving Dutch Neck road, N. 13°43′ E., 23.42 chains; N. 15°02′ E., 13.49 chains; N. 71°26′ E., 37.85 chains; N. 71°22′ E., 41.67 chains; S. 68°07′ E., 14.32 chains; N. 81°36′ E., 91.88 chains, to a point on the west, or right, bank of Duck Creek;

Thence downstream with the right bank meanders of Duck Creek, southeasterly 317.56 chains, to a point;

Thence, crossing Duck Creek, N. 75°18′ E., 5.58 chains, to a point on the north bank thereof on the west side of Bombay Hook Island;

Thence, crossing said island, N. 81°18′ E., 111.03 chains, to the east side thereof on the west shore of Delaware Bay;

Thence along the east side of Bombay Hook Island, with the meanders of Delaware Bay, southeasterly, 217.30 chains, to the southeast point of Bombay Hook Island on the left bank of Leipsic River at its mouth;

Thence, crossing Leipsic River, S. 40°38′ W., 16.20 chains, to the south, or right, bank thereof at the northeast point of Kent Island;

Thence along the east side of Kent Island with the meanders of Delaware Bay, southerly 125.01 chains, to the southeast point of Kent Island on the north, or left, bank of Dona River at its mouth;

Thence, crossing Dona River, S. 19°11′ W., 7.27 chains, to a point on the south bank thereof on the northeast point of Kelly Island;

Thence along the east shore of Kelly Island, with the meanders of Delaware Bay, southerly 242.80 chains, to the southeast point of Kelly Island at the mouth of Mahon River;

Thence along the south side of Kelly Island, upstream with the left bank meanders of Mahon River, westerly 11.36 chains, to the place of beginning.

This refuge shall be known as the Bombay Hook Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 22, 1937.*

[No. 7643]

[F. R. Doc. 37-1894; Filed, June 24, 1937; 10:11 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101, Amendment 14

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—AMENDMENT 14

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Part IX, Revised, of Southern Region Bulletin 101, as amended, is hereby further amended as follows:

Section 111 is amended to read as follows:

*Preliminary Payment.*—On a preliminary application made on Form SR-114, any producer whose soil-building allowance has been established in accordance with section 108 may receive preliminary payment for carrying out one or more of the soil-building practices numbered 21, 22, 23, 31, 32, and 33 covered by such application which he has carried out before July 1, 1937, on land of the type described in paragraph (a), section 108. Such payment shall be 85 percent of the amount computed at the respective rate fixed in the statement of the soil-building practices. Only one such preliminary application may be submitted respecting any particular farm. The amount of such payment will be deducted from the total amount computed as due such producer under the complete and final application made by him on Form SR-109 for payment under the provisions of the 1937 Agricultural Conservation Program, which application shall be subject to all of the provisions of this Bulletin 101, and under such application the appropriate deduction shall be made for administrative expenses in connection with the producer's preliminary application.

Done at Washington, D. C., this 23rd day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1895; Filed, June 24, 1937; 12:39 p. m.]

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### Bureau of Plant Industry.

NOTICE ISSUED UNDER SECTION 5 OF THE FEDERAL SEED ACT

[No. 6]

NO CHANGE IN PRESENT REGULATIONS GOVERNING COLORS WITH WHICH IMPORTED RED CLOVER SEED SHALL BE STAINED

I, Henry A. Wallace, Secretary of Agriculture, after a public hearing held in accordance with the provision of the Act of April 26, 1926, being an "Act to amend the act entitled 'An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes,' approved August 24, 1912, as amended, and for other purposes," have determined that there shall be no change in the present regulations governing the colors with which red clover seed imported from various origins shall be stained.

Done at the City of Washington, this 23rd day of June, 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1893; Filed, June 23, 1937; 4:24 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1937.

[File No. 46-62]

IN THE MATTER OF THE APPLICATION OF LACLEDE POWER & LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by Laclede Power & Light Company, a subsidiary of Utilities Power & Light Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of voting trust certificates from Utilities Power & Light Corporation issued by Morris E. Feiwell, Emanuel M. Goodman and Edward P. Allen, voting trustees, for 233,112 shares of common stock of Granite City Generating Company, pursuant to the Second Amended Plan of Reorganization of St. Louis Gas & Coke Corporation.

It is ordered that a hearing on such matter be held on June 28, 1937, at 9:30 o'clock in the forenoon of that day at Room 915, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of

a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1901; Filed, June 24, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 22nd day of June, 1937.

[File No. 1-113]

IN THE MATTER OF DISTILLERS AND BREWERS CORPORATION OF AMERICA COMMON STOCK, $5 PAR VALUE

ORDER POSTPONING HEARING

The Distillers and Brewers Corporation of America, having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, for permission to withdraw its Common Stock, $5 Par Value, from listing and registration on the Board of Trade of the City of Chicago; and

The Commission having ordered that the matter be set down for hearing on June 28, 1937, in Washington, D. C.; and

Said issuer having requested a postponement of said hearing;

It is ordered, that said hearing be postponed until 10:00 a. m. on Tuesday, August 17, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as may be determined by the Commission or its officer presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1902; Filed, June 24, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SKELLY-METROPOLITAN LIFE TRACT, FILED ON JUNE 16, 1937, BY LOUIS BERNSTEIN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 10, the names of the persons by whom the taxes mentioned in this item are assessed, are omitted;

(2) In that the figures set forth in Division II, Items 20 (d) and (e), are not believed to be correct;

(3) In that on the plat attached to the offering sheet as "Exhibit A", some of the wells surrounding the tract involved are not identified by name nor number;

(4) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted from the amounts set forth;

(5) In that the second signature form required to be included as a part of the offering sheet is omitted;

(6) In that the estimation of recoverable oil contained in Division III of the offering sheet is incomplete in the following respects:

(a) the engineer fails to show that this lease is comparable to the average lease in the Hendricks as to structural position;

(b) the engineer fails to show why he considers that the 600 ft. contour on top of the white line marks the limit of commercial production;

(c) the engineer fails to submit reasonable evidence that the area of commercial production will extend over three-fourths the area of the lease in question;

(7) In that the proposed instrument of conveyance required to be attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the legal description of the tract involved and the smallest interest proposed to be conveyed, are omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1897; Filed, June 24, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-SANGER TRACT, FILED ON JUNE 16, 1937, BY PARK T. GRIMES, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937;

(2) In that the statement, "Of importance in this Pool was the recent discovery of the Wilcox Sand, first called Burgen Sand, at the Moore Atkins #3", in Division II, Item 13, is misleading for the reason that the extent of the Wilcox productive area has been fully defined and it is known definitely that it does not underlie the tract involved; nor is the statement, "recent discovery of the Wilcox," believed to be correct by virtue of the fact that the Wilcox was discovered September 11, 1935;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1896; Filed, June 24, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE STAHL-DENNIS TRACT, FILED ON JUNE 17, 1937, BY VIRGIL O. KING, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of such Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered as set forth in Division II, Item 1, is not given in terms of the total production from the entire tract;

(2) In that in Division II, Item 10, no statement is made as to whether or not the interests offered are chargeable with, or subject to, a deduction for any assessments or taxes;

(3) In that the Rules and Regulations of the Commission and the form of offering sheet prescribed by the Commission as "Schedule A", require that the percentage of water in fluid produced from the tract involved be stated by months in Division II, Item 20 (b), whereas such information as is given in the offering sheet is set forth in a footnote following the item mentioned;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1899; Filed, June 24, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE STAHL DENNIS TRACT, FILED ON JUNE 17, 1937, BY VIRGIL O. KING, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered as set forth in Division II, Item 1, is not given in terms of the total production from the entire tract;

(2) In that in Division II, Item 10, no statement is made as to whether or not the interests offered are chargeable with, or subject to, a deduction for any assessments or taxes;

(3) In that the Rules and Regulations of the Commission and the form of offering sheet prescribed by the Commission as "Schedule A", require that the percentage of water in fluid produced from the tract involved be stated by months in Division II, Item 20 (b), whereas such information as is given in the offering sheet is set forth in a footnote following the item mentioned;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1898; Filed, June 24, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SINCLAIR-PRAIRIE-PEACHES TRACT, FILED ON JUNE 16, 1937, BY SUPREME OIL INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered as set forth in Division II, Item 1, is not correct for the reason that it is not stated in terms of the total production from the entire tract;

(2) In that no statement is made in Division II, Item 13, relative to the number of wells now drilling, which information is required to be given in this item;

(3) In that the second signature form required to be included as a part of the offering sheet is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1900; Filed, June 24, 1937; 12:48 p. m.]

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*Saturday, June 26, 1937* *No. 123*

## WAR DEPARTMENT.

RULES AND REGULATIONS TO GOVERN THE OPENING OF DRAWBRIDGES ACROSS NAVIGABLE STREAMS FLOWING INTO RARITAN BAY (EXCEPT RARITAN RIVER AND ARTHUR KILL), THE SHREWSBURY RIVER AND ITS TRIBUTARIES, AND ALL INLETS ON THE ATLANTIC OCEAN INCLUDING THEIR TRIBUTARIES AND CANALS BETWEEN SANDY HOOK AND BAYHEAD, NEW JERSEY

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

THE REGULATIONS

In pursuance of the foregoing law, the following regulations are prescribed to govern the opening of drawbridges across navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bayhead, New Jersey.

1. The owners of, or agencies controlling, drawbridges shall provide the appliances and the personnel necessary for the safe, prompt and efficient operation of the draws.



2. Drawbridges shall be opened promptly for the passage of any vessel or other water craft unable to pass under the closed spans, except as hereinafter provided.

3. *Signals—Call Signals for Opening of Draw.*—

Sound Signal: Three distinct blasts of a whistle, horn or megaphone, or 3 loud and distinct strokes of a bell, sounded within a reasonable hearing distance of the bridge.

Visual Signal: To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard.

A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridges and facing the draw.

*Acknowledging Signals—By bridge operator.*—

Sound Signals: Draw to be opened immediately: Same as call signal.

Draw cannot be opened immediately, or, if open, must be closed immediately: 2 long distinct blasts of a whistle, horn or megaphone, or 2 loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

Visual Signals: To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard.

Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

*By the vessel.*—Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

4. Trains, automobiles, trucks, and other vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of these drawbridges, but all passage over draw spans or through draw openings shall be so as to expedite both land and water traffic.

5. The owners of, or agencies controlling, these bridges shall provide and keep in good legible condition two board gauges painted white, with black figures not less than 8 inches high, to indicate the headroom clearance under the closed draw span at all stages of the tide. The gauges shall be so placed on the bridge that they will be plainly visible to the operator of the vessel approaching the bridge either up or downstream.

6. These drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure.

Upon request, the district engineer in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting those waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

7. Copies of these regulations shall be conspicuously posted on both the upstream and downstream sides of the bridges in such manner that it can be easily read at any time.

8. These regulations shall take effect and be in force on and after the date of approval hereof.

9. The regulations to govern the operation of the Ocean Avenue bridge across the mouth of the Shark River between Belmar and Avon-by-the-Sea, and to govern the operation of drawbridges across Manasquan River, its navigable tributaries and the Bayhead-Manasquan Canal, New Jersey, prescribed under dates of March 29, 1933, and January 18, 1937, respectively, and all parts of the regulations to govern the opening of drawbridges across Raritan Bay, Arthur Kill, and their navigable tributaries, and Shrewsbury River, prescribed August 19, 1905, in conflict with these regulations are hereby revoked.

Approved, June 11, 1937.

[SEAL] HARRY H. WOODRING, *Secretary of War.*

E. T. CONLEY, *Major General, The Adjutant General.*

[F. R. Doc. 37-1903; Filed, June 25, 1937; 9:43 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 8]

AN ORDER DIRECTING ALL DISTRICT BOARDS TO PROPOSE STANDARDS OF CLASSIFICATION OF COALS AS TO KINDS, QUALITIES AND SIZES PRODUCED IN SAID DISTRICTS AND STANDARD METHODS AND RULES OF MAKING AND APPLYING SUCH CLASSIFICATIONS AND DIRECTING SAID DISTRICT BOARDS TO FILE THE SAME WITH THE NATIONAL BITUMINOUS COAL COMMISSION AT ITS OFFICE IN THE CITY OF WASHINGTON, D. C., SUBJECT TO REVIEW, MODIFICATION AND FINAL DETERMINATION THEREOF BY THE COMMISSION; AND ORDERING A PUBLIC HEARING FOR THE PURPOSE OF DETERMINING AND FIXING SUCH STANDARDS OF CLASSIFICATION, METHODS AND RULES, FIXING THE TIME AND PLACE OF SUCH HEARING AND PRESCRIBING THE NOTICE TO BE GIVEN THEREOF

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong. 1st sess.), known as the Bituminous Coal Act of 1937, and the Bituminous Coal Code promulgated under authority of said Act, the National Bituminous Coal Commission is directed to prescribe for code members minimum prices and marketing rules and regulations.

In order to comply with said directions, it is requisite that there be established standards of classification of coal as to kinds, qualities and sizes produced in the several districts, and standard methods and rules of making and applying such classifications.

Pursuant to the authority of said Act, the National Bituminous Coal Commission hereby orders that:

1. All District Boards of the several districts created by said Act are hereby directed to propose standards of classification of coal as to kinds, qualities and sizes produced in said districts and standard methods and rules of making and applying such classifications and to file the same with the National Bituminous Coal Commission at its office in the City of Washington, D. C., on or before the 7th day of July, 1937, the same to be considered and reviewed by said National Bituminous Coal Commission in a hearing hereinafter provided.

2. It is hereby further ordered by the National Bituminous Coal Commission that a public hearing be held on the 8th day of July, 1937, commencing at the hour of 10:00 A. M. in a hearing room of the Commission at the Carlton Hotel, Washington, D. C., to determine and establish standards of classification of coal as to kinds, qualities and sizes produced in the several districts and standard methods and rules of making and applying such classifications. At said hearing Consumers' Counsel, code members and all other interested parties may appear and be heard before the Commission. Thereafter, the Commission shall, by appropriate order, fix and establish standards of classification of coal as to kinds, qualities and sizes produced in the several districts and standard methods and rules of making and applying such classifications as determined at said hearing.

Notice of said hearing shall be given under the direction of the Secretary of the Commission by mailing copies of this order to Consumers' Counsel and to the Secretaries or Acting Secretaries of the respective districts, and by publication of notice upon three consecutive days in a news-

paper of general circulation in each of said districts. The notice published in said newspaper shall contain the date and place of the hearing and a concise statement of the subject matter of the hearing.

By order of the Commission.

Dated this 24th day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-1911; Filed, June 25, 1937; 11:42 a. m.]

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[Order No. 9]

AN ORDER PROVIDING FOR A HEARING TO RECEIVE EVIDENCE FOR THE PURPOSE OF ENABLING THE COMMISSION TO DETERMINE THE PERSONS REFERRED TO IN SECTION 4, PART II (H) OF THE BITUMINOUS COAL ACT OF 1937 AS "DISTRIBUTORS"; TO DETERMINE FARMERS' COOPERATIVE ORGANIZATIONS ENTITLED TO RECEIVE DISCOUNTS UNDER THE PROVISIONS OF SUBSECTION (I) 13 OF PART II OF SECTION 4 OF SAID ACT; TO DETERMINE DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO PERSONS ENTITLED THERETO UNDER THE PROVISIONS OF THE ACT; AND TO DETERMINE AND PRESCRIBE REASONABLE RULES AND REGULATIONS GOVERNING "DISTRIBUTORS" ENTITLED TO DISCOUNTS UNDER SAID ACT SO AS TO REQUIRE THE MAINTENANCE AND OBSERVANCE BY SUCH PERSONS, IN THE RESALE OF COAL SUBJECT TO THE JURISDICTION OF THE ACT, OF THE PRICES AND MARKETING RULES AND REGULATIONS ESTABLISHED BY THE COMMISSION

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs as follows:

1. Section 4 of the Bituminous Coal Act of 1937 provides that producers accepting membership in the Code as provided in section 5 (a) shall be, and are herein referred to as code members, and that the provisions of such Code shall apply only to such code members except as otherwise provided by subsection (h) of Part II of said section.

Section 4, subsection (h) of part II provides:

The Commission shall by order, prescribe due and reasonable maximum discounts or price allowances that may be made by code members to persons (whether or not code members), herein referred to as "distributors", who purchase coal for resale and resell it in not less than cargo or railroad carload lots; and shall require the maintenance and observance by such persons, in the resale of such coal, of the prices and marketing rules and regulations established under this section.

Section 4, subsection (i) 13 provides:

. . . . . .

It shall not be an unfair method of competition or a violation of the code or any requirement of this Act (1) to sell to or through any bona-fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members; (2) to sell through any intervening agency to any such cooperative organization; or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by the code to be paid or allowed, to other purchasers for purchases in wholesale or middleman quantities.

2. Pursuant to the authority of said Act, the Commission orders that a hearing be held on the 19th day of July, 1937, commencing at the hour of 10 o'clock a. m., in a hearing room of the Commission at the Carlton Hotel, Washington, D. C., to receive evidence for the purpose of:

(a) Enabling the Commission to determine the persons (whether or not code members), referred to in section 4, part II (h) of said Act as "distributors", who purchase coal for resale and resell it in not less than cargo or railroad carload lots;

(b) Enabling the Commission to determine the farmers' cooperative organizations which are entitled to receive discounts under the provisions of subsection (i) 13 of part II of section 4 of said Act;

(c) Enabling the Commission to determine and prescribe due and reasonable maximum discounts or price allowances that may be made by code members to persons entitled thereto under the provisions of said Act; and

(d) Enabling the Commission to prescribe reasonable rules and regulations governing "distributors" entitled to discounts under said Act so as to require the maintenance and observance by such persons, in the resale of coal subject to the jurisdiction of the Act, of the prices and marketing rules and regulations established by the Commission.

3. Notice of the time, place and purpose of said hearing shall be given by the Secretary of the Commission by publishing in a newspaper of general circulation in each of the districts created under the Act a copy of this order on three (3) successive days, and by mailing to the Secretary or Acting Secretary of each District Board and to each known code member in all of said districts a copy of this order.

By order of the Commission.

Dated this 24th day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-1926; Filed, June 25, 1937; 1:15 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-51 O-51]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND ORDER NO. 4 REGULATING HANDLING OF MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA, AND WITH RESPECT TO PROPOSAL TO AMEND MARKETING AGREEMENT TENTATIVELY APPROVED JANUARY 18, 1936

Whereas, under section 8 c of Title I of Public No. 10, 73d Congress, as amended, the Secretary of Agriculture, hereinafter called the Secretary, issued an order regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, effective 12:01 a. m., eastern standard time, February 9, 1936; and

Whereas, the Secretary tentatively approved a marketing agreement regulating the handling of milk in the said marketing area on January 18, 1936; and

Whereas, the Secretary has reason to believe that an amendment should be made to said order and said marketing agreement; and

Whereas, under the Agricultural Marketing Agreement Act of 1937, which reenacts and further amends Public No. 10, 73d Congress, as amended, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, U. S. Department of Agriculture, provide for notice and opportunity for hearing upon marketing agreements and orders:

Now, therefore, pursuant to the said acts and the General Regulations, notice is hereby given of a hearing to be held on a proposal to amend the order regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area and the tentatively approved marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, in the Armory, St. Johnsbury, Vermont, on June 30, 1937, at 9:30 a. m., eastern standard time; the Gardner Auditorium, State House, Boston, Massachusetts, on July 1, 1937, at 9:30 a. m., daylight saving time; and the House of Representatives, State House, Augusta, Maine, July 2, 1937, at 9:30 a. m., eastern standard time.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) revising the minimum prices set forth in said order and said marketing agreement, (2) deleting from said order and said marketing agreement the base rating provisions, and (3) amending any other provisions in, or adding any other provisions to, said order and said marketing agreement.

Copies of the proposal to amend the order and the marketing agreement may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, U. S. Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated: June 24, 1937.

[F. R. Doc. 37-1913; Filed, June 25, 1937; 12:39 p. m.]

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[Docket No. A-50 O-50]

ORDER CANCELLING HEARINGS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States, issued, on June 19, 1937, a notice of hearings with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, to be held at the following places on the dates set forth herein opposite such respective places:

St. Johnsbury, Vermont, June 29, 1937
Augusta, Maine, June 30, 1937
Boston, Massachusetts, July 1, 1937

and

Whereas, it is deemed necessary and advisable to cancel such hearings;

Now, therefore, it is hereby ordered that the hearings hereinabove set forth be cancelled and it is further ordered that the Hearing Clerk, Office of the Solicitor, Department of Agriculture, take appropriate steps to inform interested parties of such cancellation in accordance with the manner prescribed by the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, for giving notice of hearings with respect to the issuance of marketing agreements and orders.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, does hereby execute this order in duplicate and does cause the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 24th day of June, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1912; Filed, June 25, 1937; 12:39 p. m.]

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ORDER TERMINATING THE ORDER SUSPENDING ORDER NO. 4 REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under the provisions of the Agricultural Adjustment Act, as amended, executed an order on August 1, 1936, suspending Order No. 4, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area; and

Whereas, the Secretary of Agriculture has determined to terminate said order of suspension;

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture, acting under the authority vested in him by the Agricultural Marketing Agreement Act of 1937, which reenacts and further amends Public No. 10, 73rd Congress, as amended, hereby terminates, effective as of 12:01 a. m., daylight saving time, July 1, 1937, the suspension of Article 1, Article 2, Article 3, Article 5, Article 6—section 1, Article 12, Article 13, Article 14, Article 15, and Article 16 of said Order No. 4, and hereby terminates, effective as of 12:01 a. m., daylight saving time, August 1, 1937, the suspension of the remaining provisions of said Order No. 4, and the entire Order No. 4 is hereby declared to be effective on and after the last mentioned date.

In witness whereof, Harry L. Brown, Acting Secretary of Agriculture of the United States of America, has executed this termination of suspension of said order as aforesaid and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 25th day of June 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1914; Filed, June 25, 1937; 12:39 p. m.]

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ECR—B-101—Kent County, Maryland, Supplement (a)

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—KENT COUNTY, MARYLAND—SUPPLEMENT (A)

*Emergency Feed Crops*

Section 4 of part I of East Central Region Bulletin No. 101—Kent County, Maryland, is hereby amended by addition at the end thereof of the following:

Notwithstanding the foregoing provisions of this section, no decrease will be made in the farm allowance because of depleting crops grown in 1937 in excess of the approved acreage for the farm of the County Committee finds that such excess consists of feed crops grown to replace a shortage of feed caused by flood, drought, or other unfavorable weather conditions in 1936 or 1937.

Done at Washington, D. C., this 24th day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-1915; Filed, June 25, 1937; 12:39 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March; Ewin L. Davis, Robert E. Freer.

[Docket No. 2968]

IN THE MATTER OF ALPHA LABORATORY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, July 15, 1937, at two o'clock in the afternoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1905; Filed, June 25, 1937; 10:30 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3101]

IN THE MATTER OF OLIVER L. VON BACHELLE, DOING BUSINESS AS H. SHADE'S LABORATORIES, AND BUREAU OF EDUCATION, H. SHADE'S LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, July 15, 1937, at two o'clock in the afternoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1909; Filed, June 25, 1937; 10:31 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3067]

IN THE MATTER OF BANNER MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, July 8, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1908; Filed, June 25, 1937; 10:31 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2998]

IN THE MATTER OF BIRCONJEL CORPORATION, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission be, and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, July 12, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1906; Filed, June 25, 1937; 10:30 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2957]

IN THE MATTER OF DR. W. B. CALDWELL, INC., A CORPORATION.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, July 21, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1904; Filed, June 25, 1937; 10:30 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of June, A. D. 1937.



Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3123]

IN THE MATTER OF JOHN PETRIE, AN INDIVIDUAL, TRADING UNDER THE TRADE NAMES PURITY PRODUCTS COMPANY, BX LABORATORIES, AND UNDER OTHER NAMES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, July 15, 1937, at one o'clock in the afternoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1910; Filed, June 25, 1937; 10:32 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3064]

IN THE MATTER OF TRADE LABORATORIES, INC., ALSO TRADING AS REDD CHEMICAL COMPANY, MODERN BRANDS, INC., PERLOX LABORATORIES, INC., PEARL-WHITE LABORATORIES, INC., AND DR. DAILY'S LABORATORIES, INC., ALL CORPORATIONS, J. C. BRUSH, C. R. DICKINSON, AND C. V. BRUSH

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, July 6, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-1907; Filed, June 25, 1937; 10:31 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1937.

[File No. 32-67]

IN THE MATTER OF THE NARRAGANSETT ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Narragansett Electric Company pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by the applicant of 40,000 shares of capital stock (par value of $50 per share) of the aggregate par value of $2,000,000, it being stated in said application that such issue and sale are solely for the purpose of financing the business of the applicant, that the proceeds of such issue will be used for the purpose of capitalizing and reimbursing the applicant's treasury for expenditures made by the applicant for capital assets as to which no stock or capital obligations have been issued, and that such issue and sale have been expressly authorized by the Division of Public Utilities of the State of Rhode Island, the State in which the applicant is organized and doing business.

It is ordered that a hearing on such matter be held on July 14, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 8, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1925; Filed, June 25, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its Office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-CONTINENTAL-YOUNG LEASE, FILED ON MAY 29, 1937, BY S. LEROY ESTES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been

amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 19, 1937, be effective as of June 19, 1937;

It is further oredered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commisison.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1922; Filed, June 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE INLAND-HOWES CAPITOL FARM, FILED ON MAY 21, 1937, BY HARRY A. GEORGE, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 7, 1937, be effective as of June 7, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1924; Filed, June 25, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-"L" COMMUNITY TRACT, FILED ON JUNE 1, 1937, BY RAYMOND F. KELLY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 21, 1937, be effective as of June 21, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1923; Filed, June 25, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GYPSY-CARTER-WALKER TRACT, FILED ON JUNE 18, 1937, BY LOUIS BERNSTEIN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 10, the names of the persons by whom the taxes are assessed, are omitted; nor are the amounts of the Federal tax and excise tax given;

(2) In that a portion of the text in Division II, Item 17 (c), is omitted, as is also the information required to be given relative to the percentage of production allowed the tract involved;

(3) In that the depth of well #5 as set forth in Division II, Items 19 (c) and (e), does not agree with the depth of same well as shown by the plat attached to the offering sheet as "Exhibit A";

(4) In that the information given in Division II, Item 20 (b), relative to the percentage of water in fluid produced from the tract involved is not believed to be correct;

(5) In that one of the signature forms included as a part of the offering sheet does not appear to be properly included;

(6) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete for the reason that the smallest interest to be conveyed is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1917; Filed, June 25, 1937; 12:40 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING WORKING INTERESTS IN THE JOHNSON-KEMNITZ-AUNGST LEASE, FILED ON JUNE 17, 1937, BY NORRIS-GILBERT & CO., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that from the information disclosed by Division II, Items 7 (a) and (b), it appears that the person filing the offering sheet intends to offer for sale interests in excess of those owned by such person upon the date of the execution of said offering sheet;

(2) In that the smallest interest proposed to be conveyed as set forth in Exhibit B is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1919; Filed, June 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE STANOLIND-AMERADA-TRANSWESTERN-SUENRAM TRACT, FILED ON JUNE 19, 1937, BY SUPREME OIL INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the legal description of the tract involved, as set forth in Division II, Item 2 (c), is not believed to be correct;

(2) In that the text of Division II, Item 12, is omitted;

(3) In that a portion of the text of Division II, Item 13, is omitted, as is also the information required to be given in

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE TIDEWATER-PHILLIPS-HACKETT TRACT, FILED JUNE 19, 1937, BY G. D. TERRIEN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 2 (e), no statement is made as to whether or not the interest offered is perpetual;

(2) In that the Rules and Regulations and the form of offering sheet prescribed by the Commission as Schedule A require that the percentage of water in fluid, produced from the tract involved, be stated by months in Division II, Item 20 (b), whereas such information as is given is contained in a footnote following this Item;

(3) In that the second signature form required to be included in the offering sheet is omitted;

(4) In that the proposed instrument of conveyance, attached to the offering sheet as Exhibit B, is incomplete for the reason that the smallest interest conveyed is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1920; Filed, June 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE TIDEWATER-PHILLIPS-HACKETT TRACT, FILED JUNE 19, 1937, BY G. D. TERRIEN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the legal description of the tract involved, as set forth in Division II, Item 2 (c), is not believed to be correct;

(2) In that the text of Division II, Item 12, is omitted;

(3) In that a portion of the text of Division II, Item 13, is omitted, as is also the information required to be given in

this Item relative to the approximate number of drilling wells;

(4) In that in Division II, Item 14, the legal description of the property given in connection with the Hoover Series well is not believed to be correct;

(5) In that in Division II, Items 18 and 19 (c) and (e), no information is given relative to well No. 1 in the Hoover Series (Note: Although no value is claimed for production from this well, the information relative to same should be given in these Items, together with an appropriate explanation);

(6) In that the proposed instrument of conveyance, attached to the offering sheet as Exhibit B, is inaccurate for the reason that the smallest interest to be conveyed is not believed to be correctly stated nor is the description of the property, upon which is located the well now producing from the Hoover Series, believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promply given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1921; Filed, June 25, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE OHIO-BUTTRAM-WINTERS TRACT, FILED ON JUNE 18, 1937, BY T. G. THOMPSON, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the Rules and Regulations and the form of offering sheet prescribed by the Commission as "Schedule A", require that the percentage of water in fluid produced from the tract involved be stated by months in Division II, Item 20 (b), whereas such information as is given for the months of March, April and May, 1937, is set forth in a footnote following said item;

(2) In that the smallest interest to be conveyed as set forth in the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is not believed to be correct and does not agree with like information contained in Division II, Item 1, of the offering sheet;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promply given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1916; Filed, June 25, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PHILLIPS "L" GENERAL COMMUNITY TRACT, FILED ON JUNE 17, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340(A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest offered as set forth in Division II, Item 1, is not stated in terms of the total production from the entire tract;

(2) In that in Division II, Item 10, the names of the persons by whom the taxes mentioned in said item are assessed, are omitted; as are also the times of payment of said taxes;

(3) In that the information contained in Division II, Item 13, is inaccurate and incomplete for the reason that the date upon which the discovery well was "plugged back" and the number of producing wells in the Oklahoma City field are not believed to be correctly stated; nor is the number of drilling wells, which information is required to be stated in this item, given;

(4) In that the second signature form which is required to be included in the offering sheet is omitted;

(5) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete for the reason that the smallest interest proposed to be conveyed is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promply given by the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1918; Filed, June 25, 1937; 12:40 p. m.]



*Tuesday, June 29, 1937* *No. 124*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

(T. D. 4743)

SPECIALLY DENATURED ALCOHOL FORMULA NO. 23-G

*To District Supervisors, Chemists in Charge, Authorized Chemists, and Others Concerned:*

Treasury Decision 4541, approved April 17, 1935, as amended by Treasury Decision 4555, approved May 24, 1935, is hereby modified to read as follows:

Pursuant to authority conferred by the Act of June 7, 1906 (U. S. C., 1934 Ed., Title 26, Sec. 1320), and Title III of the National Prohibition Act, specially denatured alcohol Formula No. 23-G must be compounded on and after September 1, 1937 as follows:

To every 100 gallons of ethyl alcohol add
3.5 gallons of methyl propyl ketone
0.5 gallon of methyl isobutyl ketone

SPECIFICATIONS FOR METHYL PROPYL KETONE

*Purity.*—Consists of at least 97 per cent of ketones.
*Specific Gravity 20/20° C.*—0.807 to 0.811.
*Color.*—Water-white.
*Water.*—Miscible without turbidity with 19 volumes of 60° Be. Gasoline at 20° C.
*Acidity (Free acid as acetic acid).*—Less than 0.003 per cent.
*Distillation Range (According to A. S. T. M. Specifications D268-33).*—More than 90 per cent distills over between 100° and 103° C.
*Non-volatile matter.*—Less than 0.005 per cent.

SPECIFICATIONS FOR METHYL ISOBUTYL KETONE

*Specific Gravity 20/20° C.*—0.799 to 0.804.
*Color.*—Water-white.
*Acidity.*—Not more than 0.02 per cent as acetic acid.
*Boiling Range (760 mm.).*—None should come over below 111° C. or none above 117° C. when distilled by the A. S. T. M., method D 268-33.

On and after September 1, 1937 all rubbing alcohol compounds or preparations coming under the general classifications of rubbing alcohols must be manufactured with specially denatured alcohol Formula No. 23-G as revised herein, and they must contain 70 percent absolute ethyl alcohol by volume, or as near 70 per cent as is practicable to be obtained by the ordinary commercial methods used for compounding alcohol preparations. In order that the finished products shall contain 70 per cent absolute ethyl alcohol by volume, the manufacturer should use 98.1 fluid ounces of specially denatured alcohol Formula No. 23-G to which must be added ½ ounce of sucrose octa acetate, and then made up to 1 gallon with water.

STANDARD FORMULA FOR RUBBING ALCOHOL COMPOUNDS

| Specially Denatured Alcohol Formula No. 23-G | 98.1 fluid ounces. |
|---|---|
| Sucrose Octa Acetate | ½ avoirdupois ounce. |
| Water q. s. | 1 gallon. |

The manufacturer of rubbing alcohol compounds may also add to the standard formula such other odorous constituents or medicaments as is desired, provided they are shown in the formula submitted for approval and that the finished product contains 70 percent absolute alcohol by volume.

The supervisor will notify all permittees in his district manufacturing rubbing alcohol compounds to submit revised formulae and labels for their rubbing alcohol compounds to him on Form 1479-A, in quadruplicate, complying with the requirements set forth herein. The supervisor will examine the formulae and labels submitted by the permittee, and if they comply with the provisions of this Treasury Decision, he will note his approval on each copy of Form 1479-A. After approval, one copy will be returned to the permittee, one copy furnished the chemist in charge, one copy retained in the supervisor's office, and the remaining copy forwarded to the Commissioner. If the formulae or labels are disapproved, all copies of Form 1479-A will be returned to the permittee with a statement of the reason for the disapproval.

Effective July 1, 1935 the second paragraph of Article 146 of Regulations #3 is hereby amended to read as follows:

Any product manufactured with specially denatured alcohol Formula No. 23-G under permit issued pursuant to these regulations and labeled and sold as a rubbing alcohol compound must be put up and sold by the manufacturer thereof in containers or packages in which it is to be delivered to the ultimate consumer. Such containers or packages shall not exceed one pint in capacity, and must be labeled to show name and address of the manufacturer. Where rubbing alcohol compounds are manufactured and bottled under the name of a dealer for resale to the legitimate trade, the manufacturer must place his name and address or his permit number on the labels of the containers in type of sufficient size to be clearly legible. No misleading statement will be permitted on labels which would give the impression that the product is pure alcohol, and a product which is not marketed under a trade name must be labeled RUBBING ALCOHOL COMPOUND, in type of the same size and color. A caution notice must also be placed on each label to the effect that the preparation is for external use only and is medicated so that if taken internally serious gastric disturbance will result. Labels or facsimiles thereof must be submitted for approval before use. The sales of this product must be confined to persons legitimately engaged in a bona fide drug trade, or to hospitals, sanitariums, turkish baths or other establishments or stores where such compounds have customarily been sold, or used for massage or other external purposes. Failure to comply with these requirements and to confine sales to such persons, or the making of sales to such persons in quantities in excess of their reasonable requirements will constitute bad faith on the part of the permittee and grounds for the revocation of his permit.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: June 24, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1927; Filed, June 25, 1937; 3:24 p. m.]

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[T. D. 4744]

RESTAMPING PACKAGES OF DISTILLED SPIRITS, TOBACCO, CIGARS, SNUFF, CIGARETTES, FERMENTED MALT LIQUORS, OLEOMARGARINE, AND WINES.

*To Collectors of Internal Revenue, District Supervisors and Other Officers and Employees of the Bureau of Internal Revenue Concerned:*

1. Section 3315, Revised Statutes, as amended, (U. S. C. 1934 ed., Title 26, Secs. 803 (b), 812 (b), 1152 (b), 1300 (b), and 1332 (d)) provides that the Commissioner of Internal Revenue may, under regulations prescribed by him with the

approval of the Secretary of the Treasury, issue stamps for restamping packages of tobacco, snuff, cigarettes, cigars, distilled spirits, wines, and fermented liquors, which have been duly stamped, but from which the stamps have been lost or destroyed by unavoidable accident.

2. Section 8 of the Act of August 2, 1886, as amended, (U. S. C. 1934 ed., Title 26, Secs. 982–983) provides with respect to oleomargarine stamps that "the provisions of existing law governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

3. The following regulations are prescribed in conformity with the provisions of law above cited:

APPLICATIONS FOR RESTAMPING

4. Applications for restamping should be made in writing to the Collector of Internal Revenue for the district in which the packages to be restamped are situated. With respect to containers of distilled spirits required to bear strip stamps by the Liquor Taxing Act of 1934 (Title 26, Sec. 1152 (c), U. S. C. 1934 ed.) the procedure outlined in Paragraphs 11, 12, and 13 hereof should be observed. The applicants should state in detail the number of packages, description of the contents, where the packages are located, the kind and denomination of the stamps lost or destroyed, and the nature of the applicant's interest in the property.

5. If the stamps were lost or destroyed in transit, the application should be accompanied by an affidavit of the consignor that the packages were properly stamped when shipped and, if possible, the affidavit of some one having knowledge of the facts attending their loss or distruction en route.

6. In the event the stamps were lost or destroyed either before or after shipment and while in the possession of the applicant, the application should be accompanied by an affidavit of the applicant or some one in his employ stating that the packages were once duly stamped or properly stamped when received, as the case may be, and detailing all the circumstances connected with the destruction of the stamps.

INSPECTION

7. When an application is received, the Collector will examine it and the supporting affidavits for the purpose of determining whether all of the papers have been correctly prepared. If so, the Collector will order an immediate inspection of the packages by one of his deputy collectors, who will make a written report to the Collector of the number of packages which need restamping, the condition and contents of each, and the kind of stamps or fragments of stamps still attached thereto.

8. In the case of spirits in barrels, the inspection should be made by a storekeeper-gauger, if possible, or by some other representative of the District Supervisor's office. A full report of regauge on the prescribed gauging form and a statement of the marks and brands found upon the bung stave and stamp head of the packages must be made.

9. If this inspection cannot be made without substantial expense to the Government, the Collector will, before expenses are incurred, forward to the Commissioner of Internal Revenue for consideration the application and accompanying papers as well as an estimate of the cost of completing the examination.

ADDITIONAL EVIDENCE

10. In the following cases where stamps for spirits and wine have been lost or destroyed, Collectors of Internal Revenue will procure and forward to the Commissioner of Internal Revenue with the application, report of inspection, and report of regauge, additional evidence as follows, according to the nature of the case:

(a) For tax-paid spirits in original packages: Certified copy of the report on the prescribed gauging form showing the contents of the packages at the time they were gauged for tax payment. Certificate of the Collector in whose district the missing or mutilated stamps were purchased, which should contain all of the information shown on the stubs from which the original stamps were detached.

(b) For rectified spirits in bulk packages: Certified copy of the rectifier's "Notice of Completion of Rectification and Return of rectified Spirits, Wines, or other Liquors Gauged, Marked, and Stamped." Certificate of the Collector in whose district the missing or mutilated stamps were purchased, which should contain all of the information shown on the stubs from which the original stamps were detached.

(c) For export spirits in bulk packages: Certified copy of the prescribed gauging form showing the contents of the packages at the time they were gauged for withdrawal and exportation. This certificate should contain all of the information shown on the stubs from which the original stamps were detached.

(d) For wholesale liquor dealer's packages of spirits: Certified copy of the application for the stamps on the prescribed form.

(e) For wine: Affidavit from the taxpayer showing the contents of the cases or packages when stamped, value of stamps affixed to the cases or packages, taxable grade of wine, serial numbers of the cases or packages, and date on which the stamps were affixed to the packages.

(f) For rectified products required to bear wine stamps: Affidavit of the taxpayer and a certified copy of the prescribed form showing the serial numbers and the contents of the cases or packages when stamped, value of stamps affixed to the cases or packages, and the date of affixing.

APPLICATIONS FOR RESTAMPING BOTTLES REQUIRED TO BEAR STAMPS BY THE LIQUOR TAXING ACT OF 1934

11. Applications under oath for restamping containers of distilled spirits required to be stamped by the Liquor Taxing Act of 1934 (Title 26, Sec. 1152 (c), U. S. C. 1934 ed.), from which the original strip stamps have been lost or destroyed, shall be made to the local Collector of Internal Revenue. The applicant in every case will state the cause of the loss or destruction of the original stamps, and submit evidence that the spirits have been tax-paid. Such evidence may consist of the invoices covering the purchase of the spirits, in addition to other available documents. Where the stamps, which it is claimed have been destroyed, or any portion thereof, have become detached from the containers and recovered, they shall be submitted with the application.

12. Each application for new stamps, without cost, to replace those which have been lost or destroyed by unavoidable accident, shall be executed in duplicate and addressed to the local Collector of Internal Revenue. It will be forwarded to the Collector through the office of the appropriate District Supervisor. If the evidence presented shows conclusively that the tax on the spirits has been paid and if the loss or destruction of the strip stamps has been satisfactorily explained, the District Supervisor will approve the application and forward the original copy, together with supporting papers, to the local Collector of Internal Revenue. The duplicate copy of the application shall be retained by the District Supervisor for record purposes. The Collector will transmit the application and accompanying evidence to the Bureau for consideration as required by Paragraph 19 hereof. If the Bureau approves the application, an appropriate authorization on Form 7706 will be mailed to the Collector to cover the issuance of the duplicate strip stamps. Such stamps will then be sent to the District Supervisor, who, after making suitable notations on the duplicate copy of the application filed in his office, will deliver the stamps to the applicant, either by mail or by a representative of his office, together with instructions in regard to marking and affixing them to the containers.

13. If in connection with any application for duplicate strip stamps to be affixed to containers of distilled spirits, the District Supervisor has doubt, from the evidence submitted, as to whether the tax on the spirits has been paid or if the loss or destruction of the strip stamps has not been satisfactorily explained, he will cause the necessary investigation to be made before approving and forwarding such application to the Collector.



FERMENTED MALT LIQUORS

14. With respect to fermented malt liquors, upon receipt of an application, supported by an affidavit of tax payment and loss of stamps, and after report of inspection by a deputy collector, the Collector may, if the evidence is satisfactory, issue the stamps necessary to replace those lost or destroyed without securing formal authorization so to do from the Bureau. Such stamps will be affixed to containers under the direct supervision of a deputy collector. These reports by deputy collectors are required in all cases of applications for restamping packages, except where an officer working under the jurisdiction of the District Supervisor of the Alcohol Tax Unit discovers an unstamped package. The Collector may act upon the report and recommendation of such officer without requiring a further investigation by a deputy collector. The Collector should transmit all the papers in each case, including a signed report on Form 7706–A in duplicate, to the Bureau with his monthly stamp report, in order that credit may be allowed in his stamp account.

FAILURE TO MAKE VOLUNTARY APPLICATION FOR RESTAMPING CONTAINERS OF LIQUORS

15. Where an unstamped container of distilled spirits, fermented malt liquor, or wine, from which the original stamp has been lost or destroyed, is discovered and it is ascertained that no application for the restamping thereof has been made, such container will be detained pending appropriate action. If, upon investigation, it develops that the container has been tax-paid, the officer who made the discovery shall secure an affidavit from the proper party, setting forth the reason for the loss or destruction of the stamp, as well as documentary evidence, if any, in support thereof. He shall then require the party involved to execute a suitable restamping application to be submitted through the office of the District Supervisor to the local Collector of Internal Revenue, accompanied by a statement of the facts and the officer's recommendation. Such officer will inform the possessor of the unstamped container of liquor that it is his privilege to submit an offer in compromise. In the event a suitable offer in compromise is tendered, the procedure shall thereafter conform with the procedure governing cases in which an application for restamping was made without the intervention of a Government officer. When received, the stamp may be issued and affixed, and the container of liquor may be released from detention without awaiting action on the offer in compromise. Where no offer in compromise is submitted, the container of liquor shall be seized for forfeiture.

REPACKING CONTENTS OF PACKAGES OF TOBACCO, CIGARS, SNUFF, CIGARETTES AND OLEOMARGARINE

16. Where packages of tobacco, cigars, snuff, cigarettes, or oleomargarine are found to be in such condition that they require repacking before new stamps can be attached, the deputy collector will in such cases include in his report of inspection the exact number, denomination, and class of stamps to be used.

17. If the Collector is satisfied that the packages were once duly stamped and there appears to be no evidence of fraud, he will authorize their immediate repacking in new packages not before used for that purpose and of a size to contain a statutory quantity or number of articles, under the supervision of a deputy collector. The packages will then be held until the Collector is authorized to issue the required stamps, which must be attached to the packages under the supervision of a deputy collector.

18. The work of repacking and restamping these packages must not be done within the factory premises of any manufacturer of articles subject to internal revenue taxes.

ISSUANCE OF STAMPS

19. With the exception of applications for the restamping of containers of fermented malt liquors, as set forth in Paragraph 14 hereof, the Collector will forward all applications, together with supporting evidence, to the Accounts and Collections Unit of the Bureau for consideration and an appropriate authorization on Form 7706, prior to issuing any duplicate stamps.

CREDIT FOR STAMPS ISSUED

20. The issuance of all stamps under these regulations should be reflected in the appropriate monthly record of stamps received, issued, etc., in column headed "Issued by Order of the Commissioner", and credit for the stamps should be taken on the proper line of the Collector's monthly stamp report.

21. In every case, the Collector should obtain a receipt from the party receiving duplicate stamps and transmit such receipt to the Bureau with his stamp report for the month in which the stamps were issued.

22. The regulations herein promulgated supersede those contained in Treasury Decisions 1869 and 4580 dated, respectively, August 5, 1913, and August 20, 1935.

[SEAL] GUY T. HELVERING, *Commissioner.*

Approved: June 24, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–1928; Filed, June 25, 1937; 3:24 p. m.]

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[T. D. 4745]

SALE OF ETHYL ACETATE AND LACQUER THINNERS

*To District Supervisors and Others Concerned:*

Paragraph (6), of Section 2, Title I, of the "Liquor Law Repeal and Enforcement Act," reads as follows:

(6) The term "regulation" shall mean any regulation prescribed by the Commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this title or of Title III of the National Prohibition Act, and the Commissioner is authorized to make such regulations.

Pursuant to authority conferred by the statute above quoted, the last paragraph of Article 136, Regulations 3, is hereby revoked and the following substituted in lieu therof:

Ethyl acetate and lacquer thinners may be sold by producers thereof to (1) legitimate users for solvent or other manufacturing purposes, and (2) reputable dealers engaged in a bona fide paint or chemical trade for resale in manufacturers' original packages to legitimate users and retailers.

Sales by producers to dealers shall be in containers of a capacity of not more than 55 gallons, and shall not exceed a total of 550 gallons to any dealer during any calendar month. Sales by dealers shall not exceed 550 gallons during a calendar month and not more than 55 gallons shall be sold to a customer at any one time: Provided, that such sales to dealers and by dealers may exceed the above maximum sales limitations of 550 gallons, and 550 gallons and 55 gallons, respectively, upon the production of evidence satisfactory to the District Supervisor that there is need for ethyl acetate and lacquer thinners by such dealers and their customers in greater quantities to supply their legitimate needs.

Producers and dealers will be responsible for delivery of the product direct to their customers and must satisfy themselves that the purchaser is engaged in a lawful business and that the quantity purchased is intended for legitimate purposes.

Containers of ethyl acetate and lacquer thinners, irrespective of size, must have marked thereon the name of the product, the quantity, and the name and address of the producer, or in lieu thereof, the name and address of the dealer and the permit number and state of the producer.

Producers of ethyl acetate shall continue to file daily reports of shipments of ethyl acetate.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: June 24, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–1939; Filed, June 26, 1937; 1:06 p. m.]

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DEPARTMENT OF THE INTERIOR.

Division of Grazing.

WITHDRAWAL FOR PROPOSED MONTANA GRAZING DISTRICT NO. 5 VACATED IN PART

JUNE 18, 1937.

Under authority of Departmental order of July 6, 1936, pursuant to section 1 of the act of June 28, 1934 (48 Stat.

1269), as amended by the act of June 26, 1936 (49 Stat. 1976), notice was published on July 16, 1936, that a hearing would be held at Dillon, Montana, on August 12, 1936, or at any place or time to which said hearing might be adjourned for the purpose of considering the establishment of Grazing District No. 5 to include the following lands:

MONTANA

Counties of Beaverhead, Madison,
Silver Bow, and Jefferson.

The publication of such notice had the effect, in accordance with the provisions of aforesaid act of withdrawing all public lands within the entire boundaries of the proposed district from all forms of entry and settlement.

It has been determined that the public lands within the area proposed for withdrawal are not appropriate for administration in a grazing district under the Taylor Grazing Act except those lands which are included in Montana Grazing District No. 5, established November 3, 1936, as modified. The withdrawal, therefore, is hereby vacated except as to those lands in the grazing district.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-1932; Filed, June 26, 1937; 9:24 a. m.]

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## Division of Territories and Island Possessions.

[Passenger Circular No. 154-C]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

TIME TABLES

ANCHORAGE, ALASKA, *June 4, 1937.*

*To All Concerned:*

Time Table corrected to June 8th, 1937 has been issued and distributed to all Agents and others interested. Arrange to destroy all time tables of previous issues.

Service as provided in this time table will be effective as follows:

| Train No. | Stations from and to— | Schedule effective |
|---|---|---|
| 11 | Fairbanks to Curry | Thursday, June 10. |
| 1 | Curry to Seward | Friday, June 11. |
| 2 | Seward to Curry | Saturday, June 12. |
| 12 | Curry to Fairbanks | Sunday, June 13. |
| 4 | Seward to Curry | Tuesday, June 8. |
| 21 | Palmer to Anchorage | Tuesday, June 15. |
| 22 | Anchorage to Palmer | Tuesday, June 15. |
| 18 | Curry to Fairbanks | Tuesday, June 22. |
| 14 | Curry to Fairbanks | Wednesday, June 9. |
| 6 | Seward to Curry | Friday, June 18. |
| 8 | Seward to Palmer | Friday, June 18. |
| 7 | Palmer to Seward | Friday, June 18. |
| 16 | Curry to Fairbanks | Friday, June 18. |
| 13 | Fairbanks to Curry | Monday, June 14. |
| 3 | Curry to Seward | Tuesday, June 15. |
| 19 | Fairbanks to McKinley Pk | Tuesday, June 22. |
| 20 | McK. Park to Fairbanks | Tuesday, June 22. |
| 15 | Fairbanks to Curry | Wednesday, June 23. |
| 5 | Curry to Seward | Thursday, June 24. |

In case there is any passenger business for above trains before service is effective, this office to be promptly advised and motor car service will be provided to handle such traffic.

This Circular cancels Passenger Circular No. 154-B of April 27, 1937.

W. A. STILES,
*Chief Dispatcher.*

JUNE 18, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director.*

[F. R. Doc. 37-1933; Filed, June 26, 1937; 9:24 a. m.]

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[Supplement No. 1 to I. C. C. 233]

THE ALASKA RAILROAD

SUPPLEMENT NO. 1 TO LOCAL PASSENGER TARIFF NO. 197

*Naming One-Way and Round-Trip Fares Between Anchorage, Alaska and Palmer, Alaska*

Issued, June 3, 1937. Effective, July 19, 1937.

*Cancellation Notice:*

Local Passenger Tariff No. 197, I. C. C. No. 233, is hereby cancelled.

After date of cancellation, fares[1] named in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof will apply for one-way transportation. Fares named in Local Passenger Tariff No. 173-C, I. C. C. No. 221, will apply for round-trip transportation.

Authoritiy: Act of March 12, 1914 and Executive Order No. 3861. Issued by: O. F. Ohlson, General Manager, Anchorage, Alaska.

JUNE 18, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director.*

[F. R. Doc. 37-1934; Filed, June 26, 1937; 9:24 a. m.]

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[Freight Circular No. 84-G.]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

LOCAL FREIGHT SERVICE

ANCHORAGE, ALASKA, *June 4th, 1937.*

*To all concerned:*

Effective June 10th, 1937 local freight train service will be operated as follows:

NORTHWARD

Leave Seward, No. 62, Wednesday and Saturday.[2]
Leave Anchorage Extra, Thursday and Sunday.[2]
Leave Curry, No. 66, Friday[2] and Monday.[2]
Leave Healy, No. 68, Saturday and Tuesday.

SOUTHWARD

Leave Fairbanks, No. 67, Sunday and Thursday.
Leave Healy, No. 65, Tuesday[2] and Saturday.[2]
Leave Curry, Extra, Wednesday and Sunday.
Leave Anchorage, No. 61, Thursday[2] and Monday.

Branch line mixed service will be operated as follows:

NORTHWARD

Leave Anchorage for Palmer, No. 52, Tuesday and Friday.
Leave Palmer for Jonesville, No. 52, Tuesday and Friday.

SOUTHWARD

Leave Jonesville for Palmer, No. 51, Tuesday and Friday.
Leave Palmer for Anchorage, No. 51, Tuesday and Friday.

Freight will be handled as follows:

On Tuesdays and Fridays to Matanuska, Moose Creek, Sutton, Jonesville, and Eska.[3]

Main line points are as follows:

Whitney, Otter M. P. 122.9, Eagle River.
Fire Creek M. P. 132.1, Birchwood, Eklutna.
Reed,[4] M. P. 146.0, Matanuska.

Freight from main line points, Whitney to Matanuska inclusive, will be handled on Branch Line train Tuesdays and Fridays, and will not be handled on main line freight trains.

[1] Increase.
[2] Freight trains as indicated by (*) will not handle a coach.
[3] Freight for Eska will be unloaded at Eska Junction unless otherwise instructed.
[4] When 300 pounds or more, freight will be unloaded at Reed, when less than 300 pounds freight will be unloaded at Eklutna.



This freight circular cancels Freight Circular No. 84-F of May 1st, 1937 relative to Local Freight Train Service.

W. A. STILES,
*Chief Dispatcher.*

JUNE 18, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director.*

[F. R. Doc. 37-1935; Filed, June 26, 1937; 9:24 a. m.]

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## National Bituminous Coal Commission.

[Order No. 10]

AN ORDER PROVIDING FOR ASSESSMENTS BY DISTRICT BOARDS ON CODE MEMBERS AND SUBMISSION OF BUDGETS BY DISTRICT BOARDS

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. Each district board, immediately following the confirmation by the Commission of the election of such district board, shall assess and levy an initial assessment upon all the code members subject to its jurisdiction as provided in said Act.

Such initial assessment shall be in an amount approximating the expense of administering the code by the respective district boards during the period ending August 31, 1937, as estimated by the district boards, and may include necessary expenditures for the rental of quarters for the use of the district board, purchase of office machinery, equipment and supplies, salaries of employees and all other reasonable expenses incidental to the organization of the district board, and the operation thereof during such period.

Such initial assessment shall be computed and apportioned on a basis of the tonnage of each code member for the calendar year 1936, as established pursuant to part I, subsection (a) of section 4 of said Act and shall be assessed and collected pursuant to the provisions of part I, subsection (b) of said section 4, provided that in no event shall the minimum initial assessment levied upon any code member be less than the amount of five ($5.00) dollars.

2. An initial assessment in like amount per ton and on the same basis as provided in paragraph one (1) of this order shall be levied by the district board upon any producer whose acceptance of the code is filed subsequent to the date of the assessment herein authorized and directed.

3. The assessments provided for under this order shall be paid by the code members subject thereto on or before a date specified by the district board, but in no event shall such assessment be required to be paid in less than fifteen (15) days from the date of such assessment and levy.

4. Within fifteen (15) days following the assessment and levying of the initial assessment herein authorized and directed, each district board shall make a report to the Commission of its action, setting forth the amount of such levy, the per ton rate thereof computed upon the code member tonnage against which the levy is apportioned, and a statement of the amounts of various expenditures proposed to be made by the district board from the proceeds of such assessment and levy.

5. At least ten (10) days prior to the date on which a district board proposes to levy any assessment other than the initial assessment, said board shall file such proposed assessment with the Commission for approval.

6. On or before the fifteenth day of each month each district board shall file with the Commission a statement of the total amount of cash collected during the preceding calendar month, together with a separate statement of account showing expenses incurred and expenditures made by the district board during said period on account of each of the items set forth in the budget approved by the Commission.

7. On or before August 1, 1937, each district board shall file with the Commission, for approval, disapproval, or modification and approval, a proposed budget of the expense of administering the code by said district board during the twelve-month period beginning September 1, 1937, together with a statement of the proposed method and rate of apportionment of such expense among those subject to its jurisdiction, and the proposals of the board as to the time for levying and collecting assessments to defray such expense.

8. The Secretary of the Commission shall immediately send a copy of this order, together with a copy of the "Suggested Budget Form", and memorandum pertaining thereto, to the secretaries of all district boards.

By order of the Commission.

Dated this 24th day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-1943; Filed, June 28, 1937; 11:59 a. m.]

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## Office of Indian Affairs.

PROCLAMATION

RESERVATION FOR USE OF POMO AND AFFILIATED INDIANS OF LAKE COUNTY, CALIFORNIA

JUNE 10, 1937.

By virtue of authority contained in Section 7 of the Act of June 18, 1934 (48 Stat. L., 984), the lands described below, acquired by purchase under the provisions of Section 5 of that Act, for the use and benefit of such Pomo and affiliated Indians of Lake County, California, as may now or hereafter be located thereon by the Secretary of the Interior, are hereby proclaimed to be an Indian reservation for the benefit and use of such Indians and upon their organization as an Indian tribe pursuant to Section 16 of the Act of June 18, 1934, supra, then for the benefit and use of such organized tribe.

Beginning at a point on the West line of the E½ of Lot 8, Section 1, T. 15 N., R. 10 W., M. D. M., distant 247.5 feet South of the Northwest corner of the E½ of said Lot 8, and running thence South 2415 feet to a point on the West line of the E½ of the SE¼, Section 1 that is distant 1332.6 feet North of the South line of Section 1; thence East, on a line parallel to the South line of said Section 1, 1320 feet to the East line of Section 1; and thence North, along the East line of Section 1, 2619.5 feet to a point 33 feet South of the Northeast corner of Lot 8; and thence South 80° 20' West 1337 feet to the point of beginning.

All of lot 7, Section 6, T. 15 N., R. 9 W., M. D. M., excepting therefrom that part thereof described as beginning at the Northeast corner of said Lot 7, and running thence West, along the North line of said Lot 7, 354 feet; thence South 1320 feet to the South line of Lot 7; thence East 354 feet to the Southeast corner of Lot 7; and thence North 1320 feet to the point of beginning.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-1936; Filed, June 26, 1937; 9:25 a. m.]

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GENERAL RULES AND REGULATIONS APPLICABLE TO THE AREAS INCLUDED IN THE FLATHEAD, MISSION, AND JOCKO VALLEY IRRIGATION DISTRICTS HAVING CONTRACTS WITH THE SECRETARY OF THE INTERIOR AND ORGANIZED UNDER STATE LAWS ON THE FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

MAY 27, 1937.

*Water Delivery.*—For all water delivered to any farm unit, allotment or tract in excess of the duty allowable for that tract, under the minimum charge assessment, there shall be made a charge of 75 cents per acre foot in addition to the minimum charge as fixed by the District levy, and such additional charge shall be added to the minimum advance levy for the following irrigation season; provided further that the maximum charge for water delivered to any farm unit

or allotment during the irrigation season shall not exceed an amount equal to two dollars ($2) per acre for the entire irrigable area of the farm unit or allotment.

The United States reserves the right to refuse to deliver water to an irrigation district, in the event of the default by such district or landowner for a period of more than one year in any payment due the United States.

An irrigation district may make such rules and regulations as it may find necessary in regard to the delivery of water to a landowner of the district who is delinquent in payment of any assessment to the district, and such rules and regulations will be enforced by the Project Engineer when it appears to be to the best interests of both the United States and the district to do so.

At any time during the irrigation season when it shall appear, in the judgment of the Project Engineer, that there shall not be sufficient water available to deliver the amount specified in this regulation to the entire irrigable area for which application for delivery of water has been made and approved, then the Project Engineer shall be authorized to reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment or tract; and when any farm unit, allotment or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available.

*Application for Water Service.*—No water will be delivered except under an approved application. The irrigation season for this project covers the period from April 15 to October 15 inclusive. To receive full recognition for an irrigation season, application for water service should be filed in the office of the Indian Irrigation Service at St. Ignatius, Montana, sufficiently early so that the same may be approved by the Project Engineer on or before the opening of the irrigation season. Every application accepted by the United States after May 1 shall be approved with the understanding that water will be delivered thereunder for the then current season only after requirements of lands covered by applications previously approved shall have been fully provided for. Applications must describe the entire area which will be irrigated during the season.

The proper officials of the respective Irrigation Districts shall levy a minimum charge assessment against the irrigable area of the individual tracts included in the District, which minimum charge assessment shall result in a sum sufficient to provide for the payment of the assessment against the District. Payment of the assessment so levied shall entitle a water user to the delivery of water without further charge up to 1½ acre feet per acre of irrigable assessable land included in the farm unit, allotment or tract of land, provided that after an agreement has been reached by the Commissioners of the Irrigation District and the Project Engineer as to duty of water on individual tracts where water users claim excess requirements on account of porous or gravelly soils, the Project Engineer shall have authority, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy to such porous or gravelly tracts provided it shall not exceed 4 acre feet of water per acre for the assessable irrigable area of the tract.

Provided further that upon agreement between the Commissioners of the District and the Project Engineer as to duty of water on any individual tracts within the Moiese subdivision of the project, which is supplied entirely through the lower Crow Reservoir, the owners of which tracts claim excessive water requirements because of extremely porous or gravelly soils, the Project Engineer is authorized, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy provided it shall not exceed 6 acre feet per acre of assessable irrigable land; provided further that this special provision regarding tracts within the Moiese subdivision shall be applicable only in the event the water supply available from the stored water supply in the Lower Crow Reservoir is ample to allow such excess use without drawing on the water supply of other portions of the Mission Valley Division of the Flathead Project.

All assessments duly authorized shall be paid on the due date to the properly designated officer of the Indian Irrigation Service at St. Ignatius, Montana, and on all such assessments not paid on the due date the irrigation district shall pay a penalty at the rate of 6 per centum per annum during the period of delinquency.

Any deficit or surplus arising by reason of the costs being more or less than the assessments shall be adjusted in an equitable manner by taking it into account when fixing future assessment rates.

*Care of Waste Water.*—All applicants for water shall be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and conduct to some waste canal, ditch, lateral or natural drainage channel any water flowing upon or from such lands. No waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste ditches be constructed or maintained within 10 feet of any canal or lateral belonging to the United States, except at points of intersection or crossing, which shall be located only by order and under the direction of the proper officer of the United States. No water will be furnished to any applicant during such time as he fails to comply with the provisions of this paragraph.

WILLIAM ZIMMERMAN, JR.,
*Assistant Commissioner.*

Approved: June 5, 1937.
OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

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[Irrigation—9090–36–F]

FLATHEAD IRRIGATION DISTRICT, RONAN, MONTANA

MAY 27, 1937.

GENTLEMEN: In pursuance to the provisions of a contract executed by the Flathead Irrigation District, Flathead Irrigation Project, Montana, on May 12, 1928 as supplemented by agreements between the Secretary of the Interior and the Flathead Irrigation District dated February 27, 1929, March 28, 1934 and August 26, 1936, notice is hereby given that the assessment for operation and maintenance of the irrigation system to serve that portion of the Flathead Irrigation Project within the confines of the Flathead Irrigation District for the irrigation season of 1938 is $60,000. This assessment involves an assessable area of approximately 66,324.8 acres, but does not include any lands held under Indian trust patent, and covers all proper project overhead and general charges. This amount shall be paid by the District to the United States, one-half thereof to be paid on or before February 1, 1938, in advance of delivery of water, and the remainder to be paid on or before July 1, 1938.

The Flathead Irrigation District shall comply fully with the general rules and regulations applicable to the areas included in the Irrigation Districts on the Flathead Irrigation Project approved by the Secretary of the Interior under date of June 5, 1937.

Sincerely yours,

WILLIAM ZIMMERMAN, JR.,
*Assistant Commissioner.*

Approved: June 5, 1937.
OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

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[Irrigation—9090–36–F]

MISSION IRRIGATION DISTRICT, ST. IGNATIUS, MONTANA

MAY 27, 1937.

GENTLEMEN: In pursuance to the provisions of a contract executed by the Mission Irrigation District, Flathead Irrigation Project, Montana, on March 7, 1931, and approved by the Secretary of the Interior on April 21, 1931, as supplemented by agreements between the Secretary of the Interior and the Mission Irrigation District dated June 2, 1934, and August 26, 1936, notice is hereby given that the assessment for operation and maintenance of the irrigation system to serve that portion of the Flathead Irrigation Project within the confines of the Mission Irrigation District for the irrigation season of 1938 is $9,000. This assessment involves an assessable area of approximately 10,764.3 acres, but does not include any lands held under Indian trust patent, and covers all proper project overhead and general charges. This amount shall be paid by the District to the United States, one-half thereof to be paid on or before February 1, 1938, in advance of delivery of water, and the remainder to be paid on or before July 1, 1938.

The Mission Irrigation District shall comply fully with the general rules and regulations applicable to the areas included in the Irrigation Districts on the Flathead Irrigation Project, approved by the Secretary of the Interior under date of June 5, 1937.

Sincerely yours,

WILLIAM ZIMMERMAN, JR.,
*Assistant Commissioner.*

Approved: June 5, 1937.
OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

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[Irrigation—9090–36–F]

JOCKO VALLEY IRRIGATION DISTRICT, ARLEE, MONTANA

MAY 27, 1937.

GENTLEMEN: In pursuance to the provisions of a contract executed by the Jocko Valley Irrigation District, Flathead Irrigation Project, Montana, on November 13, 1934, and approved by the Secretary of the Interior on February 26, 1935, as supplemented by an agreement dated August 26, 1936, notice is hereby given that the assessment for operation and maintenance of the irrigation system to serve that portion of the Flathead Irrigation Project within the confines of the Jocko Valley Irrigation District for the irrigation season of 1938 is $3,500. This assessment involves an assessable area of approximately 4,587 acres, but does not include any lands held under Indian trust patent, and covers all proper project overhead and general charges. This amount shall be paid by the District to the United States, one-half thereof to be paid on or before February 1, 1938, in advance of delivery of water, and the remainder to be paid on or before July 1, 1938.

The Jocko Valley Irrigation District shall comply fully with the general rules and regulations applicable to the areas included in the irrigation districts on the Flathead Irrigation Project, approved by the Secretary of the Interior under date of June 5, 1937.

Sincerely yours,

WILLIAM ZIMMERMAN, JR.,
*Assistant Commissioner.*

Approved: June 5, 1937.
OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37–1937; Filed, June 26, 1937; 9:25 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Bureau of Biological Survey.

ORDER PERMITTING THE SHOOTING OF CERTAIN BLACKBIRDS WHEN FOUND SERIOUSLY INJURIOUS TO AGRICULTURAL OR OTHER INTERESTS

Information having been furnished to the Secretary of Agriculture that yellow-headed blackbirds, red-wing blackbirds, bicolored red-wing blackbirds, tricolored red-wing blackbirds, and Brewer's blackbirds, by reason of heavy seasonal concentrations in their respective ranges in the United States, have become seriously injurious to agricultural crops and ornamental or shade trees, and an investigation having been made to determine the nature and extent of the injury and whether the birds should be killed and if so during what times and by what means, and the Secretary having determined that the aforesaid birds, under the conditions stated, have become seriously injurious as aforesaid and that the only practical means of safeguarding such crops and trees from such injury is to shoot the birds under the conditions and restrictions hereinafter prescribed.

By virtue of authority conferred upon the Secretary of Agriculture by the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755) as amended by the Act of June 20, 1936 (49 Stat. 1555),

*It is ordered* that the owner or custodian of any agricultural crop or of ornamental or shade trees is hereby authorized to shoot the aforesaid birds when found committing or about to commit serious depredations upon such crop or trees owned by or in his custody, but not by means of any gun to which a silencer or any other like device has been attached or otherwise affixed, nor from any blind, sink, pit, or any other device or means of concealment, whether natural or artificial.

No birds killed pursuant to this Order shall be shipped or transported or sold or offered for sale except that they may be transported to such place within the vicinity as may be necessary to bury or otherwise destroy their carcasses; *Provided, however*, that State agricultural departments, colleges, or other public institutions and the United States Department of Agriculture may requisition such numbers of the birds so killed as they may need for scientific investigations.

This Order does not permit the killing of any of the aforesaid birds in violation of any State law or regulation and if a State permit to kill the birds is required such permit must be procured before exercising the privileges conferred by this Order.

Every person availing himself of the privileges of this Order shall at all reasonable times, and particularly during any operations thereunder, permit any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access to the premises on which such operations have been or are being conducted and shall promptly furnish such officer all such information touching his operations as such officer shall require.

On or before January 1 of each year during the continuance of this Order every person who kills any of the aforesaid birds under the authority hereby conferred shall submit to the Chief, Bureau of Biological Survey, United States Department of Agriculture, Washington, D. C., a report of his operations.

This Order is not effective in California, provision having previously been made for handling such depredations by the County Agricultural Commissions.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

June 26, 1937.

[F. R. Doc. 37–1942; Filed, June 28, 1937; 10:19 a. m.]

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## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

SPECIAL AIR TRAFFIC RULE

Pursuant to the authority contained in Section 3 (e) of the Air Commerce Act of 1926, as amended (44 Stat. 568), the following Special Air Traffic Rule is promulgated for the navigation of aircraft during the George Vanderbilt Cup

Race to be held at the Roosevelt Raceway on July 3, 1937, or, in the event of postponement, on July 5, 1937.

No aircraft shall be navigated within 1000 feet in any direction from the Roosevelt Raceway, Garden City, L. I., New York, on July 3, 1937; or on July 5, 1937, if the George Vanderbilt Cup Race is postponed to the latter day. Take-offs and landings may be made at the extreme southern edge of Roosevelt Field except that no planes shall pass over the grandstands while taking off or landing.

Approved, to take effect July 3, 1937.

[SEAL] SOUTH TRIMBLE, JR.,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-1941; Filed, June 28, 1937; 10:12 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

### MODIFICATION OF RULE 229

The Commission, at a general session held on June 16, 1937, modified Rule 229 to read in part as follows:

| | | |
|---|---|---|
| 5,695) | | Aviation. |
| | 5,697.5) | Aviation. |
| 5,700) | | General Communication. |

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-1930; Filed, June 26, 1937; 9:23 a. m.]

### DELETION OF RULE 1002; AMENDMENT OF RULES 1001 (F) AND 1004

The Broadcast Division at its regular meeting held June 15, 1937, approved the revision of rules governing relay broadcast stations by deleting Rule 1002 and amending Rule 1001 (f) by omitting the words "and the information specified in Rule 1002 (b) (1), (2), (3) and (4)"; and amending Rule 1004 by omitting the words "and have been authorized to operate under Rule 1002 (b)".

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-1929; Filed, June 26, 1937; 9:23 a. m.]

### AMENDMENT OF RULE 262A, B, B

The Telegraph Division at its regular meeting held on June 15, 1937, amended Rule 262a, B, b to read in part as follows:

* * * * * * *

NORTHWESTERN CONTINENTAL CHAIN AND FEEDERS (PURPLE)

* * * * * * *

*Available for aeronautical point-to-point stations*

| | | |
|---|---|---|
| 2,644 | 5,310 | 8,130: Day only [9] |
| 2,994 [12] | 6,490 [9] | 10,855: Day only [10] |

* * * * * * *

[9] This frequency assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.

[9] Subject to the condition that no interference is caused to Government stations.

[10] Subject to the condition that no interference is caused to existing services and that the operating frequency will be maintained within 0.02 percent of the assigned frequency.

[12] Subject to the condition that no interference is caused to aeronautical and aircraft stations.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-1931; Filed, June 26, 1937; 9:23 a. m.]

### AMENDMENT OF RULE 262A, B, B

The Telegraph Division at its regular meeting held June 22, 1937, amended Rule 262a, B, b as follows:

NORTHERN TRANSCONTINENTAL CHAIN AND FEEDERS (RED)

*Available for aircraft and aeronautical stations*

| | | | |
|---|---|---|---|
| 3,147.5 | 3,182.5 | 5,122.5 | 5,592.5 |
| 3,162.5 | 3,322.5 | 5,572.5 | 5,662.5 |
| 3,172.5 | 4,335 | 5,582.5 | 5,697.5 day only [16] |

[16] Subject to the condition that no interference is caused to existing services and that the operating frequency will be maintained within 0.02 percent of the assigned frequency.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-1940; Filed, June 28, 1937; 9:31 a. m.]

## FEDERAL HOUSING ADMINISTRATION.

### AMENDMENT TO REGULATIONS OF SEPTEMBER 1, 1936, OF THE FEDERAL HOUSING ADMINISTRATION

The Regulations of the Federal Housing Administration, issued September 1, 1936 are hereby amended as follows:

Section 6 of Article VI is amended to read as follows:

6. At any time within one year from the date of default the mortgagee, at its election, shall either—

(a) with, and subject to, the consent of the Administrator, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(b) commence foreclosure of the mortgage; provided, that if the laws of the state in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within thirty (30) days after the expiration of the time during which such foreclosure is prohibited by such laws.

The mortgagee shall promptly give notice in writing to the Administrator of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

For the purposes of this section, the date of default shall be considered as thirty (30) days after the first uncorrected failure to perform a covenant or obligation, or the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

If after default and prior to the completion of foreclosure proceedings, the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Administrator, and the insurance shall continue as if such default had not occurred.

Wherever a mortgagee so desires, the provisions of said Section 6 of Article VI, as hereby amended, shall become a part of any contract of insurance incorporating, and made pursuant to any previous regulations.

Issued at Washington, D. C., this 24th day of June, 1937.

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 37-1964; Filed, June 28, 1937; 12:50 p. m.]

## INTERSTATE COMMERCE COMMISSION.

### ORDER

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 22nd day of June, A. D. 1937.

### POSTPONEMENT OF EFFECTIVE DATE OF SECOND PARAGRAPH OF RULE 27 OF TARIFF CIRCULAR 20

The Commission having under consideration the petition dated June 3, 1937, filed on behalf of all carriers by B. T. Jones, their duly authorized agent, requesting further postponement from July 20, 1937, of the effective date of the second paragraph of Rule 27 of Tariff Circular 20 in all tariffs containing routing in accordance with Plan (2) of Rule 4 (k) of Tariff Circular 20;

It is ordered, That the date shown in the second paragraph of Rule 27 of Tariff Circular 20 as heretofore extended to read July 20, 1937, is hereby further extended until July 20, 1938, provided, however, that such extension shall be effective only as to tariffs which publish routing in the manner provided in Plan (2) of Rule 4 (k) of Tariff Circular 20.

By the Commission, division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1938; Filed, June 26, 1937; 10:56 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of June, 1937.

[File No. 1-1698]

IN THE MATTER OF CHALMERS OIL AND GAS COMPANY, 8% CUMULATIVE PREFFERRED STOCK, $5 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Chalmers Oil and Gas Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its 8% Cumulative Preferred Stock, $5 par value, from listing and registration on the Baltimore Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10:00 o'clock a. m. on Tuesday July 27, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1945; Filed, June 28, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of June, 1937.

[File No. 1-969]

IN THE MATTER OF INTERNATIONAL SAFETY RAZOR CORPORATION CLASS B COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The International Safety Razor Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Class B Common Stock, no par value, from listing and registration on the Boston Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 11:00 a. m. on Tuesday, July 27, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1946; Filed, June 28, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 26th day of June, A. D. 1937.

IN THE MATTER OF RAINBOW LUMINOUS PRODUCTS, INC. CLASS A COMMON, NO PAR VALUE CLASS B COMMON, NO PAR VALUE

ORDER TO SHOW CAUSE AND FOR HEARING DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, Rainbow Luminous Products, Inc., a corporation, is the issuer of Class A No Par Common Stock and of Class B No Par Common Stock; and

Whereas, said Rainbow Luminous Products, Inc., registered both such securities on the New York Curb Exchange, a national securities exchange, by filing, on or about May 16, 1935, an application with the said Exchange and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule JB1 as amended, promulgated by the Commission thereunder; and

Whereas, said Rule JB1, as amended, at the time said application was filed and at all subsequent times did and does require such applications to be filed on Form 10 for Corporations; and

Whereas, Item 36 of said Form 10 for Corporations, at the time said application was filed and at all subsequent times did and does require the registrant to submit financial statements in accordance with the Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, as to the use of said Form 10 for Corporations; and

Whereas, said Rainbow Luminous Products, Inc., has failed to comply with the provisions of said Section 12 (b) of said Securities Exchange Act, as amended, with the provisions of said Rule JB1, as amended, and with the provisions of said Form 10 for Corporations, and with the provisions of said Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that neither the application filed by it for registration of said securities on said Exchange pursuant to said Section 12 (b), nor any amendment thereto

Contains a certificate of an independent public or independent certified public accountant or accountants, which states the accountant's opinion in respect of the financial schedules required to be filed as parts of said application, although required by the Rules and Regulations of the Commission; and

Whereas, Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security registered on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas, said Rainbow Luminous Products, Inc., filed on or about July 1, 1936, an annual report on Form 10K for the fiscal year ended December 31, 1935, pursuant to Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and Rules KA1 and KA2 promulgated by the Commission thereunder; and

Whereas, said Rainbow Luminous Products, Inc., has failed to comply with the provisions of said Section 13 (a) and (b), said Rules KA1 and KA2 and with the provisions of said Form 10K and with the provisions of the said Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that neither the Annual Report filed by it for the year ended December 31, 1935 nor any amendment thereto contains a certificate of an independent public or independent certified public accountant covering the financial statements and supporting schedules required to be filed by Item 8 and the Instructions thereto, and in that Item 8 of said Form 10K does not contain the financial schedules required by the instructions to Item 8 and the Rules and Regulations of the Commission to be furnished thereunder; and

Whereas, said Rainbow Luminous Products, Inc., has failed to comply with Section 13 (a) and (b) of said Securities Exchange Act, as amended, and with Rules KA1 and KA2 promulgated by the Commission thereunder in that as issuer of said Class A Common No Par Stock and said Class B Common No Par Stock, it has failed to file information and documents required by Rule KA1, adopted by the Commission pursuant to said Section 13 (a) and has failed to file its annual report for the year ended December 31, 1936, on Form 10K as required by Rule KA2, adopted by the Commission pursuant to said Section 13 (b);

It is ordered that pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said Rainbow Luminous Products, Inc., has so failed to comply with said Provisions of said Section 12 (b) (1) and said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with any provision of either of said Sections or of any Rule or Regulation promulgated by the Commission under either of said Sections, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months or to withdraw the registration of said Class A Common No Par Stock and said Class B Common No Par Stock, on said New York Curb Exchange; and

It is further ordered that said Rainbow Luminous Products, Inc., appear before an officer of the Commission and show cause why the registration of said Class A Common No Par Stock and said Class B Common No Par Stock on said New York Curb Exchange should not be suspended for a period not exceeding 12 months or withdrawn as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

It is further ordered, that for the purpose of such proceeding, Charles S. Moore, an officer of the Commission, be and hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that a public hearing for the taking of testimony begin on the 7th day of July, 1937, at 10:00 A. M., in room number 1103 at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as such officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1944; Filed, June 28, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1937.

[File No. 43–47]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

[Public Utility Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7

Arkansas-Missouri Power Corporation, a registered holding company, having filed a declaration with the Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of the following securities:

$2,834,625 aggregate principal amount of First Mortgage 5% Bonds, Series A, dated January 1, 1937 and due January 1, 1957, such bonds to have attached thereto (in addition to regular coupons) Special Bond Coupons, aggregating $56,692.50, payable without interest on or before June 1, 1940;

18,897.5 shares of 6% Cumulative Preferred Stock, having a par value of $50 per share;

182,605 shares of Common Stock, having a par value of $1 per share, 16,000 shares of which will be held in the treasury for delivery on the exercise of Common Stock Purchase Warrants;

Common Stock Purchase Warrants entitling holders to purchase 16,000 shares, in the aggregate, of common stock at $9 per share on or before December 31, 1938 and thereafter and on or before December 31, 1941 at $10 per share; and

$200,313.50 aggregate principal amount of Cash Scrip dated January 1, 1937, having no specific maturity but payable only from such funds as may be received under a certain power contract described in said declaration;

Such declaration having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that said declaration, as amended, be and become effective forthwith, on condition, however, that the issue and sale of the aforesaid securities shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1953; Filed, June 28, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

[File No. 43–58]

IN THE MATTER OF DEERFIELD RIVER ELECTRIC COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE UNDER SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Deerfield River Electric Company, a subsidiary company of New England Power Association, a registered holding company, having duly filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding corporate action by declarant entitling New England Power Association, as its sole stockholder, to receive, upon consolidation of declarant with Northern Berkshire Gas Company and in exchange for 2,000 shares of $25 par value capital stock of declarant, one share of $100 par value capital stock of Northern Berkshire Gas Company; a hearing on said declaration having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;



It is ordered that said declaration be and become effective on June 24, 1937; upon condition, however, that such corporate action and all matters connected therewith or related thereto shall be performed in all respects in accordance with the applicable evidence contained in the applications and amendment received in evidence in the consolidated hearing in this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1950; Filed, June 28, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of June, A. D., 1937.

[File No. 43–59]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Union Electric Company of Missouri, a subsidiary company of The North American Company, a registered holding company, having filed with the Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by declarant of $80,000,000 aggregate principal amount of its First Mortgage Collateral Trust Bonds, 3¾% Series, due July 1, 1962, and $15,000,000 aggregate principal amount of its 3% Notes, due July 1, 1942; a hearing on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said declaration be and become effective forthwith, subject to the terms and for the purposes represented by said declaration, upon condition, however, that all sums to be paid to Union Electric Company of Illinois for the acquisition of $22,000,000 of that company's bonds (see File 46–59) shall be paid out of the proceeds of the bonds covered by this declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1949; Filed, June 28, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 24th day of June, 1937.

[File No. 1–1750]

IN THE MATTER OF CRYSTALITE PRODUCTS CORPORATION COMMON STOCK, $1 PAR VALUE 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Crystalite Products Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value and 7% Cumulative Preferred Stock, $100 Par Value, from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10:00 a. m. on Wednesday, July 28, 1937, in Room 426, Securities and Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as may be determined by the Commission or its officers herein designated; and

It is further ordered, that Howard A. Judy and Charles R. Burr, officers of the Commission, be and they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1957; Filed, June 28, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of June, 1937.

[File No. 1–1813]

IN THE MATTER OF MERCHANTS PETROLEUM COMPANY COMMON STOCK, $1.00 PAR VALUE

ORDER POSTPONING HEARING

The Merchants Petroleum Company, having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, for permission to withdraw its Common Stock, $1.00 Par Value, from listing and registration on the Los Angeles Stock Exchange; and

The Commission having ordered that the matter be set down for hearing on June 28, 1937; and

Said issuer having requested a postponement of said hearing until after its annual meeting of stockholders in February 1938;

It is ordered, that said hearing be postponed until 10:00 a. m. on Tuesday, March 8, 1938, in Room 426, Securities and Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as may be determined by the Commission or its officers herein designated; and

It is further ordered, that Howard A. Judy and Charles R. Burr, officers of the Commission, be and they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1956; Filed, June 28, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of June, 1937.

[File No. 1–405]

IN THE MATTER OF ST. LOUIS COTTON COMPRESS COMPANY COMMON STOCK, $10 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The St. Louis Cotton Compress Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Com-

mon Stock, $10 Par Value, from listing and registration on the St. Louis Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10:00 a. m. on Wednesday, July 28, 1937, in Room 630, Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as may be determined by the Commission or its officers herein designated; and

It is further ordered, that W. McNeil Kennedy and Henry Fitz, officers of the Commission, be and they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1958; Filed, June 28, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1937.

[File No. 46-54]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

[Public Utility Act of 1935]

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10

Arkansas-Missouri Power Corporation, a registered holding company, having filed an application with the Commission, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of all the common stock, consisting of 14,547 shares having no par value, of East Missouri Power Company, a subsidiary of Arkansas-Missouri Power Company;

A hearing on said application having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein:

It is ordered that the acquisition of the aforesaid securities be and the same hereby is approved subject to the terms and conditions set forth in, and for the purposes represented by, said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1954; Filed, June 28, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1937.

[File No. 47-11]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

[Public Utility Act of 1935]

ORDER APPROVING ACQUISITION OF ASSETS PURSUANT TO SECTION 10

Arkansas-Missouri Power Corporation, a registered holding company, having filed an application with the Commission, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of all the assets and business of Arkansas-Missouri Power Company (a separate application having been filed with respect to its acquisition of the common stock of East Missouri Power Company, see File No. 46-54);

A hearing on said application having been held after appropriate notice; the record in this matter having been duly considered; and the commission having filed it findings herein;

It is ordered that the acquisition of all such assets and business (other than of the common stock of East Missouri Power Company, which is covered by a separate order) be and the same hereby is approved, on condition, however, that such acquisition shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1952; Filed, June 28, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of June, A. D., 1937.

[File No. 46-56]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY

[Public Utility Act of 1935]

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10

Kentucky Utilities Company, a subsidiary of a registered holding company, having filed an application with the Commission, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of the following securities of Arkansas-Missouri Power Corporation:

$245,250 principal amount of First Mortgage 5% Bonds, Series A, to be dated January 1, 1937, and to mature January 1, 1957, such bonds to have attached thereto (in addition to regular coupons) Special Bond Coupons, aggregating $4,905, payable without interest on or before January 1, 1940;

1,635 shares of 6% Cumulative Preferred Stock, having a par value of $50 per share;

1,962 shares of Common Stock, having a par value of $1 per share; and

$17,331 principal amount of Cash Scrip, dated January 1, 1937, bearing no interest and having no specific maturity but payable from a limited source;

A hearing on said application having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that such acquisition of the aforesaid securities be and the same hereby is approved subject to the terms and conditions set forth in, and for the purposes represented by, said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1955; Filed, June 28, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of June, A. D., 1937.



[File No. 46-48]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

[Public Utility Act of 1935]

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10

The Middle West Corporation, a registered holding company, having filed an application with the Commission, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of the following securities of Arkansas-Missouri Power Corporation:

$540,600 principal amount of First Mortgage 5% Bonds, Series A, to be dated January 1, 1937, and to mature January 1, 1957, such bonds to have attached thereto (in addition to regular coupons) Special Bond Coupons, aggregating $10,812, payable without interest on or before January 1, 1940;

3,604 shares of 6% Cumulative Preferred Stock, having a par value of $50 per share;

32,530.8 shares of Common Stock, having a par value of $1 per share; and

$38,202.40 principal amount of Cash Scrip dated January 1, 1937, bearing no interest and having no specific maturity, but payable from a limited source;

A hearing on said application having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that such acquisition of the aforesaid securities be and the same hereby is approved subject to the terms and conditions set forth in, and for the purposes represented by, said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1947; Filed, June 28, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1937.

[File No. 46-55]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION

ORDER APPROVING ACQUISITION OF A SECURITY PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

New England Power Association, a registered holding company, having duly filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of one share of $100 par value capital stock of Northern Berkshire Gas Company; a hearing on said application having been duly held for appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered, that such acquisition by applicant in the manner and in accordance with the terms and conditions set forth in said application be, and the same hereby is, approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1951; Filed, June 28, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of June, A. D., 1937.

[File No. 46-59]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Union Electric Company of Missouri, a subsidiary company of The North American Company, a registered holding company, having filed with the Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it from Union Electric Company of Illinois of that company's First Mortgage Bonds, 3¾% Series, due July 1, 1962; a hearing on said application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that the acquisition by applicant of said securities in accordance with the terms and conditions and for the purposes represented by said application be, and the same hereby is, approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1948; Filed, June 28, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL ET AL.-JANSSEN "B" TRACT, FILED ON MAY 20, 1937, BY W. E. COOK, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Order for Hearing previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 22, 1937, be effective as of June 22, 1937.

It is further ordered that the Order for Hearing heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1961; Filed, June 28, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-JANSSEN FARM, FILED ON MAY 24, 1937, BY ELMER J. COUSINO, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:30 o'clock in the forenoon on the 25th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 9th day of July, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1962; Filed, June 28, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-WISE-VINSON FARM, FILED ON MAY 24, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 25th day of June, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 6th day of July, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1963; Filed, June 28, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-FRANKLIN TRACT, FILED ON JUNE 4, 1937, BY G. D. TERRIEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 18, 1937, be effective as of June 18, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1960; Filed, June 28, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-MARVEL TRACT, FILED ON JUNE 4, 1937, BY G. D. TERRIEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 18, 1937, be effective as of June 18, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–1959; Filed, June 28, 1937; 12:46 p. m.]

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***Wednesday, June 30, 1937*** ***No. 125***

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49044]

ROPE GYM SETS, ALSO KNOWN AS INDOOR GYM SETS OR COMBINATION SWING SETS DUTIABLE AT THE RATE OF 45% AD VALOREM UNDER PARAGRAPH 397 OF THE TARIFF ACT OF 1930

COMPLAINT OF A DOMESTIC MANUFACTURER UNDER SECTION 516 (B) OF THE TARIFF ACT OF 1930

JUNE 23, 1937.

*To Collectors of Customs and Others Concerned:*

Under date of February 26, 1937, Mr. E. J. Mordt, 78 Mackey Avenue, Port Washington, L. I., N. Y., a domestic manufacturer of rope gym sets, also known as indoor gym sets or combination swing sets, requested that he be advised under the provisions of section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516) as to the rate of duty which is assessed on rope gym sets, also known as indoor gym sets or combination swing sets, suitable for the use of children.

The Bureau in a letter dated April 24, 1937, advised Mr. E. J. Mordt that articles of the class or kind described by him are, when imported into the United States, assessed with duty under paragraph 397 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 397) at the rate of 45% ad valorem as articles or wares composed wholly or in chief value of metal.

Following the receipt of the Bureau's letter Mr. Mordt filed with the Bureau a complaint against the classification of the above-mentioned articles under paragraph 397 and claimed that as the articles are for the use of children they are, therefore, toys, and are properly dutiable under paragraph 1513 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 1513) at the rate of 70% ad valorem.

In (1933) Abstract 25835 the Customs Court held that similar merchandise which had been assessed with duty as toys, or articles chiefly used for the amusement of children, at 70% ad valorem under paragraph 1513 of the Tariff Act of 1930, was not toys and was dutiable under paragraph 397 of the tariff act at the rate of 45% ad valorem.

In view of the decision cited, the Bureau is of the opinion that the rope gym sets, also known as indoor gym sets or combination sets, now under consideration are properly dutiable under paragraph 397 of the Tariff Act of 1930 at the rate of 45% ad valorem.

In view of the foregoing, and in accordance with the provisions of section 516 (b) of the Tariff Act of 1930, notice is hereby given that the classification of and the rate of duty on merchandise of the character described imported or withdrawn from warehouse after the expiration of 30 days after the date of the publication of this letter in the weekly Treasury Decisions will be subject to the decision of the United States Customs Court in the event that a protest is filed under the provisions of that subsection.

Very truly yours,

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved: June 23, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–1965; Filed, June 28, 1937; 3:00 p. m.]

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[T. D. 49046]

CUSTOMS REGULATIONS AMENDED—INFORMATION AS TO VALUES IN RESPONSE TO ORAL OR WRITTEN REQUEST MADE BY IMPORTER

*To Collectors of Customs and others concerned:*

Pursuant to the authority contained in sections 487 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1487 and 1624), article 782 of the Customs Regulations of 1931, as amended by T. D. 48234, is hereby further amended to read as follows:

ART. 782. *Furnishing information as to values.*—The appraiser may, in his discretion, furnish to importers the latest information as to values in his possession, subject to the following conditions:

(a) Information shall be given only in response to a specific request therefor by an importer, and in no circumstances shall be volunteered by a customs employee.

(b) Information shall be given only on merchandise to be entered at his port, and after its arrival, or upon satisfactory evidence that it has been exported and is en route to the United States, and then only on presentation of invoices and all papers, documents, or other information in the possession of the importer or available to him relative to the value of the merchandise.

(c) The request for information may be made orally or in writing (if in writing it shall be in duplicate on such form as the appraiser may prescribe) and the information shall be given only if the appraiser is satisfied that the importer is unable to obtain any definite information as to market value on the date of exportation due to unusual conditions, and with the understanding and agreement that the information, if given, is in no sense an appraisement nor binding upon the appraiser's action on appraisement, as appraisement of merchandise must be made at the market value prevailing on the date of exportation, in accordance with the law, irrespective of any information given before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisement.

(d) The privilege of securing information from the appraiser before the invoice or the merchandise has come under his observation for the purpose of appraisement is predicated on cooperation by the importer. When the appraiser suspects that the importer is withholding information in his possession, or that the importer has not exercised due diligence to obtain the information requested, or otherwise questions the importer's good faith, he shall, prior to furnishing any information, request the importer to call at his office for questioning. If, after such questioning, and after such other investigation as he deems necessary, the appraiser is still not satisfied as to the importer's good faith, he shall refuse to give any information to such importer.

(e) Upon receipt of a request for information, the examiner shall give the latest information in his possession effective on the date of exportation, stating also the basis of his conclusion, or, in the absence of information as to values on or about the date of exportation of the shipment, shall advise the importer to that effect. If the request is in writing, a copy containing the conclusion of the examiner, if approved by the appraiser, or such other officer as he may designate for that purpose, shall be retained in the appraiser's files for consideration by the examiner when examining the merchandise, and the other copy given to the importer.

(f) If the appraiser does not have the information requested, he may, if the importer so desires, refer the request to the Customs Information Exchange for advice.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: June 24, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–1966; Filed, June 28, 1937; 3:00 p. m.]



(T. D. 49048)

REGULATIONS FOR ENTRY OF ARTICLES FOR THE GREAT LAKES EXHIBITION TO BE HELD AT CLEVELAND, OHIO, IN 1937

JUNE 24, 1937.

*To Collectors of Customs and Others Concerned:*

Attention is invited to the provisions of Public Resolution no. 37 of the Seventy-fifth Congress, approved May 28, 1937, which read as follows:

That all articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at Cleveland, Ohio, beginning in May 1937, by Great Lakes Exposition, or for use in constructing, installing, or maintaining foreign buildings, or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That Great Lakes Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported under the provisions of this Act, shall be reimbursed by Great Lakes Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

(1) All packages containing imported merchandise to be entered under the provisions of the joint resolution shall be plainly marked "Great Lakes Exposition" and with the name of the country of origin and shall bear separate serial numbers.

(2) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of the joint resolution and valued at more than $100, must be covered by consular invoices certified as provided in article 271 of the Customs Regulations of 1931. Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1481) and shall show that the articles covered thereby are destined to the port of Cleveland and are intended for exhibition or use at the Great Lakes Exposition, Cleveland, Ohio.

(3) The Great Lakes Exposition shall give to the collector of customs at Cleveland, Ohio, such security for compliance with the joint resolution and these regulations as may be approved by the Commissioner of Customs.

(4) The collector of customs at Cleveland shall detail an officer to act as her representative at the Great Lakes Exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(5) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the Great Lakes Exposition or transferred thereto for exhibition, shall be reimbursed by the Great Lakes Exposition to the Government, payment to be made monthly to the collector of customs, Cleveland, Ohio, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the revenue from customs".

(6) Articles to be entered under these regulations which arrive at ports other than Cleveland shall be entered for immediate transportation without appraisement to the latter port in the manner provided by the general customs regulations.

(7) Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the Great Lakes Exposition in the manner prescribed in article 446 (c) of the Customs Regulations of 1931, except that in each case an entry under paragraph (8) of these regulations shall be filed, which shall supersede any previous entry, and no new bond other than that specified in paragraph (3) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the Great Lakes Exposition in the manner prescribed in article 318 of the Customs Regulations of 1931, as amended by (1934) T. D. 47021 and (1936) T. D. 48505.

(8) Upon the arrival at the port of Cleveland of articles to be entered under these regulations the same should be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION ENTRY NO.

Entry at the port of Cleveland of articles consigned or transferred to the Great Lakes Exposition under ---------- I. T. No. ---------- ex S. S. ---------- from ---------- on the ---------- day of ---------- 1937, for exhibition purposes under Public Resolution No. 37 of the Seventy-fifth Congress, approved May 28, 1937.

| Mark | Number | Package and contents | Quantity | Invoice | Value |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

GREAT LAKES EXPOSITION
By ----------

(9) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. Upon the receipt of the articles at such buildings or at the appraiser's stores, the same shall be given a tentative appraisal prior to their exhibition or use. All imported exhibits so received in such buildings shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with paragraph (11) of these regulations.

(10) If for any reason articles imported for entry under these regulations are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided, or under the general tariff law, or for exportation. If not so entered within such a period they will be regarded as abandoned to the Government.

(11) Any articles entered under these regulations may be withdrawn for exportation, for abandonment to the Government, destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal.

(12) At any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in article 810 of the Customs Regulations of 1931, as amended by (1936) T. D. 48099.

(13) Any articles entered under these regulations which have not been withdrawn for consumption, entry under the general tariff law, exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

(14) All entries under these regulations shall be made in the name of the Great Lakes Exposition, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and/or charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law, in the name of any person duly authorized in writing by the Great Lakes Exposition to make such entry, may be accepted by the collector, and the bond of the Great Lakes Exposition shall thereafter be considered as collateral security for any duties and/or charges accruing on the merchandise covered by any such entry, unless the entry is for permanent exhibition, in which case the liability of the Great Lakes Exposition under its bond with respect to the articles covered by such entry, shall be terminated when the security required by the general tariff law has been given.

(15) The marking requirements of the Tariff Act of 1930 and the regulations promulgated thereunder will not apply to articles imported under these regulations except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act and the regulations promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1968; Filed, June 29, 1937; 11:20 a. m.]



## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

### RULES OF PRACTICE AND PROCEDURE BEFORE THE COMMISSION

*Promulgated June 23, 1937*

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d. Applicants.
e. Petitioners.
f. Defendants.
g. Interveners.
h. Protestants.
i. Respondents.
VI. Complaints.
a. Complaints shall be addressed to the Secretary of Commission in Washington, D. C.
b. Informal complaints.
c. Substance of informal complaints.
d. Formal complaints, form and style, number of copies.
e. Joinder of Complaints or Complainants.
f. Substance of Formal Complaints.
g. Subscription and Verification.
h. Supplemental Complaints.
i. Amended Complaints.
VII. Applications for Exemption; Subscription and Verification.
VIII. Petitions.
a. Petitions show interest of petitioner, subject matter and relief sought.
b. Intervening petitions.
IX. Answers.
a. Answers to Formal Complaints.
b. Answers to Petitions in Intervention, and Amended Complaints.
c. Satisfaction of Complaints.
X. Protest.
a. Contents.
b. Form and Style, Service.
XI. Amendments.
a. Allowance or Refusal Discretionary.
b. Subscription and Verification.
c. Directed amendments.
XII. Specifications as to Complaints, Applications, Petitions, Answers, Protest, Briefs, Etc.
a. Typewritten or Printed only.
b. Size and Legibility.
c. Sizes of printed papers.
d. Signature.
XIII. Service, Number of Copies.
a. Formal complaints, petitions in intervention, supplemental complaints, amended complaints, protests, answers, briefs, notice and all other papers in proceedings must show and prove service upon all other parties to the proceeding.
b. Service upon Attorneys or Practitioners other than Attorneys.
c. Number of Copies.
XIV. Hearings.
a. Only parties conforming with the rules will be heard.
b. How Ordered.
c. Notice of Hearings.
d. Record of all appearances at hearing will be made.
e. Order of Procedure.
f. Calling for Further Evidence.
g. Closing of Record.
XV. Continuances, Extensions of Time.
a. Application for continuance; Contents; time of filing.
b. Discretion in Granting or Denying.
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a. When Permissible.
b. Officer Before Whom Taken.
c. Notice of Application; Service; Order for Taking.
d. Oath; Reduction to Writing.
e. Fees of Officers and Witnesses.
XVII. Documentary Evidence.
a. Designation.
b. Commission's files.
c. Records in Other Proceedings.
(1) Party to agree to supply copies.
(2) Portion is specified with particularity.
(3) Portion may be incorporated by reference by stipulation of parties.
(4) Presiding officer directs such incorporation.
d. Objections.
e. Copies to Opposing Counsel.
f. Size, Form.
g. Copies for the Commission.
XVIII. Stipulations.
a. How Evidenced.
b. Form and Style, Service.
XIX. Witnesses and Subpoenas.
a. Subpoenas, Who May Issue.
b. Subpoenas duces tecum.
c. Fees of Witnesses.
d. Subpoenas, service, return.
XX. Petitions for further hearings, Rehearings, Reargument, Reconsideration or Modification of Orders.
a. Petition, Filing, Service.
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XXI. Transcript of Testimony.
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a. Oral Argument.
b. Forms and Style of Briefs.
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d. Filing, Service, Number of Copies.
e. Reply Briefs.
XXIII. Computation of Time.
XXIV. Change in and Waiver of Rules.


AUTHORITY

By virtue of the authority vested in it by the Bituminous Coal Act of 1937, (Public, No. 48, 75th Cong., 1st sess.), hereinafter referred to as the Act, the National Bituminous Coal Commission, hereinafter referred to as the Commission, has adopted and hereby issues the following Rules of Practice and Procedure Before the Commission, which it deems reasonable and necessary for carrying out the provisions of the Act:

I. OFFICE AND ADDRESS OF THE COMMISSION; OFFICE HOURS

All communications to the Commission must be addressed to the Secretary of the Commission, Washington, D. C., unless otherwise specifically directed. Pleadings and other papers required to be filed with the Commission may be transmitted by mail or express or otherwise delivered, but must be received for filing at its office within the time limit, if any, for such filing.

The office is open from 8:30 A. M. until 4:30 P. M. of each business day except Saturday upon which day it is open from 8:30 A. M. to 12:30 P. M., unless otherwise ordered by the Commission.

II. PUBLIC SESSIONS AND HEARINGS; NOTICE

Public sessions of the Commission or divisions thereof for hearing evidence or oral arguments or for public conferences, investigations and hearings before any commissioners, examiners, or other representatives of the Commission, will be held as set upon notice by the Commission, subject to change upon such notice as may be practicable. All matters requiring formal hearing will be given a place upon the Commission's calendar in their regular order of filing unless the Commission shall otherwise expressly order.

III. APPEARANCES

*Appearances by Individual Parties, Partnerships, Officers, Attorneys, or Practitioners Other Than Attorneys.*—Any individual or a member of a partnership which is a party to any proceeding may appear for himself or such partnership

upon adequate identification. Any corporation or association may be represented by a duly designated officer thereof. Any person or party to any proceeding may appear and be represented by an attorney or other practitioner who is qualified and admitted to practice before the Commission. Any agency of the Federal government or of any State or political subdivision thereof, and any district board created under the Act may appear through a duly accredited representative.

IV. ADMISSION TO PRACTICE

1. *Registration of Practitioners.*—The Commission will maintain a register in which will be entered the names of all persons entitled to represent parties and to practice before the Commission.

2. *Classes of Persons Who May Be Admitted to Practice Before the Commission.*—The following classes of persons whom the Commission finds upon their applications to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

(a) *Attorneys at law and persons not attorneys, possessing legal or technical qualifications.*—Attorneys at law who are admitted to practice before the Supreme Court of the United States or the highest court of any State or Territory or the District of Columbia. Any person not an attorney at law who is a citizen or a resident of the United States and who shall file proof to the satisfaction of the Commission that he is possessed of the necessary legal and technical qualifications to enable him to render valuable service before the Commission and is otherwise competent to advise and assist in the presentation of matters before the Commission.

*b. Applications for admission; certificates as to qualifications.*—An application under oath for admission to practice shall be addressed to the Secretary of the Commission, Washington, D. C., and must state the name, residence address, and business address of the applicant, and the time and place of his admission to the bar, and the nature of his qualifications. Such application of attorneys shall also state whether the applicant has ever been suspended or disbarred as an attorney in any court, or his right to practice suspended or revoked in any jurisdiction. Such applications shall be accompanied by a certificate of the clerk of the court in which the applicant is admitted to practice to the effect that he has been so admitted and is in good standing. In the case of applications from persons not attorneys, the application should contain recommendations to the effect that the applicant possesses the necessary legal or technical qualifications under this rule.

3. *Oath.*—Upon being admitted, each applicant shall subscribe to an oath or affirmation that he will demean himself, as a practitioner before this Commission, uprightly, and according to law; and that he will support the Constitution of the United States.

4. *Denial of Admission, Suspension, or Disbarment.*—The Commission may, in its discretion, deny admission, suspend or disbar any member who, it finds, does not possess the legal qualifications to represent others, or is lacking in proper professional conduct. Any person who has been admitted to practice may be disbarred only after he is afforded an opportunity to be heard.

V. PARTIES

a. Any person, partnership, corporation, public officer, labor organization or association or other entity entitled under the Act to invoke the exercise by the Commission of any of its powers may do so by instituting a proceeding as provided herein and not otherwise.

b. The parties to proceedings before the Commission are classified as complainants, applicants, consumers' counsel, petitioners, defendants, interveners, protestants, and respondents, according to the nature of the proceedings and their relation thereto.

c. *Complainants.*—Persons entitled by the Act or Code (promulgated June 21, 1937) so to do, who complain to the Commission of anything done or omitted to be done in violation of the provisions of the Act or Code by any person subject to the Act are styled "complainants", except that the consumers' counsel in any proceeding shall appear as the consumers' counsel of the National Bituminous Coal Commission in accordance with the Act.

d. *Applicants.*—Producers seeking exemption in accordance with the second paragraph of section 4–A of the Act are styled "applicants."

e. *Petitioners.*—Persons seeking relief, not otherwise designated herein, are styled "petitioners."

f. *Defendants.*—Persons subject to the Act against whom any complaint is filed are styled "defendants".

g. *Interveners.*—Persons permitted to intervene as hereinafter provided are styled "interveners".

h. *Protestants.*—Persons other than the consumers' counsel objecting on the ground of personal or public interest to any action which the Commission is authorized to take under proceedings pending before it are styled "protestants". (See Rule X.)

i. *Respondents.*—Persons subject to the Act, to whom an order or notice is issued by the Commission in a proceeding or investigation instituted by it or others as enumerated in first paragraph of Section 4–A of said Act, are styled "respondents".

VI. COMPLAINTS

a. Complaints may be informal or formal and shall be submitted to the Commission at its office in Washington, D. C., addressed to the Secretary.

b. *Informal Complaints.*—Informal complaints may be made by letter or other writing and will be filed as received. Matters informally presented will, if their nature so warrants, be taken up by correspondence or conference with the persons complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

c. *Substance of Informal Complaints.*—No form of informal complaint is prescribed, but in substance the letter or other writing must contain the essential elements of the complaint, including name and address of complainant, the name of the party against whom the complaint is made and his place of doing business, a statement of the specific provisions of the Act violated, a brief statement of the facts claimed to constitute such violation, and the specific relief sought. While the filing of an informal complaint is without prejudice to complainant's right to file formal complaint, only formal complaints submitted and prosecuted in the manner hereinafter prescribed will entitle any person, natural or artificial, to initiate formal proceedings or to become a party to any proceedings already initiated, and only formal complaints will be admitted to the record of formal proceedings. It is desirable that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party complained of and retain twelve (12) for its own use. The informal complaint may be accompanied by supporting papers.

d. *Formal complaints, form and style, number of copies.*—Formal complaints must conform to the requirements of rules XII and XIII. The names of all parties complainant and defendant must be stated in full without abbreviations and the address of the complainant with the name and address of his attorney or other authorized agent, if any, must appear. The complaint must set out the name and place of doing business and the person, corporation, or organization against whom complaint is made. Each formal complaint must be accompanied by twelve (12) copies for the use of the Commission and the Consumers' Counsel, and in addition thereto, a sufficient number to enable the Commission to serve one upon each defendant complained of.

e. *Joiner of complaints or complainants.*—Two or more grounds of complaint involving the same purpose, subject, or state of facts may be included in one complaint. Each ground should be separately stated and numbered. Two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants and involves substantially the same purpose, subject, and a like state of facts.



f. *Substance of formal complaints.*—Formal complaints should be so drawn as to fully and completely advise the parties defendant and the Commission wherein the provisions of the Act or of the Code or of any order of the Commission have been or are violated by acts or omissions complained of, or will be violated by future acts or omissions intended by the defendant or defendants or by a continuance thereof, and should set forth briefly and in plain language the facts claimed to constitute such violations, wherein the complainant is or will be injured thereby and the relief sought. In case of violation of two or more sections or parts thereof of the Act or Code, or a general order is alleged, the facts claimed to constitute violations of each should be stated separately.

g. *Subscription and Verification.*—Every formal complaint must be personally subscribed and verified under oath either (1) by the complainant, or by each of the complainants if there be more than one; or (2) by a duly designated officer, if it be a corporation, an association or other organization; or (3) for the complainant by its or their attorney or registered practitioner. If subscription and verification be by other than the complainant, the power of attorney or authority authorizing such affiant to prosecute the complaint or make the verification must be filed with the complaint.

h. *Supplemental Complaints.*—Supplemental complaints may be submitted for filing by the parties complainant against the parties defendant in the original complaint, setting forth and causes of action alleged to have accrued in favor of the complainants and against the defendants since the filing of the original complaint. Upon leave granted in the discretion of the Commission such supplemental complaint will be filed and heard, considered and disposed of therewith in the same proceedings if practicable.

i. *Amended Complaints.*—Formal complaints may be amended in the discretion of the Commission upon good cause shown.

VII. APPLICATIONS FOR EXEMPTION; SUBSCRIPTION AND VERIFICATION

Applicants seeking exemption in accordance with the second paragraph of Section 4–A of the Act must file with the Commission an application setting forth the facts upon which claim is based. This application should be so drawn as to fully and completely advise the Commission of the facts upon which such claim is based. The form of such application should be in the same order as a formal complaint and should contain the facts for each ground for relief in a separate paragraph. Such application shall be subscribed and verified by oath or affirmation in the same manner as provided for formal complaints in Rule VI, subsection g.

VIII. PETITIONS

a. Petitions seeking relief (other than application for exemption under Section 4–A) within the powers of the Commission should state clearly and concisely the interest of the petitioner and the subject matter of the petition and the relief sought, and cite by appropriate references, provisions of the Act, Code or orders relied upon for relief, and must conform to the requirements of Rules XII and XIII.

b. *Intervening petitions.*—Anyone entitled under the Act to complain to the Commission and having an interest in any pending procedure may petition to intervene therein, prior to or at the time it is called for hearing, and such petition may be granted in the discretion of the Commission. If such petition to intervene is submitted to the Commission after the time said proceeding has been called for hearing, permission to intervene will not be granted except for good cause shown. Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding and, if affirmative relief is sought, must conform to the requirements of a formal complaint and must be subscribed and verified in the same manner as a formal complaint. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding.

IX. ANSWERS

a. *Answers to Formal Complaints.*—Answers to formal complaints must be filed with the Commission within twenty (20) days after the date on which such complaint was served. The period so fixed may be shortened or extended by the Commission when it deems advisable. Any defendant failing to file answer within such period will be deemed in default, and issue as to such defendant will be thereby joined. All answers should be so drawn as to fully and completely advise the parties and the Commission of the nature of the defense, and should admit or deny specifically and in detail, each material allegation of the pleading answered and must conform to the requirements of Rules XII and XIII. Answers shall conform to the requirements of Rule VI, subsection g as to subscription and verification.

b. *Answers to Petitions in Intervention, and Amended Complaints.*—Answers to petition in intervention may be filed and served upon leave granted. Answers to amended complaints may be filed and served if the defendants so elect. If amended answers are not filed all new matter set forth in the amended complaint shall be deemed denied by the defendant or defendants.

c. *Satisfaction of Complaints.*—If the defendant satisfies a formal complaint either before or after answering, a statement to that effect, signed by the opposing parties, must be filed, setting forth when and how the complaint has been satisfied. The Commission may notwithstanding such statement retain jurisdiction of the complaint and make such order thereon as it deems appropriate.

X. PROTEST

a. *Contents.*—Protests must set forth the position and interest of the protestant in the proceeding and must be so drawn as to fully and completely advise the parties and the Commission of the acts or omissions complained of and should in other respects conform to the requirements of complaints.

b. *Form and Style, Service.*—Protests must conform to the requirements of Rules XII and XIII.

XI. AMENDMENTS

a. *Allowance or Refusal Discretionary.*—Amendments to any pleading will be allowed or refused by the Commission in its discretion.

b. *Subscription and Verification.*—Whenever by these rules a principal pleading is required to be subscribed and verified, an amendment thereto must be similarly subscribed and verified, in conformity with Rule VI, subsection g.

c. *Directed cmendments.*—The Commission may direct a party to state by way of amendment his case with greater particularity.

XII. SPECIFICATIONS AS TO COMPLAINTS, APPLICATIONS, PETITIONS, ANSWERS, PROTEST BRIEFS, ETC.

a. *Typewritten or Printed Only.*—All papers filed under these rules must be typewritten or printed.

b. *Size and Legibility.*—Except as to informal complaints, if typewritten, they must, unless otherwise specifically provided, be on paper not more than 8½ inches wide by 11 inches long, weighing not less than 16 pounds to the ream, with left hand margin not less than 1½ inches wide. The impression must be on only one side of the paper and must be double spaced, except that long quotations should be single spaced and indented. Mimeographed, multigraphed, planographed or photographed or carbon copies will be accepted as typewritten, but hectographed copies or white line blue prints or copies prepared by similar processes, will not be accepted. All copies must be clearly legible.

c. *Sizes of Printed Papers.*—If printed, they must be not less than 10 point type on good unglazed paper 5⅞ inches wide by 9 inches long, with inside margin not less than one inch wide and with double leaded text and single leaded citations.

d. *Signature.*—Applications, complaints, answers, petitions, protests and notices must be signed in ink by the

party in interest, by a duly designated officer thereof or by his or its duly authorized attorney and must show the office and post office address of the same.

XIII. SERVICE, NUMBER OF COPIES

a. Formal complaints, petitions in intervention, supplimental complaints, amended complaints, protests, answers, briefs, notice and all other papers in proceedings must show and prove service upon all other parties to the proceeding. Such service in all cases other than formal complaints filed pursuant to section 5 (b) of the Act shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each party. Proof shall be by affidavit of the person making service. In the case of formal complaints filed pursuant to section 5 (b) of the Act, service must be made by delivery in person to the party against whom complaint is made, and the affidavit of service shall be made by the person making such service.

b. *Service upon Attorneys or Practitioners other than Attorneys.*—Whenever any party has appeared in a proceeding by attorney or practitioner, service upon such attorney or practitioner will be deemed service upon the party.

c. *Number of Copies.*—Except as to informal complaints, twelve (12) copies of all papers shall be filed with the Commission.

XIV. HEARINGS

a. None other than a party who has become such in conformity with these rules will be heard.

b. *How Ordered.*—Hearings may be heard by the Commission in its discretion, either upon its own motion or upon the motion of any party to the proceeding. Witnesses will be examined orally unless the testimony is taken by deposition as provided in Rule XVI or the facts are stipulated in the manner provided in Rule XVIII.

c. *Notice of Hearings.*—Appropriate notice of hearing shall be given. The notice shall state the nature of the matters to be heard, the time and place of the hearing, and, if designated, the name of the Commissioner, examiner, or other representative before whom the testimony is to be taken or the evidence adduced. Such notice in the case of the institution of an action pursuant to section 5 (b) of the Act against individuals, partnerships, associations, or corporations shall be by personal service. All other notices will be served by mail or otherwise, as prescribed by the Commission. Notice shall be served upon all the parties to the proceeding, including the consumers' counsel, state or other governmental authorities having official interest in the proceedings, and such other persons as may be deemed to have a substantial interest therein.

d. The presiding commissioner, examiner, or other representative of the Commission before whom the hearing is held shall enter upon the record all appearances with a notation in whose behalf the appearance is made.

e. *Order of Procedure.*—At hearings on formal complaints the complainant or complainants shall open and close; at hearings on petitions the petitioner shall open and close; interveners shall follow the parties in whose behalf the intervention is made, and in all cases where the intervention is not in support of either original party, the presiding commissioner, examiner, or other representative of the Commission shall designate at what stage of the proceeding such intervener shall be heard. At hearings in all other cases the presiding commissioner, examiner, or other representative shall direct who shall open and close.

f. *Calling for Further Evidence.*—In any case, at or after the close of testimony, or at any stage of the hearing the presiding commissioner, examiner, or other representative of the Commission may call for further evidence upon any issue and require such evidence to be presented by any party concerned or by the staff of the Commission either at that hearing or at a further hearing. At the hearing the presiding officer may require any party to the proceeding to file specific and documentary evidence as a part of the record within a time to be fixed by him, but which shall expire not less than ten (10) days before the date fixed for filing and serving briefs.

g. *Closing of Record.*—Except as provided in "f" above, the presiding officer will not receive in evidence or consider as part of the record any testimony, document, letter or other writing submitted after the close of the hearing and arguments.

XV. CONTINUANCES, EXTENSIONS OF TIME

a. *Application for continuance; contents; time of filing.*—Applications for continuances or for the extension of time in which to file any pleadings or briefs shall be by petition in writing, stating the facts on which the request rests, and must be filed with the Commission at least seven (7) days before the date set for hearing or the time fixed for filing such pleadings or briefs and must conform to the requirements of Rules XII and XIII.

b. *Discretion in Granting or Denying.*—Continuances and extensions of time will be granted or denied at the discretion of the Commission.

XVI. DEPOSITIONS

a. *When Permissible.*—The testimony of any witness may be taken by deposition, at the instance of a party to any proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission in compliance with these rules but not otherwise.

b. *Officer Before Whom Taken.*—Such depositions may be taken before a commissioner, examiner, or other authorized representative of the Commission; any judge, commissioner or clerk of any Court of the United States; any chancellor, judge or justice of a State Court; mayor or chief magistrate of a city; or any notary public not being of counsel or attorney to either of the parties, or interested in the proceeding or investigation, according to such designation as the Commission may make in its order in the premises. Where such deposition is taken in a foreign country, it may be taken before an officer or person designated by the Commission or agreed upon by the parties by stipulation in writing to be filed with the Commission. The magistrate, person, or officer so designated in this rule will be referred to as the officer.

c. *Notice of Application; Service; Order for Taking.*—Reasonable notice of not less than 10 days, and when the deposition is to be taken in a foreign country, of not less than 20 days, must first be given in writing by the party or his attorney proposing to take such deposition to the opposing party or his attorney of record and to the Commission. In such notice, there should be stated the name and post-office address of the witness; the subject matter concerning which the witness is expected to testify; the time and place of taking the deposition and the name and post-office address of the officer before whom it is desired that the deposition be taken. The opposing party may within the time stated above make any appropriate response to such notice. Thereupon, if the application so warrants, the Commission will make and serve upon the parties or their attorneys an order wherein the Commission will name the witness whose deposition is to be taken and specify the time, place, and the officer before whom the witness is to testify, but such time and place and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as those named in said notice to the Commission.

d. *Oath; Reduction to Writing.*—Every person whose deposition is so taken shall be sworn (or affirmed if he so requests) to testify the whole truth and nothing but the truth concerning the matter about which he shall testify and shall be carefully examined. His testimony shall be reduced to typewriting by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness and certified in usual form by the officer. After the deposition has been so subscribed and certified it shall, together with two copies thereof made by such officer or under his direction, be forwarded by such officer, under seal, in an envelope addressed to the Secretary of the Commission at its office in Washington, D. C. Upon receipt of the deposition and copies, the Commission will file the deposition in the record in said proceeding and forward one copy to the party at whose instance the deposition has been taken or his attorney, and the other copy to the opposing party or his attorney. When the deposition is taken at the instance of more than one party or there is more than one opposing party, the copies will be forwarded by the Commission to the parties or their attorneys designated for that purpose in advance.

e. *Fees of Officers and Witnesses.*—Witnesses whose depositions are taken and the officers taking same shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the party at whose instance the depositions are taken.



XVII. DOCUMENTARY EVIDENCE

a. *Designation.*—When relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same must plainly designate the matter so offered. If other matter is in such volume as would necessarily cumber the record, such book, or document will not be received in evidence but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding commissioner, examiner, or other representative so directs, a true copy of such matter, in proper form, shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof if found to be material and relevant.

b. *Commission's Files.*—In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but in other respects the provisions of the foregoing subdivision a of this Rule will apply.

c. *Records in Other Proceedings.*—In case any portion of the record in any proceeding other than the one on hearing is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(1) The party offering the same agrees to supply such copies later at his own expense, if and when required by the Commission; and

(2) The portion is specified with particularity in such manner as to be readily identified; and

(3) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference subject to (1) and (2); and

(4) The presiding commissioner, examiner or other representative directs such incorporation.

d. *Objections.*—Any documentary evidence offered, whether in the form of exhibit or by reference, shall be subject to appropriate objection.

e. *Copies to Opposing Counsel.*—When exhibits of a documentary character are offered in evidence, copies must be furnished to opposing counsel unless the presiding commissioner, examiner, or other representative otherwise directs.

f. *Size, Form.*—Whenever practicable, all exhibits of a documentary character received in evidence must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten; if typewritten, they must conform to the requirements of Rule XII.

g. *Copies for the Commission.*—Unless the presiding commissioner, examiner, or other representative of the Commission shall otherwise direct, three copies of each exhibit of a document must be furnished for the use of the Commission, in addition to the copies provided for under "e" hereof.

XVIII. STIPULATIONS

a. *Subpoenas, Who May Issue.*—Subpoenas requiring the writing, filed with the Commission or presented at the hearing, agree upon any facts involved in the proceeding; but such stipulation between the parties shall not bind the Commission as to such facts unless expressly approved by the Commission.

b. *Form and Style, Service.*—Stipulations must conform to the requirements of Rules XII and XIII.

XIX. WITNESSES AND SUBPOENAS

a. *Subpoenas, Who May Issue.*—Subpoenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by any member of the Commission.

b. *Subpoenas duces tecum.*—Subpoenas for the production of books, papers, or documents unless directed by the Commission upon its own motion will issue only upon application in writing. Applications to compel witnesses to produce documentary evidence must be verified and must specify, as nearly as may be, the books, papers or documents desired and the facts to be proved by them.

c. *Fees of Witnesses.*—Witnesses who are summoned are entitled to the same fees as are paid for like services in the Courts of the United States, such fees to be paid by the party at whose instance the testimony is taken, and the Commission before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

d. *Subpoenas, Service, Return.*—If service of subpoena is made by a United States Marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other persons such person shall make affidavit thereof, describing the manner in which service is made and return such affidavit on or with the original subpoena. In case of failure to make service, the reason, for the failure shall be stated on the original subpoena. In making service, the original subpoena shall be exhibited and read to the person served and a copy thereof shall be left with him. Original subpoena, bearing or accompanied by the required return, affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or if so directed on the subpoena, to the presiding commissioner, examiner, or other representative of the Commission before whom the person named in the subpoena is required to appear.

XX. PETITIONS FOR FURTHER HEARINGS, REHEARINGS, REARGUMENTS, RECONSIDERATION OR MODIFICATION OF ORDERS

a. *Petition, Filing, Service.*—An application for further hearing in a proceeding before final submission, for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision must be made by petition stating specifically the grounds relied upon, filed with the Commission and served by the petitioner upon all parties to the proceeding or their attorneys. (See Rule XIII.)

b. *Statement as to New Evidence.*—If the petition be for further hearing before final submission or for reopening the proceeding to take further evidence the nature and purpose of the evidence to be adduced must be briefly stated and it must appear not to be merely cumulative.

c. *Specification of Errors.*—If the petition be for rehearing, reargument, or reconsideration, the matters claimed to have been erroneously decided must be specified and the alleged errors briefly stated. If the order of the Commission is sought to be vacated, reversed, or modified by reason of matters which have arisen since the hearing, or of consequences which would result from compliance therewith, the matters relied upon by the petitioner must be set forth in the petition.

d. *Time of Filing.*—A petition for rehearing, reargument, reconsideration, or modification of an order must be filed within 30 days after service of the order therein.

e. *Form and Style; Service.*—Petitions under this Rule must conform to the requirements of Rules XII and XIII.



either upon its own motion or upon petition by such



associations of this district, and to the first paragraph of

INTERSTATE COMMERCE COMMISSION.

XXI. TRANSCRIPT OF TESTIMONY

*Copies not Furnished by the Commission.*—The Commission will make provisions for a stenographic record of the proceeding and for such copies of the transcript as it requires for its own purposes. The Commission assumes no obligation to furnish copies gratuitously to parties of record or other interested persons.

XXII. BRIEFS AND ORAL ARGUMENT

a. *Oral Argument.*—If oral argument before the presiding commissioner, examiner, or other representative of the Commission is desired, he should be so notified before or at the hearing and he may arrange to hear the argument at the close of the testimony. He may impose such limits of time on the argument as he may determine, having regard for other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony and will be available to the Commission for consideration in deciding the case.

b. *Forms and Style of Briefs.*—Briefs must comply with the requirements of Rule XII. The date of each brief must appear on the front cover or title page. Each brief should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects with reference to the pages of the record or exhibit where the evidence appears. It should include requests for such specific findings as the party thinks the Commission should make.

c. *Arrangements of Contents.*—The brief should contain a concise statement of the case which should precede the abstract of evidence. The abstract of evidence should precede the argument. Exhibits should not be reproduced in the brief, but if desired may be reproduced in an appendix of the brief. Analysis of such exhibits should be included in the abstract of evidence under the subjects to which they pertain. Every brief of more than twenty pages should contain on its front leaves a subject index with page references, and a list of all cases cited alphabetically arranged with reference to the pages where the citations appear.

d. *Filing, Service, Number of Copies.*—At the close of the testimony in each case, the presiding commissioner, examiner, or other representative of the Commission will within his discretion, fix the time for filing and service of the respective briefs, depending upon the magnitude of the issues involved. All briefs should be filed simultaneously. Only one brief shall be filed by each party. All briefs must be accompanied by notice showing service upon all parties or their attorneys who appeared at the hearing or on brief, and 15 copies of each brief shall be furnished for the use of the Commission.

e. *Reply Briefs.*—The presiding commissioner, examiner, or other representative of the Commission shall fix for all parties the same time within which to file their reply briefs. Parties who fail to file an opening or intial brief as required by this rule will not be permitted, except upon leave granted, to file reply to the brief of an opposing party.

XXIII. COMPUTATION OF TIME

When the time prescribed by these rules for doing any act expires on a Sunday or legal holiday, such time shall extend to and include the next succeeding day that is not a Sunday or legal holiday.

XXIV. CHANGE IN AND WAIVER OF RULES

*Change.*—The rules of procedure adopted by the Commission are subject to be changed by order of the Commission without notice to any person. The Secretary shall publish the rules of practice and procedure from time to time as they shall then exist and shall furnish a reasonable number of copies thereof to any interested person upon application to him without charge therefor.

*Waiver.*—The Commission may waive conformance with these rules or any of them by any person in its discretion either upon its own motion or upon petition by such person.

By order of the Commission.

Dated this 23rd day of June, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F R. Doc. 37–1969; Filed, June 29, 1937; 11:54 a. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 44]

PRODUCTION CREDIT CORPORATION OF LOUISVILLE

[Fourth District: Ohio-Indiana-Kentucky-Tennessee; Louisville, Kentucky]

PCA BULLETIN #218: CLASS A STOCK CONVERSIONS AND TRANSFERS

JUNE 10, 1937.

1. Your attention is invited to the first paragraph of Section 104 J (1) of the revised Rules and Regulations for Production Credit Associations, which reads as follows:

*Class A Stock.*—Upon the authorization of a loan to a holder of class A stock, the board of directors may permit the conversion of any or all such class A stock at the fair book value thereof (not to exceed par) into class B stock, in accordance with such terms and conditions as may be prescribed by the corporation so long as it is the holder of any stock of the associations.

2. In instances where a class A stockholder desires to convert his class A stockholdings into class B stock for the purpose of obtaining a loan, the association should, after approval by the executive committee or the board of directors, convert the necessary number of shares of class A stock into class B stock to enable the holder to own sufficient class B stock for the approved loan. The association may, however, convert a sufficient number of shares of class A stock into Class B stock to provide also for additional advances which may later be required by the borrower. One conversion may be made to cover both transactions, but should be limited to an excess of not more than ten shares over the number required for the original approved loan.

3. If the application of the above procedure would result in the ownership of only one or a fractional share of class A stock, the association may allow the conversion of the full amount of class A stock.

4. In cases where a class A stockholder arranges to sell and transfer his stock to another individual who intends to convert it into class B stock for use in obtaining an association loan, it is only necessary for the transferee of the class A stock certificate to submit it to the association from which he desires to obtain a loan, with a request to convert it into class B stock of the association, whereupon the association, after approval by its executive committee or its board of directors, will forward such request to the Corporation on a properly prepared Advice of Stock Transfer, Retirement and/or Conversion (PCA 112–B) with the class A stock certificate. The Corporation will, as transfer agent of class A stock, record the transaction on its records, and the Secretary-Treasurer of the association will record the ownership of class B stock.

5. Nothing contained herein alters or amends the current Rules and Regulations for Production Credit Associations.

W. F. GAHM, *President.*

[F. R. Doc. 37–1978; Filed, June 29, 1937; 12:43 p. m.]

[FCA 45]

PRODUCTION CREDIT CORPORATION OF BALTIMORE

CAPITAL STOCK, CLASS A

*To All Production Credit Associations in the States of Pennsylvania, Delaware, Virginia, West Virginia, Maryland and Puerto Rico:*

The following regulation is prescribed pursuant to Section 26 (d) of the bylaws adopted by the production credit associations of this district, and to the first paragraph of Section 104 (j) 1 of the Rules and Regulations for Production Credit Associations:

In instances where a class A stockholder arranges to sell and transfer his stock to another individual who intends to convert it into class B stock for use in obtaining an association loan, it is necessary only for the transferee of the original class A stock certificate to submit it to the association from which he desires to obtain a loan, with an order to convert it into class B stock of the association, whereupon the association will forward such order and certificate to the Production Credit Corporation, with a request on form PCA–112–B for conversion, after approval by the Board of Directors of the conversion.

The secretary-treasurer will then issue the class B stock in the name of the stockholder and record the transaction on the books of the association.

In the event that a holder of class A stock desires to convert his class A stock to class B stock for use in obtaining a loan, the association should give approval to the conversion of only the number of shares necessary to enable the holder to obtain sufficient class B stock.

There may be cases in which proper compliance with this principle would result in the ownership by the stockholder-borrower of only one or a fractional share of class A stock, and in instances of this kind, we would recommend that the association allow the conversion of the full amount of his class A stock holdings.

[SEAL] PRODUCTION CREDIT CORPORATION OF BALTIMORE,

By M. O. WILSON, *President.*

[F. R. Doc. 37–1979; Filed, June 29, 1937; 12:44 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3051]

IN THE MATTER OF LANTEEN LABORATORIES, INC., A CORPORATION, LANTEEN MEDICAL LABORATORIES, INC., A CORPORATION, ALSO TRADING AS MEDICAL BUREAUS OF INFORMATION, AND RUFUS RIDDLESBARGER, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS AN OFFICER OF SAID RESPONDENTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, July 15, 1937, at one o'clock in the afternoon of that day (eastern standard time), in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37–1967; Filed, June 29, 1937; 9:59 a. m.]



## INTERSTATE COMMERCE COMMISSION.

[Corrected Order]

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of June, A. D., 1937.

[Ex Parte No. MC 13]

MOTOR CARRIER SAFETY REGULATIONS

IN THE MATTER OF REGULATIONS GOVERNING THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Section 204 (a), sub-paragraphs (1), (2), and (3) of the Motor Carrier Act, 1935, and the Transportation of Explosives Act, approved March 4, 1921 (c. 172, 41 Stat. 1445), being under consideration:

*It is ordered,* That an investigation be, and it is hereby, instituted by the Commission on its own motion concerning:

(a) The matter of the modification of regulations prescribed November 6, 1934, under the Transportation of Explosives Act, insofar as such regulations pertain to qualifications and maximum hours of service of employees and safety of operation and equipment by common carriers by motor vehicle;

(b) The matter of the establishment of reasonable requirements governing the transportation of explosives and other dangerous articles by contract carriers by motor vehicle in interstate or foreign commerce;

(c) The need for the establishment, and if need therefor be found, the establishment of requirements governing the transportation of explosives and other dangerous articles by private carriers by motor vehicle in interstate or foreign commerce;

*It is further ordered,* That this proceeding be assigned for hearing at such times and places as the Commission may hereafter specify;

*It is further ordered,* That such Motor Carrier Associations and such other interested persons as are known to this Commission, and all State Commissions having jurisdiction to regulate the business of transportation by motor vehicle, be notified of this proceeding by mailing copies of this Order to each thereof; and that notice of this proceeding be given to the general public by depositing a copy of this Order and posting the same in the office of the Secretary of this Commission at Washington, D. C.

*And it is further ordered,* That any party desiring to be served with further orders and notices in this proceeding shall advise the Interstate Commerce Commission, Washington, D. C. to that effect by notice which must reach the Commission within thirty days from the date of service hereof.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–1970; Filed, June 29, 1937; 12:36 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE AN21

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12), 10 (b) and 23 (a) thereof, hereby amends paragraph (a) of RULE AN21 by deleting the words "four hundred and sixth" and inserting in lieu thereof the words "four hundred and ninety-eighth."

Paragraph (a), as amended, reads as follows:

(a) Evidences of indebtedness (1) which have been issued by any foreign state that is presently governed by an interim government which is holding office temporarily and which is to continue

to hold such office only until the assumption thereof by a regular government which has been elected and (ii) as to which temporary exemption from the operation of Section 12 (a) shall expire pursuant to the terms of Rule AN7 on May 15, 1936, and as to which registration shall not be effective on that date, shall be exempt from the operation of said Section 12 (a) to and including the four hundred and ninety-eighth day following the assumption of office by such elected regular government.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1971; Filed, June 29, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HOLLENBACK ET AL.-NORMAN TRACT, FILED ON JUNE 4, 1937, BY ALEX MACDONALD, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1977; Filed, June 29, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

[File No. 2-3082]

IN THE MATTER OF NAYBOB GOLD MINES, LIMITED

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Naybob Gold Mines, Limited, of Toronto, Province of Ontario, Canada, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Trial Examiner's report in this matter which is hereby adopted as the Commission's Findings of Fact herein, and being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Naybob Gold Mines, Limited, of Toronto, Province of Ontario, Canada, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1972; Filed, June 29, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

IN THE MATTER OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PAT HILL-CLEMENTS TRACT, FILED ON JUNE 21, 1937, BY P. R. KNICKERBOCKER, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1973; Filed, June 29, 1937; 12:38 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE BIG WEST-ENGLE TRACT, FILED ON JUNE 21, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the second paragraph of representations, required to be included as a part of the offering sheet, is omitted;

(2) In that the information contained in the plat attached to the offering sheet as "Exhibit A", is not believed to be correct by reason of the fact that said plat shows a producing well adjacent to the tract involved, whereas from information disclosed by Division II, Item 11 (e), it appears that said well is now abandoned;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1975; Filed, June 29, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING OVERRIDING ROYALTY INTERESTS IN THE OHIO-KYLE LEASE, FILED ON JUNE 21, 1937, BY P. H. LOWRIE, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937, nor are any of the copies of the offering sheet, as filed, properly executed;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1976; Filed, June 29, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE UNION OIL COMPANY—MAHONEY TRACT, FILED ON JUNE 23, 1937, BY ROYALTY GROUP CORPORATION, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to

make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be pomptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1974; Filed, June 29, 1937; 12:38 p. m.]

*Thursday, July 1, 1937* *No. 126*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

### WITHDRAWAL OF PUBLIC LAND FOR USE AS A RIFLE RANGE UNDER THE SUPERVISION OF THE WAR DEPARTMENT

*Idaho*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked in so far as it affects the following-described tracts of land in Idaho:

BOISE MERIDIAN

T. 2 N., R. 2 W., sec. 26, W½SW¼, S½SW¼NW¼, 100 acres.

SECTION 2. Subject to valid existing rights, and the conditions set forth in section 3 of this order the tracts of land described in section 1 hereof are hereby withdrawn from settlement, location, sale, or entry and reserved for use as a rifle range by the Nampa Rod and Gun Club of Nampa, Idaho, under the supervision of the War Department, in furtherance of the provisions of the act of June 7, 1924, 43 Stat. 477, 510.

SECTION 3. The said S½SW¼NW¼, section 26, having been withdrawn December 22, 1903, under second-form reclamation withdrawal under the act of June 17, 1902, 32 Stat. 388, is primarily under the jurisdiction of the Department of the Interior. The withdrawal of this tract is made subject to the said reclamation withdrawal, and the rifle range operations on this land shall be conducted in such manner that they will not interfere with the purposes of such withdrawal.

SECTION 4. The withdrawal made by section 2 of this order shall continue in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 28, 1937.*

[No. 7647]

[F. R. Doc. 37-1981; Filed, June 29, 1937; 3:55 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49068]

### AIRPORTS OF ENTRY

### CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named airports are hereby redesignated as airports of entry for the landing of aircraft from foreign countries for a period of one year from the dates shown opposite their respective names:

Bangor Municipal Airport, Bangor, Me., June 26, 1937.
Crosby Municipal Airport, Crosby, N. Dak., June 28, 1937.
Burlington Municipal Airport, Burlington, Vt., June 29, 1937.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved: June 26, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1983; Filed, June 30, 1937; 11:43 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR-B-101 Amendment 15 Issued June 25, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

### BULLETIN 101—AMENDMENT 15

*County Average Rates of Soil-Conserving Payments in Connection With the General Soil-Depleting Base*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Southern Region Bulletin 101 is hereby amended by adding the following to paragraph (2) of subsection (a) of Section 15:

1. Such rates of payment for the respective counties shall be as follows:

COUNTY—RATE OF PAYMENT PER ACRE

*Alabama*

Autauga, $4.30; Baldwin, $6.75; Barbour, $3.40; Bibb, $4.85; Blount, $4.85; Bullock, $3.05; Butler, $4.05; Calhoun, $4.85; Chambers, $4.25; Cherokee, $4.85; Chilton, $4.70; Choctaw, $4.40; Clarke, $4.15; Clay, $4.70; Cleburne, $5.15; Coffee, $4.05; Colbert, $5.60; Conecuh, $4.05; Coosa, $4.85; Covington, $3.80; Crenshaw, $3.95; Cullman, $5.30; Dale, $3.95; Dallas, $5.05; DeKalb, $4.95; Elmore, $5.20; Escambia, $4.50; Etowah, $4.75; Fayette, $4.60; Franklin, $5.20; Geneva, $4.05; Greene, $4.50; Hale, $5.05; Henry, $3.95; Houston, $3.95; Jackson, $5.30; Jefferson, $6.10; Lamar, $4.85; Lauderdale, $5.75; Lawrence, $5.20; Lee, $4.15; Limestone, $5.85; Lowndes, $5.05; Macon, $3.80; Madison, $5.75; Marengo, $5.20; Marion, $4.70; Marshall, $5.60; Mobile, $6.20; Monroe, $4.50; Montgomery, $4.40; Morgan, $5.20; Perry, $4.60; Pickens, $4.60; Pike, $3.60; Randolph, $4.60; Russell, $3.35; St. Clair, $4.50; Shelby, $4.85; Sumter, $5.05; Talladega, $4.75; Tallapoosa, $4.60; Tuscaloosa, $4.85; Walker, $4.75; Washington, $4.75; Wilcox, $4.85; Winston, $4.75.



*Arkansas*

Arkansas, $5.95; Ashley, $4.95; Baxter, $5.30; Benton, $6.50; Boone, $6.10; Bradley, $4.50; Calhoun, $3.95; Carroll, $6.55; Chicot, $5.60; Clark, $5.20; Clay, $6.30; Cleburne, $4.30; Cleveland, $4.30; Columbia, $4.25; Conway, $4.75; Craighead, $6.50; Crawford, $5.50; Crittenden, $6.85; Cross, $6.10; Dallas, $4.40; Desha, $6.20; Drew, $4.75; Faulkner, $4.95; Franklin, $4.50; Fulton, $4.95; Garland, $4.70; Grant, $5.15; Greene, $6.30; Hempstead, $5.15; Hot Spring, $4.95; Howard, $4.95; Independence, $6.10; Izard, $4.50; Jackson, $5.40; Jefferson, $5.75; Johnson, $4.85; Lafayette, $4.85; Lawrence, $5.95; Lee, $5.75; Lincoln, $5.20; Little River, $4.60; Logan, $4.75; Lonoke, $5.65; Madison, $6.40; Marion, $5.65; Miller, $5.15; Mississippi, $8.55; Monroe, $5.50; Montgomery, $4.95; Nevada, $4.60; Newton, $6.40; Ouachita, $3.85; Perry, $4.95; Phillips, $5.60; Pike, $5.05; Poinsett, $6.50; Polk, $4.95; Pope, $4.75; Prairie, $5.40; Pulaski, $5.95; Randolph, $6.30; St. Francis, $5.85; Saline, $5.15; Scott, $5.30; Searcy, $5.50; Sebastian, $5.75; Sevier, $4.95; Sharp, $5.05; Stone, $5.15; Union, $3.85; Van Buren, $4.30; Washington, $6.65; White, $4.60; Woodruff, $5.75; Yell, $5.05.

*Florida*

Alachua, $3.60; Baker, $3.25; Bay, $3.35; Bradford, $3.25; Brevard, $6.20; Broward, $6.20; Calhoun, $3.85; Charlotte, $6.20; Citrus, $4.05; Clay, $5.85; Collier, $6.20; Columbia, $3.25; Dade, $6.20; De Soto, $6.20; Dixie, $3.25; Duval, $5.85; Escambia, $5.20; Flagler, $7.45; Franklin, $3.35; Gadsden, $4.85; Gilchrist, $3.60; Glades, $6.20; Gulf, $3.35; Hamilton, $3.25; Hardee, $6.20; Hendry, $6.20, Hernando, $4.05; Highlands, $6.20; Hillsborough, $6.20; Holmes, $3.85; Indian River, $6.20; Jackson, $3.85; Jefferson, $3.50; Lafayette, $3.25; Lake, $4.05; Lee, $6.20; Leon, $3.50; Levy, $3.60; Liberty, $3.50; Madison, $3.25; Manatee, $6.20; Marion, $3.60; Martin, $6.20; Monroe, $6.20; Nassau, $5.85; Okaloosa, $3.85; Okeechobee, $6.20; Orange, $6.20; Osceola, $6.20; Palm Beach, $6.20; Pasco, $4.05; Pinellas, $6.20; Polk, $6.20; Putnam, $7.45; St. Johns, $7.45; St. Lucie, $6.20; Santa Rose, $4.70; Sarasota, $6.20; Seminole, $6.20; Sumter, $4.05; Suwanee, $3.25; Taylor, $3.25; Union, $3.25; Volusia, $5.75; Wakulla, $3.35; Walton, $3.85; Washington, $3.85.

*Georgia*

Appling, $4.25; Atkinson, $3.80; Bacon, $4.05; Baker, $3.25; Baldwin, $3.60; Banks, $4.25; Barrow, $3.95; Bartow, $4.75; Ben Hill, $3.80; Berrien, $4.05; Bibb, $4.15; Bleckley, $3.60; Brantley, $4.40; Brooks, $4.15; Bryan, $4.15; Bulloch, $3.95; Burke, $3.95; Butts, $4.05; Calhoun, $3.70; Camden, $5.05; Candler, $3.85; Carroll, $4.15; Catoosa, $4.70; Charlton, $4.15; Chatham, $6.20; Chattahoochie, $2.80; Chattooga, $4.40; Cherokee, $4.60; Clarke, $4.70; Clay, $3.50; Clayton, $4.40; Clinch, $3.85; Cobb, $4.70; Coffee, $4.05; Colquitt, $4.50; Columbia, $3.40; Cook, $4.15; Coweta, $4.40; Crawford, $3.15; Crisp, $3.85; Dade, $5.30; Dawson, $4.15; Decatur, $3.50; DeKalb, $3.85; Dodge, $2.95; Dooly, $4.05; Dougherty, $3.70; Douglas, $4.30; Early, $3.40; Echols, $3.35; Effingham, $4.75; Elbert, $4.15; Emanuel, $3.40; Evans, $4.25; Fannin, $4.95; Fayette, $4.25; Floyd, $4.85; Forsyth, $4.05; Franklin, $4.70; Fulton, $4.60; Gilmer, $4.85; Glasscock, $2.95; Glynn, $5.15; Gordon, $4.70; Grady, $4.05; Greene, $3.40; Gwinnett, $3.95; Habersham, $4.70; Hall, $4.15; Hancock, $3.35; Haralson, $4.25; Harris, $3.95; Hart, $4.70; Heard, $3.60; Henry, $3.85; Houston, $3.80; Irwin, $3.95; Jackson, $4.50; Jasper, $3.80; Jeff Davis, $3.80; Jefferson, $3.40; Jenkins, $3.60; Johnson, $3.05; Jones, $3.50; Lamar, $3.95; Lanier, $4.05; Laurens, $3.50; Lee, $3.70; Liberty, $4.25; Lincoln, $3.95; Long, $4.15; Lowndes, $4.15; Lumpkin, $4.05; McDuffie, $3.80; McIntosh, $4.30; Macon, $3.80; Madison, $4.40; Marion, $3.25; Meriwether, $4.05; Miller, $3.35; Mitchell, $3.70; Monroe, $3.70; Montgomery, $3.60; Morgan, $3.80; Murray, $5.20; Muscogee, $3.85; Newton, $4.25; Oconee, $3.80; Ogelthorpe, $3.85; Paulding, $4.30; Peach, $4.85; Pickens, $4.30; Pierce, $4.75; Pike, $4.25; Polk, $4.50; Pulaski, $3.40; Putnam, $3.25; Quitman, $3.25; Rabun, $5.75; Randolph, $3.80; Richmond, $4.15; Rockdale, $3.85; Schley, $3.50; Screven, $3.80; Seminole, $3.60; Spalding, $4.60; Stevens, $4.60; Stewart, $3.70; Sumter, $4.30; Talbot, $3.50; Taliaferro, $3.35; Tattnall, $4.30; Taylor, $3.50; Telfair, $3.50; Terrell, $4.15; Thomas, $3.95; Tift, $4.50; Toombs, $4.15; Towns, $4.95; Troutlen, $3.25; Troup, $4.15; Turner, $3.80; Twiggs, $3.15; Union, $4.40; Upson, $3.95; Walker, $4.85; Walton, $3.95; Ware, $4.40; Warren, $3.15; Washington, $3.40; Wayne, $4.60; Webster, $3.05; Wheeler, $3.15; White, $4.25; Whitfield, $5.15; Wilcox, $3.40; Wilkes, $3.95; Wilkinson, $3.05; Worth, $3.80.

*Louistana*

Acadia, $4.75; Allen, $5.75; Ascension, $5.05; Assumption, $6.65; Avoyelles, $5.40; Beauregard, $5.60; Bienville, $3.50; Bossier, $4.40; Caddo, $5.05; Calcasieu, $4.95; Caldwell, $4.50; Cameron, $5.30; Catahoula, $5.05; Clairborne, $3.25; Concordia, $4.95; De Soto, $3.50; East Baton Rouge, $5.40; East Carroll, $6.50; East Feliciana, $5.05; Evangeline, $4.05; Franklin, $5.85; Grant, $4.75; Iberia, $5.15; Iberville, $5.30; Jackson, $4.05; Jefferson, $5.75; Jefferson Davis, $4.75; Lafayette, $4.85; Lafourche, $5.95; La Salle, $4.30; Lincoln, $3.70; Livingston, $5.95; Madison, $5.65; Morehouse, $5.40; Natchitoches, $4.85; Orleans, $7.65; Ouachita, $5.05; Plaquemines, $6.65; Pointe Coupee, $5.50; Rapides, $5.50; Red River, $4.15; Richland, $5.95; Sabine, $4.30; St. Bernard, $7.00; St. Charles, $6.30; St. Helena, $4.95; St. James, $5.95; St. John the Baptist, $6.30; St. Landry, $5.15; St. Martin, $5.50; St. Mary, $4.85; St. Tammany, $5.40; Tangipahoa, $5.60; Tensas, $5.65; Terrebonne, $5.15; Union, $3.15; Vermilion, $4.95; Vernon, $5.05; Washington, $4.95; Webster, $3.60; West Baton Rouge, $5.20; West Carroll, $6.10; West Feliciana, $4.85; Winn, $4.30.

*Mississippi*

Adams, $5.20; Alcorn, $6.50; Amite, $4.60; Attala, $4.95; Benton, $4.85; Bolivar, $6.30; Calhoun, $5.20; Carroll, $4.70; Chickasaw, $4.95; Choctaw, $5.15; Claiborne, $4.85; Clarke, $4.95; Clay, $4.60; Coahoma, $6.55; Coplah, $4.75; Covington, $5.05; De Soto, $5.60; Forrest, $5.05; Franklin, $4.50; George, $5.50; Greene, $5.60; Grenada, $5.40; Hancock, $6.10; Harrison, $6.20; Hinds, $4.85; Holmes, $4.85; Humphreys, $6.10; Issaquena, $5.75; Itawamba, $5.20; Jackson, $6.10; Jasper, $5.05; Jefferson, $4.95; Jefferson Davis, $4.70; Jones, $5.40; Kemper, $4.50; Lafayette, $4.95; Lamar, $5.40; Lauderdale, $5.15; Lawrence, $4.70; Leake, $4.95; Lee, $6.30; Leflore, $6.20; Lincoln, $4.95; Lowndes, $5.05; Madison, $4.95; Marion, $4.95; Marshall, $5.05; Monroe, $4.75; Montgomery, $5.20; Neshoba, $5.05; Newton, $5.05; Noxubee, $5.20; Oktibbeha, $5.05; Panola, $4.75; Pearl River, $5.75; Perry, $5.05; Pike, $4.70; Pontotoc, $5.50; Prentiss, $6.30; Quitman, $5.95; Rankin, $4.95; Scott, $4.95; Sharkey, $6.05; Simpson, $4.75; Smith, $5.30; Stone, $5.50; Sunflower, $6.10; Tallahatchie, $5.60; Tate, $4.60; Tippah, $5.60; Tishomingo, $5.20; Tunica, $5.95; Union, $5.40; Walthall, $4.95; Warren, $5.65; Washington, $6.10; Wayne, $4.95; Webster, $5.30; Wilkinson, $4.50; Winston, $4.60; Yalobusha, $5.20; Yazoo, $5.20.

*South Carolina*

Abbeville, $4.50; Aiken, $4.25; Allendale, $4.05; Anderson, $5.60; Bamberg, $4.25; Barnwell, $3.80; Beaufort, $7.10; Berkeley, $5.20; Calhoun, $5.75; Charleston, $8.10; Cherokee, $5.30; Chester, $4.60; Chesterfield, $5.05; Clarendon, $5.05; Colleton, $4.85; Darlington, $5.85; Dillon, $6.30; Dorchester, $4.95; Edgefield, $4.75; Fairfield, $4.25; Florence, $5.85; Georgetown, $5.05; Greenville, $5.20; Greenwood, $4.15; Hampton, $4.75; Horry, $6.30; Jasper, $5.05; Kershaw, $4.15; Lancaster, $5.05; Laurens, $5.15; Lee, $5.60; Lexington, $4.75; McCormick, $4.05; Marion, $6.40; Marlboro, $6.50; Newberry, $4.70; Oconee, $5.30; Orangeburg, $5.60; Pickens, $5.40; Richland, $4.85; Saluda, $5.05; Spartanburg, $5.30; Sumter, $5.15; Union, $4.40; Williamsburg, $5.20; York, $4.95.

ii. For any individual farm in any of the foregoing counties the rate of payment for diverting such part of the general soil-depleting base as is in excess of the home consumption needs for the farm (but in no case in excess of 15 percent of such base) shall be that rate determined by multiplying the county average rate for the county in which the farm is located by the productivity index for the farm established in accordance with the provisions of section 49 (d), Part V, and dividing the result thereof by 100.

Done at Washington, D. C., this 25th day of June, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-1930; Filed, June 29, 1937; 2:52 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

[Manual Amendment]

### ARRANGEMENTS WITH PARTIES UPON SUSPENSION OR WITHDRAWAL OF FORECLOSURE

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by sections 4-a and 4-k of said Act as amended, a new section be added to Chapter VI of the Manual to be numbered 605 (1) which shall likewise be inserted as a new paragraph of Section 203 (d) of Chapter II of said Manual, which shall read as follows:

*Suspension and Withdrawal.*—At any time prior to the acquisition of complete title by the Corporation, the General Manager, with the advice of the General Counsel may, on such terms and conditions as he may determine to be for the best interest of the Corporation, including the cancellation of the old indebtedness and the taking of new loan instruments where necessary, provided no loss to the Corporation is involved in the transaction, direct that foreclosure proceedings or negotiations for a Deed in Lieu of Foreclosure be suspended or withdrawn, and with like advice may arrange and determine the terms and conditions for a reinstatement of the loan or a reacquisition of title by the borrower. The authority herein vested in the General Manager may be exercised also by the Regional Manager with the advice of the Regional Counsel or by the State Manager with the advice of the

State Counsel under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

Adopted by the Federal Home Loan Bank Board on June 29, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-1982; Filed, June 30, 1937; 10:22 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1937.

[File No. 47-14]

IN THE MATTER OF DRESSER POWER CORPORATION PUBLIC UTILITY HOLDING COMPANY ACT OF 1935—SECTION 10

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Dresser Power Corporation, a newly formed indirect subsidiary of the Trustees of Midland United Company, a registered holding company pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant from Public Service Company of Indiana of (1) fee simple title to sites for a 50,000 kilowatt electric generating unit, a transformer and substation facilities which applicant proposes to construct, (2) a right to make joint use of certain general equipment and facilities now existing at the Dresser generating station of Public Service Company of Indiana and to be used in connection with the operation of said generating unit to be constructed by applicant, and (3) the right to obtain coal at cost from mines adjacent to said Dresser Plant.

It is ordered that a hearing on such matter be held on July 19, 1937, at 10:00 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 14, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1984; Filed, June 30, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1937.

[File No. 43-65]

IN THE MATTER OF OKLAHOMA POWER AND WATER CO. (DECLARATION PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Oklahoma Power and Water Co., a subsidiary company of The Middle West Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and alteration of rights of holders of 23,000 shares of its Preferred Stock ($100 par value, 6% cumulative), by waiver and cancellation of all unpaid accumulated dividends to July 1, 1937, which declarant states will be evidenced by amendment to its certificate of incorporation, which will be adopted by vote of all stockholders;

It is ordered that a hearing on such matter be held on July 16, 1937, at ten o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 12, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1985; Filed, June 30, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its offices in the City of Washington, D. C. on the 30th day of June, A. D. 1937.

[File No. 50-1]

IN THE MATTER OF INTERNATIONAL PAPER AND POWER COMPANY

NOTICE OF AND ORDER FOR RECONVENING OF HEARING

International Paper and Power Company having filed an application and an amendment thereto relating to its proposed Plan of Recapitalization; a hearing thereon having been held on March 29, 1937 and adjourned subject to call, and this Commission having subsequently made a report on said Plan; a meeting of the applicant's stockholders having now been held in respect of said Plan and the applicant having filed a further amendment to its said application; and it now appearing that said hearing should be reconvened;

It is ordered that said hearing be reconvened on July 15, 1937 at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., for the purpose of receiving evidence in respect of the action taken at said stockholders' meeting and in respect of any other matters relevant to the applicant's said application as amended.

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 10, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1986; Filed, June 30, 1937; 12:37 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

[File No. 37-18]

IN THE MATTER OF WATER WORKS DEPARTMENT, INC.

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION

Water Works Department, Inc. having filed with this Commission a declaration pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935 with respect to its organization and conduct of business of a subsidiary service company; and

The declarant having requested the withdrawal of such declaration;

The Commission, having due regard for the public interest and the interest of investors and consumers, consents to the withdrawal of said declaration, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1989; Filed, June 30, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE SHELL ET AL-ISENSEE-FLATO TRACT, FILED ON JUNE 9, 1937, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1990; Filed, June 30, 1937; 12:39 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937

[File No. 43-62]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE UNDER SECTION 7 OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Iowa Public Service Company, a registered holding company and a subsidiary company of Penn Western Gas & Electric Company, a registered holding company, having duly filed with the Commission a declaration, and an amendment thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue by declarant of $1,000,000 principal amount of First Mortgage Bonds 5% Series due 1957, and the sale thereof by declarant, at the face amount thereof plus accrued interest, for investment to The Equitable Life Assurance Society of the United States for the purpose of raising new money to enable declarant to construct and pay for property additions; a hearing on said amended declaration having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said amended declaration be and become effective on June 29, 1937; upon condition, however, that the issue and sale of said bonds shall be effected in substantial compliance with the terms and conditions of, and for the purposes represented by, said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1987; Filed, June 30, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 9, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 22, 1937, be effective as of June 22, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1993; Filed, June 30, 1937; 12:39 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN ET AL-BELLE MCGREW TRACT, FILED ON JUNE 1, 1937, BY W. E. COOK, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 22, 1937, be effective as of June 22, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1999; Filed, June 30, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE WOFFORD-MILITARY #2 TRACT, FILED ON JUNE 10, 1937, BY JAMES M. JOHNSON, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations, promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 22, 1937, be effective as of June 22, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1998; Filed, June 30, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 5, 1937, BY J. H. LIEBERMAN, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 23, 1937, be effective as of June 23, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1992; Filed, June 30, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE LAKE-FAIR PARK LEASE, FILED ON JUNE 7, 1937, BY NORRIS GILBERT & COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 21, 1937, be effective as of June 21, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1991; Filed, June 30, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAGNOLIA-HARRIS TRACT, FILED ON JUNE 1, 1937, BY ROYAL PETROLEUM CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 23, 1937, be effective as of June 23, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2000; Filed, June 30, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-HERBERT-HENDRICKS TRACT, FILED ON JUNE 8, 1937, BY ROYAL PETROLEUM CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 23, 1937, be effective as of June 23, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1994; Filed, June 30, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-METROPOLITAN LIFE INSURANCE TRACT, FILED ON JUNE 5, 1937, BY ROYAL PETROLEUM CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 23, 1937, be effective as of June 23, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1995; Filed, June 30, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE AMERADA-REPOLLO-TEXAS-PHILLIPS TRACT, FILED ON JUNE 12, 1937, BY SCHAPPERT-TEDEN-BLUMER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 23, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1996; Filed, June 30, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE INLAND-HOWES-CAPITOL FARM, FILED ON MAY 20, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 25, 1937, be effective as of June 25, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1997; Filed, June 30, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

[File No. 20-432A9-1]

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE AMERICAN STATES OIL COMPANY—SKELLY-DITTMERS FARM, FILED ON DECEMBER 15, 1936, BY AMERICAN STATES OIL COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of producing landowners' royalty interests in the American States Oil Company—Skelly-Dittmers Farm, located in Rice County, Kansas, which offering sheet was filed with the Commission on December 15, 1936, by American States Oil Company, of Tulsa, Oklahoma, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on January 21, 1937, February 9, 1937, February 23, 1937, and March 23, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and oral and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet

is incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the *Findings and opinion of the Commission* filed in this proceeding, and it appearing appropriate in the public interest so to do;

*It is ordered*, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1988; Filed, June 30, 1937; 12:38 p. m.]

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*Friday, July 2, 1937* *No. 127*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

### MAKING APPLICABLE TO THE EMERGENCY RELIEF APPROPRIATION ACT OF 1937 CERTAIN EXECUTIVE ORDERS, RULES, AND REGULATIONS ISSUED UNDER AUTHORITY OF THE EMERGENCY RELIEF APPROPRIATION ACTS OF 1935 AND 1936

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1937, approved June 29, 1937,[1] I hereby order and direct that the expenditure of funds appropriated and made available by said Act, and the administration thereof, shall be in accordance with the orders, rules, and regulations heretofore issued by the President relating to the expenditure of funds appropriated by the Emergency Relief Appropriation Act of 1935 and the Emergency Relief Appropriation Act of 1936, as supplemented, and to the administration of said Acts, insofar as applicable, except as to rates of pay and eligibility for employment.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 29, 1937, 11 p. m.*

[No. 7649]

[F. R. Doc. 37-2002; Filed, June 30, 1937; 2:49 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Pennsylvania, Supplement (11) Issued June 30, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—PENNSYLVANIA, SUPPLEMENT (11)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by supplements (1) to (10) thereto, is hereby further amended as follows:

Section 2 (Soil-Conserving) of Part VI (Classification of Land Use and Crops) is amended by adding at the end thereof the following new paragraph:

(l) *Hay following abandonment of a soil-conserving crop:* Small grains, annual grasses, or annual legumes, whether or not harvested for hay provided they are not harvested for grain or seed, if seeded in 1937 as an emergency feed crop for the purpose of replacing another soil-conserving crop which was abandoned because of unusual weather conditions, *provided* (1) that the acreage of such crops which may be thus classified as soil-conserving shall not be larger than the acreage of soil-conserving crops which were so abandoned and (2) that the State Committee, after investigation, shall designate the counties, if any, in the State where, because of unusual weather conditions, the amount of planted acreage abandoned in 1937 was abnormally large, and the classification provided in this pragraph (l) shall apply only in the counties so designated.

Done at Washington, D. C., this 30th day of June 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] W. R. GREGG,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2004; Filed, July 1, 1937; 12:31 p. m.]

[1] Public Resolution 47, 75th Congress.

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SR—B-101—Amendment 11

### 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

### BULLETIN 101—AMENDMENT 11

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, section 19 of Southern Region Bulletin 101 is hereby amended to read as follows:

SECTION 19. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 30th day of June, 1937.

[SEAL] W. R. GREGG,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2005; Filed, July 1, 1937; 12:31 p. m.]

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### Forest Service.

[Administrative Order]

### DESIGNATING CERTAIN LANDS AS PART OF THE OCALA NATIONAL FOREST, FLORIDA

By virtue of and pursuant to the provisions of Section 11 of the Act of Congress approved March 1, 1911 (36 Stat. 961) as amended, lands acquired or hereafter acquired for forestry purposes within the shaded areas shown on the accompanying diagram[1] and lying within the following legal subdivisions are hereby made a part of the Ocala National Forest, in Florida, to wit:

TALLAHASSEE MERIDIAN

Township 11 South, Range 24 East
Sections 25 and 33; and those portions of Sections 21, 23, 24, 26, 27, 28, 29, and 32, lying south and east of the Oklawaha River.
Township 11 South, Range 25 East
Sections 31 and 32; and those portions of Sections 19, 26, 29, 30, 33, and 34 lying south and west of the Oklawaha River.
Township 12 South, Range 24 East
Those portions of Sections 5, 8, 17, 18, 19, 20, 29, 30, and 32, lying east of the Oklawaha River.
Township 12 South, Range 25 East
Section 37 (part of Perchman Grant).
Township 12 South, Range 26 East
Section 44 (Sanchez Grant); Section 45 (part of Perchman Grant).
Township 13 South, Range 24 West
Those portions of Sections 4, 9, 16, 22, 27, 28, and 33 lying east of the Oklawaha River; and Section 34.
Township 13 South, Range 25 West
Section 37 (Jos. Hernandez Grant).
Township 13 South, Range 26 East
Section 40 (Richard Grant); and Section 42 (Jos. Hernandez Grant).
Township 14 South, Range 23 East
Those portions of Sections 13, 24, 25, 35, and 36 lying east of the Oklawaha River.
Township 14 South, Range 24 East
Sections 3 and 4; those portions of Sections 5, 7, 8, and 18 lying south and east of the Oklawaha River; Sections 9, 10, 15, 16, and 17; Sections 19 to 22 inclusive; and Sections 27 to 34, inclusive.
Township 14 and 15 South, Range 26 East
That portion of the F. M. Arredondo Grant lying east of the line described as follows:
Beginning at a point of the north bank of Juniper Creek on the Marion-Lake County line; thence with the meanders of the north bank of Juniper Creek,
N 48°04' W. 4.23 chains;
N 63°54' W. 6.95 chains;
N 88°54' W. 8.47 chains;
S 66°00' W. 2.40 chains to a point one-quarter of a mile west of the Marion-Lake County line; thence N 0°34' W with a line one-quarter of a mile west of and parallel to the Marion-Lake County line 190.85 chains to a point in the NW line of the F. M. Arredondo Grant.
Township 14 South, Range 27 East
Fractional Sections 18, 19, 30, 37, 38, 39, and 40.
Township 15 South, Range 23 East
Sections 1, 11, 12, 13, 14, and 24; those portions of Sections 2, 3, 10, 15, 22, 23, 25, 26, and 36 lying east of the Oklawaha River.
Township 15 South, Range 24 East
Sections 1 to 30, inclusive; that part of Section 31 lying east of the Oklawaha River; and Sections 32 to 36, inclusive.
Township 15 South, Range 27 East
Those portions of Sections 13, 14, and 24 lying west of the St. Johns River; fractional Sections 15, 21, 22, 23, 25, 37, 38, and 39.
Township 15 South, Range 28 East
Those parts of Sections 19, 29, and 30 lying west of the St. James River; Section 38.
Township 16 South, Range 24 East
Sections 1 to 5, inclusive; Sections 9 to 15, inclusive; Section 24; and those portions of Sections 6, 7, 8, 16, 17, 21, 22, 23, 25, and 36 lying north and east of the Oklawaha River.
Township 16 South, Range 25 East
Sections 6, 7, 18, 19, 30, and 31.
Township 16 South, Range 27 East
Sections 37 and 38, comprising parts of the Moses E. Levy Grant; Section 39, comprising a part of the Levy Grant; Section 40, comprising a part of the Huertas Grant.
Township 16 South, Range 28 East
All of township lying west of the St. Johns River.
Township 17 South, Range 25 East
Sections 5, 8, 15, 16, 23, and 24; those parts of Sections 6 and 7, 17 and 18 lying east of the Oklawaha River; that part of Section 20 east of the Oklawaha River and north of Florida State Highway #100; those parts of Sections 21, 22, 25, 26, and 27 lying north of Florida State Highway #100.
Township 17 South, Range 26 East
Sections 19, 20, 21, 24, and 25; those parts of Sections 26, 27, 28, 29, 30, 35, and 36 lying north of Florida State Highway #100.
Township 17 South, Range 27 East
Sections 5 to 30, inclusive; fractional Sections 1, 2, 3, 4, and 37; those parts of Sections 31 to 36, inclusive, lying north of Florida State Highway #100.
Township 17 South, Range 28 East
Section 2; Sections 7 to 12, inclusive; Sections 18 and 19; fractional Sections 1, 3, 4, 5, and 6; those parts of Sections 13, 14, 15, 16, 17, 20, 30, and 31 lying north and west of Florida State Highway #100; Sections 37, 38, and 39.
Township 17 South, Range 29 East
Fractional Sections 6, 7, 8; that portion of fractional Sections 16 and 17 lying north of Florida State Highway #100; that portion of Section 18 lying north of Florida State Highway #100; Section 37; that part of Section 38 lying north of Florida State Highway #100.

[SEAL] M. L. WILSON,
*Acting Secretary.*

Date: JUNE 30, 1937.

[F. R. Doc. 37-2003; Filed, July 1, 1937; 12:30 p. m.]

[1] Diagram filed with the Division of the Federal Register, The National Archives.

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## FEDERAL DEPOSIT INSURANCE CORPORATION.

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION APPROVING CERTIFIED STATEMENT FORMS 545-D AND 555-D.

Prescribed in accordance with the provisions of paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, which provides in part as follows:

The certified statements required to be filed with the Corporation under paragraphs (2), (3) and (4) of this subsection shall be in such form and set forth such supporting information as the board of directors shall prescribe.

Director Goldsborough moved approval of the following described certified statement forms,[1] on recommendation of the Committee on Regulations and Forms:

(1) Certified Statement—Part One, Based on Deposits for the Six Months Ending June 30, 1937, Form 545D, in quadruplicate.

(2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending June 30, 1937, Form 555D, in triplicate.

The Chairman declared the motion carried.

Adopted by the Board of Directors of the Federal Deposit Insurance Corporation on March 25, 1937.

[SEAL] AGNES C. MURPHY,
*Acting Secretary of the Federal Deposit Insurance Corporation.*

[F. R. Doc. 37-2001; Filed, June 30, 1937; 1:08 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of June, 1937.

[File No. 1-113]

### IN THE MATTER OF DISTILLERS AND BREWERS CORPORATION OF AMERICA COMMON STOCK, $5 PAR VALUE

### ORDER POSTPONING HEARING

The Distillers and Brewers Corporation of America, having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, for permission to withdraw its Common Stock, $5 Par Value, from listing and registration on the Board of Trade of the City of Chicago; and

The Commission having ordered that the matter be set down for hearing on August 17, 1937, in Washington, D. C.; and

Said issuer having requested a postponement of said hearing from 10:00 A. M. until 2 P. M. on that date;

It is ordered, that said hearing be postponed until 2 P. M. on Tuesday, August 17, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as may be determined by the Commission or its officer presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2020; Filed, July 1, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of June, 1937.

[1] Filed with Division of the Federal Register, The National Archives; copies available upon application to the Federal Deposit Insurance Corporation.

[File No. 1-2141]

IN THE MATTER OF ILLINOIS ART INDUSTRIES, INC. CUMULATIVE PREFERRED STOCK, NO PAR VALUE

ORDER POSTPONING HEARING

The Chicago Curb Exchange, having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, for permission to strike the Cumulative Preferred Stock, no par value, of Illinois Art Industries, Inc. from listing and registration; and

The Commission having ordered that the matter be set down for hearing on June 29, 1937, in Washington, D. C.; and

Said issuer having requested a postponement of said hearing for thirty days;

It is ordered, that said hearing be postponed until 10:00 A. M. on Wednesday, July 28, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as may be determined by the Commission or its officer presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2021; Filed, July 1, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 46-52]

IN THE MATTER OF CLAM RIVER ELECTRIC COMPANY

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Clam River Electric Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, having filed an application with this Commission pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by applicant of 150 shares of 6% Cumulative Preferred Stock, of the par value of $100 per share and 259 shares of Common Stock, of the par value of $100 per share, of Northwestern Wisconsin Electric Company; a hearing on said application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said acquisition be, and the same hereby is, approved, subject to the terms and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2009; Filed, July 1, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 46-60]

IN THE MATTER OF MORRIS E. FEIWELL, EMANUEL M. GOODMAN AND EDWARD P. ALLEN, VOTING TRUSTEES OF THE CAPITAL STOCK OF GRANITE CITY GENERATING COMPANY

[Public Utility Act of 1935 Section 10 (a) (1)]

ORDER APPROVING ACQUISITION OF CAPITAL STOCK OF GRANITE CITY GENERATING COMPANY

Morris E. Feiwell, Emanuel M. Goodman and Edward P. Allen, Voting Trustees, a registered holding company, having filed with this Commission an application, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it from Granite City Generating Company of 310,816 shares of capital stock, each of ten cents par value, of Granite City Generating Company, constituting all the outstanding capital stock of such company; a hearing on said application having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that the acquisition by applicant of such securities in accordance with terms and conditions and for the purposes represented by said application be, and the same hereby is, approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2008; Filed, July 1, 1937; 12:51 p. m. ]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 47-13]

IN THE MATTER OF GRANITE CITY GENERATING COMPANY

[Public Utility Act of 1935 Sections 10 (a) (2) and 10 (a) (3)]

ORDER APPROVING ACQUISITION OF GENERATING FACILITIES AND OTHER PROPERTIES FROM TRUSTEE OF ST. LOUIS GAS & COKE CORPORATION IN REORGANIZATION

Granite City Generating Company, a subsidiary company of Morris E. Feiwell, Emanuel M. Goodman and Edward P. Allen, Voting Trustees, a registered holding company, having filed with the Commission an application pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it from George B. Evans as Trustee of St. Louis Gas & Coke Corporation of the electric utility assets and certain contracts of the St. Louis Gas & Coke Corporation; a hearing on said application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of said properties in accordance with the terms and conditions and for the purposes represented by said application be, and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2006; Filed, July 1, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 46-62]

[Public Utility Act of 1935 Section 10 (a) (1)]

IN THE MATTER OF LACLEDE POWER & LIGHT COMPANY

ORDER APPROVING ACQUISITION OF VOTING TRUST CERTIFICATES FOR STOCK OF GRANITE CITY GENERATING COMPANY

Laclede Power & Light Company, a subsidiary of Utilities Power & Light Corporation, a registered holding company, having duly filed with this Commission an application, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it from Utilities Power & Light Corporation, of voting Trust certificates for 233,112 shares of the capital stock of Granite City Generating Company, constituting 75% of all the outstanding capital stock of Granite City Generating Company; a hearing on said application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of such securities in accordance with terms and conditions and for the purposes represented by said application be, and the same hereby is, approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2007; Filed, July 1, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 47-7]

[Public Utility Act of 1935 Sections 10 (a) (2) and 10 (a) (3)]

IN THE MATTER OF LACLEDE POWER & LIGHT COMPANY

ORDER APPROVING ACQUISITION OF LEASEHOLD INTEREST IN GENERATING FACILITIES AT GRANITE CITY, ILLINOIS

Laclede Power & Light Company, a subsidiary of Utilities Power & Light Corporation, a registered holding company, having duly filed with this Commission an application, and amendments thereto, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it from Granite City Generating Company of a leasehold interest in the electric utility assets of that company; a hearing on said amended application having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that the acquisition by applicant of such properties in accordance with terms and conditions and for the purposes represented by said amended application be, and the same hereby is, approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2011; Filed, July 1, 1937; 12:52 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 46-53]

IN THE MATTER OF POLK ELECTRIC LIGHT CO.

ORDER APPROVING ACQUSITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Polk Electric Light Co., a subsidiary company of American Utilities Service Corporation, a registered holding company, having filed an application with this Commission pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by applicant of 150 shares of 6% Cumulative Preferred Stock, of the par value of $100 per share and 235 shares of Common Stock, of the par value of $100 per share, of Northwestern Wisconsin Electric Company; a hearing on said application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said acquisition be, and the same hereby is, approved, subject to the terms and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2010; Filed, July 1, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 30th day of June, A. D., 1937.

[File No. 43-27]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION AND AMENDMENTS THERETO

A declaration having been duly filed with this Commission on January 21, 1937 by Iowa Public Service Company pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it of $14,200,000 principal amount of First Mortgage Bonds 3¾% Series due 1967 and ten series of debentures, each series being in the principal amount of $220,000; amendments to said declaration having been filed; the hearing on said amended declaration having been partially completed and then continued indefinitely at the request of the declarant; and declarant having on June 18, 1937 filed a request for permission to withdraw said declaration, and the amendments thereto;

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the declarant, consents to the withdrawal of said declaration and the amendments thereto, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2025; Filed, July 1, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 51-2]

[Public Utility Holding Company Act]

IN THE MATTER OF THE APPLICATION OF CENTRAL AND SOUTH WEST UTILITIES COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FOR APPROVAL OF DECLARATION AND PAYMENT OF DIVIDEND AT REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the applicant, consents to the withdrawal of the application for approval of declaration and payment of dividend, pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule 12C-2 promulgated thereunder, and to that effect.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2022; Filed, July 1, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of June, 1937.

[File No. 7-26]

IN THE MATTER OF BOWER ROLLER BEARING COMPANY

ORDER DISMISSING PROCEEDING TO TERMINATE UNLISTED TRADING PRIVILEGES ON THE NEW YORK CURB EXCHANGE

The Common Stock, $5 Par Value, of Bower Roller Bearing Company having been listed and registered on the Detroit Stock Exchange and unlisted trading privileges therein having been continued on the New York Curb Exchange pursuant to Clause (1) of Section 12 (f) of the Securities Exchange Act of 1934, as amended; and

Such company, pursuant to Rule UB2, having withdrawn such stock from listing and registration on the Detroit Stock Exchange on June 25, 1936; and

The Commission having, therefore, held a hearing to determine whether unlisted trading privileges in such stock on the New York Curb Exchange should be terminated, pursuant to Section 12 (f) of the Act; and

Such company having reconsidered its decision to delist and having reapplied for listing and registration of such stock on the Detroit Stock Exchange, such listing and registration having become effective on March 29, 1937, and the issues involved in the proceeding under Section 12 (f) thereby becoming moot;

It is ordered, that the said proceeding be and the same hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2019; Filed, July 1, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 43-60]

IN THE MATTER OF MORRIS E. FEIWELL, EMANUEL M. GOODMAN AND EDWARD P. ALLEN, VOTING TRUSTEES OF THE CAPITAL STOCK OF GRANITE CITY GENERATING COMPANY

[Public Utility Act of 1935, Section 7]

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE FOR THE ISSUANCE OF SECURITIES BY VOTING TRUSTEES UNDER THE PLAN OF REORGANIZATION OF ST. LOUIS GAS & COKE CORPORATION

Morris E. Feiwell, Emanuel M. Goodman and Edward P. Allen, Voting Trustees, a registered holding company, having filed with the Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by declarant of voting trust certificates for 310,816 shares of capital stock each of the par value of ten cents, of Granite City Generating Company, a subsidiary company of the declarant; a hearing on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that said declaration be and become effective forthwith, subject to the terms and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2023: Filed, July 1, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 43-61]

IN THE MATTER OF GRANITE CITY GENERATING COMPANY

[Public Utility Act of 1935, Section 7]

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE FOR THE ISSUANCE OF SECURITIES UNDER THE PLAN OF REORGANIZATION OF ST. LOUIS GAS & COKE CORPORATION

Granite City Generating Company, a subsidiary company of Morris E. Feiwell, Emanuel M. Goodman and Edward P. Allen, Voting Trustees, a registered holding company, having filed with the Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by declarant of $1,554,080 aggregate principal amount of its 5% 25-year First Mortgage and Collateral Trust Certificates, and 310,816 shares of capital stock each of the par value of ten cents; a hearing on said declaration having been held after appropriate notice; the record in this matter having been examined, and the Commission having made and filed its findings herein:

It is ordered that said declaration be and become effective forthwith, subject to the terms and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2024; Filed, July 1, 1937; 12:55 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE SINCLAIR-PRAIRIE-BAGBY TRACT, FILED ON JUNE 15, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 24, 1937, be effective as of June 24, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2018; Filed, July 1, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE GULF-REEVES TRACT, FILED ON JUNE 14, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment



received at the office of the Commission on June 25, 1937, be effective as of June 25, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2013; Filed, July 1, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE TEXAS-EMPIRE-LEE TRACT, FILED ON JUNE 14, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 25, 1937, be effective as of June 25, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2017; Filed, July 1, 1937, 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 30th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE PHILLIPS-MAYO TRACT, FILED ON JUNE 11, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 24, 1937, be effective as of June 24, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2015; Filed, July 1, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE SHAFFER-HAUSCHILD TRACT, FILED ON JUNE 14, 1937, L. E. MORENCY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 24, 1937, be effective as of June 24, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2016; Filed, July 1, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WESTGATE-CARY NO. 14 LEASE, FILED ON MAY 29, 1937, BY ARTHUR SORY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 24, 1937, be effective as of June 24, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2014; Filed, July 1, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 20-513A1-1]

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE CENTRAL ROYALTIES COMPANY—CENTRAL-SOOY FARM FILED ON FEBRUARY 3, 1937 BY CENTRAL ROYALTIES COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of nonproducing landowners' royalty interests in the Central Royalties Company—Central-Sooy Farm, located in Barton County, Kansas,

which offering sheet was filed with the Commission on February 3, 1937, by Central Royalties Company, of Tulsa, Oklahoma, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on March 10, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete, inaccurate and misleading in material respects, and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the Findings and Opinion of the Commission filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2012; Filed, July 1, 1937; 12:52 p. m.]

*Saturday, July 3, 1937* *No. 128*

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 11]

### AN ORDER MODIFYING ORDER NO. 8 BY EXTENDING THE TIME FOR DISTRICT BOARDS TO FILE STANDARDS OF CLASSIFICATION OF COAL AND PROPOSED STANDARD METHODS AND RULES OF MAKING AND APPLYING SUCH CLASSIFICATIONS AND CONTINUING THE HEARING THEREIN SET

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders as follows:

1. That the date before which the District Boards of the several districts shall file with the Commission at its office in Washington, D. C., proposed standards of classification of coal and proposed standard methods and rules of making and applying such classifications, is hereby extended from the 7th day of July, 1937, as provided in Order No. 8, to the 13th day of July, 1937.

2. That the public hearing set by the Commission in paragraph 2 of said Order No. 8, to be held on the 8th day of July, 1937, is continued to the 15th day of July, 1937, to commence at the hour of 10:00 A. M. on said date in a hearing room of the Commission at the Carlton Hotel, Washington, D. C.

Notice of the extension of time for filing proposed standards of classification of coal and proposed standard methods and rules of making and applying such classifications, and the continuance of the hearing set in Order No. 8 shall, under the direction of the Secretary of the Commission, be given by mailing copies of this order to Consumers' Counsel and to the Acting District Secretaries or the Secretaries of the respective District Boards and by publication of this order upon three consecutive days in a newspaper of general circulation in each of said districts.

By order of the Commission.

Dated this 1st day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2026; Filed, July 2, 1937; 10:05 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—Montana, Supplement 2 Issued July 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—MONTANA, SUPPLEMENT 2

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Montana, as amended, is hereby further amended:

Part III, section 1, practice J, is amended to read as follows:

J. *Establishment of strip-cropping and fallow.*—1. The fallow strips (two or more strips of fallow) to be not les sthan 5 rods nor more than 20 rods in width with intervening strips of small grain crops or small grain stubble the width or twice the width of the fallow strips. The first tillage operation must be completed before June 1, 1937, strips to be approximately at right angles to the prevailing winds. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for that practice in 1936: $1.00 Per Acre.

2. In designated drouth countries[1] the fallow strips (two or more strips of fallow) to be not less than 5 rods nor more than 20 rods in width with intervening strips of small grain crops, small grain stubble, or natural protective vegetative growth, the width or twice the width of the fallow strips, strips to be approximately at right angles to the prevailing winds. The first tillage operation must be completed before July 15, 1937. Payment to be made on the acreage of fallow land only and then only when additional to the acreage devoted to this practice in 1936: $1.00 Per Acre.

Part III, section 1, practice N is amended to read as follows:

N. *Diking for flood water diversion.*—1. When practiced on non-irrigated cropland in 1937, in accordance with specifications approved by the Director of the Western Division.

2. When practiced on non-crop pasture land in 1937 in designated emergency drouth counties in accordance with specifications approved by the Director of the Western Division: provided, that after inspection of the proposed diking area the county committee approves such practice: $1.00 Per Acre diked for flooding.

Part III, section 1, is amended by the addition of practice T.

T. Earthen pits or reservoirs for holding run-off and impounding precipitation in counties designed as emergency drouth counties.[1] For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

Part IV, section 1, practice F, as amended in Supplement 1, Western Region Bulletin 101—Montana, is further amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm like fashion, with corners to be notched and saddled, or braces on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, logs, poles, rails, and jacks to be good and sound: $0.30 Per Rod.

Part VI, section 3, is amended to read as follows:

SECTION 3. Payments Restricted to Effectuation of Purposes of the Program: No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 Program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

[1] Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, McCone, Meagher, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone.



Par VI, section 8, is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, section 1, first paragraph as amended by Supplement 1, WR—B-101—Montana, is further amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to summer fallow and emergency forage crops.

Part VIII, section 2, first paragraph as amended by Supplement 1, WR—B-101—Montana, is further amended to read as follows:

SECTION 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937, excluding such cropland upon which no stand of a soil-conserving crop is secured, shall be regarded as used for the production of a soil-conserving crop; except as provided in Item e, Section 3, of this Part VIII, with respect to legumes and grasses; and except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year.

Part VIII, section 3, is deleted in its entirety and the following is substituted in lieu thereof:

SECTION 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Bulbs and nursery stock.

d. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.

f. Emergency Forage Crops.

1. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided, such use of land shall have been approved by the county committee prior to May 1, 1937.

2. In counties designated as emergency drouth counties,[2] any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, sorghums, close drilled corn, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided such use of land shall have been approved by the county committee prior to July 15, 1937.

Part XI, section 3, as amended by Supplement 1, Western Region Bulletin 101—Montana, is further amended by amending subsection B-1 to read as follows:

1. Multiply the Class I Payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, subsection D, of this Part XI by 66.7 percent.

In testimony whereof H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 2nd day of July, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2029; Filed, July 2, 1937; 12:37 p. m.]

WR—B-101—North Dakota, Supplement 2 Issued July 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NORTH DAKOTA, SUPPLEMENT 2

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—North Dakota, as amended, is hereby further amended:

The definition of "Range Land" in Part I is amended to read as follows:

*Range Land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part III, section 1, practice J, is amended to read as follows:

J. *Establishment of strip cropping and fallow.*—1. The fallow strips (two or more strips of fallow) to be not less than 5 rods nor more than 20 rods in width with intervening strips of small grain crops or small grain stubble the width or twice the width of the fallow strips. The first tillage operation must be completed before June 1, 1937, strips to be approximately at right angles to the prevailing winds. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for that practice in 1936: $1.00 per acre.

2. In designated drouth counties,[1] the fallow strips (two or more strips of fallow) to be not less than 5 rods nor more than 20 rods in width with intervening strips of small grain crops, small grain stubble, or natural protective vegetative growth, the width or twice the width of the fallow strips, strips to be approximately at right angles to the prevailing winds. The first tillage operation must be completed before July 15, 1937. Payment to be made on the acreage of fallow land only and then only when additional to the acreage devoted to this practice in 1936: $1.00 per acre.

Part III, section 1, is amended by the addition of practice Q:

Q. Earthen pits or reservoirs for holding run-off and impounding precipitation in counties designated as emergency drouth counties.[1] For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, practice F, as amended in Supplement 1, WR—B-101—North Dakota, is further amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braces on either side at point of log intersection with two upright poles or other suitable bracing material wired together, with not less than 3 binding wires; all posts, logs, poles, rails, and jacks to be good and sound: $.30 per rod.

Part VI, Section 3, is amended to read as follows:

SECTION 3. Payments Restricted to Effectuation of Purposes of the Program: No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to op-

[1] Adams, Billings, Bowman, Bottineau, Burleigh, Burke, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Renville, Sheridan, Sioux, Slope, Stark, Ward, Williams.

erating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, Section 8, is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph, as amended by Supplement 1, WR—B-101—North Dakota, is further amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to emergency forage crops.

Part VIII, Section 2, first paragraph, as amended by Supplement 1, WR—B-101—North Dakota, is further amended to read as follows:

SECTION 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937, excluding such cropland upon which no stand of a soil-conserving crop is secured, shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year.

Part VIII, Section 3, is deleted in its entirety and the following is substituted in lieu thereof:

SECTION 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.
b. Idle cropland.
c. Bulbs and nursery stock.
d. Cropland planted to forest trees between January 1, 1930 and January 1, 1934.
e. Cultivated fallow (Summer fallow).
f. Emergency Forage Crops.

1. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided, such use of land shall have been approved by the county committee prior to May 1, 1937.

2. In counties designated as emergency drouth counties,[2] any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, sorghums, close drilled corn, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided such use of land shall have been approved by the county committee prior to July 15, 1937.

Part XI, Section 3, as amended by Supplement 1, Western Region, Bulletin 101, North Dakota, is further amended by amending subsection B–1 to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, subsection D, of this Part XI, by 66.7 percent.

In testimony whereof H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 2nd day of July 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2028; Filed, July 2, 1937; 12:37 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Fisheries.

[No. 286–8]

### REGULATIONS FOR THE PROTECTION OF WALRUSES AND SEA LIONS IN ALASKA

JULY 1, 1937.

By virtue of the authority contained in the acts of May 11, 1908 (35 Stat. 102), May 31, 1920 (41 Stat. 694, 716), and June 16, 1934 (48 Stat. 976), the following regulations governing the killing of walruses and sea lions in Alaska are hereby promulgated:

WALRUSES

The killing of walruses in the Territory of Alaska or in any of the waters of Alaska over which the United States has jurisdiction is prohibited from July 1, 1937, to June 30, 1939, both dates inclusive. This prohibition shall not apply to the killing of walruses by natives for food or clothing, by miners or explorers when in need of food, or to the collection of specimens for scientific purposes under permits issued by the Secretary of Commerce.

SEA LIONS

The killing of sea lions in the Territory of Alaska, or in any of the waters of Alaska over which the United States has jurisdiction, is permitted as follows:

1. (a) By natives for food or clothing, and by miners or explorers when in need of food.

(b) By anyone in the necessary protection of property, or while such animals are destroying salmon or other food fish.

2. The killing of sea lions as specimens for scientific purposes will be under permits issued by the Secretary of Commerce.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-2041; Filed, July 2, 1937; 12:48 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 46]

### FEDERAL LAND BANK OF BERKELEY

SCHEDULE OF APPRAISAL AND TITLE DETERMINATION FEES FOR FEDERAL LAND BANK AND LAND BANK COMMISSIONER LOANS IN THE ELEVENTH FEDERAL LAND BANK DISTRICT

Under authority of circular letter FLB 1001, dated December 14, 1935 (Federal Register Compilation Chapter 2, Section 6 (b)) and by action of the Board of Directors of The Federal Land Bank of Berkeley on November 19, 1936, with the approval of the Land Bank Commissioner dated May 22, 1937, the following schedule of appraisal and title determination fees for Federal land bank and Land Bank Commissioner loans in the Eleventh Federal Land Bank district will be effective as to all applications filed beginning at the commencement of business July 16, 1937:

APPLICATION APPRAISAL FEE

| | |
|---|---|
| Up to and including $15,000 | $15.00 |
| $15,500 to $20,000 | 20.00 |
| 20,500 to 25,000 | 25.00 |
| 25,500 to 30,000 | 30.00 |
| 30,500 to 35,000 | 35.00 |
| 35,500 to 40,000 | 40.00 |
| 40,500 to 45,000 | 45.00 |
| 45,500 to 57,500 | 50.00 |

TITLE DETERMINATION FEE

[Additional to the Appraisal Fee]

| | |
|---|---|
| Up to and including $2,000 | $5.00 |
| Over $2,000—$5.00 plus 30¢ per hundred dollars in excess of $2,000. | |

JOINT LOANS

The total application appraisal and title determination fee for a joint loan is to be computed on the basis of the aggregate amount of the loan, with the addition of $5.00 as an additional closing or title determination fee.

[SEAL] FEDERAL LAND BANK OF BERKELEY,
By JOHN W. LAWTON,
*Assistant Secretary.*

[F. R. Doc. 37-2027; Filed, July 2, 1937; 11:51 a. m.]



## RAILROAD RETIREMENT BOARD.

### RULES GOVERNING EMPLOYERS' REPORTS OF MONTHLY COMPENSATION OF EMPLOYEES

*To All Employers Subject to the Railroad Retirement Act:*

To facilitate administration of the Railroad Retirement Act of 1937, and in order to make possible compliance with Section 8 thereof, it is necessary that a record be maintained by the Railroad Retirement Board showing the monthly earnings of each individual for employment covered by the Act in any calendar month subsequent to December 31, 1936.

The Board desires to cooperate with the employers in every way possible in order to reduce to a minimum the cost of reporting compensation. Subject to limitations imposed by available funds for administrative purposes, the Board may accept certified copies of monthly payrolls or punched tabulating cards in substitution of report forms hereinafter prescribed. The Board cannot permit substitution of report forms which would materially increase the cost of recording, or provide for reporting at longer intervals than those prescribed herein for regular reports.

Unless otherwise specifically agreed in writing approved by the Director of the Bureau of Accounts of the Railroad Retirement Board, every employer under the Railroad Retirement Act of 1937:

A. On or before August 31, 1937, shall forward to the Railroad Retirement Board, a report of the compensation earned by each employee for service during each of the months January, 1937, to June, 1937, inclusive. This report shall consist of:

(1) Either of the following: Form BA–2 "Report of Compensation of Employees for Six Months Ended June 30, 1937", or Form BA–3—"Report of Compensation of Employees for Three Months Ended ------, 193--" complete for each quarter.

(2) Form BA–4—"Compensation Adjustment Applicable to Service in Prior Months Included in Reports of Current Compensation Which Adversely Affect the Interest of Either the Employee or the Railroad Retirement Fund for the Three Months Ended ------, 193--"; and

(3) Form BA–5—"Summary Report of Compensation of Employees for the Three Months Ended ------, 193--", for each of the quarters ended March 31, 1937, and June 30, 1937.

(NOTE.—This section shall apply only to the period ending June 30, 1937. Thereafter, all reports shall be rendered on a quarterly basis as provided in Section B.)

B. On or before the expiration of 30 days after the close of each quarter beginning with the quarterly period ending September 30, 1937, each employer shall forward to the Railroad Retirement Board a report of the compensation earned by each employee for service during each month of such quarter. This report shall consist of:

(1) Form BA–3—"Report of Compensation of Employees for Three Months Ended ---------- 193--";

(2) Form BA–4—"Compensation Adjustments Applicable to Service in Prior Months Included in Reports of Current Compensation Which Adversely Affect the Interest of Either the Employees or the Railroad Retirement Fund for the Three Months Ended ---------- 193--"; and

(3) Form BA–5—"Summary Report of Compensation of Employees for the Three Months Ended ---------- 193--."

A brief description of the items for which provision is made follows:

1. *Employer.*—The corporate name of the employer shall be shown on each sheet of the report.

2. *Employer Number.*—The identification number assigned by the Railroad Retirement Board to the employer shall be shown on each sheet of the report.

3. *Employee Account Number.*—The 9-digit number assigned either by the Social Security Board or the Railroad Retirement Board and shown on the employee's account number card shall be shown.

4. *Employee Name.*—The last name, or surname, of the employee shall be shown in full as it appears on the account number card, together with the first name or initials. The order in which this information is shown is optional with the employer and may follow the method used in preparation of his payroll. The Board prefers the surname first, followed by either the first name and middle initial, or by both initials.

5. *I. C. C. Occupation Classification.*—The number of the occupational classification to be shown on each quarterly report shall be that to which the employee is assigned in reports to the Interstate Commerce Commission during the first month of each reporting period. During the calendar year 1937, this information need be reported only for the month of June, 1937.

6. *Compensation.*—The total compensation shown on a payroll or other disbursement document for a particular calendar month shall be shown on Form BA–3 (or Form BA–2) for every employee except for those employees in I. C. C. General Occupational Classification I, "Executives, Officials and Staff Assistants," whose earnings exceed $300 in any one month. For these latter employees, either total compensation or $300 shall be reported for each individual. The practice of reporting total compensation or $300 for each of these employees shall be constant for a particular employer and may be changed only after approval by the Director, Bureau of Accounts, Railroad Retirement Board.

7. *Adjustments.*—Any adjustment of compensation shown on a payroll or other disbursement document for a current month and included in the report as compensation for that month which represents an adjustment of compensation shown on the payroll for the prior month shall be reported on Form BA–4, "Compensation Adjustments Applicable to Service in Prior Months Included in Reports of Current Compensation Which Adversely Affect the Interest of Either the Employee or the Railroad Retirement Fund for the Three Months Ended ------ 193--:"

(a) If it affects the service period.

Example: An employee is shown on *July* payrolls for $200. On *October* payrolls the same employee is carried for $25 omitted time for July, without any current earnings. Form BA–3 shall include $200 for *July* and $25 for *October*. Form BA–4 shall include the adjustment of both *July* and *October* reports so that no service credit will be made for earnings reported in *October*.

(b) If such amount shall be sufficient to cause the total compensation reported for either the current or prior month to exceed $300.

Example: An employee is shown on *March* payrolls for $275. On *April* payrolls the same employee is carried for $300 for current earnings and $25 omitted time for *March*, or $325. Form BA–3 shall include *$275* for March and *$325* for *April*. Form BA–4 shall include the adjustment of both *March* and *April* so that the employee's record may be corrected to include $600 creditable wages instead of $575 creditable wages inferred from Form BA–3.

(c) If such amount shall be sufficient to cause the total compensation reported as more than $300 for either the current or prior month, to be $300 or less. Example: An employee is shown on *May* payrolls for $320. On *June* payrolls the same employee is carried for $295 for current earnings less $25 overpay in *May*, or $270. Form BA–3 shall include $320 for *May* and $270 for *June*.

Form BA–4 shall include the adjustment of both *May* and *June* so that the employee's record may be corrected to include $590 creditable earnings instead of $570 creditable wages inferred from Form BA–3.

(d) If such adjustment represents an adjustment of compensation earned prior to January 1, 1937. Example: An employee is shown on *April, 1937* payrolls for $200 for current earnings less $25 overpay for November, 1936, or $175. Form BA–3 shall include $175 for *April, 1937*. Form BA–4 shall include the adjustment of *April, 1937* under "Current Reporting", and the month and year affected by the adjustment shall be shown under "Prior Reporting" but no amounts should be shown under that heading.

It is the intent of Sections 6 and 7 of these instructions that any adjustment of compensation shown on a payroll or other disbursement document for a current month which would not affect the amount of annuity if reported as a part of current earnings instead of as an adjustment of prior earnings, shall be reported on Form BA–3 (of Form BA–2) as a part of the compensation earned during the month covered by the payroll or other disbursement document on which the adjustment is made.

Example: An employee is shown on *August* payrolls for $280. On *November* payrolls the same employee is carried for $270 current earnings less $10 overpay for August, or $260. Form BA–3 shall include $280 for *August* and $260 for *November*. No entry is required on Form BA–4 since the employee is entitled to credit for 2 service months and $540 earnings which are credited from Form BA–3 reportings.

8. *Summary and Recapitulation.*—The total for each sheet of Form BA–3 shall be shown and recapitulated on additional sheets of form BA–3, using the name column for sheet number and the last three columns for the amounts. If the report is of sufficient size to justify a grand recapitulation, the same forms shall be used for that purpose. Upon submission of detailed information indicating that the amounts shown on Form BA–3 are mechanically tabulated for totals concurrently with the listing of the report, the Director of the Bureau of Accounts of the Railroad Retirement Board may authorize the substitution of departmental, divisional, or other totals for sheet totals. Similar recapitulation shall be made for reports rendered on Farm BA–2.

The grand total of the report for each carrier as shown on the recapitulation shall be shown on Form BA–5 "Summary Report of Compensation of Employees for the Three Months Ended _____ 193__." The compensation earned by individuals in each month in excess of $300 which is included in the report shall be shown in total together with the net amount or taxable earnings in each month.

The declaration shall be signed by an authorized responsible official of the employer and the jurat completed by a notary public.

All reports, correspondence, requests for extension of time, or variation of other reporting requirements, requisitions for forms, etc., relating to this order should be addressed to the Director, Bureau of Accounts, Railroad Retirement Board, Washington, D. C.

[SEAL] MURRAY W. LATIMER, *Chairman.*

July 2, 1937.

[F. R. Doc. 37–2043; Filed, July 2, 1937; 3:43 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D. 1937.

[File No. 43–66]

IN THE MATTER OF LONE STAR GAS CORPORATION AND LONE STAR GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Lone Star Gas Corporation, a registered holding company, and by Lone Star Gas Company, a subsidiary of said Lone Star Gas Corporation pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by Lone Star Gas Corporation of $10,000,000 aggregate principal amount of bank loan notes, each note being payable in installments, such installments maturing at dates from six months to five years after the date of issue of such note and bearing interest at rates from 1¾% to 4% per annum, and by Lone Star Gas Company of $6,000,000 aggregate principal amount of bank loan notes, each note being payable in installments, such installments maturing at dates from six months to five years after the date of issue of such note and bearing interest at rates from 2% to 4½% per annum

It is ordered that a hearing on such matter be held on July 19, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 14, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2034; Filed, July 2, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, 1937.

[File No. 1–1656]

IN THE MATTER OF CENTRAL OHIO STEEL PRODUCTS COMPANY COMMON STOCK, $1.00 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION.

The Central Ohio Steel Products Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1.00 par value, from listing and registration on the Pittsburgh Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10 o'clock a. m. on August 10, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2033; Filed, July 2, 1937; 12:40 p m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, 1937.

[File No. 1–2700]

IN THE MATTER OF EL PASO NATURAL GAS COMPANY 4¾% CONVERTIBLE DEBENTURES

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the 4¾% Convertible Debentures of El Paso Natural Gas Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10 o'clock a. m. on August 12, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2032; Filed, July 2, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, 1937.



[File No. 1–182]

IN THE MATTER OF THE PURE OIL COMPANY 5¼% PREFERRED STOCK, $100 PAR VALUE 6% PREFERRED STOCK, $100 PAR VALUE 8% PREFERRED STOCK, $100 PAR VALUE COMMON SHARES, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Pure Oil Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its 5¼% Preferred Stock, $100 par value, 6% Preferred Stock, $100 par value, 8% Preferred Stock, $100 par value and Common Shares, no par value, from listing and registration on the Cincinnati Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10:00 a. m. August 10, 1937, in Room 630, Bankers Building, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that W. McNiel Kennedy and Henry Fitts, officers of the Commission, be and they hereby are designated to administer oats and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2030; Filed, July 2, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 30th day of June, 1937.

[File No. 1–381]

IN THE MATTER OF ULEN AND COMPANY 6% CONVERTIBLE SINKING FUND GOLD DEBENTURES, DUE 1944, BEARING 3 STAMPS

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the 6% Convertible Sinking Fund Gold Debentures, due 1944, bearing 3 stamps, of Ulen and Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 11 o'clock a. m. on August 12, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W. Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to

perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2031; Filed, July 2, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 30th day of June, A. D., 1937.

[File No. 43-13]

IN THE MATTER OF THE NARRAGANSETT ELECTRIC COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION

The Narragansett Electric Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by the declarant of certain securities in connection with a readjustment in the capitalization of the declarant; and

The declarant having requested the withdrawal of such declaration;

The Commission, having due regard for the public interest and the interest of investors and consumers, consents to the withdrawal of said declaration, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2035; Filed, July 2, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 43-10]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION

New England Power Association having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the guaranty by the declarant of $8,000,000 principal amount of notes of The Rhode Island Public Service Company; and

The declarant having requested the withdrawal of such declaration;

The Commission, having due regard for the public interest and the interest of investors and consumers, consents to the withdrawal of said declaration, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2037; Filed, July 2, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 30th day of June, A. D. 1937.

[File No. 43-11]

IN THE MATTER OF THE RHODE ISLAND PUBLIC SERVICE COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION

The Rhode Island Public Service Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by the declarant of $8,000,000 principal amount of notes; and

The declarant having requested the withdrawal of such declaration;

The Commission, having due regard for the public interest and the interest of investors and consumers, consents to the withdrawal of said declaration, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2036; Filed, July 2, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, 1937.

[File No. 43-63]

IN THE MATTER OF MIDDLE WEST UTILITIES COMPANY OF CANADA LIMITED

[Public Utility Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7

Middle West Utilities Company of Canada Limited, a subsidiary of a registered holding Company, having duly filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and alteration of the Holders' rights of 14,000 shares of its $100 par value $7 Cumulative Preference Stock (which will remain outstanding after its acquisition of 36,000 shares of such stock, see File No. 44-8) by stamping such shares with an appropriate legend to the effect that accumulated and unpaid dividends thereon up to July 1, 1937, have been cancelled and that cumulative dividends thereon will commence to accrue on and from that date;

Such declaration having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been examined; and the Commission having filed its findings herein;

It is ordered that such declaration, as amended, be and become effective forthwith, subject to the terms and conditions set forth in, and for the purposes represented by, said amended declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2038, Filed, July 2, 1937; 12:42 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

[File No. 2-2898]

IN THE MATTER OF INCOME ESTATES OF AMERICA, INC.

ORDER DISMISSING STOP ORDER PROCEEDINGS

This matter coming on to be heard upon the registration statement originally filed by registrant, Income Estates of America, Inc., on February 23, 1937, and upon the amendments filed by it on March 20, March 25, April 10, and April 26, 1937; and the Commission having duly considered the matter and being now fully advised in the premises; it is ordered that a certain stop order proceeding under Section 8 (d) of the Securities Act of 1933, as amended, heretofore instituted and until now pending with respect to the said registration statement, be and the same is hereby dismissed.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2039; Filed, July 2, 1937; 12:42 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of June, A. D., 1937.

[File No. 2-1618]

IN THE MATTER OF INCOME ESTATES OF AMERICA, INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant, Income Estates of America, Inc., of Philadelphia, Pennsylvania, filed August 30, 1935, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Income Estates of America, Inc., of Philadelphia, Pennsylvania, filed August 30, 1935, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2040; Filed, July 2, 1937; 12:43 p. m.]

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## UNITED STATES MARITIME COMMISSION.

ORDER FOR HEARINGS ON MINIMUM-MANNING SCALES, MINIMUM-WAGE SCALES, AND REASONABLE WORKING CONDITIONS

Pursuant to the authority and direction to the Commission contained in Title III, Section 301 (a) of the Merchant Marine Act, 1936, to investigate employment and wage conditions in ocean-going shipping and, after such investigation and appropriate hearings, to incorporate in contracts authorized under Titles VI and VII of said Act, minimum-manning scales, minimum-wage scales, and reasonable working conditions for all officers and crews employed on all types of vessels receiving an operating-differential subsidy, it is hereby

Ordered that such investigation be made and that, for the purpose thereof and for the further purpose of affording to all interested parties an appropriate opportunity to be heard, public hearings be held to take evidence of the relevant facts concerning such employment and wage conditions in ocean-going shipping to be considered by the Commission, together with other facts obtained through its investigations, in determining what minimum manning scales and minimum wage scales and reasonable working conditions should be incorporated in contracts authorized under Title VI and VII of said Act;

Further ordered that said hearings be held at the places and commence at the times set forth in the following schedule:

*Schedule of Hearings*

ATLANTIC & GULF COAST PORTS

| Port | Place of Hearing | Date | Time |
|---|---|---|---|
| | | 1937 | |
| New York, N. Y. | U. S. Maritime Commission District Office, 45 Broadway, Room 900. | July 13 | 10 a. m. |
| Boston, Mass. | Federal Building, Fourth Floor Court Room. | July 19 | 10 a. m. |
| Philadelphia, Pa. | Old Post Office Building (9th & Market) Room 318. | July 21 | 10 a. m. |
| Baltimore, Md. | Post Office Building, Room 352. | July 23 | 10 a. m. |
| Norfolk, Va. | Post Office Building, Grand-Jury Room. | July 26 | 10 a. m. |
| New Orleans, La. | Post Office Building, Room 206. | Aug. 3 | 10 a. m. |
| Houston, Texas | Post Office Building, District Court Room. | Aug. 5 | 10 a. m. |

PACIFIC COAST PORTS

| | | | |
|---|---|---|---|
| San Francisco, Cal. | Post Office Building, District Court Room 251. | July 20 | 10 a. m. |
| Seattle, Wash. | Federal Building, Customs Court Room. | July 27 | 10 a. m. |
| Los Angeles, Cal. | State Building, California Railroad Commission Court Room. | Aug. 2 | 10 a. m. |

Further ordered that the hearings set forth in said schedule under the heading "Atlantic and Gulf Ports" be conducted by Thomas M. Woodward, a member of the Commission, and that the hearings set forth in said schedule under the heading "Pacific Ports" be conducted by Edward C. Moran, Jr., a member of the Commission.

Further ordered that the member of the Commission conducting any of said hearings may change the time and place thereof, may continue or adjourn said hearing from time to time, and may conduct the same in such manner and under such rules as by him may be deemed necessary or advisable.

By the Commission.

Dated June 30, 1937.

[SEAL] W. C. PEET, Jr., *Secretary.*

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All interested parties will be afforded an opportunity to present facts relating to the subject matter of the hearings either orally or in writing.

Without limiting the subject matters to be considered at these hearings, the following matters will be considered for the licensed and unlicensed personnel of the deck and engine departments, radio operators, and the personnel of the steward's department, respectively:

Present manning conditions and any provisions which may be proposed for the minimum-manning scales to be adopted by the Commission for various types of subsidized passenger and freight vessels;

Present wage conditions and any provisions which may be proposed for the minimum-wage scales to be adopted by the Commission for various types of subsidized passenger and freight vessels;

Present working conditions and any provisions which may be proposed for the reasonable working conditions to be adopted by the Commission for various types of subsidized passenger and freight vessels, particularly with reference to living conditions aboard ship; nature and hours of work at sea and in port; work which will constitute overtime work at sea and in port; and overtime pay or time off in lieu thereof; vacations, including provisions for determining continuous service for such purposes; and subsistence and travel allowances.

The hearings are to be confined exclusively to the presentation of facts with respect to employment conditions and wages in ocean-going shipping and any facts which tend to support the inclusion or exclusion of any provisions

which may be proposed for the minimum-manning or wage scales or reasonable working conditions to be adopted by the Commission for vessels subsidized under the Act.

Immediately after the conclusion of these hearings and at a time to be later announced by the Comimssion, an opportunity for argument on the facts developed at the hearings will be afforded to all interested parties before the full Commission in Washington.

[F. R. Doc. 37-2042; Filed, July 2, 1937; 1:03 p. m.]

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*Wednesday, July 7, 1937* *No. 129*

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## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

### ESTABLISHING MOOSEHORN MIGRATORY BIRD REFUGE

*Maine*

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands and waters acquired or to be acquired by the United States within the following-described boundary, comprising approximately 11,949 acres in Washington County, Maine, be, and they are hereby, reserved and set apart, subject to existing valid rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, That any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

Beginning at the corner common to the Towns of Baring, Calais, Charlotte, and Robbinston;

Thence from said initial point with the town line between Baring and Charlotte,

S. 53°25′ W., 40.11 chains;
S. 58°38′ W., 92.36 chains;
S. 58°21′ W., 67.35 chains, to the corner common to lots 5 and 6 in the town line between Baring and Charlotte;

Thence passing within the Town of Charlotte, with lines between lots 5 and 6, through Rs. 10, 9, and 8,

S. 31°04′ E., 41.39 chains;
S. 31°05′ E., 9.99 chains;
S. 31°03′ E., 70.15 chains, to the corner common to lots 5 and 6, ranges 7 and 8;

Thence with line between lots 6, ranges 7 and 8,

S. 58°20′ W., 39.78 chains, to the corner common to lots 6 and 7, ranges 7 and 8;

Thence with line between lots 6 and 7, ranges 8 and 9,

N. 31°31′ W., 80.01 chains, to the corner common to lots 6 and 7, ranges 9 and 10;

Thence with line between lots 7, ranges 9 and 10,

S. 59°03′ W., 14.31 chains, to the southwest corner of lot 7, range 10, in the town line between Charlotte and Meddybemps;

Thence with the town line between Charlotte and Meddybemps,

N. 31°19′ W., 41.24 chains, to the corner common to the Towns of Baring, Charlotte, and Meddybemps;

Thence passing within the Town of Meddybemps,

S. 58°54′ W., 100.40 chains;
N. 31°01′ W., 14.07 chains;
N. 51°21′ W., 62.36 chains, to the corner common to lots 8 and 10 in the east boundary of lot 6;

Thence with line between lots 6 and 10,

N. 31°11′ W., 19.90 chains, to the east shore of Meddybemps Lake;

Thence with the meanders of Meddybemps Lake,

Northerly, 347.99 chains, to the northwest corner of lot 23 on the east shore of said lake;

Thence with the northwest boundary of lot 23,

N. 57°48′ E., 50.82 chains, to the south corner of lot 24;

Thence with the southwest and northwest boundaries of lot 24,

N. 57°06′ W., 51.84 chains;
N. 33°02′ E., 18.02 chains, to the north corner of lot 24 in the southwest boundary of lot 25;

Thence with part of the southwest, northwest, and northeast boundaries of lot 25,

N. 58°03′ W., 0.67 chain;
N. 32°37′ E., 19.98 chains;
S. 57°30′ E., 51.06 chains, to the corner of lots 25, 26, 28, and 27 in the center line of the Meddybemps road;

Thence with the center line of the Meddybemps road,

Northerly, 168.24 chains, to the intersection of the southeast boundary of the St. Croix River lot 4, with the center line of said road;

Thence with the southeast boundary of St. Croix River lots 4, 3, and 2,

N. 58°33′ E., 21.47 chains;
N. 57°31′ E., 25.85 chains, to a point in the southeast boundary of St. Croix River lot 2;

Thence with the following lines,

S. 32°47 E., 40.52 chains;
N. 58°14′ E., 30.64 chains;
S. 31°39′ E., 40.93 chains;
N. 58°18′ E., 38.27 chains;
S. 31°16′ E., 15.00 chains;
N. 59°11′ E., 16.67 chains, to a point in the town line between Baring and Calais;

Thence with the town line between Baring and Calais,

N. 30°43′ W., 13.77 chains, to a point;

Thence passing within lot 1, range 4, Town of Calais,

N. 58°41′ E., 16.85 chains;
S. 8°04′ E., 4.10 chains;
S. 60°45′ W., 0.61 chain;
S. 29°23′ E., 1.56 chains;
S. 8°04′ E., 10.22 chains;
N. 62°36′ E., 8.70 chains;
S. 27°24′ E., 1.61 chains;
S. 58°47′ W., 19.22 chains, to a point in the southwest boundary of lot 1, range 4, Town of Calais, in the town line between Baring and Calais;

Thence with the town line between Baring and Calais,

S. 32°37′ E., 22.67 chains, to a point;

Thence passing within lot 1, range 4, Town of Calais,

N. 77°29′ E., 4.66 chains, to a point in the center line of the Calais-Charlotte road;

Thence with the center line of the Calais-Charlotte road,

Southwesterly, 6.75 chains, to the town line between Baring and Calais;

Thence with the town line between Baring and Calais,

S. 31°11′ E., 11.29 chains, to the corner common to lots 1, ranges 3 and 4, Town of Calais, in the town line between Baring and Calais;



Thence passing within the Town of Calais with line between lots 1, ranges 3 and 4,

N. 46°42′ E., 40.11 chains, to a point in the center line of the Howard Mill road;
N. 56°21′ E., 1.79 chains, to the center line of the Magurrewock Stream;

Thence passing within lot 1, range 4, with the center line of Magurrewock Stream, downstream with the meanders thereof,

Northwesterly, 44.03 chains, to a point;

Thence leaving Magurrewock Stream with the following lines,

S. 67°04′ W., 2.00 chains;
N. 23°57′ W., 0.54 chain;
N. 34°08′ W., 0.95 chain;
N. 51°49′ W., 1.89 chains;
N. 26°13′ W., 2.47 chains;
N. 47°43′ W., 3.71 chains;
N. 42°17′ E., 2.00 chains, to a point in the center of Magurrewock Stream;

Thence with the center line of Magurrewock Stream, downstream with the meanders thereof,

Northwesterly, 14.59 chains, to a point;

Thence leaving the Magurrewock Stream,

N. 63°03′ E., 10.05 chains;
S. 31°14′ E., 59.27 chains, to a point in line between lots 1, ranges 3 and 4;

Thence with line between lots 1, ranges 3 and 4,

N. 58°35′ E., 25.20 chains, to the corner common to lots 1 and 2, ranges 3 and 4;

Thence with line between lots 1 and 2, range 3,

S. 31°43′ E., 80.01 chains, to the corner common to lots 1 and 2, ranges 2 and 3;

Thence with line between lots 1, ranges 2 and 3,

S. 58°15′ W., 79.62 chains, to the corner common to lots 1, ranges 2 and 3, in the town line between Baring and Calais;

Thence with the town line between Baring and Calais,

S. 31°12′ E., 27.45 chains;
S. 31°16′ E., 118.75 chains;
S. 31°12′ E., 18.49 chains, to the place of beginning.

This refuge shall be known as the Moosehorn Migratory Bird Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 1, 1937.*

[No. 7650]

[F. R. Doc. 37-2044; Filed, July 2, 1937; 4:01 p. m.]

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### EXECUTIVE ORDER

### MODIFYING EXECUTIVE ORDER OF JUNE 8, 1926, CREATING RESERVOIR SITE RESERVE NO. 17, PACIFIC SLOPE BASINS, CALIFORNIA

*Modification No. 404*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that the Executive Order of June 8, 1926, creating Reservoir Site Reserve No. 17, be, and it is hereby, modified to the extent necessary to enable the Federal Power Commission to issue licenses and amendments thereto for power projects consisting of transmission lines on the following described lands, on condition that whenever such lands are required for reservoir purposes the licensees shall at their own expense remove their project works therefrom or from such portions thereof as may be required for reservoir purposes, within thirty days after receipt of notice from the Secretary of the Interior:

SAN BERNARDINO MERIDIAN

(Granite Dyke Reservoir Site, San Gabriel River)

T. 1 N., R. 9 W.,
sec. 5, W½W½;
sec. 6, lot 3, NE¼, SE¼SW¼, N½SE¼, E½SW¼SE¼, and SE¼SE¼;
sec. 7, NE¼NE¼, E½NE¼NW¼NE¼, E½W½NE¼NW¼-NE¼, SE¼SW¼NW¼NE¼, SE¼NW¼NE¼, N½SW¼-NE¼, SE¼SW¼NE¼, SE¼NE¼, W½NE¼NW¼, N½-SE¼NW¼, SW¼SE¼NW¼, SE¼NE¼SW¼, E½E½-SE¼SW¼, E½W½E½SE¼SW¼, and W½SE¼;
sec. 8, NW¼NW¼;
sec. 18, (fractional) W½ of lot 1, SE¼ of lot 1, lot 2, NE¼NW¼, and SE¼NW¼.

T. 2 N., R. 9 W.,
sec. 19, all;
sec. 20, E½, SW¼NW¼, N½SW¼, and SE¼SW¼;
sec. 21, lots 1, 2, 3, and 4, SE¼NE¼, and W½NW¼;
sec. 22, N½SE¼SE¼, N½S½SE¼SE¼, SE¼SE¼SE¼SE¼,
sec. 23, SW¼SW¼;
sec. 25, N½, and N½S½;
sec. 26, lots 1, 2, 4, and 5, N½NE¼, S½SW¼NE¼, NE¼-SE¼NE¼, E½NW¼SE¼NE¼, S½SE¼NE¼, and S½-SE¼NW¼;
sec. 27, lots 1 and 2, NE¼NE¼NE¼NE¼, SE¼NE¼, and W½NW¼;
sec. 28, lots 1, 2, and 3, NE¼NW¼, and S½N½;
sec. 29, lots 1 and 2, W½NE¼, S½NW¼, SE¼SW¼, NE¼SE¼, W½NW¼SE¼, and S½SE¼;
sec. 30, W½NE¼, SE¼NE¼, and E½NW¼;
sec. 31, SE¼NE¼, and SE¼;
sec. 32, lot 1 (N½NE¼NW¼), NW¼NW¼NW¼NE¼, SW½NE¼NW¼; W½SE¼NE¼NW¼, W½NW¼, W½-W½SE¼NW¼, and SW¼.

T. 1 N., R. 10 W.,
sec. 12, SE¼SW¼, N½SE¼, SW¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼.

T. 2 N., R. 10 W.,
sec. 13, SE¼SW¼, and SW¼SE¼;
sec. 22, SE¼NE¼, and SE¼;
sec. 23, SW¼NE¼, S½NW¼, N½SW¼, and SE¼;
sec. 24, W½NE¼, SE¼NE¼, W½, and SE¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 1, 1937.*

[No. 7651]

[F. R. Doc. 37-2045; Filed, July 2, 1937; 4:01 p. m.]

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### EXECUTIVE ORDER

### PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6361 OF OCTOBER 25, 1933, WITHDRAWING PUBLIC LANDS

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6361 of October 25, 1933, temporarily withdrawing certain lands in California for classification and pending determination as to the advisability of including such lands in a national monument, is hereby revoked as to the following-described public lands:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 4 E., sec. 31, E½SW¼, W½SE¼, 160 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 2, 1937.*

[No. 7652]

[F. R. Doc. 37-2048; Filed, July 3, 1937; 11:38 a. m.]

## TREASURY DEPARTMENT.

### Public Health Service.

### REGULATIONS OF THE SURGEON GENERAL GOVERNING ALLOTMENTS AND PAYMENTS TO STATES FROM FUNDS APPROPRIATED UNDER THE PROVISIONS OF SECTION 601, SOCIAL SECURITY ACT, FOR THE FISCAL YEAR 1938

#### I. COMPLIANCE WITH LAW AND REGULATIONS

In order that funds allotted to the States may be of maximum use in assisting States, counties, and health districts, and other political sub-divisions of the States, in establishing and maintaining adequate public health service, payments made to a State under authority of Title VI of the Social Security Act will be certified by the Surgeon General only after such State has complied with the provisions of the Act and the Regulations authorized thereunder.

#### II. ALLOTMENTS

Funds appropriated by the Congress for the fiscal year 1938 and balances remaining unpaid to the States at the end of the fiscal year 1937 will be allotted to the States on the basis of (1) population, (2) special health problems, (3) financial needs, as provided in Title VI of the Social Security Act of August 14, 1935, in accordance with the following percentage distribution:

*1. Population*

Allotments amounting to 30.7 percent of the available appropriations will be made to the several States in the ratio which the population of each State bears to the population of the United States as shown by the last decennial federal census.

*2. Special Health Problems*

Allotments amounting to 38.6 percent of available appropriations will be made to the several States on the basis of special health problems including the training of personnel, as determined by the Surgeon General.

*3. Financial Needs*

Allotments amounting to 30.7 percent of available appropriations will be made to the States on the basis of the financial needs of such States.

#### III. BALANCES FROM ALLOTMENTS

Unpaid balances from allotments at the end of the fiscal year shall not be paid but shall remain in the appropriation for reallotment to the States in the succeeding fiscal year in accordance with the provisions of Subsection (b), Section 602, of the Social Security Act.

#### IV. BALANCES FROM PAYMENTS

Unexpended balances remaining from quarterly payments made to the States in accordance with the provisions of Subsection (c), Section 602, of the Social Security Act during the fiscal year ending June 30, 1938, or any previous fiscal year, may be retained by the States and utilized for carrying out the purposes for which such funds were allotted and paid, subject to the following conditions:

1. Balances required under these regulations to be matched with State or local funds must be so matched before they are expended.

2. Itemized budgets for the expenditure of such balances must be submitted and approved prior to such expenditure.

3. Where savings occur in items allocated to State or local funds in the operation of any budget in which federal funds allotted under the provisions of Title VI of the Social Security Act are used, there shall be a proportionate reduction in the amount of federal funds expended unless such savings be rebudgeted for the support of items in the budget for the particular project involved.

#### V. SUBMISSION OF PLANS

To be eligible to receive payments from allotments each State shall have presented: (a) a comprehensive statement of the present State health organization, programs and budget; (b) a proposed plan for extending and improving the administrative functions of the State department of health; (c) a proposed plan for extending and improving local (county, district, city) health services to be carried out with the assistance of funds available under the provisions of Title VI of the Social Security Act.

#### VI. SUBMISSION AND APPROVAL OF BUDGETS

Before payments shall be made to any State, the State health officer shall:

(a) Submit to the Surgeon General and secure approval of a proposed budget, for each project, on forms supplied by the Public Health Service. The budget shall show the sources, purposes, and amounts of all funds, the amounts requested from the Public Health Service for the fiscal year, together with such other information relating to such proposed project as the Surgeon General may require. The application for quarterly payment to a State shall include only those funds required for financing budgets actually in force, or which definitely will become operative, in the quarter for which payment is requested.

(b) Certify that State and local expenditures have not been replaced or curtailed through the use of federal funds.

#### VII. SUPPLEMENTAL AND REVISED BUDGETS

Supplemental budgets for the purpose of utilizing unpaid balances of allotments, or unexpended balances from payments made on the basis of previously approved budgets, may be submitted for any subsequent quarter after the beginning of the fiscal year, for (a) new projects or (b) adding new items to existing budgets.

Revisions of existing budgets shall be submitted whenever the rate of expenditure for any budget item is to be increased; but not when through lapses or otherwise the expenditures are to be decreased. Such savings from approved budgets may be transferred to other budgets after such revised budget is submitted for approval.

Supplemental and revised budgets submitted in any quarter after the beginning of the fiscal year shall not be made effective prior to the beginning of the next succeeding quarter; provided, that exceptions to this rule may be made, with the approval of the Surgeon General, when necessary to meet emergencies.

#### VIII. EXISTING APPROPRIATIONS NOT TO BE REPLACED

Payments to aid existing State or local projects will be supplemental to funds now being expended and in no case shall such payments replace existing State or local appropriations for the purpose of relieving State or local authorities from expenditures now being made. Should appropriations for the fiscal year 1938 be less than appropriations for the year 1937, the payment from funds allotted for 1938 will be reduced in a like amount.

#### IX. MATCHING REQUIREMENTS

Allotments to States shall be available for payment when matched by State or local public funds appropriated and expended for public health work, as hereinafter provided.

As hereinafter used, the term appropriations shall mean State and local funds (existing and new) appropriated for public health work exclusive of those sums which have been or are being used to match grants provided by federal agencies other than the United States Public Health Service.

1. States which met all matching requirements for the fiscal year 1937 will be eligible for payment of all funds allotted for the year 1938, provided 1938 appropriations are at least equal to 1937 appropriations. If 1938 appropriations are less, the reduction in payment of federal funds required under the provisions of Section VIII will apply.

2. States which did not meet all matching requirements for the fiscal year 1937, but whose total allotment for 1938 is equal to or greater than that for 1937, will be eligible for payment of all funds allotted for the year 1938, provided 1938 appropriations have been increased to meet the matching requirements for 1937.

3. States which did not meet all matching requirements for the fiscal year 1937, but whose total allotment for 1938 is less than that for 1937, are eligible for payment of all funds allotted for the year 1938, provided appropriations for 1938 are equal to appropriations for the year 1937. If 1938 appropriations are less, the reduction in payment of federal funds required under the provisions of Section VIII will apply.

4. The Surgeon General, in his discretion, may waive matching requirements in those States wherein the per capita [1] appropriation for the State health department (exclusive of funds for the maintenance of institutions) exceeds the average per capita appropriations of all of the States for the same purposes.

#### X. PAYMENTS ON THE BASIS OF SPECIAL HEALTH PROBLEMS

In the allotment of funds for special health problems this term shall be interpreted to mean necessity arising out of (1) high morbidity or mortality on a State-wide basis from particular causes, such as malaria, hookworm, bubonic plague, trachoma, typhus fever, and similar geographically limited diseases or other conditions that result in inequality of exposure to public health hazards among the States; (2) special industrial hazards; and (3) other special conditions which create unequal burdens in the administration of equal public health services among the States.

#### XI. TRAINING OF PERSONNEL

In order to meet the needs for properly qualified professional and technical personnel with which to conduct effectively the State and local health services, the sum of $1,184,175 shall be set aside for the fiscal year 1938 and allotted to the States for this purpose. Of this sum $1,003,655 shall be allotted among the several States as far as practicable to meet in full the training demands as submitted by the State health officers. The sum of $180,500 shall be allotted for approved training centers.

#### XII. PURPOSES FOR WHICH TRAINING FUNDS MAY BE USED

Funds paid to a State for the training of personnel may be used to pay living stipends, tuition, and traveling expenses of personnel employed or to be employed in the State and local health services, such training period not to exceed one year for any individual.

The Surgeon General will recommend to the States the maximum allowances for stipends, traveling and other permissible items of expense for the training of personnel.

These funds may also be used to aid training centers in the equipment and maintenance of training courses.

#### XIII. PAYMENTS ON THE BASIS OF FINANCIAL NEED

The funds to be allotted to the several States for the fiscal year 1938 on the basis of financial needs ($2,800,000) shall be distributed among the several States in accordance with the ability of the State to raise revenue expressed indirectly in terms of per capita income.

#### XIV. METHOD OF PAYMENT TO STATES

Payments to the States shall be made in quarterly installments, subject to approval of the Secretary of the Treasury, to the Treasurer of the State or other State official authorized by law to receive such funds.

#### XV. CUSTODY AND DISBURSEMENT OF FUND

All such payments shall be held by the State official to whom made in a separate fund distinct from other State funds and shall be disbursed by him solely for the purpose or purposes specified in budgets approved by the State health officer and the Surgeon General and filed with such official.

[1] To be calculated on the Census Bureau 1936 midyear estimate of population.





#### XVI. FINANCIAL REPORTS

The State health officer shall submit to the Surgeon General on forms provided for that purpose quarterly financial reports as follows:

(a) A quarterly project financial report for each budget in force; and

(b) A consolidated quarterly report summarizing all budgets.

The consolidated quarterly financial report must be certified also by the Treasurer or other State official charged with the responsibility for disbursing funds so far as State health department funds may be concerned. Where such officials are not authorized to certify with respect to the expenditure of local funds, the report must be accompanied by certificates from appropriate local fiscal officials.

The reports shall show the amount of Public Health Service funds actually expended, the actual expenditure of State and local funds, and such other information as the Surgeon General may from time to time require.

#### XVII. PROGRESS REPORTS OF ACTIVITIES

Quarterly reports of activities will be required by the Public Health Service from each State health department as follows:

(a) Activities of central administration and service projects pursuant to approved budgets shall be reported quarterly in duplicate and may be submitted in narrative form.

(b) A copy of the progress report from each local health project pursuant to approved budgets shall be furnished to the Regional Office on forms of the State health department.

(c) A consolidated summary report for all local projects pursuant to approved budgets shall be made to the Surgeon General on forms provided by the Public Health Service for that purpose.

The listing of certain items on the summary report form referred to above should not be interpreted as requiring that all such activities be carried out in every local health project. Also, other activities not listed on the report form should be reported in an appropriate manner.

Statistical reports may be submitted with narrative reports wherever considered desirable by the State health officer.

#### XVIII. REPORTS OF ACTIVITIES AND EXPENDITURES FROM "OTHER AGENCIES" NOT REQUIRED

No detailed accounting of expenditures and no detailed reports of activities will be required for personnel and other expenditures paid from funds supplied by other agencies unless such funds are used for purposes of meeting the matching requirements of the Public Health Service.

Approved June 30, 1937.

[SEAL] THOMAS PARRAN,
*Surgeon General.*

[F. R. Doc. 37-2049; Filed, July 3, 1937; 11:58 a. m.]

## WAR DEPARTMENT.

### REGULATIONS TO GOVERN THE USE, ADMINISTRATION, AND NAVIGATION OF THE AREA BETWEEN PORTSMOUTH HARBOR, N. H., AND THE ISLE OF SHOALS

#### THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

That section four of the River and Harbor Act of August eighteenth, eighteen hundred and ninety-four, as amended by section eleven of the River and Harbor Act of June thirteenth, nineteen hundred and two, be, and is hereby, amended so as to read as follows:

SEC. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel

improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

THE REGULATIONS

In conformity with the above law the following regulations are prescribed to govern the use, administration and navigation of the area within a thousand yard radius of a point in the State of New Hampshire lying westerly from Isle of Shoals, bearing 270° true from White Island Light, distance 6500 yards, for a period of two (2) months from June 15, 1937, to August 15, 1937, inclusive, for the performance of certain tests involving the use of explosives.

1. A notice giving a description of the area and warning the public to avoid entering it during the progress of experiments shall be published by the Hydrographic Office in each issue of the Notice to Mariners, the weekly Hydrographic Bulletin, the Daily Memorandum, and Radio Broadcasts, during the two (2) months period from June 15, 1937, to August 15, 1937, inclusive.

2. The presence, in the vicinity, of a vessel of the United States Navy bearing a red pennant as a danger signal, shall be deemed to be sufficient evidence that the tests are in progress and notice to all persons to avoid the area.

3. It shall be the duty of the United States Navy Department to maintain in the vicinity during the actual progress of the tests a suitable vessel bearing a red pennant as a danger signal and to warn away all intruders for the purpose of avoiding injury to persons or property.

4. For the purpose of enforcing the vacating of the above described area by any person or persons at such times within the above two (2) months period, during which tests are actually in progress the penalties specified in Section 4 of the above mentioned River and Harbor Act of August 8, 1917, shall be applicable against any person or corporation which shall refuse after due warning to vacate the area.

Approved, June 4, 1937.

[SEAL] HARRY H. WOODRING, *Secretary of War.*

[F. R. Doc. 37-2050; Filed, July 6, 1937; 10:09 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Park Service.

RULES AND REGULATIONS—OPERATION OF MOTOR VEHICLES

JUNE 10, 1937.

Pursuant to the authority granted to the Secretary of the Interior by the Act of Congress approved July 1, 1898 (30 Stat. 570), as amended, the National Capital Parks regulations are hereby amended in the following particulars:

Article 12—Section 3.

(d) Operators of vehicles desiring to pass other vehicles proceeding in the same direction must signify their intention by outwardly extending the left arm.

Approved: June 10, 1937.

[SEAL] CHARLES WEST, *Acting Secretary of the Interior.*

[F. R. Doc. 37-2047; Filed, July 3, 1937; 10:17 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 135]

PETITION OF PORTLAND GENERAL ELECTRIC COMPANY LICENSEE, DATED JUNE 9, 1937, FOR REHEARING, REARGUMENT, AND RECONSIDERATION OF THE COMMISSION'S ORDER OF MAY 4, 1937, DENYING THE APPLICATION OF SAID LICENSEE DATED AUGUST 25, 1936

ORDER SETTING DATE OF HEARING ON PETITION FOR REHEARING

Upon petition dated June 9, 1937, received June 11, 1937, from Portland General Electric Company, licensee under license for project No. 135, requesting a rehearing, reargument, and reconsideration in re Part (2) of the order of the Commission of May 4, 1937, denying the application of said licensee dated August 25, 1936, received September 15, 1936;

It is ordered: That a hearing be held on said petition for rehearing, reargument, and reconsideration in re Part (2) of said order of the Commission of May 4, 1937, on September 27, 1937, at 10 a. m., in the Commission's hearing room at 1800 Pennsylvania Avenue, N. W., Washington, D. C., at which time said licensee may appear and argue in support of said petition for rehearing.

Adopted by the Commission on June 30, 1937.

[SEAL] LEON M. FUQUAY, *Acting Secretary.*

[F. R. Doc. 37-2051; Filed, July 6, 1937; 10:41 a. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 23rd day of June, A. D. 1937.

IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

The matter of accounting for taxes, other than property taxes, assessed against lessor companies and assumed by lessees, being under consideration:

*It is ordered*, That Accounting Bulletin No. 15, Interpretations of Accounting Classifications, prescribed by the Interstate Commerce Commission, for Steam Roads effective January 1, 1918, be and is hereby amended by the addition of the following:

CASE 295

Query: How shall franchise, capital-stock, income, social-security, and similar taxes (other than property taxes) imposed upon a lessor company be accounted for when assumed by the lessee under the terms of agreement for lease of road?

Answer: The lessee shall charge such taxes paid by it to account 542, "Rent for leased roads and equipment." The lessor shall credit these taxes to account 509, "Income from lease of road and equipment," and charge them to the appropriate tax account.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2046; Filed, July 3, 1937; 10:15 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

ADOPTION OF RULE 149

RULE 149. *Definition of "Exchanged" in Section 3 (a) (9), for Certain Transactions.*—The term "exchanged" in section 3 (a) (9) shall be deemed to include the issuance of a security in consideration of the surrender, by the existing security holders of the issuer, of outstanding securities of the issuer, notwithstanding the fact that the surrender of the outstanding securities may be required by the terms of the plan of exchange to be accompanied by such payment in cash by the security holder as may be necessary to effect an equitable adjustment, in respect of dividends or interest paid or payable on the securities involved in the exchange, as between such security holder and other security holders of the same class accepting the offer of exchange.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2053; Filed, July 6, 1937; 12:41 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1937.

[File No. 47-8]

IN THE MATTER OF CITIZENS UTILITIES COMPANY

[Public Utility Act of 1935]

ORDER APPROVING ACQUISITION BY HOLDING COMPANY OF ALL ASSETS AND BUSINESS OF SUBSIDIARY PURSUANT TO SECTION 10

Citizens Utilities Company, a registered holding company, having filed an application with this Commission, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of all the assets and business of its subsidiary, Public Utilities Kansas Corporation;

Such application having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that acquisition of all the assets and business of Public Utilities Kansas Corporation by Citizens Utilities Company in accordance with the terms and conditions set forth in, and for the purposes represented by, said application, as amended, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2055; Filed, July 6, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D., 1937.

[File No. 47-12]

IN THE MATTER OF THE APPLICATION OF CITIZENS UTILITIES COMPANY

ORDER DISMISSING APPLICATION

Citizens Utilities Company having filed an application with this Commission pursuant to Section 10 of the Public Utility Holding Company Act of 1935 for approval of the acquisition of all the business and assets of Newport Electric Corporation, a Vermont corporation; notice and opportunity for hearing on said application having been duly given; the record in this matter having been duly considered; the Commission having made appropriate findings of fact; and being of the opinion that said acquisition is not subject to the approval of this Commission;

It is ordered, that the said application be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2054; Filed, July 6, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1937.

[File No. 43-56]

IN THE MATTER OF CITIZENS UTILITIES COMPANY

[Public Utility Act of 1935]

ORDER FIXING EFFECTIVE DATE FOR DECLARATION REGARDING ASSUMPTION BY HOLDING COMPANY OF LIABILITY ON BONDS OF SUBSIDIARY PURSUANT TO SECTION 7

Citizens Utilities Company, a registered holding company, having filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding its assumption of liability on $17,500 principal amount of City of Brewster Electric Light Bonds, dated January 1, 1921, bearing interest at the rate of 6% per annum and maturing serially between the date thereof and January 1, 1951; liability on such bonds having been heretofor assumed by its subsidiary, Public Utilities Kansas Corporation;

Such declaration having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that such declaration, as amended, be and become effective forthwith, on condition, however, that the assumption of liability on the aforesaid bonds shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said amended declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2056; Filed, July 6, 1937; 12:42 p.m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of July, 1937.

[File No. 1-2391]

IN THE MATTER OF GENERAL ITALIAN EDISON ELECTRIC CORPORATION—"AMERICAN SHARES"—REPRESENTING ORDINARY SHARES OF CAPITAL STOCK AND THE UNDERLYING SHARES OF CAPITAL STOCK, PAR VALUE 200 LIRE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the "American shares" representing ordinary shares of capital stock and the underlying shares of capital stock, par value 200 lire, of the General Italian Edison Electric Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10 o'clock a. m. on September 8, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2052; Filed, July 6, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, 1937.

[File No. 7-81-1]

IN THE MATTER OF AMERICAN DISTRICT TELEGRAPH COMPANY OF NEW JERSEY COMMON STOCK, NO PAR VALUE

ORDER TERMINATING UNLISTED TRADING PRIVILEGES

Bristol & Willett, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF3 prescribed thereunder, having made application to the Commission to terminate unlisted trading privileges on the New York Curb Exchange in the Common Stock No Par Value, of American District Telegraph Company of New Jersey; and

After appropriate notice, a hearing having been held in this matter in Washington, D. C.; and

The Commission having filed its Findings and Opinion herein;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application be and the same is hereby granted and that said unlisted trading privileges on the New York Curb Exchange shall terminate as of the close of business on the 10th day of July, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2064; Filed, July 6, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, 1937.

[File No. 7-71-1]

IN THE MATTER OF AMERICAN DISTRICT TELEGRAPH COMPANY OF NEW JERSEY 7% CONVERTIBLE CUMULATIVE PREFERRED STOCK, PAR VALUE $100

ORDER TERMINATING UNLISTED TRADING PRIVILEGES

Bristol & Willett, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF3 prescribed thereunder, having made application to the Commission to terminate unlisted trading privileges on the New York Curb Exchange in the 7% Convertible Cumulative Preferred Stock, Par Value $100, of American District Telegraph Company of New Jersey; and

After appropriate notice, a hearing having been held in this matter in Washington, D. C.; and

The Commission having filed its Findings and Opinion herein;

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that said application be and the same is hereby granted and that said unlisted trading privileges on the New York Curb Exchange shall terminate as of the close of business on the 10th day of July, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc 37-2063; Filed, July 6, 1937; 12:45 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE ANDERSON & KERR ET AL.-ROSE TRACT, FILED ON JUNE 15, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 29, 1937, be effective as of June 29, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2067; Filed, July 6, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-HOUSTON-CAMPBELL TRACT, FILED ON JUNE 14, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 28, 1937, be effective as of June 28, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2066; Filed, July 6, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE HUMBLE-WHITE TRACT, FILED ON JUNE 14, 1937, BY JOHN G. ELLINGHAUSEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 28, 1937, be effective as of June 28, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2065; Filed, July 6, 1937; 12:45 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE STAHL-DENNIS TRACT, FILED ON JUNE 17, 1937, BY VIRGIL O. KING, INC., RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2071; Filed, July 6, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE STAHL-DENNIS TRACT, FILED ON JUNE 17, 1937, BY VIRGIL O. KING, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2069; Filed, July 6, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE EAGLE ROCK-DARLING-ENGSTROM-HULTBERG-SWORD ET AL. LEASE, FILED ON MAY 27, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 18, 1937, be effective as of June 18, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2068; Filed, July 6, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PHILLIPS "L" GENERAL COMMUNITY TRACT, FILED ON JUNE 17, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2070; Filed, July 6, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of July, A. D., 1937.

IN THE MATTER OF MARLIN-ROCKWELL CORPORATION COMMON CAPITAL STOCK, PAR VALUE $1

ORDER TO SHOW CAUSE AND FOR HEARING DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, Marlin-Rockwell Corporation, a corporation, is the issuer of Common Capital Stock, par value $1.00; and

Whereas said Marlin-Rockwell Corporation registered such security on the New York Stock Exchange, a national secu-

rities exchange, by filing, on or about May 15, 1935, an application with the said Exchange and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule JB1 as amended, promulgated by the Commission thereunder; and

Whereas, Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security registered on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas, said Marlin-Rockwell Corporation filed on or about April 30, 1936 an annual report on Form 10K for the fiscal year ended December 31, 1935, pursuant to Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and Rules KA1 and KA2 promulgated by the Commission thereunder; and

Whereas, said Marlin-Rockwell Corporation has failed to comply with the provisions of said Section 13 (a) and (b), said Rules KA1 and KA2 and with the provisions of said Form 10K and with the provisions of the Instructions for said Form 10K and the Rules and Regulations of the Commission supplemental thereto, as amended, in that neither the Annual Report filed by it for the year ended December 31, 1935 nor any amendment thereto contains the amount of sales and cost of goods sold required by Item 8 of said Form 10K and the Instructions thereto and the Rules and Regulations of the Commission to be furnished as a part of any profit and loss statement submitted thereunder;

It is ordered that pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said Marlin-Rockwell Corporation has so failed to comply with said provisions of said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with either provision of said Section or of any Rule or Regulation promulgated by the Commission under said Section, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months or to withdraw the registration of said Common Capital Stock, par value $1.00, on said New York Stock Exchange; and

It is further ordered that said Marlin-Rockwell Corporation appear before an officer of the Commission and show cause why the registration of said Common Capital Stock, par value $1.00, on said New York Stock Exchange should not be suspended for a period not exceeding 12 months or withdrawn as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

It is further ordered that for the purpose of such proceeding, Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that a public hearing for the taking of testimony begin on the 14th day of July, 1937, at 10:00 A. M., in Room No. 1103 at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as such officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2072; Filed, July 6, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE TIDEWATER-SHAFFER TRACT, FILED ON JUNE 26, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the plat attached to the offering sheet as "Exhibit A" shows two producing oil wells and one drilling well on the tract involved, whereas from the information disclosed in Division II, Items 19 (c), (d) and (e), it appears that there is one producing well and two drilling wells on said tract;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2058; Filed, July 6, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE FLEETBORN-MORIN TRACT, FILED ON JUNE 25, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas from the amounts set forth it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted;

(2) In that the second paragraph of representations, required to be included as a part of the offering sheet, is omitted;

(3) In that the smallest fractional interest proposed to be conveyed, as set forth in the instrument attached to the offering sheet as "Exhibit B", may not be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2061; Filed, July 6, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 25, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information disclosed in Division II, Item 13, may be misleading for the reason that said item calls for the presentation of factual data only, whereas the information given in the last paragraph of said item is based upon "the opinion of the writer"; also, the information relative to the number of drilling wells, which is required to be set forth, is omitted;



(2) In that in Division II, Item 19 (c), it is believed that the depths of some of the wells are not correct for the reason that they do not agree with the depths of the wells as shown by the plat attached to the offering sheet as "Exhibit A." However, it is not possible to verify the information given for the reason that the names of said wells are omitted from said plat;

(3) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas from the amounts set forth it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted;

(4) In that the second paragraph of representations, required to be included as a part of the offering sheet, is omitted;

(5) In that the numbers and depths of the wells located on blocks "O" and "R" are omitted, as is also the number of the well located on block "22";

(NOTE.—The names of the wells should be given so that they can be properly identified, and it appears that the well on block "22" should be designated as a producing well.)

(6) In that the smallest fractional interest proposed to be conveyed, as set forth in the instrument attached to the offering sheet as "Exhibit B", may not be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2057; Filed, July 6, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PURE OIL CO.-YORK TRACT, FILED ON JUNE 25, 1937, BY T. S. HOSE ASSOCIATES, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under

the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the date upon which the effectiveness of the offering sheet will expire, as set forth in Division I, paragraph 5, is not believed to be correct;

(2) In that the description of the tract involved, as set forth in Division II, Item 2 (c), is not believed to be the correct legal description for said property;

(3) In that the area in acres of the tract, as set forth in Division II, Item 2 (d), does not agree with similar information disclosed in Exhibit B;

(4) In that in Division II, Item 10, no statement is made that the interests offered are subject to a pro ration tax of ⅞ of 1¢, nor is any information given as to the time of payment of the taxes mentioned, or by whom said taxes are assessed or to whom said taxes are payable;

(5) In that the statements made in Division II, Items 11 (b) and (c), are not responsive to the questions asked;

(6) In that in Division II, Item 13, no statement is made relative to the number of drilling wells;

(7) In that in Division II, Item 17 (b), the statement made is not responsive to the question asked;

(8) In that in Division II, Item 17 (c), the percentage of allowable is not given;

(9) In that in Division II, Items 19 (c) and (e), the depths at which each of the wells located upon the tract involved were completed, are required to be given, which information is not set forth; (Note: This item does not call for the average depth, nor a statement as to the sand thickness.)

(10) In that the information given in Division II, Item 20 (b), relative to the percentage of water in fluid produced from the tract, is not responsive to the question asked, and should be set forth in percentages by months;

(11) In that the figures given for the months of November, 1936 and January, 1937, in Division II, Item 20 (d), are not believed to be correct;

(12) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas from the amounts set forth it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted;

(13) In that the date which is required to be given in Division II, Item 22, is incomplete;

(14) In that the offering sheet, as filed, is not signed in the proper manner; (Note: Signature of offeror should immediately follow first paragraph of representations.)

(15) In that the plat attached to the offering sheet as "Exhibit A" does not show the name of the operator, nor are the depths of the wells located upon the tract involved and upon the adjoining tracts to a distance of at least ⅛ of a mile shown;

(16) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete for the reason that the smallest interest to be conveyed is omitted;

(17) In that Division III of the offering sheet, as filed, is incomplete, inaccurate, or misleading in the following respects:

(a) the appended sentence of Item 2 is not required;

(b) the data on page A–9 above Item 4 contains the data that is later given in Item 4 and is, therefore, unnecessary;

(c) computation of estimated recovery of fractional interests other than the smallest fractional interest is not required;

(d) it appears that no consideration has been given to the shrinkage of oil caused by the liberation of gas from solution;

(e) the calculations on page A–6 are incorrect, either through typographical errors or mistakes in arithmetic;

(f) there is apparently a typographical error in stating the estimated total number of barrels of oil recoverable (Division III, Item 4 (a));

(g) regarding the J. T. Thompson lease which is used for comparison, the engineer fails to state who estimated the recoverable oil to be 200,000 barrels per acre, and also what other factors and conditions in addition to sand thickness are comparable:

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matter, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2062; Filed, July 6, 1937; 12:44 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE RANCO-COOK TRACT, FILED ON JUNE 26, 1937, BY RANCO OIL CORPORATION, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the date upon which the offering sheet will expire, which is required to be given in Division I, paragraph 5, is omitted;

(2) In that the smallest fractional interest offered, as set forth in Division II, Item 1, is not stated in terms of the total production from the entire tract;

(3) In that the statement made in Division II, Item 3 (f), does not, without a full explanation, appear to agree with the statement set forth in Division II, Item 3 (d);

(4) In that Division II, Item 15, requires that a definite date be stated, whereas from the statement made in this item the information relative to the required date is ambiguous;

(5) In that the plat attached to the offering sheet as "Exhibit A" does not disclose a scale of the property, nor is the operator's name given;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2059; Filed, July 6, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SIOSI-ATLANTIC-LOVETT TRACT, FILED ON JUNE 25, 1937, BY SCHAPPERT-TEDEN-BLUMER, INC., RESPONDENT

TEMPORARY SUSPENSION (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the total production of oil from the tract, as set forth in Division II, Item 15, may not be correct, and does not agree with the actual gross production of oil from the tract as set forth by months in Division II, Item 20 (a);

(2) In that the depths of the Atlantic #1 and Atlantic #3 wells, as set forth in Division II, Item 19 (c), do not agree with the depths of the same wells as shown by the plat attached to the offering sheet as "Exhibit A";

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2060; Filed, July 6, 1937; 12:44 p. m.]





*Thursday, July 8, 1937* *No. 130*

## PRESIDENT OF THE UNITED STATES.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE CONSTITUTION

By the President of the United States of America

A PROCLAMATION

WHEREAS the Constitution of the United States was signed on September 17, 1787, and had by June 21, 1788, been ratified by the necessary number of States; and

WHEREAS George Washington was inaugurated as the first President of the United States on April 30, 1789:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, hereby designate the period from September 17, 1937, to April 30, 1939, as one of commemoration of the one hundred and fiftieth anniversary of the signing and the ratification of the Constitution and of the inauguration of the first President under that Constitution.

In commemorating this period we shall affirm our debt to those who ordained and established the Constitution "in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity".

We shall recognize that the Constitution is an enduring instrument fit for the governing of a far-flung population of more than one hundred and thirty million engaged in diverse and varied pursuits, even as it was fit for the governing of a small agrarian nation of less than four million.

It is therefore appropriate that in the period herein set apart we shall think afresh of the founding of our Government under the Constitution, how it has served us in the past and how in the days to come its principles will guide the nation ever forward.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of July, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL] FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2242]

[F. R. Doc. 37–2078; Filed, July 7, 1937; 10:37 a. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49069]

REVOCATION OF DRAWBACK AUTHORIZATIONS, PUBLISHED AND UNPUBLISHED, COVERING THE ALLOWANCE OF DRAWBACK ON IMPORTED PIECE GOODS WHICH ARE IMPERIAL FINISHED, SHRINKPROOFED OR SUBJECTED TO A SIMILAR PROCESS, SUCH AS SANFORIZING

JULY 2, 1937.

*To Collectors of Customs and Others Concerned:*

In the case of Howard Hardy & Co., Inc., v. United States, T. D. 48978, the United States Court of Customs and Patent

Appeals affirmed the decision of the United States Customs Court in the same cause, that imported piece goods which have been Imperial finished have not been "manufactured or produced in the United States", within the meaning of section 313 (a), title III, Tariff Act of 1930, and in the case of the Frank Textile Corporation v. United States, T. D. 48562, the United States Customs Court held to the same effect in connection with imported piece goods which have been shrinkproofed. In view of these decisions, all rates and authorizations, published and unpublished, providing for the allowance of drawback on imported piece goods which are Imperial finished or shrinkproofed are hereby revoked, so far as they relate to the allowance of drawback on imported piece goods to which such processes have been applied. Entries filed under the provisions of such rates and authorizations should be liquidated in accordance with the procedure provided for in article 830 (e), Customs Regulations of 1931.

All rates and authorizations, published and unpublished, providing for the allowance of drawback on imported piece goods which are subjected to a process similar to Imperial finishing or shrinkproofing, such as the process of Sanforizing, are also revoked hereby, so far as they relate to the allowance of drawback on imported piece goods which have been subjected to such a process. Entries filed under the provisions of these rates and authorizations should be liquidated in accordance with the procedure set forth in article 830 (f) of the customs regulations.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

[F. R. Doc. 37-2073; Filed, July 6, 1937; 3:59 p. m.]

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**Office of the Secretary.**

[1937—Department Circular No. 1]

VALUES OF FOREIGN MONEYS

JULY 1, 1937.

Pursuant to Section 522, Title IV, of the Tariff Act of 1930, reenacting Section 25 of the act of August 27, 1894, as amended, the following estimates[1] by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1937, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by five per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of Section 522, Title IV, of the Tariff Act of 1930.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2077; Filed, July 7, 1937; 9:38 a. m.]

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**DEPARTMENT OF THE INTERIOR.**

**Division of Grazing.**

IDAHO GRAZING DISTRICT NO. 1

MODIFICATION

June 10, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of April 8, 1935, establishing Idaho Grazing District No. 1 is hereby revoked so far as its affects the following described lands, such revocation to be effective upon the withdrawal of the lands for the Nampa Rod and Gun Club, of Nampa, Idaho, as a rifle range:

BOISE MERIDIAN

T. 2 N., R. 2 W., sec. 26, W½SW¼, S½SW¼NW¼.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2074; Filed, July 7, 1937; 9:35 a. m.]

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**General Land Office.**

INSTRUCTIONS UNDER THE ACT OF CONGRESS PROVIDING FOR THE SELECTION OF LANDS IN THE STATE OF CALIFORNIA FOR THE USE OF THE CALIFORNIA STATE PARK SYSTEM[1]

JUNE 22, 1937.

*Register, United States Land Office, Los Angeles, California.*

SIR: The act of Congress approved June 29, 1936 (49 Stat. 2027), entitled "An Act To provide for the selection of certain lands in the State of California for the use of the California State park system" reads as follows:

That subject to valid rights existing on the date of this Act, the State of California may within five years select for State park purposes by legal subdivisions all or any portion of the public land not reserved for public purposes in the following townships:

Township 9 south, range 9 east; township 9 south, range 10 east; township 10 south, range 9 east; township 10 south, range 10 east; township 10 south, range 11 east; township 11 south, range 9 east; township 11 south, range 10 east; and township 11 south, range 11 east, San Bernardino meridian.

Upon the submission of satisfactory proof that the land selected contains characteristic desert growth and scenic or other natural features which it is desirable to preserve as a part of the California State park system the Secretary of the Interior shall cause patents to issue therefor: *Provided,* That there shall be reserved to the United States all coal, oil, gas, or other mineral contained in such lands, together with the right to prospect for, mine, and remove the same at such times and under such conditions as the Secretary of the Interior may prescribe: *Provided further,* That any patent so issued shall contain a provision reserving to the United States for the use of the United States and its permittees, including Imperial Irrigation District, the perpetual right to flow or permit water to flow over or pond or permit water to be ponded upon any part of the lands so patented with right to go upon same and to locate, relocate, construct, reconstruct, and maintain any works necessary or convenient to the full use thereof including telephone and electrical transmission lines, and shall also contain provision for reversion of title to the United States upon a finding by the Secretary of the Interior that for a period of more than one year the land has not been used by the State for park purposes: *And provided further,* That in order to consolidate park areas or to eliminate private holdings therefrom lands patented hereunder may be exchanged with the approval of and under rules prescribed by the Secretary of the Interior for privately owned lands in the area hereinbefore described of approximately equal value containing the natural features sought to be preserved hereby. The lands so acquired to be subject to all the conditions and reservations prescribed by this Act, including the reversionary clause hereinbefore set out.

The public lands in the area described, not reserved for public purposes and not embraced in entries or claims based upon rights existing on the date of the act and thereafter legally maintained are, in view of the 5-year period fixed, withheld from disposition under the public land laws other than that authorized until June 30, 1941. You will make appropriate notations as to this reservation upon the records of your office.

As shown by the records of this office, a considerable portion of the public lands within the area involved is embraced within a first form withdrawal for the Yuma Project under the act of June 17, 1902 (32 Stat. 388), also within Public Water Reserves Nos. 90 and 114, which reservations are protected under the terms of the act. For the purpose of this act it is not considered that the public lands involved are affected by the withdrawal made by Executive Order No. 6910 of November 26, 1934, as amended.

Applications to select lands within the area described, under this grant, should be filed in your office by the proper State officer, in accordance with the regulations governing selections of lands by states, approved June 23, 1910 (39 L. D. 39), as applying to "special grants" or "grants in quantity", except that because of the mineral reservation made by the act no non-mineral affidavit will be required. No affidavit as to springs or water holes will be required in connection

[1] See Page 1163.

[1] Approved June 29, 1936; (49 Stat. 2027).



VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)

| Country | Monetary unit | Value in terms of U. S. money | Remarks |
|---|---|---|---|
| Argentine Republic | Peso | $1.6335 | Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929. |
| Australia | Pound | 8.2397 | Control of gold stocks and exports authorized Dec. 17, 1929. |
| Austria | Schilling | .2382 | Exchange control established Oct. 9, 1931. |
| Belgium | Belga | .1695 | By decree of Mar. 31, 1936. 1 belga equals 5 Belgian francs. |
| Bolivia | Boliviano | .6180 | Conversion of notes into gold suspended Sept. 23, 1931. |
| Brazil | Milreis | .0872 | Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930. |
| British Honduras | Dollar | 1.6931 | Conversion of notes suspended. |
| Bulgaria | Lev | .0122 | Exchange control established Oct. 15, 1931. |
| Canada | Dollar | 1.6931 | Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933. |
| Chile | Peso | .2060 | Conversion of notes suspended July 30, 1931. |
| China | Yuan | | Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1 s. 2½ d., or about 29⅛¢ U. S., per yuan. |
| Hong Kong | Dollar | | Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate. |
| Colombia | Peso | 1.6479 | Obligation to sell gold suspended Sept. 24, 1931. |
| Costa Rica | Colon | .7879 | Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932. |
| Cuba | Peso | 1.0000 | By law of May 25, 1934. |
| Czechoslovakia | Koruna | .0351 | By decree of Oct. 9, 1936. |
| Denmark | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Dominican Republic | Dollar | 1.6931 | U. S. money is principal circulating medium. |
| Ecuador | Sucre | .3386 | Conversion of notes into gold suspended Feb. 9, 1932. |
| Egypt | Pound (100 piasters) | 8.3692 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Estonia | Kroon | .4537 | Conversion of notes into gold suspended June 28, 1933. |
| Finland | Markka | .0426 | Conversion of notes into gold suspended Oct. 12, 1931. |
| France | Franc | | Monetary law of Oct. 1, 1936, provided for new gold content of franc to be fixed within the limits of 43 and 49 milligrams of gold .900 fine. |
| Germany | Reichsmark | .4033 | Exchange control established July 13, 1931. |
| Great Britain | Pound Sterling | 8.2397 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Greece | Drachma | .0220 | Conversion of notes into gold suspended Apr. 26, 1932. |
| Guatemala | Quetzal | 1.6931 | Conversion of notes into gold suspended Mar. 6, 1933. |
| Haiti | Gourde | .2000 | National bank notes redeemable on demand in U. S. dollars. |
| Honduras | Lempira | .8466 | Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar. |
| Hungary | Pengö | .2961 | Exchange control established July 17, 1931. |
| India [British] | Rupee | .6180 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Indo-China | Piaster | .6633 | Piaster pegged to French franc at the rate of 1 piaster=10 French francs. Information with regard to the relationship of piaster to franc subsequent to September 25, 1936, not yet available. |
| Irish Free State | Free State Pound | 8.2397 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Italy | Lira | .0526 | New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936. |
| Japan | Yen | .8440 | Embargo on gold exports Dec. 13, 1931. |
| Latvia | Lat | 1.6931 | Currency pegged to sterling Sept. 28, 1936, at 2,522 lati=£100. |
| Liberia | Dollar | .1693 | British money is principal circulating medium. |
| Lithuania | Litas | | Free export of gold suspended Oct. 1, 1935. |
| Mexico | Peso | .6806 | Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law. |
| Netherlands and colonies | Guilder (florin) | 1.6931 | Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936. |
| Newfoundland | Dollar | 8.2397 | Newfoundland and Canadian notes legal tender. |
| New Zealand | Pound | | Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931. |
| Nicaragua | Cordoba | 1.6933 | Embargo on gold exports Nov. 13, 1931. |
| Norway | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Panama | Balboa | 1.6933 | U. S. money is principal circulating medium. |
| Paraguay | Peso (Argentine) | 1.6335 | Paraguayan paper currency is used; exchange control established June 28, 1932. |
| Persia (Iran) | Rial | .0824 | Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936. |
| Peru | Sol | .4740 | Conversion of notes into gold suspended May 18, 1932. |
| Philippine Islands | Peso | .5000 | By act approved March 16, 1935. |
| Poland | Zloty | .1899 | Exchange control established Apr. 27, 1936. |
| Portugal | Escudo | .0748 | Gold exchange standard suspended Dec. 31, 1931. |
| Rumania | Leu | .0101 | Exchange control established May 18, 1932. |
| Salvador | Colon | .8466 | Conversion of notes into gold suspended Oct. 7, 1931. |
| Siam | Baht (Tical) | .7491 | Conversion of notes into gold suspended May 11, 1932. |
| Spain | Peseta | .3267 | Exchange control established May 18, 1931. |
| Straits Settlements | Dollar | .9613 | British pound sterling and Straits dollar and half dollar legal tender. |
| Sweden | Krona | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Switzerland | Franc | | Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold. |
| Turkey | Piaster | .0744 | 100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930. |
| Union of South Africa | Pound | 8.2397 | Conversion of notes into gold suspended Dec. 28, 1932. |
| Union of Soviet Republics | Chervonetz | 8.7123 | On Oct. 28, 1936, the Council of People's Commissars issued a decree fixing the value of the ruble in foreign exchanges at four and one-quarter French francs. |
| Uruguay | Peso | 1.7511 | Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. |
| Venezuela | Bolivar | .3267 | Premium on foreign currencies established Aug. 29, 1934, by agreement of banks. |
| Yugoslavia | Dinar | .0298 | Exchange control established Oct. 7, 1931. |

THIS TABLE ACCOMPANIES F. R. DOC. 37-2077, PRINTED ON PAGE 1162

with applications filed under this act. There must be furnished, however, an affidavit showing that the land is unappropriated, that it is not occupied by and does not contain improvements placed thereon by any Indian, and that no part of the land is claimed, occupied, or being worked under the mining laws. Each selection list must be accompanied with proof that the land selected contains characteristic desert growth and scenic or other natural features which it is desired to preserve as a part of the California State park system. Payment of fees will be required in the sum of $2 for each 160 acres, or fraction thereof.

The selections in any one list under said granting act should not contain more than 6,400 acres in accordance with the regulations above referred to, 39 L. D. 39, and in each selection list it should be stated that the selections are made under said act of June 29, 1936 (49 Stat. 2027). A certificate of the selecting agent of the State, showing that the selections are made under and pursuant to the laws of the State must be furnished with each selection unit.

Upon acceptance of the selections you will prepare a notice for publication thereof.

Any patent issued to the State under this act shall contain the mineral reservation and the reservation as to water rights, as well as the forfeiture provision, prescribed by the act.

No provision is made at this time for development of the reserved mineral deposits in lands to be conveyed under the terms of this act, and until such regulations shall have issued, the reserved mineral deposits will not be subject to disposition.

Under the provisions of the act, the State of California, with the approval of the Secretary of the Interior and under rules prescribed by the Secretary, may exchange lands which may be patented to the State under the provisions thereof, for privately-owned lands within the area therein described of approximately equal value, containing the natural features sought to be preserved by the act. The lands to be acquired by the State through such exchange will be subject to the same conditions and reservations prescribed by said act, including the reversionary clause.

A proposal for an exchange desired to be made by the State in accordance with these provisions of the act must be submitted to the Secretary of the Interior for consideration. Such a proposal for exchange should be filed in your office together with an affidavit by the agent of the State showing that the lands patented to the State under said act and those desired to be acquired by the State in exchange, are of approximately equal value, and that the tracts to be acquired contain characteristic desert growth and scenic or other natural features desired to be preserved as a part of the California State park system.

The proposal for exchange should be in the form of a joint application signed by the proper State official and by the owner of the land which the State desires to acquire in exchange, definitely describing by legal subdivisions of the Government surveys the lands relinquished by the State and those desired by the State in exchange therefor. Such joint application should be filed in your office in triplicate, two copies of which you will transmit to this office, one copy to be given the serial number of the original selection of the State, the second copy to be assigned a new serial number under which patent would be issued to the party exchanging with the State and the third copy should be forwarded to the Division of Investigations. Such joint application should be accompanied with a deed of reconveyance to the United States of the tract patented to the State under said act of June 29, 1936 (Public, No. 839, 49 Stat. 2027), and with a deed of conveyance to the United States from the owner of the tract desired by the State in exchange, such deeds to be duly executed in accordance with the laws of the State, and both deeds to be unrecorded. There should also be filed a certificate by the proper State officer and a certificate by the county recorder showing no encumbrances of the land reconveyed by the State to the United States.

There must be filed a duly-authenticated abstract of title to the tract conveyed to the United States and desired by the State in exchange, showing title to such land in the party conveying to the United States. The certificate of authentication of the abstract must be signed by the recorder of deeds under his official seal and must show that the title memorandum is a full, true, and complete abstract of all matters of record or on file in his office, including conveyances, mortgages, or other encumbrances. The custodian of tax records must certify that all taxes levied or assessed against the land or that could operate as a lien thereon, have been paid in full, and that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of his office. The absence of judgment liens or pending suits against the grantor, which might affect the title to the land, must be shown by the official certificates of the clerks of the courts of record whose judgments under the laws of the United States or of the state constitute a lien on the land conveyed. Such abstract may be authenticated by an abstracter or abstract company approved under section 42 of the mining regulations of April 11, 1922 (49 L. D. 15, 69).

Upon receipt of a joint application for exchange in the General Land Office, accompanied with the required evidence, a report will be requested from the Division of Investigations as to the comparative values of the lands involved, those relinquished by the State, and those desired by the State in lieu thereof.

Publication of notice of the proposed exchange will not be required and payment of fees will not be required in connection therewith.

If all be regular and the report of the Division of Investigations be satisfactory, the proposed exchange will be submitted to the Secretary of the Interior for his consideration. Upon the approval of the exchange by the Secretary of the Interior, the deeds of conveyance will be returned for recording and the abstract of title to be brought down to show such recordation.

Upon the receipt in this office of the recorded deeds, a patent will be issued to the State for the tract desired in exchange, such patent to contain the mineral reservation, the reservation as to water rights, and the forfeiture provision prescribed by the act, and as contained in the patent issued to the State for the land originally selected. A patent also will be issued to the party exchanging with the State, for the tract reconveyed by the State to the United States, such patent to contain the reservation as to water rights and telephone and electrical transmission lines referred to in said act of June 29, 1936.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

Approved: June 22, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2075; Filed, July 7, 1937; 9:35 a. m.]

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[Circular No. 1353 Revised]

## REGULATIONS UNDER SECTION 7 OF THE TAYLOR GRAZING ACT, GOVERNING THE FILING OF APPLICATIONS FOR ENTRY, SELECTION, OR LOCATION

JUNE 29, 1937.

*Registers, U. S. Land Offices.*

SIRS: Section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), provides:

> That the Secretary of the Interior is hereby authorized, in his discretion, to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (No. 6910), and amendments thereto, and Executive order of February 5, 1935 (No. 6964), or within a grazing district, which are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants, or more valuable or suitable for any other use than for the use provided for under this act, or proper for acquisition in satisfaction of any outstanding lien, exchange or scrip rights or land grant, and to open such lands to entry, selection, or location for disposal in accordance with such classification under applicable public-land laws, except that homestead entries shall not be allowed for tracts exceeding 320 acres in area. Such lands shall not be subject to disposition, settlement, or occupation until after the same have been classified and opened to entry: *Provided*, That locations and entries under the mining laws, including the act of February 25, 1920, as amended, may be made upon such withdrawn and reserved areas without regard to classification and without restrictions or limitation by any provision of this act. Where such lands are located within grazing districts reasonable notice shall be given by the Secretary of the Interior to any grazing permittee of such lands. The applicant, after his entry, selection, or location is allowed, shall be entitled to the possession and use of such lands: *Provided*, That upon the application of any applicant qualified to make entry, selection, or location, under the public-land laws, filed in the land office of the proper district, the Secretary of the Interior shall cause any tract to be classified, and such application, if allowed by the Secretary of the Interior, shall entitle the applicant to a preference right to enter, select, or locate such lands if opened to entry as herein provided.

1. *Lands subject to classification and opening.*—The purpose of the act of June 26, 1936, in amending Section 7 of said act of June 28, 1934, is to authorize and empower the Secretary of the Interior to classify and open to entry, selection or location under any of the public land laws, upon application or otherwise, any of the public lands withdrawn or reserved by Executive Orders of November 26, 1934, and February 5, 1935, as amended, also lands within grazing districts, and, as to such lands, after reasonable notice has been given to any permittee or permittees entitled to participate in the grazing use of the land. Lands embraced in a grazing lease shall be subject to classification and disposal thereunder, provided that before the allowance of any entry, selection or location under said section 7 evidence must be furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands entered, selected or located, under the authority of the lease and for any injury caused to the lessee's grazing operations by reason of the loss of the leased lands from his lease-hold. In event the interested parties are unable to reach an agreement as to the amount of such compensation the amount shall be fixed by the Commissioner of the General Land Office subject to the right of appeal to the Secretary of the Interior, whose decision shall be final. All such agreements, to be effective, must be approved by the Commissioner of the General Land Office. It must be determined that the application is an allowable one before payment by the applicant is required, and no application will be allowed in the absence of satisfactory evidence that payment has been made. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for rejection of the application for entry, selection or location. The authority granted by this act may be exercised by the Secretary of the Interior on his own initiation at any time.

2. *Execution and filing of applications to enter.*—Any person, State or company qualified to make entry, selection or location under any of the public land laws may file in the district land office an application, *in duplicate*, to make entry, selection or location for land located either within or without a grazing district, which is otherwise subject to disposition under the law under which the application is made, accompanied with the necessary filing fee and commissions, and the affidavits required by Circulars 1066 and 1231 and the law under which the application is filed. The entire amount paid will be carried in the "unearned money" account and will be repaid by Treasury check, if the application be not allowed. The original of the application only need be sworn to. The act precludes the entry under the homestead laws of a greater area than 320 acres.

3. *Execution and filing of petitions for classification.*—The petition for classification and opening to entry, selection or location, must set forth all material matter whereby it may be determined whether the lands sought are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants,



or more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lien, exchange or scrip rights or land grant, and proper for acquisition under the law as applied for. All applications for entry, selection or location must be accompanied by the applicant's petition for classification and opening to entry of the lands applied for in the form of an affidavit executed *in duplicate* and corroborated by at least two witnesses who are familiar with the character of the land. The original of the petition only need be sworn to. No blank forms of such affidavits or petitions are issued by this office, but for convenience in filing it is desired that they be prepared on sheets not over 8½ x 11 inches in size. The petition should set forth in detail the character of each subdivision included in the application to make entry. Petitions which are defective will be returned to the applicant for correction, or he may be required to furnish supplemental evidence concerning matters not discussed or which have not been described in sufficient detail. The petition should make full disclosures as to any water holes, springs or water supply developed or improved by the holder of any grazing permit or his predecessor in interest, or by any other person. If any part or parts of the land are irrigated, their location, area, source of water supply, and other pertinent facts should be stated. If any part or parts thereof are under constructed or proposed irrigation ditches or canals, the relation of the same and whether the land is irrigable therefrom should be explained. The relation of the tract to surface streams or springs rising on or flowing across them or in their vicinity should be indicated. If such sources of water supply are inadequate for the irrigation of the lands applied for, full particulars should be given. The location and depth of wells, elevation of water plane relative to the surface, and other pertinent facts which will disclose the quantity and quality of the water supply, obtainable from either ordinary or artesian wells on the land, should be given. If there are no wells thereon such information should be furnished as to any other wells in that vicinity, and the possibility of irrigating the tract involved from underground sources should be fully discussed. If any attempts have been made to irrigate and reclaim the tract, or if it has been included in a former desert-land entry, the reasons for lack of success should be stated. Care should be exercised in the preparation of the petition as inaccuracies and omissions will tend to retard action and may lead to rejection of the application.

4. *Action on applications and petitions for classification in homestead cases.*—In all cases of applications to make entries, selections, or locations of public lands accompanied by the petition for classification and opening of the land to entry, selection, or location, and necessary fees and commissions, such applications should be received, assigned a serial number, and noted upon your records, and if your records show no objections you will, if the application is one for homestead entry, regardless of whether the land is within or without a grazing district, transmit the duplicate copy of the application for entry and petition for classification and opening to the Director, Division of Grazing, and the original papers will be sent to the General Land Office with your report of action taken. The Director, Division of Grazing, will make his reports and recommendations to the Commissioner of the General Land Office as to the character and classification of the lands involved; that is, whether they may be classified and opened to homestead entry without detriment to the beneficial use of the land by local interests, to the protection, orderly use and regulation of the public ranges, to the creation and maintenance of grazing districts or to the conservation and development of natural resources.

If the land applied for is inside of a grazing district, the Director, Division of Grazing, will include in his report a statement as to whether or not there are any allowed privileges in the form of licenses or permits to graze on specified lands in the form of allotments and, if so, will give

the names and addresses of all citizens, groups, associations, or corporations entitled to exercise such exclusive grazing privileges. Where the license or permit is to graze in common with others, the Division of Grazing will report that fact.

If the report from the Division of Grazing indicates that there is no objection to the classification and opening of the land and that there are no grazing allotment licensees' or permittees' rights involved, the General Land Office, through the Division of Grazing, will recommend to the Secretary of the Interior that the lands be classified and opened to entry as applied for. If the recommendation is approved by the Secretary of the Interior, the General Land Office will fix a date for the opening of the land to entry, and on that date the petitioner's application for entry will be allowed, in the absence of record objections.

If the lands are within a grazing district and the Division of Grazing reports that there is no objection to the classification and opening of the lands, as applied for, and it appears that the rights of allotment licensees or permittees are involved, the General Land Office through its proper district land offices will cause proper notice to be given by registered mail of the contemplated classification and opening to entry to all allotment licensees or permittees entitled to exercise grazing privileges. Where the license or permit is to graze in common with others, notice will be given by publication in some newspaper of general circulation in the locality for the area affected. Such notice should allow a period of at least thirty days for the filing of objections to the proposed opening. If no objection be filed or if objection is made and found to be without merit, the classification and opening will be recommended by the General Land Office to the Secretary of the Interior, through the Division of Grazing and, upon approval thereof, a date will be fixed by the General Land Office for the opening of the land to entry. At least thirty days' notice shall be given by the Register to all allotment licensees or permittees that by that date their use of the land must be discontinued.

If the land involved is in a grazing lease, the General Land Office, through its proper district land office, will cause proper notice to be given to the lessee, by registered mail, of the contemplated classification and opening to entry. The lessee will be afforded due opportunity for the filing of protests, the same as is hereinabove provided for in the case of applications for lands in grazing districts. The procedure with respect to the opening of the lands to entry will also be the same as is hereinabove outlined.

5. *Action on applications and petitions for classification, in cases not under homestead laws.*—Where the application for entry is not under the homestead laws, the Director, Division of Investigations will be requested to cause a field examination to be made and report thereof submitted to the Commissioner of the General Land Office as to whether any reason exists why such land should be retained in Federal ownership in aid of conservation and the development of the natural resources or whether it may be classified and opened to entry as requested, without detriment to the public interests. In addition, the report should give whatever information is required by the applicable laws and regulations.

If the land is inside of a grazing district, the Division of Grazing will be requested by the General Land Office to report as to whether there is any objection to the classification and opening of the land as applied for and whether or not there are any rights of allotment licensees or permittees involved and, if so, the said Division will include in its report the names and addresses of all such licensees or permittees. Where the license or permit is to graze in common with others, the Division of Grazing will report that fact. The General Land Office, through the proper district land office, will notify all such allotment licensees or permittees of the pending application. The procedure with respect to notice to allotment licensees, permittees and lessees and to the classification and opening of the lands to entry will be the same as in homestead cases.

6. *Action on applications, after classification of lands.*—If the Secretary of the Interior approves the classification of the land as subject to disposal under the public land laws, the General Land Office will pass upon the qualifications of the applicant and determine whether he may be allowed to acquire title to the land under the application. If it should be determined that the land may not be disposed of under the law specified by the applicant, the application for entry, selection or location will be rejected and the applicant allowed thirty days from receipt of notice within which to file response to the notice of the report furnished him. At the applicant's option he may either appeal from the finding to the Secretary of the Interior, alleging errors of law, or he may present further showing as to the facts by affidavit, accompanied by such evidence as is desired tending to disprove the adverse conclusion reached. Such appeal or further showing will be forwarded by you to this office. If the evidence submitted warrants it, favorable action may be taken, but if the conclusion be still adverse, it will be transmitted to the Secretary of the Interior with report. In cases where the applicant fails to furnish a showing or to appeal from the order of this office requiring him to furnish it within the thirty days allowed, or where the Secretary refuses to open the land to disposition, final action will be taken, and the case closed by this office. You will allow no such application until instructed to do so by this office.

7. *Rights secured by filing of application.*—The filing of an application for classification and opening of the land, accompanied by application to make entry, selection or location, does not give the applicant the right to occupy or settle upon the land applied for, but will segregate the lands applied for from other disposition under the public land laws, subject to prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing or patenting under the provisions of the applicable laws. The applicant shall be entitled to the possession and use of the land only after his entry, selection or location has been allowed.

8. *Preference rights and restoration of lands to entry by general public.*—Lands classified as subject to homestead or desert land entry, under Section 7 of the act of June 28, 1934, as amended, shall be opened to entry: FIRST, by the qualified applicant on whose application the lands were classified; and, SECOND, by qualified ex-service men of the war with Germany entitled to exercise preference rights conferred by Public Resolution No. 85, approved June 12, 1930 (46 Stat. 580), under the homestead or desert land laws; and, THIRD, by the general public. If entry, selection or location by the person, State or company upon whose application the lands were classified is allowed, other applications should be promptly rejected. Of the applicants for classification, only the one upon whose request the tract is classified secures the preference right. While the preference right period of ex-service men of the war with Germany begins ninety days prior to the date of the opening of the lands to homestead or desert land entry, filings may be presented during the twenty days preceding such preference right period; that is, from the 110th to the 90th day prior to the date of the opening, and such filings will be treated as simultaneously filed at 9 A. M. on the 90th day prior to the date of opening, in the manner provided by Circular No. 324, approved May 22, 1914 (43 L. D. 254). The filings of the successful ex-service applicant may, therefore, be allowed only in event the preference right application of the party responsible for the classification is not allowable on or after the date of the opening. Applications may be filed by the general public within twenty days prior to the date of opening, and treated as simultaneously filed at 9 A. M. on the date of the opening. Later applications should be received and suspended pending action on the prior application. If withdrawal of an application under Section 7 of the act of June 28, 1934, be filed, you will promptly notify this office thereof, inviting special attention to the pendency of the petition for classification and opening and you will close the case on your records.

9. *Governing laws, to earn title.*—Upon allowance of an application to make entry, location or selection under this act, all the laws and regulations governing the particular kind of entry, location or selection applied for must be complied with in order to earn title to the lands sought.

10. *Governing regulations in cases of conflicts with prior mineral applications.*—In all proper cases of applications to make nonmineral entries or selections of public lands, filed subsequent to applications for mineral prospecting permits or leases, the instructions in Circulars Nos. 1021 (51 L. D. 167), 1031 (51 L. D. 202), and 1136 (52 L. D. 241), must be observed.

11. *Prior instructions superseded.*—These instructions supersede those of May 16, 1935 (55 I. D. 257), and the further revision approved October 26, 1936.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

I concur:

F. R. CARPENTER,
*Acting Director, Division of Grazing.*

I concur:

B. B. SMITH,
*Director, Division of Investigations.*

Approved: June 29, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2076; Filed, July 7, 1937; 9:35 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Connecticut, Supplement (5) Issued July 3, 1937
NER—B-101—Massachusetts, Supplement (5)

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—CONNECTICUT, SUPPLEMENT (5)
BULLETIN NO. 101—MASSACHUSETTS, SUPPLEMENT (5)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Connecticut and Bulletin No. 101—Massachusetts, as amended by the respective Supplements (1) to (4), inclusive, are hereby further amended as follows:

Section 4 of Part IV, "Provisions Affecting Payments", which reads as follows:

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

is stricken out and in lieu thereof the following is inserted:

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Done at Washington, D. C., this 3rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2088; Filed, July 7, 1937; 12:59 p. m.]



NER—B-101—New Hampshire, Supplement (3)
NER—B-101—New Jersey, Supplement (4)
NER—B-101—New York, Supplement (7)
NER—B-101—Rhode Island, Supplement (7)
NER—B-101—Vermont, Supplement (3)

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW HAMPSHIRE, SUPPLEMENT (3)
BULLETIN NO. 101—NEW JERSEY, SUPPLEMENT (4)
BULLETIN NO. 101—NEW YORK, SUPPLEMENT (7)
BULLETIN NO. 101—RHODE ISLAND, SUPPLEMENT (7)
BULLETIN NO. 101—VERMONT, SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New Hampshire, as amended by Supplements (1) and (2) thereto, Bulletin No. 101—New Jersey, as amended by Supplements (1) to (3), inclusive, Bulletin No. 101—New York, as amended by Supplements (1) to (6), inclusive, Bulletin No. 101—Rhode Island, as amended by Supplements (1) to (6), inclusive, and Bulletin No. 101—Vermont, as amended by Supplements (1) and (2), thereto, are hereby further amended as follows:

Section 4 of Part III, "Provisions, Affecting Payments", which reads as follows:

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

is stricken out and in lieu thereof the following is inserted:

SECTION 4. *Payments Restricted to Effectuation of Purposes.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Done at Washington, D. C., this 3rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2085; Filed, July 7, 1937; 12:43 p. m.]

NER—B-101—Maine, Supplement (6) Issued July 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MAINE, SUPPLEMENT (6)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Maine, as amended by Supplements (1) to (5), inclusive, is hereby further amended as follows:

Section 5 of Part IV, "Provisions Affecting Payment", which reads as follows:

SECTION 5. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such persons, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

is stricken out and in lieu thereof the following is inserted:

SECTION 5. *Payments Restricted to Effectuation of Purposes.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership,

association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Done at Washington, D. C., this 3rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2086; Filed, July 7, 1937; 12:58 p. m.]

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NER—B-101—Maine, Supplement (12) Issued July 7, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA, SUPPLEMENT (12)

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by supplements (1) to (11), inclusive, thereto, is hereby further amended by adding the following at the end of Part I:

NITRATE OF SODA ON GREEN-MANURE CROPS

47. Applying not less than 150 pounds per acre of 16 percent nitrate of soda, or its equivalent per acre, to green-manure crops on land normally devoted to the production of commercial vegetables either at the time of seeding or immediately thereafter.
Payment, $1.50 per acre.

Done at Washington, D. C., this 7th day of July 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2084; Filed, July 7, 1937; 12:43 p. m.]

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NER—B-101—Pennsylvania—Supplement (13) Issued July 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (13)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) to (11), inclusive, is hereby further amended as follows:

Section 6 of Part V, "Provisions Affecting Payment", which reads as follows:

SECTION 6. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

is stricken out and in lieu thereof the following is inserted:

SECTION 6. *Payments Restricted to Effectuation of Purposes.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Done at Washington, D. C., this 3rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2087; Filed, July 7, 1937; 12:58 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 47]

CONVERSION OF CLASS B STOCK—AMENDMENT OF SECTION 104-J OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly section 20 thereof, and pursuant to section 23 of said Act, the last sentence of the third paragraph of part (2) of subsection j of section 104 of the Rules and Regulations for Production Credit Associations is hereby deleted and the following paragraph is added at the end of such third paragraph:

When any class B stockholder shall have ceased for a period of two consecutive years to be a borrower from the association, and shall not have requested a conversion of his class B stock, the secretary of the association shall inform its board of directors of that fact and shall record the conversion of such class B stock on the books of the association, and shall then send to the corporation a request for the issuance of a class A stock certificate or certificates to such stockholder, together with proper evidence that such conversion has been recorded on the books of the association. All such conversions which are due to be made during any quarter of the association's fiscal year may be effected by the association at the end of such quarter; provided, however, that when a stockholders' meeting is held, or the fair book value of class B stock is determined, during such quarter, all conversions then due to be made shall be effected prior to such meeting or such determination.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-2079; Filed, July 7, 1937; 12:04 p.m.]

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[FCA 48]

RETIREMENT OF CLASS A STOCK OF PRODUCTION CREDIT ASSOCIATIONS—AMENDMENT OF SECTION 104-K OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly section 20 thereof, the following paragraph is hereby added at the end of subsection k of section 104 of the Rules and Regulations for Production Credit Associations:

Subject to the prior approval of the Production Credit Commissioner, the corporation may require an association to retire and cancel class A stock held by the corporation whenever, in the judgment of the corporation, the association has resources available for that purpose. When notified that the corporation requires retirement and cancellation of a stated amount of class A stock held by it, the association shall adopt a resolution instructing its secretary to order the corporation as transfer agent to retire and cancel class A stock in the stated amount, and to direct the corporation to pay to itself, for the account of the association, out of the funds or securities of the association in the corporation's possession, an amount equal to the par value of the class A stock so retired and cancelled. Thereupon, the secretary shall forward a certified copy of this resolution to the corporation which shall forthwith proceed, as transfer agent, to take the action indicated. The corporation shall advise the association and the Federal intermediate credit bank of the action taken, and should also advise the association of the appropriate entry to be made on the books of the association to record the transaction.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-2080; Filed, July 7, 1937; 12:05 p. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-WISE-VINSON FARM, FILED ON MAY 24, 1937, BY GENERAL INDUSTRIES CORPORATION, LTD., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 6th day of July, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 20th day of July, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2083; Filed, July 7, 1937; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-SANGER TRACT, FILED ON JUNE 16, 1937, BY PARK T. GRIMES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 29, 1937, be effective as of June 29, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2081; Filed, July 7, 1937; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE OHIO-BUTTRAM-WINTERS TRACT, FILED ON JUNE 18, 1937, BY T. G. THOMPSON, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 29, 1937, be effective as of June 29, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2082; Filed, July 7, 1937; 12:20 p. m.]

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*Friday, July 9, 1937* *No. 131*

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 184]

SUPPLEMENTAL APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY

ORDER CHANGING TIME AND PLACE OF REHEARING

Upon further consideration, the order entered on June 4, 1937 fixing the time and place for rehearing of the application of Pacific Gas and Electric Company to amend its license for Project No. 184 is hereby set aside, and in lieu thereof

It is ordered:

(1) That the rehearing in said matter shall be held on Wednesday, July 28, 1937, beginning at 10 a. m., in Room 431, New Post Office Building, Sacramento, California;

(2) That Vice Chairman Seavey be and he is hereby designated to conduct said hearing.

Adopted by the Commission on July 7, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-2094; Filed, July 8, 1937; 10:29 a. m.]

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Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT 5470]

APPLICATION OF SIERRA PACIFIC POWER COMPANY

ORDER SETTING HEARING

The following order was adopted:

Sierra Pacific Power Company, whose principal business address is 21 East First Street, Reno, Nevada having filed an application, IT-5470, under Section 204 (a) of the Federal Power Act for approval of the issuance of 35,000 shares of preferred stock and 226,600 shares of common stock under an agreement of consolidation dated June 28, 1937, entered into between Sierra Pacific Power Company and Sierra Pacific Electric Company whereby the Electric Company is merged into the Power Company;

It is ordered:

That a hearing on said application be held on August 2, 1937, at 10 a. m., in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on July 7, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-2095; Filed, July 8, 1937; 10:29 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3102]

IN THE MATTER OF RALSTON PURINA COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, July 20, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 516, Federal Building, St. Louis, Mo.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2091; Filed, July 7, 1937; 1:19 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3025]

IN THE MATTER OF THE SPONGE INSTITUTE, AND ITS OFFICERS AND MEMBERS, AS HEREIN SET OUT; AND FLORIDA SPONGE PACKERS ASSOCIATION, A CORPORATION, AND ITS OFFICERS AND MEMBERS, AS HEREIN SET OUT

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, July 13, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, 815 Connecticut Ave., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2090; Filed, July 7, 1937; 1:19 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3024]

IN THE MATTER OF TARPON SPRINGS SPONGE EXCHANGE, INC., A CORPORATION, AND CERTAIN OF ITS MEMBERS; AND JAMES S. SMITZES, INC., A. L. TARAPINA, JOHN FASSOL, GEORGE CLADAKIS, W. F. FERGUSON, NIC MACRENARIS, ANASTACIOS KOTIS, DIAMANDIS LEONIS, MICHAEL GONATOS, VASILIO CHRISTON

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, July 13, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, 815 Connecticut Ave., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2089; Filed, July 7, 1937; 1:19 p. m.]

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## INTERSTATE COMMERCE COMMISSION.

[Supplement No. 2 to Tariff Circular MF No. 1]

SUPPLEMENT NO. 2 TO REGULATIONS TO GOVERN THE CONSTRUCTION AND FILING OF COMMON CARRIER FREIGHT RATE AND CLASSIFICATION PUBLICATIONS AND CONTRACT CARRIER SCHEDULES OF MINIMUM RATES OR CHARGES

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of June, A. D. 1937.

IN THE MATTER OF REGULATIONS GOVERNING THE FORM, PUBLICATION AND INSPECTION OF SCHEDULES OF CONTRACT CARRIERS OF PROPERTY BY MOTOR VEHICLE

The matter of regulations governing the form, publication and inspection of schedules of contract carriers of property by motor vehicle, filed pursuant to section 218 of the Motor Carrier Act, 1935, being under consideration and good cause appearing therefor:

*It is ordered*, That schedules of contract carriers or property by motor vehicle, filed pursuant to section 218 of the said act, shall be constructed, published, filed, and kept open for public inspection in accordance with regulations heretofore adopted and promulgated in Tariff Circular MF No. 1, as amended, and as modified and supplemented by Supplement No. 2, to said Tariff Circular MF No. 1;

*It is further ordered*, That the said Supplement No. 2 to said Tariff Circular MF No. 1 be, and it is hereby, approved and made effective July 15, 1937.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*



### SECTION 2

CONTRACT CARRIER SCHEDULES [1]

*Rule 7. Publication, Filing and Posting of Schedules*

(a) *Schedules must be filed by contract carriers.*—Effective copies of written contracts or memoranda of oral contracts or schedules previously filed by contract carriers shall, within 120 days from the effective date of this supplement, be canceled by schedules conforming to the regulations set forth herein. On and after July 15, 1937, contract carriers shall, under section 218 of the Motor Carrier Act, 1935, file only schedules, which schedules shall conform to these regulations. (This should not be confused with the requirement contained in Ex Parte No. MC-9 that copies of contracts shall be filed under section 220 (a).)

(b) *Agency or joint schedules not permitted.*—Schedules of minimum rates or charges shall be published and filed in the name of the individual carrier performing the transportation service subject to such rates or charges. Schedules may not be filed in the name of an agent, nor may contract carriers participate by concurrence in rates named in any schedule filed by another such carrier.

(c) *Schedules must contain all relevant provisions.*—Schedules shall contain all of the minimum rates and charges, and also the rules and other provisions applicable to services covered thereby; and reference shall not therein be made to other publications for any provision affecting the rates or charges (or the method of applying them), except that, after having secured express authority from this Commission to do so, carriers may include in schedules naming rates based on distances reference to a separate publication on file with this Commission containing such distances.

(d) *Number of copies filed.*—Issuing carriers shall file with the Commission three copies of each schedule, supplement, or revised page of a schedule. All copies shall be included in one package accompanied by a letter of transmittal (in duplicate if a receipt is desired) listing the publications enclosed, which shall be addressed to the Interstate Commerce Commission, Bureau of Motor Carriers, Section of Traffic, Washington, D. C. All postage or other charges must be prepaid.

(e) *Posting of schedules.*—Schedules shall be posted in the same manner as is provided in Rule 6 of Tariff Circular MF No. 1.

(f) *Special permissions.*—No deviation from the regulations relative to publication and filing of schedules will be permitted, except that the Commission may in its discretion grant specific authority for waiving any of such regulations in response to an application presented in the manner set forth in Rule 9 of Supplement No. 1, Tariff Circular MF No. 1, if such application appears to present sufficient justification for such authority.

*Rule 8. Form and Contents of Schedules*

(a) *Form and manner of preparation.* All schedules and supplements thereto shall be in book, pamphlet or loose-leaf form of size 8 x 11 inches. They shall be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other similar durable process on paper of good quality. Schedules and supplements thereto filed and posted shall contain no alteration or erasure of the contents of such publications. A margin of not less than five-eighths of an inch without any printing thereon shall be allowed at the binding edge of each schedule or supplement.

(b) *Required notice.*—Except as otherwise provided herein or unless otherwise authorized by the Commission, all schedules and supplements thereto, which supersede rates and charges previously published and filed with this Commission and which result in reductions in previously filed rates and charges shall be filed and posted at least 30 days prior to the effective date thereof.

(c) *Title page.*—Each schedule submitted for filing shall show on the upper right-hand corner of the front cover or title page the MF-I. C. C. number of the schedule. All schedules shall be numbered consecutively beginning with the MF-I. C. C. number next higher than the last number used on a publication of rates, charges or rules filed by the same carrier with this Commission. If the issuing carrier shall have previously filed with this Commission no publication of rates, charges or rules, the first schedule issued shall bear MF-I. C. C. No. 1 and subsequent publications shall be numbered consecutively. Schedules which supersede publications previously filed shall indicate the cancelation of the superseded publication or publications in the manner shown in Rule 2 (a), Tariff Circular MF No. 1.

(d) *Name of carrier.*—The name of the carrier issuing the schedule shall be shown in the upper central portion of the title page and such name shall be the same as that appearing in the carrier's permit (or application if no permit has been issued). If the carrier is not a corporation and a trade name is used, the name of the individual or partners shall precede the trade name in the manner shown in Rule 2 (c) of Tariff Circular MF No. 1. Following the carrier's name there shall be shown the permit number or, if the application shall have not been decided, the docket number of the carrier's application for a permit.

(e) *Territory served.*—On the title page of the schedule, immediately under the carrier's name and permit or docket number shall be shown a brief description of the territories in which, or points from and to which the minimum rates or charges named in the schedule will apply.

(f) *Issued and effective dates.*—Under the territorial description, on the left-hand side of the title page, the date of issue shall be shown; and on the right-hand side, opposite the date of issue, the effective date shall be shown.

(g) *Issuing officer.*—At the bottom of the title page, under the issued and effective dates, there shall be shown the name, title, and street address of the individual or the officer by whom the schedule is issued. The title "Agent" should not be used.

(h) *Supplements.*—Supplements shall be numbered consecutively beginning with number one, the supplement number being placed in the upper right-hand corner of the title page. Underneath the supplement number shall be shown the MF-I. C. C. number of the schedule amended thereby. When a supplement cancels a previous supplement (or the schedule itself), the cancelation notice shall be shown in the manner prescribed in Rule 2 (b) of Tariff Circular MF No. 1.

(i) *List of parties with whom carrier has contracts.*—At the top of the page immediately following the title page shall be shown the name and address of each party with whom carrier has a contract and for whom property is transported under the provisions of the schedule.

(j) *Table of contents.*—Following the list of contracting shippers shall be shown a table of contents arranged in alphabetical order indicating the number of the page on which each subject may be found. If the schedule contains so small a volume of matter that its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(k) *Index of commodities.*—A complete index of all the commodities on which rates and charges are shown in the schedule shall follow the table of contents and shall indicate the page number on which rates for each commodity will be found. If no table of contents appears, the index of commodities shall be shown immediately after the list of contracting parties. If the number of commodities involved is small, no index need be shown in a schedule, provided the commodities are arranged in alphabetical order in the tables of minimum rates and charges.

(m) *Index of points.*—When a schedule names minimum rates or charges from and to specific points, an index of the points, together with the States in which they are located, shall be shown immediately following the index of commodities, with reference to the page on which the various points will be found in the table of minimum rates or charges.

[1] Rules 7 and 8 of this supplement cancel Rules 7 and 8. Pages 4 and 5 of Tariff Circular MF No. 1.

(n) *Abbreviations and symbols.*—Where abbreviations, symbols or reference marks are used in a schedule, they shall be explained on each page on which they appear, except that, where the same abbreviation, symbol or reference mark is used throughout the schedule with the same explanation, this information may be shown under a general explanation following the index of points.

(o) *Rules.*—Any rules or other provisions affecting the application of the minimum rates or charges shall be shown following the general explanation of abbreviations, symbols and reference marks and preceding the tables of minimum rates or charges. Each rule shall be given a separate number.

(p) *Tables of minimum rates or charges.*—The tables of minimum rates or charges shall be shown immediately following the rules. The commodities on which the rates or charges apply shall be shown on the same page on which the rates or charges are published or there shall be shown on such page a statement of the page or item containing a list or description of such commodities. Minimum rates or charges shall be published on only such commodities and from and to only such points as are included in actual contracts for transportation. Tables of minimum rates or charges shall be arranged alphabetically by points of origin and destination, except that, if it is desired to group points by States, they may be arranged in alphabetical order by States, the points in each State also being shown in alphabetical order. The minimum rates or charges shall be stated in cents or in dollars and cents per 100 pounds, per mile, per hour, per cubic foot, per ton of 2,000 pounds, per ton of 2,240 pounds, per truckload (of stated amount), or other definable measure.

Schedules shall clearly show the points from and to which the minimum rates and charges apply, or indicate briefly by territorial description the teritory within which they apply. If minimum rates or charges are determined by use of distances, schedules shall show the distances from and to the points from and to which the minimum rates or charges apply, or shall indicate a definite method by which the distances shall be determined (see Rule 7 (c) of this supplement).

(q) *Changes in minimum rates or charges.*—Minimum rates or charges which have been filed with the Commission shall be permitted to become effective and remain in effect for a period of 30 days before they may be reduced by the publication and filing of a new schedule or supplement. Schedules or supplements thereto which do not reduce the minimum rates or charges formerly filed with the Commission may become effective not earlier than the date on which they are received by the Commission, but a specific effective date must be shown which shall not be prior to the effective date of rates or charges previously filed having the same application. Changes in minimum rates or charges appearing in schedules shall be indicated in the manner prescribed in Rule 5 (b) of Tariff Circular MF No. 1.

[F. R. Doc. 37-2098; Filed, July 8, 1937; 12:30 p. m.]

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NOTICE

FILING OF CONTRACTS AND SCHEDULES OF MINIMUM CHARGES

JULY 7, 1937.

In order that there be no misunderstandings in regard to the Commission's Orders in Ex Parte Nos. MC 9 and 12, and the requirements in the recently released Supplement No. 2 to Tariff Circular MF No. 1, it should be summarized as follows:

(1) Ex Parte No. MC 12 states in effect that after July 1, 1937, contract carriers may not transport property unless they have bilateral contracts complying with that Order.

(2) Ex Parte No. MC 9 requires that a true copy of bilateral contracts (as required in Ex Parte No. MC 12) in force on July 15, 1937, must be submitted to the Commission on or before that date. If contract carriers enter into bilateral contracts on or after July 15, such contracts must be submitted within twenty days after their effective date.

(3) Ex Parte No. MC 9 requires that in addition to submitting to the Commission a true copy of such contracts (one copy is sufficient) contract carriers shall file schedules of minimum rates and charges in the manner and form required in Supplement No. 2 to Tariff Circular MF No. 1.

While the Commission requires contract carriers to submit one true copy of each and every contract in accordance with (1) and (2) above, these contracts will not be open for public inspection and are required for the Commision's information only and, therefore, such true copies submitted are not subject to the requirements as to title page, size, form or carrier's MF-I. C. C. series or any other rules contained in the Commission's Tariff Circular.

The submission of a true copy of bilateral contract does not relieve contract carriers from having their schedules of minimum rates on file with this Commission, and kept open for public inspection at their principal places of business, in accordance with Section 218 of the Act. Supplement No. 2 to Tariff Circular MF No. 1 has been issued to guide contract carriers in the preparation of schedules, or the reissuance in the form of schedules of all copies of written contracts or memoranda of oral contracts already filed under the provisions of Section 218, or the reissuance of schedules of minimum rates and charges that are now on file but do not conform to our requirements.

Carriers who have already filed copies of written contracts or memoranda of oral contracts that are *in fact* bilateral contracts, need not file an additional copy of such contracts as outlined in (a), though they are required to file schedules as outlined in (b), below.

Briefly, the Commission requires (a) the submission of ONE *true copy of bilateral contracts* that will be held in the Commission's confidential files, and (b) the filing of THREE *copies of schedules of minimum rates and charges* that comply with the requirements contained in Supplement No. 2 to Tariff Circular MF No. 1. These schedules will be open for public inspection as they have been in the past.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2097; Filed, July 8, 1937; 12:30 p. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 113]

ALLOCATION OF FUNDS FOR LOANS

JULY 3, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936. I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Arkansas 8013A Johnson (partial) | $200.000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2092; Filed, July 8, 1937; 9:39 a. m.]

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[Administrative Order No. 114]

RESCISSION OF ALLOCATION OF FUND FOR LOAN

JULY 6, 1937.

I hereby amend Administrative Order No. 107, dated June 10, 1937, by rescinding the allocation of $4,000 for the project, Colorado 7W Mesa. This action is being taken because the applicant was unable to comply with the requirements of the Legal Division.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2093; Filed, July 8, 1937; 9:39 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

ADOPTION OF FORM 8-C FOR REGISTRATION ON AN ADDITIONAL EXCHANGE

The Securities Exchange Commission, finding

(1) that the requirements of Form 8-C, as defined in the instructions to that form, are necessary and appropriate in the public interest and for the protection of investors, and that, insofar as the information required by such form is not within the provisions of Section 12 (b) of the Securities Exchange Act of 1934, it is of a character comparable to such information and is applicable to the class of issuers and securities for which such form is authorized; and

(2) that the exhibits required by Form 8-C are necessary and appropriate for the proper protection of investors and to insure fair dealing in the securities registered on such form.

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby adopts Form 8-C.[1]

AMENDMENT TO RULE JB1

The Securities and Exchange Commission, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby amends Rule JB1 by inserting immediately after the Rule for the Use of Form 8-B the following Rule for the Use of Form 8-C:

*Form 8-C for Registration on an Additional Exchange.*—This form may be used for applications for registration of securities on an exchange upon which no securities of the registrant are listed and registered, if

(a) Securities of the registrant are registered pursuant to Section 12 (b), (c) and (d) on another exchange, and

(b) An application on a form other than Form 7, 8-A, 8-B, or 8-C, filed by the registrant (or by the predecessor of the registrant if the registrant had securities registered pursuant to an application on Form 8-B) became effective on such other exchange not more than three years before the filing of this application.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2099; Filed, July 8, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTEREST IN THE CARTER-T. SCOTT TRACT, FILED ON JUNE 14, 1937, BY VIRGIL O. KING, INC., RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2102; Filed, July 8, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE GULF-SCOTT TRACT, FILED ON JUNE 14, 1937, BY VIRGIL O. KING, INC., RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2101; Filed, July 8, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE BIG WEST-ENGLE TRACT, FILED ON JUNE 21, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 2, 1937, be effective as of July 2, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2104; Filed, July 8, 1937; 12:49 p. m.]

[1] Filed with the Division of the Federal Register, The National Archives; copies available upon application to the Securities and Exchange Commission.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE REPOLLO-AMERADA-TEXAS-PHILLIPS TRACT, FILED ON JUNE 4, 1937, BY L. H. WITWER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 30, 1937, be effective as of June 30, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2103; Filed, July 8, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-MARY WHIPPLE TRACT, FILED ON JUNE 30, 1937, BY R. A. COOK, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein conained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest to be offered by means of the offering sheet, as set forth in Division II, Item 1, is not stated in terms of the total production from the entire tract;

(2) In that the percentage of water from fluid produced, as set forth in Division II, Item 20 (b), is not believed to be correct;

(3) In that in Division II, Item 20 (e), the actual *net* monthly pay-off for the smallest interest offered is required to be given, whereas from the amounts set forth it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted;

NOTE.—It appears that the information contained in the table immediately following Division II, Item 20, should be set forth in the column of the appropriate table under Division II, Item 20 (e);

(4) In that the second paragraph of representations required to be included in the offering sheet, is omitted;

(5) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete by reason of the fact that the smallest interest to be offered is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2100; Filed, July 8, 1937; 12:48 p. m.]

## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

DISALLOWANCE AND AWARDS

*Determination of Marital Status, Custody of Child or Children, or Continuance of Dependency*

R-1286. When in any case wherein compensation, pension, or emergency officers retirement benefits are being paid, it is deemed necessary to determine the current facts in regard to the marital status of the veteran, custody of child or children, or dependency of parent of parents, the necessary evidence will be requested and, when received, appropriate adjustment will be made in accordance with the facts disclosed pursuant to the provisions of law and the regulations and instructions based thereon. If the necessary information is not received within a reasonable time from the date of request therefor appropriate action will be taken to effect an adjustment on the basis of a single man without dependents, or through a discontinuance of benefits to the payee or payees, wife, child or children, or dependent parent or parents, as may be required by the facts. If the necessary evidence or information is thereafter received within one year from the date of request therefor, a readjustment may be made or the payment of benefits resumed, if otherwise in order, from the effective date of the adjustment or discontinuance previously necessitated by the non-receipt of the desired data. If the necessary evidence or information is not received within one year from the date of request therefor, the adjustment or resumption of payments will not be authorized prior to the date of receipt of the evidence or information. (July 8, 1937.) (Public No. 844, 74th Congress.)

R-1287-1291 canceled July 8, 1937.

[SEAL] FRANK T. HINES, *Administrator of Veterans' Affairs.*

[F. R. Doc. 37-2096; Filed, July 8, 1937; 11:25 a. m.]



*Saturday, July 10, 1937* *No. 132*

## FARM CREDIT ADMINISTRATION.

[FCA 49]

PRODUCTION CREDIT CORPORATION OF BERKELEY

[Bulletin No. 272]

TRANSFER OF CLASS A STOCK TO INDIVIDUALS DESIRING TO BECOME BORROWERS

*To all production credit associations in the states of Arizona, California, Nevada and Utah:*

The following regulation is prescribed pursuant to Section 23 of the Farm Credit Act of 1933:

In instances where a Class A stockholder arranges to sell and transfer his stock to another individual who intends to convert it into Class B stock for use in obtaining an association loan, it will not be necessary for the association to request the Corporation to issue a Class A stock certificate to the transferee-purchaser. It will only be necessary for the transferee of the original Class A stock certificate to submit it to the association from which he desires to obtain a loan with an order to convert it into Class B stock of the association. The association will thereupon forward such order and certificate to the Corporation with a request for cancellation accompanied by proper evidence of the consent of the Board of Directors to the conversion.

The Corporation will record the transaction as transfer agent and the secretary of the association will issue the Class B stock to the new borrower and make the necessary entries on the association's records. Advice of Stock Transfer, Retirement, or Conversion, Form PCA 112B, will be used covering a transaction of this kind. The transaction will be considered a conversion and the description of the Class A stock certificate will be entered in the section headed, "Stock Canceled." In the space provided for stockholder, the association will show the name of the transferee or purchaser of the stock, and immediately underneath the new stockholder's name, the following will be noted "Acquired by Purchase from (original stockholder)."

A purchaser of Class A stock under the above procedure would be limited to the conversion to Class B stock of only the amount necessary to cover his loan.

[SEAL] PRODUCTION CREDIT CORPORATION OF BERKELEY,
By W. R. ANDREW,
*Vice President.*

[F. R. Doc. 37-2107; Filed, July 9, 1937; 12:14 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 7th day of July, A. D., 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-301]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE CONCRETE BURIAL VAULT MANUFACTURING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been had under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717),

It is now ordered that the trade practice rules of Group I which have been approved by the Commission in this proceeding and the rules in Group II which have been received by the Commission as expressions of the industry be, and the same are, hereby promulgated for the Concrete Burial Vault Manufacturing Industry.

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

*Group I*

The unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition or other illegal practices within the decisions of the Federal Trade Commission or the courts, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

*Rule 1.*

It is an unfair trade practice for a member of the industry directly or indirectly to give or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors, or from dealing or contracting to deal with competitors.

*Rule 2.*

Wilfully inducing or attempting to induce the breach of existing contract or contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or wilfully interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

*Rule 3.*

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, or questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, composition, material, construction, durability, or process of manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies or services, or conditions of employment, with the tendency, capacity or effect of misleading or deceiving any purchasers or prospective purhasers of burial vaults, is an unfair trade pratice.

*Rule 4.*

Wilfully enticing away the employees of competitors, with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their businesses, is an unfair trade practice.

*Rule 5.*

The imitation of the trade-marks, trade names, brands, labels or other marks of identification of competitors, with the tendency, capacity or effect of misleading or deceiving any purchasers or prospective purchasers of burial vaults, is an unfair trade practice.

*Rule 6.*

The practice of shipping or delivering products which do not conform to representations made prior to or at the time of securing an order, or the substitution of products inferior in quality to the kind ordered, without the consent of the purchaser to such substitution and with the effect of misleading or deceiving any purchasers or prospective purchasers of burial vaults, is an unfair trade practice.

*Rule 7.*

Securing information from competitors concerning their businesses by false or misleading statements or representations or by false impersonation of one in authority, and the wrongful use thereof to unduly hinder or stifle the competition of such competitors, is an unfair trade practice.

*Rule 8.*

The false or deceptive marking, branding or labeling of concrete burial vaults for the purpose or with the tendency, capacity or effect of misleading or deceiving purchasers or prospective purchasers concerning the grade, quality, composition, material, construction, durability, or process of manufacture of such vaults, or in any other material respect, or the marking, branding or labeling of such vaults by representations, statements, assertions or claims concerning the capacity, property or ability of such vaults to remain air-tight, water-proof or sweat-proof when such representations, statements, assertions or claims are not true in fact, or are misleading, or are not known to be true, is an unfair trade practice.

*Rule 9.*

Making, or causing to be made or published, directly or indirectly, any false, untrue or deceptive statement, representation, guarantee, warranty, testimonial or endorsement, by way of advertising (through newspapers, magazines, booklets or other advertising media) or by radio, oral representation or otherwise, in connection with the sale or distribution of concrete burial vaults and concerning the grade, quality, composition, material, construction, durability or process of manufacture of such vaults, or in any other material respect, or the making of any representations, statements, assertions or claims, directly or indirectly, concerning the capacity, property or ability of such vaults to remain air-tight, water-proof or sweat-proof when such representations, statements, assertions or claims are not true in fact, or are misleading, or are not known to be true, with the tendency, capacity or effect of misleading or deceiving any purchasers or prospective purchasers of burial vaults, is an unfair trade practice.

*Rule 10.*

Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the purpose or effect of thereby misleading or deceiving any purchasers or prospective purchasers of burial vaults, is an unfair trade practice.

*Rule 11.*

The practice of selling industry products below the seller's cost, with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade, is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule.

*Rule 12.*

It is an unfair trade practice for any member of the industry to use the practice of shipping goods on consignment or pretended consignment for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said trade outlets in getting their goods to consumers through regular channels of distribution, or with such purpose to entirely close said trade outlets to such competitors so as to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade; provided, however, that nothing herein shall be construed or used as restricting or preventing consignment shipping or marketing of commodities in good faith and without artificial interference with competitors' use of the usual channels of distribution in such manner as thereby to suppress competition or restrain trade.

*Rule 13.*

(a) *Prohibited Discriminatory Differentials, Rebates, Refunds, Discounts, Credits and Other Allowances.*—It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any price differentials, rebates, refunds, discounts, credits or other allowances which effectuate a discrimination in price between different purchasers of goods of like grade and quality where either or any of the purchases involved therein are in commerce[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce[1] or to injure, destroy or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited Brokerages and Commissions.*—It is an unfair trade practice for any member of the industry engaged in commerce[1], in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited Advertising or Promotional Allowances, Etc.*—It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotion allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited Discriminatory Services or Facilities.*—It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Illegal Price Discrimination.*—It is an unfair trade practice for any member of the industry or other person engaged in commerce[1] in the course of such commerce to discriminate in price in any other respect contrary to Section 2 of the Clayton Act as amended by the Act of Congress, approved June 19, 1936 (Public No. 692, 74th Congress), or knowingly to induce or receive a discrimination in price which is prohibited by such section as amended.

*Group II*

The trade practices embraced in Group II rules do not, *per se*, constitute violations of law. They are considered by the industry either to be unethical, uneconomic, or otherwise objectionable; or to be conducive to sound business methods which the industry desires to encourage and promote. Such rules, when they conform to the above specifications and are not violative of law, will be received by the Commission, but the observance of said rules must depend upon and be accomplished through the cooperation of the members of the industry concerned, exercised in accordance with existing law. Where, however, such practices are used in such manner as to become unfair methods of competition in commerce or a violation of any law over which the Commission has jurisdiction, appropriate proceedings will be instituted by the Commission as in the case of violation of Group I rules.

*Rule A.*

The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists fully setting forth his terms of sale.

*Rule B.*

It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs.

*Rule C.*

The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so, they should, if possible, submit these disputes to arbitration.

A Committee on Trade Practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2106; Filed, July 9, 1937; 11:45 a. m.]

[1] As herein used, the word "commerce" means trade or commerce among the several states and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States; Provided, That this shall not apply to the Philippine Islands.



## RAILROAD RETIREMENT BOARD.

### RULES GOVERNING DIRECT ASSIGNMENT OF ACCOUNT NUMBERS BY EMPLOYERS

JUNE 17, 1937.

*To All Employers Subject to the Railroad Retirement Act:*

The Railroad Retirement Board will take over the assignment of account numbers to employees covered by the Railroad Retirement Act, as of July 1, 1937, at which time the cooperative arrangement now in effect with the Post Office Department will be discontinued. In order that there may be no delay in the assignment of these account numbers, the Board requests that employers cooperate with it, as hereinafter explained, by securing supplies of pre-numbered office record forms and making direct assignments of account numbers.

The account numbers will continue to be called "Social Security Account Numbers." Form CER–1 ("Social Security-Carrier Employee Registration Application for Account Number") will continue to be used. Cards containing name and number will be furnished each employee.

It is essential that all persons who perform compensated service for an employer be assigned an account number. In the case of employees engaged in the future by employers in whose service they have not previously been engaged, situations will arise which will require filing a form with the Board.

1. Persons who have not, since January 1, 1937 had an employment requiring an account number should fill in a Form CER–1 and the employer will, as described below, make an account number assignment.

2. Persons having a number in other than the series seven hundred (700) to seven hundred thirty-nine (739) will continue to use such numbers, but they should complete form CER–1, if they have not already done so, and turn it over to the employer for filing with the Board.

Persons holding account numbers of which the first three digits are in the series seven hundred (700) to seven hundred thirty-nine (739), and persons holding account numbers in any series who have performed service for an "Employer" after June 30, 1937, will already have been registered on Form CER–1, and there is no necessity, so far as the Railroad Retirement Board is concerned, to secure their re-registration. But if a person with an account number in this series works for an employer after June 30, 1937 and subsequently works for another employer under the Retirement Act, such subsequent employer may wish to maintain a complete file of Forms CER–1; in such case, however, no such form need be sent to the Board.

The procedure to accomplish these purposes in the most expeditious manner and for the mutual benefit of all concerned, is prescribed hereunder.

I. "Employers" will requisition on the attached form the estimated number of Forms CER–1, "Social Security-Carrier Employee Registration Application for Account Number," needed for the period July 1, 1937, to December 31, 1937. Thereafter "Employers" will requisition additional supplies of such forms sixty days in advance of need to cover requirements for the ensuing six months.

II. "Employers" who expect to have a substantial number of new employees should request the Bureau of Accounts, Railroad Retirement Board, to furnish a supply of prenumbered forms OA–702, "Office Record Card," which includes the employee account number cards.

III. "Employers" will secure a properly executed form CER–1 from each new employee who has not previously received an account number the first three digits of which are within the series seven hundred (700) to seven hundred thirty-nine (739), unless such employee has previously completed such form. After entering the previously assigned account number on the original and duplicate of such form, the original should be promptly forwarded to the Bureau of Accounts, Railroad Retirement Board, Washington, D. C.



IV. "Employers" who are supplied with forms OA–702 will

Forms CER–1, "Social Security-Carrier Employee Registration Application for Account Number," for use in connection with the



Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to

of the Trustees of Midland United Company, a registered holding company, pursuant to

IV. "Employers" who are supplied with forms OA–702 will transcribe the information on form CER–1 to the form OA–702, in the case of each employee who has not previously received an account number, and will deliver the original account number card to the employee, and forward the original of form OA–702 and of form CER–1 to the Bureau of Accounts, Railroad Retirement Board, Washington, D. C., and the copy of form OA–702 to the proper state unemployment insurance agency, if any.

V. "Employers" who do not have a supply of forms OA–702 will forward to the Bureau of Accounts, Railroad Retirement Board, forms CER–1, covering employees who have not previously received an account number. The Board will thereupon prepare form OA–702 and forward the account number card to the "Employer" for recording the number, and delivery to the employee.

EXAMPLES

A. *Condition.*—An employee who holds an account number in the series seven hundred (700) to seven hundred thirty-nine (739), enters service of an "Employer" subsequent to June 30, 1937.

*Action.*—The "Employer" takes no action other than to show that number in reports of the employee's subsequent earnings.

B. *Condition.*—An employee who holds an account number in other than the series seven hundred (700) to seven hundred thirty-nine (739), and who has been in service of an "Employer" under the Railroad Retirement Act after June 30, 1937, enters the service of another "Employer."

*Action.*—The latter employer, after being assured that the employee has previously completed a form CER–1, takes no action other than to show that number in the reports of the employee's subsequent earnings.

C. *Condition.*—An employee who holds an account number in other than the series seven hundred (700) to seven hundred thirty-nine (739), and who has not been in service of an "Employer" covered by the Railroad Retirement Act, enters the service of an "Employer" after June 30, 1937.

*Action.*—The "Employer" will secure form CER–1, show the account number thereon and forward it to the Bureau of Accounts, Railroad Retirement Board, and show such number in the reports of the employee's subsequent earnings.

D. *Condition.*—An employee who holds no account number enters the service of an "Employer" not having forms OA–702 available, subsequent to June 30, 1937.

*Action.*—The "Employer" will secure form CER–1 and forward it to the Bureau of Accounts, Railroad Retirement Board. The employee account number card will be prepared by the Board and sent to the "Employer" who will record the number and deliver such account number card to the employee.

E. *Condition.*—An employee who holds no account number enters, subsequent to June 30, 1937, the service of a carrier having forms OA–702 available.

*Action.*—The "Employer" will secure form CER–1 and will prepare form OA–702 in duplicate. The original account number card will be detached and delivered to the employee. The original forms OA–702 and CER–1 will be forwarded to the Railroad Retirement Board, and the duplicate form OA–702, with the duplicate account number card attached, will be forwarded to the proper state unemployment insurance agency, if any. If the employee's employment is not covered by unemployment insurance legislation, both copies of form OA–702 will be forwarded to the Railroad Retirement Board.

[SEAL] MURRAY W. LATIMER, *Chairman.*

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[Railroad Retirement Board—Form BA–1]

REQUISITION FOR FORMS CER–1

Date ----------

*Bureau of Accounts, Railroad Retirement Board, Washington, D. C.*

GENTLEMEN: Please forward ---------- (insert quantity)

Forms CER–1, "Social Security-Carrier Employee Registration Application for Account Number," for use in connection with the assignment of account numbers to employees entering service subsequent to June 30, 1937, to:

---------- (Name) ---------- (Title)

---------- (Carrier name) ---------- (City) ---------- (State)

---------- (Signature)

---------- (Title)

*Do Not Write Below This Line*

Bureau Requisition No. F ------
Number Approved ------

Date Forwarded ----------

By ----------

---------- (For Director—Bureau of Accounts)

[F. R. Doc. 37–2105; Filed, July 9, 1937; 10:43 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1937.

[File No. 46–63]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Middle West Corporation, a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of 41,030.5 shares of capital stock and $54,600 principal amount of First Mortgage 5% Bonds, due August 1, 1960, of Missouri Public Service Corporation in accordance with the terms of the reorganization plan of its predecessor company, and for approval of its acquisition of $33,000 principal amount of First Mortgage Twenty-Year 5% bonds, Series A, due April 1, 1947, of Michigan Public Service Company, all of such acquisitions being made pursuant to a settlement agreement, as modified and approved by the court, entered into by the applicant with Leonard S. Florsheim, as trustee in reorganization proceedings against Inland Power & Light Corporation, and Walter Bachrach, as trustee in reorganization proceedings against Commonwealth Light & Power Company;

It is ordered that a hearing on such matter be held on July 26, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 21, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.



Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2111; Filed, July 9, 1937; 12:30 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1937.

[File No. 32–68]

IN THE MATTER OF THE ST. LOUIS COUNTY GAS COMPANY

[Application Pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The St. Louis County Gas Company, a subsidiary company of The North American Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by applicant to said The North American Company of 5,000 shares of its capital stock of the par value of $100 per share, for the sum of $500,000, it being stated by applicant that said issue and sale are solely for the purpose of financing its business and will be expressly authorized by the Public Service Commission of the State of Missouri, the State commission of the State in which applicant is organized and does business;

It is ordered that a hearing on such matter be held on July 26, 1937, at ten o'clock in the forenoon of that day at Room 1101 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 21, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2112; Filed, July 9, 1937; 12:30 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1937.

[File No. 32–57]

IN THE MATTER OF DRESSER POWER CORPORATION

[Public Utility Holding Company Act of 1935—Section 6 (b)]

SUPPLEMENTAL AND AMENDED NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Dresser Power Corporation, an indirect subsidiary of the Trustees of Midland United Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and sale by applicant of 17,000 shares of $100 par value common stock and $5,000,000 principal amount of bonds maturing within twelve years from the date thereof; an order having been duly entered providing for a hearing in such matter; such hearing having been continued indefinitely at applicant's request; it being appropriate that this matter be set down for hearing on July 19, 1937 when a related matter is to be heard; and, it appearing that the officer of the Commission heretofore designated to preside at the hearing in the above entitled matter will be unable to do so:

It is ordered that a hearing on such matter be held on July 19, 1937, at 10 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 16, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2114; Filed, July 9, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1937.

[File No. 46–45]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA

[Public Utility Holding Company Act of 1935 Section 10]

SUPPLEMENTAL AND AMENDED NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Public Service Company of Indiana, a subsidiary of the Trustees of Midland United Company, a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 17,000 shares of $100 par value common stock of Dresser Power Corporation; an order having been duly entered providing for a hearing in such matter; such hearing having been continued indefinitely at applicant's request; it being appropriate that this matter be set down for hearing on July 19, 1937 when a related matter is to be heard; and, it appearing that the officer of the Commission heretofore designated to preside at the hearing in the above entitled matter will be unable to do so:

It is ordered that a hearing on such matter be held on July 19, 1937, at 10 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities com-

mission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 16, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2113; Filed, July 9, 1937; 12:31 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, A. D., 1937.

IN THE MATTER OF RAINBOW LUMINOUS PRODUCTS, INC., CLASS A COMMON, NO PAR VALUE; CLASS B COMMON, NO PAR VALUE

ORDER CHANGING TIME OF HEARING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 AS AMENDED AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on June 26, 1937, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934 be held on July 7, 1937, to determine whether to suspend for a period not exceeding 12 months or to withdraw the registration of the Class A Common no par stock and the Class B Common no par stock of the Rainbow Luminous Products, Inc. on the New York Curb Exchange; and Rainbow Luminous Products, Inc. having, on July 3, 1937, filed certain amendments to its application for registration on Form 10 and to its annual report on Form 10K for the fiscal year ended December 31, 1935, and having on June 29, 1937, filed its annual report on Form 10K for the fiscal year ended December 31, 1936, and having on July 3, 1937 filed a certain amendment thereto;

It is ordered that such hearing be postponed to Wednesday, July 21, 1937, at 10:00 A. M., in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that for the purposes of such proceeding, Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2117; Filed, July 9, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 7th day of July, 1937.

[File No. 1-2064]

IN THE MATTER OF NORTH AMERICAN SECURITIES COMPANY, CLASS "A" SHARES, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Cleveland Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration 50,000 Class "A" Shares, No Par Value, of North American Securities Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application, together with the evidence introduced at said hearing, having made and filed its findings of fact herein, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on July 7, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2116; Filed, July 9, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE STANOLIND-AMERADA-TRANSWESTERN-SUENRAM TRACT, FILED ON JUNE 19, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 30, 1937, be effective as of June 30, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2118; Filed, July 9, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, 1937.

[File No. 2-2837]

IN THE MATTER OF BERING STRAITS TIN MINES, INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Bering Straits Tin Mines, Inc., of Seattle, Washington, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Bering Straits Tin Mines, Inc., or Seattle, Washington, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2115; Filed, July 9, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-GUTHRIE TRACT, FILED ON JULY 1, 1937, BY PHILO W. GRIMES, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that no statement is made in Division II, Item 2 (e), as to whether or not the interest offered is perpetual;

(2) In that in Division II, Item 10, the names of the persons by whom the taxes are assessed is omitted, as is also the times of payments of said taxes;

(3) In that in Division II, Item 20 (e), the actual net monthly pay-off for the smallest interest offered is required to be given, whereas from the amounts set forth, it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted;

(4) In that the proposed instrument of conveyance, attached to the offering sheet as Exhibit B, is incomplete;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2108; Filed, July 9, 1937; 12:29 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE POWDER RIVER BASIN-CHANEY TRACT, FILED ON JULY 1, 1937, BY POWDER RIVER BASIN ROYALTY CO., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2110; Filed, July 9, 1937; 12:30 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE BRITISH-AMERICAN-ROANOKE-POWELL-HIGHLAND-RUSSELL TRACT, FILED ON JULY 1, 1937, BY JAMES W. TAIT CO., INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information relative to the number of wells now drilling, which is required to be given in Division II, Item 13, is omitted;

(2) In that the legal description contained in the proposed instrument of conveyance attached to the offering sheet as Exhibit B is not believed to be sufficient, nor is it possible to determine from the information contained in Exhibit B that said proposed instrument of conveyance will convey a like interest as is set forth in Division II, Item 1, of the offering sheet;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2109; Filed, July 9, 1937; 12:29 p. m.]

*Tuesday, July 13, 1937* *No. 133*

## PRESIDENT OF THE UNITED STATES.

ENLARGING THE WUPATKI NATIONAL MONUMENT—ARIZONA

By the President of the United States of America

A PROCLAMATION

WHEREAS certain land contiguous to the Wupatki National Monument, established by Proclamation of December 9, 1924 (43 Stat. 1977), have situated thereon prehistoric and archaeological ruins of historic and scientific interest; and

WHEREAS there are other lands contiguous to the said Monument which are necessary for the proper care, management, and protection of the prehistoric ruins situated on the lands now included in the aforesaid Monument and on the additional lands above referred to; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Wupatki National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to the withdrawal made by order of the Secretary of the Interior of July 9, 1934, in aid of the consolidations authorized by the act of June 14, 1934, ch. 521, 48 Stat. 960, and subject to all valid existing rights, the following-described lands in Arizona are hereby reserved and added to and made a part of the Wupatki National Monument:

GILA AND SALT RIVER MERIDIAN

T. 25 N., R. 8 E.,
sec. 1, N½ and SW¼;
secs. 2 and 11;
sec. 12, W½ and SE¼;
secs. 13 and 14;
All those parts of secs. 3, 10 and 15 lying east of the east line of the right of way of U. S. Highway No. 89;
T. 25 N., R. 9 E.,
secs. 1 to 4, inclusive;
sec. 5, E½;
sec. 7, S½;
secs. 8 to 18, inclusive;
T. 26 N., R. 9 E.,
sec. 32, N½;
T. 25 N., R. 10 E.,
sec. 1, lots 1 to 4, inclusive, W½SW¼ and SE¼SW¼;
sec. 2, lots 1 to 5, inclusive, S½NW¼ and S½;
secs. 3 to 12, and 14 to 22, inclusive;
secs. 28 and 29;
sec. 30, S½;
secs. 31 and 32;
T. 26 N., R. 10 E.,
sec. 16, SW¼;
sec. 17, SE¼;
sec. 20;
sec. 21, NW¼;
secs. 29 and 32, containing 33,631.20 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the Monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 9'' day of July in the year of our Lord nineteen hundred and thirty-
[SEAL] seven and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President,
CORDELL HULL,
*The Secretary of State.*

[No. 2243]

[F. R. Doc. 37-2134; Filed, July 12, 1937; 12:29 p. m.]

## EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5603 OF APRIL 20, 1931, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5603 of April 20, 1931, withdrawing public lands in Wyoming, pending resurvey, is hereby revoked.



This order shall become effective upon the date of the official filing of the plats of the resurvey of the lands now subject to said Executive Order No. 5603.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 9, 1937.*

[No. 7653]

[F. R. Doc. 37-2131; Filed, July 12, 1937; 10:33 a. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4746]

INCOME TAX

REGULATIONS WITH RESPECT TO THE TAXATION OF FRENCH CITIZENS AND FRENCH CORPORATIONS AS AFFECTED BY THE CONVENTION AND PROTOCOL ON DOUBLE TAXATION BETWEEN THE UNITED STATES AND THE REPUBLIC OF FRANCE, PROCLAIMED BY THE PRESIDENT OF THE UNITED STATES APRIL 16, 1935, EFFECTIVE JANUARY 1, 1936

To Collectors of Internal Revenue and Others Concerned:

*Part I*

PARAGRAPH A. The convention and protocol, proclaimed by the President of the United States on April 16, 1935, provides in part as follows:

ARTICLE I

Enterprises of one of the contracting States are not subject to taxation by the other contracting State in respect of their industrial and commercial profits except in respect of such profits allocable to their permanent establishments in the latter State.

No account shall be taken, in determining the tax in one of the contracting States, of the purchase of merchandise effected therein by an enterprise of the other State for the purpose of supplying establishments maintained by such enterprise in the latter State.

ARTICLE II

American enterprises having permanent establishments in France are required to submit to the French fiscal administration the same declarations and the same justifications, with respect to such establishments, as French enterprises.

The French fiscal administration has the right, within the provisions of its national legislation and subject to the measures of appeal provided in such legislation, to make such corrections in the declaration of profits realized in France as may be necessary to show the exact amount of such profits.

The same principle applies mutatis mutandis to French enterprises having permanent establishments in the United States.

ARTICLE III

Income which an enterprise of one of the contracting States derives from the operation of aircraft registered in such State and engaged in transportation between the two States is taxable only in the former State.

ARTICLE IV

When an American enterprise, by reason of its participation in the management or capital of a French enterprise, making or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with a third enterprise, any profits which should normally have appeared in the balance sheet of the French enterprise, but which have been, in this manner, diverted to the American enterprise, are, subject to the measures of appeal applicable in the case of the tax on industrial and commercial profits, incorporated in the taxable profits of the French enterprise.

The same principle applies mutatis mutandis, in the event that profits are diverted from an American enterprise to a French enterprise.

* * * * * * *

ARTICLE VII

Compensation paid by one of the contracting States to its citizens for labor or personal services performed in the other State is exempt from tax in the latter State.

ARTICLE VIII

War pensions paid by one of the contracting States to persons residing in the territory of the other State are exempt from tax in the latter State.

ARTICLE IX

The following classes of income paid in one of the contracting States to a corporation of the other State, or to a citizen of the latter State residing there, are exempt from tax in the former State:

(a) amounts paid as consideration for the right to use patents, secret processes and formulas, trade marks and other analogous rights;

(b) income received as copyright royalties;

(c) private pensions and life annuities.

ARTICLE X

* * * * * *

The Agreement shall become effective on the first day of January following the exchange of ratifications and shall remain effective for a period of five years, and thereafter until twelve months from the date on which either Contracting Party gives notice of its termination.

* * * * * *

PROTOCOL

At the moment of signing the Convention on Double Taxation between the United States of America and the Republic of France, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have agreed, as follows:

(1) The taxes referred to in this Agreement are:

(a) for the United States:

the Federal income tax—but it is understood that Article 1 does not exempt from tax (1) compensation for labor or personal services performed in the United States; (2) income derived from real property located in the United States, or from any interest in such property, including rentals and royalties therefrom, and gains from the sale or the disposition thereof; (3) dividends; (4) interest.

(b) for France:

in Articles I, II, III and IV, the tax on industrial and commercial profits (impot sur les benefices industriels et commerciaux);

in Articles III, V and VI, the tax on income from securities (impot sur les revenus des valeurs mobilieres);

in Articles VII, VIII and IX, the tax on wages and salaries, pensions and life annuities (impot sur les traitements et salaires, pensions et rentes viageres), and other schedular taxes (impots cedulaires) appropriate to the type of income specified in said articles;

(2) The provisions of this Agreement shall not be construed to affect in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) As used in this Agreement:

(a) The term "permanent establishment" includes branches, mines and oil wells, factories, workshops, warehouses, offices, agencies, and other fixed places of business, but does not include a subsidiary corporation.

When an enterprise of one of the States carries on business in the other State through an agent established there who is authorized to contract for its account, it is considered as having a permanent establishment in the latter State.

But the fact that an enterprise of one of the contracting States has business dealings in the other State through a bona fide commission agent or broker shall not be held to mean that such enterprise has a permanent establishment in the latter State.

(b) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership (societe en nom collectif), corporation (societe anonyme), or any other entity.

(c) The term "enterprise of one of the contracting States" means, as the case may be, "American enterprise" or "French enterprise."

(d) The term "American enterprise" means an enterprise carried on in the United States by a citizen of the United States or by an American corporation or other entity; the term "American corporation or other entity" means a partnership, corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(e) The term "French enterprise" is defined in the same manner, mutatis mutandis, as the term "American enterprise."

(f) The American corporations mentioned in Articles V and VI are those which, owing to their form of organization, are subject to Article 3 of the Decree of December 6, 1872. The present Agreement does not modify the regime of "abonnement" for securities.

(g) The term "United States", when used in a geographical sense, includes only the States and the Territories of Alaska and Hawaii, and the District of Columbia.

(h) The term "France", when used in a geographical sense, indicates the country of France, exclusive of Algeria and the Colonies.

PARAGRAPH B. The Proclamation of the Treaty by the President of the United States on April 16, 1935, reads in part as follows:

And whereas, the said convention and protocol have been ratified on both parts, and the ratifications of the two Governments were exchanged at Paris on the ninth day of April, one thousand nine hundred and thirty-five;

And whereas, it is stipulated in Article X of the said convention that the convention shall become effective on the first day of January following the exchange of ratifications, that is to say on the first day of January, one thousand nine hundred and thirty-six;

Now, therefore, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention and the said protocol to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and from the first day of January, one thousand nine hundred and thirty-six.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this sixteenth day of April in the year of our Lord one thousand nine hundred and thirty-five, and of the Independence of the United States of America the one hundred and fifty-ninth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
*Secretary of State.*

PARAGRAPH C. Section 22 (b) (7), Revenue Act of 1936, provides in part as follows:

SEC. 22. *Gross Income.*—

* * * * * *

(b) *Exclusions From Gross Income.*—The following items shall not be included in gross income and shall be exempt from taxation under this title:

* * * * * *

(7) *Income Exempt Under Treaty.*—Income of any kind, to the extent required by any treaty obligation of the United States;

Pursuant to the provisions of section 62 of the Revenue Act of 1936, the following regulations are hereby prescribed to carry into effect the quoted provisions of the Treaty between the United States of America and the Republic of France, and all regulations inconsistent herewith are modified accordingly:

*Part II*

Effect of the treaty upon the determination of United States taxable income of French citizens and French corporations.

ART. 1. *General.*—The primary purposes of the Treaty are to regulate the method of taxation of corporations of either of the contracting States carrying on industrial or commercial activities through a permanent establishment or a subsidiary corporation in the other State and to avoid double taxation upon certain special classes of income.

The specific classes of income relieved from United States income tax are:

(a) Industrial and commercial profits of a French enterprise having no permanent establishment in the United States.

(b) Income derived by a French enterprise from the operation of aircraft registered in France and engaged in transportation between the United States and France.

(c) Compensation paid by France to its citizens for labor or personal services performed in the United States.

(d) War pensions paid by France to persons residing in the United States.

(e) Income paid to a French corporation, or to a citizen of France residing in France

(1) as consideration for the right to use patents, secret processes and formulas, trade marks and other analogous rights;

(2) as copyright royalties;

(3) as private pensions and life annuities.

Except as to those items of income expressly exempted by the Treaty, the tax liability of French citizens, not residents of the United States, and French corporations, is determined in accordance with the provisions of the revenue laws of the United States and the regulations thereunder applicable generally to nonresident alien individuals and to foreign corporations.

The Treaty does not affect the liability to tax of French citizens resident in the United States unless and to the extent such citizens are entitled to the benefits of Articles VII or VIII of the Treaty. See Articles 5 and 6 of these regulations. The tax liability of a United States citizen or United States resident, a member of a French partnership carrying on a French enterprise, is not affected by Article I of the Treaty. Such citizen or resident is subject to United States income tax upon his distributive share of its net income even though the other members of such partnership are not subject to tax upon their share of the partnership's industrial and commercial profits from sources within the United States.

The Treaty has no reference to the rates of taxation imposed by the respective countries and concerns only the determination of income arising in one of the contracting States to citizens or corporations of the other contracting State and subject to taxation in the former State.

These regulations are limited to a consideration of the factors involved in the application of: (a) the provisions of the Treaty alone; and (b) the provisions of the Treaty as extended by the Revenue Act of 1936. These regulations are not concerned with Articles V or VI of the Treaty as such Articles affect only the application of certain French tax laws and decrees.

ART. 2. *Definitions.*—Any word or term used in these regulations which is defined in the Treaty shall be given the definition assigned to such word or term in such Treaty. Any word or term used in these regulations which is not defined in the Treaty but is defined in the Revenue Act of 1936 shall be given the definition contained in the Revenue Act.

The term "permanent establishment" includes branches, mines and oil wells, factories, work shops, warehouses, offices, agencies and other fixed places of business. A French enterprise, as defined in the Treaty, carrying on business in the United States through an agent established there who is authorized to contract for its account, is considered to have a permanent establishment in the United States. However, the carrying on of business dealings in the United States by a French enterprise through a bona fide commission agent or broker does not constitute a permanent establishment in the United States. A French corporation doing business in the United States through a domestic subsidiary corporation has not, merely by reason of such fact, a permanent establishment in the United States.

The term "enterprise" means any commercial or industrial undertaking whether conducted by an individual, partnership, corporation or any other entity. It includes such activities as manufacturing, merchandising, mining, banking and insurance. It does not include the operation of, or the trading in, real property located in the United States. It does not include the rendition of personal services. Hence, a French citizen rendering personal services within the United States is not, merely by reason of such service, engaged in an enterprise within the meaning of the Treaty and his liability to Federal income tax is unaffected by Article I of the Treaty.

The term "French enterprise" means an enterprise carried on in France by a citizen of France or by a French corporation or other entity. The term "French corporation or other entity" of the treaty means a partnership, corporation or other entity created or organized in France or under the law of France. If, for example, a French citizen or French corporation does not carry on an enterprise in France it is not a French enterprise within the meaning of the Treaty even though it carries on an enterprise in some other foreign country and hence such enterprise is not relieved by the Treaty from United States income tax upon its industrial and commercial profits from sources within the United States even though it has no permanent establishment therein.



The term "industrial and commercial profits" means the profits arising from the industrial, mercantile, or manufacturing or like undertakings of a French enterprise, as defined in this Article. For the purpose of the exemption under Article I of the Treaty such term does not include gains from the sale or exchange within the United States of capital assets as defined in section 117 of the Revenue Act of 1936 unless it can be shown by clear and convincing evidence that such sale or exchange was incident, and had a necessary relation, to the commercial and industrial activities of the French enterprise. For treatment of such gains under the Revenue Act of 1936, see Articles 8 (b) and 9 (b). Such term does not include dividends, interest, compensation for labor or personal services, or income derived from real property or from any interest in such property including rentals and royalties therefrom and gains from the sale or disposition thereof.

ART. 3. Scope of Treaty with respect to determination of taxable income of French citizen or a French corporation carrying on a French enterprise in the United States.

(a) *General.*—Article I of the Treaty adopts the principle that an enterprise of one of the contracting States shall not be taxable in the other contracting State in respect of its industrial and commercial profits unless it has a permanent establishment in the latter State. Hence, a French enterprise is subject to tax upon its industrial and commercial profits from sources within the United States only if it has a permanent establishment within the United States. From the standpoint of Federal income taxation the Article has application only to a French enterprise and to the industrial and the commercial income thereof from sources within the United States. It has no application to compensation for labor or personal services performed in the United States, nor to income derived from real property located in the United States, or from any interest in such property, including rentals and royalties therefrom, and gains from the sale or the disposition thereof, nor to dividends or interest. Such latter items of income are, except as otherwise provided in the Treaty and in these regulations, subject to tax as income of French citizens or French corporations, in the same manner and subject to the same provisions as are applicable to other nonresident aliens and foreign corporations. As to what is a "French enterprise", a "permanent establishment", and "industrial and commercial profits", see Article 2.

(b) *No United States Permanent Establishment.*—A French citizen or a French corporation carrying on a French enterprise but having no permanent establishment in the United States is not subject to United States income tax upon its industrial and commercial profits from sources within the United States. As to what constitutes a "French enterprise" see Article 2. As to what constitutes "industrial and commercial profits" see Article 2. For example, if such French corporation sells stock in trade, such as wine or cosmetics, through a bona fide commission agent or broker in the United States, the resulting profits is, under the terms of the Treaty, relieved from United States income tax. Such French corporation, however, remains subject to tax upon all other items of income from sources within the United States and not expressly exempted from such tax under the Treaty. However, under the provisions of Article IX of the Treaty the following items, otherwise taxable, paid to citizens of France residing in France, or to French corporations, are expressly exempt from the tax:

(1) Amounts paid as consideration for the right to use patents, secret processes, and formulas, trade marks and other analogous rights;

(2) Income received as copyright royalties;

(3) Private pensions and life annuities.

The exemption as to such items does not extend to French citizens residing elsewhere than in France nor to individuals residing in France who are not citizens of France.

(c) *United States Permanent Establishment.*—A French citizen or a French corporation carrying on a French enterprise which has a permanent establishment in the United States is subject to tax upon his or its entire net income (including industrial and commercial profits) from sources within the United States, subject to the exemptions expressly provided for in Article IX of the Treaty. See Article 7. In the determination of the income of such French citizen or corporation from sources within the United States all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment within the United States. The net income from sources within the United States of such enterprise will be determined in accordance with the provisions of section 119, Revenue Act of 1936, and regulations thereunder. In determining such income no account shall be taken of the purchase of goods, wares, or merchandise within the United States for the purpose of supplying establishments of the enterprise maintained by such citizen in France.

A French citizen or corporation carrying on a French enterprise having business dealings in the United States through a bona fide commission agent or broker therein has not, merely by reason of such transactions, a permanent establishment in the United States and hence is relieved by the Treaty from United States income tax upon his industrial and commercial profits arising from such transactions. However, a French citizen or French corporation not carrying on a French enterprise, having business dealings in the United States through a bona fide commission agent or broker is not by the Treaty relieved from United States income tax on the resulting profit. Such French citizen or French corporation is subject to tax upon the income resulting from such transactions in the same manner and subject to the same provisions and exceptions, under the Revenue Act of 1936, as are applicable to other nonresident aliens and foreign corporations. See Articles 8 (a) and 9. For definition of the terms "French enterprise", "permanent establishment", and "commercial and industrial profits", see Article 2.

ART. 4. *Control of a domestic enterprise by a French enterprise.*—Article IV of the Treaty provides that if a French enterprise by reason of its control of a domestic business imposes conditions different from those which would result from normal bargaining between independent enterprises, the accounts between the enterprises will be adjusted so as to ascertain the true net income of the domestic enterprise. The purpose is to place the controlled domestic enterprise on a tax parity with an uncontrolled domestic enterprise by determining, according to the standard of an uncontrolled enterprise, the true net income from the property and business of the controlled enterprise. The Treaty contemplates that if the accounting records do not truly reflect the net income from the property and business of such domestic enterprise the Commissioner shall intervene and by making such distributions, apportionments or allocations as he may deem necessary of gross income or deductions or of any item or element affecting net income as between such domestic enterprise and the French enterprise by which it is controlled or directed. The provisions of Article 45–1, Regulations 94, shall, in so far as applicable, be followed in the determination of the net income of the domestic business.

ART. 5. *Compensation paid by the Republic of France to its citizens for services rendered in the United States.*—Under Article VII of the Treaty, French citizens are relieved from United States income tax upon wages, fees, salary, remunerations or other amounts paid by the Republic of France to its citizens as compensation for labor or personal services performed in the United States. Such exemption is effective on and after January 1, 1936. The character of the services has no bearing upon the exemption from the tax and hence the test set forth in section 116 (h) (1) (B), Revenue Act of 1936, has no application in so far as the year 1936 and subsequent years are concerned.

ART. 6. *War Pensions.*—Under Article VIII of the Treaty war pensions paid by the Republic of France to persons residing in the United States are exempt from United States income tax. The term "war pensions", for the purposes of

these regulations, includes pensions received under the provisions of the French Military Pensions Act of March 31, 1919, or for the services of the beneficiary or another in the military or naval forces of the Republic of France in time of war. It is not necessary that the recipient of such pension be a citizen of France. Such pension in the hands of a United States citizen recipient, if residing in the United States, is exempt from tax.

ART. 7. *Patents, Formulas and Copyright Royalties, Pensions and Annuities.*—The following items of income paid to a corporation organized under the laws of France or to a citizen of France residing in France are exempt from Federal income tax under the provisions of Article IX of the Treaty:

(a) Amounts paid as consideration for the right to use patents, secret processes and formulas, trade marks and other analogous rights;

(b) Income received as copyright royalties;

(c) Private pensions and life annuities.

Such items are, therefore, not subject to the withholding provisions of the Revenue Act of 1936. To avoid withholding of the tax at the source the French citizen or corporation, as the case may be, should notify by letter the payor thereof that such income is exempt from taxation under the provisions of the Treaty. Such letter from a citizen of France shall contain his address and a statement that he is a citizen of France residing in France. The letter from such corporation shall contain the address of its office or place of business and a statement that it is a corporation organized under the laws of the Republic of France, and shall be signed by an officer of the corporation, giving his official title. The letter of notification, or a copy thereof, should be immediately forwarded by the recipient to the Commissioner of Internal Revenue, Sorting Section, Washington, D. C.

*Part III*

Tax liability of French citizens and French corporations under the Revenue Act of 1936, as modified by the treaty.

ART. 8. Taxation of a French citizen (not a resident of the United States) under the Revenue Act of 1936, as modified by the Treaty.

*General.*—A French citizen, not a resident of the United States, is subject to the provisions of the Revenue Act of 1936 applicable to nonresident alien individuals generally, but such citizen is entitled to the exemptions provided in the Treaty to which other nonresident aliens are not entitled. Section 211 of the Revenue Act of 1936 classifies nonresident alien individuals into two groups: (1) those not engaged in trade or business within the United States and not having an office or place of business therein; and (2) those engaged in trade or business within the United States or having an office or place of business therein. The term "nonresident alien individuals" includes nonresident alien fiduciaries.

Whether a nonresident alien has an "office or place of business" within the United States depends upon the facts of the particular case. The term "office or place of business", however, implies a place for the regular transaction of business and does not include a place where casual or incidental transactions might be, or are, effected.

While Article I of the Treaty (in so far as concerns individuals) applies only to French citizens carrying on a French enterprise and has no application to those not carrying on such enterprise, section 211 makes no distinction between the two classes, and applies alike to both groups.

This Article treats of the taxation of French citizens, not resident in the United States, under section 211, Revenue Act of 1936, as modified by the Treaty, following the classification prescribed in that section.

(a) *No United States business or office.*—A French citizen, not a resident of the United States (whether or not he carries on a French enterprise), not engaged in trade or business within the United States and not having an office or place of business therein at any time within the taxable year is liable to the tax at the rate of 10 percent, imposed by section 211 (a), Revenue Act of 1936, upon the gross amount of his fixed or determinable annual or periodical gains, profits and income from sources within the United States. Such gains, profits and income are to be determined under the provisions of section 119, Revenue Act of 1936 and regulations thereunder. (See Articles 119–1 to 119–14, Regulations 94.) Specific items of fixed or determinable annual or periodical income are enumerated in the Act as interest (except interest on deposits with persons carrying on the banking business which is nontaxable under the Act), dividends, rents, salaries, wages, premiums, annuities, compensation, remunerations and emoluments, but other fixed or determinable annual or periodical gains, profits and income are also subject to the tax, as, for instance, royalties. As to the definition of "fixed or determinable annual or periodical income", see Article 143–2, Regulations 94. However, a French citizen who is a resident of France is not taxable upon those items of income enumerated in Article IX of the Treaty and in Article 3 (b) of these regulations. See Article 7.

The term "fixed or determinable annual or periodical income" within the meaning of section 211 (a) does not include industrial and commercial profits as that term is used in the Treaty. Under the Revenue Act of 1936, as modified by the Treaty, a French citizen taxable under section 211 (a) of that Act is exempt from United States income tax on industrial and commercial profits. For example, the Treaty exempts from tax profits realized by such French citizen who carries on a French enterprise from transactions in the United States in goods, wares or merchandise through a resident broker or commission agent. If, however, such citizen does not carry on such enterprise such transactions are not exempt under the Treaty and constitute engaging in trade or business within the United States and he is accordingly taxable upon the profit resulting from such transactions under section 211 (b), Revenue Act of 1936. On the other hand, a French citizen, not a resident of the United States, but taxable under section 211 (a) of the Act, whether or not he carries on a French enterprise, is not liable to United States income tax upon profits realized from transactions in stocks, securities or commodities in the United States through a resident broker, commission agent, or custodian. However, a French citizen who performs personal services in the United States at any time within the taxable year is liable to the tax upon profits arising from transactions in stocks, securities or commodities, except where it can be shown that such citizen is only temporarily present in the United States and meets the other conditions with respect to personal service laid down in section 211 (b), Revenue Act of 1936. See Article 211–7 (b), Regulations 94. As to when such profits constitute "industrial and commercial profits", see Article 2. As to withholding of the tax at the source, see section 143, Revenue Act of 1936, and regulations prescribed thereunder.

(b) *United States business or office.*—A French citizen not a resident of the United States and not carrying on a French enterprise, who at any time within the taxable year is engaged in trade or business within the United States or has an office or place of business therein, or a French citizen carrying on a French enterprise and who has a permanent establishment in the United States, is like other nonresident aliens, liable to the normal tax of 4 percent imposed by section 11 of the Act and to the graduated surtax imposed by section 12 (b) of the Act, upon his net income from sources within the United States (gross income from sources within the United States minus the statutory deductions provided in sections 23 and 213) less the credits against net income allowed an individual by section 25. Such net income includes all industrial and commercial profits from sources within the United States. Such net income is to be determined under the provisions of section 119, Revenue Act of 1936, and regulations prescribed thereunder, but in determining such income no account shall be taken of the purchase of merchandise within the United States for the purpose of supplying



establishments of the enterprise, if any, maintained by such citizen in France. In the determination of the income of such French citizen from sources within the United States all industrial and commercial profits from sources within the United States shall be deemed to be allocable to his permanent establishment within the United States. If, however, such French citizen is a resident of France, he is not taxable upon those items of income enumerated in Article IX of the Treaty and referred to in paragraph (a) of this Article with respect to French citizens subject to tax under section 211 (a). See Article 7.

A French citizen having an office or place of business within the United States within the meaning of section 211 of the Revenue Act of 1936, shall be presumed (if he carries on a French enterprise) to have a permanent establishment in the United States within the meaning of the Treaty.

A French citizen carrying on a French enterprise who carries on business transactions through a bona fide commission agent or broker in the United States and who has no permanent establishment in the United States is not liable to income tax on the industrial and commercial profits arising to him from such transactions. However, a French citizen not carrying on a French enterprise is held to be engaged in trade or business in the United States if he sells therein, through a commission agent or broker goods, wares or merchandise (not including stocks, securities or commodities) and, hence, is liable to income tax on resulting profit. Such French citizen, whether or not he carries on a French enterprise, otherwise liable to the tax imposed by subsection (a) of section 211 of the Revenue Act of 1936 is, however, not liable to the tax upon profits arising from transactions in stocks, securities or commodities through a resident broker, commission agent or custodian. See Article 211–7 (b), Regulations 94. As to what constitutes a "French enterprise", see Article 2. As to what constitutes a "permanent establishment", see Article 2.

As to the computation of gross income, the allowance of deductions and credits, the requirements as to filing of returns and payment of the tax in the case of nonresident aliens generally, including French citizens, see sections 211 to 219, inclusive, Revenue Act of 1936, and the provisions of Regulations 94 with respect thereto.

(c) *Member of French partnership.*—Whether the liability to the tax of a French citizen who is a member of a partnership is affected by Article I of the Treaty depends upon the status of the partnership. Article I does not apply unless such partnership: (1) is created or organized in France; and (2) carries on a French enterprise. Thus, a partnership created or organized in the United States, even though composed in whole or in part of French citizens, is not a French enterprise and hence is not affected by the Treaty. A French citizen, not resident in the United States, a member of such partnership, is taxable under the provisions of section 211 as are other nonresident aliens. If, however, such French citizen is a member of a partnership meeting the tests set forth in this paragraph, the United States tax liability of such French citizen shall be determined as provided in paragraphs (a) or (b) of this Article, whichever is applicable, dependent upon whether or not the partnership has a permanent establishment in the United States.

ART. 9. Taxation of a French corporation under the Revenue Act of 1936 as modified by the Treaty.

*General.*—A corporation organized under the laws of France is subject to those provisions of the Revenue Act of 1936 applicable to foreign corporations generally but such corporation is entitled to the exemptions provided in the Treaty to which other foreign corporations are not entitled.

Section 231 of the Revenue Act of 1936 classifies foreign corporations into two groups: (1) those not engaged in trade or business within the United States and not having an office or place of business therein (hereinafter referred to as nonresident foreign corporations); and (2) those which at any time within the taxable year are engaged in trade or business within the United States or have an office or place of business therein (hereinafter referred to as resident foreign corporations).

Whether a foreign corporation has an "office or place of business" within the United States depends upon the facts of the particular case. The term "office or place of business", however, implies a place for the regular transaction of business and does not include a place where casual or incidental transactions might be, or are, effected.

While Article I of the Treaty, in so far as corporations are concerned, applies only to French corporations carrying on a French enterprise and has no application to those not carrying on such enterprise, section 231 makes no distinction between the two classes, such section applying alike to both groups.

This Article treats of the taxation of French corporations under that section, as modified by the Treaty, following the classification prescribed in that section.

(a) *Nonresident French corporations.*—A French corporation (whether or not it carries on a French enterprise) not engaged in trade or business within the United States and not having an office or place of business therein at any time within the taxable year is liable to the tax at the rate of 15 percent (10 percent in the case of dividends) imposed by section 231 (a), Revenue Act of 1936, upon the gross amount of its fixed or determinable annual or periodical gains, profits and income from sources within the United States. Such gains, profits and income are to be determined under the provisions of section 119, Revenue Act of 1936, and regulations thereunder. See Articles 119–1 to 119–14, Regulations 94. Specific items of fixed or determinable annual or periodical income are enumerated in the Act as interest (except interest on deposits with persons carrying on the banking business which is nontaxable under the Act), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, but other fixed or determinable annual or periodical gains, profits and income are also subject to tax, as, for instance, royalties. As to the definition of "fixed or determinable annual or periodical income", see Article 143–2, Regulations 94. However, a French corporation is not taxable upon those items of income enumerated in Article IX of the Treaty and referred to in Article 8 (a) with respect to French citizens subject to tax under section 211 (a), Revenue Act of 1936. See Article 7.

The term "fixed or determinable annual or periodical income" within the meaning of section 231 (a), Revenue Act of 1936, does not include industrial and commercial profits as that term is used in the Treaty. Under the Revenue Act of 1936 as modified by the Treaty a French corporation taxable under section 231 (a) of that Act is exempt from United States income tax on industrial and commercial profits. For example, under the Treaty profits realized by such French corporation, which carries on a French enterprise, from transactions in the United States in goods, wares or merchandise through a resident broker or commission agent are not subject to tax. If, however, such corporation does not carry on such enterprise such transactions are not exempt under the Treaty and constitute engaging in trade or business within the United States and it is accordingly taxable upon the resulting profits under section 231 (b), Revenue Act of 1936. On the other hand, a French corporation taxable under section 231 (a), whether or not it carries on a French enterprise, is not liable to United States income tax upon profits realized from transactions in stocks, securities or commodities in the United States through a resident broker, commission agent or custodian.

(b) *Resident French corporations.*—A French corporation, not carrying on a French enterprise, which at any time within the taxable year is engaged in trade or business within the United States or has an office or place of business therein, or a French corporation, carrying on a French enterprise, which has a permanent establishment in the United States, is, like other foreign corporation, liable to the normal tax of 22 percent imposed by section 13, as modified by section 231 (b), Revenue Act of 1936, upon its net income from

sources within the United States (gross income from sources within the United States minus the statutory deductions provided in sections 23 and 232, Revenue Act of 1936) less the credits against net income allowed by section 26 (a) and (b) for the purpose of computing the normal tax of a corporation. Such net income includes all industrial and commercial profits from sources within the United States. See Article 3 (c). Such net income is to be determined under the provisions of section 119, Revenue Act of 1936 and regulations prescribed thereunder, but in determining such income no account shall be taken of the purchase of goods, wares, or merchandise within the United States for the purpose of supplying establishments maintained by such corporation in France. In the determination of the income of such French corporation from sources within the United States all industrial and commercial profits from sources within the United States shall be deemed to be allocable to its permanent establishment within the United States. Such corporation is not taxable upon those items of income enumerated in Article IX of the Treaty and referred to in paragraph (a) of this Article with respect to nonresident French corporations. See Article 7.

A French corporation having an office or place of business within the United States within the meaning of section 231 of the Revenue Act of 1936, shall be presumed (if it carries on a French enterprise) to have a permanent establishment in the United States within the meaning of the Treaty.

A French corporation carrying on a French enterprise which carries on business transactions through a bona fide commission agent or broker in the United States and which has no permanent establishment in the United States is not liable to income tax on the industrial and commercial profits arising to it from such transactions. However, a French corporation not carrying on a French enterprise is held to be engaged in trade or business in the United States if it sells therein, through a commission agent or broker, goods, wares or merchandise (not including stocks, securities or commodities) and, hence, is liable to income tax on the resulting profit. Such French corporation, whether or not it carries on a French enterprise, otherwise liable to the tax imposed by subsection (a) of section 211 of the Revenue Act of 1936 is, however, not liable to the tax upon profits arising from transactions in stocks, securities or commodities through a resident broker, commission agent or custodian. See Article 211–7 (b), Regulations 94. As to what constitutes a "French enterprise", see Article 2. As to what constitutes a "permanent establishment", see Article 2. As to the computation of gross income, the allowance of deductions and credits, the requirements as to filing of returns and payment of the tax, in the case of foreign corporations generally, including French corporations, see sections 231 to 236, inclusive, Revenue Act of 1936, and the provisions of Regulations 94 with respect thereto.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 9, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2132; Filed, July 12, 1937; 11:32 a. m.]

## POST OFFICE DEPARTMENT.

[Order No. 10576]

### 3-CENT POSTAGE RATE FOR NONLOCAL FIRST-CLASS MATTER CONTINUED UNTIL JULY 1, 1939

JULY 1, 1937.

The 3-cent rate of postage for nonlocal first-class matter having been continued until July 1, 1939, by joint resolution approved June 29, 1937, paragraph 1, section 509, Postal Laws and Regulations, is amended to read as follows:

On and after the thirtieth day after the date of the enactment of this act (Revenue Act of June 6, 1932, sec. 1001) and until July 1, 1939, the rate of postage on all mail matter of the first class (except postal cards and private-mailing or post cards, and except other first-class matter on which the rate of postage under existing law is 1 cent for each ounce or fraction thereof) shall be 1 cent for each ounce or fraction thereof in addition to the rate provided by existing law: Provided, That such additional rate shall not apply on or after July 1, 1933, to first-class matter mailed for local delivery (act of June 16, 1933, sec. 3 (a), Public No. 73). (H. J. Res. 375, approved June 29, 1937; Public Res. 48.)

[SEAL] HARLLEE BRANCH,
*Acting Postmaster General.*

[F. R. Doc. 37–2130; Filed, July 10, 1937; 12:30 p. m.]

## DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

### PROCLAMATION OF SECRETARY OF AGRICULTURE WITH RESPECT TO BASE PERIOD TO BE USED FOR PURPOSE OF MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN CAMERON, HIDALGO AND WILLACY COUNTIES, TEXAS

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Marketing Agreement Act of 1937, which reenacts and amends Public Act No. 10, 73rd Congress, as amended, the undersigned hereby finds and proclaims that, with respect to oranges and grapefruit grown in Cameron, Hidalgo and Willacy Counties, Texas, the purchasing power of such fruit during the base period, August 1909–July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such fruit, but the purchasing power of such fruit can be satisfactorily determined from available statistics of the Department of Agriculture for the period September 1924–May 1929. The period September 1924–May 1929 is, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of oranges and grapefruit grown in Cameron, Hidalgo and Willacy Counties, Texas, for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such fruit.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 9th day of July 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37–2120; Filed, July 9, 1937; 3:47 p. m.]

### ORDER OF SECRETARY OF AGRICULTURE REGULATING HANDLING IN INTERSTATE AND FOREIGN COMMERCE AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS OR AFFECTS INTERSTATE OR FOREIGN COMMERCE OF GRAPEFRUIT AND ORANGES GROWN IN CAMERON, HILDAGO AND WILLACY COUNTIES IN THE STATE OF TEXAS

Whereas, under the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937,[1] hereinafter referred to as the "act", reenacting and amending certain provisions of Public No. 10, 73rd Congress, as amended, it is provided that the Secretary of Agriculture, hereinafter referred to as the "Secretary", shall issue orders regulating such handling of certain agricultural commodities, including citrus fruit, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs or affects interstate or foreign commerce in such commodities; and

[1] Public No. 137, 75th Congress.



Whereas, the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of said Public No. 10, 73rd Congress, as amended, with respect to the establishment and maintenance of such orderly marketing conditions in interstate and foreign commerce for citrus fruit grown in the State of Texas as would establish prices to the growers of such fruit at a level that would give such fruit a purchasing power with respect to articles that such growers buy equivalent to the purchasing power of such fruit in a certain base period, conducted a public hearing at Mercedes, Hildago County, Texas, on February 13, 1937, pursuant to due notice given to all interested parties on January 27, 1937, on a proposed order regulating such handling of such fruit as is in the current of interstate and foreign commerce or which directly burdens, obstructs or affects such commerce in such fruit, at which hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order; and

Whereas, the Secretary has determined, upon the basis of the evidence introduced at the hearing and the record thereof, to limit the application of the order to grapefruit and oranges grown in Cameron, Hidalgo and Willacy Counties in the State of Texas; and

Whereas, the Secretary has found and proclaimed that the purchasing power of grapefruit and oranges grown in Cameron, Hidalgo and Willacy Counties, Texas, during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such grapefruit and oranges can be satisfactorily determined from available statistics of the Department of Agriculture for the period September 1924–May 1929 and the period September 1924–May 1929 is the base period to be used in connection with this order in determining the purchasing power of such fruits; and

Whereas, the Secretary further finds upon the basis of the evidence introduced at the hearing and the record thereof:

1. That at the time of the hearing the prices received by the growers of such grapefruit and oranges were at a level that gave such fruit a purchasing power with respect to articles that such growers buy appreciably below the purchasing power of such fruit during the base period;

2. That the marketing of such fruit has been detrimentally affected by unstable market conditions with consequent depressed prices to the growers of such fruit, and that the lack of regulation from week to week, and during the entire marketing season, has been an important factor contributing to such unstability of market conditions;

3. That the regulation of shipments by volume and by grades and sizes of the grapefruit and oranges covered by this order, as prescribed herein, will serve to prevent marked fluctuations in prices to growers thereof and will establish and maintain a more stabilized market for such fruit, tending to establish prices to such growers at a level that will give such fruit a purchasing power with respect to articles that such growers buy equivalent to the purchasing power of such fruit during the base period;

4. That the continental United States and Canada comprise a uniform marketing area for the grapefruit and oranges covered by this order;

5. That the order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production and marketing areas would not effectively carry out the declared policy of the act;

6. That the pro rata contribution of handlers to the expenses of the administrative agencies herein created, based upon the quantity of grapefruit and oranges shipped, as provided in this order, is fair and equitable; and

7. That the order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to grapefruit and oranges grown in Cameron, Hidalgo and Willacy Counties in the State of Texas by establishing and maintaining such orderly marketing conditions therefor as will establish prices to growers thereof at a level that will give such fruit a purchasing power with respect to articles that such growers buy equivalent to the purchasing power of such fruit in the base period and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest, and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to growers above the level which it is declared in the act to be the policy of Congress to establish; and

Whereas, the Secretary finds:

1. That a marketing agreement regulating the handling of grapefruit and oranges grown in Cameron, Hidalgo and Willacy Counties in the State of Texas, executed by him on the 9th day of July 1937, upon which a hearing was held on February 13, 1937, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing or shipping the fruit covered by this order) who handled during the 1936–1937 season not less than fifty percent (50%) of the volume of each such fruit covered by this order which was marketed during the same season in the current of interstate commerce in the continental United States and which was shipped to Canada;

2. That this order regulates the handling of such grapefruit and such oranges in the same manner as the aforesaid marketing agreement, and that it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement; and

3. That the issuance of this order is favored by growers who, during the 1936–1937 season, which is hereby determined to be a representative period, have produced for market within Cameron, Hidalgo and Willacy Counties, Texas, at least two-thirds (⅔) of the volume of grapefruit and oranges, respectively, produced for market within such production area in the said season.

Now, therefore, it is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of the said grapefruit and oranges as is in the current of interstate and foreign commerce, or which directly burdens, obstructs or affects interstate or foreign commerce in such grapefruit and oranges, from and after the date hereinafter specified, shall be in conformity to and in compliance with the terms and conditions of this order.

#### ARTICLE I—DEFINITIONS

SECTION 1. As used in this order, the following terms have the following meanings:

1. "Person" means individual, partnership, corporation, association, and any other business unit.

2. "Citrus fruit" or "fruit" means grapefruit and oranges grown in Cameron, Hidalgo and Willacy Counties in the State of Texas.

3. "Variety" or "varieties" as used herein means classification or groups, in the case of oranges as follows: (a) early season oranges, and (b) valencias, including all varieties of valencias and Lou Gim Gongo; in the case of grapefruit as follows: (a) Marsh and other seedless varieties except pinks, (b) Duncan and other seeded varieties except pinks, (c) pinks of the seeded type, and (d) pinks of the seedless type.

4. "Handler" or "shipper" means any person who ships fruit, or causes fruit to be shipped, in the current of interstate or foreign commerce, or so as directly to burden, obstruct or affect interstate or foreign commerce.

5. "Producer" means any person engaged in the production of citrus fruit in Cameron, Hidalgo and Willacy Counties, Texas, for commercial purposes, or who is a substantial stockholder in a corporation engaged in the production of citrus fruit in Cameron, Hidalgo and Willacy Counties, Texas, for commercial purposes.

6. "Interstate commerce" means transactions involving the sale or transportation for sale of fruit from Texas to any point outside of Texas in continental United States.

7. "Foreign commerce" means transactions involving the sale or transportation for sale of fruit from Texas to Canada, and does not include sale or transportation of fruit for sale to any foreign country or territory other than Canada.

8. "Ship" means to convey fresh fruit, or cause fresh fruit to be conveyed, in the current of interstate or foreign commerce, by rail, truck, boat, or any other means whatsoever (except by express or parcel post), whether as owner, agent, or otherwise, but not as a common carrier of fruit owned by another person.

9. "Shipment" shall be deemed to take place when fresh fruit is loaded into a car, or other conveyance, for transportation in the current of interstate or foreign commerce.

10. "Standard packed box" means a unit of measure equivalent to one and three fifths (1⅗) U. S. bushels of fruit.

11. "District" means any of the following areas:

*Mission District.*—South boundary: Rio Grande River; West boundary: Hidalgo County line; North boundary: Hidalgo County line; East boundary: Missouri Pacific railroad from Monte Christo to Mission extended south to the Rio Grande River and extended north to Hidalgo County line.

*Sharyland District.*—West boundary: East boundary of Mission district; North boundary: Hidalgo County line; South boundary: Rio Grande River; East boundary: Weir Road extended north to Hidalgo County line and extended South to Rio Grande River.

*McAllen District.*—West boundary: East boundary of Sharyland district; South boundary: Rio Grande River; East boundary: State Highway #12 extended south to Rio Grande River and extended north to Edinburg, thence west along West Edinburg Highway to Mile 15½ West, thence north along Mile 15½ West to Hidalgo County line; North boundary: Hidalgo County line.

*Pharr-San Juan-Alamo District.*—West boundary: State Highway #12 from Edinburg south extended south to the Rio Grande River; North boundary: East Edinburg Highway from Edinburg to Tower Road or Mile 7½ West; East boundary: Mile 7½ West or Tower Road extended south to Rio Grande River.

*Edinburg District.*—North boundary: Hidalgo County line; West boundary: Mile 15½ West extended north to Hidalgo County line; South boundary: West Edinburg Highway from Mile 15½ West to Edinburg, thence along East Edinburg Highway to Edcouch; East boundary: Missouri Pacific tract from Edcouch to Hidalgo County line, thence north to northern boundary of Hidalgo County.

*Donna-Weslaco District.*—West boundary: Tower Road or Mile 7½ West; North boundary: Mile 16½ North; East boundary: Missouri Pacific railroad from Edcouch to Weslaco, thence south along Mile 4½ West extended south to Rio Grande River.

*Mercedes District.*—West boundary: East boundaries of Edinburg and Donna-Weslaco Districts; North boundary: Hidalgo County line; East boundary: Cameron County line; South boundary: Rio Grande River.

*La Feria District.*—West boundary: Hidalgo County line; South boundary: Rio Grande River; North boundary: Cameron County line; East boundary: Adams Road extended north to State Highway #96, thence to Cameron County line, and extended south to Rio Grande River.

*Harlingen District.*—West boundary: East boundary of La Feria district; North boundary: Cameron County line; East boundary: Arroyo Colorado from Willacy County line to point of intersection with main line of Missouri Pacific Railroad, thence south along line of Missouri Pacific Railroad to San Benito, thence along branch of Missouri Pacific Railroad to Los Indios, thence south to Rio Grande River.

*Raymondville District.*—All of Willacy County shall constitute the Raymondville district.

*San Benito District.*—West boundary: Eastern boundary of Harlingen District; Eastern boundary: Gulf of Mexico; Southern boundary: State Highway #100 Port Isabel to Barreda, thence South along State Highway #4 to Renaca Pancho, thence along Renaca Pancho to Rio Grande River.

*Brownsville District.*—North and West boundary: Southern boundary of San Benito District; East boundary: Gulf of Mexico; South boundary: Rio Grande River.

ARTICLE II—ADMINISTRATIVE BODIES

SECTION 1. *Membership and Organization.*—1. A Growers Industry Committee and a Shippers Marketing Committee are hereby established which shall administer the terms and provisions of this order as hereinafter specifically provided, and the membership of which shall be selected in accordance with the provisions of this article.

2. The Growers Industry Committee shall consist of twelve (12) members whose principal business is the production of citrus fruit. The initial members and alternates shall hold office for a term beginning on the date designated by the Secretary and ending the first Monday in August, 1938, and until their successors are selected and qualified. After the first Monday of August, 1938, the term of office of members and alternates shall be one year expiring on the first Monday of August of each year. The members, their alternates and their respective successors shall be selected by the Secretary from the respective nominees of the groups of producers hereinafter designated to make nominations. If nominations are not made for any one or more of such members or alternates as herein provided, the Secretary may select any such member or alternate for whose office a nomination has not been made without regard to nominations.

3. Nominations of at least four (4) persons for a member and his alternate shall be made by each of the following groups:

(1) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Mission District;

(2) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Sharyland District;

(3) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the McAllen District;

(4) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Pharr-San Juan-Alamo District;

(5) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Edinburg District;

(6) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Donna-Weslaco District;

(7) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Mercedes District;

(8) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the La Feria District:

(9) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Harlingen District;

(10) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Raymondville District;

(11) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the San Benito District;

(12) Producers of citrus fruit who during the year in which nominations are being made produced fruit in the Brownsville District.

In the year 1937, all nominations shall be submitted to the Secretary not later than thirty (30) days after the effective date of this order, and in ensuing years beginning with the first Monday in August, 1938, all nominations shall be submitted to the Secretary on or before the 20th day of July of the year in which members of the Growers Industry Committee are to be selected.

4. Nominees for members of the Growers Industry Committee and their alternates shall be selected by the above-designated groups in the following manner: The Secretary, or such person as the Secretary may designate, shall cause to be held in the year 1937 within fifteen (15) days after the effective date of this order, and in ensuing years not less than twenty (20) days prior to the expiration of the term of office of the members of the Growers Industry Committee and their alternates, a meeting of the producers in each district who produced citrus fruit during the year in such district. Each such meeting shall select its chairman and secretary. In the selection of nominees each producer shall be entitled to cast but one (1) vote regardless of the number of districts in which he may be producing fruit. The chairman of the meeting shall publicly announce at such meeting the total number of votes cast and the names of the persons selected as nominees, and the chairman and the secretary shall forthwith transmit to the Secretary, or to such person as the Secretary may designate, their certificate as to the number of votes so cast and the names of the nominees selected.

5. The Shippers Marketing Committee shall consist of seven (7) members who shall be handlers of citrus fruit and who shall hold office for a term beginning on the date designated by the Secretary and ending with the first Monday in August, 1938, and until their successors are selected and qualified. After the first Monday of August, 1938, the term of office of members and alternates shall be one year expiring on the first Monday of August of each year. The Secretary, or such person as the Secretary may designate, shall give notice to persons who have handled fruit during the year in which nominations are being made, in the year 1937 within fifteen (15) days after the effective date of this order, and in ensuing years not less than twenty (20) days prior to the expiration of the term of office of the members of the Shippers Marketing Committee and their alternates, of the right of such person to participate in making nominations for members of the Shippers Marketing Committee and their alternates. Such notice may be given by mail to persons known to the Secretary to have handled fruit during the year in which nominations are being made or by public notice in at least one newspaper of general circulation and shall specify the dates of meetings of handlers to make nominations. Nominations for members of the Shippers Marketing Committee and their alternates shall be made as hereinafter provided.

(1) Nominations of at least nine (9) persons for three (3) members and their alternates shall be made by handlers comprising growers' marketing groups who, during the year in which nominations are being made, shipped fruit from points within the State of Texas; and

(2) Nominations of at least twelve (12) persons for four (4) members and their alternates shall be made by handlers other than handlers comprising growers' marketing groups who, during the year in which nominations are being made, shipped fruit from points within the State of Texas.

The selection of the nominees for the members and their alternates of the Shippers Marketing Committee shall be made at a meeting of each of the aforesaid groups of handlers at which each handler shall be entitled to cast but one (1) vote on behalf of himself, agents, partners, affiliates, subsidiaries and representatives which shall be weighted according to the volume of fruit shipped by such handlers during the preceding shipping season. The chairman and secretary of each meeting shall forthwith transmit to the Secretary, or to such person as the Secretary may designate, their certificate as to the number of votes so cast and the names of the nominees selected.

6. Any person selected by the Secretary as a member or alternate of the Growers Industry Committee or the Shippers Marketing Committee shall qualify by filing a written acceptance of this appointment with the Secretary or his designated representative.

7. An alternate for a member of the Growers Industry Committee or the Shippers Marketing Committee shall act in the place and stead of such member (1) in his absence or (2) in the event of his removal, resignation, or disqualification.

8. In the event of the death, removal, resignation or disqualification of any member or his alternate of either committee, a successor for the unexpired term of such member or alternate shall be selected by the Secretary. Such selection may be made without resorting to the provision as to nominations of candidates for the office of member or alternate.

SEC. 2. *Powers.*—The Growers Industry Committee shall, in addition to the power to administer the terms and provisions of this order, as herein specifically provided, have power (a) to make, only to the extent specifically permitted by the provisions hereinafter contained, administrative rules and regulations; (b) to receive, investigate and report to the Secretary complaints of violations of this order; and (c) to recommend to the Secretary amendments to this order.

SEC. 3. *Duties.*—1. It shall be the duty of the Growers Industry Committee and the Shippers Marketing Committee to keep minutes, books and records which will clearly reflect all of their acts and transactions, and such minutes, books and records shall at all times be subject to the examination of the Secretary.

2. It shall be the duty of the Growers Industry Committee (a) to act as intermediary between the Secretary and the producers and handlers;

(b) to furnish the Secretary such available information as he may request;

(c) to appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(d) to cause the books of the Growers Industry Committee to be audited by one or more competent accountants at least once for each crop year and at such other times as the Growers Industry Committee deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports made; and

(e) to perform such duties in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public No. 320, approved by the President on August 24, 1935, as amended, as may from time to time be assigned to it by the Secretary.

SEC. 4. *Procedure.*—1. For any decision of the Growers Industry Committee to be valid seven (7) concurring votes shall be necessary, and for any decision of the Shippers Marketing Committee to be valid five (5) concurring votes shall be necessary. Each member, or alternate then serving in the place and stead of any member of either committee, must vote in person.

2. Eight (8) members of the Growers Industry Committee or five (5) members of the Shippers Marketing Committee shall be necessary to constitute a quorum.

3. In the event the Shippers Marketing Committee fails to make a decision by five concurring votes in the performance of any of its powers or duties under this order, the Growers Industry Committee shall perform such duties or exercise such power.

4. The members, and alternates when acting in the place and stead of a member as provided by this order, of the committees functioning under the provisions of this order shall be reimbursed for expenses necessarily incurred by them in the performance of their duties, and each of the members of the Growers Industry Committee and of the Shippers Marketing Committee, and their alternates, when acting in their place and stead shall receive compensation at a rate to be determined by the Growers Industry Committee but not to exceed five ($5.00) dollars for each meet-

ing actually attended by a member or the alternate when acting in the place and stead of the member.

5. The Committees shall give to the Secretary, or his designated agents and representatives, the same notice of meetings of the committees as is given to the members of the committees.

6. The members of each committee shall select a chairman from their membership, and all communications from the Secretary to the Committees may be addressed to the chairman at such addresses as may, from time to time, be filed with the Secretary. The committees shall select such other officers and adopt such rules for the conduct of their business as may be deemed advisable by them.

7. The members of the committees (including successors and alternates), and any agent or employee appointed or employed by the committees, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of both committees shall be subject to the continuing right of the Secretary to disapprove of the same at any time and upon his disapproval shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith.

SEC. 5. *Funds.*—All funds received by the Growers Industry Committee pursuant to any provision of this order shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may, at any time, require the Growers Industry Committee and its members to account for all receipts and disbursements.

(2) Upon the removal or expiration of the term of office of any member of the Growers Industry Committee, such member shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds or claims vested in such member pursuant to this order.

### ARTICLE III—EXPENSES AND ASSESSMENTS

SECTION 1. *Expenses and Assessments.*—1. The Growers Industry Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of both committees under this order during a designated fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as hereinafter provided.

2. The Secretary shall fix the rate of assessment per standard packed box of oranges and grapefruit. Each handler shall pay to the Growers Industry Committee a sum of money equivalent to the product of the rate per standard packed box fixed by the Secretary and the total quantity of standard packed boxes of oranges and grapefruit shipped by the handler: *Provided,* That if the shipment of any of the fruit mentioned, i. e., oranges or grapefruit, is not regulated during the designated fiscal period, the Growers Industry Committee shall refund to the handlers who shipped the fruit not regulated a sum of money paid by such handlers on account of such fruit: *Provided, further,* That in the event the shipment of none of the fruit is regulated, a sufficient sum of money shall be retained to pay the expenses incurred in administering this order.

3. The Growers Industry Committee may require that each handler pay his assessment in advance of actual shipments on the basis of the quantity of fruit shipped by him during the last shipping season. The assessment levied pursuant to this section by the Growers Industry Committee shall be due and payable at such time or times, and in such installments, if any, as may be set by the Growers Industry Committee. In the event assessments are levied in advance of actual shipment, such assessments shall be adjusted at the end of the fiscal period so that the assessment shall be based on the actual quantity of fruit shipped by the handler during the fiscal period.

If at the end of the fiscal period it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period, unless he demands payment of the sum due him, in which case such sum shall be paid to him.

5. At any time during or after the fiscal period, the Secretary shall have the power to increase the rate of assessment so that the sum of money collected pursuant to the provisions of this article shall be adequate to cover the expenses. Such increase shall be applied retroactively as well as to future shipments.

### ARTICLE IV—REGULATION OF SHIPMENTS

SECTION 1. *Determination of Period Regulations and Weekly Shipments.*—1. It shall be the duty of the Shippers Marketing Committee and the Growers Industry Committee to investigate demand and supply conditions with respect to fruit. The Growers Industry Committee and the Shippers Marketing Committee shall, from time to time, recommend to the Secretary the establishment of a weekly regulation period or series of weekly regulation periods, as well as the time of commencement, duration, and termination thereof. All such recommendations shall be submitted by the Growers Industry Committee. The Growers Industry Committee shall give notice of the intention of the Shippers Marketing Committee and the Growers Industry Committee to meet to consider such recommendation by publishing a notice in a daily newspaper published in the principal place of business of the Growers Industry Committee and in one or more other daily newspapers of general circulation selected by it.

2. If upon the basis of such recommendation or other information available to the Secretary, the Secretary shall find that to establish a particular weekly regulation period or series of weekly regulation periods would tend to effectuate the declared policy of the act, he shall establish such weekly regulation period or series of weekly regulation periods, and he shall notify the Growers Industry Committee of the establishment thereof, as well as of the time of commencement, duration and termination thereof.

3. For each weekly regulation period the Shippers Marketing Committee shall find and determine the quantity of each variety of fruit deemed by it advisable to be shipped and to be prorated in view of the prospective demand in the market areas. In making such determination, the committee shall give due consideration to the following factors: (1) current market prices, (2) fruit on hand in the market areas, as evidenced by supplies in storage, enroute to, or on track at the principal markets, (3) available supply and condition of fruit in the production areas, (4) supplies from competitive areas producing citrus fruit and other competitive fruit, and (5) trend in consumer income. The Shippers Marketing Committee shall promptly report the finding and determination so made with supporting information to the Growers Industry Committee, which committee shall in turn submit the same to the Secretary together with its own recommendations. Notice of each meeting of the Shippers Marketing Committee held for the purpose of determining the weekly quantity to be shipped shall be published, not less than twenty-four (24) hours prior to the time set for such meeting, in a newspaper or newspapers of general circulation selected by the Growers Industry Committee.

SEC. 2. *Application for Allotment Base and Allotments.*—Persons, including growers, desiring to ship fruit in the current of interstate or foreign commerce shall apply for allotments and an allotment base, with respect to each variety of fruit. Each such person shall submit to the Growers Industry Committee, at such time or times as may be designated by the said committee, upon forms to be prepared by the said committee, a written application for allotments and an allotment base, substantiated in such manner as may be prescribed in such application forms. Each such application shall include information specifying the quantities of (1) early season oranges, (2) valencia type oranges, and (3) grapefruit of all varieties shipped from Texas in interstate or foreign commerce by the applicant during each of the three years immediately preceding September 1st of the then current shipping season. Such application shall also include information specifying the quantity of each of the aforesaid varieties which the applicant then controls during the current shipping season by bona fide written agreements giving him authority to ship such fruit or which he controls by having legal title thereto and intends to ship to fresh fruit markets.



SEC. 3. *Allotment Base Either on Past Performance or Current Control Basis.*—Allotment bases shall be computed either on a past performance basis, as provided by section 4 of this article, or on the basis of current control of fruit, as provided by section 5 of this article. Unless the applicant advises the Growers Industry Committee, at the time of filing his application, that he desires that his allotment base be computed on the basis of his current control of fruit, the Growers Industry Committee shall compute his allotment base on the basis of his past performance.

SEC. 4. *Computation of Allotment Base on Past Performance.*—1. For the purpose of arriving at an allotment base computed on a past performance basis, the Growers Industry Committee shall compute, from the application filed by the applicant, the three-year average quantity of each variety shipped by the applicant during the three years preceding September 1st of the then current shipping season which three-year period the Secretary finds is a representative period. The three-year average quantity so computed, as the same may be corrected or revised pursuant to the provisions of section 6 of this article, shall be the allotment base for such applicant.

2. If an applicant for an allotment base, computed on a past performance basis, shipped fruit during only a portion of the three-pear period preceding September 1st of the then current shipping season, the Growers Industry Committee shall, from the application filed by the applicant, compute the yearly average quantity of each variety shipped by the applicant during such portion of the aforesaid period as the applicant did ship. The yearly average quantity so computed, as the same may be corrected or revised pursuant to the provisions of section 6 of this article, shall be the allotment base for such applicant.

3. If an applicant for an allotment base is a new handler, the Growers Industry Committee shall compute an allotment base for him based upon his financial resources, packing facilities, quantity of fruit under control, trade outlets, and other relevant factors.

SEC. 5. *Computation of Allotment Base on Current Control.*—For the purpose of arriving at an applicant's allotment base computed on a current control basis, the Growers Industry Committee shall, from the application and subsequent reports filed by the applicant at the request of the Growers Industry Committee, compute the quantity of each variety controlled by such applicant during the regulation period for which the allotment base is computed and which the applicant intends to ship to fresh fruit markets. To ascertain the intention of an applicant to ship to fresh fruit markets the Growers Industry Committee shall give due regard to the past performance of the applicant. The quantity so computed, as the same may be corrected or revised pursuant to the provisions of sections 6 and 8 of this article, shall be the allotment base of such applicant.

SEC. 6. *Corrections and Revisions of Allotment Bases.*—The Growers Industry Committee shall check the accuracy of the information set forth in the applications for allotment bases and of all other information filed by applicants for the purpose of obtaining allotments and allotment bases, and shall check the computations made pursuant to the provisions of this article. The Growers Industry Committee shall adjust allotment bases and allotments in such a manner as to eliminate the effect of any errors, omissions, inaccuracies and misstatements upon the total amount of shipments allotted each applicant for the entire shipping season with respect to each variety of fruit. Subject to the opportunity for applicants to be heard, under such rules as the Growers Industry Committee shall establish, the said committee shall correct any errors, omissions or inaccuracies found therein, by revising the same to conform to the check.

SEC. 7. *Reports and Data to be Furnished.*—For the purpose of assisting the Growers Industry Committee in the performance of its duties under this article, each applicant shall furnish to the said Committee such reports and other data as it may request, substantiated in such manner as the said committee may prescribe.

SEC. 8. *Notification as to Allotment Bases and Applications for Revisions of Same.*—Promptly after allotment bases shall have been computed, as above provided, and fixed by the Secretary, as hereinafter provided, each applicant shall be notified, in writing, by the Growers Industry Committee of the allotment base determined for him. Any applicant may, at any time, apply, in writing, to the said committee for the revision or correction of any allotment base determined for him, and may present evidence that the allotment base determined for him is incorrect or inequitable. In such case, the said committee shall, under such rules as it shall establish, afford such applicant, a reasonable opportunity to be heard, and if the evidence reveals that such allotment base is inaccurate or inequitable, it shall correct such base. The said committee, upon its own initiative, subject to the opportunity of the person affected to be heard, may correct any allotment base if the evidence reveals such allotment base is inaccurate or inequitable.

SEC. 9. *Reports by the Growers Industry Committee to Secretary.*—The Growers Industry Committee shall make written reports to the Secretary of its findings and determinations with regard to the allotment bases established pursuant to this article, or any change or revisions thereof.

SEC. 10. *Computation of Group Allotments.*—The Growers Industry Committee shall compute for each week the portion of the total quantity of a variety of fruit found and determined pursuant to the provisions of sub-section 3 of section 1 of this article, which shall be allotted for such week to all applicants desiring allotments based on their past performance and the portion of such total quantity of a variety of fruit to be allotted for such week to all applicants desiring allotments based on their current control in the following manner:

1. The portion of the total quantity of such variety of fruit to be allotted during each week to all applicants desiring allotments based on their current control shall be that portion which, in terms of percent, shall be equal to the percentage that the aggregate of the allotment bases, with respect to such variety of all such applicants is of the total quantity of the same variety then remaining available to be shipped.

2. The portion of the total quantity of a variety of fruit to be allotted each week to all applicants desiring an allotment on a current control basis shall be deducted from the total quantity of a variety of fruit for the same week found and determined pursuant to the provisions of sub-section 3 of section 1 of this article, and the remaining quantity shall be the aggregate quantity of fruit allotted for such week to all applicants receiving allotments based on their past performance.

3. The Growers Industry Committee shall promptly report to the Secretary the computations made by it with regard to the portions of the total quantity arrived at pursuant to the provisions of this section.

SEC. 11. *Fixing of Allotments by Secretary.*—Upon receiving the reports from the Growers Industry Committee, made as required by sections 1, 9, and 10 of this article, the Secretary shall cause such reports to be examined, and if approved by him, he shall record such approval. The report of the total quantities, found and determined pursuant to the provisions of subsection 3 of section 1 of this article, so approved by him, shall thereupon become the basis for the total quantities of the varieties of fruit to be shipped by all applicants during the weekly regulation period included in such report. The reports showing the past performance base for each applicant desiring allotments on such basis and the portion of the total quantity allotted to all such appli-

cants, and the current control allotment base for each applicant desiring allotments on such a basis and the portion of the total quantity allotted to all such applicants, so approved by the Secretary, for the weekly regulation period included in such report, shall be the basis for allotting the total quantity as between the two groups, the one receiving allotments on a past performance basis and the other on a current control basis, and for allotting the total weekly quantity among individual applicants, as hereinafter more specifically provided.

2. Thereupon the Secretary shall fix for such regulation period the allotment for each applicant who has applied for allotments, pursuant to section 2 of this article, by signing a direction that (a) the allotment for each applicant desiring allotments on a past performance basis shall be that portion of the total quantity allotted to all such applicants, which expressed in terms of percent shall be equal to the percentage that each such applicant's allotment base is of the aggregate of the allotment bases of all such applicants, (b) the allotment for each applicant desiring allotments on a current control basis shall be that portion of the total quantity allotted to all such applicants, which expressed in terms of percent shall be equal to the percentage that each such applicant's allotment base is of the aggregate of the allotment bases of all such applicants.

3. Whenever the Secretary has fixed an allotment for every applicant, as above provided, the Growers Industry Committee shall calculate the quantity thereof, in accordance with the provisions of sub-section 2 of this section, in terms of standard packed boxes. The Growers Industry Committee shall notify each applicant of the allotment which has been fixed for him by the Secretary.

SEC. 12. *Over and Undershipments.*—During any week in which the Secretary fixes allotments as hereinbefore provided, every applicant, for the purpose of providing flexibility in preparation of the fruit for market, may ship, during any week when not required to reduce shipments as provided in the following sentence, in addition to his allotment, a quantity not to exceed ten (10) percent of his allotment, or a quantity equivalent to the difference between one hundred standard packed boxes and such allotment: *Provided*, That no applicant shall, during any week, ship, by reason of the tolerance allowed by this section, more than twenty percent of the total fruit under his control. The quantity of fruit shipped in excess of the allotment, and not exceeding the quantity permitted by the foregoing sentence, shall be offset by a reduction of an equal amount of his allotment for the next week in which proration is in effect, or if such weekly allotment be less than such permitted excess shipment, then such permitted excess shipment shall be deducted from succeeding weekly allotments until such excess shipment has been entirely offset. Any applicant shipping a quantity of fruit in excess of the allotment fixed for him by the Secretary and the quantity represented by loan transactions shall report such overshipment to the Growers Industry Committee within twenty-four (24) hours from the date thereof. If an applicant ships a quantity of fruit less than his allotment during any week, such applicant may ship, during the next week only in which such applicant is given an allotment, in addition to such allotment, a quantity equal to the undershipment: *Provided*, That such additional quantity shall not exceed twenty (20) percent of the total allotment of such applicant for the weekly regulation period during which the undershipment occurred: *Provided further*, That the applicant report the undershipment to the Growers Industry Committee within one (1) business day subsequent to the close of the weekly period when the undershipment occurred.

SEC. 13. *Lending of Allotments.*—Applicants may borrow allotments from one another: *Provided*, That an applicant borrowing an allotment agree to return to the lender an allotment at a later period during the same shipping season, in the same quantity, and covering the same variety of fruit. The lender and borrower shall report the loan transaction to the Growers Industry Committee at such time and in such manner as the said committee may prescribe.

SEC. 14. *Issuance of Certificates.*—The Growers Industry Committee may, subject to the approval of the Secretary, provide for the issuance of certificates by applicants holding allotments to persons who have no allotments and who purchase fruit from the applicants.

SEC. 15. *Changing from Past Performance to Current Control Basis.*—At any time during the shipping season of a variety of fruit, an applicant whose allotment base is computed on a past performance basis may, by informing the Growers Industry Committee, have his allotment base for the balance of such shipping season computed on a current control basis. Such change, however, may be effected only once during a shipping season of a variety of fruit.

SEC. 16. *Shipment of Fruit for By-Product Use and Export and Charitable Purposes.*—1. Subject to such rules and regulations as the Growers Industry Committee may establish in order to enable it to determine that such fruit will not enter fresh fruit trade channels in interstate or foreign commerce, any person may ship, free from any restriction or obligation imposed by this order, fruit that will be used solely for purposes of conversion into by-products, or for unemployment relief or for charitable purposes, or for export to foreign countries other than Canada.

2. As used in this order, the term "by-product" means and includes all processed and manufactured products of fruit and all products in the manufacturing or processing of which fruit is used, including canned or bottled fruits and juices; except that fruit shipped for conversion into juices without further processing or treatment to render the same a bona fide manufactured or processed product, as above described, shall be deemed fresh fruit subject to all regulations of such fruit herein contained and shall not be deemed fruit shipped for conversion.

SEC. 17. *Equitable Treatment of Producers.*—Each handler shall, insofar as practical operations permit, divide his total allotments for each variety of fruit equitably among the producers for whom he ships such fruit.

SEC. 18. *Obligation as to Shipment by Persons.*—During any week for which the Secretary fixes allotments for shipment of any variety of fruit, no person shall ship any such fruit without an allotment covering same, nor any quantity in excess of the allotment fixed for him, as such quantity may be increased or decreased by operation of the provisions of section 13 dealing with loans of allotments, and reported and permitted over or under shipments provided for by section 12.

ARTICLE V—REGULATION OF GRADES AND SIZES

SECTION 1. *Limitation of Grade or Size Shipments.*—Whenever the Secretary shall find upon the basis of the recommendations of the Growers Industry Committee and of the Shippers Marketing Committee submitted to him by the Growers Industry Committee, or other available information, that to limit the shipment of a particular grade or grades, size or sizes of any variety or varieties of fruit would tend to effectuate the declared policy of the act, he shall limit the shipment of such grade or grades, size or sizes of the variety or varieties of fruit during a specified period or periods. The Growers Industry Committee shall be informed of any such determination by the Secretary, and shall, in turn, notify all persons desiring to ship fruit in the current of interstate or foreign commerce by publication in a newspaper or newspapers of general circulation selected by the said committee.

SEC. 2. *Notice of Meeting.*—The Growers Industry Committee shall give at least twenty-four (24) hours' notice of any meeting to consider the recommendation of an order limiting the total quantity of particular grades or sizes of fruit that may be shipped in the current of interstate or foreign commerce during any specified period or periods by publication in a newspaper or newspapers of general circulation selected by said committee, and no order pursuant to this article shall become effective sooner than twenty-four (24) hours after it has been issued by the Secretary.



SEC. 3. *Exemptions.*—In the event the Secretary regulates the shipment of any variety of fruit in accordance with section 1 of this article, thereupon whenever the Growers Industry Committee shall find that one-half (½) of the estimated crop of the same variety of fruit has been shipped or otherwise disposed of, it shall determine, with the approval of the Secretary, the percentage which has been actually shipped of the total crop of that variety and shall give notice of such fact and of the opportunity of producers to obtain exemption from the aforesaid regulation, by publication in a newspaper or newspapers of general circulation. Upon application by any producer, the Growers Industry Committee shall issue to such producer a certificate if such producer proves that he has been unable, by reason of such grade or size regulation, to ship as large a portion of his crop of such variety as the percentage which the Growers Industry Committee has determined as aforesaid. Such certificate shall permit its holder to ship a stated quantity of the applicant producer's fruit of such variety, exempt from grade or size regulation made as provided by section 1 of this article, such quantity to be equal to the percentage which the Growers Industry Committee has determined has been shipped, multiplied by such producer's total crop of that variety less the quantity of fruit of grades or sizes of the same variety the shipment of which is not subject to regulation under this article which the applicant producer has available for shipment and less the quantity of fruit of such variety which said producer has disposed of in any manner whatsoever.

SEC. 4. *Obligation as to Shipment by Persons.*—Except as provided in section 15 of article IV and in section 3 of this article, no person shall ship fruit other than those grades and sizes or that portion of such grades and sizes which are permitted to be shipped in the current of interstate and foreign commerce by the Secretary pursuant to section 1 of this article.

ARTICLE VI—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective Time and Termination.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto and shall continue in force, subject to termination as follows:

1. The Secretary may at any time terminate this order as to all parties thereto by giving at least one (1) day's notice by means of a press release or in any other manner which the Secretary may determine.

2. The Secretary shall terminate this order at the end of any crop year whenever he finds that such termination is favored by a majority of the producers of citrus fruit who, during the preceding crop year, have been engaged in the production for market of fruit, provided, that such majority have, during such period, produced for market more than fifty percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before May 1.

3. This order shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 2. *Proceedings after Termination.*—1. Upon the termination of this order the members of the Growers Industry Committee then functioning shall continue to function for the purpose of liquidating the affairs of the Growers Industry Committee and shall keep the funds and property then in their possession as members of such Growers Industry Committee including claims for any funds unpaid or property undelivered at the time of such termination. Said members (a) shall continue to function until discharged by the Secretary, (b) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the Growers Industry Committee to such person or persons (who at the time of termination was or were a member or members of the Growers Industry Committee) as the Secretary may direct, and (c) shall, upon the request of the Secretary, execute such assignments or other instruments as may be necessary or appropriate to vest in such person or persons full title to all of the funds, property or claims vested in the Growers Industry Committee. Any funds collected pursuant to article III of this order, over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred during the operation of this order and during the liquidation period shall, as soon as practicable after the termination of this order, be returned to the handlers. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

2. Any person to whom funds, property or claims have been transferred or delivered by the members of the Growers Industry Committee upon direction of the Secretary as herein provided shall be subject to the same obligations and duties with respect to the said funds, property or claims as were hereinabove imposed upon the members of said committee.

ARTICLE VII—DURATION OF IMMUNITIES

The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination, except with respect to acts done under and during the existence of this order.

ARTICLE VIII—AGENTS

The Secretary may, by designation in writing, name any person or persons, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

ARTICLE IX—DEROGATION

Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (1) to exercise any power granted by the act or otherwise, or (2) in accordance with such power to act in the premises whenever such action is deemed advisable.

ARTICLE X—PERSONAL LIABILITY

No member of the Growers Industry Committee, nor any employee or agent thereof, nor any member nor employee of any other committee that may be appointed or created hereunder, shall be held personally responsible, either individually, or jointly with others, in any way whatsoever, to any handler or to any other person or persons for errors in judgment, mistakes, or other acts of commission or omission as such member or employees, except for acts of dishonesty.

ARTICLE XI—SEPARABILITY

If any provision of this order is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

In witness whereof, the Secretary does hereby execute in duplicate and issue this order in the city of Washington, District of Columbia, on the 9th day of July 1937, and, pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m., c. s. t., July 13, 1937.

[SEAL]

M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2119; Filed, July 9, 1937; 3:46 p. m.]

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SR—B-101—Kemper County, Mississippi, Amendment 1

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101—KEMPER COUNTY, MISSISSIPPI

[Amendment 1]

[Amends Sec. 64, Part VI]

*Procedure Governing Appeals from Decisions of the County Agricultural Conservation Committee of Kemper County, Mississippi*

Section 64, Southern Region Bulletin 101, Kemper County, Mississippi, is hereby amended to read as follows:

Any person who has reason to believe that any recommendation of the Kemper County Committee concerning his farm in any matter of the kind set forth herein is not equitable may request the County Committee to reconsider its recommendation. If such person fails to agree with the final recommendation of the County Committee, an appeal may be taken in accordance with the precedure set forth herein.

(a) *Matters Concerning which an Appeal May Be Made:*

(1) Eligibility of person(s) to submit a work sheet or an application for payment.

(2) Eligibility of land to be covered by a work sheet and/or an application for payment.

(3) Any base, yield per acre, productivity index, soil-building allowance or soil-building practice.

(4) Division of payments among interested persons.

(5) In addition to the above matters, the State Committee and the Regional Agricultural Appeals Board for the Southern Region may be called on to hear and decide other types of appeals as set forth below.

(b) *Appellate Bodies:* The following bodies will receive, hear, consider, and pass upon appeals cases:

(1) County Appeals Board.
(2) State Agricultural Conservation Committee.
(3) Agricultural Conservation Appeals Board for the Southern Region (hereinafter referred to as the Regional Appeals Board).

(c) *Procedure Governing Appeals.*—

(1) Any person interested in a farm, whether as owner or operator, and having just ground for being dissatisfied with the final recommendation of the County Committee in passing upon any one or more of the matters mentioned in subsection (a) herein regarding such farm may appeal from such recommendation of the County Committee to the County Appeals Board, which shall consist of the chairman of the County Committee and two persons selected by the Board of Directors of the County Agricultural Conservation Association from among its members who are not members of the County Committee.

(2) When any such final recommendation of the County Committee is not in accord with the contention of the interested person and such person desires to appeal his case, such person shall, within ten calendar days from the date of the final recommendation of the County Committee, give notice in writing to the County Appeals Board of his desire and intention to appeal his case. Following the hearing of any such appeal, the decision of the Board prepared in triplicate shall be concurred in by a majority of its members, and a copy delivered immediately to the appellant or forwarded immediately by mail to his address of record.

(3) If any interested person has just ground for being dissatisfied with the decision of the County Appeals Board and such person desires to appeal his case further, such person shall, within ten calendar days from the date of such decision, give notice in writing to the County Appeals Board of his desire and intention to appeal his case to the State Committee.

(4) In order to perfect his appeal, the appellant shall, within thirty calendar days from the date of the decision of the County Appeals Board, file with such Board *in triplicate* a detailed statement of his contentions, supported *in triplicate* by such material as he may have available. There shall be attached to such statement an exact copy *in triplicate* of each work sheet, application for payment, or other document forming the basis of or which is material to such appeal.

(5) The County Appeals Board shall, within ten calendar days from the date on which the appellant filed such detailed statement, forward the original and one copy of the same to the State Committee together with the original and one copy of its previous findings and recommendation in the case and shall also attach to such detailed statement exact copies *in duplicate* of all available documents material to any issue raised by the appellant, as well as any other material data available to such Board. The County Appeals Board may add to such record *in duplicate* its comments or observations on such detailed statement, in which case a copy of such comments or observations shall be furnished to the appellant, who shall have ten calendar days in which to send to the State Committee *in duplicate* any reply thereto he may desire to make, furnishing at the same time a copy of such reply to the County Appeals Board.

(6) The County Appeals Board may, for good cause shown, extend any time limit fixed in paragraphs (2) to (5) above, but the additional time granted shall not exceed the time which otherwise would obtain.

(7) Upon receipt of the appeal record the State Committee shall promptly set the appeal down for hearing at the earliest practicable date not earlier than fourteen calendar days from the date of such receipt of the appeal record. However, if both the appellant and the chairman of the County Appeals Board indicate in writing, forwarded with the appeal record, (a) that they are willing to have the appeal heard at an earlier date or alternative dates indicated by them in such writing, the appeal may be heard on such date or any one of such alternative dates, or (b) that they do not desire to appear at the hearing of the appeal, the State Committee may set the appeal down for hearing at any time reasonably convenient to it. The State Committee shall, in writing dated and forwarded to the addresses of record in the regular course of the mail on the day the date for hearing the appeal is set, give notice of the time and place of such hearing to the chairman of the County Appeals Board and the appellant. If the State Committee deems it advisable, it may further develop the case by correspondence or field investigation either before or after the formal hearing, and may hear additional evidence at the State headquarters or at a designated place in the field.

(8) The decision by the State Committee with its recommendation, prepared *in quadruplicate*, shall be concurred in by a majority of the members of the Committee. One copy of such decision and recommendation shall be promptly transmitted to the County Appeals Board, and one copy shall be promptly forwarded to the appellant. In case the appellant is dissatisfied with such decision and recommendation, he may finally appeal the case to the Regional Appeals Board for the Southern Region in care of the Southern Division, Agricultural Adjustment Administration, Washington, D. C., by giving written notice prepared *in triplicate*, to the State Committee within ten calendar days from the date notice of its decision is addressed and forwarded to such person at the address of record. Such notice must contain or be accompanied by such appellant's comments or arguments against the decision and recommendation of the State Committee. Upon such written notice being filed *in duplicate* with the State Committee, it shall promptly forward the complete original appeal record to the Regional Appeals Board, together with the original of its decision and recommendation in such case and such written notice and comments or arguments.

(9) The State Committee may, for good cause shown, extend any time limit fixed in paragraph (7) or (8) above, but the additional time granted shall not exceed the time which otherwise would obtain.

(10) Individual cases of complaints made by any producer, whether owner, operator, share-tenant, or share-cropper, relating to landlord-tenant questions made or appealed to the State Committee, shall be referred by the State Committee for special attention to a person appointed by the Committee with the approval of the Director of the Southern Division to make prompt investigations and recommend adjustment of landlord-tenant complaints. Upon receiving the recommendation of such investigator, unless such recommendation has been carried out by the parties concerned in the complaint, the State Committee shall promptly make and record its decision with respect to each such complaint and in writing notify the parties concerned and the County Committee of its decision. If one or more of the parties concerned is not satisfied with the decision, he may in writing, which should be in duplicate, request the State Committee to forward to the Director of the Southern Division for appropriate action the complete file in the case, including also the findings and report of such investigator. Upon receipt of such request the State Committee shall forward such file to said Director, who may refer any such case with the entire record therein to the Regional Appeals Board for final determination.

(11) The Regional Appeals Board for the Southern Region shall be composed of three members appointed by the Secretary of Agriculture upon nomination by the Director of the Southern Division. The chairman of the Board for each of its sessions shall be that one of the members present who is first named in the order appointing them.

(12) The Secretary of Agriculture upon nomination by the Director of the Southern Division may appoint one or more alternate members of said Board to serve in the order so appointed in place of any member thereof whenever and while such member is absent from duty in the Southern Division, or in case of any vacancy in the membership of said Board until such vacancy is filled and the person appointed thereto has qualified. No alternate shall serve as chairman.

(13) The Regional Appeals Board, acting for and on behalf of the Secretary of Agriculture, shall promptly and finally pass upon and decide each appeal referred to it by any State Committee within the Southern Region or by the Director of the Southern Division. Final decision of the Regional Appeals Board shall be concurred in by a majority of the members of such Board and recorded in writing. Such decision shall be promptly transmitted to the State Committee *in triplicate* and such Committee shall transmit one copy to the appellant and one copy to the County Committee.

(14) All decisions in appeal cases by a County Appeals Board, a State Committee, or the Regional Appeals Board shall be in accordance with the terms and conditions of the 1937 program. In considering any appeal case, if it appears there are no provisions approved by the Secretary applicable to such case, no decision thereon shall be rendered by any committee or board unless and until applicable provisions are approved by the Secretary of Agriculture.

Done at Washington, D. C., this 10th day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2136; Filed, July 12, 1937; 12:33 p. m.]



SR—B-101—Kemper County, Mississippi, Amendment 2

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101—KEMPER COUNTY, MISSISSIPPI

[Amendment 2]

*Payments in Kemper County, Mississippi, Restricted to Effectuation of Purposes of the 1937 Agricultural Conservation Program.*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, section 16 of Southern Region Bulletin 101, Kemper County, Mississippi, is hereby amended to read as follows:

SECTION 16. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in a position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Done at Washington, D. C., this 10th day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2135; Filed, July 12, 1937; 12:32 p. m.]

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SR—B-101—Pulaski County, Arkansas, Amendment 1

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101—PULASKI COUNTY, ARKANSAS

[Amendment 1]

[Amends Sec. 34, Part IV]

*Procedure Governing Appeals from Decisions of the County Agricultural Conservation Committee of Pulaski County, Arkansas*

Section 34, Southern Region Bulletin 101, Pulaski County, Arkansas, is hereby amended to read as follows:

Any person who has reason to believe that any recommendation of the Pulaski County Committee concerning his farm in any matter of the kind set forth herein is not equitable may request the County Committee to reconsider its recommendation. If such person fails to agree with the final recommendation of the County Committee, an appeal may be taken in accordance with the procedure set forth herein.

(a) *Matters Concerning which an Appeal May be Made.*—

(1) Eligibility of person(s) to submit a work sheet or an application for payment.

(2) Eligibility of land to be covered by a work sheet and/or an application for payment.

(3) Any base, yield per acre, productivity index, soil building allowance, or soil-building practice.

(4) Division of payments among interested persons.

(5) In addition to the above matters, the State Committee and the Regional Agricultural Appeals Board for the Southern Region may be called on to hear and decide other types of appeals as set forth below.

(b) *Appellate Bodies.*—The following bodies will receive, hear, consider, and pass upon appeals cases:

(1) County Appeals Board.
(2) State Agricultural Conservation Committee.
(3) Agricultural Conservation Appeals Board for the Southern Region (hereinafter referred to as the Regional Appeals Board).

(c) *Procedure Governing Appeals*—

(1) Any person interested in a farm, whether as owner or operator, and having just ground for being dissatisfied with the final recommendation of the County Committee in passing upon any one or more of the matters mentioned in subsection (a) herein regarding such farm may appeal from such recommendation of the County Committee to the County Appeals Board, which shall consist of the chairman of the County Committee and two persons selected by the Board of Directors of the County Agricultural Conservation Association from among its members who are not members of the County Committee.

(2) When any such final recommendation of the County Committee is not in accord with the contention of the interested person and such person desires to appeal his case, such person shall, within ten calendar days from the date of the final recommendation of the County Committee, give notice in writing to the County Appeals Board of his desire and intention to appeal his case. Following the hearing of any such appeal, the decision of the Board prepared in triplicate shall be concurred in by a majority of its members, and a copy delivered immediately to the appellant or forwarded immediately by mail to his address of record.

(3) If any interested person has just ground for being dissatisfied with the decision of the County Appeals Board and such person desires to appeal his case further, such person shall, within ten calendar days from the date of such decision, give notice in writing to the County Appeals Board of his desire and intention to appeal his case to the State Committee.

(4) In order to perfect his appeal, the appellant shall, within thirty calendar days from the date of the decision of the County Appeals Board, file with such Board *in triplicate* a detailed statement of his contentions, supported *in triplicate* by such material as he may have available. There shall be attached to such statement an exact copy *in triplicate* of each work sheet, application for payment, or other document forming the basis of or which is material to such appeal.

(5) The County Appeals Board shall, within ten calendar days from the date on which the appellant filed such detailed statement, forward the original and one copy of the same to the State Committee together with the original and one copy of its previous findings and recommendation in the case and shall also attach to such detailed statement exact copies *in duplicate* of all available documents material to any issue raised by the appellant, as well as any other material data available to such Board. The County Appeals Board may add to such record *in duplicate* its comments or observations on such detailed statement, in which case a copy of such comments or observations shall be furnished to the appellant, who shall have ten calendar days in which to send to the State Committee *in duplicate* any reply thereto he may desire to make, furnishing at the same time a copy of such reply to the County Appeals Board.

(6) The County Appeals Board may, for good cause shown, extend any time limit fixed in paragraphs (2) to (5) above, but the additional time granted shall not exceed the time which otherwise would obtain.

(7) Upon receipt of the appeal record the State Committee shall promptly set the appeal down for hearing at the earliest practicable date not earlier than fourteen calendar days from the date of such receipt of the appeal record. However, if both the appellant and the chairman of the County Appeals Board indicate in writing, forwarded with the appeal record, (a) that they are willing to have the appeal heard at an earlier date or alternative dates indicated by them in such writing, the appeal may be heard on such date or any one of such alternative dates, or (b) that they do not desire to appear at the hearing of the appeal, the State Committee may set the appeal down for hearing at any time reasonably convenient to it. The State Committee shall, in writing dated and forwarded to the addresses of record in the regular course of the mail on the day the date for hearing the appeal is set, give notice of the time and place of such hearing to the chairman of the County Appeals Board and the appellant. If the State Committee deems it advisable, it may further develop the case by correspondence or field investigation either before or after the formal hearing, and may hear additional evidence at the State headquarters or at a designated place in the field.

(8) The decision by the State Committee with its recommendation, prepared *in quadruplicate*, shall be concurred in by a majority of the members of the Committee. One copy of such decision and recommendation shall be promptly transmitted to the County Appeals Board, and one copy shall be promptly forwarded to the appellant. In case the appellant is dissatisfied with such decision and recommendation, he may finally appeal the case to the Regional Appeals Board for the Southern Region in care of the Southern Division, Agricultural Adjustment Administration, Washington, D. C., by giving written notice, prepared *in triplicate*, to the State Committee within ten calendar days from the date notice of its decision is addressed and forwarded to such person at the address of record. Such notice must contain or be accompanied by such appellant's comments or arguments against the decision and recommendation of the State Committee. Upon such written notice being filed *in duplicate* with the State Committee, it shall promptly forward the complete original appeal record to the Regional Appeals Board, together with the original of its decision and recommendation in such case and such written notice and comments or arguments.

(9) The State Committee may, for good cause shown, extend any time limit fixed in paragraph (7) or (8) above, but the additional time granted shall not exceed the time which otherwise would obtain.

(10) Individual cases of complaints made by any producer, whether owner, operator, share-tenant, or sharecropper, relating to landlord-tenant questions made or appealed to the State Committee, shall be referred by the State Committee for special attention to a person appointed by the Committee with the approval of the Director of the Southern Division to make prompt investigations and recommend adjustment of landlord-tenant complaints. Upon receiving the recommendation of such investigator, unless such recommendation has been carried out by the parties concerned in the complaint, the State

Committee shall promptly make and record its decision with respect to each such complaint and in writing notify the parties concerned and the County Committee of its decision. If one or more of the parties concerned is not satisfied with the decision, he may in writing, which should be in duplicate, request the State Committee to forward to the Director of the Southern Division for appropriate action the complete file in the case, including also the findings and report of such investigator. Upon receipt of such request the State Committee shall forward such file to said Director, who may refer any such case with the entire record therein to the Regional Appeals Board for final determination.

(11) The Regional Appeals Board for the Southern Region shall be composed of three members appointed by the Secretary of Agriculture upon nomination by the Director of the Southern Division. The chairman of the Board for each of its sessions shall be that one of the members present who is first named in the order appointing them.

(12) The Secretary of Agriculture upon nomination by the Director of the Southern Division may appoint one or more alternate members of said Board to serve in the order so appointed in place of any member thereof whenever and while such member is absent from duty in the Southern Division, or in case of any vacancy in the membership of said Board until such vacancy is filled and the person appointed thereto has qualified. No alternate shall serve as chairman.

(13) The Regional Appeals Board, acting for and on behalf of the Secretary of Agriculture, shall promptly and finally pass upon and decide each appeal referred to it by any State Committee within the Southern Region or by the Director of the Southern Division. Final decision of the Regional Appeals Board shall be concurred in by a majority of the members of such Board and recorded in writing. Such decision shall be promptly transmitted to the State Committee *in triplicate* and such Committee shall transmit one copy to the appellant and one copy to the County Committee.

(14) All decisions in appeal cases of a County Appeals Board, a State Committee, or the Regional Appeals Board shall be in accordance with the terms and conditions of the 1937 program. In considering any appeal case, if it appears there are no provisions approved by the Secretary applicable to such case, no decision thereon shall be rendered by any committee or board unless and until applicable provisions are approved by the Secretary of Agriculture.

Done at Washington, D. C., this 10th day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2138; Filed, July 12, 1937; 12:34 p. m.]

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SR—B-101—Pulaski County, Arkansas, Amendment 2

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—PULASKI COUNTY, ARKANSAS

[Amendment 2]

*Payments in Pulaski County, Arkansas, Restricted to Effectuation of Purposes of the 1937 Agricultural Conservation Program*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, section 40 of Southern Region Bulletin 101—Pulaski County, Arkansas, is hereby amended to read as follows:

SECTION 40. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Done at Washington, D. C., this 10th day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2137; Filed, July 12, 1937; 12:33 p. m.]

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**Food and Drug Administration.**

SERVICE AND REGULATORY ANNOUNCEMENTS

FOOD AND DRUG NO. 4 [1]

[Fourth Revision]

*Amendment of July 6, 1930, to Federal Food and Drugs Act and Requirements Thereunder*

Under the authority conferred by the amendment of July 8, 1930, to the Federal Food and Drugs Act (sec. 8, par. 5, in the case of food), there are hereby promulgated, to become effective 90 days from date, the following: The forms of statements which must appear on canned food which falls below the standards herein promulgated, the standards for canned peaches, canned pears, canned apricots, canned cherries, canned red sour pitted cherries, canned tomatoes, canned peas, and canned dry peas, and the standards of fill of container for canned mushrooms and for all canned foods. These supersede on the effective date all forms of statements and standards which have been previously promulgated.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

JULY 12, 1937.

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*Text of the Amendment to Federal Food and Drugs Act of July 8, 1930*

[Sec. 8 of Food and Drugs Act, par. 5 in the case of food]

AN ACT To amend section 8 of the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein and for other purposes", approved June 30, 1906, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 8 of the Act of June 30, 1906, entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes", as amended, is amended by adding at the end thereof the following:

Fifth. If it be canned food and falls below the standard of quality, condition, and/or fill of container, promulgated by the Secretary of Agriculture for such canned food and its package or label does not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food falls below such standard. For the purposes of this paragraph the words canned food mean all food which is in hermetically sealed containers and is sterilized by heat, except meat and meat food products which are subject to the provisions of the Meat Inspection Act of March 4, 1907 (Thirty-fourth Statutes, page 1260), as amended, and except canned milk; the word class means and is limited to a generic product for which a standard is to be established and does not mean a grade, variety, or species of a generic product. The Secretary of Agriculture is authorized to determine, establish, and promulgate, from time to time, a reasonable standard of quality, condition, and or fill of container for each class of canned food as will, in his judgment, promote honesty and fair dealing in the interest of the consumer; and he is authorized to alter or modify such standard from time to time as, in his judgment, honesty and fair dealing in the interest of the consumer may require. The Secretary of Agriculture is further authorized to prescribe and promulgate from time to time the form of statement which must appear in a plain and conspicuous manner on each package or label of canned food which falls below the standard promulgated by him, and which will indicate that such canned food falls below such standard, and he is authorized to alter or modify such form of statement, from time to time, as in his judgment may be necessary. In promulgating such standards and forms of statements and any alteration or modification thereof, the Secretary of Agriculture shall specify the date or dates when such standards shall become effective, or after which such statements shall be used, and shall give public notice not less than ninety days in advance of the date or dates on which such standards shall become effective or such statements shall be used. Nothing in this paragraph shall be construed to authorize the manufacture, sale, shipment, or transportation of adulterated or misbranded foods.

APPROVED, JULY 8, 1930.

[1] Standards for other canned foods and other announcements issued hereafter under the authority of the amendment will appear as revisions of, or supplements to, the series of publications known as "Service and Regulatory Announcements, Food and Drug No. 4."



PART I. GENERAL REQUIREMENTS

GENERAL FORM OF STATEMENT REQUIRED ON CANNED FOODS OF SUBSTANDARD QUALITY AND CONDITION

1. *Except as otherwise provided in the individual standards*, given in Part II, the form of statement for canned foods which fall below the standards of quality and condition shall consist of (1) the NAME of the product, and (2) immediately above or below and parallel therewith, a LEGEND in the following form: A rectangular box with solid border not less than six points in width, containing as a FIRST LINE the words "Below U. S. Standard", and as a SECOND LINE the words "Good Food—Not High Grade." Border and type shall be on a strongly contrasting, uniform background. Type shall be Cheltenham bold condensed caps, and for containers under one pound net weight the first line 12 point, the second line 8 point; for larger containers the first line 14 point, the second 10 point. The space between the border and the type, and between the lines, shall not be less than the type face of the first line, and the length of the first line shall be not less than two inches.

*Examples of the Required General Form of Statement on Canned Foods of Substandard Quality and Condition*

2. (a) For Containers Under 1 Pound Net Weight:

PEAS

BELOW U. S. STANDARD

GOOD FOOD—NOT HIGH GRADE

Name of product: Any plain and conspicuous type.
First line of legend: 12-point Cheltenham bold condensed caps.
Length of first line: Not less than 2 inches.
Second line of legend: 8-point Cheltenham bold condensed caps.
Width of border: Not less than 6 points.
Space between type and all sides of border; and between lines: Not less than type face of first line.

(b) For Containers 1 Pound or over Net Weight:

PEAS

BELOW U. S. STANDARD

GOOD FOOD—NOT HIGH GRADE

Name of product: Any plain and conspicuous type.
First line of legend: 14-point Cheltenham bold condensed caps.
Length of first line: Not less than 2 inches.
Second line of legend: 10-point Cheltenham bold condensed caps.
Width of border: Not less than 6 point.
Space between type and all sides of border; and between lines: Not less than type face of first line.

*Special Form of Statements Required on Canned Foods of Substandard Quality and Condition*

3. When special statements, instead of the statement prescribed in paragraph 1, are provided under the several standards the special statement, in each case, shall be printed on a strongly contrasting, uniform background, in caps of a size not less than those specified below:

For containers under 1-pound net weight, 12-point boldface.

For containers of 1-pound net weight or over, 14-point boldface.

The name of the article shall not appear in any place on the label or container except as part of the special statement.

*Pictorial Representations on Canned Food of Substandard Quality and Condition*

4. If a picture of the article is used on any part of the label, the appropriate statement provided under the several standards shall appear immediately above or below such picture.

*Warning*

5. The amendment provides that "nothing in this paragraph shall be construed to authorize the manufacture, sale, shipment, or transportation of adulterated or misbranded foods." Accordingly, products which are adulterated or misbranded, under any of the other paragraphs of the Food and Drugs Act, cannot be rendered legal by the employment of any statement or special statement.

*General Standard Requirements for Fill of Container for All Canned Foods*

6. Canned food is of standard fill when neither the head space nor the amount of water, brine, sugar solution, or other packing medium is excessive.

*Meaning of Terms*

7. "Head space" is the distance from the bottom of the cover of the container to the highest point of the product. It is "excessive" when it exceeds 10 percent of the inside height of the container: *Provided*, That no head space shall be considered excessive which does not exceed one-fourth inch.

"Product" means all of the material present in the can.

8. With the exception of products described in section (a), head space is determined by direct measurement immediately after opening the container.

(a) With products which consist of distinct units with little or no liquid packing medium so that there is considerable decrease in volume due to softening and packing together of the units in processing, head space is determined after pouring out contents from container (breaking apart lumps if necessary), pouring them back and leveling the surface as well as possible without moving the container or pressing downward on the contents. Canned foods are considered to have "little or no liquid packing medium" when the product is of such a nature that, when drained for 2 minutes on an 8-mesh sieve, not more than 10 percent of the total net contents pass through the sieve. Dry pack shrimp and vacuum packed corn are examples of products of this character.

9. Packing medium above the maximum amount permitted by the various specific standards [1] shall be deemed excessive.

*General Form of Statement Required on Canned Foods of Substandard Fill of Container*

10. Canned foods which fail to meet the standard for fill of container shall bear the statement, in the form and manner prescribed in paragraph 1, except that the second line of the legend shall be:

(1) In the case of excessive head space:

"Slack Fill"

(2) In the case of excessive packing medium:

"Contains Excess Added Liquid"

PART II. STANDARDS APPLICABLE TO SPECIFIC CLASSES OF CANNED FOOD

CANNED PEACHES

*Standard of Quality and Condition*

11. Standard canned peaches are the normally flavored and normally colored canned food consisting of (1) the normal sized, uniform sized, tender, peeled, mature, unblemished, pitted, unbroken halves of the fruit of the peach tree, and (2) sugar solution of sufficient strength so that the liquid portion of the finished product reads not less than 14° Brix (read at the proper temperature for the instrument used).

*Meaning of Terms*

12. The term "normally colored", as it relates to the fruit, means a naturally developed general effect of yellow.

[1] See Part II.

13. Units of three-fifths of an ounce or larger are "normal sized".

14. The units are "uniform sized" if the weight of the piece of largest size in the can be not more than twice the weight of the smallest piece in the can.

15. The fruit is "tender" when not less than 90 percent of the units by count are completely perforated by a cylindrical rod, five thirty-seconds of an inch in diameter, under a load of 300 grams (approximately 10.6 ounces) applied vertically to the exposed, peeled surface of a test piece carefully fitted into an appropriate holder. The fruit, however shall not be so soft that the pieces in the can lose their natural shape when the container is opened and the product is carefully removed to a dish.

In performing the tenderness test the rod is placed on the exposed surface under an initial load of 100 grams and the load increased at a uniform, continuous rate of 12 grams per second until the piece is perforated. (A convenient method of obtaining the test piece is as follows: Using a cylinder of approximately 1⅛ inch in diameter, made of sheet metal approximately one thirty-second of an inch thick, cut a core from the fruit completely through from the inner surface to the peeled surface, so that the peeled surface is exposed when the cylinder retaining this core is firmly supported on a horizontal smooth plate.)

16. The fruit is "peeled" if there is present per pound of net contents not more than 1 square inch of peel.

17. The fruit is "unblemished" if 80 percent or more of the pieces in the container are free from unsightly scabs, bruises, frostbites, sunburn, hail injury, raggedness, green or brown colorations, red or dark-streaked flesh, or other unsightly blemishes. The term "raggedness" means a frayed condition of the edges.

18. The fruit is in "unbroken halves" when 90 percent or more of the units are unbroken and do not show excessive trimming, except that the presence of one broken unit against the cover, which may have been broken by the operation of closing the can, shall be disregarded. "Excessive trimming" is defined as that amount which destroys the normal shape of the half.

*Statements Required on Canned Peaches of Substandard Quality and Condition*

19. Canned peaches which fail to meet the standard of quality and condition shall bear, except as provided in sections (a) to (g) inclusive, the statement in the form and manner prescribed in paragraph 1.

(a) When canned peaches fail to meet the standard of quality and condition only in that they consist of peaches packed in water, they shall bear a special statement[1] showing that fact, such as "Water pack peaches."

(b) When canned peaches fail to meet the standard of quality and condition in that they consist of peeled, whole peaches, otherwise meeting the standard in all respects except that they may not meet the requirement for normal size, they shall bear the special statement[1] "Whole peaches".

(c) When canned peaches fail to meet the standard of quality and condition in that they consist of uniformly quartered peaches, otherwise meeting the standard in all respects except that they may not meet the requirement for normal size, they shall bear the special statement[1] "Quartered peaches".

(d) When canned peaches fail to meet the standard of quality and condition in that they consist of uniformly sliced peaches, otherwise meeting the standard in all respects except that the minimum size of each unit may be one-twelfth of an ounce, they shall bear the special statement[1] "Sliced peaches." In determining tenderness in sliced peaches, when the units are not sufficiently large to admit the obtaining of a test piece in the manner above prescribed, a V-shaped metal trough, 1 inch long, three-fourths of an inch wide, and three-fourths of an inch deep, with vertical ends, is a convenient holder.

(e) When canned peaches fail to meet the standard of quality and condition only in that they are white in color, they shall bear the special statement[1] "White peaches."

(f) When canned peaches fail to meet the standard of quality and condition only because of raggedness but are of a type where raggedness is a normal characteristic, for example, freestone peaches, they shall bear a special statement[1] showing the particular type to which they belong, e. g., "Freestone peaches."

(g) When canned peaches fail to meet the standard of quality and condition only in that they are not uniform sized, they shall bear the special statement[1] "Peaches, ungraded for size."

*Standard Requirement for Fill of Container*

20. Canned peaches are of standard fill with respect to packing medium when the weight of fruit placed in the container is 60 percent or more of the weight of water which the sealed container will hold at 68° F., with, when necessary to prevent crushing of the fruit, a tolerance not exceeding the weight of one average piece.

*Statement Required on Canned Peaches of Substandard Fill of Container*

21. Canned peaches which fail to meet the standard requirement for fill of container as to head space or as to packing medium, shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

CANNED PEARS

*Standard of Quality and Condition*

22. Standard canned pears are the normally flavored and normally colored canned food consisting of (1) the normal size, uniform sized, tender, peeled, mature, unblemished, unbroken halves of the fruit of the pear tree from which the calyx end and seed cells have been removed, with or without removal of the internal stem, and (2) sugar solution of sufficient strength so that the liquid portion of the finished product reads not less than 14° Brix (read at the proper temperature for the instrument used).

*Meaning of Terms*

23. The term "normally colored", as it relates to the fruit, means a naturally developed, translucent, yellowish-white color.

24. Units of three-fourths of an ounce or larger are "normal sized."

25. The units are "uniform sized" if the weight of the piece of largest size in the can be not more than twice the weight of the smallest piece in the can.

26. The fruit is "tender" when not less than 90 percent of the units by count are completely perforated by a cylindrical rod, five thirty-seconds of an inch in diameter, under a load of 300 grams (approximately 10.6 ounces), applied vertically to the exposed, peeled surface of a test piece carefully fitted into an appropriate holder. The fruit shall not, however, be so soft that the pieces in the can lose their natural shape when the container is opened and the product is carefully removed to a dish.

In performing the tenderness test the rod is placed on the exposed surface under an initial load of 100 grams and the load increased at a uniform, continuous rate of 12 grams per second until the piece is perforated. (A convenient method of obtaining the test piece is as follows: Using a cylinder of approximately 1⅛ inches diameter, made of sheet metal approximately one thirty-second of an inch thick, cut a core from the fruit completely through from the inner surface to the peeled surface so that the peeled surface is exposed when the cylinder retaining this core is firmly supported on a horizontal, smooth plate).

27. The fruit is "peeled" if there is present per pound of net contents not more than 1 square inch of peel.

[1] For required form and manner, see par. 3.



28. The fruit is "unblemished" if 80 percent or more of the pieces in the container are free from unsightly scabs, bruises, gritty portions, raggedness, pink or brown colorations, or other unsightly blemishes. The term "raggedness" means a frayed condition of the edges.

29. The fruit is in "unbroken halves" when 90 percent or more of the units are unbroken and do not show excessive trimming, except that the presence of one broken unit against the cover, which may have been broken by the operation of closing the can, shall be disregarded. "Excessive trimming" is defined as that amount which destroys the normal shape of the half.

*Statements Required on Canned Pears of Substandard Quality and Condition*

30. Canned pears which fail to meet the standard of quality and condition shall bear, except as provided in sections (a) to (e), inclusive, the statement in the form and manner prescribed in paragraph 1.

(a) When canned pears fail to meet the standard of quality and condition only in that they consist of pears packed in water, they shall bear a special statement[1] showing that fact, such as "Water-pack pears."

(b) When canned pears fail to meet the standard of quality and condition in that they consist of peeled, whole pears, otherwise meeting the standard in all respects except that they may not meet the requirement for normal size, they shall bear the special statement[1] "Whole pears."

(c) When canned pears fail to meet the standard of quality and condition in that they consist of uniformly quartered pears, otherwise meeting the standard in all respects except that they may not meet the requirement for normal size, they shall bear the special statement[1] "Quartered pears."

(d) When canned pears fail to meet the standard of quality and condition only because of the presence of gritty portions but are of a type where gritty portions are a normal characteristic, such as Kieffer pears, they shall bear a special statement[1] showing the particular type to which they belong, e. g., "Kieffer pears."

(e) When canned pears fail to meet the standard of quality and condition only in that they are not of uniform size, they shall bear the special statement[1] "Pears, ungraded for size."

*Standard Requirement for Fill of Container*

31. Canned pears are of standard fill with respect to packing medium when the weight of fruit placed in the container is 60 percent or more of the weight of water which the sealed container will hold at 68° F., with, when necessary to prevent crushing of the fruit, a tolerance not exceeding the weight of one average piece.

*Statement Required on Canned Pears of Substandard Fill of Container*

32. Canned pears which fail to meet the standard requirement for fill of container as to head space or as to packing medium shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

CANNED APRICOTS

*Standard of Quality and Condition*

33. Standard canned apricots are the normally flavored and normally colored canned food consisting of (1) the normal sized, uniform sized, tender, unpeeled, mature, unblemished, pitted, unbroken halves of the fruit of the apricot tree, and (2) sugar solution of sufficient strength so that the liquid portion of the finished product reads not less than 16° Brix (read at the proper temperature for the instrument used).

*Meaning of Terms*

34. The term "normally colored", as it relates to the fruit, means a naturally developed general effect of yellow.

[1] For required form and manner, see par. 3.

35. Units of three-eighths of an ounce or larger are "normal sized."

36. The units are "uniform sized" if the weight of the piece of largest size in the can be not more than twice the weight of the smallest piece in the can.

37. The fruit is "tender" when the flesh of not less than 90 percent of the units by count is completely perforated by a cylindrical rod, three-sixteenths of an inch in diameter, under a load of 300 grams (approximately 10.6 ounces), applied vertically to the exposed, peeled surface of a test piece carefully placed on an appropriate support. The fruit shall not, however, be so soft that the pieces in the can lose their natural shape when the container is opened and the product is carefully removed to a dish.

In performing the tenderness test the rod is placed on the exposed surface under an initial load of 100 grams and the load increased at a uniform, continuous rate of 12 grams per second until the piece is perforated. (The test piece is conveniently supported on a rigid, convex surface of such curvature as to fit into the seed cavity and permit it to maintain its normal shape. The peel is conveniently removed with pointed, sharp scissors.)

38. The fruit is "unblemished" if 80 percent or more of the pieces in the container are free from unsightly scabs, bruises, frostbites, sunburn, hail injury, green or brown colorations, or other unsightly blemishes.

39. The fruit is in "unbroken halves" when 90 percent or more of the units are unbroken and do not show excessive trimming, except that the presence of one broken unit against the cover, which may have been broken by the operation of closing the can, shall be disregarded. "Excessive trimming" is defined as that amount which destroys the normal shape of the half.

*Statements Required on Canned Apricots of Substandard Quality and Condition*

40. Canned apricots which fail to meet the standard of quality and condition shall bear, except as provided in sections (a) to (e), inclusive, the statement in the form and manner prescribed in paragraph 1.

(a) When canned apricots fail to meet the standard of quality and condition only in that they consist of apricots packed in water, they shall bear a special statement[1] showing that fact, such as "Water-pack apricots."

(b) When canned apricots fail to meet the standard of quality and condition only in that the halves are peeled, they shall bear the special statement[1] "Peeled apricots."

(c) When canned apricots fail to meet the standard of quality and condition in that they consist of unpeeled, whole apricots, otherwise meeting the standard in all respects except that they may not meet the requirement for normal size, they shall bear the special statement[1] "Whole Apricots."

(d) When canned apricots fail to meet the standard of quality and condition in that they consist of uniformly sliced peeled apricots, otherwise meeting the standard in all respects except that the minimum size of each unit may be one-twentieth of an ounce, they shall bear the special statement[1] "Sliced, peeled apricots."

(e) When canned apricots fail to meet the above standard only in that they are not of uniform size, they shall bear the special statement[1] "Apricots, ungraded for size."

*Standard Requirement for Fill of Container*

41. Canned apricots are of standard fill with respect to packing medium when the weight of fruit placed in the container is 60 percent or more of the weight of water which the sealed container will hold at 68° F., with, when necessary to prevent crushing of the fruit, a tolerance not exceeding the weight of one average piece.

*Statement Required on Canned Apricots of Substandard Fill of Container*

42. Canned apricots which fail to meet the standard requirement for fill of container as to head space or as to packing medium shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

CANNED CHERRIES

*Standard of Quality and Condition*

43. Standard canned cherries are the normally flavored and normally colored canned food consisting of (1) the normal sized, uniform sized, fleshy, mature, unblemished, stemmed, whole fruit of the sweet cherry tree (*Prunus avium*), and (2) sugar solution of sufficient strength so that the liquid portion of the finished product reads not less than 16° Brix (read at the proper temperature for the instrument used).

*Meaning of Terms*

44. The fruit is "normally colored" if the naturally developed general color of the flesh be yellowish white.

45. Units of one-tenth of an ounce or larger are "normal sized."

46. The units are "uniform sized" if the weight of the piece of largest size in the can be not more than twice the weight of the smallest piece in the can.

47. The fruit is "fleshy" if the skin and flesh of the drained cherries are 88 percent or more of their total weight.

48. The fruit is "unblemished" if 80 percent or more of the units in the container are free from unsightly scabs, excessive healed cracks, or other unsightly blemishes. Cracks are "excessive" when their total combined length and width exceeds one-half of an inch, excluding checks less than one-eighth of an inch wide located in the stem depression and concentric with its sides. Unhealed cracks which form during cooking are not blemishes.

*Statements Required on Canned Cherries of Substandard Quality and Condition*

49. Canned cherries which fail to meet the standard of quality and condition shall bear, except as provided in sections (b) to (e), inclusive, the statement in the form and manner prescribed in paragraph 1.

(a) Canned cherries from which only a portion of the pits have been removed, so that there is present more than one cherry pit, or its equivalent in broken pieces of shell, per each 20 ounces of net contents, shall bear the statement prescribed in paragraph 1. In this case the NAME of the product shall be "Partially pitted cherries."

(b) When canned cherries fail to meet the standard of quality and condition only in that they consist of cherries packed in water, they shall bear a special statement[1] showing that fact, such as "Water-pack cherries."

(c) When canned cherries fail to meet the standard of quality and condition in that they consist of pitted cherries, otherwise meeting the standard, except that they may not meet the requirements for normal and uniform size, they shall bear the special statement[1] "Pitted cherries."

(d) When canned cherries fail to meet the standard of quality and condition only because of color, but are of a type where the flesh is of some color other than yellowish white, as Bing cherries, black cherries, etc., they shall bear a special statement[1] showing the type to which they belong.

(e) When canned cherries fail to meet the standard of quality and condition only in that they are not of uniform size, they shall bear the special statement[1] "Cherries, ungraded for size."

*Standard Requirement for Fill of Container*

50. Canned cherries are of standard fill with respect to packing medium when the weight of fruit placed in the container is 60 percent or more of the weight of water which the sealed container will hold at 68° F., with, when necessary to prevent crushing of the fruit, a tolerance not exceeding the weight of one average piece.

*Statement Required on Canned Cherries of Substandard Fill of Container*

51. Canned cherries which fail to meet the standard requirement for fill of container as to head space or as to packing medium, shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

CANNED RED SOUR PITTED CHERRIES

*Standard of Quality and Condition*

52. Standard canned red sour pitted cherries are the normally flavored and normally colored canned food consisting of (1) the mature, unblemished, stemmed, pitted fruit of the red sour cherry tree (*Prunus cerasus*), and (2) sugar solution of sufficient strength so that the liquid portion of the finished product reads not less than 16° Brix (read at the proper temperature for the instrument used).

*Meaning of Terms*

53. The fruit is "normally colored" if the naturally developed general color of both liquid portion and flesh is red.

54. The fruit is "unblemished" if 85 percent or more of the units in the container are free from such defects as limb rubs, scars, scabs, wind whips, brown spots, or other unsightly blemishes. Units showing skin discolorations having a total area of a circle 3/16 inch in diameter or less, with no perceptible discoloration of the fruit tissue under the skin, will not be considered as blemished.

55. The fruit is "pitted" when there is present in a can not more than one cherry pit, or its equivalent in broken pieces of shell, per each 20 ounces of net contents.

*Statements Required on Canned Red Sour Pitted Cherries of Substandard Quality and Condition*

56. Canned red sour pitted cherries which fail to meet the standard of quality and condition shall bear, except as provided in sections (b) and (c), the statement in the form and manner prescribed in paragraph 1.

(a) Canned red sour cherries from which only a portion of the pits have been removed so that there is present more than the amount permitted by paragraph 55, shall bear the statement prescribed in paragraph 1. In this case the NAME of the product shall be "Partially pitted red sour cherries."

(b) When canned red sour pitted cherries fail to meet the standard of quality and condition only in that they are artificially colored, they shall bear the statement in the form and manner prescribed in paragraph 1 except that the second line of the legend shall be "Because artificially colored."

(c) When canned red sour pitted cherries fail to meet the standard of quality and condition only in that they consist of cherries packed in water, they shall bear a special statement[1] showing that fact, such as "Water-pack red sour pitted cherries."

*Standard Requirement for Fill of Container*

57. Canned red sour pitted cherries are of standard fill with respect to packing medium when the drained weight of the cherries in containers of the dimensions set forth below, equals or exceeds the following amounts:

| Overall dimensions—sealed can | | Trade designation | Drained cherries |
|---|---|---|---|
| Diameter | Height | | |
| *Inches* | *Inches* | | *Ounces* |
| 3 5/16 | 4 9/16 | 307x409 | 13.5 |
| 6 3/16 | 7 | 603x700 | 74.0 |

Red sour pitted cherries in cans of a size not mentioned above will be regarded as of standard fill with respect to packing medium when the drained weight of cherries equals or exceeds 1 ounce for each 2.6 cubic inches inside capacity of the container.

When the sugar solution used is of such strength that the liquid portion of the finished product reads 20° Brix or more, a tolerance of 5 percent below the above weights is allowed.

Drained weight is determined by draining the contents of the container 2 minutes on an 8-mesh sieve. For containers under 3 pounds net weight, sieves 8 inches in diameter are used. For containers 3 pounds or over net weight, sieves 12 inches in diameter are used. The sieve is tilted as much as possible without shifting of the cherries. Excess liquid is removed by wiping the lower surface of the sieve with a cloth. The solids remaining on the sieve are transferred to a tared dish and their weight determined.

*Statement Required on Canned Red Sour Pitted Cherries of Substandard Fill of Container*

58. Canned red sour pitted cherries which fail to meet the standard requirements for fill of container as to head space or as to packing medium, shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

CANNED TOMATOES

*Standard of Quality and Condition*

59. Standard canned tomatoes are the normally flavored and normally colored canned food consisting of the peeled, cored, and trimmed whole, or large pieces of, mature red fruit of the tomato vine (*Lycopersicum esculentum*), with or without tomato juice to fill the interstices, and with or without added seasoning (sugar, salt).

*Meaning of Terms*

60. The fruit units consist of "whole or large pieces" when at least 50 percent of the total contents in the container are retained after draining for 2 minutes on a sieve[2] having two meshes to the inch. On containers of less than 3 pounds net weight, sieves 8 inches in diameter are used. On containers of 3 pounds net weight or more, sieves 12 inches in diameter are used.

61. The term "normally colored" means a naturally developed red, such that the color of a 1-inch layer of the homogeneous mixture made by pulping the least red-colored half, by weight, of the drained meats, fulfills the following requirements in terms of the combination of spinning Munsell color disks given below:

(1) 5R 2.6/13 (glossy finish).
(2) 2.5YR 5/12 (glossy finish).
(3) N 1/ (glossy finish).
(4) N 4/ (mat finish).

If the color, when viewed in full daylight or its equivalent, is matched by such a combination in which the exposed area of disk (1) covers one-third or more of the circle, and the exposed area of disk (2) does not exceed that of (1), the sample meets the minimum color requirement, regardless of the exposed area of disks (3) and (4).

In performing this test the poorer colored portions of the material retained on the 2-mesh sieve are selected until an amount equaling half of the drained weight is obtained. This material is pulped and freed from air bubbles. It is then placed in a black container and visible seeds are removed by skimming or pressing below the surface. In making selections, pieces may be cut, if necessary, to separate the poorer colored portions.

62. The fruit is "peeled" when there are not more than 3 square inches of peel per pound of net contents in any one container, and the average amount of peel per pound of net contents of the lot does not exceed 1 square inch.

63. The fruit is "trimmed" when the maximum cross-sectional area of all unsightly blemishes does not exceed one-fourth square inch per pound of net contents in the container.

*Statements Required on Canned Tomatoes of Substandard Quality and Condition*

64. Canned tomatoes which fail to meet the standard of quality and condition shall bear, except as provided in section (a), the statement in the form and manner prescribed in paragraph 1.

(a) When canned tomatoes fail to meet the standard of quality and condition only in that they contain added tomato products, they shall bear the appropriate special statement[1] to show that fact, for example, "Tomatoes with puree from trimmings."

*Standard Requirement for Fill of Container*

65. Canned tomatoes are of standard fill with respect to packing medium when the amount of tomato juice added does not exceed that which drains from the peeled, cored and trimmed tomatoes present in the can, or its equivalent in the drained juice of other peeled, cored, and trimmed tomatoes: *Provided*, That when peeled and cored whole tomatoes are packed and processed in such a manner as to retain the tomatoes in a practically whole condition when opened, the packing medium is not considered excessive when there is added the juice of other peeled, cored, and trimmed tomatoes in amount not exceeding that necessary to fill the interstices.

*Statement Required on Canned Tomatoes of Substandard Fill of Container*

66. Canned tomatoes which fail to meet the standard requirements for fill of container as to head space or as to packing medium, shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

CANNED PEAS

*Standard of Quality and Condition*

67. Standard canned peas are the normally flavored and normally colored canned food consisting of the immature, unbroken seed of the common or garden pea (*Pisum sativum*), with or without seasoning (sugar, salt), and with or without added potable water. The product is practically free from foreign material and, in the case of products containing added liquid, the liquor present is reasonably clear.

*Meaning of Terms*

68. The term "normally colored", as it relates to the peas, means a naturally developed effect of green, except that not to exceed 4 percent by count of off-colored peas, such as brown-spotted, white, or yellowish-white peas may be present.

69. The peas are "immature" (1) if 90 percent or more by count are sufficiently soft so that either cotyledon is crushed by a weight of less than 907.2 grams (2 pounds), (2) if the alcohol insoluble solids of the drained peas do not exceed 23.5 percent, and (3) if less than 25 percent of the peas by count are swollen to such an extent as to rupture the skin sufficiently to separate the broken edges one-sixteenth inch or more.

70. The pea seed is "unbroken" if 80 percent or more of the units by count are in such a condition that the two cotyledons are still held together by the skin, even though the cotyledons may be cracked or partially crushed, or the skin split. Each major portion of a skin or cotyledon not included in the above definition is counted as a broken pea.

71. The peas are "practically free from foreign material" when they are entirely free from material which varies greatly in size or specific gravity from peas, such as stones, large pieces of pea shell, sticks; and when they contain per each 2 ounces of net contents not more than one piece of material which closely approximates peas in size and specific gravity, such as thistle buds, daisy heads, portions of radish seed pods. The difficulty of absolute freedom from the latter class of foreign material occasionally renders its complete exclusion impracticable.

72. The liquor is "reasonably clear" when it is not badly clouded and does not contain considerable sediment.

*Preparation and Examination of Sample*

73. Transfer the contents of the can to a dish, mix and remove a sample of 100 to 200 peas to be used in tests pro-

[1] For required form and manner, see par. 3.

[2] Wire of a uniform diameter, not less than 0.04 nor more than 0.07 inch.

vided in paragraphs 68, 69 (1) and (3), and 70. Place these peas in a dish of appropriate size, cover them with liquor, if liquor is present, and keep dish covered to prevent evaporation until the tests are actually made. Cover the remainder of the sample in the same manner and reserve for tests provided in paragraphs 69 (2), 71 and 72.

74. (a) In determining whether or not 90 percent of the peas are "sufficiently soft" (paragraph 69 (1)), the following method shall be used: Remove the skin of the pea and place one cotyledon on its flat surface on a horizontal, smooth plate. By means of a second horizontal, smooth plate apply vertically an initial load of 100 grams, and increase the load at a uniform, continuous rate of 12 grams per second until the cotyledon is compressed to one-fourth its original thickness.

(b) Determine percentage of alcohol insoluble solids in the drained peas (paragraph 69 (2)) as follows: Pour the sample, provided for this test in paragraph 73, on an 8-mesh screen, using an 8-inch screen for containers of less than 3 pounds net weight, and a 12-inch screen for larger containers. Spread the peas evenly and allow to drain. Reserve liquor, if any, for test provided in paragraph 72. Transfer peas to a white pan and remove any foreign material for tests provided in paragraph 71. Add a volume of water equal to double the volume of the original sample. Pour back on the screen, spreading the peas evenly, tilt the screen as much as possible without shifting the peas and drain for 2 minutes. With a cloth wipe surplus moisture from lower surface of screen, grind the drained peas in a food chopper, stir until homogeneous and weigh 20 grams of the ground material into a 600 cc beaker. Add 300 cc of 80 percent alcohol (by volume), stir, cover beaker and bring to a boil. Simmer slowly for one-half hour. Fit into a Buchner funnel a filter paper, previously prepared as follows: Place a paper of appropriate size in a flat bottom dish, uncovered but provided with a tight fitting cover. Dry for two hours at the temperature of boiling water, cover dish, cool in a desiccator, and weigh at once. Transfer contents of beaker to Buchner funnel, filter with suction, and wash material on filter with 80 percent alcohol until washings are clear and colorless. Transfer filter paper and alcohol insoluble solids to the dish used in the preparation of the filter paper, dry uncovered for 2 hours at the temperature of boiling water, place cover on dish, cool in a desiccator, and weigh at once. From this weight deduct weight of dish, cover and paper to determine weight of alcohol insoluble solids. Calculate percentage.

*Statements Required on Canned Peas of Substandard Quality and Condition*

75. Canned peas which fail to meet the standard of quality and condition shall bear, except as provided in section (a), the statement in the form and manner prescribed in paragraph 1.

(a) When canned peas fail to meet the above standard only in that they are artificially colored, they shall bear the statement in the form and manner prescribed in paragraph 1, except that the second line of the legend shall be "Because artificially colored."

*Standard Requirement for Fill of Container*

76. Canned peas are of standard fill with respect to packing medium when the proportion of free liquid in the product is such that when the contents of the container are poured out and poured back into the container standing on a level surface, and the peas leveled without downward pressure, the liquid does not completely cover the peas after being allowed to stand for 15 seconds: *Provided*, That when the declared net weight is sufficient to fill the container to 90 percent or more of its capacity, liquid in excess of such declared net weight shall be removed before making the test.

*Statement Required on Canned Peas of Substandard Fill of Container*

77. Canned peas which fail to meet the standard requirement as to head space or as to packing medium, shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

CANNED DRY PEAS

*Standard of Quality and Condition*

78. Standard canned dry peas are the normally flavored and normally colored canned food consisting of the thoroughly cooked, mature, unbroken seed of the common or garden pea (*Pisum sativum*), with or without seasoning (sugar, salt), and with added potable water. The product is practically free from foreign material.

*Meaning of Terms*

79. Canned dry peas are "normally colored" when they possess the natural color of the product, except that not to exceed 4 percent by count of off-colored peas, such as brown, brown spotted, white, or yellowish-white peas may be present.

80. The seed is "thoroughly cooked" if 90 percent or more by count are sufficiently soft so that either cotyledon is crushed by a weight of less than 907.2 grams (2 pounds) by the following method:

Remove the skin of the pea and place one cotyledon on its flat surface on a horizontal, smooth plate. By means of a second horizontal, smooth plate apply vertically an initial load of 100 grams and increase the load at a uniform, continuous rate of 12 grams per second until the cotyledon is compressed to one-fourth its original thickness.

81. The seed is "unbroken" if 80 percent or more of the units by count are in such a condition that the two cotyledons are still held together by the skin, even though the cotyledons may be cracked or partly crushed, or the skin split.

82. The product is "practically free from foreign material" if it is entirely free from stones, and if there is present per pound of net contents not more than one piece of nonstony material any dimension of which is less than twice the thickness of a pea.

*Statement Required on Canned Dry Peas of Substandard Quality and Condition*

83. Canned dry peas which fail to meet the standard of quality and condition shall bear the statement in the form and manner prescribed in paragraph 1.

*Standard Requirement for Fill of Container*

84. Canned dry peas are of standard fill with respect to packing medium when the proportion of free liquid in the product is such that when the contents of the container are poured out and poured back into the container standing on a level surface, and the cooked dry peas leveled without downward pressure, the liquid does not completely cover the cooked dry peas after being allowed to stand for 15 seconds: *Provided*, That when the declared net weight is sufficient to fill the container to 90 percent or more of its capacity, liquid in excess of such declared net weight shall be removed before making the test.

*Statement Required on Canned Dry Peas of Substandard Fill of Container*

85. Canned dry peas which fail to meet the standard requirements for fill of container as to head space or as to packing medium, shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

*Note on Labeling of Standard Canned Dry Peas*

86. Because of the decision of the Federal courts that canned dry peas are a different generic product from canned immature peas, the revised labeling requirements, under the general terms of the Food and Drugs Act, for standard canned dry peas are given below for the convenience of the canning trade:

To differentiate canned dry peas clearly from canned immature peas the product must be labeled with the expression "Dry peas." If desired, the expression may be qualified by some descriptive term, such as "soaked" or "cooked". The expression "Dry peas" must be prominently displayed in letters of equal size and prominence, of the same color, and on a strongly contrasting, uniform-colored background. Further, the words must not be separated by intervening printed or pictorial matter and the expression must be so centered that the word "dry" will be as clearly seen as the word "peas". In addition, wherever the word "peas" appears on the label, it must be directly accompanied by the word "dry" in the manner and form above specified. No pictorial design or device indicating that the peas are immature should be used. If a pictorial design showing peas is used, the color of such peas must not be of a shade of green deeper than that of dry peas before soaking.



CANNED MUSHROOMS

*Standard Requirement for Fill of Container*

87. Canned mushrooms are of standard fill with respect to packing medium when the drained weight of mushrooms in containers of the dimensions set forth below equals or exceeds the following amounts:

| Overall Dimensions—Sealed Can | | Trade Designation | Drained Mushrooms |
|---|---|---|---|
| Diameter | Height | | |
| *Inches* | *Inches* | | *Ounces* |
| 2 1/6 | 2 1/4 | 202 x 204 | 2 |
| 2 1/4 | 2 | 208 x 200 | 2.4 |
| 2 3/16 | 2 3/4 | 211 x 212 | 4 |
| 2 3/16 | 3 1/4 | 211 x 304 | 4.9 |
| 2 3/16 | 4 | 211 x 400 | 6.1 |
| 2 3/16 | 4 1/2 | 215 x 408 | 8.5 |
| 3 | 4 | 300 x 400 | 8 |
| 3 | 4 3/16 | 300 x 407 | 8.8 |
| 3 1/16 | 4 1/2 | 307 x 408 | 11.8 |
| 3 1/16 | 4 9/16 | 307 x 409 | 12 |

Mushrooms in cans of a size not mentioned above will be regarded as of standard fill with respect to packing medium when the drained weight of mushrooms equals or exceeds 1 ounce for each 3 cubic inches inside capacity of the container.

Drained weight is determined by draining the contents of the container 2 minutes on an 8-mesh sieve, with the sieve tilted as much as possible without shifting of the mushrooms. Excess liquid is removed by wiping lower surface of screen with a cloth. The solids remaining on the sieve are transferred to a dish and their weight determined.

*Statement Required on Canned Mushrooms of Substandard Fill of Container*

88. Canned mushrooms which fail to meet the standard requirements for fill of container as to head space or as to packing medium, shall bear the appropriate statement in the form and manner prescribed in paragraph 10 (1) or 10 (2).

[F. R. Doc. 37-2139; Filed, July 12, 1937; 12:35 p. m.]

## DEPARTMENT OF COMMERCE.

Bureau of Air Commerce.

[Aeronautics Bulletin No. 7]

AIR COMMERCE REGULATIONS

[Edition of January 1, 1934]

NAVIGATION OF AIRCRAFT MANUFACTURED FOR DELIVERY TO FOREIGN PURCHASER

*Amendment No. 8*

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (48 Stat. 1113, Chapter 654), and the Act of June 19, 1934 (48 Stat. 1116, Chapter 656), Chapter 4 of Aeronautics Bulletin No. 7 is hereby amended by adding after the period at the end of Section 40 (A) thereof the following paragraph:

An aircraft bearing foreign identification marks or insignia, manufactured in the United States for delivery to a foreign purchaser, may be navigated for demonstration purposes for a limited time within the immediate vicinity of the manufacturer's airport on application made to and approved by the Secretary of Commerce.

Approved, to take effect July 13, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-2123; Filed, July 10, 1937; 10:32 a. m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION.

ORDER DIRECTING REPORT OF CONDITION BY INSURED NONMEMBER BANKS

Paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended, provides as follows:

Each insured State nonmember bank (except a District bank) shall make to the Corporation reports of condition in such form and at such times as the board of directors may require. The board of directors may require such reports to be published in such manner, not inconsistent with any applicable law, as it may direct. Every such bank which fails to make or publish any such report within such time, not less than five days, as the board of directors may require, shall be subject to a penalty of not more than $100 for each day of such failure recoverable by the Corporation for its use.

Pursuant to the provisions of paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended, it is ordered that each insured nonmember bank, except a District bank, shall submit to the Federal Deposit Insurance Corporation, within ten days after receipt of this Order, a report of its condition as of the close of business July 30, 1937, on Form No. 64, Call No. 7,[1] which is hereby approved. Said report of condition shall be prepared in accordance with the instructions issued under date of June 23, 1937, in Form No. 64a—Call No. 7,[1] which is hereby approved.

Adopted by the Board of Directors of the Federal Deposit Insurance Corporation on July 9, 1937.

[SEAL] W. G. LOEFFLER, *Assistant Secretary.*

[F. R. Doc. 37-2129; Filed, July 10, 1937; 12:23 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. D. I.-135]

DECLARATION OF INTENTION, FILED BY CAROLINA ALUMINUM COMPANY

ORDER SETTING HEARING

The following order was adopted:

Carolina Aluminum Company, a corporation organized under the laws of the State of North Carolina and having its office at 801 Gulf Building, Pittsburgh, Pennsylvania, having filed on June 7, 1937, a Declaration of Intention, as provided in Section 23 (b) of the Federal Power Act, to construct a dam and hydroelectric power plant on the Yadkin River, near Tuckertown, North Carolina;

It is ordered:

That a hearing on said Declaration of Intention be held on July 23, 1937, at 10 a. m. in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.

Adopted by the Commission on July 9, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2122; Filed, July 10, 1937; 9:50 a. m.]

[1] Filed with Division of Federal Register, The National Archives; copies available upon application to Federal Deposit Insurance Corporation.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3023]

IN THE MATTER OF ILLINOIS BAKING CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, July 13, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, 433 West Van Buren St., Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2124; Filed, July 10, 1937; 10:43 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3058]

IN THE MATTER OF MARYLAND BAKING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, July 12, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2126; Filed, July 10, 1937; 10:44 a.m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3046]

IN THE MATTER OF MILKO CONE AND BAKING COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, July 13, 1937, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2125; Filed, July 10, 1937; 10:43 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3144]

IN THE MATTER OF FRANK URBAN, GEORGE A. URBAN, AND E. T. URBAN, INDIVIDUALLY AND AS COPARTNERS TRADING AS CLOSE AND COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, July 12, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2127; Filed, July 10, 1937; 10:44 a. m.]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3147]

IN THE MATTER OF H. E. WAGLEY, INDIVIDUALLY AND TRADING AS NATIONAL SALES AND PARAMOUNT SALES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, July 12, 1937, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Ill.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2128; Filed, July 10, 1937; 10:44 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

[No. MC-C-1]

DECIDED JUNE 30, 1937

Findings in former report, 1 M. C. C. 656, prescribing zone adjacent to and commercially a part of St. Louis, Mo., East St. Louis, Ill., and contiguous municipalities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, is partially exempt from regulation under section 203 (b) (8) of the act, modified.

Appearances shown in prior report.

SUPPLEMENTAL REPORT OF THE COMMISSION

DIVISION 5, COMMISSIONERS EASTMAN, LEE, AND CASKIE

*By Division 5*

In the original report in this proceeding, 1 M. C. C. 656, we prescribed the zone adjacent to and commercially a part of St. Louis, Mo., East St. Louis, Ill., and contiguous municipalities, for the purposes of section 203 (b) (8) of the Motor Carrier Act, 1935. It has been called to our attention that the northwestern boundary which was prescribed is incomplete and that Hall's Ferry Road was incorrectly called Ferry Road. Upon further consideration of the record, we have reopened the proceeding for the purpose of correcting the findings in these respects.

Upon further consideration, we find that the zone adjacent to and commercially a part of St. Louis, East St. Louis, and contiguous municipalities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone will, until further order, be partially exempt from regulation, is the area described in the supplemental order hereunto appended.

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of June, A. D. 1937.

[No. MC-C-1]

ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

*It appearing*, That on April 5, 1937, the said Division entered its report and order in the above-entitled proceeding and that good cause has been shown for reopening the said proceeding for reconsideration.

*It is ordered*, That the said proceeding be, and it is hereby, reopened for reconsideration.

*It is further ordered*, That the report of the said Division, made and filed on the date hereof, containing its findings of fact and conclusions thereon, be, and it is hereby, made a part hereof.

*It is further ordered*, That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of St. Louis, Mo., East St. Louis, Ill., and contiguous communities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from the regulation under section 203 (b) (8) of the act, be, and it is hereby, defined to include the area within the corporate limits of St. Louis, University City, Clayton, Richmond Heights, Brentwood, Maplewood, Webster Groves, and Shrewsbury, Mo.; that part of St. Louis County, Mo., north of University City, west of St. Louis, and east and south of a line extending northward from the corporate limits of University City along Hanley Road to Page Avenue, thence southeastward along Page Avenue to Pennsylvania Avenue, thence northward and northeastward along Pennsylvania Avenue to St. Charles Rock Road, thence southeastward along St. Charles Rock Road to Lucas and Hunt Road, thence northeastward along Lucas and Hunt Road to Hord Avenue, thence northeastward and southeastward along Hord Avenue to Jennings Station Road, thence northeastward along Jennings Station Road to Hall's Ferry Road, thence southeastward along Hall's Ferry Road to the corporate limits of St. Louis; that part of St. Louis County, Mo., south of Webster Groves and Shrewsbury, Mo., south and west of St. Louis, Mo., west of the Mississippi River, and east and north of a line extending southeastward from the corporate limits of Webster Groves along Grant Road to Gravois Road, thence southwestward along Gravois Road to Musick Avenue, thence southeastward along Musick Avenue to Green Park Road, thence southeastward and eastward along Green Park Road to Lemay Ferry Road, thence southwestward along Lemay Ferry Road to Jefferson Barracks Road, thence southeastward along Jefferson Barracks Road to the limits of Jefferson Barracks, Mo., thence northeastward and eastward along the limits of Jefferson Barracks to the Mississippi River; and the area within the corporate limits of East St. Louis, Nameoki, Granite City, Madison, Venice, Brooklyn National City, Fairmont City, Washington Park, and Monsanto, Ill.

*And it is further ordered*, That this order shall become effective on July 16, 1937 and that this order and the order of April 5, 1937, except to the extent it is modified herein, shall continue in effect until further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2133; Filed, July 12, 1937; 12:07 p. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 115]

ALLOCATION OF FUNDS FOR LOANS

JULY 8, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby

allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Iowa 8045O Jackson | $95,000 |
| Kentucky 8040 Jessamine (partial) | 120,000 |
| Minnesota 8066B Nobles (partial) | 100,000 |
| Nebraska 8024W Lancaster | 5,950 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2121; Filed, July 10, 1937; 9:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1937.

[File No. 43-67]

IN THE MATTER OF THE KANSAS ELECTRIC POWER COMPANY

[Declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935]

A declaration having been duly filed with this Commission, by The Kansas Electric Power Company, a subsidiary company of The Middle West Company, a registered holding co., pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of $500,000 principal amount of First Mortgage Bonds, Series A, 3½%, due December 1, 1966, being part of a similar issue outstanding in the principal amount of $5,000,000, which bonds are represented as being offered at private sale to The Travelers Insurance Company, Hartford, Connecticut, at 91⅜% principal amount thereof, plus accrued interest from January 1, 1937, delivery and payment therefor to be made on August 2, 1937, or prior thereto at the option of declarant, the purpose of said issue and sale being represented as necessary for, and that the proceeds therefrom will be used primarily in connection with, the construction of a high-tension transmission line with sub-stations and equipment (now under construction), land acquisition and other additions and extensions to declarant's business.

It is ordered that a hearing on such matter be held on July 28, 1937, at 10 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 27, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2140; Filed, July 12, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE CARTER-T. SCOTT TRACT, FILED ON JUNE 14, 1937, BY VIRGIL O. KING, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2143; Filed, July 12, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE GULF-SCOTT TRACT, FILED ON JUNE 14, 1937, BY VIRGIL O. KING, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2144; Filed, July 12, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE RATHKE-WADLEY-HILL FARM, FILED ON MAY 12, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 12, 1937, be effective as of June 12, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2145; Filed, July 12, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE BRITISH-AMERICAN-RUSSELL TRACT, FILED ON JUNE 9, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 3, 1937, be effective as of July 3, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2142; Filed, July 12, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE SUNRAY-KNOX GARVIN-HOW'S CAPITOL COMMUNITY TRACT, FILED ON JUNE 10, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 3, 1937, be effective as of July 3, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2141; Filed, July 12, 1937; 12:41 p. m.]

*Wednesday, July 14, 1937* *No. 134*

## PRESIDENT OF THE UNITED STATES.

APPLICATION OF DUTIES PROCLAIMED IN CERTAIN TRADE AGREEMENTS TO ARTICLES THE GROWTH, ETC., OF CERTAIN COUNTRIES

THE WHITE HOUSE,
*Washington, July 3, 1937.*

The Honorable HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

MY DEAR MR. SECRETARY: The Act to amend the Tariff Act of 1930, approved June 12, 1934 (48 Stat. 943), as extended by the Joint Resolution approved March 1, 1937 (Public Resolution No. 10, 75th Congress), provides in part that the duties proclaimed under its authority shall be applied to articles the growth, produce, or manufacture of all foreign countries, whether imported directly or indirectly. The Act further provides that the President may suspend the application of the proclaimed duties to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in the Act. Pursuant to these provisions of the Act, I hereby direct that the duties proclaimed on this date in connection with the trade agreement signed on November 28, 1936, with Costa Rica, and all other duties heretofore proclaimed in connection with trade agreements signed under the authority of the Act (with the exception of the duties proclaimed in connection with the trade agreement signed on August 24, 1934, with Cuba) shall be applied from the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter, only to articles the growth, produce, or manufacture of the countries hereinafter designated and to such articles, in the case of each country, respectively, for the period indicated in the numbered section below in which such country is designated.

1. In respect of the products of each country designated in this section, the proclaimed duties shall be applied from the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter until thirty days from the date on which you are notified by me that the United States has ceased, or on a day certain will cease, to be bound by provisions of a treaty or agreement providing for most-favored-nation treatment in respect of customs duties.

| | |
|---|---|
| Denmark | Portugal and its colonies and possessions |
| Italy | |

2. In respect of the products of each country designated in this section, the proclaimed duties shall be applied so long as such duties remain in effect and this direction is not modified in respect of such country.

| | |
|---|---|
| Afghanistan | Austria |
| Albania | Belgium and its colony and mandated territories |
| Andorra | Bhutan |
| Anglo-Egyptian Sudan | Bolivia |
| Arabian Shaikdoms not included under any other designation in this list | Brazil |
| Argentina | Bulgaria |
| Australian mandated territories | Canada |
| | Chile |
| | China |

Colombia
Costa Rica
Cuba (subject to the provisions of the trade agreement concluded with Cuba on August 24, 1934)
Czechoslovakia
Danzig, Free City of
Dominican Republic
Ecuador
Egypt
El Salvador
Estonia
Ethiopia (Abyssinia)
Finland
France (including Algeria) and its colonies, dependencies, protectorates, and mandated territories
Great Britain and Northern Ireland, and British colonies, dependencies, protectorates, and mandated territories
Greece
Greenland
Guatemala
Haiti
Honduras
Hungary
Iceland
India
Iran (Persia)
Iraq
Irish Free State
Italian colonies and possessions
Japanese Empire and mandated territories and Kwantung Leased Territory
Latvia
Liberia
Lithuania
Luxemburg
Mexico
Monaco
Morocco
Nepal
Netherlands and its colonies
Newfoundland
New Hebrides
New Zealand and mandated territories
Nicaragua
Norway
Oman (Muscat)
Panama
Paraguay
Peru
Poland
Rumania
San Marino
Saudi Arabia
Siam
Spain and its colonies and possessions
Sweden
Switzerland and Leichtenstein
Turkey
Union of South Africa and mandated territory
Union of Soviet Socialist Republics
Uruguay
Vatican, City of the
Venezuela
Yemen
Yugoslavia

Because I find as a fact that their treatment of American commerce is discriminatory, I direct that the proclaimed duties shall not be applied to products of the following countries:

Australia, Commonwealth of
Germany

My letter addressed to you on May 1, 1937,[1] with reference to duties proclaimed in connection with trade agreements signed under authority of the Act of June 12, 1934, is hereby superseded.

You will please cause this direction to be published in an early issue of the weekly *Treasury Decisions*.

Very sincerely yours,

[SEAL] FRANKLIN D ROOSEVELT

[F. R. Doc. 37-2147; Filed, July 12, 1937; 4:17 p. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49080]

CUSTOMS REGULATIONS AMENDED—SPECIAL PERMITS FOR IMMEDIATE DELIVERY OF ARTICLES

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in sections 448 (b) and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1448 (b) and 1624), article 349 (f) of the Customs Regulations of 1931, as amended by T. D. 48889, is further amended to read as follows:

(f) If there is available sufficient information as to the quantities and values of the merchandise properly to estimate the duties, there may be filed with the application for a special permit a proper entry in regular form, accompanied by the estimated duties and supported by the regular entry bond (customs Form 7551 or 7553), in lieu of the special bond provided for in the preceding paragraph. Such an entry is not effective as such until after the merchandise covered thereby has actually arrived within the port limits and the entry has been officially accepted in accordance with article 281 (b).

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved: July 9, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2148; Filed, July 12, 1937; 4:18 p. m.]

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### Bureau of Internal Revenue.

[T. D. 4747]

DISTILLED SPIRITS BOTTLED IN BOND

*To Collectors of Internal Revenue, District Supervisors, and others concerned:*

The following regulations are prescribed pursuant to the Act of July 9, 1937, (Public No. 198, 75th Congress) entitled, An Act to amend the stamp provisions of the Bottling in Bond Act:

(1) The provisions of Regulations No. 6, as amended, Bottling of Distilled Spirits in Bond, and the provisions of Regulations No. 23, so far as they relate to spirits bottled in bond for export, are hereby continued in force and effect;

(2) Bottled-in-bond strip stamps will be sold to persons entitled thereto at a price of one cent for each stamp, except that in the case of stamps for containers of less than one-half pint, the price shall be one-quarter of one cent for each stamp.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 9, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2149; Filed, July 12, 1937; 4:18 p. m.]

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## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[Chinese General Order No. 23.]

CHINESE ALIENS IN TRANSIT—TIME EXTENDED.

JULY 10, 1937.

By virtue of and pursuant to the authority conferred by Section 8 of the Act of September 13, 1888, as amended by Section 1 of the Act of April 29, 1902 (25 Stat. 478; 32 Stat. 176; U. S. C., title 8, section 278), Sections 15 and 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 162, 166; U. S. C., title 8, sections 215, 222), and Executive Order No. 6166, dated June 10, 1933, paragraph 1 (b), Subdivision 3, Rule 19 of the Rules Governing the Admission of Chinese of October 1, 1926, as amended by Chinese General Order No. 14, dated September 28, 1929, is further amended to read as follows:

The applicant, or some responsible person in his behalf, or the transportation company, shall furnish to the said official in charge a good and sufficient bond in the penal sum of not less than $500, conditioned for applicant's continuous transit through and actual departure from the United States within a period not exceeding 60 days from the date said privilege is granted; but the said bond shall not be required of any such applicant who remains on shipboard or who is transferred from one vessel to another vessel in a United States port for transit through the water territory of the United States, unless the vessel on which applicant departs is to touch at another port of the United States on the way to its foreign destination.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-2146; Filed, July 12, 1937; 2:54 p. m.]

[1] 2 F. R. 779.



## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

ADOPTION OF FORM C-3

The Securities and Exchange Commission today announced the adoption of a new form, designated "Form C-3", for registration under the Securities Act of 1933 of American Certificates (for example, so-called American Depositary Receipts for foreign shares or American participation certificates in foreign bonds or notes) issued against securities of foreign issuers deposited or to be deposited with an American depositary (whether physically held by such depositary in America or abroad) and of the foreign securities so deposited.

The form is divided into two parts: Part I, concerning the American Certificates, the depositors, the depositary, and the deposit agreement; Part II, the issuer of the underlying securities. Part II need be filed only if the sale of the underlying securities, if made directly rather than through the means of American Certificates, would require registration of such securities. It need not be filed, however, if a registration statement for the underlying securities is in effect at or before the effective date of the registration statement on Form C-3.

RULE ADOPTING FORM C-3

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, and finding:

(1) That any information or document specified in Schedule A of the Act which Form C-3 for American Certificates against Foreign Issues and for the underlying securities, and the Instruction Book for such form, do not require to be set forth are inapplicable to the class of securities to which such form is appropriate, and disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as Form C-3 and the Instruction Book for such form require to be set forth, but which are not specified in said Schedule A, are necessary and appropriate in the public interest and for the protection of investors; and

(2) That the information which the rules contained in the Instruction Book for Form C-3 require to be contained in prospectuses or the class of securities and issuers to which such form is appropriate is necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted to be omitted from prospectuses for such class of securities and issuers are not necessary or appropriate in the public interest or for the protection of investors; and that the form and contents which such rules prescribe for prospectuses of the class specified are appropriate to the nature and circumstances of their use and are consistent with the public interest and the protection of investors.

hereby adopts form C-3 and the Instruction Book for such form,[1] to be used for registration under the Securities Act of 1933 of securities of the class and issued by the class of issuers specified in the rule for the use of said Form C-3.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2151; Filed, July 13, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1937.

[1] Filed with Division of the Federal Register, The National Archives; copies available upon application to Securities and Exchange Commission.

[File No. 47-15]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF TEXAS

[Public Utility Holding Company Act of 1935—Sections 10 (a) (2) and 10 (a) (3)]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Public Service Corporation of Texas, a registered holding company, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of its acquisition of the assets and properties (including about thirty-five miles of gas transmission line and a gas distribution system in the town of Mobeetie, Texas) of Mobeetie Gas Company, all of the issued and outstanding capital stock of which is owned by applicant, the consideration to be the assumption by applicant of said vendor's liabilities.

It is ordered that a hearing on such matter be held on July 30, 1937, at 10 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 26, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2150; Filed, July 13, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, 1937.

IN THE MATTER OF BROADWAY MOTORS BUILDING CORP., FIRST MORTGAGE LEASEHOLD 6% SINKING FUND GOLD BONDS DUE 1948 (STAMPED)

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Real Estate Securities Exchange, Inc., having made application for unlisted trading privileges in Broadway Motors Building Corp., First Mortgage Leasehold 6% Sinking Fund Gold Bonds due 1948 (Stamped), pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the Broadway Motors Building Corporation 6% First Mortgage Leasehold Sinking Fund Gold Bonds due 1948, a security admitted to unlisted trading privileges on said Exchange.

It is ordered, that said application for unlisted trading privileges in Broadway Motors Building Corporation, First

Mortgage Leasehold 6% Sinking Fund Gold Bonds due 1948 (Stamped), on the New York Real Estate Securities Exchange, Inc., be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2155; Filed, July 13, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, 1937.

IN THE MATTER OF PRUDENCE BONDS CORP. (N. Y. C.) FIRST MORTGAGE COLLATERAL BONDS, FIFTEENTH SERIES (STAMPED)

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Real Estate Securities Exchange, Inc. having made application for unlisted trading privileges in Prudence Bonds Corporation (N. Y. C.), First Mortgage Collateral Bonds, Fifteenth Series (Stamped), pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the Prudence Bonds Corporation (N. Y. C.) First Mortgage Collateral Bonds, Fifteenth Series, a security admitted to unlisted trading privileges on said Exchange,

It is ordered, that said application for unlisted trading privileges in Prudence Bonds Corporation (N. Y. C.), First Mortgage Collateral Bonds, Fifteenth Series (Stamped), on the New York Real Estate Securities Exchange, Inc., be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2154; Filed, July 13, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, 1937.

IN THE MATTER OF 61 BROADWAY BLDG. (N. Y. C.), FIRST MORTGAGE 5½% SINKING FUND GOLD LOAN CERTIFICATES DUE 1950 (STAMPED), ISSUED BY BROADWAY-EXCHANGE CORP.

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Real Estate Securities Exchange, Inc. having made application for unlisted trading privileges in 61 Broadway Building (N. Y. C.), First Mortgage 5½% Sinking Fund Gold Loan Certificates due 1950 (Stamped), issued by Broadway-Exchange Corporation, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the 61 Broadway Building (N. Y. C.), First Mortgage 5½% Sinking Fund Gold Loan Certificates due 1950, issued by Broadway-Exchange Corporation, a security admitted to unlisted trading privileges on said Exchange,

It is ordered, that said application for unlisted trading privileges in 61 Broadway Building (N. Y. C.), First Mortgage 5½% Sinking Fund Gold Loan Certificates due 1950 (Stamped), issued by Broadway-Exchange Corporation, on the New York Real Estate Securities Exchange, Inc. be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2153; Filed, July 13, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of July, 1937.

IN THE MATTER OF FRANK B. HAMLIN, 580 FIFTH AVENUE, NEW YORK, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of Frank B. Hamlin as a dealer on over-the-counter markets having come on for hearing before the Commission upon the question of revocation or suspension pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, and the Commission having entered its findings of fact in the matter, and being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors to revoke the said registration;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Frank B. Hamlin as dealer transacting business on over-the-counter markets, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2152; Filed, July 13, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SINCLAIR-PRAIRIE-PEACHES TRACT, FILED ON JUNE 16, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2157; Filed, July 13, 1937; 12:33 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE FRAZIER-SMITH-G. VAN NOTE TRACT, FILED ON JUNE 7, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 6, 1937, be effective as of July 6, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2156; Filed, July 13, 1937; 12:33 p. m.]



*Thursday, July 15, 1937* *No. 135*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ESTABLISHING DEER FLAT MIGRATORY WATERFOWL REFUGE

*Idaho*

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all lands owned or controlled by the United States within the following-described area, comprising 10,252.76 acres, more or less, in Canyon County, Idaho, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, That any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

BOISE MERIDIAN

T. 2 N., R. 2 W.,
sec. 5, lots 8, 11, 13, and 15, NW¼SW¼, and S½SW¼;
sec. 6, part of lot 4, lots 5, 6, 7, 9, 10, and 11, part of SW¼NE¼, part of SE¼NW¼, E½SW¼, and SE¼;
sec. 7, lots 1 and 2, part of lots 3 and 4, NE¼, E½NW¼, NE¼SW¼, part of SE¼SW¼, N½SE¼, part of SW¼SE¼, and SE¼SE¼;
sec. 8, part of NE¼, W½, and part of SE¼;
sec. 9, part of SW¼;
sec. 16, N½NW¼;
sec. 17, lot 3, part of NE¼, NE¼NW¼, part of NW¼NW¼, and part of SE¼NW¼;
sec. 18, part of N½NE¼;
T. 2 N., R. 3 W.,
sec. 1, part of lots 1 and 2, lots 3 and 4, S½N½, and S½;
sec. 2, lots 1, 2, 3, 4, 5, and 7, S½N½, N½SW¼, N½SE¼, and part of S½SE¼;
sec. 3, lots 1 to 4, inclusive, S½N½, and part of N½SE¼;
sec. 4, lot 1, part of lot 2, and part of SE¼NE¼;
sec. 11, lot 2;
sec. 12, part of NE¼, part of N½NW¼; part of SE¼NW¼, and part of NE¼SE¼;
T. 3 N., R. 3 W.,
sec. 15, SW¼SW¼;
sec. 16, part of SW¼ and part of S½SE¼;
sec. 17, lots 4 and 5, SE¼SW¼, and S½SE¼;
sec. 19, lots 7 and 8, part of NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
secs. 20 and 21;
sec. 22, SW¼NE¼, W½, and W½SE¼;
sec. 26, SE¼SW¼ and S½SE¼;
sec. 27, lot 1, N½NW¼, SW¼NW¼, and SW¼;
sec. 28, all;
sec. 29, lots 1 and 3, N½, and part of SE¼;
sec. 30, lots 11, 15, 18, 20, and 21, N½NE¼, and SE¼NE¼;
sec. 32, lot 1;
sec. 33, NE¼, part of NW¼, part of N½SW¼, N½SE¼, part of SW¼SE¼, and SE¼SE¼;
secs. 34 and 35;
sec. 36, part of NW¼, SW¼, and W½SE¼;

all of which area is bounded by the following-described line:

Beginning at the one-quarter corner of secs. 9 and 16, T. 2 N., R. 2 W., which corner is marked with a U. S. B. S. standard concrete post.

Thence from said initial point with subdivisional lines in sec. 16,

S. 0°34' W., 20.04 chains, to the north-center one-sixteenth corner;

N. 89°46' W., 40.68 chains, to the north one-sixteenth corner of secs. 16 and 17;

Thence S. 0°12' W., with line between secs. 16 and 17, 7.67 chains, to a point;

Thence passing within sec. 17,

N. 82°51' W., 3.30 chains;
N. 65°08' W., 6.50 chains;
N. 42°28' W., 5.86 chains;
N. 70°08' W., 6.33 chains;
S. 4°03' E., 7.42 chains;
S. 46°39' W., 6.20 chains;
S. 63°41' W., 9.49 chains;
N. 78°34' W., 11.24 chains;
N. 44°51' W., 6.02 chains;
S. 82°49' W., 5.21 chains;
N. 59°55' W., 9.26 chains;
S. 0°01' E., 1.86 chains;
N. 64°14' W., 3.98 chains;
N. 47°25' W., 3.01 chains;
N. 70°24' W., 5.40 chains;
S. 89°51' E., 5.83 chains;
N. 52°43' W., 0.79 chain;
N. 77°55' W., 5.77 chains;
N. 59°35' W., 10.14 chains, to a point in line between secs. 17 and 18;

Thence passing within sec. 18,

N. 63°59' W., 8.69 chains;
S. 48°43' W., 6.72 chains;
N. 52°41' W., 12.47 chains;
N. 35°40' W., 7.26 chains;
N. 63°37' W., 0.68 chain, to a point in line between secs. 7 and 18;

Thence passing within sec. 7,

N. 62°59' W., 4.09 chains;
N. 73°28' W., 6.52 chains;
N. 55°07' W., 6.04 chains;
N. 76°40' W., 9.13 chains;
N. 63°44' W., 8.37 chains;
N. 57°05' W., 12.94 chains;
N. 60°44' W., 11.56 chains;
N. 41°20' W., 2.65 chains, to a point in line between sec. 7, T. 2 N., R. 2 W., and sec. 12, T. 2 N., R. 3 W.;

Thence passing within sec. 12, T. 2 N., R. 3 W.,

N. 41°08' W., 8.58 chains;
N. 62°06' W., 14.71 chains;
N. 55°47' W., 4.24 chains;
N. 34°28' W., 7.89 chains;
N. 41°27' W., 5.46 chains;
N. 59°47' W., 5.30 chains;
N. 83°16' W., 6.36 chains;
N. 67°58' W., 10.61 chains;
N. 82°19' W., 12.11 chains;
N. 52°19' W., 10.62 chains;
N. 46°19' W., 10.62 chains;
N. 80°08' W., 1.12 chains, to a point on line between secs. 11 and 12;

Thence passing within sec. 11,

N. 77°07' W., 11.95 chains, to a point in line between secs. 2 and 11;

Thence passing within sec. 2,

N. 59°59' W., 9.68 chains;
N. 44°58' W., 8.92 chains;

N. 74°01′ W., 13.77 chains;
S. 89°54′ W., 0.61 chain;
S. 0°17′ W., 4.38 chains;
S. 83°31′ W., 7.40 chains;
N. 71°59′ W., 6.70 chains;
N. 44°28′ W., 5.00 chains;
N. 66°25′ W., 3.09 chains;
N. 83°14′ W., 8.00 chains;
S. 79°01′ W., 7.80 chains;
N. 59°24′ W., 5.17 chains, to a point in line between secs. 2 and 3;

Thence N. 0°24′ W., with line between secs. 2 and 3, 1.44 chains, to a point;
Thence passing within sec. 3,

N. 47°07′ W., 6.03 chains;
N. 73°12′ W., 14.73 chains;
N. 43°28′ W., 12.18 chains;
N. 82°11′ W., 13.28 chains, to a point in the north-south center line of sec. 3;

Thence continuing in sec. 3, with subdivisional lines,

N. 8°16′ E., 0.45 chain, to the center one-quarter corner;
S. 89°43′ W., 40.04 chains to the one-quarter corner of secs. 3 and 4;

Thence N. 0°11′ E., with line between secs. 3 and 4, 1.26 chains, to a point;
Thence passing within sec. 4,

N. 52°02′ W., 4.23 chains;
N. 51°02′ W., 15.57 chains;
N. 64°04′ W., 5.10 chains;
N. 0°08′ E., 4.12 chains;
S. 89°26′ W., 5.56 chains;
N. 47°42′ W., 2.62 chains;
N. 34°41′ W., 12.70 chains;
N. 7°27′ W., 6.18 chains to a point in line between sec. 4, T. 2 N., R. 3 W., and sec. 33, T. 3 N., R. 3 W.;

Thence passing within sec. 33, T. 3 N., R. 3 W.,

N. 7°44′ W., 2.52 chains;
N. 39°43′ W., 4.58 chains;
N. 22°33′ W., 3.16 chains;
N. 0°01′ E., 11.06 chains;
S. 88°59′ W., 4.55 chains;
N. 35°52′ W., 14.17 chains;
N. 49°28′ W., 16.28 chains;
N. 42°01′ W., 9.59 chains;
N. 31°54′ W., 11.28 chains;
N. 30°04′ W., 4.82 chains, to a point in line between secs. 32 and 33;

Thence S. 0°01′ W., with line between secs. 32 and 33, 3.15 chains, to the one-quarter corner of secs. 32 and 33;
Thence passing within sec. 32,

S. 88°57′ W., 2.49 chains;
N. 27°59′ W., 6.86 chains;
N. 40°22′ W., 13.58 chains;
N. 62°54′ W., 6.19 chains;
N. 0°01′ E., 0.55 chain, to the east one-sixteenth corner of secs. 29 and 32;

Thence N. 88°58′ E., with line between secs. 29 and 32, 6.01 chains, to a point;
Thence passing within sec. 29,

N. 9°58′ W., 2.02 chains;
N. 66°37′ W., 3.18 chains;
N. 53°46′ W., 18.79 chains;
N. 41°26′ W., 5.61 chains;
N. 53°46′ W., 4.90 chains;
S. 0°01′ E., 1.33 chains;
S. 89°00′ W., 0.97 chain;
N. 60°27′ W., 14.29 chains;
N. 75°37′ W., 6.80 chains;
N. 75°09′ W., 8.78 chains;
N. 55°07′ W., 4.50 chains;
N. 74°52′ W., 2.50 chains;
S. 81°52′ W., 5.50 chains, to a point on line between secs. 29 and 30;

Thence passing within sec. 30,

S. 86°26′ W., 1.19 chains;
N. 72°59′ W., 5.70 chains;
N. 86°44′ W., 13.49 chains;
N. 64°09′ W., 8.68 chains;
N. 22°17′ W., 8.14 chains;
N. 64°56′ W., 8.29 chains;
N. 44°40′ W., 11.31 chains;
N. 23°35′ W., 6.26 chains;
N. 38°46′ W., 18.09 chains, to the west one-sixteenth corner of secs. 19 and 30;

Thence passing within sec. 19,

N. 0°05′ W., 20.10 chains, to the southwest one-sixteenth corner;
N. 88°49′ E., 14.27 chains;
N. 45°14′ E., 29.11 chains;
S. 88°40′ W., 5.83 chains;
N. 45°09′ E., 29.23 chains;
S. 89°08′ W., 15.83 chains;
N. 45°25′ E., 28.67 chains, to a point in line between secs. 18 and 19;

Thence N. 89°12′ E., with line between secs. 18 and 19, 5.79 chains, to the corner of secs. 17, 18, 19, and 20;
Thence N. 88°51′ E., with line between secs. 17 and 20, 20.10 chains, to the west one-sixteenth corner of secs. 17 and 20;
Thence passing within sec. 17 with subdivisional lines,

N. 0°01′ E., 20.18 chains, to the southwest one-sixteenth corner;
N. 88°51′ E., 20.11 chains, to the south center one-sixteenth corner;

Thence continuing in sec. 17 by metes and bounds,

N. 88°51′ E., 12.03 chains;
N. 7°38′ W., 4.91 chains;
N. 23°06′ W., 6.03 chains;
N. 5°18′ E., 8.63 chains;
N. 71°21′ E., 3.48 chains;
S. 56°56′ E., 4.81 chains;
S. 76°18′ E., 11.43 chains;
S. 11°17′ W., 4.97 chains;
S. 19°10′ E., 8.92 chains;
S. 62°13′ E., 2.26 chains;
N. 88°51′ E., 8.03 chains, to the south one-sixteenth corner of secs. 16 and 17;

Thence S. 0°08′ E., with line between secs. 16 and 17, 2.50 chains, to a point;
Thence passing within sec. 16,

S. 42°58′ E., 2.77 chains;
S. 77°02′ E., 2.41 chains;
N. 42°11′ E., 12.26 chains;
S. 17°50′ E., 7.41 chains;
S. 60°02′ E., 3.17 chains;
N. 35°51′ E., 8.94 chains;
S. 88°06′ E., 2.41 chains;
S. 4°22′ E., 9.69 chains;
S. 78°04′ E., 5.74 chains;
N. 86°12′ E., 11.79 chains;
N. 50°28′ E., 4.09 chains;
S. 69°34′ E., 16.01 chains;
S. 62°53′ E., 7.86 chains;
S. 72°55′ E., 5.28 chains;
S. 66°39′ E., 7.48 chains, to the corner of secs. 15, 16, 21, and 22;

Thence N. 0°03′ W., with line between secs. 15 and 16, 20.08 chains, to the south one-sixteenth corner of secs. 15 and 16;



Thence passing within sec. 15,

N. 89°10′ E., 20.05 chains, to the southwest one-sixteenth corner;
S. 0°06′ W., 20.05 chains, to the west one-sixteenth corner of secs. 15 and 22;
Thence N. 89°11′ E., with line between secs. 15 and 22, 20.02 chains, to the one-quarter corner of secs. 15 and 22;
Thence passing within sec. 22,

S. 0°06′ E., 20.07 chains, to the north center one-sixteenth corner;
N. 89°06′ E., 20.00 chains, to the northeast one-sixteenth corner;
S. 0°08′ E., 60.21 chains, to the east one-sixteenth corner of secs. 22 and 27;

Thence S. 89°06′ W., with line between secs. 22 and 27, 19.98 chains, to the one-quarter corner of secs. 22 and 27;
Thence passing within sec. 27,

S. 0°08′ W., 20.41 chains to the north center one-sixteenth corner;
S. 88°53′ W., 1.50 chains;
S. 22°40′ W., 3.98 chains;
S. 23°54′ W., 13.54 chains;
S. 64°48′ W., 5.20 chains;
S. 56°18′ W., 3.90 chains;
N. 88°39′ E., 16.50 chains, to the center one-quarter corner;
S. 0°06′ E., 40.19 chains, to the one-quarter corner of secs. 27 and 34;

Thence N. 88°31′ E., with line between secs. 27 and 34, 39.98 chains, to the corner of secs. 26, 27, 34, and 35;
Thence N. 88°53′ E., with line between secs. 26 and 35, 20.04 chains, to the west one-sixteenth corner of secs. 26 and 35;
Thence passing within sec. 26,

N. 0°08′ W., 20.04 chains, to the southwest one-sixteenth corner;
N. 88°56′ E., 60.10 chains to the south one-sixteenth corner of secs. 25 and 26;

Thence S. 0°12′ E., with line between secs. 25 and 26, 20.19 chains, to the corner of secs. 25, 26, 35, and 36;
Thence passing within sec. 36,

S. 61°16′ E., 25.80 chains;
S. 27°17′ E., 5.00 chains;
S. 45°17′ E., 16.98 chains;
S. 28°10′ W., 9.82 chains;
S. 31°37′ E., to a point on the east-west center line;
Easterly, with the east-west center line to the east center one-sixteenth corner;
Southerly, with the east one-sixteenth line to the east one-sixteenth corner of sec. 1, T. 2 N., R. 3 W., and sec. 36, T. 3 N., R. 3 W.;

Thence westerly, with the township line to corner No. 191, marked with a U. S. B. S. standard concrete post;
Thence passing within sec. 1, T. 2 N., R. 3 W.,

S. 40°00′ E., 4.95 chains;
S. 10°23′ E., 5.93 chains;
S. 25°21′ E., 5.46 chains;
N. 53°27′ E., 4.83 chains;
S. 64°52′ E., 2.58 chains;
N. 44°14′ E., 7.39 chains;
S. 13°34′ E., 6.19 chains;
S. 80°34′ E., 6.19 chains;
N. 72°01′ E., 2.87 chains;
N. 33°02′ E., 3.77 chains;
N. 15°17′ E., 9.51 chains;
S. 57°25′ E., 1.82 chains, to a point in line between sec. 6, T. 2 N., R. 2 W., and sec. 1, T. 2 N., R. 3 W.;

Thence passing within sec. 6, T. 2 N., R. 2 W.,

S. 57°37′ E., 0.45 chain;
S. 1°59′ E., 3.95 chains;
S. 23°17′ E., 3.19 chains;
S. 44°13′ E., 2.28 chains;
S. 65°12′ E., 3.34 chains;
S. 86°38′ E., 3.18 chains;
N. 25°20′ E., 5.90 chains;
S. 40°44′ E., 2.28 chains;
S. 6°50′ E., 1.98 chains;
S. 32°16′ E., 6.08 chains;
S. 56°26′ E., 6.16 chains;
N. 0°31′ E., 20.51 chains, to the west one-sixteenth corner of sec. 6, T. 2 N., R. 2 W., and sec. 31, T. 3 N., R. 2 W.;

Thence N. 88°01′ E., with township line, 19.92 chains, to the one-quarter corner of sec. 6, T. 2 N., R. 2 W., and sec. 31, T. 3 N., R. 2 W.;
Thence passing within sec. 6, T. 2 N., R. 2 W.,

S. 0°53′ W., 22.92 chains, to the north center one-sixteenth corner;
N. 89°43′ W., 5.46 chains;
S. 30°24′ E., 4.25 chains;
S. 51°28′ E., 10.30 chains;
S. 32°04′ E., 10.14 chains;
S. 54°08′ E., 2.49 chains;
N. 89°41′ E., 7.62 chains, to the east center one-sixteenth corner;
N. 0°47 E., 1.16 chains;
N. 81°07′ E., 3.94 chains;
N. 47°10′ E., 4.25 chains;
N. 19°49′ E., 10.28 chains;
S. 35°33′ E., 10.32 chains;
N. 77°55′ E., 3.91 chains, to a point in line between secs. 5 and 6;

Thence passing within sec. 5,

N. 46°53′ E., 3.05 chains;
N. 3°16′ E., 5.79 chains;
N. 52°39′ E., 2.97 chains;
N. 7°14′ W., 3.50 chains;
S. 89°58′ E., 15.47 chains, to the northwest one-sixteenth corner;
S. 45°18′ W., 8.43 chains;
S. 26°27′ E., 3.41 chains;
S. 48°55′ E., 5.81 chains;
S. 54°11′ E., 4.60 chains;
N. 18°14′ E., 11.26 chains;
S. 54°57′ E., 3.86 chains;
S. 9°48′ E., 7.78 chains;
S. 36°52′ E., 3.09 chains;
N. 30°45′ E., 5.30 chains;
S. 71°33′ E., 2.19 chains;
S. 9°00′ W., 6.79 chains;
S. 4°16′ W., 7.53 chains;
S. 24°21′ E., 6.98 chains;
S. 21°11′ E., 6.61 chains;
N. 89°49′ W., 2.45 chains, to the south center one-sixteenth corner;
S. 0°42′ W., 20.03 chains, to the one-quarter corner of secs. 5 and 8;

Thence S. 89°44′ E., with line between secs. 5 and 8, 2.46 chains, to a point;
Thence passing within sec. 8,

S. 23°56′ E., 0.68 chain;
S. 40°12′ E., 8.95 chains;
S. 56°02′ E., 5.61 chains;
S. 20°34′ E., 11.23 chains;
S. 22°57′ E., 10.02 chains;
S. 4°16′ E., 9.11 chains;
S. 6°57′ E., 7.89 chains;
S. 59°28′ E., 2.73 chains;
N. 49°04′ E., 3.63 chains;
S. 11°16′ E., 8.80 chains;
S. 53°28′ E., 7.27 chains;
S. 72°33′ E., 2.27 chains;
N. 49°24′ E., 3.57 chains, to a point in line between secs. 8 and 9;

Thence passing within sec. 9,

N. 48°54′ E., 0.98 chain;
S. 87°36′ E., 5.00 chains;
N. 78°04′ E., 5.17 chains;
S. 87°17′ E., 10.91 chains;
S. 68°37′ E., 8.45 chains;
N. 68°35′ E., 5.18 chains;
S. 53°13′ E., 6.63 chains;
S. 85°27′ E., 0.48 chain;
S. 0°10′ W., 18.76 chains, to place of beginning.

Most of the above-described lands have been withdrawn for use in connection with the Deer Flat Reclamation Project and are primarily under the jurisdiction of the Department of the Interior; and the reservation herein made of such lands shall be subject to the use thereof by the said Department for reclamation work and incidental purposes.

Executive Order No. 1032 of February 25, 1909, in so far as it reserved certain lands within a reservoir site in Idaho as the Deer Flat Bird Reservation, as modified, is hereby revoked.

This refuge shall be known as the Deer Flat Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 12, 1937.*

[No. 7655]

[F. R. Doc. 37-2159; Filed, July 13, 1937; 3:07 p. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 12]

AN ORDER MODIFYING ORDER NO. 9 BY CONTINUING THE HEARING THEREIN SET

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders as follows:

1. That the public hearing set by the Commission in paragraph 2 of Order No. 9, to be held on the 19th day of July, 1937, is continued to the 3rd day of August, 1937, to commence at the hour of 10:00 A. M. on said date, in a hearing room of the Commission at the Carlton Hotel, Washington, D. C.

Notice of the continuance of the hearing set in Order No. 9 shall, under the direction of the Secretary of the Commission, be given by publishing in a newspaper of general circulation in each of the districts created under the Act a copy of this order on three (3) successive days, and by mailing to the Secretary or Acting Secretary of each District Board and to each known code member in all of said districts a copy of this order.

By order of the Commission.

Dated this 13th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2161; Filed, July 14, 1937; 10:27 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

TERMINATION OF LICENSE FOR SHIPPERS OF FRESH PEAS AND CAULIFLOWER GROWN IN THE STATE OF COLORADO

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under the provisions of the Agricultural Adjustment Act, as amended, for the purposes and within the limitations therein contained and pursuant to the general regulations issued thereunder, on the 11th day of January 1935, issued under his hand and the official seal of the Department of Agriculture a license for shippers of fresh peas and cauliflower grown in the State of Colorado, effective January 15, 1935; and

Whereas, the Secretary of Agriculture has determined to terminate said license;

Now, therefore, M. L. Wilson, Acting Secretary of Agriculture of the United States of America, acting under the authority vested in the Secretary of Agriculture by said Act, as amended, hereby terminates said license.

In witness whereof, M. L. Wilson, Acting Secretary of Agriculture of the United States of America, has executed this termination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 12th day of July 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2158; Filed, July 13, 1937; 2:28 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Fisheries.

[No. 251-23-1]

ALASKA FISHERY REGULATIONS

JULY 13, 1937.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 762), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251, twenty-third edition, issued under date of February 8, 1937, are hereby amended by the following regulation:

PRINCE WILLIAM SOUND AREA

*Salmon fishery.*—Regulation No. 12 (w) is amended to read as follows: Hinchinbrook Island: Within ½ statute mile eastward of a point on the south side of Port Etches at 146 degrees 40 minutes west longitude.

[SEAL] SOUTH TRIMBLE, JR.,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-2160; Filed, July 14, 1937; 10:20 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GYPSY-CARTER-WALKER TRACT, FILED ON JUNE 18, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 3, 1937, be effective as of July 3, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2164; Filed, July 14, 1937; 12:46 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MAHILE-G. VAN NOTE TRACT, FILED ON JUNE 7, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 6, 1937, be effective as of July 6, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2163; Filed, July 14, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARSHALL-G. VAN NOTE TRACT, FILED ON JUNE 7, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 6, 1937, be effective as of July 6, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2165; Filed, July 14, 1937; 12:46 p.m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE RANCO-COOK TRACT, FILED ON JUNE 26, 1937, BY RANCO OIL CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 8, 1937, be effective as of July 8, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2167; Filed, July 14, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SIOSI-ATLANTIC-LOVETT TRACT, FILED ON JUNE 25, 1937, BY SCHAPPERT-TEDEN-BLUMER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 7, 1937, be effective as of July 7, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2166; Filed, July 14, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE TIDEWATER-PHILLIPS-HACKETT TRACT, FILED ON JUNE 19, 1937, BY G. D. TERRIEN, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 6, 1937, be effective as of July 6, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2162; Filed, July 14, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING OVERRIDING ROYALTY INTERESTS IN THE DOBBS-V. B. HODGES ET AL. LEASES, FILED ON JULY 6, 1937, BY W. J. DOBBS, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937;

NOTE.—It appears that the proper form is "Schedule D".

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2171; Filed, July 14, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE AMERADA-WOOLLEY TRACT, FILED ON JULY 6, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the legal description of the tract involved, as set forth in Division II, Item 2 (c) and Item 13, is not believed to be correct for the reason that the information given does not agree with that disclosed by the plat attached to the offering sheet as "Exhibit A";

NOTE.—Plat shows SW quarter of the SW quarter of the NW quarter of Section 22 is omitted from the legal description given.

(2) In that no statement is made in Division II, Item 2 (e) as to whether the interest offered is perpetual;

(3) In that information given in Division II, Item 18 (e), is not believed to be correct for the reason that it does not agree with similar information set forth in Division II, Item 19 (d), and the plat attached to the offering sheet as "Exhibit A";

(4) In that the Rules and Regulations of the Commission and the form of offering sheet designated as "Schedule A", require that the percentage of water in fluid produced from the tract involved be stated by months in the appropriate column of the table under Division II, Item 20 (b), of the offering sheet, whereas such information as is given relative to the water condition of said property is contained in a footnote following the table, which method of disclosing the required information is not deemed a sufficient compliance with the requirements of the offering sheet;

(5) In that the second paragraph of representations, required to be included as a part of the offering sheet, is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2168; Filed, July 14, 1936; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE MAGNOLIA-CROSBIE ET AL—BURRIS HEIRS TRACT, FILED ON JULY 6, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the



offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest proposed to be offered, as set forth in Division II, Item 1, is not stated in terms of the total production from the entire tract, nor does it agree with the information disclosed in Exhibit B;

(2) In that no statement is made in Division II, Item 2 (e), as to whether the royalty offered is perpetual;

(3) In that the second paragraph of representations, required to be included in the offering sheet, is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2170; Filed, July 14, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-DERBY-MICHAELIS TRACT, FILED ON JULY 6, 1937, BY R. L. WILLIAMS, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated to wit:

(1) In that the Rules and Regulations of the Commission and the form of offering sheet designated as "Schedule A", require that the percentage of water in fluid produced from the tract involved be stated by months in the appropriate column of the table under Division II, Item 20 (b), of the offering sheet, whereas such information as is given relative to the water condition of said property is contained in a footnote following the table, which method of disclosing the required information is not deemed a sufficient compliance with the requirements of the offering sheet;

(2) In that the second paragraph of representations required to be included in the offering sheet, is omitted;

(3) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B" is incomplete for the reason that the interest proposed to be conveyed is omitted, as is also the term of the royalty offered;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2169; Filed, July 14, 1937; 12:49 p. m.]

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*Friday, July 16, 1937* *No. 136*

## PRESIDENT OF THE UNITED STATES.

ENLARGING HARNEY NATIONAL FOREST—SOUTH DAKOTA AND WYOMING

By the President of the United States of America

A PROCLAMATION

WHEREAS it appears that it would be in the public interest to add certain hereinafter-described lands to the Harney National Forest in South Dakota and Wyoming:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), do proclaim that, subject to all valid existing rights, all lands of the United States within the following-described areas are hereby included in and reserved as a part of the Harney National Forest, and that all lands within such areas which may hereafter be acquired by the United States for forestry purposes shall upon acquisition be reserved and administered as part of such Forest:

BLACK HILLS MERIDIAN

T. 8 S., R. 3 E.,
secs. 1, 12, 13, 24, 25 and 36;
sec. 35, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼ and SE¼;
T. 6 S., R. 4 E.,
sec. 1, SW¼NE¼, NW¼ and S½,
secs. 2, 11, 12, 13,
secs. 20 to 29, and 33 to 36, inclusive;

T. 7 S., R. 4 E.,
secs. 1, 2, 3, 10, 11, 12,
secs. 25 to 29, and 31 to 36, inclusive;
T. 8 S., R. 4 E.,
secs. 1 to 33, inclusive,
all of secs. 34 and 35 lying north and west of the Cheyenne River,
all sec. 36 lying north of said river;
T. 9 S., R. 4 E.,
all sec. 2 lying west of said river,
sec. 3, all of E½ and N½NW¼ lying north and west and of S½SW¼ lying south and west of said river,
all sec. 4 lying west of said river,
sec. 5, E½,
sec. 6, E½NE¼,
sec. 9,
all sec. 10 lying west of said river;
T. 6 S., R. 5 E.,
all of secs. 5 and 6 not part of the national forest,
sec. 7,
sec. 8, NE¼ and W½,
sec. 9, S½NW¼ and SW¼,
sec. 16, W½,
sec. 17, NW¼NE¼ and N½NW¼,
sec. 18, N½NE¼, SW¼NE¼, W½ and W½SE¼;
sec. 19, W½NE¼, NW¼ and S½,
sec. 20, E½NE¼, NW¼SW¼, S½SW¼, NE¼SE¼ and S½SE¼,
sec. 21, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼ and S½,
secs. 22, and 27 to 34, inclusive;
T. 7 S., R. 5 E.,
secs. 3 to 10, inclusive,
secs. 15, 16, 21, 22, and
secs. 25 to 36, inclusive;
T. 8 S., R. 5 E.,
secs. 1 to 30, inclusive,
all of secs. 31 and 32 lying north and east of the Cheyenne River, and
secs. 33, 34, 35 and 36;
T. 9 S., R. 5 E.,
all of secs. 1 and 2 lying north of said river,
secs. 3 and 4,
all sec. 5 lying east of said river,
all of secs. 8 to 12, inclusive, lying north of said river;
T. 7 S., R. 6 E.,
all of secs. 30, 32 and 33 lying south and west of Fall River, and
sec. 31;
T. 8 S., R. 6 E.,
all sec. 4 lying west of the Cheyenne and Fall Rivers,
secs. 5, 6 and 7,
all of secs. 8, 9, 10 and 17 lying north and west of the Cheyenne River,
secs. 18, 19, 30 and 31, and
all of secs. 20, 28, 29, 32 and 33 lying west of said river;
T. 9 S., R. 6 E.,
sec. 4, all of N½ lying south and west and all of S½ lying north and west of said river,
all of secs. 5, 7 and 8 lying north and west of said river, and
sec. 6.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the temporary withdrawals for classification and other purposes made by Executive Orders No. 6888 of October 29, 1934, and No. 6909 of November 21, 1934.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 12'' day of July in the year of our Lord nineteen hundred and thirty-
[SEAL] seven and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President.
CORDELL HULL
*Secretary of State.*

[No. 2244]

[F. R. Doc. 37-2176; Filed, July 15, 1937; 11:34 a. m.]

## EXECUTIVE ORDER

### MODIFICATION OF EXECUTIVE ORDER OF JUNE 8, 1929, CREATING POTASH RESERVE NO. 7, NEW MEXICO

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497, and for the purpose of effecting an exchange of lands under the provisions of the act of June 28, 1934, 48 Stat. 1269, as amended, without mutual reservations of potash and associated minerals, the Executive Order of June 8, 1929, creating Potash Reserve No. 7, New Mexico No. 2, is hereby modified and amended so as to exclude from the said reserve the following-described selected lands, and, in lieu thereof, to include in the said reserve the following-described base lands:

NEW MEXICO MERIDIAN

*Selected lands:*
T. 3 S., R. 25 E.,
sec. 21, E½;
sec. 22, lots 2 and 6;
sec. 27, W½W½;
sec. 28, NE¼NE¼ and NE¼SE¼;
sec. 33, NW¼NE¼, SE¼NE¼, NW¼NW¼, and NE¼SE¼.
*Base lands:*
T. 4 S., R. 25 E.,
sec. 2, lots 1, 2, and 3, and SE¼NE¼;
sec. 11, E½SE¼;
sec. 12, SW¼NW¼ and W½SW¼;
sec. 13, S½SW¼ and SW¼SE¼;
sec. 14, E½SE¼;
sec. 24, W½NE¼ and SE¼NW¼;
sec. 25, SW¼NE¼, W½NW¼, and SE¼NW¼.

This order shall be effective both as to excluded and included lands concurrently with the revestment of fee title to the said base lands in the United States.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 13, 1937.*

[No. 7656]

[F. R. Doc. 37-2173; Filed, July 14, 1937; 2:29 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4748]

### DENATURATION OF ETHYL ACETATE

*To District Supervisors, and Others Concerned:*

1. Pursuant to Sections 2 (6) and 4, Title I of the Liquor Law Repeal and Enforcement Act, (Sections 151 (6) and 153, Title 27, U. S. C., 1934 Ed., Sup. II), the following Regulations are hereby promulgated.

2. Effective immediately ethyl acetate must be denatured before being removed from the premises of the manufacturer, by adding to every 100 gallons of ethyl acetate one-eighth gallon of calol ethatate, or other products or chemicals which possess denaturing properties satisfactory to the commissioner; Provided, That ethyl acetate used as a denaturant for specially denatured alcohol or for pharmaceutical, scientific, and food preparations, or where it is exported, or transferred from one producer to another producer need not be denatured.

3. Where undenatured ethyl acetate is received by a producer from another producer it must be denatured before it is sold to dealers or users unless it is sold for purposes where undenatured ethyl acetate may be used, as provided in paragraph 2.

4. Any manufacturer desiring to purchase ethyl acetate denatured with products or chemicals in lieu of calol ethatate shall make application to the commissioner showing in detail for what purpose the ethyl acetate is to be used, and why they cannot use such material denatured with calol ethatate. The application should show the kind and quantity of products or chemicals that the purchaser of ethyl acetate desires to be substituted for calol ethatate, in order that it may be determined whether they possess satisfactory denaturing properties.

5. Treasury Decision 53, approved April 28, 1930, and the last paragraph on page 5 of the Appendix to Regulations No. 3, revised October, 1931, pertaining to the denaturation of ethyl acetate, are hereby rescinded.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 13, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2175; Filed, July 15, 1937; 9:50 a. m.]



## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 13]

### AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF OHIO AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT COLUMBUS, OHIO, ON JULY 28, 1937, DESIGNATION OF EXAMINER TO PRESIDE AT SUCH HEARING AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C. on the 12th day of July, 1937, that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the state of Ohio would be desirable, and upon investigation hereby orders:

1. That on July 28, 1937, commencing at the hour of ten (10) A. M., at the Hearing Room of the Commission in the Deshler-Wallick Hotel, Columbus, Ohio, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the state of Ohio, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Ohio in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That George Edward Acret, Examiner of this Commission, is hereby designated to preside at such hearing.

3. That interested parties may appear and present evidence at such hearing.

4. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

5. That the Secretary of the Commission shall forthwith mail a copy of this notice to each known producer of bituminous coal in the state of Ohio, and shall cause to be published at the expense of the Commission a copy of this order and notice for three (3) days in newspapers of general circulation in the counties in Ohio in which bituminous coal is produced.

By order of the Commission.
Dated this 14th day of July 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2177; Filed, July 15, 1937; 12:04 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Agricultural Economics.

### REVISED OFFICIAL UNITED STATES STANDARDS OF QUALITY AND CONDITION FOR DRY PEAS, SUPERSEDING THE STANDARDS APPROVED APRIL 2, 1935

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938, and for other purposes," approved June 29, 1937, (Public No. 173, 75th Congress), I, Harry L. Brown, Acting Secretary of Agriculture, do hereby fix, establish, and promulgate the following standards of quality and condition for dry peas, which shall become the official standards of the United States for the inspection and certification of such peas on the 20th day of July, 1937, and be in force and effect as long as Congress shall provide the necessary authority therefor, unless amended or superseded by standards hereafter prescribed and promulgated under such authority. These standards are amendatory of, and therefore shall supersede the standards for dry peas approved April 2, 1935, effective June 10, 1935.

In testimony whereof I have hereto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington this 14th day of July 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary.*

### OFFICIAL UNITED STATES STANDARDS FOR PEAS

#### DEFINITIONS

For the purpose of the official United States standards for peas:

*Peas* shall be the dry threshed peas of any variety or kind of field and garden peas and which contain not to exceed 50 percent of foreign material including dockage and not to exceed 5 percent of foreign material after the removal of dockage.

*Basis of determinations.*—All determinations of factors entering into the grading of a lot of peas and the testing of a lot of peas for dockage shall be made upon the basis of a representative sample drawn in accordance with methods approved by the Chief of the Bureau of Agricultural Economics.

*Percentages.*—All percentages, except in the case of moisture, shall be ascertained by weight.

*Percentage of moisture* shall be that ascertained by the water oven and the method of use thereof described in Service and Regulatory Announcements Nos. 147 of the Bureau of Agricultural Economics of the United States Department of Agriculture, of that ascertained by any device and method which give equivalent results in the determination of moisture.

*Dockage* shall apply only to thresher-run peas or peas which have not been recleaned and/or processed and shall include dirt, weed seeds, chaff, cereal grains, and all other matter other than peas which can be readily removed by the use of appropriate sieves or cleaning devices and all small, undeveloped peas and splits or pieces of peas that pass readily through a sieve with slotted perforations which will result in the smallest loss of marketable peas applicable to the principal use of the class being tested, the perforations of such sieve to be of one of the following dimensions:

8/64 inch x ¾ inch.
9/64 inch x ¾ inch.
10/64 inch x ¾ inch.
11/64 inch x ¾ inch.
12/64 inch x ¾ inch.
13/64 inch x ¾ inch.
14/64 inch x ¾ inch.

Dockage shall be determined on the basis of not less than a one-thousand-gram portion of the original sample including the dockage. In calculating total dockage, fractional percentages of less than one percent shall be ignored.

*Foreign material other than dockage* or "inseparable foreign material" shall include all matter other than peas which is not separated from the sample in the proper determination of dockage.

*Weevil damage* shall be all peas and splits which are distinctly injured by pea weevil or other insects.

*Damage* shall be peas and splits which are so badly injured or discolored by weather, disease, or other causes, as to affect

seriously the appearance and quality of the sample, but shall not include weevil damage.

*Splits* shall be peas which are split or broken and shall include peas the halves of which are held together loosely, but shall not include splits that are damaged or weevil damaged or peas with cracked seed coats.

*Shriveled* shall be peas which are distinctly shriveled in contrast with the natural shape and appearance characteristic of the class of peas being graded but shall not include such peas that are damaged or weevil damaged.

*Bleached* shall be peas, the seed coat and/or cotyledons of which are distinctly bleached in contrast with the good natural color characteristic of the class of peas being graded but shall not include such peas that are otherwise defective, except cracked seed coats, and shall not apply to varieties or classes of wrinkled peas.

*Other classes* shall be peas other than the kind or class predominating in the lot being graded and which can be readily identified by seed characteristics but shall not include such peas that are defective, except cracked seed coats.

*Cracked seed coats* or "cracked" shall be peas with visibly cracked seed coats and/or with all or a part of the seed coat removed and peas with less than one-fourth of the whole pea broken off, but shall not include such peas that are otherwise defective or peas of other classes.

*Good natural color*, as applied to general appearance, shall mean that the peas are practically free from bleached and discolored peas and possess the color and appearance applicable to new-crop peas of the class being graded when grown, harvested, and prepared for market under normal conditions prevailing in the principal region of production of such class.

*Grade designations.*—The grade designation of any lot of peas shall include successively the letters "U. S.", the number of the grade, or the words "Sample grade," as the case may be, and the name of the class, provided, however, that thresher-run peas or peas which have not been recleaned, and/or processed shall be inspected and certificated without reference to grade, as hereinafter provided.

*Federal food and drugs act.*—Nothing herein shall be construed as authorizing the shipment of peas in violation of the Federal food and drugs act.

CLASSES OF PEAS

Peas shall be classified according to varietal type, for example, Alaska, White Canada, Austrian Winter, Perfection, Surprise, etc., provided, however, that the use of a variety name in certifying the class of peas shall not imply any guarantee of varietal purity.

U. S. GRADE REQUIREMENTS [1] FOR PEAS

[These Requirements Apply to Recleaned and/or Processed Peas]

| Grade | Maximum limits of— | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Bleached and Other Classes [2] | | Shriveled | Cracked seed coats | Splits, damage, weevil damage, and Fgn. Mtl. | | | |
| | Total | Other Classes | | | Total | Splits | Weevil damage | Fgn. Mtl. |
| | % | % | % | % | % | % | % | % |
| U. S. No. 1 | 1.5 | 0.5 | 2.0 | 3.0 | 2.0 | 0.5 | 0.5 | [3] Tr. |
| U. S. No. 2 | 3.0 | 1.0 | 4.0 | 6.0 | 3.0 | 1.0 | 1.0 | 0.2 |
| U. S. No. 3 | 5.0 | 2.0 | 8.0 | 10.0 | 5.0 | 1.0 | 1.0 | 0.5 |
| U. S. Sample grade. | Sample grade shall be peas which do not meet the requirements of any of the above grades, or which have any commercially objectionable odor, or are heating, or are infested with live weevil or other insects, or which are otherwise of distinctly low quality | | | | | | | |

[1] Condition and general appearance:

(a) *Color.*—Peas of the grade U. S. No. 1 shall be good natural color; U. S. No. 2 may be slightly off color; and U. S. No. 3 may be of a poor color.

(b) *Moisture.*—Peas of the grades U. S. No. 1, U. S. No. 2, and U. S. No. 3 may contain not to exceed 16.0 percent moisture.

(c) *Size requirements.*—The minimum size requirements for each of the grades U. S. No. 1, U. S. No. 2, and U. S. No. 3 shall be such that not more than 2.0 percent of the peas will pass through a sieve with slotted perforations of the dimensions generally used in the determinations of dockage on thresher-run peas of the respective classes. In determining or calculating tolerances for size, fractional percentages of less than 1 percent shall be ignored.

[2] *Other classes.*—The percentage limits here given for "other classes" apply only to those peas of which the cotyledons and/or seed coats are not the same color as those of the peas in the sample being graded. An additional allowance of 5 percent in grade 1, 10 percent in grade 2, and 15 percent in grade 3 shall be made for other classes of which the cotyledons and/or seed coats are of the same color as those of the peas being graded.

[3] *Trace (Tr.)*, as applied to foreign material in grade U. S. No. 1 shall not exceed 1/100 of 1 percent.

SPECIAL GRADES FOR PEAS

*Large Peas*

*Definitions.*—Large peas shall be peas of the classes Bluebell, Alaska, First and Best, and White Canada of a size such that not more than 2.0 percent will pass through a sieve with round perforations for the respective classes as follows:

| | |
|---|---|
| Bluebell | 17/64" in diameter. |
| Alaska | 16/64" in diameter. |
| First and Best | 16/64" in diameter. |
| White Canada | 15/64" in diameter. |

*Grades.*—Large peas shall be classified and graded according to the requirements of the grade, except for size, applicable to such class if they were not large and there shall be included in, and made a part of, the grade and class designation the word "large"; for example, U. S. No. 1 Large Alaska. In determining or calculating tolerances for size requirements of large peas, fractional percentages of less than one percent shall be ignored.

*Small Peas*

*Definitions.*—Small peas shall be peas of the classes Bluebell, Alaska, First and Best, and White Canada of a size such that not more than 2.0 percent will pass over the sieve prescribed for determining the minimum size for large peas and not more than 2.0 percent will pass through a sieve with slotted perforations for the respective classes as follows:

| | |
|---|---|
| Bluebell | 12/64 inch x ¾ inch. |
| Alaska | 11/64 inch x ¾ inch. |
| First and Best | 11/64 inch x ¾ inch. |
| White Canada | 10/64 inch x ¾ inch. |

*Grades.*—Small peas shall be classified and graded according to the requirements of the grade, except for size, applicable to such class if they were not small and there shall be included in, and made a part of, the grade and class designation the word "small"; for example, U. S. No. 1 Small Alaska. In determining or calculating tolerances for size requirements of small peas, fractional percentages of less than one percent shall be ignored.

INSPECTION AND CERTIFICATION OF THRESHER-RUN PEAS

Peas of any class which have not been recleaned and/or processed shall be inspected without reference to grade and shall be certificated as to—

(1) the class

(2) the total percentage of dockage, if any, and the analysis thereof, including the percentage each of small peas, splits, and foreign material

(3) the percentage of each defect in the dockage-free peas and the total thereof, as follows:

(a) bleached and other classes
(b) shriveled
(c) cracked
(d) splits
(e) damage
(f) weevil damage
(g) inseparable foreign material

(4) the general appearance;

provided, however, that in dockage-free peas of the classes Bluebell, Alaska, First and Best, White Canada, and other smooth-seeded varieties the percentage of cracked seed coats or "cracked" in excess of 3.0 percent only shall be considered in computing total defects. All factors other than dockage and the analysis thereof, shall apply only to, and be based on, the sample of peas when free from dockage, except that general appearance shall be based on the sample after the removal of dockage and defects.

[F. R. Doc. 37-2174; Filed, July 14, 1937; 3:22 p. m.]



## Commodity Exchange Administration.

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (7 U. S. C. and Supp. II, secs. 1–17a), I, Harry L. Brown, Acting Secretary of Agriculture, do hereby make, prescribe, publish, and give public notice of the following rules and regulations, which shall become effective on the second day of August 1937 and continue in force and effect until amended or superseded by rules and regulations hereafter made by the Secretary of Agriculture under said act, and shall supersede all rules and regulations heretofore made under said act excepting the rules of practice before the Commission and before the Secretary of Agriculture.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 14th day of July 1937.

[SEAL]

HARRY L. BROWN,
*Acting Secretary of Agriculture.*

RULES AND REGULATIONS

ARTICLE I—GENERAL PROVISIONS

*Definitions*

SECTION 1. Words used in the singular form in these rules and regulations shall be deemed to import the plural, and vice versa, as the case may require.

SEC. 2. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust, within the scope of his employment or office, shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust as well as of such official, agent, or other person.

SEC. 3. The following terms, as used in the Commodity Exchange Act or in these rules and regulations, shall have the meanings hereby assigned to them, unless the context otherwise requires:

*Board of trade.*—This term means any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling any commodity or receiving the same for sale on consignment.

*Business day.*—This term means any day other than a Sunday or holiday. In all notices required by the act or by these rules and regulations to be given in terms of business days the rule for computing time shall be to exclude the day on which notice is given and include the day on which shall take place the act of which notice is given.

*Clearing member.*—This term means any person who is a member of, or enjoys the privilege of clearing trades in his own name through, the clearing organization of a contract market.

*Clearing organization.*—This term means the person or organization which acts as a medium for clearing transactions in commodities for future delivery, or for effecting settlements of contracts for future delivery, for and between members of any board of trade.

*Commodity.*—This term means and includes wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, and Irish potatoes.

*Commodity Exchange Act; the act.*—These terms mean the act of Congress entitled, "An Act For the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes", approved September 21, 1922 (42 Stat. 998), as amended by the act of Congress, approved June 15, 1936 (49 Stat. 1491).

*Commodity Exchange Administration.*—This term means the Commodity Exchange Administration of the United States Department of Agriculture established to administer the provisions of the Commodity Exchange Act.

*Contract market.*—This term means a board of trade designated by the Secretary of Agriculture as a contract market under the Commodity Exchange Act.

*Contract of sale.*—This term includes sales, purchases, agreements of sale or purchase, and agreements to sell or purchase.

*Controlled account.*—An account shall be deemed to be controlled by a person if such person by power of attorney or otherwise actually directs trading for such account.

*Customer; commodity customer.*—These terms have the same meaning and refer to a customer trading in any commodity named in the definition of commodity herein.

*Delivery month.*—This term means the month of delivery specified in a contract of sale of any commodity for future delivery.

*Executing for others.*—This term as used in the definition of floor broker means executing by any person of orders, including his own, for the purchase or sale of any commodity for future delivery in the name of, or for the account of, more than one principal (clearing member).

*Floor broker.*—This term means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall engage in executing for others any order for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market, and who for such services receives or accepts any commission or other compensation.

*Future delivery.*—This term does not include any sale of a cash commodity for deferred shipment or delivery.

*Futures commission merchant.*—This term means individuals, associations, partnerships, corporations, and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

*Member of a contract market.*—This term means and includes individuals, associations, partnerships, corporations, and trusts owning or holding membership in, or admitted to membership representation on, a contract market or given members' trading privileges thereon.

*Net equity.*—This term means the credit balance which would be obtained by combining the commodity margin balance of any person with the net profit or loss, if any, accruing on the open trades or contracts of such person.

*Net deficit.*—This term means the debit balance which would be obtained by combining the commodity margin balance of any person with the net profit or loss, if any, accruing on the open trades or contracts of such person.

*Open contracts.*—This term means contracts of purchase or sale of any commodity made by or for any person on or subject to the rules of a board of trade for future delivery during a specified month or delivery period which have not been fulfilled by delivery nor offset by other contracts of sale or purchase in the same commodity and delivery month.

*Person.*—This term includes individuals, associations, partnerships, corporations, and trusts.

*Administration*

SEC. 4. The Chief or Acting Chief of the Commodity Exchange Administration shall perform for and under the

supervision of the Secretary of Agriculture such duties as the Secretary may require in enforcing the provisions of the act and of the rules and regulations promulgated thereunder.

SEC. 5. No officer or employee of the Department of Agriculture shall publish, divulge, or make known in any manner, except in so far as may be required in the performance of his official duties or by a court of competent jurisdiction, any facts or information regarding the business of any person which may come to the knowledge of such officer or employee through any inspection or examination of the reports or records of, or through any information given by, such person pursuant to the Commodity Exchange Act or these rules and regulations: *Provided, however,* That this prohibition shall not apply to disclosures made in good faith to the Business Conduct Committee or other proper committee or official of a contract market of matters in respect to which such contract market has responsibility or duty under the Commodity Exchange Act.

SEC. 6. No officer or employee of the Department of Agriculture engaged in the administration or enforcement of the Commodity Exchange Act, or having access to any confidential information obtained under authority of the act, shall have any interest directly or indirectly in any speculative transaction in any commodity for future delivery.

*Registration of Futures Commission Merchants and Floor Brokers*

SEC. 7. No person shall engage as futures commission merchant in the solicitation or acceptance of orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market, unless such person shall have secured a certificate of registration as futures commission merchant under the Commodity Exchange Act issued by the Secretary of Agriculture and countersigned by the Chief or Acting Chief of the Commodity Exchange Administration and such registration shall not have expired, been suspended, or been revoked.

SEC. 8. No person shall act as floor broker in executing any orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have secured a certificate of registration as floor broker under the Commodity Exchange Act issued by the Secretary of Agriculture and countersigned by the Chief or Acting Chief of the Commodity Exchange Administration and such registration shall not have expired, been suspended, or been revoked.

SEC. 9. Registration as futures commission merchant shall not include registration as floor broker nor shall registration as floor broker include registration as futures commission merchant.

SEC. 10. Application for registration as futures commission merchant shall be made on form 1–R. Application for registration as floor broker shall be made on form 2–R. Application forms may be obtained from the Commodity Exchange Administration, Department of Agriculture, Washington, D. C., or from any field office thereof. Each application shall be executed in accordance with the instructions accompanying the prescribed form and shall be filed in duplicate with the Commodity Exchange Administration.

SEC. 11. Each application for registration, or renewal thereof, shall be accompanied by a registration (or renewal) fee of ten dollars ($10), in the form of a money order, bank draft, or certified check, payable to the United States Department of Agriculture, and the application and fee shall be forwarded to the Commodity Exchange Administration, Department of Agriculture, Washington, D. C.

SEC. 12. Every person registered as futures commission merchant under the act shall post in a conspicuous place in each office in the United States maintained by such person in which orders for the purchase or sale of any commodity for future delivery are solicited or accepted, the original or a duplicate copy (issued by the Secretary of Agriculture) of such person's registration certificate as futures commission merchant.

Duplicate copies of registration certificates may be issued on request upon the payment of a fee of two dollars ($2) for each duplicate copy. The word "DUPLICATE" in conspicuous letters shall appear on the face of each duplicate copy.

SEC. 13. Upon receipt of an application for registration (or renewal thereof) the Secretary of Agriculture will, if the application be approved, issue a certificate of registration certifying that the registrant has registered under the act as futures commission merchant or as floor broker. The registration fee (including the fee for duplicate copies of the certificate of registration, if any) so tendered, shall be deposited in a special deposit account until the registration is finally issued or denied. If registration be denied, the fee shall be returned to the applicant, but if issued the fee shall be deposited in the Treasury of the United States as a miscellaneous receipt and will not thereafter be subject to refund. Each registration certificate shall bear a serial number, the signature of the Secretary of Agriculture, be issued under the seal of the United States Department of Agriculture, and be countersigned by the Chief or Acting Chief of the Commodity Exchange Administration.

SEC. 14. The registrant shall file with the Commodity Exchange Administration a statement on form 3–R setting forth any change which renders no longer accurate the information contained in any of the items of the registrant's application for registration (or any statement supplemental thereto) that are specified in the instructions accompanying form 3–R. All such statements shall be prepared and filed in accordance with the instructions accompanying such form.

SEC. 15. A new registration shall be required in the event of a change:

(a) in the name of the registrant;

(b) in the ownership of the business of the registrant in the case of a sole proprietorship; or

(c) in the personnel of a partnership resulting from the death, withdrawal, or addition of a partner: *Provided,* That if such change does not, as a matter of law, create a new partnership, it may be reported to the Commodity Exchange Administration on form 3–R, and if so reported by the registrant within 10 days from the date of such change a new registration shall not be required.

SEC. 16. All registrations shall automatically terminate at midnight on December 31 of the year for which issued, unless sooner suspended or revoked in accordance with the provisions of the act and the rules and regulations thereunder.

*Reports*

SEC. 17. Each futures commission merchant shall report monthly to the Commodity Exchange Administration on form 150. Such reports shall be prepared in accordance with the instructions appearing on form 150 and shall be filed with the Commodity Exchange Administration, United States Department of Agriculture, Washington, D. C., not later than the tenth day of the month following the month covered by the report. Reports received by mail will be considered duly filed if postmarked not later than midnight of such tenth day. Such reports shall show, by commodities and by markets:

(a) the total quantity of each commodity bought and the total quantity sold for future delivery by such futures commission merchant on or subject to the rules of each board of trade in the United States and elsewhere, during the month covered by the report; and

(b) the total amount of open futures contracts long and the total amount of open futures contracts short on the books of such futures commission merchant as of the close of business on the last business day of the month covered by the report, in each commodity, together with the number of accounts long and the number of accounts short in each commodity.



For the purpose of counting the number of long and short accounts to be reported under subparagraph (b) hereof, and for such purpose only, accounts of the same person in different futures shall be regarded as separate accounts.

SEC. 18. Each futures commission merchant shall, upon call from the Commodity Exchange Administration, report on form 160. Such report shall be prepared in accordance with the instructions appearing on form 160 and shall be filed with the Commodity Exchange Administration, United States Department of Agriculture, Washington, D. C., not later than the third business day following the date specified in the call. Reports received by mail will be considered duly filed if postmarked not later than midnight of such third business day.

Such report shall show as of the close of business on the day named in the call:

(a) the total amount of money and credits held or carried by such futures commission merchant for the account of his commodity customers, including margin moneys and moneys and credits resulting from the closed trades and contracts and accruing in connection with the open trades and contracts of such customers; and

(b) the total amount of money segregated and set apart for the benefit of commodity customers—

(1) on hand,

(2) on deposit in banks,

(3) pledged as margin with clearing organizations of contract markets,

(4) pledged as margin with members of contract markets,

(5) invested in securities described in section 4d (2) of the Commodity Exchange Act, and

(6) loaned on security of warehouse receipts in accordance with the rules and regulations of the Secretary of Agriculture.

SEC. 19. Each futures commission merchant shall, upon call, file with the Commodity Exchange Administration a list of all persons who, by power of attorney or otherwise, exercise trading control over any account or accounts of any customer of such futures commission merchant with respect to contracts for the future delivery of any commodity on or subject to the rules of any contract market.

*Customers' Funds*

SEC. 20. All money received by a futures commission merchant to margin, guarantee, or secure the trades or contracts of commodity customers and all money accruing to such customers as the result of such trades or contracts shall be separately accounted for and be segregated as belonging to such customers. Such funds, when deposited with any bank or trust company, shall be deposited under an account name which will clearly show that they are customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such bank or trust company waiving any claim, lien, or right of set-off of any nature which such bank or trust company might otherwise have or obtain against such funds. An executed copy of such agreement shall be kept as a permanent record by the futures commission merchant. If such funds are deposited with a clearing organization of a contract market, they shall be deposited under an account name which will clearly show that they are customers' funds segregated as required by the Commodity Exchange Act. Under no circumstances shall any portion of commodity customers' funds be obligated to the clearing organization of a contract market, or to any member of a contract market, except to margin, guarantee, secure, transfer, adjust, or settle trades and contracts made in behalf of such commodity customers.

SEC. 21. All money received directly or indirectly by, and all money and equities accruing to, a futures commission merchant from any clearing organization of any contract market, or from any member thereof or from any member of a contract market, incident to or resulting from any trade or contract in commodity futures made by or through such futures commission merchant in behalf of any customer shall be considered as accruing to such customer within the meaning of section 4d (2) of the Commodity Exchange Act. Such money and equities shall be treated and dealt with as belonging to such customer in accordance with the provisions of the act. Money and equities accruing in connection with customers' open trades or contracts need not be separately credited to individual customers' accounts but may be treated and dealt with as belonging undivided to all customers having open trades or contracts which if closed at the settling price as fixed by the clearing organization would result in a credit to such customers.

SEC. 22. No futures commission merchant shall use, or permit the use of, the money, securities, or property of one customer to margin or settle the trades or contracts, or to secure or extend the credit, of any person other than such customer. The net equity of one customer shall not be used to carry the trades or contracts or to offset the net deficit of any other customer or person or to carry the trades or offset the net deficit of the same customer in goods or property not included in the term "commodity" as defined herein.

SEC. 23. The prohibition in section 4d (2) of the Commodity Exchange Act against commingling customers' funds with the funds of a futures commission merchant shall not be construed to prevent such futures commission merchant from having a residual financial interest in the funds segregated and set apart for the benefit of commodity customers, nor shall such prohibition be construed to prevent a futures commission merchant from adding to customers' segregated funds from his own funds such amount or amounts of money as he may deem necessary to insure any and all customers' accounts from becoming undermargined at any time: *Provided, however,* That the books and records of such futures commission merchant shall at all times accurately reflect his interest in customers' segregated funds. Such futures commission merchant may draw upon such segregated funds to his own order to the extent of his actual interest therein: *Provided,* That such withdrawal shall not result in the money, securities, property, or equity of one customer being used to margin or carry the trades or contracts, or extend the credit, of any other customer or person.

SEC. 24. Money held in segregated account by a futures commission merchant shall not include: (a) money invested in obligations or stocks of any clearing organization, or in memberships in or obligations of any contract market; or (b) money held by any clearing organization of any contract market which may be used by such clearing organization for any purpose other than to margin, guarantee, secure, transfer, adjust, or settle the contracts or trades of the commodity customers of such futures commission merchant.

SEC. 25. Any futures commission merchant may, in accordance with the provisions of section 4d (2) of the Commodity Exchange Act,

(a) invest customers' money in obligations or investment securities as described in said section; and

(b) loan customers' money to other persons on the security of negotiable warehouse receipts conveying or securing title to readily marketable commodities, subject to the following conditions:

(1) that such warehouse receipts be issued by a public warehouseman other than such futures commission merchant, licensed as warehouseman under the provisions of the United States Warehouse Act or the warehouse laws of any state; and

(2) the amount of any loan so made shall at no time exceed 85 per cent of the current market value of the commodities represented by such warehouse receipts.

SEC. 26. Each futures commission merchant who, in accordance with section 4d (2) of the act and with these rules and regulations, invests money belonging or accruing to customers in obligations or investment securities described in said section, or loans such money on the security of negotiable warehouse receipts, shall promptly deposit such obligations, securities, and warehouse receipts in safekeeping

with a bank or trust company under an account name which will clearly show that they represent investments of, or security for loans of, customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such bank or trust company waiving any claim, lien, or right of set-off of any nature which such bank or trust company might otherwise have or obtain against such obligations, securities, and warehouse receipts, and authorizing inspection thereof at any reasonable time by representatives of the Commodity Exchange Administration. An executed copy of such agreement shall be kept as a permanent record by the futures commission merchant.

SEC. 27. Each futures commission merchant who, in accordance with section 4d (2) of the act and with these rules and regulations, invests money belonging or accruing to customers in obligations or investment securities described in said section, or loans such money on the security of negotiable warehouse receipts, shall keep a permanent record showing the following:

(a) with respect to obligations and investment securities,

(1) the date on which such investments were made,
(2) the name of the person from or through whom such obligations or securities were bought,
(3) the amount of money paid for such obligations or securities,
(4) a description of such obligations or securities,
(5) the date on which disposition was made of such obligations or securities and the amount of money received therefor, and
(6) the name of the person to or through whom such obligations or securities were sold; and

(b) with respect to warehouse receipts,

(1) the date on which such loans were made,
(2) the name of the person to whom such funds were loaned,
(3) the amount loaned on the security of such warehouse receipts,
(4) a description of such warehouse receipts,
(5) the date and particulars of any changes or substitutions in the warehouse receipts held as security for such loans, and
(6) the date on which such loans were repaid.

SEC. 28. Futures commission merchants who invest customers' money in obligations or investment securities under the provisions of section 4d (2) of the Commodity Exchange Act shall include such obligations or investment securities in segregated account at values which at no time shall be greater than current market value, determined as of the close of the market on the last preceding market day, less the cost of disposal.

SEC. 29. The investment and lending of customers' funds and the deposit for safekeeping of obligations, investment securities, and warehouse receipts under the provisions of the Commodity Exchange Act and these rules and regulations, shall not operate to prevent the depositor from receiving and retaining as his own any increment or interest resulting therefrom.

SEC. 30. Nothing contained in these rules and regulations shall be construed to prevent a futures commission merchant from lending his own funds to commodity customers on securities and property pledged by such customers, or from re-pledging or selling such securities and property pursuant to specific written agreement with such customers: *Provided, however,* That the proceeds of such loans used to margin, guarantee, or secure the trades or contracts of such customers in any commodity for future delivery shall be treated and dealt with by such futures commission merchant as belonging to such customers, in accordance with and subject to the provisions of section 4d (2) of the Commodity Exchange Act.

*Record Keeping*

SEC. 31. All books and records required to be kept by the act or by these rules and regulations shall be kept for a period of five years from the date thereof and during the first two years of such period shall be readily accessible. All such books and records shall be open to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice.

SEC. 32. The amount of money, securities, and property which must be in segregated account in order to comply with the requirements of section 4d (2) of the Commodity Exchange Act shall be computed by each futures commission merchant as of the close of the market each business day, based upon his accounting records. Such computation shall be made as promptly as possible and in any event not later than the next succeeding business day. A permanent record of such computation shall be made and kept in readily accessible form, together with all supporting data.

SEC. 33. Each futures commission merchant shall prepare and keep as a permanent record a statement which shows the position of each customer in each future of each commodity on each contract market as of the close of the last business day of each calendar month. Such statement may be prepared separately or may be combined with the statement required by section 34 hereof.

SEC. 34. Each futures commission merchant shall prepare and keep as a permanent record a statement, commonly known as a "point balance", which accrues or brings to the official closing price, or settlement price fixed by the clearing organization, all open trades or contracts of customers as of the last business day of each calendar month. Each futures commission merchant shall also prepare and keep as a permanent record a statement which shall show, as of the close of the last business day of his fiscal year and semi-annually thereafter, (a) the net profit or loss (equity or deficit), based upon the closing price or settlement price fixed by the clearing organization, accruing to each customer from the combined open trades or contracts of such customer, (b) the credit or debit balance of the commodity margin account of each customer, whether or not such customer has any trades or contracts open, and (c) a description of all securities and property in segregated account received from each customer to margin, guarantee, or secure the trades or contracts of such customer: *Provided,* That, upon call, a statement shall be prepared setting forth the information described in (a), (b), and (c) hereof, as of the close of the calendar month specified in the call: *Provided further,* That such statement when made upon call may, with the approval of the Commodity Exchange Administration, be substituted for, and used in lieu of, the next succeeding semi-annual statement which would otherwise be required by the provisions of this section.

SEC. 35. Each futures commission merchant and each member of a contract market shall keep full and complete records of all commodity futures transactions and cash commodity transactions, made by or through him, on or subject to the rules of a board of trade. Such records shall be kept systematically and in such manner as to be readily accessible. He shall keep such records, including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations and copies of statements of purchase and sale, together with all other data and memoranda, and records of every sort pertaining to transactions in cash commodities and in commodities for future delivery, for a period of five years from the date thereof. He shall produce the same for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the Commodity Exchange Administration.

SEC. 36. Each futures commission merchant shall keep, in permanent and readily accessible form, a record of all securities and property (other than money) received from customers in lieu of money to margin, guarantee, or secure the commodity trades and contracts of such customers. Such record shall include a description of the securities and property received from each customer, the name and address of such customer, the dates when such securities and property were received from and when returned to such customer, or otherwise disposed of, together with the facts and circumstances of such other disposition.



SEC. 37. Each futures commission merchant and each member of a contract market shall keep a record in permanent form which shall show for each commodity futures account carried by him the true name and address of the person for whom such account is carried and the principal occupation or business of such person as well as the name of any other person guaranteeing such account or exercising any trading control with respect to such account. Such record shall be open to inspection by any authorized representative of the Commodity Exchange Administration.

SEC. 38. Each member of a contract market, each futures commission merchant and each floor broker handling or executing trades or transactions known as transfer trades or office trades, or which involve the exchange of futures for cash commodities or the exchange of futures in connection with cash commodity transactions, shall identify and mark by appropriate symbol or designation all such transactions and all records and memoranda pertaining thereto. No transaction or trade shall be considered to be a transfer trade or office trade or an exchange of futures for cash commodities or an exchange of futures in connection with cash commodities unless made in accordance with the written rules of a board of trade applying to such trades and transactions and such rules have not been disapproved by the Secretary of Agriculture.

*Execution of Orders*

SEC. 39. A member of a contract market who shall have in hand at the same time both buying and selling orders from different principals for the same commodity for future delivery in the same delivery month may execute such orders for and directly between such principals at the market price, if—

(a) such orders are first offered openly and competitively in the trading pit or ring in accordance with the written rules of a contract market applying in such cases and, failing of acceptance, are executed in the presence of an official representative of such contract market appointed to observe such transactions;

(b) the person executing such orders shall by appropriate descriptive words or symbol clearly identify all such transactions on his trading card or other similar record, made at the time of execution, and shall note or have noted thereon the exact time of execution;

(c) each such transaction shall be made a matter of permanent record by such contract market, which record shall show the date, price, quantity, kind of commodity, delivery month, by whom executed and the exact time of execution; and

(d) the futures commission merchant or floor broker receiving or executing such orders shall have no interest therein, directly or indirectly, except as futures commission merchant or floor broker.

The execution of orders under and in accordance with the conditions herein described will not be deemed to be the filling of orders by offset within the meaning of paragraph (D) of section 4b or to be cross trades within the meaning of section 4c of the Commodity Exchange Act.

*Miscellaneous*

SEC. 40. Each futures commission merchant and each member of a contract market shall, upon request, furnish or cause to be furnished to the Commodity Exchange Administration a true copy of any letter, circular, telegram, or report published or given general circulation by such futures commission merchant or member which concerns crop or market information or conditions that affect or tend to affect the price of any commodity, and the true source of or authority for the information contained therein.

SEC. 41. Each contract market shall promptly furnish to the Commodity Exchange Administration copies of all bylaws, rules, regulations, and resolutions made or issued by it or by the governing board thereof, or by any committee or clearing organization thereof, and of all changes and proposed changes therein, and shall notify the Commodity Exchange Administration promptly of all changes in its membership. Three copies of all such material shall be furnished to the Chief of the Commodity Exchange Administration, United States Department of Agriculture, Washington, D. C., and one copy shall be furnished to the supervisor in charge of the field office of the Commodity Exchange Administration having local jurisdiction with respect to such contract market.

SEC. 42. Each contract market shall furnish or cause to be furnished promptly to the Commodity Exchange Administration a copy of each notice of delivery issued by any member thereof covering the delivery of any commodity on a futures contract made on or subject to the rules of such contract market, and shall also furnish or cause to be furnished promptly to the Commodity Exchange Administration a record of all endorsements of the original notice of delivery shown in the order in which such endorsements were made.

SEC. 43. Each contract market shall file with the Commodity Exchange Administration a list of all warehouses in which or out of which commodities are deliverable in satisfaction of futures contracts made on or subject to the rules of such contract market, which list shall show the name, location, and storage capacity of each such warehouse, together with the name and business address of the operator thereof. Such list shall be accompanied by a schedule of the storage charges, handling charges, and the annual fire insurance rate applicable to each such warehouse. The Commodity Exchange Administration shall be kept currently advised of all changes affecting such information.

SEC. 44. Each contract market shall require the operators of warehouses whose receipts are deliverable in satisfaction of commodity futures contracts made on or subject to the rules of such contract market—

(a) to keep records showing the stocks of each commodity traded in for future delivery on such contract market, in store in such warehouses by kinds, by classes, and by grades, if stored under conditions requiring such designation or identification, and including also lots and parcels stored specially or separately or in specially leased warehouse space;

(b) upon call from the Commodity Exchange Administration, to report the stocks of commodities in such warehouses and to furnish information concerning stocks of each commodity traded in for future delivery on such contract market about to be transferred or in process of being transferred, or otherwise moved into or out of such warehouses, as well as any other information concerning commodities stored in such warehouses and which are or may be available for delivery on futures contracts; and

(c) to permit visitation of the premises and inspection of the books and records of such warehouses by duly authorized representatives of the United States Department of Agriculture or the Department of Justice, and to keep all books, records, papers, and memoranda relating to the storage and warehousing of commodities in such warehouses for a period of five years from the date thereof.

SEC. 45. Each contract market shall require that all contracts of sale of any commodity for future delivery on or subject to the rules of such contract market shall provide for the delivery thereunder of commodities of grades conforming to United States standards if such standards shall have been officially promulgated. In the event of a change in United States standards, all contracts made after the issuance of the order of the Secretary of Agriculture promulgating such change, and maturing after the effective date of such change, shall be made on the basis of the standards as changed: *Provided,* That this shall not be construed to prevent the closing of trades made prior to the issuance of such order.

ARTICLE II—SPECIAL PROVISIONS APPLICABLE TO GRAINS AND FLAXSEED

*Reporting Requirements*

SECTION 200. The word "grain" as used in article II of these rules and regulations shall mean and include wheat, corn, oats, barley, rye, rice, flaxseed, and grain sorghums.

Form 200

SEC. 201. Each *clearing member* of each contract market shall report to the Commodity Exchange Administration each business day on form 200 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on form 200, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the information called for with respect to all contracts of sale of grain for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market shall report separately with respect to each such market. Such report shall show separately for each kind of grain and each delivery month:

(a) the total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) the net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) the quantity of grain bought and the quantity of grain sold on such contracts during the period covered by the report;

(d) the quantity of grain delivered and the quantity of grain received on such contracts during the period covered by the report; and

(e) the quantity of grain represented by delivery notices passed back to the clearing organization or passed on to other clearing members.

SEC. 202. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 200 shall be filed in the office of the Commodity Exchange Administration in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. If there be no office of the Commodity Exchange Administration in such city, the reports shall be transmitted in accordance with instructions furnished by the Commodity Exchange Administration.

SEC. 203. Reports on form 200 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report.

Forms 201 and 202

SEC. 204. Each *futures commission merchant* and each *member* of a contract market, who shall carry for another person any account in any future of any grain, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in section 220 hereof, shall report such account daily to the Commodity Exchange Administration on form 201 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on form 201.

For the purpose of reporting on form 201, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on form 201 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount.

SEC. 205. The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in section 220 hereof shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account."

SEC. 206. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 201 shall be filed with the Commodity Exchange Administration not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Administration has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 207. Reports on form 201 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on form 201 it shall be identified on form 202, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on form 201. An account number or code once identified on form 202 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Administration.

SEC. 208. If more than one person shall have control over or be known to have a participating financial interest in any account reported on form 201, the names and addresses of all such persons shall be shown on form 202.

SEC. 209. In identifying accounts on form 202 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house.

Form 203

SEC. 210. Every *person* who holds or controls open contracts in any *one* future of any grain on any *one* contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in section 221 hereof) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Administration on form 203. Such report shall be made *daily: Provided*, That if on any day such person has no trades or transactions in any future of a grain previously reported and there has been no change in the open contracts of such person in any such grain, the last detailed report of such person shall be considered as his report on open contracts in such grain on all intervening days. Such person shall also make a report on form 203 covering the day on which the amount of his open contracts in such future falls below the amount fixed in section 221 hereof.

SEC. 211. Separate reports on form 203 shall be filed covering each grain in which the person reporting has or controls open contracts in any one future which equal or exceed the amount fixed in section 221 hereof. Each such report shall show for the day covered thereby, by markets and by futures:

(a) the amount of open contracts held or controlled by such person in all futures of such grain on all boards of trade in the United States and elsewhere;

(b) the character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) the amount of such grain bought and the amount sold by such person for future delivery on all boards of trade in the United States and elsewhere; and

(d) the amount of such grain delivered by or to such person in settlement of futures contracts.



For the purposes of subparagraph (b) hereof the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in paragraph (3) of section 4a of the Commodity Exchange Act.

SEC. 212. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required on form 203 shall be filed with the Commodity Exchange Administration as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 213. Upon receipt of the first report from any person on form 203, or upon application in advance, the Commodity Exchange Administration will assign to such person a code number. In all reports on form 203 filed thereafter, such code number shall be used instead of the name of such person.

SEC. 214. Persons having or controlling open contracts in any future of any grain on any contract market equal to or in excess of the amount fixed in section 221 hereof shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Administration with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for.

SEC. 215. Each person required to report on form 203 shall,

(a) if a partnership, furnish upon call the name and address of each partner;

(b) if a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 per cent or more of the capital stock of such corporation; and

(c) if an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Administration upon call in accordance with instructions contained in the call.

Form 204

SEC. 216. Every *person* who is engaged in merchandising, processing, or dealing in, grain or grain products and who holds or controls open contracts in any one future of any grain on any contract market which equal or exceed the amount fixed in section 221 hereof shall report to the Commodity Exchange Administration on form 204, which report shall be rendered as of the close of business on *Friday* of each week unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown.

SEC. 217. Such report shall contain the following information with respect to *each* grain in which the person reporting holds or controls open contracts in any one future thereof on or subject to the rules of any contract market equal to or in excess of the amount fixed in section 221 hereof:

(a) the amount of the net long or net short cash-grain position of such person in such grain;

(b) the make-up of the cash-grain position of such person in such grain showing—

(1) the amount of stocks of such grain or products or byproducts thereof,

(2) the amount of purchase commitments open in such grain or products or byproducts thereof, and

(3) the amount of sale commitments open in such grain or products or byproducts thereof; and

(c) the amount of open contracts held by such person in all futures of such grain on all boards of trade in the United States and elsewhere.

SEC. 218. In determining the cash-grain position of any person reporting on form 204, such person shall use such standards and conversion factors applying to grain products and byproducts as are usual and common to the business in which he is engaged. If, in determining the cash-grain position of such person for hedging purposes, it be his practice regularly to exclude certain products or byproducts, such products or byproducts shall be excluded in reporting such cash-grain position on form 204.

Such person shall upon request furnish the Commodity Exchange Administration with detailed information concerning the kind and amount of each product or byproduct included in computing his cash-grain position and the conversion factor used for each such product or byproduct.

SEC. 219. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports on form 204 shall be mailed to the Chief of the Commodity Exchange Administration, United States Department of Agriculture, Washington, D. C., not later than the next business day following the day covered by the report. Such reports should be mailed preferably in a plain envelope marked "Confidential." Reports received by mail will be considered duly filed if postmarked not later than the due date.

Amounts Fixed for Reporting on Forms 201, 203, and 204

SEC. 220. For the purpose of sections 204 and 205 of article II of these rules and regulations, the amount specified for reporting accounts on form 201 is 200,000 bushels, but such specified amount shall not apply to special calls issued under authority of section 222 hereof.

SEC. 221. For the purpose of sections 210, 211, 214, 216, and 217 of article II of these rules and regulations, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on form 203 and form 204 is 200,000 bushels.

Special Calls

SEC. 222. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated grain future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Administration on form 201, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in section 220 hereof shall have no application.

SEC. 223. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any grain future shall, upon call, report all open contracts in grain futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Administration on form 203 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in section 221 hereof shall have no application.

[F. R. Doc. 37-2172; Filed, July 14, 1937; 1:11 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 50]

PRODUCTION CREDIT CORPORATION OF BERKELEY

CLASS A STOCK; CONVERSION INTO CLASS B STOCK

*To all production credit associations in the states of Arizona, California, Nevada and Utah:*

The following regulation is prescribed pursuant to Section 23 of the Farm Credit Act of 1933:

Section 26 (d) of the Bylaws of production credit associations and the first paragraph of Section 104 (j) 1 of the Revised Rules and Regulations both read as follows:

Class A stock. Upon the authorization of a loan to a holder of Class A stock, the board of directors may permit the conversion of any or all of such Class A stock at the fair book value thereof (not to exceed par) into Class B stock in accordance with such terms and conditions as may be prescribed by the Corporation so long as it is the holder of any stock of the association.

When Class A stock is to be converted into Class B stock, associations should limit the conversion to the amount necessary to enable the holder to obtain sufficient Class B stock for his loan.

Where proper compliance with this bulletin would result in the ownership by the stockholder of, for example, only one or a fractional share of Class A stock, it will be permissible to allow the conversion of the full amount of the Class A stock holdings.

[SEAL] PRODUCTION CREDIT CORPORATION OF BERKELEY,
By W. R. ANDREW, *Vice President*.

[F. R. Doc. 37-2178; Filed, July 15, 1937; 12:06 p. m.]

## INTERSTATE COMMERCE COMMISSION.

### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 8th day of July, A. D. 1937.

IN THE MATTER OF NOTICE OF HEARINGS ON APPLICATIONS BY MOTOR CARRIERS FOR CERTIFICATES, PERMITS, AND CHANGE OF ROUTE, AND BY BROKERS FOR LICENSES

Section 205 (f) of the Motor Carrier Act, 1935, being under consideration:

*It is ordered*, That service of notice of hearings on applications for—

(1) Certificates of public convenience and necessity filed under sections 206 and 207 of the Motor Carrier Act, 1935;

(2) Permits under section 209 of such act;

(3) Change of routes of motor carriers; and

(4) Brokerage licenses under section 211 of such act

shall hereafter be made by mailing a copy of such notice by registered mail to the State Board, and to the Governor, of each State, in which the motor carrier or brokerage operations involved in the application are, or are proposed to be, conducted, to the applicant, to each protestant of record, and to each competing motor, rail, or water carrier named in the application; and by posting a copy thereof in the office of the secretary of the Commission and at the office of the district director of each district, within which the motor carrier or brokerage operations involved in the application are, or are proposed to be, conducted.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-2179; Filed, July 15, 1937; 12:28 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of July, A. D. 1937.

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION

[File No. 46-64]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by National Gas & Electric Corporation pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition of all the issued and outstanding shares of the capital stock of Mid-East Gas Company, a West Virginia corporation stated to be engaged in the State of Ohio in the production and distribution of natural gas for industrial purposes, the acquisition of the physical properties of said corporation pursuant to an agreement between National Gas & Electric Corporation and Commonwealth Gas Corporation having been approved by an order of this Commission entered on the 19th day of March, 1937, in the matter of National Gas & Electric Corporation. The Industrial Gas Company and Gas Producing Company of Ohio, File No. 46-32; the acquisition of such shares to be without the payment of any consideration therefor, and appearing to be for the purpose of confirming title to any physical properties of said Mid-East Gas Company acquired by National Gas & Electric Corporation or any of its subsidiaries pursuant to above mentioned order;

It is ordered that a hearing on such matter be held on July 19, 1937, at 10:30 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 19, 1937, at 10:30 o'clock in the forenoon.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2182; Filed, July 15, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-131]

IN THE MATTER OF INTERNATIONAL PAPER AND POWER COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the 7% Cumulative Preferred Stock, $100 Par Value, of International Paper and Power Company; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Simmons Company, be and the same is hereby denied; and

It is further ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to said security be and the same is hereby granted in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2183; Filed, July 15, 1937; 12:40 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-132]

IN THE MATTER OF SIMMONS COMPANY COMMON STOCK, No PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission pursuant to clauses (1) and (2) of section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the continuation or the extension of unlisted trading privileges to the Common Stock, No Par Value, of Simmons Company; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (1) of the Securities Exchange Act of 1934, as amended, for the continuation of unlisted trading privileges in the Common Stock, No Par Value, of Simmons Company, be and the same is hereby denied; and

It is further ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to said security be and the same is hereby granted in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2184; Filed, July 15, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-154]

IN THE MATTER OF STUDEBAKER CORPORATION COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, $1 Par Value, of Studebaker Corporation; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, $1 Par Value, of Studebaker Corporation be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2185; Filed, July 15, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-143]

IN THE MATTER OF SWIFT AND COMPANY CAPITAL STOCK, $25 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Capital Stock, $25 Par Value, of Swift and Company; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Capital Stock, $25 Par Value of Swift and Company be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2186; Filed, July 15, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-144]

IN THE MATTER OF SWIFT INTERNATIONAL LTD. DEPOSIT CERTIFICATES OF BEARER SHARE CERTIFICATES, PAR VALUE 15 ARGENTINE GOLD DOLLARS

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission pursuant to clauses (1) and (2) of Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the continuation or the extension of unlisted trading privileges to the Deposit Certificates of Bearer Share Certificates, Par Value 15 Argentine Gold Dollars, of Swift International Ltd.; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (1) of the Securities Exchange Act of 1934, as amended, for the continuation of unlisted trading privileges in the Deposit Certificates of Bearer Share Certificates, Par Value 15 Argentine Gold Dollars, of Swift International Ltd., be and the same is hereby denied; and

It is further ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securi-

ties Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to said security be and the same is hereby granted in respect of trading therein in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2187; Filed, July 15, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-157]

IN THE MATTER OF UNITED AIRCRAFT CORPORATION CAPITAL STOCK, $5 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of United Aircraft Corporation; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of United Aircraft Corporation be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2188; Filed, July 15, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-158]

IN THE MATTER OF UNITED AIR LINES TRANSPORT CORPORATION CAPITAL STOCK, $5 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of United Air Lines Transport Corporation; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of United Air Lines Transport Corporation be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2190; Filed, July 15, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

IN THE MATTER OF WALWORTH COMPANY COMMON STOCK, NO PAR VALUE

[File No. 7-133]

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Walworth Company; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Walworth Company be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2189; Filed, July 15, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF OIL PAYMENTS IN THE GRAND-MARTIN LEASE, FILED ON JUNE 11, 1937, BY GRAND PETROLEUM CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 8, 1937, be effective as of July 8, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2191; Filed, July 15, 1937; 12:42 p. m.]

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*Saturday, July 17, 1937* *No. 137*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

RESTORING TO THE TERRITORY OF HAWAII A PORTION OF THE FORT DE RUSSY MILITARY RESERVATION

By virtue of and pursuant to the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 443, 447, it is ordered that the following-described parcel of land situate in the City and County of Honolulu, Oahu, Territory of Hawaii, and comprising a part of the Fort De Russy Military Reservation, be, and it is hereby, restored to the Territory of Hawaii for its use in connection with the improvement of its highway system,—reserving, however, to the United States the right to construct on the said land a railroad from the Fort De Russy Military Reservation to the existing line of the Honolulu Rapid Transit and Land Company:

Beginning at an iron pin in the makai side of Kalakaua Avenue, which pin is 294.6 feet north and 1,345.6 feet east of a copper bolt set in a concrete monument on the makai side of Kalia Road, and from which iron pin the azimuth (measured clockwise from true south) and distance to the center of a concrete culvert is 154°20', 84.4 feet.

Thence from said initial point, by true azimuths and distances, as follows:

29°10', 1,154.0 feet, to a point on the mauka side of Kalia Road;
308°10', 40.5 feet, along Kalia Road to a point;
209°10', 1,135.0 feet, to a point on the makai side of Kalakaua Avenue;
151°30', 47.35 feet, along said Kalakaua Avenue, to the point of beginning.

The tract as described contains an area of 45,780 square feet.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 15, 1937.*

[No. 7658]

[F. R. Doc. 37-2203; Filed, July 16, 1937; 11:29 a. m.]

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## TREASURY DEPARTMENT.

**Accounts and Deposits.**

[1937—Treasury Department Circular No. 576]

## POST OFFICE DEPARTMENT.

**Office of the Postmaster General.**

[1937—Post Office Department Reg. 1]

REGULATIONS GOVERNING THE SHIPMENT OF VALUABLES PURSUANT TO THE "GOVERNMENT LOSSES IN SHIPMENT ACT"

JULY 16, 1937.

*To the Heads of the Executive Departments, Independent Establishments, Agencies, Wholly-owned Corporations, Officers and Employees of the United States:*

The following provisional regulations are prescribed pursuant to section 1 of the Government Losses in Shipment Act, Public No. 192, 75th Congress, First Session, relative to shipments of valuables made pursuant to that Act:

1. All terms used in these regulations have the same meaning as when used in said Act. Section 7 of said Act defines in part the term "valuables" as "any article or thing * * * which is of or is similar to a class or kind of article or thing or representative of value which it has been the practice heretofore of the United States to insure, as the insured party * * *", and the term "shipment" as "the transportation or the effecting of transportation of valuables without limitation as to the means or facilities used * * *."

2. After the effective date and hour of these regulations, as hereinafter provided, shipments of valuables shall be made (1) in the same manner and at such time as those of the same class or kind were made, when insured, immediately preceding the effective date of these regulations, or (2) in such other manner and at such other time consonant with the greatest possible protection against risk of loss and destruction of and damage to such valuables as the respective heads of the various executive departments, independent establishments, agencies, and wholly-owned corporations of the United States may from time to time direct, after notice to the Secretary of the Treasury.

3. These regulations shall become effective at 12:01 A. M. August 15, 1937, Eastern Standard Time, and as to all shipments as above defined which have not left the office of the sender prior thereto.

4. The Secretary of the Treasury and the Postmaster General, with the approval of the President may, at any time, or from time to time, revoke or amend these regulations or prescribe and issue supplemental or amendatory rules and regulations pursuant to section 1 of the said Government Losses in Shipment Act.

[SEAL] JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*
W. W. HOWES,
*Acting Postmaster General.*

Approved:
FRANKLIN D ROOSEVELT,
*The White House.*

[F. R. Doc. 37-2202; Filed, July 16, 1937; 10:41 a. m.]

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## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49087]

AIRPORT OF ENTRY

ROUSES POINT SEAPLANE BASE, ROUSES POINT, NEW YORK, DESIGNATED AS AN AIRPORT OF ENTRY WITHOUT TIME LIMIT

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Rouses Point Seaplane Base, Rouses Point, New York, is hereby designated as an airport of entry for the landing of aircraft from foreign countries, effective July 14, 1937.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: July 13, 1937.
STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2192; Filed, July 15, 1937; 4:00 p. m.]

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## DEPARTMENT OF THE INTERIOR.

**National Bituminous Coal Commission.**

[Order No. 14]

AN ORDER DIRECTING CODE MEMBERS TO FILE WITH THE STATISTICAL BUREAUS DESIGNATED BY THE COMMISSION COPIES OF CERTAIN CONTRACTS AND SPOT ORDERS.

Pursuant to Section 4, Part II, subsection (a), of an act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. Within twenty (20) days from the date of this order, each code member shall file with the statistical bureau of the Commission for the district in which is located the mine of the code member from which coal has been supplied or is proposed to be supplied, copies of all contracts for the sale of coal entered into on or before the 26th day of April, 1937, and which contracts are claimed to have been in effect at any time on or after that date.

2. Within twenty (20) days from the date of this order each code member shall file with the statistical bureau of the Commission above designated, copies of all contracts for the sale of coal entered into by such code member sub-

sequent to the 26th day of April, 1937, and prior to the date of this order.

3. On and after the date of this order each code member shall, within fifteen (15) days after entering into any contract for the sale of coal, file with the statistical bureau of the Commission above designated a copy of each such contract.

4. Within twenty (20) days from the date of this order each code member shall file with the statistical bureau of the Commission above designated, copies of all spot orders for the sale of coal entered into by the code member prior to the date of this order under which shipments are made on or after July 15, 1937.

5. On and after the date of this order each code member shall within ten (10) days from the date of accepting any spot order file with the statistical bureau of the Commission above designated, copies of each such order entered into by him on or after July 15, 1937.

6. For the purpose of this order—

The term "contract" shall be deemed to include every agreement providing for the sale of coal covering shipments to be made during a period of more than thirty (30) days from the date of the contract.

The term "spot order" shall be deemed to include every sale or agreement providing for the sale of coal covering shipments to be made during a period of thirty (30) days or less from the date of the order.

The terms "contract" and "spot order" shall in each case be deemed to include every agreement, supplemental agreement, credit memorandum or any other understanding of the parties affecting the price, tonnage, terms of payment or terms and conditions of delivery of said coal.

In every case where the contract or spot order has not been reduced to writing the code member producer shall file a statement setting forth all terms and conditions of the agreement, which statement shall be verified by affidavits of the code member and of the purchaser.

Contracts and spot orders required to be filed under this order shall include all such contracts and spot orders entered into for or on behalf of a code member by any agent, factor, distributor or other person acting for him.

This order shall extend and apply to all contracts and spot orders entered into between a code member and any subsidiary or affiliate of such code member.

7. All records filed by a code member in conformity with this order shall be held by the Commission and its statistical bureaus as the confidential records of the code member filing such information.

8. Failure of any code member to comply with the requirements of this order shall be deemed a violation of the Bituminous Coal Code and the Act and shall subject the delinquent producer to the penalties therein provided.

9. The Secretary of the Commission shall forthwith mail a copy of this order to the Secretary of each district board and to each code member in the several districts.

10. Code members may mail copies of the required documents, postage prepaid, in envelopes marked "confidential", addressed to the National Bituminous Coal Commission in care of the statistical bureau for the appropriate district.

Receipt of the required documents by the statistical bureau of the Commission above designated will be compliance with this order.

For the information of code members there is attached a list showing the addresses of the respective statistical bureaus.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

*Location of the Statistical Bureaus for the 23 Districts*

| District | Address |
|---|---|
| 1 | 12th Avenue and 12th Street, Altoona, Penna. |
| 2 | Empire Bldg., 507 Liberty Ave., Pittsburgh, Penna. |
| 3 | Jacobs Bldg., Monroe & Meredith Sts., Fairmont, W. Va. |
| 4 | Bulkley Bldg., Euclid Avenue, Cleveland, Ohio. |
| 5 | Goff Bldg., Franklin Street, Saginaw, Michigan. |
| 6 | Register Building, Wheeling, W. Va. |
| 7 | Law & Commerce Bldg., Federal St., Bluefield, W. Va. |
| 8 | Josselson Building, Ashland, Ky. |
| 9 | Starks Building, Louisville, Ky. |
| 10 | Merchandise Mart, Chicago, Illinois. |
| 11 | Chamber of Commerce, Indianapolis, Ind. |
| 12 | Walnut Building, Des Moines, Iowa. |
| 13 | Education Building, Birmingham, Ala. |
| 14 | First National Bank Bldg., Fort Smith, Ark. |
| 15 | 12th & Oak Building, Kansas City, Mo. |
| 16 | Central Savings Bank Bldg., Denver, Colo. |
| 17 | Central Savings Bank Bldg., Denver, Colo. |
| 18 | Korber Building, Albuquerque, N. Mex. |
| 19 | Post Office, Cheyenne, Wyoming. |
| 20 | Union Pacific Building, Salt Lake City, Utah. |
| 21 | Bismarck, N. D. |
| 22 | Empire Building, Billings, Montana. |
| 23 | Puget Sound Bank Building, Tacoma, Washington. |

[F. R. Doc. 37-2216; Filed, July 16, 1937; 12:41 p. m.]

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[Order No. 15]

## AN ORDER REQUIRING REPORTS FROM PRODUCERS PURSUANT TO SECTION 10 (A) OF THE BITUMINOUS COAL ACT OF 1937

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, in order to perform effectively its duties under said Act, is required to be fully informed as to the production and distribution of bituminous coal throughout the United States. Therefore, pursuant to authority conferred by Section 10 of said Act, the Commission orders and directs as follows:

1. That each producer of bituminous coal, whether or not a code member and whether or not engaged in commerce in coal which is subject to the provisions of Section 4 of said Act, shall file, in duplicate, complete reports showing the total costs of the tonnage produced and realization prices derived from the sale of coal, all as more fully set forth and specified in the Commission's Cost Forms No. 1 and 1-A, such reports to be made separately for each mine and to include all coal produced during the calendar year 1936 and all coal sold during the same period.

2. The Commission's Cost Form No. 1 shall be used by producers for mines having a present actual daily capacity of more than fifty (50) net tons.

The Commission's Cost Form No. 1-A shall be used by producers in making reports for mines having a present actual daily capacity of fifty (50) net tons or less.

In the case of any mine not actually in operation during the calendar year 1936, the producers shall report such data as will show all costs of ownership and maintenance.

3. The Secretary of the Commission shall cause to be mailed to each known producer within the United States, a copy of this order together with necessary forms, and shall make available to all producers additional copies of said forms at the office of the statistical bureau of the Commission in each district established under said Act.

4. Each producer shall, within fifteen (15) days from the date of receipt of a copy of this order and of said forms, file the required reports, duly verified, with the statistical bureau of the Commission in the district within which the mine or mines reported upon are located.

The Commission directs specific attention to the provisions of Section 10 of said Act relating to the confidential nature of the reports required under this order and further gives notice that the penalties provided for non-compliance with this order by the producer will be strictly enforced.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2217; Filed, July 16, 1937; 12:41 p. m.]



## FEDERAL HOME LOAN BANK BOARD.

### AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME LOAN BANKS

AUTHORIZING BANKS TO REQUIRE MEMBERS TO GIVE 30 DAYS NOTICE OF APPLICATION FOR RETIREMENT OF EXCESS BANK STOCK

Be it resolved, That, pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), paragraph numbered (3) of Subsection (b) of Section 26 of the Rules and Regulations for Federal Home Loan Banks, is hereby amended by inserting immediately after the second sentence thereof, the following:

A Bank may require a member to give 30 days' written notice of its intention to make an application to the Bank for a decrease in the amount of stock held by it.

Adopted by the Federal Home Loan Bank Board on July 14, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2199; Filed, July 16, 1937; 9:51 a. m.]

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### AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME LOAN BANKS

AMENDMENT TO PROCEDURE FOR ELECTION OF DIRECTORS OF BANKS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsections (d) and (e) of Section 7 of the Federal Home Loan Bank Act (12 U. S. C. 1427 (e)), Sections 4 and 7 of Exhibit F, annexed to the Rules and Regulations for Federal Home Loan Banks, are hereby amended to read, respectively, as follows:

4. The election of directors shall be held annually and shall be conducted by mail under the supervision of the Board. No nominations shall be accepted from members which were admitted to membership within the ten days prior to the date nomination ballots are to be forwarded to members as set forth herein and no votes for the election of candidates shall be accepted from members which have been admitted to membership within the ten days prior to the date election ballots are to be forwarded to members as set forth herein.

7. In the event any person is nominated for more than one directorship, he will be given an opportunity by telegram from the Board to express his order of preference for the directorships for which he has been nominated, and the Board will, in accordance with the preference expressed, designate the directorship for which he shall be a condidate, providing such action will not impair the representation per state as set forth in Section 9 hereof. However, if advice of such preference is not received within five days after such telegraphic notice, the Board will designate such person as a candidate only for the directorship for which he received the greatest proportion of votes for nomination or in case of a tie or a conflict with the provisions of Section 9 hereof, the directorship which appears to the Board to be the most suitable. On or before September 25th, the Board will mail to each member the first election ballots, which will contain in alphabetical order the names of the nominees for each directorship to be filled in its class and from the membership-at-large.

Adopted by the Federal Home Loan Bank Board on July 14, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2194; Filed, July 16, 1937; 9:50 a. m.]

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### AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME LOAN BANKS

REPAYMENT OF LONG-TERM ADVANCES BY BANK MEMBERS

*Long-term advances may be amortized monthly or quarterly and must be repaid in full within ten years from date of advance*

Be it resolved, That, pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), paragraph (7) of Section 42, paragraph (7) of Section 43 and paragraph (6) of Section 47 of the Rules and Regulations for Federal Home Loan Banks are hereby amended to read as follows:

SECTION 42

(7) *Regulations.*—The Banks may make advances to members on the security of home mortgages, as provided in Section 10 of the Act, for periods of not to exceed ten years, on a monthly or quarterly amortization basis, with interest thereon payable monthly or quarterly. Advances for periods exceeding one year shall be repaid at least 10% annually, provided:

(a) On an advance made on the monthly amortization basis, a Bank may permit the first payment of interest, except as hereinafter provided, and of not less than one-twelfth of 10% of principal to be made at any time not later than the last day of the calendar month next succeeding the month in which the advance is made. Thereafter, with the exception of the last payment, and as herein otherwise provided, payments of interest and principal are to be made monthly from the date of such first payment, each payment of principal to be at least equal to one-twelfth of 10% of the original amount of the advance. A Bank may require, however, that payments of interest upon advances made upon such monthly amortization basis shall be made upon quarterly dates determined in the manner provided in subparagraph (b) of this section;

(b) On an advance made on the quarterly amortization basis, a Bank may permit the first payment of interest, except as hereinafter provided, and of not less than 2.5% of principal to be made at any time not later than the last day of the fifth calendar month next succeeding the month in which the advance was made. Thereafter, with the exception of the last payment, and as herein otherwise provided, payments of interest and principal are to be made quarterly from the date of such first payment, each payment of principal to be at least equal to 2.5% of the original amount of the advance. A Bank may require, however, that payments of interest upon advances made upon such quarterly amortization basis shall be made upon monthly dates determined in the manner provided in subparagraph (a) of this section;

The maturity of any advance shall be determined by the terms of the note evidencing such advance, but such maturity shall not exceed in any event ten years from the actual date of the advance. No note evidencing an advance shall bear a date subsequent to the date of the first advance under such note. If the note evidencing an advance so provides, nothing herein shall prevent a Bank from accepting at any time payments on the principal of any such advance in an amount in excess of payments required by the note and, if such note so provides, the Bank may waive the next succeeding payments of principal due on the note in an aggregate amount not exceeding such advance payment of principal or may treat such payments in any other manner specified in the note.

SECTION 43

(7) *Regulations.*—The Banks may make advances to members on the security of obligations of the United States, as provided in Section 10 of the Act, for periods of not to exceed ten years, on a monthly or quarterly amortization basis with interest thereon payable monthly or quarterly. Advances for periods exceeding one year shall be repaid at least 10% annually, provided:

(a) On an advance made on the monthly amortization basis, a Bank may permit the first payment of interest, except as hereinafter provided, and of not less than one-twelfth of 10% of principal to be made at any time not later than the last day of the calendar month next succeeding the month in which the advance is made. Thereafter, with the exception of the last payment, and as herein otherwise provided, payments of interest and principal are to be made monthly from the date of such first payment, each payment of principal to be at least equal to one-twelfth of 10% of the original amount of the advance. A Bank may require, however, that payments of interest upon advances made upon such monthly amortization basis shall be made upon quarterly dates determined in the manner provided in subparagraph (b) of this section;

(b) On an advance made on the quarterly amortization basis a Bank may permit the first payment of interest, except as hereinafter provided, and of not less than 2.5% of principal to be made at any time not later than the last day of the fifth calendar month next succeeding the month in which the advance was made. Thereafter, with the exception of the last payment, and as herein otherwise provided, payments of interest and principal are to be made quarterly from the date of such first payment, each payment of principal to be at least equal to 2.5% of the original amount of the advance. A Bank may require, however, that payments of interest upon advances made upon such quarterly amortization basis shall be made upon monthly dates determined in the manner provided in subparagraph (a) of this section;

The maturity of any advance shall be determined by the terms of the note evidencing such advance, but such maturity shall not exceed in any event ten years from the actual date of the advance. No note evidencing an advance shall bear a date subsequent to the date of the first advance under such note. If the note evidencing an advance so provides, nothing herein shall prevent a Bank from accepting at any time pay-

ments on the principal of any such advance in an amount in excess of payments required by the note and, if such note so provides, the Bank may waive the next succeeding payments of principal due on the note in an aggregate amount not exceeding such advance payment of principal or may treat such payments in any other manner specified in the note.

SECTION 47

(6) *Regulations.*—The Banks may make advances to non-member mortgagees under the provisions of Section 10b of the Act for periods of not to exceed ten years. Advances for a period of more than one year shall be deemed long-term advances, and shall be made on a monthly or quarterly amortization basis with interest thereon payable monthly or quarterly. Advances for periods exceeding one year shall be repaid at least 10% annually, provided;

(a) On an advance made on the monthly amortization basis, a Bank may permit the first payment of interest, except as hereinafter provided, and of not less than one-twelfth of 10% of principal to be made at any time not later than the last day of the calendar month next succeeding the month in which the advance is made. Thereafter, with the exception of the last payment, and as herein otherwise provided, payments of interest and principal are to be made monthly from the date of such first payment, each payment of principal to be at least equal to one-twelfth of 10% of the original amount of the advance. A Bank may require, however, that payments of interest upon advances made upon such monthly amortization basis shall be made upon quarterly dates determined in the manner provided in subparagraph (b) of this section;

(b) On an advance made on the quarterly amortization basis, a Bank may permit the first payment of interest, except as hereinafter provided, and of not less than 2.5% of principal to be made at any time not later than the last day of the fifth calendar month next succeeding the month in which the advance was made. Thereafter, with the exception of the last payment, and as herein otherwise provided, payments of interest and principal are to be made quarterly from the date of such first payment, each payment of principal to be at least equal to 2.5% of the original amount of the advance. A Bank may require, however, that payments of interest upon advances made upon such quarterly amortization basis shall be made upon monthly dates determined in the manner provided in subparagraph (a) of this section;

The maturity of any advance shall be determined by the terms of the note evidencing such advance, but such maturity shall not exceed in any event ten years from the actual date of the advance. No note evidencing an advance shall bear a date subsequent to the date of the first advance under such note. If the note evidencing an advance so provides, nothing herein shall prevent a Bank from accepting at any time payments on the principal of any such advance in an amount in excess of payments required by the note and, if such note so provides, the Bank may waive the next succeeding payments of principal due on the note in an aggregate amount not exceeding such advance payment of principal or may treat such payments in any other manner specified in the note."

Adopted by the Federal Home Loan Bank Board on July 14, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2193; Filed, July 16, 1937; 9:49 a. m.]

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AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

FEDERAL ASSOCIATIONS, WHEN AUTHORIZED BY THE BOARD, MAY MAKE LOANS UPON HOMES AND COMBINATION HOME AND BUSINESS PROPERTIES BEYOND 50 MILES FROM THE HOME OFFICE UP TO 80% OF VALUE, WHEN INSURED BY THE FEDERAL HOUSING ADMINISTRATOR

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), paragraph (3) of subsection (c) of Section 41 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

(3) The amount of the loan shall not exceed 60 percent of the appraised value of the property, when secured by a home or a combination home and business property (hereinafter termed "home loan"), and shall not exceed 50 percent of the appraised value of the property when secured by other improved real estate, unless upon application the Board authorizes an association (when ability to service such loans is shown to the satisfaction of the Board) to make home loans in specified areas in excess of 60 percent of the appraised value of the property. If and when the Board has given such authorization, home loans in the specified areas may be made in amounts not in excess of 66⅔ percent of the appraised value if the loan is not insured by the Federal Housing Administrator, and not in excess of the percentage of appraised value fixed by the Board in giving such authorization (in no event greater than 80 percent) if the loan is insured by the Federal Housing Administrator. Each application for such authorization shall be in a form satisfactory to the Board and shall set forth the area or areas in which the applicant desires to make such higher percentage home loans and evidence of ability to service such loans.

Be it further resolved, That, it being deemed this is a major amendment affecting matters of general principle or policy, and not of an emergency character, pursuant to the provisions of subsection (a) of Section 54 of the Rules and Regulations for Federal Savings and Loan Associations, such amendment shall be effective 30 days from August 1, 1937.

Adopted by the Federal Home Loan Bank Board on July 14, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2195; Filed, July 16, 1937; 9:49 a. m.]

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## Federal Savings and Loan Insurance Corporation.

AMENDMENT TO RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

INSURED INSTITUTIONS, WHEN AUTHORIZED BY THE BOARD OF TRUSTEES OF THE INSURANCE CORPORATION, MAY MAKE LOANS ON HOMES AND COMBINATION HOME AND BUSINESS PROPERTIES BEYOND 50 MILES FROM THE HOME OFFICE UP TO 80% OF VALUE WHEN INSURED BY THE FEDERAL HOUSING ADMINISTRATOR

Be it resolved, That pursuant to authority vested in the Board of Trustees of the Federal Savings and Loan Insurance Corporation by Sections 402 (a) and 403 (b) of the National Housing Act (12 U. S. C. 1725 (a), 1726 (b)), subparagraph (4) of subsection (d) of Section 10 of the Rules and Regulations for Insurance of Accounts is hereby amended to read as follows:

(4) The amount of the loan shall not exceed 60 percent of the appraised value of the property, when secured by a home or a combination home and business property (hereinafter termed "home loan"), and shall not exceed 50 percent of the appraised value of the property when secured by other improved real estate, unless upon application the Board authorizes an insured institution (when ability to service such loans is shown to the satisfaction of the Board) to make home loans in specified areas in excess of 60 percent of the appraised value of the property. If and when the Board has given such authorization, home loans in the specified areas may be made in amounts not in excess of 66⅔ percent of the appraised value if the loan is not insured by the Federal Housing Administrator, and not in excess of the percentage of appraised value fixed by the Board in giving such authorization (in no event greater than 80 percent) if the loan is insured by the Federal Housing Administrator. Each application for such authorization shall be in a form satisfactory to the Board and shall set forth the area or areas in which the applicant desires to make such higher percentage home loans and evidence of ability to service such loans.

Be it further resolved, That, it being deemed this is a major amendment affecting matters of general principle or policy, and not of an emergency character, pursuant to the provisions of subsection (a) of Section 22 of the Rules and Regulations for Insurance of Accounts, such amendment shall be effective 30 days from a date to be fixed by the Secretary to the Board, which date shall be fixed within 10 days from the date of the adoption of this resolution.

(To become effective 30 days after August 1, 1937.)

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on July 14, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2200; Filed, July 16, 1937; 9:52 a. m.]

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## Home Owners' Loan Corporation.

[Amendment of section 734 of the Manual]

REQUIRING APPROVAL OF THE BUDGET DIRECTOR INSTEAD OF THE COMPTROLLER ON CERTAIN VOUCHERS

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, the sixth paragraph of Section 734 of Chapter VII of the Consolidated Manual is hereby amended to read as follows:

SEC. 734 (6th Paragraph). The Treasurer shall submit to the Budget Director for approval or disapproval all vouchers claiming reimbursement for counterfeit money, and recommend, either, that the person who received same shall not be reimbursed because of his negligence, or, that the amount paid to the Corporation, as provided herein, be refunded and charged to general Corporation expense.

Adopted by the Federal Home Loan Bank Board on July 15, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2198; Filed, July 16, 1937; 9:51 a. m.]

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AMENDMENT TO TREASURER'S CHAPTER OF MANUAL AS TO PROCEDURE

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, paragraph (d) of Section 740 and the fourth paragraph of Section 752 of Chapter VII of the Consolidated Manual are hereby amended to read as follows:

SEC. 740 (d). The Treasurer is authorized, with the approval of the General Counsel, the General Manager, and the Budget Director, to prescribe all procedure necessary to carry out this regulation.

SEC. 752 (4th Paragraph). The Treasurer is authorized, with the approval of the General Counsel, the General Manager, and the Budget Director, to prescribe all procedure necessary to carry out the foregoing regulations. All previously issued regulations which are in conflict herewith or with regulations issued under authority granted herein, are hereby superseded and repealed.

Adopted by the Federal Home Loan Bank Board on July 14, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2197; Filed, July 16, 1937; 9:51 a. m.]

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[Amendments to State and Consolidated Manuals]

INCREASING TO $500.00 THE AUTHORITY OF STATE AND DISTRICT MANAGERS TO INCUR EXPENSE ON CORPORATION - OWNED PROPERTIES

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, the second paragraph of Section 1h of the Property Management Chapter of the State and Regional Manuals, and the second paragraph of Section 313 of the Property Management Chapter of the Consolidated Manual be amended to read as follows:

The State and District Managers may incur or approve charges in behalf of the Corporation for expenses made or incurred in the performance of any of the functions or duties required or authorized to be done by this Chapter in any case where the amount thereof does not exceed $500.00, provided that where such amount exceeds $500.00 the approval of the Regional Manager shall first be obtained. The State and District Managers are authorized and directed, within the limitation above stated, to determine the necessity for such expenditures and the amounts thereof. Charges and bills incurred or approved by the State or District Manager shall be paid by vouchers through the regular procedure provided therefor except in those cases where disbursements are authorized to be made by brokers out of funds in the possession of the broker received from the income of the particular property. Any authority hereinabove vested in the State Manager and the District Manager may also be exercised by any Assistant to the State Manager in Charge of Property Management, or by any Assistant to the District Manager in Charge of Property Management, or by any District Property Management Supervisor, when duly deputized for such purpose; provided, the Regional Manager, in his discretion, may place limitations upon such authority of State and District Managers in amounts less than $500.00.

Be it further resolved, That this resolution as an amendment to the State and Regional Manuals shall be effective immediately upon its adoption, and as an amendment to the Consolidated Manual shall become effective as of the date that the resolution becomes effective which adopted the Property Management Chapter of the Consolidated Manual.

Adopted by the Federal Home Loan Bank Board on July 14, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2196; Filed, July 16, 1937; 9:50 a. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5472]

APPLICATION OF GEORGE B. EVANS, TRUSTEE IN BANKRUPTCY OF AND FOR ST. LOUIS GAS AND COKE CORPORATION

ORDER SETTING HEARING

Upon application filed by George B. Evans, Trustee in Bankruptcy of and for the St. Louis Gas and Coke Corporation, a corporation organized under the laws of the State of Delaware, for approval of the sale of its electrical facilities to Granite City Generating Company, a corporation organized under the laws of the State of Illinois:

It is ordered:

That a hearing on said application be held at 10 a. m. on July 29, 1937, in the Commission's hearing room at 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on July 14, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2201; Filed, July 16, 1937; 10:03 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-JANSSEN FARM, FILED ON MAY 24, 1937, BY ELMER J. COUSINO, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2206; Filed, July 16, 1937; 12:32 p.m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-127]

IN THE MATTER OF ARMOUR AND COMPANY (ILLINOIS) COMMON STOCK, $5 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, $5 Par Value, of Armour and Company (Illinois); and

After appropriate notice a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, $5 Par Value, of Armour and Company (Illinois) be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2209; Filed, July 16, 1937; 12:33 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-128]

IN THE MATTER OF ATLANTIC COAST LINE R. R. CO. COMMON STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission pursuant to clauses (1) and (2) of section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the continuation or the extension of unlisted trading privileges to the Common Stock, $100 Par Value, of Atlantic Coast Line R. R. Co.; and

After appropriate notice a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (1) of the Securities Exchange Act of 1934, as amended, for the continuation of unlisted trading privileges in the Common Stock, $100 Par Value, of Atlantic Coast Line R. R. Co., be and the same is hereby denied; and

It is further ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to said security be and the same is hereby granted in respect of trading therein in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2210; Filed, July 16, 1937; 12:33 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-153]

IN THE MATTER OF BETHLEHEM STEEL CORPORATION (DELAWARE) COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Bethlehem Steel Corporation (Delaware); and

After appropriate notice a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Bethlehem Steel Corporation (Delaware) be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2211; Filed, July 16, 1937; 12:33 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-129]

IN THE MATTER OF BUDD (EDWARD G.) MFG. CO. COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Budd (Edward G.) Mfg. Co.; and

After appropriate notice a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extensions of unlisted trading privileges to the Common Stock, No Par Value, of Budd (Edward G.) Mfg. Co. be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2212; Filed, July 16, 1937; 12:33 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.



[File No. 7-130]

IN THE MATTER OF BUDD WHEEL COMPANY COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Budd Wheel Company; and

After appropriate notice a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Budd Wheel Company be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2213; Filed, July 16, 1937; 12:34 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-141]

IN THE MATTER OF GENERAL TELEPHONE CORPORATION COMMON STOCK, $20 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, $20 Par Value, of General Telephone Corporation; and

After appropriate notice a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, $20 Par Value, of General Telephone Corporation be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2215; Filed, July 16, 1937; 12:34 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

[File No. 7-142]

IN THE MATTER OF GENERAL TELEPHONE CORPORATION $3 CUMULATIVE CONVERTIBLE PREFERRED STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the $3 Cumulative Convertible Preferred Stock, No Par Value, of General Telephone Corporation; and

After appropriate notice a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the $3 Cumulative Convertible Preferred Stock, No Par Value, of General Telephone Corporation be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2214; Filed, July 16, 1937; 12:34 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of July, 1937.

IN THE MATTER OF HENRY FRIEDLANDER, DOING BUSINESS AS HENRY FRIEDLANDER & COMPANY AND DOING BUSINESS AS ACME ROYALTY COMPANY; AND WILLIAM V. STENTON & COMPANY, A CORPORATION

ORDER REVOKING REGISTRATION OF HENRY FRIEDLANDER, DOING BUSINESS AS HENRY FRIEDLANDER & COMPANY, AND DENYING THE APPLICATION FOR REGISTRATION OF HENRY FRIEDLANDER, DOING BUSINESS AS ACME ROYALTY COMPANY, PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of Henry Friedlander, doing business as Henry Friedlander & Company, as a broker and dealer on the over-the-counter markets, having come on for hearing and oral argument before the Commission upon the question of revocation or suspension; and

The application of Henry Friedlander, doing business as Acme Royalty Company, as a dealer on the over-the-counter markets, having come on for hearing and oral argument before the Commission on the question of denial or postponement of registration; and

The Commission having this day made and filed its findings of fact herein;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Henry Friedlander, doing business as Henry Friedlander & Company, be and the same is hereby revoked and that the application for registration of Henry Friedlander, doing business as Acme Royalty Company, be and the same is hereby denied, but without prejudice to any application which he may file, pursuant to Section 15 (b) of the said Act, after the expiration of six months from the date hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2204; Filed, July 16, 1937; 12:31 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE FLEETBORN-MORIN TRACT, FILED ON JUNE 25, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended

to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 10, 1937, be effective as of July 10, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2207; Filed, July 16, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-"L" COMMUNITY TRACT, FILED ON JUNE 2, 1937, BY HARRY A. MEDLEY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 9, 1937, be effective as of July 9, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2208; Filed, July 16, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PURE OIL CO.-RYCKMAN TRACT, FILED ON JULY 9, 1937, BY WARD J. BLUNT, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2205; Filed, July 16, 1937; 12:31 p. m.]

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## UNITED STATES MARITIME COMMISSION.

At a regular session of the United States Maritime Commission, held at its office in the City of Washington, D. C., on the 13th day of July 1937.

[General Order No. 9]

STATEMENTS REQUIRED TO BE FILED PURSUANT TO SECTION 807 OF THE MERCHANT MARINE ACT, 1936

The United States Maritime Commission, pursuant to authority conferred upon it by the Merchant Marine Act, 1936, particularly Section 807 thereof, hereby prescribes and adopts as necessary and appropriate in the public interest Form 807-1 and Form 807-2 for filing statements under Section 807 of said Act, together with the accompanying instructions for such Forms, all of which are attached hereto and made a part hereof as though fully set forth: *Provided*, that the Commission may by order require any shipbuilder or ship operator to file any additional information which Section 807 of said Act authorizes the Commission to require. After August 1, 1937, all statements required pursuant to Section 807 shall be filed on Form 807-1 and Form 807-2 and in accordance with the instructions for said Forms.

General Order No. 1, issued October 15, 1936, is hereby rescinded.

By the Commission.

[SEAL] W. C. PEET, Jr., *Secretary.*

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[Form 807-1]

*Statement of Shipbuilder or Ship Operator in compliance with Section 807 of the Merchant Marine Act, 1936*

_____
(Name)

_____
(Address)

*Item 1.*—Contracts held or applied for by such shipbuilder or ship operator under the provisions of the Merchant Marine Act, 1936.

Date of Contract _____ Character of _____ or Application _____ (State which) _____ Contract or _____ Application _____

*Item 2.*—Persons employed or retained.
(a) Name _____
(b) Address _____
(c) Occupation _____
*Item 3.*—Employer.
(a) Name _____
(b) Address _____
(c) Business _____
(d) Relationship to shipbuilder or ship operator filing this statement _____
*Item 4.*—Subject matter of retainer or employment.
(a) Matters to be presented, advocated or opposed by the person named in answer to Item 2 _____
(b) Persons, bodies and agencies before whom the person named in answer to Item 2 will present, advocate or oppose any of the matters stated in subsection (a) hereof _____
*Item 5.*—Nature and character of retainer or employment.
*Item 6.*—Amount of compensation.
(a) Fixed or basic salary or retainer _____
(b) Commission, bonus or fee _____
(c) Expenses _____
(d) Nature of any contingent compensation _____
The foregoing statement is an accurate and complete statement of the retainer or employment of the person named in answer to Item 2 by the shipbuilder or ship operator filing this statement or by any subsidiary, affiliate, associate or holding company thereof.

_____
(Shipbuilder or ship operator filing statement)
By _____
(Title)
Dated:

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[Form 807-1 (Reverse)]

*Instructions for Use of Form 807-1*

Before any person retained or employed by any shipbuilder or ship operator holding, or applying for, a contract under the provisions of the Merchant Marine Act, 1936, or retained or employed by any subsidiary, affiliate, associate or holding company of such shipbuilder or ship operator, shall present, advocate or oppose before the Congress, or any member or committee thereof, or before the United States Maritime Commission, or any member, officer or employee thereof, or before any other governmental agency or any member, officer or employee thereof, any matter relating to shipping or the shipbuilding industry and affecting such shipbuilder or ship operator, or any subsidiary, affiliate, associate or holding company thereof, or having a substantial effect upon the carrying out of the purposes and policies of said Act and affecting any such shipbuilder or ship operator, or any subsidiary, affiliate, associate or holding company thereof, the shipbuilder or ship operator shall file with the Commission a statement on Form 807-1. Any changes which may occur in the answers to any of the items in this statement shall be reported by letter to the Commission within 10 days after such change. The Commission, in addition, may at any time require a renewed filing, or request additional information. Effective August 1, 1937, Form 807-1 and statements required thereby shall be substituted for registration statements previously filed pursuant to General Order No. 1. However, any shipbuilder or ship operator that has previously filed the statements required by General Order No. 1 need not file Form 807-1 unless requested to do so by the Commission.

*Item 1.*—List all contracts held or applied for under the Act.

*Item 2.*—(a) State the name of the person employed or retained. If a partnership, corporation, or association is employed or retained, state the name of such partnership, corporation or association, together with the name of the person actually presenting, advocating or opposing the matters described in answer to Item 4; (b) State the address at which such person may be most readily reached; (c) Occupation may be stated generally, such as "attorney", "accountant", etc. If an officer or regular employee, state position held.

*Item 3.*—(a) State the name of the employer of the person named in answer to Item 2 if other than the shipbuilder or ship operator filing this statement; (b) State the Post Office address of the principal place of business; (c) State the principal activity of such employer; (d) State whether and to what extent such employer is a subsidiary, affiliate, associate, or holding company of the shipbuilder or ship operator filing this statement.

*Item 4.*—(a) State specifically and in detail the matters to be presented, advocated or opposed by the person named in answer to Item 2. Mere general statements as "to advocate or oppose legislation", etc., will be insufficient; the contracts or legislation in question, and the action to be taken thereon should be stated.

*Item 5.*—State the nature of all the services to be performed by the person named in answer to Item 2 for such shipbuilder or ship operator and all subsidiaries, affiliates, associates or holding companies thereof. State also the period for which such person is employed or retained.

*Item 6.*—(a) State the amount of any fixed or basic salary or retainer paid directly or indirectly to the person named in answer to Item 2 by the shipbuilder or ship operator filing this statement or by any subsidiary, affiliate, associate or holding company thereof; (b) State amount of commission, bonus or fee. If the fixed or basic compensation described in (a) is augmented by a special commission, bonus or fee, state the amount and basis thereof; (c) State the types of expenses which are reimbursable and those which are not reimbursable—travel, subsistence, miscellaneous, incidentals, entertainment, special allowances, etc.; (d) State the basis upon which any contingent fees will be computed.

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[Form 807-2]

*Statement of Person Employed or Retained to Present, Advocate or Oppose Matters on Behalf of Any Shipbuilder or Ship Operator or Other Person in Compliance with Section 807 of the Merchant Marine Act, 1936*

_____
(Name)

_____
(Address)

*Item 1.*—Shipbuilder—Ship Operator (Strike out one not applicable).
(a) Name _____
(b) Address _____
*Item 2.*—Employer if other than person named above.
(a) Name _____
(b) Address _____
*Item 3.*—Person who represents the shipbuilder or ship operator _____
*Item 4.*—Detailed statement of activities in behalf of said shipbuilder or ship operator or of any subsidiary, affiliate, associate or holding company thereof, during the calendar month for which this statement is filed _____
*Item 5.*—Compensation and reimbursements received during calendar month.
(a) Salary $_____
(b) Commissions, bonuses, fees, etc. $_____
(c) Reimbursements $_____
(d) Nature of any contingent compensation _____
*Item 6.*—Expenses Incurred.

| Date | Purpose | Amount reimbursable | Amount not reimbursable |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

The foregoing is a true and accurate statement of all matters presented, advocated or opposed by me for which the filing of this statement is required pursuant to Section 807 of the Merchant Marine Act, 1936 during the month of _____, 19__, and of all expenses incurred by me in connection therewith, and of all compensation or reimbursements received by me from the shipbuilder or ship operator named in answer to Item 1 and any of its subsidiaries, affiliates, associates, or holding companies.
Dated:

_____

[Form 807-2 (Reverse)]

*Instructions for Use of Form 807-2*

Any person including a firm, partnership, corporation or association, directly or indirectly retained or employed by any shipbuilder or ship operator holding, or applying for a contract under the provisions of the Merchant Marine Act, 1936, or directly or indirectly retained or employed by any subsidiary, affiliate, associate or holding company of such shipbuilder or ship operator, to present, advocate or oppose before the Congress, or any member or committee thereof, or before the United States Maritime Commission, or any member, officer or employee thereof, or before any other governmental agency or any member, officer or employee thereof, any matter relating to shipping or the shipbuilding industry and affecting any such shipbuilder or ship operator, or any subsidiary, affiliate, associate, or holding company thereof, or any matter having a substantial effect upon the carrying out of the purposes and policies of said Act, and affecting any such shipbuilder or ship operator, or any subsidiary, affiliate, associate or holding company thereof, shall file with the Commission within ten days after the close of each calendar month during which such person has presented, advocated or opposed any such matters, beginning with the calendar month of July, 1937, a statement on Form 807-2. The Commission may at any time require such further information as it deems necessary and desirable.

*Item 1.*—(a) State the name of the shipbuilder or ship operator. (b) State the Post Office address of the principal place of business.

*Item 2.*—(a) State the name of the employer of the person making this statement if other than the shipbuilder or ship operator. (b) State the Post Office address of the principal place of business.

*Item 3.*—If the statement is filed by a partnership, association or corporation, state the name of the member, officer or employee of such partnership, association or corporation who personally presents, advocates or opposes the matters described in answer to item 4.

*Item 4.*—State in detail the persons or agencies before whom the person making this statement appeared, the dates of such appearances and the purpose of such appearances, identifying clearly the matters presented, advocated or opposed. Also explain any activities to which any expenses (whether reimbursable or not) mentioned in Item 5 are chargeable.

*Item 5.*—State the compensation and reimbursements received during the calendar month in connection with the retainer or employment. State separately the amount received as salary and the amount received as commission, bonus or fee. If any commission, bonus, fee, or other compensation received was contingent, state clearly the nature of the contingency.

*Item 6.*—State all expenses incurred in connection with the retainer or employment during the calendar month for which this statement is made irrespective of whether such expenses are reimbursable. State the amounts as precisely as possible, and the date and purpose of the expense,—travel, subsistence, telephone and telegraph, entertainment, etc. If any expenses were incurred for the purpose of retaining or employing another person to present, advocate or oppose any matters for which the filing of this statement is required, state the name of such person.

[F. R. Doc. 37-2180; Filed, July 15, 1937; 12:38 p. m.]

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*Tuesday, July 20, 1937* *No. 138*

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## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4749]

### TAX ON ADMISSIONS[1]

[Article 29 of Regulations 43, approved June 14, 1932, amended]

*To Collectors of Internal Revenue and Others Concerned:*

The first paragraph of article 29 of Regulations 43 is amended to read:

Where tickets or cards of admission are used, they must comply with the following requirements: (1) The price (exclusive of the tax to be paid by the person paying for admission) at which every ticket or card is sold must be conspicuously and indelibly printed, stamped, or written on that part of the ticket which is to be taken up by the management of the place for which it is valid for admission. This is a specific requirement of the Act itself. For administrative purposes it is necessary to show not only the selling price but also (a) the regular or established price (see art. 5), (b) the tax, and (c) the total of the price and tax. The regular or established price, the tax based thereon, and total shall appear on the face (in the case of strip tickets the back may be used) of the portion of the ticket which is to be taken up by the management in the following or equivalent form:

Established price----------
Tax paid----------
Total----------

If the ticket is sold at a price other than the regular or established price, the actual selling price, the tax (for basis and computation of tax see art. 1) and the total shall be shown on the face of the portion of the ticket to be taken up by the management. If the ticket shows the seat or box for which it is valid the location and seat or box number must appear on that part of the ticket which is taken up by the management as well as on the stub which is given to the patron. If the ticket is sold other than at the ticket office of the theater, opera, or other place of amusement, the actual selling price and the name and address of each vendor must be shown on the back of the portion of the ticket to be taken up by the management. All persons required to collect and account for tax on admissions must keep for possible inspection by revenue officers the portions of the tickets taken up by them, or in the case of a cabaret or similar place, the waiters' checks, for a period of not less than three months. For penalties imposed in this connection see article 56.

This amendment shall be effective on and after October 1, 1937.

This Treasury Decision is issued under the authority contained in section 1101 of the Revenue Act of 1926.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved July 14, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2225; Filed, July 16, 1937; 3:13 p. m.]

[1] Section 500 (a) of the Revenue Act of 1926, amended by section 411 (a) of the Revenue Act of 1928, section 711 (a) and (e) of the Revenue Act of 1932, sections 212 and 219 of the National Industrial Recovery Act, Public Resolution No. 36, 74th Congress, and Public Resolution No. 48, 75th Congress.

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

[I. C. C. No. 235]

### THE ALASKA RAILROAD

### LOCAL PASSENGER TARIFF NO. 183-B[1]

Naming round trip excursion fares from stations on the Alaska Railroad in Alaska to Fairbanks, Alaska, account Tanana Valley Fair, September 2, 3, 4, 1937. No supplement will be issued to this tariff except for the purpose of cancelling the tariff. Issued June 17, 1937; effective, August 27, 1937. Authority, Act of March 12, 1914 and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

GENERAL RULES AND REGULATIONS

1. *Stations from and to which this tariff applies.*—This tariff applies from all Rail Line stations. This tariff applies only to Fairbanks, Alaska. Conductor picking up passengers at non-agency station will handle passenger to first agency station where ticket must be secured from originating station to final destination.

2. *Dates of sale.*—August 27, 28, 29, 30, 31, and September 1, 1937.

3. *Final return limit.*—Return trip to be completed prior midnight of final limit. Tickets sold from stations College, Alaska to Curry, Alaska, inclusive will be limited to September 8, 1937. Tickets sold from stations Lane, Alaska to Seward, Alaska, inclusive, and Palmer, Alaska to Sutton, Alaska, inclusive will be limited to September 9, 1937.

4. *Stopovers.*—Stopovers will be permitted at all points within final return limit on both going and return trip. Stopover will be granted on application to Conductor who will endorse on reverse side of ticket "Off at ------ Station, Date ------ Train No. ------". This endorsement will be signed by Conductor and transportation returned to passenger.

5. *Tickets.*—Use Form L-14 Round Trip Excursion Tickets.

6. *Children.*—Tickets may be sold at one-half the fares named herein for children five years of age and under twelve years of age, sufficient to be added to make fare end in "0" or "5". Children under five years of age will be carried free when accompanied by parent or guardian.

7. *Baggage.*—For baggage rules including free allowance, excess charge, etc., see Local Baggage Tariff No. 2, I. C. C. No. 22 (Alaskan Engineering Commission Series), supplements thereto and reissues thereof. Excess baggage charges will be made on basis of the one way fares shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

8. *Tickets non-transferable.*—All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased.

9. *Fares.*—One first class fare and a third for the round trip. First class fares are shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof. Agents in selling round trip tickets under this tariff will add sufficient to make fare end in "0" or "5" for the round trip.

July 10, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director.*

[F. R. Doc. 37-2231; Filed, July 17, 1937; 9:53 a. m.]

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[Passenger Circular No. 92-F]

### THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

### NORTHERN COMMERCIAL STEAMER RATES BETWEEN MARSHALL AND ST. MICHAEL, AND ST. MICHAEL AND NOME

ANCHORAGE, ALASKA,
*June 17, 1937.*

*To all concerned:*

Northern Commercial Company will handle all passengers, mail and express traffic between Marshall and St. Michael, making connections at Marshall with steamers of this line, as indicated in Passenger Circular No. 127-D. Connections are made at St. Michael with steamer for Nome and Seward Peninsula Points, handling passengers, etc., from and to those points.

Agents of this line will sell tickets and check baggage to Marshall only, passengers to re-buy and re-check baggage at Marshall for points between Marshall and St. Michael.

Following are the rates of the Northern Commercial Company from Marshall and St. Michael.

| To | From Marshall, down stream | From St. Michael, up stream |
|---|---|---|
| Marshall | | $25.00 |
| Pilot Station | $5.00 | 20.00 |
| Mountain Village or Andreasofsky | 8.00 | 20.00 |
| Old Hamilton | 15.00 | 15.00 |
| Kotlik | 21.00 | 10.00 |
| St. Michael | 23.00 | |

Children between the ages of five and twelve years, and accompanied by parent or guardian, will be charged one-half fare.

Clergy and missionaries will be handled at two-thirds of tariff rate between all points.

Each full fare ticket allowed 150 pounds baggage free; value not exceeding $100.00, and each half fare ticket allowed 75 pounds baggage free; value not exceeding $50.00.

The rate on dogs will be one-fifth first class passenger rate.

Excess baggage rate, three cents per pound.

Direct connections are made at St. Michael with Motor Ship METEOR for Nome, fare $25.00.

J. T. CUNNINGHAM,
*Sup't. of Transportation.*

Authority, Act of March 12, 1914 and Executive Order No. 3861.

July 10, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director.*

[F. R. Doc. 37-2228; Filed, July 17, 1937; 9:53 a. m.]

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[Passenger Circular No. 125-F; Freight Circular No. 70-F]

### THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

### FREIGHT TRANSPORTATION ON ALASKA RAILROAD FOR EXHIBITS, TANANA VALLEY FAIR, SEPT. 2-4, 1937

ANCHORAGE, ALASKA, *June 17, 1937.*

*To all concerned:*

Account of Tanana Valley Fair at Fairbanks, September 2nd, 3rd, and 4th, 1937, this carrier will furnish free transportation for exhibits in accordance with the following:

Exhibits must be billed to the Tanana Valley Fair, Fairbanks, Alaska. However, if it is desired, exhibits may be billed in care of any party. When so billed, shipments will be handled free on mixed trains or freight trains, using commercial waybill.

Exhibits will be returned free to originating station and will be handled as above, except shipments will be billed to party who originally made shipment, proper reference to be made on waybill that covered original movement to Fairbanks.

Authority for the free return of exhibits from Fairbanks is cancelled with September 13, 1937.

J. T. CUNNINGHAM,
*Sup't of Transportation.*

Authority, Act of March 12, 1914; and Executive Order No. 3861.

July 10, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Assistant Director.*

[F. R. Doc. 37-2229; Filed, July 17, 1937; 9:53 a. m.]

[1] Local Passenger Tariff No. 181-B (F. R. Doc. 37-2230), naming round trip excursion fares between stations on the Alaska Railroad in Alaska, account Fourth of July, was filed with the Division of the Federal Register, The National Archives.



### National Bituminous Coal Commission.

[Order No. 16]

### AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF APPALACHIAN COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by Appalachian Coals, Incorporated, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 26th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Mayflower Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Appalachian Coals, Incorporated, to the secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2233; Filed, July 19, 1937; 12:10 p. m.]

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[Order No. 17]

### AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF ALABAMA COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by Alabama Coals, Incorporated, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 26th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Mayflower Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Alabama Coals, Incorporated, to the secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission.

Dated this 15th day of July 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. 37-2234; Filed, July 19, 1937; 12:11 p. m.]

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[Order No. 18]

### AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF SMOKELESS COAL CORPORATION, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by Smoke-

less Coal Corporation, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 27th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Carlton Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Smokeless Coal Corporation, to the Secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2235; Filed, July 19, 1937; 12:11 p. m.]

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[Order No. 19]

AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF IOWA COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by Iowa Coals, Incorporated, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 28th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Hamilton Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Iowa Coals, Incorporated, to the secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2236; Filed, July 19, 1937; 12:12 p. m.]

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[Order No. 20]

AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF J. H. WEAVER AND COMPANY, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by J. H. Weaver and Company, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 29th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Hamilton Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to J. H. Weaver and Company, to the secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2237; Filed, July 19, 1937; 12:12 p. m.]

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[Order No. 21]

AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF RALEIGH SMOKELESS FUEL COMPANY, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by Raleigh Smokeless Fuel Company, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 29th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Hamilton Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Raleigh Smokeless Fuel Company, to the secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2238; Filed, July 19, 1937; 12:12 p. m.]

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[Order No. 22]

AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF PEALE, PEACOCK AND KERR, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by Peale, Peacock and Kerr, Incorporated, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 29th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Hamilton Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Peale, Peacock and Kerr, Incorporated, to the secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2239; Filed, July 19, 1937; 12:13 p. m.]

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[Order No. 23]

AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF ROCHESTER & PITTSBURGH COAL COMPANY, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by Rochester & Pittsburgh Coal Company, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 29th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Hamilton Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Rochester & Pittsburgh Coal Company, to the secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2240; Filed, July 19, 1937; 12:13 p. m.]

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[Order No. 24]

AN ORDER FOR AND NOTICE OF A HEARING UPON APPLICATION OF MINTER FUEL COMPANY, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

Pursuant to Order No. 6 of the Commission, an application having been duly filed with this Commission by Minter Fuel Company, for provisional approval as a marketing agency, now therefore:

It is ordered that a hearing on such application be held before a division of the Commission on the 29th day of July, 1937, at 10 o'clock A. M. at the hearing room of the Commission at the Hamilton Hotel, Washington, D. C.

Notice of such hearing is hereby given to said applicant and to interested parties. Any person or organization desiring to be heard for or against such application for provisional approval shall file a notice to that effect with the Commission at Washington, D. C., at least three (3) days prior to the aforesaid date of such hearing.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Minter Fuel Company, to the secretary of each district board in the districts wherein are located the mines of the code members who are members of the Marketing Agency applying for provisional approval and to the Consumers' Counsel. The Secretary of the Commission is further directed to publish this order and notice on two (2) consecutive days in a newspaper or newspapers of general circulation in the area constituting the districts above named.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2241; Filed, July 19, 1937; 12:14 p. m.]

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[Docket No. 1-FD]

PROGRESSIVE MINERS OF AMERICA, PETITIONER

*v.*

RAY EDMUNDSON AND UNITED MINE WORKERS OF AMERICA, RESPONDENTS

ORDER FOR AND NOTICE OF HEARING

The above-named petitioner, Progressive Miners of America, having on the 10th day of July, 1937, filed with the Commission a petition claiming that it is the organization of employees in the bituminous coal industry representing the preponderant number of employees in District No. 10, as defined in the Bituminous Coal Act of 1937, and that as such organization it has the right to select the labor member of the district board of such district, and the respondents, United Mine Workers of America, likewise claiming that it is the organization of employees representing the preponderant number of employees in the bituminous coal industry in such district and that it has the right to select the labor member of the district board of such district, and such organization having heretofore selected Ray Edmundson as such labor member and the Commission having confirmed said labor member, now therefore,

It is hereby ordered that a hearing be held by the Commission upon the merits of the issues aforesaid on the 22nd day of July, 1937, commencing at 10 o'clock A. M., in the Hearing Room of the Commission at the Hamilton Hotel, in the City of Washington, D. C.

It is further ordered that the title of this proceeding, and the parties thereto, shall be as above set forth until further order of the Commission.

It is further ordered that George Edward Acret be, and he hereby is, designated to preside as examiner in behalf of the Commission at such hearing. Such examiner is hereby authorized to adjourn said hearing from time to time, and to administer oaths and affirmations, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law. Upon completion of the taking of testimony in this matter, the officer conducting such hearing is hereby directed to close the hearing and make report to the Commission.

It is further ordered that this order shall constitute a notice of such hearing, and that the Secretary of the Commission shall cause personal service of a copy of this order to be made upon Ray Edmundson and shall mail to the Progressive Miners of America and the United Mine Workers of America a copy of this order.

By order of the Commission.

Dated this 15th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2242; Filed, July 19, 1937; 12:14 p m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 9 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: El Dorado, July 1, 1940; Lake, July 1, 1940; Sacramento, July 1, 1940; Yuba, July 1, 1940.
Maryland: Washington, July 1, 1940.
New York: Chenango, July 1, 1940; Delaware, July 1, 1940; Lewis, July 1, 1940; Otsego, July 1, 1940.
South Dakota: Brown, July 1, 1940; Hyde, July 1, 1940; Jerauld, July 1, 1940; Moody, July 1, 1940; Spink, July 1, 1940.
Puerto Rico: Arroyo, July 1, 1940; Carolina, July 1, 1940; Maunabo, July 1, 1940; Patillas, July 1, 1940; San Juan, July 1, 1940; Trujillo Alto, July 1, 1940; Yabucoa, July 1, 1940.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Bibb, July 1, 1940; Chilton, July 1, 1940; Colbert, July 1, 1940; Coosa, July 1, 1940; Elmore, July 1, 1940; Morgan, July 1, 1940; St. Clair, July 1, 1940; Shelby, July 1, 1940; Talladega, July 1, 1940.
Arkansas: Arkansas, July 1, 1940; Cleburne, July 1, 1940; Craighead, July 1, 1940; Faulkner, July 1, 1940; Grant, July 1, 1940; Hot Spring, July 1, 1940; Lawrence, July 1, 1940; Lonoke, July 1, 1940; Marion, July 1, 1940; Mississippi, July 1, 1940; Montgomery, July 1, 1940; Perry, July 1, 1940; Polk, July 1, 1940; Prairie, July 1, 1940; Saline, July 1, 1940; Scott, July 1, 1940; White, July 1, 1940.
California: Tehama, July 1, 1940.
Colorado: Gunnison, July 1, 1940; LaPlata, July 1, 1940; Mesa, July 1, 1940; San Juan, July 1, 1940.
Connecticut: Tolland, July 1, 1940.
District of Columbia: July 1, 1940.
Florida: Alachua, July 1, 1940; Franklin, July 1, 1940.
Georgia: Catoosa, July 1, 1940; Walker, July 1, 1940.
Idaho: Adams, July 1, 1940; Blaine, July 1, 1940.
Illinois: Bureau, July 1, 1940; Gallatin, July 1, 1940; Knox, July 1, 1940; Mason, July 1, 1940; Mercer, July 1, 1940; Randolph, July 1, 1940.
Indiana: Fulton, July 1, 1940; Hamilton, July 1, 1940; Jennings, July 1, 1940; Knox, July 1, 1940; Lagrange, July 1, 1940; Wabash, July 1, 1940.
Iowa: Osceola, July 1, 1940; Page, July 1, 1940.
Kansas: Anderson, July 1, 1940; Bourbon, July 1, 1940; Chase, July 1, 1940; Coffey, July 1, 1940; Elk, July 1, 1940; Kingman, July 1, 1940; Woodson, July 1, 1940.
Kentucky: Knott, July 1, 1940; Ohio, July 1, 1940.
Maine: Androscoggin, July 1, 1940; Kennebec, July 1, 1940.
Massachusetts: Berkshire, July 1, 1940.
Michigan: Cass, July 1, 1940; Cheboygan, July 1, 1940; Newaygo, July 1, 1940.
Minnesota: Fillmore, July 1, 1943.
Mississippi: Leake, July 1, 1940; Montgomery, July 1, 1940.
Missouri: Bates, July 1, 1940.
Montana: Flathead, July 1, 1940; Mineral, July 1, 1940; Missoula, July 1, 1940.
Nebraska: Jefferson, July 1, 1940; Knox, July 1, 1940; Madison, July 1, 1940; Redwillow, July 1, 1940; Richardson, July 1, 1940.
Nevada: Lyon, July 1, 1940; Mineral, July 1, 1940; Storey, July 1, 1940.
New Jersey: Hudson, July 1, 1940.
New Mexico: Roosevelt, July 1, 1940; Santa Fe, July 1, 1940; Torrance, July 1, 1940.
North Carolina: Person, July 1, 1940; Warren, July 1, 1940; Watauga, July 1, 1940; Wilkes, July 1, 1940.
Ohio: Champaign, July 1, 1940; Clark, July 1, 1940; Fulton, July 1 1940; Hocking, July 1, 1940; Huron, July 1, 1940; Lawrence, July 1, 1940; Mercer, July 1, 1940; Morgan, July 1, 1940; Perry, July 1, 1940; Seneca, July 1, 1940; Tuscarawas, July 1, 1940; Williams, July 1, 1940.
Oklahoma: Adair, July 1, 1940; Atoka, July 1, 1940; Bryan, July 1, 1940; Carter, July 1, 1940; Caddo, July 1, 1940; Cherokee, July 1, 1940; Choctaw, July 1, 1940; Cleveland, July 1, 1940; Coal, July 1, 1940; Creek, July 1, 1940; Craig, July 1, 1940; Delaware, July 1, 1940; Garfield, July 1, 1940; Garvin, July 1, 1940; Haskell, July 1, 1940; Hughes, July 1, 1940; Johnston, July 1, 1940; Latimer, July 1, 1940; Leflore, July 1, 1940; Love, July 1, 1940; Marshall, July 1, 1940; Mayes, July 1, 1940; McCurtain, July 1, 1940; McIntosh, July 1, 1940; Muskogee, July 1, 1940; Nowata, July 1, 1940; Ottawa, July 1, 1940; Pawnee, July 1, 1940; Pittsburg, July 1, 1940; Pushmataha, July 1, 1940; Rogers, July 1, 1940; Sequoyah, July 1, 1940; Tulsa, July 1, 1940; Wagoner, July 1, 1940; Washington, July 1, 1940; Woods, July 1, 1940.
Pennsylvania: Fulton, July 1, 1940; Somerset, July 1, 1940; Sullivan, July 1, 1940.
Rhode Island: Kent, July 1, 1940.
South Carolina: Cherokee, July 1, 1940; Spartanburg, July 1, 1940.
Tennessee: Davidson, July 1, 1940; Jefferson, July 1, 1940; Monroe, July 1, 1940; Moore, July 1, 1940.
Texas: Brazoria, July 1, 1940; Collin, July 1, 1940; Guadalupe, July 1, 1940; Harris, July 1, 1940; Harrison, July 1, 1940; Taylor, July 1, 1940.
Utah: Davis, July 1, 1940; Duchesne, July 1, 1940; Millard, July 1, 1940; Morgan, July 1, 1940; Rich, July 1, 1940; Uintah, July 1, 1940; Weber, July 1, 1940.
Virginia: Henrico, July 1, 1940; New Kent, July 1, 1940.
Washington: Skamania, July 1, 1940.
West Virginia: Clay, July 1, 1940; Greenbrier, July 1, 1940; Tyler, July 1, 1940.
Wisconsin: Trempealeau, July 1, 1940.
Wyoming: Lincoln, July 1, 1940; Uinta, July 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL] A. W. MILLER,
*Acting Chief of Bureau.*

[F. R. Doc. 37-2252; Filed, July 19, 1937; 12:42 p. m.]

## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[Twelfth Amendment of General Order No. 229]

ROUSES POINT SEAPLANE BASE, ROUSES POINT, NEW YORK, PERMANENT ENTRY PORT FOR ALIENS ARRIVING BY AIRCRAFT

JULY 15, 1937.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C. Tl. 49, Sec. 177 (d)), the Rouses Point Seaplane Base, Rouses Point, New York, is hereby designated as a permanent port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (a), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended up to and including December 31, 1936, and subsequent thereto, by General Order No. 229, dated December 21, 1935, and amendments thereto, is amended by adding the following immediately after Put-in-Bay, Ohio, Put-in-Bay Airport: Rouses Point, New York, Rouses Point Seaplane Base.

Subparagraph (b) of said Paragraph 3 is amended by striking therefrom the following: Rouses Point, New York, Rouses Point Seaplane Base.

[SEAL] FRANCES PERKINS, *Secretary.*

Approval recommended:
I. F. WIXON,
*Deputy Commissioner of Immigration and Naturalization.*

[F. R. Doc. 37-2232; Filed, July 17, 1937; 10:17 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2761]

IN THE MATTER OF AMERICAN HEALTH SOCIETY, INC., AND MEDICAL BOOK DISTRIBUTORS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, July 29, 1937, at nine o'clock in the forenoon of that day (eastern standard time), room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2219; Filed, July 16, 1937; 2:33 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2859]

IN THE MATTER OF BELL AND COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, July 23, 1937, at nine o'clock in the forenoon of that day (eastern standard time), room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2221; Filed, July 16, 1937; 2:34 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2813]

IN THE MATTER OF DERMOLAV LABORATORIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, July 27, 1937, at nine o'clock in the forenoon of that day (eastern standard time), room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2220; Filed, July 16, 1937; 2:33 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3152]

IN THE MATTER OF GENERAL MOTORS CORPORATION AND GENERAL MOTORS SALES CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, July 26, 1937, at nine-thirty o'clock in the forenoon of that day (eastern standard time), in room 715, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2224; Filed, July 16, 1937; 2:34 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3122]

IN THE MATTER OF MARY MAUTHE, AN INDIVIDUAL DOING BUSINESS UNDER THE TRADE NAME MAUTHE AND SON REMEDY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed

to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, July 27, 1937, at ten o'clock in the forenoon of that day (mountain standard time), in Jury Room No. 314, Federal Building, Denver, Colo.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2223; Filed, July 16, 1937; 2:34 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2675]

IN THE MATTER OF JOSEPH WEIDENHOFF, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, July 16, 1937, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, 1433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2218; Filed, July 16, 1937; 2:33 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3097]

IN THE MATTER OF WESLEYAN DIESEL SERVICE, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Saturday, July 17, 1937, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Ill.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2222; Filed, July 16, 1937; 2:34 p.m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 116]

ALLOCATION OF FUNDS FOR LOANS

JULY 13, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Indiana 8037 Jay (partial) | $150,000 |
| Iowa 8041 Hancock (partial) | 122,000 |
| Minnesota 8057 Otter Tail (partial) | 125,000 |
| Minnesota 8070G Hennepin (partial) | 200,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2226; Filed, July 17, 1937; 9:45 a. m.]

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[Administrative Order No. 117]

ALLOCATION OF FUNDS FOR LOANS

JULY 14, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Colorado 8014A Alamosa (partial) | $150,000 |
| Kentucky 8026A Todd (partial) | 217,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2227; Filed, July 17, 1937; 9:45 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of July, A. D. 1937.

[File No. 46-65]

IN THE MATTER OF REPUBLIC ELECTRIC POWER CORPORATION

[Application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by Republic Electric Power Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of three hundred shares of the capital stock of Klamath Natural Gas Company, of Klamath Falls, Oregon (being all of the issued and outstanding stock of that company), from one Ralph W. Stearns, of Klamath Falls, Oregon, for and in consideration of the sum of $55,000.

It is ordered that a hearing on such matter be held on August 4, 1937, at ten o'clock in the forenoon of that day at Room 1101 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 30, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2243; Filed, July 19, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 13th day of July, A. D., 1937.

IN THE MATTER OF MARLIN-ROCKWELL CORPORATION COMMON CAPITAL STOCK PAR VALUE $1.00

ORDER CHANGING TIME OF HEARING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 AS AMENDED AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on July 3, 1937, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934 be held on July 14, 1937, to determine whether to suspend for a period not exceeding 12 months or to withdraw the registration of the Common Capital Stock, par value $1.00 of the Marlin-Rockwell Corporation on the New York Stock Exchange; and

The registrant having requested a postponement of such hearing;

It is ordered that such hearing be postponed to Monday, September 13, 1937, at 10: 00 A. M. in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that for the purpose of such proceeding, Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2244; Filed, July 19, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D., 1937.





IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-MARY WHIPPLE TRACT, FILED ON JUNE 30, 1937, BY R. A. COOK, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 12, 1937, be effective as of July 12, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2246; Filed, July 19, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CARTER - MABEE - MAGNOLIA - SMITH TRACT, FILED ON JUNE 4, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 12, 1937, be effective as of July 12, 1937.

It is further ordered, that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2251; Filed, July 19, 1937; 12:38 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-WISE-VINSON FARM, FILED ON MAY 24, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 14, 1937, be effective as of July 14, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2247; Filed, July 19, 1937; 12:37 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE SHELL-GUTHRIE TRACT, FILED ON JULY 1, 1937, BY PHILO W. GRIMES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 12, 1937, be effective as of July 12, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2249; Filed, July 19, 1937; 12:38 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING WORKING INTERESTS IN THE JOHNSON-KEMNITZ-AUNGST LEASE, FILED ON JUNE 17, 1937, BY NORRIS-GILBERT & CO., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 2, 1937, be effective as of July 2, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2250; Filed, July 19, 1937; 12:38 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND OWNERS' ROYALTY INTERESTS IN THE UNION OIL COMPANY-MAHONEY TRACT, FILED ON JUNE 23, 1937, BY ROYALTY GROUP CORPORATION, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 12, 1937, be effective as of July 12, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2245; Filed, July 19, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE MAGNOLIA-CROSBIE ET AL.-BURRIS HEIRS TRACT, FILED ON JULY 6, 1937, BY STUART L. VANCE & COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 10, 1937, be effective as of July 10, 1937;

It is further ordered, that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2246; Filed, July 19, 1937; 12:37 p. m.]

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*Wednesday, July 21, 1937* **No. 139**

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

EXEMPTING CERTAIN POSITIONS FROM SALARY CLASSIFICATION

It is hereby ordered that there be exempted from the operation of Executive Order No. 6746 of June 21, 1934, the positions of consultants, experts, specialists, attorneys, and other similar positions, the incumbents of which are intermittently employed on a per diem basis or employed on an annual basis at amounts representing the value of part-time service required, and who are or have been paid from the public works fund or other emergency funds administered by the Secretary of the Interior and the Administrator of Public Works, available during the fiscal years 1938 and 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 17, 1937.*

[No. 7660]

[F. R. Doc. 37-2253; Filed, July 19, 1937; 2:32 p. m.]

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### EXECUTIVE ORDER

AMENDMENT OF SUBDIVISION XI, SCHEDULE B, CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eight of subdivision SECOND of section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403, 404), Subdivision XI, Schedule B, of the Civil Service Rules is hereby amended by adding thereto the following paragraph:

"3. Classified positions in the field service of the Navy Department and the Marine Corps when filled by the promotion of unclassified laborers, subject to the approval of the Commission."

This order will permit unskilled laborers appointed from the unclassified laborer register to advance upon noncompetitive examination to classified positions in the field service of the Navy and Marine Corps, but such promotion will not accord to such employees a classified status nor render them eligible for transfer to classified positions in other branches of the Federal service.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 17, 1937.*

[No. 7661]

[F. R. Doc. 37-2254; Filed, July 19, 1937; 2:32 p. m.]

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### EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*Arkansas*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6964 of February 5, 1935, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in Arkansas:

FIFTH PRINCIPAL MERIDIAN

T. 6 N., R. 22 W.,
secs. 5 to 8, and secs. 17 to 20, inclusive;
secs. 29 and 30;
T. 7 N., R. 22 W.,
sec. 18, all;
sec. 29, S½;
secs. 30 to 32, inclusive;
T. 6 N., R. 23 W.,
secs. 1 to 30, inclusive;
sec. 31, W½;
T. 7 N., R. 23 W.,
secs. 13 to 36, inclusive;
T. 6 N., R. 24 W., all;
T. 7 N., R. 24 W.,
secs. 13 to 18, inclusive, S½N½, and S½;
secs. 19 to 36, inclusive;
T. 6 N., R. 25 W., all;
T. 7 N., R. 25 W.,
secs. 22 to 36, inclusive;
T. 6 N., R. 26 W.,
secs. 4, 5, 8, 9, 12 and 13;
sec. 14, S½SE¼;
secs. 23 to 28, inclusive;
sec. 31, S½S½;
sec. 32, S½;
secs. 33 to 36, inclusive;



T. 7 N., R. 26 W.,
sec. 22, S½NW¼, SW¼NE¼, SW¼, W½SE¼, and SE¼SE¼;
sec. 24, S½SE¼;
sec. 25, NE¼, and S½;
sec. 26, S½;
secs. 27 and 36.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for reforestation, forestation, soil erosion and flood control, and other land utilization activities in connection with the Magazine Mountain Project, LA-AK 1: *Provided*, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 17, 1937.*

[No. 7662]

[F. R. Doc. 37-2255; Filed, July 19, 1937; 2:33 p. m.]

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### EXECUTIVE ORDER

ENLARGING UINTA NATIONAL FOREST

*Utah*

By virtue of and pursuant to the authority vested in me by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., Title 16, sec. 471), and the act of June 4, 1897, ch. 2, 30 Stat. 11, 36 (U. S. C., Title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the boundaries of the Uinta National Forest in the State of Utah be, and they are hereby, extended to include the following-described lands:

SALT LAKE MERIDIAN

T. 8 S., R. 3 E.,
sec. 12, E½;
sec. 13, E½, SW¼;
sec. 26, E½NE¼, SE¼;
sec. 35, N½, E½SW¼, SE¼;
T. 9 S., R. 3 E.,
sec. 1;
sec. 2, NE¼;
T. 8 S., R. 4 E.,
secs. 12, 13, 14;
secs. 22 to 27, and secs. 34 to 36, inclusive;
T. 9 S., R. 4 E.,
secs. 1 to 6, inclusive;
sec. 7, N½, E½SW¼, SE¼;
sec. 8;
sec. 9, N½, N½SW¼, SW¼SW¼;
sec. 10, E½, SE¼SW¼;
secs. 11 to 15, inclusive;
sec. 16, SE¼SW¼, SE¼;
sec. 17, N½N½;
sec. 21, E½, E½W½;
secs. 22 to 24, inclusive;
sec. 25, N½;
sec. 26, N½;
sec. 27, N½;
sec. 28, NE¼, E½NW¼;
T. 8 S., R. 5 E.,
secs. 7, 18, 19, 30, 31, and 32;
T. 9 S., R. 5 E.,
secs. 25 to 29, inclusive;
sec. 30, N½, N½S½;
sec. 33, N½;
secs. 34, 35, and 36;

T. 10 S., R. 5 E.,
sec. 1;
sec. 2, lots 1, 2, 3;
T. 9 S., R. 6 E. (unsurveyed),
sec. 30, SW¼, W½SE¼;
sec. 31;
sec. 32, W½W½;
T. 10 S., R. 6 E.,
secs. 5 to 12, inclusive;
sec. 13, N½, SE¼;
T. 10 S., R. 7 E.,
secs. 7 and 18;
aggregating 42,365.41 acres.

The reservation made by this order shall, as to all the above-described lands which are at this date legally appropriated under the public-land laws or reserved for any public purposes other than as a stock driveway, be subject to, and shall not interfere with or defeat, legal rights under such appropriations, or prevent the use for such public purposes of lands so reserved, so long as such appropriations are legally maintained or such reservations remain in force; and this reservation supersedes all existing withdrawals and reservations of the above-described lands for stock-driveway purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 17, 1937.*

[No. 7663]

[F. R. Doc. 37-2256; Filed, July 19, 1937; 2:33 p. m.]

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EXECUTIVE ORDER

MODIFYING THE SENEY MIGRATORY WATERFOWL REFUGE

*Michigan*

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222) it is ordered as follows:

Section 1. All lands owned or controlled by the United States within the following-described area in Michigan, subject to any existing valid rights, are hereby included in and reserved as a part of the Seney Migratory Waterfowl Refuge, established by Executive Order No. 7246 of December 10, 1935: *Provided*, that any private lands within such area shall become a part of the Refuge upon the acquisition of title thereto or lease thereof by the United States:

MICHIGAN MERIDIAN

T. 44 N., R. 13 W.,
secs. 7 and 18.
T. 44 N., R. 14 W.,
secs. 2 to 6, inclusive;
secs. 8 to 17, inclusive;
secs. 20 to 23, inclusive;
secs. 26 to 29, inclusive;
secs. 32 to 35, inclusive.
T. 45 N., R. 14 W.,
sec. 4, S½;
sec. 5, S½;
sec. 6, lots 3 to 7, inclusive, SE¼NW¼, E½SW¼, and SE¼;
secs. 7 to 9, inclusive;
secs. 16 to 22, inclusive;
secs. 27 to 34, inclusive.
T. 44 N., R. 15 W.,
secs. 1 to 6, inclusive.
T. 45 N., R. 15 W., all.
T. 46 N., R. 15 W.,
secs. 31 to 36, inclusive.
T. 44 N., R. 16 W.,
sec. 1, all.
T. 45 N., R. 16 W.,
secs. 1, 12, 13, 24, 25, and 36.
T. 46 N., R. 16 W.,
sec. 36, all.
(Approximately 66,725 acres)

SECTION 2. All lands owned or controlled by the United States within the following-described area in Michigan are hereby excluded from the said Seney Migratory Waterfowl Refuge:

MICHIGAN MERIDIAN

T. 44 N., R. 13 W.,
sec. 4, lots 1 and 2, S½NE¼ and N½SE¼;
sec. 9, E½NE¼ and SE¼SE¼.
T. 45 N., R. 13 W.,
sec. 4, lots 1, 2, 3, and 4, S½N½, N½SW¼, that part of SW¼SW¼ lying east of the easterly right-of-way boundary of Michigan State Highway No. M-77, SE¼SW¼, and SE¼;
sec. 5, lots 1 to 4, inclusive, S½N½ and that part of E½SE¼ lying east of the easterly right-of-way boundary of Michigan State Highway No. M-77.
sec. 6, lots 1 to 4, inclusive, and S½N½;
sec. 9, NE¼, that part of the W½ lying east of the easterly right-of-way boundary of Michigan State Highway No. M-77, and SE¼;
sec. 16, E½NE¼, and those parts of the W½NE¼, NE¼NW¼, and SE¼ lying east of the easterly right-of-way boundary of Michigan State Highway No. M-77;
sec. 21, that part of the E½NE¼ lying east of the easterly right-of-way boundary of the Michigan State Highway No. M-77.
T. 45 N., R. 14 W.,
sec. 1, lots 1 to 4, inclusive, and S½N½;
sec. 2, lots 1 to 4, inclusive, and S½N½;
sec. 3, lots 1 to 4, inclusive, and S½N½.
(Approximately 3,296 acres)

SECTION 3. The lands excluded from the said Refuge by section 2 hereof shall be and remain under the control and jurisdiction of the Secretary of Agriculture.

SECTION 4. The reservation made by section 1 of this order supersedes as to the lands described therein the withdrawal made by Executive Order No. 6964 of February 5, 1935, as amended, for classification and other purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE.
*July 17, 1937.*

[No. 7664]

[F. R. Doc. 37-2257; Filed, July 19, 1937; 2:34 p. m.]

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EXECUTIVE ORDER

CORRECTING DESCRIPTION OF BOUNDARIES OF KAWAIHAE LIGHTHOUSE RESERVATION

*Territory of Hawaii*

WHEREAS by Proclamation dated April 24, 1911, the Governor of the Territory of Hawaii reserved and set aside certain lands at Kawaihae, Territory of Hawaii, for lighthouse purposes, which lands comprise the Kawaihae Lighthouse Reservation; and

WHEREAS a recent survey made by the Survey Department of the Territory of Hawaii, and shown on Territorial Government Survey Map 2983, has developed discrepancies in the description of the boundaries of the said Lighthouse Reservation as contained in the said Proclamation of April 24, 1911:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 443, 447, it is ordered that the description of the boundaries of the Kawaihae Lighthouse Reservation be, and it is hereby, corrected to read as follows:

Beginning at a point marked by a drill hole in the center of a cross on rock (-⊹-) at the north corner of the parcel of land, the coordinates of said point referred to Territorial Government Survey Triangulation Station "Puu Kamalii", being 2198.93 feet south and 3598.89 feet west, as shown on Territorial Government Survey Map 2983, the running of azimuths measured clockwise from true south:



1. 332°50' 672.10 feet along Hawaiian home land to a drill hole at the apex of a V (>o) on rock; thence
2. 63°37' 729.29 feet along same and along Grant 5455 to Mutual Telephone Company to a point on seashore at highwater mark, passing over a drill hole in the center of a cross (-⊹-) on rock at 689.29 feet.
3. Thence along highwater mark at seashore, the direct azimuth and distance being 130°41' 474.24 feet thence
4. 228°55' 935.52 feet along Kawaihae Residence Lots and Hawaiian home land to the point of beginning, passing over a drill hole in the center of a cross (-⊹-) on rock at 40 feet and containing an area of 10.261 acres, more or less.

There is hereby excepted, however, from the said Reservation, for the use of the Territory of Hawaii for road purposes, a strip of land approximately sixty feet wide comprising a part of the Mahukona-Kawaihae public highway, such land being more particularly described as follows:

Beginning at a 1¼ inch pipe imbeded in concrete at the west corner of this strip of land and the east corner of Lot 29, Kawaihae Residence Lots, the true azimuth and distance from said point of beginning to a drill hole in center of cross on rock (-⊹-) at seashore, being 48°55' 269.95 feet, and the coordinates of said point referred to Territorial Government Survey Triangulation Station "Puu Kamalii" being 2610.02 feet south and 4070.42 feet west, as shown on Territorial Government Survey Map 2983, all azimuths being measured clockwise from true south:

1. 228°55' 60.10 feet across this highway right-of-way to a pipe imbeded in concrete; thence
2. 322°12' 317.70 feet along northeast side;
3. Thence along same on a curve to the left, having a radius of 2470.0 feet, the direct azimuth and distance being 319°35'17" 225.12 feet; thence
4. 63°27' 62.52 feet across this highway right-of-way;
5. Thence along the southwest side of highway right-of-way on a curve to the right having a radius of 2530.0 feet, the direct azimuth and distance being 139°47'19.5" 212.88 feet; thence
6. 142°12' 314.26 feet along the southwest side of highway right-of-way to the point of beginning and containing an area of 737/1000 of an acre, more or less.

The net area of the Kawaihae Lighthouse Reservation as above described is 9.524 acres, more or less.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 17, 1937.*

[No. 7665]

[F. R. Doc. 37-2258; Filed, July 19, 1937; 2:34 p. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49089]

REVENUE ACT OF 1932, AS AMENDED

EXPIRATION DATE IN SECTION 629 OF THE REVENUE ACT OF 1932 CHANGED TO JUNE 30, 1939, AND ALL PERTINENT CUSTOMS REGULATIONS EXTENDED. TAXABLE STATUS OF COAL, COKE, AND BRIQUETS FROM CERTAIN COUNTRIES

JULY 17, 1937.

*To Collectors of Customs and Others Concerned:*

The following telegram was dispatched to collectors of customs in all districts on July 1, 1937:

Section six twentynine revenue act nineteen thirtytwo further amended by public resolution fortyeight to substitute (June thirty) nineteen thirtynine for (June thirty) nineteen thirtyseven STOP All pertinent customs regulations hereby extended to govern assessment and collection import taxes authorized by said revenue act as amended

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

The information published in T. D. 48823 will govern the assessment of import taxes under section 601 (c) (5) of the Revenue Act of 1932, as amended, on coal, coke, and coal or coke briquets imported during the period from July 1 to December 31, 1937.

[SEAL]

JAMES H. MOYLE,
*Commissioner of Customs.*

[F. R. Doc. 37-2262; Filed, July 20, 1937; 10:48 a. m.]

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### Bureau of Internal Revenue.

[T. D. 4750]

SALES OF DENATURED ALCOHOL, DENATURED RUM AND ARTICLES

*To District Supervisors and Others Concerned:*

Pursuant to the authority contained in Section 13 of Title III of the National Prohibition Act (U. S. C. 1934 ed., title 27, sec. 83) and Sections 2 (6) and 4 of Title I of the Liquor Law Repeal and Enforcement Act (U. S. C. 1934 ed., Sup. II, title 27, secs. 151 (6) and 153, respectively) Regulations No. 3 is amended by adding thereto, immediately preceding Article 147 thereof, a new Article to be known as "Article 146-A", reading as follows:

Article 146-A. No person shall sell denatured alcohol, denatured rum, or any substance or preparation in the manufacture of which denatured alcohol or denatured rum is used, under circumstances from which he might reasonably deduce that it is the intention of the purchaser to procure the same for use for beverage purposes.

[SEAL]

GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 16, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2263; Filed, July 20, 1937; 10:48 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 110, MONTANA

JULY 6, 1937.

It appearing that the following-described tract of public land in Montana is necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section four of the act of May 24, 1928 (45 Stat. 728), that such land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for use by the Department of Commerce in the maintenance of air navigation facilities:

T. 12 N., R. 3 W., P. M.,
sec. 23, SE¼ SW¼, sec. 26, SW¼ NW¼ NE¼, SW¼ NE¼ and NE¼ NW¼, 130 acres.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2261; Filed, July 20, 1937; 9:33 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER OF THE SECRETARY OF AGRICULTURE REGULATING THE HANDLING IN INTERSTATE COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS OR AFFECTS INTERSTATE COMMERCE, OF CAULIFLOWER GROWN IN THE STATE OF OREGON

Whereas, under the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937,[1] hereinafter referred to

[1] Public, No. 137, 75th Congress.

as the "act", reenacting and amending certain provisions of Public No. 10, 73rd Congress, as amended, it is provided that the Secretary of Agriculture, hereinafter referred to as the "Secretary", shall issue orders regulating such handling of certain agricultural commodities, including cauliflower, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities; and

Whereas, the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of said Public No. 10, 73rd Congress, as amended, with respect to the establishment and maintenance of such orderly marketing conditions in interstate commerce for cauliflower grown in the State of Oregon as would establish prices to the growers of such commodity at a level that would give such commodity a purchasing power with respect to articles that such growers buy equivalent to the purchasing power of such commodity in a certain base period, conducted public hearings at Portland, Oregon, on November 9, 1936, and March 8, 1937, pursuant to due notice given to all interested parties on October 30, 1936, and March 2, 1937, on a proposed order regulating such handling of such commodity as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such commodity, at which hearings all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order; and

Whereas, the Secretary has found and proclaimed that the purchasing power of cauliflower grown in the State of Oregon during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such commodity can be satisfactorily determined from available statistics of the Department of Agriculture for the period August 1919–July 1929 and the period August 1919–July 1929 is the base period to be used in connection with this order in determining the purchasing power of such commodity; and

Whereas, the Secretary further finds upon the basis of the evidence introduced at the hearing and the record thereof:

1. That for the period July 1929–November 1936 the prices received by the growers of such cauliflower were at a level that gave such cauliflower a purchasing power with respect to articles that such growers buy appreciably below the purchasing power of such cauliflower during the base period;

2. That the marketing of such cauliflower has been detrimentally affected by unstable market conditions with consequent depressed prices to the growers of such commodity, and that the lack of regulation from week to week, and during the entire marketing season, has been an important factor contributing to such unstability of market conditions;

3. That the regulation of shipments by volume and by grades and sizes of the cauliflower covered by this order, as prescribed herein, will serve to prevent marked fluctuations in prices to growers thereof and will establish and maintain a more stabilized market for such commodity tending to establish prices to such growers at a level that will give such commodity a purchasing power with respect to articles that such growers buy equivalent to the purchasing power of such commodity during the base period;

4. That this order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production and marketing areas would not effectively carry out the declared policy of the act;

5. That the order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to cauliflower grown in the State of Oregon by establishing and maintaining such orderly marketing conditions therefor as will establish prices to growers thereof at a level that will give such commodity a purchasing power with respect to articles that such growers buy equivalent to the purchasing power of such commodity in the base period and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign commerce, and by (b) authorizing no action which has for its purpose the maintenance of prices to growers above the level which it is declared in the act to be the policy of Congress to establish; and

Whereas, the Secretary finds:

1. That a marketing agreement regulating the handling of cauliflower grown in the State of Oregon, executed by him on the 19th day of July 1937, upon which hearings were held on November 9, 1936, and March 8, 1937, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing or shipping the commodity covered by this order) who handled during the 1936 season more than fifty percent (50%) of the volume of such cauliflower covered by this order which was marketed during the same season in the current of interstate commerce;

2. That this order regulates the handling of such cauliflower in the same manner as the aforesaid marketing agreement, and that it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement; and

3. That the issuance of this order is favored by growers who during the 1936 season, which is hereby determined to be a representative period, have produced for market within the State of Oregon at least two-thirds (⅔) of the volume of cauliflower produced for market within such production area in the said season.

Now, therefore, it is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of the said cauliflower as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce in such cauliflower, from and after the date hereinafter specified, shall be in conformity to and in compliance with the terms and conditions of this order.

ARTICLE I—DEFINITIONS

SECTION 1. *Terms.*—As used in this order:

1. "Person" means an individual, partnership, corporation, association, and any other business unit.

2. "Cauliflower" means and includes all varieties of cauliflower grown in and shipped from the State of Oregon.

3. "To handle" or "to ship" means to convey or cause to be conveyed (but not as a common carrier for another person), to market, to consign, to deal in, or in any other way to put into the channels of trade in the current of interstate commerce, or so as directly to burden, obstruct, or affect interstate commerce.

4. "Handler" means any person engaged in shipping, marketing, consigning, or dealing in cauliflower, either in person, or as or through an agent, broker, representative or otherwise, in the current of interstate commerce, or so as directly to burden, obstruct, or affect interstate commerce.

5. "Season" means the twelve-month period beginning June 1 and ending May 31, both inclusive.

6. "District" means and includes each of the following geographical areas:

(a) "Northern District"—consisting of that territory in the State of Oregon lying north of a line drawn due east and west across the State of Oregon, passing through the center of the city of Salem, Oregon;

(b) "Southern District"—consisting of that territory in the State of Oregon lying south of a line drawn due east and west across the State of Oregon, passing through the center of the city of Salem, Oregon.

7. "Control Committee" means the control agency selected in accordance with the provisions of article II of this order.



ARTICLE II.—CONTROL COMMITTEE

SECTION 1. *Membership.*—A Control Committee is hereby established consisting of thirteen (13) members. The initial members and their respective alternates shall be as follows:

To represent cooperative handlers;

(a) R. Yoshimura, as member; N. Toyooka, as alternate;

(b) J. Uyetake, as member; B. Fujii, as alternate;

(c) C. Taketa, as member; K. Nagaki, as alternate; and

(d) Chick Peterson, as member; G. S. Sayriji, as alternate.

To represent independent handlers:

(a) Ross Phillippi, as member; John Frazier, as alternate;

(b) George Akagi, as member; K. Kitamoto, as alternate;

(c) Lee Martin, as member; Hugh Campbell, as alternate;

(d) R. L. Butler, as member; James Locke, as alternate; and

(e) F. S. Hamilton, as member; A. W. Baum, as alternate.

To represent Northern District Growers:

(a) Frank Spada, Portland, as member; George Spada, Portland, as alternate;

(b) Frank Tanaka, Gresham, as member; Minoru Kobayashi, Boring, as alternate; and

(c) Angelo Arata, Troutdale, as member; K. Nakamura, Portland, as alternate.

To represent Southern District Growers;

(a) T. B. Busenbark, Roseburg, as member; Scott Britt, Roseburg, as alternate.

The members and their alternates named in this paragraph shall hold office until their successors are selected and shall qualify.

2. The successors to the above-named members of the Control Committee and their respective alternates shall be selected by the Secretary from the respective nominees of cooperative handlers, independent handlers and growers chosen in the manner hereinafter provided, or from among such groups, respectively.

3. Nominations for successors to the four (4) cooperative handler members and their respective alternates and nominations for the successors to the five (5) independent handler members and their respective alternates shall be by an election in which each cooperative handler and each independent handler shall be entitled to vote for their respective nominees. Voting at such an election shall be cumulative and each handler shall be entitled to one (1) vote for each car, or equivalent thereof, of cauliflower shipped by him during any one of the previous three (3) seasons. Nominations for successors to the three (3) Northern District grower members and their respective alternates and nominations for a successor to the one (1) Southern District grower member and his alternate shall be by an election to be held in each of the said districts, in which each grower shall be entitled to cast one (1) vote for each nominee to be chosen by his district. All member and alternate nominees shall be chosen before June 1 of each year. Not less than thirty (30) nor more than sixty (60) days preceding such date, the Control Committee shall schedule an election for the respective groups, notify the handlers and growers and supervise the making of nominations in accordance herewith.

SEC. 2. *Term of Office.*—Members of the Control Committee and their respective alternates subsequent to the members and alternates named in section 1 shall be selected annually for a term of one year, beginning the first day of June, and shall serve until their respective successors shall be selected and shall qualify. Any person selected as a member or an alternate of the Control Committee shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

SEC. 3. *Vacancies.*—To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member of the Control Committee, a successor for his unexpired term shall be nominated in the manner specified in section 1 of this article within twenty (20) days after such vacancy occurs.

SEC. 4. *Organization.*—The members of the Control Committee shall select a chairman from its membership. The Control Committee shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Control Committee shall give the Secretary or his designated agents and representatives the same notice of meetings of the committee as is given to members thereof.

SEC. 5. *Inability of Members to Serve.*—An alternate for a member of the Control Committee shall act in the place and stead of such member (a) in his absence, or (b) in the event of his removal, resignation, disqualification, or death until a successor for his unexpired term has been selected.

SEC. 6. *Expenses.*—The members of the Control Committee shall serve without compensation, but shall be entitled to expenses necessarily incurred in the performance of their duties hereunder.

SEC. 7. *Powers.*—The Control Committee shall have the following powers:

1. To administer, as hereinafter specifically provided, the terms and provisions of this order;

2. To make, in accordance with the provisions hereinafter contained, administrative rules and regulations;

3. To receive, investigate, and report to the Secretary complaints of violations of this order; and

4. To recommend to the Secretary amendments to this order.

SEC. 8. *Duties.*—The Control Committee shall have the following duties:

1. To act as intermediary between the Secretary and any grower or handler;

2. To keep minute books and records which will clearly reflect all of its acts and transactions, which minute books and records shall at any time be subject to the examination of the Secretary;

3. To furnish to the Secretary such available information as he may request;

4. To appoint a manager and such other employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

5. To perform such duties in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public No. 320, approved August 24, 1935, as may from time to time be assigned to it by the Secretary;

6. To confer with handlers or growers of cauliflower grown in other areas with respect to the formulation or operation of orders providing for the regulation of shipments of cauliflower among the several areas where cauliflower is grown; and

7. To cause the books of the Control Committee to be audited by one or more competent accountants at least once for each season and at such other times as the Control Committee deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports made.

SEC. 9. *Procedure.*—1. Any decision of the Control Committee shall be by the affirmative vote of not less than eight (8) members: *Provided, however,* That any decision made with respect to a regulation under article III or article IV and affecting only one (1) district shall be by the grower members representing, and the handler members doing business in, such district and shall be by a majority vote of all such members.

2. The members of the Control Committee (including successors and alternates), and any agent or employee appointed or employed by such committee, shall be subject to removal or suspension by the Secretary at any time. Each action of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at

any time, and upon such disapproval shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith.

SEC. 10. *Funds and Other Property.*—1. All funds received by the Control Committee pursuant to any of the provisions of this agreement shall be used solely for the purposes herein specified and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

2. The manager selected by the Control Committee shall have charge of all books, records and other property of said committee. He shall act as secretary to all subcommittees which may be selected or appointed. Upon the death, resignation, removal or expiration of the term of office of any member of the Control Committee or of the manager, all books, records, funds and other property in his possession shall be delivered to the Control Committee or to his successor in office, and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee or his successor full title to all the books, records, funds and other property in the possession or under the control of such member or manager pursuant to this order.

ARTICLE III—REGULATION BY PRORATION

SECTION 1. *Recommendation for Proration Period.*—It shall be the duty of the Control Committee to investigate supply and demand conditions of cauliflower. Whenever such conditions make it advisable to regulate the shipment of cauliflower, the Control Committee shall recommend to the Secretary the establishment of a proration period during which the shipment of cauliflower may be regulated pursuant to this article. Such recommendations shall be made at a meeting of the said committee held at least twenty-four (24) hours prior to the time when it is proposed that the regulation shall be effective and the said committee shall promptly notify handlers and growers of such recommendations.

SEC. 2. *Reports from Handlers.*—Each handler desiring to ship cauliflower from a district for which a proration period is proposed shall, with respect to the cauliflower which he owns or has authority to ship and which he has available and intends to ship during such proposed period, report to the Control Committee the quantity of such cauliflower, the name of each owner or grower thereof and the quantity which he is authorized to ship for each such owner or grower. Reports shall be made at such time and in such manner as the Control Committee may prescribe. Each grower who has not given a handler authority to ship his cauliflower may make a similar report. During any such regulation period, any quantity of cauliflower prohibited from shipment pursuant to article IV shall not be considered as available for shipment for the purposes of this article.

SEC. 3. *Review of Reports.*—The Control Committee shall verify, in such manner as it may determine, all reports filed pursuant to section 2 and, with respect to the reports which are inaccurate, shall revise such reports to conform with the facts. Any handler or grower dissatisfied with his report as approved by the Control Committee may request the said committee to reconsider such report and thereafter may appeal to the Secretary. In the event of such an appeal, the Control Committee shall submit a report to the Secretary giving the action taken and the reasons therefor. Pending the disposition by the Secretary of such appeal, the petitioner shall abide by the determination of the Control Committee.

SEC. 4. *Determination of Quantity Available for Shipment.*—From the reports filed with the Control Committee pursuant to section 2 hereof, as the same may be revised pursuant to section 3 hereof, the said committee shall determine for each and all handlers the quantity of cauliflower available and intended for shipment from the district for which a proration period is proposed.

SEC. 5. *Determination of Advisable Shipments.*—The Control Committee shall determine the total quantity of cauliflower which it deems advisable to be shipped from each district during a proposed proration period. In determining such advisable quantity, the said committee shall give consideration to the supply of cauliflower available from all producing areas and to the demand therefor.

SEC. 6. *Reports to the Secretary.*—The Control Committee shall report to the Secretary the quantity of cauliflower available and the quantity advisable for shipment, as determined pursuant to sections 3, 4 and 5 of this article, as well as the facts upon which such determinations were made, and such additional information as the Secretary may request.

SEC. 7. *Establishment of Proration Period.*—Based upon the recommendations made pursuant to section 1 hereof and the reports submitted pursuant to section 6 of this article, and upon any other information available, the Secretary shall, if he has reason to believe that the limitation of shipments of cauliflower will tend to effectuate the declared policy of the act, establish for either or both districts a proration period regulating the shipment of cauliflower. The effective date, duration or termination of any proration period shall be given by the Secretary to the Control Committee by telegraph or in any other manner which the Secretary deems sufficient.

SEC. 8. *Determination of Allotments by the Secretary.*—1. In the event the Secretary establishes a proration period as provided in section 7 hereof, he shall, upon the basis of the information contained in the reports submitted pursuant to section 6 hereof, and upon such other information as may be available, determine for the district affected by the established proration period and for such period:

(a) The quantity of cauliflower which each handler has available and intends to ship;

(b) The total quantity of cauliflower which all handlers have available and intend to ship; and

(c) The total quantity of cauliflower advisable for shipment.

2. The Secretary shall inform the Control Committee of the determinations made by him pursuant to paragraph 1 of this section and the said committee shall calculate the allotment percentage for the district by dividing the total quantity of cauliflower advisable for shipment, as determined by the Secretary, by the total quantity of cauliflower which all handlers have available and intend to ship during the established proration period, as determined by the Secretary.

3. The Control Committee shall multiply the quantity of cauliflower which each handler has available and intends to ship from the district during the established proration period, as determined by the Secretary, by the allotment percentage calculated pursuant to paragraph 2 hereof, and the result thereof shall be the allotment fixed by the Secretary for each such handler. The Control Committee shall notify each handler of his allotment and of the allotment percentage.

4. Each handler shall, with respect to the quantity of cauliflower represented by his allotment, equitably apportion such cauliflower among the owners and growers whose cauliflower he reported to the Control Committee pursuant to section 2 of this article as available and intended for shipment, by applying the allotment percentage for the established proration period to such available supply of each owner and grower as determined by the Secretary.

SEC. 9. *Transfer of Allotments.*—Any handler to whom an allotment has been made may transfer such allotment, in whole or in part, to any other handler. The amount of the allotment transferred shall be deducted from the allotment of the transferor and added to the allotment of the transferee.

SEC. 10. *Over and Under Shipments.*—No handler shall ship cauliflower during any proration period without an allotment or in excess of his allotment, including allotments transferred to him pursuant to section 9 of this article: *Provided, however*, That a shipment of less than one carload in excess of a handler's allotment shall not be a violation of this order if such overshipment is reported to the Control Committee by the handler within twenty-four (24) hours thereafter. The quantity of cauliflower shipped by a handler during any one proration period in excess of his allotment shall be offset by a reduction of an equal amount of cauliflower from his allotment for the succeeding proration period. If such allotment is less than the quantity of the overshipment, the excess shipment shall be deducted from succeeding allotments. A handler who ships less than his allotment for a proration period may, during the next succeeding proration period for which he has an allotment, ship a quantity of cauliflower equal to the quantity of such undershipment, in addition to his allotment: *Provided*, That such undershipment is reported to the Control Committee prior to such succeeding proration period and a request is made in writing for permission to ship the quantity of the undershipment.

SEC. 11. *Termination of Proration Period.*—The Secretary shall terminate any proration period if the limitation of shipments is rendered unnecessary by reason of increased demand, reduction in available supply, or any other reason which would prevent the continuation of such regulation from effectuating the declared policy of the act.

ARTICLE IV—REGULATION BY GRADE AND SIZES

SECTION 1. *Recommendation.*—Whenever the Control Committee deems it advisable to regulate the shipment of any grade or size of cauliflower, it shall so recommend to the Secretary. In such event, the said committee shall furnish to the Secretary all data and information upon which such recommendation is predicated, including information with respect to the factors affecting the supply of and demand for cauliflower by grade and size.

SEC. 2. *Establishment of Regulation.*—1. Based upon such recommendation and information furnished by the Control Committee, or upon such other information as may be available, the Secretary may regulate the quantity of any grade or size of cauliflower which may be shipped from a district during any period. Such regulation of shipments may be accomplished by prohibiting the shipment of certain grades or sizes of cauliflower, or a part thereof, during such period.

2. When the Secretary determines to regulate shipments as provided herein, he shall immediately notify the Control Committee of such determination and the date of the commencement of such regulation period, by telegraph or any other means which he deems advisable. The Control Committee shall immediately notify each handler affected thereby of (a) the institution of such regulation period; (b) the grades or sizes, or the portions thereof, which are prohibited from shipment; and (c) any other information that the Control Committee deems advisable under the circumstances.

SEC. 3. *Determination of Percentages.*—In the event a regulation period is established for a district pursuant to this article, the Control Committee shall determine the percentage which the cauliflower of the grades and sizes permitted to be shipped from such district is of the total quantity of cauliflower which could be shipped therefrom in the absence of such regulation, and shall immediately announce the result of such determination.

SEC. 4. *Exemptions.*—If any grower of cauliflower furnishes evidence to the Control Committee that the regulation of shipments by grade or size during any period will not permit the shipment of a percentage of his cauliflower during such period equal to the percentage determined for his district pursuant to section 3 hereof, the said committee shall issue upon the request of such grower an exemption certificate which will permit the shipment of such a quantity of his cauliflower of the regulated grade or size as will make the percentage of his cauliflower that may be shipped equal to the percentage determined for his district. The Control Committee shall announce the procedure to be followed for the issuance of such exemption certificates. If any grower is dissatisfied with the decision of the Control Committee made with respect to his request for an exemption certificate, he may appeal to the Secretary.





SEC. 5. *Charitable Purposes.*—Nothing contained in this order shall be construed to authorize any limitation of the right to ship cauliflower by consumption by charitable institutions or distribution by relief agencies.

ARTICLE V—GRADING AND INSPECTION

SECTION 1. *Grading and Certification.*—1. During any regulation period established pursuant to article IV, all shipments of cauliflower from the district affected by such regulation shall be graded and certified on the basis of the grades of cauliflower promulgated by the United States Department of Agriculture and the Department of Agriculture of the State of Oregon, or as the same may be modified or changed hereafter.

2. Each handler shall, with respect to each shipment of cauliflower during any such regulation period, file or cause to be filed with the Control Committee an inspection certificate or official memorandum thereof issued by the Federal-State Inspection Service showing the grade of each such shipment.

ARTICLE VI—ASSESSMENTS AND EXPENSES

SECTION 1. *Assessments and Expenses.*—1. The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions under this order. The funds to cover such expenses shall be secured by the levying of assessments as hereinafter provided.

2. Each handler shall pay to the Control Committee, upon demand, such handler's pro rata share, as approved by the Secretary, of such general overhead expenses as the Secretary finds will be necessarily incurred by the said committee for its maintenance and functioning for both districts during a marketing season. Each handler who ships cauliflower from a district during a season when shipments from that district are regulated pursuant to article III or article IV, shall also pay to the Control Committee, upon demand, such handler's pro rata share, as approved by the Secretary, of such expenses as the Secretary finds will be necessarily incurred by the said committee in administering the aforesaid regulations during such season.

3. A handler's pro rata share of the general administrative expenses for any season shall be that proportion thereof which the total quantity of cauliflower shipped by him during such season is of the total quantity of such cauliflower shipped by all handlers during such season. A handler's pro rata share of the expenses for any season, necessary in administering regulations established pursuant to article III or article IV for a district, shall be that proportion thereof which the total quantity of cauliflower shipped by him from such district during the season is of the total quantity of cauliflower shipped by all handlers from such district during the season.

4. In order to provide funds to carry out the functions of the said committee prior to the commencement of shipments in any season, handlers may make advance payments of assessments, which advance payments shall be credited to such handlers, and the assessments of such handlers shall be adjusted so that such assessments are based upon the quantity of cauliflower shipped by such handlers during such season.

5. At the end of each season, the Control Committee shall credit each contributing handler with the excess of the amount paid by such handler above his pro rata share of the expenses, or debit such handler with the difference between his pro rata share and the amount paid by him. Any such debits shall become due and payable upon the demand of the Control Committee.

6. From the funds acquired pursuant to this article, the Control Committee shall pay the salaries of its employees, if any, and the expenses necessarily incurred in the performance of its duties under this agreement.

ARTICLE VII—REPORTS

SECTION 1. *Reports.*—Upon the request of the Control Committee, and in accordance with forms of reports to

be approved by the Secretary, each handler shall furnish, in such manner and at such times as said committee prescribes, such information as will enable the said committee to perform its duties under this order.

ARTICLE VIII—LIABILITY OF CONTROL COMMITTEE MEMBERS

SECTION 1. *Liability.*—No member of the Control Committee nor any employee thereof shall be held responsible individually in any way whatsoever to any handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty.

ARTICLE IX—SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

ARTICLE X—DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (1) to exercise any powers granted by the act or otherwise, or (2) in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XI—AMENDMENTS

SECTION 1. *Proposals.*—Amendments to this order may from time to time be proposed by the Control Committee.

ARTICLE XII—DURATION OF IMMUNITIES

SECTION 1. *Duration of Immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination except with respect to acts done under and during the existence of this order, and benefits, privileges, and immunities conferred by this order upon any person shall cease upon its termination as to such party except with respect to acts done under and during the existence of this order.

ARTICLE XIII—AGENTS

SECTION 1. *Agents.*—The Secretary may by a designation in writing name any person (not subject to this order), including any officer or employee of the Government, or any Bureau or Division in the Department of Agriculture to act as his agent or representative in connection with any of the provisions of this order.

ARTICLE XIV—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective Time.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

SEC. 2. *Termination.*—The Secretary may at any time terminate this order by giving at least one (1) day's notice by means of a press release or in any other manner which the Secretary may determine.

2. The Secretary shall terminate or suspend the operation of this order, or of any provision thereof, whenever he finds that this order, or such provisions thereof, does not tend to effectuate the declared policy of the act.

3. The Secretary shall terminate this order at the end of any marketing period whenever he finds that such termination is favored by a majority of the growers of cauliflower who during the preceding marketing period, have been engaged in the production for market of cauliflower in the area covered by this order: *Provided*, That such majority have during such period produced more than fifty (50) percent of the volume of such cauliflower produced within said area, but such termination shall be effective only if notice thereof is given on or before December 31 of such marketing period.

4. This order shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. *Proceedings after Termination.*—1. Upon the termination of this order, the members of the Control Committee then functioning shall continue as joint trustees, for the purposes of this order, of all funds and property then in the possession of or under the control of said Committee, including claims for any funds and property which are unpaid at the time of such termination.

Said trustees (a) shall continue in such capacity until discharged by the Secretary;

(b) shall account, from time to time, for all receipts and disbursements or deliver all funds and property on hand, together with all books and records of the Control Committee and of the joint trustees, to such person as the Secretary shall direct; and

(c) shall execute, upon the request of the Secretary, such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds or claims vested in the Control Committee or the joint trustees pursuant to this order. Any funds collected pursuant to article VI, and held by such joint trustees or such person over and above the amount necessary to meet outstanding obligations and expenses necessarily incurred by the joint trustees or such other person in the performance of their duties hereunder, shall be returned as soon as practicable (after the termination of this order), to the handlers, pro rata, in proportion to their contributions made pursuant to this order.

2. Any person to whom funds, property, or claims have been delivered by the Control Committee, or members thereof upon direction of the Secretary, as herein provided, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said committee or upon said joint trustees.

In witness whereof, the Secretary of Agriculture does hereby execute in duplicate and issue this order in the city of Washington, District of Columbia, on this 19th day of July 1937, and, pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m., pacific standard time, July 23, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2259; Filed, July 19, 1937; 3:08 p. m.]

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NCR—B-101—Tama County, Supplement No. 1

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, TAMA COUNTY, IOWA, SUPPLEMENT NO. 1

*Revisions in North Central Region Bulletin 101—Tama County Relating to Classification of Farm Land and Rates and Conditions of Payment*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin 101, Tama County, is amended as follows:

1. Subsection B (a) of Section 2 of Part III is deleted and the following is substituted therefor.

B. *New Conserving.*—(a) Cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand which would normally survive the winter of 1937-38 of any of the crops listed in items 1, 2, 3, 5, and 6 of this subsection (a) seeded with adapted seed between November 1, 1936, and October 31, 1937, inclusive, and cropland upon which there was a good stand on or after September 1, 1937, of annual sweetclover seeded with adapted seed between November 1, 1936, and October 31, 1937; provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested for grain or hay.

2. The first paragraph of Section 3 of Part IV is amended by the addition of the following sentence at the close of such paragraph:



If trees are purchased from a Clark-McNary cooperative nursery, such purchase shall not be deemed to be paid for in whole or in part by a State or Federal agency.

3. Subsection (a) (1) of Section 3 of Part IV is deleted and the following is substituted therefor:

(1) Alfalfa, (seeded alone or in mixtures with the perennial grasses listed under subsection (b) hereof, provided, that such alfalfa is seeded at the full rate of seeding alfalfa alone)—$2.50 per acre.

4. Section 7, Part IV is deleted and the following is substituted therefor:

SECTION 7. *Applicability to Farms under Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payments shall not be made for any soil-building practice carried out on such farm unless, (1) the cooperating agency has approved in writing on Form ACP-35 the carrying out of any such practice on such farm, (2) the cooperating agency has not furnished any labor, seed, or materials for the carrying out of such practice, provided, if labor, seed, or material are furnished by the Soil Conservation Service or the Resettlement Administration for a practice specified in either subsections (c) or (e), of Section 3 of this Part IV, and such cooperating agency has approved in writing the carrying out of such practice, payment will be made to the extent specified in the first paragraph of Section 3 of this Part IV.

In testimony whereof, Harry L. Brown, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of July, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2260; Filed, July 19, 1937; 3:08 p. m.]

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## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of July, A. D., 1937.

IN THE MATTER OF UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

The matter of modifying the Uniform System of Accounts for Electric Railways, Issue of 1914, by the addition thereto of an operating-revenue account to cover the tariff charges for protective service to perishable freight being under consideration:

*It is ordered*, That the following account under General Account I. Revenue from transportation, and the text pertaining thereto be, and they are hereby, prescribed:

108½. *Protective service revenue—perishable freight.*—This account shall include the revenue from protective service to perishable freight, classified as follows:

(a) Revenue from service for the protection against heat and from specific services incidental thereto upon the basis of tariff charges.

(b) Revenue from service for the protection against cold and from specific services incidental thereto upon the basis of tariff charges.

NOTE A.—Each carrier performing protective service to perishable freight against heat or cold, locally or jointly with one or more carriers, shall include in this account the total amount accruing to it under tariff provisions for the service performed on its line, without diminution by amounts paid to and retained by others than carriers for protective service rendered. Amounts paid to and retained by others than carriers for protective service rendered shall be charged to account 67, "Miscellaneous car-service expenses", in the accounts of the respective carriers.

NOTE B.—The cost of ice and salt for refrigeration, the cost of fuel for heating, and allowances to shippers in accordance with tariff provision for prewarming cars, shall be charged to account 67, "Miscellaneous car-service expenses."

NOTE C.—Collections in excess of tariff charges shall be included in this account pending refund.

NOTE D.—To this account shall be charged the carrier's proportion of uncollectible tariff charges.

NOTE E.—The carrier's records shall be so kept as to reflect the net revenue separately under items (a) and (b).

*It is further ordered*, That case 305 of Accounting Bulletin No. 14 be, and it is hereby, amended by the addition of the sentence:

(See account 108½, "Protective service revenue—Perishable freight."), immediately following the last answer.

*And it is further ordered*, That this order shall become effective July 1, 1937.

By the Commission, division 4,

[SEAL] W. P. BARTEL
*Secretary.*

[F. R. Doc. 37-2265; Filed, July 20, 1937; 12:10 p. m.]

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ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of July, A. D. 1937.

IN THE MATTER OF UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

The matter of modifying the Classification of Operating Revenues and Operating Expenses of Steam Roads, Issue of 1914, by the addition thereto of an operating-revenue account to cover the tariff charges for protective service to perishable freight being under consideration:

*It is ordered*, That the following account under General Account I. Transportation-Rail line, and the text pertaining thereto be, and they are hereby prescribed:

117. *Protective service—perishable freight.*—This account shall include the revenue from protective service to perishable freight, classified as follows:

(a) Revenue from service for the protection against heat and from specific services incidental thereto upon the basis of tariff charges.

(b) Revenue from service for the protection against cold and from specific services incidental thereto upon the basis of tariff charges.

NOTE A.—Each carrier performing protective service to perishable freight against heat or cold, locally or jointly with one or more carriers, shall include in this account the total amount accruing to it under tariff provisions for the service performed on its line, without diminution by amounts paid to and retained by others than carriers for protective service rendered. Amounts paid to and retained by others than carriers for protective service rendered shall be charged to account 402, "Train supplies and expenses", in the accounts of the respective carriers.

NOTE B.—The cost of ice and salt for refrigeration, the cost of fuel for heating, and allowances to shippers in accordance with tariff provision for prewarming cars, shall be charged to account 402, "Train supplies and expenses."

NOTE. C.—Collections in excess of tariff charges shall be included in this account pending refund.

NOTE D.—To this account shall be charged the carrier's proportion of uncollectible tariff charges.

NOTE. E.—The carrier's records shall be so kept as to reflect the net revenue separately under items (a) and (b).

*It is further ordered*, That the following sentence under sub-heading "Icing and watering cars", account 402, "Train supplies and expenses", be, and it is hereby, canceled:

Credits shall be made to this account for refrigeration charges collected from other companies and individuals.

*It is further ordered*, That Case 152 of Accounting Bulletin No. 15 be, and it is hereby, canceled.

*And it is further ordered*, That this order shall become effective July 1, 1937.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2264; Filed, July 20, 1937; 12:10 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July, A. D., 1937.

[File No. 46-61]

IN THE MATTER OF INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

International Hydro-Electric System having duly filed with this Commission an application and amendments thereto, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for the approval of the acquisition by it of 1,439,020 common shares of Gatineau Power Company; a hearing on said application as amended having been held after appropriate notice, the record in this matter having been examined and the Commission having made its findings herein:

It is ordered that the acquisition by applicant of said securities in accordance with the terms and conditions of and for the purposes represented by such application as amended be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2266; Filed, July 20, 1937; 12:38 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JULY 12, 1937, BY A. BEN CHADWELL, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the depths of the wells known as "Freeburg #1", "Vera Lee #1" and "Freeburg #4", as set forth in Division II, Items 19 (c) and (e), do not agree with the depths of the same wells as shown by the plat attached to the offering sheet as "Exhibit A";

(2) In that the first paragraph of representations, required to be included as a part of the offering sheet, is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2269; Filed, July 20, 1937; 12:39 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-BENJAMIN TRACT, FILED ON JULY 12, 1937, BY ROBERT L. KINKAID, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340(A) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the smallest fractional interest to be offered is not stated in Division II, Item 1, in terms of the total production from the entire tract;

(2) In that in Division II, Item 10, the names of the persons by whom the taxes are assessed are omitted;

(3) In that no information is given in Division II, Item 13, relative to the number of drilling wells;

(4) In that the figure given in Division II, Item 20 (d), for the month of February, 1937, is not believed to be correct, nor is the year immediately following the months of January to June, inclusive, as given in the column under "Months" in Division II, Item 20, believed to be correctly stated;

(5) In that in Division II, Item 20 (e), the actual net monthly pay-off for the smallest interest offered is required to be given, whereas from the amounts set forth it appears that the pro rata portion of the taxes to which such interest is subject has not been deducted;

(6) In that the second paragraph of representations, required to be included as a part of the offering sheet, is omitted;

(7) In that the proposed instrument of conveyance attached to the offering sheet as "Exhibit B", is incomplete for the reason that the smallest interest to be conveyed is omitted;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2268; Filed, July 20, 1937; 12:38 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING WORKING INTERESTS IN THE BERRY-HAYES MCGILL LEASE, FILED ON JULY 12, 1937, BY NORRIS-GILBERT & CO., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that a copy of the management and operating contract, mentioned in Division II, Item 12, is not attached to the offering sheet as "Exhibit D";

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2267; Filed, July 20, 1937; 12:38 p. m.]



*Thursday, July 22, 1937* *No. 140*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*Colorado*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910, of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in Colorado.

SIXTH PRINCIPAL MERIDIAN

T. 24 S., R. 54 W.,
sec. 31, S½S½;
T. 25 S., R. 54 W., all;
T. 26 S., R. 54 W.,
sec. 3, W½;
secs. 4 to 8 and 17 to 20, inclusive;
sec. 30, lot 1;
T. 25 S., R. 55 W.,
secs. 1 and 2, and 11 to 14, inclusive;
sec. 22, S½;
secs. 23 to 27, inclusive;
sec. 28, E½SE¼;
sec. 33, E½NE¼ and S½;
secs. 34 to 36, inclusive;
T. 26 S., R. 55 W.,
secs. 1 and 2;
sec. 3, lots 1 and 8;
sec. 7, W½;
sec. 10, S½SE¼;
secs. 11 to 36, inclusive;
T. 27 S., R. 55 W.,
sec. 5, W½;
secs. 6, 7, 18, 19, 30 and 31;
T. 25 S., R. 56 W., sec. 31;
T. 26 S., R. 56 W.,
sec. 4, W½, lot 10;
secs. 5 to 8, inclusive;
sec. 12, S½;
sec. 13;
secs. 17 to 36, inclusive;
T. 27 S., R. 56 W., all;
T. 25 S., R. 57 W.,
sec. 6, lots 4, 5, 6 and 7;
secs. 7 to 11, and 14 to 36, inclusive;
Tps. 26 and 27 S., R. 57 W., all;
T. 25 S., R. 58 W.,
sec. 1;
secs. 10 to 16, and 21 to 28, inclusive;
sec. 31, S½SE¼;
secs. 32 to 36, inclusive;
Tps. 26 and 27 S., R. 58 W., all;
T. 28 S., R. 58 W.,
secs. 4 to 6, inclusive;
T. 26 S., R. 59 W.,
sec. 1;
sec. 10, SE¼SW¼;
secs. 11 to 15, 22 to 27, and 31 to 36, inclusive;
T. 27 S., R. 59 W., all;
T. 28 S., R. 59 W.,
sec. 1.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Southern Otero Project, LA-CO 4: Provided, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*July 19, 1937*

[No. 7669]

[F. R. Doc. 37-2270; Filed, July 20, 1937; 2:49 p. m.]

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## EXECUTIVE ORDER

### WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

### *Arkansas*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6964, of February 5, 1935, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in Arkansas:

FIFTH PRINCIPAL MERIDIAN

T. 11 N., R. 31 W.,
secs. 4 to 9, secs. 16 to 21, and
secs. 28 to 33, inclusive;
T. 12 N., R. 31 W., all;
T. 13 N., R. 31 W.,
sec. 22, E½, and E½W½;
sec. 23, all;
sec. 24, W½, and S½SE¼;
secs. 25 and 26;
sec. 27, E½, and E½W½;
sec. 33, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
secs. 34 to 36, inclusive;
T. 11 N., R. 32 W.
sec. 1, E½NE¼;
secs. 2 and 3;
sec. 4, N½, N½S½, N½N½SW¼SE¼, and SE¼SE¼;
secs. 5 and 6;
sec. 7, N½NW¼, and SW¼NW¼;
sec. 12, SW¼SW¼;
sec. 13, all;
sec. 14, NE¼NE¼, and S½S½;
sec. 15, S½NE¼, and S½;
sec. 16, E½SE¼;
sec. 17, S½S½;
sec. 18, S½NW¼NW¼, S½N½, and S½;
secs. 19 to 30, inclusive;
sec. 32, E½;
secs. 33 to 36, inclusive;
T. 12 N., R. 32 W.,
secs. 1 to 23, inclusive;
sec. 24, N½NE¼, SE¼NE¼, and that portion of NE¼SE¼ lying north and east of diagonal line running northwest through said subdivision;
secs. 26 to 35, inclusive;
sec. 36, E½E½, E½W½SE¼;
T. 11 N., R. 33 W.,
sec. 1, all;
sec. 2, all (fractional);
sec. 11, W½NE¼, fractional E½W½, and fractional W½SE¼;
sec. 12, N½NE¼, NE¼NW¼, and SE¼NE¼;
T. 12 N., R. 33 W., all (fractional).

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for reforestation, forestation, soil erosion control, and other land utilization activities in connection with the Boston Mountain Project, LA-AK 6: Provided, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*July 19, 1937*

[No. 7670]

[F. R. Doc. 37-2271; Filed, July 20, 1937; 2:49 p. m.]

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## EXECUTIVE ORDER

### WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

### *South Dakota*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910, of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in South Dakota:

FIFTH PRINCIPAL MERIDIAN

T. 115 N., R. 81 W.,
sec. 6, lot 1;
sec. 7, lots 1 to 8, inclusive, E½SW¼ and SW¼SE¼;
sec. 8, lot 1;
sec. 18, lot 1;
sec. 17, lots 1 to 4, inclusive, SW¼NW¼, SW¼ and SW¼SE¼;
secs. 18, 19 and 20;
sec. 21, lots 1 to 4, inclusive, S½NW¼ and S½;
sec. 22, lots 1 to 5, inclusive, and S½SW¼;
sec. 23, lots 1 to 4, inclusive;
sec. 26,
sec. 27, lots 1 to 6, inclusive, W½E½ and W½;
sec. 28, lot 1, N½, NW¼SW¼, E½SW¼ and SE¼;
sec. 29, lots 1 to 4, inclusive, NE¼, E½NW¼, NW¼NW¼ and NE¼SE¼;
sec. 30, lots 1 to 4, inclusive;
sec. 33, lots 1 to 4, inclusive, NE¼NW¼, and E½;
sec. 34, W½;
T. 115 N., R. 82 W.,
sec. 1, lots 1 to 5, inclusive, S½NW¼, SW¼ and W½SE¼;
secs. 2 and 3;
sec. 4, lots 1 to 6, inclusive, S½NE¼ and SE¼;
sec. 9, lots 1 to 4, inclusive, NE¼ and E½SE¼;
secs. 10, 11 and 12;
sec. 13, lots 1 to 3, inclusive, N½, NE¼SW¼ and SE¼;
sec. 14, lots 1 to 7, inclusive, N½ and NW¼SW¼;
sec. 15, lots 1 to 3, inclusive, NE¼, E½NW¼, NW¼NW¼, NW¼SE¼ and E½SE¼;
sec. 16, lots 1 and 2;
sec. 22, lot 1;
sec. 23, lots 1 to 6, inclusive, NE¼, NE¼NW¼ and NE¼SE¼;
sec. 24, lots 1 to 8, inclusive, E½NE¼, W½NW¼, SE¼NW¼, SW¼ and SW¼SE¼;
sec. 25, lots 1 to 5, inclusive;
sec. 26, lot 1;
T. 116 N., R. 82 W.,
sec. 33, lots 1 to 3, inclusive, SE¼SE¼;
sec. 34, lots 1 to 4, inclusive, S½NE¼ and S½;
sec. 35, lots 1 to 5, inclusive, S½NW¼, SW¼, W½SE¼ and SE¼SE¼;
sec. 36, lots 1 and 2.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale or entry, and reserved and set apart for use and development by the Department of Agriculture for reforestation, forestation, soil erosion control and other land utilization activities in connection with the Fort Sully Project, LA-SD 5: Provided, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*July 19, 1937*

[No. 7671]

[F. R. Doc. 37-2272; Filed, July 20, 1937; 2:50 p. m.]

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## EXECUTIVE ORDER

### WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

### *Oregon*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910, of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in Oregon:

WILLIAMETTE MERIDIAN

T. 12 S., R. 11 E.,
sec. 23, E½SW¼ and W½SE¼;
sec. 25, all;
sec. 26, all;
sec. 27, S½S½;
sec. 28, SE¼SE¼;
sec. 34, 35, and 36;
T. 13 S., R. 11 E.,
secs. 1, 2, and 3;
sec. 4, NE¼NE¼, S½N½, and S½;
sec. 8, E½SE¼;
secs. 9 to 16, inclusive;
sec. 17, E½NE¼, NE¼SE¼, and S½SE¼;
sec. 20, E½, E½W½, SW¼NW¼, and W½SW¼;
secs. 21 to 29, inclusive;
sec. 31, S½NE¼, E½SW¼, and SE¼;
secs. 32 to 36, inclusive;
T. 11 S., R. 12 E.,
sec. 11, SE¼SE¼;
sec. 12, SW¼NE¼, S½SW¼, and SE¼;
sec. 13, all;
sec. 14, E½;
sec. 22, lots 1, 2, 3, and 4, NE¼SE¼, and S½SE¼;
secs. 23, 24, 25, and 26;
sec. 27, lots 1, 2, 3, 4, and 5, W½NE¼, NE¼NW¼, S½NW¼, SW¼, and W½SE¼;
sec. 28, lots 1, 2, 3, and 4, S½SW¼, and SE¼;
sec. 29, lots 1, 2, 3, and 4;
sec. 30, lots 1, 2, 3, 4, 5 and 12, SE¼SW¼, and SW¼SE¼;
secs. 31, 32, 33, and 34;
sec. 35, N½, SW¼ and NW¼SE¼;
sec. 36, N½N½ and SE¼NE¼;
T. 12 S., R. 12 E.,
sec. 2, W½ and SW¼SE¼;
secs. 3 to 10, inclusive;
sec. 11, W½NE¼, W½, and SE¼;
sec. 12, SW¼;
sec. 13, N½NW¼;
secs. 14 to 23, inclusive;
sec. 25, SE¼NE¼, SE¼, and S½SW¼;
sec. 26, N½NE¼, SW¼NE¼, W½, W½SE¼, and SE¼SE¼;
secs. 27 to 33, inclusive;
sec. 34, NE¼NE¼;
sec. 35, N½ and SE¼;
sec. 36, N½, NW¼SW¼, W½SW¼, and SE¼;
T. 13 S., R. 12 E.,
sec. 1, E½, E½W½, and SW¼SW¼;
sec. 2, SW¼ and S½SE¼;
secs. 3 to 18, inclusive;
sec. 19, N½, SW¼, and W½SE¼;
sec. 20, N½N½, SE¼NE¼, and E½SE¼;
secs. 21 to 28, inclusive;
sec. 29, E½ and E½W½;
sec. 30, W½;
sec. 31, lots 1, 2, and 3, NE¼NW¼, and SE¼;
sec. 32, NE¼, E½NW¼, and S½;
secs. 33 to 36, inclusive;
T. 11 S., R. 13 E.,
sec. 7, S½NW¼ and S½;
sec. 8, W½SW¼, SE¼SW¼, and SW¼SE¼;
sec. 12, NW¼SW¼ and S½SW¼;
sec. 13, W½, SW¼NE¼, W½SE¼, and SE¼SE¼;
sec. 14, SE¼SE¼;
sec. 17, W½E½ and W½;
secs. 18 and 19;
sec. 20, NW¼NE¼, S½NE¼, N½SE¼, SW¼SE¼, and W½;
sec. 23, E½NE¼;
sec. 24, N½ and N½S½;
sec. 29, N½NW¼, SW¼NW¼;
sec. 30, N½ and N½SW¼;
sec. 35, SW¼NW¼, NW¼SW¼, E½SW¼, SE¼;
sec. 36, W½ and SE¼;
T. 12 S., R. 13 E.,
sec. 1, all;
sec. 2, E½, SE¼NW¼, and E½SW¼;
sec. 11, NE¼, E½NW¼, SW¼NW¼, and NE¼SE¼;
secs. 12 and 13;
sec. 14, SE¼NE¼, SE¼, and SE¼SW¼;
sec. 23, E½ and E½W½;
secs. 24, 25, and 26;
sec. 27, S½N½ and S½;
sec. 28, S½NE¼, SE¼NW¼, and S½;
sec. 29, SW¼NE¼ and S½;
sec. 30, SW¼NE¼, S½NW¼, and S½;
secs. 31 to 36, inclusive;
T. 13 S., R. 13 E., all;
T. 10 S., R. 14 E.,
secs. 1, 2, and 3;
sec. 4, N½NE¼;
sec. 10, E½, E½W½, and NW¼NW¼;
secs. 11 and 12;
sec. 13, N½, E½SE¼, and W½SW¼;
secs. 14 and 15;
sec. 16, SE¼NE¼ and SE¼;
sec. 20, SE¼SE¼;
sec. 21, E½, E½SW¼, and SW¼SW¼;
sec. 22, all;
sec. 23, W½;
sec. 26, W½;
sec. 27, E½, E½W½, and NW¼NW¼;
sec. 28, NE¼NE¼;
sec. 31, E½SE¼;
sec. 32, W½SW¼;
sec. 33, SE¼ and NE¼NE¼;
secs. 34 and 35;
T. 11 S., R. 14 E.,
sec. 1, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
secs. 2 and 3;
sec. 4, E½;
sec. 5, NW¼NE¼, S½NE¼, SE¼, and W½;
sec. 6, E½E½, W½NE¼, and SW¼SE¼;
sec. 7, E½, S½NW¼, N½SW¼, and SE¼SW¼;
secs. 8, 9, and 10;
sec. 11, N½ and SW¼;
sec. 12, W½NW¼;
sec. 14, W½ and W½SE¼;
secs. 15, 16 and 17;
sec. 18, E½, E½W½, and SW¼SW¼;
secs. 19, 20, 21, and 22;
sec. 23, W½ and W½E½;
sec. 26, W½;
sec. 27, all;
sec. 28, E½ and E½W½;
sec. 30, E½, E½W½, and W½NW¼;
sec. 31, W½E½, SE¼SE¼, and SW¼;
sec. 32, E½SE¼, SW¼SE¼, and SW¼SW¼;
sec. 33, E½, E½W½, SW¼NW¼, and W½SW¼;
sec. 34, all;
sec. 35, W½ and S½SE¼;
T. 12 S., R. 14 E.,
sec. 1, lot 4;
sec. 2, N½NE¼, SW¼NE¼, W½, and SW¼SE¼;
secs. 3 to 11, inclusive;
sec. 12, N½, SW¼, and W½SE¼;
sec. 13, W½, and W½E½;
secs. 14 to 23, inclusive;
sec. 24, W½ and W½E½;
sec. 25, W½ and W½E½;
secs. 26 to 36, inclusive;
T. 13 S., R. 14 E., all;
T. 9 S., R. 15 E.,
sec. 31, SE¼SW¼;

T. 10 S., R. 15 E.,
sec. 6, W½ and SW¼SE¼;
sec. 18, lot 4.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Central Oregon Land Project, LA–OR 2: Provided, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*July 19, 1937*

[No. 7672]

[F. R. Doc. 37–2273; Filed, July 20, 1937; 2:50 p. m.]

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## EXECUTIVE ORDER

### WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*North Dakota*

By virtue of and pursuant to the authority vested in me by the Act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the Act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910, of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in North Dakota:

FIFTH PRINCIPAL MERIDIAN

T. 141 N., R. 100 W.,
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;
T. 142 N., R. 100 W.,
secs. 6 to 8, 16 to 21, and 28 to 33, inclusive;
T. 144 N., R. 100 W.,
secs. 1 to 21, and 28 to 33, inclusive;
T. 141 N., R. 101 W.,
secs. 1, 2, 11 and 12;
Tps. 142 to 144 N., R. 101 W., all;
Tps. 141 to 144 N., R. 102 W., all;
T. 141 N., R. 103 W.,
secs. 1 to 4, 9 to 16, 21 to 27, and 34 to 36, inclusive;
T. 143 N., R. 103 W., all;
T. 138 N., R. 100 W.,
secs. 7, 8, 17, 18, 19, 30 and 31;
Tps. 137 to 139 N., R. 101 W., all;
T. 140 N., R. 101 W.,
sec. 29, S½;
secs. 30 to 32, inclusive;
Tps. 137 to 139 N., R. 102 W., all;
T. 140 N., R. 102 W.,
secs. 5 to 8, 17 to 36, inclusive;
T. 137 N., R. 103 W.,
secs. 1 to 3, and 11 to 36, inclusive;
Tps. 138 to 140 N., R. 103 W., all.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale or entry, and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Billings Project, LA–ND–2: Provided, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*July 19, 1937*

[No. 7673]

[F. R. Doc. 37–2274; Filed, July 20, 1937; 2:50 p. m.]

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## EXECUTIVE ORDER

### WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*North Dakota*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910, of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in North Dakota:

FIFTH PRINCIPAL MERIDIAN

Tps. 145 and 146 N., R. 100 W., all;
T. 147 N., R. 100 W.,
secs. 6, 7, 12, 13 and secs. 18 to 36, inclusive;
T. 148 N., R. 100 W.,
secs. 2 to 11 and secs. 14 to 20, inclusive;
sec. 21, N½;
sec. 29, N½, and SW¼
secs. 30 and 31;
Tps. 145 to 148 N., Rs. 101 to 105 W., all;
T. 149 N., R. 95 W.,
sec. 19, lots 2, 3 and 4, SE¼NW¼, E½SW¼, and S½SE¼;
secs. 30 and 31;
sec. 32, S½NW¼, SW¼, and S½SE¼;
T. 149 N., R. 96 W.,
sec. 5, SW¼NW¼, W½SW¼, and SE¼SW¼;
secs. 6 to 9, inclusive;
sec. 10, W½SW¼;
sec. 13, S½S½;
sec. 14, S½S½;
sec. 15, W½, and S½SE¼;
secs. 16 to 36, inclusive;
T. 149 N., R. 97 W.,
secs. 1 to 4, inclusive;
sec. 5, E½, and SW¼;
secs. 8 to 17, inclusive;
sec. 19, S½;
secs. 20 to 36, inclusive;
T. 145 N., R. 98 W.,
sec. 3, all;
sec. 4, S½;
secs. 8 to 32, inclusive;
sec. 33, SW¼;
sec. 35, N½;
sec. 36, all;
T. 147 N., R. 98 W.,
secs. 1 to 30 and secs. 32 to 36, inclusive;
T. 148 N., R. 98 W.,
secs. 1 to 4 and secs. 10 to 15, inclusive;
sec. 21, E½SE¼;
secs. 22 to 27, inclusive;
sec. 28, E½NE¼, and S½;
sec. 29, E½SE¼;
secs. 31 to 36, inclusive;
T. 149 N., R. 98 W.,
sec. 25, E½E½;
sec. 35, E½;
sec. 36, all;



T. 145 N., R. 99 W.,
secs. 4 to 10, inclusive;
sec. 13, E½, and SW¼;
sec. 14, S½;
secs. 15 to 36, inclusive;
T. 146 N., R. 99 W.,
secs. 6 to 9, secs. 15 to 22, and secs. 27 to 33, inclusive;
T. 147 N., R. 99 W.,
secs. 1 and 2;
secs. 3 and 4, those parts southeast of Little Missouri River;
secs. 7 to 19, inclusive;
sec. 22, E½NE¼;
secs. 23 and 24;
T. 148 N., R. 99 W.,
sec. 4, W½;
secs. 5, 8, 9, 16 and 17;
sec. 20, NE¼;
sec. 21, all;
sec. 22, S½, S½NW¼, and SW¼NE¼;
sec. 23, SW¼, and that part SE¼ west of U. S. Highway No. 85;
sec. 34, that part east of Little Missouri River;
sec. 35, lot 2, and S½;
sec. 36, all;
T. 149 N., R. 102 W.,
secs. 4 to 9, inclusive;
T. 150 N., R. 102 W.,
secs. 3 and 4, those parts south of Great Northern Railway;
secs. 5 to 10, secs. 15 to 22, and secs. 27 to 34, inclusive;
T. 151 N., R. 102 W.,
secs. 30, 31 and 32, those parts south of Great Northern Railway;
Tps. 149 and 150 N., R. 103 W., all;
T. 151 N., R. 103 W.,
secs. 25, 26, 27, 28, 31, 32 and 33, those parts south of Great Northern Railway;
secs. 34, 35 and 36;
T. 149 N., R. 104 W., all;
T. 150 N., R. 104 W., that part south and east of Yellowstone River;
T. 151 N., R. 104 W.,
secs. 35 and 36, those parts east of Yellowstone River and south of Great Northern Railway;
T. 153 N., R. 93 W.,
secs. 7, 17, 18, 19, 20, 29 and 30, those parts lying west of Missouri River;
secs. 31 and 32;
T. 153 N., R. 94 W.,
secs. 4, 9, 10, 11 and 12, those parts lying south and west of Missouri River;
secs. 5 to 8 and secs. 13 to 18, inclusive,
sec. 19, N½N½, SE¼NE¼, and NE½SE¼;
secs. 20 to 25, inclusive;
sec. 26, E½;
sec. 27, N½NE¼, and NE¼NW¼;
sec. 29, NE¼;
sec. 36, all;
T. 154 N., R. 94 W.,
secs. 28, 31, 32 and 33, those parts lying south of Missouri River;
T. 151 N., R. 95 W.,
sec. 3, NW¼NW¼, S½NW¼, SW¼, and SW¼SE¼;
sec. 4, E½, and E½W½;
secs. 8 to 11 and secs. 14 to 16, inclusive;
sec. 17, N½, and N½S½;
secs. 21 to 23, inclusive;
secs. 26 and 27;
sec. 28, E½, and E½W½;
sec. 33, NE¼, and E½NW¼;
secs. 34 and 35;
secs. 12, 13, 24, 25 and 36, those parts west of Fort Berthold Indian Reservation;
T. 153 N., R. 95 W.,
secs. 1 to 13, inclusive;
sec. 14, E½, NW¼, and SE¼SW¼;
sec. 15, N½;
secs. 16 to 18, inclusive;
sec. 19, N½N½;
sec. 23, N½NE¼, and NE¼NW¼;
sec. 24, N½N½;
T. 154 N., R. 95 W.,
secs. 34 and 35;
secs. 25, 26, 27, 28, 31, 32, 33 and 36, those parts lying south of Missouri River;
T. 152 N., R. 96 W.,
sec. 4, lots 1 to 8, inclusive;
sec. 5, lots 1 and 8;
sec. 19, W½, and SE¼;
sec. 30, all;
sec. 31, N½N½;
T. 153 N., R 96 W.,
secs. 1 to 30, inclusive;
sec. 33, NE¼NE¼;
sec. 34, N½N½, and SE¼NE¼;
secs. 35 and 36;
T. 154 N., R. 96 W.,
secs. 31 to 35, inclusive;
secs. 25, 26, 27, 28, 29, 30 and 36, those parts lying south of Missouri River;
T. 151 N., R. 97 W.,
secs. 1 to 5, inclusive;
sec. 6, NE¼, E½NW¼, NE¼SW¼, N½SE¼; and SE¼SE¼;
sec. 7, NE¼NE¼;
sec. 8, N½N½, S½NE¼, and E½SE¼;
secs. 9 to 11, inclusive;
sec. 12, N½, SW¼, and W½SE¼;
sec. 14, N½N½;
secs. 16 to 21, inclusive;
sec. 22, W½SW¼, SW¼NW¼, and SE¼SE¼;
sec. 23, S½S½;
sec. 24, S½SW¼, and SW¼SE¼;
secs. 25 to 36, inclusive;
T. 152 N., R. 97 W.,
sec. 2, SW¼;
sec. 3, SE¼, and SE¼SW¼;
sec. 9, NE¼, and S½;
sec. 10, all;
sec. 11, W½;
sec. 14, W½, and W½SE¼;
secs. 15 and 16;
sec. 17, S½SE¼;
sec. 20, E½, SE¼NW¼;
secs. 21 to 28, inclusive;
sec. 29, E½, SE¼NW¼, and S½SW¼;
sec. 30, S½S½;
secs. 31 to 36, inclusive;
T. 153 N., R. 97 W.,
sec. 1, E½, and E½W½;
sec. 11, that part lying east of county road;
secs. 12 and 13;
sec. 14, E½;
sec. 23, E½E½, and SW¼SE¼;
secs. 24 and 25;
sec. 26, E½;
sec. 35, E½;
sec. 36, all;
T. 154 N., R. 97 W.,
sec. 25, that part lying south of Missouri River;
sec. 36, E½, NW¼, N½SW¼, and SE¼SW¼.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Little Missouri Project, LA–ND 1: Provided, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided for in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*July 19, 1937*

[No. 7674]

[F. R. Doc. 37–2275; Filed, July 20, 1937; 2:50 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3130]

IN THE MATTER OF IDAHO CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, August 6, 1937, at 10 o'clock in the forenoon of that day (mountain standard time), in Room 303, Federal Building, Boise, Idaho.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2278; Filed, July 21, 1937; 11:42 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3112]

IN THE MATTER OF KEELEY'S, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, August 4, 1937, at ten o'clock in the forenoon of that day (mountain standard time) in Civil Service Room, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2277; Filed, July 21, 1937; 11:42 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3146]

IN THE MATTER OF LOS ANGELES SOAP COMPANY, A CORPORATION, TRADING AS COSRAY PRODUCTS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, August 24, 1937, at ten o'clock in the forenoon of that day (Pacific Standard Time), Room 210, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2279; Filed, July 21, 1937; 11:42 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3168]

IN THE MATTER OF SOCIAL SECURITY COUNSELORS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, August 10, 1937, at ten o'clock in the forenoon of that day (mountain standard time), in Room 526, U. S. Court House, Portland, Oregon.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B JOHNSON, *Secretary.*

[F. R. Doc. 37-2280; Filed, July 21, 1937; 11:42 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

[Tariff Circular MP No. 3]

REGULATIONS TO GOVERN THE CONSTRUCTION AND FILING OF COMMON CARRIER PASSENGER FARE PUBLICATIONS, CONTRACT CARRIER SCHEDULES OF MINIMUM FARES OR CHARGES, ALSO EXPRESS RATE AND CLASSIFICATION PUBLICATIONS OF COMMON AND CONTRACT CARRIERS OF PASSENGERS

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 8th day of June, A. D. 1937.



*In the Matter of Regulations Governing the Construction, Filing and Posting of Tariffs by Common Carriers by Motor Vehicle, and the Form, Publication and Inspection of Schedules of Contract Carriers*

The matter of regulations governing the construction, filing and posting of tariffs by common carriers by motor vehicle, also joint tariffs of common carriers by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, pursuant to section 217 of the Motor Carrier Act, 1935, and governing the form, publication and inspection of schedules of contract carriers by motor vehicle, filed pursuant to section 218 of the said Motor Carrier Act, being under consideration and good cause appearing therefor:

*It is ordered,* That tariffs, including express tariffs, of common carriers of passengers by motor vehicle, joint tariffs of common carriers of passengers by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, filed pursuant to section 217 of the said act, and schedules, including express schedules, of contract carriers of passengers by motor vehicle, filed pursuant to section 218 of the said act, shall be constructed, published, filed, posted and kept open for public inspection in accordance with regulations adopted and promulgated in Tariff Circular MP No. 3, which regulations shall cancel and supersede regulations heretofore adopted and promulgated in Tariff Circular MP No. 2 and Supplement No. 1 thereto;

*And it is further ordered,* That the said Tariff Circular MP No. 3 be, and it is hereby, approved and made effective July 23, 1937.

By the Commission. Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

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REGULATIONS

All tariffs and schedules filed on and after the effective date hereof must conform to these regulations, except as otherwise authorized by the Commission.

The term "tariff" as used herein means a publication stating the fares and charges of a common carrier, and all rules which it applies in connection therewith.

The term "schedule" as used herein means a publication stating the *minimum* fares and charges of a contract carrier, and all rules which it applies in connection therewith.

SECTION 1

*Common Carrier Tariffs*

RULE 1. CONSTRUCTION AND FILING OF TARIFFS

(*a*) All tariffs and supplements thereto must be in book, pamphlet, or loose-leaf form of size 8 by 11 inches. They must be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other similar durable process on paper of good quality.

No alteration in writing or erasure shall be made in any tariff or supplement thereto.

A margin of not less than five-eighths of an inch without any printing thereon must be allowed at the binding edge of each tariff and supplement.

(*b*) Except as provided in rule 4, and unless otherwise authorized by the Commission, all tariffs and supplements must be filed and posted at least 30 days prior to the effective date thereof.

(*c*) Issuing carriers or their agents shall transmit to the Commission three copies of each tariff, supplement, or revised page. All copies shall be included in one package accompanied by a letter of transmittal listing all tariffs enclosed and addressed to the Interstate Commerce Commission, Bureau of Motor Carriers, Section of Traffic, Washington, D. C. All postage, etc., must be prepaid.

RULE 2. TITLE PAGE OF EVERY TARIFF AND SUPPLEMENT SHALL SHOW IN THE ORDER NAMED

(*a*) On upper right-hand corner each tariff shall be numbered beginning with no. 1. Such number shall be shown as follows:

MP-I. C. C. No. —.

When tariffs are issued canceling a tariff or tariffs previously filed, the MP-I. C. C. number or numbers of the tariff or tariffs canceled must be shown in the upper right-hand corner immediately under the MP-I. C. C. number of the new tariff.

Example:

MP-I. C. C. No. 2

cancels

MP-I. C. C. No. 1

(*b*) Supplements to a tariff in addition to showing the MP-I. C. C. number of the tariff amended thereby shall be numbered beginning with the number 1 and such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement canceled thereby and also the numbers of the supplements containing all changes from the tariff.

Example:

Supplement No. 3

to

MP-I. C. C. No. 1

Cancels Supplement No. 2

Supplements Nos. 1 and 3 contain all changes

(*c*) Name of carrier or name of agent issuing tariff.

Whenever two or more carriers join in a through a fare or charge the names of all such carriers must be shown. The name of a carrier must be the same as that appearing in its application for a certificate. In the event of a successor its name must be shown as "Successor to ———" as follows:

Example:

John Doe and William Doe

(Successors to A. B. C. Transportation Co.)

If the carrier is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

Example:

John Doe and William Doe

doing business as

A. B. C. Transportation Co.

Whenever two or more carriers join in a through fare or charge, authority by means of proper power of attorney or concurrence, as provided in rule 15, must be given the agent or carrier publishing the tariff.

(*d*) A brief description of the territories in which, or points from and to or between which, the tariff applies briefly stated.

(*e*) Date of issue and date effective.

(*f*) Name, title, and street address of officer or agent by whom tariff is issued.

RULE 3. TARIFFS SHALL CONTAIN IN THE ORDER NAMED

(*a*) Table of contents, arranged in alphabetical order showing the number of the page on which each subject may be found. If a tariff contains so small a volume of matter that its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(*b*) Explanation of all abbreviations, symbols, and reference marks used in the tariff.

(*c*) *Table of fares.*—An explicit statement of the fares in cents or in dollars and cents, together with the names or description of the points from and to which they apply. The names of the States in which the points are located must be shown.

Tariffs containing tables of fares based on distances from point of origin to destination must show the mileages or indicate a definite method by which such mileages shall be determined.

(*d*) Carriers or their agents may not publish fares or charges which duplicate or conflict with fares or charges published by or for account of such carriers.

RULE 4. ROUND-TRIP EXCURSION FARES

(*a*) Fares for round-trip excursions may be established, without further notice, upon posting tariffs in advance in a public and conspicuous place where tickets for such round-trip excursions are to be sold, and filing three copies thereof with the Commission, as follows:

For a round-trip excursion limited to a designated period of not more than three days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return journey, upon posting notice of one day;

For a round-trip excursion limited to a designated period of more than three days but not more than thirty days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return journey, upon posting notice of three days;

For a series of round-trip excursions, such series covering a period not to exceed thirty days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return journey, upon posting notice of three days as to the entire series.

(*b*) The term "round-trip excursion" as used in this rule means an excursion between points on the regularly operated route or routes of a common carrier, and is not intended to embrace so-called special or charter operations.

(*c*) No supplement may be issued to any tariff which is published under this rule except for the purpose of canceling the tariff.

(*d*) Each tariff issued under this rule must bear on its title page the following notation:

Issued under the authority of Rule 4, Interstate Commerce Commission Tariff Circular MP No. 3.

RULE 5. TARIFF CHANGES

(*a*) Except as provided in rule 4 and unless otherwise authorized by the Commission, fares and charges which have been filed with the Commission must be allowed to become effective and remain in effect for a period of at least 30 days before being changed, canceled, or withdrawn.

(*b*) All tariffs, supplements, and revised pages shall indicate changes from preceding issues by use of the following symbols:

↓ or (R) to denote reductions.
◆ or (A) to denote increases.
▲ or (C) to denote changes, the result of which is neither an increase nor a reduction.

The proper symbol must be shown directly in connection with each change.

RULE 6. POSTING REGULATIONS

Each carrier must post and file at each of its stations or offices at which an exclusive agent is employed all of the tariffs or schedules applying from, or at, such station or office and must also post and file at its principal place of business all of its tariffs or schedules. All tariffs or schedules must be kept available for public inspection or examination at all reasonable times.

SECTION 2

*Contract Carrier Schedules and Contracts*

RULE 7. CONSTRUCTION AND FILING OF SCHEDULES

All schedules of contract carriers of passengers must conform to the requirements set forth to govern the construction, filing, and posting of common carriers' tariffs and supplements in rules 1, 2, 3, 4, 5, and 6 of section 1.

Wherever in such rules the words "tariff" or "tariffs" appear, substitute the words "schedule" or "schedules."

Wherever in such rules the words "fares or charges" appear, substitute the words "minimum fares or charges."

Wherever in such rules there appears reference to "certificate" substitute the word "permit."

RULE 8. FILING OF CONTRACTS

Section 218 (a) of the Motor Carrier Act, 1935, provides that the filing of copies of contracts containing the minimum charges of contract carriers for the transportation of passengers or property in interstate or foreign commerce is permitted in the discretion of the Commission.

Whenever it is desired to file copies of contracts in lieu of schedules, carriers must first secure authority from the Commission to do so. Applications requesting permission to file contracts in lieu of schedules must state fully the reasons for the carriers' request. Such applications shall be made in duplicate on paper 8 by 10½ inches.

SECTION 3

*Express Tariffs and Schedules of Common and Contract Carriers of Passengers*

RULE 9. CONSTRUCTION, FILING, AND POSTING OF EXPRESS TARIFFS AND SCHEDULES

(*a*) Tariffs and schedules of common and contract carriers of passengers containing rates and charges for the transportation of express or express classifications must conform to the requirements set forth to govern the construction, filing, and posting of common and contract carriers' passenger tariffs and schedules in rules 1, 2, 3, 5, 6, 7, and 8 of sections 1 and 2, subject to the modifications, exceptions, and additional requirements set forth in the following rules.

(*b*) Wherever in the above rules and in rules 14 and 15 of section 4 the words "fares or charges" appear, substitute the words "rates or charges."

When express tariffs are published separately, substitute the abbreviation ME–I. C. C. wherever there appears in the above rules and in rules 14 and 15 of section 4 the abbreviation MP–I. C. C. (See also rule 13.)

RULE 10. SIZE OF TARIFFS AND SCHEDULES

The size of tariffs may be either 8 by 11 inches or 9½ by 11½ inches.

RULE 11. TARIFFS AND SCHEDULES SHALL CONTAIN

(*a*) Immediately following the table of contents, a complete index of all the commodities on which specific rates are named therein, together with reference to the page or items in which they are shown. No index need be shown in tariffs of less than five pages or if all the rates to each destination are alphabetically arranged by commodities.

(*b*) When a tariff names rates by classes, a classification of articles must be published in the tariff or in a separate tariff. When a classification is published in a separate tariff, reference must be made thereto on the title page of the rate tariff as follows:

Governed, except as otherwise provided herein, by the [here name] classification [show issuing agent], ME–I. C. C. No. — (or I. C. C. No. —), supplements to or successive issues thereof.

All carriers shown as originating carriers in a rate tariff which is governed by a separate classification must be named as participating carriers in such separate classification.

(*c*) *Table of rates.*—All rates must be explicitly stated in cents or in dollars and cents per 100 pounds, per barrel, per package, per bundle, or other definable measure.

Where rates are stated in amounts per package or bundle, definite specifications of the packages or bundles must be shown.

(*d*) Carriers or their agents may not publish class or commodity express rates which duplicate or conflict with express rates published by or for account of such carriers.



RULE 12. COMMODITY RATES

Commodity rates may be established on any commodity or commodities.

RULE 13. EXPRESS RATES, CHARGES AND RULES

(*a*) Carriers of passengers by motor vehicle may publish the rates, charges and rules covering the transportation of express in their tariffs or schedules containing passenger fares and charges, provided such express matter is included in a separate section of such tariff. When this is done it will not be necessary for such passenger carrier to publish a separate tariff covering express. However, both the MP–I. C. C. number and the ME–I. C. C. number must be shown.

(*b*) When passenger tariffs contain express rates, charges, and rules, five copies of such issues shall be transmitted to the Commission.

SECTION 4

*Miscellaneous Rules and Forms*

RULE 14. APPLICATIONS FOR SPECIAL PERMISSION

(*a*) The Motor Carrier Act, 1935, authorizes the Commission in its discretion and for good cause shown to permit changes in fares and charges on less than statutory notice, and also to permit departure from the Commission's regulations. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the fares and charges of a competing carrier that has given statutory notice of change in fares and charges will not of itself be regarded as good cause for permitting changes in fares and charges or other provisions on less than statutory notice. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff, supplement or revised page.

(*b*) When a formal order of the Commission requires publication on a stated number of days' notice, a request addressed to the Bureau of Motor Carriers for authority to file on less notice will not be granted. In any such instance a petition for modification of the order should be filed on the formal docket.

(*c*) Applications for permission to establish fares, charges, rules, or other provisions on less than statutory notice, or for waiver of the provisions of this tariff circular must be made by the carrier or agent that holds authority to file the proposed publication. If the application requests permission to make changes in joint tariffs, it must state that it is filed for and on behalf of all carriers parties to the proposed change.

(*d*) Two copies of applications (including amendments thereto and exhibits made a part thereof) shall be addressed to the Interstate Commerce Commission, Bureau of Motor Carriers, Washington, D. C. An additional exact copy shall be addressed to the office of the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, of the district in which the main office of the applicant carrier or publishing agent is located. The application shall indicate that an exact copy including exhibits has been furnished the district office.

Applications shall be made on paper 8 by 10½ inches, shall be in substantially the form shown hereinbelow, and shall give all the information required by this rule together with any other pertinent facts. They shall be numbered consecutively and must bear the signature of the carrier or its agent or officer, specifying title.

---
(Address)

---
(Date)

*To the Interstate Commerce Commission, Bureau of Motor Carriers, Washington, D. C.:*

Application No. ------

---, by ---
(Name of carrier) (Name of officer, specifying title)

for and on behalf of all carriers parties to its Tariff MP–I. C. C. No. ------,[1] does hereby petition the Interstate Commerce Commission that he (it) be permitted, under section 217 or 218 of the Motor Carrier Act, 1935, to put in force the following tariff provisions to become effective ------ days after the filing thereof with the Interstate Commerce Commission:

---
(Here show matter as directed by section (e), paragraph (1) of this rule)

Your petitioner further represents that the said (state whether fares, charges, classification ratings, or other provisions) above-mentioned will be published in ---

---
(Here state matters as directed by section (e), paragraph (2) of this rule)

---
(Here state matter as directed by section (e), paragraph (3) of this rule)

---
(Here state matter as directed by section (e), paragraph (4) of this rule)

---
(Here state fully matter as directed by section (e), paragraph (5) of this rule)

---
(Here set forth the justification as directed by section (e), paragraph (6) of this rule)

---
(Name of carrier)

By ---
(Name of title)

Verification: [2]

The above statement was subscribed and sworn to before me this ------- day of ---------- 19--.

---
(Notary public)

When the application is made by an agent, appropriate change should be made in the introductory and closing paragraphs of this form.

(*e*) Applications shall show the following information:

(1) The proposed tariff provisions shall be set forth clearly and completely. An accompanying exhibit may be used if identified by letter, such as Exhibit A, and so referred to in the application. If the proposed provisions consist of fares or charges, all points of origin and destination must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(2) The application shall show the tariffs and MP–I. C. C. numbers of the publications in which the proposed fares, charges, ratings, rules, or other provisions will be published. If the publication is to be made in supplements to tariffs already referred to, this fact shall be shown.

(3) The application shall set forth the fares, charges, or tariff provisions which it is desired to change. Where the matter to be shown is voluminous or for other reasons difficult of presentation, it may be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made by MP–I. C. C. number and supplement number to the tariffs or supplements in which fares, charges, or provisions to be superseded are published. If such provisions are published in numbered items or other units, reference shall be made thereto by number, or, if not so published, the pages of the publication on which the provisions appear shall be shown. The extent to which cancellation will be made must be definitely indicated.

(4) The application shall state the names of carriers known to maintain competitive fares, charges, classification ratings, or rules between the same points or points related thereto, together with the MP–I. C. C. numbers of the tariffs and supplements thereto containing such provisions.

(5) The application shall state whether such carriers have been advised of the proposed fares, charges, classi-

[1] If reference to tariff or tariffs does not exactly designate carrier involved, other methods of designating carriers should be employed.
[2] Only the original need be executed.

fication ratings, or rules and whether they have been advised that it is proposed to establish such provisions on less than statutory notice. If competitive carriers have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(6) The application shall state the special circumstances or unusual conditions which are relied upon as justifying the requested permission together with any related facts or circumstances which may aid the Commission in determining whether the requested permission is justified. If permission to establish provisions on less than statutory notice is sought, the petitioner shall state why the proposed provisions could not have been established upon 30 days' notice.

(*f*) If the authority granted by special permission is used, it must be used in its entirety and in the manner set forth in the order of special permission. If it is not desired to use all of the authority granted and less or more extensive or different authority is desired, a new application complying with the provisions of this rule in all respects and referring to the previous permission must be filed.

RULE 15. POWERS OF ATTORNEY AND CONCURRENCES

(*a*) Whenever a carrier desires to give authority to an attorney and agent to issue and file tariffs and supplements thereto in its stead a power of attorney in the following form shall be used. Size 8 by 10½ inches:

MPXA1 No. —.
Cancels MPXA1 No. —.
[Name of carrier].
[Post Office Address].
----------, 19--.

*Know all men by these presents:*

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of principal agent appointed] its true and lawful attorney and agent for the said carrier, and in its name, place, and stead, (1) for it alone and (2) for it jointly with other carriers, to publish and file tariffs naming [*here specify whether fares and charges and/or rules applying from, to, or at points on or via route or routes, or express classifications*] as required of common carriers of passengers by the Motor Carrier Act, 1935, and by regulations established by the Interstate Commerce Commission thereunder. [If the authority granted runs only to a specific tariff, so state and describe such issue as follows]:

[Here give exact description of title page of tariff, including MP–I. C. C. number and the name of series. When date of issue and/or effective date are determined such date or dates must be shown.]

And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes, as if the same were done and performed by the said carrier, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

And further, that the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint as alternate [name of alternative agent appointed] its true and lawful attorney and agent, for said carrier and in its name, place, and stead, (1) for it alone and (2) for it jointly with other carriers in case and only in case of the death or disability of the said [here insert name of principal agent] to do and perform the same acts and exercise the same authority as hereinabove granted to [here insert name of agent first hereinabove named].

In witness whereof the said carrier has caused these presents to be signed in its name by its [here give title of person signing] at [name of city or town] in [name of county] State of [name of State] on this [date] day of [month], 19--.

----------
(Name of carrier in full)
By ----------
(Name and title of person signing)
Attested ----------
(Witness)
[Corporate seal if any.]

(*b*) Whenever a carrier desires to concur in tariffs issued and filed by another carrier or its agent a concurrence in the following form shall be issued in favor of such other carrier. Size 8 by 10½ inches.

MPXC1 No. —.
Cancels MPXC1 No. —.
[Name of Carrier].
[Post Office Address].
----------, 19--.

*To the Interstate Commerce Commission, Bureau of Motor Carriers, Section of Traffic, Washington, D. C.:*

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any tariff or supplement thereto which [name of carrier to whom concurrence is given] or its agent may publish and file and in which this carrier is shown as a participating carrier and hereby makes itself a party thereto and bound thereby, insofar as such tariff or supplement contains [*here specify whether fares or charges applying from, to, or at points on or via its route or routes or express classifications*], until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given. [If the authority granted runs only to a specific tariff, so state and describe such issue as follows]:

[Here give exact description of title page of tariff, including MP-I. C. C. number and name of series. When date of issue and/or date effective are determined, such date or dates must be shown.]

----------
(Name of carrier in full)
By ----------
(Name and title of person signing)
Attested ----------
(Witness)
[Corporate seal if any.]

(*c*) The original of all powers of attorney and concurrences shall be filed with the Commission and a duplicate of the original sent to the agent or carrier in whose favor such document is issued.

(*d*) Whenever a carrier desires to cancel the authority granted an agent or another carrier by power of attorney or concurrence, this may be done by a letter addressed to the Commission revoking such authority on 60 days' notice. Copies of such notice must also be mailed to all interested parties.

[F. R. Doc. 37–2281; Filed, July 21, 1937; 12:21 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 118]

ALLOCATION OF FUNDS FOR LOANS

JULY 17, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the project and in the amount as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Mississippi 20A Yazoo | $126,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37–2276; Filed, July 21, 1937; 9:34 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of July, A. D., 1937.

[File No. 43–65]

IN THE MATTER OF OKLAHOMA POWER AND WATER CO.

[Public Utility Holding Company Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7

Oklahoma Power and Water Co., a subsidiary of The Middle West Corporation, a registered holding company, having duly filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and alteration of holders' rights of 23,000 shares of its 6% cumulative preferred stock, having a par value of $100 per share, by waiver and cancellation of all unpaid dividends accumulated to July 1, 1937, such alteration to be evidenced by stamping the certificates representing said shares of preferred stock by an appropriate legend to the effect that cumulative dividends on said shares will commence to accrue on and after July 1, 1937; said declaration having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered that such declaration, as amended, be and become effective forthwith, subject to the terms and conditions set forth in, and for the purposes represented by, said amended declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*

[F. R. 37–2284; Filed, July 21, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE TIDEWATER-SHAFFER TRACT, FILED ON JUNE 26, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER EXPLANATION

The Securities and Exchange Commission, having received an explanation of the matters alleged as constituting the grounds for the suspension of the effectiveness of the filing of the offering sheet described in the title hereof, which order was entered on July 2, 1937;

It is ordered that the Temporary Suspension Order and Notice of Opportunity for Hearing, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2282; Filed, July 21, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of July, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 11, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 17, 1937, be effective as of July 17, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2283; Filed, July 21, 1937; 12:46 p. m.]



*Friday, July 23, 1937* *No. 141*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49095]

CUSTOMS REGULATIONS OF 1931, RELATIVE TO MERCHANDISE IN TRANSIT BETWEEN PORTS IN THE UNITED STATES THROUGH CONTIGUOUS FOREIGN TERRITORY, AMENDED

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in sections 554 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1554 and 1624), the Customs Regulations of 1931 are amended as follows:

Article 233 (a), as amended by T. D. 45764, is further amended by eliminating from the manifest form set forth therein the line

Customs seals Nos.----------

and by amending the certification of the inspector at the bottom of the form to read as follows:

I certify that the above car number is correct and that customs seals are intact and locked.

Article 233 (g) is amended to read as follows:

(g) Train consist shall be furnished the customs inspector at the port of exit by the railroad company, showing all cars on the train and specifically indicating the in-transit cars leaving the United States. The inspector shall check each in-transit seal used to see that it is properly attached and locked, which shall be ascertained by an actual test of the seals placed on each car. While the outside inspector is checking the car numbers and initials and testing the in-transit seals applied, the inside inspector will have the manifests otherwise prepared so that, on return of the outside inspector, the certificate on the manifest may be executed and the initials of the outside inspector added to complete the manifest without delay.

Article 233 (h) is amended to read as follows:

(h) As an alternative to the above regulation the railroads may use the following plan if it is found to be more expeditious: Train consist shall be furnished the customs inspectors at the port of exit by the railroad company showing all cars on the train and specifically indicating the in-transit cars leaving the United States. The customs inspector will retain custody of the in-transit seals; he will accompany the railroad sealer, furnishing him with in-transit seals at the time of application; test each seal used to see that it is properly applied and upon completion of the sealing of the cars will immediately report to the inside inspector. While the outside inspector is checking the car numbers and initials and testing the in-transit seals applied, the inside inspector will have the manifests otherwise prepared so that on return of the outside inspector, the certificate on the manifest may be executed and the initials of the outside officer added to complete the manifest without delay.

Article 234 (a) is amended to read as follows:

(a) On arrival at the first port in the United States after transportation through foreign territory the railroad conductor shall present a consist sheet showing the initials, car numbers, and port of exit of each car in the train and a manifest for each loaded car, to the customs. The inspector shall check the manifest so received with the consist sheet to determine that a manifest has been tendered for every loaded car and then shall check the train from the consist. He shall also examine the fastenings of the car.

Article 234 (b) is amended by deleting the words

or with seals bearing numbers other than those shown on the manifest,

appearing in lines two and three thereof.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: July 19, 1937.
STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2291; Filed, July 22, 1937; 9:49 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 25]

AN ORDER DIRECTING ALL DISTRICT BOARDS TO SUBMIT PROPOSED RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL PRODUCED BY CODE MEMBERS WITHIN THE RESPECTIVE DISTRICTS; PROVIDING FOR THE COORDINATION OF SUCH RULES AND REGULATIONS; AND NOTICE OF A PUBLIC HEARING BY THE COMMISSION FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO ESTABLISH RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS, IN CONFORMITY WITH THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. Each district board shall propose reasonable rules and regulations incidental to the sale and distribution of coal produced by code members within their respective districts, which said rules and regulations (a) shall not be inconsistent with the requirements of Section 4 of the Act, (b) shall conform with the standards of fair competition therein established, (c) shall include the proposed definition and establishment of such consuming market areas as the respective district boards may deem necessary and proper, and (d) shall propose specific rules and regulations to effectuate subsection (g) of Part II of said Section 4 of the Act.

2. Such proposed rules and regulations, together with a statement of the reasons therefor, shall be submitted by each district board to the Commission at or before ten (10) o'clock A. M., August 2, 1937, and upon receipt thereof, the Commission may approve, disapprove, or modify the same, for the purpose of coordination.

3. Each district board shall, by formal resolution, designate a representative or representatives of the board, with full authority to attend a meeting to be held as herein provided, and to act in its behalf, for the purpose of coordinating such rules and regulations in conformity with the requirements of subsection (b), Part II, of Section 4 of the Act, which said meeting is hereby set for ten (10) o'clock A. M., August 4, 1937, at the offices of the Commission in Washington, D. C., and to be conducted under the direction of the Commission. Coordination of such proposed rules and regulations shall be completed, and the proposed rules and regulations as coordinated shall be submitted to the Commission not later than August 11, 1937.

4. The proposed rules and regulations, as coordinated and submitted to the Commission, will be on file in the office of the Secretary of the Commission on August 12, 1937, and will be available for inspection thereafter during office hours by all interested parties until the date of the hearing hereinafter set forth.

5. A hearing shall be held by the Commission on August 23, 1937, commencing at ten (10) o'clock A. M. in the Hearing Room of the Commission at the Carlton Hotel, Washington, D. C., for the purpose of receiving evidence to enable the Commission to establish rules and regulations incidental to the sale and distribution of coal by code members within the respective districts, in conformity with the provisions of said Act. At said hearing Consumers' Counsel, code members, representatives of district boards, and all other interested parties may appear and be heard before the Commission.

Notice of said hearing shall be given under the direction of the Secretary of the Commission by mailing a copy of this order to Consumers' Counsel, to each district board, to each code member in all of said districts, and by publication of notice upon three (3) consecutive days in a newspaper of general circulation in each of the districts. The notice published in said newspapers shall contain the date and the place of the hearing and a concise statement of the subject matter of the hearing.

By order of the Commission.

Dated this 21st day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2298; Filed, July 22, 1937; 12:51 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Massachusetts—Supplement (6) Issued July 20, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MASSACHUSETTS—SUPPLEMENT (6)

*Revision of Green-Manure Practice No. 8*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Massachusetts, as amended by Supplements (1) to (5), inclusive, is hereby further amended as follows:

Practice No. 8, under the heading "Growing Green-Manure Crops", which reads as follows:

8. Plowing or disking under biennial legumes or perennial legumes for which no seeding payment will be, or has been, made under this or any previous program and from which no crop has been harvested, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, $2.50 per acre.

is stricken out and in lieu thereof the following is inserted:

8. Plowing or disking under either (1) annual legumes which have attained at least two months' or 12 inches' growth or (2) biennial or perennial legumes from which no crop has been harvested and which have attained at least two months' or 12 inches' growth and for which either (a) no seeding payment will be or has been made under this or the 1936 program or (b) the seeding payment was not needed in order to provide a total payment equal to the soil-building allowance for the farm under the 1936 program.

Payment, $2.50 per acre.

Done at Washington, D. C., this 20th day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN, *Acting Secretary of Agriculture.*

[F. R. Doc. 37-2285; Filed, July 21, 1937; 1:59 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTIONS FROM COMPLIANCE WITH RADIOTELEGRAPH INSTALLATION REQUIREMENT OF SAFETY OF LIFE AT SEA CONVENTION

The Telegraph Division at its regular meeting held July 13, 1937, ratified the Commission's action of July 10, 1937, and granted extension of time of exemption of vessels of the Puget Sound Navigation Company from the radiotelegraph requirements of the Safety Convention and Public No. 97 approved May 20, 1937, and adopted the following order:

JULY 6, 1937.

The Commission this day extended the exemption from the radiotelegraph installation requirement of Article 27 of the Safety of Life at Sea Convention and Section 351 (a) of Public No. 97, approved May 20, 1937, amending the Communications Act, pursuant to the provisions of Article 28 of the Convention and Section 352 (b) of Public No. 97, which was granted the Puget Sound Navigation Company on March 9, 1937, extended on May 8, 1937, and June 7, 1937, for the following vessels and voyages:



1. The SS *Iroquois* and SS *Olympic* for international voyages between Seattle, Washington, and Victoria B. C. via Fort Townsend and Port Angeles.

2. The SS *Quilcene*, SS *City of Angeles* and SS *Rosario* for international voyages between Anacortes, Washington, and Sydney, B. C. via Friday Harbor, San Juan Island and Orues, Orues Island,

pending further order of the Commission and in any event for a period not to exceed 30 days from the date of this order, subject to the same terms and conditions as those specified in the original order of exemption, in order to enable the Commission to further consider information bearing upon the route and conditions of the voyages in question.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2290; Filed, July 22, 1937; 9:27 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5472]

APPLICATION OF GEORGE B. EVANS, TRUSTEE IN BANKRUPTCY OF AND FOR ST. LOUIS GAS AND COKE CORPORATION

ORDER POSTPONING HEARING

Upon further consideration of the application filed by George B. Evans, Trustee in Bankruptcy of and for the St. Louis Gas and Coke Corporation for approval of the sale of its electrical facilities to Granite City Generating Company, it appears that the latter company, as a part of the plan of reorganization involved in the said application, proposes to lease the electrical facilities involved to the Laclede Power and Light Company, a corporation furnishing electric energy in the City of St. Louis, Missouri.

It is *ordered:*

That the hearing on said application, scheduled for July 29, 1937, be postponed to August 10, 1937, at 10 a. m., in order to permit the Granite City Generating Company to join in the application.

Adopted by the Commission on July 20, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2287; Filed, July 22, 1937; 9:26 a. m.]

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. I. D. 838]

APPLICATION OF MARTIN J. O'CONNELL

ORDER SETTING HEARING

Upon application of Martin J. O'Connell of 150 Broadway, New York, New York, filed June 12, 1937, pursuant to Section 305 (b) of the Federal Power Act, for authorization to hold certain positions named in his said application;

It appearing that the said applicant is an employee and Vice President of The Utility Management Corporation, which corporation furnishes management service to the public utilties with which the said applicant is seeking authority to hold positions, and that the applicant while holding the positions with the said public utilities for which he now seeks authorization, receives all his compensation from the said The Utility Management Corporation; and

It further appearing that the said applicant failed to file with the Commission within due time as required by the Commission's Rules of Practice and Regulations and by Section 305 (b) of the Federal Power Act his application for authorization to hold the positions named in his application;

The Commission having considered the information contained in the said application *finds:*

That the said applicant has not made due showing in the form and manner prescribed by the Commission that neither public nor private interests would be adversely affected by his holding the said positions;

And the Commission *orders:*

That a hearing on the said application of Martin J. O'Connell be held in the Commission's hearing room at 1800 Pennsylvania Avenue, N. W., Washington, D. C., at 10 a. m., on Thursday, August 19, 1937; and that at such hearing the said applicant show cause why his said application should not be denied.

Adopted by the Commission on July 20, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2289; Filed, July 22, 1937; 9:26 a. m.]

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5473]

APPLICATION OF PENNSYLVANIA ELECTRIC COMPANY AND PENNSYLVANIA EDISON COMPANY

ORDER SETTING DATE OF HEARING

Upon joint application of Pennsylvania Electric Company and Pennsylvania Edison Company filed July 17, 1937, pursuant to Sections 8 and 203 (a) of the Federal Power Act for approval of the sale of the franchises and all of the property, real, personal and mixed, including transfer of Federal Power Commission license for project No. 1160, of the former company to the latter company;

It is *ordered:*

That a public hearing on said application be held on August 23, 1937, at 10:00 a. m. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on July 20, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2288; Filed, July 22, 1937; 9:26 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

RULES UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

CREDIT EXTENSIONS TO FOREIGN SUBSIDIARIES

*Registered holding company or subsidiary prohibited from extending credit to foreign associate except in limited amounts or upon an order pursuant to application; no Commission form prescribed for such application, but compliance with Rule 2 and certain information required*

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly Section 12 (b) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers, and to prevent the circumvention of provisions of said Act and rules, regulations, and orders thereunder, the Securities and Exchange Commission adopts the following Rule:

RULE 12B-1. *Extensions of credit to foreign companies.*—(a) As used in this rule, the phrase "foreign associate" means a subsidiary company which is exempt from any obligation imposed upon it as a subsidiary company by virtue of an order of the Commission pursuant to Section 3 (b), or which has filed an application for such an exemption. The phrase "domestic associate" means any associate company in a holding company system other than a foreign associate. The phrase "foreign associate group" means a foreign associate and all associate companies thereof which are also foreign associates.

(b) Any registered holding company or any subsidiary of such a company may make loans to any foreign associate or may extend its credit to or indemnify such a company, *provided* that the amount of such loans, extensions of credit or indemnifications by all domestic associates to all members of any foreign associate group that are at any one time outstanding shall not exceed, in the aggregate, the sum of $50,000 or a sum equal to one-tenth of one percent of the consolidated assets of all the companies in the holding company system of the company making such loan, extension of credit or indemnification, whichever of said sums is the lesser. Except within the limits above provided no registered holding company and no domestic associate of such a company shall lend or extend its credit to or indemnify any foreign associate company thereof unless an application shall first have been made to the Commission with respect to such transaction and the Commission shall have found that the proposed transaction will not be detrimental to the public interest or the interest of investors or consumers or result in the circumvention of the provisions of the Act or the rules, regulations or orders thereunder and shall have entered an order approving such transaction.

(c) Any domestic associate desiring, directly or indirectly, to lend or in any manner extend its credit to or indemnify any foreign associate, otherwise than as authorized by paragraph (b) of this rule shall file with the Commission an application for an order approving such loan, extension of credit or agreement to indemnify. No form is prescribed therefor, but every such application shall comply with the provisions of Rule 2. It shall state the amount of the loan, extension of credit, or indemnification to be made, the use that is to be made of the proceeds thereof, the nature of the security, if any, that is to be given therefor, the maturity thereof, the rate of interest and all discounts, fees, commissions and other charges to be made in connection therewith. An application for the approval of an agreement to indemnify shall also include a copy of such agreement, if in writing, or a description thereof, if oral. Every such application shall also include such further facts as the Commission may require to enable it to determine the effect of the proposed transaction on the financial integrity of the companies involved, or to determine whether or not the proposed transaction may result in the circumvention of the provisions of the Act or the rules, regulations, or orders thereunder.

*Extension of Exemption of Foreign Subsidiaries.*—Subsidiary exempted pursuant to Section 3 (b) from Section 9 (a) (1) also exempt in respect to such action as affiliate from Section 9 (a) (2); such subsidiary exempted pursuant to Section 3 (b) not deemed to be a subsidiary of registered holding company.

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly Section 3 (d) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission adopts the following Rule:

RULE 3D–7. *Subsidiaries exempted under Section 3 (b) also exempted as affiliates and not deemed subsidiaries when acting within scope of exemption.*—(a) If, pursuant to the authority granted by Section 3 (b), the Commission by rule, regulation or order shall exempt any subsidiary company, as such, of a registered holding company from Section 9 (a) (1) of the Act, such company, with respect to any action as to which it is thus exempt, shall also be exempted as an affiliate from the provisions of Section 9 (a) (2) of the Act.

(b) If, pursuant to the authority granted by Section 3 (b), the Commission by rule, regulation, or order shall exempt any subsidiary company, as such, of a registered holding company from any provision or provisions of the Act, such company, with respect to any action as to which it is thus exempt, shall not be deemed to be a subsidiary of such registered holding company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2292; Filed, July 22, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of July, A. D., 1937.

IN THE MATTER OF RAINBOW LUMINOUS PRODUCTS, INC. CLASS A COMMON, NO PAR VALUE CLASS B COMMON, NO PAR VALUE

ORDER CHANGING TIME OF HEARING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 AS AMENDED AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on June 26, 1937, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934 be held on July 7, 1937, to determine whether to suspend for a period not exceeding 12 months or to withdraw the registration of the Class A Common no par stock and the Class B Common no par stock of the Rainbow Luminous Products, Inc. on the New York Curb Exchange; and Rainbow Luminous Products, Inc. having, on July 3, 1937, and July 17, 1937, filed certain amendments to its application for registration on Form 10 and to its annual report on Form 10K for the fiscal year ended December 31, 1935, and having on June 29, 1937, filed its annual report on Form 10K for the fiscal year ended December 31, 1936, and having on July 3, 1937 and July 17, 1937 filed certain amendments thereto;

It is ordered that such hearing be postponed to Wednesday, August 4, 1937, at 10:00 A. M., in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that for the purposes of such proceeding, Charles S. Moore, an officer of the Commission, be and he hereby is, designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2295; Filed, July 22, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of July, 1937.

[File No. 2-2591]

IN THE MATTER OF CANUSA GOLD MINES LIMITED

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Canusa Gold Mines Limited, of Toronto, Ontario, Canada, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,



It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Canusa Gold Mines Limited, of Toronto, Ontario, Canada, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2294; Filed, July 22, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING PARTICIPATING ROYALTY INTERESTS IN THE ELSCO-KNEEN-MCPHERSON LEASE, FILED ON JULY 14, 1937, BY ELSCO OIL COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information required to be given in Division II, Item 28, is omitted, and may not be incorporated therein by reference;

(2) In that the plat attached to the offering sheet as "Exhibit A" does not show three abandoned wells, which, from the information disclosed in Division II, Item 18, appear to be located on the tract involved;

(3) In that the information disclosed by the plat attached to the offering sheet as "Exhibit A" is insufficient and fails to meet the requirements of the Commission for the reasons that the date as of which the information contained in the plat is purported to be given is omitted, and the legend of symbols is incomplete;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2293; Filed, July 22, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PHILLIPS-LINCOLN-O'NEIL-CONWAY TRACT, FILED ON JULY 14, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that no statement is made in Division II, Item 2 (e), as to whether or not the interest offered is perpetual;

(2) In that from the information contained in Division II, Item 18 (c), it appears there are three abandoned wells located on the tract involved, which information is not disclosed by the plat attached to the offering sheet as "Exhibit A";

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2296; Filed, July 22, 1937; 12:39 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SKELLY VAN ETTEN TRACT, FILED ON JULY 14, 1937, BY OSCAR L. GRIMES, RESPONDENT.

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the

offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information contained in Division III, Item 3, of the offering sheet is inaccurate, incomplete, and misleading, in the following respects:

(a) it is stated in effect that this lease is one of the highest structurally in the pool, whereas the dry hole (4257 ft.) one location E. and two locations N., indicates that this lease is near the E. edge of the pool;

(b) the mere fact that a core sample does not contain anhydrite, does not in itself warrant the conclusion that this is "an outstanding lease";

(c) it is stated in effect that this is an outstanding lease because of the *thickness* of the formation, whereas the productive thickness of the formation on this lease has not been stated;

(d) similarly it has been stated in effect that this lease is outstanding because of the initial productions of its wells, whereas the initial productions have not been stated;

(e) although the engineer believes that this property is similar to the crest properties in the Hendricks Pool, it has not been shown that this is a crest property;

(2) In that the total production of oil from the tract, as set forth in Division II, Item 15, is not believed to be correct for the reason that the figure given does not agree with the gross production of oil as set forth by months in Division II, Item 20 (a); nor are the figures as set forth in Division III, Items 4 (b), (c) and (d), believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2297; Filed, July 22, 1937; 12:39 p. m.]

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## SOCIAL SECURITY BOARD.

[Regulations—No. 2]

### FEDERAL OLD-AGE BENEFITS UNDER TITLE II OF THE SOCIAL SECURITY ACT

#### INTRODUCTORY

These regulations relate to benefits provided for in title II of the Social Security Act, approved August 14, 1935 (Public, No. 271, Seventy-fourth Congress; 49 Stat. 620).

Chapter I defines terms that are used in the Act and in these regulations.

Chapter II deals with old-age benefits payable monthly.

Chapter III deals with old-age benefits payable in lump sum.

Chapter IV deals with the method of making payments.

Chapter V contains miscellaneous provisions.

The applicable provisions of the Act will be found in the appropriate places in, and are to be read in connection with, these regulations.

#### CHAPTER I

#### DEFINITIONS

SECTION 1101 (A) AND (B) OF THE ACT

(a) When used in this Act—

(1) The term "State" (except when used in section 531) includes Alaska, Hawaii, and the District of Columbia.

(2) The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(3) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

(4) The term "corporation" includes associations, joint-stock companies, and insurance companies.

(5) The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

(6) The term "employee" includes an officer of a corporation.

(b) The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

SECTION 210 OF THE ACT

When used in this title—

(a) The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include that part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year.

(b) The term "employment" means any service, of whatever nature, performed within the United States by an employee for his employer, except—

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Casual labor not in the course of the employer's trade or business;

(4) Service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country;

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(6) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;

(7) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(c) The term "qualified individual" means any individual with respect to whom it appears to the satisfaction of the Board that—

(1) He is at least sixty-five years of age; and

(2) The total amount of wages paid to him, with respect to employment after December 31, 1936, and before he attained the age of sixty-five, was not less than $2,000; and

(3) Wages were paid to him, with respect to employment on some five days after December 31, 1936, and before he attained the age of sixty-five, each day being in a different calendar year.

SECTION 17 OF THE RAILROAD RETIREMENT ACT OF 1937

The term "employment", as defined in subsection (b) of section 210 of title II of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1 (b).

ARTICLE 1. *General definitions and use of terms.*—As used in these regulations—

(*a*) The terms defined in the above provisions of law shall have the meanings so assigned to them.

(*b*) *Act* means the Social Security Act (Public, No. 271, Seventy-fourth Congress; 49 Stat. 620).

(*c*) *Title*, unless used in some other sense or referring directly to some other law, means that part of the Social Security Act so designated.

(*d*) *Section*, unless used in some other sense or referring directly to some other law, means that part of the Social Security Act so designated.



(*e*) *Board* means the Social Security Board established pursuant to title VII of the Act.

(*f*) *The Railroad Retirement Act of 1937* means the Act approved June 24, 1937 [Public No. 162, Seventy-fifth Congress (H. R. 7519)].

(*g*) *Benefit* means an amount payable under Title II of the Act upon certification by the Board.

(*h*) *Execution*, with reference to a form, means the signing of a completed form, and if required, the making of an affidavit thereon, and delivering it to the Board.

(*i*) *Wage earner* means an individual who has been paid remuneration for services with respect to employment performed by him as an employee after December 31, 1936, and prior to attaining the age of sixty-five or death, whichever is the earlier.

(*j*) *Attainment of the age of sixty-five.* An individual attains the age of sixty-five on the first moment of the day preceding the sixty-fifth anniversary of his birth.

(*k*) *Wages paid* means wages actually or constructively paid with respect to employment performed after December 31, 1936.

(*l*) *Masculine gender* includes the feminine, unless otherwise clearly indicated.

(*m*) *Entitled* means the present right to a benefit.

(*n*) *Certify*, when used in connection with the duty imposed on the Board by section 207, means that action taken by the Board in the form of a written statement addressed and delivered to the Secretary of the Treasury, setting forth the name and address of the person entitled to receive a benefit, the amount of such benefit, and the time at which it should be paid.

(*o*) *Domicile* means the place of an individual's true, fixed and permanent home, and to which, whenever he is absent, he has the intention of returning.

(*p*) The cross references in these regulations to other portions of the regulations, when the word "see" is used, are made only for convenience, and shall be given no legal effect.

SECTION 210 (B) OF THE ACT

The term "employment" means any service, of whatever nature, performed within the United States by an employee for his employer, except * * *

ART. 2. *Employment.*—All services performed within the United States by an employee for his employer, unless specifically excepted by section 210 (b) of the Act as modified by the Railroad Retirement Act of 1937, constitute "employment" within the meaning of title II. To constitute an employment the legal relationship of employer and employee must exist between the person for whom the services are performed and the individual who performs them, and the services involved must be performed within the United States, that is, within any of the several States, the District of Columbia, or the Territory of Alaska or Hawaii. (See articles 3 and 4 as to who are employees and employers, respectively, and articles 5 to 12, inclusive, relating to excepted services.)

To the extent that an employee performs services outside of the United States for the person who employs him, he is not in an employment.

The place where the contract for services is entered into and the citizenship or residence of the employee or of the employer are immaterial. Thus, the employee and the employer may be citizens and residents of a foreign country and the contract for the services may be entered into in a foreign country, and yet, if the employee under such contract actually performs services within the United States, there may be to that extent an employment within the meaning of title II of the Act.

ART. 3. *Service as an employee.*—The relationship between the person for whom services are performed and the individual who performs such services must as to those services be the legal relationship of employer and employee. Generally such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to *what* shall be done but *how* it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work, to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee.

Generally, physicians, lawyers, dentists, veterinarians, contractors, subcontractors, public stenographers, auctioneers, and others who follow an independent trade, business, or profession, in which they offer their services to the public do not perform services as employees.

Whether the relationship of employer and employee exists will in doubtful cases be determined upon an examination of the particular facts of each case.

If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, or independent contractor.

The measurement, method, or designation of compensation is also immaterial, if the relationship of employer and employee in fact exists.

Title II of the Act makes no distinction between classes or grades of employees. Thus, superintendents, managers, and other superior employees are employees. An officer of a corporation is an employee of the corporation, but a director, as such, is not. A director may be an employee of the corporation, however, if he performs services for the corporation other than those required by attendance at and participation in meetings of the board of directors.

ART. 4. *Service for an employer.*—Every person is an employer who employs one or more individuals in an employment, that is, for the performance within the United States of services not specifically excepted. The number of individuals employed by the employer and the period during which any such individual is so employed is immaterial. (For definition of employment see article 2, and for excepted services see articles 5 to 12, inclusive.)

An employer may be an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization, group, or entity. An employer may be a person acting in a fiduciary capacity or on behalf of another, such as a guardian, committee, trustee, executor or administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, or conservator.

SECTION 210 (B) OF THE ACT

The term "employment" means any service, of whatever nature, performed within the United States by an employee for his employer, except * * *

ART. 5. *Excepted services generally.*—Even though an individual performs services within the United States for the person who employs him, if the services are of a class which is specifically excepted by section 210 (b) of the Act as modified by the Railroad Retirement Act of 1937 (see article 12), they are excluded for the purposes of entitlement to benefit under title II of the Act.

The exception attaches to the services performed by the employee and not to the employee as an individual; and

the exception applies only for the period during which the individual is rendering services in an excepted class.

*Example:* A, who operates a farm and also a grocery store, employs B for $10 a week. B works on the farm five days of the week and works for one day of the week as a clerk in the grocery store. If the services which B performs on the farm constitute "agricultural labor" (see article 6), such services are excepted; the services performed as a clerk in the grocery store are, however, not excepted. In computing the amount of "wages" paid to B the part of the weekly salary of $10 which is attributable to the work on the farm is excluded, while the amount which is attributable to the work performed in the grocery store is included.

SECTION 210 (B) OF THE ACT

The term "employment" means any service • • • except—
(1) Agricultural labor; • • •

ART. 6. *Agricultural labor.*—The term "agricultural labor" includes all services performed—

(*a*) By an employee, on a farm, in connection with the cultivation of the soil, the raising and harvesting of crops, or the raising, feeding, or management of live stock, bees, and poultry; or

(*b*) By an employee in connection with the processing of articles from materials which were produced on a farm; also the packing, packaging, transportation, or marketing of those materials or articles. Such services do not constitute agricultural labor, however, unless they are performed by an employee of the owner or tenant of the farm on which the materials in their raw or natural state were produced, and unless such processing, packing, packaging, transportation, or marketing is carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

As used herein the term "farm" embraces the farm in the ordinarily accepted sense, and includes stock, dairy, poultry, fruit, and truck farms, plantations, ranches, ranges, and orchards.

Forestry and lumbering are not included within this exception.

SECTION 210 (B) OF THE ACT

The term "employment" means any service • • • except—
• • • • •
(2) Domestic service in a private home; • • •

ART. 7. *Domestic service.*—Services of a household nature performed by an employee in or about the private home of the person by whom he is employed are within the above exception.

A private home is the fixed place of abode of an individual or family.

If the home is utilized primarily for the purpose of supplying board or lodging to the public as a business enterprise, it ceases to be a private home.

In general, services of a household nature in or about a private home include services rendered by cooks, maids, butlers, valets, laundresses, furnacemen, gardners, footmen, grooms, and chauffeurs of automobiles for family use.

The services above enumerated are not within the exception if performed in or about rooming or lodging houses, boarding houses, fraternity houses, clubs, hotels, or commercial offices or establishments.

Services performed as a private secretary, even though performed in the employer's home, are not within the exception.

SECTION 210 (B) OF THE ACT

The term "employment" means any service • • • except—
• • • • •
(3) Casual labor not in the course of the employer's trade or business; • • •

ART. 8. *Casual labor not in the course of employer's trade or business.*—The term "casual labor" includes labor which is occasional, incidental, or irregular.

The expression "not in the course of the employer's trade or business" includes labor that does not promote or advance the trade or business of the employer.

Thus, labor which is occasional, incidental, or irregular, *and* does not promote or advance the employer's trade or business is excepted.

*Example 1:* A's business is that of operating a sawmill. He employs B, a painter, at a daily wage to paint his home. B's labor is casual and is not in the course of A's trade or business—that of operating a sawmill. B's services to A are therefore excepted.

Casual labor, that is, labor which is occasional, incidental, or irregular, but which *is* in the course of the employer's trade or business does not come within the above exception.

*Example 2:* A's business is that of operating a sawmill. He employs B for two hours, at an hourly wage, to remove sawdust from his mill. B's labor is casual since it is occasional, incidental, or irregular, but it is in the course of A's trade or business—that of operating a sawmill—and is not excepted.

*Example 3:* A is engaged in the business of operating a department store. He employs additional clerks for short periods. While the services of the clerks are casual, they are in the course of the employer's trade or business and, therefore, not excepted.

Casual labor performed for a corporation does not come within this exception.

SECTION 210 (B) OF THE ACT

The term "employment" means any service • • • except—
• • • • •
(4) Service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country; • • •

ART. 9. *Service as officers and members of crews.*—The expression "officers and members of the crew" includes the master or officer in charge of the vessel, however designated, and every individual, subject to his authority, serving on board and contributing in any way to the operation and welfare of the vessel. The exception extends, for example, to services rendered by the master, mates, pilots, pursers, surgeons, stewards, engineers, firemen, cooks, clerks, carpenters, deck hands, porters, and chambermaids, and by seal hunters and fishermen on sealing and fishing vessels.

The word "vessel" includes every description of watercraft or other contrivance, used as a means of transportation on water. It does not include any type of aircraft.

The expression "vessel documented under the laws of the United States or of any foreign country" means a vessel which is registered, enrolled, or licensed in conformity with the laws of the United States or any foreign country.

SECTION 210 (B) OF THE ACT

The term "employment" means any service • • • except—
• • • • •
(5) Service performed in the employ of the United States Government or of any instrumentality of the United States;
(6) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions; • • •

ART. 10. *Government employment.*—Services performed in Federal and State employment are excepted. The exception extends to every service performed by an individual as an employee of the United States, the several States, the District of Columbia, or the Territory of Alaska or Hawaii, or any political subdivision or instrumentality thereof, including every unit or agency of government, without distinction between those exercising functions of a governmental nature and those exercising functions of a proprietary nature.

SECTION 210 (B) OF THE ACT

The term "employment" means any service • • • except—
• • • • •
(7) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.



ART. 11. *Religious, charitable, scientific, literary, and educational organizations and community chests.*—Services performed as an employee of an organization of the class specified in section 210 (b) (7) are excepted.

For the purpose of the exception the nature of the service is immaterial; the statutory test is the character of the organization for which the service is performed.

In all cases, in order to establish its status under the statutory classification, the organization must meet two tests:

(1) It must be organized and operated exclusively for one or more of the specified purposes; and
(2) Its net income must not inure in whole or in part to the benefit of private shareholders or individuals.

Corporations or other institutions organized and operated exclusively for charitable purposes comprise, in general, organizations for the relief of the poor. The fact that an organization established for the relief of indigent persons may receive voluntary contributions from the persons intended to be relieved will not necessarily affect its status under the law.

An educational organization within the meaning of section 210 (b) (7) of the Act is one designed primarily for the improvement or development of the capabilities of the individual, but, under exceptional circumstances, may include an association whose sole purpose is the instruction of the public, or an association whose primary purpose is to give lectures on subjects useful to the individual and beneficial to the community, even though an association of either class has incidental amusement features. An organization formed, or availed of, to disseminate controversial or partisan propaganda or which by any substantial part of its activities attempts to influence legislation is not an educational organization within the meaning of section 210 (b) (7) of the Act.

Since a corporation or other institution to be within the prescribed class must be organized and operated exclusively for one or more of the specified purposes, an organization which has certain religious purposes and also manufactures and sells articles to the public for profit is not within the statutory class even though its property is held in common and its profits do not inure to the benefit of individual members of the organization.

An organization otherwise within the statutory class does not lose its status as such by receiving income such as rent, dividends and interest from investments, provided such income is devoted exclusively to one or more of the purposes specified in section 210 (b) (7) of the Act.

Money contributed by members of an organization to a common fund to be applied to the relief of the particular members of the organization or their families when in sickness, unemployed, in want, or under other disability, is not a charitable fund.

SECTIONS 1 (A) AND (B), AND 17 OF THE RAILROAD RETIREMENT ACT OF 1937

SECTION 1. For the purposes of this Act—
(a) The term "employer" means any carrier (as defined in subsection (m) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organization, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations.
(b) The term "employee" means (1) any individual in the service of one or more employers for compensation, (2) any individual who is in the employment relation to one or more employers, and (3) an employee representative. The term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after the enactment date. The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in section 1 (a) who before or after the enactment date was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

SEC. 17. The term "employment", as defined in subsection (b) of section 210 of title II of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1(b).

ART. 12. *Service under the Railroad Retirement Act.*—Services performed as an employee as defined in section 1 (b) of the Railroad Retirement Act of 1937 are excepted.

SECTION 210 (A) OF THE ACT

The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include that part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year.

SECTION 1101 (C) OF THE ACT

Whenever under this Act or any Act of Congress, or under the law of any State, an employer is required or permitted to deduct any amount from the remuneration of an employee and to pay the amount deducted to the United States, a State, or any political subdivision thereof, then for the purposes of this Act the amount so deducted shall be considered to have been paid to the employee at the time of such deduction.

ART. 13. *Wages.*—The term "wages" means all remuneration for employment (see article 2).

Wages may be either actually or constructively paid to the employee. Wages are constructively paid when they are credited to the account of or set apart for the employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case the wages must be credited or set apart to the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn at any time, and their receipt brought within his own control and disposition.

If the remuneration paid for employment performed during any calendar year by an employee for the same employer exceeds $3,000, the term does not include that part of such remuneration in excess of the first $3,000 thereof. The $3,000 limitation applies only if the remuneration received by an employee from the same employer for employment during any one calendar year exceeds $3,000. The limitation relates to remuneration for employment during any one calendar year and not to the amount of remuneration (irrespective of the year of employment) which is paid or received in any one calendar year.

*Example 1:* Employee A, in 1937, received $2,500 from employer B on account of $3,000 due him for services performed in 1937. In 1938 A receives from employer B the balance of $500 due him for services performed in the prior year (1937) and also $3,000 for services performed in 1938. Although A actually receives total remuneration of $3,500 during the calendar year 1938, that entire amount is included in total wages, i. e., $3,000 with respect to employment during 1938 and $500 with respect to employment dur-

ing 1937 (this $500 added to the $2,500 paid in 1937 constitutes the $3,000 maximum wages from any one employer with respect to employment during the calendar year 1937).

If the employee has more than one employer during the calendar year, the limitation of wages to the first $3,000 of remuneration received applies to remuneration received from *each* employer with respect to employment during that year.

*Example 2:* Employee A receives from employer B a salary of $600 a month for employment by B during the first seven months of 1937, or a total remuneration of $4,200. At the end of the fifth month A has received $3,000 from employer B, and only that part of his total remuneration from B constitutes wages, included in total wages. The $600 received by employee A from employer B for employment during the sixth month, and the like amount received for employment during the seventh month, is not included in total wages. At the end of the seventh month A leaves the employ of B and enters the employ of C. A receives remuneration of $600 a month from C for the remaining five months of 1937, or a total remuneration of $3,000 from C. The entire $3,000 received by A from C constitutes wages and is included in total wages. Thus the first $3,000 received from B and the entire $3,000 received from C constitute wages.

*Example 3:* A is simultaneously an officer (an employee) of the X corporation, the Y corporation, and the Z corporation during the calendar year 1937, and receives a salary of $3,000 from each corporation. Each $3,000 received by A from each of the corporations X, Y, and Z (whether or not such corporations are related), constitutes wages, and is included in total wages.

Remuneration paid for employment and not excluded by the $3,000 limitation constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person for whom the services were performed and the individual who performed them.

*Example 4:* A is employed by B during the month of January, 1937, in an employment and for the services then performed for B, the employer, is entitled to receive remuneration of $100. A leaves B's employ at the close of business on January 31, 1937. On February 15, 1937 (when A is no longer an employee of B), B pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages within the meaning of the Act, and is included in total wages.

The name by which the remuneration for services is designated is immaterial. Thus, salaries, fees, bonuses, and commissions on sales or on insurance premiums, are wages within the meaning of the Act if paid by an employer to his employee as compensation for employment.

The basis upon which the remuneration is paid and the time of payment are immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework, or a percentage of profits; and it may be paid hourly, daily, weekly, monthly, or annually.

The medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, such as goods, lodging, food, and clothing.

The amount of any tax which is deducted by the employer from the remuneration of an employee pursuant to section 802 (a) or which is within the meaning of section 1101 (c) is considered to be a part of the employee's wages, and is deemed to have been paid to the employee as wages at the time that the deduction was made.

Ordinarily, facilities or privileges (such as entertainment, cafeterias, restaurants, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally, are not considered as remuneration for services if such facilities or privileges are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees.

(See articles 14, 15.)

ART. 14. *Exclusion from wages.*—The following are excluded from the computation of "wages":

(a) All remuneration for services which are excepted by section 210 (b) of the Act as modified by the Railroad Retirement Act of 1937, or which are performed outside of the United States. (See articles 5 to 12, inclusive.)

(b) All remuneration for services performed during a particular calendar year, after the first $3,000 has been paid by the employer to the employee with respect to employment during that calendar year. (See article 13.)

(c) Tips or gratuities paid directly to an employee by a customer of an employer, and not in any way accounted for by the employee to the employer.

ART. 15. *Items included as wages.*—(a) *General.*—Wages paid with respect to employment during any calendar year include items paid in money and the fair value, at the time of payment, of all items other than money.

(b) *Dismissal pay.*—Payment to an employee of so-called dismissal pay, vacation allowances, or sick pay, constitutes wages.

(c) *Traveling and other expenses.*—Amounts paid to traveling salesmen or other employees as allowance or reimbursement for traveling or other expenses incurred in the business of the employer constitute wages only to the extent of the excess of such amounts over such expenses actually incurred and accounted for by the employee.

(d) *Premiums on life insurance.*—Generally, premiums paid by an employer on a policy of life insurance covering the life of an employee constitute wages if the employer is not a beneficiary under the policy. However, premiums paid by an employer on policies of group life insurance covering the lives of his employees are not wages, if the employee has no option to take the amount of the premiums instead of accepting the insurance and has no equity in the policy (such as the right of assignment or the right to the surrender value on termination of his employment).

(e) *Deductions by an employer from remuneration of an employee.*—Amounts deducted from the remuneration of an employee by an employer constitute wages paid to the employee at the time of such deduction. It is immaterial that the Act, or any Act of Congress or the law of any State, requires or permits such deduction and the payment of the amount thereof to the United States, a State, or any political subdivision thereof.

(f) *Payments by employers into employees' funds.*—Payments made by an employer into a stock bonus, pension, or profit-sharing fund constitute wages if such payments inure to the exclusive benefit of the employee and may be withdrawn by the employee at any time, or upon resignation or dismissal, or if the contract of employment *requires* such payments as part of the compensation. Whether or not under other circumstances such payments constitute wages depends upon the particular facts of each case.

## CHAPTER II

## OLD-AGE BENEFITS PAYABLE MONTHLY

### SECTION 210 (C) OF THE ACT

(c) The term "qualified individual" means any individual with respect to whom it appears to the satisfaction of the Board that—

(1) He is at least sixty-five years of age; and
(2) The total amount of wages paid to him, with respect to employment after December 31, 1936, and before he attained the age of sixty-five, was not less than $2,000; and
(3) Wages were paid to him, with respect to employment on some five days after December 31, 1936, and before he attained the age of sixty-five, each day being in a different calendar year.

ART. 201. *Qualification for monthly old-age benefit.*—A wage earner must show to the satisfaction of the Board that he has fulfilled all the requirements of section 210 (c) in order to be entitled to receive an old-age benefit payable in *monthly installments* (see article 203, also Chapter III relating to benefits payable in lump sum).

### SECTION 202 (A) AND (B) OF THE ACT

(a) Every qualified individual (as defined in section 210) shall be entitled to receive, with respect to the period beginning on the date he attains the age of sixty-five, or on January 1, 1942, whichever is the later, and ending on the date of his death, an old-age benefit (payable as nearly as practicable in equal monthly installments) as follows:

(1) If the total wages (as defined in section 210) determined by the Board to have been paid to him, with respect to employment (as defined in section 210) after December 31, 1936, and before he attained the age of sixty-five, were not more than $3,000, the old-age benefit shall be at a monthly rate of one-half of 1 per centum of such total wages;
(2) If such total wages were more than $3,000, the old-age benefit shall be at a monthly rate equal to the sum of the following:
(A) One-half of 1 per centum of $3,000; plus
(B) One-twelfth of 1 per centum of the amount by which such total wages exceeded $3,000 and did not exceed $45,000; plus
(C) One-twenty-fourth of 1 per centum of the amount by which such total wages exceeded $45,000.

(b) In no case shall the monthly rate computed under subsection (a) exceed $85.



ART. 202. *Amount of monthly old-age benefit.*—The amount of the monthly old-age benefit payment is in general the graduated percentage (fixed by section 202 (a) and (b)) of the total wages found by the Board to have been paid the wage earner.

ART. 203. *Applications for monthly old-age benefits.*—Although under the provisions of section 210 (c) a wage earner may become qualified for monthly old-age benefits before January 1, 1942, under the provisions of section 202 (a) monthly payments of such benefits may not begin before that date. (Regulations relating to applications for monthly old-age benefits will be issued in ample time to enable qualified wage earners to file their claims properly.)

## CHAPTER III

## OLD-AGE BENEFITS PAYABLE IN LUMP SUM

### SECTION 203 (A) OF THE ACT

(a) If any individual dies before attaining the age of sixty-five, there shall be paid to his estate an amount equal to 3½ per centum of the total wages determined by the Board to have been paid to him, with respect to employment after December 31, 1936.

### SECTION 204 (A) AND (B) OF THE ACT

(a) There shall be paid in a lump sum to any individual who, upon attaining the age of sixty-five, is not a qualified individual, an amount equal to 3½ per centum of the total wages determined by the Board to have been paid to him, with respect to employment after December 31, 1936, and before he attained the age of sixty-five.

(b) After any individual becomes entitled to any payment under subsection (a), no other payment shall be made under this title in any manner measured by wages paid to him, except that any part of any payment under subsection (a) which is not paid to him before his death shall be paid to his estate.

ART. 301. *Lump-sum benefit.*—(a) *Circumstances under which payable.*—A lump-sum benefit is payable:

(1) If a wage earner has been paid wages for employment performed by him after 1936 and dies before attaining the age of 65, or

(2) If a wage earner has been paid wages for employment performed by him after 1936 and before attaining the age of 65 and upon attaining such age is not a qualified individual, or

(3) If a wage earner has been paid wages for employment performed by him after 1936 and before attaining the age of 65 and dies before receiving a benefit equal to at least 3½ per centum of such wages.

(b) *Amount payable.*—The amount of the lump-sum benefit payable is a sum equal to 3½ per centum of the total wages which the Board determines were paid to a wage earner with respect to employment performed by him after 1936 and before he attained age 65. If some benefit based on such wages has previously been paid, the amount otherwise payable as a lump sum is reduced by an amount equal to such prior benefit payment.

(See article 1 (j) relating to attainment of age 65; article 201 relating to qualified individuals, also articles 2 and 13 relating to "wages" and "employment", respectively.)

ART. 302. *Applications for lump-sum benefit payment.*—A lump-sum benefit will be certified for payment only upon application of the wage earner if he be living and competent; or if he be deceased or incompetent, upon application of his guardian, committee, or other legal representative, or of some person specified in article 311 or 312, who is entitled under the laws of the State in which the deceased wage earner was domiciled, to receive payment. Such application should be made on the prescribed form or forms and shall be prepared in accordance with the instructions printed thereon or attached thereto and in accordance with these regulations. Copies of the prescribed forms may be obtained from the Social Security Board at Washington, D. C., or at any of its field offices. Each application shall be prepared so as to set forth fully and clearly the data called for therein.

ART. 303. *Prescribed forms.*—The following forms of application for lump-sum benefit payment are hereby prescribed for use by the persons indicated:

Form OAC–1002 by a wage earner.

Form OAC–1003 by a widow or widower of a deceased wage earner.

Form OAC–1004 by relatives of a deceased wage earner.

Form OAC–1005 by an executor or administrator of the estate of a deceased wage earner.

Form OAC–1006 by a guardian or committee of a legally incompetent wage earner.

ART. 304. *Execution of applications.*—Each application shall be signed and, unless coming within an exception mentioned in this article, shall be verified under oath or affirmation by the person making the application. (See articles 302, 303, and 312 for persons permitted to make the application.) The oath or affirmation may be administered by any officer duly authorized to administer oaths for general purposes by the law of the United States or of any State or Territory, wherein such oath is administered, or by a consular officer of the United States. If a foreign notary or other official having no seal acts as attesting officer, the authority of such attesting officer should be certified to by some judicial officer or other proper officer having knowledge of the appointment and official character of the attesting officer.

Where the application is signed by a legal representative, whose appointment is evidenced by attached certified copies of letters testamentary or of administration, or the order of his appointment as executor, administrator, committee, or guardian, such application need not be verified under oath or affirmation.

Where the benefit payable to the applicant is less than $100 and a certificate of identification is properly executed within the United States on Form OAC–1013 in accordance with the instructions on or attached to such form, such application need not be verified under oath or affirmation.

ART. 305. *Place of filing application.*—Applications and supporting data shall be filed, by mail or otherwise, with the Bureau of Federal Old-Age Benefits of the Board at Washington, D. C., or with any field office of the Board.

ART. 306. *Time of filing application.*—Applications and supporting data shall be considered filed as of the date they are received by the Bureau of Federal Old-Age Benefits of the Board at Washington, D. C., or by any field office of the Board.

ART. 307. *Proof of age.*—(a) If the total amount of the lump-sum benefit payable is $100 or less, or if application is made for a benefit payable on the death of a wage earner, the statement contained in the application as to the wage earner's date of birth will ordinarily be sufficient. However, the applicant on written notice from the Board may be required to furnish the corroborative evidence of the date of birth set forth in paragraph (b) of this article. Generally such corroborative evidence will not be required unless (1) the date of birth stated in the application is at variance with the date of birth as shown by the records of the Board; (2) the records of the Board do not show the date of birth of the wage earner; (3) the wage earner failed to apply for an account number; or (4) there is reason to suspect misrepresentation by the applicant.

(b) If required by written notice from the Board, or if payment is to be made under section 204 (a) and the total amount of the lump-sum benefit payable exceeds $100, the date of the birth of the wage earner shall be corroborated by the applicant by the following evidence:

(1) A certified copy of, or a statement as to the date of birth shown by, a public record of the birth, or

(2) A certified copy of a church record of infant baptism, or

(3) A sworn statement of two other persons having knowledge thereof, or

(4) Such evidence as shall be deemed by the Board to be of probatory value acceptable to the Board. The certification required under either (1) or (2) above shall be made by the custodian charged with the duty of preserving such records.

ART. 308. *Proof of death.*—In each case where application is made for a lump-sum benefit payable upon the death of a wage earner, the applicant shall attach to his application proof of the death of such wage earner. Such proof shall be provided as follows, in the order given:

(1) A statement signed by the undertaker or attending physician, or superintendent, physician, or intern of the institution where deceased died, or by the custodian of the public record of death identifying the deceased and stating the time and place of death, or

(2) A copy of the public record of the State or community where death occurred, certified to by the custodian of such records, or a duly certified copy of a coroner's report of death, or of the verdict of the coroner's jury of the State or community where death occurred, provided that such report or verdict properly identifies the deceased, or a photostatic or photographic copy of such certified evidences of death.

(3) If the evidence specified in (1) and (2) above cannot be obtained, and satisfactory reason for failure to provide it is shown, the death of the individual may be established by affidavits of persons who have personal knowledge thereof and have viewed the body of the person whose death is in question, setting forth facts and circumstances concerning the death, including the place, date, time, and cause thereof, or such other evidence as will establish death to the satisfaction of the Board.

(4) Where death occurs outside of the United States there shall be furnished a report of the death by a United States Consul, or other agent of the State Department, bearing the signature and official seal of the United States Consul, or a certified copy of the public record of death authenticated by the United States Consul or other agent of the State Department.

ART. 309. *Proof of relationship.*—Statements in the application as to the family relationship of the applicant to the deceased wage earner ordinarily need not be corroborated. However, such substantiating evidence of relationship may be required as the Board deems necessary for a proper adjudication of the particular case.

ART. 310. *Employers' statements.*—As corroborating evidence of the amount of wages paid to the wage earner with respect to employment after December 31, 1936, there should be attached to each application for lump-sum benefit, statements on Form OAC–1001 ("Statement of Employer") signed by the employer or former employer of the wage earner or the employer's duly authorized agent, with respect to any wages not corroborated by other evidence acceptable to the Board. If benefits are payable to more than one individual, it shall be unnecessary for such employers' statements to accompany more than one application.

An applicant who is unable to obtain the statement from an employer shall state in his application the reason for such failure and the name and address of the employer from whom a statement could not be obtained. If the name and address of the employer is unknown, there shall be set forth in the application such information as to place, date, and nature of services performed by the wage earner as will assist in identifying such employer.

ART. 311. *Applications by guardian, committee, executor or administrator.*—Applications filed by a guardian or a committee shall be accompanied by a certified copy of the order appointing such guardian or committee. Applications filed by an executor, or administrator appointed by a court, shall be accompanied by a duly certified copy of the letters of appointment as such representative, showing that at the time of certification, the appointment is still in force and effect and the representative qualified thereunder.

If, however, an application filed by a guardian, committee, executor or administrator is for an amount less than $100 there may be substituted in lieu of a certified copy of the order appointing such guardian or committee or of the letters of appointment as called for above, a duly executed certificate under the seal of the court making the appointment, and signed by the proper official of the appointing court, stating the name of the deceased, or the person under disability, the name of the person appointed by the court, his legal designation as appointee, and that such appointment is in force and effect.

If an application is filed by a State official who is authorized by State law to receive and distribute estate moneys and give receipt acquitting the payor of such moneys of indebtedness to the estate, such State official must indicate his full title, followed by a concise statement of his appointment and the fact that there are known to him lawful distributees of the assets of the estate, and there should be filed with the application a certified true copy of his documentary authority to receive and distribute.

Certification of any court order of appointment made more than six months prior to the date on which the application is filed with the Board is not acceptable. The Board may require a recertification at any time prior to final adjudication of the claim whenever, in its judgment, such action is necessary to establish the authority of the applicant to represent the estate.

SECTION 205 OF THE ACT

If any amount payable to an estate under section 203 or 204 is $500 or less, such amount may, under regulations prescribed by the Board be paid to the persons found by the Board to be entitled thereto under the law of the State in which the deceased was domiciled, without the necessity of compliance with the requirements of law with respect to the administration of such estate.

ART. 312. *Discretionary payments under section 205.*—Discretionary power is vested in the Board to make payments of amounts of $500 or less, otherwise payable to an estate, to applicants found by the Board to be entitled thereto under the law of the State in which the deceased wage earner was domiciled. Such payments will not be made unless the wage earner is survived by at least one of the following persons:

his spouse, child, grandchild, or parent,

and unless the Board finds that each of the following situations exist:

(1) No executor or administrator has been appointed to administer the estate of the deceased wage earner and it is affirmed to the best knowledge, information, and belief of the applicant that no such representative will be appointed, and

(2) The law of the State of the decedent's domicile would not require payment in the particular case to any creditor of the deceased, and

(3) Either it is affirmed to the best knowledge, information, and belief of the applicant that deceased left no will or instrument appearing to be a will, or the Board finds that while the deceased left an instrument appearing to be a will, each of the following situations exist:

(a) The law of the State in which the deceased was last domiciled does not require the probate of such will, and



(b) It is affirmed to the best knowledge, information, and belief of the applicant that the instrument will not be probated, and

(c) Payment may be lawfully made under the intestacy law of the State.

Even though the foregoing conditions are met, the Board may, in a particular case, determine not to exercise its discretionary power to make payment under section 205.

ART. 313. *Affidavits and statements to be part of application.*—Affidavits, statements, correspondence, and any other evidence filed with the Board by any person in support of or relating to his application for benefits provided by title II shall become a part of such application.

ART. 314. *Burden of proof.*—The burden of proof in establishing the right to, and the amount of, a payment under title II of the Act, rests upon the applicant.

ART. 315. *Abandoned applications.*—Whenever, after the filing of an application, additional evidence or statements are requested by the Board to establish an applicant's right to benefits, the applicant's failure to comply with such request, or his disregard thereof, for a period of one year thereafter shall be considered an abandonment of the application. Whenever it is so abandoned, the Board will take further action only upon receipt of a new application. All evidence previously submitted in support of the original application may, in the discretion of the Board, be used in connection with the new application.

CHAPTER IV

METHOD OF MAKING PAYMENTS

SECTION 207 OF THE ACT

The Board shall from time to time certify to the Secretary of the Treasury the name and address of each person entitled to receive a payment under this title, the amount of such payment, and the time at which it should be made, and the Secretary of the Treasury through the Division of Disbursement of the Treasury Department, and prior to audit or settlement by the General Accounting Office, shall make payment in accordance with the certification by the Board.

SECTION 208 OF THE ACT

The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

ART. 401. *Method of making payments.*—When the Board has found, from the evidence before it, that an applicant is entitled to receive payment of a benefit under title II of the Act, and has determined the amount of such benefit, it will certify to the Secretary of the Treasury the name and address of such applicant, the amount of such benefit, and the time at which payment should be made. No transferee or assignee of any person entitled to any future payment under title II will be certified by the Board to the Secretary of the Treasury for payment.

CHAPTER V

MISCELLANEOUS PROVISIONS

SECTION 209 OF THE ACT

Whoever in any application for any payment under this title makes any false statement as to any material fact, knowing such statement to be false, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

SECTION 35 OF THE CRIMINAL CODE OF THE UNITED STATES, AS AMENDED

Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; * * * or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; * * * shall be fined not more than $10,000 or imprisoned not more than ten years, or both. * * *

AUTHORITY FOR REGULATIONS

SECTION 1102 OF THE ACT

The Secretary of the Treasury, the Secretary of Labor, and the Social Security Board, respectively, shall make and publish such rules and regulations, not inconsistent with this Act, as may be necessary to the efficient administration of the functions with which each is charged under this Act.

In pursuance of sections 205 and 1102 of the Act, the foregoing regulations this day adopted by the Board are hereby prescribed this July 20, 1937.

[SEAL]

SOCIAL SECURITY BOARD,
By A. J. ALTMEYER,
*Chairman.*

[F. R. Doc. 37–2286; Filed, July 21, 1937; 4:20 p. m.]

*Saturday, July 24, 1937* *No. 142*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910, of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 24 E.,
secs. 1, 12 and 13;
T. 21 N., R. 24 E.,
secs. 1, 2 and 3;
sec. 4, E½;
sec. 9, NE¼, and E½SE¼;
secs. 10 to 14, inclusive;
sec. 15, E½, E½W½, NW¼NW¼, and SW¼SW¼;
sec. 21, NE¼, S½NW¼, and S½;
secs. 22 to 28, inclusive;
sec. 33, E½E½;
secs. 34 to 36, inclusive;
T. 22 N., R. 24 E.,
sec. 20, E½;
sec. 21, all;
sec. 22, W½, W½E½, and SE¼SE¼;
secs. 27 and 28;
sec. 29, E½;
sec. 32, E½;
secs. 33 to 36, inclusive;
T. 20 N., R. 25 E.,
sec. 6, N½;
T. 21 N., R. 25 E.,
secs. 1 to 22, inclusive;
sec. 23, N½, SW¼, and W½SE¼;
sec. 24, N½;
sec. 26, NW¼, NW¼NE¼, and W½SW¼;
sec. 27, E½E½, and W½NW¼;
sec. 28, N½, SW¼, and W½SE¼;
secs. 29 to 31, inclusive;
sec. 32, NW¼, and N½NE¼;
sec. 35, W½NW¼;
T. 22 N., R. 25 E.,
sec. 1, all;
sec. 11, S½;
secs. 12 to 14, and secs. 21 to 36, inclusive;

T. 23 N., R. 25 E.,
sec. 9, W½;
sec. 14, S½S½;
secs. 15 to 17, and secs. 20 to 25, inclusive;
T. 21 N., R. 26 E.,
secs. 1 to 11, inclusive;
sec. 12, N½;
sec. 13, S½;
secs. 17 and 18;
sec. 19, N½, and SW¼;
sec. 23, N½;
sec. 24, N½;
T. 22 N., R. 26 E., all;
T. 23 N., R. 26 E.,
sec. 17, E½;
secs. 19 to 36, inclusive;
T. 21 N., R. 27 E.,
secs. 5 to 11, inclusive;
sec. 12, N½, N½SW¼, and SE¼;
sec. 13, NE¼;
sec. 14, NW¼;
secs. 15 to 18, inclusive;
sec. 19, NE¼;
secs. 20 to 22, secs. 27 to 29, and secs. 32 to 34, inclusive;
sec. 35, W½;
T. 22 N., R. 27 E.,
secs. 3 to 8, secs. 17 to 20, and secs. 29 to 32, inclusive;
T. 23 N., R. 27 E.,
sec. 14, W½SW¼, SE¼SW¼, and SW¼SE¼;
sec. 16, all;
secs. 19 to 23, and secs. 26 to 34, inclusive;
sec. 35, W½;
T. 21 N., R. 28 E.,
sec. 6, S½NW¼, SW¼, and W½SE¼;
sec. 7, W½;
sec. 18, NW¼.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale or entry, and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Mills Project, LA–NM 5: Provided, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*July 21, 1937*

[No. 7675]

[F. R. Doc. 37–2302; Filed, July 22, 1937; 3:21 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4751]

TAX ON TELEGRAPH, TELEPHONE, RADIO AND CABLE FACILITIES; TRANSPORTATION OF OIL BY PIPE LINE, AND ELECTRICAL ENERGY [1]

*To Collectors of Internal Revenue and Others Concerned:*

Titles IV and V of the Revenue Act of 1932, as amended by section 212 of the National Industrial Recovery Act (approved June 16, 1933), and Public Resolution No. 36, 74th Congress (approved June 28, 1935), were further amended by Public Resolution No. 48, 75th Congress (approved June 29, 1937), which reads, in part, as follows:

"That title IV, as amended, and parts I, II, III, and IV, of title V, as amended, of the Revenue Act of 1932, are further amended by striking out '1937' wherever appearing therein and inserting in lieu thereof '1939'."

In conformity with the provisions of law quoted above, Articles 1, 8, and 25 of Regulations 42 (Revised October 1932), as amended by Treasury Decision 4382, approved August 9, 1933, and Treasury Decision 4570, approved July 24, 1935, and Article 39 of Regulations 42, as amended by Treasury Decision 4393, approved September 20, 1933, and Treasury Decision 4570, approved July 24, 1935, are further amended as follows:

ART. 1. *Effective period.*—The tax is imposed upon payments for the transmission by telegraph, telephone, cable, or radio of dispatches, messages, and conversations originating in the United States on or after June 21, 1932, and before July 1, 1939, regardless of the date of payment.

ART. 8. *Effective period.*—The tax imposed under section 701 (a) (2) attaches to the amount paid on or after June 21, 1932, for any leased wire or talking circuit special service furnished on or after June 21, 1932, and before July 1, 1939. If the rendition of the service occurs within the effective period of the law the tax attaches thereto even though the payment therefor is made on or after July 1, 1939.

ART. 25. *Effective period.*—The tax imposed under section 731 applies to all transportation of crude petroleum and liquid products thereof by pipe line where the movement begins on or after June 21, 1932, and before July 1, 1939, except that the tax under section 731 (a) (1) is imposed only when payment for the transportation is made on or after June 21, 1932. In the case of any such transportation by pipe line where the movement originates prior to July 1, 1939, and ends on or after that date, the tax attaches to the entire amount charged for the transportation, although paid on or after July 1, 1939.

ART. 39. *Effective period.*—The tax applies to electrical energy sold on or after September 1, 1933, and before July 1, 1939.

This Treasury Decision is issued under the authority contained in sections 628 and 773 of the Revenue Act of 1932.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 21, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2305; Filed, July 23, 1937; 10:49 a. m.]

[1] Titles IV and V of the Revenue Act of 1932, amended by section 212 of the National Industrial Recovery Act, section 6 of the Act approved June 16, 1933 (Public No. 73, 73d Congress), Public Resolution No. 36, 74th Congress, and further amended by Public Resolution No. 48, 75th Congress, approved June 29, 1937.

[T. D. 4752]

STAMP TAXES ON ISSUES AND TRANSFERS OF STOCKS AND BONDS, SALES OF PRODUCE FOR FUTURE DELIVERY, AND DEEDS OF CONVEYANCE [1]

*To Collectors of Internal Revenue and Others Concerned:*

Title V of the Revenue Act of 1932 has been amended by Public Resolution No. 48, 75th Congress, approved June 29, 1937, which reads, in part, as follows:

"That * * * parts I, II, III, and IV, of title V, as amended, of the Revenue Act of 1932, are further amended by striking out '1937' wherever appearing therein and inserting in lieu thereof '1939'. * * *"

In conformity with the provisions of the law above quoted, article 2 of Regulations No. 71, approved July 16, 1932, as amended by Treasury Decision 4383 and Treasury Decision 4569, is further amended to read as follows:

ART. 2. *Effective period.*—The stamp tax provisions of the Revenue Act of 1926, as amended by the Revenue Act of 1928, are still in full force and effect, except as amended by the Revenue Acts of 1932 and 1934 and the Act of June 29, 1936. The amendments made by the Revenue Act of 1932 are effective on and after June 21, 1932. The amendment made by the Revenue Act of 1934 is effective on and after May 11, 1934. The amendment made by the Act of June 29, 1936, is effective on and after that date. The rates of tax, as well as the additional taxes imposed by the amendments made by the Revenue Acts of 1932 and 1934 to Schedule A of Title VIII of the Revenue Act of 1926, as amended by the Revenue Act of 1928, are effective only to and including June 30, 1939.

This Treasury Decision is issued under the authority contained in section 1101 of the Revenue Act of 1926.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 21, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2306; Filed, July 23, 1937; 10:49 a. m.]

[1] Title VIII of the Revenue Act of 1926, as amended by Title II, Part V, of the Revenue Act of 1928, by Title V, Part III, of the Revenue Act of 1932, by section 212 of the National Industrial Recovery Act, by section 612 of the Revenue Act of 1934, by Public Resolution No. 36—74th Congress, by the Act of June 29, 1936 (Public No. 842, 74th Congress), and as further amended by Public Resolution No. 48—75th Congress.



[T. D. 4753]

TAX ON ADMISSIONS [1]

*To Collectors of Internal Revenue and Others Concerned:*

Section 711 (e) of the Revenue Act of 1932, as amended by section 212 of the National Industrial Recovery Act (approved June 16, 1933), and Public Resolution No. 36, 74th Congress (approved June 28, 1935), was further amended by Public Resolution No. 48, 75th Congress (approved June 29, 1937), which reads, in part, as follows:

"That title IV, as amended, and parts I, II, III, and IV, of title V, as amended, of the Revenue Act of 1932, are further amended by striking out '1937' wherever appearing therein and inserting in lieu thereof '1939'."

In conformity with the provisions of law quoted above, Article 57 of Regulations 43 (Revised June 1932), as amended by Treasury Decision 4379, approved August 9, 1933, and Treasury Decision 4571, approved July 24, 1935, is further amended as follows:

ART. 57. *Effective date of change in exemption.*—The sums paid for admission which are not subject to tax under section 500 (a) (1) of the Revenue Act of 1926, as amended by section 711 (a) of the Revenue Act of 1932, are those which are "less than 41 cents." Effective July 1, 1939, any sum of "83 or less" paid for admission will not be taxable. The time of payment and not the time of admission will govern in determining which exemption is applicable. Consequently, if a person should purchase a ticket of admission for an amount in excess of 40 cents where the payment was made before July 1, 1939, for an admission to take place after that date, the payment so made would be subject to tax.

This Treasury Decision is issued under the authority contained in section 1101 of the Revenue Act of 1926.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 21, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2307; Filed, July 23, 1937; 10:50 a. m.]

[T. D. 4754]

EXCISE TAXES ON SALES BY THE MANUFACTURER [1]

*To Collectors of Internal Revenue and Others Concerned:*

Title IV of the Revenue Act of 1932, as amended by section 212 of the National Industrial Recovery Act (approved June 16, 1933), section 1 of the Act approved June 16, 1933 (Public No. 73, 73d Congress), and Public Resolution No. 36, 74th Congress (approved June 28, 1935), was further amended by Public Resolution No. 48, 75th Congress (approved June 29, 1937), which reads, in part, as follows:

"That title IV, as amended, and parts I, II, III, and IV, of title V, as amended, of the Revenue Act of 1932, are further amended by striking out '1937' wherever appearing therein and inserting in lieu thereof '1939'."

In conformity with the provisions of law quoted above, Article 2 of Regulations 44 (revised September 1934), as amended by Treasury Decision 4572, approved July 24, 1935, is further amended to read as follows:

ART. 2. *Effective period.*—The tax is imposed upon any sale, lease, or use, on or after June 21, 1932, and before July 1, 1939, of gasoline, lubricating oil, brewer's wort, certain malt products, or matches by the manufacturer or other person liable for tax under the provisions of section 623 (see Article 5), irrespective of when the article was manufactured, produced, or imported.

This Treasury Decision is issued under the authority contained in section 628 of the Revenue Act of 1932.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 21, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2308; Filed, July 23, 1937; 10:50 a. m.]

[1] Section 711 (e) of the Revenue Act of 1932, amended by section 212 of the National Industrial Recovery Act, and Public Resolution No. 36, 74th Congress, and further amended by Public Resolution No. 48, 75th Congress, approved June 29, 1937.
[2] Title IV of the Revenue Act of 1932, amended by section 212 of the National Industrial Recovery Act, section 1 of the Act approved June 16, 1933 (Public No. 73, 73d Congress), and Public Resolution No. 36, 74th Congress, and further amended by Public Resolution No. 48, 75th Congress, approved June 29, 1937.

[T. D. 4755]

EXCISE TAXES ON SALES BY THE MANUFACTURER [1]

*To Collectors of Internal Revenue and Others Concerned:*

Title IV of the Revenue Act of 1932, as amended by section 212 of the National Industrial Recovery Act (approved June 16, 1933), and Public Resolution No. 36, 74th Congress (approved June 28, 1935), was further amended by Public Resolution No. 48, 75th Congress (approved June 29, 1937), which reads, in part, as follows:

"That title IV, as amended, and parts I, II, III, and IV, of title V, as amended, of the Revenue Act of 1932, are further amended by striking out '1937' wherever appearing therein and inserting in lieu thereof '1939'."

In conformity with the provisions of law quoted above, the second paragraph of Article 1 of Regulations 46, as amended by Treasury Decision 4380, approved August 9, 1933, and Treasury Decision 4573, approved July 24, 1935, is further amended to read as follows:

No such sale, lease, or use after June 30, 1939 (or after July 31, 1939, in the case of articles taxable under sections 602 and 606, relating to the tax on tires and inner tubes and automobiles, etc.), is taxable under the title.

This Treasury Decision is issued under the authority contained in section 628 of the Revenue Act of 1932.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 21, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2309; Filed July 23, 1937; 10:50 a. m.]

## NAVY DEPARTMENT.

### PHOTOGRAPHS OF NAVAL SUBJECTS

OUTLINE

1. Prior regulations cancelled:
2. Purpose:
3. Responsibility:
(a) Designation of responsible officers.
(b) Supervision.
(c) Higher authority.
(d) General description of restricted subjects.
(e) Reference to Navy Department in cases of doubt.
(f) Administration for release of photographs.
(g) Immediate release of unseen photographs.
(h) Disposal of old photograph files.

[1] Title IV of the Revenue Act of 1932, amended by section 212 of the National Industrial Recovery Act, and Public Resolution No. 36, 74th Congress, and further amended by Public Resolution No. 48, 75th Congress, approved June 29, 1937.

4. Naval Photographers:
5. Civilian photographers:
(a) Identification cards.
(b) Naval transportation of commercial photographers.
(c) Responsibility for photographs taken during passage.
(d) Agreement between competing photographers.
(e) Agreement between naval authority and photographers.
(f) Liability of civilian photographers under Espionage Act.
(g) Protective measures for prevention of compromise of confidential matter.
6. Motion pictures, photoplays and newsreels:
(a) Authorization for naval cooperation
(b) Photoplays.
(c) Newsreels.
(d) Latitude allowed commercial motion-picture producers.
(e) Final censorship.
7. Technical photographs:
(a) Technical photographs required by contract.
(b) Technical photographs not required by contract.
(c) Release of technical photographs.
(d) Release of trial and acceptance run photographs.
8. General guide:
(a) Standards of censorship.
(b) Photographs not to be released.
(c) Photographs which may be released
9. General:
(a) Photographs of potential strategic and historic value.
(b) Photographs of current interest.

1. *Prior regulations cancelled.*—Navy Department regulations entitled "Photographs of Naval Subjects", Federal Register Document 117, filed March 30 and published March 31, 1936 (Federal Register No. 12, Volume 1, Part 1, page 73) is hereby cancelled and the following regulation issued pursuant to Article 124 United States Navy Regulations 1920, as authorized by Section 1547 of the Revised Statutes of the United States.

2. *Purpose.*—(a) The purpose of this regulation is to further expedite the release and publication of photographs and motion pictures portraying nonconfidential Navy matter beneficial alike to the public and to the Navy. To accomplish this it has been found necessary to decentralize the administration of the taking of photographs of naval subjects insofar as consistent with the security of information, which in the interest of national defense, must be permanently or at least temporarily limited in circulation.

(b) The complete protection of secret or confidential matter from compromise by means of photography depends upon the knowledge of the officer in charge as to the secret or confidential nature of the material, and upon the physical covering of any particular item within the field of the camera. To secure this protection the responsibility for the photographs taken, except as herein otherwise provided, is placed upon the officer in command at the place where the subject is photographed.

3. *Responsibility.*—(a) Subject to these instructions and orders from higher naval authority, commanding officers of naval vessels, naval inspectors, commandants of navy yards, and commanding officers of other shore stations shall have full cognizance of and responsibility for the making of photographs within their naval jurisdiction whether by naval personnel or by others than naval personnel.

(b) In order to preclude intentional or unintentional disclosure of information which should not be made public, the making of all photographs within naval jurisdiction shall be supervised by those in authority at the place where the photographs are taken. The supervising officer is authorized and directed to suspend the taking of photographs of any type immediately if, in his opinion, any danger of compromising confidential material arises and to report the circumstances to his commanding officer or authorizing authority.

(c) When competent authority higher than the commanding officer of a ship or station authorizes the taking of photographs such authorization in no way relieves the local authority from responsibility regarding supervision, censorship, and release of photographs taken except as specified in the order authorizing the photographs.

(d) For the purpose of these regulations any matter of such nature that its disclosure might endanger the national security or cause serious injury to the interests or prestige of the United States or be of great advantage to a foreign nation, shall be held to be "secret"; any matter of a similar nature, but to a lesser degree, shall be considered to be "confidential"; and all such matter of a nature that its disclosure shall be limited for reasons of administrative efficiency to the naval service shall be considered to be "restricted". Neither secret, confidential, nor restricted matter shall be subject to photography.

(e) Where there is doubt as to the advisability of making or releasing any photograph for publication, reference, with recommendation, will be made to the Chief of Naval Operations. When a photograph is referred to the Navy Department for review, an addditional copy will be furnished for the Department files.

(f) (1) When a photograph (still) is released, a file copy of the photograph and a record with the following information will be kept:

Title and office file number _____

Date _____

To _____
(Name of receiver and company, if any)

By _____
(Signature of releasor)

Station _____
(Ship or office)

Taken by _____
(Source of photograph)

(2) When an "official Navy photograph" is issued to any person or activity outside naval jurisdiction for unrestricted use, it will bear the following statement written or stamped on the back:

_____
(Ship or station)

RELEASED OFFICIAL NAVY PHOTOGRAPH

If Published, credit line must read

"OFFICIAL U. S. NAVY PHOTOGRAPH"

(g) (1) When the supervision of the taking of photographs has been such as to preclude the inclusion of subjects prohibited for release, the officer granting permission to take these pictures may release them immediately for publication without prior inspection of the prints and negatives, subject to subsequent compliance with paragraph (f) above. The provisions of this paragraph do not relieve the officer releasing the unseen photographs from his responsibility as specified in subparagraph 3 (a).

(2) Unofficial pictures taken outside naval jurisdiction by naval personnel do not require review by naval authority.

(h) After a photograph has been retained in file for 1 year, the photograph *may* be eliminated from file by forwarding the file print and record of release to the following offices:

(1) Photographs filed in photographic laboratories under the cognizance of the Bureau of Aeronautics will be handled in accordance with the provisions of the Bureau of Aeronautics Manual.

(2) Technical photographs to cognizant bureaus.

(3) Other photographs, *in released status,* to recruiting bureau: (New York, N. Y.).

(4) Other photographs, *in unreleased status,* to the Chief of Naval Operations, including all prints and negatives.

4. *Photographs by naval personnel*—(a) *Official photographers.*—A commanding officer, or higher authority, may grant persons in the naval service permission to act as the official photographers for the activity under his jurisdiction. Such permission does not relieve the authorizing officer from responsibility for supervision, censorship, and release of photographs taken. The development of negatives and printing will be accomplished under naval jurisdiction.

(b) *Privately owned cameras on board ship.*—Cameras are permitted to naval personnel on board naval ships for taking pictures outside naval jurisdiction. While on board cameras will be in the custody of the commanding officer. Under no circumstances will they be used aboard ship without official permission and competent supervision. (Paragraph 3 (g) (2)).

5. *Civilian photographers (still pictures).*—(a) In order to facilitate identification of persons known to be engaged in photographic work and to have a legitimate interest in naval subjects, commandants of naval districts may issue annual photographer's identification cards to persons of United States citizenship, good only for the calendar year in which issued. These cards will not constitute authorization for taking pictures. The identification card will bear the photograph and signature of the person to whom issued, both stamped with the seal of the issuing office.

(b) Permission for civilians to take photographs which involves taking passage on a naval ship or aircraft will be granted only by special authority of the Navy Department, except that in cases of natural catastrophe or other emergency where prompt action is indispensable, the senior officer present may authorize the passage of photographers on a naval ship or aircraft. In such event full report of the circumstances will be made to the Navy Department.

(c) Commanding officers of ships and aircraft on which civilian photographers are taking passage are responsible, in accordance with the provisions of this general order, for all photographs taken by such photographers.

(d) In order not to adversely affect the interests of organizations engaged in photographic work, requests to make photographs featuring naval subjects will not be made known to competitors. But if more than one request is received equal privileges will be granted to all applicants at the discretion and convenience of the naval authorities concerned. Should it be impracticable for more than one photographer to cover the subject, the photographer selected will be chosen by lot with the understanding, before he is chosen, that he is required to cover the event equitably for all parties who have requested permission. The terms of this equitable agreement shall be set forth before choice by lot is made, and failure of the chosen party to comply fully with such agreements will bar him from further photographic privileges.

(e) Before permission to take photographs (still) within naval jurisdiction is granted, it will be expressly agreed by the civilian photographer that:

(1) The Navy will be given one copy of every photograph (still) taken, for its noncommercial use without reference to and entirely independent of any copyright.

(2) Two prints of each photograph taken will be submitted to the authorizing officer for censorship—one print for the censoring authority's file and one print for return to photographer if released by censor, except 1 print only required under conditions stated in paragraph 3 (g) (1).

(3) All prints not released by the censor and their negatives will become the property of the Navy for noncommercial use.

(4) Only those photographs specifically released by the censor will be made public.

(5) In event any photograph in this category is to be used in connection with an advertisement, all copy and text to appear with the photograph will be submitted to naval authority for censorship prior to release of the advertisement. (See Commercial Advertising, Federal Register Volume 1, Part 1, page 74, Federal Register Document 119.)

(f) Civilian photographers shall be informed that the retention of negatives or prints or the publishing of photographs in violation of their agreements or failure to deliver negatives or prints to proper naval authority upon demand may render them liable to prosecution under the Espionage Act.

(g) In order to protect the interests of the Navy without adversely affecting the interests of organizations engaged in photographic work, whenever a civilian photographer ("still" or "motion picture") is authorized to take pictures of a naval subject an officer or other qualified expert will be detailed to act in an advisory capacity to the photographer in order to prevent the disclosure of objects which the Navy does not wish to be photographed. Experience has shown that a majority of the pictures requiring censorship could have been released for publication were it not for inadvertent disclosure of confidential matter in the background. Attention is invited to paragraph 2 (b) of these regulations.

6. *Motion pictures, commercial.*—(a) The Chief of Naval Operations may authorize naval cooperation with commercial motion picture producers in recognition of the value to both the public at large and the naval service in the production of accurate portrayals of naval life. The cooperation between the motion-picture producers and the Navy will involve, on the part of the motion-picture producers, agreement in writing to adhere to the restrictions imposed by this order and, on the part of the Navy, assistance to the motion-picture producers in the technical supervision of the taking of the picture to prevent the inclusion of matter not desired to be made public. The procedure for censorship of these pictures depends upon whether they are photoplays or newsreels.

(b) *Photoplays.*—(1) The Chief of Naval Operations requires that the scenarios of photoplays be reviewed by the Navy Motion Picture Board of Review prior to authorizing naval cooperation.

(2) The naval authority designated to cooperate with the producing company will provide, in the interest of security, for naval supervision of all footage taken within naval jurisdiction, and where practicable, for prompt local provisional censorship of such footage as may be considered questionable for release by the supervisor. The local provisional censorship is for the purpose of promptly bringing to the attention of both the producing company and the Navy Department, film which is questionable and is not for the purpose of censoring script or dialogue. One print of all the questioned footage for the given production will be forwarded as confidential matter by the naval authority concerned to the Chief of Naval Operations. The producing company will be informed when the questioned film is forwarded to the Chief of Naval Operations.

(3) All photoplays produced with naval cooperation will be submitted by the producing company to the Chief of Naval Operations for review and censorship by the Navy Motion Picture Board of Review, Navy Department, Washington, D. C., prior to release.

(4) Whenever a photoplay is produced with naval cooperation, the Navy Department reserves the right to acquire without cost two positive prints of every such photoplay, and to use them in any manner it may see fit, except that these prints shall not be used commercially nor shall they be exhibited at shore stations until out of their prerelease status.

(c) *Newsreels.*—Newsreels of naval subjects for which naval cooperation is granted will be accorded naval supervision in accordance with paragraph 5 (g) of this order. Newsreels of this category will be forwarded by the producing company to the Commandant, Third Naval District, New York, for censorship and they will not be released by the producing company until they have been approved by the Commandant, Third Naval District, in accordance with existing orders and instructions issued by the Navy Department.

(d) In view of the strict control exercised over motion pictures taken in naval jurisdiction, and in order to meet the legitimate requirements of motion-picture producers for scenes of a spectacular nature, motion-picture photographs of simple fleet maneuvers, aircraft in flight, distant views of

ships firing, interior views of living quarters, and similar scenes which do not disclose information of a confidential nature may be permitted subject to final censorship.

(e) When the Navy Department Board of Review or the Commandant, Third Naval District, censors and condemns any footage, the producing company will promptly submit all prints, "lavenders", and negatives of the footage to the censoring authority, together with a signed statement that all prints, "lavenders", or negatives of any nature made from the disapproved footage have been surrendered to naval authority.

7. *Technical photographs.*—(a) Photographs required by Navy contracts in connection with the manufacture or construction of articles for the Navy will be handled as part of the contract and under the same restrictions as apply to drawings and other matter under the contract.

(b) Photographs of articles other than those of a strictly commercial character being manufactured for or under construction for the Navy, taken by or on order of the contractors and not required by the terms of the contract, will be subject to the supervision and control of the Navy inspector concerned. When a photograph of this category is released to the contractor for unrestricted use or publication, the provisions of paragraph 3, subparagraph (f) of this order will be complied with, and in addition, one copy of the released photograph, with the release date written on the back, will be forwarded to the bureau having cognizance.

(c) Photographic prints required by contractors in the execution of Navy contracts will be handled in accordance with instructions governing documents, plans, etc., according to the classification of the subject matter.

(d) In view of the legitimate demand for the release of photographs of new vessels in the interest of publicity, one photograph taken on builder's trials may be released on commissioning of the vessel. The speed being made when the photograph was taken will not be disclosed. On commissioning, the prints and negatives of photographs taken of trial and acceptance runs will be forwarded to the Bureau of Construction and Repair.

8. *General guide.*—(a) The censorship of photographs requires the use of sound judgment on the part of the responsible officers in order to permit the prompt release and publication of such photographs and motion pictures as will be beneficial alike to the public and to the Navy, while at the same time protecting subjects which are of a confidential nature or which it is to the interest of the Navy to restrict for official use only. It must be kept in mind that to publish a list of the specific items which are considered most confidential would be the first step leading to compromise. As a consequence it is necessary to designate confidential items in fairly broad classifications and administer the security thereof in accordance with a uniform policy. Photographs listed in subparagraph (b) below will not be released by the Navy Department unless substantial reasons are given to support such action.

(b) Photographs not to be released without reference to Navy Department:

(1) Photographs which disclose information classified as secret, confidential, or restricted. General description of such subjects found in paragraph 3 (d) of these regulations. Information on specific items may be obtained from Navy Department.

(2) Naval dry docks or ships therein.

(3) Ships under construction and mechanical devices intended for use thereon.

(4) Any picture taken on board ship showing details of armament, fire-control equipment, interior views, or special details of construction.

(5) Underwater body views of naval vessels.

(6) Any phase of naval gunnery or any details of ordnance equipment.

(7) Fleet dispositions and tactical maneuvers.

(8) Landing-force operations and equipment.

(9) Smoke screens.

(10) Naval radio and sound equipment.

(11) Aerial photographs of United States Navy Yards, stations, and bases; United States Army posts, forts, depots, and stations; foreign ports and harbors.

(12) Aerial photographs of strategic areas as designated by the Secretary of the Navy and airspace reservations as designated by the President of the United States.

(c) *Photographs which may be released.*—(1) Photographs taken on occasions of ceremony; of athletic events; of personnel, single or group; or other proper subjects involving personnel or naval life.

(2) Photographs of naval subjects which could be readily obtained from passing ships or boats except those specifically prohibited under subparagraph (b) above.

(3) Photographs of ships at sea singly or in simple formations which do not disclose fleet tactical dispositions.

9. *General.*—(a) Photographs of potential strategic or historic value, without regard to release status, will be forwarded to the Chief of Naval Operations.

(b) Whenever a naval vessel obtains photographs relative to some incident or event of a Nation-wide current public interest, particularly in case representatives of the American press are not present, such photographs as are suitable for release to the press will be forwarded as promptly as feasible to the Commandant, Third Naval District.

WILLIAM D. LEAHY,
*Acting Secretary of the Navy.*

[F. R. Doc. 37-2303; Filed, July 23, 1937; 9:29 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 26]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF IOWA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT DES MOINES, IOWA, ON AUGUST 9, 1937, BEFORE AN EXAMINER AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Iowa directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Iowa on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Iowa would be desirable, and upon investigation hereby orders:

1. That on August 9, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Kirkwood Hotel, Des Moines, Iowa, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the state of Iowa, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Iowa in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Des Moines, Iowa, on August 9, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to each known producer of bituminous coal in the State of Iowa and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Iowa in which bituminous coal is produced.

By order of the Commission.

Dated this 21st day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2310; Filed, July 23, 1937; 11:53 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 1 to B. A. I. Order 360]

AMENDMENT 1 TO RULE 1, REVISION 35—TO PREVENT THE SPREAD OF SPLENETIC OR TICK FEVER IN CATTLE—RELEASING FROM QUARANTINE JIM HOGG COUNTY, TEXAS

The fact has been determined by the Secretary of Agriculture and notice is hereby given that the contagious and infectious disease known as splenetic or tick fever no longer exists in cattle in Jim Hogg County, Texas.

Now, therefore I, Harry L. Brown, Acting Secretary of Agriculture, under authority conferred by law, do hereby revoke the quarantine heretofore established in Jim Hogg County, Texas, by B. A. I. Order 360, issued on November 16, 1936, and effective December 1, 1936, said revocation to take effect on August 15, 1937, and said B. A. I. Order 360 is hereby amended accordingly.

This amendment, for purposes of identification, is designated as Amendment 1 to B. A. I. Order 360.

Done in the City of Washington this 23rd day of July, 1937.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2311; Filed, July 23, 1937; 12:29 p. m.]

## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[General Order No. 250]

PRESUMED LAWFUL ENTRY OF CERTAIN ALIENS INTO THE UNITED STATES FROM CANADA OR MEXICO

JULY 22, 1937.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Ti. 8, sec. 102), the following regulations are hereby prescribed:

PARAGRAPH 1. Citizens of Canada or Newfoundland who entered the United States across the Canadian border at a designated port of entry prior to October 1, 1906, and citizens of Mexico who so entered across the Mexican border prior to July 1, 1908, shall, for reentry purposes, be presumed to have been lawfully admitted, even though no record of their original entry can be found.

PAR. 2. Any alien within the terms of paragraph 1 shall upon application for readmission to the United States be inspected and be subject to the requirements of the immigration laws and regulations the same as if the original presumed lawful entry was by recorded admission for permanent residence; and if no record exists of a reentry since such presumed lawful entry, the alien shall be regularly manifested for the purpose of recording the application for readmission.

PAR. 3. No certificate of arrival will be issued to an alien within the terms of paragraph 1 to cover an original presumed lawful entry. Such a certificate will be issued with respect to reentry of such an alien where there is a manifest record showing that the reentry was by lawful admission for permanent residence.

PAR. 4. Nothing herein shall be deemed to preclude an alien qualified to do so from applying for registration under the Act of March 2, 1929.

General Order No. 174 of April 16, 1931, is hereby repealed.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-2304; Filed, July 23, 1937; 10:39 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3087]

IN THE MATTER OF WILLIAM EVERETTE, AN INDIVIDUAL, DOING BUSINESS UNDER TRADE NAME W. E. & M. E. MEDICINE COMPANY, PHILADELPHIA, PENNSYLVANIA

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, July 30, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 313 Old Post Office Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2300; Filed, July 22, 1937; 1:19 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3127]

IN THE MATTER OF LOCK JOINT PIPE COMPANY, A CORPORATION; F. B. GRAY AND J. J. GRAY, CO-PARTNERSHIP TRADING AS THE GRAY CONCRETE PIPE COMPANY; MID-ATLANTIC CONCRETE PIPE AND PRODUCTS COMPANY, A CORPORATION; CONCRETE PIPE AND PRODUCTS COMPANY, A CORPORATION; ARLINGTON CONCRETE PIPE CORPORATION, A CORPORATION, AND JACK M. PARRISH, H. W. EASTERLY, AND J. SCOTT PARRISH, INDIVIDUALS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, July 26, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 901, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2301; Filed, July 22, 1937; 1:19 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3071]

IN THE MATTER OF WILLIAM H. PEARCE AND COMPANY, A PARTNERSHIP, WILLIAM H. PEARCE, PHILIP S. SHASSIAN, AND E. E. BRAZELTON

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, July 29, 1937, at 9:00 o'clock in the forenoon of that day (eastern standard time), in Room 313, Old Post Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent.

The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc.37-2299; Filed, July 22, 1937; 1:19 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of July, 1937.

[File No. 7-101]

IN THE MATTER OF ARMOUR & COMPANY (ILLINOIS) COMMON STOCK, PAR VALUE $5.00

ORDER DIRECTING HEARING UNDER SECTION 12(F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, par value $5.00 of Armour & Company (Illinois); and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2314; Filed, July 23, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of July, 1937.

[File No. 7-102]

IN THE MATTER OF AUBURN AUTOMOBILE COMPANY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED.

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, no par value, of Auburn Automobile Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937 in Room 1103 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2315; Filed, July 23, 1937; 12:52 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of July, 1937.

[File No. 7-103]

IN THE MATTER OF BARNSDALL OIL COMPANY COMMON STOCK, PAR VALUE $5.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, Par value $5.00, of Barnsdall Oil Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2316; Filed, July 23, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-104]

IN THE MATTER OF BETHLEHEM STEEL CORPORATION (DELAWARE) COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, no par value, of Bethlehem Steel Corporation (Delaware); and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2317; Filed, July 23, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-105]

IN THE MATTER OF BOEING AIRPLANE COMPANY COMMON STOCK, PAR VALUE $5.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, Par value $5.00, of Boeing Airplane Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2318; Filed, July 23, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-106]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12(F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange, having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension

of unlisted trading privileges to the Common Stock, no par value, of Columbia Gas & Electric Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2319; Filed, July 23, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July 1937.

[File No. 7-125]

IN THE MATTER OF COLUMBIA PICTURES CORPORATION UNDERLYING COMMON STOCK, NO PAR VALUE, AND VOTING TRUST CERTIFICATES THEREFOR

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Underlying Common Stock, No par value, and Voting Trust Certificates therefor, of Columbia Pictures Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M., on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2320; Filed, July 23, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-108]

IN THE MATTER OF CURTISS WRIGHT CORPORATION CLASS "A" STOCK, PAR VALUE $1.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Class "A" Stock, Par value $1.00, of Curtiss Wright Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2321; Filed, July 23, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-109]

IN THE MATTER OF GENERAL FOODS CORPORATION COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No par value, of General Foods Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2322; Filed, July 23, 1937; 12:54 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-110]

IN THE MATTER OF THE OHIO OIL COMPANY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No par value, of The Ohio Oil Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937 in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2323; Filed, July 23, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-111]

IN THE MATTER OF PARAMOUNT PICTURES, INCORPORATED COMMON STOCK, PAR VALUE $1.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, par value $1.00, of Paramount Pictures, Incorporated; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2324; Filed, July 23, 1937; 12:54 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-112]

IN THE MATTER OF REMINGTON RAND, INCORPORATED COMMON STOCK, PAR VALUE $1.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, Par value $1.00, of Remington Rand, Incorporated; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2325; Filed, July 23, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-113]

IN THE MATTER OF REPUBLIC STEEL CORPORATION COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No par value, of Republic Steel Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Penn-

sylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2326; Filed, July 23, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-114]

IN THE MATTER OF SOCONY VACUUM OIL COMPANY, INC., COMMON STOCK, PAR VALUE $15.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, Par value $15.00, of Socony Vacuum Oil Company, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M., on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2327; Filed, July 23, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-115]

IN THE MATTER OF STUDEBAKER CORPORATION COMMON STOCK, PAR VALUE $1.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, Par Value $1.00, of Studebaker Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2328; Filed, July 23, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-116]

IN THE MATTER OF SWIFT AND COMPANY CAPITAL STOCK, PAR VALUE $25.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Capital Stock, Par value $25.00, of Swift and Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2329; Filed, July 23, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.



[File No. 7-117]

IN THE MATTER OF TWENTIETH CENTURY FOX FILM CORPORATION COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, No par value, of Twentieth Century Fox Film Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2330; Filed, July 23, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, 1937.

[File No. 7-118]

IN THE MATTER OF UNITED AIRCRAFT CORPORATION CAPITAL STOCK, PAR VALUE $5.00

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Los Angeles Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Capital Stock, Par value $5.00, of United Aircraft Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 2, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2331; Filed, July 23, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE TATLOCK-GULF-PONCIN TRACT, FILED ON JULY 15, 1937, BY R. A. COOK, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that no statement is made in Division II, Item 2 (e), as to whether or not the interest offered is perpetual;

(2) In that the number of drilling wells, which is required to be given under Division II, Item 13, is omitted;

(3) In that the information given in Division II, Items 18 (a), (e) and (h), does not agree with similar information disclosed by the plat attached to the offering sheet as "Exhibit A";

(4) In that the figures set forth under Division II, Items 20 (d) and (e), are not believed to be correctly calculated if the information contained in Division II, Item 1, and Exhibit B is considered;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2312; Filed, July 23, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE WILCOX-NEUFELD TRACT, FILED ON JULY 15, 1937, BY SOUTHWEST ROYALTIES COMPANY, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the

offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the information given in Division II, Item 20 (b), of the offering sheet, relative to the percentage of water in fluid produced, is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2313; Filed, July 23, 1937; 12:52 p. m.]

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*Tuesday, July 27, 1937* *No. 143*

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49096]

AIRPORTS OF ENTRY

CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named airports are hereby redesignated as airports of entry for the landing of aircraft from foreign countries for a period of one year from the dates shown opposite their names:

Buffalo Marine Airport, Buffalo, New York. July 29, 1937.

Sault Ste. Marie Airport. Sault Ste. Marie, Mich. August 4, 1937.

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved: July 20, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2332; Filed, July 24, 1937; 11:32 a. m.]

[T. D. 49098]

CUSTOMS REGULATIONS AMENDED—TESTIMONY OF CUSTOMS OFFICERS AND PRODUCTION OF COPIES OF OFFICIAL RECORDS IN LEGAL PROCEEDINGS

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 161 of the Revised Statutes (U. S. C., title 5, sec. 22) and section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), paragraph (e) of article 1449 of the Customs Regulations of 1931, as amended by T. D. 48047, is further amended to read as follows:

(e) (1) The information contained in invoices, entries, manifests, export declarations, official reports of investigating officers and other papers or documents, filed with customs officers for any official purpose, must be treated as confidential, except for the purpose for which such documents are required to be filed. All officers and employees of the customs service are prohibited, unless specially authorized to do so by the Bureau or by these regulations, from giving out information contained in such papers and documents except to the importer or exporter (in the case of export documents) or other party directly in interest or to his authorized agent.

(2) In answer to a legal process or demand from a court issued in behalf of the United States or an officer thereof, customs officers or employees shall produce in court in customs custody, and may testify with respect to, any official customs papers or documents demanded. When any such process or demand is issued in behalf of a party other than the United States it shall be complied with only to the extent that the party in whose behalf the papers or documents are demanded is permitted under these regulations to inspect such papers or documents at the customhouse.

(3) Except as provided in subdivision (5) hereof, nothing herein shall preclude customs officers or employees from producing in the United States Customs Court in customs custody any customs papers or documents requested by the court or from testifying or otherwise rendering all proper assistance to the court in proceedings before it; nor from furnishing to counsel for the United States information contained in, and permitting him to inspect, customs papers or documents requested by him, nor from testifying on behalf of the United States or otherwise assisting him in the performance of his official duties.

(4) In all cases where copies of customs documents or records are desired by, or on behalf of, parties to a suit whether in a court of the United States or any other, such copies shall be furnished to the court only and on a rule of the court upon the Secretary of the Treasury requesting same, provided, however, that copies of such documents or records may be furnished to importers or exporters or other parties directly in interest or to their authorized agents without obtaining prior departmental approval. Exceptions to this rule will be made only on the written order of the Secretary, the Under Secretary, an Assistant Secretary, or the Administrative Assistant to the Secretary. When requested, such copies may be authenticated pursuant to the provisions of section 882 of the Revised Statutes, as amended (U. S. C., title 28, sec. 661).

(5) The authority granted in subdivisions 2, 3, and 4, of this paragraph is subject to the restriction that no matters, the disclosure of which would be prejudicial to the public interest, shall be disclosed to any person without prior authority from the Department.

(6) Upon being served with a subpoena or subpoena duces tecum from a court or officer thereof calling for testimony or the production of papers or documents in cases not covered by (2) or (3) above, or in cases where the testimony or documents desired would disclose matters of a confidential nature or the disclosure of which would be prejudicial to the public interest, the matter shall be referred to the Bureau for instructions. In the event instructions are not received prior to the date set for appearance or production of documents, or if the Bureau declines to permit their production or the disclosure of the information contained therein or otherwise within the knowledge of the customs officer or employee whose testimony is requested the customs officer or employee should appear in court, or before the officer concerned, in answer to the subpoena and respectfully decline to produce the documents called for, or to testify, except to the extent specifically authorized elsewhere in this article, citing this regulation as authority for his refusal. If the matter has not already been referred to the Bureau for instructions, the customs officer or employee will advise the court or officer that it will be so referred.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: July 22, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2333; Filed, July 24, 1937; 11:32 a. m.]



### Bureau of Internal Revenue.

[T. D. 4756]

MONTHLY TAX RETURNS UNDER TITLE VIII OF THE SOCIAL SECURITY ACT

ARTICLE 401 OF REGULATIONS 91, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Article 401 of Regulations 91, approved November 9, 1936, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, is amended to read as follows:

*Monthly tax returns.*—Every employer (see article 4) shall make a monthly tax return, in triplicate, on Form SS-1 for each calendar month beginning with January 1937. See, however, article 404, relating to final returns.

This Treasury Decision is prescribed pursuant to the provisions of section 1102 (a) of the Revenue Act of 1926 and section 808 of the Social Security Act.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 22, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2336; Filed, July 26, 1937; 9:33 a. m.]

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[T. D. 4757]

MANUFACTURE AND TAX-PAYMENT OF FERMENTED MALT LIQUORS

REGULATIONS 18 AMENDED

*To Collectors of Internal Revenue and District Supervisors:*

Paragraph 19, of Regulations 18, Relating to the Manufacture and Tax-Payment of Fermented Malt Liquors, is hereby revoked.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: July 22, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2337; Filed, July 26, 1937; 9:33 a. m.]

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### Bureau of Narcotics.

[T. D. 27]

AMENDING ARTICLE 103 OF NARCOTIC REGULATIONS NO. 5 TO INCLUDE A PROVISION REGARDING PREPARATIONS FOR AURAL, NASAL, OCULAR, RECTAL, URETHRAL OR VAGINAL PURPOSES

Pursuant to the authority contained in Section 1 of the Act of December 17, 1914 (38 Stat. 785; U. S. Code (1934 Ed.) Title 26, Sec. 1049), as amended by Section 703 of the Revenue Act of 1926 (44 Stat. 9, 96) and Section 806 of the Revenue Act of 1936 (49 Stat. 1648, 1745), Article 103 of Narcotic Regulations No. 5, as amended by Treasury Decision No. 12, approved August 3, 1932, is hereby amended to read as follows:

ARTICLE 103

*Composition of preparations—Internal.*—Preparations designed for or capable of internal use to be exempt must not contain more than two grains of opium or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce. The preparation should contain active medicinal drugs other than narcotics in sufficient proportion to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone. Use for aural, nasal, ocular, rectal, urethral, or vaginal purposes is not regarded as external use and, therefore, preparations manufactured or used for such purposes containing more than the percentages of narcotic drugs as above indicated are not within the exemption.

*Pantopon.*—It has been held that preparations containing pantopon are not subject to the exemptions described in the foregoing paragraph.

*External.*—There is no limitation upon the percentage of narcotic drugs external preparations may contain. In order to be within the exemption a preparation for external use, containing more than the maximum percentage of narcotic drugs above specified, shall contain ingredients rendering it unfit for internal administration.

[SEAL] WILL S. WOOD,
*Acting Commissioner of Narcotics.*

Approved: July 19, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2334; Filed, July 24, 1937; 11:32 a. m.]

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## WAR DEPARTMENT.

RULES AND REGULATIONS TO GOVERN THE USE, ADMINISTRATION AND NAVIGATION OF THE SAN JOAQUIN RIVER DEEP WATER CHANNEL

THE LAW

Extract from the River and Harbor Act of August 8, 1917:

SEC. 7. That section four of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, as amended by section eleven of the river and harbor Act of June thirteenth, nineteen hundred and two, be, and is hereby, amended so as to read as follows:

SEC. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

In pursuance of the foregoing law, the following regulations are prescribed to cover the use, administration and navigation of the San Joaquin River Deep Water Channel, California, between Suisan Bay and the eastern end of the Channel at Stockton.

RULES AND REGULATIONS

*Maximum Speed*

1. The maximum speed for all ocean-going craft shall not exceed ten miles per hour above the lower end of New York Slough, shall not exceed seven miles an hour above Criminal Point, and shall not exceed five miles per hour while passing any wharf, dock, or moored craft. As herein used, the speed of a vessel when navigating with the current shall be its rate of movement in excess of the velocity of the current.

*Passing*

2. All craft passing other boats, barges, scows, etc., in motion, moored or anchored, shall slow down and take every necessary precaution to avoid damage.

*Rights of Way*

3. *a.* United States dredges, tugs, launches, derrick boats and similar plant of contractors executing river and harbor improvement work for the United States, and displaying the signals prescribed by the "Rules and Regulations Governing the Display of Signals on, and the Operation of all Crafts and Accessories working on Wrecks engaged in Dredging, Surveying, or other Work of Improvement, and the Use and Navigation of the Waters in the Vicinity," prescribed by the Secretary of War, May 19, 1928, shall have *right of way* and

other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or Contractors' plant, working in the channel must however take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channel-way cannot otherwise be provided. Ocean-going vessels may show at the masthead a black ball of not more than 20-inch diameter as a signal to the dredge, and may also blow five long blasts of the whistle when within a reasonable hearing distance of the dredge, such signal to be followed at the proper time by the passing signal described in the local pilot rules. The dredge shall promptly acknowledge both signals in the usual manner.

*b.* Light draft vessels when meeting or being overtaken by ocean-going vessels, shall give right of way to such vessels by making use of the shallower portions of the waterway.

*c.* Rafts and tows must promptly give the channel side demanded upon proper signal by a vessel, and must be handled in such a manner as not to obstruct or to interfere with the free use of the waterway by other craft.

*Anchorages*

4. *a.* Except in cases of distress or in heavy fog, vessels shall not anchor in the San Joaquin River Deep Water Channel, nor in the Stockton Turning Basin, and if anchored under such circumstances shall be placed as near the edge of the channel or turning basin as possible, so as not to interfere with the free navigation thereof, nor obstruct the approach to, any pier. They shall move from such position as soon as the emergency ceases or when so ordered by the District Engineer, United States Engineer Department, in charge of the locality, or by his duly authorized representative.

*b.* No vessel shall be permanently moored in areas adjacent to the deep water channel or in any stream tributary to said deep water channel within one-half mile of its junction with the channel, except on permission in writing from the District Engineer, United States Engineer Department at Large, in charge of the improvement.

*c.* For established anchorages in the Lower San Joaquin River, see Anchorage Regulations for San Francisco Bay and Tributaries (including San Pablo Bay, Carquinez Strait, Suisun Bay and Lower San Joaquin River).

*Collisions*

5. *a.* Ocean-going vessels in collision in the channel or Turning Basin, must, if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the northwest side of Mandeville Island or in the Old River.

*b.* Light draft vessels suffering collision shall be disposed of as directed by the District Engineer, United States Engineer Department, or his authorized representative.

*Wrecks*

6. In no case following accidents of fire or collision will a vessel be allowed to remain either anchored or grounded in the channel, or beached at any place where it endangers other vessels, while settlement is pending with the underwriters.

7. In all other respects, the existing Federal Laws and Rules and Regulations affecting the navigable waters of the United States will govern in the said channel.

8. These regulations shall take effect and be in force on and after the date of approval hereof, and will supersede the regulations approved March 20, 1933, governing the use, administration and navigation of the San Joaquin Twenty-six Foot Channel.

Approved July 17, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 37-2341; Filed, July 26, 1937; 10:11 a. m.]

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

[Circular 1431]

SUPPLEMENTAL REGULATIONS AFFECTING OIL AND GAS LEASES IN ALASKA

JULY 3, 1937.

*Registers, U. S. Land Offices in Alaska.*

SIRS: The act of August 21, 1935 (49 Stat. 674), and the regulations thereunder approved May 7, 1936, Circular 1386, are applicable to Alaska as well as to the States. However, these regulations do not deal with the provisions of the act of February 25, 1920, especially applicable to Alaska and still in force, for which reason additional regulations amending and supplementing the regulations now applicable to Alaska are necessary.

Section 13 of the act of February 25, 1920 (41 Stat. 437), authorizes the granting of not exceeding five permits in Alaska to the same applicant. While section 27 of the act was amended by the act of April 30, 1926 (44 Stat. 373), to provide an acreage limitation of holdings, this amendment did not change the right to hold five permits in Alaska. Section 22 of the act provides that leases in Alaska, whether as a result of prospecting permits or otherwise, shall be upon such rental and royalty as shall be fixed by the Secretary of the Interior and specified in the lease and be subject to readjustment at the end of each twenty-year period of the lease, and that for the purpose of encouraging production of petroleum in Alaska, the Secretary of the Interior may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

The act of August 21, 1935, amended section 13 to provide that no prospecting permits shall be issued except upon applications filed 90 days or more prior to the date of the amendatory act, and that applications filed thereafter shall be considered as applications for leases, but as no amendment was made of section 22 or 27, it is apparent that Congress did not intend to make any change in the provisions of the law applicable only to Alaska.

Accordingly, existing oil and gas regulations applicable to Alaska are hereby amended and supplemented as follows:

1. A person, association or corporation is authorized to hold oil and gas permits and leases for not exceeding 2,560 acres in the same geologic structure and not exceeding five permits and leases in the Territory; but for development purposes, assignments of permits and leases not exceeding five in number in any non-producing structure may be presented by the same person, association or corporation for consideration by the Secretary of the Interior and his approval if he shall find the same to be in the public interest. Leases operated under a cooperative or unit plan prescribed or approved by the Secretary of the Interior are excepted from any acreage limitation fixed by the leasing act.

2. Upon leases granted in Alaska under section 14 of the act as the result of discovery under prospecting permits, the rentals and royalties will be those provided by Circular 845 (49 L. D. 207) (the regulations in force January 1, 1935), except in cases where different rentals and royalties have been fixed prior to discovery.

3. Upon leases granted under section 17 of the act as amended for lands in Alaska and leases acquired by exchange of prospecting permits, or granted on applications for permits filed after May 23, 1935, and prior to August 21, 1935, the royalties shall be equal to one-half of the royalties fixed by section 17 of Circular 1386, except that any lessee who shall drill and make the first discovery of oil or gas in commercial quantities in any geologic structure shall be exempted from the payment of royalty on production under the lease for the first five years thereof, or should discovery be first made under an approved unit plan the exemption herein provided shall for the purpose of computing royalty due the United States inure to the benefit of the land within the participating (productive) area established by reason of such discovery.

The rental payable on such leases shall be 25 cents per acre or fraction thereof for the first year of the lease, payable prior to execution of the lease, and 25 cents per acre each year thereafter until oil or gas in commercial quantities is discovered on the leased lands, except that where leases are granted in exchange for prospecting permits or pursuant to applications for permits filed after May 23, 1935, and prior to August 21, 1935, no rental is required for the first two lease years, unless valuable deposits of oil or gas are sooner discovered within the boundaries of the leases. Rentals after discovery shall be $1 per acre or fraction thereof as prescribed by section 15 of Circular 1386, any rental paid for any one year to be credited against the royalties as they accrue for that year.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

I concur:

W. C. MENDENHALL,
*Director, Geological Survey.*

Approved: July 3, 1937.

CHARLES WEST,
*Acting Secretary.*

[F. R. Doc. 37-2340; Filed, July 26, 1936; 10:10 a. m.]



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—New Hampshire—Supplement (4) Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW HAMPSHIRE—SUPPLEMENT (4)

*Revision of Green-Manure Practice No. 8*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New Hampshire, as amended by Supplements (1), (2), and (3), thereto, is hereby further amended as follows:

Practice No. 8, under the heading "Green-Manure Crops", which reads as follows:

8. Plowing or disking under biennial legumes or perennial legumes for which no seeding payment has been made under this or previous programs and from which no crop has been harvested and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth. Payment, $2.50 per acre.

is stricken out and in lieu thereof the following is inserted:

8. Plowing or disking under either (1) annual legumes which have attained at least two months' or 12 inches' growth or (2) biennial or perennial legumes from which no crop has been harvested and which have attained at least two months' or 12 inches' growth and for which either (a) no seeding payment will be or has been made under this or the 1936 program or (b) the seeding payment was not needed in order to provide a total payment equal to the soil-building allowance for the farm under the 1936 program. Payment, $2.50 per acre.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2358; Filed, July 26, 1937; 12:36 p. m.]

NER—B-101—New York—Supplement (8) Issued July 23, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK—SUPPLEMENT (8)

*I. Revision of Green-Manure Practice No. 9*

*II. Revision of Nitrate of Soda Practice No. 26*

*III. Addition of a Practice Providing Payment for the Application of Potash*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101 New York, as amended by Supplements (1) to (7), inclusive, is hereby further amended as follows:

I

Practice No. 9, under the heading "Green-Manure and Cover Crops", which reads as follows:

8. Plowing or disking under biennial or perennial legumes from which no crop has been harvested and for which no seeding payment will be or has been made under this or any previous program, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth. Payment, $2.50 per acre,

is stricken out and in lieu thereof the following is inserted:

9. Plowing or disking under either (1) annual legumes which have attained at least two months' or 12 inches' growth or (2) biennial or perennial legumes from which no crop has been harvested and which have attained at least two months' or 12 inches' growth and for which either (a) no seeding payment will be or has been made under this or the 1936 program or (b) the seeding payment was not needed in order to provide a total payment equal to the soil-building allowance for the farm under the 1936 program. Payment, $2.50 per acre.

II

Practice No. 26, under the heading "Nitrate of Soda on Green-Manure Crops", which reads as follows:

26. Applying not in excess of 200 pounds of 16 percent nitrate of soda, or its equivalent, per acre to green-manure crops on land normally devoted to the production of commercial vegetables either at the time of seeding or immediately thereafter. Payment, 64¢ per 100 lbs.,

is stricken out and in lieu thereof the following is inserted:

26. Applying not in excess of 200 pounds of 16 percent nitrate of soda, or its equivalent, per acre to green-manure crops, when grown in connection with Practice 23 or 24 on land normally devoted to the production of commercial vegetables, either at the time of seeding or immediately thereafter. Payment, 64¢ per 100 lbs.

III

The following is added as Practice No. 27 at the end of the material in Part I:

27. Applying potash in connection with the seeding of any of the green-manure crops grown in connection with Practice 23 or 24. Payment will be limited to the application of not less than 10 pounds and not more than 75 pounds of available potash per acre. Payment, 3¢ per pound for available potash.

Done at Washington, D. C., this 23rd day of July 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2359; Filed, July 26, 1937; 12:36 p. m.]

NER—B-101—Pennsylvania—Supplement (14) Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (14)

*I. Revision of Green-Manure Practice No. 43*

*II. Revision of the Provisions under the heading "Establishing New Seedings of Clover and Timothy"*

*III. Revision of the provisions under the heading "Applying Lime and Superphosphate in Preparation for Seeding Grasses or Legumes"*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) to (13), inclusive, is hereby further amended as follows:

I

Practice No. 43, under the heading "Green-Manure Crops", which reads as follows:

43. Plowing or disking under biennial or perennial legumes (except those seeded in a nurse crop which is harvested in 1937 for hay or grain) from which no crop has been harvested and for which no seeding payment has been made under this or previous programs, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth. Payment, per acre, $2.50.

is stricken out and in lieu thereof the following is inserted:

43. Plowing or disking under either (1) annual legumes which have attained at least two months' or 12 inches' growth or (2) biennial or perennial legumes (except those seeded in a nurse

crop which is harvested in 1937 for hay or grain) from which no crop has been harvested and which have attained at least two months' or 12 inches' growth and for which either (a) no seeding payment will be or has been made under this or the 1936 program or (b) the seeding payment was not needed in order to provide a total payment equal to the soil-building allowance for the farm under the 1936 program. Payment, $2.50 per acre.

II

The provisions under the heading "Establishing New Seedings of Clover and Timothy", as revised by Supplement (7), which read as follows:

Applying, at or before the time of seeding, or, where the county committee determines that the required material is not available at that time, at the first reasonable opportunity after the time of seeding but not later than September 1, 1937, not less than the following quantities of the following materials or their equivalents[1] per acre, and seeding such land between February 1, 1937, and October 31, 1937, with a mixture of at least 6 pounds of approved varieties of clover and at least 5 pounds of timothy in an approved nurse crop, provided that the timothy may have been seeded in the fall of 1936,

are stricken out and in lieu thereof the following is inserted:

Applying, at or before the time of seeding, or, where the county committee determines that the required material is not available at that time, at the first reasonable opportunity after the time of seeding but not later than September 1, 1937, not less than the following quantities of the following materials or their equivalents[1] per acre, and seeding such land between February 1 and October 31, 1937, with either (1) a mixture of at least 6 pounds of hardy northern grown domestic or Canadian clover seed and at least 5 pounds of timothy seeded in an approved nurse crop, provided that the timothy may have been seeded in the fall of 1936, or (2) at least 12 pounds of hardy northern grown domestic or Canadian clover seed per acre.

III

The provisions under the heading "Applying Lime and Superphosphate in Preparation for Seeding Grasses or Legumes", which read as follows:

Applying, between July 15, 1937, and October 31, 1937, at least the following amounts of the following materials or their equivalents[1] per acre, to crop land if the County Committee determines that such application is made in preparation for seeding such crop land to legumes or to a grass or legume mixture in the spring of 1938.

are stricken out and the following is inserted in lieu thereof:

Applying either (1) between July 15 and October 31, 1937, at least the following amounts of the following materials or their equivalents per acre, to crop land, or (2) lime at any time in 1937 before October 31 to land which has been or is to be seeded in 1937 to buckwheat, provided that after the removal of the buckwheat the land is disked or harrowed (not plowed) and is afterward in 1937 sown to wheat or rye, if the county committee determines that such application is made in preparation for seeding such crop land to legumes or to a grass or legume mixture in the spring of 1938.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2360; Filed, July 26, 1937; 12:36 p. m.]

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WR—B-101—Arizona, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—ARIZONA—SUPPLEMENT 2

*Amendments to WRB-101—Arizona as Amended*

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payment Restricted to Effectuate Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of a Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops and Deletes Reference to Nurse Crops in Connection With Soil-Conserving Crops

Part VIII, Section 2, First Paragraph: Deletes Reference to a Poor Stand of Soil-Conserving Crops

Part VIII, Section 3: Item (e) is Deleted and a New Item (e) is Substituted in Lieu Thereof to Classify Cropland Planted to Forest Trees Between January 1, 1930, and January 1, 1934

Part XI, Section 4, Subsection B-1: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Arizona, as amended by Supplement 1, is hereby further amended:

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, (b) not fewer than three poles, or rails, nailed with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, logs, poles, rails, and jacks to be good and sound; provided, that with reference to wire fences, the posts may be set not more than 30 feet apart if stays not more than 7½ feet apart are placed in the intervening spaces. $0.30 per rod.

Part VI, Section 3, is amended to read as follows:

SECTION 3. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practices which the Secretary determines tends to defeat any of the purposes of the 1937 Program, or if such person has offset, or through any schemes or devices whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, Section 8, is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph, is amended to read as follows:

Land seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops and green manure crops, and as provided in Section 3 of this Part VIII with respect to emergency forage crops.

Part VIII, Section 2, first paragraph is amended to read as follows:

Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year.

Part VIII, Section 3 is amended by deleting item e and substituting in lieu thereof a new item e to read as follows:

e. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

Part XI, Section 4, subsection B, item 1 is amended to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of section 1, subsection D, of this Part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2347; Filed, July 26, 1937; 12:32 p. m.]

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WR—B-101—California, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—CALIFORNIA, SUPPLEMENT 2

*Amendments to WR—B-101—California as Amended*

Part IV, Section 1, Practice D: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payments Restricted to Effectuate Purposes of the Program

Part VI, Section 4, Subsection F: Provides for Determining Percentage Amount of Deductions

Part VI, Section 8, Subsection D: Establishes Location of Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops

Part XI, Section 4, Subsection B-1: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—California, as amended by Supplement 1, is further amended by this supplement as follows:

Part IV, Section 1, practice D is amended to read as follows:

D. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, poles, logs, rails, and jacks to be good and sound, provided, that on land where conditions are such that posts cannot be set regularly at the distances apart designated herein, the posts may be set not more than 30 feet apart with stays not more than 7½ feet apart placed in the intervening spaces. $0.30 per rod.

Part VI, Section 3, is amended to read as follows:

SECTION 3.—*Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, Section 4, is amended by the addition of Subsection F to read as follows:

F. Notwithstanding the provisions of Subsections A, B, and C of this Section 4, the amount of such deductions provided therein which shall be made from the payment which otherwise would be made to any person with respect to the farm shall be equal to the amount obtained by multiplying the total deduction, computed in accordance with the provisions of said Subsections A, B, and C, by the percentage of the principal crop, other than the rice crop, to which such person is entitled (such percentage to be determined in accordance with the provisions of Part V, Section 1, Subsection A); provided, however, that if sugar beets were grown on the farm in 1937 and the division of the sugar beet crop differs from the division of the principal crop, other than rice, the amount of deduction which shall be made from the payment to any person with respect to the farm shall be equal to the sum obtained by multiplying the amount of such total deductions by such person's percentage of the computed gross payment (not including any rice payment) for the farm.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary:

Part VI, Section 8, is amended by the addition of the Subsection D to read as follows:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph, is amended to read as follows:

Land seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which crop would normally be harvested, except as provided in Section 2 of this Part VIII with respect to nurse crops, cover and green manure crops and volunteer grain for pasture.

Part XI, Section 4, is amended to have subsection B-1 read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent.

Done at Washington, D. C. this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2348; Filed, July 26, 1937; 12:32 p. m.]

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WR—B-101—Colorado, Supplement 4 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—COLORADO, SUPPLEMENT 4

*Amendments to WR—B-101—Colorado as Amended*

Part III, Section 2, Subsection A-2: Clarifies Definition of Soil-Depleting Base

Part III, Section 3, Subsection C: Clarifies Classification of Designated Wind-Erosion Acreage

Part III, Section 3, Subsection F: Extends Date for Carrying Out Wind-Erosion Control Practices With Respect to Preliminary Payment

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payment Restricted to Effectuate Purposes of Program

Part VI, Section 8, Subsection D: Establishes Location of Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops

Part VIII, Section 3: Rewritten to Show Neutral Classification of Land

Part XI, Section 3, Subsection B-1: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 3 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Colorado, as amended by Supplement 1, Supplement 2, and Supplement 3, is hereby further amended:

Part III, section 2, subsection A, item 2, is amended to read as follows:

2. $4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of

all such cropland in the United States[1] for each acre diverted for payment from the soil-depleting base.

Part III, section 3, subsection C, is amended to read as follows:

C. *Wind-Erosion Control Practices.*—Payment will be made for the carrying out on designated wind-erosion acreage in 1937 such of the following practices as are approved by the County Committee for the farm prior to their institution, without such practices, when carried out on designated wind-erosion acreage, being regarded as in any way affecting the prior classification of such acreage.

Part III, section 3, subsection F, is amended to read as follows:

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before July 1, 1937, such wind-erosion control practices as are provided for in this section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

Part IV, section 1, practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, poles, rails, logs, and jacks to be good and sound: $0.30 per rod.

Part VI, section 3, is amended to read as follows:

SECTION 3—*Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, Section 8, is amended by the addition of Subsection D to read as follows:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph, is amended to read as follows:

Land seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 3 of this Part VIII, with respect to emergency forage crops, and winter pasture crops, and as provided in Part III, Section 3, Subsection C, with respect to sorghums, Sudan grass, or millets grown in 1937 on designated wind-erosion acreage.

Part VIII, section 3, is deleted in its entirety and the following is substituted in lieu thereof:

SECTION 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:
a. Idle cropland.
b. Cultivated fallow.
c. Artichokes, bulbs, nursery stocks.
d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided such use of land shall have been approved by the county committee prior to May 1, 1937.
e. Orchards, vineyards, nut trees, and bush fruits.
f. Small grains seeded as a winter cover crop and pastured, but not harvested for grain or hay.
g. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

Part XI, section 3, subsection B, item 1 is amended to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of section 1, subsection D, of this part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2355; Filed, July 26, 1937; 12:34 p. m.]

[1] The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

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WRB-101—Idaho, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—IDAHO, SUPPLEMENT 2

*Amendments to WRB-101—Idaho as Amended*

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payment Restricted to Effectuate Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of a Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops and Deletes Reference to Nurse Crops in Connection With Soil-Conserving Crops

Part VIII, Section 2, First Paragraph: Deletes Reference to Poor Stand of Soil-Conserving Crops

Part VIII, Section 3: Item (d) is Deleted and a New Item (d) Is Substituted in Lieu Thereof to Classify Cropland Planted to Forest Trees Between January 1, 1930, and January 1, 1934

Part XI, Section 3, Subsection B–1: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Idaho, as amended by Supplement 1, is further amended by this supplement as follows:

Part IV, section 1, practice F is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, logs, poles, rails, and jacks to be good and sound: $0.30 per rod.

Part VI, Section 3, is amended to read as follows:

SECTION 3. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, Section 8, is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph is amended to read as follows:

Land devoted to any of the following uses or seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to summer fallow, emergency forage crops, and winter cover crops.

Part VIII, Section 2, first paragraph is amended to read as follows:

Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of this Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow.

Part VIII, Section 3, is amended by deleting item d and substituting in lieu thereof a new item d which reads as follows:

d. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

Part XI, Section 3, Subsection B, item 1 is amended to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, subsection D, of this part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2349; Filed, July 26, 1937; 12:33 p. m.]

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WR—B-101—Kansas, Supplement 4 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—KANSAS, SUPPLEMENT 4

*Amendments to WR—B-101—Kansas as Amended*

Part I: Clarifies Definition of Range Land

Part III, Section 4, Subsection C: Clarifies Classification of Designated Wind-Erosion Acreage

Part III, Section 4, Subsection F: Extends Date for Carrying Out Wind-Erosion Control Practices With Respect to Preliminary Payment

Part IV, Section 1, First Paragraph: Limits Payment for Range-Building Practices to the Range-Building Allowance

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences



Part VI, Section 3: Payments Restricted to Effectuate Purposes of the Program

Part VI, Section 4: Clarifies Method of Determining Deductions

Part VI, Section 8, Subsection D: Establishes Location of a Farm When it is Divided by County Lines

Part VIII, section 1, Clarifies Meaning of Soil-Depleting Crops

Part VIII, Section 3: Rewritten to Show Natural Classification of Land

Part XI, Section 4, Subsection B–1: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101–Kansas, as amended by Supplement 1, Supplement 2, and Supplement 3, is hereby further amended:

Part I, the definition of "Range Land" is amended to read as follows:

*Range land* means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part III, section 4, subsection C, is amended to read as follows:

C. *Wind-Erosion Control Practices.*—Payment will be made for the carrying out on designated wind-erosion acreage in 1937 such of the following practices as are approved by the county committee for the farm prior to their institution, without such practices, when carried out on designated wind-erosion acreage, being regarded as in any way affecting the prior classification of such acreage.

Part III, section 4, subsection F, is amended to read as follows:

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before July 1, 1937, such wind-erosion control practices as are provided for in this section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection 6 above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

Part IV, section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, section 1, practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, poles, rails, logs, and jacks to be good and sound $0.30 per rod.

Part VI, section 3, is amended to read as follow:

SECTION 3.—*Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice

which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, section 4, subsection B, is amended to read as follows:

D. If the total acreage of soil-conserving crops on any farm upon which an acreage of cotton or tobacco is diverted for payment in 1937 does not equal or exceed the sum of (1) the normal soil-conserving acreage established for the farm, and (2) the acreage diverted for payment from the cotton and tobacco soil-depleting bases, a deduction shall be made from any payment which otherwise would be made with respect to the farm at the rate of $3.00 for each acre by which the total acreage of soil-conserving crops on the farm in 1937 is less than such sum.

Part VI, section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, section 8, is amended by the addition of subsection D to read as follows:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, section 1, first paragraph, is amended to read as follows:

Land seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in section 2 of this part VIII with respect to nurse crops, as provided in section 3 of this part VIII, with respect to emergency forage crops, and winter cover crops, and as provided in part III, section 4, subsection C, with respect to sorghums, Sudan grass, or millets grown in 1937 on designated wind-erosion acreage.

Part VIII, section S, is deleted in its entirety and the following is substituted in lieu thereof:

SECTION 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Idle cropland.
b. Cultivated fallow.
c. Artichokes, bulbs, nursery stocks.
d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; *provided*, such use of land shall have been approved by the county committee prior to May 1, 1937.
e. Small grains seeded as a winter cover crop and pastured, but not harvested for grain or hay.
f. Orchards, vineyards, nut trees, and bush fruits.
g. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

Part XI, section 4, subsection B, item 1, is amended to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of section 1, subsection D, of this part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN.
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2356; Filed, July 26, 1937; 12:35 p. m.]

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WR—B-101—Pondera County—Montana Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—PONDERA COUNTY—MONTANA

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2. Adjustment in Payments.

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of Section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Pondera County—Montana, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Section 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act. The rates of payment, deductions, and allowances herein set out are computed upon the basis of 85 percent participation. Such rates of payment, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

*Part I. Definitions*

As used herein and all forms and documents relating to the 1937 Agricultural Conservation Program in Pondera County, Montana, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee or State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Montana.

*County committee or county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.



*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share Tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming Unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland.

*Sugar-Beet Payment* means a payment made with respect to land on which sugar beets are grown in 1937.

*Soil-Building Payment* means a payment for the carrying out of approved soil-building and soil-conservation practices.

*Farm Allowance* means the largest amount for any farm which may be earned as soil-building payments on such farm.

*Non-Crop Pasture Land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-Building Payment* means a payment for the carrying out of approved range-building practices.

*Range-Building Allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch Operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range Land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

*Ranching Unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal Unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.[1]

*Grazing Capacity* of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

[1] Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

*Commercial Vegetables* means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

*Part II. Rates and Conditions of Sugar-Beet Payments*

Payment will be made in connection with the utilization in 1937 of the land on any farm in Pondera County, Montana, at the rates and subject to the conditions set forth herein:

SECTION 1. *Sugar-Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar-beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is as well adapted to sugar beets as the land on which the sugar beets are grown; or

B. Both of the following:

1. Sugar beets are grown in 1937 on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936,

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is as well adapted to sugar beets as the land on which the sugar beets are grown.

Provided, however, that if either 1 or 2 alone is performed, the payment will be one half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar-beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

*Part III. Rates and Conditions of Soil-Building Payment*

SECTION 1. *Soil-Building Payment.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building or soil-conservation practices listed below, provided that the payment for such practices with respect to any farm shall not exceed the allowance for the farm.

The practices prescribed in this Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payment will be made for the practice prescribed in Item T in addition to any other practice prescribed herein, payment will be made for the practice prescribed in Item J (Establishment of Strip Cropping and Fallow) in addition to the practice prescribed in Item K, 1 (Approved Fallow), payment will be made for the

practice prescribed in item L (Cover Crop) in addition to the practice prescribed in item K, 2 (Approved Block Fallow), payment will be made for the practice prescribed in item F (Crested Wheat Grass) in addition to the practice prescribed in item J, (Establishment of Strip Cropping and Fallow), payment will be made for any one of the practices prescribed in items A, B, D, E, or F (Seeding of Legumes or Grasses) in addition to the practice prescribed in item N (Diking for Flood Water Diversion), payment will be made for the practice prescribed in item F (Crested Wheat Grass) in addition to the practice prescribed in item P (Solid Contour Listing).

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. Perennial legumes including, alfalfa, kudzu, sericea, white clover, and such other perennial legumes as are approved by the Director of the Western Division,

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $5.00 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used under either of the following conditions: $3.00 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes including red clover, alsike clover, and mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: $3.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: $2.00 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Annual and biennial sweet clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $2.50 per acre.

2. Seeding on cropland under either of the following conditions: $1.50 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Seeding and establishment of perennial grasses including bluegrass, orchard, Bermuda, brome, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on cropland in 1937, under either of the following conditions:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay: $2.50 per acre.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: $4.00 per acre.

2. Seeding on cropland in 1937, under either of the following conditions, $2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Crested wheat grass seeded on cropland in 1937: $5.00 per acre.

G. *Restoring to native grass.*— Land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which is in accordance with good farming practices should be permanently devoted to grass; $0.25 per acre; *Provided,*

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass,

2. Approval has been obtained from the county committee, and

3. Such land is not pastured, cropped or tilled in 1937.

H. *Forest Trees.*—

1. Planting of trees on cropland in 1937 provided the land is maintained in a good state of cultivation and the plantings are protected from livestock, with not less than 200 living trees per acre at the time performance is checked. Approval by the county committee of the site for such planting shall have been obtained before planting: $10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: $4.00 per acre.

I. *Perennial noxious weed control.*—When, after approval of the county committee, seriously infested plots of Canadian thistle, bindweed or wild morning glory, White top, leafy spurge, Russian knapweed are controlled by periodic cultivation or by chemical treatment in accordance with specifications recommended by the county committee and approved by the Director of the Western Division.

1. Chemical treatment; $10.00 per acre.

2. Periodic cultivation; $5.00 per acre.

J. Establishment of strip cropping and fallow. The fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width with intervening strips of small grain crops or small grain stubble the width or twice the width of the fallow strips. The first tillage operation must be completed before July 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for that practice in 1936; $1.00 per acre.

K. *Approved fallow.*—Approved fallow on cropland carried out in accordance with the following provision: (a) First tillage operation to be completed not later than June 1; provided, however, such date may be extended by the county committee not to exceed 15 days on account of seasonal variation and moisture conditions. The exact date of extension shall be announced by the county committee not later than May 25, (b) Approved implements for first tillage operation to be: disc harrow, one-way disc, field cultivator, or plow; deep tillage machine may be used provided deep tillage has not taken place in 1935 or 1936, (c) Final cultivation for the season to leave the surface with a cloddy mulch or surface trash or ridged approximately at right angles to the prevailing winds.

1. Carried out on the fallow strips of the strip cropping and fallow strip practice: $1.25 per acre.

2. Carried out on entire fields which is commonly referred to as "block fallow": $1.00 per acre.

Any acreage which the county committee determines has been handled in accordance with the above provisions but which they further determine is subject to severe wind erosion shall not qualify under these practices.

L. *Cover crop.*—Seeding of small grains other than rye or winter wheat on summer fallowed land after July 15 and left as a winter cover crop, $0.50 per acre.

M. *Green manure crop.*—Annual legumes including soybeans, cowpeas, field beans, and field peas, when seeded on irrigated cropland in 1937 and turned under after attaining at least two months' growth. $2.00 per acre.

N. *Diking for flood water diversion:* $1.00 per acre. Diked for Flooding:

1. When practiced on non-irrigated cropland in 1937, in accordance with specifications approved by the Director of the Western Division.

2. When practiced on non-crop pasture land in 1937 in accordance with specifications approved by the Director of the Western Division; provided, that after inspection of the proposed diking area the county committee approves such practice.

O. *Terracing.*—Establishment of terraces on cropland in 1937, provided, however, plans for the terracing project are approved in advance by the county committee and such practice is carried out in accordance with specifications approved by the Director of the Western Division: $0.40 per 100 linear feet.

P. *Solid contour listing.*—When practiced on cropland in 1937 in accordance with specifications approved by the Western Division: $1.00 per acre.

Q. The following practice will be applicable only to non-crop pasture acreage. Reseeding with native perennial grasses in 1937 in accordance with specifications recommended by the State Committee and approved by the Director of the Western Division: $0.20 per pound of seed sown not in excess of $2.00 per acre.

R. *Control of Rodents.*—For destroying at least 90 percent of the crop destroying rodents on infested areas of non-crop pasture subject to prior approval and designation by the county committee.



1. Ground squirrels and prairie dogs: $0.06 per acre.

S. Earthen pits or reservoirs for holding run-off and impounding precipitation. For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

T. *Diversion.*—With respect to farms effecting diversion from the soil-depleting base, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of 15 percent of such base, at the rate of $5.00 per acre, varying among individual farms as the productivity of the cropland on each such farm varies from the productivity of all cropland in Pondera County: $5.00 (Varied by productivity of farm).

SECTION 2. *Farm Allowance.*—The farm allowance for a farm shall be $20.00 for each farm, or the sum of the following items, whichever is the larger:

1. $0.85 for each acre of cropland on the farm in 1937, varying among the individual farms as the productivity of the cropland of the farm varies from the average productivity of all such cropland in Pondera County.

2. $1.09 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

*Part IV. Rates and Conditions of Range-Building Payments*

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for a ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. *Contouring.*—For each acre furrowed on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: $0.50 per acre.

B. *Development of Springs and Seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank, or where piping is impractible, a concrete tank may be constructed at the seep: $50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: $0.15 per cubic yard of fill or excavation.

D. *Wells.*—For the drilling or digging of wells, casing to be not less than 2 or 4 inches in diameter, provided a windmill or power pump is installed and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or pipe to a tank or storage reservoir: $1.00 per linear foot for a 4-inch casing, $0.50 per linear foot for a 2-inch casing.

E. *Water spreading to prevent soil washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, subsurface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, Farm Drainage, Published by the U. S. Department of Agriculture): $0.10 per 100 linear feet.

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braces on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, logs, poles, rails, and jacks to be good and sound: $0.30 per rod.

G. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses as follows: $0.20 per pound of seed sown:

1. Crested wheat grass.
2. Slender wheat grass.
3. Western wheat grass.
4. Brome grass.

H. For establishing fire guards not less than four feet in width, by plowing furrows or otherwise exposing the soil: $0.03 per 100 linear feet.

I. *Rodent Control.*—For destroying at least 90 percent of the range-destroying rodents on an infested area as follows:

1. Prairie dogs: $0.07½ per acre.
2. Ground squirrels: $0.06 per acre.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: $0.35 per animal unit for each full month.

K. Mountain Meadow Land Practices Applicable Only if an Acreage Allowance for Mountain Meadow Land is Established under Section 2 of this Part IV.

1. *Reseeding Mountain Meadow Land*—For reseeding mountain meadow land with good seed of adapted varieties of the following perennial grasses and legumes or mixtures thereof; brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division: $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. *Earthern Dams for Erosion Control on Mountain Meadows.*—For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthern dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land: $0.15 per cubic yard of fill, but not in excess of $50.00 for each dam.

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof, plus 40 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

SECTION 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to the deductions for increase in acreage of soil-depleting crops.

SECTION 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators; Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

*Part V. Division of Payments*

SECTION 1. *Division of Payments between Owner and Operator.*—A. All payments, except sugar-beet and range-building payments, shall be divided among owners and share tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however,* That

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SECTION 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part VI. General Conditions for Payment*

SECTION 1. *Modifications for Farms under Special Program.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin, no payments will be made for changes in the use of land which involve the destruction of foods, fibers or feed grains.

SECTION 3. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 Program, or if such person has offset, or through any schemes or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

SECTION 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate of payment per acre for diversion from the soil-depleting base (Part III, Section 1, Practice T) as determined for the farm in accordance with Part X, Section 1; *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres. For each acre of land on the farm plowed, from native sod in 1937 in excess of 10, a deduction shall be made from the farm allowance for such farm, computed by multiplying the number of such acres in excess of 10 by the rate determined for such farm under Part III, Section 2, item 1, *provided, however,* such deduction shall not apply to the farm when an equal acreage of soil-conserving crops is seeded on the farm in 1937 or an equal acreage of cropland is retired from production on the farm in 1937.

SECTION 5. *Change in Lease or Cropping Arrangements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping arrangement for the farm for the purpose of, or which would have the effect of diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SECTION 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of the Pondera County Agricultural Conservation Association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act. There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be $20.00 or less.

SECTION 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937, covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State Committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.



C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

*Part VII. Establishment of Bases*

SECTION 1. *Soil-Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in Pondera County will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SECTION 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base.

SECTION 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth: (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII. Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops; and as provided in Section 3 of this Part VIII with respect to summer fallow, and emergency forage crops:

a. Small grains, including flax.
b. Corn (field, sweet, and popcorn).
c. Potatoes.
d. Sugar beets.
e. Root crops grown for feed.
f. Cultivated sunflowers.
g. Mustard (commercial).
h. Rape.
i. Truck and vegetable crops and their seed; melons, and strawberries.
j. Grain sorghums, sweet sorghum, broom corn and Sudan grass, harvested for seed, grain, or hay; or pastured.
k. Millets.
l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay.
m. Cultivated fallow (summer fallow) unless otherwise provided.

SECTION 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following crops in 1937, excluding such cropland upon which no stand of a soil-conserving crop is secured in 1937, shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year and except as provided in Section 3 of this Part VIII with respect to the seeding of perennial or biennial legumes or perennial grasses following summer fallow:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: alfalfa, sweet, red, alsike, white, strawberry, Ladino, Mammoth, crimson, bur and sour clover, Austrian winter peas, serices, kudzu.

2. Grasses: bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's canary grass and velvet grass.

b. Green manure crops on irrigated land only, including annual legumes when turned under in 1937 after attaining at least two months' growth, when not followed by summer fallow.

c. Forest trees planted on cropland since January 1, 1934.

SECTION 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Bulbs and nursery stock.

d. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.

e. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, sorghum, winter rye, corn, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the county committee prior to July 15, 1937.

f. Cropland planted to forest trees between January 1, 1930, and December 31, 1933.

*Part IX. Appeals*

SECTION 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

*Part X. Diversion and Farm Allowance Rates*

SECTION 1. For any individual farm the rate of payment for diversion set up under Practice T of Part III and the rate to be used in computing the farm allowance with respect to acreage of cropland under Section 2 of Part III shall be determined by multiplying the applicable average rate per acre by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in the county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration because of the fact that the average productivity of all farms participating in the program is found to be higher than the average productivity of all farms in the county.

*Part XI. Multiple Farm Holdings*

SECTION 1. *Determination of Soil-Building Payments.*—The amount of soil-building payment to be made to any person for carrying out approved soil-building or soil-conserving practices shall be computed on all farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building or soil-conserving practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. For each farm compute the applicant's share of the farm allowance (without regard to the minimum farm allowance) and total the amounts thus obtained.

C. The amount obtained under A, above, or the amount obtained under B, above, whichever is the smaller, shall be the amount of soil-building payment to the applicant.

SECTION 2. *Adjustment in Payments.*—In the event that any person who makes application for payment with respect to any farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2361; Filed, July 26, 1937; 12:37 p. m.]

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WR—B-101—Nevada, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—NEVADA, SUPPLEMENT 2

*Amendments to WR B-101—Nevada as Amended*

Part IV, Section 1, Practice D: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payments Restricted to Effectuate Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops

Part XI, Section 3, Subsection B–1: Clarifies definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Nevada, as amended by Supplement 1, is further amended by this supplement as follows:

Part IV, Section 1, practice D is amended to read as follows:

D. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than three binding wires; all posts, logs, poles, rails and jacks to be good and sound: $0.30 per rod.

Part VI, section 3, is amended to read as follows:

SECTION 3.—Payments Restricted to Effectuation of Purposes of the Program:

No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, section 8, subsection B, is amended to read as follows:



B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, section 8, is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph, is amended to read as follows:

Land seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops.

Part XI, Section 3, subsection B, item 1, is amended to read as follows:

1. Multiply the class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, subsection D, of this part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2350; Filed, July 26, 1937; 12:33 p. m.]

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WR—B-101—New Mexico, Supplement 4 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 4

*Amendments to WR—B-101—New Mexico as Amended*

Part III, Section 3, Subsection C: Clarifies Classification of Designated Wind-Erosion Acreage

Part III, Section 3, Subsection F: Extends Date for Carrying Out Wind-Erosion Control Practices With Respect to Preliminary Payment

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payments Restricted to Effectuate the Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of a Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Base and Deletes Reference to Nurse Crops in Connection With Conserving Crops

Part VIII, Section 2, First Paragraph: Deletes Reference to Poor Stand of Soil-Conserving Crops

Part VIII, Section 3: Rewritten to Show Neutral Classification of Land

Part XI, Section 4: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—New Mexico, as amended by Supplement 1, Supplement 2, and Supplement 3, is hereby further amended:

Part III, section 3, subsection C, is amended to read as follows:

C. *Wind-Erosion Control Practices.*—Payment will be made for the carrying out on designated wind-erosion acreage in 1937 such of the following practices as are approved by the county committee for the farm prior to their institution, without such practices, when carried out on designated wind-erosion acreage, being regarded as in any way effecting the prior classification of such acreage.

Part III, section 3, subsection F, is amended to read as follows:

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before July 1, 1937, such wind-erosion control practices as are provided for in this section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 agricultural conservation program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

Part IV, section 1, practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, poles, rails, logs, and jacks to be good and sound: $0.30 per rod.

Part VI, section 3, is amended to read as follows:

SECTION 3. Payments Restricted to Effectuation of Purposes of the Program:

No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, section 8, is amended by the addition of subsection D to read as follows:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, section 1, first paragraph, is amended to read as follows:

Land seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in section 2 of this part VIII with respect to nurse crops and green manure crops, as provided in section 3 of this part VIII, with respect to pastured winter cover crops, and emergency forage crops; and as provided in part III, section 3, subsection C, with respect to sorghums, Sudan grass, or millets grown in 1937 on designated wind-erosion acreage.

Part VIII, section 2, first paragraph, is amended to read as follows:

Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of section 1 of part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year.

Part VIII, section 3, is deleted in its entirety and the following is substituted in lieu thereof:

SECTION 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Cultivated fallow.

d. Bulbs and nursery stock.
e. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.
f. Small grains seeded as a winter cover crop and pastured, but not harvested for grain or hay.
g. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; *provided*, such use of land shall have been approved by the country committee prior to May 1, 1937.

Part XI, section 4, subsection B, item 1, is amended to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of section 1, subsection D, of this part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2357; Filed, July 26, 1937; 12:35 p. m.]

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WR—B-101—Oregon, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—OREGON, SUPPLEMENT 2

*Amendments to WR—B-101—Oregon as Amended*

Part III, Section 1, Subsection U-2: Extends Practice to Four Additional Counties

Part IV, Section 1, Practice F: Addition of Poles and Logs As Fencing Material for Range Fences

Part VI, Section 3: Payments Restricted to Effectuate Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of A Farm When Is Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops and Deletes Reference to Nurse Crops in Connection with Conserving Crops

Part VIII, Section 2, First Paragraph: Delctes Reference to Poor Stand of Soil-Conserving Crops

Part VIII, Section 3, Item (d): Item (d) is Deleted and A New Item (d) is Substituted in Lieu Thereof to Classify Cropland Planted to Forest Trees Between January 1, 1930, and January 1, 1934

Part XI, Section 3, Subsection B-1: Clarifies definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Oregon, as amended by Supplement 1, is further amended by this supplement as follows:

Part III, section 1, subsection U, item 2 is amended to read as follows:

2. 100 pounds per acre, containing 20 percent available sulphur or its sulphur equivalent, on land in Benton, Multnomah, Clackamas, Marion, Linn, Columbia, Yamhill, Lane, Washington, Polk, Josephine, Jackson, Douglas and Hood River Counties, $1.00 per acre.

Part IV, Section 1, Practice F is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, logs, poles, rails and jacks to be good and sound, $0.30 per rod.

Part VI, Section 3, is amended to read as follows:

Section 3. Payments Restricted to Effectuation of Purposes of the Program:
No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, Section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, Section 8, is amended by the addition of subsection D to read as follows:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph, is amended to read as follows:

Land devoted to any of the following uses or seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to summer fallow, emergency forage crops, cover crops, and support crops.

Part VIII, Section 2, first paragraph, is amended to read as follows:

Crop land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to the seeding of soil-conserving crops following summer fallow.

Part VIII, Section 3, is amended by deleting item d and substituting in lieu thereof a new item d, which reads as follows:

d. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

Part XI, Section 3, Subsection B, item 1, is amended to read as follows:

1. Multiply the Class 1 payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, subsection B, of this Part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2351; Filed, July 26, 1937; 12:33 p. m.]

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WR—B-101—Utah, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—UTAH, SUPPLEMENT 2

*Amendments to WR—B-101—Utah as Amended*

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences



Part VI, Section 3: Payment Restricted to Effectuate Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of a Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops

Part XI, Section 3, Subsection B-1: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Utah as amended by Supplement 1 is further amended by this supplement as follows:

Part IV, section 1, practice F is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than four logs laid in worm-like fashion, with corners to be notched and saddled or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together, with not less than three binding wires; all posts, logs, poles, rails, and jacks to be good and sound: $0.30 per rod.

Part VI, section 3, is amended to read as follows:

SECTION 3. Payments Restricted to Effectuation of Purposes of the Program:
No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, Section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, section 8, is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, section 1, first paragraph, is amended to read as follows:

Land devoted to any of the following uses or seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in section 2 of this part VIII with respect to nurse crops, and cover and green manure crops, and as provided in section 3 of this part VIII with respect to soil-conserving crops following summer fallow.

Part XI, section 3, subsection B, item 1, is amended to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of section 1, subsection D, of this part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2352; Filed, July 26, 1937; 12:34 p. m.]



WR—B-101—Weber and Davis Counties, Utah, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—WEBER AND DAVIS COUNTIES, UTAH, SUPPLEMENT 2

*Amendments to WR—B-101—Weber and Davis Counties, Utah, as Amended*

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payment Restricted to Effectuate Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of a Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Weber and Davis Counties, Utah, as amended by Supplement 1 is further amended by this supplement as follows:

Part IV, Section 1, Practice F is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than four logs laid in worm-like fashion, with corners to be notched and saddled or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together, with not less than three binding wires; all posts, logs, poles, rails, and jacks to be good and sound, $0.30 per rod.

Part VI, Section 3, is amended to read as follows:

SECTION 3. Payments Restricted to Effectuation of Purposes of the Program.
No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, Section 8 is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph is amended to read as follows:

Land devoted to any of the following uses or seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this part VIII with respect to nurse crops, and cover and green manure crops, and as provided in Section 3 of this part VIII with respect to soil-conserving crops following summer fallow.

Done as Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2346; Filed, July 26, 1937; 12:32 p. m.]

WR—B–101—Washington, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—WASHINGTON, SUPPLEMENT 2

*Amendments to WR—B–101—Washington as Amended*

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payments Restricted to Effectuate Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of a Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops and Deletes Reference to Nurse Crops in Connection with Soil-Conserving Crops

Part VIII, Section 2, First Paragraph: Deletes Reference to Poor Stand of Soil-Depleting Crops

Part VIII, Section 3: Item (d) Is Deleted and a New Item (d) Is Substituted in Lieu Thereof to Classify Cropland Planted to Forest Trees Between January 1, 1930, and January 1, 1934

Part XI, Section 3, Subsection B–1: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Washington, as amended by Supplement 1, is further amended by this supplement as follows:

Part IV, section 1, practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than 4 logs laid in worm-like fashion, with corners to be notched and saddled, or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than 3 binding wires; all posts, logs, poles, rails, and jacks to be good and sound: $0.30 per rod.

Part VI, Section 3, is amended to read as follows:

SECTION 3. Payments Restricted to Effectuation of Purposes of the Program: No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.

Part VI, Section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, Section 8, is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, Section 1, first paragraph is amended to read as follows:

Land devoted to any of the following uses or seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and green manure crops, and as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow, emergency forage crops, cover crops, and support crops.

Part VIII, Section 2, first paragraph, is amended to read as follows:

Cropland devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of this Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year; and except as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow.

Part VIII, Section 3, is amended by deleting item d and substituting in lieu thereof a new item d to read as follows:

d. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

Part XI, Section 3, Subsection B, item 1, is amended to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, subsection D, of this Part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37–2353; Filed, July 26, 1937; 12:34 p. m.]

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WR—B–101—Wyoming, Supplement 2 Issued July 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR—BULLETIN NO. 101—WYOMING SUPPLEMENT 2

*Amendments to WR—B–101—Wyoming as Amended*

Part IV, Section 1, Practice F: Addition of Poles and Logs as Fencing Material for Range Fences

Part VI, Section 3: Payments Restricted to Effectuate Purposes of the Program

Part VI, Section 8, Subsection D: Establishes Location of a Farm When It Is Divided by County Lines

Part VIII, Section 1, First Paragraph: Clarifies Meaning of Soil-Depleting Crops

Part VIII, Section 3: Classifies Cropland Planted to Forest Trees Between January 1, 1930 and January 1, 1934

Part XI, Section 3, Subsection B–1: Clarifies Definition of Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Wyoming, as amended by Supplement 1 is further amended by this supplement as follows:

Part IV, section 1, practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart, or (c) not fewer than four logs laid in worm-like fashion, with corners to be notched and saddled or braced on either side at point of log intersection with two upright poles or other suitable bracing material wired together with not less than three binding wires; all posts, logs, poles, rails, and jacks to be good and sound: $0.30 per rod.

Part VI, Section 3, is amended to read as follows:

SECTION 3. Payments Restricted to Effectuation of Purposes of the Program:
No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made.



Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Part VI, Section 8, is amended by the addition of the following subsection D:

D. A farm located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farm shall be regarded as located in the county in which the major portion of such farm is located.

Part VIII, section 3, is amended by the addition of item f as follows:

f. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

Part VIII, section 1, first paragraph, is amended to read as follows:

Land seeded to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in section 2 of this part VIII with respect to nurse crops, and as provided in section 3 of this part VIII with respect to emergency forage crops.

Part XI, section 3, subsection B, item 1, is amended to read as follows:

1. Multiply the Class I payment to the applicant for diversion from the general soil-depleting base, determined in accordance with the provisions of section 1, subsection D, of this part XI, by 66.7 percent.

Done at Washington, D. C., this 23rd day of July, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37–2354; Filed, July 26, 1937; 12:34 p. m.]

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## FARM CREDIT ADMINISTRATION.

[FCA 51]

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE, OF DEPUTY GOVERNORS TO ACT AS GOVERNOR IN THE ABSENCE OF THE LATTER

MARCH 20, 1937.

1. F. F. Hill, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

2. Arthur T. Esgate, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Hill are both unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

3. Herbert Emmerich, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Hill, and Deputy Governor Esgate are unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

4. This regulation shall not operate to limit or restrict the Governor of the Farm Credit Administration in the execution and performance (in Washington or elsewhere) of any functions, powers, authority, or duties vested in him.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37–2342; Filed, July 26, 1937; 11:33 a. m.]

[FCA 52]

AUTHORITY OF DEPUTY GOVERNORS, DIRECTOR OF FINANCE AND RESEARCH, AND CHIEF, SECURITIES SUBDIVISION TO AUTHORIZE CASH AND SECURITY TRANSACTIONS

MARCH 15, 1937.

F. F. Hill, Deputy Governor, A. T. Esgate, Deputy Governor, E. H. LeMasters, Director of Finance and Research, and W. T. McKeown, Chief, Securities Subdivision, severally and not jointly, are hereby authorized to approve, and issue instructions regarding, the purchase and/or sale of securities and the disposition of cash and/or securities held for account of the various registrars, as property of the Federal land banks, joint stock land banks, Federal intermediate credit banks, production credit corporations, and/or banks for cooperatives, subject to the order of the Governor of the Farm Credit Administration.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37–2343; Filed, July 26, 1937; 11:33 a. m.]

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[FCA 53]

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE, OF ASSISTANT GENERAL COUNSEL AND GENERAL SOLICITOR TO ACT AS GENERAL COUNSEL IN THE ABSENCE OF THE LATTER

JUNE 22, 1937.

1. The Assistant General Counsel in charge of the Land Bank Section of the Legal Division is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of General Counsel of the Farm Credit Administration, in the event that the General Counsel is unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

2. The General Solicitor of the Farm Credit Administration is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of General Counsel of the Farm Credit Administration, in the event that the General Counsel and the Assistant General Counsel in charge of the Land Bank Section of the Legal Division are unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

3. This regulation shall not operate to limit or restrict the General Counsel of the Farm Credit Administration in the execution and performance (in Washington or elsewhere) of any functions, powers, authority, or duties vested in him.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37–2344; Filed, July 26, 1936; 11:33 a. m.]

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[FCA 54]

FUNCTIONS, POWERS, AUTHORITY, AND DUTIES OF COOPERATIVE BANK COMMISSIONER AND DEPUTY COOPERATIVE BANK COMMISSIONERS

JUNE 18, 1937.

1. The Cooperative Bank Commissioner shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties pertaining to (1) the administration of the provisions of law relative to the Central Bank for Cooperatives and the banks for cooperatives and (2) the administration of the provisions of the Act of Congress approved July 2, 1926 (44 Stat. 802), generally referred to as the Cooperative Marketing Act.

2. J. E. Wells, Jr., Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

3. J. D. Lawrence, Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner in the event that the Cooperative Bank Commissioner and J. E. Wells, Jr., Deputy Cooperative Bank Commissioner, are both unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

4. The provisions hereinbefore set forth shall not operate to limit or restrict the Governor of the Farm Credit Administration in the execution and performance (in Washington or elsewhere) of any functions, powers, authority, or duties vested in him.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-2345; Filed, July 26, 1937; 11:34 a.m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION.

### CORRECTED ORDER DIRECTING REPORT OF CONDITION

Paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended, provides as follows:

Each insured State nonmember bank (except a District bank) shall make to the Corporation reports of condition in such form and at such times as the board of directors may require. The board of directors may require such reports to be published in such manner, not inconsistent with any applicable law, as it may direct. Every such bank which fails to make or publish any such report within such time, not less than five days, as the board of directors may require, shall be subject to a penalty of not more than $100 for each day of such failure recoverable by the Corporation for its use.

Pursuant to the provisions of paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended, it is ordered that each insured nonmember bank, except a District bank, shall submit to the Federal Deposit Insurance Corporation, within ten days after receipt of this Order, a report of its condition as of the close of business June 30, 1937, on Form No. 64, Call No. 7, which is hereby approved. Said report of condition shall be prepared in accordance with the instructions issued under date of June 23, 1937, in Form No. 64a—Call No. 7, which is hereby approved.

Adopted by the Board of Directors of the Federal Deposit Insurance Corporation on July 7, 1937.

[SEAL] W. G. LOEFFLER,
*Assistant Secretary.*

[F. R. Doc. 37-2335; Filed, July 24, 1937; 12:51 p.m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5461]

### IN THE MATTER OF H. JEROME JASPAN, COMPLAINANT VS. PHILADELPHIA ELECTRIC COMPANY, DEFENDANT

ORDER SETTING HEARING

It appearing to the Commission that the matters involved in the above case are now at issue;

It is ordered:

That a public hearing be held thereon on August 26, 1937, at 10: 00 a. m. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on July 20, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2339; Filed, July 26, 1937; 10:10 a. m.]

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5474]

### IN THE MATTER OF APPLICATION OF THE TENNESSEE ELECTRIC POWER COMPANY UNDER SECTION 204 (A) FOR AUTHORITY TO ISSUE AND SELL ITS FIRST AND REFUNDING MORTGAGE BONDS

ORDER SETTING HEARING

Upon application filed July 20, 1937, by The Tennessee Electric Power Company, a corporation organized under the laws of the State of Maryland, for authority under section 204 (a) of the Federal Power Act to issue and sell its first and refunding mortgage bonds:

It is ordered:

That a hearing be held on said application on August 25, 1937, at 10 a. m. in the Commission's hearing room, 1800 Pennsylvania Avenue, Northwest, Washington, D. C.

Adopted by the Commission on July 20, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2338; Filed, July 26, 1937; 10:10 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of July, A. D. 1937.

### IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-BENJAMIN TRACT, FILED ON JULY 12, 1937, BY ROBERT L. KINKAID, INC., RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2369; Filed, July 26, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of July, 1937.

[File No. 7-181]

### IN THE MATTER OF NASH-KELVINATOR CORPORATION CAPITAL STOCK, $5 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12(F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Detroit Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of Nash-Kelvinator Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, that the matter be set down for hearing at 10:00 A. M. on Thursday, September 9, 1937 in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2366; Filed, July 26, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of July, 1937.

[File No. 7-99]

### IN THE MATTER OF BETHLEHEM STEEL CORPORATION COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Philadelphia Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Bethlehem Steel Corporation; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Philadelphia Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, No Par Value, of Bethlehem Steel Corporation be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2363; Filed, July 26, 1937; 12:40 p.m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of July, 1937.

[File No. 7-100]

### IN THE MATTER OF THE STUDEBAKER CORPORATION COMMON STOCK, $1.00 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES IN ODD LOTS ONLY

The Philadelphia Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Common Stock, $1.00 Par Value, of The Studebaker Corporation; and

After appropriate notice, a hearing having been held in this matter and the Commission having this day made and filed its findings herein;

It is ordered that the application of the Philadelphia Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Common Stock, $1.00 Par Value, of The Studebaker Corporation be and the same is hereby granted in respect of trading in such security in odd lots only, and denied in respect of trading therein in round lots.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2364; Filed, July 26, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of July, 1937.

[File No. 1-182]

### IN THE MATTER OF THE PURE OIL COMPANY 5¼% PREFERRED STOCK, $100 PAR VALUE 6% PREFERRED STOCK, $100 PAR VALUE 8% PREFERRED STOCK, $100 PAR VALUE COMMON SHARES, NO PAR VALUE

ORDER POSTPONING HEARING

The Pure Oil Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its 5¼% Preferred Stock, $100 par value, 6% Preferred Stock, $100 par value, 8% Preferred Stock, $100 par value and Common Shares, no par value, from listing and registration on the Cincinnati Stock Exchange; and

The Commission having ordered that the matter be set down for hearing on August 10, 1937, in Chicago, Illinois; and

Said issuer having requested a postponement of said hearing;

It is ordered, that said hearing be postponed until 10:00 A. M. on Friday, October 15, 1937, in Room 630, Bankers Building, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as may be determined by the Commission or its officers presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2365; Filed, July 26, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of July, A. D., 1937.

### IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE BRITISH-AMERICAN-ROANOKE-POWELL-HIGHLAND-RUSSELL TRACT, FILED ON JULY 1, 1937, BY JAMES W. TAIT CO., INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission

under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 17, 1937, be effective as of July 17, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2362; Filed, July 26, 1937; 12:40 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-DERBY-MICHAELIS TRACT, FILED ON JULY 6, 1937, BY R. L. WILLIAMS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER EXPLANATION

The Securities and Exchange Commission, having received an explanation of the matters alleged as constituting the grounds for the suspension of the effectiveness of the filing of the offering sheet described in the title hereof, which order was entered on July 13, 1937;

It is ordered that the Temporary Suspension Order and Notice of Opportunity for Hearing, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2367; Filed, July 26, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS ROYALTY INTERESTS IN THE WILCOX-NEUFELD TRACT, FILED ON JULY 16, 1937, BY ANDREW J. BARRETT, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information given under Division II, Item 20 (b), relative to the percentage of water in fluid produced from the tract involved, is not believed to be correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2368; Filed, July 26, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE TIDEWATER-SHAFFER TRACT, FILED ON JULY 16, 1937, BY SUPREME OIL, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information disclosed under Division II, Items 18 (a) and (e), and 19 (c) and (e), is not believed to be correct for the reason that it does not agree with similar information disclosed by the plat attached to the offering sheet as Exhibit A;

(2) In that the Commission has information that well No. 4, shown on the plat attached to the offering sheet as a drilling well, is in fact a completed well drilled to a depth of approximately 4,354 feet, which when placed on production was found to be full of salt water, which information was, at the time the offering sheet was filed, known to the respondent herein and should be disclosed to make the information contained in the offering sheet not misleading;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a writtten request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2370; Filed, July 26, 1937; 12:41 p. m.]



*Wednesday, July 28, 1937* **No. 144**

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

UTAH GRAZING DISTRICT NO. 2

MODIFICATION

JULY 9, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of April 8, 1935, establishing Utah Grazing District No. 2 is hereby revoked as far as it affects the following described lands, such revocation to be effective upon the inclusion of the lands within the Uinta National Forest:

UTAH

*Salt Lake Meridian*

T. 8 S., R. 3 E.,
sec. 12, E½;
sec. 13, E½, SW¼;
sec. 26, E½NE¼, SE¼;
sec. 35, N½, E½SW¼, SE¼;
T. 9 S., R. 3 E.,
sec. 1, all;
sec. 2, NE¼;
T. 8 S., R. 4 E.,
secs. 12, 13, and 14;
secs. 22 to 27 and secs. 34 to 36, inclusive;
T. 9 S., R. 4 E.,
secs. 1 to 6, inclusive;
sec. 7, N½, E½SW¼, SE¼;
sec. 8, all;
sec. 9, N½, N½SW¼, SW¼SW¼;
sec. 10, E½, SE¼SW¼;
secs. 11 to 15, inclusive;
sec. 16, SE¼SW¼, SE¼;
sec. 17, N½N½;
sec. 21, E½, E½W½;
secs. 22 to 24, inclusive;
sec. 25, N½;
sec. 26, N½;
sec. 27, N½;
sec. 28, NE¼, E½NW¼;
T. 8 S., R. 5 E.,
secs. 7, 18, 19, 30, 31, and 32;
T. 9 S., R. 5 E.,
secs. 25 to 29, inclusive;
sec. 30, N½, N½S½;
sec. 33, N½;
secs. 34, 35, and 36;
T. 10 S., R. 5 E.,
sec. 1, all;
sec. 2, lots 1, 2, and 3;
T. 9 S., R. 6 E.,
secs. 30, 31, and 32;
T. 10 S., R. 6 E.,
secs. 5 to 12, inclusive;
sec. 13, N½, SE¼;
T. 10 S., R. 7 E.,
secs. 7 and 18.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2373; Filed, July 27, 1937; 9:41 a. m.]

### Division of Territories and Island Possessions.

[I. C. C. No. 131 (Cancels I. C. C. No. 72)]

THE ALASKA RAILROAD

LOCAL FREIGHT TARIFF NO. 16-B[1]
(Cancels Local Freight Tariff No. 16-A)

Naming class and commodity rates between stations on the Alaska Railroad in Alaska.

Governed, except as otherwise provided herein, by Western Classification No. 66 (as published in Consolidated Freight Classification No. 11), R. C. Fyfe's I. C. C. No. 24, supplements thereto or successive issues thereof.

Issued, June 25, 1937. Effective, July 28, 1937. Authority: Act of March 12, 1914 and Executive Order No. 3861. Issued by

O. F. OHLSON,
*General Manager, Anchorage, Alaska.*

JULY 24, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37-2374; Filed, July 27, 1937; 9:41 a. m.]

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### National Bituminous Coal Commission.

[Order No. 13-a]

AN ORDER PRESCRIBING AUTHORITY OF EXAMINER TO PRESIDE AT HEARING AT COLUMBUS, OHIO, ON JULY 28, 1937, AS PROVIDED IN ORDER NO. 13

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, by its Order No. 13, has set a public hearing in the Deshler-Wallick Hotel, Columbus, Ohio, on July 28, 1937, commencing at the hour of ten (10) o'clock A. M., for the purpose of determining the nature and extent of intrastate commerce in bituminous coal in the State of Ohio, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Ohio in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of the Act.

Pursuant to Order No. 13, George Edward Acret has been designated to preside as examiner at such hearing. Said examiner is hereby authorized to adjourn said hearing from time to time, and to administer oaths and affirmations, take evidence, issue subpoenas, require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant and material to the inquiry, and to perform all other duties in connection therewith authorized by law. Upon the completion of the taking of testimony in this matter, the officer conducting such hearing is hereby directed to close the hearing and make a report to the Commission of his findings and recommendations.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

Dated this 26th day of July, 1937.

[F. R. Doc. 37-2371; Filed, July 26, 1937; 1:19 p. m.]

[1] Applications for copies should be addressed to O. F. Ohlson, General Manager, Anchorage, Alaska, or to Division of Territories and Island Possessions, Department of the Interior, Washington, D. C.

[Order No. 27]

AN ORDER MODIFYING ORDERS NO. 2 AND NO. 13 IN THAT DETERMINATION OF THE EFFECT OF INTRASTATE COMMERCE UPON INTERSTATE COMMERCE IN VARIOUS LOCALITIES SHALL BE MADE PURSUANT TO SPECIFIC HEARINGS TO BE HELD AT VARIOUS TIMES AT DIFFERENT POINTS WITHIN THE UNITED STATES

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, upon the claims presented to the National Bituminous Coal Commission by certain producers, producers' organizations, and other interested parties, that substantially all transactions in bituminous coal in intrastate commerce within the States of Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Montana, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wyoming and the Territory of Alaska, directly affect interstate commerce in such coal and cause, and will cause, undue and unreasonable advantage, preference and prejudice as between such commerce in such localities on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is regulated by the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, by its Order No. 2, dated June 19, 1937, directed that a hearing be held on the 12th day of July, 1937, commencing at the hour of ten (10) o'clock A. M., in the Hearing Room of the Carlton Hotel, Washington, D. C., for the purpose of determining the nature and extent of intrastate commerce in bituminous coal in the localities above named and the effect of such commerce on interstate commerce in such coal, and to determine what, if any, undue or unreasonable advantage, preference or prejudice would exist between localities in such commerce on the one hand and interstate commerce as regulated by said Act on the other hand, and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act, to the end that the Commission might, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and the provisions of Section 4–A of said Act. Said order provided further, that following the commencement of the said hearing at Washington, D. C., the Commission would, in its discretion, designate the times and places for further hearings at points convenient to the respective localities named in said order, and that further notice thereof would be duly given to producers of bituminous coal.

It appears from the statements made and data submitted by interested parties at said hearing held in Washington, D. C., on July 12, 1937, and upon investigation by the Commission, that it would be advisable to hold separate hearings in the localities in which it appears that transactions in intrastate commerce in bituminous coal may affect interstate commerce in such coal in such localities, and that separate findings and determinations be made by the Commission with respect to the conditions existing in each locality; *now therefore*, the National Bituminous Coal Commission, under authority of the provisions of such Section 4–A, hereby orders and directs as follows:

1. That said Order No. 2, dated June 19, 1937, is hereby modified to provide for independent separate hearings in such localities as may be deemed necessary by the Commission. Further hearings shall, therefore, be held by the Commission pursuant to the provisions of said Order No. 2 only for the purpose of determining in what localities separate hearings shall be held. Any provisions in said Order No. 2 inconsistent with this modification are hereby revoked.

2. That notice of further hearings under the provisions of said Order No. 2, as hereby modified, and of hearings in individual localities will be given all interested persons in due course.

3. That Order No. 13 of the Commission, dated July 14, 1937, providing for a hearing to be held at the Hearing Room of the Commission in the Deshler-Wallick Hotel, Columbus, Ohio, on July 28, 1937, with respect to transactions in intrastate commerce in bituminous coal in the State of Ohio shall be subject to this modification.

4. The Secretary of the Commission shall forthwith mail a copy of this Order to each known producer of bituminous coal in each of the localities aforesaid and to the secretary of each district board in each of the aforesaid localities, and shall cause to be published at the expense of the Commission a copy of this Order on three (3) consecutive days in a newspaper of general circulation in each of such localities. Each notice published need only contain the name of the particular locality affected in which such publication is made and need not contain this paragraph.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

Dated this 26th day of July, 1937.

[F. R. Doc. 37–2372; Filed, July 26, 1937; 1:19 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Agricultural Economics.

AMENDMENT NO. 2 TO REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR WAREHOUSEMEN STORING CANNED FOODS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 U. S. Stat. L., pp. 446, 486) as amended, I, M. L. Wilson, Acting Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following amendment to the regulations of the Secretary of Agriculture for warehousemen storing canned foods, promulgated April 29, 1932, and amended July 26, 1933, under said Act, such amendment to be effective immediately.

Amend Regulation 2, Section 3 to read as follows:

SEC. 3. Any warehouseman conducting a warehouse licensed or for which application for license has been made shall have and maintain above all exemptions and liabilities net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least 20 cents per case of the maximum number of cases that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the chief of the bureau, except that the amount of such assets shall not be less than $5,000, and need not be more than $100,000.

If such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, such warehouses shall be deemed to be one warehouse for the purposes of the assets required under this section. For the purposes of this section only, paid-in capital stock, as such, shall not be considered a liability.

A deficiency in required net assets may be supplied by an increase in the amount of the warehouseman's bond in accordance with regulation 3, section 2, paragraph 2.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be hereunto affixed in the City of Washington, this 26th day of July, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37–2376; Filed, July 27, 1937; 10:34 a. m.]

AMENDMENTS TO OFFICIAL UNITED STATES STANDARDS OF QUALITY AND CONDITION FOR DRY EDIBLE BEANS

CHANGES IN DEFINITION OF DOCKAGE AND IN THE PROVISION FOR THE INSPECTION AND CERTIFICATION OF THRESHER-RUN BEANS

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938, and for other purposes," approved June 29, 1937 (Public No. 173, 75th Congress), I, M. L. Wilson, Acting Secretary of Agriculture, do prescribe and promulgate, effective August 2, 1937, the following amendments to the official standards of the United States for the inspection and certification of dry edible beans approved by the Secretary of Agriculture on June 29, 1935, effective August 1, 1935:

*Definition of Dockage*

The paragraph on "dockage" under "definitions" shall be changed to read as follows:

Dockage shall apply only to thresher-run beans or beans which have not been recleaned and/or hand-picked and shall include dirt, stones, weed seeds, chaff, cereal grains, and all other matter other than beans which can be readily removed by the use of appropriate sieves or cleaning devices, and all small undeveloped beans and splits or pieces of beans that will pass through a sieve with perforations that will result in the smallest loss of marketable beans applicable to the principal use of beans of the class being tested, such sieve to have perforations of one of the following dimensions:

9/64 inch by ¾ inch.
10/64 inch by ¾ inch.
11/64 inch by ¾ inch.
12/64 inch by ¾ inch.
13/64 inch by ¾ inch.
14/64 inch by ¾ inch.

except that for the classes Lima, Baby Lima, and similar types, the sieve for which shall have round perforations either 20/64 inch, 22/64 inch, or 24/64 inch in diameter.

The quantity of dockage shall be calculated in terms of percentage based on not less than a 1,000-gram portion of the original sample including the dockage. In calculating total dockage fractional percentage of less than 1 percent shall be ignored.

*Inspection and Certification of Thresher-Run Beans*

The provision for the inspection and certification of thresher-run beans shall be changed to read as follows:

Beans of any class that have not been recleaned and/or hand-picked shall not be graded according to the table of grade requirements applicable to such class but shall be inspected and certificated as to: (1) the class; (2) the percentage of total dockage, if any, with optional statement of the percentage each of small beans, splits, and foreign material which make up the total dockage; (3) the percentage of total defects in the dockage-free beans which shall include the percentage each of splits, damage, other classes, and inseparable foreign material, and, may include the percentage of cracked seed coats; and (4) the general appearance. All factors other than dockage and the analysis thereof shall apply only to, and be based on, the dockage-free sample, except general appearance which shall be based on the sample of beans after the removal of dockage and defects.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 26th day of July 1937.

[SEAL] M. L. WILSON,
*Acting Secretary.*

[F. R. Doc. 37–2377; Filed, July 27, 1937; 10:34 a. m.]

### Bureau of Animal Industry.

[Amendment 2 to B. A. I. Order 352]

REGULATIONS GOVERNING THE IMPORTATION OF DOMESTIC LIVESTOCK AND OTHER ANIMALS INTO THE UNITED STATES FROM ALL COUNTRIES EXCEPT MEXICO[1]

REGULATION 11 MODIFIED

*Effective on and after August 20, 1937*

Under authority conferred by law upon the Secretary of Agriculture, the regulations governing the importation of domestic livestock and other animals from all countries except Mexico (B. A. I. Order 352) dated June 7, 1935, and effective August 1, 1935, as amended September 23, 1935, are hereby further amended as hereinafter set forth:

Paragraph 1 of regulation 11 is amended to read as follows:

PERIOD OF QUARANTINE

REGULATION 11. *Paragraph 1.*—All cattle imported from any part of the world except Canada, Mexico, Central America, and the West Indies shall be quarantined for a period of not less than 30 days, counting from the date of arrival at the port of entry.

This amendment, which is designated Amendment 2 to B. A. I. Order 352, shall be effective on and after August 20, 1937.

Done at Washington this 26th day of July, 1937.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary.*

[F. R. Doc. 37–2375; Filed, July 27, 1937; 10:34 a. m.]

[1] Importations from Mexico are governed by special regulations contained in another order of this Department.

## FARM CREDIT ADMINISTRATION.

[FCA 55]

FEDERAL LAND BANK OF WICHITA

CHARGES FOR APPRAISAL OF LAND AND DETERMINATION OF TITLE

The following charges are prescribed pursuant to Paragraph 9, Section 13 of the Federal Farm Loan Act, as amended:

Subject to the limitations of the Emergency Regulations promulgated by the Land Bank Commissioner, effective August 30, 1933, and revisions thereof effective March 8, 1934 and January 1, 1936, and until further notice of change is given, applications on consolidated form must be accompanied by remittance to cover the following charges to apply on cost of appraisal:

| | |
|---|---|
| Application for $5,000 or less (no exceptions) | $10.00 |
| Application for $5,100 to $10,000 on less than 1000 acres | 10.00 |
| Application for $10,000 to $25,000 on less than 1000 acres | 15.00 |
| Application for $5,100 to $25,000 on 1000 acres or more | 25.00 |
| Application for $25,100 or more on less than 1000 acres | 30.00 |
| Application for $25,100 or more on 1000 to 2500 acres | 40.00 |
| Application for $25,100 or more on 2501 acres or more | 50.00 |

An additional charge of $5.00 if the application includes irrigated land and the amount applied for is over $5,000.

An additional charge of $5.00 if the application includes land in any drainage district and amount applied for is over $5,000.

An additional charge of $7.50 with an application if the applicant lives outside of the Ninth Federal Land Bank District.

Additional charges to apply on cost of appraisal and determination of title will be deducted from the proceeds of the loan as follows:

| | |
|---|---|
| Loans of $1,000 or less | $10.00 |
| Loans of $1,100 to $2,000 | 15.00 |
| Loans of $2,100 to $4,000 | 20.00 |
| Loans of $4,100 to $6,000 | 25.00 |
| Loans of $6,100 to $8,000 | 30.00 |
| Loans of $8,100 to $10,000 | 35.00 |
| Loans in excess of $10,000 | $3.50 for each $1,000 |

An additional charge of $2.50 for each $1,000 of the amount of the loan closed will be made on all loans on acreages in excess of 1,000 acres.

An additional charge of $2.00 for each $1,000 of the amount of the loan closed will be made if any of the land is under irrigation.

An additional charge, varying with the amount of labor required, may be made for examination of unusually long abstracts of title.

A reasonable fee to partially reimburse the Bank for expenses incurred will be charged if abstracts have been examined and the application cancelled or withdrawn.

[SEAL] THE FEDERAL LAND BANK OF WICHITA,
By HUGH L. HARRELL,
*President.*

[F. R. Doc. 37–2378; Filed, July 27, 1937; 11:54 a. m.]

[FCA 56]

FEDERAL LAND BANK OF WICHITA

PREPAYMENT CHARGES

The following schedule of charges and regulations governing prepayment of Bank loans which have been in force in excess of five years has been prescribed pursuant to the general authority vested in the Bank:

1. On all loans which have been in force in excess of five years, for a period of thirty days following an installment payment date, interest will be charged only to the date remittance is received on either partial or full payments. On payments received after the expiration of the thirty day period, interest will be charged to the next installment payment date;

2. When funds are received for highway purposes, or from other sources, and the principal payment is involuntary on the part of the borrower, interest will be charged on such principal payment only to the date remittance is received;

3. When funds are received from borrowers for the purpose of paying the principal payments on their loans which have previously been deferred and bringing their loans up to date on the basis of the amortization table, interest will be charged on such items only to the date remittance is received;

4. When funds are received as bonus payments or rentals from mineral leases, no prepayment charge will be made. However, this rule will not apply where an application to the reduction if principal is made from funds received from the sale of royalty, as the procedure will be the same as in any case where a portion of the Bank's security is being released.

[SEAL] THE FEDERAL LAND BANK OF WICHITA.
By HUGH L. HARRELL,
*President.*

[F. R. Doc. 37-2379; Filed, July 27, 1937; 11:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D., 1937.

[File No. 46-57]

IN THE MATTER OF EASTERN SHORE GAS CORPORATION

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Eastern Shore Gas Corporation having filed with this Commission an application and one amendment thereto, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of its acquisition of the shares of preferred and common stock outstanding in the hands of the public of (a) The Eastern Shore Gas Company, a Maryland corporation and (b) Eastern Shore Gas Company of Virginia, Incorporated;

A hearing on such application as amended having been duly held after appropriate notice, the record in this matter having been duly considered, and the Commission having made its findings herein;

It is ordered that such acquisition by applicant in the manner and subject to the terms set forth in such application as amended be and the same hereby is approved;

By the Commission.

[SEAL] FRANCIS P, BRASSOR, *Secretary.*

[F. R. Doc. 37-2380; Filed, July 27, 1937; 12:23 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 25, 1937, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 21, 1937, be effective as of July 21, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2383; Filed, July 27, 1937; 12:23 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 26th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE TATLOCK-BERSCHEIT "A" TRACT, FILED ON JULY 19, 1937, BY R. A. COOK, RESPONDENT.

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that no statement is made in Division II, Item 2 (e), as to whether the interests offered are perpetual;

(2) In that under Division II, Item 13, it is required that the number of drilling wells in the field be stated, which information is omitted;

(3) In that the depths of wells 1, 3, 5, 6 and 8, as set forth under Division II, Item 19 (c), do not appear to be correct for the reason that the figures given do not agree with the figures given for the depths of the same wells in the plat attached to the offering sheet as "Exhibit A";

(4) In that the text of and answers to Division II, Items 19 (c) to 22, inclusive, are not included in one copy of the offering sheet filed with the Commission:

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2381; Filed, July 27, 1937; 12:23 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE SHELL ET AL.-ISENSEE-FLATO TRACT, FILED ON JULY 19, 1937, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the information concerning the number of wells now drilling in the field is not set forth under Division II, Item 13;

(2) In that the percentage of water in fluid produced, as set forth under Division II, Item 20 (b), does not appear to be correct;

(3) In that the estimation of recoverable oil contained in Division III may not be correct for the reason that it appears that 37% of the fluid produced from the tract involved is water; therefore, because of the water situation it is questionable if the amount of oil, as estimated, will be recovered;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2382; Filed, July 27, 1937; 12:23 p. m.]

*Thursday, July 29, 1937* *No. 145*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

THE CANAL ZONE JUDICIARY

By virtue of and pursuant to the authority vested in me by the Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), and otherwise, I hereby prescribe the following order relating to the Canal Zone Judiciary:

SECTION 1. *Definitions.*—As used in this order:

(a) "District Court" shall mean the United States District Court for the District of the Canal Zone.

(b) "Code" shall mean the Canal Zone Code approved June 19, 1934 (48 Stat. 1122).

(c) "Governor" shall mean the Governor of The Panama Canal.

*Cross-Reference*

For statutory provisions relating to the Canal Zone Judiciary, see Code, title 7, sections 1 to 62.

SECTION 2. *Boundaries of divisions of District Court.*—The two divisions of the District Court shall be known, respectively, as the Balboa Division and the Cristobal Division.

The Balboa Division shall include all that part of the Canal Zone which lies easterly of a line extended through the Canal Zone 5-mile boundary monument 40 on the eastern boundary, and monument 148½ (which is also a 100-foot contour monument) on the western boundary. The said line, extending through the monuments 40 and 148½ and bearing S. 39°46' W. (true), crosses the Panama Railroad at a point 11 feet southerly from track-span bridge numbered 22-10, and crosses the Panama Canal at station 1339 plus 13 feet (which crossing point is 2721 feet northerly along the Tabernilla Reach from the Tabernilla P. I.), and is as shown on Panama Canal drawing 6103-35, filed with the records of the Panama Canal in the Canal Zone.

The Cristobal Division shall include all that part of the Canal Zone which lies westerly of the above-described line.

For the purposes of this section the Canal Zone shall be deemed to include all lands and lands under water over which in connection with the construction, maintenance, operation, sanitation, and protection of the Panama Canal, the United States now possesses and exercises, or shall hereafter possess and exercise, sovereign rights, power, and authority.

*Cross-Reference*

Authority of President to determine boundaries of divisions of District Court, see Code, title 7, section 22.

SECTION 3. *Subdivisions of Canal Zone.*—The Canal Zone is hereby divided into two subdivisions, one to be known as the Balboa Subdivision and the other as the Cristobal Subdivision.

The Balboa Subdivision shall be coterminous with the Balboa Division of the District Court, and the Cristobal Subdivision shall be coterminous with the Cristobal Division of the District Court.

*Cross-Reference*

Authority of President to divide the Canal Zone into subdivisions, see Code, title 2, section 4.

SECTION 4. *Towns of the Canal Zone.*—The town of Balboa shall include the town site of that name at the Pacific ter-

minus of the Canal, and all other settlements within the Balboa Subdivision of the Canal Zone; and the town of Cristobal shall include the town site of that name, and all other settlements within the Cristobal Subdivision of the Canal Zone.

*Cross-Reference*

Authority of President to determine what towns shall exist, see Code, title 2, section 4.

SECTION 5. *Places for holding sessions of District Court.*—The Governor shall provide a suitable place in each of the towns of Balboa and Cristobal for the holding of the sessions of the District Court.

SECTION 6. *Privileges, allowances, and facilities of District Court and its personnel.*—The District Court and its personnel shall continue to receive the perquisites, privileges, and allowances to which they were entitled and were receiving prior to November 4, 1933, the effective date of the transfer from the Secretary of War to the Department of Justice of the function of supervision over the said Court, as provided for by section 6 of Executive Order No. 6166 of June 10, 1933; and The Panama Canal shall continue to furnish as theretofore to the court and to its personnel all necessary office quarters, equipment, and facilities, and all necessary travel facilities within the Canal Zone; and The Panama Canal shall not require payment from the Department of Justice for such quarters, equipment, and facilities.

SECTION 7. *Designation of Marshal as disbursing officer; bond.*—The Marshal of the District shall disburse all funds under the control of the Department of Justice required for the maintenance and operation of the District Court, and shall give bond for the faithful performance of his duties in such amount as may be fixed by the Attorney General.

*Cross-References*

Establishment of office of Marshal of the District, see Code, title 7, section 40.

Powers and duties of Marshal generally, see Code, title 7, section 41.

SECTION 8. *Leave of absence of District Judge, District Attorney, and Marshal.*—The leave of absence allowed the District Judge, District Attorney, and Marshal by section 42 of title 7 of the Code shall be reckoned by calendar years. If the office involved is held by two or more persons in one calendar year, the leave shall be prorated to such persons in proportion to the time that they have held office during that year. Any portion of the leave of absence accruing in any one calendar year and not used in that year may be accumulated and used in succeeding calendar years: *Provided*, that leave may not be accumulated in excess of 120 days, and that not more than 120 days of leave may be taken in any one calendar year. The officers concerned shall make applications for leave of absence to the Attorney General of the United States and shall report to him the time of their departure and the time of their return to duty.

SECTION 9. *Magistrates and constables; appointment; compensation.*—There shall be a magistrate and a constable for each of the towns of Balboa and Cristobal, who shall be appointed, and whose compensation shall be fixed, by the Governor; and in the event of the absence or disability of a magistrate or constable, the Governor may appoint an additional magistrate or constable to serve during such absence or disability.

*Cross-References*

Appointment, term, and compensation of magistrates, constables, and other employees, see Code, title 7, section 4.

Oath of magistrates and constables, see Code, title 7, section 5.

SECTION 10. *Places of holding magistrates' courts.*—The magistrates shall hold court at such places in their respective towns as may be designated from time to time by the Governor.

*Cross-Reference*

Authority of President to prescribe times and places of holding magistrates' courts, see Code, title 7, section 6.

SECTION 11. *Bonds of constables.*—The constables appointed for the magistrates' courts shall be required before assuming office to execute a bond with two or more good and sufficient sureties, or with a corporate surety, to be approved by the Governor, in the sum of $1000, conditioned that the officer executing the bond will faithfully comply with his duties as constable, and will turn over all money, property, and effects coming into his hands by virtue of his office, to the persons entitled thereto in accordance with law. The bond may be sued upon in any court of competent jurisdiction by any person who may be injured by reason of a failure of official duty on the part of the constable. The bond shall not become void upon a first recovery but successive suits may be instituted thereon until the full amount thereof is exhausted.

*Cross-References*

Authority of President to regulate bonds of constables see Code, title 7, section 6.

For provisions respecting corporate sureties on bonds, see Code, title 4, section 962.

SECTION 12. *Duties of constables.*—The constables of the magistrates' courts shall:

(a) Attend all sessions of the magistrate's court for the town and subdivision to which they may be assigned by the Governor.

(b) Preserve order in the court.

(c) Receive and receipt for all money collected by them upon any process or paid into or deposited with the magistrate's court as fees, fines, costs, forfeitures, or bail.

(d) Duly account for such money in accordance with rules and regulations to be prescribed by the Governor.

*Cross-References*

Authority of President to prescribe the duties of constables and the disposition of fines, costs, and forfeitures, see Code, title 7, section 6.

Payment of all fees over to Collector of Panama Canal, see Code, title A, section 981, as amended by act of May 13, 1936, 49 Stat. 1269.

SECTION 13. *Prior orders superseded.*—This order supersedes Executive Orders dated March 12, 1914 (No. 1898), August 3, 1914 (No. 2007), February 26, 1924 (No. 3965), May 25, 1927, August 29, 1927 (No. 4711), January 3, 1928 (No. 4792), September 2, 1931 (No. 5704), November 3, 1933 (No. 6390), and all other Executive Orders heretofore issued which relate to the Canal Zone judiciary and are of a permanent and continuing nature.

SECTION 14. *Effective date.*—This order shall take effect on the thirtieth day after the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 26, 1937.*

[No. 7676]

[F. R. Doc. 37-2387; Filed, July 27, 1937; 2:26 p. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*Colorado*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked in so far as it affects any public lands within the following-described area in Colorado:

SIXTH PRINCIPAL MERIDIAN

T. 7 N., R. 62 W., sec. 6;
T. 8 N., R. 62 W., secs. 5 to 8, 17 to 20, and 29 to 32, inclusive;
T. 9 N., R. 62 W., secs. 5 to 8, 17 to 20, and 29 to 32, inclusive;
T. 10 N., R. 62 W., secs. 18, 19, and 29 to 32, inclusive;
T. 7 N., R. 63 W., secs. 1 and 12;
T. 8 N., R. 63 W., secs. 1, 2, 11 to 14, inclusive, 24, 25 and 36;
Tps. 9 and 10 N., R. 63 W., all;
T. 11 N., R. 63 W.,
sec. 31;
sec. 32, W½;
T. 8 N., R. 64 W., secs. 4 to 8, inclusive, 18 and 19;
Tps. 9 and 10 N., R. 64 W., all;
T. 11 N., R. 64 W., secs. 16 to 21 and 26 to 36, inclusive;
T. 8 N., R. 65 W., secs. 1, 2, 11 to 14, inclusive, 23 and 24;
T. 9 N., R. 65 W., secs. 1 to 26, inclusive, 35 and 36;
T. 10 N., R. 65 W., all;
T. 11 N., R. 65 W., secs. 3, 4, 9, 10, 13 to 16 and 21 to 36, inclusive;
T. 9 N., R. 66 W., secs. 1 to 4, inclusive;
T. 10 N., R. 66 W., secs. 1, 2, 10 to 16, 21 to 28, and 33 to 36, inclusive;
T. 11 N., R. 66 W., sec. 36.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for soil erosion and flood control and other land utilization activities in connection with the Weld County Project, LA-CO 3: *Provided*, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 27, 1937.*

[No. 7677]

[F. R. Doc. 37-2391; Filed, July 28, 1937; 11:20 a. m.]

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EXECUTIVE ORDER

ESTABLISHING APACHE MIGRATORY WATERFOWL REFUGE

*Arizona*

By virtue of and pursuant to the authority vested in me as President of the United States and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, comprising approximately 2,680 acres, in the Apache National Forest, in Apache County, Arizona, be, and they are hereby reserved and set aside, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, That any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 27 E.,
sec. 13, E½NE¼ and NE¼SE¼.
T. 6 N., R. 28 E.,
sec. 17, W½NW¼ and SW¼;
sec. 18, lots 1, 2, and 3, NE¼, E½W½, and SE¼;
sec. 19, E½E½;
sec. 20, W½;
sec. 29, W½NE¼, W½, and W½SE¼;
sec. 30, NE¼NE¼, S½NE¼, and SE¼;
sec. 31, NE¼;
sec. 32, N½.

Nothing herein contained shall be construed as excluding the above-described lands from the Apache National Forest, and the use of the area as a bird refuge and the enforcement of game laws thereon shall be consistent, and shall not interfere, with the primary use thereof for forest conservation purposes.

This refuge shall be known as the Apache Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 27, 1937.*

[No. 7678]

[F. R. Doc. 37-2392; Filed, July 28, 1937; 11:20 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 28]

AN ORDER PROVIDING FOR THE DETERMINATION OF THE CHARACTER OF ANY COAL AND THE ISSUANCE OF CERTIFICATES OF EXEMPTION TO PRODUCERS OF COALS OTHER THAN BITUMINOUS, SEMIBITUMINOUS AND SUBBITUMINOUS

Whereas the act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, stipulates (section 17 (b)) that "the term 'Bituminous Coal' includes all bituminous, semibituminous and subbituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more", and,

Whereas, it is desirable that a method be provided whereby producers of coal may secure a determination of their status under the Bituminous Coal Act of 1937 and, if such coal is not bituminous, as defined in said Act, to receive a certificate of exemption:

Now, therefore, to facilitate the administration of said Act and pursuant to its power to make and promulgate all reasonable rules and regulations for carrying out the provisions of the Act, the National Bituminous Coal Commission orders and directs:

1. That any producer of coal may, upon application to the Commission and upon presentation of proper evidence in support of such application, if required by the Commission, secure a finding by the Commission as to whether or not such coal is bituminous, as defined in said Act, and if it is not bituminous, secure a certificate from the Commission showing such fact.

2. Each such application shall be filed with the Commission in triplicate, shall be duly verified by affidavit and shall include the following:

(a) The name and post-office address of the applicant and, if said applicant is not the owner of the mining operations or the coal lands involved, the name and post-office address of such owner or owners.

(b) The designation and exact location of the mine or mines where the coal is produced, including the state, county and township and producing field or fields.

(c) A statement showing the tonnage produced in each of the calendar years 1934, 1935 and 1936 and the tonnage by months for the first six months of 1937.

(d) A statement showing the localities in which such coal is being marketed, together with the names and post office addresses of not less than three (3) persons or firms

who are substantial consumers of such coal and are familiar with its qualities and characteristics.

(e) A full description of the seam or seams of coal in which mining operations are being conducted and for which exemption is claimed, including analyses of such coal, where available, made by competent persons or authorities satisfactory to the Commission, and such other information as will tend to show the character of the coal as to whether or not it is bituminous, semibituminous or sub-bituminous.

(f) A reference to publications and reports of agencies of the United States or State Governments, describing the characteristics and classification of the coal in question.

3. In the case of any such application the Commission may, in its discretion, require the submission of further data, and may also conduct a hearing upon reasonable notice at which the petitioner may be required to submit additional evidence in support of the claim for exemption.

4. In each such case, if the Commission finds from the evidence that the coal is not bituminous, as defined in the Act, a certificate of exemption may be issued, which certificate shall be proper evidence that the Commission has exempted the petitioner in respect of the coal covered by such certificate from the operation and effect of said Act.

5. Under the direction of the Secretary of the Commission a copy of this order shall be mailed to the Consumers' Counsel, to the Commissioner of Internal Revenue, and to each District Board, and copies hereof shall be made available to all interested persons upon application to the statistical bureaus of the Commission established for the several districts under the provisions of the Act. The Secretary shall also cause this order to be published for three (3) successive days in a newspaper of general circulation in each of the districts created under said Act.

By order of the Commission.

Dated this 27th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2393; Filed, July 28, 1937; 12:03 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Entomology and Plant Quarantine.

[B. E. P. Q.—436 (Revised)]

ADMINISTRATIVE INSTRUCTIONS—APPROVAL OF ALTERNATIVE TREATMENTS FOR COTTONSEED AS A CONDITION FOR INTERSTATE MOVEMENT FROM THE AREA REGULATED UNDER QUARANTINE NO. 61

JULY 27, 1937

Pursuant to authority vested in the Bureau of Entomology and Plant Quarantine under regulation 6 of the revised rules and regulations supplemental to Notice of Quarantine No. 61, revised, which provides that permits may be issued for the interstate movement of cottonseed from the regulated area on such conditions as may be prescribed by that Bureau, the Bureau hereby approves any one of the following alternative treatments and permits may be issued for the interstate movement of cottonseed so treated:

When the cottonseed has been sterilized at 145° F. as a part of the continuous process of ginning and, in addition, has been treated by sulphuric acid and screening; or has been given a special heat treatment at 145° F. maintained under approved conditions for a period of thirty (30) minutes; or has been heated to a temperature of 155° F. in an approved manner separate and apart from ginning operations, and subsequent to any one of these treatments has been protected from contamination to the satisfaction of the inspector.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-2388; Filed, July 27, 1937; 4:19 p. m.]

[B. E. P. Q.—459]

ADMINISTRATIVE INSTRUCTIONS—APPROVAL OF ALTERNATIVE TREATMENTS FOR COTTONSEED AS A CONDITION FOR INTERSTATE MOVEMENT FROM AREAS LIGHTLY INFESTED WITH THE PINK BOLLWORM

JULY 27, 1937.

Pursuant to authority vested in the Bureau of Entomology and Plant Quarantine under regulation 7 of the revised rules and regulations supplemental to Notice of Quarantine No. 52, revised, which provides that permits may be issued for the interstate movement of cottonseed from areas lightly infested with the pink bollworm on such conditions as may be prescribed by that Bureau, the Bureau hereby approves either of the following alternative treatments and permits may be issued for the interstate movement from lightly infested areas to any destination of cottonseed so treated:

When the cottonseed has been given a special heat treatment at 145° F. maintained under approved conditions for a period of thirty (30) minutes, or has been heated to a temperature of 155° F. in an approved manner separate and apart from ginning operations, and subsequent to either treatment has been protected from contamination to the satisfaction of the inspector.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-2389; Filed, July 27, 1937; 4:19 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

DESIGNATION OF THE FEDERAL AIRWAYS SYSTEM AS CIVIL AIRWAYS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by the Air Commerce Act of 1926, as amended (44 Stat. 570, 49 U. S. C., Sec. 175), I hereby designate the following described air route as civil airway necessary to foster air commerce and suitable for interstate or foreign air commerce.

The civil airway designated herein shall include the navigable air space located vertically above an area on the horizontal plane contained within lines encircling each airport (hereinafter called terminal airport) at the ends thereof, with a radius of 25 miles from the center of said airport and also contained within two lines each parallel to and located 25 miles from the center line connecting the terminal airports thereof with such other points as hereinafter specified, to designate the route of said airway. The civil airway designated herein shall also include the terminal and intermediate airports, emergency landing fields and all other air navigation facilities located or which may be hereafter located and established within the said area.

Provided that the civil airway designated herein shall not include any air space reservations set aside and protected by Executive Orders pursuant to the Provisions of Section 4 of the Air Commerce Act of 1926, or the navigable air space above non-territorial waters or above foreign territory abutting the boundaries of the United States.

CIVIL AIRWAY NO. 100: MIAMI-ST. PETERSBURG

Miami, Florida, Municipal Airport, via Fort Myers, Florida, Municipal Airport; Sarasota, Florida, Muncipal Airport, to St. Petersburg, Florida, Albert Whitted Airport.

Approved, to take effect July 29, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-2390; Filed, July 28, 1937; 12:57 p. m.]

SPECIAL AIR TRAFFIC RULE

Pursuant to the authority contained in Section 3 (e) of the Air Commerce Act of 1926, as amended, (44 Stat. 568)



the following Special Air Traffic Rule shall apply during the match for the America's Cup, off Newport, Rhode Island, during July and August 1937:

No aircraft shall be navigated in the vicinity of Newport, Rhode Island, during the months of July and August 1937, at an altitude of less than 1000 feet over or within 1000 yards horizontally of the patrol lines maintained by patrol vessels, which will fly the U. S. Coast Guard ensign.

There shall be no landing or taking off inside or within 1000 yards horizontally of such patrol lines.

Approved, to take effect July 31, 1937:

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-2400; Filed, July 28, 1937; 12:57 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTION FROM THE REQUIREMENT OF A RADIO INSTALLATION UNDER SECTION 352 (B), SUBSECTIONS (1) AND (3), TITLE III, PART 2, OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

In a regular meeting of the Telegraph Division of the Federal Communications Commission, July 13, 1937:

*Whereas*, There has been filed with the Federal Communications Commission an application by Lloyd C. Hooks and the Eden Fishing Corporation for exemption, pursuant to the provisions of Section 352 (b), subsections (1) and (3), of the Communications Act of 1934, as amended, from the radio requirements of Title III, Part 2, of the Communications Act of 1934, as amended, for the vessel *Edith* on voyages not more than five miles from the Florida sea coast and not more than twenty miles north or south of the Miami, Florida, Light-Whistle Sea Buoy; and

*Whereas*, The voyages in question are within the class of voyages for which an exemption from the requirement of a radio installation as specified in Title III, Part 2 of the Communications Act of 1934, as amended, may be granted under Section 352 (b), subsections (1) and (3) of the Communications Act of 1934, as amended; and

*Whereas*, From the facts stated in the application and the preliminary investigation of the Commission, it appears that the requirement of a radio installation would be unreasonable and unnecessary in so far as this vessel on the voyages in question is concerned; nevertheless, the Commission desires to afford an opportunity for any person having information bearing upon the route or conditions of the said voyages to present that information to the Commission:

*It is ordered*, That the vessel, *Edith*, shall be exempt from compliance with the radio installation requirements of Part 2 of Title III of the Communications Act of 1934, as amended, for voyages not more than five miles from the Florida sea coast and not more than twenty miles north or south of the Miami, Florida, Light-Whistle Sea Buoy, pending further order of the Commission and in any event for a period not exceeding thirty days from the date of this order.

Dated this 13th day of July, 1937.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2390; Filed, July 28, 1937; 9:52 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3028]

IN THE MATTER OF JULIUS GOODMAN AND SON, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, August 19, 1937, at nine o'clock in the forenoon of that day (central standard time), in Grand Jury Room 339, Federal Building, Memphis, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2384; Filed, July 27, 1937; 2:15 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1937.

Commissioners: William A. Ayers, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3175]

IN THE MATTER OF H. G. PAYNE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 USCA, Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, August 20, 1937, at nine o'clock in the forenoon of that day (central standard time) in Room 235, Federal Building, Nashville, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2386; Filed, July 27, 1937; 2:15 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3047]

IN THE MATTER OF SELECTED KENTUCKY DISTILLERS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, August 11, 1937, at nine o'clock in the forenoon of that day (central standard time), in Court Room No. 1, Federal Building, Louisville, Kentucky.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2385· Filed, July 27, 1937; 2:15 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING WORKING INTERESTS IN THE BERRY-HAYES-MCGILL LEASE, FILED ON JULY 12, 1937, BY NORRIS-GILBERT & CO., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 24, 1937, be effective as of July 24, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2395; Filed, July 28, 1937; 12:28 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 27th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SIMPSON-FELL-WESTHEIMER-BATES TRACT, FILED ON JULY 21, 1937, BY LOUIS BERNSTEIN, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the date upon which the effectiveness of the offering sheet will expire, as set forth in Division I, paragraph 5, is not correct;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2394; Filed, July 28, 1937; 12:28 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE CONTINENTAL ET AL.-JANSSEN TRACT, FILED ON JULY 20, 1937, BY ELMER J. COUSINO, RESPONDENT.

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the date upon which the effectiveness of the offering sheet will expire, as set forth in Division I, paragraph 5, does not appear to be correct;

(2) In that the smallest fractional interest offered, as set forth in Division II, Item 1, is not stated in terms of the total production from the entire tract;

(3) In that under Division II, Item 2 (e), no statement is made as to whether the interest offered is perpetual;

(4) In that no statement is made in Division II, Item 13, relative to the number of drilling wells in the field;



(5) In that the legend of symbols shown on the plat attached to the offering sheet as "Exhibit A" is not complete;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2397; Filed, July 28, 1937; 12:29 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of July, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GALT BROWN ET AL.-BELLE MCGREW TRACT, FILED ON JULY 20, 1937, BY G. E. FISHER, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that it appears that G. E. Fisher, the person filing such offering sheet, is in fact a "dealer", as that term is defined in the Securities Exchange Act of 1934, as amended, but that he is not registered as such under Section 15 of such Act. Therefore, under Rule 312 of the General Rules and Regulations of the Commission, it does not appear that the exemption provided by Regulation B is available to the said G. E. Fisher;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2396; Filed, July 28, 1937; 12:28 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 27th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING OVERRIDING ROYALTY INTERESTS IN THE ANDRICHAK-BLOCK "B" LETITIA AREA LEASE, FILED ON JULY 20, 1937, BY SUPREME OIL INC., RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the name of the lease is not contained in the offering sheet immediately preceding Division I;

(2) In that under Division II, Item 7 (c), the names of the persons to whom the rental is payable are omitted;

(3) In that by reason of the information disclosed under Division II, Item 6 (d), and Exhibit B, the statement made under Division II, Item 8 (a), is not believed to be correct;

(4) In that the plat attached to the offering sheet as Exhibit A is incomplete in the following particulars:

(a) Name of the operator omitted;
(b) Legend of symbols omitted;
(c) Location of proposed well omitted;
(d) Location of "English well", referred to in Item 20 (a), omitted;
(e) Scale of property omitted;

(5) In that the information required to be given under Division II, Items 21, 22, and 23, is not included as a part of the Geologist's Report, as required by the instructional note set forth under "Geological Report" of Commission's Schedule D, nor is the consent of the geologist, L. Douglas Wise, for the use of his report as a part of the offering sheet, in the proper form;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such

Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2398; Filed, July 28, 1937; 12:29 p. m.]

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*Friday, July 30, 1937* *No. 146*

## WAR DEPARTMENT.

SPECIAL REGULATIONS TO GOVERN THE OPERATION OF THE DRAWBRIDGE OF THE NEW YORK CENTRAL RAILROAD BRIDGE ACROSS PEEKSKILL (ANNSVILLE) CREEK, NEW YORK

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

THE REGULATIONS

In pursuance of the foregoing law, the following special regulations are prescribed to govern the operation of the drawbridge crossing at the mouth of Peekskill (Annsville) Creek, one-half mile northwest of Peekskill, New York.

1. The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance at the bridge.

2. Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 96 hours' advance notice of the time the opening is required shall be given, by telephone or otherwise, to the authorized representative of the owner of, or agency controlling, the bridge.

3. Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge will arrange for the prompt opening of the draw span in accordance therewith. The opening will be between the hours of 11:00 A. M. and 2:00 P. M., except for vessels owned, controlled or employed by the United States Government, or by the State of New York for whom the bridge shall be opened at any time during the day or night upon 96 hours' advance notice.

4. The owner of, or agency controlling the bridge, shall keep conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can easily be read at any time a copy of these regulations together with a notice stating exactly how the representative specified in paragraph 2 may be reached.

5. The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

6. These regulations shall take effect and be in force on and after the date of approval hereof and the regulations approved March 29, 1921, to govern the above named bridge are hereby revoked.

Approved July 20, 1937.

[SEAL] HARRY H. WOODRING, *Secretary of War.*

[F. R. Doc. 37-2406; Filed, July 29, 1937; 9:56 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO A PROPOSED ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to the Agricultural Marketing Agreement Act of 1937, which reenacted and further amended Public, No. 10, 73d Congress, hereinafter called the act, having reason to believe that the issuance of an amendment to a tentatively approved marketing agreement and to the order theretofore issued with respect to the handling of milk in the Greater Boston, Massachusetts, Marketing Area would tend to effectuate the declared policy of the act, gave, on the 24th day of June, 1937, notice of hearings to be held on the 30th day of June, 1937, at St. Johnsbury, Vermont, on the 1st day of July, 1937, at Boston, Massachusetts, and on the 2nd day of July, 1937, at Augusta, Maine, on a proposed amendment to the tentatively approved marketing agreement and to the order theretofore issued regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, at which times and places all interested parties were afforded an opportunity to be heard on the proposed amendment; and

Whereas, after such hearings and after the tentative approval by the Secretary on the 10th day of July, 1937, of an amendment to the tentatively approved marketing agreement, handlers of more than 50 percentum of the volume of milk covered by such order, as amended, which is produced or marketed within the Greater Boston, Massachusetts, Marketing Area, refused or failed to sign such marketing agreement, as amended, relating to milk:

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act; and

2. That the issuance of the amendment to the order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the amendment to the order is approved or favored by over 70 per centum of the producers who, during the month of May, 1937, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area, and who participated in a referendum conducted by the Secretary on July 17, 1937.

In witness whereof, I, M. L. Wilson, Acting Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 27th day of July, 1937.

[SEAL] M. L. WILSON, *Acting Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT, *The President of the United States.*

Dated: July 27, 1937.

[F. R. Doc. 37-2401; Filed, July 28, 1937; 3:21 p. m.]

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ORDER OF THE SECRETARY OF AGRICULTURE ISSUED PURSUANT TO THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, APPROVED JUNE 3, 1937 (PUBLIC 137, 75TH CONGRESS) AMENDING ORDER NO. 4 REGULATING THE HANDLING IN INTERSTATE OR FOREIGN COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS, OR AFFECTS INTERSTATE OR FOREIGN COMMERCE, OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Whereas pursuant to Public, No. 10, 73d Congress, as amended, the Secretary of Agriculture, hereinafter called the Secretary, on January 18, 1936, tentatively approved a marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area; and

Whereas, on February 7, 1936, the Secretary issued Order No. 4 regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, said order being effective 12:01 a. m. eastern standard time, February 9, 1936; and

Whereas, the Secretary, having reason to believe that an amendment should be made to said tentatively approved marketing agreement and to said order, gave, on the 24th day of June 1937, notice of a hearing to be held on the 30th day of June 1937 at St. Johnsbury, Vermont, on the 1st day of July 1937 at Boston, Massachusetts, and on the 2nd day of July 1937 at Augusta, Maine, on a proposed amendment to said tentatively approved marketing agreement and said order, and at said times and places conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendment to said tentatively approved marketing agreement and to said order; and

Whereas, after such hearing and after the approval by the Secretary, in accordance with the powers and functions vested in him by the Agricultural Marketing Agreement Act of 1937, which reenacted and further amended Public, No. 10, 73rd Congress, as amended, said Agricultural Marketing Agreement Act being hereinafter referred to as the act, on the 10th day of July 1937, of an amendment to said tentatively approved marketing agreement, handlers of more than 50 per centum of the volume of milk covered by such order, as amended, which is marketed within the Greater Boston, Massachusetts, Marketing Area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the Secretary determined on the 27th day of July 1937, said determination being approved by the President of the United States on the 27th day of July 1937, that said refusal or failure tends to prevent the effectuation of the declared policy of said act, and that the issuance of this amendment to said order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area, and is approved or favored by over 70 per centum of the producers who, during the month of May 1937, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the Greater Boston, Massachusetts, Marketing Area, and who voted in a referendum conducted by the Secretary of Agriculture on July 17, 1937; and

Whereas, the Secretary finds upon the evidence introduced at the hearing upon such proposed amendment, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order, said original findings being herewith ratified and affirmed by the Secretary save only as such findings are in conflict with the findings hereinafter set forth:

1. That the minimum prices fixed by this amendment are reasonable and justified by the economic data submitted at the aforementioned hearings; that the prices fixed by this amendment will, over a period of time, tend to give milk sold in the marketing area a purchasing power with respect to articles that producers buy equivalent to the purchasing power of such milk in the base period; that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which were declared in the act to be the policy of Congress to establish; that the method provided for fixing the Class II price is a method which bears a direct and reasonable relationship to the price of cream in the above market;

2. That in view of changes in economic conditions since the date of the original findings, the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for milk so delivered, without the use of a base-rating plan, but with the inclusion of special location differentials, is a fair and reasonable method of distributing to producers the proceeds of sales of milk to handlers;

3. That in view of State laws covering the giving of security by handlers, the giving of security to the Market Administrator for payments to be made by each handler is no longer necessary in order to insure the payment to producers of the minimum prices fixed in the order;

4. That all the remaining provisions of this amendment are necessary to effectuate the other provisions of the order, as amended;

5. That the order, as amended, regulates the handling of milk in the same manner as and is applicable only to handlers specified in the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

6. That the issuance of the amendment to the order and all of the terms and conditions of the order, as amended, will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the Agricultural Marketing Agreement Act of 1937, which reenacted and further amended Public, No. 10, 73rd Congress, as amended, hereby orders that Order No. 4 regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, issued by the Secretary on February 7, 1936, be and it is hereby amended as follows:

A. Delete paragraphs 1, 5, and 9 from section 1 of article I and insert the following as new paragraphs 1 and 5 of section 1 of article I:

1. "Act" means the Agricultural Marketing Agreement Act of 1937 which reenacts and further amends Public, No. 10, 73d Congress, as amended.

5. "Producer" means any person who, in conformity with the health regulations which are applicable to milk which is sold for consumption as milk in the marketing area, produces milk and distributes or delivers to a handler milk of his own production.

B. Delete paragraph 5 from section 4 of article II and insert in lieu thereof the following:

5. Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person, who within 15 days after the date upon which he is required to perform such acts has not (a) made reports pursuant to article V or (b) made payments pursuant to article VIII;

C. Delete article III and insert in lieu thereof the following:

ARTICLE III. CLASSIFICATION OF MILK

SECTION 1. *Sales and Use Classification.*—Milk purchased or handled by handlers shall be classified as follows:

1. All milk sold or distributed as milk, chocolate milk, or flavored milk and all milk not specifically accounted for as Class II milk shall be Class I milk; and

2. Milk specifically accounted for (a) as being sold, distributed, or disposed of other than as milk, chocolate milk, or flavored milk and (b) as actual plant shrinkage within reasonable limits shall be Class II milk.

SEC. 2. *Interhandler or Nonhandler Sales.*—Milk, including skim milk, sold by a handler to another handler or to a person who is

not a handler and who distributes milk or manufactures milk products shall be presumed to be Class I milk. In the event that such selling handler, on or before the date fixed for filing reports pursuant to article V, notifies the Market Administrator that such milk, or a part thereof, has been sold or used by such purchaser other than as Class I milk, such milk, or part thereof, shall be classified as Class II milk; provided, that if such selling handler does not, on or before the 15th day after the end of the delivery period during which such sale was made, furnish proof satisfactory to the Market Administrator in support of the above notification, such milk or part thereof shall then be classified as Class I milk and so included in the statement rendered to the selling handler pursuant to paragraph 3 of section 1 of article VIII.

D. Delete sections 1, 2, and 3 of article IV and insert in lieu thereof the following:

SECTION 1. *Class I Prices to Associations of Producers.*—Each handler shall pay any association of producers for Class I milk containing 3.7 percent butterfat not less than the following prices:

1. $3.31 per hundredweight for such milk delivered from the plant of such association to such handler's plant located not more than 40 miles from the State House in Boston;

2. $3.26 per hundredweight for such milk delivered from the plant of such association to such handler at a railroad delivery point not more than 40 miles from the State House in Boston; and

3. If such milk is delivered containing butterfat more or less than 3.7 percent such handler shall add or subtract, as the case may be, a differential for each one-tenth of one percent above or below 3.7 percent, which differential is the result of dividing by 330 the cream price used in paragraph 1 of section 3 of this article.

SEC. 2. *Class I Prices to Producers.*—Each handler shall pay producers, in the manner set forth in article VIII, for Class I milk delivered by them, not less than the following prices:

1. $3.19 per hundredweight for such milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston;

2. $3.01 per hundredweight for such milk delivered from producers' farms to such handler's plant located more than 40 miles from the State House in Boston, less an amount per hundredweight equal to the freight from the railroad shipping point for such handler's plant to such handler's railroad delivery point in the Marketing Area. Such freight shall be calculated according to applicable rail tariffs for the transportation in carload lots of milk in 40-quart cans and each such can shall be considered to contain 85 pounds of milk;

3. For the purpose of this section the milk which was sold or distributed during each delivery period, by each handler, as Class I milk shall be presumed to have been that milk which was received at such handler's plant located not more than 40 miles from the State House in Boston (a) directly from producers' farms and (b) from the nearest plants located more than 40 miles from the State House in Boston.

SEC. 3. *Class II Prices.*—Each handler shall pay producers, in the manner set forth in article VIII, for Class II milk not less than the following prices per hundredweight:

1. In the case of such milk delivered to a handler's plant located not more than 40 miles from the State House in Boston, a price which the Market Administrator shall calculate as follows: Divide by 33 the weighted average price per 40-quart can of bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply the result by 3.7, add 2.125 times the average of the weekly quotations per pound of domestic, 20–30 mesh, casein in bags delivered in carload lots at New York, as published by the Oil, Paint and Drug Reporter during such delivery period, and subtract 42 cents; and

2. In the case of such milk delivered to a handler's plant located more than 40 miles from the State House in Boston, the price calculated by the Market Administrator, pursuant to paragraph 1 of this section, minus 6 cents.

E. Delete the words following the word "handlers" in paragraph 1 of section 1 of article V; and delete section 3 of article V, and insert in lieu thereof the following:

SEC. 3. *Reports of Payments to Producers.*—Each handler shall submit to the Market Administrator within 30 days after the end of each delivery period his producer pay roll for such delivery period which shall show for each producer: (a) The total delivery of milk with the average butterfat test thereof and (b) the net amount of such producer's payment, with the prices, deductions, and charges involved.

F. Delete section 2 of article VI and substitute therefor the following:

SEC. 2. *Milk Purchased from Producers.*—In the case of a handler who is also a producer and who purchased milk from producers, the Market Administrator shall, before making the computations set forth in article VII, (a) exclude from such handler's Class I milk up to but not exceeding 90 percent of the quantity of milk produced and sold by him, (b) exclude the milk purchased by him in each class from other handlers, and (c) exclude from his remaining Class II milk the balance of the milk produced and sold by him.

G. Delete article VII and insert in lieu thereof the following:

ARTICLE VII. DETERMINATION OF UNIFORM PRICES TO PRODUCERS

SECTION 1. *Computation of Value of Milk for Each Handler.*—For each delivery period the Market Administrator shall compute, subject to the provisions of article VI, the value of milk sold or used by each handler, which was not purchased from other handlers, by (a) multiplying the quantity of such milk in each class by the price applicable pursuant to sections 2, 3, and 4 of article IV and (b) adding together the resulting value of each class.

SEC. 2. *Computation and Announcement of Uniform Prices.*—The Market Administrator shall compute and announce the uniform prices per hundredweight of milk delivered during each delivery period in the following manner:

1. Combine into one total the respective values of milk, computed pursuant to section 1 of this article, for each handler who made the report as required by section 1 of article V for such delivery period and who made the payments required by article VIII for milk received during the delivery period next preceding but one;

2. Add the total net amount of the differentials applicable pursuant to section 4 of article VIII;

3. Subtract the total amount to be paid to producers pursuant to paragraph 2 of section 1 of article VIII;

4. Divide by the total quantity of milk which is included in these computations, except that milk required to be paid for pursuant to paragraph 2 of section 1 of article VIII;

5. Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in paragraph 3 of section 1 of article VIII;

6. Add an amount which will prorate, pursuant to section 3 of this article, any cash balance available; and

7. On or before the 12th day after the end of each delivery period mail to all handlers and publicly announce (a) such of these computations as do not disclose information confidential pursuant to the act, (b) the blended price per hundredweight which is the result of these computations, and (c) the Class II price.

SEC. 3. *Proration of Cash Balance.*—For each delivery period the Market Administrator shall prorate, by an appropriate addition pursuant to section 2 of this article, the cash balance, if any, in his hands from payments made by handlers for milk received during the delivery period next preceding but one, to meet obligations arising out of paragraph 3 of section 1 of article VIII.

H. Delete articles VIII and IX and insert in lieu thereof the following:

ARTICLE VIII. PAYMENTS FOR MILK

SECTION 1. *Time and Method of Payment.*—On or before the 25th day after the end of each delivery period each handler shall make payment, subject to the butterfat differential set forth in section 3 of this article, for the total value of milk received during such delivery period as required to be computed pursuant to section 1 of article VII, as follows:

1. To each producer, except as set forth in paragraph 2 of this section, at the blended price per hundredweight computed pursuant to section 2 of article VII, subject to the differentials set forth in section 4 of this article, for the quantity of milk delivered by such producer;

2. To any producer, who did not regularly sell milk for a period of 30 days prior to the effective date hereof to a handler or to persons within the Marketing Area, at the Class II price, in effect for the plant at which such producer delivered milk, for all the milk delivered by such producer during the period beginning with the first regular delivery of such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month;

3. To producers, through the Market Administrator, by paying to or receiving from the Market Administrator, as the case may be, the amount by which the payments made pursuant to paragraphs 1 and 2 of this section are less than or exceed the value of milk as required to be computed for such handler pursuant to section 1 of article VII, as shown in a statement rendered by the Market Administrator on or before the 20th day after the end of such delivery period.

SEC. 2. *Errors in Payment.*—Errors in making any of the payments prescribed in this article shall be corrected not later than the date for making payments next following the determination of such errors.

SEC. 3. *Butterfat Differential.*—If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making the payments prescribed by paragraphs 1 and 2 of section 1 of this article to such producer, add for each one-tenth of one percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of one percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the Market Administrator as follows: Divide by 33 the weighted average price per 40-quart can of bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, subtract 8 cents, and divide the result by 10.



SEC. 4. *Location Differentials.*—The payments to be made to producers by handlers pursuant to paragraph 1 of section 1 of this article shall be subject to differentials as follows:

1. With respect to milk delivered by a producer to a handler's plant located more than 40 miles from the State House in Boston, there shall be deducted an amount per hundredweight equal to the freight (considering 85 pounds of milk per can), according to the tariff currently approved by the Interstate Commerce Commission for the transportation, in carload lots of milk in 40-quart cans, to Boston from the zone of location of the handler's plant.

2. With respect to milk delivered by a producer to a handler's plant located not more than 40 miles from the State House in Boston, there shall be added 18 cents per hundredweight.

3. With respect to milk delivered by a producer whose farm is located more than 40 miles, but not more than 80 miles, from the State House in Boston, there shall be added 23 cents per hundredweight.

4. With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight unless such addition gives a result greater than $3.19, in which event there shall be added an amount which will give a result of $3.19.

SEC. 5. *Other Differentials.*—In making the payments to producers set forth in paragraphs 1 and 2 of section 1 of this article, handlers may make deductions as follows:

1. With respect to all milk delivered by producers to the plant of a handler which is located more than 40 miles from the State House in Boston and which is located more than two miles from a railroad shipping point, an amount not greater than 10 cents per hundredweight; provided, that such deduction has been approved and made public by the Market Administrator prior to the time of payment.

2. With respect to milk delivered by producers to a handler's plant which is located more than 14 miles, but not more than 40 miles, from the State House in Boston, an amount equal to 10 cents per hundredweight of Class I milk actually sold or distributed in the Marketing Area from such plant, such total amount to be deducted pro rata on all milk delivered by such producers.

3. With respect to milk delivered by producers to any handler's plant from which the average daily shipment of Class I milk during any delivery period is less than 21,500 pounds, an aggregate amount, prorated among producers delivering milk to such plant equal to the difference between the freight to the marketing area at the carload rate and at the less than carload rate for the Class I milk shipped during such delivery period.

ARTICLE IX. MARKETING SERVICES

SECTION 1. *Deductions for Marketing Services.*—Except as set forth in section 2, each handler shall deduct an amount not exceeding 2 cents per hundredweight (the exact amount to be determined by the Market Administrator, subject to review by the Secretary) from the payments made direct to producers pursuant to article VIII with respect to all milk delivered to such handler during each delivery period by producers and shall pay such deductions to the Market Administrator on or before the 25th day after the end of such delivery period. Such monies shall be expended by the Market Administrator for market information to and for verification of weights, sampling, and testing of milk purchased from said producers.

SEC. 2. *Producers' Cooperative Association.*—In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", is actually performing, as determined by the Secretary, the services set forth in section 1 of this article, each handler shall make, in lieu of the deductions specified in section 1 of this article, such deductions from the payments to be made direct to such producers, pursuant to article VIII, as are authorized by such producers and, on or before the 25th day after the end of each delivery period, pay over such deductions to the association rendering such service.

I. Delete article XI and renumber the remaining articles consecutively beginning with the number XI.

Now, therefore, M. L. Wilson, Acting Secretary of Agriculture, acting under the provisions of the Agricultural Marketing Agreement Act of 1937, which reenacted and further amended Public, No. 10, 73rd Congress, as amended, does hereby execute in duplicate and issue this amendment to Order No. 4 regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area under his hand and the official seal of the Department of Agriculture, in the City of Washington, District of Columbia, on this 28th day of July 1937, and, pursuant to the provisions hereof, declares this amendment to be effective on and after 12:01 a. m. eastern standard time August 1, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2402; Filed, July 28, 1937; 3:21 p. m.]

**Bureau of Agricultural Economics.**

[Amendment No. 4 to Service and Regulatory Announcements No. 143]

AMENDMENT TO RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR CARRYING OUT THE PROVISIONS OF THE EXPORT APPLE AND PEAR ACT

By virtue of the authority vested in the Secretary of Agriculture by an "Act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123), entitled the "Export Apple and Pear Act," I, do make, prescribe, and give public notice of the amendment as herein set forth to the rules and regulations of the Secretary of Agriculture which were issued and effective under said Act on the 1st day of September, 1933:

Effective on and after the 1st day of August, 1937, amend the first sentence of Regulation 13 to read:

Any shipment of apples and/or pears of less than 400 bushels in packages is hereby defined as a less-than-a-carload quantity for the purposes of the Act.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 28th day of July 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2403; Filed, July 28, 1937; 3:21 p. m.]

## DEPARTMENT OF LABOR.

DECISION OF THE SECRETARY IN THE MATTER OF DETERMINATION OF PREVAILING MINIMUM WAGES IN THE COTTON GARMENT AND ALLIED INDUSTRIES

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public No. 846, 74th Congress) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held open hearings on November 20, 1936 and December 8, 1936, with respect to the prevailing minimum wages in the men's work garment industry and held further hearings on April 22, 1937, with respect to the prevailing minimum wages in the men's sport jacket industry and the men's shirt industry, completing the consideration of the cotton garment and allied industries.

For the purposes of these investigations the cotton garment and allied industries were deemed to include the manufacture of overalls, unionalls, service uniforms, work pants and work coats, sheeplined jackets, leather jackets, mackinaws, work shirts and blouses, made of khaki, denim, drills, twills, cottonades, ducks, corduroys, or other fabrics, in whole or in part of cotton or wool.

Invitations to attend the above hearings were sent to all known trade associations and labor unions and to approximately six hundred manufacturers listed in the directories of these industries and were extended, through the national press, to all employers and employees interested. Testimony was received by the Board at these hearings and at supplemental conferences with representatives of employers and employees acting as consultants, tending to show what were the prevailing minimum wages for persons employed in these particular industries. Evidence was submitted by the Women's Bureau of the Department of Labor, by the United Garment Workers of America, by the Amalgamated Clothing

Workers of America, by the United Textile Workers of America, by the International Association of Garment Manufacturers, and by other representatives of employers and employees and the public. On the basis of all this evidence, the Board has submitted findings of fact and recommendations on the prevailing minimum wages in these industries.

Of primary significance is the recommendation that the wage determination for the work clothing industry should be extended to the shirt and sport jacket industries which are in reality allied branches of the garment industry. Men's shirts and sport jackets are frequently manufactured in essentially the same factories and by the same workers as men's work clothing. This is so even though the former involves wool, leather and other materials not used in men's work clothing. In addition to this overlapping of workshop and worker, there is a uniformity in the work processes employed. All of these industries involve designing, cutting, stitching, and trimming of basically the same nature. These similarities of place, person, and process make it necessary to establish one minimum wage rate for all of these related branches of the garment industry.

The technical similarity and personal interrelationship of these industries, apparent to the layman, were regarded as cause for a uniformity of regulation by all the experts. Not only the Public Contracts Board but also the panel of employer and employee consultants for these industries were in agreement on this point. The consensus of opinion of both the labor and industry consultants on the practical necessity of a uniform wage for these branches of the garment industry was of impelling weight to the Board and to me.

This conclusion was corroborated further by the evidence of the wages being paid in these industries. The wage rates reported for each of these industries vary extremely among the levels of skills and within each occupational classification. There is no concentration of a substantial portion of all the workers at any particular wage. The similarity of the collective bargaining agreements is the only uniformity that stands out as prevailing in these industries. Hence, the only clearly prevailing minimum wage is the wage paid to the unskilled workers in the unionized plants of these garment industries.

The undisputed testimony shows that the minimum union rate for the 28–29,000 members of the United Garment Workers of America is $15.00 a week for a 40-hour week. The minimum rate for the 9,250 members of the Amalgamated Clothing Workers of America is $14.40 a week for a 36-hour week, which amounts to $16.00 a week for a 40-hour week. These rates are the minima for approximately 38,000 out of the 55,000 workers in the men's work clothing industry.

Upon this evidence, on January 30, 1937, I determined that the minimum wage for employees of contractors with the Government engaged in the manufacture of men's work clothing should be $15.00 per week for a week of 40 hours or 37.5 per hour.

This minimum wage of $15.00 for a 40 hour week is present in the evidence on sport jackets and shirts as well as in the evidence on the other types of work clothing. This is particularly true in those states (Pennsylvania, New York, Connecticut and New Jersey) that employ about two-thirds of all the shirt workers and in those states (Illinois, Minnesota, New Jersey and New York) that employ about three-fourths of all the sport jacket workers. It is likewise true of the union establishments in all states having such establishments and so represents a prevailing wage for these industries throughout the country as a whole.

At the hearing evidence was presented tending to show that higher wages were paid to workers engaged in the production of leather and sheeplined coats and mackinaws than in the manufacture of the other garments under consideration. The leather and sheeplined coats and mackinaws require a heavier type of stitching which is done almost exclusively by men, whereas the other lighter garments are made primarily by women. Aside from this generality, however, no showing was made of the specific wage which prevails among this group of employees. And in the absence of such testimony I am unable to find any wage other than that of 37.5 cents per hour or $15.00 per week for a 40 hour week based on the similarity of the work involved in the production of these articles and the production of other garments.

It should be understood, however, that the grouping of these workers with the others under the same minimum wage determination is a temporary matter and should not be regarded as permanent.

The Public Contracts Division should immediately take steps to secure and present to the Public Contracts Board further information on this issue so as to put the Board in a position to make findings of fact and recommendations on the prevailing minimum wage of those employees engaged in the production of leather and sheeplined coats and mackinaws.

The advisability of establishing geographic differentials in these garment industries was given thorough consideration. It was demonstrated that in these industries the applicability of geographic differentials to government contracts differs materially from their applicability to private or commercial contracts. The government orders for men's work garments are restricted to a few items with specifications to which only a limited number of manufacturers are willing to adapt themselves.

The difficulties of geographic differentials were further emphasized by the evidence of the wages actually being paid in these industries. Existing differences defied any regional apportionment.

In the men's sport jacket industry information was presented concerning firms in New York, New Jersey and Pennsylvania in the East; Minnesota, Illinois, Ohio and Wisconsin in the Middle West and Tennessee in the South. The range of rates among the firms in one state is greater than the difference in rates between any two states or regions. In New Jersey, the median hourly earnings range from 27.5 cents to 54.2 cents an hour. In Illinois they range from 38.1 cents to 62.4 cents an hour. The ranges within all the several states overlap each other and the difference between South and East or East and Middle West is much less than the difference between firms within the same state.

Similarly in the men's shirt industry, the states within a geographic region vary more among themselves than do the geographic regions. Delaware and Maryland, in the reputedly higher paid East, have average hourly earnings of 24.1 and 26.7 cents respectively, while average hourly earnings in Kentucky and Georgia, in the reputedly lower paid South, are 30 and 36.3 cents respectively. The variation among individual plants within each state show the same inconsistencies and much overlapping. The evidence clearly demonstrates the impossibility of segregating any geographic differential wage areas on the basis of actually prevailing wages in the shirt or the sport jacket industry. The reasonable conclusion must be against the establishment of geographic differentials in these industries.

The evidence presented at the hearings indicates that although there is a continuous need for replenishing these industries with new employees and for maintaining those whom age and inability have made less efficient, this can be accomplished by permitting a tolerance from the wage requirement for a limited number of learners, handicapped and superannuated workers not to exceed 20% of all the employees in any establishment. The learners in the garment industry were estimated to equal approximately 5 to 6% of all workers in the industry. The labor and industry members of the advisory panel, however, unanimously recommended a 20% tolerance for learners, superannuated and handicapped workers and I am accepting this recommendation. The number of handicapped and superannuated workers was unknown. The extent of this tolerance conforms to the present need of these industries on government contracts; however, it should not be regarded as settled permanently. In order to safeguard the workers against abuse of this exception to the established minimum wage, the Division of Public Contracts should make further studies



of this situation so that the Secretary's decision may be supplemented from time to time by appropriate regulations.

Therefore, I hereby determine—

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture or supply of the following commodities, whether made of wool or cotton:

Men's and youths' trousers and knickers (except those made wholly of wool)
Shirts and nightwear (including flannel)
Men's and youths' work shirts
Men's, youths', and boys' sleeping garments
Overalls, overall jackets, and one-piece overall suits
Work pants and breeches (except those made wholly of wool)
Work and other short coats
Windbreakers and lumberjackets (excluding mackinaws and leather and sheeplined coats)
Oiled waterproof cotton outergarments
Men's and youths' wash suits
Washable service apparel (hospital, professional, etc.)
Blanket-lined and similar coats
Other cotton outerwear, men's, youths'

shall be 37.5¢ per hour or $15.00 per week for a week of 40 hours, to be arrived at either upon a time or piece work basis, and

(2) That in accordance with the recommendation of the advisory panel, a tolerance not to exceed 10% of the workers in any one establishment be granted for those workers who are in fact learners, provided that such learners be paid not less than $8.00 per week for the first four weeks, $10.00 for the next four weeks, and $12.00 for the third four week period after which they shall receive $15.00, provided that they be paid during the twelve weeks learning period not less than the piece rates paid to the workers in the same establishment and provided further that such learners be on the pay roll at the time performance of the contract is started; and that an additional tolerance of 10% be granted for those workers who are in fact handicapped or superannuated, provided that they be paid not less than the piece rates paid to the workers in the same establishment; and provided further that all such learners, handicapped or superannuated workers be qualified for such exemption in accordance with such requirements as may be hereafter established.

This determination shall become effective and shall apply to all contracts awarded subject to Public Act No. 846, 74th Congress, on or after August 2, 1937.

Dated this 28 day of July, 1937.

[SEAL] FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2412; Filed, July 29, 1937; 12:56 p. m.]

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DECISION OF THE SECRETARY OF LABOR IN THE MATTER OF DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE MEN'S HAT AND CAP INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public Act No. 846, 74th Congress), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, has been engaged in the consideration of the wages paid in the various garment industries, and on April 21, 1937, it held a public hearing on the prevailing minimum wages in the men's hat and cap industry.

Invitations to attend this hearing were sent to 11 trade associations and labor unions and to the 70 manufacturers listed in directories of the industry and were extended, through the national press, to all other employers and employees interested. Testimony was presented by representatives of the National Headwear Manufacturers Association and the United Hat, Cap and Millinery Workers International Union, as well as by individual employers and members of the public. A special study by the Women's Bureau of the Department of Labor was also presented. On the basis of all this evidence, the Board has submitted findings of fact and recommendations on the prevailing minimum wage in this industry.

The undisputed evidence of the types of hats and caps purchased by the Government indicates that those hats are manufactured by what is commonly known as the uniform branch of the industry as distinguished from the civilian branch of the industry. Approximately 85% of the workers in the uniform branch of the industry are unionized and are paid in accordance with similar collective bargaining agreements. These agreements constitute clearly the prevailing wages of the industry and the prevailing minimum wage in these agreements is 67.5 cents per hour or $27.00 per week for a forty hour week.

At the hearing evidence was submitted that showed the existence of several definite occupational classifications and the request was made by representatives of labor that a minimum wage should be established by the Secretary of Labor for each such classification. The Acting Solicitor of Labor has advised me that the act authorizes the fixing of only one minimum wage in an industry and does not permit the establishment of occupational minima. In view of such ruling, the request mentioned above must be and is hereby refused.

The only evidence presented on the question of geographic differentials by both employers and employees was against the establishment of such differentials. There are practically no hat and cap plants in the South and the differences that exist between plants in the East and the Middle West do not warrant the establishment of an East-West differential. The government market for hats and caps is distinctly national. Competitive bids are received for the same orders from all places of manufacture and a geographic differential would merely give an undue advantage to certain manufacturers to the prejudice of their competitors. Consequently there should be no geographic differential in the hat and cap industry.

The testimony of several of the witnesses showed that the manufacturers engaged in the production of hats and caps for the Government use only workers of a high degree of skill. It is apparently customary for workers to be trained on commercial or private work and only after years of experience to be used in the production of the so-called uniform hats and caps. Even in the making of low-priced camp hats and work caps for the Government, a higher standard of workmanship is employed than exists for high grade commercial hats. On the government hats a special lock stitch machine, which sews cloths together so that they cannot be ripped apart, is commonly used. The government inspection is exceedingly exacting and because of mass production, any imperfection may result in a heavy loss. As a result learners or other sub-average employees are not used on government work. Such being the case, there is no need for a tolerance on behalf of learners, handicapped or superannuated workers in this industry.

Therefore, I hereby determine—

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture or supply of men's hats and caps shall be 67.5 cents per hour or $27.00 per week for a forty hour week to be arrived at either upon a time or piece work basis.

This determination shall become effective and shall apply to all contracts awarded subject to Public Act No. 846, 74th Congress on or after August 2, 1937.

Dated this 28th day of July, 1937.

[SEAL] FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2413; Filed, July 29, 1937; 12:56 p. m.]

DECISION OF THE SECRETARY IN THE MATTER OF DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE MEN'S NECKWEAR INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public Act No. 846, 74th Congress), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes". At my direction, the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, has been engaged in the consideration of the wages paid in the various garment industries, and on April 22, 1937, it held a public hearing on the prevailing minimum wages in the men's neckwear industry.

Invitations to attend this hearing were sent to the 15 trade associations and labor unions and to the 100 manufacturers listed in directories of the industry and were extended, through the national press, to all other employers and employees interested. Testimony was presented by representatives of the New York Neckwear Manufacturers Association, the Amalgamated Clothing Workers of America, and the American Federation of Labor, as well as by individual employers and members of the public. A special study by the Women's Bureau of the Department of Labor was also presented. On the basis of all this evidence, the Board has submmitted findings of fact and recommendations on the prevailing minimum wage in this industry.

All of the evidence presented indicated that the men's neckwear industry is highly organized and that its wages are much higher than those paid in the other garment industries under consideration. The witnesses for the Union and the Manufacturers Association testified that approximately 60 percent of the industry is governed by collective bargaining agreements and that the wages provided in such agreements for the various occupational groupings are paid to a far greater concentration of workers within each occupational classification than any other wages. In these agreements provision is made for a weekly minimum of $50.00 for cutters and a weekly minimum of $15.00 for boxers and trimmers who are in reality regarded as beginners. The other regular production workers are covered by piece rate schedules incorporated in the agreements. The evidence establishes the fact that the actual hourly earnings based on such piece rates are not less than 50¢ per hour. It is apparent therefore that the prevailing minimum wage for the regular productive workers in the neckwear industry is 50¢ per hour or $20.00 per week for a 40 hour week.

The problem of learners in the men's neckwear industry presents an aspect slightly different from that existing in the other garment industries under review. Although the Women's Bureau study reported that the total number of learners represent less than 2 percent of the persons employed in the industry, there is undisputed evidence that many beginners are classed as boxers and trimmers. These persons, though employed for some period of time, are still regarded as beginners. They are in effect learners who have been assigned to certain unskilled productive tasks. A tolerance made to permit the development of new personnel in the industry should recognize those beginners who are engaged as boxers or trimmers as well as those beginners who are engaged as learners on all other types of work. From an examination of the evidence paid such workers in the industry, it appears advisable that a tolerance of 10 percent of the workers employed in any one establishment be granted for learners, superannuated and handicapped workers exclusive of boxers and trimmers and that an additional tolerance be granted for all persons actually employed as boxers and trimmers. All of these exempted employees should be paid at least the prevailing piece rate paid to other employees but not less than 37.5 cents per hour or $15.00 per week for a forty-hour week. The extent of this tolerance conforms to the present need of the industry on government contracts; however, it should not be regarded as settled permanently. In order to avoid hardship to employers with newly established plants and at the same time to safeguard the workers against the abuses of these exceptions to the established minimum wage, the Division of Public Contracts should make further studies of the situation so that this decision may be supplemented from time to time by appropriate regulations.

There was no request for a geographic differential in the men's neckwear industry. Forty-one percent of the industry is located in New York City and its immediate environs, 35 percent in the eastern states, 18 percent in the midwestern states and 6 percent in the far western states. There is practically no manufacture of neckwear in the South. Each of the states of Tennessee, Texas, North Carolina and Georgia produces less than one-tenth of one percent of the output of the industry. The wage variations throughout the country do not conform to any regional classification and there is no commercial reason for a geographic differential in the manufacture of knitted neckwear.

Since the Government makes no purchases of knitted neckwear, no consideration has been given to the wages paid in the men's neckwear industry.

Therefore, I hereby determine—

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's neckwear (exclusive of knitted neckwear) shall be 50 cents per hour, or $20.00 per week for a forty hour week arrived at either upon a time or piece work basis, and

(2) That a tolerance of not to exceed 10 percent of the workers in any one establishment shall be granted for those workers who are in fact learners, handicapped or superannuated workers, exclusive of boxers and trimmers, with an additional tolerance to persons actually employed as boxers and trimmers, provided that all such workers including learners, handicapped and superannuated workers and boxers and trimmers, be paid not less than 37.5 cents per hour or $15.00 per week for a forty hour week and not less than the piece rates paid to all other workers in the same occupational classification, and provided further that all such employees be qualified for such exemption in accordance with such requirements as may be established hereafter.

This determination shall become effective and shall apply to all contracts awarded subject to Public Act. No. 846, 74th Congress, on or after August 2, 1937.

Dated this 28th day of July, 1937.

[SEAL] FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2414; Filed, July 29, 1937; 12:57 p. m.]

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DECISION OF THE SECRETARY IN THE MATTER OF DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE MEN'S RAINCOAT INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public Act No. 846, 74th Congress) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936 has been engaged in the consideration of the wages paid in the various garment industries, and on April 21, 1937, it held a public hearing on the prevailing minimum wages in the men's raincoat industry including the manufacture of vulcanized, rubberized and cravenette raincoats.

Invitations to attend this hearing were sent to 13 trade associations and labor unions and to the 35 manufacturers listed in the directories of this industry and were extended, through the national press, to all employers and employees interested. Testimony was presented by representatives of the International Garment Manufacturers Association and the Women's Bureau of the Department of Labor. On the basis of this evidence, the Board has submitted findings of fact and recommendations on the prevailing minimum wage in this industry.

Evidence pointing to the prevailing minimum wage in the men's raincoat industry can be found both in the concentration of workers and in the average received by the lower paid workers in the industry. Although there is no concentration of more than 6% of the workers at any one specific wage, if the distribution of wages is arranged in 10-cent intervals the statistics reveal that 35.8% of all the workers studied are paid from 35 to 45¢ per hour. The mid-point of this range, or 40¢ per hour, is practically the same as the average wage for the lowest paid occupational group in the industry. The machine operators, who constitute approximately two-thirds of the workers in the industry and who, except for a very small number of incidental workers, are the lowest paid occupational group in the industry, receive an average of 40.1¢ per hour. The wage of 40¢ per hour or $16.00 per week for a 40-hour week is therefore deemed to be the prevailing minimum wage for this industry.

The men's raincoat industry exists primarily in Massachusetts and New York with scattered production in Ohio, Illinois, Pennsylvania, Indiana, New Jersey and Tennessee. There is wide variation in the rates paid by specific firms within the same state and overlapping rates among the various states. No claim has been made for a geographic differential and there is no evidence to indicate that one is desirable.

In the representative sample of the industry studied by the Women's Bureau less than 3% of the workers employed were learners. In order to provide for the necessary development of new personnel and the continued employment of superannuated and handicapped workers, a tolerance should be granted for the employment of workers beneath the established minimum wage to the extent of 10% of all the workers in any one establishment. These exempted employees should receive the prevailing piece rate and a minimum wage of at least 25% per hour or $10.00 per week for a 40-hour week. The extent of this tolerance conforms to the present need of the industry on government contracts; however, it is not to be regarded as settled permanently. In order to avoid hardship to employers with newly established plants and at the same time to safeguard the workers against abuse of this exception to the established minimum wage, the Division of Public Contracts will make further studies of this situation so that this decision may be supplemented from time to time by appropriate regulations.

Therefore, I hereby determine—

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture or supply of men's raincoats, including the manufacture of vulcanized, rubberized and cravenette raincoats, shall be $16.00 per week for a 40 hour week or 40¢ per hour, arrived at either upon a time or piece work basis, and

(2) A tolerance of not to exceed 10% of the workers in any one establishment be granted for those workers who are in fact learners, handicapped or superannuated workers, subject to the conditions that they be paid not less than 25¢ per hour or $10.00 per week for a 40 hour week and not less than the piece rates paid to other workers in the same establishment and that they be qualified for such exemption in accordance with such requirements as may be established hereafter.

This determination shall become effective and shall apply to all contracts awarded subject to Public Act No. 846, 74th Congress, on or after August 2, 1937.

Dated this 28th day of July, 1937.

[SEAL] FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2417; Filed, July 29, 1937; 12:57 p. m.]



DECISION OF THE SECRETARY IN THE MATTER OF DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE MEN'S UNDERWEAR INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public Act No. 846, 74th Congress), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, has been engaged in the consideration of the wages paid in the various garment industries, and on February 11, 1937, it held a public hearing on the prevailing minimum wages in the men's underwear industry.

Invitations to attend this hearing were sent to all the known trade associations and labor unions and to 574 manufacturers listed in the directories of the garment industries and were extended, through the national press, to all other employers and employees interested. Testimony was presented by representatives of the Underwear Institute, the United Textile Workers of America, the Amalgamated Clothing Workers of America and the International Ladies Garment Workers of America, as well as by individual employers and members of the public. A special study by the Women's Bureau of the Department of Labor was also presented.

The evidence on the nature of the underwear industry showed that it is divided into two branches, the knit and the woven. It was the opinion of both employer and employee representatives who appeared at the hearing that both branches should be combined for the purpose of determining the prevailing minimum wage. Under the NRA one code covered both branches of this industry and the general wage schedules in both divisions appear to be practically the same. For these reasons I conclude that for the purpose of this act the underwear industry shall be deemed to include both the knit and woven divisions.

Two separate findings of fact and recommendations were filed by the Board, one by the Chairman and the other by the associate member. In the Chairman's opinion a prevailing minimum wage of 37.5 cents per hour or $15.00 a week, based on a 40 hour week, was found on the ground of similarity between the work involved in this industry and that involved in the men's work clothing industry. In the other opinion a wage of 35 cents per hour or $14.00 per week for a 40 hour week was found, and the basis for such finding was that a concentration of almost half of the workers existed at a 10 cent interval of from 30 cents to 40 cents per hour. Additional support was found in the average hourly wage as reported by the Underwear Institute and the Women's Bureau.

Both findings and recommendations opposed the establishment of geographic differentials for the reason that a satisfactory showing had not been made for the necessity of such action.

After an examination of the record, including briefs filed subsequent to the hearing, I find that I am unable to agree with either recommendation.

The Solicitor's Office, in reviewing the testimony, has advised me as a matter of law that the weight of the evidence was in favor of a geographic differential. Unlike other cases which have previously come before the Board, certain witnesses maintained that there was a wage pattern in one industrial region which set it apart from the rest of the country and that this was a distinct industrial center for underwear manufacturing.

While reports from one or two states in this region showed higher hourly average earnings than an occasional state outside the region, the evidence did show a rough approximation to the regional differentials formerly recognized in the applicable code of fair competition under the National Industrial Recovery Act. The record as a whole indicates that the range of wages in the southern states covered a lower area than that in the northern states. For example, in New York the average wage for plants varied from 27.9

cents per hour to 50.3 cents as distinguished from a range in Tennessee, mentioned as a typical southern state, from 19.8 to 35 cents. And the combined average for the states of Alabama, Georgia, North Carolina, Tennessee and Virginia amounts to 32.7 cents per hour as compared with an average of 34.8 cents per hour for Delaware, Illinois, Indiana, Maryland, Missouri, Massachusetts, New York, Ohio, Pennsylvania and Wisconsin. In view of these factors, a northern and southern differential similar to that established under the N. R. A. insofar as areas are concerned, would appear to be justified.

Approaching now the question of prevailing minimum wages in each of these areas, the record shows that the cutters, knitters and machine operators are all skilled workmen. In addition, there is a variation of wages paid to members in each of these occupations to such an extent that no one group can be considered the minimum classification in this industry. Hence, it is necessary to examine the wages paid to all employees rather than to those employees in any one occupational group.

In the northern states no marked concentration of earnings was found at any one rate. A central tendency of distribution of wages was found, however, in the interval from 30 cents to 40 cents per hour in which 39.6% of the workers were listed. Likewise, in the south no concentration was found at any one rate. But the record does show that the wages of 39.4% of the workers fell in the interval from 30 cents to 35 cents per hour. The mid point of this concentration in the north is 35 cents per hour and the mid point of this concentration in the south is 32.5 cents per hour. Moreover, the average wages in each of these sections supports these conclusions. In the north the average was 34.8 cents or approximately 35 cents per hour and in the south 32.7 cents or approximately 32.5 cents per hour.

Learners in this industry, according to testimony presented at the hearing by the representatives of the Underwear Institute, are not used on government work. Hence, no reason exists for providing a tolerance for such workers. In order to provide for the continued employment of superannuated and handicapped workers, however, it appears advisable to allow a tolerance of 10% of the number employed in any one establishment for such workers. They should further be protected by the requirement of the same piece rates as paid to other workers and a minimum wage of 25 cents an hour or $10.00 a week for a forty hour week. The extent of this tolerance conforms to the present need of the industry on government contracts; however, it should not be regarded as settled permanently. In order to avoid hardship to employers with newly established plants and at the same time to safeguard the workers against abuse of this exception to the established minimum wage, the Division of Public Contracts should make further studies of this situation so that this decision may be supplemented from time to time by appropriate regulations.

Therefore, I hereby determine—

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's underwear shall be (a) 32.5 cents per hour, or $13.00 per week for a week of 40 hours for employees operating in plants located in the southern area to consist of the following states: Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Texas, Louisiana, and Oklahoma; (b) 35 cents per hour, or $14.00 per week for a week of 40 hours, for employees operating in plants located in the northern area to consist of all states, including the District of Columbia, other than those specifically enumerated above.

Such wages may be arrived at either upon a time or piece work basis.

(2) That a tolerance of not to exceed 10% of the workers in any one establishment be granted for those workers who are in fact handicapped or superannuated workers subject to the conditions that they be paid not less than 25 cents per hour or $10.00 per week and not less than the piece rates paid to other workers in the same establishment and that they be qualified for such exemption in accordance with such requirements as may be established hereafter.

This determination shall become effective and shall apply to all contracts awarded subject to Public Act No. 846, 74th Congress, on or after August 2, 1937.

Dated this 28th day of July, 1937.

[SEAL] FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2416; Filed, July 29, 1937; 12:57 p. m.]

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DECISION OF THE SECRETARY IN THE MATTER OF DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE SEAMLESS HOSIERY INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public Act No. 846, 74th Congress), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, has been engaged in the consideration of the wages paid in the various garment industries, and on April 28, 1937, it held a public hearing on the prevailing minimum wages in the seamless hosiery industry.

Invitations to attend this hearing were sent to the 17 trade associations and labor unions and to the 173 manufacturers listed in directories of the industry and were extended, through the national press, to all other employers and employees interested. Testimony was presented by representatives of the National Association of Hosiery Manufacturers, The Southern Hosiery Manufacturers Association, The American Federation of Hosiery Workers, as well as by individual employers and members of the public. A special study by the Women's Bureau of the Department of Labor was also presented. On the basis of all this evidence, the Board has submitted findings of fact and recommendations on the prevailing minimum wage in this industry.

The evidence presented by the various witnesses on the wages paid in the seamless hosiery industry differed largely because of a difference in the methods employed by the witnesses in summarizing and presenting the wages studied. All of the witnesses submitted wage rates being paid in the particular industry involved. Some presented the distribution of wages for the entire industry, for the occupational groupings within the industry and for both the entire industry and the separate occupations within the various geographic areas. It was on such evidence that the Public Contracts Board made its findings and recommendations and upon which this decision is based.

The prevailing minimum wage in this industry is supported both by a concentration in the distribution of all wages and the average for the lowest paid occupational groups. The Women's Bureau study indicates that there is no concentration of more than a few per cent of the workers in any wage interval of one cent; however, when grouped in five cent intervals, outstanding concentrations are found between 30 and 35 cents an hour which include 28.3% of the workers and from 35 to 40 cents an hour which include 18.7% of the workers. 47% or approximately half of all the workers in the industry earn between 30 and 40 cents an hour. This evidence indicates clearly that 35 cents per hour or $14.00 a week for a 40 hour week is the prevailing minimum wage in the seamless hosiery industry.

Furthermore, this determination finds support in the average wage of the lowest paid occupational groups. Those groups which were listed as miscellaneous occupations under the NRA and which include such finishing operations as trimming, inspecting, mending, paring, folding, stamping, ticketing and boxing, many of which are interchangeable in smaller factories, are paid, according to the figures of the Women's Bureau study, an average wage of 35 cents per hour. The brief of the American Federation of Hosiery Workers segregates the stamping and rider ticketing workers as the lowest occupational group and reports that they earn an average of 34.9 cents or approximately 35 cents per hour.

The evidence presented by the National Association of Hosiery Manufacturers unfortunately confined itself to a selection of the minimum rates found in each plant throughout the industry and did not take into account the probability that the *prevailing* minimum wage for the entire personnel of an establishment or the *prevailing* minimum wage for the lowest occupational groups may be above the lowest wage paid to any individual in the plant. The provisions of the Public Contracts Act do not require the Secretary of Labor to determine the lowest wage paid in an industry or the average of the lowest wages paid in the various plants of an industry. The intent and purpose of the law are rather to have determined the minimum which exists for an outstanding concentration of the workers so that employers paying what is generally deemed to be fair will not suffer from the competition of employers paying unreasonably low wages. When the evidence for the distribution and concentration of wages throughout the industry and the evidence of the average wages paid within the lowest occupational groupings of the industry indicate the same prevailing minimum wage, as they do in this industry, that wage should be adopted for the purposes of the Public Contracts Act.

The evidence further establishes the impracticability of geographic differentials in the seamless hosiery industry. The average hourly earnings in the southern state of North Carolina, which is the largest producing state of seamless hosiery, is 38.3 cents per hour, while the average hourly earnings in the northern state of Pennsylvania, which is the second largest state of seamless hosiery, is 37.6 cents per hour. A differential providing a lower wage for the South and a higher wage for the North would not truly represent the conditions prevailing in these two major states. The variations among the other states likewise are not uniform throughout the geographic regions.

Moreover, there is a great variation in hourly earnings between firms in each of the states. For example in North Carolina the midpoint in hourly earnings ranged from 25.9 cents to 44.2 cents in specific firms. In Georgia the median hourly earnings in one firm were 48.1 cents while in another they were 21.3 cents. A range was found in Wisconsin from 30.5 cents to 42.3 cents and in New York from 24.4 cents to 49.7 cents. Thus it is seen that the minimum wage for this industry should make no differentiation on the basis of geographic location.

The testimony of practically all the witnesses indicates that there are very few learners in the seamless hosiery industry. Among the workers, in the study made by the Women's Bureau, only 2.3% are learners. The high standards of workmanship required by the Government specifications, enforced by rigorous inspection, apparently make it inadvisable to employ even the usual number of learners on Government work. Still, in order to provide for the necessary development of new personnel and the continued employment of superannuated and handicapped workers, it is necessary to provide a tolerance for the employment of workers beneath the established minimum wage. It appears that this may be accomplished adequately for the seamless hosiery industry by permitting a tolerance of 5% of all workers in any one establishment for learners, handicapped and superannuated workers. It was generally agreed that these exempted workers should receive the prevailing piece rate and a minimum of at least 80% of the regular minimum wage. This would call for a minimum wage of 28 cents per hour or $11.20 per week for a 40 hour week. The extent of this tolerance conforms to the present need of the industry on Government contracts; however, it should not be regarded as settled permanently. In order to avoid hardship to employers with newly established plants and at the same time to safeguard the workers against abuse of this exception to the established minimum wage, the Division of Public Contracts should make further studies of this situation so that the Secretary's decision may be supplemented from time to time by appropriate regulations.

Therefore, I hereby determine—

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of seamless hosiery, shall be $14.00 per week for a week of forty hours or 35 cents per hour, arrived at either upon a time or piece work basis, and

(2) A tolerance of not to exceed 5% of the workers in any one establishment is hereby granted for those workers who are in fact learners, handicapped or superannuated workers, subject to the conditions that they be paid not less than 28 cents per hour or $11.20 per week for a forty hour week and not less than the piece rates paid to other workers in the same establishment and that they be qualified for such exemption in accordance with such requirements as may be established hereafter.

This determination shall become effective and shall apply to all contracts awarded subject to Public Act No. 846, 74th Congress, on or after August 2, 1937.

Dated this 28th day of July, 1937.

[SEAL] FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2415; Filed, July 29, 1937; 12:57 p. m.]

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DECISION OF THE SECRETARY IN THE MATTER OF DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE WORK GLOVE INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936, (Public No. 846, 74th Congress) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, has been engaged in the consideration of the wages paid in the various garment industries, and on April 21, 1937, it held a public hearing on the prevailing minimum wages in the work glove industry including the manufacture of leather work gloves, leather-palm gloves, all canvas or canton flannel work gloves, knit gloves, woolen knit lined gloves and officers' white cotton gloves.

Invitations to attend this hearing were sent to the twelve trade associations and labor unions and to the forty-five manufacturers listed in the directories of the industry and were extended, through the national press, to all employers and employees interested. Testimony was presented by representatives of the Work Gloves Institute, the National Association of Leather Glove Manufacturers, the Knit Wool Manufacturers, and the International Glove Workers Union, as well as by individual employers and members of the public. A special study was presented by the Women's Bureau and a special brief from the Southern States Industrial Council was received and incorporated into the record. On the basis of all this evidence, the Board has submitted findings of fact and recommendations on the prevailing minimum wage in this industry.

The evidence presented on wages in the work glove industry indicates a prevailing minimum wage both from the concentration of wages in the industry and from the average wage of the low paid workers in the industry. Although there is no concentration of more than a few percent of the workers at any single wage, if the wage distribution is presented in intervals of 10¢ per hour, there appears a concentration of 39% of the workers who earn from 30 to 40¢ an hour. The mid-point in this range, namely 35¢ per hour, is approximately the same as the average wage for the lowest paid workers in the industry. According to the representative of the Work Glove Institute, the unskilled workers, including the receiving, shipping, packing, turning, forming, assembling, inspecting and

punching workers, constitute 33% of all the employees of members of the Institute, receive an average wage of 35.5¢ per hour (when computed on a company basis) or 33.4¢ an hour (when computed on an individual, weighted basis). Under the NRA this group was united with the sewers, constituting 62% of all the workers, for the lowest code rate. If a similar combination is made for the present purposes, the evidence of the Work Glove Institute shows an average wage for this basic group of 36.1¢ per hour (when computed on a company basis) or 35.2¢ per hour (when computed on an individual, weighted basis). The testimony submitted by the representative of the knit wool glove manufacturers indicates that in that branch of the industry the average wage earned in the twelve weeks period ending March 1937, by the lower paid workers (excluding those occupational groups earning 40¢ an hour or more) was 35.9¢ per hour. The evidence is therefore ample to support a finding that the prevailing minimum wage in the work glove industry is 35¢ per hour or $14.00 per week for a 40 hour week.

The evidence clearly demonstrates the inadvisability of geographic differentials in the work glove industry. The center of the industry is in the Middle West, specifically in Ohio, Indiana, Illinois and Iowa. A secondary center is found in the eastern states of New York, Pennsylvania, and New Jersey. A few plants of relatively slight production exist in the southern states of Missouri, North Carolina and Tennessee. When the geographic location of these plants are correlated with their wage rates, the result shows a lower rate in the mid-western state of Illinois than in certain southern states and a lower rate in all eastern states than in the mid-western state of Ohio. These actual differences in prevailing wages cannot be expressed in differentials setting off the several sections of the country. Moreover, the government market is essentially the same for all glove producers and a geographic differential is neither necessary nor advisable.

The Women's Bureau reported that approximately 10% of the workers in the glove industry are classed as learners. Many of these receive more than the prevailing minimum wage and the strict standards specified for government work make it necessary to use fewer learners on such work than on the usual commercial orders. A proper tolerance to permit a constant flow of new help to replace those who leave from time to time and to permit the continued employment of handicapped and superannuated workers on government contracts in this industry would appear to be 10% of the number employed in any one establishment. In order to safeguard against abuse of this tolerance, it is necessary to require payment to these workers of the same piece rates paid other workers and of the minimum wage equal to 25¢ per hour or $10.00 per week for a forty hour week. The extent of this tolerance conforms to the present need of the industry on government contracts; however, it should not be regarded as settled permanently. In order to avoid hardship to employers with newly established plants and at the same time to safeguard the workers against abuse of this exception to the established minimum wage, the Division of Public Contracts should make further studies of this situation so that the Secretary's decision may be supplemented from time to time by appropriate regulations.

Therefore, I hereby determine—

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture or supply of men's work gloves, including the manufacture of leather work gloves, leather-palm cotton gloves, all canvas or canton flannel work gloves, knit gloves, woolen knit lined gloves and officers' white cotton gloves, shall be $14.00 per week for a week of forty hours or 35¢ per hour, arrived at either upon a time or piece work basis, and

(2) A tolerance of not to exceed 10% of the workers in any one establishment be granted for those workers who are in fact learners, handicapped or superannuated workers subject to the conditions that they be paid not less than 25¢ per hour or $10.00 per week and not less than piece rates paid to other workers in the same establishment and that they be qualified to such exemption in accordance with such requirements as may be established hereafter.

This determination shall become effective and shall apply to all contracts awarded subject to Public Act No. 846, 74th Congress, on or after August 2, 1937.

Dated this 28 day of July, 1937.

[SEAL] FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2411; Filed, July 29, 1937; 12:56 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5475]

### NEWPORT ELECTRIC CORPORATION CITIZENS UTILITIES COMPANY

ORDER SETTING DATE OF HEARING

Upon joint application of the Newport Electric Corporation and Citizens Utilities Company, with offices at 821 Marquette Avenue, Minneapolis, Minnesota, filed July 19, 1937, pursuant to Section 203 (a) of the Federal Power Act, for approval of the transfer by the former company of all of its property, rights, licenses, and assets to the latter company for the purpose of consolidating the properties, assets, and operations of the two companies, the transferee to assume all the debts and obligations of the transferor;

It is ordered:

That a public hearing on said application be held on August 13, 1937, at 10 a. m., in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on July 27, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2405; Filed, July 29, 1937; 9:56 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### RULES UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

RULES AS TO SOLICITATIONS OF PROXIES OR OTHER AUTHORIZATIONS

Rules adopted pursuant to Sections 11 (g) and 12 (e) of the Public Utility Holding Company Act of 1935. Provisions of rules extend to all securities of registered holding companies and subsidiaries, whether or not listed on a national securities exchange existing and future rules pursuant to Section 14 (a) of the Securities Exchange Act of 1934, and also cover solicitation of any proxy, consent, dissent, deposit of a security, or other authorization, in connection with a reorganization of, or reorganization plan for, a registered holding company or subsidiary. Requirements specified as to information to be set forth in applications for reports on reorganization plans and in declarations regarding solicitations.

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly Sections 11 (g) and 12 (e) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and to prevent the circumvention of the provisions of said Act and the rules, regulations or orders thereunder, the Securities and Exchange Commission hereby adopts the following rules:

RULE 12E-1. *Definitions.*—For the purpose of all rules adopted pursuant to the provisions of Section 11 (g) and 12 (e), the following words and phrases shall have the meanings herein indicated unless the context otherwise requires:

(a) The word "proxy" means any authorization, in whatever manner evidenced or granted, to any person or persons (other than the beneficial owner of the security or claim to which such proxy relates), to represent or act for the owner of a security or claim in connection therewith, whether such authorization is given in connection with a deposit of securities or otherwise and irrespective of whether it constitutes or includes any consent to or dissent from any reorganization plan.

(b) The words "consent" and "dissent" mean, respectively, any act or failure to act, whether by vote or otherwise, by the owner of a security or claim, in evidencing approval or acceptance of, or assent to, or agreement or consent that such owner, or such security or claim, be bound by, a reorganization plan, whether or not such plan has been definitely formulated or proposed and any such action or non-action evidencing disapproval of, or refusal or unwillingness to be bound by such a plan; and such words shall also include the granting of any proxy by any such owner whereby any other person is authorized to give any such consent or dissent on behalf of such owner, irrespective of whether such authorization is unconditional or is conditioned upon the failure of such owner to take affirmative action in connection with such plan after receiving notice thereof or is conditioned upon the happening of any other event or the failure of any other event to occur.

(c) The word "plan" or the term "reorganization plan" means any plan of reorganization of a registered holding company or of any subsidiary of such a company which plan is subject to the provisions of Section 11 (g) of the Act (excluding therefrom any plan of reorganization for a subsidiary company exempt from the provisions of Sections 11 (g) or 12 (e)).

(d) If the Commission shall make a report on any plan or on any declaration with respect to a solicitation and shall thereafter amend the same, the word "report" means such report by the Commission as most recently amended. If the Commission shall make or expressly approve an abstract of any report that it may make on any plan or declaration, such abstract shall thereafter be deemed to be the report of the Commission thereon.

(e) Any of the following persons shall be deemed to have a "bona fide interest" in a reorganization of any company:

(1) such company, any creditor or stockholder thereof, any receiver or trustee of such company and any duly authorized representative of any of said persons;

(2) any trustee under a mortgage, deed of trust or indenture pursuant to which there are outstanding securities which have been issued, guaranteed or assumed by such company;

(3) any State commission having regulatory jurisdiction over the company undergoing reorganization, or any person authorized to prepare a plan by any court, officer or agency before which a reorganization proceeding is pending; and

(4) any other person who is declared by the Commission, in connection with an order for a hearing on an application filed by such person, or otherwise, to have a bona fide interest in such reorganization, including (but without limitation) consumers, officers, directors, or employees of such company, labor unions, associations and other representatives of such employees.

For the purpose of paragraphs (f) and (g) of Section 11, the words "persons having a bona fide interest" are hereby defined to include the persons described in paragraph (e) of this rule.

RULE 12E-2. *Solicitation of Proxies.*—Except as to a solicitation which is made in compliance with the provisions of paragraphs (b), (d), and (e) of Rule 12E-3, no person shall solicit or permit the use of his or its name to solicit any proxy regarding any security of a registered holding company or a subsidiary of such a company except upon compliance with the provisions of all rules and regulations adopted pursuant to the provisions of Section 14 (a) of the Securities Exchange Act of 1934 that would be applicable to such solicitation if such securities were registered on a national securities exchange; *Provided, however*, that, unless such security is actually registered on a national securities exchange, no documents need be filed with any such exchange in connection with such solicitation.

RULE 12E-3. *Solicitation of Authorization in Connection with Reorganizations.*—(a) No person shall solicit or permit the use of his or its name to solicit any proxy, consent, dissent, deposit of a security or other authorization which relates to or is to be used in connection with a reorganization or a reorganization plan—

(1) except under the circumstances set forth in and in compliance with the provisions of paragraph (b), (c), (d) or (e) of this rule;

(2) except in compliance with all terms and conditions of any order entered by the Commission in connection with such solicitation with respect to the time and manner of solicitation, the classes of securities as to which proxies, consents, dissents or deposits may be solicited, and the terms and conditions of solicitation; and

(3) (unless otherwise required by such an order) except in compliance with all the terms and conditions set forth in any application or declaration filed with the Commission by such person with respect to such solicitation.

No person shall solicit any such authorization in any case if the Commission shall find that the instruments used to evidence such authorization fail to contain fair and equitable provisions for review and determination by a court, commission or other independent person of all fees and expenses that are to be paid or incurred by the estate or by the persons solicited in connection with the reorganization; for the submission of periodic reports and statements of account by the person making such solicitation to those from whom authorization is procured; for prohibition of the buying or selling of securities affected by the reorganization by or on behalf of the person effecting such solicitation or his associates; and for the unconditional right to revoke or cancel such authorizations and, except for cause shown, to withdraw securities from deposit, without expense, at any time before the authorization has been conclusively exercised.

Any employee or agent of any person qualified under the applicable provisions of this rule to solicit an authorization, may solicit or participate or cooperate in soliciting any such authorization in the name of such employer or principal if such employee or agent complies with all other conditions that would be applicable if such employer or principal were to do such act in person. For the purposes of this rule, a person or company which merely acts as depositary or custodian of securities, the deposit of which is solicited by others, shall not be deemed to be an employee or agent of such other persons and shall be under no duty to comply with any provisions of this rule or to ascertain that such other persons have done so.

(b) *Solicitations of a Limited Number.*—Any person may solicit or permit the use of his or its name to solicit any proxy or other form of authorization that is to be used in connection with a reorganization, if the following conditions are satisfied:

(1) such person does not, either alone or in cooperation or conjunction with others, make such solicitation from more than twenty-five owners of securities or claims (or from such larger number as the Commission for cause shown may, by order, authorize in any case); and

(2) if such authorization constitutes a consent to or dissent from a reorganization plan, such solicitation shall not be made unless the Commission shall have made a report on such plan and unless such solicitation is accompanied or preceded by the sending or delivery to the person solicited of a copy of such report.

For the purpose of computing such number of owners, all persons having any legal or beneficial interest in any specific security or claim shall be counted as a single owner.

(c) *Solicitations of Restricted Authorizations.*—Any person may, in anticipation of or in connection with a reorganization, solicit or permit the use of his or its name to solicit any authorization, other than one accompanied by a deposit of securities, *Provided* that each such authorization merely permits or empowers specified persons to represent the owners of securities or claims in connection with the negotiation, formulation or development of a reorganization plan, or to appear before a court, commission or other body in connection with such reorganization or the development of a plan and does not constitute a consent to or dissent from a reorganization plan, and *Provided Further* that the following conditions are satisfied:

(1) each such solicitation shall be accompanied or preceded by the sending or delivery to the person solicited of a statement of (A) the names, addresses and principal business connections of each person making such solicitation and of each person at whose instance or on whose behalf each such person is acting; (B) the interest of each such person in such reorganization plan, including a statement of the amount of securities and claims beneficially owned by each such person which were issued by the company to be affected by such reorganization, by each subsidiary thereof and by each company of which it is a subsidiary; and (C) all plans or arrangements, however tentative, that have been made for the employment of any such persons by any such company or by any successor thereof; and

(2) each such authorization shall expressly provide that it does not constitute and does not authorize any person to give a consent to or dissent from any plan of reorganization and that it is unconditionally revocable at the will of and without expense to the person granting such authorization.

(d) *Solicitations of Consents and Dissents.*—Any person may solicit or permit the use of his or its name to solicit a consent to or dissent from any reorganization plan which has been prepared in writing or a deposit of securities which constitutes a consent to or dissent from such a plan if such solicitation is accompanied or preceded by the sending or delivery to each person solicited of a copy of such plan and a copy of a report of the Commission thereon made pursuant to an application under Rule 12E–4, and if all of the following additional conditions are satisfied:

(1) such person shall have filed a declaration pursuant to Rule 12 E–5 with respect to such solicitation, and the Commission either shall have prepared a report on the letters and other documents that are to be used in connection with such solicitation or shall have advised the declarant in writing that it does not contemplate making such a report;

(2) the first such solicitation of any person and each "follow-up" or supplemental solicitation (except as otherwise provided by paragraph (d) of Rule 12E–5) is accompanied or preceded by the sending or delivery of any report the Commission shall have made in connection with such declaration as then effective and by a letter of solicitation which shall adequately set forth the information required by paragraphs (8) and (9) of Rule 12E–4 with respect to each declarant, their attorneys, accounting, engineering and financial advisers and of all persons at whose request or on whose behalf each such declarant is acting and, if any such person is a company, with respect to its directors, partners and principal officers; and

(3) each such solicitation is also accompanied or preceded by such forms of proxies, consents and other documents as said declaration or appropriate post-amendments thereof shall describe as the documents to be used for that purpose, and by no other documents.

(e) *Solicitation of Deposits under Special Circumstances.*—Any person desiring to solicit or permit the use of his or its name to solicit a deposit of securities in anticipation of or in connection with a reorganization or proceeding for reorganization may file with the Commission a declaration setting forth such information as is specified in paragraphs (a) and (b) of Rule 12E–5. If the Commission, upon consideration of such declaration, shall find that such deposit is necessary for one or more of the following purposes:

(1) to create an express trust or otherwise to aid the persons desiring to make such solicitation in maintaining actions at law or in equity for the protection of the rights of the owners of such securities; or

(2) to facilitate the collection or distribution of payments expected to be made on account of such securities; or

(3) to facilitate tender of such securities in connection with a contemplated purchase of assets at a judicial or foreclosure sale; or

(4) for any other purpose which the Commission shall find to be in the interest of the holders of the securities to be deposited and not in contravention of the policy of Section 11 (g);

and, if the Commission, by order, shall fix a date upon which such declaration shall become effective, the person or persons filing such declaration may thereafter solicit or permit the use of his or their names to solicit such deposit of securities, subject, however, to the requirements of paragraph (a) of this rule.

RULE 12E–4.—*Applications for Reports on Plans.*—(a) Any person having a bona fide interest (as defined by Rule 12E–1) in a reorganization of a registered holding company or a subsidiary of such a company may apply to the Commission for a report on a reorganization plan for such company which such person has submitted to the Commission in writing. Any number of persons may join in such an application. Every such application shall comply with the provisions of Rule 2 as to number of copies, form and execution. In addition to giving the name and address of each applicant for such report, every such application shall set forth the name and address of the person to whom the Commission should address correspondence with respect to such application; the name and address of the company to be reorganized; and the nature of the bona fide interest of each applicant in the proposed reorganization. A copy of the plan and of the reorganization agreement (if any) should be attached as exhibits. Insofar as applicable to the situation, each such application should also contain: [1]

(1) a description of any proceedings before a court or other governmental body in connection with such reorganization, giving the date when such proceedings were instituted and describing briefly the history and present status thereof;

(2)—

(A) financial statements of the company and its subsidiaries as of the most recent date available

(B) earnings and surplus statements of the company and its subsidiaries as shown by their books for the five fiscal years next preceding the date of the application

(C) pro forma balance sheets and earnings statements giving effect to the proposed transactions and to any adjustments proposed to be made in the accounts of the reorganized company;

(3) a brief description of the classes, amounts and rights of the owners of securities and of any substantial

[1] Note: The information specified herein need be given only insofar as known or reasonably available to the applicants and in such detail as is necessary to explain the statements made and the purpose thereof. In respect of any specific information so given, the applicants may state that it is incomplete or may disclaim responsibility for the accuracy thereof.



undisputed claims against such company, and of all changes in such rights to be effected by such plan;

(4) a statement as to the nature of any substantial presently existing claims or actions (A) against the company and (B) on behalf of the company or the holders of its securities against any other person, (other than those referred to in paragraph (3) above) and as to the results of any investigations made by or for the applicants and of any significant investigations by courts, trustees, State commissions, or other bodies or persons that are available to applicants concerning the existence and validity of such claims, and the recommendations of the applicants with respect to the appropriate action to be taken in connection therewith;

(5) a statement of the nature and results of any important investigations made by or for the applicants as to the recent or present condition, adequacy or efficiency of the properties, operations, rates, management, accounting practices, depreciation, financial and other policies of such company and its subsidiaries; a statement of any important changes in such respects that are expected to result from or to follow the proposed reorganization; and a citation of any important public or private reports on any such matters that are known by the applicants to have been made within five years prior to the filing of the application;

(6) a statement of the reasons why the present is deemed to be an appropriate time to effect the proposed reorganization;

(7) a statement as to the history of the formulation and negotiation of the plan and the reasons why the applicants deem it to be fair and equitable, including a statement as to the estimates of future earnings and requirements of further capital for improvements, extensions and other corporate purposes that were used in formulating the plan; the reasons for selecting the types of new securities to be issued and the consideration that has been given to the requirements of paragraphs (c) and (d) of Section 7; the principles on which such securities were allocated among the owners of outstanding securities and claims; and the extent to which such plan will effect or aid in the ultimate simplification of the corporate structure of the holding company system of which such company is a member and in carrying out the other purposes of Section 11 (b);

(8) a comprehensive statement giving the names and addresses of all persons (including, in the case of a company plan, the officers and directors of such company) who were primarily responsible for the preparation and negotiation of the plan and the class of securities or claims represented by each, the names and addresses of the persons at whose request or on whose behalf each such negotiator was acting and the names of their important legal, accounting, engineering and financial advisers, all important relations now existing or which have existed within five years prior to the date of such application between all such persons and the company to which the plan relates, every subsidiary thereof and every company of which it is a subsidiary, whether as officers, directors, underwriters or otherwise (if any such person does not purport to be an independent representative of a single class of securities or claims, a general statement of his position and relationships may be substituted for the data above specified in this subparagraph); the amounts of each class of securities of and claims against each such company that were beneficially owned by each such person as of a date not more than twenty days prior to the filing of the application, and a list, by individuals, giving the applicant's best information as to all purchases and all sales of such securities, within a period of three years prior to the filing of the application, in which any such person had a beneficial interest, the prices at which each such purchase and sale was made and a statement as to the nature of the investigations made in connection with the preparation of such list and the basis for the information therein contained;

(9) a statement as to the amounts that each person described in item (8) above (including attorneys and other principal advisers) have already received as compensation and expenses for their services in connection with such reorganization and solicitation; the principles or bases on which further compensation of such persons will be determined, including, in so far as practicable, the rates per hour or per day that will be charged or requested for the services of such persons and the respective classes of their employees, together with estimates of the maximum amount of time such respective classes of service will consume; the sources from which such compensation has been, and such further compensation is to be received; a statement of any agreements or understandings between firms of attorneys, accountants or other experts with respect to division of their respective fees; a statement as to whether the amounts of any further compensation are to be subject to determination or review by any court, governmental agency or independent person; and a statement of all agreements, understandings or arrangements that have been entered into by or with any such person, his attorneys or other principal advisers with respect to future employment, underwritings and similar matters; *Provided*, that in the case of a plan of reorganization to be submitted by a company to its security holders, which is not proposed in connection with or in anticipation of any court proceeding, estimates in reasonable detail, showing the aggregate fees and expenses to be incurred in connection with such plan may be substituted in lieu of the above information;

(10) the names and addresses of any committees and any holders of substantial amounts of securities or claims who have indicated opposition to the proposed plan;

(11) a statement as to the willingness of the applicants to mail notice of the Commission's public hearing on the application to the holders of securities and claims affected by the plan, and as to the access of the applicants to lists of holders of any such securities payable to bearer; and

(12) such other and further information as the Commission may require to be supplied by amendment.

Attach as an exhibit an opinion of counsel stating whether any courts, State commissions or other governmental bodies are required to pass upon the transactions to be carried out pursuant to the proposed plan, giving the status of any proceedings then pending before any such bodies and expressing an opinion as to whether, upon the taking of specified further steps, the plan will become binding upon owners of securities of and claims against the company, who do not consent thereto. Such opinion shall cite the relevant constitutional, statutory and charter provisions and the controlling court decisions, if any, with respect to the jurisdiction of such bodies and with respect to the conditions upon which the plan will become binding upon the owners of securities of and claims against the company who do not consent thereto.

(b) Any such application for a report on a reorganization plan may include as a part thereof such additional statements as are required by Rule 12E–5 for a declaration by the applicants in respect of a solicitation of proxies, consents, dissents or requests for the deposit of securities, in connection with such plan and every application containing such statements shall be deemed to constitute both an application under this rule and a declaration under said Rule 12E–5.

RULE 12E–5.—*Declarations as to Solicitations.*—(a) Every declaration with respect to a solicitation that is filed pursuant to a requirement of Rule 12E–3 shall comply with the provisions of Rule 2 as to number of copies, form and execution. Any number of persons may join in such a declaration. Every such declaration shall set forth the following information (except that a declaration which is incorporated

in an application pursuant to Rule 12E–4 need not repeat any information given elsewhere in such application):

(1) the names and addresses of the declarants, their attorneys, accounting, engineering and financial advisers, and of all persons at whose request or on whose behalf each such declarant is acting;

(2) the name and address of the person to whom communications from the Commission with respect to such declaration shall be addressed;

(3) the class of securities and claims to be solicited, with a brief identification of the company and of the proceeding or plan with respect to which such solicitation relates;

(4) the information described in paragraphs (8) and (9) of Rule 12E–4 with respect to each of the persons described in clause (1) of this paragraph and, if any such person is a company, with respect to each of its directors, partners and principal officers;

(5) a copy of the first letter of solicitation to be used, which shall comply with the requirements of subparagraphed (d) (2) of Rule 12E–3, together with copies of any supplementary or "follow-up" letters declarants may desire to incorporate in their original declaration;

(6) copies of all other documents (except reports of the Commission) that are to be used in connection with the first letter of solicitation, including the text of any radio broadcasts, together with copies of all deposit agreements or other instruments evidencing the terms and conditions upon which any deposits of securities are to be made;

(7) a description of the order, arrangement and style in which the documents described in clauses (5) and (6) above are to be sent to owners of securities or claims, and particularly the size, style of printing and position to be given to all reports of the Commission to be used in connection with such solicitation;

(8) a full statement as to the manner in which declarants will make such solicitations and, if any persons are to be used to make personal, oral or radio solicitations, a statement as to whether such persons are regular employees of the declarants or are to be specially hired for such solicitation and, in sufficient detail, all bonuses or special compensation to be paid to regular employees and the maximum compensation and costs that will be paid to persons who are not regular employees;

(9) a statement as to whether the documents of solicitation described in clauses (5) and (6) of this paragraph are to be sent or delivered to each owner of securities or claims prior to the time of any personal or oral solicitation and, if so, the minimum amount of time which will thus be afforded such owner to study such documents prior to any such solicitation.

(b) Every declaration with respect to a solicitation of deposits of securities made pursuant to paragraph (e) of Rule 12E–3 shall also set forth (A) the special circumstances which make it necessary or desirable that the deposit of such securities shall be solicited without such solicitation being accompanied by a report of the Commission on the reorganization plan; (B) the rights and privileges to be given to the declarants, their depositary or any other agents or representatives thereof to sell, pledge or hypothecate the deposited securities or to have or create a lien thereon and to receive compensation or expenses for their services; as well as all limitations on liabilities to which any such persons would otherwise be subject; and (C) all conditions or restrictions on the right to deposit or the right of depositors to withdraw their securities from deposit.

(c) Post-amendments incorporating new material, including the text of any supplementary or follow-up letters of solicitation, any changes that are to be made in the methods of solicitation, information as to new persons who are to join in the solicitation, or any other appropriate data, may be filed at any time after a declaration has become effective under any provision of Rule 12E–3. Every declaration as thus post-amended shall become effective at the end of the fifteenth day after the date of the filing of the latest post-amendment (not including the date on which such filing is made), unless, prior to the expiration of such period, the Commission, by sending a letter, confirmed telegram or otherwise, shall notify the person to whom communications with respect to such declaration are to be sent that it desires to make a report on such amended declaration or to amend a report which it has previously made in connection therewith or, in the case of a declaration required by paragraph (e) of Rule 12E–3, that it desires to amend its order making such declaration effective. The Commission, for sufficient cause shown, may, in any case, by order, shorten such period of fifteen days.

In any case in which the Commission shall give such notice as aforesaid, a post-amendment of a declaration shall not become effective until after the Commission shall have prepared and issued a report or an amended report on such declaration as thus amended or, in lieu thereof, shall have advised the declarants in writing that it does not contemplate taking such action or, in the case of a post-amendment to a declaration required by paragraph (e) of Rule 12E–3, shall not become effective until the Commission shall have amended its order with respect to such original declaration so as to make such declaration effective as thus post-amended.

(d) Any person who shall have solicited or permitted the use of his or its name to solicit a consent, dissent or deposit of securities in compliance with the requirements of the applicable rules of the Commission and who shall, in response to such solicitation, receive a specific inquiry asking for further explanation as to any detail of such solicitation, may reply thereto and no such reply need be incorporated in any declaration or any post-amendment to such declaration required by said rules.

No such post-amendment need be filed by any such person with respect to any supplementary or follow-up letters which merely calls attention to a prior solicitation made in accordance with the requirements of Rule 12E–3 and urges action in accordance with such prior request but does not set forth any financial or other data, information or representations.

AMENDMENT TO RULE EXEMPTING CERTAIN NON-UTILITY SUBSIDIARIES

Amendments to rule exempting certain non-public utility subsidiaries of registered holding companies increase scope of exemption from Sections 12 and 13, and as to acquisitions from wholly-owned subsidiaries and from companies undergoing reorganizations; exemption as to Sections 11 (f), 11 (g), and 12 (e) and rules thereunder, more closely defined.

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Section 3 (d) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, and not contrary to the purposes of said Act, the Securities and Exchange Commission hereby amends Rule 3D–5 to read as follows:

RULE 3D–5. *Exemption of Certain Non-Utility Subsidiaries.*—(a) Except as otherwise provided in the subsequent paragraphs of this rule, every subsidiary company of a registered holding company which subsidiary company is not

(1) a holding company,
(2) a public utility company,
(3) an investment company or investment trust, including one which is a medium for investments in securities for the benefit of a public-utility or holding company or its directors, officers or employees,
(4) a company engaged in the business of performing services or construction for or selling goods to associate companies of any of the classes specified in clauses (1) to (3) above, or
(5) a company controlling, directly or indirectly, any company specified in clauses (1) to (4) above,

shall be exempt from the obligations, duties and liabilities imposed upon such company as a subsidiary company by any provision or provisions of the Act and, within the extent of the exemptions provided by this rule, such a company shall not be deemed to be a subsidiary or affiliate of any other company.

(b) The exemption provided from Section 9 (a) (1) by paragraph (a) of this rule shall not be applicable

(1) to an acquisition of utility assets or to an acquisition of other interest in the business of such a company, or to any acsive, of paragraph (a) of this rule, or to an acquisition of any securities of any company described in clauses (1) to (5), inclu-quisition which will result in such a subsidiary company becoming a company of a type described in any one of such clauses; or

(2) to the acquisition of any property or right (whether acquired in a single transaction or in a series of transactions) if the total consideration paid or to be paid therefor has a value in excess of $200,000, except that the exemption shall be applicable, without regard to the amount of the consideration,

(A) to any acquisition by such a subsidiary company from another company substantially all of whose outstanding securities it owns; and

(B) to any acquisition which such a subsidiary company may make as a result of the reorganization of another company solely because of its surrender of securities of and claims against the company being reorganized which were previously held by such acquiring company.

(c) The exemptions provided from Sections 11 (f), 11 (g) and 12 (e) by paragraph (a) of this rule shall extend to any rules adopted under such sections but no exemption from such sections or rules shall be applicable to any reorganization of or reorganization plan for any such subsidiary company if such reorganization or plan provides that any associate company of such a subsidiary shall increase its investment in, or shall advance money to, or shall assume or guarantee any debt owing or to be incurred by such subsidiary company or the company which, in accordance with the terms of such reorganization or plan, will become its successor.

(d) If any rule, regulation or order adopted under Sections 12, 13 or 15 or under any other section of the Act shall expressly provide that it shall be applicable to such a subsidiary company, the exemption that would otherwise be provided by this rule shall, to that extent, cease to exist.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2407; Filed, July 29, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of July, 1937.

IN THE MATTER OF GUARANTY TRUST COMPANY OF NEW YORK, AMERICAN DEPOSITARY RECEIPTS REPRESENTING ORDINARY REGISTERED SHARES OF ANGLO IRANIAN OIL COMPANY, LIMITED

ORDER CONTINUING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Curb Exchange, having made application for unlisted trading privileges under Rule JF2 (b) in the Guaranty Trust Company of New York, American Depositary Receipts representing ordinary registered shares of Anglo Iranian Oil Company, Limited; and

It appearing to the Commission that, within the meaning of said rule, said security is substantially equivalent to the Guaranty Trust Company of New York, American Depositary Receipts representing ordinary registered shares, one pound par sterling, of Anglo Iranian Oil Company, Limited, a security admitted to unlisted trading privileges on such exchange;

It is ordered, that said application for unlisted trading privileges in the Guaranty Trust Company of New York, American Depositary Receipts representing ordinary registered shares of Anglo Iranian Oil Company, Limited, be and is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2408; Filed, July 29, 1937; 12:31 p. m.]





*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D., 1937.

[File No. 43–67]

IN THE MATTER OF THE KANSAS ELECTRIC POWER COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE UNDER SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Kansas Electric Power Company, a subsidiary company of The Middle West Corporation, a registered holding company, having duly filed with this Commission a declaration, and an amendment thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue by declarant of $500,000 principal amount of First Mortgage Bonds, Series A, 3½%, due December 1, 1966, and the sale thereof to The Travelers Insurance Company, for investment, at a price of 91⅜, for the purpose of raising new money to enable declarant to pay for property additions; a hearing on said declaration having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration be and become effective on July 28, 1937, upon condition, however, that the issue and sale of said bonds shall be effected in compliance with the terms and conditions of, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2410; Filed, July 29, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D., 1937.

[File 43–66]

IN THE MATTER OF LONE STAR GAS CORPORATION AND LONE STAR GAS COMPANY

[Public Utility Holding Company Act of 1935—Section 7]

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Lone Star Gas Corporation, a Delaware corporation and a registered holding company, and Lone Star Gas Company, a Texas corporation and a subsidiary of Lone Star Gas Corporation, having duly filed with this Commission, a declaration, and amendments thereto, pursuant to Section 7, of the Public Utility Holding Company Act of 1935, regarding the issue and sale of negotiable unsecured bank loan notes by Lone Star Gas Corporation in the principal amount of $10,000,000 and by Lone Star Gas Company in the amount of $6,000,000, the notes to be issued by Lone Star Gas Corporation to mature in semi-annual installments aggregating $800,000 each from February 1, 1938, to and including February 1, 1942, and in a final installment of $2,000,000 on August 1, 1942, and to bear interest at rates beginning at 1¾% for the first installment and increasing to 4% for the February 1 and August 1, 1942 installments; and the notes to be issued by Lone Star Gas Company to mature in semi-annual installments aggregating $450,000 each from February 1, 1938 to and including February 1, 1942, and in a final installment of $1,950,000 on August 1, 1942, and to bear interest at rates beginning at 2% for the first installment and increasing to 4½% for the February 1 and August

1, 1942 installments; said notes to be issued by Lone Star Gas Corporation and Loan Star Gas Company to the several banks and in the amounts, respectively, as follows:

| | The Union Trust Company of Pittsburgh | The Chase Nat'l Bank of the City of New York | The Mellon Nat'l Bank of Pittsburgh | The Farmers Deposit National Bank | The Union Savings Bank of Pittsburgh |
|---|---|---|---|---|---|
| Lone Star Gas Corporation | $5,700,000 | $2,500,000 | $1,000,000 | $600,000 | $200,000 |
| Lone Star Gas Company | 3,420,000 | 1,500,000 | 600,000 | 360,000 | 120,000 |

A hearing on said declaration, as amended, having been duly held after appropriate notice, the record in this matter having been examined and the Commission having made and filed its findings herein;

It is ordered that said declaration, as amended, be and become effective forthwith on condition that the issue and sale of said notes be effected by said declarants in substantial compliance with the terms and conditions and for the purposes represented by said amended declaration; and

It is further ordered that, within ten days after the issue and sale of said notes the declarants shall file with this Commission a certificate or certificates of notification, showing that such issue and sale have been effected in accordance with the condition of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2409; Filed, July 29, 1937; 12:31 p. m.]

## UNITED STATES TARIFF COMMISSION.

[Docket No. 11 Section 337, Tariff Act of 1930]

INVESTIGATION DISCONTINUED AND DISMISSED

CIGAR LIGHTERS

*Public Notice*

In the Matter of Investigation of Alleged Unfair Methods of Competition or Unfair Acts in the Importation or Sale of Cigar Lighters

It is hereby ordered by the United States Tariff Commission on this 27th day of July 1937, that the investigation heretofore, on August 14, 1936, instituted pursuant to the provisions of Section 337 of the Tariff Act of 1930 into alleged unfair methods of competition or unfair acts in violation of said section in the importation or sale in the United States of cigar lighters made in accordance with the terms of United States Letters Patent Nos. 1,986,384, 2,002,845 and Des. 96,639, or in simulation of such lighters, as extended on January 16, 1937 to include cigar lighter and cigarette case combinations made in accordance with the terms of United States Design Patent No. 81,823, or in simulation of such combinations, be, and the same is hereby, *discontinued and dismissed*, in accordance with the President's rescission of the temporary order of exclusion dated November 9, 1936.

Ordered further that public notice of this action shall be given by posting announcement thereof for thirty days at the office of the Commission in the City of Washington, D. C., and at the office of the Commission at the Port of New York, and by publishing the text thereof in "Treasury Decisions", published by the Department of the Treasury, and by announcement thereof in "Commerce Reports", published by the Department of Commerce.

By order of the United States Tariff Commission this 27th day of July, 1937.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 37-2404; Filed, July 29, 1937; 9:36 a. m.]

*Saturday, July 31, 1937* *No. 147*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

CIVILIAN CONSERVATION CORPS

By virtue of and pursuant to the authority vested in me under the act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes" approved June 28, 1937 (Public No. 163, 75th Congress), it is hereby ordered as follows:

1. Such reserve officers of the Army as shall be selected by the Secretary of War, such reserve officers of the Navy and Marine Corps as shall be selected by the Secretary of the Navy, and such warrant officers of the Coast Guard as shall be selected by the Secretary of the Treasury, the respective numbers thereof to be determined by the Director of the Civilian Conservation Corps, are hereby called to active duty, subject to the provisions of section 37a of the National Defense Act (39 Stat. 189) and the Act of February 28, 1925 (43 Stat. 1080), so far as applicable, and attached to the War Department for service with the Civilian Conservation Corps, and are ordered to report to the Secretary of War for such duty upon the receipt of written orders from the Secretary of War: *Provided*, that officers of the classes named above who were so employed on June 30, 1937, may be continued on active duty.

2. The Director of the Civilian Conservation Corps is authorized, subject to the limitations and restrictions contained in Section 3 of the said Act of June 28, 1937, to undertake projects on lands belonging to or under the jurisdiction or control of counties and municipalities, and on lands in private ownership.

3. The Secretary of War, the Secretary of Agriculture, the Secretary of the Interior and the Secretary of Labor are requested to cooperate with the Director of the Civilian Conservation Corps in carrying out the purposes of the said Act of June 28, 1937. Each of the said Secretaries shall appoint a representative who shall, upon request of the Director, confer with him and under his direction aid him in prosecuting effectively the purposes contemplated by the said Act.

4. This order shall be effective as of July 1, 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 26, 1937.*

[No. 7677-A]

[F. R. Doc. 37-2419; Filed, July 29, 1937; 2:40 p. m.]

JULY 22, 1937.

MY DEAR MR. SECRETARY:

By authority of subdivision (f) of section 337 of the Tariff Act of 1930, you were, on November 9, 1936,[1] requested to forbid entry into the United States, except under bond, provided for in said section 337 (f), of cigar lighters patented in United States Letters Patent Nos. 1986384, 2002845, and Des. 96639, pending completion of an investigation by the United States Tariff Commission. This order was predicated on the recommendation of the Tariff Commission following a preliminary inquiry by that Commission. On February 20, 1937,[2] following a hearing[3] and recommendation by the Commission, the order was modified so as not to apply to the design patent.

The Tariff Commission, after an adequate investigation, has reported to me that the existence of unfair methods of competition or unfair acts in the importation or sale of the articles concerned within the meaning of section 337 has not been established. The Commission has also recommended that the temporary exclusion order above referred to be rescinded.

The existence of any such unfair method or act has not been established to my satisfaction. I accordingly request that the temporary order of exclusion, except under bond, promulgated by you on November 16, 1936 (T. D. 48628), as modified by the order promulgated on March 3, 1937 (T. D. 48845) be terminated.

Very sincerely yours,

[SEAL] FRANKLIN D ROOSEVELT

The Honorable, The SECRETARY OF THE TREASURY,
*Washington, D. C.*

[F. R. Doc. 37-2422; Filed, July 29, 1937; 2:59 p. m.]

[1] 1 F. R. 1979.
[2] 2 F. R. 518.
[3] 1 F. R. 1865, 2183.



## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49103]

WILD ANIMALS AND BIRDS

ARTICLE 603 OF THE CUSTOMS REGULATIONS OF 1931 AND TREASURY DECISION 46255 SUPPLEMENTED WITH INFORMATION IN RESPECT OF THE LAWS OF CANADA FOR THE PROTECTION OF BEAVER—CONSULAR CERTIFICATES REQUIRED PURSUANT TO SECTION 527, TARIFF ACT OF 1930

JULY 27, 1937.

*To Collectors of Customs and Others Concerned:*

Pursuant to article 603 of the Customs Regulations of 1931 and paragraph 36 of Treasury Decision 46255, dated March 4, 1933, you are advised that under the laws of all Canadian provinces the killing of beaver is restricted. Consequently, consular certificates should be required pursuant to the provisions of section 527 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1527) before permitting the entry of such animals or parts or products thereof, imported directly or indirectly from Canada.

C. I. E. Circular No. 2764, dated March 3, 1931, is modified accordingly.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

[F. R. Doc. 37-2423; Filed, July 29, 1937; 2:59 p. m.]

**Federal Alcohol Administration.**

*To All Distillers:* JULY 30, 1937.

REPORT ON REUSED COOPERAGED WHISKEY

Pursuant to the provisions of Section 2 (h) of the Federal Alcohol Administration Act you are hereby required to furnish the Administration on or before August 15, 1937, a report, upon the attached form (Form FX-167), concerning your monthly production, from June 30, 1936, to July 1, 1937, of American type whiskeys, other than corn whiskey, which have been stored in reused cooperage. You will note that the amounts of corn whiskey which you have stored in reused cooperage should not be included in the report.

In the event that you have not produced and stored in reused cooperage any American type whiskey other than corn whiskey during the period covered by this report, indicate this fact on the report and return the same to this Administration.

[SEAL] W. S. ALEXANDER, *Administrator.*

Form FX-167

TREASURY DEPARTMENT
FEDERAL ALCOHOL ADMINISTRATION
July 1937

REPORT ON REUSED COOPERAGED WHISKEY

TO FEDERAL ALCOHOL ADMINISTRATION,
*Washington, D. C.*

I certify that the following is a complete and accurate report of the quantity of whiskey (other than corn whiskey) produced by the undersigned distiller since July 1, 1936, and stored in reused cooperage.

| | No. of bbls. produced | No. of bbls. disposed of up to July 1, 1937 | No. of bbls. in bond July 1, 1937 |
|---|---|---|---|
| July 1936 | | | |
| August 1936 | | | |
| September 1936 | | | |
| October 1936 | | | |
| November 1936 | | | |
| December 1936 | | | |
| January 1937 | | | |
| February 1937 | | | |
| March 1937 | | | |
| April 1937 | | | |
| May 1937 | | | |
| June 1937 | | | |
| Total | | | |

What percentage of the total quantity in bond on July 1, 1937, is the property of the distiller?

_____
Name of permittee

By _____
Title

[F. R. Doc. 37-2434; Filed, July 30, 1937; 12:54 p. m.]

## DEPARTMENT OF THE INTERIOR.

**National Bituminous Coal Commission.**

[Order No. 29]

AN ORDER REQUIRING REPORTS FROM PRODUCERS OF COST AND REALIZATION DATA FOR THE PERIOD BEGINNING JANUARY 1, 1937, PURSUANT TO SECTION 10 (A) OF THE BITUMINOUS COAL ACT OF 1937

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, in order to perform effectively its duties under said Act, is required to be fully informed as to the production and distribution of bituminous coal throughout the United States. Therefore, pursuant to authority conferred by Section 10 of said Act, the Commission orders and directs as follows:

1. That each producer of bituminous coal, whether or not a code member and whether or not engaged in commerce in coal which is subject to the provisions of Section 4 of said Act, shall file, in duplicate, complete reports showing the total costs of the tonnage produced and realization prices derived from the sale of coal, all as more fully set forth and specified in the Commission's Cost Forms No. 2 and No. 2-A, such reports to be made separately for each mine and for each calendar month so as to include all coal produced and all coal sold on and after the 1st day of January, 1937.

2. Each producer shall, within fifteen (15) days from the date of receipt of a copy of this order and of said forms, file separate reports for each of the first six calendar months of 1937 (that is, January to June, both inclusive), which reports, duly verified, shall be filed with the statistical bureau of the Commission in the district within which the mine or mines reported upon are located, and thereafter shall file with such statistical bureau like monthly reports as prescribed in paragraph 3 of this order.

3. For each month beginning with the month of July, 1937, each such producer of bituminous coal shall file in the same manner as prescribed in paragraph 1 of this order, complete reports showing the total costs of the tonnage produced and realization prices derived from the sale of coal during the month reported on, which reports shall be filed on or before the 25th day of the next succeeding month.

4. The Commission's Cost Form No. 2 shall be used by producers for mines having a present actual daily capacity of more than fifty (50) net tons.

The Commission's Cost Form No. 2–A shall be used by producers in making reports for mines having a present actual daily capacity of fifty (50) net tons or less.

In the case of any mine not actually in operation during any calendar month subsequent to January 1, 1937, the producer shall report as to such calendar month such data as will show all costs of ownership and maintenance.

5. The Secretary of the Commission shall cause to be mailed to each known producer within the United States, a copy of this order together with necessary forms, and shall make available to all producers additional copies of said forms at the office of the statistical bureau of the Commission in each district established under said Act.

The Commission directs specific attention to the provisions of Section 10 of said Act relating to the confidential nature of the reports required under this order and further gives notice that the penalties provided for noncompliance with this order by the producer will be strictly enforced.

By order of the Commission.
Dated this 30th day of July, 1937.

[SEAL] F. WITCHER MCCULLOUGH.
*Secretary.*

[F. R. Doc. 37–2432; Filed, July 30, 1937; 12:42 p. m.]

## Office of Indian Affairs.

### ORDER OF RESTORATION

### SOUTHERN UTE INDIAN RESERVATION, COLORADO

JULY 17, 1937.

Whereas, Pursuant to the provisions of an agreement accepted and ratified by the Act of June 15, 1880 (21 Stat. L., 199), the Confederated Bands of the Ute Tribe of Indians ceded to the United States a large area of their reservation in the State of Colorado, which area was then held and deemed to be public land of the United States and subject to disposal under the laws providing for the disposal of public lands, except as provided in the said Act of June 15, 1880, supra, and

Whereas, There is now remaining undisposed of within the ceded area a considerable acreage of such ceded lands, certain of which are urgently required as grazing land for the use of the Ute Mountain Band of Ute Indians, and which have been found to be primarily of value for Indian purposes as an addition to the existing Southern Ute Indian Reservation, and

Whereas, By relinquishment and cancellation of homestead entries within this area a limited additional acreage of similar land may be included within the class of undisposed of ceded land, and

Whereas, The Commissioner of Indian Affairs, after having caused thorough examination of the area to be made by well qualified field employees, has recommended restoration to tribal ownership of all said vacant undisposed of ceded lands within the following described boundaries:

Beginning at a point on the western boundary line of the State of Colorado, being the northwest corner of the existing Southern Ute Indian Reservation; thence north to the township line separating townships 34 and 35 north, range 20 west; thence east along said township line to the southwest corner of section 35, township 35 north, range 19 west; thence north to the northwest corner of section 2, township 35 north, range 19 west; thence east to the northeast corner of section 1, township 35 north, range 18 west; thence north to the northwest corner of section 31, township 36 north, range 17 west; thence east to the northeast corner of section 35, township 36 north, range 17 west; thence south to the north boundary of the existing Southern Ute Indian Reservation; thence west along the north boundary of the said reservation to the west line of section 9, township 34 north, range 17 west; thence north to the northwest corner of section 21, township 35 north, range 17 west; thence west to the southwest corner of section 17, township 35 north, range 17 west; thence south to the southeast corner of the northeast quarter of the northeast quarter of section 19, township 35 north, range 17 west; thence west to the southwest corner of the northeast quarter of the northwest quarter of said section 19; thence north to the north line of said section 19; thence west to the southwest corner of section 17, township 35 north, range 18 west; thence south to the north boundary of the Southern Ute Indian Reservation in section 7, township 34 north, range 18, all west of the New Mexico principal meridian; thence west along the said north boundary to the point of beginning.

Now, therefore, By virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the Act of June 18, 1934 (48 Stat. L., 984), I hereby find that restoration to tribal ownership of all lands which are now, or may hereafter be, classified as undisposed of ceded Ute Indian lands lying within the above described boundaries in Colorado, will be in the public interest, and said lands are hereby restored to tribal ownership for the use and benefit of the Ute Mountain Band of Ute Indians of the Southern Ute Indian Reservation in Colorado, and are added to and made a part of the existing Southern Ute Indian Reservation, subject to any valid existing rights.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37–2424; Filed, July 30, 1937; 9:42 a. m.]

# DEPARTMENT OF AGRICULTURE.

## Agricultural Adjustment Administration.

[Docket No. A–52 O–52]

### NOTICE OF HEARING WITH RESPECT TO A PROPOSED AMENDMENT TO MARKETING AGREEMENT NO. 69 AND WITH RESPECT TO A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Whereas, under section 8b of Title I of Public No. 10, 73d Congress, as amended, the Secretary of Agriculture, hereinafter called the Secretary, executed a marketing agreement regulating the handling of milk in the Fort Wayne, Indiana, Marketing Area, effective 12:01 a. m., central standard time, February 1, 1937; and

Whereas, the Secretary has reason to believe that it may be necessary to issue an order to effectuate the declared policy of Title I of said act, said order to be in addition to the marketing agreement executed by him; and

Whereas, the Secretary has reason to believe that an amendment should be made to said marketing agreement; and

Whereas, under the Agricultural Marketing Agreement Act of 1937, which reenacts and further amends Public No. 10, 73d Congress, as amended, notice of hearing is required in connection with a proposed order and a proposed amendment to a marketing agreement, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, U. S. Department of Agriculture, provide for notice and opportunity for hearing upon marketing agreements and orders and amendments thereto;

Now, therefore, pursuant to the said acts and the General Regulations, notice is hereby given of a hearing to be held on a proposed amendment to marketing agreement No. 69 and a proposed order regulating the handling of milk in the Fort Wayne, Indiana, Marketing Area, in the Assembly Room, Allen County Court House, Fort Wayne, Indiana, at 10:00 a. m., daylight saving time, August 4, 1937.

The marketing agreement with the proposed amendment and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the Fort Wayne, Indiana, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in such milk. Among other things, the marketing agreement with the proposed amendment and the proposed order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of a marketwide equalization pool; (e) deductions from payments to producers for marketing services by market administrator; (f) reports of handlers; (g) expense of administration.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the marketing agreement and the proposed amendment and the proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] HARRY L. BROWN.
*Acting Secretary of Agriculture.*

Dated: July 30, 1937.

[F. R. Doc. 37–2433; Filed, July 30, 1937; 12:44 p. m.]

## Bureau of Agricultural Economics.

### PUBLIC NOTICE ESTABLISHING THE RULES AND REGULATIONS GOVERNING THE INSPECTION, SAMPLING, AND CERTIFICATION OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938, * * * and for other purposes," (Public, No. 173, 75th Congress), I, M. L. Wilson, Acting Secretary of Agriculture, do hereby fix, establish, and promulgate the following rules and regulations to govern the inspection, sampling, and certification of cottonseed sold or offered for sale for crushing purposes, the same to be in force and effect as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority.

#### REGULATION 1. DEFINITIONS

SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice-versa, as the case may demand.

SEC. 2. As used throughout these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

PARAGRAPH 1. *The act.*—The Act of Congress entitled "an Act making appropriations for the Department of Agriculture", * * * for the fiscal year ending June 30, 1938, Pub. 173—75th Congress, which makes provision "for enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, * * * and other perishable farm products * * * under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered."

PAR. 2. *Custodian.*—Person who has possession or control of cottonseed or of samples of cottonseed, as agent, controller, broker, or factor, as the case may be.

PAR. 3. *Owner.*—Person who through financial interest owns or controls, or has the disposition of either cottonseed or of samples of cottonseed.



PAR. 4. *Bureau.*—Bureau of Agricultural Economics of the United States Department of Agriculture.

PAR. 5. *Official cottonseed standards.*—The official standards of the United States for the grading, sampling, and analyzing of cottonseed sold or offered for sale for crushing purposes, established May 23, 1932 and amendments thereto.

PAR. 6. *Supervisor of cottonseed inspection.*—An officer of the Department of Agriculture designated as such by the Chief of the Bureau.

PAR. 7. *Secretary.*—The Secretary of Agriculture of the United States.

PAR. 8. *The Chief of the Bureau.*—The Chief of the Bureau of Agricultural Economics, United States Department of Agriculture.

PAR. 9. *Regulations.*—Regulations made under the act by the Secretary.

PAR. 10. *License.*—A license issued under the act by the Secretary.

PAR. 11. *Licensed cottonseed chemist.*—A person licensed under the act by the Secretary to make quantitative and qualitative chemical analyses of samples of cottonseed according to the official methods and to certificate the grade according to the official cottonseed standards.

PAR. 12. *Licensed cottonseed sampler.*—A person licensed by the Secretary to sample and to handle cottonseed samples, to prepare official samples according to methods approved by the Chief of the Bureau and forward the same to a licensed chemist and to certificate the authenticity of such samples.

PAR. 13. *Dispute.*—A disagreement between the parties as to the true grade of a sample of cottonseed analyzed and graded by a licensed chemist.

PAR. 14. *Party.*—A party to a dispute.

PAR. 15. *Cottonseed.*—The word "cottonseed' as used herein means the seed, after having been put through the usual and customary process known as cotton ginning, of any cotton produced within the continental United States.

PAR. 16. *Commercial laboratory.*—An individual, firm, or corporation in which one or more persons are engaged in the chemical analysis of materials for the public.

#### REGULATION 2. ADMINISTRATIVE AND GENERAL

SECTION 1. The Chief of the Bureau is charged with the supervision on behalf of the United States Department of Agriculture of the performance of all duties arising in the administration of the act.

SEC. 2. The Chief of the Bureau, whenever he deems necessary, may designate an officer of the Department of Agriculture as supervisor of cottonseed inspection who shall supervise the inspection and sampling of cottonseed and perform such other duties as may be required of him in administering the act and these regulations.

SEC. 3. The inspection, sampling, analyzing, and grading of cottonseed in the United States pursuant to the act shall be performed as prescribed in regulations approved from time to time by the Chief of the Bureau.

#### REGULATION 3. LICENSED COTTONSEED CHEMISTS

SECTION 1. PARAGRAPH 1.—Application for licenses to analyze and grade cottonseed shall be made to the Chief of the Bureau on forms authorized for the purpose by him.

PAR. 2. Each such application shall be in English and shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by satisfactory evidence (a) that he has passed his twenty-fifth birthday and that he is an actual resident of the continental United States, (b) that he holds a degree in chemistry or chemical engineering from a recognized college or university and has had not less than three years' practical experience in laboratory work in which he shall have analyzed quantitatively and qualitatively samples of cottonseed, (c) in the absence of a degree from a recognized college or university, that he has had at least five years' practical laboratory experience, three years

of which shall have been devoted chiefly to the analysis of samples of cottonseed, (d) that he will have no financial interest in or be in the employ of any one having a financial interest in any cottonseed oil mill or cotton ginning establishment, (e) that he agrees to comply with and abide by the terms of the act and these regulations so far as they may relate to him, (f) that he is an independent analytical chemist or an employee of a commercial analytical laboratory, (g) that he owns or has the use of all of the apparatus specified in the regulations established hereunder for the analysis and grading of cottonseed; and (h) such other information as the Chief of the Bureau may deem necessary.

PAR. 3. Every chemist licensed hereunder to analyze cottonseed and to certificate the grade thereof shall follow precisely the methods of analysis approved from time to time by the Chief of the Bureau.

PAR. 4. The applicant shall furnish such additional information as the Secretary of the Chief of the Bureau shall at any time find to be necessary to the consideration of his application.

SEC. 2. Each applicant for a license as a chemist and each licensed chemist shall, when requested, submit to an examination or test to show his ability to analyze and grade cottonseed.

SEC. 3. The period for which a license may be issued shall be from the first day of August until and including the thirty-first day of July following. Renewals shall be for not more than 1 year beginning with the first day of August of each year: Provided, That licenses issued on and after June 1 of each year shall be for the period ending on July 31 of the following year.

SEC. 4. It shall be a condition of the licensing of any chemist under this regulation, and of the retention by him of a license, that during the active cotton season each year he shall be engaged in or in connection with the grading of cottonseed; that all cottonseed graded by him shall be analyzed and graded in accordance with the official cottonseed standards of the United States; that each sample of cottonseed received by him for analysis and grading shall be handled by him in the order of its receipt at his place of business; and that he shall not use his license or allow the same to be used for any improper purpose.

SEC. 5. Whenever any chemist licensed under the act and in accordance with these regulations shall grade and/or certificate any cottonseed or samples in consideration of a stated fee, the fee charged shall be reasonable and shall be in accordance with a schedule previously submitted to, and approved by, the Chief of the Bureau.

SEC. 6. Each licensed chemist shall keep, or shall cause to be kept for him, for a period of at least 1 year, a record of the analysis of each individual sample of cottonseed graded by him. Each licensed chemist shall permit any officer or agent of the Bureau, authorized by the Chief of the Bureau for the purpose, to inspect or examine, on any business day during the usual hours of business, his books, papers, records, and accounts relating to the performance of his duties under the act and these regulations.

SEC. 7 (a) Each official sample of cottonseed as received by a licensed chemist shall be assigned a laboratory number and shall be analyzed and the grade certificated in the order of its receipt.

(b) Certification of the grade of *lots of cottonseed* may be issued only upon samples certified by licensed samplers as official samples and received in good condition by licensed chemists.

(c) Certificates of the grade of unofficial *samples of cottonseed* may be issued upon samples received by licensed chemists if the samples are sufficient for proper analysis, have not been drawn by a licensed sampler and are not believed to be samples of the same seed represented by an official sample. Such certificates shall be plainly marked "Sample not official; grade applies to the sample only".

(d) No certificate of the grade of a sample of cottonseed shall be issued by a licensed chemist based on a sample the condition of which on receipt at the laboratory does not comply with these regulations covering the preparation and forwarding of samples of cottonseed.

SEC. 8. Each grade certificate issued under the act by a licensed chemist shall be in a form approved for the purpose by the Chief of the Bureau and shall embody within its written or printed terms—

(a) The caption "Licensed cottonseed chemist's certificate."

(b) The serial number assigned to it.

(c) Whether it is an original, a duplicate, or other copy.

(d) The date and place of issuance.

(e) A statement that the certificate is issued by a chemist licensed by the Secretary of Agriculture to analyze and certificate the grade of cottonseed.

(f) A statement in accordance with the facts in each case, either (1) that the chemist knows the samples upon which his classification is based to be true and correct samples of the cottonseed involved; or (2) that the samples were received from a sampler licensed by the Secretary in proper conditions; or (3) that the samples were not received from a licensed sampler.

(g) The identification of each lot of cottonseed by the marks and notations by which the seed was identified at the time the sample was taken.

(h) All analytical data required by the Chief of the Bureau.

(i) The signature of the licensed chemist.

In addition, the grade certificate may include any other matter not inconsistent with the act or these regulations.

A copy of each certificate shall be mailed to the Chief of the Bureau, or to such officer as he may designate, within 36 hours after its issuance.

SEC. 9. Each licensed chemist shall, from time to time when requested by the Bureau, make reports on forms furnished for the purpose by the Bureau bearing upon his activities as such licensed chemist.

SEC. 10. Every person licensed under the act shall immediately furnish the Chief of the Bureau any information which comes to the knowledge of such person tending to show that any provision of the act or the regulations has been violated.

SEC. 11. Pending investigation the Secretary or the Chief of the Bureau may, whenever he deems necessary, suspend the license of a licensed chemist temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor submitted by the licensed chemist, the Chief of the Bureau may, without a hearing, suspend or revoke the license issued to such licensed chemist. The Secretary may, after opportunity for hearing when possible has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a licensed chemist when such licensed chemist (a) has ceased to perform services as such chemist, (b) has knowingly or carelessly analyzed cottonseed improperly, (c) has violated or evaded any provision of the act or the regulations thereunder so far as the same may relate to him, (d) has used his license or allowed it to be used for any fraudulent or improper purposes, or (e) has in any manner become incompetent or incapacitated to perform the duties of such licensed chemist. Before the license of any licensed chemist is finally suspended or revoked, such licensed chemist shall be furnished by the Secretary, or by an official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing.

SEC. 12. If a license issued to a licensed chemist is suspended, revoked, or canceled, such license shall be returned to the Bureau. At the expiration of any period of suspension of such license, unless in the meantime it be revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed chemist to whom it was originally issued.



SEC. 13. Upon satisfactory proof of the loss or destruction of a license issued to a licensed chemist, a duplicate thereof may be issued under the same or a new number, in the discretion of the Secretary.

SEC. 14. No person shall in any way represent himself to be a chemist licensed under the act unless he holds an unsuspended, unrevoked, and uncanceled license issued under the act.

SEC. 15. In case of dispute in which a review is desired of the grading of any sample of cottonseed covered in a valid certificate issued by a licensed chemist, application therefor shall be made within 48 hours after the original certificate was issued. Whereupon, the licensed chemist issuing the certificate shall immediately forward to such other licensed chemist or other person as may be designated by the Chief of the Bureau, the retained portion of the official sample, for the purpose of re-analysis. Should the grade found on re-anaysis differ from the original by not more than plus or minus one full grade, the original grade shall be considered as the true grade. Should the re-analysis indicate a grade differing more than plus or minus one full grade from the original, all work sheets involved shall be submitted to the Chief of the Bureau or his designated agent who shall determine the correct grade.

SEC. 16. In cases of review of the grade of any official sample of cottonseed the appellant party shall pay the costs of re-analysis, payment for which shall accompany the application.

SEC. 17. Every person licensed under the act as a licensed chemist shall keep confidential all information secured by him relative to cottonseed analyzed and graded by him. He shall not disclose such information to any person except to the owner or custodian of the seed in question, or to an authorized agent of the Chief of the Bureau.

### REGULATION 4.—LICENSED COTTONSEED SAMPLERS

SECTION 1. PARAGRAPH 1.—Applications for licenses to sample cottonseed shall be made to the Chief of the Bureau of Agricultural Economics on forms furnished for the purpose by him.

PAR. 2. Each such application shall be in English and shall be signed by the applicant, shall be verified by him under oath or affirmation, administered by a duly authorized officer, and shall contain or be accompanied by (a) satisfactory evidence that he has passed his twenty-fifth birthday and that he is an actual resident of the continental United States, (b) satisfactory evidence of his experience in the handling and sampling of cottonseed, (c) a statement by the applicant that he agrees to comply with and abide by the terms of the law and these regulations so far as they may relate to him, and with instructions issued from time to time by the Chief of the Bureau governing the sampling of cotton seed, and (d) such other information as the Chief of the Bureau may deem necessary.

PAR. 3. Every sampler shall include in his application to the Chief of the Bureau for a license a statement showing the fees, wages, or salary to be received by him as compensation for his work as a sampler of cottonseed.

SEC. 2. PARAGRAPH 1.—Each applicant for a license to sample cottonseed shall, as a condition to the granting thereof, execute and file with the Chief of the Bureau a good and sufficient bond to the United States to secure the faithful performance of his duties as a licensed sampler under the terms of the act, as amended, and these regulations. Said bond shall be in such form and amount, not less than $1,000, and shall have such surety or sureties as shall be approved by the Chief of the Bureau, subject to service of process in suits on the bond within the State, district, or territory, in which such licensee shall perform services as a licensed cottonseed sampler. Any person injured by the breach of any obligation to secure which a bond is given under this paragraph shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

PAR. 2. If the Chief of the Bureau finds that the existence of conditions warrants such action, there shall be added to the amount previously required under paragraph 1 of this section such additional amount as he shall deem necessary.

SEC. 3. The period for which a license may be issued under this regulation shall be from the first day of August until and including the thirty-first day of July following. Renewals shall be for 1 year, beginning with the first day of August of each year: Provided, That licenses or renewals issued on and after June 1 of any year shall be for the period ending on July 31 of the following year.

SEC. 4. It shall be a condition of the renewal of any license hereunder that the licensed sampler shall file a new bond in the required amount with, and that such bond shall be approved by, the Chief of the Bureau or his authorized representative, provided that in the discretion of the Chief of the Bureau or his authorized representative a properly executed instrument in form approved by him amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the licensed sampler and otherwise complying with this regulation may be filed in lieu of a new bond.

SEC. 5. No bond, amendment, or continuation thereof shall be deemed accepted for the purpose of this regulation until it has been approved by the Chief of the Bureau or his authorized representative.

SEC. 6. Each applicant for a license as a sampler and each licensed sampler whenever requested by an authorized agent of the Bureau, shall submit to an examination or test to show his ability properly to perform the duties for which he is applying for a license or for which he has been licensed, and each such applicant or licensee shall furnish the Bureau any information requested at any time in regard to his sampling of cottonseed.

SEC. 7. Each licensed sampler shall keep his license conspicuously posted at the place where he functions as a sampler or in such other place as may be approved by the Bureau.

SEC. 8. Each licensed sampler, when requested, shall without discrimination, as soon as practicable and upon reasonable terms, sample any cottonseed if the same be made available to him under conditions that will permit proper sampling. Each such licensee shall give preference to those who request his services as such over persons who request his services in any other capacity.

SEC. 9. Each licensed sampler shall have available suitable triers or sampling tools, sample containers, scales, seed cleaners, seed mixers, and air-tight containers for enclosing and forwarding the official samples to licensed chemists, and with tags and samplers' certificates approved or furnished by the Chief of the Bureau or his representative for identifying the samples of cottonseed and for certificating the condition of the cottonseed represented by such samples. There shall be clearly written or printed on the face of each certificate (a) the number thereof; (b) a suitable caption; (c) the location of the cottonseed involved and its point of origin; (d) the identification of the lot from which the sample was drawn; (e) the date on which the sample was drawn, (f) the gross weight of the original sample, the net weight of the cleaned sample, and whether on receipt the shipment was "hot" or fermented, (g) a statement indicating that the sample was drawn by a sampler licensed in accordance with these regulations, as amended, and (h) the signature of the licensed sampler as such. The use of such tags and certificates shall be in conformity with instructions issued from time to time by the Chief of the Bureau.

SEC. 10. The official sample taken from a lot of cottonseed by a licensed sampler shall be drawn, prepared, and identified in such manner as may be required by the Chief of the Bureau. Any conditions not fully indicated by the sample shall be specified by the licensed sampler in the certificate accompanying such sample.

SEC. 11. Each licensed sampler shall permit any authorized officer or agent of the Bureau to inspect at any time his

books, papers, records, and accounts relating to the performance of his duties under this regulation.

SEC. 12. *License may be suspended.*—Pending final action by the Secretary, a sampler's license may be suspended by the Chief of the Bureau or by any official by whom it may be countersigned whenever such official shall deem such action to be for the good of the service. Within ten days after any such suspension the licensee may file an appeal in writing to the Secretary, supported by any argument or evidence that he may wish to offer in his behalf.

SEC. 13. In case a license issued to a sampler is suspended or revoked such license shall be returned to the Department. At the expiration of any period of suspension of such license, unless in the meantime it be revoked, the dates of beginning and termination of such suspension shall be endorsed thereon, it shall be returned to the person to whom it was originally issued, and it shall be posted as prescribed in section 7 of this regulation.

SEC. 14. Upon satisfactory proof of the loss or destruction of a license issued to a sampler hereunder, a new license may be issued under the same or a new number.

SEC. 15. Each licensed sampler, when requested, shall make reports on forms furnished for the purpose by the Bureau bearing upon his activities as such licensee.

SEC. 16. No person shall in any way represent himself to be a sampler licensed under the act, as amended, unless he holds an unsuspended and unrevoked license issued thereunder.

SEC. 17. Every person licensed under the act as a licensed sampler of cottonseed shall keep confidential all information secured by him relative to shipments of cottonseed sampled by him. He shall not disclose such information to any person except an authorized agent of the Chief of the Bureau.

REGULATION 5. FEES AND COSTS

SECTION 1. For the examination of an applicant for a license to sample and certificate official samples of cottonseed, the fee shall be $5.00, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be $3.00.

SEC. 2. For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be $50.00, but no additional charge shall be made for the issuance. For each renewal of a chemist's license the fee shall be $50.00.

SEC. 3. For each certificate of the grade of cottonseed issued by a licensed cottonseed chemist a fee of 10 cents shall be collected and paid to the Bureau. An accounting of this fee shall be rendered monthly by each licensed cottonseed chemist, accompanied by a check for the amount, made payable to the United States Department of Agriculture.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 30th day of July, 1937.

[SEAL] M. L. WILSON, *Acting Secretary.*

[F. R. Doc. 37-2431; Filed, July 30, 1937; 12:31 p. m.]

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PUBLIC NOTICE ESTABLISHING STANDARDS FOR GRADES OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN THE UNITED STATES

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938, * * * and for other purposes," (Public No. 173, 75th Congress), I, M. L. Wilson, Acting Secretary of Agriculture, do hereby fix, establish, and promulgate the following official standards of the United States for grades of cottonseed sold or offered for sale for crushing purposes, the same to supersede the standards for cottonseed promulgated May 23, 1932, and to be in force and effect as long as Congress shall provide the necessary authority therefor, unless amended or superseded by standards hereafter prescribed and promulgated under such authority.

SECTION 1. The grade of cottonseed shall be determined from the analysis of samples, and it shall be the result, stated in the nearest whole or half numbers, obtained by multiplying a quantity index by a quality index and dividing the result by 100 as hereinafter provided.

(a) The basis grade of cottonseed shall be grade 100.

(b) High grades of cottonseed shall be those grades above 100.

(c) Low grades of cottonseed shall be those grades below 100.

SEC. 2. The following formulae shall be used in determining the quantity index of cottonseed:

(a) For cottonseed, that by analysis contain 17 per cent of oil or more, the quantity index shall equal 4 times the percentage of oil, plus 6 times the percentage of ammonia, plus 5.

(b) For cottonseed, that by analysis contain less than 17 per cent oil, the quantity index shall equal 5 times the percentage of oil, plus 6 times the percentage of ammonia, minus 12.

SEC. 3. The quality index of cottonseed shall be a percentage of purity and soundness, and shall be determined as follows:

(a) *Superior quality cottonseed.*—Cottonseed that, by analysis, contain not less than 18.7 per cent oil, nor more than one-half of one per cent foreign matter, 8 per cent but not more than 10.0 per cent moisture, and not more than one-half of one per cent free fatty acids in the oil in the seed shall be known as superior quality cottonseed and shall have a quality index of 102.

(b) *Prime quality cottonseed.*—Cottonseed that, by analysis, contain not more than 3 per cent foreign matter, not more than 12 per cent moisture, and not more than 1.8 per cent free fatty acids in the oil in the seed, shall be known as prime quality cottonseed and shall have a quality index of 100 per cent.

(c) *Subquality cottonseed.*—Cottonseed that, by analysis, contain foreign matter, moisture, and or free fatty acids in the oil in the seed in excess of the percentages shown in section 3-b, shall be known as sub-quality cottonseed; and the quality index of such cottonseed shall be found by reducing the quality index of prime quality cottonseed as follows:

(1) Not to exceed five-tenths of a unit for each 0.1 per cent of free fatty acids in the oil in the seed in excess of 1.8 per cent.

(2) Not to exeecd 1 unit for each 1 per cent of foreign matter in excess of 3 per cent.

(3) Not to exceed 1 unit for each 1 per cent of moisture in excess of 12 per cent.

(d) *Off quality cottonseed.*—Cottonseed that have been treated by either mechanical or chemical process other than the usual cleaning, drying, and ginning (except such sterilization as may be required by the United States Department of Agriculture for quarantine purposes) or that are "hot" or fermented, or that upon analysis are found to contain 13 per cent or more free fatty acids in the oil, or more than 25 per cent foreign matter, or more than 25 per cent moisture, or more than 40 per cent combined moisture and foreign matter, shall be designated as "Off Quality Cottonseed, approximate grade——."

SEC. 4. *Sampling, analysis, and certification of samples and grades.*—The drawing and preparation and certification of samples of cottonseed and the analysis and certification of grades of cottonseed shall be performed in accordance with methods approved from time to time by the Chief of the Bureau of Agricultural Economics.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 30th day of July, 1937.

[SEAL] M. L. WILSON, *Acting Secretary.*

[F. R. Doc. 37-2430; Filed, July 30, 1937; 12:31 p. m.]



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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3100]

IN THE MATTER OF WILLARD TABLET COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, August 9, 1937, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, 433 W. Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2418; Filed, July 29, 1937; 2:28 p. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

ALLOCATION OF FUNDS FOR LOANS

[Administrative Order No. 119]

JULY 21, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Iowa 8030B Franklin | $260,000 |
| Iowa 8033B Calhoun | 135,000 |
| Illinois 8026C Iroquois (partial) | 200,000 |
| Illinois 8026G Iroquois | 300,000 |
| Michigan 8005B Lenawee (partial) | 300,000 |
| Minnesota 8060B Redwood | 109,000 |
| Wisconsin 8009 La Crosse | 60,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2420; Filed, July 29, 1937; 2:40 p. m.]

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ALLOCATION OF FUNDS FOR LOANS

[Administrative Order No. 120]

JULY 26, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Projection Designation: | *Amount* |
|---|---|
| Colorado 8007C Mesa | $25,000 |
| Colorado 8017 Prowers | 175,000 |
| Kentucky 8030B Shelby | 100,000 |
| Kentucky 8033B Daviess | 137,000 |
| Michigan 8028B Presque Isle | 35,000 |
| Minnesota 8018C Douglas | 110,000 |
| Pennsylvania 8017 Armstrong | 447,000 |
| Tennessee 8022 Gibson | 40,000 |
| West Virginia 8010G Harrison | 100,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2421; Filed, July 29, 1937; 2:40 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1937.

[File No. 46-66]

IN THE MATTER OF THE GREENVILLE ELECTRIC LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Greenville Electric Light and Power Company pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition of the 6% Promissory Note due January 1, 1945, in the principal amount of $60,000, of The Buckeye Light & Power Company, a corporation organized under the State of Ohio, the applicant and said The Buckeye Light & Power Company, each being a subsidiary of United Public Utilities Corporation, a registered holding company.

It is ordered that a hearing on such matter be held on August 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 13, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2428; Filed, July 30, 1937; 12:24 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1937.

[File No. 43-68]

IN THE MATTER OF THE KANSAS POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by The Kansas Power Company, a subsidiary of The Middle West Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of $376,000 principal amount of its First Mortgage Twenty-Year 5% Gold Bonds, Series A, due March 1, 1947, to be sold at private sale at 100 and accrued interest from March 1, 1937, the proceeds of which are to be used for extensions, additions, and betterments to its properties;

It is ordered that a hearing on such matter be held on August 12, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 9, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2429; Filed, July 30, 1937; 12:25 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF ROYALTY INTERESTS IN THE PHILLIPS-D. HARRELL TRACT, FILED ON JUNE 10, 1937, BY A. BEN CHADWELL, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2425; Filed, July 30, 1937; 12:24 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JULY 12, 1937, BY A. BEN CHADWELL, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 26, 1937, be effective as of July 26, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2427; Filed, July 30, 1937; 12:24 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING OVERRIDING ROYALTY INTERESTS IN THE OHIO-KYLE LEASE, FILED ON JUNE 21, 1937, BY P. H. LOWRIE, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;[1]

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 26, 1937, be effective as of July 26, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2426; Filed, July 30, 1937; 12:24 p. m.]

VOL 2

# FEDERAL REGISTER

1937

PUBLISHED BY THE

DIVISION OF THE FEDERAL REGISTER
THE NATIONAL ARCHIVES

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## VOL. 2

IN TWO PARTS

PART I—Documents filed with the Division of the Federal Register, The National Archives, from January 1, 1937, through July 31, 1937.

PART II—Documents filed with the Division from August 1, 1937, through December 31, 1937, with index and ancillaries.

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## PART II

UNITED STATES
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UNITED STATES OF AMERICA
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# PART II

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THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

1934

Volume 2 Nos. 148–253

*Tuesday, August 3, 1937* *No. 148*

## PRESIDENT OF THE UNITED STATES.

### REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

By the President of the United States of America

A PROCLAMATION

Whereas the Acting Secretary of Agriculture, pursuant to sections 3 and 4 of the Migratory Bird Treaty Act (40 Stat. 755), as amended June 20, 1936 (49 Stat. 1555), has adopted and submitted to me regulations which he has determined to be suitable regulations permitting and governing (1) hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and sixteen and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February seventh, nineteen hundred and thirty-six, and (2) exportation and importation to and from Mexico of game mammals, parts and products thereof, included in the aforesaid Convention between the United States and the United Mexican States, which said regulations are as follows:

### REGULATIONS ADOPTED BY THE SECRETARY OF AGRICULTURE PURSUANT TO THE MIGRATORY BIRD TREATY ACT

Pursuant to the authority and direction contained in sections 3 and 4 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), I, M. L. Wilson, Acting Secretary of Agriculture, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits and times and lines of migratory flight of migratory birds included in the terms of the Conventon between the United States and Great Britain for the protection of migratory birds, concluded August sixteenth, nineteen hundred and sixteen, and the Convention between the United States and the United Merican States for the protection of migratory birds and game mammals concluded February seventh, nineteen hundred and thirty-six, and having due regard to the laws of the United Mexican States relating to the exportation and importation of game mammals, and parts and products thereof, included in the terms of the said Convention between the United States and the United Mexican States and to the laws of the States and Territories and of the District of Columbia from and into which such mammals, parts and products thereof, may be proposed to be exported or imported, and to the laws of the United States forbidding importation of certain live mammals injurious to the interests of agriculture and horticulture, have determined when, to what extent, and by what means it is compatible with the terms of said Conventions and Act to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation and importation of such birds and parts thereof and their nests and eggs, and exportation and importation of such mammals to and from Mexico, and, in accordance with such determinations, do hereby adopt the following regulations as suitable regulations permitting and governing hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation and importation of said migratory birds and parts, nests, and eggs thereof, and the exportation and importation of game mammals, parts and products thereof to and from Mexico:

#### REGULATION 1. DEFINITIONS OF MIGRATORY BIRDS AND GAME MAMMALS

Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and United Mexican States for the protection of migratory birds and game mammals, concluded, respectively, August 16, 1916 and February 7, 1936, are as follows:

1. *Migratory game birds:*

(a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae (Charadrii), or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turn-stones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Migratory insectivorous and other migratory nongame birds.*—Cuckoos, flickers and other woodpeckers; nighthawks, or bullbats, chuck-wills-widows, poor-wills, and whip-poor-wills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits; catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; all other perching birds which feed entirely or chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, sharewaters, and terns.

Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

REGULATION 2. DEFINITION OF TERMS

For the purposes of these regulations the following terms shall be construed, respectively, to mean and to include—

*Secretary.*—The Secretary of Agriculture of the United States.

*Chief of the Bureau.*—The Chief of the Bureau of Biological Survey, United States Department of Agriculture.

*Person.*—The plural or the singular, as the case demands, individuals, clubs, associations, partnerships, and corporations, unless the context otherwise requires.

*Take.*—Hunt, kill, or capture, or attempt to hunt, kill, or capture.

*Open season.*—The time during which migratory birds may be taken.

*Transport.*—Ship, transport, carry, export, import, and receive or deliver for shipment, transportation, carriage, exportation, or importation.

REGULATION 3. MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN

The migratory game birds for which open seasons are specified in regulation 4 of these regulations may be taken during such respective open seasons with a shotgun only, not larger than no. 10 gage, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 of these regulations, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined; they may be taken during the open season from land or water, with the aid of a dog, and from a blind, boat, or floating craft except sinkbox (battery), powerboat, sailboat, any boat under sail, and any craft or device of any kind towed by powerboat or sailboat; but nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind.

Waterfowl (except for propagation, scientific, or banding purposes under permit pursuant to regulations 8 and 9 of these regulations) and mourning doves and white-winged doves are not permitted to be taken by means, aid, or use, directly or indirectly, of corn, wheat, oats, or other grain or products thereof, salt, or any kind of feed whatsoever, placed, deposited, distributed, scattered, or otherwise put out whereby such waterfowl or doves are lured, attracted, or enticed, regardless of the distance intervening between any such grain, salt, or feed and the position of the taker; and in the taking of waterfowl, the use, directly or indirectly, of live duck or goose decoys is not permitted, regardless of the distance intervening between any such live decoys and the position of the taker; nor shall anything in these regulations be deemed to permit the use of aircraft of any kind, or of a powerboat, sailboat, or other floating craft or device of any kind, for the purpose of concentrating, driving, rallying, or stirring up waterfowl.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

REGULATION 4. OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, canvasback duck, redhead duck, ruddy duck, bufflehead duck, and swans), and coot may be taken each day from 7 a. m. to 4 p. m., and rails and gallinules (other than coot), Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and band-tailed pigeons from 7 a. m., to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State or Territory, or in the District of Columbia, during the period constituting the open season where taken and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State or Territory, or in the District of Columbia at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding grounds, or refuge except insofar as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

*Waterfowl, Wilson's snipe or jacksnipe, and coot.*—The open seasons for waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, canvasback duck, redhead duck, bufflehead duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Colorado, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New York (except Long Island), North Dakota, Ohio, Oklahoma, South Dakota, Vermont, Wisconsin, and Wyoming, October 9 to November 7.

In Connecticut, Delaware, Idaho, Illinois, Indiana, Kentucky, Missouri, Nevada, New Jersey, New Mexico, that portion of New York known as Long Island, Oregon, Pennsylvania, Rhode Island, Utah, Washington, and West Virginia, November 1 to November 30.

In Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 27 to December 26.

In Alaska north of the Alaska Range and the Ahklum Mountains, September 1 to September 30; south of the Alaska Range and the Ahklum Mountains west of the one hundred and forty-first meridian and east of False Pass at the tip of the Alaska Peninsula, September 16 to October 15; southeastern Alaska from the one hundred and forty-first meridian to Dixons Entrance, October 1 to October 30; and Islands of Unimak, Unalaska, Akutan, and Akun west of Unimak pass in the Aleutian Island group, November 1 to November 30.

*Rails and gallinules (except coot).*—The open season for rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Washington and Massachusetts, October 1 to November 30.

New York (except Long Island), October 9 to November 7.

That portion of New York known as Long Island, November 1 to November 30.

Wisconsin, October 9 to November 7.

Alabama, November 20 to January 31.

Louisiana, November 1 to January 31.

District of Columbia, no open season.

*Woodcock.*—The open seasons for woodcock shall be as follows, both dates inclusive:

Wisconsin, October 17 to October 31.

That portion of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany, and north of the tracks of the main line of the Boston and Albany Railroad extending from Albany to the Massachusetts State line, and in Maine, New Hampshire, Vermont, Pennsylvania, Michigan, and North Dakota, October 1 to Ocober 31.



That portion of New York lying south of the line above described, and in Delaware, New Jersey, Ohio, Indiana, and Iowa, October 15 to November 14.

That portion of New York known as Long Island, November 1 to November 30.

Massachusetts, Rhode Island, and Connecticut, October 21 to November 20.

Missouri, November 10 to December 10.

Maryland, Virginia, West Virginia, Kentucky, Arkansas, and Oklahoma, November 15 to December 15.

North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana, December 1 to December 31.

*Mourning doves.*—The open seasons for mourning doves shall be as follows, both dates inclusive:

Arizona, Arkansas, California, Idaho, Illinois, Kansas, Kentucky, Minnesota, Missouri, New Mexico, Nebraska, Nevada, Oklahoma, Oregon, Tennessee, Utah, and Virginia, September 1 to November 15.

Delaware, September 15 to November 1 and November 15 to December 15.

Maryland, September 1 to September 30 and November 15 to December 31.

Florida (except in Dade, Broward, and Monroe Counties), November 20 to January 31.

That portion of Florida comprising Dade, Broward, and Monroe Counties, October 1 to November 15.

Louisiana and Mississippi, September 15 to October 1 and November 20 to January 15.

North Carolina, September 15 to October 15 and December 20 to January 31.

Alabama, in the counties of Pickens, Tuscaloosa, Jefferson, Shelby, Talladega, Clay, Randolph, and all counties north thereof; Georgia, in the counties of Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, Burke, and all counties north thereof; and South Carolina, in the counties of Aiken, Saluda, Newberry, Fairfield, Lancaster, Chesterfield, and all counties north thereof, September 15 to October 15 and December 20 to January 31.

Alabama, Georgia, and South Carolina, in the counties other than those aforesaid, November 20 to January 31.

Texas, in the counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, King, Cottle, Childress, and all counties north and west thereof, September 1 to October 31.

Texas, south and east of the above described boundaries, September 15 to November 15.

*White-winged doves.*—The open seasons for white-winged doves shall be as follows, both dates inclusive:

Arizona, August 5 to September 3.

Texas, in the counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, King, Cattle, Childress, and all counties north and west thereof, September 1 to October 31.

Texas, south and east of the above described boundaries, September 15 to November 15.

*Band-tailed pigeons.*—The open seasons for band-tailed pigeons shall be as follows, both dates inclusive:

California, December 1 to December 15.
Arizona and Oregon, October 16 to October 30.
New Mexico, October 1 to October 15.
Washington, September 16 to September 30.

REGULATION 5. DAILY BAG AND POSSESSION LIMITS ON CERTAIN MIGRATORY GAME BIRDS

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

*Ducks (except wood duck, canvasback duck, redhead duck, ruddy duck, and bufflehead duck).*—Ten in the aggregate of all kinds, and any person at any one time may possess not more than 10 ducks in the aggregate of all kinds.

*Geese and brant (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, and Ross's geese).*—Five in the aggregate of all kinds, and any person at any one time may possess not more than 5 geese and brant in the aggregate of all kinds.

*Rails and gallinules (except sora and coot).*—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

*Sora.*—Fifteen, and any person at any one time may possess not more than 15.

*Coot.*—Twenty-five, and any person at any one time may possess not more than 25.

*Wilson's snipe or jacksnipe.*—Fifteen, and any person at any one time may possess not more than 15.

*Woodcock.*—Four, and any person at any one time may possess not more than 4.

*Mourning doves and white-winged doves.*—Fifteen in the aggregate of both kinds, and any person at any one time may possess not more than 15 in the aggregate of both kinds.

*Band-tailed pigeons.*—Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

REGULATION 6. SHIPMENT, TRANSPORTATION, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Migratory game birds of a species for which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in any manner in or out of the State where taken during the respective open seasons in that State, and when legally taken in and exported from Canada or Mexico, and if from Mexico are accompanied by a Mexican export permit, may be transported into the United States during the open season in the Province, State, or District where killed, but not more than the number thereof that may be taken in 1 day by one person under these regulations shall the transported by one person in 1 calendar week out of the State where taken or from Canada or Mexico into the United States; any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory or District during the period constituting the open season where taken, and for an additional period of 10 days next succeeding said open season; and any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof; but no such birds or parts thereof shall be transported from any State or Territory, or the District of Columbia, to or through another State or Territory, or the District of Columbia, or to or through Canada or Mexico contrary to the laws of the State or Territory, or the District of Columbia in which they were taken or from which they are transported; nor shall any such birds or parts thereof be transported into any State or Territory, or the District of Columbia from another State or Territory, or the District of Columbia, or from Canada or Mexico, or from any State or Territory, or the District of Columbia into any Province of the Dominion of Canada or into Mexico at a time when any such State, Territory, District, or Province, or Mexico, into which they are transported, prohibits the possession or transportation thereof.

*Migratory game birds imported from countries other than Canada and Mexico.*—Migratory game birds of a species for which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign

country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported to and possessed in any State or Territory, during the open season prescribed by said regulation 4 in such State or Territory for that species and for a period of 10 days immediately succeeding such open season, and in the District of Columbia during the open season so prescribed for Maryland and 10 days thereafter, in numbers in any 1 calendar week not exceeding those permitted to be taken in 1 day by regulation 5 of these regulations, if transportation and possession of such birds is not prohibited by the laws of such State, Territory, or District and if transported in packages marked as hereinbefore provided.

REGULATION 7. TAKING OF CERTAIN MIGRATORY NONGAME BIRDS BY ESKIMOS AND INDIANS IN ALASKA

In Alaska Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murres, and puffins and their eggs and skins for the use of themselves and their immediate families for food and clothing.

REGULATION 8.—PERMITS TO PROPAGATE MIGRATORY WATERFOWL

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory waterfowl or their eggs for propagating purposes, may take such birds or their eggs in such State for such purposes when authorized by a permit issued to him by the Secretary, which permit may limit the species and numbers of birds or eggs that may be taken and the period during which and the locality where they may be taken. Both permits shall be carried on the person of the permittee when he is taking migratory waterfowl or their eggs and shall be exhibited to any person requesting to see them. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to possess, purchase, sell, and transport migratory waterfowl and their increase and eggs for propagating purposes, may possess, purchase, sell, and transport such waterfowl and their increase and eggs for such purposes when authorized by a permit issued to him by the Secretary; but may not purchase or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such waterfowl and their eggs; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time and in any manner (except that they may be killed by shooting only during the open season for waterfowl in the State where killed), and the carcasses, with heads and feet attached thereto, may be sold and transported by him to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, a retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no such birds that have been killed shall be bartered, sold, or purchased unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Applications for permits shall be addressed to the Secretary of Agriculture, Washington, D. C., and must state the name and address of the applicant; the place where the propagating project is to be carried on; the area to be used in the project; the facilities the applicant has for properly caring for the waterfowl; the number of each species of waterfowl in his possession, and how, when, and where they were acquired; and, if the application is for a permit to take migratory waterfowl or their eggs, the species and number of each species or eggs of each species proposed to be taken, and the specific locality where it is proposed to take them.

4. Every permittee shall keep books and records that shall correctly set forth the number of each species of waterfowl and their eggs taken by him, if he holds a permit to take waterfowl, the number of each species of waterfowl and their eggs possessed on the date of application for a permit, the number of each species reared and killed, the number of each species and their eggs sold and transported, the manner in which they are transported, the name and address of each person from or to whom waterfowl and eggs were purchased or sold, the number and species so purchased or otherwise acquired or sold and whether sold alive or dead, and the date of each transaction. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports therein provided for will be cause for revocation of the permit.

5. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records relating thereto.

6. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of migratory waterfowl or their eggs unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of migratory waterfowl or their eggs from Mexico into the United States unless such waterfowl or eggs are accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of Agriculture authorized to enforce the Migratory Bird Treaty Act.

7. A person may possess and transport, subject to the provisions of paragraph 8 of this regulation, for his own use, without a permit, live migratory waterfowl now legally possessed or hereafter legally acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. Feathers of wild ducks and wild geese legally killed, and feathers of such birds seized and condemned by Federal or State game authorities, may be possessed, purchased, sold, and transported for use in making fishing flies, bed pillows, and mattresses, and for such similar commercial purposes, but not for millinery or ornamental purposes.

8. Every package in which migratory waterfowl or parts or eggs thereof are shipped wholly within a State or Territory, or the District of Columbia, or in which such waterfowl, parts, or eggs are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is shipped or transported and the purpose for which the waterfowl or eggs are being shipped or transported.

REGULATION 9. PERMITS TO COLLECT MIGRATORY BIRDS FOR SCIENTIFIC PURPOSES

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory birds or their nests or eggs for scientific purposes may take such birds or their nests or eggs in such State for such purposes when authorized by a permit issued to him by the Secretary. Both permits shall be carried on his person when he is collecting migratory birds thereunder, and shall be exhibited to any person requesting to see them; but nothing herein shall be deemed to permit the taking of any migratory game bird during the open season therefor in any manner or by any means or at any time of the day not permitted by regulations 3 and 4 of these regulations.

2. Applications for permits shall be addressed to the Secretary of Agriculture, Washington, D. C., and must state the name and address of the applicant, his age, the State or Territory in which migratory birds or their nests or eggs are proposed to be taken, the purpose for which they are intended, information sufficient to show that such birds, nests, or eggs permitted to be taken will be devoted to scientific purposes, and the names and addresses of at least two well-known ornithologists, principals or superintendents of educational or zoological institutions, officials or members of zoological or natural history organizations, or instructors in zoology in high schools, colleges, or universities, from whom may be obtained information respecting the applicant's status as a scientific investigator. The applicant must furnish such other information touching his fitness to be entrusted with a permit as may be called for by the Secretary.

3. A permit may limit the number and species of migratory birds or their nests or eggs that may be taken thereunder, and the places where, time when, and means by which they may be taken, and may authorize the holder thereof, when possessed of an equivalent State permit, to possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes but not to purchase or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such birds, nests or eggs, or it may limit the holder to one or more of these privileges. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes, without a permit, but no such birds, nests, or eggs shall be taken without a permit or purchased from, sold to, or exchanged with a person not authorized by these regulations or by a permit issued thereunder to sell, purchase or exchange them. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

4. A taxidermist, when authorized by a permit issued by the Secretary, may possess any migratory bird, or nest or egg thereof delivered to him for mounting or other preparation by any person who has legally taken or legally possesses it and may transport such bird, nest or egg in consummation of such purpose when likewise authorized by the State in which such permittee is operating. Every such permittee shall keep books and records correctly setting forth the name and address of each person delivering each migratory bird or nest or egg thereof to him, together with the name of each species, the date of delivery, the disposition of each such bird, nest or egg and the date thereof, and such books and records shall be available for inspection at all reasonable hours on request of any authorized representative of the Department of Agriculture.

5. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of any migratory bird, or nest or egg thereof, unless the permittee has in his possession while exercising any such privilege, a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of any migratory bird, or part, nest or egg thereof from Mexico into the United States unless such bird, or part, nest, or egg is accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of Agriculture authorized to enforce the Migratory Bird Treaty Act. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

6. Every package in which migratory birds or parts, nests or eggs thereof are shipped wholly within a State or Territory or the District of Columbia, or in which such birds, parts, nests, or eggs are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, for scientific purposes shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is transported, and that the specimens contained therein are for scientific purposes.

REGULATION 10. PERMITS TO KILL MIGRATORY BIRDS INJURIOUS TO PROPERTY

*Community injury.*—When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

*Specific injury.*—Upon receipt by the Chief of the Bureau, or the Regional Director of the Bureau of Biological Survey in the region where the injury occurs, of information from the owner, tenant, or share cropper that migratory birds are injuring his crops or other property on the land on which he resides, together with a statement of the location of the land, the nature of the crops or property being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or so many thereof as may be necessary, a permit to kill the birds will be issued by said Chief of the Bureau or Director, in which permit will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case: *Provided, however,* That in every permit issued as aforesaid it shall be specified that no such birds shall be shot at or killed at any time or in any manner not authorized by the laws of the State in which such permit is effective; and as to migratory waterfowl, that they shall not be shot at or killed (1) from any blind, sink, pit, or any other device or means of concealment, whether natural or artificial, movable or stationary, or on land or water; (2) by means of any gun larger than no. 10 gage, or of any gun to which a silencer has been attached or otherwise affixed; and (3) by the use of decoys of any description, or of traps or nets of any kind.

Every person exercising any privilege hereinbefore in this regulation provided for shall keep an accurate record of all migratory birds killed by him and whenever requested by the Chief of the Bureau or by the Regional Director shall submit promptly, on a form provided by the Bureau for the purpose, a report correctly stating the species and number of each species of migratory birds killed by him and in any event shall submit such report to the Regional Director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of any permit or withdrawal of any privilege accorded any person failing to make the report.

REGULATION 11. STATE LAWS FOR THE PROTECTION OF MIGRATORY BIRDS

Nothing in these regulations or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof contrary to the laws and regulations of any State or Territory, or the District of Columbia, made for the purpose of giving further protection to migratory birds, their nests, and eggs when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

REGULATION 12. TRANSPORTATION OF GAME MAMMALS TO AND FROM MEXICO

Game mammals, parts or products thereof, taken in and transported from a State, Territory, or the District of Columbia may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the Collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired and are being transported in compliance with the laws and regulations of such State, Territory, or District.

Live game mammals authorized by a special permit issued by the Secretary of Agriculture, pursuant to Section 241 of the Penal Code, to be imported, and the dead bodies, parts or products of game mammals, proceeding from Mexico, if accompanied by a Mexican export permit, may be transported into the United States, but their possession in any State, Territory, or the District of Columbia will be subject to the laws of such State, Territory, or District.

The Migratory Bird Treaty Act Regulations approved July 31, 1918 (40 Stat. 1912) and all amendments thereof are hereby revoked, but all regulations heretofore adopted and approved pursuant to said Act closing areas of land and water or of land or water adjacent to migratory bird sanctuaries, refuges, reservations, and breeding and feeding grounds to the taking of migratory birds, and all orders and permits of the Secretary of Agriculture heretofore made or issued pursuant to said Act and now in force authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl for propagating purposes, are hereby continued and extended in full force and effect as regulations, orders, and permits adopted and approved or made or issued hereunder.

In witness whereof, I have hereunto set my hand and caused the seal of the United States Department of Agriculture to be affixed.

Done at the City of Washington this 26th day of July, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

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AND WHEREAS upon consideration it appears that approval of the foregoing regulations will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act and result in reducing the annual kill of migratory game birds:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this thirtieth day of July, in the year of our Lord Nineteen Hundred and thirty-seven, and of the Independence of the United
[SEAL] States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President
CORDELL HULL,
*Secretary of State.*

[No. 2245]

[F. R. Doc. 37-2446; Filed, August 2, 1937; 11:41 a. m.]

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EXECUTIVE ORDER

AMENDMENT OF SUBDIVISION II, SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 404), it is ordered that Subdivision II of Schedule A of the Civil Service Rules be, and it is hereby, amended by adding thereto the following paragraph:

"4. Chief and two assistant chiefs of the Foreign Service Buildings Office."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 30, 1937.*

[No. 7679]

[F. R. Doc. 37-2441; Filed, July 31, 1937; 12:30 p. m.]

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EXECUTIVE ORDER

ENLARGING THE ELK REFUGE

*Wyoming*

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that all lands owned or controlled by the United States in the following-described areas, comprising 19,939.78 acres in Teton County, Wyoming, be, and they are hereby, subject to valid existing rights, included in and reserved as a part of the Elk Refuge, established by Executive Order No. 2177 of April 21, 1915: *Provided*, that any private lands within the areas described shall become a part of the refuge upon the acquisition of title thereto or lease thereof by the United States:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 115 W.,
sec. 4, lot 4 and SW¼NW¼;
sec. 5, lots 1 to 4, inclusive, S½NE¼, N½SW¼, and NW¼SE¼;
sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, NE¼SE¼, and S½SE¼;
sec. 7, lots 1, 2, and 3; N½NE¼, SW¼NE¼, E½NW¼, E½SW¼, and NW¼SE¼;
sec. 17, NW¼NW¼, S½NW¼, N½SW¼, and SW¼SW¼;
sec. 18, lots 2, 3, and 4, NE¼, E½SW¼, and SE¼;
sec. 19, lot 1, N½NE¼, and NE¼NW¼.
T. 42 N., R. 115 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, SW¼, and W½SE¼;
sec. 7, lot 3, and NE¼SE¼;
sec. 8, SW¼NW¼, N½SE¼, and SW¼SE¼;
sec. 9, N½NE¼, NW¼, NE¼SW¼, and SE¼;
secs. 10 and 11;
sec. 12, W½SW¼;
sec. 13, SW¼SW¼;
sec. 14, N½NE¼, SW¼NE¼, NW¼, and S½;
sec. 15, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, NW¼SE¼, and S½SE¼;
sec. 16, all;
sec. 17, NE¼, NW¼NW¼, S½NW¼, and S½;
sec. 18, lots 3 and 4, NE¼, E½SW¼, NE¼SE¼, and S½SE¼;
sec. 19, lot 4, NE¼, E½NW¼, E½SW¼, and SE¼;
sec. 20, NE¼NE¼, SW¼NE¼, NW¼, W½SW¼, and N½SE¼;
sec. 21, NE¼, E½NW¼, NE¼SW¼, and SE¼;
sec. 22, N½, SW¼, and N½SE¼;
sec. 23, N½NE¼, SW¼NE¼, W½, and W½SE¼;
sec. 25, NW¼NW¼, S½NW¼, and NW¼SW¼;
sec. 26, S½NE¼, W½, and N½SE¼;
sec. 27, SE¼NE¼, N½NW¼, SW¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
sec. 28, NE¼, SW¼, NW¼SE¼, and S½SE¼;
sec. 29, S½NE¼, NW¼NW¼, and S½;
sec. 30, lots 1 and 2, NE¼NW¼, and SE¼;
secs. 31 and 32;
sec. 33, NW¼NE¼, S½NE¼, W½NW¼, E½SW¼, and SE¼;
sec. 34, all;
Sec. 35, SW¼NW¼.
T. 41 N., R. 116 W.,
sec. 1, lots 2, 3, and 4, S½N½, and S½;
sec. 2, lots 1 and 2, S½NE¼, E½SW¼, and SE¼;
sec. 11, W½NE¼, E½NW¼, SW¼, NW¼SE¼, and S½SE¼;
sec. 12, E½NE¼, NW¼NW¼, S½SW¼, NE¼SE¼, and S½SE¼;
sec. 13, N½NE¼, SE¼NE¼, and N½NW¼;
sec. 14, N½NE¼, NW¼, N½SW¼, SE¼SW¼, and N½SE¼;
sec. 15, E½NE¼ and SE¼;
sec. 22, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, SW¼, W½SE¼;
sec. 24, N½NE¼ and NE¼NW¼;
sec. 27, W½NE¼ and N½NW¼.
T. 42 N., R. 116 W.,
sec. 12, S½SW¼ and SW¼SE¼;
sec. 13, NE¼NE¼, NW¼, and N½SW¼;
sec. 14, E½SE¼;
sec. 24, lot 2;
sec. 25, lots 1, 5, and 6, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
sec. 26, lot 4;
sec. 35, lots 1 and 2, S½NE¼ and SE¼;
sec. 36, all, aggregating 19,939.78 acres.

The Elk Refuge as enlarged by this order consists of all lands owned or controlled by the United States in the following-described areas, comprising 27,624 acres:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 115 W.,
secs. 4 to 8, inclusive;
sec. 9, N½N½ and SW¼NW¼;
sec. 17, N½NE¼, SW¼NE¼, NW¼, N½SW¼, and SW¼SW¼;
sec. 18, all;
sec. 19, lot 1, N½NE¼, and NE¼NW¼.
T. 42 N., R. 115 W.,
sec. 1, lots 1 to 4, inclusive, S½N½, SW¼, and W½SE¼;
sec. 7, lot 3 and NE¼SE¼;
sec. 8, SW¼NW¼ and SE¼;
secs. 9, 10, and 11;
sec. 12, W½W½;
sec. 13, SW¼SW¼;
secs. 14 to 17, inclusive;
sec. 18, lots 3 and 4, NE¼, E½SW¼, and SE¼;
secs. 19 to 22, inclusive;
sec. 23, N½NE¼, SW¼NE¼, W½, and W½SE¼;
sec. 25, NW¼NW¼, S½NW¼, and NW¼SW¼;
sec. 26, S½NE¼, W½, and N½SE¼;
secs. 27 to 34, inclusive;
sec. 35, SW¼NW¼.
T. 41 N., R. 116 W.,
sec. 1, all;
sec. 2, lots 1 and 2, S½NE¼, E½SW¼, and SE¼;
sec. 11, NE¼, E½NW¼, and S½;
secs. 12, 13, and 14;
sec. 15, E½NE¼ and SE¼;
sec. 22, NE¼, NE¼NW¼, S½NW¼, and S½;
sec. 23, all;
sec. 24, N½NE¼, NW¼, N½SW¼, and SW¼SW¼;
sec. 26, W½NE¼ and W½;
sec. 27, N½, N½SW¼, and SE¼.
T. 42 N., R. 116 W.,
sec. 12, S½SW¼ and SW¼SE¼;
sec. 13, NE¼NE¼, NW¼ and N½SW¼;
sec. 14, E½SE¼;
sec. 24, lots 2 and 5;
sec. 25, lots 1, 4, 5, and 6, SE¼NE¼, SE¼SW¼, and SE¼;
sec. 26, lot 4;
sec. 35, lots 1 and 2, S½NE¼, and SE¼;
sec. 36, all.

The reservation made by this order supersedes as to any of the lands affected thereby the temporary withdrawals for classification made by Executive Orders No. 4631 of April 15, 1927, No. 4685 of July 7, 1927, and No. 4857 of April 16, 1928.



Since the lands comprising the Flat Creek Reservation are reserved by this order as a part of the Elk Refuge, Executive Order No. 3741 of September 29, 1922, which established that Reservation, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 30, 1937.*

[No. 7680]

[F. R. Doc. 37-2442; Filed, July 31, 1937; 12:30 p. m.]

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EXECUTIVE ORDER

ESTABLISHING THE TURNBULL MIGRATORY WATERFOWL REFUGE

*Washington*

By virtue of and pursuant to the authority vested in me as President of the United States and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands acquired, or to be acquired, by the United States, within the following-described area, comprising 12,774 acres, more or less, in Spokane County, Washington, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States.

WILLAMETTE MERIDIAN

T. 22 N., R. 41 E.,
secs. 1, 2, and 3;
sec. 4, SE¼NE¼ and SE¼;
sec. 9, E½;
secs. 10 to 13, inclusive;
sec. 14, NE¼ and N½NW¼.
T. 23 N., R. 41 E.,
sec. 23, S½SE¼;
sec. 24, W½SW¼;
sec. 25, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, and S½;
sec. 26, NE¼ and S½;
sec. 27, S½;
secs. 34, 35, and 36.
T. 22 N., R. 42 E.,
sec. 5, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
sec. 6, all;
sec. 7, lots 1 and 2, NE¼, and E½NW¼;
sec. 8, all;
sec. 17, N½NW¼ and SW¼NW¼;
sec. 18, E½NE¼.
T. 23 N., R. 42 E.,
sec. 29, NE¼SW¼, S½SW¼, and SE¼;
sec. 30, lots 7 to 12, inclusive, and S½SE¼;
sec. 31, all;
sec. 32, W½NE¼, W½, and W½SE¼.

This refuge shall be known as the Turnbull Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 30, 1937.*

[No. 7681]

[F. R. Doc. 37-2443; Filed, July 31, 1937; 12:30 p. m.]

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## DEPARTMENT OF THE INTERIOR.

### General Land Office.

[Circular No. 1434.]

SUSPENDING ANNUAL ASSESSMENT WORK ON MINING CLAIMS

JULY 22, 1937.

*Registers, U. S. Land Office.*

Sirs: For your information, and in order that you may inform inquirers relative thereto, your attention is called to the act of June 24, 1937, Public No. 161,[1] providing for the

[1] 75th Congress.

suspension of annual assessment work on mining claims held by location in the United States, and reading as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States during the year beginning at 12 o'clock meridian July 1, 1936, and ending at 12 o'clock meridian July 1, 1937: *Provided*, That the provisions of this Act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That every claimant of any such mining claim, in order to obtain the benefits of this Act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian July 1, 1937, a notice of his desire to hold said mining claim under this Act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That such suspension of assessment work shall not apply to more than six lode-mining claims held by the same person, nor to more than twelve lode-mining claims held by the same partnership, association, or corporation: *And provided further*, That such suspension of assessment work shall not apply to more than six placer-mining claims not to exceed one hundred and twenty acres (in all) held by the same person, nor to more than twelve placer-mining claims not to exceed two hundred and forty acres (in all) held by the same partnership, association, or corporation.

Attention is called to the fact that this Act does not apply to Alaska but applies only to claimants in the United States who are exempt from the payment of a Federal income tax for the taxable year 1936, and who file on or before 12 o'clock noon July 1, 1937, in the office where the location notice of certificate is recorded, a notice of their desire to hold the claims under the Act. The notice so filed should state that they were entitled to exemption from the payment of a Federal income tax for the year 1936.

It is to be observed that an individual who filed such notice is not entitled to exemption from performing assessment work on more than six lode claims nor on more than six placer claims not to exceed 120 acres (in all) and that a partnership, association, or corporation is not entitled to such exemption on more than twelve lode claims nor on more than twelve placer claims not to exceed two hundred and forty acres (in all).

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

Approved: July 22, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2437; Filed, July 31, 1937; 9:58 a. m.]

## National Bituminous Coal Commission.

[Order No. 30]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF INDIANA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT TERRE HAUTE, INDIANA, ON AUGUST 25, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Indiana directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Indiana on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Indiana would be desirable, and upon investigation hereby orders:

1. That on August 25, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Terre Haute House, Terre Haute, Indiana, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the state of Indiana, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Indiana in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Terre Haute, Indiana, on August 25, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to each known producer of bituminous coal in the State of Indiana and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Indiana in which bituminous coal is produced.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

Dated this 30th day of July, 1937.

[F. R. Doc. 37-2445; Filed, August 2, 1937; 10:41 a. m.]

## Saint Elizabeths Hospital.

[12-10]

REGULATIONS FOR THE DISBURSEMENT OF PENSION MONEY PAID TO THE SUPERINTENDENT OF THE SAINT ELIZABETHS HOSPITAL

MAY 27, 1937.

The following general rules are prescribed in conformity with the requirements of the acts of Congress, approved February 20, 1905, and February 2, 1909, for observance in the disbursement of pension money paid to the Superintendent of Saint Elizabeths Hospital.

1. All moneys received by the Superintendent under these acts shall be scheduled to the Chief Disbursing Officer, Division of Disbursements, Treasury Department, for deposit in the United States Treasury.

2. Separate accounts shall be kept by the Superintendent with each pensioner showing the amount of money received and expended, and the balance on hand.



3. The pension money shall be disbursed and used for three general purposes, in order as follows:

First. For the benefit of the pensioner.

Second. For the benefit of relatives entitled under the law.

Third. To reimburse the hospital for the pensioner's board and maintenance, where no other provision is made therefor.

4. Irrespective of the amount received as pension and placed to the pensioner's account, at least one-sixth thereof shall be reserved for the use of the pensioner, before any provision is made for payments to relatives or for board.

5. Where no provision is otherwise made for the payment of the pensioner's board and maintenance in the Hospital from public or special funds under Federal control, the remainder, after setting aside the amounts for relatives specified in paragraphs 7 to 10 below, shall be used to pay the pensioner's board and maintenance in the Hospital up to an amount equal to the current monthly rate for board of patients.

6. Any excess amounts not required for payments to relatives or for board shall be available for the purchase of such articles as may be required for the pensioner's welfare and which are not provided from the regular Hospital funds, or otherwise for the pensioner's benefit.

7. The basic rate of pension being $15 or less per month, one-sixth thereof shall be reserved for the pensioner, to be expended in the purchase of such articles as may be required for the pensioner's welfare and which are not provided from the regular Hospital funds, or otherwise for the pensioner's benefit. The entire remainder will be paid, in the case of a male pensioner, to his dependent wife, minor children, or parents, in the order named; in the case of a female pensioner, to her dependent minor children.

8. The basic rate of pension being greater than $15 but not exceeding $25 per month, the dependent wife, minor children, or parents, in the order named in the case of a male pensioner, or the dependent minor children, in the case of a female pensioner, shall receive not less than $12.50 per month, the balance to be reserved for the pensioner, to be expended in the purchase of such articles as may be required for the pensioner's welfare and which are not provided from the regular Hospital funds, or otherwise for the pensioner's benefit, subject to provision for payment of board.

9. The basic rate of pension being in excess of $25 per month, the dependent wife, minor children, or parents, in the order named in the case of a male pensioner, or the dependent minor children in the case of a female pensioner, shall receive an amount equal to one-half of the entire pension, the balance to be reserved for the pensioner, to be expended in the purchase of such articles as may be required for the pensioner's welfare and which are not provided from the regular Hospital funds, or otherwise for the pensioner's benefit, subject to provision for payment of board.

10. If the wife, minor children, or parents of a male pensioner, or the minor children of a female pensioner, be not in fact dependent upon the pensioner in any degree for support, she or they shall receive no greater than one-half of the amount payable in case of her or their dependence, the balance to be reserved for the pensioner, to be expended in the purchase of such articles as may be required for the pensioner's welfare and which are not provided from regular Hospital funds, or otherwise for the pensioner's benefit, subject to provision for payment of board.

11. If there be no wife, minor children, or parents, in the case of a male pensioner, or minor children in the case of a female pensioner, the entire amount of the pension shall be reserved for the pensioner, to be expended in the purchase of such articles as may be required for the pensioner's welfare and which are not provided from the regular Hospital funds, or otherwise for the pensioner's benefit, subject to provision for payment of board.

12. Any unexpended balance of pension money reserved for the pensioner's benefit shall be paid, in the event of the pensioner's discharge from the Hospital, to the pensioner, or to his or her lawful guardian, or in the event that the pensioner is returned to a branch of the National Home for Disabled Volunteer Soldiers (now a part of the Veterans' Administration), to the treasurer or fiscal officer of such branch for such pensioner, or in the event of the pensioner's discharge from the Hospital and his immediate transfer to the United States Soldiers' Home, to the treasurer of said home. In the event of the pensioner's death while an inmate of the Hospital, the same shall be paid, in the case of a male pensioner, to his widow, or if there be no widow, to his minor children, and in the case of a female pensioner, to her minor children. If there be no widow or minor children entitled to payment of such balance of pension money, it shall be applied to the general uses of the Hospital.

13. All questions affecting the right of claimants for a share of the pension of inmates of the Hospital shall be determined upon evidence to be submitted to the United States Veterans' Administration. The findings of the United States Veterans' Administration upon such evidence shall be submitted for the approval of the Secretary of the Interior, and upon their transmission to the Superintendent of the Hospital with such approval, shall be accepted by him to control the disbursement of the pension under the law and these regulations.

14. The annexed "Table of monthly division of rates of pension under the acts of February 20, 1905, and February 2, 1909", is hereby made a part of these regulations to serve as a guide in determining in each case the respective amounts to be reserved for the pensioner's benefit and to be paid to relatives entitled. Any unusual rates of pension not included will be divided as nearly as may be in the same proportions as therein observed.

Table of monthly division of rates of pension under the acts of February 20, 1905, and February 2, 1909

| Monthly pension rate | In case of dependent relatives | | In cases of nondependent relatives | | In cases of no dependent relatives |
|---|---|---|---|---|---|
| | Pensioner | Relatives | Pensioner | Relatives | Pensioner |
| $1.00 | $0.17 | $0.83 | $0.58 | $0.42 | $1.00 |
| $2.00 | .33 | 1.67 | 1.17 | .83 | 2.00 |
| $3.00 | .50 | 2.50 | 1.75 | 1.25 | 3.00 |
| $4.00 | .67 | 3.33 | 2.33 | 1.67 | 4.00 |
| $5.00 | .83 | 4.17 | 2.92 | 2.08 | 5.00 |
| $6.00 | 1.00 | 5.00 | 3.50 | 2.50 | 6.00 |
| $7.00 | 1.17 | 5.83 | 4.08 | 2.92 | 7.00 |
| $8.00 | 1.33 | 6.67 | 4.67 | 3.33 | 8.00 |
| $9.00 | 1.50 | 7.50 | 5.25 | 3.75 | 9.00 |
| $10.00 | 1.67 | 8.33 | 5.83 | 4.17 | 10.00 |
| $11.00 | 1.83 | 9.17 | 6.42 | 4.58 | 11.00 |
| $12.00 | 2.00 | 10.00 | 7.00 | 5.00 | 12.00 |
| $13.00 | 2.17 | 10.83 | 7.58 | 5.42 | 13.00 |
| $14.00 | 2.33 | 11.67 | 8.17 | 5.83 | 14.00 |
| $15.00 | 2.50 | 12.50 | 8.75 | 6.25 | 15.00 |
| $17.50 | 5.00 | 12.50 | 11.25 | 6.25 | 17.50 |
| $20.00 | 7.50 | 12.50 | 13.75 | 6.25 | 20.00 |
| $22.50 | 10.00 | 12.50 | 16.25 | 6.25 | 22.50 |
| $25.00 | 12.50 | 12.50 | 18.75 | 6.25 | 25.00 |
| $30.00 | 15.00 | 15.00 | 22.50 | 7.50 | 30.00 |
| $35.00 | 17.50 | 17.50 | 26.25 | 8.75 | 35.00 |
| $40.00 | 20.00 | 20.00 | 30.00 | 10.00 | 40.00 |
| $45.00 | 22.50 | 22.50 | 33.75 | 11.25 | 45.00 |
| $50.00 | 25.00 | 25.00 | 37.50 | 12.50 | 50.00 |
| $60.00 | 30.00 | 30.00 | 45.00 | 15.00 | 60.00 |
| $75.00 | 37.50 | 37.50 | 56.25 | 18.75 | 75.00 |

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2444; Filed, August 2, 1937; 9:57 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

TERMINATION OF ORDER REGULATING THE HANDLING OF CITRUS FRUIT GROWN IN THE STATE OF FLORIDA

Whereas, the marketing agreement regulating the handling of citrus fruit grown in the State of Florida, executed May 4, 1936, effective May 8, 1936, provides that it shall

terminate by its own expiration at twelve o'clock midnight at the close of the 31st day of July 1937; and

Whereas, the Secretary of Agriculture has determined that it is advisable to terminate the order which regulates the said fruit in the same manner as the aforesaid marketing agreement;

Now, therefore, it is hereby ordered that, effective as of twelve o'clock midnight at the close of the 31st day of July 1937, the order regulating the handling of citrus fruit grown in the State of Florida, issued May 4, 1936, effective May 8, 1936, as amended, is terminated.

In witness whereof, Harry L. Brown Acting Secretary of Agriculture, does hereby execute in duplicate and issue this order in the city of Washington, District of Columbia, on the 30th day of July 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2438; Filed, July 31, 1937; 12:05 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

SPECIAL AIR TRAFFIC RULE

Pursuant to the authority contained in Section 3 (e) of the Air Commerce Act of 1926, as amended (44 Stat. 568), the following Special Air Traffic Rule, amending the prior rule, effective July 31, 1937, shall apply during the match for the America's Cup, off Newport, Rhode Island, during July and August 1937:

No aircraft shall be navigated in the vicinity of Newport, Rhode Island, during the months of July and August 1937, at an altitude of less than 750 feet over or within 500 yards horizontally of the patrol lines maintained by patrol vessels, which will fly the U. S. Coast Guard ensign.

There shall be no landing or taking off inside or within 1000 yards horizontally of such patrol lines.

NOTE.—Limitations have been reduced from 1000 to 750 feet vertically and 1000 to 500 yards horizontally.

Approved to take effect July 31, 1937.

[SEAL] ERNEST G. DRAPER,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-2439; Filed, July 31, 1937; 12:20 p. m.]

### Bureau of Fisheries.

[No. 251-23-2]

AMENDMENT OF ALASKA FISHERY REGULATIONS

JULY 30, 1937.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 454), as amended by the act of June 18, 1926 (44 Stat. 762), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251, twenty-third edition, issued under date of February 8, 1937, are hereby amended by the following regulation:

PRINCE WILLIAM SOUND AREA

*Salmon fishery.*—Regulation No. 10 is amended to read as follows: Commercial fishing for salmon is prohibited during the remainder of each calendar year after 6 o'clock antemeridian August 2: *Provided*, That this prohibition shall not apply (a) to trolling and gill netting through August 22 in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan, (b) to trolling in the period from 6 o'clock antemeridian August 5 to 6 o'clock postmeridian September 20 in the waters of Prince William Sound east of 147 degrees west longitude, exclusive of all waters of Valdez Arm north of Point Freemantle, and (c) to the operation of set or anchored gill nets in the period from 6 o'clock antemeridian August 5 to 6 o'clock postmeridian September 20 in the waters of Valdez Arm east of 146 degrees 25 minutes west longitude. All trap leads from shore to entrance of hearts must be removed prior to 6 o'clock antemeridian August 6.

[SEAL] ERNEST G. DRAPER,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-2440; Filed July 31, 1937; 12:20 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5461]

IN THE MATTER OF H. JEROME JASPAN, COMPLAINANT VS. PHILADELPHIA ELECTRIC COMPANY, DEFENDANT

ORDER POSTPONING HEARING

Upon due cause having been shown:

It is ordered:

That the public hearing on said matter heretofore ordered by the Commission to be held on August 26, 1937, at 10 a. m. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue N. W., Washington, D. C., be postponed to September 15, 1937, at the same hour and place.

Adopted by the Commission on July 29, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2436; Filed, July 31, 1937; 9:58 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31 day of July, A. D. 1937.

[File No. 37-20]

IN THE MATTER OF GENERAL MANAGEMENT CORPORATION (DECLARATION PURSUANT TO SECTION 13 AND RULE 13-22 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by General Management Corporation, a subsidiary company of States Electric & Gas Corporation, a registered holding company, pursuant to Section 13 and Rule 13-22 of the Public Utility Holding Company Act of 1935, with respect to its organization and conduct of business as a subsidiary service company for member companies of States Electric & Gas Corporation holding company system and to South American Utilities Corporation, a holding company owning securities of public utility companies operating in Argentine, Brazil, Chile, and to fifteen non-associate companies.

It is ordered that a hearing on such matter be held on August 18, 1937, at 2 o'clock in the afternoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 13, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2447; Filed, August 2, 1937; 12:35 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1937.

[File No. 43-69]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

[Public Utility Holding Company Act of 1935, Section 7]

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Northern States Power Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding (1) the reclassification, by an Amendment of Article V of the Articles of Incorporation into a like number of shares of Preferred Stock, $5 Cumulative Preferred Stock, $5 Series, consisting of 275,000 shares, into a like number of shares of Preferred Stock, $5 Cumulative Series, having the same relative rights, voting powers, preferences and restrictions as are now applicable to shares of Cumulative Preferred Stock, $5 Series, and in addition each share of Preferred Stock, $5 Cumulative Series, will be convertible on or before September 2, 1947, at the option of the holder thereof, into 4 shares of Common Stock of the declarant (subject to adjustment in accordance with Section 7 of Article V of the Articles of Incorporation of the declarant, as proposed to be amended,) and declarant will under certain circumstances reimburse to the owner of any shares of Preferred Stock, $5 Cumulative Series, certain taxes imposed or paid under the laws of Pennsylvania, not exceeding, however, in any year 5 mills upon each dollar of the taxable value of such shares, all as more fully set forth in Section 8 of Article V of the Articles of Incorporation of declarant, as proposed to be amended; and (2) the issue and sale by declarant of 1,100,000 shares of Common Stock, without par value, to be issued solely upon conversion in exchange of shares of Preferred Stock, $5 Cumulative Series, proposed to be created by the aforementioned reclassification:

It is ordered that a hearing on such matter be held on August 19, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 14, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2448; Filed, August 2, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D., 1937.

[File No. 46-64]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION

ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

National Gas & Electric Corporation, a registered holding company, having filed an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by said corporation of all the issued and outstanding shares of capital stock of Mid-East Gas Company, a West Virginia corporation owning physical properties located in the State of Ohio, for purposes incidental to the acquisition by said National Gas & Electric Corporation of the Physical properties of said Mid-East Gas Company, the acquisition of which has been approved by an order of this Commission entered on the 19th day of March, 1937, in a proceeding entitled, "In the Matter of National Gas & Electric Corporation, the Industrial Gas Company, and Gas Producing Company of Ohio, File No. 46-32"; the acquisition of such shares to be without payment of any consideration therefor; notice and opportunity for hearing on said application having been duly given, representatives of the applicant having appeared and testified; the record in this matter having been duly considered; and the Commission having duly filed its findings herein;

It is ordered that such acquisition be, and the same hereby is approved, on condition that such acquisition shall be made in substantial compliance with the terms and conditions set forth in said application; and after the acquisition of the physical properties of Mid-East Gas Company shall have been effected in accordance with the terms and conditions set forth in the above-mentioned order of the Commission entered on the 19th day of March, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2451; Filed, August 2, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of July, 1937.

IN THE MATTER OF GUARANTY TRUST COMPANY OF NEW YORK, AMERICAN DEPOSITARY RECEIPTS REPRESENTING ORDINARY STOCK OF CABLE AND WIRELESS (HOLDING) LIMITED

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Curb Exchange, having made application for unlisted trading privileges under Rule JF2 (b) in the Guaranty Trust Company of New York, American Deposi-

tary Receipts representing ordinary stock of Cable and Wireless (Holding) Limited; and

It appearing to the commission that, within the meaning of said rule, said security is not substantially equivalent to the Guaranty Trust Company of New York, American Depositary Receipts representing respectively "A" Ordinary Stock and "B" Ordinary Stock of Cable and Wireless (Holding) Limited, which securities are admitted to unlisted trading privileges on such exchange;

It is ordered, that said application for unlisted trading privileges in the Guaranty Trust Company of New York American Depositary Receipts representing ordinary stock of Cable and Wireless (Holding) Limited, be and is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2452; Filed, August 2, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 31st day of July, A. D., 1937.

[File No. 50-1]

IN THE MATTER OF THE APPLICATION OF INTERNATIONAL PAPER AND POWER COMPANY

[Public Utility Holding Company Act of 1935]

ORDER EXEMPTING ISSUE AND SALE OF CERTAIN SECURITIES FROM PROVISIONS OF THE ACT

International Paper and Power Company, having filed with this Commission an application and three amendments thereto for an order exempting from the provisions of the Public Utility Holding Company Act of 1935 certain securities proposed to be issued and sold pursuant to a plan for change in capitalization set forth in such application; hearings thereon having been held after appropriate notice; the record in this matter having been examined and the Commission having made and filed its findings herein;

It is ordered that said applicant be and hereby is exempted from the provisions of Sections 4 (a) and 6 (a) and all other applicable sections of said Act in so far as the same apply to the issue, distribution, sale or exchange by said applicant pursuant to and in accordance with the provisions of said plan, of the following securities:

1. all shares of common stock which may be issued pursuant to said plan upon the conversion of shares of 5% cumulative convertible preferred stock which, under the plan, will result from the change in said company's now outstanding cumulative 7% preferred stock and cumulative 6% preferred stock;

2. all shares of common stock which may be issued pursuant to said plan upon the exercise of common stock purchase warrants which, under the plan, will result from the change in said company's now outstanding Class A, Class B, and Class C common stocks.

It is further ordered that no further order or approval of the Commission be required with respect to the above securities, whether or not the Commission takes favorable action on a certain application, dated as of November 30, 1935, whereby said company applied for exemption under Section 3 (a) of said Act and which said application is now pending before this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2449; Filed, August 2, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D., 1937.

[File No. 43-42]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION

[Public Utility Holding Company Act of 1935—Section 7]

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

National Gas & Electric Corporation, a registered holding company, having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding (a) the issue and sale of $400,000 principal amount of its First Lien Collateral Trust Bonds, Ten-Year, 5%, Series "B", and 35,000 shares of its no par common stock; and (b) the amendment of its Certificate of Incorporation to change the declarant's common stock having a par value of $10 per share to common stock without par value and to eliminate the pre-emptive rights of stockholders to purchase additional stock which may be issued by the declarant; hearings on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration be and become effective forthwith, subject to and in accordance with the terms and conditions and for the purposes represented by said declaration, and upon the following conditions:

That all appropriate action by said National Gas & Electric Corporation and the stockholders of said Corporation authorizing the transactions referred to in the declaration shall be completed; and

That the original indenture under which the declarant's First Lien Collateral Trust Bonds are issuable shall be appropriately amended, in order to provide that all Bonds at any time outstanding thereunder shall be secured by obligations of subsidiaries of the declarant secured by first liens on physical properties of such subsidiaries, respectively, the aggregate principal amount of which obligations shall be, at such time, not less than the aggregate principal amount of such Bonds then outstanding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2450; Filed, August 2, 1937; 12:36 p. m.]

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## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

[Acts of September 1, 1922 (42 Stat. 834), and May 1, 1926 (44 Stat. 382)]

*Rights to Dependents under 42 Stat. 834 and 44 Stat. 382*

R-2547. For the purposes of these Acts, the widow, remarried widow, child or children of a veteran who served ninety days or more during the War with Spain, the Philippine Insurrection, or the China Relief Expedition, between April 21, 1898 ,and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, including all leaves of absence and furloughs under General Orders numbered 130, August 29, 1898, War Department; or, regardless of the length of service, if the veteran was discharged for or died in service of a disability incurred in the service in line of duty shall be entitled to receive pension at the monthly rates specified in R. & P. R-2634, when R. & P. R-2007 as to persons included, R. & P. R-2018 as to service, and R. & P. R-2039 as to character of discharge, are met.

*Rights of Widow in Relation to Children*

(A) When a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or remarried widow shall not be entitled to a pension until the pension of such child or children terminates, unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or remarried widow payment of pension to such child or children shall cease. (July 31, 1937.)



*Death of World War Veteran While Receiving or Entitled to Receive Compensation, Pension or Retirement Pay for Disability of Thirty Per Cent or More*

R-2548. For the purposes of Public No. 484, 73d Congress (Act of June 28, 1934) and Public No. 844, 74th Congress (Act of June 29, 1936), the widow, child or children of a person who served with the United States military or naval forces in the World War before November 12, 1918, or before April 2, 1920, if service was in Russia and who dies or has died of a disability not due to service while receiving or entitled to receive at the time of death, compensation, pension, or retirement pay for a disability of 30 per centum or more directly or presumptively incurred in or aggravated by service after April 5, 1917 and before July 2, 1921, shall be entitled to receive compensation at the monthly rates specified in R. & P. R-2640.

*Establishment of Service Connected Disability of 30 Per Cent or More*

(A) The existence of the directly or presumptively service connected disease or injury must have been established to the satisfaction of the Veterans Administration prior to the date of the veteran's death, but the determination of a 30 per centum disability, resulting from such disease or injury, may be based upon evidence filed subsequent to death, and the proof of 30 per centum or more disability must be filed within three years from the date of death or from June 28, 1934, whichever is the later date: Provided, That a disease or injury or an aggravation thereof will be considered as having been established to the satisfaction of the Veterans Administration where the evidence of record in the Veterans Administration, or in the War or Navy Departments, prior to the death of the person who served, shows the existence of such disease or injury and as having been directly or presumptively incurred in or aggravated by service. Any disability that may be properly directly service connected under the provisions of Public No. 2, 73d Congress or Section 28, Public No. 141, 73d Congress, or under the law in effect at the time of death will be considered directly service connected for the purpose of Public No. 484, 73d Congress and any disability that may be properly presumptively service connected under the provisions of sections 26, 27 and 28 of Public No. 141, 73d Congress, or under the law in effect at the time of death will be considered presumptively service connected for the purpose of Public No. 844, 74th Congress. An existing rating of 30 per centum or more shall not include ratings of temporary total granted solely by reason of hospitalization or treatment. (July 31, 1937.)

[SEAL] FRANK T. HINES, *Administrator of Veterans Affairs.*

[F. R. Doc. 37-2435; Filed, July 30, 1937; 3:30 p. m.]

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***Wednesday, August 4, 1937*** ***No. 149***

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—Montana, Supplement 3 Issued August 2, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—MONTANA, SUPPLEMENT 3

*Amendments to WR—B-101—Montana as Amended*

Part VI, section 8, subsection B: Deletes reference to the person to whom payment may be made in the event of death, disappearance, or legal incompetency of an applicant for payment, when such payment has not been made prior to the death, disappearance, or legal incompetency of such applicant.

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Montana, as amended by Supplement 1, and Supplement 2, is further amended by this supplement as follows:

Part VI, section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator, or such other person as may be designated by the Secretary.

Done at Washington, D. C., this 2nd day of August, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 37-2456; Filed, August 2, 1937; 3:30 p. m.]

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WR—B-101—North Dakota, Supplement 3 Issued August 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NORTH DAKOTA, SUPPLEMENT 3

*Amendments to WR—B-101—North Dakota as Amended*

Part VI, section 8, subsection B: Deletes reference to the person to whom payment may be made in the event of death, disappearance, or legal incompetency of an applicant for payment, when such payment has not been made prior to the death, disappearance, or legal incompetency of such applicant.

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—North Dakota, as amended by Supplement 1, and Supplement 2, is further amended by this supplement as follows:

Part VI, section 8, subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch operator or such other person as may be designated by the Secretary.

Done at Washington, D. C., this 2nd day of August, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 37-2457; Filed, August 2, 1937; 3:30 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3156]

IN THE MATTER OF GOLDEN PEACOCK, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Saturday, August 17, 1937, at nine

o'clock in the forenoon of that day (central standard time) Civil Service Examination Room, Federal Building, Paris, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2454; Filed, August 2, 1937; 2:10 p. m.]

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*United States of America—Before the Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3129]

IN THE MATTER OF REEVES, PARVIN & COMPANY, A CORPORATION; TRI-STATE BROKERAGE COMPANY, A CORPORATION; FRANCIS B. REEVES, JR., INDIVIDUALLY AND AS PRESIDENT, DIRECTOR AND MAJORITY STOCKHOLDER OF REEVES, PARVIN & COMPANY AND TRI-STATE BROKERAGE COMPANY; W. N. CLARK COMPANY, A CORPORATION, ROBERT W. MAIRS & COMPANY, A CORPORATION, MARTIN GILIET & COMPANY, A CORPORATION, H. J. MCGRATH COMPANY, A CORPORATION, NATURAL SUGARS, INC., A CORPORATION, NECTAR SYRUP CORPORATION, A CORPORATION, PHILIPS PACKING COMPANY, INC., A CORPORATION; RESPONDENTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, August 17, 1937, at ten o'clock in the forenoon of that day (Eastern standard time) in Room 313, Old Post Office Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2453; Filed, August 2, 1937; 2:10 p. m.]

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## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

DELEGATION OF AUTHORITY TO EMPLOYEES TO TAKE AFFIDAVITS, ADMINISTER OATHS, ETC.; FORM 4505 REV.

[Title III, Public No. 84, 74th Congress]

9686. (A) An employee to whom authority is delegated by the Administrator in accordance with title III, Public No. 844, 74th Congress, June 29, 1936, is by virtue of such delegated authority empowered to take affidavits, to administer oaths and affirmations, to aid claimants in the preparation and presentation of claims, and to make investigations and examine witnesses upon matters within the jurisdiction of the Veterans' Administration. He is authorized also to certify to the correctness of all papers and documents pertaining to the administration of laws relating to the Veterans' Administration. Such employee, however, is not authorized to administer oaths in connection with the execution of affidavits relative to fiscal vouchers and is not authorized to take acknowledgments to policy loan agreements and applications for cash surrender value of U. S. Government life insurance.

(B) Any oath, affirmation, affidavit, or examination, when certified under the hand of any such employee by whom it was administered or taken, as provided in subparagraph (A) hereof, and when authenticated by the seal of the Veterans' Administration, as provided by R. & P. 6, may be offered or used in any court of the United States, and without further proof of the identity or authority of such employee shall have like force and effect as if administered or taken before a clerk of such court. (August 2, 1937.)

9687. The delegated authority from the Administrator to an employee will be evidenced by Form 4505 Rev., issued over the signature of the Administrator and countersigned by the chief of personnel. When it is desired to have an employee so designated, the administrative head in central office, or the manager under whom the employee is assigned, will make recommendation to the chief of personnel, central office. (August 2, 1937.)

9688. A record of Forms 4505 Rev., which are issued, will be kept by the personnel division, showing the name of the employee, the date of issue, and the official station, if in the field, or the service or division, if in central office. This record also will show cancelations of Forms 4505 Rev. (August 2, 1937.)

9689. When an employee to whom Form 4505 Rev. has been issued, leaves the service, or his duties are modified so as to make unnecessary his authority to take affidavits, etc., his delegated authority is terminated thereupon and the official under whom the employee is assigned, the administrative head in central office, or the manager of the field station, will be responsible for immediately obtaining it from the employee and immediately returning it for cancelation to the chief of personnel. When an employee to whom Form 4505 Rev. has been issued is transferred within the Veterans' Administration, the personnel division will notify the administrative head in central office or the manager of the field station of such fact, who will determine whether or not Form 4505 Rev. is necessary in the performance of the employee's new duties, and will advise the chief of personnel. (August 2, 1937.)

[SEAL] FRANK T. HINES, *Administrator of Veterans Affairs.*

[F. R. Doc. 37-2455; Filed, August 2, 1937; 3:29 p. m.]

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*Thursday, August 5, 1937* *No. 150*

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## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49108]

FREE ENTRY AUTHORIZED FOR PARTICIPANTS, OFFICIALS, AND EXECUTIVES OF THE WORLD ASSOCIATION OF GIRL GUIDES AND GIRL SCOUTS SILVER JUBILEE CAMP ARRIVING IN THE UNITED STATES

JULY 28, 1937.

*To Collectors of Customs and Others Concerned:*

Public Resolution No. 193 of the 75th Congress, approved by the President July 8, 1937, provides in part that alien Girl Guides and Girl Scouts participants, officials, and executives who are accredited members of delegations to the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937, shall be permitted the free entry of their personal effects and their equipment to be used in connection with the Silver Jubilee Camp, under such regulations as may be prescribed by the Secretary of the Treasury.

Pursuant to the above provision of law, collectors of customs are directed to advise all persons to whom the privileges of Public Resolution No. 193 are extended that none of the articles accorded free entry under the said Resolution may be sold in the United States, and that all such articles not consumed or totally destroyed must be exported from this country.

All articles imported by delegates in their baggage, except articles properly classifiable as personal effects of a nonresident entering the United States, should be listed in detail on a regular baggage declaration form and there should be indorsed on the face of the declaration a stipulation of the declarant that all articles accorded free entry under Public Resolution No. 193, which are not consumed or totally destroyed, will be exported. Exportation under customs supervision will not be required. In the case of articles classifiable as personal effects of a nonresident entering the United States which do not accompany the owner, a written declaration will be required as provided for in article 417 of the Customs Regulations of 1931.

As evidence of the right of free entry hereunder, the persons enumerated above shall be required to present to customs officers individual identity cards issued by their own Governments or issued by the World Association of Girl Guides and Girl Scouts indicating their Girl Guide or Girl Scout status and nationality, and duly visaed without charge by American consular officers abroad.

In those cases in which personal effects or equipment to be used in connection with the Girl Guides and Girl Scouts Silver Jubilee Camp arrive in the United States prior to the arrival of the participants or other persons enumerated above, free entry will be accorded upon request therefor by the diplomatic representative of the country of the owner to the Treasury Department, through the Department of State.

In any case in which the collector is in doubt as to whether an article imported under Public Resolution No. 193 is contemplated by that provision of law, the matter should be referred to the Bureau of Customs for decision, if the said article is not free of duty under another provision of law.

The Department is informed that the Silver Jubilee Camp will be held at Camp Andree, Briarcliff Manor, New York, from August 9 to 23, 1937.

[SEAL] STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-2458; Filed, August 3, 1937; 2:17 p. m.]

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## DEPARTMENT OF THE INTERIOR.

**Division of Grazing.**

ARIZONA GRAZING DISTRICT NO. 4

MODIFICATION

JULY 29, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of February 14, 1936, establishing Arizona Grazing District No. 4 is hereby revoked as far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 22 E.,
secs. 31 to 36, inclusive;
T. 7 S., R. 22 E.,
secs. 1 to 21 and secs. 29 to 31, inclusive;
T. 4 S., R. 23 E.,
sec. 18; N½ sec. 19; sec. 20; S½ sec. 21; SW¼ sec. 22; SW¼ sec. 26; NW¼, S½ sec. 27; secs. 28, 34, and 35;
T. 5 S., R. 23 E.,
secs. 2 and 3; N½ sec. 10; secs. 11 to 14, inclusive; N½ sec. 23; secs. 24 and 25;
T. 5 S., R. 24 E.,
S½N½, S½ sec. 17, secs. 18 to 20, inclusive; W½NW¼, SW¼, W½SE¼ sec. 21; W½, W½E½, E½SE¼ sec. 28; secs. 29 to 33, inclusive;
T. 6 S., R. 24 E.,
secs. 1 to 5 and secs. 9 to 14, inclusive; N½ sec. 23; sec. 24; N½ sec. 25;
T. 6 S., R. 25 E.,
sec. 7; secs. 16 to 21, inclusive; W½, W½E½, E½SE¼ sec. 22; S½ sec. 26; secs. 27 to 30, inclusive;



T. 7 S., R. 25 E.,
secs. 1 to 4 and secs. 9 to 14, inclusive;
T. 7 S., R. 26 E.,
S½ sec. 5; secs. 6 to 8, inclusive; S½ sec. 9; N½SW¼, NW¼SE¼, S½S½ sec. 10; S½S½ sec. 11; S½N½, S½ sec. 13; secs. 14 to 18, inclusive; E½ sec. 19; secs. 20 to 24, inclusive; secs. 28 and 29; E½ sec. 30; secs. 31 to 33, inclusive;
T. 8 S., R. 26 E.,
secs. 4 to 9, inclusive; secs. 16 and 17; E½ sec. 18; secs. 20, 21, 28, 29, 32, and 33;
T. 6 S., R. 27 E., S½ sec. 35; sec. 36;
T. 7 S., R. 27 E.,
secs. 2, 3, 9, 10, 16, 17, 18, and 19; N½, N½S½ sec. 20.

CHARLES WEST, *Acting Secretary of the Interior.*

[F. R. Doc. 37-2460; Filed, August 4, 1937; 9:43 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

ORDER

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of July, A. D. 1937.

[Ex Parte No. MC-1]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report[1] herein containing its findings of fact and conclusions thereon, which report is made a part hereof:

*It is ordered*, That the following rules governing the settlement of tariff rates and charges of common carriers of property by motor vehicle be, and they are hereby, prescribed to become effective October 1, 1937:

1. Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicle may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holiday. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

2. Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

3. Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.

4. Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case service is so used the time of mailing by the carrier shall be accepted as showing such time.

5. The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the tariff

[1] Filed with the Division of the Federal Register, The National Archives; copies available upon application to the Interstate Commerce Commission.

rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing the postmark shall be accepted as showing such time.

*It is further ordered*, That this investigation as it relates to the practices of contract carriers of property by motor vehicle be, and it is hereby, discontinued.

*It is further ordered*, That, effective October 1, 1937, our orders entered March 17, 1936, and July 8, 1936, under the authority of section 223 of the Motor Carrier Act, 1935, in the matter of collection of rates and charges at destination by common carriers by motor vehicle be, and they are hereby, vacated and set aside.

*And it is further ordered*, That this order shall continue in effect until further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-2465; Filed, August 4, 1937; 12:23 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of August, A. D. 1937.

[File No. 43-71]

IN THE MATTER OF OLD DOMINION POWER COMPANY

[Declaration Pursuant to Section 7 of the Public Utility Holding Company Act of 1935]

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Old Dominion Power Company, a subsidiary company of The Middle West Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and exchange, and alteration of holder's rights, of 6,735 shares of its $7 cumulative preferred stock, without par value, by waiver and cancellation of all unpaid accumulated dividends to July 1, 1937, to be evidenced by amendment to declarant's articles of association and by stamping the outstanding certificates representing said shares with appropriate legend to the effect that cumulative dividends on said shares will commence to accrue on and after July 1, 1937;

It is ordered that a hearing on such matters be held on August 20, 1937, at ten o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 16, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2461; Filed, August 4, 1937; 12:21 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of August, A. D., 1937.

[File No. 43-42]

IN THE MATTER OF NATIONAL GAS AND ELECTRIC CORPORATION

[Public Utility Holding Company Act of 1935—Section 7]

ORDER AMENDING ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

National Gas & Electric Corporation, a registered holding company, having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding (a) the issue and sale of $400,000 principal amount of its First Lien Collateral Trust Bonds, Ten-Year, 5%, Series "B", and 35,000 shares of its no par common stock; and (b) the amendment of its Certificate of Incorporation to change the declarant's common stock having a par value of $10 per share to common stock without par value and to eliminate the pre-emptive rights of stockholders to purchase additional stock which may be issued by the declarant; hearings on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein and having entered its order herein on the 31st day of July, 1937, that said declaration be and become effective subject to the terms and conditions therein set forth;

It is ordered that said findings and order be and they are hereby amended by striking out the last paragraph of said findings and of said order and inserting in lieu thereof in said findings and said order the following paragraph:

That the original indenture under which the declarant's First Lien Collateral Trust Bonds are issuable shall be appropriately amended in order to provide that the aggregate principal amount of all Bonds at any time outstanding thereunder, after deducting therefrom the principal amount of all Bonds issued on account of physical properties directly owned by the declarant and the principal amount of all Bonds issued against deposited funds to the extent of the principal amount of such funds deposited with and then held by the trustee under said indenture, shall not, at any time, exceed the aggregate principal amount of obligations of subsidiaries of the declarant secured by first liens on physical properties of such subsidiaries which obligations are pledged with and then held by the trustee under said indenture.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2462; Filed, August 4, 1937; 12:21 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of August, 1937.

IN THE MATTER OF UNITED STATES LEATHER COMPANY COMMON STOCK, NO PAR VALUE

ORDER CONTINUING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The Philadelphia Stock Exchange, having made application for unlisted trading privileges under Rule JF2 (b) in the Common Stock, No Par Value, of the United States Leather Company; and

It appearing to the Commission that, within the meaning of said rule, said security is substantially equivalent to the Voting Trust Certificates representing the United States Leather Company Common Stock, No Par Value, as security admitted to unlisted trading privileges on such exchange;

It is ordered, that said application for unlisted trading privileges in the Common Stock, No Par Value, of the United States Leather Company be and is hereby granted, effective upon the issuance of such securities to the holders of the Voting Trust Certificates.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2463; Filed, August 4, 1937; 12:21 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of August, 1937.

IN THE MATTER OF UNITED STATES LEATHER COMPANY PARTICIPATING CONVERTIBLE CLASS "A" STOCK, NO PAR VALUE'

ORDER CONTINUING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The Philadelphia Stock Exchange, having made application for unlisted trading privileges under Rule JF2 (b) in the Participating Convertible Class "A" Stock, No Par Value, of United States Leather Company; and

It appearing to the Commission that, within the meaning of said rule, said security is substantially equivalent to the Voting Trust Certificates representing the United States Leather Company participating Convertible Class "A" Stock, No Par Value, a security admitted to unlisted trading privileges on such exchange;

It is ordered, that said application for unlisted trading privileges in the Participating Convertible Class "A" Stock, No Par Value, of the United States Leather Company be and is hereby granted, effective upon the issuance of such securities to the holders of the Voting Trust Certificates.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2464; Filed, August 4, 1937; 12:21 p. m.]

## UNITED STATES MARITIME COMMISSION.

NOTICE OF ARGUMENT BEFORE COMMISSION ON MINIMUM-MANNING SCALES, MINIMUM-WAGE SCALES, AND REASONABLE WORKING CONDITIONS

Pursuant to the authority and direction contained in Title III, Section 301 (a) of the Merchant Marine Act, 1936, the Commission having, on June 30, 1937, ordered that an investigation be made of employment and wage conditions in ocean-going shipping, and, for the purpose thereof, having ordered public hearings be held to take evidence of the relevant facts concerning such employment and wage conditions in ocean-going shipping to be considered by the Commission, together with other facts obtained through its investigations, in determining minimum manning scales and minimum wage scales and reasonable working conditions to be incorporated in contracts authorized under Title VI and VII of said Act; and

Such hearings having been held in New York, N. Y., Boston, Mass., Philadelphia, Pa., Baltimore, Md., Norfolk, Va., San Francisco, Calif., Seattle, Wash., Los Angeles, Calif., and New Orleans, La., and a hearing having been set for August 5, 1937, at Houston, Texas;

Notice is hereby given that an opportunity for *argument on the facts developed at such hearings* will be afforded interested persons before the Commission at Room 7057, Department of Commerce Building, in the City of Washington, District of Columbia, on August 23, 1937, at 10 a. m.

Any person desiring to be heard at such time shall file in the office of the Secretary of the Commission in the City of Washington, District of Columbia, on or before August 16, 1937, a request to be heard stating the time desired for such argument and stating in general terms the subject matters desired to be presented in said argument.

By direction of the Commission.

[SEAL] W. C. PEET, JR., *Secretary*.

AUGUST 3, 1937.

[F. R. Doc. 37-2459; Filed, August 3, 1937; 3:32 p. m.]



*Friday, August 6, 1937* *No. 151*

## PRESIDENT OF THE UNITED STATES.

CAPITOL REEF NATIONAL MONUMENT—UTAH

By the President of the United States of America

A PROCLAMATION

WHEREAS certain public lands in the State of Utah contain narrow canyons displaying evidence of ancient sand dune deposits of unusual scientific value, and have situated thereon various other objects of geological and scientific interest; and

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument, to be known as the Capitol Reef National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 9, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Utah are hereby reserved from all forms of appropriation under the public-land laws and set apart as the Capitol Reef National Monument:

SALT LAKE MERIDIAN

T. 28 S., R. 5 E.,
All of sec. 34 north of the right-of-way of State Hwy. No. 24;
secs. 35 and 36.
T. 28 S., R. 6 E.,
sec. 31 and the west half of sec. 32.
T. 29 S., R. 5 E.,
All of secs. 1 and 2 north of the right-of-way of State Hwy. No. 24.
T. 29 S., R. 6 E.,
secs. 1 to 4, inclusive;
All secs. 5, 6, 8 and 9 north of the right-of-way of State Hwy. No. 24;
secs. 10 to 15, inclusive;
All of sec. 16 north of the right-of-way of State Hwy. No. 24;
secs. 22 to 25, inclusive;
sec. 26, E½ and N½NW¼;
sec. 27, N½N½;
sec. 35, NE¼;
sec. 36.
T. 30 S., R. 6 E.,
sec. 1;
sec. 12, E½.
T. 29 S., R. 7 E.,
secs. 5 to 8, 17 to 20 and 29 to 32, incl.
T. 30 S., R. 7 E.,
secs. 4 to 9 and 15 to 17, incl.;
sec. 18, E½ and NW¼;
sec. 19, NE¼ and N½SE¼;
sec. 20, N½ and N½SW¼;
secs. 21 to 23, and 26 to 28 incl.;
sec. 29, E½E½;
secs. 33 to 35, inclusive,
containing approximately 37,060 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.





## FEDERAL POWER COMMISSION.

Nothing herein shall prevent the movement of livestock across the lands included in this monument under such regulations as may be prescribed by the Secretary of the Interior and upon driveways to be specially designated by said Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 2[1] day of August, in the year of our Lord nineteen hundred and [SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President
CORDELL HULL
*The Secretary of State.*

[No. 2246]

[F. R. Doc. 37-2471; Filed, August 5, 1937; 10:23 a. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

SPECIAL ACCIDENT INVESTIGATION REGULATION

*To:*

Mr. MILLER FOSTER, *Assistant to Assistant Secretary of Commerce, J. M. Johnson,*
Mr. E. L. YURAVICH, *Chief, Airline Inspection (Foreign), Bureau of Air Commerce, Department of Commerce,*
Mr. ROY B. KEELEY, *Airline Inspector, Bureau of Air Commerce, Department of Commerce.*

An accident involving NC-15065, an aircraft of American registry, occurring in the vicinity of Coco Solo, Canal Zone, on the second day of August, 1937, NOW THEREFORE, pursuant to the provisions of the Air Commerce Act of 1926, as amended, I hereby designate Miller Foster, Assistant to Assistant Secretary of Commerce, J. M. Johnson, Ed L. Yuravich, Chief, Airline Inspection (Foreign), Bureau of Air Commerce, Department of Commerce, and Roy B. Keeley, Airline Inspector, Bureau of Air Commerce, Department of Commerce, to investigate this accident and hold public hearings at such places and at such times as you shall deem practical. You will do everything reasonable and necessary to obtain all of the available information relating to the attending facts, conditions and circumstances pertaining to the cause or causes of this accident and thereafter make a report of the same as promptly as possible to the Secretary of Commerce.

Brigadier-General George H. Brett, Wing Commander, Air Corps, U. S. Army, Albrook Field, Quarry Heights, Canal Zone, Commander E. L. Gunther, Commanding Officer, Fleet Air Base, U. S. Navy, Coco Solo, Canal Zone, and Jerome C. Annie, Airline Maintenance Inspector, Bureau of Air Commerce, Department of Commerce, are designated as technical advisors in this investigation.

Approved, to take effect August 5, 1937.

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-2470; Filed, August 5, 1937; 9:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

### SHIP RADIOTELEGRAPH SAFETY RULES

ADOPTION OF TELEGRAPH DIVISION ORDER NO. 29-A

The Telegraph Division at a special meeting on July 28, 1937, adopted the following Order:

*Order No. 29-A*

The Telegraph Division, having under consideration the extension beyond August 6, 1937 of the exemptions granted by Order No. 29, entered by the Telegraph Division May 21, 1937, which said order (1) continued in force to and including August 6, 1937 the exemption from a continuous watch already granted under Article 29 of the Safety Convention for United States cargo vessels over 5,500 tons on international voyages, (2) extended said exemption to include all United States cargo vessels of 1,600 gross tons and over, navigating in the open sea outside a harbor or port, contingent upon the continued maintenance by all such vessels of all radio equipment, hours of watch, and other safety measures in effect or in operation on board either by reason of law or voluntary action, on the date of the approval of Public No. 97, and (3) exempted until August 6, 1937 all United States cargo vessels of 1,600 gross tons and over not subject to the Safety Convention from such requirements of Sections 351 to 355, inclusive, of Public No. 97 as relate to the obtaining of equipment or making the required installations; and

Whereas, the Telegraph Division on March 10, 1937, entered its Order No. 28 conditionally approving certain automatic alarm devices, being Radiomarine Corporation of America "Model AR-8600 auto-alarm" and "Mackay Radio and Telegraph Company auto-alarm Type 101-A manufactured by Federal Telegraph Company", subject to certain restrictions, said order being made effective as of July 10, 1937; and

Whereas, the conditions contained in said Order No. 28 were properly fulfilled so that the devices set forth therein are effectively approved on and after July 10, 1937; and

Whereas, the Safety Convention makes provision for a period of exemption from continuous watch for United States cargo vessels over 5,500 tons on international voyages until, but in no case beyond, November 6, 1937; and

Whereas, Public No. 97 provides that subject to certain conditions the Commission may defer any or all of the requirements of installation and operation of ship radio equipment, maintenance of watches by means of operators and installations on life boats until, but in no case beyond, November 20, 1937 in regard to any classes of ships of the United States not subject to the provisions of the Safety Convention if it is found impractical to obtain the necessary equipment or make the required installations; and

Whereas, the Commission is in receipt of numerous requests on behalf of United States cargo vessels for a further extension of said exemption period, accompanied by a full showing of the necessity for such extension, arising by reason of strikes and necessary delays in manufacture and installation; and

Whereas, the Commission finds that it is impractical for certain cargo vessels of 1,600 gross tons or over to obtain the necessary equipment or to make the required installations by August 6, 1937;

*It is therefore ordered,* That the exemptions granted by Telegraph Division Order No. 29 of May 21, 1937, be and the same are hereby extended, subject to the same terms and conditions contained in said order, for such period of time as is reasonably required to make installations of approved auto-alarms and other necessary equipment, but in no case beyond November 6, 1937;

*Provided, however,* That said exemption period shall not apply beyond September 6, 1937 in the case of any vessel which has not prior to September 6, 1937 actually placed with a manufacturer or dealer an order for the installation of an approved auto-alarm and any other necessary equipment; nor shall such exemption apply to any such vessel unless there shall have been filed with the Commission on or before September 6, 1937 a statement under oath containing the following information:

1. Name of owner or operator of the vessel.
2. Name of vessel or vessels.
3. Official registration number or numbers.
4. International call signals or letters.
5. Gross tonnage of each vessel.
6. Type(s) of auto-alarm(s) ordered.
7. Date on which order was placed.
8. Date of promised delivery of auto-alarm(s) to the ship owner or operator.
9. Approximate date on which the auto-alarm will be installed aboard the vessel or vessels.
10. Reason for requiring additional time, to complete installation of auto-alarm, beyond September 6, 1937.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2469; Filed, August 5, 1937; 9:33 a. m.]



## FEDERAL DEPOSIT INSURANCE CORPORATION.

### AGENTS—SERVICE OF PROCESS

Pursuant to the provisions of the fourth paragraph of subsection (j) of Section 12B of the Federal Reserve Act, as amended, the board of directors of the Federal Deposit Insurance Corporation has designated the following as agents of the Corporation upon whom service of process may be made. The fourth paragraph of subsection (j) of Section 12B of the Federal Reserve Act, as amended, provides in part:

"* * * The board of directors shall designate an agent upon whom service of process may be made in any State, Territory, or jurisdiction in which any insured bank is located."

Walton F. Rainer,[1] 3121 Highland Ave., Birmingham, Alabama.
Stanley A. Jerman, Security Building, Phoenix, Arizona.
Rex Clerk,[1] 5200 W. 29th Street, Little Rock, Arkansas.
W. P. Funsten,[1] 624 Fed. Res. Bk. Bldg., San Francisco, California.
R. H. Walker, 712 Ernest & Cranmer Bldg., Denver, Colorado.
Edward J. Lonergan, 650 Main Street, Hartford, Connecticut.
E. Ennalls Berl, Delaware Trust Building, Wilmington, Delaware.
Wm. S. Anderson,[1] Orlando, Florida.
W. Clyde Roberts,[1] 625 First Nat'l Bk. Bldg., Atlanta, Georgia.
Wm. S. Hawkins, 320-321 Wiggett Bldg., Coeur D'Alene, Idaho.
Wesley C. McDowell,[1] 625 Fed. Res. Bk. Bldg., Chicago, Illinois.
Kenneth P. Ely,[1] Federal Building, South Bend, Indiana.
Frank A. Lettow,[1] State Capitol Bldg., Des Moines, Iowa.
Wm. M. Wilson,[1] P. O. Building, Salina, Kansas.
Maurice H. Kirby,[1] 1887 Princeton Drive, Louisville, Kentucky.
E. F. Follett,[1] 806 Carey Street, Jennings, Louisiana.
Herbert E. Locke, Depositors Trust Bldg., Augusta, Maine.
E. Lyle Kirkland,[1] 1404 Fidelity Bldg., Baltimore, Maryland.
H. M. Stillman,[1] #10 P. O. Square, Boston, Massachusetts.
Henry J. Dietz,[1] 5th Floor, Olds Tower Bldg., Lansing, Michigan.
J. L. Johnson,[1] 1030 Minnesota Bldg., St. Paul, Minnesota.
Rex D. Cannon,[1] 956 E. Fortification Street, Jackson, Mississippi.
Vance L. Sailor,[1] 1059 Arcade Building, St. Louis, Missouri.
Walter L. Pope, First Nat'l Bk. Bldg., Missoula, Montana.
Maurice K. Van Horn,[1] 1458 P. O. Building, Lincoln, Nebraska.
John S. Halley, Old P. O. Building, Reno, Nevada.
Maurice F. Devine, 201-207 Bell Bldg., Manchester, New Hampshire.
Edward I. Kemper,[1] 424 P. O. Building, Trenton, New Jersey.
Stanley W. P. Miller, #5 Stern Building, Albuquerque, New Mexico.
D. V. Penn,[1] 518 Fed. Res. Bk. Bldg., New York, New York.
Connie V. Sutton,[1] 303 S. Mendenhall Street, Greensboro, North Carolina.
C. F. Peterson, Grand Forks, North Dakota.
L. F. Stroefer,[1] 529 Huntington Bk. Bldg., Columbus, Ohio.
Harry M. Turner,[1] Box 398, Clinton, Oklahoma
Albert L. Stoner,[1] 404 Title & Trust Bldg., Portland, Oregon.
Richard Bradley,[1] 4305 Jonestown Road, Harrisburg, Pennsylvania.
James E. Brothers, 821-822 Hospital Trust Bldg., Providence, Rhode Island.
V. R. Sickel, 206 Commercial Bk. Bldg., Mitchell, South Dakota.
R. Sam Folger[1], Columbia, South Carolina.
John J. Heflin[1], Custom House, Memphis, Tennessee.
L. J. Davis[1], Fed. Res. Bk. Bldg., Dallas, Texas.
Chesley Barton[1], 502 Continental Bank Bldg., Salt Lake City, Utah.
Thomas H. O'Brien, Rutland, Vermont.
Walter J. Owens[1], 807 Central Nat'l Bank Bldg., Richmond, Virginia.
David A. Linder[1], 1828 Exchange Bldg., Seattle, Washington.
David E. French, Jr.[1], 408 Charleston Nat'l Bk. Bldg., Charleston, West Virginia.
R. L. Hopkins[1], 502 State Street, Madison, Wisconsin.
L. C. Sampson, Hynds Building, Cheyenne, Wyoming.

Approved by the Board of Directors of the Federal Deposit Insurance Corporation on June 25, 1937 and July 9, 1937.

[SEAL] AGNES C. MURPHY, *Acting Secretary.*

[F. R. Doc. 37-2466; Filed, August 5, 1937; 9:31 a. m.]

[1] Indicates Supervising Examiner or Examiner of the Federal Deposit Insurance Corporation.

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket Nos. IT-5472 and IT-5476]

APPLICATION OF GEORGE B. EVANS, TRUSTEE IN BANKRUPTCY OF AND FOR ST. LOUIS GAS & COKE CORPORATION AND GRANITE CITY GENERATING COMPANY

ENLARGEMENT OF HEARING

Upon further consideration of the application filed by George B. Evans, Trustee in Bankruptcy of and for St. Louis Gas & Coke Corporation, for approval of the sale of its electrical facilities to Granite City Generating Company, IT-5472, and upon consideration of an application filed July 28, 1937, by Granite City Generating Company for approval of the lease of the facilities which it is to acquire in the above transaction;

It is ordered:

That the hearing set for 10 a. m., August 10th, include the application filed by the Granite City Generating Company referred to above.

Adopted by the Commission on August 3, 1936.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 37-2467; Filed, August 5, 1937; 9:33 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 121]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 2, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Arkansas 8009 Craighead (par.) | $200,000 |
| California 8016A Plumas | 283,000 |
| Georgia 8066B Taylor | 51,000 |
| Maryland 8004G St. Marys | 50,000 |
| Minnesota 8034 Stearns (par.) | 150,000 |
| Virginia 8011GB Rockingham | 35,000 |
| Wisconsin 8045GB Chippewa | 500,000 |
| Tennessee 8016B Madison | 23,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2468; Filed, August 5, 1937; 9:33 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 3rd day of August, A. D. 1937.

IN THE MATTER OF RAINBOW LUMINOUS PRODUCTS, INC., CLASS A COMMON, NO PAR VALUE, CLASS B COMMON, NO PAR VALUE

ORDER POSTPONING HEARING SCHEDULED UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 AS AMENDED

The Commission having heretofore, on June 26, 1937, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934 be held on July 7, 1937, to determine whether to suspend for a period not exceeding 12 months or to withdraw the registration of the Class A Common no par stock and the Class B Common no par stock of the Rainbow Luminous Products, Inc. on the New York Curb Exchange, and having on July 6, 1937, ordered such hearing postponed to July 21, 1937, and having on July 19, 1937, further ordered such hearing postponed to

August 4, 1937; and Rainbow Luminous Products, Inc., having on July 3, 1937, July 17, 1937, and July 31, 1937, filed certain amendments to its application for registration on Form 10 and having on July 3, 1937 and July 17, 1937, filed certain amendments to its annual report on Form 10K for the fiscal year ended December 31, 1935, and having on June 29, 1937 filed its annual report on Form 10K for the fiscal year ended December 31, 1936, and having on July 3, 1937 and July 17, 1937 filed certain amendments thereto;

It is ordered that the hearing scheduled for August 4, 1937, at 10:00 A. M. be postponed to a date to be set by order of the Commission.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2472; Filed, August 5, 1937; 12:49 p. m.]

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*Saturday, August 7, 1937* *No. 152*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6192 OF JULY 3, 1933, WITHDRAWING PUBLIC LANDS

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6192 of July 3, 1933, withdrawing public lands in California pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE.
*August 5, 1937.*

[No. 7683]

[F. R. Doc. 37-2476; Filed, August 6, 1937; 9:56 a. m.]

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### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6288 OF SEPTEMBER 14, 1933, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6288 of September 14, 1933, withdrawing public lands in Wyoming pending resurvey, and heretofore partially revoked, is hereby revoked as to the remainder of the lands involved.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said remaining lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 5, 1937.*

[No. 7684]

[F. R. Doc. 37-2477; Filed, August 6, 1937; 9:56 a. m.]

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### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 4699 OF AUGUST 1, 1927, WITHDRAWING PUBLIC LANDS

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 4699 of August 1, 1927, withdrawing public lands in California pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 5, 1937.*

[No. 7685]

[F. R. Doc. 37-2478; Filed, August 6, 1937; 9:56 a. m.]

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### EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 7302 OF FEBRUARY 21, 1936, TRANSFERRING CERTAIN LANDS IN THE VIRGIN ISLANDS TO THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE NAVY

By virtue of and pursuant to the authority vested in me by the act of March 3, 1917, ch. 171, 39 Stat. 1132, and the Second Deficiency Act, Fiscal Year 1931, 46 Stat. 1552, 1570, and as President of the United States, the last paragraph of Executive Order No. 7302 of February 21, 1936, transferring certain lands in the Virgin Islands from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of the Navy for use in the establishment, construction, and operation of aviation facilities, is hereby amended to read as follows:

> There is hereby excepted from the operation of this transfer the east beach and bath-house fronting on Lindbergh Bay, this area to be described more particularly hereafter by survey to be approved by the Secretary of the Interior. The use of this excepted area during seaplane operation shall be governed by such regulations as may be issued by the officer of the Navy Department charged by the Secretary of the Navy with the establishment, control, and operation of the aviation facilities in the Virgin Islands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE.
*August 5, 1937.*

[No. 7686]

[F. R. Doc. 37-2479; Filed, August 6, 1937; 9:56 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### General Land Office.

RECREATIONAL WITHDRAWAL NO. 32 REDUCED

JULY 26, 1937.

Departmental order of February 6, 1930, withdrawing upon petition of the State of Utah certain public lands in that State for recreational classification under the act of June 14, 1926 (44 Stat. 741), is hereby revoked in so far as it affects the following-described lands, the revocation to be effective upon the reservation of the lands as part of the Capitol Reef National Monument: [1]

SALT LAKE MERIDIAN

T. 29 S., R. 6 E.,
sec. 13, NW¼, (unsurveyed)
sec. 25, SW¼,
sec. 35, NE¼, 480 acres.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2475; Filed August 6, 1937; 9:44 a. m.]

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STOCK DRIVEWAY WITHDRAWAL NO. 127, UTAH NO. 6, REDUCED

JULY 26, 1937.

Departmental order of March 8, 1920, as modified, which withdrew certain lands in Utah as Stock Driveway No. 127, Utah No. 6, under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), is hereby revoked as to the following-described lands, effective upon their inclusion in the Capitol Reef National Monument: [1]

SALT LAKE MERIDIAN

T. 30 S., R. 6 E.,
sec. 1 (partly unsurveyed), E½ sec. 12;
T. 30 S., R. 7 E.,
W½W½ sec. 6, W½NW¼, S½ sec. 7, S½ of secs. 8 and 9, NE¼ sec. 15, N½ sec. 17, N½N½, SE¼NE¼ sec. 18, N½ sec. 23 (unsurveyed);
aggregating 3,160 acres.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2474; Filed, August 6, 1937; 9:44 a. m.]

[1] See Proclamation No. 2246, 2 F. R. 1371.

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101—Amendment 13

1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—AMENDMENT 13

CONTENTS

I. Method for computing the deduction to be applied against a producer's rice payment because of failure to have sufficient acreage of soil-conserving crops.
II. Method for dividing the class I payment with respect to farms where there are two or more producers.
III. Deletion of the provisions for the formulation by the Secretary of rules to govern the issuance of payments in case of death or incompetency of a producer occurring during the period of performance under the 1937 Agricultural Conservation Program.
IV. Method for computing the deduction to be applied against a producer's rice payment because of excess acreage of other soil-depleting crops.
V. Conditions under which two or more tracts of land in a county operated by the same person must be covered by separate work sheets and conditions under which such land may be covered by one work sheet.

NOTE.—Correction of certain typographical errors appearing in Southern Region Bulletin 101.

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, Southern Region Bulletin 101, as amended, is hereby further amended as follows:

I

Section 17, Minimum Acreage of Soil-Conserving Crops, is amended by adding at the end thereof the following:

1. In cases where any deduction computed pursuant to this section 17 cannot be made in full on the computation schedule prepared for the application for payment covering the farm, the portion of the remaining part of such deduction which shall be applied against any payment with respect to rice in the State which otherwise would be made to any interested person shown on the application for payment shall be determined as follows:

(a) Divide such remaining part of the deduction by the gross deduction for excess acreage of soil-depleting crops and deficit acreage of oil-conserving crops in order to obtain the percentage of the deduction which cannot be made on the computation schedule;

(b) Determine the minimum acreage of soil-conserving crops required with respect to each soil-depleting base except sugarcane and rice by prorating the part of the soil-conserving base in excess of 30 percent of the sugarcane base for the farm to each soil-depleting base, other than sugarcane and rice, established for the farm, on the basis of the acreage in such base and by adding thereto the acreage diverted from that base for payment;

(c) Deduct the acreage of soil-conserving crops on the farm from the acreage of soil-conserving crops required pursuant to this section 17 and divide the amount thus obtained by the acreage of soil-conserving crops required pursuant to this section 17, and state the result as a percentage;

(d) Multiply the minimum acreage of soil-conserving crops with respect to each soil-depleting base, determined in accordance with paragraph (b) above, by the percentage obtained pursuant to paragraph (c) above;

(e) Multiply the amount obtained under paragraph (d) above for each soil-depleting base by the percentage of the class I payment to which such person would be entitled with respect to that base if there were a class I payment and total the amounts thus obtained;

(f) Multiply the amount obtained under paragraph (e) above by the percentage obtained under paragraph (a) above; and

(g) Multiply $3.00 by the amount obtained under paragraph (f) above, and the amount obtained under this paragraph (g) shall be applied against any payment which otherwise would be made to such person with respect to rice in the State.

II

Subsection (h), section 18, Division of Class I Payment where diversion was not made ratably, is amended to read as follows:

(h) *Division of Class I Payment.*—On farms where there are two or more producers, that portion of the class I payment which is to be divided among producers on the crop-share basis shall be divided among the producers entitled to share in the soil-depleting crop(s) in such base in the proportion that the acreage share of each such producer bears to the total acreage on the farm devoted in 1937 to such crop(s) except that if no acreage was devoted to the crop(s) in one or more soil-depleting bases in 1937, or if the County Committee finds that diversion was not made ratably by all producers on the farm, the portion of such payment to be made to any producer with respect to each soil-depleting base shall be

(1) in the proportion that his contribution to the difference between the respective soil-depleting base and the 1937 acreage of the crop(s) in such base bears to the total difference between such base and the 1937 acreage of the crop(s) in such base; or

(2) in the proportion that his acreage share of the respective soil-depleting base bears to such base for the farm.

In cases where the farm to be covered by an application for payment is composed of only one producer unit and no acreage on the farm is devoted in 1937 to the crop(s) in one or more soil-depleting bases established for such farm, the contribution of each producer in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) may be determined by agreement of all producers on the farm signified in the presence of at least two members of the County Committee, provided the contribution of each interested person with respect to each soil-depleting base in connection with which a payment is made is in the same proportion that such person would have shared in that soil-depleting crop (or the proceeds thereof) under the lease or operating agreement.

In cases where the farm is composed of only one producer unit and no acreage on the farm was devoted in 1937 to the crop(s) in any one or more soil-depleting bases established for such farm the contribution of each interested person with respect to any soil-depleting base in connection with which a payment is made is *not* in the same proportion that such person would have shared in that soil-depleting crop (or the proceeds thereof) under the lease or operating agreement, and in cases where the farm to be covered by an application for payment is composed of more than one producer unit and either no acreage on the farm was devoted in 1937 to the crop(s) in any one or more soil-depleting bases established for such farm or the County Committee finds that diversion was not made ratably, the contribution of each such producer may, subject to the approval of the Administrative Officer in Charge or the Acting Administrative Officer in Charge in the State office, acting with the advice and consent of the State Committee, be determined in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) by agreement of all producers on the farm signified in the presence of at least two members of the County Committee, provided such agreement is found by the County Committee to be equitable to all concerned. In any such case there shall be submitted to the State Office, at the time of submission of the application for payment with respect to the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee stating that the agreement has been reached voluntarily in accordance with the foregoing provisions.

In cases where the contribution of each producer is to be determined in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) and agreement of all producers is not obtained as outlined above, the County Committee may recommend, subject to the approval of the Administrative Officer in Charge in the State Office, acting with the advice and consent of the State Committee, and of the Director of the Southern Division, its determination of the contribution of each producer, such recommendation to set forth fully the facts upon which such recommendation is based.

III

The last sentence of subsection (i) of section 18, which reads as follows: "In case of the death or incompetency of a producer occurring during the period of performance under the 1937 program, class I and class II payments shall be made or withheld in accordance with rules to be prescribed by the Secretary", is deleted.

[1] See Proclamation No. 2246, 2 F. R. 1371.

IV

Part III, Rates and Conditions of Payment, is amended by adding at the end thereof the following new section:

SECTION 20. *Deduction from Rice Payment Because of Excess Acreage of Other Soil-Depleting Crops.*—In cases where any deduction computed pursuant to subsection (b) of sections 11, 12, 13, or 15 cannot be made in full on the computation schedule prepared for the application for payment covering the farm, the portion of the remaining part of such deduction which shall be applied against any payment with respect to rice in the State which otherwise would be made to any interested person shown on the application for payment shall be determined as follows:

(a) Divide such remaining part of the deduction by the gross deduction for excess acreage of soil-depleting crops and deficit acreage of soil-conserving crops in order to obtain the percentage of the gross deduction which cannot be made on the computation schedule;

(b) Multiply the deduction for excess acreage of the crop(s) in each soil-depleting base by the percentage obtained under paragraph (a) above; and

(c) Multiply each amount obtained under paragraph (b) above by the percentage of the class I payment to which such person would be entitled with respect to that soil-depleting base if there were a class I payment, and the sum of the amounts obtained under this paragraph (c) shall be applied against any payment which otherwise would be made to such person with respect to rice in the State.

Subsection (c) of section 62 is amended to read as follows:

(c) If two or more tracts of land in the same county are under different ownerships, even though they are operated by the same person, each such separately owned tract shall be covered by a separate work sheet. In case an operator rents from the same person a part of a tract of land on shares and the remainder of such tract for cash, or in case a person rents a part of a tract of land to one or more tenants on shares and a part of the same tract of land to the same tenant(s) for cash, all such land may be covered by one work sheet.

NOTE

The following typographical errors appear in the printed pamphlet edition of Southern Region Bulletin 101 but did not appear in the original or in the print in the Federal Register of January 5, 1937:

(1) On page 7, practice number 13, the figure "30" should read "50", the paragraph correctly reading as follows:

*Practice Number—Practices and Conditions—Rate*

13. Manganese sulphate applied in 1937 on soil-conserving crops, but payment will not be made on an amount in excess of 50 pounds per acre (per 100 pounds): 2.00.

(2) On page 20, in paragraph (1) of subsection (f) of section 62, the words "each person" should read "such person", the paragraph correctly reading as follows:

(1) An application for payment covering two or more farms in a county which are operated by the same person may be made only with the consent (indicated by signatures on the application for payment) of all persons who, as owner, share-tenant, or share-cropper, have an interest in the crops (or the proceeds thereof) grown in 1937 on any farm covered by the application; except that the signature of any person shall not be required in order to permit a grouping of such farms if such person would not receive a payment if each such farm were covered by a separate application for payment.

Done at Washington, D. C., this 4th day of August, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2486; Filed, August 6, 1937; 12:29 p. m.]

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**Bureau of Entomology and Plant Quarantine.**

B. E. P. Q.—Q. 38 Revision effective September 1, 1937

BLACK STEM RUST QUARANTINE

[Quarantine No. 38]

*Introductory Note*

An important change in the following revision of the Black Stem Rust Quarantine is the addition of the States of Missouri, Pennsylvania, Virginia, and West Virginia to the list of States previously designated as protected.

Under paragraph A of regulation 3, persons intending to move barberry or mahonia plants other than *Berberis thunbergii* or its rust resistant varieties into the protected States, shall make application to the Bureau of Entomology and Plant Quarantine, Washington, D. C., not later than June 1 (September 1 for this calendar year). Applications covering shipments proposed to be made during the next fiscal year may be denied if inspection by the department before the close of the active growing season cannot be arranged.

*Summary*

Unless a permit has been issued by the United States Department of Agriculture, these regulations as now revised prohibit the movement of *Berberis* or *Mahonia* plants, except *Berberis thunbergii* and its rust-resistant varieties, into or between the States of Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming. For further details see regulation 2.

Persons intending to move *Berberis* or *Mahonia* plants (except *Berberis thunbergii* or any of its rust-resistant varieties) shall make application for a permit to the Bureau of Entomology and Plant Quarantine, Washington, D. C. See regulation 3 for further details.

Information relative to cancellation of permits, marking requiring, inspection of restricted articles in transit, and shipments by the United States Department of Agriculture are given in regulations 4 to 7 inclusive.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

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NOTICE OF QUARANTINE NO. 38 (REVISED)

I, M. L. Wilson, Acting Secretary of Agriculture, have determined that, in order to prevent the spread of a dangerous plant disease known as the black stem rust (*Puccinia graminis*), not heretofore widely prevalent or distributed within and throughout the United States and largely brought under control through the eradication of the various susceptible varieties and species of *Berberis* and *Mahonia* in the States of Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, it is necessary to quarantine all States of the continental United States and the District of Columbia, in order to prevent the interstate spread of said disease into and among the States named.

Now, therefore, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine each and every State of the continental United States and the District of Columbia, effective on and after September 1, 1937. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid, no plants of common barberry or other species of *Berberis* or *Mahonia*, or parts thereof capable of propagation, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virvinia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and in amendments thereto.

Done at the city of Washington this 4th day of August 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*



REVISED RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 38

[Approved August 4, 1937; effective September 1, 1937]

*Regulation 1. Definitions*

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Black stem rust.*—The disease known as the black stem rust of grains (*Puccinia graminis*) in any stage of development.

(b) *Berberis.*—Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genus *Berberis*, capable of propagation; commonly known as barberries.

(c) *Mahonia.*—Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genera *Mahonia* (*Odostemon*) or *Mahoberberis*, capable of propagation; commonly known as *Mahonias*, hollygrapes, holly barberries, or Oregon grapes.

(d) *Inspector.*—An inspector of the United States Department of Agriculture.

(e) *Moved or allowed to be moved interstate.*—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from one State or District of the continental United States into any other State or District.

*Regulation 2. Restrictions on the Movement of Berberis and Mahonia*

(a) No *Berberis* or *Mahonia* shall be moved or allowed to be moved interstate from any State of the continental United States or from the District of Columbia into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no restrictions are placed by these regulations on the interstate movement either of Japanese barberry (*Berberis thunbergii*) or any of its rust-resistant varieties, or of cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation.

(b) No *Berberis* or *Mahonia* of species, varieties, or hybrids sufficiently susceptible to infection by black stem rust, in the judgment of the Department, to involve danger of spread of the rust shall be moved or allowed to be moved interstate into any of the said protected States, and no permit will be issued authorizing such movement.

(c) No restrictions are placed by these regulations on the interstate movement of *Berberis* or *Mahonia* consigned to destinations located outside the 17 protected States named herein.

*Regulation 3. Conditions Governing the Issuance of Permits*

(a) *Applications.*—Persons intending to move or allow to be moved interstate into any of the protected States any of the articles the movement of which is restricted under regulation 2, shall make application to the Bureau of Entomology and Plant Quarantine, Washington, D. C., for permit as far as possible in advance of the probable date of shipment. Applications received after June 1 [1] covering shipments proposed to be made during the following fiscal year may be denied if inspection by the department before the close of the active growing season can not be arranged. Applicants will be required to agree that no *Berberis* or *Mahonia* susceptible to infection by black stem rust will be grown in any nursery or nurseries owned or controlled by the applicant or will be distributed by him. The application shall show a complete list of all *Berberis* and *Mahonia* grown by the applicant or proposed to be distributed by him, and the number of plants of each species or variety so grown or to be distributed.

[1] September 1 in the case of calendar year 1937.

(b) The department may require such specimens or other evidence as to the identity of the species, varieties, and hybrids grown and may make such inspections as may be necessary to determine such identity. Permits will be issued as to only such species as have proven to the satisfaction of the department not sufficiently susceptible to infection by black stem rust to involve danger of spread of the rust.

(c) Permits will not be issued for the interstate movement to destinations within the States named in regulation 2 of *Berberis vulgaris* or any of its horticultural varieties or of any other species, hybrids, or varieties of *Berberis* or *Mahonia* sufficiently suceptible to infection by black stem rust, in the judgment of the department, to involve danger of spread of the rust.

*Regulation 4. Cancelation of Permits*

Permits issued under these regulations may be withdrawn or canceled by the inspector and further permits refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of *Berberis* and *Mahonia* susceptible to infection by black stem rust.

*Regulation 5. Marking Requirements*

Every box, bale, or other container of restricted articles of which inspection is required by these regulations shall be plainly marked with the name and address of the consignor and the name and address of the consignee and shall bear, securely attached to the outside thereof, a valid permit issued by an inspector in compliance with these regulations.

In the case of carload and other bulk shipments, a valid permit shall accompany the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such shipments; or in the case of truck or other road vehicle the permit shall accompany the vehicle.

*Regulation 6. Inspection of Restricted Articles in Transit*

Any car, vehicle, basket, box, or other container moved or offered to a common carrier for shipment interstate which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations shall be subject to inspection by an inspector at any time or place.

*Regulation 7. Shipments by the United States Department of Agriculture*

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions. These revised rules and regulations shall be effective on and after September 1, 1937, and shall on that date supersede the rules and regulations promulgated June 24, 1931, as amended, effective February 20, 1935.

Done at the city of Washington this 4th day of August 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

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APPENDIX

*Penalties*

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or

District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

[F. R. Doc. 37-2473; Filed, August 5, 1937; 1:59 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

FEDERAL ASSOCIATIONS MAY, IN MAKING LOANS UPON SMALL APARTMENT HOUSES, LEND NOT IN EXCESS OF 60% OF VALUE WHEN AUTHORIZED BY THE BOARD.

*Be it resolved*, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), subsection (b) of Section 39 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended by adding at the end thereof, the following:

When the members of a Federal association at a legal meeting have authorized loans to be made, from time to time, in an amount exceeding 50 percent of the value of the security of that type of other improved property which in home or combination home and business property for more than four families, but for not more than twelve families (hereinafter termed "small apartment houses") the association may make any such loan, after approval by the Board of such lending practice for such association. Prior to making such loans, application in a form satisfactory to the Board shall be made for approval of such lending practice. Such application shall set forth the area or areas in which the applicant desires to make such higher percentage loans on small apartment houses and evidence of ability to make and service such loans. If and when the Board has given such approval, such higher percentage loans on small apartment houses in the specified areas may be made in amounts not in excess of 60 percent of the value of such small apartment houses. Loans made pursuant to such approval of such lending practice are included in the 15 percent limitation in Section 5 (c) of Home Owners' Loan Act of 1933.

*Be it further resolved*, That, it being deemed this is a major amendment affecting matters of general principle or policy, and not of an emergency character, pursuant to the provisions of subsection (a) of Section 54 of the Rules and Regulations for Federal Savings and Loan Associations, such amendment shall be effective 30 days from August 3, 1937.

Adopted by the Federal Home Loan Bank Board on August 3, 1937.

[SEAL] H. CAULSEN, *Assistant Secretary.*

[F. R. Doc. 37-2483; Filed, August 6, 1937; 12:07 p. m.]

### AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

PRESCRIBED FORMS OF CERTIFICATES EVIDENCING MEMBERSHIP IN FEDERAL SAVINGS AND LOAN ASSOCIATIONS

*Be it resolved*, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), Section 35 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended to read as follows:

All Federal associations having charters in the form of Exhibit K annexed hereto shall issue certificates of membership evidencing the ownership of savings share accounts, investment share accounts and borrower's memberships in the respective forms set forth in Exhibit M, annexed hereto, and made a part hereof, which certificates are prescribed for use by each such Federal association and shall not be revised or modified unless and until the Board prescribes different forms for use by all Federal associations having Exhibit K charters. All certificates issued shall be numbered consecutively by type or otherwise. Each owner of an investment share account shall be issued either an investment share account book containing a certificate in the front thereof and evidencing the participation value of such investment share account or a separate certificate not contained in an investment share account book. Each owner of a savings share account shall be issued a savings share account book containing a certificate in the front thereof and evidencing the participation value of such savings share account. Each borrower shall receive a loan account book in the front of which shall be a certificate. Other legal accounting and descriptive material may be used in connection with the prescribed forms of certificates, but the form or use of such material is not prescribed.

*Be it further resolved*, That Exhibit M. of the Rules and Regulations for Federal Savings and Loan Associations is amended to read as follows:

EXHIBIT M

PRESCRIBED FORMS OF CERTIFICATES EVIDENCING MEMBERSHIP

1. Form of certificate evidencing ownership of a Savings Share Account which is required to be printed in the front of a Savings Share Account Book (Form K2):

This certifies that _____ is a member of _____ Federal Savings and Loan Association _____ and holds a Savings Share Account of said association, subject to its charter and bylaws and to the laws of the United States of America.

2. Form of certificate evidencing ownership of an Investment Share Account prescribed for use when printed in the front of an Investment Share Account Book (Form K2B):

This certifies that _____ is a member of _____ Federal Savings and Loan Association _____ and holds an Investment Share Account of said association, subject to its charter and bylaws and to the laws of the United States of America.

3. Form of certificate evidencing ownership of an Investment Share Account prescribed for use when printed as a separate certificate not contained in a share account book (Form K3):

This certifies that _____ is a member of _____ Federal Savings and Loan Association _____ and holds a _____ Dollar Investment Share Account of said association, subject to its charter and bylaws and to the laws of the United States of America.

4. Form of Borrower's Membership Certificate required to be printed in the front of a loan account book (Form K12):

This certifies that _____ is a member of _____ Federal Savings and Loan Association _____ and holds a loan from said association, subject to its charter and bylaws and to the laws of the United States of America.

The following legal, accounting and descriptive material may be used in connection with the foregoing forms of certificates:

(a) "Certificate No. ____", provided, however, any other method of identifying the number of certificate issued may be used.

(b) Any words which clearly indicate the type of certificate issued may be used as a title, e. g., "Savings Share Account", "Certificate for Savings Share Account", "Borrower's Membership Certificate" or "Certificate for Borrower's Membership". The title used, however, shall not conflict with the provisions of the certificate itself. There is no requirement that a title be used.

(c) A witness clause substantially in the following form shall be used on each certificate unless the execution of the certificate is attested by the secretary or an assistant secretary with the seal of the association:

"Witness the authorized signature(s) of officer or employee this _____ day of _____, 19__."

In any event, each certificate shall bear the date of issuance.

(d) Each certificate shall be manually signed in the name of the association by an officer or an employee designated by the board of directors as required by Section 8 of the bylaws, but may be signed in the name of the association by two or more officers or employees as determined by the board of directors pursuant to Section 7 of the bylaws, e. g.,

_____ Federal Savings and Loan Association_____

_____
Authorized Signature



The title of the officer or officers designated to sign certificates may or may not appear under his or her signature or their signatures. The name of the association must appear above the manual signature or signatures.

*Be it further resolved*, That, it being deemed that this is a major amendment affecting matters of general principle or policy, and not of an emergency character, pursuant to the provisions of subsection (a) of Section 54 of the Rules and Regulations for Federal Savings and Loan Associations, such amendment shall be effective 30 days from July 26, 1937. Federal associations to whom a charter in the form of Exhibit K have heretofore been issued prior to the date of this resolution are authorized, however, to continue to issue certificates of membership as prescribed by the Board in Exhibit M of the Rules and Regulations for Federal Savings and Loan Associations in the present form prior to the taking effect of the foregoing amendment of Section 35 of such rules and regulations until the supply of such certificates on hand on the date of this resolution have been exhausted.

*Be it further resolved*, That this resolution repeals and rescinds the first resolution adopted by the Board on May 14, 1937, with respect to the four legal forms listed therein, to-wit: Form K2, Form K2B, Form K3, and Form K12, and the respective forms of certificates set forth in Exhibit M as amended by the foregoing resolution shall be referred to wherever necessary by the same form numbers.

*Be it further resolved*, That a copy of this resolution be made available by the Governor of the Federal Home Loan Bank System to any printing or forms supply concern requesting the same for reproduction and sale to Federal savings and loan associations, subject to the following condition: When any such form is printed for use as a sample, it shall contain the following notation thereon: "Form prescribed by the Federal Home Loan Board, July 26, 1937", and that the Governor be authorized to obtain the printing of a supply of this resolution and the forms prescribed by this resolution at the lowest bid price sufficient for distribution of a copy thereof to all Federal savings and loan associations.

Adopted by the Federal Home Loan Bank Board on July 26, 1937.

[SEAL] H. CAULSEN, *Assistant Secretary.*

[F. R. Doc. 37-2484; Filed, August 6, 1937; 12:07 p. m.]

### Home Owners' Loan Corporation.

AMENDMENT OF REGULATIONS ON EXTENSION OF TIME FOR PAYMENTS

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129), as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 213 of Chapter II of the Manual be amended by adding thereto a new subsection to be designated (1) which shall read as follows:

(1) Where analysis of the home owner's circumstances indicates that the following conditions exist:

(a) that the arrearage in the home owner's account resulted from adverse economic conditions or emergencies.

(b) that the home owner's present circumstances and the record of his payments during the past six months indicate his aparent ability to pay the outstanding balance within a period not exceeding the remaining term of the loan,

(c) that the home owner is able to keep his account in good standing by paying the installments provided in the extension to be granted as they mature, and

(d) that the home owner is able to make prompt payment of insurance premiums, taxes, assessments, ground rents, or other levies or charges as they mature.

Provided that in no event shall the period of repayment extend beyond fifteen years from the date of the original loan.

*Be it further resolved*, That pursuant to such authority Section 213 of Chapter II of the Manual be further amended by adding thereto the following paragraph:

(6) In any case in which an extension is not authorized under the provisions of this section but in the opinion of the Regional Manager the circumstances of the home owner and the conditions of the security justify special treatment, the file shall be forwarded to the General Manager who shall submit the same to the Board for consideration.

*Be it further resolved*, That the remaining subsections of Section 213 be renumbered appropriately.

Adopted by the Federal Home Loan Bank Board on August 3, 1937.

[SEAL] H. CAULSEN, *Assistant Secretary.*

[F. R. Doc. 37-2481; Filed, August 6, 1937; 12:06 p. m.]

[Manual Amendment]

EXTENSION OF TIME FOR PAYMENTS

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, numbered subparagraph (1) of Section 213 of Chapter II of the Manual be amended by striking the last word, "agreement", therefrom and substituting therefor the words "original loan", so that said subparagraph, as amended be renumbered "(2)" and read as follows:

(2) Where a delinquent home owner desires to sell to a purchaser who is able and willing to assume his obligations to the Corporation but who is unable to presently pay the entire amount of indebtedness already matured, provided that in no case shall the period of repayment exceed 15 years from the date of the original loan.

Adopted by the Federal Home Loan Bank Board on August 3, 1937.

[SEAL] H. CAULSEN, *Assistant Secretary.*

[F. R. Doc. 37-2482; Filed, August 6, 1937; 12:06 p. m.]

## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayers, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-300]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE POPULAR PRICED DRESS MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO OFFER SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Popular Priced Dress Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than August 24, 1937. Opportunity for oral hearing will be afforded at 10 a. m., August 24, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C., to such persons as may desire to appear, and who have made prior written or telegraphic requests to be heard orally. After giving due consideration to such suggestions or objections as

may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered August 4, 1937.

[F. R. Doc. 37-2480; Filed, August 6, 1937; 10:24 a. m.]

## INTERSTATE COMMERCE COMMISSION.

### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 20th day of July, A. D. 1937

IN THE MATTER OF AMENDMENT OF MOTOR CARRIER BODILY INJURY LIABILITY AND PROPERTY DAMAGE LIABILITY SURETY BOND FORM B. M. C. 37 FOR FILING BY MOTOR CARRIERS OF PROPERTY UNDER SECTION 215, MOTOR CARRIER ACT, 1935

The matter of amendment of surety bond form under the above title being under consideration:

*It is ordered*, That motor carriers of property may file with the Commission for approval motor carrier bodily injury liability and property damage liability surety bonds under Section 215, Motor Carrier Act, 1935, on Form B. M. C. 37, heretofore prescribed by Order of August 3, 1936, amended by the deletion from said form the words "passengers or" wherever they occur, and by the deletion of all reference to passenger equipment appearing in Column (1) and the limits of liability therefor appearing in Columns (2), (3) and (4) of the "Schedule of Limits" contained in said form.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2485; Filed, August 6, 1937; 12:24 p. m.]

*Tuesday, August 10, 1937* *No. 153*

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

NOTICE OF OFFER OF LANDS FOR GRAZING LEASE

JULY 31, 1937.

Section 15 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), provides that in the issuance of leases preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except, that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of land contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary.

Notice is hereby given that the vacant, unreserved and unappropriated public lands of the United States, exclusive of Alaska, and not included in any grazing district established under the provisions of Sec. 1 of said Taylor Grazing Act, and all lands included in outstanding one-year grazing leases issued pursuant to departmental instructions of October 22, 1936 (Circular No. 1412), are hereby offered for lease for grazing purposes.

Said outstanding one-year leases will expire on various dates and upon their expiration, the lands embraced therein will become subject to new leases without prejudice, however, to the rights of the present lessees to file timely renewal applications.

Any and all persons desiring to lease any part thereof for grazing purposes under the authority of said Sec. 15 of the Taylor Grazing Act, as amended, or those having adverse or conflicting claims to such lands should file proper grazing lease applications or notice of their claims in the appropriate United States District Land Office or in the General Land Office for lands in States in which there are no District Land Offices. Anyone desiring to assert a preference right to lease isolated or disconnected tracts of seven hundred and sixty acres or less will be allowed 90 days from the date of this notice within which to file proper application for lease.

The holders of one-year leases issued under said departmental instructions of October 22, 1936, should not file new applications to lease lands embraced in their applications upon which such leases were based but instead should file petitions for renewals on forms provided. Said one year leases will in no way be disturbed as a result of this action, nor will the preference rights of the holders of such leases be jeopardized thereby.

Notice is also hereby given that all lands not on the date hereof subject to lease under this section of the act, by reason of their appropriation or reservation, but which become subject to lease at a later date, are hereby offered for lease as of the date they become subject to such appropriation and anyone desiring to assert a preference right to lease isolated or disconnected tracts of seven hundred and sixty acres or less of such lands will be allowed 90 days from the date they become subject to lease within which to file proper lease application.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2489; Filed, August 9, 1937; 9:39 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Agricultural Economics.

OFFICIAL UNITED STATES STANDARDS OF QUALITY AND CONDITION FOR SPLIT-PEAS

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938, and for other purposes," approved June 29, 1937, (Public No. 173, 75th Congress), I, M. L. Wilson, Acting Secretary of Agriculture, do hereby fix, establish, and promulgate the following standards of quality and condition for split-peas, which shall become the official standards of the United States for the inspection and certification of split-peas on the 10th day of August, 1937, and be in force and effect as long as Congress shall provide the necessary authority therefor, unless amended or superseded by standards hereafter prescribed and promulgated under such authority.

In testimony whereof I have hereto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington this 6th day of Aug. 1937.

[SEAL] M. L. WILSON,
*Acting Secretary.*

### OFFICIAL UNITED STATES STANDARDS FOR SPLIT-PEAS

#### *Definitions*

For the purpose of the United States standards for split-peas:

*Split-Peas* shall be any variety or kind of dry, threshed, field and garden peas which have been split by mechanical means or otherwise into halves or smaller pieces and which contain not to exceed 5 percent of foreign material as defined in these standards.

*Basis of determinations.*—All determinations of factors entering into the grading of a lot of split-peas shall be made upon the basis of a representative sample drawn in accordance with methods approved by the Chief of the Bureau of Agricultural Economics.

*Percentages.*—All percentages, except in the case of moisture, shall be ascertained by weight.

*Percentage of moisture* shall be that ascertained by the air oven and the method of use thereof described in Service and Regulatory Announcements No. 147 of the Bureau of Agricultural Economics of the United States Department of Agriculture, or ascertained by any device and method which give equivalent results in the determination of moisture.

*Foreign material* shall include all bran, meal, flour, and other matter which pass through a metal sieve with round perforations 2½/64" in diameter and all matter other than split-peas and whole peas, if any, which remains on such sieve.

*Weevil damage* shall be split-peas and whole peas, if any, which are distinctly injured by pea weevil or other insects.

*Damage* shall be split-peas and whole peas, if any, which are so badly injured or discolored by weather, frost, heat, disease, or other causes as to affect seriously the appearance and quality of the sample, but shall not include weevil damage and bleach.

*White caps* shall be split-peas from which the seed coat is not removed in the process of splitting, but which are not otherwise defective.

*Whole Peas* shall be dry, threshed, field and garden peas which are not split or broken in the process of splitting and which are not damaged by weevil or otherwise.

*Bleach* shall be split-peas which are badly bleached, that is, with one-eighth or more of the convex and/or the flat surface of a distinctly yellow or green color, as the case may be, in contrast with the good natural color which is characteristic of the class being graded, but shall not include other classes.

*Other classes* shall be split-peas, the entire surface of which is of a color distinctly different from the color applicable to the class predominating in the sample from the lot being graded.

*Good natural color*, as applied to the general appearance of split-peas, shall mean that the split-peas are practically free from bleached and discolored split-peas and possess the natural color and appearance which is characteristic of the class of split-peas being graded.

*Grade designations.*—The grade designation of any lot of split-peas shall include successively the letters "U. S.," the number of the grade, or the words "Sample grade," as the case may be, and the name of the class.

*Federal food and drugs act.*—Nothing herein shall be construed as authorizing the shipment of split-peas in violation of the Federal food and drugs act.

#### *Classes of Split-Peas*

*Split-Peas* shall be divided into four classes as follows:

*Green split-peas.*—This class shall include all split-peas manufactured from Alaska, Bluebell, and other varieties of peas the sound, split halves of which are of a distinctly green color.

*Yellow split-peas.*—This class shall include all split-peas manufactured from White Canada, First and Best, and other varieties of peas the sound, split halves of which are of a distinctly yellow color.



*Grade requirements*[1] *for green split-peas and yellow split-peas*

| Grade | Maximum limits of— | | | | | | |
|---|---|---|---|---|---|---|---|
| | Bleached and other classes | | White caps | Whole peas | Damage, weevil damage and foreign material | | |
| | Total | Other classes | | | Total | Weevil damage | Foreign material |
| | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| U. S. No. 1 | 1.5 | 0.5 | 1.0 | 0.5 | 1.0 | 0.5 | [2] Tr. |
| U. S. No. 2 | 3.0 | 1.0 | 2.0 | 1.0 | 2.0 | 1.0 | 0.2 |
| U. S. No. 3 | 5.0 | 2.0 | 3.0 | 1.0 | 3.0 | 1.0 | 0.5 |
| U. S. sample grade. | Sample grade shall be split-peas which do not meet the requirements of any of the above grades or which have any commercially objectionable odor or contain over 16 percent moisture, or are heating or are infested with live weevil or other insects, or which are otherwise of distinctly low quality. | | | | | | |

[1] General appearance and size:

(a) *Color.*—Peas of the grade U. S. No. 1 shall be good natural color; U. S. No. 2 may be slightly off color; and U. S. No. 3 may be of a poor color.

(b) *Size requirements.*—The minimum size requirements for the respective numerical grades for split peas shall be as follows:

U. S. No. 1.—Not more than 22% shall pass readily through a sieve with round perforations 10/64" in diameter;

U. S. No. 2.—Not more than 15% shall pass readily through a sieve with round perforations 10/64" in diameter including not more than 2% through a sieve with round perforations 8/64" in diameter;

U. S. No. 3.—Not more than 25% shall pass readily through a sieve with perforations 10/64" in diameter including not more than 2% through a sieve with round perforations 8/64" in diameter;

provided, that in each numerical grade none shall pass through a sieve with round perforations 6/64" in diameter.

In determining size or calculating tolerances for size, fractional percentages of less than 1 percent shall be ignored.

[2] *Trace (Tr.)*, as applied to foreign material in grade I shall not exceed 1/100 of 1 percent.

#### *Special Grades for Split-Peas*

##### Split-Pea Chips

*Definitions.*—Split-pea chips shall be split-peas all of which will pass readily through a metal sieve with round perforations 12/64" in diameter.

*Grades.*—Split-pea chips shall be classified and graded according to the class and grade requirements for green split-peas and yellow split-peas, except for size, and there shall be added to and made a part of the grade designation the word "chips;" for example, U. S. No. 1 Green Split-Pea Chips.

*Size requirements.*—The minimum size requirements for the respective numerical grades for split-pea chips shall be as follows:

U. S. No. 1.—Not more than 2.0% shall pass readily through a metal sieve with round perforations 6/64" in diameter;

U. S. No. 2.—Not more than 5.0% shall pass readily through a metal sieve with round perforations 6/64" in diameter;

U. S. No. 3.—Not more than 10.0% shall pass readily through a metal sieve with round perforations 6/64" in diameter.

In determining size or calculating tolerances for size, fractional percentages of less than one percent shall be ignored.

[F. R. Doc. 37-2488; Filed, August 7, 1937; 11:40 a. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 57]

ELIGIBILITY OF INDIVIDUALS TO SERVE AS DIRECTORS

AMENDMENT OF SECTION 102-D OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly section 20 thereof, the following new paragraph is hereby added to the Rules and Regulations for Production Credit Associations immediately following paragraph numbered (3) of section 102-d thereof:

Except with the prior approval of the Farm Credit Administration no individual shall be eligible to become or be a director of an association if, during his tenure of office, he also is or becomes an officer or an employee of the Farm

Credit Administration or, with the exception of a president and vice president of a national farm loan association, of any other institution under the supervision of the Farm Credit Administration.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-2490; Filed August 9, 1937; 11:36 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTION OF VESSELS OF THE PUGET SOUND NAVIGATION COMPANY FROM THE RADIOTELEGRAPH REQUIREMENTS OF THE SAFETY CONVENTION

The Telegraph Division at a special meeting on August 2, 1937, adopted the following Order:

The Commission this day extended the exemption from the radiotelegraph installation requirement of Article 27 of the Safety of Life at Sea Convention and Sections 351 (a) and 359 (a) of Public No. 97, approved May 20, 1937, amending the Communications Act; pursuant to the provisions of Article 28 of the Convention and Section 352 (b) of Public No. 97, which was granted the Puget Sound Navigation Company on March 9, 1937, extended on May 8, 1937, June 7, 1937 and July 6, 1937, for the following vessels and voyages:

1. The S. S. *Iroquois* and S. S. *Olympic* for international voyages between Seattle, Washington, and Victoria, B. C., via Port Townsend and Port Angeles.

2. The S. S. *Quilcene*, S. S. *City of Angeles* and S. S. *Rosario* for international voyages between Anacortes, Washington, and Sydney, B. C., via Friday Harbor, San Juan Island, and Orues, Orues Island,

pending further order of the Commission and in any event for a period not to exceed thirty days from the date of this order, subject to the same terms and conditions as those specified in the original order of exemption, in order to enable the Commission to further consider information bearing upon the route and conditions of the voyages in question.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2487; Filed, August 7, 1937; 9:45 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

EFFECTIVE DATE OF MANUAL AMENDMENT

PROPERTY MANAGEMENT CHAPTER

Whereas the procedure which is necessary to complete the property Management Chapter of the Consolidated Manual has not been put into final form and additional time is required: Therefore

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, the Property Management Chapter of the Consolidated Manual (Chapter III) approved January 22, 1937, with amendments thereto, shall be effective as of September 16, 1937.

Adopted by the Federal Home Loan Bank Board at a meeting on August 4, 1937.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 37-2494; Filed August 9, 1937; 1:08 p. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 31st day of July, A. D. 1937.

IN THE MATTER OF UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

*It appearing*, That Division 4, by order entered July 13, 1937, modified the Uniform System of Accounts for Electric Railways, Issue of 1914, by the addition thereto of an operating-revenue account to cover tariff charges for protective service to perishable freight, and good cause appearing therefor:

*It is ordered*, That said order of July 13, be, and it is hereby, modified so as to become effective January 1, 1938, instead of July 1, 1937.

*It is further ordered*, That said order of July 13, 1937, shall in all other respects remain in full force and effect.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2492; Filed, August 9, 1937; 12:21 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 31st day of July, A. D. 1937.

IN THE MATTER OF UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

*It appearing*, That Division 4, by order entered July 13, 1937, modified the classification of operating revenues and operating expenses of steam roads, issue of 1914, by the addition thereto of an operating-revenue account to cover the tariff charges for protective service to perishable freight, and good cause appearing therefor:

*It is ordered*, That said order of July 13, be, and it is hereby, modified so as to become effective January 1, 1938, instead of July 1, 1937.

*It is further ordered*, That said order of July 13, 1937, shall in all other respects remain in full force and effect.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2491; Filed, August 9, 1937; 12:21 p.m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of August, 1937.

IN THE MATTER OF APPLICATIONS BY THE SAN FRANCISCO CURB EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN ATLAS CORPORATION, COMMON STOCK; ATLAS CORPORATION, 6% PREFERRED STOCK; BERKEY & GAY FURNITURE COMPANY, COMMON STOCK; BERKEY & GAY FURNITURE COMPANY, STOCK PURCHASE WARRANTS; THE STUDEBAKER CORPORATION, COMMON STOCK; UNITED AIRCRAFT CORPORATION, CAPITAL STOCK; UTAH-IDAHO SUGAR COMPANY, COMMON STOCK.

ORDER DISPOSING OF APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES TO CERTAIN SECURITIES.

The San Francisco Curb Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, to extend unlisted trading privileges to the above-mentioned securities; and



After appropriate notice a hearing having been held in this matter in Washington, D. C.; and

The Commission this day having made and filed its findings and opinion herein;

It is ordered pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the applications of such Exchange to extend unlisted trading privileges to The Studebaker Corporation Common Stock $1 Par, United Aircraft Corporation Capital Stock $5 Par, and Utah-Idaho Sugar Company Common Stock $5 Par, be and the same are hereby granted; that the applications of such Exchange to extend unlisted trading privileges to Atlas Corporation 6% Preferred Stock $50 Par, and Berkey & Gay Furniture Company Stock Purchase Warrants, be and the same are hereby denied; and that decisions on the applications of such Exchange to extend unlisted trading privileges to Atlas Corporation Common Stock $5 Par, and Berkey & Gay Furniture Company Common Stock $1 Par, be and the same are hereby reserved pending completion of the record concerning said stocks as is more fully set forth in the findings and opinion of the Commission herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Recording Secretary.*

[F. R. Doc. 37-2493; Filed, August 9, 1937; 12:43 p. m.]

# *Wednesday, August 11, 1937* *No. 154*

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-1175]

IN THE MATTER OF THE COOPER-BESSEMER CORPORATION $3 CUMULATIVE PREFERRED STOCK, SERIES A, WITHOUT PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Cooper-Bessemer Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw from listing and registration on the New York Curb Exchange and on the Cleveland Stock Exchange its $3 Cumulative Preferred Stock, Series A, without par value; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on September 7, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2501; Filed, August 10, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-2046]

IN THE MATTER OF FOURTH NATIONAL INVESTORS CORPORATION, COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, $1 Par Value, of the Fourth National Investors Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 17, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2499; Filed, August 10, 1937; 12:46 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-588]

IN THE MATTER OF GENERAL GAS & ELECTRIC CORP., $7 CUMULATIVE PREPERRED STOCK AND $8 CUMULATIVE PREFERRED STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the $7 Cumulative Preferred Stock and the $8 Cumulative Prefered Stock of the General Gas and Electric Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on September 7, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2503; Filed, August 10, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-487]

IN THE MATTER OF GULF STATES STEEL COMPANY, COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and

Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of the Gulf States Steel Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 17, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2495; Filed, August 10, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-2586]

IN THE MATTER OF KEYSTONE DIVIDE MINING COMPANY, COMMON CAPITAL STOCK, 10¢ PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The San Francisco Mining Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Capital Stock, 10¢ Par Value, of the Keystone Divide Mining Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 17, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2497; Filed, August 10, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-572]

IN THE MATTER OF THE MENGEL COMPANY, 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the 7% Cumulative Preferred Stock, $100 Par Value, of The Mengel Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 17, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2502; Filed, August 10, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-1292]

IN THE MATTER OF PIERCE PETROLEUM CORPORATION, COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of the Pierce Petroleum Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 17, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2500; Filed, August 10, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-2188]

IN THE MATTER OF SQUARE D COMPANY, CLASS "A" PREFERRED STOCK, WITHOUT PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Class "A" Preferred Stock, Without Par Value, of the Square D Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 17, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2496; Filed, August 10, 1937; 12:46 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, 1937.

[File No. 1-2049]

IN THE MATTER OF THIRD NATIONAL INVESTORS CORPORATION, COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, $1 Par Value, of the Third National Investors Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 17, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2498; Filed, August 10, 1937; 12:46 p. m.]

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*Thursday, August 12, 1937* *No. 155*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49114]

COUNTERVAILING DUTIES ON DRIED GREEN PEAS INCLUDING SPLIT PEAS FROM THE NETHERLANDS

TREASURY DECISION 47658, APPROVED APRIL 26, 1935, REQUIRING A DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES ON IMPORTS OF DRIED GREEN PEAS, INCLUDING SPLIT PEAS, FROM THE NETHERLANDS, UNDER AUTHORITY OF SECTION 303, TARIFF ACT OF 1930, MODIFIED

*To Collectors of Customs and Others Concerned:*

The Bureau is in receipt of official information to the effect that the payment of bounties or the bestowal of grants, within the meaning of section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303), on shipments of dried green peas, including split peas, from the Netherlands has been discontinued as to direct shipments to the United States and that no bounties have been paid on such shipments since the effective date of Treasury Decision 47658, approved April 26, 1935.

In the circumstances Treasury Decision 47658 is hereby modified so as to restrict its application to indirect shipments of such merchandise from the Netherlands.

Entries covering dried green peas, including split peas, imported direct from the Netherlands should be liquidated without the assessment of countervailing duties.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved: August 5, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2513; Filed, August 11, 1937; 1:15 p. m.]

[T. D. 49117]

VESSELS—ENTRY AND CLEARANCE

REPORT OF ARRIVAL AND ENTRY AND CLEARANCE OF CERTAIN VESSELS ON BOARD THEREOF

AUGUST 7, 1937.

*To Collectors of Customs and Others Concerned:*

Public No. 155, of the Seventy-fifth Congress, approved June 16, 1937, relating to the report of arrival and entry and clearance of certain vessels, is as follows:

[Public—No. 155—75th Congress]

[Chapter 362—1st Session]

[H. R. 6438]

AN ACT

To expedite the dispatch of vessels from certain ports of call.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to expedite the dispatch of vessels carrying passengers operating on regular schedules and arriving at night or on a Sunday or a holiday at a port in the United States at which such vessels is required by law to report arrival and make entry and from which it is required to obtain a clearance, the collector of customs, or any deputy collector of customs designated by him, if the vessel departs during the same night, Sunday, or holiday on which it arrives may, under such regulations as may be prescribed jointly by the Secretary of Commerce and the Secretary of the Treasury, receive the report of arrival and entry of such vessel from and give clearance for such vessel to the master or other proper officer thereof on board such vessel: *Provided,* That bond, as prescribed in section 451 of the Tariff Act of 1930, is given to secure reimbursement to the Government for the compensation of, and expenses incurred by, such customs officers in performing such services, who shall be entitled to rates of compensation fixed on the same basis and payable in the same manner and upon the same terms and conditions as in the case of customs officers and employees assigned to lading or unlading at night or on Sunday or a holiday.

Approved, June 16, 1937.

Pursuant to the authority contained in this act, the following regulations are hereby prescribed:

1. *Definitions.*—When used in these regulations—

(a) The term "act" means Public No. 155, of the Seventy-fifth Congress, quoted above.

(b) The term "at night" shall include the hours from 5:00 p. m. of one day to 8:00 a. m. of the following day.

(c) The term "holiday" shall include only national holidays, viz., January 1, February 22, May 30, July 4, the first Monday in September, Thanksgiving Day (when designated by the President), December 25, and such other days as may be made national holidays.

2. *Application—Bond.*—Application for the privilege of reporting arrival and making entry and obtaining clearance on board such vessels as are described in the act shall be on customs Form 3853-A. Such application must be supported by a bond on customs Form 7567, in such penal sum as the collector deems sufficient but not less than $500, or the usual term bond on customs Form 7569. If the application is approved, the collector of customs, or such deputy collector of customs as may be designated by him, will receive the report of arrival and the entry of the vessel and give clearance for such vessel on board thereof. If the collector of customs is satisfied that the conditions will permit, an application to cover arrivals during a period of one month may be approved, provided a bond on customs Form 7569 is given. Such application may cover more than one vessel belonging to the same line and owner. The application in such case shall be on customs Form 3851.

J. M. JOHNSON,
*Acting Secretary of Commerce*

[SEAL] JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F R Doc. 37-2512; Filed, August 11, 1937; 1:14 p. m.]

[T. D. 49118]

## COAL, COKE, AND BRIQUETS FROM THE SOVIET UNION—REVENUE ACT OF 1932

### COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS, EFFECTIVE AUGUST 6, 1937

AUGUST 9, 1937.

*To Collectors of Customs:*

The Department is advised by the Secretary of State that the President has proclaimed, effective August 6, 1937, for a period of 12 months, a commercial agreement entered into between the United States and the Union of Soviet Socialist Republics, in which agreement the Government of the United States undertakes to accord to the commerce of the Soviet Union unconditional most-favored-nation treatment, with certain special provisions in respect of coal, coke manufactured therefrom, and coal or coke briquets.

In view of the provisions of this agreement and since coal, coke manufactured therefrom, and coal or coke briquets are admitted free of import tax when imported from certain other countries, any such product which has been produced in the Union of Soviet Socialist Republics and is imported into the United States directly or indirectly therefrom may be entered for consumption or withdrawn from warehouse for consumption on or after August 6, 1937, and prior to January 1, 1938, without the payment of the import tax imposed by section 601 (c) (5) of the Revenue Act of 1932, as amended (U. S. C., title 26, foot-note at end of chap. 20.)

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2511; Filed, August 11, 1937; 1:14 p. m.]

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[T. D. 49121]

## LIST OF CUSTOMS DISTRICTS, HEADQUARTERS, AND PORTS OF ENTRY

AUGUST 9, 1937.

*To Collectors of Customs and Others Concerned:*

The appended list of customs districts, headquarters, and ports of entry, previously published in T. D. 48245, April 1, 1936, corrected to date, is published for the information and guidance of all concerned.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

*List of customs districts, headquarters, and ports of entry*

[The port first named in the following list is the headquarters port for the district. (*) Indicates ports at which marine documents are issued.]

| District no. | Name of district | Boundary of district | Ports of entry |
|---|---|---|---|
| 31 | Alaska | All of the territory of Alaska. | *JUNEAU, Cordova, Crak, *Eagle, *Hyder, *Ketchikan, Nome, *Petersburg, *Seward, *Sitka, *Skagway, Unalaska, *Wrangell. |
| 26 | Arizona | All of the State of Arizona. | NOGALES, Ajo, Douglas, Naco, San Luis, Sasabe. |
| 9 | Buffalo | All of the counties of Niagara, Erie, Cattaraugus, and Chautauqua in the State of New York. | *BUFFALO, Dunkirk, Niagara Falls, (including Lewiston). |
| 39 | Chicago | All of the State of Illinois lying north of 39° of north latitude, and all that part of the State of Indiana north of 41° of north latitude. | *CHICAGO, *Peoria, Ill. |
| 47 | Colorado | All of the State of Colorado. | DENVER. |
| 6 | Connecticut | All of the State of Connecticut. | *BRIDGEPORT, *Hartford, *New Haven, *New London. |

*List of customs districts, headquarters, and ports of entry*—Con.

| District no. | Name of district | Boundary of district | Ports of entry |
|---|---|---|---|
| 34 | Dakota | All of the States of North and South Dakota and the county of Kittson in the State of Minnesota | *PEMBINA, N. DAK. Ambrose, Antler, Carbury, Crosby, Dunseith, Fortuna, Hannah, Hansboro, Lancaster, Minn., Maida, Neche, Noonan, Northgate, Noyes, Minn., Portal, Sarles, Sherwood, St. John, Walhalla, Westhope. |
| 36 | Duluth and Superior | All of the State of Minnesota except the county of Kittson lying north of 46° of north latitude and all of the State of Wisconsin lying north of said latitude, and the Island of Isle Royale in the State of Michigan. | *DULUTH, MINN., and Superior, Wis. (including West Superior), Ashland, Wis., Baudette, Minn., International Falls, Minn., Pigeon River Bridge, Minn., Pine Creek, Minn., Rainier, Minn., Roseau, Minn., Warroad, Minn. |
| 24 | El Paso | All of the State of New Mexico and that part of the State of Texas lying west of the Pecos River. | EL PASO, TEX., Columbus, N. Mex., Fabens, Tex., Presidio, Tex., Ysleta, Tex. |
| 18 | Florida | All of the State of Florida and the north bank of the St. Marys River and the city of St. Marys, Ga. | *TAMPA (including Port Tampa), *Apalachicola, Boca grande, Carrabelle, *Fernandina (including St. Marys, Ga.), *Jacksonville, *Key West, *Miami, Panama City, *Pensacola, Port Everglades, *St. Augustine, West Palm Beach. |
| 22 | Galveston | All of that part of the State of Texas lying east of 97° of west longitude, except the territory embraced in district No. 21 (Sabine). | *GALVESTON (including Port Bolivar and Texas City), Dallas, Freeport, *Houston. |
| 17 | Georgia | All of the State of Georgia except the north shore of the St. Marys River and the city of St. Marys, Ga. | *SAVANNAH, Atlanta, *Brunswick. |
| 32 | Hawaii | All of the Territory of Hawaii. | *HONOLULU, Hilo, Kahului, Mahukona, Port Allen. |
| 40 | Indiana | All of the State of Indiana lying south of 41° of north latitude. | *INDIANAPOLIS, *Evansville, Lawrenceburg (including Greendale). |
| 44 | Iowa | All of the State of Iowa. | *DES MOINES. |
| 42 | Kentucky | All of the State of Kentucky. | *LOUISVILLE. |
| 27 | Los Angeles | All of that part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial. | *LOS ANGELES, *Port San Luis. |
| 1 | Maine and New Hampshire | All of the State of Maine and all of the State of New Hampshire except the County of Coos. | *PORTLAND, MAINE, *Bangor, *Bar Harbor (including Mt. Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor), *Bath (including Booth Bay and Wiscasset), *Belfast (including Searsport), *Calais (including townships of Calais, Robbinston and Baring), *Eastport (including Lubec and Cutler), Fort Fairfield, Fort Kent, Holeb-Jackman, Houlton, *Jonesport, Limestone, Madawaska, Mars Hill, *Portsmouth, N. H. (including Kittery, Maine), *Rockland Van Buren, Vanceboro. |
| 13 | Maryland | All of the State of Maryland and the District of Columbia. | *BALTIMORE, MD., *Annapolis, *Cambridge, *Crisfield, *Washington, D. C. |



*List of customs districts, headquarters, and ports of entry*—Con.

| District no. | Name of district | Boundary of district | Ports of entry |
|---|---|---|---|
| 4 | Massachusetts | All of the State of Massachusetts. | *BOSTON (including Cambridge, Chelsea, Medford, Everett, Quincy, Somerville, Braintree, Weymouth, and Hingham, and waters adjacent thereto), *Fall River, *Gloucester, Lawrence, *New Bedford, Plymouth, *Provincetown, *Salem (including Beverly, Marblehead, and Lynn), Springfield, Worcester. |
| 38 | Michigan | All of the State of Michigan except the island of Isle Royale, and the city of Menominee, Michigan. | *DETROIT, Bay City, Cheboygan, *Grand Haven, Grand Rapids, *Port Huron, Saginaw, *Saulte Ste. Marie, South Haven. |
| 35 | Minnesota | All of the State of Minnesota lying south of 46° of north latitude. | *MINNEAPOLIS, St. Paul. |
| 19 | Mobile | All of the State of Alabama and all of that part of the State of Mississippi lying south of 31° of north latitude. | *MOBILE, ALA., Birmingham, Ala., *Gulfport, Miss., Pascagoula, Miss. |
| 33 | Montana and Idaho | All of the States of Montana and Idaho. | *GREAT FALLS, MONT., Eastport, Idaho, Gateway, Mont., Morgan, Mont., Opheim Mont., Peskan, Mont., Piegan, Mont., Porthill, Idaho, Raymond, Mont. Roosville, Mont., Scobey, Mont., Sweetgrass, Mont., Turner, Mont., Westby, Mont., Whitetail, Mont., Whitlash, Mont. |
| 20 | New Orleans | All of the State of Louisiana except the counties of Cameron and Calcasieu, and all that part of the State of Mississippi lying north of 31° of north latitude. | *NEW ORLEANS, LA., *Baton Rouge, La. |
| 10 | New York | All of that part of the State of New York not expressly included in the districts of Buffalo, Rochester, and St. Lawrence, and also to include the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Jersey. | *NEW YORK, *Albany, *Newark, N. J., *Perth Amboy, N. J. |
| 15 | North Carolina | All of the State of North Carolina. | *WILMINGTON, *Beaufort, Durham, *Elizabeth City, Gastonia, Morehead City, Reidsville, Winston-Salem. |
| 41 | Ohio | All of the State of Ohio, and the county of Erie in the State of Pennsylvania. | *CLEVELAND, Akron, Ashtabula, *Cincinnati, Columbus, Conneaut, Dayton, *Erie, Pa., *Sandusky, *Toledo. |
| 46 | Omaha | All of the States of Nebraska and Wyoming. | *OMAHA, NEBR. |
| 29 | Oregon | All of the State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of 119° of west longitude. | *PORTLAND, OREG., *Astoria, Longview, Wash., *Marshfield, Newport. |
| 11 | Philadelphia | All of that part of the State of Pennsylvania lying east of 79° of west longitude, all of the State of Delaware, and all that part of the State of New Jersey not included in district No. 10 (New York). | *PHILADELPHIA, PA. (including Camden and Gloucester City, N. J.), Chester, Pa., Lewes, Del., *Wilmington, Del. |
| 12 | Pittsburgh | All of the State of West Virginia and all that part of the State of Pennsylvania lying west of 79° of west longitude, except the county of Erie. | *PITTSBURGH, PA. |

*List of customs districts, headquarters, and ports of entry*—Con.

| District no. | Name of district | Boundary of district | Ports of entry |
|---|---|---|---|
| 49 | Puerto Rico | All of the Territory of Puerto Rico. | *SAN JUAN, Aguadilla, Arecibo, Arroyo, Fajardo, Guanica, Humacao, Mayaguez, Ponce. |
| 5 | Rhode Island | All of the State of Rhode Island. | *PROVIDENCE, *Newport. |
| 8 | Rochester | All of the counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, and Tioga in the State of New York. | *ROCHESTER, Fair Haven, *Oswego, Sodus Point, Syracuse, Utica. |
| 21 | Sabine | All of that part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of said river to north boundary of Jefferson County; westerly along said boundary to east boundary of Liberty County; south to Gulf. Also, the counties of Cameron and Calcasieu in the State of Louisiana. | *PORT ARTHUR, TEX., *Beaumont, *Lake Charles, La., Orange, Sabine. |
| 23 | San Antonio | All of that part of the State of Texas lying west of 97° of west longitude and east of the Pecos River. | *SAN ANTONIO, Brownsville, *Corpus Christi, Del Rio, Eagle Pass, Fort Worth, Hidalgo, Laredo, Rio Grande City, Roma. |
| 25 | San Diego | All of the counties of San Diego and Imperial in the State of California. | *SAN DIEGO, Andrade, Calexico, San Ysidro, Tecate. |
| 28 | San Francisco | All of that part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino. | *SAN FRANCISCO-OAKLAND (Collector of customs located at San Francisco, Calif.), *Eufeka. |
| 16 | South Carolina | All of the State of South Carolina. | *CHARLESTON, *Georgetown. |
| 7 | St. Lawrence | All of the counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis in the State of New York. | *OGDENSBURG, N. Y., Alexandria Bay, *Cape Vincent, Champlain, Chateaugay, Clayton Fort Covington, Malone, Mooers, Morristown, Rooseveltown, *Rouses Point, Waddington. |
| 45 | St. Louis | All of the States of Missouri, Kansas, and Oklahoma, and all that part of the State of Illinois lying south of 39° of north latitude. | *ST. LOUIS, MO. (including East St. Louis, Ill.), *Kansas City, Mo., Oklahoma City, Okla., St. Joseph, Mo., Tulsa, Okla. |
| 43 | Tennessee | All of the States of Tennessee and Arkansas. | *MEMPHIS, *Chattanooga, *Nashville. |
| 48 | Utah and Nevada | All of the States of Utah and Nevada. | SALT LAKE CITY, UTAH. |
| 2 | Vermont | All of the State of Vermont and the county of Coos in the State of New Hampshire. | *ST. ALBANS (including townships of St. Albans and Swanton), Alburg, Beecher Falls, *Burlington, Derby Line, Highgate Springs (including township of Highgate), Island Pond, Newport, North Troy, Richford. |
| 14 | Virginia | All of the State of Virginia and including the waters and shores of Hampton Roads. | *NORFOLK and *NEWPORT NEWS, *Alexandria, *Cape Charles City, Petersburg, *Reedville, Richmond. |
| 30 | Washington | All of the State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° of west longitude. | *SEATTLE, *Aberdeen, Anacortes, *Bellingham, Blaine, Danville, Everett, Ferry, Friday Harbor, Laurier, Lynden, Metaline Falls, Molson, Nighthawk, Northport, Olympia, Oroville, *Port Arthur, *Port Townsend, South Bend, Spokane, Sumas, *Tacoma. |

*List of custom districts, headquarters, and ports of entry*—Con.

| District no. | Name of district | Boundary of district | Ports of entry |
|---|---|---|---|
| 37 | Wisconsin | All of the State of Wisconsin lying south of 46° of north latitude, and the city of Menominee, Michigan. | *MILWAUKEE, Green Bay, Manitowoc, Marinette (including Menominee), Racine, Sheboygan. |

[F. R. Doc. 37-2514; Filed, August 11, 1937; 1:16 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 10 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TURERCULOSIS-FREE ACCREDITED AREAS

August 2, 1937.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in States named, are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Amador, August 1, 1940.
New York: Niagara, Oswego, Putnam, Washington, Westchester, August 1, 1940.
South Dakota: Miner, Sanborn, August 1, 1940.
Puerto Rico: Las Marias, Yauco, August 1, 1940.

In accordance with Section 2, of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties, in the States named, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Florida: Calhoun, Gulf, Marion, August 1, 1940.
Georgia: Richmond, August 1, 1940.
Illinois: Cumberland, Edwards, Wabash, August 1, 1940.
Indiana: Clay, Floyd, White, August 1, 1940.
Iowa: Dubuque, Jackson, Mills, August 1, 1940.
Kansas: Grant, August 1, 1940.
Kentucky: Bell, Boyle, Breckinridge, Greenup, Kenton, Lee, Livingston, McCreary, Scott, August 1, 1940.
Maine: Washington, August 1, 1940.
Minnesota: Grant, Renville, August 1, 1940.
Mississippi: Choctaw, August 1, 1940.
Missouri: Montgomery, August 1, 1940.
Montana: Hill, Judith Basin, Pondera, August 1, 1940.
New Mexico: De Baca, August 1, 1940.
North Carolina: Lee, Perquimans, Tyrrell, August 1, 1940.
Pennsylvania: Montour, Washington, August 1, 1940.
Texas: Austin, Bee, Bexar, Bowie, Castro, Cochran, Coleman, Comal, Crane, Deaf Smith, Glasscock, Hemphill, Karnes, Marion, Maverick, Reagan, Sterling, Swisher, Ward, Wilson, Wise, August 1, 1940.
Virginia: Lunenburg, August 1, 1940.
West Virginia: Marion, Raleigh, August 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

J. R. MOHLER, *Chief of Bureau.*

[F. R. Doc. 37-2510; Filed, August 11, 1937; 12:40 p. m.]

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

REGULATION U, LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING STOCKS REGISTERED ON A NATIONAL SECURITIES EXCHANGE

AMENDMENT NO. 3—LOANS MADE PRIOR TO MAY 1, 1936

On July 29, 1937 the Board of Governors of the Federal Reserve System adopted the following resolution:

*Resolved*, That effective September 1, 1937, the Board approve and adopt the following amendment to Regulation U:

Regulation U, as amended, is hereby further amended in the following respects:

1. Section 1 of said regulation is amended by inserting the words "or at any previous time," in the second paragraph of said section after the words "incurred on or after May 1, 1936,"; and by substituting the words "While a bank maintains any such loan, whenever made, the" for the words "After any such loan has been made, a" in the third paragraph of said section; so that said section 1 as thus amended will read as follows:

SECTION 1. GENERAL RULE

On and after May 1, 1936, no bank shall make any loan secured directly or indirectly by any stock *for the purpose of purchasing or carrying any stock registered on a national securities exchange* in an amount exceeding the maximum loan value of the collateral, as prescribed from time to time for stocks in the supplement to this regulation and as determined by the bank in good faith for any collateral other than stocks.

For the purpose of this regulation, the entire indebtedness of any borrower to any bank incurred on or after May 1, 1936, or at any previous time, for the purpose of purchasing or carrying stocks registered on a national securities exchange shall be considered a single loan; and all the collateral securing such indebtedness shall be considered in determining whether or not the loan complies with this regulation.

While a bank maintains any such loan, whenever made, the bank shall not at any time permit withdrawals or substitutions of collateral that would cause the maximum loan value of the collateral at such time to be less than the amount of the loan. In case such maximum loan value has become less than the amount of the loan, a bank shall not permit withdrawals or substitutions that would increase the deficiency; but the amount of the loan may be increased if there is provided additional collateral having maximum loan value at least equal to the amount of the increase.

2. Section 2 of said regulation is amended by substituting the word "may" for the word "thereafter" in the unlettered portion of said section so that the unlettered portion of said section as thus amended will read as follows:

SECTION 2. EXCEPTIONS TO GENERAL RULE

Notwithstanding the foregoing, a bank may make and may maintain any loan for the purpose specified above, without regard to the limitations prescribed above, if the loan comes within any of the following descriptions:

Adopted by the Board of Governors of the Federal Reserve System on July 29, 1937.

[SEAL] S. R. CARPENTER, *Assistant Secretary.*

[F. R. Doc. 37-2505; Filed, August 11, 1937; 11:56 a. m.]

REGULATION K. BANKING CORPORATIONS AUTHORIZED TO DO FOREIGN BANKING BUSINESS UNDER THE TERMS OF SECTION 25 (A) OF THE FEDERAL RESERVE ACT

AMENDMENT REQUIRING RESERVES IN SAME PERCENTAGES AS ARE REQUIRED OF MEMBER BANKS IN CENTRAL RESERVE CITIES

On July 30, 1937, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Be it resolved* that the first sentence of the third paragraph of section XIV of Regulation K entitled "Banking Corporations Authorized To Do Foreign Banking Business Under The Terms Of Section 25 (a) Of The Federal Reserve Act" is amended, effective September 1, 1937, to read as follows:

Against all demand deposits and time deposits received by the Corporation in the United States a reserve shall be maintained in the percentages required to be maintained by member banks of the Federal Reserve System located in central reserve cities, provided that in no event shall such reserve be less than 10 percent of the aggregate amount of all demand deposits and time deposits received in the United States.

Adopted by the Board of Governors of the Federal Reserve System on July 30, 1937.

[SEAL] S. R. CARPENTER, *Assistant Secretary.*

[F. R. Doc 37-2506; Filed, August 11, 1937; 11:56 a. m.]



## INTERSTATE COMMERCE COMMISSION.

[Order No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles being under further consideration:

*And it appearing*, That upon applications made by interested parties, concurred in by the Bureau of Explosives, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon investigation are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

*It is ordered*, That the aforesaid regulations as heretofore published in order of May 12, 1930, be and they are hereby amended as follows, effective November 1, 1937:

Amending specification 8, order May 12, 1930, as follows:

(Add 18. *Additional type.*—For cylinders contracted for by the United States Navy, the prescribed limitations of carbon content, yield point, and elongation of steel are hereby waived for seamless cylinders, otherwise complying with this specification, under the following conditions:

(a) Steel used shall be that known as SAE 4130 X of the following chemical properties:

| | |
|---|---|
| Carbon (percent) | from 0.25 to 0.35 |
| Manganese (percent) | from 0.40 to 0.70 |
| Phosphorus (percent) | 0.04 maximum |
| Sulphur (percent) | 0.5 maximum |
| Chromium (percent) | from 0.80 to 1.10 |
| Molybdenum (percent) | from 0.15 to 0.25 |

(b) Minimum wall thickness must be such that the wall stress under interior pressure of 1,000 pounds per square inch will not exceed 18,000 pounds per square inch when calculated under paragraph 13 (c) of specification 3A.

(c) The elongation of the steel must be at least 15 percent in 8 inches.

(d) The test pressure under paragraph 11 (a) of this specification must be at least 1,000 pounds per square inch.

(e) The cylinders must pass a flattening test, as prescribed in paragraph 19 (a) of specification 3A. Flattening must be carried on until crack occurs or until walls are metal to metal.

(f) The cylinders must neither be marked ICC-8 nor be fully accepted by the inspector until after having passed without shattering a test consisting of subjecting one cylinder out of each lot of 200 or less, in fully charged condition, to the impact of a 1.1 inch projectile at velocity of at least 2,700 feet per second.

(g) Reports of manufacture and tests must include the following additional information:

Chemical analysis data on manganese, chromium, molybdenum, and other alloy materials present, if any; definite statement as to the heat treatment used; distance between outside surfaces of the flattened cylinders when the first crack occurs; and copy of letter signed by an official of the United States Navy stating that the cylinders have successfully passed the prescribed projectile impact test and have been accepted.

*It is further ordered*, That the aforesaid regulations as further amended herein shall be and remain in force on and after November 1, 1937, and shall be observed until further order of the Commission.

*It is further ordered*, That cylinders constructed in compliance with the aforesaid regulations are hereby authorized for use on and after the date of approval and publication of the regulations by the Commission:

*And it is further ordered*, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 28th day of July, 1937.

By the Commission, Commissioner McManamy.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2507; Filed, August 11, 1937; 12:18 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

RULES FOR THE REGULATION OF OVER-THE-COUNTER MARKETS

RULES UNDER SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

These rules were adopted pursuant to authority conferred upon the Securities and Exchange Commission by the Securities Exchange Act of 1934, as amended, particularly Sections 15 (c), 10 (b), 17 (a), and 23 (a) thereof. The rules apply to practices in the over-the-counter markets affecting all types of securities including those which are registered, unregistered or exempted from registration on a national securities exchange. The rules are applicable to all brokers and dealers who effect transactions in the over-the-counter markets except that Rule GB2 is applicable to any person, whether or not he is a broker or dealer. The rules are also applicable to those brokers and dealers who transact business exclusively in exempted securities, such as government, state and municipal bonds.

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 15 (c) and 23 (a) thereof, hereby adopts the following rules:

RULE MC1. *Definitions.*—As used in any rule adopted pursuant to Section 15 (c) of the Act:

(a) The term "customer" shall not include a broker or dealer.

(b) The term "the completion of the transaction" means:

(1) In the case of a customer who purchases a security through or from a broker or dealer, except as provided in paragraph (2), the time when such customer pays the broker or dealer any part of the purchase price, or, if payment is effected by a bookkeeping entry, the time when such bookkeeping entry is made by the broker or dealer for any part of the purchase price;

(2) In the case of a customer who purchases a security through or from a broker or dealer and who makes payment therefor prior to the time when payment is requested or notification is given that payment is due, the time when such broker or dealer delivers the security to or into the account of such customer;

(3) In the case of a customer who sells a security through or to a broker or dealer, except as provided in paragraph (4), if the security is not in the custody of the broker or dealer at the time of sale, the time when the security is delivered to the broker or dealer, and if the security is in the custody of the broker or dealer at the time of sale, the time when the broker or dealer transfers the security from the account of such customer;

(4) In the case of a customer who sells a security through or to a broker or dealer and who delivers such security to such broker or dealer prior to the time when delivery is requested or notification is given that delivery is due, the time when such broker or dealer makes payment to or into the account of such customer.

RULE MC2. *Fraud and Misrepresentation.*—(a) The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

(b) The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any untrue statement of a material fact and any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, which statement or omission is made with

knowledge or reasonable grounds to believe that it is untrue or misleading.

(c) The scope of this rule shall not be limited by any specific definitions of the term "manipulative, deceptive, or other fraudulent device or contrivance" contained in other rules adopted pursuant to Section 15 (c) of the Act.

RULE MC3. *Misrepresentation by Brokers and Dealers as to Registration.*—The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any representation by a broker or dealer that the registration of a broker or dealer, pursuant to Section 15 (b), or the failure of the Commission to deny or revoke such registration, indicates in any way that the Commission has passed upon or approved the financial standing, business, or conduct of such registered broker or dealer or the merits of any security or any transaction or transactions therein.

RULE MC4. *Confirmation of Transactions.*—The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any act of any broker or dealer designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of, any security unless such broker or dealer, at or before the completion of each such transaction, gives or sends to such customer written notification disclosing (1) whether he is acting as a broker for such customer, as a dealer for his own account, as a broker for some other person, or as a broker for both such customer and some other person; and (2) in any case in which he is acting as a broker for such customer or for both such customer and some other person, either the name of the person from whom the security was purchased or to whom it was sold for such customer and the date and time when such transaction took place or the fact that such information will be furnished upon the request of such customer, and the source and amount of any commission or other remuneration received or to be received by him in connection with the transaction.

RULE MC5. *Disclosure of Control.*—The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any act of any broker or dealer controlled by, controlling, or under common control with, the issuer of any security, designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of, such security unless such broker or dealer, before entering into any contract with or for such customer for the purchase or sale of such security, discloses to such customer the existence of such control, and unless such disclosure, if not made in writing, is supplemented by the giving or sending of written disclosure at or before the completion of the transaction.

RULE MC6. *Disclosure of Interest in Distributions.*—The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any act of any broker who is acting for a customer or for both such customer and some other person, or of any dealer who receives or has promise of receiving a fee from a customer for advising such customer with respect to securities, designed to effect with or for the account of such customer any transaction in, or to induce the purchase or sale by such customer of, any security in the primary or secondary distribution of which such broker or dealer is participating or is otherwise financially interested unless such broker or dealer, at or before the completion of each such transaction gives or sends to such customer written notification of the existence of such participation or interest.

RULE MC7. *Discretionary Accounts.*—(a) The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any act of any broker or dealer designed to effect with or for any customer's account in respect to which such broker or dealer or his agent or employee is vested with any discretionary power any transactions of purchase or sale which are excessive in size or frequency in view of the financial resources and character of such account.

(b) The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any act of any broker or dealer designed to effect with or for any customer's account in respect to which such broker or dealer or his agent or employee is vested with any discretionary power any transaction of purchase or sale unless immediately after effecting such transaction such broker or dealer makes a record of such transaction which record includes the name of such customer, the name, amount and price of the security, and the date and time when such transaction took place.

RULE MC8. *Sales at the Market.*—The term "manipulative, deceptive, or other fraudulent device or contrivance", as used in Section 15 (c) of the Act, is hereby defined to include any representation made to a customer by a broker or dealer who is participating or otherwise financially interested in the primary or secondary distribution of any security which is not admitted to trading on a national securities exchange that such security is being offered to such customer "at the market" or at a price related to the market price unless such broker or dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created, or controlled by him, or by any person for whom he is acting or with whom he is associated in such distribution, or by any person controlled by, controlling or under common control with him.

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, and deeming the acts or practices hereinafter prohibited to be devices and contrivances which are manipulative and deceptive, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 10 (b) and 23 (a) thereof, hereby adopts the following rules:

RULE GB2. *Solicitation of Purchases on an Exchange to Facilitate a Distribution of Securities.*—(a) No person, participating or otherwise financially interested in the primary or secondary distribution of any security of any issuer, shall, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange

(1) pay or offer or agree to pay, directly or indirectly, to any person any compensation for soliciting another to purchase any security of the same issuer on a national securities exchange, or for purchasing any security of the same issuer on any such exchange for any account other than the account of the person who pays or is to pay such compensation; or

(2) sell, offer to sell or induce an offer to buy such security, or deliver such security after sale, if, in connection with such distribution, such person has paid, or has offered or agreed to pay, directly or indirectly, to any person, any compensation for soliciting another to purchase any security of the same issuer on any national securities exchange, or for purchasing any security of the same issuer on any such exchange for any account other than the account of the person who has paid or is to pay such compensation.

(b) No person, participating or otherwise financially interested in the primary or secondary distribution of any security of any issuer, shall cause a purchase or sale of any security of the same issuer on a national securities exchange by paying or offering or agreeing to pay, directly or indirectly, to any person any compensation for soliciting another to purchase such security on any such exchange, or for purchasing such security on any such exchange for any account other than the account of the person who pays or is to pay such compensation.



(c) The provisions of this rule shall not apply in respect to any salary paid by a broker or dealer to any person regularly employed by him whose ordinary duties include the solicitation or execution of brokerage orders on a national securities exchange, if such salary represents only ordinary compensation for the discharge by such person of such duties in the regular course of his employment, and is not paid, in whole or in part, directly or indirectly, for the inducement by such person of the purchase or sale on a national securities exchange of any security of the issuer of the security in the primary or secondary distribution of which such broker or dealer is participating or otherwise financially interested.

RULE GB3. *Employment of Manipulative and Deceptive Devices.*—It shall be unlawful for any broker or dealer, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to use or employ, in connection with the purchase or sale of any security otherwise than on a national securities exchange, any act, practice, or course of business defined by the Commission to be included within the term "manipulative, deceptive, or other fraudulent device or contrivance", as such term is used in Section 15 (c) of the Act.

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 17 (a) and 23 (a) thereof, hereby adopts the following rule:

RULE OA1. *Preservation of Records Under Rule MC7.*—Every broker or dealer subject to the provisions of Section 15 (c) shall keep and preserve for at least twelve months such records as such broker or dealer may be required to make pursuant to the provisions of Rule MC7.

The foregoing rules shall become effective October 1, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2504; Filed, August 10, 1937; 1:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of August, A. D. 1937.

[File No. 32-45]

IN THE MATTER OF TIDEWATER ELECTRIC SERVICE COMPANY (APPLICATION PURSUANT TO SECTION 6 (B) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

SUPPLEMENTAL NOTICE OF AND ORDER FOR HEARING

An amended application having been duly filed with this Commission, by Tidewater Electric Service Company, a subsidiary company of East Coast Public Service Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by applicant of its First Mortgage Note in the principal amount of $125,000, to be dated as of July 1, 1937 and to evidence a loan from the United States of America, through the Rural Electrification Administration, it being stated by applicant that the proceeds of said note are to be used solely for the purpose of financing applicant's business and that said issue and sale have been expressly authorized by the State Corporation Commission of Virginia, the State commission of the State in which applicant is organized and does business.

It is ordered that a hearing on such matter be held on August 27, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 23, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2509; Filed, August 11, 1937; 12:19 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of August, 1937.

[File No. 2-1449]

IN THE MATTER OF GOLDEN CONQUEROR MINES, INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Golden Conqueror Mines, Inc., of Manitou, Colorado, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Golden Conqueror Mines, Inc., of Manitou, Colorado, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2508; Filed, August 11, 1937; 12:19 p. m.]

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*Friday, August 13, 1937* *No. 156*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

EXTENDING THE PROVISIONS OF THE CIVIL SERVICE RETIREMENT ACT TO CERTAIN FEDERAL EMPLOYEES ON THE ISTHMUS OF PANAMA

By virtue of and pursuant to the authority vested in me by section 3 of the Civil Service Retirement Act of May 29,

1930 (46 Stat. 470, U. S. C., title 5, sec. 693), and upon recommendation of the Civil Service Commission, the provisions of the said Act are hereby extended to apply to all federal employees on the Isthmus of Panama who are citizens of the United States and to whom the Canal Zone Retirement Act of March 2, 1931 (46 Stat. 1471, U. S. C., title 48, sec. 1371), does not apply and whose tenure of office or employment is not intermittent or of uncertain duration.

THE WHITE HOUSE, FRANKLIN D ROOSEVELT

*August 10, 1937.*

[No. 7687]

[F. R. Doc. 37-2515; Filed, August 11, 1937; 2:28 p. m.]

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EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 3206 OF DECEMBER 30, 1919, AS AMENDED, CREATING THE FEDERAL BOARD OF SURVEYS AND MAPS

By virtue of and pursuant to the authority vested in me as President of the United States, Executive Order No. 3206 of December 30, 1919, as amended, creating the Federal Board of Surveys and Maps, is hereby further amended by adding the Division of Maps and Charts, The National Archives, to the list of organizations entitled to membership on the said Board.

THE WHITE HOUSE, FRANKLIN D ROOSEVELT

*August 10, 1937.*

[No. 7688]

[F. R. Doc. 37-2516; Filed, August 11, 1937; 2:28 p. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 31]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF ILLINOIS AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT SPRINGFIELD, ILLINOIS, ON SEPTEMBER 9, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Illinois directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Illinois on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Illinois would be desirable, and upon investigation hereby orders:

1. That on September 9, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Leland Hotel, Springfield, Illinois, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Illinois, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Illinois in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Springfield, Illinois, on September 9, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Illinois and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Illinois in which bituminous coal is produced.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

Dated this 11th day of August, 1937.

[F. R. Doc. 37-2521; Filed, August 12, 1937; 11:41 a. m.]

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[Order No. 32]

AN ORDER PROVIDING FOR A PUBLIC HEARING AT DENVER, COLORADO, ON AUGUST 23, 1937, ON COORDINATED MARKETING RULES AND REGULATIONS FOR APPLICATION TO CODE MEMBERS IN DISTRICTS NO. 14 TO NO. 23, BOTH INCLUSIVE, AND MODIFYING THE PROVISIONS OF ORDER NO. 25 ACCORDINGLY

The District Boards for Districts No. 14 to No. 23, both inclusive, having complied with the requirements of Order No. 25 of the Commission by proposing marketing rules and regulations incidental to the sale and distribution of coal by code members within such districts, and having coordinated such proposed marketing rules and regulations as required by the Act and the Order of the Commission, and it appearing that the convenience of such district boards, of code members within such districts, and of other interested persons will be best served by conducting the required hearing at a point readily accessible to said districts:

*Now, therefore*, Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs as follows:

1. That the public hearing designated by the Commission in its Order No. 25 to be held in the City of Washington, D. C., on the 23rd day of August, 1937, shall, insofar as Districts No. 14 to No. 23, both inclusive, are concerned, be held in the City of Denver, Colorado, which hearing shall be held at a Hearing Room of the Commission in the Central Savings Bank Building, Denver, Colorado, on the 23rd day of August, 1937, commencing at the hour of 10:00 o'clock A. M.

At such hearing evidence will be received to enable the Commission to establish marketing rules and regulations incidental to the sale and distribution of coal by code members within Districts No. 14 to No. 23, both inclusive.

The public hearing for marketing rules and regulations for application in Districts No. 1 to No. 13, both inclusive, shall be held in the City of Washington, D. C., at the time and place designated in Order No. 25.

2. The Secretary of the Commission shall file with the Secretary of each District Board for Districts No. 14 to No. 23, both inclusive, a copy of the marketing rules and regulations as coordinated, which shall be available for inspection by any interested person at any time prior to the holding of said hearing.

Notice of the time, place, and purpose of the hearing to be held under this Order shall be given by the Secretary of the Commission by publishing a copy of this Order once in a newspaper of general circulation in each of Districts No. 14 to No. 23, both inclusive, and by mailing a copy of this Order to the Secretary of each of said District Boards and to the Consumers' Counsel.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

Dated this 11th day of August, 1937.

[F. R. Doc. 37-2522; Filed, August 12, 1937; 11:41 a. m.]

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[Order No. 33]

AN ORDER PROVIDING FOR A SUPPLEMENTAL HEARING TO BE HELD AT DENVER, COLORADO, ON AUGUST 23, 1937, AND MODIFYING ORDERS NO. 9 AND NO. 12 FOR THAT PURPOSE

Public hearings having been held at Washington, D. C. pursuant to Orders No. 9 and No. 12 of the Commission,' to receive evidence for the purpose of enabling the Commission to determine the persons referred to in Section 4, Part II (h) of the Bituminous Coal Act of 1937 as "Distributors"; to determine farmers' cooperative organizations entitled to receive discounts under the provisions of subsection (i) 13 of Part II of Section 4 of said Act; to determine due and reasonable maximum discounts or price allowances by code members to persons entitled thereto under the provisions of the Act; and to determine and prescribe reasonable rules and regulations governing "Distributors" entitled to discounts under said Act so as to require the maintenance and observance by such persons, in the resale of coal subject to the jurisdiction of the Act, of the prices and marketing rules and regulations established by the Commission; and it appearing that the convenience of code members, distributors, and other interested persons will be served by the holding of supplemental hearings at points within the coal producing areas of the United States;

*Now, therefore*, Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs as follows:

1. That a supplemental hearing shall be held at a Hearing Room of the Commission in the Central Savings Bank Building, Denver, Colorado, on the 23rd day of August, 1937, commencing at the hour of 10:00 o'clock A. M., for the purpose of receiving additional evidence on the subjects provided for in said Order No. 9, and particularly of receiving evidence as to the rates and amounts of due and reasonable maximum discounts or price allowances to distributors by code members within Districts Nos. 16 to 23, both inclusive.

Notice of the time, place, and purpose of the hearing to be held under this Order shall be given by the Secretary of the Commission by publishing a copy of this Order once in a newspaper of general circulation in each of Districts Nos. 16 to 23, both inclusive, and by mailing a copy of this Order to the Secretary of each of said District Boards and to the Consumers' Counsel.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

Dated this 11th day of August, 1937.

[F. R. Doc. 37-2523; Filed, August 12, 1937; 11:42 a. m.]



[Order No. 34]

AN ORDER PROVIDING FOR A SUPPLEMENTAL HEARING TO BE HELD AT KANSAS CITY, MISSOURI, ON AUGUST 30, 1937, AND MODIFYING ORDERS NO. 9 AND NO. 12 FOR THAT PURPOSE

Public hearings having been held at Washington, D. C., pursuant to Orders No. 9 and No. 12 of the Commission, to receive evidence for the purpose of enabling the Commission to determine the persons referred to in Section 4, Part II (h) of the Bituminous Coal Act of 1937 as "Distributors"; to determine farmers' cooperative organizations entitled to receive discounts under the provisions of subsection (i) 13 of Part II of Section 4 of said Act; to determine due and reasonable maximum discounts or price allowances by code members to persons entitled thereto under the provisions of the Act; and to determine and prescribe reasonable rules and regulations governing "Distributors" entitled to discounts under said Act so as to require the maintenance and observance by such persons, in the resale of coal subject to the jurisdiction of the Act, of the prices and marketing rules and regulations established by the Commission, and it appearing that the convenience of code members, distributors, and other interested persons will be served by the holding of supplemental hearings at points within the coal producing areas of the United States;

*Now, therefore*, Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs as follows:

1. That a supplemental hearing shall be held in a hearing room of the Commission in the Hotel President, Kansas City, Missouri, on the 30th day of August, 1937, commencing at the hour of 10:00 o'clock A. M., for the purpose of receiving additional evidence on the subjects provided for in said Order No. 9, and particularly of receiving evidence as to the rates and amounts of due and reasonable maximum discounts or price allowances to distributors by code members within Districts No. 12, No. 14, and No. 15.

Notice of the time, place, and purpose of the hearing to be held under this Order shall be given by the Secretary of the Commission by publishing a copy of this Order once in a newspaper of general circulation in each of Districts No. 12, No. 14, and No. 15, and by mailing a copy of this Order to the Secretary of each of said District Boards and to the Consumers' Counsel.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

Dated this 11th day of August, 1937.

[F. R. Doc. 37-2524; Filed, August 12, 1937; 11:42 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

REPORTS REQUIRED TO BE FILED BY NOVEMBER 10, 1937, BY EVERY COMMON CARRIER CONCERNING AMOUNT OF TRAFFIC FOR THE SEVERAL CLASSIFICATIONS OF MESSAGES

The Telegraph Division at a special meeting on August 6, 1937, adopted the following Order:

ORDER NO. 23-A

Pursuant to Section 218 of the Communications Act of 1934, as amended, for the purpose of obtaining information necessary to enable the Commission to perform its duties and carry out the objects for which it was created.

*It is ordered* That every common carrier subject to the Communications Act engaged in foreign telegraph communication shall file with the Commission not later than November 10, 1937, in duplicate, under oath (on a form, for each country, like that attached hereto, and in accordance with the instructions thereon) a statement showing the following information separately for full rate ordinary (subclassified by plain language and cipher messages), full rate urgent (subclassified by plain language and

cipher messages), CDE ordinary, CDE urgent, ordinary press, urgent press, deferred press (LC), United States Government ordinary, United States Government CDE, Foreign Government ordinary, Foreign Government CDE, deferred (LC), letter (NLT and DLT) telegrams, and all other paid messages, by separate classifications and subclassifications, transmitted or received by such carrier during the twenty-four hour periods on the seven days following (showing only the totals for the seven days): September 2, 7, 11, 12, 15, 20, and 24, 1937.

1. Number of messages and words originated in each country outside the continental United States (including Hawaii and the Philippine Islands and excluding Canada and Mexico) for delivery in the continental United States, shown separately by countries of origin.

2. Number of messages and words originated in the continental United States, transmitted by such carrier and destined to each country outside the continental United States (including Hawaii and the Philippine Islands, and excluding Canada and Mexico) shown separately by countries of destination;

3. Number of messages and words between foreign countries (including Hawaii and the Philippine Islands) relayed in the continental United States; showing separately the inbound traffic of this nature to the continental United States for relay, by countries of origin; and showing separately the outbound traffic of this nature from the continental United States, by countries of destination; excluding traffic between Canada and Mexico; and

4. Number of messages and words between fixed stations in the continental United States and mobile stations showing separately the number of such messages and words originated in or destined to points in the continental United States and the number of such messages and words originated in or destined to foreign countries, relayed through fixed stations in the continental United States (including Hawaii and the Philippine Islands).

For the purposes of this order, the continental United States shall include the several states and the District of Columbia only.

In connection with messages in classifications where there is a chargeable minimum, the number of paid words actually sent shall be shown.

The classifications of messages set forth herein are for convenience only and nothing herein contained shall be construed as approval by the Commission of such classifications.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. D. Doc. 37-2517; Filed, August 12, 1937; 9:41 a. m.]

Carrier ..... Sheet No. .....
Country* of origin of inbound traffic (both U. S. and transiting) .....
Country* of destination of outbound traffic (both U. S. and transiting) .....
Nationality* of ships or aircraft, for mobile traffic .....
..... Date .....

| Class of message | Traffic between fixed stations | | | | | | | | Mobile traffic [1] | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Traffic originated in or destined to the United States | | | | Transiting traffic [2] | | | | Traffic originated in or destined to the continental United States | | Traffic originated in or destined to foreign countries | |
| | Inbound traffic [3] | | Outbound traffic [3] | | Inbound traffic [4] | | Outbound traffic [4] | | | | | |
| | Messages | Words | Messages | Words | Messages | Words | Messages | Words | Messages | Words | Messages | Words |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| Total | | | | | | | | | | | | |

*Use separate sheets for each country.

INSTRUCTIONS

[1] Show under this heading all traffic originated in the foreign country for which this sheet is used, destined for delivery in the continental United States. When two or more carriers subject to the Communications Act participate in the handling of such a message, only the carrier first receiving the message shall report.

[2] Show under this heading all traffic originated in the continental United States, destined for delivery in the foreign country for which this sheet is used. When two or more carriers subject to the Communications Act participate in the handling of such a message, only the carrier actually transmitting the message from the continental United States shall report.

[3] Transiting traffic shall include messages between foreign countries (including Hawaii and the Philippine Islands) relayed in the continental United States, excluding traffic between Canada and Mexico and traffic involving a mobile station.

[4] The term "inbound" as related to transiting traffic refers to transiting messages originated in the foreign country for which this sheet is used and received in the continental United States for relay. The term "outbound" as related to transiting traffic, refers to transiting messages destined for delivery in the foreign country for which this sheet is used and transmitted outbound from the continental United States. Inbound transiting traffic shall not be classified by countries of destination and outbound transiting traffic shall not be classified by countries of origin. Both the inbound and outbound movement of a transiting message shall be reported separately whether or not performed by the same carrier, but only the carrier first receiving a transiting message for relay in the continental United States shall report the inbound movement and only the carrier transmitting such message from the continental United States shall report the outbound movement.

[5] Show under this heading traffic to and from mobile stations on ships or aircraft of the country for which this sheet is used. Only the carrier receiving from or transmitting to the mobile station shall report such traffic. If the mobile station be an aircraft, designate with a footnote. Traffic between American ships or aircraft and points in the continental United States shall be included.

AMENDMENT TO PARAGRAPH 3 (B) OF ORDER NO. 28 REGARDING "MODEL AR-8600 AUTO ALARM"

The Telegraph Division at a special meeting held on August 6, 1937, adopted the following Order amending paragraph 3 (b) of Order No. 28:

ORDER NO. 28-A

The Telegraph Division having under consideration the request of Radiomarine Corporation of America, made pursuant to paragraph 1 of Order No. 28, entered by the Telegraph Division, March 10, 1937, to amend paragraph 3 (b) of said Order No. 28 so that the minimum value specified therein would be reduced from 100 volts to 90 volts; and

Whereas, said paragraph 3 (b) of said Order No. 28 stipulates that an arrangement shall be provided in regard to Radiomarine Corporation of America "Model AR-8600 Auto Alarm" to energize the audible alarms if and when the ship's line voltage decreases to 100 volts or less; and

Whereas, the Commission is satisfied that such an amendment will eliminate frequent sounding of the alarm bells due to fluctuations in voltage from the normal value of 110 volts to a minimum value of 90 volts, and thus increase the efficiency of the apparatus without reducing the voltage below a safe minimum where risk of failure of the sounding of alarms would be present;

*It is therefore ordered*, That paragraph 3 (b) of Telegraph Division Order No. 28 be amended to read as follows:

An arrangement shall be provided to energize the audible alarms if and when the voltage of the 110 volt direct current power supply decreases to 90 volts or less, or in lieu of energizing the audible alarms, the auto-alarm may be automatically connected to a comparable substitute source of power supply producing a voltage of not less than 90 volts.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2518; Filed, August 12, 1937; 9:41 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5477]

MISSOURI GENERAL UTILITIES COMPANY; TWIN CITY LIGHT AND POWER COMPANY

ORDER SETTING DATE OF HEARING

Upon joint application of Missouri General Utilities Company and Twin City Light and Power Company with offices at Rolla, Missouri, filed August 5, 1937, pursuant to Section 203 (a) of the Federal Power Act, for approval of the sale of the franchises and property of the latter to the former company and of the acquisition of the stock of the latter by the former company:

It is ordered:

That a public hearing on said application be held on September 8, 1937, at 10 a. m. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.

Adopted by the Commission on August 10, 1937.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 37-2520; Filed, August 12, 1937; 9:41 a. m.]

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket Nos. ID 257, 288, 331, 343 and 445]

ORDER TO SHOW CAUSE WHY AUTHORIZATIONS OF THOMAS HARPER BLODGETT, FRED S. BURROUGHS, CHARLES A. DOUGHERTY, EBEN THOMAS EDMONDS, AND SANFORD J. MAGEE TO HOLD CERTAIN INTERLOCKING POSITIONS PURSUANT TO SECTION 305 (B) SHOULD NOT BE TERMINATED

It appearing to the Commission:

(1) That the Commission has heretofore authorized Thomas Harper Blodgett, Fred S. Burroughs, Charles A. Dougherty, Eben Thomas Edmonds, and Sanford J. Magee to hold certain interlocking positions pursuant to application filed by each of them under Section 305 (b) of the Federal Power Act, being Docket Nos. ID 257, 288, 331, 343, and 445, respectively; the Commission's order of authorization in each case specifically reserving to the Commission the right to require any or all of said persons to make further showing that neither public nor private interests will be adversely affected thereby, and to make any other or further order or orders in respect to any or all of said applications;

(2) That it is in the public interest that the persons aforesaid be required to make further showing why the continuance of their several authorizations will not adversely affect either public or private interests, and why said authorizations and each of them should not be terminated;

It is therefore ordered:

That a hearing on said matters be held in the Commission's hearing room, at 1800 Pennsylvania Avenue, N. W., Washington, D. C., at 10 a. m. on the 20th of September, 1937, and that at such hearing the said Thomas Harper Blodgett, Fred S. Burroughs, Charles A. Dougherty, Eben Thomas Edmonds, Sanford J. Magee, and each of them show cause why the authorization heretofore granted on his application should not be terminated.

Adopted by the Commission on August 10, 1937.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 37-2519; Filed, August 12, 1937; 9:41 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of August, A. D. 1937.

[File No. 32-69]

IN THE MATTER OF THE MYSTIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by The Mystic Power Company, a subsidiary of New England Power Association, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by the applicant of 3,500 shares of its capital stock of the par value of $100 per share, it being stated in said application that such issue and sale are solely for the purpose of financing the business of the applicant, namely, to discharge indebtedness incurred for expenditures made by the applicant for improvements and to provide funds to be used in payment for proposed improvements of the applicant's property, and that such issue and sale have been expressly authorized by the Public Utilities Commission of Connecticut, the state in which the applicant is organized and doing business.

It is ordered that a hearing on such matter be held on August 30, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 24, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2527; Filed, August 12, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of August, 1937.

[File No. 1-852]

IN THE MATTER OF NATIONAL LEATHER COMPANY COMMON STOCK, $10 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike the $10 Par Value Common Stock of the National Leather Company from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10:00 o'clock, A. M., on Tuesday, September 21, 1937, in Room 630, Bankers' Building, 105 W. Adams Street, Chicago, Ill., and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that W. McNeill Kennedy and Henry Fitts, or either of them, officers of the Commission be and

they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Recording Secretary.*

[F. R. Doc. 37-2526; Filed, August 12, 1937; 12:36 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of August, A. D. 1937.

[File No. 37-14]

IN THE MATTER OF CITIZENS UTILITIES COMPANY

[Public Utility Act of 1935]

AMENDMENT TO ORDER GRANTING TEMPORARY EXEMPTION FROM THE PROVISIONS OF SECTION 13 (A) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Citizens Utilities Company, a registered holding company, having filed an application, and amendments thereto, for an exemption from the provisions of Section 13 (a) of the Public Utility Holding Company Act of 1935; a hearing on said application, as amended, having been duly held after appropriate notice; the Commission having issued an order on October 6, 1936, exempting said Citizens Utilities Company from the provisions of Section 13 (a) of said Act for a period of six months from the date of such order; said exemption having been twice extended, in each instance for an additional sixty-day period; said Citizens Utilities Company having requested a further extension of such exemption pending determination of a certain application made by said Citizens Utilities Company to the Federal Power Commission and the Commission thereupon having reconsidered the record in this case;

It is ordered that said order dated October 6, 1936, as heretofore amended, be, and it hereby is, further amended to extend the exemption granted therein until sixty days after determination by the Federal Power Commission of said application now pending before it.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Recording Secretary.*

[F. R. Doc. 37-2525; Filed, August 12, 1937; 12:36 p. m.]

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*Saturday, August 14, 1937* *No. 157*

## TREASURY DEPARTMENT.

### Accounts and Deposits.

EXEMPTION ORDER PURSUANT TO SECTION 4 OF THE GOVERNMENT LOSSES IN SHIPMENT ACT

Whereas section 4 of the Government Losses in Shipment Act (Public No. 192, 75th Congress, approved July 8, 1937) provides in part as follows:

On and after the effective date of the regulations prescribed under section 1, no executive department, * * * officer, or employee shall expend any money, or incur any obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables except as specifically authorized by the Secretary of the Treasury. The Secretary of the Treasury may give such authorization if he shall find that the risk of loss, destruction, or damage in such shipment cannot be adequately guarded against by the facilities of the United States or that the circumstances are such that adequate replacement cannot be provided under this Act.;

and

Whereas I find that the risk of loss, destruction, or damage in shipments of gold and silver coin or bullion to, from, between, or within foreign countries under the provisions of the Gold Reserve Act of 1934, as amended, and the Silver Purchase Act of 1934 cannot be adequately guarded against by the facilities of the United States:

It is hereby ordered that such shipments are excepted from the prohibitions contained in the first sentence of section 4 of the Government Losses in Shipment Act.

The Secretary of the Treasury may at any time supplement, amend, or revoke this Order.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

AUGUST 12, 1937.

[F. R. Doc. 37-2538; Filed, August 13, 1937; 12:40 p. m.]

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### Bureau of Customs.

[T. D. 49109]

FOREIGN-TRADE AGREEMENTS

PUBLIC NOTICE OF INTENTION TO NEGOTIATE A FOREIGN-TRADE AGREEMENT WITH THE GOVERNMENT OF ECUADOR

AUGUST 2, 1937.

*To Whom It May Concern:*

Pursuant to section 4 of the act of Congress approved June 12, 1934, and extended on March 1, 1937, entitled "An Act to Amend the Tariff Act of 1930" and Executive Order No. 6750 of June 27, 1934, the Secretary of State on April 5, 1937, gave formal notice of intention to negotiate a foreign-trade agreement with the Government of Ecuador. By an oversight, this notice was not published in *Treasury Decisions* at the time of its issuance, and it is accordingly reproduced below.

This notice states, *inter alia*, that all information and views in writing and all applications for supplemental oral presentation of views shall be submitted to the Committee for Reciprocity Information not later than twelve o'clock noon, May 3, 1937, and that supplemental oral statements will be heard at a public hearing beginning at ten o'clock a. m., on May 17, 1937. The Bureau of Customs has been officially advised that in view of the fact that both of these dates have passed, the Committee for Reciprocity Information is prepared to receive information and views in writing and application for supplemental oral presentation of views until twelve o'clock noon, September 2, 1937, from any interested person who was not informed of the notice given on April 5, 1937. In the event that any such applications are received by that date, a public hearing, at which additional oral statements will be heard, will begin at ten o'clock a. m., on September 9, 1937.

Attention is called to two Press Releases issued by the Department of State on April 5, 1937, in connection with the notice of intention to negotiate with Ecuador, entitled "Presentation of Views to the Committee for Reciprocity Information with Reference to Trade Agreement Negotiations with Ecuador" and "List of Products on Which the United States Will Consider Granting Concessions to Ecuador."

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

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PUBLIC NOTICE

TRADE AGREEMENT NEGOTIATIONS WITH ECUADOR

Pursuant to Section 4 of an Act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as amended, and Executive Order No. 6750 of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Ecuador.



*Time and Place for Presentation of Written and Oral Statements*

The Committee for Reciprocity Information has prescribed that all information and views in writing and all applications for supplemental oral presentation of views shall be submitted to the Committee for Reciprocity Information not later than twelve o'clock noon, May 3, 1937. They should be addressed to "Acting Chairman, Committee for Reciprocity Information, Old Land Office Building, 8th and E Streets, Northwest, Washington, D. C." Supplemental oral statements will be heard at a public hearing beginning at ten o'clock a. m., on May 17, 1937, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Old Land Office Building.

*Form and Manner of Presentation*

The Committee for Reciprocity Information has prescribed the following regulations governing the submission of written and oral statements:

Written statements must be either typewritten or printed. They must be submitted in sextuplicate and at least one copy must be sworn to. Such statements will be treated as confidential, for the use only of the interdepartmental trade agreements organization.

Oral statements may be made to the Committee at the public hearing only by persons who have filed written statements or briefs and who have, within the time prescribed, made written application for a hearing in order that a schedule of appearances may be arranged. Oral statements shall be under oath.

CORDELL HULL,
*Secretary of State.*

*April 5, 1937.*

[F. R. Doc. 37-2528; Filed, August 13, 1937; 10:05 a. m.]

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[T. D. 49122]

COUNTERVAILING DUTIES ON BUTTER FROM LITHUANIA

*To Collectors of Customs and Others Concerned:*

The Bureau is in receipt of official information which establishes to its satisfaction that a bounty or grant, within the meaning of the provisions of section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303), is being paid or bestowed on butter exported from Lithuania.

The amount of the bounty or grant paid or bestowed at the present time on such merchandise is estimated to be Lithuanian litas 0.30 per kilogram of butter.

Butter from Lithuania, imported directly or indirectly, and entered for consumption or withdrawn from warehouse for consumption after thirty days after the publication of this order in the weekly Treasury Decisions will be subject to the payment of countervailing duties equal to any bounty or grant found to have been paid or bestowed upon the exportation thereof, as determined or estimated and declared thereafter, whether such butter is imported in the same condition as when exported from Lithuania or has been changed in condition in a third country by remanufacture or otherwise.

A deposit of estimated countervailing duty, calculated at the rate of Lithuanian litas 0.30 per kilogram of butter, shall be required in respect of all butter from Lithuania imported and entered for consumption or withdrawn from warehouse for consumption on and after the effective date of this order. Liquidation of entries shall be suspended pending estimation or determination and declaration of the amount of bounty or grant paid or bestowed and the amount of the countervailing duty to be collected.

The facts of each case shall be reported promptly to the Bureau.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved: August 7, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2529; Filed, August 13, 1937; 10:05 a. m.]

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## WAR DEPARTMENT.

RULES AND REGULATIONS TO GOVERN THE NAVIGATION THROUGH THE REACH OF THE ATCHAFALAYA RIVER (BERWICK BAY) IN THE VICINITY OF THE SOUTHERN PACIFIC RAILROAD BRIDGE AT MORGAN CITY, LOUISIANA

THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

That section four of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, as amended by section eleven of the river and harbor Act of June thirteenth, nineteen hundred and two, be, and is hereby, amended so as to read as follows:

SEC. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

THE REGULATIONS

In pursuance of the law quoted above the following regulations are prescribed to govern the use, administration, and navigation through the reach of the Atchafalaya River (Berwick Bay) in the vicinity of the Southern Pacific Railroad Bridge at Morgan City, Louisiana.

1. Whenever the velocity of flow through the reach in the Atchafalaya River (Berwick Bay) at Morgan City, Louisiana, reaches or exceeds a critical velocity as designated by the District Engineer, U. S. Engineer Department at Large, in charge of the locality, the movement of tows downstream through the Southern Pacific Railroad bridge at Morgan City, Louisiana, will be governed by day and night visual signals displayed at the center of the drawspan above the operator's house on top of the bridge structure. During periods of foggy or inclement weather, or when for other reasons, the visual signals cannot be readily seen, notice that the signals are displayed will be given by a blast of a fog horn (located on the bridge) of six seconds duration each minute.

2. By day the signals will consist of two red balls displayed vertically, one above the other from a pole. At night a light will be displayed immediately above the usual bridge light. When the bridge is in closed position the light will be red. When the bridge is open, following usual practice, this all red light will change to green.

3. When the above signals are displayed, indicating that the velocity of the current has reached or exceeds the critical velocity established, unless otherwise permitted by the District Engineer, tows moving downstream through the navigation opening of the bridge shall not exceed one barge and towing vessel and in passing through the bridge tows shall be drifted through at a speed not to exceed the velocity of flow through the reach, with towing vessel in the rear, or lashed securely to the side of the barge.

4. When velocities are below the critical velocity, only the usual bridge lights will be displayed. Towing vessels will not be required to alter towing position or to break tows in passing the bridge.

5. Downbound vessels and tows shall have right of way over upbound vessels and tows. When two vessels or tows are about to enter the navigation opening through the bridge from opposite directions at the same time, the ascending vessel and tows shall be stopped below such opening until the descending vessel shall have passed through.

6. These regulations shall take effect and be in force on and after the date of approval hereof, and shall supersede the emergency regulations approved March 2, 1937.

Approved, July 28, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F. R. Doc. 37-2530; Filed, August 13, 1937; 10:23 a. m.]

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REGULATIONS TO GOVERN THE OPENING OF DRAWBRIDGES AT NEW HAVEN, CONNECTICUT

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

THE REGULATIONS

In pursuance of the foregoing law, the following regulations are prescribed to govern the opening of certain drawbridges operated by the City of New Haven, Connecticut, as follows:

Tomlinson Bridge.
Chapel Street Bridge across Mill River.
Ferry Street Bridge across Quinnipiac River.
Grand Avenue Bridge across Quinnipiac River.
Kimberly Avenue Bridge across West River.

1. The owners of, or agencies controlling the above-named bridges shall provide the appliances and personnel necessary for the safe, prompt and efficient operation of the draw.

2. The draw shall be opened promptly when the signal, hereinafter prescribed for the opening of the draw, is received from an approaching vessel or other water craft which cannot pass under the closed draw except as hereinafter provided.

3. Signals:

*Call Signals for Opening of Draw*

Sound Signals:

Tomlinson Bridge—Two short blasts of horn or whistle.

Chapel Street Bridge—Three short blasts of horn or whistle.

Ferry Street Bridge—One short blast of horn or whistle.

Grand Avenue Bridge—One long blast of horn or whistle.

Kimberly Avenue Bridge—Three short blasts of horn or whistle.

Visual Signals:

To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard.

A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

*Acknowledging Signals*

By Bridge Operator

Sound Signals:

Draw to be opened immediately: Same as call signal.

Draw cannot be opened immediately, or, if open, must be closed immediately: 2 long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

Visual Signals:

Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

By the Vessel

Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

*Exceptions*

Closed periods when the draws need not be opened are authorized as follows:

Between 7:30 a. m. and 8:00 a. m.,
Between 12:00 m. and 12:15 p. m.,
Between 12:45 p. m. and 1:00 p. m., and
Between 5:00 p. m. and 5:30 p. m.

4. A copy of these regulations shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

5. These regulations shall take effect and be in force on and after the date of approval hereof and the regulations approved March 20, 1923, to govern the operation of the above named bridges are hereby revoked.

Approved, August 3, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F. R. Doc. 37-2531; Filed, August 13, 1937; 10:23 a. m.]

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DEPARTMENT OF THE INTERIOR.

Division of Grazing.

IDAHO GRAZING DISTRICT NO. 1

MODIFICATION

AUGUST 7, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of April 8, 1935, establishing Idaho Grazing District No. 1 is hereby revoked as far as it affects any islands in the Snake River within the exterior limits of the following-described area, such revocation to be effective upon the inclusion of the land within the Snake River Migratory Waterfowl Refuge:



IDAHO

*Boise Meridian*

T. 1 N., R. 2 W.,
sec. 31;
T. 1 N., R. 3 W.,
secs. 5, 6, 7, 8, 16, 17, 21, 22, 26, 27, 35, and 36;
T. 2 N., R. 3 W.,
sec. 31;
T. 2 N., R. 4 W.,
secs. 2, 3, 11, 14, 23, 25, 26, 35, and 36;
T. 3 N., R. 4 W.,
secs. 17, 18, 20, 21, 22, 27, 28, and 34;
T. 3 N., R. 5 W.,
secs. 3, 4, 10, 11, 13, 14, and 15;
T. 1 S., R. 2 W.,
secs. 6, 7, 8, 17, 20, 21, 25, 26, 27, 28, 34, 35, and 36;
T. 1 S., R. 3 W.,
sec. 1.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2534; Filed, August 13, 1937; 10:24 a. m.]

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UTAH GRAZING DISTRICT NO. 5

MODIFICATION

JULY 26, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of May 7, 1935, establishing Utah Grazing District No. 5 is hereby revoked as far as it affects the following described lands, such revocation to be effective upon the inclusion of the lands within the Capitol Reef National Monument:

UTAH

*Salt Lake Meridian*

T. 28 S., R. 5 E.,
All of sec. 34 north of the right-of-way of State Hwy. No. 24;
secs. 35 and 36;
T. 28 S., R. 6 E.,
sec. 31 and the west half of sec. 32;
T. 29 S., R. 5 E.,
All of secs. 1 and 2 north of the right-of-way of State Hwy. No. 24.
T. 29 S., R. 6 E.,
secs. 1 to 4, inclusive;
All secs. 5, 6, 8, and 9 north of the right-of-way of State Hwy. No. 24;
secs. 10 to 15, inclusive;
All of sec. 16 north of the right-of-way of State Hwy. No. 24;
secs. 22 to 25, inclusive;
sec. 26, E½ and N½NW¼;
sec. 27, N½N½;
sec. 35, NE¼;
sec. 36;
T. 30 S., R. 6 E.,
sec. 1;
sec. 12, E½;
T. 29 S., R. 7 E.,
secs. 5 to 8, 17 to 20, and 29 to 32, inclusive;
T. 30 S., R. 7 E.,
secs. 4 to 9, and 15 to 17, inclusive;
sec. 18, E½ and NW¼;
sec. 19, NE¼ and N½SE¼;
sec. 20, N½ and N½SW¼;
secs. 21 to 23, and 26 to 28, inclusive;
sec. 29, E½E½;
secs. 33 to 35, inclusive.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2533; Filed, August 13, 1937; 10:24 a. m.]

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WYOMING GRAZING DISTRICT NO. 1

MODIFICATION

AUGUST 7, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of March 23, 1935, establishing Wyoming Grazing District No. 1, is hereby modified to include within its exterior boundaries the following described lands:

WYOMING

*Sixth Principal Meridian*

Tps. 43 to 46 N., R. 87 W., all;
Tps. 47 and 48 N., R. 92½ W., all;
T. 52 N., R. 99 W.,
secs. 3 to 7, inclusive;
sec. 8, W½NE¼;
T. 52 N., R. 100 W.,
secs. 1 to 4, inclusive;
sec. 5, lots 1 to 11, inclusive, E½SE¼;
T. 42 N., R. 102 W.,
sec. 1.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the Federal Register.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2532; Filed, August 13, 1937; 10:24 a. m.]

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[Order No. 35]

National Bituminous Coal Commission.

AN ORDER PROVIDING FOR A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO DETERMINE WHETHER OR NOT THE COALS AND THE PRODUCERS THEREOF IN THE STATES OF NORTH DAKOTA AND SOUTH DAKOTA ARE SUBJECT TO THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937, AND TO DETERMINE WHETHER A CHANGE IN THE TERRITORIAL BOUNDARIES OR LIMITS OF DISTRICT NO. 21 AND MINIMUM PRICE AREA NO. 8, AS DEFINED IN SAID ACT, OR A CONSOLIDATION OF SUCH DISTRICT AND PRICE AREA WITH OTHER DISTRICTS AND PRICE AREAS IS NECESSARY.

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. A public hearing shall be held at the Governor's Reception Room in the city of Bismarck, North Dakota, on the 13th day of September, 1937, and at the Prince Hotel in the city of Pierre, South Dakota, on the 16th day of September, 1937, for the purpose of receiving evidence to enable the Commission to determine if such coals and the producers thereof in said states are subject to the provisions of the Bituminous Coal Act of 1937, and further, to enable the Commission to issue certificates of exemption to such producers of coal, other than bituminous coal, in said states as are entitled thereto under and by virtue of the provisions of Section 17 (b) of said Act excluding lignite coal, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more; and for the further purpose of enabling the Commission to determine whether a change in the territorial boundaries or limits of District No. 21 and Minimum Price Area No. 8, as defined in said Act, or a consolidation of said District and Price Area with other Districts and Price Areas as defined in said Act, will render the establishment of minimum prices more practicable in accordance with the standards set forth in subsections (a) and (b) of Part II of section 4 of said Act.

2. Any producer of coal whether bituminous, semibituminous, subbituminous or lignite coal, the Consumers' Counsel, Code Members, representatives of District Boards and all other interested parties may appear at said hearing and be heard.

3. Notice of said hearing shall be given under direction of the Secretary of the Commission by mailing a copy of this order to the Consumers' Counsel, to the Commissioner of Internal Revenue, to the District Boards for Districts 12, 15, 16, 19, 20, and 22, and by publication of notice upon three (3) consecutive days in a newspaper of general circulation in the state of North Dakota and in a newspaper

of general circulation in the state of South Dakota. The notice published in said newspapers shall contain the date and place of the hearing and a concise statement of the purpose thereof.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

Dated this 11th day of August 1937.

[F. R. Doc. 37-2536; Filed, August 13, 1937; 12:17 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Agricultural Economics.

AMENDMENT NO. 1 TO RULES AND REGULATIONS GOVERNING THE INSPECTION, SAMPLING AND CERTIFICATION OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938, * * * and for other purposes" (Public No. 173, 75th Congress), I, H. A. Wallace, Secretary of Agriculture, do hereby make, prescribe, publish and give public notice of the following amendment, which shall be in force and effect on and after this date, to the rules and regulations of the Secretary of Agriculture governing the inspection, sampling, and certification of cottonseed sold or offered for sale for crushing purposes:

In regulation 3, strike out the first sentence of section 15 and substitute therefor the following:

In case of dispute in which a review is desired of the grading of any sample of cottonseed covered by a valid certificate issued by a licensed cottonseed chemist, application for review shall be filed or mailed within one week after the date of the original certificate.

In regulation 5, strike out section 3 and substitute therefor the following:

SEC. 3. For each certificate of the grade of cottonseed issued by a licensed cottonseed chemist he shall pay 25 cents to the Bureau. A statement showing the number of certificates issued shall be rendered to the Bureau each month, the same to be accompanied by the appropriate remittance in the form of a certified check, draft, or post-office or express money order payable to the order of the United States Department of Agriculture.

In witness whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 13th day of August 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-2547; Filed, August 13, 1937; 12:44 p. m.]

## INTERSTATE COMMERCE COMMISSION.

### ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of August, A. D. 1937.

[No. 27825]

INVESTIGATION OF THE ALLEGHANY CORPORATION AND THE CHESAPEAKE CORPORATION

The Commission having under consideration the matter of the holdings of securities of common carriers, financial and other operations, and practices, of the Alleghany Corporation, The Chesapeake Corporation, Robert R. Young, Frank F. Kolbe, and Alan P. Kirby, particularly as they relate to The Chesapeake and Ohio Railway Company, The New York, Chicago and St. Louis Railroad Company, and the Missouri Pacific Railroad Company, and other railroads subject to the Interstate Commerce Act; and the proposed merger of the Alleghany Corporation and The Chesapeake Corporation.

*It is ordered*, That a proceeding of inquiry and investigation upon the Commission's own motion be, and it is hereby, instituted into and concerning the holdings of common carrier securities, financial and other operations, and practices, of the Alleghany Corporation, The Chesapeake Corporation, Robert R. Young, Frank F. Kolbe, and Alan P. Kirby, particularly as they relate to The Chesapeake and Ohio Railway Company, The New York, Chicago and St. Louis Railroad Company, and the Missouri Pacific Railroad Company, and other railroads subject to the Interstate Commerce Act, in order to determine the jurisdiction of this Commission over the said corporations as now existing and as proposed to be consolidated, and the said Robert R. Young, Frank F. Kolbe, and Alan P. Kirby, with a view to the making of a report and such order as may be found warranted under section 5, including paragraph 11 thereof, or other provisions of the Interstate Commerce Act, or other orders as may be appropriate upon the record;

*It is further ordered*, That the Alleghany Corporation, The Chesapeake Corporation, Robert R. Young, Frank F. Kolbe, and Alan P. Kirby, be, and they are hereby, made respondents in this proceeding; that this order be served on said respondents; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission;

*And it is further ordered*, That this proceeding be assigned for hearing at such time and place as the Commission hereafter may direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2537; Filed, Augst 13, 1937; 12:29 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 122]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 6, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Georgia 8068 Grady (partial) | $75,000 |
| Georgia 8069 Washington | 76,000 |
| Georgia 8074 Jefferson (partial) | 75,000 |
| Minnesota 8068 Carver (partial) | 100,000 |
| Nebraska 8024B Lancaster (partial) | 150,000 |
| Nebraska 8025 Saline (partial) | 150,000 |
| Nebraska 8054 Cuming (partial) | 250,000 |
| Oregon 8015 Multnomah | 100,000 |
| Wyoming 8006C Goshen | 156,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2535; Filed, August 13, 1937; 10:25 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of August, A. D. 1937.

[File No. 46-67]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION (APPLICATION PURSUANT TO SECTION 10 (A) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by American Utilities Service Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 62,912 shares of common stock, of the par value of $5.00 per share, of Peoria Service Company, a subsidiary company of applicant, in exchange for certain indebtedness, preferred and common stock now held by applicant, which exchange applicant states is pursuant to a plan of reorganization of said Peoria Service Company confirmed by the District Court of the United States under Section 77B of the Bankruptcy Act;

It is ordered that a hearing on such matter be held on August 30, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, muicipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 25, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commmission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2540; Filed, August 13, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of August, A. D. 1937.

[File No. 32-70]

IN THE MATTER OF WEBSTER AND SOUTHBRIDGE GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Webster and Southbridge Gas and Electric Company, a subsidiary of New England Power Association, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by the applicant of 96,000 shares of its capital stock of the par value of $25 per share, it being stated in said application that such issue and sale are solely for the purpose of financing the business of the applicant, said shares to be issued to said New England Power Association in exchange, share for share, for 96,000 shares of the capital stock of the Worcester Electric Light Company, a subsidiary of said New England Power Association, of the par value of $25 per share, all of said shares being stated in said application to be owned by said New England Power Association, and that such issue and sale have been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts, the state in which the applicant is organized and doing business.

It is ordered that a hearing on such matter be held on August 27, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 21, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2542; Filed, August 13, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of August, A. D. 1937.

[File No. 31-404]

IN THE MATTER OF WEST PENN RAILWAYS COMPANY (APPLICATION PURSUANT TO SECTION 2 (A) (7) AND 2 (A) (8) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by West Penn Railways Company pursuant to Section 2 (a) (7) and 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order declaring applicant not to be a holding company and for an order declaring West Penn Power Company not to be a subsidiary company of applicant;

It is ordered that a hearing on such matter be held on August 31, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 26, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2539; Filed, August 13, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of August, A. D. 1937.

[File No. 43-72]

IN THE MATTER OF THE WORCESTER ELECTRIC LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission by The Worcester Electric Light Company, a subsidiary of the New England Power Association, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the alteration of the rights of the holders of all the outstanding shares of the capital stock of the declarant, to-wit, 96,000 shares of the par value of $25 per share, said declaration stating that all of said shares are owned by said New England Power Association and that by the proposed alteration of such rights the holders of all of said outstanding shares of capital stock of declarant will obtain the right to receive a like number of shares, to-wit, 96,000 shares, of the capital stock of Webster and Southbridge Gas and Electric Company, upon the surrender of a like number of shares of declarant for cancellation.

It is ordered that a hearing on such matter be held on August 27, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 21, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2541; Filed, August 13, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 13th day of August, 1937.

[File No. 1-969]

IN THE MATTER OF INTERNATIONAL SAFETY RAZOR CORPORATION CLASS B COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

International Safety Razor Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Class B Common Stock, no par value, from listing and registration on the Boston Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 23, 1937.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Recording Secretary.*

[F. R. Doc. 37-2543; Filed, August 13, 1937; 12:42 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of August, 1937.

[File No. 1-1972]

IN THE MATTER OF CORCORAN FIRE INSURANCE COMPANY OF THE DISTRICT OF COLUMBIA COMMON STOCK, $50 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Corcoran Fire Insurance Company of the District of Columbia, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $50 Par Value, from listing and registration on the Washington Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing in this matter be held at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10:00 o'clock, A. M. on Tuesday, September 21, 1937, in Room 1101, Securities and Exhange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*

[F. R. Doc. 37-2545; Filed, August 13, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of August, 1937.

[File No. 1-2688]

IN THE MATTER OF NATIONAL FUNDING CORPORATION 7% CLASS A CUMULATIVE COMMON STOCK, $10 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The National Funding Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its 7% Class A Cumulative Common Stock, $10 Par Value, from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10:00 o'clock, A. M., on Tuesday, September 21, 1937, in Room 426, 650 S. Spring Street, Los Angeles, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles R. Burr, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inqury, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2544; Filed, August 13, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of August, 1937.

[File No. 1-2913]

IN THE MATTER OF RICHFIELD OIL CORPORATION COMMON STOCK PURCHASE WARRANTS, DATED MARCH 15, 1937

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Richfield Oil Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock Purchase Warrants, dated March 15, 1937, from listing and registration on the Los Angeles and San Francisco Stock Exchanges; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 10:00 o'clock, A. M., on Tuesday, September 21, 1937, in Room 1301, Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Howard A. Judy, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2546; Filed, August 13, 1937; 12:43 p. m.]



*Tuesday, August 17, 1937* *No. 158*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

APPOINTMENT OF SECRETARY OF THE INTERIOR AS ADMINISTRATOR OF THE PUERTO RICO RECONSTRUCTION ADMINISTRATION

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the act entitled "An Act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes", approved February 11, 1936 (49 Stat. 1135), I hereby appoint the Secretary of the Interior as Administrator of the Puerto Rico Reconstruction Administration, *vice* Ernest Gruening, resigned, to serve without additional compensation, and to exercise and discharge the functions, duties, and authority conferred upon the Puerto Rico Reconstruction Administration by Executive Orders No. 7057 of May 28, 1935, and No. 7180 of September 6, 1935, as amended by No. 7554 of February 17, 1937.

The Administrator is hereby authorized to appoint an Assistant Administrator and delegate to him such of the powers hereby conferred upon the Administrator as may be necessary for the efficient operation of the Administration in Puerto Rico. The Assistant Administrator shall also serve as Acting Administrator when so directed by the Administrator.

Executive Orders No. 7057 of May 28, 1935, No. 7180 of September 6, 1935, as amended, and No. 7493 of November 14, 1936,[1] are hereby amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 12, 1937.*

[No. 7689]

[F. R. Doc. 37-2548; Filed, August 13, 1937; 2:18 p. m.]

## TREASURY DEPARTMENT.

**Accounts and Deposits.**

[1937—Department Circular No. 577]

REGULATIONS GOVERNING CLAIMS FOR REPLACEMENT OF VALUABLES, OR THE VALUE THEREOF, SHIPPED PURSUANT TO THE "GOVERNMENT LOSSES IN SHIPMENT ACT"

AUGUST 13, 1937.

*To the Heads of the Executive Departments, Independent Establishments, Agencies, Wholly-Owned Corporations, Officers and Employees of the United States, Federal Reserve Banks When Acting on Behalf of the United States or Agencies Thereof, and Others Concerned:*

The following regulations are prescribed pursuant to section 6 of the Government Losses in Shipment Act, Public No. 192, 75th Congress, First Session, approved July 8, 1937, hereinafter referred to as the "Act." All terms used in these regulations shall have the same meaning as when used in said Act, unless otherwise indicated.

1. *General Instructions.*—To facilitate the reporting of loss or destruction of, or damage to valuables and submission of proofs of claim for relief, under the provisions of section 3 of the Act, in the event of loss or destruction of, or damage to valuables shipped pursuant to the regulations prescribed under section 1 of said Act, executive departments, independent establishments, agencies, wholly-owned corporations, officers, employees, Federal Reserve banks when acting on behalf of the United States or agencies thereof, and others concerned, hereinafter sometimes referred to as "Consignors," should observe strictly the following instructions. Failure on the part of any consignor or agent or employee thereof to comply with these instructions may retard recoveries and may under the circumstances preclude reimbursement from the Fund or other relief under the Act, and render the consignor responsible for any loss occurring through such negligence.

2. *Method of Shipment.*—All shipments shall be made in accordance with the terms of Treasury Department Circular No. 576—Post Office Department Circular No. REG. 1, dated July 16, 1937, and such amendments and supplements thereto as may, from time to time, be promulgated.

3. *Preparation of Shipment.*—Each shipment must be inspected and verified by two responsible employees before

[1] 1 F. R. 1867.

final preparation for delivery to the carrier (to wit, before sealing, locking, etc.) and must be finally prepared for such delivery in their presence and before leaving their immediate control. In the case of any class of shipments with respect to which it is not possible or practicable to comply strictly with the foregoing requirement, it shall be the duty of administrative officers to make adequate provision, through the establishment of accounting controls, or otherwise, for the maintenance of basic records from which they will be in a position to prove to the satisfaction of the Secretary of the Treasury the exact extent of loss, destruction or damage, in the event that claim for replacement out of the Fund, or otherwise, shall be made. The foregoing requirements will apply irrespective of the carrier or method of transportation employed in making shipments.

4. *Record of Shipment.*—A permanent record of each shipment must be maintained by the consignor which record must include: (1) the name and address of the consignee; (2) a complete description of the contents (if the shipment comprises securities, the record must be maintained by issue, series, denomination and serial number, and a description of the coupons, if any, attached to such securities at the time of shipment); (3) face or par value of shipment in the case of securities, currency, etc., or replacement value in the case of other valuables; (4) the registry number or the lock and rotary numbers, if any, under which shipped; (5) the number of the registry receipt or other receipt of carrier; (6) the date and hour of delivery to the carrier; (7) a record of the signatures of the employees who verified the contents of the package and witnessed sealing; (8) a record of the signatures of the employee or employees who thereafter had custody thereof, until delivered at the post office for registration or deposited with the post office or other carrier for shipment; and (9) the name of the carrier. In addition the consignor must preserve for a reasonable time all registry receipts or other carriers' receipts, and such other documents as may be incidental to the shipments.

5. *Advice of Shipment.*—In the event the value of any one shipment to one consignee at one time, by one consignor, except in the case of an intra-city shipment, equals or exceeds $10,000.00, immediate notice thereof must be forwarded by the consignor to the consignee by separate mail. There should be included in such notice: (1) a complete record of the contents of the shipment; (2) the method of transportation employed and the name of the carrier; (3) the date of delivery to such carrier. The consignee should be requested to arrange: (1) that the shipment, when received, be opened and inspected by one or more responsible employees of the consignee; (2) that immediate advice of any difference between the amounts or quantity indicated in such notice and in the shipment when opened be forwarded to the consignor; (3) that the consignor and the post office, or office or other carrier through which delivery would be made, be notified immediately in the event of the failure of the shipment to arrive in due course; (4) that consignor be advised immediately concerning any damage to the shipment; and (5) that all findings of the consignee in such cases be made a matter of record which may be subject to the call or inspection of the Secretary of the Treasury or other duly authorized Government officer in connection with any investigation which may be necessary in connection therewith.

6. *Report of Shipment.*—As promptly as possible after the close of each month, detailed reports of shipments made during the preceding month must be forwarded by the consignors to the Secretary of the Treasury, for attention of the Division of Deposits, substantially in the form attached hereto, marked as Exhibits Nos. 1, 2, and 3.

7. *Report of Loss, Destruction or Damage.*—As soon as it shall come to the attention of the consignor that loss or destruction of, or damage to valuables shipped in accordance with the Act has occurred, an immediate report thereof shall be forwarded in writing by the consignor to the Secretary of the Treasury, for attention of the Division of Deposits. If the loss, destruction or damage represents a value equal to or in excess of $10,000.00, or if delay is likely to retard the Government in its effort to recover such valuables, such report should be transmitted by wire and promptly confirmed in writing.

Such report should indicate: (1) date of shipment; (2) the amount and character of the valuables lost, destroyed, or damaged; (3) the name and address of consignee; (4) the method of transportation, name of carrier and location of office of carrier from which shipment was made; (5) the registry receipt or other receipt number; and (6) a statement of the cause of the loss, destruction or damage, if known.

An immediate report of the loss, destruction or damage should also be made by the consignor to the agent in charge of the nearest United States Secret Service office and to the local post office or local office of other carrier. Government officers reporting losses to such agencies will be expected to cooperate therewith to the fullest extent in facilitating investigations and recovery.

As expeditiously as possible and without further instructions from the Secretary of the Treasury, the consignor should proceed to place a tracer on the shipment and to take such other action as may be deemed necessary or advisable to facilitate recovery.

8. *Claim for Replacement.*—Claim for replacement shall be made in writing to the Secretary of the Treasury and shall be supported by "Proof of Claim" pursuant to paragraph 9 hereof. Such claim accompanied by a recommendation with respect to the manner of replacement thereof shall be submitted through the head of the executive department, independent establishment, agency, or wholly-owned corporation concerned, or, in the case of officers or employees under the Treasury Department, through their respective administrative heads. The manner of replacement shall be subject to the determination of the Secretary of the Treasury in accordance with the provisions of Section 3 of the Act.

9. *Proof of Claim.*—The Secretary of the Treasury may require proof of claim in such form and in such manner as may from time to time be deemed necessary.

In general, the requirements of the Secretary of the Treasury will be as follows:

(1) Satisfactory proof of shipment as claimed, which should be supported by the original "Record of Shipment" required to be maintained pursuant to paragraph 4 hereof. The original record will be returned after adjustment of the claim.

(2) Satisfactory proof of loss, destruction or damage. The consignor will be required to submit a statement concerning the loss or destruction of, or damage to shipment or any part thereof; and, if received by the consignee with contents not intact, all the circumstances must be set forth with respect to the condition in which such shipment was received and the manner of the inspection and verification of its contents. Whenever possible to do so, affidavits covering the loss, destruction or damage should be obtained from the consignee and the carrier. Such proof of claim must be accompanied by the recommendation of the head of the executive department, independent establishment, agency or wholly-owned corporation concerned, or in the case of officers or employees under the Treasury Department of their respective administrative heads.

(3) Statement and recommendation of investigating officer or officers.

10. *Recoveries.*—In the event of loss or destruction of, or damage to valuables for which relief shall have been granted, under section 3 of the Act, the consignors are required to take such steps as are necessary and reasonable for the defense, safeguard or recovery of the valuables or the value thereof, as the case may be, and the Secretary of the Treasury will take such further steps to that end as he may deem necessary in the particular circumstances.



All recoveries and repayments on account of loss, destruction, or damage to valuables of which replacement shall have been made out of the Fund shall be forwarded to the Secretary of the Treasury and shall be credited to the Fund.

The Secretary of the Treasury may at any time, or from time to time, with the approval of the President, prescribe supplemental or amendatory rules and regulations governing claims for replacement of valuables shipped pursuant to the "Government Losses in Shipment Act."

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

Approved:
FRANKLIN D ROOSEVELT
*The White House.*

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TREASURY DEPARTMENT
DIVISION OF DEPOSITS
FORM 10 DD

SHEET NO. ____

EXHIBIT NO. 1

CONSOLIDATED REPORT OF SHIPMENTS OF VALUABLES EFFECTED UNDER THE GOVERNMENT LOSSES IN SHIPMENT ACT

---------- Agency
---------- Location

THE SECRETARY OF THE TREASURY,
*Washington, D. C.*

ATTENTION: DIVISION OF DEPOSITS

Month ending----------, 19--

| | |
|---|---|
| 1. Currency, coin, bullion, specie | $---------- |
| 2. Securities, coupons, negotiable instruments, etc. | ---------- |
| 3. Cancelled coupons and/or securities shipped in rotary locked pouches | ---------- |
| 4. All other | ---------- |

The above recapitulation of the schedules attached hereto is a true and complete statement of valuables, as defined in the Government Losses in Shipment Act, shipped by this Agency during the period specified, which shipments have been effected in accordance with the regulations issued pursuant to such Act.

----------
(Signature)

----------
(Official Title)

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TREASURY DEPARTMENT
DIVISION OF DEPOSITS
Form 8 DD

Sheet No. ------

EXHIBIT NO. 2

SCHEDULE OF VALUABLES SHIPPED UNDER GOVERNMENT LOSSES IN SHIPMENT ACT REGISTERED AND OTHER MAIL SHIPMENTS

By ----------

Month ending ----------, 19--

| Date | Hour | Registry or Rotary Lock No. | Consignee | | Description [1] | Value |
|---|---|---|---|---|---|---|
| | | | Name | Address | | |
| | | | | | | |
| Totals | | | | | | |

[1] Short title, i. e., bonds, notes, currency, etc. Complete record as required in sec. 4 subsec. 2 of Treasury Department Circular No. 577, must be on file in office of the consignor subject to call by the Secretary of the Treasury.

NOTE.—Only shipments made under the provisions of the Government Losses in Shipment Act shall be included on this schedule.

TREASURY DEPARTMENT
DIVISION OF DEPOSITS
Form 9 DD

Sheet No. ----

EXHIBIT NO. 3

SCHEDULE OF VALUABLES SHIPPED UNDER GOVERNMENT LOSSES IN SHIPMENT ACT SHIPMENTS OTHER THAN BY REGISTERED MAIL

By ----------

Month Ending ----------, 19--

| Date | Hour | Receipt number | Name of carrier | Consignee | | Description [1] | Value |
|---|---|---|---|---|---|---|---|
| | | | | Name | Address | | |
| | | | | | | | |
| Totals | | | | | | | |

[1] Short title; i. e., bonds, notes, currency, etc. Complete record as required in Section 4, Subsection 2 of Treasury Department Circular No. 577, must be on file in office of the consignor subject to call by the Secretary of the Treasury.

NOTE.—Only shipments made under the provisions of the Government Losses in Shipment Act shall be included on this schedule.

[F. R. Doc. 37-2559; Filed August 16, 1937; 1:02 p. m.]

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## Federal Alcohol Administration Division.

[FA-116]

### DECLARATION OF DOMESTIC VINTAGE WINE STOCKS

AUGUST 14, 1937.

*To All Producers and Blenders of Wine:*

Pursuant to the provisions of Section 2 (h) of the Federal Alcohol Administration Act you are hereby required to furnish the Administration, on or before September 15, 1937, a report upon the attached form (Form FX-171), of all domestic vintage wine stocks now in your possession which are being, or may be, bottled or packed by you under a vintage date.

In the event that you have in your possession no stocks of wine which may be bottled or sold under a vintage date, indicate this fact on the report and return the same to the Administration.

Your attention is called to the fact that, under Article I (h) of Regulations No. 4, a vintage date may be stated only on a "light wine", a "fortified wine", or a "sparkling wine" made by natural fermentation exclusively. Your attention is also called to the fact that, under Article I (h), "vintage wine" means only a "wine made wholly from grapes gathered in the same calendar year and grown and fermented in the same viticultural area", as well as to the fact that permission to label such wines with vintage dates is strictly limited to the conditions prescribed in Section 39 (b) of Regulations No. 4.

It is essential to file this form with the Administration promptly, as the information furnished will constitute a basis for enforcement of the provisions of the regulations dealing with appropriate use of vintage dates.

[SEAL] W. S. ALEXANDER, *Administrator.*

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Form FX-171
TREASURY DEPARTMENT
FEDERAL ALCOHOL ADMINISTRATION

August 1937.

DECLARATION OF DOMESTIC VINTAGE WINE STOCKS.

Date----------19--

To FEDERAL ALCOHOL ADMINISTRATION,
*Washington, D. C.*

I certify that upon the reverse side of this form is given a complete and accurate report of the total gallonage held at each place of storage indicated, of wines of the brand name, class, type,

vintage year and viticultural area described, which are entitled under Regulations No. 4 to be bottled or packed under a vintage date. I further certify that each lot of wine described on the reverse side of this form is made exclusively from grapes of the vintage year and viticultural area stated.

_____
(Name of Permittee)

_____
(Address)

_____
(F. A. A. Permit Number)

By _____
(Title)

INSTRUCTIONS

Under columns marked A, C, D, and E, insert information that now appears on labels of wine already bottled or packed, or that will appear on labels of wine not yet bottled or packed.

Under column marked B, state the class of the wine as either "light wine", "fortified wine" or "sparkling wine." If the "light wine" will later be used for fortified vintage wine or for sparkling vintage wine, that fact should be stated, and the type designation later to be employed entered under column C.

Each numbered horizontal line should describe only one lot of wine. Wines differing as to brand name, class, type, vintage year, viticultural area, or address of place of storage, should be treated as separate lots.

Additional forms will be furnished upon request.

(Reverse)

| A | B | C | D | E | F | | G |
|---|---|---|---|---|---|---|---|
| | | | | | Gallons on hand | | |
| Brand name | Class | Type | Vintage year | Viticultural area | Bulk | Bottled | Address and registered number of premises where described lot of wine stored |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | | | | | | |
| 11 | | | | | | | |
| 12 | | | | | | | |
| 13 | | | | | | | |
| 14 | | | | | | | |
| 15 | | | | | | | |
| 16 | | | | | | | |
| 17 | | | | | | | |
| 18 | | | | | | | |

(See face of form for instructions)

[F. R. Doc. 37-2552; Filed, August 16, 1937; 9:35 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

COLORADO GRAZING DISTRICT NO. 2

MODIFICATION

AUGUST 7, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of April 8, 1935, establishing Colorado Grazing District No. 2 is hereby revoked as far as it affects the following described lands:

COLORADO

*Sixth Principal Meridian*

T. 1 N., R. 78 W.,
sec. 27, S½NE¼, SE¼;
T. 5 N., R. 82 W.,
secs. 27 to 34, inclusive;
T. 1 S., R. 76 W.,
sec. 8, N½SW¼, W½SE¼;
T. 1 S., R. 78 W.,
secs. 4 to 9, 16 to 22, and 27 to 34, inclusive;
T. 1 S., R. 79 W.,
secs. 1 to 18 and secs. 22 to 27, inclusive; N½NE¼ sec. 35; N½, SE¼ sec. 36;
T. 5 S., R. 81 W.,
sec. 17, NW¼SW¼;
sec. 18, S½NE¼, W½NW¼, SE¼NW¼, SW¼, S½SE¼;
sec. 27, SW¼SW¼;
sec. 34, W½W½, SE¼NW¼, SE¼SW¼;
T. 3 S., R. 82 W.,
sec. 6, lot 3, SE¼NW¼;
sec. 9, S½SW¼;
T. 5 S., R. 82 W.,
sec. 12, S½SE¼;
sec. 13, E½NE¼;
T. 2 S., R. 85 W.,
sec. 19, lot 19;
sec. 30, lot 10.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2553; Filed, August 16, 1937; 9:40 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-56-056]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF POTATOES GROWN IN CERTAIN COUNTIES IN THE STATES OF COLORADO, NEBRASKA AND WYOMING

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of potatoes grown in the counties of Alamosa, Conejos, Costilla, Delta, Eagle, Garfield, Larimer, Mesa, Montrose, Morgan, Pitkin, Rio Grande, Saguache, and Weld in the State of Colorado; the counties of Sioux, Morrill, Banner, Dawes, Box Butte, Kimball, Sheridan, Garden, Cheyenne, Cherry, and Scotts Bluff in the State of Nebraska, and the counties of Goshen, Niobrara, Parke, and Laramie in the State of Wyoming;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the counties of Alamosa, Conejos, Costilla, Delta, Eagle, Garfield, Larimer, Mesa, Montrose, Morgan, Pitkin, Rio Grande, Saguache, and Weld in the State of Colorado; the counties of Sioux, Morrill, Banner, Dawes, Box Butte, Kimball, Sheridan, Garden, Cheyenne, Cherry and Scotts Bluff in the State of Nebraska, and the counties of Goshen, Niobrara, Parke and Laramie in the State of Wyoming in the Senate Chamber, State Capitol, Denver, Colorado, on August 24, 1937 at 9:30 a. m., mountain standard time, and in the Oddfellows Hall auditorium, Scotts Bluff, Nebraska, on August 25 at 9:30 a. m., mountain standard time.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of potatoes grown in the above mentioned counties in the States of Colorado, Nebraska and Wyoming as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce in such potatoes. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Board and District Committee, (b) prohibition of shipment of "cull" potatoes, (c) further grade and size regulations of shipments, (d) expenses of administration, and other matters relating to the handling of potatoes in the aforesaid area.

It is hereby declared that an emergency exists in the handling of potatoes in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated August 14, 1937.

[F. R. Doc. 37-2556; Filed, August 16, 1937; 12:34 p. m.]

[Docket No. A-54 O-54]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF POTATOES GROWN IN CERTAIN COUNTIES IN THE STATE OF IDAHO

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of potatoes grown in the counties of Ada, Adams, Bannock, Bingham, Bear Lake, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington in the State of Idaho;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the counties of Ada, Adams, Bannock, Bingham, Bear Lake, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington in the State of Idaho, at Idaho Falls, Idaho, in the Latter Day Saints Tabernacle on August 27, 1937, at 9:30 a. m., mountain standard time, and at Twin Falls, Idaho, in the auditorium, American Legion Building, on August 28, 1937, at 9:30 a. m., mountain standard time.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of potatoes in the above-mentioned counties in the State of Idaho as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in such potatoes. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Board and District Committee, (b) prohibition of shipment of "cull" potatoes, (c) further grade and size regulations of shipments, (d) expenses of administration, and other matters relating to the handling of potatoes in the aforesaid area.

It is hereby declared that an emergency exists in the handling of potatoes in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated August 14, 1937.

[F. R. Doc. 37-2555; Filed, August 16, 1937; 12:34 p. m.]



[Docket No. A-53 O-53]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF POTATOES GROWN IN CERTAIN COUNTIES IN THE STATE OF MAINE

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of potatoes grown in Somerset, Waldo, Aroostook, Penobscot, and Piscataquis counties in the State of Maine;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in Somerset, Waldo, Aroonstock, Penobscot, and Piscataquis counties in the State of Maine in the high school auditorium at Caribou, Maine, on August 24, 1937, at 10:00 a. m., daylight saving time.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of potatoes in the above mentioned counties in the State of Maine as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce in such potatoes. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Board and District Committee, (b) prohibition of shipment of "cull" potatoes, (c) further grade and size regulations of shipments, (d) expenses of administration, and other matters relating to the handling of potatoes in the aforesaid area.

It is hereby declared that an emergency exists in the handling of potatoes in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated August 14, 1937.

[F. R. Doc. 37-2554; Filed, August 16, 1937; 12:34 p. m.]

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[Docket No. A-55 O-55]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA, AND IN CERTAIN COUNTIES IN THE STATE OF NORTH DAKOTA

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of potatoes grown in the States of Michigan, Wisconsin, Minnesota, and in the counties of Towner, Ramsey, Wells, Traill, Cavalier, Walsh, Eddy, Barnes, Pembina, Nelson, Foster, Cass, Pierce, Griggs, Richland, Benson, Grand Forks, and Steele in the State of North Dakota:

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the States of Michigan, Wisconsin, Minnesota, and the counties of Towner, Ramsey, Wells, Traill, Cavalier, Walsh, Eddy, Barnes, Pembina, Nelson, Foster, Cass, Pierce, Griggs, Richland, Benson, Grand Forks, and Steele in the State of North Dakota at the following times and places:

August 24, 1937, 9:30 a. m.—Court Room, County Court House, Waupaca, Wisconsin.
August 26, 1937, 9:30 a. m.—Armory, Princeton, Minnesota.
August 28, 1937, 9:30 a. m.—City Hall Auditorium, Grand Forks, North Dakota.
August 28, 1937, 9:30 a. m.—Court Room, County Court House, Cadillac, Michigan.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of potatoes grown in the States of Michigan, Wisconsin, Minnesota, and the above-mentioned counties in the State of North Dakota as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce in such potatoes. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Board and District Committee, (b) prohibition of shipment of "cull" potatoes, (c) further grade and size regulations of shipments, (d) expenses of administration, and other matters relating to the handling of potatoes in the aforesaid area.

It is hereby declared that an emergency exists in the handling of potatoes in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated August 14, 1937.

[F. R. Doc. 37-2557; Filed, August 16, 1937; 12:35 p. m.]

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**Bureau of Biological Survey.**

SUPPLEMENTARY REGULATIONS GOVERNING ENTRY UPON THE OKEFENOKEE WILDLIFE REFUGE, GEORGIA, FOR FISHING AND OTHER PURPOSES

Pursuant to the authority conferred upon the Secretary of Agriculture by section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by act of April 15, 1924, 43 Stat. 98, and by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), the following regulations in extension of and additional to the general regulations for the administration of Federal wildlife refuges issued May 7, 1930 (S. R. A.-B. S. 73), are prescribed for the administration of the Okefenokee Wildlife Refuge, Georgia:

*Fishing*

1. *Waters open to fishing.*—The following waters of the refuge are designated as areas open to fishing, and fishing will not be permitted in any other waters unless and until further ordered: Suwanee (Okefenokee) Canal, Billys Lake, Minnie Lake, Big Water Lake, Chesser Prairie, Chase Prairie, Grand Prairie, and connecting boat runs.

2. *State fishing laws.*—Every person who fishes in any of the aforesaid waters must comply with the applicable fishing laws of the State of Georgia, and in the absence of any State law or regulation in respect to fishing seasons and number of fish that may be taken, the Chief of the Bureau of Biological Survey of the United States Department of Agriculture, hereinafter referred to as the Chief of the Bureau, may fix such seasons and limits; and in the event he shall find that fishing in any of the aforesaid waters is unduly depleting any species of the fishes therein, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of Agriculture.

3. *Fishing permits.*—No person is permitted to fish in the aforesaid waters until he has obtained a permit from the officer in charge, which permit shall be limited to the period specified therein, and such officer will not issue a permit until the applicant therefor exhibits to him a State fishing license, if such license is required by State law or regulation. The permit must be carried on the person of the permittee when exercising the privileges thereunder and must be exhibited upon request to any Federal or State officer authorized to enforce Federal and State fishing laws and regulations.

4. *Special fishing restrictions.*—Live bait shall not be used in fishing, and no seine shall be employed in taking minnows for bait in any of the waters of the refuge.

5. *Fishing guides.*—No person or group of persons to whom a permit has been issued for fishing in the aforesaid waters of the refuge shall engage in such fishing unless accompanied by a guide previously designated in writing by the officer in charge, except that such officer may waive this requirement as to any person or group of persons who he has reason to believe may safely be allowed on the refuge without a guide; and with respect to fishing in such of the aforesaid waters as he may specify from time to time, the Chief of the Bureau may waive the requirement that fishermen must be accompanied by a guide.

*Qualifications and Responsibilities of Guides*

6. *Designating guides.*—An applicant for the privilege of guiding on the refuge shall submit to the officer in charge application in writing on a form to be provided. If the applicant is found to have the necessary qualifications the officer in charge may issue to him a written designation as guide, as he also will to any person who similarly applies to be designated as assistant guide. Any designation as a guide or assistant guide may be revoked at any time by the officer in charge for failure of the guide or the assistant guide to cooperate with the officer in charge or his subordinates in the administration of the refuge, for willful violation of the regulations governing the administration of the refuge, for intoxication while on the refuge, or for discourteous or inefficient treatment of patrons. Every guide or assistant guide shall carry his designation on his person while rendering guide service on the refuge and shall exhibit it to any Federal or State officer authorized to enforce Federal and State fishing laws and regulations.

7. *Qualifications of guides.*—No person shall be designated as a guide unless he is a citizen of the United States; is of known good character and reputation; is familiar with the territory comprised within the refuge and with Federal and State laws and regulations governing fishing and entries for other purposes on the refuge; is in possession of such guide license as may be required by the laws or regulations of Georgia; and is equipped with necessary boats and other paraphernalia for service as a guide.

8. *Guiding fees.*—No guide shall charge for his services a fee or other compensation in excess of the amounts previously ascertained, determined, and declared by the Chief of the Bureau to be reasonable and fair for such services.

9. *Duties and responsibilities of guides.*—Every person designated as a guide shall comply with the following provisions, conditions, and requirements:

*a.* He shall be responsible for the orderly conduct of persons guided and shall immediately report to the officer in charge any disorderly conduct or violation of Federal or State laws or regulations applicable to the refuge.

*b.* Guides shall not undertake guide services for any person who does not exhibit a permit issued to him by the officer in charge authorizing entry on the refuge.

*c.* Every guide shall keep a record of the names and addresses of the persons guided by him and of the kinds and numbers of fishes taken by each one of them and of the waters from which taken, and as soon as practicable after each fishing trip shall submit a report of the aforesaid facts to the officer in charge on a form furnished therefor.

*d.* Every guide must exercise strict caution in the building of fires on the refuge and must totally extinguish every fire built by him and must extinguish, if possible, any fire discovered by him on the refuge or immediately report to the officer in charge any fire not promptly extinguishable. Every guide shall maintain vigilant care to protect property, wildlife, and vegetation on the refuge.

*e.* Every guide must render courteous, dependable, and efficient service to his patrons and so far as possible must protect them from hardship and danger.

*f.* Every guide must at all times maintain his boats in safe condition and in good working order and shall conspicuously display thereon the number assigned by the officer in charge.

*g.* In order to accommodate unusually large parties holding permits to enter the refuge on any one day, the guide engaged may employ assistant guides, previously designated as hereinbefore provided, and such guide shall be responsible and accountable for the conduct of such assistants as may be employed by him.

*Entry on Refuge for Sightseeing and Study of the Fauna and Flora*

10. *Permits for sightseeing and study.*—No person is permitted to enter the refuge for sightseeing or to observe the fauna and flora unless authorized by permit issued to him by the officer in charge, which permit shall be limited to the period specified therein; such permit shall be carried on the person of the permittee while on the refuge and must be exhibited to any Federal or State officer authorized to enforce game and fish laws and regulations.

11. *Sightseeing guides.*—Every person or group of persons entering the refuge for the purpose of sightseeing or observing the fauna and flora shall be accompanied by a guide, designated as hereinbefore provided, and every such guide, in performance of services to such persons, shall be subject to the provisions, conditions, and requirements hereinbefore prescribed, and shall keep a record of the names and addresses of such persons guided by him and of the purposes for which they entered the refuge, and shall make a report thereon to the officer in charge at the conclusion of each employment as guide.

*Special Provisions Applicable to All Persons Entering the Refuge*

12. *Firearms.*—The carrying of firearms on the refuge is not permitted except on the part of the officer in charge and other employees of the Department of Agriculture and officers or employees of the State Department of Natural Resources of Georgia while engaged in the enforcement of fish and game laws.

13. *Fires and camping.*—Except as authorized by permit issued by the officer in charge, no person other than a guide shall build a fire on the refuge for any purpose, and special care must be taken to prevent lighted matches, cigars, or cigarettes or pipe ashes from being dropped in grass or other inflammable material. Camping on any part of the refuge except under permit issued by the officer in charge is not permitted.

14. *Disorderly conduct.*—Disorderly conduct of any nature, including intoxication, will not be tolerated on the refuge; any offender will be requested to leave immediately, and failing to do so he will be removed by the officer in charge or by his assistants. Presence on the refuge in an intoxicated condition shall ipso facto annul and forfeit any permit such intoxicated person may hold for any privilege on the refuge, and the permit will be taken up forthwith by the officer in charge or by his assistants.

15. *Introducing extralimital wildlife.*—Live fishes, frogs, snakes, or turtles taken elsewhere shall not be placed in any waters of the refuge unless authorized by a permit issued by the Chief of the Bureau.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington, this 14th day of August, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2550; Filed, August 14, 1937; 11:33 a. m.]

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**BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

REGULATION M

[Effective August 14, 1937]

*Resolved*, That, effective August 14, 1937, the Board of Governors of the Federal Reserve System approve and adopt the following regulation:

FOREIGN BRANCHES OF NATIONAL BANKS AND OF CORPORATIONS ORGANIZED UNDER THE PROVISIONS F SECTION 25 (A) OF THE FEDERAL RESERVE ACT

This regulation is issued pursuant to the provisions of section 25 and section 25 (a) of the Federal Reserve Act, as amended.

Whenever a national bank, pursuant to the provisions of section 25 of the Federal Reserve Act, as amended, or a corporation organized under section 25 (a) of the Federal Reserve Act, as amended, has established a branch or agency in any place in any foreign country, and there exists in such place a disturbed condition which, in the opinion of the officer in charge of such branch or agency at the time, endangers the lives of its employees or the property of such branch or agency at such place, or for any other reason beyond the control of the branch or agency and which relates to such disturbed condition renders it impracticable for such branch or agency to continue to function, he may, after every effort has been

made to render the greatest possible service to the depositors of the branch or agency, suspend the operations of such branch or agency in whole or in part until the reason for such suspension has ceased to exist and until, in the judgment of such officer in charge, the branch or agency may safely be reopened and its operations resumed; but in the meantime in so far as possible every effort shall be made to render service to the depositors of the branch or agency. In all cases of such suspension and resumption of operations the facts shall be reported as soon as possible by such officer in charge of such branch or agency to the head office of such national bank or corporation which shall immediately transmit a copy of such report to the Federal Reserve bank of the District in which such head office is located.

The above resolution was adopted by the Board of Governors of the Federal Reserve System on August 14, 1937.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-2551; Filed, August 14, 1937; 4:08 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 58]

AUTHORIZATION OF DEPUTY GOVERNORS HILL AND ESGATE, E. H. LEMASTERS, DIRECTOR OF FINANCE AND RESEARCH, W. J. SNOW, JR., ACTING DIRECTOR OF FINANCE AND RESEARCH, AND W. T. MCKEOWN, CHIEF, SECURITIES SUBDIVISION, TO APPROVE CASH OR SECURITY TRANSACTIONS

AUGUST 9, 1937.

1. F. F. Hill, Deputy Governor, A. T. Esgate, Deputy Governor, E. H. LeMasters, Director of Finance and Research, W. J. Snow, Jr., Acting Director of Finance and Research, and W. T. McKeown, Chief, Securities Subdivision, severally and not jointly, are hereby authorized to approve, and issue instructions regarding, the purchase and/or sale of securities and the disposition of cash and/or securities held subject to the order of the Governor of the Farm Credit Administration.

2. Farm Credit Administration Order No. 182, dated March 15, 1937, is hereby revoked.

3. The provisions hereinbefore set forth shall not operate to limit or restrict the Governor of the Farm Credit Administration in the execution and performance (in Washington or elsewhere) of any functions, powers, authority, or duties vested in him.

4. The provisions of this order shall be effective as of the opening of business on the date above written and shall remain in full force and effect until amended or revoked by subsequent order.

[SEAL] W. I. MYERS,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-2549; Filed, August 13, 1937; 4:02 p.m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of August, A. D. 1937.

[File No. 43-68]

IN THE MATTER OF THE KANSAS POWER COMPANY

[Section 7 of Public Utility Holding Company Act of 1935]

ORDER FIXING EFFECTIVE DATE OF DECLARATION REGARDING ISSUE AND SALE OF BONDS BY SUBSIDIARY OF HOLDING COMPANY

The Kansas Power Company, a subsidiary of a registered holding company, having filed with this Commission a declaration, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding its issue and sale of $376,000 principal amount of its First Mortgage Twenty-Year 5% Gold Bonds, Series A, due March 1, 1947;

Such declaration having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered that such declaration, as amended, be and become effective forthwith, on condition, however, that the issue and sale of the aforesaid bonds shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said amended declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Recording Secretary.*

[F. R. Doc. 37-2558; Filed, August 16, 1937; 12:42 p. m.]

*Wednesday, August 18, 1937* *No. 159*

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 36]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF MARYLAND AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT CUMBERLAND, MARYLAND, ON AUGUST 30, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Maryland directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Maryland on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Maryland would be desirable, and upon investigation hereby orders:

1. That on August 30, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Council Chamber, City Hall, Cumberland, Maryland, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Maryland, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Maryland in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.



4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Cumberland, Maryland, on August 30, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Maryland and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Maryland in which bituminous coal is produced.

By order of the Commission.

Dated this 16th day of August, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2561; Filed, August 17, 1937; 11:49 a. m.]

[Order No. 37]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF PENNSYLVANIA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT JOHNSTOWN, PENNSYLVANIA, ON SEPTEMBER 20, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Pennsylvania directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Pennsylvania on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Pennsylvania would be desirable, and upon investigation hereby orders:

1. That on September 20, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Fort Stanwix Hotel, Johnstown, Pennsylvania, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Pennsylvania, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Pennsylvania in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Johnstown, Pennsylvania, on September 20, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Pennsylvania and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Pennsylvania in which bituminous coal is produced.

By order of the Commission.

Dated this 16th day of August, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2562; Filed, August 17, 1937; 11:49 a. m.]

[Order No. 38]

AN ORDER APPROVING STANDARDS OF CLASSIFICATION OF COALS, METHODS OF APPLYING SUCH STANDARDS AND RULES OF PROCEDURE IN THE CLASSIFICATION OF COALS UNDER SECTION 4, PART II OF THE ACT, FOR APPLICATION TO ALL DISTRICTS

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission directed all District Boards to propose standards of classification of coals and standard methods and rules of making and applying such classifications, and having held a public hearing at Washington, D. C., on the 15th day of July, 1937, at which hearing evidence was submitted for the purpose of determining and fixing standards of classification, methods and rules in connection therewith, and the Commission having considered all proposals of the District Boards as to such standards of classification and all of the evidence submitted at such public hearing, and being fully advised in the premises, hereby orders that:

All District Boards shall proceed as promptly as possible to propose to the Commission classifications of all coals of code members within their respective districts, which classifications shall be made and proposed to the Commission in conformity with the following standards of classification, methods of applying such standards and rules of procedure, which are hereby adopted and prescribed by the Commission as regulations governing all classifications and reclassifications of coals thereafter proposed to the Commission by any District Board:

STANDARDS OF CLASSIFICATION OF COALS, METHODS OF APPLYING SUCH STANDARDS AND RULES OF PROCEDURE IN THE CLASSIFICATION OF COALS

In the classification of coals the following standards, methods and procedure shall be observed and complied with:

A—STANDARDS OF CLASSIFICATION

The following factors shall be considered as pertinent and shall be given due consideration:

1. Proximate analyses; namely, moisture, ash, volatile matter, fixed carbon and sulphur, B. t. u.'s, and ash softening temperature, analysis of ash and ultimate analysis of coal.

2. Physical characteristics.

3. Characteristics of performance.

B—METHOD OF APPLYING STANDARDS OF CLASSIFICATION

All necessary and ascertainable information concerning the standards set forth above shall be given due consideration with respect to the various kinds, qualities, and sizes of coal mined and shipped by all code members within each district.

All coals shall be classified to the end that no code member will be unduly prejudiced or preferred as between and among code members, and that all classifications established shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts.

Coals shall be classified as of the time and place when preparation for market has been completed by the producer at the mine or at facilities normally considered as an adjunct to the mine.

C—RULES OF PROCEDURE IN PROPOSING AND MAKING INITIAL CLASSIFICATIONS

1. Each code member shall submit to the District Board for the district within which his mine or mines are located, on forms supplied by the District Board, within ten (10) days of the date of receipt of such forms, appropriate information concerning the kinds, qualities, and sizes of coal produced by the code member, and all other information deemed pertinent to the standards of classification set forth above, for the purpose of effectuating the classification of coals of the code member.

Such information shall be made available to the Commission upon its request and shall be held confidential by the Commission and the District Board except as it may be required to be disclosed in carrying out the provisions of the Act and the orders of the Commission.

If any code member fails to furnish to the District Board information as required in this Rule, or furnishes information which the District Board deems incomplete, the Board shall use any information or knowledge reasonably available to it concerning the coals produced at the mine or mines of the code member, as pertinent evidence in determining and proposing initial classifications of such coals.

2. Each District Board shall promptly submit to the Commission, and at the same time to all code members within the district, the proposed initial classifications for all coals produced at all mines of code members within the district, such proposals to be made in accordance with the standards and methods hereinbefore set forth.

3. In the event that any code member is dissatisfied with the class or classes in which his coals, or the coals of other code members, have been placed for proposed initial classification, he shall have the right to protest to the District Board. Each protest shall be in writing, addressed to, and filed with, the Secretary of the District Board within ten (10) days after such proposed initial classifications are mailed by the District Board to all code members within the district and shall set forth the classification claimed by such code member together with the reasons why the proposed initial classification should be changed and detailed data in support thereof. The Secretary of the District Board shall fix the time and place for a hearing and shall notify the Commission and all interested code members of such protest and the time and place for hearing the same. The date of the hearing shall be not more than five (5) days after the date of receipt of such protest by the Secretary of the District Board.

4. The District Board, or a committee appointed by it, shall hear the protest at the time and place assigned for hearing and the Board shall render a decision in writing (which shall include the reasons upon which the decision is based) not later than the close of the fifth (5th) day following the conclusion of the hearing.

5. All interested persons appearing at the hearing shall have the right to offer testimony and to file exhibits and briefs in support of their respective positions. A stenographic record of all testimony offered shall be made and transcribed and shall be permanently retained in the files of the District Board and shall be made available to the Commission upon its request. Expenses in connection with the hearing, except usual expenses of the District Board, shall be assessed in accordance with rules to be proposed by the District Board and approved by the Commission.

6. Notice of the decision of the District Board in any case involving proposed initial classifications shall be given to the Commission and to all code members within the district, except that where a protest is denied and no change in proposed classification is made, the District Board shall be required to notify only the Commission, the protestant, and other parties represented at the hearing. Copies of the decisions of the Board shall be furnished to all principal parties in each case and to the Commission, and shall be made available upon request to all other code members within the district.

D—RULES OF PROCEDURE IN MAKING RECLASSIFICATION OF COALS

1. District Boards shall have the right to propose to the Commission the reclassification of any coal of any code member within the district after affording due notice and opportunity to be heard before the District Board of the code member or members affected, as well as to all other code members of the district. Any code member shall have the right to make application to the District Board for a proposal of reclassification but not within ninety (90) days from the date of a previous classification by the Commission unless such code member can produce, to the satisfaction of the District Board, new evidence which was not available at the time the previous classification was proposed by the District Board to the Commission.

2. The rules of procedure for such reclassification of coals shall conform to those outlined in Rules 3, 4, 5, and 6 of Section C and Rule 5 of Section E hereof.

3. Proposed reclassifications shall be promptly submitted by the District Boards to the Commission, together with all pertinent data upon which the proposal of the District Board is based.

E—GENERAL CLASSIFICATION RULES

1. All classifications shall become effective upon the issuance of appropriate orders by the Commission, and, pending final disposition of any protest and upon reasonable showing of necessity therefor, the Commission, at the request of the District Board or any interested code member, may make such preliminary or temporary finding or order as in its judgment may be appropriate and not inconsistent with the provisions of the Bituminous Coal Act of 1937.

2. Any code member aggrieved by any action of a District Board concerning the proposed classification or reclassifications of coals by a Board may appeal to the Commission, as provided in Section 6, subsection (a) of the Act, by filing a formal protest with the Commission in accordance with its Rules of Practice and Procedure.

3. All code members shall permit the inspection of coal being loaded, and, for the purpose of securing analyses of coal, shall permit the taking of samples at any reasonable time by duly accredited representatives of the District Board or of the Commission. Samples taken shall be representative of a day's loading of the grade and size sampled. Sampling shall be done in accordance with the standards set forth in the Bureau of Mines Technical Paper No. 133, dated 1933, and titled "Directions for Sampling Coal for Shipment or Delivery." Where required by the District Board, three separate samples of coal as shipped shall be taken at the mine or at facilities normally considered as an adjunct to the mine, on three (3) consecutive working days or as nearly thereto as practicable. Each day's sample, in duplicate, shall be forwarded to the laboratory for analysis of each day's sample and three (3) days' composite sample and the code member shall be entitled to receive, upon request, a sufficient portion of said samples for analysis.

4. Sampling for screen tests, both for purposes of determining tolerance and for determining size consist, shall be done in accordance with "Proposed Tentative Method of Test for Screen Analysis of Coal", A. S. T. M. Designation (D–410–35T), issued 1935.

5. Analyses of coals may be made by any established laboratory recommended by a District Board and approved by the Commission, and in the event of disputes or differences in analytical results of different laboratories, the determinations of the U. S. Bureau of Mines or other impartial laboratories designated by the Commission shall be taken as final.

6. Complete schedules of classifications proposed by each District Board and established by the Commission, as well as revisions thereof, shall be kept on file at the principal office of the District Board and at the office of the Commission at Washington, D. C., subject to inspection by any code member, or other interested party, during usual business hours.

At a date subsequent to this order, the Commission will by further order set a definite date at which time all proposals of initial classifications of coals of code members by District Boards must be completed and filed with the Commission.

The Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to the Secretaries of all District Boards, and to all code members within the respective districts.

By order of the Commission.

Dated this 16th day of August, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–2563; Filed, August 17, 1937; 11:49 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A–57 O–57]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT NO. 62 AND ORDER NO. 1 REGULATING THE HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Whereas, under the Agricultural Marketing Agreement Act of 1937, which reenacts and further amends Public No. 10, 73rd Congress, as amended, notice of hearing is required in connection with proposed amendments to a marketing agreement or an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon marketing agreements and orders and amendments thereto;

Whereas, the walnut Control Board, established by the order regulating the handling of walnuts grown in the States of California, Oregon, and Washington, has submitted certain amendments to the said marketing agreement and order and requested that a hearing be held on said amendments;

Now, therefore, pursuant to the said act and the said general regulations, notice is hereby given of a public hearing to be held in Room 113, Agricultural Hall, University of California, Berkeley, California, on August 23, 1937, at 11:00 a. m., and thereafter until completed, at which time interested parties will be heard with reference to proposed amendments to the marketing agreement and order regulating the handling of walnuts grown in the States of California, Oregon, and Washington, to be executed and issued under the said act.

This public hearing is for the purpose of receiving evidence as to the necessity for, and the advisability of, amending the said marketing agreement and order so as (1) to fix a salable percentage of walnuts for the crop year, September 1, 1937 to August 31, 1938; (2) to provide the basis of allocating among packers Control Board purchases of merchantable walnuts to replace surplus walnuts sold by other packers who have met their surplus obligation by paying cash to the Control Board in lieu of delivery of walnuts; (3) to change the basis of assessments so that they will be based on the credit value of packers' surplus obligation instead of the basis of handlings of merchantable walnuts; (4) to provide for a varietal tolerance in Oregon-Washington standard or medium Franquette pack; (5) to require that the quality grade of any lot of walnuts shall be the highest quality grade to which such lot is eligible under the quality specifications in the present agreement and order; (6) to omit specific reference to insect-damaged kernels in the tolerance provisions of First and Second Quality Grade for California, Oregon, and Washington walnuts as specified in the present agreement and order. Evidence as to the necessity for and advisability of such other amendments as may be presented at the hearing will be received.

Copies of the proposed amendments to the marketing agreement and order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

Dated August 17, 1937.

[F. R. Doc. 37–2560; Filed, August 17, 1937; 11:09 a. m.]



## *Thursday, August 19, 1937* — *No. 160*

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 39]

AN ORDER REQUIRING THE SEVERAL DISTRICT BOARDS WITHIN MINIMUM PRICE AREAS NUMBER 1 AND NUMBER 2 TO PROPOSE MINIMUM PRICES FOR ALL KINDS, QUALITIES AND SIZES OF COAL PRODUCED BY CODE MEMBERS IN SAID DISTRICTS; PROVIDING FOR THE COORDINATION OF MINIMUM PRICES SO PROPOSED AND GIVING NOTICE OF A PUBLIC HEARING BY THE COMMISSION FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO APPROVE, DISAPPROVE OR MODIFY SUCH PROPOSED MINIMUM PRICES, TO ESTABLISH MINIMUM PRICES AND DETERMINE THE EXTENT OF THE APPLICABILITY THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That each District Board within the areas defined in said Act as Minimum Price Areas Number 1 and Number 2 shall forthwith proceed to consider and shall, on or before the 2nd day of September, 1937, propose to the Commission minimum prices free on board transportation facilities at the mines for all kinds, qualities and sizes of coal produced in said district by code members, and to propose such price variations as to mines, consuming market areas, values as to uses and seasonal demand, as may be deemed proper and within the authority conferred by said Act.

Schedules of such proposed minimum prices, together with the data upon which they were computed, including, but without limitation, the factors considered in determining the price relationship, shall be submitted to the Commission by each District Board within Minimum Price Areas Number 1 and Number 2 on or before the 2nd day of September, 1937, and the Commission may thereupon approve, disapprove or modify such proposed minimum prices to conform to the requirements of subsection (a) of Part II, entitled "Marketing", of Section 4 of the Act

2. Each District Board within Minimum Price Areas Number 1 and Number 2 respectively, in order to facilitate the determination of such proposed minimum prices, shall, in computing proposed minimum prices, use as the weighted average of the total cost per net ton of the tonnage of such Minimum Price Area, as provided in subsection (a) of Part II of Section 4 of the Act, the sum of $2.22 per net ton for Minimum Price Area Number 1 and the sum of $1.88 per net ton for Minimum Price Area Number 2, these amounts being tentatively established and determined by the Commission for such use, subject, however, to the express condition that prior to final approval, disapproval or modification of said proposed minimum prices by the Commission, there shall be substituted for such tentative weighted average costs the actual weighted average costs of the tonnage for each of the Minimum Price Areas Number 1 and Number 2 referred to respectively in this order, to be hereafter determined by the Commission in conformity with subsection (a), Part II, Section 4, of the Act, and in making such substitutions such proposed prices shall be so modified as to give full effect to the differences, if any, between the tentative and actual weighted average costs.

3. Each District Board within Minimum Price Areas Number 1 and Number 2 shall, by formal resolution, designate a representative or representatives of the Board with full authority to attend a meeting to be held as herein provided, and to act in its behalf for the purpose of coordinating such proposed minimum prices in conformity with the requirements of subsection (b) of Part II, Section 4, of the Act.

Said meeting is hereby set for 10:00 o'clock A. M., September 8, 1937, at the office of the Commission in Washington, D. C., and is to be conducted under the direction of Commission.

Coordination of such proposed minimum prices shall be completed and the proposed minimum prices, as coordinated, shall be submitted to the Commission not later than the 23rd day of September, 1937. The proposed minimum prices, as coordinated and submitted to the Commission, will be on file in the office of the Secretary of the Commission on the 24th day of September, 1937, and will be available for inspection thereafter during office hours to all interested parties until the time for the hearing hereinafter set forth.

4. A hearing shall be held by the Commission on the 27th day of September, 1937, commencing at 10:00 o'clock A. M., in the Hearing Room of the Commission at the Carlton Hotel, Washington, D. C., for the purpose of receiving evidence to enable the Commission to establish and make effective minimum prices in accordance with the standards set forth in subsections (a) and (b), Part II, Section 4, of the Act, and to determine such limitations as may be required to be imposed upon the applicability of said prices.

The Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to the Secretaries of all Distrigt Boards in Minimum Price Areas Number 1 and Number 2, and to all code members within the districts in each of said price areas.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

Dated this 17th day of August, 1937.

[F. R. Doc. 37-2569; Filed, August 18, 1937; 11:49 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Agricultural Economics.

S. R. A.—B. A. E. 103, Revision Issued August 17, 1937.

[Service and Regulatory Announcements No. 103, Revision]

### RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE INSPECTION AND CERTIFICATION OF LIVE POULTRY AND LIVE DOMESTIC RABBITS FOR CLASS, QUALITY, AND CONDITION

#### ORDER OF PROMULGATION

By virtue of the authority vested in the Secretary of Agriculture by a provision of the act of Congress entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938," approved June 29, 1937 (50 Stat. 395), authorizing the investigation and certification of the class, quality and condition of perishable farm products, I. M. L. Wilson, Acting Secretary of Agriculture, do prescribe and promulgate, in lieu of all existing rules and regulations, the following rules and regulations governing the inspection and certification of live poultry and live domestic rabbits for class, quality, and condition, to be in force and effect on and after August 20, 1937, and to continue in force and effect so long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 17th day of August, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

#### REGULATION 1—DEFINITIONS

SECTION 1. Words in these regulations in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

PARAGRAPH 1.—The following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938", approved June 29, 1937 (50 Stat. 395), or any future act of Congress conferring like authority: "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits and vegetables, whether raw, dried or canned, poultry, butter, hay, and other perishable farm products, when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, that certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

PAR. 2. *Secretary.*—Secretary or Acting Secretary of Agriculture of the United States.

PAR. 3. *Bureau.*—Bureau of Agricultural Economics of the United States Department of Agriculture.

PAR. 4. *Person.*—Individual, association, partnership, or corporation.

PAR. 5. *Inspector.*—Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, and condition of products under the act.

PAR. 6. *Products.*—Live poultry and live domestic rabbits.

PAR. 7. *Office of Inspection.*—The office of an inspector authorized to inspect products under the act.

PAR. 8. *Inspection Certificate.*—Certificate of the class, quality, and condition of products issued by an inspector under the act.

PAR. 9. *Interested Party.*—Anyone having a financial interest in the products involved, including the shipper, the receiver, the buyer or the carrier, or any authorized person in behalf of such party.



PAR. 10. *Regulations.*—Rules and regulations of the Secretary governing the inspection of live poultry and live domestic rabbits under the act.

#### REGULATION 2—ADMINISTRATION

SECTION 1. The Chief of Bureau is charged with the administration of the provisions of the act and these regulations and is authorized to issue such instructions as he may deem proper and necessary for the conduct of the service.

#### REGULATION 3—WHERE SERVICE IS OFFERED

SECTION 1. *Inspection—Where Made.*—Products may be inspected for the purpose of the act at points indicated in paragraphs 1, 2, and 3 of this section whenever an inspector is available.

PARAGRAPH 1. *Shipping Points.*—Inspections may be made wherever products are offered for interstate shipment, including farms, factories, warehouses, loading platforms, wagons, trucks, railway cars, boats, vessels, and other places where products are handled, kept, or stored.

PAR. 2. *Designated Markets.*—Boston, Chicago, St. Louis, New York, Philadelphia, San Francisco, Newark, N. J., and Washington are hereby designated as important central markets at which products may be inspected under the act.

PAR. 3. *Other Points.*—Inspections may be made at any other points under conditions provided in regulation 4 whereever inspectors are available.

#### REGULATION 4—INSPECTION SERVICE

SECTION 1. *Kind of Service.*—Inspections may be made for class, quality, and condition.

SEC. 2. *Who May Obtain Service.*—Application for inspection may be made by a State, a municipal authority, or by any person having a financial interest in the products involved, including the shipper, the receiver, the buyer, or the carrier, or by any authorized person in behalf of such applicant.

SEC. 3. *How Inspection May Be Obtained.*—Application for inspection may be made in writing or orally, by telephone, telegraph, or otherwise. Such application may be filed in the office of inspection or with any authorized inspector. If made orally, the inspector may require that it be confirmed in writing.

SEC. 4. *Form of Application.*—Application for inspection shall include the following information or such part of it as the inspector may require: (a) The date of application; (b) the identification and location of the product to be inspected; (c) the name and post-office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; (e) the name, post-office address, and interest of all other known parties, except carriers, interested in the product involved; (f) the shipping point and destination of the product; (g) the purpose of the inspection; and (h) such other information as may be necessary for proper identification of the product or as may be required by the inspector or the Bureau.

SEC. 5. *When Application Deemed Filed.*—An application for inspection shall be deemed filed when delivered to an inspector or the office of inspection.

SEC. 6. *When a Second Inspection May Be Had.*—When an inspection has been made of a lot of live poultry which is found to be in an over-cropped condition, a second or new inspection of this lot shall not be made until the day following, except as may be provided by the instructions of the Chief of Bureau or as an appeal inspection may be made in accordance with the provisions of regulation 5.

SEC. 7. *When Application May Be Rejected.*—Any application may, for any noncompliance with the act or any regulation thereunder or when the inspection applied for would be in conflict with any instructions of the Chief of Bureau or the cooperative agreement under which the inspection would be made or any applicable ordinance or regulation of the city or municipality in which the inspection is requested, be rejected by the inspector in charge of the office of inspection in which it is filed, and such inspector shall immediately notify the applicant by telegraph or in writing of the reasons for such rejection.

SEC. 8. *When Application May Be Withdrawn.*—An application may be withdrawn by the applicant at any time before the service is performed, upon payment of any expenses incurred in connection therewith.

SEC. 9. *Authority of Agent.*—Proof of the authority of any person applying for inspection on behalf of another may be required in the discretion of the inspector.

SEC. 10. *Accessibility of Products.*—The applicant shall cause products for which inspection is requested to be made accessible for inspection and to be so placed as to disclose their class, quality and condition.

SEC. 11. *Basis of Service.*—Inspections for class, quality, and condition shall be based upon the official and tentative standards of the U. S. Department of Agriculture and be made under such conditions and in accordance with such methods as may be prescribed, or approved by the Chief of Bureau.

SEC. 12. *Order of Inspection.*—Inspection shall be made in so far as may be practicable in the order in which applications are received, except that precedence may be given to applications made by another branch of the Federal Government, or by a State, or municipality.

SEC. 13. *Sanitary Condition of Equipment.*—All equipment employed for the transportation, handling and feeding of live poultry, or live domestic rabbits, including cars, coops, baskets, trucks and other equipment, in which poultry or rabbits are offered for inspection, or is handled after inspection, shall be in a reasonably clean, sanitary condition, and any equipment that is not in such condition when poultry or rabbits are inspected in it shall be thoroughly and properly cleaned and, if deemed necessary, properly disinfected after the inspected poultry or rabbits have been removed therefrom, and proper evidence of such cleaning and disinfection shall be furnished the Bureau by the applicant for inspection.

SEC. 14. *Financial Interest of Inspector.*—No inspector shall inspect any products in which he is directly or indirectly financially interested.

SEC. 15. *Investigation on Motion of Inspectors.*—An inspector may of his own motion and without the use of any force, when authorized by the Bureau, investigate the class, quality and condition of any products at such points as are provided under Regulation 3, and may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations. Such an inspection shall not be considered a regular inspection for the certification and approval of the products for transfer into coops or for sale.

SEC. 16. *Certificate—Form of.*—Certificates shall be issued on forms approved by the Chief of Bureau.

SEC. 17. *Certificates—Issuance.*—The inspector shall sign and issue a separate certificate for each lot or lots of products inspected by him for one applicant, unless otherwise authorized.

SEC. 18. *Disposition of Certificates.*—The original certificates upon issuance shall be delivered or mailed to the applicant or the person designated by him. If the shipper is known and is not the applicant, one copy shall be delivered or mailed to him. Copies may be furnished to cooperating agencies. One copy shall be filed in the office of the inspector and one copy forwarded to the Bureau. Copies of certificates shall be kept on file until disposition is ordered by the Bureau. Additional copies will be furnished on request to financially interested parties as provided in Regulation 7, Sec. 1, Paragraph 7.

SEC. 19. *Advance Information.*—Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

#### REGULATION 5—APPEAL INSPECTION

SECTION 1. *When Appeal May Be Taken.*—An application for appeal inspection may be made whenever any financially interested party is dissatisfied with the findings stated in

the original certificate; provided the application is made within one-fourth hour from the time the inspection was completed when the inspection was for condition, or on the same business day when the inspection was for class or quality and before the identity of the original lot of products inspected has been lost. Upon satisfactory showing of evidence of fraud, or that because of distance the time provided for filing an application for appeal inspection is insufficient, or other good cause, the applicant may be allowed to file such application after the time herein prescribed, except when the size of crops of poultry is in question.

SEC. 2. *How to Obtain.*—Appeal inspection may be obtained by the applicant or other person financially interested in the product by filing a request for such appeal inspection with the supervising inspector. The application for appeal shall state the reasons therefor, and may be accompanied by a copy of any previous inspection certificate, or any other information which the applicant shall have received regarding the product at the time of the original inspection. Such application may be made in writing, or orally, by telegraph, telephone, or otherwise. If made orally, the supervising inspector may require that it be confirmed in writing.

SEC. 3. *Record of Filing Time.*—A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

SEC. 4. *When Appeal May be Refused.*—If it shall appear that the reasons stated in an application for appeal inspection are frivolous or unsubstantial, or the product cannot be made accessible for inspection, or these regulations or any instructions issued thereunder by the Chief of Bureau have not been complied with, the application may be rejected and the applicant shall be notified immediately in writing by the supervising inspector of the reason for such rejection, and a statement of such action shall be included in the record of such application by the official making the same.

SEC. 5. *When Appeal May Be Withdrawn.*—An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is made, upon payment of any expenses incurred in connection therewith.

SEC. 6. *Order in Which Made.*—Appeal inspections shall be performed as soon as possible and in the order in which applications are received. They shall take precedence over all other pending applications.

SEC. 7. *Who Shall Pass Upon Appeals.*—Applications for appeal inspection shall be passed upon by persons designated for the purpose by the Chief of Bureau, and such inspection shall be conducted jointly by two inspectors when practicable. No inspector shall pass upon an application for an appeal inspection involving the correctness of a certificate issued by him unless he be so authorized by the Chief of Bureau.

SEC. 8. *Appeal Findings.*—The inspector making an appeal inspection shall sign and issue an "appeal inspection certificate" referring specifically to all previous inspection certificates and stating the results of the last inspection. In all respects, the provisions of regulation 4 shall apply to such appeal inspection certificates, and copies of the appeal inspection certificates shall be sent to all parties to whom the last inspection certificate was furnished.

SEC. 9. *Superseded Certificates.*—When an inspection certificate shall have been superseded under these regulations by an appeal inspection certificate such inspection certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the lot of products described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal inspection is filed, notice of such issuance and of the cancellation of the original certificate shall be forwarded to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.

REGULATION 6—LICENSED INSPECTORS

SECTION 1. *Who May Be Licensed.*—Persons showing proper qualifications may be licensed by the Secretary as inspectors of products which may be inspected under the act. All such licenses shall be countersigned by the specialist in charge of the division of dairy and poultry products in the bureau, or the specialist in poultry inspection in that division, or by the supervising inspector under whose direction the licensee is to make inspections.

SEC. 2. *License—Suspension of.*—Any license may be suspended, pending final action by the Secretary by any official by whom it may be countersigned or by the Chief of Bureau, whenever such official shall deem such action to be for the good of the service. Within seven days after such suspension the licensee may file an appeal in writing to the Secretary, supported by any argument or evidence that he may wish to offer in his behalf.

REGULATION 7—FEES AND EXPENSES

SECTION 1. *Amount of, Rates, Etc.*—

PARAGRAPH 1. *Basis for Charges.*—Fees and charges for inspection service at shipping points, designated markets, and other points, shall be based upon the actual time required to make the inspection and the time required for travel of the inspector in connection therewith between the office of inspection and the place of inspection and waiting time of the inspector if the product is not ready for inspection on arrival of the inspector, at the rate of $2 per hour for each inspector assigned or at the rates specified under Paragraph 2 of this section, unless otherwise provided by special agreement or by supplemental schedules approved by the Chief of Bureau: provided that an additional fee of $3 shall be charged when the inspection is made under conditions where the entire lot of the product is not readily accessible to the inspector; provided further that the Chief of Bureau may in lieu of the fixed charge of $2 per hour or the rates specified in Paragraph 2 of this section fix other reasonable charges for the inspection of products at rates which in his judgment will cover the cost of the service; and except that inspection for Federal Government agencies shall be at actual cost.

PAR. 2. *Coop Fees.*—For each lot of product inspected for condition, pursuant to these regulations, the fee shall be on the basis of the number of coops or baskets in such lot, as follows:

| | |
|---|---|
| For 5 standard (3' x 6') coops or less | $1.00 |
| For 6 to 10 standard (3' x 6') coops | 1.50 |
| For 11 to 20 standard (3' x 6') coops | 2.00 |
| For 21 to 40 standard (3' x 6') coops | 3.00 |
| For 41 to 60 standard (3' x 6') coops | 4.00 |
| Over 60 standard (3' x 6') coops, up to a carload | 5.00 |
| For not to exceed 5 standard (2' x 3') baskets or less | 0.25 |
| For 6 to 10 standard (2' x 3') baskets | 0.40 |
| For 11 standard (2' x 3') baskets or more, per basket | 0.04 |

*Provided*, that when baskets or coops are of larger size than the standard sizes specified above, an additional fee shall be charged for such larger size baskets or coops, based upon their size in relation to the standard sizes specified above.

PAR. 3. *Carlot Fee.*—For each carlot of product inspected for condition, pursuant to these regulations, the fee shall be $5.

PAR. 4. *Under Cooperative Agreement.*—Fees for inspections made under cooperative agreement shall be those provided for by such agreements.

PAR. 5. *For Appeal Inspection.*—Fees for appeal inspection shall be three times those for original inspections except that no fee will be charged when it is found that there was a material error in the certificate for which the appeal was taken.

PAR. 6. *Other Than Regular Hours.*—Fees for inspections made during hours other than the regular hours of inspection or an extension of the regular hours of inspection shall be one and one-half times those for inspections made during regular hours.

PAR. 7. *Travel Expense, Etc.*—Further charges may be made for actual traveling expenses and other items paid or incurred in connection with inspections or appeal inspections made at a place where inspector is not regularly stationed.

PAR. 8. *For Additional Copies of Inspection Certificates.*—Except as provided by Regulation 4, Section 17, a fee of $1 shall be charged for not to exceed three additional copies of a certificate furnished to any person financially interested in the product covered by the certificate.



SEC. 2. *How Fee Shall Be Paid.*—Fees and other charges shall be paid by the applicant in accordance with the direction on the fee bill furnished him, and in advance if required by the inspector.

SEC. 3. *Disposition of Fees.*—Fees covered by Section 1 of this regulation shall be disposed of as follows:

Fees and charges for inspections made by an inspector acting exclusively for the Bureau shall be remitted promptly to the Bureau. Fees and charges for inspections made by licensed inspectors acting exclusively for the Bureau, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the Bureau.

Fees and charges for inspections made under cooperative agreements with a State or other organization or agency shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may accrue to the United States shall, when due, be promptly remitted to the Bureau.

REGULATION 8—MISCELLANEOUS

SECTION 1. *Willful Violation, Fraud or Misrepresentation.*—Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with (a) the making or filing of an application, or (b) the use of an inspection or appeal inspection certificate issued by an inspector under these regulations, or (c) the use of an official stamp, tag, seal, mark or label, or (d) any willful violation of these regulations or of the supplementary rules and instructions issued by the Chief of the Bureau, may be deemed sufficient cause for debarring the person guilty thereof from any benefits of the act.

SEC. 2. *Publication.*—Publications under the act and these regulations shall be made in the Service and Regulatory Announcements of the Bureau and such other mediums as the Chief of Bureau may from time to time designate for the purpose.

SEC. 3. *Political Activity.*—All inspectors authorized, either by appointment or license from the Secretary of Agriculture, to issue inspection certificates under the act and these regulations are forbidden, during the period of their appointment or license, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this regulation will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

SEC. 4. *Identification.*—All inspectors shall have in their possession at all times Department identification cards and shall identify themselves by such cards on request.

[F. R. Doc. 37-2564; Filed, August 17, 1937; 2:27 p. m.]

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S. R. A.—B. A. E. 131, Revision Issued August 17, 1937

[Service and Regulatory Announcements No. 131, Revision]

## RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE INSPECTION AND CERTIFICATION OF DRESSED POULTRY AND DRESSED DOMESTIC RABBITS FOR EXTERNAL CONDITION AND OF DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF FOR CONDITION AND WHOLESOMENESS

ORDER OF PROMULGATION

By virtue of authority vested in the Secretary of Agriculture by the provision in an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938, and for other purposes," approved June 29, 1937 (50 Stat. 395), authorizing the establishment of an inspection service for perishable farm products, I, M. L. Wilson, Acting Secretary of Agriculture, do prescribe and promulgate the following rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits for external condition and of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness to be in force and effect on and after August 20, 1937, and as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority. These rules and regulations shall supersede the rules and regulations approved by the Secretary of Agriculture March 31, 1931, under Service and Regulatory Announcements No. 131.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 17th day of August, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

REGULATION 1—DEFINITIONS

SECTION 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

PARAGRAPH 1. *The Act.*—The following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1938", approved June 29, 1937 (50 Stat. 395), or any future act of Congress conferring like authority: "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and feed products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits and vegetables, whether raw, dried or canned, poultry, butter, hay, and other perishable farm products, when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: Provided, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

PAR. 2. *Secretary.*—Secretary or Acting Secretary of Agriculture of the United States.

PAR. 3. *Bureau.*—Bureau of Agricultural Economics of the United States Department of Agriculture.

PAR. 4. *Person.*—Individual, association, partnership, or corporation.

PAR. 5. *Inspector.*—Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the external condition, and condition and wholesomeness of products under the act. Inspections for "condition and wholesomeness," involving evisceration, shall be made by an inspector who is a qualified veterinarian.

PAR. 6. *Products.*—Dressed poultry, dressed domestic rabbits, and carcasses, by products, and food products thereof.

PAR. 7. *Dressed Poultry.*—Domestic poultry slaughtered for human food with heads, feet, and viscera intact, and the feathers removed in accordance with commercial practice.

PAR. 8. *Poultry Carcass.*—All edible parts of dressed poultry exclusive of byproducts.

PAR. 9. *Poultry Byproducts.*—All edible viscera and parts of dressed poultry other than poultry meat.

PAR. 10. *Poultry Food Products.*—Any article of food or any articles which enter into the composition of food which are not prepared poultry carcasses or poultry byproducts but which are derived or prepared in whole or in part by a process of manufacture from any edible portion of dressed poultry, if such manufactured portion is all or a considerable and definite portion of the article.

PAR. 11. *Dressed Domestic Rabbits.*—Domestic rabbits slaughtered for human food with heads, feet, and viscera intact..

PAR. 12. *Domestic Rabbit Carcass.*—All edible parts of dressed domestic rabbits exclusive of byproducts.

PAR. 13. *Domestic Rabbit Byproducts.*—All edible viscera and parts of dressed domestic rabbits other than rabbit meat.

PAR. 14. *Domestic Rabbit Food Products.*—Any articles of food or any articles which enter into the composition of food which are not prepared domestic rabbit carcasses or domestic rabbit byproducts, but which are derived or prepared in whole or in part by a process of manufacture from any edible portion of dressed domestic rabbit, if such manufactured portion is all or a considerable and definite portion of the article.

PAR. 15. *Office of Inspection.*—The office of an inspector of products covered by these regulations.

PAR. 16. *Inspection Certificate.*—Certificate of the external condition or of the condition and wholesomeness of products issued by an inspector under the act.

PAR. 17. *Regulations.*—Rules and regulations of the Secretary under the act.

PAR. 18. *Approved Premises.*—Any plant at which inspection is carried on regularly under these regulations.

PAR. 19. *"Inspected for External Condition."*—That the dressed poultry and dressed domestic rabbits have been examined in an uneviscerated state to determine their condition and that only external evidences of condition have been given consideration.

PAR. 20. *"Inspected for Condition and Wholesomeness."*—That the dressed poultry and dressed domestic rabbits and edible products thereof have been examined to determine their soundness, wholesomeness, and freedom from disease and that the poultry and domestic rabbits have been eviscerated and both external and internal evidences of condition and wholesomeness have been given consideration, or that drawn poultry and drawn domestic rabbits and edible products thereof previously inspected and certified for condition and wholesomeness at the time of evisceration, and which have not lost their identity as inspected and certified poultry or domestic rabbits, have been examined to determine their soundness and wholesomeness.

PAR. 21. *"Inspected and Certified by Bureau of Agricultural Economics, United States Department of Agriculture."*—That the products have been inspected for condition and wholesomeness and certified under these regulations and that at the time they were inspected and certified they were found to be sound, wholesome, and fit for human food.

PAR. 22. *"Inspected and Rejected by Bureau of Agricultural Economics, United States Department of Agriculture."*—That the products so indicated are unsound, unhealthful, unwholesome, or otherwise unfit for human food.

PAR. 23. *"Held for Further Examination by Bureau of Agricultural Economics, United States Department of Agriculture."*—That the products so indicated are held for further examination by an inspector to determine their disposal.

PAR. 24. *Inspection Mark.*—A mark or statement authorized by these regulations for use in connection with products, or on the container of such indicating that the articles have been "inspected and certified."

PAR. 25. *Immediate Container.*—A unit can, pot, tin, or other receptacle or covering in which any edible portion of dressed poultry or dressed domestic rabbit is customarily delivered to consumers.

PAR. 26. *Shipping Container.*—The box, bag, barrel, crate, or other receptacle or covering inclosing any edible portion of dressed poultry and dressed domestic rabbits, packed in two or more immediate containers.

REGULATION 2—ADMINISTRATION

SECTION 1. The Chief of Bureau is charged with the administration of the provisions of the act and these regulations.

REGULATION 3—WHERE SERVICE IS OFFERED

SECTION 1. *Inspection—Where Made.*—Products may be inspected wherever an inspector is available and facilities and conditions are satisfactory for the conduct of the work.

REGULATION 4—INSPECTION SERVICE

SECTION 1. *Kind of Service.*—Inspection of products may be made for external condition, and for condition and wholesomeness.

SEC. 2. *Who May Obtain Service.*—An application for inspection may be made by any financially interested person or his authorized agent, including federal, state, county and municipal governments and common carriers.

SEC. 3. *How to Make Application.*—Application for inspection may be filed in the office of inspection or with any authorized inspector at or nearest the place where the inspection is desired. If made orally, the inspector may require that the application be confirmed in writing. When the inspection involves evisceration or drawn poultry and drawn domestic rabbits and edible products thereof, application in writing must be filed with the chief of bureau.

SEC. 4. *Form of Application.*—Each application for inspection of products under these regulations when required to be in writing should include such information in regard to the article and to the premises where they are to be inspected as the inspector or the bureau may require.

SEC. 5. *When Application May Be Rejected.*—Any application may be rejected by the inspector in charge of the office of inspection in which it is filed for any noncompliance with the act or any regulation thereunder and the applicant shall be immediately notified of the reasons for such rejection.

SEC. 6. *When Application May Be Withdrawn.*—An application may be withdrawn at any time before the service is performed upon payment of any expense incurred in connection therewith.

SEC. 7. *Authority of Agent.*—Proof of the authority of any person applying for inspection on behalf of another may be required in the discretion of the inspector.

SEC. 8. *Granting of Application.*—Applications for inspection involving evisceration or for inspection of drawn poultry and drawn domestic rabbits and edible products thereof which have been previously inspected and certified shall be granted only when the facilities available and the methods employed are suitable and adequate, as determined by the inspector of the chief of bureau.

SEC. 9. *Accessibility of Product.*—The applicant shall cause the product for which inspection is requested to be made accessible for inspection and to be so placed as to disclose fully its condition.

SEC. 10. *Basis of Inspection.*—Inspection of products shall be made under such conditions and in accordance with such methods as may be prescribed or approved by the bureau.

SEC. 11. *Financial Interest of Inspector.*—No inspector shall inspect any product in which he is directly or indirectly financially interested.

SEC. 12.—*Uninspected Drawn Poultry or Domestic Rabbits May not Be Handled.*—When a plant has been granted service in the inspection of product for condition and wholesomeness, no uninspected poultry or domestic rabbits shall be drawn in the plant. Commercially dressed, undrawn poultry may, however, be handled in such a plant.

SEC. 13. *Sanitary Requirements.*—Inspection of product for condition and wholesomeness shall be made only on premises which maintain such sanitary conditions as the bureau may require.

SEC. 14. *Report of Violations.*—Inspectors shall report to the bureau all violations and noncompliances under these regulations of which they have knowledge.



SEC. 15. *Plant Shall Report Time of Operation.*—The inspector or other authorized agent of the Bureau shall be informed when work in the department of any approved premises, where products are inspected or handled, has been concluded for the day and a reasonable time in advance of the day and hour when such work will be resumed.

SEC. 16. *Meat Inspection Regulations Applicable.*—All provisions of the regulations of the United States Department of Agriculture governing the meat inspection of the department relating to post-mortem inspection which are applicable to poultry or to domestic rabbits shall be enforced in connection with the inspection of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness.

SEC. 17. *Evisceration.*—Where inspections involve evisceration, each carcass, after being thoroughly thawed, if frozen, shall be opened in such a way as to expose the organs and the body cavities in order to allow proper examination of each part by the inspector. When inspection involving evisceration and examination for soundness, wholesomeness, and freedom from disease is made, each carcass with head, feet and all viscera intact shall be examined by the inspector: Provided, however, That if the feet and shanks of poultry are not to be used in the preparation of any edible product they may be removed at or below the hock joint prior to inspection.

SEC. 18. *Carcasses Held for Further Examination.*—Each carcass, including all parts and organs thereof, in which any lesion or disease or other condition is found which might render the poultry or domestic rabbit meat or any organ unfit for food, and on which final decision can not be made on first examination, shall be held for further examination by the inspector. The identity of every such carcass, part, or organ thereof shall be maintained until its final examination has been completed and it is either "inspected and certified" or "inspected and rejected."

SEC. 19. *Identification Labels.*—Such labels, devices, and methods as may be approved by the bureau may be used for the identification of carcasses, parts, or organs held for further examination.

SEC. 20. *Unsound Carcasses—Disposition.*—Each carcass, including all parts and organs thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be destroyed for human food and shall receive such treatment as will preclude dissemination of disease through consumption by other animals under the supervision of the inspector or other authorized agent of the bureau.

SEC. 21. *Sound Carcasses—Disposition.*—Carcasses and all parts and organs thereof found to be sound, healthful, wholesome, and fit for human food shall be certified as provided in these regulations.

SEC. 22. *Certificate—Form of.*—The inspection certificate shall be issued on forms approved by the chief of bureau. It shall show the class or classes of poultry or domestic rabbits, the quantity of each, and all pertinent information concerning the condition and wholesomeness of each separate lot examined. The certificate shall also plainly show whether (a) the inspection was for external condition without evisceration, or (b) whether it was for condition and wholesomeness and involved evisceration, or (c) whether it was for condition and wholesomeness subsequent to evisceration, and (d) such other information as may be required by the bureau.

SEC. 23. *Certificates—Issuance.*—The inspector shall issue a separate certificate for each lot of products inspected by him, except that certificates need not be issued covering drawn poultry or drawn domestic rabbits and edible products thereof which have been previously inspected and certified and the identity of which has not been lost, but such reports covering their inspection shall be rendered as may be required by the Bureau.

SEC. 24. *Certificates—Disposition.*—One original inspection certificate, and not to exceed two copies if requested, shall immediately upon issuance be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of inspection, and one copy forwarded to the bureau. They shall be kept on file until other disposal is ordered by the Bureau.

SEC. 25. *Reports of Work.*—Reports of the work of inspection carried on within approved premises shall be forwarded to the bureau by the inspector on such blanks and in such manner as may be specified by the Bureau.

SEC. 26. *Information To Be Furnished to Inspector.*—When inspections are made within approved premises the inspectors and other authorized agents of the bureau engaged in the conduct of this work shall be furnished with accurate information as to all matters needed by them for making their reports.

SEC. 27. *Marking of Containers for Export.*—Each outside container of any inspected and certified products for export shall be plainly marked in such a way as to properly identify it.

SEC. 28. *Export Certificates—Form of.*—Export certificates may be in the form required by each particular country and approved by the chief of bureau, and shall be signed by the inspector who inspected the products or by the supervising inspector and by any authorized agent of the bureau who supervised the canning or other preparation of the inspected articles and the labeling of the containers. Export certificates shall be issued in serial numbers and in quadruplicate, with memorandum copy for filing. Each certificate shall show the names of the exporter and the consignee, the destination, the numbers of the stamps, if any, attached to the articles to be exported, the shipping marks, the kind of product, and the weight.

SEC. 29. *Export Certificates—Issuance.*—On application of the exporter the inspector is authorized to issue export certificates for shipments of inspected and certified products to any foreign country; provided, however, that where products have been previously inspected and certified by the bureau and properly marked as such and have later been moved to some other location than the point where they were so inspected, certified, and prepared, an export certificate covering such products may be issued on application of the person in whose possession they are at that time after suitable examination has been made by an inspector or authorized agent of the bureau who may sign such export certificate.

SEC. 30. *Export Certificate—Disposition.*—The original export certificate shall be delivered to the shipper and shall be used only for the purpose of effecting the transportation and delivery of the consignment. The duplicate of the export certificate shall be delivered to the shipper and by him delivered to the agent of the railroad or other carrier which transports the consignment from the United States. The triplicate of the export certificate shall be retained by the inspector issuing the same and be forwarded to the bureau for filing, and the quadruplicate filed in the office of inspection. The memorandum copy shall be delivered to the shipper for filing.

SEC. 31. *Advance Information.*—Upon request of an applicant, all or any part of the contents of an inspection certificate issued on a lot of products may be telephoned or telegraphed to him at his expense.

REGULATION 5—APPEAL INSPECTION

SECTION 1. *When Appeal May Be Taken.*—An application for appeal inspection may be made whenever any financially interested party is dissatisfied with the determination stated in the original certificate, provided the application is made within the same business day and before the identity of the original lot of products inspected has been lost.

SEC. 2. *How to Obtain.*—Application for appeal inspection may be made in writing, orally, by telephone, telegraph, or otherwise. If made orally the person receiving the application may require that it be confirmed in writing. Such application shall give the reasons therefor, and the inspection certificate previously issued on the lot, if a certificate has been issued, shall be returned to the person making the appeal inspection if it is in the possession of the applicant.

SEC. 3. *Record of Filing Time.*—A record showing the date and time of filing such application shall be made by the inspector.

SEC. 4. *When Appeal May Be Refused.*—If it shall appear that the reasons stated in the application for appeal inspection are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original inspection or that the products can not be made accessible for thorough inspection, or that the identity has been lost, or these regulations have not been complied with, the application may be rejected.

SEC. 5. *When Appeal May Be Withdrawn.*—An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is made, upon payment of any expenses incurred in connection therewith.

SEC. 6. *Order in Which Made.*—Appeal inspections shall be performed, as far as practicable, at time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications.

SEC. 7. *Who Shall Pass Upon Appeals.*—Applications for appeal inspection shall be passed upon by persons designated for the purpose by the Chief of Bureau. Appeal inspection shall be made by the inspectors especially designated therefor by the Supervising inspector and such inspection shall be conducted jointly by two inspectors when practicable. No appeal inspector shall pass upon an appeal involving the correctness of a certificate issued by him unless he is so authorized by the Chief of Bureau or by persons designated for the purpose by the Chief of Bureau.

SEC. 8. *Appeal Findings.*—After an appeal inspection has been made a certificate designated as "Appeal Inspection Certificate" shall be signed and issued referring specifically to the original certificate and stating the condition of the product, as shown by the appeal inspection. In all other respects the provisions of regulation 4 shall apply to such appeal inspection certificate except that if the applicant for appeal inspection be not the original applicant a copy of the appeal inspection certificate shall be mailed to the original applicant.

SEC. 9. *Extension of Time.*—Upon satisfactory showing of evidence of fraud, or that on account of distance the time of filing an application for appeal inspection is insufficient, or other good cause, the person to whom the application for appeal inspection is made may permit the filing of such application after the time prescribed therefor in these regulations, and a statement of such action shall be included in the record of such appeal inspection by the official making the same.

SEC. 10. *Superseded Certificates.*—When an inspection certificate shall have been superseded under these regulations by an appeal inspection certificate, such inspection certificate shall become null and void, and shall not thereafter represent the condition and wholesomeness of the products described therein. If the original and all copies of the superseded certificates are not delivered to the person with whom the application for appeal inspection is filed, the officer issuing the appeal inspection certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.

REGULATION 6—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

SECTION 1. *Inspection.*—

PARAGRAPH 1. *Inspection Mark.*—The inspection mark permitted to be used on products inspected for condition and wholesomeness under these regulations shall be "inspected and certified by Bureau of Agricultural Economics, U. S. Department of Agriculture." The bureau may approve and authorize the use of abbreviations of the inspection mark under these regulations. Such abbreviations shall have the same force and effect as the mark for which they are so authorized to be used.

PAR. 2. *Affixing Inspection Mark.*—No person shall affix or place or cause to be affixed or placed the inspection mark or any abbreviation, copy, or representation thereof to any products except under the supervision of an inspector or other authorized agent of the bureau.

PAR. 3. *Filling of Container.*—No person shall fill or cause to be filled, in whole or in part, with any products any container bearing or intended to bear the inspection mark or any abbreviation, copy, or representation thereof except under the supervision of an inspector or other authorized agent of the bureau.

PAR. 4. *Affixing Inspection Mark to Container.*—No person shall affix or place or cause to be affixed or placed the inspection mark or any abbreviation, copy, or representation thereof to or on a container of any products except under the supervision of an inspector or other authorized agent of the bureau.

SEC. 2. *Trade Labels.*—

PARAGRAPH 1. *Attaching to Container.*—When any inspected and certified products are placed or packed within approved premises in any can, pot, tin, or other receptacle constituting an immediate container within the meaning of these regulations which is to bear the inspection mark there shall be attached to such container a trade label, as hereinafter described, which shall be distinctive from trade labels used on the same or similar products prepared from noninspected poultry or domestic rabbits: *Provided, however,* That inspected and certified products may be placed or packed in immediate containers which do not and are not to bear trade labels on which the inspection mark appears, but they shall not be represented, advertised, or labeled, either directly or indirectly, as products which have been inspected and certified under these regulations.

PAR. 2. *Filling of Labeled Container.*—No container which bears or is to bear a trade label on which the inspection mark appears shall be filled in whole or in part with any products which have not been inspected and certified in compliance with these regulations and which are not sound, wholesome, and fit for human food and strictly in accordance with the statements on the label. No such container shall be filled in whole or in part and no trade label shall be affixed except under the supervision of an inspector or other authorized agent of the Bureau.

PAR. 3. *Wording of Labels.*—Trade labels approved by the bureau shall bear the true name of the article in the container and shall bear in prominent letters and figures of uniform size the phrase, "Inspected and Certified by Bureau of Agricultural Economics, U. S. Department of Agriculture", and also the number, if any, of the approved premises within which the products were inspected when the approved trade label does not bear the name of the firm packing the product and identify the plant in which the product was packed: *Provided, however,* That the plant number of the approved premises may be embossed on the immediate container instead of being printed on the trade label, if the embossing is approved by the Bureau.

PAR. 4. *Approval of Labels.*—No trade label bearing the inspection mark shall be printed for use until printer's final proof has been approved by the Bureau.

PAR. 5. *Formulae Required.*—Printer's proof of all trade labels bearing the inspection mark which are submitted for approval shall, when the Bureau requires, be accompanied by a statement showing the kinds and percentages of the ingredients of the product in any container on which it is desired to use the label. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variations are stated.

PAR. 6. *Use of Approved Labels.*—Approved trade labels shall be used only on products for which they are approved. They shall not be applied to any products the container of which bears any statement that is false or misleading.

PAR. 7. *Labels in Foreign Language.*—Approved trade labels to be affixed to packages of any products for foreign commerce may be printed in a foreign language. The inspection mark shall appear thereon in English, but, in addition, may appear, literally translated, in foreign languages.



REGULATION 7—LICENSED INSPECTORS

SECTION 1. *Who May Be Licensed.*—Persons showing proper qualifications may be licensed by the Secretary as inspectors of products which may be inspected under this act, provided that only qualified veterinarians may make inspections involving evisceration of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness. All such licenses shall be countersigned by the specialist in charge of the division of dairy and poultry products in the bureau, or the specialist in poultry and domestic rabbit inspection in that division, or by the supervising inspector under whose direction the licensee is to make inspections.

SEC. 2. *Suspension of License.*—Any such license may be suspended, pending final action by the Secretary, by an official by whom it may be countersigned or by the chief of bureau whenever such official shall deem such action to be for the good of the service. Within seven days after such suspension the licensee may file an appeal in writing to the Secretary, supported by any argument or evidence that he may wish to offer in his behalf.

REGULATION 8—FEES AND EXPENSES

SECTION 1. *Charges.*—

PARAGRAPH 1. *Basis for Charges.*—Fees to be collected for inspection services shall be based upon the time required to render the services, including the time required for travel of inspector in connection therewith, at the rate of $2 per hour for each inspector for the time actually required, unless otherwise provided by special agreement with the applicant approved by the Bureau.

PAR. 2. *Inspectors Employed or Licensed by Department of Agriculture.*—Charges for services by employees of the department and by inspectors licensed by the Secretary shall be at rates established herein, or those provided in the terms of his contract of employment.

PAR. 3. *Under Cooperative Agreement.*—Charges for inspection under cooperative agreements shall be those provided for by such agreements.

PAR. 4. *For Appeal Inspection.*—Fees for appeal inspections shall be double those for original inspections, except that no fee will be charged when it is found that there was a material error in the determination based upon the original inspection, and except that appeal grading for Federal Government agencies shall be at actual cost.

PAR. 5. *Traveling Expenses, Etc.*—Such further charges may be made for traveling expenses and other items paid or incurred by the bureau in connection with an inspection made at a place where no inspector is located, or appeal inspection where the services of a second inspector are required, as will reimburse the bureau. These charges shall be included with the fee for inspection on the bill furnished the applicant.

PAR. 6. *For Copies of Inspection Certificates.*—For not to exceed three extra copies of a certificate to any person financially interested in a product involved, the fee shall be $1.

SEC. 2. *How Fees Shall Be Paid.*—Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector, and in advance if required by the inspector.

SEC. 3. *Disposition of Fees.*—

PARAGRAPH 1. Fees for inspections made by salaried inspectors acting exclusively for the bureau shall be promptly remitted to the Bureau.

PAR. 2. Fees for inspections made by a licensed inspector acting exclusively for the Bureau, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the Bureau.

PAR. 3. Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organization shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Bureau.

REGULATION 9—MISCELLANEOUS

SECTION 1. *Fraud or Misrepresentation.*—Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application; the use of an inspection or appeal inspection certificate issued under these regulations; or the use of any official stamp, tag, seal, mark, or approved label, or any willful violation of these regulations or of the supplementary rules and instructions issued by the chief of bureau, may be deemed sufficient cause for debarring such persons from any benefits of the act.

SEC. 2. *Publication.*—Publication under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau and such other mediums as the chief of bureau may from time to time designate for the purpose.

SEC. 3. *Political Activity.*—All inspectors authorized, either by appointment or license from the Secretary, to issue inspection certificates under the act and these regulations are forbidden, during the period of their appointment or license, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this regulation will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

SEC. 4. *Identification.*—All inspectors shall have in their possession at all times Department identification cards, and shall identify themselves by such cards on request.

[F. R. Doc. 37-2565; Filed, August 17, 1937; 2:28 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTION FROM THE REQUIREMENT OF A RADIO INSTALLATION UNDER SECTION 352 (B), SUBSECTIONS (1) AND (3), TITLE III, PART 2, OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

The Telegraph Division at a special meeting held August 12, 1937, adopted the following order:

The Commission this day extended the exemption from the radiotelegraph installation requirements of the Safety of Life at Sea Convention and Title III, Part 2 of the Communications Act of 1934 as amended, pursuant to the provisions of Article 28 of the Convention and Section 352 (b), sub-sections (1) and (3), Title III, Part 2 of the Act, which was granted Lloyd C. Hooks and the Eden Fishing Corporation on July 13, 1937 for the vessel *Edith* on voyages not more than five miles from the Florida sea coast and not more than twenty miles north or south of the Miami, Florida Light-Whistle Sea Buoy, pending further order of the Commission and in any event for a period not to exceed thirty days from the date of this order, subject to the same terms and conditions as those specified in the original order of exemption, in order to enable the Commission to further consider the route and conditions of the voyages in question.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2567; Filed, August 18, 1937; 9:31 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

AMENDMENT TO TREASURER'S CHAPTER OF THE MANUAL

FUNDS RECEIVED FROM DESIGNATED SOURCES TO BE DEPOSITED IN SPECIAL DEPOSITS ACCOUNT

Be it Resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128,

129), as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647), and particularly by Sections 4–a and 4–k of said Act as amended, paragraph (b) of Section 740 of Chapter VII of the Consolidated Manual is hereby amended to read as follows:

SEC. 740 (b). Such officers and employees may also receive incidental identified funds arising from deposits on abstracts or other matters to be held pending determination of their disposition. In such cases, receipt for such funds shall be immediately issued in a form approved by the General Manager, the General Counsel, and the Budget Director. Except as otherwise provided in this Manual, the funds described in this section shall be deposited in the Special Deposits Account which has been established with the Treasurer of the United States for the particular Regional Office.

Adopted by the Federal Home Loan Bank Board on August 16, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2566; Filed, August 17, 1937; 2:31 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE WHOLESALE JEWELRY INDUSTRY

[File No. 21-289]

NOTICE OF OPPORTUNITY TO OFFER SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Wholesale Jewelry Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than September 3, 1937. Opportunity for oral hearing will be afforded at 10 a. m., September 3, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C., to such persons as may desire to appear, and who have made prior written or telegraphic requests to be heard orally. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission,

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered August 16, 1937.

[F. R. Doc. 37-2568; Filed, August 18, 1937; 11:08 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of August, 1937.

[File No. 1-437]

IN THE MATTER OF WORTHINGTON PUMP & MACHINERY CORPORATION (VIRGINIA) COMMON STOCK $100 PAR VALUE, 7% CUMULATIVE CLASS A PREFERRED STOCK $100 PAR VALUE, AND 6% CUMULATIVE CLASS B PREFERRED STOCK $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike the Common Stock $100 par value, 7% Cumulative Class A Preferred Stock $100 par value and 6% Cumulative Class B Preferred Stock $100 par value of the Worthington Pump & Machinery Corporation (Virginia) from listing and registration on the New York Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, that the matter be set down for hearing at 11:00 o'clock, A. M., on Tuesday, September 21, 1937, in Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Recording Secretary.*

[F. R. Doc. 37-2570; Filed, August 18, 1937; 12:46 p. m.]

*Friday, August 20, 1937* *No. 161*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ESTABLISHING THE SNAKE RIVER MIGRATORY WATERFOWL REFUGE

*Idaho*

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all islands in the Snake River within the exterior limits of the following-described area, owned or controlled by the United States, or of which the United States has the use for migratory bird refuge purposes, be, and they are hereby, withdrawn from settlement, location, sale, or entry, and reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that upon the acquisition of title to or lease of any privately-owned island by the United States, or upon the termination of any private right to or appropriation of any public-land island within the area, or upon the acquisition of control by the United States of any island within the area, in any other manner, such islands shall be reserved and become a part of the refuge:

BOISE MERIDIAN

T. 1 N., R. 2 W., sec. 31;
T. 1 N., R. 3 W., secs. 5, 6, 7, 8, 16, 17, 21, 22, 26, 27, 35, and 36;
T. 2 N., R. 3 W., sec. 31;
T. 2 N., R. 4 W., secs. 2, 3, 11, 14, 23, 25, 26, 35, and 36;
T. 3 N., R. 4 W., secs. 17, 18, 20, 21, 22, 27, 28, and 34;
T. 3 N., R. 5 W., secs. 3, 4, 10, 11, 13, 14, 15;
T. 1 S., R. 2 W., secs. 6, 7, 8, 17, 20, 21, 25, 26, 27, 28, 34, 35, and 36;
T. 1 S., R. 3 W., sec. 1.

This refuge shall be known as the Snake River Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 17, 1937.*

[No. 7691]

[F. R. Doc. 37-2571; Filed, August 18, 1937; 3:12 p. m.]



## DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

G.R.—A.A.A.—Series G, No. 1 Issued August 19, 1937.

[General Regulations, Series G]

REGULATIONS GOVERNING MEDIATION AND ARBITRATION UNDER SECTION 3 OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937.

By virtue of the authority vested in the Secretary of Agriculture by Section 3 (b) of the Agricultural Marketing Agreement Act of 1937, (Public Law No. 137, 75th Congress) approved June 3, 1937, I, M. L. Wilson, Acting Secretary of Agriculture, do make, prescribe, publish and give notice of the following regulations, to be in force and effect from the date of the approval hereof until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in duplicate, in the city of Washington, District of Columbia, this 19th day of August, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

ARTICLE I. DEFINITIONS

SECTION 100.[1] As used in these regulations:

(a) The term "act" means Public Law No. 10, 73rd Congress, approved May 12, 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (Public Law No. 137, 75th Congress), approved June 3, 1937.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Dairy Section" means the Dairy Section, Division of Marketing and Marketing Agreements, Agricultural Adjustment Administration, United States Department of Agriculture.

(e) The term "cooperative" means any association, incorporated or otherwise, which is in good faith owned or controlled by producers, or organizations thereof, of milk or its products, and which is bona fide engaged in the collective processing or preparing for market or handling or marketing, in the current of interstate or foreign commerce, of milk or its products.

(f) The term "arbitrator" means any officer or employee of the Department designated by the Secretary to arbitrate a bona fide dispute with reference to terms and conditions of the sale of milk or its products, between a producer cooperative and purchasers, handlers, processors, or distributors of milk or its products, pursuant to Section 3 (a) of the Agricultural Marketing Agreement Act of 1937; and when more than one arbitrator is designated, the term "arbitrator" means the full number designated.

(g) The term "mediator" means any officer or employee of the Department designated by the Secretary to mediate a bona fide dispute with reference to terms and conditions of the sale of milk or its products, between a producer cooperative and purchasers, handlers, processors, or distributors of milk or its products, pursuant to Section 3 (a) of the Agricultural Marketing Agreement Act of 1937.

ARTICLE II. APPLICATIONS FOR MEDIATION OR ARBITRATION

SECTION 200. *Filing.*—All applications for mediation or arbitration, all submissions, and all correspondence regarding mediation or arbitration shall be addressed to the Secretary, attention of the Dairy Section.

ARTICLE III. MEDIATION

SECTION 300. *Application for Mediation.*—An application for mediation by a cooperative shall be in writing and shall include the following information:

(a) Names in full of the parties to the dispute and their addresses;

(b) Description of the cooperative organization and business, including copies of the articles of incorporation or association, by-laws, membership contract, number of shares of outstanding stock, approximate portion owned by active producers; function performed in connection with the collective processing, preparing, handling, or marketing of milk or its products; and distribution of membership by States, distribution by States of plant facilities for collecting, processing, or disposing of milk or its products, business operations for year last past, including total quantity of milk and its products handled by the applicant and proportion of that quantity sold in States other than the States of production.

(c) Suggested time and place for meeting between parties and mediator.

SECTION 301. *Inquiry by the Secretary.*—Upon receipt of an application for mediation, the Secretary, through such officers or employees of the Department as he may designate, may make any inquiry which is deemed to be necessary or proper in order to determine whether a bona fide dispute exists.

SECTION 302. *Notification.*—The Secretary will notify the applicant as to whether he considers that mediation will effectuate the purpose of the act and as to whether he will mediate.

SECTION 303. *Assignment of Mediator.*—The Chief of the Dairy Section shall assign a mediator, from the group designated by the Secretary, to act in such capacity.

SECTION 304. *Meetings.*—All meetings held pursuant to Article III hereof shall be held with and under the direction of the mediator.

SECTION 305. *Mediator's Report.*—The mediator, upon the completion of mediation proceedings, shall submit to the Secretary a complete report on such proceedings.

SECTION 306. *Mediation Agreement.*—An agreement arrived at by mediation shall not become effective until approved by the Secretary, and the Secretary will not approve an agreement if there is evidence of fraud, if there is lack of evidence to support the agreement, or if the agreement provides for any unfair trade practices.

ARTICLE IV. ARBITRATION

SECTION 400. *Application for Arbitration.*—An application for arbitration by a cooperative shall be in writing and shall contain the following information:

(a) Names in full of the parties to the dispute and their addresses;

(b) The same information required under Article III, section 300 (b) hereof;

(c) Concise statement of dispute to be submitted;

(d) Originals or certified copies of all contracts, if any, involved in the dispute, and of correspondence which has passed between the parties, and of any other documents or information relied upon;

(e) Dates before which it is desired that the hearing shall be had and the award shall become effective;

(f) Suggested time and place for arbitration hearing.

The applicant shall send a copy of the application to each other party to the dispute.

SECTION 401. *Inquiry by the Secretary.*—Upon receipt of an application for arbitration, the Secretary, through such officers or employees of the Department as he may designate, may make any inquiry deemed to be necessary or proper to determine whether a bona fide dispute exists, assist the parties in reducing the dispute to well-defined issues, and select the arbitrator who would be satisfactory to all parties.

SECTION 402. *Notification.*—The Secretary, within a reasonable time after the receipt of an application, will notify the applicant as to whether he will grant the application.

SECTION 403. *Submission.*—A. Within a reasonable time after the receipt of the Secretary's consent to arbitrate, the parties to the dispute shall file with the Secretary a formal submission, which shall contain the following information:

[1] The sections of these regulations are numbered according to the corresponding numbers of the articles. Thus the first section of the first article is section 100, the first section of the second article is section 200, etc.

(a) Names in full of the parties;

(b) Addresses of the parties to whom all notifications and communications concerning the arbitration shall be sent;

(c) Description of the organization and businesses of all parties to the dispute, including sufficient information to show that the cooperative is a bona fide one, and that the parties are engaged in interstate commerce;

(d) Concise statement of the specific questions submitted and a brief outline of the contentions of each party to the dispute concerning which facts will be presented at the hearing, and a statement as to the period during which the award shall be in effect, said period to be not less than thirty days from the effective date of the award;

(e) Name of arbitrator;

(f) Time and place of arbitration, including street address;

(g) Stipulation by the parties that they will produce any books, records and correspondence required by the arbitrator as being necessary to a fair determination of the dispute;

(h) Agreement by the parties that they will consider the award as final and will comply therewith;

(i) Stipulation by the parties that arbitration is to take place under rules and regulations issued by the Secretary, and that any such rules and regulations pertaining to mediation and arbitration shall be considered a part of the submission;

(j) Stipulation that stenographic report of the proceedings must be made.

B. The submission shall be signed by each party before a notary public, and when the signature is that of an agent of a corporation or cooperative association, the same shall be accompanied by evidence of the authority to sign.

C. A submission may be withdrawn at any time before the award, and any question held by the arbitrator to be a separable question may be withdrawn before award by agreement of all parties. When any question is so withdrawn, the parties shall file with the arbitrator the agreement on that question reached by the parties, showing all the details thereof, and the arbitrator shall include it in the record of the arbitration.

SECTION 404. *Designation of Arbitrator.*—The Secretary, after receiving the submission, will designate one or more persons to act as arbitrator.

SECTION 405. *Hearing.*—A. The arbitrator shall have full discretion to conduct the hearing in such manner as will, in his opinion, enable him to ascertain all the facts in the case.

B. Hearings shall be private.

C. Parties may appear in person or by duly accredited agents and may be represented by counsel.

D. All relevant and material evidence may be presented, and the arbitrator shall not be bound by the legal rules of evidence.

E. The arbitrator, in the presence of the parties, may require the production of books and records for examination by himself, but not for examination of confidential information by other parties to the dispute, unless the party producing the same consents to its examination by the other parties to the dispute.

F. No evidence offered by one party shall be received except in the presence of all parties unless the parties so agree in a submission specifying the nature of the evidence to be received, but final determination as to what will be considered confidential shall be made by the arbitrator.

G. The arbitrator may request the opinions of economists, marketing specialists, statisticians, lawyers, accountants, and other experts.

H. When two or more arbitrators are designated to hear a dispute, and they disagree, the award of the majority shall be the final award. If the arbitrators are evenly divided, there shall be no award.

I. A stenographic record of all the proceedings during arbitration hearing must be made.

SECTION 406. *Award.*—A. An award shall be made within ten days after the close of the hearing.

B. The arbitrator, in making the award, may use his own technical knowledge in addition to the evidence submitted by the parties.

C. The award shall be in writing and shall cover only points of dispute raised in the submission.

D. The award shall not contain a statement of the reason for the arbitrator's decision.

E. The award shall state the period during which it shall be in effect, said period to be not less than thirty days from the effective date thereof; and said period may be extended by agreement among the parties upon notification thereof to the Secretary, unless or until the Secretary withdraws his approval.

F. The arbitrator shall sign the award in the presence of a notary public, or, when more than one arbitrator is designated, the arbitrators shall sign in the presence of each other.

G. Copies of the award shall be delivered to the parties by the Dairy Section.

SECTION 407. *Approval of Award.*—The award shall not become effective until approved by the Secretary, and the Secretary will not approve an award if there is evidence of fraud, misconduct of the arbitrator, lack of evidence to support the award, or if the award provides for any unfair trade practice.

SECTION 408. *Costs.*—A. The parties jointly shall pay for the stenographic record, and a copy of the record shall be furnished by the parties to the arbitrator and shall be forwarded by him to the Secretary, ultimately to be filed in the Department.

B. The arbitrator shall not receive compensation from parties to the dispute.

ARTICLE V. CONSTRUCTION

SECTION 500. Nothing contained in these regulations shall be, or shall be construed to be, in derogation or modification of the rights of the Secretary or of the United States to exercise any jurisdiction or power granted by the act, or otherwise.

[F. R. Doc. 37-2579; Filed, August 19, 1937; 12:38 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3186]

IN THE MATTER OF COVERED BUTTON AND BUCKLE CREATORS, INC., ITS OFFICERS, MAX PEARLSTEIN, PRESIDENT, ABRAHAM AVIN, VICE PRESIDENT, ISIDORE FELDMAN, TREASURER, IRVING SCHWARTZ, SECRETARY, ITS DIRECTORS, JACK KINSLER, MURRAY HORNER, ISIDORE NECHIM, MAX GOLDFEDER, BEN BLOCK, JACOB NEIDERBACH, SAMUEL BROWN, ISIDORE SPIER; AND ITS FOLLOWING MEMBERS, INDIVIDUALLY AND AS REPRESENTATIVE MEMBERS OF THE COVERED BUTTON AND BUCKLE CREATORS, INC., REGAL TRIMMING AND BUTTON CO., INC., RAPID BUTTON CO., INC., UNITY BUTTON WORKS, INC., N. B. BUTTON WORKS, INC., INTERNATIONAL BUTTON CO., INC., MAX GOLDFEDER, DOING BUSINESS UNDER THE TRADE NAME GRAND BUTTON WORKS; BEN BLOCK, LOUIS ROSENFELD AND SAM WEINER, DOING BUSINESS AS MITROSE BUTTON WORKS; JACOB NEIDERBACH, TRADING AS NOVELTY BUTTON WORKS; SAMUEL BROWN, DOING BUSINESS UNDER THE TRADE NAME, BROWN BUTTON WORKS; ISIDORE SPIER AND HARRY GARDNER, COPARTNERS TRADING AS IDEAL BUTTON WORKS; ABRAHAM AVIN, TRADING AS PRACTICAL BUTTON AND TRIMMING CO., AND IRVING SCHWARTZ, DAVID M. SCHWARTZ AND IDA SCHWARTZ, COPARTNERS TRADING AS COSMOPOLITAN BUTTON CO.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, August 27, 1937, at two o'clock in the afternoon of that day (eastern standard time), Room 424, 815 Connecticut Avenue, N. W., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2577; Filed, August 19, 1937; 10:49 a. m.]

## INTERNATIONAL FISHERIES COMMISSION.

REGULATIONS OF THE INTERNATIONAL FISHERIES COMMISSION ADOPTED PURSUANT TO THE PACIFIC HALIBUT FISHERY CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINION OF CANADA, SIGNED JANUARY 29, 1937

1. The convention waters shall be divided into the following areas, all directions given being magnetic.

(a) Area 1 shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in May, 1926, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46°43'07" N., longitude 124°04'18" W.

(b) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in September, 1923, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'48" N., longitude 136°38'24" W., thence south one-quarter east and is exclusive of the areas closed to all halibut fishing in Section 8 of these regulations.

(c) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running south from the southwestern extremity of Cape Sagak on Umnak Island, at a point approximately latitude 52°41'25" N., longitude 168°58'05" W., and that are south of the Alaska Peninsula and of the Aleutian Islands including the intervening straits or passes.

(d) Area 4 shall include all convention waters not included in Areas 1, 2, and 3, and those areas defined in section 8.

2. The catch of halibut to be taken during the halibut fishing season of 1937 from Area 2 shall be limited to approximately 21,700,000 pounds of salable halibut, and from Area 3 to approximately 24,300,000 pounds of salable halibut, or, if the International Fisheries Commission shall at any time so decide, the catch shall not be limited separately in Areas 2 and 3, but shall be limited to 46,000,000 pounds of salable halibut from the combined Areas 2 and 3, the weights in each or any such limit to be computed as with heads off and entrails removed. The International Fisheries Commission shall as early in the said year as is practicable determine and announce to the respective Governments the date on which it deems each such limit of catch will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and the area or areas to which such limit applies shall at that date be closed to fishing for halibut until after the close season as defined and modified in Section 3 of these regulations provided that if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date it may substitute another date, and provided also that the closure of Area 2 or 3, whichever shall be later, shall apply to Area 4, and that the closure of Area 2 shall apply to Area 1, and provided further that nothing in this regulation shall prohibit the fishing for other species of fish and fishing by the International Fisheries Commission as provided for in Article I of the Treaty.

3. Under the authority of Article I of the aforesaid Convention the close season as therein defined shall be modified so as to end at 12 midnight of March 31 of each year and shall begin at 12 midnight of November 30 of each year unless an earlier date is determined upon for any area by the International Fisheries Commission under the provisions of Section 2 of these regulations as that on which it deems the limitation of catch for such area shall be attained, provided also that the International Fisheries Commission may fix any date subsequent to November 1 as the commencement of the close season regardless of the catch which it deems will be attained by such date.

4. After any date on which the International Fisheries Commission shall announce to the respective Governments that in its judgment the vessels which have departed for Area 3 prior to that date or which are known to be fishing in Area 3 shall suffice to catch the limit which is set for that area in Section 2, the departure for halibut fishing in the said area of any vessel from any port or place, or from any receiving vessel or station shall be prohibited during the remainder of the season when the said area is open to halibut fishing; provided that vessels which have departed for halibut fishing prior to said date and which shall hold a valid license as herein provided in Section 7 (a) for such fishing may again depart from any port or harbor en route to or in the vicinity of the fishing grounds when such port or harbor is uninhabited, and from any port or from any place within a port at which halibut shall not have been landed, transferred, or discharged by said vessel since the said date, when said port or place has been entered solely for shelter, repairs or supplies, and provided further that the place of departure may be designated for any port by the customs or enforcing officer in authority who may there or elsewhere at his discretion inspect the cargo of any departing vessel which he may have reason to believe has entered with halibut on board.

5. There may be retained in possession on any vessel which shall have a permit as provided in Section 6 (b) that halibut which is taken incidentally to fishing by that vessel with set lines for other species and there may be sold not to exceed one pound of halibut for each seven pounds of other species caught by set lines, not including salmon, and sold as the catch of said vessel, the weight of all such fish to be computed as provided in Section 2 for halibut. Halibut retained under such permit shall not be landed or otherwise removed from the catching vessel until it has been reported to a customs or other authorized officer of either Government nor shall any vessel receive it for transportation unless it shall be reported to the said officer prior to departure from port, and it and all fish of other species shall be removed from the catching vessel under such supervision as the said officer may deem advisable. Such halibut shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion herein allowed until such excess whatever its origin shall have been forfeited and surrendered to the customs or other authorized officers of either Government. All purchasers shall make statistical return as to the halibut and as to the other species landed therewith within such time as the supervising officer shall require.

The International Fisheries Commission shall announce a date in each calendar year for each area after which no permit shall be granted or be valid for retention of halibut

caught therein, provided that such date shall not be later than closure of the last area open to halibut fishing in convention waters.

6. (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the respective Governments for the carriage of freight, must be licensed by the International Fisheries Commission, provided that vessels of less than five net tons or vessels fishing otherwise than with set lines or bottom nets or trawls, need not be licensed during the open season prior to the date after which departure for any area shall be prohiibted under Section 4 of these regulations.

Each licensed vessel shall carry this license on board at all times while at sea whether it is validated for halibut fishing or endorsed with a permit as hereinafter provided, and this license shall at all times be subject to inspection by authorized officers of either Government or by representatives of the International Fisheries Commission.

The license shall be issued without fee by the customs officers of either Government or by representatives of the International Fisheries Commisison. Licenses issued under the Convention for the preservation of the Halibut Fishery signed May 9, 1930, shall be regarded as issued under the supplanting Convention signed January 29, 1937.

A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(b) Any vessel which shall be used in fishing for other species than halibut in any area closed to halibut fishing, or which shall depart for fishing in any area when departure for halibut fishing therein is prohibited, must have a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in Section 5. The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall terminate at the time of first landing thereafter of fish of any species. A permit shall not be issued to any vessel which shall have halibut on board taken while licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and as thereby subject to forfeiture when landed if in excess of the amount permitted in Section 5. A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines.

7. (a) The license or permit of any vessel shall not be valid unless the license is validated or the permit is granted before departure is allowed from the port of last clearance prior to each fishing operation for which statistical returns are required. This validation of a license or granting of a permit shall be by customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the license form and unless the provisions of Sections 7 (b) and 7 (c) have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of Sections 7 (b) and 7 (c) the license or permit of such vessel may be validated or issued by customs officers or authorized representatives of the International Fisheries Commission only upon evidence either that there has been a judicial determination of the offense or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

The license shall not be valid for halibut fishing in any area closed to halibut fishing, nor shall it be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

When departure for halibut fishing in Area 3 has been prohibited as provided in Section 4, the license of any vessel which shall fish for halibut or retain halibut in possession within that area shall not be valid, nor be validated, for halibut fishing after any landing, transfer, or sale of halibut by such vessel subsequent to the date of this prohibition. Such license shall not be valid, nor be validated, after any entry into a port at which there shall be customs officers or others authorized to accept statistical return or to validate licenses unless the arrival of the vessel shall have been reported to such officers prior to any lading or discharge of cargo, and unless such information shall have been provided or inspection made as they shall require and unless statistical return supported by a sworn statement shall have been made showing that said vessel discharged no halibut since departure for halibut fishing was permitted, whereupon if the provisions of these regulations have otherwise been complied with, the license may be again validated and departure permitted as provided in Section 4.

(b) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any licensed vessel and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in Sections 5 and 6 (b), within 48 hours of landing, sale or transfer of halibut or of first port entry thereafter, except that within any area in which the catch is not limited by these regulations the master or operator of a licensed vessel shall make statistical returns at such times as are required by the customs officers or the International Fisheries Commission, but shall at all times keep with the license form such records as are necessary to make such return. The statistical return must state the port of landing, the amount of each species taken within each area defined in these regulations, and the dates of operation in each area. The total return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required. A copy of such return must be forwarded to the International Fisheries Commission at such times as the latter shall require.

The master or operator and/or any person engaged on shares in the operation of any vessel licensed or holding a permit under these regulations may be required by the International Fisheries Commission or by any officer authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(c) The master or operator of any vessel holding a license or permit under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and the amount of halibut taken daily in each such locality. This log record shall be open to inspection of representatives of the International Fisheries Commission authorized for this purpose. The master, operator and/or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the International Fisheries Commission or by any officer of either Government to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

(d) All persons, firms, or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels shall keep and on request furnish to customs officers or to any enforcing officer of either Government or to the International Fisheries Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut, providing that such return must be made to customs or enforcing officers within such time as they shall require after the purchase or landing of any halibut caught or landed by a vessel operating under permit, as provided in Sections 5 and 6 (b). Such persons, firms, or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement. The knowing possession by such persons, firms or corporations of halibut taken by an unlicensed vessel, or a vessel without permit when such license or permit is required shall be prohibited.

8. The following areas having been found to be populated by small immature halibut, are hereby closed to all halibut fishing and the possession of halibut of any origin is prohibited therein during fishing for other species:

First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated; from the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33′42″ N., longitude 133°43′39″ W., to the south extremity of Wood Island, approximately latitude 55°39′38″ N., longitude 133°42′32″ W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41′42″ N., longitude 133°47′45″ W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41′41″ N., longitude 133°48′04″ W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°35′00″ N., longitude 134°14′45″ W.; thence southeast by south twelve and five-eighths miles to a point approximately latitude 55°22′24″ N., longitude 134°13′05″ W.; thence northeast fourteen miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26′06″ N., longitude 133°49′14″ W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in April, 1925, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

Second, that area lying in the waters off the north coast of Graham Island, British Columbia, within the following boundary: From the northwest extremity of Wiah Point, latitude 54°06′50″ N., longitude 132°19′18″ W., true north five and one-half miles to a point approximately latitude 54°12′20″ N., longitude 132°19′18″ W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time), of the highest point of Tow Hill, Graham Island, latitude 54°04′24″ N., longitude 131°48′00″ W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

9. The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in Areas 1 and 2.

10. These regulations shall supersede all previous regulations adopted pursuant to the Convention between the United States of America and the Dominion of Canada for preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed May 9, 1930.

Regulations adopted August, 1937.

GEORGE J. ALEXANDER, *Chairman.*
FRANK T. BELL,
A. J. WHITMORE,
EDWARD W. ALLEN, *Secretary.*

Approved:
FRANKLIN D ROOSEVELT
*August 6th, 1937.*

[F. R. Doc. 37-2572; Filed, August 19, 1937; 9:28 a. m.]





## INTERSTATE COMMERCE COMMISSION.

### ORDER

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of August, A. D. 1937.

IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

The matter of accounting for taxes assessed under the provisions of the Social Security Act and the Carriers Taxing Act being under consideration:

*It is ordered*, That Accounting Bulletin No. 15, Interpretations of Accounting Classifications, Prescribed by the Interstate Commerce Commission, for Steam Roads, effective January 1, 1918, be and is hereby amended by the addition of the following:

CASE 296

Query:

(A) In case taxes assessed under the provisions of the Social Security Act and the Carriers Taxing Act of 1937, based on the payroll of the carriers' employees, are added to the cost of labor performed for others, what is the proper accounting,

(a) In connection with joint facility arrangements
(b) For work not involving joint facility arrangements?

(B) Shall these taxes relating to the pay of the carriers' own employees while assigned to addition and betterment work be included in the investment in road and equipment accounts?

Answer:

(A)—

(a) Such amounts added by the creditor company shall be credited by it to account 508, "Joint facility rent income," and shall be charged by the debtor company to account 541, "Joint facility rents."

(b) Such amounts added by the creditor company shall be credited by it to account 143, "Miscellaneous," and shall be included by the debtor company (if a common carrier) in the accounts appropriate for the cost of the work performed.

(B) No part of these taxes assessed against the carrier shall be included in the investment in road and equipment accounts.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2578; Filed, August 19, 1937; 12:02 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 123]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 10, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Iowa 8014B Humboldt (partial) | $115,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2575; Filed, August 19, 1937; 9:48 a. m.]

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[Administrative Order No. 124]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 12, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Illinois 8004B Peoria | $97,500 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2576; Filed, August 19, 1937; 9:49 a. m.]

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[Administrative Order No. 125]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 12, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocat, from the sum authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Alabama 8023B Pike | $310,000 |
| Kentucky 8021B Nelson | 97,000 |
| Maine 8002 Penobscot | 60,000 |
| Michigan 8026B Ingham | 200,000 |
| North Carolina 8023W Caldwell | 22,000 |
| South Dakota 8006B Union | 101,000 |
| Tennessee 8017 Hardeman | 13,200 |
| Wisconsin 8043A Grant | 200,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2573; Filed, August 19, 1937; 9:48 a. m.]

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[Administrative Order No. 126]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 14, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Indiana 8009B Marshall (partial) | $100,000 |
| Indiana 8015 Fayette | 108,000 |
| Indiana 8018B Rush (partial) | 100,000 |
| Indiana 8029 Fulton (partial) | 150,000 |
| Indiana 8059B Wayne (partial) | 150,000 |
| Indiana 8080B Noble (partial) | 150,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2574; Filed, August 19, 1937; 9:48 a. m.]

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*Saturday, August 21, 1937* — *No. 162*

## TREASURY DEPARTMENT.

**Public Debt Service.**

1937 SECOND SUPPLEMENT TO DEPARTMENT CIRCULAR NO. 300

[Dated July 31, 1923]

AUGUST 18, 1937.

1. Treasury Department Circular No. 300, dated July 31, 1923, prescribing regulations with respect to United States bonds and notes, is hereby amended by striking out paragraph 78 and inserting in lieu thereof the following:

78. Relief on account of the loss, theft, destruction, mutilation or defacement of United States securities may be given under the authority of and subject to the conditions set forth in section 8 of the "Government Losses in Shipment Act", approved July 8, 1937 (Public 192, 75th Congress, chapter 444, 1st session), which reads as follows:

"SEC. 8. (a) Whenever it is clearly proved to the satisfaction of the Secretary of the Treasury—

"(1) That any interest-bearing security of the United States, identified by number and description, payable to bearer or so assigned as to become, in effect, payable to bearer, has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner, or has been lost or stolen under such circumstances, and such a period of time having elapsed after it has matured or has become redeemable pursuant to a call for redemption, as in the judgment of the Secretary would indicate that it has been destroyed or irretrievably lost, is not held by any person as his own property and will never become the basis of a valid claim against the United States; or

"(2) That any interest-bearing security of the United States, identified by number and description, which is not payable to bearer and which has not been so assigned as to become, in effect, payable to bearer, has been lost or stolen, so that it is not held by any person as his own property, or has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner; the Secretary, upon receipt and approval by him of a bond of indemnity, if and as required by subsection (b) hereof, shall, in the case of a security which has not matured or become redeemable pursuant to a call for redemption, issue a substitute marked 'duplicate' and showing the serial number of the original security; or shall, in the case of a security which has matured or become redeemable pursuant to a call for redemption, make payment thereof to the owner, with such interest only as would have been paid had the security been presented when it became due and payable: *Provided*, That in the case of an interim certificate relief may be given by the issue of a definitive security, whether before or after maturity, rather than by the issue of a substitute or by payment: *And provided further*, That no payment shall be made on account of interest coupons claimed to have been attached to such original security unless the Secretary is satisfied that such coupons have not been paid, and are in fact destroyed or can never become the basis of a valid claim against the United States.

"(b) Except as hereinafter provided, the owner of such lost, stolen, destroyed, mutilated, or defaced security shall file with the Secretary of the Treasury a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require: *Provided*, That in case of securities payable to bearer or so assigned as to become, in effect, payable to bearer, the destruction of which has not been proved, a corporate surety, qualified under the provisions of the Act of August 13, 1894, as amended (U. S. C., 1934 edition, title 6, secs. 6-13), shall be required on such bond of indemnity: *And provided further*, That a bond of indemnity shall not be required in any of the following classes of cases, except as hereinafter provided:

"(1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner and while the security was in the custody or the control of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of this Act;

"(2) If substantially the entire security is presented and surrendered by the owner and the Secretary of the Treasury is satisfied as to the identity of the security presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

"(3) If the lost, stolen, destroyed, mutilated, or defaced security is one which by the provisions of law or by the terms of its issue is transferable only by operation of law;



"(4) If the owner is a State or political subdivision thereof, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank:

"*Provided, however*, That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

"(c) The term 'interest-bearing security of the United States' or 'security', wherever used in this section, means any direct obligation of the United States issued pursuant to law for valuable consideration and which by its terms bears interest, or is issued on a discount basis, and includes (but is not limited to) bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of this section.

"(e) Sections 3702, as amended, 3703, 3704, and 3705 of the Revised Statutes of the United States (U. S. C., title 31, sec. 735, 736, 737, and 738) are hereby repealed."

2. Subject to the provisions of section 8 of the Government Losses in Shipment Act, quoted above, paragraphs 79 to 88, inclusive, of Treasury Department Circular 300, in so far as applicable, shall continue to govern the granting of relief on account of lost, stolen, destroyed, mutilated or defaced securities of the United States, except that where, under the terms of said section a bond of indemnity is required, it shall be in a penal sum equal to the face amount of the lost, stolen, destroyed, mutilated or defaced security, plus an amount sufficient to protect the United States from any loss on account of interest which may be payable on such lost, stolen, destroyed, mutilated or defaced security.

3. Relief on account of the loss, defacement or destruction of full-paid interim certificates of the First Liberty Loan will hereafter be granted as provided in section 8 of the Government Losses in Shipment Act, quoted above, and in accordance with the applicable provisions of paragraphs 79 to 88, inclusive, of Department Circular 300, as amended. Treasury Department Circular No. 118, dated July 12, 1918, prescribing regulations concerning full-paid interim certificates, First Liberty Loan, is hereby superseded, so far as it relates to relief on account of loss, defacement or destruction of such interim certificates.

4. The Secretary of the Treasury may at any time, or from time to time, withdraw or amend any or all of the provisions of this supplementary circular.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary.*

[F. R. Doc. 37-2581; Filed, August 19, 1937; 3:48 p. m.]

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1937 DEPARTMENT CIRCULAR NO. 368, FIRST AMENDMENT

AUGUST 18, 1937.

1. Treasury Department Circular No. 368, dated August 16, 1926, prescribing general regulations governing full-paid interim certificates, is hereby amended by striking out paragraph (5) thereof and substituting the following:

(5) Relief on account of lost or stolen, wholly or partly destroyed, or mutilated or defaced interim certificates will hereafter be granted as provided in section 8 of the Government Losses in Shipment Act, approved July 8, 1937 (Public 192, 75th Congress, chapter 444, First Session), and in accordance with the provisions of Department Circular 300, as amended or revised.

2. The Secretary of the Treasury may at any time, or from time to time, withdraw or amend any or all of the provisions of this amendatory circular.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary.*

[F. R. Doc. 37-2580; Filed, August 19, 1937; 3:48 p. m.]

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## DEPARTMENT OF THE INTERIOR.

**Division of Grazing.**

MONTANA GRAZING DISTRICT NO. 5

MODIFICATION

AUGUST 12, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of November 3, 1936, establishing Montana Grazing District No. 5, is hereby modified to include within its exterior boundaries the following described lands:

MONTANA

*Principal Meridian*

T. 1 N., R. 3 W., that part in Jefferson County;
T. 2 N., R. 3 W., secs. 1 to 4 and secs. 7 to 36, inclusive;
T. 4 S., R. 5 W., secs. 2, 3, and 4.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the Federal Register.

CHARLES WEST,
*Acting Secretary of the Interior*

[F. R. Doc. 37-2582; Filed, August 20, 1937; 9:34 a. m.]

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WYOMING GRAZING DISTRICT NO. 1

MODIFICATION

AUGUST 12, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of March 23, 1935, establishing Wyoming Grazing District No. 1, is hereby revoked as far as it affects the following described lands:

WYOMING

*Sixth Principal Meridian*

T. 46 N., R. 86 W.,
sec. 2, lot 3, S½NW¼;
sec. 3, lots 1 and 2;
T. 41 N., R. 87 W.,
sec. 2, lot 9;
sec. 3, lots 7 to 10, inclusive;
sec. 10, lot 1;
sec. 11, lots 1, 2, 7, 8, NE¼NW¼;
T. 42 N., R. 87 W.,
sec. 30, SW¼NE¼, N½SE¼, SW¼SE¼;
sec. 31, lot 3;
sec. 33, NE¼NE¼;
T. 42 N., R. 88 W.,
sec. 26, SE¼SW¼, SW¼SE¼;
sec. 35, SW¼NE¼, NE¼NW¼;
T. 46 N., R. 93 W.,
sec. 1, SE¼SE¼;
T. 47 N., R. 93 W.,
sec. 34, lot 3;
T. 57 N., R. 94 W.,
sec. 18, NW¼NE¼;
T. 51 N., R. 95 W.,
sec. 12, lots 21 and 22.

CHARLES WEST,
*Acting Secretary of the Interior*

[F. R. Doc. 37-2583; Filed, August 20, 1937; 9:34 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of August, A. D., 1937.

IN THE MATTER OF MICHAEL J. MEEHAN

ORDER OF EXPULSION

This matter, after appropriate notice and hearing and argument by counsel, having been duly considered by the Commission, and the Commission having found that the respondent, Michael J. Meehan, has violated Section 9 (a) (1) and Section 9 (a) (2) of the Securities Exchange Act of 1934, as amended, and being of the opinion that it is necessary and appropriate for the protection of investors to expel the respondent from the national securities ex

changes of which he is a member, all as more fully set forth in the Findings and Opinion of the Commission;

It is ordered, pursuant to Section 19 (a) (3) of said Act:

That, effective October 19, 1937, respondent, Michael J. Meehan, a member, as that term is defined in said Act, of the New York Stock Exchange, the New York Curb Exchange, and the Board of Trade of the City of Chicago, national securities exchanges, be and hereby is expelled from said exchanges;

That a copy of this Order, accompanied by the Findings and Opinion of the Commission, be served upon the respondent herein, or his counsel, and be transmitted by registered mail to the Secretary of the New York Stock Exchange, to the Secretary of the New York Curb Exchange, to the Secretary of the Board of Trade of the City of Chicago, and to the firm of M. J. Meehan & Co., New York City.

By order of the Commission.

[SEAL] ORVAL L. DUBOIS, *Recording Secretary.*

[F. R. Doc. 37-2584; Filed, August 20, 1937; 12:38 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 18th day of August, 1937.

[File No. 1-2092]

IN THE MATTER OF GENERAL STOCKYARDS CORPORATION COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Boston Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of General Stockyards Corporation; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered, that said application be and the same is hereby granted, effective at the close of the trading session on August 28, 1937.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Recording Secretary.*

[F. R. Doc. 37-2585; Filed, August 20, 1937; 12:38 p. m.]

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## *Tuesday, August 24, 1937* — *No. 163*

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## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*Washington*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6964, of February 5, 1935, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects any public lands within the following-described area in Washington:

WILLAMETTE MERIDIAN

T. 33 N., R. 39 E.,
sec. 1, E½;
sec. 12, E½;
sec. 13, E½NE¼;
T. 33 N., R. 40 E.,
sec. 1, N½, N½SW¼, SE¼SW¼, and W½SE¼;
sec. 2, E½NE¼, NE¼SE¼, N½NW¼, SW¼NW¼, and SW¼;
secs. 3 to 5, inclusive;
sec. 6, NE¼, NE¼NW¼, S½NW¼, and S½;
secs. 7 to 10, inclusive;
sec. 11, NW¼NE¼, S½NE¼, W½, N½SE¼, and SW¼SE¼;
secs. 15 and 16;
sec. 17, N½, N½S½, S½SE¼, and SW¼SW¼;
sec. 18, E½, and NW¼;
sec. 19, all;
sec. 20, E½, and W½NW¼;
sec. 21, all;
sec. 22, N½N½, SW¼NE¼, and NW¼SW¼;
sec. 30, W½E½, and N½NW¼;
T. 34 N., R. 40 E.,
sec. 1, all;
sec. 2, E½, E½NW¼, and SW¼;
sec. 3, S½NE¼, N½SE¼, and SW¼SE¼;
sec. 5, W½SE¼, E½SW¼, and SW¼SW¼;
sec. 8, all;
sec. 9, S½NE¼, NW¼NW¼, S½NW¼, and S½;
sec. 10, S½N½, S½, and NE¼NW¼;
sec. 11, NW¼SW¼;
secs. 15 to 17, inclusive;
sec. 18, E½E½;
sec. 19, SE¼;
secs. 20 and 21;
sec. 22, NW¼NE¼, S½NE¼, NW¼, and S½;
secs. 23 to 28, inclusive;
sec. 29, N½, N½SW¼, SE¼SW¼, and SE¼;
sec. 30, NE¼SE¼;
sec. 31, SE¼NE¼, SE¼SW¼, and SE¼;
sec. 32, NE¼, NE¼NW¼, S½NW¼, and S½;
secs. 33 to 36, inclusive;
T. 35 N., R. 40 E.,
sec. 2, NW¼NW¼;
sec. 3, NE¼NE¼;
sec. 36, S½SE¼;
T. 36 N., R. 40 E.,
secs. 1 to 7, inclusive;
sec. 8, N½, and E½SE¼;
secs. 9 to 15, inclusive;
sec. 16, N½, and E½SE¼;
sec. 17, S½NE¼, and N½SE¼;
sec. 21, NE¼, NE¼NW¼, S½NW¼, and S½;
secs. 22 to 28, and secs. 33 to 36, inclusive;
T. 37 N., R. 40 E.,
secs. 1 and 2;
sec. 3, lots 1, 2, 7, 8, 9, 10, 15 and 16, SE¼, E½SW¼, and SW¼SW¼;
sec. 4, lots 1 to 15, inclusive, NW¼SE¼, S½SE¼, and SW¼;
secs. 5 to 36, inclusive;
T. 31 N., R. 41 E.,
sec. 12, SE¼;
T. 32 N., R. 41 E.,
secs. 1 to 4, and secs. 9 to 17, inclusive;
sec. 18, E½E½;
secs. 22 to 27, and secs. 34 to 36, inclusive;
T. 33 N., R. 41 E.,
secs. 1 to 5, inclusive;
sec. 6, NE¼, E½SE¼, SW¼SE¼, and SE¼SW¼;
sec. 7, NE¼, E½NW¼, and S½;
secs. 8 to 16, inclusive;
sec. 17, N½, SW¼, and N½SE¼;
sec. 18, NE¼, SE¼NW¼, and S½;
sec. 19, N½, N½SE¼, E½SW¼, and W½W½SW¼;
sec. 20, NW¼NW¼;
sec. 21, NE¼, NE¼NW¼, and S½NW¼;
sec. 22, SE¼NE¼;
sec. 23, N½, SE¼, N½SW¼, and SE¼SW¼;
secs. 24 to 26, inclusive;
sec. 27, NE¼, E½NW¼, SW¼NW¼, and S½;
sec. 28, S½N½, and S½;
sec. 29, all;
sec. 30, E½;
sec. 31, N½NE¼, SE¼NE¼, and SE¼;
secs. 32 to 36, inclusive;
T. 34 N., R. 41 E.,
secs. 1 to 5, inclusive;
sec. 6, N½, SW¼, and NE¼SE¼;
sec. 7, NW¼SW¼, SE¼SW¼, SE¼NE¼, and SE¼;
secs. 8 to 36, inclusive;
T. 35 N., R. 41 E.,
sec. 1, all;
sec. 2, lots 1 to 12, inclusive, SE¼, N½SW¼, and SE¼SW¼;
sec. 3, lots 1, 2, 7, 8 and 9;
sec. 4, lots 2, 3, 4, 5, 6, 11 and 12, N½SW¼;
sec. 5, lots 1 to 12, inclusive, N½S½, SE¼SW¼, and SW¼SE¼;
sec. 6, all;
sec. 7, NE¼NW¼;
sec. 11, NW¼NE¼;
sec. 12, N½, and SE¼;
sec. 13, N½, SE¼, N½SW¼, and SE¼SW¼;
sec. 14, NE¼NE¼;
sec. 22, NE¼, and N½NW¼;
sec. 23, all;
sec. 24, NE¼, NE¼NW¼, S½NW¼, and S½;
secs. 25 and 26;
sec. 27, E½NE¼, NW¼, and S½;
sec. 28, NW¼NE¼, S½NE¼, N½SE¼, and W½SW¼;
sec. 29, S½SE¼;
sec. 31, NE¼ and S½;
sec. 32, NE¼, S½NW¼, and S½;
sec. 33, S½N½, and S½;
secs. 34 to 36, inclusive;
T. 36 N., R. 41 E.,
secs. 1 to 32, inclusive; sec. 33, N½, SW¼, N½SE¼, and SW¼SE¼; sec. 34, N½, SE¼, and NW¼SW¼; secs. 35 and 36;
T. 37 N., R. 41 E.,
all;
T. 38 N., R. 41 E.,
secs. 1 to 3, inclusive;
sec. 4, SW¼SE¼;
sec. 9, NW¼NE¼, S½NE¼, E½NW¼, and S½;
secs. 10 to 16, secs. 21 to 28, and secs. 33 to 36, inclusive;
T. 31 N., R. 42 E.,
secs. 1 to 6, inclusive;
sec. 7, NE¼, S½NW¼, and S½;
secs. 8 to 27, inclusive;
sec. 28, N½;
secs. 29 and 30;
sec. 31, N½;
sec. 33, N½, and SE¼;
secs. 34 to 36, inclusive;
Tps. 32 to 36 N., R. 42 E.,
all;
T. 37 N., R. 42 E.,
sec. 1, NE¼NE¼, N½NW¼, and SW¼NW¼;
secs. 2 to 11, inclusive;
sec. 12, E½NW¼, SW¼, and SW¼SE¼;
sec. 13, NW¼NE¼, and W½;
secs. 14 to 23, inclusive;
sec. 24, S½;
secs. 25 to 36, inclusive;
T. 38 N., R. 42 E.,
sec. 1, lots 10 to 16, inclusive, and S½;
sec. 2, lots 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16, and S½;
secs. 3 to 11, inclusive;
sec. 12, NW¼, S½, and NW¼NE¼;
secs. 13 to 36, inclusive;
T. 39 N., R. 42 E.,
all;
T. 40 N., R. 42 E.,
secs. 1 to 3, secs. 10 to 15, and secs. 19 to 36, inclusive;
T. 31 N., R. 43 E.,
secs. 4 to 9, secs. 16 to 21, and secs. 28 to 32, inclusive;
sec. 33, N½, SW¼, N½SE¼, and SW¼SE¼;
T. 32 N., R. 43 E.,
sec. 5, W½;
secs. 6 and 7;
sec. 8, N½N½, and S½;
secs. 17 to 20, inclusive;
sec. 21, SW¼;
sec. 28, SW¼, and S½SE¼;
secs. 29 to 33, inclusive;
T. 33 N., R. 43 E.,
secs. 4 to 9, inclusive;
sec. 10, NW¼SW¼;
secs. 16 to 21, inclusive;
sec. 29, N½, SW¼, N½SE¼, and SW¼SE¼;
secs. 30 and 31;
sec. 32, W½NE¼, and W½;
T. 34 N., R. 43 E.,
sec. 1, N½, N½S½, and SW¼SW¼;
secs. 2 to 11, and secs. 15 to 22, inclusive;
sec. 27, N½NW¼;
secs. 28 to 34, inclusive;
T. 35 N., R. 43 E.,
sec. 2, lot 7;
secs. 3 to 10, inclusive;
sec. 11, lots 3 and 4, SW¼NW¼, and SW¼;
sec. 14, N½, SW¼, and N½SE¼;
secs. 15 to 22, inclusive;
sec. 23, N½, SW¼, N½SE¼, and SW¼SE¼;
secs. 25 to 36, inclusive;
T. 36 N., R. 43 E.,
secs. 5 to 8, secs. 17 to 20, and secs. 28 to 33, inclusive;
sec. 34, lot 4, SE¼NW¼, SW¼NE¼, SW¼, and E½SE¼;
T. 37 N., R. 43 E., sec. 31,
all;
T. 38 N., R. 43 E.,
sec. 6, lots 6 and 7;
sec. 7, lots 2, 3, and 4, E½SW¼, W½SE¼, S½NE¼, and SE¼NW¼;
sec. 19, W½SW¼;
T. 39 N., R. 43 E.,
sec. 3, lots 1 and 2;
sec. 4, N½, SE¼, N½SW¼, and SW¼SW¼;
secs. 5 to 8, and secs. 17 to 20, inclusive;
sec. 30, N½N½;
sec. 31, NW¼NW¼;
T. 40 N., R. 43 E.,
sec. 3, lots 2, 4 and 7, E½SW¼, and SW¼SW¼;
sec. 4, lots 2, 3, 4, and S½;
secs. 5 to 9, inclusive;
sec. 10, lots 2, 3, 4, and 5, SW¼NE¼, NW¼SE¼, and W½;
secs. 15 to 21, inclusive;
sec. 22, NW¼NE¼, S½NE¼, NW¼, and S½;
secs. 27 to 33, inclusive;
sec. 34, NW¼, and S½.



SECTION 2. Subject to the conditions expressed in the above mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for reforestation, forestation, soil erosion control and other land utilization activities in connection with the Northeast Washington Project, LA-WA 2: Provided, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in Section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by Section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Aug. 19, 1937*

[No. 7693]

[F. R. Doc. 37-2586; Filed, August 20, 1937; 4:20 p. m.]

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## TREASURY DEPARTMENT.

### Accounts and Deposits.

REGULATIONS GOVERNING CLAIMS FOR REPLACEMENT OF VALUABLES, OR THE VALUE THEREOF, SHIPPED PURSUANT TO THE "GOVERNMENT LOSSES IN SHIPMENT ACT"

1937
First Supplement to
Department Circular
No. 577

AUGUST 20, 1937.

*To the Heads of the Executive Departments, Independent Establishments, Agencies, Wholly-owned Corporations, Officers and Employees of the United States, Federal Reserve Banks When Acting on Behalf of the United States or Agencies Thereof, and Others Concerned:*

Paragraph 1 of Department Circular No. 577 (Accounts and Deposits) dated August 13, 1937, is hereby amended to read as follows:

1. *General instructions.*—To facilitate the reporting of loss or destruction of, or damage to valuables and submission of proofs of claim for relief, under the provisions of section 3 of the Act, in the event of loss or destruction of, or damage to valuables shipped pursuant to the regulations prescribed under section 1 of said Act, executive departments, independent establishments, agencies, wholly-owned corporations, officers, employees, Federal Reserve banks when acting on behalf of the United States or agencies thereof, and others concerned, hereinafter sometimes referred to as "Consignors," should observe strictly the following requirements, except as the Secretary of the Treasury, being satisfied that observance thereof is not necessary to carry out the purposes of the Act and of these regulations, may waive or modify any such requirement. Failure on the part of any consignor or agent or employee thereof to comply with these requirements may retard recoveries and may under the circumstances preclude reimburse-

ment from the Fund or other relief under the Act, and render the consignor responsible for any loss occurring through such negligence.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

Approved:
FRANKLIN D ROOSEVELT
THE WHITE HOUSE,

[F. R. Doc. 37 2597; Filed, August 23, 1937; 12:45 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

INITIAL ORDER RESPECTING PAYMENTS UNDER THE 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

*Whereas* under the provisions of the second paragraph of the Bulletin No. 101 for each of the States in the Northeast Region the rates of payments and allowances specified in such bulletins and supplements thereto and in Bulletin No. 101–A for each of the States of New Hampshire, New York, and Vermont are based upon an estimate of available funds and an estimate of approximately 85 percent participation by farmers in the 1937 Agricultural Conservation Program in all regions, and it is also provided in said paragraph that such rates of payments and allowances may be increased or decreased, depending upon the extent of participation, provided that in no event will such rates or allowances be decreased or increased by more than 10 percent;

*Whereas* under the provisions of Part III, Section 1, of said bulletins for New Hampshire, New Jersey, New York, Rhode Island, and Vermont, Part IV, Section 1, of said bulletin for Connecticut and Massachusetts, Part IV, Section 4, of said bulletin for Maine, and Part V, Section 5, of said bulletin for Pennsylvania, it is provided that in computing payments under the 1937 Agricultural Conservation Program there shall, under such rules as the Secretary of Agriculture may prescribe, be deducted from the payment to any person with respect to a farm or farms in a county all or such part, as the Secretary of Agriculture may prescribe, of such person's pro rata share of the estimated administrative expenses, incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located, in cooperating in carrying out in such county the 1937 Agricultural Conservation Program;

*Whereas* many farmers participating in the 1937 Agricultural Conservation Program in the Northeast Region have completed the practices in connection with which payments may be made under said program; and

*Whereas* at this time it is impossible to determine the full extent of participation by farmers in the 1937 Agricultural Conservation Program in all regions and the adjustments, if any, to be made in the rates of the payments and allowances specified in said bulletins for each State in the Northeast Region and the appropriate deductions for administrative expenses to be made under said program in that region but said bulletins provide that such participation cannot result in said rates and allowances being decreased by more than 10 percent and it has been determined that deductions for administrative expenses will not be made at a rate in excess of 10 percent of the gross payments in any county:

*Now, therefore*, I, M. L. Wilson, Acting Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, do hereby order:

(1) That pending determination by the Secretary of Agriculture of the adjustments, if any, to be made in the rates of payment and allowances specified in said bulletins for each State in the Northeast Region and determination of such deductions for administrative expenses there shall be made, as soon as practicable, with respect to each application for payment, Form NER–106 or Form NER–107, duly executed in accordance with the applicable rules and instructions an initial payment equal to 80 percent of the total payment computed in accordance with the rates and allowances, and subject to the conditions, in effect under said program as of the date hereof, and

(2) Subsequent to the date of such determinations there shall be made with respect to each application for payment, Form NER–106 or Form NER–107, duly executed in accordance with the applicable rules and instructions:

(a) To each person entitled thereto who has not previously received an initial payment pursuant to the paragraph numbered (1) above, one full and final payment; and

(b) To each person who has received an initial payment pursuant to the paragraph numbered (1) above, the balance of the payment to which he may be entitled.

Done at Washington, D. C., this 19th day of August, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2587; Filed, August 21, 1937; 12:11 p. m.]

## 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—AMENDMENT 13, REVISED

CONTENTS

I. Limits deductions for failure to have minimum acreage of soil-conserving crops to the payment (other than a rice payment) which otherwise would be made with respect to the farm.
II. Method for dividing the class I payment with respect to farms where there are two or more producers.
III. Deletion of the provisions for the formulation by the Secretary of rules to govern the issuance of payments in case of death or incompetency of a producer occurring during the period of performance under the 1937 Agricultural Conservation Program.
IV. Division between the outgoing and incoming producers of the class I payment with respect to any soil-depleting crop which under normal conditions would be ready for harvest prior to the termination of the lease or operating agreement during 1937.
V. Conditions under which two or more tracts of land in a county operated by the same person must be covered by separate work sheets and conditions under which such land may be covered by one work sheet.
VI. Deletion from section 63, Bulletin 101, of all reference to sugarcane for sugar and section 14.
VII. Amends practice number 31, section 109, Part IX, Revised, to provide partial payment for carrying out the practice in cases where the sorghum or Sudan grass does not attain a reasonably good growth.

NOTE.—Correction of certain typographical errors appearing in Southern Region Bulletin 101.

SR–B–101—Amendment 13, Revised

## 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—AMENDMENT 13, REVISED

Amendment 13 to Southern Region Bulletin 101 is hereby amended to read as follows:

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, Southern Region Bulletin 101, as amended, is hereby further amended as follows:

I

Section 17, Minimum Acreage of Soil-Conserving Crops, as amended by Amendment 3, is amended to read as follows:



SEC. 17. *Minimum Acreage of Soil-Conserving Crops.*—If the total acreage of soil-conserving crops on cropland on any farm in 1937 does not equal or exceed the sum of—

(a) the soil-conserving base established for the farm and
(b) the sum of the acreages diverted for payment from the cotton, tobacco, peanut, and general bases,

a deduction will be made from any payment (other than a rice payment) which otherwise would be made with respect to the farm in an amount obtained by multiplying $3.00 by the number of acres by which the total acreage of soil-conserving crops on cropland on the farm in 1937 is less than such sum, provided, however, that if a sugarcane base is established for the farm in 1937 the acreage on which such deduction is computed shall not exceed that acreage by which the minimum acreage of soil-conserving crops, computed pursuant to this section 17, exceeds 30 percent of the sugarcane base for the farm.

II

Subsection (h), section 18, Division of Class I Payment where Diversion was not made Ratably, is amended to read as follows:

(h) *Division of Class I Payment.*—On farms where there are two or more producers, that portion of the class I payment which is to be divided among producers on the crop-share basis shall be divided among the producers entitled to share in the soil-depleting crop(s) in such base in the proportion that the acreage share of each such producer bears to the total acreage on the farm devoted in 1937 to such crop(s) except that if no acreage was devoted to the crop(s) in one or more soil-depleting bases in 1937, or if the County Committee finds that diversion was not made ratably by all producers on the farm, the portion of such payment to be made to any producer with respect to each soil-depleting base shall be

(1) in the proportion that his contribution to the difference between the respective soil-depleting base and the 1937 acreage of the crop(s) in such base bears to the total difference between such base and the 1937 acreage of the crop(s) in such base; or
(2) in the proportion that his acreage share of the respective soil-depleting base bears to such base for the farm.

In cases where the farm is composed of only one producer unit and no acreage on the farm is devoted in 1937 to the crop(s) in one or more soil-depleting bases established for such farm, the contribution of each producer in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) may be determined by agreement of all producers on the farm signified in the presence of at least two members of the County Committee, provided the contribution of each interested person with respect to each soil-depleting base in connection with which a payment is made is in the same proportion that such person would have shared in that soil-depleting crop (or the proceeds thereof) under the lease or operating agreement.

In cases where the farm is composed of only one producer unit and no acreage on the farm was devoted in 1937 to the crop(s) in one or more soil-depleting bases established for such farm the contribution of each interested person with respect to any soil-depleting base in connection with which a payment is made is *not* in the same proportion that such person would have shared in that soil-depleting crop (or the proceeds thereof) under the lease or operating agreement, and in cases where the farm to be covered by an application for payment is composed of more than one producer unit and either no acreage on the farm was devoted in 1937 to the crop(s) in one or more soil-depleting bases established for such farm or the County Committee finds that diversion was not made ratably, the contribution of each such producer may, subject to the approval of the Administrative Officer in Charge or the Acting Administrative Officer in Charge in the State Office acting with the advice and consent of the State Committee, be determined in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) by agreement of all producers on the farm signified in the presence of at least two members of the County Committee, provided such agreement is found by the County Committee to be equitable to all concerned. In any such case there shall be submitted to the State Office, at the time of submission of the application for payment with respect to the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee stating that the agreement has been reached voluntarily in accordance with the foregoing provisions.

In cases where the contribution of each producer is to be determined in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (h) and agreement of all producers is not obtained as outlined above, the County Committee may recommend, subject to the approval of the Administrative Officer in Charge in the State Office, acting with the advice and consent of the State Committee, and the approval of the Director of the Southern Division, its determination of the contribution of each producer, such recommendation to set forth fully the facts upon which such recommendation is based.

III

The last sentence of subsection (i) of section 18, which reads as follows: "In case of the death or incompetency of a producer occurring during the period of performance under the 1937 program, class I and class II payments shall be made or withheld in accordance with rules to be prescribed by the Secretary", is deleted.

IV

Subsection (j), section 18, Lease or Operating Agreement Expiring During Growing Season, is amended to read as follows:

(j) *Lease or Operating Agreement Expiring During 1937.*—If control of a farm is lost through the expiration of a lease or operating agreement during 1937 the incoming producer shall not be shown as having an interest in the class I payment with respect to any soil-depleting crop which is harvested, or which under normal conditions would be ready for harvest, prior to the termination of the lease or operating agreement; except that if the County Committee finds that both the outgoing producer and the incoming producer have contributed to performance in 1937 with respect to the crop(s) in that soil-depleting base and such producers have agreed upon a division between them of the acreage of such crop(s) the acreage shall be divided according to their agreement (indicated by their signatures on the application for payment), or, if they are unable to agree, the County Committee shall recommend, subject to the approval of the Administrative Officer in Charge in the State, acting with the advice and consent of the State Committee, and the approval of the Director of the Southern Division, the division of such acreage between such persons on the basis found by it to be most equitable having due regard to the measure of performance contributed by each producer, and shall support its recommendation by a letter setting forth fully the facts in the case.

V

Subsection (c) of section 62 is amended to read as follows:

(c) If two or more tracts of land in the same county are under different ownerships, even though they are operated by the same person, each such separately owned tract shall be covered by a separate work sheet. In case an operator rents from the same person a part of a tract of land on shares and the remainder of such tract for cash, or in case a person rents a part of a tract of land to one or more tenants on shares and a part of the same tract of land to the same tenant(s) for cash, all such land may be covered by one work sheet.

VI

Section 63, Multiple Farm Holdings, is amended to read as follows:

SECTION 63. *Multiple Farm Holdings.*—If any person making application for payment in a county has an interest as owner or operator in one or more farms in the same county which are not covered by an application for payment (other than an "Application for Payment with Respect to Rice Farms", Form SR–128) under which payment may be made, such person is required to furnish the County Committee a showing as to the acreage of soil-depleting crops grown in 1937 on each such farm. If the County Committee has reason to believe that the information with respect to any soil-depleting crop on any such farm is incorrect, it shall cause such check to be made as it deems necessary, and if it finds that an understatement of soil-depleting crops has been made it shall cause the acreage of all soil-depleting crops on all such farms to be measured.

The procedure for determining whether a deduction should be made from the payment which otherwise would be made to the producer in question because of non-performance on such farms shall be as follows:

(a) For each such farm multiply the 1937 acreage of cotton, each kind of tobacco, commercial peanuts, and crops in the general base by the respective rate per acre (determined pursuant to sections 11, 12, 13, and 15, part III) and multiply each such result by the percentage (determined pursuant to the provisions of section 18, part III) due such person. Total the results thus obtained.

(b) For each such farm multiply the cotton, each kind of tobacco, peanut, and general bases by the respective rate per acre (determined pursuant to sections 11, 12, 13, and 15, part III) and multiply each such result by the percentage (determined pursuant to the provisions of section 18, part III) due such person. Total the results thus obtained.

(c) If the total obtained under subsection (a) of this section 63 exceeds the total obtained under subsection (b) of this section 63, such excess shall be deducted first from any payment which

otherwise would be made to such person with respect to farms in such county covered by an application for payment, and the remainder from any payment which otherwise would be made to such person with respect to rice in the State.

(d) The procedure outlined in this section 63 shall at the option of the Secretary be applied to all farms owned or operated by the same person in the State.

VII

Soil-building practice number 31 appearing in section 109 of part II, revised, is amended by adding at the end thereof the following:

Where land is listed or furrowed (other than contour listing or furrowing, or basin listing) in connection with practice number 31, and a reasonably good growth of the sorghum or Sudan grass is not obtained because of insects, hail, drouth, or other unfavorable weather conditions, two-fifths of such acreage shall nevertheless qualify under practice number 31, thus providing a payment of twenty cents per acre for such listing or furrowing.

NOTE

The following typographical errors appear in the printed pamphlet edition of Southern Region Bulletin 101 but did not appear in the original or in the print in the Federal Register of January 5, 1937:

(1) On page 7, practice number 13, the figure "30" should read "50", the paragraph correctly reading as follows:

*Practice Number, Practices and Conditions, and Rate*

13. Manganese sulphate applied in 1937 on soil-conserving crops, but payment will not be made on an amount in excess of 50 pounds per acre, (per 100 pounds): 2.00.

(2) On page 20, in paragraph (1) of subsection (f) of section 62, of the words "each person" should read "such person", the paragraph correctly reading as follows:

(1) An application for payment covering two or more farms in a county which are operated by the same person may be made only with the consent (indicated by signatures on the application for payment) of all persons who, as owner, share-tenant, or share-cropper, have an interest in the crops (or the proceeds thereof) grown in 1937 on any farm covered by the application; except that the signature of any person shall not be required in order to permit a grouping of such farms if such person would not receive a payment if each such farm were covered by a separate application for payment.

Done at Washington, D. C., this 21st day of August, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2588; Filed, August 21, 1937; 12:11 p. m.]

## Bureau of Agricultural Economics.

REVISION OF UNITED STATES STANDARDS FOR MILLED RICE

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes" approved June 29, 1937 (Public No. 173—75th Congress) I, M. L. Wilson, Acting Secretary of Agriculture, do hereby fix, establish, and promulgate, in lieu of all existing standards for milled rice, the following standards of quality and condition for milled rice, which shall be in force and effect on and after September 1, 1937, and so long as Congress shall provide the necessary authority therefor, unless amended or superseded by standards hereafter prescribed and promulgated under such authority.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 21st day of August, 1937.

[SEAL] M. L. WILSON, *Acting Secretary.*

UNITED STATES STANDARDS FOR MILLED RICE[1]

For the purposes of the United States standards for milled rice:

*Milled rice.*—Milled rice shall be whole or broken kernels of rice of the classes specified in these standards, from which the hulls and practically all of the germs and bran layers have been removed, which may be either coated or uncoated, and which does not contain more than 10 percent of cereal grains, including paddy grains, seeds, or other foreign material, either singly or in any combination.

*Classes.*—Milled rice shall be divided into nineteen classes, as follows: Class I, Honduras Milled Rice; Class II, Edith Milled Rice; Class III, Fortuna Milled Rice; Class IV, Carolina Milled Rice; Class V, Lady Wright Milled Rice; Class VI, Early Wright Milled Rice; Class VII, Rexoro Milled Rice; Class VIII, Delitus Milled Rice; Class IX, Nira Milled Rice; Class X, Shoemed Milled Rice; Class XI, Blue Rose Milled Rice; Class XII, Early Prolific Milled Rice; Class XIII, Louisiana Pearl Milled Rice; Class XIV, Japan Milled Rice; Class XV, Calady Milled Rice; Class XVI, Second Head Milled Rice; Class XVII, Screenings Milled Rice; Class XVIII, Brewers Milled Rice; and Class XIX, Mixed Milled Rice.

*Grades.*—Milled rice shall be graded and designated according to the respective grade requirements of the numerical grades, or named grades, and Sample grade of its appropriate class or subclass, and according to the special grades when applicable.

HONDURAS MILLED RICE (CLASS I)

This class shall include the rices known commercially as Honduras and Mortgage Lifter, which contain more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

EDITH MILLED RICE (CLASS II)

This class shall include the rice known commercially as Edith, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

FORTUNA MILLED RICE (CLASS III)

This class shall include the rice known commercially as Fortuna, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

CAROLINA MILLED RICE (CLASS IV)

This class shall include the rices known commercially as Carolina and Storm Proof, which contain more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

LADY WRIGHT MILLED RICE (CLASS V)

This class shall include the rice known commercially as Lady Wright, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

EARLY WRIGHT MILLED RICE (CLASS VI)

This class shall include the rice known commercially as Early Wright, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

REXORO MILLED RICE (CLASS VII)

This class shall include the rice known commercially as Rexoro, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Food and Drugs Act.



DELITUS MILLED RICE (CLASS VIII)

This class shall include the rice known commercially as Delitus, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

NIRA MILLED RICE (CLASS IX)

This class shall include the rice known commercially as Nira, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

CLASSES I TO IX, INCLUSIVE

*Grade requirements for the classes Honduras, Edith, Fortuna, Carolina, Lady Wright, Early Wright, Rexoro, Delitus, and Nira, milled rice*

| Grade | Maximum limits of— | | | | | | |
|---|---|---|---|---|---|---|---|
| | Cereal grains, seeds, and heat damage (number in 500 grams) | | Red rice and damage other than heat (singly or combined) | Chalky kernels | Broken kernels | | Other rices |
| | Total | Heat damage and seeds (singly or combined) | | | Total | Through no. 6 sieve | |
| | *Number* | *Number* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1) | 3 | 1 | 0.5 | 1.0 | 10 | 0.3 | 1 |
| Fancy (U. S. No. 2) | 7 | 4 | 1.5 | 1.5 | 15 | .5 | 2 |
| Extra Choice (U. S. No. 3) | 12 | 7 | 2.0 | 2.0 | 20 | .7 | 4 |
| Choice (U. S. No. 4) | 18 | 10 | 2.5 | 3.0 | 25 | 1.0 | 6 |
| Medium (U. S. No. 5) | 40 | 25 | 6.0 | 6.0 | 35 | 2.0 | 10 |

*Sample grade.*—Sample grade shall include milled rice of the classes Honduras, or Edith, or Fortuna, or Carolina, or Lady Wright, or Early Wright, or Rexoro, or Delitus, or Nira, respectively, which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in the grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grade Extra Fancy (U. S. No. 1) shall be white or creamy and shall be well milled. Rice of the grade Fancy (U. S. No. 2) shall be white, creamy, or grayish, and shall be well milled. Rice of the grade Extra Choice (U. S. No. 3) shall be white, creamy, or grayish, and shall be reasonably well milled. Rice of the grade Choice (U. S. No. 4) shall be white, creamy, or grayish, and may be slightly rosy, and shall be reasonably well milled. Rice of the grade Medium (U. S. No. 5) may be of slightly damaged or red appearance.

SHOEMED MILLED RICE (CLASS X)

This class shall include the rice known commercially as Shoemed, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

BLUE ROSE MILLED RICE (CLASS XI)

This class shall include the rices known commercially as Blue Rose, Greater Blue Rose, and Improved Blue Rose, which contain more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

EARLY PROLIFIC MILLED RICE (CLASS XII)

This class shall include the rice known commercially as Early Prolific, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

LOUISIANA PEARL MILLED RICE (CLASS XIII)

This class shall include the rice known commercially as Louisiana Pearl, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

CLASSES X TO XIII, INCLUSIVE

*Grade requirements for the classes Shoemed, Blue Rose, Early Prolific, and Louisiana Pearl, milled rice*

| Grade | Maximum limits of— | | | | | | |
|---|---|---|---|---|---|---|---|
| | Cereal grains, seeds, and heat damage (number in 500 grams) | | Red rice and damage other than heat (singly or combined) | Chalky kernels | Broken kernels | | Other rices |
| | Total | Heat damage and seeds (singly or combined) | | | Total | Through no. 6 sieve | |
| | *Number* | *Number* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1) | 3 | 1 | 0.5 | 1.0 | 5 | 0.3 | 1 |
| Fancy (U. S. No. 2) | 7 | 4 | 1.5 | 1.5 | 10 | .5 | 2 |
| Extra Choice (U. S. No. 3) | 12 | 7 | 2.0 | 2.0 | 15 | .7 | 4 |
| Choice (U. S. No. 4) | 18 | 10 | 2.5 | 3.0 | 20 | 1.0 | 6 |
| Medium (U. S. No. 5) | 40 | 25 | 6.0 | 6.0 | 35 | 2.0 | 10 |

*Sample grade.*—Sample grade shall include milled rice of the classes Shoemed, or Blue Rose, or Early Prolific, or Louisiana Pearl, respectively, which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in the grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grade Extra Fancy (U. S. No. 1) shall be white or creamy and shall be well milled. Rice of the grade Fancy (U. S. No. 2) shall be white, creamy, or grayish, and shall be well milled. Rice of the grade Extra Choice (U. S. No. 3) shall be white, creamy, or grayish, and shall be reasonably well milled. Rice of the grade Choice (U. S. No. 4) shall be white, creamy, or grayish, and may be slightly rosy, and shall be reasonably well milled. Rice of the grade Medium (U. S. No. 5) may be of slightly damaged or red appearance.

JAPAN MILLED RICE (CLASS XIV)

This class shall include the rice known commercially as Japan, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes. This class shall be divided into two subclasses designated as (a) Japan milled rice and (b) California-Japan milled rice.

*Subclass (A) Japan Milled Rice*

This subclass shall include all rice known commercially as Japan possessing the characteristics of rice of this class as grown east of the Rocky Mountains.

*Grade requirements for the subclass (a) Japan milled rice*

| Grade | Maximum limits of— | | | | | | |
|---|---|---|---|---|---|---|---|
| | Cereal grains, seeds, and heat damage (number in 500 grams | | Red rice and damage other than heat (singly or combined) | Chalky kernels | Broken kernels | | Other rices |
| | Total | Heat damage and seeds (singly or combined) | | | Total | Through no. 6 sieve | |
| | *Number* | *Number* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1) | 3 | 1 | 0.5 | 2.0 | 5 | 0.3 | 1 |
| Fancy (U. S. No. 2) | 7 | 4 | 1.5 | 4.0 | 10 | .5 | 2 |
| Extra Choice (U. S. No. 3) | 12 | 7 | 2.0 | 6.0 | 15 | .7 | 4 |
| Choice (U. S. No. 4) | 18 | 10 | 2.5 | 8.0 | 20 | 1.0 | 6 |
| Medium (U. S. No. 5) | 40 | 25 | 6.0 | 10.0 | 35 | 2.0 | 10 |

*Sample grade.*—Sample grade shall include milled rice of the subclass Japan milled rice, which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in the grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grade Extra Fancy (U. S. No. 1) shall be white or creamy and shall be well milled. Rice of the grade Fancy (U. S. No. 2) shall be white, creamy, or grayish, and shall be well milled. Rice of the grade Extra Choice (U. S. No. 3) shall be white, creamy, or grayish, and shall be reasonably well milled. Rice of the grade Choice (U. S. No. 4) shall be white, creamy, or grayish, and may be slightly rosy, and shall be reasonably well milled. Rice of the grade Medium (U. S. No. 5) may be of slightly damaged or red appearance.

### *Subclass (B) California-Japan Milled Rice*

This subclass shall include all rice known commercially as Japan possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States.

*Grade requirements for the subclass (b) California-Japan milled rice*

| Grade | Maximum limits of— | | | | | | |
|---|---|---|---|---|---|---|---|
| | Cereal grains, seeds, and heat damage (number in 500 grams) | | Red rice and damage other than heat (singly or combined) | Chalky kernels | Broken kernels | | Other rices |
| | Total | Heat damage | | | Total | Through no. 6 sieve | |
| | *Number* | *Number* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1)[1] | 3 | 0 | 0.2 | 2.0 | 5 | 0.3 | 0.5 |
| Fancy (U. S. No. 2) | 7 | 2 | .5 | 4.0 | 10 | .5 | 1.0 |
| Extra Choice (U. S. No. 3) | 12 | 3 | 1.0 | 6.0 | 15 | .7 | 2.0 |
| Choice (U. S. No. 4) | 18 | 5 | 1.5 | 8.0 | 20 | 1.0 | 3.0 |
| Medium (U. S. No. 5) | 25 | 7 | 2.0 | 10.0 | 35 | 2.0 | 10.0 |

[1] Rice of the grade Extra Fancy shall contain not more than 1 cereal grain other than paddy grains nor more than 1 mud lump, in 500 grams of rice.

*Sample grade.*—Sample grade shall include milled rice of the subclass California-Japan milled rice, which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in the grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grade Extra Fancy (U. S. No. 1) shall be white or creamy and shall be well milled. Rice of the grade Fancy (U. S. No. 2) shall be white, creamy, or grayish, and shall be well milled. Rice of the grade Extra Choice (U. S. No. 3) shall be white, creamy, or grayish, and shall be reasonably well milled. Rice of the grade Choice (U. S. No. 4) shall be white, creamy, or grayish, and may be slightly rosy, and shall be reasonably well milled. Rice of the grade Medium (U. S. No. 5) may be of slightly damaged or red appearance.

### CALADY MILLED RICE (CLASS XV)

This class shall include the rice known commercially as Calady and other rices of similar type, possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States, which contains more than 25 percent of whole kernels, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

*Grade requirements for the class Calady milled rice*

| Grade | Maximum limits of— | | | | | | |
|---|---|---|---|---|---|---|---|
| | Cereal grains, seeds, and heat damage (number in 500 grams) | | Red rice and damage other than heat (singly or combined) | Chalky kernels | Broken kernels | | Other rices |
| | Total | Heat damage | | | Total | Through no. 6 sieve | |
| | *Number* | *Number* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1)[1] | 3 | 0 | 0.2 | 1.0 | 5 | 0.3 | 0.5 |
| Fancy (U. S. No. 2) | 7 | 2 | .5 | 1.5 | 10 | .5 | 1.0 |
| Extra Choice (U. S. No. 3) | 12 | 3 | 1.0 | 2.0 | 15 | .7 | 2.0 |
| Choice (U. S. No. 4) | 18 | 5 | 1.5 | 3.0 | 20 | 1.0 | 3.0 |
| Medium (U. S. No. 5) | 25 | 7 | 2.0 | 6.0 | 35 | 2.0 | 10.0 |

[1] Rice of the grade Extra Fancy shall contain not more than 1 cereal gral othern than paddy grains nor more than 1 mud lump, in 500 grams of rice.

*Sample grade.*—Sample grade shall include milled rice of the class Calady milled rice which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more that 0.1 percent of foreign material.

The percentage of moisture in the grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grade Extra Fancy (U. S. No. 1) shall be white or creamy and shall be well milled. Rice of the grade Fancy (U. S. No. 2) shall be white, creamy, or grayish, and shall be well milled. Rice of the grade Extra Choice (U. S. No. 3) shall be white, creamy, or grayish, and shall be reasonably well milled. Rice of the grade Choice (U. S. No. 4) shall be white, creamy, or grayish, and may be slightly rosy, and shall be reasonably well milled. Rice of the grade Medium (U. S. No. 5) may be of slightly damaged or red appearance.

### SECOND HEAD MILLED RICE (CLASS XVI)

This class shall consist of milled rice which contains not more than 25 percent of whole kernels, not more than 50 percent of broken kernels which will pass readily through a 6½ sieve, and not more than 10 percent of broken kernels which will pass readily through a No. 6 sieve.

*Grade requirements for the class Second Head milled rice*

| Grade | Maximum limits of— | | | | | |
|---|---|---|---|---|---|---|
| | Cereal grains, seeds, and heat damage (number in 500 grams) | | Red rice and damage other than heat (singly or combined) | Chalky kernels | Broken kernels | |
| | Total | Heat damage and seeds (singly or combined) | | | Through no. 6 sieve | Through no. 6½ sieve |
| | *Number* | *Number* | *Percent* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1) | 20 | 15 | 1 | 3 | 3 | 15 |
| Fancy (U. S. No. 2) | 25 | 20 | 2 | 5 | 5 | 25 |
| Extra Choice (U. S. No. 3) | 40 | 35 | 4 | 10 | 7 | 35 |
| Choice (U. S. No. 4) | 60 | 50 | 6 | 15 | 10 | 50 |
| Medium (U. S. No. 5) | 110 | 100 | 10 | 20 | 10 | 50 |

*Sample grade.*—Sample grade shall include milled rice of the class Second Head which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) may be of slightly damaged or rosy appearance. Rice of the grade Medium (U. S. No. 5) may be of damaged or red appearance.

### SCREENINGS MILLED RICE (CLASS XVII)

This class shall consist of milled rice which contains not more than 25 percent of whole kernels, which does not meet the requirements of size separations specified for the class Second Head milled rice, and which contains not more than 15 percent of broken kernels which will pass readily through a No. 5½ sieve. This class shall be divided into two subclasses: (a) Screenings milled rice and (b) California Screenings milled rice.

### *Subclass (a) Screenings Milled Rice*

This subclass shall include all Screenings milled rice possessing the characteristics of rice of this class as grown east of the Rocky Mountains.

*Grade requirements for the subclass (a) Screenings milled rice*

| Grade | Maximum limits of— | | | |
|---|---|---|---|---|
| | Cereal grains and seeds (number in 500 grams) | Chalky kernels | Broken kernels— | |
| | | | Through no. 5½ sieve | Through no. 6 sieve |
| | *Number* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1) | 20 | 5 | 4 | 20 |
| Fancy (U. S. No. 2) | 50 | 8 | 6 | 30 |
| Extra Choice (U. S. No. 3) | 90 | 12 | 8 | 40 |
| Choice (U. S. No. 4) | 140 | 20 | 10 | 50 |
| Medium (U. S. No. 5) | 250 | 30 | 15 | 60 |

*Sample grade.*—Sample grade shall include milled rice of the subclass Screenings milled rice which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), and Choice (U. S. No. 4) shall be white, creamy, or grayish. Rice of the grade Medium (U. S. No. 5) may be slightly damaged or slightly rosy.



### *Subclass (b) California Screenings Milled Rice*

This subclass shall include all Screenings milled rice possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States.

*Grade requirements for the subclass (b) California Screenings milled rice*

| Grade | Maximum limits of— | | | |
|---|---|---|---|---|
| | Cereal grains and seeds (number in 500 grams) | Chalky kernels | Broken kernels | |
| | | | Through no. 5½ sieve | Through no. 6 sieve |
| | *Number* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1) | 30 | 5 | 4 | 20 |
| Fancy (U. S. No. 2) | 75 | 8 | 6 | 30 |
| Extra Choice (U. S. No. 3) | 125 | 12 | 8 | 40 |
| Choice (U. S. No. 4) | 175 | 20 | 10 | 50 |
| Medium (U. S. No. 5) | 250 | 20 | 10 | 50 |

*Sample grade.*—Sample grade shall include milled rice of the subclass California Screenings milled rice which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grades Extra Fancy (U. S. No. 1) and Fancy (U. S. No. 2) shall be white, creamy, or grayish. Rice of the grade Extra Choice (U. S. No. 3) shall be white, creamy, or grayish, and may be slightly rosy. Rice of the grade Choice (U. S. No. 4) may be of slightly damaged or rosy appearance. Rice of the grade Medium (U. S. No. 5) may be of damaged or red appearance.

NOTE.—The grade term "Medium" (U. S. No. 5) for the subclass Screenings milled rice corresponds to the grade term "F. A. Q. Screenings," heretofore commonly used commercially.

### *Subclass (b) California Screenings Milled Rice*

This subclass shall include all Screenings milled rice possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States.

*Grade requirements for the subclass (b) California Screenings milled rice*

| Grade | Maximum limits of— | | | |
|---|---|---|---|---|
| | Cereal grains and seeds (number in 500 grams) | Chalky kernels | Broken kernels | |
| | | | Through no. 5½ sieve | Through no. 6 sieve |
| | *Number* | *Percent* | *Percent* | *Percent* |
| Extra Fancy (U. S. No. 1) | 30 | 5 | 4 | 20 |
| Fancy (U. S. No. 2) | 75 | 8 | 6 | 30 |
| Extra Choice (U. S. No. 3) | 125 | 12 | 8 | 40 |
| Choice (U. S. No. 4) | 175 | 20 | 10 | 50 |
| Medium (U. S. No. 5) | 250 | 20 | 10 | 50 |

*Sample grade.*—Sample grade shall include milled rice of the subclass California Screenings milled rice which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

*Color and general appearance.*—Rice of the grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), and Choice (U. S. No. 4) shall be white, creamy, or grayish. Rice of the grade Medium (U. S. No. 5) may be slightly damaged or slightly rosy.

### BREWERS MILLED RICE (CLASS XVIII)

This class shall consist of milled rice which contains not more than 25 percent of whole kernels and contains more than 15 percent of broken kernels which will pass readily through a No. 5½ sieve. This class shall be divided into two subclasses: (a) Brewers milled rice and (b) California Brewers milled rice.

### *Subclass (a) Brewers Milled Rice*

This subclass shall include all Brewers milled rice possessing the characteristics of rice of this class as grown east of the Rocky Mountains.

*Grade requirements for the subclass (a) Brewers milled rice*

| Grade | Cereal grains and seeds (maximum limits) | | Color and general appearance |
|---|---|---|---|
| | Number in 500 grams | Percentage | |
| Extra Fancy (U. S. No. 1) | 60 | ..... | White, creamy, or grayish. |
| Fancy (U. S. No. 2) | ..... | 0.1 | Do. |
| Extra Choice (U. S. No. 3) | ..... | .2 | White, creamy, or grayish, and may be slightly rosy. |
| Choice (U. S. No. 4) | ..... | .4 | May be of slightly damaged or rosy appearance. |
| Medium (U. S. No. 5) | ..... | 1.5 | May be of damaged or red appearance. |

*Sample grade.*—Sample grade shall include milled rice of the subclass Brewers milled rice which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

NOTE.—The grade term Medium (U. S. No. 5), for the subclass Brewers milled rice corresponds to the grade term "Standard Milled-Run Brewers" heretofore commonly used commercially.

### *Subclass (b) California Brewers Milled Rice*

This subclass shall include all Brewers milled rice possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States.

*Grade requirements for the subclass (b) California Brewers milled rice*

| Grade | Cereal grains and seeds (maximum limits) | Color and general appearance |
|---|---|---|
| | *Percent* | |
| Extra Fancy (U. S. No. 1) | 0.5 | White, creamy, or grayish. |
| Fancy (U. S. No. 2) | 1.0 | Do. |
| Extra Choice (U. S. No. 3) | 1.5 | Do. |
| Choice (U. S. No. 4) | 3.0 | May be slightly damaged or slightly rosy. |
| Medium (U. S. No. 5) | 5.0 | May be damaged or rosy. |

*Sample grade.*—Sample grade shall include milled rice of the subclass California Brewers milled rice which does not come within the requirements of any of the grades from Extra Fancy (U. S. No. 1) to Medium (U. S. No. 5), inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or extremely red appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material.

The percentage of moisture in grades Extra Fancy (U. S. No. 1), Fancy (U. S. No. 2), Extra Choice (U. S. No. 3), Choice (U. S. No. 4), and Medium (U. S. No. 5) shall not exceed 14.5.

### MIXED MILLED RICE (CLASS XIX)

This class shall include all mixtures of milled rice of the classes I to XV, inclusive, which do not meet the requirements of any one of such classes.

*Grade requirements and designations.*—Mixed Milled Rice shall be graded according to the grade requirements of the class or subclass of milled rice which predominates in the mixture, except that the grade specifications for the factor "other rices" shall be disregarded.

The grade designation for Mixed Milled Rice shall include, successively, in the order named, (1) the name of the grade, or the number thereof, (2) the words "Mixed Milled Rice", and (3) the name and approximate percentage of each class or subclass of milled rice which constitutes 10 percent or more of the mixture in the order of its predominance; but if only one class or subclass exceeds 10 percent of the mixture, the name and approximate percentage of that class or subclass shall be added to the grade designation, followed by the name and approximate percentage of at least one other class or subclass.

### SPECIAL GRADES FOR MILLED RICE

### *Coated Milled Rice*

*Definition.*—Coated milled rice shall be milled rice of any class which has been coated with glucose and talc or any other substance.

*Grades.*—Coated milled rice shall be graded and designated according to the grade requirements of the grades applicable to such rice if it were not coated, and there shall be added to, and made a part of, the grade designation, the word "Coated."

### *Weevily Milled Rice*

*Definition.*—Weevily milled rice shall be milled rice of any class which is infested with live weevils or other insects injurious to stored rice.

*Grades.*—Weevily milled rice shall be graded and designated according to the grade requirements of the standards applicable to such rice if it were not weevily, and there shall be added to, and made a part of, the grade designation, the word "Weevily."

### DEFINITIONS

*Basis of grade determinations.*—All determinations shall be upon the basis of the rice as a whole.

*Percentages.*—Percentages, except in the case of moisture, shall be percentages ascertained by weight.

*Percentage of moisture.*—Percentage of moisture shall be that ascertained by the air oven and the method of use thereof described in Service and Regulatory Announcements No. 147 of the Bureau of Agricultural Economics of the

United States Department of Agriculture, or ascertained by any device and method which give equivalent results in the determination of moisture.

*No. 5½ sieve.*—A metal sieve perforated with round holes 5-1/2/64 inch in diameter.

*No. 6 sieve.*—A metal sieve perforated with round holes 6/64 inch in diameter.

*No. 6½ sieve.*—A metal sieve perforated with round holes 6-1/2/64 inch in diameter.

*Damaged kernels.*—Damaged kernels shall be kernels and pieces of kernels of milled rice which have been distinctly damaged by water, insects, or by any other means. Sound double and sound broken kernels shall not be considered damaged kernels.

*Heat-damaged kernels.*—Heat-damaged kernels shall be kernels and pieces of kernels of milled rice which have been distinctly discolored by external heat or as a result of heating caused by fermentation.

*Foreign material.*—Foreign material shall include all matter other than rice except seeds and cereal grains.

*Cereal grains.*—Cereal grains shall include paddy grains (rough rice), barley, wheat, rye, emmer, spelt, einkorn, corn, grain sorghums, and oats, and shall not include buckwheat, flaxseed, and wild oats.

*Seeds.*—Seeds shall be grains, kernels, or seeds, either whole or broken, of any plant other than rice or other cereal grains.

*Red rice.*—Red rice shall be kernels or pieces of kernels of milled rice which are distinctly red in color or have any appreciable amount of red bran thereon.

*Broken kernels.*—Broken kernels shall be split kernels and pieces of kernels of milled rice which are less than three-fourths of the length of the perfect kernel.

*Chalky kernels.*—A chalky kernel shall be a kernel or a piece of a kernel of milled rice one-half or more of which is chalky.

[F. R. Doc. 37-2589; Filed, August 21, 1937; 12:11 p. m.]

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REVISION OF UNITED STATES STANDARDS FOR BROWN RICE

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes" approved June 29, 1937 (Public No. 173—75th Congress) I, M. L. Wilson, acting Secretary of Agriculture, do hereby fix, establish, and promulgate, in lieu of all existing standards for brown rice, the following standards of quality and condition for brown rice, which shall be in force and effect on and after September 1, 1937, and so long as Congress shall provide the necessary authority therefor, unless amended or superseded by standards hereafter prescribed and promulgated under such authority.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 21st day of August, 1937.

[SEAL] M. L. WILSON, *Acting Secretary.*

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UNITED STATES STANDARDS FOR BROWN RICE[1]

For the purposes of the United States standards for brown rice:

*Brown rice.*—Brown rice shall be whole or broken kernels of rice of the classes specified in these standards, from which the hulls only have been removed from not less than 90 percent of the kernels, and which does not contains more than 10 percent of cereal grains of a kind or kinds other than rice, seeds, or other foreign material, either singly or in any combination.

*Classes.*—Brown rice shall be divided into sixteen classes, as follows: Class I, Honduras Brown Rice; Class II, Edith Brown Rice; Class III, Fortuna Brown Rice; Class IV, Carolina Brown Rice; Class V, Lady Wright Brown Rice; Class VI, Early Wright Brown Rice; Class VII, Rexoro Brown Rice; Class VIII, Delitus Brown Rice; Class IX, Nira Brown Rice; Class X, Shoemed Brown Rice; Class XI, Blue Rose Brown Rice; Class XII, Early Prolific Brown Rice; Class XIII, Louisiana Pearl Brown Rice; Class XIV, Japan Brown Rice; Class XV, Calady Brown Rice; and Class XVI, Mixed Brown Rice.

*Grades.*—Brown rice shall be graded and designated according to the respective grade requirements of the numerical grades, or named grades, and Sample grades of its appropriate class or subclass, and according to the special grades when applicable.

HONDURAS BROWN RICE (CLASS I)

This class shall include the rices known conimercially as Honduras and Mortgage Lifter, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

EDITH BROWN RICE (CLASS II)

This class shall include the rice known commercially as Edith, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

FORTUNA BROWN RICE (CLASS III)

This class shall include the rice known commercially as Fortuna, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

CAROLINA BROWN RICE (CLASS IV)

This class shall include the rices known commercially as Carolina and Storm Proof, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

LADY WRIGHT BROWN RICE (CLASS V)

This class shall include the rice known commercially as Lady Wright, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

EARLY WRIGHT BROWN RICE (CLASS VI)

This class shall include the rice known commercially as Early Wright, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

REXORO BROWN RICE (CLASS VII)

This class shall include the rice known commercially as Rexoro, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

DELITUS BROWN RICE (CLASS IX)

This class shall include the rice known commercially as Delitus, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

NIRA BROWN RICE (CLASS IX)

This class shall include the rice known commercially as Nira, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

CLASSES I TO IX, INCLUSIVE

*Grade requirements for the classes Honduras, Edith, Fortuna, Carolina, Lady Wright, Early Wright, Rexoro, Delitus, and Nira, brown rice*

| United States grade | Maximum limits of— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Cereal grains, seeds, mud lumps, and heat-damaged kernels (number in 500 grams) | | | | Paddy grains | Red rice | Damage other than heat | Chalky kernels | Broken kernels | | |
| | Cereal grains | Seeds | Heat-damaged kernels | Mud lumps | | | | | Total | Through no. 6½ sieve | Other rices |
| | No. | No. | No. | No. | Pct. | Pct. | Pct. | Pct. | Pct. | Pct. | Pct. |
| Extra Fancy | 0 | 2 | 0 | 1 | 0.2 | 0.5 | 1 | 1.5 | 10 | 1 | 1 |
| Fancy | 1 | 5 | 1 | 2 | .4 | 1.0 | 3 | 2.5 | 15 | 2 | 2 |
| Choice | 5 | 10 | 5 | 5 | 1.0 | 3.0 | 5 | 5.0 | 20 | 3 | 4 |

*Sample grade.*—Sample grade shall include brown rice of the classes Honduras, or Edith, or Fortuna, or Carolina, or Lady Wright, or Early Wright, or Rexoro, or Delitus, or Nira, respectively, which does not come within the requirements of any of the grades from Extra Fancy to Choice, inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or badly stained appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material; or contains more than 14.5 percent of moisture.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Food and Drugs Act.



SHOEMED BROWN RICE (CLASS X)

This class shall include the rice known commercially as Shoemed, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

BLUE ROSE BROWN RICE (CLASS XI)

This class shall include the rices known commercially as Blue Rose, Greater Blue Rose, and Improved Blue Rose, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

EARLY PROLIFIC BROWN RICE (CLASS XII)

This class shall include the rice known commercially as Early Prolific, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

LOUISIANA PEARL BROWN RICE (CLASS XIII)

This class shall include the rice known commercially as Louisiana Pearl, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

JAPAN BROWN RICE (CLASS XIV)

This class shall include the rice known commercially as Japan, and may include not more than 10 percent of whole kernels of rice of any other class or classes. This class shall be divided into two subclasses, as follows: (a) Japan brown rice and (b) California-Japan brown rice.

*Subclass (a) Japan Brown Rice*

This subclass shall include all rices known commercially as Japan possessing the characteristics of rice of this class as grown east of the Rocky Mountains.

CLASSES X TO XIII, INCLUSIVE, AND SUBCLASS (A) OF CLASS XIV

*Grade requirements for the classes Shoemed, Blue Rose, Early Prolific, and Louisiana Pearl, and for the subclass (a) Japan, brown rice*

| United States grade | Maximum limits of— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Cereal grains, seeds, mud lumps, and heat-damaged kernels (number in 500 grams) | | | | Paddy grains | Red rice | Damage other than heat | Chalky kernels | Broken kernels | | |
| | Cereal grains | Seeds | Heat-damaged kernels | Mud lumps | | | | | Total | Through no. 6½ sieve | Other rices |
| | No. | No. | No. | No. | Pct. | Pct. | Pct. | Pct. | Pct. | Pct. | Pct. |
| Extra Fancy | 0 | 2 | 0 | 1 | 0.2 | 0.5 | 1 | 1.5 | 5 | 1 | 1 |
| Fancy | 1 | 5 | 1 | 2 | .4 | 1.0 | 3 | 2.5 | 10 | 2 | 2 |
| Choice | 5 | 10 | 5 | 5 | 1.0 | 3.0 | 5 | 5.0 | 15 | 3 | 4 |

*Sample grade.*—Sample grade shall include brown rice of the classes Shoemed, or Blue Rose or Early Prolific, or Louisiana Pearl, or of the subclass Japan, respectively, which does not come within the requirements of any of the grades fro n Extra Fancy to Choice, inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or heating, or hot; or is of a badly damaged or badly stained appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material; or contains more than 14.5 percent of moisture.

*Subclass (b) California-Japan Brown Rice*

This subclass shall include all rice known commercially as Japan possessing the characteristics of rice of this class as grown west of the Great Plains area of the United States.

CALADY BROWN RICE (CLASS XV)

This class shall include the rice known commercially as Calady and other rices of similar type, possession the characteristics of rice of this class as grown west of the Great Plains area of the United States, and may include not more than 10 percent of whole kernels of rice of any other class or classes.

*Grade requirements for the subclass (b) California-Japan and for the class Calady, brown rice*

| United States grade | Maximum limits of— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Cereal grains, seeds, mud lumps, and heat-damaged kernels (number in 500 grams) | | | | Paddy grains | Red rice | Damage other than heat | Chalky kernels | Broken kernels | | |
| | Cereal grains | Seeds | Heat-damaged kernels | Mud lumps | | | | | Total | Through no. 6½ sieve | Other rices |
| | No. | No. | No. | No. | Pct. | Pct. | Pct. | Pct. | Pct. | Pct. | Pct. |
| Fancy | 1 | 25 | 1 | 1 | 0.2 | 0.2 | 0.3 | 3 | 10 | 1 | 0.5 |
| 1 | 3 | 50 | 3 | 3 | .2 | .4 | .7 | 6 | 10 | 2 | 1.0 |
| 2 | 5 | 75 | 5 | 5 | .4 | .7 | 1.5 | 10 | 15 | 3 | 2.0 |

*Sample grade.*—Sample grade shall include brown rice of the subclass California Japan or of the class Calady, respectively, which does not come within the requirements of any of the grades from Fancy to No. 2, inclusive; or which has any commercially objectionable foreign odor; or is musty, or sour, or is heating, or hot; or is of a badly damaged or badly stained appearance; or is otherwise of distinctly low quality; or contains more than 0.1 percent of foreign material; or contains more than 15 percent of moisture.

MIXED BROWN RICE (CLASS XVI)

This class shall include all mixtures of brown rice not provided for in the classes from I to XV, inclusive.

*Grade requirements and designations.*—Mixed Brown Rice shall be graded according to the grade requirements of the class or subclass of brown rice which predominates in the mixture, except that the grade specifications for the factor "other rices" shall be disregarded.

The grade designations for Mixed Brown Rice shall include, successively, in the order named, (1) the name of the grade, or the number thereof, (2) the words "Mixed Brown Rice," and (3) the name and approximate percentage of each class or subclass of brown rice which constitutes 10 percent or more of the mixture in the order of its predominance; but if only one class or subclass exceeds 10 percent of the mixture, the name and approximate percentage of that class or subclass shall be added to the grade designation, followed by the name and approximate percentage of at least one other class or subclass.

SPECIAL GRADES FOR BROWN RICE

*Weevily Brown Rice*

*Definition.*—Weevily brown rice shall be brown rice of any class which is infested with live weevils or other insects injurious to stored rice.

*Grades.*—Weevily brown rice shall be graded and designated according to the grade requirements of the standards applicable to such rice if it were not weevily, and there shall be added to, and made a part of, the grade designation, the word "Weevily."

DEFINITIONS

*Basis of grade determinations.*—All determinations shall be upon the basis of the rice as a whole.

*Percentages.*—Percentages, except in the case of moisture, shall be percentages ascertained by weight.

*Percentage of moisture.*—Percentage of moisture shall be that ascertained by the air oven and the method of use thereof described in Service and Regulatory Announcements No. 147 of the Bureau of Agricultural Economics of the United States Department of Agriculture, or ascertained by any device and method which give equivalent results in the determination of moisture.

*No. 6½ sieve.*—A metal sieve perforated with round holes 6½/64 inch in diameter.

*Damaged kernels.*—Damaged kernels shall be kernels and pieces of kernels of brown rice which have been distinctly damaged by water, insects, or by any other means. Sound double and sound broken kernels shall not be considered damaged kernels.

*Heat-damaged kernels.*—Heat-damaged kernels shall be kernels and pieces of kernels of brown rice which have been distinctly discolored by external heat or as a result of heating caused by fermentation.

*Cereal grains.*—Cereal grains shall include barley, wheat, rye, emmer, spelt, einkorn, corn, grain sorghums, and oats, and shall not include buckwheat, flaxseed, and wild oats.

*Seeds.*—Seeds shall be grains, kernels, or seeds, either whole or broken, of any plant other than rice or other cereal grains.

*Red rice.*—Red rice shall be kernels or pieces of kernels of brown rice which are distinctly red in color or on which the bran is red.

*Broken kernels.*—Broken kernels shall be split kernels and pieces of kernels of brown rice which are less than three-fourths of the length of the perfect kernel.

*Chalky kernels.*—A chalky kernel shall be a kernel or a piece of a kernel of brown rice one-half or more of which is chalky.

*Mud lumps.*—Mud lumps shall be lumps of dried mud which will not pass through a No. 6½ sieve. Mud lumps which will pass through a No. 6½ sieve shall function in grading only as foreign material.

*Paddy grains.*—Paddy grains shall be kernels of rice from which the hulls have not been removed.

*Foreign material.*—Foreign material shall include all matter other than rice except mud lumps which will not pass through a No. 6½ sieve, and cereal grains, and seeds.

[F. R. Doc. 37-2590; Filed, August 21, 1937; 12:12 p. m.]

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AMENDMENT TO THE REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF RICE WITH RESPECT TO EQUAL-TO-TYPE CERTIFICATES

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled, "An Act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes," approved June 29, 1937 (Public No. 173—75th Congress), I, M. L. Wilson, Acting Secretary of Agriculture, do hereby make, prescribe, publish and give public notice of the following amendment to the regulations governing the inspection and certification of rice, as heretofore promulgated, to become effective August 21, 1937, and to continue in force and effect so long as Congress shall provide the necessary authority therefor, unless amended or superseded by regulations hereafter prescribed and promulgated under such authority.

Strike out Section 19 of Regulation 3, and insert in lieu thereof the following:

SEC. 19. *Equal-to-type certificate.*—Upon application of an interested party and upon compliance with the provisions of this regulation, a rice inspection certificate may be issued by an inspector to state that the quality of a lot or a sample of rice is "equal to or better than" the quality of a type which has previously been placed on file and definitely identified in the office of the inspector, provided such inspection and certification meet the conditions set forth in either subsections A (1, 2, 3 and 4), B, or C of this section.

A-1. The lot or sample to be certificated shall be equal to, or better than, the quality of the type according to all class, quality, and condition factors of the official rice standards of the United States, with the exception of moisture.

A-2. At the time of filing the type with the inspector, the depositor shall specify and file in writing with the inspector a statement of the maximum moisture content of any rice which he proposes to have inspected or to deliver against such type.

A-3. When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content of 14.5 percent or less and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the factor of moisture may be disregarded in making the certification.

A-4. When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content in excess of 14.5 percent and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the certificate shall clearly state the maximum percentage of moisture specified by the depositor also the actual moisture content of the lot or sample covered by the certificate.

B. An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to one or more of the class, quality, and condition factors of the official rice standards of the United States or according to other authorized quality tests, provided the certificate clearly states the factors or tests used in making the inspection.

C. An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to all of the class, quality, and condition factors of the official rice standards of the United States except for one or more such factors, provided the certificate clearly states the factors excepted in making the inspection.

All certificates issued under the provisions of this section shall clearly state the identity of the type.

In case any inspector finds that a lot or sample of rice offered for inspection under this section fails to meet the above requirements, the certificate issued pursuant to such inspection shall state that the rice is "not equal to type."

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 20th day of August, 1937.

[SEAL] M. L. WILSON, *Acting Secretary.*

[F. R. Doc. 37-2591; Filed, August 21, 1937; 12:12 p. m.]

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## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[Sixth Amendment to General Order No. 228]

DESIGNATING BEEBE PLAIN, VERMONT, AS PORT OF ENTRY FOR ALIENS

AUGUST 21, 1937.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Tl. 8, Sec. 102), and Executive Order No. 6166, dated June 10, 1933, Beebe Plain, Vermont, is hereby designated as a port for the entry of aliens into the United States.

Paragraph 1, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended up to and including December 31, 1936, and subsequent thereto by General Order No. 228, dated December 21, 1935, and amendments thereto, is amended by inserting Beebe Plain between Alburg Springs and Beecher Falls in the list of ports of entry for aliens in District No. 1.

This General Order shall become effective September 1, 1937.

[SEAL] EDW. J. SHAUGHNESSY,
*Acting Commissioner of Immigration and Naturalization.*

Approved:
FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-2596; Filed, August 23, 1937; 10:06 a. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. ID-838]

APPLICATION OF MARTIN J. O'CONNELL

ORDER POSTPONING HEARING

Upon further consideration of the application of Martin J. O'Connell, ID-838, filed June 12, 1937 for authorization under Section 305 (b) of the Federal Power Act to hold certain positions set forth in his application, upon which hearing has been set for Thursday, August 19, 1937;

The Commission orders: That said hearing be postponed to 10 a. m. on Monday, September 20, 1937, and be held in the Commission's hearing room at 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on August 14, 1937.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 37-2594; Filed, August 23, 1937; 9:44 a. m.]

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Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5473]

APPLICATION OF PENNSYLVANIA ELECTRIC COMPANY AND PENNSYLVANIA EDISON COMPANY

ORDER POSTPONING HEARING

Upon application of Travis, Brownback & Paxson, attorneys for Pennsylvania Electric Company and Pennsylvania Edison Company for postponement of the hearing set upon their application, IT-5473, for approval of the sale of the franchises and all of the property, real, personal and mixed, including transfer of Federal Power Commission license for project No. 1160, of the former company to the latter company;

*It is ordered:* That the public hearing on said application set for August 23, 1937 be postponed to September 29, 1937, at 10 a. m. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C.

Adopted by the Commission on August 14, 1937.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 37-2593; Filed, August 23, 1937; 9:44 a. m.]

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Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. ID-485]

APPLICATION OF RALPH D. JENNISON

ORDER TO SHOW CAUSE WHY PRIOR AUTHORIZATION SHOULD NOT BE TERMINATED AND SUPPLEMENTAL APPLICATION DENIED

Upon application of Ralph D. Jennison, 150 Broadway, New York City, filed on October 25, 1935, and supplemental applications filed on February 21, 1936 and July 14, 1936, for authority to hold certain interlocking positions within the purview of Section 305 (b) of the Federal Power Act, the Commission finds

(1) That on February 18, 1936, the Commission authorized the applicant to hold certain positions within the purview of said section, to wit:

President and Director of NY PA NJ Utilities Company,
President and Director of New Jersey Power & Light Company,
President and Director of Northern Pennsylvania Power Company,
President and Director of Pennsylvania Electric Company,
President and Director of Erie Lighting Company,
Director of Staten Island Edison Corporation,

by general order specifically reserving to the Commission the right to require the applicant to make further showing that neither public nor private interests will be adversely affected thereby, and to make any other further order or orders on said application as the Commission may deem proper;

(2) That by supplemental applications, the applicant has requested authorization to hold the further positions of Director of Penn Central Light & Power Company and Director of Virginia Public Service Company; upon which supplemental applications the Commission has not yet acted by reason of the applicant's failure to furnish certain information required by the rules of the Commission;

(3) That applicant also holds numerous other official positions with electric holding, management, and operating companies, some of which positions appear to be within the purview of said Section 305 (b);

(4) That a public hearing with respect to the propriety of the applicant's continuance in the several positions within the purview of Section 305 (b) is in the public interest.

*It is therefore ordered:* That a hearing be held in the Commission's hearing room, at 1800 Pennsylvania Avenue, NW., Washington, D. C., at 10 o'clock a. m., on the 20th of September, 1937, and that at such hearing the said Ralph D. Jennison show cause why the Commission's order of February 18, 1936 authorizing him to hold the aforesaid positions should not be terminated and his supplemental applications denied.

Adopted by the Commission on August 14, 1937.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 37-2595; Filed, August 23, 1937; 9:45 a. m.]

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Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. ID-808]

APPLICATION OF THOMAS W. MOFFAT

ORDER TO SHOW CAUSE WHY APPLICATION TO HOLD CERTAIN INTERLOCKING POSITIONS SHOULD NOT BE DENIED

Upon application of Thomas W. Moffat, 150 Broadway, New York City, filed on August 12, 1936, pursuant to Section 305 (b) of the Federal Power Act for authorization to hold the following positions:

Director of Eastern Shore Public Service Company (Del.),
Director of Florida Power Corporation,
Director of Georgia Power & Light Company,
Director of Tide Water Power Company,
Director of Virginia Public Service Company

the Commission finds:

(1) That the applicant has failed to furnish certain information required by the rules of the Commission;

(2) That the applicant holds numerous other corporate positions, some of which also appear to require the authorization of this Commission under said Section 305 (b);

(3) That a public hearing with respect to the propriety of the applicant's holding the multiple positions disclosed by the record appears to be in the public interest;

*It is therefore ordered:* That a hearing be held in the Commission's hearing room, at 1800 Pennsylvania Avenue, NW., Washington, D. C., at 10 o'clock a. m., on the 20th day of September, 1937 and that at such hearing the said Thomas W. Moffat show cause why his said application should not be denied.

Adopted by the Commission on August 14, 1937.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 37-2592; Filed, August 23, 1937; 9:44 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D., 1937.

[File No. 43-45]

IN THE MATTER OF DECLARATIONS FILED BY PEOPLES LIGHT AND POWER COMPANY

[File No. 43-46]

IN THE MATTER OF DECLARATIONS FILED BY VOTING TRUSTEES FOR THE CLASS A COMMON STOCK OF PEOPLES LIGHT AND POWER COMPANY

[File No. 43-50]

IN THE MATTER OF DECLARATIONS FILED BY MISSISSIPPI PUBLIC SERVICE COMPANY

[File No. 43-52]

IN THE MATTER OF DECLARATION FILED BY TEXAS PUBLIC SERVICE COMPANY

[File No. 43-53]

IN THE MATTER OF DECLARATIONS FILED BY WEST COAST POWER COMPANY

IN THE MATTER OF DECLARATIONS FILED BY KANSAS PUBLIC SERVICE COMPANY

[File No. 43-55]

IN THE MATTER OF DECLARATIONS FILED BY CALIFORNIA PUBLIC SERVICE COMPANY

[File No. 43-57]

IN THE MATTER OF DECLARATIONS FILED BY WESTERN STATES UTILITIES COMPANY

ORDER TO SHOW CAUSE WHY DECLARATIONS SHALL BECOME EFFECTIVE

*Whereas*, Peoples Light and Power Company, a registered holding company, has filed with the Commission a declaration pursuant to the provisions of Section 7 of the Public Utility Holding Company Act of 1935, with respect to various securities which it proposes to issue pursuant to a plan of reorganization for the Peoples Light and Power Corporation;

*Whereas*, the Voting Trustees for the Class A Common Stock of Peoples Light and Power Company have filed with the Commission a declaration pursuant to the provisions of said Section 7 with respect to voting trust certificates which such voting trustees propose to issue pursuant to such plan of reorganization;

*Whereas*, Mississippi Public Service Company, Texas Public Service Company, West Coast Power Company, Kansas Public Service Company, California Public Service Company, and Western States Utilities Company, which are respectively subsidiary companies of the Peoples Light and Power Corporation (the company undergoing reorganization) have respectively filed with the Commission declarations pursuant to the provisions of Section 7 of said Act with respect to their issuance of certain securities that are called for by said plan of reorganization for Peoples Light and Power Corporation; and

*Whereas*, the Commission has held a joint hearing on all such declarations and upon certain related applications pursuant to Section 10 and Rule 12C–1 and, whereas, Section 7 of said Act provides for an order to show cause why such declaration should become effective;

*It is ordered*, That each and every of the aforesaid declarants appear before the Securities and Exchange Commission on September 15, 1937 at 10:30 o'clock in the forenoon of that day at Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and show cause why their respective declarations hereinbefore described shall be permitted to become effective;

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 10, 1937.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Recording Secretary.*

[F. R. Doc. 37-2598; Filed, August 23, 1937; 12:46 p. m.]

*Wednesday, August 25, 1937* *No. 164*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5687 OF AUGUST 18, 1931, WITHDRAWING PUBLIC LANDS

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5687 of August 18, 1931, withdrawing public lands in Wyoming pending resurvey, and heretofore partially revoked, is hereby revoked as to the remainder of the lands involved.

This order shall become effective upon the date of the official filing of the plats of the resurvey of the said remaining lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 23, 1937.*

[No. 7694]

[F. R. Doc. 37-2599; Filed, August 23, 1937; 2:55 p. m.]

### EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

*Washington*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6964 of February 5, 1935, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked in so far as it affects the following-described tracts of land in Washington:

WILLAMETTE MERIDIAN

T. 30 N., R. 2 W., S½SE¼ sec. 13, NE¼ sec. 24, 240 acres.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, the tracts of land described in section 1 of this order are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved for use of the War Department for military purposes.

SECTION 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 23, 1937.*

[No. 7695]

[F. R. Doc. 37-2600; Filed, August 23, 1937; 2:55 p. m.]

### EXECUTIVE ORDER

REGULATIONS GOVERNING THE GRADES AND RATINGS OF ENLISTED MEN OF THE REGULAR ARMY FOR THE FISCAL YEAR 1938

By virtue of and pursuant to the authority vested in me by the act of June 20, 1936, 49 Stat. 1554, it is ordered that during the fiscal year 1938 the grades and ratings of the enlisted men of the Regular Army shall be as set forth herein, and that the number of enlisted men in the several grades and ratings shall not exceed the number specified herein.



1. The several grades and the maximum number of enlisted men therein shall be as follows:

| | Number |
|---|---|
| 1st Grade—Master Sergeants | 1,103 |
| 2d Grade—1st Sergeants and Technical Sergeants | 3,094 |
| 3d Grade—Staff Sergeants | 4,943 |
| 4th Grade—Sergeants | 14,584 |
| 5th Grade—Corporals | 14,124 |
| 6th Grade—Privates, 1st Class | 42,832 |
| 7th Grade—Privates, the number of whom will be such that when added to the number of enlisted men above Grade Seven and to the authorized number of flying cadets the total will not exceed the enlisted pay strength of the Army appropriated for by the "Military Appropriation Act, 1938", approved July 1, 1937. | |

2. Specialists ratings and the maximum number of enlisted men therein shall be as follows:

| | Number |
|---|---|
| 1st Class | 884 |
| 2d Class | 1,511 |
| 3d Class | 2,297 |
| 4th Class | 6,455 |
| 5th Class | 6,966 |
| 6th Class | 19,125 |

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 23, 1937.*

[No. 7696]

[F. R. Doc. 37-2601; Filed, August 23, 1937; 2:55 p. m.]

### EXECUTIVE ORDER

INTERCHANGE OF LAND BETWEEN THE ARMY AND THE NAVY AT BOLLING FIELD, DISTRICT OF COLUMBIA

WHEREAS by Executive Order No. 7215, dated October 26, 1935, that part of a tract of reclaimed land located at Anacostia, District of Columbia, more particularly described in the act of June 5, 1920, 41 Stat. 948, 954, as Bolling Field, Sections A and B, was transferred from the control and jurisdiction of the War Department to the control and jurisdiction of the Navy Department, with the provision that the metes and bounds thereof should be determined and be acceptable to the Army and the Navy; and

WHEREAS the Secretary of War and the Secretary of the Navy have determined and agreed upon the boundary of the area so transferred to the control and jurisdiction of the Navy Department, and have also agreed that a small portion of new Bolling Field which lies outside of the boundary of Sections A and B, above referred to, should be transferred from the control and jurisdiction of the War Department to the control and jurisdiction of the Navy Department:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the act of July 11, 1919, 41 Stat. 131, 132, and otherwise, and in the interest of the national defense, it is hereby ordered (1) that the above-mentioned portion of new Bolling Field be, and it is hereby, transferred from the control and jurisdiction of the War Department to the control and jurisdiction of the Navy Department, and (2) that the description of such land and the above-mentioned land at Bolling Field, in the District of Columbia, transferred to the control and jurisdiction of the Navy Department by the said Executive Order No. 7215 shall be as follows:

Beginning at a point in the outer face of seawall along the easterly bank of the Anacostia River from which point a brass plate set in top of seawall 1'–9", measured at right angles from said outer face, and inscribed △ point "G" P. W. D., N. A. S., ANA., D. C., 25 Feb. 1937, bears N. 76°21'20" E., 2.15 feet distant; from said point "G" the bearings to prominent landmarks are:

To center line of tower Masonic Memorial to George Washington at Alexandria, Va., S. 40°57'20" W.

To center of high radio tower at Arlington, Va., N. 69°18'40" W.

To the right tangent of the right column on the portico of the Ampitheatre in Arlington National Cemetery, Va., N. 56°53'40" W.

To the right tangent of the right column on the Lee Mansion in Arlington National Cemetery, Va., N. 52°14'40" W.

To the center line of the Washington Monument, N. 17°08'40" W.

To U. S. Engineer Department Triangulation Station "Wireless" (¼" brass pipe leaded into and located 1'–9" from outer face of seawall) N. 22°08'20" E., 2,884.08 feet;

Thence from said initial point by metes and bounds, along the outer face of said seawall the following 6 courses:

N. 22°08'20" E., 2,931.24 feet to a point;

On a curve to the right, with a radius of 1,841.89 feet, 1,165.87 feet along the arc, the chord of which bears N. 40°16'20" E., 1,146.50 feet;

N. 58°24'20" E., 1,245.40 feet, to a point;

On a curve to the left, with a radius of 1,804.74 feet, 976.98 feet along the arc; the chord of which bears N. 42°54'05" E., 965.11 feet;

N. 27°23'50" E., 2,306.62 feet, to a point;

On a curve to the right with a radius of 693.37 feet, 394.92 feet along the arc, the chord of which bears N. 43°42'50" E., 389.60 feet, to a point from which a concrete monument bears S. 0°00'20" W., 50 feet, more or less;

Thence along the lands of the District of Columbia, the following 4 courses;

S. 0°00'20" W., 1,232.95 feet to a stone monument;
S. 82°31'50" W., 63.70 feet to a concrete monument;
S. 29°19'20" W., 184.07 feet to a concrete monument;
S. 34°02'20" E., 115.00 feet to a concrete monument;

Thence continuing along the lands of the District of Columbia, being the original high water line of the Anacostia River, the following 5 courses:

S. 11°24'20" E., 407.33 feet to a stone monument;
S. 4°21'30" E., 230.21 feet to a stone monument;
S. 6°35'10" W., 467.00 feet to a stone monument;
S. 3°18'40" W., 510.50 feet to a stone monument;
S. 3°37'40" W., 402.00 feet crossing the right of way of the Alexandria Branch of the Baltimore and Ohio Railroad (66 feet wide) to a stone monument located 5 feet northerly from the north boundary wall of the St. Elizabeth's Hospital Reservation;

Thence continuing along the original high water line of the Anacostia River, being also the westerly boundary of the said hospital, the following 18 courses:

S. 14°51'10" W., 189.63 feet, to a point;
S. 35°37'40" W., 166.23 feet, to a point;
S. 64°11'00" W., 206.73 feet, to a point;
N. 38°58'40" W., 111.74 feet, to a point;
S. 49°44'40" W., 113.09 feet, to a point;
S. 16°07'40" W., 234.67 feet, to a point;
S. 33°50'20" W., 197.69 feet, to a point;
S. 11°39'55" W., 470.65 feet, to a point;
S. 8°12'35" E., 168.69 feet, to a point;
S. 30°38'40" E., 118.83 feet, to a point;
S. 6°24'55" E., 286.73 feet, to a point;
S. 8°37'20" W., 168.31 feet, to a point;
S. 22°16'50" W., 232.21 feet, to a point;
S. 3°04'00" E., 67.41 feet, to a point;
S. 75°33'00" W., 31.54 feet, to a point;
S. 45°42'40" W., 162.37 feet, to a point;
S. 11°11'25" W., 100.88 feet, to a point;
S. 30°11'40" W., 235.73 feet, to a 6-inch diameter sheet metal form filled with concrete with brass plate inscribed △ Public Buildings and Public Parks;
N. 52°04'00" W., 121.29 feet, along a brick wall to a stone pillar;

On a curve to the right with a radius of 1,075.14 feet, 253.62 feet along the arc, the chord of which bears S. 21°24'29" W., 252.98 feet to a concrete monument,

said curve being the easterly boundary of the Baltimore and Ohio Railroad Company's right of way (66 feet wide);

S. 57°49'30'' W., 148.50 feet, recrossing the said right of way to a point in the westerly boundary of same, from which the bearings to prominent landmarks are:

To center line of tower Masonic Memorial to George Washington at Alexandria, Va., S. 46°03'20'' W.;

To center of high radio tower at Arlington, Va., N. 74°44'40'' W.

To the right tangent of the right column on the portico at the Ampitheatre in Arlington National Cemetery, Va., N. 64°10'40'' W.

To the right tangent of the right column on the Lee Mansion in Arlington National Cemetery, Va., N. 59°58'40'' W.

To the center line of the Washington Monument, N. 33°08'40'' W.

S. 76°21'20'' W., 3,574.62 feet, to the point of beginning.

The directions of the lines refer to the true meridian.

The tract as described contains an area of 328.76 acres, more or less, including a right of way 66 feet wide of 5.15 acres, more or less, owned in fee by the Baltimore and Ohio Railroad Company, and a 90-foot strip of land set aside for the public thoroughfare Firth-Sterling Avenue, by sec. 2, act of March 4, 1909, 35 Stat. 1062, under the jurisdiction of the District of Columbia.

That part of Bolling Field transferred to the control and jurisdiction of the Navy Department, more particularly described above, with the installations and facilities thereon, shall be vacated by the Army as soon as practicable after its new facilities on the adjoining area are sufficiently advanced to meet its requirements.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 23, 1937.*

[No. 7697]

[F. R. Doc. 37-2604; Filed, August 24, 1937; 10:08 a. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

ORDER OF PUBLICATION

The following regulations are published for the instruction and guidance of all officers and employees of the customs.

This volume is to be known and cited as the "Customs Regulations of 1937", and supersedes the Customs Regulations of 1931, as amended, and all other prior regulations in conflict with the regulations in this volume or the substance of which is incorporated herein.

References to these regulations in official correspondence are to be made to the article numbers and not to the chapters or pages.

Collectors and other chief officers of the customs are directed to require all officers and employees under their jurisdiction to familiarize themselves with the regulations, and particularly with those portions thereof pertaining to the specific duties to which such officers and employees are assigned.

These regulations are to be strictly observed and followed by all customs officers and employees unless compliance therewith be expressly waived in writing.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved August 20, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

CUSTOMS REGULATIONS OF THE UNITED STATES—1937

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## CHAPTER I

### DISTRICTS AND PORTS

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2. Port of entry—Definition.
3. Alphabetical list of customs districts.
4. Customs collection districts by numbers.
5. Alphabetical list of ports.
6. Merchandise not to be entered or released except at ports of entry, unless at the expense of the parties in interest.
7. Regulation of naval-base harbors.
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9. Assignment of districts to comptrollers of customs.
10. Assignment of customs agency districts.
11. Customs patrol districts.
12. Assignment of collection districts to customs laboratories.


ARTICLE 1. *Customs collection districts and ports.*—(*a*) There are 48 customs collection districts of the United States, which include 1 in Alaska, 1 in Hawaii, and 1 in Puerto Rico.

(*b*) The term "United States" includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam.

(*c*) The President is authorized from time to time, as the exigencies of the service require, to rearrange by consolidation or otherwise the several customs collection districts, and to discontinue ports of entry by abolishing the same or establishing others in their stead, provided that the whole number of customs collection districts or ports of entry, or either of them, shall at no time be made to exceed those established and authorized on August 1, 1914, except as may hereafter be provided by law.

ART. 2. *Port of entry—Definition.*—The term "port of entry", as used in these regulations, refers to any place designated by Executive order of the President or by act of Congress, at which a customs officer is assigned with authority to enter and clear vessels, to accept entries of merchandise, to collect duties, and to enforce the various provisions of the customs and navigation laws.

ART. 3. *Alphabetical list of customs districts.*—The following is an alphabetical list of customs collection districts with their numbers. The first-named port in each district in capital letters is the headquarters port, and the asterisk preceding the name of a port indicates that marine documents may be issued at such port.

| No. | District | Boundary | Ports |
|---|---|---|---|
| 31 | Alaska | All of the Territory of Alaska | *JUNEAU, Cordova, Craig, *Eagle, *Hyder, *Ketchikan, Nome, *Petersburg, *Seward, *Sitka, *Skagway, Unalaska, *Wrangell. |
| 26 | Arizona | All of the State of Arizona | NOGALES, Ajo, Douglas, Naco, San Luis, Sasabe. |
| 9 | Buffalo | All of the counties of Niagara, Erie, Cattaraugus, and Chautauqua in the State of New York. | *BUFFALO, Dunkirk, Niagara Falls (including Lewiston). |
| 39 | Chicago | All of the State of Illinois lying north of 39° of north latitude, and all that part of the State of Indiana north of 41° of north latitude. | *CHICAGO, *Peoria, Ill. |
| 47 | Colorado | All of the State of Colorado | DENVER. |
| 6 | Connecticut | All of the State of Connecticut | *BRIDGEPORT, *Hartford, *New Haven, *New London. |
| 34 | Dakota | All of the States of North and South Dakota and the county of Kittson in the State of Minnesota. | *PEMBINA, N. DAK., Ambrose, Antler, Carbury, Crosby, Dunseith, Fortuna, Hannah, Hansboro, Lancaster, Minn., Maida, Neche, Noonan, Northgate, Noyes, Minn., Portal, Sarles, Sherwood, St. John, Walhalla, Westhope. |
| 36 | Duluth and Superior. | All of the State of Minnesota except the county of Kittson lying north of 46° of north latitude and all of the State of Wisconsin lying north of said latitude, and the island of Isle Royale in the State of Michigan. | *DULUTH, MINN., and Superior, Wis. (including West Superior), Ashland, Wis., Baudette, Minn., International Falls, Minn., Pigeon River Bridge, Minn., Pine Creek, Minn., Ranier, Minn., Ripsera, Minn., Warroad, Minn. |
| 24 | El Paso | All of the State of New Mexico and that part of the State of Texas lying west of the Pecos River. | EL PASO, TEX., Columbus, N. Mex., Fabens, Tex., Presidio, Tex., Ysleta, Tex. |
| 18 | Florida | All of the State of Florida and the north bank of the St. Marys River and the city of St. Marys, Ga. | *TAMPA (including Port Tampa), *Apalachicola, Bocagrande, Carrabelle, *Fernandina (including St. Marys, Ga.), *Jacksonville, *Key West, *Miami, Panama City, *Pensacola, Port Everglades, *St. Augustine, West Palm Beach. |
| 22 | Galveston | All of that part of the State of Texas lying east of 97° of west longitude, except the territory embraced in district No. 21 (Sabine). | *GALVESTON (including Port Bolivar and Texas City), Dallas, Freeport, *Houston. |
| 17 | Georgia | All of the State of Georgia except the north shore of the St. Marys River and the city of St. Marys, Ga. | *SAVANNAH, Atlanta, *Brunswick. |



| No. | District | Boundary | Ports |
|---|---|---|---|
| 23 | Hawaii | All of the Territory of Hawaii | *HONOLULU, Hilo, Kahului, Mahukona, Port Allen. |
| 40 | Indiana | All of the State of Indiana lying south of 41° of north latitude. | *INDIANAPOLIS *Evansville, Lawrenceburg (including Greendale). |
| 44 | Iowa | All of the State of Iowa | *DES MOINES. |
| 42 | Kentucky | All of the State of Kentucky | *LOUISVILLE. |
| 27 | Los Angeles | All of that part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial. | *LOS ANGELES, *Port San Luis. |
| 1 | Maine and New Hampshire. | All of the State of Maine and all of the State of New Hampshire, except the County of Coos. | *PORTLAND, MAINE, *Bangor, *Bar Harbor (including Mt. Desert Island, the city of Ellsworth and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor), *Bath (including Booth Bay and Wiscasset), *Belfast (including Searsport), *Calais (including townships of Calais, Robbinston, and Baring), *Eastport (including Lubec and Cutler), Fort Fairfield, Fort Kent, Holeb-Jackman, Houlton, *Jonesport, Limestone, Madawaska, Mars Hill, *Portsmouth, N. H., (including Kittery, Maine), *Rockland, Van Buren, Vanceboro. |
| 13 | Maryland | All of the State of Maryland and the District of Columbia. | *BALTIMORE, MD., *Annapolis, *Cambridge, *Crisfield, *Washington, D. C. |
| 4 | Massachusetts | All of the State of Massachusetts | *BOSTON (including Cambridge, Chelsea, Medford, Everett, Quincy, Somerville, Braintree, Weymouth, and Hingham, and waters adjacent thereto), *Fall River, *Gloucester, Lawrence, *New Bedford, Plymouth, *Provincetown, *Salem (including Beverly, Marblehead, and Lynn), Springfield, Worcester. |
| 38 | Michigan | All of the State of Michigan except the island of Isle Royale, and the city of Menominee, Mich. | *DETROIT, Bay City, Cheboygan, *Grand Haven, Grand Rapids, *Port Huron, Saginaw, *Sault Ste. Marie, South Haven. |
| 35 | Minnesota | All of the State of Minnesota lying south of 46° of north latitude. | *MINNEAPOLIS, St. Paul. |
| 19 | Mobile | All of the State of Alabama and all of that part of the State of Mississippi lying south of 31° of north latitude. | *MOBILE, ALA., Birmingham, Ala., *Gulfport-Miss., Pascagoula, Miss. |
| 33 | Montana and Idaho. | All of the States of Montana and Idaho. | *GREAT FALLS-MONT. East, port, Idaho, Gateway, Mont., Morgan, Mont., Opheim, Mont., Peskan, Mont., Piegan, Mont., Porthill, Idaho, Raymond, Mont., Roosville, Mont., Scobey, Mont., Sweetgrass, Mont., Turner, Mont., Westby, Mont., Whitetail, Mont., Whitlash, Mont. |
| 20 | New Orleans | All of the State of Louisiana except the counties of Cameron and Calcasieu, and all that part of the State of Mississippi lying north of 31° of north latitude. | *NEW ORLEANS, LA., *Baton Rouge, La. |
| 10 | New York | All of that part of the State of New York not expressly included in the districts of Buffalo, Rochester, and St. Lawrence, and also to include the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Jersey. | *NEW YORK, *Albany, Newark, N. J., *Perth Amboy, N. J. |
| 15 | North Carolina | All of the State of North Carolina | *WILMINGTON, *Beaufort, Durham, *Elizabeth City, Gastonia, Morehead City, Reidsville, Winston-Salem. |
| 41 | Ohio | All of the State of Ohio, and the county of Erie in the State of Pennsylvania. | *CLEVELAND, Akron, Ashtabula, *Cincinnati, Columbus, Conneaut, Dayton, *Erie, Pa., *Sandusky, *Toledo. |
| 46 | Omaha | All of the States of Nebraska and Wyoming. | *OMAHA, NEBR. |
| 29 | Oregon | All of the State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of 119° of west longitude. | *PORTLAND, OREG., *Astoria, Longview, Wash., *Marshfield, Newport. |
| 11 | Philadelphia | All of that part of the State of Pennsylvania lying east of 79° of west longitude, all of the State of Delaware, and all that part of the State of New Jersey not included in district 10 (New York). | *PHILADELPHIA, PA. (including Camden and Gloucester City, N. J.), Chester, Pa., Lewes, Del., *Wilmington, Del. |
| 12 | Pittsburgh | All of the State of West Virginia and all that part of the State of Pennsylvania lying west of 79° of west longitude, except the county of Erie. | *PITTSBURGH, PA. |
| 49 | Puerto Rico | All of the Territory of Puerto Rico | *SAN JUAN, Aguadilla, Arecibo, Arroyo, Fajardo, Guanica, Humacao, Mayaguez, Ponce. |
| 5 | Rhode Island | All of the State of Rhode Island | *PROVIDENCE, *Newport. |
| 8 | Rochester | All of the counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, and Tioga in the State of New York. | *ROCHESTER, Fair Haven, *Oswego, Sodus Point, Syracuse, Utica. |
| 21 | Sabine | All of that part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of said river to north boundary of Jefferson County; westerly along said boundary to east boundary of Liberty County; south to Gulf. Also, the counties of Cameron and Calcasieu in the State of Louisiana. | *PORT ARTHUR, TEX., *Beamont, *Lake Charles, La., Orange, Tex., Sabine. |

| No. | District | Boundary | Ports |
|---|---|---|---|
| 23 | San Antonio | All of that part of the State of Texas lying west of 97° of west longitude and east of the Pecos River. | DAN ANTONIO, Brownsville, *Corpus Christi, *Sel Rio, Eagle Pass, Fort Worth, Hidalgo, Laredo, Rio Grande City Roma. |
| 25 | San Diego | All of the counties of San Diego and Imperial in the State of California. | *SAN DIEGO, Andrade, Calexico, San Ysidro, Tecate. |
| 28 | San Francisco | All of that part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino. | *SAN FRANCISCO-OAKLAND (Collector of customs located at San Francisco, Calif.), *Eureka. |
| 16 | South Carolina | All of the State of South Carolina | *CHARLESTON, *Georgetown. |
| 7 | St. Lawrence | All of the counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis in the State of New York. | *OGDENSBURG, N. Y., Alexandria Bay, *Cape Vincent, Champlain, Chateaugay, Clayton, Fort Covington, Malone, Mooers, Morristown, Rooseveltown, *Rouses Point, Waddington. |
| 45 | St. Louis | All of the States of Missouri, Kansas, and Oklahoma, and all that part of the State of Illinois lying south of 39° of north latitude. | *ST. LOUIS, MO. (including East St. Louis, Ill.), *Kansas City, Mo., Oklahoma City, Okla., St. Joseph, Mo., Tulsa, Okla. |
| 43 | Tennessee | All of the States of Tennessee and Arkansas. | *MEMPHIS, *Chattanooga, *Nashville. |
| 48 | Utah and Nevada | All of the States of Utah and Nevada | SALT LAKE CITY, UTAH. |
| 2 | Vermont | All of the State of Vermont and the county of Coos in the State of New Hampshire. | *ST. ALBANS (Including townships of St. Albans and Swanton, Alburg, Beecher Falls, *Burlington, Derby Line, Highgate Springs (incl. Twp. of Highgate), Island Pond, Newport, North Troy, Richford. |
| 14 | Virginia | All of the State of Virginia and including the waters and shores of Hampton Roads. | *NORFOLK and *NEWPORT NEWS, *Alexandria, *Cape Charles City, Petersburg, *Reedville, Richmond. |
| 30 | Washington | All of the State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° of west longitude. | *SEATTLE, *Aberdeen, Anacortes, *Bellingham Blaine, Danville, Everett, Ferry, Friday Harbor, Laurier, Lynden, Metaline Falls, Molson, Nighthawk, Northport, Olympia, Oroville, *Port Angeles, *Port Townsend, South Bend, Spokane, Sumas, *Tacoma. |
| 37 | Wisconsin | All of the State of Wisconsin lying south of 46° of north latitude, and the city of Menominee, Mich. | *MILWAUKEE, Green Bay, Manitowoc, Marinette (including Menominee), Racine, Sheboygan. |

ART. 4. *Customs collection districts by numbers.*—

No. 1. Maine and New Hampshire.
No. 2. Vermont.
No. 3. ———.
No. 4. Massachusetts.
No. 5. Rhode Island.
No. 6. Connecticut.
No. 7. St. Lawrence.
No. 8. Rochester.
No. 9. Buffalo.
No. 10. New York.
No. 11. Philadelphia.
No. 12. Pittsburgh.
No. 13. Maryland.
No. 14. Virginia.
No. 15. North Carolina.
No. 16. South Carolina.
No. 17. Georgia.
No. 18. Florida.
No. 19. Mobile.
No. 20. New Orleans.
No. 21. Sabine.
No. 22. Galveston.
No. 23. San Antonio.
No. 24. El Paso.
No. 25. San Diego.
No. 26. Arizona.
No. 27. Los Angeles.
No. 28. San Francisco.
No. 29. Oregon.
No. 30. Washington.
No. 31. Alaska.
No. 32. Hawaii.
No. 33. Montana and Idaho.
No. 34. Dakota.
No. 35. Minnesota.
No. 36. Duluth and Superior.
No. 37. Wisconsin.
No. 38. Michigan.
No. 39. Chicago.
No. 40. Indiana.
No. 41. Ohio.
No. 42. Kentucky.
No. 43. Tennessee.
No. 44. Iowa.
No. 45. St. Louis.
No. 46. Omaha.
No. 47. Colorado.
No. 48. Utah and Nevada.
No. 49. Puerto Rico.

ART. 5. *Alphabetical list of ports.*—

| Ports | Customs districts |
|---|---|
| Aberdeen, Wash. | Washington (30). |
| Aguadilla, P. R. | Puerto Rico (49). |
| Ajo, Ariz. | Arizona (26). |
| Akron, Ohio | Ohio (41). |
| Albany, N. Y. | New York (10). |
| Alburg, Vt. | Vermont (2). |
| Alexandria, Va. | Virginia (14). |
| Alexandria Bay, N. Y. | St. Lawrence (7). |
| Ambrose, N. Dak. | Dakota (34). |
| Anacortes, Wash. | Washington (30). |
| Andrade, Calif. | San Diego (25). |
| Annapolis, Md. | Maryland (13). |
| Antler, N. Dak. | Dakota (34). |
| Apalachicola, Fla. | Florida (18). |
| Arecibo, P. R. | Puerto Rico (49). |
| Arroyo, P. R. | Puerto Rico (49). |
| Ashland, Wis. | Duluth and Superior (36). |
| Ashtabula, Ohio | Ohio (41). |
| Astoria, Oreg. | Oregon (29). |
| Atlanta, Ga. | Georgia (17). |
| Baltimore, Md. | Maryland (13). |
| Bangor, Maine | Maine and New Hampshire (1). |
| Bar Harbor, Maine | Maine and New Hampshire (1). |
| Bath, Maine | Maine and New Hampshire (1). |
| Baton Rouge, La. | New Orleans (20). |
| Baudette, Minn. | Duluth and Superior (36). |
| Bay City, Mich. | Michigan (38). |
| Beaufort, N. C. | North Carolina (15). |
| Beaumont, Tex. | Sabine (21). |
| Beecher Falls, Vt. | Vermont (2). |
| Belfast, Maine | Maine and New Hampshire (1). |
| Bellingham, Wash. | Washington (30). |
| Birmingham, Ala. | Mobile (19). |
| Blaine, Wash. | Washington (30). |
| Bocagrande, Fla. | Florida (18). |
| Boston, Mass. | Massachusetts (4). |
| Bridgeport, Conn. | Connecticut (6). |
| Brownsville, Tex. | San Antonio (23). |
| Brunswick, Ga. | Georgia (17). |
| Buffalo, N. Y. | Buffalo (9). |
| Burlington, Vt. | Vermont (2). |
| Calais, Maine | Maine and New Hampshire (1). |
| Calexico, Calif. | San Diego (25). |
| Cambridge, Md. | Maryland (13). |
| Cape Charles City, Va. | Virginia (14). |
| Cape Vincent, N. Y. | St. Lawrence (7). |
| Carbury, N. Dak. | Dakota (34). |
| Carrabelle, Fla. | Florida (18). |
| Champlain, N. Y. | St. Lawrence (7). |
| Charleston, S. C. | South Carolina (16). |
| Chateaugay, N. Y. | St. Lawrence (7). |
| Chattanooga, Tenn. | Tennessee (43). |
| Cheboygan, Mich. | Michigan (38). |
| Chester, Pa. | Philadelphia (11). |
| Chicago, Ill. | Chicago (39). |
| Cincinnati, Ohio | Ohio (41). |
| Clayton, N. Y. | St. Lawrence (7). |
| Cleveland, Ohio | Ohio (41). |
| Columbus, N. Mex. | El Paso (24). |
| Columbus, Ohio | Ohio (41). |
| Conneaut, Ohio | Ohio (41). |
| Cordova, Alaska | Alaska (31). |
| Corpus Christi, Tex. | San Antonio (23). |
| Craig, Alaska | Alaska (31). |
| Crisfield, Md. | Maryland (13). |
| Crosby, N. Dak. | Dakota (34). |
| Dallas, Tex. | Galveston (22). |
| Danville, Wash. | Washington (30). |
| Dayton, Ohio | Ohio (41). |
| Del Rio, Tex. | San Antonio (24). |
| Denver, Colo. | Colorado (47). |
| Derby Line, Vt. | Vermont (2). |
| Des Moines, Iowa | Iowa (44). |
| Detroit, Mich. | Michigan (38). |
| Douglas, Ariz. | Arizona (26). |
| Duluth, Minn. (Duluth and Superior). | Duluth and Superior (36). |
| Dunkirk, N. Y. | Buffalo (9). |
| Dunseith, N. Dak. | Dakota (34). |
| Durham, N. C. | North Carolina (15). |
| Eagle, Alaska | Alaska (31). |
| Eagle Pass, Tex. | San Antonio (23). |
| Eastport, Idaho | Montana and Idaho (33). |
| Eastport, Maine | Maine and New Hampshire (1). |
| El Paso, Tex. | El Paso (24). |
| Elizabeth City, N. C. | North Carolina (15). |
| Erie, Pa. | Ohio (41). |
| Eureka, Calif. | San Francisco (28). |
| Evansville, Ind. | Indiana (40). |
| Everett, Wash. | Washington (30). |
| Fabens, Tex. | El Paso (24). |
| Fair Haven, N. Y. | Rochester (8). |
| Fajardo, P. R. | Puerto Rico (49). |
| Fall River, Mass. | Massachusetts (4). |
| Fernandina, Fla. | Florida (18). |
| Ferry, Wash. | Washington (30). |
| Fort Covington, N. Y. | St. Lawrence (7). |
| Fort Fairfield, Maine. | Maine and New Hampshire (1). |
| Fort Kent, Maine. | Maine and New Hampshire (1). |
| Fortuna, N. Dak. | Dakota (34). |
| Fort Worth, Tex. | San Antonio (23). |
| Freeport, Tex. | Galveston (22). |
| Friday Harbor, Wash. | Washington (30). |
| Galveston, Tex. | Galveston (22). |
| Gastonia, N. C. | North Carolina (15). |
| Gateway, Mont. | Montana and Idaho (33). |
| Georgetown, S. C. | South Carolina (16). |
| Gloucester, Mass. | Massachusetts (4). |
| Grand Haven, Mich. | Michigan (38). |
| Grand Rapids, Mich. | Michigan (38). |
| Great Falls, Mont. | Montana and Idaho (33). |
| Green Bay, Wis. | Wisconsin (37). |
| Guanica, P. R. | Puerto Rico (49) |
| Gulfport, Miss. | Mobile (19). |
| Hannah, N. Dak. | Dakota (34). |
| Hansboro, N. Dak. | Dakota (34). |
| Hartford, Conn. | Connecticut (6). |
| Hidalgo, Tex. | San Antonio (23). |
| Highgate Springs, Vt. | Vermont (2). |
| Hilo, Hawaii | Hawaii (32). |
| Holeb, Maine (Holeb-Jackman). | Maine and New Hampshire (1). |



| Ports | Customs districts |
|---|---|
| Honolulu, Hawaii | Hawaii (32). |
| Houlton, Maine | Maine and New Hampshire (1). |
| Houston, Tex. | Galveston (22). |
| Humacao, P. R. | Puerto Rico (49). |
| Hyder, Alaska | Alaska (31). |
| Indianapolis, Ind. | Indiana (40). |
| International Falls, Minn. | Duluth and Superior (36). |
| Island Pond, Vt. | Vermont (2). |
| Jackman, Maine, (Holeb-Jackman). | Maine and New Hampshire (1). |
| Jacksonville, Fla. | Florida (18). |
| Jonesport, Maine | Maine and New Hampshire (1). |
| Juneau, Alaska | Alaska (31). |
| Kahului, Hawaii | Hawaii (32). |
| Kansas City, Mo. | St. Louis (45). |
| Ketchikan, Alaska | Alaska (31). |
| Key West, Fla. | Florida (18). |
| Lake Charles, La. | Sabine (21). |
| Lancaster, Minn. | Dakota (34). |
| Laredo, Tex. | San Antonio (23). |
| Laurier, Wash. | Washington (30). |
| Lawrence, Mass. | Massachusetts (4 |
| Lawrenceburg, Ind. | Indiana (40). |
| Lewes, Del. | Philadelphia (11). |
| Limestone, Maine. | Maine and New Hampshire (1). |
| Longview, Wash. | Oregon (26). |
| Los Angeles, Calif. | Los Angeles (27). |
| Louisville, Ky. | Kentucky (42). |
| Lynden, Wash. | Washington (30). |
| Madawaska, Maine | Maine and New Hampshire (1). |
| Mahukona, Hawaii | Hawaii (32). |
| Maida, N. Dak. | Dakota (34). |
| Malone, N. Y. | St. Lawrence (7). |
| Manitowoc, Wis. | Wisconsin (37). |
| Marinette, Wis. | Do. |
| Marshfield, Oreg. | Oregon (29). |
| Mars Hill, Maine. | Maine and New Hampshire (1). |
| Mayaguez, P. R. | Puerto Rico (49). |
| Memphis, Tenn. | Tennessee (43). |
| Metaline Falls, Wash. | Washington (30). |
| Miami, Fla. | Florida (18). |
| Milwaukee, Wis. | Wisconsin (37). |
| Minneapolis, Minn | Minnesota (35). |
| Mobile, Ala. | Mobile (19). |
| Molson, Wash. | Washington (30). |
| Mooers, N. Y. | St. Lawrence (7). |
| Morehead City, N. C. | North Carolina (15). |
| Morgan, Mont. | Montana and Idaho (33). |
| Morristown, N. Y. | St. Lawrence (7). |
| Naco, Ariz. | Arizona (26). |
| Nashville, Tenn. | Tennessee (43). |
| Neche, N. Dak. | Dakota (34). |
| Newark, N. J. | New York (10). |
| New Bedford, Mass. | Massachusetts (4). |
| New Haven, Conn. | Connecticut (6). |
| New London, Conn. | Do. |
| New Orleans, La. | New Orleans (20). |
| Newport, Oreg. | Oregon (29). |
| Newport, R. I. | Rhode Island (5). |
| Newport, Vt. | Vermont (2). |
| Newport News, Va. (Norfolk and Newport News). | Virginia (14). |
| New York, N. Y. | New York (10). |
| Niagara Falls, N. Y. | Buffalo (9). |
| Nighthawk, Wash. | Washington (30). |
| Nogales, Ariz. | Arizona (26). |
| Nome, Alaska | Alaska (31). |
| Noonan, N. Dak. | Dakota (34). |
| Norfolk, Va. (Norfolk and Newport News). | Virginia (14). |
| Northgate, N. Dak. | Dakota (34). |
| Northport, Wash. | Washington (30). |
| North Troy, Vt. | Vermont (2). |
| Noyes, Minn. | Dakota (34). |
| Ogdensburg, N. Y. | St. Lawrence (7). |
| Oklahoma City, Okla. | St. Louis (45). |
| Olympia, Wash. | Washington (30). |
| Omaha, Nebr. | Omaha (46). |
| Opheim, Mont. | Montana and Idaho (33). |
| Orange, Tex. | Sabine (21). |
| Oroville, Wash. | Washington (30). |
| Oswego, N. Y. | Rochester (8). |
| Panama City, Fla. | Florida (18). |
| Pascagoula, Miss. | Mobile (19). |
| Pembina, N. Dak. | Dakota (34). |
| Pensacola, Fla. | Florida (18). |
| Peoria, Ill. | Chicago (39). |
| Perth Amboy, N. J. | New York (10). |
| Peskan, Mont. | Montana and Idaho (33). |
| Petersburg, Alaska | Alaska (31). |
| Petersburg, Va. | Virginia (14). |
| Philadelphia, Pa. | Philadelphia (11). |
| Piegan, Mont. | Montana and Idaho (33). |
| Pigeon River Bridge, Minn. | Duluth and Superior (36). |
| Pine Creek, Minn. | Do. |
| Pittsburgh, Pa. | Pittsburgh (12). |
| Plymouth, Mass. | Massachusetts (4). |
| Ponce, P. R. | Puerto Rico (49). |
| Port Allen, Hawaii | Hawaii (32). |
| Port Angeles, Wash. | Washington (30). |
| Port Arthur, Tex. | Sabine (21). |
| Port Everglades, Fla. | Florida (18). |
| Porthill, Idaho | Montana and Idaho (33). |
| Port Huron, Mich. | Michigan (38). |
| Port San Luis, Calif. | Los Angeles (27). |
| Port Townsend, Wash. | Washington (30). |
| Portal, N. Dak. | Dakota (34). |
| Portland, Maine | Maine and New Hampshire (1). |
| Portland, Oreg. | Oregon, (29). |
| Portsmouth, N. H. | Maine and New Hampshire (1). |
| Presidio, Tex. | El Paso (24). |
| Providence, R. I. | Rhode Island (5). |
| Provincetown, Mass. | Massachusetts (4). |
| Racine, Wis. | Wisconsin (37). |
| Ranier, Minn. | Duluth and Superior (39). |
| Raymond, Mont. | Montana and Idaho (33). |
| Reedville, Va. | Virginia (14). |
| Reidsville, N. C. | North Carolina (15). |
| Richford, Vt. | Vermont (2). |
| Richmond, Va. | Virginia (14). |
| Rio Grande City, Tex. | San Antonio (23). |
| Rochester, N. Y. | Rochester (8). |
| Rockland, Maine | Maine and New Hampshire (1). |
| Roma, Tex. | San Antonio (23). |
| Rooseveltown, N. Y. | St. Lawrence (7). |
| Roosville, Mont. | Montana and Idaho (33). |
| Roseau, Minn. | Duluth and Superior (36). |
| Rouses Point, N. Y. | St. Lawrence (7). |
| Sabine, Tex. | Sabine (21). |
| Saginaw, Mich. | Michigan (38). |
| Salem, Mass. | Massachusetts (4). |
| Salt Lake City, Utah. | Utah and Nevada (48). |
| San Antonio, Tex. | San Antonio (23). |
| San Diego, Calif. | San Diego (25). |
| San Francisco-Oakland, Calif. | San Francisco (28). |
| San Juan, P. R. | Puerto Rico (49). |
| San Luis, Ariz. | Arizona (26). |
| Sandusky, Ohio | Ohio (41). |
| San Ysidro, Calif. | San Diego (25). |
| Sarles, N. Dak. | Dakota (34). |
| Sasabe, Ariz. | Arizona (26). |
| Sault Ste. Marie, Mich. | Michigan (38). |
| Savannah, Ga. | Georgia (17). |
| Seobey, Mont. | Montana and Idaho (33). |
| Seattle, Wash. | Washington (30). |
| Seward, Alaska | Alaska (31) |
| Sheboygan, Wis. | Wisconsin (37). |
| Sherwood, N. Dak. | Dakota (34). |
| Sitka, Alaska | Alaska (31). |
| Skagway, Alaska | Do. |
| Sodus Point, N. Y. | Rochester (8). |
| South Bend, Wash. | Washington (30). |
| South Haven, Mich. | Michigan (38). |
| Spokane, Wash. | Washington (30). |
| Springfield, Mass. | Massachusetts (4). |
| St. Albans, Vt. | Vermont (2). |
| St. Augustine, Fla. | Florida (18). |
| St. John, N. Dak. | Dakota (34). |
| St. Joseph, Mo. | St. Louis (45). |
| St. Louis, Mo. | Do. |
| St. Paul, Minn. | Minnesota (35). |
| Sumas, Wash. | Washington (30). |
| Superior, Wis. (Duluth and Superior). | Duluth and Superior (36). |
| Sweetgrass, Mont. | Montana and Idaho (33). |
| Syracuse, N. Y. | Rochester (8). |
| Tacoma, Wash. | Washington (30). |
| Tampa, Fla. | Florida (18). |
| Tecate, Calif. | San Diego (25). |
| Toledo, Ohio | Ohio (41). |
| Tulsa, Okla. | St. Louis (45). |
| Turner, Mont. | Montana and Idaho (33). |
| Unalaska, Alaska | Alaska (31). |
| Utica, N. Y. | Rochester (8). |
| Van Buren, Maine. | Maine and New Hampshire (1). Do. |
| Vanceboro, Maine | St. Lawrence (7). |
| Waddington, N. Y. | Dakota (34). |
| Walhalla, N. Dak. | |
| Warroad, Minn. | Duluth and Superior (39). |
| Washington, D. C. | Maryland (13). |
| Westby, Mont. | Montana and Idaho (33). |
| Westhope, N. Dak. | Dakota (34). |
| West Palm Beach, Fla. | Florida (18). |
| Whitefall, Mont. | Montana and Idaho (33). |
| Whitelash, Mont. | Montana and Idaho (33). |
| Wilmington, Del. | Philadelphia (11). |
| Wilmington, N. C. | North Carolina (15). |
| Winston-Salem, N. C. | Do. |
| Worcester, Mass. | Massachusetts (4). |
| Warngall, Alaska | Alaska (31). |
| Ysleta, Tex. | El Paso (24). |

ART. 6. *Merchandise not to be entered or released except at ports of entry, unless at the expense of the parties in interest.*—Merchandise shall not be entered or released from customs custody elsewhere than at a port of entry, except at the expense of the parties in interest, upon authority from the Secretary of the Treasury and under conditions to be prescribed by him. When it shall be made to appear to the Secretary of the Treasury that the interests of commerce or the protection of the revenue so require, he may cause to be stationed at places in the various collection districts, though not named as ports of entry, officers or employees of the customs with authority to enter and clear vessels, to accept entries of merchandise, to collect duties, and to enforce the various provisions of the customs and navigations laws.

ART. 7. *Regulation of naval-base harbors.*—The harbors of Tortugas, Fla.; Great Harbor, Culebra; Guantanamo Bay Naval Station, Cuba; Pearl Harbor, Hawaii; Guam; Subig Bay, Philippine Islands; and Kiska, Aleutian Islands, shall not be made ports of entry for foreign vessels of commerce, and said harbors shall not be visited by any commercial or privately owned vessel of foreign registry; nor by any foreign national vessel, except by special authority of the United States Navy Department in each case.

ART. 8. *Customs stations in the Dominion of Canada.*—There is given below for the information of customs officers a list of the customs stations in the Dominion of Canada, the customs districts under which they function, and the comptrollers of customs having jurisdiction of such districts:

| Customs station | Customs district having supervision | Comptroller having jurisdiction |
|---|---|---|
| Halifax, N. S. | Maine and New Hampshire | Boston, Mass. |
| Lac Frontiere, P. Q. | do | Do. |
| St. Andrews, N. B. | do | Do. |
| St. John, N. B. | do | Do. |
| St. Pamphile, P. Q. | do | Do. |
| Montreal, Canada | Vermont | Do. |
| Quebec, Canada | do | Do. |
| Ottawa, Canada | St. Lawrence | New York, N. Y. |
| Crystal Beach, Canada | Buffalo | Do. |
| Midland, Canada | do | Do. |
| Toronto, Ont., Canada | do | Do. |
| Depot Harbor, Canada | do | Do. |
| Vancouver, B. C., Canada | Washington | San Francisco, Calif. |
| Prince Rupert, B. C., Canada | Alaska | Do. |

ART. 9. *Assignment of districts to comptrollers of customs.*—

Comptroller of customs, Boston, Mass.—
No. 1. Maine and New Hampshire.
No. 2. Vermont.
No. 4. Massachusetts.
No. 5. Rhode Island.

Comptroller of customs, New York, N. Y.—
No. 6. Connecticut.
No. 7. St. Lawrence.
No. 8. Rochester.
No. 9. Buffalo.
No. 10. New York.
No. 49. Puerto Rico, Virgin Islands.

Comptroller of customs, Philadelphia, Pa.—
No. 11. Philadelphia.
No. 12. Pittsburgh.
No. 38. Michigan.
No. 40. Indiana.
No. 41. Ohio.
No. 42. Kentucky.
No. 43. Tennessee.

Comptroller of customs, Baltimore, Md.—
No. 13. Maryland.
No. 14. Virginia.
No. 15. North Carolina.
No. 16. South Carolina.
No. 17. Georgia.
No. 18. Florida.

Comptroller of customs, New Orleans, La.—

| | |
|---|---|
| No. 19. Mobile. | No. 23. San Antonio. |
| No. 20. New Orleans. | No. 24. El Paso. |
| No. 21. Sabine. | No. 26. Arizona. |
| No. 22. Galveston. | |

Comptroller of customs, San Francisco, Calif.—

| | |
|---|---|
| No. 25. San Diego. | No. 30. Washington. |
| No. 27. Los Angeles. | No. 31. Alaska. |
| No. 28. San Francisco. | No. 32. Hawaii. |
| No. 29. Oregon. | No. 48. Utah and Nevada. |

Comptroller of customs, Chicago, Ill.—

| | |
|---|---|
| No. 33. Montana and Idaho. | No. 39. Chicago. |
| No. 34. Dakota. | No. 44. Iowa. |
| No. 35. Minnesota. | No. 45. St. Louis. |
| No. 36. Duluth and Superior. | No. 46. Omaha. |
| No. 37. Wisconsin. | No. 47. Colorado. |

ART. 10. *Assignment of customs agency districts.*—

Customs Agency District 1 shall consist of the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, with district headquarters at Boston, Mass.

Customs Agency District 2 shall consist of the States of New York, Pennsylvania, New Jersey, and Delaware, and the island of Puerto Rico, with district headquarters at New York, N. Y.

Customs Agency District 5 shall consist of the States of Maryland, Virginia, West Virginia, and North Carolina, and the District of Columbia, with district headquarters at Baltimore, Md.

Customs Agency District 6 shall consist of the States of South Carolina, Georgia, Florida, and Alabama, with district headquarters at Jacksonville, Fla.

Customs Agency District 8 shall consist of the States of Ohio and Michigan, with district headquarters at Detroit, Mich.

Customs Agency District 9 shall consist of the States of Wisconsin, Illinois, Indiana, Kansas, Missouri, Oklahoma, Arkansas, Kentucky, and Tennessee, with district headquarters at Chicago, Ill.

Customs Agency District 10 shall consist of the States of Texas, Louisiana, and Mississippi, with district headquarters at San Antonio, Tex.

Customs Agency District 12 shall consist of the States of North Dakota, Minnesota, South Dakota, Iowa, and Nebraska, with district headquarters at St. Paul, Minn.

Customs Agency District 14 shall consist of the States of California, Nevada, Wyoming, Colorado, Utah, Arizona, and New Mexico and the Territory of Hawaii, with district headquarters at San Francisco, Calif.

Customs Agency District 15 shall consist of the States of Washington, Oregon, Idaho, and Montana and the Territory of Alaska, with district headquarters at Seattle, Wash.

Customs Agency District 16 shall consist of the countries in Europe and the Near East, with district headquarters at Paris, France.

Customs Agency District 17 shall consist of the Empire of Japan, with district headquarters at Kobe, Japan.

Customs Agency District 18 shall consist of the country of China, with district headquarters at Shanghai, China.

Customs Agency District 19 shall consist of the Dominion of Canada, with district headquarters at Montreal, Quebec.

ART. 11. *Customs patrol districts.*—The four customs patrol districts and their respective headquarters are as follows:

Northeast Patrol District, with headquarters at Buffalo, New York, consists of customs collection districts Nos. 38 (Michigan), 41 (Ohio), 9 (Buffalo), 8 (Rochester), 7 (St. Lawrence), 2 (Vermont), 1 (Maine and New Hampshire), 4 (Massachusetts), 5 (Rhode Island), 6 (Connecticut), 10 (New York), 11 (Philadelphia), 13 (Maryland), and 14 (Virginia).

Southeast Patrol District, with headquarters at Jacksonville, Florida, consists of customs collection districts Nos. 15 (North Carolina), 16 (South Carolina), 17 (Georgia), 18 (Florida), 19 (Mobile), and 20 (New Orleans).

Southwest Patrol District, with headquarters at El Paso, Texas, consists of customs collection districts Nos. 21 (Sabine), 22 (Galveston), 23 (San Antonio), 24 (El Paso), 26 (Arizona), 25 (San Diego), 27 (Los Angeles), and 28 (San Francisco).

Northwest Patrol District, with headquarters at Havre, Montana, consists of customs collection districts Nos. 29 (Oregon), 30 (Washington), 33 (Montana and Idaho), 34 (Dakota), 36 (Duluth and Superior), and 37 (Wisconsin).

ART. 12. *Assignment of collection districts to customs laboratories.*—Districts Nos. 1, 2, 4, and 5: Customs Laboratory, 402 Atlantic Ave., Boston, Mass.

Districts Nos. 6, 7, 8, 9, 10, and 49: Customs Laboratory, 201 Varick St., New York, N. Y.

Districts Nos. 11, 12, and 41: Customs Laboratory, Customhouse, Philadelphia, Pa.

Districts Nos. 13, 14, 15, 42, and 43: Customs Laboratory, 103 South Gay St., Baltimore, Md.

Districts Nos. 16, 17, and 18: Customs Laboratory, Customhouse, Savannah, Ga.

Districts Nos. 19, 20, 21, 22, and 23: Customs Laboratory, Customhouse, New Orleans, La.

Districts Nos. 24, 25, 26, and 27: Customs Laboratory, Appraiser's Stores Bldg., Los Angeles, Calif.

Districts Nos. 28, 29, 30, 31, 32, 33, 47, and 48: Customs Laboratory, Appraiser's Stores Bldg., San Francisco, Calif.

Districts Nos. 34, 35, 36, 37, 38, 39, 40, 44, 45, and 46: Customs Laboratory, Appraiser's Stores Bldg., Chicago, Ill.

## CHAPTER II

## VESSELS

### DOCUMENTATION AND CLASSIFICATION

Art.
13. General definitions.
14. Vessels entitled to documents.
15. Provisional registers.
16. Yachts entitled to documents.
17. Vessels exempt from documentation.
18. Vessels required to have identification numbers.
19. Marine documents.
20. Form of marine documents.
21. Marine documents to be signed and sealed.
22. Marine documents to be numbered.
23. New marine documents.
24. Dimensions and tonnage of vessels to be expressed in marine documents.
25. Fractions of net tons not to be reported.
26. Registers.
27. Enrollment and license—Coasting trade and fisheries.
28. Builder's certificate.
29. Measurment of vessels.
30. Official number and signal letters.
31. Marking of official number and net tonnage.
32. Evidence as to marking official number, etc.
33. Marking of draft of registered vessels.
34. Marking load lines on certain vessels.
35. Name and home port on documented vessels.
36. Home port—Definition—Change of.
37. Citizen ownership of corporation, partnership, or association.
38. Evidence of citizenship of owners and officers.
39. Forms of oath.
40. Owner's oath before collector.
41. Owner's oath before State officer.
42. Master's oath on licensing vessel.
43. Change of master.
44. Repairs.
45. Issue and record of marine documents.
46. Permanent enrollment or license or renewal thereof to a vessel absent from home port.
47. Renewal of license.
48. Surrender of permanent documents.
49. Indorsements on surrendered documents.
50. Surrender of temporary documents.
51. Notice of the issue and surrender of documents.
52. Cancellation of marine documents.
53. Revision of tonnage.
54. Rebuilt vessels.
55. Change of build or rig.
56. Exchange of documents.
57. Licensed vessels—Transfer of title to non-citizen—Change of trade—Forged or altered license—Non-duty-paid merchandise or non-tax-paid liquor on board.
58. Lost vessel.
59. Report of casualty to vessel.
60. Loss of marine document.
61. Failure to obtain a new document when required.
62. Sale of vessel.
63. Sale outside of home port.
64. Sale abroad.
65. Sale or charter to an alien.
66. Record of title—Essentials of bills of sale—Mortgages.
67. Preferred mortgages—Recording and indorsing.
68. Certificate and fees.
69. Collector's liability under the ship mortgage act, 1920.
70. Vessels on Great Lakes.
71. Transfer from lakes to seaboard.
72. Registry of foreign-built vessels under Revised Statute 4132, as amended.
73. Foreign-built yachts.
74. Certificate of protection.
75. Recorded vessels.
76. Record of American-built vessels owned by aliens.
77. Certificates of record.
78. Prizes and forfeited vessels.
79. Misuse of document.
80. Penalty for trading, etc., without license.
81. Malfeasance respecting marine documents.
82. Inspection of marine documents.
83. Abstracts of marine documents and accounts of tonnage.
84. Accounts of marine documents.
85. Quarterly returns of tonnage.
86. Annual list of merchant vessels and yachts.
87. Change of name of documented vessel.
88. Fee for change of vessel's name.
89. Yacht privileges and obligations.
90. Vessels required to be inspected.
91. Vessels not required to be inspected.
92. License to carry gunpowder.
93. Officers' licenses.
94. Citizenship of crew of vessel in ocean mail service.
95. Regulation of motor boats.
96. Numbering and recording undocumented vessels.
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### SEAMEN'S PROTECTION CERTIFICATES

98. Applications.
99. Evidence that applicant is an American seaman.
100. Evidence of American citizenship.
101. Seamen's protection certificates.
102. Duplicate certificates.
103. General instructions.

### DOCUMENTATION AND CLASSIFICATION

ART. 13. *General definitions.*—(*a*) The word "vessel", within the meaning of the Tariff Act of 1930, includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

(*b*) The word "vessel", within the meaning of the navigation laws, includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, but does not include seaplanes or other aircraft.

(*c*) The term "marine document" includes registry and enrollment and license.

(*d*) The term "documented" means registered or enrolled or licensed under the laws of the United States, whether permanently or temporarily.

(*e*) The term "port of documentation" means the home port of a vessel. It does not include a port in which a temporary document is issued.

(*f*) The term "vessel of the United States" means any vessel documented under the laws of the United States.

(*g*) The term "load line" means a line or mark to indicate the maximum depth to which a vessel may be loaded safely.

(*h*) The term "mortgagee", in the case of a mortgage involving a trust deed and a bond issue thereunder, means the trustee designated in such deed.

(*i*) The term "marine waters of the United States" embraces all waters navigable to or from the ocean.

ART. 14. *Vessels entitled to documents.*—(*a*) Vessels of 20 net tons and upward may be registered or enrolled and licensed. Vessels of 5 net tons and less than 20 net tons may be licensed (except on the Great Lakes) or registered.

(*b*) Any vessel of the United States navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed. (Commerce Form 1273.) (See art. 70.)

(*c*) The following classes of vessels are entitled to receive documents under existing laws:

*Class 1.*—Those built in the United States, wholly owned by citizens or by an incorporated company of the United States.

An American-owned and American-built vessel, which by sale has become the property of a foreigner, will be entitled to a new marine document upon afterward becoming American property.





*Class 2.*—Those purchased from the Maritime Commission by persons who are citizens of the United States. (See art. 72.)

*Class 3.*—Those built in the United States, in whole or in part under foreign ownership and recorded, on becoming wholly owned by a citizen or citizens of the United States, and never before documented. (See art. 76.)

*Class 4.*—Those captured in a war to which the United States is a party, by a citizen or citizens thereof, lawfully condemned as prizes, and wholly owned by a citizen or citizens of the United States.

*Class 5.*—Those which have been adjusted to be forfeited for a breach of the laws of the United States, when wholly owned by citizens thereof. This does not include vessels, not otherwise entitled to documents, sold under a decree of admiralty for debt or seaman's wages.

*Class 6.*—Those sold by the United States Government to citizens, if built in the United States. Foreign-built vessels bought or chartered by the Government are entitled to documents on sale to a citizen or citizens on compliance with the requirements for class 9.

*Class 7.*—Those authorized by special act of Congress to be documented.

*Class 8.*—Those wrecked on the coasts of the United States or its possessions or in adjacent waters, when purchased by a citizen or citizens of the United States and repaired in a shipyard in the United States or its possessions.

It must be proved to the satisfaction of the Secretary of Commerce, through a board of three appraisers appointed by him, if necessary, that the repairs put upon such vessel are equal to three times the appraised salved value thereof. The expense of such appraisal shall be borne by the owner of the vessel.

If any of the material facts sworn to or represented by the owner, or at his instance, to obtain documents of any vessel are not true, such vessel is liable to forfeiture.

*Class 9.*—Seagoing vessels, whether steam or sail, wherever built, when wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or any State thereof, the president and managing directors of which are citizens of the United States. (See art. 72.)

Foreign-built vessels registered in accordance with the foregoing provisions of class 9 shall engage only in trade with foreign countries or with the Philippine Islands, American Samoa, and the island of Guam. They shall not engage in the coastwise trade, except as provided by sections 18 and 22, Merchant Marine Act, 1920.

(*d*) Vessels described as follows, if falling within the provisions of the foregoing classes, shall be documented:

Barges, lighters, and other boats provided with sail or internal motive power, whether such power is generally used or not.

Barges and boats without sail or internal motive power of their own, engaged in trade with Canada, or employed upon the marine waters of the United States.

Barges and boats without sail or internal motive power of their own, carrying passengers.

ART. 15. *Provisional registers.*—(*a*) Consular officers of the United States, and such other persons as may be designated by the President for the purpose, are authorized to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in section 4132, Revised Statutes, as amended.

(*b*) Such provisional certificates shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands, American Samoa, and the island of Guam, until the expiration of six months from the date thereof, or until 10 days after the vessel's arrival in a port of the United States, and no longer. On arrival at a port of the United States the vessel shall become subject to the laws relating to officers, inspection, and measurement, as amended by the act of August 18, 1914.

(c) Such provisional certificates shall be issued and surrendered in exchange for certificates of registry under regulations prescribed by the Secretary of Commerce.

ART. 16. *Yachts entitled to documents.*—Yachts measuring 16 gross tons or over, used exclusively as pleasure vessels, otherwise entitled to be documented, must be licensed to proceed from port to port within the United States without entering or clearing, and to foreign ports without clearing at the customhouse. Such yachts must enter at the customhouse on arrival from foreign ports.

ART. 17. *Vessels exempt from documentation.*—(a) The following classes of vessels are not required to be documented:

(1) Boats or lighters not masted, or if masted and not decked, employed in the harbor of any town or city, and not carrying passengers.

(2) Canal boats or barges, or boats employed wholly upon canals or on the internal waters of a State, without sail or internal motive power of their own and not engaged in trade with contiguous foreign territory and not carrying passengers.

(3) Barges or boats without sail or internal motive power of their own, plying on inland rivers or lakes of the United States, not engaged in trade with contiguous foreign territory and not carrying passengers.

(4) Vessels plying upon waters wholly within the limits of a State having no outlet into a river or lake on which commerce with foreign nations or among the States can be carried on.

(5) Vessels of less than 5 net tons.

(b) Pleasure vessels measuring under 16 gross tons may not be licensed, except under special instructions from the Bureau of Marine Inspection and Navigation of the Department of Commerce.

(c) All other vessels engaged in trade between ports in the United States or carrying on the fishery must, if not registered, be enrolled and licensed, or licensed, or will be liable to a penalty of $30 on every arrival, unless the vessel has not been within a customs district since the expiration of the license.

ART. 18. *Vessels required to have identification numbers.*—All undocumented vessels propelled in whole or in part by machinery, except public vessels and vessels not more than 16 feet in length, temporarily equipped with detachable motors, owned in the United States and found on the navigable waters thereof, must have identification numbers. (See art. 96.)

ART. 19. *Marine documents.*—(a) Marine documents consist of certificates of registry, enrollments, and licenses.

(b) Marine documents are of two descriptions—permanent, granted to vessels at their home ports, and temporary, granted to vessels at ports other than their home ports.

(c) These two classes of documents should be distinguished by plainly writing the word "permanent" or "temporary" in the margin immediately above the number, and the same rule should be observed in respect to the copies and records.

(d) Registers and enrollments are valid for any length of time until a contingency arises requiring their surrender. (See art. 48.) Licenses are valid for one year only, but may be renewed or changed at any time during the year for which they are granted. Care should be taken that only one license, and for one employment, be granted to a vessel for the same time.

(e) No enrollment or license shall be considered in force longer than the vessel to which it is granted is owned by the person named therein, nor shall it be valid if the description of the vessel is changed, or if the vessel engages in any business or employment other than that for which the document was granted.

ART. 20. *Form of marine documents.*—Marine documents must be in the prescribed form, as follows:

(a) Registers: Commerce Form 1265.

(b) Enrollments and licenses: Commerce Form 1271 for vessels employed in the coasting trade and fisheries; commerce Form 1290 for yachts.

(c) Licenses for vessels of less than 20 tons net: Commerce Form 1285 for vessels employed in the coasting trade and fisheries; commerce Form 1288 for yachts. Commerce Forms 1271, 1285, and 1288 are not used on the Great Lakes. (See art. 70.)

ART. 21. *Marine documents to be signed and sealed.*—(a) All marine documents must be signed and sealed by the collector before being issued.

(b) The certificate of registry must bear the seal of the Department of Commerce, attested by the Director of Marine Inspection and Navigation.

ART. 22. *Marine documents to be numbered.*—(a) The documents granted at each port must be consecutively numbered, beginning anew at the commencement of each fiscal year.

(b) Each kind of marine document (register, enrollment, license to vessel under 20 tons, yacht enrollment, and yacht license) must begin with number 1 on July 1 of each fiscal year.

ART. 23. *New marine documents.*—When a new marine document is issued in lieu of one surrendered, such new document must in all cases cite the previous document by number, date, and port of issue, carry any notation of the authority for documentation or of the existence of unsatisfied preferred mortgages as appearing on the surrendered document, and give the cause of surrender of the old document. A certificate of the builder or a surveyor's certificate of measurement will not be required unless some change of tonnage has taken place since the time of the previous documentation. (See arts. 48, 53, and 55.)

ART. 24. *Dimensions and tonnage of vessels to be expressed in marine documents.*—The marine document of every vessel shall express her length, breadth, and depth, and the height under the third or spar deck; the number of decks and masts; the tonnage under the tonnage deck; that on the between decks above the tonnage deck; that of the poop or other inclosed spaces above the deck, each separately; it shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage.

ART. 25. *Fractions of net tons not to be reported.*—Customs officers should not enter in the marine document nor should owners mark upon the main beam of a vessel any fraction of a ton of the net capacity. Example: If the net capacity of a vessel, as shown by her certificate of admeasurement, is either 500.90 or 500.10 tons, it should be marked "500" on her main beam and so entered in her marine document. Customs officers should, however, enter in each marine document the fractions of tons in the capacities making up the gross and in the capacities deducted from the gross to ascertain the net.

ART. 26. *Registers.*—(a) Certificates of registry are requisite for vessels of the United States engaged in the foreign trade, and are permitted to such vessels engaged in the domestic trade, under the requirement of entering at the customhouse at every port of arrival. Blank forms (commerce Form 1265) attested under the seal of the Department of Commerce, will be furnished to collectors. (See art. 56.)

(b) Foreign-built vessels, though documented, may not engage in the fisheries. (See art. 14, class 9.)

ART. 27. *Enrollment and license.—Coasting trade and fisheries.*—(a) Vessels of 20 tons net or more enrolled and having a license in force, or, if of 5 tons net and less than 20 tons net, not enrolled but having a license in force, may be employed in the coasting trade and fisheries.

(b) Vessels engaged exclusively in the "cod fishery" should be so licensed. Vessels engaged in taking fish of any other description should be licensed for the "mackerel fishery." Vessels engaged in the whale fishery should be licensed for the "whale fishery." Vessels which engage in both the coasting trade and the fishery (other than the "whale fishery") may be licensed for the "coasting trade and mackerel fishery." Vessels engaged in taking out fishing parties are not fishing vessels and should be licensed for the coasting trade unless they intend to proceed to foreign ports, in which case a certificate of registry is required (art. 26). See article 70 for vessels on the Great Lakes.

(c) Vessels enrolled and licensed may engage in trade with the Canal Zone.



ART. 28. *Builder's certificate.*—(a) In order to document a vessel of class 1 not before documented it is necessary to produce a certificate (commerce Form 1261) from the builder under whose direction the vessel was built that she was so built, stating the place, time, person or persons for whom built, number of decks and masts, length, breadth, depth, and tonnage, and such other particulars as are usually descriptive of the identity of a vessel. This certificate will be sufficient to authorize the removal of a new vessel, if in ballast only, from the district where she may have been built to another district in the same or an adjoining State where the owner or owners actually reside. The collector may require the production of a certificate of acknowledgement by the builder before an officer having a seal.

(b) Any certificate in which the requirements of the law are fairly and fully complied with may be accepted; and where from any cause it is found impracticable to obtain the certificate of the builder, other competent evidence establishing the particulars and facts required to be certified by him may be accepted, with the approval of the Director of Marine Inspection and Navigation.

(c) The place of build is where the hull was built. The time of build is the year of completion. Both must appear in all marine documents.

ART. 29. *Measurement of vessels.*—(a) Before a vessel is documented she must be measured by the surveyor of the port or, if there be no surveyor, by the collector.

(b) The officer making such measurement will grant a certificate (commerce Form 1414) specifying the build of such vessel, and whether she be a steam vessel or otherwise, whether her hull be of iron, steel, or wood; and if a steam vessel, whether she has side wheels or a screw; also the number of her decks and masts, her length, breadth, depth, the number of tons she measures; that her name is painted on each side of her bow, and that her name and hailing port are painted on her stern, and also that her tonnage is deeply carved or otherwise marked on her main beam, in conformity to law, and such other particulars as are descriptive of the identity of a vessel, according to the form prescribed. This certificate must be countersigned in token of assent by an owner, or by the master, or by an agent of the owner or owners, and preserved as a permanent record in the customhouse, together with the builder's certificate (commerce Form 1261).

(c) The regulations governing the measurement of vessels are contained in a separate publication, Measurement of Vessels, issued by the Department of Commerce.

ART. 30. *Official number and signal letters.*—(a) Every documented vessel is required by law to have an official number awarded by the Director of Marine Inspection and Navigation. Application therefor shall be made on commerce Form 1320 by the master or owner, through the collector of customs. In addition to the information therein required, the application must state the name of the former owner, if any, and that the bill of sale has been examined by the collector of customs, or has not, as the case may be.

(b) All seagoing vessels of 100 tons or over, in addition to an official number, may have signal letters awarded. Signal letters may also be awarded to seagoing vessels of less than 100 tons where special application is made therefor through the collector.

ART. 31. *Marking of official number and net tonnage.*—(a) The official number of a vessel must be carved or marked permanently on her main beam, preceded by the abbreviation "No.", and her name, number, and signal letters must appear in all her documents. The net tonnage must also be carved or marked permanently on her main beam.

(b) Such marking must be upon the face of the beam under the forward side of the main hatch of seagoing and lake vessels, and on the face of the beam under the after-side of the starboard forward hatch of western river steamers. On river steamers of the coast which carry passengers both above and below main deck, where there is a hatch to the main deck, the marking should be upon one of the deck beams in a conspicuous place, and as near as possible to the middle of the vessel.

(c) The marking must be done at the expense of the owner, in Arabic numerals, thus: 825, at least 3 inches in height, when the size of the beam will permit, and not less than three-eighths of an inch deep. If at any time such vessel ceases to be so marked, it shall be liable to a fine of $30 on every arrival in a port of the United States.

(d) On vessels whose main beam is of wood the marking should be deeply carved or branded, and on vessels whose main beam is of steel or iron it should be plainly cut, or marked in oil paint, outlined by punch marks, white when the beam is black, and black when the beam is of any light color.

ART. 32. *Evidence as to marking official number, etc.*—(a) Marine documents will not be issued until proper evidence is produced that the official number and net tonnage have been marked upon the vessel's main beam, and that her name has been marked upon both sides of her bow and her name and hailing port have been marked upon her stern as required by law (commerce Form 1322).

(b) If the vessel is out of the district, the owner may make affidavit as to the above facts; but as soon as she arrives at a place within the home district, where the inspection certificate of a customs officer can be procured, such certificate must be required by the collector of customs of the district.

(c) If the vessel is at a place in the home district which is not readily accessible to a customs officer, an affidavit that the law has been complied with may be submitted by the owner or agent.

ART. 33. *Marking of draft of registered vessels.*—The draft of every registered vessel shall be marked upon the stem and sternpost, in English feet or decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line. If all the figures indicating the draft of registered vessels can not be placed on the sternpost they may be continued upward on the adjacent part.

ART. 34. *Marking load lines on certain vessels.*—(a) United States Code, title 46, section 85:

Load lines are hereby established for the following vessels:

(a) Merchant vessels of 250 gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a foreign voyage by sea, the Great Lakes excepted.

(b) Merchant vessels of the United States of 250 gross tons or over, loading at or proceeding to sea from any foreign port or place for a voyage by sea, the Great Lakes excepted. (Mar. 2, 1929, c. 508, sec. 1, 45 Stat. 1492.)

(b) United States Code, title 46, section 88:

Load lines are hereby established for merchant vessels of 150 gross tons or over, loading at or proceed to sea from any port or place within the United States or its possessions for a coastwise voyage by sea. By "coastwise voyage by sea" is meant a voyage on which a vessel in the usual course of her employment proceeds from one port or place in the United States or her possessions to another port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas, as defined in section 151 of title 33. (Aug. 27, 1935, c. 747, sec. 1, 49 Stat. 888.)

(c) United States Code, title 46, section 88a:

* * * *Provided*, That the load-line provisions of sections 88 to 88i of this title shall apply to the Great Lakes and that no load line shall be established or marked on any vessel which load line gives a lesser freeboard and less buoyance than the load line established by the International Treaty on Load Lines of 1930, and that the regulations established under this proviso shall have the force of law: *Provided further*, That in applying the load lines to vessels

on the Great Lakes and to steam colliers, tugs, barges, and self-propelled barges engaged in special services on inter-island voyages and on coastwise voyages from port to port in the continental United States the Secretary of Commerce is vested with discretion to vary the load-line marks from those established by said treaty when in his opinion the changes made by him will not be above the actual line of safety. (Aug. 27, 1935, c. 747, sec. 2, 49 Stat. 888, as amended June 20, 1936, c. 626, 49 Stat.)

ART. 35. *Name and home port on documented vessel.*—(*a*) The name of every documented vessel (yachts excepted) shall be marked in full upon each bow and upon the stern, and the home port shall also be marked in full upon the stern. These names shall be painted, or carved, or gilded, in Roman letters in a light color on a dark ground, or in a dark color on a light ground, and must be distinctly visible. The letters used shall not be less than 4 inches high. If any vessel of the United States is found without these names so marked, the owner or owners shall be liable to a penalty of $10 for each name omitted. Every steam vessel of the United States must, in addition, have her name conspicuously placed in distinct, plain letters of not less than 6 inches high on each outer side of the pilot house, if it has such, and in case the vessel has side wheels, also on the outer side of each wheelhouse, under the same penalty as provided above.

(*b*) On vessels called "double-enders" the letters prescribed by the statute may be placed on the parts corresponding to the bow and stern, and on vessels with sterns not affording sufficient space for letters they may be placed on the adjacent parts, in both cases so as to conform to the law as closely as possible, and so that the hailing port shall be marked at one end of the vessel.

(*c*) Scows, barges, or other vessels, "scow-built" or with square bow may be marked on the bow instead of the side where such marking would be speedily obliterated by chafing against other vessels, spiles, or docks.

(*d*) The hailing port or port to be marked on the stern may be either the port where the vessel is permanently documented, or the place in the same district where the vessel was built or where one or more of the owners reside.

(*e*) Documented yachts are required to have their names and hailing ports placed on some conspicuous part of their hulls.

ART. 36. *Home port—Definition—Change of.*—(*a*) A vessel's home port is that port of documentation which has been fixed and determined by the owner with the approval of the Director of Marine Inspection and Navigation. It is also the port at which a vessel's permanent documents issue but it must appear in all documents whether they are permanent or temporary.

(*b*) It is desirable that the home port be at or nearest the place where the vessel business of the owner is conducted but it need not be in the State where the owning company is incorporated.

(*c*) If the owner desires to have the home port elsewhere, an application accompanied by a detailed statement setting forth the reasons therefor shall be forwarded to the Director of Marine Inspection and Navigation for his approval.

ART. 37. *Citizen ownership of corporation, partnership, or association.*—(*a*) No corporation, partnership, or association shall be deemed a citizen of the United States, within the meaning of the Shipping Act, 1916 and the Merchant Marine Act, 1920, unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof. The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or if the majority of the voting power in such corporation is not vested in citizens of the United States; or if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or if by any other means control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(*b*) In the case of a vessel operating in the coastwise trade, the amount of interest in the corporation, association, or partnership required to be owned by citizens of the United States shall be 75 percent.

(*c*) In the case of corporate ownership the applicant for documents will furnish a satisfactory certificate as to the organization of the corporation and the names of its president and managing directors. The citizenship of the president and managing directors must be established to the satisfaction of the collector.

(*d*) The proofs submitted to establish the above facts, as well as the proofs of the percentage of stock held by citizens free from foreign control should be filed in the office of the collector.

ART. 38. *Evidence of citizenship of owners and officers.*—In addition to the oaths of citizenship specified, a collector of customs may require the production of such further evidence as may be necessary to satisfy him that the person is a citizen of the United States and a proper notation of the evidence produced should be made on the papers retained in the collector's office, such as the number, date, and office of issue of an officer's license or a seaman's passport or a citizen's passport, or the same data as to a birth certificate or a naturalization certificate.

ART. 39. *Forms of oath.*—The oath of ownership required for the registry of any vessel or for the enrollment and license of a vessel shall be, as near as possible, in the following forms:

*Oath of Owner*

(*a*) If the vessel be of 20 tons or more, the owner's oath for license shall be as follows (commerce Forms 1262, 1270):

I, ——— ———, of ———, in the county of ———, and State of ———, do swear (or affirm), according to the best of my knowledge and belief, that the vessel called the ———, of ———, official number ———, of ——— gross, and ——— net, was *[built in 19—, at ———]; that I am a citizen of the United States, and that the said vessel is wholly the property of ——— citizen ——— of the United States of America, owning and residing as follows: ———; and that no subject or citizen of any foreign power is, directly or indirectly, by way of trust, confidence, or otherwise, interested therein, or in the profits or issues thereof, and that ———, the present master thereof, is a citizen of the United States.

——— ———.

Sworn to and subscribed before me, this ——— day of ———.

——— ———, *Collector.*

(*b*) If the vessel be of less than 20 tons net, the owner's oath for license shall be as follows (commerce Form 1284):

I, ——— ———, of ———, in the county of ——— and State of ———, swear (or affirm), according to the best of my knowledge and belief, that the vessel called the ———, of ———, official number ———, of ——— gross, ——— net, is wholly the property of ——— citizen— of the United States of America, viz: ———.

——— ———.

Sworn to and subscribed before me, this ——— day of ———.

——— ———, *Collector.*

(*c*) If the vessel is owned by an incorporated company, the ownership oath for the foreign trade shall be as shown on commerce Form 1263 and for the coasting trade as shown on commerce Form 1263a, both of the 1930 or a later edition.

(*d*) If the vessel be of the fourth class, the following clause must be substituted for the portion in brackets marked*:

On the ——— day of ———, 19—, captured in war by a citizen (or citizens) of the United States and lawfully condemned as a prize by a decree, sentence, or judgment of the ——— court of ———, an authenticated copy of which I now produce.

(*e*) If of the fifth class, the following:

Adjudged to be forfeited, for a breach of the laws of the United States, by a decree, sentence, or judgment of the ——— court of ———, an authenticated copy of which I now produce.



(*f*) If of the sixth class, the following:

Formerly the ———, purchased from the United States (or from an officer, naming him and his office).

(*g*) If of the seventh class, the following:

Authorized to be documented by act of Congress and by the Director of Marine Inspection and Navigation by letter under date of ———, an authenticated copy of which I now produce.

(*h*) In all cases where there is more than one owner the name and place of residence of each owner and the proportion owned by him must be inserted in the appropriate space.

*Oath of Master*

(*i*) The oath of master required for the registry of a vessel shall be as follows:

I, ——— ———, master of the ——— called the ———, official number ———, do swear that I am a citizen of the United States, having been *[born within the limits thereof].

(*j*) For the enrollment and license of a vessel the master's oath shall be as follows:

I, ——— ———, master of the ——— called the ———, official number ———, do swear that I am a citizen of the United States, having been *[born within the limits thereof], and that the license bearing date ———, granted to said vessel by the collector of customs for the district of ———, shall not be used for any other vessel, or for any other employment than (the coasting trade, the fisheries, or for pleasure, as the case may be), or in any trade or business whereby the revenue of the United States may be defrauded. So help me God.

(*k*) If the master is not a native of the United States a statement as to how he became a citizen must be inserted in lieu of the clause in brackets marked * as follows:

Naturalized in the State of ———, on the ——— day of ———, ———, by virtue of decree or order of the ——— court of ———, and the oath of allegiance according to law.

(*l*) For the issue or renewal of a license to a vessel of less than 20 net tons the master's oath shall be as follows:

I, ——— ———, master of the vessel described in these proceedings for license, swear that I am a citizen of the United States of America, and that the license bearing number ———, and date ———, for carrying on the (coasting trade, or fisheries, or for pleasure, as the case may be), granted for the said vessel by the collector of customs for the district of ———, shall not be used for any other vessel, or for any other employment than the coasting trade, the fisheries, or for pleasure, as the case may be), or in any trade or business whereby the revenue of the United States may be defrauded. So help me God.

ART. 40. *Owner's oath before collectors.*—(*a*) Previous to the granting of a register, license, or enrollment and license to any vessel, an owner's oath must be taken before the collector on one of the forms set forth in article 39.

(*b*) If the vessel be owned by one individual, the oath must be taken by him or by his duly authorized agent.

(*c*) If the vessel be owned by several individuals or a firm or unincorporated company, the oath may be taken by one of the owners, who must specify the names, places of abode, and proportions of the vessel owned by each of the others and also certify to their citizenship.

(*d*) If the vessel be owned by a corporation, the oath may be taken by the president, secretary, or any other officer or agent thereof, duly authorized in writing, attested by the corporate seal, to act in its behalf.

(*e*) On the death, removal, or resignation of the president or the secretary of an incorporated company owning any vessel and whose name appears on the documents of such vessel, a new document must be obtained.

(*f*) If the master of the vessel be within the district where the registry is to be issued, he must take oath or make affirmation as to his citizenship. In all cases of enrollment and license or license the master's oath must be taken.

(*g*) In all cases where there is more than one owner, the proportions owned by each must be stated in the oath.

(*h*) If any of the matters of fact contained in the oath or affirmation be false, within the knowledge of the party so swearing, there shall be a forfeiture of the vessel, her tackle, furniture, and apparel, or the value thereof to be recovered, with costs of suit, from the person taking such oath or making such affirmation; but if that portion relating to the citizenship of the master prove false, the master or other person in charge so falsely swearing or affirming shall himself forfeit the sum of $1,000.

ART. 41. *Owner's oath before State officer.*—In the case of an application for enrollment and license or license, the requirement that the owner's oath be taken before the collector may be waived, and the oath may be taken before an officer authorized by the laws of the State to administer oaths generally and may be mailed to the collector.

ART. 42. *Master's oath on licensing vessel.*—(*a*) Previous to the granting or renewing of the license of any vessel the master shall swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or for any other employment than that for which it was specially granted, or in any trade or business whereby the revenue of the United States may be defrauded.

(*b*) This oath may be taken before any officer authorized by the laws of the State to administer oaths, and may be mailed to the collector, together with the marine document, whereupon action may be taken as if the oath had been administered by the collector.

ART. 43. *Change or master.*—(*a*) When the master of any documented vessel, except a licensed ferryboat, is changed, the owner or the new master must report the change to the collector at the port where the same shall take place, or where the vessel shall first arrive thereafter, and produce to him the documents and take oath (Commerce Form 1311) that the new master is a citizen of the United States, stating whether he is a native or is naturalized, and, if naturalized, how he became a citizen. The collector will then indorse upon the document the name of the new master.

(*b*) The oath required to be taken by the new master previous to the indorsement of the change of master on an enrollment or license may be taken before any officer authorized by the laws of the State to administer oaths, and may be mailed to the collector, together with the marine document, whereupon action may be taken as if the oath had been administered by the collector.

(*c*) If the change of master be reported to the collector or deputy collector at a port other than that at which the document was granted, the officer making the indorsement must transmit a notice (commerce Form 1420) thereof to the officer by whom the document was granted, and the latter shall make the change in his record. If the change of master be not reported, or if the oath aforesaid be not taken, the document will be void, and the master subject to a fine of $100 for a registered vessel and $10 for a licensed vessel.

(*d*) Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This does not apply where there is a valid written agreement subsisting by virtue of which such master would be entitled to possession.

ART. 44. *Repairs.*—Before any enrollment or license, or renewal of either, may be granted the owner or master must take oath (commerce Forms 1260 and 1280) that all equipment or repairs put upon the vessel in a foreign country within the year immediately preceding the application have been accounted for, and that the duties, if any, have been paid. False swearing or refusal to take such oath is punishable by forfeiture of the vessel. (See arts. 56, 79 (*b*), and 128.)

ART. 45. *Issue and record of marine documents.*—(*a*) The provisions of the law having been complied with, the collector shall issue a register, enrollment and license, or license to the vessel. Care should be taken to insure the insertion of the required notation on documents issued to foreign-built vessels. An exact copy of each document issued shall be placed in a permanent record kept for that purpose and a proper index made thereof. This record shall be kept open to public inspection during office hours.

(*b*) Copies of all marine documents issued shall be transmitted to the Director of Marine Inspection and Navigation each day except as provided in paragraph (*c*). Notation of the specific address of the owner or managing owner shall be made on the transmitted copies.

(c) When a vessel is documented at a port other than a headquarters port, a duplicate of the marine document issued, together with the surrendered original, if there is one, must be sent by the deputy collector to the collector at the headquarters port for review and transmittal to the Director of Marine Inspection and Navigation. Should the headquarters port desire additional duplicates of vessels' documents, deputy collectors may be so instructed.

(d) When a document is surrendered for any cause, or when proof of loss, destruction, or mislaying is received, or the document has ceased to be valid, an indorsement accurately stating the place, date, and cause of surrender shall be made on the surrendered document or on the copy if the original has been lost, citing the new document issued, if any. The place and date of surrender should be the place and date of issue of the new document.

(e) When a vessel is lost, abandoned as unfit for service, sold to an alien, or sold to the United States, an indorsement will be made in like manner, stating the date, place, and circumstance of such disaster, abandonment, or sale.

(f) Any alteration or change made in the original document after issue shall be noted on the retained copy.

(g) When a document is surrendered, notation of the fact, cause, date, etc., of such surrender shall be made in appropriate records at the port of issue.

(h) When a new document is issued, an indorsement shall be made on the record of the former document showing the kind and number of the new document, place and date of the new document, and cause for its issue.

(i) At the time application is made for the new document the former document of the vessel must be surrendered to the collector to whom the application for such new document is made. And if the former document is not surrendered, unless it has been lost, destroyed, or unintentionally mislaid, and an oath thereof has been taken, the owner of the vessel becomes liable to a penalty of $500.

(j) On proof that any vessel has been sold or transferred by process of law and that her marine document is retained by the former owners the collector of the district to which the vessel belongs may, with the approval of the Director of Marine Inspection and Navigation, grant a new document, but the owners shall not be required to produce and surrender the canceled document. The issue of the new document does not remove the liability of the holders for failure to surrender the former one.

ART. 46. *Permanent enrollment or license or renewal thereof to a vessel absent from home port.*—(a) Permanent enrollment and license or license may be issued to any vessel absent from her home port upon application to the collector or deputy collector thereof, through the office of the collector or deputy collector at the port at which the vessel may be, where the master's oath should first be taken.

(b) Whenever it shall become necessary or desirable for any vessel of the United States, in a port other than her home port, to procure a permanent enrollment and license or license, the same proceedings may be had at the port at which the vessel then is as are required by law at the vessel's home port, except the issuance of the document.

(c) The officer before whom such proceedings are taken shall certify the same (Commerce Form 1301) to the collector or deputy collector at the vessel's home port, who shall duly document the vessel in the same form as if the application had originally been made in his office, and either deliver the document or forward it by mail to the officer who certified to him the preliminary proceedings, who shall in such case deliver the document to the owner or master of the vessel.

(d) This regulation is not to be construed to change existing forms, except in so far as to enable owners to procure permanent enrollments or licenses without returning their vessels to their home ports.

ART. 47. *Renewal of license.*—(a) A license granted to any vessel must be presented to the collector of the district in which the vessel may then be, within 3 days after its expiration, or, if the vessel be at sea at that time, within 3 days from her first arrival within a district. If the master fails to deliver the license, as herein required, he shall be liable to a penalty of $10, which shall not be mitigated.

(b) Licenses may be renewed or changed at any time during the year for which they are granted, care being taken that only one license, and for one employment, be granted to a vessel for the same time.

(c) A permanent or temporary license which has been renewed by indorsement need not be renewed again at any port until the expiration of the statutory period after the date of the latest renewal; but a temporary license must be surrendered within 10 days after the arrival of a vessel at her home port. The statutory period is 1 year and 3 days, but if a vessel is absent when the period expires, then within 3 days after her first arrival in any district she must renew her license.

(d) When a renewal is indorsed upon a license, a notice (commerce Form 1302) must be sent to the port of issue and the home port.

ART. 48. *Surrender of permanent documents.*—Marine documents must be surrendered when a vessel is sold in whole or in part; when a vessel has been lost or taken by an enemy, or otherwise prevented from returning to the port to which she belongs; when a vessel is burnt or broken up; when a vessel is altered in form or burden by being lengthened, shortened, or built upon, or changed from one denomination to another by the method of rigging or fitting; when a vessel changes from one employment to another; when a vessel changes her name; when the president or the secretary of an incorporated company owning a vessel and whose name appears on the documents of such vessel dies, is removed, or resigns therefrom; when a vessel arrives at her home port while under temporary documents; when the managing owner of a vessel changes residence from one port to another, either within or without the same customs district, provided there has been no change in ownership of the vessel; and when the vessel is exempt from documentation under the act of April 18, 1874. (See art. 17.)

ART. 49. *Indorsements on surrendered documents.*—In order that there may be uniformity in indorsing the surrenders on marine documents, the following expressions or their abbreviations should be used:

(a) When a new document issues upon surrender of an old document:

1. Property changed (when there is a change in ownership; P. C.

2. Property and district changed; P. & D. C.

3. Property and hail changed (if district is not changed); P. & H. C.

4. Trade changed (from foreign to coasting or vice versa); T. C.

5. Tonnage changed.

6. Rig changed.

7. Original document lost.

There should be a citation of the new document, as P. E. No. —— issued, after the cause for surrender. The date of issue of the new document should be the same as the date of the surrender of the old document and need not be given.

(b) When no new American document issues:

1. Vessel lost (followed by the true cause as foundered, stranded, collided with s. s. ———, burned, etc., with the date and place of loss, etc.) For a list of casualties to be included, see explanation in "Merchant vessels of the United States," under "Vessels lost."

2. Vessel abandoned. (Because of age or deterioration.)

3. Vessel sold to an alien (with the flag of the purchaser).

4. Vessel exempt (act of Apr. 18, 1874).

5. To yachting (adding "exempt," if the vessel is under 16 tons gross).

6. Sold to the United States (with name of department and bureau).

ART. 50. *Surrender of temporary documents.*—(a) A new document granted by the collector at a port other than the one where the vessel belongs shall be temporary.

(b) Temporary documents are to be surrendered to the collector at the port where the vessel belongs within 10 days after her arrival and in all cases in which the surrender of permanent documents is required.

(c) By the term "arrival" is to be understood the voluntary arrival of the vessel at her home port, to which she was destined in the regular course of her employment.

(d) If the master neglects to surrender such temporary document within 10 days he shall forfeit $100, and the document shall become null and void.



ART. 51. *Notice of the issue and surrender of documents.*—On the issue of a document in lieu of one surrendered at a port other than the one at which it was granted or on the surrender of a document at a port other than the one at which it was granted, notice of such issue or surrender shall be mailed to the chief officers of customs concerned, as follows:

1. On the issue of a temporary document to a vessel never before documented, notice of issue (commerce Form 1303) shall be sent to the vessel's home port with a copy of the document.

2. Issue of a permanent or temporary document in lieu of a permanent or temporary document surrendered because of a change in name, ownership, trade, rig, dimensions, or tonnage, or in lieu of a lost document:

(a) On the surrender of a permanent document, notice of issue (commerce Form 1303) shall be sent to the home port.

(b) On the surrender of a temporary document, notice of issue (commerce Form 1303) shall be sent to the home port and notice of surrender (commerce Form 1306) to the port of issue.

3. Issue of a temporary document because of a change in district or hail:

(a) On the surrender of a permanent document, notice of issue (commerce Form 1303) shall be sent to the new home port and notice of surrender (commerce Form 1306) to the port of issue.

(b) On the surrender of a temporary document, notice of issue (commerce Form 1303) shall be sent to the new home port and notice of surrender (commerce Form 1306) to the former home port and to the port of issue.

4. Issue of a permanent document because of a change in district or hail:

(a) On the surrender of a permanent document, notice of surrender (commerce Form 1306) shall be sent to the port of issue.

(b) On the surrender of a temporary document, notice of surrender (commerce Form 1306) shall be sent to the former home port and to the port of issue.

5. On the surrender of a temporary document because of the arrival of a vessel at her home port, notice of surrender (commerce Form 1306) shall be sent to the port of issue.

6. Surrender of a document because of the loss, destruction, breaking up, or sale of a vessel to an alien:

(a) On the surrender of a permanent document, notice of surrender (commerce Form 1306) shall be sent to the port of issue.

(b) On the surrender of a temporary document, notice of surrender (commerce Form 1306) shall be sent to the home port and to the port of issue.

ART. 52. *Cancellation of marine documents.*—Every marine document surrendered to a collector for cancellation shall be transmitted by mail to the Director of Marine Inspection and Navigation. If the document be delivered to the collector at a port other than the one at which it was issued, such collector shall notify the collector of the port of issue that it has been surrendered. (Commerce Form 1303 or 1306.)

ART. 53. *Revision of tonnage.*—(a) The tonnage of any documented vessel of the United States expressed in her marine documents in pursuance of a measurement purporting to be in conformity to these regulations may be changed or set aside only by the Director of Marine Inspection and Navigation.

(b) If in the opinion of the owner the tonnage is incorrect or if changes in structure or use of spaces which affect the tonnage have been made since the former admeasurement, the owner may make application for amendment or revision on commerce Form 1410, through the collector of customs, to the Director of Marine Inspection and Navigation for approval before the issue of a new marine document.

(c) Upon application by the owner or master of an American vessel in foreign trade, collectors of customs, under regulations to be approved by the Secretary of Commerce, are authorized to attach to the register of such vessels an appendix stating separately, for use in foreign ports, the measurement of such space or spaces as are permitted to be deducted from gross tonnage by the rules of other nations and are not permitted by the laws of the United States.

(d) As the provisions of the act of March 2, 1895, are in substantial accord with the measurement laws of the principal maritime nations, applications for an appendix, stating separately the measurement of spaces which may be deducted by the laws of other nations, but not by the laws of the United States, if there be any, should be referred to the Director of Marine Inspection and Navigation.

ART. 54. *Rebuilt vessels.*—(a) A rebuilt vessel must retain her original name and official number, and her marine documents should give the date and place of original building. The date and place of rebuilding should be noted in the appropriate place in the document. A vessel is rebuilt, if any considerable part of the hull of an old vessel in its intact condition, without being broken up, is built upon. It is new if none of the old timber is left undisturbed or if all of the timber used, whether old or new, is taken up, refitted and reset. It is of little consequence how much of the old timber is reused.

(b) Upon affidavit by a reputable shipbuilder of the United States that an unrigged wooden vessel of the United States, except those admitted under section 5, Panama Canal Act, as amended, and the act of August 18, 1914, has been rebuilt, giving the date and place of such rebuilding, that it is sound and free from rotten or doted wood in structural parts, is properly fastened and calked, and is in strength and seaworthiness as good as new, the Director of Marine Inspection and Navigation shall include in the publication, Merchant Vessels of the United States, a notation to that effect.

ART. 55. *Change of build or rig.*—(a) Whenever a documented vessel is altered in form or burden, by being lengthened, shortened, or built upon, or changed from one denomination to another, by the method of rigging or fitting, the vessel shall be documented anew; otherwise she shall cease to be deemed a vessel of the United States.

(b) When there is a change in the manner or method of propulsion of a vessel, as from steam engine to gas engine, from gas engine to oil engine, or vice versa, or in any other way which may change the description, a new marine document should be issued. The new marine document may have assigned as the cause for its issue, "Engine changed from gas to oil", or as the case may be. An indorsement of a similar tenor should be placed on the surrendered document. Collectors are referred to "Explanations and abbreviations" in "Merchant Vessels of the United States" for the various kinds of engines.

ART. 56. *Exchange of documents.*—(a) Any enrolled or licensed vessel may be registered, and any registered vessel may be enrolled and licensed or licensed upon the surrender of her documents to the collector of any district; but neither enrollment nor license shall be granted to a vessel having on board merchandise brought from a foreign port until it be wholly unladen and the duties paid or secured.

(b) No such documented vessel, shall receive a license, or enrollment and license, or renewal until the collector to whom application is made is satisfied, from the oath of the owner or master, that all equipments purchased and repairs made abroad within the year immediately preceding such application have been duly accounted for, and the duties accruing thereon duly paid.

(c) When the vessel is at any other port than the one to which she belongs, the collector at such port shall make the exchange on the application of the master and upon his taking oath that the property remains as expressed in the document to be surrendered. A new document thus granted shall be temporary, and shall, within 10 days after

the arrival of the vessel at the port to which she belongs, be delivered to the collector thereof for cancellation and for the issue of a permanent document.

(*d*) If the master neglects to deliver such temporary document within 10 days, he shall be liable to a penalty of $100.

(*e*) Forfeiture of vessel and cargo is imposed by law in case a vessel, enrolled or licensed for the coasting trade by sea, proceeds on a foreign voyage without first surrendering her enrollment and license and taking out a register.

ART. 57. *Licensed vessels—Transfer of title to noncitizen—Change of trade—Forged or altered license—Non-duty-paid merchandise or non-tax-paid liquor on board.*—United States Code, title 46, section 325:

Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than for which she is licensed, or is employed in any trade whereby the revenue of the United States is defrauded, or is found with a forged or altered license, or one granted for any other vessel, or with merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, such vessel with her tackle, apparel, and furniture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever. For the purposes of this section, marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any vessel, shall be prima facie evidence of the foreign origin of such merchandise. (As amended Aug. 5, 1935, c. 438, title III, sec. 313, 49 Stat. 528.)

ART. 58. *Lost vessel.*—Whenever a documented vessel is lost or taken by an enemy, burned, or broken up, or otherwise prevented from returning to the port to which she belongs, the document, if preserved, shall be delivered up, within eight days after the arrival of the master or person having the charge or command of such vessel within any district of the United States, to the collector of such district. Any master violating this provision becomes liable to a penalty not exceeding $500.

ART. 59. *Report of casualty to vessel.*—(*a*) Whenever a vessel of the United States has sustained or caused any accident involving serious injury or loss of life, or any substantial loss of property, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel shall, within 5 days after the happening, or as soon thereafter as possible, send to the collector of customs of the district wherein such vessel belongs, or of that within which such accident or damage occurred, a report thereof (Coast Guard Form 2692), signed by such owner, agent, or master stating the name and official number of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for; and if he neglects or refuses to comply with the foregoing requirements, after a reasonable time, he shall incur a penalty of $100.

(*b*) Whenever the managing owner or agent of any vessel of the United States has reason, owing to the nonappearance of such vessel, or to any other circumstances, to apprehend that such vessel has been lost, he shall, as soon as convenient, send notice, in writing, to the collector of customs of the port to which the vessel belonged, of such loss, and the probable occasion thereof, stating the name and official number of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall, if possible, furnish such additional information as the collector at such port may request; and if he neglects to comply with the above requirements within a reasonable time, he shall incur a penalty of $100.

(*c*) It shall be the duty of the collectors of customs to transmit immediately to the Commandant of the Coast Guard and to the Director of Marine Inspection and Navigation such reports and information as they may receive under the provisions of the two preceding paragraphs, and they shall also report to the Director of Marine Inspection and Navigation any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the requirements thereof.

(*d*) Loss of property involved in any accident sustained or caused by a vessel of the United States, amounting to less than $300, will not be reported as "substantial" within the meaning of this article, and reports of such casualties, unless involving the loss of life or serious injury to any person, will not be required, except in cases of stranding, reports of which are desirable to aid in determining and locating points of danger to navigation. Reports will, however, be required in all cases of the total loss of vessels, although the amount involved may be less than $300.

(*e*) In cases of collisions, reports will be required from both of the colliding vessels where the damage or loss of property of the two together amounts to $300, notwithstanding one of the vessels may have suffered little or no loss.

ART. 60. *Loss of marine document.*—(*a*) Whenever the marine document of any vessel is lost, destroyed, mislaid, or withheld from the owner, and the master or other person having the charge or command thereof makes oath (commerce Form 1305) to such fact, the collector of the port where the vessel first arrives after such loss shall issue a new document in lieu thereof, reciting that it was issued in place of the one lost or destroyed. A document is held to be lost when it is wrongfully withheld from the possession of the owner. (See art. 45.)

(*b*) In every case where a document is credited as having been lost, destroyed, or mislaid, the collector shall forward a copy to the Director of Marine Inspection and Navigation, with a statement as to the circumstances and proof of such loss or destruction indorsed upon it, and upon the face should be written, "Copy transmitted in place of lost document." (See art. 45 (*d*), (*e*).)

ART. 61. *Failure to obtain a new document when required.*—The penalty for neglecting to obtain a new document when required by law is the forfeiture of all privileges and benefits of a vessel of the United States. (See art. 45 (*i*), (*j*).)

ART. 62. *Sale of vessel.*—(*a*) When a vessel once registered, enrolled, or licensed in pursuance of law shall, in whole or in part, be sold or transferred to a citizen of the United States, such vessel must be documented anew; otherwise she ceases to be deemed a vessel of the United States.

(*b*) A proper bill of sale having been produced to the collector, the former document surrendered, and the regulations governing the issue of marine documents complied with in other respects, a new document may issue.

(*c*) In order that an American corporation, partnership, or association may purchase a vessel of the United States without the consent of the United States Maritime Commission, a controlling interest (51 percent) in said corporation, partnership, or association if the vessel is to engage in the foreign trade and a 75 percent interest if the vessel is to engage in the coasting trade must be owned by citizens of the United States as defined in section 2 of the Shipping Act, 1916, as amended by section 38 of the Merchant Marine Act, 1920.

ART. 63. *Sale outside of home port.*—(*a*) A temporary marine document may be granted to any vessel entitled to be documented which becomes the property of a citizen of the United States while at a port other than the one where the new owner usually resides. The temporary marine document must be surrendered within 10 days after the arrival of the vessel within the district to which she belongs or the owner and the master shall severally be liable to a penalty of $100.

(*b*) Should the purchase of a vessel as herein provided be made by the agent of a citizen who resides more than 50 miles from the port at which such purchase is made, the oath of ownership shall be modified (commerce Form 1264) so as to express the fact of such agency.

(*c*) When a vessel changes ownership while away from her designated home port, a temporary document may be issued expressing the new ownership. The bill of sale on which the temporary document is based may be recorded, if the collector so desires, but no fee should be collected.

(*d*) The bill of sale, together with a duplicate of the temporary marine document, must be mailed by the issuing collector to the collector at the new home port. The bill of sale, however, should not be recorded at the new home port until there has been furnished to the collector a certified copy of the record of the vessel at the former port of documentation (commerce Form 1331) as provided for by the Ship Mortgage Act, 1920 (U. S. Code, title 46, sec. 926 (*c*).) The recording fees should be collected at the new home port.

ART. 64. *Sale abroad.*—A documented vessel which has been sold or transferred, in whole or in part, to a citizen of the United States while such vessel is without the limits of the United States will, on her first arrival thereafter, be entitled to all the privileges of a vessel of the United States if a new document is obtained within three days after the time entry of the vessel is required at the port of first arrival.

ART. 65. *Sale or charter to an alien.*—(*a*) It shall be unlawful to sell, transfer, or mortgage, or, except under regulations prescribed by the United States Maritime Commission, to charter, any vessel purchased from the board or documented under the laws of the United States to any person not a citizen of the United States, as defined by the Merchant Marine Act, 1920, or to put the same under a foreign registry or flag, without first obtaining the Commission's approval.

(*b*) On the sale or transfer, in whole or in part, of a documented vessel to a subject of a foreign country, even in trust or confidence, the document must be delivered if the vessel is within a district of the United States, to the collector within seven days after such purchase or transfer. But if such sale or transfer happens while the vessel is in a foreign port or place, or at sea, the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States, deliver the document to the collector of such district. Any master or owner violating the provisions of this article shall be liable to a penalty not exceeding $500, and the document shall be henceforth void; and if such sale or transfer is not so made known, the vessel, together with her tackle, apparel, and furniture, shall be subject to forfeiture. This forfeiture, however, does not attach to any share of such vessel owned by a citizen of the United States who was ignorant of the sale or transfer.

(*c*) The United States Maritime Commission has by resolution prescribed that a documented vessel may be chartered to an alien for a period not to exceed 12 months, or where the probable duration of the voyage or voyages will not exceed 12 months, without further action on its part, but its consent must be obtained for the charter of all vessels which have been purchased or chartered from it, or in aid of whose construction or improvement a loan was made by it. All vessels while under charter to aliens must have citizens of the United States as officers.

ART. 66. *Record of title—Essentials of bills of sale—Mortgages, etc.*—(*a*) No bill of sale, mortgage, hypothecation, or conveyance of a vessel of the United States, or any portion thereof, shall be valid against any person other than the grantor or mortgagor, his heirs and devisees, or a person having actual notice thereof, unless recorded in the office of the collector where the vessel is permanently documented (art. 36), and such collector shall record all such documents delivered to him in the order of their receipt in books to be kept for that purpose and indexed to show the name of the vessel; the names of the parties to the sale, conveyance, or mortgage; the time and date of receipt of the instrument; the interest in the vessel sold, conveyed, or mortgaged, and the amount and date of maturity of the mortgage.

(*b*) A bill of sale, conveyance, or mortgage must recite the last marine document of the vessel, the interest of the grantor or mortgagor therein, and the person or persons to whom the interest has been so sold, conveyed, or mortgaged.

(*c*) In every sale or transfer there must be an instrument in writing, in the nature of a bill of sale, on commerce Forms 1340, 1342, 1344, or 1346, which recites at length her marine document existing at the time of execution of the bill of sale or her latest document; otherwise she will be incapable of being redocumented.

(*d*) The bill of sale shall also set forth the part of the vessel owned by each person selling and the part conveyed to each person purchasing.

(*e*) No bill of sale, conveyance, mortgage, notice of claim or lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or possession thereof, to take acknowledgment of deeds. Any acknowledgment valid under the laws of the State where made may be accepted.

(*f*) In case of a change in the home port of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new home port unless there is furnished to the collector of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former home port furnished by the collector of such port. The collector at the new home port is authorized and directed to record such certified copy.

(*g*) Record books and blank forms are provided on commerce Forms Nos. 1330, 1331, 1340–1355, 1360–1363. Also New York Forms Nos. 2058, 2060, 2062–2065, 2067, 2070, 2070a, 2071–2076, 2078–2080.

(*h*) In addition to the general index kept at each port, a general index shall be kept at the headquarters port of all bills of sale, mortgages, hypothecations, and conveyances reported at all ports in the district. When a bill of sale, mortgage, or hypothecation has been recorded it shall be forwarded to the headquarters port for recording in the general index of the district, after which it shall be returned to the port of origin for delivery to the vendee or mortgagee.

ART. 67. *Preferred mortgages—Recording and indorsing.*—(*a*) United States Code, title 46, section 921:

Sale, conveyance, or mortgage of vessel of United States; record. (*a*) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgagor, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the collector of customs of the port of documentation of such vessel, as provided in subdivision (*b*) of this section.

(*b*) Such collector of customs shall record bills of sale, conveyances, and mortgages, delivered to him, in the order of their reception, in books to be kept for that purpose and indexed to show—

(1) The name of the vessel;

(2) The names of the parties to the sale, conveyance, or mortgage;

(3) The time and date of reception of the instrument;

(4) The interest in the vessel so sold, conveyed, or mortgaged; and

(5) The amount and date of maturity of the mortgage. (June 5, 1920, c. 250, sec. 30, subsec. C, 41 Stat. 1000.)

(*b*) United States Code, title 46, section 922—

(*a*) A valid mortgage which at the time it is made includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than 200 gross tons), shall, in addition, have, in respect to such vessel and as of the date of the compliance with all the provisions of this chapter, the preferred status given by the provisions of section 953 of this title, if—

(1) The mortgage is endorsed upon the vessel's documents in accordance with the provisions of this section;

(2) The mortgage is recorded as provided in section 921 of this title, together with the time and date when the mortgage is so endorsed;

(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

(5) The mortgagee is a citizen of the United States and for the purposes of this section the Reconstruction Finance Corporation shall, in addition to those designated in sections 888 and 802 of this title, be deemed a citizen of the United States. (As amended June 27, 1935, c. 319, 49 Stat. 424.)

(c) *Preferred maritime lien; priorities; other liens.*—United States Code, title 46, section 953.—

(a) When used hereinafter in this chapter, the term "preferred maritime lien" means (1) a lien arising prior in time to the recording and indorsement of a preferred mortgage in accordance with the provisions of this chapter or (2) a lien for damages arising out of tort, for wages of a stevedore when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average, and for salvage, including contract salvage * * * (June 5, 1920, c. 250, sec. 30, subsec. M, 41 Stat. 1004).

(d) In case a mortgage is given to cover documented vessels and vessels in the process of construction and it is desired that the vessels in process of construction shall be covered by a preferred mortgage upon documentation, it is suggested that a supplemental mortgage be given at the time of documentation, the indorsement required by paragraph (b) of this article to be made at such time. Such mortgages should provide for the separate discharge of the uncompleted vessel at any time prior to its documentation and the recording of the supplemental mortgage hereinabove referred to.

(e) United States Code, title 46, section 923:

The collector of customs upon the recording of a preferred mortgage shall deliver two certified copies thereof to the mortgagor who shall place, and use due diligence to retain, one copy on board the mortgaged vessel * * *. (June 5, 1920, c. 250, sec. 30, subsec. E, 41 Stat. 1001.)

When a preferred mortgage is presented for record the collector shall request two identical copies of such mortgage, and he shall carefully compare these copies with the original before certification.

(f) When a mortgage has been recorded in the customhouse the original is to be returned to the mortgagee and his receipt taken therefor, and two certified copies delivered to the mortgagor.

(g) When a preferred mortgage is offered for record it is not incumbent on the collector at the recording office to ascertain whether there is any existing incumbrance at the vessel's present or previous home port. This information should be included in the affidavit provided for in paragraph (b) of this article.

(h) The law does not prohibit the placing of an additional mortgage, preferred or otherwise, on a vessel which already is covered by a preferred or nonpreferred mortgage.

(i) The affidavit required in case of preferred mortgages by paragraph (b) of this article is to be made by the mortgagor and is to be acknowledged before a notary public or other officer authorized by a law of the United States or of a State, Territory, District, or possession thereof to take acknowledgment of deeds.

(j) *Conditions precedent to record.*—United States Code, title 46, section 926:

(a) No bill of sale, conveyance, or mortgage shall be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed, or mortgaged.

(b) No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or possession thereof, to take acknowledgment of deeds. * * * (June 5, 1920, c. 250, sec. 30, subsec. H, 41 Stat. 1002.)

(k) The preferred mortgage indorsement provided by paragraph (b) of this article shall be made on the document by the collector at the permanent home port of the vessel unless she is in another port, in which case the collector of the home port of the vessel shall direct on the request of the mortgagee such indorsement to be made at the port where the vessel may be.

(l) The collector shall enter on his mortgage record the day, hour, and minute that (a) the indorsement was made on the vessel's document, (b) the mortgage was received for recording, and (c) the indorsement was recorded.

(m) (1) *Record of notice of claim of lien on mortgaged vessel; discharge of lien.*—United States Code, title 46, section 925:

(a) The collector of customs of the port of documentation shall upon the request of any person, record notice of his claim of a lien upon a vessel covered by a preferred mortgage, together with the nature, date of creation, and amount of the lien, and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file with the collector of customs a certificate of such discharge. The collector of customs shall thereupon record the certificate.

(b) The mortgagor upon a discharge in whole or in part of the mortgage indebtedness, shall forthwith file with the collector of customs for the port of documentation of the vessel, a certificate of such discharge. Such collector of customs shall thereupon record the certificate. In case of a vessel covered by a preferred mortgage, the collector of customs at the port of documentation shall (1) indorse upon the documents of the vessel, or direct the collector of customs at any port in which the vessel is found, to so indorse, the fact of such discharge, and (2) shall deny clearance to the vessel until such indorsement is made. (June 5, 1920, c. 250, par. 30, subsec. G, 41 Stat. 1002.)

(2) The collector shall require such claim to be in the form of an affiavit which shall be firmly attached to the preferred mortgage record and properly indexed.

(n) When the mortgagor under paragraph (m) of this article presents for record a certificate of discharge of mortgage, such certificate shall be in the nature of a satisfaction of mortgage, similar to that now filed on commerce Form 1363.

(o) (1) United States Code, title 46, section 926 (c):

In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished to the collector of customs of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the collector of such port. The collector of customs at the new port of documentation is authorized and directed to record such certified copy. (June 5, 1920, c. 250, sec. 30, subsec. H, 41 Stat. 1002.)

(2) In case of a change of home port the collector at the previous home port of the vessel shall furnish the record of title required therein, such record of title to include, in addition to the other data required, any claims of liens upon the vessel filed. For example, if a vessel is permanently documented at New York and while she is at Portland there is a change of ownership requiring her to be redocumented with home port at Seattle, and a new preferred mortgage is placed on her at Portland, the collector at Seattle shall instruct the collector at Portland to indorse the documents, who will forward such mortgage after such indorsement to the collector at Seattle, where such mortgage, together with the bill of sale, is to be recorded together with a certified copy of the record of title of the vessel furnished by the collector at New York to the collector at Seattle.

(p) When a collector forwards to another port a certified copy of the record of a vessel because of change of home port, he shall permit no further records or liens to be recorded in his office in connection with that vessel, but such records and liens are to be recorded in the new home port.

(q) The provisions of paragraph (o) (1) of this article apply in the case of all documented vessels where there is a change of home port and where bills of sale, conveyances, or mortgages are to be recorded.

(r) In case of change of ownership without change of port of documentation, the copy of the record is not required.

(s) Where there is a change of home port of a vessel without a change of title and no bills of sale, conveyances, or mortgages are at that time to be recorded, the certified copy of the record should be filed at the new home port.

(t) When a vessel is sold under order of a court to a private owner, the evidence of ownership by the private owner shall not be recorded at a new home port until the certified copy of the record from the previous home port has been furnished. The same procedure is to be followed where a vessel is sold by a department of the Federal Government to a private owner, provided that while Government-owned the vessel was not documented but was documented prior to being owned by the Government.

(u) When a vessel covered by a preferred mortgage is sold at a United States marshal's sale under the provision of section 961 (c), United States Code, title 46, without intervention on the part of the mortgagee, the vessel is sold free and clear of the preferred mortgage and may be redocumented without indorsement. The court shall however, upon the request of the mortgagee, the libellant, or any intervenor, require the purchaser at such sale to give and the mortgagee to accept a new mortgage of the vessel for the remainder of the term of the original mortgage. The conditions of such new mortgage shall be the same, so far as practicable, as those of the original mortgage and shall be subject to the approval of the court.

(v) When a preferred mortgage is assigned, a notation of the assignment of the mortgage shall be written across the indorsement of the preferred mortgage on the vessel's document.

(w) A preferred mortgage may not be placed upon a vessel which is not a documented vessel of the United States.

(x) Notice of claim of lien on a vessel, under paragraph (m) of this article, shall be received for record only in the event the vessel is covered by a preferred mortgage.

(y) A copy of the complete record at the former home port would, in certain cases, make a voluminous certificate which it would be impracticable to furnish. In such cases collectors may prepare certificates on Commerce Form 1321.

(z) A collector is not required to forward any record not found in his office.

ART. 68. *Certificates and fees.*—(a) In furnishing the certified copy of the record of the vessel at a former port of documentation, collectors will use Commerce Form 1331.

(b) The fees collected under subsection I are to be deposited as navigation fees and so reported. The word "folio", as used in that subsection, means 100 words, counting each figure as a word (U. S. Code, title 28, sec. 607). Bulky Mortgages in printed or typewritten form submitted for recording need not be copied in the mortgage record book, but may be firmly attached in such book after comparison with the original in accordance with existing practice. Collectors will, however, charge the same fees as if such mortgages had been actually copied in the book.

(c) In computing fees to be charged for recording bills of sale, mortgages, and satisfaction of mortgages, collectors shall be guided by the following rules in counting the words:

(1) All typewritten, pen-written, and printed words, if not erased (except as provided in (3) below), are to be counted.

(2) All printed words, whether erased or not, if found in the register, enrollment, or license cited (except as provided in (3)), are to be counted.

(3) References to acts of Congress and explanatory words, usually in parentheses or printed as notes, and the printed and written customhouse indorsement under the commerce form number, are not to be counted.

(d) The provisions of subsection I for the collection of fees apply only to the items covered by the ship mortgage act, which are as follows:

Subsection C (b). Recording bills of sale, conveyances, and mortgages.

Subsection D (a). Preferred mortgage indorsement on documents.

Subsection E. Certified copies of mortgage.

Subsection G (a). Recording notice of claim of lien and discharge of same on vessels covered by a preferred mortgage.

Subsection G (b). Recording discharge of mortgage and indorsement of such discharge on documents of vessels.

Subsection H (c) Certified copy of the record at former home port.

Subsection I (1). Certificate setting forth the names of the owners, interest held by each owner, the material facts as to each bill of sale, conveyance, or mortgage or lien or incumbrance on the vessel.

Subsection I (2). Certified copies of bills of sale, conveyances, mortgages, notices of claim of lien, or certificates of discharge of mortgages or liens. (See Table of Fees, art. 210.)

(e) The words "certificate or certified copy" used in subsection I apply only to certificates and certified copies provided for in the Ship Mortgage Act, 1920.

(f) The requirement of the subsection O (a) that the documents of a vessel covered by a preferred mortgage may not be surrendered without the approval of the United States Maritime Commission and the mortgagee, does not refer to renewals of licenses or changes of documents incident to change of trade where the ownership and home port remain the same.

ART. 69. *Collector's liability under the Ship Mortgage Act, 1920.*—

(a) United States Code, Title 46, Section 941 (c):

If any person enters into any contract secured by, or upon the credit of, a vessel of the United States covered by a preferred mortgage, and suffers pecuniary loss by reason of the failure of the collector of customs, or any officer, employee, or agent thereof properly to perform any duty required of the collector under the provisions of this chapter, the collector of customs shall be liable to such person for damages in the amount of such loss. * * * (June 5, 1920, c. 250, sec. 30, subsec. J, 41 Stat. 1003.)

(b) Collectors will without delay, when any papers or documents referred to in this and the preceding article are presented for record, officially file and record them in the order in which they are presented. They will also when required so to do make the indorsements provided for in this article, and will make and deliver certified copies of preferred mortgages, and promptly record all claims of liens and discharges of mortgages.

(c) Collectors are especially instructed to see that any indorsement of preferred mortgage on a surrendered marine document is copied on the new marine document.

ART. 70. *Vessels on Great Lakes.*—(a) Vessels of the United States navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea, must receive special enrollment and be licensed before they are employed on those waters in the foreign or coastal trade. Vessels so documented operating on the Great Lakes and their connecting and tributary waters may, without change in the form of enrollment and license engage in the taking within such waters of fish of every description. The enrollment and license shall be in the special form provided for vessels in the domestic and foreign trade otherwise than by sea, viz, commerce Form 1273. Commerce Form 1290 is used on the Great Lakes for all yachts, without regard to size. Registers of American vessels arriving from a foreign port must be deposited in the customhouse, under the provisions of article 113, and any marine documents of a vessel in port may be left in the customhouse for surrender and exchange.

(b) Such vessels are not required by law to have certificates of registry, but they are in every other respect liable to the rules, regulations, and penalties in force relating to registered and to enrolled and licensed vessels.

ART. 71. *Transfer from lakes to seaboard.*—(a) When a vessel so enrolled and licensed leaves the inland waters of the frontier and engages in trade on the seaboard, she must surrender her frontier papers and take out coasting papers; and if bound on a foreign voyage partly by sea she must take, in lieu of her frontier papers, a certificate of registry (commerce Form 1265). (For procedure for vessels engaged in trade between Great Districts Nos. 1 and 6, see article 199 (d) (2).)

(b) If she sails for a frontier port, and it is intended to clear her thence for a port in the United States on the seaboard or for a foreign port, in part by sea, she shall be furnished with a certificate of registry before starting on her

voyage. Vessels neglecting these precautions are subject to the penalties and disabilities imposed on vessels engaged in trade without legal documents.

ART. 72. *Registry of foreign-built vessels under Revised Statutes 4132, as amended.*—(*a*) Applications for registry of American-owned, foreign-built vessels under section 5 of the Panama Canal Act (class 9), as amended by the act of August 18, 1914, shall be made to the collector of customs at the proposed home port.

(*b*) In lieu of the builder's certificate required for American-built vessels, the application shall be accompanied by the ship's foreign registry and a certified copy of the ship's foreign measurement certificate, if there be one, and a certificate of measurement as required by law.

(*c*) Certificates of inspection by the United States local inspectors of steam vessels must be supplied, except as to such sail and other vessels as do not require inspection before registry. Certificates from the local inspectors must, however, be supplied as to the safety of such vessels to carry dry and perishable cargo. (See art. 90 (*a*).)

(*d*) The ownership and citizenship of owners must be established as in the case of vessels built in the United States. The sale of vessels must be unconditional and complete. Any reservation to the vendor of a right to repurchase the vessel will be sufficient cause for refusal to issue a register. The bona fides of the purchase and the ability to purchase must be established by the vendee. A special form of affidavit is provided for this purpose.

(*e*) Foreign-built vessels owned prior to February 1, 1920, by persons citizens of the United States, and those owned by the United States on June 5, 1920, when sold to and owned by persons citizens of the United States, are unlimited as to documents and trade so long as they continue in such ownership. When a marine document is issued to such a vessel, the following notation must be made thereon:

As amended by section 5 of the Panama Canal Act and by the act of August 18, 1914, and sections 22 and 38 of the Merchant Marine Act of June 5, 1920. This vessel is 75 per cent American owned as required by law and may engage in the coastwise trade so long as so owned and no longer.

(*f*) Foreign-built vessels acquired by American citizens subsequent to February 1, 1920, or June 5, 1920, as the case may be, are limited to the foreign trade. When a register is issued to such a vessel, the following notation must be made thereon:

As amended by section 5 of the Panama Canal Act and by the act of August 18, 1914, entitling the vessel to engage only in trade with foreign countries or with the Philippine Islands, American Samoa, and the Island of Guam. This vessel shall not engage in the coastwise trade.

(*g*) Care should be taken to insure the issuance of the proper document with the appropriate notation in the case of redocumentation.

ART. 73. *Foreign-built yachts.*—Any foreign-built yacht purchased by a citizen of the United States may be documented under Revised Statutes 4132, as amended (U. S. Code, title 46, sec. 11). The collector of customs may issue to any such yacht owned by a citizen a consolidated certificate of enrollment and yacht license (commerce Form 1290) or a license of yacht under 20 tons (commerce Form 1288) upon the filing of a bill of sale by the owner and upon compliance with the other usual requirements. Any document issued to such yacht shall have written across its face the legend, "This vessel may not engage in coastwise trade."

ART. 74. *Certificate of protection.*—(*a*) Any foreign-built undocumented yacht purchased by a citizen of the United States is nevertheless entitled to legal protection as property of a citizen. The collector may issue to any such vessel a certificate that the bill of sale has been recorded and is valid in form and substance. This certificate shall be substantially in the following form:

(*b*) *Foreign-Built American-Owned Yachts*

I, ——— ———, collector of customs for the port of ———, State of ———, United States of America, do hereby certify that the bill of sale, bearing date of ———, 19—, of the ——— ———
(Class and name)
net tonnage, sold and transferred by ——— ———, of ———, in ——— to ———, of ———, State of ———, United States of America, is in form and substance valid and effective in law, and has been recorded in this office; and that the said ——— ——— is a citizen of the United States.
(Purchaser)

As witness my hand and seal this ——— day of ———, 19—.

[SEAL] (Signed) ——— ———, *Collector.*

(*c*) A separate record shall be kept of these foreign-built, American-owned undocumented yachts, and in the tonnage returns they shall be reported under the caption "Foreign-built undocumented yachts owned by citizens of the United States."

ART. 75. *Recorded vessels.*—In the documentation of recorded vessels (class 3) the builder's certificate is unnecessary, and the admeasurement also, if the certificate of record correctly indicates the tonnage.

ART. 76. *Record of American-built vessels owned by aliens.*—(*a*) A vessel built in the United States, never before documented, and belonging wholly or in part to an alien, may receive a certificate of record on commerce Form 1316. On being purchased or wholly owned by a citizen she is entitled to documents as a vessel of the United States.

(*b*) Before the issuance of a certificate of record the collector of the district shall require the builder to swear that the vessel was built by him or under his supervision.

(*c*) The vessel must be measured and the usual certificate of admeasurement filed before the certificate of record is granted to the master of the vessel.

(*d*) If the parties clearing new vessels, built in the United States for foreign account, under a certificate of record, fail or refuse to furnish a shippers' export declaration (customs Form 7525) to comply with the requirements of class 7999 of the Statistical Classification of Exports, collectors shall prepare such declaration, ascertaining the gross tonnage and value of the vessels from the best obtainable sources.

(*e*) If an application is made for marine documents for a vessel built in the United States for foreign account which was not originally covered by a certificate of record, evidence must be produced to show the date and place of building and builder's name.

ART. 77. *Certificates of record.*—Certificates of record shall be regularly numbered; and when recorded vessels are documented as vessels of the United States the certificate must be surrendered, if one has been issued, canceled, and returned to the Director of Marine Inspection and Navigation.

ART. 78. *Prizes and forfeited vessels.*—In case of application for documentation of a vessel entitled thereto by reason of having been captured in war by a citizen of the United States and condemned as a lawful prize (class 4) or condemned for a violation of law (class 5), when wholly owned by a citizen, all the requirements relating to documentation, except the builder's certificate, must be complied with, and the collector must be furnished with a properly authenticated copy of the decree of condemnation and the proof of the applicant's ownership. The owner's oath will be modified accordingly.

ART. 79. *Misuse of document.*—(*a*) A marine document shall be used solely for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of to any person whomsoever. Any master or owner violating the provisions of this section becomes liable to a penalty not exceeding $500.

(*b*) Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained, or used for any vessel such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture.

ART. 80. *Penalty for trading, etc., without license.*—United States Code, title 46, section 319:

Every vessel of 20 tons or upward, entitled to be documented as a vessel of the United States, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than 20 tons and not less than 5 tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this chapter, shall be liable to a fine of $30 at every port of arrival without such enrollment or license, and if she have on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found on board such vessel, shall be prima facie evidence of the foreign origin of such merchandise. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine or forfeiture shall not be incurred. (As amended Aug. 5, 1935, c. 438, title III, secs. 314, 49 Stat. 529.)

(NOTE.—See art. 1102 for penalty applicable to vessels of less than 30 net tons trading without special license under sec. 6, Anti-Smuggling Act, U. S. C., title 19, sec. 1706.)

ART. 81. *Malfeasance respecting marine documents.*—(*a*) Officers of the customs should bear in mind the importance of strict vigilance in the issuance and inspection of documents pertaining to vessels. The penalties for malfeasance in this repect are severe and will be enforced.

(*b*) Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants, or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this chapter, or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto; and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector or comptroller of customs a false description of such vessel, to be registered or recorded, is liable to a fine of $1,000 if the offense relate to a vessel engaged in the foreign trade, or $500 if the vessel is engaged in the domestic trade, and in each case such officer shall be disqualified from holding office under the Government.

(*c*) The penalty for willful neglect of any officer to do any act enjoined upon him by the statutes relating to vessels is $500, and for the second offense a like fine and, in addition, disqualification from holding office under the Government.

(*d*) Any person forging, altering, or falsifying any instrument purporting to be an official copy or certificate of the documents or records of any registered vessel is liable to a fine of not more than $1,000 and imprisonment of not more than 3 years; and any person who forges, counterfeits, alters, or falsifies any enrollment, license, certificate, permit, or other document relating to vessels engaged in the domestic trade is liable to a penalty of $500.

(*e*) Any person who knowingly makes, utters, or publishes a false sea letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of such documents, is liable to a penalty of not more than $5,000 and, if an officer of the United States, is disqualified from holding any office under the Government.

(*f*) Any person who assaults, resists, or hinders an officer in the execution of any act or law relating to the enrollment, registry, or licensing of vessels, or any law relating to vessels in domestic trade, or in the execution of the powers or authorities vested in him by any such laws, shall for every such offense for which no other penalty is provided be liable to a penalty of $500.

ART. 82. *Inspection of marine documents.*—(*a*) United States Code, title 46, section 277:

Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of $100, unless the failure to do so is willful in which case he shall be liable to a penalty of $1,000 and to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both. (As amended Aug. 5, 1935, c. 438, title III, sec. 312, 49 Stat. 528.)

(*b*) The papers of a documented vessel, when such vessel is in commission, shall be on board and accessible to the person in charge except when such papers are in the custody of the collector.



ART. 83. *Abstracts of marine documents and accounts of tonnage.*—(*a*) Abstracts of documents issued and surrendered will be kept according to commerce Form No. 1202.[1]

(*b*) The record of temporary and permanent documents of the same class should be combined.

(*c*) Separate accounts should be kept for steam, gas, sail, canal boats, and barges. The number of vessels and the amount of registered tonnage thereof outstanding on the last day of the preceding quarter should be entered at the head of the debit side of the account; underneath a brief record should be made of every marine document issued during the quarter.

(*d*) Except where a document is granted for a new vessel, the former document shall be surrendered when a new document issues; but where the loss, destruction, or mislaying of the former document is proved a copy thereof shall be surrendered.

(*e*) In the column headed "Cause for issue or surrender" the reasoning for granting the document is to be inserted.

(*f*) In the columns headed "Surrendered documents" a reference must be made to the surrendered documents, citing kind, number, date, and place of issue or surrender.

(*g*) The first entry on commerce Form No. 1202 presupposes a register to have been granted to a new vessel. As this is the vessels's first document, the year and place of building should be given.

(*h*) The second entry presupposes an enrollment to have been surrendered and a register to have been issued. The enrollment should be credited on another abstract.

(*i*) The third entry, that a vessel has been sold within the district to which she belongs, which circumstance is expressed by the words "property changed."

(*j*) The fourth entry, that a vessel previously owned and documented in another district has been purchased by citizens of this district, which is expressed by the words "property and district changed."

(*k*) The fifth entry, that legal proof has been made of the loss, destruction, or mislaying of a permanent register issued within the district, and that another register has been granted.

(*l*) The sixth entry, that a vessel has been altered in rig from bark to steamer. The surrendered register has been credited on this abstract and the new one should be debited on the abstract of registered steamer.

(*m*) The seventh entry, that a vessel belonging in the district has arrived home under a temporary document issued to her in another district, and that this document has been surrendered and a permanent register issued.

(*n*) The eighth entry is that of a vessel whose tonnage has been changed.

(*o*) The ninth entry is that of a vessel whose name has been changed.

(*p*) It will be observed that all documents issued are to be entered on the debit side of this account, and that counter entries on the credit side are to be made whenever such documents are surrendered, so that the balance of the account may at all times exhibit the amount of tonnage outstanding in the district.

(*q*) Columns 1, 2, and 7 should be used only for documents issued; column 9 only for documents surrendered; all other columns for documents either issued or surrendered.

(*r*) A duplicate of each marine document issued must be forwarded to the Bureau of Marine Inspection and Navigation on the date of issue. If there is a surrendered marine document, it should accompany the duplicate.

ART. 84. *Accounts of marine documents.*—(*a*) Separate accounts are to be kept of registered, enrolled, licensed vessels, and pleasure yachts. For convenience of reference, a list is appended of the accounts to be kept.

(*b*) A separate book is not needed for each account except where required by the volume of business, but each account should be kept separately in the appropriate book of abstracts.

[1] *See* page 1464.

(Commerce Form No. 1202)

*Record of* _____ registers _____ *of* _____ wood sailing _____ *vessels issued at the port of* New York *and surrendered during the quarter ended* _____, 193--

(Insert Registers, Enrollments, or Licenses.) (Insert Metal steam, Wooden sailing, etc.)

| Entry No. | 1 P. or T. | 2 Serial No. on document issued [1] | 3 Date of issue or surrender [2] | 4 Official number | 5 Rig | 6 Name of vessel | 7 Gross tons debited | 8 Cause for issue or surrender | 9 Gross tons credited | 10 Surrendered document [3] P. or T. and kind | No. | Date of issue | Where issued or surrendered |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Balance outstanding on this abstract at end of last quarter, 25 vessels | | | | | | 26,155 | | | (4) | | | |
| | | | 1930 | | | | | | | (5) | | Built, 1930 | Chester, Pa. |
| 1 | P. | 1 | July 1 | 218230 | Schooner | James Blight | 2,190 | New vessel | | P. E. | 70 | June 5, 1918 | New York. |
| 2 | T. | 3 | July 5 | 95930 | ....do | Rosebud | 565 | Trade changed | | P. R. | 5 | Aug. 1, 1917 | Do. |
| 3 | P. | 4 | July 7 | 81212 | Ship | Rattler | 1,575 | Property changed | 1,575 | P. R. | 19 | Sept. 5, 1918 | Boston. |
| 4 | P. | 7 | July 12 | 207280 | Schooner | Conqueror | 910 | P. & D. C. | | P. R. | 4 | July 8, 1919 | New York. |
| 5 | P. | 10 | July 16 | 201035 | ....do | Faith | 440 | Register lost | 440 | T. R. | 9 | Oct. 3, 1920 | Do. |
| 6 | | | Aug. 10 | 81220 | Bark | John Adams | 710 | Changed to St. s | 650 | T. R. | 13 | July 16, 1919 | Philadelphia. |
| 7 | P. | 13 | Aug. 27 | 218307 | Schooner | Reprieve | 1,230 | Home | | T. R. | 61 | May 22, 1917 | New York. |
| 8 | P. | 14 | Sept. 12 | 211977 | ....do | Advance | 850 | Tons changed | 1,320 | P. R. | 80 | Mar. 5, 1918 | Do. |
| 9 | P. | 15 | Sept. 30 | 202020 | ....do | Empress | | Name changed—"Arrow" | 850 | | | | |
| | Balance outstanding, 28 vessels | | | | | | | | 29,790 | | | | |
| | | | | | | | 34,625 | | 34,625 | | | | |

[1] The missing serial numbers (2, 5, 6, 8, 9, 11, and 12) will be found on other abstracts (steam, motor, etc.) of registered vessels.
[2] Insert in this column the date of *issue* of a *debited* and the date of *surrender* of a *credited* document.
[3] The document surrendered on the date shown in column 3.
[4] Do not write on this heavy line.
[5] For the first document of a new vessel write "Built, 19---- (insert year, place, and State)."

(*c*) Care should be exercised that no document be credited upon any abstract on which it has not been debited. Errors in crediting may easily be avoided by the proper keeping of indexes.

ART. 85. *Quarterly returns of tonnage.*—(*a*) Quarterly returns, consisting of a transcript of the foregoing accounts, shall be made to the Director of Marine Inspection and Navigation.

(*b*) Every surrendered document shall be indorsed similarly to the record thereof in the record book. Quarterly returns of tonnage shall be accompanied by a letter of transmittal (commerce Form 1201).

[Commerce Form No. 1201]

| Title of abstract | Metal No. | Metal Gross tons | Wooden No. | Wooden Gross tons |
|---|---|---|---|---|
| Registered vessels: | | | | |
| Steam, foreign trade | | | | |
| Steam, whale fishery | | | | |
| Gas, foreign trade | | | | |
| Gas, whale fishery | | | | |
| Sailing, foreign trade | | | | |
| Sailing, whale fishery | | | | |
| Barges | | | | |
| Total registered | | | | |
| Enrolled vessels: | | | | |
| Steam, coasting trade | | | | |
| Steam, cod fishery | | | | |
| Gas, coasting trade | | | | |
| Gas, cod fishery | | | | |
| Sailing, coasting trade | | | | |
| Sailing, cod fishery | | | | |
| Canal boats | | | | |
| Barges | | | | |
| Total enrolled | | | | |
| Licensed vessels: | | | | |
| Steam, coasting trade | | | | |
| Steam, cod fishery | | | | |
| Gas, coasting trade | | | | |
| Gas, cod fishery | | | | |
| Sailing, coasting trade | | | | |
| Sailing, cod fishery | | | | |
| Barges | | | | |
| Total licensed | | | | |
| Total vessels in trade | | | | |
| Pleasure yachts: | | | | |
| Enrolled steam | | | | |
| Enrolled gas | | | | |
| Enrolled sailing | | | | |
| Enrolled house boats | | | | |
| Licensed steam | | | | |
| Licensed gas | | | | |
| Licensed sailing | | | | |
| Total pleasure yachts | | | | |

(*c*) Transactions under the title "Vessels built", "Vessels lost", "Vessels abandoned", "Vessels sold to aliens", "Foreign vessels admitted to registry" shall be reported on commerce Form 1200 and forwarded with the quarterly returns of tonnage.

ART. 86. *Annual list of merchant vessels and yachts.*—(*a*) The collector or deputy collector of customs at each port of documentation must prepare as soon as possible after June 30 of each year a list of all vessels to which marine documents were issued at that port and were not surrendered on that date (commerce Form 12 for merchant vessels and 10 for yachts). The totals on each part of this list (registered steam metal, enrolled sailing wood, etc.) should agree with the totals on the corresponding abstracts of tonnage for the quarter ended June 30 of the same year. A clear copy of this list must be sent to the Director of Marine Inspection and Navigation and a duplicate retained for office use.

(*b*) The collector or deputy collector must examine the retained list before the end of each fiscal year and, if it is found that any vessel appearing thereon has been lost, abandoned, or sold to aliens, or for any other reason should be eliminated, must notify the owner to surrender the original marine document, or file oath to loss of original. The reason for the surrender of the marine document must be entered in the records and credit for the surrender taken on the quarterly abstracts.

ART. 87. *Change of name of documented vessel.*—(*a*) The name of a documented vessel shall not be changed except with the consent and approval of the Director of Marine Inspection and Navigation, under penalty of forfeiture.

(*b*) The application for change in name shall be executed under oath by the owner of the vessel, addressed to the Director of Marine Inspection and Navigation, and submitted in duplicate to the collector of customs at the home port of the vessel.

(*c*) The application must state the change desired, the reasons therefor, place and date of build, official number, rig, gross tonnage, and the name or names of the owner of the vessel. It must state in detail a list of all liens, mortgages, etc., on record against the vessel, and the consent of the mortgagee or other beneficiary under each lien or mortgage must be submitted in writing with the application.

(*d*) Certificates, commerce Form 1330, from the collectors at each port where the vessel has been permanently documented must also be submitted. If an abstract and certificate of record of title, commerce Form 1331, from each port of permanent documentation since the passage of the Merchant Marine Act, 1920, are on file with the collector at the home port, such collector may issue commerce Form 1330, noting that commerce Forms 1331 are on file.

(*e*) Application under the new name for the approval of the home port must also be submitted in the case of change of ownership or change of home port only.

(*f*) In transmitting the application the collector shall note the date and place of last inspection. In case the vessel is not usually inspected, the local inspectors are authorized to make special examinations and to furnish necessary certificate of seaworthiness.

(*g*) The collector shall see that there has been compliance with these preliminaries and thereupon forward the application with his recommendation, giving any reasons within his knowledge for or against the change.

(*h*) If the application is approved by the Director of Marine Inspection and Navigation, the collector shall collect the fee prescribed in article 88, deposit it as a navigation fee, inserting in commerce Form 1008 the old name of the vessel, her gross tonnage, and the amount of the fee collected. Permission for change of name is not effective until the fee is paid.

(*i*) The order for the change in name must be published in some daily or weekly paper at or nearest to the port of documentation, in at least four consecutive issues.

(*j*) The cost of procuring evidence and of advertising must be paid by the applicant.

(*k*) Copies of the newspaper in which the advertisement appeared, together with receipt for the payment of the cost thereof, shall be furnished by the applicant to the collector of customs and by him forwarded to the Director of Marine Inspection and Navigation with a copy of the new document issued.

(*l*) An accurate index of changes of names of documented vessels under old and new names, with dates of authorization, etc., should be kept by the collector.

(*m*) A vessel formerly documented, sold to the United States, and resold to citizens, shall be redocumented under the old name and official number; but a vessel never before documented and sold by the United States to citizens, may be documented under any name.

ART. 88. *Fee for change of vessel's name.*—When the name of a vessel is changed, the following fees are to be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury by such collectors as navigation fees: For vessels 99 gross tons and under, $10; for vessels 100 gross tons and up to and including 499 gross tons, $25; for vessels 500 gross tons and up to and including 999 gross tons, $50; for vessels, 1,000 gross tons and up to and including 4,999 gross tons, $75; for vessels 5,000 gross tons and over, $100.

ART. 89. *Yacht privileges and obligations.*—(*a*) Licensed yachts are required by law to use the signal prescribed by the Secretary of the Navy, as follows: "The American ensign substituting in the field a white foul anchor, surrounded by 13 white stars in a circle, in lieu of a star for each State." This ensign shall not be carried by yachts of foreign ownership. Any vessel owned by a citizen of the United States may carry the United States flag. The union jack of yachts should be made up on horizontal rows of stars. Yachts duly licensed shall not transport merchandise nor carry passengers for pay.

(*b*) For any violation of the provisions of the law under which they are licensed, yachts are liable to seizure and forfeiture.

(*c*) Masters or other persons in command of yachts must exhibit their marine documents on demand of any officer of customs, and submit to such examination as he shall see fit to make for the due protection of the public revenue.

(*d*) A commission may be issued by the Secretary of Commerce to a yacht belonging to any regularly organized and incorporated yacht club to identify such yacht and its owner during foreign voyages, upon application of the owner (commerce Form 1250), submitted through the collector of customs. This commission is a token of credit to any United States official and to the authorities of any foreign power, for privileges enjoyed under it.

(*e*) Such commissions shall be regarded as conclusive evidence of nationality. On the return of such vessels to the United States they are required to make entry at the customhouse and surrender their commissions.

(*f*) Whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses, the Secretary of Commerce may authorize and direct the customs authorities at the various ports of entry of the United States to allow yachts from such foreign ports belonging to any regularly organized yacht club thereof to arrive at and depart from any port of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the foregoing provisions to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce may deem proper.

(*g*) Undocumented yachts, not nationalized, or shown to be yachts, by proper registry, enrollment, or regular marine documents, foreign or otherwise, are subject to tonnage tax and light money under sections 4219 and 4225, Revised Statutes (U. S. Code, title 46, secs. 121 and 128), on entry from a foreign port, in the same manner as other vessels in ballast, which are not licensed as yachts or public vessels. Section 4225, Revised Statutes (U. S. Code, title 46, sec. 128), will not apply if undocumented yachts are actually carrying, on arriving in the United States, a sea letter or certificate under section 4226, Revised Statutes (U. S. Code, title 46, sec. 129), and if oath is made before the collector of customs as prescribed by that section. No tonnage tax should be imposed under section 36 of the act of August 5, 1909. Such undocumented yachts, the property of American citizens, are not required to enter or clear or to pay tonnage tax or light money on arriving at or departing from a port in the United States on a coastwise voyage terminating in the same great district. On foreign voyages they must enter or clear, as the case may be.

(*h*) All yachts, except those of 15 gross tons or under, shall, upon their return from a foreign country, make due entry at the customhouse of the port at which they first arrive, but the master of any yacht arriving from a foreign port with dutiable articles on board shall report to the customs officer at the port or place at which the vessel arrives and shall deliver to the said officer a manifest of all dutiable articles brought from a foreign country in such yacht.

(*i*) At the first port of arrival of a foreign-built yacht purchased by a resident of the United States the following requirements of law should be observed:

(1) The vessel must be entered under the navigation laws. Undocumented vessels may be subjected to penal tonnage taxes (see R. S. 4219 and 4225 and art. 133 of these regulations).

(2) The vessel must be documented or awarded a motor-boat number.

(3) The liability of the yacht to duty under paragraph 370, Tariff Act of 1930, must be determined.

(4) If dutiable, the vessel must be entered as an importation.

ART. 90. *Vessels required to be inspected.*—(*a*) Vessels described as follows must, before receiving marine documents, undergo inspection by the proper officers and receive certificates that the laws relating to their construction and equipment have been complied with:

1. All American steam vessels over 65 feet in length, and steam-propelled tugboats and towboats of any length, excepting public vessels of the United States and boats propelled in whole or in part by steam for navigating canals, but including vessels owned or operated by the United States Maritime Commission or any corporation organized or controlled by it.

2. All vessels above 15 gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors. Motor vessels of 15 gross tons plus a fraction of a ton are considered to be over 15 gross tons within the meaning of section 4426, Revised Statutes, as amended (U. S. Code, title 46, sec. 404). Motor vessels of 15 gross tons or less are exempt from these requirements.

3. Ferryboats, canal boats, yachts, or other small vessels of like character propelled by steam, except those included in paragraph 1 of article 91.

4. All American sail vessels over 700 tons carrying passengers for hire.

5. All American seagoing barges 100 gross tons or over.

6. All other vessels over 100 gross tons carrying passengers for hire.

7. All foreign private steam vessels carrying passengers from any port of the United States to any other place or country, except that vessels of countries having reciprocal inspection with the United States, are examined only.

(*b*) When the inspection of a vessel is completed and the United States local inspectors approve the vessel and its equipment throughout, they are required to issue a certificate on commerce Form 841, 852, or 856, verified by the oaths of the inspectors signing it. This certificate must be delivered to the owner or master of the vessel to which it relates, one copy thereof kept on file in the office of the local inspectors, and one copy delivered to the collector of the district in which the inspection has been made, who shall keep it on file in his office.

(*c*) Upon such inspection and approval the inspectors shall also make and sign a temporary certificate, commerce Form 854, setting forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel and keep a copy on file in their office. The temporary certificate shall be carried and exposed by vessels in the same manner as is provided for the regular certificate. The period for which it shall be in force will be prescribed by the Board of Supervising Inspectors.

(*d*) The temporary certificate during such period, and prior to the delivery to the master or owner of the regular certificate, takes the place of the regular certificate, and is also subject to revocation in the manner and under the conditions provided in section 4453, Revised Statutes (U. S. Code, title 46, sec. 435).

(*e*) When the boards of local inspectors are located at ports of entry other than the headquarters port the copy of the certificate of inspection shall be filed in the office of the deputy collector at such port.

(*f*) No marine document shall be issued to any vessel required to be inspected, nor shall the license of any such vessel be renewed, until the copy of the certificate of inspection has been filed with the collector or other chief officer of the customs. Officers at ports other than the one at which the copy is filed may require the production of the original certificate before issuing a marine document or renewing a license.

(*g*) The date of the expiration of the steam inspection should be noted on all marine documents issued to vessels subject to such inspection.

(*h*) The original certificate delivered to the master or owner of any such vessels shall be placed by such master or owner in a conspicuous place in the vessel where it will be most likely to be observed by passengers and others, and there kept at all times, framed under glass. Where it is not practicable to expose the original certificate, it shall be kept on board to be shown on demand.

(*i*) No vessel required to be inspected shall be navigated without having on board an unexpired certificate of inspection: *Provided*, That any vessel operated upon a regularly established line from a port in the United States to a port in a foreign country not contiguous to the United States, whose certificate expires at sea or while the vessel is in a foreign port or a port of the Philippine Islands or Hawaii, may lawfully complete its voyage without incurring the penalties imposed for want of such unexpired certificate, provided such voyage be completed within 30 days after the expiration of the certificate: *Provided further*, That no such vessel whose certificate of inspection will expire within 15 days of the date of its sailing shall proceed on its voyage to a port of a foreign country not contiguous to the United States without having secured a new certificate of inspection.

(*j*) Foreign passenger steamers of countries having inspection laws approximating those of the United States, which steamers have unexpired certificates of inspection regularly issued in the respective countries to which they belong are subject to no other inspection than such as is necessary to satisfy the local inspectors that their condition and equipment are as stated in current certificates of inspection.

(*k*) Any vessel subject to inspection navigated without complying with the provisions of this article becomes liable to a penalty of $500 for each offense.

(*l*) Whenever a passenger is received on board of any steam vessel not having an unexpired certificate of inspection, the vessel becomes liable to a penalty of $100 for each offense.

(*m*) Cargo vessels documented under the laws of the United States and cargo vessels of foreign countries may carry not to exceed 16 "persons in addition to the crew", and shall not be held to be "passenger vessels" subject to inspection, but are not exempt from the laws, rules, and regulations respecting life-saving equipment; and such "persons" must first be notified by the owner, agent, or master, of the vessel of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

(*n*) Failure to give the above-mentioned notice of "risk of safety" subjects the vessel to a penalty of $500.

(*o*) An application in writing to carry such persons in addition to crew should be made in all cases to the collector, who will refer it to the local inspectors for examination and certification as to the life-saving equipment for the vessel.

(*p*) When application is made for admission to American registry under the provisions of the act of August 18, 1914, all foreign-built vessels that are ordinarily subject to inspection must be regularly inspected by the United States Steamboat Inspection Service; but foreign-built vessels that are not ordinarily subject to inspection must be certified by the United States Steamboat Inspection Service as safe to carry dry and perishable cargo.

ART. 91. *Vessels not required to be inspected.*—Vessels described as follows are not subject to annual inspection:

1. Motor boats as defined in article 95, but the engine, boiler, or other operating machinery of such vessels which are more than 40 feet and not more than 65 feet in length are subject to a limited inspection and to approval of the design thereof.

2. All vessels propelled by gas, fluid, naphtha, or electric motors, and of 15 gross tons or less, without regard to length.

3. All vessels propelled by gas, fluid, naphtha, or electric motors, of above 15 gross tons, engaged in fishing as a regular business or not carrying freight or passengers for hire.

4. All motor propelled vessels carrying products of their owners only.

5. All yachts propelled by gas, fluid, naphtha, or electric motors, without regard to size.



6. All sail vessels of 700 gross tons or less or when over 700 gross tons, if they do not carry passengers for hire.

7. All barges of 100 gross tons or less.

8. All barges of 100 gross tons and over, if not seagoing and not carrying passengers for hire.

9. All scows, pile drivers, etc., without propelling machinery, except seagoing barges of 100 gross tons and over.

10. All rowboats propelled by oars, boats operated by hand-propelled machinery, dredge boats propelled by cable, ferryboats propelled by chain or cable, etc., if machinery is on shore.

11. All foreign vessels except steam passenger vessels. Steam passenger vessels of countries whose laws approximate those of the United States are subject only to sufficient inspection to satisfy the local inspectors that the condition of the vessels, boilers, and life-saving equipments is as stated in the current certificates of inspection.

12. All vessels navigating waters wholly within a state.

13. All vessels navigating canals which are not navigable waters of the United States.

14. All public vessels of the United States.

15. All vessels under provisional certificates of registry.

ART. 92. *License to carry gunpowder.*—No steam vessel employed in the carriage of passengers shall carry gunpowder without having conspicuously posted on board a certificate issued by the local inspectors authorizing the carriage of such gunpowder. Whenever any passenger steam vessel receives or carries gunpowder on board without having such certificates posted as required, or carries gunpowder in a place or in a manner not authorized by the certificate such vessel becomes liable to a penalty of $100 for each offense.

ART. 93. *Officers' licenses.*—(*a*) Every vessel of the United States must be commanded by a citizen of the United States. Any vessel whose officers are not citizens of the United States shall pay a tax of 50 cents per ton.

(*b*) All the officers of vessels of the United States who have charge of a watch, including pilots, shall be citizens of the United States. The word "officers" includes the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam.

(*c*) The following officers must be licensed by the Steamboat Inspection Service, and licenses may not be lawfully issued to any but citizens of the United States.

1. Masters, chief mates, and second and third mates, if in charge of a watch, engineers and pilots of all steam vessels.

2. Masters and chief mates of sail vessels of over 700 gross tons.

3. Masters of all other vessels over 100 gross tons carrying passengers for hire.

(*d*) Where, on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, a vessel is for any reason deprived of the services of a watch officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port, without incurring any penalty or penal tax.

(*e*) Masters and mates may be licensed as pilots also, but where the master of a steam vessel of over 150 gross tons is licensed as a pilot also, the license must be that of a first-class pilot.

ART. 94. *Citizenship of crew of vessel in ocean mail service.*—(*a*) Upon each departure from the United States of a vessel employed in ocean mail service under the act of May 22, 1928, one-half of the crew (crew including all employees of the ship other than officers) shall be citizens of the United States, and after May 22, 1932, two-thirds of the crew, as above defined, shall be citizens of the United States.

(*b*) Where there is a United States shipping commissioner he shall certify that according to the shipping articles ——— persons employed on the ——— vessel are citizens of the United States, and where there is no shipping commissioner the collector or deputy collector shall furnish a similar certificate.

ART. 95. *Regulation of motor boats.*—(*a*) The words "motor boat" include every vessel propelled by machinery and not more than 65 feet in length except tugboats and towboats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer.

INSPECTION

(*b*) The engine, boiler, or other operating machinery of all motor boats over 40 feet in length and propelled by machinery driven by steam shall be subject to a limited inspection by the local inspectors and to their approval of the design thereof.

(*c*) The inspection and approval of the design of the engine, boiler, or other operating machinery of motor boats over 40 feet and not more than 65 feet in length, propelled by machinery driven by steam, is in lieu of the inspection of steam vessels now provided by sections 4417, 4418, and 4426, Revised Statutes (U. S. Code, title 46, secs. 391, 392, 404). All steam vessels more than 65 feet in length are subject to inspection as heretofore. Motor boats propelled otherwise than by steam, of above 15 gross tons, carrying freight or passengers for hire, but not engaged in fishing as a regular business, are subject to inspection whether over or under 65 feet in length.

LIGHTS

(*d*) Motor boats are divided into three classes as follows:

Class 1. Less than 26 feet in length.

Class 2. 26 feet or over and less than 40 feet in length.

Class 3. 40 feet or over and not more than 65 feet in length.

(*e*) Every motor boat in all weathers from sunset to sunrise shall carry the following kinds of lights, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

(*f*) *Class 1.*—(1) A white light aft to show all around the horizon.

(2) A combined lantern in the fore part of the vessel and lower than the white light aft showing green to starboard and red to port, so fixed as to throw the light from right ahead to 2 points abaft the beam on opposite sides of the vessel.

(*g*) *Classes 2 and 3.*—(1) A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, namely, from right ahead to 2 points abaft the beam on either side. The glass or lens shall be of not less than the following dimensions:

Class 2. 19 square inches.

Class 3. 31 square inches.

(2) A white light aft to show all around the horizon.

(3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side.

(4) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side.

(*h*) The glasses or lenses in the said side lights shall be of not less than the following dimensions:

Class 2. 16 square inches.

Class 3. 25 square inches.

(*i*) The glasses or lenses prescribed for motor boats of classes 2 and 3 shall be fresnel or fluted. These lights shall be fitted with inboard screens of sufficient height, and so set as to prevent their being seen across the bow, and shall be of not less than the following dimensions:

Class 2. 18 inches long.

Class 3. 24 inches long.

(*j*) Motor boats, when propelled by sail and machinery, or under sail alone, shall carry the colored lights suitably screened, but not the white lights.

(*k*) The lights provided for in this article are running lights in lieu of the lights prescribed, respectively, by article 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States"; rule 3 of the act approved February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"; and rules 3, 5, 6, and 7 of section 4233 of the Revised Statutes (U. S. Code, title 33, secs. 312, 314, 315, and 316), governing western rivers.

(*l*) The lights provided for in this article are not in conflict with the anchor lights, lights for pilot and fishing vessels, and other lights provided in the acts above cited. Thus the anchor lights for motor boats on inland waters will remain as prescribed in article 11 of the act of June 7, 1897, as follows:

A vessel under 150 feet in length when at anchor shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light, in a lantern so constructed as to throw a clear, uniform, and unbroken light, visible all around the horizon, at a distance of at least 1 mile.

(*m*) Where motor boats of class 1 carry a white light forward and aft and regulation side lights instead of two-color combination light forward and white light aft, as required by the act of June 9, 1910, collectors of customs and other officers until further notice need not report such lights as violations.

(*n*) No penalty is incurred by motor boats for a failure to carry lights between the hours of sunrise and sunset.

(*o*) If a motor boat, through temporary disablement of machinery or lack of gasoline, finds it necessary to proceed under sail the white lights should be extinguished, and she should proceed with her colored lights only.

(*p*) The aft light should be higher and so placed as to form a range with the forward light and should be clear of house awnings and other obstructions.

(*q*) The law does not specify the size of lights to be carried on motor boats of class 1. Such lights should be large enough, however, to accomplish the purpose intended. Lenses not less than 3 inches in diameter are considered a compliance with the law.

*Whistle, Fog Horn, and Bell*

(*r*) Every motor boat shall be provided with a whistle or other sound-producing mechanical appliance capable of producing a blast of 2 seconds or more in duration. A blast of at least 2 seconds shall be deemed a prolonged blast within the meaning of the law.

(*s*) Every motor boat of class 2 or 3 shall carry an efficient fog horn and an efficient bell. On vessels of class 3, the bell shall be not less than 8 inches across the mouth. The word "efficient" must be taken in its ordinary sense, considered with reference to the purpose for which intended, namely, the production of certain signals.

(*t*) No particular size or style of whistle, fog horn, or bell is prescribed (except the bell on vessels of class 3), provided such appliance is sufficient for the use for which intended.

(*u*) A mouth whistle capable of producing a blast of 2 seconds or more in duration which can be heard for at least one-half a mile has been held to be in compliance with the law.

(*v*) Foghorns may not take the place of whistles on motor boats of classes 2 and 3.

*Licensed Officers and Life Preservers*

(*w*) Every motor boat carrying passengers for hire shall carry one life preserver, of the sort prescribed by the Board of Supervising Inspectors, for every passenger carried, and no such boat, while so carrying passengers for hire, shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. The only officer required to be carried on motor boats, within the contemplation of the act of June 9, 1910, is the licensed operator provided for in this article. A motor boat hired at a launch livery, if operated by the liveryman or his employees, is construed as carrying passengers for hire when carrying any one other than the operator; but not if operated by the hirer himself, unless he carries additional persons and receives compensation therefor.

(*x*) Every motor boat not carrying passengers for hire must have life preservers or life belts or buoyant cushions or ring buoys or other devices sufficient to sustain afloat every person on board and so placed as to be readily accessible, and these must be of types approved by the Board of Supervising Inspectors. This includes members of the crew, children, and babies.

(*y*) In addition the Department of Commerce authorizes life preservers and buoyant cushions for motor boats not carrying passengers for hire, under the following conditions: Each life preserver or buoyant cushion shall be capable of sustaining afloat for a continuous period of 24 hours an attached weight, so arranged that whether the said weight be submerged or not there shall be a direct downward gravitation pull upon such life preserver or cushion of at least 20 pounds. If a buoyant cushion is furnished for more than one person, its capacity must be proportionately greater.

(*z*) No such life preservers or buoyant cushions stuffed or filled with granulated cork or other loose granulated material and no pneumatic life preservers or cushions will be approved.

(*aa*) Planks, gratings, floorings, oars, corks on ropes or fish nets, empty kegs or casks, wooden boxes, small boats in tow, etc., are not approved as substitutes for life preservers, life belts, buoyant cushions, or ring buoys, but wooden life floats made of light buoyant wood and equipped with hand holds may be used, the dimensions of each of which shall be not less than 4 feet in length, 12 inches in width, and 1¾ inches in thickness, and shall not exceed 25 pounds in weight.

(*bb*) Samples of other substitutes for the articles mentioned must first be submitted to the Supervising Inspector General, Steamboat Inspection Service, for examination and approval.

*Fire-Extinguishing Apparatus*

(*cc*) Every motor boat, and also every vessel propelled by machinery other than by steam, and more than 65 feet in length, shall carry, ready for immediate use, some apparatus for promptly and effectually extinguishing burning gasoline.

Fire extinguishers of a type approved by the department must be carried on all motor boats when being navigated. All motor boats, irrespective of length, must be so equipped.

*Violations and Penalties*

(*dd*) The penalty for violating any of the provisions of the foregoing sections of this article is a fine not exceeding $100. The motor boat shall be liable for the said penalty and may be seized and proceeded against, by way of libel, in the district court of the United States for any district within which such vessel may be found.

(*ee*) All violations of the provisions of this article must be reported to the Department of Commerce, regardless of mitigating circumstances, as authority to mitigate and remit the penalties (except for a violation of sec. 6 of the act of June 9, 1910) is vested solely in the Secretary of Commerce.

(*ff*) Collectors of customs and others will observe that the penalties for violations of existing laws, not in conflict with the act of June 9, 1910, remain unchanged.

(*gg*) All moneys received as fines or penalties imposed by the courts for violation of the act of June 9, 1910, should be paid to the clerk of the court, and by him turned over to the collector or deputy collector of customs in the district or port in which the case arose.

*Documents and Name*

(*hh*) All motor boats of 5 net tons and over engaged in trade must be documented by the collectors of customs. Vessels under 5 net tons are not documented in any case. The marine document (register, enrollment and license, or license) of the vessel obtained from the collector of customs is additional to and must not be confused with the license required for the operator of a motor boat.



(*ii*) Documented vessels must have name and home port on stern and name on each side of the bow. Tonnage admeasurement is necessary only in case of vessels requiring to be documented.

(*jj*) Undocumented motor boats, except public vessels and vessels not more than 16 feet in length, temporarily equipped with detachable motors, must have an identification number on each bow.

(*kk*) Motor boats are required to have on board two copies of the pilot rules to be observed by them, which will be furnished by collectors of customs and local inspectors of steam vessels on request. Copies of Department of Commerce (Bureau of Marine Inspection and Navigation) Circular No. 236 should be inserted therein.

(*ll*) The following is a tabulated statement of equipment required for the respective classes:

| | Carrying passengers for hire | | | | Not carrying passengers for hire | | | |
|---|---|---|---|---|---|---|---|---|
| | Sec. 3 | Sec. 4 | Sec. 5 | Sec. 6 | Sec. 3 | Sec. 4 | Sec. 5 | Sec. 6 |
| Class 1 | Combination light forward. White light aft. | Whistle | Life preservers. Licensed operator. | Apparatus for extinguishing burning gasoline. | Combination light forward. White light aft. | Whistle | Life preservers or life-saving devices prescribed by act. | Apparatus for extinguishing burning gasoline. |
| Class 2 | White lights forward and aft and colored side lights. | Whistle, bell, and foghorn. | Same as class 1 | Same as class 1 | White lights forward and aft and colored side lights. | Whistle, bell, and foghorn. | Same as class 1 | Same as class 1. |
| Class 3 | Same as class 2 | Same as class 2 | Same as class 1 | Same as class 1 | Same as class 2 | Same as class 2. | Same as class 1 | Same as class 1. |

ART. 96. *Numbering and recording undocumented vessels.*—(*a*) Every undocumented vessel, operated in whole or in part by machinery, owned by aliens or citizens and kept in the United States and found on the navigable waters thereof, except public vessels, and vessels not exceeding 16 feet in length measured from end to end over the deck, excluding sheer, temporarily equipped with detachable motors, shall be numbered. Such numbers shall be not less than 3 inches in size and shall be painted or attached to each side of the bow of the vessel in such manner and color as to be distinctly visible and legible. (See art. 18.)

(*b*) Said numbers, on application of owner or master, shall be awarded by the collector of customs of the district in which the vessel is owned and a record thereof kept in the customhouse of the district in which the owner or managing owner resides. No numbers not so awarded shall be carried on the bow of such vessel.

(*c*) When a number is awarded to a vessel, a certificate of such award shall be issued by the collector, the said certificate to be at all times kept on board of such vessel and to constitute a document in lieu of enrollment or license.

(*d*) Notice of destruction or abandonment of such vessels or change in their ownership shall be furnished within 10 days by the owners to the collectors of customs of the districts where such numbers were awarded. Such vessel sold into another district may be numbered anew, but this is not compulsory if the owner desires to retain the original number. The penalty for failure to report the change in ownership is against the new owner and vessel.

(*e*) The penalty for violation of any provisions of the act shall be $10. Applications for remission or mitigation of the penalty, sworn to and addressed to the Secretary of Commerce, will be received by collectors and transmitted to that official.

(*f*) After the application (commerce Form 1512) has been received properly filled out by the master or owner, the collector shall award a number to the boat; mail or deliver the certificate (commerce Form 1513) to the applicant; and file the cards by name of owner and by number of boat. Another index by name of boat may be kept by preparing blank cards for that purpose.

ART. 97. *Enforcement of navigation laws.*—(*a*) Each port of entry is charged with the duty of enforcing the navigation laws. The allotments made by the Department of Commerce to a district for the hire of vessels in connection with the enforcement of such laws shall be distributed throughout the district where they may be used to best advantage, unless specific instructions are sent to the collector from the Department of Commerce making such distribution.

(*b*) Whenever a violation of the navigation laws occurs at a port of entry other than the headquarters port, the deputy at such port shall submit to the collector a full report of the occurrence, the law violated, and the penalty incurred. The case will then be handled by the collector in the usual manner, the amount of the penalty to be paid to the collector directly or through the deputy collector at the port of entry. The monthly report of such transactions for the entire district shall be made by the collector.

(*c*) When violations of the navigation laws are reported to collectors of customs they shall in each case make proper entry thereof on commerce Form 1081, and at the end of the month report all such cases to the Director of Marine Inspection and Navigation on the above form in accordance with article 1274.

(*d*) As soon as the collectors receive reports of violations of the navigation laws, they will immediately notify the offender of the penalty incurred, giving full details in each case. The offender shall also be notified by the collector of his privilege of applying to the Secretary of Commerce for relief from the penalties incurred. The application must be sworn to and sent to the collector of customs, and should contain all of the mitigating circumstances of the case. If there is a conflict between the statement of the reporting officer and that of the offender, the offender's statement will be submitted to the reporting officer for a further report. All of the papers will then be submitted to the Secretary of Commerce for action.

(*e*) In every case submitted to the department the collector of customs should be careful to include the navigation fine number.

SEAMEN'S PROTECTION CERTIFICATES

ART. 98. *Applications.*—(*a*) An application for a seaman's protection certificate (commerce Form 1437) must be in writing, signed and sworn to and presented to the collector by the applicant in person, together with satisfactory evidence that he is a seaman and legal evidence that he is a citizen of the United States.

(*b*) The application must bear the left thumb print, photograph, and signature of the applicant and be stamped with the same serial number as the corresponding certificate (commerce Form 1436). The signature must be written partly across the seal space and partly across the photograph.

(*c*) The evidence submitted should be noted on the application and attached thereto, except when it is in the form of certificates from permanent records, in which case proper notations of the records may be made on the application and the certificates returned to the applicant. Affidavits are not of this class and should be retained by collectors and attached to the application.

(*d*) The applications with attached papers should be filed alphabetically by names of applicants.

ART. 99. *Evidence that applicant is an American seaman.*—Licenses of officers, recent discharges from the United States Navy or merchant marine vessels, and certificates from properly authorized persons showing that the applicants have been engaged for service as members of the crews of outgoing American vessels may be accepted as evidences of seamanship. The last-named certificates should be retained and attached to the applications.

ART. 100. *Evidence of American citizenship.*—(*a*) Evidence of citizenship should be of the character described in article 38. The applicant should furnish proof that he either was born in the United States, or was duly naturalized as a citizen thereof, or was born of an American father in a foreign country or at sea.

(*b*) A foreign-born seaman claiming American citizenship through naturalization based upon his own application to a court, or derived through his parent, must furnish a certificate of naturalization issued by the clerk of the court in which the naturalization occurred, or a certificate of citizenship issued by the Commissioner of Immigration and Naturalization, Washington, D. C.

ART. 101. *Seamen's protection certificates.*—(*a*) The certificate (commerce Form 1436) shall contain a full description of the applicant, particular attention being paid to identification marks, and shall issue only to an American seaman who has produced proof in the manner directed by law that he a native or naturalized citizen of the United States.

(*b*) Each certificate should bear the left thumb print, photograph, and signature of the person described therein. The signature should be written partly across the seal space and partly across the photograph.

(*c*) The collector of customs or his authorized deputy should sign each certificate and impress the seal of his office thereon.

(*d*) The certificate should bear the same serial number and date as the application (commerce Form 1437).

ART. 102. *Duplicate certificates.*—Duplicate certificates on commerce Form 1436, may be issued on presentation of an affidavit as to loss satisfactory to the collector. They shall be issued only by the port which issued the original, and if application is made at any other port the applicant's affidavit accompanied by two photographs of himself should be forwarded to the collector of the port of issue and the duplicate certificate delivered to the applicant when it is received from such port. It should be stamped "duplicate."

ART. 103. *General instructions.*—(*a*) Information concerning seamen, desired by relatives and others, may be given in the discretion of collectors.

(*b*) No certificate should be issued to an applicant under 17 years of age without the written permission of his parents or guardian, acknowledged before a notary public.

(*c*) Lost and found certificates received in the mails or otherwise should be forwarded to the port of issue and placed in the files with the applications on which they were issued.

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## CHAPTER III

## FOREIGN AND COASTING TRADE BY SEA AND WATERS OF THE FRONTIERS

### ARRIVAL AND ENTRY OF VESSELS

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### ARRIVAL AND ENTRY OF VESSELS

ART. 104. *Definitions.*—For definition of vessel see article 13.

Tariff Act of 1930, section 401 (c), (d), (e), (f), and (g):

(c) *Merchandise.*—The word "merchandise" means goods, wares, and chattels of every description and includes merchandise the importation of which is prohibited.

(d) *Person.*—The word "person" includes partnerships, associations, and corporations.

(e) *Master.*—The word "master" means the person having the command of the vessel.

(f) *Day.*—The word "day" means the time from 8 o'clock antemeridian to 5 o'clock postmeridian.

(g) *Night.*—The word "night" means the time from 5 o'clock postmeridian to 8 o'clock antemeridian.

ART. 105. *Boarding of vessels—Production and certification of manifest—Penalties.*—(*a*) Tariff Act of 1930, section 581, as amended by section 203 of the Anti-Smuggling Act of August 5, 1935:

Officers of the customs or of the Coast Guard, and agents or other persons authorized by the Secretary of the Treasury, or appointed for that purpose in writing by a collector may at any time go on board of any vessel or vehicle at any place in the United States or within four leagues of the coast of the United States, without as well as within their respective districts, to examine the manifest and to inspect, search, and examine the vessel or vehicle, and every part thereof, and any person, trunk, or package on board, and to this end to hail and stop such vessel or vehicle, if under way, and use all necessary force to compel compliance, and if it shall appear that any breach or violation of the laws of the United States has been committed, whereby or in consequence of which such vessel or vehicle, or the merchandise, or any part thereof, on board of or imported by such vessel or vehicle is liable to forfeiture, it shall be the duty of such officer to make seizure of the same, and to arrest, or, in case of escape or attempted escape, to pursue and arrest any person engaged in such breach or violation. • • •

Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under the Anti-Smuggling Act, or at any other authorized place, without as well as within his district, and examine the manifest and other documents and papers, and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

• • • • •

If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.



(*b*) Tariff Act of 1930, section 583:

The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or Coast Guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the back of the original manifest to the inspection thereof and return the same to the master or other person in charge.

(*c*) The boarding officer, after examination and comparison of the original with the copy, shall certify on the original to its production and on the copy to the fact of its agreement with the original. Certification shall be in the form shown on customs Form 7527 A or B.

(*d*) One complete manifest must be ready for production on demand, but a reasonable time will be allowed by the boarding officer for the preparation of copies.

(*e*) The certification must be made on the manifest and not upon a separate paper.

(*f*) The boarding officer will return the original to the master for his use in entering his vessel, and will forward the copy to the collector.

(*g*) Tariff Act of 1930, section 439:

Immediately upon arrival and before entering his vessel, the master of a vessel from a foreign port or place required to make entry shall mail or deliver to the comptroller of customs for the district in which the port of entry is located, a copy of the manifest, and shall on entering his vessel make affidavit that a true and correct copy was so mailed or delivered, and he shall also mail or deliver to said comptroller of customs a true and correct copy of any correction of such manifest filed on entry of his vessel. Any master who fails so to mail or deliver such copy of the manifest or correction thereof shall be liable to a penalty of not more than $500.

(*h*) An uncertified copy of the manifest should also be available for the discharging inspector's use in making up the cargo book.

(*i*) Tariff Act of 1930, section 584:

Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of $500: • • •, *Provided*, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, • • • said penalties shall not be incurred.

(*j*) United States Code, title 18, section 122:

If the master of any vessel shall obstruct or hinder, or shall intentionally cause any obstruction or hindrance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue or navigation laws of the United States, he shall for every such offense be liable to a penalty of not more than $2,000 nor less than $500. (As amended Aug. 5, 1935, c. 438, Title III, sec. 307, 49 Stat. 880.)

(*k*) The right of precedence in boarding vessels at the quarantine station of a port should be yielded to the surgeon of the Public Health Service, and whenever customs, or other Federal officers acting under legal authority, board a vessel from a foreign port, or a vessel from a domestic port having suspicious illness on board, prior to quarantine inspection, such officers shall remain off board until after the vessel has been inspected by the quarantine officer and granted pratique.

ART. 106. *Boarding or leaving vessels without permission—Dock passes.*—(*a*) United States Code, title 46, section 158:

It shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel. • • • (Aug. 2, 1882, c. 374, sec. 9, 22 Stat. 189; Feb. 9, 1905, c. 564, sec. 1, 33 Stat. 711; Mar. 4, 1913, c. 141, sec. 1, 37 Stat. 736.)

(*b*) Tariff Act of 1930, section 454:

If any passenger is unladen from any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, shall each be liable to a penalty of $500 for each such passenger so unladen.

(c) United States Code, title 46, section 708:

Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than $200, and by imprisonment for not more than 6 months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this chapter. (R. S., sec. 4606.)

(d) Collectors of customs may upon application issue passes to board incoming vessels after such vessels have been inspected by the quarantine authorities and taken in charge by an officer of the customs as follows: To persons on official business; in cases of imperative emergency; and to representatives of the press. Imperative emergency means the meeting of a passenger accompanying the body of a deceased relative or friend, seriously ill, or who is summoned home by news of affliction or disaster. Passes covering a period not to exceed 6 months may be issued to each duly accredited representatives of a newspaper or press association. No more than one pass shall be issued at one time to any newspaper, except that one substitute pass may be issued for use on occasions when the regular ship-news representative is unable to serve. Passes for single trips may be issued on special occasions, to duly accredited newspaper representatives, when reasons satisfactory to the collector are given. Such single-trip passes may also be issued to representatives of photographic companies, provided they give reasons satisfactory to the collector and produce letters of permission from the agents of the vessels to be boarded.

(e) All requests for passes not falling within the above classes will be referred to the Bureau of Customs for its decision as to the emergency or necessity. Passes are not transferable, and will be forfeited upon presentation by others than those to whom issued.

(f) It shall not be lawful for any person in charge of a tugboat, rowboat, or other vessel, to come alongside and put any person, except as authorized by law or regulations, on board an incoming vessel heretofore described.

(g) Officers boarding a vessel under authority of these regulations shall also ascertain whether any person has boarded the vessel in violation of law; and if so, shall report the facts to the principal officer of the customs at the port.

(h) The Coast Guard is specially charged with the enforcement of these regulations, but any officer of the Government may report to the principal officer of the customs any violation of the regulations which comes to his knowledge.

(i) The principal officer of the customs shall report the facts to the United States attorney and also to the Bureau.

(j) The principal officer of the customs, or the officer commanding a Coast Guard cutter, or the principal officer of the Public Health Service at any seaport, when he deems it desirable, and when it is practicable, may detail any person subject to his orders to remain on board a vessel to secure the enforcement of these regulations until the vessel has been placed in security as above provided. In the case of deep-sea sailing vessels such detail shall be made whenever practicable.

(k) Collectors may, in their discretion, issue passes to go on the docks to meet persons arriving from abroad.

ART. 107. *Vessels not required to enter.*—(a) Tariff Act of 1930, section 441, as amended by section 302 of the Anti-Smuggling Act of August 5, 1935:

The following vessels shall not be required to make entry at the customhouse:

(1) Vessels of war and public vessels employed for the conveyance of letters and dispatches and not permitted by the laws of the nations to which they belong to be employed in the transportation of passengers or merchandise in trade;

(2) Passenger vessels making three trips or oftener a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise: *Provided*, That the master of any such vessel shall be required to report such baggage and merchandise to the collector within 24 hours after arrival;

(3) Yachts of 15 gross tons or under not permitted by law to carry merchandise or passengers for hire and not visiting any hovering vessel, nor having at any time or, if forfeited to the United States or to a foreign government, at any time after forfeiture, become liable to seizure and forfeiture for any violation of the laws of the United States.

(4) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, or necessary sea stores and which shall depart within 24 hours after arrival without having landed or taken on board any passengers, or any merchandise other than bunker coal, bunker oil, or necessary sea stores: *Provided*, That the master, owner, or agent of such vessel shall report under oath, to the collector the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, or necessary sea stores taken on board; and

(5) Tugs enrolled and licensed to engage in the foreign and coasting trade in the northern, northeastern, and northwestern frontiers when towing vessels which are required by law to enter and clear.

(b) In the case of car ferries falling within the purview of paragraph (a) (2) of this article, report shall be made as provided for in article 212.

(c) Vessels arriving under the conditions set forth in paragraph (a) (4) of this article, must make formal entry if the stay of the vessel in port is extended more than 24 hours. If such vessel arrives at a port other than that to which she is bound, the boarding officer or collector will indorse the facts on the inward manifest and notify the collector at the port of ultimate destination. A vessel that takes on ship stores (such articles as become a part of the equipment, as furniture, tackle, paint, etc.) must enter.

(d) All vessels engaged in the foreign trade whether or not required to enter or clear are subject to such customs supervision while in port as the collector deems necessary.

(e) United States Code, title 46, section 106:

Every yacht, except those of 15 gross tons or under, exempted by law, visiting a foreign country under the provisions of sections 103, 105, and 109, shall, on her return to the United States, make due entry at the customhouse of the port at which, on such return, she shall arrive: *Provided*, That nothing in this chapter shall be so construed as to exempt the master or person in charge of a yacht or vessel arriving from a foreign port or place with dutiable articles on board from reporting to the customs officer of the United States at the port or place at which said yacht or vessel shall arrive, and deliver in to said officer a manifest of all dutiable articles brought from a foreign country in such yachts or vessels. (R. S. 4218; Aug. 20, 1912, c. 307, sec. 2, 37 Stat. 315, as amended Aug. 5, 1935, c. 438, Title III, sec. 311, 49 Stat. 528.)

(f) United States Code, title 46, section 110:

Vessels used exclusively as ferryboats, carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law. (R. S. 2792; May 28, 1908, c. 212, sec. 1, 35 Stat. 424.)

(g) United States Code, title 46, section 112:

Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees while such service triweekly or oftener is maintained. (R. S. 2792; May 28, 1908, c. 212, sec. 1, 35 Stat. 424).

ART. 108. *Report of arrival of vessel.*—(a) Tariff Act of 1930, section 433:

Within 24 hours after the arrival of any vessel from a foreign port or place, or of a foreign vessel from a domestic port, or of a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, at any port or place within the United States at which such vessel shall come to, the master shall, unless otherwise provided by law, report the arrival of the vessel at the nearest customhouse, under such regulations as the Secretary of Commerce may prescribe.

(b) Tariff Act of 1930, section 401 (n), as amended by section 201 of the Anti-Smuggling Act of August 5, 1935:

*Hovering vessel.* The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

For the purposes of sections 432, 433, 434, 448, 585, and 586 of this Act, any vessel which has visited any hovering vessel shall be deemed to arrive or have arrived, as the case may be, from a foreign port or place.

(c) That whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of such vessel, such acts shall have the same force and effect as if performed by masters of such vessels: *Provided*, That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels.

(d) The report must be filed within 24 hours after the arrival, or as soon thereafter as official business hours will permit.

(e) The report must be made in every case unless the vessel has been boarded by a duly authorized customs officer assigned for the purpose, or for the purpose of accepting preliminary entry.

(f) In the case of vessels described in paragraph 4 of section 441 of the Tariff Act, 1930, the report may be filed by either the master, owner, or agent, and shall be in the form and give the information required by that statute. (See art. 107.)

(g) Tariff Act of 1930, section 436, as amended by section 202 of the Anti-Smuggling Act of Aug. 5, 1935:

Every master who fails to make the report or entry provided for in section 433, 434, or 435 of this act shall, for each offense, be liable to a fine of not more than $1,000 and, if the vessel have, or be discovered to have had, on board any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or any spirits, wines, or other alcoholic liquors, such master shall be subject to an additional fine of not more than $2,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

Every master who presents a forged, altered, or false document or paper on making entry of a vessel as required by section 434 or 435 of this act, knowing the same to be forged, altered, or false and without revealing the fact, shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than $5,000 nor less than $50 or to imprisonment for not more than 2 years, or to both such fine and imprisonment.

(h) Vessels may depart at the option of the master after report and before the expiration of 24 hours.

(i) Any person bringing in a derelict vessel may take the master's oath.

(j) All penalties incurred by masters for failure to make report of arrival should be reported to the Secretary of Commerce, Bureau of Marine Inspection and Navigation, and all applications for relief should be addressed to that officer and sworn to before an officer authorized to administer oaths.

ART. 109. *Place of entry and unlading.*—Tariff Act of 1930, section 447:

It shall be unlawful to make entry of any vessel or to unlade the cargo or any part thereof of any vessel elsewhere than at a port of entry: *Provided*, That upon good cause therefor being shown, the Secretary of Commerce may permit entry of any vessel to be made at a place other than a port of entry designated by him, under such conditions as he shall prescribe: *And provided further*, That any vessel laden with merchandise in bulk may proceed after entry of such vessel to any place designated by the Secretary of the Treasury for the purpose of unlading such cargo, under the supervision of customs officers if the collector shall consider the same necessary, and in such case the compensation and expenses of such officers shall be reimbursed to the Government by the party in interest.

ART. 110. *Failure to make entry of vessel—False documents.*—Tariff Act of 1930, section 436, as amended by section 202 of the Anti-Smuggling Act of August 5, 1935:

Every master who fails to make the report or entry provided for in section 433, 434, or 435 of this Act shall, for each offense, be liable to a fine of not more than $1,000 and, if the vessel have, or be discovered to have had, on board any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or any spirits, wines, or other alcoholic liquors, such master shall be subject to an additional fine of not more than $2,000 or to imprisonment for not more than 1 year, or to both such fine and imprisonment.

Every master who presents a forged, altered, or false document or paper on making entry of a vessel as required by section 434 or 435 of this Act, knowing the same to be forged, altered, or false and without revealing the fact, shall, in addition to any forfeiture to which in consequence the vessel may be subject; be liable to a fine of not more than $5,000 nor less than $50 or to imprisonment for not more than 2 years, or to both such fine and imprisonment.

ART. 111. *Departure or unlading before report or entry.*—Tariff Act of 1930, section 585, as amended by section 303 of the Anti-Smuggling Act of August 5, 1935:

(a) If any vessel • • • from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this act, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of $5,000 and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States.

(b) These provisions apply to foreign as well as American vessels, but do not extend to a vessel arriving from a foreign port and passing through the coterminous waters of a river which forms the boundary between the United States and foreign territory for the purpose of proceeding thereto.

(c) The "limits of any collection district" as used herein are those defined by article 3 of these regulations, including the marginal waters to the 3-mile limit on the seaboard and the waters to the boundary line on the northern and southern boundaries.

(d) This section applies only to acts accomplished within the territory of the United States. For unlading outside of the 3-mile limit see article 138.

ART. 112. *Preliminary entry of vessels and lading and unlading at night and on Sundays and holidays—Penalty.*—(a) Tariff Act of 1930, section 448 (a):

(1) Except as provided in section 441 of this act (relating to vessels not required to enter), no merchandise, passengers, or baggage shall be unladen from any vessel of vehicle arriving from a foreign port or place until entry of such vessel or report of the arrival of such vehicle has been made and a permit for the unlading of the same issued by the collector: *Provided*, That the master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel's manifest and delivering the manifest to the customs officer who boards such vessel, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the customhouse, as provided by this act. After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but except as provided in subdivision (b) of this section merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. • • •

(2) The oath or affirmation required by the above provision of law in connection with the preliminary entry of vessels shall be on customs Form 3255.

(b) Tariff Act of 1930, section 450:

No merchandise, baggage, or passengers arriving in the United States from any foreign port or place, and no bonded merchandise or baggage being transported from one port to another, shall be unladen from the carrying vessel or vehicle on Sunday, a holiday, or at night, except under special license granted by the collector under such regulations as the Secretary of the Treasury may prescribe.

(c) Tariff Act of 1930, section 451:

Before any such special license to unlade shall be granted, the master, owner or agent, of such vessel or vehicle shall be required to give bond in the penal sum to be fixed by the collector conditioned to indemnify the United States for any loss or liability which might occur or be occasioned by reason of the granting of such special license and to pay the compensation and expenses of the customs officers and employees assigned to duty in connection with such unlading at night or on Sunday or a holiday, in accordance with the provisions of section 5 of the act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes", approved February 13, 1911, as amended. In lieu of such bond the owner, or agent,

of any vessel or vehicle or line of vessels or vehicles may execute a bond in a penal sum to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of vessels or vehicles belonging to such line for a period of 1 year from the date thereof. • • •

(*d*) Tariff Act of 1930, section 452:

No merchandise or baggage entered for transportation under bond or for exportation with the benefit of drawback, or other merchandise or baggage required to be laden under customs supervision, shall be laden on any vessel or vehicle at night or on Sunday or a holiday, except under special license therefor to be issued by the collector under the same conditions and limitations as pertain to the unlading of imported merchandise or merchandise being transported in bond.

(*e*) Upon the filing by the master, owner or agent of a vessel, arriving directly or indirectly from a foreign port or place, of an application on customs Form 3853–A and a bond on customs Form 7567 in such penal sum as the collector deems sufficient but not less than $500, a permit (special license) (customs Form 3853–A may be issued covering one or more of the following operations: (1) Immediate unlading or lading of the vessel by day prior to formal entry thereof; (2) unlading of the vessel at night or on Sundays or holidays before or after formal entry of the vessel; (3) lading on the vessel at night or on Sundays or holidays of merchandise the lading of which requires customs supervision. Except as provided in paragraph (*j*), a separate application shall be filed in the case of each arrival. A permit to unlade or lade prior to formal entry of the vessel shall become effective only when preliminary entry of the vessel shall have been made by the master, and the copy of the manifest prepared for the use of the discharging inspector in making up his cargo book shall be indorsed by the boarding officer to show whether or not preliminary entry of the vessel has been made.

(*f*) In lieu of a bond given on each application a term bond on customs Form 7569 may be accepted in the sum of $10,000 or such larger amount as may be determined by the collector to afford ample security, to cover vessels arriving within 1 year from the date thereof.

(*g*) A blanket vessel term bond (customs Form 7569) in the sum of $10,000 or such larger amount as may be fixed by the Commissioner of Customs, for a 1-year period, may be filed by a regularly established steamship company with the collector of customs at a port where the company maintains an office, to cover the operations of its vessels at other ports in the same district, or in other districts. In such cases the blanket bond must show the exact ports at which the company expects to enter and clear vessels, and the applicants must furnish in addition to the original bond, a copy for every port mentioned therein. Such blanket bond and copies will be forwarded by the collector to the Commissioner of Customs who will pass upon and file the original and send the copies to the respective ports named.

(*h*) There is no authority for the preliminary entry of vessels in the coastwise trade, and such vessels, when required to enter and clear in accordance with sections 4351, 4355, and 4361 of the Revised Statutes (U. S. Code, title 46, secs. 296, 300, and 307) are required to deposit manifests with the collector before a permit to discharge may be granted. The inspector in charge at the place of unlading may, however, permit such vessels to begin discharging immediately after arrival and prior to the receipt of the formal permit if he is satisfied from an inspection of the manifest that there is no merchandise on board other than domestic merchandise or merchandise covered by bonded transportation entries. No application for a special license nor bond is required in such cases unless bonded merchandise is to be unladen or laden at night or on Sundays or holidays.

(*i*) Special permits (licenses) for the unlading or lading of vessels at night should be refused by collectors if the character of the merchandise or the conditions or facilities at the place of unlading or lading would render the issuance of such licenses dangerous to the revenue and, before granting a special license to unlade or lade on Sunday or a holiday, consideration should be given to the laws of the State in which the port of entry is located. In no case shall a special license for unlading or lading on Sundays or holidays be granted except on the ground of commercial necessity.

(*j*) Special permits (licenses) running for a period of one month may be issued for the unlading or lading at night or on Sundays or holidays of merchandise covered by bonded transportation entries, and similar monthly permits may be issued for the unlading of foreign merchandise from vessels or vehicles of an established line operating on a regular schedule, or the lading thereon of other merchandise the lading of which requires customs supervision, provided that in all such cases there is on file a common-carrier bond (customs Form 3587) or a vessel term bond (customs Form 7569), or both (T. D. 46101–2) when the circumstances require both. In such cases the application and permit shall be on customs Form 3851.

(*k*) When the carrier has on file a bond on customs Form 3587, no further bond is required solely by reason of the unlading or lading at night or on Sundays or holidays of merchandise covered by bonded transportation entries, as a condition covering such unlading or lading is contained in customs Form 3587, but when the vessel also carries merchandise from a foreign port, either directly or as residue cargo, a vessel bond on customs Form 7567 or 7569 is required in addition to the common-carrier bond on customs Form 3587.

(*l*) Vessels in the foreign trade arriving for the sole purpose of taking on domestic cargo may be granted a permit for that purpose on customs Form 3171 when preliminary or formal entry of the vessel has been made. When the vessel is in ballast, or has no foreign residue cargo on board, or if the vessel has foreign residue cargo on board but has previously given bond at another port, no bond is required unless it is desired to have the vessel boarded at night or on a Sunday or holiday for the purpose of making preliminary entry, or overtime services of officers are required to supervise such lading, in which event an application therefor and bond should be required in accordance with paragraphs (*r*) and (*c*), respectively. Such vessels should not be cleared in any event until the provisions of articles 173, 174, 1305, and 1306 of these regulations have been complied with.

(*m*) The term "at night" shall in include the hours from 5 p. m. of any day to 8 a. m. of the following day.

(*n*) The term "holidays" shall include only national holidays, viz, January 1, February 22, May 30, July 4, and the first Monday in September, Thanksgiving day (when designated by the President), and December 25, and such other days as may be made national holidays.

(*o*) Tariff Act of 1930, section 453:

If any merchandise or baggage is laden on, or unladen from, any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or which aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be liable to a penalty equal to the value of the merchandise or baggage so laden or unladen, and such merchandise or baggage shall be subject to forfeiture, and if the value thereof is $500 or more, the vessel or vehicle on or from which the same shall be laden or unladen shall be subject to forfeiture.

(*p*) Tariff Act of 1930, section 454:

If any passenger is unladen from any vessel or vehicle without a special license or permit therefor issued by the collector the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, shall each be liable to a penalty of $500 for each such passenger so unladen.

(*q*) Tariff Act of 1930, section 451:

• • • At the request of the master, owner, or agent of any vessel, the collector shall assign customs officers and employees to duty at night or on Sunday or a holiday in connection with the entering or clearing of such vessel, or the issuing and recording of it marine documents, bills of sale, mortgages, or other instruments of title, but only if the master, owner, or agent gives a bond in a penal sum to be fixed by the collector, conditioned to pay the compensation and expenses of such customs officers and employees, who shall be entitled to rates of compensation fixed on the same basis and payable in the same manner and upon the same terms and conditions as in the case of customs officers and employees assigned to duty in connection with lading or unlading at night or on Sunday or a holiday.

(*r*) Services in connection with the entering of vessels, within the meaning of the provisions of law quoted in paragraph (*q*), include the boarding of vessels for the purpose of preliminary entry thereof. Requests pursuant to paragraph (q) shall be made in writing on customs Form 3853–A and the required bond shall be on customs Form 7567 or 7569. In the case of vessels belonging to an established line operating on a regular schedule, requests for services may be made monthly, provided the required term bond is on file.

(*s*) Bonds are not required for vessels of the United States Maritime Commission under "operating agreement, 1935."

ART. 113. *Entry of American vessels.*—(*a*) Tariff Act of 1930, section 434, as amended by section 301 of the Anti-Smuggling Act of August 5, 1935; and the act of May 4, 1934:

(Sec. 434.) Except as otherwise provided by law, and under such regulations as the Secretary of Commerce may prescribe, the master of a vessel of the United States arriving in the United States from a foreign port or place shall, within 48 hours after its arrival within the limits of any customs collection district, make formal entry of the vessel at the customhouse by producing and depositing with the collector the vessel's crew list, its register or document in lieu thereof, the clearance and bills of health issued to the vessel at the foreign port or ports from which it arrived, together with the original and one copy of the manifest and shall make oath that the ownership of the vessel is as indicated in the register or document in lieu thereof, and that the manifest was made out in accordance with section 431 of this act.

(Act of May 4, 1934.) That whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of such vessel, such acts shall have the same force and effect as if performed by masters of such vessels: *Provided*, That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels.

(*b*) The oath on entry shall be on customs Form 3251.

(*c*) The master shall account for the ship's crew by the following indorsement on the crew list:

I, ——— ———, master of the ———, do solemnly and truly swear that all of the above-named crew have returned with me in said vessel to this port except those who failed to join vessel before sailing as shown on supplementary crew list attached hereto and those noted below:

I further swear that those shipped after clearance as substitutes or otherwise, whose names appear on said supplementary list, have all returned in the vessel except as otherwise stated.

——— ———,
*Master.*

Sworn to before me this ——— day of ———.

——— ———,
*Deputy Collector.*

(*d*) On entry the master shall also report to the collector the equipment purchased or the repairs made in the foreign country, making oath on customs Form 3415 or 3417, as the case may be.

(*e*) The master shall also present on entry the pratique issued by the United States Public Health Service on its Form 1940A or 1940B; and shall pay the tonnage taxes, the prescribed fees, and any penalties incurred.

ART. 114. *Production of crew list and crew.*—(*a*) The master of every vessel of the United States returning from a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew (shipping Form 710A) to the first boarding officer at the first port in the United States at which he arrives on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be "to examine the men with such list" (commerce Form 1431) and to report the same to the collector.

(*b*) Boarding officers will also muster destitute American seamen, if any should be on board, in order to verify the consular certificates.

ART. 115. *Copy of crew list transmitted to port of original sailing—Penalty for failure to produce member of crew.*—The collector at the port of arrival, if it is not the port from which the vessel originally sailed, will transmit a copy of the crew list so reported to him, or a certificate as prescribed by the Department of Commerce (commerce Form 1432), to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew, the master and owner are severally liable to a penalty of $400, but such penalties are not incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consular officer there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service, of which satisfactory proof shall also be exhibited to the collector.

ART. 116. *Carriage of destitute seamen in United States vessels.*—(*a*) Masters of vessels of the United States, homeward bound, are required, under a penalty of $100 for each refusal, to receive on board, at the request of consular officers, any destitute seamen, and to carry them to the port of the vessel's destination, on the terms specified by law; but no vessel shall be obliged thus to transport, on one voyage, more than one such seaman for each 100 tons burden, nor to receive any person having a contagious disease. If any seaman be so carried who is unable to perform duty, the Comptroller General may allow an additional compensation to the vessel.

(*b*) On arrival of the vessel, the consular voucher for transportation (consular Form 24) must be presented, together with the seamen named therein, to the boarding officer or inspector of customs, who will certify thereon to the seaman's arrival, his physical condition, and whether service was perfomed on the voyage.

(*c*) This indorsement serves as a basis for the collector's official record and his further certification as to other facts required.

(*d*) The certificate, after certification by the collector, is to be returned to the agent of the vessel for forwarding to the Bureau of Accounts, Department of State, Washington, D. C., for final adjustment and payment of claim for the transportation of the seaman.

(*e*) The name of the seaman must appear on the vessel's manifest and the passenger list filed on entry of the vessel.

ART. 117. *Consular services to masters.*—Masters shall deliver to the collector of the district in which the vessel shall first arrive on her return to the United States copies of all receipts given to them by consular officers for fees or charges paid to such officers. Also, masters for whom any official service shall be performed by any consular agent without the payment of a fee will require a written statement of such services from the consular agent, and, after certifying as to its correctness, will, under a penalty of $50 for failure, deliver said statement to the collector of the district in which the vessel shall first arrive on her return to the United States, which statement of services, together with the copies of receipts above referred to, for moneys paid to consular officers, shall be forwarded monthly by the collector to the Bureau of Accounts, Department of State.

ART. 118. *Entry of foreign vessels.*—(*a*) Tariff Act of 1930, section 435, and the act of May 4, 1934:

(SEC. 435.) The master of any foreign vessel arriving within the limits of any customs collection district shall, within 48 hours thereafter, make entry at the customhouse in the same manner as is required for the entry of a vessel of the United States, except that a list of the crew need not be delivered, and that instead of depositing the register or document in lieu thereof such master may produce a certificate by the consul of the nation to which such vessel belongs that said documents have been deposited with him: *Provided*, That such exception shall not apply to the vessels of foreign nations in whose ports American consular officers are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nations. (Note: See art. 113.)

(Act of May 4, 1934.) That whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed

deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of such vessel, such act shall have the same force and effect as if performed by masters of such vessels: *Provided*, That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels.

(*b*) The master of any such vessel shall exhibit his register to the collector on or before the entry of the vessel. After the net tonnage has been noted, the master may deliver it to the consul of the nation to which such vessel belongs, in which event he shall file with the collector the certificate provided by law. If not delivered to the consul, the register must be deposited in the customhouse.

(*c*) Tariff Act of 1930, section 438:

It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register, or document in lieu thereof, deposited with him in accordance with the provisions of section 435 of this act until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be liable to a fine of not more than $5,000.

(*d*) Any violation of paragraph (c) of this article shall be reported to the Secretary of Commerce.

ART. 119. *Sealing of sea stores.*—(*a*) On the arrival of vessels from foreign ports, or vessels engaged in the foreign trade from domestic ports, the customs officers directed to perform such duty (arts. 1325 and 1326) may place under seal such stores as in their judgment are not required for immediate use or consumption on board while the vessel is in port, and shall file with the surveyor, or collector where there is no surveyor, a certificate on customs Form 3203 of such stores placed under seal, noting thereon the number of the seal affixed. A copy of such certificate shall be left on board for use of the master in the event the vessel proceeds to another district.

(*b*) Customs inspectors in charge of the vessel may, from time to time, as in their judgment the necessity of the case requires, issue stores from under seal for consumption on board the vessel.

(*c*) Report of sea stores released from under seal shall be made to the collector or surveyor, as the case may be, on customs Form 3203, a copy thereof to be left with the master.

(*d*) The room or space from which such stores are removed shall be immediately resealed and a record made on customs Form 3203 of the number of the new seal affixed.

(*e*) The Tyden seal shall be used in all cases for the purpose of sealing sea stores or cargo, and if broken by customs officers for obtaining stores or otherwise under proper permit and resealed, a record will be make of the breaking of the seal and the number of the new seal noted on the permit.

ART. 120. *Quarantine requirements—Bills of health.*—(*a*) The master of any vessel clearing or departing from any foreign port or any port in the possessions or other dependencies of the United States for a port in the United States or its possessions or other dependencies must obtain from the consular or medical officer of the United States a bill of health, in duplicate, from the port of departure and ports of call, except as hereinafter specifically provided for.

(*b*) Bills of health must be obtained at the first port from which the vessel clears or departs for the United States, or the first port at which cargo or persons are taken on board for the United States, and also from each port of call in foreign countries and in the possessions or dependencies of the United States at which the vessel subsequently entered.

(*c*) Bills of health are *not* required:—

(1) For vessels trading exclusively between ports in the United States and ports in Canada, Newfoundland, and the French insular possessions of St. Pierre and Miquelon, and arriving direct from such ports. During the prevalence of any of the quarantinable diseases at such foreign ports, however, bills of health will be required.

(2) For vessels from foreign ports originally destined to other foreign ports, but diverted on the high seas by wireless change of orders to a United States port.

(3) For vessels which call at a foreign port for orders, or for taking on bunkers or necessary sea stores, or in distress or because of any other emergency, and depart therefrom within 24 hours without entering or clearing, and which have had no contact with the shore except for the purposes specified.

(4) For vessels from ports at which no American consular or medical officers are stationed.

(*d*) It is unlawful for any vessel to discharge its cargo or land its passengers prior to inspection and the issuance of a pratique by the proper public health officer. The pratique may be unconditional or restricted. A restricted pratique is conditioned upon a strict compliance with the stated requirements, and the vessel may not depart and shall not be cleared until the requirements have been complied with.

(*e*) On formal entry of the vessel at the first port in the United States the master must present the pratique and the original bills of health.

(*f*) Ships proceeding from an American port to a port or ports in the insular possessions and dependencies of the United States, other than the Philippines, and returning directly to an American port are permitted to pass quarantine without inspection, provided they have a "clean" bill of health. Consequently pratiques are not issued for, and will not be required on entrance of such vessels, but the bills of health must be presented.

(*g*) The failure to secure a bill of health when required, or the entry of a vessel in violation of the quarantine laws, subjects the offending craft to a penalty of $5,000, which constitutes a lien on the vessel.

(*h*) Proceedings for the enforcement of the penalty for failure to procure bills of health should be taken as in cases of violation of the revenue laws.

ART. 121. *Delivery of mail—Seizure of letters conveyed contrary to law.*—(*a*) United States Code, title 18, section 327:

No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

"I, A. B., Master ——— of the ——— arriving from ——— and now lying in the port of ———, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post office at ——— every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control."

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than $100. (R. S. 3988; Mar. 4, 1909, c. 321, sec. 204, 35 Stat. 1127.)

(*b*) United States Code, title 39, section 497:

Any post-office inspector, when instructed by the Postmaster General to make examinations and seizures, and the collector or other customs officers of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law. (R. S. 3989, 4017; June 11, 1880, c. 206, sec. 1, 21 Stat. 177.)

(*c*) United States Code, title 39, section 498:

Any post-office inspector, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets or parcels containing letters which are being carried contrary to law on board any vessel or on any post route, and convey the same to the nearest post office, or may, by the direction of the Postmaster General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters. (R. S. 3990, 4017; June 11, 1880, c. 206, sec. 1, 21 Stat. 177.)

(*d*) United States Code, title 39, section 499:

Every package or parcel seized by any post-office inspector, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating the revenue laws shall apply to officers making seizures for violating the postal laws. (R. S. 3991, 4017; June 11, 1880, c. 206, sec. 1, 21 Stat. 177.)



ART. 122. *Inward foreign manifest—Contents and form—Certificate for importation—Alcoholic liquors on vessels not exceeding 500 net tons.*—(*a*) Tariff Act of 1930, section 431:

The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest in a form to be prescribed by the Secretary of the Treasury and signed by such master under oath as to the truth of the statements therein contained. Such manifest shall contain:

First. The names of the ports or places at which the merchandise was taken on board and the ports of entry of the United States for which the same is destined, particularly describing the merchandise destined to each such port: *Provided*, That the master of any vessel laden exclusively with coal, sugar, salt, nitrates, hides, dyewoods, wool, or other merchandise in bulk consigned to one owner and arriving at a port for orders, may destine such cargo "for orders", and within 15 days thereafter, but before the unlading of any part of the cargo such manifest may be amended by the master by designating the port or ports of discharge of such cargo, and in the event of failure to amend the manifest within the time permitted such cargo must be discharged at the port at which the vessel arrived and entered.

Second. The name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs, and the name of the master of such vessel.

Third. A detailed account of all merchandise on board such vessel, with the marks and numbers of each package, and the number and description of the packages according to their usual name or denomination, such as barrel, keg, hogshead, case, or bag.

Fourth. The names of the persons to whom such packages are respectively consigned in accordance with the bills of lading issued therefor, except that when such merchandise is consigned to order the manifest shall so state.

Fifth. The names of the several passengers aboard the vessel, stating whether cabin or steerage passengers, with their baggage, specifying the number and description of the pieces of baggage belonging to each, and a list of all baggage not accompanied by passengers.

Sixth. An account of the sea stores and ship's stores on board of the vessel.

(*b*) The manifest shall be legible and be on customs Form 7527 A or B, or on a form in substantial compliance therewith. It shall be numbered in a series beginning with No. 1, on the 1st day of July of each year.

(*c*) The list of passengers and their baggage may be filed separately on commerce Form 1440.

(*d*) If the manifest is in a foreign language, a translation must be furnished by the agent.

(*e*) Less than whole packages of sea or ship's stores may be described as "sundry small and broken stores."

(*f*) All articles acquired abroad by officers and members of the crew, except such articles as are exclusively for use on the voyage, should be specified in the list of sea stores in the following form:

| Name of officer or member of crew | Description of articles | Cost or value |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

(*g*) All opium and narcotics in possession of any member of the crew or outside of the medical stores shall be seized and treated in accordance with article 1109.

(*h*) After the manifest, including the list of sea stores, has been sworn to by the master, the boarding officer or other officer assigned to such duty shall check with the manifest the articles acquired abroad by officers and members of the crew, and, when charged with such duty, shall place under seal those which are not to be landed.

(*i*) No officer or seaman leaving a vessel shall be considered a returning resident of the United States for the purposes of paragraph 1798 of the act and articles 419 to 430 of these regulations, unless he is a resident and leaves the vessel without intention of reshipping. All articles taken ashore by officers and seamen must be described and declared on customs Form 6063, and any duties found due will be collected as in the case of arriving passengers; except that articles belonging to an officer or seaman may be transferred from one vessel to another under the supervision of customs officers, by a bonded cartman if necessary, without entry, declaration, or assessment of duty.

(*j*) Articles belonging to an officer or seaman who is not leaving the vessel may be landed for consumption upon the filing of the proper entry and payment of duty if any is found due. If the value of the articles does not exceed $100, entry may be made on customs Form 5119, in which case appraisement and the assessment and collection of duty may be made by a customs officer on the wharf. Should the value of the articles exceed $100, a formal entry should be required.

(*k*) The inspector will note disposition of articles landed under the two preceding paragraphs on the manifest, i. e., by serial entry number, transfer, or retention under seal on the vessel.

(*l*) If any such articles not manifested are found on the vessel they will be forfeited and the master subjected to a penalty equal to the value thereof.

(*m*) In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. (See art. 1102.)

(*n*) Each certificate of shipment shall include only one shipment from one consignor to one consignee or firm of consignees, by the same vessel. The certificates of shipment shall be issued in triplicate, the triplicate to be promptly transmitted by the certifying officer to the collector of customs at the port of entry named in the certificate. At the time of the production and deposit of the manifest with the collector of customs, the original shall be produced and deposited by the master with the collector to be filed at the customhouse together with the triplicate.

ART. 123. *Falsity or lack of manifest—Penalties.*—(*a*) Tariff Act of 1930, section 584, as amended by section 204 of the Anti-Smuggling Act of August 5, 1935:

Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of $500, and if any merchandise, including sea stores, is found on board of or after having been unladen from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture, and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge or the owner of such vessel or vehicle shall be subject to a penalty of $500: *Provided*, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred.

If any such merchandise so found consists of heroin, morphine, or cocaine, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 594 of this act (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel in rem; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction

of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known, that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law.

If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section 7 of the Anti-Smuggling Act and the required certificate be not shown, be so found upon any vessel not exceeding 500 net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and, if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred.

(*b*) Shortages must be accounted for by an affidavit executed by the master or, in his absence, by the agent of the vessel, and if explained to the satisfaction of the collector, the penalty of $500 will not be imposed. For nonmanifested merchandise, see article 124.

(*c*) The value of the merchandise on which the penalty is based is that defined by article 1130 of these regulations. (See also art. 1120.)

(*d*) That the master or owner had no knowledge that the goods not manifested were on board is not sufficient to relieve them from the penalty.

(*e*) If the unmanifested merchandise is smoking opium or narcotics, the procedure set forth in article 1109 shall be followed.

ART. 124. *Post entry.*—(*a*) Tariff Act of 1930, section 440:

If there is any merchandise or baggage on board such vessel which is not included in or which does not agree with the manifest, the master of the vessel shall make a post entry thereof, and mail or deliver a copy to the comptroller of customs for the district in which the port of entry is located, and for failure so to do shall be liable to a penalty of $500.

(*b*) Post entry on customs Form 3257, in duplicate, shall be made for all merchandise, including bulk merchandise, and baggage, which is not included in or which does not agree with the manifest, and the fee (art. 210) paid. One copy shall be mailed or delivered promptly to the comptroller.

ART. 125. *Record of entrance and clearance of vessels.*—Permanent records will be kept at every customhouse of the entrance and clearance of vessels, foreign (commerce Form 1404) and coastwise (commerce Form 1405), and shall be open to public inspection.

ART. 126. *Sea stores, ship's stores, supplies, equipment—Transfer of.*—(*a*) Tariff Act of 1930, section 446:

Vessels arriving in the United States from foreign ports may retain on board, without the payment of duty, all coal and other fuel supplies, ships' stores, sea stores, and the legitimate equipment of such vessels. Any such supplies, ships' stores, sea stores, or equipment landed and delivered from such vessel shall be considered and treated as imported merchandise: *Provided*, That bunker coal, bunker oil, ships' stores, sea stores, or the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States, which are delayed in port for any cause, may be transferred under a permit by the collector and under customs supervision from the vessel so delayed to another vessel of the same line and owner, and engaged in the foreign trade, without the payment of duty thereon.

(*b*) Tariff Act of 1930, section 432:

The manifest of any vessel arriving from a foreign port or place shall separately specify the articles to be retained on board of such vessel as sea stores, ship's stores, or bunker coal, or bunker oil, and if any other or greater quantity of sea stores, ship's stores, bunker coal, or bunker oil is found on board of any such vessel than is specified in the manifest, or if any such articles, whether shown on the manifest or not, are landed without a permit therefor issued by the collector, all such articles omitted from the manifest or landed without a permit shall be subject to forfeiture, and the master shall be liable to a penalty equal to the value of the articles.

(*c*) The term "sea stores" embraces only articles for use or consumption of passengers and crew of the ship upon its voyage.

(*d*) The term "ship's stores and equipment" includes all articles, materials, and supplies necessary for the navigation, propulsion, and upkeep of vessels.

(*e*) Collectors may permit narcotic drugs, except smoking opium, in reasonable quantities, and properly listed as medical stores, to remain on board vessels if satisfied that such drugs are adequately safeguarded and used only as medical supplies.

(*f*) Ship's or sea stores, supplies, or equipment may be landed on a permit from the collector of customs Form 3171, and in such cases are subject to entry and payment of duty in the same manner and under the same conditions as similar merchandise imported from a foreign country, even though valuable merely as junk. A notation as to the landing of such articles, together with the number of the entry made therefor, shall be made on the vessel's store list, but such notation shall not subject the articles to the post entry requirements, nor shall the vessel be subject to the survey fee for dutiable cargo by reason of the fact that the articles landed are subject to duty.

(*g*) Such articles are subject to entry and payment of duty when landed even though the vessel has changed from the foreign to the coasting trade and the permit to land, customs Form 3171, is required in all such cases.

ART. 127. *Same—Animals.*—Cattle, sheep, or other ruminants or swine, which originated in a region in which foot-and-mouth disease, or rinderpest, exists, are forbidden importation, and an arriving vessel having on board as sea stores such animals, is required to be reported to the representative of the Bureau of Animal Industry by the medical officers in charge of quarantine stations. Customs officers should supplement the work of the quarantine officials by advising vessels' officers of the ban.

ART. 128. *Equipment and repairs to American vessels engaged in the foreign or coasting trade.*—(*a*) Tariff Act of 1930, section 466:

Sections 3114 and 3115 of the Revised Statutes, as amended by the Tariff Act of 1922, are amended to read as follows:

"SEC. 3114. The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel and furniture, shall be seized and forfeited. For the purposes of this section, compensation paid to members of the regular crew of such vessel in connection with the installation of any such equipments or any part thereof, or the making of repairs, in a foreign country, shall not be included in the cost of such equipment or part thereof, or of such repairs.

"SEC. 3115. If the owner or master of such vessel furnishes good and sufficient evidence—

"(1) That such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination; or

"(2) That such equipments or parts thereof or repair parts or materials, were manufactured or produced in the United States and the labor necessary to install such equipments or to make such repairs was performed by residents of the United States, or by members of the regular crew of such vessel.

then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this and the preceding sections, and the duties accruing thereon duly paid, and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited."

(*b*) The master of any such vessel for which equipment has been purchased or to which repairs have been made in a foreign country shall, at the time of entering his vessel, make affidavit on customs Form 3415. If no equipment has been purchased for, or repairs made to such vessel while in a foreign country, an affidavit to that effect shall be made by the master on customs Form 3417. The affidavit on customs Form 3415 or 3417 shall be attached to the certified duplicate manifest of the vessel and submitted therewith to the comptroller (art. 1349, paragraph (*c*)). The entry number shall be placed on customs Form 3415 before submission to the comptroller for audit.

(*c*) Entry on customs Form 7535 covering such equipment and/or repairs must be made and estimated duties deposited or bond on customs Form 7567 or 7569 given therefor, before the vessel shall be allowed clearance, except that vessels owned by the United States and managed by the United States Maritime Commission or a similar agency or instrumentality of the United States, although subject to the provisions of section 466 of the Tariff Act of 1930, should be allowed to proceed without the deposit of duties or the filing of a bond, if operated by the agency or instrumentality or by private parties under an agreement providing that the agency or instrumentality shall pay duties accruing under section 466, *supra*. Vessels owned by the United States and operated by private parties who are liable by agreement for duties accruing under section 466 shall be treated in all respects the same as privately owned vessels. The entries shall be numbered in a separate series prefixed by "V" and scheduled separately on customs Form 5151–B at noncomptroller ports and on customs Form 5151–A at comptroller ports.

(*d*) It will not be necessary for masters to procure consular invoices, but they should file with the entry in lieu thereof receipts showing the cost of the items enumerated in section 3114, Revised Statutes. If, however, in the case of any vessel, whether owned or operated privately or by the United States Maritime Commission or a similar agency or instrumentality of the United States, it is impracticable to produce such receipts at the time of entry, liquidation of the entry should be suspended pending the furnishing of a complete account of items liable to duty under said section 3114. In such cases the collector shall cause an examination of such equipment and/or repairs to be made, by a representative of the appraiser's office, if possible, in order to verify the cost declared on entry. If the cost of the equipment and/or repairs, as shown by the complete account when filed, differs from that declared on entry, the collector may permit the entry to be amended accordingly. Entries relating to vessels operated by an agency or instrumentality of the United States which has received permission to apply for relief from the payment of duty direct to the Commissioner, as provided in paragraph (*f*), shall be forwarded by the collector, when complete, to the headquarters of the agency or instrumentality, in triplicate.

(*e*) When the entry has been completed by the filing of proper evidence of cost and the Commissioner's decision on the application for relief, if any, has been received, the entry shall be duly liquidated.

(*f*) When relief is sought under section 3115, Revised Statutes, an application therefor shall be made, through the collector of customs, to the Commissioner of Customs, except that the United States Maritime Commission or a similar agency or instrumentality of the United States may make application direct to the Commissioner upon securing his approval of that procedure. Upon submission of an application for relief to the collector for transmittal to the Commissioner, liquidation of the entry, when not already made, shall be suspended pending the decision of the Commissioner as to whether or not the duties may be remitted or refunded. The liquidation of entries filed by agencies or instrumentalities of the United States which have received permission to make application for relief direct to the Commissioner shall be suspended until advice is received either from the agency or instrumentality that no application for relief is to be filed or from the Commissioner as to his decision. Inasmuch as the liquidation of an unprotested entry is final at the expiration of 60 days after the date of liquidation, applications for relief received after that time can not be considered in the absence of a timely protest.

(*g*) In any case, whether the vessel concerned is operated by an agency or instrumentality of the United States or by a private party, when the liquidation of an entry has been suspended, as provided in this article, for one year, the entry, with the related correspondence, shall be referred to the Commissioner for instructions.

(*h*) When relief is claimed under subparagraph (1) of section 3115, there shall be submitted to the Commissioner of Customs an affidavit of the master accompanied by the entry, itemized bills covering the cost of the repairs made or equipment purchased, abstracts of the ship's log, and a certificate of the proper officer when the repairs were made in order to obtain a certificate of seaworthiness, all in duplicate.

This affidavit shall set out fully the following information:

(1) The nature of the casualty or stress of weather encountered;

(2) When and where the casualty or stress of weather occurred;

(3) The damage done by the casualty or stress of weather;

(4) The port where the repairs were made or the equipments secured; and

(5) A statement of the master of the vessel as to whether or not the repairs or equipments were required to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination.

(*i*) When relief is claimed under subparagraph (2) of section 3115, an affidavit of the master shall be submitted to the Commissioner of Customs, accompanied by the evidence in support of the claim, in duplicate.

(*j*) The master shall certify as true copies or originals, as the case may be, one copy of each repair bill, abstract of the ship's log, report of survey and other documents submitted in support of the application for relief, and if a document is written in a foreign language, it shall be accompanied by a translation thereof, in duplicate, one copy of which shall be certified as to the accuracy of the translation. One copy of the application and of each supporting document will be retained in the Bureau of Customs and the other copies of the application and supporting documents will be returned to the collector with the Commissioner's decision.

(*k*) The Canal Zone, Virgin Islands, and the Philippine Islands are not "foreign countries" within the meaning of section 466 of the Tariff Act of 1930, and repairs made therein on a vessel of the United States are not dutiable.

(*l*) For the purpose of these regulations, the term "resident of the United States", as used in section 3115, Revised Statutes, means a person having a permanent place of abode in the United States.

ART. 129. *Discrimination against American vessels.*—(*a*) United States Code, title 19, section 130:

No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship or vessel, and cargo, shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. (Oct. 3, 1913, c. 16, Sec. IV, J, subsec. 2, 38 Stat. 196.)

(*b*) United States Code, title 19, section 131:

Section 130 of this title shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States nor to any vessel owned by citizens of the

United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be registered as a vessel of the United States. (Oct. 3, 1913, c. 16, Sec. IV, J, subsec. 3, 38 Stat. 196; Mar. 4, 1915, c. 171, sec. 1, 38 Stat. 1193.)

(For additional duties on account of discrimination by foreign countries under section 338, Tariff Act, see art. 839.)

DUTIES UPON TONNAGE

ART. 130. *Tonnage duty or tax.*—(*a*) Tonnage duty accrues on the entry of all vessels from foreign ports, except vessels in distress or not engaged in trade. It should be imposed on the net tonnage given in a vessel's certificate of registry or other national paper, except where the tonnage is manifestly wrong or where the net tonnage has been changed by an appendix attached to the document, showing a tonnage ascertained under the so-called British rules or those of a foreign country which have been accepted as substantially in accord with American rules, in which case the date of such change should be noted in the records.

(*b*) A tonnage duty of 2 cents per net ton, not to exceed in the aggregate 10 cents per net ton in any one year, is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, Newfoundland, or the coast of South America bordering on the Caribbean Sea (considered to include the mouth of the Orinoco River), and a duty of 6 cents per net ton not to exceed 30 cents per net ton per annum, is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port.

(*c*) The tonnage year is to be computed from the date of the first payment without regard to its rate, and expires on the day preceding the corresponding date of the following year. There may be five payments at the maximum (6 cent) and five at the minimum (2 cent) rate during a tonnage year, but there should not be more than five at the same rate. The maximum assessment of tonnage duty may, therefore, amount to 40 cents per net ton for the tonnage year of vessels engaged in alternating trade. Tonnage duty will be suspended, in whole or in part, whenever the President, by proclamation, shall so direct.

(*d*) Tonnage tax should be imposed at 6 cents per net ton on a regularly documented foreign vessel entering from the Philippine Islands, and reported under "Philippine Islands Fund."

(*e*) Tonnage tax and fees should be imposed on a vessel which enters a port of the United States from a foreign country in ballast either through the Canal Zone or direct.

(*f*) Tonnage tax should be imposed on a vessel which enters a port of the United States for orders or for ship stores (articles which become a part of the equipment of a vessel).

(*g*) The rate and amount of tonnage tax to be collected at each entry of vessels should be determined from the facts which each particular case may develop, but the following instructions will serve as a general guide in determining the tax to be assessed:

(1) If a vessel clears from Rio de Janeiro, for instance, in ballast or with cargo, for a port in the United States, this port to be determined on arrival of the vessel at St. Lucia, tonnage tax at the 6-cent rate is to be collected. The vessel before arriving at a port of the United States has not entered exclusively into the West India trade.

(2) If a vessel leaves Rio in ballast and at St. Lucia is ordered to a 2-cent port to lade cargo for the United States, tonnage tax at the rate of 2 cents is to be collected. This vessel is engaged solely in the West India trade.

(3) If a vessel leaves Rio with cargo or in ballast for the United States, and en route takes on part cargo at a 2-cent port for the United States, tonnage tax at the 6-cent rate is to be collected, provided the principal object of the voyage when the vessel left Rio was to come to the United States and the lading of cargo at a 2-cent port was but an incident of that voyage.

(4) If a vessel leaves Rio in ballast, destination unknown, and on arrival at St. Lucia, or en route, that destination is found to be a port of the United States, tonnage tax should be collected at the 6-cent rate. The vessel has not entered into trade with the 2-cent ports, and the voyage from Rio to the United States, is practically continuous.

(5) If a vessel leaves Rio with cargo, destination unknown, and on arrival at St. Lucia is ordered to a 2-cent port where cargo is discharged and a new cargo laden for a port of the United States, the 2-cent rate should be collected, provided none of the cargo taken on at Rio remains on board for discharge in a port of the United States.

(*h*) The fact that a vessel touches at an intermediate port at which it neither performs such acts as under our laws would require entry and clearance, nor takes on board or discharges passengers or cargo, and which touching is merely an incident in the voyage, will not deprive such vessel of the rights derived from sailing from a 2-cent port, such being its port of departure. In the absence of better evidence the affidavit of the master may be accepted to show the facts.

(*i*) Tariff Act of 1930, section 588:

If any merchandise is laden at any port or place in the United States upon any vessel belonging wholly or in part to a subject of a foreign country, and is taken thence to a foreign port or place to be reladen and reshipped to any other port in the United States, either by the same or by another vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port or place of the United States to another port or place of the United States in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of 50 cents per net ton.

ART. 131. *Exemptions from tonnage duty.*—(*a*) Tonnage tax shall not be imposed on—

(1) Vessels arriving in distress, even when required to enter.

(2) Vessels not engaged in trade—

(*a*) Vessels of war; public vessels employed for the conveyance of letters and dispatches, and vessels carrying fuel for war vessels, if they do not carry passengers or merchandise in trade.

(*b*) Yachts and other pleasure vessels, if they do not carry passengers or merchandise in trade.

(*c*) Vessels coming in for bunkers (fuel or water for the vessel), or sea stores (food or water for the passengers or crew). If such vessels remain more than 24 hours, their masters must make entry, but tonnage tax should not be imposed unless cargo or passengers are taken on or landed, or other acts done which usually require payment of tax.

(*d*) Vessels engaged exclusively in scientific activities.

(*e*) Vessels engaged exclusively in laying or repairing cables.

(*f*) Vessels engaged in whaling or other fisheries, even though they may have entered a foreign port for fuel or supplies, if they did not carry passengers or merchandise in trade.

(3) Passenger vessels making three trips or more a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise.

(4) Tugs enrolled and licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers (Great Lakes) when towing vessels which are required by law to enter and clear.

(5) Vessels which enter otherwise than by sea (Great Lakes) from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States, shall be exempt from the tonnage duty of 2 cents per ton.

(6) Vessels owned by citizens of the Philippine Islands and documented by the Philippine Government, and American vessels coming direct from these islands.

(7) Vessels entering direct from the Virgin Islands of the United States, the Canal Zone, the United States Naval station at Guantanamo (Cuba), American Samoa, or the islands of Guam and Wake.



(*b*) In case of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessels by the officers of the United States except upon the first clearing of such vessels in each year.

ART. 132. *Light money.*—A duty of 50 cents per ton, to be denominated "light money", shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light money shall be levied and collected in the same manner and under the same regulations as the tonnage duties: *Provided*, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States, nor for a vessel owned by a citizen or citizens of the Philippine Islands when documented by the government of said islands.

ART. 133. *Rates of tonnage duty.*—(*a*) The following table shows the rates of tonnage duty and "light money" to which the several classes of vessels are liable:

| Classes of vessels | Under what law | Rate per net ton |
|---|---|---|
| Vessels of the United States: | | |
| 1. Whose officers are citizens [1] | Act of Aug. 5, 1909, sec. 36 | $0.02 or $0.06 |
| And, in addition, if any officer is not a citizen. | R. S., 4219 | .50 |
| Vessels not of the United States: | | |
| 1. Not built in the United States, but belonging to citizens thereof, and provided with sea letters or other customhouse documents proving the vessels to be American property. (See sec. 4226, R. S.) [2] | Act of Aug. 5, 1909, sec. 36 | .02 or .06 |
| | R. S., 4219 | .50 |
| And, in addition, if the owner or master refuses to take the oath required by section 4226, R. S. | R. S., 4225, "light money" | .50 |
| 2. Vessels not of the United States | (When under treaty and proclamation, the same as vessels of the United States.) | .02 or .06 |
| 3. Belonging wholly or in part to subjects of foreign powers, and not having privileges under treaties and proclamations— | | |
| (*a*) Built in the United States, etc. | Act of Aug. 5, 1909, sec. 36 | .02 or .06 |
| | R. S. 4219 | .30 |
| | R. S., 4225, "light money" | .50 |
| (*b*) Not built in the United States. | Act of Aug. 5, 1909, sec. 36 | .02 or .06 |
| | R. S., 4219 | .50 |
| | R. S., 4225, "light money" | .50 |
| (*c*) Wherever built, which enter from a foreign port or place where vessels of the United States are not ordinarily permitted to enter and trade (to be collected on each entry from such port or place). | Act of Aug. 5, 1909, sec. 36 | .02 or . |
| | R. S., 4219 | 2.00 |
| | R. S., 4225, "light money" | .50 |
| 4. Without documents— | Act of Aug. 5, 1909, sec. 36 | .02 or .06 |
| (*a*) Built in the United States, etc. (the same as vessels of class 3*a*). | R. S., 4219 | .30 |
| | R. S., 4225, "light money" | .50 |
| (*b*) Not built in the United States (the same as vessels of class 3*b*). | Act of Aug. 5, 1909, sec. 36 | .02 or .06 |
| | R. S., 4219 | .50 |
| | R. S., 4225, "light money" | .50 |

[1] The duty prescribed by R. S. 4219 is not to be collected provided the vessel is registered under the act of Aug. 18, 1914.

[2] The duty prescribed by R. S. 4219 and 4225 on a vessel owned by a citizen of the United States is not to be collected provided the vessel after entering an American port shall, before leaving, be registered as a vessel of the United States.

(*b*) Foreign-built yachts owned or chartered by American citizens the title to which was acquired subsequent to February 5, 1897, are subject to tonnage tax on entry from foreign ports under section 4219, Revised Statutes (U. S. Code, title 46, sec. 121), and light money under section 4225, Revised Statutes (U. S. Code, title 46, sec. 128), unless exempted from the latter by section 4226, Revised Statutes (U. S. Code, title 46, sec. 129). An unrecorded bill of sale is not such a document as will exempt a vessel from the payment of light money under section 4225, Revised Statutes, and the recording of such bill of sale after the arrival of the vessel is not sufficient to relieve it from the payment of the tax.

(*c*) The decision of the Director of Marine Inspection and Navigation is final on all questions of interpretation relating to the collection of tonnage tax and to the refund of such tax when collected erroneously or illegally, and collectors should, when in doubt, refer questions for his consideration and instructions.

ART. 134. *Certificate of payment.*—A certificate on Commerce Form 1002 will be issued by collectors to every master showing the date and number of each and every payment made by him during the tonnage year, which will constitute the official evidence of such payments. In the absence of such certificate, evidence of payment of tonnage duty must be obtained from the Director of Marine Inspection and Navigation.

ART. 135. *Application for refund of tonnage duty.*—(*a*) On account of the expense and difficulty of obtaining a refund of money excessively or erroneously collected, customs officers are instructed to place in special deposit, if such course is practicable, money collected under protest or where there is reason to believe that application for refund will be made immediately.

(*b*) If, however, it is found necessary to deposit collections to the credit of the Treasurer of the United States on account of fiscal regulations, or for any other reason, and refund is asked, collectors may notify the payor to prepare an application requesting refund of the amount which he alleges was excessively or erroneously collected. In the preparation of this application the following instructions will be observed:

(1) The application must be in duplicate, each signed, addressed to the Director of Marine Inspection and Navigation, and submitted through the collector of customs.

(2) It must be a direct request for the refund of a definite sum, showing concisely the reasons therefor, the nationality, rig, and name of the vessel, and the date, place, and amount of each payment for which refund is asked. A protest against a payment will not be accepted as an application for its refund.

(3) It must be made within 1 year from date of the payment. A protest against a payment will not alone be sufficient to bring a claim within the statute.

(4) The application and its duplicate should be forwarded to the Director of Marine Inspection and Navigation by the collector of customs after all statements which are of record in his district have been verified, and with such comments as he may choose to make.

(5) A certified statement, also in duplicate (commerce Form 1086), should be carefully prepared and forwarded to the Director of Marine Inspection and Navigation after the collector has been so authorized. In preparing this statement the collector should bear in mind that it must be signed by the owner or charterer of the vessel, whose name and address must be given in every instance as the payee, even when the money to be refunded had been paid by an agent or representative, as the Comptroller General has held that such payor must look to his principal for repayment.

ART. 136. *Vessels in the domestic trade.*—(*a*) Tonnage duty accrues generally on the arrival at any port of the United States of any registered vessel which, while bound on a voyage from one domestic port to another, has entered at any foreign port, unless such entrance was made in distress or only for bunker coal or fuel oil.

(*b*) Vessels enrolled and licensed for trade in the waters of the northern frontiers, entering direct from a foreign port, must pay tonnage tax, except as otherwise directed; but if such vessels clear from a port in one collection district for a port in another collection district and complete the voyage to the port of destination, they are not required to pay tonnage tax, although during the voyage they may touch at intermediate foreign ports and receive on board dutiable goods.

(*c*) Foreign steam tugs employed in towing coastwise vessels are liable to pay 50 cents per ton on the measurement of the vessel towed unless the towing is done in whole or in part within or upon foreign waters or when the tugboat is owned by a foreign railway company whose cars

enter into the United States by means of such transportation.

ART. 137. *Alien officers on vessels of the United States.*—There will be collected from every vessel of the United States of which an alien shall be an officer a duty of 50 cents per ton, unless such alien shall have supplied a vacancy occurring during a foreign voyage or a voyage between Atlantic and Pacific ports, in any place below the rank of master; but such alien shall not act as officer after the return of the vessel to her home port. In all such cases the collector will report the facts to the Secretary of Commerce for instructions before imposing the duty.

LANDING AND DELIVERY OF CARGO

ART. 138. *Permit to unlade—Penalties.*—(*a*) Tariff Act of 1930, section 447:

It shall be unlawful to • • • unlade the cargo or any part thereof of any vessel elsewhere than at a port of entry • • •.

(For discharge of cargo at unusual places, see art. 148.)

(*b*) Tariff Act of 1930, section 448 (a):

Except as provided in section 441 of this Act (relating to vessels not required to enter), no merchandise, passengers, or baggage shall be unladen from any vessel or vehicle arriving from a foreign port or place until entry of such vessel or report of the arrival of such vehicle has been made and a permit for the unlading of the same issued by the collector: *Provided*, That the master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel's manifest and delivering the manifest to the customs officer who boards such vessel, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the customhouse, as provided by this Act. After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but except as provided in subdivision (b) of this section merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. • • •

(*c*) At the time of making entry of his vessel at the customhouse the master shall make application in duplicate on customs Form 3171 for a permit to unlade (same form), unless previously issued in connection with the preliminary entry.

(For preliminary entry procedure, see art. 112.)

(*d*) After preliminary entry of the vessel, a special permit may be issued for the landing of laundry and other articles belonging to the vessel, provided the master certifies that the articles are being landed solely to be laundered or repaired and returned to the vessel, and the customs officer in charge is satisfied, after such examination as he may deem necessary, that the articles are of the character described.

(For preliminary entry procedure, see art. 112.)

(*e*) The issuance of a general permit to discharge cargo of vessels arriving from a foreign port, after formal or preliminary entry, is predicated on a compliance with one or more of the following conditions:

(1) The merchandise must have been duly entered and permits issued; or

(2) A vessel bond shall have been given and an application made and permit granted to allow unpermitted cargo to remain on the wharf (customs Form 3189 or 3853–a); or

(3) Upon discharge in collector's custody as provided in section 490 (b) of the Tariff Act of 1930. (See Vessels in distress, art. 143.)

(*f*) Bonds are not required of vessels of the United States Maritime Commission under "Operating agreement 1935."

(*g*) Tariff Act of 1930, section 450:

No merchandise, baggage, or passengers arriving in the United States from any foreign port or place, and no bonded merchandise or baggage being transported from one port to another, shall be unladen from the carrying vessel or vehicle on Sunday, a holiday, or at night, except under special license granted by the collector under such regulations as the Secretary of the Treasury may prescribe.

(For special license provisions, see art. 112.)

(*h*) Tariff Act of 1930, section 453:

If any merchandise or baggage is laden on, or unladen from, any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be liable to a penalty equal to the value of the merchandise or baggage so laden or unladen, and such merchandise or baggage shall be subject to forfeiture, and if the value thereof is $500 or more, the vessel or vehicle on or from which the same shall be laden or unladen shall be subject to forfeiture.

(*i*) Tariff Act of 1930, section 454:

If any passenger is unladen from any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, shall each be liable to a penalty of $500 for each such passenger so unladen.

(*j*) Tariff Act of 1930, section 586, as amended by section 205 of the Anti-Smuggling Act of August 5, 1935:

(*a*) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within the customs waters and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and such vessel and its cargo and the merchandise so unladen shall be seized and forfeited.

(*b*) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen from his vessel at any place upon the high seas adjacent to the customs waters of the United States to be transshipped to or placed in or received on any vessel of any description, with knowledge, or under circumstances indicating the purpose to render it possible, that such merchandise, or any part thereof, may be introduced, or attempted to be introduced, into the United States in violation of law, shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(*c*) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) destined to the United States, the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen, without permit to unlade, at any place upon the high seas adjacent to the customs waters of the United States, to be transshipped to or placed in or received on any vessel of the United States or any other vessel which is owned by any person a citizen of, or domiciled in, the United States, or any corporation incorporated in the United States, shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(*d*) If any merchandise (including sea stores) unladen in violation of the provisions of this section is transshipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than $1,000, and such vessel, and its cargo and such merchandise, shall be seized and forfeited.

(*e*) Whoever, at any place, if a citizen of the United States, or at any place in the United States or within one league of the coast of the United States, if a foreign national, shall engage or aid or assist in any unlading or transshipment of any merchandise in consequence of which any vessel becomes subject to forfeiture under the provisions of this section shall, in addition to any other penalties provided by law, be liable to imprisonment for not more than two years.

(*f*) Whenever any part of the cargo or stores of a vessel has been unladen or transshipped because of accident, stress of weather, or other necessity, the master of such vessel and the master of any vessel to which such cargo or stores has been transshipped shall, as soon as possible thereafter, notify the collector of the district within which such unlading or transshipment has occurred, or the collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unlading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unlading or transshipment was in fact due to accident, stress of weather, or other necessity, the penalties described in this section shall not be incurred.

ART. 139. *Unlading or transshipment due to accident or other casualty.*—(*a*) Whenever any part of the cargo or stores of a vessel has been unladen or transshipped because of accident, stress of weather, or other necessity, the master of such vessel shall, as soon as possible thereafter, notify the collector of the district within which such unlading or transshipment has occurred, or the collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unlading or transshipment was made necessary by unavoidable causes, and if the collector is satisfied of such fact, no penalty will be incurred. (See art. 138.)

(*b*) The affidavit of the master with two or more officers or members of the crew of the vessel of whom the mate or person next in command shall be one, taken before the collector, may be accepted as proof of the facts.

(*c*) The collector may then permit entry of the vessel and its cargo and permit the unlading in such place in his district as he may deem proper, to be forwarded to the port of destination, or duty paid at such place of discharge. Such cargo may be forwarded to destination in the same manner as merchandise is forwarded for immediate transportation, or for transportation and exportation, as the case may be. All regulations shall apply in such cases as if the unlading and delivery took place at the port of destination.

ART. 140. *Discharge of ballast.*—A master of a vessel bringing ballast of no mercantile value may obtain permission on customs Form 3171 to discharge the same.

ART. 141. *Change of port of destination—Diverted cargo—Emergency.*—(*a*) Tariff Act of 1930, section 449:

Except as provided in sections 442 and 447 of this Act (relating to residue cargo and to bulk cargo, respectively), merchandise and baggage imported in any vessel by sea shall be unladen at the port of entry, to which such vessel is destined, unless (1) such vessel is compelled by any cause to put into another port of entry, and the collector of such port issues a permit for the unlading of such merchandise or baggage, or (2) the Secretary of the Treasury, because of an emergency existing at the port of destination, authorizes such vessel to proceed to another port of entry. Merchandise and baggage so unladen may be entered in the same manner as other imported merchandise or baggage and may be treated as unclaimed merchandise or baggage and stored at the expense and risk of the owner thereof, or may be reladen without entry upon the vessel from which it was unladen for transportation to its destination.

(*b*) Should an emergency exist at the port of destination, the Secretary of the Treasury may authorize a collector to permit a vessel which has entered with imported merchandise shown by the manifest to be destined to his port to proceed to another port of entry to unlade (following residue cargo bond procedure), provided the agent of the carrier makes written application therefor, stating reasons, and agreeing to hold the collector and the Government harmless for such diversion.

(*c*) Such merchandise and baggage unladen at the second port, under these circumstances, may be entered in the same manner as other imported merchandise and baggage; it may be treated as unclaimed, or it may be reladen without entry for transportation to its original destination.

(*d*) The destination of particular shipments may be changed on the joint request of the consignee and the carrier. For procedure see article 150, paragraphs (*m*), (*n*), (*o*), (*p*), and (*q*).

ART. 142. *Prematurely discharged, overcarried, inaccessible, and undelivered cargo.*—(*a*) On written application of the steamship company the collector may permit inward foreign cargo remaining on the dock, which was prematurely landed and left behind by the importing vessel, to be reladen on board the next available vessel of the same line on which the forwarding to destination of the prematurely landed cargo may be accomplished, provided it is shown on the original entrance manifest that such merchandise was so destined, and also provided the importing vessel was scheduled for and actually entered at the port of destination of the prematurely landed cargo. Unless so forwarded within 30 days from the date of landing, such cargo must be appropriately entered for customs clearance or for forwarding in bond. Otherwise, it shall be sent to general order as unclaimed.

(*b*) The collector may permit merchandise not landed at destination and overcarried to another domestic port through error to be returned to destination in the importing vessel, or in another vessel of the same line, in accordance with the provisions of and under the conditions stated in paragraph (*a*).

(*c*) Cargo so stowed as to be inaccessible upon arrival at destination may be retained on board, carried forward to another domestic port or ports and returned to port of destination in the importing vessel, or in another vessel of the same line, in the same manner as overcarried cargo.

(*d*) Prematurely landed, overcarried, or inaccessible cargo forwarded to destination by the importing vessel or another vessel of the same line shall be distinctively manifested in triplicate with appropriate notations, on an inward foreign manifest (customs Form 7527B), the abstract manifests certified, and the vessel cleared on a permit to proceed, etc. (commerce Form 1385) on which shall be shown the full details of all the vessel transactions and such information as is required in the case of regular residue cargo by the collector at the port where this cargo is to be discharged. A separate certificate (customs Form 3221) specifying foreign ports and the dates of departure of the importing vessel therefrom shall be issued in instances where merchandise is forwarded in a vessel other than the one in which the cargo was imported.

(*e*) A vessel upon which is forwarded (or returned) prematurely landed, overcarried, or inaccessible cargo, shall upon arrival at all intermediate ports, and at destination, comply with all the requirements prescribed for a vessel arriving with cargo from a foreign port via a domestic port (art. 150).

(*f*) Merchandise exported from a domestic port but undelivered at the foreign destination and brought back, should be manifested as "Undelivered—To be returned to original foreign destination", and permit to retain on board issued, or on written application of the steamship company, the collector may permit such merchandise to be transferred to another vessel (customs Form 7500A) for return to original foreign destinations. No charge should be made against the vessel bond. The items should be remanifested outward and an explanatory reference of the attending circumstances and compliance with export requirements noted.

ART. 143. *Vessels in distress—Landing of cargo.*—(*a*) When a vessel from a foreign port arrives in distress at a port other than that to which the same is destined, a permit to land merchandise or baggage may be issued if such action is necessary. Merchandise and baggage so unladen shall be taken into customs custody and may be entered and disposed of in the same manner as any other imported merchandise or may be reladen without entry on the vessel from which it was unladen for transportation to its destination, subject only to charges for storage and safekeeping and fees for entrance and clearance. (See arts. 107 and 141.)

(*b*) A bond should be required in order to insure the proper disposition of the cargo, whether such cargo be dutiable or free.

(*c*) Vessels not exceeding 500 net tons with alcoholic liquors aboard arriving in distress will be subject to the provisions of articles 122 (*m*) and (*n*) and 151 of these regulations.

ART. 144. *Time limit for discharge of cargo.*—(*a*) Tariff Act of 1930, section 457:

Whenever any merchandise remains on board any vessel or vehicle from a foreign port more than 25 days after the date on which report of said vessel or vehicle was made, the collector may take possession of such merchandise and cause the same to be unladen at the expense and risk of the owners thereof, or may place one or more inspectors or other customs officers on board of said vessel or vehicle to protect the revenue. The compensation and expenses of any such inspector or customs officer for subsistence while on board of such vessel or vehicle shall be reimbursed to the Government by the owner or master of such vessel or vehicle.

(*b*) Tariff Act of 1930, section 458:

The limitation of time for unlading shall not extend to vessels laden exclusively with merchandise in bulk consigned to one consignee and arriving at a port for orders, but if the master of such vessel requests a longer time to discharge its cargo, the compensation of the inspectors or other customs officers whose services are

required in connection with the unlading shall, for every day consumed in unlading in excess of 25 days from the date of the vessel's entry, be reimbursed by the master or owner of such vessel.

(c) The Compensation of the inspector must be deposited with the collector, and, if, by reason of the delivery of the cargo in other districts, the limitation is exceeded, the compensation of the inspector in charge is to be paid for every day in excess, and before clearance shall be granted to such vessel the inspector must render an account in duplicate of the amount due for overtime—one copy to be delivered to the consignee and the other to the collector.

(d) Tariff Act of 1930, section 431:

• • • the master of any vessel laden exclusively with coal, sugar, salt, nitrates, hides, dyewoods, wool, or other merchandise in bulk consigned to one owner and arriving at a port for orders may destine such cargo "for orders", and within 15 days thereafter, but before the unlading of any part of the cargo such manifest may be amended by the master by designating the port or ports of discharge of such cargo, and in the event of failure to amend the manifest within the time permitted such cargo must be discharged at the port at which the vessel arrived and entered.

(e) The master of a vessel so laden will enter the vessel "for orders", and within 15 days thereafter and before the unlading of any part of the cargo, he may be permitted to amend the manifest by designating the actual port of discharge of such vessel. In the event of failure to designate the port of discharge within 15 days the cargo must be discharged at the port where the vessel entered.

ART. 145. *General order—Extension of lay-order period.*—(a) All merchandise unladen after the expiration of the 25-day period, for which no customs permit has been presented to the discharging inspector, shall be taken possession of by the collector and ordered sent to the public stores or general-order warehouse (customs Form 3193) and stored at the expense and risk of the owner of such merchandise.

(b) Tariff Act of 1930, section 490:

Whenever entry of any imported merchandise is not made within the time provided by law or the regulations prescribed by the Secretary of the Treasury, or whenever entry of such merchandise is incomplete because of failure to pay the estimated duties, or whenever, in the opinion of the collector, entry of such merchandise cannot be made for want of proper documents or other cause, or whenever the collector believes that any merchandise is not correctly and legally invoiced, he shall take the merchandise into his custody and send it to a bonded warehouse or public store, to be held at the risk and expense of the consignee until entry is made or completed and the proper documents are produced, or a bond given for their production.

At the request of the consignee of any merchandise, or of the owner or master of the vessel or the person in charge of the vehicle in which the same is imported, any merchandise may be taken possession of by the collector after the expiration of 1 day after the entry of the vessel or report of the vehicle and may be unladen and held at the risk and expense of the consignee until entry thereof is made.

(c) One working day must intervene between the receipt of the request and the issuance of the order to discharge and send the merchandise to the public stores or general-order warehouse.

(d) Tariff Act of 1930, section 448 (a):

• • • After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but except as provided in subdivision (b) of this section merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. Any merchandise or baggage so unladen from any vessel or vehicle for which entry is not made within 48 hours exclusive of Sunday and holidays from the time of the entry of the vessel or report of the vehicle, unless a longer time is granted by the collector, as provided in section 484, shall be sent to a bonded warehouse or the public stores and held as unclaimed at the risk and expense of the consignee in the case of merchandise and of the owner in the case of baggage, until entry thereof is made.

(See art. 354 as to immediate delivery authorized by subsec. (b) of sec. 448 of the Tariff Act of 1930.)

(e) Inasmuch as the bills of lading usually provide that the cargo is deliverable immediately after the entry of a vessel, the collector may at once take possession of such merchandise and deposit the same in a general-order warehouse, but at the written request of the owner, agent, or master of the vessel (customs Form 3189), and at the risk and liability of the owner of the vessel, the collector may issue a lay order permitting the cargo landed, but not permitted, to remain on the wharf or pier properly protected, for a period of two working days after the entry of the vessel, not including the day on which the vessel is entered.

(f) The day of a vessel's entrance should be disregarded in calculating this general-order period, to make the general order effective at 5 p. m. on the second day after the day on which the vessel entered.

(g) This period may be extended in cases of necessity upon application of such owner, agent, or master. At the expiration of the said period the inspector will send the unpermitted merchandise to the designated warehouse and have the same weighed and gauged, if required.

(h) If the master or agent of a vessel entered under a preliminary entry fails to apply for a general order the collector should take possession of all unpermitted merchandise unladen from the vessel at the expiration of the usual period and send same to public store or a designated general-order warehouse.

(i) All merchandise or baggage unladen from a vessel for which no permit has been received before expiration of the "general-order" period, shall be sent to the public stores or general-order warehouse and held as unclaimed at the risk and expense of the consignee or owner.

(j) Collectors may approve applications of importers for further extensions of the lay-order time on separate importations, when concurred in by the transportation companies, and upon the importer's executing, in duplicate, a stipulation on customs Form 3207.

ART. 146. *Release of cargo.*—Entry having been made of the merchandise, and any duties thereon having been estimated and paid, or secured to be paid, the collector shall grant a permit (customs Form 7501a or 7502a) to release such merchandise, and then, and not before, it shall be lawful to release the same.

ART. 147. *Record of disposition of cargo.*—(a) The discharging inspectors will show the disposition of the cargo by noting on the certified duplicate manifest the various entries made therefor, with their numbers, and by indicating packages sent to the public stores or under general order, and noting all discrepancies between the manifests, the permits, and the merchandise found. They will also report on customs Form 5931 goods manifested but not landed and goods landed but not manifested. The certified duplicate manifest and such report, together with the permits, orders, receipts, and other vouchers covering the merchandise, will be forwarded to the surveyor or to the collector, if there be no surveyor, accompanied by customs Form 5933, signed by the discharging inspectors. This will constitute the return of the discharge of cargo as provided for in article 1349.

(b) Discrepancies shown by the inspectors' report of the unlading of a vessel's cargo (customs Form 5931) must be adjusted without undue delay either by post entry for merchandise found on board, but not manifested, or by an affidavit accounting for merchandise manifested but not found on board, or by both. In the absence of the master, discrepancies may be adjusted by the agent of a vessel. (See arts. 123 and 124.)

ART. 148. *Discharge of cargo at unusual places.*—(a) Tariff Act of 1930, section 447:

It shall be unlawful • • • to unlade the cargo or any part thereof of any vessel elsewhere than at a port of entry: *Provided*, • • • That any vessel laden with merchandise in bulk may proceed after entry of such vessel to any place designated by the Secretary of the Treasury for the purpose of unlading such cargo, under the supervision of customs officers if the collector shall consider the same necessary, and in such case the compensation and expenses of such officers shall be reimbursed to the Government by the party in interest.

(b) Collectors may, if they consider the same necessary, permit any vessel laden with merchandise in bulk to proceed after entry of such vessel and its cargo to any place within their respective districts for the purpose of unlading such cargo.

(c) In such case a deposit of a sum sufficient to reimburse the Government for the compensation, travel, and subsistence expenses of the officers detailed to supervise the unlading and delivery of the cargo shall be made by the party in interest.

ART. 149. *Simultaneous vessel transactions or movements.*—(a) Vessels may move between coastwise ports engaged in several transactions or movements simultaneously, i. e.:

(1) To discharge residue cargo or passengers for domestic ports, under article 150.

(2) With foreign cargo destined for foreign ports, to be retained on board under article 151.

(3) To lade domestic cargo for foreign ports, via another domestic port, under article 183.

(4) American vessel on a coastwise voyage, under article 198.

(5) American vessel to a port in noncontiguous United States territory, under article 199 (a).

(6) American vessel on an intercoastal voyage, under article 199 (b).

(b) In all cases care should be exercised to indicate all the movements of the vessels on commerce Form 1385.

(c) A vessel with foreign cargo destined for several domestic ports, and for a foreign port or ports, will proceed from domestic port to domestic port on commerce Form 1385, and foreign clearance will be granted at the last domestic port.

(d) Any vessel proceeding from port to port with residue cargo may also lade cargo at each port for export, as outlined in article 183, and the manifest and statistical requirements should be met at each port. American vessels only, so proceeding, may lade cargo for delivery at coastwise, intercoastal, or noncontiguous American ports.

(e) The inward foreign voyage will be completed at port of final discharge. The outward foreign voyage begins at the port where cargo was first laden for export.

(f) Where a vessel is engaged in simultaneous transactions or movements, but one fee should be exacted.

ART. 150. *Residue cargo for domestic ports—Bond—Penalty.*—(a) Tariff Act 1930, section 442:

• • • Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof.

(b) Tariff Act 1930, section 443:

Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

(c) Passengers arriving on such vessels may likewise be carried to destination. An essential requirement of this movement is that the customs officers at each port of discharge shall have available for reference while the vessel is in port a record of the complete lading of the vessel for the particular voyage and that on clearance from the first and each succeeding port there shall be presented a legible manifest in duplicate for that part of the cargo remaining on board for delivery at subsequent ports. Such manifests may consist of copies of the complete manifest with that part showing cargo previously discharged deleted, provided such copies are legible. The foregoing manifests are in addition to the comptroller's copies required by paragraphs (r) and (s) of this article.

(d) On clearance at the first port the master shall subscribe to the oath (commerce Form 1385) in triplicate with subdivision (1) filled in. The master shall also present a manifest, in duplicate, of all the foreign cargo then retained on board for delivery at other domestic or foreign ports, to which shall be attached the second and third copies of commerce Form 1385, with the permit to proceed (subdivision 2) filled in. These manifests shall be returned to the master together with a certified copy of the complete manifest filed on entrance from the foreign port, with a certificate (customs Form 3221) attached thereto, on which shall be shown all the foreign ports visited, beginning with the first foreign port of lading, and the dates of departure therefrom, which shall be deposited for reference purposes at each port of discharge. The ports visited and dates of departure therefrom shall be, as shown on the master's entrance oath at the port of first arrival, considered official for purposes of liquidation and if any errors or omissions are discovered after entrance of the vessel at the first port they shall be corrected by the master or agents of the vessel by a supplemental oath filed with the collector at the first port, or if discovered after leaving the first port, the correction shall be made in the same manner with the collector at the port of call next after discovery of the error or omission, who shall notify all preceding ports of discharge accordingly, and forward the supplemental oath to the collector at the port of first arrival.

(e) Whether the cargo is dutiable or free, a charge shall be made against the term bond (customs Form 7569) if on file, or a bond (customs Form 7567) shall be given at the port of first arrival, conditioned that no merchandise shall be landed in the United States without entry therefor having been made and a permit secured.

(f) Bonds covering United States Maritime Commission vessels under operating agreement 1935, have been waived, but as the Commission stipulated and agreed to observe all the requirements, and to assume the same responsibilities as if the bonds had been executed, collectors will continue to issue and forward landing certificates (customs Form 3225) whenever cargo is carried forward.

(g) Tariff Act of 1930, section 444:

Within 24 hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with the certified copy of his manifest.

(h) On arrival at the next domestic port the master will enter his vessel within 24 hours by presenting the duplicate manifests and permits to proceed together with the certified copy of the complete manifest, carried forward from the preceeding port. He will also make oath on customs Form 3251 which will be attached to one permit to proceed and extract manifest for collector's files, and the other permit and extract manifest will be sent to the discharging inspector to apprise him of the movement and cargo of the vessel. On departure for the next port duplicate manifests of the foreign cargo then remaining on board and permits to proceed shall be prepared in the same manner as on departure from the first port, and the collector shall return to the master the certified complete manifest deposited at the time of entry with a new certificate (customs Form 3221) attached thereto on which shall appear the following notation:

For foreign ports and dates of departure therefrom, see attached form 3221 issued at ——— ———, the first domestic port of entry. These movements should be recorded as foreign transactions.

(i) At each intermediate port the same procedure will be followed, i. e., the vessel shall be entered within 24 hours on the duplicate manifests and permits carried forward from the preceding port, and cleared on duplicate manifests of the cargo remaining on board. The certified complete manifest with the certificates issued at original and intermediate ports attached, shall be permanently filed at the final port of discharge. The complete manifest will, therefore, be at the first and last ports of discharge.

(j) Landing certificates (customs Form 3225) should be issued by the collector at the port of landing and forwarded to the collector at the port of first arrival, or where the bond was given.

(*k*) Tariff Act of 1930, section 445:

If the master of any such vessel shall proceed to another port or district without having obtained a permit therefor and a certified copy of his manifest, or if he shall fail to produce such permit and certified copy of his manifest to the collector at the port of destination, or if he shall proceed to any port not specified in the permit, he shall be liable to a penalty, for each offense, of not more than $500.

(*l*) If it becomes necessary to substitute one American vessel for another, collectors may grant an application from a regularly established company and issue an order to transfer the cargo and/or passengers. Notice of the withdrawal of a particular vessel and the substitution of another must be furnished by the collector granting the application, to the collector at the first domestic port where the bond was given.

(*m*) Provided there is no evidence of intent to violate the coastwise laws by foreign vessels, the destination in the United States of foreign cargo appearing on entrance manifest may be changed at any domestic port to permit the landing of such cargo at any other domestic port, when the consignee or his authorized representative and the vessel's owners or agents join in a written application therefor, in which they each stipulate that in consideration of the approval of the diversion the collector shall be held blameless for any consequence of the act. The owners or agents of the vessel should be required to furnish amended manifests which should be resworn to, and one copy should be forwarded to the collector at the port where the bond was given. The obligation to forward landing certificates (customs Form 3225) rests with the port to which the cargo was diverted. The certified manifest must not be altered or added to in any way by masters or agents but in instances where the applications for changes of destination are approved, that fact and a specific reference to the manifest sheet number and the bills of lading numbers, if any, should be included in the certification on the certified (traveling) manifest.

(*n*) When a vessel arriving at a port in a comptroller district files a manifest showing inward foreign cargo destined to another port in the same comptroller district and leaves such district without calling at the latter port, and such cargo, without having been diverted in such district, is subsequently diverted in another comptroller district, the collector to whom application for diversion is made shall promptly send a notice of the diversion to the comptroller of the first-mentioned district.

(*o*) Where a vessel arrives at an Atlantic or Pacific coast port from a foreign port, with cargo shown by the manifest and bills of lading as for delivery at various optional ports on the opposite coast, and the master, owner, or agents are unable at that time to designate the specific ports of discharge, it will be necessary for entrance purposes at such port, that a manifest be filed showing all such optional ports of discharge on the opposite coast. The abstract manifest for entrance at the first port on the opposite coast, and the certified copy of complete manifest carried forward to final port of discharge (art. 199 (*b*)) should show all the optional ports of delivery. Upon arrival at the first port on the opposite coast, the privilege of optional port of delivery expires, and the master, owner, or agent must name the port or ports where the residue of cargo is to be discharged as required by section 431 of the Tariff Act of 1930.

(*p*) On clearance from the first and succeeding ports on the opposite coast, certificates (customs Form 3221) should be issued amended so as to show the actual ports of discharge as determined at that port.

(*q*) The names of the ports of destination as determined at the first port of arrival on the opposite coast, must be sent to the collector at the original port through the medium of a certified manifest which should be forwarded by the agent of the vessel. The obligation of procuring and forwarding landing certificates for the cancellation of the bond rests with the agents of the vessel at each port of discharge.

(*r*) The master of a vessel with foreign cargo shall furnish the comptroller of customs at the first port of arrival in the United States with a copy of the manifest of the entire cargo. When subsequent calls are made at ports within the same comptroller district, whether or not for discharge of cargo, the master shall furnish the comptroller for said district with a report on customs Form 3253, in lieu of copy of manifest. If any correction is necessary, the master of the vessel shall mail to the comptroller a true and correct copy of the record thereof, which is filed at the subsequent port of call.

(*s*) When the vessel proceeds to ports in other comptroller districts, the master shall furnish the comptroller at the port of first arrival in the respective districts with a manifest of the foreign cargo remaining on board, and shall be governed otherwise by the instructions contained in the preceding paragraph.

ART. 151. *Foreign merchandise for foreign ports.*—(*a*) Tariff Act of 1930, section 442:

Any vessel having on board merchandise shown by the manifest to be destined to a foreign port or place may, after the report and entry of such vessel under the provisions of this Act, proceed to such foreign port of destination with the cargo so destined therefor, without unlading the same and without the payment of duty thereon. • • •

(*b*) Tariff Act of 1930, section 622:

The Secretary of the Treasury may by regulations require the production of landing certificates in respect of merchandise exported from the United States, or in respect of residue cargo, in cases in which he deems it necessary for the protection of the revenue.

(*c*) Whether the cargo is dutiable or free, a charge shall be made against the term bond (customs Form 7569) if on file, or a bond (customs Form 7567) shall be given at the port of first arrival in a sum equal to the amount of estimated duties but not to exceed $10,000, conditioned that the merchandise shall not be landed within the United States unless entry thereof shall first be made and the duties thereon paid or secured; provided that, if in the judgment of the collector the protection of the revenue so requires, a bond in a larger sum (not to exceed the estimated duties) may be exacted.

(*d*) The bond shall be canceled upon production of foreign landing certificates or other satisfactory evidence of compliance with such bond.

(*e*) (1) United States Code, title 19, section 1707:

In addition to any other requirement of law, every vessel, not exceeding 500 net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. (Aug. 5, 1935, c. 438, title I, sec. 7, 49 Stat. 520.)

(*e*) (2) *Landing bond.*—Where any shipment of spirits, wines, or other alcoholic liquors, found as above prescribed on board of a vessel not exceeding 500 net tons, is shown to have a bona fide destination without the United States, a landing bond with an authorized corporate surety or sureties, to be furnished by the master, must be required by the collector of customs, in case the shipment is not accompanied by a certificate of shipment. For the purposes of this paragraph, the United States includes all territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, the Canal Zone, American Samoa, and the island of Guam.

(*e*) (3) *Form of landing bond.*—The landing bond required by this article shall be on customs Form 7593, the form of which is set forth in T. D. 47886.



(*e*) (4) *Proof of landing.*—The condition of a landing bond (customs Form 7593) for the delivery of spirits, wines or other alcoholic liquors shipped upon a vessel not exceeding 500 net tons and destined to a port or place without the United States, shall be satisfied by the delivery to the collector of customs by whom the bond was required of a landing certificate or certificates showing that all such spirits, wines, or other alcoholic liquors on board of the vessel have been landed at their destination. The landing certificate or certificates required by this paragraph to be delivered in satisfaction of a landing bond must be delivered to such collector of customs within 6 months from the date of the bond, and in default thereof the sum of the bond shall be forfeited to the United States or the said bond cancelled upon the payment of such lesser amount as the Secretary of the Treasury may deem sufficient.

(*e*) (5) *Certification of landing by foreign revenue officer.*—A certificate of the landing of spirits, wines, or other alcoholic liquors, as prescribed in paragraph (*e*) (4) of this article, must be signed by a revenue officer of the foreign country to which the same are destined, unless it is shown to be impossible to secure the certificate of such an officer, as when the country to which the merchandise is destined has no customs administration, or when such country forbids its customs officers to sign such certificates. No verification of the signature of the revenue officer is necessary if the official seal of such officer be affixed to the certificate. If it is not possible to procure the certificate of the revenue officer, the landing certificate may be signed by the consignee or by the vessel's agent at the place of landing (consular Form 150), and in such a case the certificate should be certified by a consular officer of the United States, or if there is no such consular officer at the place of landing, it should be sworn to before a notary public or other officer authorized to administer oaths and having an official seal.

(*f*) United States Maritime Commission transactions will be governed by the procedure indicated in article 150.

(*g*) If no other transaction is involved the vessel will be cleared to the foreign port or ports "direct" (commerce Form 1378) on a manifest completely itemizing the cargo retained on board, but if proceeding via another domestic port or ports the requirements of article 150 shall be followed.

(*h*) At each succeeding domestic port, the same procedure shall be followed as provided in paragraph (*h*) of the preceding article.

(*i*) Bond shall be taken in case of a vessel entering from sea in distress with foreign cargo destined for a foreign port and subsequently proceeding, to secure the landing of the vessel's cargo at its foreign destination.

(*j*) A vessel with foreign cargo destined for several domestic ports and for a foreign port or ports, will proceed from domestic port to domestic port as indicated in article 150, and foreign clearance will be granted at the last domestic port. Two charges against the bond shall be made, one covering the cargo for domestic ports and the other covering the cargo for foreign ports.

(*k*) In connection with simultaneous vessel transactions or movements under articles 150, 151, 183, and 199, vessels will be cleared separately for each movement as indicated in the respective articles.

ART. 152. *Foreign vessels wrecked in American waters.*—The equipment and ship stores of a foreign vessel wrecked in waters of the United States, on being recovered and brought into port and the materials and equipment of a foreign vessel condemned and dismantled in a United States port are free of duty. Such materials, equipment, and stores taken from a foreign vessel wrecked outside the waters of the United States are dutiable.

ART. 153. *Cargo of wrecked vessel.*—When vessels are wrecked in the waters of the United States, application should be made to the collector of customs by the original owners or consignees of the cargo, or by the underwriters, in case of abandonment to them, for permission to enter in the district where the casualty occurred the goods saved from the wreck or to forward the same to the ports of destination in other conveyances, without entry in the district in which the merchandise was cast ashore or unladen. On receipt of such permission the merchandise may be so forwarded, under carrier's special manifest.

ART. 154. *Cargo of vessel sunk 2 years.*—Tariff Act of 1930, section 310:

Whenever any vessel laden with merchandise, in whole or in part subject to duty, has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits for the period of 2 years and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon, but under such regulations as the Secretary of the Treasury may prescribe.

(See art. 156 for regulations.)

ART. 155. *Derelict merchandise prima facie dutiable—Application.*—(*a*) Merchandise picked up at sea derelict or taken from a wreck, except from a vessel sunk in the waters of the United States 2 years and abandoned, is prima facie dutiable. If claimed to be of American production and consequently free, proof must be adduced as in ordinary cases of the reimportation of that description of merchandise. Foreign merchandise landed from a vessel in distress is dutiable if sold or disposed of in the United States.

(*b*) Before any merchandise which has been taken from a recent wreck shall be admitted to entry the same shall be appraised and the owner or importer shall have the same right of appeal as in other cases.

ART. 156. *Merchandise derelict from a wreck—Entry by underwriters and salvors.*—(*a*) Tariff Act of 1930, section 483:

• • • The underwriters of abandoned merchandise and the salvors of merchandise saved from a wreck at sea or on or along a coast of the United States may be regarded as the consignees.

(*b*) All merchandise picked up at sea derelict or recovered from abandoned wrecks will be taken possession of in the port or district where it shall first arrive and be retained in the custody of the collector as unclaimed. If not claimed and entered by the owner on due proof of ownership, by the underwriters in case of abandonment to them, or by the salvors in the absence of adverse claims, it will be subject to sale for duties in the usual manner. Salvors have an uncertain interest in the goods saved, dependent upon the decree of a competent tribunal, and also have a presumptive right to possession of merchandise saved by them from abandoned wrecks. The collector will therefore permit salvors to make entry of derelict or wrecked goods in either contingency. If the merchandise be libeled for salvage the collector will notify the United States attorney of the claim of the United States for duties, and will intervene for the same. When such goods are brought into port by lighters or other craft each such vessel must make entry by manifest of her cargo.

### CARRIAGE OF PASSENGERS

ART. 157. *Passenger vessels—Restrictions—Penalties.*—(*a*) A passenger, within the meaning of the steamboat inspection laws, is any person carried who is not connected with the vessel, her navigation, ownership, or business.

(*b*) Passenger vessels of the United States or United States vessels carrying passengers are subject to all the provisions of the laws governing the inspection of vessels and their equipment. They must be manned and have the accommodations required by the Passenger Act of 1882 (U. S. Code, title 46, secs. 151–162) and the Seamen's Act of March 4, 1915 (U. S. Code, title 46, sec. 672).

(*c*) It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection.

(*d*) Foreign vessels carrying steerage passengers are subject to the provisions of the Passenger Act of 1882, and such vessels carrying passengers (cabin and steerage) from the United States are also subject to some of the inspection laws of the United States.

(*e*) Cargo vessels of the United States may carry not to exceed 16 persons in addition to the crew, provided the laws, rules, and regulations respecting lifesaving equipment, lifeboat accommodations, radio laws, etc., are complied with and the persons to be carried have been notified of the presence on board of any dangerous articles or of any condition or circumstances which would constitute a risk of safety for passengers or crew. (See art. 168.)

(*f*) This privilege is extended in so far as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

(*g*) The master will be required to make oath on commerce Form 1375 or 1376 as to the number of such persons he proposes to carry.

(*h*) A vessel carrying passengers to and from a foreign country should be furnished with the same customs and navigation forms as a vessel carrying cargo, e. g., a vessel taking passengers at an American port for a foreign destination, intending to stop at another domestic port en route, should be cleared under article 183 on a permit to proceed coastwise to lade for a foreign port (commerce Form 1385), and inbound passenger vessels should be treated in the same manner under articles 149 and 150 (commerce Form 1385).

(*i*) Collectors do not certify the legal capacity of vessels for the carriage of passengers, except as prescribed in the Passenger Act of August 2, 1882.

(*j*) The inspectors of steam vessels issue to steamers for excursion trips a special permit in which is stated the number of passengers that may be carried and the number and kind of life-saving appliances to be provided for their safety, and also, in their discretion, limit the route for such excursions. (Commerce Form 1463.)

(*k*) Any vessel and the owner and master thereof carrying more passengers than are permitted, or failing to have on board the number and kind of life-saving appliances prescribed by the inspectors of steam vessels, will be subject to the penalties prescribed therefor in chapter 2 of title 52 of the Revised Statutes, as amended.

(*l*) Tariff Act of 1930, section 454:

If any passenger is unladen from any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, shall each be liable to a penalty of $500 for each such passenger so unladen.

ART. 158. *Masters in foreign trade must deliver, with manifest, list of passengers.*—The master of every vessel arriving at a port of the United States from any foreign place (ports and places in territory contiguous to the United States excepted) shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver, with his manifest of cargo on entry, a correct list (commerce Form 1440), signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying the name of each passenger, age (if a child of 8 years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the manner, age, and cause of death of each deceased passenger. For a violation of this law the master will be liable to a fine of $1,000.

ART. 159. *Requirements for the carriage of steerage passengers.*—It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take them from any port or place in the United States, unless the compartments, spaces, and accommodations prescribed by the Passenger Act of 1882 (U. S. Code, title 46, secs. 151–162) have been provided, allotted, maintained and used for and by such passengers, during the entire voyage, unobstructed by cargo, stores, or goods.

ART. 160. *Examination of vessels with steerage passengers.*—The collector, or the surveyor where there is one, of the port at which any vessel carrying steerage passengers arrives shall direct an officer to make an examination of the vessel, and to admeasure the compartments or spaces occupied by passengers other than cabin passengers during the voyage; and such admeasurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of passengers found on board with the list of passengers (commerce Form 1440) furnished by the master to the collector; and the officer will make a report on commerce Forms 1461 and 1462 to the surveyor, if there be one, by whom it will be forwarded to the collector at the end of each month. The collector will transmit it to the Secretary of Commerce.

ART. 161. *Deaths of passengers.*—(*a*) The master, owner, or consignee of any vessel bringing steerage passengers from a foreign country, except foreign territory contiguous to the United States, must, under a penalty of $50, pay to the collector, within 24 hours after entry, $10 for every death by natural disease occurring during the voyage on board his vessel among such passengers over 8 years of age. (Commerce Forms 1461 and 1462.)

(*b*) The money so collected is to be deposited to the credit of the United States subject to the directions of the Secretary of the Treasury.

(*c*) The voyage referred to in this article terminates with the arrival of the vessel within a collection district.

ART. 162. *Copies of law to be on board.*—Vessels propelled in whole or in part by steam, carrying passengers, must have on board two copies of title 52 of the Revised Statutes entitled "Regulations of steam vessels," which will be furnished by the department through steamboat inspectors, upon application. A master who neglects to have said copies on board, or who unreasonably refuses to exhibit them to a passenger, becomes liable to a fine of $20.

ART. 163. *Immigration collections.*—(*a*) Moneys to be collected on account of head tax, fines, and other sums collectible under the immigration laws are levied by the immigration authorities and certified by them to the collector of customs for collection.

(*b*) Such sums shall be accounted for in the manner and on the forms prescribed by the Department of Labor.

(*c*) The attention of collectors is called to the provisions of the immigration laws and regulations published by the Department of Labor, which set forth the duties of collectors in connection with immigration matters.

ART. 164. *Operator of passenger vessel to give notice of routes—Avoidance of ice regions—Penalty.*—(*a*) United States Code, title 46, sections 738b and 738c:

SEC. 738b. (*a*) The owner, or operating agent, of any passenger vessel of the United States crossing the North Atlantic Ocean shall give public notice, in such manner as may be prescribed by the Secretary of the Treasury, of the regular routes which he proposes such vessel will follow and of any changes made in a route, and shall require the vessel to follow the published route as far as circumstances will permit. Any passenger vessel of the United States crossing the North Atlantic Ocean shall follow, as far as circumstances will permit, the recognized ship routes; it shall avoid, as far as practicable, the fishing banks of Newfoundland, north of latitude forty-three degrees north during the fishing season; and shall, as far as circumstances will permit, pass outside of the regions reported or known to be endangered by ice.

(*b*) If the owner, or operating agent, of any such passenger vessel fails to comply with this section, he shall for each offense be liable to a fine not exceeding $100. (June 25, 1936, c. 807, sec. 3, 49 Stat.)

SEC. 738c. (*a*) The master of every vessel of the United States, when ice is reported on or near his course, shall proceed at a moderate speed or alter his course so as to go well clear of the danger zone.

(*b*) If the master of any such ship fails to comply with this section, he shall for each offense be liable to a fine not exceeding $500. (June 25, 1936, c. 807, sec. 4, 49 Stat.)

(*b*) (1) The owner or operating agent of any passenger vessel of the United States crossing the North Atlantic Ocean shall file with the collector of customs of the United States home port of such vessel, as defined in article 36, and, if the first United States port from which such vessel sails is different from the home port, with the collector of customs at that port, notice of the ship routes which he proposes such vessel will follow on its east-bound and west-bound crossings. Such notice or notices shall be filed prior to the first sailing of the vessel from a port of the United States after the effective date of these regulations (i. e. November 27, 1936). Upon any subsequent North Atlantic voyage of such vessel beginning at the same port in the United States, no further notice shall be required if it is proposed that the vessel will follow the same routes, but whenever it is proposed that such vessel, when crossing the North Atlantic Ocean, will sail from a port in the United States other than that specified in the last previous notice, or will follow a route or routes different from the route or routes specified in such last notice, notice of the proposed route or routes shall be filed, as aforesaid, before the vessel sails.

(2) The proposed route of any passenger vessel of the United States crossing the North Atlantic Ocean shall, whenever practicable be designated in any notice required hereby in the terms used to designate the North Atlantic Lane Routes, as established by the proper authorities.

(3) All notices of proposed ship routes filed with collectors of customs shall be considered public documents and copies thereof shall, while effective, be continuously posted by the respective collectors of customs in a place in the customhouse to which the public has free access.

(4) The owner or operating agent of any passenger vessel of the United States crossing the North Atlantic Ocean shall cause a copy of the proposed ship routes of the vessel to be continuously posted, while effective, in a public place in the passenger space of the vessel.

(*c*) If the master of any passenger vessel of the United States crossing the North Atlantic Ocean finds it necessary for any reason during the course of a voyage to deviate more than 20 nautical miles from the proposed ship route of such vessel, he shall be required by the owner or operating agent of such vessel, as soon as he arrives in the United States, to report such deviation to the collector of customs of the home port of such vessel and, if the first United States port from which such vessel sailed is different from the home port, to the collector of customs at that port, together with a written statement explaining the necessity for such deviation.

(*d*) For the purpose of these regulations, a vessel shall be deemed to be a passenger vessel if it carries more than twelve passengers.

(*e*) Each violation of any provision of these regulations by the owner, operating agent or master of a passenger vessel shall be penalized by a fine of not exceeding $100 for which the owner, or operating agent, of the passenger vessel involved in such violation shall be liable.

(*f*) (1) Information with respect to a violation or possible violation of these regulations coming into the possession of any officer or employee of the Treasury Department shall be communicated promptly to the commander of the coast guard division within which the home port of the vessel is located.

(2) The commander receiving such information, from this or from any other source, shall make an investigation to determine the actual facts involved and, if he is of the opinion that a violation occurred, shall submit a full written report, citing the paragraph of these regulations believed to have been violated, to the collector of customs of the home port of the vessel. Such report shall be made in quadruplicate; the original and one copy to be forwarded to the collector of customs, one copy to be transmitted to the Commandant, United States Coast Guard, Washington, D. C., and the remaining copy to be retained.

(3) If the commander is in doubt as to whether, in view of the facts involved, a violation of these regulations has occurred, he shall obtain a decision from the Commandant, United States Coast Guard, Washington, D. C., before submission of the report herein required to the collector of customs.

(*g*) The collector of customs receiving such report of violation shall send a written notice of the imposition of the $100 fine to the owner, or operating agent, of the passenger vessel involved in such violation, with a demand for the payment thereof. If the fine is not paid promptly, a copy of the report received from the commandant, together with the originals of all correspondence received from the owner or operating agent of the vessel and certified copies of all communications sent by the collector of customs to such owner or operating agent, shall be transmitted to the United States Attorney.

(*h*) Fines collected by collectors of customs under these regulations shall be deposited in the Treasury to the credit of "Miscellaneous Receipts (Fines and Penalties, Coast Guard)."

FOREIGN CLEARANCES

ART. 165. *Requirements of clearance.*—(*a*) United States Code, title 46, sections 91 and 91a:

(SEC. 91.) The master or person having the charge or command of any vessel bound to a foreign port, shall deliver to the collector of the district from which such vessel is about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do.

If any vessel bound to a foreign port (other than a licensed yacht not engaging in any trade nor in any way violating the revenue laws of the United States) departs from any port or place in the United States without a clearance, or if the master delivers a false manifest, or does not answer truly the questions demanded of him, or, having received a clearance adds to the cargo of such vessel without having mentioned in the report outwards the intention to do so, or if the departure of the vessel is delayed beyond the second day after obtaining clearance without reporting the delay to the collector, the master or other person having the charge or command of such vessel shall be liable to a penalty of not more than $1,000 nor less than $500, or if the cargo consists in any part of narcotic drugs, or any spirits, wines, or other alcoholic liquors (sea stores excepted), a penalty of not more than $5,000 nor less than $1,000 for each offense, and the vessel shall be detained in any port of the United States until the said penalty is paid or secured. (R. S. 4197, as amended Aug. 5, 1935, ch. 438, title II, sec. 209, 49 Stat. 526.)

(SEC. 91a.) * * * That whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of such vessel, such acts shall have the same force and effect as if performed by masters of such vessels: Provided, That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels. (May 4, 1934, ch. 212, 48 Stat. 663.)

(*b*) A vessel with cargo must be cleared for a definite port or ports in the order of its itinerary, but an application to clear for a port or place "for orders" (instructions to masters as to destination of vessels) may be acted upon favorably if the cargo is to be discharged in a port of the same country as the port to which the vessel is to be cleared.

(*c*) Before a clearance certificate (commerce Form 1378) is issued to a vessel bound to a foreign port collectors will verify the compliance with the following requirements as set forth in the succeeding articles:

(1) Accounting for inward cargo.
(2) Verifying nationality and tonnage.
(3) Verification of inspection.
(4) Cattle-carrying vessels.
(5) Meat and meat food products—Inedible fats.
(6) Fumigation.
(7) Radio apparatus and operators on steamers.
(8) Outward foreign manifests.
(9) Shippers' export declarations.
(10) Vessel properly documented for foreign trade.
(11) Crew list, certified copy of.
(12) Shipping articles and enforcement of seamen's act.
(13) Observance of neutrality—Exportation of arms and munitions.
(14) Inspection and fees under State laws.
(15) Port sanitary statements.
(16) Record of clearance of vessels—Record of manifest.
(17) Foreign vessels proceeding coastwise.
(18) Vessels clearing foreign via domestic ports.
(19) Clearance fees.
(20) Carriage of United States securities.

(21) Carriage of mail matter.
(22) Medicine and slop chest requirement.
(23) Load line regulations.
(*d*) Tariff Act of 1930, section 437:

The register, or document in lieu thereof, deposited in accordance with section 434 or 435 of this Act shall be returned to the master or owner of the vessel upon its clearance.

(*e*) While there is no requirement of law as to the length of time a vessel may remain in port after clearance, in the event that departure is delayed beyond the second day after clearance the fact of detention should be noted on the certificate of a clearance (commerce Form 1378) and on the official record of clearance. If, after clearance, the proposed voyage is canceled, the reason therefor should be reported in writing and the certificate of clearance surrendered.

(*f*) Collectors may permit vessels to proceed to sea to adjust compasses, try out new machinery, clean tanks, etc., without requiring formal clearance, but the provisions of the oil pollution act must be strictly complied with.

(*g*) A new vessel built in the United States for foreign account should be cleared under a certificate of record (commerce Form 1316), and a shipper's export declaration must be furnished by the agents or prepared by the collector for statistical purposes.

(*h*) A shipper's export declaration should likewise be furnished for an American vessel sold foreign upon her first departure from the United States.

ART. 166. *Accounting for inward cargo.*—Inward cargo discrepancies must be accounted for and adjusted by post-entry, affidavit, or both, but the vessel may be cleared and the adjustment deferred if the discharging officer's return has not been received.

ART. 167. *Verifying nationality and tonnage.*—Nationality and tonnage of a vessel should be verified by production of the certificate of registry or other national papers. If these documents are not submitted when tonnage tax is imposed and it is afterward found that the amount collected was too small, additional tax should be collected, and a separate tonnage tax receipt should be given.

ART. 168. *Verification of inspection.*—(*a*) Collectors will ascertain whether the certificate of inspection, as provided for in article 90, is still in force.

(*b*) Masters of all vessels required to be inspected, clearing without passengers, are required to make oath to that effect, as prescribed in commerce Form 1376.

(*c*) An application to carry persons on cargo vessels in addition to the crew should be made in time to permit an inspection for the purpose of ascertaining whether or not the vessel's life saving equipment is sufficient for the entire company.

(*d*) When a permit is issued for a certain number of such persons it will not be necessary to renew the application or the permit for successive voyages so long as it remains in force unless it is desired to carry a greater number up to the limit of 16, when the vessel must be again visited. If the vessel is found to be equipped with life saving appliances sufficient for the additional number of persons, a permit may be issued therefor.

(*e*) The master on clearance should be required to subscribe to commerce Form 1375.

ART. 169. *Cattle-carrying vessels.*—The Bureau of Animal Industry, Department of Agriculture, inspects animals for export and notice of the inspection must be filed for vessels carrying horses, mules, asses, cattle, sheep, swine, goats, and live domestic poultry.

ART. 170. *Meat and meat-food products—Inedible fats.*—(*a*) All meat and meat-food products except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or for distribution, when shipped to Great Britain or Ireland or any of the countries of continental Europe or to Canada, Venezuela, Argentina, Peru, Colombia, Japan, Cuba, Algeria, or the French Antilles shall be accompanied by export meat-inspection certificates issued by the United States Department of Agriculture. Export meat-inspection certificates are not required for meat and meat-food products exported to countries other than those named.

(*b*) The duplicate copies of export meat-inspection certificates are required to be delivered by the shipper to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water or to the chief officer of the vessel on which the export shipment is made. The chief officer of the vessel shall file such duplicate with the United States customs officer at the time of filing the master's manifest or the supplemental manifest. No clearance shall be given to vessels containing meat and meat-food products destined to the countries named unless the meat and meat-food products are accompanied by export meat-inspection certificates handled as indicated.

(*c*) No tallow, stearin, oleo oil, or other rendered fat derived from cattle, sheep, swine, or goats that has not been inspected, passed, and marked by the United States Department of Agriculture shall be exported unless the shipper files with the collector of customs at the port from which the export shipment is made an affidavit by the exporter on his export declaration that such article is inedible.

ART. 171. *Fumigation.*—(*a*) Proof should be required that the vessel has been fumigated if same was ordered by the Public Health Service.

(*b*) In instances where the quarantine officer remands a vessel to another American port for fumigation, a notation "this vessel to be fumigated at the next United States port" must be placed on the face of the permit to proceed.

ART. 172. *Radio apparatus and operators on steamers.*—(*a*) It is unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including the passengers or crew or both, except steamers plying between ports or places less than two hundred miles apart, to leave or attempt to leave any port of the United States unless such steamer is equipped with efficient apparatus for radio communication, in good working order, in charge of two or more persons skilled in the use of such apparatus, one of whom shall be on duty at all times while the vessel is being navigated.

(*b*) The details concerning the apparatus and operators required for the various classes of vessels are contained in regulations issued from time to time by the Federal Communications Commission. These regulations are binding upon customs officers. All correspondence concerning the regulations should be addressed to the Federal Communications Commission, Washington, D. C.

(*c*) The master of any vessel of the United States who willfully fails to maintain proper equipment and operators while at sea is subject to a penalty of $100 for each offense.

(*d*) The master of any vessel subject of these regulations who leaves, or attempts to leave, a United States port without the proper equipment and operators is subject to a fine of not more than $5,000 and the leaving or attempting to leave each and every port of the United States constitutes a separate offense.

(*e*) The foregoing requirements are not applicable to a vessel at the time of entering a port of the United States but only at the time of departure.

(*f*) The master of each vessel subject to these regulations, upon entering port with the expectation of departing therefrom, shall file a radio declaration on F. C. C. Form 753a in duplicate with the collector of customs who, at ports at which radio inspectors are on duty, will furnish the radio inspector with one copy in order that proper inspection may be made before the vessel departs. In addition, the master of each such vessel shall, at or before clearance, file a certificate on F. C. C. Form 753b, from which the customs officer in charge shall prepare monthly a report of departures on F. C. C. Form 755 and forward the same to the radio inspector in charge of the radio district in which the port of departure is located, or to the local radio inspector at ports at which there is such an officer.

(*g*) Radio inspectors and customs officers, as far as practicable, shall visit vessels subject to these regulations before they leave post and ascertain if they are equipped as required. Where a vessel subject to these regulations is about to attempt to leave port without the apparatus or operators prescribed, the radio inspector or customs officer visiting the vessel shall notify the master of the fine to which he is liable and also notify the collector of customs, by telephone if necessary. The radio inspector or customs officer shall submit to the collector of customs of the port a written report stating the exact nature of the violation, the section of law violated, and the penalties involved, and a precise statement of the facts in each case. The collector of customs will thereupon report the case to the Federal Communications Commission. These regulations do not authorize the refusal of clearance in the case of violations of their provisions.

(*h*) Radio inspectors will make inspection of ship stations in the immediate area of their respective headquarters offices. Inspections made by customs officers who do not possess technical radio knowledge should be confined to the ascertainment of: (1) Whether or not radio apparatus is installed on the vessel; (2) whether or not licensed radio operators are in charge thereof; and (3) whether or not a means of communication between the radio room and the bridge is provided.

ART. 173. *Outward foreign manifest.*—(*a*) Before or at the time of clearing for a foreign port the master should file with the collector a manifest (commerce Form 1374) of the complete lading of the vessel, but if that be impracticable collectors are authorized to grant clearance on an application on customs Form 7301 and execution of the bond on this form and the filing of a manifest of a few items of merchandise, preferably cargo, upon which advance statistical reports are published.

(*b*) Bonds are not required for vessels of the United States Maritime Commission under "Operating agreement, 1935."

(*c*) When a vessel with meat or meat food products as cargo clears for ports in Great Britain or Ireland or any of the countries of continental Europe, or to Canada, Venezuela, Argentina, Peru, Colombia, Japan, Cuba, Algeria or the French Antilles, the master should be required to file an affidavit as follows:

I, ——— ———, do solemnly, sincerely, and truly swear that I am the master of the steamship or vessel called the ———, for which clearance is this day requested, and that no meat or meat food products, as defined and classified by the Department of Agriculture, are or will be included in the cargo of the said steamship or vessel, unless such meat or meat food products are duly marked, "U. S. Inspected and Passed", and that the certificates covering the same, required by the regulations of the Bureau of Animal Industry, Department of Agriculture, known as Regulation 25 of B. A. I. Order No. 211, have been obtained from the Department of Agriculture and are herewith filed with the master's manifest, or will hereafter be filed with the supplemental manifest of the cargo of said steamship or vessel.

———— ————,
*Master.*

Subscribed and sworn to before me this ——— day of ———, 19——.

———— ————,
*Deputy Collector.*

(*d*) The certificate of clearance (commerce Form 1378) granted by a collector for a vessel and its cargo need not specify the particulars thereof, unless required by the master or other person in charge or command of the vessel.

(*e*) The complete manifests, together with the duplicate shippers' export declarations, must be filed within four days after clearance of vessels and when received should be numbered consecutively. The customhouse number of the shippers' export declaration for each item of lading must be indicated and the manifests verified by comparison with the shippers' export declarations to verify completeness. Therefore, agents should not accept merchandise for shipment unless accompanied by shippers' export declarations.

(*f*) Copies of outward manifests will be certified on request.





(*g*) The following oath must be taken by agent filing final manifest:

I, ——— ———, attorney for the agent of the ——— which cleared from this port ———, do truly swear to the best of my knowledge and belief that the within manifest is a true statement of all the goods, wares, and merchandise laden on board said vessel and that the values of the separate items are as stated in the shipper's export declarations, duplicates of which are filed herewith.

———— ————.

Sworn to before me this ——— day of ———.

———— ————,
*Deputy Collector.*

ART. 174. *Shippers' export declarations.*—(*a*) The shippers and consignors of merchandise should deliver to the collector, before clearance of the exporting vessel is granted, verified declarations in duplicate, on customs Forms 7525, of the portions of the cargo to be shipped by them. The declarations may be verified on oath before the collector, his representative, or before notaries public or other persons authorized by law to administer oaths.

(*b*) On presentation the declarations should be scrutinized carefully to insure compliance with the requirement that the merchandise be correctly described, that the quantities be given in the units called for by the statistical schedule, and that values be correctly stated.

(*c*) When the declarations are accepted they should be numbered, the duplicates returned to the shippers for delivery with merchandise to the steamship company, and the originals filed in numerical order.

(See art. 1281 et seq. for preparation of shipper's export declarations.)

ART. 175. *Vessel properly documented for foreign trade.*—(*a*) Vesseis of the United States in the foreign trade must be documented therefor before being cleared for a foreign port and are required to operate under a certificate of registry. (Commerce Form 1265.) A vessel is in the foreign trade as soon as cargo is laden for a foreign port, whether sailing foreign direct or via a domestic port or ports.

(*b*) Every enrolled or licensed vessel, unless enrolled and licensed for the coasting and foreign trade on the northern, northeastern, and northwestern frontiers otherwise than by sea, commerce Form 1273, which proceeds on a foreign voyage without being registered is liable to seizure and forfeiture, together with her tackle, apparel, and furniture, and the merchandise so imported therein.

(*c*) Vessels may engage in trade with and transit the Canal Zone under enrollment and license.

ART. 176. *Crew list, certified copy of.*—Crew lists must be filed at the port of final departure for vessels of the United States clearing for foreign ports or engaged in the whale fishery. A vessel's crew list (commerce—shipping service Form 710A) must contain the names, places of birth, and residence, and personal description of the ship's company, and the names and addresses of their next of kin, to which list the oath of the master shall be annexed that the statements are correct as far as he can ascertain them. The list must be presented in duplicate without erasure or interlineation, and the collector shall certify one copy and deliver it to the master, who shall surrender the list and account for the persons named therein to the collector at the first port in the United States touched at on the return voyage.

ART. 177. *Shipping articles and enforcement of seamen's act.*—(*a*) Shipping articles (commerce—shipping service Form 705a) in duplicate must be presented at the port of final departure for every vessel of the United States bound to a foreign port, or for any such vessel of 75 tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, and the collector will certify (commerce Form 1435) the duplicate of the articles before a clearance is granted.

(*b*) These articles of agreement should be entered into before a United States shipping commissioner if such an officer is at the port or before the collector who is authorized to act at any port in which no shipping commissioner shall have been appointed.

(*c*) The masters of vessels of the United States engaged in trade between the United States and British North America, or the West Indies or Mexico, or of vessels engaged in the coastwise trade, or lake-going vessels that touch at foreign ports, or of vessels where the seamen are by agreement entitled to share in the profits of voyages, are however, not required to enter into agreements with their seamen before a United States shipping commissioner unless they so desire. They shall, however, obtain a copy of the shipping articles certified by the collector on commerce Form 1435 when bound on any foreign voyage.

(*d*) The Seamen's Act of March 4, 1915, provides that no clearance shall be granted any American or foreign vessel until the requirements of section 11 respecting advances and allotments of wages and section 13 regarding the language test and number of able seamen have been complied with but the requirements of section 11 apply to foreign vessels only when seamen are signed at United States ports.

(*e*) When an American vessel, clearing foreign and subject to the act, applies for clearance, the collector shall examine the shipping articles (commerce—shipping service Form 705a) and satisfy himself that they carry notations of allotments of wages, if any, and the numbers of the certificates of the required quota of able seamen (65 per cent of deck crew).

(*f*) Collectors are authorized to accept consuls' certificates that there have been no advances of wages to or for the account of persons signed on in port as members of crews of foreign vessels, nor allotments to any one other than the relatives specified in the act.

(*g*) A statement, as follows, should be made a part of the outward manifest sworn to by the master, of all vessels, American and foreign, clearing for foreign ports:

> I, ——— ———, master of the within-named vessel do certify that to the best of my knowledge and belief the provisions of the Seamen's Act of March 4, 1915, have been fully complied with.
>
> ——— ———,
>
> *Master.*

(*h*) A collector may, upon his own motion, and shall, upon sworn information of any reputable citizen filed at least 6 hours before a vessel departs or is scheduled to depart, cause a muster of the crew to determine whether 75 per cent of the crew can understand any order given by the officers of such vessel and if 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen.

ART. 178. *Observance of neutrality—Exportation of arms and munitions.*—(*a*) Collectors of customs are responsible for the enforcement in their districts of the neutrality laws of the United States. They are required to detain any vessel manifestly built for warlike purposes and about to depart from the United States with a cargo consisting principally of arms and munitions of war when the number of men shipped on board or other circumstances render it probable that such vessel is intended to cruise or commit hostilities upon the subjects, citizens, or property of any foreign country with which the United States is at peace, until the decision of the President be had thereon, or until the owner or owners shall give bond or security in double the value of the vessel and cargo, that she will not be so employed.

(*b*) They will not, however, refuse clearance solely on the ground that the cargo contains contraband of war.

(*c*) Whenever a vessel of a belligerent power, which has arrived as a merchant vessel, alters, or attempts to alter, her status as a merchant vessel, or there is reason to believe that she intends to alter such status, so as to become an auxiliary cruiser or armed vessel, collectors will promptly notify the Bureau of Customs.

(*d*) Collectors of customs under instructions from the Bureau of Customs will withhold clearance from any vessel, American or foreign, believed to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender or supply ship of a belligerent nation during the existence of a war to which the United States is not a party.

(*e*) In case such vessel shall depart or attempt to depart without clearance for any of the purposes above mentioned, any person who shall take, attempt or conspire to take, or authorize the taking of such vessels out of port or from the jurisdiction of the United States, shall be fined not more than $10,000, or be imprisoned not exceeding 5 years, or both, and in addition such vessel and her cargo shall be forfeited.

(*f*) The importation and exportation of arms, ammunition, and implements of war, and the exportation of other munitions of war are prohibited except under license issued by the Secretary of State. The list of articles comprising arms, ammunition, and implements of war, and the laws and regulations administered by the Secretary of State governing the international traffic in arms, ammunition, and implements of war, and other munitions of war (tin-plate scrap) are set forth in the pamphlet entitled "International Traffic in Arms", Third Edition, copies of which accompanied Bureau of Customs Circular Letter No. 1550, dated May 5, 1936. The importation and exportation of firearms are restricted by regulations issued by the Commissioner of Internal Revenue under authority of the National Firearms Act, as amended, copies of which accompanied Bureau of Customs Circular Letters Nos. 1388 and 1567, dated June 3, 1935, and June 11, 1936. The definition of the term "firearm" under this law, as amended, reads:

> The term "firearm" means a shotgun or rifle having a barrel of less than 18 inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is 16 inches or more in length.

(*g*) Arms, ammunition, and implements of war imported or which are being exported, or are intended to be exported or shipped from the United States in violation of the regulations mentioned in the preceding paragraph may be seized and detained and the carrying vessel or vehicle detained by the collector of customs.

(*h*) Collectors shall promptly notify the United States attorney of all such seizures or detentions in order that action may be taken as required by law.

(*i*) Collectors are also charged with the enforcement of the observance of neutrality in radio communication by vessels, and if necessary will seal up the wireless room and apparatus of any merchant vessel of a belligerent power. When sealing a vessel's radio apparatus they should inform the master that the seal must not be broken until he has cleared the port, and that upon obtaining his clearance papers he should make application for a written permit to break the seal. In the case of vessels of war of belligerent nations, collectors will notify the commanders that their radio apparatus can not be used while in port.

(*j*) Collectors may call upon the Coast Guard or officers of the Navy or Army for such force or assistance as may be necessary in the prevention of violations of the neutrality laws.

ART. 179. *Inspection and fees under State laws.*—(*a*) United States Code, title 46, section 97:

> The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs. (R. S. 4202.)

(*b*) United States Code, title 46, section 100:

> Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted. (R. S. 4206.)

ART. 180. *Port sanitary statements.*—(*a*) Port sanitary statements, United States Public Health Service Form 1964, are issued by medical officers of the United States Public Health Service to vessels departing from United States ports.



(*b*) At ports where Public Health Service officers are not available, the port sanitary statements will be issued by collectors of customs.

ART. 181. *Record of clearance of vessels—Record of manifest.*—Records of clearance of vessels and outward manifests shall be made in accordance with article 125.

ART. 182. *Foreign vessels proceeding coastwise.*—(*a*) A foreign vessel can not, without incurring a penalty, carry merchandise or passengers from port to port in the United States, or for any part of the voyage even though the voyage may be temporarily broken by a clearance for a foreign port and arrival there.

(*b*) A foreign vessel may, however, proceed from one domestic port to another domestic port in ballast, and should be cleared as follows: Subdivisions (4) and (5) on the reverse side of commerce Form 1385 in duplicate should be used. The original should be filed by the collector issuing the permit to proceed and the copy delivered to the master on which to enter at the next port. Upon arrival at destination the vessel should be entered by making use of the entrance oath subdivision (6) provided on this form. Such movements should be recorded as foreign transactions. A foreign vessel may also proceed from port to port in the United States for the purpose of unlading foreign cargo and/or passengers (art. 150), retaining foreign cargo on board (art. 151), and/or loading domestic cargo for foreign ports (art. 183). Such movements should be recorded as foreign transactions.

(*c*) The transportation of passengers by foreign vessels from a port in the United States through domestic and foreign waters, sometimes touching at a foreign port and returning them to the port of departure, is not in violation of the first paragraph of this article.

(*d*) Foreign vessels can not engage in the American fisheries.

(*e*) It has been held that the coastwise laws have not been extended to the Canal Zone, and consequently foreign vessels may engage in trade therewith.

ART. 183. *Vessels clearing foreign via domestic ports.*—(*a*) Any vessel may proceed from port to port to lade cargo for export and/or take passengers for foreign ports. When merchandise is to be laden at several ports the vessel should be cleared at the first port for the foreign port or ports of destination via the domestic port or ports on manifest (commerce Form 1374), in duplicate, itemizing the entire cargo laden at that port. Such movements should be recorded as foreign transactions.

(*b*) The procedure regarding incomplete manifests outlined in article 173 may be followed.

(*c*) The oath on the reverse side need not be executed, but a permit to proceed (commerce Form 1385) should be attached to each copy of the manifest and one copy given to the master to be used in entering his vessel at the next port of lading and the original copy filed. The shipper's export declarations for the cargo laden at each port should be filed thereat.

(*d*) On arrival at the second domestic port the master will enter his vessel within 24 hours by making oath on commerce Form 1385 and filing the manifest and permit issued at the first port. This procedure should be followed at all intermediate ports and collectors should specify on outward manifests the domestic ports at which cargo was laden for export.

(*e*) The direct foreign clearance of the vessel on commerce Form 1378 will be granted at the final port of departure.

(*f*) A manifest of a vessel's complete lading must be filed at the final port of clearance. This manifest should consist of certified copies of the complete manifests, filed at each preceding port, and the obligation to prepare, present for certification, and forward the copies to the final port rests with the vessel's agents at each port.

(*g*) A notation as follows should be made by rubber stamp or otherwise on the outward foreign manifest forms, delivered by the master at each port:

> Manifest ——— complete (or incomplete). Shippers' export declarations and export requirements have been, or will be, met at port of lading and certified copies of complete manifest will be forwarded by vessel's agents to the final port of departure in the United States.

(*h*) If it becomes necessary to substitute one American vessel for another, collectors may grant an application from a regularly established company and issue an order to transfer the cargo and/or passengers. Notice of the abandonment of the voyage and the name of the substituted vessel must be furnished by the collector granting the application to the collector at the port where the cargo was laden.

(*i*) Vessels proceeding to American ports in noncontiguous territory to lade or unlade should be entered and cleared in the same manner as vessels proceeding from port to port on the mainland, except that a certificate of clearance (commerce Form 1378) appropriately modified, should be issued to such vessels at the last port of departure.

(*j*) Any vessel proceeding from port to port to lade cargo for export may also discharge residue foreign cargo, as outlined in article 150. American vessels, excepting those not authorized to engage in the coastwise trade, so proceeding, may also lade cargo for delivery at coastwise ports.

(*k*) On clearance from each port the master shall present a copy of the store list or extract therefrom showing all articles not released from customs acquired abroad by officers and members of the crew, together with all liquor and tobacco remaining on board. The collector shall certify such list, noting thereon any other sea or ship stores which may be unusual in character or quantity, and attach it to the vessel's clearance papers for presentation at the next port.

ART. 184. *Clearance fees.*—United States Code, title 46, section 100:

> Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted. (R. S. sec. 4206.)

ART. 185. *Carriage of United States securities.*—United States Code, title 46, section 98:

> All vessels belonging to citizens of the United States, and bound from any port in the United States to any port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States, or any department thereof, or any minister, consul, vice consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transaction of business. (R. S. sec. 4204.)

ART. 186. *Carriage of mail matter.*—A master bound for a foreign port must make oath (commerce Form 1374) that he will not receive nor convey any letters or other packets which have not been regularly posted and received from the post office at the port of departure, except letters or letter packets relating to the cargo and addressed to the owner or consignee of the vessel and letters or letter packets inclosed in United States stamped envelopes of sufficient denomination to cover the postage. It is the duty of the collector to require from the master, as a condition of clearance (commerce Form 1378), an oath or affirmation (commerce Form 1374), that he has not under his care, or within his control, and will not receive or convey any letters or letter packets in violation of this provision. (See art. 121.)

ART. 187. *Medicine and slop chest requirement.*—Collectors will see that the provisions of R. S. 4569 and section 11 of the act of June 26, 1884 (U. S. Code, title 46, secs. 666, 670), are fully complied with as regards medicine chests and slop chests on vessels of the United States.

ART. 188. *Load line regulations.*—(*a*) Load lines have been established and are required to be carried on—

(1) Merchant vessels of 250 gross tons or over, loading at or proceeding to sea from any port or place within the

United States or its possessions for a foreign voyage by sea, the Great Lakes excepted.

(2) Merchant vessels of the United States of 250 gross tons or over, loading at or proceeding to sea from any foreign port or place for a voyage by sea, the Great Lakes excepted.

(b) The duties and powers of the collector of customs regarding load lines are contained in specific regulations promulgated and published by the Secretary of Commerce. (See Regulations approved Aug. 20, 1930, effective Sept. 2, 1930.)

(c) United States Code, title 46, sections 88 to 881:

SEC. 88. Load lines are hereby established for merchant vessels of 150 gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a coastwise voyage by sea. By "coastwise voyage by sea" is meant a voyage on which a vessel in the usual course of her employment proceeds from one port or place in the United States or her possessions to another port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas, as defined in section 151 of Title 33. (Aug. 27, 1935, c. 747, sec. 1, 49 Stat. 888.)

SEC. 88a. The Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in section 88 of this title to establish by regulations from time to time the load-water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded and in establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trades in which they are engaged. In establishing load-water lines on passenger vessels due consideration shall be given to, and differentials shall be made for, the age and condition of the vessel, its subdivision and efficacy thereof, and the probable stability of the vessel if damaged: *Provided*, That the load-line provisions of sections 88 to 881 of this title shall apply to the Great Lakes and that no load line shall be established or marked on any vessel which load line gives a lesser freeboard and less buoyance than the load line established by the International Treaty on Load Lines of 1930, and that the regulations established under this proviso shall have the force of law: *Provided further*, That in applying the load lines to vessels on the Great Lakes and to steam colliers, tugs, barges, and self-propelled barges engaged in special services on inter-island voyages and on coastwise voyages from port to port in the continental United States the Secretary of Commerce is vested with discretion to vary the load-line marks from those established by said treaty when in his opinion the changes made by him will not be above the actual line of safety. (Aug. 27, 1935, c. 747, sec. 2, 49 Stat. 888, as amended June 20, 1936, c. 626, 49 Stat.)

SEC. 88b. It shall be the duty of the owner and of the master of every vessel subject to sections 88 to 881 of this title and to the regulations established thereunder to cause the load line or lines so established to be permanent and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of sections 88 to 881 of this title and of the regulations established thereunder: *Provided, however*, That at the request of the shipowner, the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the Secretary of Commerce may approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of sections 88 to 881 of this title and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to sections 88 to 881 of this title and to said regulations to depart from any port or place designated in section 88 without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate. (Aug. 27, 1935, c. 747, sec. 3, 49 Stat. 888.)

SEC. 88c. It shall be unlawful for any vessel subject to sections 88 to 881 of this title and to the regulations established thereunder to be so loaded as to submerge the load line or lines marked pursuant to section 88b and to the regulations established thereunder applicable to her voyage; or to be so loaded as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of sections 88 to 881 of this title and of the regulations established thereunder; or to be so loaded as in any manner to violate the said regulations. (Aug. 27, 1935, c. 747, sec. 4, 49 Stat. 889.)

SEC. 88d. Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under sections 88 to 881 of this title, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of sections 88 to 881 of this title, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under sections 88 to 881 of this title and the regulations made thereunder. (Aug. 27, 1935, c. 747, sec. 5, 49 Stat. 889.)

SEC. 88e. It shall be the duty of the master of every vessel subject to sections 88 to 881 of this title and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 88d, before departing from her loading port or place to provide a ship's record or log book and enter therein a statement of the position of the load line marked applicable to the voyage in question and the actual drafts forward and aft at the time of departing as nearly as the said drafts can be ascertained. (Aug. 27, 1935, c. 747, sec. 6, 49 Stat. 889.)

SEC. 88f. If any collector of customs has reason to believe on complaint or otherwise that a vessel subject to the provisions of sections 88 to 881 of this title is about to proceed on a voyage from a port in the United States or its possessions within his district without conforming to the provisions of section 88b hereof, or when loaded in violation of section 88c hereof, or that any vessel exempted pursuant to section 88d hereof is about to proceed on a voyage from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may serve on the master or officer in charge of such vessel a written order detaining the vessel for the purpose of being surveyed to determine whether or not the provisions of sections 88 to 881 of this title are complied with. Where the detention is on the ground that the vessel does not conform to the provisions of section 88b of this title, the collector shall cause an examination of the vessel to be made, and if from such examination it appears that the vessel is not marked with the load line established in conformity with the provisions of sections 88 to 881 of this title, the collector shall so notify the master or officer in charge of such vessel and shall detain her until a load line shall have been duly established in accordance with section 88b of this title, provided that in cases of exceptional hardship, subject to regulations issued by the Secretary of Commerce, the collector may cause a proper load line to be provisionally established by one of the agencies or persons designated under section 88b of this title, which provisional load line shall constitute a compliance with the provisions of sections 88 to 881 of this title only until completion of the particular voyage in which the vessel is at the time engaged. After such establishment or provisional establishment of a load line the collector shall appoint three disinterested surveyors to examine the loading of the vessel and to report to him whether such vessel is so loaded as to submerge said provisional load line and if from such report it appears that the vessel is so loaded, the collector may by written order served on the master or officer in charge of said vessel detain the vessel until she has been reloaded in whole or in part so as not to submerge said provisional load line or lines. Where the detention is on the ground of a supposed violation of section 88c or section 88d of this title, the collector shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him and if from such report it appears that the vessel is loaded in violation of the provisions of section 88c or section 88d of this title, the collector shall so notify in writing the master or other officer in charge of such vessel and detain the vessel until she has been reloaded in whole or in part so as to conform to the provisions of section 88c or section 88d of this title. If a vessel is ordered detained by a collector acting under the provisions of this section, the master may within five days appeal to the Secretary of Commerce, who, if he so desires, may order a further survey and may affirm, set aside, or modify the order of the collector. Clearance shall be refused to any vessel which shall have been ordered detained. (Aug. 27, 1935, c. 747, sec. 7, 49 Stat. 889.)

SEC. 88g. (a) If the owner or master of any vessel subject to this chapter and to the regulations established thereunder shall permit her to depart from any port or place designated in section 88 of this title without having complied with the provisions of section 88b, he shall for each offense be liable to the United States in a penalty of $500. If the owner or master of any vessel exempted pursuant to section 88d shall permit her to depart from any port or place designated in section 88 of this title without having the load line or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said law and regulations, he shall for each offense be liable to the United States in a penalty of $500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph, or discontinue prosecution therefor on such terms as he may deem proper.

(b) If the master of any vessel subject to sections 88 to 881 of this title, or of any foreign vessel exempted pursuant to section 88d, shall fail, before departing from any port or place designated in section 88, to enter in and make a part of the ship's record or log book the statement required by section 88e, he shall for each offense be liable to the United States in a penalty of $100. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.



(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to sections 88 to 881 of this title to depart or arrive, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 88 of this title when loaded in violation of section 88c, or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 88d to depart or arrive, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 88 of this title when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense, be liable to the United States, in a penalty of $500 unless the vessel's departure or arrival was, under the circumstances, reasonable and justifiable. The Secretary of Commerce, may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 88f, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed $500 or by imprisonment not to exceed 3 months, or both such fine and imprisonment, in the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to sections 88 to 881 of this title or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000, or by imprisonment not to exceed 1 year, or both such fine and imprisonment, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of sections 88 to 881 of this title, the vessel shall also be liable therefor and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found. (Aug. 27, 1935, c. 747, sec. 8, 49 Stat. 890.)

SEC. 88h. The provisions of sections 88 to 881 of this title shall become effective as to vessels of 4,000 gross tons and upwards, not later than 3 months, and as to all other vessels subject hereto not later than 12 months, from and after August 27, 1935. (Aug. 27, 1935, c. 747, sec. 9, 49 Stat. 891.)

SEC. 881. This subchapter may be cited as the "Coastwise Load Line Act, 1935." (Aug. 27, 1935 c. 747, sec. 9, 48 Stat. 891.)

(NOTE.—Regulations covering the above law will be issued by the Department of Commerce.)

GENERAL PROVISIONS

ART. 189. *Carriage of high explosives.*—(a) It is unlawful to transport on any vessel or vehicle in interstate or foreign commerce nitroglycerin, glynoin oil, nitroleum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article or substance, unless the same shall be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of paris, or other material that will be nonexplosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same be marked, printed, or labeled in a conspicuous manner with the words "Nitroglycerin—Dangerous", but such articles may not in any case be transported on vessels carrying passengers.

(b) It is also unlawful to transport liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosives, on any vessel or vehicle operated by a common carrier in the transportation of passengers or articles of commerce by land or water in interstate or foreign commerce.

(c) High explosives, such as and including dynamite, blasting caps, detonating fuses, black powder, gunpowder, or other like explosives, shall not be transported on any vessel or vehicle operated by a common carrier engaged in interstate or foreign commerce carrying passengers for hire. This does not apply to small-arms ammunition in any quantity and such fuses, torpedoes, rockets, and other signal devices as may be essential to promote safety in operation of the carrying vessel, and properly packed and marked samples of explosives for laboratory examination, not exceeding 20 samples at one time in a single vessel or vehicle: *Provided*, That such samples shall not be carried in that part of a vessel or vehicle which is intended for the transportation of passengers for hire.

(d) Upon application of the master or owner of a steam vessel carrying passengers, the local inspectors of steam vessels shall examine such vessel, and if they find it is provided with a safe and proper receptacle or compartment for the carriage of gunpowder, they may grant a license to carry gunpowder. But no gunpowder, except for the ship's use, may under any circumstances be carried on steamships or other vessels carrying steerage passengers.

ART. 190. *Carriage of inflammable or explosive materials on steam passenger vessel departing from the United States.*—(a) No loose hay, loose cotton, or loose hemp, camphene, nitroglycerin, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids, ferrosilicon, or like dangerous articles shall be carried as freight or used as stores on any steamer carrying passengers departing from any port in the United States; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered and secured, as prescribed by the steamboat regulations; nor shall gunpowder be carried on any such vessel except under special license; nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof or in such other safe part of the vessel as shall be prescribed by the inspectors.

(b) Refined petroleum which will not ignite at a temperature of less than 110° F. may be carried on board such steamers upon routes where there is no other practicable mode of transporting it and under such regulations as shall be prescribed by the board of supervising inspectors, with the approval of the Secretary of Commerce. Oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels, or casks, or barrels well and securely bound with iron and stowed in a secure part of the vessel. Friction matches may be carried on such steamers when securely packed in strong, tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat.

(c) All such other provisions shall be made on every steamer carrying passengers or freight to guard against and extinguish fire as shall be prescribed by the board of supervising inspectors and approved by the Secretary of Commerce.

ART. 191. *Gasoline, etc., for motor vehicles.*—(a) Steam vessels may transport gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: *Provided, however*, That all fire in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: *Provided further*, That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids.

(b) The owner of any automobile in which all fire has not been extinguished and the motors stopped immediately after the automobile has taken its position on any vessel found on navigable waters of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which she lands, shall incur a penalty of not more than $500, for which the automobile shall be liable.

(c) Vessels may carry gasoline or any petroleum product to supply power to their motor boats or launches, when part of their regular equipment. They may also carry gasoline or any petroleum products for the operation of engines to supply an auxiliary lighting and wireless system independent of the vessel's main power plant.

ART. 192. *Oil pollution of coastal waters.*—(a) When any officer of the customs or coast guard actually witnesses oil being discharged by any method, means, or manner into or upon coastal navigable waters of the United States, from a vessel using oil as a fuel for the generation of propulsion power, or any vessel carrying or having oil thereon in excess

of that necessary for its lubricating requirements and such as may be required under the laws of the United States and the rules and regulations prescribed thereunder, he shall arrest and take into custody the person or persons who shall have discharged or suffered or permitted the discharge of such oil; and such officer shall promptly furnish to the district engineer a full report of the incident, together with the names of the witnesses, and when it is practicable, a sample of the oil discharged from the vessel in question. Copies of each such report shall be furnished to the United States attorney, to the Board of Local Inspectors of Vessels, and to the Department. In the enforcement of the Oil Pollution Act, no person shall be arrested and taken into custody without process for any violation not committed in the presence of a customs or coast guard officer or any person empowered to enforce said law. Whenever any arrest is made under said law, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him.

(*b*) When it comes to the attention of any officer of the customs or coast guard that oil has been discharged into or upon the coastal navigable waters of the United States from any vessel and the available evidence indicates that a certain vessel or some one of certain vessels has caused the pollution, a full report of the circumstances and a list of the witnesses, together with a sample of the oil, shall be furnished to the district engineer, and copies of each such report shall be furnished to the United States attorney, to the Board of Local Inspectors of Vessels, and to the Department.

(*c*) Action as provided in (*a*) or (*b*) hereof shall not be taken in any case where the discharge of oil is the result of an emergency imperiling life or property, or unavoidable accident, collision, or stranding, or in pursuance of any regulations that may be issued by the Secretary of War. In every such case when life is not imperiled every effort shall be made to prevent the discharge of oil into the coastal navigable waters; and when any such case comes to the attention of any officer of the customs or coast guard it shall be his duty to report it promptly and directly to the district engineer and to the Department.

(*d*) The Oil Pollution Act was published in T. D. 40516, to which customs officers are referred for definitions, etc.

ART. 193. *Cargo and passenger reports.*—(*a*) Cargo reports on Maritime Commission Forms 7801 and 7802 are required from all vessels of 100 gross tons and over carrying cargo, passengers, mail, or ballast between continental United States ports and foreign ports or ports in noncontiguous United States possessions, or between ports on the Pacific coast and ports on the Atlantic and Gulf coasts of continental United States, also from such vessels clearing with bunkers only.

(*b*) Reports shall be filed with the collector of customs within 10 days after entrance or clearance of vessels.

(*c*) Reports on Maritime Commission Forms 7801 and 7802 are not required from vessels entering or clearing in transit or for repairs.

(*d*) Daily reports by collectors of customs on Maritime Commission Forms 7036 and 7037 shall include entrances and clearances of all vessels of 100 gross tons and over in foreign, intercoastal, and/or noncontiguous trades. In addition to entrances and clearances daily reports on these forms shall include lists of all arrivals and departures of vessels of 100 gross tons and over engaged in foreign, intercoastal, and/or noncontiguous trades. "No transaction report" on Maritime Commission Form 7038 shall also refer to vessels of 100 gross tons and over.

(*e*) Reports on Maritime Commission Forms 7801 and 7802 shall be forwarded within 24 hours after receipt by collectors and reports on Maritime Commission Forms 7036, 7037, and 7038 shall be forwarded within 24 hours after the dates to which they pertain, to the division of statistics, Bureau of Research, United States Maritime Commission, Washington, D. C.

(*f*) Such reports shall be prepared in accordance with T. D. 43045.

ART. 194. *Controlled exports—Narcotics, leaf tobacco, munitions, helium gas.*—(*a*) No person shall take out of the United States or offer to any carrier for transportation therefrom, nor shall any carrier receive for exportation out of the United States any narcotic drugs until permit therefor shall have been issued by the Commissioner of Narcotics, as set forth in article 657. (See also art. 1109.) Export declarations covering drugs, pharmaceuticals, medicines, chemicals, or other articles of a similar general description, not covered by a permit to export, shall contain a statement in writing that the articles are nonnarcotic. In the absence of such a statement in the export declaration covering such articles, the collector shall detain the merchandise, at the exporter's risk and expense, until, by examination or the submission of evidence by the exporter, the collector shall be convinced that the articles are nonnarcotic.

(*b*) Leaf tobacco may be exported only by registered dealers in leaf tobacco, or by tobacco growers' cooperative associations as defined in subdivision (f) of section 3360, United States Revised Statutes, as amended, and reenacted in section 403 of the Revenue Act of 1926, or by farmers or growers of leaf tobacco, who export it in the natural state as cured on the farm. When leaf tobacco is exported by a registered dealer, three copies of the shipper's export declaration (customs Form 7525) covering such tobacco are required. The third copy should be marked "For Internal Revenue purposes", and must have attached thereto the tobacco invoice, internal revenue Form 774, which copy, with the invoice attached, should be forwarded to the Commissioner of Internal Revenue, Tobacco Division, Washington, D. C.

(*c*) No tobacco invoices, internal-revenue Form 774, are required for shipments of tobacco to foreign countries made from customs bonded warehouses of class 6. Such form, however, is required for each shipment or delivery of tobacco to warehouses of class 6; for each shipment withdrawn for consumption from customs bonded warehouses of classes 1, 2, 3, and 8; and for each shipment entered for direct consumption. The invoice should be forwarded to the Commissioner of Internal Revenue, Tobacco Division, Washington, D. C.

(*d*) See paragraphs (*f*) and (*g*) of article 178 relative to the importation and exportation of arms, ammunition, and implements of war, and the exportation of other munitions of war and firearms.

(*e*) The exportation of helium gas, except by permission of the President, is prohibited by the act of March 3, 1925, as amended by the act of March 3, 1927, and any person guilty of a violation of the act is subject to a fine of not more than $5,000 or by imprisonment for not more than one year, or both. Collectors will require exporters of helium gas to exhibit and file competent evidence that the President has authorized the exportation of the gas in each instance before exportation is permitted. A certificate or letter from the Secretary of Commerce to the effect that the exportation of the helium gas is authorized will be deemed sufficient.

COASTING TRADE AND FISHERIES

ART. 195. *Coastwise trade and fisheries limited to American vessels.*—(*a*) The coastwise trade and fisheries of the United States are limited to vessels documented under the laws of the United States.

(*b*) Foreign vessels, and American vessels with limited registration (registered for foreign trade only) may proceed from one domestic port to another domestic port or ports to complete discharging inward cargoes (art. 150), retaining on board cargo for foreign ports (art. 151), or to complete lading of outward cargoes, or for both purposes (art. 183); but if such vessels proceed in ballast they must be cleared on commerce Form 1385, as outlined in article 182.

(*c*) Barges equipped for harbor transportation must be owned by citizens of the United States.

(*d*) Tariff Act of 1930, section 588:

If any merchandise is laden at any port or place in the United States upon any vessel belonging wholly or in part to a subject of a foreign country, and is taken thence to a foreign port or place to be reladen and reshipped to any other port in the United States, either by the same or by another vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port or place of the United States to another port or place of the United States in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of 50 cents per net ton.



ART. 196. *Great districts.*—(*a*) The seacoasts and navigable waters of the United States, Alaska, Hawaii, and Puerto Rico are divided into six great districts: The first to include all the collection districts on the seacoast and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Puerto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii; and the sixth to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, New York.

(*b*) The navigation of the Yukon, Stikine, and Porcupine Rivers is governed by special regulations.

ART. 197. *Clearance and entrance of vessels coastwise.*—(*a*) Vessels licensed for the coasting trade, and wholly laden with domestic products or in ballast, may proceed from port to port or from place to place within the same great district without reporting their departures or arrivals, but such vessels may be entered and cleared if the owners or agents so desire.

(*b*) Vessels carrying merchandise in bond are required to be cleared and entered at ports of lading and destination of the bonded merchandise, but not at intermediate ports.

(*c*) Registered vessels moving coastwise and enrolled and licensed vessels proceeding between ports in different great coasting districts are required to be entered and cleared.

(*d*) Neglect to comply with the foregoing requirements subjects the master or other person in charge or command to a penalty of $100.

(*e*) The foregoing provisions concerning vessels in the coastwise trade shall not be held to include vessels exclusively engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans.

ART. 198. *Coastwise clearance and entrance procedure between ports in the same great district.*—(*a*) The master of a vessel clearing from one coastwise port to another coastwise port in the same great district will deliver to the collector verified duplicate manifests on commerce Form 1381 of the cargo laden at that port for the other domestic port of discharge. If the vessel is light or in ballast, the reverse side of commerce Form 1385 should be used in lieu of the manifest. The collector will return to the master one copy of commerce Form 1381 or 1385, as the case may be, with the permit to proceed thereon, which the master, upon his arrival at the port of destination, will present for entry purposes.

(*b*) If cargo is laden at one domestic port for more than one other domestic port, the master will deliver to the collector verified duplicate manifests (commerce Form 1381) representing the lading at that port for each such other port, and the collector will return one copy for each such other port with permit to proceed thereon. Cargo other than bonded goods need not be itemized—a general statement being sufficient.

(*c*) Where bonded goods are carried covered by transportation entries, the merchandise should be so manifested as to show that it is bonded and the transportation entry numbers quoted. The names and addresses of shippers and consignees need not be quoted.

(*d*) If bonded goods are loaded after the master has cleared the vessel at the customhouse, the master may make proper notations on the copy of the manifest in his possession before he presents it for entrance of the vessel at the port of destination, and he should notify the collector at port of clearance, furnishing the necessary details.

(*e*) Collectors at intermediate ports should not take up manifests not pertaining to the cargo destined for such ports, nor should they require masters, upon clearance, to furnish duplicate manifests covering other than the cargo or ballast laden at their particular ports.

(*f*) The entry of a vessel coastwise consists of delivering to the collector within 24 hours after arrival the sworn manifest of cargo certified to on commerce Form 1381 or 1385, and obtaining from the collector a permit to discharge on customs Form 3169.

(*g*) If there be no cargo on board the master must produce the coastwise clearance and permit granted by the collector at the port of departure.

ART. 199. *Coastwise clearance and entrance procedure between ports in different great districts.*—(*a*) *Trade with noncontiguous territories of the United States.*—(1) While the trade between continental United States and Alaska, Puerto Rico, and Hawaii is strictly coastwise, for statistical purposes, American vessels clearing to ports in noncontiguous territories of the United States must file complete manifests (or incomplete manifests—customs Form 7301), together with shippers' export declarations as described in article 173. Bonded merchandise should be manifested as prescribed in article 198.

(2) Where the cargo is to be transshipped in another customs district, including Alaska, Hawaii, Puerto Rico, and the Virgina Islands of the United States, for transportation to a foreign country or noncontiguous territory of the United States, the shippers' export declarations (customs Form 7525) should be filed only with the collector of customs at the port where the merchandise is last laden for its final destination.

(3) A certificate of clearance (commerce Form 1378), appropriately modified by striking out "to a foreign port" and substituting "to noncontiguous territory of the United States" should be issued to such vessels.

(4) Upon arrival the master should surrender the modified clearance (commerce Form 1378); present an itemized manifest (commerce Form 1381) in triplicate, subscribing to the coastwise entrance oath thereon; furnish a passenger list (commerce Form 1440), and comply with the requirements of the Public Health Service regarding bills of health and quarantine inspection.

(5) One copy of the manifest should be filed as coastwise entrance; and when covering merchandise subject to internal-revenue tax, another copy should be sent by the collector of customs to the collector of internal revenue indicating the merchandise subject to such tax; and the third copy should be attached to the coastwise permit to land goods (customs Form 3169) which should bear the following notation: "You will deliver to the collector of internal revenue all merchandise subject to internal revenue tax and obtain his receipt for same on back hereof."

(*b*) *Special procedure for vessels engaged in intercoastal trade.*—(1) American vessels in trade between Atlantic and Pacific ports will be cleared on commerce Form 1382, "Intercoast permit for an American vessel to proceed from port to port on the Atlantic or the Pacific coast to lade for a port or ports on the opposite coast", and on manifest formed of as many parts as there are ports of discharge, i. e., the lading for each port on the opposite coast shall be manifested on uncertified separate sheets, in duplicate, in such detail as to show the quantity in long tons of 2,240 pounds, and description of each commodity carried, but commodities in quantities of less than 10 tons each may be combined and designated as "General cargo."

(2) Original manifests, or parts thereof, will be filed at port of lading, and copies will go forward with vessels to the respective ports of discharge.

(3) Excepting the cargo reports provided for in article 193, no statistical reports of coastwise cargoes are required at the port of departure. If a vessel (not engaged in a simultaneous foreign transaction as described in art. 201) continues to load cargo after clearing, corrected uncertified sheets showing all the cargo loaded may be prepared by the agents after departure of the vessel and forwarded by overland mail, to be

substituted before entrance for the sheets presented on clearance.

(4) To provide for the master's oath on clearance and entrance between intermediate ports, when proceeding from the first port of lading to the last port of discharge, duplicate manifests on commerce Form 1381 will be used, on which a notation as follows should be made in lieu of specifying the cargo on board.

Cargo laden at _____ for
(Name first and each subsequent port)
_____
(Pacific coast ports or vice versa)
as per manifest(s) filed at each port on clearance.
No local cargo loaded at _____ for
(That port of departure)
_____
(Next intermediate port)
(Or cross out and specify local cargo, if any was carried.)
The oath and permit on the reverse side will be used.

(5) On arrival at the first intermediate port of lading the master will enter his vessel on the returned copy of commerce Form 1381 and will deposit the coastwise permit to proceed, commerce Form 1382, and the manifests of cargo laden at preceding port. This permit with attached manifests will be returned to the master on clearing, together with a copy of the manifest of the cargo laden at that port, which copy should be attached to the appropriate sheets; and the vessel will be cleared on duplicate commerce Form 1381 to the next intermediate port.

(6) On arrival at the second and subsequent ports the procedure outlined will be followed.

(7) At final port of lading the vessel will be cleared for the first port of discharge on the opposite coast on the same permit, commerce Form 1382, and on duplicate commerce Form 1381.

(8) On arrival at the first port of discharge (on the opposite coast) the master will enter on the returned copy of commerce Form 1381 issued on clearance at the last port, the duplicate and triplicate part manifest of the cargo destined for that port, and the permit to proceed, commerce Form 1382. The triplicate manifest should be attached to customs Form 3169 for the use of the discharging inspector. He will also deposit with the collector the part manifests of the cargo destined for other ports. On completion of unlading the vessel will be cleared on duplicate commerce Form 1381, and the collector will return the manifests of the cargo destined for other ports attached to commerce Form 1384, "Coasting trade permit allowing American vessel to proceed to another port with residue of cargo under original coasting manifest."

(9) On arrival at the second and at subsequent ports of discharge the vessel will be entered on the returned copy of commerce Form 1381, issued at the preceding port, and the permit, commerce Form 1384, and the part manifest of the cargo destined for that port. The master will deposit with the collector the part manifests of the residue cargo not destined for that port.

(10) On clearing from second and subsequent ports the procedure outlined will be followed.

(c) *Special procedure for the shipment of other than bonded merchandise on an American vessel between any two ports of the United States or its island possessions via the Panama Canal, to be transshipped in the Canal Zone to another American vessel.*—(1) When other than bonded merchandise, shipped on an American vessel between ports of the United States, including its island possessions, via the Isthmus of Panama, is to be transshipped to another American vessel in the Canal Zone, a special manifest shall be prepared in triplicate on commerce Form 1381, and certified by the collector of customs at the port of departure, Form 1381, to be modified to meet the circumstances and to harmonize with the forms provided for in article 236, as follows:

SPECIAL COASTWISE MANIFEST OF MERCHANDISE TO BE TRANSSHIPPED IN THE CANAL ZONE

Customs District No. ——— Port of ———.
We certify that the above-described merchandise (other than bonded goods) has been laden on the American S. S. ——— at ——— for transportation to ——— to be transshipped at the Panama Canal Zone to [1] another American vessel for carriage to destination.

———, ———, ——— ———,
*Inspector.* *Deputy Collector of Customs.*

*Oath on arrival*

I, ———, master of the ——— (second vessel) of ———, do swear that the certified manifest which I now exhibit contains a true account of the articles transshipped from the said ——— (first vessel), in the Canal Zone.

———, ———,
*Master.*

(2) One copy of the manifest shall be filed in the office of the collector at the port of departure, one copy delivered to the master of the vessel to be given to the master of the second vessel for his use in making entry at the port of arrival, and one copy mailed to the collector at the port of destination of the merchandise, same to be attached to the delivery permit (customs Form 3169) when the second vessel enters at destination.

(3) It will not be necessary to seal the packages or the compartments in which they are shipped, nor will any supervision of the transshipment in the Canal Zone be required. However, upon arrival of the merchandise at the port of destination, the packages will be examined by officers of the customs and compared with the marks and numbers on the manifest. All goods so shipped not corresponding with the manifest, will be held for duty. Baggage of passengers may be manifested in this manner, but will be subject to inspection.

(4) These regulations shall not apply to merchandise shipped in bond.

(d) *Trade between ports in Great District No. 1 (Atlantic and Gulf coasts) and Great District No. 6 (Great Lake ports).*—(1) Vessels proceeding via the St. Lawrence River must operate under certificate of registry (art. 71). They are required by Canadian Customs to enter and clear at Montreal, and must comply with foreign entrance requirements (art. 113) in addition to the coastwise procedure (art. 201). If cargoes are laden or discharged at, or passengers carried to or from, Canadian ports, tonnage taxes and navigation fees should be collected. Foreign manifests in detail (customs Form 7527-B) with appropriate notations are a necessity and the duplicate manifests (commerce Form 1381) of the lading at each coastwise port must be certified by the collectors (art. 201). When no passengers or cargoes or supplies are carried to or from Canadian ports, tonnage taxes and navigation fees may be waived.

(2) Vessels proceeding via the Hudson River should operate under Frontier Enrollment and License, commerce Form 1273, which may be issued at seaboard ports. If the vessels are engaged only in the coastwise trade they should follow the procedure for the trade between ports in the same Great District (art. 198) and if engaged in the coastwise and foreign trade they should follow the procedure outlined in article 201.

ART. 200. *Registered vessels in coastwise trade.*—(a) Vessels under register engaged in the coasting trade, bound from one collection district to another, are required to enter and clear, whether they are in ballast or with cargo. The regulations regarding great coasting districts do not affect them.

(b) When a part only of the cargo is discharged, the collector will indorse the articles so discharged on the manifest and will grant a permit to the master to proceed with the vessel to the place of her further destination.

(c) If there be no cargo on board, the master must produce the coastwise clearance and permit granted by the collector at the port of departure.

(d) The register will be deposited with the collector upon entrance, and returned to the master upon clearance. It should be examined to see that the vessel is entitled to engage in the coastwise trade.

[1] The oath of arrival on reverse side should be modified so that the master of the vessel to which transshipped will certify transshipment and sign his name as master of such vessel (naming the vessel to which transshipped).



ART. 201. *Registered vessels in coastwise and foreign trade.*—(a) A vessel with unrestricted registration (i. e., one which may engage in coastwise trade) moving coastwise with inward foreign cargo under article 150 and/or proceeding from port to port to lade cargo for a foreign port under article 183, may simultaneously engage in the coastwise trade. Under these conditions, both foreign and coastwise clearance and entrance are required.

(b) Such a registered vessel may engage in trade between ports of the United States, with the privilege of touching at one or more foreign ports during the voyage, discharging and receiving merchandise, passengers, baggage, and mails, but must be furnished by the collector of the port in the United States at which cargo is laden, with certified manifests in duplicate setting forth the particulars of the cargo, the marks, numbers of packages, names of shippers, consignees, and destination.

(c) Vessels so employed, and their cargoes, are subject to the provisions of the revenue and collection laws of the United States, and their masters must, on arrival from a foreign port, conform to the laws regulating foreign and coastwise entrance. The duplicate certified coastwise manifest will be sent to the discharging inspector with the permit to land (customs Form 3169) attached.

(d) Merchandise conveyed from one port to another port within the United States, under the provisions of the warehousing laws, and duty-paid goods, are not subject to duty by reason of the vessel having touched at a foreign port during the voyage.

ART. 202. *Report of arrival at another port.*—Whenever a vessel which is required to enter and clear in the coastwise trade shall put into a port other than the one to which she is bound, the master must, if she remains 24 hours, report to the collector his arrival, the place whence he came, and whither he is bound, with an account of the lading on board his vessel.

ART. 203. *Masters in coastwise trade to keep a count of passengers.*—(a) The master of every passenger steamer of the United States in the coastwise trade shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for.

(b) A correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding 300 miles. Nothing herein shall affect existing laws relative to vessels running between this country and foreign ports.

(c) The master of any passenger steamer who fails through negligence or design to keep a count or list of passengers as required by the preceding paragraphs shall be liable to a penalty of $100.

(d) The penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

ART. 204. *Fishing vessels touching and trading at foreign places.*—(a) The master of a vessel licensed to carry on the fisheries which is about to engage in a fishing voyage must, if the vessel intends to touch or trade at a foreign port or place, obtain from the collector at the port from which the vessel is to depart a permit (commerce Form 1379) for such purpose. On return to the United States he must make regular entry, surrender the permit to touch and trade, and in all respects conform to the regulations prescribed for vessels arriving from a foreign port. A permit to touch and trade for the purpose of touching at a foreign port or place may not be issued to a vessel licensed for the "coasting trade and mackerel fishery" which is departing on a voyage to engage exclusively in trade. In such a case the vessel must secure a certificate of registry and obtain clearance for the foreign port or place.

(b) Foreign merchandise imported in such vessels is liable to the payment of duties thereon. Vessels licensed for the fisheries found within 3 leagues of the coast with foreign goods of greater value than $500, and without such permit, will, with such goods, be subject to forfeiture.

ART. 205. *Whale fishery.*—Registered vessels engaging in the whale fishery have the privileges and exemptions of vessels enrolled and licensed for the fisheries.

ART. 206. *Guano trade.*—(a) Commercial intercourse with the guano islands that are bonded in pursuance of law forms a part of the coasting trade of the United States, and the laws relative thereto forbid foreign vessels from engaging in such trade.

(b) Vessels engaged in the guano trade are not required to produce clearances or certified manifests from such islands. The masters of such vessels must have manifests of the cargo, subscribed by themselves, to be produced on demand to officers of the customs for inspection. Entry at the customhouse must be made on arrival at the port of destination in the United States, and the cargo inspected by the customs officers.

PILOTAGE

ART. 207. *Federal pilots.*—(a) Every vessel propelled in whole or in part by steam, excepting those defined as motor boats in the act of June 9, 1910 (U. S. Code, title 46, sec. 511), engaged in the coasting trade, is required, when under way, except on the high seas, to be piloted by an officer duly licensed for such purpose under the laws of the United States. Any person acting as such pilot without proper license, also the person employing him, will be liable to a penalty of $100, which is a lien upon the vessel.

(b) The master of a foreign vessel is not required to employ a pilot licensed under the laws of the United States.

ART. 208. *State pilots.*—(a) The piloting of vessels in State waters, except steam vessels employed in the coasting trade, is regulated by the laws of the respective States in which such waters are situated. No regulation or provision can be adopted by any State making a discrimination in the rate of pilotage or half pilotage as to vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against steam vessels; nor can a State or a municipal government require pilots of the United States to procure a State or other license in addition to that issued by the United States, or to comply with any other regulation that may impede the performance of their duties.

(b) A State may require vessels, except steam vessels in the coastwise trade, entering or leaving ports therein to take on a pilot duly authorized or licensed to act as such under the laws thereof.

ART. 209. *Interstate pilots.*—(a) The master of a vessel, except steam vessels in the coasting trade, entering or departing from a port on waters forming the boundary between two States, may employ a pilot, authorized or licensed by the laws of either of the States bounded by such waters, to pilot such vessel.

(b) The pilot laws have reference to the merchant service, and do not extend to public vessels of the United States entering or departing from a port.

NAVIGATION FEES

ART. 210. *Table of fees.*—(a) The fees given in the following table should be collected from the persons for whom the services are rendered and deposited in the Treasury as "Navigation fees", in the name of the collector of customs and to the credit of the Treasurer of the United States.

(b) The collections should be accounted for at the end of the month on commerce Form 1001, and standard Form No. 1020, as required by section 12 of the act of July 31, 1894 (U. S. Code, title 31, secs. 78, 496).

(c) The fees in column A are those collectible on the Atlantic, Gulf, and Pacific coasts and on the Missisippi River and tributaries; those in column B are collectible on the northern, northeastern, and northwestern frontiers (Great Lakes, Lake Champlain, and St. Lawrence River).

(*d*) *Table of navigation fees.*—These fee numbers are to be cited to the exclusion of all former lists.

| Fee No. | Description of services | A | B |
|---|---|---|---|
| 1 | Entry of vessel, including American, from foreign port (R. S. 2654, U. S. C., title 19, sec. 58): | | |
| | Less than 100 tons net | $1.50 | ------ |
| | 100 tons net and over | 2.50 | ------ |
| 2 | Clearance of vessel, including American, to foreign port (R. S. 2654, U. S. C., title 19, sec. 58): | | |
| | Less than 100 tons net | 1.50 | ------ |
| | 100 tons net and over | 2.50 | ------ |
| 3 | Permit to foreign vessel to proceed from district to district, and receiving the manifest (R. S. 4381, 4382, U. S. C., title 46, secs. 329 and 330) | 2.00 | $0.10 |
| 4 | Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade (R. S. 4381, 4382, U. S. C., title 46, secs. 329 and 330) | 2.00 | .10 |
| 5 | Post entry on manifest (R. S. 2654, U. S. C., title 19, sec. 58; and R. S. 4382, U. S. C., title 46, sec. 330) | 2.00 | 2.00 |
| 6 | Changing name of vessel: | | |
| | Less than 100 tons gross | 10.00 | 10.00 |
| | 100 gross and not exceeding 499 gross | 25.00 | 25.00 |
| | 500 gross and not exceeding 999 gross | 50.00 | 50.00 |
| | 1,000 gross and not exceeding 4,999 gross | 75.00 | 75.00 |
| | 5,000 gross and over | 100.00 | 100.00 |
| | (Act Feb. 19, 1920, U. S. C., title 46, sec. 53; Commerce Circular 281.) | | |
| 7 | Recording bill of sale, conveyance, mortgage (C-b); notice of claim of lien on vessel covered by preferred mortgage or certificate of discharge of such indebtedness (G-a); or certificate of discharge of mortgage (G-b); indorsing preferred mortgage on document (D-a), furnishing certified copy of mortgage (E), or certified copy of record of former home port (H-e), certificate setting forth names of owners, interest held by each owner, material fact put in each bill of sale, conveyance, or mortgage, or lien, or incumbrance (I-i), or certified copy of bill of sale, conveyance, mortgage, claim, or lien, or certificate of discharge of same (I-2), or certificate that there are no liens or incumbrances (I) (Act June 5, 1920, sec. 30, sub. sec. I, U. S. C., title 46, sec. 927) | .20 folio | .20 folio |
| 8 | Official bond, not otherwise provided for (R. S. 2654 and 4382, U. S. C., title 46, secs. 329, 330) | .40 | ------ |
| 9 | Certificate of payment of tonnage tax and certificate of admeasurement, both for foreign vessel (R. S. 2654 and 4382, U. S. C., title 46, secs. 329, 330) | .20 | .20 |
| 10 | Copy of official document, including marine document, not elsewhere enumerated (R. S. 2654 and 4382, U. S. C., title 46, secs. 329, 330) | .20 | .20 |

Fee 1 should be collected at the first port of entry only. This fee should not be collected from a vessel entering at a port on the northern, northeastern, or northwestern frontier otherwise than by sea.

Fee 2 should be collected at the port from which a vessel clears for a foreign country. If a foreign vessel proceeds from New York to La Guaira, Venezuela, via San Juan, Puerto Rico, with foreign cargo for both ports, fee 3 would be collected at New York and fee 4 at San Juan and, whether the vessel be American or foreign, fee 2 would be collected on clearing from San Juan. This fee should not be collected from a vessel clearing from a port on the northern, northeastern, or northwestern frontier otherwise than by sea.

Fee 3 should be collected for granting a permit (commerce Form 1385 or 1386) to a foreign vessel to proceed to another customs district, but not for a permit to a port in the same district.

Fee 4 should be collected for receiving manifest of a foreign vessel arriving from another customs district, but not on arriving from another port in the same district.

Fee 6 should be collected when the application is approved.

Fee 7 is 20 cents for each folio of 100 words, with a minimum charge of $1. No charge should be made for less than 100 words in excess of the minimum number of 500; thus, the charge for 599 words is $1, and for 600 words is $1.20. See Department Circular No. 283, par. 23, for the method of computing the number of words.

Fee 8 is collected principally from vessels in the Alaska trade.

Fee 9 should be collected from foreign vessels only.

Fee 10 should be collected for each copy whether certified or not, of any official document, including marine document, furnished to any person other than a Government officer.

NOTE.—No fee should be collected for admeasuring a vessel for a certificate of record (commerce Form 1316) nor for a Panama Canal tonnage certificate.

(*e*) The phrase "or other official certificate" as used in section 2654, Revised Statutes (U. S. Code, title 19, sec. 58), is held to embrace a certificate requiring the collector's official signature, required by and given to a merchant or his agent, and not simply a memorandum between officers for the convenience or security of the United States.

(*f*) For vessels not required to be documented see Chapter II.

(*g*) For vessels not required to be entered see article 107.

(*h*) United States Code, title 19, section 288:

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear (R. S. sec. 2793).

(*i*) United States Code, title 46, section 334:

All vessels subject to enrollment or license shall be liable to the payment of the fees established by law for services of customs officers incident thereto (R. S. sec. 4384).

(*j*) United States Code, title 46, section 100:

Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted (R. S. sec. 4206).

ART. 211. *Table of fees to be posted—Receipts to be given*—Penalty.—United States Code, title 19, section 59:

Every collector, comptroller, and surveyor shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees * * * demandable by law, and shall give a receipt for the fees received by him, specifying the particulars whenever required to do so; and for every failure so to do, he shall be liable to a penalty of $100, recoverable to the use of the informer (R. S. sec. 2635).

VESSELS TRADING WITH CONTIGUOUS COUNTRIES

ART. 212. *Report—Manifest—Penalty.*—(*a*) Tariff Act of 1930, section 459:

The master of any vessel of less than five net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer. The master of any such vessel or the person in charge of and such vehicle who fails to report arrival in the United States as required by the provisions of this section shall be subject to a fine of $100 for each offense. If any merchandise or baggage is unladen or discharged without a permit therefor, the same, together with the vessel or vehicle in which imported, shall be subject to forfeiture; and if any passenger is unladen or discharged from any such vessel or vehicle without a permit therefor the master of such vessel or the person in charge of such vehicle shall be liable to a penalty of $500 for each such passenger so unladen or discharged.

(*b*) Tariff Act of 1930, section 460:

If any merchandise is imported or brought into the United States in any vessel or vehicle from a contiguous country without being so reported to the collector, or in case of the neglect or failure of the master of the vessel or the person in charge of the vehicle to file a manifest therefor, such merchandise and the vessel or vehicle shall be subject to forfeiture and the master of such vessel or the person in charge of such vehicle shall be liable to a penalty equal to the value of the merchandise imported in such vessel or vehicle which was not reported to the collector or included in the manifest.

(*c*) In the case of vessels of less than 5 net tons, the manifest shall be in duplicate on customs Form 7533, numbered in a separate series beginning with No. 1, on the 1st day of July of each year, and shall be sworn to before the collector or other customs officer authorized to administer oaths. Merchandise shall be entered and baggage declared as required by law. When such vessels have no merchandise, passengers, or baggage on board no report is required.

(*d*) Vessels of 6 net tons or over arriving from contiguous foreign countries, including such vessels sailing coastwise from a domestic port and touching at a foreign port or ports enroute for the purpose of lading or unlading cargo, shall be entered and manifests shall be filed therefor in duplicate on customs Form 7527, in the same manner as in the case of vessels arriving from any other foreign country. (See art. 122 (b).)

ART. 213. *Domestic vessels touching at foreign ports—Departure.*—(*a*) United States Code, title 19, section 293:

Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage and letters and mails. All vessels shall be furnished by the collectors of the ports at which they shall take in their cargoes in the United States with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed. (R. S. sec. 3126.)

(*b*) United States Code, title 46, section 258:

Any vessel of the United States, navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessels to be employed either in the coastal or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessels shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels. (R. S. sec. 4318.)

(*c*) The master of every registered or enrolled and licensed vessel departing for a foreign contiguous country shall be required to clear and file a manifest in duplicate on commerce Form 1374 in the same manner as in the case of a vessel departing for any other foreign country.

(*d*) The master or owner of every vessel shall file a report at the end of each month or at the end of the season, on commerce Form 1387, with the collector of customs in each customs district in which he has had transactions, showing the whole cargo for domestic ports which he has laden or unladen during the month. These reports should be filed in the customhouse for statistical use.

ART. 214. *Foreign vessels—Departure.*—Foreign vessels departing for a foreign contiguous country are subject to all the laws and regulations governing the departure of vessels for any other foreign country.

ART. 215. *Merchandise arriving in sealed vessels.*—Merchandise which is not to be unladen at the port of first arrival may be transported to destination in sealed vessels without inspection at the port of first arrival, subject to the conditions set forth in sections 463 and 464 of the Tariff Act of 1930, and articles 912 to 917 of these regulations.

ART. 216. *Tugs—Ferryboats.*—For regulations governing the treatment of tugs and ferryboats, see article 107.

ART. 217. *Foreign vessels not to engage in coastwise trade on frontiers.*—United States Code, title 46, section 883:

No merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 13 or 808: *Provided*, That this section shall not apply to merchandise transported between points within the continental United States, excluding Alaska, over through routes recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall be filed with said commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities: *Provided further*, That this section shall not become effective upon the Yukon River until the Alaska Railroad shall be completed and the Shipping Board shall find that proper facilities will be furnished for transportation by persons citizens of the United States for properly handling the traffic. (June 5, 1920, c. 250, sec. 27, 41 Stat. 999.)

ART. 218. *Sea and saloon stores and supplies of American vessels—Repairs and equipment—Penalty.*—(*a*) Tariff Act of 1930, sec. 465:

The master of any vessel of the United States documented to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers shall, upon arrival from a foreign contiguous territory, file with the manifest of such vessel a detailed list of all supplies or other merchandise purchased in such foreign country for use or sale on such vessel, and also a statement of the cost of all repairs to and all equipment taken on board such vessel. * * * If any such supplies, merchandise, repairs, or equipment shall not be reported, the master, * * * or other person having charge of such vessel * * * shall be liable to a fine of not less than $100 and not more than $500, or to imprisonment for not more than 2 years, or both.

(*b*) The master will make affidavit on customs Form 3415 as to such equipment or repairs as may have been purchased or made, or on customs Form 3417, if none.

(*c*) Equipment purchased and repairs made in a foreign country are subject to duty, but such duty may be remitted under certain conditions. (See art. 128.)

(*d*) The master will also make oath before the collector that such supplies listed as "sea stores" are intended for the exclusive use of the vessel. If the quantities thereof be excessive, duties must be paid on the excess.

(*e*) Supplies listed as "saloon stores", intended for sale on board the vessel, are dutiable and must be entered as merchandise.

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CHAPTER IV

## CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

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GENERAL REQUIREMENTS

ART. 219. *Definition of vehicle.*—Tariff Act of 1930, section 401 (b):

The word "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land, but does not include aircraft.

ART. 220. *Imports from contiguous countries—Report—Manifests.*—(*a*) Tariff Act of 1930, section 459:

The master of any vessel of less than 5 net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer. The master of any such vessel, or the person in charge of any such vehicle who fails to report arrival in the United States as required by the provisions of this section shall be subject to a fine of $100 for each offense. If any merchandise or baggage is unladen or dis-

charged from any such vessel or vehicle without a permit therefor, the same, together with the vessel or vehicle in which imported, shall be subject to forfeiture; and if any passenger is unladen or discharged from any such vessel or vehicle without a permit therefor, the master of such vessel or the person in charge of such vehicle shall be liable to a penalty of $500 for each such passenger so unladen or discharged.

(*b*) Tariff Act of 1930, section 460:

If any merchandise is imported or brought into the United States in any vessel or vehicle from a contiguous country without being so reported to the collector, or in case of the neglect or failure of the master of the vessel or the person in charge of the vehicle to file a manifest therefor, such merchandise and the vessel or vehicle shall be subject to forfeiture and the master of such vessel or the person in charge of such vehicle shall be liable to a penalty equal to the value of the merchandise imported in such vessel or vehicle which was not reported to the collector or included in the manifest.

(*c*) The manifest shall be in duplicate on customs Form 7523. Customs Form 7533–A may be used for baggage arriving in baggage cars in lieu of customs Form 7533. Customs Form 5119 may be used in lieu of customs Form 7533 or 7533–A when the value of the merchandise does not exceed $100. One copy of customs Form 7533, 7533–A, or 5119, as the case may be, shall be immediately forwarded to the comptroller.

ART. 221. *Certificate of manifest—Falsity or lack of manifest—Penalty.*—(*a*) Tariff Act of 1930, section 583:

The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or Coast Guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the back of the original manifest to the inspection thereof and return the same to the master or other person in charge.

(*b*) Tariff Act of 1930, section 584, as amended by section 204 of the Anti-Smuggling Act of August 5, 1935:

Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of $500, and if any merchandise, including sea stores, is found on board of or after having been unladen from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture, and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other persons in charge or the owner of such vessel or vehicle shall be subject to a penalty of $500: *Provided*, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred.

If any of such merchandise so found consists of heroin, morphine, or cocaine, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 594 of this Act (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel in rem; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known, that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law.

If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section 7 of the Anti-Smuggling Act and the required certificate be not shown, be so found upon any vessel not exceeding 500 net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred.

ART. 222. *Departure before report or entry—Penalty.*—Tariff Act of 1930, section 585, as amended by section 303 of the Anti-Smuggling Act of August 5, 1935:

If any vessel or vehicle from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this Act, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of $5,000, and the person in charge of such vehicle shall be liable to a penalty of $500, and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States.

ART. 223. *Inspection—Penalty.*—(*a*) Tariff Act of 1930, section 461:

All merchandise and baggage imported or brought in from any contiguous country, except as otherwise provided by law or by regulations of the Secretary of the Treasury, shall be unladen in the presence of and be inspected by a customs officer at the first port of entry at which the same shall arrive; and such officer may require the owner, or his agent, or other person having charge or possession of any trunk, traveling bag, sack, valise, or other container, or of any closed vehicle, to open the same for inspection, or to furnish a key or other means for opening the same.

(*b*) Customs officers shall not open baggage for the purpose of examining the contents. All baggage which is not opened by the owner or his agent should be detained until so opened, or a request is received from the owner or his agent to make other proper disposition thereof, except as provided in the following paragraph.

(*c*) Tariff Act of 1930, section 462:

If such owner, agent, or other person shall fail to comply with his demand, the officer shall retain such trunk, traveling bag, sack, valise, or other container or closed vehicle, and open the same, and, as soon thereafter as may be practicable, examine the contents, and if any article subject to duty or any article the importation of which is prohibited is found therein, the whole contents and the container or vehicle shall be subject to forfeiture.

(*d*) For procedure relative to the examination of uninspected baggage, form of declaration, exemptions and forwarding baggage in bond, see "Passengers' baggage", chapter VIII.

ART. 224. *Preliminary entry of vessels—Overtime services of officers.*—The procedure in article 112, is applicable to the preliminary entry of vessels of 5 net tons or more arriving from contiguous foreign countries and overtime services to be rendered by customs officers in connection therewith. Overtime services to be rendered by customs officers in connection with the arrival from contiguous foreign countries of vessels of less than 5 net tons and vehicles shall likewise be governed by the applicable provisions of article 112, except that the application and permit shall in all cases be on customs Form 3351 and, in the case of a railroad or trucking company, the bond shall be on the special form provided in T. D. 46780, or the blanket form thereof authorized in T. D. 46892, and shall be required, even though such railroad or trucking company is bonded as a common carrier, unless bonded merchandise only is involved.

ART. 225. *Examination of baggage in foreign territory.*—(*a*) United States customs officers stationed in foreign territory for that purpose, may examine checked baggage of persons destined to the United States who have made proper declaration therefor (see ch. VIII), when requested to do so by such persons, and place the same in the custody of the carrier under United States customs cords and blue button seals, with a special manifest on white cardboard 2½ by 4½ inches in size, in the following form, attached to each piece on the cord back of the seal:

UNITED STATES CUSTOMS

SPECIAL MANIFEST

Check No. ---------

This baggage is in transit from ----------, ------, to ---------, ------, in the United States.

This baggage has been carefully examined and passed by me and corded, sealed, and laden under my personal supervision, and there are no goods of any kind subject to duty contained therein except that on which proper exemption has been allowed.

Date----------

Passenger's name----------

Number declared for----------

Exemption allowed ----------

---

*U. S. Customs Officer.*

(*b*) In lieu of cording and sealing, such baggage may be laden in cars or compartments sealed with United States customs in transit blue Tyden seals, accompanied by a sheet manifest in duplicate in the following form:

UNITED STATES CUSTOMS

SPECIAL MANIFEST OF BAGGAGE FORWARDED IN SEALED CAR OR COMPARTMENT

This baggage is in transit from ----------, ------, to ---------, ------, in the United States.

Car No. ---------

| Check no. | Destination | Passenger's name | Number declared for | Exemption allowed |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

The above described baggage has been carefully examined and passed by me, and laden, and the car or compartment sealed, under my personal supervision; and no goods of any kind subject to duty are contained in such baggage except that on which proper exemption has been allowed.

Date---------

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*U. S. Customs Officer.*

One copy of this manifest shall be given to the railroad employee in charge of the baggage for delivery by him to the customs officer at the port of first arrival in the United States, and the other copy retained as an office record.

(*c*) When the customs officer boards the train at the port of first arrival of the baggage, he shall cut the cord on the baggage or remove the seal or seals from the car or compartment, and retain the manifest for his office record. If the officer finds that the seals are not intact or for any other reason believes that the baggage has been tampered with en route to the United States, he shall detain the same for examination.

(*d*) If the baggage is to reenter foreign contiguous territory before it reaches the final port of entry into the United States, the cord shall be cut or the seal or seals removed by the customs officer at such final port of entry.

(*e*) No baggage containing merchandise subject to duty in excess of that on which an exemption may be allowed, shall be passed in foreign territory. If in the examination of baggage in foreign territory the customs officer finds any merchandise subject to duty in excess of the exemption which may be allowed, or any circumstances connected therewith affecting the customs revenue, he shall promptly advise the proper customs officer in the United States by such means as may be appropriate. Customs officers in the United States who receive such advice from customs officers in foreign territory, should notify the latter as to the action taken as the result of the information furnished.

ART. 226. *Domestic baggage through contiguous foreign territory.*—The provisions of article 431, relative to the transportation of domestic baggage from port to port in the United States through foreign territory, are applicable to ports on the Canadian and Mexican frontiers and should be allowed in all cases.



ART. 227. *Weekly invoices for installment shipments.*—(*a*) Importations made on different cars or different trains of the same road and on different days within 1 week from the date of first arrival for the same consignee, and in the same fiscal year, may be comprised in one invoice, if covered by one order or contract and shipped from one consignor to one consignee. This privilege does not include merchandise for various purchasers consigned to one consignee for entry purposes, as the shipment must not only be from one consignor to one consignee but must also be covered by the same order or contract of sale.

(*b*) A pro forma invoice shall be filed with each individual entry and, when the merchandise is of a class requiring a certified invoice, a bond therefor shall be taken with each individual entry or a charge made against the importer's term bond. At the end of the week a certified invoice for the shipments actually arriving during the week shall be produced, provided the merchandise is of a class requiring it, such certified invoice to state the respective dates of shipment, quantity, and value, and, whenever practicable, car numbers.

(*c*) Merchandise imported by highway not exceeding $100 in value may be entered on a combined manifest and entry (customs Form 5119). This form of entry may also be accepted for each vehicle or train of vehicles covering incomplete or partial shipment if the value of each separate importation does not exceed $100: *Provided, however*, That in cases where the total value of an importation when complete will exceed $100 a consular invoice shall be filed with the first entry provided the merchandise is of a class requiring it, and subsequent loads arriving within 1 week from the first arrival may be entered on extracts therefrom.

ART. 228. *Supplies—Report of—Penalty.*—(*a*) Tariff Act of 1930, section 465:

* * * The conductor or person in charge of any railway car arriving from a contiguous country shall file with the manifest of such car a detailed list of all supplies or other merchandise purchased in such foreign country for use in the United States. * * *

(*b*) Report shall be made on customs Form 3415 to cover supplies or merchandise acquired in such foreign country. Customs Form 3417 will be used when no such supplies or merchandise have been acquired in such foreign country. Customs Forms 3415 and 3417 will be modified to meet requirements for vehicles.

(*c*) Tariff Act of 1930, section 465:

* * * If any such supplies, merchandise, repairs, or equipment shall not be reported, the master, conductor, or other person having charge of such vessel or vehicle shall be liable to a fine of not less than $100 and not more than $500, or to imprisonment for not more than 2 years, or both.

(*d*) Supplies purchased in the United States may be passed free of duty without entry.

ART. 229. *Supplies not to be used in United States.*—Cigars and other merchandise acquired in a foreign country constituting supplies of dining, observation, or buffet cars attached to international trains passing and repassing the boundary line, in order to be exempt from duty, must, upon arrival at the frontier port of the United States, be locked or sealed in a separate compartment or locker, which lock or seal must not be broken until the final departure of the train from the United States at the frontier port.

ART. 230. *Railway equipment imported for temporary stay.—Bond.*—(*a*) Tariff Act of 1930, section 308:

The following articles, when not imported for sale or for sale on approval, may be admitted into the United States under such rules and regulations as the Secretary of the Treasury may prescribe, without the payment of duty, under bond for their exportation within 6 months from the date of importation, which period may, in the discretion of the Secretary of the Treasury (whether such articles are imported before or after this section becomes effective), be extended, upon application, for a further period not to exceed 6 months: * * *

Locomotives, cars, and coaches, and repair equipment belonging to railroads brought temporarily into the United States for the purpose of clearing obstructions, fighting fires, or making emergency repairs on lines the property of railroads within the United States; * * *

(*b*) The regulations under the above provisions of law are contained in articles 435 to 444.

ART. 231. *Locomotives—Railroad equipment—When entry required.*—(*a*) Foreign locomotives or other foreign railroad equipment in use on a continuous route, crossing the boundary into the United States, may be admitted without entry or the payment of duty to proceed to and return from the end of the run, i. e., in the case of locomotives, the last place to which the locomotive takes the inbound train by a continuous haul, and in the case of other equipment, the place of complete unloading. Unless formally entered and cleared through customs in the United States, such locomotives or other equipment shall not be used on the inward trip otherwise than in connection with the continuous run. On the return trip the locomotives may be used only in connection with through trains crossing the boundary, but the other equipment may be used in such trains or for such local traffic as is reasonably incidental to its economical and prompt return to the country from whence it entered the United States. Empty foreign railroad cars may enter the United States without formal entry to be loaded only if the passengers or goods are to be transported directly to or through the country from which the cars entered the United States. Customs officers will seize any locomotive or other railroad equipment used in violation of this regulation as being imported contrary to law.

(*b*) Domestic locomotives or other domestic railroad equipment upon which repairs have been made in a foreign country shall be subject upon reentry into the United States to a duty upon the value of the repairs at the rate at which the locomotive or other equipment would be dutiable if imported, but no such duty shall be assessed by reason of repairs required to restore any such article to the condition in which it last left the United States, or by reason of "running" repairs required for the immediate safety of transportation.

(*c*) For the purpose of this article, locomotives or other railroad equipment manufactured in, or regularly imported into, the United States, and not subsequently cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of the return of the equipment to the United States, shall be considered "domestic." Other railroad equipment shall be considered "foreign."

ART. 232. *Immediate transportation without appraisement.*—The provisions of chapter XVI relating to the immediate transportation without appraisement of merchandise are applicable to merchandise arriving from contiguous foreign territory.

ART. 233. *Bills of lading, shipping receipts, etc., used for entry at frontier ports.*—The provisions of article 290, relative to the production at time of entry of evidence of the right to make entry, are applicable to ports on the Canadian and Mexican frontiers and should be followed in all cases.

ART. 234. *Immigrants' teams—Affidavit—use.*—(*a*) Tariff Act of 1930, paragraph 1607 (free list):

> • • • Teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe; • • •.

(*b*) A declaration on customs Form 3317 made by the immigrant before a United States consular officer, or before the collector of customs, shall be filed, stating the number and kind of animals, wagons, and other articles that are so used by him for the purpose of emigration, and that the same are actually owned by him and have been in actual use by him abroad and are not intended for sale.

(*c*) Horses, with their harness, wagons, and other vehicles, owned by immigrants and used by them for the transportation of themselves and luggage to a railway station, and then shipped to the United States, where they are again used by such immigrants to reach their destination, are entitled to entry free of duty.

(*d*) Only such vehicles as are drawn by animals are entitled to free entry under paragraph 1607, and automobiles are therefore excluded from the privilege.

(*e*) Formal entry will be required of such teams, vehicles, and effects valued at more than $100.

MERCHANDISE IN TRANSIT BETWEEN PORTS IN THE UNITED STATES THROUGH CONTIGUOUS FOREIGN TERRITORY

ART. 235. *Regulations authorized.*—Tariff Act of 1930, section 554:

> With the consent of the proper authorities, imported merchandise, in bond or duty-paid, and products and manufactures of the United States may be transported from one port to another in the United States through contiguous countries, under such regulations as the Secretary of the Treasury shall prescribe, unless such transportation is in violation of section 4347 of the Revised Statutes, as amended, section 27 of the Merchant Marine Act 1920, or section 588 of this Act.

ART. 236. *Procedure at port of exit.*—(*a*) Merchandise may be transported from one port to another in the United States through Canada or Mexico in sealed cars covered by manifests printed on yellow paper 3½ by 8 inches in size, in the following form:

RAILROAD COMPANY.

U. S. CUSTOMS IN TRANSIT MANIFEST

Port of exit_____
Port of reentry_____
Car No. and initial_____
Way bill or memo bill date_____
From_____
Station State
To_____
Station State
Description of articles:
_____
_____
Weight_____

_____
*Agent of Railway Co.*

CUSTOMHOUSE:
I certify that the above car number is correct and that customs seals are intact and locked.

_____
*Inspector.*

Time stamp.

(*b*) The information contained in this manifest shall be in accordance with the information contained in the bill accompaying the car.

(*c*) In case of mixed cars; that is, cars which call for several waybills, the description shall be mixed cars and the waybills shall be available for use of the customs officers at the port of reentry in case they are requested.

(*d*) The railroad company will be required to produce train sheets, otherwise known as consists, bridge sheets, or trip sheets, on arrival and departure of in-transit trains, to the collector of the port of exit and at the port of reentry. These sheets will be kept by the customs as a permanent record in the customhouse.

(*e*) The in-transit manifest shall be stamped by the inspector at the port of exit with a time stamp as per the copy below:

Port_____
Date_____
Inspector's initials_____

(*f*) All of the information shown on this stamp shall be in ink or in indelible pencil and shall bear the personal initials of the customs inspector.

(*g*) Train consist shall be furnished the customs inspector at the port of exit by the railroad company, showing all cars on the train and specifically indicating the in-transit cars leaving the United States. The inspector shall check each in-transit seal used to see that it is properly attached and locked, which shall be ascertained by an actual test of the seals placed on each car. While the outside inspector is checking the car numbers and initials and testing the in-transit seals applied, the inside inspector will have the manifests otherwise prepared so that, on return of the outside inspector, the certificate on the manifest



may be executed and the initials of the outside inspector added to complete the manifest without delay.

(*h*) As an alternative to the above regulation the railroads may use the following plan if it is found to be more expeditious: Train consist shall be furnished the customs inspectors at the port of exit by the railroad company showing all cars on the train and specifically indicating the in-transit cars leaving the United States. The customs inspector will retain custody of the in-transit seals; he will accompany the railroad sealer, furnishing him with in-transit seals at the time of application; test each seal used to see that it is properly applied and upon completion of the sealing of the cars will immediately report to the inside inspector. While the outside inspector is checking the car numbers and initials and testing the in-transit seals applied, the inside inspector will have the manifests otherwise prepared so that on return of the outside inspector, the certificate on the manifest may be executed and the initials of the outside inspector added to complete the manifest without delay.

(*i*) Blue "in-transit" seals shall be affixed to all openings of each car, except that cars already secured by "In bond" seals, painted red, may go forward without having "In transit" seals, painted blue, affixed thereto, and without in-transit manifest.

(*j*) Live animals in sealed cars may be fed and watered in Canada under the supervision of United States or Canadian customs officers, who shall reseal the cars with United States or Canadian customs seals, as the case may be, and make a notation thereof on the manifest.

(*k*) Live animals which may be identified by specific description in the manifest may be transported in cars not secured with customs seals in the care of an attendant or customs inspector at the expense of the parties in interest.

(*l*) Merchandise may be forwarded in less than carload lots without being corded and sealed, such fact being noted on the manifest. The customs officer at the port of exit shall, however, carefully examine the packages and satisfy himself that the merchandise agrees with the manifest quantity and description.

(*m*) Collectors of customs will immediately take steps to see that all stamps, customs seals, records, and other Government property necessary for use in the shipment of in-transit cars be kept in a place specially provided for that purpose under special lock and key, which place shall be inaccessible to anyone other than the particular customs officer designated by the collector to perform duty relative to the shipment of cars in transit.

ART. 237. *Procedure at port of reentry.*—(*a*) On arrival at the first port in the United States after transportation through foreign territory the railroad conductor shall present a consist sheet showing the initials, car numbers, and port of exit of each car in the train and a manifest for each loaded car, to the customs. The inspector shall check the manifest so received with the consist sheet to determine that a manifest has been tendered for every loaded car and then shall check the train from the consist. He shall also examine the fastenings of the car.

(*b*) In the event that the inspector finds an in-transit car improperly sealed, or without seals, said car may be treated as a car containing freight originating in Canada or Mexico, as the case may be. If any cases of substitution of merchandise are found the cars will be detained and the facts reported to the Bureau. The manifest with the consist sheet shall be filed in the customhouse at the port of reentry as a permanent record.

(*c*) In-bond seals may be broken only by a customs officer or by his direction. In-transit seals may be broken by any railroad employee or consignee at any time or place after the car has been released at the port of reentry.

(*d*) In cases where in-transit cars are diverted, cut out of a train for any reason, or unusually delayed, the railroad superintendent at the point of such diversion, cut-out, or such delay must immediately notify the customs at the port of reentry by telegraph.

(*e*) All in-transit cars arriving at ports in the United States for which manifests are not received are to be held until manifests are received, or they may be treated as loads originating in Canada or Mexico, as the case may be.

(*f*) The customs officer shall carefully examine each less than carload shipment to satisfy himself that the merchandise agrees with the manifest quantity and description and shall verify the contents of any package which he finds in bad order or which he has reason to believe has been tampered with while outside the United States.

(*g*) In cases of merchandise in in-transit cars for which customs entry is made in Canada or Mexico the railroad company will be required to send to the port of reentry the in-transit seals on such cars and manifests with indorsement on each manifest by the railroad agent showing that the merchandise is so entered.

ART. 238. *Transshipment—Shipments by rail and water—Storage.*—(*a*) Merchandise in transit may be transshipped in foreign territory from car to car or from car to vessel or from vessel to car under the supervision of a customs officer. In such cases an extra copy of the manifest shall be made out for each place of transshipment and mailed to the customs officer stationed at such place, who shall supervise the transshipment and sealing of the car or vessel to which the merchandise is transshipped, note the same on the conductor's or master's copy of the manifest, return said copy and retain the extra copy as a record of his action.

(b) When the transshipment involves the breaking up or consolidation of shipments a consolidated form of car manifest, preferably 8 by 10½ inches, shall be used in lieu of the short form prescribed in article 236, showing, in the case of each shipment, in addition to the information required on the short form, the name of the consignee, the final destination, the marks and numbers of the packages, the number of packages, and whether the shipment is free or in bond. The conductor's or master's copy of the manifest or manifests, shall be taken up by the customs officer at the place of transshipment and a new manifest shall be prepared by the carrier and certified by the customs officer for each car or vessel to which the merchandise is transshipped, and a copy of each new manifest shall be given to the conductor or master for surrender at the port of reentry into the United States. The customs officer shall attach a copy of each new manifest to the original manifest and retain the same as a record of his action.

(c) When the merchandise is to be stored in foreign territory awaiting transshipment, the customs officer at the place of transshipment shall check the merchandise into a storehouse where it shall remain under customs locks or seals until the transshipment is made.

(*d*) Merchandise leaving the United States under in-transit seals and transshiped in foreign territory without United States customs supervision, shall be treated at the port of reentry as merchandise arriving from a foreign country.

MERCHANDISE IN TRANSIT BETWEEN PORTS OF CANADA THROUGH THE UNITED STATES, AND BETWEEN PORTS IN MEXICO, THROUGH THE UNITED STATES

ART. 239. *Procedure.*—(*a*) Whenever merchandise, whether in carload or less than carload lots, arrives at a frontier port under Canadian or Mexican customs seals in transit through the United States to the same country from which it arrived, the same procedure shall be followed as that provided for merchandise in transit through the United States to foreign countries (arts. 902 to 909), except that only three copies of customs Form 7512 will be required, and that when the route is such that the train and cars will remain intact while proceeding through the United States, a consolidated train manifest containing the same information as is required on customs Form 7512 may be used. Such copies shall be disposed of as provided in the general regulations for transportation in bond, article 873 (c), except that the certificate of delivery shall be forwarded to the collector at the port of origin instead of to

the comptroller of customs in whose district the port of origin is located.

(*b*) When any such merchandise arrives without Canadian or Mexican customs seals, the regular procedure governing transportation and exportation shall be followed.

GRAIN FROM CANADA TO BE GROUND AND RETURNED

ART. 240. *When exempt from duty.*—United States Code, title 19, section 193:

Grain brought into the United States in wagons or other ordinary road vehicles, by farmers residing in the Dominion of Canada, to be ground by mills owned by citizens of the United States, shall not be deemed to be imported or liable to import duties. Such grain shall be brought into the United States under such regulations as the Treasury Department may prescribe to prevent fraud and evasion, and shall be returned as in like manner provided by such regulations. Entry shall be made of and duties paid upon all such grain as shall be taken or received by mill owners as tolls for such grinding, under like regulations provided by the Treasury Department. (Jan. 9, 1883, c. 17, 22 Stat. 402.)

ART. 241. *Deposit of duties—Refunds.*—In cases where the mill at which such grain is to be ground is not located at a port of entry, a deposit of the duties on such grain shall be taken, such deposit to be refunded upon receipt of the sworn statement of the owner of the mill that the said grain has been received at the mill, and evidence satisfactory to the collector that the product of the grinding thereof, less the toll, has been returned to Canada.

ART. 242. *Citizenship—Accounts—Sworn statements.*—A statement from the owners of the mill, showing that they are citizens of the United States, must be filed with the collector. An account will be kept by the miller, in a proper register, to be open to inspection by any customs officer, showing the name of the farmer bringing any such grain to the mill, the nature of the grain, the date of its receipt by him and of its delivery, the quantity received at the mill, the quantity of flour delivered to the farmer, and the quantity of grain taken as tolls for grinding. The miller will produce a sworn statement of such quantities at the end of each month to the collector, and shall then enter the grain received as tolls and pay the duties due thereon.

ART. 243. *Exportation—Mixing.*—Duties must be paid on any grain, or manufactures thereof, not removed from the mill for transportation to Canada within one month from the date of its receipt by the miller. Such grain may be mixed, provided the entire product of the grinding be returned to Canada, with the exception of the tolls and other portions on which duty has been paid.

BUILDINGS ON BOUNDARY

ART. 244. *Merchandise deposited therein—Penalty—Search of—Procedure.*—(*a*) Tariff Act of 1930, section 596:

Any person who receives or deposits any merchandise in any building upon the boundary line between the United States and any foreign country, or carries any merchandise through the same, or aids therein, in violation of law, shall be punishable by a fine of not more than $5,000, or by imprisonment for not more than 2 years, or both.

(*b*) Tariff Act of 1930, section 595:

If any collector of customs or other officer or person authorized to make searches and seizures shall have cause to suspect the presence in any dwelling house, store, or other building or place of any merchandise upon which the duties have not been paid, or which has been otherwise brought into the United States contrary to law, he may make application, under oath, to any justice of the peace, to any municipal, county, State, or Federal judge, or to any United States commissioner, and shall thereupon be entitled to a warrant to enter such dwelling house in the daytime only, or such store or other place at night or by day, and to search for and seize such merchandise: *Provided*, That if any such house, store, or other building, or place in which such merchandise shall be found, is upon or within 10 feet of the boundary line between the United States and a foreign country, such portion thereof as is within the United States may forthwith be taken down or removed.

* * * * * * *

(*c*) When any merchandise on which the duty has not been paid or which was imported contrary to law is found in any building upon or within 10 feet of the boundary line, the collector shall give notice to the owner of such building to take down or remove the same under pain of legal proceedings to that end. Should the building in question be not promptly taken down or removed the collector shall, through the United States attorney, apply to the United States district court for the issuance of an order directed to the owner of the building to show cause why the same should not be taken down or removed and for authority to take down or remove such building, and upon the receipt of proper authority from the court, the collector shall cause such building to be taken down or removed.

(*d*) All unpatented public lands of the United States lying within 60 feet of the boundary line of the United States and the Dominion of Canada and within 60 feet of the boundary line between the United States and Mexico have been set apart as a public reservation.

AIR COMMERCE

ART. 245. *Regulation and supervision.*—United States Code, title 49, section 177 (b), (c), and (d); Tariff Act of 1930, section 644:

(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft; (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service; and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

(c) The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

SEC. 644. The authority vested by section 7 of the Air Commerce Act of 1926 in the Secretary of the Treasury, and in the Secretary of Commerce, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, respectively, shall extend to the application in like manner of any of the provisions of this Act or of any regulations promulgated hereunder.

ART. 246. *Definitions.*—As used in articles 247 to 257 of these regulations—(*a*) The term "United States", when used in a geographical sense, means the territory comprising the several States, Territories, and possessions of the United States (except the Philippine Islands, American Samoa, and the island of Guam), and the District of Columbia, including the territorial water thereof and the overlying air space;

(*b*) The term "foreign port or place" means any port or place outside the United States as above defined;

(*c*) The term "aircraft" means "civil aircraft" as defined in section 9 of the Air Commerce Act of 1926;

(*d*) The term "airport of entry" means a place designated by the Secretary of the Treasury as a port of entry for civil aircraft, so long as such designation remains in force.

ART. 247. *Landing at airports of entry—Requirement.*—Except in the case of forced landings, aircraft arriving in the United States from any foreign port or place shall make the first landing at an airport of entry, unless permission to land elsewhere than at an airport of entry is first obtained from the Commissioner of Customs, and in such cases the owner or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, merchandise, passengers, and baggage carried therein.



ART. 248. *Advance notice of arrival.*—The person in charge of any aircraft about to depart for the United States from a foreign port or place shall give notice of the intended flight to the collector of customs for the district in which is situated the intended place of first landing in the United States. Such notice shall specify the type of aircraft, the markings thereon, the name of the person in charge, the intended landing place, and the estimated time of arrival, and shall be sent in sufficient time and by such means as to enable the officer designated to inspect the aircraft to reach the landing field prior to the arrival of the aircraft. Except in the case of a forced landing, no aircraft from a foreign port or place shall land in the United States unless notice shall have been sent in accordance with this article, nor make its first landing in the United States at any place other than that specified in such notice. Such advance notice will not be required in the case of an aircraft making a flight in accordance with a regular schedule filed with the collector for each district in which a landing is to be made.

ART. 249. *Report of arrival—Manifest.*—The person in charge of any aircraft arriving from a foreign port or place shall immediately report his arrival to the customs officer at the airport of entry or other place of first landing in the United States, and, if such aircraft shall have on board any merchandise or baggage, or, in the case of an aircraft of the United States, shall have been repaired abroad, the person in charge shall produce to such customs officer a manifest, in duplicate, on customs Form 7533, signed by such person under oath as to the truth of the statements contained therein. Customs Form 5119 may be used in lieu of customs Form 7533 if the merchandise does not exceed $100 in value. One copy of customs Form 7533 or 5119, as the case may be, shall be immediately forwarded to the comptroller. No such aircraft shall, without receiving permission therefor from such customs officer, depart from the airport or other place of first landing, or discharge any merchandise, passengers, or baggage.

ART. 250. *Forced landing—Report of.*—Should any aircraft arriving from a foreign port or place make a forced landing in the United States, the person in charge of such aircraft shall not permit any merchandise or baggage to be removed therefrom or any passengers to depart from the landing place during the period of the forced landing (except as may be necessary for purposes of safety or preservation), unless permission has been obtained from a customs officer for such removal or departure. The person in charge shall, if possible, proceed with such aircraft, after servicing and minor repairs, to the intended place of first landing or to an airport of entry or any customs port of entry, where a full report of the circumstances of the flight and forced landing shall be made. If it is impossible so to proceed, the person in charge of the aircraft shall at once make such report to the nearest customs officer. If the person in charge of the aircraft is disabled, the report shall be made by the owner of the aircraft or by any mechanic or other employee able to do so. Mail, carried as such, may be removed from any aircraft upon making a forced landing, but, if so removed, shall at once be delivered to a responsible officer or employee of the Postal Service.

ART. 251. *Immigration and public health requirements.*—(*a*) All passengers carried on aircraft arriving in the United States shall be reported to the proper immigration officer.

(*b*) Any aircraft clearing from or leaving any foreign port or place or from any port or place in the possessions or other dependencies of the United States for a port or place in the United States or its possessions or other dependencies shall be required to obtain a bill of health, in duplicate, signed by the proper officer or officers of the United States as provided for by law (except as provided for in paragraph 3 of the United States Quarantine Regulations); provided that aircraft may be exempted from obtaining bills of health except during the prevalence of any of the quarantinable diseases at such foreign port or place or at such port or place in the possessions or other dependencies of the United States.

ART. 252. *Inspection—Payment of duty—Forwarding in bond.*—(*a*) Unless forwarded in bond, all merchandise and baggage imported or brought into the United States by aircraft shall be unladen (if necessary) in the presence of and be inspected by a customs officer at the customs airport where the first landing is made, where such merchandise and baggage shall be duly entered and the duty thereon shall be paid, if any is due.

(*b*) After being duly entered and the duties thereon paid and permit issued, the merchandise may be reladen or retained on the aircraft for transportation to destination.

(*c*) Merchandise may be forwarded in bond via aircraft provided the aircraft line has been bonded as a common carrier and the merchandise is destined to a place where there is a customs airport of entry or at which the Commissioner of Customs has authorized such aircraft to land, under the conditions specified in article 247.

ART. 253. *Foreign aircraft—Permit to proceed inland.*—(*a*) The person in charge of an aircraft registered in a foreign country arriving in the United States carrying passengers for hire or merchandise and not clearing for a foreign destination from the airport of first arrival without proceeding further inland, shall, before proceeding further inland, obtain from the collector of customs at that port a "Permit allowing aircraft of foreign registry to proceed inland", customs Form 4449, which shall be retained on board such aircraft while in the United States and be surrendered to the collector of customs at the port of final clearance for a foreign destination.

(*b*) A copy of such permit shall be retained by the collector at the port where issued. If within 30 days after the issuance of such permit the said collector does not receive a report of the outward clearance of the aircraft covered thereby, the matter shall be reported to the supervising customs agent for investigation and also to the Department of Commerce.

(*c*) Except when registered in a foreign country with which the United States has a reciprocal agreement as to aircraft and piloting privileges, permits to proceed inland shall not be issued to aircraft of foreign registry unless the operators thereof present satisfactory evidence of authority from the United States Department of Commerce to operate in the United States. The United States now has reciprocal agreements with the Dominion of Canada, Italy, and the Republic of Colombia. Additions to the list of such countries will published from time to time in the Treasury Decisions.

(*d*) Civil aircraft registered in the United States arriving from a foreign country with passengers for hire or merchandise may, after proper customs treatment of their cargo, be allowed to proceed upon their identity being established.

ART. 254. *Fuel, stores, and equipment.*—The provisions of section 446 of the Tariff Act of 1930 and the regulations thereunder (relating to stores, fuel, and equipment of vessels), shall apply to the corresponding stores, fuel, and equipment of such aircraft.

ART. 255. *Clearance—When required—What constitutes—Procedure.*—(*a*) The person having charge or command of any aircraft of United States registry transporting passengers for hire or merchandise, and all aircraft of foreign registry, bound to a foreign port, shall clear at the customs port of entry nearest to the place of departure, or at the airport of departure if such airport has been designated as a customs airport.

(*b*) Aircraft of United States registry not transporting passengers for hire or merchandise are not required to clear on departing from the United States.

(*c*) Clearance shall consist of the filing of a manifest, together with export declarations on customs Form 7525 for all cargo on board, and a correct list of passengers, if any, received on board, giving their names and addresses and, in the case of an aircraft of foreign registry, departing from a port of entry other than that at which it first arrived, the surrender of the permit to proceed inland issued at the first port. Each permit to proceed inland surrendered by a foreign aircraft at the port of departure thereof shall

be indorsed by the customs officer in charge at the place of departure to show the fact and date of departure and returned to the port at which it was issued.

(*d*) The manifest shall specify the kinds and quantities of the articles contained on board and the value and total quantity of each kind of article. The manifest shall also contain a statement by the person in charge or command of the aircraft that the said manifest contains a full, just, and true account of all articles laden on board such aircraft by the owners, shippers, consignors, or carrier, respectively, and that the value of such articles are truly stated according to their actual cost or the values which they truly bear at the port and time of exportation; and shall show the foreign port or country in which such articles are truly intended to be landed. Such statement shall be under oath unless the total value of the merchandise is less than $25 or it is to be shipped to or through Mexico or Canada.

(*e*) The statement "as per export declarations attached" may be made on the manifest in lieu of the description of the merchandise, provided the manifest is accompanied by complete export declarations. The manifest may be the waybill or a copy thereof, or a copy of the manifest prepared for the foreign customs. If the export declarations are not at hand for any of the merchandise, a pro forma export declaration for such merchandise may be executed by the person in charge or command of the aircraft on customs Form 7303 and a bond given (on the same form) for the production of the export declarations within 6 days after the date of exportation. A term bond may be given if desired.

(*f*) A clearance certificate, commerce Form 1378, may be issued when requested by the person in charge of the aircraft.

(*g*) A record of clearances of aircraft shall be kept at ports of departure on commerce Form 1401, "Record of vessels clearing for foreign ports", modified as necessary.

ART. 256. *General provisions.*—Except as otherwise in these regulations provided, aircraft arriving from any foreign port or place, and the merchandise, passengers, and baggage carried therein, shall be subject to the administrative provisions of the custom laws and regulations applicable to vehicles arriving from contiguous foreign territory and to the merchandise, passengers, and baggage carried thereon, respectively. All administrative provisions of the customs laws and regulations applicable solely to vessels, or inconsistent with these regulations, shall be inapplicable to such aircraft, merchandise, passengers, or baggage.

ART. 257. *Penalties.*—Any person violating any customs regulation involving aircraft or any provision of the customs laws or regulations made applicable to aircraft by article 256 shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in the customs laws. Such penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury.

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## CHAPTER V

## CUSTOMS RELATIONS WITH INSULAR POSSESSIONS, PANAMA CANAL ZONE, AND GUANTANAMO BAY NAVAL STATION

Art.
258. Hawaii and Puerto Rico.
259. Internal-revenue tax—Puerto Rico.
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269. Jurisdiction.
270. Guam and American Samoa.
271. Canal Zone.
272. Virgin Islands.
273. Guantanamo Bay Naval Station.

ART. 258. *Hawaii and Puerto Rico.*—(*a*) Hawaii and Puerto Rico are customs collection districts and are subject to all the provisions of the customs laws and regulations of the United States, including the privileges of immediate transportation without appraisement to and from ports in the United States.

(*b*) As section 319 of the Tariff Act of 1930 authorizes the Legislature of Puerto Rico to impose a duty on coffee imported into Puerto Rico, including coffee grown in a foreign country coming into Puerto Rico from the United States, and as the Legislature of Puerto Rico has imposed such a duty, a regular entry shall be made for all foreign-grown coffee shipped to Puerto Rico from the United States, but consular invoices will not be required for such shipments.

ART. 259. *Internal-revenue tax—Puerto Rico.*—(*a*) Tariff Act of 1930, section 302:

> Articles, goods, wares, or merchandise going into Puerto Rico from the United States shall be exempted from the payment of any tax imposed by the internal-revenue laws of the United States.

(*b*) United States Code, title 26, section 1481 (c):

> All provisions of law for the allowance of drawback of internal-revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal-revenue tax has been paid when shipped from the United States to the Island of Puerto Rico. (Mar. 4, 1915, c. 164, 38 Stat. 1189.)

(*c*) Section 404, title IV, Liquor Tax Administration Act, approved June 26, 1936, amends section 311, Tariff Act of 1930, by adding the following:

> Distilled spirits and wines which are rectified in bonded manufacturing warehouses, class 6, and distilled spirits which are reduced in proof and bottled in such warehouses, shall be deemed to have been manufactured within the meaning of this section, and may be withdrawn as hereinbefore provided, and likewise for shipment in bond to Puerto Rico, subject to the provisions of this section, and under such regulations as the Secretary of the Treasury may prescribe, there to be withdrawn for consumption or be rewarehoused and subsequently withdrawn for consumption: *Provided*, That upon withdrawal in Puerto Rico for consumption, the duties imposed by the customs laws of the United States shall be collected on all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines in such warehouses: *Provided further*, That no internal-revenue tax shall be imposed on distilled spirits and wines rectified in class 6 warehouses if such distilled spirits and wines are exported or shipped in accordance with the provisions of this section * * *.

(*d*) Upon the withdrawal for shipment to Puerto Rico of spirits and wines so manufactured, the warehouse withdrawal shall contain on the face thereof a statement of the kind and quantity of all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines. The duty assessed on the imported merchandise and containers so used, and their classification and value, shall be shown on the withdrawal, in accordance with article 324. If no imported merchandise or containers have been used, the warehouse withdrawal shall contain an endorsement to that effect.

(*e*) The spirits and wines shall be forwarded in accordance with the general provisions of the regulations governing the transportation of merchandise in bond (ch. XVI).

ART. 260. *The Philippine Islands.*—(*a*) Tariff Act of 1930, section 301:

> There shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands, or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty: * * * *And provided further*, That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof, under a through bill of lading, from the country of origin to the country of destination: *Provided*, That direct shipments shall include shipments in bond through foreign territory contiguous to the United States: *Provided, however*, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as the case may be, and that its condition has not been changed except for such damage as may have been sustained: * * *

(*b*) The Philippine Islands are not customs collection districts. Shipments between those islands and the United States are the subject of various specific statutory provisions defining their status. All merchandise arriving from the Philippine Islands must be entered at the customhouse.

(*c*) Merchandise from the Philippine Islands to be entitled to admission free of duty must be accompanied by a certificate of origin signed and sealed by the collector or by a deputy collector at the port of shipment in the Philippine Islands. In the absence of said certificate a bond on customs Form 7551 or 7553 or a deposit of estimated duties will be taken for its production. Shipments by mail or otherwise valued at $10 or less are not required to be accompanied by such certificate. A bond may be given for the production of any document necessary to complete entry on customs Form 7551 or 7553, except that bond for the production of a bill of lading shall be given on customs Form 7581 or 7587.

ART. 261. *Tariff duties after independence.*—United States Code, title 48, section 1243:

> After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries * * *. (Mar. 24, 1934, c. 84, 48 Stat. 464.)

ART. 262. *Sugar, refined and unrefined, coconut oil, and cordage.*—(*a*) United States Code, title 48, section 1236:

> After the date of the inauguration of the government of the Commonwealth of the Philippine Islands trade relations between the United States and the Philippine Islands shall be as now provided by law, subject to the following exceptions:
>
> (*a*) There shall be levied, collected, and paid on all refined sugars in excess of 50,000 long tons, and on unrefined sugars in excess of 800,000 long tons, coming into the United States from the Philippine Islands in any calendar year, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.
>
> (*b*) There shall be levied, collected, and paid on all coconut oil coming into the United States from the Philippine Islands in any calendar year in excess of 200,000 long tons, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.
>
> (*c*) There shall be levied, collected, and paid on all yarn, twine, cord, cordage, rope, and cable, tarred or untarred, wholly or in chief value of manila (abaca) or other hard fibers, coming into the United States from the Philippine Islands in any calendar year in excess of a collective total of 3,000,000 pounds of all such articles hereinbefore enumerated, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries. * * * (Mar. 24, 1934, c. 84, 48 Stat. 459.) (Note the act of June 14, 1935, suspends the operation of this paragraph for a period of 3 years and grants authority to the President of the United States to extend the suspension for an additional period of 3 years or more.)

(*b*) United States Code, title 48, section 1236a:

> Effective May 1, 1935, and for 3 years thereafter, the total amount of all yarns, twines, cords, cordage, rope, and cable, tarred or untarred, wholly or in chief value of Manila (abaca) or other hard fiber, produced or manufactured in the Philippine Islands, coming into the United States from the Philippine Islands, shall not exceed 6,000,000 pounds during each successive 12 months period, which 6,000,000 pounds shall enter the United States duty free.
>
> The amount or quantity of such articles which may be so exported to the United States shall be allocated, under export permits issued by the Government of the Philippine Islands, to the producers or manufacturers thereof. This allocation shall be made by the Governor General of the Philippine Islands prior to the inauguration of the Commonwealth of the Philippines, and thereafter by the President of said Commonwealth, unless otherwise provided by the Legislature of the Commonwealth.



Pending the final and complete withdrawal of American sovereignty over the Philippine Islands, the President of the United States may, by proclamation, at least 90 days prior to the expiration of the 3-year period provided herein, extend the operation of this section for an additional period of 3 years or more, provided such extension is accepted by the President of the Commonwealth of the Philippines.

On and after the expiration of the operation of this section the articles described herein coming into the United States from the Philippines shall be subject to the provisions of section 1236 of this chapter.

Except as provided herein, nothing in this section shall be construed to modify or repeal the provisions of any existing law.

The Secretary of the Treasury shall promulgate such rules and regulations as may be necessary to enforce the provisions hereof; and this section shall be enforced as part of the customs law. (June 14, 1935, c. 240, 49 Stat. 340.)

(*c*) Collectors of customs shall render reports to the Commissioner of Customs, Washington, D. C. (Attention, Division of Statistics and Research), on Monday of each week for the week ending the previous Saturday, giving in respect of each shipment from the Philippine Islands of any commodity specified above the name of the commodity, date and number of entry, date and port of original arrival, and the net weight in pounds of the commodity. In the case of sugar, refined or unrefined, the net weight in pounds (irrespective of polarization) and the class (refined or unrefined) shall be reported.

(*d*) When the quotas for sugar, refined and unrefined, or coconut oil, or cordage permitted to be brought into the United States from the Philippine Islands duty free under the acts set out above, approach fulfillment, special instructions will be issued by the Bureau.

(*e*) For the purpose of these regulations, binder twine, wholly or in chief value of manila (abaca) or other hard fiber, is included among the products specified in paragraph (*c*) of section 6 of the Philippine Independence Act of March 24, 1934, and in the Cordage Act of June 14, 1935.

ART. 263. *Invoices required.*—Except as provided in article 299 (*b*), invoices, certified by the collector or deputy collector of customs in the Philippine Islands will be required upon the entry of all dutiable merchandise from those islands valued at more than $100. When merchandise is covered by a certificate of origin no certified invoice is required.

ART. 264. *Internal-revenue tax on articles from the Philippine Islands—Stamps.*—(*a*) Tariff Act of 1930, section 301:

> * * * That there shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; * * * * * * * *

(*b*) Stamps may be affixed on such articles prior to shipment to the United States, and a certificate to that effect from the collector of internal revenue of the Philippine Islands affixed to the outer shipping case.

(*c*) When such certificate is affixed, customs officers need not inspect the interior packages for the purpose of determining whether proper internal-revenue stamps have been affixed thereto. When such certificate is not affixed to the exterior package and it is found upon examination that the interior packages are not properly stamped, the collector of customs at the port of entry will at once so notify the collector of internal revenue for that district.

(*d*) Should the consignee, or his agent, fail to procure and affix the required internal-revenue stamps to such articles within a reasonable time after inspection the collector will so report to the Commissioner of Internal Revenue.

ART. 265. *Shipments from warehouse.*—(*a*) United States Code, title 19, section 152a:

> All articles manufactured in bonded manufacturing warehouses in whole or in part of imported materials, or of materials subject to internal-revenue tax and intended for shipment from the United States to the Philippine Islands, shall, when so shipped, under such regulations as the Secretary of the Treasury

may prescribe, be exempt from internal-revenue tax, and shall not be charged with duty except the duty levied upon imports into the Philippine Islands. • • •

(*b*) All packages of merchandise so shipped must be marked by the shipper "Manufactured in customs bonded manufacturing warehouse" in a conspicuous, legible, and permanent manner. Customs officers supervising the lading of such merchandise must see that the packages are so marked.

(*c*) In such cases the withdrawal entry shall contain on the face thereof a statement of the kind and quantity of any dutiable imported material which has entered into the manufacture of the merchandise. If no such material has been used the indorsement will read "No dutiable imported material used."

(*d*) United States Code, title 19, section 152b:

Merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within 3 years from the date of the original arrival, to a return of the duties paid less 1 per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury. (Mar. 8, 1902, c. 140, sec. 7, 32 Stat. 55.)

(*e*) An additional copy of all such withdrawal entries will be required to be filed and will be mailed to the collector of customs at Manila, Philippine Islands.

ART. 266. *Shipments to the Philippine Islands with benefit of drawback.*—(*a*) United States Code, title 19, section 152a:

• • • Where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less 1 per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe. (Mar. 8, 1902, c. 140, sec. 6, 32 Stat. 55.)

(*b*) All packages so shipped, upon which drawback is claimed, must be marked by the shipper "drawback claimed" in a conspicuous, legible, and permanent manner. Customs officers supervising the lading of goods shipped to said islands with benefit of drawback must see that the packages are so marked.

(*c*) United States Code, title 26, section 1461 (c):

All provisions of law for the allowance of drawback of internal-revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal-revenue tax has been paid when shipped from the United States to the Philippine Islands. (Mar. 4, 1915, c. 164, 38 Stat. 1189.)

ART. 267. *Shipments in transit.*—Merchandise which appears by the invoice, manifest, bill of lading, or other document to be intended for shipment through the United States to the Philippine Islands may be entered for transportation and exportation in the same manner as similar shipments are made in transit to foreign countries, and merchandise similarly shown to be intended for shipment from the port of arrival in the United States to said islands may be entered on the form used for merchandise brought in at and exported from the same port. (See arts. 902 to 909.)

ART. 268. *Merchandise made by convict, forced, or indentured labor.*—The prohibition against the importation of goods mined, produced, or manufactured wholly or in part by convict, forced, or indentured labor contained in section 307 of the Tariff Act of 1930 does not apply to goods mined, produced, or manufactured in the Philippine Islands.

ART. 269. *Jurisdiction.*—The customs administration of the Philippine Islands is under the jurisdiction of the Department of War, Bureau of Insular Affairs.

ART. 270. *Guam and American Samoa.*—(*a*) Guam and American Samoa are American territory. They are not customs collection districts and importations into those islands are not governed by the customs regulations. Their customs administration is under the jurisdiction of the Department of the Navy.

(*b*) Merchandise arriving in the United States from Guam and American Samoa must be entered, but will be admitted free of duty if accompanied by a certificate of the chief customs officer at the port of shipment showing the same to be the growth or product of those islands or actual importations into the islands. Merchandise arriving from those islands unaccompanied by such certificate will be subject to duty as if imported from a foreign country. In the absence of such a certificate at the time of entry, a bond on customs Form 7551 or 7553 may be given for its production. Shipments, by mail or otherwise, valued at $10 or less, if the growth or product of those islands, are not required to be accompanied by such certificate; but in the case of shipments claimed to be actual importations into said islands, the proper certficate will be required as a condition to admission free of duty, regardless of the value of the shipment.

(*c*) Except as provided in article 299 (*b*), invoices certified by the chief customs officer in Guam or American Samoa will be required upon the entry of all dutiable merchandise from those islands valued at more than $100. When merchandise is covered by a certificate of origin or of actual importation into those islands, no certified invoice is required.

(*d*) Merchandise may be withdrawn from bonded warehouse under section 557 of the Tariff Act of 1930 for shipment to Guam and American Samoa without payment of duty, or with benefit of drawback if the duties have been paid thereon. No drawback can be allowed under section 313 of the Tariff Act of 1930 on articles manufactured or produced in the United States with the use of imported merchandise or domestic tax-paid alcohol and shipped to Guam or American Samoa.

ART. 271. *Canal Zone.*—(*a*) United States Code, title 19, section 126:

All laws affecting imports of articles, goods, wares, and merchandise from foreign countries shall apply to articles, goods, wares, and merchandise and persons coming from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia. (Mar. 2, 1905, c. 1311, 33 Stat. 438.)

(*b*) The customs administration of the said Canal Zone is under the jurisdiction of the Governor of the Panama Canal.

ART. 272. *Virgin Islands.*—(*a*) United States Code, title 48, section 1394:

There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. (Mar. 3, 1917, c. 171, sec. 3, 39 Stat. 1133.)

(*b*) Compliance with these requirements of the law must be established by an official certificate of origin of the collector or deputy collector of customs at the port of shipment in the Virgin Islands. Such certificate will not, however, be required for shipments by mail or otherwise valued at $10 or less.

(*c*) In case merchandise arrives unaccompanied by a certificate of origin or any document necessary to complete entry is lacking bond for the production thereof may be taken, on customs Form 7551 or 7553, except that bond for the production of a bill of lading shall be taken on customs Form 7581 or 7587.

(*d*) Except as provided in article 299 (*b*), invoices certified by the collector or deputy collector of customs in the Virgin Islands will be required upon the entry of all dutiable merchandise from those islands valued at more than $100. When merchandise is covered by a certificate of origin, no certified invoice is required.

(*e*) Merchandise may be withdrawn from bonded warehouse under section 557 of the Tariff Act of 1930 for shipment to the Virgin Islands without payment of duty, or with benefit of drawback if the duties have been paid thereon. No drawback can be allowed under section 313 of the Tariff Act of 1930 on articles manufactured or produced in the United States with the use of imported merchandise or domestic tax-paid alcohol and shipped to the Virgin Islands.

ART. 273. *Guantanamo Bay Naval Station.*—Articles of foreign origin may enter the area (both land and water) of the Guantanamo Bay Naval Station free of duty, but such articles will be subject to duty upon their subsequent entry into the United States.

## CHAPTER VI

## INVOICES, ENTRY, AND ASSESSMENT OF DUTIES

### INVOICES

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### INVOICES

ART. 274. *Requirements as to all invoices.*—(*a*) Tariff Act of 1930, section 481 (a):

All invoices of merchandise to be imported into the United States shall set forth—

(1) The port of entry to which the merchandise is destined;

(2) The time when, the place where, and the person by whom and the person to whom the merchandise is sold or agreed to be sold, or if to be imported otherwise than in pursuance of a purchase, the place from which shipped, the time when and the person to whom and the person by whom it is shipped;

(3) A detailed description of the merchandise, including the name by which each item is known, the grade or quality, and the marks, numbers, or symbols under which sold by the seller or manufacturer to the trade in the country of exportation, together with the marks and numbers of the packages in which the merchandise is packed;

(4) The quantities in the weights and measures of the country or place from which the merchandise is shipped, or in the weights and measures of the United States;

(5) The purchase price of each item in the currency of the purchase, if the merchandise is shipped in pursuance of a purchase or an agreement to purchase.

(6) If the merchandise is shipped otherwise than in pursuance of a purchase or an agreement to purchase, the value for each item, in the currency in which the transactions are usually made, or, in the absence of such value, the price in such currency that the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities in the country of exportation;

(7) The kind of currency, whether gold, silver, or paper;

(8) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper; or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in the invoice prices when the amounts for such charges are unknown to the seller or shipper;

(9) All rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise; and

(10) Any other facts deemed necessary to a proper appraisement, examination, and classification of the merchandise that the Secretary of the Treasury may require.

(*b*) When any of the component materials of an imported article affects its classification or appraisement, the "grade or quality" of the article shall be shown on the invoice by an

analysis of the article or the formulae under which it was manufactured or produced, showing the percentage of each such component material contained in the article if known or, if such percentage is unknown, by a statement that the article contains such material or materials.

(c) Tariff Act of 1930, section 484 (g):

Under such regulations as the Secretary of the Treasury may prescribe, the collector or the appraiser may require a verified statement from the manufacturer or producer showing the cost of production of the imported merchandise, when necessary to the appraisement of such merchandise.

Whenever it shall be determined by the appraising officer that information as to the cost of production is necessary in the appraisement of certain merchandise, the importer shall be notified by the collector or appraiser and thereafter invoices covering shipments of such merchandise shall contain a verified statement by the manufacturer or producer as to the cost of production, as defined in section 402 (f) of the Tariff Act of 1930.

(*d*) Tariff Act of 1930, section 481 (b):

If the merchandise is shipped to a person in the United States by a person other than the manufacturer, otherwise than by purchase, such person shall state on the invoice the time when, the place where, the person from whom such merchandise was purchased, and the price paid therefor in the currency of the purchase, stating whether gold, silver, or paper.

(*e*) All special regulations heretofore issued, whether published or unpublished, and now in force, requiring special information in addition to that prescribed in this article on invoices of certain classes of merchandise are continued in force until modified or revoked.

(*f*) Tariff Act of 1930, section 481 (d):

The Secretary of the Treasury may by regulations provide for such exceptions from the requirements of this section as he deems advisable.

(*g*) When the kind of currency is apparent from the invoice a specific statement that the currency is gold, silver, or paper need not be required.

ART. 275. *Additional requirements as to invoices over $100.*—Tariff Act of 1930, section 482 (a), (b), (c), and (d):

(a) Every invoice covering merchandise exceeding $100 in value shall, at or before the time of the shipment of the merchandise, or as soon thereafter as the conditions will permit, be produced for certification to the consular officer of the United States—

(1) For the consular district in which the merchandise was manufactured, or purchased, or from which it was to be delivered pursuant to contract;

(2) For the consular district in which the merchandise is assembled and repacked for shipment to the United States, if it has been purchased in different consular districts.

(b) Such invoices shall have indorsed thereon, when so produced a verified declaration, in a form prescribed by the Secretary of the Treasury, stating whether the merchandise is sold or agreed to be sold, or whether it is shipped otherwise than in pursuance of a purchase or an agreement to purchase, that there is no other invoice differing from the invoice so produced, and that all the statements contained in such invoice and in such declaration are true and correct.

(c) Every certified invoice shall be made out in triplicate, or, for merchandise intended for immediate transportation under the provisions of section 552 of this Act, in quadruplicate, if desired by the shipper, and shall be signed by the seller or shipper, or the agent of either; but a person who has no interest in the merchandise except as broker or forwarder shall not be competent to sign any such invoice. Where any such invoice is signed by an agent, he shall state thereon the name of his principal.

(d) Such invoices shall be certified in accordance with the provisions of existing law.

ART. 276. *Mode of certification and disposition of invoices.*—(a) Tariff Act of 1930, section 481 (c):

When the merchandise has been purchased in different consular districts for shipment to the United States and is assembled for shipment and embraced in a single invoice which is produced for certification under the provisions of paragraph (2) of subdivision (a) of section 482 of this Act, the invoice shall have attached thereto the original bills or invoices received by the shipper, or extracts therefrom, showing the actual prices paid or to be paid for such merchandise. The consular officer to whom the invoice is so produced for certification may require that any such original bill or invoice be certified by the consular officer for the district in which the merchandise was purchased.

(b) Tariff Act of 1930, section 482 (e):

The original of the invoice and, if made, the quadruplicate shall be delivered to the exporter, to be forwarded to the consignee for use in making entry of the merchandise, and the triplicate shall be promptly transmitted by the consular officer to the collector of customs at the port of entry named in the invoice. The duplicate shall be filed in the office of the consular officer by whom the invoice was certified, to be there kept until the Secretary of State authorizes its destruction.

(NOTE.—Consular officers have been instructed to deliver to shippers at the time the original certified copy is delivered an additional uncertified copy of each consular invoice (names of shippers and consignees being omitted and to advise shippers to forward each additional copy to the consignee with its related original certified copy. Collectors should request importers to submit the additional copy at the time the related entry is filed. When received in the customhouse the uncertified copy should be given the appropriate entry number and attached to the statistical copy of the entry for transmission to the Section of Customs Statistics, Department of Commerce, New York, N. Y. In cases where the uncertified copy of the invoice is received subsequent to the date of entry, the statistical copy of the entry will be forwarded without waiting for the uncertified copy of the invoice, but on the subsequent receipt of this copy the entry number will be placed thereon, and it will then be forwarded to the Section of Customs Statistics. (Bureau Circular Letter 1587 of July 22, 1936.))

(c) Tariff Act of 1930, section 482 (f):

When merchandise is to be shipped from a place so remote from an American consulate as to render impracticable certification of the invoice by an American consular officer, such invoice may be certified by a consular officer of a nation at the time in amity with the United States, or if there be no such consular officer available such invoice shall be executed before a notary public or other officer having authority to administer oaths and having an official seal: *Provided*, That invoices for merchandise shipped to the United States from the Philippine Islands, the Virgin Islands, American Samoa, the island of Guam, or the Canal Zone may be certified by the collector of customs or the person acting as such, or by his deputy.

(*d*) While the seller or shipper must sign all copies of the invoice, only one copy need be signed by the consular officer, the signed copy invariably to be the original. However, the consular officer's name as well as the rubber seal of the consulate must be stamped on all copies of the invoice.

ART. 277. *Consular notations.*—(a) If the consul shall be of the opinion that the data given in the invoice will not for any reason enable the appraiser to arrive at the true market value of the merchandise, the consul should state on a separate sheet, a copy to be attached to each copy of the invoice, such facts as he believes the appraiser may desire to consider in addition to or in connection with the data already given in the invoice.

(*b*) If the facts which the consul believes should be considered by the appraiser are confidential or can not for any reason be stated fully on the sheet attached to the invoice, they should be communicated by letter to the appraiser at the port of entry named in the invoice at the time of or as soon as possible after the certification of the invoice. When the consul suspects fraud, a copy of his letter to the appraiser should be sent to the Customs Information Exchange in New York City.

(c) The appraiser will notify the consul of the return of value made by him on any invoice to which consular notations of value are attached.

ART. 278. *Fee stamp to be affixed.*—The original of the invoice must be stamped and the stamp canceled by the consular officer to show the payment of the fee. No unstamped original invoice shall be accepted as valid, but an unstamped invoice may be used as a pro forma invoice and entry made thereon upon the giving of a bond for the production of a stamped invoice. If, however, the triplicate or the quadruplicate consular invoice shall bear a consular notation that the original was stamped, such invoice may be accepted the same as the stamped invoice when produced. Collectors should notify consular officers of the receipt of unstamped invoices.

ART. 279. *Descriptive list—Disposition of triplicate consular invoices.*—On receipt in the collector's office triplicate consular invoices should be checked against the accompanying descriptive list (consular Form 142). They should be examined for the purpose of ascertaining whether consular notations appear thereon and invoices bearing such notations should be referred to the appraiser or to the other proper customs officer. The triplicate invoices will be filed temporarily in the entry division in numerical order under place of consulation, and held, if necessary, for a period of 30 to 60 days for use as provided in article 304, after which they should be transferred to the record room and kept there for a period of 5 years for reference in case the original invoice shows signs of having been tampered with or other fraud is suspected. Descriptive lists should be filed at ports of receipt.



ART. 280. *Change in destination.*—When, on account of a change in the destination of merchandise after verification of the invoice before the consul, the required triplicate shall not have been received, the collector at the port of entry may request in duplicate on customs Form 3449 the collector at the port of original destination to transmit to him the triplicate invoice. The duplicate copy of the request for the document will be returned with the invoice to the collector who issued it. When the triplicate invoice can not be so produced, the consul may be requested to transmit a certified transcript of the invoice retained by him.

ART. 281. *Invoice to be for single shipment.*—(a) Every invoice must represent a distinct shipment by one consignor to one consignee or firm of consignees by one vessel. If by reason of accident or short shipment a portion thereof should fail to arrive, an extract from the original invoice, certified by the collector or appraiser, may be used for entering the remaining packages.

(*b*) Except as provided in article 227 the consolidation of separate shipments on one invoice, or the breaking up of importations into small lots, each valued at less than $100, for the purpose of avoiding consular fees, shall not be permitted.

ART. 282. *Incomplete invoices.*—(a) Collectors will reject certified invoices which are not made in accordance with the regulations, but entry may be permitted on a pro forma invoice and a bond taken for the production of a corrected consular invoice.

(*b*) Incomplete invoices covering merchandise valued at $100 or less will not be rejected, if the classification and appraisement of the merchandise thereon can be made without endangering the revenue.

ENTRY

ART. 283. *Entry required.*—(a) Tariff Act of 1930, section 484 (a):

Except as provided in sections 490, 498, 552, and 553 and in subdivision (j) of section 336 of this Act, and in subdivisions (h) and (i) of this section, the consignee of imported merchandise shall make entry therefor either in person or by an agent authorized by him in writing under such regulations as the Secretary of the Treasury may prescribe. • • •

(*b*) Entry must be made of all importations whether free or dutiable and regardless of their value, except (1) as provided in article 365; (2) as provided in article 832; (3) as provided in article 375 (b); (4) parcels contained in packed packages where the individual parcel contains merchandise unconditionally free of duty and not exceeding $100 in value. When action is taken under (2) or (4) an appropriate notation as to the disposition of the articles and the authority under which they were passed free of duty or the statement "no dutiable value" shall be made on the manifest in lieu of the entry.

ART. 284. *Examination of merchandise prior to entry.*—(a) Customs officers at the port of entry will not permit the opening, examination, or inspection of any package containing imported merchandise until proper entry therefor has been made, except as otherwise provided by law or regulation, or when a real necessity is shown and the consignee makes application therefor in writing, in which the carrier concurs.

(*b*) Upon written application by the consignee or his agent, concurred in by the carrier, perishable merchandise may be inspected before entry upon arrival at the port of entry, or while in transit under bond, but only for the purpose of determining its condition and under customs supervision. The additional expense, if any, of customs supervision, including actual expenses for travel and subsistence, but not the compensation of the customs officer, shall be paid by the party requesting the inspection.

ART. 285. *Date of importation.*—In the case of merchandise imported by vessel, the date of importation is the date on which the vessel arrives within the limits of a port with intent to unlade. When the vessel enters two or more United States ports, the date of importation is the date of arrival of the vessel at the port at which the merchandise is landed. The date of importation of merchandise arriving otherwise than by vessel is the date on which the vehicle carrying the same arrives within the limits of the United States. The date of importation of merchandise forwarded under an immediate transportation entry is the date of arrival of the merchandise at the first port.

ART. 286. *Entry—Definition—Date of.*—(a) The term "entry" has three meanings, as follows:

(1) The document which the consignee or his agent presents at the customhouse, containing his declaration and setting forth the intended customs disposition of the merchandise, together with such facts in regard thereto as the law or regulations may require.

(2) The presentation of the above-described document and accompanying papers at the customhouse and its acceptance by the proper customs officer.

(3) In its broader sense it includes all transactions necessary to secure the release of the merchandise from customs control.

(*b*) The date of entry is the date on which the document described in (1) above is accepted, provided that no entry shall be officially accepted until the importer has performed all acts required of him which are necessary to secure a customs permit for the release of the unexamined merchandise, or for the transfer of the merchandise to a bonded warehouse or to secure the issuance of an order for the examination of the packages designated therefor. The date of official numbering, which shall be noted on all entries, shall in each case correspond with the date of acceptance, thus establishing the date of entry.

ART. 287. *Effective date of rates of duty.*—Tariff Act of 1930, section 315:

On and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act and to no other duty upon the entry, or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall, except as provided in section 562 of this Act (relating to manipulating warehouses), be levied and collected upon the weight of such merchandise at the time of its entry.

ART. 288. *Consignee as owner of merchandise.*—Tariff Act of 1930, section 483:

For the purposes of this title—

(1) All merchandise imported into the United States shall be held to be the property of the person to whom the same is consigned; and the holder of a bill of lading duly indorsed by the consignee therein named, or, if consigned to order, by the consignor, shall be deemed the consignee thereof. The underwriters of abandoned merchandise and the salvors of merchandise saved from a wreck at sea or on or along a coast of the United States may be regarded as the consignees.

(2) A person making entry of merchandise under the provisions of subdivision (h) or (i) of section 484 (relating to entry on carrier's certificate and on duplicate bill of lading, respectively) shall be deemed the sole consignee thereof.

ART. 289. *When and by whom entry may be made.*—(a) Tariff Act of 1930, section 484 (a):

• • • Such entry shall be made at the customhouse within 48 hours, exclusive of Sundays and holidays, after the entry of the importing vessel or report of the vehicle, or after the arrival at the port of destination in the case of merchandise transported in bond, unless the collector authorizes in writing a longer time. • • •

(*b*) Tariff Act of 1930, section 484 (a):

Except as provided in sections 490, 498, 552, and 553 and in subdivision (j) of section 336 of this Act, and in subdivisions (h) and (i) of this section, the consignee of imported merchandise shall make entry therefor either in person or by an agent authorized by him in writing under such regulations as the Secretary of the Treasury may prescribe. • • •

(c) The executor or administrator of the estate of a deceased consignee, the receiver or other legal representative of an insolvent consignee or the representative of a consignee appointed in any action or proceeding at law, shall not be permitted to make entry unless he shall produce a duly indorsed bill of lading or a certificate from the carrier or a duplicate bill of lading executed in accordance with subsections (h) and (i), respectively, of section 484 of the tariff act, showing him to be consignee for customs purposes.

(d) A nonresident consignee who appears in person at the customhouse has the right to make entry but the bond (customs Form 7551 or 7553) when required, shall have a resident corporate surety thereon.

(e) A foreign corporation can not enter merchandise for consumption unless it has, in the State where the port of entry is located, a resident agent authorized to accept service of process against such corporation and files a bond with resident corporate surety to secure the payment of any increased and additional duties which may be found due.

ART. 290. *Evidence of right to make entry.*—(a) Tariff Act of 1930, section 484 (c):

> The consignee shall produce the bill of lading at the time of making entry; except that—
> (1) If the collector is satisfied that no bill of lading has been issued, the shipping receipt or other evidence satisfactory to the collector may be accepted in lieu thereof;
> (2) The collector is authorized to permit entry and to release merchandise from customs custody without the production of the bill of lading if the person making such entry gives a bond satisfactory to the collector, in a sum equal to not less than one and one-half times the invoice value of the merchandise, to produce such bill of lading, to relieve the collector of all liability, to indemnify the collector against loss, to defend every action brought upon a claim for loss or damage, by reason of such release from customs custody or a failure to produce such bill of lading and to entitle any person injured by reason of such release from customs custody to sue on such bond in his own name, without making the collector a party thereto. Any person so injured by such release may sue on such bond to recover any damages so sustained by him; and
> (3) The provisions of this subdivision shall not apply in the case of an entry under subdivision (h) or (i) of this section (relating to entry on carrier's certificate and on duplicate bill of lading, respectively).

(b) A shipping receipt or other document presented in lieu of a bill of lading shall not be accepted as authority for making entry unless bearing a certificate of the carrier in accordance with subsection (h) or (i) of section 484 of the tariff act, or unless entry is made by the actual consignee in person or in his name by a duly authorized agent.

(c) When merchandise is not being transported by a common carrier, possession of the merchandise at the time of arrival in the United States shall be deemed sufficient evidence of the right to make entry.

(d) Entry may not be made on an extract from a bill of lading unless the same is certified to be genuine by the carrier bringing the merchandise to the port at which entry is made. Collectors of customs shall not certify extracts from bills of lading.

(e) Separate entries may be made for consolidated shipments upon compliance with the following requirements:

(1) The consignee of a consolidated shipment covering merchandise for various ultimate consignees who desire to make separate entries, shall deposit with the collector the original bill of lading, certified duplicate or carrier's certificate (or shipping receipt where no bill of lading has been issued) covering the entire shipment, and such document shall be permanently retained by the collector.

(2) If a bill of lading is filed it shall contain the following indorsement, signed by the consignee named therein:

"As the within described merchandise belongs to various ultimate consignees who desire to make separate entries therefor, the undersigned consignee thereof hereby expressly waives the right granted by section 484 (j) of the Tariff Act of 1930, to have this bill of lading returned."

(3) At the time of depositing such bill of lading, or other document, the consignee named therein shall produce a certificate prepared and signed by him for each portion of the shipment for which separate entry is desired. The certificate shall be in the following form:

*Collection district No.*_____
Port of_____

AUTHORITY TO MAKE ENTRY

Of merchandise imported at_____on_____193__
per_____from_____shipped by
_____consigned to_____indorsed to
_____covered by_____[1] dated_____198__, at_____
_____on file with the collector of customs at_____

| Marks | Numbers | Description |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

I / We _____ the consignee in the above-mentioned document covering merchandise for various ultimate consignees, hereby authorize _____ or order, to make customs entry for the above-described merchandise.

_____
(Consignee)

(4) Such certificates shall be compared with the supporting document and after being checked by the entry clerk over his initials may be returned to the consignee for the purpose of making entry.

(5) The authority to make entry carried by these certificates may be made transferable by indorsement.

(f) Tariff Act of 1930, section 484 (h):

> Any person certified by the carrier bringing the merchandise to the port at which entry is to be made to be the owner or consignee of the merchandise, or an agent of such owner or consignee, may make entry thereof either in person or by an authorized agent, in the manner and subject to the requirements prescribed in this section (or in regulations promulgated hereunder) in the case of a consignee within the meaning of paragraph (1) of section 483.

When a carrier's certificate is used in making entry or is filed therewith, it shall completely identify the merchandise or be made on, or attached to, a copy, duplicate, or memorandum of the original bill of lading certified to be a true copy of the original. Such certificate shall be in substantially the following form:

*Carrier's certificate*

The undersigned carrier bringing the merchandise to this port, to whom or upon whose order the same must be released, hereby certifies that (name)_____ (address) _____, is the owner or consignee (as described in section 484 (h) of the tariff act), of the following merchandise (or the merchandise described in the within or attached document):

| Marks and nos. | Number and kind of packages, contents, and quantity |
|---|---|
| | |
| | |
| | |
| | |

Name of carrier: _____
Agent: _____

(g) Tariff Act of 1930, section 484 (i):

> Any person may, upon the production of a duplicate bill of lading signed or certified to be genuine by the carrier bringing the merchandise to the port at which entry is to be made, make entry for the merchandise in respect of which such bill of lading is issued, in the manner and subject to the requirements prescribed in this section (or in regulations promulgated hereunder) in the case of a consignee within the meaning of paragraph (1) of section 483, except that such person shall make such entry in his own name.

The certificate on a duplicate bill of landing shall be in substantially the following form:

[1] Insert "bill of lading", "certified duplicate bill of lading", "carrier's certificate", or "shipping receipt."



*Duplicate Bill of Lading Certificate*

The undersigned carrier, bringing the within described merchandise to this port, hereby certifies that this signed copy of the bill of lading is genuine and may be used for the purpose of making customs entry as provided in section 484 (i) of the tariff act.

Name of carrier:_____
Agent: _____

(h) When a bond is given for the production of a bill of lading it should be on customs Form 7581 and should run in favor of the collector individually and as collector of customs. When the collector is in doubt as to the propriety of accepting entry on a bond for the production of a bill of landing he may, if he deems it advisable, require authority to do so from the Bureau.

(i) Inasmuch as the provisions of section 484 (c) do not apply in the case of entries made under subsections (h) and (i), no bond for the production of a carrier's certificate or certified duplicate bill of lading can be taken; but when entry is made on a bond for the production of a bill of lading, such bond may be considered as satisfied upon the production of a carrier's certificate or certified duplicate bill of lading, but shall not be canceled.

(j) Underwriters of abandoned merchandise or salvors of merchandise saved from a wreck, who are unable to produce a bill of lading, certified duplicate, or carrier's certificate, shall produce evidence satisfactory to the collector of their right to act.

ART. 291. *Disposition of bill of lading or carrier's certificate.*—(a) Tariff Act of 1930, section 484 (j):

> • • • The collector shall return to the person making entry the bill of lading (if any is produced) with a notation thereon to the effect that entry for such merchandise has been made. • • •

(b) When the return of the bill of lading is requested, the collector may require a receipt therefor. If the original bill of lading is necessary to obtain a carrier's certificate or duplicate bill of lading from the carrier, such exchange should be made in advance of making entry.

(c) When a carrier's certificate or duplicate bill of lading is used in making entry, it shall be retained by the collector as evidence that the person making entry is authorized to do so.

ART. 292. *Release of merchandise.*—(a) Tariff Act of 1930, section 484 (j):

> Merchandise shall be released from customs custody only to or upon the order of the carrier by whom the merchandise is brought to the port at which entry is made, except that merchandise in a bonded warehouse shall be released from customs custody only to or upon the order of the proprietor of the warehouse. • • •

(b) The delivery order from the carrier, which may be included in the certificate provided for in section 484 (h) or be indorsed on the certified duplicate bill of lading provided for in section 484 (i), shall be in substantially the following form:

In accordance with section 484 (j) of the tariff act, authority is hereby given to release the above-described merchandise to: _____.

This order may be qualified as follows:

1. (If the merchandise is entered for warehouse.) For transfer to the bonded warehouse designated in the warehouse entry.

2. (If the merchandise is entered for transportation in bond.) For transfer to the bonded carrier designated in the transportation entry.

3. (If the merchandise is entered for exportation.) For transfer to the carrier designated in the export entry.

(c) A delivery order from the proprietor of a bonded warehouse covering merchandise therein shall be in substantially the same form.

(d) The merchandise may be released to the person named in the bill of lading in the absence of a specific delivery order from the carrier, provided the carrier concerned shall have filed a blanket order authorizing release to the consignee in such cases.

(e) Tariff Act of 1930, section 484 (j):

> • • • The collector shall not be liable to any person in respect of the delivery of merchandise released from customs custody in accordance with the provisions of this section. Where a recovery is had in any suit or proceeding against a collector on account of the release of merchandise from customs custody, in the performance of his official duty, and the court certifies that there was probable cause for such release by the collector, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector, but the amount so recovered shall, upon final judgment, be paid out of moneys appropriated from the Treasury for that purpose.

ART. 293. *Liens.*—Tariff Act of 1930, section 564:

> Whenever a collector of customs shall be notified in writing of the existence of a lien for freight, charges, or contribution in general average upon any imported merchandise sent to the appraiser's store for examination, entered for warehousing or taken possession of by him, he shall refuse to permit delivery thereof from public store or bonded warehouse until proof shall be produced that the said lien has been satisfied or discharged. The rights of the United States shall not be prejudiced or affected by the filing of such lien, nor shall the United States or its officers be liable for losses or damages consequent upon such refusal to permit delivery. If merchandise, regarding which such notice of lien has been filed, shall be forfeited or abandoned and sold, the freight, charges, or contribution in general average due thereon shall be paid from the proceeds of such sale in the same manner as other lawful charges and expenses are paid therefrom.

ART. 294. *Same—Definitions.*—(a) The term "freight" is held to be the carrier's charge for the transportation of the goods from the place of shipment in the foreign country to final destination in the United States.

(b) The term "charges" is held to be the charges due to or assumed by the claimant of the lien which are incident to the shipment and forwarding of the goods to destination in the United States, but does not include the purchase price, whether advanced or to be collected, nor other claims not connected with the transportation of the goods.

(c) General average has been defined to be the liability to contribution of the owners of a cargo, which arises when a sacrifice of a part of such cargo has been made for the preservation of the residue or when money is expended to preserve the whole. It always arises from actions produced by necessity.

ART. 295. *Same—Notice of lien.*—(a) Notices of lien filed with the collector shall be on customs Form 3485, signed by the authorized agent of the carrier and verified by his affidavit.

(b) When the cargo of a vessel is subject to contribution in general average a preliminary notice thereof may be filed with the collector and individual notices of lien may be filed thereafter. The collector shall thereupon withhold release of any merchandise imported in the vessel for two official days from and after the taking of such merchandise into customs custody, unless proof is submitted that the claim for contribution in general average has been paid or secured.

(c) Notice of lien upon goods entered for immediate transportation should be filed by the carrier with the collector of customs at destination. If such notice, however, be filed with the collector at the port of first arrival he will promptly transmit it to the collector at destination. When a notice of lien has been transmitted to the collector at destination and such lien afterwards is discharged at the port of first arrival the collector at such port will immediately notify the collector at destination.

(d) The time of filing shall be noted on each notice of lien, customs Form 3485, which shall be numbered consecutively and tentatively filed alphabetically by name of lienor. A notation should be made of the filing of such lien on the consumption entry or if warehoused, sent into general order or seized, on the appropriate record, customs Form 5201, 5209, 4653, or 5211. As soon as a lien has been satisfied it shall be so noted on the face thereof and filed with its related entry or other papers as provided in article 355 (e).

(e) Liens may not be filed against goods after forfeiture under any provision of law; nor after sale thereof by the Government under sections 491 or 559 of the tariff act; nor after customs release; nor, in the case of goods abandoned to the Government under section 506 (1) or section 563 (b)

of the tariff act, after the receipt and acceptance of the notice of abandonment. Notices of lien received thereafter should be returned with a statement thereon as to the reason for rejection. The acceptance of any notice of lien cannot in any manner disturb the order of disposition and accounting for the proceeds of sales of forfeited and abandoned property, as provided for in articles 1136, 1021, 1022, 1023, and 809 of these regulations.

ART. 296. *Same—Controverted liens.*—(*a*) Collectors have no authority to adjudicate disputes respecting the validity of any lien, except that whenever the amount of such lien depends upon the quantity or weight of merchandise actually landed, the collector may hold that the lien may be satisfied upon the payment of an amount computed upon the basis of the return made by the United States appraiser, weigher, or gauger.

(*b*) When any doubt exists as to the validity of a lien filed with the collector, he may exact a bond of indemnity running to himself to save him harmless from any personal liability which may result from withholding the release of the goods.

ART. 297. *Same—Discharge of liens.*—Proof that the lien has been satisfied or discharged shall consist of a release in writing signed by the claimant, or a written receipt of such claimant, filed with the collector, showing the payment of the claim in full. Merchandise covered by liens may be released upon the filing of the above evidence of payment.

ART. 298. *Requirements on entry.*—(*a*) Entries shall be in legible writing, preferably typewriting, and if written by hand, ink, or indelible lead shall be used. They shall be in the forms prescribed by the regulations, and shall show the name, nationality, and motive power of the importing vessel or other carrier; the port or place of departure and the date of arrival; the place, date, and consular number of the certified invoices, if any; the marks, numbers, and number of packages, and the quantity of each kind of merchandise covered thereby described in terms of the tariff act and in accordance with statistical Schedule A of the Department of Commerce; also the rates of duty, and, except in the case of entries by appraisement, the separate value for each classification. In order to show how he arrived at the entered value, the importer shall also show on the entry for each invoice covered thereby, and in the order named, the gross invoice value of the merchandise, the total nondutiable charges, the total dutiable charges, the totals of the additions or deductions, if any, to make value, and the net entered value. Where importers prepare and file customs Form 6417 (Summary of Entered Value, Examination, and Appraisement) with the entry, showing thereon the information required by the preceding sentence, such summary sheet shall be considered part of the entry for the purpose of paragraph (*a*) of this article and, in such cases, it will be unnecessary to duplicate the information in question on the entry form.

(*b*) Tariff Act of 1930, section 484 (d):

Such entry shall be signed by the consignee or his agent, and shall set forth such facts in regard to the importations as the Secretary of the Treasury may require for the purpose of assessing duties and to secure a proper examination, inspection, appraisement, and liquidation, and shall be accompanied by such invoices, bills of lading, certificates, and documents as are required by law and regulations promulgated thereunder.

(c) Tariff Act of 1930, section 484 (e):

The Secretary of the Treasury, the Secretary of Commerce, and the chairman of the United States Tariff Commission are authorized and directed to establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States, and as a part of the entry there shall be attached thereto or included therein an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and the value of the total quantity of each kind of article.

For instructions relative to the preparation of statistical statements, see chapter XXV.

(*d*) Tariff Act of 1930, section 484 (f):

If any of the certificates or documents necessary to make entry of any part of merchandise arriving on one vessel or vehicle and consigned to one consignee have not arrived, such part may be entered subsequently, and notation of the packages or cases to be omitted from the original entry shall be made thereon. • • • All other merchandise arriving on one vessel or vehicle and consigned to one consignee shall be included in one entry.

(*e*) Consolidated shipments to one consignee for various ultimate consignees, and the several inclosures of a packed package, may be separately entered upon compliance with the provisions of articles 290 (e) and 345, respectively.

ART. 299. *Invoice to be filed with entry.*—(*a*) (1) Tariff Act of 1930, section 484 (b):

No merchandise shall be admitted to entry under the provisions of this section without the production of a certified invoice therefor, except that entry may be permitted if—

(1) The collector is satisfied that the failure to produce such invoice is due to causes beyond the control of the person making entry;

(2) Such person makes a verified declaration in writing that he is unable to produce such invoice and (A) files therewith a seller's or shipper's invoice, or (B) if he is not in possession of a seller's or shipper's invoice files therewith a statement of the value, or the price paid, in the form of an invoice; and

(3) Such person gives a bond for the production of such certified invoice within 6 months. • • •

(2) Bonds for the production of consular invoices shall be on customs Form 7551 or 7553, or other appropriate bond containing such requirement.

(*b*) Tariff Act of 1930, section 484 (b):

• • • The Secretary of the Treasury may by regulations provide for such exceptions from the requirements of this subdivision as he deems advisable.

Consular invoices will not be required for—

(1) Merchandise not exceeding $100 in dutiable value, and merchandise the purchase price of which, including the cost of packing and other dutiable items, does not exceed $100;

(2) Merchandise damaged on the voyage of importation by fire or through marine casualty or any other cause, without fault on the part of the shipper. If a consular invoice is available it shall be produced for the information of the appraiser;

(3) Merchandise recovered from a wrecked or stranded vessel;

(4) Household effects used abroad and personal effects not imported in pursuance of a purchase or agreement for purchase and not intended for sale; and automobiles entered under bond for touring purposes and not intended for sale;

(5) Articles sent by persons in foreign countries as gifts to persons in the United States;

(6) Articles carried on the person or contained in the baggage of a person arriving in the United States, except merchandise (that is, articles not of a personal nature or which are intended for sale or were bought on commission for others) valued at more than $100;

(7) Tools of trade of a person arriving in the United States;

(8) Personal effects of citizens of the United States who have died in a foreign country;

(9) Merchandise within the provisions of sections 465 and 466 of the Tariff Act of 1930, at the first port of arrival;

(10) Merchandise when in the opinion of the Bureau of Customs the value thereof cannot be declared;

(11) (*a*) The following articles, when unconditionally free of duty or subject only to a specific rate of duty not depending on value:

Forest products, crude, or not further manufactured than sawed into planks, boards, or deals, planed and tongued and grooved, except red cedar shingles.

Standard newsprint paper.

Pulpwood and wood pulp.

Agricultural products, crude or unmanufactured, except opium and coca leaves, wool of all kinds (including wool on the skin), hides and skins of all kinds, tea, coffee, and dairy products other than milk and cream, raw cotton, tobacco, and seeds imported subject to the provisions of the Federal Seed Act (T. D. 44419), or for seeding (planting) purposes. Importers should be required by collectors of customs to furnish satisfactory evidence that the seeds are not imported for seeding purposes, when such claim is made the basis for exemption from the necessity of producing a consular invoice. When such evidence is not furnished at the time of entry and a bond is given for the production of a consular invoice, the required evidence may be accepted in satisfaction of the bond obligation if produced within the period prescribed in section 484 (b) of the Tariff Act of 1930.

Minerals, crude.

Live domestic animals.

Fertilizer and fertilizer materials.

News-reel films.

Fish.

Mother-of-pearl shells.

(11) (*b*) In such cases the commercial or pro forma invoice presented with the entry shall set forth all the necessary information for customs and statistical purposes.

(11) (*c*) For the purpose of this exception the terms used are defined as follows:

The term "crude" means in the natural state, not processed, manufactured, or advanced beyond the state necessary to the transportation of the article from the place of origin to the market.

The term "forest products" means crude vegetable substances, grown in or obtained from the forests, and includes logs, timber, and lumber, not further manufactured than sawed into planks, boards, or deals, and planed and tongued and grooved.

The term "standard newsprint paper" means the kind of paper chiefly used for printing newspapers, as defined by the Department in T. D. 40996 and T. D. 44317.

The term "pulpwood" means logs and timber cut to lengths for the purpose of manufacturing into wood pulp. The term "wood pulp" means the fibers of wood produced either mechanically or chemically for use in the manufacture of paper and pulpboard and other pulp products.

The term "agricultural products" means those things which are produced from the soil of farms, plantations, and estates, or which are brought into condition for the use of society by the labor of those engaged in agricultural pursuits.

The term "minerals" means all inorganic matter occurring naturally and not advanced by any process of manufacture, and includes crude mineral oils, ores, earths, and clays.

(12) Stamps; postage or revenue stamps canceled or uncanceled, and Government stamped envelopes or post cards bearing no other printing than the official imprint thereon.

(13) Merchandise shipped abroad, not delivered to the consignee, and returned to the United States.

(14) Merchandise (other than gold or silver) consigned to a branch of the United States Government.

(15) Archaeological articles imported by an institution established for the encouragement of the arts, science, or education for exhibition and not for sale.

(16) Automobiles, aircraft, and other vehicles, boats, teams, and saddle horses taken abroad by the owner or his agent for noncommercial use, and returned by or for the account of such owner under the provisions of article 476.

(17) Imported merchandise which is exported from continuous customs custody.

ART. 300. *Declaration on entry.*—(*a*) (1) Tariff Act of 1930, section 485 (a) and (e):

(a) Every consignee making an entry under the provisions of section 484 of this Act shall make and file therewith, in a form to be prescribed by the Secretary of the Treasury, a declaration under oath, stating—

(1) Whether the merchandise is imported in pursuance of a purchase or an agreement to purchase or whether it is imported otherwise than in pursuance of a purchase or agreement to purchase;

(2) That the prices set forth in the invoice are true, in the case of merchandise purchased or agreed to be purchased; or in the case of merchandise secured otherwise than by purchase or agreement to purchase, that the statements in such invoice as to value or price are true to the best of his knowledge and belief;

(3) That all other statements in the invoice or other documents filed with the entry, or in the entry itself, are true and correct; and

(4) That he will produce at once to the collector any invoice, paper, letter, document, or information received showing that any such prices or statements are not true or correct.

(e) The Secretary of the Treasury shall prescribe separate forms for the declaration in the case of merchandise which is imported in pursuance of a purchase or agreement to purchase and merchandise which is imported otherwise than in pursuance of a purchase or agreement to purchase.

(2) The consignee in whose name the entry is made shall execute the declaration applicable to the circumstances of the particular case.

(*b*) (1) Tariff Act of 1930, section 485 (b):

The Secretary of the Treasury is authorized to prescribe regulations for one declaration in the case of books, magazines, newspapers, and periodicals published and imported in successive parts, numbers, or volumes, and entitled to free entry.

(2) One declaration filed at the time of arrival of the first importation will be sufficient.

(*c*) (1) Tariff Act of 1930, section 485 (c):

In the event that an entry is made by an agent under the provisions of section 484 of this act and such agent is not in possession of such declaration of the consignee, such agent shall give a bond to produce such declaration.

(2) Tariff Act of 1930, section 485 (f):

Whenever such merchandise is consigned to a deceased person, or to an insolvent person who has assigned the same for the benefit of his creditors, the executor or administrator, or the assignee of such person or receiver or trustee in bankruptcy, shall be considered as the consignee; when consigned to a partnership, the declaration of one of the partners only shall be required, and when consigned to a corporation such declaration may be made by any officer of such corporation, or by any other person specifically authorized by any officer of such corporation to make the same.

(3) The agent referred to in section 485 (c) is a person, acting under written authority from the consignee (section 484 (a)), who makes entry in the name of the consignee. A nominal consignee who makes entry in his own name is not an agent within the purview of such section 485 (c). When entry is made by an agent he should execute on the entry form as agent the declaration of the consignee applicable to the person for whom he acts as agent. An agent shall not execute the declaration of a nominal consignee unless he is acting as agent for a nominal consignee. If the consignee (whether the actual owner or a nominal consignee) is an individual or partnership and the agent is not in possession of the consignee's declaration on customs Form 3347–A at the time the agent makes entry, the bond required by section 485 (c) must be given on customs Form 7551 or other appropriate form and must be conditioned for the production of the consignee's declaration. When the consignee is an individual or a partnership, the consignee's declaration may be executed only by the individual (principal) or one of the partners, and may not be executed by an agent.

(4) In view of the specific provision in section 485 (f) that when the merchandise is consigned to a corporation the consignee's declaration may be made by any officer of the corporation or by any other person specifically authorized by any officer of the corporation to make the same, such officer or other person who executes the declaration on behalf of the corporation is not considered to be an agent within the purview of section 485 (c) and he is not required by such section 485 (c) to produce or give bond to produce any further declaration.

(*d*) (1) Tariff Act of 1930, section 485 (d):

A consignee shall not be liable for any additional or increased duties if (1) he declares at the time of entry that he is not the actual owner of the merchandise, (2) he furnishes the name and address of such owner, and (3) within 90 days from the date of entry he produces a declaration of such owner conditioned that he will pay all additional and increased duties, under such regulations as the Secretary of the Treasury may prescribe. Such owner shall possess all the rights of a consignee.

(2) A consignee in whose name an entry is made, who desires to be relieved from liability for the payment of increased and additional duties under this provision of law, should execute the declaration of nominal consignee on the entry form or, if entry is made by an agent, on customs Form 3347A. The filing of the owner's declaration by the nominal consignee is optional and no bond should be taken for the production thereof when entry is made by a nominal con-

signee. The owner's declaration, if filed, shall be on customs Form 3347, and may be filed only by the nominal consignee or his duly authorized agent. A nonresident owner's declaration shall not be accepted as a compliance with section 485 (d) unless there is filed therewith a bond of such owner on customs Form 7551 or 7553, with a resident corporate surety thereon, and containing an added condition for the payment of any increased or additional duties which may become due on the merchandise covered by the entry.

ART. 301. *Powers of attorneys.*—(*a*) A power of attorney may be executed for the transaction of a specified part or, for all the customs business of the principal. However, a separate power of attorney (customs Form 5295–A or 5295–B) will be required for filing protests. (See art. 849.) It must be explicit in its terms, and without any clause of substitution except for the purpose of taking export declarations. If for the execution of sealed instruments it must be under seal. A power of attorney given by a partnership for the execution of sealed instruments must be signed and sealed by each partner. A power of attorney to a minor will not be accepted. Customs Form 5291 may be used for powers of attorney for individuals and customs Form 5293 for corporations.

(*b*) An individual, other than a married woman, may execute a power of attorney to sign as surety on customs bonds. If the power is limited to bonds of one or several importers, such importers must be named. Such power must have attached a justification of the donor in a specified amount.

(*c*) A trustee may execute a power of attorney for the transaction of customhouse business incident to the trusteeship.

(*d*) One member of a partnership may execute a power of attorney in the name of the partnership for the transaction of all its customs business, except the signing of bonds. Such power must recite the names of all members of the partnership and shall be limited to a period of not more than two years from the date of receipt of the power by the collector. When a new firm is formed by a change of membership, no power of attorney filed by the antecedent firm shall thereafter be recognized for any customs purpose.

(*e*) Before accepting powers of attorney executed on behalf of corporations, the collector shall require the following documents to be filed:

(1) A certificate from the proper public officer showing the legal existence of the corporation;

(2) A copy of that portion of the charter or articles of incorporation which shows the scope of the business of the corporation and the governing body thereof;

(3) If the authority of the donor is derived from the charter or articles of incorporation, there shall also be filed a copy of that portion thereof which contains such authority; or, if the authority is derived from the governing body, there shall be filed a copy of the document or part thereof which authorizes the governing body, through its bylaws or otherwise, to designate others to appoint attorneys or agents, together with a copy of the bylaw, resolution, or other document by which the authority was conferred on the donor.

All such documents, except the certificate of incorporation first above referred to, shall be certified as correct by the clerk or secretary of the corporation under its corporate seal. Collectors may waive the production of evidence of incorporation when such fact is a matter of common knowledge.

(*f*) If it is desired that the attorney in fact of a corporation shall make a declaration, the power must specifically so authorize.

(*g*) A power of attorney filed by a nonresident person (which includes individuals, partnerships, associations, and corporations) shall not be accepted unless the agent designated thereby is a resident of the United States and is authorized to accept service of process against such nonresident person.

(*h*) When a power of attorney which is not limited to acts transacted at a specified port has been filed, and it is desired to use it at another port, the collector at the port where it is filed will, upon request of the collector at the other port, or upon request from the person, firm, or corporation executing the same, forward a certified copy thereof. If the power be given by a corporation, the collector at the port where it is filed will state that there is on file in his office the evidence of authority above required. Any expense in connection with the preparation of such documents will be borne by the parties in interest.

(*i*) The collector at the port where the power of attorney is filed will immediately notify each collector, to whom a certified copy has been sent, when such power is revoked.

(*j*) Files of powers of attorneys in customs offices should be checked from time to time by the customs officers in charge of them and all those powers which have been in the file for more than three years, and under which there have been no transactions, should be placed in an inactive file. Customs officers are cautioned particularly to keep themselves advised as to the status of partnerships which have filed powers and to inform themselves as to whether those powers remain good.

ART. 302. *Entered value to be determined by importers by adding to or deducting from the invoice value.*—(*a*) Tariff Act of 1930, section 487:

The consignee or his agent may, under such regulations as the Secretary of the Treasury may prescribe, at the time entry is made, or at any time before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisement, make in the entry such additions to or deductions from the cost or value given in the invoice as, in his opinion, may raise or lower the same to the value of such merchandise.

(*b*) Tariff Act of 1930, section 401 (j):

The word "appraiser" means appraiser of merchandise and includes chief assistant appraiser and any person authorized by law or by regulations of the Secretary of the Treasury to perform the duties of an appraiser, but does not include the United States Customs Court or any division or judge thereof.

(c) Additions to or deductions from the invoice value, together with the items to which they refer, shall be clearly shown in detail on the invoice or a statement attached thereto.

(*d*) After an entry has been lodged in the customhouse, no change shall be made in the value thereon, except in the following manner:

(1) When the importer desires to amend an entry, he shall file the amendment with the collector in duplicate specifying the items affected and the amount of the addition or deduction made. The amendment may be made on the same form as the original entry.

(2) When the supplemental duties resulting from the amendment, if any, are deposited, or at the time of filing of the amendment when no supplemental duties accrue, the amendment shall be accepted subject to the conditions of section 487 supra, and the time of acceptance noted thereon.

(3) If the invoice is with the collector, he shall attach the amendment thereto and forward both to the appraiser. If the invoice is with the appraiser, the amendment shall be forwarded to that official, who shall note thereon whether or not the invoice or the merchandise, came under the observation of the appraiser, the chief assistant appraiser, or the acting appraiser for the purpose of appraisement prior to the time of the acceptance of the amendment, attach it to the invoice and proceed with his appraisement.

(4) If, prior to the time of the acceptance of the amendment, the invoice or the merchandise came under the observation of the appraiser, the chief assistant appraiser, or the acting appraiser, for the purpose of appraisement, the amendment shall be disregarded.

(*e*) Information as to values shall not be given by customs officers in connection with amendment of entries except upon compliance with the provisions of article 780.

ART. 303. *Additions because of advances by appraiser pending reappraisement.*—(*a*) (1) Tariff Act of 1930, section 503 (b):



If the importer certifies at the time of entry that he has entered the merchandise at a value higher than the value as defined in this Act because of advances by the appraiser in similar cases then pending on appeal for reappraisement or re-reappraisement, and if the importer's contention in such pending cases shall subsequently be sustained, wholly, or in part, by a final decision on reappraisement or re-reappraisement, and if it shall appear that such action of the importer on entry was taken in good faith, the collector shall liquidate the entry in accordance with the final appraisement.

(2) House Joint Resolution 336 of July 12, 1932:

* * * it was and is the true intent and meaning of section 503 (b) * * * that imported merchandise entered in accordance with the provisions of said section 503 (b) * * * shall be appraised and reappraised in the same manner as though the merchandise was not so entered; that the appraisement and reappraisement of such merchandise shall have the same force and effect as in the case of merchandise not so entered; and that entries covered by certification of the importer as provided in said section 503 (b) * * * shall be liquidated in accordance with the final appraised value of the merchandise covered by such certificates.

(*b*) A consignee making such addition on entry should make his certificate at the time of entry in substantially the following form:

I hereby certify that the entered value of the merchandise mentioned below is higher than the dutiable value and that the goods are so entered because of advances by the appraiser in similar cases now pending on appeal for reappraisement. The similar cases now pending are entries Nos. ——, at the port ——, reappraisement Nos. ——.

I contend that duty should be assessed on the basis of the dutiable value shown below:

| Items | Invoice value | Add to make dutiable value | Deduct to make dutiable value | Dutiable value | Add because of advances by appraiser in similar cases | Entered value |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

——— ———,
*Importer.*

ART. 304. *Entry on triplicate invoices.*—An importer is not only permitted but required to make entry on the triplicate invoice where he has failed to receive his copy of the invoice, and no entry upon a pro forma invoice will be allowed unless it be shown that no triplicate is on file.

ART. 305. *Incomplete entry—General order—Bonds for the production of documents—Transmission of documents to comptroller.*—(*a*) Tariff Act of 1930, section 490:

(a) Whenever entry of any imported merchandise is not made within the time provided by law or the regulations prescribed by the Secretary of the Treasury, or whenever entry of such merchandise is incomplete because of failure to pay the estimated duties, or whenever, in the opinion of the collector, entry of such merchandise can not be made for want of proper documents or other cause, or whenever the collector believes that any merchandise is not correctly and legally invoiced, he shall take the merchandise into his custody and send it to a bonded warehouse or public store, to be held at the risk and expense of the consignee until entry is made or completed and the proper documents are produced, or a bond given for their production.

(b) At the request of the consignee of any merchandise, or of the owner or master of the vessel or the person in charge of the vehicle in which the same is imported, any merchandise may be taken possession of by the collector after the expiration of one day after the entry of the vessel or report of the vehicle and may be unladen and held at the risk and expense of the consignee until entry thereof is made.

(*b*) Unless otherwise provided in these regulations, a bond may be given on the appropriate form for the production of any document required which is not available at the time of entry. Upon timely production of such a document or documents, the collector shall send them immediately to the comptroller, together with related entry when required, for indorsement and return, to close the comptroller's record required by article 1212, against the particular entry.

(*c*) The only missing documents which upon their production collectors are required by this article to transmit to the comptroller are those relating to entries in connection with which the comptroller has the record provided for in article 1212 (b).

ASSESSMENT OF DUTIES

ART. 306. *When duties accrue.*—Unless otherwise specially provided by law, duties accrue upon imported merchandise on arrival of the importing vessel within a customs port with intent to unlade, or at the time of arrival within the limits of the United States if the merchandise arrives otherwise than by vessel.

ART. 307. *Importer's liability for duties—Insolvent importer—Priority of duty claim—Release of merchandise in customs custody after liquidation—Merchandise refused by consignee.*—(*a*) Unless relieved by law or regulations, the liability for duties, both regular and additional, attaching on importation constitutes a personal debt, due from the importer to the United States, which can be discharged only by payment in full of all duties legally accruing. It may be enforced notwithstanding an erroneous construction of law or regulation may have enabled the importer to pass his goods through the customhouse without such payment. It also constitutes a lien upon the merchandise imported, which may be enforced while the same is in the custody or subject to the control of the United States.

(*b*) United States Code, title 31, section 191:

Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed. (R. S. sec. 3466.)

(*c*) United States Code, title 31, section 192:

Every executor, administrator, or assignee, or other person, who pays * * * any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate * * * for the debts so due to the United States, or for so much thereof as may remain due and unpaid. (R. S. sec. 3467.)

(*d*) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of dividends to creditors.

(*e*) No merchandise remaining in customs custody after liquidation of the entry shall be released until the full amount of liquidated duties have been paid, if any are due. Collectors must not permit one importation to pass out of their custody when duties are unpaid, with a view of holding a lien upon a subsequent importation.

(*f*) Merchandise consigned to parties without their authority and refused by them should be treated as unclaimed.

(*g*) The States and their instrumentalities are entitled to no constitutional exemption from the payment of customs duties prescribed by the tariff laws enacted by the Congress.

ART. 308. *Reimportation.*—Dutiable merchandise imported and afterwards exported, although it may have paid duty on the first importation, is liable to duty on every subsequent importation into the United States; but this does not apply to wearing apparel, personal and household effects taken abroad and brought back by a returning resident of the United States, nor to professional books, implements, instruments, and tools of trade, occupation, or employment, taken by any individual to foreign countries from the United States. Neither does it apply to automobiles and other vehicles taken abroad for temporary use, to quicksilver flasks or bottles, or drums of iron, steel, or other metal used for the shipment of acids or other chemicals which shall have been exported from the United States; to

articles exported from the United States for repairs, which may be returned upon payment of a duty upon the value of the repairs at the rate at which the article itself would be subject if imported; to articles exported for exhibition; nor to domestic animals taken abroad for temporary pasturage purposes and returned within 8 months, nor to any other articles the free entry of which is elsewhere provided for.

KINDS OF ENTRY

ART. 309. *List of entries.*—The following entries may be made for imported merchandise:

Consumption (art. 310).
Warehouse (art. 317).
Rewarehouse (art. 323).
Combined entry for rewarehouse and withdrawal for consumption (art. 326).
Exportation under warehouse withdrawal for transportation (art. 328).
Withdrawal at original and secondary ports for:
(*a*) Consumption (art. 329).
(*b*) Exportation (art. 334).
(*c*) Conditionally free, see chapter VIII.
Exportation (art. 342).
Temporary free importations under bond for exportation (art. 434).
Appraisement (art. 343).
Informal (art. 344).
Entry of packed packages (art. 345); special delivery packages (art. 346); preliminary entry and immediate delivery (art. 354).
Entries for immediate transportation without appraisement; transportation and exportation; withdrawals from warehouse at original and secondary ports for transportation, see chapter XVI.
Entries for exportation with benefit of drawback of duties, see chapter XX.
Customs mail entries, see chapter VII.
Baggage declarations and entries, see chapter VIII.
Entry of equipment and repairs to vessels (art. 128).
Entry for permanent exhibition (art. 453).

ENTRY FOR CONSUMPTION

ART. 310. *Form.*—Entry for consumption shall be made in triplicate on form substantially in accordance with customs Form 7501 and will be divided into two classes, free and dutiable.

ART. 311. *Estimation of duties.*—(*a*) When the entry is filed, the classification and values stated therein will be compared with the description and values in the invoice and the proper amount of duties estimated.

(*b*) The rates of duty at which the entry is passed and the appropriate paragraphs shall be noted in black ink on the invoice by the importer in the left-hand margin, and the invoice transmitted to the appraiser when the entry is complete.

(*c*) Special examination labels, customs Form 3359, will be attached to invoices of perishable goods and other articles for which immediate delivery is necessary.

ART. 312. *Designation of merchandise to be examined—Order of appraisement.*—(*a*) Tariff Act of 1930, section 499:

> • • • The collector shall designate the packages or quantities covered by any invoice or entry which are to be opened and examined for the purpose of appraisement or otherwise and shall order such packages or quantities to be sent to the public stores or other places for such purpose. Not less than one package of every invoice and not less than one package of every ten packages of merchandise, shall be so designated unless the Secretary of the Treasury, from the character and description of the merchandise, is of the opinion that the examination of a less proportion of packages will amply protect the revenue and by special regulation permit a less number of packages to be examined. The collector or the appraiser may require such additional packages or quantities as either of them may deem necessary. • • •

(*b*) Special regulations authorizing the examination of less than one package of every ten packages of certain merchandise will be published in the weekly Treasury Decisions from time to time.

(*c*) The collector shall designate, on the summary sheet (customs Form 6417), the packages to be examined, and indicate them on the permit and, if he deems it necessary, on the entry. The summary sheet may be signed only by the collector, the assistant collector, a deputy collector, or a customs officer officially acting for one of the officers named. If the merchandise is bulky the collector will direct examination on the wharf or other suitable place, subject to the approval of the appraiser. When merchandise is to be gauged, measured, or weighed, the collector will make such order on the entry, invoice, and permit.

(*d*) Tariff Act of 1930, section 488:

> The collector within whose district any merchandise is entered shall cause such merchandise to be appraised.

ART. 313. *Statement of entered value, examination packages, etc., to be attached to invoice.*—(*a*) Collectors will securely attach to each invoice a statement, customs Form 6417, on which will be noted for the information of the appraiser the entered value and the manner in which it is determined, beginning with the gross invoice value and specifying the nondutiable charges deducted therefrom, the dutiable charges added thereto, and the additions or deductions made on entry by importers to make market value. Two or more invoices may, however, be included in one summary sheet when they cover unconditionally free merchandise of the same kind, consigned to the same consignee, and included in the same entry, provided that each invoice covered by the summary sheet shall be listed thereon, and that all such invoices, together with the summary sheet are securely fastened together. On entries for consumption the word "warehouse" will be erased, otherwise the name of the warehouse will be noted thereon.

(*b*) Under the head of "For examination" collectors will designate the packages to be examined by marks and numbers, if any, and the place where the examination is to be made.

ART. 314. *Bond—Deposit of estimated duties—Permit.*—(*a*) When the importer desires the release from customs custody of any part of the merchandise before (1) the full amount of duties, including dumping or other special duties, and charges due thereon has been ascertained by liquidation of the entry, (2) before the right of such merchandise to admission into the United States, or to entry free of duty or at a reduced rate, has been determined by the proper officer, or (3) before any document relating thereto required by law or regulations has been furnished, he shall file a bond on customs Form 7551 or 7553 or other appropriate form, at the time of entry or prior to such release. Such a bond shall not be required, however, when all of the merchandise in an importation has remained in customs custody at the public stores or on the wharf or other place in charge of a customs officer until it has been inspected, examined, and appraised, and has been found to comply with the law and regulations governing its admission into the commerce of the United States, and until there have been produced all documents for the production of which a bond is required by law or regulations if not filed at time of entry. Term consumption entry bond, customs Form 7553, refers only to entries to be made at a single port and must not be modified to cover more than one port.

(*b*) Tariff Act of 1930, section 505:

> The consignee shall deposit with the collector, at the time of making entry, unless the merchandise is entered for warehouse or transportation, or under bond, the amount of duty estimated to be payable thereon. • • •

(*c*) The estimated duties, if any, having been deposited and the bond filed, a permit on customs Form 7501–A may be issued and delivered to the importer or his agent, to be by him sent to the inspector in charge of the merchandise, who will release to or upon the order of the carrier that part of the merchandise not designated for examination.

(*d*) Estimated duties need not be deposited on shipments consigned to Government departments or bureaus or authorized representatives thereof, nor will the bond above provided for be required in such cases. After due entry therefor has been made, such merchandise may be immediately released. On liquidation of the entry the collector will state the duties due on vouchers, in duplicate, and present them for payment to the proper department disbursing officer.



ART. 315. *Release of examined packages.*—(*a*) Tariff Act of 1930, section 499:

> Imported merchandise, required by law or regulations made in pursuance thereof to be inspected, examined, or appraised, shall not be delivered from customs custody, except as otherwise provided in this Act, until it has been inspected, examined, or appraised and is reported by the appraiser to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States. • • •

(*b*) If, upon the receipt of the appraiser's report, the estimated duties deposited are found to be sufficient, and the goods are correctly invoiced and otherwise comply with the law, the collector may issue a permit order for the release of the examined packages. The collector may designate an appraising officer to exercise this function.

(*c*) If it be found that the increased or additional duties will be small, and the importer responsible, the collector may likewise permit the release of the examined packages upon the importer indorsing on the invoice or entry a stipulation to pay any increased or additional duties found due on liquidation.

(*d*) When the appraiser's return indicates that the increased or additional duties will exceed $50, the collector shall require a deposit of an amount sufficient to cover said duties before release of the examination packages.

(*e*) The collector may release any merchandise pending reappraisement which has not been advanced more than 100 percent upon a deposit by the consignee of an amount sufficient to pay the increased and additional duties, provided the appraiser has reported same to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States.

ART. 316. *Recall of merchandise released from customs custody.*—(*a*) If at any time after entry the collector determines, either from the appraiser's report or otherwise, that any of the merchandise contained in an importation is for any reason not entitled to admission into the commerce of the United States, he shall promptly demand the return to customs custody of any such merchandise which has been released.

(*b*) The collector may demand the return to customs custody of any merchandise which has been released therefrom, provided such demand is made within 20 days after the appraiser's report.

(*c*) A demand for the redelivery of the merchandise shall be made when the appraiser's report indicates that increased or additional duties will accrue, unless the increased and additional duties are promptly deposited, provided that such demand must be made within 20 days after the appraiser's report.

ENTRY FOR WAREHOUSE

ART. 317. *Entry—Form and contents—Articles not entitled to entry.*—(*a*) Tariff Act of 1930, section 557:

> Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. • • •

(*b*) Entry for warehousing shall be made in triplicate on a form substantially in accordance with customs Form 7502.

(*c*) An importer must designate upon the entry the bonded warehouse in which he desires his merchandise deposited and may designate thereon the bonded cartman or lighterman by whom he wishes the goods transferred.

(*d*) Dangerous and highly inflammable merchandise, though not classified as explosive, may not be entered for warehouse without the written consent of the insurance company by whom the warehouse in which the merchandise is to be stored is insured.

(*e*) Merchandise, including American distilled spirits, withdrawn from warehouse at the end of the bonded period and shipped to a foreign country with the intention to bring the same back to this country can not be warehoused again on its return to the United States. (See art. 1267.)

(*f*) The procedure to be followed in connection with the preparation and filing of the entry, making notations on invoices, the preparation of customs Form 6417, the designation of examination packages, and the appraisement of the merchandise shall be the same as that prescribed in the case of consumption entries.

ART. 318. *Liability of importers and sureties.*—(*a*) Under the first condition of the warehouse entry bond the surety on the bond is liable for the full amount of duties and customs charges legally due on merchandise when withdrawn from public store or bonded warehouse, and also for any duties and charges subsequently found legally due thereon. The importer is liable for increased duties irrespective of the bond.

(*b*) Original importers are not by a subsequent transfer relieved from their liability to the Government, either personally or upon the warehousing bond, for duties on the original importation. Both principal and sureties continue liable under such bond until the duties are paid or the merchandise is exported or relief from the payment of duties is otherwise lawfully obtained. The said bond may be closed, however, if there is substituted therefor a similar bond given by the one to whom the merchandise is transferred and which shall be satisfactory to the collector of customs. Such bond shall be accepted as collateral security and will not relieve the importer of his liability for duties on the original bond.

ART. 319. *Divided importation.*—(*a*) Any portion of an invoice not less than an entire package, and if the merchandise be in bulk not less than 1 ton, may be entered for warehousing and the remainder for immediate consumption. In such case the entries must be made simultaneously and the declarations made to conform thereto.

(*b*) Except in the case of merchandise cleaned, sorted, repacked, or otherwise changed in condition under the provisions of section 562 of the tariff act, and merchandise not ordered by the consignee and refused by him, no merchandise shall be withdrawn from warehouse under any form of withdrawal in a quantity less than the entire package, or 1 ton in weight if the merchandise be in bulk. Merchandise so withdrawn shall be in the original package in which imported unless the collector for its safety or preservation has permitted it to be repacked or transferred, or it has been cleaned, sorted, repacked, or otherwise changed in condition, under said section 562.

ART. 320. *Estimation of duties—Bond.*—After the duty has been estimated upon the warehouse entry in the same manner as upon an entry for consumption, the collector shall take a bond on customs Form 7555.

ART. 321. *Permit.*—The bond having been executed, the collector will issue a permit to the inspector on customs Form 7502–A, to send the goods to the bonded warehouse, except such as may be designated for examination. This permit must also indicate what goods are to be weighed, gauged, or measured. Such weighing, gauging, or measuring is to be done before or at the time of the deposit of the goods in warehouse.

ART. 322. *Records.*—A warehouse ledger shall be kept on customs Form 5201 covering each warehouse or rewarehouse entry and withdrawals thereunder.

ENTRY FOR REWAREHOUSE

ART. 323. *Procedure.*(*a*)—Immediately after the receipt of the mail copy of the warehouse withdrawal for transportation (customs Form 7512) at the port of destination, the merchandise may be entered for rewarehouse by the consignee named in the withdrawal. The entry shall be on customs Form 7502 and shall be filed in triplicate. If the merchandise is not entered within 48 hours after its arrival, it shall be sent to the general order warehouse.

(*b*) Should the consignee fail to make entry within 48 hours, the collector will notify the collector at the port where the original warehouse entry was filed by letter of the fact,

and the goods shall not be sold or otherwise disposed of as unclaimed until the expiration of the original warehouse entry bond period.

(c) No declaration is required on entry, and unless a question is raised as to the correctness of the appraisement or classification, no examination of the merchandise will be made.

(d) When a bond on customs Form 7555 shall have been given a permit may be issued on customs Form 7502–A for sending the merchandise to the bonded warehouse designated on the entry. No bond will be required if the merchandise is entered by the consignee named in the original warehouse entry bond filed at the original port of entry. (See art. 895.)

ART. 324. *Value and classification.*—(a) The value and duty as assessed at the port of original importation, and so stated in the copy of the entry or withdrawal for transportation forwarded to the port of destination, will in all cases be the value and duty to be charged on the rewarehouse entry, or, if the merchandise be withdrawn immediately on arrival, on the rewarehouse withdrawal, as the voucher and authority for the assessment of duty.

(b) Should any difference in valuation or classification be discovered, the matter should be taken up with the collector at the port where the entry was liquidated, and if there be a disagreement as to the correct value or rate of duty, the case should be reported to the Bureau for instructions.

(c) If a clerical error be found in the transportation entry, it should be corrected, entry allowed, and the fact reported to the collector at the port of withdrawal.

ART. 325. *Protest.*—Protest against the assessment of duty cannot be received at the port of destination, except against the reliquidation, or against the refusal of the collector to so reliquidate, under a change in the law.

COMBINED ENTRY FOR REWAREHOUSE AND WITHDRAWAL FOR CONSUMPTION

ART. 326. *Form.*—If the consignee of merchandise withdrawn from warehouse for transportation desires to pay duty and get possession of the goods immediately on arrival at destination, a combined entry for rewarehouse and withdrawal for consumption may be made in quadruplicate (including permit) on customs Form 7519.

ART. 327. *Procedure.*—(a) In this case no rewarehouse bond will be required, but upon payment of the duties in the amount certified as payable on the transportation entry, the collector may issue a permit for release on customs Form 7519.

(b) On receipt of such permit the inspector will release the goods as directed and return the permit to the collector with his indorsement.

(c) No declaration will be required on the rewarehousing of such merchandise, and no further examination of the same will be made other than may be necessary for the identification of the goods.

EXPORTATION UNDER WAREHOUSE WITHDRAWAL FOR TRANSPORTATION

ART. 328. *Procedure.*—The consignee of merchandise withdrawn from warehouse for transportation desiring to export the same on arrival at destination, may so advise the collector at destination in writing, who shall thereupon make proper notation on the entry and manifest and permit the exportation of the merchandise under customs supervision. The subsequent procedure shall be the same as that provided for warehouse or rewarehouse withdrawals for transportation and exportation. (See ch. XVI.)

WITHDRAWAL AT ORIGINAL AND SECONDARY PORTS FOR CONSUMPTION

ART. 329. *Entry—Form and contents.*—(a) Tariff Act of 1930, section 557:

> * * * Such merchandise may be withdrawn, at any time within three years (or ten months in the case of grain) from the date of importation, for consumption upon payment of the duties and charges accruing thereon at the rate of duty imposed by law upon such merchandise at the date of withdrawal; * * *.

(b) Withdrawal for consumption of merchandise in bonded warehouse shall be made in triplicate on customs Form 7505 and shall show the number of the bond, the marks and numbers of the packages withdrawn, the vessel and date of importation, the description, quantity, rates of duty, separate value of each package, and total dutiable value of the merchandise, and shall be signed by the party making the withdrawal. No declaration is required.

ART. 330. *Computation and payment of duties.*—On presentation of a withdrawal at the collector's office it shall be compared with the warehouse ledger, customs Form 5201. The duty payable shall be assessed on the withdrawal and recorded on the ledger.

ART. 331. *Withdrawal—When completed.*—When the duties and other charges have been paid, a permit on customs Form 7505–A shall be issued and delivered to the person making the warehouse withdrawal. Upon the lodging of the permit with the storekeeper, he shall release the merchandise to or upon the order of the proprietor of the warehouse, in accordance with article 933 (a) and (b), unless the person making the withdrawal requests by endorsement on the permit that release be withheld, subject to the provisions of article 1011 (b) until he shall have lodged with the storekeeper an order to release on customs Form 7505–B. If partial release is desired, the order may cover part only of the merchandise specified in the permit, but not less than an entire package, or, if in bulk, 1 ton in weight (art. 319). The storekeeper shall not release any merchandise under an order until after he has compared the order with the related permit. He shall note the date of release on all permits and orders and shall obtain the acknowledgment of such release from the proprietor in the space provided for on the forms. In the case of partial releases, the acknowledgment of the proprietor on the permit shall be obtained at the time of the last release thereunder. Proprietors may be permitted to make copies of permits and orders to release. Storekeepers shall dispose of permits and orders in accordance with article 946 (c).

ART. 332. *Withdrawal by transferee.*—(a) A transferee of merchandise in bonded warehouse may make a withdrawal therefor upon the order of the person who made the warehouse entry indorsed upon the withdrawal.

(b) If the importer does not wish to limit the right of withdrawal to one person, he may leave the space for the name of the transferee blank. Subsequent transfers may be made by delivery of the withdrawal, without notation on the records of the customhouse. The person paying the duties and charges must insert his name in the blank space in the withdrawal; whereupon the delivery permit may be delivered to him.

(c) In cases where the transferee does not desire to pay the duties and charges at the time the right to withdraw the merchandise is transferred to him, he may lodge the indorsed withdrawal in the customhouse as evidence of the transfer. A notation thereof shall be made on the customs records. The transferee may thereafter obtain the release of all or part of the merchandise, unless the transfer of the right to withdraw shall have been revoked, by filing proper withdrawals and otherwise complying with the provisions of articles 329 and 331. No indorsement of the person who has previously transferred the right to withdraw the merchandise shall be required on such withdrawals.

ART. 333. *Withdrawals before and after liquidation.*—(a) Merchandise may be withdrawn for consumption before liquidation upon payment of the estimated duties and after liquidation upon payment of the liquidated duties.

(b) Upon the liquidation or reliquidation of a warehouse entry, if the amount of estimated duties collected on merchandise previously withdrawn differs from the amount of liquidated duties due on such merchandise, a statement showing the difference shall be prepared in duplicate by the collector on customs Form 7505. The statement shall not be numbered. It shall show the total number of withdrawals for consumption made before liquidation or reliquidation, the total estimated duties collected under such withdrawals, the total liquidated or reliquidated duties on the merchandise withdrawn, and the difference between these amounts. One copy of the statement shall be retained by the collector, and the other promptly forwarded to the comptroller.

(c) A notice covering the difference shall be issued on customs Form 5107 or customs Form 5269 as the case may be. Increased duties collected and refunds made shall be scheduled on customs Forms 5157 and 5193, respectively, under the warehouse entry number and recorded on the warehouse ledger, customs Form 5201.

WITHDRAWAL AT ORIGINAL AND SECONDARY PORTS FOR EXPORTATION

ART. 334. *Authorization.*—(a) Tariff Act of 1930, section 557:

> Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within 3 years (or 10 months in the case of grain) from the date of importation * * * for exportation or for transportation and exportation to a foreign country, or for shipment or for transportation and shipment to the Virgin Islands, American Samoa, or the Island of Guam, without the payment of duties there on * * *: *Provided*, That the total period of time for which such merchandise may remain in bonded warehouse shall not exceed 3 years (or 10 months in the case of grain) from the date of importation. * * *

(b) United States Code, title 19, section 152-b:

> Merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within 3 years from the date of the original arrival, to a return of the duties paid less 1 per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury. (Mar. 8, 1902, c. 140, sec. 7, 32 Stat. 55.)

ART. 335. *Withdrawal—Form and contents.*—(a) Merchandise may be withdrawn from warehouse at original and secondary ports for exportation in accordance with article 900.

(b) If exported by other than the original importer, the same authority will be required as in case of withdrawal for consumption. The exportation shall be made under the original marks of importation. Port marks may be added by authority of the collector and under the supervision of a customs officer. The original and the port marks shall appear in all papers pertaining to the exportation.

ART. 336. *Report of packages not laden.*—Inspectors will report goods not laden, by marks and numbers, and goods received and not laden will be sent to general order unless otherwise directed by the collector.

ART. 337. *Withdrawal before liquidation—Damage, etc.*—(a) In the case of merchandise subject to ad valorem rates of duty, no withdrawal for exportation shall be allowed before the liquidation of the warehouse entry, or a special liquidation of the items covering the merchandise to be exported, unless the appraiser's return shows no advance in value.

(b) Merchandise subject to specific rates of duty may be withdrawn at the entered quantities.

(c) In the case of merchandise withdrawn for transportation and exportation, no further examination or appraisal is necessary at the port of exit.

(d) In any case, if the merchandise is not exported, the liquidation on the original warehouse entry must be followed.

(e) There shall be no abatement or allowance of duties on account of damage, loss, or deterioration of the merchandise while in warehouse, except as provided by statute.

ART. 338. *Weight, gauge, or measure.*—(a) Merchandise in bulk and articles in packages bought and sold by weight, gauge, or measure may be withdrawn for export or transportation only at the actual quantities ascertained at the time of arrival in the United States, except as otherwise provided by law.

(b) In any case the collector may require a special return of weight, gauge, or measure, if he deems it necessary.

ART. 339. *Distilled spirits, regauge.*—Distilled spirits in casks and similar containers shall be regauged on withdrawal for exportation, and duty shall be collected on any deficiency from the original gauge unless the collector of customs is satisfied, after careful investigation, that the deficiency is due solely to evaporation.

ART. 340. *Parcel post packages.*—Merchandise in bonded warehouse may be withdrawn for exportation by mail in accordance with the provisions of article 387.

ENTRY AND SAMPLING OF ZINC AND LEAD BEARING ORES NOT FOR SMELTING IN BOND

ART. 341. *Entry—Bond—Statistical Reports.*—(a) Tariff Act of 1930; paragraph 391:

> *Provided further*, That on all importations of lead-bearing ores, flue dust, and mattes of all kinds the duties shall be estimated at the port of entry and a bond given in double the amount of such estimated duties for the transportation of the ores, flue dust, or mattes by common carrier bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores, flue dust, or mattes at such establishments they shall be sampled according to commercial methods under the supervision of Government officers who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

(Par. 393 contains exactly the same provision with respect to zinc-bearing ores.)

(b) When entered for consumption or warehouse at the port of first arrival, the merchandise may be weighed at the place of landing or on arrival at the plant where the same is to be used. It shall be transported to the place of sampling by bonded trucks or lighters.

(c) When the merchandise is not to be used at the port of first arrival, it may be transported without weighing to the sampling or smelting establishment under an I. T. entry (customs Form 7512) on which the estimated duties shall be shown in order to fix the penalty of the transportation bond. The transportation entry shall be forwarded to the collector of customs at the nearest port in the district where such establishment is located. The bond shall be on customs Form 7557 or 7559. Where the term bond is given the penalty shall be an amount which the collector deems sufficient to protect the revenue but not less than $10,000. The records kept and procedure followed will otherwise be the same as provided for transportation in bond, general provisions, articles 873 and following of these regulations.

(d) The sampling and weighing of the merchandise at points other than the port of entry will be at the expense of the parties in interest.

(e) Quantities and values of the different metals contained in the ore or base bullion will be stated in the entry according to the commercial assay of the consular invoice, or estimated from previous similar importations, the importer making such addition to or deduction from such values as he may deem necessary to make value. Changes in entered quantities and values ascertained from the official assay will be reported to the Section of Customs Statistics at New York on customs statistical correction report of import entry or withdrawal, customs Form 7401.

(f) Collectors will inform the Bureau of Foreign and Domestic Commerce at Washington when consular invoices fail to show the information specified in the Statistical Classification of Imports, Schedule A, in order that such cases may be reported to the Department of State.

ENTRY FOR EXPORTATION

ART. 342. *Merchandise unentered or rejected, exportation of.*—(a) Merchandise in customs custody, for which no entry has been made or completed, may be exported under the procedure outlined in article 910.

(b) Merchandise in continuous customs custody (see art. 1079) covered by an unliquidated consumption entry may

be exported in like manner with refund of estimated duties paid; except that such merchandise when subject to an ad valorem duty shall be appraised, and if advanced in value, the additional duties shall be paid before exportation is permitted.

(c) Entered merchandise denied admission into the United States by any Government agency may be exported under like procedure as a nonimportation, with refund of estimated duty and without the assessment of additional duty.

(d) When merchandise to be exported from continuous customs custody is subject to duty and is covered by a liquidated entry, the drawback procedure provided in chapter XX shall be followed. (See arts. 1079 to 1082.)

ENTRY BY APPRAISEMENT

ART. 343. *Procedure.*—(a) Tariff Act of 1930, section 498 (a) (2), (3), (4), (5), (7), (8), and (10), and (b):

(a) The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

(2) Merchandise damaged on the voyage of importation, by fire or through marine casualty or any other cause, without fault on the part of the shipper;
(3) Merchandise recovered from a wrecked or stranded vessel;
(4) Household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;
(5) Articles sent by persons in foreign countries as gifts to persons in the United States;
(7) Tools of trade of a person arriving in the United States;
(8) Personal effects of citizens of the United States who have died in a foreign country;
(10) Merchandise when in the opinion of the Secretary of the Treasury the value thereof can not be declared.

(b) The Secretary of the Treasury is authorized to include in such rules and regulations any of the provisions of section 484 or 485 of this act (relating, respectively, to entry and to declaration of merchandise generally).

(b) The foregoing classes of articles, except as provided in paragraph (d) of this article, regardless of value, may be entered by appraisement on customs Form 7500, unless the articles accompany the owner, in which case they should be included in his baggage declaration.

(c) No consular invoice or bond for its production is required, but the consignee or owner shall in all cases furnish any bills or statements of cost relating to the articles which may be in his possession, and declare under oath that he has no other information as to the value of the articles and is unable to obtain the same or determine the value of the articles for the purpose of making formal entry thereof.

(d) Appraisement entries may be accepted under subsection (10) only for articles which are second-hand or damaged or deteriorated, or are not the subject of a commercial transaction, as, in the opinion of the Secretary of the Treasury, the value of such articles can not be declared; but when the value of any such articles exceeds $100, the approval of the Bureau of Customs must be obtained before the entry is officially accepted.

(e) The entry shall be forwarded to the appraiser who shall report the result of his appraisement on the entry and duties shall be assessed in accordance therewith, but the importer may substitute an entry for warehouse at any time within 1 year from the date of importation, provided the merchandise has remained in continuous customs custody.

(f) Any additional expense for cartage, storage, or labor occasioned by reason of an entry by appraisement shall be borne by the importer.

INFORMAL ENTRIES

ART. 344. *Procedure.*—(a) Tariff Act of 1930, section 498 (a) (1), and (b):

(a) The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—
(1) Merchandise not exceeding $100 in value. • • •
(b) The Secretary of the Treasury is authorized to include in such rules and regulations any of the provisions of section 484 or 485 of this act (relating, respectively, to entry and to declaration of merchandise generally).

(b) Such merchandise, unless falling within the provisions of article 343, shall be entered on customs Form 5119, in quadruplicate, which may, in the discretion of the collector, be accepted at the customhouse, on the piers, at railroad stations, or other places where there are customs officers competent to examine and appraise the article and assess the duties. This form may also be used for the entry of articles regardless of value covered by section 498 (a) (4) arriving from contiguous foreign territory.

(c) The original copy of the entry shall be used as the collector's copy and one copy as the permit; one copy shall be immediately forwarded to the comptroller of customs and one copy issued as a receipt when duties are collected.

(d) The collector may, when he deems it necessary for the protection of the revenue, require a formal entry (customs Form 7501) for any such merchandise, and individual shipments for the same consignee, when such shipments are valued at $100 or less, may be consolidated on customs Form 7501.

(e) No consular invoice is required but in the case of merchandise imported pursuant to a purchase or agreement to purchase, or intended for sale, the consignee shall produce the commercial invoice covering the transaction or, in the absence thereof, an itemized statement of value.

(f) The collector may, in his discretion, require any merchandise entered in accordance with this article to be regularly examined and appraised.

(g) When such merchandise arrives under immediate transportation entry, the number of the transportation entry and port from which received should be noted on the upper left-hand corner of customs Form 5119 and handled in all other respects as if formal entry were made.

PACKED PACKAGES

ART. 345. *Definition—Marking—Entry.*—(a) Tariff Act of 1930, section 484 (f):

• • • One or more packages arriving on one vessel or vehicle addressed for delivery to one person and imported in another package containing packages addressed for delivery to other persons may be separately entered, under such rules and regulations as the Secretary of the Treasury may prescribe. • • •

(b) Such packages are known as packed packages and should be marked to indicate their character. Discharging inspectors will send such packages to the appraiser's stores immediately after landing without a permit or specific order.

(c) Entire packed packages, or one or more of the inclosures thereof, may be entered on any form of formal or informal entry applicable thereto.

SPECIAL-DELIVERY PACKAGES

ART. 346. *Application—Order for appraisement.*—(a) Application for the entry of special-delivery packages under the provisions of the act of June 8, 1896, may be made by the agent of the carrier bringing the merchandise to the United States, which carrier must be bonded under section 551 of the tariff act, and be in the following form, which shall be treated in the same manner as an appraisement entry:

*Application to enter and entry of articles not merchandise intended for sale under the provisions of the act of June 8, 1896*

TO THE COLLECTOR OF CUSTOMS, PORT OF ------:

I, ----------, of the firm of ------, hereby make application to make special entry of ------ packages, containing articles not merchandise intended for sale, and not exceeding five hundred dollars ($500) in value nor weighing more than one hundred (100) pounds per package, imported per steamship ------, a vessel of the United States, from ------ on ------ for ------, ultimate consignee, residing at ------.

And I do certify that there is but one consignment from any one consignor to said ultimate consignee imported in the vessel above specified on the date above mentioned.

----------.

Declared to before me this ------ day of ------, -------.

----------,
*Deputy Collector.*

(b) On the back of this application will be printed the special order for appraisement to be made in these cases, and the form for the return of the appraiser. The application having been made, the collector shall execute the order of appraisement, which shall be in the following form:



SPECIAL ORDER FOR APPRAISEMENT

PORT OF ------.
COLLECTOR'S OFFICE, ------, -------.

TO THE APPRAISER:

You will examine promptly and report the contents and value of ------ packages imported by ------ in the ------ from -------.

| Marks and numbers | Description of articles |
|---|---|
| | |
| | |
| | |
| | |
| | |

----------,
*Deputy Collector.*

ART. 347. *Marking—Appraiser's report.*—Every package imported under the provisions of this act must be plainly marked "Special delivery package." Packages so marked may be landed on the dock immediately after the entry of the vessel, and the inspector in charge will forthwith forward such packages to the appraiser's stores, notifying the collector of customs of his action, and stating the number and marks of the packages and the vessel by which imported. The contents of packages thus sent to public store shall, upon receipt of the collector's special order, be examined immediately and appraised, the appraiser's report to the collector to be in the following form:

*Appraiser's Report*

In pursuance of your special order, we have examined the following-described articles, and do certify the contents of the packages and the value thereof to be as follows, viz:

| Marks and numbers | Description of articles | Value | Suggested rate |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

----------, *Examiner.*
----------, *Appraiser.*

ART. 348. *Liquidation—Delivery.*—(a) Upon receipt by the collector of the appraiser's return the entry shall be immediately liquidated, and upon payment of the ascertained duties the packages shall be released.

(b) The liquidation is final and conclusive against the owner, importer, consignee, or agent, except in the case of clerical error.

ART. 349. *Bond.*—The following form of bond shall be given by carriers making entry for special-delivery packages:

*Bond upon entry under act of June 8, 1896*

Know all men by these presents, ----------, of ------, a principal, and ----------, of -------, and ----------, of as sureties, are held and firmly bound unto the United States of America in the sum of $10,000, for the payment whereof to the United States we firmly bind ourselves, our heirs, executors, administrators, and assigns, jointly and severally, by these presents, as witness our hands and seals at the port of ------, this ------ day of ------, nineteen hundred and ----------.

Whereas the undersigned, principals on this bond, propose to enter at the customhouse, and to transport merchandise imported under the provisions of the act entitled "An act to expedite the delivery of imported parcels and packages not exceeding five hundred dollars in value", approved June 8, 1896.

Now, therefore, the condition of this obligation is such that if the herein-mentioned obligors shall duly observe and faithfully comply with all the requirements and provisions of the above-specified act, and with the regulations prescribed by the Secretary of the Treasury thereunder, then this obligation to be void; otherwise to remain in full force.

---------- [SEAL]
---------- [SEAL]
---------- [SEAL]

Signed, sealed, and delivered in presence of—
----------
----------

ART. 350. *Cording and sealing.*—Only packages as to which the common carrier may desire to reserve the right of returning to the customs authorities for refund of duties paid will be corded and sealed under customs supervision. A record of such packages shall be kept.

ART. 351. *Returned packages—Refund of duty.*—If any package so corded and sealed shall be returned intact within 90 days from date of importation to the collector of customs at the port of entry, the duties shall be refunded and the common carrier relieved of any liability therefor.

ART. 352. *Unclaimed packages.*—Whenever a package which has been sent to the appraiser's office under the provisions of this act shall be found to contain articles of more than $500 in value, or to weigh over 100 pounds, a report of the facts shall be made to the collector, who shall cause the package to be treated as if unclaimed.

ART. 353. *Invoice.*—Nothing contained in these regulations shall be held to relieve importers from the necessity of submitting certified invoices for any importation exceeding $100 in value when otherwise required. Whenever such invoice shall accompany the package, as provided in the act, it shall be transmitted to the collector with the appraiser's report.

LANDING AND DELIVERY OF ARTICLES FOR WHICH IMMEDIATE DELIVERY IS NECESSARY

ART. 354. *Application—Entry—Procedure.*—(a) Tariff Act of 1930, section 448 (b):

The Secretary of the Treasury is authorized to provide by regulations for the issuing of special permits for delivery, prior to formal entry therefor, of perishable articles and other articles, the immediate delivery of which is necessary.

(b) "Articles, the immediate delivery of which is necessary" includes, in addition to perishable articles, any other articles in connection with which it is definitely established that delay in securing release would occasion unusual loss or inconvenience to the importer or to the carrier bringing the merchandise to the port.

(c) Special permits for the delivery of articles of a class referred to in paragraph (b) prior to formal entry shall be granted only in cases where the collector of customs shall be satisfied that such delivery can be permitted with safety to the revenue.

(d) Applications for special permits for the delivery of imported articles prior to formal entry therefor shall be made in triplicate on customs Form 3461 and shall be supported by evidence satisfactory to the collector of the right of the applicant to make entry for the articles with respect to which the application is filed. If the application is approved, one copy thereof shall be retained as an office record, one copy shall be executed as the permit, and the third copy shall be forwarded to the comptroller of customs. If the collector is satisfied that the conditions warrant such action, a special permit may be granted to cover the delivery prior to formal entry of a class or classes of articles particularly described in the application for such permit and imported during a period not to exceed one year. In such case the fact of release of the merchandise, together with such supplemental information as may be necessary to identify the shipment and determine its quantity and value, shall be noted on the manifest and initialed by the customs officer who releases the merchandise.

(e) Except as provided in paragraph (f) of this article, no permit for the delivery of imported articles prior to formal entry shall be issued until there has been filed in connection with the application therefor a special single entry bond on customs Form 7551–A, with approved corporate surety, in a sum equal to the value of the articles plus the estimated duties thereon, if any; or a special term bond on customs Form 7553–A, with approved corporate surety, in a sum which the collector deems sufficient, but not less than $10,000. The special term bond may be filed in connection with a single application to cover several importations during a period of not more than one year, or in connection with several applications to be filed during a period of not more than one year.

(f) If there is available sufficient information as to the quantities and values of the merchandise properly to estimate the duties, there may be filed with the application for

a special permit a proper entry in regular form, accompanied by the estimated duties and supported by the regular entry bond (customs Forb 7551 or 7553), in lieu of the special bond provided for in the preceding paragraph. Such an entry is not effective as such until after the merchandise covered thereby has actually arrived within the port limits and the entry has been officially accepted in accordance with article 286 (b).

(g) No special permit will be required for the delivery of importations for which informal entry is permitted as provided for in article 344.

(h) In the case of articles of a class referred to in paragraph (b), except those entered in accordance with paragraph (g), arriving from Canada or Mexico when the customhouse is closed, and destined to places other than the port of arrival, the application and the evidence of the right to make entry may be submitted to the chief customs officer on duty and a special permit may be issued for their release, provided the person making application has on file in the customhouse a special term bond as described in paragraph (e).

(i) In cases where formal entry is not made and estimated duties deposited within 48 hours (exclusive of Sunday and holidays) after the release of the articles under special permit, the collector shall take immediate action to collect, as liquidated damages, the penal sum of the bond in the case of a single entry bond, or an amount equal to the value of the articles as to which there was default, plus the duties thereon, in the case of a term bond, and, unless the claim is promptly satisfied, shall discontinue allowing immediate delivery of articles imported by or for the account of the person in default.

(j) Except in the case of articles entered in accordance with paragraph (g) of this article, the collector shall give timely notice of the arrival of the vessel or vehicle to the appraiser, who shall promptly detail an officer to examine the merchandise, except that when the vessel or vehicle arrives at night or on a Sunday or holiday, and the articles consist of fruits or vegetables or other merchandise which it is practicable to appraise by means of samples, the discharging inspector shall take samples in such manner and in such quantities as the appraiser may direct, and retain the same for examination on the next business day. The discharging inspector shall not release the merchandise to the carrier until it shall have been examined, or adequate samples shall have been taken when appraisement is to be made by sample, and shall keep an accurate account of all releases made under the special permit, which he shall attach to his return of cargo discharged.

(k) In all other respects the procedure shall be the same as in the case of other imported merchandise.

DISPOSITION OF ENTRIES

ART. 355. *Numbering, filing, etc.*—(a) A separate series of numbers shall be used at each port of entry for each class of formal entries, including dutiable consumption, free consumption (preceded by the identifying symbol "O"), warehouse (including rewarehouse), I. T., T. & E., drawback, and other entries, and also for appraisement entries (customs Form 7500), special manifests, warehouse withdrawals, notices of intent, dutiable baggage entries (customs Form 6059 or 6063), and general order (including abandoned) goods. Each series of numbers shall begin with no. 1 on the first day of July of each year, except permanent exhibition entries (see article 446 (b), those covering warehouse (including rewarehouse) entries, and general order (including abandoned) goods, in each of which cases a new series shall be started on the 1st day of July of each third year. Warehouse and rewarehouse bonds shall bear the same numbers as the entries to which they belong.

(b) At ports where the collector deems it necessary, consumption and appraisement entries and warehouse withdrawals may be numbered informally when presented, in which case they must be given an official number when paid and so recorded. Baggage declarations on customs Form 6059 may also be numbered informally when presented and given an official number should duties be collected thereunder.

(c) A copy of the entry shall be sent on the date of receipt to the collector at the headquarters port to serve as a voucher in support of the daily report, customs Form 5207–B. The collector at the headquarters port shall forward this copy to the comptroller of customs for the district, with the appropriate schedule, as the schedule sheets are completed, or at the end of the month if not sooner completed.

(d) As soon as practicable after entry, one copy of the entry shall be forwarded to the Section of Customs Statistics at New York (see art. 1300); and as soon as possible after examination and appraisement the original copy of the entry, together with all necessary papers and reports, shall be transmitted to the headquarters port.

(e) All entries and documents referred to in this article shall be filed flat or unfolded, and all related papers (including all single-entry bonds) must be filed therewith. Withdrawals will be filed with the related warehouse or rewarehouse entries.

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CHAPTER VII

IMPORTATIONS BY MAIL

Art.
356. Regulations authorized.
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371. Treatment at offices of examination—Shipments not exceeding $100 in value.
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ART. 356. *Regulations authorized.*—Tariff Act of 1930, section 498 (a) (1):

(a) The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

(1) Merchandise not exceeding $100 in value, including such merchandise imported through the mails;

NOTE.—The Joint Regulations approved by the Secretary of the Treasury and the Postmaster General governing the treatment of mail matter from foreign countries involving the customs revenue, are incorporated in this chapter, the paragraphs being designated by the suffix "J. R." immediately following the number of the article. The Joint Regulations also appear in section 632 of the Postal Laws and Regulations of 1924. The articles not designated "J. R." are not parts of the Joint Regulations and relate to customs procedure only. References made to "paragraphs" in the several articles relate to paragraphs of the Joint Regulations.

The word "article" is used in the Joint Regulations to conform to postal terminology, and is synonymous with the words "parcel" or "package" in customs phraseology, as distinguished from the merchandise contents thereof.



ART. 357. *J. R. 1—Facilities at post offices.*—In order to safeguard the revenue and expedite delivery of the mails, collectors of customs shall detail representatives for duty at exchange post offices and at other post offices to which mails of foreign origin may be forwarded for customs examination. Postmasters shall provide proper facilities for treatment of such mails by customs officers and shall furnish them with information regarding prospective arrivals thereof.

ART. 358. *Segregation and primary treatment.*—(a) *J. R. 2a.*—Customs officers should be present at the opening and distribution of the mails, and segregate all articles known or believed to contain merchandise or printed matter, including those mailed originally in the United States and returned for any reason. Such articles shall be stamped "Supposed liable to customs duty", except those which are to be redispatched without customs examination, under seal, from New York, Chicago, San Francisco, and Seattle. See J. R. 10 (b). Articles subsequently found on examination to contain dutiable matter shall be stamped "Examined by U. S. Customs (at ——): Duty to be collected", in addition to having the entry form attached in the case of articles for informal entry. Articles found not to contain dutiable matter shall be stamped "Passed free, U. S. Customs (at ——)" and the "Supposed liable" impression effectively canceled. Registered articles shall be segregated and treated only in the presence of an authorized representative of the postmaster. Unregistered parcel-post articles, books, and printed matter shall, when practicable, be delivered immediately to customs officers for examination.

(b) *J. R.2b.*—When it is not possible for customs officers to be present, the segregation shall be made by postal employees in order that the mails may not be delayed unnecessarily. All articles known or believed to contain merchandise except as indicated above shall be properly stamped and held by the postmaster for inspection by customs officers.

(c) *J. R. 2c.*—Should an article supposed or known to be dutiable escape examination at an exchange post office of receipt, the postmaster handling it either in transit or for delivery shall withhold delivery and submit the article to the nearest customs officer.

(d) *J. R. 2d.*—If merchandise returned from a foreign country in a mail package which has remained continuously in the custody of the International Postal Service is found to correspond with the outward customs declaration, and the package is in substantially the same condition in which it was when dispatched from the United States, the package, after customs examination, shall be returned to the postmaster free of informal or formal customs entry requirements. The examining customs officer shall, however, determine whether or not any drawback was allowed or paid, or internal-revenue tax remitted, upon the exportation of the merchandise. If so, such amounts shall be collected prior to release of the merchandise from customs custody.

(e) *J. R. 2e.*—Foreign mails in transit shall not be submitted for inspection by United States customs officers.

(f) *J. R. 2f.*—Unnecessary delay by customs officers in the treatment of articles submitted to them for examination shall be reported to the Second Assistant Postmaster General by the postmaster.

ART. 359. *J. R. 3—Treatment by post office, sea post, and R. P. O. clerks.*—Post office, sea post, railway postal and terminal railway postal clerks shall scrutinize letters handled by them (particularly sealed envelopes which may contain merchandise or prohibited articles), also newspapers mailed by others than publishers, and packages, sealed and unsealed, of foreign origin, including matter from Canada, Cuba, Mexico, the Republic of Panama, and United States postal agencies, naval vessels and naval stations abroad, whether or not such articles are marked "Supposed liable to customs duty." Railway postal, sea post, and terminal railway postal clerks shall forward supposed dutiable articles to the post office nearest the end of their run or nearest their terminal railway post office at which there is a customs officer, in locked pouches, sealed sacks, or sealed envelopes labeled "For customs inspection." Supposed dutiable articles shall not be stamped or otherwise treated by railway postal or terminal railway postal clerks. Postmasters, upon receipt of the supposed dutiable articles shall treat them in accordance with these regulations.

ART. 360. *J. R. 4—Packages of letters labeled to "States", "Cities", etc.*—Packages of letters labeled to "States", "Cities", or to "R. P. O." lines may be forwarded intact, provided the address label or wrapper be stamped "Supposed liable to customs duty." Postal employees shall treat such mail in accordance with the instructions in J. R. 3.

ART. 361. *Mail articles for diplomatic and consular officers*—(a) *J. R. 5a.*—Articles addressed to ambassadors, ministers, and chargés d'affaires, representing foreign governments in the United States, shall be delivered to the addressees without submission to customs officers.

(b) *J. R. 5b.*—Articles intended for the personal use of members of the families of ambassadors, ministers, and chargés d'affaires; or for members and attachés of foreign embassies and legations or members of their families, may be admitted free of customs duty, upon the Treasury Department's instructions to the collector of customs in each instance, which instructions will be issued only upon request of the Department of State.

(c) *J. R. 5c.*—Articles addressed to members and attachés of foreign embassies and legations and to consular and other representatives not heretofore mentioned, bearing the official seal of a foreign government or inclosed in its official envelope, and indicating from casual examination, without breaking the seal, that they contain only official communications or documents, shall be forwarded immediately to the addresses without customs examination. Sealed and unsealed articles addressed to "consular and other representatives" referred to in this paragraph, when believed to contain dutiable merchandise, shall be subject to usual customs treatment.

(d) *J. R. 5d.*—Mail articles for representatives of foreign governments resident in Washington, D. C., shall not be detained for examination or other customs treatment at the exchange post office of first receipt in the United States. Such articles shall be forwarded by mail to the customs authorities in Washington, accompanied by customs Form 3511 in entry-form envelope addressed to the collector of customs, in care of the postmaster, Washington, D. C., in the manner set forth in J. R. 12 (a).

(See article 433 for regulations governing the free entry of articles for consular officers and other representatives of foreign countries under special agreements with such countries.)

ART. 362. *J. R. 6—Merchandise in diplomatic pouches.*—Articles containing merchandise of any character must not be forwarded in diplomatic or other official pouches; as such articles are subject to the customs laws and regulations.

ART. 363. *J. R. 7—Articles for United States Government officials.*—Articles addressed to officials of the United States Government, known or believed to contain only official documents, shall be forwarded immediately to the addressees. Such articles, when known or believed to contain merchandise, shall be treated as provided in these regulations for other similar articles.

ART. 364. *Articles for copyright.*—Articles marked for copyright, addressed to the Librarian of Congress, to the Copyright Office, or to the Register of Copyrights, Washington, D. C., may be passed free of duty and promptly forwarded to destination, provided there is no attempted violation of the law.

ART. 365. *Importations not exceeding $1 in value.*—Customs officers may pass free of duty, without issuing a mail entry therefor, parcels containing articles (except those subject to internal-revenue tax) the aggregate value of which is not more than $1, provided the merchandise is not imported for sale or forwarded in a manner designed to evade the payment of customs duty. Where such importations are subject to internal-revenue tax, both duty and tax shall be assessed. (See arts. 283 and 832.)

ART. 366. *Sealed mail articles to bear label or indorsement*—(*a*) *J. R. 8a.*—The importation of merchandise in sealed mail articles will be permitted, provided the sealed letter or other sealed article bears on the address side thereof the label ("Form C 1") provided by the postal convention, or the indorsement "May be opened for customs purposes before delivery to the addressee", or words of similar purport indicating that the article may be opened by customs officers without recourse to the addressee—the privacy of the seal being definitely waived. Such articles shall be treated as provided in J. R. 10 (a), 10 (b), 11 (a), 11 (b), and 12 (a) to 12 (c). Sealed articles not so labeled or indorsed, and which from their outward appearance are believed to contain merchandise, shall be treated as hereinafter provided. (See J. R. 11 (c) and 12 (d).)

(*b*) *J. R. 8b.*—The foregoing requirement as to label or indorsement shall not apply to parcels mailed under the provisions of the parcel-post conventions between the United States and foreign countries. Such parcels, if sealed, may be opened by customs officers immediately upon receipt and after examination resealed with official seals.

ART. 367. *Customs declarations and invoices*—(*a*) *J. R. 9a.*—A customs declaration (on the form provided by the foreign mailing office), giving an accurate description and the value of the contents, shall accompany each parcel post shipment and be securely attached thereto. Commercial shipments by parcel post shall also be accompanied by commercial invoices. In case the shipment consists of more than one package, the invoice shall be placed in the package to which the postal form of customs declaration is attached. There shall be enclosed with the contents of all mail articles containing merchandise dispatched under the respective mail classifications of the Universal Postal Union Conventions, an invoice in the case of commercial shipments, or a statement of value in the case of merchandise not purchased or consigned for sale, giving an accurate description and value of the merchandise. If impracticable to enclose the invoice or statement within a sealed article, the same shall be securely attached to the article.

(*b*) *J. R. 9b.*—When the aggregate value of a single mail shipment exceeds $100, a consular invoice shall be furnished, except as otherwise provided by the customs regulations. Customs entry will be facilitated by sending such invoices with the mail shipment. When this is done no other invoice or statement is required to be sent with the shipment. When an invoice or statement is required to be sent with any mail shipment, the particular package containing the same shall be marked on the address side "INVOICE ENCLOSED." Single shipments not exceeding $100 in value, if mailed abroad at different times (as shown by the declaration or other mailing indicia), should not be combined for the purpose of requiring formal customs entry, even though they reach customs at approximately the same time, unless there was an obvious intent to evade payment of the lawful customs duty.

ART. 368. *Reports of delinquencies.*—Collectors of customs shall report to the Bureau of Customs repeated failures to comply with the foregoing requirements regarding declarations and invoices, to such an extent as to interfere materially with customs procedure.

ART. 369. *Articles received at New York, Chicago, San Francisco, and Seattle*—(*a*) *J. R. 10a.*—Articles of all classes supposed liable to customs duty not exceeding $100 in value, received at New York, Chicago, San Francisco, and Seattle, for delivery within their distribution districts, as shown in the special distribution scheme, shall be given customs treatment as provided in J. R. 11 (a) to 11 (c). When the value exceeds $100, such articles shall be treated in accordance with J. R. 12 (a) to 12 (d).

(*b*) *J. R. 10b.*—All articles, including shipments for formal entry, for delivery at points outside the distribution districts of these four exchange offices shall be left in the custody of the postmaster, without customs examination, for redispatch to other distributing post offices in accordance with the special distribution scheme, in sealed sacks, sealed Post Office Department penalty envelopes, or sealed registered sacks or jackets, as may be appropriate. No mail matter other than articles supposed to be liable to customs duty shall be sent in such dispatches. The sack labels or address side of penalty envelopes or jackets shall be conspicuously marked "Supposed liable to customs duty; treat in accordance with section 632, Postal Laws and Regulations of 1924." Upon receipt at the distributing post offices the dispatches shall be opened in the presence of customs officers and the mail handled as provided in J. R. 11 (a) to 11 (c) and 12 (a) to 12 (d).

(*c*) *J. R. 10c.*—The dispatching postmaster shall forward by the same mail, not registered, apart from the dispatches to which they relate, card notices advising the collector of customs as to the respective number of sacks, envelopes, and jackets forwarded, and the date, R. P. O., and number of train on which dispatched. The dispatches shall be addressed to the main post office at which the customs officer is located, and not to a post office station unless a customs officer is located at or near such place.

ART. 370. *Articles arriving from foreign countries by air mail.*—(*a*) *J. R. 10½a.*—In order to hasten the delivery to other post offices of mail articles reaching exchange post offices, from foreign countries by air mail, (1) sealed articles not marked as required by J. R. 8 (a); (2) motion-picture and news-reel films; and (3) sample shipments of tobacco (when necessary for customs purposes) shall, after customs inspection, be redispatched in postal equipment, without other customs or postal treatment, to appropriate distributing post offices, as set forth in the special distribution scheme, for compliance there with the postal the postal and customs requirements applicable to these special articles of merchandise. Other mail articles shall be inclosed in the dispatches if there is insufficient time between arrival and departure of airplanes at post offices of first receipt to accord the articles customs examination and affix mail entries thereto. Shipments for formal entry should also be inclosed in the dispatches. Should it be found impracticable to inclose in the dispatches formal entry shipments, film packages, samples of tobacco, or other articles, such articles shall be redispatched in accordance with J. R. 12 (a). Films received from foreign countries otherwise than through the mails, if accepted by the postmaster from the custody of the customs officer for transmission in the domestic mails, shall be redispatched in the same manner and for the same purposes as films received in the mails. The mail articles referred to in this paragraph shall be treated in other respects in accordance with these regulations.

(*b*) Mails shall not be segregated or examined for customs purposes at intermediate points en route to continental United States. However, in order to obviate congestion at ports of first receipt in the United States, closed dispatches may be made up en route by postmasters, to include all classes of mail articles, but such dispatches shall be addressed only to post offices covered by the special distribution scheme, and the segregation and customs treatment of the mails shall be accomplished at such post offices and customs ports contiguous thereto.

ART. 371. *Treatment at offices of examination—Shipments not exceeding $100 in value*—(*a*) *J. R. 11a.*—Sealed articles indorsed as required in J. R. 8 (a), and unsealed articles, supposed liable to customs duty, shall be opened by customs representatives (registered matter and sealed matter only in the presence of a representative of the postmaster), contents examined and appraised, duty assessed, and entry form attached, when dutiable and when the value does not exceed $100, unless the article is subject to seizure, in which case it shall be treated in accordance with J. R. 20 (a) to 20 (c).

(*b*) *J. R. 11b.*—Immediately after customs treatment, sealed articles, except those opened by or in the presence of the addressee and delivery effected at the time of such opening, shall be inclosed in special penalty envelopes, readdressed, and resealed by a postal employee in the presence of the customs representative who participated in the opening thereof. Both persons shall sign or initial the envelope in all cases; and when the article is found in bad order, shall note on the envelope over their signatures the exact nature of its condition. Mail articles containing merchandise of



nominal value shall be resealed by the use of adhesive tape, mucilage, or wax, and the official adhesive seal of the Post Office Department, in lieu of reinclosure in special penalty envelope described heretofore.

(*c*) *J. R. 11c.*—When a sealed article believed to contain merchandise is not indorsed (or labeled), as required by J. R. 8 (a), the postmaster shall notify the addressee to appear and open it in the presence of postal and customs officers, or furnish written authority whereby the article may be opened (the collector of customs may be so designated to act for the addressee). After the article is opened the postmaster shall submit same to the customs officer, but only after receipt has been given in the case of a registered article. Such sealed articles shall be retained by the postmaster until opened, except as provided in J. R. 20 (a) to 20 (c) relating to seizures. If the article shall be found to contain merchandise free of duty, or the aggregate value of the merchandise is not more than $1, it may be delivered to the addressee. If the article is found to contain dutiable merchandise the aggregate value of which is more than $1, it may be released to the addressee, upon payment in lieu of the duty of a fine equal to the duty plus 10 percent thereof, the amount of the duty and the 10 percent thereof to be shown as separate items on mail fine customs Form 3421. Should the addressee fail to respond to the postmaster's notice within 30 days, or should the article remain undelivered after 30 days, it shall be treated as undeliverable mail matter to be disposed of in accordance with the postal regulations, except as provided in J. R. 19 (a) to 19 (c) and 20 (a) to 20 (c).

ART. 372. *Treatment at offices of examination—Shipments exceeding $100 in value*—(*a*) *J. R. 12a.*—When a single shipment exceeds $100 in value and is addressed for delivery at a customs port or station, the customs officer handling the shipment at the exchange post office of first receipt or at the distributing office to which the shipment has been redispatched in accordance with the special distribution scheme, shall transmit therewith customs Form 3511, using mail entry tag envelope, addressed to the collector of customs in care of the postmaster at destination; attach the tag envelope to the package and return the latter to the postmaster for dispatch to destination. When the shipment consists of more than one package, customs label, customs Form 3435, also shall be used. The postmaster at destination shall submit such packages to the customs officer, who shall sign card, customs Form 3511, and return it to the issuing collector, who shall note its return on customs Form 3515. The customs officer handling the shipment at the office where the merchandise has been examined and found to be subject to formal entry shall also prepare, in quadruplicate, customs Form 3509 (notification to addressee or consignee to make formal entry) and mail the original copy to the addressee or consignee; send one copy to the comptroller of customs of the comptroller district in which the port of destination is located; forward one copy to the collector of customs, or deputy collector of customs, where the addressee or consignee is located, and retain the remaining copy as an office record.

(*b*) *J. R. 12b.*—When addressed to a point which is not a customs port or station, the customs officer handling the shipment at the office where the merchandise has been examined and found to be subject to formal entry shall prepare, in quadruplicate, customs Form 3509, notifying the addressee or consignee to make formal entry at the port where said form was issued. The customs officer shall mail the original copy of the form to the addressee or consignee; send one copy to the comptroller of customs of the district in which the form is issued; deliver one copy to the entry division at his port, and retain the remaining copy as an office record.

(*c*) *J. R. 12c.*—When a mail shipment treated in accordance with J. R. 12a is returned to the sender or forwarded outside the jurisdiction of the United States the collector delivering the shipment to the postmaster for that purpose shall obtain the latter's indorsement as to the dispatch of the shipment on the collector's copy of customs Form 3509 and forward it to his comptroller, who shall notify the collector of the port at which the form was issued. When a shipment treated in accordance with J. R. 12b is so returned or forwarded the collector of the port at which customs Form 3509 was issued shall obtain the postmaster's indorsement on the form and forward it to his comptroller. When for any other reason the merchandise is not entered the collector of customs having custody of the shipment shall indorse customs Form 3509 to show the disposition of the merchandise and forward the form to his comptroller.

(*d*) *J. R. 12d.*—Sealed articles not endorsed or labeled as required by J. R. 8a, which are found after opening in accordance with J. R. 11c to contain merchandise valued at not more than $100 shall be subjected to formal entry in accordance with J. R. 12a and 12b. In such cases the customs officer preparing the notice to make formal entry (customs Form 3509) shall note thereon that the shipment is subject to a penalty equal to 10 percent of the duty and that such penalty must be deposited prior to the release of the merchandise. The collector of customs at the place where formal entry is made shall record the transaction on customs Form 5211 and schedule the penalty when collected on customs Form 5161–B. The duty shall be accounted for as such in the regular manner.

ART. 373. *J. R. 13—Forwarding after customs treatment.*—After the merchandise has been examined, appraised, and assessed with duty and the entry form is attached thereto in the case of shipments valued at less than $100, it shall be retained by or returned to the postmaster for delivery or dispatch to destination or for appropriate treatment under the Postal Laws and Regulations, except as indicated in J. R. 20 (a) to 20 (c) relating to matter subject to seizure.

ART. 374. *Repacking parcels—Damage—Rifling*—(*a*) *J. R. 14a.*—Postal and customs employees shall exercise proper care in repacking the contents of parcels examined by them. Particular care shall be exercised in the case of articles of glass or other articles of an easily breakable nature, to see that they are repacked in the same condition as when the package was opened or in better condition. All original wrappers, labels, tags, customs declarations, and other articles contained in the packages shall be repacked therein. Where it can be shown that an article has sustained damage as the result of improper repacking, the negligent employee will be held personally responsible for the damage. When packages are received in damaged condition by postal employees, notation shall be made on the address side of the wrapper, showing the nature and extent of the damage, to be followed by the signature of the employee making the written statement.

(*b*) *J. R. 14b.*—When a damaged or rifled package reaches a customs employee, a "Damage notice", customs Form 6423, or a shortage slip, customs Form 6425, as the occasion may require, shall be inclosed, a written report thereof promptly made to the local postmaster, and the damage or rifling taken into account in the appraisement and the assessment of duty.

(*c*) *J. R. 14c.*—Envelopes containing entry forms shall be so affixed to mail articles that they will not become mutilated or detached in transit. When possible they shall be placed under and attached to the twine used in wrapping the parcel, where the twine crosses on the address side. Upon receipt of such mail articles with entry form attached postmasters shall make appropriate records for tracing and accounting purposes. Any postmaster receiving or handling an article from which the entry form has become detached shall endeavor to locate the entry form and reaffix the same to the article; and if unable to do so, shall hold the article and communicate with the collector of customs at the office where the article was examined as shown by the stamp thereon.

ART. 375. *Mail entries—Issuance.*—(*a*) Customs officers will issue mail entries in quadruplicate on customs Form 3419 for articles subject to duty, and on customs Form 3421 for articles subject to fine. Information concerning the merchandise shall be stated on the entry in the following order:

(1) Quantity; (2) commercial name; (3) description in the terms of the tariff act, and (4) the number of the paragraph of the tariff act covering the item. The original and duplicate copies of the entry shall be placed in a tag envelope attached to the package for disposition by the postmaster according to the instructions printed on the back of the entry. The triplicate copy should be sent immediately to the comptroller of customs, and the quadruplicate copy retained in the files of the issuing office.

(*b*) Mail entries shall not be issued covering articles unconditionally free of duty, but formal entry is required for such articles when the value thereof exceeds $100.

(*c*) When the aggregate value of two or more parcels arriving in the same mail from one sender to one addressee does not exceed $100, one mail entry may be issued covering all the parcels in which event a label, customs Form 3435, shall be affixed to each of the parcels not accompanied by the mail entry, showing the total number of parcels covered by the entry, and notifying the postmaster that the entry will be found attached to one of the parcels.

(*d*) Report should be submitted (on customs Form 3517) through the headquarters port to the "Commissioner of Customs", Treasury Department, Washington, D. C., promptly at the close of business on the last day of each fiscal year, showing the number of parcels handled and the entries issued during the fiscal year, as specified on the form.

ART. 376. *Treatment of cigars, cigarettes, cheroots, and tobacco products, oleomargarine, and playing cards.*—(*a*) Customs officers will fill out, sign, and attach to mail entries covering cigars, cigarettes, cheroots, and tobacco products, oleomargarine and playing cards, internal revenue Form 923 (request to sell internal-revenue stamps). The addressee shall procure the stamps, affix them to the immediate containers of the merchandise, and cancel the stamps before the parcel is delivered to him. When the packages are addressed for delivery at places other than where examined by customs officers and where no collector of internal revenue is located, the customs officer will also fill out and attach to the mail entry customs Form 3473, and forward the same to the postmaster with the package.

(*b*) Customs inspection stamps shall be affixed to the immediate containers of the cigars, etc., by customs officers, and canceled by them, before the packages are released for delivery.

(*c*) At the option of the sender and upon compliance with the provisions of T. D. 44208 (modified to require the preparation of customs Form 3419 in quadruplicate), customs duty and internal-revenue tax may be prepaid at Jacksonville, Fla., upon mail shipments of cigars from Cuba not exceeding $100 in value.

(NOTE.—Sec. 2804, R. S., as amended by the Tariff Act of 1894, making it unlawful to import less than 3,000 cigars (including cigarettes and cheroots) in a single package, was repealed by sec. 651 (a) (4) of the Tariff Act of 1930.)

ART. 377. *Transmission of funds and accounting for entries.*—(*a*) *J. R. 15a.*—Postmasters and Navy mail clerks or assistants, upon delivery of dutiable articles to addressees, shall collect the duty (or fine) and immediately forward same by means of certified checks or official postal checks, with the mail entry, as directed thereon, accompanied by receipt, customs Form 3437, in duplicate, in penalty envelope, by ordinary mail, to the customs officer who issued the entry. The customs officer shall promptly acknowledge receipt.

(*b*) *J. R. 15b.*—If it is impossible to make remittances by certified checks or official postal checks, then the duty (or fine) collected shall be remitted at once in the form of currency in the registered mails, and all the requirements of section 115 of the Postal Laws and Regulations as to describing the money and witnessing its inclosure, shall be followed by the postmaster at the remitting office. The mail entry and receipt customs Form 3437, in duplicate, shall also accompany the cash remittance.

(*c*) *J. R. 15c.*—The receiving customs officer shall designate two employees, both of whom shall take part in opening each registered package containing a remittance in currency, and shall examine and count the contents and compare the same with the remittance letter. If any discrepancy is found in the amounts, it shall be carefully noted on the letter, over the initials of both witnesses, and on the letter envelope, which shall be forwarded to the postoffice inspector in charge of the division in which the office of mailing is located, with a report giving a description of the missing money, as entered in the remittance letter. The postmaster or other remitting officer shall at the same time be notified by the receiving customs officer of the discrepancy, the particulars of which shall be clearly specified.

(*d*) *J. R. 15d.*—Customs officers issuing mail entries shall review their records of such entries weekly and promptly request postmasters on customs Form 3439 to account for entries not returned within 30 days after the date of issuance thereof accompanied by the duty or proper evidence of exemption from duty. Should the postmaster fail to make proper accounting within a reasonable time, the facts shall be reported to the Chief Post Office Inspector, Post Office Department, Washington, D. C., for investigation. In the case of delinquencies arising at ports of entry other than headquarters ports, the report to the chief inspector shall be made through the headquarters port. The chief inspector shall promptly advise the collector of customs of the result of the investigation.

(*e*) When the chief post-office inspector reports that the duty is uncollectible, the collector shall request authority from the Bureau for the cancelation of the mail entry.

(*f*) *J. R. 15e.*—Mail entries covering undelivered dutiable articles shall be returned to the collector of customs who issued them, after first being marked by postmasters to show the reason for nondelivery of the articles and the disposition made thereof. The parcels shall be similarly marked to show why delivery was not made and forwarded to the proper exchange post office for return to the country of origin, unless the contents thereof are liable to deterioration or corruption, in which case they may be destroyed by the postal officials, if having no commercial value. If having commercial value, they shall be delivered, with the mail entries covering the same to the nearest customs officer for disposition as unclaimed or seized articles. The customs officer receiving and disposing of such articles shall make proper notation on the mail entry and return it to the customs officer who issued it. Appropriate note shall be made in the post office records. See J. R. 14 (c).

(*g*) Mail entries in proper cases will be forwarded to the collector at the headquarters port for amendment and cancelation and transmission to the comptroller of customs of that district for verification and return. When the original and duplicate have been lost, copies in lieu thereof, on customs Form 3419–A, will be forwarded.

(*h*) *J. R. 15f.*—When an article covered by a mail entry is redirected to another post office, the postmaster at the forwarding office shall notify the customs officer who issued the entry, and shall inclose the entry in a properly readdressed penalty envelope securely attached to the article covered thereby.

ART. 378. *Liquidation.*—Mail entries on customs Form 3419 will be scheduled on customs Form 5171 and liquidated in accordance with article 830.

ART. 379. *Fines and duties—How accounted for.*—Fines and duties collected on mail importations shall be reported on customs Forms 5161–B and 5171, respectively. Such collections will be accounted for to the headquarters ports as in the case of other collections. The mail entries and schedules will be forwarded to headquarters daily, weekly, or monthly, as the volume of business may require.

ART. 380. *Dissatisfied addresses—Procedure*—(*a*) *J. R. 16a.*—Amounts collected on mail entry forms shall not be refunded by postmasters. Should an addressee be dissatisfied with the charges he should notify in writing the postmaster, who shall hold the package and report the facts to the collector of customs who issued the entry, forwarding such papers or statements as the addressee may submit.



The mail article shall not be delivered until authority therefor is given by the collector of customs. The addressee may decline to accept delivery, in which event the parcel shall be marked by the postmaster "REFUSED" and disposed of pursuant to the provisions of article 389 (J. R. 19) of these regulations.

(*b*) *J. R. 16b.*—If the addressee of a parcel covered by an informal mail entry objects to the rate or amount of duty assessed or to the valuation placed upon the merchandise for customs purpose and the collector is satisfied by a report of a customs officer who has reexamined the merchandise or by other sufficient evidence that the objection is well founded, the collector may reclassify the merchandise or, with the concurrence of the appraising officer, amend the value, even though the merchandise has been delivered to the addressee, provided such action is taken before liquidation or within sixty days thereafter. Informal mail entries may be reliquidated to allow a claim of the addressee after the expiration of sixty days after liquidation only if a protest has been filed in the form and manner prescribed in section 514 of the tariff act.

(*c*) *J. R. 16c.*—Fines covered into the Treasury cannot be refunded unless they have been erroneously collected. Applications for refund of fines should be transmitted to the Bureau of Customs with date and number of the certificate of deposit.

ART. 381. *Protest and reappraisement.*—Liquidation of mail entries is subject to protest as in the case of formal entries. It is not, however, subject to an appeal to reappraisement unless formal entry has been made.

ART. 382. *Articles conditionally free.*—(*a*) When the appraising officers' return shall indicate that the contents of a parcel may be conditionally free of duty under the Tariff Act of 1930, they will be described in the mail entry so as to indicate their character, and forwarded to the postmaster for delivery, accompanied by the appropriate blank form of affidavit for free entry, and a notice on customs Form 3433.

(*b*) When institutions file evidence to show that they are entitled to import books, music, and similar articles free of duty the names of such institutions may be placed on a "free list", to be kept by collectors for that purpose, provided the institution agrees in writing under oath to notify the collector in the event articles not the sole property of the institution arrive addressed to the institution.

(*c*) Mail importations containing such articles will be passed free of duty without requiring an affidavit to be filed in each case, provided the parcels are addressed directly to such institution.

(*d*) Importations from the Philippine Islands (T. D. 31781 and T. D. 38739), Virgin Islands (T. D. 37089), Guam and American Samoa (T. D. 23759 and T. D. 41839), are entitled to free entry when accompanied by a certificate of origin from the chief customs officer at the port of shipment showing that such articles are the growth or produce of those islands or, in the case of Guam and American Samoa only, that they were actual importations into those islands. When the article is not accompanied by such certificate when required as a condition to free entry, estimated duty should be collected and the addressee advised by notation on the copy of the entry form (customs Form 3419) tendered as a receipt that the estimated duty may be refunded upon production of the certificate within 6 months. In such cases liquidation of the entry should be suspended for a period of 6 months from the date of the entry. Upon the production of the certificate within 6 months the entry should be liquidated free of duty and the estimated duty refunded. Otherwise the entry should be liquidated as dutiable. Shipments valued at $10 or less are not required to be accompanied by such certificates if the collector is otherwise satisfied that the articles are entitled to free entry. (See ch. V as to the treatment of shipments over $100 in value.)

ART. 383. *J. R. 17—Administration of oaths.*—The postmaster or assistant postmaster of the United States at any post office where customs officers are not stationed, is authorized to administer any oaths required to be made to statements in customs documents by importers of merchandise, not exceeding $100 in value, through the mails.

ART. 384. *Canal Zone.*—Shipments between the United States and the Canal Zone will be treated in all respects as shipments to and from foreign countries. The customs administration of the Canal Zone is under the jurisdiction of the Governor of the Panama Canal.

ART. 385. *J. R. 18—Navy mail service.*—Navy mail clerks, or assistants, shall mark with the words "Supposed liable to customs duty" all articles addressed for delivery in the United States or any of its possessions mailed on board United States naval vessels which may contain matter subject to United States customs duty. All articles of foreign origin, received for delivery on board United States naval vessels, in the waters of the United States which may contain matter subject to United States customs duty, but not marked "Supposed liable to customs duty", and not showing evidence of having been passed upon by United States customs officers, shall be marked "Supposed liable to customs duty" and forwarded to the nearest collector of customs for treatment in accordance with these regulations. If the vessel is in foreign waters, articles may be delivered without submission to customs officers or the collection of duty; and if accompanied by a mail entry form, such form shall be indorsed to show that the vessel was in foreign waters when delivery was made, and then returned to the customs officer who issued it. Articles of merchandise of foreign origin may enter the area (both land and water) of the Guantanamo Bay Naval Station free of customs duty, but such articles are subject to duty upon their subsequent entry into the United States.

ART. 386. *Packages addressed to commercial vessels.*—Dutiable packages addressed to persons on commercial vessels in harbor bound for a foreign port are subject to duty unless remailed to a foreign destination or otherwise exported under customs supervision.

ART. 387. *Exportation by mail.*—(*a*) Articles of foreign origin subject to duty may be exported by mail provided the packages are inspected and mailed under customs supervision. Where registry service is maintained between the United States and the country of destination, exportation shall be made by registered mail and the postal registry receipt therefor shall be delivered to the customs officer to be attached to his return of shipment.

(*b*) Waiver of the right to withdraw the package from the mails must be indorsed on each package and signed by the exporter, and the customs officer must state in his return that such waiver was so indorsed. The postmaster shall not permit any package so indorsed to be withdrawn from the mail.

(*c*) Plant material may be imported by mail, for immediate exportation by mail, under customs supervision, free of customs duty, subject to the regulations contained in T. D. 48237 (A).

(*d*) Mail articles of foreign origin addressed to, or in care of, an air transportation agency in the United States (located at a customs port), containing merchandise intended for immediate exportation by such agency, may be exported, under customs supervision, free of duty, subject to the regulations contained in T. D. 48237 (B).

ART. 388. *Advisory appraisement.*—Articles imported by mail on which appraising officers desire advisory appraisement should be forwarded to the Customs Information Exchange at New York, as in the case of merchandise otherwise imported, with such variations in practice as may be required by the joint regulations governing importations by mail.

ART. 389. *Failure of addressee to take delivery*—(*a*)—*J. R. 19a.*—If the addressee fails to respond within 30 days to a notice sent him as required by J. R. 11 (c), 12 (a) or 12 (b), the article shall be treated as undelivered, except in the case of a registered article, which, under the postal regulations, is required to be held for a longer period, and except also as provided in J. R. 20 (a) to 20 (c) for articles subject to seizure.

(b) *J. R. 19b.*—If the addressee of an article declines to accept delivery, it shall be rewrapped or reenveloped, marked "Refused", and treated as other undeliverable mail matter, except as provided in J. R. 20 (a) to 20 (c), for articles subject to seizure. In the case of registered matter, the receipt also shall be marked "Refused."

(c) *J. R. 19c.*—If for any reason an undelivered article known or supposed to be dutiable is not returned to the country of origin, it shall be delivered to the proper customs officer for disposition under the customs laws and regulations governing seized or unclaimed articles as the case may be.

ART. 390. *Seizure under the customs laws.*—(a) *J. R. 20a.*—Articles arriving at a post office where no customs officer is located and with respect to which the postmaster may have information as to their seizable character, shall be detained by the postmaster and, except when known or supposed to contain lottery matter, shall be forwarded to the nearest customs officer for appropriate treatment under the customs laws and regulations. Sealed articles not indorsed as required by J. R. 8 (a) should first be opened by the addressee. In the case of registered articles the addressee's receipt should be obtained. If the addressee refuses to receipt for or open the article, it shall be delivered to the customs officer for disposition under the customs laws and regulations.

(b) *J. R. 20b.*—Except when known or supposed to contain lottery matter, articles brought into the United States contrary to law and placed in the mails shall, upon the production to the postmaster or postal employee of satisfactory evidence to that effect, be marked "Imported contrary to law: Seizable." Unsealed articles, not registered, when so marked, shall be delivered immediately to the nearest customs officer to be treated as required by the customs laws and regulations. Sealed articles and all registered articles when so marked shall be forwarded to the post office of delivery to be opened by the addressee (after receipt has been given in the case of a registered article) in the presence of the postmaster, who shall then deliver the article to the nearest customs officer for treatment, as provided above for unsealed articles. If the addressee refuses to receipt for or open the article, it shall be delivered to the customs officer for disposition under the customs laws and regulations.

(c) *J. R. 20c.*—All articles except lottery matter which are prohibited importation and all articles subject to seizure as being imported or brought into the United States in any manner contrary to law, including articles subject to seizure under the customs laws because of a false or fraudulent invoice or declaration covering the same, or for any willful act or omission on the part of any consignor, seller, owner, importer, consignee, or agent, by means whereof the United States shall or may be deprived of the lawful duties, shall be immediately taken and held by customs officers for appropriate treatment under the customs laws. All articles known or believed to contain merchandise, of which the addressee refuses to take delivery, or declines to make formal entry when requested by the customs officer in cases where the appraised value exceeds the value shown in the declaration or invoice, shall be delivered to customs officers for treatment under the customs laws upon production to postmasters of satisfactory evidence of fraudulent intent on the part of any of the persons mentioned in this section. In all cases where articles are seized by customs officers, they shall notify the addressee of that fact and the reason therefor. Such reason shall be noted also on the receipt covering registered mail.

(d) *J. R. 20d.*—Mail articles of all classes, sealed or unsealed, which, upon inspection or examination, are found to contain or are supposed to contain lottery matter, prohibited importation under section 305 of the Tariff Act of 1930, or enclosures pertaining thereto, shall be retained by the Postal Service, or delivered to that services by the Customs Service, for disposition under the Postal Laws and Regulations. If such an article is found to contain other merchandise, the articles shall be held by, or delivered to, the Customs Service for appropriate treatment under the customs laws and regulations.

ART. 391. *Undervalued shipments—Release of.*—(a)—When the collector is satisfied that there was no willful violation of the law and that steps have been or will be taken to prevent a repetition of the offense, if the merchandise is valued at less than $100 it may be released upon payment of the full amount of duties thereon, the amount to be accounted for as duties.

(b) If the collector is of the opinion that there has been a willful violation of the law and the value is less than $100, the merchandise may be released upon payment of a fine equal to the domestic value thereof, the amount to be collected and reported as a fine.

(c) Merchandise prohibited entry by reason of its nature, such as obscene articles, narcotics, firearms by mail, copyright matter, wild-bird plumage, postage-stamp reproductions, etc., and sealed mail articles not labeled or indorsed as required by J. R. 8 (a), may not be released under the foregoing provisions of this article.

ART. 392. *J. R. 21—Marking importations to show country of origin, etc.*—The requirements of the customs laws and regulations relating to the marking, stamping, branding, or labeling of imported merchandise shall be strictly enforced. When a mail article not marked, stamped, branded, or labeled as required by such provisions is not to be delivered from the post office where it has been given a customs examination, the examining customs officer shall place in the envelope containing the mail entry a copy of customs Form 3475, containing instructions to the postmaster relative thereto. Mail importations of trifling value, or for personal use of the importer, or for use in his home, factory, or place of business, and not intended for sale or distribution, may be released without marking to indicate the country of origin (art. 532 (*a*) (3) of these regulations) and without the assessment of any marking duty. When the mail article is to be delivered from the post office where it has been given customs examination, the customs officials shall require compliance with the provisions of the law and regulations. Mail shipments for formal entry shall be accorded treatment as prescribed for other formal entry shipments. Upon failure of an addressee to comply with the requirements, the article and the mail entry shall be treated as set forth in J. R. 15 (e) for undelivered articles.

ART. 393. *J. R. 22—Examination of newspapers.*—Postmasters and other postal employees shall permit customs officers to examine newspapers received in the mails from foreign countries as often as they may desire to do so, and shall assist in such examination when necessary.

ART. 394. (*a*) *J. R. 23a—Prohibited and restricted importations.*—Postal and customs officers and employees shall keep themselves informed as to the law and regulations covering obscene, seditious, and lottery matter, copyrighted, trademarked, and other articles prohibited importation in the mails. The importation by mail of intoxicating liquors, opium, morphine, cocaine, and other narcotics, and firearms capable of being concealed on the person is prohibited. See J. R. 20 (a) to 20 (c). Plants and plant products, including seeds and bulbs of all kinds for, or capable of, propagation may be imported into the United States only under the conditions set forth in the Plant Quarantine Act, amendments thereto, and regulations thereunder. All such articles shall be submitted to customs officials for fulfillment of the requirements of the law. Viruses, serums, toxins, and other biological products covered by the act of July 1, 1902, may be imported only in accordance with the provisions of the act and the regulations thereunder and shall, therefore, in all cases be submitted to customs representatives, who shall, before returning the merchandise to the country of origin, communicate with the addressee to determine whether such importations are in compliance with the law and regulations. (See secs. 460, 467 to 478, 506, 626, 627, and 631, Postal Laws and Regulations of 1924.)

(b) *J. R. 23b.*—Instructions applicable to the foregoing and to other articles prohibited importation, or requiring special treatment, based on postal and customs laws and regulations, and also list of post offices where customs officers are located, will be found in the current annual official Postal Guide.



ART. 395. *J. R. 24—Distribution scheme.*—The postal and customs officers at the ports of New York, Chicago, San Francisco, and Seattle will be furnished with copies of the special scheme of mail distribution referred to in these regulations.

## CHAPTER VIII

## ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.


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DOMESTIC PRODUCTS EXPORTED AND RETURNED

ART. 396. *Free entry authorized.*—(*a*) Tariff Act of 1930, section 201, paragraph 1615:

SEC. 201. That on and after the day following the passage of this Act, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam), shall be exempt from duty:

PAR. 1615. Articles, the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means if imported by or for the account of the person who exported them from the United States; steel boxes, casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, drums of iron, steel, or other metal of either domestic or foreign manufacture, used for the shipment of acids or other chemicals, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal-revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded; photographic dry plates and films of American manufacture (except moving-picture films to be used for commercial purposes) exposed abroad, whether developed or not, and photographic films light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constituent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury; • • • The provisions of this paragraph shall not apply to animals made dutiable under the provisions of paragraph 1606.

(*b*) The requirement that articles of American origin be imported by or for the account of the person who exported them from the United States in order to be free of duty under this paragraph, does not apply to the following articles:

(1) Steel boxes, casks, barrels, carboys, and similar containers or coverings (not including bags) exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes.

(2) Quicksilver flasks or bottles, and metal drums used for the shipment of acids and other chemicals.

(3) Photographic dry plates and films (except moving-picture films to be used for commercial purposes) exposed abroad, whether developed or not, and photographic films light struck or otherwise damaged or worn out so as to be unsuitable for any other purpose than the recovery of the constituent materials.

(*c*) Articles subject to duty in the amount of the drawback under the first proviso to paragraph 1615, or subject to duty in the amount of the internal-revenue tax imposed on such articles at the time of reimportation, need not be shown to have been imported by or for the account of the person who exported them from the United States.

(*d*) Animals straying across the border or driven across the border for pasturage purposes or for feeding to improve them for the market and not returned within eight months are excluded from free entry as domestic products returned.

ART. 397. *Requirements on entry.*—(*a*) The following documents shall be filed in connection with the entry:

1. A declaration of the foreign shipper certified by the American consular officer (consular Form 129) if the value exceeds $100. This declaration will be accepted in lieu of a consular invoice.

2. An affidavit of the owner, importer, consignee, or agent on customs Form 3311.

3. A certificate (customs Form 4467) of the collector of customs at the port from which the merchandise was exported from the United States. Such certificate must show whether or not drawback was claimed or paid on the merchandise covered by the certificate and if paid, the amount thereof. This certificate will be issued on application of the importer or the collector at the importer's request, and be mailed direct to the port at which it is to be used, and its issuance noted on the export manifest or shipper's export declaration, or on a memorandum attached thereto, reference to the memorandum being made on the export manifest or export declaration, in order that the issuance of duplicate certificates of exportation may be avoided. If the merchandise has been exported from the port at which entry is made, exportation must appear on the records of the customhouse and the fact of reimportation shall be noted on such export records.

(*b*) If the appraising officer's report does not show that merchandise the value of which exceeds $100 is of domestic origin the collector may require the affidavit (customs Form 3311) to be executed by the owner or ultimate consignee, such affidavit to be filed within three months after date of demand on importer.

(*c*) If any person other than the shipper of record claims to be the exporter of merchandise for the purpose of showing that the merchandise was imported by or for the account of the person who exported it from the United States, there should be filed in connection with the entry, in addition to the evidence above required, an affidavit of the importer to the effect that the goods were exported by his order or for his account, and an affidavit of the shipper of record setting forth the circumstances under which the shipment was made. If, however, the collector is satisfied that it is impracticable for the importer to produce the affidavit of the shipper, other satisfactory evidence may be accepted in lieu thereof. Similar evidence may be required in support of any claim that the merchandise is imported for the account of a person not named in the entry. In cases of doubt the question should be referred to the Bureau for instructions.

(*d*) In the case of moving-picture films exposed abroad, the importer shall, in addition to the other requirements, satisfy the collector by affidavit and if the collector deems it necessary, other evidence, that they are for noncommercial use, provided that, in the discretion of the collector, such moving-picture films brought in as passengers' baggage may be passed free of duty without compliance with the requirements of this article if the collector is satisfied that the basic film is of American manufacture and that it is not to be used for commercial purposes.

ART. 398. *Waiver of evidence.*—(*a*) The collector may waive record evidence of exportation and declaration of the foreign shipper, provided for in article 397 (*a*), if he is satisfied by the production of other evidence that the articles for which free entry under paragraph 1615 is sought are of domestic origin, were imported by or for the account of the exporter (in cases to which that requirement applies), have not been advanced in value or improved in condition while abroad, and that no drawback was allowed or paid on exportation. However, a bond given for the production of a consular invoice, or foreign shipper's declaration in lieu thereof, shall not be canceled without the payment of liquidated damages, notwithstanding the declaration of the foreign shipper is waived for the purpose of permitting free entry.

(*b*) No evidence relative to the conditions of paragraph 1615 will be required in the case of articles of domestic manufacture, not dutiable as unusual coverings or containers, in use at the time of importation as coverings or containers of merchandise not subject to an ad valorem rate of duty, unless the free entry of such articles under paragraph 1615 is dependent upon their return to the exporter, or unless such articles would be dutiable if not of American manufacture, under special provisions of the tariff act, such as paragraphs 217, 328, and 408.



ART. 399. *Drawback—Internal-revenue tax.*—(*a*) Tariff Act of 1930, paragraph 1615 (free list).

• • • This paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law; except that it shall apply to articles (not dutiable under section 504 as unusual coverings and containers) used as coverings or containers for merchandise not subject to an ad valorem rate of duty: *Provided further*, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon: • • •

(*b*) Tariff Act of 1930, section 314:

Upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed upon such articles by the internal revenue laws at the time of reimportation, except articles manufactured in bonded warehouses and exported pursuant to law, which shall be subject to the same rate of duty as if originally imported, but proof of the identity of such articles shall be made under regulations to be prescribed by the Secretary of the Treasury.

(*c*) The following articles, not dutiable as unusual coverings or containers, in use at the time of importation as coverings or containers for merchandise not subject to an ad valorem rate of duty, should be admitted free of duty, although exported with benefit of drawback:

(1) Drums, steel boxes, casks, barrels, carboys, bags, and similar substantial outer containers and coverings of American manufacture, exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves, when returned as boxes or barrels; and

(2) Other coverings and containers of American manufacture, if imported by or for the account of the person who exported them from the United States, and not advanced in value or improved in condition by any process of manufacture or other means. Filling, sealing, and labeling are held to advance the value of the contents rather than that of the containers.

(*d*) In the case of all other articles, the entry shall not be liquidated free of duty unless the collector is satisfied from the certificate of exportation or other evidence satisfactory to the collector that no drawback was allowed or paid at the time of exportation and that the merchandise is not subject to a duty equal to the internal-revenue tax on similar articles in force at the time of reimportation.

(*e*) Articles manufactured in bonded warehouse and exported shall be subject on reimportation to duty and internal-revenue tax as foreign merchandise.

ART. 400. *Articles retained on export vessel.*—(*a*) A certificate from the master of a vessel showing that articles of domestic production are returned in the same vessel without having been unladen may be accepted in lieu of a declaration of the foreign shipper, consular Form 129.

(*b*) Bags of American or foreign manufacture constituting part of a vessel's equipment may be retained on board or landed temporarily and reladen on such vessel under customs supervision without entry or payment of duty.

ART. 401. *Internal-revenue marks—Erasure.*—Internal-revenue brands or marks on casks or other vessels or containers must be erased at the importer's expense under customs supervision before delivery from customs custody.

ART. 402. *Shooks and staves—Consular account.*—(*a*) Pursuant to paragraph 1615, American shooks and staves reimported in the form of complete boxes or barrels filled with foreign products are exempt from any duties imposed by the tariff laws upon similar containers made of foreign shooks or staves, provided their identity is established under these regulations.

(*b*) The term "shook" embraces only shooks which, at the time of exportation from this country, are ready to be assembled into boxes or barrels without further cutting to size; except that box shooks may be exported in double lengths and cut abroad, provided that the number of boxes made from such shooks which may be imported into this country free of duty cannot exceed the number of sets of shooks exported.

(*c*) American shooks may be reimported as the sides, tops, and bottoms of boxes containing fruit upon the payment of duty on the boxes at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture. Proof as to the identity of such shooks shall be made under these regulations.

(*d*) An exporter of shooks or staves for which free entry or a reduction in duty is to be claimed when returned as boxes or barrels shall file with the collector of customs at the port of exportation, at least 6 hours before the lading of the articles on the exporting vessel, a notice of intent to export, customs Form 4481.

(*e*) Upon the receipt of such notice of intent, the collector shall designate a customs officer to examine and verify the shipment, supervise the lading thereof on the exporting vessel, and report the facts in regard thereto by indorsement on the notice of intent.

(*f*) A certificate of exportation, customs Form 4479, describing the shooks and staves in the manner set forth in the notice of intent to export, will be issued by the collector in duplicate after verification from the manifest of the exporting vessel and the return of the lading officer. The certificate shall show the number of bundles of shooks and staves exported, the number of shooks of each size, and the number of superficial feet of lumber contained in the shipment. The original certificate shall be forwarded by the collector to the American consul for the district to which the shooks and staves are exported, and the copy shall be given to the exporter. If the shipment is to a "no consul" district, the original certificate shall be forwarded to the consignee.

(*g*) Accounts are kept by American consular officers of the shooks and staves for which certificates of exportation are received by them, showing the number of shooks of each size and the number of superficial feet of lumber therein received in each consular district, and the boxes and barrels made from such shooks for which consular shook certificates have been issued.

ART. 403. *Same—Certificates of foreign shipper and box maker.*—(*a*) A foreign shipper desiring to export to the United States boxes or barrels alleged to have been made from American shooks, shall execute and file in the American consulate, preferably with the invoice covering the merchandise contained in such boxes or barrels a "certificate of foreign shipper" (consular Form 130), stating that the boxes or barrels were made from American shooks or staves, and identifying the latter with the certificate covering their exportation from the United States. This certificate shall be in the following form:

I, _____, of _____, do hereby certify that, to the best of my knowledge and belief, the boxes and (or) barrels mentioned in (the annexed invoice)[1] (invoice No. _____, of _____, 19__)[1] are made (wholly)[1] (except for the ends and partitions)[1] of shooks (or staves) of the manufacture of the United States, as stated in the accompanying certificate of _____, box maker; that the shooks (or staves) were exported from _____, per S. S. _____, on _____, 19__, and that the said boxes (or barrels) (will be)[1] (have been)[1] filled with _____, covered by the above-mentioned invoice, and (will be)[1] (have been)[1] shipped to the port of _____, in the United States, per S. S. _____, sailing from _____, on _____, 19__.

Dated at _____ this _____ day of _____, 19__.

_____
(Shipper)

(*b*) There shall be annexed to the certificate of the foreign shipper, on the same or a separate form, a certificate of the box maker, stating that the boxes or barrels were made from American shooks or staves, and showing the number of boxes or barrels in the shipment, the dimensions of each, and number of shooks or staves of each size,

[1] Cross out inapplicable words.

together with the number of superficial feet of lumber used. This certificate shall be in the following form:

I, ------ ------, of ------, do hereby certify that the boxes and (or) barrels mentioned in the annexed "Certificate of Foreign Shipper" were made by me (wholly)[1] (except for the ends and partitions)[1] from shooks (or staves) of the manufacture of the United States, as follows:

| Number of boxes or barrels | Dimensions | Number of shooks or staves used and size thereof | Number of superficial feet used |
|---|---|---|---|
| | | | |
| | | | |

Dated at ------, this ---- day of ------, 19--.

---

(Box maker)

(c) The consul, after verification of the certificates of the shipper and box maker from the records of his office, will issue a certificate as follows:

I, ------ ------, ------ of the United States of America at ------, do hereby certify that the certificates of the shipper and box maker required by the customs regulations have been filed with me, and that such certificates and the records of this consulate show that the boxes and (or) barrels described in (the annexed invoice)[1] (invoice No. ------, of ------, 19--)[1] were manufactured from shooks or staves covered by a certificate of exportation issued by the collector of customs at the port of ------, on ------, 19--, and exported from the port of ------, on the S. S. ------, which sailed on ------, 19--.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office at ------, this ------ day of ------, 19--.

[SEAL]

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*------ of the United States of America.*

(d) If a claim is made by the importer at the time of entry for an exemption from duty on account of boxes or barrels in the importation made from American shooks or staves, the consular certificate may be accepted if produced at any time prior to the liquidation of the entry.

(e) In the case of a shipment from a "no consul" district, a sworn statement of the foreign shipper that the boxes or barrels were made from American shooks or staves, and identifying the shooks or staves used with the certificates covering their exportation from the United States, will be accepted in lieu of the consular certificate above described, provided the importer files an affidavit on customs Form 3311, appropriately modified.

ART. 404. *Same—Shipment from different consular district.*—Whenever boxes or barrels alleged to have been manufactured from American shooks or staves are shipped to the United States from a consular district other than that into which the shooks or staves were imported from the United States, the consul for the district from which the boxes or barrels are shipped shall require the consul for the district into which the shooks or staves were imported to forward the certificate or certificates (customs Form 4479) covering the exportation of the shooks or staves from the United States, or a verified extract therefrom, showing the number of shooks or staves covered by such certificate or certificates for which no consular shook certificate has been issued, together with the number of superficial feet in such shooks or staves.

ART. 405. *Drums—Quicksilver flasks.*—(a) Quicksilver flasks or bottles and metal drums, including those used for the shipment of acids or chemicals, if of domestic manufacture, should be entered under the general regulations governing the free entry of domestic products exported and returned. If the record evidence of exportation cannot be produced, the collector may accept other satisfactory evidence of payment or nonpayment of drawback. In the absence of satisfactory evidence as to the nonpayment of drawback, or as to the amount thereof paid, on metal drums of American manufacture, unless exempt from duty in accordance with article 399 (c), duty should be assessed in the amount of 24 cents per drum, the fair average amount of drawback paid on such articles.

(b) Flasks or bottles of foreign manufacture for the shipment of quicksilver, and metal drums of foreign manufacture for the shipment of acids or other chemicals, if actually exported from the United States and used on exportation or reimportation as containers of such articles, shall be exempt from duty if exported in accordance with the regulations contained in article 402 (c, d, e), except that the notice of intent shall be on customs Form 4481 and the certificate of exportation issued by the collector on customs Form 4473, and if there are filed in connection with the entry an affidavit of the importer on customs Form 3289 and certificates of the foreign shipper and the American consul as prescribed in paragraphs (c) and (d) of this article. When foreign quicksilver flasks or bottles are exported and returned, the forms mentioned should be appropriately modified. Prior to exportation from the United States the drums of foreign manufacture must be permanently and indelibly marked for identification by means of a plate or a steel die.

(c) A foreign shipper desiring to return to the United States any articles described in the preceding paragraph should furnish the American consul at the place of shipment with a certificate in the following form:

I, ------, ------ of ------, do hereby certify that, to the best of my knowledge and belief, the (drums) (bottles or flasks)[1] mentioned in (the annexed invoice) (invoice No. ------, of ------, 19--)[1] are of the manufacture of ------ and were exported from the United States at the port of ------, per S. S. ------, on ------, 19-- (empty ------) (filled with ------),[1] and that the same are being returned to the United States (empty ------) (filled with ------).[1]

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(Shipper)

(d) The consul, after verification of the foreign shipper's certificate from the records of his office, will issue a certificate as follows:

I, ------ ------, ------ of the United States of America, at ------, do hereby certify that the facts set forth in the attached certificate are in accordance with the records of this consulate, and are, in my opinion, entitled to full faith and credit.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office at ------, this ------ day of ------, 19--.

[SEAL]

---

*---------- of the United States of America.*

(e) If claim for exemption from duty for foreign quicksilver flasks or bottles or drums is made at the time of entry, the certificates of the foreign shipper and American consul may be accepted if produced at any time prior to the liquidation of the entry.

(f) In the case of a shipment from a "no consul" district, a sworn statement of the foreign shipper in the form set forth in paragraph (c) of this article may be accepted without consular certification.

ART. 406. *Cloth boards.*—A record of cloth boards exported to be wrapped with foreign textiles shall be kept by American consuls similar to the record kept for shooks and staves. If such boards have been advanced in value or improved in condition while abroad, this fact should be noted on the certificates issued therefor, in order that free entry may be denied on importation. Collectors should be satisfied that such boards are being imported by or for the account of the exporter thereof before permitting free entry.

ART. 407. *News-reel films.*—(a) Tariff Act of 1930, paragraph 1726 (free list):

• • • undeveloped negative moving-picture film of American manufacture exposed abroad for silent or sound news reel, • • •.

(b) The invoice should state the footage and title of each subject and there shall be furnished a statement of the cameraman, shipper, or other person having knowledge of the facts, identifying the films with the invoice and stating that the basic films are to the best of his knowledge and belief the manufacture of the United States, and that they have been exposed abroad and are shipped for use as news reel. There shall also be required an affidavit of the importer to the effect that he believes the films entered by him are the ones covered by the statement above referred to and that they are for use as news reel.

ART. 408. *Articles exported for repairs.*—(a) Tariff Act of 1930, paragraph 1615 (free list):

[1] Cross out inapplicable words.

[1] Cross out inapplicable words.



• • • articles exported from the United States for repairs may be returned upon payment of a duty upon the value of the repairs at the rate at which the article itself would be subject if imported, under conditions and regulations to be prescribed by the Secretary of the Treasury • • •.

(b) The foregoing provision of law applies to articles of either foreign or domestic origin.

(c) Prior to the exportation of such articles, an affidavit and application, in duplicate, on customs Form 4455, shall be filed with the collector of customs a sufficient time before the departure of the exporting conveyance to permit of the examination of the articles.

(d) Notification, on customs Form 4455, shall be sent the owner or exporter to deliver the articles to the place designated by the collector for examination. All expense in connection with the delivery of the articles, cording, sealing, and transfer to the exporting vessel or conveyance must be borne by the exporter.

(e) Upon delivery of the articles to the place designated by the collector, the appraiser shall cause them to be examined for the purpose of identification, and make his report on customs Form 4455. At the time of examination the articles shall, whenever possible, be marked, stamped, or tagged, in such manner as readily to secure their identification upon return to the United States. Photographs or other means of identification must be furnished appraising officers when required. The inspector at the place of lading for exportation shall supervise the lading of the articles on the exporting vessel or conveyance and execute the indorsement on customs Form 4455. Upon the receipt of the reports of the appraiser and inspector, showing the examination of the articles and their lading on the exporting conveyance, the collector will deliver to the exporter a duplicate of customs Form 4455.

(f) The provisions of paragraph (e) of this article shall be applied, as nearly as practicable, to articles exported by mail or parcel post, as well as to articles exported through other channels. The export procedure shall be in accordance with article 387.

(g) If at the time of reimportation the value of the articles, including repairs, exceeds $100 there shall be filed in connection with the entry an invoice showing separately the value of the articles in their repaired condition and the cost or value of the repairs. This invoice shall be certified by the American consul when the merchandise is of a class requiring a consular invoice, and shall have attached thereto a certificate, certified by an American consul, made by the party in the foreign country who made the repairs. This certificate shall be in substantially the following form:

---

(Place and date)

I, ------, do solemnly and truly declare, that the articles herein specified are, to the best of my knowledge and belief, the identical articles received by (me, us) on ---------- 19----,

(Date of receipt)

from ----------, U. S. A.; that they were received

(Name of owner in the United States)

by (me, us) for the sole purpose of being repaired; that the repairs described in detail below, and no other repairs, have actually been made by (me, us); that the cost or value of such repairs and the value of the articles after repair are correctly stated below; and that no substitution whatever has been made to replace any of the articles originally received by (me, us) from the owners thereof mentioned above.

---

(Signature)

---

(Capacity)

| Marks and numbers | Quantity | Description of articles and of repairs | Cost or value of repairs | Total value of articles after repairs |
|---|---|---|---|---|
| | | | | |

Certified by me this ------ day of ------, 19--.

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*Of the United States of America.*

(h) There shall also be filed the certificate of registration (customs Form 4455) and a declaration made by the consignee, owner, or agent having knowledge of the facts, that the articles entered are the identical articles covered by the certificate of registration, and that the value or cost of repairs is correctly stated in the entry. In cases where an article exported and repaired abroad is imported by a person not a regular importer, and the exportation was not made in accordance with these regulations, the collector, if satisfied as to the bona fides of the transaction and that the exporter was ignorant of the regulation requirements, may waive the production of the certificate of registration (customs Form 4455) and compliance with so much of these regulations as relates to the exportation under such certificate.

(i) When the value of the returned articles, including the repairs, is less than $100, a bill or statement showing separately the value of the articles in their repaired condition and the cost or value of the repairs may be accepted in lieu of a certified consular invoice and the certificate of the party in the foreign country who made the repairs need not be filed.

(j) Collectors shall require at the time of entry a deposit of estimated duties, based upon the value of the repairs, and shall order all packages containing such articles to the appraiser's stores for identification of the articles and appraisement of the value of the repairs when necessary.

(k) Special investigations shall be made when there is suspicion that substitution has occurred, when there is question as to the amount and nature of the repairs, or in any other case when there is doubt as to the bona fides of a particular transaction.

(l) The word "repairs" as used in paragraph 1615 is hereby defined to mean any change, renovation, cleaning, redyeing, etc., which is necessary to restore an article to its original condition after decay, injury, deterioration, or partial destruction, when such change, renovation, etc., does not destroy the identity of the article exported or create a new or different article.

ART. 409. *Books bound abroad.*—(a) Tariff Act of 1930, paragraph 1410:

• • • Exported books of domestic manufacture, when returned to the United States after having been advanced in value or improved in condition by any process of manufacture or other means, shall, under rules and regulations prescribed by the Secretary of the Treasury, be dutiable only on the cost of materials added and labor performed in a foreign country. • • •

(b) The procedure governing the exportation and assessment of duty on such books shall be the same as that provided in article 408 for articles exported for repairs, except that the collector should satisfy himself from the return of the appraiser or other satisfactory evidence that the books were of American manufacture.

HOUSEHOLD EFFECTS

ART. 410. *Free entry authorized.*—Tariff Act of 1930, paragraph 1632 (free list):

Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries if actually used abroad by them not less than 1 year, and not intended for any other person or persons, nor for sale.

ART. 411. *Household effects defined.*—(a) The free entry of household effects under paragraph 1632 is limited to such as are similar to books, libraries, furniture, carpets, paintings, tableware, and other usual household furnishings. Automobiles, horses, carriages, sleighs, boats, and similar articles, and wines, provisions, and other consumable supplies do not constitute similar household effects within the meaning of paragraph 1632.

(b) Articles such as office safes and office furniture used abroad in business pursuits are not entitled to free entry as household effects.

ART. 412. *Declaration.*—(a) A declaration of the owner (customs Form 3301) will be required in connection with the entry of articles under paragraph 1632.

(b) If it is impracticable to produce such declaration at the time of entry, the consignee may make declaration on customs Form 3303, and give bond on customs Form 7551 or 7553, for the production of the owner's declaration within 6 months.

ART. 413. *Use abroad.*—(*a*) Use abroad for one year must be proven to the satisfaction of the collector, who may in his discretion require evidence other than the declaration of the applicant. The year of use need not immediately precede the time of importation nor need it be continuous.

(*b*) As a general rule, household effects arriving more than 10 years after the arrival of the importer in the United States should not be admitted free under paragraph 1632.

(*c*) If, however, the collector is satisfied from the importer's explanation that the effects were unavoidably detained beyond the 10-year period, he may admit them to free entry under paragraph 1632 upon the filing of the declaration, customs Form 3301.

(*d*) In no case, however, should free entry be allowed under paragraph 1632 when a period of 25 years or more has elapsed since the time of the importer's arrival.

(*e*) The date of the last arrival of the importer from the country in which the effects were used may be taken in applying the time limitation.

(*f*) Household effects used abroad not less than 1 year by a family of which the importer was a resident member for not less than 1 year during such period of use may be passed free of duty, although the importer did not own the effects at the time of use.

(*g*) The statute is applicable to residents as well as nonresidents of the United States.

EFFECTS OF CITIZENS DYING ABROAD

ART. 414. *Free entry authorized—Procedure.*—(*a*) Tariff Act of 1930, paragraph 1739 (free list):

> Personal effects, not merchandise, of citizens of the United States dying in foreign countries.

(*b*) The period of use does not affect the right to free entry of such articles, which should be entered in accordance with the provisions of article 343. The term "personal effects", as used in paragraph 1739, embraces all articles of personalty not merchandise, and includes household effects.

(*c*) The collector shall require an affidavit of a person having knowledge of the facts, or otherwise satisfy himself, as to the citizenship of the deceased owner of the effects at the time of his death.

TOOLS OF TRADE

ART. 415. *Tools of trade, occupation, or employment.*—(*a*) Tariff Act of 1930, paragraphs 1747 and 1798 (free list):

> PAR. 1747. Professional books, implements, instruments, and tools of trade, occupation, or employment in the actual possession of persons emigrating to the United States owned and used by them abroad; but this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for any other person or persons, or for sale, nor shall it be construed to include theatrical scenery, properties, and apparel;
>
> * * * * * * *
>
> PAR. 1798. * * * In the case of individuals, returning from abroad, all professional books, implements, instruments, and tools of trade, occupation, or employment, taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established under appropriate rules and regulations to be prescribed by the Secretary of the Treasury. * * *

(*b*) The privilege of free entry granted by paragraph 1747 applies whether the articles accompany the emigrant or are imported subsequent to his arrival, provided they were owned and used by him and in his possession abroad. The owner of such articles shall execute in connection with the entry a declaration on customs Form 3317.

(*c*) The above quoted provision of paragraph 1798 applies to any individual returning from abroad whether or not he is a resident of the United States. If the articles accompany the passenger, they may be passed on the baggage declaration if the collector is satisfied that the articles were taken abroad by the passenger. If they do not accompany the passenger, there shall be filed in conection with the entry an affidavit on customs Form 3297.

PASSENGERS' BAGGAGE

ART. 416. *Regulations authorized.*—Tariff Act of 1930, section 498 (a) (6):

> (a) The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—
> (6) Articles carried on the person or contained in the baggage of a person arriving in the United States.

ART. 417. *Status of passengers.*—(*a*) Persons arriving from foreign countries are divided into two classes for customs purposes—first, residents of the United States returning from abroad, and, second, all other persons.

(*b*) Citizens of the United States, or persons who have formerly resided in the United States, shall be deemed to be residents thereof returning from abroad, within the meaning of the tariff laws, in the absence of satisfactory evidence of nonresidence. The residence of a wife follows that of her husband unless satisfactory evidence is presented that the wife has acquired a separate residence elsewhere, and the residence of a minor child follows that of its parents.

(*c*) Any person not a resident of the United States or any person who, though a legal resident thereof, is not returning from abroad, will be treated for customs purposes as a nonresident.

ART. 418. *Nonresidents—Free entry of certain articles authorized.*—(*a*) Tariff Act of 1930, paragraph 1798 (free list):

> Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States; but this exemption shall include only such articles as were actually owned by them and in their possession abroad at the time of or prior to their departure from a foreign country, and as are necessary and appropriate for the wear and use of such persons and are intended for such wear and use, and shall not be held to apply to merchandise or articles intended for other persons or for sale: *Provided*, That all jewelry and similar articles of personal adornment having a value of $300 or more, brought in by a nonresident of the United States, shall, if sold within 3 years after the date of the arrival of such person in the United States, be liable to duty at the rate or rates in force at the time of such sale, to be paid by such person * * *.

(*b*) This exemption applies to the articles mentioned regardless of value.

ART. 419. *Returning residents—Free entry of certain articles authorized.*—(*a*) Tariff Act of 1930, paragraph 1798 (free list), as amended by section 337 of the Liquor Tax Administration Act, approved June 26, 1936:

> * * * In case of residents of the United States returning from abroad all wearing apparel, personal and household effects, * * * taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established under appropriate rules and regulations to be prescribed by the Secretary of the Treasury: *Provided further*, That up to but exceeding $100 in value (including distilled spirits, wines, and malt liquors aggregating not more than one wine-gallon) of articles acquired abroad by such residents of the United States for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, shall be admitted free of duty: *Provided further*, That a resident of the United States shall not take advantage of the exemption herein granted within a period of thirty days from the last exemption claimed.

(*b*) If an article taken abroad has been advanced in value or improved in condition while abroad by reason of repairs or cleaning further than that necessarily incident to wear and use while abroad, or by reason of alterations or additions which do not change the identity of the article, the cost or value of such repairs, cleaning, alterations, or additions is subject to duty. Articles taken abroad and there changed in such a manner that they cease to be the same entities and become new creations are dutiable when returned to the United States at their full value. In either such case, the $100 exemption may be applied to the dutiable cost or value.

(*c*) The date of last exemption claimed shall be the date of the passenger's last arrival in connection with which exemption was allowed, notwithstanding the articles admitted under the exemption arrived at a subsequent date.

(*d*) A passenger who has received a total exemption for the trip of less than $100 is not entitled to apply the remainder of that amount to articles acquired abroad on a subsequent trip, whether or not returning within 30 days from the date of the preceding arrival. No exemption shall be allowed in any case unless the articles claimed to be exempt were purchased or otherwise acquired merely as an incident of the trip.



(*e*) When no exemption or only a partial exemption has been granted at the border port or seaport or by a customs officer in foreign territory, the exemption or the remainder of the amount allowable may be applied at the port of clearance to articles acquired abroad during the same trip but not accompanying the passenger on return, or to articles acquired abroad during the same trip, whether or not accompanying the passenger, which are shipped in bond to another port. All articles acquired abroad during the trip should be noted on the declaration made to the United States customs officer at the time the returning resident enters the United States, or to the United States customs officers in a foreign country, just before such return to the United States if an exemption on such articles is to be claimed. Customs officers should be careful to bring this requirement to the attention of returning residents, and should see that the declarations show the articles which accompany the passengers and those which are intended for subsequent delivery or shipment in bond to another port.

(*f*) Collectors of customs shall limit exemptions to articles actually before them for examination. When the declaration covers articles not accompanying the passenger, or articles, whether or not accompanying him, which are shipped in bond to another port, it shall be made in duplicate and one copy, certified by the customs officer and showing the amount of the exemption allowed by him on the articles accompanying the passenger, shall be returned to the declarant. In such cases a notation, initialed by the issuing officer, showing the issuance of the certified copy, shall be made on the declaration retained by the collector, and no further exemption shall be made by any collector thereunder without the surrender of the certified copy or obtaining a second certified copy from the port at which the first certified copy has been filed.

(*g*) The certified copy of the declaration returned to the declarant may be accepted by the collector of customs at the port of clearance of the articles subsequently imported or forwarded in bond, as evidence of eligibility to the exemption and as determining the amount of the exemption allowed by the certifying officer, and such collector may, in his discretion, verify the declaration by communicating with the port or station at which the certified copy was issued. He shall retain the certified copy of the declaration in his files and if a subsequent claim is made at another port under the same declaration he will, upon request, furnish the collector interested with a copy thereof, showing the exemptions previously allowed. He shall also make proper notation of the issuance of such copy on the original certified copy and before issuing any subsequent copies, shall ascertain from the collectors of customs to whom previous copies were sent the amount of the exemptions allowed thereunder, noting the same on the copy to be issued, so that any copy issued will show the amount of all exemptions previously allowed.

(*h*) In the absence of evidence prescribed above or in article 422 (c), (4) and (5), the collector shall make a thorough investigation of any claim for the allowance of the exemption on goods not accompanying the passenger or shipped in bond to his port, and shall allow such exemption only when he is satisfied from other evidence that the necessary conditions have been met.

(*i*) Each member of a family is entitled to the exemption of $100 for articles acquired abroad of the character described in paragraph 1798, subject to the conditions prescribed therein. Articles belonging to one passenger can not be included in the exemption of another, except that when a husband and wife or a parent or parents and minor or financially dependent children travel together, the articles included within the exemption may be grouped and allowance made without regard to which member is the owner, provided that the grouped exemption shall not include that of any person who has claimed an exemption within 30 days, nor be allowed for the property of such person. For the purpose of grouping, a minor shall be deemed a person who has not reached the age of 21 years.

ART. 420. *Tobacco products, alcoholic beverages, foodstuffs, and tea.*—(*a*) Fifty cigars or three hundred cigarettes or three pounds of manufactured tobacco, and not exceeding one quart of alcoholic beverages, when brought in by an adult nonresident passenger, if not for sale or other commercial use, may be passed free of duty and internal-revenue tax.

(*b*) Cigars, cigarettes, tobacco, and not exceeding an aggregate of 1 wine-gallon of distilled spirits, wines, and malt liquors may be included within the $100 exemption accorded each returning resident. No internal-revenue tax is payable on any articles accorded free entry under the $100 exemption. Foodstuffs may be included in the $100 exemption.

(*c*) The quart of alcoholic beverages which may be imported by an adult nonresident without payment of duty or tax, or the 1 wine-gallon of alcoholic beverages which may be imported by a resident without payment of duty or tax if included within the $100 exemption, may consist of lesser quantities of more than one kind of beverage. In the case of adult nonresident passengers bringing in more than one kind of tobacco product, the exemption from internal-revenue tax and duty allowed such nonresidents may be applied proportionately, for example, to 25 cigars and 100 cigarettes, or to 25 cigars, 50 cigarettes, and 1 pound of manufactured tobacco.

(*d*) Internal-revenue stamps shall be affixed to taxable tobacco products imported in baggage. Before sale of such stamps to a passenger, the customs officer shall stamp across the face thereof with a rubber stamp the legend "United States Customs; imported in passenger's baggage." No customs inspection stamps are required.

(*e*) Packages of tea not exceeding 5 pounds in weight and imported in a passenger's baggage may be delivered without examination for purity under the act of March 2, 1897, as amended.

ART. 421. *Sealskin garments.*—(*a*) Fur-seal garments made from the skins of seals taken in the open waters of the North Pacific Ocean are prohibited importation by the act of August 24, 1912. (See arts. 645 to 651.)

(*b*) Sealskin garments brought in by persons arriving in the United States will not be presumed to have been taken in prohibited waters and will be admitted if the collector is satisfied that they were taken from the United States, or are being brought in for temporary use only, or were purchased abroad from reputable merchants, whose names and addresses shall be given and shown in the baggage declaration, in order that the origin of the skins may be traced if advisable.

ART. 422. *Declaration and entry.*—(*a*) *Passengers from noncontiguous countries.*—(1) Each returning resident arriving from a noncontiguous country directly by sea, unless a cruise or steerage passenger, shall declare in writing on customs Form 6063, all articles acquired abroad contained in his baggage or worn or carried on his person, together with effects or articles taken from the United States which have been advanced in value or improved in condition while abroad beyond that necessary to restore them to their original condition, and the cost or value of repairing or cleaning abroad articles taken from the United States further than that necessary to wear and use while abroad. Articles acquired abroad which do not accompany him must be declared if free entry therefor under paragraph 1798 is to be claimed. Wearing apparel, personal and household effects taken from the United States by a returning resident should also be included in his declaration but need not be itemized. Vehicles taken from the United States for noncommercial use should likewise be included. When a returning resident has no articles except personal and household effects taken from the United States,

a declaration to that effect should be required on customs Form 6063 or 6067.

(2) A nonresident, unless a cruise or steerage passenger, must declare in writing on customs Form 6063, all articles contained in his baggage or worn or carried on his person except wearing apparel, articles of personal adornment, toilet articles, and similar personal effects which were actually owned by him and in his possession prior to his departure from a foreign country and which are necessary and appropriate for his wear and use. When articles claimed to be free of duty as the personal effects of a nonresident under the first clause of paragraph 1798 do not accompany the passenger, there shall be filed in connection with the entry of such articles a declaration on customs Form 3299.

(3) Forms of baggage declaration and entry, customs Form 6063, will be furnished by collectors to steamship companies for use on steamships coming directly to the United States carrying first and second class and cabin and tourist passengers. Forms of baggage declaration and entry, customs Form 6059, will be furnished to steamship companies for use on vessels carrying passengers destined for the United States, arriving at Canadian ports. Copies of United States Customs Information for Passengers from Overseas, Customs Form 6061, will also be furnished for distribution on steamers.

(4) Passengers should prepare and sign their declarations on board steamships at least one day before arrival and should hand them to the purser for delivery to the proper customs officer on arrival in port.

(*b*) *Cruise and steerage passengers.*—(1) Nonresident cruise and steerage passengers who have only usual personal and household effects not intended for other persons or for sale, and residents of the United States returning as cruise or steerage passengers who have only articles taken from the United States which are not subject to duty by reason of alterations or repairs abroad, may make oral declarations. Written declarations on customs Form 6067 shall be required for all other articles brought in by steerage passengers. Customs Forms 6063 or 6067 may be used in the case of cruise passengers if a written declaration is required.

(2) Blank copies of customs Form 6067 shall be furnished by collectors to steamship companies for distribution among steerage passengers, and cruise passengers when necessary. Any such passengers who have articles for which a written declaration is required should prepare and sign their declarations in advance of arrival and retain them for presentation to the proper customs officer on the pier.

(*c*) *Persons arriving from or through contiguous countries.*—(1) A declaration, either oral or written, shall be made by each person arriving from or through a contiguous country for all articles contained in his baggage or worn or carried on his person including wearing apparel, personal and household effects, and other articles taken from the United States, stating whether or not any of such articles has been advanced in value or improved in condition while abroad, by any alteration or addition beyond that necessary to restore it to its original condition, or has been repaired or cleaned abroad beyond that necessary to wear and use while abroad. The declaration may be made to a customs officer at the port of first arrival in the United States or on a train or vessel en route to the United States on which such service is provided; or, when the baggage contains no dutiable articles in excess of any exemption which may be allowed, the declaration may be made to a United States customs officer stationed in foreign territory for that purpose. Whenever a written declaration is required, it shall be made on customs Form 6059, whether the passenger's journey originated in contiguous or noncontiguous territory, and whether the passenger arrives at a seaport or border port.

(2) When the value of articles acquired abroad by a returning resident or the value of any articles taken from the United States which are subject to duty by reason of alterations or additions beyond that necessary to restore them to their original condition, or the cost or value of repairing or cleaning such articles while abroad further than that necessary to wear and use abroad, or the aggregate of such items, exceeds $25, or his baggage or any part thereof is shipped in bond to another port or does not accompany him, and upon interrogation at the port of arrival he states that an exemption will be claimed on such articles shipped in bond or not accompanying him, his declaration shall be in writing.

(3) A written declaration shall be required for all articles brought in by a nonresident which, in the opinion of the inspector, are not usual personal effects entitled to free entry under paragarph 1798. When articles claimed to be free of duty, as the personal effects of a nonresident under the first clause of paragraph 1798, do not accompany the passenger, there shall be filed in connection with the entry of such articles a declaration on customs form 3299.

(4) When the baggage of a returning resident containing articles of a character requiring written declaration (see par. (2) of this subdivision) is examined and passed in foreign territory, the declaration shall be in duplicate and a certified copy thereof, showing the action taken by the customs officer making the examination, shall be returned to the declarant for surrender to the customs officer on the train or vessel on which the declarant arrives in the United States, or to the customs officer at the port of arrival, in order that such customs officer may determine what exemption, if any, has been already allowed. When the declarant, subsequent to the examination and passing of his baggage in foreign territory, acquires additional articles before arriving in the United States, a supplemental declaration shall be made therefor to the customs officer to whom the certified copy of the original declaration is surrendered. A written declaration is required when the value of articles acquired abroad by a returning resident, or the value of any articles taken from the United States which are subject to duty by reason of alterations beyond that necessary to restore them to their original condition, or the cost or value of repairing or cleaning such articles while abroad further than that necessary to wear and use abroad, or the aggregate of such items, exceeds $25, or his baggage or any part thereof is shipped in bond to another port or does not accompany him, and upon interrogation he states that an exemption will be claimed on such articles shipped in bond or not accompanying him.

(5) When the original or supplemental declaration of a returning resident whose baggage or any part thereof has been examined and passed in foreign territory, covers articles which do not accompany the declarant or which are shipped in bond to another port, the customs officer who takes up the certified copy of the original declaration shall note thereon the articles covered by the supplemental declaration, if any, and the action taken by him with respect to the articles examined and passed by him, and return the certified copy to the declarant for use in clearing the articles which do not accompany the declarant or which are shipped in bond to another port.

(*d*) *Acknowledgment.*—All declarations must be made to a customs officer and, if in writing, must be acknowledged before such officer.

(*e*) *Merchandise.*—Merchandise, that is, articles not of a personal nature, or which are intended for sale, or were bought on commission for others, may be included in the baggage declaration of a resident or nonresident under certain conditions. If not so included, regular entry therefor will be required. (See art. 423 (e).)

(*f*) *Family declarations.*—The senior member of a group of passengers who are members of the same family may declare for the entire family, including servants traveling with them.

(*g*) *Value.*—Passengers must state in their declarations in the currency of the purchase or the equivalent in United States currency, the prices actually paid for all articles purchased abroad. Passengers must state a fair value for all articles obtained abroad other than by purchase, such as gifts, etc. The purchase price or value stated is not necessarily the dutiable value but must be declared in order to assist the appraising officer in arriving at the correct dutiable value. Due allowance will be made by appraising officers whenever the purchase price or value declared is higher than the correct dutiable value. Allowance will also be made for depreciation due to wear and use.



(*h*) *Failure to declare.*—Tariff Act of 1930, section 497:

Any article not included in the declaration and entry as made, and, before examination of the baggage was begun, not mentioned in writing by such person, if written declaration and entry was required, or orally if written declaration and entry was not required, shall be subject to forfeiture and such person shall be liable to a penalty equal to the value of such article.

(*i*) *Amendment of declaration.*—Declarations may be amended before examination of the baggage has begun or, in the absence of fraudulent intent, articles omitted may be added after that time provided such articles have not been previously discovered by the inspector. (See art. 1103.)

(*j*) *Regular entry.*—An appropriate regular entry shall be required for articles which do not accompany a passenger, unless such articles are covered by a baggage declaration made at the time of the passenger's arrival. The provisions of Department circular letter no. 825 of December 31, 1931, are hereby incorporated in and made a part of these regulations.

ART. 423. *Examination procedure—Collection of duties.*—(*a*) Customs officers will not open baggage or other container or closed vehicle, for the purpose of examination. Any such baggage or other container or closed vehicle which is not opened by the owner or his agent for examination should be treated as unclaimed.

(*b*) The inspector at the place of arrival may examine and pass, without calling an examiner, articles acquired abroad by a resident of the United States for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, including dutiable alterations, additions, and repairs made to articles taken abroad by such resident, valued at $100 or less for each passenger regardless of the number of passengers included under one declaration, and, in addition, the inspector may grant an allowance for use and wear not to exceed $25 for any one passenger.

(*c*) The inspector at the place of arrival may also examine and pass, without calling an examiner, and without regard to value, personal effects of nonresidents arriving in the United States within the meaning of paragraph 1798 of the Tariff Act of 1930; wearing apparel, personal and household effects of returning residents of the United States and tools of trade of individuals returning to the United States, taken abroad by them, within the meaning of paragraph 1798 of the Tariff Act of 1930; household effects within the meaning of paragraph 1632 of the Tariff Act of 1930; tools of trade of persons emigrating to the United States within the meaning of paragraph 1747 of the Tariff Act of 1930; personal effects, not merchandise, of citizens of the United States dying in foreign countries; and automobiles and other vehicles taken abroad for noncommercial use, provided that any such vehicle is not subject to formal entry and that the cost or value of any dutiable alterations, additions, or repairs thereto can be included in the exemption allowed the owner or agent.

(*d*) If the total value of articles acquired abroad by a returning resident of the United States exceeds $100, after an allowance for use and wear, or, if the inspector is in doubt as to the character of any article, an examiner should be called.

(*e*) Merchandise—that is, articles not of a personal nature, or which are intended for sale, or were bought on commissions for others—valued at less than $500, may be examined and appraised on the baggage declaration at the place of arrival, if accompanied by a consular invoice when the value exceeds $100 and the merchandise is of a class requiring a consular invoice. If not accompanied by a consular invoice, when required, and the value exceeds $100, regular entry at the customhouse and appraisement will be required. If the value of such merchandise exceeds $500, regular entry and appraisement must be made whether or not accompanied by a consular invoice.

(*f*) Whenever the customs officer deems it advisable, or at the request of the passenger, any or all of the baggage may be sent to the appraiser's store for examination or reexamination, in which case a receipt for such baggage should be given on customs Form 6051.

(*g*) Passengers dissatisfied with the assessment of duty on their baggage may demand a reexamination, provided the articles have not been removed from customs custody.

(*h*) In case reappraisement by the United States Customs Court is desired, the passenger must make application therefor to the collector of customs in writing within 30 days after the original appraisement.

(*i*) Collectors may in their discretion admit without the collection of duty passengers' baggage containing articles acquired abroad not exceeding $5 in value and such remission shall not be construed as an exemption within the meaning of the last proviso to paragraph 1798 of the tariff act.

(*j*) Upon completion of the examination of baggage and payment of the duties and taxes, if any, a passengers' baggage stamp, upon which shall be legibly written or stamped on the lines provided for that purpose the name or number of the inspector and the date, shall be attached to each piece of baggage in accordance with the instructions on the inside of the cover of the booklet, "Passengers' Baggage Stamps" (customs Form 6065). Each baggage stamp shall be canceled by stamping thereon with the use of black ink a smudge or other defacement at the time the baggage leaves the customs inclosure.

(*k*) When duties are collected on articles in passengers' baggage, the coupon receipt attached to customs Forms 6063 shall be given the passenger when declaration is made on that form. When the declaration is made on customs Form 6059, customs Form 5103 shall be used as a receipt.

(*l*) When alcoholic beverages upon which duties or duties and internal-revenue taxes are payable are imported from a contiguous country in the baggage of a bona fide tourist (resident or nonresident) the transaction shall be cleared on baggage declaration (customs Form 6059), whether or not a written declaration is otherwise required, and on informal entry (customs Form 5119) or on consumption entry (customs Form 7501), as the case may be, if imported by a person other than a bona fide tourist.

(*m*) Alcoholic beverages found in passengers' baggage shall be released without the placing of strip stamps on the bottles provided it appears from the baggage declaration or otherwise that the liquors are for personal use and not for sale or other commercial purposes. The internal-revenue tax, however, shall be collected on all liquors above the exemption specified in article 420.

ART. 424. *Statements and deposit of collections.*—Duties and internal-revenue taxes collected on articles in passengers' baggage shall be accounted for as provided in articles 1172 and 1189, respectively. All moneys collected shall be deposited daily with the cashier and be included in the cashier's daily receipts.

ART. 425. *Naval vessels.*—(*a*) Upon the arrival of American naval vessels from foreign ports, commanding officers are required, under Navy Department General Order No. 102, to submit to collectors of customs information as to dutiable articles purchased abroad in the following form:

UNITED STATES NAVY CUSTOMS DECLARATION

*U. S. S.* ---------, *Port of arrival* ---------

TO THE COLLECTOR OF CUSTOMS:

Herewith is submitted a list of articles acquired in foreign countries by myself and the respective officers and members of the crew under my command, which list is correct to the best of my knowledge and belief.

| Owner | Rank | Description of articles | Cost or value |
|---|---|---|---|
| | | | |
| | | | |

Date ------, 19--.

(Name) ------ ------,
Rank ------ ------,
*Commanding Officer.*

NOTE.—This form must be filled out and filed with the collector of customs immediately upon arrival from a foreign port. The listed articles should be segregated until formally passed by the customs. If there are no articles to be listed, the statement "Nothing to declare" will suffice.

(*b*) No baggage declarations will be required, but the articles listed will be examined and passed in the same manner as the baggage on passenger vessels.

(*c*) After the examination of the baggage containing dutiable articles has been completed, customs supervision of such vessels will be withdrawn.

ART. 426. *Army and Navy transports.*—(*a*) Vessels of the Army or Navy Transport Service arriving from foreign ports will not be required to enter formally at the customhouse, but the commanding officer or master of a transport will cause to be filed with the collector of customs, within 48 hours following arrival, the original and one certified copy of the complete manifest of the vessel, including a list of all passengers on board, whether cabin or otherwise, with their baggage, specifying the number and description of the pieces of baggage belonging to each, a list of all baggage not accompanied by passengers, and a list of all articles acquired abroad by officers and crew members, and passengers (including enlisted personnel of the armed forces of the United States), other than cabin passengers, in the following form:

UNITED STATES ARMY AND NAVY TRANSPORT
CUSTOMS DECLARATION
*U. S. S.* -------- *Port of Arrival* --------

TO THE COLLECTOR OF CUSTOMS:

Herewith is submitted a list of articles acquired in foreign countries by myself, the respective officers and members of the crew under my command, and passengers (including enlisted personnel of the armed forces of the United States), other than cabin passengers, which list is correct to the best of my knowledge and belief:

| Owner | Rank | Description of articles | Cost or value |
|---|---|---|---|
| | | | |
| | | | |

Date----------, 19--.
(Name) ----------
(Rank) ----------
*Commanding Officer, or Master.*

A third copy of the manifest will be mailed or delivered to the comptroller of customs of the district in which the port of entry is located. An uncertified copy of the manifest should also be available for the discharging inspector's use at the pier.

(*b*) Baggage declarations on customs Form 6063 will be required for all cabin passengers. Commissioned officers and enlisted personnel of the armed forces of the United States in charge of the operation of the vessel, enlisted men carried as passengers, and civilian officers and crew members, will not be required to execute baggage declarations, but all articles acquired abroad by them must be listed on the declaration provided for in paragraph (*a*).

(*c*) Passengers on transports are entitled to the privilege of exemption from duty provided by paragraph 1798 of the tariff act, and commissioned officers and enlisted personnel of the armed forces of the United States in charge of the operation of the vessel will be accorded the same privilege. Civilian officers and crew members will be subject to the provisions of article 122 (*i*) and (*j*), of these regulations with respect to exemption from duty.

(*d*) Baggage on transports will be examined at the port where landed, in the same manner as baggage on commercial vessels.

(*e*) If the collector believes that sufficient grounds exist to justify a search of the vessel, the facts should be reported to the commanding officer or master with request that he cause a full search to be made and advise the collector of the results.

(*f*) Customs supervision will be withdrawn from the vessel when the cargo has been discharged, passengers and their baggage landed, and the baggage of officers and crew members examined and passed, unless the collector believes that sufficient grounds exist to justify its continuance, in which case he will advise the commanding officer or master accordingly.

ART. 427. *Unclaimed and unaccompanied baggage.*—Articles in passengers' baggage on which duties are not paid, and baggage not claimed within a reasonable time, will be treated as unclaimed and sent to general order. All baggage on board a vessel not accompanying a passenger shall be listed on the last sheet of the passenger manifest under the caption "Unaccompanied baggage", giving marks or address, and date of the arrival of the vessel on which the owner was a passenger.

ART. 428. *Registration—Certificate.*—The owner of valuable effects of foreign origin, sealskin garments and plumage, may, prior to his departure from the United States, make an application to the collector or his representative in the appraiser's office, if any, on customs Form 4455, in duplicate, for the registration of such articles to facilitate their identification on return. Upon the filing of the application the collector, or his representative, shall designate the place of examination and cause the articles to be examined. After the articles have been examined and the certificate of registration on customs Form 4455 has been executed, one copy of the form shall be delivered to the applicant for use on return and the other copy shall be filed in the appraiser's office.

ART. 429. *Shipment of baggage in bond—Manifest.*—(*a*) When baggage appears by the manifest of the importing vessel, or other satisfactory evidence, to be destined to a port of entry other than the port of first arrival, it may be forwarded to its destination over a bonded route at the request of the passenger, the transportation company, or the agent of either, under cord and seal and baggage manifest described below, without examination or assessment of duty. For this purpose the carrier will furnish cards of bright red cardboard not less than 2½ by 4 inches in size, with the following printed text:

UNITED STATES CUSTOMS

Check No. --------
Baggage in bond:
Carrier ----------
From port of ----------

TO COLLECTOR OF CUSTOMS

Port of ----------
This baggage must be delivered by carrier to collector of customs at port named. Failure to do so renders the carrier liable to fine.

(*b*) A paster of the same dimensions and with the same legend may be placed upon the baggage if the carrier desires. The card must be placed on the cords back of the seal and upon arrival of the baggage at the port of destination the customs officer shall detach the card.

(*c*) A customs manifest for baggage shipped in bond, customs Form 7520, must be prepared in sextuple for each shipment. One copy must be delivered to the carrier to accompany the baggage and be delivered to the collector of customs at the port of destination as a notice of arrival. Two copies must be forwarded by mail to the collector of customs at the port of destination, one copy to the comptroller of customs in the district in which the port of origin is located and one copy to the comptroller of customs in the district in which the port of destination is located. One copy will be retained at the port of origin as the office record.



(*d*) Upon the arrival of the baggage at the port of destination one of the mail copies must be properly indorsed to show the arrival, destination, and condition of the baggage when received and shall be returned as a certificate of delivery through the comptroller of customs in whose district the port of origin is located, to the collector at the port from which received, and the other used as an office record. If the baggage reported on the mail copy is not received at the port of destination within 30 days, the collector will call upon the carrier to show what disposition was made of the baggage covered by the manifest. The collector at destination shall advise the comptroller of customs of his district of the final disposition of the baggage.

(*e*) Baggage arriving in bond or otherwise at a port on the Atlantic or Pacific coast, destined to a port on the opposite coast, may be laden under customs supervision, without examination or being placed in bond, on a vessel proceeding to the opposite coast, provided the vessel will proceed to the opposite coast without stopping at any other port on the coast where the port of lading is situated.

(*f*) Checked baggage may be shipped in bond from places in contiguous foreign territory at which United States customs officers are stationed. The procedure will be the same as though the shipment originated at a port of entry in the United States and no customs formalities will be required at the place of actual arrival in the United States.

(*g*) Except as otherwise provided in this article the applicable provisions of chapter XVI of these regulations shall be applied to shipments of baggage in bond.

ART. 430. *Shipment of baggage in transit to foreign countries.*—The baggage of any person in transit through the United States from one foreign country to another may be shipped over a bonded route for exportation. Such baggage must be corded and sealed and shipped under the regulations prescribed in article 429, except that the fifth copy of the manifest, customs Form 7520, for the comptroller of customs of the district in which the port of exit is located shall not be required, and the card or paster must be printed on yellow paper and read "Baggage in bond for export."

ART. 431. *Domestic baggage through foreign territory.*—(*a*) Checked baggage of domestic origin, transported from port to port in the United States via a foreign port or through foreign territory may, on the request of the carrier, be corded and sealed by United States customs officers at ports of exit from the United States with United States customs in-transit seals, with a special manifest, in the following form, on white cardboard 2½ by 4½ inches in size attached to each piece on the cord back of the seal:

UNITED STATES CUSTOMS
IN TRANSIT BAGGAGE MANIFEST

Check No. --------
This baggage is in transit from ----------, ----------, through
(Port of exit)
foreign territory to ----------, ----------, in the United States.
(Port of reentry)
This baggage was corded and sealed by me and laden for transportation as above stated.
Date --------
----------,
*U. S. Customs Officer.*

(*b*) At the final port of reentry into the United States the customs officer shall cut the cord and retain the manifest for an office record.

(*c*) In lieu of cording and sealing, the baggage may be forwarded in a car or compartment sealed with United States customs blue seals and manifested as in the case of other merchandise in transit through foreign territory.

(*d*) If the customs officer at the port of reentry into the United States finds that the cords and seals are not intact or for any other reason believes that the baggage has been tampered with while outside the United States, he shall detain the same for examination. Otherwise, it may be passed without examination.

(*e*) The customs officer who cords and seals baggage at the port of exit shall keep a record of his action.

(*f*) The provisions of this article shall not apply to domestic hand baggage crossing foreign territory which, upon reentry into the United States, shall be examined in the same manner as baggage of foreign origin, unless exempted therefrom by special authority from the Bureau of Customs.

DIPLOMATIC AND CONSULAR OFFICERS

ART. 432. *Baggage.*—(*a*) Upon application to the Department of State and appropriate instructions from the Treasury Department in each instance, the privilege of admission free of duty without entry shall be extended to the baggage and effects of the following representatives of foreign governments, and their families, suites, and servants, provided the Governments which they represent grant reciprocal privileges to American officials of like grade accredited thereto or en route to or from other countries to which accredited.

(1) Ambassadors, ministers, and chargés d'affaires; and secretaries, and naval, military, and other attachés of embassies and legations, high commissioners, consular officers and trade representatives, accredited to this Government or en route to or from other countries to which accredited; and

(2) Other high officials of foreign governments and such distinguished foreign visitors as may be designated by the Department of State.

(*b*) In the absence of special authorization therefor from the Department prior to the arrival of representatives of foreign governments enumerated in paragraph (*a*) (1), the privilege may be extended to their baggage and effects upon presentation of their credentials or other proof of their identity.

(*c*) Foreign ambassadors, ministers, and chargés d'affaires; and secretaries, and naval, military, and other attachés of foreign embassies and legations shall not be detained or inconvenienced, and their baggage and effects shall remain inviolate. Every proper means shall be afforded them to facilitate their passage through ports of the United States.

(*d*) The privilege of admission free of duty without entry of their baggage and effects may also be extended to representatives of this Government of the classes enumerated in paragraph (*a*) (1), including Treasury attachés and Treasury repersentatives, together with their families, suites, and servants, returning from their missions abroad, upon the production of their credentials; and to other high officials of this Government, upon application therefor direct to the Treasury Department by the heads of the respective branches of the Government with which they are connected, and the issuance of appropriate instructions. The free entry authorized hereunder shall not extend to alcoholic beverages, with respect to which the persons enumerated in this paragraph shall receive no other exemption from duty and internal-revenue tax than is allowed returning residents of the United States in accordance with article 420 of these regulations.

(*e*) If by accident or unavoidable delay in shipment, the baggage or other effects of a person of any of the classes mentioned in this article shall arrive after him, the same may be passed free of duty, under the conditions specified above, upon satisfactory proof of ownership.

(*f*) Collectors shall keep a record of the privileges granted, whether the subject of instructions from the department or not, containing the name of the person to whom granted, his rank or designation, the name of the vessel or transportation line, and the date of arrival.

ART. 433. *Imported articles.*—(*a*) Costumes, regalia, and other articles, including office supplies and equipment, for the official use of members and attachés of foreign embassies and legations, consular officers, and other representatives of foreign governments, may be admitted free of duty provided the countries which such persons represent accord like privileges to corresponding officials of the United States. Lists of countries whose governments accord such reciprocal privileges are published in the Treasury Decisions. Articles for the official use of representatives of foreign governments not listed in T. D. 41046, or any amendment thereof, shall be admitted free of duty only upon the receipt of instructions from the department, which will be issued only when

application therefor is made through the Department of State.

(*b*) Packages bearing the official seal of a foreign government with which the United States has diplomatic relations, accompanied by certificates under such seal to the effect that they contain only official communications or documents, may be admitted free of duty without customs examination.

(*c*) The privilege of importing free of duty articles for their personal or family use may be granted to (1) members and attachés of foreign embassies and legations, and (2) consular officers and other representatives of foreign governments to whom the privilege is accorded under special agreements between the United States and the countries which they represent; but in either case the privilege may be granted only upon the department's instructions in each instance which will be issued only upon the request of the Department of State. The special agreements referred to are published in the Treasury Decisions.

(*d*) No entry is required at the port of delivery for shipments admitted free of duty under this article, but a proper notation as to the disposition thereof shall be made on or attached to the manifest.

ARTICLES FREE UNDER SIX MONTHS' BOND

ART. 434. *Free entry authorized.*—Tariff Act of 1930, section 201, paragraphs 1607, 1747, 1808, 1809; and section 308:

SEC. 201. That on and after the day following the passage of this Act, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam), shall be exempt from duty:

PAR. 1607. Animals and poultry, brought into the United States temporarily for a period not exceeding 6 months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury * * *.

PAR. 1747. * * * But this exemption shall not be construed to include * * * theatrical scenery, properties, and apparel; but such articles brought by proprietors or managers of theatrical exhibitions arriving from abroad, for temporary use by them in such exhibitions, and not for any other person, and not for sale, and which have been used by them abroad, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within 6 months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of 6 months in case application shall be made therefor.

PAR. 1808. Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought by professional artists, lecturers, or scientists arriving from abroad for use by them temporarily for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within 6 months after such importation: *Provided*, That the Secretary of the Treasury may in his discretion, extend such period for a further term of 6 months in cases where application therefor shall be made.

PAR. 1809. * * * *Provided*, That the privileges of this and the preceding paragraph shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character.

Tariff Act of 1930, section 308: The following articles, when not imported for sale or for sale on approval, may be admitted into the United States under such rules and regulations as the Secretary of the Treasury may prescribe, without the payment of duty, under bond for their exportation within 6 months from the date of importation, which period may, in the discretion of the Secretary of the Treasury (whether such articles are imported before or after this section becomes effective), be extended, upon application, for a further period not to exceed 6 months:

(1) Machinery or other articles to be altered or repaired;

(2) Models of women's wearing apparel imported by manufacturers for use solely as models in their own establishment, and not for sale;

(3) Samples solely for use in taking orders for merchandise, or for examination with a view to reproduction;

(4) Articles intended solely for experimental purposes, and upon satisfactory proof to the Secretary that any such article has been destroyed because of its use for experimental purposes such bond may be canceled without the payment of duty;

(5) Automobiles, motor cycles, bicycles, airplanes, airships, balloons, motor boats, racing shells, and similar vehicles and craft, teams and saddle horses, all of which are brought temporarily into the United States by nonresidents for touring purposes, or for the purposes of taking part in races or other specific contests;

(6) Locomotives, cars and coaches, and repair equipment belonging to railroads brought temporarily into the United States for the purpose of clearing obstructions, fighting fires, or making emergency repairs on lines the property of railroads within the United States;

(7) Containers for compressed gases which comply with the laws and regulations for the transportation of such containers in the United States;

(8) Articles imported by illustrators and photographers for use solely as models in their own establishments, in the illustrating of catalogues, pamphlets, or advertising matter.

ART. 435. *Entry—Bond.*—(*a*) Entry of articles under the above provisions of law shall be made on customs Form 7501 (at New York on customs Form 7517–B), except that when the merchandise does not exceed $100 in value the forms provided for the informal entry of importations received through the mails, in passengers' baggage and from other sources, may be used in proper cases. The entry shall designate the provision of law under which entry is made, shall describe the use to which the articles are to be put in sufficient detail to enable the collector to determine whether they are entitled to entry under the provision of law designated, and shall contain a declaration that the articles are not to be put to any other use and that they are not imported for sale or sale on approval.

(*b*) The entry or invoice must describe each article completely and in detail and set forth any marks or numbers thereon or other distinguishing features thereof, together with the value of each item, and, when practicable and necessary, the articles shall be marked by the examining officer, so as to enable the customs officer at the port of exportation to indentify the articles at the time of exportation. Unless the articles are otherwise exempt from such requirement, a consular invoice shall be required whenever the value of the shipment exceeds $100, except in the case of automobiles and other vehicles which the collector is satisfied are being brought in for personal use for bona fide touring purposes and are not intended for sale.

(*c*) Claim for free entry under any of the above-mentioned provisions of law may be made for articles of the character described previously entered under any other provision of law and the entry amended accordingly upon compliance with the requirements of this article, provided the articles have not been removed from customs custody, but the 6-months' period will be computed from the date of importation.

(*d*) A bond shall be given in an amount equal to one and one-quarter times the estimated duties which would have been required to be deposited had the articles been entered for consumption. When the articles are entered under paragraph 1607 or section 308, the bond shall be on customs Form 7563; when under paragraph 1747 or paragraph 1808, on customs Form 7565. A cash deposit in the same amount may be accepted in lieu of bond. Collectors will place such cash deposits in their special deposit accounts.

(*e*) After the completion of the entry and the filing of the bond or deposit of cash in lieu thereof, the articles may be released to the importer. Upon compliance with the conditions of the bond the entry shall be liquidated free of duty. When any of the articles covered by the entry have not been disposed of in accordance with the conditions of the bond prior to the expiration of the bonded period (including any lawful extension), the following procedure shall govern; If the articles were entered under paragraph 1747 or paragraph 1808, the entry shall be liquidated dutiable as to the articles which have not been disposed of in accordance with the conditions of the bond and the duties which would have accrued on such articles had they been entered for consumption shall be collected. If the articles were entered under paragraph 1607 or section 308, the entry shall be liquidated free of duty; but as to the articles not disposed of in accordance with the conditions of the bond, the duty which would have accrued had they been entered for consumption shall be ascertained and noted on the entry.



ART. 436. *Animals or poultry for breeding—Exposition—Competition.*—(*a*) It must be shown to the satisfaction of the collector at the port of entry that the animals or poultry are imported for the purposes mentioned in the statute.

(*b*) Animals imported for training for a subsequent racing exhibition in the United States are entitled to entry under paragraph 1607.

(*c*) Free entry under bond or cash deposit may be accorded sulkies, carts, and other vehicles, equipment, and harness brought with animals entered under paragraph 1607.

ART. 437. *Theatrical effects.*—(*a*) In connection with the entry of the theatrical scenery, property, and apparel an affidavit of the manager or proprietor will be required on customs Form 3325 in addition to the requirements of article 435.

(*b*) Animals imported for use or exhibition in theaters or menageries will be classified as theatrical effects.

(*c*) The term "theatrical scenery, properties, and effects" does not include moving-picture films.

ART. 438. *Articles brought by professional artists, lecturers, or scientists.*—In connection with the entry of works of art and other articles provided for in paragraph 1808, brought in by professional artists, lecturers, or scientists, a declaration on customs Form 3333 must be made in addition to the requirements of article 435.

ART. 439. *Models of women's wearing apparel.*—(*a*) Models of women's wearing apparel admitted under section 308 (2) shall not be removed from the importer's establishment for reproducing, copying, painting, sketching, or for any other use by others, nor be used in the importer's establishment for such purposes except by the importer or his employees. The use of such articles contrary to these regulations will subject the same to the payment of duty. The offering or displaying of such articles for sale within a short time after their importation will be taken as presumptive evidence that the same were intended for sale at the time of importation, and duties thereon will be collected, even though the same may not be sold and are subsequently exported.

(*b*) The importer shall file in connection with the entry an affidavit stating, in addition to his name and business address, that he is a manufacturer; that the articles are imported solely as models for use in his own establishment and will be so used; that they are not imported for sale or for sale on approval; and that the same will not be removed from such establishment for reproducing, copying, painting, or sketching by others, nor used in his establishment for such purposes except by him or his employees.

(*c*) Invoices covering models of women's wearing apparel entered under section 308 (2) or section 308 (3) shall state the kind and color of the principal material from which made, and shall contain a description of the lining and the trimming, stating whether composed of fur, lace, embrodiery, or otherwise. Invoices shall also contain a statement as to how the trimming is applied—i. e., whether on the cuffs, collar, sleeves, or elsewhere, and the total value of each completed garment or article.

(*d*) Models of women's wearing apparel entered under section 308 (2) or 308 (3) shall be marked for identification by means of a cord and lead or tin seal, the cord to be run through the article and all trimming thereon, where necessary, in such manner as to prevent the removal of the cord and seal without cutting the cord or destroying the article. A tag should be attached to the cord, upon which shall be stated the name of the port at which the article was imported, the entry number, name of importer, and the number of the bond. The seals and tags shall be affixed at the expense of the importer.

ART. 440. *Commercial travelers' samples.*—Samples valued at less than $500 accompanying a commercial traveler may be entered on his baggage declaration in lieu of formal entry, and examined and passed at the place of arrival in the same manner as passengers' baggage, upon the filing of the bond required by article 435, or the deposit of cash equal to one and one-quarter times the estimated duty in lieu thereof, provided the articles are accompanied by an adequate descriptive list and, in the case of articles valued at more than $100, the descriptive list is certified by an American consul, or a consular invoice is furnished. Otherwise regular entry and appraisement will be required.

ART. 441. *Extension of bonds.*—Bonds given for exportation under paragraph 1607 can not be extended. All other special 6-months bonds may be extended for a further period of 6 months upon written application. The application shall be filed with the collector of customs for submission to the Bureau of Customs with his recommendations. The report of the collector shall in all cases show the date of importation of the merchandise, the date of entry, the entry number, and the provision of law under which entered. The application shall set forth the reason for requesting the extension, shall state whether the articles have been offered for sale or sale on approval, and shall set out what use has been made of the articles since their importation and what use is to be made of them during the period of extension.

ART. 442. *Exportation.*—(*a*) Articles entered under 6-months bond may be exported at the port of entry or at another port and shall be delivered by the importer for examination at the appraiser's store or at such other place as the collector may designate. An application on customs Form 3495 shall be filed with the collector a sufficient length of time in advance of exportation to permit of their examination, and the articles must be identified as the same articles which were imported. The applicant will be notified on customs Form 3497 where the articles are to be sent for identification.

(*b*) Said application will be transmitted to the appraiser with the invoice filed on entry. The appraiser will compare the articles submitted to him with the invoice and report to the collector any discrepancies that may be found. He will also supervise the packing of the articles for exportation and deliver the packages to an inspector for transfer and lading.

(*c*) The collector will instruct the surveyor, on customs Form 3495, to supervise the transfer and lading of such packages, and make due return thereof.

(*d*) At ports at which there is no surveyor, the direction to supervise the transfer and lading for exportation will be made to an inspector. All expenses in connection with the delivery of the articles for examination, the cording and sealing of such articles, and their transfer for exportation will be paid by the parties in interest.

(*e*) If exportation should be made at any port other than that at which the merchandise was entered, a certified copy of the import entry or the invoice used upon entry should be filed with such application, and the collector of customs at such port of exportation will forward to the collector at the port of entry a copy of the application with the appraiser's and inspector's return indorsed thereon.

(*f*) If the goods are examined at one port and exported at another port they shall be forwarded to the port of exportation under transportation and exportation entry.

ART. 443. *Cancelation of bonds.*—(*a*). Bonds taken pursuant to these provisions of law may be canceled in the manner prescribed in article 1266. In the case of articles entered under section 308 (4) which are destroyed because of their use for experimental purposes, the bonds may not be canceled unless there is submitted to the collector an affidavit of the importer that the articles were destroyed during the course of a specifically described experiment, and the collector is satisfied that the articles were so destroyed as articles of commerce within the bonded period (including any lawful extension). Bonds covering articles entered under other provisions of law may not be canceled upon proof of destruction, except as provided in article 443 (c), unless the articles are destroyed under customs supervision in accordance with section 557 and article 808.

(*b*) Where exportation has been made at a port other than the port of entry, the bond may be canceled upon the certificate of lading received from the port of exportation, showing that such exportation was made within the bonded period. In addition, the collector may require the production of a landing certificate acknowledged by the foreign consignee before an American consular officer, or a certifi-

cate from a customs officer at the foreign port to which the merchandise was exported, showing the entry of the merchandise at such port in any case in which he may have reason to believe that the shipment is not a bona fide exportation.

(c) In the case of animals or poultry imported for exhibition dying in the United States through accident or other casualty while under bond, and of articles totally destroyed by fire, accident, or other casualty while in this country and under bond, application for the cancelation of the bonds may be made to the Bureau. The application should be accompanied by affidavit of the importer or other person having knowledge of the facts, setting forth the circumstances of the death of the animals or destruction of the articles.

(d) When articles admitted under 6-months bond are returned to customs custody for identification and supervision of lading as freight on aircraft which take off under their own power for foreign destinations, and when the value of such articles exceeds $100 as shown by the import entry, a foreign customs landing certificate shall be required as evidence of exportation in order to cancel the 6-months bond. Such landing certificates are required, in addition to the returns of the appraiser and lading inspector showing identification and lading under customs supervision. Landing certificates need not, however, be required for articles which do not exceed $100 in value, unless the collector shall have reason to believe, in any particular case, that the apparent outward shipment of the articles was not a bona fide exportation.

(e) If any of the articles have not been exported or destroyed in accordance with these regulations within the bonded period (including any lawful extension), the collector shall (a) collect the duties found due on such articles, if they were entered under paragraph 1747 or paragraph 1808; or (b), if the articles were entered under paragraph 1607 or section 308, make a demand in writing under the bond for the payment of liquidated damages equal to the entire penal sum of the bond. If a written application for relief from the payment of the full liquidated damages is filed with the collector within thirty days after the demand, he shall transmit the application, together with a full report of the facts in the case, to the Bureau of Customs for a decision as to the amount to be collected.

ART. 444. *Refund of special deposits.*—(a) When a cash deposit is made in lieu of a bond, the collector will place such cash deposit in special deposit account and refund of the same will be made upon compliance with article 442.

(b) When any of the articles entered under paragraph 1747 or paragraph 1808 are not exported or destroyed within the bonded period (including any lawful extension), and the liquidated duty on such articles is found to be less than the special deposit, the amount in excess of the liquidated duty shall be returned to the importer. If the liquidated duty exceeds the cash deposit, a demand shall be made upon the importer for the increased duties due. If any of the articles entered under paragraph 1607 or section 308 are not so exported or destroyed, the collector shall notify the importer in writing that the entire cash deposit will be transferred to the regular account as liquidated damages unless a written application for relief from the payment of the full liquidated damages is filed with the collector within 30 days after the notice. If such an application is timely filed the collector shall transmit it to the Bureau of Customs, together with a full report of the facts in the case, for a decision as to the amount to be collected, and the transfer of the cash deposit to the regular account as liquidated damages shall be deferred pending the decision of the Commissioner of Customs on the application.

ARTICLES FOR INSTITUTIONS

ART. 445. *Books, maps, music, photographs, etchings, etc.—Regalia and gems.*—(a) Tariff Act of 1930, paragraph 1631 (free list):

> Any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or any college, academy, school, or seminary of learning in the United States, or any State or public library, may import free of duty any book, map, music, engraving, photograph, etching, lithographic print, or chart, for its own use or for the encouragement of the fine arts, and not for sale, under such rules and regulations as the Secretary of the Treasury may prescribe.

(b) Tariff Act of 1930, paragraph 1773 (free list):

> • • • Regalia and gems, where specially imported in good faith for the use and by order of any society incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, seminary of learning, orphan asylum, or public hospital in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe; but the term "regalia" as herein used shall be held to embrace only such insignia of rank or office or emblems as may be worn upon the person or borne in the hand during public exercises of the society or institution, and shall not include articles of furniture or fixtures, or of regular wearing apparel, nor personal property of individuals.

ART. 446. *Requirements on entry.*—The importer must file as evidence that such articles are entitled to free entry an affidavit, on customs Form 3321, by an executive officer or other authorized representative of the institution for which the articles are imported.

ART. 447. *Character of institution—Special importations for.*—The collector may require a copy of the charter or other evidence of the character of the institution for which the articles are imported, and may also require the production of the original of any order given by such society or institution to an importing agent or dealer for such articles.

ART. 448. *Affidavit of dealer or agent—Certificate of delivery—Stipulation.*—(a) When such articles are imported through a dealer his affidavit, as well as that of the importer, shall also be filed, on customs Form 3321.

(b) Such affidavits must be filed at the time of entry, and bonds will not be accepted for their subsequent production. However, when it is impracticable to produce at the time of entry the affidavit of the institution for which the importation is made, the importer may stipulate to produce such affidavit and may deposit the estimated duties, provided he shall file an affidavit at the time of entry showing why the affidavit of the institution can not be produced. Upon the production of the affidavit of the institution and the certificate of delivery within 6 months from the date of entry the estimated duties will be refunded upon liquidation of the entry.

(c) A certificate of delivery signed by an authorized executive officer or other representative of the institution, customs Form 3337, must be filed within 6 months from the date of entry, before liquidation thereof free of duty. Upon failure to file said certificate within 6 months the entry shall be liquidated as dutiable. Such certificate of delivery is not required when the importation is consigned to the institution or the receipt of the articles is acknowledged by the institution on customs Form 3321.

ART. 449. *Serial publications—List of publications.*—One affidavit may be made for books, etc., published serially and imported in installments. A list shall be filed with the affidavit on entry of the first numbers of the publication, which list shall be signed by the importer immediately below the last-mentioned article in such list. Subsequent numbers may be admitted free upon affidavit of the importer that they are included in the list already filed.

ART. 450. *Articles for the United States.*—(a) Tariff Act of 1930, paragraph 1628 (free list):

> Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.

(b) Such articles may be admitted free of duty upon compliance with articles 446–449 of these regulations, or upon the written request of the head of any bureau or executive department. Such articles imported by mail and addressed to the Library of Congress or any department of the Government or bureau or division thereof shall be forwarded for delivery without the assessment of duty thereon, if the collector is satisfied they are entitled to free entry under paragraph 1628.



WORKS OF ART

ART. 451. *Statuary and casts of sculpture.*—(a) Tariff Act of 1930, paragraph 1773 (free list):

> Statuary and casts of sculpture for use as models or for art educational purposes only; • • •

(b) Such article will be admitted free of duty if returned by the appraising officer as statuary or casts of sculpture, provided the collector of customs shall be satisfied that they are actually imported for the purposes above mentioned.

(c) The importer must file in connection with the entry an affidavit of the ultimate consignee on customs Form 3307.

ART. 452. *Original paintings, engravings, drawings, sculpture, etc.*—(a) Tariff Act of 1930, paragraph 1807 (free list):

> Original paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches in pen, ink, pencil, or water colors, artists' proof etchings unbound, and engravings and wood cuts unbound, original sculptures or statuary, including not more than two replicas or reproductions of the same; but the terms "sculpture" and "statuary" as used in this paragraph shall be understood to include professional productions of sculptors only whether in round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal, or whether cut, carved, or otherwise wrought by hand from the solid block or mass of marble, stone, or alabaster, or from metal, or cast in bronze or other metal or substance, or from wax or plaster, made as the professional productions of sculptors only; and the words "painting", "drawing", "sketch", "sculpture", and "statuary" as used in this paragraph shall not be understood to include any articles of utility or for industrial use, nor such as are made wholly or in part by stenciling or any other mechanical process; and the words "etchings", "engravings", and "wood cuts" as used in this paragraph shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools and not such as are printed from plates or blocks etched or engraved by photochemical or other mechanical processes.

(b) Invoices covering works of art claimed to be free of duty must show whether they are originals, replicas, reproductions, or copies, and also the name of the artist who produced them, unless upon examination the appraiser is satisfied that they are originals, replicas, etc.

(c) The following evidence shall be produced:

(1) Certificate of the artist who executed the article, showing whether it is original, or, in the case of sculpture a first or second replica; and in the case of etchings, engravings, or wood cuts, that they were printed by hand from hand-etched or hand-engraved plates or blocks.

(2) A declaration of the seller or shipper, if shown that it is impossible to produce the certificate of the artist.

(3) A declaration of the importer on customs Form 3309.

(d) The certificate of the artist or the declaration of the seller or shipper in lieu thereof may be waived upon satisfactory explanation of the failure to produce the same, but the declaration of the importer is required in all cases.

(e) The collector should satisfy himself that paintings, drawings, sketches, sculptures, or statuary, are not articles of utility nor intended for industrial use before permitting free entry under paragraph 1807.

ART. 453. *Articles for exhibition—Requirements on entry.*—(a) Tariff Act of 1930, paragraph 1809 (free list):

> Works of art, collections in illustration of the progress of the arts, sciences, agriculture, or manufactures, photographs, works in terra cotta, parian, pottery, or porcelain, antiquities and artistic copies thereof in metal or other material, imported in good faith for exhibition at a fixed place by any State or by any society or association, or for a municipal corporation, for the arts, science, agriculture, or education, or for a municipal corporation, and all like articles imported in good faith by any society or association, or for a municipal corporation, for the purpose of erecting a public monument, and not intended for sale nor for any other purpose than herein expressed; but bond shall be given, under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to this provision, and such articles shall be subject at any time to examination and inspection by the proper officers of the customs: *Provided*, That the privileges of this and the preceding paragraph shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character.

(b) There shall be filed in connection with the entry of such articles an affidavit by a qualified officer of the institution on customs Form 3335, and a bond on customs Form 7565. A separate series of numbers to run indefinitely shall be assigned to these entries.

(c) Articles entered under paragraph 1809 of the tariff act may be transferred from one institution to another upon an application in writing in the case of each transfer describing the same and stating the name of the institution to which transfer is to be made, provided the sureties to the bond assent in writing under seal or a new bond is filed. No entry or withdrawal will be required for such a transfer.

(d) The entry should be liquidated free of duty, but the amount of duty which would have accrued shall be ascertained and noted on the entry which, together with the invoice and other documents filed in connection with the entry, shall be attached to the bond and kept in a permanent file. If any of the articles shall be sold, or offered or exposed for sale, transferred, or used in any manner contrary to the provisions of these regulations, the amount of the duties shall be immediately collected by the collector of customs at the port of entry and deposited as duties.

ART. 454. *Works of American artists.*—(a) Tariff Act of 1930, paragraph 1810 (free list):

> Works of art, productions of American artists residing temporarily abroad • • • but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

(b) The importer shall produce in connection with the entry of such articles an affidavit on consular Form 155 made before the United States consul at the place of exportation, or before a customs officer at port of entry on customs Form 3319.

ART. 455. *Articles for institutions.*—(a) Tariff Act of 1930, paragraphs 1774 and 1810 (free list):

> PAR. 1774. Altars, pulpits, communion tables, baptismal fonts, shrines, or parts of any of the foregoing, and statuary (except casts of plaster of paris, or of compositions of paper or papier-mâché), imported in good faith for presentation (without charge) to, and for the use of, any corporation or association organized and operated exclusively for religious purposes.
>
> PAR. 1810. • • • other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution or to any State or municipal corporation or incorporated religious society, college, or other public institution, • • • and excluding any article, in whole or in part, molded, cast, or mechanically wrought from metal within 20 years prior to importation; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

(b) The importer shall file in connection with the entry of such articles an affidavit on customs Form 3331, showing that the articles were expressly imported for presentation to the institution named in the entry, together with letters of presentation and acceptance from donors and donees, respectively.

ART. 456. *Stained or painted glass windows for houses of worship.*—(a) Tariff Act of 1930, paragraph 1810 (free list):

> • • • stained or painted window glass or stained or painted glass windows which are works of art when imported to be used in houses of worship, valued at $15 or more per square foot, • • • but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

(b) The importer shall file in connection with the entry of such articles an affidavit (customs Form 3321) showing that the importation is made for use in houses of worship. The entry will not be liquidated free of duty, however, until a certificate of delivery (customs Form 3337) has been produced.

ART. 457. *Artistic antiquities.*—(a) Tariff Act of 1930, paragraph 1811 (free list) and section 489:

> PAR. 1811. Works of art, (except rugs and carpets made after the year 1700), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced prior to the year 1830, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe. Violins, violas, violoncellos, and double basses, of all sizes, made in the year 1800 or prior year.
>
> SEC. 489. • • • Furniture described in paragraph 1811 shall enter the United States at ports which shall be designated by the Secretary of the Treasury for this purpose. If any article described in paragraph 1811 and imported for sale is rejected as unauthentic in respect to the antiquity claimed as a basis for free entry, there shall be imposed, collected, and paid on such article, unless exported under customs supervision, a duty of 25 per centum of the value of such article in addition to any other duty imposed by law upon such article.

(*b*) Such articles will be admitted free of duty, upon compliance with the following regulations.

(*c*) Regardless of the value of the articles, the invoice filed in connection with the entry shall contain a declaration by the seller or shipper, showing the name and address of the person from whom the articles were acquired, the date when acquired, and, if possible, the place and approximate date of production; but this declaration may be waived by the collector in any case where he is satisfied that failure to produce it is not due to any lack of diligence or good faith on the part of the importer and that the information is not required for any purpose in connection with the classification and appraisal of the articles, provided the affidavit of the owner required by paragraph (*d*) of this article is supplemented by a sworn statement of the owner, giving all the facts within his knowledge tending to show how long the articles have been in existence and where they were produced.

(*d*) An affidavit by the owner on customs Form 3343 shall also be filed in connection with the entry.

(*e*) The affidavit of the owner signed by an agent or attorney can not be accepted, but a declaration of the foreign seller or shipper, executed on the invoice by an agent competent to declare to the value and facts of the invoice, may be accepted as a sufficient compliance with the regulations.

(*f*) Affidavits bearing on the age and character of such importations shall be transmitted by the collector to the appraising officer. The findings of such officer shall be clearly stated in his return upon the invoice.

(*g*) Except as provided in paragraph (*j*), articles brought in as passengers' baggage and claimed to be entitled to free entry as artistic antiquities, may be admitted free of duty upon an affidavit of the owner before a customs officer, if the collector, after examination by the appraising officer, is satisfied that the articles are artistic and of the requisite age.

(*h*) Artistic antiquities, if of the age prescribed by paragraph 1811, are free of duty though repaired or renovated. If, however, they have been repaired with a substantial amount of additional material, without changing the original form or shape or enhancing their artistic qualities, the original and added portions should be appraised and returned as separate entities and the basis for such returns should be plainly indicated on the invoice by the appraiser. In such cases duty should be assessed on the portion added. If the repairs consist of an addition to an article of an artistic feature which changes it substantially from the article originally produced, or if the antique portion has otherwise been so changed as to lose its identity as the article which was in existence prior to the time prescribed in paragraph 1811, the entire article is excluded from free entry under paragraph 1811.

(*i*) Furniture claimed to be free of duty under paragraph 1811 may be entered only at the ports of New York, N. Y., Boston, Mass., Philadelphia, Pa., Baltimore, Md., New Orleans, La., San Francisco, Calif., Seattle, Wash., Los Angeles, Calif., Chicago, Ill., and Honolulu, T. H.

(*j*) Entry for consumption or warehouse of any furniture claimed to be free of duty under paragraph 1811, shall not be accepted nor shall examination and appraisement thereof be made, elsewhere than at a port of entry for antique furniture; but such furniture may be entered at any port for immediate transportation in bond to a port of entry for antique furniture.

(*k*) "Furniture" within the meaning of section 489, is defined as "movable articles of convenience or decoration, designed for use in furnishing a house, apartment, place of business or of accommodation." This definition embraces most articles claimed to be free of duty as artistic antiquities and should any such article be offered for entry elsewhere than at one of the ports for the entry of antique furniture, on the ground that it is not furniture, the facts, including a complete description of the article, should be reported to the Bureau for instructions.

(*l*) A claim for the free entry of an article under paragraph 1811 on the basis of antiquity may be made on the entry or by amendment thereto at any time prior to liquidation of the entry provided that the article has not been released from customs custody.

(*m*) In the case of furniture as above defined, previously entered at a port not designated for the entry of antique furniture, a claim for free entry under paragraph 1811 shall not be considered after the appraiser has made his return in the case of articles not imported for sale, or after the examination of the articles for the purpose of appraisement or classification has begun in the case of articles imported for sale. Should such a claim be made before that time at such port, the entry should be canceled and, if the importer does not enter the articles for exportation or for shipment in bond to a port designated for the entry of antique furniture, the articles shall be treated as unclaimed.

(*n*) The attention of customs officers and others concerned is specially invited to that part of section 489 which imposes an additional duty of 25 percent on any article described in paragraph 1811, imported for sale, which is rejected as unauthentic in respect to the antiquity claimed as a basis for free entry. This provision is not limited to furniture, but applies to any article which is claimed to be free of duty under that paragraph on account of its antiquity. Articles imported for sale and claimed, either at the time of entry or at a later date, to be free of duty under paragraph 1811, are subject to the additional duty of 25 percent, if later found to be unauthentic, unless the claim under paragraph 1811 is withdrawn in writing before the examination of the articles for the purpose of appraisement or classification has begun.

(*o*) The 25 percent additional duty provided by section 489 shall not be assessed if the importer establishes by evidence satisfactory to the collector that the article was not imported for sale. In the case of any article imported in a passenger's baggage, the collector may accept the statement of the passenger that the article was not imported for sale if he is satisfied of the truth of such statement.

ART. 458. *Gobelin tapestries.*—(*a*) Tariff Act of 1930, paragraph 1812 (free list):

Gobelin tapestries used as wall hangings.

(*b*) Gobelin tapestries, the product of the Manufacture Nationale des Gobelins, now maintaining factories at Paris and Beauvais, under the direction and control of the French Government, are entitled to free entry if of a character used as wall hangings.

(*c*) The invoice should be accompanied by an affidavit executed before the American consul by the manager or other responsible employee of the Gobelin factory, establishing the authenticity of the article. In the absence of such an affidavit, if such absence is satisfactorily explained, other evidence establishing the necessary facts may be accepted.

WHISKEY

ART. 459. *Whiskey aged in wood four years or more.*—(*a*) Canadian Trade Agreement (T. D. 48033), Schedule II, item 802:

Whisky of all types and classes, $2.50 per proof gallon: *Provided*, That this provision shall not apply to any whisky consisting in whole or in any part of distilled spirits which have not been aged in wooden containers at least 4 years prior to the date the whisky is entered, or withdrawn from warehouse, for consumption.

(*b*) Evidence that whisky claimed to be entitled to entry at the reduced rate contains no distilled spirits which have not been aged in wooden containers at least 4 years prior to the date the whisky is entered for consumption or withdrawn from warehouse for consumption shall be filed in connection with the entry. Such evidence shall be in the form of a certificate issued by a competent officer of the Government of the country in which the whisky was aged in wooden containers, unless the collector of customs concerned is satisfied that such certificates are not authorized to be issued in such country, in which case the evidence may be in the form of affidavits of persons having personal knowledge of the facts.



(*c*) In the case of whisky in wooden containers entered for warehouse, which contains any distilled spirits not aged in wood for at least 4 years prior to the time of entry for warehouse for consumption or exportation, or until the be suspended until the whisky has been withdrawn from warehouse, the liquidation of the warehouse entry shall aging requirement has been satisfied, whichever is earlier, unless the collector of customs is satisfied that no proper claim for entry at the reduced rate will be made.

(*d*) Whisky will not be entitled to entry at the reduced rate if produced in a country in respect of whose products the President has suspended, pursuant to the provisions of section 350 of the tariff act (T. D. 47117), the tariff changes proclaimed by him in connection with the Canadian Trade Agreement.

(*e*) Certificates or other documents required in connection with warehouse or rewarehouse entries for the purpose of securing the reduced rate of duty referred to in this article should be filed with the collector of customs at the port at which the original warehouse entry was made. If the whiskey covered by such document is forwarded to another port under a withdrawal for transportation, the collector of customs at the port of original entry should make a notation on the mail copy of the transportation entry substantially as follows:

Certificate of officer of ------ Government (or affidavit of ------ acting in capacity of ------) states whiskey herein described has been stored in wooden containers ------ years prior to delivery for exportation to United States on ------.
(Date)

(*f*) If the certificate or affidavit shows that the whiskey has been stored in wooden containers for a period less than four years, the following notation should be added if applicable:

The whiskey described has been stored in wooden containers in bond at this port since ------.

(*g*) In the absence of such notation, the collector should forward the necessary information to the collector of customs at the port of destination or withdrawal at his request or at the request of a party in interest. This information may be used in estimating the duties due at the time of withdrawal if a statement of liquidation has not been received, or as the basis for reliquidation, if necessary, in accordance with article 828 (*k*). However, if satisfactory evidence of storage in wood for not less than 4 years of a shipment covered by a rewarehouse entry is presented at the port at which the rewarehouse entry should be reliquidated, such evidence should be accepted and filed with the rewarehouse entry in support of such reliquidation.

(*h*) A copy of any document required by this article in connection with an entry at another port may be accepted in lieu of the original, provided it is received from the collector of customs at whose port the original is filed and properly identifies the particular merchandise for which it is to be used.

(*i*) If application is made for the entry or withdrawal for consumption of whiskey at the reduced rate without the necessary supporting document and the collector of customs has no reason to doubt that such document is obtainable, release of the whiskey may be permitted upon payment of the estimated duties at such reduced rate, provided there has been filed the regular bond applicable to the particular form of entry conditioned for the production of the appropriate document as provided in article 305 (*b*). This, however, does not exempt any person from presenting the necessary certificates of either age or origin which may be required at the time of entry or withdrawal under the regulations of the Federal Alcohol Administration.

VEGETABLE OILS

ART. 460. *Denaturing.*—(*a*) Tariff Act of 1930, paragraph 1732 (free list):

• • • olive, palm-kernel, rapeseed, sunflower, and sesame oil, rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him; • • •.

(*b*) Such articles may be admitted free of duty if denatured abroad or under customs supervision after importation, at the request and expense of the importer, so as to render them unfit for use as food or for any but mechanical or manufacturing purposes, by a formula prescribed by the Bureau.

(*c*) Each cask or package of oil claimed to have been denatured before importation must be sampled and tested by the appraiser.

(*d*) The following formulas have been prescribed:

To 100 gallons of the oil to be denatured add any of the following substances:

(1) Three gallons rosin oil, preferably second or third runs.

(2) Three gallons refined, destructively distilled wood turpentine, boiling not lower than 160° C.

(3) From 105 to 114 pounds of caustic soda, or sufficient caustic soda to cause complete saponification, or 354 pounds of caustic potash solution containing 45 percent of actual caustic potash.

(4) One-fourth gallon pyridin.

(5) One-half gallon creosote.

(6) Four gallons aniline oil.

(7) Six gallons dark-colored oleic acid.

(8) Six ounces oleoresin capsicum.

(9) Not less than 2 percent of pine tar.

(10) 100 ounces of linalool.

(11) 100 ounces of H O oil.

(12) One-third ounce of brucine alkaloid dissolved in a solution composed of two parts by volume of alcohol and four parts by volume of rosemary oil, steam-distilled pine oil, or other suitable essential or distilled oil.

(13) One part by volume of sulphuric (66° B.) acid to 99 parts oil, and the mixture allowed to stand at least 24 hours before being released.

(14) Twenty-four ounces of oil of eucalyptus, full strength.

(15) One hundred ounces of a mixture of two parts by weight of terpineol and one part by weight of phenyl acetic aldehyde.

(16) One and one-half gallons of heavy coal-tar naphtha conforming to the following specifications:

Specific gravity at 15.5° C.: 0.915 to 0.950.
Distillation: 10 percent not lower than 160° C., 70 percent at 199° to 201° C.: 95 percent not higher than 260° C.
Flash point: Not less than 38° C.
Free from separated moisture and dirt.

(17) One and one-half gallons of special heavy coal-tar naphtha of the following specifications:

Specific gravity at 15.5° C.: 0.880 to 0.970.
Distillation: Not over 10 percent at 160° C.; 90 percent not higher than 200° C.
Flash point: Not less than 38° C.
Free from separated moisture and dirt.

(18) Two gallons of special mineral denaturing oil of the following specifications:

Initial boiling point: Not lower than 205° C.
Flash point (open cup): Not lower than 75° C.
Specific gravity at 15.5° C.: Not lower than 0.819.

This special mineral denaturing oil must be easily recognizable by its pronounced and unmistakably disagreeable taste and odor when present in the vegetable oil to be denatured in the proportion of two parts of the mineral oil to 100 parts of the vegetable oil.

(19) One gallon of a petroleum oil oxidation product meeting the following specifications:

The denaturant upon distillation shall yield not less than 20 percent and not more than 60 percent, by volume, below 200°.
Then cubic centimeters of the denaturant with 15 cubic centimeters of Schiff-Elvove reagent (Journal of Industrial and Engineering Chemistry, June 1921, p. 543) must show decided violet color within 30 seconds after addition and agitation.
The iodine numbers (Hanus) shall be not less than 35.

(20) One hundred fluid ounces of steam-distilled pine oil.

(*e*) The Bureau will from time to time prescribe additional formulas, and will consider any formula for special denaturation that may be submitted by any manufacturer.

(*f*) The collector may, if he deems it advisable, require an importer requesting permission to use any of the denaturants above specified, or subsequently prescribed, to submit to the appraiser an adequate sample of such denaturant, in order that the appraiser may report to the collector whether or not such denaturant is suitable for rendering the oil unfit for use as food or for any but mechanical or manufacturing purposes.

ART. 461. *Release.*—No such oil will be released free of duty until the appraiser shall have made a special report that it has been denatured and the owner or consignee shall have filed with the collector an affidavit on customs Form 3339.

POTATOES

ART. 462. *Certified seed potatoes.*—(*a*) Canadian Trade Agreement (T. D. 48033), schedule II, item 771:

White or Irish seed potatoes, certified by a responsible officer or agency of a foreign Government in accordance with the official rules and regulations of that Government to have been grown and approved especially for use as seed, in containers marked with the foreign Government's official certified seed potato tags, when entered for consumption during the period—

From Dec. 1 to the last day of the following February, inclusive, in any year---------- 60¢ per 100 lbs.
From Mar. 1 to Nov. 30, inclusive, in any year------ 45¢ per 100 lbs.

*Provided*, That such potatoes entered for consumption in excess of an aggregate quantity of 750,000 bushels of 60 pounds each in the 12-month period beginning on December 1 in any year shall not be subject to this provision.

(*b*) Claim for the reduced duty must be made at the time of entry. The potatoes shall be packed at the time of importation in containers and each container shall then have firmly attached to it an official tag supplied by the Government of the country in which the potatoes were produced, or an agency of such Government. The tag shall bear a certificate to the effect that the potatoes in the container have been grown and approved especially for use as seed. The tag shall also bear a number or other symbol identifying the potatoes in the container with the inspection record of the foreign Government on the basis of which the tags were issued. A tag issued by the Department of Agriculture of the Dominon of Canada which conforms to the requirements of this paragraph is illustrated in T. D. 48057.

(*c*) There shall be filed in connection with the entry an affidavit of the ultimate consignee; certifying that, to the best of his knowledge and belief, the potatoes were grown and approved especially for use as seed, in accordance with the official rules and regulations of the Government of the country in which the potatoes were produced, and that the tags on the containers were issued by the foreign Government or its agency to evidence these facts.

(*d*) Regulations for administration of the tariff rate quota are to be found in article 847 of these regulations.

BOLTING CLOTHS

ART. 463. *Free entry authorized—Marking.*—(*a*) Tariff Act of 1930, paragraph 1626 (free list):

Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use.

(*b*) As a prerequisite to the free entry of bolting cloth under this provision of law, it must be indelibly marked with a mark extending from selvage to selvage at intervals of not more than 4 inches and bearing the words "bolting cloth expressly for milling purposes", in block letters 3 inches in height. Such cloth will be allowed free entry only under the following conditions:

(1) Bolting cloths composed of silk imported expressly for milling purposes will be considered only such cloths as are suitable for and are used in the act or process of grading, screening, bolting, separating, classifying, or sifting dry materials, or of dry materials mixed with water, if the water is merely a carrying medium.

(2) If an importer is a manufacturer of mills or machines for any process described above, or conducts a business wherein any act or process described above constitutes an activity, free entry will be allowed, provided he files with the collector of customs, in connection with the entry, an affidavit certifying that he is such a manufacturer or conducts such a business, and that such bolting cloths are imported expressly for milling purposes.

(3) In the event bolting cloths are imported by an agent in fulfillment of an accepted order, free entry will be allowed, provided the importer files with the collector of customs, in connection with the entry, an affidavit showing the name of the actual purchaser of such bolting cloth and that such purchaser is a manufacturer or conducts a business as described, or conducts a business for the purpose of supplying such manufacturers and businesses.

(4) In the event bolting cloths are imported for stock, free entry will be allowed, provided the importer files with the collector of customs, in connection with the entry, a duly certified statement to the effect that he imports such bolting cloths expressly for the purpose of supplying manufacturers and businesses as described, or of supplying other firms who in turn supply manufacturers and businesses as described.

(5) When an importer claims free entry under the foregoing provisions, and the collector has reason to believe such claim is false or fraudulent, he is directed to refer all papers and affidavits pertaining to the particular entry to the supervising customs agent for investigation and report.

(*c*) Bolting cloths not marked in the manner above indicated at the time of importation may be so marked by the importers in public stores under the supervision of customs officers.

VESSELS—WITHDRAWAL OF SUPPLIES FOR

ART. 464. *Exemption from customs duties and internal-revenue tax.*—(*a*) Tariff Act of 1930, section 309 (a):

SEC. 309. *Supplies for certain vessels.*—(a) Articles of foreign or domestic manufacture or production may, under such regulations as the Secretary of the Treasury may prescribe, be withdrawn from bonded warehouses or bonded manufacturing warehouses free of duty or internal-revenue tax for supplies (not including equipment) of vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports, or for supplies (not including equipment) of vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, but no such article shall be landed at any port or place in the United States or in any of its possessions.

(*b*) Section 309 (a) of the Tariff Act of 1930, and the regulations promulgated thereunder, insofar as applicable, shall apply to civil aircraft actually engaged in trade with noncontiguous foreign countries and to civil aircraft actually engaged in trade between the United States and any of its possessions.

(*c*) A vessel is not considered to be actually engaged in the foreign trade, or in trade between the Atlantic and Pacific ports of the United States, or between the United States and its possessions, as the case may be, unless it is—

(1) Operating on a regular schedule in a class of trade which entitles it to the privilege;

(2) Actually transporting passengers or merchandise to or from a foreign port, a port on the opposite coast of the United States, or between a port in a possession of the United States and a port in the United States or in another of its possessions;

(3) Documented for foreign trade, is proceeding in ballast to another domestic port to lade passengers or cargo for a foreign port, and its last carriage of passengers or cargo prior to departure from the port of withdrawal was not exclusively between ports in the same great district; or

(4) Departing in ballast from the port at which the withdrawal is made directly for a foreign port, a port on the opposite coast of the United States, a port in one of the possessions of the United States, or, where the port of withdrawal is in a possession of the United States, departing directly for a port in the United States or in another of its possessions.



ART. 465. *United States Government vessels—Foreign war vessels.*—(*a*) As United States war vessels, transports, and vessels belonging to the United States engaged exclusively in the transportation of Government property, are not engaged in trade, they are excluded from the privilege of withdrawing supplies free of duty under section 309 (a).

(*b*) The privilege may be accorded to vessels of war of the following countries: Argentina, Austria, Brazil, Chile, Denmark, England, France, Germany, Greece, Holland, Italy, Japan, Korea, Norway, Rumania, Salvador, Siam, Sweden, and Venezuela.

ART. 466. *Form of withdrawal—Bond.*—(*a*) Withdrawals shall be made on customs Form 7506.

(*b*) If the withdrawal is made by other than the principal on the warehouse or rewarehouse entry, as the case may be, the assent of such principal shall be indorsed on the withdrawal, unless the principal has, in writing, otherwise authorized such withdrawal.

(*c*) A bond on customs Form 7561 shall be taken when the withdrawal is made by a person other than the principal on the warehouse or rewarehouse entry, as the case may be, except where the vessel departs from the port of withdrawal directly for a foreign port.

(*d*) When the merchandise is not to be laden at the port of withdrawal it must be withdrawn for transportation in bond to the port of lading. Three copies of manifest, customs Form 7512, in addition to six copies of the withdrawal on customs Form 7506 will be required. The procedure will be the same as that prescribed in article 900 (*b*) (the six copies of customs Form 7506 taking the place of the entry copies of customs Form 7512), except that no shipper's export declaration, customs Form 7525, will be required.

(*e*) No bond shall be required in the case of war vessels.

ART. 467. *Delivery permit—Lading.*—(*a*) Upon the filing of the withdrawal and the execution of the bond, when required, the collector shall issue a permit on customs Form 7506A.

(*b*) A copy of the withdrawal will be transmitted to the surveyor or inspector acting as such, who shall designate a customs officer to supervise the lading of the merchandise and make a return thereof.

(*c*) Except where the vessel departs from the port at which the withdrawal is made direct for a foreign port, the merchandise shall be entered on the store list of the vessel on which laden, which fact shall be certified by the marine clerk or officer acting as such on the withdrawal.

ART. 468. *Intermediate ports.*—A copy of the store list, when required, showing the articles withdrawn and taken on board shall be made on or attached to the manifest accompanying the vessel at the time of departure from the port of withdrawal. When the vessel touches at an intermediate port in the United States, the collector at such port shall notify the collector at the port of withdrawal if any portion of the supplies is landed at the intermediate port, in order that duty may be collected under the bond.

ART. 469. *Vessels diverted after clearance.*—When a vessel which has taken on board supplies free of duty is withdrawn from trade, or is diverted to a class of trade not entitled to the privilege, the parties in interest shall immediately notify the collector at the port of withdrawal, who shall credit the bond with only such portion of the supplies used while the vessel was in a proper class of trade, and collect duty on the balance. Whenever any such diversion comes to the attention of a collector of customs at any port in the United States, he shall likewise notify the collector at the port of withdrawal.

ART. 470. *Cancelation of bonds.*—An affidavit of the master or other officer of the vessel having knowledge of the facts, showing that such supplies have been used on board the vessel and no portion thereof landed within the limits of the United States or any of its possessions, must be produced within six months from the date of the withdrawal to cancel the bond provided for in article 466 (c). The six-months' period may be extended as provided in article 1269. Such an affidavit must likewise be produced when the withdrawal is made by the principal on the warehouse or rewarehouse entry bond to secure credit on such bond for the free withdrawal, except where the vessel departs from the port of withdrawal directly for a foreign port.

ART. 471. *Tobacco products.*—(*a*) Tariff Act of 1930, section 317:

The shipment or delivery of manufactured tobacco, snuff, cigars, or cigarettes, for consumption beyond the jurisdiction of the internal-revenue laws of the United States, as defined by section 3448 of the Revised Statutes, shall be deemed exportation within the meaning of the customs and internal-revenue laws applicable to the exportation of such articles without payment of duty or internal-revenue tax.

(*b*) As provided in section 3448 R. S. (U. S. Code, title 26, sec. 897), the jurisdiction of the internal-revenue laws extends to all territory within the exterior boundaries of the United States; that is, within the 3-mile limit.

(*c*) Imported manufactured tobacco, snuff, cigars, and cigarettes in bonded warehouse or otherwise in customs custody, and such articles manufactured with the use of imported materials in a bonded manufacturing warehouse of class 6, may be withdrawn under section 317 of consumption beyond the 3-mile limit of international boundary, as the case may be, on vessels, whether foreign or domestic, actually engaged in the foreign trade, or operating on a regular schedule in trade between one great district of the United States and another great district thereof, or between the United States and the Philippine Islands, the Virgin Islands, American Samoa or the island of Guam, or actually clearing for such places or on vessels of war or other governmental activity, including vessels belonging to the United States, in, or en route to, places outside the jurisdiction of the internal-revenue laws.

(*d*) The privilege may not be granted to vessels stationed in American waters for an indefinite period without sailing schedules, nor to vessels engaged in trade between ports in the same great district.

(*e*) With the following additions and exceptions, the same procedure shall be followed as in the case of withdrawals under section 309 (a):

(1) No bond shall be required in the case of vessels operated by the United States Government.

(2) When the merchandise is not withdrawn from warehouse, customs Form 7512 shall be used in lieu of customs Form 7506.

(3) When a shipping case containing tobacco products is made up of a number of units, each in a separate package, such units may be withdrawn separately, provided each unit is marked and numbered for identification and contains not less than 250 cigars or 1,000 cigarettes, or 5 pounds of tobacco or snuff. In the case of imported tobacco products so packed, only one unit from each shipping case shall be opened for examination, unless the appraiser shall deem it necessary for the protection of the revenue to examine a greater quantity.

(4) When all of the units in such a shipping case are not to be withdrawn at the same time or for use on the same vessel, a blanket withdrawal may be filed for the entire case in lieu of a separate withdrawal for each unit. In such cases the withdrawal shall be retained by the storekeeper until delivery receipts are obtained for the entire quantity covered by the withdrawal, provided that the total period of time during which the merchandise remains in bonded warehouse does not exceed three years and the bond on customs Form 7561, when required, need not be taken until the articles are ready for removal from the warehouse for delivery to the vessel on which they are to be used.

(5) Merchandise for which blanket withdrawals are filed shall be stored in a separate room or inclosure in a bonded warehouse under separate locks, and shall be inventoried at least once each month; and if, on any such inventory, any merchandise is found to be unaccounted for, duties shall be paid thereon before any further withdrawals are permitted.

(6) The affidavit of use when required shall contain a statement that the articles covered by the withdrawal were consumed beyond the 3-mile limit.

(7) Imported tobacco products on which the duty or internal-revenue tax has been paid may not be withdrawn

under section 317 with benefit of drawback of such duty or internal-revenue tax.

NOTE.—For procedure relative to the withdrawal of tobacco products of domestic manufacture without payment of internal-revenue tax, for use as supplies on vessels, see Internal Revenue Regulations No. 76.

ARTICLES EXPORTED FOR EXHIBITION, ETC.

ART. 472. *Articles entitled to privilege.*—(*a*) United States Code, title 19, section 194:

Whenever any article or articles or livestock shall be sent out of the United States for temporary use or exhibition at any public exposition, fair, or conference, held in a foreign country, such articles shall be entitled to be returned to the United States, under such regulations as may be prescribed by the Secretary of the Treasury, without the payment of customs duty, whether they shall be of domestic or foreign production: *Provided*, That the articles of foreign production have once paid duty in the United States and no drawback has been allowed thereon, and if any domestic articles are subject to internal-revenue tax, such tax shall be proved to have been paid before exportation and not refunded. (May 18, 1896, c. 195, 29 Stat. 122.)

(*b*) United States Code, title 19, section 195:

The privileges of free entry conferred by section 194 of this title shall apply to wild and other animals of foreign origin taken abroad temporarily for exhibition in connection with any circus or menagerie, subject, however, to the conditions and limitations prescribed in said section. The provision of this section shall apply only in such cases as those of foreign-born animals taken abroad, and inventories of which are filed prior to their leaving the country with the collector of customs at the port of their departure. (Mar. 3, 1899, c. 454, 30 Stat. 1372.)

ART. 473. *Procedure on entry.*—(*a*) There shall be required in connection with the entry of such articles—

(1) A certificate of exportation, customs Form 4467.

(2) A declaration made by the foreign shipper before the United States consul, on consular Form 204, irrespective of the value of the shipment, stating that such articles were sent from the United States for temporary exhibition.

(3) A declaration of the importer on customs Form 3329 for merchandise of either domestic or foreign origin.

(4) In the case of animals of foreign origin taken abroad for exhibition in connection with a circus or menagerie, the inventory required by section 195 above quoted.

(*b*) If it is shown to be impracticable to produce the certificate of exportation required under no. 1 above, the collector may accept other satisfactory evidence of exportation, or may take a bond to produce the same, or for the production of the foreign shipper's declaration required by paragraph (2) above.

(*c*) If any internal-revenue tax was remitted or refunded, or any drawback of duties was paid on exportation of such articles, a duty equal thereto must be collected. Articles manufactured in a bonded manufacturing warehouse will be subject to duty as foreign merchandise on reimportation.

ART. 474. *Articles exported for scientific or educational purposes.*—Tariff Act of 1930, as amended by the act of March 4, 1933, paragraph 1815:

Articles, when returned after having been loaned and exported for use temporarily abroad solely for exhibition, examination, or experimentation, for scientific or educational purposes, if imported by or for the account of the person who exported them from the United States, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

ART. 475. *Procedure on entry.*—(*a*) There shall be required in connection with each entry covering such articles, irrespective of the value of the shipment:

(1) A certificate of exportation, customs Form 4467.

(2) A declaration made by the foreign shipper before the United States consul, on a modified consular Form 204, stating that such articles were sent from the United States solely for temporary scientific or educational use, and the use made of the articles.

(3) A declaration of the ultimate consignee in substantially the following form:

DISTRICT NO. ------, PORT OF ----------,
COLLECTOR'S OFFICE, ----------, 19--.

I, ----------, declare under oath that the several articles described in the annexed entry are, to the best of my knowledge and belief, the identical articles exported from the United States on the -- day of ----------, 19--, by ---------- address ----------
(actual-shipper)
----------, for the acount of ----------, address ----------; that they are returned to ----------, address ----------, for the account of ----------, address ----------; that the said articles were exported solely for temporary scientific or educational purposes and for no other use abroad than for exhibition, examination, or experimentation; that they are being returned without having been changed in condition in any manner, except by reason of their bona fide use as follows:

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(Describe change in condition)

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; that such articles as are of foreign origin have previously been duly imported into the United States; and that no duties or internal-revenue taxes were remitted, refunded, or allowed by drawback on the exportation of any of the articles described in the entry.

---
(Ultimate consignee)

Declared to under oath before me this ---- day of ---------, 19--.

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(Title or designation)

(*b*) If it is shown to be impracticable to produce the certificate of exportation required by no. 1 above, the collector may accept other satisfactory evidence of exportation. The collector may take a bond for the subsequent production of any of the evidence or documents required by the preceding paragraph which are not available at the time of entry.

(*c*) No article shall be entitled to entry under paragraph 1815 if any internal-revenue tax or duty was remitted or refunded, or any drawback of duties was paid, on the exportation of such article from the United States. The paragraph does not apply to articles exported for any use abroad not scientific or educational in purpose.

AUTOMOBILES AND OTHER VEHICLES

ART. 476. *Automobiles and other vehicles, boats, teams, and saddle horses taken abroad.*—(*a*) Automobiles, aircraft, and other vehicles, boats, teams, and saddle horses, of domestic origin, or of foreign origin if duty-paid, together with their accessories, taken abroad by the owner or his agent for noncommercial use and returned for the account of such owner, may be admitted without the payment of duty, except as provided in paragraph (*b*), upon being satisfactorily identified, and without the requirement of a consular invoice.

(*b*) Repairs made abroad to such articles, if incidental to use abroad, are not subject to duty, but repairs not incidental to use abroad, and alterations and additions made abroad, are dutiable upon their value at the rate at which the article itself would be dutiable if imported. Accessories acquired abroad are dutiable separately. Consular invoices will not be required for such repairs, alterations, and additions made abroad, or for such accessories acquired abroad.

(*c*) The collector of customs shall, upon the request of the owner or his agent, cause any of such articles to be examined before it is taken abroad and issue a certificate of registration therefor on customs Form 4455. On the return of the article, such certificate may be accepted as satisfactory identification for the purpose of admitting the article free of duty, and without the requirement of a consular invoice, whether the article is covered by a baggage declaration or by a regular entry, provided the article agrees with the description contained in the certificate. In the case of an automobile, the State registration card, or, in the case of an aircraft, the certificate of registration issued by the Department of Commerce, or, in the case of a pleasure boat, the yacht license or motor boat identification certificate, may be accepted under the same conditions as, and in lieu of, customs Form 4455, and be given the same force and effect.

(*d*) Unless previously entered, the article, together with a list of repairs, alterations, additions, and accessories, if any, and the cost of each, should be included in the baggage declaration of the owner or his agent on his return, whether or not the article accompanies him. If not so declared, a regular entry shall be required. Regular entry shall also be required if the owner or his agent is unable to produce a proper registration card or certificate covering the article, whether or not the article is covered by a baggage declaration.



(*e*) Trucks, busses, and taxicabs, whether of foreign or domestic origin, owned by residents of the United States, taking out merchandise or passengers for hire, or leaving empty for the purpose of bringing back merchandise or passengers for hire, may be admitted free of duty without entry on their return to the United States, upon their identity being established by State registration cards. However, such vehicles taken abroad for commercial use between points in a foreign country are considered exported and must be regularly entered on return.

ART. 477. *Vehicles and boats brought in for a temporary stay.*—(*a*) Automobiles, teams, and other vehicles, including aircraft, pleasure boats, and similar vehicles and craft, whether of foreign or domestic origin, owned by nonresidents and brought into the United States by the owners thereof for their personal use for touring purposes only, may be admitted free of duty, whether driven into the United States or arriving by vessel or rail, or other carrier, subject to the following conditions.

(*b*) If the collector is satisfied of the owner's identity and good faith, he may pass the article for a stay of not to exceed 90 days, without entry or bond, but in lieu thereof shall issue to the owner a certificate on customs Form 4447, which certificate shall be delivered to the customs officer at the port of exit at the time of departure, who shall forward it to the port where issued; provided that touring permits shall be issued to aircraft only when registered in a country with which the United States has a reciprocal agreement in regard to aircraft and piloting privileges or when the person in charge produces proper evidence of permission from the Department of Commerce to operate in the United States. At present the United States has such reciprocal agreements with the Dominion of Canada, Italy, and the Republic of Columbia. Additions to the list of such countries will be published from time to time in the Treasury Decisions.

(*c*) An effort should be made at the time of arrival to determine the length of time the article will remain in the United States and, if such time is likely to exceed 90 days, entry and bond shall be taken as provided in article 435.

(*d*) When any such article is admitted without entry or bond for a stay of not to exceed 90 days and the owner thereof desires to prolong the stay beyond 90 days, entry and bond for exportation within 6 months, as provided in article 435, may be accepted at the port nearest to the place at which the article may then be, the 6-months period to run from the date of original arrival in the United States and the article to be appraised according to its value at the time of such arrival.

(*e*) In the case of a foreign-owned automobile, the registration card therefor, if any, may, if the owner so desires, be taken up in lieu of the issuance of customs Form 4447, provided the collector is satisfied that the automobile will leave the United States via the same route within 90 days.

(*f*) Collectors of customs may issue to reputable persons residing in foreign territory adjacent to the port of entry annual identification cards on customs Form 4447, for automobiles owned by such persons and used by them in making frequent trips across the border. An automobile covered by such identification card, when brought in by the owner, may be passed upon exhibition of the card without further formality.

(*g*) Foreign-owned trucks, busses, and taxicabs arriving with merchandise or passengers destined to points in the United States, or arriving empty or loaded for the purpose of taking out merchandise or passengers, are not subject to duty. Such vehicles may be admitted in the same manner and under the same conditions as automobiles arriving for touring purposes, except that in the case of trucks or busses operating on regular schedules which require them to leave the United States via the same route within 24 hours after arrival, the registration card need not be surrendered.

(*h*) The treatment of foreign-owned aircraft arriving in the United States carrying merchandise or passengers for hire shall be governed by the provisions of articles 245 to 257 of these regulations.

(*i*) Any foreign-owned vehicle, including aircraft, entering the United States for the purpose of carrying merchandise or passengers for hire between points in the United States, or other commercial use, is dutiable, and a regular entry therefor must be made. If any vehicle or boat which shall have entered the United States for a temporary stay under the foregoing regulations shall engage in carrying passengers for hire, or merchandise, between points in the United States, the same shall be treated as having been unlawfully imported.

THEATRICAL EFFECTS, MOVING-PICTURE FILMS, AND COMMERCIAL TRAVELERS' SAMPLES

ART. 478. *Procedure.*—(*a*) Theatrical scenery, properties, and effects, moving-picture films, and commercial travelers' samples, of domestic or foreign origin, taken abroad may be returned without formal entry, provided that prior to exportation of such articles application, on customs Form 4455, together with the affidavit and descriptive list thereof, was filed with the collector at the port of exportation and the merchandise identified as set forth in article 408, governing the exportation of articles sent abroad for repairs.

(*b*) Such application, affidavit, and descriptive list may be presented to the customs officer stationed on a train running between a port in the United States and foreign contiguous territory.

(*c*) The duplicate copy of the application, affidavit, and descriptive list may be presented to the customs officer stationed in a foreign country when the articles are ready for shipment to the United States.

(*d*) Customs officers will make careful examination and comparison of the articles with the descriptive list upon return of such articles to this country.

(*e*) When such examination and comparison is made by customs officers stationed in foreign contiguous territory, the packages shall be corded and sealed and forwarded in cars sealed by customs officers, and manifested in the same manner as personal baggage.

(*f*) In the case of commercial travelers' samples taken abroad for temporary use, collectors may, in their discretion, waive examination at the time of departure or exportation.

(*g*) When commercial travelers' samples consisting of raw cotton are taken to and returned from Canada, the application on customs Form 4455, together with the affidavit and descriptive list, may be executed in triplicate, two copies thereof to be returned to the traveler for surrender to the customs officer on the return of the samples from Canada. One of such copies shall be forwarded by the customs officer to whom surrendered to the representative of the Bureau of Entomology and Plant Quarantine of the Department of Agriculture at the port through which the samples are returned, or to the Department of Agriculture in Washington if there is no representative of the administration at the port of return. When this procedure is followed no permit or notice of arrival will be required for cotton samples taken to and returned from Canada. The provisions of this paragraph do not cover commercial travelers' samples of raw cotton taken to and returned from foreign countries other than Canada.

ART. 479. *Samples to Great Britain and Ireland under reciprocal agreement.*—Descriptive lists of samples taken to Great Britain and Ireland by commercial travelers of the United States under the reciprocal agreement of November 19, 1907, will be required in triplicate, verified by the affidavit of the commercial traveler before a customs officer, showing that the samples are for use as models or patterns for the purpose of obtaining orders, and not for sale, and that the lists contain a full description of the articles. One copy will be retained, and the others delivered to the commercial traveler—one for the identification of the samples on their return to the United States and one for the use of the foreign customs authorities, which latter must have been attested by a consular officer of the country concerned in the United States.

ANIMALS AND BIRDS

ART. 480. *Purebred animals — Citizenship of importer—Use.*—(*a*) Tariff Act of 1930, paragraph 1606 (a) and (b) (free list):

(a) Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *Provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

(b) The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

(*b*) The fact that such animals may be used incidentally for driving or working purposes will not exclude them from free entry if they are imported primarily for breeding purposes.

ART. 481. *Same—Affidavit—Certificate.*—(*a*) There must be filed in connection with the entry an affidavit on customs Form 3327 showing that the importer is a citizen of the United States and that the animals are imported specially for breeding purposes.

(*b*) Importers should make application for a certificate of pure breeding direct to the Bureau of Animal Industry of the Department of Agriculture on Form A. H. 105, accompanied by an affidavit on Form A. H. 283.

(*c*) Certificates of pedigree and evidence of transfer of ownership must be furnished inspectors of the Bureau of Animal Industry at the port of first arrival in time to permit their use in connection with the examination of the animals by such inspectors at that port, and certificates of pure breeding will not be issued by the Department of Agriculture until the description of the animals based on the examination thereof and comparison with the pedigree certificates by the inspector of the Bureau of Animal Industry is received at the Department of Agriculture. Certificates of pure breeding will be forwarded by the Bureau of Animal Industry direct to the collector of customs at the port of entry. When the certificate of pedigree and evidence of transfer of ownership are not furnished prior to the release of the animal by the representative of the Bureau of Animal Industry, the claim for free entry should be rejected.

ART. 482. *Same—Bond for production of evidence—Stipulation.*—(*a*) A bond on customs Form 7551 or 7553 may be given by the importer for the production within six months of the required affidavit, if it can not be filed at the time of entry, and a certificate of pure breeding, provided the certificates of pedigree and evidence of transfer of ownership were furnished in accordance with paragraph (c) of the preceding article.

(*b*) Such bond will be canceled only upon the production of the required evidence or on payment of duties.

(*c*) Should the importer so elect, estimated duties may be deposited and a written stipulation filed with the collector within 10 days after the date of entry to produce the affidavit and certificate of pure breeding within 6 months from the date of entry, whereupon the liquidation of the entry will be suspended.

ART. 483. *Horses and mules for immediate slaughter.*—(*a*) Tariff Act of 1930, paragraph 1695 (free list):

Horses or mules imported for immediate slaughter.

(*b*) Horses or mules claimed to be entitled to free entry under this paragraph may be admitted free of duty upon the submission of an affidavit stating that the animals are being imported solely for slaughter; provided the collector is satisfied from an examination of the animals and such other investigation as he deems necessary that no other use is intended.

ART. 484. *Cows for dairy purposes.*—(*a*) Canadian Trade Agreement (T. D. 48033), Schedule II, item 701:

* * * * *

Cows, weighing 700 pounds or more each and imported specially for dairy purposes: 1½¢ per lb.

*Provided*, That none of the foregoing entered, or withdrawn from warehouse, for consumption in excess of the quantities respectively specified below in any calendar year after 1935 shall be subject to the above provisions:

* * * * *

Cows, weighing 700 pounds or more each and imported specially for dairy purposes: 20,000 head.

(*b*) Claim for the reduced rate must be made at the time of entry. There shall be filed in connection with the entry an affidavit of the ultimate consignee, certifying that the animals were imported in good faith for dairy purposes, and that they have actually been delivered to a dairy, farm, or other place suitable for dairy operations, the address of which shall be stated. If the ultimate consignee is not the importer of record, the latter also shall file an affidavit executed by himself, certifying that the animals are being imported in good faith for dairy purposes.

(*c*) In the case of each animal claimed to be entitled to entry at the reduced rate of duty, the customs officer charged with its examination shall satisfy himself that the animal is suitable for dairy purposes.

(*d*) Regulations for administration of the tariff rate quota are to be found in article 847 of these regulations.

ART. 485. *Animals straying or driven across boundary for pasturage—Offspring.*—(*a*) Tariff Act of 1930, par. 1606 (c) (free list):

Horses, mules, asses, cattle, sheep, and other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, shall be dutiable unless brought back to the United States within eight months, in which case they shall be free of duty, under regulations to be prescribed by the Secretary of the Treasury: * * *

(*b*) Upon driving such animals across the boundary for pasturage purposes, the owner must file with the collector of customs a descriptive list stating the number of animals, their sex, age, and marks or brands, together with a written statement that the animals therein described are being taken abroad for temporary pasturage purposes only.

(*c*) Upon the return of such animals within eight months entry will be required and there shall be filed in connection therewith a declaration in the following form:

I, ------, do solemnly declare that I am a resident of ------; that the animals now being returned to the United States are ------ of the identical animals described in the list filed with the collector of customs at the port of ------ on the ------ day of ------, 19--; and that ------ of their offspring accompany said animals.

(*d*) Upon the establishment of the intention of the owner to take the animals abroad for temporary pasturage purposes and their identification with the list filed with the collector at the time they were driven from the United States, they may be passed free of duty.

(*e*) Whenever domestic animals are driven across the boundary line into a foreign country, the collector should endeavor to ascertain whether or not the owner intends to return them to the United States after temporary pasturage abroad, and, if such intention is disclaimed, or, if, after the matter has been brought to the attention of the owner or his agent, the above-mentioned declaration shall not be filed, this fact should be noted on the export declaration.

(*f*) Animals which have strayed across the boundary line may be returned, together with their offspring, without entry if brought back within 30 days; otherwise entry will be required. Collectors of customs shall satisfy themselves that such animals are owned in the United States and that they did in fact stray across the boundary line.



ART. 486. *Wild animals and birds—Zoological collections.*—(*a*) Tariff Act of 1930, paragraph 1607 (free list):

* * * wild animals and birds intended for exhibition in zoological collections for scientific or educational purposes, and not for sale or profit.

(*b*) Such animals or birds will be admitted free of duty upon a declaration by the importer being filed in connection with the entry that the animals or birds are specially imported for scientific or educational purposes as the permanent property of the importer, and not for sale or profit. When such animals or birds are imported for menageries or similar institutions they are subject to duty.

ART. 487. *Game animals and birds.*—(*a*) Tariff Act of 1930, paragraph 1682 (free list):

Live game animals and birds, imported for stocking purposes, and game animals and birds killed in foreign countries by residents of the United States and imported by them for noncommercial purposes; under such regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe.

(*b*) The following classes of live game animals and birds may be admitted free of duty for stocking purposes if the requirements of the Department of Agriculture, Bureau of Biological Survey have been complied with, without reference to the Bureau of Customs.

*Animals*

1. *Cervidæ*, commonly known as deer and elk.
2. *Leporidæ*, commonly known as rabbits.
3. *Sciuridæ*, commonly known as squirrels.

*Birds*

1. *Anatidæ*, commonly known as ducks and geese.
2. *Gallinæ*, commonly known as turkeys, grouse, pheasants, partridges, and quail.
3. *Otididæ*, commonly known as bustards.
4. *Tinamidæ*, commonly known as tinamous.

(*c*) Application for the free entry of other live animals or birds under paragraph 1682 should be referred to the Bureau of Customs for consideration. Animals imported for fur-farming purposes should not be admitted free of duty under that paragraph.

(*d*) There shall be filed in connection with the entry a declaration by the importer or his agent on customs Form 3313. If the declaration is signed by an officer of the Federal or a State Government, or a person who shall present to the collector an order for the shipment given him by the Federal or a State Government, a statement as to the place of delivery shall not be required.

(*e*) Game animals and birds killed in foreign countries by residents of the United States, if not imported for sale or other commercial purposes, may be admitted free of duty upon the filing of a declaration on customs Form 3315. No bond or cash deposit to insure the destruction or exportation of the plumage of such birds shall be required.

ART. 488. *Furs and fur skins.*—(*a*) Tariff Act of 1930, paragraph 1681 (free list):

Furs and fur skins, not specially provided for, undressed.

(*b*) Importers of shearling sheepskins or other skins bearing wool or hair of the kinds described in paragraphs 1101 or 1102 and claimed to be free of duty under paragraph 1681, should be required to file an affidavit that the skins are to be used for no other purpose than as fur skins, and free entry should be made dependent on the return of the appraiser that they are of a character which would make it unprofitable to remove the wool or hair for the ordinary purposes for which wool or hair is used and are specially selected and suitable for use without removing the wool or hair from the skin in the manufacture or trimming of clothing, driving gloves, etc.

PRODUCTS OF AMERICAN FISHERIES

ART. 489. *Free entry authorized—Definition.*—(*a*) Tariff Act of 1930, paragraph 1730 (a) (free list):

All products of American fisheries (including fish, shellfish, and other marine animals, and spermaceti, whale, fish, and other marine animal oils), which have not been landed in a foreign country or which, if so landed, have been landed solely for transshipment without change in condition: *Provided*, That fish the product of American fisheries (except cod, haddock, hake, pollock, cusk, mackerel, and swordfish) landed in a foreign country and there not further advanced than beheaded, eviscerated, packed in ice, frozen, and with fins removed, shall be exempt from duty: *Provided further*, That products of American fisheries, prepared or preserved by an American fishery on the treaty coasts of Newfoundland, Magdalen Islands, and Labrador, as such coasts are defined in the Convention of 1818 between the United States and Great Britain, shall be exempt from duty.

(*b*) Fish or other marine products taken in American waters or on the high seas by American vessels or by residents of the United States, whether Americans or aliens, in undocumented vessels and brought into port by the vessel taking the same are not imported from a foreign port, and no entry therefor is required.

(*c*) American fishery within the meaning of said paragraph is defined as a fishery operated under the American flag by American vessels in foreign waters, in which such vessels have the right, by treaty or otherwise, to take fish and other marine products.

(*d*) The employment of foreign fishermen either as members of the crew or under the supervision of the master or crew of an American vessel is allowed. The purchase by the owner, agent, master, or crew of an American vessel of fish or other marine products taken by the citizens of another country in foreign waters will subject such fish or other marine products to treatment as foreign merchandise.

(*e*) The products of American fisheries may include bone, sponges, turtles, pearls, and all other marine products.

(*f*) Marine products taken by American vessels will be entitled to free entry, although prepared, preserved, or otherwise changed in condition on board an American vessel, provided the work is done by the master and crew of such vessel, or by persons employed by them for the purpose.

ART. 490. *Affidavit—Manifest.*—(*a*) When such products are imported by the taking vessel, or are shipped to the United States by the master, owner, or agent of the taking vessel or vessels, otherwise than in the taking vessel, an affidavit (customs Form 3295) by the master of the taking vessel, verified by at least two members of the crew, will be required in connection with the entry. Additional proof may be required if doubt exists. In the case of transshipment there should be required an additional statement as to what, if any, change has been made in the condition of the fish since their taking and where such change occurred.

(*b*) If fish or other products are shipped to the United States by a firm in a foreign country which has purchased them from the master, owner, or agent of the taking vessel, the declaration on customs Form 3295 should be executed by the master and two members of the crew of the American fishing vessel for the entire quantity discharged at the foreign port, and kept on file by the American consul having jurisdiction of that port, or by the principal United States customs officer stationed there, if any, if there is no American consul at the port. In such cases there shall be filed in connection with the entry a declaration of the purchasing firm or its agent which shall be certified by the consul, or a United States customs officer authorized to administer oaths, at the port where the declaration (Form 3295), above required, is on file. Such declaration of the purchasing firm or agent shall be in the following form:

I, ------ ------, agent of the ------ at the port of ------, do hereby declare under oath that ------ did receive from the following-named American fishing vessels ------ pounds of ------ and ------ pounds of ------ and that ------ pounds thereof in ------ cases went forward in ------ ------ consigned to ------
(Carrier)
------ at ------ ------, and that the above products have not been changed in condition after baking, except as shown below:

| Vessel and registry | Article | Pounds received | Date received | Pounds shipped | No. of cases | Nature of change in condition, if any, and place where so changed. (See Note.) |
|---|---|---|---|---|---|---|
| | | | | | | |

---
Agent for

Sworn to before me this ------ day of ------, 19--.

I further certify that the affidavit of the master and two members of the crew of each of the vessels scheduled above, dated as therein shown, covering products of American fisheries and stating such of the above facts as are within their knowledge is on file at this office, and that to the best of my knowledge and belief the merchandise referred to in the attached invoice is a part of that covered by the said affidavits.

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(Title)

NOTE.—Name of country or, if on board vessel, name and registry of vessel.

(*c*) Where entry is to be made at a port in the United States without inspection at the port of first arrival in accordance with section 463 of the tariff act, the shipment should, in addition to the above requirements, be accompanied by an inward foreign manifest.

SALT FOR CURING FISH

ART. 491. *Remission of duty authorized.*—(*a*) Tariff Act of 1930, section 313 (e):

Imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries, and in curing fish on the shores of the navigable waters of the United States, whether such fish are taken by licensed or unlicensed vessels, and upon proof that the salt has been used for either of such purposes, the duties on the same shall be remitted.

(*b*) The collector will satisfy himself that the amount of salt to be withdrawn is not excessive for the purpose intended, and in no case shall the quantity so withdrawn exceed the reasonable requirements of the case.

ART. 492. *Withdrawal—Bond.*—Withdrawal shall be made on customs Form 7506. A bond shall be taken in connection with this withdrawal on customs Form 7561 when the withdrawal is made by a person other than the importer of record.

ART. 493. *Use in any district.*—(*a*) Such salt withdrawn in bond for use in curing fish on the shores of navigable waters may be used for such purpose in any district, and the evidence presented in such cases for the cancelation of the bond given on the withdrawal will be sworn to in the usual manner before the collector of the district where the salt may be used, who will forward such evidence to the collector of the port where the bond was executed and will notify him of any facts that may exist tending to show that the evidence should not be accepted as a basis for the cancelation of the bond.

(*b*) If desired, salt to be used in curing fish on shore in another district than that in which it is warehoused in bond, may be withdrawn under a transportation entry and shipped in bond to a port in the district in which it is to be used, at which port it may be entered on customs Form 7519 with customs Form 7506 attached showing withdrawal of the salt for use in curing fish, without being sent to a bonded warehouse of public store, upon the filing of the bond on customs Form 7561. In such cases the proof of use should be filed at the latter port.

ART. 494. *Permit—Delivery—Inspector's return.*—(*a*) Upon the execution of the bond a permit (customs Form 7506) shall be issued directing the storekeeper to deliver the salt to the surveyor.

(*b*) The withdrawal shall, at the same time, be transmitted to the surveyor, with directions to cause the salt described therein to be delivered to the proper party, which directions shall be on customs Form 7506.

(*c*) The return of the inspector under whose supervision the salt was delivered shall be in the form following, and indorsed upon or annexed to the withdrawal:

INSPECTOR'S RETURN ON DELIVERY OF SALT

PORT OF ----------

I, ------ ------, have examined the salt described in the within entry, and, finding the number of pounds to agree therewith, have delivered the same to ------ ------.

---
*Inspector.*

ART. 495. *Proof of use.*—Proof that the salt withdrawn for use in curing fish has been so used shall be as follows:

(*a*) The affidavit (customs Form 3751) of the principal in the withdrawal bond that the salt has been actually used in curing fish taken by vessels of the United States licensed to engage in fisheries, or in curing fish on the shores of the navigable waters of the United States, giving the names of the vessels, tonnage, and names of masters, stating also approximately the quantity of fish cured thereby and the locality in the district where cured, if cured on shore.

(*b*) Also the affidavit of the master (customs Form 3745) and of at least one other person employed on board of any vessel during the voyage on which it is claimed that any part of said salt so withdrawn for curing fish was used that the salt delivered to said vessel by the principal in the withdrawal bond was actually used in curing fish taken by said vessel.

(*c*) Also the affidavit (customs Form 3753) of at least two persons actually employed (if more than two were so employed) in curing fish on shore, on which any part of said salt was used, stating the quantity of salt used in curing fish on shore and where cured, that it was used in curing fish taken by American fishermen, and approximately the quantity of fish cured thereby.

(*d*) If the principal in said withdrawal bond be actually employed in curing the fish on shore, the affidavit of one other person so employed will be sufficient (customs Form 3751).

ART. 496. *Bond—Cancelation—Extension.*—(*a*) The proofs above required shall be presented to the collector holding the bond on or before the 1st day of January next after the date thereof; and if it shall appear to his satisfaction that the entire quantity of salt covered by said bond has been duly accounted for, either by having been used in curing fish in accordance with the withdrawal or by warehouse or consumption entry, such collector may cancel the bond; but if he deems the same necessary, he may first require additional evidence in corroboration of the proof produced.

(*b*) On application of the principal of the withdrawal bond, the bond may be extended 1 year so as to allow the salt so withdrawn to be used during the time of extension in curing fish, with the same privileges as if used during the first season. Salt withdrawn as aforesaid and unused may be entered for warehouse or rewarehouse and again withdrawn for curing fish under the usual regulations. In such cases care must be taken to preserve upon the entry the date of original importation, so that the warehousing privileges shall not be extended beyond the legal limit of 3 years from that date.

LEATHER, HIDES, AND SKINS

ART. 497. *Leather for use in the manufacture of footwear.*—(*a*) Tariff Act of 1930, paragraph 1530 (c):

Leather (except leather provided for in subparagraph (d) of this paragraph) made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 25 per centum ad valorem; vegetable-tanned rough leather made from goat or sheep skins (including those commercially known as Indian-tanned goat or sheep skins), 10 per centum ad valorem; any of the foregoing if imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shades suitable for conversion into boots, shoes, or footwear, 10 per centum ad valorem.

(*b*) Leather of the kinds provided for at a rate higher than 10 percent ad valorem in paragraph 1530 (c) or any proclamation of the President supplementary thereto, may be admitted on payment of the estimated duty at the rate of 10 percent ad valorem upon compliance with the following conditions.

(*c*) There shall be filed in connection with the entry an affidavit of the importer that the leather is imported to be used in the manufacture of boots, shoes, or other footwear.

(*d*) If the leather is entered for consumption there shall also be filed in connection with the entry a bond on customs Form 7551 or 7553 with an added condition for the payment of the increased duty in the event the leather is not used in the manufacture of footwear. Liquidation of the entry shall be suspended pending proof of use.

(*e*) When the leather is entered for warehouse, the regular warehouse entry bond shall be given, and withdrawals shall be made on customs Form 7506. Estimated duty at the rate of 10 percent ad valorem shall be deposited at the time of withdrawal and the liquidation of the warehouse entry shall be suspended pending proof of use.

(*f*) Within 3 years from the date of entry (in the case of warehouse entries as well as consumption entries) the importer shall submit an affidavit of the superintendent or manager of the manufacturing plant that the leather has actually been used in the manufacture of boots, shoes, or other footwear. A blanket affidavit covering all purchases of leather from a particular importer during a given period, or all such purchases with specified exceptions, may be accepted for this purpose, provided the importer shall furnish an affidavit showing in detail, in such manner as to be readily identified with the entry, the leather which he sold to such manufacturer during such period. The latter affidavit should be based on adequate and carefully kept records of the importer, which shall be open at all times to customs agents or other employees of the customs service. Affidavits of the superintendent or manager of the manufacturing plant should be filed in duplicate, one copy to be forwarded to the comptroller of customs.

(*g*) Upon satisfactory proof of use of the leather in the manufacture of boots, shoes, or other footwear, the entries may be liquidated with duty at the rate of 10 percent ad valorem. When such proof of use is not filed within three years from the date of the entry, the entry shall be liquidated at the higher rate applicable under paragraph 1530 (c).

ART. 498. *Leather to be used in the manufacture of harness and saddlery.*—(*a*) Tariff Act of 1930, paragraph 1530 (b) (3):

(b) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of cattle of the bovine species:

(3) Leather to be used in the manufacture of harness or saddlery, 12½ per centum ad valorem.

(*b*) Such merchandise may be released on deposit of estimated duty at the rate of 12½ percent ad valorem in the same manner and subject to the same conditions as leather to be used in the manufacture of footwear, except that the proof of use shall show that the leather was used in the manufacture of harness and saddlery and the other documents required shall be modified accordingly.

ART. 499. *Hides and skins of the India water buffalo to be used in the manufacture of rawhide articles.*—(*a*) Tariff Act of 1930, paragraph 1691 (free list):

Hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles.

(*b*) Such merchandise may be released without the deposit of duty in the same manner and subject to the same conditions as leather to be used in the manufacture of footwear, except that the proof of use shall show that the merchandise was used in the manufacture of rawhide articles and the other documents required shall be modified accordingly.

ART. 500. *Leather to be used in the manufacture of footballs, basket balls, soccer balls, or medicine balls.*—(*a*) Tariff Act of 1930, paragraph 1530 (b) (6):

(b) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of cattle of the bovine species:

(6) Leather to be used in the manufacture of footballs, basket balls, soccer balls, or medicine balls, 20 per centum ad valorem.

(*b*) Leather of the character ordinarily used in the manufacture of footballs, basket balls, soccer balls, or medicine balls, may be released upon the deposit of duty at the rate applicable to such leather not intended for that purpose, in the same manner and subject to the same conditions as leather to be used in the manufacture of footwear, except that the affidavit filed on entry shall state that the leather is not to be used in the manufacture of the articles mentioned, and the proof of use shall show that it was used in the manufacture of articles other than footballs, basket balls, soccer balls, or medicine balls, or was exported or destroyed, and the other documents required shall be modified accordingly. If it affirmatively appears at the time of importation that the leather is being imported to be used in the manufacture of the articles mentioned, duty shall be assessed at the rate of 20 percent ad valorem.

PATNA RICE

ART. 501. *Patna rice to be used in the manufacture of canned soups.*—(*a*) Tariff Act of 1930, paragraph 1752 (free list):

Patna rice cleaned for use in the manufacture of canned soups.

(*b*) Such rice may be released without the deposit of duty in the same manner and subject to the same conditions as leather to be used in the manufacture of footwear except that the proof of use shall show that the rice was used in the manufacture of canned soups and the other documents required shall be modified accordingly.

MOVING-PICTURE FILMS EXPOSED ABROAD BY AMERICAN PRODUCERS

ART. 502. *Reduced rate authorized—Procedure.*—(*a*) Tariff Act of 1930, paragraph 1551:

• • • *Provided*, That upon the importation of photographic and motion-picture films or film negatives taken from the United States and exposed in a foreign country by an American producer of motion pictures operating temporarily in said foreign country in the course of production of a picture 60 per centum or more of which is made in the United States the duty shall be 1 cent per linear foot, and the Secretary of the Treasury shall prescribe such rules and regulations as may be necessary for the entry of such films or film negatives under this proviso.

(*b*) Estimated duties at the appropriate rate under paragraph 1551 should be taken on motion-picture films claimed to be dutiable at the rate of 1 cent per linear foot under the above-quoted proviso, and there shall be required in connection with the entry an affidavit in substantially the following form:

I, ——— ———, do solemnly, sincerely, and truly swear (or affirm) that I am an American producer of motion-picture films, operating temporarily in a foreign country, and that the ——— feet of films imported by me ex S. S. ——— on ——— were taken from the United States in the S. S. ——— on ——— and exposed by me in (country) ———, for use in the picture entitled ———.

(*c*) Within 6 months from the date of entry there shall be filed with the collector an affidavit of the American producer in substantially the following form:

I, ——— ———, do solemnly, sincerely, and truly swear (or affirm) that the ——— feet of motion-picture films imported by me ex S. S. ——— on ——— were used in connection with the production of the picture entitled ——— ———.

I further swear (or affirm) that the number of feet of film in the completed picture is ———, of which ——— feet were made in the United States and ——— feet represent the ——— feet of films exposed in (country) ——— and imported as above stated.

(*d*) The collector may, in his discretion, extend the 6-months' period during which such affidavit may be furnished and he may refer the claim to a customs agent for investigation if he deems it desirable. Liquidation should be suspended pending the production of the affidavit and the receipt of the report of the customs agent, and if after comparing the number of feet of film exposed abroad and found in the completed picture with the total number of feet in the completed picture, it appears that 60 percent or more of the completed picture was made in the United States, and the other conditions of the proviso are met, the entry should be liquidated with duty at the rate of 1 cent per linear foot on the total number of feet exposed abroad.

MASTER RECORDS AND METAL MATRICES

ART. 503. *Free entry authorized—Procedure.*—(*a*) Tariff Act of 1930, section 201, paragraph 1797:

SEC. 201. That on and after the day following the passage of this Act, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (ex-

cept the Philippine Islands, the Virgin Islands, American Samoa, and the Island of Guam), shall be exempt from duty:

* * * * * *

PAR. 1797. Disks of soft wax, commonly known as master records, or metal matrices obtained therefrom, for use in the manufacture of sound records for export purposes.

(*b*) An importer desiring to avail himself of the privilege of importing under paragraph 1797 shall file an application with the Bureau. If the application has not been approved when merchandise involved is imported, liquidation of the entry covering the importation shall be suspended until advice is received from the Bureau of the action taken in the matter. Notice of the action taken on applications under these regulations will be furnished collectors of customs concerned.

(*c*) Upon the receipt in the Bureau of the application to import under paragraph 1797, it will be forwarded to the supervising customs agent in charge of the customs agency district in which the factory is located, who will designate an agent to make an investigation at the factory. The agent shall determine whether or not the methods pursued and accounts kept by the importer (and by the manufacturer, if the two are not identical) are adequate to preserve the identity of the imported master records and metal matrices, and to insure notice to the collector of customs of the use, otherwise than in the manufacture of sound records for export purposes, of any master record or metal matrix imported free of duty under paragraph 1797. If the methods pursued or accounts kept are inadequate for the purpose, the customs agent shall direct the changes necessary to be made to accomplish the desired result. He will assist the importer (and the manufacturer, if the two are not identical) in preparing a sworn statement and agreement describing (1) the use to be made of the records or matrices, (2) the means adopted to identify them and the products manufactured with their use, and (3) the accounts kept, and providing (4) that the plant and accounts shall be open to the inspection of customs officers at all reasonable times, and (5) that the importer will notify the collector at the port where the records or matrices were imported and pay the proper duties promptly in the event he uses or intends to use them in the United States otherwise than in the manufacture of sound records for export purposes.

(*d*) Consumption entries covering importations under paragraph 1797 shall be filed at a port of the customs district in which the factory where the articles will be used is located.

(*e*) There shall be filed in connection with each such entry an affidavit of the importer setting forth his name and business address; that he is an exporter of sound records; that the master records or metal matrices are imported for use in the manufacture by or for him of sound records for export purposes; and that sound records produced therefrom will not be used or sold for use in the United States.

(*f*) The invoice filed with the entry shall contain or be supported by a detailed statement of the cost of production, in the country where made, of each master record or metal matrix covered thereby. If the invoice covers merchandise of a total cost in excess of $100, it shall be certified in accordance with articles 275–278.

(*g*) A bond containing the same conditions as customs Form 7565 shall be given in connection with each entry. Duties on the imported master records or metal matrices will be payable immediately under the terms of the bond, if for any reason whatsoever records manufactured with their use are used, sold, or intended to be sold for use in the United States.

(*h*) If and when the application is approved, entries already filed and future entries shall be liquidated in due course without the assessment of duty, but the liability on the bonds given with the entries shall be discontinued with respect to any article covered thereby only upon payment of lawful duties thereon or upon satisfactory proof that the article has been exported under customs supervision or destroyed, and that all sound records made with the use of the article have been exported.

(*i*) An investigation shall be made as often as is deemed necessary to determine that proper records are being kept and that duties, if any are due, have been paid on goods entered under paragraph 1797 and used for purposes other than that contemplated by the paragraph. This investigation shall be made by an agent detailed for the purpose by the supervising customs agent in charge of the customs agency district in which the factory is located at the request of the collector of customs for the collection district.

WOOLS AND HAIR OF THE CAMEL FOR USE IN THE MANUFACTURE OF FLOOR COVERINGS AND OTHER ARTICLES

ART. 504. *Importation under bond.*—Tariff Act of 1930, paragraph 1101 (a):

Wools: Donskoi, Smyrna, Cordova, Valparaiso, Ecuadorean, Syrian, Aleppo, Georgian, Turkestan, Arabian, Bagdad, Persian, Sistan, East Indian, Thibetan, Chinese, Manchurian, Mongolian, Egyptian, Sudan, Cyprus, Sardinian, Pyrenean, Oporto, Iceland, Scotch Blackface, Black Spanish, Kerry, Haslock, and Welsh Mountain; similar wools without merino or English blood; all other wools of whatever blood or origin not finer than 40s; and hair of the camel; all the foregoing, in the grease or washed, 24 cents per pound of clean content; scoured, 27 cents per pound of clean content; on the skin, 22 cents per pound of clean content; sorted, or matchings, if not scoured, 25 cents per pound of clean content: *Provided*, That a tolerance of not more than 10 per centum of wools not finer than 44s may be allowed in each bale or package of wools imported as not finer than 40s: *Provided further*, That all the foregoing may be imported under bond in an amount to be fixed by the Secretary of the Treasury and under such regulations as he shall prescribe; and if within three years from the date of importation or withdrawal from bonded warehouse satisfactory proof is furnished that the wools or hair have been used in the manufacture of yarns which have been used in the manufacture of press cloth, camel's hair belting, rugs, carpets, or any other floor covering, or in the manufacture of knit or felt boots or heavy fulled lumbermen's socks, the duties shall be remitted or refunded: *And provided further*, That if any such wools or hair imported under bond as above prescribed are used in the manufacture of articles other than press cloth, camel's hair belting, rugs, carpets, or any other floor coverings, or knit or felt boots or heavy fulled lumbermen's socks, there shall be levied, collected, and paid on any such wools or hair so used in violation of the bond, in addition to the regular duties provided by this paragraph, 50 cents per pound, which shall not be remitted or refunded on exportation of the articles or for any other reason.

ART. 505. *Entry.*—(a) Such wool or hair may be entered on customs Form 7501 (consumption entry) and be immediately released under bond, or may be entered for warehouse on customs Form 7502 and remain in bonded warehouse under the ordinary warehouse bond until appropriately withdrawn or otherwise disposed of in accordance with law.

(*b*) When entry is made on customs Form 7501, it shall have indorsed thereon the following notation: "Above merchandise entered under bond for use in the manufacture of ——— (press cloth, belting, floor coverings, knit or felt boots, or lumbermen's socks) under the provisions of title I, schedule 11, paragraph 1101 (a), Tariff Act of 1930", which indorsement shall be signed by the obligor on the bond. When the merchandise is entered for warehouse, withdrawals for use in the manufacture of the articles enumerated shall be made on customs Form 7506 in the name of the obligor on the bond.

(*c*) When wool or hair of the above class has been withdrawn under bond from warehouse and delivered for use in the manufacture of the enumerated articles, it shall not be returned to the bonded warehouse and be again entitled to this privilege.

ART. 506. *Bond—Form—Penalty.*—(a) At the time of making entry for consumption or withdrawal from warehouse of the wool or hair there shall be filed a bond on customs Form 7547 or 7549.

(*b*) A single entry or term bond shall be given by each and every dealer, manipulator, or manufacturer through whose hands the bonded wool or hair passes until it is manufactured into the enumerated articles.

ART. 507. *Refund of duty.*—(a) Imported wool or hair of the class covered by paragraph 1101 (a), upon which the duty has been paid while in bonded warehouse, may be withdrawn in accordance with the provisions of these regulations, and upon the production of the proof hereinafter required the duty paid may be refunded.



(*b*) Imported wool or hair upon which the duty has been paid under a consumption entry and which is unconditionally released from customs custody shall not be entitled to the privilege of being entered under bond under the provisions of paragraph 1101 (a) and such duty shall not be refunded.

ART. 508. *Sworn statements.*—(*a*) Each manipulator or manufacturer shall file with the collector of customs in whose district the abstracts will be liquidated, a sworn statement setting forth (1) the name and business organization of the manipulator or manufacturer; (2) the location of the factory; (3) the names of the articles produced; (4) the names of the materials used; (5) a description of the process of manipulation or manufacture; (6) the method of storing the various lots of materials used and the articles produced therefrom; and (7) an outline of the records kept for the purpose of preparing the abstract required by article 510.

(*b*) The collector will transmit the sworn statement for verification to the proper supervising customs agent. That officer, after verification, will transmit three copies of the document to the Bureau with his report in triplicate. Upon approval by the Bureau, the collector will liquidate the abstracts and properly credit the bond.

ART. 509. *Records of manufacture.*—(*a*) Each lot of wool or hair released under bond shall be marked or stored in such manner as to identify it with the import entry so long as it remains in the original bales, or in the bales or packages in which it is withdrawn from a manipulating warehouse under the provisions of section 562 of the tariff act.

(*b*) In the preliminary processes of pulling, washing, sorting, scouring, and carbonizing, the wool or hair may be processed in separate lots, in which case the records shall show the quantity and identity of the imported wool or hair used, and the quantity of clean wool or hair obtained, and if sorted, the quantity of each sort. Two or more import lots or parts thereof may be combined into one or more manufacturing or sorting lots to be thereafter identified by lot numbers or symbols, and the records shall show the quantity of wool or hair from each import lot used in making up the manufacturing or sorting lot. The entire product of a period of manufacture may be designated as a manufacturing lot.

(*c*) The yarn spinner may trace the wool or hair while in his possession by means of individual manufacturing lots or by periods of manufacture. In either case his records shall show the quantity of wool or hair received by him, identifying it by import lots, if received in the condition as imported, or by manufacturing lots, if received from a prior manipulator or manufacturer. His records shall also show the quantity of wool or hair from each lot used in making up the manufacturing lot of yarn, or during the period of manufacture, as the case may be, the quantity of each kind or number of yarn obtained, the quantity of noils obtained and the disposition thereof, together with the quantity and value of each kind of waste.

(*d*) If the manufacturer of the enumerated articles spins his own yarns he will proceed as provided in the preceding paragraphs of this article. Yarns, whether spun by such manufacturer or otherwise obtained, shall be identified by manufacturing lots. The records of each such manufacturer shall show the quantities of each lot of yarn withdrawn from stock, and the period of manufacture during which it is used. Each such manufacturer shall keep permanent records of the quantity of each kind and size of articles manufactured, the period of manufacture thereof, the quantities sold, the quantities and values of each kind of waste, and the names and addresses of the purchasers of the articles.

(*e*) In addition to the above the records of each manipulator or manufacturer shall show from whom the material manipulated or manufactured by him was received and to whom the finished product was transferred.

ART. 510. *Abstracts of records of manufacturer.*—(*a*) Upon the completion of each lot or each period of manufacture, as the case may be, the manipulator or manufacturer shall file with the collector of customs where his bond is deposited, an abstract from his records of manufacture showing the receipt and disposition of the wool or hair or products thereof in the manner indicated above. The manufacturer of the enumerated articles may omit from his abstract the names and addresses of his customers.

(*b*) Each such abstract shall bear the following affidavit, signed by a responsible officer or member of the firm:

I, ------ ------, do hereby solemnly swear (affirm) that this document is a true and correct copy of our records of manufacture of the articles covered thereby; that the articles were manufactured from the materials and in the manner referred to therein; that they have been disposed of as indicated therein; and that the originals of these records together with our factory will at all reasonable times be open for inspection by proper officers of the Government.

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Subscribed and sworn to before me this ------ day of ------, 193--.

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*Notary Public or Deputy Collector of Customs.*

(*c*) If deemed necessary, collectors of customs will refer such abstracts to the supervising customs agents for verification.

(*d*) If the wool or hair or their products are not manipulated or manufactured while in the possession of any bonded dealer or manipulator or manufacturer, an abstract will not be required.

ART. 511. *Transfer certificates.*—Wool or hair and partly manufactured wool or hair, including noils, may be transferred by one bonded dealer, manipulator, or manufacturer to another bonded dealer, manipulator, or manufacturer. Such transfer shall be made on transfer certificate, customs Form 7531–A. In cases where the bonds of both the transferor and transferee are on file in the office of a collector of customs, the transfer certificate shall be filed with that officer in duplicate. Where the bond of the transferee is on file in another customs district, the transfer certificate shall be filed in triplicate, one copy of which shall be retained by the collector at the place of filing and two copies forwarded to the collector where the bond of the transferee is on file. The collector at the second port shall acknowledge receipt of said certificate. The transferor shall not be relieved from liability under his bond until the transferred articles have become a charge against the bond of the transferee.

ART. 512. *Charges against bonds and cancelation thereof.*—(*a*) Upon the withdrawal of raw wool or hair it shall be charged against the bond of the person withdrawing it, and upon the production of the roof provided for above that the wool or hair has been finally accounted for, or upon the production of a transfer certificate, proper credit on the bond shall be given.

(*b*) Only one term bond shall be required from each dealer, manipulator, or manufacturer, but if wool or hair is withdrawn by him at ports other than that at which his bond is on file, a copy of the bond, certified by the collector at the port where filed, shall be on file at such other ports, and the collector at the port of withdrawal shall forward to the collector at the port where the bond is on file a certificate, customs Form 7531, showing the particulars of importation of the wool or hair withdrawn, so that it may be charged against the bond of the party withdrawing the same.

(*c*) When a transfer certificate is filed the wool or hair covered thereby shall be charged against the bond of the person to whom it is transferred.

(*d*) In crediting bonds with the quantity of imported wool or hair used, all wastes, except noils, whether valuable or not, shall be considered as having been used in the manufacture of the enumerated articles and due allowance shall be made therefor. Credit for the noils shall not be made unless shown to have been used in the manufacture of the enumerated articles. If not so used, duty shall be assessed thereon on the following basis: The regular duty assessable on the wool or hair in its condition as imported shall be distributed to the tops and noils according to their average relative values during the period of manufacture in which

produced. The amount of duty distributed to the noils divided by the number of pounds of noils produced will give the rate of duty per pound to be applied to the noils not used in the manufacture of the enumerated articles.

(*c*) Any noils on which duty has been paid on the basis above outlined may be used for purposes other than the manufacture of the enumerated articles without the assessment of the additional duty of 50 cents per pound provided by paragraph 1101 (a). Noils so obtained may also be exported under customs supervision and when so exported proper credit shall be given therefor on the manufacturer's bond.

ART. 513. *Wool or hair not used—Duty on.*—(*a*) If proof is not furnished within three years from the date of entry or withdrawal from warehouse that all of the wool or hair entered or withdrawn under bond was used during such period in the manufacture of the enumerated articles in accordance with these regulations, the regular duty shall be assessed on the portion not used.

(*b*) If wool or hair entered or withdrawn under the provisions of paragraph 1101 (a) and these regulations is used in the manufacture of articles other than the enumerated articles there shall be assessed and collected, in addition to duties on such wool or hair, 50 cents per pound; provided that no such additional duty shall be assessed on noils.

[NOTE.—*Chapters IX–XV, inclusive, appear in the issue of the Federal Register for Thursday, August 26, 1937, pages 1444–1560; Chapters XVI–XXIX, inclusive, appear in the issue of the Federal Register for Friday, August 27, 1937, pages 1562–1630.*]

[F. R. Doc. 37–2602; Filed, August 23, 1937; 3:17 p. m.]

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[T. D. 49129]

STEAMER RUGS, AUTOMOBILE ROBES AND CARRIAGE ROBES WHOLLY OR IN CHIEF VALUE OF WOOL

PROTESTS FILED UNDER SECTION 516 (B), TARIFF ACT OF 1930 AGAINST LIQUIDATION OF AN ENTRY COVERING STEAMER RUGS OF THE KIND DESCRIBED IN T. D. 48846—COLLECTORS OF CUSTOMS INSTRUCTED TO SUSPEND LIQUIDATION OF ENTRIES

*To Collectors of Customs and Others Concerned:*

Reference is made to T. D. 48846, approved March 4, 1937, published in the weekly Treasury Decisions, volume 71, no. 10 of March 11, 1937, in regard to the question of the classification of and rate of duty imposed on steamer rugs, automobile robes and carriage robes wholly or in chief value of wool, and having fringe consisting of a portion of the warp threads and made by dropping certain weft threads.

Following the publication of T. D. 48846 the Bush Woolen Mills Company, Dresden, Ohio, a domestic manufacturer of such merchandise, filed a notice that it desired to protest the classification approved in the decision referred to above and in accordance with the provisions of section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516 (b)) the complainant was furnished by the Bureau with information as to entries and consignees of the merchandise of the character described in said treasury decision entered at the port of Philadelphia. The collector of customs advised the complainant in this case, the Bush Woolen Mills Company, of the liquidation on July 17, 1937, of consumption entry no. 11090 of May 11, 1937.

The Bureau was informed by letter dated August 5, 1937, from the collector of customs, Philadelphia, Pa., that he received on that date a protest filed by the complainant against the liquidation of the above-mentioned entry.

In view of the above, and in accordance with the provisions of section 516 (b) of the Tariff Act of 1930, collectors of customs are hereby ordered to suspend, pending the decision of the United States Customs Court upon the protest filed against the liquidation of the entry in question, the liquidation at all ports of all unliquidated entries covering steamer rugs, automobile robes and carriage robes, the subject of T. D. 48846, imported or withdrawn from warehouse after the expiration of thirty days after the publication of T. D. 48846, and to comply in all respects, in connection with the liquidation or reliquidation of entries of such merchandise, with the provisions of section 516 of the Tariff Act of 1930.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved, August 18, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2603; Filed, August 24, 1937; 10:02 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 35 as Corrected]

AN ORDER PROVIDING FOR A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO DETERMINE WHETHER OR NOT THE COALS AND THE PRODUCERS THEREOF IN THE STATES OF NORTH DAKOTA AND SOUTH DAKOTA ARE SUBJECT TO THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937, AND TO DETERMINE WHETHER A CHANGE IN THE TERRITORIAL BOUNDARIES OR LIMITS OF DISTRICT NO. 21 AND MINIMUM PRICE AREA NO. 8, AS DEFINED IN SAID ACT, OR A CONSOLIDATION OF SUCH DISTRICT AND PRICE AREA WITH OTHER DISTRICTS AND PRICE AREAS IS NECESSARY

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. A public hearing shall be held at *the Prince Hotel in the City of Bismarck, North Dakota*, on the 13th day of September, 1937, commencing at the hour of 1:00 o'clock P. M., and at *the Governor's Reception Room in the City of Pierre, South Dakota*, on the 16th day of September, 1937, commencing at the hour of 1:00 o'clock, P. M., for the purpose of receiving evidence to enable the Commission to determine if such coals and the producers thereof in said states are subject to the provisions of the Bituminous Coal Act of 1937, and further, to enable the Commission to issue certificates of exemption to such producers of coal, other than bituminous coal, in said states as are entitled thereto under and by virtue of the provisions of Section 17 (b) of said Act excluding lignite coal, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place of the mine of 30 per centum or more; and for the further purpose of enabling the Commission to determine whether a change in the territorial boundaries or limits of District No. 21 and Minimum Price Area No. 8, as defined in said Act, or a consolidation of said District and Price Area with other Districts and Price Areas as defined in said Act, will render the establishment of minimum prices more practicable in accordance with the standards set forth in subsections (a) and (b) of Part II of Section 4 of said Act.

2. Any producer of coal whether bituminous, semibituminous, subbituminous or lignite coal, the Consumers' Counsel, Code Members, representatives of District Boards and all other interested parties may appear at said hearing and be heard.

3. Notice of said hearing shall be given under direction of the Secretary of the Commission by mailing a copy of this order to the Consumers' Counsel to the Commissioner of Internal Revenue, to the District Boards for Districts 12, 15, 16, 19, 20 and 22, and by publication of notice upon three (3) consecutive days in a newspaper of general circulation in the state of North Dakota and in a newspaper of general circulation in the state of South Dakota. The notice published in said newspaper shall contain the date and place of the hearing and a concise statement of the purpose thereof.

By order of the Commission.

Dated this 23rd day of August, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–2607; Filed, August 24, 1937; 11:15 a. m.]

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## DEPARTMENT OF COMMERCE.

### Bureau of Fisheries.

[No. 251–23–3]

ALASKA FISHERY REGULATIONS

AUGUST 23, 1937.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 752), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251, twenty-third edition, issued under date of February 8, 1937, are hereby amended by the following regulations:

SOUTHEASTERN ALASKA AREA

CLARENCE STRAIT DISTRICT

*Salmon fishery.*—1. Regulation No. 6 is amended so as to prohibit commercial fishing for salmon, other than trolling, north of a line extending from Narrow Point to Ernest Point from 6 o'clock postmeridian August 27 to 6 o'clock antemeridian October 1, and for the remainder of the calendar year after 6 o'clock postmeridian October 15.

2. Regulation No. 7 is amended so as to prohibit commercial fishing for salmon, other than trolling, between a line extending from Narrow Point to Ernest Point and a line extending from Approach Point to Caamano Point from 6 o'clock postmeridian August 24 to 6 o'clock antemeridian October 1, and for the remainder of the calendar year after 6 o'clock postmeridian October 15.

[SEAL] ERNEST G. DRAPER,
*Acting Secretary of Commerce.*

[F. R. Doc. 37–2605; Filed, August 24, 1937; 10:52 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of August, 1937.

[File No. 1–2141]

IN THE MATTER OF ILLINOIS ART INDUSTRIES, INC., CUMULATIVE PREFERRED STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike the Cumulative Preferred Stock, No Par Value, of Illinois Art Industries, Inc., from listing and registration; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing and having adopted as its findings herein the Findings of Fact of the Trial Examiner filed in this matter;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on September 2, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2609; Filed, August 24, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of August, 1937.

[File No. 2–1865]

IN THE MATTER OF CORPORATE LEADERS SECURITIES COMPANY STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Corporate Leaders Securities Company, 900 Market Street, Wilmington, Delaware, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

*It is ordered*, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Corporate Leaders Securities Company, 900 Market Street, Wilmington, Delaware, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] ORVAL L. DUBOIS,
*Recording Secretary.*

[F. R. Doc. 37–2608; August 24, 1937; 12:37 p. m.]

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*Thursday, August 26, 1937* *No. 165*

## TREASURY DEPARTMENT.

### Accounts and Deposits.

[1937 Seventh Supplement Department Circular No. 92 (Revised)]

SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

AUGUST 21, 1937.

*To Federal Reserve Banks and Other Banks and Trust Companies Incorporated Under the Laws of the United States or of Any State:*

Treasury Department Circular No. 92, dated February 23, 1932, as amended, is hereby further amended to include Mutual Mortgage Insurance Fund Debentures issued under the National Housing Act, and Series B Commodity Credit Corporation Collateral Trust Notes. Paragraph 11, therefore, under the caption "Collateral Security" will read as follows:

11. *Federal land bank bonds, bonds issued under the Federal Farm Mortgage Corporation Act, obligations of the Reconstruction Finance Corporation, obligations of Federal home loan banks, Home Owners' Loan Corporation bonds, mutual mortgage insurance fund debentures issued under the National Housing Act, and series B Commodity Credit Corporation collateral trust notes.*—Bonds of the Federal Land Banks, bonds issued under the Federal Farm Mortgage Corporation Act, obligations of the Reconstruction Finance Corporation, obligations of the Federal Home Loan Banks, bonds of the Home Owners' Loan Corporation, Mutual Mortgage Insurance Fund debentures issued under the provisions of Title II of the National Housing Act, approved June 27, 1934, including interim certificates issued therefor, and Series B Commodity Credit Corporation collateral trust notes; all at face value.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2619; Filed, August 25, 1937; 11:03 a. m.]

## Bureau of Customs.

### CUSTOMS REGULATIONS OF THE UNITED STATES, 1937

[NOTE.—*Chapters I–VIII, inclusive, appear in the Federal Register for Wednesday, August 25, 1937, pages 1444 to 1560; Chapters XVI–XXIX, inclusive, appear in the issue for Friday, August 27, 1937, pages 1643 to 1760.*]

### CHAPTER IX

### PACKING, STAMPING, AND MARKING; TRADE-MARKS; COPYRIGHTS; DISTILLED SPIRITS, WINE, ETC.

PACKING AND STAMPING

Art.
514. Cigars, cheroots, and cigarettes.
515. Tobacco and snuff.
516. Cigarette papers and tubes.
517. Playing cards.
518. Oleomargarine—Detention—Reports.
519. Purchase of internal-revenue stamps.

DISTILLED SPIRITS, WINE, ETC.

520. Marking and stamping of spirits, wines, malt liquors, and alcoholic fruit juices in casks and similar containers.
521. Strip stamps—Distilled spirits imported in bottles.
522. Marking of containers.
523. Standards of fill for bottled distilled spirits.
524. Labeling—Certificates of origin and age.
525. Exemption from stamping, marking, bottling, and labeling requirements.
526. Stamping, etc.
527. Importation of distilled spirits in bulk.

MARKING

528. Marking of articles and packages to indicate country of origin.
529. Name or mark inducing false belief of origin of imported articles.
530. Special marking on certain articles.
531. Miscellaneous special marking.
532. Exceptions to marking requirements.
533. Disposition of articles not properly marked.
534. Penalty for fraudulent violation.
535. Articles of gold or silver falsely marked or stamped.

TRADE-MARKS AND TRADE NAMES

536. Unlawful importation.
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540. Notice to collectors—Action by collectors.
541. Detention—Seizure—Exportation—Release.

COPYRIGHTS

542. Articles prohibited importation.
543. Piratical copies.
544. False notice of copyright.
545. First editions.
546. Subsistence of copyright necessary to secure protection.

PACKING AND STAMPING

ART. 514. *Cigars, cheroots, and cigarettes.*—(*a*) All cigars, cheroots, and cigarettes, except when arriving by mail, shall, on importation, be placed in the public stores or in a designated bonded warehouse, to remain until inspected, weighed, and stamped, or repacked, if necessary, under customs and internal-revenue laws.

(*b*) After the cigars or cheroots have been examined, weighed, and appraised by the appraising officer, and before release, the inspecting officer shall affix a customs stamp to each box of cigars or cheroots, which stamp shall be canceled by the said officer by placing thereon his name, that of the port of entry, the name of the importing vessel, and the serial number which must be applied to each importation made by individual importers or firms and not to each box. The inspecting officer must see that the required internal-revenue stamps are placed upon all boxes of cigars or cheroots, and canceled by the importer. The inspecting officer must also see that the classification label prescribed by Internal Revenue Regulations No. 8 is affixed to each box of cigars weighing more than 3 pounds per thousand.

(*c*) Customs and internal-revenue stamps must be affixed to all packages of imported cigarettes, and be canceled by the importer in accordance with Internal Revenue Regulations No. 8.

(*d*) No cigars or cheroots weighing more than 3 pounds per 1,000 shall be imported unless packed in boxes of 3, 5, 7, 10, 12, 13, 20, 25, 50, 100, 200, 250, or 500; nor cigarettes or small cigars weighing not more than 3 pounds per 1,000, unless in packages containing 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, or 100. Cigars, cheroots, and cigarettes not contained in such packages at the time of importation may be repacked therein under customs supervision at the expense of the importer.

(*e*) The inspector will affix customs stamps to all domestic cigars, cheroots, and cigarettes returned, and write across the face of the stamp in red ink, "American goods returned" and his initials. They must be packed in the same manner as other imported cigars, cheroots, or cigarettes.

(*f*) Any customs officer who permits imported cigars or cigarettes to leave customs custody, or any person who sells or offers for sale any such merchandise, without the required stamps having been affixed, is subject to a fine and imprisonment.

(*g*) Instructions for weighing imported cigars, cheroots, and cigarettes will be found in article 1363.

(*h*) See article 420 for instructions relative to stamping tobacco products brought in passengers' baggage; article 376 relative to stamping tobacco products imported by mail, and article 264 for stamping tobacco products from the Philippine Islands.

ART. 515. *Tobacco and snuff.*—(*a*) All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine-cut chewing tobacco, which has passed through a riddle of 36 meshes per square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for must be packed in packages containing ⅛, ¼, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1⅝, 1¾, 1⅞, 2, 2¼, 2½, 2¾ 3, 3¼, 3½, 3¾, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, or 16 ounces, except snuff in bladders or jars, which may contain not exceeding 20 pounds, and cavendish plug and twist tobacco, which may be put up in packages not exceeding 200 pounds net weight.

(*b*) The foregoing requirement applies to imported tobacco and snuff, and therefore no importations thereof may be delivered from customs custody unless properly packed and internal-revenue stamps showing payment of taxes have been affixed and canceled by the importer. Such merchandise is subject to the internal-revenue tax in addition to customs duties. Customs inspection stamps are not required on imported manufactured tobacco or snuff, but in the case of returned American manufactured tobacco or snuff the packages shall be marked or stamped, preferably over the internal-revenue stamp, with the inscription "American goods returned."

(*c*) Any customs officer who permits imported manufactured tobacco to leave customs custody without the required stamps having been affixed is subject to a fine and imprisonment.

(*d*) Manufactured tobacco or snuff imported in packages of sizes other than those required by law may be repacked in customs custody at the expense of the owner or importer. If necessary the collector may cause such tobacco or snuff to be transferred to a bonded warehouse, to be designated by him, for the purpose of repacking and stamping.

ART. 516. *Cigarette papers and tubes.*—(*a*) The procedure for the collection of internal-revenue tax on such articles is prescribed in article 188 of Internal Revenue Regulations No. 8, revised April 1928.

(*b*) Importers of cigarette tubes must affix to each package of tubes the internal-revenue stamps prescribed in paragraph (*d*) of the said article and cancel the same before release from customs custody.

ART. 517. *Playing cards.*—(*a*) Imported playing cards shall not be permitted to pass out of customs custody until the required internal-revenue stamps have been affixed thereto and canceled by the importer in accordance with Internal Revenue Regulations No. 66.

(*b*) Customs inspection stamps denoting the payment of duty equal to the internal-revenue tax must be affixed to reimported playing cards which were exported without the payment of tax, but no internal-revenue stamps are required.

ART. 518. *Oleomargarine — Detention — Reports.*—(*a*) All imported oleomargarine, and imported articles suspected of being oleomargarine, will be detained by the collector, and the facts reported to the Bureau and to the collector of internal revenue of the district, to whom such samples shall be furnished as may be requested.

(*b*) Imported oleomargarine must be put up in wooden packages of not less than 10 pounds each.

(*c*) No imported oleomargarine shall be delivered by the collector for consumption until the proper internal-revenue stamps have been affixed and canceled by the importer as required by Internal Revenue Regulations No. 9. Any collector of customs who permits oleomargarine to pass out of his custody before it is properly packed and stamped is liable to a penalty of not less than $1,000 nor more than $5,000 and to imprisonment for not less than 6 months nor more than 3 years.

(*d*) Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by law, is subject to a fine of not less than $500 nor more than $5,000 and imprisonment for not less than 6 months nor more than 2 years.

ART. 519. *Purchase of internal-revenue stamps.*—Internal-revenue stamps for imported tobacco products, cigarette tubes, playing cards, and oleomargarine will be sold to the owner or consignee of the merchandise by the collector of internal revenue of the district in which is located the office of the collector of customs where the customs entry is filed, but only upon requisition therefor on internal-revenue Form 923, duly executed by an authorized customs officer.

DISTILLED SPIRITS, WINE, ETC.

ART. 520. *Marking and stamping of spirits, wines, malt liquors, and alcoholic fruit juices in casks and similar containers.*—(*a*) United States Code, title 19, section 467, and Tariff Act of 1930, paragraph 804:

SEC 467. All distilled spirits, wines, and malt liquors, imported in pipes, hogsheads, tierces, barrels, casks, or other similar packages, shall be first placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected, marked, and branded by a United States customs-gauger, and a stamp affixed to each package, indicating the date and particulars of such inspection; and the Secretary of the Treasury is authorized to prescribe the form of, and provide, the requisite stamps, and to make all regulations which he may deem necessary and proper for carrying the foregoing requirements into effect. Any pipe, hogshead, tierce, barrel, cask, or other package withdrawn from public store or bonded warehouse purporting to contain imported liquor, found without having thereon the stamp hereby required, shall be, with its contents, forfeited to the United States; * * * (Mar. 1, 1879, c. 125, sec. 11, 20 Stat. 342.)

PAR. 804. Still wines, including ginger wine or ginger cordial, vermouth, and rice wine or sake, and similar beverages * * * *Provided*, That any of the foregoing articles specified in this paragraph when imported containing more than 24 per centum of alcohol shall be classed as spirits * * *.

(*b*) The provision in section 467 above that distilled spirits, wines, and malt liquors shall be first placed in public store or bonded warehouse is construed as directory only and such merchandise, unless otherwise required to be sent to the public store, may in the discretion of the collector, be inspected, gauged, marked, and stamped at the place of unlading, or at another suitable place if, in the opinion of the collector, such inspection, etc., can be done there with equal facility and effectiveness.

(*c*) On requisition therefor a moderate supply of customs stamps for liquors in casks or similar containers will be furnished by the Department to such ports as have actual use for them. The stamps are of three kinds and colors, viz: those printed in black for imported distilled spirits, those printed in green for reimported domestic distilled spirits, and those printed in brown for wines and malt liquors. The brown stamps will also be used for fruit juices containing alcohol or distilled spirits when imported in casks or similar containers.

(*d*) When the stamps are affixed to the containers they shall be filled in to show the date when issued, the name of the importer, the place from which shipped, the name of the vessel or the car number and initials, the date of arrival, the commercial name of the liquor in the container, the port of entry, the entry number, the name of the gauger, the number of wine gallons, and, in the case of distilled spirits, the number of proof gallons.

(*e*) Immediately after any distilled spirits, wines, malt liquors, or alcoholic fruit juices imported in casks or similar containers have been entered for consumption or warehouse or before such goods are sent under general order each container, when gauged by the rod method, shall be carefully gauged without reference to any marks or brands already on the container and shall be marked with the serial number of the customs stamp which shall be scored or branded on the head of the container. (See art. 1371 (f) for procedure to be followed when gauging is done by the weight method.)

(*f*) The appropriate stamp properly filled in shall, immediately after gauging, be securely affixed to the head of each container over the spigot hole, if any. In the case of wooden containers the stamp shall be tacked with at least six tacks. After having been affixed the stamps shall be immediately canceled with a stencil plate having five parallel waved lines long enough to extend 1 inch beyond each end of the stamp. A coating of transparent varnish or other suitable substance should then be applied over the stamp to protect and preserve it. If alcoholic liquors stamped as herein provided are withdrawn from customs custody for exportation the customs stamp on the container so withdrawn shall be effectively obliterated before release from such custody.

(*g*) The collector, or at New York, the surveyor, shall keep a record of customs stamps issued showing the officer to whom issued, stamp number, and date of issue, and as stamps are used he shall note on the same record the numbers used and the entry number. When all the stamps in a book have been used, the book of stubs shall be checked against the record and an appropriate certificate signed by the checking officer shall be attached to the book of stubs which shall be filed in the collector's office.

(NOTE.—For additional marking requirements re containers see art. 662.)

ART. 521. *Strip stamps—Distilled spirits imported in bottles.*—(*a*) United States Code, title 26, section 1152a:

No person shall (except as provided in sec. 1152b) transport, possess, buy, sell, or transfer any distilled spirits, unless the immediate container thereof has affixed thereto a stamp denoting the quantity of distilled spirits contained therein and evidencing payment of all internal-revenue taxes imposed on such spirits. The provisions of this section and sections 1152b to 1152g shall not apply to—

(a) Distilled spirits placed in a container for immediate consumption on the premises or for preparation for such consumption;

(b) Distilled spirits in bond or in customs custody;

(c) Distilled spirits in immediate containers required to be stamped under existing law;

(d) Distilled spirits in actual process of rectification, blending, or bottling, or in actual use in processes of manufacture;

(e) Distilled spirits on which no internal-revenue tax is required to be paid;

(f) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale; or

(g) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier. (Jan. 11, 1934, c. 1, title II, sec. 201, 48 Stat. 316.)

(*b*) All applications for the purchase of red strip stamps, internal-revenue Form 428, "Order for Stamps—Distilled Spirits Bottle Strips", will be filed in triplicate. The collector of customs who approves the internal-revenue Form 428 will, after approval, retain one copy and return the original and one copy to the applicant for submission to the appropriate collector of internal revenue. The following conditions must be observed:

1. Collectors of customs will be permitted to approve internal-revenue Form 428, "Order for Stamps", only when presented by holders of Federal Alcohol Administration permits authorizing the importation of distilled spirits.

2. An importer must present and file (if he has not already done so) with collectors of customs a certified or photostatic copy of his Federal Alcohol Administration permit at the time he presents his next internal-revenue Form 428 for approval.

3. Where an importer has given a broker or another agent power of attorney to sign internal-revenue Form 428 the importer's name must be given, followed by the signature of the person authorized and the words "Attorney in Fact." A copy of the power of attorney must be filed with the collectors of customs.

4. Collectors of customs will see that the local address of the importer or his agent is given on internal-revenue Form 428 before they approve it.

(c) Strip stamps will be attached to bottles of distilled spirits for importation only as follows: (1) under supervision of a customs officer in the bonded warehouse, as prescribed by paragraph (*h*) of this article; (2) under the supervision of an officer abroad, assigned by the collector of customs, as prescribed by paragraph (*i*) of this article; or (3) by the producer or exporter in the foreign country, as prescribed by paragraph (*j*) of this article.

(*d*) Stamps prescribed by these regulations will be in the following denominations:

| | |
|---|---|
| 1 gallon. | 1 pint. |
| ½ gallon. | ⅘ pint. |
| 1 quart. | ¾ pint. |
| ⅘ quart. | ½ pint. |
| ¾ quart. | Less than ½ pint. |

The price is 1 cent for each stamp, except that in the case of stamps for bottles of less than one-half pint, the price is one-quarter of 1 cent for each stamp.

(*e*) The importer shall have indelibly overprinted in plain and legible letters the figures on each of the strip stamps, at his expense, the name and address of the importer and the brand and kind of distilled spirits contained in the bottles, which shall, for example, be as follows: "John Doe & Co., Baltimore, Md., Gold Medal Irish Whiskey." Thereafter the importer shall submit the strip stamps to the collector of customs who will verify the overprinting, make an endorsement showing the verification on the copy of internal-revenue Form 428 attached to the entry, and return the strip stamps to the importer. The distilled spirits shall not be released from customs custody until such verification and endorsement have been made.

(*f*) The stamps must be affixed to the bottles with the use of strong adhesive glue or paste. The stamps must pass over the mouth of the bottle, extending an equal distance on two sides of the bottle. No part of the stamp shall be obscured or covered by any label or otherwise.

(*g*) Distilled spirits arriving in the United States, Hawaii, or Alaska from any territory or possession of the United States in which the internal-revenue laws of the United States are not in effect shall be subject to the provisions of sections 1152a to 1152g, title 26, United States Code, and regulations issued pursuant thereto, and shall, for the purposes of obtaining and affixing stamps, be treated as an importation.

(*h*) *Strip stamps affixed in customs bonded warehouse.*—(1) No distilled spirits imported in bottles shall be released from customs custody until there has been affixed to each bottle, under the supervision of a customs officer in a bonded warehouse, the strip stamp required by sections 1152a to 1152g, title 26, United States Code. At ports where there is no bonded warehouse, no distilled spirits imported in bottles shall be released until the strip stamps have been affixed to the bottles under the supervision of a customs officer.

(NOTE.—Shipments of distilled spirits in bonded warehouse on July 1, 1936, or covered by invoices certified prior to Aug. 1, 1936, may be withdrawn and strip stamps sent by the importer or subsequent vendor to the vendee as prescribed by I. R. T. D. 4473.)

(2) Expenses of cartage, storage, repacking, handling, or other labor connected with the opening of cases and affixing of stamps to the bottles shall be borne by the importer.

(3) There shall be indelibly stamped upon each case by the customs officer supervising the affixing of strip stamps to bottles the following legend:

PORT OF _____
_____, 193__.
(Month) (Day)

This is to certify that on this date the strip stamps required by the Liquor Taxing Act of 1934 were affixed, under my supervision, to the bottles of distilled spirits contained herein, consisting of—

_____
(Number of bottles)
_____
(Size of bottles)
_____
(Name)
_____
(Official designation)

(4) Rubber stamps bearing the above legend will be furnished by the Bureau of Customs upon requisition therefor.

(*i*) *Conditions under which importers of distilled spirits will be permitted to purchase stamps to be attached to the containers by the distiller in the foreign country who exports the spirits to this country.*—(1) The importer will make requisition on internal-revenue Form 428 for stamps to be sent to the foreign exporter, and will attach to the internal-revenue Form 428 a statement setting forth the name and address of the foreign exporter and the port through which the spirits are to be imported. The internal-revenue Form 428, together with the statement, will be submitted to the collector of customs of the port through which the spirits are to be imported. The collector of customs will retain the statement in his files and will approve the internal-revenue Form 428 if he is satisfied that the stamps are required for the stamping of bottles to be imported. The importer will submit the approved internal-revenue Form 428 to the collector of internal revenue, who will sell the requisite stamps to the importer.

(2) The importer shall have indelibly overprinted in plain and legible letters and figures on each of the strip stamps, at his expense, the name and address of the importer and the brand and kind of distilled spirits contained in the bottles, which shall, for example, be as follows: "John Doe & Co., Baltimore, Md., Gold Medal Irish Whiskey." The importer shall submit the strip stamps to the collector of customs, who will verify the overprinting, and make an endorsement showing the verification on the statement submitted to him by the importer with the internal-revenue Form 428, and which was retained by the collector.

(3) The collector of customs to whom the stamps are delivered by the importer will assign an officer to the distillery in the foreign country to supervise the affixing of the stamps to the containers. The collector of customs will deliver the stamps to the officer assigned to the foreign distillery. The officer will retain the stamps in his custody, keeping them locked in a safe or other secure place provided by the distiller, the key to which shall at all times be in the possession of the officer.

(4) The officer will deliver to the distiller such stamps as may be required during bottling operations, and will personally assure himself that all stamps delivered to the distiller are affixed to the bottles filled with spirits for export to the United States.

(5) The officer supervising the affixing of the stamps to bottles at the foreign distillery will stamp the following legend upon each case:

_____, 193__.
(Place) (Month) (Day)

This is to certify that on this date the strip stamps required by the Liquor Taxing Act of 1934 were affixed, under my supervision, to the bottles of distilled spirits contained herein, consisting of—

_____
(Number of bottles)
_____
(Size of bottles)
_____
(Name)
_____
(Official designation)

This legend, when stamped on the case and filled in by the officer, may upon importation be accepted by customs officers as evidence that the bottles contained therein bear strip stamps.

(6) The actual and necessary expenses of transportation and subsistence of the customs officer assigned under authority of this paragraph shall be collected from the importer by the collector of customs.

(7) Upon entry of distilled spirits bearing strip stamps affixed under supervision of a customs officer abroad, the procedure outlined in paragraph (*j*) (5), (6), (7), and (8), of this article will be followed.



(*j*) *Strip stamps to be affixed to bottles of distilled spirits by the producer or exporter in the foreign country.* At the option of the importer, the following procedure may be followed in lieu of that prescribed in paragraph (*h*) or (*i*) of this article (I. R. T. Ds. 4464, 4473, and 4496).

(1) The importer, or his duly authorized agent, will make requisition on internal-revenue Form 428, in triplicate, for strip stamps to be sent to the foreign producer or exporter, and will attach thereto a statement under oath in the following form:

Port of _____

I solemnly swear (or affirm) that the stamps requested on the internal-revenue Form 428 to which this statement is attached, are required, and will be used, for the quantities of the brands and kinds of distilled spirits listed below, which will be imported by _____, holder of I Permit No. _____
(Name and address of importer)
_____, issued by the Federal Alcohol Administration, from _____
_____
(Name and address of the foreign producer or exporter)
through the ports of _____
(Ports at which warehouse or consumption entries will be filed)
to supply existing orders and/or anticipated requirements within thirty days from this date.

| No. of bottles | Size of bottles | Brands | Kinds |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

_____

Subscribed and sworn to before me this _____ day of _____, 193__.

_____,
_____

The internal-revenue Form 428, in triplicate, together with the sworn statement, will be submitted to the collector of customs of the district in which the place of business of the importer, or his duly authorized agent, is located. The collector of customs will approve the internal-revenue Form 428 if he is satisfied that the importer is the holder of an I permit issued by the Federal Alcohol Administration, and that the stamps are required for distilled spirits to be imported to supply existing orders and/or anticipated requirements within 30 days from the date of requisition. The importer, or his duly authorized agent, will submit the original with one copy of the approved internal-revenue Form 428 to the collector of internal revenue, who will sell him the strip stamps applied for, and the collector of customs will attach the retained copy of internal-revenue Form 428 to the sworn statement to be retained in his files.

(2) The importer, or his duly authorized agent, shall have indelibly overprinted in plain and legible letters and figures on each of the strip stamps, at his expense, the name and address of the importer and the brand and kind of distilled spirits contained in the bottles, which shall, for example, be as follows: "John Doe & Co., Baltimore, Md., Gold Medal Irish Whiskey." The importer, or his duly authorized agent, shall submit the strip stamps to the collector of customs, who will verify the overprinting and make an endorsement showing the verification on the sworn statement submitted with internal-revenue Form 428. After verification and endorsement on the sworn statement, the collector of customs will deliver the strip stamps to the importer, or his duly authorized agent, for transmission to the producer or exporter abroad. The collector will transmit a copy of the sworn statement to the collector of customs at each of the ports at which warehouse or consumption entries will be filed.

(3) The foreign producer or exporter will plainly and legibly mark the following legend on each case containing bottles of spirits to which strip stamps are attached:

The stamps required by the United States Liquor Taxing Act of 1934 are affixed to the bottles contained in this case, consisting of _____ bottles, each containing _____
(Number) (Net contents of bottles)
_____
(Name of producer or exporter)

(4) Upon arrival of the distilled spirits in this country, warehouse entries and consumption entries shall have endorsed thereon by the importer, or his duly authorized agent, the following legend:

Strip stamps required by the Liquor Taxing Act of 1934 were affixed abroad. The stamps were purchased by _____ upon a requisition approved by the collector of
(Name of purchaser)
customs at _____
(Port where internal-revenue Form 428 was approved)
on _____
(Date of approval of internal-revenue Form 428)

(5) The collector of customs of the port at which warehouse or consumption entries are filed shall promptly notify the collector of customs who approved the requisition on internal-revenue Form 428, of the number and denomination of strip stamps shown by the usual customs examination to have been attached to the containers. The collector of customs who approved the requisition will credit such strip stamps against the number purchased under the internal-revenue Form 428 described in the endorsement on the entry referred to in paragraph 4.

(6) In the event of diversion of all or part of the spirits to a port other than that specified in the sworn statement filed with internal-revenue Form 428, the importer shall request the collector of customs who approved the internal-revenue Form 428 to transmit a copy of the statement to the collector of customs at the port to which the spirits are diverted. The collector of customs at the port to which the spirits were diverted shall promptly notify the collector of customs who approved the internal-revenue Form 428 of the number and denomination of strip stamps shown by the usual customs examination to have been attached to the containers.

(7) In case any irregularities or discrepancies are found, the collector of customs at the port of entry shall make demand for redelivery of unexamined packages, and shall not release examination or redelivered packages until satisfactory explanations and/or proper corrections have been made.

(8) Any breach of these regulations, or failure to use the strip stamps within a reasonable time for the purpose for which they were procured, not satisfactorily explained to the collector of customs, will be grounds for denial of approval of further requisitions for purchase of strip stamps for affixing abroad under these regulations.

(9) Collectors of customs will furnish the Bureau of Customs on April 1, July 1, October 1, and January 1 of each year a consolidated report showing the name of the importer, number of stamps, and denomination of stamps purchased on requisitions on internal-revenue Form 428, approved by them, not used within ninety days from the date of approval.

(*k*) Imported distilled spirits having strip stamps affixed, which spirits are diverted by the importer for exportation purposes, should retain the red strip stamps while passing in transit through the United States, though under bond, but the strip stamps must be effectively destroyed at the port of exportation by the exporter under customs supervision.

ART 522. *Marking of containers.*—(*a*) United States Code, title 26, section 1222:

Whenever in his judgment such action is necessary to protect the revenue, the Secretary of the Treasury is authorized, by the regulations prescribed by him, and permits issued thereunder if required by him (1) to regulate the size, branding, marking, sale, resale, possession, use, and reuse of containers (of a capacity of less than 5 wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in sections 1152a to 1152g) for other than industrial use * * *. (June 18, 1934, c. 610, 48 Stat. 1020.)

(*b*) *Liquor bottles—Definition of.*—Internal-Revenue Regulations 13 as amended by I. R. T. D. 4641:

"Liquor bottle" shall mean any glass container for packaging distilled spirits for sale at retail, of a capacity of one-half pint or greater, conforming to these regulations and to the regulations prescribed by the Federal Alcohol Administration, the regulations in that regard promulgated by the Federal Alcohol Administration being hereby adopted as a part of these regulations.

(c) (1) *Empty bottles.*—The importation into the United States of containers of one-half pint capacity or greater for use in packaging distilled spirits for sale at retail, except in connection with the importation of the liquor con-

tained therein, is prohibited: *Provided*, That upon application by any importer the supervisor of the district in which the port of entry is situated may in his discretion, by the issuance of an appropriate permit, authorize the importation of empty liquor bottles, or other containers, for packaging distilled spirits imported by him. There shall be blown legibly either in the bottom or in the body of all empty bottles imported under the provisions of this paragraph the name, and the name of the city of address, of the importer thereof, and there shall be blown legibly in the shoulder of each bottle the words "Federal Law Forbids Sale or Reuse of This Bottle."

(2) *Containers other than liquor bottles.*—No distilled spirits for sale at retail may be imported into the United States in containers of one-half pint capacity or greater, other than liquor bottles as defined in paragraph (b) above, unless in accordance with the terms of a permit issued, upon proper application, by the supervisor of the district in which the port of entry is situated, expressly authorizing importation in containers other than liquor bottles. The provisions of this paragraph shall not apply to the importation of distilled spirits in bulk containers of a capacity of 5 wine-gallons or greater.

(3) *Filled bottles.*—There shall be blown legibly either in the bottom or in the body of all liquor bottles containing distilled spirits imported from foreign countries the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and there shall be blown legibly on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That upon proper application the supervisor of the district in which the port of entry is situated may, in his discretion, issue a permit authorizing (a) the importation, in bottles not so marked, of vintage spirits, if accompanied by authenticated certificates of origin establishing such spirits to be as defined in Internal-Revenue Regulations 13, and (b) the importation of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties, as may be specified from time to time by the Commissioner of Internal Revenue, in bottles of distinctive shape or design, not marked as herein required.

(*d*) Containers, whether filled or empty, imported in violation of the provisions of this article shall be denied entry into the United States.

(*e*) Containers of distilled spirits exported in bond shall not be subject to these regulations and the manufacture, and the shipment or delivery, of containers for packaging such spirits, as well as the manufacture for exportation, and the exportation to foreign countries, of empty containers for packaging distilled spirits for sale at retail may, upon application, in the discretion of the supervisor of the district in which such manufacture is carried on, be authorized under permit.

(*f*) Wherever in these regulations the name of any city or country is required to be blown in any bottle, the name may be either in the language of such country or in English.

(*g*) Acid-etched or sand-blown indicia in liquor bottles do not meet the above requirements.

(*h*) The above marking requirements do not apply to distilled spirits withdrawn from warehouse for supplies of vessels.

ART. 523. *Standards of fill for bottled distilled spirits.*—(*a*) *Bottling requirements.*—No person engaged in business as an importer, shall, directly or indirectly, remove from customs custody any distilled spirits in bottles unless such distilled spirits are bottled in conformity with this article. Imported distilled spirits entered in customs bond in bottles prior to March 1, 1935, shall be regarded as being in conformity with this article (1) if the bottle, or the label on the bottle, contains a conspicuous statement of the net contents thereof, and (2) if the actual capacity of the bottle is not substantially less than the capacity it appears to have upon visual examination under ordinary conditions of purchase or use.

(*b*) *Misbranding.*—Distilled spirits shall be deemed to be misbranded (1) if the bottle is not a standard liquor bottle as prescribed by paragraph (*c*) of this article for such distilled spirits; (2) if the amount of the distilled spirits contained in the bottle does not conform to one of the standards of fill in effect therefor under paragraph (*d*) of this article; (3) if the bottle is in an individual carton or other container, and the carton or other container is so made or formed as to mislead purchasers as to the size of the bottle.

(*c*) *Standard liquor bottles.*—(1) *General.*—A standard liquor bottle shall be one so made, formed, and filled as not to mislead the purchaser.

(2) *Size.*—A liquor bottle shall be held to be so filled as to mislead the purchaser if the bottle holds distilled spirits in an amount other than one of the standards of fill in effect therefor under paragraph (*d*) of this article.

(3) *Headspace.*—A liquor bottle of a capacity of one-half pint or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of eight per centum of the total capacity of the bottle after closure.

(4) *Design.*—A liquor bottle shall be held (irrespective of the correctness of the net contents specified on the label) to be so made and formed as to mislead the purchaser, if its actual capacity is substantially less than the capacity it appears to have upon visual examination under ordinary conditions of purchase or use.

(*d*) *Standards of fill.*—(1) The standards of fill for distilled spirits in liquor bottles shall be the following, subject to the tolerance hereinafter allowed:

(A) For all distilled spirits, whether domestically manufactured, domestically bottled, or imported.

1 gallon  1 quart  1 pint  1/5 pint
1/2 gallon  1/5 quart  1/2 pint  1/10 pint

(B) In addition, for brandy, whether domestically manufactured, domestically bottled, or imported.

1/10 pint

(C) In addition, for Scotch and Irish Whiskey and Scotch and Irish type whiskey; and for brandy and rum:

1/5 pint

(2) The following tolerances shall be allowed:

(A) Discrepancies due exclusively to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(B) Discrepancies due exclusively to differences in the capacity of bottles, resulting solely from unavoidable difficulties in manufacturing such bottles so as to be of uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of bottles which, because of their design, can not be made of approximately uniform capacity than is allowed in case of bottles which can be manufactured so as to be of approximately uniform capacity.

(C) Discrepancies in measure due exclusively to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customery exposure of alcoholic beverages in bottles to evaporation. The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

(3) Unreasonable shortages in certain of the bottles in any shipment shall not be compensated by overages in other bottles in the same shipment.

(4) As used with reference to standard bottles, the term "gallon" means United States gallon of 231 cubic inches of alcoholic beverages at 68° F. (20° C.), and all other units of liquid measure are subdivisions of the gallon as so defined.

(*e*) *Vintage spirits.*—This article shall not apply to: (1) Distilled spirits imported as vintage spirits (see I. R. Regs. 13, as amended) under permit issued by a district supervisor of the Alcohol Tax Unit of the Bureau of Internal Revenue pursuant to Internal-Revenue Regulations 13 (Liquor Bottle Regulations) issued by the Secretary of the Treasury; (2) cordials and liqueurs, and cocktails, high-balls, gin fizzes, bitters, and such other specialties as are specified from time to time by the Administrator.

ART. 524. *Wines—Labeling.*—(*a*) (1) Commencing December 15, 1936, imported wine, including sample bottles of wine, shall not be withdrawn from customs custody except upon depositing with the appropriate customs officer an "Affidavit for Release of Imported Wine" (Form L. 12) properly filled out and executed under oath by the importer, covering the wine proposed to be withdrawn. This must be accompanied by an original or photostatic copy of a "Certificate of Label Approval and Release for Imported Wine" (Form L. 11), unless the original or a copy of such Certificate of Label Approval and Release has previously been filed with the collector of customs at the port from which the withdrawal from customs custody is to be made.

(2) A Certificate of Label Approval (Form L. 11) bearing no rubber stamp impression authorizes the withdrawal from customs custody of any wine bearing labels identical with those shown on the release, irrespective of the customs entry number by which covered or the date entered into customs custody.

(3) A Certificate of Label Approval (Form L. 11) bearing a rubber stamp impression "This release applies only to goods entered into customs prior to ———", authorizes the withdrawal from customs custody of any wine bearing labels identical with those shown on the release, irrespective of the customs entry number by which covered, provided such wine was entered into customs custody prior to the date specified in the impression.

(4) If an original or a photostatic copy of a Certificate of Label Approval (Form L. 11) is already on file with the customs office, then in lieu of presenting upon each new importation an importer's affidavit (Form L. 12) accompanied by an original or a photostatic copy of the release, the importer's affidavit will state that the labels upon the wine to be withdrawn are identical with those upon the original or a photostatic copy of the release on file in the customs office.

(5) If the only difference between the labels upon the wine covered by an importer's affidavit (Form L. 12) and those covered by the Certificate of Label Approval is that the labels of the wine covered by the importer's affidavit bear an importer's name and address different from the importer's name and address on the labels covered by the Certificate of Label Approval, then the wine covered by the importer's affidavit may be withdrawn from customs custody notwithstanding the fact that the labels thereon are not identical as to the importer's name and address, provided the labels are identical in every other respect.

(6) A "Disapproval of Application for Certificate of Label Approval" (Form L. 8) does not authorize the release of any wine from customs custody for any purpose. The disapproval merely sets forth the reasons why the labels in question do not conform to the regulations of the Federal Alcohol Administration in the particulars set forth in the "Disapproval of Application for Certificate of Label Approval" (Form L. 8). Form L. 8 indicates that wine, bearing the labels attached thereto, must be relabeled in customs custody before release. *Release of the relabeled wine may be made only upon presentation of a "Certificate of Label Approval" (Form L. 11) covering the labels affixed to the relabeled wine*, and such Certificate of Approval shall operate as authority to relabel in customs custody the wine for which disapproval has been issued with labels identical with those attached to the Certificate of Approval.

(7) The Importer's Affidavit (Form L. 12) and the original or photostatic copy of the release affixed thereto are to be retained for the files of the collector of customs. Upon their being deposited with the appropriate customs officer, an appropriate notation shall be made on the entry to the effect that, in so far as labeling is concerned, wine covered by the customs entry number shown on the affidavit, and bearing labels identical with those appearing upon the Certificate of Label Approval, is authorized to be withdrawn from customs custody. In the event of a partial withdrawal only of wine covered by the particular customs entry number, the remaining wine covered by that customs entry number and bearing labels identical with those affixed to the Certificate of Label Approval may be subsequently withdrawn without the filing of an additional importer's affidavit.

(*b*) *Entries and Withdrawals.*—(1) *Consumption.*—An entry for immediate consumption can only be made when the importer has in his possession a Certificate of Label Approval bearing no rubber stamp impression and having affixed thereto labels identical with those affixed to the wine to be entered. If the importer has no release, a warehouse entry may be made. It is not required that shipments for which no releases have been issued be consigned to general order warehouse. There should be made on the entry papers, however, a notation to the effect that no withdrawal of such wine from bond is to be permitted until an appropriate release has been issued by the Federal Alcohol Administration.

(2) *Immediate transportation without appraisement.*—The appropriate form of release should, in the case of shipments of wine entered for immediate transportation, without appraisement, to another port of entry, be presented to the collector of customs at the port of destination. There may, but need not, be made on the forwarding papers a notation by the appropriate customs officer at the port of arrival to the effect that Federal Alcohol Administration releases were not presented at such port.

(3) *Warehouse withdrawals for transportation.*—In the case of wine already lodged in bonded warehouses and proposed to be withdrawn from warehouse for transportation in bond from the port of entry to another port, the appropriate Federal Alcohol Administration releases should be presented to the collector at the port of original entry before movement to the port of destination.

(*c*) *Release under bond not permissible.*—Wine for which no certificates are presented either at the time of entry or at the time of request for withdrawal should not be released under redelivery bond pending production of the required certificates. Neither should any other bond for the production of these missing documents be accepted.

(*d*) *Food and Drug Administration requirements.*—The requirements of this article are not in substitution for any similar or other requirement of the Food and Drug Administration.

(*e*) *Transferees.*—In the event the importer who entered the wine cannot be procured to make application to the Administration for its withdrawal from customs bonded warehouse, application for such release may be made by the transferee thereof. Any Federal Alcohol Administration forms required in connection with the withdrawal of wine from customs custody, or any affidavit or undertaking thereon, will be acceptable to the Federal Alcohol Administration when deposited with the appropriate customs officer by a transferee of wine in bond, provided the forms have been altered only to the extent applicable to such transferee.

(*f*) *Powers of attorney and affidavits.*—The importer's affidavit for release of wine (Form L. 12), as well as other Federal Alcohol Administration forms required in connection with the withdrawal of wine from customs custody, may be executed by anyone holding a power of attorney for the transaction of customs business of the principal. Powers of attorney for individuals and for corporations in any form acceptable to the customs service will be acceptable to the Federal Alcohol Administration. Affidavits sworn to before any officer authorized by the Tariff Act of 1930 to administer oaths will also be acceptable to the Federal Alcohol Administration.

(*g*) *Physical inspection of labeled goods.*—When feasible, examining officers will, by physical inspection, ascertain whether there is any discrepancy between the labels affixed to the wine to be entered or withdrawn and the corresponding labels on the approved release or photostatic copy thereof. If a discrepancy is found, the facts should be immediately reported to the Federal Alcohol Administration and a copy sent to the Commissioner of Customs.

(*h*) *Ship's stores and wine for personal consumption.*—Wine intended for ship's supplies may be withdrawn from bond without the presentation of any form of Federal Alcohol Administration release, provided the collector of customs is satisfied that all the conditions imposed by the Tariff Act of 1930 and the regulations respecting duty and tax-free withdrawals for this purpose are observed and that the vessel to be supplied is within the category of vessels entitled to such privilege. Wine imported or brought into the United States for personal use and not for sale or other commercial purposes will not require any form of Federal Alcohol Adminis-

tration release, provided the collector is satisfied that such merchandise is imported for personal use.

(*i*) *Wine for industrial use.*—Wine which is for an industrial use, as such use is defined in Regulations No. 2 of the Federal Alcohol Administration, is not included within the term "Wine" as used in the Federal Alcohol Administration Act. Such wine is not dealt with or included in these instructions.

(*j*) *Withdrawal of samples.*—Although paragraph (*a*) of this article provides that imported wine, including sample bottles of wine for non-industrial use, must be covered by certificates of label approval before withdrawal from customs custody, it will be noted that this applies only to wine for "non-industrial use." Section 2 (a) (3) of F. A. A. Regulations No. 2, relating to non-industrial use of distilled spirits and wine, lists as "industrial use" the use for experimental purposes. It would therefore be proper for collectors of customs to permit the withdrawal from customs custody of samples of wine in reasonable quantities if it has been proved to their satisfaction that such samples are to be used only for experimental purposes, in the making of analyses, tests, etc., even though the labels on such samples are not covered by certificates of label approval. However, bottles of samples intended for display purposes or as a basis for the solicitation of orders or for any similar commercial use in connection with the importer's business, must conform to all the requirements applicable to other wine imported for "non-industrial use."

(*k*) (1) *Exceptions in respect to size, statement of vintage year, and statement of net contents.*—The attention of all collectors is called to the Certificate of Label Approval and Release for Imported Wine (Form L. 11) which permits the withdrawal from customs custody of wine where the only variation in the labels on the containers is in respect to the size of the label, statement of vintage year and statement of net contents, appearing in conformity with section 37 of F. A. A. Regulations No. 4.

(2) Specific attention is also called to the prohibition against the withdrawal of any wine in containers having a capacity of more than one wine gallon when the labels on such containers bear a statement of vintage year. Permission to state vintage year on labels on containers of wine is limited to containers having a capacity of not more than one wine gallon. (See sec. 39 (b) (3) of Regulations No. 4, relating to labeling and advertising of wine.)

ART. 525. *Distilled spirits—Labeling—Certificates of origin and age.*—(*a*) (1) The following instructions govern whiskey, rum, brandy, gin, cordials, liqueurs, and other distilled spirits imported in containers having a capacity of one gallon or less irrespective of the material from which made.

(2) Commencing August 15, 1936, bottled distilled spirits, including sample bottles of distilled spirits, for nonindustrial use, shall not be withdrawn from customs custody except upon depositing with the appropriate customs officer an "Affidavit for Release of Distilled Spirits" (Form L. 3) properly filled out and executed under oath by the importer, covering the distilled spirits proposed to be withdrawn. This must be accompanied by an original or photostatic copy of a "Certificate of Label Approval and Release for Imported Distilled Spirits" (Form L. 2), unless the original or a copy of such Certificate of Label Approval and Release has previously been filed with the collector of customs at the port from which the withdrawal from customs custody is to be made.

(3) A Certificate of Label Approval (Form L. 2) bearing no rubber stamp impression authorizes the withdrawal from customs custody of any distilled spirits bearing labels identical with those shown on the release, irrespective of the customs entry number by which covered or the date entered into customs custody.

(4) A Certificate of Label Approval (Form L. 2) bearing a rubber stamp impression "This release applies only to goods entered into customs prior to _____", authorizes the withdrawal from customs custody of any distilled spirits bearing labels identical with those shown on the release, irrespective of the customs entry number by which covered, provided such distilled spirits were entered into customs custody prior to the date specified in the impression.

(5) If an original or a photostatic copy of a Certificate of Label Approval (Form L. 2) is already on file with the customs office, then in lieu of presenting upon each new importation an importer's affidavit (Form L. 3) accompanied by an original or a photostatic copy of the release, the importer's affidavit will state that the labels upon the distilled spirits to be withdrawn are identical with those upon the original or a photostatic copy of the release on file in the customs office.

(6) If the only difference between the labels upon the distilled spirits covered by an importer's affidavit (Form L. 3) and those covered by the Certificate of Label Approval is that the labels of the distilled spirits covered by the importer's affidavit bear an importer's name and address different from the importer's name and address on the labels covered by the Certificate of Label Approval, then the distilled spirits covered by the importer's affidavit may be withdrawn from customs custody notwithstanding the fact that the labels thereon are not identical as to the importer's name and address, provided the labels are identical in every other respect.

(7) A "Disapproval of Application for Certificate of Label Approval" (Form L. 8) does not authorize the release of any distilled spirits from customs custody for any purpose. The disapproval merely sets forth the reasons why the labels in question do not conform to the regulations of the Federal Alcohol Administration in the particulars set forth in the "Disapproval of Application for Certificate of Label Approval" (Form L. 8). Form L. 8 indicates that distilled spirits, bearing the labels attached thereto, must be relabeled in customs custody before release. *Release of the relabeled distilled spirits may be made only upon presentation of a "Certificate of Label Approval" (Form L. 2) covering the labels affixed to the relabeled distilled spirits,* and such Certificate of Approval shall operate as authority to relabel in customs custody the distilled spirits for which disapproval has been issued with labels identical with those attached to the Certificate of Approval.

(8) The Importer's Affidavit (Form L. 3) and the original or photostatic copy of the release affixed thereto are to be retained for the files of the collector of customs. Upon their being deposited with the appropriate customs officer, an appropriate notation shall be made on the entry to the effect that, in so far as labeling is concerned, distilled spirits covered by the customs entry number shown on the affidavit, and bearing labels identical with those appearing upon the Certificate of Label Approval, are authorized to be withdrawn from customs custody. In the event of a partial withdrawal only of distilled spirits covered by the particular customs entry number, the remaining distilled spirits covered by that customs entry number and bearing labels identical with those affixed to the Certificate of Label Approval may be subsequently withdrawn without the filing of an additional importer's affidavit.

(*b*) *Entries and withdrawals.*—(1) *Consumption.*—An entry for immediate consumption can only be made when the importer has in his possession a Certificate of Label Approval bearing no rubber stamp impression and having affixed thereto labels identical with those affixed to the bottled distilled spirits to be entered. If the importer has no release a warehouse entry may be made. Likewise, in the case of shipments of Irish, Scotch, Canadian, and American type of whiskeys, and cognac, rum, and brandy, whether blended or unblended, unaccompanied by the required certificates of age or origin, at the time of arrival of the shipment, entry may be made for warehouse but not for consumption. It is not required that shipments for which no releases have been issued, or for which the required certificates of age and origin can not be presented, be consigned to general order warehouse. There should be made on the entry papers, however, a notation to the effect that no withdrawal of such distilled spirits from bond is to be permitted until an appropriate release has been issued by the Federal Alcohol Administration and the required certificates of age and/or origin have been presented.

(2) *Immediate transportation without appraisement.*—The appropriate form of release should, in the case of shipments of distilled spirits entered for immediate transportation, without appraisement, to another port of entry, be presented to the collector of customs at the port of destination. There may, but need not, be made on the forwarding papers a notation by the appropriate customs officer at the port of arrival to the effect that Federal Alcohol Administration releases were not presented at such port.

(3) *Warehouse withdrawals for transportation.*—In the case of distilled spirits already lodged in bonded warehouses and proposed to be withdrawn from warehouse for transportation in bond from the port of entry to another port, the appropriate Federal Alcohol Administration releases should be presented to the collectcor at the port of original entry before movement to the port of destination. Each withdrawal for transportation entry shall bear a notation showing whether the strip stamps have been affixed to the immediate containers and whether the labels and bottles have been approved.

(*c*) *Certificates of origin and age.*—(1) Scotch, Irish, and Canadian whiskeys, in bottles, whether blended or unblended, imported on or after August 15, 1936, shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate of origin issued by a duly authorized official of the British, Irish, or Canadian Governments, certifying (a) that the particular distilled spirits are Scotch, Irish, or Canadian whiskey, as the case may be; (b) that the distilled spirits have been manufactured in compliance with the laws of the respective foreign governments regulating the manufacture of the whiskey for home consumption; and (c) that the product conforms to the requirements of the Immature Spirits Act of such foreign government for spirits intended for home consumption.

(2) If the label of any Scotch, Irish, or Canadian whiskey, whether blended or unblended, imported in bottles on or after August 15, 1936, contains any statement of age for Scotch or Irish whiskey in excess of 3 years, or Canadian whiskey in excess of 2 years, the whiskey shall not be released from customs custody unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign government certifying that none of the distilled spirits in the bottle is of an age less than that stated on the label. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been kept in oak containers.

(3) *Cognac, brandy, and rum.*—Bottled cognac, whether blended or unblended, imported in bottles on or after August 15, 1936, for which no certificate of origin (Acquit Regional Jaune d'Or) can be presented should not be permitted withdrawal. Brandy produced elsewhere than in the Cognac Region of France is not properly entitled under Federal Alcohol Administration Labeling Regulations to be designated as "Cognac." No certificates of origin (Acquit Regional Jaune d'Or) are required for brandy produced elsewhere than in the Cognac Region of France and not labeled as "Cognac." Certificates of age are not required for rum, brandy, or cognac unless the label contains a statement of age. If the label for any rum, brandy, or cognac, imported on or after August 15, 1936, contains any statement of age, the importer should not be permitted to withdraw such distilled spirits from customs custody until a certificate of age issued by a duly authorized officer of the appropriate foreign government, and certifying that none of the distilled spirits are of an age less than that stated on the label, is presented. Shipments of bottled cognac unaccompanied by the required certificate of origin and shipments of rum, brandy, and cognac unaccompanied by certificates of age, when required, should be handled according to the procedure and requirements outlined in subparagraph 1, above. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been kept in oak containers.

(4) American type whiskeys imported on or after August 15, 1936, shall not be released from customs custody in bottles unless there is presented at the time of entry or at the time of request for release, a certificate issued by a duly authorized official of the appropriate foreign government certifying:



(A) In case of straight whiskey, (1) the class and type (such as straight whiskey, straight rye whiskey, straight bourbon whiskey, etc.) thereof; (2) the American proof at which distilled; (3) that no neutral spirits or other whiskey has been added as a part thereof or included therein, whether or not for the purpose of replacing outage; and (4) the age of the whiskey;

(B) In case of distinctive types of whiskey, (1) the class and type (such as rye whiskey, bourbon whiskey, etc.); (2) the American proof at which distilled; (3) that no neutral spirits has been added as a part thereof or included therein, whether or not for the purpose of replacing outage; and (4) the age of the whiskey;

(C) In case of blended whiskey, (1) the class and type (such as blended whiskey, blended rye whiskey, blended bourbon whiskey, etc.), (2) the percentage of straight whiskey, or any distinctive type thereof, used in the blend, (3) the American proof at which the straight whiskey was distilled, (4) the percentage of other whiskey, if any, in the blend, (5) the percentage of neutral spirits, if any, in the blend, and the name of the commodity from which distilled, and (6) the age of the straight whiskey and the age of the other whiskey, if any, in the blend.

(D) The age certified shall be the period during which, after distillation and before bottling, the whiskey has been kept in charred oak containers.

(5) *Neutral spirits, gin, cordials, and other miscellaneous distilled spirits.*—Certificates of age and origin are not required by the Federal Alcohol Administration for neutral spirits, gin, cordials, and other distilled spirits than those specified above.

(6) *Release under bond not permissible.*—Scotch, Irish, and Canadian whiskey, and cognac, brandy, and rum, whether blended or unblended, and American type whiskeys for which no certificates are presented either at the time of entry or at the time of request for withdrawal should not be released under redelivery bond pending production of the required certificate. Neither should any other bond for the production of those missing documents be accepted.

(7) *Food and Drug Administration requirements.*—The requirements of this article are not in substitution for any similar or other requirement of the Food and Drug Administration.

(*d*) Examining officers will, by physical inspection, ascertain whether there is any discrepancy between the labels affixed to bottles of distilled spirits and the corresponding photostatic copies of approved labels attached to Form L. 2. If a discrepancy is found, the facts should be immediately reported to the Federal Alcohol Administration and a copy sent to the Commissioner of Customs.

ART. 526. *Exemption from stamping, marking, bottling, and labeling requirements.*—The provisions of articles 521, 522, 523, and 525, are not applicable to distilled spirits: (1) Not for sale or for any other commercial purpose whatever; (2) for use as ship stores; (3) for personal use; (4) for industrial use as defined in F. A. A. T. D. 3, approved December 20, 1935; but distilled spirits, except anhydrous alcohol or alcohol in containers of one gallon or less, shall be deemed to be for nonindustrial use.

ART. 527. *Importation of distilled spirits in bulk.*—Whiskey, rum, brandy, gin, cordials, and liqueurs and other distilled spirits imported in bulk (i. e., in containers having a capacity in excess of 1 gallon) may be entered into a class 8 customs bonded warehouse for bottling, or may be withdrawn from customs custody, only if entered for exportation or if withdrawn by a person to whom it is lawful to sell or otherwise dispose of alcoholic beverages in bulk pursuant to section 6 (a) (1) of the Federal Alcohol Administration Act (U. S. C., supp. I, title 27, sec. 206 (a) (1)), for use in bottling, blending, or rectification by such person, prior to delivery to a person not so authorized. In case the customs officer has doubt as to whether the distilled spirits will be used by the person so authorized and will be delivered by him only in bottles, he should direct the importer to forward the documents to the Label Section, Federal Alcohol Administration, Washington, D. C., with a request for instructions to be sent the customs officer.

MARKING

ART. 528. *Marking of articles and packages to indicate country of origin.*—(*a*) Tariff Act of 1930, section 304 (a):

Every article imported into the United States, and its immediate container, and the package in which such article is imported, shall be marked, stamped, branded, or labeled, in legible English words, in a conspicuous place, in such manner as to

indicate the country of origin of such article, in accordance with such regulations as the Secretary of the Treasury may prescribe. Such marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit. The Secretary of the Treasury may, by regulations prescribed hereunder, except any article from the requirement of marking, stamping, branding, or labeling if he is satisfied that such article is incapable of being marked, stamped, branded, or labeled or can not be marked, stamped, branded, or labeled without injury, or except at an expense economically prohibitive of the importation, or that the marking, stamping, branding, or labeling of the immediate container of such article will reasonably indicate the country or origin of such article.

(*b*) The marking required by section 304 shall include the name of the country of origin. The name of a subdivision such as a kingdom, principality, State, or province, or of a city, within the country of origin is not alone sufficient. The term "country" as used in section 304 is held to mean the political entity known as a nation: *Provided*, That the Department will designate the marking considered sufficient to indicate the country of origin in those cases where the name of the country is of such length that to require such name would result in indistinct marking or no marking. However, colonies, possessions, or protectorates outside the boundaries of a mother country shall be considered separate countries. The adjectival form of the name of a country is acceptable as a proper indication of the origin of imported merchandise, provided the word does not appear with other words so as to refer to a kind or species of product, such terms as "English walnuts", "Brazil nuts", etc., being unacceptable, and provided also that the marking at the time of importation meets the requirements of legibility, conspicuousness, and permanency.

(*c*) Tariff Act of 1930, section 304 (b):

If at the time of importation any article or its container is not marked, stamped, branded, or labeled in accordance with the requirements of this section, there shall be levied, collected, and paid on such article, unless exported under customs supervision, a duty of 10 per centum of the value of such article, in addition to any other duty imposed by law, or, if such article is free of duty, there shall be levied, collected, and paid a duty of 10 per centum of the value thereof.

(*d*) The duty of 10 per centum provided for in paragraph (c) of this article shall be assessed upon the value as defined in section 503 of the Tariff Act of 1930.

(*e*) Tariff Act of 1930, section 304 (c):

No imported article or package held in customs custody shall be delivered until such article (and its container) or package and every other article (and its container) or package of the importation, whether or not released from customs custody, shall have been marked, stamped, branded, or labelled in accordance with the requirements of this section. Nothing in this subdivision shall be construed to relieve from the requirements of any provision of this Act relating to the marking of particular articles or their containers.

(*f*) No article which has been repacked under article 936 of these regulations or section 562 of the Tariff Act of 1930, or which has been manipulated under that section shall be withdrawn from warehouse for consumption unless such article (if subject to individual marking when imported and its immediate container and the package in which it is contained at the time of withdrawal are marked to indicate the country of origin or such article in accordance with the provisions of section 304 of the Tariff Act of 1930. The word "articles" within the meaning of this paragraph includes packages and immediate containers withdrawn for consumption which have been removed from articles repacked or manipulated and not replaced thereon. These regulations shall not be construed to relieve an importer from payment of marking duty if it accrued by reason of the absence at the time of importation of the marking required by section 304, nor to require the further marking of articles, containers, or packages which were marked in accordance with section 304 at the time of importation, when such marking has not been affected by the repacking or manipulation.

ART. 529. *Name or mark inducing false belief of origin of imported articles.*—(*a*) United States Code, title 15, section 106:

No article of imported merchandise which shall • • • bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any customhouse of the United States; • • •.

(*b*) Collectors and other officers of the customs are instructed to use diligence to prevent violations of this provision.

ART. 530. *Special marking on certain articles.*—(*a*) Articles specified in paragraphs 354, 355, 357, 358, 359, 360, 361, and 1553 of the Tariff Act of 1930, shall, when imported, be marked in the manner provided in the respective paragraphs.

(*b*) Any article specified in paragraphs 367 and 368 of the tariff act, shall be marked in exact conformity with the requirements thereof and shall not be released until so marked. If any of the said articles specified in paragraphs 367 and 368 are found not to be marked to indicate the country of origin (manufacture), the 10 percent marking duty provided by section 304 shall be assessed for the late marking.

(c) The name of the maker (or manufacturer) or purchaser which must appear on the articles specified in the special marking paragraphs may consist either of the actual name of the maker (or manufacturer) or purchaser or a duly registered trade name under which such maker (or manufacturer) or purchaser carries on his business, except as hereinafter provided. A trade mark will be accepted only when it includes the actual name of the maker (or manufacturer) or purchaser or the trade name of such maker (or manufacturer) or purchaser as above specified, provided, however, that a trade mark or trade name will not satisfy the requirements of paragraph 367 (g) unless such trade mark or trade name includes the name in full of either the manufacturer or purchaser, as therein specified. The term "purchaser" as used in this sense means the purchaser in this country by whom or for whose account the articles are imported.

ART. 531. *Miscellaneous special marking.*—With respect to the special marking required on the following articles, see the articles of the regulations indicated opposite the respective items:

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| Bolting cloth | Art. 463 |
| Inedible grease, tallow, and fat | Art. 572 |
| Drums for the shipment of acids and chemicals | Art. 405 |
| Coal-tar products | Art. 786 |
| Food containers | Art. 549 |
| Viruses, serums, and toxins | Arts. 606 and 610 |
| Caustic or corrosive substances | Art. 550 |
| Milk and cream | Art. 568 |

ART. 532. *Exceptions to marking requirements.*—(*a*) The following articles and their containers and the packages in which imported are hereby excepted from the marking requirements of section 304 and paragraphs 354, 355, 357, 358, 359, 360, 361, 367, 368, and 1553 of the tariff act:

(1) Articles entered for immediate exportation or in transit through the United States to a foreign country.

(2) Articles the manufacture or production of the Philippine or Virgin Islands; but articles of foreign manufacture or production imported into those islands and reshipped to the United States are subject to all marking requirements applicable to merchandise imported from a foreign country.

(3) Articles of trifling value or for the personal use of the importer or for use in his home, factory, or place of business and not intended for sale.

(4) (*a*) Articles of antiquity specified in paragraph 1811 of the tariff act; (*b*) Books, maps, music, engravings, photographs, etchings, lithographic prints and charts which have been printed more than 20 years at the time of importation and are free of duty under paragraph 1629 of the tariff act.

(*b*) The following articles are hereby excepted from the marking requirements of section 304 of the tariff act (the immediate containers and packages to be marked):

(1) Crude substances or materials.

(2) Merchandise which is to be substantially changed in the importer's plant or for his account by further processing or manufacture which would obliterate or destroy such marking.



(*c*) Other exceptions to the marking requirements will be published from time to time in the Treasury Decisions.

ART. 533. *Disposition of articles not properly marked.*—(*a*) The appraiser will report to the collector all articles, containers, and packages found by him not legally marked. The collector will notify the importer, on customs Form 4647, to redeliver the unexamined packages or to arrange for the marking thereof or of their contents under customs supervision, when permissible, at the expense of the importer.

(*b*) (1) Articles subject to special marking under paragraphs 354, 355, 357, 358, 359, 360, 361, and 1553, of the tariff act, if not marked at the time of importation, may not be marked afterward, but may be exported under customs supervision upon payment of storage and other lawful charges. In such cases the entire amount of estimated duties will be refunded upon liquidation of the entry.

(2) If an importer fails to export such articles within 90 days after the date of notice of lack of proper marking, the items should be treated as prohibited and seized and forfeited in accordance with the customs laws and regulations. The articles may be sold on condition that they are exported by the purchaser under customs supervision. If no bid is received or if the collector believes that the expense of selling such articles will probably be disproportionate to the proceeds realized from the sale thereof, the merchandise should be destroyed.

(c) In the case of other articles subject to marking, the importer may be permitted to mark examination packages and their contents in the appraiser's stores, or, if that be impracticable, such merchandise may be turned over to the importer for proper marking under customs supervision at the expense of the importer. If such merchandise shall not be properly marked by the importer within a period of 30 days from the date of notification by the collector of the marking requirements it shall be sent to general order stores unless covered by a warehouse entry, and if not exported within 1 year from the date of entry shall be sold as abandoned merchandise upon the condition that it be marked by the purchaser under customs supervision, or exported under such supervision.

(*d*) Before permitting marking of either examined or unexamined packages or articles subject to marking, elsewhere than at the appraiser's stores, the collector shall require satisfactory security to insure compliance with the marking requirements and the payment of any additional expense incurred on account of customs supervision.

(*e*) If in any case articles subject to marking which have been released from customs custody are not returned or properly marked within 30 days from the date of the requisition therefor, the collector should demand payment of the liquidated damages incurred under the redelivery bond, and in the event payment is not promptly made the matter should be referred to the United States attorney for collection.

ART. 534. *Penalty for fraudulent violation.*—Tariff Act of 1930, section 304 (d):

If any person shall, with intent to conceal the information given thereby or contained therein, deface, destroy, remove, alter, cover, obscure, or obliterate any mark, stamp, brand, or label required under the provisions of this Act, he shall, upon conviction, be fined not more than $5,000 or imprisoned not more than 1 year, or both.

ART. 535. *Articles of gold or silver falsely marked or stamped.*—(*a*) It is unlawful for any manufacturer or dealer in gold or silver jewelry or gold or silver wares to import or export such wares for sale if marked or labeled in any manner to indicate a greater degree of fineness than the actual fineness thereof. Plated or filled articles must not be marked to indicate the fineness of the gold or silver unless also marked to indicate that the article is plated or filled, and no plated or filled article shall be marked with the word "sterling" or "coin" either alone or in conjunction with other words.

(*b*) Customs officers shall examine all gold and silver articles imported by manufacturers or dealers, and if any such articles are found to be falsely marked they shall be detained and a report of the facts made to the Bureau and the United States attorney.

(*c*) Any firm, manufacturer, dealer, or other person as agent of such firm, manufacturer, or dealer, willfully importing or exporting articles of gold or silver falsely marked or labeled is liable to a fine of not more than $500 or imprisonment or both.

TRADE-MARKS AND TRADE NAMES

ART. 536. *Unlawful importation.*—(*a*) Tariff Act of 1930, section 526:

(a) It shall be unlawful to import into the United States any merchandise of foreign manufacture if such merchandise, or the label, sign, print, package, wrapper, or receptacle, bears a trade-mark owned by a citizen of, or by a corporation or association created or organized within, the United States, and registered in the Patent Office by a person domiciled in the United States, under the provisions of the Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same", approved February 20, 1905, as amended, and if a copy of the certificate of registration of such trade-mark is filed with the Secretary of the Treasury, in the manner provided in section 27 of such Act, unless written consent of the owner of such trade-mark is produced at the time of making entry.

(b) Any such merchandise imported into the United States in violation of the provisions of this section shall be subject to seizure and forfeiture for violation of the customs laws.

(c) Any person dealing in any such merchandise may be enjoined from dealing therein within the United States or may be required to export or destroy such merchandise or to remove or obliterate such trade-mark and shall be liable for the same damages and profits provided for wrongful use of a trade-mark, under the provisions of such Act of February 20, 1905, as amended.

(*b*) United States Code, title 15, section 106:

No article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trade-mark registered in accordance with the provisions of this subdivision of this chapter, or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any customhouse of the United States; and, in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty, convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trade marks and commercial names, may require his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trade mark, issued in accordance with the provisions of this subdivision of this chapter, to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trade mark; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs. (Feb. 20, 1905, c. 592, sec. 27, 33 Stat. 730.)

(The foregoing section is applicable to marks placed on the international register provided for by section 1 of the act of Mar. 19, 1920.) (U. S. Code, title 15, sec. 121.)

(c) United States Code, title 15, section 132:

Any owner of a trade mark who shall have a manufacturing establishment within the territory of the United States shall be accorded, so far as the registration and protection of trade marks used on the products of such establishments are concerned, the same rights and privileges that are accorded to owners of trade marks domiciled within the territory of the United States by sections 81 to 109, inclusive, of this chapter. (May 4, 1906, c. 2081, sec. 3, 34 Stat. 169.)

(*d*) United States Code, title 48, section 1405q:

• • • The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in causes arising under such laws as is exercised by United States district courts. (June 22, 1936, c. 699, sec. 18, 49 Stat.)

ART. 537. *Prohibition of importation.*—(*a*) Merchandise of foreign or domestic manufacture is prohibited importation

when it bears a name or mark which copies or simulates a trade mark or trade name entitled to the protection of the Trade Mark Act of 1905 or the Trade Mark Act of 1920, unless such merchandise is imported by or for the account of, or with the written consent of, the owner of the protected trade mark or trade name.

(*b*) A name or mark (including a name or mark which is a genuine trade mark or trade name in a foreign country) on an article of foreign manufacture identical with a trade mark or trade name protected by the trade-mark laws of the United States, as well as a name or mark on an article of foreign or domestic manufacture counterfeiting such protected trade mark or trade name, or so resembling such protected trade mark or trade name as to be likely to cause confusion or mistake in the minds of the public or to deceive purchasers, shall be deemed for the purposes of these regulations to copy or simulate such protected trade mark or trade name. However, merchandise manufactured or sold in a foreign country under a trade mark or trade name, which trade mark is registered and recorded, or which trade name is recorded under the trade-mark laws of the United States, shall not be deemed for the purpose of these regulations to copy or simulate such United States trade mark or trade name if such foreign trade mark or trade name and such United States trade mark or trade name are owned by the same person, partnership, association, or corporation.

ART. 538. *Trade marks—Recording.*—(*a*) Domestic or foreign manufacturers or traders, to avail themselves of the privileges of the law concerning trade-marks, are required to register their trade-marks with the Commissioner of Patents before the Treasury Department can act.

(*b*) To record a trade-mark with the Treasury Department an application must be addressed to the Treasury Department, Bureau of Customs, Washington, D. C. (which may be in the form of a letter), stating therein the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or state within which it was organized or created); the name of the locality in which the goods are manufactured, and the names of the ports of entry to which the applicant desires to have facsimiles of the trade-mark transmitted. The application must be accompanied by one certified copy of the original certificate of registration issued by the Commissioner of Patents in accordance with the Trade-Mark Act of February 20, 1905, or the Trade-Mark Act of March 19, 1920; such of the documents mentioned in paragraph (c) as are required to show the ownership of the applicant; three uncertified printed Patent Office facsimiles of the trade-mark for deposit in the Treasury Department, and a sufficient number of such facsimiles to enable the Bureau to forward copies to the port or ports of entry named in the application. The number of facsimiles necessary for each of the ports of entry is as follows:

*Four* facsimiles for each of the ports of New York and Chicago.

*Three* facsimiles for each of the ports of Baltimore and Boston.

*Two* facsimiles for each of the ports of Nogales, Buffalo, Tampa, Key West, Los Angeles, Portland, Me., Detroit, New Orleans, Cleveland, Cincinnati, Portland, Oreg., Philadelphia, Pittsburgh, San Antonio, San Francisco, St. Louis, St. Albans, Vt., Seattle, Milwaukee, and Saint Thomas, Virgin Islands.

*One* facsimile for each of the other ports of entry.

No fee is charged for recording trade-marks in the Treasury Department.

(*c*) If ownership of a registered trade-mark is claimed by an applicant by virtue of an assignment of such trade-mark, there must be transmitted with the application for recording, in addition to the documents and information specified in paragraph (*b*) of this article, a certified abstract of title from the records of the United States Patent Office showing the ownership of the applicant. Similar documentary evidence must accompany an application for recording if the commercial name of the applicant has been changed subsequent to registration of the trade-mark. If the application for recording is presented after the expiration of the period for which the certificate of registration, or a renewal thereof, was issued, the application must be accompanied by a certified copy of a certificate of renewal from the United States Patent Office showing that the registration is in force. In order to continue to receive the protection of the trade-mark statutes with respect to imported merchandise, such a certified copy of a certificate of renewal must be filed with the Treasury Department if the period of protection expires after the trade-mark has been recorded.

ART. 539. *Trade names—Recording.*—(*a*) To record the trade name (not a trade-mark) of a manufacturer or trader, an application must be addressed to the Treasury Department, Bureau of Customs, Washington, D. C. (which may be in the form of a letter), stating therein the trade name; the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or state within which it was organized or created); a description of the class or kind of merchandise to which the trade name is applied, and the name of the locality in which the merchandise is manufactured. The application must be accompanied by supporting evidence, in the form of affidavits by the owner or owners and by at least two other persons having first-hand knowledge of the facts, showing that the applicant has used the trade name, in connection with the class or kind of merchandise described in the application, for a designated period of time and has the sole and exclusive right to the use of such trade name in connection with merchandise of such class or kind.

(*b*) Such affidavits accompanying an application to record the trade name of a manufacturer or trader located in a foreign country should be acknowledged before an American consular officer.

No fee is charged for recording trade names in the Treasury Department.

ART. 540. *Notice to collectors—Action by collectors.*—Upon receiving notice from the Bureau of the recording of a trade-mark or a trade name the collector will issue appropriate instructions to prevent the unauthorized importation or entry at the customhouse of articles bearing marks or names which violate the statutory rights of the owner of the recorded trade-mark or trade-name.

ART. 541. *Detention—Seizure—Exportation—Release.*—(*a*) Merchandise of foreign manufacture which bears a trade mark entitled to the protection of section 526 of the Tariff Act of 1930, and merchandise which bears a name or mark copying or simulating a trade mark or trade name entitled to the protection of section 27 of the Trade Mark Act of 1905, or section 6 of the Trade Mark Act of 1920, if not imported by or for the account of, or with the appropriate written consent of, the owner of the United States trade mark or trade name, shall be detained, but not seized, until 30 days have elapsed from the date of notice to the importer that the merchandise is prohibited importation.

(*b*) Whenever merchandise is detained in accordance with the foregoing provisions of this article and the written consent of the owner of the trade mark or trade name to the importation of the merchandise is not presented to the collector prior to the expiration of the 30-day period, the merchandise shall be seized and forfeited in the usual manner, except that in any such case if the foreign value does not exceed $100 and the collector is satisfied that the importation involved neither wilful negligence nor any intention to defraud the revenue or to violate the law, he may release the merchandise, without formal seizure and without referring the matter to the Bureau, upon the condition that, within 30 days from the date of the collector's decision, the name, mark, or trade mark be removed or obliterated prior to the release, or the merchandise be exported under customs supervision and without expense to the Government. If the value exceeds $100, the importer may petition the Commissioner of Customs, through the collector, for the release of or permission to export the merchandise under the same conditions. (See art. 1145.) In any such case, however, if the name, mark, or trade mark is indelibly impressed upon the merchandise or upon the immediate container thereof and it is impracticable to remove or obliterate the same, such merchandise may be destroyed or exported under customs supervision and at the expense of the importer, or if the immediate container alone bears the name, mark, or trade mark the merchandise may be released after the container has been so destroyed or exported.

(*c*) Merchandise forfeited for violation of any trade-mark law may be disposed of in accordance with the procedure applicable to other customs forfeitures, but only after removal or obliteration of the name, mark, or trade mark by reason of which the goods were seized.

(*d*) If the violation is not discovered until after entry and deposit of estimated duty, the entry shall be endorsed with an appropriate notation, the duty refunded as an erroneous collection, and the merchandise disposed of in accordance with the foregoing provisions of this article.

COPYRIGHTS

ART. 542. *Articles prohibited importation.*—(*a*) United States Code, title 17, section 15:

Of the printed book or periodical specified in section 5, subsections (a) and (b) of this title, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however*, That said requirements shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this title, or to works printed or produced in the United States by any other process than those above specified in this section. (Mar. 4, 1909, c. 320, sec. 15, 35 Stat. 1078; July 3, 1926, c. 743, 44 Stat. 818.)

(*b*) United States Code, title 17, section 30:

The importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited. (Mar. 4, 1909, c. 320, sec. 30, 35 Stat. 1082.)

NOTE.—See article 536 (*d*) for act of Congress approved June 22, 1936, extending the laws of the United States relating to copyrights to the Virgin Islands.

(*c*) United States Code, title 17, section 31:

During the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section 15 of this title, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section 15 is prohibited: *Provided, however*, That except as regards piratical copies, such prohibition shall not apply;

(a) To works in raised characters for the use of the blind;

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country;

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

Second. When imported by the authority or for the use of the United States;

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning or for any State, school, college, university, or free public library in the United States;

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided*, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this title, and such unlawful use shall be deemed an infringement of copyright. (Mar. 4, 1909, c. 320, sec. 31, 35 Stat. 1082.)

(*d*) United States Code, title 17, section 32:

Any and all articles prohibited importation by this title which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however*, That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions of this title may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud. (Mar. 4, 1909, c. 320, sec. 32, 35 Stat. 1083.)

ART. 543. *Piratical copies.*—(*a*) "Piratical copies" are defined to mean either actual copies or substantial reproductions of legally copyrighted works, produced and imported in contravention of the rights of the copyright proprietor.

(*b*) Collectors will admit to entry imported articles, including moving-picture films, concerning which either (1) adverse copyrights are claimed by parties in interest, or (2) an infringement only is claimed. In such cases the copyright claimants will be remitted to their remedies at law or equity.

(*c*) Collectors will not permit delivery of imported articles if either (1) representations are made that they are piratical copies and such representations are not denied by the importers, or (2) if the collector is satisfied that they do, in fact, constitute piratical copies as above defined and not mere infringements.

(*d*) Collectors will detain articles covered by the preceding paragraph, and report the facts to the Bureau for instructions.

(*e*) If the collector is not satisfied that an imported article is a piratical copy, and the importer files an affidavit denying that it is in fact such a piratical copy, and alleging that the detention of the article will result in a material depreciation of its value, or loss or damage to him, the article will be admitted to entry unless a written demand for its exclusion is filed by the copyright proprietor or other party in interest, setting forth that the imported article is a piratical copy of an article legally copyrighted in the United States, and unless there is also filed with the collector a good and sufficient bond conditioned to hold the importer or owner of such article harmless from any loss or damage resulting from its detention in the event that the same is held by the Bureau not to be prohibited from importation under section 30 of the act of March 4, 1909.

(*f*) Upon the filing of such demand and bond the collector will cause the article to be detained, and will fix a time at which the parties in interest may submit evidence to substantiate their respective claims, which evidence shall be reduced to writing, at the expense of the parties in interest, and transmitted by the collector to the Bureau with such report and recommendations as he may deem proper.

(*g*) No article will be presumed to be prohibited from entry as a piratical copy under said act, and the burden of proof that any article is in fact a piratical copy will be upon the party making such claim.

(*h*) If the article is held by the Bureau to be a piratical copy, its seizure and forfeiture will be directed in accordance with section 32 of the Copyright Act, and the bond will be returned to the copyright proprietor; but if not so held the

collector will be directed to release the article and transmit the bond to the importer.

ART. 544. *False notice of copyright.*—(*a*) Books, periodicals, newspapers, music, moving-picture films, and other articles which bear a false notice of copyright—that is, words indicating that they have been copyrighted in the United States when they have not in fact been so copyrighted—are prohibited from importation.

(*b*) If the collector is satisfied that such importations are made without any willful intent to violate the law he may permit them to be exported under customs supervision, or may permit delivery upon the false notice of copyright being removed or obliterated.

ART. 545. *First editions.*—First editions of publications printed abroad, usually printed in limited numbers with an identification number and the signature of the author, constitute no exception to the prohibition against the unauthorized importation of copyrighted books.

ART. 546. *Subsistence of copyright necessary to secure protection.*—Before action may be taken by the Customs Service to prevent the importation of works under section 31 of the Copyright Act, it is necessary that there be a subsisting American copyright, either ad interim or full term. A mere notice of intent to secure a copyright on a particular work is insufficient to invoke the protection accorded by section 31.

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## CHAPTER X

## EXAMINATION, CLASSIFICATION, AND DISPOSITION OF SPECIAL CLASSES OF MERCHANDISE

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FOODS, DRUGS, INSECTICIDES, FUNGICIDES, AND CAUSTIC OR CORROSIVE SUBSTANCES

ART. 547. *Invoices—Declaration.*—(*a*) Invoices of foods and drugs, when required by the Secretary of Agriculture, and all invoices of insecticides, fungicides, lead arsenates, Paris greens, and caustic or corrosive substances, shipped to the United States must have attached thereto a declaration of the shipper, made before a United States consular officer on consular Form 198, if foods or drugs, or on consular Form 218, if insecticides, fungicides, lead arsenates, Paris greens, or caustic or corrosive substances. As a general rule declarations are required for foods and drugs which have been manufactured, dried, or treated in any manner, except sugar, meat, and meat food products and animal casings. Representatives of the Food and Drug Administration of the Department of Agriculture should be consulted as to the articles for which no declaration is required.

(*b*) Even though otherwise declared on the invoice or entry, all substances ordinarily used as foods or drugs or insecticides or fungicides or caustic or corrosive substances will be treated as such. Shipments of substances ordinarily used as foods or drugs, intended for technical purposes, must be accompanied by a declaration stating that fact. If the Secretary of Agriculture shall so recommend, any such substances may be required to be denatured under supervision of that department.

ART. 548. *Definitions.*—(*a*) The word "food" includes all articles used for food, drink, confectionery, or condiments by man or other animals, whether simple, mixed, or compound.

(*b*) The word "drug" includes all medicines and preparations, recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of man or other animals.

(*c*) The term "insecticide" includes any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever.

(*d*) The term "fungicide" includes any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

(*e*) The term "caustic or corrosive substances" applies to the following-named substances and preparations containing them in the concentration of the percentages specified, when they are in parcels, packages, or containers suitable for household use:

| | Per Cent |
|---|---|
| 1. Hydrochloric acid ($HCl$) | 10 or more. |
| 2. Sulphuric acid ($H_2SO_4$) | 10 or more. |
| 3. Nitric acid ($HNO_3$) | 5 or more. |
| 4. Carbolic acid ($C_6H_5OH$) | 5 or more. |
| 5. Oxalic acid ($H_2C_2O_4$) | 10 or more. |
| 6. Any salt of oxalic acid | 10 or more. |
| 7. Acetic acid ($HC_2H_3O_2$) | 20 or more. |
| 8. Hypochlorous acid or its salts (except chlorinated lime) to yield available chlorine | 10 or more. |
| 9. Potassium hydroxide ($KOH$) | 10 or more. |
| 10. Sodium hydroxide ($NaOH$) | 10 or more. |
| 11. Silver nitrate ($AgNO_3$) | 5 or more. |
| 12. Ammonia water ($NH_3$) | 5 or more. |

The words "suitable for household use" mean and imply adaptability for ready or convenient handling in places where people dwell.

ART. 549. *Marking of quantity on food packages.*—The quantity of the contents of food in package form must be plainly and conspicuously marked in terms of weight, measure, or numerical count on the outside of the covering or container usually delivered to customers, and the quantity of the contents so marked should be the amount of food in the package. The marking must not be a part of or obscured by any legend or design, and must be so placed and in such characters as to be readily seen and clearly legible. (See Reg. 26 Ag. Dept. S. R. A. F. D. No. 1.)

ART. 550. *Markings required for caustic or corrosive substances.*—The container must bear a conspicuous, easily legible label or sticker containing the common name of the substance, the name and place of business of the manufacturer, packer, seller, or distributor, the word "Poison" in letters of the size and style required by the law, and directions for treatment in case of accidental personal injury.

ART. 551. *Laboratory districts and branch laboratories.*—The Secretary of Agriculture has established branch laboratories of the Food and Drug Administration at several ports of entry for the examination of products subject to the food and drugs act of June 30, 1906; for the collection of specimens of products subject to the insecticide act of April 26, 1910, and for the collection of specimens of products subject to the caustic poison act of March 4, 1927, the tea act of March 2, 1897, as amended, and the import milk act of February 15, 1927. A list of ports at which branch laboratories are located, and also of the ports located in the districts under each laboratory, will be published from time to time in the Treasury Decisions. Ports at which branch laboratories are located will be known as laboratory ports; other ports will be known as nonlaboratory ports.

ART. 552. *Examination of invoices.*—As soon as the importer makes entry, invoices covering foods, drugs, insecticides, fungicides, paris greens, lead arsenates, and caustic or corrosive substances, and public store packages thereof shall be made available with the least possible delay, for inspection by the Agricultural Department representative. When samples of free bulk goods are taken or examined on the docks by the station examiners, special care shall be taken that the invoices covering such goods shall be made available immediately.

ART. 553. *Delivery under bond.*—Merchandise subject to examination by representatives of the Department of Agriculture in accordance with the provisions of the food and

drugs act, the insecticide act, and the caustic poison act shall not be delivered to the consignee prior to report of examination unless a bond has been given (customs Form 7551 or 7553) in an amount equal to the invoice value of the goods, together with the duty thereon.

ART. 554. *Examination of cases not ordered to public store.*—If at the time of inspection of any invoice by the representative of the Department of Agriculture it shall be found necessary to inspect packages not ordered to the public stores, such packages may be ordered in the usual manner, or verified samples procured for the use of that Department.

PROCEDURE AT LABORATORY PORTS

ART. 555. *Samples.*—When samples are desired the representative of the Department of Agriculture shall make suitable request on food and drug administration Form F. D. 791, attaching it to the invoice, and when no samples are desired shall stamp the invoice accordingly. The appraiser, before returning the invoice, shall see that it bears one of these evidences of examination. As soon as samples are requested, and on the same day, a notice shall be sent by the collector or appraiser to the importer on customs Form 6521 to the effect that samples have been taken and that the goods must be held intact pending a notice of the result of inspection and analysis, and in case of the failure of the goods to comply with the requirements of the food and drugs act, the insecticide act, or the caustic poison act, that they must be returned to the collector for disposition. This notice in the collector's name must be prepared simultaneously with the request for samples and by the employee filling out the request. It will contain a statement to the effect that samples will be paid for by the Food and Drug Administration upon presentation to it of proper vouchers, provided such samples are not found to be illegal.

ART. 556. *Bulletin notices.*—(*a*) From the above-described notices there shall be immediately prepared by the officer making out these notices a list, on combined Form F. D. 788, of all entries of food and drug products or insecticides or fungicides, or caustic or corrosive substances, from which samples have been requested and this notice shall be posted daily in the customhouse over the collectors' signature as a public notice to importers that goods must be held subject to examination until definite release is given in so far as the provisions of the food and drugs act, the insecticide act, or the caustic poison act are concerned.

(*b*) A list shall also be prepared on food and drug administration Form F. D. 786 by the chief of the food and drug inspection station of those invoices which have been stamped "No samples desired, Food and Drug Administration, U. S. Dept. of Agriculture, per * * *." It shall be posted promptly each day on the official bulletin board most readily available to importers—preferably that of the collector or appraiser. If a public list is not posted on Form F. D. 786 individual notices shall be issued to the importer or his agent on Form F. D. 799 showing whether or not samples have been taken by the Food and Drug Administration for action under the food and drugs act, the insecticide act, or the caustic poison act.

(*c*) The chief of station shall send the collector a notice in duplicate when samples will be requested from every shipment of particular articles of food or drug, or insecticide or fungicide or caustic or corrosive substance. The collector, during the period over which such request is effective, shall keep continuously posted in the customhouse on his bulletin board one of the copies signed by him as an official notice for the benefit of importers, advising them that samples will be taken from all shipments of these articles and to the effect that if such goods are allowed to go into consumption, except as definite release is received from the chief of station and until after the provisions of the food and drugs act, the insecticide act, or the caustic poison act have been definitely complied with, they will be strictly held to the full penalty incurred under their penal bond given at time of entry. Combined Form F. D. 787 shall be used. In such instances the usual notices regarding sampling individual shipments may be omitted as unnecessary.

ART. 557. *Suspension of liquidation.*—(*a*) Liquidation of all entries of goods directed to be held pending examination will be suspended until it shall be ascertained whether or not delivery is refused under the law.

(*b*) Entries covering goods which are exported or destroyed under these regulations will be liquidated free of duty as a "nonimportation", and the estimated duties will be refunded as an excess of deposits.

ART. 558. *Release—Notification of.*—As soon as examination of the samples is completed, if no violation of the act is detected, the chief of the station shall send a notice of release to the importer on food and drug administration Form "F. D. 779–Release", a copy of this notice to be sent to the collector of customs for his information.

ART. 559. *Violation—Notice of.*—(*a*) If a violation of the food and drugs act, the insecticide act, or the caustic poison act is disclosed, the chief of the station shall send to the importer due notice on food and drug administration Form "F. D. 777–Importer, Date of Hearing", and at the same time to the collector similar notice, on Form "F. D. 777–Collector, Detention", requesting him to refuse delivery of the goods or to require their return to customs custody if by any chance the merchandise was released without the bond, referred to in article 553, being given.

(*b*) If the importer does not reply to the notice of hearing in person or by letter within the time allowed on the notice, a second notice, Form F. D. 777, marked "Second and Last Notice", shall be sent at once by the chief of the station, advising him that failure to reply will cause definite recommendation to the collector that goods be refused entry.

ART. 560. *Rejection—Notice of.*—(*a*) In all cases where the goods are to be refused entry, the chief of the station within 1 day after hearing, or if the importer does not appear or reply within 3 days after second notice, shall notify the collector accordingly on food and drug administration Form "F. D. 776a–Collector, Statement of Violation" in duplicate. Collectors will file by laboratory serial number or entry number as most convenient.

(*b*) Not later than 1 day after receipt of this notice the collector shall sign and transmit one of the copies to the importer, which shall serve as notification to the importer that the goods must be exported or destroyed within 3 months from such date, as provided by law; the other notice to be retained as office record and later returned as report to the chief of station. The importer shall in all cases return his notice to the collector, properly certified as to the information required, as the form provides, and it shall then be transmitted to the surveyor, or to the inspector where there is no surveyor.

ART. 561. *Goods to be conditioned before release.*—(*a*) If goods may be released after relabeling or after certain conditions are complied with, a notice shall be sent on food and drug administration Form F. D. 776a by the chief of station direct to the importer, a carbon copy being sent to the collector. This notice must state specifically the conditions to be performed so as to bring the performance thereof under the provisions of the customs bonds on consumption and warehouse entries, these bonds including provisions requiring compliance with all of the requirements of the food and drugs act, the insecticide act, and the caustic poison act, and all regulations and instructions issued thereunder. The notice will also state the officer to be notified by the importer when the goods are ready for inspection.

(*b*) The importer must return the notice to the collector or chief of station, as designated, with the certificate thereon filled out stating that he has complied with the prescribed conditions and that the goods are ready for inspection at the place named.

(*c*) This notice will be delivered to the inspection officer, who, after inspection, will indorse the results thereof on the back of the notice and return the same to the collector or the chief of the station, as the case may be.

(*d*) When the conditions to be complied with are under the supervision of the chief of the station, and these conditions have been fully met, he shall release the goods to the importer, using food and drug administration Form "F. D. 779 Release," sending a copy to the collector for his information.

(*e*) When, however, release is still conditioned upon destruction or rejection of some portion of the shipment or the importer has been unsuccessful in meeting the conditions imposed, and the goods must be exported or destroyed, the chief of station shall immediately notify the collector of the results of inspection, on food and drug administration Form F. D. 776a in duplicate. The collector shall sign and immediately transmit one copy to the importer and proceed in the usual manner.

(*f*) If the goods are detained subject to conditioning to be performed under the collector's supervision, the collector, as soon as conditions are performed, will notify the importer by letter that the goods are released. If goods are not properly conditioned within the period allowed, the goods must be exported or destroyed in accordance with the terms of the notice in F. D. 776a.

(*g*) When intent to violate the act is evident, the privilege of relabeling, cleaning, and similar renovation will not be allowed. Similarly, at the discretion of the station chief, this privilege will not be allowed in those cases where through carelessness or otherwise shipments in violation of the act are offered for entry when the exporter or importer has been informed in connection with violations in previous shipments. In general when shipments with identical labeling have been detained for relabeling three times, the privilege of relabeling will not be extended.

(*h*) When the privilege of sorting or renovating shipments is allowed, the importer must furnish satisfactory evidence as to the identity of the goods before release is given. This privilege shall not be granted except as stated conditions agreed to by the importer include segregation of goods at a stated place and apart from other goods of similar nature.

(*i*) The chief of station or other officer by him appointed when it is deemed advisable, may require of the importer an affidavit as evidence that the goods have been properly disposed of, such affidavit to be executed before a notary public or other officer authorized to administer oaths generally.

ART. 562. *Inspection service—Expenses.*—(*a*) Collectors of customs will perform the inspection service whenever goods are to be exported or destroyed, and in other cases when there is no officer of the station available.

(*b*) Collectors of customs and representatives of the station will confer and arrange the apportionment of the inspection service according to local conditions. Officers of the station will, whenever feasible, perform the inspection service when cleaning, bringing up to standard, and like reconditioning operations are involved.

(*c*) Expenses incurred by the Government for storage, cartage, and labor arising from the detention for inspection and analysis of goods admitted to entry will be borne by the Government, and bills therefor will be rendered to the Secretary of Agriculture; but all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee. Salaries of Government officers detailed to supervise the exportation of such goods are not within the meaning of the word "labor."

ART. 563. *Notice of final action.*—When final action has been taken on goods which have been refused entry or on goods release of which is subject to conditions to be performed under the collector's supervision, the collector shall send to the chief of station a notice of such final action, giving the date of release, destruction, or date of export and country to which exported, indorsed on food and drug administration Form F. D. 776a.

ART. 564. *Shipment to other ports.*—When imported merchandise subject to the provisions of the food and drugs act or the insecticide act or the caustic poison act is shipped to another port for reconditioning or exportation, the goods must be shipped under customs carriers' manifest, customs Form 7512, in the same manner as shipments in bond.



ART. 565. *Penalties for noncompliance with instructions of chief of station.*—(*a*) In case of failure to comply with the instructions or recommendations of the chief of the station as to the conditions under which the merchandise may be disposed of, the collector shall notify the chief of the station in all cases coming to this attention within three days after inspection or after the expiration of the three months allowed by law if no action is taken.

(*b*) The chief of the station upon receipt of the above-described notice, and in all cases of failure to meet the conditions imposed in order to comply with the provisions of the food and drugs act or the insecticide act or the caustic poison act coming directly under his supervision, shall transmit to the collector of customs such evidence as he may have at hand tending to indicate the importer's liability and make a recommendation in triplicate accordingly.

(*c*) The collector, within three days of the receipt of this recommendation, whether favorable or otherwise, shall notify the importer that the legal period of three months for exportation or destruction having expired, action will be taken within 30 days to enforce the terms of the bond, unless in the meantime application for remission or mitigation of penalties incurred with definite offer of settlement is filed with the collector. The application should be in triplicate with a full statement of reasons under oath.

(*d*) The collector shall transmit the application in duplicate, together with his own and the station chief's recommendation, both in duplicate, to the Secretary of the Treasury (Bureau of Customs), for action.

(*e*) The station chief shall be deemed a customs officer in enforcing these regulations.

PROCEDURE AT NONLABORATORY PORTS

ART. 566. *Notification from collector, etc.*—(*a*) At ports of entry where there is no station of the Food and Drug Administration, the collector or deputy, on the day when the first notice of expected shipment is received either by invoice or entry, shall notify the chief of station in whose territory the port is located, on Food and Drug Administration blue card Form "F. D. 755—Notice from Collector Nonlaboratory Ports."

(*b*) On day of receipt of card F. D. 755, the station chief shall mail to the collector the yellow card "F. D. 757—Notice to Collector Nonlaboratory Ports" if no sample is desired. This notice serves as an equivalent to stamping the invoices at laboratory ports with the legend "No samples desired. Food and Drug Administration, U. S. Dept. of Agriculture."

(*c*) If samples are desired, the station chief shall mail request on Form "F. D. 783—Nonlaboratory Ports, Request for Samples."

(*d*) The collector at once shall forward sample accompanied by Food and Drug Administration Form "F. D. 794—Label for Samples" (supplied in tablets of 100), or if found mutually more satisfactory, on the larger Form "F. D. 784—Imports, Description of Samples", which is used at laboratory ports for noting such data.

(*e*) When samples will be requested from each shipment of certain foods or drugs, insecticides, fungicides, or caustic or corrosive substances, the chief of station shall furnish to collectors and deputies at ports within the station's territory a list of such products, indicating size of sample necessary. Samples should then be sent promptly on arrival of goods, with Form F. D. 784 or F. D. 794, dispensing in such cases with use of request Forms F. D. 755 and F. D. 783.

(*f*) Blank forms mentioned above, "F. D. 755", "F. D. 784", and "F. D. 794—Label for Samples" tablets, will be supplied by the chief of station to the collectors or deputies located at ports within the station's territory.

(*g*) In all other particulars the procedure shall be the same at nonlaboratory ports as at laboratory ports except that the time consumed in delivery of notices by mail shall be allowed for.

MILK AND CREAM

ART. 567. *Importation prohibited except under permit.*—(*a*) Under the Import Milk Act of February 15, 1927, the importation into the United States of milk and cream is pro-

hibited unless the person by whom such milk or cream is shipped or transported into the United States holds a valid permit therefor from the Secretary of Agriculture.

(*b*) The act provides that at the time of entry such milk and cream shall not exceed a certain temperature and bacteriological count.

(*c*) The provisions of the act apply to all milk and cream offered for importation into the continental United States. (Department of Agriculture Regulation 2.)

ART. 568. *Permits.*—(*a*) This act is enforceable by the Secretary of Agriculture, and customs officers are instructed not to permit any milk or cream to be imported unless the shipper holds a valid permit from the Secretary of Agriculture. Persons desiring to ship milk or cream to the United States should apply to the Food and Drug Administration, Department of Agriculture, for permits, and each can or container of milk or cream will be required to be tagged with the permit number.

(*b*) Collectors of customs will be furnished with a list of the permittees in their territory and with the permit numbers assigned to each permittee with the date when the permit becomes effective.

(*c*) Permits become invalid after the end of 1 year unless applications for renewal are filed prior to the dates of expiration of such permits.

ART. 569. *Samples and examination.*—Samples are taken from time to time by representatives of the Food and Drug Administration of importations of milk and cream with a view to examination to determining whether or not the requirements regarding temperature and bacterial counts have been met and with a view to the exclusion of shipments which are found not to meet these requirements.

INSPECTION AND DISPOSITION OF MEAT AND MEAT FOOD PRODUCTS

ART. 570. *Meat and meat food products prohibited or restricted.*—Tariff Act of 1930, section 306:

(a) If the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists in any foreign country, he shall officially notify the Secretary of the Treasury and give public notice thereof, and thereafter, and until the Secretary of Agriculture gives notice in a similar manner that such disease no longer exists in such foreign country the importation into the United States * * * of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork, from such foreign country, is prohibited.

(b) No meat of any kind shall be imported into the United States unless such meat is healthful, wholesome, and fit for human food and contains no dye, chemical, preservative, or ingredient which renders such meat unhealthful, unwholesome, or unfit for human food, and unless such meat also complies with the rules and regulations made by the Secretary of Agriculture. All imported meats shall, after entry into the United States in compliance with such rules and regulations, be deemed and treated as domestic meats within the meaning of and subject to the provisions of the Act of June 30, 1906 (Thirty-fourth Statutes at Large, p. 674), commonly called the "Meat Inspection Amendment", and the Act of June 30, 1906 (Thirty-fourth Statutes at Large, p. 768), commonly called the "Food and Drugs Act", and acts amendatory of, supplementary to, or in substitution for such acts.

(c) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section, and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all cattle, sheep, and other domestic ruminants, and swine, and of all meats, offered for entry and refused admission into the United States, unless such cattle, sheep, domestic ruminants, swine, or meats be exported by the consignee within the time fixed therefor in such rules and regulations.

ART. 571. *Meat and meat food products defined.*—(*a*) The term "meat and meat food products" for the purpose of these regulations shall include any imported article of food or any imported article which enters into the composition of food for human consumption, which is derived or prepared, in whole or in part, from any portion of the carcass of any cattle, sheep, swine, or goat, if such portion is all or a considerable and definite portion of the article, except such articles as organo-therapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.

ART. 572. *Inedible grease, tallow, and fat.*—No inedible grease, tallow, or other rendered inedible fat possessing the physical characteristics of an edible product shall be admitted into the United States for industrial use unless it has been first denatured or otherwise destroyed for food purposes and both ends of each container, such as barrels, tierces, or tank cars, etc., are painted white with durable paint and the name of the product and the word "inedible" conspicuously marked thereon in letters not less than 2 inches high, or, in the case of tank cars, not less than 4 inches high.

ART. 573. *Foreign certificates of inspection.*—(*a*) Meat and meat food products imported into the United States must be accompanied by certificates of foreign official inspection, which must be delivered by the consignee or agent to the inspector of the Bureau of Animal Industry.

(*b*) Samples or any small quantities of meat or meat food products imported for the personal use of the consignee may be permitted entry without the production of foreign meat inspection certificates or compliance with the marking requirements. An affidavit of the consignee stating the appropriate facts should be filed with the invoice in lieu of the foreign meat inspection certificate for the information of the inspector of the Bureau of Animal Industry.

ART. 574. *Inspection.*—(*a*) All meat and meat food products must be inspected and passed by inspectors of the Bureau of Animal Industry.

(*b*) Inspection will be made while the merchandise is in actual customs custody when such inspection takes place at the port at which the merchandise is cleared from customs, unless upon application of the consignee or agent authority is given by the inspector of the Bureau of Animal Industry for inspection at the importer's premises or other place not under customs supervision. In such cases a bond shall be given by the consignee or agent for the redelivery of the merchandise if demanded by the collector, on customs Form 7551 or 7553, and the cars, wagons, vehicles, or packages shall be sealed or corded and sealed by a customs officer or an inspector of the Bureau of Animal Industry with import-meat seals furnished by the Department of Agriculture, unless bearing United States customs seals. When cording is necessary for proper sealing, the cords shall be furnished and affixed by the importer or his agent. Import-meat seals or cords and seals may be broken only by a customs officer or inspector of the Bureau of Animal Industry. In all cases where the merchandise is not cleared from customs at the port of first arrival, the regular "in bond" procedure shall be followed.

(*c*) Shipments of foreign meat and meat food products arriving in the United States by water at a port where an inspector of the Bureau of Animal Industry is stationed shall either be inspected on the wharf at the time of unloading or be shipped under import-meat or United States customs seals to destination. If the shipments are destined to a point where no inspector of the Bureau of Animal Industry is stationed, inspection shall be made on the wharf at the time of unloading. Shipments arriving by water at a port where no inspector of the Bureau of Animal Industry is stationed, destined to a point where an inspector is stationed, shall be shipped under import-meat or customs seals to destination for inspection.

(*d*) Large quantities of imported meat and meat food products arriving by water at a port where no inspector of the Bureau of Animal Industry is stationed destined to a point where no inspector is stationed shall be inspected on the wharf at the time of unloading. In such cases the collector at the port of first arrival shall immediately telegraph the nearest Bureau of Animal Industry inspector in charge, stating the quantity, kind of products, import-meat seals numbers, place of origin, and names of consignor and consignee. Upon receipt of such telegraphic information, the inspector in charge will immediately detail an inspector to make the required inspection. Small quantities (less than carload lots) arriving by water at a port where no inspector is stationed, destined to a point where no inspector is stationed, shall be shipped under import-meat or customs seals to the nearest point where an inspector is stationed for inspection at that point.



(*e*) Carload lots of foreign meat and meat food products routed through border ports, destined to a point where an inspector is stationed, shall proceed to destination under import-meat or customs seals for inspection at destination. Carload lots routed through border ports destined to a point where no inspector is stationed shall proceed to destination under import-meat or customs seals for inspection at destination. In such cases the inspector of the Bureau of Animal Industry or the collector at the border port shall immediately telegraph the information specified in paragraph (*d*) to the Bureau of Animal Industry inspector in charge at the nearest point to which the meats are destined. Upon receipt of such telegraphic information, the inspector in charge will immediately detail an inspector to the point where the shipment is destined, to make the required inspection.

(*f*) Less than carload lots of imported meat and meat food products routed through border ports destined to a point where an inspector is stationed shall proceed to destination under cord and import-meat or customs seals for inspection at destination. Less than carload lots routed through border ports where an inspector is stationed destined to a point where no inspector is stationed shall be inspected at the border port. If there is no inspector stationed at the border port, less than carload lots destined to a point where there is no inspector stationed shall proceed under cord and import-meat or customs seals to the nearest point where an inspector is stationed for inspection at that point.

(*g*) In the absence of an inspector of the Bureau of Animal Industry at the port of first arrival, collectors of customs will prepare notices on M. I. Forms 109–FF and 109–FF (special), reporting to the inspector in charge at the point where inspection is to be made, information regarding the sealing of railroad cars, trucks, and packages of foreign meat and meat food products. The Bureau of Animal Industry, Washington, D. C., will supply collectors with the M. I. Forms 109–FF and 109–FF (special) upon request.

ART. 575. *Release.*—Meat or meat food products will not be released for final delivery to the consignee until the collector of customs is advised by the Department of Agriculture, or its representative, that the same is admissible.

ART. 576. *Rejection—Disposition.*—Meat or meat food products refused admission by the Department of Agriculture must either be destroyed for food purposes under the supervision of its representative or exported under customs supervision within 30 days after notice of rejection, unless a different time shall be fixed by the Secretary of Agriculture.

ART. 577. *Animal casings.*—No animal casings shall be finally released for delivery to the consignee until the collector of customs is advised by the Department of Agriculture or its representative that the same is admissible.

QUARANTINE OF PLANTS AND PLANT PRODUCTS

ART. 578. *Definitions.*—(*a*) The term "nursery stock", plants and seeds, includes all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs; also field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, and other plants and plant products for, or capable of, propagation.

(*b*) The term "plant products" includes:

(1) Fruits and vegetables, the edible, more or less succulent portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(2) Cotton, which for the purposes of these regulations shall mean raw or unmanufactured ginned cotton, either baled or unbaled, including all cotton which has not been woven or spun or otherwise manufactured, such as all forms of cotton waste, including thread waste, card strips, willowed fly, willowed picker, picker or blowings, and chum, and cotton waste, in any other form or under any other trade designation, and also including second-hand burlap or other fabric, which has been used, or is of the kind ordinarily used, for wrapping cotton.

(3) Seed cotton: Cotton fiber which has not been ginned and from which the seed has not been removed.

(4) Cottonseed products, such as cottonseed cake, meal, and all other cottonseed products except oil. (See T. D. 44693.)

ART. 579. *Restrictions on entry—Marking—Inspection.*—(*a*) The entry of plants and seeds (with the exception of field, vegetable, and flower seeds) and fruits and vegetables (no restrictions on fruits and vegetables grown in Canada) as defined in the first paragraph of article 578 or included in the list of special quarantines and orders (T. D. 44693) is prohibited unless and until a permit for the importation thereof has been issued by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and unless the cases or other packages are plainly marked to indicate the nature and quantity of the contents, the district or locality and country where grown, the name and address of the exporter and the name and address of the importer and consignee.

(*b*) Every bale or other container of cotton offered for entry shall be plainly marked with such bale number and other marks as will distinguish the bales or containers from one another.

(*c*) Permits for shipments entered for immediate transportation to an interior port are required only at the port of arrival.

(*d*) Plants and plant products (as defined in art. 578) are prohibited entry under "Merchandise arriving from a contiguous country in sealed cars" destined for a port of entry in the United States as provided in articles 913 to 917, unless previously inspected and released by a representative of the Department of Agriculture.

(*e*) Permits are required for plants and plant products entered for transportation in bond to a foreign country.

ART. 580. *Documents required on entry.*—(*a*) The following described papers are required to be filed with the entry of plants or plant products:

(1) The importer's permit to import. The original permit will be furnished the collector by the Bureau of Entomology and Plant Quarantine.

(2) The importer or his representative will submit to the collector at the port of first arrival for any type of entry, except rewarehouse and informal mail entries, a notice of arrival. For I. T. shipments a second notice will be submitted to the collector at the port of destination, and for diverted T. & E. shipments a second notice will be submitted to the collector at the port at which a change in entry is made. The collector at the port of arrival, as well as at destination, will compare the notice which he receives from the importer or his representative with the shipping documents, certify to its agreement therewith or note any discrepancies, and tranmit it to the Secretary of Agriculture. The merchandise is not to be released until the said notice has been submitted.

(3) The original foreign certificate of inspection.

(*b*) Further certificates relative to cottonseed products are now required under T. D. 37258.

(*c*) Blank forms will be furnished by the Department of Agriculture.

(*d*) In the case of importations intended to be shipped I. T., a quadruplicate of the consular invoice is required at the port of first arrival.

ART. 581. *Release under bond.*—(*a*) If the permit to import is not at hand at the time of arrival of nursery stock, plants, and seeds, other than those covered by special quarantine and other restrictive orders, from a country which maintains inspection, and such shipment meets the requirements of the Secretary of Agriculture it may be delivered to the consignee under a bond in double the invoiced value, but in no case less than $100, conditioned upon the redelivery thereof to the collector within 20 days after arrival and that the goods shall not be removed from the port of entry until the presentation of a permit from the Department of Agriculture.

(*b*) Plants and plant products arriving from countries without inspection service should not be delivered under bond pending the production of a permit to import.

(c) Cotton or cotton wrappings may be delivered to the permittee for disinfection within the limits of the port of entry upon the filing of a bond in the amount of $5,000 or in an amount equal to the invoice value of the cotton or wrappings, if such value be less than $5,000, with approved sureties, conditioned upon such disinfection and upon the redelivery of the cotton to the collector of customs within 40 days from arrival thereof at the port of entry.

(d) Seed of Indian corn or maize in the raw or unmanufactured state from southeastern Asia (including India, Siam, Indochina, and China), Malay Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Japan and adjacent islands, will be delivered to the permittee for sterilization upon the filing with the collector of customs of a bond with approved sureties, in the amount of $5,000, or in an amount equal to the invoice value of the corn if such value be less than $5,000, conditioned on sterilization of the corn under the supervision and to the satisfaction of, the inspector of the Department of Agriculture, and upon the redelivery of the corn to the collector of customs within 40 days from the arrival of the same at the port of entry.

(e) When entry under sterilization or other treatment is required for broomcorn or brooms and clean shelled corn or clean seed or related plants, the importation will be released to the permittee upon the filing with the collector of customs of a bond with approved sureties in the amount of $5,000, or in an amount equal to the invoice value if such value be less than $5,000, the conditions of which shall be that the importation shall be sterilized or otherwise treated under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine, that no bale or other container thereof shall be broken open or removed from the port of arrival unless and until a written notice is given to such collector by the inspector that the importation has been properly sterilized or treated; and that the importation shall be redelivered to the collector of customs within 30 days after its arrival.

(f) Rice straw and rice hulls, which shall not be compressed to a density of more than 30 pounds per cubic foot, will be delivered to the permittee for treatment, and unless, within 20 days after the date of arrival of a shipment at the port at which the formal entry was filed, the importation has received the required treatment, due notice of which shall be given to the collector of customs by the inspector of the Department of Agriculture, demand will be made by the collector for redelivery of the shipment into customs custody under the terms of the entry bond, and, if such redelivery is not made, the shipment shall be removed from the country or destroyed.

ART. 582. *Unclaimed shipments.*—(a) If plants or plant products enterable into the United States under the rules and regulations promulgated by the Secretary of Agriculture are unclaimed they may be sold with the consent of the Secretary of Agriculture to any person who can comply with the requirements of the regulations governing the material involved.

(b) Unclaimed plants and plant products not complying with the requirements mentioned herein should be destroyed by burning under customs supervision.

ART. 583. *Detention—Search and seizure—Mail entries.*—(a) Collectors of customs will refuse delivery of all plants or plant products, notice of the prohibition of which has been promulgated by the Secretary of Agriculture under the various quarantines. Should importers refuse to immediately export prohibited shipments the collector will report the facts to the Bureau of Entomology and Plant Quarantine, and to the United States attorney, and withhold delivery pending advice from the bureau.

(b) In case of doubt as to whether any plants or plant products are prohibited, the collector will withhold the same from delivery pending advice from the Department of Agriculture.

(c) United States Code, title 7, section 164 (a):

> • • • Any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provisions of sections 151 to 164 of this title, and furnished with and wearing a suitable badge for identification, who has probable cause to believe that any person coming into the United States, or any vehicle, receptacle, boat, ship, or vessel, coming from any country or countries or moving interstate, possesses, carries, or contains any nursery stock, plants, plant products, or other articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the provisions of sections 151 to 164 of this title, or by any quarantine or order of the Secretary of Agriculture issued or promulgated pursuant thereto, shall have power to stop and, without warrant, to inspect, search, and examine such person, vehicle, receptacle, boat, ship, or vessel, and to seize, destroy, or otherwise dispose of, such nursery stock, plants, plant products, or other articles found to be moving or to have been moved in interstate commerce or to have been brought into the United States in violation of sections 151 to 164 of this title or of such quarantine or order. (Act May 1, 1928; 45 Stat. 468.)

(d) The importation of nursery stock and fruits and vegetables through the mails is prohibited except under specific permit and accompanied by a special yellow and green mailing tag issued by the Bureau of Entomology and Plant Quarantine. Cotton and cotton waste may be imported by mail if the wrapper bears the name and address of the ultimate consignee in the lower left-hand corner and is addressed to the Bureau of Entomology and Plant Quarantine at Washington, D. C., San Francisco, Calif., or Seattle, Wash., or if direct from Mexico, if it is addressed to the Bureau of Entomology and Plant Quarantine at Laredo, Brownsville, or El Paso, Tex., or Nogales, Ariz.

(e) All parcel-post packages or mail articles other than parcel post which, either from examination or from external evidence, are found to contain plants or plant products are to be submitted to the representative of the Bureau of Entomology and Plant Quarantine.

ART. 584. *Disposition—Refund of duty.*—Plants or plant products which have been found in violation of the plant quarantine act may be exported or destroyed under customs supervision and the estimated duties refunded as an excess of deposits.

### GRAIN AND GRASS SEEDS

ART. 585. *Prohibited importation.*—The importation of seeds of alfalfa, barley, Canadian bluegrass, Kentucky bluegrass, awnless brome grass, buckwheat, clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass (cocksfoot), rape, rye, rye grass, sorghum, timothy, vetch, and wheat, or mixtures of seeds containing any of such seeds as one of the principal component parts, which are adulterated or unfit for seeding purposes, is prohibited. This prohibition does not apply to barley, buckwheat, field corn, Kafir corn, sorghum, flax, oats, broom millet, early fortune millet, rye, or wheat not intended for seeding purposes or when imported for the purpose of manufacture.

ART. 586. *Samples required.*—(a) The collector of customs shall cause to be drawn and forwarded for examination, without specific request from the Bureau of Plant Industry, United States Department of Agriculture, samples of all seeds of alfalfa, Canadian bluegrass, Kentucky bluegrass, awnless bromegrass, millet, orchard grass (cocksfoot), rape, rye grass, timothy, clover, meadow fescue, and vetch when entered for consumption, whether or not a consular invoice is presented on the entry thereof.

(b) Samples of shipments of barley, buckwheat, field corn, kafir corn, sorghum, flax, broomcorn millet, early fortune millet, oats, rye, and wheat shall be drawn and forwarded only when the Bureau of Plant Industry shall make specific request for such samples.

ART. 587. *Method of sampling.*—(a) When a shipment consists of a single lot of five sacks or less, each sack shall be sampled.

(b) When a shipment consists of a single lot of more than five sacks, every fifth sack, but not less than five sacks, shall be sampled.

(c) When a shipment consists of several lots, each lot shall be sampled as provided in *a* and *b* of this article.

(d) On request additional samples shall be drawn.

(e) The seed from the sacks sampled shall be made into a composite sample of not less than 1 pint.



(f) Each 200 sacks shall be represented by a composite sample.

(NOTE.—Delays in sampling shipments considerably in excess of 200 bags will be greatly reduced if importers will arrange with their foreign shippers to subdivide these lots and mark them so that each 200 sacks shall bear a distinctive shipping mark.)

(g) Recleaned seeds shall be sampled as provided in paragraphs *a*, *b*, *c*, *d*, *e*, and *f*, of this article and the weight of the recleaned seed stated on the sample.

(h) Samples shall be taken from each sack of screenings or refuse resulting from cleaning in bond of seeds imported subject to the act.

(i) The sample from each sack of cleanings or refuse shall be placed in a separate container which shall be marked with the weight of the screenings contained in the sack from which it was taken in addition to other identifying marks.

(j) Accompanying the composite samples shall be a statement containing the following information:

Port of entry ____ Entry No. ____
Date of entry ____ Invoice No. ____
Invoiced at ____
Kind of seed ____
Consignor ____
Address of consignor ____
Entered by ____
Ultimate consignee ____
Address of consignee ____
Quantity of each lot by weight ____
Price ____ Value ____
Distinguishing mark ____
Steamer or car ____
Evidence as to the country in which seed of alfalfa and/or red clover was grown ____

ART. 588. *Samples—Where to be sent.*—All samples drawn under article 587 shall be forwarded to the respective seed laboratories under which the ports are grouped in the following list of seed-laboratory districts, unless otherwise specifically requested by the Bureau of Plant Industry:

1. *Division of Seed Investigations, United States Department of Agriculture, Washington, D. C.*—All ports in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, and the ports of Chicago, Ill., and Port Huron and Detroit, Mich.

2. *Seed Laboratory, Purdue University, La Fayette, Ind.*—All ports in the States of Indiana, Illinois (except the port of Chicago), Kentucky, Tennessee, Wisconsin, Minnesota, and Michigan (except Port Huron and Detroit).

3. *Seed Laboratory, Agricultural Experiment Station, Columbia, Mo.*—All ports in the States of Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Colorado, Texas, and New Mexico.

4. *Seed Laboratory, Agricultural College, Corvallis, Oreg.*—All ports in the States of Montana, Wyoming, Idaho, Washington, and Oregon.

5. *Seed Laboratory, California State Department of Agriculture, Sacramento, Calif.*—All ports in the States of California, Nevada, Utah, Arizona, and Territory of Hawaii.

ART. 589. *Forwarding of samples of all forage-plant seeds.*—Irrespective of the foregoing articles, collectors of customs will forward to the Division of Seed Investigations, United States Department of Agriculture, Washington, D. C., 2-ounce samples of each lot of all grass, clover, and other forage-plant seeds imported into the United States not specified in article 586 (a).

ART. 590. *Notice to consignee.*—(a) No notification that samples have been drawn will be given when samples are drawn under article 586 (a), and the remainder of the shipment shall be held intact pending a decision of the Bureau of Plant Industry in the matter.

(b) The collector of customs shall immediately notify the consignee that samples of seeds under article 586 (b) have been drawn and that the remainder of the shipment must be held intact pending a decision of the Bureau of Plant Industry in the matter.

ART. 591. *Examination of seeds—Delivery in bond.*—After samples of seed offered for importation into the United States from any foreign country have been drawn, such seed shall be admitted only after the seed has been found to be neither adulterated nor unfit for seeding purposes within the meaning of the act and to have been colored as required by article 592: *Provided, however,* That collectors of customs may deliver to consignees shipments which have been sampled, on the execution of a bond on customs Form 7551 or 7553 conditioned upon the return of the shipments, or any part thereof, to the collector when demanded by him for any reason. The penalty of the bond or the charge against the term bond will be collected as liquidated damages for failure to return to the collector on demand any part of the seed or any part of the cleanings or refuse from the seed.

ART. 592. *Kinds and proportions of seeds to be colored.*—(a) Except as provided in paragraph (c) or (d) of this article, the importation into the United States of seeds of alfalfa or red clover, or any mixture of seeds containing 10 percent or more of the seeds of alfalfa and/or red clover, is prohibited, unless at least 1 percent of the seeds in each container is stained with the color required by paragraph (b) of this article.

(b) Except as provided in paragraph (c) or (d) of this article, the seeds of alfalfa or red clover and any mixture of seeds containing 10 percent or more of the seeds of alfalfa and/or red clover grown in Canada shall be colored iridescent violet, and such seeds grown in any other country or region shall be colored green.

(c) Whenever the Secretary of Agriculture, after a public hearing, determines that seed of alfalfa or red clover from any foreign country or region is not adapted for general agricultural use in the United States, he shall publish such determination, and on and after the expiration of 90 days after the date of such publication and until such determination is revoked the importation into the United States of any such seeds or of any mixture of seeds containing 10 percent or more of such seeds of alfalfa and/or red clover is prohibited, unless at least 10 percent of the seeds in each container is stained a red color.

(d) Under the authority conferred by the Federal seed act, as amended April 26, 1926, notices have been issued by the Secretary of Agriculture directing that seed of alfalfa and red clover grown in the following countries be colored as follows:

Red clover seed grown in Italy, 10 percent red.
Alfalfa seed grown in Turkestan, 10 percent purple red.
Alfalfa seed grown in Africa, 10 percent red.
Alfalfa seed grown in South America, 10 percent orange-red.

Similar notices issued by the Secretary of Agriculture will be published in the Treasury Decisions.

(e) The importation into the United States of seeds of alfalfa or red clover or any mixture of seeds containing 10 percent or more of the seeds of alfalfa and/or red clover, which is not accompanied by the evidence specified in article 595, is prohibited, unless at least 10 percent of the seeds in each container is stained a red color.

ART. 593. *Method of coloring seeds.*—(a) Color used shall be in the form of an aqueous solution of such concentration as to color the seeds distinctly with the colors prescribed.

(b) The designated proportion of the seed will be completely colored and blended with the uncolored seed.

ART. 594. *Coloring seeds under supervision.*—(a) Seed required to be colored under article 592 may be colored at the expense of the importer under the supervision of a representative of the Bureau of Plant Industry, or of a customs officer, when the collector of customs is notified that such supervision by the Bureau of Plant Industry is impracticable.

(b) Seed claimed by the importer to have been colored, and upon sampling found not to be colored as required by article 592, at the option of the importer may be colored as provided in paragraph (a), or the shipment may be bulked and thoroughly mixed by the importer and resampled.

(c) No seed shall be colored by the importer until notice of the color to be applied has been given by the Bureau of Plant Industry.

ART. 595. *Evidence as to country or region where seed was grown.*—(a) A certificate, attached to the invoice, of the properly authorized official of the foreign country in which the seed was grown, to the effect that the seed of alfalfa or the seed of red clover or any mixture of seeds containing 10 percent or more of the seed of alfalfa and/or red clover was grown in that country, will be regarded as prima facie evidence of such fact. This certificate shall be in the following form:

*Foreign Official Seed Certificate*

Place _____, city _____, country _____, date _____

I, _____, _____, hereby
(Name of official) (Official title)

certify that the seed of alfalfa_____ seed of red clover_____ mixtures containing 10 percent or more of either or both seeds described in consular invoice No. _____, to which this certificate is attached, was grown in the above-named country.

_____
(Name of official)

_____
(Official title)

(b) A declaration of the shipper attached to the invoice stating the country in which the seed of alfalfa or the seed of red clover or any mixture of seeds containing 10 percent or more of the seed of alfalfa and/or red clover was grown will be regarded as prima facie evidence of such fact. The form of declaration shall be as follows:

*Form No. _____—Consular*

Declaration of shipper of seed of alfalfa or red clover or mixtures of seed containing 10 percent or more of either or both of such seeds

Regarding shipment covered by consular invoice No. _____, certified at_____, on _____ 19____

I, the undersigned,_____,
(Name)

the _____ of the seed mentioned and described in the accompanying consular invoice, certify that the seed was all grown in_____
(Seller or owner, or agent of seller or owner)

_____
(If grown in one country, state name of country. If grown in more than one country, state name of countries and proportion of seed from each country.)

and was exported from_____ and consigned to _____
(City) (City)

_____
(Signature)

(c) If the information contained in the certificate and declaration provided for in paragraphs (a) and (b) of this article is not sufficient to show the country or region of origin of the seed, or if the invoice is not accompanied by such certificate or declaration of shipper, other evidence may be submitted to show such facts, or the seed may be allowed entry in compliance with paragraph (e) of article 592.

(d) In the event that the invoice is not accompanied by an official certificate of origin the color will not be designated until after the samples of the shipment drawn by the Customs Service have been examined by the Bureau of Plant Industry.

ART. 596. *Conditions for release, recleaning, coloring.*—If the Bureau of Plant Industry shall inform the collector that the seeds have been found to comply with the provisions of the act, the collector shall no longer detain the shipment under the act, and the bond given pursuant to article 591 shall be canceled; but if the seeds have been found not to comply with the provisions of the act, the collector may permit the importer to color and/or reclean the seeds under the bond required by article 591 at the expense of the importer, in accordance with articles 587, 597, and 598.

ART. 597. *Exportation.*—If the Bureau of Plant Industry shall inform the collector that the sample of the recleaned seeds is not satisfactory, or if the importer shall decline to reclean and/or color any shipment of seeds which the Bureau of Plant Industry has found not to comply with the provisions of the act or the requirements of the regulations under it, the collector shall refuse delivery of the shipment and require it to be exported under customs supervision and notify the Bureau of Plant Industry of such disposition.

ART. 598. *Disposition of refuse from recleaning.*—(a) If the Bureau of Plant Industry shall inform the collector of customs that the requirements of article 587 and/or 596 have been complied with, the seeds may be released to the owner or consignee only on condition that—

(1) The screenings and all other refuse shall have been destroyed under customs supervision; or

(2) The screenings and all other refuse shall have been ground or otherwise treated under customs supervision so as to render all seeds contained therein incapable of germination and the whole impossible of sale for seeding purposes; or

(3) The screenings and all other refuse shall have been sacked, weighed, sealed, and tagged for identification under customs supervision and retained for later destruction or further recleaning, subject to the conditions of the bond given pursuant to article 591 to secure return of the shipment.

(b) The screenings and all other refuse retained in accordance with method (a) (3) of this article may be recleaned at any time within 12 months from the date of the entry of the shipment. Unless recleaned within the said period of 12 months said screenings or other refuse shall be destroyed under customs supervision.

(c) The exportation of screenings, refuse, and other material removed from seeds prohibited entry under the Federal seed act is prohibited, unless the entire shipment including recleaned seed, screenings, refuse, and other material is exported under customs supervision.

ART. 599. *Mixing seed prohibited.*—Mixing any seed with a lot or shipment of seed offered for entry which has been found to be in violation of the Federal seed act or of the regulations under it is prohibited, except that in cases where it shall appear to the satisfaction of the Bureau of Plant Industry that two or more such lots or shipments of seed offered for entry are of substantially the same quality and origin, they may be mixed for the purpose of recleaning upon a written permit of the Bureau of Plant Industry, provided that the different lots or shipments are covered by the same bond.

ART. 600. *Notice of removal from port of entry.*—The collector of customs will notify the Bureau of Plant Industry whenever seed which has been sampled under the Federal seed act is moved from one port to another port before being finally released.

ART. 601. *Disposition of detained shipment.*—The collector of customs shall inform the Bureau of Plant Industry of the disposition made of every shipment detained under the Federal seed act.

ART. 602. *Failure to export.*—Should the importer fail to export within 12 months from the date of refusal of delivery any seeds the delivery of which has been refused under the Federal seed act, the collector shall report the facts to the Bureau of Customs and to the United States attorney.

ART. 603. *Report of violation.*—The collector of customs shall report to the Bureau of Customs and to the United States attorney any violation of the Federal seed act which may come to his knowledge.

ART. 604. *Request for review.*—Requests for review of the findings of the Bureau of Plant Industry should be addressed to the Secretary of Agriculture, United States Department of Agriculture, Washington, D. C.

VIRUSES, SERUMS, AND TOXINS FOR TREATMENT OF DOMESTIC ANIMALS

ART. 605. *Importation restricted.*—The importation of viruses, serums, toxins, and analogous products for the treatment of domestic animals is prohibited unless the importer holds a permit from the Department of Agriculture covering the specific product. The collector of customs will notify the Bureau of Animal Industry, Department of Agriculture, Washington, D. C., of the arrival of all such products, and refuse delivery thereof until he shall receive notice from the Department that a permit to import the shipment has been issued.



ART. 606. *Labels.*—Each separate container of virus, serum, toxin, or analogous product imported shall bear the true name of the product and the permit number assigned by the Department of Agriculture in the following manner: "U. S. Veterinary Permit No. —", or an abbreviation thereof authorized by the Bureau of Animal Industry. Each separate container shall also bear a serial number affixed by the manufacturer for identification of the product with the records of preparation thereof, together with a "return date."

ART. 607. *Detention—Samples.*—(a) The collector of customs will detain all shipments of such products for which no permit to import has been issued pending instructions from the Department of Agriculture.

(b) Samples will be furnished to the Department of Agriculture upon its request, and the collector will immediately notify the consignee thereof.

ART. 608. *Disposition.*—Viruses, serums, or toxins rejected by the Department of Agriculture will be delivered by the collector to that Department for destruction, or exported under customs supervision at the expense of the importer, if so requested by the Department of Agriculture.

VIRUSES, SERUMS, TOXINS, ANTITOXINS, AND ANALOGOUS PRODUCTS FOR THE TREATMENT OF MAN

ART. 609. *Licensed establishment.*—(a) Viruses, serums, toxins, antitoxins, and analogous products for the treatment of the diseases of man are prohibited entry for sale, barter, or exchange unless propagated in an establishment holding an unsuspended and unrevoked license.

(b) A list of the establishments holding licenses, the number of the license, and the names of the several products produced are published periodically in the Treasury Decisions.

ART. 610. *Labels—Samples.*—Each package of such products imported for sale, barter, or exchange must be labeled or plainly marked with the name of the article, the name, address, and license number of the manufacturer, and the time beyond which the contents can not be expected to yield their specific results. Samples of the same lot or laboratory number must accompany each importation for sale, barter, or exchange, and such samples will be forwarded by the collectors to the National Institute of Health of the United States Public Health Service at Washington, D. C.

ART. 611. *Detention, examination, disposition.*—(a) Collectors of customs will detain all importations of viruses, serums, toxins, antitoxins, and analogous products for the treatment of the disease of man pending examination by the National Institute of Health unless satisfied from evidence furnished at the time of entry, in the form of an affidavit or otherwise, that the products are not intended for sale, barter, or exchange.

(b) If the shipment is imported for sale, barter, or exchange and is found by the National Institute of Health to be admissible, the collector will release the same upon receipt of a report from the Public Health Service that the article is admissible.

(c) If the Public Health Service reports that the articles were found upon examination not to conform to the law and the regulations, the collector will refuse delivery and permit the exportation or destruction thereof under customs supervision at the option of the importer.

INSPECTION AND QUARANTINE OF CERTAIN DOMESTIC ANIMALS, ANIMAL BY-PRODUCTS, ANIMAL FEEDING MATERIALS, ETC.

ART. 612. *Animals—Importation prohibited.*—(a) Tariff Act of 1930, section 306 (a) and (c):

(a) If the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists in any foreign country, he shall officially notify the Secretary of the Treasury and give public notice thereof, and thereafter, and until the Secretary of Agriculture gives notice in a similar manner that such disease no longer exists in such foreign country, the importation into the United States of cattle, sheep, or other domestic ruminants, or swine, * * * from such foreign country, is prohibited.

(c) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section, and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all cattle, sheep, and other domestic ruminants, and swine, and of all meats, offered for entry and refused admission into the United States, unless such cattle, sheep, domestic ruminants, swine, or meats be exported by the consignee within the time fixed therefor in such rules and regulations.

(b) Official notices and orders issued by the Secretary of Agriculture regarding the inspection and quarantine of certain domestic animals, animal byproducts, animal feeding materials, etc., will be announced in the weekly Treasury Decisions.

(c) Customs officers should scrutinize permits presented for the importation of any animal in order that it may be ascertained that the regulations of the Bureau of Animal Industry have been followed. Orders listing the ports designated, with the approval of the Secretary of the Treasury as quarantine stations for the inspection and quarantine of animals will be issued by the Secretary of Agriculture whenever conditions warrant. Inspection by an inspector of the Bureau of Animal Industry is required for all horses, cattle, sheep, other ruminants, and swine as a prerequisite to their entry from any foreign country.

(d) The regulations of the Secretary of Agriculture provide that no vessel having on board as sea stores, cattle, sheep, other ruminants, or swine, which originated in a region in which foot-and-mouth disease or rinderpest exists, shall enter any port of the United States. Under a cooperative agreement between the Bureau of Animal Industry and the Bureau of the Public Health Service, a declaration is required from the master of every vessel from a foreign country before entering a port of the United States as to the presence on board the vessel of any sea stores, cattle, sheep, other ruminants, or swine. In case the vessel has on board any such animals originating in a country in which foot-and-mouth disease or rinderpest has been declared by the Secretary of Agriculture to exist, the quarantine officer is to immediately notify by telegraph or telephone the inspector of the Bureau of Animal Industry at the port, in order that prohibited animals may be slaughtered and disinfection of the vessel accomplished.

ART. 613. *Penalty for violation of statute.*—Any person convicted of a willful violation of any of the provisions of the statutes relating to the importation of animals or animal byproducts shall be fined or imprisoned, in the discretion of the court, within the amounts and periods named in the statues.

ART. 614. *Entry and release of animals subject to inspection and quarantine.*—The entry of animals may be made before the quarantine period, but will not be required until the expiration thereof. Such animals if not entered at the time of arrival will be considered as under general order while under quarantine. Animals under general order in quarantine will not be released except upon notice from the collector of customs that all the requirements for entry have been complied with by the importer.

ART. 615. *Articles accompanying animals.*—No litter, fodder, or ailment, or any crates, boxes, ropes, straps, chains, girths, blankets, poles, buckets, or other things used for or about the animals, and no manure, shall be landed from any vessel except under such restrictions as the inspector of the Bureau of Animal Industry at the port of entry shall direct.

ART. 616. *Hides, skins, wool, other animal by-products, feeding materials, etc.*—(a) Hides, fleshings, hide cuttings, parings, and gluestock, sheepskins, and goatskins and parts thereof, hair, wool, and other animal by-products, hay, straw, forage, or similar material, and previously used bags or bagging offered for entry into the United States are subject to such measures and regulations as the Secretary of Agriculture deems necessary to prevent the introduction of communicable diseases of animals.

(b) Animal by-products taken or removed from an animal affected with anthrax, foot-and-mouth disease, or rinderpest, are prohibited importation. This likewise holds true of dried blood or blood meal from any country in which foot-and-mouth disease or rinderpest exists, unless shown by the certificate of a United States consular officer to have been sub-

jected to an adequate degree of heat or accompanied by an acceptable certificate of the national government of origin showing that it was produced from animals slaughtered under national-government inspection and found to be free from anthrax, foot-and-mouth disease, and rinderpest. Countries considered to be free from foot-and-mouth disease and rinderpest are those not named by the Secretary of Agriculture, in B. A. I. Order 353, effective August 1, 1935, subject to revision as conditions warrant.

(c) By order of the Secretary of Agriculture, no garbage derived from fresh or frozen meat which originated in a country in which either foot-and-mouth disease or rinderpest exists can be unloaded from any vessel upon the mainland of or within the 3-mile limit in the navigable waters of any port of entry into the United States, except when contained in tight receptacles for the purpose only of being incinerated or transported beyond the 3-mile limit for dumping.

(d) By order of the Secretary of Agriculture, no dressed poultry from any country in which foot-and-mouth disease or rinderpest exists, are to be allowed entry unless or until their feet have been removed at a point above the spur or spur core. When the feet are removed after importation they shall be destroyed or disinfected as directed by the Chief of the Bureau Animal Industry.

RAGS

ART. 617. *Disinfection of rags.*—(a) Rags, or similar material, are subject to such quarantine regulations as may be prescribed by the Surgeon General United States Public Health Service, which will be published from time to time in the Treasury Decisions.

(b) When a certificate of disinfection is required by such regulations and is not produced at the time of entry, the collector shall hold the merchandise for a reasonable time in a designated place separate from other merchandise, pending the receipt of a certificate of disinfection; and, in the event of its nonreceipt, the merchandise shall be disinfected in a manner satisfactory to the Surgeon General at the expense of the importer, or shall be exported or disposed of as directed by the department.

WILD ANIMALS, INSECT PESTS, AND BIRDS

ART. 618. *Species absolutely prohibited.*—(a) United States Code, title 18, section 391 (Criminal Code, sec. 241):

The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture. Nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section. (May 25, 1900, c. 553, sec. 2, 31 Stat. 188; Mar. 4, 1909, c. 321, sec. 241, 35 Stat. 1137.)

(b) The importation, except for scientific purposes under regulations of the Secretary of Agriculture, of living stages of injurious insects is prohibited. All packages containing insects in any living stage arriving from abroad, unless accompanied by a permit issued by the Department of Agriculture, should be detained and submitted to the Bureau of Entomology and Plant Quarantine of that Department for inspection and determination of their admissibility into the United States.

(c) The importation of snakes into Hawaii is prohibited.

(d) A quarterly report of all wild animals and birds imported shall be forwarded to the Bureau of Biological Survey, United States Department of Agriculture, Washington, D. C., on customs Form 6551.

(e) It is unlawful for any person, firm, corporation, or association to import any wild animal or wild bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to law of the foreign country in which it was captured, etc. It is also unlawful to export any wild animal or wild bird, or the dead body or part thereof, or the egg of any such bird, captured, killed, taken, purchased, sold, or possessed contrary to the law of any State, Territory, or the District of Columbia in which it was captured, etc.

(f) Marking requirements for packages containing wild animals or birds, or the dead bodies or parts thereof, or the eggs of any such birds, are contained in section 243 of the Criminal Code quoted in article 643 of the customs regulations.

(g) Any person, firm, corporation, or association convicted of evading or violating or failing to comply with any provision of sections 241, 242, and 243 of the Criminal Code is liable to a fine of not more than $1,000 or imprisonment for not more than 6 months, or both.

(h) Any customs officer has power to arrest any person importing or exporting in violation of law any wild animals or wild birds, or the dead bodies or parts thereof, or the eggs of any such birds, and such merchandise imported or exported in violation of law, when found, shall be taken into customs custody and held pending disposition thereof by a court of the United States.

(i) It is unlawful, except as permitted by regulations issued by the Secretary of Agriculture, to import or export any migratory birds, or any part, nest, or egg of such birds, included in the terms of the convention between the United States and Great Britain, concluded August 16, 1916. It shall be unlawful, except as permitted by regulations issued by the Secretary of Agriculture, to import or export any migratory bird, or any part, nest, or egg of any such bird, or any game mammal, the subject of the convention between the United States and the United Mexican States, concluded February 7, 1936, when such convention has been ratified and proclaimed.

(j) Supplemental regulations with respect to the importation of wild animals and wild birds and living stages of injurious insects will be published from time to time in the Treasury Decisions.

ART. 619. *Honey bees.*—(a) United States Code, title 7, section 281:

In order to prevent the introduction and spread of diseases dangerous to the adult honeybee, the importation into the United States of the honeybee (Apis mellifica) in its adult stage is hereby prohibited, and all adult honeybees offered for import into the United States shall be destroyed if not immediately exported: *Provided*, That such adult honeybees may be imported into the United States for experimental or scientific purposes by the United States Department of Agriculture: *And provided further*, That such adult honeybees may be imported into the United States from countries in which the Secretary of Agriculture shall determine that no diseases dangerous to adult honeybees exist, under rules and regulations prescribed by the Secretary of the Treasury and the Secretary of Agriculture. (Aug. 31, 1922, c. 301, sec. 1, 42 Stat. 833.)

(b) Regulations promulgated under the authority of the foregoing provision of law were published in T. D. 44908 and are continued in force.

ART. 620. *Parrots.*—Regulations governing the importation of parrots into the United States in pursuance of Executive Order No. 5264, T. D. 43894, are contained in T. D. 46846.

ART. 621. *Importation or transportation of illegally killed animals, birds, etc.*—(a) United States Code, title 16, section 705:

It shall be unlawful to ship, transport, or carry, by any means whatever, * * * to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried. (July 3, 1918, c. 128, sec. 4, 40 Stat. 755.)

(b) United States Code, title 18, section 392:

It shall be unlawful for any person, firm, corporation, or association to deliver or knowingly receive for shipment, transportation, or carriage, or to ship, transport, or carry, by any means whatever, from any State, Territory, or the District of Columbia to, into, or through any other State, Territory, or the District of Columbia, or to a foreign country any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country contrary to any law of the United States, or captured, killed, taken, purchased, sold, or possessed contrary to any such law, or captured, killed, taken, shipped, transported, carried, purchased, sold, or possessed contrary to the law of any State, Territory, or the District of Columbia, or foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, purchased, sold, or possessed or in which it was delivered or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and it shall be unlawful for any person, firm, corporation, or association to transport, bring, or convey, by any means whatever, from any foreign country into the United States any wild animal or bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to the law of the foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, delivered, or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and no person, firm, corporation, or association shall knowingly purchase or receive any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, carried, brought, or conveyed, in violation of this section; nor shall any person, firm, corporation or association purchasing or receiving any wild animal or bird, or the dead body or part thereof, or the egg of any such bird, imported from any foreign country, or shipped, transported, or carried in interstate commerce make any false record or render any account that is false in any respect in reference thereto. (May 25, 1900, c. 553, secs. 3, 5, 31 Stat. 188; Mar. 4, 1909, c. 321, sec. 242, 35 Stat. 1137; June 15, 1935, c. 261, sec. 201, 49 Stat. 380.)

(c) Regulations under The Whaling Treaty Act of May 1, 1936, in respect of the importation, exportation, etc., of baleens or whalebone whales or the products thereof are set forth in T. D. 48601.

(d) Special restrictions pertaining to the importation of certain halibut are outlined in T. D. 48745.

ART. 622. *Importation of wild mammals and birds in violation of foreign law.*—(a) Tariff act of 1930, section 527:

(a) If the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or exportation to the United States, of any wild mammal or bird, alive or dead, or restrict the exportation to the United States of any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall, after the expiration of ninety days after the enactment of this act, be imported into the United States from such country, dependency, province, or other subdivision of government, directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal or bird, or part or product thereof, was exported from such country, dependency, Province, or other subdivision of government, that such mammal or bird, or part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, Province, or other subdivision of government.

(b) Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State Governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

(c) The provisions of this section shall not apply in the case of—

(1) Articles the importation of which is prohibited under the provisions of this act, or of section 241 of the Criminal Code, or of any other law;

(2) Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

(b) No wild mammal or bird, or part or product thereof, shall be released from customs custody, under bond or otherwise, if the collector has knowledge of a foreign law or regulation that brings it within the purview of subdivision (a) of section 527, unless accompanied by the required consular certificate or entitled to entry under the provisions of subdivision (c) of such section.

(c) When in doubt as to the admissibility under such section of any importation, the collector should refer the case to the Bureau for instructions. Information with respect to the laws or regulations of foreign governments restricting the taking, killing, possession, or exportation to the United States of wild mammals or birds or parts or products thereof will be published in the Treasury Decisions.

(d) The collector shall report to the Bureau all articles seized for violation of section 527, and shall proceed under the provisions of the tariff act applicable to seizure and forfeiture of merchandise valued at less than $1,000, except that:

(1) No such article shall be disposed of before receipt of the Bureau's instructions as to its disposition; but,

(2) In the case of a perishable article or of a canned food article, if the importer assents in writing to forfeiture, it shall be destroyed without instructions from the Bureau or further proceedings; otherwise perishable articles shall be sent to a cold-storage warehouse at the expense of the importer pending instructions of the Bureau as to their disposition.

ART. 623. *Game animals and birds.*—(a) Tariff Act of 1930, paragraph 1682 (free list):

Live game animals and birds, imported for stocking purposes, and game animals and birds killed in foreign countries by residents of the United States and imported by them for noncommercial purposes; under such regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe.

(b) United States Code, title 18, section 393 (Criminal Code, sec. 243):

All packages or containers in which wild animals or birds, or the dead bodies or parts thereof, or the eggs of any such birds are shipped, transported, carried, brought, or conveyed, by any means whatever, from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to or from a foreign country shall be plainly and clearly marked or labeled on the outside thereof with the names and addresses of the shipper and consignee and with an accurate statement showing by number and kind the contents thereof. (May 25, 1900, c. 553, sec. 4, 31 Stat. 188; Mar. 4, 1909, c. 321, sec. 243, 35 Stat. 1137; June 15, 1936, c. 261, sec. 201, 49 Stat. 380.)

(c) There shall be filed in connection with the entry a declaration by the importer or his agent on customs Form 3313. If the declaration is signed by an officer of the Federal or a State Government, or a person who shall present to the collector an order for the shipment given him by the Federal or a State Government, a statement as to the place of delivery shall not be required.

(d) Game animals and birds killed in foreign countries by residents of the United States, if not imported for sale or other commercial purposes, may be admitted free of duty upon the filing of a declaration on customs Form 3315. No bond or cash deposit to insure the destruction or exportation of the plumage of such birds shall be required.

(e) Application for the free entry of other live animals or birds, other than those enumerated in article 487 (b), under paragraph 1682 of the Tariff Act of 1930 should be referred to the Bureau of Customs for consideration. Animals imported for fur-farming purposes should not be admitted free of duty under that paragraph.

ENTRY AND EXAMINATION OF TEAS

ART. 624. *Impure tea prohibited.*—(a) The importation of any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards fixed and established by the Secretary of Agriculture in accordance with section 3 of the import tea act, as amended, is prohibited.

(b) Tea is subject to the provisions of the Food and Drugs Act of June 30, 1906, as well as the import tea act and any importation found to be adulterated under the Food and Drugs Act of June 30, 1906, will be dealt with as provided in that act.

(c) The administration of the import tea act, in so far as the Department of Agriculture is concerned, shall be under the direction of the chiefs of the inspection stations of the Food and Drugs Administration at which tea examiners are located.

ART. 625. *Entry—Bond—Storage.*—(*a*) All entries must be on regular forms, and the regular serial numbers for both bonds and entries should be used.

(*b*) Tea entered for consumption must be stored as herein provided, pending examination, and a bond must be taken by the collector of customs as provided in section 4 of the import tea act, on customs Form 7551 or 7553. This bond will be canceled upon the issuance of the permit for release, as the consumption entry bond includes provisions for the redelivery, the exportation, the destruction, and holding of merchandise for customs examination.

(*c*) Imported teas entered at an exterior port for immediate transportation to an interior port shall be forwarded without detention.

(*d*) Warehouses for the storage of tea will be designated by the collector of customs and the proprietor thereof will be required to give a bond in the form prescribed (customs Form 3581). Teas not stored in such designated warehouses will be placed in general-order store or in public store pending examination and release on proper permit. In the absence of proper storage facilities at customhouses, teas may be retained in locked cars as constructive warehouses, under proper supervision, pending examination.

(*e*) The importer's premises may be designated as a warehouse for the storage of tea on the filing of the bond provided for by these regulations, but whenever, in the discretion of the collector of customs, it shall be considered desirable a storekeeper shall be assigned to the supervision of such premises at the importer's expense while the teas shall remain under bond therein.

(*f*) When tea under examination is stored in any warehouse, it must be so placed as to be separate from other merchandise and so as to allow convenient supervision by customs officers and officers of the Food and Drugs Administration. At ports where there are no bonded warehouses, class 2 or 3, the chief customs officer of the port will, when necessary, procure suitable premises for the temporary storage of any tea reaching his port. The repacking of tea in warehouse for export purposes is not allowed.

(*g*) All expenses for storage, cartage, and labor must be paid by the importer.

ART. 626. *Examination for dutiable articles.*—The collector may order such an examination of packages containing tea as will satisfy him that no dutiable goods are packed therein. For this purpose the customary designation should be made of packages for examination in public stores.

ART. 627. *Samples for examination.*—(*a*) The examination of teas at ports where a duly qualified tea examiner is stationed shall be made by means of samples drawn by the sampler from packages designated by the tea examiner. The importer, when his teas are ready for sampling, shall submit in duplicate to the tea examiner a chop list and release permit (T. I. S. Cat. No. 1) of the several lines included in the invoice, and the tea examiner shall select for examination packages representing the different lines.

(*b*) In case the tea coverings are dutiable and appraised at a value or rate higher than the entered value or rate the tea examiner shall send chop list and release permit to the collector of customs for such action as he sees fit to take.

(*c*) If the consular invoice has not been received the importer may prepare an additional copy of the chop list and release permit as a pro forma invoice, marking across the face thereof "Pro forma invoice."

(*d*) When entry is made at a port where there is no tea examiner, the importer shall prepare the chop list and release permit (T. I. S. Cat. No. 1) in triplicate and file them with his entry, and the collector of customs will designate a sample from each line thus shown for examination by the tea examiner. Samples shall be furnished by the importer to the collector with a sworn statement that the samples submitted by him were drawn from packages designated by the collector and covered by his entry, and that to the best of his knowledge and belief they represent the true qualities of each and every part of the invoice and accord with the specifications contained therein, and duplicate samples shall also be taken by the collector, all of which shall be forwarded to the nearest qualified tea examiner for his report and return. Tea examiners are stationed at the ports of New York, Boston, San Francisco, Seattle, and Honolulu.

(*e*) Samples forwarded to tea examiners shall be packed in perfectly clean tin cans, cylindrical in shape, 2½ inches deep, 3 inches in diameter, of a capacity of 4 ounces, with tight slip covers, properly labeled and properly "seasoned" according to the customs of trade.

(*f*) Importers may print their chop list and release permit forms provided they conform strictly with T. I. S. Cat. No. 1, or such forms may be obtained free of charge from the United States tea examiner at ports where tea examiners are stationed, or from the chief officer of customs at ports where no tea examiners are stationed.

ART. 628. *Examination—Comparison with standards.*—The examination of teas in comparison with standards will be made according to the usages and customs of the tea trade, in accordance with instructions issued by the Department of Agriculture. For detailed information and regulations governing the examination of tea under the act of March 2, 1897, amended, see T. D. 38470 and subsequent amendments.

ART. 629. *Release of teas entitled to entry—Rejection—Notice to importer.*—(*a*) If, after examination, the tea is found not to be prohibited under the import tea act, a release permit (T. I. S. Cat. No. 1) shall be granted to the importer by the examiner, and the result of the examination shall be noted on the invoice, which shall be returned to the collector by the examiner in the usual manner. Should a portion only of the invoice be passed by the examiner as fit for consumption, a permit of delivery may be granted for that portion and the remainder held as provided in section 6 of the act. The importer will be required to furnish an additional chop list and tea release permit for the teas released, the original permit being retained by the examiner until action has been taken on all teas covered by the invoice.

(*b*) In all cases of rejections by examiners, the importers will be notified on T. I. S. Cat. No. 6 of the reason for rejection—that is, whether it be on the ground of quality, character of infused leaf, dust, artificial coloring, facing matter, or other impurities. The result of the examination will be noted on the invoice which will be returned to the collector and the tea, or merchandise described as tea, shall not be released by the customhouse authorities, unless upon a reexamination called for by the importer, as hereinafter provided, the return of the examination shall be found erroneous.

ART. 630. *Protest—Reexaminations.*—(*a*) In case the collector of customs, importer, or consignee shall protest against the finding of the examiner, in accordance with section 6 of the import tea act, the matter in dispute shall be referred for decision to the United States Board of Tea Appeals, designated by the Secretary of Agriculture, 201 Varick Street, New York City, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption, to the proper standards, a permit shall be issued by the collector of customs for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption, to the said standards, the importer or consignee shall give a bond; unless he has previously done so, with security satisfaction to the collector, to export said tea out of the limits of the United States within a period of 6 months after such final reexamination; and if the same shall not have been exported within the time specified, the collector of customs, at the expiration of that time, shall cause the same to be destroyed.

(*b*) An importer desiring to protest the finding of the examiner shall, within 30 days after he has been notified of the examiner's return, file with the collector a written application on Form T. I. S. Cat. No. 20, which the collector shall forward to the Board of Tea Appeals.

(*c*) The procedure in the case of protest shall be in accordance with section 8 of the act. The samples for reexamination should weigh at least 1 pound, and should be put up in tins with a label (T. I. S. Cat. No. 21) securely attached thereto.



ART. 631. *Decision of United States Board of Tea Appeals final.*—Teas rejected by tea examiners and rejections affirmed by the United States Board of Tea Appeals can not be reexamined. The decision of the board shall be in writing and transmitted to the collector within 3 days.

ART. 632. *Rejected teas.*—Rejected tea can only be released or withdrawn for exportation, for transportation and exportation, or for manufacturing purposes under the act of May 16, 1908.

ART. 633. *Exportation.*—(*a*) Teas to be exported for the reason that they are within the prohibition of the statute will be entered for exportation on customs Form 7512, and bond on customs Form 7557 shall be given for their exportation in a penal sum equal to double the value of the tea, provided consumption entry bond (customs Form 7551 or 7553) was not previously given.

(*b*) Whenever a bond is given to export any rejected tea in pursuance of the act, it will be canceled upon the filing of an outward bill of lading and a duly authenticated certificate of clearance from the customs officer supervising the lading thereof, and all accrued charges must be paid before issuance of permit for exportation.

(*c*) At interior ports the export entry shall be made for transportation and immediate exportation in bond.

(*d*) Tea packages and contents should be treated as a unit, and no separation of tea from its covering can be allowed either for exportation or destruction except in the two following cases: (1) In the case of an importation of tea containing an excessive amount of tea dust the tea may, upon suitable application to the examiner by the importer, be permitted to be sifted to remove the tea dust. The tea, if found in compliance with standard after reexamination, may be admitted, but the dust must be exported or destroyed under customs supervision; (2) In the case of a consignment containing damaged tea; the importer, after suitable application, may be permitted to remove the damaged portion. If the good portion, after reexamination by the examiner, is found to be equal to the standard, it shall be permitted entry. The damaged portion shall be destroyed or sold for manufacturing purposes under regulations prescribed by the Secretary of the Treasury for the entry of tea for manufacturing purposes.

ART. 634. *Reimportation of rejected teas—Forfeiture.*—No imported teas which have been rejected by an examiner or by the United States Board of Tea Appeals and exported under the provisions of this act shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition. Customs officers will make seizure of any tea so imported.

ART. 635. *Destruction.*—Whenever condemned tea is to be destroyed, it must be conveyed to some suitable place, and proper means, to be prescribed by the examiner, must be used for its effectual destruction, which shall be effected in the presence of an officer of customs, detailed by the collector for the purpose. Before the tea is destroyed a particular description or statement of the same must be prepared containing the name of the importer or owner, the date of importation, the name of the vessel, and the place from which imported, with the character and quantity of the tea and the invoice value. The fact of its destruction must be certified on said statement by the officer detailed as aforesaid, which statement must be filed in the customhouse.

ART. 636. *Samples, retention of.*—The reexamination of the tea samples must be restricted to the samples put up and sealed by the examiner at ports where qualified tea examiners are stationed, or by the chief officer of the customs, if there is no qualified tea examiner so stationed, in the presence of the importer or consignee, if he so desires. In either case the samples shall be transmitted to the board by the tea examiner, together with a finding of the examiner, setting forth the cause of condemnation. These samples for reexamination should weigh at least 1 pound and should be put up in tins with a label (T. I. S. Cat. No. 21) securely attached thereto. Half of such samples shall be utilized for the examination by the board and for return to the port of entry with the decision, as heretofore, and the remaining half, if the tea be rejected by the said board, shall be distributed among the various examiners for their information and guidance.

ART. 637. *Commercial samples.*—(*a*) Where tea is put in packages of not over 2 pounds in weight, imported by mail, express, or otherwise from the country of production, and the fact is established that the packages are samples for distribution, or for use in soliciting orders and not for sale, no examination should be made under the act of March 2, 1897, and they may be delivered at once to the importer.

(*b*) Packages of tea not exceeding 5 pounds in weight brought by passengers may be delivered without examination for purity under the act of March 2, 1897. (See art. 420.)

ART. 638. *Surplus samples.*—(*a*) Surplus samples drawn from importations for purposes of examination, and which represent pure tea as declared by the examiner, shall be returned to the importer after examination is completed, if so requested by the importer, but if no request is made for the return of samples, they shall be disposed of as provided in article 639 for unused standard samples.

(*b*) Surplus samples representing tea which has been finally rejected should be destroyed.

ART. 639. *Standard samples—Distribution—Sale.*—(*a*) Tea standards, original and duplicate, will be prepared by the board of tea experts, subject to the approval of the Secretary of Agriculture.

(*b*) In the selection of standards by the board of tea experts, due regard will be paid to the provisions of the Food and Drugs Act of June 30, 1906.

(*c*) Standards shall be in effect from the 1st day of May of the year selected until April 30, inclusive, of the following year, except that tea shipped from abroad prior to May 1 of any year shall be governed by the standards in effect at the time of shipment.

(*d*) Such standards for each year will be published in Service and Regulatory Announcements.

(*e*) A quantity of tea of the approved standards will be repacked in half-pound tin containers by competent tea packers under the constant supervision of an officer of the tea inspection service, and full sets will be furnished to the board of tea appeals, and to the examiners of tea at all the tea examining stations.

(*f*) Standards will be furnished to actual importers and regular tea brokers at the actual cost thereof.

(*g*) After standard samples have served their purpose and new season samples submitted, the old samples may be included in quarterly sales of unclaimed goods, and the proceeds paid into the Treasury, after deducting expenses of advertisement and sale, the designation on the packages showing such teas to have been used as Government standards to be obliterated before delivery to purchaser.

### WHITE PHOSPHORUS MATCHES

ART. 640. *Importation prohibited—Certificate of inspection—Importer's declaration.*—(*a*) United States Code, title 26, section 1074:

White phosphorus matches, manufactured wholly or in part in any foreign country, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited. All matches imported into the United States shall be accompanied by such certificate of official inspection by the government of the country in which such matches were manufactured as shall satisfy the Secretary of the Treasury that they are not white phosphorus matches. The Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of the provisions of this section. (Apr. 9, 1912, c. 75, sec. 10, 37 Stat. 83.)

(*b*) Tariff Act of 1930, paragraph 1516:

* * * *Provided*, That in accordance with section 10 of "An act to provide for a tax upon white phosphorus matches, and for other purposes", approved April 9, 1912, white phosphorus matches manufactured wholly or in part in any foreign country shall not be entitled to enter at any of the ports of the United States, and the importation thereof is hereby prohibited: *Provided further*, That nothing in this act contained shall be held to repeal or

modify said act to provide for a tax upon white phosphorus matches, and for other purposes, approved April 9, 1912.

(c) United States Code, title 26, section 1070:

For the purposes of this chapter the words "white phosphorus" shall be understood to mean the common poisonous white or yellow phosphorous used in the manufacture of matches and not to include nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorous. (Apr. 9, 1912, c. 75, sec. 1, 37 Stat. 81.)

(d) Invoices covering matches imported into the United States must be accompanied by a certificate of official inspection of the Government of the country of manufacture in the following form:

*Certification of Official Inspection of Matches*

_____

_____

I, _____ (name), do hereby certify that I am the _____ (official title); that according to the chemical analysis made by myself the matches described below do not contain white or yellow phosphorus, and that therefore they are not white phosphorus matches as defined in the act of Congress of the United States of America approved April 9, 1912:

| Number of case and mark | Description of matches | Name and address of manufacturer | Name and address of consignee, vessel, and date of shipment |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

_____

(Signature)

_____

(Official title)

CONSULATE OF THE UNITED STATES,

_____

_____, 19__.

I, _____, consul of the United States of America at _____, do hereby certify that the foregoing is the signature of _____ and that he is the officer duly authorized by the Government of _____ to make such certificate.

[SEAL]

_____

*United States Consul.*

(e) In the absence of such certificate the matches shall be detained until a certificate is produced or the importer submits satisfactory evidence to show that the matches were not in fact manufactured with the use of poisonous white or yellow phosphorus.

(f) The production of the above certificate will not be required on the entry of matches manufactured in Argentina, Australia (Victoria State), Austria, Belgium, Bulgaria, Canada, Colombia, Cuba, Czechoslovakia, Denmark, Ecuador, Estonia, Finland, Germany, Great Britain and Ireland, Hungary, Italy, Japan, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Switzerland, or any other countries which prohibit the use of poisonous white or yellow phosphorus in the manufacture of matches.

(g) At the time of filing an entry for imported matches, the importer must make a declaration that to the best of his knowledge and belief none of the matches included in the invoice and entry are "white phosphorus" matches.

ART. 641. *Exportation.*—(a) United States Code, title 26, section 1075:

It shall be unlawful to export from the United States any white phosphorus matches. The Secretary shall have power to issue such regulations to customs officers as are necessary to the enforcement of this section. (Apr. 9, 1912, c. 75, sec. 11, 37 Stat. 83.)

(b) The shipper, owner, or agent of matches intended for exportation from the United States shall, at least six hours before such matches are laden for exportation, file with the collector a manifest, in duplicate, signed by the shipper, which shall state the date of exportation, the name of the exporting vessel, the marks and numbers of the packages, and the specific description of the matches. There shall be attached to the manifest an affidavit of the shipper that no "white phosphorus" matches are included in the shipment.

(c) The collector may cause any or all matches offered for exportation to be opened and inspected, and if any such matches are found to be white phosphorus matches the collector will detain the same and report the facts to the Bureau for instructions.

PLUMAGE AND EGGS OF WILD BIRDS

ART. 642. *Birds of paradise, aigrettes, and other plumage—Importation prohibited.*—(a) Tariff Act of 1930, paragraph 1518:

* * * *Provided*, That the importation of birds of paradise, aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: *Provided further*, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, on and after the passage of this Act, except as to such plumage or parts of birds in actual use for personal adornment, and except such plumage, birds or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish, to the satisfaction of the collector that the same were imported into the United States prior to Ocober 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in the United States from birds lawfully therein; and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the customs laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or articles seized, of like kind to those mentioned, the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein.

That whenever birds or plumage, the importation of which is prohibited by the foregoing provisions of this paragraph, are forfeited to the Government, the Secretary of the Treasury is hereby authorized to place the same with the department or bureaus of the Federal or State Governments or societies or museums for exhibition or scientific or educational purposes, but not for sale or personal use; and in the event of such birds or plumage not being required or desired by either Federal or State Government or for educational purposes, they shall be destroyed.

That nothing in this act shall be construed to repeal the provisions of the Act of March 4, 1913, chapter 145 (37 Stat. L., p. 847), or the act of July 3, 1918 (40 Stat. L., p. 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States. That if on investigation by the collector before seizure, or before trial for forfeiture, or if at such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition, or purchase of such feathers is or has been made in violation of the provisions of the act of March 4, 1913, chapter 145 (37 Stat. L., p. 847), or the act of July 3, 1918 (40 Stat. L., p. 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or State or Territory charged with the duty of enforcing such laws.

(b) The above provisions of law apply to the plumage of all wild birds, except live wild birds and game birds killed in foreign countries by residents of the United States, and not imported for sale or other commercial purpose, whether imported separately or upon the bird itself. Such plumage of either American or foreign origin imported as merchandise or as passengers' baggage or worn on the person is prohibited, but it does not apply to baggage forwarded in transit nor to plumage taken out as personal effects for a temporary stay. Such plumage may be registered for identification on return in accordance with the provisions of article 428.

(c) Tariff Act of 1930, paragraph 1535:

* * * *Provided*, That any prohibition of the importation of feathers in this Act shall not be construed as applying to artificial flies used for fishing, or to feathers used for the manufacture of such flies.

(d) Upon entry of imported artificial flies or feathers used in their manufacture, the importer must file an affidavit to the effect that the feathers are of such a character as are ordinarily used for the manufacture of flies for fishing purposes; that they are imported for and will be used for that purpose, and that they will not be used for any other purpose unless under specific authority from the Secretary of the Treasury they may be diverted to scientific or educational use. Other manufactures of prohibited plumage should be excluded from importation.

(e) As the plumage of certain species of birds, viz, the rhea, the ringnecked pheasant, the so-called Mongolian pheasant, the mallard duck, and the muscovy duck, may be obtained from either wild or domesticated birds, such plumage should be admitted only upon the presentation of satisfactory evidence that it was in fact taken from domesticated birds. As the English pheasant and the Indian peacock are considered to be domesticated birds, the feathers of such birds do not constitute prohibited merchandise.



ART. 643. *Marking of packages.*—United States Code, title 18, section 393 (Criminal Code, sec. 243):

All packages or containers in which wild animals or birds, or the dead bodies or parts thereof, or the eggs of any such birds are shipped, transported, carried, brought, or conveyed, by any means whatever, from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to or from a foreign country shall be plainly and clearly marked or labeled on the outside thereof with the names and addresses of the shipper and consignee and with an accurate statement showing by number and kind the contents thereof. (May 25, 1900, c. 553, sec. 4, 31 Stat. 188; Mar. 4, 1909, c. 321, sec. 243, 35 Stat. 1137; June 15, 1935, c. 261, sec. 201, 49 Stat. 380.)

ART. 644. *Eggs of wild birds.*—(a) Tariff Act of 1930, paragraph 1671:

* * * *Provided*, That the importation of eggs of wild birds is prohibited, except eggs of game birds imported for propagating purposes under regulations prescribed by the Secretary of Agriculture, and specimens imported for scientific collections.

(b) Upon the attempted importation of eggs of wild birds which are not admissible, the eggs should be seized and the importer accorded the opportunity to assent to forfeiture of the merchandise. In the event the importer refuses or fails to assent to the forfeiture of the prohibited eggs, the collector should proceed to forfeit the merchandise under the provisions of the tariff act applicable to seizure and forfeiture of merchandise valued at less than $1,000. The collector should immediately advise the Bureau by letter of the seizure, stating the number, kind, and country of exportation. The eggs of wild birds being a prohibited importation, they may not be sold. They should, therefore, be held pending receipt of instructions from the Bureau as to their disposition.

FUR SKINS

ART. 645. *Fur-seal skins prohibited.*—United States Code, title 16, section 635:

The importation or bringing into territory of the United States, by any person whatsoever, of skins of fur seals or sea otters taken in the waters mentioned in section 632 of this title [the waters of the North Pacific Ocean north of the thirtieth parallel of north latitude, including the seas of Bering, Kamchatka, Okhotsk, and Japan], or of skins identified as those of the species known as Callorhinus alascanus, Callorhinus ursinus, and Callorhinus kurilensis, or belonging to the American, Russian, or Japanese herds, whether raw, dressed, dyed, or manufactured, except such as have been taken under the authority of the respective parties to the convention between the Governments of the United States, Great Britain, Japan, and Russia, concluded at Washington, July 7, 1911 (37 Stat. 1546), to which the breeding grounds of such herds belong, and have been officially marked and certified as having been so taken, is hereby prohibited; and all such articles imported or brought in shall not be permitted to be exported, but shall be seized and forfeited to the United States. (Aug. 24, 1912, c. 373, sec. 4, 37 Stat. 500.)

ART. 646. *Fur skins permitted entry.*—The fur skins specified in the preceding article may be admitted to entry under the following conditions:

(a) Skins taken on the Pribilof Islands, Russian seal islands, and the Japan seal islands under the authority of the country having jurisdiction.

(b) Skins taken from the American herds by Indians and Aleuts dwelling on the American coast north of the thirtieth parallel north latitude.

(c) Skins taken from the Russian and Japanese herds by Ainos or other aborigines dwelling on the coasts of Russia and Japan.

ART. 647. *Evidence of origin.*—If the skins were taken on the Pribilof Islands under authority of the United States, the affidavit of the shipper must be produced at the time of entry of the skins or articles made therefrom, identifying the skins by marks and numbers, and as the identical skins covered by the certificate of the Government of the United States, or its agent, which shall also be produced in the form prescribed below.

_____

_____, 19__.

This certifies that the fur-seal skins bearing the marks and numbers _____ were certified to us by the United States Department of Commerce as having been taken on the Pribilof Islands in the season of 19__ under the authority of the United States.

_____

*Agent for the United States.*

ART. 648. *Skins taken by the Indians or Aleuts.*—(a) In the case of skins taken by Indians or Aleuts dwelling on the coast of Alaska, British Columbia, Washington, Oregon, or California, there shall be furnished in addition to the affidavit of the shipper, a certificate by an official of the Department of Commerce specifying in detail the locality in which the skins were taken, and showing the approximate date of taking, the transfer of the skins from the person by whom taken to the shipper or importer, and the names and permanent addresses of all intermediate owners and the dates of transfer, which certificate shall be in the following form:

DEPARTMENT OF COMMERCE

BUREAU OF FISHERIES

*Certificate to Accompany Sealskins taken by Indians Dwelling on the Pacific Coast of the United States*

Number of skin, _____; sex, _____; by whom taken, _____; when taken, _____; where taken, _____; how taken, _____. Description of skin: Length, _____ inches; width, _____ inches; weight, _____ pounds _____ ounces.

I hereby certify that the fur-seal skin referred to above and now bearing tag No. _____ was lawfully taken by me and that the above statements concerning its capture are true.

_____

Or _____

*Native Hunter.*

I hereby certify that the fur-seal skin bearing leather tag No. _____ has been examined, measured, and tagged by me; that the statement regarding its capture has been signed in my presence; and that, to the best of my knowledge and belief, the skin was legally taken and in the manner permitted by Article IV of the convention (Treaty Series, No. 564) of July 7, 1911.

_____

_____

(Official title.)

[SEAL]

_____, ALASKA,

_____, 19__.

Ownership in this skin (No. ____) has been transferred as follows:

| Date | By whom sold | To whom sold | Address |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

(b) In the case of skins taken by aborigines off the coast of British Columbia, a certificate issued by any recognized official of the Canadian or British Columbian Government identifying the skins and stating that their taking was authorized, will be accepted as sufficient evidence that the skins are of lawful origin.

ART. 649. *Skins of Russian or Japanese origin.*—In the case of skins taken on the Russian and Japanese seal islands, and in the case of those taken by Ainos or other aborigines dwelling on the coasts of Russia and Japan, each shipment should be accompanied by a certificate, in the case of Japan, of an officer (or other authorized agent) of the Japanese Government, showing that the skins were taken by authority of that Government, and, in the case of Russia, of an administrative official functioning in that country, showing that the taking of the skins was authorized. Any

certificate issued by an administrative official of the country concerned identifying the skins and stating that they were lawfully taken may be used in such cases.

ART. 650. *Sealskin garments—Waste.*—(*a*) All fur sealskin articles except as provided in article 421 must be sent to the public stores for examination. If the examiner entertains any doubt of the authenticity of the identification of the skins or legal taking thereof, the garments should be retained in customs custody and the facts reported to the Bureau.

(*b*) Articles manufactured in whole or in part from fur sealskins imported into the United States shall have the linings thereof so arranged that the pelts of the skin can be exposed for examination.

(c) Fur sealskin waste composed of small pieces not large enough to be sewed together and utilized as dressed fur shall not be considered subject to the requirements of these regulations.

ART. 651. *Skins of sea otters.*—No skins of sea otters from the waters specified in article 645 may be imported except those taken within 3 miles of or on shore and officially marked and certified by the country having jurisdiction as having been taken under its authority. The taking of sea otters in Alaska or in the waters thereof (including the Pribilof Islands) is prohibited by the United States. (Art. V, convention of July 7, 1911; 36 Stat. 327; 43 Stat. 739, 747, secs. 2 and 14.)

NARCOTIC DRUGS

ART. 652. *Opium and other narcotic drugs prohibited.*—The importation of opium in any form shipped by or consigned to Chinese subjects is absolutely prohibited. The importation of smoking opium or opium prepared for smoking, and of all narcotic drugs, by any person, is also prohibited, except crude opium and coca leaves, which may be imported under permits issued by the Commissioner of Narcotics, Treasury Department, Washington, D. C., by manufacturers actually engaged in manufacturing, from such crude opium or coca leaves, products for medical or other legitimate uses.

ART. 653. *Definitions.*—(*a*) The term "narcotic drug" means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine.

(*b*) By "crude opium" shall be understood the spontaneously coagulated sap obtained from capsules of the soporific poppy (*Papaver somniferum*), and which shall not have been subjected to any but the processes necessary to the packing and the transportation thereof.

(*c*) By coca leaves shall be understood the leaves of *Erythroxylon coca*, known commercially as "Huamuco Coca", or the leaves of *Erythroxylon truxillense*, known commercially as "Truxillo Coca," or the leaves of any other species of *Erythroxylon* yielding cocaine, or substances convertible into cocaine.

(*d*) By "cocaine" shall be understood the principal alkaloid of the leaves of *Erythroxylon coca* expressed by the formula $C_{17}H_{21}NO_4$, or any other substance, regardless of its name or formula, which reacts to the usual tests in substantially the same manner as does the principal alkaloid of the leaves of *Erythroxylon coca*.

(*e*) The term "derivative," as used in the narcotic drugs import and export act, shall be broadly construed in accordance with the generally accepted meaning of the term in common or chemical usage. It shall include morphine, codeine, ethyl-morphine hydrochloride (known as dionin), or diacetylmorphine hydrochloride (known as heroin), ecgonine, their salts, compounds, and combinations, and any new alkaloid, salt, compound, or combination obtained from opium, coca leaves, or cocaine.

(*f*) By "preparation" shall be understood any product, mixture, or compound containing or representing any quantity of opium, coca leaves, cocaine, or any salt or derivative thereof.

ART. 654. *Administration—Regulations.*—The administration of the "Narcotic drugs import and export act" is vested in the Commissioner of Narcotics, Treasury Department. All regulations of the Commissioner of Narcotics, are subject to the provisions of the customs, internal revenue, and other laws and regulations applicable. All such regulations will be published in the Treasury Decisions for the information of the collectors of customs.

ART. 655. *Entries.*—(*a*) Crude opium may be entered only for consumption or for transportation in bond between the port of first arrival and the port of entry specified upon the import permit. No entry of either crude opium or coca leaves shall be permitted except upon an import permit duly issued by the Commissioner of Narcotics, and then only if the merchandise has been properly described in the manifest of the importing vessel or carrier. Any quantity of crude opium or coca leaves imported or attempted to be imported not in accordance with such a permit or not properly described in the manifest of the importing vessel or carrier, shall be subject to forfeiture.

(*b*) Coca leaves may be entered either for consumption or warehouse or for transportation in bond between the port of first arrival and the port of entry specified on the permit covering the shipment.

ART. 656. *Procedure on importation.*—(*a*) Import permits for crude opium or coca leaves shall be prepared in quintuple and signed by the Commissioner of Narcotics. After being signed, these copies shall be distributed and shall serve purpose as follows: Original and one copy shall be transmitted by the Bureau of Narcotics to the importer, who will retain the copy on file as his record of authority for the importation and shall transmit the original of the permit to the foreign exporter. The foreign exporter will submit the original of the permit to the United States consul at the foreign port of exportation, whereupon this original will accompany the bill of lading. Upon arrival of the imported merchandise, the collector of customs at the port of entry will forward the original of the permit with the bill of lading to the appraiser for the port who, after appraising the merchandise, will promptly return the permit to the Commissioner of Narcotics with a report as to the quantity and kind, including a report of analysis, if opium, of the merchandise entered.

(*b*) Another copy of the import permit shall be forwarded by the Bureau of Narcotics to the collector of customs at the United States port of entry in order that, upon arrival of the merchandise, the collector may compare the copy with the original which accompanies the bill of lading.

(*c*) If a discrepancy is noted between corresponding items upon different copies of a permit bearing the same serial number when compared by the collector of customs, that official shall refuse to permit the importation until the facts are communicated to the Commissioner of Narcotics and further instructions are received.

(*d*) Immediately upon the unlading of crude opium or coca leaves from the importing vessel, the customs officer shall carefully examine the packages, note their condition, seal the packages, and cause them to be transported under customs guard and by bonded cartmen to the appraiser's warehouse, where they shall be placed in a separate and specially protected inclosure.

(*e*) The appraiser shall issue such special regulations to his employees as will insure the safekeeping of the packages while in the warehouse.

(*f*) No delivery of crude opium or coca leaves to the importer from the appraiser's warehouse shall be permitted until the deputy collector of customs in charge of the building and the appraising officer shall be satisfied, and so note on the delivery permit after personal examination, that the importer has taken all proper precautions for the safe transportation of the crude opium or coca leaves from the appraiser's warehouse to the importer's.

ART. 657. *Procedure on exportation.*—(*a*) No person shall in any manner export from the United States, take out of the United States on his person or in his baggage, or cause to be exported or taken out of the United States any narcotic drug, nor shall any carrier receive for exportation, export, or carry out of the United States any narcotic drug, unless and until a permit, in due form, to export the narcotic drug in



each instance shall have been issued by the Commissioner of Narcotics.

(*b*) Application in triplicate for permission to export narcotic drugs shall be made under oath, on Bureau of Narcotics Form 1542, and such application shall be transmitted to the nearest collector of customs sufficiently early to permit of orderly procedure and any necessary investigation.

(1) Form 1542 shall show the date of execution, the exporter's number of the application, and the exporter's internal-revenue registry number, and on the reverse side shall show the name, detailed description, and quantity of the narcotic drug or preparation desired to be exported, the name of the narcotic drug contained in any preparation being stated, and the quantity of any solids in the preparation being given in avoirdupois.

(2) Under the last item listed for export a double line should be drawn either by pen and ink or typewriter, and no export permit shall be valid as to any item listed below such double line.

(3) Form 1542 shall state on its face that application is made for permission to export the narcotics listed on the reverse side, immediately following which shall be given the name, address, and business of the consignee, the foreign port of entry, port of exportation, date of exportation, name of exporting carrier or vessel (if known, or if unknown, so stated), and date of foreign import license or permit.

(4) The application shall also contain an averment that the packages are marked according to the regulations, and that to the best of affiant's knowledge and belief the narcotics therein are to be applied exclusively to medical and legitimate uses within the country to which exported, will not be reexported therefrom, and are needed therein because there is an actual shortage thereof and a demand therefor for medical and legitimate uses within such country.

(*c*) With the application the shipper's export declaration in due form shall also be submitted, together with the import license or a certified copy of such license (and a translation thereof if in a foreign language) if any has been issued by the country of destination, or other evidence that the merchandise is consigned to an authorized permittee. Verification by an American consular officer of signatures on foreign import licenses will not be necessary if such licenses bear the official seal of the officer signing them. The shipper's export declaration shall be returned to the applicant for presentation to the collector at the port of exportation in the event the application is approved.

(*d*) The collector shall forward the application, together with its supporting papers, to the Commissioner of Narcotics and if the collector is in possession of any facts which might adversely affect the application, he shall also send therewith a statement of such facts together with his recommendation.

(*e*) If the application is disapproved by the Commissioner of Narcotics, the fact of such disapproval and the reasons therefor will be communicated to the applicant and to the collector of customs concerned.

(*f*) If additional information is required or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded by the Commissioner of Narcotics to furnish such additional information or to correct such mistake or irregularity before finally disapproving the application.

(*g*) If the Commissioner of Narcotics decides to permit the exportation, he will approve and sign the application which shall thereupon become a permit to export the narcotic drugs listed thereon in accordance with the data shown upon the application.

(*h*) In lieu of the marking on the outside of the packages as required in previous regulations, the inner packages shall be labeled in a legible and conspicuous manner to show the narcotic character of the contents. Inner packages shall also bear internal-revenue narcotic stamps as required, and affixed in the manner provided, by the act of December 17, 1914, as amended, and regulations thereunder. The collector of customs may require packages offered for exportation to be opened and may inspect the contents thereof.

(*i*) Export declarations covering drugs, pharmaceuticals, medicines, chemicals, or other articles of a similar general designation, not covered by a permit to export, shall contain a statement in writing that the articles are not narcotic drugs. In the absence of such a statement in the export declaration covering such articles, the collector shall detain the merchandise, at the exporter's risk and expense, until, by examination or the submission of evidence by the exporter, the collector shall be convinced that the articles contain no narcotic drugs.

(*j*) The regulations governing shipments of narcotic drugs to Puerto Rico are contained in articles 77 to 80 of Narcotic Regulations No. 5.

ART. 658. *In transit shipments.*—(*a*) Section 2 of the narcotic drugs import and export act (subsec. 5) prohibits the admission of smoking opium or opium prepared for smoking into the United States or into any Territory under its control or jurisdiction for transportation to another country or transfer from one vessel to another vessel within any waters of the United States for immediate exportation or for any other purpose. No other narcotic drug may be so admitted, transferred, or transshipped except with the approval of the Commissioner of Narcotics. The regulations applicable to exports will govern as far as practicable, except that the collector of customs may permit narcotic drugs, other than smoking opium or opium prepared for smoking, to be retained on board a vessel arriving from a foreign port if shown on the manifest to be destined to another foreign port.

(*b*) Articles in transit manifested merely as drugs, medicines, or chemicals, without evidence to satisfy the collector that they contain no narcotic drugs, shall be detained and subjected at the carrier's risk and expense to such examination as may be necessary to satisfy the collector as to whether or not they contain narcotic drugs.

ART. 659. *Violation of the law—Reports of.*—Collectors of customs shall report to the United States attorney and to the Commissioner of Narcotics any violations of the law which they may discover, and will furnish a copy of such report to the Bureau of Customs.

(See art. 1109 for procedure governing forfeiture and penalties, narcotic drugs.)

LIQUORS

ART. 660. *Restricted importations.*—(*a*) United States Code (supp. I), title 27, section 203 (a) (1), (b) (1), and (c) (2):

SEC. 203 (a) It shall be unlawful, except pursuant to a basic permit issued under this chapter by the (Federal Alcohol) Administrator—

(1) to engage in the business of importing into the United States distilled spirits, wine, or malt beverages; * * *

SEC. 203. (b) It shall be unlawful, except pursuant to a basic permit issued under this chapter by the (Federal Alcohol) Administrator—

(1) to engage in the business of distilling distilled spirits, producing wine, rectifying or blending distilled spirits or wine, or bottling, or warehousing and bottling, distilled spirits; * * *

SEC. 203. (c) (2) * * * This section shall not apply to any agency of a State or political subdivision thereof or any officer or employee of any such agency, and no such agency or officer or employee shall be required to obtain a basic permit under this chapter. (Aug. 29, 1935, c. 814, sec. 3, 49 Stat. 878.)

(*b*) The production of a basic permit is not necessary when spirits are withdrawn from warehouse under any form of withdrawal entry.

(*c*) The above basic permit requirements are not applicable when the collector is satisfied that the liquor is for personal use or sample purposes only.

(*d*) Blending or rectifying of wines or distilled spirits in class 6 manufacturing warehouses, or the bottling of imported distilled spirits in class 8 manipulation warehouses will not be permitted unless the proprietor has obtained from the Federal Alcohol Administration the appropriate permit.

(*e*) *Bulk imports.*—United States Code (supp. I), title 27, section 206 (a) (1), (b) and (c):

SEC. 206. (a) It shall be unlawful for any person—

(1) To sell or offer to sell, contract to sell, or otherwise dispose of distilled spirits in bulk except, under regulations of the Administrator, for export or to the following, or to import distilled spirits in bulk except, under such regulations, for sale to or for

use by the following: A distiller, rectifier of distilled spirits, person operating a bonded warehouse qualified under the internal-revenue laws or a class 8 bonded warehouse qualified under the customs laws, a winemaker for the fortification of wines, a proprietor of an industrial alcohol plant, or an agency of the United States or any State or political subdivision thereof.

(b) Any person who violates the requirements of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than 1 year or both, and shall forfeit to the United States all distilled spirits with respect to which the violation occurs and the containers thereof.

(c) The terms "in bulk" mean in containers having a capacity in excess of one wine gallon. (Aug. 29, 1935, c. 814, sec. 6, 49 Stat. 985.)

ART. 661. *Containers of illegal size.*—Tariff act of 1930, paragraph 812:

• • • Any brandy or other spirituous or distilled liquors imported in any sized cask, bottle, jug, or other package, of or from any country, dependency, or province under whose laws similar sized casks, bottles, jugs, or other packages of distilled spirits, wine, or other beverage put up or filled in the United States are denied entrance into such country, dependency, or province shall be forfeited to the United States.

ART. 662. *Marking requirements—Packages.*—(*a*) United States Code (supp. II), title 18, section 390 (Criminal Code, sec. 240):

Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law. (June 25, 1936, c. 815, sec. 8, 49 Stat.)

(*b*) All packages of liquor violating the above provision of law shall be seized and disposed of in the manner prescribed in chapter XXI for merchandise imported contrary to law.

UNFAIR COMPETITION

ART. 663. *Unfair methods of competition declared unlawful.*—Tariff Act of 1930, section 337 (a):

Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful, and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

ART. 664. *Exclusion of articles from entry.*—Tariff Act of 1930, section 337 (e):

Whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall direct that the articles concerned in such unfair methods or acts, imported by any person violating the provisions of this Act, shall be excluded from entry into the United States, and upon information of such action by the President, the Secretary of the Treasury shall, through the proper officers, refuse such entry. The decision of the President shall be conclusive.

ART. 665. *Entry under bond.*—(*a*) Tariff Act of 1930, section 337 (f):

Whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed; except that such articles shall be entitled to entry under bond prescribed by the Secretary of the Treasury.

(*b*) Entries of merchandise the subject of an order of the President issued pursuant to the above provision of law should be refused unless there is presented therewith the special bond authorized by this provision of law, or unless the order of the President specifies some other condition under which the merchandise may be released to the importer and such condition is complied with. When any doubt exists as to whether or not any merchandise arriving at a port of entry in the United States should be excluded from entry by reason of an order of the President issued pursuant to the above provision of law, the collector should submit a report thereof, together with a sample or samples of the merchandise if practicable, to the Bureau of Customs for consideration.

(*c*) The form of bond to be used in connection with the release of merchandise the importation of which is conditionally prohibited by an order of the President issued pursuant to the above provision of law should be the special form provided for that purpose in T. D. 45474. The amount of the special bond should be equal to the domestic value defined in section 340 of the Tariff Act of 1930, as ascertained by the appraising officer.

(*d*) In the event the President directs the exclusion of merchandise which has been released under bond pursuant to the authority contained in section 337 (f) of the tariff act, collectors of customs should notify each importer concerned to export the prohibited merchandise to a foreign country under customs supervision unless the entry of the merchandise is permitted under license and an appropriate license is presented. In lieu of exportation the merchandise may be destroyed under customs supervision upon receipt of the written request of the importer. Unless prohibited merchandise which has been released under bond is exported under customs supervision or is destroyed under like supervision, or an appropriate license is presented, within 30 days after notice is given the importer concerned, demand should be made upon the principal and the sureties on the bond for payment of the penal sum thereof as liquidated damages. If the obligors fail to comply with the demand for payment within 30 days, the bond should be transmitted to the United States Attorney for the institution of appropriate proceedings. If the condition of any bond taken in such cases have been met, or the President determines that the entry of the merchandise did not violate the provisions of section 337 of the tariff act, the bond shall be canceled.

ART. 666. *Continuance of exclusion.*—Tariff Act of 1930, section 337 (g):

Any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to such refusal of entry no longer exist.

ART. 667. *Definition.*—Tariff Act of 1930, section 337 (h):

When used in this section and in sections 338 and 340, the term "United States" includes the several States and Territories, the District of Columbia, and all possessions of the United States except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam.

DISCRIMINATION

ART. 668. *Additional duties.*—Tariff Act of 1930, section 338 (a):

(a) The President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles, wholly or in part the growth or product of, or imported in a vessel of, any foreign country whenever he shall find as a fact that such country—

(1) Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like articles of every foreign country; or

(2) Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country.



ART. 669. *Exclusion from importation.*—Tariff Act of 1930, section 338 (b):

If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section, maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country or such articles imported in its vessels as he shall deem consistent with the public interests shall be excluded from importation into the United States.

ART. 670. *Application of proclamation.*—Tariff Act of 1930, section 338 (c):

Any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

ART. 671. *Duties to offset commercial disadvantages.*—Tariff Act of 1930, section 338 (d):

Whenever the President shall find as a fact that any foreign country places any burden or disadvantage upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burden or disadvantage, not to exceed 50 per centum ad valorem or its equivalent, on any products of, or on articles imported in a vessel of, such foreign country; and 30 days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

ART. 672. *Duties to offset benefits to third country.*—Tariff Act of 1930, section 338 (e):

Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 per centum ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles; and on and after 30 days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles.

ART. 673. *Forfeiture of articles.*—Tariff Act of 1930, section 338 (f):

All articles imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this act shall be applicable to importations into the United States of articles wholly or in part the growth or product of any foreign country, they shall be applicable thereto whether such articles are imported directly or indirectly.

ART. 674. *Ascertainment by commission of discriminations.*—Tariff Act of 1930, section 338 (g):

It shall be the duty of the commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subdivisions (a), (b), and (e) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of the commission to bring the matter to the attention of the President, together with recommendations.

ART. 675. *Rules and regulations of Secretary of the Treasury.*—Tariff Act of 1930, section 338 (h):

The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this section.

ART. 676. *Definition.*—Tariff Act of 1930, section 338 (i):

When used in this section the term "foreign country" means any empire, country, dominion, colony or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced.

IMMORAL ARTICLES

ART. 677. *Prohibition of importation.*—Tariff Act of 1930, section 305 (a):

All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene or other prohibited articles contained in the package were enclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained shall be subject to seizure and forfeiture as hereinafter provided: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

Upon the appearance of any such book or matter at any customs office, the same shall be seized and held by the collector to await the judgment of the district court as hereinafter provided; and no protest shall be taken to the United States Customs Court from the decision of the collector. Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed. Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury and any party may have an appeal or the right of review as in the case of ordinary actions or suits.

ART. 678. *Penalty on government officers.*—Tariff Act of 1930, section 305 (b):

Any officer, agent, or employee of the Government of the United States who shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not more than 10 years, or both.

ART. 679. *Seizure—Disposition of seized articles—Reports to United States attorney.*—(*a*) Upon the seizure of any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States or forcible

resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, such book or other matter shall be transmitted to the United States attorney for his consideration and action.

(*b*) Upon the seizure of articles and/or matter prohibited entry by section 305 (with the exception of the matter included in the preceding paragraph), a notice of the seizure of such articles and/or matter shall be sent to the person for whom intended.

(*c*) When articles of the class covered by the preceding paragraph are of small value and no criminal intent is apparent, a blank assent to forfeiture and destruction of the articles seized, customs Form 4609, should accompany the notice of seizure. Upon receipt of the assent to forfeiture and destruction duly executed, the articles should be destroyed and the case closed.

(*d*) When the facts indicate that the importation was made deliberately with intent to evade the law, or in the case of a repeated offender, the facts and evidence should be submitted to the United States attorney for consideration of prosecution under the provisions of the Criminal Code as well as an action in rem under section 305 for condemnation of the articles.

(*e*) If the importer declines to execute an assent to forfeiture of the articles other than those mentioned in paragraph (*a*) and fails to submit within 30 days after being notified of his privilege so to do, a petition under section 618 of the tariff act for the remission of the forfeiture and permission to export the seized merchandise, information concerning the seizure should be submitted to the United States attorney in accordance with the provisions of paragraph 2 of section 305 (a) of the tariff act for the institution of condemnation proceedings.

(*f*) Section 305 prohibits the importation of articles for the prevention of conception and/or causing abortion but does not prohibit the importation of articles containing information or advertisements relative thereto. Section 211 and 245 of the United States Criminal Code contain provisions which apply to information and advertisements on these subjects.

(*g*) If seizure is made of books or other articles which do not contain obscene matter but contain information or advertisements relative to the prevention of conception or to means of causing abortion, the procedure outlined in paragraphs (*b*), (*c*), (*d*), and (*c*), supra, should be followed.

(*h*) In all cases when a book is seized as being obscene and the importer declines to execute an assent to forfeiture on the ground that the book is a classic, or of recognized and established literary or scientific merit, a petition addressed to the Secretary of the Treasury may be filed by the importer for release of the book. Petitioners must establish their claims by satisfactory evidence. Mere unsupported statements or allegations will not be considered. Petitioners should be so advised before a petition is transmitted to the Bureau. If the ruling is favorable, release of such a book shall be made only to the ultimate consignee.

(*i*) When a ruling by the Bureau is requested, a sample of the seized articles or the article itself should be transmitted to the Bureau at the time of the request for a ruling, unless reasons are apparent that the sample or article will not be required for the purpose of a ruling.

ART. 680. *Prohibited films.*—Customs officers will make a careful examination of all importations of films whenever practicable and report to the United States attorney and the Bureau any objectionable importations which they discover. Any such objectionable film should be detained pending instructions from the Bureau or a decision of the court as to their final disposition. Importers of films will be required at the time of entry to make affidavit that the film which they desire to import contains no matter repugnant to the principles of the Government of the United States or subversive of public morals.

ART. 681. *Disposition of seized articles by United States attorneys.*—(*a*) In the event that seized articles are transmitted to the United States attorney for action and, upon a final determination, the merchandise is not to be forfeited, but released, the United States attorney should be requested to return the articles to the office of the collector for release in order that the revenue may be protected and customs formalities complied with.

(*b*) As collectors of customs are charged with the custody of seized articles, they should require receipts for such seized articles which are submitted to United States attorneys. Such receipts should be attached to the proper seizure reports and retained pending the return of the articles.

PICTORIAL REPRESENTATIONS OF PRIZE FIGHTS

ART. 682. *Importation prohibited—Procedure.*—(*a*) United States Code, title 18, section 405:

It shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, or to send or carry from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to bring or to cause to be brought into the United States from abroad any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition. (July 31, 1912, c. 263, sec. 1, 37 Stat. 240.)

(*b*) Collectors will require importers of films and similar articles at the time of entry to make affidavit on customs Form 3291 that the shipment contains no representation of a prize fight or pugilistic encounter.

(*c*) All imported films and similar articles will be sent to the appraiser's stores for examination. If any package is found to contain a representation of a prize fight or pugilistic encounter, it will be seized by the collector and the facts reported to the United States attorney.

MERCHANDISE PRODUCED BY CONVICT, FORCED, OR INDENTURED LABOR

ART. 683. *Importation prohibited.*—Tariff Act of 1930, section 307:

All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or and forced labor or and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor", as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

ART. 684. *Findings of commissioner.*—If after investigation upon complaint of American manufacturers, producers, wholesalers, or importers, representatives of American labor organizations, or other interested persons, or upon his own initiative, the Commissioner of Customs is satisfied that convict labor or and forced labor or and indentured labor under penal sanctions, is used in any locality in a foreign country in the mining, production, or manufacture of any class of merchandise, and, in the case of forced labor or indentured labor under penal sanctions, that the merchandise is mined, produced, or manufactured in the United States in sufficient quantities to meet the consumptive demands of the United States, he shall, with the approval of the Secretary of the Treasury, publish a finding to that effect. Any merchandise of that class imported after such publication directly or indirectly from the locality shall be held to be an importation prohibited by section 307 of the Tariff Act of 1930 unless the importer establishes by a preponderance of evidence that the merchandise was not mined, produced, or manufactured, wholly or in part, by the class of labor specified in such finding.

ART. 685. *Bonding of merchandise covered by such findings.*—No merchandise of the class specified in such a finding, imported after the publication thereof, directly or indirectly from the locality specified therein, shall be admitted to entry or released from customs custody (except for exportation) unless the importer files with the collector a bond conditioned that he shall return the merchandise to customs custody within 30 days after demand of the collector if (1) the importer fails to submit to the commissioner within 3 months from the date of entry the certificate or certificates required by article 687 or (2) the Commissioner decides that the merchandise was mined, produced, or manufactured, wholly or in part, by the class of labor specified in such finding. Such bond shall be in an amount equal to the estimated domestic value (as defined in sec. 340 of the Tariff Act of 1930) of such merchandise, the full amount to be paid as liquidated damages; shall be a single bond for each importation; and shall be acceptable only with qualified corporate surety or sureties. Liquidation of the entry shall be suspended and the facts reported to the Commissioner for decision as to the admissibility of the merchandise.

ART. 686. *Action of collector in the absence of such a finding.*—When the collector has reason to believe that convict labor or and forced labor or and indentured labor under penal sanctions, is used in the mining, production, or manufacture of any class of merchandise in any locality in a foreign country and no finding to that effect has been made by the Commissioner with the approval of the Secretary, he shall report to the Commissioner any merchandise of that class imported, directly or indirectly from that locality, offered for entry in his district, setting forth in detail the basis of his belief and hold such merchandise for the Commissioner's instructions as to whether or not the bond provided for in article 685 shall be required.

ART. 687. *Certificates of origin.*—The importer of merchandise bonded under article 685 or 686, or held in customs custody because of failure to file a bond under article 685 or 686, shall within 3 months from the date of entry submit to the Commissioner a certificate of origin in the form set forth below, signed by the foreign seller or owner of the merchandise under oath or affirmation before an American consular officer, or if the place where the certificate is executed is so remote from an American consulate as to render impracticable its execution before an American consular officer, then under an oath or affirmation for falsity of which he will be punishable under the laws of the jurisdiction where it is made. If the merchandise was mined, produced, or manufactured, wholly or in part, in a country other than that from which it was exported to the United States, an additional certificate in such form so signed by the last owner or seller in such other country, substituting the facts of transportation from such other country for the statements with respect to shipment from the country of exportation, shall be so submitted.

*Certificate of origin*

I, _____, foreign seller or owner of the merchandise hereinafter described, do solemnly swear (affirm) that the same, consisting of _____ (Quantity) of _____ in _____ (Kind) (Number and kind of packages) bearing the following marks and numbers _____ was mined, produced, or manufactured by _____ (Name) _____ at or near _____ (Location of mine, mill, or factory) _____ and was laden on board _____ (Name of vessel or initials and number of car in which transported to the United States) _____ at _____ (Places actually laden) that such vessel or car departed from _____ (Port of such departure in the country of exportation) _____ on _____ (Date of departure) and that _____ (class of labor specified in the finding) was not employed in any stage of the mining, producing, or manufacturing of the merchandise, including the raw materials therein.

ART. 688. *Investigation by ultimate consignee.*—The ultimate consignee of merchandise bonded under article 685 or 686, or held in customs custody because of failure to file a bond under article 685 or 686, shall make every reasonable effort to determine the source of the merchandise, including the raw materials therein, and ascertain the character of labor used in its mining, production, or manufacture, and shall within three months from the date of entry submit to the Commissioner a statement, under oath, setting forth his efforts, the result thereof, and his belief with respect to the use of the class of labor specified in the finding in any of the processes of mining, production, or manufacture of the merchandise.

ART. 689. *Decision of commissioner—Action of collector.*—If the certificate or certificates required by article 687 are submitted within the time prescribed and the Commissioner's decision is in favor of the admissibility of the merchandise, the collector shall cancel the bond or release the merchandise. If such certificate or certificates are not submitted within the time prescribed, or if the Commissioner's decision is against the admissibility of the merchandise, the collector shall, in cases where the merchandise has been released under bond, make demand upon the importer for return of the merchandise to customs custody. If the merchandise is not exported within 60 days from the date of return, or, if the merchandise was held in customs custody, within 60 days from notice of the Commissioner's decision, the merchandise shall, unless the importer files a protest against the decision, be treated as abandoned and shall be destroyed.

ART. 690. *Transportation in interstate and foreign commerce.*—(*a*) United States Code, title 49, sections 61, 62, 63, and 64:

SEC. 61. It shall be unlawful for any person knowingly to transport or cause to be transported in any manner or by any means whatsoever, or aid or assist in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, where said goods, wares, and merchandise are intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package or otherwise in violation of any law of such State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof. Nothing herein shall apply to commodities manufactured in Federal penal and correctional institutions for use by the Federal Government. (July 24, 1935, c. 412, sec. 1, 49 Stat. 494.)

SEC. 62. All packages containing any goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package. (July 24, 1935, c. 412, sec. 2, 49 Stat. 494.)

SEC. 63. Any person violating any provision of sections 61 and 62 of this title shall for each offense, upon conviction thereof, be punished by a fine of not more than $1,000, and such goods, wares, and merchandise shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law. (July 24, 1935, c. 412, sec. 3, 49 Stat. 495.)

SEC. 64. Any violation of sections 61 and 62 of this title shall be prosecuted in any court having jurisdiction of crime within the district in which said violation was committed, or from, or into which any such goods, wares, or merchandise may have been carried or transported, or in any Territory, Puerto Rico, Virgin Islands, or the District of Columbia, contrary to the provisions of said sections. (July 24, 1935, c. 412, sec. 4, 49 Stat. 495.)

(*b*) All goods, wares, and merchandise imported into the United States which appear to have been transported in violation of the provisions of law set forth in paragraph (*a*) of this article shall be detained by the customs officers concerned and the facts reported to the United States attorney. If the United States attorney determines that action should be taken against the merchandise and the person or persons

interested therein and so advises, the merchandise shall be seized and held pending the receipt of further instructions from the United States attorney or from the court. If the United States attorney determines from the facts that no action will be taken by his office looking to the forfeiture of the merchandise and the prosecution of the person or persons interested therein, the facts shall be reported to the Bureau for instructions.

COUNTERFEIT COINS, OBLIGATIONS, AND OTHER SECURITIES—ILLUSTRATIONS OR REPRODUCTIONS OF COINS OR STAMPS

ART. 691. *Importation prohibited — Exceptions — Procedure.*—(*a*) Under various sections of title 18 of the United States Code, it is unlawful to import counterfeits of coins in circulation in the United States; counterfeited, forged, or altered obligations or other securities of the United States or of any foreign government; or plates, dies, or other apparatus which may be used in making any of the foregoing.

(*b*) Under section 285 it is unlawful to import any "business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon of any of the coins of the United States or of any foreign country that have been or may be issued as money, either under the authority of the United States or under the authority of any foreign government."

(*c*) Under section 264 it is unlawful to import "any obligation or other security made or executed, in whole or in part, after the similitude of any obligation or other security issued under the authority of the United States" and "any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof", except under the authority of the Secretary of the Treasury or other proper officer of the United States.

(*d*) Under section 275 it is unlawful to import any "counterfeit plate, stone, or other thing, or engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corportation."

(*e*) Uncanceled foreign or domestic postage or revenue stamps are obligations of the Government and facsimiles or imitations thereof are subject to forfeiture.

(*f*) United States Code, title 18, section 285:

• • • But nothing in this section shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals or the making of the necessary plates for the same to be used in illustrating numismatic and historical books and journals and school arithmetics and the circulars of legitimate publishers and dealers in the same. (Feb. 10, 1891, c. 127, sec. 3, 26 Stat. 742; Mar. 3, 1903, c. 1015, 32 Stat. 1223; Mar. 4, 1909, c. 321, sec. 171, 35 Stat. 1121; Feb. 15, 1912, c. 38, 37 Stat. 64.)

(*g*) United States Code, title 18, section 350:

Nothing in sections 275, 286, and 349 of this title shall be construed to forbid or prevent the printing or publishing of illustrations in black and white of foreign postage or revenue stamps from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps, or to prevent or forbid the making of necessary plates therefor for use in philatelic or historical articles, books, journals, or albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, or albums. Nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars, of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated. (Mar. 3, 1923, c. 218, 42 Stat. 1437.)

(*h*) Printed matter of the character described in paragraphs (*f*) and (*g*) of this article, containing illustrations of coins or medals or reproductions of postage or revenue stamps, executed in accordance with the exception in section 285 or section 350, as the case may be, may be admitted to entry. Printed matter containing illustrations or reproductions not executed in accordance with such exceptions shall be detained by customs officers, and treated as prohibited importations. The Department may, however, upon application by the importer, remit the forfeiture of such prohibited articles and permit their exportation under customs supervision at the expense of the importer, if satisfied that there was no willful negligence or attempt to evade the law; or, if the importer assents in writing to the forfeiture and destruction of the articles, they may be destroyed. If no application for exportation, or assent to forfeiture and destruction, is received by the collector within 30 days from the date of notification to the importer that the articles are prohibited, the articles shall be reported to the United States attorney for forfeiture.

PEPPER SHELLS

ART. 692. *Importation prohibited—Tariff Act of 1930, paragraph 781:*

• • • *Provided further*, That the importation of pepper shells, ground or unground, is hereby prohibited.

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CHAPTER XI

SAMPLING, WEIGHING, AND TESTING OF SUGARS, SIRUPS, AND MOLASSES—ASCERTAINING CLEAN CONTENT OF WOOL AND HAIR

SUGARS, SIRUPS, AND MOLASSES

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SUGARS, SIRUPS, AND MOLASSES

*General Instructions*

ART. 693. *Duties of customs officers.*—(*a*) *Duties of entry clerks.*—Estimated duties shall be taken on the entry of Cuban raw sugar on the basis of not less than 96° polariscopic test unless the invoice shows the sugar is of a lower grade than that of the ordinary commercial shipment.

(*b*) All customs officers and employees having duties to perform in connection with the treatment of imported sugars, sirups, and molasses are hereby instructed to use the utmost care and vigilance to insure that the work of weighing, gauging, sampling, classifying, and testing is accurately and efficiently performed.

(*c*) Each inspector, weighing officer, gauging officer, and sampler shall be furnished with a copy of the regulations relative to sugars, sirups, and molasses. The appraiser shall notify the collector of the boundaries of sugar districts and the location of the examiner's or sampler's office in each district, and such information shall be furnished by the collector to the inspectors and weighing officers. The examiners and samplers in charge shall be held responsible by the appraiser for the strict and impartial enforcement of these regulations, and to this end they shall be notified relative to the time of discharge and weighing of sugar and molasses cargoes in their respective districts by the inspector or weigher in charge of the same.

(*d*) *Duties of inspector.*—Inspectors are directed to exercise a personal supervision over the discharging of sugar cargoes. They shall have their permits indorsed by the examiner or sampler in charge after the samples have been obtained in accordance with these regulations. Dock sweepings shall be gathered up and weighed and sampled when discharging has stopped for any cause. The inspector is directed to keep, in every instance, an accurate account of the kind and number of packages of sweepings, which he shall indorse on the back of the permit or lighter manifest before it is presented to the appraiser's office for indorsement. If no sweepings are found, the inspector shall indorse the permit or manifest accordingly.

(*e*) *Duties of weighing officers.*—The weighers shall do the actual weighing and recording of the results, and shall not permit any other person to handle the scales. They shall be required to exercise a strict scrutiny of the conditions under which the weighing is being done, shall keep the scales clean of all foreign accretion, to the end that atmospheric and other exterior influence inimical to accuracy may be avoided, and to obviate the possibility of any drafts passing over the scales unweighed or being reweighed. Scales with beam indicating 1 pound are to be employed in weighing sugar wherever possible.

ART. 694. *Separation of shipments.*—When an importation is consigned to two or more consignees, each consignee's merchandise shall be treated as a separate importation, provided separate entry is made therefor.

ART. 695. *Time of weighing and sampling.*—All sugars and sugar products requiring either weighing or sampling shall have those operations performed at the time of unlading. Merchandise requiring both weighing and sampling shall have those operations performed simultaneously whether discharged under either a regular or a special permit.

ART. 696. *Absorption of sea water.*—Inasmuch as the absorption of sea water or moisture reduces the polariscopic test of sugar, there shall be no allowance on account of increased weight of sugar importations due to unusual absorption of sea water or of moisture while on the voyage of importation. That portion of the cargo claimed by the importer to have absorbed sea water or moisture on the voyage of importation shall be weighed, sampled, classified, and tested separately. This claim must be made at the time of weighing. Special care must be taken that such sugars are sampled so as to represent the contents of the packages.

ART. 697. *Molasses not for extraction of sugar or for human consumption.*—(*a*) Tariff Act of 1930, paragraph 502:

• • • Molasses not imported to be commercially used for the extraction of sugar or for human consumption, three one-hundredths of 1 cent per pound of total sugars.

(*b*) Such molasses may be released upon the deposit of estimated duties at the rate specified above upon compliance with the following conditions:

(1) There shall be filed in connection with the entry an affidavit of the importer that the molasses is not to be used commercially for the extraction of sugar or for human consumption. For the purpose of these regulations, the phrase "molasses not imported to be commercially used for the extraction of sugar or for human consumption" shall be construed to include, in addition to molasses used in animal feed and other products not for human consumption, molasses which after importation is utilized in the production of articles such as yeast, vinegar, alcohol, rum, gin, or whisky, in such manner that fermentation or other chemical change alters its character and chemical composition so that molasses or sugar does not appear in the final product, and to exclude molasses used for the extraction of sugar, or used either in its condition as imported or after undergoing purifying or blending processes, or both, for table purposes or as a sweetening, coloring, or flavoring agent in the production of articles for human consumption.

(2) If the molasses is entered for consumption there shall also be filed in connection with the entry a bond on customs Form 7551 or 7553, with an added condition for the payment of the increased duty in the event the molasses is used contrary to the statements made in the above-mentioned affidavit. Liquidation of the entry shall be suspended pending proof of use or other disposition of the merchandise.

(3) If the molasses is entered for warehouse the regular warehouse entry bond, customs Form 7555, shall be given and withdrawals shall be made on customs Form 7506. Estimated duty at the rate specified above shall be deposited at the time of withdrawal and the liquidation of the warehouse entry shall be suspended pending proof of use or other disposition of the merchandise.

(4) Within 3 years from the date of entry (in the case of warehouse entries as well as consumption entries) the importer shall submit an affidavit of the superintendent or manager of the manufacturing plant stating the use to which the molasses has been put. If the collector is satisfied that the molasses has not been used in a manufacturing plant but was sold as molasses to the ultimate user, he may accept as proof of the nature of such use an affidavit of the wholesaler or other person making the final sale of the product. Such affidavit shall state the quantity sold and the purpose for which the seller understood the purchase to be made. All affidavits as to use provided for in this subparagraph should state affirmatively the particular use, but may be accepted as sufficient if they specify alternative uses, provided each of the uses so specified is a use other than for human consumption or for the extraction of sugar as defined in subparagraph (1). If the molasses has not been used in the United States,

evidence of exportation or destruction satisfactory to the collector should be required. Affidavits as to use and affidavits or other documents showing exportation or destruction should, if practicable, be filed in duplicate, one copy to be forwarded to the comptroller of customs.

(5) Upon satisfactory proof of use of the molasses for purposes other than for the extraction of sugar or for human consumption or of the exportation or destruction thereof the entry may be liquidated at the rate of three one-hundredths of 1 cent per pound of total sugars. When such proof of use or other disposition of the molasses is not made within 3 years from the date of the entry, or the use shown does not warrant the classification claimed, the entry shall be liquidated at the higher rate applicable under the first clause of paragraph 502.

(6) Entries covering blackstrap molasses, as hereinafter defined, may be accepted and liquidated with duty at the rate of three one-hundredths of 1 cent per pound of total sugars after the filing of the affidavit prescribed in subparagraph (1) without compliance with the special requirements of subparagraphs (2), (3), (4), or (5). For the purposes of these regulations, blackstrap molasses is defined as "final" molasses practically free from sugar crystals, containing not over 58 percent total sugars and having a ratio of—

$$\frac{\text{total sugars} \times 100}{\text{Brix}}$$

not in excess of 71. In the event of doubt an ash determination may be made; an ash content of not less than 7 percent indicates a blackstrap molasses within the meaning of these regulations.

(7) The rates of duty above specified are subject to a rebate of 20 percent provided for articles the growth, produce, or manufacture of Cuba, upon compliance with the provisions of article 846.

ART. 698. *Filing of affidavit for molasses in tank cars.*—When an importation of molasses is shipped in tank cars the importer shall file with the collector an affidavit showing whether there is any essential difference either in total sugars or character of the molasses in the different cars. A composite sample shall be made by the examiner to represent the importation. When, in the opinion of the appraiser, the molasses in any of the cars is not identical with that in the other cars, such cars shall be gauged, sampled, classified, and tested separately.

ART. 699. *Expense of unlading.*—No expense incidental to the unlading, transporting, sorting, or arranging of sugars and molasses for the convenient weighing, gauging, measuring, sampling, or marking thereof shall be borne by the Government. When weighing, gauging, sampling, or measuring is performed concurrently with the unlading, or while the merchandise is being transported from the vessel's side to the importer's premises, no part of the expense of the transportation or handling of the merchandise shall be borne by the Government.

ART. 700. *Standardization of weights and measures.*—In the carrying out of these regulations, all weights and measures shall fully comply with the standards established for such weights and measures by the National Bureau of Standards.

ART. 701. *Mixing classes of sugar.*—No regulations relative to the weighing, taring, sampling, classifying, and testing of imported sugars shall be so construed as to permit of mixing together sugars of different classes, such as centrifugal, beet, molasses, or any sugar different in character from those mentioned, for the purpose of weighing, taring, sampling, classifying, or testing.

WEIGHING OF SUGARS

ART. 702. *Method of weighing.*—All imported raw sugars shall be weighed without regard to mark. Raw sugars are to be weighed gross and, whenever practicable, in drafts of uniform size or of a uniform number of bags, and the tare of trucks and slings, if weighed, deducted periodically as hereinafter prescribed.

ART. 703. *Recording weights—Reports.*—(*a*) The weigher's return shall show the total weight of the cargo, and shall also show separately for each scale, each half day, the weight of all (1) wet sugar, (2) damaged sugar not wet, (3) ship sweepings, (4) dock sweepings, (5) other sugar. The weigher shall make a daily report on customs Form 5993 to the examiner or sampler in charge, which shall show separately for each scale, each half day, the total number of packages weighed of (1) wet sugar, (2) damaged sugar not wet, (3) ship sweepings, (4) dock sweepings, (5) other sugar. All ship and dock sweepings and sugar samples taken before weighing shall be weighed before the weigher completes his half day's work. In no instance shall the weigher make a return by filling in the weight from the invoice.

(*b*) For the purpose of recording and computing net weights, each working day will be divided into four periods, and the weights for each period kept separate, and recapitulated or summarized by starting a new page for each period. All weights are to be recorded in a dock book (or on adding-machine sheets if the latter are used) in the usual manner, the truck number, number of bags in each load, and gross weight being entered in one line. Actual tare of the trucks and slings, if weighed, shall be taken before commencing work in each period by weighing all trucks and all slings for each scale morning and noon and one-half the trucks and slings for each scale for the intermediate periods. The truck numbers, individual and average weight per truck, and total and average weight per sling are to be placed in the middle bottom column, right-hand side of dock book, or in designated place on adding-machine sheets. The total tare, computed according to the number of drafts weighed, shall be deducted from the summary of the gross weight for each period. In computing such tare for each period's work, if a fraction of one-half pound or less results it shall be discarded; if over one-half pound, the next higher unit shall be taken. In addition to the recapitulation each page must have denoted thereon the designating scale letter or number, date, and signature of weigher.

ART. 704. *Testing weighing implements.*—Weighers will be required to test and balance their scales or weighmaster's beams with United States standard test weights immediately before the beginning of work and every hour, on the hour, thereafter, and to record the result of balance. They will furthermore be required to see that all trucks and slings used in connection with weighing are maintained at an established uniform weight.

ART. 705. *Automatic scales.*—Wherever available, the Treasury Department automatic scales shall be used in preference to all other types of scales. They shall be under the direct supervision of the mechanical and electrical engineer in charge of scales and that official shall be held responsible for their proper operation and repair. The weigher shall operate the scales in strict accordance with instructions furnished by said official. A copy of these instructions shall be kept permanently in each scale house. All defects in operation shall be promptly reported to said official and a notation in reference to the same made in the dock book or on the adding-machine sheet.

ART. 706. *Custody of scale keys.*—The inspector or officer in charge of the station shall have charge of the keys necessary for the operation of the automatic scales. In commencing the weighing of a cargo it shall be his duty to unlock the scale houses and assign to each weigher or officer acting in that capacity the adjusting and operating keys corresponding to the designating letter of the respective scale, and to the weigher or inspector in charge one scale house key. The station inspector, or where none is assigned, the weighing officer in charge, shall retain in his custody the keys for the record compartment, and under no circumstances permit them to pass into the possession of any other person without written instructions from the collector. At the completion of the day's work it shall be the duty of the inspector in charge to see that the scale houses are locked and otherwise secured against intrusion, and that all electric power is properly switched off. Those to whom keys have been assigned will be held to a strict accountability for their safe-keeping.



ART. 707. *Reports on operation of automatic scales.*—At the end of each working day each weigher (or official acting in that capacity) shall mail to the mechanical and electrical engineer in charge of scales a time slip (customs Form 6031) stating, with the designating letter of scale, the number of hours the scale was in use, the hourly balance weights and adjustments, and the number of bags weighed on the scale in each period, together with the name of the vessel from which the cargo was discharged and a note of any defect in operation of the scales.

ART. 708. *Removal of tapes.*—Upon the completion of weighing of a cargo on an automatic scale, the designated inspector shall remove the printed tape record from the scales. He shall record on the same, legibly and permanently, name of vessel, date of arrival, designating letter of scale, and time of removal of tape; and will be held accountable for the same until properly filed with the weigher's return. Under no condition will the regularly designated inspector permit the keys for the record compartment of the scales to pass into possession of any person not designated by the collector to remove record tapes.

TARING OF CONTAINERS

ART. 709. *Taring by mark.*—(*a*) *All tare shall be taken by mark.* When sugar is in tierces, hogsheads, barrels, boxes, or irregular packages, actual tare shall be taken. When sugar is in bags (other than the standard Cuban sugar bag), baskets, and mats, the actual tare shall be taken and determined by cleaning the following percentage of the receptacles in each mark:

| | Percent |
|---|---|
| Marks of less than 1,000 | 4 |
| Marks of 1,000 and less than 4,000 (but in no such mark less than 40 receptacles) | 3 |
| Marks of 4,000 and less than 10,000 (but in no such mark less than 120 receptacles) | 2.5 |
| Marks of 10,000 and over (but in no such mark less than 250 receptacles) | 1–2 |

(*b*) When sugar in the containers mentioned above is discharged and weighed at points other than refineries, actual tare shall be taken of the largest number of receptacles practicable and the percentage tare per mark shall be as nearly as possible that given above.

(*c*) When, in the opinion of the weigher, the condition of the receptacles is such as to make advisable the taring of a larger percentage than that provided above, he shall tare as many receptacles as, in his judgment, are necessary to secure a proper tare. All such receptacles are to be thoroughly cleaned by scraping and sweeping before the tare is taken.

ART. 710. *Schedule tare.*—(*a*) In general, there shall be allowed a schedule tare of 2½ pounds per bag for Cuban sugar imported in standard bags. A sugar bag having an area of 1,392 square inches when laid flat (29 inches in width by 48 inches in length) is hereby defined for tare purposes as the standard Cuban sugar bag. When the area of sugar bags varies by more than 2 percent from the standard area of 1,392 square inches, or the bag is not of the usual textile, the schedule tare shall be increased or diminished in proportion to the amount the area or the weight of the bags varies from that of the standard bag. In determining schedule tare the percentage of the number of bags to be measured for each mark shall be the same as that for actual tare. Where the bags bearing any mark differ in size, the schedule tare allowed shall be based upon the average dimensions of the entire number of bags bearing such mark.

(*b*) In measuring the bags they shall be flattened out to their fullest extent and the folded part at the mouth of the bag shall be turned out. In determining the length, the measurement shall be taken along the seam at the side. In determining the width, the measurement shall be taken across the back at a distance of about 4 inches from the mouth.

ART. 711. *Actual tare.*—In determining actual tare, all bags shall be selected with careful discrimination as to condition and every care exercised to insure their accurately representing the mark. The bags shall be carefully drycleaned by sweeping and scraping and then weighed, which weight shall be taken as the actual tare.

ART. 712. *Verification of schedule tare.*—When the collector has reason to doubt the correctness of any schedule tare, he shall verify such schedule tare by taking actual tare. If the importer shall file a written application representing that there is an excessive number of damaged bags in a given importation and shall give the approximate percentage of the damaged and sound bags, and shall on that account request that actual tare be taken, the collector, if satisfied that the facts are as stated, shall determine the actual tare on the importation.

ART. 713. *Acceptance of actual tare.*—Whenever actual tare is determined on any importation and is found to differ from the schedule tare by not more than 5 percent, the schedule tare shall be allowed on such importation. In the event that the actual tare differs from the schedule tare by more than 5 percent, the actual tare shall be the accepted tare.

GAUGING OF MOLASSES

ART. 714. *Plans of storage tanks.*—Where molasses is imported in bulk in tank vessels and is to be pumped or discharged into storage tanks, the gallonage capacity of the latter, per inch in height, shall be ascertained while the storage tank is empty on the basis of 231 cubic inches to the gallon. Before the discharging is permitted, there must be on file in the customhouse a certified copy of the plans of the storage tank, showing all inlets and outlets. All outlets of the storage tank shall be sealed by the gauger before pumping begins. In the event a storage tank is partially filled with molasses, the gauger will ascertain the quantity contained therein before the pumping of the new importation is commenced. He shall also carefully examine the pump line to see that the same is in good condition.

ART. 715. *Time of Gauging.*—After the discharge is completed all inlets to the tank will be carefully sealed and the molasses left undisturbed for a period not to exceed 20 days, to allow for settling, before being gauged. When the importer requests in writing immediate gauging, the same shall be allowed by the collector.

ART. 716. *Tank gauging.*—The report of the gauging of the molasses shall show the number of gallons of molasses and the temperature of the molasses in degree centigrade determined at the time of gauging. Report as to gauge and temperature is to be made to the examiner (customs Form 5991). The depth of the molasses contained in the storage tank shall be ascertained by means of a steel rod, having a movable brass scale expressed in inches and tenths of inches. The measurement shall be taken from the bottom of the tank to the top of the liquid, deduction being made for the molasses, if any, contained in the tank before the discharge began. If there is foam present the gauging shall be made with the aid of the "foam can", which shall be in accordance with the following specifications: The foam can shall be made of heavy galvanized-iron pipe 5 feet long by 7½ inches in diameter fitted at the bottom with a wooden plug attached to the can by means of a chain, and fitted at the top with suitable hooks for attaching ropes for lowering. The method of using shall be to place the wooden plug in the bottom of the can and lower the can into the molasses by means of the ropes attached to the top. The gauging rod is passed through the can, releasing the wooden plug at the bottom, allowing the molasses to flow into the can to the level of the molasses in the tank. The gauging rod is then lowered through the can to the bottom of the tank and an accurate gauge of the molasses without foam is registered on the gauging rod. This procedure shall be followed both on immediate gauging as well as gauging after the lapse of the 20-day period in all cases where foam is present. No allowance shall be made for occluded air or other gases in the body of the molasses. The depth of the imported molasses having been ascertained in inches, the result will be multiplied by the number of gallons per inch in height previously ascertained when the storage tank was measured empty.

ART. 717. *Gauging tank cars.*—When molasses is imported in tank cars the quantity contained therein will be ascertained by gauge.

SAMPLING OF SUGARS, SIRUPS, AND MOLASSES

ART. 718. *General sample defined.*—(*a*) In sampling imported raw sugars a general sample shall be taken; that is, each importation shall be sampled without regard to marks and 100 per cent of the packages shall be sampled. A separate general sample shall also be taken of (1) wet sugar, (2) damaged sugar not wet, (3) ship sweepings, (4) dock sweepings. In order to prevent any unnecessary labor and inconvenience in obtaining the sample, the inspector shall direct that the packages when discharged from the vessel upon the wharf shall be so placed that the sampler can readily obtain a 100 percent sample. All ship and dock sweepings shall be sampled before the sampler completes his half day's work. It shall be the duty of all samplers to secure a thoroughly representative sample.

(*b*) In sampling separate importations of sirups or molasses placed in the same tank, care must be taken to get truly representative samples of each lot.

ART. 719. *Stained bags.*—In the event that bags are stained from lying in storage, or from any other cause, but the sugar not damaged, the sampler in charge, as well as all other samplers, shall exercise every precaution to see that the bags come alternately with the clean and stained sides up. When, in the opinion of the sampler in charge, the bags are not being so discharged, he shall direct the attention of the inspector to that fact, and it shall be the duty of the inspector to thereupon stop the discharge of the cargo until the instructions of the sampler are complied with. If, from any cause, in any cargo, the condition of the bags from the ground tier or any other tier shall differ markedly from the condition of the cargo as a whole, such bags shall be treated as damaged.

ART. 720. *Care of samples—Letter of transmittal—Keys.*—(*a*) In the treatment of sugars under these regulations great care shall be exercised by samplers and other appraising officers to prevent the drying out of samples, as well as their absorbing moisture. A standard sugar bucket shall be used in which to collect the samples. It shall be made of heavy galvanized iron and have a height of 31½ centimeters and a diameter of 18½ centimeters. The covers of the buckets must be kept closed, except when momentarily opened to receive the sample. All the buckets containing samples from a given half day for each cargo shall be filled, with the exception of one. The label on each bucket must identify the sugar and the particular half day on which its contents were drawn and the name of the officer responsible for the sampling of same. All buckets, after being so labeled, shall be locked before leaving the spot where the samples are being drawn. The examiner or sampler in charge shall forward the samples to the appraiser's stores with a dock list on customs Form 6483–B, on which partially filled buckets shall be noted as one-fourth, one-half, or three-fourths. After the discharge of the cargo has been completed the examiner or sampler in charge shall forward a letter of transmittal to the appraiser on customs Form 6461.

(*b*) The keys of the locks used on sugar buckets shall be in possession of the assistant appraiser or the examiner at the appraiser's office, who shall have sole custody of such keys.

ART. 721. *Dimensions of sugar triers.*—The sugar triers used shall have the following dimensions:

| | Short trier | Long trier | Barrel trier |
|---|---|---|---|
| | *Centimeters* | *Centimeters* | *Centimeters* |
| Length over all | 40.6 | 152.4 | 101 0 |
| Length to spoon | 22.9 | 142.1 | 91 4 |
| Length of shank | 17.8 | 20.3 | 12.7 |
| Length of handle | 26.7 | 38.1 | 30.5 |
| Width of spoon | 2.7 | 2.5 | 2.5 |
| Depth of spoon | 0.8 | 1.3 | 1.1 |
| Diameter of handle | 3.8 | 3.8 | 3.8 |

ART. 722. *Receptacles—How sampled.*—Sugar in hogsheads and other wooden packages shall be sampled by putting the long trier diagonally through the package from chime to chime, one trierful to constitute a sample, except in small lots, when an equal number of trierfuls shall be taken from each package to furnish the required amount of sugar necessary to make a sufficient sample. In the sampling of baskets, bags, seroons, and mats the short trier shall be used, care being exercised to have each sample represent the contents of the package. The greatest precaution shall be taken that the samples from each class of packages shall be kept separate and be uniform in quantity.

ART. 723. *Detail of samplers.*—At ports where the number of samplers employed will permit, no sampler shall be detailed in the same sugar district or on the same dock longer than one month. A complete record of the assignment of the examiners and samplers shall be kept and shall be approved by the appraiser.

ART. 724. *Discharge from lighters.*—Sugars conveyed on lighters from the place of original discharge before samples have been taken shall not be removed therefrom until notice of the time of their proposed removal has been given by the inspector to the examiner or sampler in charge.

ART. 725. *Sampling from lighters.*—In cases where vessels discharge in one district and the sugars are lightered to another before sampling, the manifest which accompanied the lighter and is delivered to the inspector in charge of the district where such sugars are to be weighed and sampled shall be presented to the examiner or sampler in charge for his indorsement, the same as in the case of an original permit and such manifest shall show the name of the person making entry. The inspector in charge of such district shall be held responsible for the treatment of all such sugars under these regulations, the same as if working under the original permit.

ART. 726. *Transfer of samples.*—All sugar samples drawn on any given half day shall reach the examining room in the appraiser's stores not later than the close of the first official half day following, except where the place of discharge is more than 15 miles distant from the appraiser's stores. Whenever practicable the samples for each half day will be forwarded to the appraiser's stores as soon as the half day is completed. When sugars are discharged at places where the distance makes it impracticable for the regular conveyance to call for the samples, and where special provision is made by contract for other means of transportation, an official shall be detailed by the appraiser to take charge of such samples until they reach the appraiser's stores.

ART. 727. *Refined sugars.*—In sampling receptacles containing refined sugars the percentage to be sampled shall be determined by the best judgment of the examiner or sampler in charge. Every precaution shall be taken to have the sample fairly and adequately represent the shipment.

ART. 728. *Care of sampling equipment.*—The utmost care must be taken to keep all the apparatus used in the process of sampling sugar clean and absolutely dry. Suitable cleaning and polishing materials shall be supplied to the samplers, who are hereby instructed to always have their implements in perfect condition. The sampler shall frequently and thoroughly clean his trier with a scraper provided for that purpose. Failure to observe these requirements shall be reported at once to the appraiser by the examiner or the sampler in charge, and such failure will be regarded as sufficient cause for suspension.

ART. 729. *Sugar discharged during storm.*—Sugar discharged during a rain or snow storm shall be sampled under cover. When this is impracticable, or if in the judgment of the appraiser fair samples can not be obtained by reason of the stress of weather, or for any other reason, the inspector shall immediately stop the discharge of the cargo. In the absence of the inspector the appraiser shall immediately take such steps as may be necessary to stop the discharge of the cargo.

ART. 730. *Buckets for sirup and molasses samples.*—The receptacle used in collecting all molasses samples shall be the standard sugar bucket, and the regulations governing the use of this bucket in the collection of sugar shall apply with equal force when it is used for the collection of molasses.



ART. 731. *Molasses and sirups—Better grades.*—In sampling all grades of sirups and molasses other than blackstrap, 100 per cent of the packages shall be sampled. The contents of each receptacle shall be thoroughly stirred in order that any settlings shall be evenly distributed and the contents brought to as uniform a density as possible. Receptacles of the same size shall be sampled in groups of not more than 25, a sample of uniform quantity being drawn from each. A tally shall be kept and the label thereon shall show the number of packages which each bucket represents. The dock list accompanying the sample buckets shall convey the same information and shall account for every package of the mark. Packages of different size or character of contents, although invoiced and permitted under the same mark, shall be separately sampled, tested, and classified. If any package or packages shall, in the judgment of the sampling officer, have the appearance of sirup of cane juice, or of testing by the polariscope above 50 sugar degrees, a separate sample of same shall be taken.

ART. 732. *Blackstrap molasses.*—When blackstrap (frequently designated waste molasses) is imported in barrels, 10 percent of all the receptacles shall be sampled. When, in the judgment of the examiner or sampler in charge, a greater percentage is necessary to fairly represent the importation, such additional barrels shall be sampled as, in his judgment, are necessary to secure a representative sample. Blackstrap imported in tank vessels shall be sampled as it is being pumped from the vessel. Samples of uniform quantity, in general one-half liter, shall be drawn with such frequency as to insure one sample for each 5,000 gallons.

ART. 733. *Molasses in tank cars.*—Molasses in tank cars shall be sampled by drawing two similar complete samples of about 1 liter each and consisting of a continuous portion or core extending from the top to the bottom of the tank. When for any reason such a core can not be obtained, the two complete samples shall each consist of three portions: One portion from the top just below the surface to the liquid, one from the center, and one from the bottom of the tank. All samples shall be forwarded to the appraiser with the least possible delay.

ART. 734. *Sugar closets.*—Sugar closets in the sugar districts shall be substantially built, and secured by locks furnished by the department. They shall be conveniently located as near as possible to the points of discharge they are intended to serve. They shall be provided by the owner of the premises on which they are located and shall be so situated that sugar, sirup, and molasses stored therein shall not be subjected to extremes of temperature or humidity.

TESTING OF SUGARS, SIRUPS, AND MOLASSES

ART. 735. *Mixing of sugar samples.*—The mixing and preparing of samples for test shall be done at the appraiser's stores under the supervision of the examiner of sugar. Samples shall be mixed and forwarded to the laboratory as soon as possible after their arrival at the appraiser's stores. Under no circumstances shall the contents of more than three sugar buckets be mixed together. The mixing shall be performed on heavy paper with a glossy surface which will not readily absorb moisture, or on a table with a metal top. The samples shall be passed through a wire screen of about ⅜-inch mesh set in a galvanized-iron frame with inclosed sides. Great care shall be exercised to obtain a uniform mixture; but the operation shall be expedited so as to avoid unnecessary exposure to the atmosphere.

ART. 736. *Sugar cans.*—The tin cans used in transmitting the samples to the laboratories for polariscopic test shall have a height of 11.5 centimeters and a diameter of 8 centimeters. They shall be practically airtight, the seamless lid fitting snugly over the rim, which is topped by a seamless band. No cans shall be used for this purpose that have not been made on the dies owned by the Department. All cans must be clean and dry before using. Frequent inspection shall be made to prevent the use of any can having loose or ill-fitting lid or broken seams on side or bottom. All damaged cans shall be discarded.

ART. 737. *Preparation of sugar samples.*—From the sample prepared by mixing the contents of not more than three buckets duplicate samples shall be prepared by closely packing two tin cans full of sugar and transmitted forthwith to the laboratories for polariscopic test. A third portion, consisting of about 3 pounds, shall be placed in a glass jar to constitute a reserve sample. In all cases the jars must be firmly packed full of sugar before closing and so sealed as to make them airtight. Such samples, after being properly labeled for identification, shall be held in safe custody by the appraiser for use when required.

ART. 738. *Identification of samples.*—In transmitting the samples from the examiner's room to the laboratory they shall be indicated only by serial numbers, the key to which shall consist of the appraisement lists, on which the same numbers must appear and the laboratory officers shall not be informed in any manner as to the identity of such samples. Appraisement lists shall be made out in duplicate, an original and carbon copy, the latter to be filed in the order of the sample serial numbers for reference if required. Sample serial numbers shall begin with no. 1 at the beginning of each year and continue throughout the year and all numbers shall be accounted for in the records specified.

ART. 739. *Recording of sugar tests.*—A complete test shall be made of each sample sent to the laboratory. The accepted tests reported by the chemist in charge shall be entered in red ink on the original appraisement lists, together with the accepted tests of the duplicate samples. Should the accepted tests of duplicate samples provided for in article 738 be 92° S. (sugar degrees) or above and should they agree within 0.2° S., the average of the two shall be taken as the true polariscopic test of the sugar. If one or both of the polarizations should be less than 92° S., and they agree within 0.3° S., the average of the two shall be taken as the true polariscopic test of the sugar.

ART. 740. *Use of reserve sugar sample.*—When the accepted tests of the two samples do not agree as provided in article 739, a third sample, to be known as the reserve sample, shall be made up from the reserve portion, and treated as a regular sample. When preparing samples for the laboratory from the reserve jars the entire contents shall be taken out and remixed in order that the moisture may again be evenly distributed throughout the sample. The tests of the reserve sample having been duly recorded, the accepted tests of the three samples shall be considered together. Of the three separate tests so recorded, the average of the two most closely corresponding shall be taken as the test of the sugar; but if one of the said tests be the average of the other two it shall be taken as the correct test.

ART. 741. *Sugar test for classification.*—(*a*) The test for classification shall be an average of tests based upon the number of packages which each accepted test represents. This number shall be determined by proportioning the number of packages weighed each half day over the different mixings for such half day, according to the number of cans of samples received, using the reports of the weigher, provided for in article 703, for that purpose. Such average shall be carried to five places of decimals.

(*b*) Wet sugar, damaged sugar not wet, ship sweepings, dock sweepings, or any other sugar required under these regulations to be sampled separately, shall be classified and the tests averaged in the same manner as the general cargo.

ART. 742. *Retests of sugar.*—(*a*) When the test of the sugar has been determined the appraiser shall immediately notify the importer of the average test of the importation and also the quantity and test of each lot from which such average test is obtained. Should the importer, within 2 official days after such notice has been sent to him by the appraiser, claim an error in the test so reported and request a retest, such retest may be granted, provided, on evidence furnished, such claim shall appear to the appraiser to be well founded. Before granting retest the appraiser shall require of the importer any information he may deem desirable relative to the samples and polarizations used in the

settlement tests. Before any sugar invoice is passed the appraiser shall require the importer to furnish the settlement tests, and in no instance shall a retest be granted when the difference between the appraiser's test and the settlement test is shown to be less than 0.4° S. Samples for retest shall be made up from the reserve sample and shall be treated in all respects as provided for the original tests.

(*b*) All requests for retests of sugar shall be properly filed and a record thereof shall be kept by the appraiser on customs Form 6467.

ART. 743. *Classification when retest is made.*—In case of retest made under the provisions of article 742, the test upon which the sugar shall be classified shall be the average of the test and the retest unless it can be shown to the satisfaction of the appraiser that either the test or the retest is in error, in which event the test not in error shall be taken as the basis of classification.

ART. 744. *Error in original test.*—In all cases where in the judgment of the appraiser an error has been made the reserve sample may be resorted to by the appraiser at any time before he has made his return on the invoice for the purpose of determining and correcting such error.

ART. 745. *Molasses and sirup samples—Preparation and recording of tests.*—(*a*) All the molasses and sirup samples from an individual importation when uniform in character shall in general be represented by not more than two composite laboratory samples each sample representing one-half of the importation. Whenever practicable, a single composite sample shall be made to represent the importation. When, however, any such samples are not uniform in character, or when separate samples have been returned pursuant to article 732, as many separate samples shall be sent to the laboratory for test as, in the judgment of the examiner, shall be necessary to correctly classify the different grades of material in the importation.

(*b*) Two duplicate samples of approximately one-half liter from each composite sample shall be forwarded with the least possible delay to the laboratory for test. At least 1 liter of each composite sample shall be retained as a reserve sample. The average of the tests of the duplicate samples shall be the accepted test of the composite sample provided they do not differ by more than five-tenths percent total sugars.

(*c*) The contents of each bucket of molasses or sirup samples shall be stirred in such a manner as to evenly distribute any sugar sediment that may have settled to the bottom and the contents brought to as even a density as possible.

(*d*) The identification, recording, and averaging of accepted tests of duplicate samples shall be, unless otherwise provided in these regulations, the same as for sugar.

(*f*) Molasses and sirup samples shall be handled as expeditiously as possible in order that they may not be affected by fermentation and shall be given a serial number that will insure as early a test as possible.

ART. 746. *Molasses and sirup test for classification.*—The test for classification of a molasses or sirup importation shall be the average of the accepted tests for the composite samples based upon the proportion of the entire lot which each composite sample represents.

ART. 747. *Molasses and sirup—Significance of test—Retest.*—Owing to the unstable character of molasses and sirup the results of any retest can not have, from the standpoint of correctness for appraisement purposes, the same significance which the results of a retest on sugar possess. A retest shall be granted by the appraiser only when the information in his possession indicates a strong probability of an error. The regulation governing the granting of a retest shall in general be that given in article 743, with the exception that the difference between the appraiser's test and the settlement test shall be shown to be not less than 2 percent total sugars.

ART. 748. *Notice to importer.*—When an invoice of sugar, molasses or sirup has been passed, the appraiser shall at once send written notice to the importer, informing him of the test for classification of his importation.

ART. 749. *Sugar records—Filing.*—The original appraisement lists for each cargo, with dock lists, weighers' reports, letters of transmittal, and any other information relating to the same, shall be filed together as a permanent record, under serial numbers, an index to which shall be kept in a permanent form as a means of ready reference. All chemists' reports of tests shall be filed in the order of the sample serial numbers for reference when required.

ART. 750. *Procedure for exchange samples.*—In order that the results of the testing of imported sugars at the several ports may be compared, it is directed that on each alternate day, beginning with Monday, a sample of sugar shall be tested at each of the ports of Boston, New York, Philadelphia, and New Orleans, and at the same time duplicate samples of the same sugars shall be exchanged for tests between the appraisers of the said ports and the Bureau of Standards, Washington. The duplicates shall be sent in the tin can prescribed in article 736, which must be firmly packed full of sugar and sealed airtight with paraffin. The samples shall be numbered at each port of importation from 1 upward, beginning each year with the first official day in January, and the duplicates shall be marked for identification with the same number, the name of the importing port, and the date of test at such port.

ART. 751. *Testing duplicate exchange samples.*—The duplicate exchange samples must be tested as soon as they have been received and shall be sent to the laboratory under regular serial numbers, the identifying marks having been removed, after having been first entered in a special record, together with their respective serial numbers. Samples at the port of importation and those sent for exchange shall be tested and the separate tests of such samples, together with the accepted tests, shall be promptly reported every second day from each port to the Director of the Bureau of Standards, customs Form 6473, under their respective identifying marks. Complete record of all exchange tests shall be kept on customs Form 6481.

ART. 752. *Exchange tests for dry substance.*—On each alternate day, beginning with Tuesday, a sample of sugar will be tested in the dry substance at each of the ports named in article 750 and duplicate samples of the same sugar shall at the same time be exchanged, as directed in article 750. The duplicates shall be prepared, marked for identification, and forwarded in manner as provided in article 750. Such samples shall be sent to the laboratory as soon as received, under their respective identifying marks, and reports of tests shall be promptly forwarded every second day from each port to the Director of the Bureau of Standards under such marks. Such reports shall show the direct polarization, the percentage of moisture, and the test in the dry substance. When sugars are imported and tested at any port other than those named in article 750, samples shall be tested in the dry substance at the port of importation and duplicate samples shall be transmitted for like test to the Bureau of Standards. The samples shall be prepared and reports of said tests shall be made in all respects as herein prescribed for samples exchanged and tested at the said first-named ports. Reports of tests prescribed in this and the preceding paragraph shall be made on customs Form 6473. All requests by the Director of the Bureau of Standards for retests of duplicate exchange samples, Form 558, Department of Commerce, of either the polarization or the dry substance at the ports mentioned in articles 750, 753, and 754 shall be immediately complied with and the retest completed not later than the close of the first official day after the receipt of such request, and the results forwarded on customs Form 6473. When for any reason the retests requested by the Director of the Bureau of Standards are not completed by the close of the first official day after the receipt of the request, the retests shall not be made and the appraiser shall furnish the Director of the Bureau of Standards with a detailed statement why said retests were not made as herein provided.

ART. 753. *Exchange samples for Baltimore, Savannah, and San Francisco.*—The provisions of articles 750, 751, and 752, shall also be in force with respect to a similar series of exchange samples between the ports of New York, Philadelphia, Baltimore, and Savannah, and the Bureau of Standards.



The appraiser at San Francisco shall forward once each week an exchange sample to the Bureau of Standards in accordance with the provisions of article 752.

ART. 754. *Molasses and sirup exchange samples.*—(*a*) In order that the results of the testing of imported molasses at the several ports may be compared, it is directed that the appraisers at the ports of New York, Boston, Philadelphia, Baltimore, and New Orleans shall test one sample of molasses each month and send a duplicate one-half liter sample properly numbered and labeled, to the Bureau of Standards. The sample shall be mailed in a screw-top metal container. The results of tests shall be promptly forwarded to the Director of the Bureau of Standards and shall show separately the sucrose (Clerget), the reducing sugars, and the total sugars.

(*b*) A reserve portion of each sample consisting of not less than one-half liter shall be retained by the examiner for retest purposes. All requests by the Director of the Bureau of Standards for retests of duplicate samples shall be immediately complied with.

ART. 755. *Adulterated refined sugars.*—Samples of all refined sugars shall be sent to the laboratory to determine whether the same, after having been refined, were tinctured, colored, or in any way adulterated. At ports where the Government has no facilities for making such expert examination, samples of all refined sugars shall be forwarded to the Bureau of Standards and the appraiser at the nearest of the following ports: New York, Boston, Philadelphia, New Orleans, Baltimore, Savannah, and San Francisco. Said appraiser will cause the necessary expert examination to be made and report thereon to the collector of the port of importation.

ART. 756. *Preservation of sugar samples.*—All samples of sugar sent to the laboratory for test must be preserved as nearly as possible in the same condition as when received, and shall be returned therefrom to the examining room in such condition. All samples tested for exchange and all exchange samples, as soon as they have been returned from the laboratory, shall be labeled with their identifying marks, securely sealed airtight, and held in safe custody in the examining room 30 days from the date of test for such further test or investigation as may be ordered by the Director of the Bureau of Standards. In case any exchange samples have been received at any port not properly filled and sealed as herein prescribed, the appraiser at the port of receipt shall immediately notify the appraiser at the port of transmittal, and shall also report the facts to the Director of the Bureau of Standards.

ART. 757. *Care of apparatus.*—All screens used in the mixing of samples, sample buckets, sample cans, reserve jars, etc., when once used, shall be thoroughly washed, dried, and allowed to cool before being used a second time.

ART. 758. *Admission to examining rooms.*—All persons shall be denied admission to the examining rooms of the appraiser's office, except officers and employees whose duties require them to have access thereto. This provision must be strictly enforced.

ART. 759. *Interpretation of "testing by the polariscope."*—The expression "testing by the polariscope * * * sugar degrees", occurring in a tariff act, shall be construed to mean the percentage of sucrose contained in the sugar shown by direct polarimetric estimation.

ART. 760. *Total sugars defined.*—The expression "total sugars", occurring in the tariff act, shall be construed to mean the sum of the sucrose (Clerget), the raffinose, and the reducing sugars.

ART. 761. *Laboratory records.*—A permanent record of all samples received from the examiner shall be kept in the laboratory. The samples shall be identified therein by their serial numbers arranged in the order in which they are received. It shall be the duty of the chemist in charge to report the results of all tests of such samples made and recorded, severally, including the third and fourth tests, when made, to the assistant appraiser or examiner in charge of classifications.

WOOL AND HAIR

ART. 762. *Rates of duty—Regulations authorized.*—Tariff Act of 1930, paragraphs 1101 (a), 1102, 1103, and 1104:

PAR. 1101. (a) Wools: Donskoi, Smyrna, Cordova, Valparaiso, Ecuadorean, Syrian, Aleppo, Georgian, Turkestan, Arabian, Bagdad, Persian, Sistan, East Indian, Thibetan, Chinese, Manchurian, Mongolian, Egyptian, Sudan, Cyprus, Sardinian, Pyrenean, Oporto, Iceland, Scotch Blackface, Black Spanish, Kerry, Haslock, and Welsh Mountain; similar wools without merino or English blood; all other wools of whatever blood or origin not finer than 40s; and hair of the camel; all the foregoing, in the grease or washed, 24 cents per pound of clean content; scoured, 27 cents per pound of clean content; on the skin, 22 cents per pound of clean content; sorted, or matchings, if not scoured, 25 cents per pound of clean content: *Provided*, That a tolerance of not more than 10 per centum of wools not finer than 44s may be allowed in each bale or package of wools imported as not finer than 40s: * * *.

PAR. 1102. (a) Wools, not specially provided for, not finer than 44s, in the grease or washed, 29 cents per pound of clean content; scoured, 32 cents per pound of clean content; on the skin, 27 cents per pound of clean content; sorted, or matchings, if not scoured, 30 cents per pound of clean content: *Provided*, That a tolerance of not more than 10 per centum of wools not finer than 46s may be allowed in each bale or package of wools imported as not finer than 44s.

(b) Wools, not specially provided for, and hair of the Angora goat, Cashmere goat, alpaca, and other like animals, in the grease or washed, 34 cents per pound of clean content; scoured, 37 cents per pound of clean content; on the skin, 32 cents per pound of clean content; sorted, or matchings, if not scoured, 35 cents per pound of clean content.

PAR. 1103. If any bale or package contains wools, hairs, wool wastes, or wool waste material, subject to different rates of duty, the highest rate applicable to any part shall apply to the entire contents of such bale or package, except as provided in paragraphs 1101 and 1102.

The provisions of paragraph 1103 are subject to the tolerance of 10 percent provided in paragraphs 1101 and 1102.

PAR. 1104. The Secretary of the Treasury is hereby authorized and directed to prescribe methods and regulations for carrying out the provisions of this schedule relating to the duties on wool and hair. * * *

ART. 763. *Definitions.*—(*a*) Tariff Act of 1930, paragraphs 1101 (b) (1) to (4):

For the purposes of this schedule:

(1) Wools and hair in the grease shall be considered such as are in their natural condition as shorn from the animal, and not cleansed otherwise than by shaking, willowing, or burr-picking;

(2) Washed wools and hair shall be considered such as have been washed, with water only, on the animal's back or on the skin, and all wool and hair, not scoured, with a higher clean yield than 77 per centum shall be considered as washed;

(3) Scoured wools and hair shall be considered such as have been otherwise cleansed (not including shaking, willowing, burr-picking, or carbonizing);

(4) Sorted wools or hair, or matchings, shall be wools and hair (other than skirtings) wherein the identity of individual fleeces has been destroyed, except that skirted fleeces shall not be considered sorted wools or hair, or matchings, unless the backs have been removed; * * *.

(*b*) For the purpose of these regulations where the words "clean content" appear, they shall mean pure wool or hair as the case may be, free of all grease, dirt, sand, burrs, or any other vegetable or foreign material but with a moisture content of 12 percent.

ART. 764. *Grades of wool—Standards.*—(*a*) Tariff Act of 1930, paragraph 1101 (b) (5):

(5) The Official Standards of the United States for grades of wool as established by the Secretary of Agriculture on June 18, 1926, pursuant to law, shall be the standards for determining the grade of wools.

(*b*) Tariff act of 1930, paragraph 1104:

* * * The Secretary of the Treasury is further authorized and directed to procure from the Secretary of Agriculture, and deposit in such customhouses and other places in the United States or elsewhere as he may designate, sets of the Official Standards of the United States for grades of wool. He is further authorized to display, in the customhouses of the United States, or elsewhere, numbered, but not otherwise identifiable, samples of imported wool and hair, to which are attached data as to clean content and other pertinent facts, for the information of the trade and of customs officers.

ART. 765. *Invoices.*—Invoices covering importations of wool or hair provided for in paragraphs 1101 and 1102 shall show

the following detailed information in addition to other information required:

(1) The number of bales and gross weight, tare, and net weight;

(2) Condition, whether in the grease, washed, pulled, on skin, scoured, carbonized, burr-picked, willowed, hand-shaken, or beaten;

(3) Whether free of vegetable matter, practically free, slightly burry, medium burry, heavy burry;

(4) Whether in the fleece, skirted, matchings, sorted;

(5) Length; whether super combing, ordinary combing, clothing, or filling;

(6) Marks and numbers on bales;

(7) Price per pound for each lot of wool or hair covered by the invoice;

(8) Country of origin—province, section, or locality of production, if possible;

(9) If wool, the quality or grade of each lot covered by the invoice, specifying the standard or basis used, that is, whether United States Official Standards or the commercial term to designate grade in country of shipment;

(10) Shippers' estimate of clean wool or hair content of each lot covered by the invoice with 12 percent moisture content.

ART. 766. *Entry—Affidavit of clean content—Examination of shipment by importer—Marking of packages.*—(*a*) On the entry or withdrawal of wool or hair on the basis of clean content under the provisions of paragraph 1101 or 1102, the importer shall be required to file with the entry or withdrawal a statement showing, in addition to other information required, the total estimated or actual weight of the wool or hair in its condition as imported, as well as the estimated percentage of clean content, as heretofore defined, for each lot.

(*b*) In the absence of a statement on the entry as to clean content, the collector shall take estimated duty on full weight as the clean content.

(*c*) *Affidavit on clean content.*—(1) Pursuant to the authority vested in the appraiser by sections 509 and 510 of the Tariff Act of 1930, he shall require the owner or his representative to file with him, in connection with the entry of each lot of wool or hair, an affidavit (customs Form 6449) containing the information called for by the following questions:

What is your name?

Are you the owner, buyer, consignee, agent or broker?

If not the owner, are you authorized to act in this matter?

Has this wool or hair been purchased on a guaranteed clean-contract basis?

If so, what was the guaranteed percentage of clean-content yield?

If not purchased on a clean-content basis, was the wool or hair purchased on a guaranteed hard, medium, or light scoured basis? (State which.)

If so, what was the guaranteed scoured basis yield and purchase price?

Based upon your examination of the wool or hair in the lot, what is the grade and your estimate of hard-scoured and clean-content yield?

(2) The importer shall attach to the affidavit either the original or a certified copy of the sales confirmation covering the merchandise.

(3) If in his judgment it will aid in a more accurate determination of the amount of duty the appraiser shall direct the importer to furnish such additional information and documents pertaining to the lot or lots as may be necessary. The appraiser may withhold the release of the wool or hair until the affidavit and copy of sales confirmation is received in the appraiser's office.

(*d*) *Examination of wool or hair by importer.*—(1) The importer, consignee, or his representative will be permitted by the appraiser to examine the wool or hair representing the importation designated by the collector for examination before executing the required affidavit on clean content.

(2) The appraiser may permit the importer, consignee, or his representative to draw samples of the wool or hair designated for examination in reasonable quantities, provided the bales or bags are repacked and repaired by the importer, consignee, or representative, for the preservation and safety of the merchandise.

(3) The samples shall be weighed and a record shall be kept by the appraiser of the amounts thus drawn from the lot or lots as samples.

(*e*) *Marking.*—Each bale, bag, or package containing wool or hair imported or withdrawn from bonded warehouse shall be marked as provided in section 304 of the Tariff Act of 1930 and regulations thereunder.

ART. 767. *Review of wool examiner's returns.*—(*a*) *Request for review.*—(1) If the clean content reported by the examiner differs from the estimate shown on the affidavit, the importer shall be immediately notified and he or his representative given the opportunity to personally inspect the bales on which there is a dispute as to clean content.

(2) If the importer or his representative, after such examination and inspection of the bale or bales of wool or hair in question as he desires to make, accepts the examiner's estimate of clean content, returns shall be made to the collector on that basis.

(3) If dissatisfied with the examiner's estimate of clean content, the importer or his representative may, within 5 days after the mailing of the notice provided for in paragraph (1), file in duplicate with the appraiser in writing a request for a review of the examiner's finding, whereupon the appraiser shall cause the bale or bales in dispute to be tested to determine their clean content. One copy of the request shall be immediately forwarded to the Wool Administrator, Bureau of Customs, Washington, D. C.

(4) The appraiser shall select a representative quantity of wool or hair for testing purposes.

(*b*) *Determination of clean content by scouring and carbonizing.*—(1) When practicable, wool or hair, the clean content of which is in dispute, shall be tested by the scouring and carbonizing method. In such cases the appraiser shall select a commission scouring concern (public scourer) and send the wool or hair under a Government lot number to the scouring concern for a thorough scouring test.

(2) If a Government laboratory equipped for such test purposes is established, the wool or hair shall be sent to such Government laboratory for testing purposes.

(3) The cleansing of the wool or hair for clean content shall be constantly under Government supervision under the immediate direction of the appraiser.

(4) The charges and incidental expenses attached thereto for sorting, scouring, carbonizing, and moisture-content tests shall be borne by the importer.

(5) Upon arriving at the commission scouring plant or Government laboratory, each bale shall be carefully weighed and records made of the mark, number, gross, and net weight of each bale.

(6) The grades as sorted out of each lot shall be kept separate and records made accordingly, but the sorted wool or hair of equal and uniform grade from several small lots may be intermingled and scoured at the same time to determine clean content.

(7) In cases where two or more bales representing one lot are sorted and scoured, the total weight of sorts found in the bales will be stated and the sorts scoured separately to determine clean content.

(8) If certain offgrades, sorted out of the sample bales or lot, are not used in the scouring and carbonizing test, the estimated clean content of these sorts will be included in calculating clean content as heretofore defined for the entire lot.

(9) The scoured wool or hair from such tests as outlined above shall be allowed to attain a moisture condition comparable with existing atmospheric conditions. It shall then be weighed and the yield of scoured wool or hair determined by deducting the loss of weight in scouring. The difference between the net weight of grease wool or hair and the weight of the scoured wool or hair, after it has been allowed to regain its natural condition, shall be known as the shrinkage.

(10) In order to make proper allowances for 12 percent moisture content as prescribed in these regulations, the following method will be applied:

The minimum size of the test specimen should amply fill the container. The wool or hair selected for the test should weigh not less than 500 grams. In determining the moisture present in the scoured wool or hair tested, care should be taken to select and weigh the test specimen at the same time as the bulk of the scoured wool or hair is weighed. The specimen should then be placed in the drying oven at a temperature of 212° F. Weighings should be taken at intervals. When no change in weight is noted in three consecutive weighings, the wool or hair shall be considered bone dry. Any commercially recognized drying apparatus may be used to obtain the bone-dry weight of the specimen.

(11) The percentage and nature of any straws, burs, chaff, or other vegetable or foreign material intermingled with the scoured wool or hair shall be noted and recorded. The percentage of this foreign material in the scoured wool or hair may be estimated by the examiner in making his estimates of clean content as heretofore defined. If the importer is satisfied with the examiner's findings, the appraiser shall make returns to the collector on that basis.

(12) If the importer is dissatisfied with the examiner's estimate of the amount of foreign material in the scoured wool or hair, a representative sample of the scoured wool or hair shall be selected by the appraiser for carbonizing and neutralizing test.

(13) The loss in weight between the sample of scoured wool or hair and the weight of the carbonized, neutralized, and dusted sample shall be taken as the basis for computing the foreign material in the scoured wool or hair.

(14) The method for determining moisture content of the carbonized, neutralized, and dusted samples shall be the same as mentioned in subdivision (b) (10) of this article.

(15) If dissatisfied with the appraiser's advisory classification as to grade of wool in any lot or lots comprising an importation, the importer or his representative may file a request for a review as provided for in subdivision (a) of this article, whereupon the appraiser shall direct that a representative quantity of the lot or lots in dispute shall be selected by agreement between the appraiser and the importer, and the wool selected shall be sorted under Government supervision at the expense of the importer.

(c) *Determination of clean content by combing.*—(1) When the scouring and carbonizing method is impracticable, wool or hair the clean content of which is in dispute may be tested by the combing method.

(2) The combing test shall be conducted at a combing establishment to be selected by the appraiser.

(3) The combing concern shall follow instructions of the appraiser and be responsible for the accurate and careful performance of the test.

(4) All combing tests will be conducted under the supervision of the appraiser and the test charges and incidental expenses shall be paid by the importer.

(5) The report on each combing test must be submitted under oath on a prescribed form furnished or approved by the Commissioner of Customs. The report must contain a declaration to the effect that the test has been carefully conducted in accordance with instructions and that the wool or hair has been scoured, carded, combed, and gilled in the usual commercial way and that the weights of top and all byproducts were accurately recorded and reported.

(6) The appraiser shall have authority at any time during the test or after the test has been completed to examine the records of each department of the combing establishment, and, upon request, receive from the combing concern certified copies of all weight slips. The appraiser shall designate a customs officer to be present while the tests are being made and while the products are being weighed.

(7) In computing the clean content from the results shown on the combing report, the weight of top, noil, and all wastes will be taken into account. Allowance will be made in computing the clean content on the top, noil, and waste tests for oil present in the top, and foreign material in the comb, burr, and card wastes, card strips, card fly, and noils.

(8) If the importer is dissatisfied with the examiner's estimate of the percentage of oil in the top, a Soxhlet extraction or scouring test to determine the percentage of oil content of the top shall be made from a representative sample of the top selected by the appraiser.

(9) If the importer is dissatisfied with the examiner's estimate of the percentage of foreign material in the noils, comb, burr, and card wastes, card strips, and card fly, the appraiser shall direct that tests for percentage of foreign material in each of the products shall be made. Representative samples shall be drawn by the appraiser from each byproduct and each separately carbonized, neutralized, and dusted.

(10) The total cold weight of dry clean scoured top from which the oil has been scoured or extracted, cold weight of carbonized noils, comb, burr, and card wastes, and card strips, and card fly shall be taken, and an allowance made for 12 percent moisture content which shall be the basis for computing clean content, as heretofore defined, for the entire lot. The moisture test shall be conducted in the same manner as that prescribed in subdivision (b) (10) of this article.

(11) If certain offgrades, sorted out of the sample bales or lot, are not used in the combing test, the estimated clean content for these sorts will be added to the clean content, top and all byproducts, and the total shall be the basis for calculating the clean content as heretofore defined for the entire lot.

(*d*) *Determination of clean content of wool or hair on skin.*—(1) The weight of wool or hair on the skin shall be determined on the basis of the quantity obtainable by pulling.

(2) If dissatisfied with the examiner's estimate of wool or hair on the skin, the importer or his representative may, within 5 days after the mailing of the notice provided for in subdivision (*a*) of this article, file in duplicate with the appraiser in writing a request for a review of the examiner's finding.

(3) Upon receipt of a request for a review of the examiner's finding, the appraiser shall select a sufficient number of skins to represent fully each lot comprising the importation.

(4) The selected skins shall be tested for quantity of wool or hair by pulling the wool or hair from the skin.

(5) Commercial methods in pulling of the wool or hair from the skins shall be followed.

(6) The entire operation of pulling will be conducted, either in a wool-pulling establishment or in a Government laboratory, under the direct supervision of the appraiser and in the presence of a customs officer who shall keep close observation of the operations, check all the weights, and keep complete records for the appraiser.

(7) If the importer is dissatisfied with the examiner's estimate of clean content of the wool or hair pulled from the skins, he may request a review of the examiner's finding in the manner provided in subdivision (*a*) (3) of this article, whereupon the appraiser shall direct that the wool or hair be scoured and carbonized in a manner prescribed in subdivision (*b*) of this article to determine the clean content, as heretofore defined. The results of such test or tests shall be used as a basis for calculating clean content of the entire importation.

(8) The same procedure will be followed in determining the moisture content of 12 percent as outlined in subdivision (*b*) (10) of this article.

(9) All test charges and incidental expenses shall be borne by the importer.

(*e*) *Reports of tests.*—(1) Reports on all tests shall be submitted in quadruplicate, on forms prescribed and furnished or approved by the Bureau of Customs, and sworn to before a notary public or officer authorized to administer oaths.

(2) One copy of the report on the test shall be retained by the concern conducting the test, one held by the appraiser, one presented to the importer, and another sent to the Bureau of Customs, Washington, D. C.

(*f*) *Retests.*—If the appraiser is not satisfied with the results of any test, he may demand that a retest be made. The appraiser shall select a bale or bales of the wool or hair or wooled skins, representative of the importation, and cause the same to be tested in the same manner and method as followed in the first test, but the expense of such test shall be borne by the Government.

(*g*) *Release of products tested.*—Upon completion of the test and receipt of the reports by the appraiser, he shall advise the testing concern as to the name of the individual, firm, company, or corporation to whom to bill the test and incidental charges. The appraiser shall, in writing, after the duty is paid on the wool or hair tested, notify the testing concern to whom the wool or hair products of the test should be released.

(*h*) *Duty on products of tests.*—The duty on products of all scouring, carbonizing, combing, and pulling tests, made to determine clean content, shall be the same as if such product had been withdrawn in the original condition as imported.

ART. 768. *Reports by appraiser and examiner.*—(1) The appraiser shall file with the Wool Administrator a complete record covering each report for review of the examiner's finding, including the following information: The entry number; date entered; name of actual purchaser; consignee; consignor; number of bales and total gross weight and number of lots involved in the dispute; number of bales examined; grade, country, and point of shipment; country of origin; kind of wool or hair; whether in grease, scoured, etc.; whether fleece, sorted, etc.; whether super, strict, or ordinary combing, etc.; whether free of vegetable matter, practically free, etc.; the estimated scoured yield and clean content as shown on the consular invoice and affidavit and the examiner's estimate of the scoured yield and clean content; together with any other pertinent information.

(2) The appraiser shall notify the Wool Administrator, Bureau of Customs, Washington, D. C., as to the number of bales and weight of wool selected for testing purposes, the name and address of the concern conducting the test, and the date of the shipment of the bale or bales selected for test purposes to the testing concern.

(3) A report as to each importation of wool or hair on the form entitled "Daily Report for the Wool Administrator" shall be made by the examiner in accordance with instructions heretofore given.

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CHAPTER XII

APPRAISEMENT

GENERAL PROCEDURE

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GENERAL PROCEDURE

ART. 769.—*Order of appraisement—Designation of packages for examination.*—(*a*) Tariff Act of 1930, section 488:

The collector within whose district any merchandise is entered shall cause such merchandise to be appraised.

Customs Form 6417 with the invoice attached shall be deemed the order of appraisement.

(*b*) Tariff Act of 1930, section 499:

* * * The collector shall designate the packages or quantities covered by any invoice or entry which are to be opened and examined for the purpose of appraisement or otherwise and shall order such packages or quantities to be sent to the public stores or other places for such purpose. Not less than one package of every invoice and not less than one package of every ten packages of merchandise, shall be so designated unless the Secretary of the Treasury, from the character and description of the merchandise, is of the opinion that the examination of a less proportion of packages will amply protect the revenue and by special regulation permit a less number of packages to be examined. The collector or the appraiser may require such additional packages or quantities as either of them may deem necessary. * * *

ART. 770. *Examination of merchandise—Procedure.*—(*a*) The appraiser shall cause to be examined all merchandise designated by the collector and such additional quantities, packages, or parts thereof as he may deem necessary. Such merchandise, except matches and other inflammable, explosive, and dangerous articles, shall be examined at the public stores, but with the consent of the appraiser any merchandise for which entry has been made, the examination of which at the public stores is impracticable, may be examined on the wharf or at the importer's premises or other suitable place.

(*b*) When upon the request of the importer merchandise is examined elsewhere than at the public stores, or at a place other than a port of entry or a customs station at which a customs officer is permanently located, the additional expense, if any, shall be paid by such importer. The expenses chargeable to the importer in such cases shall include actual expenses of travel and subsistence, but not the per diem compensation of the examining officer.

(*c*) Before permitting the removal of merchandise for examination elsewhere than at the public stores, wharf, or other place in charge of a customs officer, the collector shall require the importer to stipulate in writing that he will not contest the validity of the appraisement because examination is made elsewhere than at the public stores, and to execute a bond on customs Form 7551 or 7553 or other appropriate form conditioned for the redelivery of the merchandise after its release from customs custody upon the completion of final examination for purposes of appraisement (article 1079 (*f*)) if demand for redelivery is made in accordance with article 316. The bond shall contain added conditions providing that the importer shall hold the merchandise at the place to which it has been removed for examination until it has been released from customs custody and that he shall transfer the merchandise, at any time before such release, to such place as the collector may direct. The collector may also require the importer to deposit an amount sufficient to cover the additional expense of such examination.

(*d*) Except as provided in paragraph (*f*), the packages before being removed from the place of unlading, shall be corded and sealed by a customs officer, a caution notice, customs Form 6087, shall be securely affixed thereto, and the packages shall be opened only in the presence of the appraiser, assistant appraiser, examiner, or other person designated by the appraiser, and shall be opened and closed by labor furnished by the importer.



(*e*) Merchandise entered free of duty which is found on examination to be dutiable, shall be immediately recorded and resealed by a customs officer and, unless the estimated duties are promptly deposited, the collector shall order the merchandise transferred to such place as he may direct, there to be held in the same manner as other dutiable merchandise pending final action.

(*f*) Machinery, altars, shrines, and other articles which must be set up and assembled prior to examination, may, upon application by the importer or owner, be examined and appraised at the mill, factory, or other suitable place, after being set up or assembled. In such cases the filing of a bond on customs Form 7551 or 7553 and the deposit of the estimated additional expense (except the per diem compensation of the examining officer, which is not exacted in such cases) shall be required, as well as the stipulation not to contest the validity of the appraisement. The packages need not be corded and sealed, but the appraiser shall make such preliminary examination as may be necessary to identify the merchandise with the invoice. After the bond has been filed and the preliminary examination has been made, the collector may permit the merchandise to be removed to the place at which it is to be set up or assembled for examination. Within 90 days after such removal, unless an extension has been applied for and granted by the collector or appraiser, the importer must notify the collector or appraiser that the machinery or other articles have been set up or assembled and are ready for examination, whereupon final examination shall be made and the appraisement completed. (See art. 1079 (*f*).)

(*g*) Matches and other inflammable, explosive, and dangerous articles shall be examined at the importer's premises or other suitable place, but not at the public stores.

(*h*) When examination is made elsewhere than at the public stores, the appraiser shall state the fact and place of such examination in his report of the appraisement.

(*i*) The appraiser should submit to the chief chemist of the laboratory to which his district is assigned samples of all articles requiring technical analysis, such as textile fabrics, chemicals, minerals, etc., for a report as to any facts necessary to proper classification and appraisement of such articles.

(*j*) When additional cases are desired for examination, requisition for redelivery shall be made on customs Form 3483, mailed or sent by special messenger to the importer.

ART. 771. *Appraisement on samples.*—(*a*) The appraiser may make appraisement on samples of such merchandise as is, by commercial usage, bought and sold by sample.

(*b*) Representative samples shall be selected by a customs sampler, or other authorized customs officer, from the merchandise or packages designated by the collector for examination, and shall be properly marked to insure identification, and retained as long as the appraiser shall deem it necessary.

(*c*) Should the appraiser require for the purpose of appraisement samples from packages not designated for examination, he may request the importer to submit the same under oath that such samples were drawn from a specified case or cases covered by the invoice and that they are in the same condition as when drawn.

ART. 772. *Duties of appraising officers.*—(*a*) Tariff Act of 1930, section 500 (a):

(a) *Appraiser.*—It shall be the duty of the appraiser under such rules and regulations as the Secretary of the Treasury may prescribe—

(1) To appraise the merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof by all reasonable ways and means in his power, any statement of cost or cost of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding;

(2) To ascertain the number of yards, parcels, or quantities of the merchandise ordered or designated for examination;

(3) To ascertain whether the merchandise has been truly and correctly invoiced;

(4) To describe the merchandise in order that the collector may determine the dutiable classification thereof; and

(5) To report his decisions to the collector.

(*b*) Tariff Act of 1930, section 499:

* * * If any package is found by the appraiser to contain any article not specified in the invoice and he reports to the collector that in his opinion such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be liable to seizure, but if the appraiser reports that no such fraudulent intent is apparent then the value of said article shall be added to the entry and the duties thereon paid accordingly. If a deficiency is found in quantity, weight, or measure in the examination of any package, report thereof shall be made to the collector. * * *

(*c*) Appraisers shall include in their returns on invoices, customs Form 6417, a report as to the correctness of the invoice upon which entry was made. If they find the merchandise correctly invoiced, they will return "invoice correct." If they find the invoice incorrect either as to prices or values stated, entered rates, or as to the form of invoice, they shall return "invoice incorrect in the following respects", specifying the particulars, and shall hold the examination packages until released by the collector.

(*d*) They shall report all prohibited articles found in importations and hold the package in which found pending the receipt of instructions from the collector.

(*e*) Conventional gauges are hereby authorized for distilled spirits imported in bottles of the following standard sizes established by Regulations 13 of the Bureau of Internal Revenue and Regulations 5 of the Federal Alcohol Administration (see T. D. 6 of the Federal Alcohol Administration):

12 ⅘-quart bottles per case, 2.40 gallons.
24 ⅘-pint bottles per case, 2.40 gallons.
12 quart bottles per case, 3 gallons.
24 pint bottles per case, 3 gallons.
48 ½-pint bottles per case, 3 gallons.
144 ⅛-pint bottles per case, 2.25 gallons.
96 1/10-pint bottles per case, 1.20 gallons.
144 1/10-pint bottles per case, 1.80 gallons.
192 1/10-pint bottles per case, 2.40 gallons.
216 1/10-pint bottles per case, 2.70 gallons.
300 1/10-pint bottles per case, 2.34375 gallons.

Tests should be made from time to time, and if it is found that there is a material discrepancy between the actual gauge and the established conventional gauge, the actual gauge should be taken.

ART. 773. *Unusual coverings and containers.*—(*a*) Tariff Act of 1930, section 504:

If there shall be used for covering or holding imported merchandise, whether dutiable or free of duty, any unusual material, article, or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duties shall be levied upon such material, article or form at the rate or rates to which the same would be subjected if separately imported.

(*b*) The appraiser shall report any unusual coverings and containers in such descriptive terms as will enable the collector to properly classify the same for duty.

ART. 774. *Value.*—Tariff Act of 1930, section 402:

(a) *Basis.*—For the purposes of this act the value of imported merchandise shall be—

(1) The foreign value or the export value, whichever is higher;

(2) If the appraiser determines that neither the foreign value nor the export value can be satisfactorily ascertained, then the United States value;

(3) If the appraiser determines that neither the foreign value the export value, nor the United States value can be satisfactorily ascertained, then the cost of production;

(4) In the case of an article with respect to which there is in effect under section 336 a rate of duty based upon the American selling price of a domestic article, then the American selling price of such article.

* * * * * *

(c) *Foreign value.*—The foreign value of imported merchandise shall be the market value or the price at the time of exportation of such merchandise to the United States, at which such or similar merchandise is freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of

trade, including the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States.

(d) *Export value.*—The export value of imported merchandise shall be the market value or the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States.

(e) *United States value.*—The United States value of imported merchandise shall be the price at which such or similar imported merchandise is freely offered for sale, packed ready for delivery, in the principal market of the United States to all purchasers, at the time of exportation of the imported merchandise, in the usual wholesale quantities and in the ordinary course of trade, with allowance made for duty, cost of transportation and insurance, and other necessary expenses from the place of shipment to the place of delivery, a commission not exceeding 6 per centum, if any had been paid or contracted to be paid on goods secured otherwise than by purchase, or profits not to exceed 8 per centum and a reasonable allowance for general expenses, not to exceed 8 per centum on purchased goods.

(f) *Cost of production.*—For the purpose of this title the cost of production of imported merchandise shall be the sum of—

(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing such or similar merchandise, at a time preceding the date of exportation of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

(2) The usual general expenses (not less than 10 per centum of such cost) in the case of such or similar merchandise;

(3) The cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2) of this subdivision) equal to the profit which ordinarily is added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the production or manufacture of merchandise of the same class or kind.

(g) *American selling price.*—The American selling price of any article manufactured or produced in the United States shall be the price, including the cost of all containers and coverings of whatever nature and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for delivery, at which such article is freely offered for sale to all purchasers in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities in such markets, or the price that the manufacturer, producer, or owner would have received or was willing to receive for such merchandise when sold in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the imported article.

ART. 775. *Charges—Dutiable and nondutiable.*—(a) Dutiable charges are such costs and other expenses as are incidental to placing the merchandise in condition, packed ready for shipment to the United States. Such charges must represent the actual cost and be confined solely to merchandise exported to the United States. If such elements of cost enter into the value of the merchandise when sold in the ordinary course of trade for domestic consumption in the country of exportation, they no longer are charges but become a part of the value of the merchandise.

(b) Nondutiable charges are such items of cost and expense as constitute no part of the value of the merchandise when sold in the ordinary course of trade in the country of exportation, and are no part of the expense of placing it in condition packed ready for shipment to the United States.

ART. 776. *Returns by appraiser.*—Appraising officers will observe the following rules in making returns on invoices:

(a) The value returned by the appraiser should be in the unit of quantity in which the merchandise is usually bought and sold in the ordinary course of trade, subject to the usual commercial terms and should not be expressed as a total unless the total is the trade unit of value.

(b) Except as modified in this article, the value shall be expressed in the currency of the country of exportation in which merchandise identical with or similar to that under appraisement is usually bought and sold in the ordinary course of trade, notwithstanding that two or more currencies of different character may circulate in that country.

(c) The value shall be expressed in United States currency if appraisement is made on the basis of United States value or American selling price, or in the currency of the country of exportation if appraisement is on the basis of cost of production.

(d) If there is more than one basis for the currency in which the appraiser's return is expressed, such as gold, silver, or paper, the particular basis of the currency adopted by the appraiser should be stated in the return; for example, paper lira, silver lira, gold lira.

(e) When merchandise identical with or similar to that under appraisement is sold for domestic consumption and for exportation in different currencies in the country of exportation, the currencies involved should, for the purpose of comparison to determine whether the foreign or export value is the higher, be converted into United States currency at the rate certified by the Federal reserve bank for the date of exportation of the merchandise involved; but the currency expressed in the appraiser's return should be the currency in which identical or similar merchandise is usually bought and sold in the ordinary course of trade for domestic consumption in the country of exportation or for exportation to the United States, depending upon whether the foreign or export value is adopted as the basis of appraisement.

(f) The conversion of currency, being a function of the collector, is not related to the determination of the unit values of merchandise or of the costs, charges, etc., entering into the determination of dutiable values, and it is not the duty of appraising officers to find or state the value of currency.

(g) Opposite each item or group of similar items on the invoice the examiner shall write or stamp in red ink a description of the merchandise sufficient to enable the collector to properly classify the same for duty, unless the invoice description is sufficiently specific for that purpose, indicating the paragraph and rate of duty applicable. A notation on the invoice as to the paragraph and rate applicable is not a sufficient description when the paragraph covers more than one class of merchandise or prescribes more than one rate of duty. If the merchandise is specifically provided for, the return should be in the language of the tariff act.

(h) If the appraised value be not the same as the entered value, the appraiser's return on the face of the invoice should be a direct statement of his appraisement, and not an expression of differences between appraised and entered values.

(i) When there is a uniform general advance in value, the appraisement may be indicated by bracketing all of the items involved, plus the uniform percent of advance.

(j) When the appraiser's advisory classification agrees with the entered classification, it need not be set forth upon the invoice unless more detailed information than is shown in the entered classification is required for statistical purposes.

(k) When the action of more than one examiner is involved, each entered rate and paragraph set forth in the margin of the invoice at the time of entry should be initialed by the examiner concerned, if correct. If incorrect, he should note the correct rate and paragraph over his initials.

(l) When a commission is deducted on entry so that the entered value of the merchandise per se is lower than the correct dutiable value, the appraiser's return on the face of the invoice should be a direct statement of his appraisement without mention of the commission.

(m) Discounts as such should not be disallowed. If the appraisement is net or involves a discount differing from that deducted on entry, a direct statement of appraised value should be made including the discount, if any, viz:

"Appraised value 6 francs per dozen net"; or

"Appraised value 6 francs per dozen less 5 and 2½ percent."



(n) Discounts and charges should be returned in such manner as definitely to indicate to the collector whether or not the amount thereof is included in the appraised unit value, and the return must show all discounts and charges deducted from the unit value as well as all packing charges or other dutiable costs or items added thereto to make dutiable value.

(o) Returns relating to such charges may be made dependent on the manner in which the charges are invoiced and the conditions surrounding appraisement, by use of the following expressions: "Not included in appraised value"; "Appraised at invoiced or entered unit values, plus items marked X"; "Appraised at invoiced or entered unit values, less items marked X"; "Appraised value (stating value in figures and terms), plus items marked X"; "Appraised value (stating figures and terms) less items marked X." In such instances the charges should be bracketed and marked X.

(p) No report need be made on such charges in the body of the invoice, if believed to be correct, as such report is included in the certification of the appraising officer in the summary sheet.

(q) When the cost of packing is included in the invoiced units, the merchandise will be returned "Packed", if the packing is part of the appraised value. If the packing is not part of the appraised value the per se value and the packing should be reported separately and the packing charges set forth.

(r) The following are illustrative examples of the form and substance of such statements:

Appraised value: 6 francs per dozen, net, packed.

Appraised value: 6 francs per dozen, net, plus cases and packing.

Appraised value: 6 francs per dozen less 5 per cent discount, packed.

Appraised value: 6 francs per dozen less 5 per cent discount, plus cases and packing.

Appraised value: 6 francs per dozen, net, packed, less ——— N. D. charges.

Appraised value: 6 francs per dozen less 5 per cent discount, packed, less ——— N. D. charges.

Appraised value: 6 francs per dozen, net, plus cases and packing, less ——— N. D. charges.

Appraised value: 6 francs per dozen less 5 per cent discount, plus cases and packing, less ——— N. D. charges.

(s) All official reports of examiners shall be in red ink.

(t) When the appraised value of the merchandise exceeds the entered value the method used in determining the value as provided in section 402 of the Tariff Act of 1930 shall be indicated by the following symbols:

F. M. V.—Foreign market value.
Ex. V.—Export value.
U. S. V.—U. S. value.
C. P.—Cost of production.
A. S. P.—American selling price.

(u) The appraiser shall make a return of each invoice on customs Form 6417.

(v) If the appraised value be the same as the entered value, the signature of the appraising officer to the certificate on the summary sheet without any notations on the invoice will so indicate.

(w) The appraising officer will note only exceptions upon the summary sheet, in the various columns relating to value, rate, quantities, and dutiable packing charges.

(x) When there are no changes in the entered value, classifications, quantities, etc., and the action of only one examiner is involved, each column should be checked to indicate that proper action has been taken as expressed in the certification of the appraising officer.

(y) When exceptions are noted, the cases returned correct should be marked "C" (correct) in addition to setting forth the exceptions expressed by the abbreviations set forth in the summary sheet.

ART. 777. *Invoice return—Finality of.*—(a) After inspection, examination, and appraisal by the appraiser he shall transmit the invoice to the collector with his report.

(b) The return of the appraiser as to value can not be reconsidered or modified by him after the report of appraisement has been lodged with the collector but if within 60 days thereafter the appraiser shall have reason to believe that his appraisement was too low, he shall notify the collector so that an appeal to reappraisement may be taken if the collector deems it advisable.

ART. 778. *Papers to be sent by messenger.*—All communications and papers, whether invoices, appraisement orders, or others, passing between the customhouse and the appraiser must be transmitted by an officer of the customs or an official messenger, except where otherwise specially authorized by the Bureau.

ART. 779. *Examiner's value record.*—The examiner's record of value shall be maintained on customs Forms 6303, 6305, 6307, 6309, and 6311.

ART. 780. *Furnishing information as to values.*—The appraiser may, in his discretion, furnish to importers the latest information as to values in his possession, subject to the following conditions:

(a) Information shall be given only in response to a specific request therefor by an importer, and in no circumstances shall be volunteered by a customs employee.

(b) Information shall be given only on merchandise to be entered at his port, and after its arrival, or upon satisfactory evidence that it has been exported and is en route to the United States, and then only on presentation of invoices and all papers, documents, or other information in the possession of the importer or available to him relative to the value of the merchandise.

(c) The request for information may be made orally or in writing (if in writing it shall be in duplicate on such form as the appraiser may prescribe) and the information shall be given only if the appraiser is satisfied that the importer is unable to obtain any definite information as to market value on the date of exportation due to unusual conditions, and with the understanding and agreement that the information, if given, is in no sense an appraisement nor binding upon the appraiser's action on appraisement, as appraisement of merchandise must be made at the market value prevailing on the date of exportation, in accordance with the law, irrespective of any information given before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisement.

(d) The privilege of securing information from the appraiser before the invoice or the merchandise has come under his observation for the purpose of appraisement is predicated on cooperation by the importer. When the appraiser suspects that the importer is withholding information in his possession, or that the importer has not exercised due diligence to obtain the information requested, or otherwise questions the importer's good faith, he shall, prior to furnishing any information, request the importer to call at his office for questioning. If, after such questioning, and after such other investigation as he deems necessary, the appraiser is still not satisfied as to the importer's good faith, he shall refuse to give any information to such importer.

(e) Upon receipt of a request for information, the examiner shall give the latest information in his possession effective on the date of exportation, stating also the basis of his conclusion, or, in the absence of information as to values on or about the date of exportation of the shipment, shall advise the importer to that effect. If the request is in writing, a copy containing the conclusion of the examiner, if approved by the appraiser, or such other officer as he may designate for that purpose, shall be retained in the appraiser's files for consideration by the examiner when examining the merchandise, and the other copy given to the importer.

(f) If the appraiser does not have the information requested, he may, if the importer so desires, refer the request to the Customs Information Exchange for advice.

ART. 781. *Loss of weight—Increase in value.*—When merchandise subject to an ad valorem rate of duty has decreased in weight by reason of evaporation or otherwise, and the value of the unit of quantity has correspondingly increased,

the appraiser should appraise the merchandise in the condition in which imported and such appraisement shall not be deemed an advance in value for the purpose of assessing additional duty.

ART. 782. *Country and principal markets.*—The term "country" as used in the law is to be regarded as embracing all the possessions of a nation, however widely separated, which are subject to the same supreme executive and legislative authority and control.

ART. 783. *Diversion to another country.*—Merchandise imported from one country, being the growth, production, or manufacture of another country, will be appraised at its value in the principal markets of the country from which immediately imported. If it appears by the invoice, bill of lading, or other evidence that the merchandise was destined for the United States at the time of original shipment, it will be appraised at its value in the principal markets of the country from which originally exported.

ART. 784. *Time of exportation.*—(*a*) The time of exportation shall be the date on which the merchandise actually leaves the country of exportation for the United States.

(*b*) If the merchandise is shipped directly by water from the country of export, the date of the sailing of the vessel shall be the date of exportation. At ports where the appraiser does not receive customs Form 3167, "Daily report of arrival of vessels", the collector shall note on the summary sheet, customs Form 6417, for the information of the appraiser, the date of sailing of the vessel. If the merchandise arrives in bond, the date of sailing shall be obtained from the lists circulated by the customs information exchange.

(*c*) Since the act of exportation is not complete until the merchandise finally leaves the jurisdiction of the exporting country, if a vessel with the merchandise on board sails from two or more ports, or more than once from the same port, of the exporting country, whether or not stopping on the intervening voyage at a port of another jurisdiction, or, if the merchandise is transshipped in another jurisdiction and subsequently reenters the jurisdiction of the exporting country on another vessel, or if the merchandise is transshipped to another vessel in the same jurisdiction, the date the vessel on which the merchandise finally leaves the exporting country sails from the last port thereof, is the date of exportation.

(*d*) When the merchandise is shipped from an interior country through the ports of another country or from a country contiguous to the United States, the date of exportation shall be the date on which the merchandise crosses the border of the country of exportation and passes beyond the control of the government of such country.

(*e*) If the merchandise is not exported directly by water and no positive evidence is at hand as to the date of exportation, the date of the invoice certification shall be considered the date of exportation, unless the invoice appears to have been certified after the date the merchandise actually left the country of exportation; otherwise the date shown as the date the invoice was prepared shall be taken, unless it also appears to be later than the actual date of exportation. In the absence of a certified invoice, the date of the pro forma invoice will be taken unless it appears to be dated after the actual date of export. If a pro forma invoice covers several individual bills of different dates, the latest of such dates, unless it appears to be later than the actual date of export, will be taken.

(*f*) In the case of indirect shipments exported from one country through another, if the invoice is post certified and post dated, the date of the bill of lading may be used in the absence of other evidence, if the bill of lading was issued in the country of export.

(*g*) Merchandise may be appraised as of the date of actual shipment when there is presented a bill of lading showing the date of shipment, provided such bill of lading has been certified in accordance with the provisions of section 2904 of the Revised Statutes.

COAL-TAR PRODUCTS

ART. 785. *Procedure.*—(*a*) Tariff Act of 1930, paragraphs 27 and 28 (c) and (d):

(c) The ad valorem rates provided in this paragraph shall be based upon the American selling price (as defined in subdivision (g) of section 402, title IV), of any similar competitive article manufactured or produced in the United States. If there is no similar competitive article manufactured or produced in the United States then the ad valorem rate shall be based upon the United States value, as defined in subdivision (e) of section 402, title IV.

(d) For the purposes of this paragraph any coal-tar product provided for in this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner.

(*b*) Tariff Act of 1930, paragraph 28 (e) and (h):

(e) The specific duties provided for in this paragraph on colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco compounds, indoxyl, and indoxyl compounds, shall be based on standards of strength which shall be established by the Secretary of the Treasury, and upon all importations of such articles which exceed such standards of strength the specific duty shall be computed on the weight which the article would have if it were diluted to the standard strength, but in no case shall any such articles of whatever strength be subject to a less specific duty than that provided in subparagraph (a) or (b), as the case may be. * * *

(h) In the enforcement of the foregoing provisions of this paragraph the Secretary of the Treasury shall adopt a standard of strength for each dye or other article which shall conform as nearly as practicable to the commercial strength in ordinary use in the United States prior to July 1, 1914. If a dye or other article has been introduced into commercial use since said date then the standard of strength for such dye or other article shall conform as nearly as practicable to the commercial strength in ordinary use. If a dye or other article was or is ordinarily used in more than one commercial strength, then the lowest commercial strength shall be adopted as the standard of strength for such dye or other article.

(*c*) An importer may, under proper supervision, be permitted to take samples prior to entry from his own importations of articles dutiable under paragraphs 27 and 28, and appraising officers may take samples of such articles prior to entry when deemed necessary by them.

(*d*) When an importer seeks information from the appraising officer prior to entry, or, for the importer's convenience, formal entry is withheld as hereinafter provided, in return therefor the importer shall furnish to the appraising officer such relevant information as he may request.

(*e*) An imported article which is or may be used for the same purpose as a domestic article not freely offered for sale, but used in the manufacture of another domestic article freely offered for sale, shall be considered a similar competitive article.

(*f*) The appraiser at New York shall from time to time issue lists of articles which he believes to be competitive and noncompetitive, and add articles thereto or remove articles therefrom as investigation shall justify. This list is advisory only and in no manner relieves appraising officers from the duty of independent appraisement required by law. The appraiser shall furnish copies of such lists and amendments thereof to the Customs Information Exchange for circulation among other appraising officers and the public upon request.

(*g*) In the case of an actual importation of a similar competitive article or of a noncompetitive article, the appraising officer may furnish to the importer upon application in writing information of the American selling price or United States value, as the case may be, provided the appraising officer shall be satisfied that the importer, after exercising due diligence, has not himself been able to obtain such information and that he has submitted to the appraising officer all relevant information in his possession. All information furnished by the appraising officer shall be advisory only. In communicating such American selling price or United States value, however, the appraising officer shall not disclose the source of his information.

(*h*) The appraiser at New York upon application of an importer having an invoice of an article not named on either the competitive or the noncompetitive list shall proceed immediately to ascertain to which list the article belongs, and upon such ascertainment shall add the article to such list, pending which the importer may withhold formal entry. The appraiser shall inform the importer of his action.

(*i*) When an imported article is of different strength from a similar competitive article manufactured or produced in the United States, the value of the imported article shall be adjusted in relation to the selling price of the domestic article in the proportion which the strength of the imported article bears to that of the domestic.

(*j*) When an article is a similar competitive article as defined in paragraph (e) of this article, the value of the imported article shall be the American selling price of the domestic article freely offered for sale adjusted in the relation that it bears to the domestic article not freely offered for sale.

(*k*) When the appraising officer shall be satisfied after investigation that a similar competitive domestic article is offered for sale at an arbitrary and unreasonable price not intended to secure bona fide sales and which does not secure bona fide sales, such price shall not be considered as the American selling price, and such officer shall use all reasonable ways and means to ascertain the price that the manufacturer, producer, or owner would have received, within the meaning of section 402 (g) of the Tariff Act of 1930.

(*l*) Where two or more domestic articles are considered similar competitive articles as compared with an imported article, the American selling price of the domestic article which accomplishes results most nearly equal to those of the imported article shall be taken as the basis for the assessment of the ad valorem rate.

(*m*) The words "similar competitive articles" in paragraphs 27 and 28 shall not be construed as relating exclusively to coal-tar products. An imported coal-tar product may be compared with a domestic non-coal-tar product, or an imported non-coal-tar product dutiable under paragraph 27 or 28 with a domestic coal-tar product, for the purpose of determining whether they are similar competitive articles. The rule provided in paragraphs 27 and 28 for the determination of similar competitive articles and the regulations herein provided shall be applied in such cases.

(*n*) Instructions for the ascertainment of United States value are to be found in T. D. 42215.

(o) Tests which are necessary in the appraisement of imported articles shall be made under conditions approximating as closely as practicable the conditions in which the articles will be actually used in trade or manufacture.

(*p*) Appraising officers may consult the trade papers, but the weight to be given to the quotations and other information therein is for the determination of the officers themselves.

(*q*) Appraising officers at ports other than New York when in doubt on any question arising under paragraphs 27 and 28 shall take the question up direct with the appraiser at New York through the Customs Information Exchange, which will give immediate attention thereto and expedite the return of information. If the appraising officer shall be dissatisfied with the advice of the appraiser at New York, or the latter shall be in doubt on the inquiry, the question shall be submitted to the Bureau for an expression of its views, article 1402 to be complied with at all times.

(*r*) When an article not previously imported is found to be noncompetitive and no United States value can be ascertained, the article shall be appraised in accordance with section 402 (a) of the Tariff Act of 1930.

(s) Standards of strength for coal tar products adopted by the Secretary of the Treasury will be published from time to time and such standards heretofore adopted and published will continue in force until changed or revoked.

ART. 786. *Marking of containers and coverings of coal-tar products.*—(*a*) Tariff Act of 1930, paragraph 28 (f) and (g):

(f) It shall be unlawful to import or bring into the United States any such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound unless the immediate container and the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound contained therein.

(g) On and after the passage of this Act it shall be unlawful to import or bring into the United States any such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound, if the immediate container or the invoice bears any statement, design, or device regarding the article or the ingredients or substances contained therein which is false, fraudulent, or misleading in any particular.

(*b*) Such containers shall be marked plainly and conspicuously with a descriptive statement which discloses the following particulars:

1. Trade name of the article and manufacturer's name.

2. Percentage of color, dye, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound contained therein, exclusive of diluents.

3. Schultz or color index number, if any. If none, the chemical, classification of the dye (whether azo, anthraquinone, sulphur etc.), and the method of application (whether acid, basic, direct, etc., with after treatment, if any), together with a statement of the chemical composition of the intermediates from which the finished dye is made.

4. In the absence of a Schultz or color index number of a dye consisting of a mixture of two or more dyes, then the information required by paragraphs 1, 2, and 3 (except the method of application), for each component dye in the mixture shall be given, together with the method of application of the mixture.

PROCEDURE UNDER ANTIDUMPING ACT

ART. 787. *Finding of dumping by Secretary.*—Antidumping Act, 1921, section 201 (a):

That whenever the Secretary of the Treasury (hereinafter in this act called the "Secretary"), after such investigation as he deems necessary, finds that an industry in the United States is being or is likely to be injured or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise, and that merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value, then he shall make such finding public to the extent he deems necessary, together with a description of the class or kind of merchandise to which it applies in such detail as may be necessary for the guidance of the appraising officers.

ART. 788. *Publication of findings.*—Findings of the Secretary of the Treasury made in accordance with the provisions of section 201 (a) of the Antidumping Act, 1921, will be published in the Treasury Decisions with a description of the class or kind of merchandise to which they apply in such detail as may be necessary for the guidance of customs officers.

ART. 789. *Fair value.*—Merchandise is sold at less than its fair value within the meaning of section 201 (a) of the act if the purchase price or exporter's sales price of such merchandise is less than its foreign-market value (or in the absence of such value, than the cost of production).

ART. 790. *Action by appraiser when not finding of dumping has been published.*—(*a*) Antidumping Act, 1921, section 201 (b):

Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the appraiser or person acting as appraiser has reason to believe or suspect, from the invoice or other papers or from information presented to him, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the cost of production) he shall forthwith, under regulations prescribed by the Secretary, notify the Secretary of such fact and withhold his appraisement report to the collector as to such merchandise until the further order of the Secretary, or until the Secretary has made public a finding as provided in subdivision (a) in regard to such merchandise.

(*b*) When the appraiser has reason to believe or suspect that merchandise is imported in violation of the antidumping act, he shall immediately request the importer thereof or his authorized agent to appear before him in order that he may obtain whatever information the importer or his agent may have relative to the matter.

(c) Upon the appearance of the importer or his agent, he shall be questioned in order to ascertain—

First. The person by whom or for whose account the merchandise is imported.

Second. The facts necessary to establish whether such person is or is not the exporter within the meaning of section 207.

Third. The nature and amount of each item to be added to or deducted from the basic price in accordance with section 203 or section 204, in order to determine the purchase price or the exporter's sales price, as the case may be.

Fourth. His knowledge, if any, of the wholesale foreign-market value, the price to countries other than the United States, or the cost of production.

Fifth. The reason for the price differential.

Sixth. The relative wholesale quantities, if the difference in such quantities is claimed in whole or in part as the reason for the price differential.

(d) If the appraising officer is then satisfied that there is no reasonable ground for his belief or suspicion, he may pass the merchandise in the usual manner without giving notice to the Secretary.

(e) If the appraiser is not satisfied, he shall require the importer or his agent to file an affidavit on one of the following forms, according to the circumstances of the case:

[Form 1]

NONEXPORTER'S AFFIDAVIT

ANTIDUMPING ACT OF 1921

Re: Entry No._____ Consular Invoice No._____
Certified at_____ on_____
Import vessel or carrier_____ Arrived_____, 193__

I, _____, do solemnly swear that I am not the exporter as defined in section 207 of the act of May 27, 1921, of the merchandise covered by the aforesaid entry. I further declare that the merchandise was purchased on_____ and that the purchase price is_____

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 193 .

_____
_____

[Form 2]

EXPORTER'S AFFIDAVIT WHERE SALES PRICE IS KNOWN

ANTIDUMPING ACT OF 1921

Re: Entry No._____ Consular Invoice No._____
Certified at_____ on_____
Import vessel or carrier_____ Arrived_____, 193__

I, _____, do solemnly swear that I am the exporter as defined in section 207 of the act of May 27, 1921, of the merchandise covered by the aforesaid entry; that the merchandise is sold or agreed to be sold at the prices stated in the attached statement; that, if any or all of the aforesaid items are actually sold at prices different from those set forth in the attached statement, I will immediately notify the appraiser in detail.

The merchandise was acquired by me in the following manner:

_____

and has been sold or agreed to be sold to_____ at_____ (State price)

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 193 .

_____
_____

[Form 3]

EXPORTER'S AFFIDAVIT WHERE SALES PRICE IS NOT KNOWN

ANTIDUMPING ACT OF 1921

Re: Entry No._____ Consular Invoice No._____
Certified at_____ on_____
Import vessel or carrier_____ Arrived_____, 193__

I, _____, do solemnly swear that I am the exporter as defined in section 207 of the act of May 27, 1921, of the merchandise covered by the aforesaid entry, and that the prices at which the various items will be sold in the United States are not known. I hereby stipulate that I will keep a record of the sales and furnish the appraiser with a sworn statement showing the detailed prices of the various items, within 30 days after the sale thereof. I further stipulate that at the end of six months from the date of entry if the merchandise has not been sold or agreed to be sold, in whole or in part, I will so report to the appraiser.

This merchandise was acquired by me in the following manner:

_____

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 193 .

_____
_____

[Form 4]

EXPORTER'S AFFIDAVIT WHERE MERCHANDISE IS NOT SOLD AND WILL NOT BE SOLD

ANTIDUMPING ACT OF 1921

Re: Entry No._____ Consular Invoice No._____
Certified at_____ on_____
Vessel or carrier_____ Arrived_____, 193__

I, _____, do hereby solemnly swear that I am the exporter as defined in section 207 of the act of May 27, 1921, of the merchandise covered by the aforesaid entry, and that such merchandise will not be sold in the United States for the following reasons: _____

_____

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 193 .

_____
_____

(f) On all subsequent importations by the same person of merchandise of the same class or kind as that under investigation the appraiser may waive any further appearance by the importer, provided the importer or his agent attaches to the invoice at time of entry the necessary affidavit.

(g) The appraiser shall use the facilities at his disposal to secure the appearance of importers, the filing of affidavits, and when necessary, proof of exporter's sales prices, or proof of nonsales, referring such of these matters as he may deem advisable to the customs agent in charge of the district for investigation.

(h) Whenever an affidavit (Form 4) has been filed by an exporter showing that merchandise of a class or kind under investigation will not be sold in the United States, the appraiser may pass the merchandise in the usual manner without giving notice of suspected dumping, if he is satisfied that no evidence to the contrary can be obtained.

(i) If the appraiser or person acting as appraiser has reason to believe or suspect that the purchase price is less or that the exporter's sales price is less or is likely to be less than the foreign-market value (or in the absence of such value, than the cost of production), he shall inform the Commissioner of Customs of all the facts upon which his belief or suspicion is based including the source of his information. If it shall affirmatively appear (although it may not be conclusively established), after receipt from the Commissioner of any data in the Bureau of Customs bearing on the matter, that the purchase price is less or that the exporter's sales price is less or is likely to be less than the foreign-market value or cost of production, as the case may be, the appraiser shall immediately send notice of such fact on customs Form 6439 to the Secretary of the Treasury, setting forth the reasons for his belief or suspicion and withhold his appraisement report until the further order of the Secretary or until the Secretary has made public a finding in respect to such merchandise as provided for in section 201 (a) of the antidumping act. Copies of such notice on customs Form 6439 shall be sent to the importer, the collector, and the Customs Information Exchange.

(j) A separate notice shall be given by the appraiser for each importation of each class or kind of merchandise and copies thereof shall be sent to the collector of customs at the port of importation, the importer and to the Customs Information Exchange. The notice shall contain the prices and value of the merchandise and a description of the merchandise sufficient for its identification and comparison with products of American industry, giving trade designation, construction material, quality, size and use, and how packed and prepared. Whenever practicable the copy of the notice sent to the Customs Information Exchange should be accompanied by samples, cuts, prints, or photographs. The notice shall also specify what allowance, if any, has been made for difference in quantities. The advisory classification and rate of duty applying shall also be shown. In the event that the foreign-market value or cost of production of the merchandise is not definitely known by the appraising officer, the copies of the notice of suspected dumping sent to the Secretary, the collector and the Customs Information Exchange shall indicate the source of his information and what further investigation abroad is required.



(k) If, after the issuance of a dumping notice by an appraiser, new evidence is submitted to him, which satisfies him that the purchase price or the exporter's sales price is not less than the foreign-market value (or, in the absence of such value, than the cost of production), and that in consequence thereof no dumping exists, he may, with the approval of the Secretary, withdraw his notice. When requesting the Secretary's approval the appraiser shall state the reasons for the withdrawal and notify the collector and the antidumping unit of his action.

(l) No appraisement report shall be made to the collector in the case of any merchandise of a class or kind as to which any appraising officer has given notice to the Secretary until the Secretary issues further instructions, approves the withdrawal of the notice, or makes public a finding in respect to such merchandise as provided in section 201 (a), provided that if in the case of any importation the appraiser believes that no dumping exists, he may, with the approval of the Commissioner, pass the merchandise in the usual manner.

(m) Appraisement reports may be withheld pending investigation to determine whether or not the purchase price or the exporter's sales price, as the case may be, is less than the foreign-market value (or, in the absence of such value, than the cost of production). When appraisement reports are withheld pending investigation, and no notice of suspected dumping has been issued, the appraiser shall advise the Commissioner, the collector, the importer, and the Customs Information Exchange, in the following form:

NOTICE OF WITHHELD APPRAISEMENT

_____
(Port) (Date)

Appraisement is being withheld on _____
(Merchandise)

_____

(Invoice No.) (Entry No.) (Date) (Country of exportation) pending investigation as to whether or not the said merchandise is being imported in violation of the Antidumping Act, 1921.

_____
*Appraiser.*

In the copies of this form sent to the Commissioner, the collector, and the Customs Information Exchange, the appraiser should indicate the nature and extent of the foreign investigation desired. The appraising officer shall at the same time supply the Customs Information Exchange with all necessary information with respect to invoices to enable that agency to draft appropriate instructions to Treasury attachés and representatives abroad.

ART. 791. *Preliminary report of suspected dumping.*—Upon receipt of information from an appraising officer of his belief or suspicion that the purchase price or exporter's sales price of a class or kind of imported merchandise is less than the foreign-market value (or in the absence of such value, than the cost of production) as provided for in article 790 (*i*) of these regulations, the Commissioner of Customs shall communicate to such appraising officer any information pertinent to the matter which may be available to him together with such comment or suggestions as he may deem appropriate. The Commissioner may also direct that there shall be made such additional investigation or investigations as he may deem necessary.

ART. 792. *Investigation as to injury to domestic industry.*—Should the Commissioner of Customs concur in the belief or suspicion of the appraising officer or should such appraising officer issue a notice of suspected dumping after completion of any additional investigations directed by the Commissioner, the Commissioner shall order or conduct, with the aid of the personnel of the Bureau of Customs and the customs field service, such investigation or investigations as he may deem necessary for the purpose of collecting such information, data, and facts as may be obtainable bearing on the question of whether an industry in the United States is being injured or is likely to be injured or is being prevented from being established by reason of the importation of merchandise of the class or kind involved. Upon completion of such investigation or investigations, the Commissioner shall submit to the Secretary of the Treasury, for the purpose of a decision, all reports, affidavits, data, and information in the files of the Bureau of Customs having a bearing on the case together with a brief analysis of the same and any comment or recommendation in respect thereto which he may deem appropriate.

ART. 793. *Special dumping duty.*—(*a*) Antidumping Act, 1921, section 202 (a):

That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been made public, if the purchase price or the exporter's sales price is less than the foreign-market value (or, in the absence of such value, than the cost of production) there shall be levied, collected, and paid, in addition to the duties imposed thereon by law, a special dumping duty in an amount equal to such difference.

(*b*) Special dumping duty will attach when the conditions outlined in article 842 of the regulations are present.

(*c*) The method of computing dumping duty shall be as set forth in article 844 of the regulations.

ART. 794. *Action by appraiser when Secretary has made public a finding.*—(*a*) Antidumping Act, 1921, section 202 (b):

If it is established to the satisfaction of the appraising officers that the amount of such difference between the purchase price and the foreign-market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers for exportation to the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign-market value for the purposes of this section.

(*b*) Antidumping Act, 1921, section 202 (c):

If it is established to the satisfaction of the appraising officers that the amount of such difference between the exporter's sales price and the foreign-market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign-market value for the purposes of this section.

(*c*) In the case of imported merchandise of a class or kind as to which the Secretary has made public a finding as provided for in section 201 (a), the provisions of article 790 relating to appearance of the importer and requiring affidavits shall be followed. If the appraiser is satisfied that the purchase price or the exporter's sales price is not less than the foreign-market value (or cost of production), he may pass the merchandise in the usual manner and make his report to the collector on the form provided for in this article.

(*d*) Antidumping Act, 1921, section 209:

That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, it shall be the duty of each appraiser or person acting as appraiser, by all reasonable ways and means, to ascertain, esti-

mate, and appraise (any invoice or affidavit thereto or statement of cost of production to the contrary notwithstanding) and report to the collector the foreign market value or the cost of production, as the case may be, the purchase price and the exporter's sales price and any other facts which the Secretary may deem necessary for the purposes of this title.

(*e*) The report of the appraiser shall be made in the following form:

APPRAISEMENT REPORT UNDER ANTIDUMPING ACT, 1921

Finding of the Secretary dated_____, T. D. _____ applies.

The importer of this merchandise is an {importer / exporter} under the law.

Foreign-market value on date of purchase_____

Purchase price (section 203)_____

Foreign-market value on date of exportation_____

Exporter's sales price (section 204)_____

Cost of production_____

(*f*) Whenever merchandise has been purchased by a person who is not an exporter within the meaning of section 207 of the act, the appraiser shall report the purchase price and the foreign-market value on the date of purchase (or, in the absence of such value, the cost of production).

(*g*) Whenever merchandise is imported by a person who is an exporter within the meaning of section 207 of the act, the appraiser shall report the exporter's sales price and the foreign-market value on date of exportation (or, in the absence of such value, the cost of production).

(*h*) Whenever an importer has filed an affidavit on Form 4 that the merchandise will not be sold in the United States, the appraiser, if he has no evidence to the contrary, shall report "Merchandise will not be sold in the United States."

(*i*) Whenever an importer has filed an affidavit on Form 3 and no report of the exporter's sales price has been received within 6 months after the date of entry, the appraiser shall ascertain whether the merchandise has been sold or freely offered for sale, and if so at what price, or the disposition or probable disposition of such merchandise if not sold. If the appraiser ascertains that no sale of the merchandise has been made and that no likelihood of a sale exists, he shall return the invoice to the collector with a statement of the facts as he finds them.

ART. 795. *Action by the collector.*—(*a*) Affidavits filed at the time of entry as required by article 790 of these regulations shall be attached to the invoices for transmission to the appraiser, who shall return them with his appraisement report to the collector.

(*b*) When the appraiser has returned an invoice with a report that the merchandise has not been sold within 6 months from the date of entry the collector shall refer the matter to the Commissioner of Customs for his instructions pending the liquidation of the entry.

(*c*) Antidumping Act, 1921, section 208:

That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and delivery of which has not been made by the collector before such finding has been so made public, unless the person by whom or for whose account such merchandise is imported makes oath before the collector, under regulations prescribed by the Secretary, that he is not an exporter, or unless such person declares under oath at the time of entry, under regulations prescribed by the Secretary, the exporter's sales price of such merchandise, it shall be unlawful for the collector to deliver the merchandise until such person has made oath before the collector, under regulations prescribed by the Secretary, that the merchandise has not been sold or agreed to be sold by such person, and has given bond to the collector, under regulations prescribed by the Secretary, with sureties approved by the collector, in an amount equal to the estimated value of the merchandise, conditioned: (1) That he will report to the collector the exporter's sales price of the merchandise within 30 days after such merchandise has been sold or agreed to be sold in the United States, (2) that he will pay on demand from the collector the amount of special dumping duty, if any, imposed by this title upon such merchandise, and (3) that he will furnish to the collector such information as may be in his possession and as may be necessary for the ascertainment of such duty, and will keep such records as to the sale of such merchandise as the Secretary may by regulation prescribe.

(*d*) The oaths and affidavits required or authorized under the antidumping act or regulations thereunder may be executed before any customs officer designated to administer oaths under the provisions of section 486 (a) of the Tariff Act of 1930.

(*e*) The bond required by section 208 of the antidumping act shall be on customs Form 7591. A separate bond shall be given for each importation or withdrawal and such bond shall be in addition to any other bond required by law or regulations. When the collector has received a notice of withheld appraisement under the Antidumping Act, 1921, as provided in article 790 (*m*) of these regulations, no merchandise of the class or kind covered by the notice, whether in examination packages, nonexamination packages, in bulk, or otherwise, shall be released from the warehouse, appraiser's stores or any other place unless a single consumption entry bond, customs Form 7551, covering each shipment, is executed. The penalty of the single consumption entry bond in such cases shall be an amount equal to the value of the articles described on the entry plus the estimated duties thereon, except that, in the case of merchandise which appears to the satisfaction of the collector to be otherwise unconditionally free of duty and not prohibited from admission into the commerce of the United States, the penalty may be in such lesser amount (disregarding the value of the articles) as in the opinion of the collector will be sufficient to accomplish the purpose for which the bond is given, but in no case less than $100.

(*f*) The records of sales required under the conditions of the bond required by section 208 shall show the entry number of the merchandise, the importing vessel or vehicle, the date of arrival, the sale price or prices of the merchandise, and the date or dates of sale thereof.

ART. 796. *Appeals and protests.*—(*a*) Antidumping Act, 1921, section 210:

That for the purposes of this title the determination of the appraiser or person acting as appraiser as to the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and the action of the collector in assessing special dumping duty, shall have the same force and effect and be subject to the same right of appeal and protest, under the same conditions and subject to the same limitations; and the general appraisers, the Board of General Appraisers, and the Court of Customs Appeals shall have the same jurisdiction, powers, and duties in connection with such appeals and protests as in the case of appeals and protests relating to customs duties under existing law.

NOTE.—The name of the Board of General Appraisers has been changed by subsequent legislation to "United States Customs Court" and that of the Court of Customs Appeals to "United States Court of Customs and Patent Appeals."

(*b*) Notice of appraiser's returns should be sent by the collector to the importer, consignee, or agent, as in cases of advances in value.

ART. 797. *Conversion of currencies.*—Whenever it is necessary to convert currencies for the purpose of determining the difference between the purchase price or the exporter's sales price and the foreign-market value as outlined in sections 201 (b) and 202 (a) of the antidumping act, the following method will be followed:

(1) Where the purchase price is in United States currency and the foreign-market value is in a foreign currency, then the foreign-market value shall be converted into United States currency as of the date of purchase or agreement to purchase.

(2) Where the purchase price is in a foreign currency, and the foreign-market value is in the same foreign currency, then both the purchase price and the foreign-market value shall be converted into United States currency as of the date of purchase or agreement to purchase.

(3) Where the purchase price is in a foreign currency, and the foreign-market value is in a different foreign currency, then both the purchase price and the foreign-market value shall be converted into United States currency as of the date of purchase or agreement to purchase.

(4) Where the exporter's sales price is in United States currency and the foreign-market value is in a foreign currency, then the foreign-market value shall be converted into United States currency as of the date of exportation.

(5) Where the exporter's sales price is in a foreign currency and the foreign-market value is in the same foreign currency, then both the exporter's sales price and the foreign-market value shall be converted into United States currency as of the date of exportation.



(6) Where the exporter's sales price is in a foreign currency and the foreign-market value is in a different foreign currency, then both the exporter's sales price and the foreign-market value shall be converted into United States currency as of the date of exportation.

ART. 798. *Drawback.*—Antidumping Act, 1921, section 211:

That the special dumping duty imposed by this title shall be treated in all respects as regular customs duties within the meaning of all laws relating to the drawback of customs duties.

ART. 799. *Definitions.*—Antidumping Act, 1921:

(a) SEC. 203. *Purchase price.*—That for the purposes of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States.

(b) SEC. 204. *Exporter's sales price.*—That for the purpose of this title the exporter's sales price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the amount, if any, included in such price attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration, (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States.

(c) SEC. 205. *Foreign market value.*—That for the purposes of this title the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

(d) SEC. 206. *Cost of production.*—That for the purposes of this title the cost of production of imported merchandise shall be the sum of—

(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing, identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

(2) The usual general expenses (not less than 10 per centum of such cost) in the case of identical or substantially identical merchandise;

(3) The cost of all containers and coverings, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2)) equal to the profit which is ordinarily added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration.

(e) SEC. 207. *Exporter.*—That for the purposes of this title the exporter of imported merchandise shall be the person by whom or for whose account the merchandise is imported into the United States;

(1) If such person is the agent or principal of the exporter, manufacturer, or producers; or

(2) If such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer; or

(3) If the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

(4) If any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 per centum or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 per centum or more of such power or control in the business of the exporter, manufacturer, or producer.

(f) SEC. 406. *Persons—United States.*—That when used in title II or title III or in this title—

The term *person* includes individuals, partnerships, corporations, and associations; and.

The term *United States* includes all territories and possessions subject to the jurisdiction of the United States, except the Philippine Islands, the Virgin Islands, the islands of Guam and Tutuila, and the Canal Zone.

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## CHAPTER XIII

## RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

### CASUALTY LOSS AND THEFT

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### CASUALTY LOSS AND THEFT

ART. 800. *Abatement or refund of duty authorized.*—(a) Tariff Act of 1930, section 563 (a):

In no case shall there be any abatement or allowance made in the duties for any injury, deterioration, loss, or damage sustained by any merchandise while remaining in customs custody, except that the Secretary of the Treasury is authorized, upon production of proof satisfactory to him of the loss or theft of any merchandise while in the appraiser's stores, or of the actual injury or destruction, in whole or in part, of any merchandise by accidental fire or other casualty, while in bonded warehouse, or in the appraiser's stores, or while in transportation under bond, or while in the custody of the officers of the customs, although not

in bond, or while within the limits of any port of entry and before having been landed under the supervision of the officers of the customs, to abate or refund, as the case may be, the duties upon such merchandise, in whole or in part, and to pay any such refund out of any moneys in the Treasury not otherwise appropriated, and to cancel any warehouse bond or bonds, or enter satisfaction thereon in whole or in part, as the case may be, but no abatement or refund shall be made in respect of injury or destruction of any merchandise in bonded warehouse occurring after the expiration of three years (or ten months in the case of grain) from the date of importation. The decision of the Secretary of the Treasury as to the abatement or refund of the duties on any such merchandise shall be final and conclusive upon all persons.

The Secretary of the Treasury is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this subdivision and he may by such regulations limit the time within which proof of loss, theft, injury, or destruction shall be submitted, and may provide for the abatement or refund of duties, as authorized herein, by collectors of customs in cases in which the amount of the abatement or refund claimed is less than $25 and in which the importer has agreed to abide by the decision of the collector. The decision of the collector in any such case shall be final and conclusive upon all persons.

Any case pending before the United States Customs Court upon the effective date of this Act, under the provisions of section 563 of the Tariff Act of 1922, may, with the consent of the parties and the permission of the court, be transferred to the Secretary of the Treasury, or to the collector, for consideration and final determination in accordance with the provisions of this subdivision. • • •

(*b*) Tariff Act of 1930, paragraph 398:

No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron or steel.

ART. 801. *Application—Evidence—Report.*—(*a*) No abatement or refund will be made unless there shall be filed within 30 days from the date of discovery of the loss, theft, injury, or destruction an application in duplicate on customs Form 4315, and within 90 days from the said date the evidence of such loss, theft, injury, or destruction hereinafter required is submitted.

(*b*) The application and evidence shall be filed with the collector of customs at the port where the loss, theft, injury, or destruction occurred, except that in the case of total loss by fire or other casualty of merchandise while in transportation under bond, the application and evidence shall be filed at the port at which the transportation entry was made; and in the case of partial destruction of or injury to such merchandise, they shall be filed with the collector at the port of destination unless the merchandise is returned to the port at which the transportation entry was made, in which case the application shall be filed at that port. In the case of partial destruction or injury no application will be entertained unless the appraiser shall have had an opportunity to examine the merchandise or the remainder thereof for the purpose of fixing the percentage of injury or destruction.

(*c*) The collector will submit the application to the appraiser for the appraisement of the merchandise and a report as to all facts in the case within the knowledge of his office. The collector will cause such further investigation to be made as he may deem necessary and will forward to the Bureau of Customs a report thereof, accompanied by the application and evidence and the appraiser's report. The collector's report shall include a statement as to the date of maturity of the bond, if any, the amount due thereon, and the amount of duty paid or due.

(*d*) All applications and documents in support thereof shall be stamped with the date of receipt in the customhouse.

(*e*) No allowance will be made for any injury, deterioration, loss, or damage occurring after a permit for the release of the merchandise has been presented to the customs officer having custody thereof and accepted by him.

ART. 802. *Evidence of loss, theft, injury, or destruction.*—(*a*) In the case of alleged loss or theft while in the appraiser's stores, there shall be filed an affidavit of the importer, owner, or ultimate consignee that he did not receive the merchandise and that to the best of his knowledge and belief it was lost or stolen as alleged in the application; and, in case the alleged loss or theft consists of only a part of an examination package and was discovered after the release of the package from customs custody, the following evidence shall be submitted:

(1) An affidavit of each cartman, lighterman, or other carrier handling the package between the appraiser's stores and the place of delivery, setting forth the condition of the package at the time of receipt and delivery by him, and whether or not there was any abstraction of the merchandise while the package was in his possession.

(2) An affidavit of the employee of the importer, owner, or consignee who first received the package as to whether or not he examined the same at the time of receipt, and, if so, as to its condition at that time.

(3) An affidavit of the employee who opened the package that the alleged missing merchandise was not found by him in the said package or in any other package.

(*b*) In the case of injury or destruction by accidental fire or other casualty, the following evidence shall be submitted by the applicant:

(1) An affidavit of the master of the vessel, the conductor or driver of the vehicle, the proprietor of the warehouse, or other person (except a customs officer) having charge of the merchandise at the time of the casualty, stating the time, place, and nature of such casualty; that the merchandise was on board the vessel or vehicle, in the warehouse, or otherwise in his charge, as the case may be, at the time of the casualty; and that it was totally destroyed and there is no probability of recovering or saving any part thereof, or that it was injured as the result of the casualty.

(2) The bill of lading, the entry, and the invoice, or certified copies thereof, covering the merchandise, unless such documents are already in the possession of the collector at the port where the claim is filed.

(3) A sworn copy of the insurance appraiser's report, if any.

ART. 803. *Allowance by the collector.*—(*a*) When the amount of the abatement or refund found due by the collector is less than $25, the abatement or refund may be made by the collector and the entry liquidated or reliquidated accordingly, without submitting the claim to the Bureau of Customs, provided the claimant shall have agreed in writing to abide by the collector's decision.

(*b*) In such cases the collector may waive the production of any of the evidence above required, provided the validity of the claim is otherwise established to his satisfaction.

PERISHABLE MERCHANDISE CONDEMNED

ART. 804. *Allowance authorized.*—(*a*) Tariff Act of 1930, section 506 (2):

Allowance shall be made in the estimation and liquidation of duties under regulations prescribed by the Secretary of the Treasury in the following cases:

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(2) Where fruit or other perishable merchandise has been condemned at the port of entry, within 10 days after landing, by the health officers or other legally constituted authorities, and the consignee, within 5 days after such condemnation, files with the collector written notice thereof, an invoiced description and the location thereof and the name of the vessel or vehicle in which imported.

(*b*) The date of landing is held to be the date of arrival at the port of destination in the case of merchandise forwarded in bond without appraisement.

ART. 805. *Notice—Investigation—Allowance.*—(*a*) Upon the receipt of a notice of condemnation the collector shall stamp thereon the date of receipt thereof in the customhouse, and shall cause an investigation to be made by two customs officers, who shall make a report to the collector in writing as to the identity and quantity of the fruit or perishable articles condemned and whether or not the same were condemned within 10 days after landing.

(*b*) If it appears from the evidence submitted by the importer and the report of the investigating officers that the merchandise was condemned within 10 days after the landing thereof, and a timely notice was filed, allowance for the articles so condemned may be made in the liquidation of the entry.



ABANDONMENT

ART. 806. *Allowance authorized.*—(*a*) Tariff Act of 1930, section 506 (1):

Allowance shall be made in the estimation and liquidation of duties under regulations prescribed by the Secretary of the Treasury in the following cases:

(1) Where the importer abandons to the United States, within 30 days after entry in the case of merchandise not sent to the appraiser's stores for examination, or within 30 days after the release of the examination packages or quantities of merchandise in the case of merchandise sent to the appraiser's stores for examination, any imported merchandise representing 5 per centum or more of the total value of all the merchandise of the same class or kind entered in the invoice in which the item appears, and delivers, within the applicable 30-day period, the portion so abandoned to such place as the collector directs unless the collector is satisfied that the merchandise is so far destroyed as to be nondeliverable;

(*b*) Tariff Act of 1930, section 557:

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Merchandise entered under bond, under any provision of law, may, upon payment of all charges other than duty on the merchandise, be destroyed, at the request and at the expense of the consignee, within the bonded period under customs supervision, in lieu of exportation, and upon such destruction the entry of such merchandise shall be liquidated without payment of duty and any duties collected shall be refunded.

(*c*) Tariff Act of 1930, section 563 (b):

Under such regulations as the Secretary of the Treasury may prescribe and subject to any conditions imposed thereby the consignee may at any time within 3 years (or 10 months in the case of grain) from the date of original importation, abandon to the Government any merchandise in bonded warehouse, whereupon any duties on such merchandise may be remitted or refunded as the case may be, but any merchandise so abandoned shall not be less than an entire package and shall be abandoned in the original package without having been repacked while in a bonded warehouse (other than a bonded manipulating warehouse).

ART. 807. *Abandonment under section 506 (1).*—(*a*) A written notice of abandonment must be filed with the collector of customs at the port where the consumption entry is filed within 30 days after the date of entry as defined in article 286 or, in the case of examination packages, within 30 days after release, whether or not delivery is taken by the importer immediately after entry or release as the case may be. All such notices shall be stamped with the date of receipt in the customhouse.

(*b*) The collector shall cause the abandoned merchandise to be examined and identified with that described in the invoice used in making the entry. Merchandise abandoned under section 506 (1) must be identified to the satisfaction of the collector; and when repacking is necessary to segregate it from the balance of the shipment, such repacking should be done at the expense of the importer under customs supervision.

ART. 808. *Abandonment or destruction of merchandise in bond.*—(*a*) Applications for the abandonment or destruction of merchandise in bond must be made in writing to the collector by the consignee or his duly qualified representative, and shall be stamped with the date of receipt in the customhouse. When an application is for permission to destroy, the proposed method of destruction must be stated and approved by the collector. Applications to abandon or destroy merchandise in warehouse must be concurred in by the warehouse proprietor.

(*b*) When, in the opinion of the collector, the abandonment of merchandise under section 563 (b), Tariff Act of 1930, will involve any expense or cost to the Government, or the merchandise is worthless or unsalable, or cannot be sold for a sum sufficient to pay the expenses of sale, the applicant may elect to destroy such merchandise under customs supervision, pursuant to the provisions of section 557, and should be so informed. If the applicant does not so elect, he should be required to advance a sum which, in the opinion of the collector, will be sufficient to save the Government harmless from any expense or cost resulting from such abandonment. The sum so advanced will be placed in special deposit account and expended to cover the cost of destruction or to meet any deficit should the merchandise be sold and the proceeds of sale be less than the expenses of such sale. After meeting such expenses or deficit, any balance remaining will be refunded to the applicant.

(*c*) Where the above conditions are met, collectors of customs may grant applications without reference to the Bureau of Customs. In any case where doubt exists the case should be referred to the bureau for instructions.

ART. 809. *Disposition of abandoned merchandise and proceeds of sale.*—Sale of abandoned merchandise will be made in accordance with the provisions of chapter XVIII so far as applicable. No part of the proceeds shall be returned to the importer. After paying, first, the expenses of sale, and, second, carriers' lien for freight, charges, or contribution in general average, the net proceeds, if any, shall be deposited under "Miscellaneous Receipts from Customs." If the abandoned merchandise or any part thereof is entirely worthless, or if the expenses of sale probably would exceed the proceeds, the merchandise shall be destroyed or otherwise disposed of as the collector may direct, but no abandonment claim relating to such merchandise shall be certified by a customs officer who has not satisfied himself as to the quantity of the abandoned portion of the shipment and that the entire quantity of the goods covered by the collector's instructions as to disposition has been actually destroyed or removed from the control of the claimant so that there is no possibility of its being made the subject of another claim.

EXCESSIVE MOISTURE AND OTHER IMPURITIES

ART. 810. *Allowance authorized.*—Tariff Act of 1930, section 507:

The Secretary of the Treasury is hereby authorized to prescribe and issue regulations for the ascertainment of tare upon imported merchandise, including the establishment of reasonable and just schedule tares therefor, but in no case shall there be any allowance for draft or for impurities, other than excessive moisture and impurities not usually found in or upon such or similar merchandise.

ART. 811. *Application—Procedure.*—(*a*) Application for an allowance for excessive moisture or other impurities shall be made on customs Form 4317 and filed with the collector of customs within 10 days after the return of weight has been received by him. The collector shall stamp the application with the date of receipt in the customhouse.

(*b*) The collector shall cause such investigation to be made as may be necessary to determine whether or not the merchandise contains excessive moisture or other impurities not usually found in or upon such or similar merchandise, together with the amount thereof, and may, if necessary, refer the application to the appraiser for such determination.

(*c*) If the collector shall be satisfied from the reports received that the claim is valid, due allowance shall be made in the liquidation of the entry.

SHORTAGES

ART. 812. *Packages.*—No allowance will be made in the assessment of duties for lost or missing packages appearing on the entry, unless shown by the report of the discharging officer not to have been landed, and unless the importer shall make affidavit on customs Form 4311 and file same with the collector within 30 days after the date of written notice of shortage (customs Form 4311), which the collector shall mail to the importer immediately upon report of the shortage to him. Such affidavits must be stamped with the date of receipt at the customhouse. The foregoing shall not apply in the case of merchandise arriving under an I. T. entry when the shortage is one for which the bonded carrier is responsible under its bond.

ART. 813. *Deficiencies in contents of packages.*—(*a*) Tariff Act of 1930, section 499:

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If a deficiency is found in quantity, weight, or measure in the examination of any package, report thereof shall be made to the collector, who shall make allowance therefor in the liquidation of duties.

(*b*) When a deficiency in any package is reported to the collector by the appraiser or other customs officer, allowance shall be made, unless it shall appear upon inquiry which shall be made by the collector that the missing merchandise was actually received by the importer in some other package of the importation or otherwise.

(*c*) There shall be no allowance for shortage in an unexamined package unless claim of shortage is filed with the collector within ten days from its discovery and evidence satisfactory to the collector is produced that the missing articles were not landed within the United States. Such evidence shall consist of (1) affidavit of the cartman, lighterman, or other carrier handling the shipment between the place of landing and the place of delivery, that the packages were in good order at the time of receipt and delivery by him and there was no abstraction of the merchandise while the packages were in his possession; (2) affidavit of the employee of the importer who opened the package that the shortage was found by him, the date of its discovery, and that he did not find the missing articles in any other package; (3) affidavit of the importer, owner, or ultimate consignee that the goods claimed short were not received by him or for his account, and that he believes that they were not imported; (4) a copy of the claim, if any, made upon the shipper for credit on account of the shortage, and the reply thereto, if any has been received.

LOSS OF WINES AND LIQUORS IN TRANSIT

ART. 814. *Allowance authorized.*—Tariff Act of 1930, paragraph 813:

There shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits, except that when it shall appear to the collector of customs from the gauger's return, verified by an affidavit by the importer to be filed within 5 days after the delivery of the merchandise, that a cask or package has been broken or otherwise injured in transit from a foreign port and as a result thereof a part of its contents, amounting to 10 per centum or more of the total value of the contents of the said cask or package in its condition as exported, has been lost, allowance therefor may be made in the liquidation of the duties.

ART. 815. *Definitions—Outages.*—(*a*) "Delivery" shall be construed to be effected at the time when merchandise is actually delivered by the carrier or on its order either directly to the importer or to the storekeeper in charge of a bonded warehouse. Where gauging is delayed until after the merchandise has been deposited in a bonded warehouse, date of delivery shall be construed to be the date of the completion of the gauging. Allowance shall be made only for such losses as occurred prior to the gauging of the merchandise.

(*b*) When merchandise is forwarded under an immediate transportation entry delivery shall be construed to be effected at the port of destination under the above conditions.

(*c*) The use of the term "broken or otherwise injured" precludes an allowance for loss resulting from ordinary leakage. Unlading inspectors should particularly note whether casks or packages which are in bad order are broken or injured. When a cask or package arrives with loose staves or headpieces breakage or injury will be presumed. Losses out of a package which has been plugged, but is otherwise in good condition, will be considered to be due to causes other than breakage or other injury.

(*d*) "Contents in condition as exported" is held to mean the invoiced quantities, provided specifications are given for each individual package, otherwise the "contents exported" shall be held to be the gross capacities returned by the gauger.

(*e*) Outages not within the scope of the preceding subdivisions of this article by reason of being under 10 percent or not being the kind of loss provided in the law, or by failure to file timely affidavit, will be subject to an allowance of 2½ percent for normal outage from the capacity as shown by the gauger's return or the invoice quantity, according to the circumstances.

NONIMPORTATION

ART. 816. *Articles damaged and worthless at the time of importation.*—When a shipment of merchandise, whether perishable or nonperishable, or any portion thereof which shall have been segregated from the remainder of the shipment under customs supervision at the expense of the importer, is found by the appraising officer to be entirely without commercial value by reason of damage or deterioration and is so reported to the collector in the appraisement return, an allowance in duties on such merchandise on the ground of nonimportation should be made in the liquidation of the entry.

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CHAPTER XIV

LIQUIDATION OF DUTIES

REGULAR DUTIES

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REGULAR DUTIES

ART. 817. *Liquidation required.*—(*a*) Tariff Act of 1930, section 505:

The consignee shall deposit with the collector, at the time of making entry, unless the merchandise is entered for warehouse or transportation, or under bond, the amount of duty estimated to be payable thereon. Upon receipt of the appraiser's report and of the various reports of landing, weight, gauge, or measurement the collector shall ascertain, fix, and liquidate the rate and amount of duties to be paid on such merchandise as provided by law and shall give notice of such liquidation in the form and manner prescribed by the Secretary of the Treasury, and collect any increased or additional duties due or refund any excess of duties deposited as determined on such liquidation.

(*b*) All entries, except those for transportation in bond, shall be liquidated in accordance with the following procedure.

ART. 818. *Definition of liquidation—Procedure.*—(*a*) Liquidation of entries is the final computation or ascertainment of the duties accruing thereon.

(*b*) The collector should see that the report of the appraisement on customs Form 6417 is dated and signed by the appraiser, the chief assistant appraiser or an acting appraiser.

(*c*) The collector should determine whether the advisory classification of the appraiser is correct, and if it is not, he should so inform that officer. Where such classification is made under a paragraph providing a minimum or a maximum rate, the appraiser's duty is performed by properly describing the merchandise in tariff terms and citing the paragraph under which he advises classification (e. g., "men's gloves, chief value leather, 15 inches long, lined with wool, par. 1532 (a)"); it then becomes the duty of the collector to decide whether the advisory classification is correct, and if so, to calculate and determine whether the minimum or maximum rate of duty applies to each item of the invoice. In the case of mail and informal entries, a description of the merchandise in tariff terms and the paragraph under which the merchandise is dutiable should appear on the entry.

(*d*) (1) In the computation of duty on entries, ad valorem rates will be applied to the value in even dollars, fractional parts of a dollar less than 50 cents being disregarded and if 50 cents or more being considered as $1; all merchandise in the same invoice subject to the same dutiable classification and the same rate of duty to be treated as a unit. When necessary, fractional parts of a dollar, whether more or less than 50 cents, may be dropped or taken up as whole dollars in order not to increase or decrease the total dutiable value of the invoice. If in such cases it is necessary to drop fractional parts of a dollar amounting to 50 cents or more, the lower fractions shall be dropped, and if it is necessary to take up as whole dollars fractional parts less than 50 cents, the larger fractions shall be taken. In the case of two equal fractions, the one subject to the lower rate of duty shall be dropped or taken up as the case may be. In determining a rate of duty dependent upon value, fractional parts of a dollar will be considered. If the rate of duty upon such entries is specific and $1 or less per unit, fractional quantities if less than one-half will be disregarded, and if one-half or more will be treated as a whole unit. If the specific rate is more than $1 per unit, duty will be assessed upon the exact quantity and the fractional part thereof, if any, expressed in the form of a decimal extended to two places.

(2) In the computation of internal-revenue taxes on distilled spirits imported in barrels, kegs, or similar containers the quantity shall be ascertained in accordance with the Internal Revenue Regulations; that is, the hundredths of a gallon less than one-tenth, or the second decimal figure, will be excluded on each package in determining the amount of tax due. Where distilled spirits are imported in bottles, jugs or similar containers, the internal-revenue taxes should be collected on the exact amount contained in each case or other outer container, fractional parts of a gallon being carried to three decimal places. The procedure for collecting internal-revenue taxes on still wines will be the same except that fractional parts of a gallon shall be carried to two decimal places for each package or other outer container.

(*e*) When the amount of duty assessed by the collector in a tentative liquidation of an entry, other than an informal mail entry, customs Form 3419, does not differ by so much as $1 from the total estimated duties (including any supplemental estimated duties deposited), the liquidator shall endorse the entry "as entered" over his initials in red ink. If there is a difference of $1 or more between the duties so assessed and the total estimated duties the liquidator shall make a new statement of duties over his initials in red ink. The same procedure shall be followed with respect to internal-revenue taxes, but the assessment of duties and internal-revenue taxes shall be separately stated when both accrue on the same importation. The duties and internal-revenue taxes assessed and stated on an informal mail entry, customs Form 3419, by a customs officer when he prepares the entry shall be the assessment by the collector for tentative liquidation purposes. In the case of mail entries, duty and internal revenue tax shall be exactly assessed, when the importer so requests, even though the change between the estimated and liquidated amounts be less than $1.

(*f*) Tariff Act of 1930, section 523, paragraph 3:

Comptrollers of customs shall verify all assessments of duties and allowances of drawbacks made by collectors in connection with the liquidation thereof. In cases of disagreement between a collector and a comptroller of customs, the latter shall report the facts to the Secretary of the Treasury [Commissioner of Customs] for instructions.

(*g*) After tentative liquidation by the collector, he shall transmit to the comptroller of customs for the district in which the port of entry is located, all entries of imported merchandise, together with the invoices, returns of officers, including returns of weighers, gaugers, and measurers, if any, on customs Form 5985–A or 5985–B, and all evidence required by law or regulations, or the official waiver thereof with the reason therefor clearly stated, necessary for the verification of the collector's tentative liquidation.

(*h*) The comptroller shall ascertain by original computation the amount of duties and internal-revenue taxes due. When there is a disagreement between the tentative liquidation by the collector and the verification thereof by the comptroller which involves an error in computation manifest in the duty statement, the rate of duty assessed on any merchandise, or a difference of $1 or more, verification of the tentative liquidation shall be suspended until the disagreement is disposed of locally or after reference to the Bureau of Customs as provided for in paragraph (*f*) above. When there is no such disagreement the tentative liquidation shall be verified as submitted and the comptroller's liquidator shall endorse the entry "verified" and with the date of verification over his initials in red ink. The comptroller's copy of the entry shall be endorsed "as entered" or with a new statement of duties (and a new statement of internal-revenue taxes, if required) over the liquidator's initials and date of verification in red ink.

(*i*) Upon the return of entries to the collector after the assessment of duties and internal-revenue taxes has been verified by the comptroller, formal entries shall be immediately scheduled on a bulletin notice of liquidation, customs Form 4333. In the case of appraisement, baggage, informal, and mail entries a copy of the schedule of such entries, customs Form 5171, shall be used as the bulletin notice of liquidation as provided for in article 830. The bulletin notice of liquidation shall be posted as soon as possible in a conspicuous place in the customhouse for the information of importers and shall be dated with the date of posting. The entries for which the bulletin notice of liquidation has been posted shall be stamped "liquidated" and with the date of liquidation which shall be the same as the date of the bulletin notice of liquidation. Such stamping is the legal evidence of liquidation.

ART. 819. *Importations at ports of entry.*—(*a*) When an importation is made at a port of entry, the original copy of the entry, together with all documents necessary for the liquidation thereof, will be forwarded to the headquarters port as soon as practicable after examination and appraisement. (See art. 355.)

(*b*) All entries will be liquidated at the headquarters port. After verification and return by the comptroller, the entries with all related papers will, after the date of liquidation has been stamped thereon, be returned to the port of entry for filing.

(*c*) The bulletin notice of liquidations (customs Form 4333) will be prepared at the headquarters port, bearing the date of liquidation stamped on the entries, and will be forwarded to the port of entry with the liquidated entries, and there posted.

(*d*) In stamping the date of liquidation on entries and bulletin notices, sufficient allowance shall be made for the time required for such documents to reach the port of entry, so that the date stamped will, as nearly as possible, be the date of actual posting of the notice.

ART. 820. *Liquidation, suspension of.*—(*a*) The liquidation of entries involved in reappraisement, or on which bonds are open for the production of documents affecting the rate of duty, will be suspended pending a final decision of the reappraisement or a performance or nonperformance under the bond. (See art. 1270.)

(*b*) The liquidation of entries covering articles entered at a conditionally reduced rate under paragraph 1530 or 1551 of the Tariff Act of 1930, or conditionally free of duty under paragraph 1691 or 1752, shall be suspended pending the production of the proof of use required by the regulations (art. 497 to 502). Upon the production of such proof or failure to do so within the required time, the entries shall be liquidated accordingly.

ART. 821. *Dutiable value.*—(*a*) *General rule.*—Tariff Act of 1930, section 503 (a):

Except as provided in section 562 of this Act (relating to withdrawal from manipulating warehouses) and in subdivision (b)

of this section, the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty shall be the entered value or the final appraised value, whichever is higher.

(b) *Entry pending reappraisement.*—Tariff Act of 1930, section 503 (b):

If the importer certifies at the time of entry that he has entered the merchandise at a value higher than the value as defined in this Act because of advances by the appraiser in similar cases then pending on appeal for reappraisement or re-reappraisement, and if the importer's contention is such pending cases shall subsequently be sustained, wholly or in part, by a final decision on reappraisement or re-reappraisement, and if it shall appear that such action of the importer on entry was taken in good faith, the collector shall liquidate the entry in accordance with the final appraisement.

When the above conditions concur, the collector shall liquidate the entry in accordance with the final appraisement.

(c) *Basis of rate.*—Tariff Act of 1930, section 503 (c):

For the purpose of determining the rate of duty to be assessed upon any merchandise when the rate is based upon or regulated in any manner by the value of the merchandise, the final appraised value shall (except as provided in sec. 562 of this Act) be taken to be the value of the merchandise.

(d) *Merchandise manipulated in warehouse.*—Tariff Act of 1930, section 562:

• • • The basis for the assessment of duties on such merchandise so withdrawn for consumption shall be the entered value or the adjusted final appraised value, whichever is higher, and if the rate of duty is based upon or regulated in any manner by the value of the merchandise such rate shall be based upon or regulated by such adjusted final appraised value; but for the purpose of the ascertainment and assessment of additional duties under section 489 of this Act adjustments of the final appraised value shall be disregarded. • • •

ART. 822. *Conversion of currency.*—(a) Tariff Act of 1930, section 522 (b):

For the purpose of the assessment and collection of duties upon merchandise imported into the United States on or after the day of the enactment of this Act, wherever it is necessary to convert foreign currency into currency of the United States, such conversion, except as provided in subdivision (c), shall be made at the values proclaimed by the Secretary of the Treasury under the provisions of section 25 of such Act of August 27, 1894, as amended, for the quarter in which the merchandise was exported.

(b) Tariff Act of 1930, section 522 (c):

If no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate. If the date of exportation falls upon a Sunday or holiday, then the buying rate at noon on the last preceding business day shall be used. For the purposes of this subdivision such buying rate shall be the buying rate for cable transfers payable in the foreign currency so to be converted; and shall be determined by the Federal Reserve Bank of New York and certified daily to the Secretary of the Treasury, who shall make it public at such times and to such extent as he deems necessary. In ascertaining such buying rate such Federal reserve bank may, in its discretion, (1) take into consideration the last ascertainable transactions and quotations, whether direct or through exchange of other currencies, and (2) if there is no market buying rate for such cable transfers, calculate such rate from actual transactions and quotations in demand or time bills of exchange.

(c) In determining the percentage of variation between the proclaimed rate and the Federal reserve rate, the difference between the two rates shall be divided by the Federal reserve rate.

(d) Rates of exchange for the principal foreign currencies as certified daily by the New York Federal Reserve Bank will be furnished daily by the customs information exchange to customs officers in the number of copies required, and liquidation will not be made until such Federal reserve bank rates are received. In special cases, or where a rate of currency does not appear on the daily list furnished, the collector will request such rate from the customs information exchange.

(e) The date of exportation for currency conversion shall be fixed as follows:

(1) The date of exportation shall be the date on which the merchandise actually leaves the country of exportation for the United States.

(2) If the merchandise is shipped directly by water from the country of export, the date of the sailing of the vessel shall be the date of exportation. In such cases a copy of customs Form 3167, "Daily report of arrival of vessels", giving the dates of sailing from each port, shall be daily supplied by the marine division to the entry and liquidating divisions, the comptroller of customs and such officers as may have need therefor, and a copy shall be posted or made available to the public in the port of arrival; but if the merchandise arrives in bond, the date of sailing shall be obtained from the lists circulated by the customs information exchange.

(3) Since the act of exportation is not complete until the merchandise finally leaves the jurisdiction of the exporting country, if a vessel with the merchandise on board sails from two or more ports, or more than once from the same port, of the exporting country, whether or not stopping on the intervening voyage at a port of another jurisdiction, or, if the merchandise is transshipped in another jurisdiction and subsequently reenters the jurisdiction of the exporting country on another vessel, or if the merchandise is transshipped to another vessel in the same jurisdiction, the date the vessel on which the merchandise finally leaves the exporting country sails from the last port thereof is the date of exportation.

(4) When the merchandise is shipped from an interior country through the ports of another country or from a country contiguous to the United States, the date of exportation shall be the date on which the merchandise crosses the border of the country of exportation and passes beyond the control of the government of such country.

(5) If the merchandise is not exported directly by water and no positive evidence is at hand as to the date of exportation, the date of the invoice certification shall be considered the date of exportation, unless the invoice appears to have been certified after the date the merchandise actually left the country of exportation; otherwise the date shown as the date the invoice was prepared shall be taken, unless it also appears to be later than the actual date of exportation. In the absence of a certified invoice, the date of the pro forma invoice will be taken unless it appears to be dated after the actual date of export. If a pro forma invoice covers several individual bills of different dates, the latest of such dates, unless it appears to be later than the actual date of export, will be taken.

(6) In the case of indirect shipments exported from one country through another, if the invoice is post certified and post dated, the date of the bill of lading may be used in the absence of other evidence, if the bill of lading was issued in the country of export.

(7) The date of actual shipment may be taken when there is presented a bill of lading showing the date of shipment, provided such bill of lading has been certified in accordance with the provisions of section 2904 of the Revised Statutes.

ART. 823. *Weight, gauge, or measure.*—(a) Tariff Act of 1930, section 315:

• • • That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall, except as provided in section 562 of this Act (relating to manipulating warehouses), be levied and collected upon the weight of such merchandise at the time of its entry.

(b) "Entry" in the sense used in this provision of law is held to be the time of landing. The same rule applies to merchandise entered for consumption.

(c) If merchandise has been cleaned, sorted, repacked, or otherwise changed in condition under section 562 of the Tariff Act of 1930, the liquidation shall be made on the weight, gauge, or measure of such merchandise in its condition at the time of landing. Upon the withdrawal of such merchandise after manipulation, the duty shall be adjusted according to its condition, quantity, and weight at the time of withdrawal.

(d) When, in the case of merchandise not weighed by the weighing inspector, the invoice shows only the net weight, liquidation may be made on such weight if it is impracticable to obtain actual net weight without injury to the goods.

(e) Where goods are subject to an ad valorem rate of duty and it appears from the invoice, bill of lading or other source of information that the merchandise was bought on the basis of the gross weight or quantity, the appraiser's report should show whether the appraisement was made on the basis of the gross or net weight or quantity, and the liquidation should be made upon the same basis as that upon which the appraisement was made.

(f) Internal-revenue taxes on alcoholic beverages imported in barrels, casks, or similar containers shall be collected only on the number of proof gallons (or wine gallons if below proof) and fractional parts thereof actually entered or withdrawn for consumption. The quantity determined on the basis of the original customs gauge shall be considered the quantity actually entered or withdrawn and no regauge shall be made for the purpose of assessing internal-revenue taxes, unless the lapse of time or the condition of the containers prior to entry or withdrawal indicates that the quantity shown by such original gauge has been substantially reduced by evaporation or leakage, or unless prior to entry or withdrawal the person making the entry or withdrawal makes a written request for a regauge and, if less than 90 days have elapsed since the date of such original gauge, states in such request his reasons for believing that such original gauge does not correctly indicate the quantity to be withdrawn. Ordinary customs duties shall be collected on the gallonage determined on the basis of the original customs gauge.

(g) When imported distilled spirits upon which collectors of customs are required to collect internal-revenue taxes under the provisions of section 1150 (f), title 26, United States Code, and article 1189, of these regulations, or imported wines upon which collectors of customs are required by the said article to collect such taxes, are regauged in accordance with paragraph (f) of this article in order that the internal-revenue taxes may be collected on the gallonage actually withdrawn from warehouse for consumption, as contemplated by sections 1150 (a) (1) and 1300 (a), title 26, United States Code, the internal-revenue taxes shall be adjusted on the warehouse withdrawal according to the gauge at the time of withdrawal. A notation shall be made on the withdrawal that the adjustment has been made in accordance with the provisions of this paragraph. No adjustment of ordinary customs duties shall be made as a result of a regauge for internal-revenue purposes, in view of the provisions of section 563 (a) of the Tariff Act of 1930.

(h) Applications for refund of internal-revenue taxes paid on imported distilled spirits or wines in excess of the quantity actually withdrawn from warehouse for consumption, should be filed by the claimant with the Commissioner of Internal Revenue through the collector of internal revenue for the district concerned.

ART. 824. *Articles in examination packages not specified in the invoice.*—(a) Tariff Act of 1930, section 499:

• • • If any package is found by the appraiser to contain any article not specified in the invoice and he reports to the collector that in his opinion such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be liable to seizure, but if the appraiser reports that no such fraudulent intent is apparent then the value of said article shall be added to the entry and the duties thereon paid accordingly. • • •

(b) When any article not corresponding with the description given in the invoice is found by the appraiser, duties will be assessed on the goods actually found, and, if the discrepancy appears conclusively to be the result of a mistake and not of an intent to defraud, no proceedings for forfeiture will be taken: *Provided*, That when the entire shipment does not agree with the invoice a new entry should be required and the estimated duty paid on the original entry refunded on liquidation as in the case of a nonimportation.



ART. 825. *Excess of merchandise.*—Increased duty only is incurred by a simple excess of quantity over the quantity stated in the invoice, but when the unit value of the goods as declared in the entry is less than the appraised value thereof, both increased and additional duties accrue upon the quantity of like goods found in excess.

ART. 826. *Commingling of goods.*—Tariff Act of 1930, section 508:

Whenever dutiable merchandise and merchandise which is free of duty or merchandise subject to different rates of duty are so packed together or mingled that the quantity or value of each class of such merchandise can not be readily ascertained by the customs officers, the whole of such merchandise shall be subject to the highest rate of duty applicable to any part thereof, unless the importer or consignee shall segregate such merchandise at his own risk and expense under customs supervision within 10 days after entry thereof, in order that the quantity and value of each part or class thereof may be ascertained.

ART. 827. *Supplemental report by appraiser.*—Whenever the collector or comptroller of customs needs additional information for the liquidation of an entry, he should return the invoice to the appraiser for review and further report.

ART. 828. *Change in classification—Higher or lower rate—Effective date.*—(a) When a collector or appraiser is of the opinion that the classification of any merchandise should be advanced to a higher or reduced to a lower rate than it has been the well-established practice to assess thereon, he should so report to the Bureau, in order that general instructions in the matter may be issued.

(b) If the practice at the various ports has been uniform for a considerable time, a change in classification to a higher rate of duty, except as the result of a court decision, will be made only upon the Bureau's instructions and will be applicable only to merchandise entered for consumption after 30 days from the date of the publication of the Bureau's instructions in the weekly Treasury Decisions or, if entered for warehouse, withdrawn for consumption after the expiration of such 30-day period, provided the warehouse entry is unliquidated or, if liquidated, that reliquidation thereof can be completed within 60 days from the date of liquidation.

(c) If the practice at the various ports has not been uniform for a considerable time, a change to a higher rate of duty may be made either upon the Bureau's instructions or upon information from the Customs Information Exchange, or otherwise, and will be applicable to all unliquidated entries, whether for consumption or warehouses, and also to liquidated warehouse entries covering merchandise remaining in warehouse after the date of the Bureau's instructions or, if published, the date of publication thereof in the weekly Treasury Decisions, or after the receipt of the information, provided the reliquidation thereof can be completed within 60 days from the date of liquidation.

(d) A change in classification to a lower rate of duty, except as the result of a court decision, will be made only upon the Bureau's instructions or upon the receipt of a Customs Information Exchange report showing the higher classification to be clearly erroneous and contrary to the present practice at the various ports. A change to a lower rate of duty, when decided upon, will be applicable to all unliquidated entries and to all protested entries involving the same issue which have not been forwarded to the Customs Court.

(e) The principles of decisions of the Customs Court or Court of Customs and Patent Appeals favorable to the Government shall be applied to merchandise identical with that passed on by the court, if such merchandise is covered by unliquidated entries, whether for consumption or warehouse, or by liquidated warehouse entries which can be reliquidated within 60 days from the date of liquidation, provided that, in the latter case, the merchandise remains in warehouse after the date of the publication of the decision in the weekly Treasury Decisions.

(f) The principles of such favorable decisions shall be applied to merchandise, though not identical with the merchandise the subject of the court's decision, if its classifica-

tion is affected by such principle, provided that it has been entered for consumption or withdrawn from warehouse for consumption after 30 days from the date of publication of the court's decision in the weekly Treasury Decisions, and that, in the case of liquidated warehouse entries, the reliquidation can be completed within 60 days from the date of liquidation.

(*g*) In the event that the overruling of a protest is accompanied by a definite statement that a higher rate than that assessed by the collector was properly chargeable, such higher rate, when applicable, should be made effective as to merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days from the date of the publication of the court's decision in the weekly Treasury Decisions, provided that, in the case of liquidated warehouse entries, reliquidation thereof can be completed within 60 days from the date of liquidation.

(*h*) The principles of decisions of the Customs Court or Court of Customs and Patent Appeals adverse to the Government shall be applied to unliquidated entries and protested entries which have not been forwarded to the Customs Court, in which the same issue is involved, provided the time within which an application for a rehearing or review may be filed has expired without such application having been made.

NOTE.—See article 870 relative to reliquidations under court decisions pursuant to protests filed under section 516 (b) of the tariff act.

(*i*) Tariff Act of 1930, section 315:

On and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act and to no other duty upon the entry or the withdrawal thereof; • • •

(*j*) Tariff Act of 1930, section 336 (c) and (d):

(c) The President shall by proclamation approve the rates of duty and changes in classification and in basis of value specified in any report of the commission under this section, if in his judgment such rates of duty and changes are shown by such investigation of the commission to be necessary to equalize such differences in costs of production.

(d) Commencing thirty days after the date of any presidential proclamation of approval, the increased or decreased rates of duty and changes in classification or in basis of value specified in the report of the commission shall take effect.

(*k*) When the rate of duty is changed by act of Congress or by proclamation of the President, entries covering the classes of goods enumerated in section 315 should be liquidated or reliquidated, as the case may be, on the basis of the new rate. The reliquidation in such cases shall be made in the district where the merchandise is in customs custody on the date of the change of rate.

(*l*) Merchandise upon which any duties or charges are unpaid, remaining in warehouse 3 years (or 10 months in the case of grain) from the date of importation, is deemed to be abandoned to the Government and, if withdrawn for consumption thereafter, is subject to duty at the rate applicable at the time of the expiration of the 3 years (or 10 months in the case of grain).

(*m*) Unclaimed merchandise becomes abandoned to the Government at the expiration of 1 year and, if entered for consumption thereafter, is subject to the rates applicable at the expiration of the year.

(Merchandise upon which all duties and charges have been paid remaining in bonded warehouse beyond 3 years (or 10 months in the case of grain) from the date of importation shall be held to be no longer in the custody or control of the officers of the customs.) (Tariff Act of 1930, sec. 559.)

ART. 829. *Warehouse entries.*—Warehouse entries shall be liquidated by single packages when necessary for the purpose of withdrawal.

ART. 830. *Appraisement, baggage, informal, and mail entries.*—(*a*) Appraisement entries, customs Form 7500, baggage entries, customs Form 6059 or 6063, informal entries, customs Form 5119, and mail entries, customs Form 3419 or 3420, shall be formally liquidated after return by the comptroller, and a carbon copy of the bulletin, customs Form 5171, covering such entries, posted as the notice of liquidation. All such entries ready for liquidation during any one month may be liquidated on any convenient day during that month. The date of posting shall be stamped on the bulletin as the date of liquidation of all liquidated entries covered thereby.

(*b*) Entries liquidated subsequent to the posting of the bulletin on which they originally appear, shall be listed on a new bulletin which shall be stamped liquidated as of the date of posting. The fact and date of liquidation shall be shown on the office copy of the bulletin on which the entries were originally scheduled.

ART. 831. *Record of liquidations and filing of papers.*—(*a*) A record of liquidations on customs Form 5151 shall be kept at the headquarters port for its own transactions as well as those at each port of entry in the district, and such record shall also be kept at each port of entry for its own transactions.

(*b*) Invoices, weigher's and gauger's returns, and all papers upon which the liquidation is based, should be filed with the entry after the liquidation is completed.

ART. 832. *Importations not exceeding $1 in value.*—Collectors may pass free of duty and without the preparation of an entry importations (except those subject to internal-revenue tax) having a value not exceeding $1. Entry will be required for such importations if subject to internal-revenue tax and both duty and tax shall be assessed.

ART. 833. *Errors, correction of.*—Clerical errors in the returns of weight, gauge, or measure, errors in extension and other mathematical calculations, the inclusion of uniformly nondutiable charges in the entered value, and other clerical errors apparent from the papers, dock books, or other records may be corrected upon liquidation of the entry. Such errors claimed or discovered after liquidation of the entry, unless covered by protest, can be corrected only on instructions from the Bureau.

ART. 834. *Limitation upon reliquidation.*—(*a*) In the absence of protest no entry shall be reliquidated after the expiration of the protest period (see art. 848), except that, tariff Act of 1930, section 520 (a) (3) and (4):

(a) The Secretary of the Treasury is hereby authorized to refund duties and correct errors in liquidation of entries in the following cases:

(3) Whenever a clerical error is discovered in any entry or liquidation within 1 year after the date of entry, or within 60 days after liquidation when liquidation is made more than 10 months after the date of entry; and

(4) Whenever duties have been paid on household or personal effects which by law were not subject to duty, notwithstanding a protest was not filed within the time and in the manner prescribed by law.

and, tariff Act of 1930, section 521:

If the collector finds probable cause to believe there is fraud in the case, he may reliquidate an entry within 2 years (exclusive of the time during which a protest is pending) after the date of liquidation or last reliquidation.

(*b*) Errors in the liquidation of entries covering personal and household effects not involving a question of compliance with the regulations may, without reference to the Bureau, be corrected by collectors of customs within the protest period, or thereafter if a timely protest was filed; otherwise applications for the correction of errors in the liquidation of such entries should be forwarded to the Bureau for instructions.

SPECIAL DUTIES

ART. 835. *Additional duty arising from undervaluation.*—(*a*) Tariff Act of 1930, section 489:

If the final appraised value of any article of imported merchandise which is subject to an ad valorem rate of duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the entered value, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per centum of the total final appraised value thereof for each 1 per centum that such final appraised value exceeds the value declared in the entry. Such additional duty shall apply only to the particular article or articles in each invoice that are so advanced in value upon final appraisement and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the final appraised value does not exceed the amount of duty that would be imposed if the final appraised value did not exceed the entered value, and shall be limited to 75 per centum of the final appraised value of such article or articles. • • • All additional duties, penalties, or forfeitures applicable to merchandise entered in connection with a certified invoice shall be alike applicable to merchandise entered in connection with a seller's or shipper's invoice or statement in the form of an invoice.

• • • • • •

(*b*) No fractional parts of a rate per centum shall be assessed, e. g., if the advance is 10¼ or 10⅞, the additional duty to be assessed will be 10 percent.

ART. 836. *Additional duty for false claim of antiquity.*—Tariff Act of 1930, section 489:

• • • If any article described in paragraph 1811 and imported for sale is rejected as unauthentic in respect to the antiquity claimed as a basis for free entry, there shall be imposed, collected, and paid on such article, unless exported under customs supervision, a duty of 25 per centum of the value of such article in addition to any other duty imposed by law upon such article.

ART. 837. *Additional duty on articles not legally marked.*—(*a*) Tariff Act of 1930, section 304 (b):

If at the time of importation any article or its container is not marked, stamped, branded, or labeled in accordance with the requirements of this section, there shall be levied, collected, and paid on such article, unless exported under customs supervision, a duty of 10 per centum of the value of such article, in addition to any other duty imposed by law, or, if such article is free of duty, there shall be levied, collected, and paid a duty of 10 per centum of the value thereof.

(*b*) Such additional duty does not accrue if either the article or its immediate container is legally marked at the time of importation. When there is only one container of an article it is the immediate container.

(*c*) The liquidation of warehouse entries should not be suspended because the merchandise covered thereby is reported to be not legally marked.

ART. 838. *Duty on articles imported under agreement in restraint of trade.*—United States Code, title 15, section 73:

If any article produced in a foreign country is imported into the United States under any agreement, understanding, or condition that the importer thereof or any other person in the United States shall not use, purchase, or deal in, or shall be restricted in his using, purchasing, or dealing in, the articles of any other person, there shall be levied, collected, and paid thereon, in addition to the duty otherwise imposed by law, a special duty equal to double the amount of such duty: *Provided*, That the above shall not be interpreted to prevent the establishing in this country on the part of a foreign producer of an exclusive agency for the sale in the United States of the products of said foreign producer or merchant, nor to prevent such exclusive agent from agreeing not to use, purchase, or deal in the article of any other person, but this proviso shall not be construed to exempt from the provisions of this section any article imported by such exclusive agent if such agent is required by the foreign producer, or if it is agreed between such agent and such foreign producer, that any agreement, understanding, or condition set out in this section shall be imposed by such agent upon the sale or other disposition of such article to any person in the United States. (Sept. 8, 1916, c. 463, sec. 802, 39 Stat. 799.)

ART. 839. *Discriminating duties.*—The discriminating duties provided by subsection 1 of paragraph J of section IV of the Tariff Act of October 3, 1913, as amended by the act of March 4, 1915, and the discriminating duties and penalties provided for in section 338, Tariff Act of 1930, will be imposed only in pursuance of specific instructions issued and published from time to time by the Secretary of the Treasury.

ART. 840. *Countervailing duties by reason of foreign export bounty.*—(*a*) Tariff Act of 1930, section 303:

Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this Act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this Act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The Secretary of the Treasury shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated. The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of such additional duties.



(*b*) The net amount of such bounties or grants will be published from time to time by the Bureau, with instructions for the collection of the countervailing duties.

ART. 841. *Duties contingent upon foreign export duties, charges, or restrictions.*—Paragraph 1401 of the Tariff Act of 1930 provides in part for the imposition under certain conditions of additional duties on articles covered thereby. The assessment of these additional duties is dependent upon action by the President, and notice of such action, if taken, will be published in the weekly Treasury Decisions.

ART. 842. *Dumping duty.*—(*a*) Special dumping duty attaches to all importations of merchandise, whether dutiable or free, as to which the Secretary of the Treasury has made public a finding of dumping, provided no appraisement report, as required by article 772, has been made on the particular importation prior to the publication of such finding, and the appraiser reports that the purchase price or exporter's sales price is less than the foreign market value or cost of production, as the case may be.

(*b*) Such findings by the Secretary will be published in the Treasury Decisions and will contain a description of the merchandise of the kind or class to which they apply, in such detail as may be necessary for the guidance of customs officers.

(*c*) If, in the case of consigned goods, the appraiser returns an invoice with a report that the merchandise has not been sold within 6 months after the date of entry, or that the merchandise will not be sold in the United States, the collector shall refer the matter to the Bureau for instructions, pending the liquidation of the entry.

ART. 843. *Notice to importer before assessment of dumping duty.*—Before dumping duty is assessed the collector will notify the importer of the appraiser's return as in the case of an advance in value; and if the importer files an appeal to reappraisement, liquidation will be suspended until the final reappraisement is decided.

ART. 844. *Method of computing dumping duty.*—(*a*) After the Secretary's finding the appraiser's subsequent report to the collector, the collector's notice to the importer, and the decision of the reappraisement appeal, if any, above referred to, (1) if it appears that the merchandise has been purchased by a person not the exporter within the meaning of section 207, antidumping act, the special dumping duty shall equal the difference between the purchase price and the foreign market value on the date of purchase, or, if there is no foreign market value, between the purchase price and the cost of production, the currency of the purchase price, or of the foreign market value, or of both, being converted into United States money as of the date of purchase or agreement to purchase; (2) if it appears that the merchandise is imported by a person who is the exporter within the meaning of section 207, antidumping act, the special dumping duty shall equal the difference between the exporter's sales price and the foreign market value on the date of exportation, or, if there is no foreign market value, between the exporter's sales price and the cost of production, the currency of the exporter's sales price, or of the foreign market value, or of both, being converted to United States money as of the date of exportation.

(*b*) The fact that the importer has added on entry the difference between the purchase price or the exporter's sales price and the foreign market value or cost of production and the appraiser has approved the resulting entered value, does not prevent the assessment of the special dumping duty. But a mere difference between the purchase price or export-

er's sale price and the foreign market value or cost of production, without a finding by the Secretary of the Treasury, as above referred to, is not sufficient for the assessment of the special dumping duty.

(c) If the necessary conditions are present, special dumping duty will attach even to samples imported for the purpose of taking orders and making sales in this country.

ART. 845. *Quarterly report of dumping duty.*—The collector will report to the Bureau of Foreign and Domestic Commerce at Washington, D. C., within 10 days all special dumping duties collected at all the ports in his district during the quarter. In order that the statisticians may be enabled to make such a report, the liquidator will insert after the regular summary or statement of liquidation:

(1) A notation indicating that special dumping duty has been assessed.

(2) A description of the merchandise subject to such duty.

(3) The country from which imported.

(4) The Treasury decision authorizing the special dumping duty.

(5) The amount of such special duty.

ART. 846. *Cuban preference.*—(a) The operation of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902 (T. D. 24836), has been suspended for the effective period of the trade agreement concluded between the United States and the Republic of Cuba on August 24, 1934 (T. D. 47232).

(b) Under article I of the Cuban Trade Agreement (49 Stat., pt. 2, Executive Agreements, pp. 17–107), articles the growth, produce, or manufacture of the Republic of Cuba, which would have been admitted free of duty on August 24, 1934, are entitled to free entry during the effective period of the agreement.

(c) Under article III of the Cuban Trade Agreement every article the growth, produce, or manufacture of Cuba not entitled to free entry under the provisions of the tariff act or article I of the agreement is entitled to admission into the United States with an allowance of an exclusive and preferential reduction in the ordinary customs duty assessable, such allowance to be made with respect to the lowest rate of ordinary customs duty payable on the like article the growth, produce, or manufacture of any other foreign country. The minimum per centum of exclusive preference and maximum rates of duty are separately stated with respect to certain articles enumerated and described in schedule 2 of the agreement, and with respect to other articles the preference is 20 per centum.

(d) Duties assessed on imports on special occasions, such as marking duties (sec. 304, Tariff Act of 1930) and additional duties for undervaluation (sec. 489, Tariff Act of 1930), internal-revenue taxes imposed on imported articles, and other special exactions (as distinguished from ordinary customs duties such as are imposed under the provsions of the dutiable list of the tariff act and sec. 601 of the Revenue Act of 1932), are not subject to any reduction under the trade agreement.

(e) The total and partial exemptions from duty provided for in the trade agreement apply only to direct shipments from Cuba, including shipments via other countries for which there is furnished proof that the merchandise was destined to the United States at the time of exportation from Cuba, and also a certificate of the proper customs officer of each foreign country through which the merchandise passed enroute to the United States, showing continuous customs custody of the shipment while in such foreign country.

(f) No evidence of origin will be required for any Cuban merchandise which is unconditionally free of duty under the tariff laws. Consular invoices will be required for merchandise of Cuban origin embraced within the classes enumerated in article 299 (b) of these regulations, as amended, if the right of the merchandise to any total or partial exemption from duty is dependent upon its Cuban origin and the value of the shipment exceeds $100. In the case of every shipment of Cuban articles for which any total or partial exemption from duty is sought under the provisions of articles I or III of the Cuban Trade Agreement, there shall be filed in connection with the entry, preferably on the invoice filed with the entry, a declaration of the shipper, or other person having actual knowledge of the facts, that the articles for which the exemption is sought are of the growth, produce, or manufacture of Cuba.

ART. 847. *Tariff rate quotas.*—(a) Under provisions of Schedule II of the Canadian Trade Agreement (T. D. 48033), reduced rates of duty are provided for the articles enumerated below, such reduced rates to apply only to the quantities respectively indicated:

Sawed timber and lumber not specially provided for, of Douglas fir or western hemlock—an aggregate quantity of 250,000,000 feet board measure (determined in the manner described in par. 401, Tariff Act of 1930) in any calendar year after 1935.

Cattle, weighing less than 175 pounds each—51,933 head in any calendar year after 1935.

Cattle, weighing 700 pounds or more each and not specially provided for—155,799 head in any calendar year after 1935.

Cows, weighing 700 pounds or more each and imported specially for dairy purposes (see art. 484)—20,000 head in any calendar year after 1935.

Cream, fresh or sour—1,500,000 gallons in any calendar year after 1935.

White or Irish certified seed potatoes (see art. 462)— 750,000 bushels of 60 pounds each in the 12-month period beginning on December 1 in any year.

(b) The tariff rate quotas and reduced rates mentioned above do not apply to products of a country in respect of whose products the President has suspended, pursuant to the provisions of section 350 of the tariff act (T. D. 47117), the tariff changes proclaimed by him in connection with the Canadian Trade Agreement.

(c) Collectors of customs shall report to the Commissioner of Customs, Washington, D. C. (attention Division of Statistics and Research), on Monday of each week for the week ending the previous Saturday, the entry number, date, and port of entry, and quantity in respect of each importation of any commodity specified above which is the product of a country whose products are entitled to entry at the reduced duties. Whenever any tariff rate quota approaches fulfillment, special instructions will be issued by the Commissioner of Customs to require more frequent reports and, when appropriate, to require the deposit of estimated duties and import tax at the full rate pending the determination of the application of the reduced rate to particular importations.

## CHAPTER XV

## PROTESTS AND REAPPRAISEMENTS

### PROTESTS

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### PROTESTS

ART. 848. *Protest.*—(a) Tariff Act of 1930, section 514:

Except as provided in subdivision (b) of section 516 of this act (relating to the protests by American manufacturers, producers, and wholesalers), all decisions of the collector, including the legality of all orders and findings entering into the same, as to the rate and amount of duties chargeable, and as to all exactions of whatever character (within the jurisdiction of the Secretary of the Treasury), and his decisions excluding any merchandise from entry or delivery, under any provision of the customs laws, and his liquidation or reliquidation of any entry, or refusal to pay any claim for drawback, or his refusal to reliquidate any entry for a clerical error discovered within one year after the date of entry, or within 60 days after liquidation or reliquidation when such liquidation or reliquidation is made more than 10 months after the date of entry, shall, upon the expiration of 60 days after the date of such liquidation, reliquidation, decision, or refusal, be final and conclusive upon all persons (including the United States and any officer thereof), unless the importer, consignee, or agent of the person paying such charge or exaction, or filing such claim for drawback, or seeking such entry or delivery, shall, within sixty days after, but not before such liquidation, reliquidation, decision, or refusal, as the case may be, as well in cases of merchandise entered in bond as for consumption, file a protest in writing with the collector setting forth distinctly and specifically, and in respect to each entry, payment, claim, decision, or refusal, the reasons for the objection thereto. The reliquidation of an entry shall not open such entry so that a protest may be filed against the decision of the collector upon any question not involved in such reliquidation.

(b) Tariff Act of 1930, section 520 (a) (4):

(a) The Secretary of the Treasury is hereby authorized to refund duties and correct errors in liquidation of entries in the following cases:

(4) Whenever duties have been paid on household or personal effects which by law were not subject to duty, notwithstanding a protest was not filed within the time and in the manner prescribed by law.

(c) The "date of liquidation" is the date of liquidation stamped upon the entry, and the posting of the same in a conspicuous place in the customhouse is held to be sufficient notice thereof.

(d) Section 514 applies to drawback entries and all liquidations thereof or refusals to pay drawback claims shall be posted in the same manner as the liquidation of import entries.

(e) The date of the decision of the collector excluding any merchandise from entry or delivery, under any provision of the customs revenue laws, will be the date of his written notice to the importer. This does not refer to his action in seizing or directing the seizure of merchandise.

(f) Protests may be filed against the assessment of special dumping duty in the same manner as against the assessment of regular duty.

(g) Tariff Act of 1930, section 518:

• • • Under such rules as the United States Customs Court may prescribe, and in its discretion the court may permit the amendment of a protest • • •.

ART. 849. *Form of protest.*—(a) Protests (except protests by American manufacturers, producers, and wholesalers (see art. 870)) shall be in duplicate and in writing, addressed to the collector and signed by the party protesting or his agent or attorney. A protest signed by an agent or attorney shall be rejected by the collector unless there is filed with the collector a power of attorney (customs Form 5295) authorizing such agent or attorney to make, sign, and file the protest or protests, which power shall be limited to a period not to exceed two years from the date thereof, and shall be acknowledged. Each protest shall show the addresses of the protestant and his agent or attorney, the entry number, importing vessel, date of arrival, and date of liquidation of the entry and shall set forth distinctly and specifically in respect to each entry, payment, claim, or decision the reasons for the objection, citing the rate or rates of duty claimed to be applicable, and the paragraph or section of the law, if any, under which relief is claimed.

(b) Partnership powers of attorney to file protests may be executed by one member in the name of the partnership, provided said powers recite the names of all the members. Corporate powers of attorney to file protests shall be signed by a duly authorized officer or employee of the corporation, and if the collector is otherwise satisfied as to the authority of such corporate officer or employee to grant such power of attorney, compliance with the requirements of article 301 (e) may be waived with respect to such power.

ART. 850. *Procedure at time of filing.*—(a) Protests shall be filed with the collector, who will give them serial numbers and stamp or write thereon the dates of receipt. The name of the protestant, entry number, and issue must be indorsed on each protest. A permanent record of all protests shall be kept on customs Form 4365 at headquarters ports only. Such record may be kept in either numerical or alphabetical order.

(b) Protests lodged at ports of entry will be forwarded to the headquarters port and will be numbered in the same series with the protests lodged at the headquarters port.

ART. 851. *Samples.*—(a) Appraising officers should retain samples of the merchandise when returning an invoice at a rate of duty higher than the entered rate, or when, for any other reason, it is probable that a protest will be filed, keeping a record of the entry number, vessel, and date of entry. When no samples have been retained they shall be furnished collectors by the protestant and transmitted to the appraisers for verification.

(b) Samples will not be required where the question involved is one of law, which does not necessitate an inspection of the merchandise by the court, or where the merchandise is heavy, bulky, or otherwise of such character as to make the retention of samples impracticable. In such cases the report of the collector or appraising officer should contain a full and accurate description of the merchandise.

ART. 852. *Appraiser's special report on protest.*—(a) If the collector shall be of the opinion that any claim in a protest requires further review of an advisory classification or return in order to complete the record necessary to a proper consideration of the issue involved, he shall forward the invoice papers to the appraiser for a special report as to the character and description of the merchandise and all other facts relevant to the case.

(b) The appraiser will return all papers to the collector with his report, customs Form 6437, together with the samples, if any, of the merchandise under consideration.

ART. 853. *Collectors' review on protest.*—(a) Tariff Act of 1930, section 515:

Upon the filing of such protest the collector shall within ninety days thereafter review his dicision, and may modify the same in whole or in part and thereafter remit or refund any duties, charge, or exaction found to have been assessed or collected in excess, or pay any drawback found due, of which notice shall be given as in the case of the original liquidation, and against which protest may be filed within the same time and in the same manner and under the same conditions as against the original liquidation or decision. If the collector shall, upon such review, affirm his original decision, or if a protest shall be filed against his modification of any decision, and, in the case of merchandise entered for consumption, if all duties and charges shall be paid, then the collector shall forthwith transmit the entry and the accompanying papers, and all the exhibits connected therewith, to the United States Customs Court for due assignment and determination, as provided by law. Such determination shall be final and conclusive upon all persons, and the papers transmitted shall be returned, with the decision and judgment order thereon, to the collector, who shall take action accordingly, except in cases in which an appeal shall be filed in the United States Court of Customs and Patent Appeals within the time and in the manner provided by law.

(b) Reliquidations shall be submitted to the comptroller of customs for verification in the same manner as original liquidations.

ART. 854. *Transmission of protests and samples to the United States Customs Court.*—(a) If the comptroller of customs does not concur, or if the collector shall affirm his original decision, or upon the filing of a protest against his modification of any decision, one copy of the protest and accompanying papers shall be immediately transmitted to the United States Customs Court by the collector, provided that in the case of a consumption entry the duties shall have been paid.

(*b*) The collector, in his letter of transmittal, customs Form 4295, shall list the protests transmitted and identify the entries covered by each such protest. Whenever practicable, he shall forward a sample of the merchandise with an identification card (customs Form 6433) attached thereto. Any information which, in the judgment of the collector, may be of assistance to the Assistant Attorney General in defending the action or decision of the collector which has been protested, shall be stated by indorsement on the protest or in a memorandum enclosed therewith. Any objection to the validity of the protest perceived by the collector should be specially mentioned in such indorsement or memorandum. Each such indorsement or memorandum shall be identified as not a part of the protest.

(*c*) Two or more protests of one importer on the same subject may be covered by one letter of transmittal, but protests of different importers, or on different subjects, should not be so combined.

(*d*) If samples are needed to sustain the Government's case, they should be sent to the United States Customs Court, 201 Varick Street, New York City. They should, if possible, be sent by mail under Government frank; otherwise they should be forwarded under Government bill of lading.

(*e*) Upon transmittal of records from ports other than New York to the United States Customs Court in cases in which local hearings are to be had, the samples will, after being properly identified with such records, be retained in the local office for use at such hearings, and thereafter be immediately stamped with the court numbers and transmitted with such records to the court.

(*f*) If samples are sent to the court at the importer's request, the transportation charges must be paid by him.

ART. 855. *Frivolous protests.*—Tariff Act of 1930, section 517:

> The United States Customs Court shall, upon motion of counsel for the Government, and may, upon its own motion, decide whether any appeal for reappraisement or protest filed under the provision of section 501, 514, 515, or 516 of this act is frivolous, and, if said court shall decide that such appeal or protest is frivolous, a penalty of not less than $5 nor more than $250 shall be assessed against the person filing such appeal or protest: *Provided*, That all appeals for reappraisement or protests filed by the same person and raising the same issue shall, if held frivolous by said court, be consolidated and deemed one proceeding for the purpose of imposing the penalty provided in this section: *Provided further*, That the person against whom such penalty is assessed may have a review by the Court of Customs and Patent Appeals of the decision of the United States Customs Court by filing an appeal within the time and in the manner provided by section 198 of the Judicial Code, as amended.

ART. 856. *Reliquidation of entries under decisions of the United States Customs Court.*—Entries which are the subject of such decisions will be reliquidated in harmony with the judgment order thereon at the expiration of 60 days from the date of the decision, or 90 days in the case of merchandise imported into Alaska or the insular possessions of the United States, unless an appeal or petition for a rehearing is filed, except that entries the subject of decisions of the court, which follow a decision of the Court of Customs and Patent Appeals involving the same issue, will be reliquidated immediately upon receipt of orders from the United States Customs Court.

ART. 857. *Collector's recommendation for rehearing or appeal.*—(*a*) On the receipt of a decision from the court the collector will immediately examine it, together with the protest, and all papers connected therewith.

(*b*) If in his opinion a rehearing should be had on said protest, he will as soon as practicable transmit his reasons to the Assistant Attorney General at New York, with recommendation, in order that such rehearing may be applied for within 30 days from the date of the court's decision.

(*c*) If the collector is of the opinion that the court's decision should be reviewed by the Court of Customs and Patent Appeals, he will promptly submit his reasons therefor to the Bureau in order that, if deemed advisable, an appeal may be filed for such review within 60 or 90 days, as the case may be (see following article), at the same time forwarding a copy of his letter to the Assistant Attorney General for his information.

ART. 858. *Appeals to the Court of Customs and Patent Appeals.*—(*a*) United States Code, title 28, section 310:

> If the importer, owner, consignee, or agent of any imported merchandise, or the collector or Secretary of the Treasury shall be dissatisfied with the decision of the United States Customs Court as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of said court, they, or either of them, may, within 60 days next after the entry of such decree or judgment, and not afterward, apply to the Court of Customs and Patent Appeals for a review of the questions of law and fact involved in such decision. In Alaska and in the insular and other outside possessions of the United States ninety days shall be allowed for making such application to the Court of Customs and Patent Appeals. Such application shall be made by filing in the office of the clerk of said court a concise statement of errors of law and fact complained of; and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall immediately order the United States Customs Court to transmit to said court the record and evidence taken by them, together with the certified statement of the facts involved in the case and their decision thereon; and all the evidence taken by and before said United States Customs Court shall be competent evidence before said Court of Customs and Patent Appeals. The decision of said Court of Customs and Patent Appeals shall be final, and such cause shall be remanded to said United States Customs Court for further proceedings to be taken in pursuance of such determination. (Aug. 5, 1909, c. 6, sec. 28, 36 Stat. 91, 105; Mar. 3, 1911, c. 231, sec. 198, 36 Stat. 1146; May 28, 1926, c. 411, sec. 1, 44 Stat. 669; Mar. 2, 1929, c. 488, sec. 1, 45 Stat. 1475.)

(*b*) Jurisdiction over appeals from decisions of the United States Customs Court was transferred from the Secretary of the Treasury to the Department of Justice by Executive order dated June 10, 1933, effective August 10, 1933.

ART. 859. *Reliquidation under decisions of the Court of Customs and Patent Appeals.*—Entries covering the merchandise the subject of such decisions will be reliquidated only upon receipt of orders from the United States Customs Court, unless an appeal is taken to the Supreme Court.

ART. 860. *Appeal to Supreme Court.*—United States Code, title 28, section 308:

> • • • In any case in which the judgment or decree of the Court of Customs and Patent Appeals is made final by the provisions of this title, it shall be competent for the Supreme Court, upon the application of either party, duly made as required by section 350 of this title, to require, by certiorari or otherwise, such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal to the Supreme Court. • • •

ART. 861. *Refund of duties.*—(*a*) Refunds of duties on reliquidation by reason of any ruling or decision of the Bureau, the United States Customs Court or the United States Court of Customs and Patent Appeals will be made in accordance with chapter XXII.

(*b*) The refunding of moneys in compliance with such decisions is the function of the Secretary of the Treasury, and there is no foundation for a suit against the collector of customs to restrain him from disposal of such moneys.

(*c*) Payments of costs and interest in customs cases upon such refunds is not allowed.

REAPPRAISEMENT AND REVIEW

ART. 862. *Notice of advance.*—(*a*) Tariff Act of 1930, section 501:

> The collector shall give written notice of appraisement to the consignee, his agent, or his attorney, if (1) the appraised value is higher than the entered value, or (2) a change in the classification of the merchandise results from the appraiser's determination of value. • • •

(*b*) The collector at the headquarters port or the deputy collector in charge at a port of entry shall immediately give notice on customs Form 4301. The notice should be prepared in duplicate and the retained copy, with date of mailing or delivery noted thereon, securely attached to the invoice.

(*c*) In the case of so-called "duress" entries notice of appraisement to importer shall be on customs Form 4321.



ART. 863. *Appeal, method of—Time limit.*—(*a*) Tariff Act of 1930, section 501:

> • • • The decision of the appraiser shall be final and conclusive upon all parties unless a written appeal for a reappraisement is filed with or mailed to the United States Customs Court by the collector within sixty days after the date of the appraiser's report, or filed by the consignee or his agent with the collector within thirty days after the date of personal delivery, or if mailed the date of mailing of written notice of appraisement to the consignee, his agent, or his attorney. No such appeal filed by the consignee or his agent shall be deemed valid, unless he has complied with all the provisions of this act relating to the entry and appraisement of such merchandise. • • •

(*b*) When the collector appeals to reappraisement he shall use customs Form 4325 and at once forward a copy of the appeal to the consignee, his agent or attorney. Such appeal should specify the particular items in the invoice affected if it does not apply to all items of merchandise in the invoice.

(*c*) Tariff Act of 1930, section 518:

> • • • Under such rules as the United States Customs Court may prescribe, and in its discretion, the court may permit the amendment of • • • [an] appeal, or application for review. • • •

(*d*) The appeal of the consignee or agent shall be on customs Form 4313 and filed with the collector in triplicate. The date of receipt by the collector shall be noted thereon.

(*e*) Collectors shall require the street, number, town, or city constituting the postoffice address of the consignee or his agent to be disclosed in all appeals.

(*f*) The collector shall keep a record of all appeals on customs Form 4339 at headquarters ports only. Such record may be kept in either numerical or alphabetical order.

ART. 864. *Appeal, disposition of—Samples.*—(*a*) Tariff Act of 1930, section 501:

> • • • Every such appeal shall be transmitted with the entry and the accompanying papers by the collector to the United States Customs Court and shall be assigned to one of the judges, who shall, after affording the parties an opportunity to be heard, determine the value of the merchandise. • • •

(*b*) When the appeal to reappraisement has been completed the collector shall transmit the invoices and all papers pertaining to reappraisement (except advance reports, customs Form 6445, and documentary evidence attached thereto) with customs Form 3085 to the United States Customs Court, 201 Varick Street, New York City.

(*c*) Importers' appeals shall be examined by the collector to determine if they have been presented to his office within 30 days after date of personal delivery, or, if mailed, the date of mailing of written notice of appraisement to the consignee, his agent, or attorney.

(*d*) If it is the opinion of the collector that an appeal placed with him has not been received within the statutory time and the importer or his agent or attorney upon notice of the collector's opinion requests transmittal of the appeal to the United States Customs Court in the usual manner, the collector shall comply with the request. In such cases the collector shall transmit to the Assistant Attorney General, 201 Varick Street, New York City, a statement showing (1) the port, number, and date of entry; (2) that he does not consider the appeal to have been received in his office within the statutory time; (3) the date of personal delivery or of mailing written notice of appraisement; (4) the name, address, and relationship to the importer, if any, of the person to whom the notice of appraisement was given; (5) whether the notice of appraisement was given by personal delivery or mail; and (6) the date on which the appeal was received in the office of the collector.

(*e*) Tariff Act of 1930, section 402 (b):

> • • • A decision of the appraiser that foreign value, export value, or United States value can not be satisfactorily ascertained shall be subject to review in reappraisement proceedings under section 501; but in any such proceeding, an affidavit executed outside of the United States shall not be admitted in evidence if executed by any person who fails to permit a Treasury attaché to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise.

(*f*) The appraiser will, when practicable, retain samples of all merchandise subject to reappraisement.

(*g*) When the importer waives the right to have the hearing held at the port of entry and requests on customs Form 4305 that it be held in New York, samples needed to sustain the Government's case should be forwarded to the United States Customs Court. In all other cases they should be held at the port of entry.

(*h*) When forwarded to the court the samples should, if possible, be sent by mail under Government frank; otherwise they should be forwarded under Government bill of lading.

(*i*) When samples are sent to the court at the importer's request the transportation charges shall be paid by him.

ART. 865. *Advance reports for reappraisement appeals.*—(*a*) Whenever an appraising officer advances the entered value or appraises an importation entered under so-called "duress" or makes a return entailing a special dumping duty, he shall make complete records of his appraisement on customs Form 6445.

(*b*) Whenever an appeal to reappraisement is filed by the importer or by the collector, the collector shall immediately forward a copy thereof to the appraiser. Upon receipt of such notice of appeal, or when recommending an appeal to reappraisement, the appraiser shall prepare an advance report on customs Form 6445. In the case of so-called "duress" entries, when the initial advance cited by the importer was made at his port, the appraiser shall note on the summary sheet (customs Form 6417) that the importer's citation is correct, or, if not, state the correct one. When the initial advance was made at another port no such notation need be made.

(*c*) The name of the port at which the merchandise is entered, the number and date of the entry and the information required in section A (save in the cases specified in paragraphs (*j*) and (*k*) this article) and section B must be supplied in all advance reports.

(*d*) If the advance report concerns the appraised value, columns D1, 2, 3, 4, 5, 6, and 7 must be completed; if an antidumping return, columns D1, 2, 3, 4, 8, and 9. If the issue is confined to an element or elements of value which apply equally to all the items of merchandise in question, it will be sufficient to describe in section D one representative item and to specify the others as "balance—same issue"; otherwise all the items of merchandise in question must be described.

(*e*) The particular respect in which the appraised value differs from the value claimed by the importer, or the value claimed by the appraising officer or collector upon appeal differs from the appraised value, should be stated concisely in item 15, so that the Assistant Attorney General, in the event of litigation, may readily ascertain the point of contention. What the appraising officer or collector claims to be the fact about the issue should be stated briefly in item 16, if it is not apparent in the answer in item 15.

(*f*) If the appraising officer is satisfied that the difference between the price and the foreign market value is partly due (in the case of purchase price) to greater wholesale quantities to all purchasers for exportation to the United States or (in the case of exporter's sale price) to greater wholesale quantities to all purchasers in the United States and makes due allowance therefor in determining the foreign market value as provided for in paragraphs (*b*) and (*c*) respectively, of section 202 of the antidumping act, he must specify such wholesale quantities for or in the United States in item 25a. If such quantities are compared for the purpose of the allowance with the usual wholesale quantities for home consumption, the latter quantities must be specified in item 25b. If (in the absence of sales or offers to sell in wholesale quantities for home consumption) the wholesale quantities for or in the United States are compared with the usual wholesale quantities for exportation to countries other than the United States, the latter quantities must be specified in item 25c. If any allowance, by reason of the difference in the quantities compared, is made in determining foreign market value, it should be specified in the analysis of value in column D9.

(*g*) If the appraising officer relies upon prices paid by other importers, item 30 should be completed. If the appraising officer is of the opinion that his appraisement should be substantiated by trade testimony, samples of the merchandise may be submitted by him at the time of appraisement to other importers or persons in the trade and their valuations on customs Form 6429 attached to the advance report.

(*h*) The names and addresses of the persons who may be relied upon to give oral or documentary testimony in support of the contention of the Government should be inserted in item 31, if such particulars are not disclosed elsewhere in the advance report or in a document attached thereto.

(*i*) If the appraising officer or collector relies upon evidence of a character not indicated in section G, the source and nature of such evidence must be stated in item 32. If the evidence consists of a document procured at the port of entry, the original or a copy should be attached or a summary of its evidentiary value inserted in item 32.

(*j*) If the action in the present case conforms with that taken on a previous entry at the same port, the name of the port at which the merchandise is entered, the number and date of the present entry, and the information required in sections B and C only are required in the advance report.

(*k*) In the case of further information on which a revision of values is found necessary, a second advance report, with the numeral 2 inserted in the circle at the top of the title page, shall be forwarded; in such a report only such information is required as will disclose the name of the port at which the merchandise is entered, the number and date of the entry, the sender, and the changes in the status of the case since the first report.

(*l*) In the case of an advance report prepared upon an entry filed at a port other than New York, the appraising officer who made the return upon the invoice shall, when so requested, furnish the sender with the information necessary to complete section E or any other part of the report. In the case of an advance report transmitted by the collector at the port of New York, upon an entry filed at that port, the examiner who made the return upon the invoice shall insert the necessary information when he receives the report from the Customs Information Exchange.

(*m*) Whenever an appraising officer recommends to the collector that he file an appeal for reappraisement and the invoice is not available, he shall complete the advance report as far as possible and write the words "invoice unavailable" below item 9.

(*n*) Whenever a customs agent recommends to the collector that he file an appeal for reappraisement, such agent shall at the same time deliver to the collector for each entry an advance report for transmission by him to the Customs Information Exchange. If the agent deems it advisable to withhold any of his information until he may transmit it directly to the Assistant Attorney General, such fact should be indicated by the agent in item 32.

(*o*) Whenever the Assistant Attorney General recommends to a collector that he file an appeal for reappraisement, such fact and the date of the recommendation should be inserted by the collector in item 32.

(*p*) Unless formal (regular) entry was made, no advance report is required in the case of merchandise imported in packed packages, special-delivery packages, parcel post, or regular mail. If the appraising officer in any instance, however, is of the opinion that the facts of the case should be circulated by the Customs Information Exchange for the information of other appraising officers, an advance report should be forwarded.

(*q*) Appraisers will arrange to have two copies of a notice list on customs Form 6447 prepared daily.

(*r*) When the advance reports and copies of the notice list are assembled they shall be stamped with the current date. The original of the notice list and the corresponding advance reports shall be sent to the Customs Information Exchange and the carbon copy of the notice list retained as a record.

(*s*) The cards forwarded by the Customs Information Exchange in pursuance of paragraph (*f*) of article 866, disposition of advance reports, shall be filed in numerical order as an index of pending reappraisements and as a ready means, upon receipt of a docket notice from the court, of notifying the proper examiners of the date of hearing, or the Assistant Attorney General if the appraiser is not ready to proceed in any particular case.

(*t*) Collectors will cause all advance reports prepared in or delivered to their offices to be assembled and transmitted to the Customs Information Exchange, 201 Varick Street, New York, with a notice list on customs Form 6447.

ART. 866. *Disposition of advance reports.*—(*a*) The Customs Information Exchange, upon the receipt of an advance report, shall, if it deems it advisable, notify appraising officers at other ports; the customs representative, if any, in charge of the district in which the merchandise was invoiced or, if none, the United States consul at the place where the invoice was certified; and customs agents in charge of districts; of any advance in value or any other information given therein which in its judgment should be so communicated.

(*b*) Whenever a collector forwards to the United States Customs Court the entries, invoices, and other papers involved in appeals for reappraisement he shall inclose therewith a notice list on customs Form 6447. It has been arranged that all such notice lists, after the insertion therein of the corresponding reappraisement numbers by the clerk of the court will be delivered to the Customs Information Exchange.

(*c*) Upon the receipt of a notice list of appeals for reappraisement from the United States Customs Court the Customs Information Exchange shall attach the reappraisement numbers and the words "Collector's appeal", if such is the fact, to the corresponding advance reports and send such as were not prepared in the office of the appraiser at New York to the examiners of like merchandise in that office.

(*d*) In reports prepared elsewhere than in his office the New York examiner will note in red ink any information he may have which will aid in disclosing the facts, in defining the issue, or in proving what is claimed by the appraising officer or collector. Whether or not the examiner supplies any additional information, he will cause the date and his name to be inserted in the place indicated in the form and promptly return the report to the Customs Information Exchange.

(*e*) The Customs Information Exchange will attach a copy of any report, circular, or letter cited by the sender and deliver the advance report when so completed to the office of the Assistant Attorney General in charge of customs cases. If the copy attached is of an official report, it should be a signed carbon or certified.

(*f*) Whenever an advance report which was prepared in the office of an appraiser is delivered to the Assistant Attorney General the Customs Information Exchange shall forward to such appraiser a file card, customs Form 6455, denoting the date of such action, the reappraisement and entry numbers, and the date of the advance report for his use as an index and record of pending reappraisements.

(*g*) On the first of each month the Customs Information Exchange shall deliver to the Assistant Attorney General for his use in remission proceedings all unwithdrawn advance reports which are dated 3 months or more prior to such action.

(*h*) An advance report is in every respect a confidential document of the United States Treasury Department. The disclosure to or the failure to withhold from any unauthorized person any of the contents of an advance report will constitute sufficient cause for discipline.

ART. 867. *Notice to importer of reappraisement decision—Review of.*—(*a*) Tariff Act of 1930, section 501:

• • • The judge shall, • • • render his decision in writing together with a statement of the reasons therefor and of the facts on which the decision is based. Such decision shall be final and conclusive upon all parties unless within thirty days from the date of the filing of the decision with the collector an application for its review shall be filed with or mailed to the United States Customs Court by the collector or other person authorized by the Secretary of the Treasury, and a copy of such application mailed to the consignee, or his agent or attorney, or filed by the consignee, or his agent or attorney, with the collector, by whom the same shall be forthwith forwarded to the United States Customs Court. • • • The decision of the United States Customs Court shall be final and conclusive upon all parties unless an appeal shall be taken by either party to the Court of Customs and Patent Appeals upon a question or questions of law only within the time and in the manner provided by section 198 of the Judicial Code, as amended.



(*b*) The collector, on receipt of notice of a reappraisement decision, shall immediately issue to the consignee or his agent notice of any advance over the entered value on customs Form 4309.

(*c*) The collector's application for review shall be prepared in triplicate on customs Form 4327. The original shall be forwarded to the court with a notation thereon of date of mailing a copy thereof to the consignee, or his agent or attorney, such notation being over the signature of the person actually mailing same. The remaining copy shall be retained in the office of the collector.

(*d*) The application of the consignee for review shall be filed in duplicate on customs Form 4307 with the collector, who shall note thereon the date of receipt.

(*e*) Should the collector decide not to appeal for a review of a decision on the record made but to make a new case on subsequent importations, he shall notify the Customs Information Exchange so that the appraising officers at other ports may be advised.

REMISSION OF ADDITIONAL DUTY

ART. 868. *Procedure.*—(*a*) Tariff Act of 1930, section 489:

• • • Such additional duties shall not be construed to be penal and shall not be remitted nor payment thereof in any way avoided, except in the case of a clerical error, upon the order of the Secretary of the Treasury [Commissioner of Customs], or in any case upon the finding of the United States Customs Court, upon a petition filed at any time after final appraisement and before the expiration of 60 days after liquidation and supported by satisfactory evidence under such rules as the court may prescribe, that the entry of the merchandise at a less value than that returned upon final appraisement was without any intention to defraud the revenue of the United States or to conceal or misrepresent the facts of the case or to deceive the appraiser as to the value of the merchandise. If the appraised value of any merchandise exceeds the value declared in the entry by more than 100 per centum, such entry shall be presumptively fraudulent, and the collector shall seize the whole case or package containing such merchandise and proceed as in case of forfeiture for violation of the customs laws; and in any legal proceeding other than a criminal prosecution that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he rebuts such presumption of fraud by sufficient evidence.

Upon the making of such order or finding, the additional duties shall be remitted or refunded, wholly or in part, and the entry shall be liquidated or reliquidated accordingly. Such additional duties shall not be refunded in case of exportation of the merchandise, nor shall they be subject to the benefit of drawback. • • •

(*b*) Petitions for the remission of additional duty shall be in writing and duly verified by the petitioner; or if the petitioner be a partnership or corporation, by a member thereof or by anyone knowing the facts. Every such petition shall be addressed to the United States Customs Court, and filed in the office of the chief clerk thereof. It shall set forth in concise form the facts desired to be proved at the hearing on said petition. A copy thereof shall also be filed with the collector of the port where the case arose, and the collector shall immediately upon receipt of such copy forward the entry and all other papers connected therewith to the court. The collector shall forward his copy of the petition to the supervising agent in charge of the district, for investigation and report to the Assistant Attorney General, the copy of the petition to be returned to the collector for his files.

(*c*) Notice of the filing of any such petition, together with a copy thereof, shall be served upon the Assistant Attorney General in charge of customs litigation at the port of New York within 5 days after such filing.

(*d*) Applications to the Bureau for remission of forfeiture should be held by the collector pending the court's action on the petition for remission of the additional duties, if such petition has been filed, or, if not, until the expiration of the time within which such petition may be filed.

ANTIDUMPING—PROTESTS AND APPEALS

ART. 869. *Procedure.*—(*a*) Antidumping Act of 1921, section 210:

• • • The determination of the appraiser or person acting as appraiser as to the foreign market value or the cost of production, as the case may be, the purchase price and the exporter's sales price and the action of the collector in assessing special dumping duty, shall have the same force and effect and be subject to the same right of appeal and protest, under the same conditions and subject to the same limitations; • • • as in the case of appeals and protests relating to customs duties under existing law. (U. S. Code, title 19, sec. 169.)

(*b*) Appeals to reappraisement, review of reappraisements and protests under the antidumping act shall be made in the same manner as appeals and protests relating to customs duties under the existing law.

AMERICAN PRODUCERS' APPEALS AND PROTESTS

ART. 870. *Procedure.*—(*a*) Tariff Act of 1930, section 516:

(a) *Value.*—Whenever an American manufacturer, producer, or wholesaler believes that the appraised value of any imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him is too low, he may file with the Secretary of the Treasury a complaint setting forth the value at which he believes the merchandise should be appraised and the facts upon which he bases his belief. The Secretary shall thereupon transmit a copy of such complaint to the appraiser at each port of entry where the merchandise is usually imported. Until otherwise directed by the Secretary, the appraiser shall report each subsequent importation of the merchandise giving the entry number, the name of the importer, the appraised value, and his reasons for the appraisement. If the Secretary does not agree with the action of the appraiser, he shall instruct the collector to file an appeal for a reappraisement as provided in section 501 of this act, and such manufacturer, producer, or wholesaler shall have the right to appear and to be heard as a party in interest under such rules as the United States Customs Court may prescribe. The Secretary shall notify such manufacturer, producer, or wholesaler of the action taken by such appraiser giving the port of entry, the entry number, and the appraised value of such merchandise and the action he has taken thereon. If the appraiser advances the entered value of merchandise upon the information furnished by the American manufacturer, producer, or wholesaler, and an appeal is taken by the consignee, such manufacturer, producer, or wholesaler shall have the right to appear and to be heard as a party in interest, under such rules as the United States Customs Court may prescribe. If the American manufacturer, producer, or wholesaler is not satisfied with the action of the Secretary, or the action of the appraiser thereon, he may file, within thirty days after the date of the mailing of the Secretary's notice, an appeal for a reappraisement in the same manner and with the same effect as an appeal by a consignee under the provisions of section 501 of this act.

(b) *Classification.*—The Secretary of the Treasury shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification of and the rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the proper rate of duty is not being assessed, he may file a complaint with the Secretary of the Treasury setting forth a description of the merchandise, the classification, and the rate or rates of duty he believes proper, and the reasons for his belief. If the Secretary decides that the classification of or rate of duty assessed upon the merchandise is not correct, he shall notify the collectors as to the proper classification and rate of duty and shall so inform such manufacturer, producer, or wholesaler, and such rate of duty shall be assessed upon all such merchandise imported or withdrawn from warehouse after 30 days after the date of such notice to the collectors. If the Secretary decides that the classification and rate of duty are correct, he shall so inform such manufacturer, producer, or wholesaler, and shall, under such regulations as he may prescribe, cause publication to be made of his decision, together with notice that the classification of and the rate of duty on all such merchandise imported or withdrawn from warehouse after the expiration of 30 days after such publication will be subject to the decision of the United States Customs Court in the event that a protest is filed under the provisions of this subdivision. If dissatisfied with the decision of the Secretary, such manufacturer, producer, or wholesaler may file with him a notice that he desires to protest the classification or the rate of duty imposed upon the merchandise, and upon receipt of such notice the Secretary shall furnish him with such information as to the entries and consignees of such merchandise, entered after the expiration of 30 days after the publication of the decision of the Secretary, at the port of entry designated by the manufacturer, producer, or wholesaler in his notice of desire to protest, as will enable him to protest the classification of or the rate of duty imposed upon such merchandise when liquidated at such port. The Secretary shall

direct the collector at such port to notify such manufacturer, producer, or wholesaler immediately upon the liquidation of the first of such entries to be liquidated. Such manufacturer, producer, or wholesaler may file, within 30 days after the date of such liquidation, with the collector of such port a protest in writing setting forth a description of the merchandise and the classification and the rate of duty he believes proper. Upon the filing of any such protest the collector shall notify the Secretary of the Treasury who shall order the suspension, pending the decision of the United States Customs Court upon such protest, of the liquidation, at all ports, of all unliquidated entries of such merchandise imported or withdrawn from warehouse after the expiration of 30 days after the publication of the Secretary's decision. All entries of such merchandise so imported or withdrawn shall be liquidated, or if already liquidated, shall, if necessary, be reliquidated, in conformity with such decision of the United States Customs Court.

If, upon appeal to the Court of Customs and Patent Appeals, the decision of the United States Customs Court is reversed, the classification of the merchandise and the rate of duty imposed thereon shall be in accordance with the decision of the Court of Customs and Patent Appeals, and any necessary reliquidation shall be made. The provisions of this subdivision shall apply only in the case of complaints filed after the effective date of this act.

(c) *Hearing and determination.*—A copy of every appeal and every protest filed by an American manufacturer, producer, or wholesaler under the provisions of this section shall be mailed by the collector to the consignee or his agent within 5 days after the filing thereof, and such consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court. The collector shall transmit the entry and all papers and exhibits accompanying or connected therewith to the United States Customs Court for due assignment and determination of the proper value or of the proper classification and rate of duty. The decision of the United States Customs Court upon any such appeal or protest shall be final and conclusive upon all parties unless an appeal is taken by either party to the Court of Customs and Patent Appeals, as provided in sections 501 and 515 of this act.

(d) *Inspection of documents.*—In proceedings instituted under the provisions of this section an American manufacturer, producer, or wholesaler shall not have the right to inspect any documents or papers of the consignee or importer disclosing any information which the United States Customs Court or any judge or division thereof shall deem unnecessary or improper to be disclosed to him.

(b) The powers and duties of the Secretary under the foregoing sections are conferred and imposed on the Commissioner of Customs by T. D. 44221.

(c) All complaints under section 516 and requests for information as to classifications and rates of duty under subdivision (b) thereof shall be submitted to the Commissioner of Customs in triplicate. Complaints may be filed by complainants themselves or by duly authorized attorneys or agents on their behalf. When a complaint is filed by a corporation or an association, it must be signed by an officer thereof. When a complaint is filed by a copartnership, it must be signed by a member thereof. The name of the complainant and his principal place of business and the fact that he is an American manufacturer, producer, or wholesaler must be shown. The complaint shall present in detail the information required by section 516, shall show the class or kind of merchandise manufactured, produced, or sold which is claimed to be similar to the imported merchandise in such detail as will permit the Commissioner to establish the similarity between the domestic and foreign merchandise, and shall contain such information as the complainant may have as to the port or ports at which such merchandise is being imported into the United States. Complaints shall be itemized as to each class or kind of merchandise involved.

(d) All decisions of the Commissioner under section 516 (b) showing the classification and rate of duty which he believes to be correct will be published in the weekly Treasury Decisions.

(e) Upon notice from the Secretary that a complainant desires to file a protest, the collector, in order to facilitate the presentation of the issue to the United States Customs Court in the event a protest is so filed, shall secure accurate and complete information as to the character and description, together with samples, if practicable, of merchandise of the character covered by the complaint, imported or withdrawn from warehouse after the expiration of 30 days from the publication of the Secretary's decision. All information so secured by the collector shall be made available to the complainant upon application by him to the collector.

(f) Notice of the liquidation of the first of the entries to be liquidated shall be given to the complainant by the collector, as required by section 516 (b). If, upon examination of the information secured by the collector as to this entry and inspection of the sample, if any, the complainant believes that the merchandise or the facts surrounding this importation are not sufficient on which to raise the issue involved in the complaint, the collector shall then give the complainant notice of successive liquidations of such entries as will permit the framing of the issue covered by the complaint.

(g) If, after issuing notices as to the liquidation of several entries, none of which is satisfactory to the complainant for the purpose of protest, the collector is of the opinion that the complainant is not sincere in his desire to file a protest, the collector shall, before issuing any further notices, refer the matter to the Secretary of the Treasury for his decision.

(h) In no case shall a collector permit a complainant to inspect any documents or papers of the consignee or importer lodged in the customhouse except upon instructions of the Commissioner.

(i) All appeals to reappraisement and protests filed under this provision of law shall be in triplicate.

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[F. R. Doc. 37-2602; Filed, August 23, 1937; 3:17 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Connecticut, Supplement (6) Issued August 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—CONNECTICUT, SUPPLEMENT (6)

*Revision of Section 2 of Part IV of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Connecticut, as amended by Supplements (1) to (5), inclusive, is hereby further amended by striking out section 2 of Part IV, which reads as follows:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $12.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

and inserting in lieu thereof the following:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—In the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such farm in the amount of $12.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

Done at Washington, D. C., this 23rd day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2611; Filed, August 24, 1937; 12:59 p. m.]



NER—B-101—Maine, Supplement (7) Issued August 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MAINE, SUPPLEMENT (7)

*Revision of Section 3 of Part IV of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Maine, as amended by Supplements (1) to (6), inclusive, is hereby further amended by striking out Section 3 of Part IV, which reads as follows:

SEC. 3. *Increase in acreage of general soil-depleting crops on farms not in eligible diversion areas.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction, from any payment which would otherwise be made for such farm, at the following county average rate for the county in which the farm is located, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. In 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the secretary.

| County: | *Rate of payment per acre* |
|---|---|
| Androscoggin | $12.60 |
| Aroostook | 17.10 |
| Cumberland | 11.70 |
| Franklin | 12.10 |
| Hancock | 11.70 |
| Kennebec | 12.10 |
| Knox | 11.20 |
| Lincoln | 10.80 |
| Oxford | 12.60 |
| Penobscot | 14.40 |
| Piscataquis | 13.90 |
| Sagadahoc | 11.20 |
| Somerset | 12.10 |
| Waldo | 13.50 |
| Washington | 12.60 |
| York | 11.70 |

and inserting in lieu thereof the following:

SEC. 3. *Increase in acreage of general soil-depleting crops on farms not in eligible diversion areas.*—In the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such farm, at the following county average rate for the county in which the farm is located, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

| County: | *Rate of payment per acre* |
|---|---|
| Androscoggin | $12.60 |
| Aroostook | 17.10 |
| Cumberland | 11.70 |
| Franklin | 12.10 |
| Hancock | 11.70 |
| Kennebec | 12.10 |
| Knox | 11.20 |
| Lincoln | 10.80 |
| Oxford | 12.60 |
| Penobscot | 14.40 |
| Piscataquis | 13.90 |
| Sagadahoc | 11.20 |
| Somerset | 12.10 |
| Waldo | 13.50 |
| Washington | 12.60 |
| York | 11.70 |

Done at Washington, D. C., this 23rd day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2612; Filed, August 24, 1937; 12:59 p. m.]

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MASSACHUSETTS, SUPPLEMENT (7)

*Revision of Section 2 of Part IV of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Massachusetts, as amended by Supplements (1) to (6), inclusive, is hereby further amended by striking out section 2 of Part IV, which reads as follows:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—The secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $12.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

and inserting in lieu thereof the following:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—In the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such farm in the amount of $12.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depeling base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

Done at Washington, D. C., this 23rd day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2613; Filed, August 24, 1937; 12:59 p. m.]

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NER—B-101—New Hampshire, Supp. (5) Issued August 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW HAMPSHIRE—SUPPLEMENT (5)

*Revision of Section 2 of Part III of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New Hampshire, as amended by Supplements (1) to (4), inclusive, is hereby further amended by striking out section 2 of Part III, which reads as follows:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

and inserting in lieu thereof the following:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—In the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such

farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

Done at Washington, D. C., this 23rd day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2614; Filed, August 24, 1937; 12:59 p. m.]

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NER—B-101—New Jersey, Supplement (5) Issued August 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW JERSEY, SUPPLEMENT (5)

*Revision of Section 2 of Part III of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New Jersey, as amended by Supplements (1) to (4), inclusive, is hereby further amended by striking out section 2 of Part III, which reads as follows:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

and inserting in lieu thereof the following:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—In the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

Done at Washington, D. C., this 23rd day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2615; Filed, August 24, 1937; 1:00 p. m.]

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NER—B-101—New York, Supplement (9) Issued August 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK, SUPPLEMENT (9)

*Revision of Section 2 of Part III of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New York, as amended by Supplements (1) to (8), inclusive, is hereby further amended by striking out section 2 of Part III, which reads as follows:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $10.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

and inserting in lieu thereof the following:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—In the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such farm in the amount of $10.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

Done at Washington, D. C., this 23rd day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2616; Filed, August 24, 1937; 1:00 p. m.]

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NER—B-101—Pennsylvania, Supp. (15) Issued August 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA, SUPPLEMENT (15)

*Revision of Section 4 of Part V of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) to (14), inclusive, is hereby further amended by striking out section 4 of Part V, which reads as follows:

SEC. 4. *Increase in acreage of general soil-depleting crops on farms not in eligible general diversion areas.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment which would otherwise be made for such farm, at the following county average rate for the county in which the farm is located, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

| County: | *Rate of payment per acre* |
|---|---|
| Adams | $10.70 |
| Allegheny | 10.10 |
| Armstrong | 9.60 |
| Beaver | 9.60 |
| Bedford | 9.70 |
| Berks | 11.70 |
| Blair | 10.10 |
| Bradford | 10.00 |
| Bucks | 12.80 |
| Butler | 10.60 |
| Cambria | 10.30 |
| Cameron | 9.40 |
| Carbon | 10.40 |



| | |
|---|---|
| Centre | $10.30 |
| Chester | 14.90 |
| Clarion | 10.00 |
| Clearfield | 9.80 |
| Clinton | 10.60 |
| Columbia | 10.80 |
| Crawford | 10.40 |
| Cumberland | 11.20 |
| Dauphin | 11.50 |
| Delaware | 14.40 |
| Elk | 9.60 |
| Erie | 10.60 |
| Fayette | 10.30 |
| Forest | 9.40 |
| Franklin | 10.80 |
| Fulton | 8.90 |
| Greene | 10.20 |
| Huntingdon | 8.90 |
| Indiana | 10.00 |
| Jefferson | 10.10 |
| Juniata | 10.10 |
| Lackawanna | 10.40 |
| Lancaster | 15.90 |
| Lawrence | 10.40 |
| Lebanon | 12.70 |
| Lehigh | 11.80 |
| Luzerne | 10.80 |
| Lycoming | 11.00 |
| McKean | 9.00 |
| Mercer | 10.40 |
| Mifflin | 10.70 |
| Monroe | 9.70 |
| Montgomery | 13.10 |
| Montour | 10.80 |
| Northampton | 12.10 |
| Northumberland | 10.80 |
| Perry | 9.70 |
| Philadelphia | 13.30 |
| Pike | 9.40 |
| Potter | 9.10 |
| Schuylkill | 10.90 |
| Snyder | 10.30 |
| Somerset | 10.70 |
| Sullivan | 9.90 |
| Susquehanna | 10.70 |
| Tioga | 9.30 |
| Union | 11.20 |
| Venango | 10.10 |
| Warren | 10.10 |
| Washington | 10.60 |
| Wayne | 10.50 |
| Westmoreland | 10.80 |
| Wyoming | 10.10 |
| York | 13.30 |

and inserting in lieu thereof the following:

SEC. 4. *Increase in acreage of general soil-depleting crops on farms not in eligible general diversion areas.*—In the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such farm, at the following county average rate for the county in which the farm is located, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

| County: | *Rate of payment per acre* |
|---|---|
| Adams | $10.70 |
| Allegheny | 10.10 |
| Armstrong | 9.60 |
| Beaver | 9.60 |
| Bedford | 9.70 |
| Berks | 11.70 |
| Blair | 10.10 |
| Bradford | 10.00 |
| Bucks | 12.80 |
| Butler | 10.60 |
| Cambria | 10.30 |
| Cameron | 9.40 |
| Carbon | 10.40 |
| Centre | 10.30 |
| Chester | 14.90 |
| Clarion | 10.00 |
| Clearfield | 9.80 |
| Clinton | 10.60 |
| Columbia | 10.80 |
| Crawford | 10.40 |
| Cumberland | 11.20 |
| Dauphin | 11.50 |
| Delaware | 14.40 |
| Elk | 9.60 |
| Erie | 10.60 |
| Fayette | 10.30 |
| Forest | 9.40 |
| Franklin | 10.80 |
| Fulton | 8.90 |
| Greene | 10.20 |
| Huntingdon | 8.90 |
| Indiana | 10.00 |
| Jefferson | 10.10 |
| Juniata | 10.10 |
| Lackawanna | 10.40 |
| Lancaster | 15.90 |
| Lawrence | 10.40 |
| Lebanon | 12.70 |
| Lehigh | 11.80 |
| Luzerne | 10.80 |
| Lycoming | 11.00 |
| McKean | 9.00 |
| Mercer | 10.40 |
| Mifflin | 10.70 |
| Monroe | 9.70 |
| Montgomery | 13.10 |
| Montour | 10.80 |
| Northampton | 12 10 |
| Northumberland | 10 80 |
| Perry | 9.70 |
| Philadelphia | 13.30 |
| Pike | 9.40 |
| Potter | 9.10 |
| Schuylkill | 10.90 |
| Snyder | 10.30 |
| Somerset | 10.70 |
| Sullivan | 9.90 |
| Susquehanna | 10.70 |
| Tioga | 9.30 |
| Union | 11.20 |
| Venango | 10.10 |
| Warren | 10.10 |
| Washington | 10.60 |
| Wayne | 10.50 |
| Westmoreland | 10.80 |
| Wyoming | 10.10 |
| York | 13.30 |

Done at Washington, D. C., this 23rd day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2617; Filed, August 24, 1937; 1:00 p. m.]

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NER—B-101—Rhode Island, Supp. (8) Issued August 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—RHODE ISLAND, SUPPLEMENT (8)

*Revision of Section 2 of Part III of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101, Rhode Island, as amended by Supplement (1) to (7), inclusive, is hereby further amended by striking out Section 2 of Part III, which reads as follows:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

and inserting in lieu thereof the following:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—In the case of any farm which in 1937 has an acreage of general

soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

Done at Washington, D. C., this 23rd day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2618; Filed, August 24, 1937; 1:01 p. m.]

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NER—B-101—Vermont, Supplement (4) Issued August 23, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

### BULLETIN NO. 101—VERMONT, SUPPLEMENT (4)

*Revision of Section 2 of Part III of Bulletin No. 101*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Vermont, as amended by Supplements (1) to (3), inclusive, is hereby further amended by striking out Section 2 of Part III, which reads as follows:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

and inserting in lieu thereof the following:

SEC. 2. *Increase in acreage of general soil-depleting crops.*—In the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres, a deduction shall be made from any payment that would otherwise be made for such farm in the amount of $11.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm, if the County Committee finds that such increase tends to defeat the purpose of the 1937 Agricultural Conservation Program by substantially contributing to soil erosion or depletion. Such cases of excess acreage shall be subject to review by the Director (or in his absence the Acting Director) of the Northeast Division, who shall, when he finds the facts in the case so warrant, revise the finding or lack of finding of the County Committee. If there is no indication on or attached to the application that there has been such revision, it shall be assumed that the finding of the County Committee is approved by such Director. The general soil-depleting base means the number of acres established for the farm by the County Committee as the acreage normally used for the production of all soil-depleting crops except tobacco.

Done at Washington, D. C., this 23rd day of August, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2610; Filed, August 24, 1937; 12:42 p. m.]

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## DEPARTMENT OF LABOR.

### Division of Public Contracts.

BULLETIN RI-1 CONTAINING REGULATIONS, RULINGS AND INTERPRETATIONS FOR ADMINISTRATION OF THE ACT OF JUNE 30, 1936.

AUGUST 23, 1937.

The enclosed Bulletin issued pursuant to and by virtue of the authority conferred by Section 4 of the Act of June 30, 1936 (49 Stat. 2038; U. S. Code, title 41, section 38), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", is an official document containing the rulings on and interpretations of the provisions of the regulations of the Secretary of Labor issued under said Act.

[SEAL] FRANCES PERKINS, *Secretary.*

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[Bulletin RI-1]

## RULINGS AND INTERPRETATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT[1]

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[1] Public, No. 846, 74th Congress (49 Stat. 2036).




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### NOTICE

JULY 6, 1937.

The following document represents an analysis of Public Act No. 846, Seventy-fourth Congress, of the Regulations of the Secretary of Labor, issued pursuant thereto and of the opinions of the Comptroller General on that Act, as well as a collection of the major rulings and interpretations adopted under the Act as of the date hereof. All prior rulings and interpretations inconsistent herewith are superseded by these. From time to time, amendments or additions to this statement will be released through the office of the Administrator of the Division of Public Contracts, Department of Labor.

While all such rulings and interpretations may be quoted for official use, all requests for further rulings and interpretations must be submitted to the Division of Public Contracts, Department of Labor, Washington, D. C.

### BASIS LABOR STANDARDS REQUIRED BY THE PUBLIC CONTRACTS ACT

The Public Contracts Act sets standards of minimum wages, maximum hours, child labor, convict labor, and safety and health for the performance of Government contracts in excess of $10,000.

The minimum wages required are those which have been determined by the Secretary of Labor for specific industries. As these determinations are made, they will be mentioned in the specifications and invitations for bids. Unless so mentioned, no minimum wage is required.

The basic hours of work are 8 in any 1 day or 40 in any 1 week. Overtime, however, is permitted provided that time and one-half is paid. An employee engaged on Government work is entitled to time and one-half for all overtime in excess of 8 hours in any 1 day or 40 hours in any 1 week, even though part of those periods and all of the overtime are devoted to commercial work.

Child labor of boys under 16 and girls under 18 years of age is prohibited.

All convict labor is prohibited.

Conditions of safety and health are required. The approval of the State inspector is prima-facie evidence of compliance with this requirement.

### RULINGS AND INTERPRETATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

#### SECTION 1—CONTRACTS

*1. Coverage*

The Public Contracts Act applies to "any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States (all the foregoing being hereinafter designated as agencies of the United States), for the manufacture or furnishing of materials, supplies, articles, or equipment in any amount exceeding $10,000."—The Act, section 1.

*2. Assembling*

A contract for an article which is produced by assembling miscellaneous parts purchased by the contractor from others is a contract to manufacture an article in the sense in which that term is used in the Public Contracts Act.

*3. Construction*

*a. General.*—Construction contracts are not subject to the Public Contracts Act.

*b. Erection or installation.*—Contracts for the erection or installation of materials and equipment may be either construction contracts or manufacturing contracts, depending largely upon the place where the work is performed. If most of the work is done at the site of the erection or installation, the contract should be regarded as a construction contract; however, if most of the work is done in a shop or factory away from the place of use, the contract should be regarded as a manufacturing contract. If there is any doubt concerning the classification of such contracts, the matter should be referred to the Department of Labor for decision.

*c. Boats.*—Contracts for the production or repair of vessels or large floating stock are not subject to the Act. However, contracts to manufacture or furnish small unregistered boats such as canoes, rowboats, and launches are contracts for the furnishing of equipment and therefore subject to the Act.

*4. Personal Services*

A contract exclusively for personal services is not covered by the Act; however, a contract in which services are incidental to or are an integral part of the manufacture or

furnishing of materials, supplies, articles, or equipment is subject to the Act.

The following contracts have been held to be outside the Act:

(*a*) Laundry and dry cleaning contracts.

The following contracts have been deemed to fall within the provisions of the Act:

(*a*) Contracts for photographic reproductions of patent designs.

(*b*) Contracts for the tabulation of social-security records.

(*c*) Contracts for books, periodicals, magazines, newspapers, and the printing of briefs.

*5. Rental Contracts*

Contracts for the rental of personal property such as calculating machines and furniture are subject to the Act. Contracts for the rental of real property such as lands and offices are not.

Contracts strictly for the lease of a particular article should be distinguished from contracts for the doing of particular work in which the contractor is to employ his own equipment. The former contract is within the terms of the Act, while the latter is essentially a service contract and is exempt from the Act.

*6. Specific Industries*

*a. Books and printing.*—Contracts for books, periodicals, magazines, newspapers, and printing of briefs come within the provisions of the Act unless the purchase may be made by the Government on the open market.

*7. Money Involved*

*a. In excess of $10,000*—(1) *Indefinite amount.*—All contracts which may exceed $10,000 should include the stipulations required by the Act unless the contracting officer knows in advance that the total amount of the contract will not exceed $10,000 in any event.

(2) *Reduction for prompt payment.*—In the event that a contract were to be awarded in excess of $10,000 the stipulations required by the Act should be included, notwithstanding the fact that prompt payment would reduce the actual expenditure below the $10,000 limit. "The total price named in the contract is the contract price insofar as application of the said act is concerned, any reduction therein being dependent upon a condition subsequent to the contract."—16 Comp. Gen. 583; 16 Comp. Gen. 605.

(3) *Trade-in allowance.*—Trade-in allowances should not be deducted from the bid price in determining whether the contract is in excess of $10,000. The contract price rather than the means of payment is the controlling factor.—16 Comp. Gen. 605.

(4) *Installment delivery.*—Indefinite contracts which may exceed $10,000 come within the Act irrespective of whether the material is delivered in installments or in one lot.

*b. Less than $10,000.*—(1) *Contracts for separate items.*—When an invitation is issued for bids on a variety of items totaling $10,000, subject to the Act, and bidders are permitted to bid on any one or more of the items amounting to less than $10,000; awards made to different bidders for less than $10,000 are exempt from the terms of the Act.

(2) *Low bid on a few items.*—When a person bids on several items of equipment of an aggregate value in excess of $10,000 and is the low bidder on only a few items of an aggregate value below $10,000, his contract for those few items is not subject to the Act.—16 Comp. Gen. 744.

(3) *Manufacturer under regular dealer.*—Manufacturers, producing under a contract awarded to a regular dealer subject to the Public Contracts Act and delivering directly to the Government, are also subject to the Act even though they are supplying goods amounting to less than $10,000.

*8. Place of Performance*

Contracts which are to be performed outside the United States are exempt from the provisions of the Act except where such performance requires a shipment from within the geographic limits of the United States, its Territories, and the District of Columbia.

SECTION 2.—CONTRACTORS

*1. Primary Contractors*

*a. The Act.*—The Public Contracts Act requires that every contractor be "a manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract."—The Act, section 1 (a).

*b. Manufacturer.*—A "manufacturer" is a person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.—Regulations, article 101 (a).

(1) *Assembler.*—A contractor who produces an article by assembling miscellaneous parts, all or some of which may have been purchased from others, is a manufacturer within the contemplation of the Act.

*c. Regular dealer.*—(1) *Definition.*—"A regular dealer is a person who owns, operates, or maintains a store, warehouse, or other establishments in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business."—Regulations, article 101 (b).

(2) *Brokers.*—A broker who does not possess the qualifications of a "regular dealer" as defined in the Regulations of the Secretary is not entitled to the award of a Government contract under the Act, unless he bids in the name of his principal.

*2. Secondary Contractor*

*a. Subcontractor under manufacturer.*—If a contract is awarded to a manufacturer subject to the Act and in the normal course of business, the manufacturer purchases supplies or materials which are used in manufacturing the commodity required by the Government, the work performed by the vendor of such supplies and materials and his employees is not subject to the Act.

The one exception to this rule is that under section 1 (e) of the Public Contracts Act the manufacturer agrees that any part of the work performed under the contract will not be under working conditions which are insanitary or hazardous or dangerous to the health and safety of the employees involved.

*b. Substitute manufacturer.*—When a manufacturer undertakes a contract subject to the Act he assumes an obligation to produce the commodities required under the labor standards of that Act. He may not relieve himself of this obligation merely by shifting the work to another.

*c. Manufacturer under regular dealer.*—"Whenever a dealer, to whom a contract within the Act and Regulations has been awarded, causes a manufacturer to deliver directly to the Government the materials, supplies, articles, or equipment required under the contract, such dealer will be deemed the agent of the manufacturer in executing the contract. As the principal of such agent the manufacturer will be deemed to have agreed to the stipulations contained in the contract."—Regulations, article 104.

(1) If a contract for several items aggregating more than $10,000 is awarded to a regular dealer subject to the Public Contracts Act and he arranges with a manufacturer to produce and ship directly to the Government an item involving less than $10,000, the manufacturer will still be bound by the stipulations contained in the regular dealer's contract.

SECTION 3.—EMPLOYEES

*1. General Rulings and Interpretations*

*a. The Regulations.*—"The stipulations shall be deemed applicable only to employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment required under the contract and shall not be deemed applicable to office or custodial employees."—Regulations, article 102.



*b. General interpretation.*—The employees not covered by the provisions of the Act fall within three groups:

(*a*) Those who are not engaged in the performance of the Government contract.

(*b*) Those engaged exclusively in office work, and

(*c*) Those engaged exclusively in custodial work.

The following constructions placed upon classes of employees must not be regarded as applicable to all industries or to all employees bearing a certain title. The status of each employee must be judged separately from the particular work performed by him. The determination as to whether or not a specific employee falls within an exempt classification is a question for decision by the Department of Labor in the light of the specific circumstances surrounding the employment of the given individual.

*c. Workers not engaged on Government work.*—The following employees have been construed to be outside the Act:

(*a*) Employees on commercial work when such employees are actually segregated and when separate records are kept for employees on Government work.

(*b*) Research workers engaged in general experiments not specifically involved in the productive process.

(*c*) Such employees as foremen, performing no manual operation and having no direct contact with goods or equipment involved in the performance of the Government contract.

(*d*) Outside crews.

(*e*) Service and repair men.

(*f*) Instructors who do not handle the machines or materials involved in the production of the Government goods.

*d. Workers engaged on Government work.*—The following employees have been construed to be employees engaged in or connected with the Government contract:

(*a*) Apprentices and learners employed on Government work.

(*b*) If no separate records for employees engaged on Government work are maintained, all employees in the plant are presumed, until affirmative proof is presented to the contrary, to be engaged on Government work.

(*c*) Technical workers, such as laboratory technicians and draftsmen, closely associated with the productive processes involved in the manufacture of goods or commodities required by the Government.

*e. Office employees.*—Office employees are those engaged exclusively in office work relating generally to the operation of the business and not engaged in the production of the materials, supplies, articles, or equipment required by the Government contract.

*f. Custodial employees.*—Custodial employees are those whose duties are directed to the maintenance of the plant and equipment and who do not perform work on the commodities required by the Government.

(1) The following employees have been construed to be custodial employees:

(*a*) Electricians.
(*b*) Engineers.
(*c*) Firemen.
(*d*) Repair shop crews.
(*e*) Watchmen.
(*f*) Maintenance men.

(2) The following employees have been construed not to be custodial employees:

(*a*) Shipping crews.

*2. Specific Industry Rulings and Interpretations*

*a. Drug clerks and dye mixers.*—Drug clerks or employees engaged in mixing the formulas which form the mixture for the dyes which go into the printing of fabrics under Government contracts are employees manually engaged in manufacture. Since their duties are so directly connected with the processing of the finished materials, they must be classed as productive employees rather than office or custodial employees, and consequently are subject to the provisions of the Public Contracts Act.

*b. Service-station operators.*—The Public Contracts Act does not apply to distributors and operators of service stations not owned by the company who fall within the category of independent contractors and who make delivery of an oil company's products to governmental agencies for the company's account.

*c. Crude-oil production.*—In contracts for the delivery of crude oil where the contractor is a producer, the Act covers the employees engaged in extracting the oil and preparing it for shipment.

*d. Refined-oil production.*—In contracts for gasoline, kerosene, benzine, fuel oil, and other petroleum products in which the contractor is a refiner, the Act applies to employees engaged in manufacturing; i. e., the employees at the refinery engaged in the refining processes and preparing the oil for shipment.

*e. Oil-dealer's employees.*—Where the contractor is a dealer the Act applies to employees at terminals, warehouses, and bulk storage tanks, including warehousemen, compounders, and chemists testing the lot out of which the Government order is filled, and the crews engaged in loading the material in vessels, tank cars, or tank wagons for shipment.

*f. Cotton-textile employees.*—In the case of contractors who are manufacturers in the cotton-textile industry, the following groups of employees: repair shop crews, engineers, electricians, firemen, office and supervisory staffs, shipping, watching, outside crews, cleaners, and employees engaged in the operation of such machines as dyeing, bleaching, drying, and mercerizing machines, when used only as a part of continuous chemical processes where the goods would be jeopardized by interruption are not subject to the Act.—Secretary of Labor's decision, October 15, 1936.

*g. Motor truck and tractor employees.*—When the contractor is a manufacturer of trucks the Act does not apply to those employees engaged in the distribution of the product such as employees in branch warehouses and service stations engaged in maintaining stocks for repairs and in performing repair services for trucks.

SECTION 4.—WAGES

*1. General Provisions*

"All persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract: *Provided, however,* That this stipulation with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor."—Regulations, article 1 (b).

"Until a determination of the prevailing minimum wage for a particular industry or group of industries has been made by the Secretary of Labor prior to the invitation for bids, the stipulation with respect to wages in section 1 (b) of the Act will be inoperative, as provided in article 1 (b) of these Regulations.

"Determinations of prevailing minimum wages or changes therein will be published in the Federal Register and sent to contracting officers through circular letters of the Procurement Division of the Treasury. Such determinations will be effective upon the dates fixed therein."—Regulations, article 1101.

*2. Government and Private Contracts*

An individual engaged in the performance of a Government contract subject to the Public Contracts Act is entitled to the required minimum wage for the week in which any Government work was performed by him even though he may have been assigned to commercial work during part of that period.

*3. Wages Determined*

*a. Work-garment industry.*—It is my determination, pursuant to the provisions of the section 1 (b) of the Public Contracts Act, that the minimum wage for employees of contractors with the Government engaged in the manufacture of overalls, unionalls, service uniforms, work pants, and work coats made of khaki, denim, drills, twills, cottonades, ducks, corduroys, or other fabrics in whole or in part of cotton under contracts subject to the provisions of the Public Contracts Act of June 30, 1936, shall be $15 per week for a week of 40 hours, or 37½ cents per hour. This determination shall be effective and the minimum wage hereby established shall be included in all contracts of this class invitations to bid on which are issued on or after 10 days from the date hereof—(Signed) Frances Perkins, January 30, 1937.

*4. Overtime*

*a. General regulations.*—"Employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment used in the performance of the contract may be employed in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week, provided such persons shall be paid for any hours in excess of such limits the overtime rate of pay which has been set therefor by the Secretary of Labor.

"Until otherwise set by the Secretary of Labor the rate of pay for such overtime shall be one and one-half times the basic hourly rate or piece rate received by the employee.

"If in any 1 week or part thereof an employee is engaged in work covered by the contractor's stipulations, his overtime shall be computed after 8 hours in any 1 day or after 40 hours in any 1 week during which no single daily total of employment may be in excess of 8 hours without payment of the overtime rate."—Regulations, article 103.

*b. On Government plus commercial work.*—(1) When an employee is engaged on Government work subject to the provisions of the Public Contracts Act, he is entitled to time and a half for all overtime in excess of 8 hours in any 1 day or 40 hours in any 1 week, even though part of those periods was devoted to commercial work.

(2) If an employee works Monday morning on a Government contract subject to the Act, he is entitled to time and a half for all time in excess of 8 hours on that Monday or in excess of 8 hours on any of the 6 succeeding days, or in excess of 40 hours in the 7-day period commencing Monday morning, regardless of the kind of work performed during the remainder of that week.

(3) If a pay-roll period runs from Monday through Sunday and an employee starts on Government work subject to the Act Wednesday morning, the employer may elect to follow his usual pay-roll week or to adopt a new week commencing Wednesday morning and ending Tuesday evening. In either event all time over 40 hours in the accepted work week must be considered overtime.

*c. On weekly or monthly salaries.*—The fact that certain employees are paid on a weekly or monthly basis does not affect their right to overtime payment at one and one-half times their basic hourly rate.

SECTION 5.—DEDUCTIONS AND REBATES

*1. General*

Section 1 (b) of the Public Contracts Act requiring the payment of the minimum wages prescribed by the Secretary of Labor "without subsequent deduction or rebate on any account" forbids any practice reducing the net wage below the established minimum. This includes among others deductions for:

(*a*) Community-chest contributions.
(*b*) Group-insurance premiums.
(*c*) "Kick-backs."
(*d*) Medical expenses.
(*e*) Rent.

The Act, however, does not forbid these deductions as long as the net wage of the employee does not fall below the established minimum wage.

*2. Social Security and Taxes*

Deductions required by the Federal Social Security Act and other taxing laws are not rebates of the kind referred to in article 1 (b) of the Act, since these deductions are made pursuant to law through employers as collecting agents.

*3. Garnishments*

There being a wide variation in the garnishment laws of the several States, no comprehensive statement can be made applicable to all of those laws. Inasmuch as the Public Contracts Act may be construed to guarantee a payment of minimum wages to employees affected, in the case of garnishment proceedings the correct procedure is probably for the garnishee to hold aside the funds, file an answer, and at the same time file a special plea, setting out the circumstances in detail and the condition in which he is placed by the Public Contracts Act. It will then be for the local court to determine the employer's responsibility.

SECTION 6.—HOURS

*1. Regular Day and Week*

*a. Time of commencement.*—The work day and week of an employee engaged on governmental work subject to the Act may be deemed to start at any time when the employee commences to work on the Government contract. However, if the contractor desires to maintain his usual time-keeping and pay-roll procedure, he may elect to calculate the hours of work from the first hour of his usual work week rather than from the hour of the commencement of work on the Government contract.

*b. Days of the week.*—The Act merely requires that persons directly connected with Government-contract work shall not work more than 8 hours in any 1 day or 40 hours in any 1 week but does not specify which days may be work days. There is no prohibition in the Act against work on Sundays or holidays; other Federal, State, and local laws pertaining to Sunday or holiday work, however, may be applicable.

*c. Period of instruction.*—Generally, in the employment of apprentices, the period of instruction must be considered in the computation of hours of employment. If the apprentice is employed on Government-contract work under the Public Contracts Act, he is entitled to overtime pay for all the time his attendance and effort are required in excess of 8 hours in any 1 day or 40 hours in any 1 week.

*2. Overtime*

Overtime shall be computed as all time worked in excess of 8 hours in any 1 day or 40 hours in any 1 week.

SECTION 7.—CHILD LABOR

*1. In General*

"No male person under 16 years of age, and no female person under 18 years of age will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract."—The Act, section 1 (d).

*2. Partial Exemption in Cotton-Textile Manufacturing*

I hereby grant, until further ordered, an exemption from the application of section 1 (d) and section 2 of the Public Contracts Act, Public, No. 846, Seventy-fourth Congress, and from the relevant regulations prescribed by me in part 1, article 1, paragraphs (d) and (f) of the Regulations dated September 14, 1936, with respect to the employment by contractors who are manufacturers in the cotton-textile industry of girls between the ages of 16 and 18 years subject to the following conditions:

1. That no girl under 16 years of age shall be employed.
2. That no girl under 18 years of age not in the employ of the contractor on October 15, 1936, shall be employed during the term of the contract.
3. That no girl under 18 years of age shall be employed between the hours of 7 p. m. and 6 a. m.



4. That no girl under 18 years of age shall be employed at any operation or occupation hazardous in nature or dangerous to health.
5. That for every girl under the age of 18 years now employed, the contractor shall obtain and keep on file evidence showing that the girl is at least 16 years of age.
6. That a specific and positive luncheon period of at least 30 minutes be established for women workers under 18 years of age.—Secretary of Labor's Decision, May 4, 1937.

SECTION 8.—CONVICT LABOR

*1. The Act*

"No convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract."—The Act, section 1 (d).

SECTION 9.—SAFETY AND HEALTH

*1. Insanitary, Hazardous, and Dangerous Conditions*

"No part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract."—The Act, section 1 (e).

*2. Compliance, Prima Facie*

"Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima facie evidence of compliance with this (Sec. 1 (e)) subsection."—The Act, section 1 (e).

SECTION 10.—POSTING, RECORDS AND REPORTS

*1. Posting*

"The contractor shall post a copy of the stipulations in a prominent and readily accessible place at the site of the contract work and shall keep such employment records as are required in the regulations under the Act available for inspection by authorized representatives of the Secretary of Labor."—Regulations, article 1 (g).

*2. Records*

"Art. 501. Every contractor subject to the provisions of the Act and these Regulations shall maintain the following records of employment, which shall be available for the inspection and transcription of authorized representatives of the Secretary of Labor:

(*a*) Name, address, sex, and occupation of each employee covered by the contract stipulations.

(*b*) Date of birth of each such employee under 21 years of age.

(*c*) Wage and hour records for each such employee, including the rate of wages and the amount paid each pay period, the hours worked each day and each week, and the period during which each such employee was engaged on a Government contract, with the number of such contract. Compliance with this subsection shall be deemed complete if wage and hour records for all employees in the plant are maintained during the period between the award of any Government contract and the date of delivery of the materials, supplies, articles, or equipment: *Provided*, That where no separate records for employees engaged on Government contracts are maintained, it shall be presumed until affirmative proof is presented to the contrary that all employees in the plant, from the date of award of any such contract until the date of delivery of the materials, supplies, articles, or equipment, were engaged on such Government contract.

"Such records shall be kept on file for at least 1 year after the termination of the contract."—Regulations, article 501.

*3. No Special Record Keeping Systems Required*

It is not necessary for a contractor subject to the Public Contracts Act to maintain any separate and distinct records for the purposes of the Act if his usual records present the required information.

SECTION 11.—ADVERTISEMENT AND BIDS

*1. Advertisements*

"When it is anticipated that invitation for bids will develop contracts in excess of $10,000 in amount it is proper that the advertisement give notice to bidders that the Act of June 30, 1936, will be applicable to such contracts."—16 Comp. Gen. 583.

"The statute is mandatory, and its manifest purpose is that recipients of Government contracts coming within its terms shall be subject to its requirements."—16 Comp. Gen. 583.

*2. Qualified Bids*

*a. In general.*—All contracts to which the statute is applicable must include the prescribed regulations and stipulations in every instance without any qualification whatever, and any bid which, by qualification, undertakes to avoid compliance with the statute in any way, or by any means, will be subject to rejection.—16 Comp. Gen. 583.

*b. Excmpting manufacturer.*—A reservation in a bid submitted by a dealer attempting to exempt a manufacturer who is to deliver directly to the Government from compliance with the Act or Regulations would require the rejection of such a bid.—16 Comp. Gen. 583.

*c. Refusing records.*—The Regulations of the Secretary concerning the keeping of records are obligatory upon contractors subject to the Act. The taking of an exception to this requirement in a bid for a contract under the Act invalidates the bid.—16 Comp. Gen. 590.

*d. On items less than $10,000.*—When a bidder who specifically takes exception to the requirements of the Act or Regulations is the lowest bidder on some of the items advertised in an aggregate value below $10,000, the exceptions in the bids may properly be disregarded and no readvertisement is necessary, provided that the terms of the invitation permit bids for individual items to be received.

SECTION 12.—ENFORCEMENT METHODS

*1. Cancelation of Contracts*

"That any breach * * * shall render the party responsible therefor liable to the United States of America * * *. The agency of the United States entering into such contract shall have the right to cancel the same and to make open market purchases or enter into other contracts for the completion of the original contract, charging any additional costs to the original contractor."—The Act, section 2.

*2. Civil Action*

"Any sums of money due to the United States of America may be recovered in suits brought in the name of the United States of America by the Attorney General thereof."—The Act, section 2.

*3. Complaints*

"Whenever any officer or employee of the United States Government or of any agency thereof has any knowledge of or receives any complaint with respect to a breach or violation of the stipulations required under article 1, he shall transmit such complaint according to the usual practice in his department to the Department of Labor, together with such other information as he has in his possession."—Regulations, article 1202.

*4. Liquidated Damages*

"Any breach or violation of any of the representations and stipulations in any contract for the purposes set forth in section 1 hereof shall render the party responsible therefor liable to the United States of America for liquidated damages in addition to damages for any other breach of such contract, the sum of $10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the

performance of such contract * * *."—The Act, section 2.

*5. Punishment for Contempt*

"In case of contumacy, failure, or refusal of any person to obey such an order, any District Court of the United States or of any Territory or possession or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides, or transacts business, upon the application by the Secretary of Labor or representative designated by him, shall have jurisdiction to issue such person an order requiring such person to appear before him, or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof."—The Act, section 5.

*6. Withholding of Sums*

"Any sums of money due to the United States of America by reason of any violation * * * may be withheld from any amounts due on any contract."—The Act, section 2.

*7. Ineligible List*

The Secretary of Labor may direct and authorize the Comptroller General to distribute a list to all agencies of the United States containing the names of persons or firms found by the Secretary of Labor to have breached any of the agreements or representations required by this Act. Unless the Secretary of Labor otherwise recommends, no contracts shall be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons or firms have a controlling interest until 3 years have elapsed from the date the Secretary of Labor determines such breach to have occurred.—The Act, section 3.

SECTION 13.—EXCEPTIONS AND EXEMPTIONS

*1. Agricultural or Farm Products*

*a. In general.*—"The Act does not apply to agricultural or farm products including those processed for first sale by the original producers."

*b. Raw unprocessed cotton.*—Contracts entered into by Government agencies for the purchase of raw unprocessed cotton are not subject to the provisions of the Act.

*c. Canned goods.*—When the contractor raises and cans his own fruit or vegetable products, the canning by him is exempt from the provisions of the Act as an agricultural product processed for first sale by the original producer.

*d. Processed hemp.*—A farmer processes hemp for himself and other farmers and the sale price is divided equally on each lot. If he processes and sells the hemp to the Government as agent for the farmers, the contract is exempt from the Act. If the farmers sell their hemp to him for half of the resale price and he sells to the Government on his own account, his contract with the Government will not be a first sale and will be subject to the Act.

*2. Open-Market Purchases*

*a. The Act.*—"This Act shall not apply to purchases of such materials, supplies, articles, or equipment as may usually be bought in the open market."—The Act, section 9.

(1) This exception is restricted to materials which *Government agencies* are authorized by law to purchase in the open market and does not comprehend all of such particular classes of material or equipment as are usually available for purchases by the general public in the open market.—Letter Comptroller General to Representative McMillan, March 24, 1937, 81 Congressional Record 3546, daily Record.

*b. The Regulations.*—When the contracting officer is authorized by statute or otherwise to purchase in the open market without advertising for proposals the inclusion of the stipulations is not required.—Regulations, article 2.

*c. The General Purchasing Act.*—"Except as otherwise provided by law, all purchases and contracts for supplies or services, in any of the departments of the Government, and purchases of Indian supplies, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals."—United States Code, title 41, section 5; 36 Statutes 861.

*3. Perishables*

*a. The Act.*—This act shall not "apply to perishables, including dairy, livestock, and nursery products."—The Act, section 9.

*b. The Regulations.*—"Perishables cover products subject to decay or spoilage and not products canned, salted, smoked, or otherwise preserved."—Regulations, article 2 (b).

*c. Approved perishables.*—In calling for bids for meats and other food products, the contracting officer shall be guided by an advisory opinion of the Provisions Committee of the Federal Specifications Executive Committee classifying certain items as perishables or nonperishables. This list of commodities, however, is not intended to be a complete list of perishable items for there are many items purchased by the Government which were not considered by the committee. The contracting officer should decide whether or not a commodity is a perishable before publishing his invitation for bids. If he decides that the commodity is a perishable, he will omit the stipulations required in contracts subject to the Act. If the contracting officer should determine that a particular commodity which does not appear upon the list of perishables is in fact perishable, he should immediately notify the Administrator of the Division of Public Contracts, through the regular departmental channels, of his determination in order that the Administrator may be advised of the nature of the determinations made and in order that the list of perishables may be augmented from time to time.

The committee has classified the following items as perishables:

Apples, evaporated (for organizations), F. S. Z–A–613.
Apricots, evaporated (for organizations), F. S. Z–A–636.
Bacon, Canadian (sales).
Bacon, dry salt (ration overseas), Type 2, F. S. PP–B–81.
Bacon (ration in U. S.), Type 1, Grade 2, F. S. PP–B–81.
Bacon, sliced or slabs, fancy grade (sales).
Beef, corned, bulk.
Beef, dried, sliced, bulk.
Beef, fresh or frozen (ration), Type 1 or 2, Class 1, Grade B, F. S. PP–B–221.
Beef, fresh or frozen, wholesale market cuts, Type 3 or 4, Class 1, Grade B, F. S. PP–B–221.
Beef tenderloin, fresh frozen.
Brains, calf (for organizations only), F. S. PP–B–656.
Brains, hog (for organizations only), F. S. PP–B–661.
Bread, soft, Rye, Type D, F. S. EE–B–671.
Bread, soft Vienna style, Type B, F. S. EE–B–671.
Bread, soft, wheat, Type A, F. S. EE–B–671.
Butter (ration), Grade C (score 90), F. S. C–B–801.
Butter (sales), Grade A (score 94), or B (score 92), F. S. C–B–801.
Buttermilk, Type A or B, F. S. C–B–816.
Calves head and feet, fresh frozen.
Cheese, fresh (ration), Grade B, F. S. C–C–271.
Cheese (sales), including packages of 3 to 16 ounces (not to exceed 8 kinds).
Chickens, broilers, Class B–1a, Grade A or B, F. S. PP–C–251a.
Chickens, fryers, Class B–1b, Grade A or B, F. S. PP–C–251a.
Chickens, roasters (sales), Class B–1c, Grade A, F. S. PP–C–251a.
Chickens, roasters (ration), Class B–1c, Grade B, F. S. PP–C–251a.



Clams, fresh, F. S. PP–C–401.
Crabmeat, fresh, F. S. PP–C–656.
Cranberries, fresh (in season) (for organizations only).
Cream, fresh, Types 1 and 3, F. S. C–C–671 (for organizations only).
Ducks, dressed, F. S. PP–D–741.
Eggs (ration) in crates, Class A or B (U. S.), Class A, B, or C (oversea), Grade B–3 (2) F. S. C–E–271.
Eggs (sales) in cartons, Class A or B (U. S.), Class A, B, or C (oversea), Grade B–3 (2) or B–3 (3), F. S. C–E–271.
Fish, fresh, F. S. PP–F–381.
Fish, salted or smoked, F. S. PP–F–401.
Fowl, dressed (fricasse), F. S. PP–F–611a.
Fruits, evaporated, in cartons or tins.
Fruits, fresh (Philippine Department and transports only).
Ham, boiled, pressed, or rolled.
Ham, smoked, sweet-pickle cured, fancy grade.
Headcheese, F. S. PP–H–191.
Hearts, beef, fresh, F. S. PP–H–201.
Ice cream, bulk or brick, F. S. EE–I–116 (for organizations only).
Kidneys, beef, fresh, F. S. PP–K–351.
Kidneys, lamb, fresh.
Lamb, fresh, carcass or wholesale market cuts, Grade A or B, F. S. PP–L–91.
Lamb loins, fresh frozen.
Lamb tongues, pickled.
Lard, Type 1 or 2, F. S. PP–L–101.
Lard substitute (ration), Type 1 or 2, F. S. EE–L–101.
Lard substitute or shortening (sales).
Liver, fresh, calf, Class A, Type 1 or 2, F. S. PP–L–351.
Liver, fresh, beef, Class B, Type 1 or 2, F. S. PP–L–351.
Luncheon loaf.
Milk, fresh (ration), F. S. C–M–381a (for organizations only).
Mutton, fresh, carcass or wholesale market cuts, Grade A, F. S. PP–M–791.
Onions (ration) Type A or B, F. S. HHH–O–531.
Oxtails, fresh.
Oysters, fresh, Grade B or C, F. S. PP–C–956a.
Peaches, evaporated (for organizations), F. S. Z–P–193.
Pig's feet, Types B–1a, B–1b, and B–c, F. S. PP–P–371.
Pork, bellies, clear seedless, dry salt cured, 18–22 pounds.
Pork, fatbacks, dry salt cured, F. S. PP–F–81.
Pork, fresh, carcass or wholesale market cuts, F. S. PP–P–571.
Pork, fresh, hams (ration) F. S. PP–P–571.
Pork spareribs, corned.
Potato chips.
Potatoes, Irish (ration) F. S. HPH–P–611.
Potatoes, sweet, fresh, F. S. HHH–P–621.
Prunes, evaporated (for organizations) F. S. Z–P–681a.
Reindeer meat (for organizations only) (to be slaughtered and handled by approved processors).
Sausage, Bologna style, F. S. PP–S–71.
Sausage, Frankfurter style, F. S. PP–S–81.
Sausage, liverwurst, F. S. PP–S–86.
Sausage, pork, fresh, F. S. PP–S–91.
Sausage, summer, all kinds.
Scrapple (for organizations) F. S. PP–S–141.
Sweetbreads (for organizations) F. S. PP–S–871.
Tongue, fresh or smoked.
Tripe (for organizations).
Turkey, fresh (ration) Grade B, F. S. PP–T–791a.
Turkey, fresh (sales) Grade A, F. S. PP–T–791a.
Veal, fresh carcass or wholesale market cuts, F. S. PP–V–191.
Veal loaf, not canned.
Vegetables, fresh (Philippine Department only).
Yeast, compressed, Type A, F. S. EE–Y–181.

*d. Dairy, livestock, and nursery products.*—Section 9 of the Act does not provide that all dairy, livestock, and nursery products are perishable per se for the purpose of the Act but to the contrary the provision exempts only dairy, livestock, and nursery products which are perishable in fact.

*4. Public Utilities*

Contracts for public-utility services, including electric light and power, water, steam, and gas are exempt from the application of the Act.—Regulations, article 603.

The Act does not apply to contracts "for the furnishing of service by radio, telephone, telegraph, or cable companies subject to the Federal Communications Act of 1934."—Regulations, article 2 (f).

*5. Contracts to Overcome Default*

Contracts covering purchases against the account of a defaulting contractor where the stipulations required herein were not included in the defaulted contract are exempt from the application of the Act.—Regulations, article 603.

*6. Foreign Contracts*

Contracts which are to be performed outside the geographical limits of the United States, its Territories, and the District of Columbia are exempt from the application of the Act, except where such performance requires a shipment from within such geographic limits.—Regulations, article 603 (b).

*7. Contracts by Secretary of Agriculture*

The Public Contracts Act does not apply to "any contracts made by the Secretary of Agriculture for the purchase of agricultural commodities or the products thereof."—The Act, section 9.

*8. Contracts for Transportation*

The Public Contracts Act does not apply to contracts for the "carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line where published tariff rates are in effect."—The Act, section 9.

*9. Past Work*

The Public Contracts Act does not operate retroactively and applies only to work performed after the opening of the bids.

*10. Procedure for Exemptions*

*a. The Regulations.*—"Requests for the exception or exemption of a contract or class of contracts from the inclusion or application of one or more of those stipulations required by article 1 must be made by the head of a contracting agency or department and shall be accompanied with a finding by him setting forth reasons why such inclusion or application will seriously impair the conduct of Government business."—Regulations, article 601.

"Request for the exception or exemption of a stipulation respecting minimum rates of pay and maximum hours of labor contained in an existing contract must be made jointly by the head of the contracting agency and the contractor and shall be accompanied with a joint finding by them setting forth reasons why such exception or exemption is desired."—Regulations, article 601.

"Decisions concerning exceptions or exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor and certified copies shall be transmitted to the Department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury."—Regulations, article 602.

SECTION 14.—DEFINITIONS

*1 Custodial Employees*

"Custodial employees as referred to in article 102 of the Regulations means those employees whose duties are directed to the maintenance of the plant such as watchmen and janitors rather than to those who perform work on the commodities required by the Government."

*2. Manufacturer*

A "manufacturer" is a person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment re-

quired under the contract and of the general character described by the specifications.—Regulations, article 101 (a).

*3. Open-Market Purchases*

Open-market purchases are those purchases which are authorized by statute, or otherwise, to be made in the open market without advertising for bids.

*4. Person*

Whenever used in this Act, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.—The Act, section 7.

*5. Regular Dealer*

A regular dealer is a person who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business.—Regulations, article 101 (b).

*6. The Secretary*

"The Secretary" means the Secretary of Labor.

*7. The Act*

"The Act" means Public Act No. 846, 74th Congress, approved June 30, 1936, commonly referred to as the Walsh-Healey Act, or the Public Contracts Act.

[In the original document, here follows the text of Public No. 846, 74th Congress (49 Stat. 2036); and the text of regulations prescribed by the Secretary of Labor under Public 846, 74th Congress (Series A) (1 F. R. 1405, 1634, 2049).]

[F. D. Doc. 37-2606; Filed, August 24, 1937; 10:54 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of August, 1937.

[File No. 1-1656]

IN THE MATTER OF CENTRAL OHIO STEEL PRODUCTS COMPANY, COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Central Ohio Steel Products Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Common Stock, $1 Par Value, from listing and registration on the Pittsburgh Stock Exchange; and

After appropriate notice a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on September 4, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2625; Filed, August 25, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1937.

[File Nos. 47-15 and 43-73]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF TEXAS

[Public Utility Holding Company Act of 1935—Sections 10 and 7]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Public Service Corporation of Texas, a registered holding company, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of the assets and properties of Mobeetie Gas Company, all of the issued and outstanding capital stock of which is owned by the applicant; an order having been duly entered providing for a hearing on such matter on July 30, 1937, which hearing was on that date duly continued subject to call; and

A declaration having been duly filed with this Commission by said Public Service Corporation of Texas pursuant to Section 7 of said Act regarding the assumption by it of liability on a demand note in the amount of $56,234.90 executed by said Mobeetie Gas Company in favor of the Keystone Pipe & Supply Company; and

It appearing to the Commission that these related matters should be heard and considered together:

*It is ordered*, That a hearing on such matters be held on September 14, 1937, at ten o'clock in the forenoon of that day at Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 9, 1937.

*It is further ordered*, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2626; Filed, August 25, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1937.

[File No. 30-61]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF TEXAS

[Public Utility Holding Company Act of 1935—Section 5 (d)]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Public Service Corporation of Texas, a registered holding company, pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935, for an order declaring that it has ceased to be a holding company, such application being subject to completion of the proposed acquisition by applicant of the assets and properties of its subsidiary, Mobeetie Gas Company, as to which an application (File No. 47-15) pursuant to Section 10 of said Act is pending before this Commission:



*It is ordered* that a hearing on such matter be held on September 14, 1937, at ten o'clock in the forenoon of that day at Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 9, 1937.

*It is further ordered*, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2627; Filed, August 25, 1937; 12:35 p. m.]

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*Friday, August 27, 1937* *No. 166*

## TREASURY DEPARTMENT.

### Bureau of Customs.

CUSTOMS REGULATIONS OF THE UNITED STATES, 1937

[NOTE.—*Chapters I–VIII, inclusive, appear in the Federal Register for Wednesday, August 25, 1937, pages 1444 to 1560; Chapters IX–XV, inclusive, appear in the Federal Register for Thursday, August 26, 1937, pages 1562 to 1630.*]

CHAPTER XVI

TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

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GENERAL PROVISIONS

ART. 871. *Bonding of carriers authorized.*—Tariff Act of 1930, section 551:

Any common carrier of merchandise owning or operating railroad, steamship, or other transportation lines or routes for the transportation of merchandise in the United States, upon application and the filing of a bond in a form and penalty and with such sureties as may be approved by the Secretary of the Treasury, may be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued.

ART. 872. *Carriers—Application to bond.*—(*a*) Merchandise to be transported from one port to another in the United States in bond must, except as provided in paragraph (*b*), be delivered to a common carrier bonded for that purpose, but such merchandise may be transported with the use of the facilities of other bonded or non-bonded carriers.

(*b*) Public Resolution 108 of June 19, 1936:

• • • That the Secretary of the Treasury be, and he is hereby, authorized, when it appears to him to be in the interest of commerce, and notwithstanding any provision of law or regulation requiring that the transportation of imported merchandise be by a bonded common carrier, to permit such merchandise which has been entered and examined for customs purposes to be transported by bonded cartmen or bonded lightermen between the ports of New York, Newark, and Perth Amboy, which are all included in Customs Collection District Numbered 10 (New York): *Provided*, That this resolution shall not be construed to deprive any of the ports affected of its rights and privileges as a port of entry.

Pursuant to the above resolution and subject to compliance with all other applicable provisions of this chapter, the collector of customs at New York may, upon the request of the party in interest, permit merchandise entered and examined for customs purposes to be transported in bond between the named ports by bonded cartmen or lightermen duly qualified in accordance with the provisions of chapter XIX, provided that the collector is satisfied that the transportation of such merchandise in this manner will not endanger the revenue.

(*c*) A common carrier desiring to receive merchandise for transportation in bond shall file with a collector of customs in duplicate a bond, on customs Form 3587, in a sum to be recommended by the collector, together with a certified extract of its charter showing whether or not it is authorized to engage in common carriage and a statement that it is operating or intends to operate as a common carrier and that it undertakes to carry for such as choose to employ it and does not limit its carriage to specific individuals or firms (the extract and statement need not be submitted in the case of railroad or steamship companies generally known to

be engaged in common carriage). The bond with the collector's recommendation and the extract and statement (if required) will be forwarded to the Commissioner of Customs. If the bond is approved, the original copies will be returned to the collector for filing. Such bonds may be discontinued at any time by the Bureau. Bonded carriers desiring to discontinue such bonds must make application therefor to the Bureau through the collector at the port where the bond is filed.

ART. 873. *Receipt by carrier—Manifest.*—(*a*) All merchandise delivered to a bonded carrier for transportation in bond shall be receipted for by an agent of the carrier and laden on the transporting conveyance under the supervision of a customs officer.

(*b*) A manifest, customs Form 7512, containing a description of the merchandise must be prepared by the carrier or shipper and signed by the agent of the carrier. Except as provided in article 239 covering merchandise in transit through the United States between ports in contiguous foreign territory, a separate set must be prepared for each entry; and if the consignment is contained in more than one conveyance a separate set must be prepared for each such conveyance.

(*c*) The manifest shall be filed in triplicate, and after the goods have been laden and the carrier has receipted all three copies, one copy shall be delivered to the conductor, master, or person in charge to accompany the conveyance and be delivered to the collector at destination for his record; one copy shall be forwarded to the port of destination immediately after lading; and one copy, duly signed and stamped by the collector, shall be used as a record of the shipment and be retained at the original port.

(*d*) An extra copy of customs Form 7512 may be required for use as a permit to the inspector or storekeeper at the point where the merchandise is in custody.

(*e*) When a copy of the carrier's manifest is lost or can not be produced, a copy may be made of whichever manifest is available.

ART. 874. *Transshipment.*—(*a*) If the route be such that a transshipment is required at a place other than the port of origin or destination, an additional copy of the manifest must be prepared by the carrier and be certified and mailed by the lading inspector to the customs officer at the place of transshipment, who will give general supervision to the transshipment, indorse his action on both copies of the manifest, return the conductor's copy, and retain the other as a record of his action. When by reason of the carrier's schedule or other condition it is probable that the additional copy of the manifest, if sent by mail, will not reach the customs officer at the place of transshipment prior to the arrival of the merchandise, it may be given to the conductor or master or person in charge of the conveyance in a sealed envelope for delivery to such customs officer.

(*b*) If the merchandise is so transshipped from one conveyance to another, the customs officer supervising the transshipment will note on the copy of the manifest accompanying the shipment whether or not the conveyance or bonded compartment in which the merchandise is contained could be entered without disturbing the seals.

(*c*) Where bonded merchandise arriving at the place of transshipment in one conveyance is transshipped into more than one conveyance, a separate set of customs Form 7512 in quadruplicate, must be prepared at the place of transshipment for each such conveyance; one copy to be delivered to the conductor, master, or person in charge to accompany the conveyance and be delivered to the collector at destination for his record; one copy to be forwarded by the collector to the port of destination; one copy to be transmitted to the collector of customs at the port of origin; and one copy to be retained as a record of the shipment at the place of transshipment. The original manifest accompanying the shipment should be retained at the place of transshipment.

(*d*) When in the case of a vessel it is necessary to remove the seals on a bonded compartment at an intermediate port for the purpose of discharging or lading cargo, the customs officer supervising the transaction shall note on the manifest accompanying the shipment whether or not the seals were intact on arrival, whether or not the bonded compartment could be entered without disturbing the seals, and whether or not the vessel was under continuous customs supervision while the compartment was not under seal.

(*e*) If it becomes necessary at any point in transit to remove the customs seals from a conveyance containing bonded merchandise for the purpose of transferring its contents to another conveyance, or to gain access to the shipment, because of casualty or other good reason, and it cannot be done under customs supervision, because of the element of time involved or because there is no customs officer stationed at such point, a responsible agent of the carrier may remove the seals, supervise the transfer or handling of the merchandise, reseal the original conveyance or apply seals to the conveyance to which the transfer is made, and make appropriate notation on the conductor's or master's copy of the manifest of his action, including the date, serial number of the new seals applied, and the reason therefor, However, this authorization shall not apply to the removal of customs seals from railroad cars containing livestock except in the case of a real emergency.

ART. 875. *Sealing conveyances and compartments—Labeling packages.*—(*a*) Conveyances or compartments in which bonded merchandise is transported must be sealed with red "in bond" customs seals under customs supervision, except that when the compartment or conveyance cannot be effectively sealed, as in the case of merchandise shipped in open cars or barges, or on the decks of vessels, or when it is known that the sealing of hatches containing bonded goods on vessels will be futile, for the reason that the seals will be removed outside the jurisdiction of the United States for the purpose of discharging or taking on cargo, or when it is known that the breaking of the seals will be necessary to ventilate the hatches, or in other similar circumstances, such sealing may be waived with the consent of the carrier, and an appropriate notation shall be made on the manifest.

(*b*) Ports at which the facilities are insufficient to maintain continuous customs supervision over vessels arriving with bonded cargo while the vessels are not under customs seals, should permit the vessels to proceed to destination without further sealing and notation to this effect should be made on the manifest.

(*c*) Merchandise not under bond may be transported in sealed conveyances or compartments containing bonded goods when destined for the same place or places beyond, but not when intended for intermediate places.

(*d*) The seals to be used in sealing conveyances, compartments, or packages are prescribed by the Department and may be obtained in accordance with article 1233.

(*e*) Packages shipped in bond, unless otherwise transported under customs seals, or when sealing is waived under paragraph (*a*) or (*b*), must be corded and sealed or in lieu thereof bonded carriers shall furnish and attach to each such package two warning labels on bright red paper, not less than 5 by 8 inches in size, containing the following legend in black type of a conspicuous size:

U. S. CUSTOMS

Transportation Entry No. ------.
From ------. To ------.
This package is under bond and must be delivered intact to the chief officer of the customs at ------.

WARNING

Two years' imprisonment or $5,000 fine, or both, is the penalty for unlawful removal of this package or any of its contents.

(*f*) The warning labels when used must be securely pasted on the package under customs supervision, one as close as practicable to the marks and numbers of the package, and the other on the opposite face of the package.

(*g*) When, in the case of crates and similar packages, it is impossible to attach the warning labels by pasting, bright red shipping tags of convenient size and large enough to be conspicuous, and containing the same legend as the labels, may be used in lieu of labels, if wired or otherwise securely fastened to the packages in such manner as not to injure the merchandise.



ART. 876. *Warning cards—Penalty for breaking seals.*—Bonded carriers are required to furnish and securely attach to side doors of cars, to the doors of compartments, and on vehicles carrying bonded merchandise which are secured with customs seals, near such seals a bright red card, 8 by 10½ inches in size, on which shall be printed in large, clear black letters the following:

United States Customs. Two years' imprisonment, or $5,000 fine, or both, is the penalty for the unlawful removal of United States customs seals on this car, vehicle, or compartment. United States customs officers only are authorized to break these seals.
Car or vessel ------. No. or name ------.
From ------. To ------.
NOTICE.—The merchandise in this car, vehicle, or compartment must be delivered to the chief officer of the customs at ------.

ART. 877. *Lading inspectors' action.*—(*a*) The lading inspector will when practicable check the merchandise laden with the manifest therefor. If this be impracticable he may accept the check of the carrier if satisfied that the same is correct. He will then certify, by indorsement, the three copies of the manifest, and will deliver one copy to the railroad conductor, master of the vessel, or person in charge of the conveyance, mail one copy to the collector at destination as soon as the goods are laden and receipted for, and return the other copy to the customhouse.

(*b*) The lading inspector will note on each copy of the manifest over his signature the numbers of the seals on the conveyance and all packages in bad order at the time of lading with the particulars of their condition. Seal numbers need not be entered on manifests covering grain moving in bond.

(*c*) When there is any bad order, breakage, outage, or damage with respect to the packages or the contents, the findings of the discharging inspector and lading inspector will be shown separately on all copies of the manifest, customs Form 7512. If transfer is necessary the discharging inspector shall make his report on customs Form 6043–A or 6043–B for the use of the lading inspector (art. 1032).

ART. 878. *Short shipments.*—(*a*) If, before the mailing of the entry to the port of destination, it be found that part of the merchandise specified therein has not been landed, that fact shall be noted on the entry. If the short landing be discovered after the mailing of the entry, the collector will immediately mail a notice to that effect on customs Form 3833 to the collector at the port of destination and to the comptroller of customs in whose district the port of destination is located.

(*b*) Upon the subsequent discovery or receipt of the short-landed packages, the same may be forwarded under proper supplemental transportation entry, bearing the original entry number, or if a new bill of lading has been issued therefor, under an original transportation entry.

ART. 879. *Transfer by bonded cartman—Transfer ticket—Discrepancies.*—(*a*) All transfers to or from the conveyance or warehouse, of merchandise undergoing transportation in bond shall be made by bonded vehicles or lighters under the provisions of chapter XIX and at the expense of the parties in interest.

(*b*) If the lading inspector finds any discrepancies between the merchandise actually received and that described on the transfer ticket, he will immediately communicate with the officer issuing the ticket with a view to its correction, and if they disagree he will report the facts to the collector for action. If there should be any indication of fraud, the lading inspector will hold the goods for instructions from the collector. (See art. 1032.)

ART. 880. *Diversion.*—(*a*) *By port of origin.*—Collectors of customs at ports of first arrival may permit merchandise forwarded under any class of transportation entry to be diverted to any other port than the port named in the entry upon application of the consignee or agent, but the collector at the port from which diverted and his comptroller should be notified and a new mail copy forwarded to the port to which diverted. In all cases the collector at the port of first arrival will send a copy of the entry to the comptroller of customs in whose district the new port of destination is located except when the merchandise is forwarded for transportation and exportation and is diverted to another port of exit for exportation.

(*b*) *By intermediate ports.*—(1) The collector at an intermediate port may permit merchandise in transit under bond under any class of transportation entry to be entered at his port for consumption or warehouse, but the collectors at the ports of origin and destination named in the transportation entry, together with their respective comptrollers, should be notified of the diversion by letter giving the pertinent facts shown on the entry. Upon receipt of the notice of diversion, the collector at the port from which the merchandise is diverted shall mail his copy of the transportation entry to the collector at the intermediate port and the comptroller having jurisdiction over the port from which the merchandise is diverted shall mail his copy of the transportation entry to the comptroller in whose district the intermediate port is located. In the case of diversion of a transportation and exportation or in-transit entry for a purpose other than exportation, the collector at the port of origin shall forward a copy of the entry to the comptroller in whose district the intermediate port is located.

(2) If a portion only of the merchandise covered by a transportation entry is entered for consumption or warehouse at an intermediate port the collector at such port shall notify the collectors and comptrollers interested. Upon receipt of such notice the collector at the port of origin shall forward an amended copy of the original transportation entry covering the merchandise actually forwarded from the intermediate port to the original port of destination and a new transportation entry, covering the merchandise diverted, to the intermediate port at which entered, mailing copies of such entries to the respective comptrollers.

(*c*) *By port of destination.*—(1) Merchandise received under any class of transportation entry may be forwarded to another port or returned to the port of origin on the same transportation entry unless the merchandise has been placed in general order, or a certificate of delivery has been issued, in which case a new transportation entry will be required. Said entry and accompanying papers with an indorsement thereon signed by the proper officer showing date and point to which diversion is made shall be forwarded to the collector at the ultimate destination, and the collector at the port of origin and the comptroliers of customs interested shall be notified of the diversion, by letter, giving the pertinent facts shown on the entry. The comptroller of customs for the district in which the diversion is made will then mail his copy of the entry to the comptroller of customs for the district of ultimate destination.

(2) Should it be desired to split a shipment at a port of destination and enter a portion for consumption or warehouse and forward the balance in bond or divert the entire shipment or a part thereof, to more than one port the collector at the port where such diversion takes place should complete the original transaction, forwarding a certificate of delivery to the port of origin and require the filing of a new transportation entry or entries, as the case may be, for the portions forwarded.

(*d*) *Shipments subject to restriction or prohibition by Federal governmental agencies.*—The diversion of shipments in bond subject on importation to restriction or prohibition of Federal governmental agencies shall be allowed only upon written permission issued by the agency concerned.

ART. 881. *Certificate of delivery.*—(*a*) The collector at the port of destination will, upon the receipt of the merchandise, if it is found to agree with the manifest, indorse the copy of the manifest received by mail to show the arrival, exportation, or delivery into customs custody of the merchandise, the condition of the shipment, exceptions, etc., and send it as a certificate of cancellation to the comptroller of customs in whose district the port of origin is located, to be by him properly noted and forwarded to the port of origin.

(*b*) The discharging officer at the port of destination will note on the manifest the condition of the seals, if any, any discrepancies in the number of packages, any irregularity or bad order of packages received, giving marks and numbers of packages and particulars of bad order, and any discrepan-

cies between the packages received and those described in the manifest, and forward the manifest to his collector.

(c) The collector will, in proper cases, prepare a report of shortage, irregular delivery or nondelivery, as provided in the succeeding article.

ART. 882. *Shortages—Irregular deliveries—Report of.*—(a) When there is an irregular delivery or failure to deliver (shortage) at the port of destination of bonded merchandise, including baggage forwarded under manifest, customs Form 7520 forwarded under any of the various forms of transportation entry, the collector at such port shall promptly report the same to the collector at the port of origin on customs Form 3861, giving the following data:

(1) The number, date, and character of the entry covering the shipment.

(2) Description of the merchandise, quantity manifested, quantity delivered or exported, quantity short, together with the value, duty, and internal-revenue tax, if any, on the merchandise short, exclusive of the exceptions at the port of origin.

(3) The number, if any, of the conveyance, or name, if a vessel; the condition of the conveyance and the numbers of the seals thereon, if any; the condition and marks and numbers of the particular packages in which the shortage occurred; whether the seals, if any, on the conveyance or compartment as the case may be, were intact or broken; and whether or not the conveyance or compartment could be entered without disturbing the seals and the record of resealing in transit; and whether or not the carrier has a record of exportation of the shipment.

(4) When and by whom the shortage or bad order was noted and, if not noted by the discharging inspector, whether or not it was noted prior to the opening of the package.

(5) The port or ports of transshipment, if any, whether or not the conveyance arrived at such port or ports with seals intact, and, if a vessel, whether or not the conveyance or compartment could be entered without disturbing the seals.

(6) Mark out the word "irregular" or the words "or short" in the first line of customs Form 3861, as the facts in the case may warrant.

(b) When there is a shortage of one or more packages or nondelivery of an entire shipment, the collector at the port of delivery, after the expiration of a reasonable time, but not to exceed 60 days from the date of the receipt of the mail copy of the entry, will cause an inquiry to be made to determine whether delivery has been made direct to the consignee.

(c) If the merchandise has been delivered direct to the consignee, entry therefor may be accepted if the merchandise can be recovered intact without any of the packages having been opened. In such cases, however, any shortage from the invoice quantity will be presumed to have occurred while the merchandise was in the possession of the bonded carrier.

(d) If the merchandise can not be recovered intact and without any of the packages having been opened, entry will not be accepted, but the collector will, if possible, ascertain the amount of duty and internal-revenue tax, if any, properly chargeable thereon, and include them in his report on customs Form 3861.

(e) The report above provided for shall be made in septuple and cover but one entry. One copy of the report will be retained by the collector at the port of delivery for his file; one copy will be forwarded to the comptroller of customs of the district in which the port of origin is located; one copy to the comptroller of customs for the district in which the port of destination is located (except transportation and exportation entries), and four copies to the collector of customs at the port of origin. The collector at the port of origin will retain one copy for his file, send one copy to the outside division, send one copy immediately to the initial carrier for its information, investigation, and report within 90 days, and thereupon forward the original copy containing his full report of all the facts, including the name of the carrier against whose bond the penalty is charged, to the Bureau, accompanied by the carrier's report.

(f) In case of merchandise entered on the Canadian or Mexican border for transportation and exportation under the provisions of artice 239, if the shipment arrives at the port of exportation with seals intact and the cars bear no evidence that loss occurred while in transit through the United States, a notation on the certificate of inspection from the port of exportation to that effect will be sufficient, and no report of shortage need be made.

(g) When the seals are not intact on arrival at the port of exportation, or the cars bear evidence that a shortage might have occurred therefrom while in transit through the United States, and in all cases of shortage from shipments entered at ports other than Canadian or Mexican border ports for transportation and exportation, a report shall be made as provided above.

(h) Upon a penalty being imposed by the Bureau for any shortage or irregular delivery, the collector should immediately make a demand for payment thereof as liquidated damages, and list the same on customs Form 5211. If the penalty is not paid within 30 days from the date of demand the matter should be reported to the United States attorney for collection by the proper procedure against the carrier's bond, and such action reported to the Bureau.

(i) Each penalty collected from a bonded carrier on account of a shortage, nondelivery, or irregular delivery shall be reported to the Bureau on customs Form 5161–B, and listed on customs Form 5211 as required by article 1129.

(j) An allowance in duty on merchandise reported short at destination, including merchandise found by the appraising officer to be damaged and worthless, and animals and birds found by the discharging officer to be dead on arrival at destination, will be made in the liquidation of the entry, regardless of the amount of duty involved. A shortage report should not be made to the collector at the port of origin unless the duty on the shortage, or in the case of free merchandise, the value thereof, amounts to $5 or more. No shortage report should be made in any case of damaged merchandise reported by the appraising officer to be worthless, nor in the case of animals and birds found by the discharging officer to be dead on arrival at destination. A shortage report should be made in all cases of nondelivery of entire shipments regardless of the value of the merchandise or the amount of duty involved. The above procedure is not applicable to withdrawals from warehouse for transportation. (See par. (l).)

(k) Liquidation of entries covering merchandise concerning which there is report of shortage should be made without awaiting instructions from the Bureau, and allowance made for the missing merchandise, except that no allowance should be made for shortages in liquors due to leakage or breakage otherwise than is provided for in articles 814 and 815, or 800 to 803.

(l) In the case of shortage, irregular delivery, or nondelivery under a warehouse withdrawal for transportation, or withdrawal for transportation and exportation, entry (except a withdrawal from bonded manufacturing warehouse, see art. 983, or when the duty is less than $1, see art. 818 (e)) the facts shall be reported on customs Form 3861 to the collector at the port of withdrawal for the collection of the duties and internal-revenue taxes, if any, on the missing merchandise, or other appropriate action, under the terms of the warehouse entry bond (customs Form 7555). When the merchandise has been entered at the port of destination for rewarehouse, or for rewarehouse and immediate withdrawal for consumption, the collector at the port of withdrawal shall issue an amended transportation entry to correspond with the quantity of merchandise actually received at the port of rewarehouse. Upon the receipt of the amended transportation entry, the rewarehouse entry shall be corrected to agree with such amended transportation entry. The collector at the port of withdrawal shall inform the Bureau of his action in the premises by indorsement on customs Form 3861. Similar action shall be taken in the case of shipments for rewarehouse.



(m) When a particular cargo or lot of grain in bulk is divided and shipped under a series of transportation and exportation entries, if the aggregate shortage when prorated by the collector at the port of entry among all the entries of the series embraced in the original import lot or cargo does not exceed 2 percent of the entered quantity, the charge against the carrier's bond may be canceled and the shortage need not be reported to the Bureau, as no penalty will be assessed in such cases: *Provided*, That in determining the 2 percent allowance only shortages due to shrinkage (evaporation of moisture) or ordinary wastage (inconsequential losses such as necessarily occur in handling and transshipping large quantities of grain, but not large losses due to casualty or accident) shall be considered. Where the shortage when prorated as above exceeds 2 percent or was due to causes other than shrinkage or ordinary wastage, the facts should be reported to the Bureau for instructions.

(n) The collector at the port of destination shall, in the case of nondelivery of an entire package, note in red ink on the certificate of delivery whether a shortage report on customs Form 3861 has or will be made and if no shortage report has been or will be made, the reason therefor.

(o) Deputy collectors in charge of ports of destination should make reports of shortages or irregular deliveries direct to the customs officer in charge of the port of first arrival, to be forwarded by the latter with the necessary details to the headquarters port in his district for transmittal to the Bureau.

ART. 883. *Liability of carrier—Penalties.*—(a) The initial or originating bonded carrier is responsible for shortage, irregular, or nondelivery at destination or port of exit of bonded merchandise received by it for carriage, and when sealing is waived (art. 875) any loss found to exist at destination will be presumed to have occurred while the merchandise was in the possession of the carrier, unless conclusive evidence to the contrary is produced.

(b) Penalties imposed as liquidated damages on the common carrier's bond for shortages, failure to deliver, or irregular delivery shall be as follows:

(1) In the case of shortage, or failure to deliver, or delivery direct to the consignee or other person of any merchandise free of duty, an amount equal to the value of the missing merchandise, not to exceed in any one shipment the sum of $25.

(2) In the case of shortages or failure to deliver merchandise subject to duty, an amount equal to the duties on the missing merchandise.

(3) In the case of delivery direct to the consignee or other person of merchandise subject to duty without customs supervision, an amount equal to the duty thereon plus 25 percent.

(c) In addition to the above-prescribed penalties, the carrier shall pay any internal-revenue taxes or other taxes accruing to the United States on the missing merchandise, together with all costs, charges, and expenses caused by the failure to make such transportation, report, and delivery.

ART. 884. *Examination by inspectors of trunk line associations of agents of the Interstate Commerce Commission.*—(a) Upon presentation of proper credentials showing the applicant to be identified with the Trunk Line Association, the Interstate Commerce Commission, the Joint Rate Inspection Bureau of Chicago, or the Southern Weighing and Inspection Bureau of Atlanta, inspectors of customs in charge may permit such representatives acting either jointly or severally to open and examine packages containing merchandise described in the manifest in general terms, and offered for shipment in bond, for the purpose of ascertaining whether or not the merchandise is properly classified under the interstate commerce laws.

(b) The opening and examination of such packages must be without expense to the Government or the owner of the goods, and must be done in the presence of a customs officer. The contents of the cases shall not be removed or disturbed further than is necessary to show the character thereof. The customs officer will require the packages to be securely closed, and will note on the manifest the packages so inspected, the date, and by whom inspected.

ART. 885. *Records of merchandise forwarded and received under transportation entries.*—No schedule will be kept at either the port of origin or port of destination of any class of in-bond transportation entries. A copy of each entry, however, shall be retained as an office record and filed numerically according to class in a pending file. When a transaction is completed the record copy of the entry shall be transferred to a closed file.

ART. 886. *Kinds of entry.*—(a) The following entries may be made for merchandise to be transported in bond:

(1) Immediate transportation without appraisement (arts. 887 to 909).

(2) Warehouse and rewarehouse withdrawal for transportation (arts. 897 to 899).

(3) Warehouse withdrawals for exportation or for transportation and exportation (art. 900).

(4) Transportation and exportation (arts. 902 to 909).

(5) Exportation (art. 910).

(6) Foreign manifests (arts. 912 to 917).

(b) The copy of each entry made in any of the abovenamed classes which is retained in the office of the forwarding collector must be signed by the party making the entry.

(c) Before shipping merchandise in bond to another port for the purpose of warehousing or rewarehousing, the shipper should ascertain from the collector at the intended port of destination whether or not warehouse facilities are available there.

IMMEDIATE TRANSPORTATION WITHOUT APPRAISEMENT

ART. 887. *Classes of goods—Entry authorized.*—(a) Tariff Act of 1930, section 552:

Any merchandise, other than explosives and merchandise, the importation of which is prohibited, arriving at a port of entry in the United States may be entered, under such rules and regulations as the Secretary of the Treasury may prescribe, for transportation in bond without appraisement to any other port of entry designated by the consignee, or his agent, and by such bonded carrier as he designates, there to be entered in accordance with the provisions of this act. (Special provisions concerning the shipment of baggage under this provision of law are contained in art. 429.)

(b) Such entry may be made for merchandise in general order warehouse at any time within one year from the date of importation (art. 1009).

(c) One or more entire packages of merchandise covered by an invoice from one consignor to one consignee may be entered for consumption or warehouse at the port of first arrival, and the remainder for immediate transportation without appraisement, provided all the merchandise covered by the invoice is entered simultaneously.

(d) Immediate transportation without appraisement entries may be accepted for merchandise shown on the invoice, bill of lading, carrier's certificate, or manifest to be destined to any place within the municipal or port limits of any designated port of destination, in which case the merchandise should be consigned to the collector of customs at the port of destination. This practice should not, however, be extended so as to include shipments to points not within either the port limits or municipal limits of a port merely because of their proximity to such ports.

(e) Merchandise covered by different bills of lading or carrier's certificates naming different consignees at the port of destination cannot be included under one immediate transportation without appraisement entry.

(f) Several importations may be consolidated in one immediate transportation without appraisement entry when the bills of lading or carrier's certificates name only one consignee at the port of first arrival.

(g) Carload shipments of livestock may not be entered for immediate transportation without appraisement unless they will arrive at destination before it becomes necessary to remove the seals for the purpose of watering and feeding

the animals, or unless the route be such that the removal of the seals and the watering, feeding, and reloading of the stock may be done under customs supervision.

(*h*) Immediate transportation without appraisement entries covering merchandise subject to detention or supervision by other Federal governmental agencies must contain a sufficient description thereof to enable the representatives of the governmental agencies interested to determine the contents of the cases. The merchandise shall be forwarded only upon written permission of the agency concerned.

(*i*) For procedure as to merchandise subject to quarantine, disinfection, and special inspection, if not forwarded in bond, see chapter X.

(*j*) As to immediate transportation entries without appraisement covering alcoholic beverages, care should be exercised to see that the legal restrictions as set forth in article 1110 are not contravened.

ART. 888. *Who may make entry.*—Any person shown by the bill of lading or manifest, by a certificate of the carrier bringing the merchandise to the port of arrival, or by any other document satisfactory to the collector, to have a sufficient interest in the merchandise for that purpose, may make an entry for immediate transportation without appraisement.

ART. 889. *Form of entry.*—(*a*) Customs Form 7512 shall be used as a combined entry, invoice, and manifest and shall describe the merchandise in such detail as to enable the collector to make an estimate of the duties due thereon. The collector may require evidence to satisfy him of the approximate correctness of the value or quantity stated in the entry.

(*b*) The value stated on entry at the port of first arrival is not binding on the ultimate consignee making entry at the port of destination.

ART. 890. *Procedure at port of origin.*—When merchandise is entered for immediate transportation without appraisement, nine copies of customs Form 7512 will be required at the port of origin, six copies of which will be used as the entry and disposed of as follows:

One copy to be retained by the collector at the port of origin as a record;

Two copies to be mailed immediately to the collector at the port of destination, one copy of which will be used for making entry and the other as the office record;

One copy to be mailed to the comptroller of customs in whose district the port of origin is located;

One copy to be mailed to the comptroller of customs in whose district the port of destination is located; and

One copy for use as a permit when required.

Three copies of customs Form 7512 will be used as the manifest and will be disposed of in accordance with General Provisions, article 873 (*c*).

ART. 891. *Entry at port of destination.*—(*a*) Merchandise received under immediate transportation without appraisement entry may be entered for transportation and exportation or for immediate exportation as well as on any of the other forms of entry, and will be subject to all the conditions pertaining to merchandise entered at a port of first arrival, provided, not more than 1 year has elapsed from date of original importation. If more than 1 year has elapsed only entry for consumption may be accepted. Such entry must show the name of the port of first arrival, the transporting carrier and the number of the immediate transportation entry.

(*b*) The right to make entry at the port of destination will be determined in accordance with the provisions of article 290 of these regulations.

(*c*) When the shipment represents a portion of an invoice, the balance of which has been entered for consumption or warehouse at the port of first arrival, it may be entered on a certified extract of the consular invoice filed at the first port.

(*d*) All importations forwarded under immediate transportation without appraisement entries must be held by the bonded carrier at the port of destination until released by the collector of customs.

ART. 892. *Unclaimed and short-landed goods.*—All the merchandise included in an immediate transportation without appraisement entry not entered within 48 hours after delivery of the manifest to the collector at the port of destination will be treated as unclaimed, unless the collector, with the concurrence of the carrier, authorizes in writing a longer time. When notations on the manifest or a report from the collector at the port of first arrival show certain merchandise to have been short-landed, such merchandise should not be included in the entry.

ART. 893. *Disposition of entry.*—Upon the final disposition of the merchandise the transportation entry and accompanying papers (except the record file copy) will be attached to the final entry for liquidation at the headquarters port.

REWAREHOUSE AND TRANSPORTATION

ART. 894. *Procedure.*—Rewarehouse and transportation is practically a diversion, and the procedure outlined in article 880, headed "Diversion", should be followed.

WAREHOUSE AND REWAREHOUSE WITHDRAWALS FOR TRANSPORTATION

ART. 895. *Form of entry—Time.*—(*a*) Merchandise may be withdrawn from warehouse for transportation to another port of entry, provided that the total period of time for which such merchandise may remain in bonded warehouse shall not exceed the time fixed by law or any lawful extension thereof. If the merchandise is withdrawn by a transferee, the assent of the person who made the warehouse or rewarehouse entry, as the case may be, shall be indorsed on the withdrawal, unless the person who made the warehouse or rewarehouse entry has in writing previously authorized the withdrawal of such merchandise. Withdrawals for transportation shall be on customs Form 7512, 10 copies of which will be required at the port of origin; 7 copies to be used as the entry and be disposed of as follows:

One copy to be retained by the collector at the port of origin as a record;

Two copies to be mailed immediately to the collector at the port of destination; one of which will be used for making entry and the other as the office record;

Two copies, together with the entry and supporting invoices when required by the comptroller, to be forwarded to the comptroller of customs in whose district the port of origin is located, for verification. After verification is completed, the comptroller will mail one copy, stamped "Verified", to the comptroller of customs in whose district the port of destination is located, and return the entry and invoices to the collector at the port of origin;

One copy for the use of the storekeeper as a permit; and

One copy to be used at the port of origin for statistical purposes.

Three copies of customs Form 7512 will be used as the manifest and will be disposed of in accordance with General Provisions, article 873 (*c*).

(*b*) All withdrawal entries for transportation or for transportation and exportation shall show the original warehouse entry number, date of entry, and port at which filed.

ART. 896. *Withdrawal procedure.*—(*a*) *Before final liquidation.*—(1) Merchandise may be withdrawn for transportation prior to liquidation of the warehouse entry. In such cases the transportation entry, customs Form 7512, shall show the ascertained weight, gauge, or measure, as the case may be, and the entered value, of the individual packages and the estimated duty, and shall be stamped "Not liquidated, liquidation to follow." Immediately after the warehouse entry has been liquidated or when any change is made in the liquidation of the warehouse entry after the withdrawal entry has been forwarded, four additional copies of the withdrawal entry, customs Form 7512, shall be prepared, with a statement of liquidation thereon, and disposed of as follows:

One copy to be retained by the collector of the port of origin as a record;

One copy to be mailed to the collector at the port of destination; and



Two copies, together with the entry and supporting invoices when required by the comptroller, to be forwarded to the comptroller of customs in whose district the port of origin is located, for vertification. After verification is completed, the comptroller will mail one copy, stamped "Verified", to the comptroller of customs in whose district the port of destination is located, and return the entry and invoices to the collector at the port of origin.

(2) In preparing the additional copies of customs Form 7512 in the case of delayed or amended liquidation, only sufficient information to identify the transaction need be given.

(3) In cases where it is possible to verify the value and duty in a withdrawal for transportation entry, such entry may be stamped "Verified", and if in the final liquidation of the warehouse entry no change is made the four additional copies of the withdrawal entry required in paragraph (*a*) (1) above need not be prepared.

(*b*) *After final liquidation.*—Withdrawal for transportation entries made after final liquidation of the warehouse entry shall be stamped "Liquidated." If any change is subsequently made in the liquidation of a warehouse entry the procedure outlined in (*a*) (1) above will be followed.

(*c*) *Before liquidation without deposit in warehouse.*—All or any part of the merchandise covered by a warehouse entry may also be withdrawn for transportation, immediately and before liquidation, without deposit in a bonded warehouse and, pending examination, appraisal, and liquidation, may be permitted to remain on the vessel or other vehicle or on the pier, which places may be deemed constructive warehouses. When any such merchandise not deposited in warehouse is not forwarded under the withdrawal on account of damage or other similar cause, the importer should be required to withdraw such merchandise immediately for consumption or export, or designate a warehouse to which it may be sent, and upon his failure so to do, it should be taken possession of as unclaimed.

(*d*) *Withdrawal ledger record.*—Withdrawal for transportation entries shall be compared with the warehouse ledger and recorded therein.

ART. 897. *Invoices—Samples.*—(*a*) No invoice or extract from the original invoice will be required.

(*b*) The duty on samples withdrawn from the packages transported will be collected at the original port and a notation thereof made on the transportation entry.

ART. 898. *Forwarding procedure.*—The merchandise will be forwarded in accordance with the general provisions for transportation in bond, articles 872 to 885.

ART. 899. *Procedure at destination.*—(*a*) On arrival at destination the merchandise may be entered for rewarehouse in accordance with articles 323 to 325; for rewarehouse and withdrawal for consumption in accordance with articles 326 and 327; or for exportation in accordance with article 328; or may be diverted to another port or returned to the port of origin in accordance with article 880 (*c*). Except in cases provided for in articles 828 (*k*) and 882 (*l*) of these regulations or in cases of suspected fraud or under circumstances which in the opinion of the collector make it necessary, no further examination or appraisal will be required at destination and the liquidation of the original warehouse entry must be followed.

(*b*) When the merchandise has been withdrawn for consumption prior to the receipt of the notice of liquidation from the original port, differences of less than $1 between the estimated duty collected and the liquidated duty shall be disregarded. This procedure is likewise applicable to internal-revenue taxes.

WAREHOUSE WITHDRAWALS FOR EXPORTATION OR FOR TRANSPORTATION AND EXPORTATION

ART. 900. *Procedure.*—(*a*) *Direct exportation.*—When merchandise is withdrawn from warehouse for exportation direct without transportation in bond to another port (see articles 334 to 340), a transportation entry and manifest (customs Form 7512) shall be filed in quintuple and be disposed of as follows:

One copy to be retained by the collector as a record;

One copy to be mailed by him to the comptroller of customs for his district;

One copy to be used for statistical purposes;

One copy to be used as a permit; and

One copy for use of the lading inspector.

(*b*) *Indirect exportation.*—(1) When merchandise is withdrawn from warehouse for transportation and exportation (see arts. 334 to 340), nine copies of customs Form 7512 will be required at the port of withdrawal, six copies of which will be used as the entry and be disposed of as follows:

Two copies to be retained by the collector at the port of withdrawal, one for use as a record and the other as a permit;

Two copies to be mailed to the collector at the port of exportation, one for use as a record and the other for use of the lading inspector;

One copy to be mailed to the comptroller of customs in whose district the port of withdrawal is located; and

One copy to be used at the port of withdrawal for statistical purposes.

The remaining three copies of customs Form 7512 will be used as the manifest and be disposed of in accordance with General Provisions, article 873 (*c*).

(2) *Forwarding procedure.*—The merchandise will be forwarded in accordance with the general provisions for transportation in bond, articles 874 to 885.

(3) *Procedure at destination.*—On arrival at the port of exportation the same procedure will be followed as is provided in articles 881 and 885. When the merchandise is to be transferred from one place to another within the port, unless the bonded carrier is responsible for the delivery of the merchandise to the place of lading on the exporting conveyance, the transfer shall be made by a bonded cartman or lighterman with the use of customs Form 6043–A or 6043–B in the manner provided in article 1032 of these regulations. If any part of a shipment is not exported or is divided, extracts in duplicate from the manifest on file in the customhouse may be made on customs Form 7512 for each part, one copy to be sent to the discharging inspector and the other to be sent to the lading inspector to be used as a return of exportation, the transfer of the merchandise to be accomplished as provided above. The splitting up for exportation of shipments arriving under warehouse withdrawals for transportation and exportation should not be permitted, except where various portions of a shipment are destined to different destinations or where the export vessel cannot properly accommodate the entire quantity, or in other similar circumstances. The provisions of articles 907 and 908 shall also be followed in applicable cases.

(*c*) A shipper's export declaration on customs Form 7525 should be prepared and filed by the party withdrawing the merchandise, as provided in article 1281. In the case of indirect exportations under paragraph (*b*) the declaration should be attached to the copy of the withdrawal entry mailed to the collector at the port of exportation for filing at that port. When in the case of indirect exportations the declaration is not filed at the port of withdrawal, the entry should be stamped "Shipper's export declaration on customs Form 7525 must be filed at the port of exportation."

EXPORTATION OF DISTILLED SPIRITS—STRIP STAMPS

ART. 901. *Strip stamps—When to be removed.*—(*a*) Imported distilled spirits having internal-revenue strip stamps affixed prior to arrival in the United States, which spirits are diverted by the importer for exportation purposes, should retain the red strip stamps while passing in transit through the United States, though under bond, but the strip stamps must be effectively destroyed at the port of exportation by the exporter under customs supervision. This should be done as a precautionary measure, especially where merchandise is being exported to foreign contiguous territory such as for instance, Windsor, Ontario.

(*b*) Distilled spirits originating in the United States bearing red strip stamps as evidence of tax-payment should not have the stamps removed at the time of exportation.

MERCHANDISE IN TRANSIT THROUGH THE UNITED STATES TO FOREIGN COUNTRIES

ART. 902. *Entry authorized.*—Tariff Act of 1930, section 553:

Any merchandise, other than explosives and merchandise the importation of which is prohibited, shown by the manifest, bill of lading, shipping receipt, or other document to be destined to a foreign country, may be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duties and exported under such regulations as the Secretary of the Treasury shall prescribe, and any baggage or personal effects not containing merchandise the importation of which is prohibited arriving in the United States destined to a foreign country may, upon the request of the owner or carrier having the same in possession for transportation, be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duty, under such regulations as the Secretary of the Treasury may prescribe.

NOTE.—Special provisions for the shipment of baggage under this provision of law are contained in article 430.

ART. 903. *Entry procedure.*—(*a*) Except as provided in article 239 covering merchandise in transit through the United States between ports in contiguous foreign territory, when there is to be no transfer either at the port of entry, at the port of exportation, or at an intermediate port or place, six copies of customs Form 7512 will be required, three copies to be used as the entry and disposed of as follows:

One copy to be retained by the collector at the port of entry as a record;

One copy to be mailed to the collector at the port of exportation; and

One copy to be mailed to the comptroller of customs in whose district the port of entry is located.

Three copies of customs Form 7512 will be used as the manifest and will be disposed of in accordance with General Provisions, article 873 (*c*).

(*b*) When the merchandise is to be transferred at the port of entry or port of exportation or both, two additional copies of the entry will be required for each transfer for the use of the customs officers at such port or ports. If there is to be a transshipment at other than the port of entry or exportation, one additional copy of the manifest for each transshipment will be required for use of the customs officer at the place of transshipment (art. 874). If any transfer is by cartman or lighterman, articles 900 (*b*) (3) and 910 should be followed.

ART. 904. *Restricted and prohibited merchandise.*—(*a*) Merchandise subject upon importation to examination, disinfection, or further treatment by other Federal governmental agencies cannot be released for transportation or exportation except by written permission of the agency interested, or under regulations issued by such agency (see ch. X).

(*b*) Narcotics and other articles prohibited admission into the commerce of the United States cannot be entered for transportation and exportation, and any such merchandise offered for entry for that purpose shall be seized, except that exportation or transportation and exportation may be permitted upon written authority from the proper governmental agency and on compliance with the regulations of such agency.

(*c*) Articles in transit manifested merely as drugs, medicines, or chemicals, without evidence to satisfy the collector that they are non-narcotic, shall be detained and subjected, at the carrier's risk and expense, to such examination as may be necessary to satisfy the collector whether or not they are of a narcotic character. With a view to avoiding such inconvenience the carrier should not accept in-transit shipments of such articles unless accompanied by properly verified certificates of the shippers specifying the items in the shipment and stating whether narcotic or not.

ART. 905. *Forwarding procedure.*—(*a*) The merchandise will be forwarded in accordance with the general provisions for transportation in bond, articles 872 to 885.

(*b*) If the merchandise is not forwarded within 30 days from the date of the filing of the entry, the entry shall be canceled and the merchandise treated as unclaimed as of the date of original arrival.

ART. 906. *Procedure at destination.*—(*a*) (1) When the merchandise is to be transferred at the port of exportation, the carrier or exporter shall file with the collector, in lieu of Shipper's Export Declaration (customs Form 7525), two copies of customs Form 7513, Statistical Export Declaration For In-Transit Goods, which will be handled and disposed of in the same manner as customs Form 7525.

(2) When the merchandise is not to be transferred at the port of exportation the collector will transmit to the Section of Customs Statistics at New York on customs Form 7513 a daily statement giving the aggregate value of each of the various classes of in-transit merchandise and the countries of origin and destination.

(*b*) If a shipment is divided at the port of exportation by accident or intention, part being exported in one conveyance and part in another, the procedure outlined in article 1318 will be followed, using customs Form 7513.

(*c*) In other respects the procedure will be as provided in articles 881 and 885, and if transfer is necessary, as provided in article 900 (*b*) (3).

(*d*) In-transit baggage arriving at the port of exit by express: Upon the arrival at the port of exit of express shipments of articles shown by the manifest (customs Form 7512) to be baggage and to be deliverable to the owner on board the exporting vessel, such articles may be transferred by the express company, without a permit from the collector, and without the use of a transfer ticket or other customs formality, from its terminal to the exporting vessel for lading thereon under customs supervision, provided the express company is bonded as a common carrier and is responsible under its bond for the delivery of the articles to the customs officer in charge of the exporting vessel. The manifest shall show the name of the owner of the baggage and the name of the vessel on which he intends to sail. The lading inspector at the steamship pier upon completion of lading shall indorse that fact on the manifest and return it to the collector.

ART. 907. *Change of destination—Change of entry.*—(*a*) The foreign destination of such merchandise may be changed by the parties in interest upon notice to the collector at the port of exit from the United States. The collector at the port of exit may in his discretion refer the application for a change of foreign destination to the collector at the port of entry if the circumstances require such action.

(*b*) Such merchandise may be entered for consumption or warehouse. If the merchandise is subject on importation to restriction or control by Federal governmental agencies it may be entered for consumption or warehouse only on written permission issued by the agency concerned or under regulations issued by such agency (see ch. X).

ART. 908. *Retention of goods on dock—Splitting of shipments.*—On written application of a party in interest and the written consent of the owner of the dock the collector may, in his discretion, allow in-transit merchandise to remain on the dock, under the supervision of a customs officer without expense to the Government, for any period not exceeding 90 days. The Bureau may extend the time determined by the collector. The splitting up of shipments for exportation should not be permitted, except where the exportation of a shipment in its entirety is not possible by reason of the different destinations to which portions of the shipment are destined or where the exporting vessel cannot properly accommodate the entire quantity or in other similar circumstances. The collector may at any time in his judgment take possession of the merchandise.

ART. 909. *Limitation of time for exportation.*—Tariff Act of 1930, section 491:

* * * any merchandise, destined to a foreign country, entered for transportation in bond through the United States, which shall remain in the United States during a period of 1 year from the date of its arrival at the port of exit (but in no case less than 1 year after the effective date of this act) without having been entered for consumption or warehouse, shall be considered unclaimed and abandoned to the Government * * *.



EXPORTATION FROM CUSTOMS CUSTODY OF FOREIGN MERCHANDISE UNENTERED OR COVERED BY AN UNLIQUIDATED CONSUMPTION ENTRY; OR MERCHANDISE DENIED ADMISSION BY THE GOVERNMENT

ART. 910. *Procedure.*—(*a*) *Direct exportation.*—(1) When foreign merchandise in customs custody for which no entry has been made or completed or which is covered by an unliquidated consumption entry, or foreign merchandise in customs custody which has been denied admission by any Government agency (see art. 342), is to be exported direct without transportation to another port, an entry (customs Form 7512) shall be filed in quadruplicate and be disposed of as follows:

Two copies for the use of the collector;

One copy to be mailed by him to the comptroller of customs for his district; and

One copy to be used as a permit.

(2) Exportation bond (customs Form 7557 or 7559) shall be required with the entry provided a consumption entry bond (customs Form 7551 or 7553) was not previously given. (See article 1266 for cancellation of export bonds.)

(3) If the merchandise has been landed or is transferred from one vessel to another and has not been entered for consumption or, in the case of rejected goods entered for consumption, if the statistical copy of the consumption entry has not been sent to the Section of Customs Statistics (see art. 1298), customs Form 7513 shall be used as the export declaration, in the manner provided in article 906 (*a*) and (*b*).

(4) Except in the case of rejected goods for which the statistical copy of the consumption entry has not been sent to the Section of Customs Statistics, if the merchandise has been entered for consumption the exporter shall file a shipper's export declaration on customs Form 7525, as provided in article 1281.

(5) If the merchandise is exported in the importing vessel without landing, the customs officer in charge of the vessel shall certify that the vessel was constantly under customs supervision, and that the merchandise entered for exportation was not discharged, during her stay in port. Such transaction shall be reported daily to the Section of Customs Statistics on customs Form 7513 in the manner provided in article 906 (*a*) (2). A charge shall be made against the vessel term bond (customs Form 7569) if on file, or a vessel bond on customs Form 7567 shall be given, as in the case of residue cargo for foreign ports (art. 151 (*c*)).

(6) Gunpowder and other explosive substances, the deposit of which in any public store or bonded warehouse is prohibited by law, may be entered on arrival from a foreign port for immediate exportation in bond by sea, but shall be transferred directly from the importing to the exporting vessel.

(*b*) *Indirect exportation.*—(1) When merchandise of the character enumerated in paragraph (*a*) (1) is to be transported in bond to another port for exportation, it may be entered for transportation and exportation in accordance with the procedure in article 903 (*a*) and (*b*).

(2) *Forwarding procedure.*—The merchandise will be forwarded in accordance with the general provision for transportation in bond, articles 872 to 885.

(3) *Procedure at destination.*—On arrival at the port of exportation the same procedure will be followed as is provided in articles 881 and 885. If the merchandise is to be transferred the procedure prescribed in article 900 (*b*) (3) shall be followed. The provisions of articles 907 and 908 shall also be followed in applicable cases.

(4) If the merchandise has been entered for consumption, except in the case of rejected goods for which the statistical copy of the consumption entry has not been forwarded to the Section of Customs Statistics (see art. 1298), the exporter shall file a shipper's export declaration on customs Form 7525, as provided in article 1281, and attach same to the copy of the export entry mailed to the collector at the port of exit. When the declaration is required and is not filed at the port of origin, the export entry shall be stamped:

Shipper's export declaration on customs Form 7525 must be filed at the port of exportation.

(5) If the merchandise has not been entered for consumption or, in the case of rejected goods, if the statistical copy of the consumption entry has not been sent to the Section of Customs Statistics, the transaction shall be reported by the collector at the port of exportation on customs Form 7513 in the manner provided in article 906 (*a*), whether there is a transfer of the merchandise or not.

FINAL PORT OF EXPORATION OF MERCHANDISE CROSSING ADJACENT FOREIGN TERRITORY

ART. 911. *Port of exporation—Cancellation of charge against bond.*—Merchandise which leaves the United States at one frontier port, crosses adjacent foreign territory, and reenters the United States at another frontier port before final exportation to a contiguous country, shall be treated as exported when it has passed through the last frontier port. This regulation shall control whether or not the merchandise to be exported is domestic or foreign, or is exported with benefit of drawback. The manifest and shipper's export declaration shall be taken up and the notice of intent, if any, filed at the last port of exit from the United States.

MERCHANDISE ARRIVING FROM A CONTIGUOUS COUNTRY IN SEALED VESSELS OR VEHICLES

ART. 912. *Shipment authorized.*—(*a*) Tariff Act of 1930, section 463:

To avoid unnecessary inspection of merchandise imported from a contiguous country at the first port of arrival, the master of the vessel or the person in charge of the vehicle in which such merchandise is imported may apply to the customs officer of the United States stationed in the place from which such merchandise is shipped, and such officer may seal such vessel or vehicle. Any vessel or vehicle so sealed may proceed with such merchandise to the port of destination under such regulations as the Secretary of the Treasury may prescribe.

(*b*) Except to the extent that it is modified by articles 913 to 917, inclusive, the procedure shall be the same as that covering similar classes of shipments entered at the port of first arrival for transportation in bond.

ART. 913. *Manifests.*—(*a*) The master of the vessel or the person in charge of the vehicle shall present to the customs officer at the place of shipment a manifest on customs Form 7512, nine copies of which shall be required when the merchandise is intended to be entered for consumption or warehouse in the United States and eight copies when in transit for exportation. Such manifests shall be numbered consecutively by the customs officer at the place of shipment and designated "foreign" in the upper right-hand corner above the entry number block, which is reserved for use at the port of first arrival.

(*b*) The declaration of the "importer" on customs Form 7512 shall be executed by the shipper who shall sign the same as such.

ART. 914. *Sealing of vessel or vehicle—Disposition of manifests and merchandise.*—(*a*) On receipt of the manifest the customs officer shall, after comparing the contents of the vessel or vehicle with the manifest, cause the said vessel or vehicle to be closed and sealed. The expense of sealing vessels and vehicles, exclusive of the compensation of the customs officer, shall be paid by the carrier.

(*b*) The customs officer shall retain one copy of the manifest for the files of his office, transmit four copies in a sealed envelope, by the conductor or person in charge of the vessel or vehicle, to the collector of customs at the port of first arrival in the United States, and two copies by mail to the collector at the port of destination, deliver one copy to the conductor or person in charge of the vessel or vehicle to accompany the shipment to destination and, in the case of merchandise to be entered for consumption or warehouse in the United States, forward the remaining copy to the comptroller of customs having jurisdiction over the accounts of the collection district in which the port of destination is located.

(c) Inasmuch as plants and plant products must be inspected at the border, such articles unless specifically exempted, cannot be forwarded in sealed vessels or vehicles under the provisions of section 463 of the tariff act unless previously inspected and released by a representative of the Department of Agriculture. This restriction also applies to purebred animals for which free entry is to be claimed, which are required to be inspected at the border for identification purposes.

(d) Shipments of livestock may not be transported in the United States under section 463 of the tariff act unless they will arrive at destination before it becomes necessary to remove the seals for the purpose of watering and feeding the animals, or unless the route be such that the removal of the seals and the watering, feeding, and reloading of the stock may be done under United States customs supervision.

(e) Tariff Act of 1930, section 464:

If the master of such vessel or the person in charge of any such vehicle fails to proceed with reasonable promptness to the port of destination and to deliver such vessel or vehicle to the proper officers of the customs, or fails to proceed in accordance with such regulations of the Secretary of the Treasury, or unlades such merchandise or any part thereof at other than such port of destination, or disposes of any such merchandise by sale or otherwise, he shall be guilty of a felony and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than 5 years, or both; and any such vessel or vehicle, with its contents, shall be subject to forfeiture.

(f) Failure of the person in charge to deliver to the proper customs officer at destination the manifest of merchandise arriving in a vessel or vehicle sealed in accordance with paragraph (a) of this article is a violation of section 460 of the Tariff Act of 1930. (See art. 220.)

ART. 915. *Procedure at port of arrival—Bonded carrier.*—(a) Upon arrival in the United States of a vessel or vehicle sealed with customs seals, the customs officer at the port of first arrival shall examine the seals to ascertain whether or not they are intact. The four copies of the manifest received by him in the sealed envelope, as well as the carrier's copy accompanying the shipments, shall show the port of arrival and be renumbered in the appropriate series, i. e., I. T. or T. and E. as the case may be. Two of the copies received in the sealed envelope shall be for the use of the collector, one shall be immediately forwarded to the comptroller of customs having jurisdiction over the accounts of the port of first arrival and the other mailed to the collector at the port of destination.

(b) The carrier to whom the merchandise is released at the port of first arrival shall be bonded, and the agent of such carrier shall execute the receipt on the collector's copy of the manifest.

(c) If the seals are found to be intact, the customs officer shall execute the indorsement entitled "Inspected" on the back of the copies of customs Form 7512 used as a manifest and, after obtaining the receipt of the carrier, shall permit the vessel or vehicle to go forward to destination. If the customs seals have been removed before the vessel or vehicle reaches the port of first arrival, or if there is evidence that such seals have been tampered with, the customs officer shall verify the contents of the vessel or vehicle, apply new seals, and make an appropriate notation on the manifest before taking the receipt of the carrier and permitting the vessel or vehicle to go forward.

ART. 916. *Procedure at destination.*—(a) On arrival of the vessel or vehicle at the port of destination the master of the vessel or person in charge of the vehicle must immediately deliver the manifest covering the shipment to the collector of customs at the port, who shall indorse the mail copy of the manifest as provided in paragraph (a) of article 881, and send it as a certificate of delivery to the comptroller of customs in whose district the port of first arrival is located, to be by him properly noted and forwarded to the collector of customs at the port of first arrival.

(b) The collector of customs at the port of destination shall report to the collector at the port of first arrival and to the comptroller of customs for that district, on customs Form 3861, any shortage from the quantity manifested. He shall also report promptly to the customs officer at the place of shipment the nonreceipt of any shipment for which a manifest has been received by him, in which case the customs officer at the place of shipment shall have the shipment traced and, if it is found to have entered the United States, shall forward the report of nonreceipt to the collector of customs at the port of first arrival for appropriate action.

ART. 917. *Merchandise in less than carload lots.*—Merchandise in less than carload lots, originating at a point in a contiguous country at which there is a United States customs officer, may be forwarded from that place under manifest, customs Form 7512. The procedure to be followed will be the same in all respects as that governing the forwarding of merchandise in sealed vessels or vehicles, except as follows:

(1) The package need not be sealed, but in lieu thereof the carrier will be required to furnish and attach to each package the warning labels required in the case of other bonded merchandise shipped in less than carload lots; and

(2) The customs officer at the port of first arrival in the United States will examine the shipment to ascertain whether or not all packages are in good order and have the required warning labels attached thereto. The contents of any bad-order packages shall be verified and appropriate notation made on the manifest before the receipt of the carrier is taken.

## CHAPTER XVII

## CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN


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### BONDING AND ENTRY

ART. 918. *Bonding of warehouses and entry for warehouse authorized.*—(a) Tariff Act of 1930, section 555:

Buildings or parts of buildings and other inclosures may be designated by the Secretary of the Treasury [Commissioner of Customs] as bonded warehouses for the storage of imported merchandise entered for warehousing, or taken possession of by the collector, or under seizure, or for the manufacture of merchandise in bond, or for the repacking, sorting, or cleaning of imported merchandise. Such warehouses may be bonded for the storing of such merchandise only as shall belong or be consigned to the owners or proprietors thereof and be known as private bonded warehouses, or for the storage of imported merchandise generally and be known as public bonded warehouses. Before any imported merchandise not finally released from customs custody shall be stored in any such premises, the owner or lessee thereof shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury [Commissioner of Customs] to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. Except as otherwise provided in this act, bonded warehouses shall be used solely for the storage of imported merchandise and shall be placed in charge of a proper officer of the customs, who, together with the proprietor thereof, shall have joint custody of all merchandise stored in the warehouse; and all labor on the merchandise so stored shall be performed by the owner or proprietor of the warehouse, under supervision of the officer of the customs in charge of the same, at the expense of the owner or proprietor. The compensation of such officer of the customs and other customs employees appointed to supervise the receipt of merchandise into any such warehouse and deliveries therefrom shall be reimbursed to the Government by the proprietor of such warehouse.

(b) Tariff Act of 1930, section 557:

Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within 3 years (or 10 months in case of grain) from the date of importation, for consumption upon payment of the duties and charges accruing thereon at the rate of duty imposed by law upon such merchandise at the date of withdrawal; or may be withdrawn for exportation or for transportation and exportation to a foreign country, or for shipment or for transportation and shipment to the Virgin Islands, American Samoa, or the island of Guam, without the payment of duties thereon, or for transportation and rewarehousing at another port: *Provided*, That the total period of time for which such merchandise may remain in bonded warehouse shall not exceed 3 years (or 10 months in the case of grain) from the date of importation.

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(c) Tariff Act of 1930, section 560:

The Secretary of the Treasury [Commissioner of Customs] may cause to be set aside any available space in a building used as a customhouse for the storage of bonded merchandise or may lease premises for the storage of unclaimed merchandise or other imported merchandise required to be stored by the Government, and set aside a portion of such leased premises for the storage of bonded merchandise: *Provided*, That no part of any premises owned or leased by the Government may be used for the storage of bonded merchandise at any port at which a public bonded warehouse has been established and is in operation. All the premises so leased shall be leased on public account and the storage and other charges shall be deposited and accounted for as customs receipts, and the rates therefor shall not be less than the charges for storage and similar services made at such port of entry by commercial concerns for the storage and handling of merchandise. No collector or other officer of the customs shall own, in whole or in part, any bonded warehouse or enter into any contract or agreement for the lease or use of any building to be thereafter erected as a public store or warehouse. No lease of any building to be so used shall be taken for a longer period than 3 years, nor shall rent for any such premises be paid, in whole or in part, in advance.

(d) Tariff Act of 1930, section 561:

Any premises owned or leased by the Government and used for the storage of merchandise for the final release of which from customs custody a permit has not been issued shall be known as a "public store."

(e) Tariff Act of 1930, section 562:

Unless by special authority of the Secretary of the Treasury [Commissioner of Customs] no merchandise shall be withdrawn from bonded warehouse in less quantity than an entire bale, cask, box, or other package; or, if in bulk, in the entire quantity imported or in a quantity not less than 1 ton weight. All merchandise so withdrawn shall be withdrawn in the original packages in which imported unless, upon the application of the importer, it appears to the collector that it is necessary to the safety or preservation of the merchandise to repack or transfer the same: • • •

(f) Tariff Act of 1930, section 312:

The works of manufacturers engaged in smelting or refining, or both, of ores and crude metals, may, upon the giving of satisfactory bonds, be designated as bonded smelting warehouses. • • •

### CLASSES OF CUSTOMS WAREHOUSES

ART. 919. *Public stores and bonded warehouses—Classes 1 to 8—Class 1.*—Premises owned or leased by the Government and used for the storage of merchandise undergoing examination by the appraiser, under seizure or pending final release from customs custody, shall be known as a "public store." Unclaimed merchandise stored in such premises shall be held under "general order." Where such premises are not sufficient or available for the storage of seized and unclaimed goods, such goods may be stored in a warehouse of class 3, 4, or 5. So far as such warehouses are used for this purpose, they shall be designated "bonded stores." If there be no warehouses of these classes, the collector may, with the approval of the Bureau, rent suitable premises for the storage of seized and unclaimed goods.

*Class 2.*—Importers' private bonded warehouses used exclusively for the storage of merchandise belonging or consigned to the proprietor thereof.

Warehouses of class 4 or 5 may be bonded exclusively for the storage of goods imported by the proprietor thereof, in which case they will be designated as "importers' private warehouses."

*Class 3.*—Public bonded warehouses used exclusively for the storage of imported merchandise generally.

A warehouse of this class shall consist of an entire building, or a part of a building entirely separated from the rest of the building by suitable partitions or walls.

*Class 4.*—Bonded yards or sheds for the storage of heavy and bulky imported merchandise.

Warehouses of this class shall be used exclusively for the storage of heavy and bulky articles. If the collector deems it necessary yards must be inclosed by substantial fences, with entrance gates capable of being secured by customs locks.

The collectors may send to such yards unclaimed or seized goods of a character above described.

Stables or parts thereof may be bonded upon approval of the Bureau for the storage of animals.

*Class 5.*—Bonded bins or parts of buildings or of elevators to be used for the storage of grain. The bonded portions must be separate from the rest of the building.

*Class 6.*—Warehouses for the manufacture in bond, solely for exportation, of articles made in whole or in part of imported materials or of materials subject to internal-revenue tax; and for the manufacture for home consumption or exportation of cigars in whole of tobacco imported from one country.

*Class 7.*—Warehouses bonded for smelting and refining imported ores and crude metals for exportation or domestic consumption.

*Class 8.*—Bonded warehouses established for the purpose of cleaning, sorting, repacking, or otherwise changing in condition, but not manufacturing, imported merchandise, under customs supervision and at the expense of the proprietor.

A warehouse of this class shall consist of an entire building, or a part of a building entirely separated from the rest of the building by suitable partitions or walls. Warehouses of class 1 and storage warehouses of classes 2, 3, 4, 5, and 6 may be designated as "constructive manipulation warehouses" when the exigencies of the service so require.

GENERAL PROVISIONS

ART. 920. *Application to bond.*—(*a*) In order to establish a bonded warehouse the owner or lessee shall make application in writing to the collector, describing the premises and location and stating the class of warehouse.

(*b*) The application must be accompanied by a certificate signed by the president or secretary of a board of fire underwriters, where such board exists, and at other ports by the officers or agents of two or more insurance companies, stating that the building is a suitable warehouse, acceptable for fire-insurance purposes.

(*c*) After the collector has examined or caused an examination to be made of the premises he will transmit to the Bureau with his recommendation the application, the insurance certificates, and a report stating the particulars relative to the location, construction, and dimensions of the building, its suitability for the storing of merchandise, whether the building is detached or adjoins other buildings, the location of doors, and all other material facts. The application, together with all reports, documents, and drawings filed in connection therewith, shall be transmitted to the Bureau in duplicate.

(*d*) The collector will also state whether or not, in his opinion, the business of the port requires the establishment of such warehouse.

ART. 921. *Execution of bond.*—On approval of the application to bond warehouses, classes 2, 3, 4, 5, and 8, a bond shall be executed in duplicate on customs Form 3581 in such penalty and with such security as the collector may deem proper and forwarded to the Bureau for approval. When approved, one copy will be retained by the Bureau and the other returned to the collector. Bonds may be executed in anticipation of approval and transmitted with the application. All storage warehouses operated by one proprietor in the same customs district may be included in one bond. The penalty on the bond shall not be less than $5,000 on each of the premises, with a maximum penalty on all premises covered by the bond of $50,000. This amount may be increased if additional security is deemed necessary. Collectors must see that the bond is in proper form and that instructions printed thereon are observed.

ART. 922. *Bond—Renewal of.*—The proprietors or occupants of bonded warehouses may be required on 10 days' notice from the collector to renew their bonds; and if they fail so to do, no more goods shall be sent to their warehouses, and those therein shall be removed at their expense.

ART. 923. *New bond—When necessary.*—(*a*) The collector will promptly notify the Commissioner of Customs of the death, pecuniary embarrassment, insolvency, or change of status of any of the parties to the bond, or of any circumstances which require a new bond.

(*b*) If a bonded warehouse is destroyed and rebuilt, a new bond will be required.

(*c*) The collector will advise the Bureau of all changes in the surroundings of bonded premises likely to affect their security.

ART. 924. *Alterations.*—Alterations in bonded warehouses can be made only by permission of the collector and, if constituting a material change in the premises, the approval of the Commissioner of Customs is required.

ART. 925. *Suspensions.*—The use of a bonded warehouse or bonded floor or space may be temporarily suspended by the collector on application of the proprietor provided there are no bonded goods therein. Upon the removal of all free goods, if any, the premises may again be used for the storage of bonded goods. Rebonding will not be necessary.

ART. 926. *Discontinuance.*—(*a*) The Bureau may discontinue a bonded warehouse at any time for reasonable cause.

(*b*) When the proprietor desires to discontinue his bonded warehouse he shall make written application therefor to the collector. If the application be approved by the collector, he will cause all goods in such warehouse upon which the duty has not been paid to be transferred to another bonded warehouse without expense to the Government. An inventory of all goods so transferred from the warehouse to be discontinued shall be made and compared with the accounts of the warehouse and the records of the customhouse and appropriate action shall be taken in the event any discrepancy is discovered.

(*c*) The collector will transmit the application to the Bureau with his report and recommendation and will retain custody of the premises until he is notified of the Bureau's approval of the application.

(*d*) The number of warehouses covered by a general bond may be reduced by discontinuance without necessitating a new bond unless the proprietor desires otherwise.

ART. 927. *Offices.*—(*a*) Suitable and comfortable accommodations for the storekeeper shall be provided by the proprietor of the warehouse.

(*b*) An office for the accommodation of the warehousemen may be allowed in the bonded premises if separated by a partition from the space used for the storage of bonded goods.

ART. 928. *Fires, lights, and locks.*—(*a*) Fires shall not be permitted in any warehouse, other than warehouses of classes 6, 7, and 8, except in the office of the storekeeper and warehouseman, and where lights are required only safety lanterns or electric lights shall be used.

(*b*) All the doors and other entrances of bonded warehouses must be secured by customs locks.

ART. 929. *Posting of rules.*—Collectors will cause all rules and regulations (customs Form 3561) relating to the management of bonded warehouses to be posted in a conspicuous place in every warehouse.

ART. 930. *Storekeeper—Compensation of.*—(*a*) The collector will, when necessary, designate an employee to act as storekeeper of each bonded warehouse or public store. If necessary, more than one may be designated.



(*b*) The reimbursable compensation of storekeepers for services rendered at bonded warehouses of classes 2, 3, 4, 5, and 8, for periods of less than 1 day, shall be computed on the hourly rate of pay of the officer assigned to such duty, from the time he leaves his station until he returns thereto, provided that a minimum of 1 hour's time shall be charged for each visit, and in no case shall the charge be less than 75 cents. Time consumed after the first hour shall be charged in multiples of 1 hour, fractional parts of an hour of less than 30 minutes being disregarded and those of 30 minutes or more being charged as 1 hour. The amount collectible for periods of a full day shall be the per diem compensation of the officer so assigned.

(*c*) The full compensation of storekeepers permanently assigned to warehouses, including the compensation of acting storekeepers detailed to relieve full-time storekeepers absent either on annual or sick leave during such detail, shall be reimbursable.

(*d*) The necessary traveling and subsistence expenses of an acting storekeeper assigned to relieve a full-time storekeeper outside the port limits shall be borne by the proprietor of the warehouse.

(*e*) If any storekeeper has charge of more than one warehouse, the charge for his services shall be equitably apportioned among the respective warehousemen.

(*f*) Upon the failure of the warehouseman to pay such charges when due, or to comply with the laws and regulations applicable to bonded warehouses, the collector shall refuse entry of merchandise for such warehouse and report the facts to the Bureau.

ART. 931. *Duties of storekeeper.*—(*a*) Storekeepers must keep the keys to customs locks in their possession, and personally open and lock the warehouses. With the exception of 1 hour for lunch, storekeepers will be in constant attendance from 8 a. m. to 5 p. m., or while the warehouse is open. Collectors may extend or change these hours when deemed advisable.

(*b*) All goods shall be received by and released under the supervision of the storekeeper.

(*c*) Packages shall be received in warehouse according to the marks and numbers. Packages containing weighable and gaugeable merchandise not bearing shipping marks or numbers will be received under the weigher's or gauger's numbers. Warehousemen will be required to mark all shipments for identification, showing the warehouse entry number and date, together with the year and month when received and the name of the importing vessel or carrier and the place whence imported.

(*d*) The marks and numbers must be entered on the books and returned by the storekeeper in charge in his daily returns to the collector. They will then be entered in the general warehouse books, and the numbers therein given will be the designating numbers on all permits for withdrawals.

(*e*) The storekeeper shall supervise all examinations, sampling, recoopering, repacking, or manipulating of merchandise that may be done in a bonded warehouse. He shall keep a correct account of all goods received, released, transferred, examined, sampled, recoopered, repacked, or manipulated as provided in article 946 and report to the collector any violation of the warehouse regulations by the warehouseman.

(*f*) Storekeepers in charge of stores of class 1 will keep accounts of all labor performed therein, and in their returns certify the nature and amounts of such charges. They will also keep pay rolls of all persons employed in such stores.

ART. 932. *Superintendent of warehouses.*—(*a*) A Customs officer may be designated by the collector as superintendent of warehouses at ports where the business requires such an officer, whose duty it shall be to supervise transactions at the several bonded warehouses by visiting each of them frequently in order to insure the promptness and efficiency of the storekeepers, the accuracy of the books and reports, and the observance of all official orders and regulations. He shall promptly report to the collector any irregularities which may occur.

(*b*) He shall carefully note the condition of the warehouses as regards cleanliness and safety, and see that merchandise is properly and conveniently stored.

ART. 933. *Permits—Releases.*—(*a*) Tariff Act of 1930, section 484 (j):

> • • • Merchandise in a bonded warehouse shall be released from customs custody only to or upon the order of the proprietor of the warehouse. • • •

(*b*) Upon the receipt of a permit signed by the collector, or other customs officer designated for such purpose, the storekeeper shall release the merchandise covered thereby to the warehouse proprietor, unless the proprietor furnishes a delivery order authorizing release to some other person, in which case the merchandise may be released to the person designated by the proprietor. If the permit bears the endorsement provided for in article 331, release in accordance with the foregoing shall be withheld, subject to the provisions of article 1011 (*b*), pending the lodging of an order to release on customs Form 7505–B.

(*c*) Permits must be indorsed to show that storage, cartage, labor, and other charges due the Government have been paid before delivery will be permitted.

(*d*) Merchandise covered by a notice of lien filed by the carrier shall not be released until the said lien has been satisfied or discharged. (See ch. VI.)

ART. 934. *Expenses of labor and storage.*—(*a*) All merchandise deposited in public stores or in bonded warehouses shall be held liable for the expenses of labor and storage chargeable thereon at the customary rates and for all other expenses accruing upon the goods.

(*b*) The rates of storage and labor shall be agreed upon between the importer and the warehouse proprietor, but in case of disagreement the collector may, with the consent of all parties in interest, determine the rates to be charged.

ART. 935. *Storage charges.*—When merchandise is stored in a public store under warehouse entry, general order, or otherwise, the charges for storage due the Government must be collected before the packages are delivered therefrom.

ART. 936. *Examination of goods by importer—Sampling—Repacking.*—Importers may; upon application approved by the collector on customs Form 3499, and under the supervision of the storekeeper, examine, sample, and for safety or preservation only, repack or transfer, merchandise in bonded warehouse.

ART. 937. *Transfer to another warehouse.*—(*a*) With the concurrence of the proprietors of the delivering and receiving warehouses, merchandise may be transferred under customs supervision and at the expense of the party requesting it, from one bonded warehouse to another in the same port, on the written request of the consignee to the collector, who may issue an order for such transfer on customs Form 7500–A.

(*b*) All charges must be paid before goods are transferred from a warehouse of class 1.

ART. 938. *Examination packages.*—Merchandise sent from a bonded warehouse to the appraiser's stores for examination shall be returned by the collector to the warehouse for delivery unless the warehouseman shall indorse on the duty-paid permit that the merchandise may be otherwise released.

ART. 939. *Proprietor responsible for goods.*—The warehouseman is responsible for the safe-keeping of the goods stored in any bonded warehouse, and goods so stored shall be released only to or upon his order, the Government being concerned solely in the security of the revenue.

ART. 940. *Merchandise in bonded warehouse not subject to attachment.*—(*a*) United States Code, title 28, section 747:

> All property taken or detained by any officer or other person, under authority of any revenue law of the United States, shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. (R. S., sec. 934.)

(*b*) Merchandise in bonded warehouse is not subject to levy, attachment, or other process of a State court, and

collectors can not be enjoined by State courts from releasing such merchandise in accordance with section 484 (j) of the tariff act.

(c) The Government will not compel a warehouseman to deliver bonded goods, as the interest of the Government is in the collection of the duty on the merchandise or its exportation, and any question of infringement of private rights by the warehouseman must be left to parties in interest.

(d) Imported goods in bonded warehouse are exempt from taxation under the general laws of the several States.

STORAGE-MANIPULATION WAREHOUSES

ART. 941. *Manipulation in bond authorized.*—Tariff Act of 1930, section 562:

• • • Upon permission therefor being granted by the Secretary of the Treasury [Commissioner of Customs], and under customs supervision, at the expense of the proprietor, merchandise may be cleaned, sorted, repacked, or otherwise changed in condition, but not manufactured, in bonded warehouses established for that purpose and be withdrawn therefrom for exportation to a foreign country or for shipment to the Virgin Islands, American Samoa, or the island of Guam, without payment of the duties, or for consumption, upon payment of the duties accruing thereon, in its condition and quantity, and at its weight at the time of withdrawal from warehouse, with such additions to or deductions from the final appraised value as may be necessary by reason of change in condition. The basis for the assessment of duties on such merchandise so withdrawn for consumption shall be the entered value or the adjusted final appraised value, which ever is higher, and if the rate of duty is based upon or regulated in any manner by the value of the merchandise such rate shall be based upon or regulated by such adjusted final appraised value; but for the purpose of the ascertainment and assessment of additional duties under section 489 of this act adjustments of the final appraised value shall be disregarded. The scouring or carbonizing of wool shall not be considered a process of manufacture within the provisions of this section.

ART. 942. *General regulations applicable.*—The general provisions of the regulations governing warehouses bonded for the storage of imported merchandise shall, so far as applicable, apply to bonded manipulation warehouses.

ART. 943. *Entry.*—(a) Merchandise to be manipulated under section 562, may be entered on customs Form 7502 and sent direct to a storage-manipulation warehouse.

(b) Merchandise entered for warehouse may be transferred therefrom to a storage-manipulation warehouse; or merchandise entered for storage-manipulation warehouse may be transferred therefrom, after manipulation, to the storage portion of the same warehouse, to another storage warehouse, or to a manufacturing warehouse of class 6.

ART. 944. *Manipulation.*—(a) Application to manipulate should be made in duplicate on customs Form 3499 to the collector of customs having jurisdiction of the manipulation warehouse. When satisfied that the contemplated manipulation comes within the provisions of section 562, the collector may issue a permit (customs Form 3499), making any necessary modifications in such form. Where safety or preservation of the merchandise is not involved, manipulation can not be allowed under section 562 of the Tariff Act of 1930 merely for the purpose of obtaining a lower rate of duty; that is, if the merchandise after manipulation would be treated as an entirety if imported in the manipulated condition.

(b) Should the collector be in doubt as to whether or not the manipulation for which application has been made comes within the provisions of the law he will refer the application to the Bureau for decision and await instructions.

(c) When goods are repacked the storekeeper will report on the back of the permit the marks and numbers of the original packages, and the marks and numbers of the packages after repacking; and the storekeeper, weigher, or gauger will report the weights or gauge of the merchandise after manipulation and the value of the manipulated merchandise shall be determined by the appraiser. In the case of wool scoured in manipulation warehouse, the weight of the wool in its scoured condition should be ascertained at the time of withdrawal.

(d) Merchandise belonging to but one importer should be in a designated manipulation space at one time. In cases where the collector shall be satisfied that no confusion in the records would result and that the customs revenues would at all times be properly guarded, exception may be made to this rule.

(e) Articles which have been repacked or manipulated, and their containers and packages, and the packages and containers described as articles in article 528 (f), should not be withdrawn from warehouse for consumption unless they are marked to indicate the country of origin of the articles, in accordance with the provisions of section 304 of the Tariff Act of 1930 and article 528 (f). The storekeeper shall note the fact of such marking on the back of the permit, customs Form 3499.

ART. 945. *Withdrawal.*—Manipulated merchandise may be withdrawn under any form of withdrawal entry, provided that no such withdrawal shall be accepted for less than an entire repacked package.

ACCOUNTS

ART. 946. *Record of receipts, releases, etc.*—(a) Records shall be kept of goods received, released, transferred, examined, sampled, recoopered, repacked, or manipulated under warehouse entries on customs Form 5215. An index may be kept to this record, alphabetically arranged by the names of vessels or common carriers and date of arrival.

(b) In this record receipts must be shown in detail, specifying each package when necessary. When a release is given it shall be noted opposite the record of the withdrawal permit in such manner as to show at all times the quantity of goods remaining.

(c) All permits, customs Form 7505–A, and orders to release, customs Form 7505–B, shall be recorded on the credit side of the record. Permits shall be returned to the collector on the day on which all the merchandise specified thereon has been released. If the importer has requested that release be withheld, as provided in article 331, the permit shall be accompanied by the order to release. Daily returns of partial releases shall be made by forwarding the order to the collector on the day of the release of the merchandise covered thereby. In such cases the storekeeper shall retain the permit, noting thereon each release as made, until the day of the last release, at which time he shall endorse the permit "Release complete" and return it to the collector with the last order for release attached thereto.

(d) The storekeeper shall prepare a record on customs Form 5209 of all unclaimed or abandoned merchandise received at the public store or bonded store of which he is in charge. A record of all such merchandise received at the port shall be prepared in duplicate in the collector's office on customs Form 5209. The original shall be maintained as a permanent record in the collector's office; the duplicate shall be transmitted to the comptroller at the close of each month, or shorter period, as requested by the comptroller. The entry or other disposition of such merchandise shall be recorded by the storekeeper on his record and at the customhouse on the record there maintained. When merchandise received during a given period is disposed of before the record for such period has been transmitted to the comptroller, a notation shall be made in the collector's office on the comptroller's copy, but no follow-up report shall be prepared for the comptroller in the collector's office of merchandise received during previous periods and disposed of during a current period. Such disposition shall be recorded by the comptroller from entries or other documents in his possession.

(e) The storekeeper's return to the collector of customs of merchandise received, delivered, released, withdrawn, or transferred must be certified by the proprietor of the warehouse as correct.

ART. 947. *Inventories.*—Inventories of merchandise in warehouse shall be made once every year or oftener if the collector deems it necessary. Such inventories must be checked with the collector's warehouse ledger record, as well as with the storekeeper's record of receipts and deliveries, and all appropriate action taken in the event any discrepancy is found.

FOREIGN-TRADE ZONES

ART. 948. *Definitions.*—(a) United States Code, title 19, section 81a:

When used in this chapter—
(a) The term "Secretary" means the Secretary of Commerce;



(b) The term "Board" means the Board which is hereby established to carry out the provisions of this chapter. The Board shall consist of the Secretary of Commerce, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, and the Secretary of War;
(c) The term "State" includes any State, the District of Columbia, Alaska, Hawaii, and Puerto Rico;
(d) The term "corporation" means a public corporation and a private corporation, as defined in this chapter;
(e) The term "public corporation" means a State, political subdivision thereof, a municipality, a public agency of a State, political subdivision thereof, or municipality, or a corporate municipal instrumentality of one or more States;
(f) The term "private corporation" means any corporation (other than a public corporation) which is organized for the purpose of establishing, operating, and maintaining a foreign-trade zone and which is chartered under special act enacted after June 18, 1934, of the State or States within which it is to operate such zone;
(g) The term "applicant" means a corporation applying for the right to establish, operate, and maintain a foreign-trade zone;
(h) The term "grantee" means a corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted;
(i) The term "zone" means a "foreign-trade zone" as provided in this chapter.
(June 18, 1934, c. 590, sec. 1, 48 Stat. 998.)

(b) When used in these regulations—

(1) The term "act" means Public, No. 397, of the Seventy-third Congress.

(2) The terms "foreign articles" and "foreign merchandise" mean articles of merchandise of every description (except prohibited articles), brought into a zone otherwise than from customs territory.

(3) The term "domestic merchandise" means articles of merchandise of every description (except prohibited articles), which are the growth, product, or manufacture of the United States, or which have previously been imported into customs territory and upon which all duties and customs charges or penalties have been paid.

(4) The term "customs territory" shall mean territory of the United States not included in a zone.

(5) The term "United States" includes the several States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.

(6) The term "zone" means a foreign-trade zone provided for in the act.

(7) The terms "collector" and "collector of customs", unless otherwise specified, mean the collector of customs in whose district the zone is located.

(8) The term "privileged merchandise" means foreign merchandise in a zone for which immediate liquidation of duties has been requested and/or domestic merchandise in a zone for which an application for customs supervision in the zone has been made.

(9) The term "nonprivileged merchandise" means all merchandise properly in a zone, other than privileged merchandise.

(10) The term "person of record" means the person who has filed the application for immediate liquidation (art. 950 (b) (2)), or the application for customs supervision of entry (art. 950 (c) (2)), or a transferee of the customs rights of any such person under any such application, as shown by endorsement on the application.

ART. 949. *Establishing, operating, and maintaining zones.*—United States Code, title 19, section 81b:

(a) The Board is hereby authorized, subject to the conditions and restrictions of this chapter and of the rules and regulations made thereunder, upon application as hereinafter provided, to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States.
(b) Each port of entry shall be entitled to at least one zone, but when a port of entry is located within the confines of more than one State such port of entry shall be entitled to a zone in each of such States, and when two cities separated by water are embraced in one port of entry, a zone may be authorized in each of said cities or in territory adjacent thereto. Zones in addition to those to which a port of entry is entitled shall be authorized only if the Board finds that existing or authorized zones will not adequately serve the convenience of commerce.
(c) In granting applications preference shall be given to public corporations.
(d) In case of any State in which harbor facilities of any port of entry are owned and controlled by the State and in which State harbor facilities of any other port of entry are owned and controlled by a municipality the Board shall not grant an application by any public corporation for the establishment of any zone in such State, unless such application has been authorized by an act of the legislature of such State (enacted after June 18, 1934). (June 18, 1934, c. 590, sec. 2, 48 Stat. 999.)

ART. 950. *Admission of merchandise—Treatment—Shipment to customs territory—Appraisal—Reshipment to zone.*—(a) United States Code, title 19, section 81c:

Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in this chapter, be brought into a zone and may not be manufactured or exhibited in such zone but may be stored, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign or domestic merchandise, or otherwise manipulated, and be exported, and foreign merchandise may be sent into customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise is so sent from a zone into customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise: *Provided*, That when the privilege shall be requested the collector of customs shall supervise the unlading of foreign merchandise in the zone, cause such merchandise or any portion thereof to be appraised and the duties liquidated thereon. Thereafter it may be stored or manipulated under the supervision and regulations prescribed by the Secretary of the Treasury, and within 2 years after such unlading such merchandise, whether mixed with domestic merchandise or not, may be sent into customs territory upon the payment of such liquidated duties thereon; and if not so sent into customs territory within such period of 2 years such merchandise shall be disposed of under rules and regulations prescribed by the Secretary of the Treasury and out of the proceeds the duties shall be paid and the remainder, if any, shall be delivered to the owners of the property: *Provided further*, That subject to such regulations respecting identity and the safeguarding of the revenue as the Secretary of the Treasury may deem necessary, articles the growth, product, or manufacture of the United States, and articles previously imported on which duty has been paid, or which have been admitted free of duty, may be taken into a zone from the customs territory of the United States, and may be brought back thereto free of duty, whether or not they have been combined with or made part while in such zone, of other articles: *Provided*, That if in the opinion of the Secretary of the Treasury their identity has not been lost such articles not entitled to free entry by reason of noncompliance with the requirements made hereunder by the Secretary of the Treasury shall be treated when they reenter the customs territory of the United States as foreign merchandise under the provisions of the tariff laws in force at that time. (June 18, 1934, c. 590, sec. 3, 48 Stat. 999.)

(b) *Bringing foreign merchandise into a zone.*—(1) Foreign merchandise may be brought into a zone and there stored and/or manipulated as authorized in the act without compliance with the customs laws and regulations relating to the entry of merchandise into customs territory.

(2) If the immediate liquidation of duties on foreign merchandise to be brought into a zone is desired, an application therefor shall be filed with the collector of customs. Such application shall be filed in duplicate on a form substantially similar to customs Form 3499, before the unlading of the vessel or other carrier, and shall be made by the consignee within the meaning of section 483 of the Tariff Act of 1930. The application shall specify in detail the merchandise for which the privilege of immediate liquidation of duties is desired, the carrier and date of arrival at the zone, and the place in the zone where the merchandise will be stored and/or manipulated. Upon the receipt of such application the collector of customs shall provide for the supervision of the unlading of the designated merchandise, and for the maintenance of customs supervision thereof until it is entered into customs territory or abandoned to the Government.

(c) *Bringing domestic merchandise into a zone.*—(1) When domestic merchandise which is not intended to be returned to customs territory is brought into a zone, its admission into and retention in the zone shall not be subject to any customs requirements, except such as may be necessary for the purposes of the drawback laws and the general administration of the act and these regulations. Upon the shipment of such merchandise from a zone otherwise than to customs territory or to another zone, export declarations shall be filed in accordance with articles 1305 to 1320, inclusive.

(2) When domestic merchandise which is intended to be returned to customs territory with a claim for exemption from duty is to be brought into a zone, the person concerned shall file with the collector of customs an application for cus-

toms supervision of the entry of the merchandise into the zone. Such application shall be in duplicate on a form substantially similar to customs Form 3499. It shall describe the merchandise in detail and specify the time at which the merchandise will arrive in the zone and the place in the zone where it will be stored and/or manipulated. Upon the receipt of such application the collector of customs shall provide for the supervision of the receipt of the merchandise in the zone and for the maintenance of customs identification thereof until it is returned to customs territory or exported.

(*d*) *Immediate liquidation.*—(1) When an application for immediate liquidation has been made, as provided for in article 950 (b) (2), the person of record shall file with the collector of customs an entry in triplicate on a form substantially in accordance with customs Form 7502. Such entry shall be filed within 48 hours, exclusive of Sundays and holidays, after the unlading of the merchandise in the zone, unless the collector authorizes in writing a longer time.

(2) The procedure to be followed in connection with the preparation and filing of the entry, the making of notations on invoices, the preparation of customs Form 6417, the designation of examination packages or quantities, and the appraisement of the merchandise shall be the same as that prescribed in the case of consumption entries, except that no duties need be deposited.

(3) The consignee filing an application for an immediate liquidation of the entry of privileged merchandise shall file a bond in the form herein set forth in an amount equal to double the estimated duties. Both principal and sureties shall continue liable under the bond until the liquidated duties are paid.

The bond shall be in the following form:

KNOW ALL MEN BY THESE PRESENTS:

That_____ of_____
as principal and_____ of_____
and_____ of_____
as sureties, are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of_____dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS certain articles described in entry No. _____ dated _____, 19__, have been brought into the foreign-trade zone located at _____ from _____ in the _____, arrived _____, 19__; and

WHEREAS an application has been made by the principal herein for the appraisal of the merchandise described in the entry, and the liquidation of the duties thereon;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That—

If the above-bounden principal shall, within 2 years after the merchandise first arrived in a foreign-trade zone, pay the full amount of liquidated duties found due on the said articles, whether such articles shall have been wholly consumed or destroyed in the zone, exported, sent into customs territory, or otherwise disposed of, then this obligation shall be void; otherwise it shall remain in full force and effect.

Signed, sealed, and delivered in the presence of—

| | | | |
|---|---|---|---|
| (Name) | (Address) | | |
| (Name) | (Address) | (Principal) | [SEAL] |
| (Name) | (Address) | | |
| (Name) | (Address) | (Surety) | [SEAL] |
| (Name) | (Address) | | |
| (Name) | (Address) | (Surety) | [SEAL] |

(4) The merchandise covered by an application for immediate liquidation shall be transferred under customs supervision from the place of unlading to the place of delivery designated in the application, or to the place of appraisement and therefrom to the designated place of delivery, as the case may be. Upon the arrival of the merchandise at the place of delivery, a record thereof shall be made by a customs storekeeper on a form substantially similar to customs Form 5215. Such merchandise shall not be manipulated or removed from such place of delivery until the liquidation requested has been completed.

(5) The grantee operating a zone shall provide therein a suitable place for the customs examination and appraisement of merchandise. Merchandise covered by an application for immediate liquidation shall be promptly appraised on an order from the collector of customs. The examination of merchandise for the purposes of such appraisement shall be, insofar as may be practicable, at the place provided therefor in the zone, but in any case where he may deem it advisable, the collector may direct that the examination be made at any other suitable place, within or without the zone, approved by the appraiser.

(6) As soon as an entry has been completed by the filing of all necessary documents and the appropriate reports have been made to the collector, the entry shall be liquidated in accordance with the provisions of chapter XIV, insofar as they can be applied. Customs officers shall give priority to the disposition of all matters which will expedite the liquidation of these entries.

(7) The tariff status of merchandise covered by an application for immediate liquidation shall be determined in accordance with the condition and quantity of the merchandise and the rates of duty in force at the time such merchandise arrives within the limits of the zone in which it is to be first stored and/or manipulated.

(8) No allowance or abatement of duties shall be made by reason of the exportation of merchandise covered by an application for immediate liquidation. If the liquidated duties applicable to such merchandise have not been paid within 2 years after it first arrives in the zone, the collector shall proceed to collect such duties under the conditions of the bond provided for in article 950 (*d*) (3).

(*e*) *Customs supervision of entry of domestic merchandise.*—(1) The original copy of the application mentioned in article 950 (c) (2) shall be used in lieu of an entry, to cover the merchandise for which customs supervision of entry has been requested, and shall be supported by a completely detailed inventory of the merchandise, showing the marks and numbers of the packages, the weight, gauge, measure, or quantity of merchandise in each package, and such descriptions as will enable customs officers readily to identify the goods.

(2) The merchandise covered by the application shall be transfererd under customs supervision, immediately upon its arrival in the zone, to the place of delivery designated in the application, or to such other place for examination as may be designated by the collector and therefrom to the designated place of delivery, as the case may be. The merchandise shall be promptly examined to identfy it with the application and inventory, and the examining officer shall endorse on the inventory the result of his examination and such notations as may be of assistance in the future identification of the goods. The collector may, in his discretion, require that the goods in their condition at the time of entry into the zone be appropriately marked for identification.

(*f*) *Customs control of merchandise in a zone.*—(1) Merchandise which is prohibited by law shall not be admitted into a zone. The admission into a zone of merchandise, the importation of which into the United States is restricted but not absolutely prohibited, such as certain special classes of merchandise as set forth in chapter X, shall be under such provisions as may be prescribed by the Department of Agriculture or other Government agency having jurisdiction in the particular case. No narcotic drug as defined in the act of May 26, 1922, known as the "Narcotic Drugs Import and Export Act, as amended", shall be permitted to be introduced into a zone, except that such quantities of narcotic drugs as are required for direct emergency medical needs within a zone may be admitted into said zone from customs territory of the United States subject to the requirements of the act of December 17, 1914, known as the "Harrison Narcotic Law, as amended", and regulations thereunder. Any prohibited merchandise, including narcotic drugs not admissible into a zone as herein provided, found within a zone shall be seized and disposed of according to law.



(2) Any merchandise properly in a zone may there be stored, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign or domestic merchandise, or otherwise manipulated, but may not be there exhibited or manufactured. Customs officers on duty in a zone shall maintain general supervision of all merchandise brought into a zone in order to enforce the provisions of the act and these regulations, and shall report any violations or irregularities to the collector of customs.

(3) Before any merchandise brought into a zone may be manipulated as authorized in the act, permission for such manipulation shall be obtained from the collector of customs. The application for such permission shall be filed with the collector in duplicate on a form substantially similar to customs Form 3499, and shall describe in detail the work to be done. If satisfied that the contemplated manipulation is authorized in section 3 of the act, the collector shall endorse, on both copies of the application, a permit for the manipulation. In the case of privileged merchandise or of nonprivileged merchandise to be mixed or combined with privileged merchandise, the collector shall deliver the duplicate copy of the application to the customs officer who will supervise the manipulation. In other cases the collector shall return the duplicate copy to the applicant, who shall retain such copy for examination by customs officers at the place where the merchandise is to be manipulated. Should the collector be in doubt as to whether or not the contemplated manipulation is authorized in the act, he shall refer the application to the Commissioner of Customs for a decision and await instructions. In the event the applicant is dissatisfied with the decision of the Commissioner of Customs, appeal may be made to the Board established under the act.

(4) Privileged merchandise may be stored in a zone only in places secured by customs locks or seals, and may be withdrawn from such places or manipulated in the zone only under the immediate supervision of customs officers, and only in quantities of not less than one entire package, or 1 ton in weight in the case of parts of bulk merchandise. If any privileged merchandise is mixed or otherwise combined in a zone with other merchandise, the whole mixture or combination shall thereafter be subject to the same requirements as to storage and customs supervision as privileged merchandise.

(a) The transfer within the zone of privileged merchandise from one place of storage or manipulation to another place of storage or manipulation may be made under customs supervision on the written request of the person of record, accompanied by the concurrence in writing of the proprietors of the delivering and receiving places of storage or manipulation. Before such transfer is made the collector shall issue an order therefor on a form substantially similar to customs Form 7500–A.

(b) In the case of any diminution in the quantity or value of privileged merchandise in a zone which does not result in any change in the number of units thereof, or their quantitative relation to each other, each unit shall be subject to its original duty or exemption from duty; and in the case of any diminution in the quantity or value of privileged merchandise in a zone resulting from any operation or circumstance which changes the number, value, or quantitative relation of the units, the total new units shall be subject to the same duty or exemption from duty as the total original units, and such duty or exemption shall be applicable to each new unit in accordance with its relation in quantity and/or value to the total quantity and/or value of the new units. If any privileged merchandise is wholly consumed or destroyed in a zone, or is removed therefrom otherwise than by transfer to customs territory or another zone, any liquidated duties due thereon shall be promptly paid, and the customs records covering the identification thereof shall be closed with an appropriate notation.

(5) A record shall be kept of the receipt of each lot of privileged merchandise in a zone, and of its release, transfer, and/or manipulation, on a form substantially similar to customs Form 5215. Daily returns shall be made on this form by customs officers charged with the supervision of the privileged merchandise, one copy of which shall be retained at the place where the merchandise is deposited.

(a) On the debit side of this record receipts must be shown in detail, each package and the weight or gauge being specified when necessary. All records of releases and transfers shall be made on the credit side of the record and returned daily to the collector. When a release is given an appropriate notation shall be made in such manner as to show at all times the quantity of merchandise remaining.

(b) All reports of receipts and deliveries must be certified as correct by the proprietor of the place from or to which the merchandise is removed. Such person shall be required to mark merchandise for identification in such manner and in such cases as the collector may deem necessary, and the collector may in his discretion impose upon any person concerned with the manipulation such additional requirements as may assist in maintaining the identity of the manipulated merchandise or its components.

(6) When permission has been granted for manipulating privileged merchandise in a zone, customs storekeepers shall keep records of all the merchandise covered by the application and permit to manipulate, including privileged merchandise and any nonprivileged merchandise which is to be mixed or otherwise combined with the privileged merchandise in the manipulation.

(a) When the manipulation has been completed, the customs officers who supervised the operation will endorse on the duplicate copy of the application and permit the marks and numbers of the original packages, the marks and numbers of the packages after manipulation, and the weights, gauges, or quantities of the merchandise before and after manipulation.

(b) Merchandise covered by only one application for immediate liquidation or for customs supervision of entry from customs territory shall be in a designated manipulation space at one time; but in cases where the collector shall be satisfied that no confusion in the records will result, and the customs revenues will at all times be properly safeguarded, exceptions may be made to this rule.

(*g*) *Entry of merchandise into customs territory from a zone.*—(1) The general tariff laws and regulations relating to merchandise arriving at a port of entry in customs territory from a foreign port or place shall be applicable to merchandise consisting wholly of nonprivileged merchandise which is transferred from a zone into customs territory in the same manner as though the merchandise so transferred had been imported into the United States on the date of such transfer; except that no such merchandise shall be entitled to any exemption from duties, taxes, or charges by reason of its being of the growth, produce, or manufacture of the United States, or previously imported into the United States.

(2) When classes of merchandise subject to different requirements under these regulations have been mixed or combined in a zone, the mixed or combined merchandise may be brought into customs territory and there entered under any form of entry provided for in the general customs laws and regulations, except as provided for in paragraph 3 below.

(3) Merchandise brought into a zone under the provisions of article 950 (b) (2) will be regarded as abandoned to the Government if remaining in a zone after 2 years from its arrival in the zone. If such merchandise is mixed or combined with other merchandise, and the mixture or combination remains in a zone after 2 years from the earliest date of arrival of any component brought into the zone under article 950 (b) (2), the entire mixture or combination will be regarded as abandoned. If brought into customs territory within the 2-year period, any such merchandise and

any such mixture or combination must be entered for consumption and the duties thereon paid upon its arrival at the port of destination in customs territory.

(a) When any merchandise entered under article 950 (*b*) (2), or any mixture or combination containing such merchandise, is sent from a zone into customs territory, the collector of customs shall issue a certificate in triplicate, describing the merchandise in its present condition, and certifying the amount of duty applicable to the shipment by reason of the presence therein of privileged merchandise. The amount of duty so certified shall be carefully computed with due regard to the provisions of article 950 (*f*) (4) (b).

(b) The duplicate copy of this certificate shall be issued to the person of record for use in connection with the consumption entry for the shipment, and the original will be transmitted promptly to the port where the consumption entry will be made for use there in verifying the entry tendered to cover the shipment and the duplicate copy of the certificate filed in connection with such entry. The triplicate copy will be retained in file with the original copy of the entry filed under the provisions of article 950 (*d*) (1).

(4) (a) Merchandise brought into a zone under the provisions of article 950 (*c*) (2), which has not been mixed or combined in the zone with any merchandise brought thereinto otherwise than under article 950 (*c*) (2), may be returned to customs territory and there released from customs custody without formal entry, provided the customs identification of the goods has been maintained continuously in the zone and there has not been any noncompliance with any provision of these regulations applicable thereto. If the customs identification of such merchandise in the zone is not continuously maintained, or if there is any noncompliance with a provision of these regulations applicable to such merchandise, it shall be treated thereafter as nonprivileged merchandise.

(b) If any merchandise brought into a zone under article 950 (*c*) (2) has been mixed or combined in the zone with other merchandise, but in such manner that the identification of the domestic merchandise in the mixture or combination has been maintained continuously on the customs records in the zone, and the mixed or combined merchandise, or any part thereof, is to be brought into customs territory, the person of record may make application to the collector of customs for a certificate covering the identification of the domestic merchandise in the mixture or combination, and indicating the exemption from duty applicable to such domestic merchandise.

(c) In proper cases, the collector shall issue the requested certificate in triplicate, describing the merchandise in its present condition and certifying as to the quantity and/or value of the mixture or combination which is entitled to exemption from duty by reason of the entry of its components into the zone under article 950 (*c*) (2). The duplicate copy of this certificate shall be issued to the person of record for use in connection with the entry for the goods, and the original will be transmitted promptly to the port where the entry will be made for use in verifying the duplicate copy filed with such entry. The triplicate copy will be retained in file with the original copy of the application referred to in article 950 (*e*) (1).

(d) The issuance of the certificate of identification contemplated by this paragraph shall be denied in any case where the customs identification of the merchandise or its components for which the certificate is requested has not been continuously maintained since the first arrival of the merchandise or components in a zone under the provisions of article 950 (*c*) (2), or if there has been any noncompliance with any provision of these regulations applicable to such merchandise or components. If any shipment claimed to contain merchandise or components brought into a zone under article 950 (*c*) (2) is tendered for entry in customs territory, and no certificate of identification as contemplated by this section is filed in connection with the entry covering such shipment, such merchandise or component shall be treated as nonprivileged merchandise.

(*h*) *Tariff classification.*—(1) Articles composed entirely of nonprivileged merchandise shall be subject, on entry from a zone into customs territory, to tariff classification and appraisement in accordance with their condition and quantity at the time of such entry. The value of such articles, whether or not the product of manipulation in a zone, shall be determined for all customs purposes in accordance with sections 402 and 503 of the Tariff Act of 1930, and if such articles are the product of manipulation in a zone, the value shall be adjusted in accordance with the provisions of section 562 of the Tariff Act of 1930.

(2) Articles composed entirely of privileged merchandise subject to duty, or of such merchandise and privileged merchandise entitled to exemption from duty, shall be subject, on entry from a zone into customs territory, to the payment of only the liquidated duties certified in accordance with article 950 (*g*) (3) (a) to be applicable thereto.

(3) Articles composed in part of privileged merchandise and in part of nonprivileged merchandise shall be subject, on entry from a zone into customs territory, to tariff classification and appraisement according to their condition and quantity at the time of such entry. For the purpose of assessing duties, however, the article shall be constructively separated into components composed, respectively, of privileged and of nonprivileged merchandise. The privileged component in each case shall be subject to the payment of only the liquidated duties certified in accordance with article 950 (*g*) (3) (a) to be applicable thereto, and the nonprivileged component shall be subject to duty in accordance with the tariff classification of the complete article as an entirety, the value of such component being determined as in the case of articles composed entirely of nonprivileged merchandise, as set forth in article 950 (*h*) (1).

(4) Except as otherwise specially provided for in this article, the tariff classification of merchandise arriving in customs territory from a zone shall be determined in accordance with the general customs laws and regulations as if the merchandise to be classified had arrived from a foreign port or place on the date of its arrival from the zone.

(*i*) *Marking.*—When brought into customs territory from a zone, every foreign article, and its immediate container, and the package in which such article is brought into customs territory shall be marked to indicate the country of origin, in accordance with the provisions of section 304, Tariff Act of 1930, and the regulations promulgated thereunder, provided, that when the individual identity of a foreign article, which itself is incapable of being marked, has been lost by reason of manipulation in a zone, the container and package shall be marked to indicate the country of origin of the components of the manipulated article. Articles may be marked in the zone without incurring the 10 per centum additional (marking) duty provided by section 304 of the tariff act.

(*j*) *Transfer of merchandise from one zone to another.*—(1) Any merchandise properly in a zone may be transferred to another zone under the procedure prescribed in chapter XVI for merchandise entered for transportation and exportation, except that the entry and manifest on customs Form 7512 shall definitely show that they cover a zone-to-zone transaction, and no export declaration will be required upon delivery of the merchandise into the zone of destination.

(2) When privileged merchandise is transferred from one zone to another, the collector of customs in whose district the first zone is located shall transmit to the collector of customs in whose district the zone of destination is located, a certificate as provided for in article 950 (*g*) (3) (a) or 950 (*g*) (4) (b), as the case may be, and the merchandise shall be subject in the zone of destination to the same conditions as to customs supervision and identification as in the first zone.

(3) Privileged merchandise which may be returned from a zone to customs territory and there released without formal entry, in accordance with article 950 (*g*) (4), may be so released for transfer to another zone, and upon arrival at the zone of destination there entered under the provisions of article 950 (*c*).



(*k*) *Disposition of abandoned merchandise.*—Merchandise which has become abandoned to the Government as provided for in article 950 (*g*) (3) shall be sold at the next regular sale in accordance with the provisions of articles 1012, 1013, 1016 to 1020, inclusive, and 1025, insofar as these may be applied. From the net proceeds of the sale of such merchandise, after the expenses of sale are paid, the duties and taxes shall be paid, and the remainder, if any, shall be delivered to the owners of the property. Should the proceeds of sale be insufficient to pay the duties and taxes, after payment of charges having priority, the balance will be collected upon the bond.

ART. 951. *Customs officers and guards.*—United States Code, title 19, section 81d:

The Secretary of the Treasury shall assign to the zone the necessary customs officers and guards to protect the revenue and to provide for the admission of foreign merchandise into customs territory. (June 18, 1934, c. 590, sec. 4, 48 Stat. 1000.)

ART. 952. *Vessels entering or leaving zone—Coastwise trade.*—(*a*) United States Code, title 19, section 81e:

Vessels entering or leaving a zone shall be subject to the operation of all the laws of the United States, except as otherwise provided in this chapter, and vessels leaving a zone and arriving in customs territory of the United States shall be subject to such regulations to protect the revenue as may be prescribed by the Secretary of the Treasury. Nothing in this chapter shall be construed in any manner so as to permit vessels under foreign flags to carry goods or merchandise shipped from one foreign trade zone to another zone or port in the protected coastwise trade of the United States. (June 18, 1934, c. 590, sec. 5, 48 Stat. 1000.)

(*b*) *Vessels entering and leaving a zone.*—All laws of the United States shall apply to vessels entering and leaving a zone, in the same manner as to vessels entering and leaving a port in customs territory. Customs laws of the United States relating to the unlading of merchandise from vessels shall not apply in the case of merchandise not subject to the provisions of articles 950 (b) (2) or 950 (c) (2) of these regulations.

(*c*) *Vessels arriving in customs territory from a zone.*—(1) A vessel arriving in customs territory from a zone shall be subject to the laws and regulations of the United States applicable to vessels in the class of trade in which such vessel is engaged.

(2) Merchandise from a zone may be transported by vessel to customs territory only in bond as provided for in chapter XVI, except that domestic merchandise exempt from duty and entry requirements in accordance with article 950 (*g*) (4) may be laden on a vessel under customs supervision, after proper identification, and may thereafter be transported to customs territory in the same manner and under the same conditions as domestic merchandise transported from one port in customs territory to another such port.

(3) Nothing in these regulations shall be construed in any manner so as to permit vessels under foreign flags to carry merchandise shipped from one zone to another zone or port in the protected coastwise trade of the United States.

ART. 953. *Application for establishment of zone—Expansion of zone.*—United States Code, title 19, section 81f:

(a) Each application shall state in detail—

(1) The location and qualifications of the area in which it is proposed to establish a zone, showing (A) the land and water or land or water area or land area alone if the application is for its establishment in or adjacent to an interior port; (B) the means of segregation from customs territory; (C) the fitness of the area for a zone; and (D) the possibilities of expansion of the zone area;

(2) The facilities and appurtenances which it is proposed to provide and the preliminary plans and estimate of the cost thereof, and the existing facilities and appurtenances which it is proposed to utilize;

(3) The time within which the applicant proposes to commence and complete the construction of the zone and facilities and appurtenances;

(4) The methods proposed to finance the undertaking;

(5) Such other information as the Board may require.

(b) The Board may upon its own initiative or upon request permit the amendment of the application. Any expansion of the area of an established zone shall be made and approved in the same manner as an original application. (June 18, 1934, c. 590, sec. 6, 48 Stat. 1000.)

ART. 954. *Granting of application.*—United States Code, title 19, section 81g:

If the Board finds that the proposed plans and location are suitable for the accomplishment of the purpose of a foreign-trade zone under this chapter, and that the facilities and appurtenances which it is proposed to provide are sufficient it shall make the grant. (June 18, 1934, c. 590, sec. 7, 48 Stat. 1000.)

ART. 955. *Rules and regulations.*—United States Code, title 19, section 81h:

The Board shall prescribe such rules and regulations not inconsistent with the provisions of this chapter, or the rules and regulations of the Secretary of the Treasury made hereunder and as may be necessary to carry out this chapter. (June 18, 1934, c. 590, section 8, 48 Stat. 1000.)

ART. 956. *Cooperation of Board with other agencies.*—United States Code, title 19, section 81i:

The Board shall cooperate with the State, subdivision, and municipality in which the zone is located in the exercise of their police, sanitary, and other powers in and in connection with the free zone. It shall also cooperate with the United States Customs Service, the Post Office Department, the Public Health Service, the Bureau of Immigration, and such other Federal agencies as have jurisdiction in ports of entry described in section 81b of this chapter. (June 18, 1934, c. 590, sec. 9, 48 Stat. 1000.)

ART. 957. *Cooperation of other agencies with Board.*—United States Code, title 19, section 81j:

For the purpose of facilitating the investigations of the Board and its work in the granting of the privilege, in the establishment, operation, and maintenance of a zone, the President may direct the executive departments and other establishments of the Government to cooperate with the Board, and for such purpose each of the several departments and establishments is authorized, upon direction of the President, to furnish to the Board such records, papers, and information in their possession as may be required by him, and temporarily to detail to the service of the Board such officers, experts, or engineers as may be necessary. (June 18, 1934, c. 590, sec. 10, 48 Stat. 1001.)

ART. 958. *Agreements as to use of property.*—United States Code, title 19, section 81k:

If the title to or right of user of any of the property to be included in a zone is in the United States, an agreement to use such property for zone purposes may be entered into between the grantee and the department or officer of the United States having control of the same, under such conditions, approved by the Board and such department or officer, as may be agreed upon. (June 18, 1934, c. 590, sec. 11, 48 Stat. 1001.)

ART. 959. *Facilities to be provided and maintained.*—United States Code, title 19, section 81l:

Each grantee shall provide and maintain in connection with the zone—

(a) Adequate slips, docks, wharves, warehouses, loading and unloading and mooring facilities where the zone is adjacent to water; or, in the case of an inland zone, adequate loading, unloading, and warehouse facility;

(b) Adequate transportation connections with the surrounding territory and with all parts of the United States, so arranged as to permit of proper guarding and inspection for the protection of the revenue;

(c) Adequate facilities for coal or other fuel and for light and power;

(d) Adequate water and sewer mains;

(e) Adequate quarters and facilities for the officers and employees of the United States, State, and municipality whose duties may require their presence within the zone;

(f) Adequate enclosures to segregate the zone from customs territory for protection of the revenue, together with suitable provisions for ingress and egress of persons, conveyances, vessels, and merchandise;

(g) Such other facilities as may be required by the Board. (June 18, 1934, c. 590, sec. 12, 48 Stat. 1001.)

ART. 960. *Permission to others to use zone.*—United States Code, title 19, section 81m:

The grantee may, with the approval of the Board, and under reasonable and uniform regulations for like conditions and circumstances to be prescribed by it, permit other persons, firms, corporations, or associations to erect such buildings and other structures within the zone as will meet their particular requirements: *Provided*, That such permission shall not constitute a vested right as against the United States, nor interfere with the regulation of the grantee or the permittee by the United States, nor interfere with or complicate the revocation of the grant by the United States: *And provided further*, That in the event of the United States or the grantee desiring to acquire the property of the permittee no good will shall be considered as accruing from the privilege granted to the zone: *And provided further*, That such

permits shall not be granted on terms that conflict with the public use of the zone as set forth in this chapter. (June 18, 1934, c. 590, sec. 13, 48 Stat. 1001.)

ART. 961. *Operation of zone as public utility—Cost of customs service.*—(*a*) United States Code, title 19, section 81n:

Each zone shall be operated as a public utility, and all rates and charges for all services or privileges within the zone shall be fair and reasonable, and the grantee shall afford to all who may apply for the use of the zone and its facilities and appurtenances uniform treatment under like conditions, subject to such treaties or commercial convention as are now in force or may hereafter be made from time to time by the United States with foreign governments, and the cost of maintaining the additional customs service required under this chapter shall be paid by the operator of the zone. (June 18, 1934, c. 590, sec. 14, 48 Stat. 1001.)

(*b*) *Reimbursement of customs expenses.*—(1) The Commissioner of Customs shall assign to each zone the necessary customs officers and guards to protect the revenue and to provide for the transfer of merchandise into customs territory.

(2) All necessary cost of merchandising the additional customs service required under the act and these regulations shall be reimbursed to the Government by the operator of the zone, payment to be made monthly to the collector of customs for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the revenue from customs."

ART. 962. *Residents—Rules as to entering and leaving—Exclusion of goods—Retail trade.*—United States Code, title 19, section 81o:

(a) No person shall be allowed to reside within the zone except Federal, State, or municipal officers or agents whose resident presence is deemed necessary by the Board.

(b) The Board shall prescribe rules and regulations regarding employees and other persons entering and leaving the zone. All rules and regulations concerning the protection of the revenue shall be approved by the Secretary of the Treasury.

(c) The Board may at any time order the exclusion from the zone of any goods or process of treatement that in its judgment is detrimental to the public interest, health, or safety.

(d) No retail trade shall be conducted within the zone except under permits issued by the grantee and approved by the Board. Such permittees shall sell no goods except such domestic or duty-paid for duty-free goods as are brought into the zone from customs territory. (June 18, 1934, c. 590, sec. 15, 48 Stat. 1002.)

ART. 963. *Accounts — Reports of grantee — Reports of Board.*—United States Code, title 19, section 81p:

(a) The form and manner of keeping the accounts of each zone shall be prescribed by the Board.

(b) Each grantee shall make to the Board annually, and at such other times as it may prescribe, reports containing a full statement of all the operations, receipts, and expenditures, and such other information as the Board may require.

(c) The Board shall make a report to Congress on the first day of each regular session, containing a summary of the operation and fiscal condition of each zone and transmit therewith copies of the annual report of each grantee. (June 18, 1934, c. 590, sec. 16, 48 Stat. 1002.)

ART. 964.—*Transfer of grant.*—United States Code, title 19, section 81q:

The grant shall not be sold, conveyed, transferred, set over, or assigned. (June 18, 1934, c. 590, sec. 17, 48 Stat. 1002.)

ART. 965. *Revocation of grant—Grounds—Proceedings—Appeal to circuit court of appeals.*—United States Code, title 19, section 81r:

(a) In the event of repeated willful violations of any of the provisions of this chapter by the grantee, the Board may revoke the grant after 4 months' notice to the grantee and affording it an opportunity to be heard. The testimony taken before the Board shall be reduced to writing and filed in the records of the Board, together with the decision reached thereon.

(b) In the conduct of any proceeding under this section for the revocation of a grant the Board may compel the attendance of witnesses and the giving of testimony and the production of documentary evidence, and for such purpose may invoke the aid of the district courts of the United States.

(c) An order under the provisions of this section revoking the grant issued by the Board shall be final and conclusive, unless within 90 days after its service the grantee appeals to the circuit court of appeals for the circuit in which the zone is located by filing with the clerk of said court a written petition praying that the order of the Board be set aside. Such order shall be stayed pending the disposition of appellate proceedings by the court. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Board, and it shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in the proceedings held before it under this section, the charges, the evidence, and the order revoking the grant. The testimony and evidence taken or submitted before the Board, duly certified and filed as a part of the record, shall be considered by the court as the evidence in the case. (June 18, 1934, c. 590, sec. 18, 48 Stat. 1002.)

ART. 966. *Penalty for violations.*—United States Code, title 19, section 81s:

In case of a violation of this chapter, or any regulation under this chapter, by the grantee, any officer, agent, or employee thereof responsible for or permitting any such violations shall be subject to a fine of not more than $1,000. Each day during which a violation continues shall constitute a separate offense. (June 18, 1934, c. 590, sec. 19, 48 Stat. 1003.)

ART. 967. *Separability of provisions.*—United States Code, title 19, section 81t:

If any provision of this chapter, or the application of such provision to certain circumstances be held invalid, the remainder of the chapter and the application of such provisions to circumstances other than those as to which it is held invalid shall not be affected thereby. (June 18, 1934, c. 590, sec. 20, 48 Stat. 1003.)

ART. 968. *Right to alter, amend, or repeal chapter.*—United States Code, title 19, section 81u:

The right to alter, amend, or repeal this chapter is hereby reserved. (June 18, 1934, c. 590, sec. 21, 48 Stat. 1003.)

MANUFACTURING WAREHOUSES

ART. 969. *Manufacturing in bond authorized.*—(*a*) Tariff Act of 1930, section 311:

All articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury Regulations as bonded warehouses, class 6: *Provided*, That the manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury: *Provided further*, That the manufacture of distilled spirits from grain, starch, molasses, or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

Whenever goods manufactured in any bonded warehouse established under the provisions of the preceding paragraph shall be exported directly therefrom or shall be duly laden for transportation and immediate exportation under the supervision of the proper officer who shall be duly designated for that purpose, such goods shall be exempt from duty and from the requirements relating to revenue stamps.

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The provisions of section 3433 of the Revised Statutes shall, so far as may be practicable, apply to any bonded manufacturing warehouse established under this act and to the merchandise conveyed therein.

(*b*) Section 404, title IV, Liquor Tax Administration Act, approved June 26, 1936, amends section 311, Tariff Act of 1930, by adding the following:

Distilled spirits and wines which are rectified in bonded manufacturing warehouses, class 6, and distilled spirits which are reduced in proof and bottled in such warehouses, shall be deemed to have been manufactured within the meaning of this section, and may be withdrawn as hereinbefore provided, and likewise for shipment in bond to Puerto Rico, subject to the provisions of this section, and under such regulations as the Secretary of the Treasury may prescribe, there to be withdrawn for consumption or be rewarehoused and subsequently withdrawn for consumption: *Provided*, That upon withdrawal in Puerto Rico for consumption, the duties imposed by the customs laws of the United States shall be collected on all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines in such warehouses: *Provided further*, That no internal-revenue tax shall be imposed on distilled spirits and wines rectified in class 6 warehouses if such distilled spirits and wines are exported or shipped in accordance with the provisions of this section * * *.

(*c*) When such spirits and wines are withdrawn for shipment to Puerto Rico, the procedure outlined in article 259 (*d*) and (*e*) shall be followed.

ART. 970. *Character of warehouse—Use.*—(*a*) Buildings or parts of buildings and other inclosures may be designated as bonded manufacturing warehouses, provided the Commissioner of Customs is satisfied that the location, construction, and arrangement thereof are such as to afford adequate protection to the revenue. Such warehouses should be used solely and exclusively for the purpose for which they are bonded.

(*b*) The general provisions pertaining to warehouses for the storage of bonded merchandise shall, so far as relevant, apply to bonded manufacturing warehouses.



ART. 971. *Establishment and control.*—Application for the establishment of such a warehouse shall be made to the collector of customs at the port where situated, setting forth the size, construction, and location of the premises, and the manufacture proposed to be carried on, and the kinds of materials intended to be stored and used therein.

ART. 972. *Bond.*—Similar proceedings shall be had as required for bonding a warehouse of class 2, except that the bond must be executed in triplicate when materials subject to internal-revenue tax are to be used, in which case one copy of the bond shall be sent to the collector of internal revenue of the district, who, after approving the same, will return it to the collection of customs, to be transmitted by him to the Commissioner of Customs for his approval. When approved, one copy will be retained in the Bureau and two sent to the collector of customs, who will deliver one to the collector of internal revenue.

ART. 973. *Formulas.*—(*a*) Tariff Act of 1930, section 311.

Before commencing business the proprietor of any manufacturing warehouse shall file with the Secretary of the Treasury [Commissioner of Customs] a list of all the articles intended to be manufactured in such warehouse, and state the formula of manufacture and the names and quantities of the ingredients to be used therein.

* * * * * * *

(*b*) Such list shall be filed in duplicate with the collector of customs, who shall transmit one copy to the Bureau, and such list shall set forth all the articles intended to be manufactured in such warehouse, giving the specific names under which the articles are to be exported and under which they will be known to the trade, and stating the names of all the ingredients entering into the manufacture of such articles, with the quantities of such ingredients or materials as may be dutiable or taxable.

(*c*) Proprietors of such warehouses are required to conform strictly to the formulas filed with the bond, and in no instance shall an article be permitted to be manufactured in or withdrawn from the warehouse which does not contain all the ingredients and in the quantities specified in the formula for the manufacture of such article, or which contains any other article than those specified in the formula.

(*d*) Manufactured articles shall be marked with the trade name of the goods, and may be marked, in addition, with the formulas and with such insignia or name as may be indicated or desired by the purchaser, provided such additional marking shall in no manner conflict with the requirements of the formula or afford opportunity to mislead purchasers.

ART. 974. *Storage of dutiable or taxable goods.*—All bonded manufacturing warehouses shall have a portion thereof separated from the remainder of the premises and secured by customs locks, to be used exclusively for the storage and keeping of all imported merchandise and of domestic spirits, or other materials subject to internal-revenue tax, transferred into such warehouse for manufacture. A like compartment will be provided, which shall be used exclusively for the storage and keeping of merchandise or articles manufactured.

ART. 975. *Access—Samples.*—The premises shall be so secured as to prevent any person from having access thereto in the absence of the storekeeper in charge, and the goods stofed therein shall be so arranged as to give all practicable convenience to such officer making the required examination or taking samples for analysis.

ART. 976. *Conveyance and transfer of materials.*—Tariff Act of 1930, section 311:

* * * * * *

Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

* * * * * *

A careful account shall be kept by the collector of all merchandise delivered by him to any bonded manufacturing warehouse, and a sworn monthly return, verified by the customs officers in charge, shall be made by the manufacturer containing a detailed statement of all imported merchandise used by him in the manufacture of exported articles.

* * * * * *

ART. 977. *Entry—Permit—Bond.*—(*a*) Imported merchandise to be used in a bonded manufacturing warehouse must be entered at the port at which such warehouse is located, on customs Form 7521. If the merchandise is not to be taken immediately to the manufacturing warehouse, a warehouse or rewarehouse entry, as the case may be, shall be made, and customs Form 7521 used as a combined withdrawal and entry for manufacturing warehouse. If it has been imported or entered for warehouse at another port, it may be forwarded to the port at which the manufacturing warehouse is located under an immediate transportation without appraisement entry, or warehouse withdrawal for transportation, whichever is applicable.

(*b*) Customs Form 7521 shall be prepared in quintuple and disposed of as follows:

One copy shall be used as an entry or combined withdrawal and entry;

One copy shall be sent to the Comptroller;

One copy shall be used as a permit;

One copy shall be used as a transfer order and sent to the storekeeper as a permit to receive; and

One copy shall be used for statistical purposes.

(*c*) Before the transfer of the merchandise to the manufacturing warehouse is permitted, a bond on customs Form 7571, in an amount equal to double the estimated duties, shall be required unless a general bond on customs Form 3583 has been given.

ART. 978. *Free materials—Application to receive.*—When the proprietor of any bonded manufacturing warehouse desires to receive therein any domestic merchandise, except that subject to internal-revenue tax, to be used in the manufacture of articles permitted to be manufactured in such warehouse, including packages, coverings, vessels, brands, and labels used in putting up such articles, an application shall be executed in the following form, one copy to be filed with the collector and the other with the storekeeper in charge of the warehouse:

*Application to Receive Free Materials*

PORT OF ------, ------, ------.

*To the Collector of Customs:*

Application is hereby made to receive into the bonded manufacturing warehouse known as ------, situated at ------, the following-described articles and materials, viz:

| Marks | Nos. | Description | Quantity | Value |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

CUSTOMHOUSE,

PORT OF ------, ------.

*To the storekeeper in charge of bonded manufacturing warehouse known as ------, situated at ------:*

The above-described articles and materials are hereby permitted to be received into the warehouse in your charge, to be used therein for the preparation and putting up and export of manufactured articles as provided by law.

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*Collector*

ART. 979. *Transfer of domestic spirits and wines.*—For the transfer of domestic spirits from an internal-revenue bonded warehouse to a bonded manufacturing warehouse, see Internal Revenue Regulation 29, revised August 18, 1914, and paragraph 92 of Bureau of Industrial Alcohol Gauging Manual. For the transfer of domestic wines from internal-revenue bonded winery or bonded wine storeroom to a bonded manufacturing warehouse, see Treasury Decision, Bureau of Internal Revenue Number 4713. When such transfers are made, a bond on customs Form 7571 will be required unless the warehouse is covered by a bond on customs Form 3583.

ART. 980. *Withdrawal for exportation of articles manufactured in bond.*—(*a*) Tariff Act of 1930, section 311:

* * * * * *

Articles or materials received into such bonded manufacturing warehouse or articles manufactured therefrom may be withdrawn or removed therefrom for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries or to the Philippine Islands under the supervision of the officer duly designated therefor by the collector of the port, who shall certify to such shipment and exportation, or ladening for transportation, as the case may be, describing the articles by their mark or otherwise, the quantity, the date of exportation, and the name of the vessel: *Provided*, That the byproducts incident to the processes of manufacture, including waste derived from cleaning rice in bonded warehouses under the act of March 24, 1874, in said bonded warehouses may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected by law if such waste or byproducts were imported from a foreign country: *Provided*, That all waste material may be destroyed under Government supervision. All labor performed and services rendered under these provisions shall be under the supervision of a duly designated officer of the customs and at the expense of the manufacturer. * * *

No flour, manufactured in a bonded manufacturing warehouse from wheat imported after ninety days after the date of the enactment of this act, shall be withdrawn from such warehouse for exportation without payment of a duty on such imported wheat equal to any reduction in duty which by treaty will apply in respect of such flour in the country to which it is to be exported. * * *

(*b*) Except cigars manufactured in bond, and supplies for vessels, no articles or materials received into a bonded manufacturing warehouse or articles manufactured therefrom, shall be withdrawn or removed therefrom, except for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries, or to the Philippine Islands, under the supervision of a customs officer.

(*c*) The coverings of imported articles or materials, if not subject to duty or internal-revenue tax apart from the articles or materials which they contain, are not "articles or materials" within the meaning of section 311, and need not be exported, but may be removed from the warehouse under customs supervision.

(*d*) Coverings, packages, and vessels imported empty to be used in putting up the manufactured articles and brands and labels imported for that purpose, if subject to duty or internal-revenue tax, constitute "articles or materials" within the meaning of section 311 and, unless duty paid or tax paid, as the case may be, at the time of entry, must be exported.

ART. 981. *Withdrawal of waste or byproducts for consumption.*—When waste or byproducts are withdrawn for consumption, customs Form 7505 shall be used, modified as necessary, and describing in detail the byproduct and the imported material from which produced. Such waste or byproduct shall be appraised at its wholesale value at the time of withdrawal in the principal markets of the country from which the material was imported, determined in accordance with the provisions of section 402 of the Tariff Act of 1930. Upon payment of the duty the withdrawal permit will be issued for delivery and a proper credit given upon the manufacturer's bond.

ART. 982. *Export procedure.*—(*a*) The general procedure covering warehouse withdrawals for exportation shall be followed in the case of articles withdrawn for exportation from a bonded manufacturing warehouse, except that in the case of flour each copy of customs Form 7512 shall bear the following legend:

"Produced from wheat imported after September 15, 1930, without payment of duty thereon. Must not be exported to Cuba without permission from the collector at the port of withdrawal."

(*b*) Tariff Act of 1930, section 311:

* * * * * *

Articles manufactured under these provisions may be withdrawn under such regulations as the Secretary of the Treasury may prescribe for transportation and delivery into any bonded warehouse at an exterior port for the sole purpose of immediate export therefrom:

* * * * * *

(*c*) In such cases an extra copy of customs Form 7512 shall be prepared for the use of the storekeeper at the bonded warehouse at which the merchandise is to be stored awaiting exportation, and all copies of the form used shall have written or stamped across the face thereof the words "for immediate export only."

(*d*) When the merchandise is withdrawn by a party other than the manufacturer, either at the manufacturing warehouse or at an exterior port where the same is stored awaiting exportation, the authority of the manufacturer must be indorsed on the face of the withdrawal, together with the consent of the surety on the bond.

ART. 983. *Shortages.*—Shortage, irregular delivery, and nondelivery while under transportation in bond of merchandise withdrawn from bonded manufacturing warehouse will be a charge against the bonded carrier.

ART. 984. *Proofs of manufacture and exportation.*—(*a*) The manufacturer shall file in the case of each transaction or period of manufacture a statement under oath, verified by the storekeeper in charge of the warehouse, showing the date and number of the bond, the quantity and identity of the dutiable merchandise, or merchandise subject to internal-revenue tax, used, and the quantity and description of the articles into which manufactured, together with the quantities of byproducts and waste incurred, if any. In the case of articles manufactured with the use of distilled spirits, the statement shall also be verified by the foreman or chemist of the factory and shall show the number of packages of spirits used, the marks and numbers, the number of wine, proof, and taxable gallons, and the degree of proof thereof.

(*b*) The same proofs of exportation shall be required as in the case of other warehouse withdrawals for exportation.

(*c*) Upon the filing of such proofs, the bond given by the manufacturer, or the charges against his general bond, may be canceled.

CIGAR-MANUFACTURING WAREHOUSES

ART. 985. *Manufacture and withdrawal.*—(*a*) Tariff Act of 1930, section 311:

* * * Cigars manufactured in whole of tobacco imported from any one country, made and manufactured in such bonded manufacturing warehouses, may be withdrawn for home consumption upon the payment of the duties on such tobacco in its condition as imported under such regulations as the Secretary of the Treasury may prescribe, and the payment of the internal-revenue tax accruing on such cigars in their condition as withdrawn, and the boxes or packages containing such cigars shall be stamped to indicate their character, origin of tobacco from which made, and place of manufacture. * * *

(*b*) Tobacco to be so used must be entered for warehouse, but may be transferred direct from the importing vessel or from bonded warehouse of class 2 or 3 into bonded manufacturing warehouses of class 6 and stored in separate compartments therein under customs locks pending its withdrawal for use in the manufacture of cigars. Before any such tobacco may be transferred to the manufacturing department on such premises for use in the manufacture of cigars it must be withdrawn in original packages and duty paid thereon in the same manner and under the same regulations as govern withdrawal of merchandise for consumption from warehouses of class 3.

(*c*) Cigars so manufactured for home consumption may be removed therefrom only after internal-revenue stamps and the caution notice and customs stamps shall have been affixed to each box containing such cigars.

(*d*) A record of all tobacco received in bonded manufacturing warehouses and delivered from compartments to the manufacturing department will be kept on customs Form 3595.

(*e*) Cigars may also be exported from bonded manufacturing warehouses without payment of duty or internal-revenue tax under the laws and regulations governing the withdrawal of merchandise from warehouses of class 6.



ART. 986. *Customs cigar stamps.*—(*a*) Before removal of the cigars from the bonded premises there must be affixed to each box thereof the stamp provided by the Government indicating their character according to the method of manufacture, origin of tobacco, place of manufacture, and that they were manufactured in bond. These stamps will be sold to manufacturers by collectors of customs at the rate of $1 per thousand, and the proceeds deposited to the credit of the Treasurer of the United States and accounted for as miscellaneous receipts on account of "Sale of cigar stamps."

(*b*) A record of stamps and shipments will be kept on customs Form 3593.

ART. 987. *Cancellation of customs and internal-revenue stamps.*—Before removal of the cigars from the bonded premises both the customs and internal-revenue stamps must be canceled in a legible manner by means of a rubber stamp or by perforation, showing the name of the manufacturer, the place where the factory is located, and the date of cancellation.

ART. 988. *Caution notice.*—Each box of such cigars before removal must have affixed thereto, either by branding or by use of a paper label, a caution notice in the following form:

Made in No. ———, customs bonded manufacturing warehouse, class 6.

NOTICE.—The manufacturer of the cigars herein contained has complied with all the requirements of law. Every person is cautioned not to use either this box for cigars again or the stamp thereon again, nor to remove the contents of this box without destroying said stamp, under the penalties provided by law in such cases.

ART. 989. *Transfer of scraps, cuttings, and clippings of tobacco.*—(*a*) Proprietors of premises bonded for the manufacture of cigars may remove therefrom scraps, cuttings, and clippings of tobacco produced in the premises for transfer to cigar or tobacco manufacturers operating under the internal-revenue laws. Such proprietors will be required to keep a record of each transfer of scraps, cuttings, and clippings, and application for permission for such transfer shall be in the following form:

*Application and Permit for Transfer of Scraps, Cuttings, and Clippings*

PORT OF ——,
——, 19—.

THE COLLECTOR OF CUSTOMS,

——— ———.

SIR: Application is hereby made to transfer ——— pounds of scraps, cuttings, and clippings of tobacco upon which duty has been paid from our bonded manufacturing warehouse, class 6, to ———, factory No. ——, district ———, State of ———.

——— ———,
*Proprietor of Bonded Manufacturing Warehouse, Class 6*

PORT OF ——,
——, 19—.

The above application is hereby granted. The storekeeper will deliver material stated and make his return below.

——— ———,
*Collector.*

(*b*) The application having been approved, the United States storekeeper located at the bonded cigar manufacturing warehouse will certify to the quantity of such scraps, cuttings, or clippings of tobacco delivered by him for transfer to the factory designated in the application on the following form:

PORT OF ——,
——, 19—.

I hereby certify that ——— pounds of scraps, cuttings, and clippings of tobacco, upon which duty has been paid, have been delivered by me from the bonded manufacturing warehouse, class 6, of ———, for transfer to ———.

——— ———,
*United States Storekeeper.*

(*c*) The collector of customs will thereupon notify the collector of internal revenue of the district in which the factory is located on the following form that permission for such transfer has been granted:

DISTRICT OF ———,
PORT OF ———,
——, 19—.

*To the Collector of Internal Revenue.*

SIR: Permission has been granted the ——— ———, bonded manufacturing warehouse of class 6, located at ——— to transfer ——— pounds of scraps, cuttings, and clippings of tobacco to factory No. ———, district of ———, owned by ——— ———.

——— ———,
*Collector of Customs.*

SMELTING AND REFINING WAREHOUSES

ART. 990. *Smelting and refining in bond authorized.*—Tariff Act of 1930, section 312:

* * * Ores or crude metals may be removed from the vessel or other vehicle in which imported, or from a bonded warehouse, into a bonded smelting warehouse without the payment of duties thereon, and there smelted or refined, or both together with ores or crude metals of home or foreign production: *Provided*, That the bonds shall be charged with a sum equal in amount to the regular duties which would have been payable on such ores and crude metals if entered for consumption at the time of their importation, and the several charges against such bonds shall be canceled upon the exportation or delivery to a bonded manufacturing warehouse established under the preceding section of this title of a quantity of the same kind of metal equal to the quantity of metal producible from the smelting or refining, or both, of the dutiable metal contained in such ores or crude metals, due allowance being made of the smelter wastage as ascertained from time to time by the Secretary of the Treasury: *Provided further*, That the said metal so producible, or any portion thereof, may be withdrawn for domestic consumption or transferred to a bonded customs warehouse and withdrawn therefrom and the several charges against the bonds canceled upon the payment of the duties chargeable against an equivalent amount of ores or crude metals from which said metal would be producible in their condition as imported: *Provided further*, That on the arrival of the ores and crude metals at such establishments they shall be sampled and assayed according to commercial methods under the supervision of Government officers: *Provided further*, That all labor performed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury and at the expense of the manufacturer: *Provided further*, That all regulations for the carrying out of this section shall be prescribed by the Secretary of the Treasury: * * *

ART. 991. *Application to establish smelting or refining warehouse—Bond.*—(*a*) Application for the establishment of works of manufacturers engaged in the smelting or refining, or both, of ores and crude metals in bond to be known as a warehouse of class 7, must be made by the manufacturer, through the collector of the district in which such works are situated, giving the location of the premises and setting forth the work proposed to be carried on therein.

(*b*) The same procedure will be followed as that required for bonding a warehouse of class 2 and the bond will be on customs Form 3583.

(*c*) Manufacturers may give a general bond covering such of their plants as are designated bonded smelting or bonded smelting and refining warehouses, which bond shall also be conditioned for the performance of all the requirements of law or regulations governing such smelting or refining in bond except that for the production of bills of lading, and shall be in lieu of a separate bond for each plant. Said bond shall remain on file in the Bureau and a copy thereof shall be forwarded to the collector of customs of each district in which the manufacturer seeks to conduct business. The penalty of all such bonds will be fixed by the Commissioner of Customs.

ART. 992. *Renewal of bond.*—The manufacturer shall on 10 days' notice from the collector be required to renew his bond, and if he fails to do so no further permits shall be granted for removal from or transfer to such warehouse of ores or crude metals. At the request of the proprietor the warehouse may be discontinued at any time in the discretion of the Commissioner of Customs.

ART. 993. *Discontinuance.*—The manufacturer may relinquish the business at any time on application to the collector and approval by the Commissioner of Customs on compliance with directions of the collector in respect to such articles and merchandise as may be found remaining in the warehouse.

ART. 994. *Additions to or deductions from bonded premises.*—The manufacturer may also upon application to the Commissioner of Customs through the collector of the district in which the plant is located, be permitted to add to or take from the list of bonded premises covered by the general bond.

ART. 995. *Entry procedure.*—(*a*) Upon the importation of ores or crude metals in any form at any seaboard or frontier port of the United States intended for a bonded smelting or refining warehouse situated at some other port of entry, they may be forwarded under an immediate transportation without appraisement entry.

(*b*) Upon the arrival of imported ores or crude metals in any form for the purpose of being smelted or refined, or both, at a port where a bonded smelting or refining warehouse is established, they shall be entered for warehouse. The entry having been executed and the bond on customs Form 7555 or copy of the general bond filed, the collector will issue a permit to the inspector to send such ores or metals from the importing vessel or vehicle by designated bonded vessels or vehicles to the smelting and refining warehouse named in the entry. If the ores or metals are transported by conveyance not owned or controlled by the manufacturer, any loss therefrom will be chargeable against the carrier's bond. If these vessels or vehicles are owned by the manufacturer, any loss therefrom will be chargeable against his general bond, provided the warehouse is operating under such a bond.

(*c*) As all of the essential conditions of the warehouse-entry bond, customs Form 7555, so far as they relate to the smelting and refining of ores, appear in the proprietor's manufacturing-warehouse bond, customs Form 3583, if ore is imported and warehoused by the proprietor of the smelting and refining warehouse, the importation can be charged against the warehouse bond without taking a separate warehouse-entry bond for each importation. However, if ore is warehoused in a bonded smelting or refining warehouse not owned or controlled by the importer of the ore, each importation entered for warehouse must be supported by a separate warehouse-entry bond on customs Form 7555, unless the importer has filed a general bond as authorized in T. D. 40651.

(*d*) A statistical copy of the entry should be forwarded to the Section of Customs Statistics, New York, N. Y., as provided in T. D. 39828.

ART. 996. *Bonded ores or metals to be kept separate from nonbonded—Sampling and assaying of ores.*—(*a*) Bonded ores or metals shall, until after they have been sampled and weighed, be kept separate and distinct from nonbonded material.

(*b*) Upon receipt of ores or similar merchandise in the bonded warehouse the storekeeper or officer assigned to that duty shall immediately, after weighing, obtain proper and adequate samples from those taken for commercial purposes, and in accordance with the commercial method of the plant. The samples so obtained shall be forwarded to the Government chemist for commercial assay which shall be the wet assay with a deduction of 1½ units for lead only. This deduction of 1½ units should appear on the Government assay certificate.

ART. 997. *Allowance for moisture.*—Allowance shall be made for moisture in the imported ores or crude metals in any form and such allowance shall be determined by the storekeeper or Government chemist when present at the plant. The moisture sample of the ore, which should be representative, that is, taken from different parts of an importation, shall be weighed in the condition as imported immediately after the importation itself has been weighed. The sample shall then be thoroughly dried out by heat in accordance with the commercial method at the plant and reweighed. The difference between the two weights shall be the percentage of moisture allowed on importation.

ART. 998. *Sampling and assaying of crude metals.*—(*a*) In the case of crude metals in any form, the sampling and assaying shall be done under Government supervision and in accordance with the commercial practice in effect at the plant.

(*b*) If the importations at any smelting or refining warehouse are sufficient to justify it, and the manufacturers make application therefor, a Government chemist will be stationed at such warehouse at the expense of the manufacturer.

SMELTING AND REFINING

ART. 999. *Allowance for wastage—Withdrawal for consumption.*—(*a*) The allowance to be made for wastage in smelting and refining, or both, of imported ores and crude metals in any form will be ascertained and fixed by the Commissioner of Customs for each smelting warehouse, and for each refining warehouse, and for each combined smelting and refining warehouse. The full dutiable contents of such ores or crude metals, as ascertained by commercial assay made by the Government chemist, less the wastage allowance (including dutiable metals entirely lost in smelting or refining, or both), shall constitute the quantity of metal producible from such ores or crude metals, and the quantity which must be either exported, transferred to a bonded manufacturing warehouse or to a bonded customs warehouse, in order to secure the cancellation of the charge made against the bond, as shown by the warehouse or rewarehouse ledger entry. Upon the withdrawal for consumption of metal so smelted or refined, or both, duty shall be collected thereon without the allowance for wastage, except that provided for lead in cooper, gold, or silver ores and copper mattes, and for zinc in lead and copper ores, entirely lost in smelting or refining, or both.

(*b*) From time to time, at the direction of the chief officer of customs, a proper assay shall be made of the metal producible from the imported ores or crude metals, from a sample taken under Government supervision in accordance with the commercial practice in effect at the plant.

ART. 1000. *Manufacturers' statements.*—(*a*) Manufacturers engaged in smelting or refining, or both, shall immediately notify the collector of the district in which located of any material change in the character of the ores or crude metals, smelted or refined, or both, and of any change in the methods of smelting or refining, or both; and shall file with the collector an annual statement, in duplicate, not later than 60 days after the termination of the manufacturers' fiscal year. Such annual statement shall show, among other things, the quantities of ore and crude metal on hand at the beginning of the period covered by the statement, and the dutiable contents thereof; quantities of ore and crude metal received during that period, and the dutiable contents thereof; total ore and crude metal to be accounted for, and the dutiable contents thereof; quantities of ore and crude metal on hand at the end of the period, and the dutiable contents thereof; quantities of ore and crude metal worked during the period, and the dutiable contents thereof; intermediary products on hand at the beginning and end of the period, and the dutiable contents thereof; net gain or loss in intermediatry products as a result at the end of the period, and the dutiable contents thereof; net quantities of ore and crude metal worked during the period, and the dutiable contents thereof to be accounted for in metals or wastage; quantities and kinds of metal produced in the plant on hand at the end of the period, and the dutiable contents thereof; total quantities of metal produced during the period, the dutiable contents thereof, and the wastage. By "dutiable contents" is meant the quantity of each kind of metal contained in the material. If there is a gain in the intermediary products, the amount should be subtracted from the total ore and crude metal. If there is a loss, the amount should be added to the total ore and crude metal.

(*b*) The original copy of the annual statement should be forwarded promptly to the Commissioner of Customs, for the establishment of the wastage allowance.

(*c*) Complete smelting and refining records shall be kept from which said annual statement shall be prepared.

ART. 1001. *Withdrawal for exportation.*—The general procedure governing warehouse withdrawals for exportation shall



be followed in the case of the withdrawal for exportation of metal from a bonded smelting or refining warehouse. The collector shall credit the warehouse ledger account with the quantity of metal to be exported, plus the wastage established for the particular plant from which withdrawal is made, together with other dutiable metal entirely lost in smelting or refining, or both.

ART. 1002. *Withdrawal for transfer to bonded customs warehouse or bonded manufacturing warehouse.*—(*a*) Such transfers shall be at the risk and expense of the applicant, and the general regulations governing the transfer of bonded merchandise from one warehouse to another, or the transfer of imported materials from a bonded customs warehouse to a bonded manufacturing warehouse shall be followed so far as applicable.

(*b*) On the transfer of the metal to a bonded customs warehouse the duties shall be carried forward at the full amount charged on the imported ores or crude metals; that is, on a quantity of metal of the same kind as imported, equal to the quantity of metal transferred, plus the wastage, together with any other dutiable metal charged on entry, but on the transfer of the metal to a bonded manufacturing warehouse, the duties shall be carried forward in the bonded manufacturing warehouse account computed only on a quantity of metal of the same kind as imported, equal to the quantity of metal transferred.

(*c*) In the case of transportation to another port, the transportation entry shall show the quantity of metal withdrawn, the wastage applicable thereto, the like dutiable contents of the imported material from which such metal was produced together with any dutiable metal charged on entry, and the credit on the warehouse ledger shall be made accordingly.

ART. 1003. *Smelting and refining in separate establishments.*—(*a*) In case the operation of smelting and refining is not carried on in the same establishment, the smelted and unrefined products obtained from the smelting of imported materials in a bonded smelting warehouse may be removed therefrom for shipment to a bonded refining warehouse located either at the same or at another port under the general procedure for transfer from one bonded warehouse to another.

(*b*) Where the transfer is to a bonded refining warehouse located at another port, the smelted and unrefined products or bullion obtained from the smelting of the imported material shall, before withdrawal, be weighed, sampled, and assayed, the sampling to be performed under Government supervision in accordance with the commercial practice in effect at the plant.

(*c*) The withdrawal entry for transportation shall show the gross weight of the smelted and unrefined products withdrawn, and the dutiable metal contained therein, plus the wastage, that is, the weight of the dutiable metal contained in the smelted and unrefined products, plus the wastage applicable thereto, including the duties properly chargeable thereon as shown by the import entry, except those for which credit has been given on the warehouse ledger account for zinc contained in lead or copper ores and lead contained in copper, gold, or silver ores or copper mattes lost in smelting.

(*d*) The rewarehouse entry covering the smelted and unrefined products at the bonded refining warehouse to which the same is transferred shall be made out in accordance with the withdrawal entry for transportation, both as to the respective weights and duty.

(*e*) Upon withdrawal for export of the metal from the bonded refining warehouse, the warehouse account of said refining warehouse shall be credited with the amount of metal so withdrawn, plus the refining wastage prescribed for said refining warehouse, plus the smelting wastage prescribed for the bonded smelting warehouse in which the smelted and unrefined products were produced, together with any dutiable metals entirely lost in the smelting or refining, or both. However, when the metal is withdrawn for consumption duty shall be collected on an equivalent amount of ores or crude metals from which said metal would be producible, in their condition as imported, no allowance for either smelting or refining wastage being permitted, except that for zinc in lead or copper ores, and lead in copper, gold, or silver ores or copper mattes lost in smelting or refining, or both.

ART. 1004. *Withdrawal of metal refined in part from imported crude metal and crude metal produced from imported materials.*—Upon withdrawal for exportation of metal from a bonded warehouse engaged in refining, or both smelting and refining, part of which metal is obtained from imported crude metal, and part from crude metal produced from smelting imported materials, the warehouse account will be credited with the quantity of metal so withdrawn, plus (1) the wastage allowance for refining prescribed for that establishment, and (2) the wastage allowance prescribed for smelting for the establishment in which the imported materials were smelted, including any dutiable metals shown on the warehouse entry or the rewarehouse entry made at the bonded refining warehouse, but upon withdrawal of the metal for consumption no allowance shall be made for wastage, including dutiable metals entirely lost in smelting or refining, or both, except for zinc contained in lead or copper ores, and lead contained in copper, gold or silver ores, or copper mattes, lost in smelting or refining, or both.

ART. 1005. *Affidavits of manufacturers as to dutiable metals entirely lost.*—In the foregoing regulations where reference is made to dutiable metals entirely lost in smelting or refining, or both, such allowance shall be made only upon affidavit of the manufacturer furnished with his annual statement, that no such dutiable metals were recovered. The annual wastage allowance as established by the Commissioner of Customs shall be accepted as showing the recoverable lead in copper mattes, copper, gold and silver ores, and the blanket affidavit of wastage shall be accepted for dutiable purposes as showing the total destruction of zinc in copper and lead ores.

ART. 1006. *Withdrawal for exportation from one port to be credited on warehouse ledger account at another port.*—(*a*) Tariff Act of 1930, section 312:

> • • • The several charges against the bonds of any smelting warehouse established under the provisions of this section may be canceled upon the exportation or transfer to a bonded manufacturing warehouse from any other bonded smelting warehouse established under this section of a quantity of the same kind of metal, in excess of that covered by open bonds, equal to the amount of metal producible from the smelting or refining, or both, of the dutiable metal contained in the imported ores and crude metals, due allowance being made of the smelter wastage as ascertained from time to time by the Secretary of the Treasury.

(*b*) On exportation of such metal the procedure outlined in article 1001 shall be followed. A certified copy of the export entry will be forwarded in all cases to the collector at the port where credit is to be applied, and an assay of the metal shall accompany such withdrawal.

(*c*) Transfer may be made from one port of entry to another by transportation and rewarehouse entry executed in regular form without physical shipment of the metal. The proper credit and charge at various ports of entry thus being established, care should be exercised to see that enough like metal is on hand to satisfy the new bond obligations.

(*d*) The wastages allowed under paragraphs (*a*) and (*c*) shall be those established for the plant or plants at which the imported metals were actually treated.

CHAPTER XVIII

DISPOSITION OF MERCHANDISE UNCLAIMED OR IN WAREHOUSE BEYOND THE TIME FIXED BY LAW

Art.
1007. Storage of unclaimed merchandise.
1008. Unclaimed merchandise abandoned.
1009. Withdrawal from general order for entry.
1010. Merchandise in warehouse beyond the time fixed by law.
1011. Duty-paid merchandise remaining in public stores or bonded warehouse.
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1015. Withdrawal of merchandise from sale.
1016. Notice of sale—Catalogues.

1017. Record of sale.
1018. Comptroller's record.
1019. Auctioneer—Expenses of sale.
1020. Bills of sale.
1021. Payment of charges—Warehouse merchandise.
1022. Payment of charges—Unclaimed merchandise.
1023. Surplus.
1024. Deficit.
1025. Merchandise remaining unsold—Of no commercial value.

ART. 1007. *Storage of unclaimed merchandise.*—(*a*) Unclaimed merchandise of which the collector has taken possession shall be sent under a permit (customs Form 3193) to a warehouse of class 3, 4, or 5 specially designated for the purpose by the collector, according to the character of the merchandise, or to a public store. The general order number shall be placed on all packages of such merchandise.

(*b*) Whenever the collector shall take possession of a cargo which is unclaimed and not unladen, he shall require as a condition for granting a permit to discharge that the vessel be removed at the expense of the owner to the place, wharf, or pier, most convenient to the general order stores.

(*c*) Storage at the ordinary rates, and all expenses, must be paid by the owner or consignee of the merchandise upon due entry thereof, but if the goods are sold they shall be paid from the proceeds of sale.

(*d*) Storekeepers at warehouses used for storing unclaimed goods will be required to keep the same records and make the same return of receipts and deliveries as required by the regulations governing storekeepers of private bonded warehouses.

ART. 1008. *Unclaimed merchandise abandoned.*—(*a*) Tariff Act of 1930, section 491:

Any merchandise of which possession has been taken by the collector which shall remain in bonded warehouse or public store for one year from the date of importation without entry thereof having been made and the duties and charges thereon paid, and any merchandise, destined to a foreign country, entered for transportation in bond through the United States, which shall remain in the United States during a period of one year from the date of its arrival at the port of exit (but in no case less than 1 year after the effective date of this act) without having been entered for consumption or warehouse, shall be considered unclaimed and abandoned to the Government and shall be appraised by the appraiser of merchandise and sold by the collector at public auction under such regulations as the Secretary of the Treasury shall prescribe. • • •

(*b*) All unclaimed merchandise remaining in warehouse at the expiration of the time specified in section 491 should be sold at the next regular sale.

ART. 1009. *Withdrawal from general order for entry.*—Merchandise in general order less than one year may be exported without examination and appraisement, or may be entered for transportation without appraisement to any other port of entry designated by the consignee; but at the expiration of 1 year from the date of original arrival, it must be treated as abandoned, unless entered for consumption or warehouse within that time.

ART. 1010. *Merchandise in warehouse beyond the time fixed by law.*—(*a*) Tariff Act of 1930, section 559:

Merchandise upon which any duties or charges are unpaid, remaining in bonded warehouse beyond 3 years (or 10 months in the case of grain) from the date of importation, shall be regarded as abandoned to the Government and shall be sold under such regulations as the Secretary of the Treasury shall prescribe, and the proceeds of sale paid into the Treasury, as in the case of unclaimed merchandise covered by section 493 of this act, subject to the payment to the owner or consignee of such amount, if any, as shall remain after deduction of duties, charges, and expenses. • • •

(*b*) Such merchandise shall be sold at the next regular sale after the time within which the merchandise may remain in warehouse has expired. The proceeds of sale shall be disposed of as provided in article 1021.

(*c*) No application for remission or refund of duty on account of casualty occurring after the expiration of three years from date of importation will be entertained.

ART. 1011. *Duty-paid merchandise remaining in public stores or bonded warehouse.*—(*a*) Merchandise entered for warehouse and duty-paid, remaining in public store after the expiration of the bonded period, and other duty-paid or free merchandise for which permits to release have been issued remaining in such store at the expiration of 1 year from the date of importation will be treated as abandoned to the Government and sold at the next regular sale for the Government's charges. This will not affect the immediate sale of perishable merchandise as provided by law.

(*b*) Tariff Act of 1930, section 559:

• • • Merchandise upon which all duties and charges have been paid, remaining in bonded warehouse beyond 3 years (or 10 months in the case of grain) from the date of importation, shall be held to be no longer in the custody or control of the officers of the customs.

Such merchandise for which permits to release have been issued will be released to the warehouseman. Other duty-paid and free merchandise for which permits to release have been issued remaining in bonded warehouse at the expiration of 1 year from the date of importation will likewise be released to the warehouseman.

ART. 1012. *Articles subject to internal-revenue tax.*—(*a*) Tariff Act of 1930, section 492:

Except as provided in section 3369 of the Revised Statutes, as amended (relating to tobacco and snuff), and in section 901 of the revenue act of 1926 (relating to distilled spirits), any merchandise abandoned or forfeited to the Government under the preceding or any other provision of the customs laws, which is subject to internal-revenue tax and which the collector shall be satisfied will not sell for a sufficient amount to pay such taxes, shall be forthwith destroyed under regulations to be prescribed by the Secretary of the Treasury, instead of being sold at auction.

(*b*) United States Code, title 26, section 890:

• • • In case it shall appear that any abandoned, condemned, or forfeited tobacco, snuff, cigars, or cigarettes, when offered for sale, will not bring a price equal to the tax due and payable thereon, such goods shall not be sold for consumption in the United States; and upon application made to the Commissioner, he is authorized to order the destruction of such tobacco, snuff, cigars, or cigarettes, by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations as the Commissioner may prescribe, or he may, under such regulations, order delivery of such tobacco, snuff, cigars, or cigarettes, without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States. (R. S. sec. 3369; Oct. 14, 1921, c. 107, 42 Stat. 205).

(U. S. Code, title 26, sections 836 (R. S. sec. 3369; Oct. 14, 1921, c. 107, 42 Stat. 205), contains an exactly similar provision with respect to cigars and cigarettes.)

(*c*) United States Code, title 26, section 1324:

Notwithstanding the provisions of section 1154 of this chapter, or section 1492 of Title 19, any distilled spirits forfeited or abandoned to the United States may be sold, in such cases as the Commissioner may by regulation provide, to the proprietor of any industrial alcohol plant for denaturation, or redistillation and denaturation, without the payment of the internal-revenue tax thereon. (Feb. 26, 1926, c. 27, sec. 901, 44 Stat. 105.)

(*d*) Articles subject to internal-revenue tax (except forfeited distilled spirits and except voluntarily abandoned merchandise not cleared by the Division of Procurement (see art. 1235)) may be sold if the collector is of the opinion that they will bring an amount sufficient to pay the internal-revenue tax, even though such amount is not sufficient to pay the customs duty.

(NOTE.—The authority in paragraphs (a) and (c) of this article concerning sale of forfeited distilled spirits has been superseded by the provisions of United States Code, title 27, section 209.)

(*e*) When the collector is of the opinion that any abandoned, condemned, or forfeited tobacco, snuff, cigars, or cigarettes will not, on the sale thereof, bring an amount sufficient to pay the internal-revenue tax, he should make a report thereof to the Commissioner of Internal Revenue and request instructions as to the disposition of the articles. To avoid delay, the collector may, before reporting such articles to the Commissioner, obtain from the nearest official of the United States Public Health Service a certificate as to whether or not the articles are suitable for use in Government hospitals for ex-service men, and forward it to the Commissioner with the report. If the certificate from the United States Public Health Service shows that the articles are suitable for use in the above-mentioned hospitals, the collector should also obtain and forward with his report a statement from the nearest branch of the Veterans' Bureau as to the hospital to which the articles may be delivered.

(*f*) All other articles subject to internal-revenue tax which, in the opinion of the collector, are of insufficient value to justify their sale should be forthwith destroyed.

ART. 1013. *Sale.*—(*a*) Regular sales of unclaimed and abandoned merchandise will be made once in every year, or oftener, at the discretion of the collector. Such sales may be conducted by the collector or any employee designated by him, or by a public auctioneer.

(*b*) Before unclaimed merchandise shall be sold it must be appraised at its foreign market value as defined in section 402 (c) of the Tariff Act of 1930. Such merchandise shall also be appraised at its actual domestic value at the time and place of examination, whether or not it has depreciated or appreciated in value since the date of exportation. The quantity of merchandise in each lot appraised shall also be reported.

(*c*) Before drugs, insecticides, seeds, plants, nursery stock, and other articles required to be inspected by the Department of Agriculture are advertised they shall be inspected by a representative of the Department of Agriculture to ascertain whether or not they comply with the requirements of the law and the regulations of that Department, and if found not to comply with such requirements, should be forthwith destroyed.

(*d*) All merchandise at ports of entry subject to sale, including explosives, perishable articles, and articles liable to depreciation as specified in the following article, shall be promptly reported to the headquarters port for disposition. The collector may, in his discretion, sell such merchandise at the headquarters port or at some other port within the district.

ART. 1014. *Special sale—Explosives—Perishable merchandise.*—(*a*) Tariff Act of 1930, section 491:

• • • All gunpowder and other explosive substances and merchandise liable to depreciation in value by damage, leakage, or other cause to such extent that the proceeds of sale thereof may be insufficient to pay the duties, storage, and other charges, if permitted to remain in public store or bonded warehouse for a period of 1 year, may be sold forthwith, under such regulations as the Secretary of the Treasury may prescribe.

(*b*) Unclaimed explosives, dangerous articles, fruit, and perishable articles will be sold on 3 days' public notice, and the proceeds disposed of and accounted for as in case of other unclaimed merchandise.

(*c*) Unclaimed merchandise in warehouse which, in the opinion of the collector, may, from depreciation in value by damage, leakage, or other cause, prove insufficient on sale to pay the duties, storage, and other charges, if allowed to remain in warehouse for the period of 1 year, and unclaimed merchandise remaining on the dock which, in the opinion of the collector, would prove insufficient to pay the cost of cartage and storage, will be sold at public auction, on giving public notice of not less than 6 nor more than 10 days, as the collector may determine, and the proceeds disposed of and accounted for in like manner.

(*d*) When it is probable that entry will be made at an early date for unclaimed perishable merchandise, collectors may send the same to a bonded cold-storage warehouse, if one is available. If entry is not made within a reasonable time the merchandise should be sold.

ART. 1015. *Withdrawal of merchandise from sale.*—Merchandise subject to sale (except merchandise abandoned under section 506 (1) or 563 (b) of the tariff act) may be entered or withdrawn for consumption at any time prior to sale upon payment of the duties, internal-revenue tax, if any, and all charges and expenses that may have accrued thereon. Unclaimed merchandise may not be exported without payment of duty nor entered for warehouse or transportation to another port after the expiration of 1 year from the date of importation.

ART. 1016. *Notice of sale—Catalogs.*—(*a*) A brief notice of the time and place of sale will be given for 3 successive weeks immediately preceding the sale in one newspaper of extensive circulation published at the port, to be selected by the collector and authorized on standard Form 1053. Such notice shall designate the place where catalogs may be obtained, and reasonable opportunity shall be afforded persons desirous of purchasing to inspect the merchandise.

(*b*) If the collector shall be satisfied that the proceeds of sale will not be sufficient to pay the expenses and duties, a written or printed notice of the sale, in lieu of such advertisement, shall be conspicuously posted in the customhouse and, if deemed necessary, at some other proper place for 3 weeks, as aforesaid.

(*c*) Such catalogs will specify the marks, numbers, and description of packages, and their contents, including the quantity of each article, and the appraised foreign value thereof at the date of exportation, and also the appraised actual market value at the time and place of the examination of the merchandise. The catalogs will be distributed at the sale, and announcement made that the Government does not guarantee quality or value and that no allowance will be made for any deficiency found after sale.

(*d*) When the name and address of the consignee can be ascertained from the manifest of the importing vessel, or otherwise, notice of the date of sale should be mailed him. When unclaimed merchandise is consigned to "Order", or no consignee is given in the manifest, collectors should, where practicable, notify the shipper or his representative, or agent of the carrier, of the date when the goods are to be sold.

ART. 1017. *Record of sale.*—A record of the sale shall be kept on customs Form 5177, specifying the marks, numbers, description of packages, their contents, quantity, and appraised value, the name of the vessel in which imported, the name of the person or persons to whom consigned on the manifest, the name of the purchaser, and the amount for which each lot was sold.

ART. 1018. *Comptroller's record.*—Collectors shall notify the respective comptrollers of customs of the transfer of unclaimed and abandoned merchandise for sale and of the date when such sales are to take place.

ART. 1019. *Auctioneer—Expenses of sale.*—(*a*) The duties of the auctioneer will be confined to selling the merchandise, and his charge for such service shall in no case exceed the usual commissions at the port. Such commissions shall be allowed only on the gross sum actually realized on the sale.

(*b*) Accounts for the auctioneer's charges and all other expenses of sale which may have accrued, properly chargeable on the merchandise, must be presented to the collector for payment within 10 days from the date of sale. Such expenses must be apportioned pro rata on the amounts received for the different lots sold.

ART. 1020. *Bills of sale.*—At the close of the sale a bill for the goods sold will be prepared on customs Form 5117a or 5117b and disposed of in accordance with chapter XXII.

ART. 1021. *Payment of charges—Warehouse merchandise.*—(*a*) From the proceeds of sales of merchandise remaining in warehouse beyond the time fixed by law the following charges will be paid, in the order named:

First. Expenses of advertisement and sale.

Second. Duties at the same rates as if the merchandise had been regularly withdrawn for consumption.

Third. Any other charges due the United States in connection with the merchandise.

Fourth. Any sum due for freight, charges, or contributions in general average, of which due notice shall have been given in the manner prescribed by law.

Fifth. Storage and other charges for which the merchandise may be liable.

(*b*) In case of merchandise warehoused in public stores, the storage and labor due thereon will be paid from the proceeds next after the expenses of sale.

ART. 1022. *Payment of charges—Unclaimed merchandise.*—(*a*) The charges against the proceeds of sale of unclaimed merchandise will be paid in the order specified in the preceding article, except that cartage and storage in bonded warehouses will take priority next after expenses of sale. When the proceeds are insufficient to pay both cartage and storage, such charges shall be paid pro rata.

(*b*) The duties chargeable on such merchandise will be assessed on the dutiable value found on appraisement at the

rate of duty chargeable at the time the merchandise became abandoned.

ART. 1023. *Surplus.*—(*a*) Tariff Act of 1930, section 493:

The surplus of the proceeds of sales under section 491 of this act, after the payment of storage charges, expenses, duties, and the satisfaction of any lien for freight, charges, or contribution in general average, shall be deposited by the collector in the Treasury of the United States, if claim therefor shall not be filed with the collector within 10 days from the date of sale, and the sale of such merchandise shall exonerate the master of any vessel in which the merchandise was imported from all claims of the owner thereof, who shall, nevertheless, on due proof of his interest, be entitled to receive from the Treasury the amount of any surplus of the proceeds of sale.

(*b*) If the surplus proceeds of sale have been covered into the Treasury, application therefor must be made by the claimant direct to the Comptroller General.

(*c*) The surplus proceeds of sale of merchandise in warehouse beyond 3 years (or 10 months in the case of grain) shall be paid to the owner or consignee. (See art. 1010.)

ART. 1024. *Deficit.*—(*a*) Should the proceeds of the sale of merchandise in warehouse beyond 3 years (or 10 months in the case of grain) be insufficient to pay the duties, after payment of all charges having priority, the balance will be collected upon the warehouse entry bond, by suit, if necessary.

(*b*) When the proceeds of sale of unclaimed merchandise are insufficient to pay the charges and duties, the consignee is liable for such duties, provided he has made entry for the merchandise or claimed the same; otherwise the merchandise should be regarded as shipped to the consignee without his consent, and no effort should be made to collect from such consignee any balance of duties due.

ART. 1025. *Merchandise remaining unsold—Of no commercial value.*—Merchandise remaining unsold shall be included in the next regular sale of unclaimed and abandoned merchandise, unless the collector is or the opinion that such merchandise is unsalable, or of no commercial value, in which case it should be destroyed.

## CHAPTER XIX

## CARTAGE AND LIGHTERAGE

Art.
1026. Bonding and licensing of cartmen authorized.
1027. Classes of cartage.
1028. Government cartage.
1029. Importers' cartage.
1030. Licensing cartmen and lightermen—Marking of vehicles and lighters.
1031. Designation of cartman or lighterman.
1032. Tickets and discrepancies.
1033. Liability—Reports of loss or damage.
1034. Inability to deliver merchandise.
1035. Supervision of cartage and lighterage.
1036. Employees' identification cards.
1037. Suspension or revocation of license of cartman or lighterman.

ART. 1026. *Bonding and licensing of cartman authorized.*—Tariff Act of 1930, section 565:

The cartage of merchandise entered for warehouse shall be done by cartmen to be appointed and licensed by the collector of customs and who shall give a bond, in a penal sum to be fixed by such collector, for the protection of the Government against any loss of, or damage to, such merchandise while being so carted. The cartage of merchandise designated for examination at the appraiser's stores and of merchandise taken into custody by the collector as unclaimed shall be performed by such persons as may be designated, under contract or otherwise, by the Secretary of the Treasury, and under such regulations for the protection of the owners thereof and of the revenue as the Secretary of the Treasury shall prescribe.

ART. 1027. *Classes of cartage.*—The cartage of merchandise in customs custody is of two kinds—"Government cartage", which must be done by a licensed customhouse cartman under contract or appointment for that purpose, and "importers' cartage", which may be done by any licensed customhouse cartman.

ART. 1028. *Government cartage.*—(*a*) The cartage of merchandise packages designated for examination at the "appraiser's stores" shall be done by a cartman under contract for that purpose. Contracts for Government cartage shall be let annually after not less than 30 days' notice by publication in one or more newspapers, or otherwise, if the Bureau shall so direct. Bids for such cartage will be submitted to the Bureau. The contract will be let by the Secretary of the Treasury to the lowest responsible bidder upon a bond being given in a sum to be fixed by the Commissioner of Customs for the faithful performance of such contract. Such contract cartman must be licensed as a customs cartman. The cartage will be paid by the Government through the collector of customs for the district in which the service is rendered.

(*b*) The cartage of merchandise designated for examination elsewhere than at the appraiser's stores shall be done by the contract cartman whenever practicable, but may, in the discretion of the collector, be done by any licensed customhouse cartman.

(*c*) Merchandise taken possession of by the collector by reason of incomplete entry shall be conveyed under such contract to the place designated by the collector for appraisement, at the expense of the importer.

(*d*) Unclaimed merchandise will be carted to the public stores or bonded warehouse by bonded cartmen designated by the Secretary of the Treasury and under special contract for that purpose, and if by contract, bond will be required for the faithful performance of the work. The cost of such cartage must not exceed the regular commercial rates for like service and will not be paid by the Government, but will be charged against the merchandise and collected on delivery or paid from the proceeds of sale.

(*e*) Seized merchandise will be delivered to the custody of the collector by the most practicable means available to the seizing officer.

ART. 1029. *Importers' Cartage.*—(*a*) Any licensed customs cartman may transfer merchandise, at the expense of the importer or party in interest, from the importing vessel or other conveyance to bonded warehouse, from one vessel or conveyance to another, from one bonded warehouse to another, from the public stores to bonded warehouses, and from warehouse for transportation or for exportation, and merchandise exported under the internal-revenue laws without payment of tax.

(*b*) The collector may also appoint and license any importer as a customhouse cartman for the purpose of carting his imported merchandise.

(*c*) If an importer does not cart his merchandise, or designate a licensed customs cartman for the purpose, it must be carted by the cartman authorized by contract or appointed by the collector; the cost thereof to be paid by the importer or owner of the merchandise before its release from customs custody.

(*d*) Nothing in this article shall apply to the cartage of examination packages to the appraiser's stores or elsewhere, except as provided in paragraph (*b*) of the preceding article.

ART. 1030. *Licensing cartmen and lightermen—Marking of vehicles and lighters.*—(*a*) Customs cartage and lighterage licenses will be issued for terms of one year, on customs Form 3857. Before issuing a customhouse license the collector will require the cartman or lighterman to execute a bond in an amount to be fixed by the collector on customs Form 3855. Such bond will also be required of the contractors and appointees for the Government cartage. Before issuing customhouse licenses for bonded lighters or other such vessels, there must be presented to the collector the marine documents for said vessel, if any have been issued.

(*b*) Any cartman licensed by the city or State authorities, and producing evidence of good moral character, may, upon presenting his license, be licensed as a customhouse cartman.

(*c*) The penalty on the bond shall not be less than $5,000, with a maximum penalty of $50,000. The penalty on the bond may be increased by the collector within these limitations, if, in his opinion, additional security is necessary. If the maximum penalty herein provided is deemed insufficient, the collector should report the facts to the Bureau for action. The penalty on the bond should be fixed at an amount sufficient to cover all carts or lighters operated by the principal.



(*d*) All licensed carts, trucks, or drays must be conspicuously marked with the words "Customhouse license No. ———."

(*e*) On every cart or other vehicle used by an importer in carting his own merchandise, in addition to the customhouse license number as above prescribed, there must be painted in black letters in straight lines upon a white background in square form, in close proximity to the license number, the name of the person or firm owning or employing such cart or vehicle.

(*f*) All licensed barges, scows, and other lighters must be conspicuously marked with the words "Customhouse license No. ———" and, in addition, marked with the name of the party owning the same.

(*g*) Customs officers shall not deliver any bonded goods to carts or lighters not marked as herein required.

(*h*) Cartage licenses may be extended from year to year so long as the required bond is considered sufficient.

ART. 1031. *Designation of cartman or lighterman.*—Importers and exporters shall designate on the entry and permit of bonded merchandise the bonded cartman or lighterman by whom they wish their merchandise to be conveyed, and such designation shall be officially initialed at the customhouse.

ART. 1032. *Tickets and discrepancies.*—(*a*) Customs Form 6043–A or 6043–B, "Ticket for goods carted or lightered", shall be used in cases where goods are carted or lightered, unless another form is specifically authorized. Such forms shall be prepared in quadruplicate for goods sent to public store, bonded store, or bonded warehouse, and in triplicate in all other cases.

(*b*) As soon as the goods are received in the public store, bonded store, or bonded warehouse the customs storekeeper and, if in bonded store or bonded warehouse, the representative of the proprietor, shall check the goods against the ticket and countersign the ticket. The storekeeper shall forward the original of the ticket to the collector at the close of the day on which the goods were received, as his report of goods received. The duplicate shall be returned to the cartman or lighterman as his receipt, the triplicate retained by the storekeeper, and the quadruplicate by the inspector or other forwarding officer.

(*c*) When discrepancies are discovered between the goods received and the goods described on the cart or lighter tickets, they must be immediately called to the attention of the forwarding officer, by telephone whenever feasible. If the discrepancy can not be satisfactorily explained, the receiving officer shall make an immediate report of the facts to his superior officer.

(*d*) A receipt on customs Form 6043–C, "Ticket for Goods Delivered From Store, etc.", shall be taken from the cartman or lighterman for all goods delivered from public store or bonded store, or withdrawn from public store, bonded store, or bonded warehouse for exportation, transportation, or transfer. Such receipt shall not be taken in the case of withdrawals from bonded warehouse for consumption, inasmuch as the merchandise is released to or upon the order of the proprietor of the warehouse, who acknowledges such release on customs Forms 7505–A and 7505–B. If the goods are withdrawn for exportation, transportation, or transfer, customs Form 6043–C shall be prepared in quadruplicate, the original to be forwarded to the collector at the close of business each day as a report of goods withdrawn, the duplicate for the cartman or lighterman, the triplicate for the use of the officer to whom the goods are to be delivered, and the quadruplicate for the storekeeper's record. In all other cases the ticket shall be prepared in triplicate, the original for the collector, the duplicate for the cartman or lighterman, and the triplicate for the storekeeper's record.

(*e*) The cartman or lighterman shall countersign the above-described tickets in the space provided as a receipt for the goods, noting any bad order or discrepancy. One ticket may not cover merchandise entered under more than one bond.

(*f*) Customs storekeepers shall file customs Forms 6043–A and 6043–B for goods received in numerical order by warehouse bond and entry numbers, and customs Form 6043–C for deliveries and withdrawals shall be filed in the same order and be attached, whenever feasible, to the ticket or tickets covering the receipt of the goods.

ART. 1033. *Liability—Reports of loss or damage.*—(*a*) The cartman or lighterman conveying the merchandise shall be held liable under his bond for its prompt delivery in sound condition, unless otherwise noted on the ticket. Any negligence or carelessness will be cause for revocation of the license of any person guilty of the same.

(*b*) Any loss or detention of bonded goods and any accident happening to a licensed vehicle or vessel while carrying the same, must be immediately reported by the cartman or lighterman to the collector.

ART. 1034. *Inability to deliver merchandise.*—Should the warehouse be closed or the warehouseman refuse to receive it, the merchandise will be returned to the sending inspector or deposited in the public store for safe-keeping, unless otherwise ordered by the collector. The cartman shall notify such inspector of his inability to delivery the merchandise and the reason therefor. The inspector will promptly report the facts to the surveyor, or the collector if there be no surveyor, for instructions.

ART. 1035. *Supervision of cartage and lighterage.*—(*a*) All licensed vehicles or lighters shall be subject to the control and direction of the officer having charge of the merchandise.

(*b*) The carts or lighters must be present to take the merchandise when the officer is ready to send it, otherwise, after waiting a reasonable time, he shall send the merchandise by any licensed cart or lighter available.

ART. 1036. *Employees' identification cards.*—All those employees of licensed cartmen or lightermen who receive or transport imported merchandise shall be furnished with identification cards on customs Form 3873. Each such card shall be made out in duplicate, the original to be in the possession at all times of the person to whom issued and the duplicate to remain in the customhouse files. The card shall not be valid unless bearing the United States customs seal and shall be signed by the person to whom issued. It shall be taken up if presented by any person other than the one to whom issued. The card must be surrendered when the holder leaves the employment of the firm mentioned on the face thereof. On the suspension, revocation, or lapse of the license issued to any cartage firm, all outstanding identification cards issued to its employees shall be taken up by the collector.

ART. 1037. *Suspension or revocation of license of cartman or lighterman.*—Inspectors or other officers of the customs may demand of any person claiming to be a customhouse cartman or lighterman or employee thereof his license or identification card for inspection. If it is not produced, or if the carts or other vehicles are not marked as required, or in case the cartman or lighterman refuses or neglects to obey any proper order of the inspector, or any order, rule, or regulation of the Treasury Department or of the collector or surveyor relative to the cartage or lighterage of merchandise, such refusal or neglect shall be at once reported in writing by the inspector to the collector, who may suspend or revoke the license of the cartman or lighterman guilty of the offense.

## CHAPTER XX

## DRAWBACK

ARTICLES MANUFACTURED OR PRODUCED WHOLLY OR IN PART FROM IMPORTED OR SUBSTITUTED MERCHANDISE

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ARTICLES MANUFACTURED OR PRODUCED WHOLLY OR IN PART FROM IMPORTED OR SUBSTITUTED MERCHANDISE

ART. 1038. *Drawback authorized.*—(*a*) Tariff Act of 1930, section 313 (a):

Upon the exportation of articles manufactured or produced in the United States with the use of imported merchandise, the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such duties shall not be so refunded upon the exportation of flour or by-products produced from wheat imported after 90 days after the date of the enactment of this Act. * * *

(*b*) Tariff Act of 1930, section 313 (f):

Upon the exportation of meats, whether packed or smoked, which have been cured in the United States with imported salt, there shall be refunded, upon satisfactory proof that such meats have been cured with imported salt, the duties paid on the salt so used in curing such exported meats, in amounts not less than $100.

(*c*) Tariff Act of 1930, section 313 (g):

The provisions of this section shall apply to materials imported and used in the construction and equipment of vessels built for foreign account and ownership, or for the government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported.

This provision of law applies only to material used in the original construction and equipment of the vessels and not to material used in altering or repairing the same.

The term "foreign account and ownership" includes only vessels built and equipped for the account of the owner or owners residing in a foreign country for the purpose and with a bona fide intention that the vessel shall, when completed, become a vessel of a foreign country owned and operated under the flag of a foreign country.

(*d*) Tariff Act of 1930, section 313 (h):

No drawback shall be allowed under the provisions of this section or of section 6 of the Act entitled "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes", approved March 8, 1902 (relating to drawback on shipments to the Philippine Islands), unless the completed article is exported, or shipped to the Philippine Islands, within 3 years after importation of the imported merchandise.

(*e*) Tariff Act of 1930, section 313 (i) as amended by section 403 of the Liquor Tax Administration Act of June 26, 1936:

The Secretary of the Treasury is authorized to prescribe regulations governing (1) the identification of imported merchandise used in the manufacture or production of articles entitled to drawback of customs duties, the ascertainment of the quantity of such merchandise used, of the time when such merchandise was received by the manufacturer or producer of the exported articles, and of the amount of duties paid thereon, the determination of the facts of the manufacture or production of such articles in the United States and their exportation therefrom, the time within which drawback entries on such articles shall be filed and completed, to entitle such articles to drawback, and the payment of drawback due thereon; (2) the identification of merchandise withdrawn for consumption and returned to customs custody for exportation, the determination of the facts of nonconformity thereof to sample or specifications and of exportation thereof from the United States, and the payment of the drawback due thereon; (3) the determination and payment of drawback of internal-revenue tax on domestic distilled spirits and wines, including the requirement of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation as the Secretary of the Treasury deems necessary; (4) the remission of duties on imported salt used in curing fish, including the production of proof that the salt has been so used; and (5) the refunding of duties paid upon imported salt used in curing exported meats, including the production of proof that the salt has been so used; and designating the person to whom refund or payment of drawback shall be made.

ART. 1039. *Exportation—United States possessions.*—(*a*) United States Code, title 19, section 152:

* * * Where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago, a drawback equal in amount to the duties paid on the materials used, less 1 per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe. (March 8, 1902, c. 140, sec. 6, 32 Stat. 55.)

Drawback will be paid on articles shipped to the Philippine Islands only upon the receipt of a certificate signed by the collector of customs of the said islands, showing either the payment of duty on the merchandise at the port of entry or that it is provided for in the free list of the Philippine tariff.

(*b*) The Canal Zone is considered foreign territory for the purpose of the drawback law.

(*c*) There is no authority of law for the payment of drawback of customs duty on articles manufactured or produced in the United States which are shipped to Alaska, Puerto Rico, Hawaii, the Virgin Islands, American Samoa, or the island of Guam.

ART. 1040. *Exportation involving transshipment at a port in a United States possession.*—Merchandise exported with benefit of drawback on a vessel clearing for or by way of a domestic port outside of the continental United States, e. g., San Juan, should be forwarded to such domestic port under a transportation and exportation entry.

ART. 1041. *Identification of imported merchandise and ascertainment of quantities entitled to drawback.*—(*a*) Each manufacturer or producer shall keep records which will establish as to all articles manufactured or produced for exportation with benefit of drawback, the date or inclusive dates of manufacture or production, the quantity and identity of the imported duty-paid merchandise or of articles manufactured or produced under drawback regulations (described hereafter in this article as drawback products) used, the quantity and description of the articles manufactured or produced, and the quantity of waste incurred. If claim for wastage is waived, the manufacturer or producer shall keep records which will establish the quantity and identity of the imported duty-paid merchandise or drawback products appearing in the articles manufactured or produced, in which case records need not be kept of either the quantity of waste incurred or of the quantity of imported duty-paid merchandise or drawback products used, unless such records are necessary to enable the manufacturer or producer to establish the quantity of imported duty-paid merchandise or drawback products appearing in the articles. When the waste has a value, and the manufacturer or producer has not limited its claims to the quantity of imported duty-paid merchandise or drawback products appearing in the articles, the records shall show the value of the imported duty-paid merchandise or drawback products used and the value of the waste, in order that in the liquidation of the drawback entry the quantity of imported duty-paid merchandise or drawback products used may be reduced by the quantity thereof which the value of the waste will replace. The records of the manufacturer or producer shall also show the quantity of duty-free or domestic merchandise used, if any, when such records are necessary to the determination of the quantity of imported duty-paid merchandise or drawback products used in the manufacture or production of the articles or appearing therein. A sworn abstract of the records kept by the manufacturer or producer shall be filed with the drawback entry.

(*b*) The imported duty-paid merchandise or drawback products shall be stored in a manner which will enable the manufacturer or producer to determine, in conjunction with its storage records, the import entry, certificate of delivery, or certificate of manufacture, and delivery number or numbers under which received, and to establish the identity of the imported duty-paid merchandise or drawback products (with respect to such import entry, certificate of delivery, or certificate of manufacture and delivery number or numbers) used in the manufacture or production of the articles, and whether such articles have been exported (or shipped to the Philippine Islands) within 3 years after importation of the imported duty-paid merchandise.

(*c*) The articles manufactured or produced shall be stored or marked in a manner which will preserve the identification established by means of the storage records and the records of manufacture or production.

(*d*) When identification is made against several lots of imported merchandise of different dutiable values, or subject to different rates of duty, or drawback products subject to different allowances of drawback, the drawback shall be based first upon the lot or lots of the lowest dutiable value, rate of duty, or drawback allowance, as the case may be, then upon the lot or lots of the next higher dutiable value, rate of duty, or drawback allowance, and so on, from lower to higher, until all the lots concerned have been accounted for. The same principle shall apply in cases where the articles, after manufacture or production, are commingled in storage.

(*e*) Builders of vessels upon which drawback is to be claimed under section 313 (g) shall keep the records provided for in this article, so far as applicable. A sworn abstract of such records shall be filed with the collector of customs at the headquarters port of the collection district in which the vessel is built in ample time prior to clearance of the vessel for its foreign destination to enable that officer to have the abstract verified by examination of the vessel and the builder's records pertaining thereto.

(*f*) Each manufacturer or producer shall file a sworn statement in the Bureau of Customs, as provided in article 1043 (*f*), describing the methods which it will follow and the records which it will keep for the purpose of establishing that the articles upon which drawback will be claimed have been manufactured or produced in the United States with the use of imported duty-paid merchandise within the meaning of section 313 (a), and that the records of identification, manufacture or production, and storage prescribed by this article have been maintained. The sworn statement shall contain an agreement to follow the methods and keep the records therein described with respect to all articles manufactured or produced for exportation with benefit of drawback. If the sworn statement shows that the methods and records described therein enable the manufacturer or producer to comply with the law and regulations, the Commissioner of Customs will issue a rate of drawback authorizing the collector or collectors of customs at the port or ports named in the sworn statement to allow drawback, upon compliance with the law and regulations, on the articles described in the sworn statement. The same procedure will apply in the case of vessels built for foreign account and ownership, or for the government of any foreign country.

ART. 1042. *Same—When substituted material is used.*—(*a*) Tariff Act of 1930, section 313 (b):

If imported duty-paid sugar or non-ferrous metal, or ore containing non-ferrous metal, and duty free or domestic merchandise of the same kind and quality are used in the manufacture or production of articles within a period not to exceed 1 year from the receipt of such imported merchandise by the manufacturer or producer of such articles, there shall be allowed upon the exportation (or shipment to the Philippine Islands) of any such articles, notwithstanding the fact that none of the imported merchandise may actually have been used in the manufacture or production of the exported articles, an amount of drawback equal to that which would have been allowable had the sugar or non-ferrous metal, or ore containing non-ferrous metal, used therein been imported; but the total amount of drawback allowed upon the exportation of such articles, together with the total amount of drawback allowed in respect of such imported merchandise under any other provision of law, shall not exceed 99 per centum of the duty paid on such imported merchandise.

(*b*) Articles manufactured or produced in accordance with section 313 (b) with the use of sugar, nonferrous metal, or ore containing nonferrous metal, or with the use of articles manufactured or produced in the United States with the use of sugar, nonferrous metal, or ore containing nonferrous metal, will be subject to the provisions of this chapter, so far as applicable, and the records of the manufacturer or producer shall show:

(1) The quantity, identity, kind, and quality of the duty-paid sugar, nonferrous metal, or ore containing nonferrous metal, or of the articles manufactured or produced under drawback regulations with the use of sugar, nonferrous metal, or ore containing nonferrous metal (hereinafter described as designated merchandise) designated as the basis for the allowance of drawback on the exported articles;

(2) That such designated merchandise has been used by the manufacturer or producer of the exported articles within 1 year from the date on which it was received by such manufacturer or producer;

(3) That the exported articles upon which drawback is claimed were manufactured or produced with the use of sugar, nonferrous metal, or ore containing nonferrous metal, or domestic products thereof, as the case may be, of the same kind and quality as the merchandise designated as the basis for the allowance of drawback on such exported articles;

(4) That the exported articles were manufactured or produced within 1 year from the date the designated merchandise was received by the manufacturer or producer of the exported articles;

(5) That duty-free or domestic merchandise of the same kind and quality as the designated merchandise was used by the manufacturer or producer of the exported articles within 1 year from the date on which the designated merchandise was received by such manufacturer or producer; and

(6) The quantity of sugar, nonferrous metal, or ore containing nonferrous metal, or domestic products thereof, of the same kind and quality as the designated merchandise,

used in the manufacture or production of the exported articles.

(*c*) When valuable wastes are incurred in manufacture or production, and the manufacturer or producer has not limited its claims to the quantity of sugar, nonferrous metal, or ore containing nonferrous metal, or domestic products thereof, appearing in the articles manufactured or produced for exportation with benefit of drawback, the records shall show the quantity and value of the merchandise used in the manufacture or production of the articles and the quantity and value of the waste incurred, in order that the deduction provided for in article 1041 (*a*) may be made in liquidation.

(*d*) Duty-paid sugar, nonferrous metal, or ore containing nonferrous metal, or articles manufactured or produced under drawback regulations with the use of sugar, nonferrous metal, or ore containing nonferrous metal, which have been used at one plant of a given manufacturer or producer within 1 year from the date on which received by such manufacturer or producer, may be designated as the basis for the allowance of drawback on articles manufactured or produced in accordance with these regulations at other plants of the same manufacturer or producer.

(*e*) It is not necessary that the exported articles be of the same kind and quality as the articles which were manufactured or produced with the use of the merchandise designated as the basis for the allowance of drawback on the exported articles. However, the exported articles must have been manufactured or produced with the use of sugar, nonferrous metal, or ore containing nonferrous metal, or domestic products thereof, of the same kind and quality as the designated merchandise.

ART. 1043.—*Drawback rates—Establishment of.*—(*a*) Each manufacturer or producer of articles which are to be exported with benefit of drawback must make application to the Bureau of Customs, prior to the exportation of such articles, for the establishment of a rate of drawback.

(*b*) In the case of a vessel upon which drawback is to be claimed under section 313 (g), the builder shall file the above application and the abstract provided for in article 1041 (*c*) in ample time to permit verification of the abstract and inspection of the vessel prior to its clearance.

(*c*) Applications shall show the following: (1) Name of the manufacturer or producer; (2) location of general offices; (3) location of the factory; (4) kinds of articles manufactured; (5) name of imported or tax-paid materials used; (6) brief description of the process of manufacture or production; (7) probable date of manufacture or production; (8) probable date of exportations; (9) whether drawback will be claimed on articles manufactured or produced prior to the filing of the application.

(*d*) Customs Form 4477, "application for a rate of drawback", may be obtained from collectors of customs. When it is desired to export articles before an application in the form prescribed by paragraph (*c*) can reach the Bureau in the regular course of the mails, a telegraphic application will be accepted provided it shows the name of the manufacturer or producer, the designation of the imported or tax-paid materials used, the name of the articles which are being exported, and the location of the factory at which manufactured, and provided it is promptly followed by an application in the form prescribed in paragraph (*c*).

(*e*) Upon receipt of applications in the Bureau, they will be forwarded to the supervising customs agent in charge of the district in which the factory lies. A customs agent will then be designated to make an investigation at the factory for the purpose of witnessing the operations and examining the records kept to preserve the identity of the imported material used and establish the quantities thereof which may be entitled to the allowance of drawback.

(*f*) The investigating officer will assist the manufacturer or producer in preparing the sworn statement required by paragraph (*f*) of article 1041, describing its methods and records. The use of duty-paid or tax-paid merchandise or drawback products and the manufacture or production of articles not specified in the application, as well as factories not named therein, may be included in the sworn statement prepared as a result of such application. The supervising customs agent shall transmit the sworn statement to the Bureau in triplicate, together with three copies of his report in the case. The Commissioner of Customs will thereafter establish the rate of drawback, if the facts developed by the investigation warrant such action, as provided by paragraph (*f*) of article 1041.

(*g*) Where drawback entries are to be filed at more than one headquarters port, two copies of the sworn statement and report will then be required for each additional port. The procedure outlined in this and the two preceding paragraphs shall be followed, so far as applicable, when applications for extensions or amendments of drawback rates or when supplemental sworn schedules or supplemental advisory sworn schedules are filed in accordance with paragraphs (*k*), (*l*), or (*n*) of this article.

(*h*) Drawback claims may be filed covering merchandise exported on and after the receipt of the application, but entries shall not be liquidated and the drawback paid on any exportations until the rate has been established.

(*i*) When the rate has been established, drawback may be allowed on articles manufactured or produced in accordance therewith, which are exported on or after the effective date named therein, provided the regulations as to timely notice of intent, inspection, supervision of lading, etc., have been complied with.

(*j*) In no case will drawback be allowed on articles provided for in a rate of drawback which are exported before the receipt in the Bureau of the application which resulted in the preparation of the sworn statement upon which the rate of drawback was based.

(*k*) When a manufacturer or producer in whose behalf a rate of drawback has been established, or who has filed a sworn statement looking to the establishment of such a rate, desires an allowance of drawback on articles not provided for in the rate or described in the sworn statement, it shall file an application in the Bureau of Customs for the extension of the rate to cover the additional articles. After investigation, the submission of a report of the supervising customs agent, and the filing of a supplemental sworn statement of the manufacturer or producer, incorporating by reference the conditions of its basic sworn statement, so far as applicable, and agreeing to comply with the provisions of article 1041 and/or 1042 with respect to such additional articles, the Commissioner of Customs will issue an extension authorizing the collector or collectors of customs at the port or ports concerned to allow drawback under such extension, upon compliance with the law and regulations, on the additional articles exported on or after the date on which the application for the extension was filed in the Bureau. No drawback shall be allowed on articles exported before such date unless specifically authorized by the Commissioner. The same procedure shall govern in cases where the manufacturer or producer desires to have its drawback rate extended to include additional factories or to permit the use of other kinds of duty-paid or tax-paid merchandise or drawback products, or wishes to have the rate amended to provide for a different basis for liquidation of its drawback entries or to cover changes in methods of identification, manufacture, etc.

(*l*) When authorized in the drawback rate, supplemental sworn schedules showing changes in the kinds or quantities of imported materials used, additional articles, and different styles and capacities of containers may be filed with collectors of customs. The collector with whom such documents are lodged shall stamp thereon the date of receipt and forward them for verification to the proper supervising customs agent. That officer, after verification, will then transmit three copies of the said document to the Bureau with his report in triplicate. Upon approval by the Bureau, drawback may be allowed on the articles covered by such schedules which were exported on and after the date they were lodged with the collector.

(*m*) No drawback shall be allowed on articles exported prior to such date unless specifically authorized by the Bureau.



(*n*) When required by the drawback rate or requested by collectors of customs, supplemental advisory sworn schedules for the information of liquidating officers shall be filed with collectors of customs, verified, and approved by the Bureau, as in the case of supplemental sworn schedules. Inasmuch as advisory schedules are not used as a basis for liquidation, specific authority is not necessary to permit the payment of drawback on articles covered thereby which are exported prior to the date on which such documents are lodged with collectors of customs. No drawback shall be allowed, however, on products covered by advisory schedules until after they shall have been verified by investigating officers and approved by the Bureau.

(*o*) The reports required by paragraphs (*f*), (*k*), (*l*), and (*n*) shall in all cases state the date on which the articles described in the sworn statement, supplemental sworn statement, sworn schedule, advisory sworn schedule, supplemental sworn schedule, or supplemental advisory sworn schedule were first manufactured or produced in accordance with the provisions thereof for exportation with benefit of drawback.

(*p*) All applications for the amendment or extension of rates of drawback which may be filed with collectors of customs shall be promptly forwarded to the Bureau, which will in turn transmit them to the proper officer for investigation. The effective date of any amendment or extension which may be issued as a result of such applications will be the date on which they were received in the Bureau, and no drawback shall be allowed on articles exported before such date unless specifically authorized by the Commissioner of Customs.

(*q*) Investigations relating to the establishment and extension of drawback rates and all other investigations relating to the verification of drawback claims, schedules, sworn statements, and allowances, shall be made by the customs agency service.

ART. 1044. *Notice of intent to export—Local or direct exportation from a seaboard or frontier port.*—(*a*) At least 6 hours, but not more than 90 days, before the lading of the merchandise to be exported, the claimant for drawback, or his duly authorized agent, shall file with the collector of customs at the port of exportation a notice of intent to export on customs Form 7511. A duplicate copy of the notice of intent shall be delivered to the customs officer in charge at the place of lading at the time the goods are delivered to the exporting vessel or conveyance. Such notices of intent shall give the name of the exporting vessel, or in the case of a vehicle the name of the carrier, and place of lading, describe the merchandise by marks and numbers and state in detail the kind and contents of the packages, the quantity, weight (gross and net), gauge, or measure.

(*b*) On receipt and acceptance at the customhouse of the notice of intent, the collector shall note thereon the date and hour of receipt and transmit the document to the surveyor, or to the customs officer in charge at the place of lading, with the order to inspect.

(*c*) The notice of intent may be indorsed as follows: "Collector of customs: --------. After the inspector's return is made, forward this document to the collector of customs at -------- (to be indicated by exporter), where the entry for drawback will be filed." In such cases the notice of intent shall be filed in duplicate (except when additional copies are required by the collector) and the original, after the return of the inspector and the date of clearance of the exporting vessel or conveyance have been indorsed thereon, shall be forwarded to the port where the entry is to be filed, as indicated by the exporter, together with all necessary papers such as manifests and weigher's, gauger's, or sampler's returns; the duplicate copy of the notice of intent, properly indorsed by the inspector, shall be retained by the collector at the port of exportation as his record of the transaction.

(*d*) When drawback is claimed on an aircraft departing from the United States under its own power, or on merchandise exported by aircraft, notices of intent shall be filed in the manner herein prescribed with the collector of customs at the port from which, or at the port nearest the point from which, the aircraft last takes off for its foreign destination. Notices of intent shall not be filed or accepted at one port in cases which contemplate or specify relanding of the aircraft at another port or point in the United States and taking off from such latter port or point for its foreign destination.

ART. 1045. *Same—Transportation and exportation shipments.*—(*a*) Merchandise which is to be transported, either coastwise or inland, from one customs port to another to be exported thence, whether or not covered by a through bill of lading, may be entered for drawback at the port of origin.

(*b*) Notices of intent shall be filed at the port of origin in the same manner as provided for direct exportations from a seaboard or frontier port, and one additional copy shall be filed which shall be certified by the collector at that port and forwarded to the port of exit.

(*c*) A manifest on customs Form 7512 of the merchandise laden on each vessel, car, or conveyance must be prepared by the shipper in triplicate, signed by the proper agent of the transporting carrier and certified by the proper customs officer, one copy to accompany the vessel, car, or conveyance for delivery by the carrier's agent to the collector at the port of exit, one copy to be retained by the collector at the port of origin, and one copy to me mailed by the collector or inspecting officer at the port of origin to the collector at the port of exit.

(*d*) At least 6 hours prior to the lading of the merchandise at the port of exit if transshipped, or 6 hours before departure if not transshipped, the exporter or his agent shall complete the mail copy of the notice of intent and manifest by designating to the collector of customs the vessel, car, or conveyance in which the merchandise will be exported, and advising that officer of the place of deposit of the merchandise for inspection and lading. Where the merchandise is to be transferred from one point to another in a customs district, the collector of customs shall issue an order directing the inspector in charge of the station where the merchandise was received to deliver the merchandise to a bonded truck or lighter for transfer to the point of lading.

(*e*) After the merchandise has been exported the inspector at the port of exit will make his return on the mail copies of the notice of intent and manifest. The notice of intent shall be returned to the collector at the port of origin and the manifest retained at the port of exit as a record of the transaction.

(*f*) In cases where merchandise arrives at the frontier port in cars with the customs seals intact and the number on the seals agree with the numbers shown on the manifest, no further examination of the merchandise will be deemed necessary.

(*g*) When the merchandise covered by the notice of intent and manifest is not exported within 90 days from the date of receipt of such documents, or has been removed from the custody of the carrier, or if for any other reason a return on the notice of intent cannot be made, the collector of customs at the port of exit shall return the notice of intent to the port of shipment, giving the facts in such case.

(*h*) The transfer, lading, and inspection of these shipments shall be made under the regulations covering shipments in bond (ch. XVI). The shipper's export declaration shall be executed on customs Form 7525 and filed at the port of exit.

ART. 1046. *Same—Exportations on through bills of lading from places at which no customs officer is located.*—(*a*) When merchandise is shipped from a place where no customs officer is located to its foreign destination on a through bill of lading, notices of intent shall be filed at the port of exit from the United States as in the case of direct exportations.

(*b*) A manifest on customs Form 7512 of the merchandise laden on each vessel, car, or conveyance must be prepared by the shipper in duplicate and signed by the proper agent of the transporting carrier. One copy of the manifest shall be attached to the notice of intent, which shall be filed in duplicate with the collector of customs, and the other copy of the manifest with a third copy of the notice of in-

tent attached thereto, shall accompany the vessel, car, or conveyance for delivery by the carrier's agent to the proper customs officer at the port of exit upon arrival of the goods, in order to secure customs inspection, weighing, gauging, and sampling.

(c) In the case of this class of shipments the manifest shall be modified by striking out the words "Collector of customs of above district" in the carrier's receipt and substituting therefor the name of the shipper. (See art. 873.)

ART. 1047. *Same—Shipments on local or through bills of lading to port of exit.*—Shipments of merchandise transported, without compliance with the regulations relating to transportation and exportation shipments, to the seaboard or frontier port under either local or through bills of lading and thence to the foreign destination, are considered local or direct exportations from the port of exit from the United States and notices of intent shall be filed in accordance with the provisions of article 1044.

ART. 1048. *Receipts.*—When requested, receipts for notices of intent will be signed by the customs officer, provided such receipts are prepared by the party desiring the same and are submitted to the customs officer with the notice of intent; receipts for shippers' notices of intent will not be given unless accompanied by the merchandise.

ART. 1049. *Lading at night, Sundays, and legal holidays.*—If the merchandise covered by a notice of intent is to be laden on the exporting vessel or conveyance at night or on a Sunday or legal holiday, an application for a special license and the services of an inspector shall be made, as provided by the act of February 13, 1911, and section 452, Tariff Act of 1930, and the regulations made in pursuance thereof, unless an inspector is regularly on duty at the place and time of lading. Payment of drawback will not be denied in the absence of customs inspection and supervision of lading of such merchandise if the regulations, including the application for a special license when required, were otherwise complied with and the failure to secure customs inspection and supervision of lading was not due to any act or omission on the part of the exporter or carrier or the agent of either.

ART. 1050. *Diversion of shipments.*—(a) Whenever the merchandise is diverted from the vessel or conveyance or from the place of lading named in the notice of intent, to another vessel or conveyance or to another place of lading, notice in writing of the change must be given to the collector or to the inspector before lading in ample time to secure inspection.

(b) Notice of diversion will be waived, however, in cases where it shall appear, to the satisfaction of the Commissioner of Customs, that the shipment was diverted from the vessel named in the notice of intent to another vessel of the same line, or another vessel loading at the same pier or set of piers, without knowledge by the parties in interest, their agents or representatives, in time to file notice of diversion, provided that the merchandise was delivered at the pier in time for inspection and supervision of lading on the vessel named in the notice of intent.

ART. 1051. *Inspection and supervision of lading.*—(a) Upon receipt by the inspecting officer of the copy of the notice of intent accompanying the goods, or of the copy transmitted by the collector, he shall proceed to identify the packages and shall supervise the lading thereof on board the exporting vessel or conveyance.

(b) Packages containing such articles shipped to the Philippine Islands with benefit of drawback must be marked by the shipper "drawback claimed" in a conspicuous, legible, and permanent manner.

(c) The inspector shall note on the copies of the notices of intent received by him the date and hour of their receipt and shall certify thereon as to inspection and lading, and return all such notices of intent to the collector.

(d) When no portion of the merchandise covered by a notice of intent to export is laden within 90 days from the date of receipt of such notice by the inspector, he shall return the notice to the collector with a report of all the facts relative thereto. If the lading is begun within 90 days and is in progress at the expiration of that period, the notice shall be retained by the inspector until the lading has been completed, provided such lading is not discontinued.

ART. 1052. *Mail exportations.*—(a) Where drawback is claimed on merchandise exported by registered mail or parcel post, notices of intent shall be filed in the same manner as for exportations by vessel or other conveyance. Upon receipt of such notices of intent, the collectors shall direct the proper officer to supervise the mailing of the merchandise, and to make report thereof, attaching to the notice of intent the parcel post or registered mail receipt.

(b) Where it is desired to export merchandise with benefit of drawback, through the mails, from a post office located at a point where no customs officer is stationed, the exporter shall advise the Bureau to that effect, and request that the necessary arrangements be made with the Post Office Department for official inspection and supervision of mailing of such merchandise. Upon receipt by the exporter of notification from the Bureau that the local postmaster has been furnished with instructions regarding the procedure to be followed in such cases, the merchandise, together with notices of intent, may be presented to such postmaster. One extra copy of each notice of intent shall be filed with the postmaster and may be retained as a part of his official records. Exporters will advise the postmaster of the port to which the notices of intent are to be forwarded by him for use by the collector of customs in liquidating the drawback entry.

(c) All packages so exported, in addition to the other requirements, must have stamped or written thereon, and signed by the exporter, a waiver of the right to withdraw such packages from the mails (customs Form 3413), and the officer in making his return on the notice of intent shall report accordingly.

ART. 1053. *Inspection, gauging, sampling, weighing.*—(a) It is essential in the administration of the drawback law that exporters must in all cases provide the requisite opportunity and the necessary facilities for official inspection, sampling, and ascertainment of quantities. Collectors shall, in their discretion, indicate on the notices of intent whether the merchandise is to be sampled, weighed, gauged, or measured, and shall give general instructions to inspectors respecting drawback goods which require sampling, weighing, gauging, or measuring, in order that in the event such sampling, etc., is not obtained under the copy of the notice of intent filed at the customhouse, the inspector may obtain the same under the copy filed with him at the time the goods are deposited at the place of lading.

(b) Whenever practicable, merchandise subject to sampling, weighing, gauging, or measuring shall be sampled, weighed, gauged, or measured at the place of deposit for lading after the goods have been placed in the custody of the exporting carrier. Inspection, sampling, weighing, gauging, and measuring will not be made at a place other than stations, yards, piers, and other regular places of lading where customs officers are stationed for the purpose, except where it is shown to the satisfaction of the collector that such inspection, etc., at such regular place of lading is physically impracticable, and then only upon the condition that the applicant pay the expenses of inspection, etc.

(c) When requested, the Government officer will replace samples taken with like merchandise furnished by the exporter. Packages opened by customs officers for any purpose after the same have been placed in the custody of the exporting carrier will, upon the request of the carrier, be marked to denote that the same were opened for the purpose of official examination.

ART. 1054. *Failure to obtain actual inspection and supervision of lading.*—(a) Whenever the inspecting officer is unable to certify to the actual inspection and lading of the merchandise, he shall, in making his return, state the reason therefor, the date and hour of receipt of the notice of intent and of the lading of the merchandise, and whether or not a shipper's notice of intent accompanied the goods; and shall, after the vessel or cars have cleared, examine the records of the delivering and exporting steamship or transportation lines for the purpose of verifying the particulars stated in the notice of intent to export and make his certificate accordingly whether the notice was timely or not.

(b) In such cases the certificate of the inspector shall be accepted as sufficient evidence of lading, and the drawback will be allowed, provided the notice of intent was timely and the regulations were otherwise complied with, and the failure to inspect was not the fault of the exporter or carrier or the agent of either.

ART. 1055. *Failure to file notices of intent—Local shipments.*—The failure to file a timely notice of intent with the collector, in accordance with the provisions of article 1044, shall not bar the payment of drawback, provided a notice of intent is delivered to the inspecting officer as required, nor shall failure to deliver a copy of the notice of intent to the inspecting officer bar the payment of drawback, provided a timely notice of intent was filed with the collector, and provided further that no other act or omission on the part of the shipper, the carrier, or the agent or either, resulted in the failure to secure inspection.

ART. 1056. *Same—Transportation and exportation shipments.*—(a) Failure to file a notice of intent at the port of origin or to complete the notice of intent and manifest at the port of exit, in accordance with the provisions of article 1045, will not bar the payment of drawback, provided the merchandise was officially inspected and laden at the other port.

(b) Failure to obtain inspection at both ports will not bar the payment of drawback, provided an opportunity to inspect was furnished by filing a timely notice of intent and manifest with the collector or with the inspector at the port of origin, by delivering the manifest to the inspector at the port of exit, by completing the mail copy of the manifest and notice of intent at the port of exit in accordance with the regulations, or by filing a notice of intent with the collector or inspector at the port of exit as in the case of local or direct exportations; and further provided that the failure of inspection was not due to any act or omission on the part of the shipper, the carrier, or the agent of either.

(c) When the shipment is not officially inspected and laden at the port of exit, the collector at that port will, upon the request of the shipper or his agent, specifying the exporting carrier, the name of the vessel, or the number and initials of the car and the date of exportation, indorse the copy of the notice of intent received by him to show the facts of exportation of the merchandise as indicated by the records of the exporting carrier or outward manifest of the exporting vessel, and return the notice of intent to the port of origin. A copy of the notice of intent so indorsed may be accepted in lieu of the inspector's return of lading, provided the merchandise was officially inspected and laden at the port of origin or there was an opportunity to inspect as provided in the preceding paragraph of this article.

(d) If the records of the exporting carrier do not sufficiently identify the merchandise to satisfy the collector as to the actual exportation thereof, he may require a landing certificate as additional evidence of exportation.

(e) When the merchandise is diverted en route to the port of exit by the carrier without the knowledge or consent of the exporter, and leaves the United States at a different place from that named in the notice of intent and manifest, the collector at the port of actual exportation will, upon the receipt of the mail copies of the notice of intent and manifest, and upon being advised as to the name of the exporting carrier, and name of the vessel or the number and initials of the cars and date of exportation, indorse the copies of the notice of intent and manifest to show the facts of exportation as indicated by the records of the exporting carrier or outward manifest of the exporting vessel.

(f) In such cases the notice of intent so indorsed, together with a landing certificate signed by the foreign revenue officer at the foreign destination of the merchandise, may be accepted in lieu of the inspector's return of lading, provided the merchandise was officially inspected and laden at the port of origin and has remained in the continuous possession of the carrier until exported. The mail copy of the notice of intent will be forwarded by the collector at the port where filed to the port of actual exportation upon the request of the exporter.

ART. 1057. *Same—Shipments on through bills of lading from places at which no customs officer is located.*—(a) Failure to file a timely notice of intent with the collector of customs, in accordance with the provisions of article 1046, will not bar the payment of drawback on such shipment provided the manifest and copy of the notice of intent accompanied the vessel or car to the port of exit and were duly delivered to the customs officers there as required under the terms of the manifest; nor will drawback be denied where the copy of the notice of intent and manifest are not delivered to the inspecting officer, if a timely notice of intent was filed with the collector, provided that if in either case there is a failure of inspection, such failure is not due to any act or omission on the part of the shipper, the carrier, or the agent of either.

(b) Where merchandise is exported in accordance with the provisions of article 1046, otherwise than by sea, drawback will not be allowed in cases of noninspection, unless the carrier has notified the proper customs officer at the port of exit of the arrival and point of departure of the merchandise.

ART. 1058. *Same—Notices of intent in duplicate required to complete record.*—In all instances under the three preceding articles where only the shipper's notice of intent has been filed, no drawback shall be allowed until a notice of intent in duplicate shall have been filed with the collector of customs in order to complete the record.

ART. 1059. *Completion of drawback claims—Entry and certificate of manufacture.*—(a) A drawback entry and certificate of manufacture on customs Form 7575 shall be filed in duplicate within 2 years from the date of clearance of the exporting vessel or conveyance. The entry, which may include several shipments covered by notices of intent, each shipment constituting a claim within the meaning of this article, must when filed be complete as to all documents necessary to the liquidation thereof, including certificates of delivery of imported material and certificates of manufacture and delivery of manufactured or partly manufactured articles, and all necessary official documents issued from one customs officer to another must be applied for prior to filing the entry.

(b) A statement in duplicate of the papers filed, showing the dates when official documents were applied for, may be presented with the drawback entry. When such statement has been verified as to the papers filed, one copy shall be receipted and returned to the claimant and the other copy shall be attached to the drawback entry. The landing certificate, if one is required, shall be furnished prior to the liquidation of the entry.

(c) Certificates of manufacture may be filed prior to the filing of the entry and in such cases shall be referred to in the entry by official number in lieu of particulars of importation and manufacture. In such cases the entry shall be on customs Form 7573.

(d) In case the drawback entry is filed at a port other than that at which the certificate of manufacture is on file, the collector at the port where the certificate is filed shall, after liquidation and at the request of the party filing the certificate, or the party to whom such merchandise was delivered, as shown by said certificate, issue an extract therefrom for use at the port where the entry is filed. Such extracts shall be transmitted to the collector at the latter port, and for the purpose of identification reference may be made thereto as in the case of an original certificate. Such extracts shall be on customs Form 4537.

(e) When completely manufactured articles are purchased for exportation and the drawback is to be paid to the purchaser, the entry shall be on customs Form 7573 and shall be accompanied by a certificate of manufacture and delivery on customs Form 7577, if such a certificate is not already on file.

(*f*) Whenever a drawback entry is made by the manufacturer or his agent, and he is not the exporter, he shall declare on the entry that the right to the drawback claimed was reserved with the knowledge and consent of the exporter.

(*g*) In the case of vessels there shall be filed with the drawback entry a sworn copy of the contract under which the vessel was built or the pertinent part thereof showing that it was built for foreign account and ownership, a certificate of clearance for the foreign port if cleared from a port other than that at which the entry is filed, and a certified copy of the registry certificate or in lieu thereof a certificate of the consul of the foreign nation to which the vessel belongs showing that the said vessel has been registered under the flag of that country. In the case of warships the certificates of clearance and foreign registry will not be required.

(*h*) Claims for drawback not completed within the 2 years above prescribed shall be treated as abandoned.

ART. 1060. *Certificates of importation and extracts.*—(*a*) Where the merchandise identified in the drawback entry or certificate of manufacture was not imported at a port within the customs collection district where the entry or certificate of manufacture is filed, the collector of customs of the district where the merchandise was imported shall, upon the written request of the importer or the party to whom the delivery of such merchandise has been certified, issue to the collector at the port named a certificate of importation, which shall be on customs Form 5265, bearing a notation showing the date of filing of the application on which the certificate is issued.

(*b*) Should any portion of the material described in the certificate of importation be used in the manufacture of articles exported from a port other than that at which it is on file, the collector holding the certificate shall, on written request, issue an extract for use at such other port and transmit it to the collector at that port. Such extract shall be on customs Form 5267.

(*c*) In the case of articles manufactured from metals withdrawn from bonded smelting and refining establishments, the collector at the port of withdrawal shall issue, in lieu of certificates of importation, certificates showing the date of withdrawal, date of importation, party making same, quantity and character of metal, and rate and amount of duty paid.

(*d*) Certificates of importation shall not be issued until the import entry covering the merchandise to be certified shall have been liquidated and such liquidation made final by operation of law or acceptance in writing by the importer. Such certificate and extracts therefrom must name the party to whom delivery has been certified in case a certificate of delivery has been filed with the collector issuing such certificates or extracts.

(*e*) When a certificate of manufacture covering burlap bags is filed, showing transfer of the bags after manufacture, the exporter may present an application addressed to the collector of customs at the port where the burlap or other textile material was imported, requesting the issuance of a certificate of importation, and the collector of customs at the port where the certificate of manufacture is filed will indicate on the application, before forwarding it to the collector of customs at the port of importation, that the proper certificate of delivery is indorsed on the certificate of manufacture to the person requesting the certificate of importation, thus obviating the necessity of filing further certificates or delivery with the collector of customs who issues the certificate of importation.

ART. 1061. *Certificates of delivery of imported merchandise.*—(*a*) In case the materials used in the manufacture of articles exported with benefit of drawback were not imported by the manufacturer of such articles, no drawback of the duties paid thereon shall be allowed until there shall be filed with the collector where drawback entry is made, a certificate of delivery on customs Form 7543, or official evidence of the existence of such a certificate filed at another port, made under oath, fully describing the materials delivered, and tracing such materials from the custody of the importer to the custody of the manufacturer. Reference may be made to this certificate by the manufacturer in his certificate of manufacture in lieu of particulars of importation, provided the certificate covers but one importation. The certificate of delivery herein provided for shall be filed in duplicate with the collector, who will transmit the copy to the comptroller of customs for the district. The copy need not be signed or sworn to, and may be a carbon of the original.

(*b*) If the materials are not delivered directly from the importer to the manufacturer, each intermediate transfer shall be noted on the certificate of delivery by an affidavit of the party through whose possession the materials passed, as provided on customs Form 7543.

(*c*) The party actually withdrawing merchandise from bonded warehouse shall be considered the importer of record for drawback purposes and certificates of delivery covering prior transfers of such merchandise while in warehouse will not be required.

ART. 1062. *Certificates of manufacture and delivery—Manufactured or partly manufactured articles or materials.*—(*a*) Where the imported material used has passed through some process of manufacture before delivery and the partly or completely manufactured article is used in the manufacture of some other article for exportation, or where completely manufactured articles are purchased for exportation without further manipulation, a certificate of manufacture and delivery shall be filed on customs Form 7577. Such certificates of manufacture and delivery will be required whether the drawback is claimed by the exporter or has been reserved by the manufacturer.

(*b*) In drawback entries covering the exported articles, reference may be made to such certificates in lieu of particulars of importation and manufacture, except in cases where the article or materials have been further manipulated before exportation, in which event such additional manufacturing steps must be covered by a proper certificate of manufacture.

(*c*) Any intermediate transfer of such manufactured articles shall be certified on the certificate of manufacture and delivery.

(*d*) In case the drawback entry is filed at a port other than that at which the certificate of manufacture and delivery is on file, extracts may be issued on customs Form 4537.

ART. 1063. *Bills of lading.*—(*a*) At the time of filing, an entry for drawback shall be accompanied by a bill of lading issued by the proper representative of the exporting vessel, conveyance, or line, covering the merchandise described in the entry. The bill of lading must in all cases show that the merchandise was shipped by or on account of the party making the drawback entry, or must bear an indorsement of the party in whose name or on whose account the merchandise was shipped, showing that the party making entry is authorized to make it and to receive the drawback. The terms of the bill of lading may limit and define its use by declaring it to be for customs purposes only and not negotiable, and if a copy of the original bill of lading be filed it must bear the signature of the party issuing the same.

(*b*) Memorandum copies of bills of lading issued by transportation companies, or bills of lading bearing merely the initials of a representative of the transportation company, will not be accepted in lieu of the bill of lading described above.

(*c*) Collectors of customs may issue extracts of bills of lading filed with drawback entries on customs Form 4475.

(*d*) If for any cause the party making the drawback entry can not produce the required bill of lading, he may, through the collector, submit to the Commissioner of Customs a sworn statement showing cause of failure, with such evidence as may be had of exportation and of his right to make the drawback entry. The collector transmitting such statements and evidence shall submit therewith his report and recommendations relative to the case.

ART. 1064. *Landing certificates.*—(*a*) A landing certificate will be required whenever the collector at the port of exportation or at the port where the drawback entry is filed shall have reason to believe that the shipment is not a bona fide exportation; in cases referred to the Bureau for instructions because of noncompliance with the regulations, in which the Bureau specifically directs that a landing certificate shall be produced; and in cases where a landing certificate is otherwise required by law or regulation.

(*b*) Foreign landing certificates shall be required in all cases for aircraft on which drawback is claimed which depart from the United States under their own power, and the collector may require such additional evidence as he may deem necessary to satisfy himself that the aircraft or any part thereof has been actually exported. Such landing certificates must show the exact time of landing in the foreign country of the aircraft in question and describe the aircraft and parts thereof on which drawback is claimed in sufficient detail to enable the collector to identify the same with the notice of intent.

(*c*) Whenever a landing certificate is required it shall be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown that such country has no customs administration, in which case the certificate may be signed by the consignee or by the vessel's agent at the place of landing, and sworn to before a notary public or other officer authorized to administer oaths and having an official seal.

(*d*) In cases where the landing certificate is specifically required by the collector or by the Bureau, but not otherwise, reasonable notice shall be given to the exporter or his agent. When such notice is given more than one year from the date of exportation the landing certificate shall be filed within 1 year from the date of the notice. In all other cases the certificate must be filed within 2 years from the date of exportation of the merchandise.

(*e*) In cases where the landing certificate is required by the collector of customs, other evidence of such landing, if satisfactory to the collector, may be accepted in lieu of the landing certificate herein provided for.

(*f*) Where landing certificates are required and the same can not be produced, an application for the waiver thereof may be made to the Bureau through the collector of customs within the time required for filing the certificate, accompanied by such evidence of exportation and landing abroad as may be available. Such applications will be granted provided the Bureau is satisfied from the evidence submitted that the merchandise has been actually exported.

ART. 1065. *Supplies for certain vessels.*—(*a*) Tariff Act of 1930, section 309:

(a) Articles of foreign or domestic manufacture or production may, under such regulations as the Secretary of the Treasury may prescribe, be withdrawn from bonded warehouses or bonded manufacturing warehouses free of duty or internal-revenue tax for supplies (not including equipment) of vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports, or for supplies (not including equipment) of vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, but no such article shall be landed at any port or place in the United States or in any of its possessions.

(b) Articles of domestic manufacture or production laden as supplies upon any such vessel shall be considered to be exported within the meaning of the drawback provisions of this Act.

(*b*) The term "supplies" does not include equipment.

(*c*) The allowance of drawback on articles manufactured or produced from imported materials tax-paid under section 601 (c), (4), (5), (6), or (7) of the Revenue Act of 1932, which are laden as supplies on the vessels enumerated in section 630 of the Revenue Act of 1932 is permitted.

(*d*) A notice of intent on customs Form 7515 must be filed in accordance with the provisions of article 1044. The inspector in making his return of lading will report whether the articles described in the notice of intent appear on the records of the exporting vessel as ships' supplies.

(*e*) The procedure outlined in the drawback regulations as to the filing of applications for a rate of drawback, notices of intent, and other required documents shall be followed, so far as applicable, in filing claims for drawback on ships' supplies.

(*f*) A receipt covering the merchandise showing marks, numbers, and quantity, signed by the master, or an authorized officer of the vessel or steamship company, will be accepted in lieu of a bill of lading.

(*g*) Drawback will not be paid until proof has been presented in the form of an affidavit of the master or other officer of the vessel on which the articles were laden, having knowledge of the facts, showing that the supplies have been used on board the vessel and that no portion thereof has been landed in the United States or in any of its possessions, except that in cases where the drawback on a single lading is less than $25, an affidavit of such master or other officer, showing that the merchandise has been laden on board the particular vessel as supplies and that they will be used for no other purpose, will be accepted. In the case of vessels of war the said affidavits will not be required.

(*h*) Drawback entries shall be filed on customs Form 7573 or 7575, as applicable, modified to read "lade", "laden", or "lading" instead of "export", "exported", or "exporting", and the "Declaration of exportation" amended to read as follows:

DECLARATION OF LADING

I, _____ _____ (member of firm, officer, representing corporation, agent, or attorney), of _____, do solemnly and truly declare that, according to the best of my knowledge and belief, the particulars of lading stated in this entry, the notices of intent, and receipts are correct, and that such merchandise is not to be relanded in nor returned to the United States, or any of its possessions, but is to be consumed as supplies or stores on the exporting vessels named herein.

_____ _____,
*Exporter or Agent.*

Declared to before me this _____ day of _____, 19____.

_____ _____,
*Notary Public or Acting Deputy Collector.*

ART. 1066. *Meats cured with imported salt.*—(*a*) All provisions of these regulations relating to the allowance of drawback on articles manufactured with the use of imported materials, including the application for a rate and the filing of a sworn statement, will apply to the refund of duty on salt used in curing meat, except that the duty to be refunded is not subject to the retention of 1 per cent and that no payment will be made in an amount less than $100. Claims amounting to less than $100 shall be permitted to accumulate until the sum due reaches that amount.

(*b*) The forms provided will be modified to read "refund" in place of "drawback", "cured with" in place of "manufactured from", "meats" in place of "merchandise", and "salt" in place of "materials."

ART. 1067. *Liquidation of drawback entries.*—(*a*) No drawback on materials used in the manufacture of exported articles shall be paid until the import entries covering such materials shall have been liquidated and such liquidation shall have been made final by operation of law or by acceptance in writing by the importer and the liquidated duties have been paid.

(*b*) The drawback claim having been completed by the filing of the entry, bills of lading, and other documents required by these regulations, the landing certificate having been produced where required, and the exporting vessel or conveyance having been cleared as shown by record of clearance in the case of direct exportation or by certificate in the case of exportation at another port, the collector shall ascertain the drawback due by reference to the records of importation and the drawback rate under which the drawback claimed is allowable.

(*c*) Import entries, certificates of importation, and extracts from such certificates shall constitute the records from which the amount of duty paid on the materials used shall be determined; and to guard against errors of identification and overallowance, all materials identified in manufacturers' certificates and in export entries which have been liquidated, and all materials covered by certificates of importation and extracts from such certificates issued, shall be charged against the records of importation to which they respectively refer.

ART. 1068. *Two or more products.*—(*a*) Tariff Act of 1930, section 313 (a):

• • • Where two or more products result from the manipulation of imported merchandise, the drawback shall be distributed to the several products in accordance with their relative values at the time of separation.

(*b*) In such cases the values used shall be market values unless the special regulations under which drawback is claimed provide otherwise.

ART. 1069. *Payment of drawback.*—The amount of liquidated duties subject to drawback having been ascertained, 99 per cent thereof, or for the full amount in the case of meats cured with imported salt, shall be paid by a "check and debenture certificate" made payable to the order of the party making the entry or to the party to whom the maker on the face of the entry directs such payment to be made.

ART. 1070. *To whom payable.*—(*a*) The party named as shipper or consignor in the bill of lading under which domestic merchandise is exported shall be held to be the exporter of such merchandise and shall be entitled to the drawback: *Provided, however*, That whenever the manufacturer or producer of articles entitled to drawback on exportation shall, on the sale or consignment of such articles, have reserved to himself the right to claim drawback, such manufacturer or producer may make entry for such drawback, which shall be paid to him upon the production of satisfactory evidence that such reservation was made with the knowledge and consent of the exporter.

(*b*) The drawback may also be paid to the agent of the manufacturer, producer, or exporter, as the case may be, or to the person to whom such manufacturer, producer, exporter, or agent shall, in writing, direct such drawback to be paid.

ART. 1071. *Source of payment—Puerto Rico.*—Tariff Act of 1930, section 313 (j):

Any drawback of duties that may be authorized under the provisions of this Act shall be paid from the customs receipts of Puerto Rico, if the duties were originally paid into the Treasury of Puerto Rico.

FLAVORING EXTRACTS, MEDICINAL OR TOILET PREPARATIONS (INCLUDING PERFUMERY), MANUFACTURED FROM DOMESTIC TAX-PAID ALCOHOL

ART. 1072. *Drawback authorized.*—(*a*) Tariff Act of 1930, section 313 (d), as amended by section 402 of the Liquor Tax Administration Act of June 26, 1936:

(313 (d)) Upon the exportation of flavoring extracts, medicinal or toilet preparations (including perfumery) manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid, there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used.

(402) Upon the exportation of bottled distilled spirits and wines manufactured or produced in the United States on which an internal-revenue tax has been paid, there shall be allowed, under regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, a drawback equal in amount to the tax found to have been paid on such bottled distilled spirits and wines: *Provided*, That such distilled spirits and wines have been bottled especially for export, under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(*b*) United States Code, title 26, section 1481c:

All provisions of law for the allowance of drawback of internal-revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal-revenue tax has been paid when shipped from the United States to the island of Puerto Rico. (Mar. 4, 1915, c. 164, 38 Stat. 1189; May 17, 1932, c. 190, 47 Stat. 158.)

(*c*) The Canal Zone is considered foreign territory for the purpose of the drawback law.

(*d*) There is no authority of law for the payment of drawback on such articles when shipped to Alaska, Hawaii, the Virgin Islands, American Samoa, or the island of Guam.

ART. 1073. *Procedure.*—(*a*) In the payment of this drawback the regulations relating to the allowance of drawback on articles manufactured from imported materials will be followed, so far as applicable.

(*b*) The notice of intent will be made on customs Form 7511, and when it covers duty-paid imported materials, in addition to the tax-paid alcohol, two sets of final drawback entries will be required, one set for customs drawback and the other for internal-revenue drawback.

(*c*) The following forms will be used in lieu of the corresponding forms used in the case of articles manufactured from imported materials:

Drawback entry, customs Form 7579.

Drawback entry and certificate of manufacture, customs Form 7583.

Certificate of manufacture and delivery, customs Form 7585.

Certificate of delivery of tax-paid alcohol, customs Form 7545.

ART. 1074. *Manufacturing record.*—The description of the alcohol required to be stated in the entry may be obtained from the package containing the tax-paid alcohol, and there shall be kept by the manufacturer of the flavoring extracts, medicinal or toilet preparations on which drawback is claimed, a record of all such preparations manufactured, the quantity of wastage, if any, and a full description of the alcohol. This record shall be open at all times to the inspection of officers of the customs.

ART. 1075. *Certificate of Commissioner of Internal Revenue (Alcohol Tax Unit) of alcohol withdrawn tax-paid, and extracts from such certificates.*—(*a*) Upon application in writing the Commissioner of Internal Revenue (Alcohol Tax Unit) shall issue a certificate on internal-revenue Form 646, showing that the alcohol described in the application was withdrawn from warehouse tax-paid, and forward it to the collector of customs. Each certificate shall be given a serial number.

(*b*) Where drawback is claimed on flavoring extracts, medicinal or toilet preparations manufactured with the use of rectified or redistilled alcohol, the certificate of the Commissioner of Internal Revenue (Alcohol Tax Unit) internal-revenue Form 646 shall show, in addition to the data called for therein, the name of the rectifier, wine gallons of rectified alcohol produced, amount of tax paid, date of withdrawal, the proof thereof, number of proof gallons produced, and the serial numbers of the rectifier's stamps covering the alcohol.

(*c*) Charges shall be made on the back of the certificate by the collector of customs as the alcohol covered thereby is identified in drawback entries covering exportations of flavoring extracts and medicinal or toilet preparations, and should any portion of the alcohol described in such certificate be required for liquidation of drawback entries filed at another port, the collector shall, on written application of the party who requested its issuance, transmit an extract from the certificate for use at such port. The extract shall be made on customs Form 4541, bear the Bureau of Internal Revenue serial number, and be charged on the back of the original certificate.

ART. 1076. *Collector's statement of drawback due.*—(*a*) When the drawback claim has been completed by the filing of the entry, bills of lading, etc., as required by the regulations and the landing certificate having been produced where necessary, and the exporting vessel or conveyance having been cleared as shown by the records of clearance in the case of direct exportation or by certificate where the merchandise was exported at another port, the collector shall proceed to ascertain the amount of drawback due by reference to the certificate of manufacture and the established rate.

(*b*) The collector shall then prepare a certificate on customs Form 4539, and forward the certificate, together with a written request signed by the claimant, for payment of the amount found to be due (addressed to the Comptroller General of the United States) to the Commissioner of Internal Revenue (Alcohol Tax Unit), who will forward it, scheduled on internal-revenue Form 1550, to the Comptroller General of the United States for payment.

(*c*) In addition to the information called for in the certificate (customs Form 4539), there shall be stated the Bureau of Internal Revenue certificate number applicable to the alcohol used.

(*d*) No deduction of 1 percent is to be made from the amount of tax due for drawback.

(*e*) The regulation requiring a certificate from the collector of customs in the Philippine Islands showing the payment of duty on merchandise shipped to the said islands with benefit of drawback, or that such merchandise is provided for in the free list of the Philippine tariff, is not applicable to medicinal and toilet preparations and flavoring extracts manufactured in the United States with the use of domestic tax-paid alcohol.



MERCHANDISE EXPORTED FROM CONTINUOUS CUSTOMS CUSTODY

ART. 1077. *Drawback authorized.*—(*a*) Tariff Act of 1930, section 557:

• • • Merchandise upon which the duties have been paid and which shall have remained continuously in bonded warehouse or otherwise in the custody and under the control of customs officers, may be entered or withdrawn at any time within three years (or ten months in the case of grain) after the date of importation for exportation or for transportation and exportation to a foreign country, or for shipment or for transportation and shipment to the Virgin Islands, American Samoa, or the island of Guam, under such regulations as the Secretary of the Treasury shall prescribe, and upon such entry or withdrawal, and exportation of shipment, 99 per centum of the duties thereon shall be refunded. • • •

(*b*) United States Code, title 19, section 152–b:

Merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs upon which duties have been paid shall be entitled, on shipment to the Philippine Islands within 3 years from the date of the original arrival, to a return of the duties less 1 per centum, • • • under such rules and regulations as may be prescribed by the Secretary of the Treasury. (Mar. 8, 1902, c. 140, sec. 7, 32 Stat. 55.)

(*c*) The Canal Zone is considered foreign territory for the purpose of the drawback law.

(*d*) Imported articles which have remained continuously under customs custody and control are not entitled to drawback when shipped to Alaska, Puerto Rico, or Hawaii.

ART. 1078. *Packages.*—Tariff Act of 1930, section 562:

Unless by special authority of the Secretary of the Treasury, no merchandise shall be withdrawn from bonded warehouse in less quantity than an entire bale, cask, box, or other package; or, if in bulk, in the entire quantity imported or in a quantity not less than one ton weight. All merchandise so withdrawn shall be withdrawn in the original packages in which imported unless, upon the application of the importer, it appears to the collector that it is necessary to the safety or preservation of the merchandise to repack or transfer the same. • • •

ART. 1079. *Continuous custody.*—(*a*) Tariff Act of 1930, section 558:

No remission, abatement, refund, or drawback of estimated or liquidated duty shall be allowed on the exportation of any merchandise after its release from the custody or control of the Government except in case of the exportation of articles manufactured or produced in whole or in part from imported materials, or not conforming to sample or specifications, on which a drawback of duties is expressly provided for by law.

(*b*) Such custody must be continuous and uninterrupted from the time of importation to the time of exportation.

(*c*) Merchandise which has been released to an importer under the bond prescribed by article 314 of these regulations, and returned to the appraiser's stores upon requisition of the collector, and merchandise released under 6 months' bond, as provided for in section 308 of the Tariff Act of 1930, has not been in the continuous custody of customs officers.

(*d*) Merchandise which remains upon the wharf by permission of the collector is in customs custody. This custody ceases when the permit has been accepted by the customs officer in charge, and there is nothing further to be done by him in the way of measuring, weighing, gauging, etc.

(*e*) In the case of merchandise entered for warehouse, customs, custody ceases when the storekeeper with whom a delivery permit has been lodged has released the merchandise to or upon the order of the proprietor of the warehouse, as provided in articles 331 and 933 (*a*) and (*b*).

(*f*) Except as provided by paragraph (d) of this article, merchandise examined elsewhere than at the public stores in accordance with the provisions of article 770 is released from customs custody when final examination for purposes of appraisement has been completed.

ART. 1080. *Entry.*—(*a*) At least 6 hours before the lading of any merchandise on which drawback is claimed, there shall be filed by the importer, or by whomever said importer shall designate in writing, with the collector an entry in triplicate on customs Form 7541, one copy of which shall be forwarded to the comptroller of customs.

(*b*) Where the merchandise is to be transported before exportation the entry shall be filed in quadruplicate and name the transporting vessel or conveyance, the route and port of exit. One certified copy of this entry shall be forwarded to the collector at the port of exit. In such cases the merchandise must be transported by a bonded carrier under the regulations for transportation in bond, and manifests shall be prepared and filed in the manner provided in article 900 of these regulations.

(*c*) The storekeeper or other officer having the merchandise in charge, when so directed, shall cord, seal, or brand the same before delivery for transportation.

(*d*) The regulations as to supervision of lading and certification of exportation hereinbefore provided in the case of the exportation of manufactured articles will be followed, so far as applicable, the drawback entry taking the place of the notice of intent to export.

ART. 1081. *Completion of entry.*—As evidence of exportation there shall be filed an export bill of lading, and a landing certificate where required, in the manner and within the time provided in the case of the exportation of manufactured articles.

ART. 1082. *Ascertainment of drawback.*—(*a*) The drawback entry having been completed and the bill of lading filed, together with the landing certificate where required, the reports of inspection and lading having been made, and the clearance of the exporting vessel or conveyance having been shown by record of clearance in the case of direct exportation, or by certificate in the case of transportation and exportation, the collector with whom such entry and proofs are lodged shall verify the facts of importation by reference to the records in his office, and ascertain the amount of duty paid on the merchandise exported. The drawback found due shall be paid in accordance with the regulations covering manufactured articles.

(*b*) No drawback shall be paid until the import entry covering the merchandise shall have been liquidated, such liquidation has been made final by operation of law or by acceptance in writing by the importer, and the liquidated duties have been paid.

MERCHANDISE EXPORTED AFTER RETURN TO CUSTOMS CUSTODY

ART. 1083. *Drawback authorized.*—Tariff Act of 1930, section 313 (c):

Upon the exportation of merchandise not conforming to sample or specifications upon which the duties have been paid and which have been entered or withdrawn for consumption and, within thirty days after release from customs custody, returned to customs custody for exportation, the full amount of the duties paid upon such merchandise shall be refunded as drawback, less 1 per centum of such duties.

ART. 1084. *Application.*—(*a*) When an importer desires to export with benefit of drawback imported merchandise which does not conform to sample or specifications, he shall file with the collector of customs at the port where the merchandise was entered an application, in duplicate, on customs Form 7337, giving the quantities and description of the merchandise to be exported and identifying it with the import entry.

(*b*) The application shall also set forth the place at which the merchandise is to be deposited in customs custody. If such place is not, in the opinion of the collector, suitable for the examination of the merchandise and, where necessary, repacking, he may require the merchandise to be delivered, at the expense of the applicant, to a suitable place.

ART. 1085. *Samples and specifications.*—(*a*) The application shall be accompanied by a copy of the order for the

merchandise and copies of the correspondence, if any, preliminary thereto, and the samples or specifications on which the merchandise was ordered; and shall contain a statement by the importer, under oath, setting forth that the samples or specifications submitted are those on which the merchandise was ordered and showing in detail in what manner the imported merchandise does not conform to sample or specifications.

(*b*) If no written order was placed and no samples or specifications are available, a sworn statement of the importer setting forth his oral specifications may be accepted in lieu thereof, provided that in doubtful cases the collector may, before liquidation of the entry, require such oral specifications to be corroborated by the shipper.

(*c*) Cases involving doubt or dispute between the importer and the shipper should be forwarded to the Bureau for instructions.

ART. 1086. *Return of merchandise.*—(*a*) Upon receipt of the application the collector shall approve the place of deposit of the merchandise selected by the applicant, or designate another place if the one selected is not deemed suitable, making appropriate notation to that effect on both copies of the application, and return the duplicate to the applicant to be presented with the merchandise to the customs officer at the place of deposit, who shall note thereon the date on which the merchandise is received or customs custody assumed and return it to the collector. Customs officers shall not receive or assume custody of the merchandise until the duplicate of the application approved by the collector is presented at the place of deposit of the merchandise. A receipt showing the date of return of the merchandise shall be furnished to the applicant if he requests it. If the report of the receiving officer shows that the merchandise was not returned within the time required by law, the application should be rejected.

(*b*) In the case of merchandise to be returned to the foreign shipper through the mails from a post office located at a point where no customs officer is stationed, the merchandise, prepared for mailing, shall be deposited with the postmaster for delivery to the collector of customs at the port where the article was entered. The parcel, properly wrapped, stamped, and addressed for mailing abroad shall be inclosed in a package or wrapper addressed to the collector of customs at the port where such merchandise was originally entered. Waiver of the right to withdraw the merchandise from the mails, signed by the exporter, shall be stamped or written on both the parcel and package or wrapper, and the appraiser in making his return on the application (customs Form 7537) shall report accordingly. The outside package or wrapper shall bear an appropriate notation to the effect that the contents are intended for examination and exportation under section 313 (c) of the tariff act. If the parcel is to be insured or registered to cover transportation from port of original entry to foreign destination, the exporter shall advance to the collector of customs at such port the necessary funds to cover the charges for insurance or registry.

(*c*) The application fully executed, in duplicate, on customs Form 7537, shall either accompany, or be mailed simultaneously with, the parcel, except that if such form is not available to the exporter, or if available and information necessary for complete execution of the form is not obtainable at the time of mailing, the merchandise may be returned without the application, to the postmaster for prompt delivery to the collector of customs. In cases where the application covering the returned merchandise is not received by the collector, he shall, immediately upon receipt of such parcel, furnish the exporter with copies of customs Form 7537 for prompt execution and return. Dates of delivery of the parcel from the post office and return thereto are considered the dates of release from and return to customs custody, respectively, within the meaning of section 313 (c) of the tariff act. Drawback will be denied where articles are not returned to customs custody within 30 days after release therefrom.

(*d*) The exporter shall submit for the information of the collector of customs a parcel post or registered mail receipt or other evidence from the postmaster at the depositing office showing date of return of the merchandise to the postmaster, together with evidence of date of delivery of the incoming package from the post office to the addressee (exporter). After the required examination has been made of the merchandise and the collector has approved the application, he will cause the parcel to be mailed for exportation, notify the applicant of such approval and mailing, and forward to him blank copies of drawback entry (customs Form 7539), with the request for prompt execution and return. If the application is disapproved the collector shall notify the applicant accordingly and request advice from him as to the disposition to be made of the parcel.

ART. 1087. *Examination by appraiser.*—If it appears from the report of the receiving officer that the merchandise was returned to customs custody within the time required by law, the original of the application, together with its supporting documents, the samples and specifications, and the import invoice covering the merchandise, shall be submitted to the appraiser. The appraiser shall cause the merchandise to be examined, and if he finds the importer's claim well founded, shall supervise the repacking of the merchandise when repacking is necessary. After the merchandise has been examined and, when necessary, repacked, the appraiser shall return the application and accompanying documents to the collector with his report as to whether or not the merchandise has been identified with the import invoice, whether or not it conforms to sample or specifications and whether or not the quantity thereof agrees with that stated in the application.

ART. 1088. *Approval of application—Entry.*—If the appraising officer sustains the importer's claim and the collector concurs, the collector shall approve the application and so notify the applicant, the date of such notification being stamped on the application. The applicant shall then file a drawback entry on customs Form 7539 and the export procedure and liquidation of the entry shall be the same, so far as applicable, as that governing the exportation with benefit of drawback of merchandise in continuous customs custody. (See arts. 1080 to 1082.)

ART. 1089. *Acceptance of goods at importer's risk and expense—Time limit for exportation.*—Merchandise returned to customs custody under section 313 (c) of the Tariff Act of 1930 shall be accepted only at the risk and expense of the party in interest, and if not exported within 60 days after the date of notification of approval of the application to export shall be treated as unclaimed.

ART. 1090. *Waiver of proof—Duty less than $25.*—With the exception of the application of the importer, the above provisions of these regulations relative to proof of nonconformity to sample or specifications may be waived wholly or in part, provided the duty on the merchandise to be exported is less than $25 and the collector is otherwise satisfied that the claim is well founded.

GENERAL REGULATIONS RELATING TO ALL DRAWBACK CLAIMS

ART. 1091. *Filing of documents and liquidation of claims.*—(*a*) Where notices of intent are filed at ports of entry, the original, as soon as the inspector's report is made, will be forwarded to the collector of customs at the headquarters port, who will number the document. Where the entry is to be filed at a port in another customs district as indicated by the notice of intent, the original of the notice of intent will be forwarded to the port indicated by the exporter and the duplicate copy will be retained at the port of exit. When the entry and other papers required by the regulations to be filed by the claimant for drawback are received at the port of entry they will be forwarded to the headquarters port for liquidation and the issuance of check-debenture certificates.

(*b*) All certificates of importation will be issued by and to headquarters ports only; and if necessary the entry will be obtained from the port of entry. At the ports of entry a proper record will be made of notices of intent on customs Form 4491. A record of entries and liquidations will be kept at the headquarters port covering the transactions of the entire district on customs Forms 4489–A, 4489–B, or 4489–C. Each port of entry will maintain a separate series of numbers for notices of intent with the assigned symbol letter.

(*c*) When notices of intent are filed in accordance with article 1045 an additional copy will be required for transmission, after certification, to the collector at the port of exit.

ART. 1092. *Drawback allowable—Not allowable.*—(*a*) The duties subject to drawback include special dumping duties and the 10 percent additional duty assessed under section 304 of the Tariff Act of 1930 on merchandise not marked to indicate the country of origin.

(*b*) No drawback of additional duty imposed for undervaluation, or of discriminating duty, or of additional duty paid on any wool or hair used in violation of the bond provided for in paragraph 1101, Tariff Act of 1930, or of duty on merchandise remaining unclaimed in general order for more than 1 year and exported in the same condition as imported, shall be allowed.

ART. 1093. *Shippers' export declarations.*—The notation "Exported with benefit of drawback" may be stamped or written on shippers' export declarations covering merchandise on which drawback is claimed. While this will probably aid shippers in securing drawback inspection it is not obligatory that declarations shall be so stamped, and the liquidation of drawback entries will not be suspended on account of the absence of such notation.

ART. 1094. *Amendment of notices of intent and entries.*—(*a*) Except for the purpose of correcting a manifest clerical error or for changing the name of the exporting vessel, no change shall be made by the exporter in the notices of intent to export after filing, but correct notices of intent for the same merchandise may be accepted when filed in time to supplant those previously filed and needing correction.

(*b*) Final drawback entries may be corrected after filing with the collector, only after permission has been granted by the collector to have the comptroller's copy of the entry withdraw and the corrections or amendments sworn to by the appropriate parties, or by the timely filing of supplemental entry in duplicate.

ART. 1095. *Protests.*—The decision of the collector of customs refusing to pay a drawback claim is final and conclusive upon all persons unless the party filing the drawback claim or his agent shall within 60 days after, but not before, such decision, file a protest in writing with the collector in the manner provided in the case of protests against the liquidation of import entries.

ART. 1096. *Monthly reports.*—Within 10 days after the close of every month there shall be compiled and forwarded to the Division of Statistics and Research, Bureau of Customs, on customs Form 3151, a report for each customs district showing the following information: Total drawback allowed under section 557 and under each of the following subsections of section 313, Tariff Act of 1930 (a and b), (c), (d), and (g); remissions approved under subsection (e) and refunds allowed under subsection (f) of section 313.

ART. 1097. *Forms.*—The customs forms referred to in this chapter may be obtained from collectors of customs upon payment of the charge therefor, if any; or they may be printed by importers, manufacturers, or exporters, provided the color, size, wording, and arrangement are the same as the Government forms. If larger forms are necessary in the case of certificates of manufacture or drawback entries, the same may be printed, provided they are in multiples of the Government size.

ART. 1098. *Signing of documents—Powers of attorney.*—Powers of attorney, in accordance with article 301, will be required from persons signing documents required by this chapter in all cases where such person is not a member of the firm or is not the importer, manufacturer, or exporter, as the case may be. A power of attorney will also be required where the person signing a document for a corporation is not the president, vice president, treasurer, or secretary of the corporation.

ARTICLES EXPORTED FREE OF INTERNAL-REVENUE TAX OR WITH REFUND OF SAID TAX

ART. 1099. *Procedure.*—(*a*) For course of procedure in regard to the exportation free of internal-revenue tax, or with benefit of drawback of internal-revenue tax, of domestic distilled spirits, fermented liquor, wines, specially denatured alcohol, tobacco, snuff, cigars, oleomargarine, adulterated butter, mixed flour, playing cards, and stills, under internal-revenue laws, see Internal-Revenue Regulations Nos. 3, 7, 18, 29, and 73, gauging manual 1934, and I. R. T. D. 4670.

(*b*) For course of procedure relating to the withdrawal, without payment of internal-revenue tax, of tobacco products for use as supplies on certain vessels, see Internal-Revenue Regulations No. 76.

CHAPTER XXI

ENFORCEMENT OF THE CUSTOMS LAWS, FINES, PENALTIES, AND FORFEITURES

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GENERAL PROVISIONS

ART. 1100. *Smuggling and fraud on revenue—Merchandise imported contrary to law—Concealing, dealing in, or transporting.*—(a) Tariff Act of 1930, section 593:

(a) If any person knowingly and willfully, with intent to defraud the revenue of the United States, smuggles, or clandestinely introduces into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper, every such person, his, her, or their aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding $5,000, or imprisoned for any term of time not exceeding 2 years, or both, at the discretion of the court.

(b) If any person fraudulently or knowingly imports or brings into the United States, or assists in so doing, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding $5,000 nor less than $50, or be imprisoned for any time not exceeding 2 years, or both.

(c) Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

(*b*) In order to obtain a conviction of the person or forfeiture of the merchandise there must have been a violation of some specific provision of the customs revenue laws. Forfeiture will not be imposed by implication. There must be a statutory authorization therefor.

(*c*) It is not necessary that the Government shall have been deprived of duty to warrant a conviction or forfeiture under this section, but only that the merchandise shall have been fraudulently and knowingly introduced "contrary to law." "Contrary to law" is not confined to goods imported in violation of the customs revenue laws, but includes any merchandise imported in violation of any law.

(*d*) "Merchandise" as used in this section and this article includes goods, wares, and chattels the importation of which is prohibited or restricted.

ART. 1101. *Unlawful importing, landing, concealing, transporting, or aiding by obtaining information, financing, or otherwise—Vessels, vehicles, or persons—Penalty.*—United States Code, title 19, section 483:

(a) All vessels, with the tackle, apparel, and furniture thereof, and all vehicles, animals, aircraft, and things with the tackle, harness, and equipment thereof, used in, or employed to aid in, or to facilitate by obtaining information or otherwise, the unlading, bringing in, importation, landing, removal, concealment, harboring, or subsequent transportation of any merchandise upon the same or otherwise unlawfully introduced, or attempted to be introduced, into the United States, shall be seized and forfeited.

(b) Any member of the crew of any such vessel and any person who assists, finances, directs, or is otherwise concerned in the unlading, bringing in, importation, landing, removal, concealment, harboring, or subsequent transportation of any such merchandise exceeding $100 in value, or into whose control or possession the same shall come without lawful excuse, shall, in addition to any other penalty be liable to a penalty equal to the value of such goods, to be recovered in any court of competent jurisdiction, or to imprisonment for not more than 5 years, or both. (As amended Aug. 5, 1935, c. 438, title II, sec. 208, 49 Stat. 526.)

ART. 1102. *Customs - enforcement areas — Prevention of smuggling — Hovering vessels — etc. — Definitions.* — United States Code, title 19, sections 1701–1709:

SEC. 1701. (a) Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this chapter. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than one hundred nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provision, shall not include any waters more than 50 nautical miles outward from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

(b) At any place within a customs enforcement area the several officers of the customs may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: *Provided*, That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government: *Provided further*, That none of the provisions of this chapter shall be construed to relieve the Secretary of Commerce of any authority, responsibility, or jurisdiction now vested in or imposed on that officer. (Aug. 5, 1935, c. 438, title I, sec. 1, 49 Stat. 518.)

NOTE.—Customs-enforcement areas established under authority of this section will be published in the Treasury Decisions.

SEC. 1702. (a) Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the United States, controlling or substantially participating in the control of any such vessel, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of said vessel for any such purpose, and any person found, or discovered to have been, on board of any such vessel so employed and participating or assisting in any such purpose, shall be liable to a fine of not more than $5,000 or to imprisonment for not more than 2 years, or to both such fine and imprisonment.

(b) It shall constitute an offense under this section to hire out or charter a vessel if the lessor or charterer has knowledge that, or if such vessel is leased or chartered under circumstances which would give rise to a reasonable belief that, the lessee or person chartering the vessel intends to employ such vessel for any of the purposes described in subsection (a) and if such vessel is, during the time such lease or charter is in effect, employed for any such purpose. (Aug. 5, 1935, c. 438, title I, sec. 2, 49 Stat. 518.)



SEC. 1703. (a) Whenever any vessel which shall have been built, purchased, fitted out in whole or in part, or held, in the United States or elsewhere, for the purpose of being employed to defraud the revenue or to smuggle any merchandise into the United States, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever any vessel which shall be found, or discovered to have been, employed, or attempted to be employed, within the United States for any such purpose, or in anywise in assistance thereof, or whenever any vessel of the United States which shall be found, or discovered to have been, employed, or attempted to be employed at any place, for any such purpose, or in anywise in assistance thereof, if not subsequently forfeited to the United States or to a foreign government, is found at any place at which any such vessel may be examined by an officer of the customs in the enforcement of any law respecting the revenue, the said vessel and its cargo shall be seized and forfeited.

(b) Every vessel which is documented, owned, or controlled in the United States, and every vessel of foreign registry which is, directly or indirectly, substantially owned or controlled by any citizen of, or corporation incorporated, owned, or controlled in, the United States, shall, for the purposes of this section, be deemed a vessel of the United States.

(c) For the purposes of this section, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display lights as required by law, shall be prima facie evidence that such vessel is being, or has been, or is attempted to be employed to defraud the revenue of the United States. (Aug. 5, 1935, c. 438, title I, sec. 3, 49 Stat. 518.)

SEC. 1704. Subject to appeal to the Secretary of Commerce and under such regulations as he may prescribe, whenever the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, licensed, or numbered, is shown upon evidence which he deems sufficient that such vessel is being, or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such collector that such vessel has been built or adapted for the purpose of smuggling merchandise, the said collector shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such collector and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section. (Aug. 5, 1935, c. 438, title I, sec. 4, 49 Stat. 519.)

NOTE.—Regulations issued under section 1704, supra, by the Secretary of Commerce are contained in Commerce Department Circular No. 298, dated December 16, 1935, the pertinent part of which reads as follows:

While the law prescribes that the collector of customs may determine the evidence which he deems sufficient that such vessel is being used or is intended to be used illegally, it is the opinion of this Department that in order to secure uniformity and prevent injustice, the collector of customs, before revoking any existing document of a vessel, should present the charges filed with him to the owner of the vessel that he may have an opportunity to reply under oath thereto; except, that in cases before the collector of customs which are supported by evidence that is practically conclusive, and where immediate action is desirable, the collector would be justified in revoking, or in refusing to issue the documents of the vessel subject to an appeal by the owner to the Secretary of Commerce.

Any appeal to the Secretary of Commerce made pursuant to the above quoted section of law shall be in writing and must be sworn to before a notary public or other officer authorized by law to administer oaths generally, and filed in triplicate with the collector, who will retain one copy in his office. The owner should be permitted to submit with his appeal corroborative evidence in the form of affidavits from persons having actual knowledge in the premises, also, if he so desires, a description in detail and blueprints of the vessel. Such evidence, with two copies of the owner's appeal, should be promptly forwarded to this Department, together with the collector's report, which should present in detail the facts and evidence supporting his action, and also any additional comments he desires to make regarding any facts not before the collector at the time of his original action.

SEC. 1705. Any vessel or vehicle forfeited to the United States, whether summarily or by a decree of any court, for violation of any law respecting the revenue, may, in the discretion of the Secretary of the Treasury, if he deems it necessary to protect the revenue of the United States, be destroyed in lieu of the sale thereof under existing law. (Aug. 5, 1935, c. 438, title I, sec. 5, 49 Stat. 519.)

SEC. 1706. Except into the districts adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port or place, or from any hovering vessel, in any vessel of less than 30 net tons burden without special license granted by the Secretary of the Treasury under such conditions as he may prescribe, nor in any other manner than by sea, except by aircraft duly licensed in accordance with law, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such unlicensed vessels or aircraft and of the merchandise imported therein, landed or unladen in any manner. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any such vessel or aircraft, shall be prima facie evidence of the foreign origin of such merchandise. (Aug. 5, 1935, c. 438, title I, sec. 6, 49 Stat 519.)

NOTE.—Regulations (T. D. 48813) issued under section 1706, supra, by the Secretary of the Treasury provide as follows:

The application for a license under the above quoted section of law shall be addressed to the Secretary of the Treasury and delivered to the collector of customs of the district in which are located the ports where foreign merchandise is to be imported.

The application shall be executed under oath or affirmation and shall contain the following information:

(1) Name of vessel, rig, motive power, and home port.
(2) Name and address of owner.
(3) Name and address of master.
(4) Net tonnage of vessel.
(5) Kind of merchandise to be imported.
(6) Country or countries of exportation.
(7) Ports of the United States where merchandise will be imported.
(8) Whether the vessels will be used to transport and import merchandise from a hovering vessel.
(9) Kind of document under which vessel is operating.

The collector will make inquiry into the character and reputation of the owner or master, or both, as the case may be, and for this purpose shall refer the application to the Customs Agency Service for verification, investigation, and report. The investigation should include, among other things, an inquiry as to whether the applicant or the vessel has previously been engaged in the violation of the customs or navigation laws.

The collector will transmit the application to the Bureau with his report and recommendation, which should include any special conditions believed necessary or desirable to be incorporated in the license. The Secretary of the Treasury will issue a license only if he is satisfied that the revenue will not be jeopardized thereby. The license will be issued in the name of the applicant and not in the name of the vessel. The original and one copy of the license, if granted, will be transmitted to the collector; the original to be delivered by him to the licensee, and the copy to be retained in the records of his office.

The master or owner shall keep the license on board the vessel at all times and exhibit it upon demand of any duly authorized officer of the United States. Said license is personal to the licensee and is not transferable.

The collector will report to the Bureau any violation of the terms of the license or any other conduct on the part of the licensee which may be deemed to warrant consideration looking to the revocation of the license.

The license is revocable at the discretion of the Secretary of the Treasury for any violation of its terms or for any cause which he considers inimical to the revenue or otherwise against the interests of the United States.

SEC. 1707. In addition to any other requirement of law, every vessel, not exceeding 500 net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred, nor shall such bond be required. This section shall take effect on the sixtieth day following August 5, 1935. (Aug. 5, 1935, c. 438, title I, sec. 7, 49 Stat., 520.)

NOTE.—See arts. 122, 143, and 151.

SEC. 1708. (a) If the master of any vessel of the United States, not exceeding 500 net tons, allows such vessel to be laden at any foreign port or other place without the United States with any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors (sea stores excepted), which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, without certificates issued for the importation of such merchandise into the United States as required by section 1707 of this chapter, the master of such vessel shall, in addition to any other penalties provided by law, be liable to a penalty equal to the value of the said merchandise but not less than $1,000 and such vessel and such merchandise shall be seized and forfeited.

(b) Whoever, being a citizen of the United States or a master or a member of the crew of a vessel of the United States, if such vessel does not exceed 500 net tons, shall, with intent to defraud the revenue of the United States, procure, or aid or assist in procuring, any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors, without certificate issued for the importation thereof into the United States as required by section 1707 of this title, to be laden upon such vessel at any foreign port or other place within the United States, which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, shall, in addition to any other penalties provided by law, be liable to a fine of not more than $1,000 or to imprisonment for not more than 2 years, or to both such fine and imprisonment. (Aug. 5, 1935, c. 438, title I, sec. 8, 49 Stat. 520.)

SEC. 1709. When used in this chapter: (a) The term "United States", when used in a geographical sense, includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, the Canal Zone, American Samoa, and the island of Guam.

(b) The term "officer of the customs" means any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a collector, to perform the duties of an officer of the Customs Service.

(c) The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling, or permitting the authorities of the United States to board, examine, search, seize, or otherwise enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement, and in the case of every other vessel, the waters within 4 leagues of the coast of the United States.

(d) The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue. (Act Aug. 5, 1935, c. 438, title IV, sec. 401, 49 Stat. 529.)

ART. 1103. *Baggage of passengers from foreign countries—Articles not declared.*—(a) Tariff Act of 1930, section 497:

Any article not included in the declaration and entry as made, and, before examination of the baggage was begun, not mentioned in writing by such person, if written declaration and entry was required, or orally if written declaration and entry was not required, shall be subject to forfeiture and such person shall be liable to a penalty equal to the value of such article.

(b) If the undeclared articles are mentioned to the customs officers before the examination of the baggage has begun, or if such officers are satisfied the failure to declare was without fraudulent intent, such articles may be appraised and duty assessed and collected on the passenger's declaration; but under no circumstances will an amendment of the declaration be permitted so as to include articles previously found by the inspectors. (See art. 422 (i).)

(c) When, in the opinion of the collector, no penalty should be imposed, or the circumstances warrant the imposition of an amount less than the full penalty, he may recommend the remission of such penalty, or a mitigation thereof to the amount determined upon by the collector in accordance with the procedure set forth in articles 1144 and 1145.

ART. 1104. *Entry by false invoice, declaration, affidavit, paper, or statement.*—(a) *Personal penalties.*—Tariff Act of 1930, section 591, as amended by section 304 of the anti-smuggling act of August 5, 1935:

If any consignor, seller, owner, importer, consignee, agent, or other person or persons enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration under the provisions of section 485 of this act (relating to declaration on entry) without reasonable cause to believe the truth of such statement, or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement; or is guilty of any willful act or omission by means whereof the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or persons, shall be subject to forfeiture, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates. The arrival within the territorial limits of the United States of any merchandise consigned for sale and remaining the property of the shipper or consignor, and the acceptance of a false or fraudulent invoice thereof by the consignee or the agent of the consignor, or the existence of any other facts constituting an attempted fraud, shall be deemed, for the purposes of this section, to be an attempt to enter such merchandise notwithstanding no actual entry has been made or offered.

(c) As merchandise within this section is subject to duty after entry is made, liquidation should follow in order that the importer may pay his duty and take whatever action is necessary so far as the jurisdiction of the Customs Court is concerned.

(d) The value to be recovered under section 592 (above) is the domestic value as defined by article 1130 of these regulations.

ART. 1105. *Goods not specified in the invoice—Fraudulent intent—Forfeiture.*—(a) Tariff Act of 1930, section 499:

* * * If any package is found by the appraiser to contain any article not specified in the invoice and he reports to the collector that in his opinion such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be liable to seizure, but if the appraiser reports that no such fraudulent intent is apparent then the value of said article shall be added to the entry and the duties thereon paid accordingly. * * *

(b) The proceedings for forfeiture should be instituted under section 592 of the tariff act.

ART. 1106. *Undervaluation exceeding 100 per cent.*—(a) Tariff Act of 1930, section 489:

* * * If the appraised value of any merchandise exceeds the value declared in the entry by more than 100 per centum, such entry shall be presumptively fraudulent, and the collector shall seize the whole case or package containing such merchandise and proceed as in case of forfeiture for violation of the customs laws; and in any legal proceeding other than a criminal prosecution that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he rebuts such presumption of fraud by sufficient evidence.

* * * * * * *

All additional duties, penalties, or forfeitures applicable to merchandise entered in connection with a certified invoice shall be alike applicable to merchandise entered in connection with a seller's or shipper's invoice or statement in the form of an invoice.

(b) This section applies only to imported merchandise which is subject to an ad valorem rate of duty or to a duty based upon or regulated in any manner by the value thereof.

(c) The phrase "appraised value" refers to the value found by the appraiser, or in the case of appeal for reappraisement, by the United States Customs Court.

(d) The proceedings for forfeiture should be instituted under section 592 of the tariff act. The forfeiture will apply to the whole of the merchandise, or the domestic value thereof, in the case or package containing the particular article or articles which are undervalued. (See art. 1140.)

(e) The Government may institute proceedings for the forfeiture of such merchandise or the domestic value thereof as defined by article 1130, and in addition the importer is liable for the regular and additional duties which should be assessed in the liquidation of the entry and collected from the importer. (See art. 1140.)

ART. 1107. *Inspection of importer's books, records, etc.*—(a) Tariff Act of 1930, section 511:

If any person importing merchandise into the United States or dealing in imported merchandise fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or the United States Customs Court, or a judge of such court, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation of merchandise into the United States by or for the account of such person, and (2) shall instruct the collectors to withhold delivery of merchandise imported by or for the account of such person. If such failure continues for a period of one year from the date of such instructions the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise.

(b) Before demanding an inspection of importer's books, correspondence, or records, investigating officers must present a written request for such inspection signed by the Secretary of the Treasury, appraiser, person acting as appraiser, collector, or judge of the United States Customs Court. A refusal to permit such inspection should be reported by the investigating officer to the officer who issued the said request, who in turn will report the failure to the collector for submission of all facts in the case to the Secretary of the Treasury for instructions; except that where the request is made under the authority of the United States Customs Court the report will be made to that court.

ART. 1108. *Examination of importer and others—Penalties for refusal to give testimony.*—(a) Tariff Act of 1930, section 509:

Collectors, appraisers, and judges and divisions of the United States Customs Court may cite to appear before them or any of them and to examine upon oath, which said officers or any of them are hereby authorized to administer, any owner, importer, consignee, agent, or other person upon any matter or thing which they, or any of them, may deem material respecting any imported merchandise then under consideration or previously imported within one year, in ascertaining the classification or the value thereof, or the rate or amount of duty; and they, or any of them, may require the production of any letters, accounts, contracts, invoices, or other documents relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed and preserved, under such rules as the United States Customs Court may prescribe, and such evidence may be given consideration in subsequent proceedings relating to such merchandise.

(b) The citation shall be in writing, signed by the proper officer, state the merchandise or entries concerning which the examination will be held, and indicate the documents required to be presented. It shall be addressed to the person desired to be examined, and shall set a specific time when and place where his personal appearance is required.

(c) Such citation shall be served in person or by registered mail. When service is personal, a return must be made on the duplicate copy by the serving officer, otherwise, the registry receipt and the return card from the post office must be attached to such duplicate.

(d) Tariff Act of 1930, section 510:

If any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a judge of the United States Customs Court, or a division of such court, or an appraiser, or a collector, he shall be liable to a penalty of not less than $20 nor more than $500; and if such person be the owner, importer, or consignee, the appraisement last made of such merchandise, whether made by an appraiser, a judge of the United States Customs Court, or a division of such court, shall be final and conclusive against such person; and any person who shall willfully and corruptly swear falsely on an examination before any judge of the United States Customs Court, or division of such court, or appraiser or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited or the value thereof may be recovered from him.

(e) When the conditions of the citation issued by the collector or the appraiser are not complied with, the collector shall refer the matter to the United States attorney for appropriate action.

ART. 1109. *Narcotic drugs—Alcoholic liquors on vessels not exceeding 500 net tons—Forfeiture—Penalties.*—(a) United States Code, title 21, section 171:

The term "narcotic drug" means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine.

(b) Tariff Act of 1930, section 584, as amended by section 204 of the anti-smuggling act of August 5, 1935:

* * * * * *

If any of such merchandise so found consists of heroin, morphine, or cocaine, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 594 of this act (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel in rem; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have know, that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law.

* * * * * *

(c) A written notice of the imposition of the penalty and the provisions of the law shall be sent to the master of the vessel or the person in charge of the vehicle or the owner of either, demand being made for the payment of the amount of the penalty. If the penalty is not paid promptly (or bond given in the case of a vessel) the case will be referred to the United States attorney.

(d) Petition for remission or mitigation may be filed under section 618 of the Tariff Act of 1930 and shall be forwarded promptly to the Bureau of Customs in the usual manner. Upon receipt of the decision, the collector shall make demand for the payment of the penalty imposed, and in the case of a vessel, if bond has been given, notice of such imposition shall be sent to the principal and each surety on the bond. If said amount is not paid within 30 days from the date of such notice or demand or if the offender desires to litigate the matter through the court, the collector shall refer the case to the United States attorney for the collection of the full statutory penalty.

(*e*) The relief afforded by the exercise "of the highest degree of care and diligence" is granted by the court in which the case if heard and is not determined by the collector.

(*f*) Collectors may permit narcotic drugs in reasonable quantity and properly listed as medical stores of vessels to remain on such vessels if satisfied that such drugs are adequately safeguarded and used only for medical purposes. Smoking opium or opium prepared for smoking shall be seized, however, whenever and wherever found.

(*g*) No smoking opium or opium prepared for smoking shall be admitted into the United States or any territory under its control for transportation to another country, or for transshipment from one vessel to another within the waters of the United States for immediate exportation or for any other purpose; and, except with the approval of the Commissioner of Narcotics, no other narcotic drug may be so admitted or transshipped.

(*h*) All smoking opium or opium prepared for smoking, whether manufactured or not, found on a vessel arriving at a port of the United States, or which may have been smuggled into the United States, or into any territory under its control or jurisdiction, will be seized and forfeited without forfeiture proceedings of any character. Such opium, as well as narcotic drugs forfeited in the manner provided by section 607 of the Tariff Act of 1930, or not claimed under section 608 of said act, will be reported to the Commissioner of Narcotics and retained in the custody of the collector pending instructions.

(*i*) A special report, Narcotic Service Form 138, of all seizures of smoking opium and other narcotic drugs shall be made in quintuple immediately after the character and quantity of the merchandise seized have been definitely ascertained, the original and two copies to be transmitted to the Commissioner of Customs, Washington, D. C., and one copy to be retained on file by the reporting officer.

(*j*) In addition to this special report an annual report shall be made to the Commissioner of Narcotics within one month after the end of each calendar year to which the report relates. Where special reports have been made, merely a restatement of seizure numbers of individual seizures previously reported is sufficient with an indication opposite the respective seizures which are available for final disposition.

(*k*) The importation and exportation of narcotic drugs in the regular mails or by parcel post is prohibited.

(*l*) United States Code, title 21, section 174:

If any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than $5,000 and imprisoned for not more than 10 years. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains the possession to the satisfaction of the jury.

(*m*) United States Code, title 21, section 182:

It shall be unlawful for any person subject to the jurisdiction of the United States Government to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any narcotic drug to any other country. Narcotic drugs (except smoking opium * * *) may be exported to a country only which has * * * become a party to the convention * * * commonly known as the International Opium Convention of 1912 * * *.

(*n*) Narcotic drugs (except smoking opium and opium prepared for smoking, the exportation of which is absolutely prohibited) may be exported only upon permit issued by the Commissioner of Narcotics.

(*o*) Any person who exports or causes to be exported any narcotic drug in violation of the foregoing provisions will be subject to a fine not exceeding $5,000 nor less than $50, or to imprisonment not exceeding 2 years, or both.

(*p*) One-half of any fine recovered from any person or persons under the narcotic drugs import and export act of 1922, may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceeding under said act may be paid to the person or persons giving the information which led to such proceedings, if so directed by the court exercising jurisdiction in the case. No payment, however, for giving information shall be made to any officer or employee of the United States.

(*q*) Shipments by customs officers of seized narcotic drugs to the Commissioner of Narcotics or elsewhere shall be forwarded by express.

(*r*) All narcotic drugs seized under the narcotic drugs import and export act by any Federal officer, other than a customs officer, shall be immediately delivered into the custody of the collector of customs in whose district the seizure was made, with a full report of the circumstances of the seizure, provided that where the seizure is made by a narcotic inspector or agent in connection with an investigation which such inspector or agent considers may result in criminal prosecution under any Federal narcotic law, the drugs so seized shall not be delivered into the custody of the collector of customs, but custody of such drugs shall be retained by the appropriate narcotic officer until it is determined that same will not, or will no longer, be required as evidence, whereupon disposition thereof shall be made as provided by law.

(*s*) Except as otherwise provided above, arrests and seizures under the narcotic law will be handled in the same manner as other customs arrests and seizures.

(*t*) (1) *Alcoholic liquors on vessels not exceeding 500 net tons.*—Tariff Act of 1930, section 584 as amended by section 204 (b) of the anti-smuggling act of August 5, 1935:

If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section [illegible] of the Anti-Smuggling Act and the required certificate be not shown, be so found upon any vessel not exceeding 500 net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and, if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred.

(2) Cases arising under the provisions of this paragraph will be handled in the same manner as other customs arrests and seizures.

ART. 1110. *Intoxicating liquors.*—(*a*) Twenty-first article of amendment to the Constitution:

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SEC. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

(*b*) United States Code, title 27, sections 223–224:

SEC. 223. (a) Whoever shall import, bring, or transport any intoxicating liquor into any State in which all sales (except for scientific, sacramental, medicinal, or mechanical purposes) of intoxicating liquor containing more than 4 per centum of alcohol by volume are prohibited, otherwise than in the course of continuous interstate transportation through such State or attempt so to do, or assist in so doing, shall: (1) If such liquor is not accompanied by such permit or permits, license or licenses therefor as are now or hereafter required by the laws of such State; or (2) if all importation, bringing, or transportation of intoxicating liquor into such State is prohibited by the laws thereof; be guilty of a misdemeanor and shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) In order to determine whether anyone importing, bringing, or transporting intoxicating liquor into any State, or anyone attempting so to do, or assisting in so doing, is acting in violation of the provisions of this chapter, the definition of intoxicating liquor contained in the laws of such State shall be applied, but only to the extent that sales of such intoxicating liquor (except for scientific, sacramental, medicinal, and mechanical purposes) are prohibited in such State. (June 25, 1936, c. 815, sec. 3, 49 Stat.)

SEC. 224. All intoxicating liquor involved in any violation of this chapter, the containers of such intoxicating liquor, and every vehicle or vessel used in the transportation thereof, shall be seized and forfeited. Such seizure and forfeiture, and the disposition of such property subsequent to seizure and forfeiture, or the disposition of the proceeds from the sale of such property, shall be in accordance with existing laws or those hereafter in existence relating to seizures, forfeitures, and dispositions of property or proceeds, for violation of the internal-revenue laws. (June 25, 1936, c. 815, sec. 4, 49 Stat.)

(*c*) United States Code, title 18, section 390:

Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law. (As amended June 25, 1936, c. 815, sec. 8, 49 Stat.)

(*d*) United States Code, title 27, section 222:

(a) Wherever used in this chapter the word "State" shall mean and include every State, Territory, and possession of the United States, unless otherwise specifically provided.

(b) As used in this chapter the word "vessel" includes every description of water craft used, or capable of being used, as a means of transportation in water or in water and air; and the word "vehicle" includes animals and every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land or through the air. (June 25, 1936, c. 815, sec. 2, 49 Stat.)

(*e*) If the duly constituted officials of a State shall have acquired jurisdiction over any intoxicating liquors, vessels or vehicles by seizure thereof under the provisions of the several State statutes, such property will not be seized by customs officers unless it is voluntarily turned over to them to be proceeded against under the Federal statutes.

ART. 1111. *Alcoholic liquors—Forfeited—Disposition of.*—(*a*) United States Code, title 27, section 209:

(a) All distilled spirits, wine, and malt beverages forfeited, summarily or by order of court, under any law of the United States, shall be delivered to the Secretary of the Treasury to be disposed of as hereinafter provided.

(b) The Secretary of the Treasury shall dispose of all distilled spirits, wine, and malt beverages which have been delivered to him pursuant to subsection (a)—

(1) By delivery to such Government agencies as, in his opinion, have a need for such distilled spirits, wine, or malt beverages for medicinal, scientific, or mechanical purposes; or

(2) By gift to such eleemosynary institutions as, in his opinion, have a need for such distilled spirits, wine, or malt beverages for such distilled spirits, wine, or malt beverages for medicinal purposes; or

(3) By destruction.

(c) No distilled spirits, wine, or malt beverages which have been seized under any law of the United States may be disposed of in any manner whatsoever except after forfeiture and as provided in this section.

(d) The Secretary of the Treasury is authorized to make all rules and regulations necessary to carry out the provisions of this section. (Aug. 29, 1935, c. 814, sec. 9, 49 Stat. 987.)

(e) Nothing in this section shall affect the authority of the Secretary of the Treasury, under the customs or internal-revenue laws, to remit or mitigate the forfeiture, or alleged forfeiture, of such distilled spirits, wines, or malt beverages, or the authority of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to compromise any civil or criminal case in respect of such distilled spirits, wines, or malt beverages prior to commencement of suit thereon, or the authority of the Secretary of the Treasury to compromise any claim under the customs laws in respect of such distilled spirits, wines, or malt beverages. (June 26, 1936, c. 830, title V, sec. 507, 49 Stat.)

(*b*) *Procedure.*—1. No forfeited distilled spirits (including alcohol), wine, or malt beverages shall be sold. All prior regulations relating to the sale of forfeited distilled spirits (including alcohol), wine, and malt beverages, and predicated upon other existing law are hereby superseded.

2. No distilled spirits (including alcohol), wine, or malt beverages, seized under any law of the United States, shall be destroyed or otherwise disposed of except after forfeiture and as provided in these regulations.

3. Upon consummation of summary or administrative forfeiture, or upon receipt of advice of the entry of a court order decreeing forfeiture and directing delivery to the Secretary of the Treasury, of distilled spirits (including alcohol), wine, or malt beverages the chief officer of the seizing agency will prepare internal-revenue Form 1563 in quintuplet, submitting three copies to the Director of Procurement, sending one copy to the head of his agency, and retaining the remaining copy in his file: *Provided*, That distilled spirits (including alcohol), wine, or malt beverages not fit for human consumption or for scientific or mechanical purposes, and alcohol of less proof than 160°, need not be reported to the Director of Procurement but shall be destroyed.

4. Alcohol of less proof than 160° shall also be destroyed after forfeiture. Wine, malt beverages, and distilled spirits (other than alcohol), shall not be destroyed, except as provided in paragraph 5 or unless analysis by Government chemists shows that they are unfit for human consumption.

5. Where the amount of distilled spirits (including alcohol), wine, or malt beverages involved in any seizure is less than five wine gallons, internal-revenue Form 1563 need not be prepared or submitted to the Director of Procurement, and such distilled spirits (including alcohol), wine, or malt beverages will be destroyed immediately after forfeiture: *Provided*, That distilled spirits (other than alcohol) of any one kind and brand in excess of 1 gallon, shall not be destroyed under this paragraph.

6. Representative samples of all alcohol, and of other distilled spirits, wine, and malt beverages not destroyed under the authority contained in paragraphs (4) and (5) hereof shall be taken from the containers in which seized, and shall be analyzed by the nearest Government chemist. A copy of the chemist's report will be attached to the original of internal-revenue Form 1563 transmitted to the Director of Procurement, and a copy of the report retained in the files of the seizing agency.

7. Forfeited alcohol may be awarded by the Director of Procurement to Government agencies (1) for medicinal or scientific purposes, and (2) for mechanical purposes for use by such agencies in instances where, in the judgment of the seizing agency and upon approval of the head thereof, any part or all of a seizure can economically be denatured and transferred. Portable alcohol awarded for transfer to any agency for mechanical purposes shall be denatured in the manner required by the seizing agency, under the supervision of an officer of the seizing agency, prior to release or transfer thereof. The agency designated to receive such alcohol shall purchase all denaturing materials and pay for labor costs incident to such denaturation.

8. When distilled spirits (including alcohol), wine, or malt beverages which have been reported on internal-revenue Form 1563 are not assigned to a Government agency for official use, or disposed of by gift to an eleemosynary institution, field officers submitting the forms will be so advised by the Director of Procurement, and the spirits (including alcohol), wine, or malt beverages shall be destroyed.

9. Field officers will maintain a record of all forfeited spirits (including alcohol), wine, or malt beverages reported to the Director of Procurement. Where authority is not received within a reasonable time to transfer the articles to a Government agency or an eleemosynary institution, a follow-up letter should be sent to the Director of Procurement requesting definite information concerning their ultimate disposition. Prompt disposition should be made to prevent unnecessary storage charges.

10. District supervisors will report on internal-revenue Form 1565, prepared in duplicate, the disposition of all spirits (including alcohol), wine, or malt beverages directed by the Director of Procurement, the original thereof to be sent to the deputy commissioner and the copy retained in the district supervisor's files. Collectors of customs shall report

such disposition in the manner required by regulations for reporting the transfer of seized property to other agencies for official use.

NOTE.—See T. D. 48105 and art. 1235 re disposition of *abandoned* liquors.)

ART. 1112. *Unlawful relanding of merchandise exported.*—Tariff Act of 1930, section 589:

If any merchandise entered or withdrawn for exportation without payment of the duties thereon, or with intent to obtain a drawback of the duties paid, or of any other allowances given by law on the exportation thereof, is relanded at any place in the United States without entry therefor having been made, the same shall be considered and treated as having been imported into the United States contrary to law, and all persons concerned therein and such merchandise shall be liable to the same penalties as are prescribed by section 593 of this Act. (See art. 1100.)

ART. 1113. *False drawback claim—Forfeiture—Penalty.*—Tariff Act of 1930, section 590:

If any person shall knowingly and willfully file any false or fraudulent entry or claim for the payment of drawback, allowance, or refund of duties upon the exportation of merchandise, or shall knowingly or willfully make or file any false affidavit, abstract, record, certificate, or other document, with a view to securing the payment to himself or others of any drawback, allowance, or refund of duties, on the exportation of merchandise, greater than that legally due thereon, such person shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than $5,000, or by imprisonment for not more than 2 years, or both, and the merchandise or the value thereof to which such false entry or claim, affidavit, abstract, record, certificate, or other document relates shall be subject to forfeiture.

ART. 1114. *Merchandise in bonded warehouse—Fraudulent concealment, removal, repacking, or marking.*—Tariff Act of 1930, section 597:

If any merchandise is fraudulently concealed in, removed from, or repacked in any bonded warehouse, or if any marks or numbers placed upon packages deposited in such a warehouse be fraudulently altered, defaced, or obliterated, such merchandise and packages shall be subject to forfeiture, and all persons convicted of the fraudulent concealment, repacking, or removal of such merchandise, or of altering, defacing, or obliterating such marks and numbers thereon, and all persons aiding and abetting therein shall be liable to the same penalties as are imposed by section 593 of this Act. (See art. 1100.)

ART. 1115. *Offenses relating to seals; affixing by unauthorized persons; false seals; removal; injury to; defacing, etc.; unlawful removal of goods from customs custody.*—(*a*) Tariff Act of 1930, section 598:

If any unauthorized person affixes or attaches or in any way willfully assists or encourages the affixing or attaching of a customs seal or other fastening to any vessel or vehicle, or of any seal, fastening, or mark purporting to be a customs seal, fastening, or mark; or if any unauthorized person willfully or maliciously removes, breaks, injures, or defaces any customs seal or other fastening placed upon any vessel, vehicle, warehouse, or package containing merchandise or baggage in bond or in customs custody, or willfully aids, abets, or encourages any other person to remove, break, injure, or deface such seal, fastening, or mark; or if any person maliciously enters any bonded warehouse or any vessel or vehicle laden with or containing bonded merchandise with intent unlawfully to remove or cause to be removed therefrom any merchandise or baggage therein, or unlawfully removes or causes to be removed any merchandise or baggage in such vessel, vehicle, or bonded warehouse or otherwise in customs custody or control, or aids or assists therein; or if any person receives or transports any merchandise or baggage unlawfully removed from any such vessel, vehicle, or warehouse, knowing the same to have been unlawfully removed, he shall be guilty of a felony and liable to the same penalties as are imposed by section 593 of this Act. (See art. 1100.)

(*b*) In every instance report shall be made at once by the officer discovering the violation to his immediate superior, an investigation made, and the facts reported to the collector. If the identity of the violator is learned the case shall be reported to the United States attorney.

PROCEDURE

ART. 1116. *Reports of violation of law to collectors.*—(*a*) Tariff Act of 1930, section 602:

It shall be the duty of any officer, agent, or other person authorized by law to make seizures of merchandise or baggage subject to seizure for violation of the customs laws, to report every such seizure immediately to the collector for the district in which such violation occurred, and to turn over and deliver to such collector any vessel, vehicle, merchandise, or baggage seized by him, and to report immediately to such collector every violation of the customs laws.

(*b*) Such report shall be on customs Form 5955, and in addition to the facts required to be shown as indicated thereon, the reporting officer shall state the names and addresses of the witnesses and what action has been taken by the United States commissioner in the criminal case. Such reports will have shown thereon the individual port seizure numbers which will run consecutively at each port in 5-year series. When seizure reports are received at headquarters ports from other ports, a district series of case numbers in 5-year series for the entire district will be stamped on the seizure reports above the port seizure numbers. The district serial numbers will be the case numbers on customs Form 5211.

(*c*) All copies of the report required by instructions on Customs Form 5955, except the file copy, will be forwarded to the headquarters port, from which they will be transmitted to the offices indicated on said form.

(*d*) A separate report shall be made of each seizure no matter how small the individual seizure may be. All seizures shall be reported to the Bureau during the month in which they are made. In important cases, a copy of the report shall be forwarded immediately to the Bureau.

(*e*) In those cases, either civil or criminal, involving court action, an individual report by letter on each case shall be forwarded to the Bureau stating the date on which the matter is referred to the United States attorney, each case to be identified by seizure number as appearing on Customs Form 5955. This individual report should set forth clearly all additional facts in the case obtained since forwarding Customs Form 5955 in order properly to complete the Bureau's records. It should consist of a copy of the case report forwarded to the United States attorney.

(*f*) *Disposition of cases.*—The collector shall report by letter to the Bureau, the names of all persons tried in the district showing whether acquitted or convicted and if convicted the sentence or fine imposed in each case. He shall also report, in respect of civil cases referred to the United States attorney for legal proceedings, including those in which claim and bond are filed under section 608 of the Tariff Act of 1930 and article 1132, decisions of the Department of Justice not to institute such proceedings or decisions to abandon their prosecution. These reports shall be forwarded as soon as possible after receipt of advice of the decisions of the court or of the Department of Justice, as the case may be.

(*g*) Seizures made at ports of entry will be reported to the district headquarters and the property retained in customs custody pending instructions from the collector as to its disposition. Violation of customs and navigation laws occurring at such ports will be reported by the deputy collectors in charge to the district headquarters with a full statement of the facts in each case, the law violated, and the penalty incurred.

(*h*) All applications or petitions with respect to such seizures and violations shall be forwarded by the deputy collectors to the headquarters port. (See arts. 1141 and 1145.)

ART. 1117. *Arrests—Seizures—Who may make.*—(*a*) Tariff Act of 1930, section 581 as amended by section 203 of the antismuggling act of August 5, 1935:

(a) Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under the Anti-Smuggling Act, or at any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

(b) Officers of the Department of Commerce and other persons authorized by such department may go on board of any vessel at any place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.



(f) It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force to seize or arrest the same.

(g) Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to the provisions of this section.

(h) The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government.

(*b*) United States Code, title 14, section 101:

* * * District commanders of Coast Guard stations * * * shall have the powers and perform the duties of inspectors of customs. * * *.

(*c*) United States Code, title 14, section 104:

The keepers of Coast Guard stations and houses of refuge shall have the powers of inspectors of customs, but shall receive no additional compensation for duties performed as such. * * *

(*d*) United States Code, title 33, section 755:

Masters of lighthouse tenders shall have police powers in matters pertaining to government property and smuggling.

(*e*) Seizing officers are protected by law when reasonable cause of seizure shall appear. Seizures may be made by private persons but upon their own responsibility in case the seizure is not adopted by the collector.

(*f*) Seizures for undervaluation pursuant to section 489 of the Tariff Act of 1930 will be made by the collector.

ART. 1118. *Hovering vessels—Vessels failing to display lights—Examination of—Seizure—Forfeiture.*—Tariff Act of 1930, section 587, as amended by section 206 of the antismuggling act of August 5, 1935:

(a) Any hovering vessel, or any vessel which fails (except for unavoidable cause), at any place within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act, to display lights as required by law, or which has become subject to pursuit as provided in section 581 of this act, or which, being a foreign vessel to which subsection (h) of said section 581 applies, is permitted by special arrangement with a foreign government to be so examined without the customs waters of the United States, may at any time be boarded and examined by any officer of the customs, and the provisions of said section 581 shall apply thereto, as well without as within his district, and in examining the same, any such officer may also examine the master upon oath respecting the cargo and voyage of the vessel, and may also bring the vessel into the most convenient port of the United States to examine the cargo, and if the master of said vessel refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage, he shall be liable to a penalty of not more than $5,000 nor less than $500. If, upon the examination of any such vessel or its cargo by any officer of the customs, any dutiable merchandise destined to the United States is found, or discovered to have been, on board thereof, the vessel and its cargo shall be seized and forfeited. It shall be presumed that any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, so found, or discovered to have been, on board thereof, is destined to the United States.

(b) If any vessel laden with cargo be found at any place in the United States or within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act, and such vessel afterwards is found light or in ballast or having discharged its cargo or any part thereof, and the master is unable to give a due account of the port or place at which the cargo, or any part thereof, consisting of any merchandise the importation of which into the United States is prohibited or any spirits, wines, or other alcoholic liquors, was lawfully discharged, the vessel shall be seized and forfeited.

(c) Nothing contained in this section shall be construed to render any vessel liable to forfeiture which is bona fide bound from one foreign port to another foreign port, and which is pursuing her course, wind and weather permitting.

ART. 1119. *Boarding of vessels or vehicles.*—(*a*) For the purpose of examining the manifest, or inspection and searching of the vessel or vehicle, any officer of the customs may go on board at any time of—

(1) Any vessel at any place in the United States; or

(2) Any vessel within the customs waters of the United States;

(3) Any American vessel on the high seas where there is probable cause to believe that such vessel is violating or has violated the laws of the United States or is subject to seizure for violation of such laws; or

(4) Any vessel within a customs-enforcement area, but officers of the customs are not authorized to board for the purpose of examination, inspection, or search a foreign vessel upon the high seas in contravention of any treaty with a foreign government, or in the absence of special arrangement with such foreign government.

(*b*) Customs officers are also empowered to search vessels for letters which may be on board or have been conveyed contrary to law on board any vessel or on any post route, and seize the same and deliver them to the nearest post office or detain them subject to orders of the postal authorities. (See art. 121, c. III.)

(*c*) United States Code, title 19, section 482:

Any of the officers or persons authorized to board or search vessels may stop, search, and examine, as well without as within their respective districts, any vehicle, beast, or person, on which or whom he or they shall suspect there is merchandise which is subject to duty, or shall have been introduced into the United States in any manner contrary to law, whether by the person in possession or charge, or by, in, or upon such vehicle or beast, or otherwise and to search any trunk or envelope wherever found, in which he may have a reasonable cause to suspect there is merchandise which was imported contrary to law; and if any such officer or other person so authorized shall find any merchandise on or about any such vehicle, beast, or person, or in any such trunk or envelope, which he shall have reasonable cause to believe is subject to duty, or to have been unlawfully introduced into the United States, whether by the person in possession or charge, or by, in, or upon such vehicle, beast, or otherwise, he shall seize and secure the same for trial. (R. S. 3061.)

(*d*) In stopping vehicles and boarding vessels, the officer must be in uniform, or in the case of a customs agent he shall identify himself to the person in charge of the vessel or vehicle to be searched.

(*e*) United States Code, title 7, section 164a:

Any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provisions of sections 151 to 164 of this title and furnished with and wearing a suitable badge for identification, who has probable cause to believe that any person coming into the United States, or any vehicle, receptacle, boat, ship, or vessel, coming from any country or countries or moving interstate, possesses, carries, or contains any nursery stock, plants, plant products, or other articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the provisions of sections 151 to 164 of this title, or by any quarantine or order of the Secretary of Agriculture issued or promulgated pursuant thereto, shall have power to stop and, without warrant, to inspect, search and examine such person, vehicle, receptacle, boat, ship, or vessel, and to seize, destroy, or otherwise dispose of, such nursery stock, plants, plant products, or other articles found to be moving or to have been moved in interstate commerce or to have been brought into the United States in violation of sections 151 to 164 of this title, or of such quarantine or order. (Aug. 20, 1912, c. 308, sec. 10; May 1, 1928, c. 462, 45 Stat. 468.)

ART. 1120. *Vessels' and vehicles' manifests—Failure to produce—Presentation of false documents—Penalty.*—(*a*) Tariff Act of 1930, section 584:

Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of $500, and if any merchandise, including sea stores, is found on board of or after having been unladen from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture, and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge or the owner of such vessel or vehicle shall be subject to a penalty of $500: *Provided*, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was un-

shipped or discharged except as specified in the report of the master, said penalties shall not be incurred.

* * * * *

(*b*) Under this section of law, the penalty for failure to produce the manifest on proper demand therefor is $500, and if any merchandise (including sea stores) is found on board, an additional penalty equal to the value of such merchandise accrues. (See ch. IV, Trade with Contiguous Territory. See art. 1109 for penalty in case any of such merchandise is smoking opium.)

(*c*) Tariff Act of 1930, section 521, as amended by section 203 of the anti-smuggling act of August 5, 1935:

(c) Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than $5,000 nor less than $500.

ART. 1121. *Seizure of vessels and vehicles—Penalty.*—(*a*) If it shall appear to any officer authorized to board vessels and vehicles and make seizures that there has been a violation of the laws of the United States whereby a vessel or vehicle or the merchandise or any part thereof on board of or imported by such vessel or vehicle is liable to forfeiture, such officer shall make seizure of the same, and arrest, or, in case of escape or attempted escape, pursue and arrest any person engaged in such violation.

(*b*) Every vehicle and beast, or either, referred to in paragraph (*c*) of article 1119, in or upon which there is found merchandise which has been introduced into the United States contrary to law, together with teams or other motive power used in conveying, drawing, or propelling such vehicle or merchandise, and all other appurtenances including trunks, envelopes, covers, and all means of concealment, and all the equipage, trappings, and other appurtenances of such beast, team, or vehicle shall be subject to seizure and forfeiture.

(*c*) It is immaterial whether the owner or driver of a domestic vehicle used wholly within the United States in the transportation of smuggled merchandise had or had not knowledge of its illegal use. If, however, the property smuggled or illegally used has been stolen, the rightful owner may interpose such theft as a defense to forfeiture.

(*d*) It is not necessary that proceedings shall have been instituted against the master or owner personally before proceedings are instituted by libel against the vessel or vehicle.

(*e*) Tariff Act of 1930, section 594:

Whenever a vessel or vehicle, or the owner or master, conductor, driver, or other person in charge thereof, has become subject to a penalty for violation of the customs-revenue laws of the United States, such vessel or vehicle shall be held for the payment of such penalty and may be seized and proceeded against summarily by libel to recover the same: *Provided*, That no vessel or vehicle used by any person as a common carrier in the transaction of business as such common carrier shall be so held or subject to seizure or forfeiture under the customs laws, unless it shall appear that the owner or master of such vessel or the conductor, driver, or other person in charge of such vehicle was at the time of the alleged illegal act a consenting party or privy thereto.

(*f*) The immunity from seizure of vessels used as common carriers does not extend to fines imposed for the carriage of smoking opium. (See art. 1109.)

(*g*) Except in cases where specifically authorized by law, clearance of vessels within the common carrier exception of section 594 of the Tariff Act of 1930 can not be refused for the purpose of collecting a fine imposed upon the master, or owner, unless either of them was a party to the illegal act. The Government's remedy is limited to an action against the master or owner.

(*h*) If a penalty is incurred under section 459 of the tariff act by a person in charge of a vehicle arriving in the United States from a contiguous country, actual seizure of the vehicle should not be made, and no seizure report should be executed on customs Form 5955, provided the vehicle involved is not carrying merchandise at the time of entry. The vehicle, however, may be detained and held by the collector of customs under section 594 of the tariff act until the penalty incurred by the person in charge has been settled.

ART. 1122. *Maritime Commission vessels—Exemption from penalties.*—(*a*) Where a vessel owned by the United States Maritime Commission and operated by a private concern under the managing and operating agreement of 1935 becomes liable for the payment of a penalty incurred for violation of the customs revenue laws, clearance of the vessel shall not be withheld nor shall any proceedings be taken against the vessel itself looking to the enforcement of such liability.

(*b*) This exemption does not apply to vessels placed by the United States Maritime Commission with private concerns under "bare-boat" charters, and shall not in any way be construed so as to relieve the masters of such vessels or other persons incurring such penalties from personal liability for the payment thereof.

(*c*) Collectors will, however, report promptly to the department all cases of violation of such laws involving Maritime Commission vessels in which in their opinion the master or other officer is implicated or is grossly negligent in endeavoring to prevent it, stating fully the facts.

ART. 1123. *Warrant to search dwelling house, store, or other building; passing through lands, etc.*—(*a*) Tariff Act of 1930, section 595 (a):

If any collector of customs or other officer or person authorized to make searches and seizures shall have cause to suspect the presence in any dwelling house, store, or other building or place of any merchandise upon which the duties have not been paid, or which has been otherwise brought into the United States contrary to law, he may make application, under oath, to any justice of the peace, to any municipal, county, State, or Federal judge, or to any United States commissioner, and shall thereupon be entitled to a warrant to enter such dwelling house in the daytime only, or such store or other place at night or by day, and to search for and seize such merchandise. * * * (Customs Forms 4599 and 4601.)

(*b*) Customs officers to whom warrants are issued to search for and seize merchandise are without authority to remove letters and other documents and records, unless the same be instruments of crime themselves and are seized as an incident to a lawful arrest.

(*c*) When acting under a warrant to search the rooms in a building occupied by persons described in the warrant, search of other rooms in such building should not be made unless they are also described in the warrant, together with the names of such persons occupying such rooms.

(*d*) The warrant must be served in person by the officer to whom it is issued and addressed.

(*e*) In serving search warrants the officer must deliver a copy of same to the person in charge or possession of the premises together with receipt for the property seized thereunder or, in the absence of any person, copy and receipt should be left in some conspicuous place on the premises searched. Notation should be made of the name of the person on whom the warrant was served or the place where it was left.

(*f*) The warrant must be executed within 10 days from its date and forthwith returned to the issuing officer (judge of municipal, county, State, or Federal court, United States commissioner, etc.) with a written inventory of the property taken verified by the affidavit of the officer to whom the warrant was addressed and the seized property shall be delivered into the custody of the collector. A copy of the warrant should also be kept in the files of the collector and an additional copy given to the issuing officer for his file.

(*g*) For buildings on the boundary line, see article 244.

(*h*) Tariff Act of 1930, section 595 (b):

Any person authorized by this Act to make searches and seizures, or any person assisting him or acting under his directions, may, if deemed necessary by him or them, enter into or upon or pass through the lands, inclosures, and buildings, other than the dwelling house, of any person whomsoever, in the discharge of his official duties.

(*i*) United States Code, title 18, sections 53a and 77a:

SEC. 53a. Any officer, agent, or employee of the United States engaged in the enforcement of any law of the United States who shall search any private dwelling used and occupied as such dwelling without a warrant directing such search, or who, while engaged in such enforcement, shall without a search warrant maliciously and without reasonable cause search any other building or property, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for a first offense not more than $1,000, and for a subsequent offense not more than $1,000, or imprisoned not more than 1 year, or both such fine and imprisonment: *Provided*, That nothing herein contained shall apply to any officer, agent, or employee of the United States serving a warrant of arrest, or arresting or attempting to arrest any person committing or attempting to commit an offense in the presence of such officer ,agent, or employee, or who has committed, or who is suspected on reasonable grounds of having committed, a felony. (Aug. 27, 1935, c. 740, sec. 201, 49 Stat. 877.)

SEC. 77a. Whoever not being an officer, agent, or employee of the United States shall falsely represent himself to be such officer, agent, or employee, and in such assumed character shall arrest or detain any person or shall in any manner search the person, buildings, or other property of any person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or imprisoned for not more than 1 year, or by both such fine and imprisonment. (Aug. 27, 1935, c. 740, sec. 201, 49 Stat. 877.)

ART. 1124. *Officers to make character known—Securing assistance.*—(*a*) United States Code, title 19, section 507:

Every officer or other person authorized to make searches and seizures by this title, shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of 3 miles to assist him in making any arrests, search, or seizure authorized by this title, where such assistance may be necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor punishable by a fine of not more than $200, nor less than $5. (R. S., sec. 3071.)

ART. 1125. *Resisting or obstructing customs officer—Rescuing or destroying seized property.*—(*a*) United States Code, title 18, section 121:

Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer of the customs or of the internal revenue, or his deputy, or any person assisting him in the execution of his duties, or any person authorized to make searches and seizures, in the execution of his duty, or shall rescue, attempt to rescue, or cause to be rescued, any property which has been seized by any person so authorized; or whoever before, at, or after such seizure, in order to prevent the seizure or securing of any goods, wares, or merchandise by any person so authorized, shall stave, break, throw overboard, destroy, or remove the same, shall be fined not more than $2,000 or imprisoned not more than 1 year, or both; and whoever shall use any deadly or dangerous weapon in resisting any person authorized to make searches or seizures, in the execution of his duty, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duty shall be imprisoned not more than 10 years. (R. S. sec. 5447; Mar. 4, 1909, c. 321, sec. 65, 35 Stat. 1100.)

(*b*) United States Code, title 18, section 128:

Whoever shall dispossess or rescue, or attempt to dispossess or rescue, any property taken or detained by any officer or other person under the authority of any revenue law of the United States, or shall aid or assist therein, shall be fined not more than $300 and imprisoned not more than 1 year. (R. S. sec. 5446; Mar. 4, 1909, c. 321, sec. 71, 35 Stat. 1101.)

(*c*) United States Code, title 26, sections 1347a and 1347b:

SEC. 1347a. (a) Whoever, when violating any law of the United States, or of any Territory or possession of the United States, or of the District of Columbia, in regard to the manufacture, taxation, or transportation of or traffic in distilled spirits, wines, or fermented malt liquors, or when aiding in any such violation, has in his possession or in his control any device capable of causing emission of smoke, gas, or fumes, and which may be used for the purpose of hindering, delaying, or preventing pursuit or capture, any explosive, or any firearm (as defined in section 1132 of this title), except a machine gun, or a shotgun or rifle having a barrel of less than 18 inches in length, shall be fined not more than $5,000 or be imprisoned for not more than 10 years, or both, and all persons engaged in any such violation or in aiding in any such violation shall be held to be in possession or control of such device, firearm, or explosive.

(b) Whoever, when violating any such law, has in his possession or in his control a machine gun, or any shotgun or rifle having a barrel of less than 18 inches in length, shall be punished by imprisonment for not more than 20 years; and all persons engaged in any such violation or in aiding in any such violation shall be held to be in possession and control of such machine gun, shotgun, or rifle.

(c) Every such firearm or device for emitting gas, smoke, or fumes and every such explosive, machine gun, shotgun, or rifle, in the possession or control of any person when violating any such law shall be seized and shall be forfeited and disposed of in the manner provided by section 1132f of this title. (June 26, 1936, c. 830, title I, sec. 1, 49 Stat.)

SEC. 1347b. * * * As used in this title the term "machine gun" means any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manual reloading, by a single function of the trigger. (June 26, 1936, c. 830, title I, sec. 5, 49 Stat.)

(*d*) United States Code, title 18, sections 253 and 254:

SEC. 253. Whoever shall kill, as defined in sections 452 and 453 of this title, * * * any officer, employee, agent, or other person in the service of the customs * * * while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 454 of this title. (May 18, 1934, c. 299, sec. 1, 48 Stat. 780, as amended Feb. 8, 1936, c. 40, 49 Stat.; June 26, 1936, c. 830, title I, sec. 3, 49 Stat.)

SEC. 254. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with any person designated in section 253 of this title while engaged in the performance of his official duties, or shall assault him on account of the performance of his official duties, shall be fined not more than $5,000 or imprisoned not more than 3 years, or both; and whoever, in the commission of any of the acts described in this section, shall use a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than 10 years, or both.

(*e*) United States Code, title 18, section 122:

If the master of any vessel shall obstruct or hinder, or shall intentionally cause any obstruction or hindrance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue or navigation laws of the United States, he shall for every such offense be liable to a penalty of not more than $2,000 nor less than $500. (As amended Aug. 5, 1935, c. 438, title III, sec. 307, 49 Stat. 880.)

(*f*) Tariff act of 1930, section 455:

The collector for the district in which any vessel or vehicle arrives from a foreign port or place may put on board of such vessel or vehicle while within such district, and if necessary while going from one district to another, one or more inspectors or other customs officers to examine the cargo and contents of such vessel or vehicle and superintend the unlading thereof and to perform such other duties as may be required by law or the customs regulations for the protection of the revenue. Such inspector or other customs officer may, if he shall deem the same necessary for the protection of the revenue, secure the hatches or other communications or outlets of such vessel or vehicle with customs seals or other proper fastenings while such vessel is not in the act of unlading and such fastenings shall not be removed without permission of the inspector or other customs officer. Such inspector or other customs officer may require any vessel or vehicle to discontinue or suspend unlading during the continuance of unfavorable weather or any conditions rendering the discharge of cargo dangerous or detrimental to the revenue. Any officer, owner, agent of the owner, or member of the crew of any such vessel who obstructs or hinders any such inspector or other customs officer in the performance of his duties, shall be liable to a penalty of not more than $500.

(*g*) United States Code, title 46, section 324:

Every person who assaults, resists, obstructs, or hinders any officer in the execution of any Act or law relating to the enrollment, registry, or licensing of vessels, or of this chapter [ch. 12, title 46, U. S. C.] or of any of the powers or authorities vested in him by any such Act or law, shall, for every such offense, for which no other penalty is particularly provided, be liable to a penalty of $500. (R. S., sec. 4376.)

(*h*) Tariff Act of 1930, section 581, as amended by section 203 of the anti-smuggling act of August 5, 1935:

Any vessel or vehicle which, at any authorized place, is required to come to a stop by any officer of the customs, or is required to come to a stop by signal made by any vessel employed in the service of the customs displaying the ensign and pennant prescribed for such vessel by the President, shall come to a stop, and upon failure to comply, a vessel so required to come to a stop shall become subject to pursuit and the master thereof shall be liable to a fine of not more than $5,000 nor less than $1,000. It shall be the duty of the several officers of the customs to pursue any vessel which may become subject to pursuit, and to board and examine the same, and to examine any person or merchandise on board, without as well as within their respective districts and at any place upon the high seas or, if permitted by the appropriate foreign authority, elsewhere where the vessel may be pursued as well as at any other authorized place.

(*i*) *Use of firearms.*—A firearm should not be drawn or used except in self-defense, or to prevent the commission of a felony.

(*j*) The use of shotguns, riot guns, and similar weapons is hereby prohibited.

(*k*) Officers should not be permitted to carry firearms while on duty until they have been thoroughly instructed in the proper care and use of such weapons. All firearms must be inspected periodically by the superior officer and kept in first-class condition for proper use.

ART. 1126. *What constitutes a valid seizure.*—(*a*) To constitute a valid seizure there must be an open visible possession claimed, and authority exercised, by the seizing officer. The parties must understand that they are dispossessed, and that they are no longer at liberty to exercise any control over the property. A superior physical force is not necessary to be employed if there is voluntary acquiescence in the seizure and dispossession.

(*b*) A seizure once made, if voluntarily abandoned by the seizing officer, loses its validity.

ART. 1127. *Jurisdiction.*—(*a*) Judicial proceedings for the forfeiture of seized merchandise must be instituted within the judicial district in which the seizure was made.

(*b*) Such proceedings in seizures made on the high seas, for forfeiture under any law of the United States, may be prosecuted in any judicial district in which the property so seized is brought and proceedings instituted.

(*c*) *Criminal offenses.*—The trial of offenses in criminal cases takes place in the judicial district in which the crime was committed, but when the offense is begun in one district and completed in another, it may be tried in either district.

(*d*) Offenses committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or judicial district, are tried in the judicial district in which the offender is found, or into which he is first brought.

ART. 1128. *Custody of seized property.*—(*a*) Tariff Act of 1930, section 605:

All vessels, vehicles, merchandise, and baggage seized under the provisions of the customs laws, or laws relating to the navigation, registering, enrolling or licensing, or entry or clearance, of vessels, unless otherwise provided by law, shall be placed and remain in the custody of the collector for the district in which the seizure was made to await disposition according to law.

(*b*) Seizing officers are required to send at once to the public stores all goods seized by them for violation of law, taking receipts for such goods on customs Form 4655, and sending such receipts, with full report of the case, to the collector on customs Form 5955. Inspectors will make such report through the surveyor, if there be one at the port where the seizure is made.

(*c*) Seized merchandise to be used as evidence should be marked for identification with special customs Form 105 which is to be attached by the seizing officer after having been signed by him.

(*d*) Weapons and other articles taken from a prisoner will be accounted for on the seizure report and delivered to the collector. The customs employee can not personally retain the property under any circumstances.

(*e*) *Care of seized property generally—Use of seized automobiles and boats before forfeiture and award.*—Automobiles and boats must not be used prior to forfeiture and condemnation and award by the Secretary of the Treasury. Expenses necessary to take or transfer the vessels or vehicles from the place of seizure to a place of storage only will, however, be reimbursed.

(*f*) The collector of customs in whose custody seized property is placed is responsible for its proper care and use. He must show that he exercised reasonable care and diligence in protecting same should any such property be destroyed or damaged while in his custody or under his control.

(*g*) United States Code, title 28, section 747:

All property taken or detained by any officer or other person under authority of any revenue law of the United States shall be irrepleviable and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. (R. S., sec. 934.)

ART. 1129. *Records of fines, penalties, and forfeitures.*—(*a*) A record must be kept at headquarters ports only on customs Form 5211 of all seizures, fines, and penalties occurring in each district, and a connected history of each case must be preserved in the collector's office including all proceedings in connection therewith.

(*b*) Customs Form 5211 should include all customs penalties, even though there is no seizure of merchandise, and where parties have been apprehended, the names of the persons. Where bribe money is seized and placed in the custody of the collector, a seizure number should be awarded and the item should appear on this report after the investigation has been completed.

(*c*) *Preparation of report.*—(1) The branch of the Government making the seizure, or in case of joint seizures, the names of the two or more branches, should be shown in the appropriate column on customs Form 5211 in lieu of the name of the officer, listing first that branch of the service assuming the major responsibility in making the seizure.

(2) The appraised value in civil cases and the statutory monetary penalty in criminal cases should be shown in each instance. In cases of seizure of alcoholic beverages, the type seized shall be separately listed; e. g. distilled liquor, sparkling wines, still wines, or malt liquor, and the value as well as the quantity (in gallons, quarts, pints, or fraction thereof) of each type stated separately. The quantity and value of alcohol seized shall be separately reported.

(3) To distinguish between apprehensions and physical seizures of merchandise a capital "A" following the date in the second column shall be used to indicate apprehension and in the case of physical seizure of merchandise the value and the fine imposed (if any) shall be stated in the appropriate column preceded by the letters "V" and "F", respectively.

(4) If an arrest is made in connection with a seizure or apprehension, this fact, together with a statement of the number of persons arrested, shall be indicated in column three under the name of the offender.

(5) Seizures of lottery matter and other similar articles of small or trifling value need not be reported separately but may be grouped on one line of customs Form 5211, showing the first and last seizure number in a consecutive series.

(6) Informal mail entry fines assessed on customs Form 3421 may be reported in the aggregate on customs Form 5211. Formal mail entry fines are provided for in article 372.

(7) Liquidated damages on account of failure to produce missing documents should be listed on customs Form 5211 at the time the penalty is assessed, viz, at the end of the 6 months' period in the case of failure to produce consular invoices and at the end of corresponding periods of grace in the case of other missing documents. Every penalty of this sort should be given a separate case number on customs Form 5211. Other types of liquidated damages, e. g., against carriers for irregular delivery or shortages of bonded merchandise, against importers under redelivery and other bonds, etc., should also be given case numbers and separately listed on customs Form 5211 as soon as the violation is determined and the penalty assessed.

(8) In reporting "fines imposed" on customs Form 5211 the following rules shall be followed:

(a) Statutory fines which may be imposed only by the court shall be listed on customs Form 5211 only if and when actually imposed and shall not be listed until court action has taken place. This covers fines such as are listed in sections 304 (d), 305 (b), 484, 465, 590, 591, 593 (a), (b), 596, 600, 601, 616, 620, etc., of the tariff act.

(b) Fines or penalties imposed by the collector such as those under the provisions of sections 439, 440, 453, 454, 459, 584, 585, and 599 of the tariff act, and those sections of the Revised Statutes, Air Commerce Act, etc., which inflict like punishment, shall be listed as fines on customs Form 5211. The entire prescribed fine or penalty shall be reported when imposed and not the mitigated amount which may be subsequently collected.

(c) Personal penalties, equal to the value of the goods seized, shall be listed as fines on customs Form 5211 whenever such penalties are actually imposed under the provisions of sections 432, 453, 460, 497, 584, 586, and 587 of the tariff act and under other laws inflicting like punishment.

(d) Under mail fines, whether itemized or reported as a total, do not report the value of the merchandise but merely the penalty.

(e) If the statute provides only for the forfeiture of the merchandise, only the value thereof shall be reported.



(*d*) *Disposition.*—Monthly reports shall be made of the disposition of seizures, customs Form 5161–B or customs Form 5179 being rendered if the disposition involves a collection or receipt of money and customs Form 4651 in other cases. One copy of each of these forms together with a copy of customs Form 5211 will be forwarded at the close of the month direct to the Division of Statistics and Research, Bureau of Customs. One copy each of customs Forms 5211, 5161–B, 5179, and 4651 will be forwarded to the comptroller. When merchandise is destroyed the copy of customs Form 4651 which is submitted to the comptroller will be accompanied by the certificate of the officers witnessing the destruction.

(*e*) *Report of seizures made for other departments.*—A record should be made of all seizures and apprehensions made by customs officers for other branches of the Government and a report on customs Form 3157 forwarded at the close of the month direct to the Division of Statistics and Research, Bureau of Customs. One copy of the report on customs Form 3157 accompanied by receipts from the adopting department for the property turned over to it should be forwarded to the comptroller.

ART. 1130. *Appraisement of seized property.*—(*a*) Tariff Act of 1930, section 606:

The collector shall require the appraiser to determine the domestic value at the time and place of appraisement of any vessel, vehicle, merchandise, or baggage seized under the customs laws.

(*b*) The term "domestic value" applied with respect to this section is the price at which such or similar merchandise is freely offered for sale, at the time and place of appraisement in the same quantity or quantities as seized and in the ordinary course of trade. If there is no market for the seized merchandise at the place of appraisement, then the value as defined above in the nearest principal market to the place of appraisement shall be found.

(*c*) Seized merchandise which is absolutely prohibited from importation and for which no domestic value exists will be appraised at its foreign market value only.

(*d*) In the case of seized vessels or vehicles, the domestic value is the price at which such or similar vessels or vehicles are freely offered for sale at the time and place of appraisement.

(*e*) For the purpose of condemnation proceedings only (secs. 607, 610, and 612 of the Tariff Act of 1930) the value of all merchandise the importation of which is prohibited, shall be held not to exceed $1,000. For all other purposes, the imposition of penalties, etc., the value found shall be the domestic value as defined herein.

(*f*) If merchandise be seized for undervaluation disclosed on the original appraisement or on reappraisement, because of the seizure, a further appraisement must be made to ascertain the domestic value.

(*g*) If the claimant seeks to bond the vessel, vehicle, merchandise, or baggage, he may, with the approval of the court, accept for this purpose the domestic value as returned by the appraiser or apply to the court for appointment of three persons to appraise the property.

(*h*) If the vessel, vehicle, merchandise, or baggage is valued at less than $1,000 and subject to summary forfeiture, before the property may be bonded, claim and bond must be filed under section 608 of the Tariff Act of 1930 in order that the United States attorney may have an opportunity to file a libel and bring the case within the jurisdiction of the court.

ART. 1131. *Notice of seizure and sale—Value not exceeding $1,000—Advertisement.*—(*a*) Tariff Act of 1930, section 607:

If such value of such vessel, vehicle, merchandise, or baggage returned by the appraiser does not exceed $1,000, the collector shall cause a notice of the seizure of such articles and the intention to forfeit and sell the same to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. For the purposes of this section and sections 610 and 612 of this Act, merchandise, the importation of which is prohibited, shall be held not to exceed $1,000 in value. (See art. 1130.)

(*b*) The notice shall, (1) be published in a newspaper of general circulation in the customs collection district of seizure; (2) describe the property seized; (3) state the time, cause, and place of seizure; and (4) state that any person desiring to claim the property must appear and file with the collector a claim to such property and a bond in the sum of $250, within 20 days from the date of the first publication of the notice, in default of which the property will be disposed of in accordance with law.

(*c*) Articles of small value of the same class or kind included in two or more seizures shall be advertised as one combined unit. The notice in such cases shall conform to all the requirements of paragraph (*b*) hereof.

(*d*) In the case of automobiles, the advertisement must also specify the motor and serial number.

(*e*) When a vessel or merchandise has been seized for forfeiture under the navigation laws there shall also be inserted in the advertisement the name and place of residence of the person to whom such vessel and merchandise belongs or is consigned if the same is known to the collector.

(*f*) Care should be exercised that the advertisement is published in the manner, and that it contains the exact data, required by the statutes and these regulations.

(*g*) Collectors will designate the newspapers for such advertisements and will authorize publication thereof on standard Form 1053. Such notice should not be inserted oftener than three times unless in the opinion of the collector a greater number of times is necessary in order to sell the property to the best advantage to the Government.

(*h*) The notice shall be prepared at the headquarters port and duplicate letters of authorization kept by collectors.

(*i*) Vouchers in payment of such advertisements will be prepared and forwarded as provided for in article 1196.

(*j*) Before seized drugs, insecticides, seeds, plants, nursery stock, and other articles required to be inspected by the Department of Agriculture are sold, they shall be inspected by a representative of the Department of Agriculture to ascertain whether or not they comply with the requirements of the law and the regulations of that Department and, if found not to comply with such requirements, should be forthwith destroyed.

ART. 1132. *Claim for seized property—Value not exceeding $1,000—Bond for costs.*—(*a*) Tariff Act of 1930, secion 608:

Any person claiming such vessel, vehicle, merchandise, or baggage may at any time within 20 days from the date of the first publication of the notice of seizure file with the collector a claim stating his interest therein. Upon the filing of such claim, and the giving of a bond to the United States in the penal sum of $250, with sureties to be approved by the collector, conditioned that in case of condemnation of the articles so claimed the obligor shall pay all the costs and expenses of the proceedings to obtain such condemnation, the collector shall transmit such claim and bond with a duplicate list and description of the articles seized to the United States attorney for the district in which seizure was made, who shall proceed to a condemnation of the merchandise or other property in the manner prescribed by law.

(*b*) The giving of such bond does not entitle claimant to possession of the merchandise, but stops the summary forfeiture proceedings.

(*c*) The bond will be on customs Form 4615, and there will be indorsed thereon a list or schedule which must, in every case, be signed by the claimant in the presence of the witnesses to the bond, and attested by them, substantially as follows:

List or schedule containing a particular description of goods, wares, or merchandise seized, on claim to which the within bond is given, to wit:

---

---

The foregoing list is correct.

---, *Claimant.*

Attest:

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(*d*) The costs and expenses secured by bond, customs Form 4615, are such as are incurred after the filing of the bond, including storage costs, safeguarding, court fees, marshal's costs, etc.

ART. 1133. *Award or sale of property summarily forfeited—Value not exceeding $1,000.*—(*a*) Tariff Act of 1930, section 609:

If no such claim is filed or bond given within the 20 days hereinbefore specified, the collector shall declare the vessel,

vehicle, merchandise, or baggage forfeited, and shall sell the same at public auction in the same manner as merchandise abandoned to the United States is sold, and shall deposit the proceeds of sale, after deducting the actual expenses of seizure, publication, and sale, in the Treasury of the United States.

(*b*) The declaration of forfeiture shall be noted on the report of seizure (customs Form 5955) and thereafter the property either will be delivered for official use or otherwise disposed of according to law. For the procedure relating to reports, requests for assignment, and disposition of forfeited property, see the regulations of the Director of Procurement, published as T. D. 48105. (See also art. 1111 re disposition of *forfeited* liquors.)

(*c*) If the forfeited property is cleared for sale, it should be sold in accordance with the applicable provisions of chapter XVIII of these regulations.

(*d*) Collectors may postpone the sale of small seizures until the proceeds of a consolidated sale will pay all expenses.

(*e*) The summary forfeiture proceedings set forth in this article and articles 1131 and 1132 do not apply to property seized for violation of the food and drugs act (arts. 547 to 566), meat and meat food products (arts. 570 to 587), plants and plant products (arts. 578 to 584), grain and grass seeds (arts. 585 to 604), viruses, serums, etc. (arts. 605 to 611), quarantine of animals, etc. (arts. 612 to 616), prohibited wild animals, etc. (arts. 618 to 623), prohibited tea (arts. 624 to 639), white phosphorus matches (arts. 640 and 641), fur skins, etc. (arts. 645 to 651), obscene or immoral articles, lottery tickets, lists, etc. (arts. 677 to 681), pictorial representations of prize fights (art. 682), counterfeits of coins or securities (arts. 691), nor to any forfeiture or penalty where the statute denouncing the offense provides that the property "may be seized and proceeded against by libel." Such cases should be referred to the United States attorney.

ART. 1134. *Transfer of seized property to other districts for sale—Destruction or remanufacture of prohibited merchandise.*—(*a*) Tariff Act of 1930, section 611:

> If the sale of any vessel, vehicle, merchandise, or baggage forfeited under the customs laws in the district in which seizure thereof was made be prohibited by the laws of the State in which such district is located, or if a sale may be made more advantageously in any other district, the Secretary of the Treasury may order such vessel, vehicle, merchandise, or baggage to be transferred for sale in any customs district in which the sale thereof may be permitted. Upon the request of the Secretary of the Treasury, any court may, in proceedings for the forfeiture of any vessel, vehicle, merchandise, or baggage under the customs laws, provide in its decree of forfeiture that the vessel, vehicle, merchandise, or baggage, so forfeited, shall be delivered to the Secretary of the Treasury for disposition in accordance with the provisions of this section. If the Secretary of the Treasury is satisfied that the proceeds of any sale will not be sufficient to pay the costs thereof, he may order a destruction by the customs officers: *Provided*, That any merchandise forfeited under the customs laws, the sale or use of which is prohibited under any law of the United States or of any State, may, in the discretion of the Secretary of the Treasury, be destroyed, or remanufactured into an article that is not prohibited, the resulting article to be disposed of to the profit of the United States only.

(*b*) The authority given the Secretary of the Treasury under this section has been delegated to the Commissioner of Customs.

(*c*) In the case of merchandise forfeited under summary proceedings if after the forfeiture is completed it appears that the proceeds of sale will not be sufficient to pay the costs thereof the collector may order the destruction of the property.

ART. 1135. *Application for remission of forfeiture, or restoration of proceeds of sale.*—(*a*) Tariff Act of 1930, section 613:

> Any person claiming any vessel, vehicle, merchandise, or baggage, or any interest therein, which has been forfeited and sold under the provisions of this Act, may at any time within 3 months after the date of sale apply to the Secretary of the Treasury if the forfeiture and sale was under the customs laws, or to the Secretary of Commerce if the forfeiture and sale was under the navigation laws, for a remission of the forfeiture and restoration of the proceeds of such sale, or such part thereof as may be claimed by him. Upon the production of satisfactory proof that the applicant did not know of the seizure prior to the declaration or condemnation of forfeiture, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without any willful negligence or intention to defraud on the part of the applicant, the Secretary of the Treasury or the Secretary of Commerce may order the proceeds of the sale, or any part thereof, restored to the applicant, after deducting the cost of seizure and of sale, the duties, if any, accruing on the merchandise or baggage, and any sum due on a lien for freight charges, or contribution in general average that may have been filed. • • • (See art. 1145.)

(*b*) If the property has been authorized for official use, retention or delivery shall be regarded as the sale thereof for the purposes of the above-quoted section, and the appropriation available to the receiving agency of the purchase, hire, operation, maintenance, and repair of property of the kind so received is available for the granting of relief to the petitioner and for the satisfaction of liens for freight, charges, and contributions in general average that may have been filed.

ART. 1136. *Disposition of proceeds.*—(*a*) Tariff Act of 1930, section 613:

> • • • If no application for such remission or restoration is made within 3 months after such sale, or if the application be denied by the Secretary of the Treasury or the Secretary of Commerce, the proceeds of sale shall be disposed of as follows:
> (1) For the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the property, advertising and sale, and if condemned by a decree of a district court and a bond for such costs was not given, the costs as taxed by the court;
> (2) For the satisfaction of liens for freight, charges, and contributions in general average, notice of which has been filed with the collector according to law;
> (3) For the payment of the duties accruing on such merchandise or baggage, if the same is subject to duty; and
> (4) The residue shall be deposited with the Treasurer of the United States as a customs or navigation fine.

(*b*) Expenses in connection with seizures and forfeitures shall be paid from the customs appropriations. In the event that the forfeited property has been authorized for transfer to another Federal agency for official use, the receiving agency shall reimburse said appropriation for the costs incurred for hauling, transporting, towing, and storage of such property from the date of seizure to the date of delivery. In case the property is cleared for sale, the customs appropriation shall be reimbursed from the proceeds of the sale for all expenses paid therefrom in connection with the seizure and forfeiture of such property.

(*c*) If the forfeiture and sale of property be by the court, or the imposition of a fine or penalty results from a prosecution instituted in a civil or criminal case under the customs laws, the sum recovered after deducting all proper charges for marshal's fees, court costs, etc., is payable to the collector of customs. Upon receipt of such sum the collector shall pay and distribute the same without delay as provided for in this article.

ART. 1137. *Summary sale—Perishable articles.*—(*a*) Tariff Act of 1930, section 612:

> Whenever it appears to the collector that any vessel, vehicle, merchandise, or baggage seized under the customs laws is liable to perish or to waste or to be greatly reduced in value by keeping, or that the expense of keeping the same is disproportionate to the value thereof, and the value of such vessel, vehicle, merchandise, or baggage as determined by the appraiser under section 606 of this Act does not exceed $1,000, and such vessel, vehicle, merchandise, or baggage has not been delivered under bond, the collector shall, within 24 hours after the receipt by him of the appraiser's return, proceed forthwith to advertise and sell the same at auction under regulations to be prescribed by the Secretary of the Treasury. • • •

(*b*) Notice of summary sale will be by advertisement by the collector for such time as he may think reasonable. This notice is of sale only and not the notice of seizure, intention to forfeit and sell provided for in article 1131.

(*c*) Tariff Act of 1930, section 612:

> • • • If such value of such vessel, vehicle, merchandise, or baggage exceeds $1,000 the collector shall forthwith transmit the appraiser's return and his report of the seizure to the United States district attorney, who shall petition the court to order an immediate sale of such vessel, vehicle, merchandise, or baggage, and if the ends of justice require it the court shall order such immediate sale, the proceeds thereof to be deposited with the court to await the final determination of the condemnation proceedings. Whether such sale be made by the collector or by order of the court, the proceeds thereof shall be held subject to claims of parties in interest to the same extent as the vessel, vehicle, merchandise, or baggage so sold would have been subject to such claim.



ART. 1138. *Release on payment of appraised value.*—(*a*) Tariff Act of 1930, section 614:

> If any person claiming an interest in any vessel, vehicle, merchandise, or baggage seized under the provisions of this Act offers to pay the value of such vessel, vehicle, merchandise, or baggage, as determined under section 606 of this Act, and it appears that such person has in fact a substantial interest therein, the collector may, subject to the approval of the Secretary of the Treasury if under the customs laws, or the Secretary of Commerce if under the navigation laws, accept such offer and release the vessel, vehicle, merchandise, or baggage seized upon the payment of such value thereof, which shall be distributed in the order provided in section 613 of this Act.

(*b*) The application must be in writing, addressed to the Commissioner of Customs or the Secretary of Commerce, as the case may be, submitted in duplicate to the collector for the district in which the property is seized, signed by the claimant or his attorney, and contain an assent to forfeiture and a waiver of further proceedings. There shall be submitted with this application proof of ownership if the facts in the case make such action necessary. Collectors will forward the application with their recommendation to the Bureau and retain custody of the merchandise pending the action of the Bureau and the payment of the amount offered if the application is approved.

ART. 1139. *Collectors may release when duty does not exceed $50.*—When the duty does not exceed $50 seized property may be released by order of the collector for exportation, or upon payment of a fine equal to the duty, or upon payment of the domestic value, or upon such other conditions as the law and circumstances in each case may justify.

ART. 1140. *Release of goods advanced over 100 percent—Stipulation—Petition for relief from seizure.*—(*a*) When an importer desires immediate possession of merchandise liable to seizure for undervaluation exceeding 100 percent, pending reappraisement proceedings, or a petition to the Commission of Customs for relief from forfeiture on the ground that the presumption of fraud existing in the case can be rebutted, the collector may release such merchandise upon the importer's depositing a sum of money equivalent to the domestic value (as defined in art. 1130) of the case of goods containing the article or articles undervalued more than 100 percent, together with a sum sufficient to cover the supplemental, estimated, or increased duty and 75 percent additional duty accruing thereon, and entering into a stipulation in the following form:

> Whereas certain merchandise contained in a case No. ---------, on invoice No. ---------, entry No. ---------, imported by ---------, ex. SS. ---------, on the -------- day of --------, 19----, has been advanced in value by the appraiser more than 100 percent, and is liable to seizure; and
> Whereas (I or we) ---------, the said ---------, desire to obtain possession of the merchandise covered by the said case, invoice, and entry, notwithstanding such advance; and
> Whereas (I or we) --------- have deposited with the collector of the port of --------- a sum of money equivalent to the domestic value of said case of merchandise, said sum to be held by the collector pending reappraisement or re-reappraisement of the merchandise, or an application to the Commissioner of Customs for relief.
> Now, therefore (I or we) --------- do hereby stipulate and agree to abide by the result of such reappraisement or re-reappraisement on the retained samples in the same manner as if the entire case had been held for such proceedings.
> It is further stipulated and agreed that, should the appraised value as finally determined exceed the entered value of the said merchandise by more than 100 percent, and the Commissioner of Customs deny relief, the money deposited may be seized and forfeited and covered into the Treasury of the United States as though received from a sale of the merchandise, and (I or we) --------- do hereby waive any and all objections which may at any time be raised by reason of the fact that the merchandise has been delivered and the cash deposited in lieu thereof.
> Dated, ---------, 19-----
> ---------
> In presence of:
> ---------
> ---------

(*b*) Petitions should be addressed to the Commissioner of Customs and transmitted to the Bureau by the collector with a full report of the facts in the case, accompanied by the entry and invoice and his recommendation as to whether or not, in his opinion, the presumption of fraud can be rebutted.

(*c*) Petitions for remission of forfeitures incurred should not be forwarded to the Bureau pending action by the United States Customs Court if petitions for remission of additional duties have been filed with said court.

(*d*) If no such petitions for remission or forfeiture are filed within 10 days after final appraisement of the merchandise, forfeiture proceedings will be instituted by the collector.

ART. 1141. *Reports by collectors to United States Attorneys.*—(*a*) Tariff Act of 1930, section 603:

> It shall be the duty of the collector whenever a seizure of merchandise has been made for a violation of the customs laws to report the same to the Solicitor of the Treasury [General Counsel for the Department of the Treasury], and promptly also to report any such seizure or violation of the customs laws to the United States attorney for the district in which such violation has occurred, or in which such seizure was made, including in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses, and citation of the statute or statutes believed to have been violated, and on which reliance may be had for forfeiture or conviction.

(*b*) Report to the United States attorney under the above section is to be made when the violation requires the institution of legal proceedings.

(*c*) "District" as used in this article of the regulations refers to the judicial district and not the customs district.

(*d*) Tariff Act of 1930, section 610:

> If the value returned by the appraiser of any vessel, vehicle, merchandise, or baggage so seized is greater than $1,000, the collector shall transmit a report of the case, with the names of available witnesses, to the United States attorney for the district in which the seizure was made for the institution of the proper proceedings for the condemnation of such property.

(*e*) When the appraised value of the seized property exceeds $1,000 the collector will, in the absence of any application to the Bureau for relief or an offer to pay the domestic value thereof, as provided in article 1138, report the facts to the United States attorney of the district in which the seizure was made as provided herein.

(*f*) If the appraised value of seized property is less than $1,000 and the claimant gives bond on customs Form 4615 to secure the cost of such proceedings within the statutory period, the collector will likewise report the case to the United States attorney.

(*g*) In each case the collector will submit a report of his action to the Bureau, which may consist of a copy of the case report forwarded to the United States attorney.

(*h*) If a crime in connection with seized property has been committed in a district other than that in which the property is found, the collector should also report the facts to the United States attorney for that district.

(*i*) In all cases reported to the United States attorney for the recovery of fines, penalties, or forfeitures, which have been settled by the authority of the Secretary of the Treasury, the collector will promptly notify the United States attorney of the action which has been taken.

(*j*) *Criminal reports.*—Collectors must also report promptly to the United States attorney of the district in which the crime or offense is committed the arrest of any person for violation of the customs revenue laws. He shall include in such report the names and addresses of the parties arrested, the date and place of arrest, the evidence available, all of the facts and circumstances in the case, including the action of the United States commissioner at the preliminary hearing, a description and the value of the property seized in connection with the arrest, the disposition of such property, if any (whether summarily forfeited or reported to the United States attorney for proceedings), any prior arrest or conviction of the arrested person, the names and addresses of the witnesses and the statutes believed to have been violated.

(*k*) Such report if prepared by the customs agency service shall be submitted through the collector in triplicate. A copy of the criminal case shall be forwarded by the collector to the Bureau in addition to the report on customs Form 5955.

ART. 1142. *Duty of United States attorneys—Prosecution.*—(*a*) Tariff Act of 1930, section 604:

It shall be the duty of every United States district attorney immediately to inquire into the facts of cases reported to him by collectors and the laws applicable thereto, and if it appears probable that any fine, penalty, or forfeiture has been incurred by reason of such violation, for the recovery of which the institution of proceedings in the United States district court is necessary, forthwith to cause the proper proceedings to be commenced and prosecuted, without delay, for the recovery of such fine, penalty, or forfeiture in such case provided, unless, upon inquiry and examination, such district attorney decides that such proceedings can not probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted, in which case he shall report the facts to the Secretary of the Treasury for his direction in the premises.

(*b*) The function respecting the direction of prosecutions, and so forth, formerly vested in the Secretary of the Treasury by section 604 above, was transferred to the Department of Justice by section 5, Executive Order 6166 of June 10, 1933.

(*c*) United States Code, title 28, section 733:

Whenever two or more things belonging to the same person are seized for an alleged violation of the revenue laws, the whole must be included in one suit; if separate actions are prosecuted in such cases the court will consolidate them. (R. S., sec. 920.)

ART. 1143. *Bonding of seized property—Petition to the court.*—(*a*) Upon the petition of a claimant to the United States district court that a vessel, vehicle, merchandise, or baggage seized should be delivered to him, the court may appoint three persons to appraise such property, the appraisement to be made at the expense of the party upon whose petition it is granted. The seizure appraisement made by the United States appraiser pursuant to article 1130 may, however, be accepted with the approval of the court.

(*b*) On the return of the appraisement, the claimant shall execute a bond to the United States with one or more sureties, to be approved by the court, for the payment of an amount equal to the sum at which the property is appraised, and shall produce a certificate from the collector of the district where the trial is had that the duties on the merchandise or baggage, or tonnage duties on the vessel, claimed, have been paid.

(*c*) The court may thereupon order such property to be delivered to the claimant, and the bond shall be lodged with the clerk of the court. If the judgment passes in favor of the claimant, the court may cause the bond to be canceled, but if judgment passes against the claimant, as to the whole or any part of such property, and the claimant does not within 20 days thereafter pay into the court the amount of the appraised value of the property so condemned, with the costs, judgment will be granted upon the bond.

(*d*) The certificate from the collector should cover an amount representing the regular duties paid as if the goods had been legally entered.

(*e*) Collectors will, before issuing such certificate, require the payment of the full additional duties due, if any, and the same should be included in the certificate.

(*f*) Duties paid as a condition to bonding the property will not be refunded without special instructions from the Bureau.

(*g*) (1) United States Code, title 26, section 1347b:

Notwithstanding any provisions of law relating to the return on bond of any vessel or vehicle seized for the violation of any law of the United States, the court having jurisdiction of the subject matter, may, in its discretion and upon good cause shown by the United States, refuse to order such return of any such vessel or vehicle to the claimant thereof. * * * (June 26, 1936, c. 830, title I, sec. 4, 49 Stat.)

(2) The word "vessel", as used above, includes every description of watercraft used, or capable of being used, as a means of transportation in water or in water and air; and the word "vehicle" includes every animal and description of carriage or other contrivance used, or capable of being used, as a means of transportation on land or through the air.

(*h*) Where vessels or vehicles are desired for official use or it can be shown that the interests of the Government may suffer by reason of such release the collector should request the United States attorney to contest and object to any petition filed for bonding.

(*i*) The bond prescribed by this section is a substitute for and in lieu of the property released, and the Government, if forfeiture is decreed, is entitled to recover the penal sum of the bond which shall be in an amount equal to the appraised value.

ART. 1144. *Remission or mitigation of fines, penalties, and forfeitures.*—(*a*) Tariff Act of 1930, section 618:

Whenever any person interested in any vessel, vehicle, merchandise, or baggage seized under the provisions of this Act, or who has incurred or is alleged to have incurred, any fine or penalty thereunder, files with the Secretary of the Treasury if under the customs laws, and with the Secretary of Commerce if under the navigation laws, before the sale of such vessel, vehicle, merchandise, or baggage a petition for the remission or mitigation of such fine, penalty, or forfeiture, the Secretary of the Treasury, or the Secretary of Commerce, if he finds that such fine, penalty, or forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine, penalty, or forfeiture may remit or mitigate the same upon such terms and conditions as he deems reasonable and just, or order discontinuance of any prosecution relating thereto. In order to enable him to ascertain the facts, the Secretary of the Treasury may issue a commission to any customs agent, collector, judge of the United States Customs Court, or United States commissioner, to take testimony upon such petition: *Provided*, That nothing in this section shall be construed to deprive any person of an award of compensation made before the filing of such petition.

(b) The authority to ascertain the facts and to remit or mitigate fines, penalties, or forfeitures under the customs laws has been delegated to the Commissioner of Customs, provided that no fine or penalty in excess of $5,000 shall be remitted or mitigated without the approval of the Secretary of the Treasury. No action looking to the remission or mitigation of a fine, penalty, or forfeiture shall be taken on any petition, irrespective of the amount involved, if the case has been referred to the Department of Justice for the institution of legal proceedings.

(*c*) In the case of vessels or vehicles awarded for official use, the petition to be considered must be filed before final disposition of the property is made.

(*d*) Customs officers will inform interested parties of their right to apply for such relief.

(*e*) In the case of petty smuggling of articles of small value by persons other than masters of vessels, the offenders should be advised of their civil liability, as distinguished from the liability of the articles to forfeiture, and a deposit on account of the penalty incurred in an amount equivalent to the domestic value of the articles should be demanded.

ART. 1145. *Petitions for the remission or mitigation of fines, penalties, and forfeitures, and restoration of proceeds of sale.*—(*a*) Petitions shall be filed in duplicate with the collector of customs of the district in which the property was seized, or the fine imposed, addressed to the Commissioner of Customs, if under the customs laws, or the Secretary of Commerce, if under the navigation laws, and executed under oath by the person, firm, or corporation presenting the claim, and shall state in clear and concise terms the following:

1. A description of the property claimed, and the date and place of seizure.

2. The interest of the petitioner in the property supported by bills of sale, contracts, mortgages, or other satisfactory documentary evidence.

3. The facts relied upon by the petitioner to justify the remission or mitigation.

4. If the property was in the possession of a third person, or such person was responsible for the act which caused the fine, penalty, or forfeiture, evidence should be produced as to the manner in which the property came into the possession of such person. Evidence of any investigation made by the petitioner prior to parting with the property should also be produced, or reason given for lack of such investigation.

5. Petitioners holding chattel mortgages or conditional sales contracts against seized property, who consult customs officers regarding the preparation of petitions for relief, should be advised that it is necessary for them to submit,



with their petitions, evidence showing that prior to extending credit they made a thorough investigation of the moral character and financial responsibility of the purchaser of the property which showed he was a good credit risk.

6. Where the petition is for the restoration of the proceeds of sale under section 613 of the tariff act, it must be filed within three months after the date of sale and shall be supported by satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture and was in such circumstances as prevented him from knowing the same.

(*b*) The collector, upon receipt of a petition, shall see that it conforms to the above, and shall cause such investigation to be made as the facts in the case may warrant. In forwarding the petition to the Bureau, he shall accompany it with a copy of the report of the investigation, if any, all other facts which may have come to his knowledge, and his recommendation as to the final action to be taken thereon. The collector's report must be in the form prescribed in Bureau circular letter no. 900 dated August 20, 1932.

(*c*) If the petition involves a matter which has been referred to the Department of Justice for the institution of court proceedings, the collector will transmit the petition, immediately upon receipt, to the appropriate United States attorney and notify the petitioner of such action.

(*d*) If a proceeding for forfeiture by summary process is pending (arts. 1131 to 1135) the collector shall postpone the sale or disposition of the property pending final action on the petition by the Commissioner of Customs.

ART. 1147. *Limitation of actions.*—(*a*) Tariff Act of 1930, section 617:

Upon a report by a collector, district attorney, or any special attorney or customs agent, having charge of any claim arising under the customs laws, showing the facts upon which such claim is based, the probabilities of a recovery and the terms upon which the same may be compromised, the Secretary of the Treasury is hereby authorized to compromise such claim, if such action shall be recommended by the Solicitor of the Treasury [General Counsel for the Department of the Treasury].

(*b*) No offer of compromise in which a specific sum of money is tendered will be considered until such sum, together with costs of suit, if any, shall have been deposited to the credit of the Secretary of the Treasury's special deposit account with the Treasurer of the United States or the Federal reserve bank, and a certificate of deposit issued therefor is received at the Department. If the offer be rejected, the money will be returned to the proponent; if accepted, it will be covered into the Treasury.

(*c*) The amount offered and the terms upon which the offer is made should be in writing and limited to civil liability of the proponent in the matter which is the subject of the Government's claim.

(*d*) To enable a proponent at a distance from any Federal reserve bank to perfect his offer, the Secretary will receive for this purpose a bank draft for the amount of the offer payable to his order at any of the principal cities of the United States, the draft to be collected by him and the proceeds placed to the credit of his account before any action is taken upon the offer. Certificates of deposit will be issued in quadruplicate, on customs Form 6599 (Treasurer), the original to be transmitted to the Treasurer of the United States, the duplicate to be delivered to the officer whose account is to be credited, the triplicate to be retained by the depositary, and the quadruplicate to be retained by the depositor.

(*e*) The amount offered will be deposited in the name of the person submitting the offer and not in the name of the collector of customs.

(*f*) The authority to compromise any customs case which has been referred to the Department of Justice for prosecution is vested in that Department by virtue of section 5, Executive Order 6166, dated June 10, 1933. Proponents should be advised to submit their offers to the appropriate United States attorney in such cases. Offers received by the collector of customs under such circumstances will be transmitted forthwith to such United States attorney and the proponents notified of such action.

ART. 1147. *Limitation of actions.*—(*a*) Tariff Act of 1930, section 621, as amended by section 306 of the anti-smuggling act of August 5, 1935:

No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs laws shall be instituted unless such suit or action is commenced within five years after the time when the alleged offense was discovered: *Provided*, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation.

ART. 1148. *Burden of proof.*—Tariff Act of 1930, section 615, as amended by section 207 of the anti-smuggling act of August 5, 1935:

In all suits or actions brought for the forfeiture of any vessel, vehicle, merchandise, or baggage seized under the provisions of any law relating to the collection of duties on imports or tonnage, where the property is claimed by any person, the burden of proof shall lie upon such claimant; and in all suits or actions brought for the recovery of the value of any vessel, vehicle, merchandise, or baggage, because of violation of any such law, the burden of proof shall be upon the defendant: *Provided*, That probable cause shall be first shown for the institution of such suit or action, to be judged of by the court, subject to the following rules of proof:

(1) The testimony or deposition of the officer of the customs who has boarded or required to come to a stop or seized a vessel or vehicle, or has arrested a person, shall be prima facie evidence of the place where the act in question occurred.

(2) Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise, shall be prima facie evidence of the foreign origin of such merchandise.

(3) The fact that a vessel of any description is found, or discovered to have been, in the vicinity of any hovering vessel and under any circumstances indicating contact or communication therewith, whether by proceeding to or from such vessel, or by coming to in the vicinity of such vessel, or by delivering to or receiving from such vessel any merchandise, person, or communication, or by any other means effecting contact or communication therewith, shall be prima facie evidence that the vessel in question has visited such hovering vessel.

ART. 1149. *Certificate of reasonable or probable cause—Costs.*—(*a*) United States Code, title 28, section 818:

When, in any prosecution commenced on account of the seizure of any vessel, goods, wares, or merchandise made by any collector or other officer under any act of Congress authorizing such seizure, judgment is rendered for the claimant, but it appears to the court that there was reasonable cause of seizure, the court shall cause a proper certificate thereof to be entered, and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution: *Provided*, That the vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or his agent. (R. S., sec. 970.)

(*b*) United States Code, title 28, section 842:

When a recovery is had in any suit or proceeding against a collector or other officer of the revenue for any act done by him, or for the recovery of any money exacted by or paid to him and by him paid into the Treasury, in the performance of his official duty, and the court certifies that there was probable cause for the act done by the collector or other officer, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector or other officer, but the amount so recovered shall, upon final judgment, be provided for and paid out of the proper appropriation from the Treasury. (R. S., sec. 989.)

ART. 1150. *Awards of compensation to informers.*—(*a*) Tariff Act of 1930, section 619, as amended by section 305 of the antismuggling act of August 5, 1935:

Any person not an officer of the United States who detects and seizes any vessel, vehicle, merchandise, or baggage subject to seizure and forfeiture under the customs laws or the navigation laws, and who reports the same to an officer of the customs, or who furnishes to a district attorney, to the Secretary of the Treasury, or to any customs officer original information concerning any fraud upon the customs revenue, or a violation of the customs laws or the navigation laws perpetrated or contemplated, which detection and seizure or information leads to a recovery of any duties withheld, or of any fine, penalty, or forfeiture incurred, may be awarded and paid by the Secretary of the Treasury, a compensation of 25 per centum of the net amount recovered, but not to exceed $50,000 in any case, which shall be paid out of any appropriations available for the collection of the revenue from customs. For the purposes of this section, an amount recovered under a bail bond shall be deemed a recovery of a fine incurred.

If any vessel, vehicle, merchandise, or baggage is forfeited to the United States, and is thereafter, in lieu of sale, destroyed

under the customs or navigation laws or delivered to any governmental agency for official use, compensation of 25 per centum of the appraised value thereof may be awarded and paid by the Secretary of the Treasury under the provisions of this section, but not to exceed $50,000 in any case.

(*b*) The term "in any case" as used in the statute, has reference to the information furnished and not to the recoveries growing out of such information.

(*c*) Collectors are not authorized to pay claims out of proceeds of sale.

(*d*) The payment of the award for information furnished concerning violations of the narcotic drugs import and export act, as amended, will be made by the court exercising jurisdiction in cases involving violations of the law mentioned.

(*e*) The original of all claims for compensation should contain the signatures of the respective parties to the claim, report and certificate, and award. Any necessary number of additional copies to complete the disbursement, seizure, or other files, may be obtained.

(*f*) When information of violations of the customs or navigation laws is furnished to customs officers in writing by an informer, the original document or letter will be immediately forwarded to the Bureau of Customs, a copy thereof to be retained by the customs officer receiving same. If the information is verbal a memorandum thereof will be made and likewise forwarded.

ART. 1151. *Claims for compensation—What to contain.*—(*a*) The claim of an informer, or of a detector and seizor, shall be in writing in duplicate on customs Form 4623, and must clearly state the facts in the case, the date when and under what circumstances the information was furnished, or the articles were detected and seized. The signature and address of the informer or detector or seizor must be affixed to the application.

(*b*) The collector of the district in which the case originated will state on the face of each claim the following facts:

1. The name of the port or place where the case originated.
2. The date upon which the seizure was made or upon which the violation of the law occurred.
3. The precise statute violated.
4. The serial number of the seizure, fine, or duty case upon which it is based.
5. A full description of the articles seized.
6. The name or names of the persons involved in the violation.
7. When seizures are released upon payment of the appraised value and expenses, the precise amount of the appraised value of the articles, as well as the duties and expenses that would have properly accrued.
8. The amount of fine, penalty, or forfeiture, and date collected.
9. The amount paid in compromise, if any, and the date of collection.
10. The date when the amount collected was deposited and the number of the certificate of deposit.
11. The appraised value of the vessel or vehicle destroyed or turned over for official use.
12. The amount of expenses payable from the customs appropriation.

(*c*) The claim must be approved by the collector, who will certify whether or not the claimant was an officer of the United States; and if an informer, whether he furnished the original information in the case, and if a detector and seizor, whether the claimant actually detected and seized the goods covered by the seizure report under which the claim is made, and that no other person than the claimant gave original information in the case.

ART. 1152. *Collectors to transmit claims to Secretary of the Treasury.*—(*a*) Claims will be transmitted by the collector to the Secretary of the Treasury in duplicate.

(*b*) When there has been a decree or order of court designating the informer, a copy should be forwarded to the Department.

(*c*) In contested cases the collector will forward the applications of all the claimants, and furnish a statement of facts as to the merits of the case with his recommendation.

(*d*) Persons whose claims for compensation have not, for any reason, been transmitted by the collector, may apply directly to the Department.

(*e*) No claims of either informers or detectors and seizors for compensation should be forwarded to the Department unless a sum not less than $5 is available for an award.

ART. 1153. *Sharing of awards by officers of the United States prohibited—Penalty.*—Tariff Act of 1930, section 620:

Any officer of the United States who directly or indirectly receives, accepts, or contracts for any portion of the money which may accrue to any person making such detection and seizure, or furnishing such information, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both, and shall be thereafter ineligible to any office of honor, trust, or emolument. Any such person who pays to any such officer, or to any person for the use of such officer, any portion of such money, or anything of value for or because of such money, shall have a right of action against such officer, or his legal representatives, or against such person, or his legal representatives, and shall be entitled to recover the money so paid or the thing of value so given.

ART. 1154. *Extortion by informer.*—United States Code, title 18, section 250:

Whoever shall, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demand or receive any money or other valuable thing, shall be fined not more than $2,000, or imprisoned not more than 1 year, or both. (R. S. sec. 5484; Mar. 4, 1909, c. 321, sec. 145, 35 Stat. 1114.)

OFFENSES AGAINST THE ADMINISTRATION OF THE CUSTOMS

ART. 1155. *Bribery of customs officers and employees—Penalty—Dispositon of bribe moneys.*—(*a*) Tariff Act 1930, section 601:

Any person who gives, or offers to give, or promises to give, any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of merchandise or baggage, or of the liquidation of the entry thereof, or by threats or demands or promises of any character attempts to improperly influence or control any such officer or employee of the United States as to the performance of his official duties, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment for a term not exceeding 2 years, or both, and evidence of such giving, offering or promising to give, or attempting to influence or control, satisfactory to the court in which such trial is had, shall be prima facie evidence that the same was contrary to law.

(*b*) Where moneys received as bribes are placed in the custody of the collector, the same shall be held pending investigation.

(*c*) If no criminal case is developed, the sum shall be deposited with the Treasurer of the United States as a forfeiture, symbol No. 3850, marking deposit as "bribes to United States officers."

(*d*) United States Code, title 18, section 570:

All moneys received or tendered in evidence in any case, proceeding, or investigation in any United States court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall after the conclusion and final disposition of the particular case, proceeding, or investigation in which it was received as evidence, be deposited in the registry of the court to be disposed of under and in accordance with the order, judgment, or decree of said court, to be subject however to the provisions of section 852 of title 28 [U. S. Code]. (Jan. 7, 1925, c 33, 43 Stat. 726.)

ART. 1156. *Giving of gratuities to customs officers prohibited—Penalty.*—United States Code, title 18, section 124:

Whoever, being engaged in the importation into the United States of any goods, wares, or merchandise, or being interested as principal, clerk, or agent in the entry of any goods, wares, or merchandise, shall at any time make, or offer to make, to any officer of the revenue, any gratuity or present of money or other thing of value, shall be fined not more than $5,000 or imprisoned not more than 2 years, or both. (R. S. sec. 5452; Mar. 4, 1909, c. 321, sec. 67, 35 Stat. 1100.)



ART. 1157. *Soliciting or receiving gratuities by officers or employees of the United States prohibited—Penalty.*—Tariff Act 1930, section 600:

Any officer or employee of the United States who, except in payment of the duties or exactions fixed by law, solicits, demands, exacts, or receives from any person, directly or indirectly, any gratuity, money, or thing of value, for any service performed under the customs laws, or in consideration of any official act to be performed by him, or of the omission of performance of any such act, in connection with or pertaining to the importation, entry, inspection or examination, or appraisement of merchandise or baggage, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment for not more than 2 years, or both, and evidence, satisfactory to the court in which the trial is had, of such soliciting, demanding, exacting, or receiving shall be prima facie evidence that the same was contrary to law.

ART. 1158. *Falsely assuming to be a revenue officer—Vessels carrying ensign of Coast Guard vessels—Penalty.*—(*a*) (1) United States Code, title 18, section 123:

Whoever shall falsely represent himself to be a revenue officer, and, in such assumed character, demand or receive any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any revenue law of the United States, shall be fined not more than $500, and imprisoned not more than 2 years. (R. S. sec. 5448; Mar. 4, 1909, c. 321, sec. 66, 35 Stat. 1100.)

(2) United States Code, title 19, section 1601a:

Whosoever without authority shall use the uniform or badge of the Coast Guard, or the Customs Service, or of any foreign revenue service, or any uniform, clothing, or badge resembling the same, while engaged, or assisting, in any violation of any revenue law of the United States, shall be fined not more than $500 and imprisoned not more than 2 years. (Aug. 5, 1935, c. 438, title III, sec. 309, 49 Stat. 528.)

(*b*) United States Code, title 14, section 64:

(a) Coast Guard vessels shall be distinguished from other vessels by an ensign and pennant, of such design as the President shall prescribe, the same to be flown as circumstances require. If any vessel or boat, not employed in the service of the customs, shall, within the jurisdiction of the United States, without authority, carry or hoist any pennant or ensign prescribed for, or intended to resemble any pennant or ensign prescribed for, Coast Guard vessels, the master of the vessel so offending shall be liable to a fine of not less than $1,000 and not more than $5,000, or to imprisonment for not less than six months and not more than 2 years, or both such fine and imprisonment.

(b) For the purposes of this section, any place in the United States or within the customs waters of the United States as defined in chapter 5 of Title 19 [Anti-Smuggling Act] shall be deemed within the jurisdiction of the United States. (As amended Aug. 5, 1935, c. 438, title III, sec. 308, 49 Stat. 528.)

ART. 1159. *Admitting merchandise to entry for less than legal duty—Penalty.*—United States Code, title 18, section 125:

Whoever, being an officer of the revenue, shall by any means whatever, knowingly admit, or aid in admitting to entry, any goods, wares, or merchandise upon payment of less than the amount of duty legally due thereon shall be removed from office and fined not more than $5,000, or imprisoned not more than 2 years, or both. (R. S. sec. 5444; Mar. 4, 1909, c. 321, sec. 68, 35 Stat. 1101.)

ART. 1160. *Entry by false weight, measure, etc.—Penalty.*—United States Code, title 18, section 126:

Whoever, by any means whatever, shall knowingly effect, or aid in effecting, any entry of goods, wares, or merchandise at less than the true weight or measure thereof, or upon a false classification thereof as to quality or value, or by the payment of less than the amount of duty legally due thereon, shall be fined not more than $5,000, or imprisoned not more than 2 years, or both. (R. S. sec. 5445; Mar. 4, 1909, c. 321, sec. 69, 35 Stat. 1101.)

ART. 1161. *Concealment or destruction of invoices—Penalty.*—United States Code, title 18, section 120:

Whoever shall willfully conceal or destroy any invoice, book, or paper relating to any merchandise liable to duty, which has been or may be imported into the United States from any foreign port or country, after an inspection thereof has been demanded by the collector of any collection district, or shall at any time conceal or destroy any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained, shall be fined not more than $5,000, or imprisoned not more than 2 years, or both. (R. S. sec. 5443; Mar. 4, 1909, c. 321, sec. 64, 35 Stat. 1100.)

ART. 1162. *Destroying or mutilating records and documents—Penalty.*—(*a*) United States Code, title 18, section 234:

Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or with intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than $2,000, or imprisoned not more than 3 years, or both. (R. S. sec. 5403; Mar. 4, 1909, c. 321, sec. 128, 35 Stat. 1111.)

(*b*) United States Code, title 18, section 235:

Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in section 234 of this title, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than $2,000, or imprisoned not more than 3 years, or both; and shall moreover forfeit his office and be forever afterwards disqualified from holding any office under the Government of the United States. (R. S. sec. 5408; Mar. 4, 1909, c. 321, sec. 129, 35 Stat. 1112.)

ART. 1163. *Forgery of certificate of entry—Penalty.*—United States Code, title 18, section 119:

Whoever shall forge, counterfeit, or falsely alter any certificate of entry made or required to be made in pursuance of law by any officer of the customs, or shall use any such forged, counterfeited, or falsely altered certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than $10,000 and imprisoned not more than 3 years. (R. S. sec. 5417; Mar. 4, 1909, c. 321, sec. 63, 35 Stat. 1100.)

ART. 1164. *Unlawful abatement or compromise of claims—Penalty.*—Tariff Act of 1930, section 616:

It shall not be lawful for any officer of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture, and any such officer who compromises or abates any such claim or attempts to make such compromise or abatement, or in any manner relieves, or attempts to relieve, any person, vessel, vehicle, merchandise, or baggage from any such fine, penalty, or forfeiture shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for a term not exceeding 2 years: *Provided*, That the Secretary of the Treasury shall have power to remit or mitigate any such fine, penalty, or forfeiture, or to compromise the same in the manner provided by law.

ART. 1165. *Conspiracy—Penalty.*—(*a*) United States Code, title 18, section 88:

If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000 or imprisoned not more than 2 years, or both. (R. S. sec. 5440; May 17, 1879, c. 8, 21 Stat. 4; Mar. 4, 1909, c. 321, sec. 37, 35 Stat. 1096.)

(*b*) United States Code, title 15, section 8:

Every combination, conspiracy, trust, agreement, or contract is declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who shall be engaged in the importation of goods or any commodity from any foreign country in violation of this section, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than 3 months nor exceeding 12 months. (Aug. 27, 1894, c. 349, sec. 73, 28 Stat. 570; Feb. 12, 1913, c. 40, 37 Stat. 667.)

(*c*) United States Code, title 15, section 11:

Any property owned under any contract or by any combination, or pursuant to any conspiracy, and being the subject thereof, mentioned in section 8 of this chapter (quoted above) imported into and being within the United States or being in the course of transportation from one State to another, or to or from a Ter-

ritory or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law. Aug. 27, 1894, c. 349, sec. 76, 28 Stat. 570; Feb. 12, 1913, c. 40, 37 Stat. 667.)

ART. 1166. *"Principals" defined—Punishment of accessories.*—(*a*) United States Code, title 18, section 550:

Whoever directly permits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal. (R. S. secs. 5323, 5427; Mar. 4, 1909, c. 321, sec. 332, 35 Stat. 1152.)

(*b*) United States Code, title 18, section 551:

Whoever, except as otherwise especially provided by law, being an accessory after the fact to the commission of any offense defined in any law of the United States, shall be imprisoned not exceeding one-half the longest term of imprisonment or fined not exceeding one-half the largest fine prescribed for the punishment of the principal, or both, if the principal is punishable by both fine and imprisonment; * * *. (R. S. secs. 5533–5535; Mar. 4, 1909, c. 321, sec. 333, 35 Stat. 1152.)

## CHAPTER XXII

## CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

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ART. 1167. *Moneys of the United States receivable for duties.*—(*a*) Gold and silver coins, minor coins of the United States, United States demand notes, United States Treasury notes, gold and silver certificates of the United States, Federal reserve notes issued under the act of December 23, 1913, United States notes, and circulating notes of national-banking associations are receivable for duties.

(*b*) Debenture certificate and check for payment of drawback shall be received in payment of duties at the customhouse at which it was issued.

(*c*) Certified checks, drawn on national and State banks and trust companies in favor of the receiver or collector, when they can be cashed without cost to the Government are receivable for duties.

(*d*) Uncertified checks may be received by collectors of customs in payment of duties on imports, but if a check so received is not paid the person by whom such check has been tendered shall remain liable for the payment of the duties and for all legal penalties and additions to the same extent as if such check had not been tendered.

ART. 1168. *Cashier.*—At ports where there are regularly designated cashiers, such cashiers shall be the recipients of all moneys collected. At other places deputy collectors or other employees will be authorized by the collector to receive customs duties and other public dues. The cashier will stamp the date of payment on the face of each entry or collection voucher and verify the same by his signature or initial.

ART. 1169. *Bills.*—(*a*) Unless otherwise provided herein all bills or accounts for sums due the Government will be prepared in triplicate. The original shall be forwarded to the party from whom the account is due, the duplicate retained or delivered to the cashier as a collection account, and the triplicate retained as an office record where prepared.

(*b*) When payment is made the duplicate copy shall be stamped paid by the cashier, and recorded as a collection voucher on the appropriate record and schedule.

(*c*) When an official receipt is requested by the payor, or the remittance does not identify the account or accounts for which payment is made, the original must accompany the remittance for that purpose.

(*d*) When billed or other accounts become delinquent a final notice of moneys due, customs Form 4619, notifying the delinquent payor that the amount must be paid to the collector of customs on or before the date stated in the notice or the account will be reported to the United States attorney for collection as required by law, shall be issued and such action as may be necessary, in connection with each particular delinquent account, shall be taken to effect the collection thereof before the expiration of 90 days from the date the account became due. (See art. 1203 (*g*).)

ART. 1170. *Records and schedules.*—(*a*) Itemized records and schedules of customs collections will be prepared in duplicate at headquarters ports and in triplicate at ports of entry on the customs forms provided for each class of collection. Additional copies may be prepared when required for official and essential administrative purposes. Unless otherwise provided, ports of entry will retain the original as the office record and forward two copies to the headquarters port.

(*b*) Monthly summary schedules of duty, miscellaneous, and special deposit collections, or of no transactions, will be prepared and certified in quadruplicate at the headquarters port and in quintuple at ports of entry on customs Forms 5181, 5183, and 5185, respectively. Transactions at customs stations will be accounted for as transactions of, and included in the schedule for, the port under which the station functions. Ports of entry will forward the original and three copies to the headquarters port.

(*c*) Consolidated monthly summary schedules of duty, miscellaneous, and special deposit collections in the district will be prepared and certified in quadruplicate at the headquarters port on customs Forms 5181, 5183, and 5185, respectively.

(*d*) The headquarters port will forward one copy of each itemized schedule, the original and two copies of each monthly summary schedule, and of each consolidated monthly summary schedule to the comptroller of customs, who will transmit the original and one copy of each monthly summary and consolidated monthly summary schedule to the Bureau with the customs account.

ART. 1171. *Estimated duties.*—(*a*) At comptroller of customs ports an entry ticket with coupon receipt, customs Form 5101, attached, will be presented with each entry. At all other ports, entry ticket customs Form 5103 will be prepared by the entry clerk when the entry has been accepted and is ready for payment.

(*b*) Estimated duties collected on consumption entries at comptroller ports will be recorded on customs Forms 5151–A and similar collections will be recorded on customs Form 5151–B at all other ports by serial number as paid. The record of liquidation will be posted on customs Forms 5151–A and 5151–B immediately opposite the entry to which the data belong, on the right hand page of the loose leaf book.

ART. 1172. *Appraisement, baggage, informal, and mail entries.*—Appraisement entries on customs Form 7500 as paid or passed free; baggage entries on customs Form 6059 or 6063 as paid; informal entries on customs Form 5119 as paid or passed free, and mail entries on customs Form 3419 or 3420 as paid, passed free or canceled, shall be separately recorded and scheduled on customs Form 5171 by serial number. An additional copy of the schedule will be prepared for posting as a notice of liquidation. (Art. 830.)



ART. 1173. *Free and warehouse entries.*—Free consumption entries will be recorded and scheduled on customs Form 5151–F at comptroller ports and 5151–D at subcomptroller ports. Warehouse entries will be recorded on customs Form 5153.

ART. 1174. *Duty-paid warehouse withdrawals.*—(*a*) Duties collected on warehouse withdrawals will be recorded as paid by withdrawal number and bond number and date on customs Form 5157. A receipt on customs Form 5103 will be given.

(*b*) Combined rewarehouse and withdrawals for consumption entries on customs Form 7519 shall be numbered in the warehouse entry series of numbers and also assigned a number in the warehouse withdrawal series of numbers. The entry shall be scheduled on the warehouse entry schedule, customs Form 5153, and on the warehouse withdrawal schedule, customs Form 5157. The transaction shall also be recorded on a warehouse ledger sheet, customs Form 5201.

ART. 1175. *Increased and additional duties, etc.*—(*a*) A notice to importers of increased duties, additional duties, balance on bonds, and supplemental estimated duties will be prepared in triplicate on customs Form 5107 at the port of entry of the merchandise, and the original mailed or delivered to the importer by that port.

(*b*) The collections will be recorded on the day received on the record and schedule, customs Form 5155. The collection voucher for increased duties, customs Form 5107, as soon as entered on the record and schedule, will be recorded in the consumption entry record, customs Form 5151–A, 5151–B, 5151–D, or 5151–E. The amounts collected will also be noted and stamped paid on the entries. (See art. 333 for warehouse procedure.)

ART. 1176. *Storage, labor, cartage, fees, etc.*—A bill for the sum due on account of customs fees, work performed, storage, labor, cartage, etc., will be prepared on customs Form 5109. As soon as paid the items will be recorded on the record and schedule, customs Form 5159 or 5161–B.

ART. 1177. *Services of officers.*—(*a*) The bill or account for services of officers, and other reimbursable expenses in connection therewith, will be prepared in triplicate on customs Form 5111–A or 5111–B. The amount collected will be recorded on record and schedule customs Form 5161–A.

(*b*) Services rendered by admeasurers of vessels, whether within or without the limits of the port of entry, and expenses in connection therewith, are not reimbursable and neither the compensation nor the expenses incident to admeasuring a vessel is chargeable to the parties in interest.

ART. 1178. *Fines, penalties, and forfeitures.*—(*a*) A bill or notice of the amount to be paid on account of fines, penalties, and forfeitures, except seizures sold, will be prepared in triplicate on customs Form 5113. The amount collected will be entered on the record and schedule, customs Form 5161–B.

(*b*) Amounts received as fines or in satisfaction of liability incurred for failure to produce consular bills of health as required by the act of February 15, 1893, will be deposited in the regular customs account. The bill or account of the amount to be paid will be prepared in triplicate on customs Form 5113. These collections will be listed separately on the record and schedule of miscellaneous receipts, customs Form 5161–B, as "Public Health Service fines."

(*c*) Amounts collected on bonds as liquidated damages shall be deposited as such in the regular account. Customs Form 5117 will be used as a collection voucher and the record and schedule made on customs Form 5161–B. Items on customs Form 5161–B representing liquidated damages collected for the nonproduction of documents missing on entry shall be specifically identified as such in sufficient detail to enable the comptroller to clear his record of the entry required by article 1201, in connection with which the liquidated damages have been collected.

(*d*) Fines collected on informal mail entries, customs Form 3421, will be recorded and scheduled on customs Form 5161–B and reported on record of fines, penalties, and forfeitures, customs Form 5211.

ART. 1179. *Abandoned and seized goods sold.*—(*a*) A bill for goods sold will be prepared in triplicate on customs Form 5117 A or B. The triplicate copy will be stamped paid and used as a permit to the storekeeper to deliver the merchandise. The storekeeper will indorse his action on the back of the triplicate copy and return the same to the collector.

(*b*) The gross proceeds will be entered on the record and schedule of special deposits, customs Form 5167, and deposited in special deposit account pending the verification and settlement of the sale account.

(*c*) A detailed schedule will be prepared on customs Form 5165 for abandoned goods sold and on customs Form 5179 for seized goods sold. The original and one copy, accompanied by copies of vouchers covering expenses paid or payable from the customs appropriation, and other supporting papers necessary to determine the net proceeds, will be forwarded to the comptroller of customs for his verification prior to transfer from special deposit account. Upon verification, the original and supporting papers will be returned to the collector. The record and schedule of funds transferred will be prepared on customs Form 5161 (A) or (B) as the case may be.

ART. 1180. *Merchandise unclaimed or in warehouse beyond 3 years.*—(*a*) The bill for goods sold will be prepared on customs Form 5117 A or B. The triplicate copy will be stamped paid and used as a permit to the storekeeper to deliver the merchandise. The storekeeper will indorse his action on the back of the triplicate copy and return the same to the collector.

(*b*) The gross proceeds will be entered on the schedule of special deposits, customs Form 5167, and deposited in special deposit account pending the verification and settlement of the sale account.

(*c*) A detailed schedule of sale will be prepared in duplicate on customs Form 5163. Both copies of the schedule accompanied by the appraiser's report, customs Form 3617, for each lot, together with all other supporting papers or vouchers will be forwarded to the comptroller of customs for his verification prior to transfer from special deposit. The original upon verification will be returned to the collector. The record and schedule of the funds to be transferred will be prepared on customs Form 5159 or 5161 A or B, as the case may be.

(*d*) The notice to importer of sale will be prepared on customs Form 5251–A, the order to the storekeeper to transfer for sale on customs Form 5251–B, and the order to the appraiser on customs Form 3617.

ART. 1181. *Special forms.*—When special forms of bills or accounts are not provided, customs Form 5117 A or B will be used as the bill or account, and the record and schedule will be prepared on customs Form 5161–A, 5161–B, or 5167, if special deposit.

ART. 1182. *Special deposits.*—(*a*) Moneys received by collectors as special deposits will be entered as soon as received by the collector on record and schedule of special deposits, customs Form 5167. Ports of entry will forward the original and duplicate copies to the headquarters port where the original will be used as the office record of the receipt and disposition of amounts in the special deposit account.

(*b*) A duplicate copy of the record and schedule of special deposit, customs Form 5167, shall be prepared for all receipts under this article and forwarded to comptrollers of customs as soon as the sheet is completed or at the end of the month.

(*c*) Collectors shall submit to comptrollers all schedules, documents, official papers, and reports necessary for the proper verification and certification of special deposit accounts.

(*d*) Refunds, transfers, etc., of special deposit collections will be noted in the office record of the headquarters port, customs Form 5167, on the right-hand or credit side of the page. The back of each sheet when inserted in the binder becomes the credit side of the register.

(*e*) Whenever moneys are deposited with the cashier as a special deposit, the words "special deposit" will be stamped upon the collection voucher.

ART. 1183. *Daily record and monthly summary.*—(*a*) The total amount collected or deposited each day for each class of receipts including special deposits, as shown on the various records and schedules, will be entered on the daily statement of collections, deposits, and balances on customs Form 5207–A at comptroller ports, and on customs Form 5207–B at all other ports. This report may be prepared on the morning of the following business day and should cover all collections and deposits of the day of the report up to the official closing time. Any undeposited collections received up to the official closing time should be reported as a balance on hand.

(*b*) One copy of either customs Form 5207–A or 5207–B, accompanied by the collection vouchers, will be forwarded whenever there are any transactions, either in collections or deposits to the comptroller of customs at comptroller ports and to the headquarters port at subcomptroller ports. The period during which there were no transactions and the amount for which signed certificates of deposit have not been received will be noted on the bottom of the form.

ART. 1184. *Deposit of collections.*—(*a*) At each port all cash collections, including repayments to appropriations, will be deposited daily by the collector at a headquarters port or the deputy collector in charge at a port of entry, in a designated depositary at the port of collection, to the credit of the Treasurer of the United States in the name of the collector for the district, except that depositing officers are authorized to withhold from deposit sufficient of their cash collections, not to exceed $100, for the purpose of making change. The amount of cash so withheld each day shall be reported as cash on hand, except that at the end of each month, or at the expiration of the collector's bond, the cash withheld must be deposited. Each certificate of deposit shall show separately the amount deposited on account of each specific source of collection.

(*b*) Depositing officers located in a city or town where there is no depositary are not required to forward their cash receipts each day, but must forward such receipts to the headquarters port or to the designated depositary in the district as directed by the collector when the aggregate collections amount to $100 or such lesser sum as the collector may prescribe. At the end of each month or at the expiration of the collector's bond the deposits must be made regardless of the amount.

(*c*) All checks, whether certified or uncertified, and whether or not drawn on banks and trust companies located in the same city with the collector, received by collectors of customs, shall be forwarded for deposit each day by collectors, unless otherwise specifically instructed by the Secretary of the Treasury, to the Federal Reserve bank of the district in which the headquarters port is located (or in case the headquarters port is located in the same city with a branch Federal Reserve bank, to such branch Federal Reserve bank).

(*d*) Specific instructions may be given by the Secretary of the Treasury, in certain instances, for the deposit of checks with Federal Reserve banks of other districts or branch Federal Reserve banks.

(*e*) If there be no designated depositary at a port of entry, all collections will be forwarded to the headquarters port or deposited in a designated depositary in the district as directed by the collector. If there be no designated depositary at a headquarters port, the collector shall apply to the Secretary of the Treasury to designate a place of deposit. All such moneys shall be transmitted from time to time to the place of deposit so designated in such manner and by such means as may be prescribed.

(*f*) Checks forwarded to the Federal Reserve bank in accordance herewith should be arranged in groups of checks drawn on banks and trust companies located in the same city with the Federal Reserve bank or branch with which the deposit is made, and groups of checks drawn on banks and trust companies located outside of the city in which is located the Federal Reserve bank or branch with which the deposit is made, and each such group must be accompanied by a draft certificate of deposit. Such draft certificate of deposit must, in all cases, specify the amounts of the deposits representing collections for the Treasury Department, Department of Commerce, etc.



(*g*) Payments made into court in cases settled by compromise or in satisfaction of judgments shall be deposited to the credit of the Treasurer of the United States either by the collector of the district concerned or in his name, on account of the specific source of receipts involved in the case compromised or satisfied.

(*h*) Moneys received from clerks of courts in payment of customs judgment cases will be separated by collectors of customs so as to deposit the principal as "customs duties", "cutoms fines", etc., according to the nature of the transaction, and the costs as miscellaneous receipts, Department of Justice, under the title "4280 reimbursement of expenses (costs in customs judgment cases)." The segregation of these receipts should be made on the reverse side of certificates of deposit and on the monthly schedule of certificates of deposit, Form 1313.

(*i*) The total amount deposited as customs duties or fines, etc., as well as the amount representing "costs", shall be taken up as collections and deposits on the regular customs accounts.

(*j*) When deposits of funds not pertaining to customs are made by collectors, the certificates of deposit should clearly designate the particular branch of the public service to which they belong.

(*k*) Moneys received by customs officers on account of unclaimed money of deceased seamen will be deposited in a designated depositary as miscellaneous receipts "Proceeds from effects and moneys of deceased patients, Public Health Service (trust fund)."

(*l*) All moneys paid to any collector for unascertained duties or for duties paid under protest against the rate or amount of duties charged shall be deposited to the credit of the Treasurer of the United States, and shall not be held by the collectors to await any ascertainment of duties or the result of any litigation in relation to the rate or amount of duties legally chargeable and collectible in any case where money is so paid.

(*m*) Receipts from reimbursable charges for overtime services, labor, travel, and other expenses connected with the customs, including collections of disallowed disbursements, shall be deposited by the collector of customs as a repayment to the appropriation from which paid.

(*n*) Collections which at the time of receipt can not be definitely allocated as to purpose or account properly applicable, including collections covering deposits in lieu of bonds, gross proceeds derived from the sale of seized, abandoned, and unclaimed goods, deposit of estimated amounts required in advance of the known amount, account, or date due, deposits subject to transfer to other accountable officers, and similar collections, shall be deposited in special deposit account there to be held until proper disposition thereof can be accomplished.

(*o*) Amounts received covering net proceeds derived from the sale of seized property (art. 1133), net proceeds derived from the sale of perishable articles (art. 1137), deposit of appraised value of seized articles (art. 1138), deposit of appraised value of goods advanced over 100 percent (art. 1140), and maximum fines and penalties imposed (art. 1144), including mail fines, shall be deposited in the regular account.

(*p*) When the net proceeds of sale or deposits of the appraised value covering seized merchandise are transferred from special deposit to the regular account, the duty accruing on entered dutiable merchandise which is not prohibited shall be deposited and accounted for as duties and the residue, if any, shall be deposited as a customs fine. If such entered merchandise is not dutiable the full amount transferred shall be deposited as a customs fine. In the case of smuggled or prohibited merchandise, whether dutiable or not, the full amount transferred shall be deposited as a customs fine. Such amounts deposited as fines shall be shown on the certificate of deposit and accounted for as miscellaneous receipts under the classification of forfeitures.

(*q*) Public moneys are not to be deposited in the name of subordinates, but in the names and in the official accounts of the collectors of customs.

(*r*) Funds delivered to the bank toward the close of the month, for which a certificate of deposit is not received from the depositary until the following month, should be shown in the account for the month in which collected as "balance due the United States."

ART. 1185. *Certificates of deposit (regular account).*—(*a*) Certificate of deposit Form 4 will be prepared by collectors of customs covering customs duties including those of the Philippine Island tariff fund, which deposits are not subject to check, and deposited with the Treasurer of the United States, Federal Reserve banks, and general bank depositaries.

(*b*) Certificate of deposit Form 5 will be prepared by collectors of customs, covering internal-revenue collections, collections of tonnage tax, including those belonging to the Philippine Island fund, miscellaneous receipts, and repayments to appropriations, which deposits are not subject to check, and deposited with the Treasurer of the United States, Federal Reserve banks, and general bank depositaries.

(*c*) Certificate of deposit, Form 1, shall be prepared by collectors of customs, covering deposits not subject to check, other than deposits made on certificate of deposit Forms 4 and 5.

(*d*) Headquarters ports will accompany all deposits with an original and three copies, one being in the form of a letter of transmittal of this certificate; all other ports of entry will furnish an additional copy.

(*e*) The depositary will date and sign all certificates, entering credit therefor in the Treasurer's account, transmit the original to the Secretary of the Treasury through the Treasurer of the United States with daily transcript of same date, retain the quadruplicate copy for its files, and return the remaining copies to the collector or deputy from whom received, who will send the duplicate copy by the first mail to the comptroller of customs of said district, retain the triplicate copy for his file, and, in case of deposits by subports, forward the quintuple copy to the headquarters port. Instructions relative to the disposition of copies are printed on the left-hand margin of the certificate.

(*f*) The original certificates form a permanent record of the Department and must be prepared by typewriter or written legibly with durable ink. The deposit numbers on these forms are to be inserted by the depositor and should be in numerical sequence, beginning with number 1 on July 1 of each year, one series of numbers being used for Forms 1, 4, and 5.

(*g*) The reverse side of certificate of deposit Form 5 is printed and ruled for the purpose of indicating the specific account titles to which the moneys are to be credited. Care should be exercised in designating the correct receipt titles, with symbol numbers prescribed in Gen. Reg. No. 67, G. A. O., to insure the proper covering of the deposits into the Treasury by warrant.

(*h*) When certificate has been signed and forwarded, the depositor will in no case correct an error made therein by preparing a second certificate, but will notify the Treasurer of the United States of the error and await instructions relative thereto.

(*i*) When a deposit is received by a depositary unaccompanied by the prescribed form of certificate of deposit, the depositary may prepare the certificate, but the depositor should prepare it whenever practicable for him to do so.

(*j*) At ports of entry the quintuple copy will be forwarded to the collector at the headquarters port upon receipt of signed copies from the depositary.

(*k*) In no case will a second or duplicate set of certificates be issued for any deposit except upon special authority from the Secretary of the Treasury.

(*l*) When a collection is made of a repayment to an appropriation, the certificate of deposit must invariably state the fiscal year to which it belongs.

ART. 1186. *Certificates of deposits (special deposit accounts).*—(*a*) Certificate of deposit for checking account, customs Form 6599 (revised 1934), in quintuple, shall be prepared and numbered by collectors of customs using separate certificates and series of numbers followed by the words "Customs", "Commerce", or "Labor" for deposits included in each of the respective special deposit accounts.

(*b*) Collections shall be deposited by the port at which collected for credit, subject to check, in the special deposit disbursing account of the chief disbursing officer for disbursements made within the limits of the continental United States, and of the assistant disbursing officer for disbursements made beyond the limits of the continental United States, under the special deposit disbursing symbol number of the disbursing officer receiving the certificate of deposit in either case.

(*c*) The original and four copies of the certificate of deposit, the quadruplicate copy being in the form of a letter of transmittal, shall accompany the deposit sent to the depositary. The depositary will date, sign, and forward the triplicate copy to the disbursing officer, whose account is to be credited, and return the duplicate and quintuple copies to the depositor. Ports, other than the headquarters port, shall forward both copies to the headquarters port with the daily record and statement of collections, deposits, and balances, customs Form 5207–B. The headquarters port shall transmit the duplicate copies covering customs special deposit accounts to the comptroller of customs and covering commerce and labor special deposit accounts, with the account current, to the respective administrative office concerned.

(*d*) Moneys received as offers in compromise of pending claims due the United States shall be deposited to the credit of the special deposit account no. 5 of the Secretary of the Treasury. These collections shall be scheduled on customs Form 5161–B and separately reported on customs Form 5183 without consolidation with, or inclusion in, the total of customs Form 5183 used to report and consolidate miscellaneous customs collections. The deposit shall be made on certificate of deposit, customs Form 6599, showing the deposit as made by the collector of customs in the name and for the account of the proponent, citing on the certificate information as to the name of the party and number of the case involved. These certificates of deposit shall be given a separate series of numbers and shall not be listed on the schedule of certificates of deposit, Form 1313, covering deposits into the Treasury not subject to check, nor on the schedule of special deposit certificates of deposit covering deposits subject to check and deposited to the credit of the disbursing officer. The duplicate copy of customs Form 6599 shall be forwarded to the comptroller of customs, the triplicate copy to the Secretary of the Treasury, and the quintuple copy retained. The collection and deposit shall be entered as a separate item on the collector's account current, customs Form 4939, using the title "Offers in Compromise" and noting thereon that the deposit was made to special deposit account no. 5 of the Secretary of the Treasury.

ART. 1187. *Date of deposit.*—The actual date of deposit is the date on which an account is credited in the Treasurer's account and is the same as that placed on the certificate of deposit by the depositary.

ART. 1188. *Schedules.*—(*a*) The schedule of certificates of deposit to regular account, Forms 1, 4, and 5, will be prepared in quadruplicate at the close of each month on division of bookkeeping and warrants Form 1313. A separate schedule will be prepared covering deposits made at each port of entry. Only certificates of deposit certified within the month will be included in this schedule. The actual date of deposit is the date placed on the certificate by the depositary.

(*b*) The deputy collectors in charge at ports of entry will prepare this form covering deposits made at their respective ports and forward the original and three copies to the collector at the headquarters port who will prepare a summary in quadruplicate covering all ports in the district. The original of all schedules will be mailed to the Secretary of the Treasury.

(*c*) A separate schedule of special deposit certificates of deposit listing all certificates of deposit dated by the depositary within a calendar month, or other period of time covered by an account current, shall be prepared on letter-size paper in sextuple for each series of numbers, plainly showing thereon that the schedule covers the "customs", "commerce", or "labor" special deposit account. The original and one copy of the schedule covering the customs account shall be forwarded to the comptroller of customs, who shall transmit the original to the Bureau of Customs with the account current. The original and one copy of the schedule covering the commerce and labor accounts shall be forwarded with the account current to the respective offices concerned. Three copies of the schedule shall be forwarded to the disbursing officer concerned.

ART. 1189. *Internal-revenue taxes on imported distilled spirits and wines.*—(*a*) All internal-revenue taxes payable on distilled spirits, including perfumes containing distilled spirits, and on wines imported into the United States from foreign countries and coming into the United States from the Virgin Islands, when entered or withdrawn for consumption, and on such distilled spirits and wines which are unclaimed or abandoned under the customs laws, if sold for consumption, will be collected or deducted from the proceeds of sale as the case may be, accounted for, and deposited as internal-revenue collections by collectors of customs.

(*b*) The amount of internal-revenue taxes payable on distilled spirits, including perfumes containing distilled spirits, and payable on wines, will be separately computed and stated with each entry filed and sale lot prepared.

(*c*) Baggage declarations or other entries on which such internal-revenue taxes are collected, will be classed, and, if not prenumbered, will be numbered in the same series of numbers in which dutiable baggage declarations or dutiable entries are numbered, and scheduled as dutiable entries.

(*d*) The entry schedules, customs Forms 5151, 5153, 5157, and 5171, covering a dutiable entry on which an internal-revenue tax is collected, should show the notation "IRT" on the line for that entry and if internal-revenue tax only is collected, should show the notation "IRT" in the space for the amount of duty, to indicate the rescheduling of those entries on the schedule of internal-revenue collections, customs Form 5161B.

(*e*) The bids received by collectors of customs for the purchase of distilled spirits and wines which are unclaimed or abandoned under the customs laws, will include and must be in an amount not less than the internal-revenue tax on each lot sold. The gross proceeds of sale will be scheduled on customs Form 5167 and deposited in the special deposit account. The internal-revenue tax on each lot sold will be deducted from the gross proceeds in full and covered into the Treasury as internal-revenue collections.

(*f*) A receipt for payments made on an entry at the time of filing, when issued, will cover all payments made on that entry, including the amount of internal-revenue tax. A notice of supplemental estimated and increased payments due on an entry, including internal-revenue tax separately shown, will be issued on customs Form 5107. A receipt for the gross proceeds received from the sale of distilled spirits and wines, without separation as to distribution thereof, will be issued on customs Form 5117A or 5117B.

(*g*) The amount of internal-revenue taxes accruing on the total amount of distilled spirits and wines covered by an entry, will be separately computed and stated in the liquidation or reliquidation of the entry. A net difference between the total estimated and liquidated internal-revenue taxes on one entry of less than $1 will be disregarded and of $1 or more will be separately settled as an internal-revenue account.

(*h*) All internal-revenue taxes collected on all classes of entries, or deducted from the gross proceeds of sale, when covered into the Treasury, will be accounted for and scheduled under the entry or lot number on customs Form 5161B. The date collected, or transferred from the special deposit account to the regular account, will be shown in the first column and the kind of entry and number, or the word "lot" and number will be shown in the second column. The headings of the fourth and fifth columns should be amended to read "Dist. Sp." and "Wines" and the amounts collected under each classification should be shown in the respective columns. Supplemental estimated and increased internal-revenue taxes collected subsequent to the date of the entry, will be indicated on the schedule by showing "SE" or "INC" together with the date of the entry in the last column.

(*i*) The total internal-revenue taxes on distilled spirits and wines received by collectors of customs will be deposited on a separate certificate of deposit Form 5 as internal-revenue collections without separation as to whether the tax is collected on distilled spirits or on wines, and without including any other collections therewith.

(*j*) An internal-revenue tax report for the district stating the total balance due the United States from the last monthly account, amount collected on distilled spirits during the month, amount collected on wines during the month, total amount of balance and collections, amount deposited during the month which is the amount covered by certificates of deposit dated by the depositary within the month, and balance due the United States at the close of the month, will be prepared in letter form, addressed to the Commissioner of Internal Revenue, attention of Accounts and Collection Unit, and mailed thereto promptly at the close of the month but not later than the fifth day of the succeeding month.

(*k*) Promptly after an excess collection of internal-revenue tax has been ascertained upon the liquidation or reliquidation of an entry an original and one copy of the notice of refund, customs Form 5269, will be prepared at the headquarters port showing the district number, headquarters port, and date on which issued. The accounts "Excess of Duties" and "Drawback Allowances" will be deleted and the account should be stated in the blank space clearly showing the refund is on account of internal-revenue tax on distilled spirits and wines. Separate notices of refund should be prepared for entries filed at each port and the name of the port at which the entries were filed should be shown in the blank space above "Remarks." When the refund is due to a reliquidation of an entry "Reliq." should be shown after the entry in the column for remarks. More than one entry, but not more than seven entries may be listed in each notice of refund and the total must be shown in the line space following the dollar sign whether one or more entries are listed. The name of the importer of record at the time the notice of refund is issued, together with a complete mailing address, will be shown in the lower left-hand corner. When otherwise complete for scheduling, both copies of the notice of refund will be serially numbered in the upper right-hand corner in a separate series for each fiscal year. The original only will be signed in the lower right-hand corner by a responsible officer at the headquarters port and the name and title of the officer signing the original should be stamped or indicated on the copy.

(*l*) Notices of refund will be scheduled at the headquarters port on customs Form 5193, in triplicate, for entries filed at the headquarters port and on a separate schedule, in quadruplicate, for entries filed at each port of entry other than the headquarters port. Additional copies may be prepared when required for official and essential administrative purposes. The title of the schedule should be amended to show it to be a record and schedule of notices of refund of internal-revenue taxes on imported distilled spirits and wines. The words "paid by" should be deleted and the words "issued by the" inserted in lieu of inserting the name of the collector of customs or other disbursing officer. The number of the district and the name of the headquarters port should be inserted in their appropriate spaces and the name of the port at which the entries were filed should be shown on the first line of each schedule for that port. The payee must be the same as the importer of record appearing on the notice of refund. When a notice of refund covers only one entry the amount of refund will be shown in the second column for dollars and cents under "amount", and when it covers more than one entry the amount of refund on each entry will be shown in the first column and the total of the notice of refund carried to the second column. The totals in the second column must agree with the totals on each notice of refund. The serial number and date of each notice of refund will be shown in the columns for check number and date opposite each total. When a refund is due to a reliquidation of an entry "Reliq." should be shown in the column for "Notations" opposite the entry involved. All notices of refund dated within a month will be included in the schedule for that month.

(*m*) At the close of each month the collector of customs will forward the original schedules, customs Form 5193, together with two copies for the headquarters port and three copies for ports other than the headquarters port, to the comptroller of customs for verification. The comptroller of customs will certify the original set for a customs district as to his verification of the account and forward it to the Commissioner of Internal Revenue, attention of the Alcohol Tax Unit, and will stamp the remaining copies showing the verification thereof and date the original was certified and return one set for the headquarters port and two sets for other ports to the collector of customs who will forward one of the two copies, covering entries filed at ports other than the headquarters port, to the port concerned for the completion of its records.

(*n*) When a schedule of notices of refund verified by the comptroller of customs has been received by the collector of customs, he will forward each original notice of refund listed on the schedule to the importer of record shown on the notice of refund. The copy of each notice of refund will be retained in the accounting files of the collector of customs. Signed or unsigned notices of refund, other than the original, will not be issued or forwarded to importers, brokers, or others concerned. In the event of the nonreceipt or loss of an original notice of refund the importer of record may apply to the collector of customs for the issuance of a duplicate by filing an affidavit identifying the notice of refund, citing the kind, number, and date of each entry, amount of refund due and definitely stating that the original notice of refund has not been, and will not be, included in any claim for refund and, if later located, will be returned to the collector of customs for cancelation. If the application is acceptable to the collector of customs he will prepare from the retained copy an exact transcript thereof as to numbers, dates, amounts, and signature, certify as to its issuance as a duplicate, and without rescheduling forward or deliver it to the applicant for use in lieu of the lost original. The application bearing a notation as to date and fact of issuance of the duplicate will be attached to the retained copy of the notice of refund from which the duplicate was prepared.

(*o*) Collections in excess of the amount found due the Government upon the liquidation or reliquidation of an entry by a collector of customs, when claim therefor on internal-revenue Form 843 is submitted in accordance with these regulations, will be refunded through a collector of internal revenue by the Bureau of Internal Revenue at Washington from an appropriation provided for that purpose and under the administrative jurisdiction of that Bureau.

(*p*) On receipt of the notice of refund, customs Form 5269, from a collector of customs the importer of record, as shown on the notice of refund, may prepare a claim in his name on internal-revenue Form 843, in duplicate. Each claim must be confined to refunds of entries filed in the same customs district. Item 1 will show the number of the customs district and name of the headquarters port of the customs district issuing the notice of refund. Item 3 will show the character of the tax as "Internal Revenue Tax on Imported Distilled Spirits and Wines." Item 6 will show the total amount of all notices of refund included in the claim. Items 2, 4, 5, 7, and 8 need not be completed. The reason why the claim should be allowed may be briefly stated indicating that internal-revenue taxes on imported distilled spirits and wines were paid to the collector of customs in excess of the tax found due the Government

upon the liquidation or reliquidation of entries for which notices of refund were issued by the collector of customs at ——— ———. Following this statement there should be a tabulation of all notices of refunds included in the claim showing the serial number and date of the notice of refund, the kind, number, date of, and amount of refund on each entry and the port at which the entry was filed. If the space on the claim is insufficient to list each entry on which a refund is claimed, the tabulation should be listed or continued on letter-sized sheets, and securely attached to and made a part of the claim. The certificate of the collector of internal revenue on the back of the form is not required.

(*q*) When a claim is complete in all respects, including the affidavit of the claimant, the original with notices of refunds attached and the duplicate thereof should be filed by the claimant with the collector of internal revenue of the internal-revenue district in which the claimant is located. The collector of internal revenue will retain the duplicate copy of the claim and forward the original with the notices of refund attached to the Commissioner of Internal Revenue, attention of the Alcohol Tax Unit.

(*r*) Correspondence relative to a particular report of collections, deposits and balances, notice of refund, schedule of refund, or claim, will be conducted directly by and between the Bureau of Internal Revenue, the collector of customs, the comptroller of customs, the collector of internal revenue, or claimant concerned. Correspondence relative to the provisions of these regulations will be conducted with or through the Bureau of Customs.

(*s*) A supply of blank claims, internal-revenue Form 843, sufficient for the needs of a customs district will be obtained from a collector of internal revenue by the collector of customs for distribution to and issuance from ports where required in the customs district.

DISBURSEMENTS

ART. 1190. *Certification.*—(*a*) The Division of Disbursement shall disburse moneys only upon certification of persons by law duly authorized to incur obligations on behalf of the United States. The function of accountability for improper certification shall be transferred to such persons and no disbursing officer shall be accountable therefor.

(*b*) The name and title of each customs officer or employee recommended for designation to certify pay rolls and vouchers shall be submitted separately by letter, in duplicate, to the Bureau of Customs. The head of the office and his assistant, if any, and such other qualified officers or employees as may be necessary to provide a sufficient number of designated persons to meet the administrative necessity in each office may be recommended and designated. Signature cards, obtainable from the regional disbursing office, shall be prepared showing the class of vouchers to be certified, signed by each person recommended and transmitted in triplicate with the letter of recommendation. The signature of the recommending officer will be certified in the Bureau. The signature of all other officers and employees will be certified by the recommending officer.

(*c*) Whenever an officer or employee designated to certify pay rolls or vouchers for payment leaves the service, transfers to another post of duty, or is not available or qualified to certify pay rolls or vouchers for payment, a separate report thereof, in duplicate, shall be submitted to the Bureau for revocation of the designation, so that the designation of only available and qualified officers and employees will be on record in the Department, Bureau, field office, central disbursing office, and regional disbursing office.

(*d*) Recommendations for the designation of an officer or employee in addition to those previously designated, or in lieu of an officer or employee whose designation has been revoked, shall be submitted as provided in paragraph (*b*) of this article.

ART. 1191. *Customs salaries and expenses.*—(*a*) Separate pay rolls shall be prepared for each port in a customs district, for each separate administrative office at each port, and for officers and employees paid in cash. Separate pay rolls may be prepared for distinct functional units at the headquarters port and at the larger ports of entry.

(*b*) Salaries of customs officers and employees at ports other than the headquarters port, and at headquarters ports not located in the same city with the regional disbursing office, shall be paid by check. Salaries of customs officers and employees at headquarters ports located in the same city with the regional disbursing office shall be paid by check so far as possible. When administrative necessity makes it impracticable to pay the salaries of officers and employees of a particular class or at a particular location by check then payment may be made in cash to those employees of that class or at that location by either the disbursing officer or by an agent-cashier of the disbursing officer designated by and under bond to the chief disbursing officer.

(*c*) Pay rolls and vouchers covering services rendered and expenses incurred at ports or offices other than the office from which they will be certified to the disbursing officer for payment, when complete in all respects, will be certified by the officer or employee having knowledge as to the receipt of the services or supplies, and forwarded to the office from which they will be certified to the disbursing officer for payment. Pay rolls and vouchers so certified shall also be certified and approved for payment by an officer or employee designated to certify vouchers for payment before forwarding the same to the disbursing officer. Pay rolls and vouchers certified as to receipt of services or supplies by an officer designated to certify vouchers for payment require only the one signature.

(*d*) Separate schedules for pay rolls paid by check and paid in cash and for vouchers covering contingent expenses shall be prepared on standard Form 1064 in quadruplicate. A Bureau or office voucher number shall be assigned to each pay roll and voucher in the order in which listed on the schedule for identification purposes. The schedule covering pay rolls paid by check shall show the payee as "salaries as per pay roll." The schedule covering pay rolls paid in cash shall show the payee as the name and title of the officer in charge of the regional disbursing office and underneath "cash for pay roll." Schedules covering pay rolls shall show the net amount paid, the amount of the retirement deductions, and the gross amount of each pay roll. Each schedule will consist of only one page. Each page will be numbered in the space provided for the Bureau's schedule number, totaled, and certified by a certifying officer. The original and two copies of the schedule, with the original of each pay roll and voucher listed thereon attached shall be forwarded to the regional disbursing office for payment. In the case of pay rolls, the original and two copies of the schedule of retirement deductions, standard Form 1070, shall accompany the schedule and vouchers forwarded to the disbursing office.

(*e*) When it is necessary for a regional disbursing office to return a pay roll or voucher included with others on a schedule for further action before payment can be made, it will be deleted from the schedule and the total of the schedule will be reduced accordingly. Such eliminated pay rolls or vouchers when resubmitted for payment shall be rescheduled under the original office voucher number assigned and may be included on a schedule covering other pay rolls or vouchers originally submitted for payment.

(*f*) The regional disbursing office will return one copy of each schedule with the date of payment and disbursing voucher numbers shown thereon and in the case of pay rolls paid by checks will forward the salary checks issued therefor to the office from which the pay roll was received to effect delivery of the checks.

(*g*) Customs officers and employees on separate pay rolls to be paid in cash will be paid and signature obtained by an officer of the regional disbursing office so far as practicable and in accordance with the procedure which may be mutually arranged and adopted by the particular customs and regional disbursing offices concerned. When the payment of salaries in cash is made by a customs officer as the agent-cashier of the regional disbursing officer, the cash will be advanced and the original pay roll will be delivered by the regional disbursing office direct to the agent-cashier who will make payment, obtain the signatures of the employees, return the completed original pay roll, and account for the cash advances, expenditures, and balances direct to the regional disbursing office.



ART. 1192. *Refunds and drawback.*—(*a*) A notice of refund, customs Form 5269, shall be prepared covering authorized refunds of excessive customs collections or receipts which have been deposited into the Treasury and of drawback due. The name of the payee and a complete mailing address shall be shown on the notice of refund. If an authority to collect checks, customs Form 4811, is on file with the collector the address of the payee shall be shown as in care of the address of the authorized person. If a power of attorney is on file with the collector the address of the payee may be shown as in care of the address of such attorney, if requested.

(*b*) A separate schedule for each class of refunds and for each port shall be prepared at the headquarters port on customs Form 5193 in quadruplicate for entries filed at the headquarters port and in quintuple for entries filed at other than the headquarters port. The schedules shall be serially numbered, and the original certified and approved for payment by an officer designated to certify and approve vouchers for payment. The original and two copies of the schedules, accompanied by the notices of refund, shall be forwarded, at least semimonthly from the headquarters port, to the regional disbursing office for payment.

(*c*) The regional disbursing office will issue and mail the check with the notice of refund directly to the payee at the address shown on the notice of refund and will return one copy of the schedule to the headquarters port. The headquarters port shall complete the retained copies as to payment and shall forward one copy of all paid schedules for the district to the comptroller of customs and one copy for ports other than the headquarters port to the port concerned.

ART. 1193. *Special deposits.*—(*a*) Collections for deposit in the customs special deposit disbursing account of the regional disbursing office shall be recorded and scheduled on customs Form 5167 in duplicate at the headquarters port and in triplicate at ports other than the headquarters port. Each class of special deposit collections shall be separately scheduled. Ports other than the headquarters port shall forward the original and one copy to the headquarters port. The headquarters port shall forward one copy of each schedule for the district to the comptroller of customs. The original of all schedules will be retained at the headquarters port as the control record showing the receipt and disposition of all special deposit funds. Two copies of the consolidated monthly summary schedule for the district, on customs Form 5185, shall be prepared, in addition to the original and three copies required to support the collector's account current of collections and deposits, and forwarded to the regional disbursing office concerned.

(*b*) Payments to be made by the regional disbursing office from the special deposit disbursing account shall be scheduled at the headquarters port on customs Form 5189 in quadruplicate. A separate schedule shall be prepared for each class of special deposit collections showing in the respective columns the amounts to be disbursed, refunded, or transferred to the regular account. Original vouchers covering amounts to be disbursed properly certified shall be forwarded with the schedule to the regional disbursing office for payment. The vouchers and schedule shall be serially numbered for identification purposes. The original schedule shall be certified and approved for payment by an officer designated to certify vouchers.

(*c*) A notice of refund of special deposit, prepared on customs Form 5269 and showing a complete mailing address shall accompany the schedule to the regional disbursing office. The check and notice of refund will be mailed by the regional disbursing office directly to the payee at the address shown on the notice of refund. In the case of refund of all or part of a customs fine upon the remission or mitigation thereof, the original letter of authority shall be attached to the original schedule for transmission to the General Accounting Office. The payee of amounts for transfer to the regular account shall be shown on the schedule as Treasurer of the United States. The check will be forwarded by the regional disbursing office with the return copy of the schedule to the headquarters port. Such checks shall be endorsed by the collector of customs, deposited with other checks covering collections, and accounted for at the headquarters port as a collection and deposit under the appropriate receipt symbol number and included in the revenue receipt account current rendered by collectors of customs. Collectors of customs shall prepare, on plain letter-size paper, and submit with their regular collection account a schedule showing the name of the headquarters port and the transfers received from the special deposit account of the disbursing officer during the month, which are included in the amounts reported as collections, together with the symbol number and title of the account in which deposited and the amount deposited. Accounts for months during which no transfers were received from the special-deposit account of the disbursing officer shall contain a copy of this schedule showing "No transactions."

(*d*) On receipt of a schedule, customs Form 5189, from the regional disbursing office showing the disbursements from the special deposit account, the headquarters port shall complete the retained copy and forward it to the comptroller of customs.

(*e*) A record showing the deposits to, disbursements from, and balances in the special deposit accounts of collectors of customs shall be maintained at the headquarters port on a separate appropriation and accounts ledger, customs Form 5205, for the customs, commerce, and labor accounts.

ART. 1194. *General.*—(*a*) Advancement of funds to a regional disbursing office to make payments for the customs district or districts assigned to that office will be obtained by the regional disbursing office in the field from the central disbursing office in Washington.

(*b*) The account current covering disbursements made by regional disbursing offices for the customs service together with the supporting schedules and vouchers, will be forwarded from the central disbursing office to the Bureau of Customs for administrative audit.

(*c*) Letters of exceptions will be issued when necessary by the Bureau direct to collectors of customs, and replies thereto will be forwarded by collectors of customs to the Bureau for consideration.

(*d*) When a notice of exception is issued by the General Accounting Office, the administrative copy will be received in the Bureau of Customs and one of the two copies received by the central disbursing office will be transmitted through the regional disbursing office to the collector of customs concerned for reply to, or adjustment of, the exceptions. A reply to a notice of exception shall be prepared by the collector of customs on Form 2085 in quadruplicate. The original shall be signed only on the right-hand side by an officer authorized and responsible for the certification of vouchers and the copies shall be stamped showing the name and the title of the officer signing the original. The disbursing symbol number of the disbursing officer shall be shown in the lower right-hand corner. The original and two copies of the reply to exception shall be forwarded direct to the Bureau for consideration. If the exception is satisfactorily explained or adjusted the original will be administratively verified and signed in the Bureau and it, together with one copy, forwarded to the central disbursing office.

(*e*) Disallowances by the Bureau of Customs or the General Accounting Office in vouchers paid by a regional disbursing office, shall be collected and deposited by the collector of customs as a repayment to the appropriation from which paid and taken up in his revenue receipt account current in the same manner as other collections of repayments to appropriations. In such cases the reply to the Bureau letter of exception or the reply on Form 2085 to notices of exception issued by the General Accounting Office will cite the name of the collector of customs accounting for the col-

lection together with the certificate of deposit number and date under which the collection of the disallowed amount was covered into the Treasury.

ART. 1195. *Authorization for expenditures or purchases.*—(*a*) Unless the exigencies of the service require immediate performance of a service or delivery of an article, no expense payable from the appropriation "Collecting the revenue from customs" should be incurred or paid without previous authorization from the Bureau of Customs except as provided herein.

(*b*) A Department letter making an appointment to the Customs Service constitutes authority for the payment of salary of the person appointed.

(*c*) Collectors of customs are authorized to incur expenses for travel and subsistence on official business (not in connection with the transfer of the official stations of officers and employees) within their districts for themselves and officers and employees under their jurisdiction.

(*d*) Expenses for the objects listed below may be incurred and vouchers therefor certified for payment without submission to the Bureau of Customs for specific authorization:

(1) Rent under a lease covering rented premises for the use and under the control of the Customs Service.

(2) Services under a contract involving only one transaction and payment, or involving a continuing service of a definite amount at a fixed rate for a fixed period of time and requiring periodical payments, such as storage of an official automobile in other than rented premises, etc.

(3) Any device furnished by a public-utilities company under contract.

(4) Services under a contract covering cartage of examination cases of merchandise to the appraiser's or public stores.

(5) Services under a contract involving an indefinite amount at a fixed rate, including such services as storage of any number of seized automobiles in other than rented premises, hire of boats for boarding purposes, but not including repairs to automobiles and boats in excess of $100 in any one case.

(6) Any public advertising required by law.

(7) Any post-office registration fees covering registration of funds or other communications forwarded by registered mail.

(*e*) Vouchers covering authorized travel and subsistence expenses, including travel and subsistence expenses incurred by officers and employees of the customs agency service, shall be certified for payment without submitting the vouchers to the Bureau of Customs for specific authorization therefor if prepared in accordance with the Standardized Government Travel Regulations and approved by the disbursing officer. (Reimburseable expenses incurred for purchases and other services not in connection with official travel shall not be included in reimbursement vouchers covering travel expenses.)

(*f*) Awards of compensation to informers made by the Secretary of the Treasury, shall be certified by the collector of customs for payment by a regional disbursing office from the appropriation "Collecting the Revenue from Customs."

(*g*) Collectors of customs shall carefully examine all vouchers covering expenses incurred under the provisions of paragraphs (*d*), (*e*), and (*f*), and, if in proper form, approve and certify the same for payment by a regional disbursing office without submission to the Bureau of Customs for further authorization.

(*h*) Collectors of customs, comptrollers of customs, chief chemists, and other administrative officers to whom allotments for contingent expenses are made at the beginning of each fiscal year, are not authorized to incur expenses in excess of the authorized allotments. In event it is necessary to incur an obligation in excess of the allotment, the facts shall be reported to the Bureau prior to obligating the appropriation in order that the allotment may be adjusted if sufficient funds are available. Obligations are chargeable to the allotments granted to the various services incurring the expenses.

(*i*) Such vouchers paid under paragraphs *d*, *e*, and *f* during a month shall be reported not later than the tenth of the following month direct to the Bureau of Customs in duplicate under the title of "Report of expenditures charged to allotments", customs Form 4805. The expense covered by each voucher shall be sufficiently described to identify the allotment concerned, citing the disbursing voucher number for reference purposes, and listed under the appropriate allotment title to which charged. Expenditures under these regulations for separate services to which allotments have been granted, shall be scheduled and reported separately for accounting purposes.

(*j*) Requests for authority to incur expenses for services other than personal not covered by paragraphs *d*, *e*, and *f* (including repairs to automobiles and boats in excess of $100 in any one case) will be prepared on customs Form 4801 in triplicate. The original and one copy, detailing the nature of the service, accompanied by any proposals received or an estimate of the amount of the expense involved and justified by a statement of the official necessity therefor, will be forwarded to the Bureau of Customs for specific authorization.

(*k*) Requests for approval of expenses covering services other than personal obtained in emergency or to meet an exigency of the service and for authorization to pay vouchers covering such expenses incurred will be prepared on customs Form 4801 in triplicate. The original and one copy, accompanied by the various vouchers as listed thereon and justified by a statement of the cause and nature of the emergency or the official necessity for the immediate procurement of the service, will be forwarded to the Bureau of Customs for approval of the expense incurred and specific authorization to make payment therefor. Competitive bids should be obtained and attached to the vouchers whenever practicable.

(*l*) An emergency or exigency of the service justifying the incurring of expense must be based upon facts and it must be established that the service was immediately necessary and could not be foreseen by ordinary care and that injury to the public interest would have resulted from the delay incident to procuring prior authorization. A mere statement that the expense was incurred in emergency or to meet an exigency of the service with no showing of the cause or official necessity therefor will not suffice. A service rendered for personal convenience or immediate use with no official necessity being shown therefor will not be approved.

(*m*) Requisitions covering such emergency purchases will be made on customs Form 4807 in triplicate. The original and one copy, accompanied by the certified vouchers, proposals, if any, and statement of circumstances necessitating the emergency purchase will be forwarded to the Bureau of Customs for approval.

(*n*) The districts of Puerto Rico and the Virgin Islands are specifically excepted from these instructions, as purchases for the Customs Service in these districts are paid from the receipts of the respective districts.

ART. 1196. *Vouchers.*—(*a*) Each voucher, unless required by law or regulations to be verified by affidavit, shall be certified by the claimant that it is correct and just and that payment therefor has not been received, except that payrolls for services rendered under the supervision of an administrative officer and certified by him need not be certified by the claimant provided that the payroll describes specifically the position, rate of compensation, and period covered. Unless required by law, vouchers shall not be taken in duplicate, triplicate, etc. Only original vouchers shall contain signed certificates, approvals, and receipts. As many copies in memorandum form, duly authenticated if desired, may be taken as administrative requirements demand.

(*b*) The payment of extra compensation to a customs officer on account of overtime services performed under the act of February 13, 1911, as amended (U. S. C., title 19, sec. 267), shall be made on voucher, customs Form 4961, on which shall be clearly indicated the date and hours of service, the exact nature of such service, and the daily rate of pay of the officer performing the service, who shall certify on his voucher that it is correct and just and that payment therefor has not been received.

(*c*) Vouchers covering official advertising, standard Forms 1054 and 1054–A, together with the advertising order, standard Form 1053, and a copy of or a full sheet torn from each issue of the paper in which the advertisement appeared, must be submitted to the Division of Printing, Treasury Department, for certification prior to submission of the voucher for payment from an appropriation or from the proceeds of sale out of special deposit.



ART. 1197. *Preparation of vouchers and pay rolls.*—(*a*) Care should be exercised to insure the proper execution of all contingent expense vouchers. The date of service, method of securing service, contract numbers, etc., should invariably be noted on all vouchers in the spaces provided therefor. The following rules in regard to vouchers and pay rolls must be strictly observed.

(*b*) Whenever required, vouchers, including pay rolls, must be taken for all disbursements of public moneys.

(*c*) *Form.*—Vouchers, including pay rolls, must be in exact conformity with law, and the terms, conditions, and requirements of the Department.

(*d*) *In whose favor drawn.*—Vouchers must be in the name of the person, persons, firm, or corporation furnishing the service or supplies, except in the case of supplies or services paid for in an emergency by a customs officer or employee, in which case they may be in the name of the employee making the payment.

(*e*) *Authority.*—All vouchers must clearly set forth the transactions or payments to which they relate and cite the laws, regulations, contract, and departmental authorization under which the expenditure was or is to be made. All vouchers for reimbursement of travel expenses shall be supported by an order authorizing such travel or a copy thereof and shall be executed and the charges for which reimbursement is claimed enumerated thereon strictly in accordance with the standardized travel regulations.

(*f*) *Signatures.*—Signatures made by mark must be attested in each case by some disinterested witness.

(*g*) *Erasures, etc.*—No erasure, interlineation, or change of any kind or character in a voucher, including pay roll, after the signature of any officer, clerk, or employee has been placed thereon, will be permitted. When corrections or changes are necessary, the voucher or pay roll must be returned to the office of issue for such purpose, and such changes or corrections must be initialed by the verifying or certifying officer.

(*h*) *Figures.*—Each figure in a voucher, including pay roll, shall be separate and distinct and not joined to any other.

(*i*) *Dates.*—The dates appearing on receipts and vouchers, including pay rolls, must always be the actual dates of the transactions recorded or action taken thereon.

(*j*) *Certification.*—Vouchers, including pay rolls, must contain a certificate that the articles have been received or the services performed, as the case may be, and that they were necessary for the public interests; that they were furnished under contract, after due advertisement, or that the exigencies of the service required the immediate purchase of the articles or the performance of the service and that the prices paid were just and reasonable.

(*k*) *Pay rolls.*—Pay rolls should be made up according to units of organizations and the names of employees listed thereon in the following order:

(1) Alphabetical.
(2) Numerical.
(3) Salary.
(4) Other recognized systematic order, including nature of service, such as professional, clerical, administrative and fiscal, custodial, etc.; with grades under each service, commencing with the highest; salaries under each grade, commencing with the maximum; and names under each salary rate, arranged alphabetically.
(5) Where names of employees are arranged in alphabetical, numerical, salary, or other order which does not clearly reveal the grade, designation of position, and salary rate of such employees, said information will be shown opposite their names, so that the complete data heretofore required to be otherwise shown on the rolls will be furnished in every case.

(*l*) *Computation of salaries.*—For the purpose of computing annual or monthly salaries and compensation, each calendar month shall consist of 30 days, and the computation of salary shall be by each month separately, one-twelfth of an annual salary constituting the compensation for each month.

(*m*) One-thirtieth of a monthly installment of salary is to be allowed for each day of service from the 1st to the 30th, inclusive. The last day of February counts as 3 days of service (2 days in leap year).

(*n*) The 31st day of a month enters into the computation of salary only where there is 1 day's absence in a nonpay status on that day; that is, absence in a nonpay status did not occur also on the 30th. For such absence on the 31st 1 day's pay is forfeited.

(*o*) A person appointed on the last day of February will receive 3 days' pay (in leap years 2 days' pay) and when appointed on the 31st day of a month will receive no salary or compensation for said day's service.

(*p*) On all pay rolls and individual vouchers paying salary, pay, or compensation, no more than 96½ percent of the basic salary, pay, or compensation can be paid to the employees to whom the acts of May 22, 1920, September 22, 1922, July 3, 1926, and May 29, 1930, apply. The rates appearing in the Government salary table of 1929 should be used.

(*q*) *Approval.*—The gross amount to be charged to the customs appropriation should always be approved for payment by the administrative officer, and this total should agree with the amount paid to the employees plus retirement deductions.

(*r*) *Appropriation.*—The appropriation from the year to which expenditures are chargeable is determined, not by the date of authorization or date of payment, but in the case of personal service by the time when the service is performed; in the case of rent, by the time covered by the rent; and when materials are purchased, by the date of the purchase order, if immediately delivered, and if contracted for, the fiscal year will be determined by the terms of the contract.

ART. 1198. *Adjustments of errors in retirement deductions.*—When an erroneous amount has been deducted from the pay of an employee due to error in (1) stating the gross amount earned, (2) computing an amount short of the proper deduction, (3) making deduction from an employee "not within the act", and/or (4) computing an amount in excess of the proper deduction, adjustment thereof will be made on the next pay roll or pay voucher on which the employee's name appears as an increase or decrease in the retirement deduction columns or in the space provided for showing retirement deductions on the pay voucher, with corresponding decrease or increase of the net amount due the employee. The total of the retirement deductions on the pay rolls or pay vouchers will be increased or decreased, as the case may be, by such adjustments. Appropriate notation, explaining the basis on which each individual adjustment is made, should be shown in the "Remarks" column of the pay rolls on the line and opposite the entry to which it applies, or in an appropriate space on the pay vouchers.

ART. 1199. *Advance payments.*—Salary or compensation of whatever nature will not be paid in advance.

ART. 1200. *Payments by check.*—Where physical conditions, the number of changes in personnel, or other reasons require such practice, pay rolls showing the exact basic salary, the exact 3½ percent retirement deduction, and the net amount payable to each employee may be prepared twice a month and payment therefor may be made by check drawn to the order of such employee.

ART. 1201. *Refund of excessive duties, etc.*—(*a*) The authorized refunds of amounts deposited into the Treasury covering duties collected in excess of the amount found due upon the liquidation or reliquidation of an entry, fees, charges, or exactions collected erroneously or in excess of

the amount actually due, or fines, penalties, or forfeitures collected which did not accrue or accrued in a lesser amount or which have been mitigated to an amount less than collected or which have been remitted, shall be refunded from the appropriation "Refunds and Drawbacks (Customs)". Refunds of duties collected in Puerto Rico and refund of duties and other receipts collected in the Virgin Islands will be made from the customs receipts of Puerto Rico or the Virgin Islands, as the case may be.

(*b*) Whenever it is found on liquidation or reliquidation of an entry that a refund is due, a notice of refund, customs Form 5269, shall be prepared at the headquarters port in the name of the person to whom the refund is due as determined by paragraph (c).

(*c*) Refunds of such excessive duties shall be made by check drawn to the order of the importer of record, that is, the person in whose name the entry was made, or to the order of the actual owner when substituted for the importer of record in accordance with section 485 (d) of the tariff act. The person in whose name a rewarehouse entry is made may, for the purpose of making refunds, be considered the importer of record of the merchandise covered by the rewarehouse entry, provided he has filed a rewarehouse bond and the principal in the original warehouse entry bond does not, in advance of payment of the refund, file a written notice of an adverse claim. (See T. D. 45614.) The check covering the amount due, accompanied by the original notice of refund, shall be delivered or mailed together to the person entitled to receive the same, provided that, in the case of entries made at ports of entry other than headquarters ports, the check and notice shall first be sent to the deputy collector in charge at the port of entry for mailing after noting payment on the proper schedule.

(*d*) In case the nominal consignee has become bankrupt, refunds of duties on merchandise entered in the name of such nominal consignee for the account of the actual owner should be withheld from payment pending the receipt of claim therefor and establishment of rights thereto, unless the declaration of the ultimate consignee or actual owner has been filed with the collector, under the provisions of section 485 of the tariff act.

ART. 1202. *Set-off of claims.*—When an importer of record has a judgment or other claim allowed by legal authority against the United States, and he is indebted to the United States either as principal or surety, collectors shall withhold payment of an amount of such judgment or claim equal to the debt due the Government and shall report the facts to the Bureau for instructions.

ACCOUNTS

ART. 1203. *Accounts current.*—(*a*) Accounts of the receipt of all moneys pertaining to customs made by collectors under their bonds, including the schedules necessary to the settlement thereof, will be rendered monthly and forwarded to the comptroller of customs within 13 days after the expiration of each month unless a longer time has been authorized.

(*b*) In regular and special deposit accounts current, customs Form 4939 (standard Form 1019), collectors shall credit the United States with all moneys received including customs duties, miscellaneous receipts and special deposits, and shall charge the United States with all moneys deposited.

(*c*) Regular and special deposit account current, customs Form 4939 (standard Form 1019), will be used for moneys placed on special deposit with the Treasurer of the United States, subject to check awaiting final disposition, such as gross receipts from the sale of merchandise, customs fines, deposits of money for the immediate delivery of perishable merchandise, deposits in lieu of bonds, and for any other item pertaining to customs.

(*d*) Regular and special deposit account current, customs Form 4939 (standard Form 1019), will be prepared in quadruplicate, the original and two copies to accompany the accounts to the comptroller of customs, and a copy to remain on file in the office of the collector of customs.

(*e*) All accounts current of customs collections with the required itemized schedules of duty, miscellaneous and special deposit collections, monthly summary schedules by ports, and consolidated monthly summary schedules by districts, together with any necessary collection vouchers in support thereof shall be submitted by the collector of customs to the comptroller of customs.

(*f*) Accounts of collectors covering transactions for other executive departments and for bureaus and branches of the Treasury Department, other than customs, shall be forwarded direct by the collectors (without submission to comptrollers) to the respective administrative offices concerned. An additional copy of each of these accounts current will be prepared and forwarded with the customs accounts to the Bureau of Customs through the offices of the comptrollers of customs.

(*g*) *Outstanding accounts.*—Customs Form 5259, report of accounts outstanding more than 90 days, will be forwarded to comptrollers of customs with the collectors' accounts at the end of each quarter. Outstanding accounts of liquidated damages for failure to produce documents missing on entry shall be stated on customs Form 5259 in sufficient detail as will enable the comptroller to identify the items against his record required by article 1212. A single report will be compiled for a district and not separate reports for the several ports within a district. The correctness of the reports will be verified by the comptrollers' offices from their own records. The comptrollers of customs are hereby designated to act for the Bureau of Customs in following up the collection of outstanding accounts. They will maintain close contact with collectors of customs to see that diligent efforts are made to effect prompt collections, utilize the services of customs agents when necessary, communicate with United States attorneys to ascertain the status and progress of cases in their offices, and take such other action as may be desirable. At the end of each quarter comptrollers of customs will forward to the Bureau on customs Form 5259 a report showing in a single item for each customs district in their respective districts the total number of outstanding accounts and the total amount involved. At the same time a detailed statement, in letter form, shall be submitted separately for each account in connection with which, in the comptroller's opinion, all reasonable efforts to collect have been made and action by the Bureau is recommended. These reports should show what efforts have been made to collect and should contain such specific recommendations as to Bureau action as may appear desirable. No account should be reported for Bureau attention merely because it is old if it is otherwise in a satisfactory status, that is, in litigation or such other circumstances that the Bureau obviously could do nothing to expedite its closing. When an account is reported for Bureau attention, no further action should be taken thereon by a comptroller without Bureau authority. An account once reported to the Bureau for attention need not again be so reported even though it may appear on a subsequent report on customs Form 5259.

ART. 1204. *Preparation.*—The original customs regular and special deposit account current must be completed in every respect, including the execution of the required affidavit and certificate by the collector of customs before it is forwarded to the comptroller of customs. All copies of the customs account current and of other accounts current required for customs purposes must be completed by stamping the name and title of the officer by whom, and dates on which, the original accounts current were signed and dated. The instructions printed on customs accounts current, reports, schedules, and vouchers not in conflict with the customs regulations are a part of such regulations and must be strictly observed.

ART. 1205. *Signing accounts.*—Accounts current must be signed by the collector, except in case of his absence or sickness, when they may be signed by the assistant collector or other officer authorized to act in his behalf.

ART. 1206. *Closing accounts, etc.*—(*a*) When the accounts of a collector of customs are closed due to change of bond or relinquishment of office by change of station, resignation, removal or death, each collection account rendered by such officer shall be closed immediately covering all collections up to the close of business on the last day of the account. New accounts shall be opened covering collections occurring thereafter.



(*b*) As soon as possible after an account is closed, all undeposited cash on hand under the closed regular account shall be deposited in the Treasury to the credit of the Treasurer of the United States and all cash on hand under the closed special deposit account shall be deposited in the Treasury to the special deposit disbursing account of the disbursing officer concerned, with personal credit to the officer whose account is closed. Promptly thereafter the accounts current shall be prepared which shall include all collections made up to the closing date of the account, and all deposits of such collections, leaving no balance due the United States under the closed account.

ART. 1207. *Supporting papers.*—The duplicate copy of each schedule of moneys received and deposited, together with all supporting papers, will be forwarded to the comptroller of customs weekly or as soon thereafter as the sheet is completed or at the end of the month.

ART. 1208. *Records.*—(*a*) Customs officers charged with the duty of receiving and depositing public money shall keep accurate records of all their receipts and deposits, and shall promptly render to the proper administrative bureau such accounts as may be required by law or regulation.

(*b*) The retained records, memorandum vouchers and other documents of an office are the property of the Government subject to inspection by authorized persons and must be turned over by collectors to their successors.

FEES

ART. 1209. *Customs fees.*—(*a*) The following fees are to be collected from the private parties concerned on customs Form 5109, and deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

(*b*) The fees in column A are those collectible on the seacoast, the gulf, and western rivers; those in column B are collectible on the northern, northeastern, and northwestern frontiers, otherwise than by sea.

*Table of customs fees*

| | A | B |
|---|---|---|
| Fee No. 1. Every official certificate issued on request of the interested parties and not for use in the customs service, including certified copies of and extracts from official documents, certificates of weight, gauge, or measure, and certificates of moneys received (par. 9, sec. 2654, and par. 19, sec. 4382, R. S.)..... (In addition, cost of labor and material if documents themselves are prepared by customs officials.—T. D. 3290.) | $0.20 | $0.20 |
| Fee No. 2. Bond taken in case of vessel proceeding to a foreign port to discharge foreign cargo, manifested and destined therefor, if same be of dutiable character (sec. 442, act June 17, 1930), bond of claimant of seized goods for costs of court, and every other bond taken officially other than those taken upon the entry of imported and exported goods and the passage thereof through the customs (par. 7, sec. 2654, and par. 17, sec. 4382, R. S.)..... | .40 | .50 |

(*d*) Customs officers are not required to make copies of dock books, weigher's returns, etc., without charge. Importers should be permitted to make copies of such records, and the same may be certified as correct and a fee of 20 cents charged for such certification. If, however, importers prefer, they may have copies of such records made by a customs employee, and should be required to reimburse the Government for the actual cost of the labor and materials necessary therefor. The money received as a fee should be covered into the Treasury as miscellaneous receipts. The money received for work performed should be covered into the Treasury as a repayment to the appropriation "Collecting the revenue from customs, 19—", customs Form 5109 being used in each case.

(*e*) United States Code, title 19, section 59:

Every collector, comptroller, and surveyor shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees * * * demandable by law, and shall give a receipt for the fees received by him, specifying the particulars whenever required so to do; and for every failure so to do, he shall be liable to a penalty of $100, recoverable to the use of the informer. (R. S., sec. 2635.)

COMPTROLLERS OF CUSTOMS

ART. 1210. *Accounting.*—The comptroller's office is a branch of the Customs Service, established in the field for the sake of convenience, economy, and efficiency in making prompt examination and verification of the merchandise and money accounts of collectors of customs.

ART. 1211. *Assignment of districts.*—(*a*) *Comptroller of customs, Boston, Mass.*—Customs districts Nos. 1 (Maine and New Hampshire), 2 (Vermont), 4 (Massachusetts), and 5 (Rhode Island).

(*b*) *Comptroller of customs, New York, N. Y.*—Customs districts Nos. 6 (Connecticut), 7 (St. Lawrence), 8 (Rochester), 9 (Buffalo), 10 (New York), 49 (Puerto Rico), and Virgin Islands.

(*c*) *Comptroller of customs, Philadelphia, Pa.*—Customs districts Nos. 11 (Philadelphia), 12 (Pittsburgh), 38 (Michigan), 40 (Indiana), 41 (Ohio), 42 (Kentucky), and 43 (Tennessee).

(*d*) *Comptroller of customs, Baltimore, Md.*—Customs districts Nos. 13 (Maryland), 14 (Virginia), 15 (North Carolina), 16 (South Carolina), 17 (Georgia), and 18 (Florida).

(*e*) *Comptroller of customs, New Orleans, La.*—Customs districts Nos. 19 (Mobile), 20 (New Orleans), 21 (Sabine), 22 (Galveston), 23 (San Antonio), 24 (El Paso), and 26 (Arizona).

(*f*) *Comptroller of customs, San Francisco, Calif.*—Customs districts Nos. 25 (San Diego), 27 (Los Angeles), 28 (San Francisco), 29 (Oregon), 30 (Washington), 31 (Alaska), 32 (Hawaii), and 48 (Utah and Nevada).

(*g*) *Comptroller of customs, Chicago, Ill.*—Customs districts Nos. 33 (Montana and Idaho), 34 (Dakota), 35 (Minnesota), 36 (Duluth and Superior), 37 (Wisconsin), 39 (Chicago), 44 (Iowa), 45 (St. Louis), 46 (Omaha), and 47 (Colorado).

ART. 1212. *Verification of entries—Comptroller's record of entries having documents missing.*—(*a*) After the tentative liquidation of an entry by the collector of customs has been verified by the comptroller of customs, the collector's copy of the entry with all supporting papers will be returned to the collector for final liquidation. The result of the verification will be recorded on the appropriate schedule.

(*b*) At the time an entry in connection with which a required document or documents have not been produced comes before the comptroller in the process of liquidation, a suitable record of such entry with respect to the missing document or documents shall be made in the comptroller's office.

(*c*) In the liquidation of warehouse entries no cases need be separately liquidated unless necessary for the purpose of withdrawal.

ART. 1213. *Return of drawback entries, etc.*—After final liquidation of drawback entries, the original entry with all supporting documents will be returned to the collector of customs. The duplicate entry will be filed by the comptroller of customs after comparison with the payment schedule.

ART. 1214. *Merchandise received in bond.*—When copies of in-bond entries are received they will be placed in a "pending" file. After noting disposition of the merchandise thereon the entries shall be transferred to a "closed" file.

ART. 1215. *Merchandise forwarded in bond.*—When copies of entries outgoing are received they shall be placed in a "pending" file. After noting the receipt of the certificate of delivery thereon the entries shall be transferred to a "closed" file and the certificate of delivery shall be forwarded to the port of origin.

NOTE.—Imported merchandise and withdrawals from warehouse, for transportation and exportation, enter the accounts of the comptroller of customs for the port of origin only.

ART. 1216. *Seizure reports.*—Disposition of seized merchandise by sale or otherwise will be noted by comptrollers of customs on customs Form 5211 and the supporting

schedules customs Forms 4651, 5161-B, and 5179 verified. Comptrollers of customs will follow up all seizures released to the United States marshal in order to see that all moneys properly belonging to customs and resulting from the sale or disposition of such seizures are finally covered into the customs accounts.

ART. 1217. *Accounts current.*—All receipts and deposits shown on the regular and special deposit account current, customs Form 4939 (standard Form 1019), shall be verified by comptrollers of customs.

ART. 1218. *Special deposits account.*—(*a*) Comptrollers of customs will verify all receipts and disposition of moneys pertaining to collectors' special deposit accounts, and certify the same to the Secretary of the Treasury.

(*b*) The disposition of collections, entered in the special deposits account, shall be noted on customs Form 5167 by comptrollers of customs.

ART. 1219. *Transmission of documents.*—Accounts, entries, and other documents will be accompanied by a detailed statement itemizing the inclosures.

ART. 1220. *Return of documents.*—Requests for information and return of documents and official papers by the comptroller of customs shall be addressed to the collector at the headquarters port.

ART. 1221. *Correction of errors.*—Accounts current will not be changed by comptrollers except for manifest clerical errors. In the case of discrepancies or errors otherwise, a statement indicating the same should be attached to the account current.

ART. 1222. *Disposition of documents.*—(*a*) Collectors' copies of entries and other papers and documents submitted by collectors to comptrollers for verification or accounting will, after verification or notation by the comptroller, be returned. The original accounts current and required schedules submitted by collectors to comptrollers will be forwarded, after verification, to the Bureau of Customs.

(*b*) Comptrollers of customs will retain their copies of entries, schedules, and other documents until authority is granted for their disposition. (Art. 1489.)

TRAVEL

ART. 1223. *Authority.*—Authority for officers to travel outside the collection district in which appointed and to incur expenses incident thereto must be secured from the Bureau of Customs in advance, except in cases of imperative emergency. Travel within a collection district may be performed and expense incurred in connection therewith under the direction of collectors of customs.

ART. 1224. *Change of station.*—All changes of employees from one position to another must be authorized by the Secretary or Assistant Secretary before any expense is incurred in connection with such changes of station or transfers. This applies only to cases where the traveling expenses incurred in connection with the change of station or transfers of position are to be reimbursed by the Government. Such reimbursement may be made only in cases where the change of station or transfer is effected in the interests of the public service and not for the convenience of the officer or employee.

ART. 1225. *United States ships—Use of.*—(*a*) Any officer or employee of the Customs Service traveling on official business overseas to or from foreign countries or to or from any of the possessions of the United States shall travel and transport his personal effects on ships registered under the laws of the United States when such ships are available.

(*b*) Under no circumstances will credit be allowed for transportation or expenses involved through the use of ships of foreign registry unless and until satisfactory proof of the necessity for using such ship or ships is furnished to the Bureau of Customs, and the Secretary of the Treasury certifies that travel or shipping expenses on such foreign ships were necessary to protect the revenue.

TRANSPORTATION

ART. 1226. *Government request.*—(*a*) In those cases where a traveler is to sign a request both as issuing officer and as traveler, a book or books of requests will be issued to him in blank for purposes of official travel based on proper travel authority.

(*b*) The officer issuing the book or books must not sign the requests (standard Form 1030) in blank, but will execute the face of the fly leaf in the book (standard Form 1029) as many times as a book is issued and reissued.

(*c*) Each traveler must be furnished with an identification card (standard Form 1033) signed by the issuing officer who issues to him the book or books in blank and signs on standard Form 1029 (face).

(*d*) The rule that a real emergency must exist under which the use of the prescribed means of identification of a traveler who signs a request both as issuing officer and traveler may be waived must be strictly observed.

(*e*) Inspectors of customs may accept passes or free transportation for interstate and intrastate travel and other customs officers and employees may accept passes or free transportation for intrastate travel only. The use of such passes or free transportation shall be limited to travel on official business in the interests of the transportation company or for the purpose of examining baggage and similar routine duties.

HOUSEHOLD EFFECTS—TRANSFER

ART. 1227. *Authority.*—(*a*) An employee transferred from one official station to another for permanent duty may be allowed, within the discretion and under written orders of the Secretary of the Treasury, the expenses incurred for packing, crating, freight, and drayage in the transfer of household effects and other personal property.

(*b*) Shipment of personal property must be made on Government bill of lading. Care should be taken not to ship on the same bill of lading property of an official and personal character. Shipment must be released to the lowest valuation applicable to the classes of articles transported.

(*c*) Transportation of personal effects is limited to one handling (packing, crating, and carting) at point of shipment, one continuous journey by common carrier, and one handling (cartage only) at destination. Charges for storage at place of shipment or destination must be borne by the employee.

(*d*) When shipment is made by truck or moving van, the voucher shall be accompanied by a letter, stating why such means of transportation was used and showing what the cost would have been if shipped by freight; and if the cost be greater, the amount of the excess will be borne by the employee.

SUPPLIES AND EQUIPMENT

ART. 1228. *Requisitions—Approval of.*—(*a*) Requisitions covering purchases of materials, supplies, and equipment shall be made on Purchase Authority, Form 1, in quintuple. The original and three copies shall be forwarded to the Bureau of Customs for consideration. If approved, the original requisition will be transmitted to the Procurement Division, Treasury Department, or returned to the requisitioning office to consummate the purchase. In those cases where the requisition is forwarded to the Procurement Division, a copy will be returned to the requisitioning office for its information.

(*b*) Any requisition covering a purchase of furniture should specify in what building the furniture is to be used and the status of such building as to control and use. Furniture for use in Federal buildings under the control of the Director of Procurement is not chargeable to the appropriation "Collecting the revenue from customs" and should be requisitioned through the custodian of such building.

(*c*) In cases where the public exigencies require the immediate delivery of an article purchase may be made without prior authority of the Bureau. An emergency justifying such purchase must be based upon facts and it must be established that the purchase was immediately necessary and could not be foreseen by ordinary care and that injury to the public interest would have resulted from delay incident to procuring authority for the purchase in the usual manner. The nature of the emergency must be fully explained to the satisfaction of the administrative officers. Emergency purchases should be made by soliciting competitive bids when practicable.



(*d*) Requisitions covering stationery will be made direct to Division of Printing, Treasury Department, on departmental stock Form 2162.

(*e*) Requisitions for customs books and blanks not salable will be made on customs Form 3039 and forwarded to the Bureau for check and transmission to the Chief of the Section of Books and Blanks, Division of Printing, Treasury Department.

ART. 1229. *Proposals or bids.*—(*a*) Requisitioning officers shall in all instances when practicable, unless the supplies to be furnished may be procured on Government contract, secure and transmit, together with the requisitions, competitive bids or proposals from several reputable dealers. The failure to secure "competition", or at least "one bid", should be briefly explained on the requisition.

(*b*) Where the lowest bid is accepted, and no offsetting or equalizing elements are for consideration, and a certificate to that effect is furnished, neither the rejected bids nor an abstract thereof need be forwarded with the accepted bid. In all cases where other than the lowest bid is accepted, there should be forwarded with the contract a statement giving the reasons for the acceptance thereof, together with an abstract of all bids received. If no abstract of bids is made, the bids should be forwarded.

ART. 1230. *Gasoline and oil.*—(*a*) In the case of gasoline purchased under exigency and not covered by any contract, the voucher of the vendor for the cost of the gasoline must have a statement on the face thereof that the price charged does not include any State tax. When transient purchases are made by Government officers or employees who find it impracticable or impossible to establish their right to exemption at the time the purchases are made, it is permissible for such officers or employees to pay for the gasoline, including the tax, and later secure reimbursement therefor on their regular expense vouchers.

(*b*) Standard Form 1094, United States Government Tax Exemption Certificate must be used in the procurement of motor fuel, lubricants, and other articles on which there is a Federal, State, or local tax, for the purpose of securing exemption from the payment of such taxes.

(*c*) The use of the certificate by employees using their personally owned motor vehicle while traveling on official business, for which they are reimbursed on a mileage basis under authority of law, is unauthorized and should not be permitted.

ART. 1231. *Record of purchases.*—A record of all supplies received and the costs thereof shall be kept by the administrative office submitting the requisition.

ART. 1232. *Transportation charges.*—(*a*) All supplies forwarded to officers of the service must be shipped on the standard form of Government bill of lading, and transportation charges on such shipments must not be paid by consignees, as they are paid by the Department upon vouchers rendered by transportation companies upon the standard form of voucher prescribed for the purpose. Transportation vouchers must be accompanied by original bills of lading on which should appear complete shipping and billing directions, the name of the department and office authorizing shipment, and, when known, the name of the appropriation from which charges covering such services should be paid.

(*b*) When temporary motor transportation of Government property or official supplies is needed, the collector should call upon the area coordinator for his district for the use of Government-owned vehicles to meet the requirements. Expense should not be incurred for the hire of privately owned vehicles unless it is impracticable to secure the services of those owned by the Government.

CAR, COMPARTMENT, AND PACKAGE SEALS

ART. 1233. *Kind, procurement, and accounting.*—(*a*) Tyden seals, manufactured by the International Seal & Lock Co., Hastings, Mich., and automatic metal seals, manufactured by the International Seal & Knot Protector Co., 109 Spring Street, New York, N. Y., shall be used in sealing openings, packages, or articles requiring the security provided by such sealing.

(*b*) "In-bond" seals, used for sealing imported merchandise shipped between ports in the United States, shall be colored red and stamped "U. S. CUSTOMS IN BOND." "In-transit" seals, used for sealing merchandise shipped from one port in the United States through foreign territory or water to another port in the United States, shall be colored blue and stamped "U. S. CUSTOMS IN TRANSIT." "Customs" seals, used for sealing merchandise for customs purposes, other than for shipping in bond or in transit, shall be uncolored and stamped "U. S. CUSTOMS." All seals shall be stamped with the name of the port for which they are ordered. Each Tyden seal shall be stamped with a serial number and each automatic metal seal shall be stamped with a symbol number.

(*c*) Serial numbers, used in connection with Tyden seals, shall be assigned to each class of seals. A series of numbers shall cover one ("in-bond", "in-transit", or "customs") class of seals ordered by any party for use in one customs district and shall run from 1 to 999,999 before repeating. Symbol numbers, used in connection with automatic metal seals, shall be assigned to each particular carrier or party concerned. A symbol number shall cover all classes of seals ordered by one party for use in any customs district. The serial numbers and symbol number to be stamped on seals shall be designated by the Bureau of Customs when an order or requisition therefor is authorized.

(*d*) Customs bonded carriers may purchase "in-bond", "in-transit", and "customs" seals; other carriers of merchandise may purchase "in-transit" and "customs" seals; and parties concerned may purchase "customs" seals from the respective manufacturer of the Tyden or the automatic metal seals by drawing a separate order thereon for a definite number of seals, and specifying in the order whether "in-bond", "in-transit", or "customs" seals are desired, the name of the port for which they are ordered, and the consignee at that port to which they are to be shipped. Each order shall be confined to seals for use at one port, and shall be forwarded to the collector of customs at the headquarters port of the customs district in which the port is located, who will submit the order, with his recommendation as to the need for the seals ordered, to the Bureau of Customs for authorization and transmission to the manufacturer, if approved.

(*e*) Collectors of customs will be supplied with Tyden and automatic metal "in-bond", "in-transit", and "customs" seals for official use and for sale. The requisition therefor, prepared on Purchase Authority Form 1 specifying the number, kind, and class of seals required and the name of the headquarters port to be stamped thereon, shall be forwarded to the Bureau of Customs for authorization, if approved.

(*f*) The manufacturer shall ship the seals to the consignee named in the order and shall advise the collector of customs for the customs district to which the seals are shipped as to the number and class of seals shipped, the name of the port and the serial numbers or symbol number stamped thereon, the name and address of the consignee, and the date of shipment. Consignees, other than collectors of customs, shall, when a shipment of seals is received, immediately deliver it intact into customs custody. The quantity and stamping of each shipment of seals received by a customs officer shall be checked with the authorization therefor and any discrepancy noted shall be reported to the Bureau of Customs by the collector of customs.

(*g*) Seals required for official use and for sale at ports in a customs district, other than the headquarters port, shall be supplied from the stock at, and stamped with the name of, the headquarters port, and a record of the quantity and description of such seals transferred from one port to another, including the serial number of Tyden seals, shall be maintained in both the sending and receiving ports.

(*h*) The stock of seals of each owner, including the stock of the collector of customs, shall be separately kept under lock and key at all times. The key shall be kept in the

custody of a customs officer and unauthorized persons shall be denied access to unissued seals. Only quantities of seals sufficient for immediate requirements shall be issued from the stock of the owner or sold from the stock of the collector of customs, and the use of such seals shall be carefully safeguarded. An accurate record shall be kept of seals issued for use showing the date of issue, name of owner, name of persons to whom issued, quantity of seals issued, used, returned unused, and returned defective. The serial number of Tyden seals issued, used, and returned shall also be recorded. The unused seals returned shall be placed with the stock of the owner. All defective seals returned shall be immediately and effectually destroyed and the date of destruction recorded. At least once in every 6 months the seal records and the stock of seals on hand at each port shall be checked. Any discrepancy between the records and the seals, or any irregularities in the use or disposition of seals shall be reported to the Bureau of Customs.

(*i*) Collectors of customs may sell "in-bond" seals only to customs bonded carriers, "in-transit" seals only to customs bonded and other carriers of merchandise, and "customs" seals to any carrier or party concerned, entitled to purchase and use the same. Seals sold by collectors of customs shall be charged for at the rate of 5 cents per seal. Amounts collected on account of such seals shall be accounted for as miscellaneous receipts and deposited as "sale of equipment."

SALABLE CUSTOMS FORMS

ART. 1234. *Requisitions.*—(*a*) Customs forms for sale to the general public, for which an accounting is required, will be furnished in pads of 100 blanks per pad and will have shown thereon the price to be charged per pad.

(*b*) Purchasers requesting special printing on customs salable forms may have their name, address, the number and name of the district, etc., printed on the face and reverse of the standard edition of salable forms. These forms will not be padded, and the requisition should show the number of forms desired. The minimum number of forms for such orders will be 5,000. Orders for special printed forms must be filed with the collector of customs at least three months in advance of the time needed and payment at the special price therefor must be made at the time of filing the order with the collector.

(*c*) The requisition for salable pads will be made on customs Form 4909–A–B–C periodically as the needs of the office require. Separate requisitions should be made for specially printed forms, to be accompanied by a copy for the printer with the special printing desired plainly printed or typewritten thereon. Ports of entry will forward requisitions on customs Form 4909–A–B–C to the headquarters port.

(*d*) A collection receipt will be prepared for each sale on customs Form 5109 and the collection scheduled on record and schedule, customs Form 5159.

(*e*) Collectors may set aside for free distribution or official use one or more pads of any salable form, not to exceed 5 percent of the total number of pads requisitioned, and will take credit on the account of salable customs forms (customs Form 4911) for the number of pads set aside, which credit will be taken only on requisitions accompanying the account.

(*f*) An account will be prepared on customs Form 4911 for the district, which consolidated district account with the invoice (customs Form 4909–B) attached of all pads received should accompany the schedule of collections and the account current forwarded to the comptroller of customs.

DISPOSITION OF FORFEITED AND ABANDONED PROPERTY

ART. 1235. *Procedure.*—(*a*) United States Code, title 40, sec. 304l:

> The Director (of Procurement, Treasury Department) is authorized, with the approval of the Secretary of the Treasury, (1) to require any agency, from time to time, to make a report of all property abandoned to it or seized and the disposal thereof, and (2) to make such rules and regulations as may be necessary to carry out the provisions of sections 304f to 304m of this title. (Aug. 27, 1935, c. 740, sec. 307, 49 Stat. 880.)

(*b*) For the procedure relating to reports, requests for assignment, and disposition of abandonment and forfeited property, see the regulations prescribed by the Director of Procurement, published as T. D. 48105.

(NOTE.—See T. D. 48104 and art. 1111 re disposition of *forfeited* liquors.)

TELEGRAMS

ART. 1236. *Procedure.*—(*a*) Telegraphing shall be done by the use of Government facilities so far as possible and shall be done by the use of commercial facilities at Government expense only on important matters and when the mail facilities, including air mail, fail to afford sufficient dispatch and Government facilities are not available.

(*b*) Telegrams, except those demanding immediate attention and of such a nature that action can be taken on the day of sending, will be filed for transmission as night messages at night rates.

(*c*) Telegrams received at Washington after office hours will not be acted upon until the following day unless such action is absolutely necessary.

(*d*) In determining whether a telegram should be filed as a night message, consideration should be given to the difference in time between the two points, to the length of time required for transmitting and delivering the telegram, and the closing time of the office to which the message is addressed.

(*e*) Official telegrams that are not prepaid must be marked "Official business. Collect. Government rate." Those that are paid for by the sender at the time of filing shall bear the notation "Paid in cash", and the sender shall retain a receipted copy of the message.

(*f*) Telegrams relating to official business sent by customs officers for the accommodation of private parties must be paid for both ways by such parties at commercial rates.

(*g*) Telegrams passing between collectors and their subordinates and between the subordinates of such officers will be paid for in advance at Government rates by the officers sending them, except when sent from or to a place where the sender or receiver is regularly stationed, in which latter case the charge may be paid by either. A copy of each official telegram paid for by the traveler must accompany his expense account; except only in those rare instances in which the subject matter is of such a confidential nature that to divulge its contents would be prejudicial to the public interest. In such cases the points between which sent and number of words must be stated, and a receipt from the person to whom payment was made must be furnished.

(*h*) Official telegrams sent to the chief officers of the Department at Washington should not be prepaid.

(*i*) Amounts paid for telegrams in excess of Government rates will be disallowed by the accounting officers of the Department. The rates annually established by the Postmaster General will be published from time to time for the information of customs officers.

AUTOMOBILES AND BOATS

ART. 1237. *Operation—Maintenance.*—(*a*) When a vessel or vehicle has been forfeited to the United States for use by the Customs Service, or when a purchased vessel or vehicle has been delivered, the officer designated to receive the same shall transmit to the Bureau of Customs a complete description of such vessel or vehicle, the cost of acquiring and the appraised value thereof, if forfeited, or the purchase price, if purchased, on customs Form 4657.

(*b*) The description of automobiles must state the name or make of car (Cadillac, Buick, etc.), the type (5-passenger touring, 2-ton truck, etc.), model (year), engine number, factory number, number of cylinders, and general description of other special features or important points. The particular type of car, whether light six, special six, etc., should be indicated on the report under the make of car. The total mileage (speedometer reading), proposed assignment (patrol, general customs, or customs agency), and proposed station, should also be indicated.

(*c*) The description of vessels must state the name of the boat (*Speed King*, etc.), type of boat, length, beam, draft, make, type and number of engine, number of cylinders, rated horsepower, speed of boat, fuel consumption (miles per gallon), crew required to operate, capacity (number of persons), cabin, sleeping accommodations, and general description of other special features.



(*d*) If the report to be submitted covers a seized vessel or vehicle, the place and date of seizure, the service making seizure, from whom seized, and the seizure number, should be stated in all cases; also the date and number of the court order, if any, and the judicial district issuing the same. If the report covers a purchased vessel or vehicle the date and number of the purchase requisition should be indicated.

(*e*) The cost of acquiring a seized vessel or vehicle includes all expenses paid from the customs appropriation in connection with the seizure up to the date the vessel or vehicle is forfeited to the United States for use of the Customs Service. The cost should be itemized as storage, advertising, liens, and miscellaneous. The principal items under miscellaneous should be briefly indicated. Wherever the report covers a purchased automobile or boat the total cost, delivered, should be indicated.

(*f*) The appraised value of the forfeited vessel or vehicle should be the value returned by the appraiser under section 606 of the Tariff Act of 1930. If a decided depreciation has occurred since seizure, the approximate commercial sale value at the time of forfeiture should also be stated.

(*g*) Upon receipt in the Bureau of Customs of the report of description, etc., customs Form 4657, a registration number will be assigned to the vessel or vehicle in question, which number will thereafter be used as a means of identification of the vessel or vehicle in all records, reports, and correspondence. The registration number, when assigned to a vehicle or vessel, establishes its identity permanently, and such number must not be changed or transferred to another vehicle or vessel without departmental authority.

(*h*) Every customs motor vehicle and every customs vessel will be marked with the letters "U. S. C.", followed by the registration number assigned by the department. On automobiles the marking will be done by stencil on the body frame arch forming the cowl or on the chassis frame, under the hood, on the right side of the engine. Vessels will be marked at some convenient place protected from the weather, if possible on the forward part of the cockpit or cabin.

(*i*) Where State tags are furnished to Federal vehicles without charge, they will be displayed on customs vehicles in lieu of any other identification number. Where State license tags are not furnished without charge, tags will be provided by the Department, bearing the letters "U. S. C." and the registration number assigned to the vehicle. These tags will be carried on the vehicle, front and rear, and serve for identification purposes in lieu of the State license tags. In transmitting the report of a vehicle to be assigned for official customs use the reporting officer should state whether State or Department tags will be used. Expenses for license tags or operators' licenses will not be approved by the Department.

(*j*) An individual record, customs Form 4659a, must be kept of the daily performance and use to which each vessel and vehicle is put, whether such vessel or vehicle was acquired by forfeiture, by purchase, or otherwise.

(*k*) An original and one copy of a report, on customs Form 4659, covering each vessel and vehicle, should be forwarded to the Bureau of Customs promptly at the close of each month. This report should indicate the official registration number of the automobile or boat, the district to which assigned, the place where stationed, and the character of work (patrol, general customs, or customs agency). The number of miles traveled, days in use, hours in service, and the amount of gasoline (in gallons) and oil (in quarts) consumed, must also be shown. Under "Results Accomplished" in the case of seizures, the number of seizures made by the use of the vessel or vehicle, and the appraised value thereof, should be reported. Data in explanation of the report as to the use or nonuse, costs incurred or results accomplished, and narrative report of unusual incidents of special importance or interest, should be stated on the reverse side of the form.

(*l*) The costs incurred in the maintenance and operation of the vessel or vehicle should be itemized as follows: Gasoline, lubricants (oils and grease), repairs (labor and parts), tires, tubes, and repairs, equipment, etc., storage, and other.

(*m*) Expenditures from appropriations made for the maintenance, upkeep, and repair, exclusive of garage rent, pay of operators, tires, fuel, and lubricants, on any one motor-propelled passenger-carrying vehicle, shall not exceed one-third of the market price of a new vehicle of the same make or class, nor in any case more than $400.00.

(*n*) Any vessel or vehicle no longer required for official use should be promptly reported to the Bureau of Customs as surplus, and proper instructions for its disposition will subsequently be issued. Lists of such surplus property should be submitted to the Bureau by collectors of customs, in quadruplicate, together with a letter of transmittal, in duplicate. The list should contain a complete description of the property involved, including the odometer reading in the case of vehicles, together with a statement as to its present condition and, if possible, the value at which the property is carried on the records or the appraised value thereof. If the vessel or vehicle is in such condition as to be considered worthless, information to that effect should be indicated.

NUMBERING CONTRACTS

ART. 1238. *Procedure.*—(*a*) All contracts, formal and informal, involving the receipt or expenditure of Government money, except as otherwise provided herein, shall, upon the execution thereof, be numbered in the upper right-hand corner consecutively.

(*b*) Contracts and less formal agreements, such as proposal and acceptance documents, required to be numbered are—

(1) Formal contracts, regardless of amount.

(2) Less formal agreements, where amount determined at the time of making agreement is $1,000 or more.

(3) Less formal agreements, involving more than one payment, regardless of amount.

(*c*) Agreements which must *not* be numbered are—

Less formal agreements involving less than $1,000 where only one payment is to be made. Such agreements shall be attached to the voucher on which payment is made and accompany such voucher to the General Accounting Office.

(*d*) The contract number will be shown after the collection district symbols, separated therefrom by a hyphen, commencing with no. 1 and continuing in succession indefinitely without reference to fiscal years. The combination of symbol letters and a contract number form a complete symbol number for each contract by which its origin may be identified, as follows:

T (Treasury) 39 (Chicago district number) C (Customs)—175 (serial number). Example: T39C–175.

(*e*) In cases where contracts are made with contractors listed in the General Supply Schedule, involving more than one payment, and where the contract papers have been deposited with the General Accounting Office, the voucher need not carry any number but the General Supply Committee schedule item number.

(*f*) All original formal contracts and informal agreements shall be forwarded to the Bureau of Customs in duplicate. These serially numbered documents should be accompanied by abstract of agreement, standard Form 1036, in duplicate, for disposition by the Bureau of Customs.

(*g*) A new supplemental agreement or contract should be obtained each year covering services obtained from public utilities companies, such as telephone, electric light, water, gas, etc., which should be given the same number as the original contract.

(*h*) Supplemental agreements or contracts covering annual contracts should also be given the same number as the original annual contract.

(*i*) All other annual agreements or contracts obtained each year by soliciting bids or otherwise, should be given the next number in the district series.

LEASES—REAL ESTATE

ART. 1239. *Execution.*—(*a*) Collectors, assistant collectors, and officers in charge of foreign offices, will make application and obtain authority from the Bureau to rent quarters or space required for customs purposes in advance of the contemplated date of occupancy of the premises in all cases except emergency. Applications for authority to enter into lease contracts should include a statement showing the purpose for which the premises will be used, the probable period they will be required, and the annual rental; whether the rent to be paid is as low as can be had for similar premises in the immediate vicinity by private parties; whether the rate of rent includes heat, light, water, janitor service, etc.; whether the proposed rental rate is considered reasonable; whether other premises can be obtained at lower rental or better situated, describing fully such other premises and stating the rate of rent at which they may be obtained; and whether the lessor can give a valid lease.

(*b*) Leases or renewals thereof for the rental of quarters or space to be occupied solely by the Customs Service or by the Customs Service jointly with other Government agencies should be executed in accordance with the instructions printed therein and such special instructions as may be issued from time to time. The present instructions are contained in T. D. 47696.

CLAIMS

ART. 1240. *Employees—Deceased.*—(*a*) The collector shall immediately, upon the death of an employee, notify the Department, giving the date of death. The report will be executed on customs Form 3021 and forwarded to the Bureau of Customs in triplicate.

(*b*) The name and date of death of an employee who died during a pay period shall be entered as usual on the pay roll for that period. If salary is due the employee only the amount of the retirement deduction due the retirement fund up to and including the date of death shall be shown in the "gross amount earned" column and in the "retirement deduction" column with no amount shown in the "net amount paid" column. The amount of the retirement deductions shall be deposited for credit to the civil-service retirement fund of the employee. The net amount of salary due the deceased up to and including the date of death is for settlement by the General Accounting Office. An application for settlement, standard Form 1055, accompanied by a certified copy of letters testamentary and a voucher, drawn in favor of the estate, approved for payment in the net amount and showing the gross amount earned, amount of retirement deduction, net amount due, date of death, name and symbol number of the disbursing officer and disbursing office voucher number for the last pay roll on which the name of the deceased employee appeared shall be forwarded direct to the Bureau of Customs for administrative approval and transmission to the General Accounting Office. Claims for refund of retirement deductions shall not be included in the voucher claiming the net salary due. If there is to be no administration of the estate, a receipt for funeral expenses shall be forwarded with the application and voucher of the representative of the deceased.

(*c*) If the funeral expenses have not been paid, the bill for same and waiver to claim on compensation of the deceased, executed by the undertaker in favor of the representative, should be forwarded with the affidavit and voucher.

(*d*) To facilitate early settlement, full information should be forwarded regarding claims against the estate of the deceased, such as funeral expenses, physician's services, hospital charges, or any preferred claims under the laws of the domicile of the deceased. Information relative to salary which has been certified on rolls, and receipt, disposition, and action on checks should also be furnished.

(*e*) If any checks have been issued and remain unnegotiated, same should be forwarded to the Bureau of Customs with short certificate of letters of administration, or, in case there is to be no administration of the estate, with application on standard Form 1055, executed by representative of the deceased for indorsement of the check by the General Accounting Office, or other action toward payment to the person legally entitled to the salary of the deceased.

(*f*) An application (Pension Bureau Form 3R15) for use in applying for refund of retirement deduction should be forwarded upon receipt of notification of death. The amount claimed on this account should not be included in the salary voucher, and should be executed in accordance with the instructions on the form. The application will be forwarded direct to the Bureau of Customs, personnel division, accompanied by a copy of the death certificate and, if there is to be administration of the estate of the deceased, certified copies of the letters of administration, or certificate of court, for transmission to the Bureau of Pensions, through the division of appointments.

(*g*) If there be any other claim for moneys due the deceased employee, such as for overtime services rendered or travel or subsistence expenses not refunded, the same procedure should be followed as in the case of claims for unpaid salary.

ART. 1241. *Miscellaneous claims.*—(*a*) All other claims of whatever nature arising under the customs laws and/or which may be chargeable against customs funds, as well as claims for surplus from proceeds of sale, when such surplus has been covered into the Treasury, shall be forwarded direct to the Bureau of Customs, together with all supporting documents and information available, for administrative examination.

(*b*) In the case of claims for surplus from proceeds of sale of unclaimed merchandise, the original bill of lading shall be submitted in support of the application unless the claim involves only a part of a shipment, in which case a photostat copy of such bill of lading will be required.

OVERTIME SERVICE

ART. 1242. *Extra compensation.*—(*a*) Customs officers and employees performing services at night, or on Sundays and holidays, for lading or unlading of cargo or merchandise, or lading cargo or merchandise for transportation in bond or for exportation in bond or for exportation with benefit of drawback, or in connection with the receiving or delivery of cargo or merchandise on or from the wharf, or in connection with the unlading, receiving or examination of passengers' baggage, or in boarding vessels, or in the entrance and clearance of vessels, or in the issuance and recording of their marine documents and instruments of title, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, or by the transportation company.

(*b*) Boarding officers shall receive extra compensation for night services and Sunday and holiday service at the same rates as other customs officers, the amount of such extra compensation to be prorated among the various vessels boarded.

(*c*) The rates of extra compensation are payable in cases where the services of customs officers or employees have been duly requested and the officers or employees have reported for duty, even though no actual service may be performed.

(*d*) Customs officers and employees should be ordered to report for duty sufficiently in advance of the expected arrival of a train or vessel to properly safeguard the revenue. However, waiting time should be reasonable and compatible with the circumstances in each case.

(*e*) The extra compensation for overtime services is in addition to the regular compensation paid by the Government in the case of officers and employees whose compensation is fixed on the ordinary per diem basis and those receiving a compensation per month or per annum.

(*f*) Extra compensation for "waiting time" will not be allowed unless and until an officer or employee actually reports for duty.

(*g*) Extra compensation will not be allowed for overtime services rendered in connection with visaing passports and inspecting baggage of passengers destined to foreign ports; searching vessels and freight trains for contraband articles; inspecting car seals and checking manifests; and examining vessels under the Passenger Act of 1882.



ART. 1243. *Definition of "night" and "holiday."*—For the purpose of computing extra compensation the word "night" will be construed to mean the time from 5 p. m. to 8 a. m. and the term "holiday" shall include only national holidays, viz, January 1, February 22, May 30, July 4, the first Monday in September, Thanksgiving Day (when designated by the President), and December 25, and such other days as may be made national holidays.

ART. 1244. *Rate of compensation.*—(*a*) For service performed after 5 p. m. of any days, including Sundays and holidays, one-half day's pay will be allowed for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond 5 p. m., provided that the overtime is not less than 1 hour The maximum amount which may be paid an employee for services between 5 p. m. and 8 a. m. shall not exceed 2½ days' pay.

(*b*) In computing the amount earned for overtime at the rate of "one-half day's pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond 5 p. m.," one-half day's pay shall be one-half of the gross daily rate of pay; each 2 hours is the time period for purpose of computation; at least 1 hour means the minimum service in each period for which extra pay may be granted. If service continues beyond a 2-hour period, it must extend for at least 1 hour into the following 2-hour period to be entitled to extra pay for the second period. When the overtime extends beyond 5 p. m. payment of extra compensation from 5 p. m. for services consisting of at least 1 hour is authorized, even though such services may not actually begin until 7 p. m., 9 p. m., or later: *Provided, however,* That the officer rendering the service remained on duty from 5 p. m., in which case the time between 5 p. m., and the time of beginning the actual service shall be computed as waiting time, and where the actual services begin as late as 9 p. m. there should be an affirmative statement that the officer was required to remain on duty between 5 p. m. and 9 p. m., if a charge for waiting time is made. Where, however, service is rendered between 6 a. m. and 8 a. m. only, the charge for such services, or 1 hour thereof, will be one-half day's extra pay.

(*c*) In computing extra compensation where the services rendered are in broken periods and less than 2 hours intervene between such broken periods, the time served should be combined with the waiting time and computed as continuous service.

(*d*) Where 2 hours or more intervene between broken periods, one-half day's extra pay will be allowed for each distinct 2-hour period or part of a 2-hour period, if waiting time and actual service rendered within each period consist of at least 1 hour.

(*e*) The same construction should be given the act when charging for waiting time as governs the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least 1 hour.

ART. 1245. *Sundays and holidays.*—(*a*) For authorized services performed on Sundays and holidays between 8 a. m. and 5 p. m., customs officers and employees shall be entitled to 2 days' pay in addition to their regular compensation.

(*b*) Officers and employees who are paid on a per diem basis "when employed" will receive no other compensation for services rendered by them on Sundays and holidays than that allowed under the overtime act.

(*c*) If overtime service is performed on Sundays or holidays in connection with the unlading or other authorized service for two or more vessels or vehicles the 2 days' extra compensation shall be prorated between the different vessels or vehicles.

ART. 1246. *Accounting for overtime.*—(*a*) Vouchers, customs Form 4961, covering extra compensation for overtime services shall be paid from the appropriation "Collecting the Revenue from Customs" for the fiscal year in which the services were rendered. Collection from the persons in interest in payment for such services shall be deposited as a repayment to the appropriation from which the extra compensation was paid.

(*b*) Protests against the exaction of extra compensation should be forwarded by collectors to the Commissioner of Customs.

(*c*) An application and permit to lade or unlade cargo at night or on Sundays and holidays, customs Form 3851, shall be filed with the collector before the assignment of customs officers and employees for overtime service.

INCREASED, ADDITIONAL, AND SUPPLEMENTAL DUTIES

ART. 1247. *Collection of.*—(*a*) Notice of increased, additional, and supplemental duties due upon liquidation (customs Form 5107) will be promptly sent to the importer of record or to the actual owner when the latter has become liable for the duties under the provisions of section 485 (d), Tariff Act of 1930. If within 10 days thereafter such duties shall not have been paid, the collector shall cause an investigation to be made to ascertain the whereabouts of the parties indebted and make efforts to collect the duties. If the parties cannot be found, or are dead, leaving no estate, or are insolvent, he shall report the facts to the General Counsel for the Department of the Treasury, through the Bureau of Customs, who may authorize the collector to treat such duties as uncollectible, without prejudice, however, to the right of action on the part of the Government.

(*b*) In all other cases, where the amount involved exceeds $10 and the same has not been paid within 10 days, the United States attorney should be requested to proceed to enforce collection. If the amount is $10 or less the facts should be reported to the General Counsel for the Department of the Treasury, through the Bureau of Customs, for authority to treat such duties as uncollectible, without prejudice to the right of future action on the part of the Government.

(*c*) When entry is made in the name of a nominal consignee, as provided in section 485 (d), Tariff Act of 1930, suit for recovery of the duties should not be commenced until 10 days after the 90 days provided by said section for the submission of such declaration.

PHILIPPINE ISLAND TARIFF FUND (DUTIES)

ART. 1248. *Collections.*—(*a*) Duties collected in the United States upon articles coming from the Philippine Archipelago will be separately scheduled on the appropriate itemized schedule of duty collections, captioned "Philippine Islands." The total amount of all classes of duty collections will be shown as a separate item entitled "Philippine Islands" in the monthly summary and consolidated monthly summary of duty collections on customs Form 5181. All collections will be deposited into the Treasury upon Certificate of Deposit Form 4, to the credit of the trust fund receipt account entitled "Customs Duties, Philippine Islands."

(*b*) Refunds found due upon liquidation or reliquidation of an entry will be separately scheduled on the record and schedule of refunds, customs Form 5193, and refunded in accordance with the procedure prescribed in article 1201, as amended, from the trust fund appropriation entitled "Philippine Trust Fund (Customs Duties)."

(*c*) Funds from the trust fund appropriation "Philippine Trust Fund (Customs Duties)" will be advanced in accordance with article 1194 (*a*).

(*d*) Tonnage tax on foreign vessels from the Philippine Islands shall be deposited as a miscellaneous receipt on certificate of deposit Form 5, to the credit of the United States in account "Philippine Island Fund (tonnage tax)."

VIRGIN ISLAND FUND (DUTIES)

ART. 1249. *Collections.*—Duties collected in the United States upon articles coming from the Virgin Islands will be scheduled, accounted for, and deposited into the general funds of the United States Treasury with and as duties on imports. Refunds found due upon liquidation or reliquidation of an entry will be made from the appropriation "Refunds and Drawbacks (Customs)", in accordance with the procedure prescribed in article 1201.

CHAPTER XXIII

## CUSTOMS BONDS

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AUTHORIZATION AND CLASSES

ART. 1250. *Bonds.*—Tariff Act of 1930, section 623 (a):

In any case in which bond or other security is not specifically required by law, the Secretary of the Treasury may by regulations require, or authorize collectors of customs to require, such bonds or other security as he, or they, may deem necessary for the protection of the revenue and to assure compliance with the customs laws and regulations. Except as otherwise specifically provided by law, whenever a bond is required by law or regulations, the Secretary of the Treasury may by regulations prescribe the conditions and form of such bond, provide for the approval of the sureties thereon (without regard to any general provision of law), fix the amount or penalty thereof, whether for the payment of liquidated damages or of a penal sum, and authorize the cancellation of any such bond, in the event of a breach of any condition thereof, upon the payment of such lesser amount as he may deem sufficient. No condition in any such bond shall be held invalid on the ground that such condition is not specified in the law authorizing or requiring the taking of such bond. Whenever a bond is required by the customs laws or regulations, the Secretary of the Treasury may authorize the execution of a single bond, the conditions of which shall extend to and cover similar cases or importations over a period of time, not to exceed 1 year, or such longer period as the Secretary of the Treasury may fix to meet the circumstances of any particular case.

ART. 1251. *Classes.*—All bonds required to be given under the customs revenue statutes or customs regulations will be known as "customs bonds" and consist of three classes, viz, those approved by the Secretary of the Treasury, those approved by the Commissioner of Customs, and those approved by collectors of customs.

BONDS APPROVED BY THE SECRETARY OF THE TREASURY

ART. 1252. *Form and execution.*—(a) The following bonds after execution by the principals and sureties must be forwarded to the Secretary of the Treasury for approval:

(1) Bonds of collectors, comptrollers, and surveyors, required by law, in such amounts as the Secretary of the Treasury may direct.

(2) Bond for deputy collector of customs in charge of port of entry in a penalty to be recommended by the collector of customs and approved by the Secretary of the Treasury.

(3) Cartage contract bond, customs Form 3083, penalty to be fixed by the Secretary of the Treasury.

(b) The cartage contract and bond shall be executed in quadruplicate and forwarded to the Bureau.

BONDS APPROVED BY THE COMMISSIONER OF CUSTOMS

ART. 1253. *Form and execution.*—(a) The following bonds must be prepared in duplicate, except as otherwise provided in article 972 pertaining to warehouses of class 6, and after execution by the principals and sureties delivered to the collector of customs and forwarded by him with his recommendation, together with all reports, documents, and drawings filed in connection therewith, to the Commissioner of Customs for approval.

(1) Proprietor's warehouse bonds on customs Forms 3581 and 3583, in a penalty of $5,000 on each of the premises covered, but not to exceed $50,000 on all premises, unless the commissioner believes additional security necessary. Collectors are required, in submitting proprietor's warehouse bonds for approval, to set forth the basis of their recommendations as to the penal sum of the bonds, and to submit information on the following points:

(a) Location of the warehouse.

(b) Amount of space to be used for the storage of bonded merchandise.

(c) What, if any, police protection prevails at the place where the bonded premises are located.

(d) Responsibility of the proprietor.

(2) Carrier's bond, customs Form 3587, in a penalty to be recommended by the collector and approved by the Commissioner of Customs.

(3) Special blanket term overtime bond for railroad and trucking concerns. For the form thereof see T. Ds. 46780 and 46892.

(4) Blanket vessel term bond, customs Form 7569, in a penalty of $10,000, or such larger amount as may be fixed by the Commissioner of Customs. A marine carrier desiring to execute a blanket vessel bond shall file with the collector of customs at the principal port of entry, for transmission to the Commissioner of Customs, an application for permission to file a blanket bond, which application shall be accompanied by the recommendation of the collector as to the sufficiency of the penalty, together with a statement showing the ports at which it is intended that the vessel shall trade, the character of cargoes consigned to such ports, and the estimated number of vessels entering and clearing at each port mentioned in the application.

(5) General or blanket term bond for entry of merchandise in a penalty of $100,000, or such larger amount as may be fixed by the Commissioner of Customs. A principal desiring to execute a blanket bond covering the entry of merchandise shall file with the collector at the principal port of entry, for transmission to the Commissioner of Customs, an application for permission to file a blanket bond, which application shall be accompanied by the recommendation of the collector as to the sufficiency of the penalty, together with a statement showing the port or ports at which it is intended that entry will be made, the general character and average value of merchandise consigned to the various ports together with the estimated duties payable thereon. There is no printed form of this bond, but upon approval of the application the Bureau will furnish a sufficient number of mimeographed copies for execution.

(6) Upon notification by the Commissioner of Customs of the approval of the application and the penalty fixed for the bonds provided under paragraphs (4) and (5) of this article, the collector shall cause the bond, with the necessary extra copies, to be executed and forwarded to the Bureau for approval.

(7) Blanket smelting and refining bond, form given in T. D. 40651, in a penalty to be fixed by the Commissioner of Customs.

(8) Special bond for observance of neutrality in a sum double the value of the vessel and cargo. There is no printed form of this bond.

(b) Blanket term bonds must be accompanied by a sufficient number of copies for transmittal, through the collector of customs, to each port at which the principal seeks to conduct business.



BONDS APPROVED BY COLLECTORS

ART. 1254. *Form and execution.*—(a) The following bonds will be approved by the collector and remain on file in his office except Form 4615, which is transmitted to the United States attorney:

(1) Bond of customs cartmen or lightermen, customs Form 3855, in an amount of $5,000, but not to exceed $50,000, unless collector deems latter amount it not sufficient and reports matter to the Bureau for action.

(2) Bond of claimant of seized goods for costs of court, customs Form 4615, in an amount of $250.

(3) Bond of vessel to produce complete manifest and export declarations, customs Form 7301, in an amount of $500 conditioned for the payment as liquidated damages of $50 for each shipper's declaration not filed within the prescribed time, the damages not to exceed $500 in the aggregate.

(4) Bond to produce shipper's export declaration for goods exported to Canada or Mexico by car, vehicle, or ferry, customs Form 7303, in an amount of $500, $50 to be collected as liquidated damages for each shipper's export declaration not filed within 6 days.

(5) Term bond to produce shipper's export declarations for goods exported to Canada or Mexico by car, vehicle, or ferry. For the form thereof see T. D. 46594.

(6) Special single entry carpet wool and camel's hair bond, customs Form 7547, in an amount double the regular duties on the quantity of wool or hair of the camel withdrawn or transferred, plus 50 cents per pound of such quantity.

(7) Special term carpet wool and camel's hair bond, customs Form 7549. The penalty on this bond shall be $10,000, or such larger amount as may be determined by the collector to afford ample security to the revenue.

(8) Single consumption entry bond, customs Form 7551, in an amount equal to the value of the articles described on the entry, plus the estimated duty thereon. In the case of merchandise which appears to the satisfaction of the collector to be unconditionally free of duty and not prohibited from admission into the commerce of the United States, the penalty may be in such lesser amount (disregarding the value of the articles) as, in the opinion of the collector, will be sufficient to accomplish the purpose for which the bond is given.

(9) Term consumption entry bond, customs Form 7553, in an amount of $10,000, or such larger amount as may be determined by the collector to afford ample security to the revenue. This bond refers only to entries to be made at a single port. The rule prescribed in paragraph (a) (8) for determining the penalty of the bond in the case of merchandise unconditionally free of duty shall be applied in making charges against term bonds.

(10) Immediate delivery single entry bond, customs Form 7551–A, in an amount equal to the value of the articles plus the estimated duties thereon, if any.

(11) Immediate delivery term bond, customs Form 7553–A, in an amount which the collector deems sufficient, but not less than $10,000.

(12) Warehouse entry bond, customs Form 7555, in an amount equal to double the estimated duty on the merchandise.

(13) Single entry bond for exportation or transportation, or for transportation and exportation, customs Form 7557, in an amount equal to double the estimated duty.

(14) Term bond for exportation or transportation, or for transportation and exportation, customs Form 7559, in an amount of $10,000, or such larger amount as may be determined by the collector to afford ample security to the revenue.

(15) Bond for articles entered or withdrawn from warehouse conditionally free of duty, customs Form 7561, in an amount equal to double the estimated duties.

(16) Bond for temporary importations, customs Form 7563, in an amount equal to one and one-quarter times the estimated duties.

(17) Bond for articles for permanent exhibition, customs Form 7565, in an amount equal to one and one-quarter times the estimated duties.

(18) Single entry vessel or aircraft bond, customs Form 7567, in an amount to be fixed by the collector sufficient to protect the revenue, but in no case less than $500.

(19) Vessel or aircraft term bond, customs Form 7569, in an amount of $10,000, or such larger amount as may be determined by the collector to afford ample security.

(20) Special term overtime bond for railroad and trucking concerns. For the form thereof see T. D. 46780.

(21) Single entry or withdrawal bond on entry for manufacturing warehouse, customs Form 7571, in an amount equal to double the estimated duties.

(22) Single entry bond to produce bill of lading, customs Form 7581, in an amount equal to one and one-half times the invoice value.

(23) Antidumping bond, customs Form 7591, required by the Antidumping Act of 1921, in an amount equal to the estimated value of the merchandise.

(24) Special bond, taken under the provisions of section 337 (f), Tariff Act of 1930. The penalty on this bond will be prescribed in each specific instance as individual cases arise.

(25) Special bond for clearance of vessel penalized for carrying smoking opium under the provisions of section 584, Tariff Act of 1930. The penalty of this bond shall be in an amount satisfactory to the collector to guarantee the payment of any fine imposed against the vessel. This form of bond is not printed.

(26) Bond for storage of imported tea, in an amount of $5,000. This form of bond is not printed.

(27) Bond for entry and transportation of special delivery packages under act of June 8, 1896, in an amount of $10,000. (See art. 349.)

(28) Special bond for exportation of convict-made goods, in an amount equal to the domestic value of the merchandise. This form of bond is not printed.

(29) Landing bond, customs Form 7593, to land spirits, wines, or other alcoholic liquors in foreign ports.

(b) All single entry bonds must bear the entry number and must be promptly filed with the entries to which they relate. (See art. 355 (e).)

(c) Term bonds, when approved, must be numbered serially and filed in separate binders in consecutive order.

(d) The penalty named in any customs bond approved by the collector shall not be less than $100, except when the law or regulation expressly provides that a lesser amount may be taken. Fractional parts of a dollar will be disregarded in computing the penal sum, which will always be stated in the next higher dollar. The penalty of the bond must be stated both in words and figures. Abbreviations must not be used, except in dates, in descriptions of merchandise, and the marks and numbers on packages. Lines must be drawn through all spaces not filled in.

PROVISIONS APPLICABLE TO ALL BONDS

ART. 1255. *General instructions.*—(a) The names of the principals and sureties and their respective places of residence must appear in full in the body of the bond. All signatures, except those of officers of corporations, must be made in the presence of two persons, who must sign their names as witnesses, followed by their addresses. If the bond is executed by an authorized officer of a corporation, the officer's signature must be properly attested under the corporate seal.

(b) When two persons signing as witnesses act for both principal and surety, they must so indicate by stating "as to both", or a similar term.

(c) The bond must bear date as of the day it was actually executed. The termination date must be the last day of the period and not the first day of a succeeding period. To illustrate: January 1, 1930, to December 31, 1930, and not January 1, 1930, to January 1, 1931.

(d) Bonds in which erasures, interlineations, and alterations occur must have placed upon them the statement by

an agent of the surety company, or of the personal sureties thereto, that such alterations or erasures were made prior to the signing of the bond; or if such alterations or erasures were made after the bond was signed, the consent of all the parties thereto must be written in the bond.

(*e*) In no case will a bond, after having been approved, be changed in condition or extended by stipulation or otherwise, and when such changes or extensions are desired a new bond must be executed.

ART. 1256. *Seal.*—(*a*) In the case of bonds approved by the Secretary of the Treasury or Commissioner of Customs, seals of wax or wafer must be attached to the signatures of principals and sureties, if individuals, and corporate seals must be affixed to the signatures of persons signing on behalf of corporations.

(*b*) Bonds approved by collectors of customs must be sealed in accordance with the law of the State in which executed, except that when the charter or governing statute of the corporation requires its acts to be evidenced by its corporate seal, such seal must be required.

ART. 1257. *Partnerships.*—(*a*) Tariff Act of 1930, section 495:

> When any bond is required by law or regulations to be executed by any partnership for any purpose connected with the transaction of business at any customhouse, the execution of such bond by any member of such partnership shall bind the other partners in like manner and to the same extent as if such other partners had personally joined in the execution, and an action or suit may be instituted on such bond against all partners as if all had executed the same.

(*b*) Partnership bonds must be executed in the firm name, with the name of the member or attorney of the firm executing same appearing immediately below the firm signature. The names of all persons composing the partnership must appear in the body of the bond, as for example, "A., B., and C., composing the firm of A., B. and Co."

(*c*) The insertion of the individual names of partners, in bonds executed by a firm as principal, may be omitted when written notice of the full names of all partners embraced in such firm shall have been previously filed with the collector.

ART. 1258. *Corporations.*—(*a*) When a corporation is the principal, its legal designation and address of its principal place of business must be inserted in the body of the bond, which bond must be signed by an authorized officer or attorney of such corporation, and the corporate seal must be affixed to the bond immediately adjoining the signature of the person executing the same. When the bond is approved by the Secretary of the Treasury or the Commissioner of Customs, the official character and authority of the person or persons executing the bond for the principal, shall be certified by the secretary or assistant secretary, according to the "certificate as to corporate principal" appearing in the bond. In lieu of such certificate there may be attached to the bond so much of the records of the corporation as will show the official character and authority of the officer signing, the evidence consisting of—

(1) A certificate from the proper public officer, showing the legal existence of the corporation.

(2) A copy of the bylaws, or so much thereof as authorizes the execution of such bonds, certified by the secretary of the corporation and verified by its corporate seal.

(3) A copy of the document authorizing such officer to sign such bonds, certified by the secretary of the corporation under the corporate seal, or a power of attorney, executed in accordance with article 301, containing such authority.

(*b*) When the bond is approved by the collector, the evidence hereinabove referred to must be filed with such officer. The collector may waive the production of evidence of incorporation when such fact is a matter of common knowledge and he will so certify.

(*c*) When an attorney in fact executes bonds on behalf of a corporation and the bond is of a class approved by the Secretary of the Treasury or the Commissioner of Customs, there must be attached a power of attorney executed under the corporate seal by an officer of the corporation, whose authority to execute such power must be shown as prescribed in paragraph (*a*) of this article. If the bond is of a class approved by the collector, the power of attorney must be filed with him on the prescribed form.

(*d*) The name of a corporation executing customs bonds may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

ART. 1259. *Individual sureties.*—(*a*) If individuals sign as sureties, there must be not less than two except that, in the case of bonds approved by the collector, one surety may be accepted if the collector is satisfied that such surety is sufficient for the protection of the Government. Every surety on a customs bond must be both a resident and citizen of the United States, and before being accepted as surety must take oath on customs Form 3579, setting forth the amount of his worth, over and above all his debts and liabilities, and such exemptions as may be allowed by law, the general description and the location of one or more pieces of real estate owned by him within the limits of the customs district, and the value thereof over and above all encumbrances, and shall produce such evidence of solvency and financial responsibility as the collector may require.

(*b*) Each individual surety must have unencumbered property liable to execution, the current market value of which shall be equal to the penalty of any bond executed by him. If a single surety is accepted, he shall qualify in an amount equal to twice the penalty of the bond. The property should be located within the limits of the customs district in which the contract of suretyship is to be performed.

(*c*) An individual surety shall not be accepted on a bond until he has satisfied the collector as to his financial responsibility. The collector may refer the matter to the supervising customs agent or the customs agent in charge, as the case may be, for immediate investigation to verify the financial responsibility of the surety. When an individual surety has previously been investigated, further reference to the customs agency service need not be made oftener than once every 6 months, unless the collector believes a further investigation is necessary in order to follow the continued solvency of such sureties.

(*d*) In order to follow the continued solvency or the sufficiency of individual sureties, collectors must require a new oath and determine the sufficiency of such sureties as prescribed in paragraphs (*a*) and (*c*) of this article at least once every 6 months, or oftener if they deem it advisable.

(*e*) A married woman will not be accepted as surety.

(*f*) Individuals other than married women may execute powers of attorney to sign as surety on customs bonds. If limited to bonds of one or several importers, they must be named in the power. Such power must have attached a justification of the donor in a specified amount.

ART. 1260. *Delinquent sureties.*—(*a*) Persons shall not be accepted as sureties on bonds who are in default upon any other bond.

(*b*) No person shall be accepted as a surety who, at the time of the submission of the bond, is required to make satisfaction upon an unexpired bond or bonds, except in an amount equal to his assets which are not encumbered by any such unexpired bond or bonds.

ART. 1261. *Partners as sureties.*—A person may act as surety for a business partner when such person is acting with respect to his separate property and in his respective individual capacity, but not when the act relates to partnership matters or to his status as a member of the partnership. A member of a partnership shall not be accepted as surety on a bond executed by the firm as principal.

ART. 1262. *Corporate sureties.*—(*a*) A list of corporations authorized to act as sureties on bonds, with the amount in which each may be accepted, will be furnished semi-annually to all collectors of customs by the Secretary of the Treasury, and no corporation will be accepted as a surety on a bond unless appearing in such list and no bond shall be for a greater amount than the limit therein unless the excess is protected as prescribed in T. D. 39195, paragraph 12.



(*b*) Two or more companies may be accepted as sureties on any obligation, the penal sum of which does not exceed the limitations of their aggregate qualifying power, as fixed and determined by the Secretary of the Treasury. In such cases each company shall limit its liability, in terms, upon the face of the bond, to a definite specified amount, such amount to be in all cases, however, within the limitations herein prescribed, unless such excess is protected as prescribed in paragraph (*a*) of this article.

(*c*) When a bond is executed by an authorized and approved corporate surety through an agent or attorney of said company, a power of attorney on treasury Form 272, showing the authority of such persons to act for the surety company, must be filed in the office of the collector approving such bond, or filed in the Treasury Department when the bond is to be approved by the Secretary of the Treasury or the Commissioner of Customs.

(*d*) Whenever a bond is executed in a customs district other than the one in which it is to be filed, the bond shall be approved as to surety by the collector of customs in the district in which it was executed, and the authority of the agent of the surety company executing the bond on behalf of the company must be set forth on card power of attorney, treasury Form 272, properly completed and attached to the bond, if such evidence has not been submitted to the collector at the port of filing.

ART. 1263. *Same party as principal and surety—Attorney.*—The same person, partnership, or corporation can not be both principal and surety on a bond, but a person may act as attorney in fact for both the principal and surety. A person acting as attorney in fact for a principal may be accepted as surety on the same bond, and when acting as attorney for the surety may be the principal on such bond.

ART. 1264. *Acceptance of United States bonds and notes in lieu of sureties.*—(*a*) United States Code, title 6, section 15:

> Wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bond", with surety or sureties, such person may, in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond. The bonds or notes deposited hereunder, and such other United States bonds or notes as may be substituted therefor from time to time as such security, may be deposited with the Treasurer of the United States, a Federal reserve bank, or other depositary duly designated for that purpose by the Secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited shall be returned to the depositor. • • •

(*b*) Collectors accepting such securities shall be governed by the general rules and regulations applicable to such transactions, as prescribed in Department Circular 154, dated Feb. 6, 1935.

ART. 1265. *Acceptance of cash deposits or obligations of the United States in lieu of surety bonds.*—(*a*) Tariff Act of 1930, section 623 (b):

> The Secretary of the Treasury is authorized to permit the deposit of money or obligations of the United States, in such amount and upon such conditions as he may by regulations prescribe, in lieu of any bond required by the provisions of the customs laws, or by regulations promulgated thereunder.

(*b*) Collectors are authorized to accept in lieu of any bond required by the customs laws or regulations, United States money, United States bonds, certificates of indebtedness, Treasury notes, or Treasury bills in an amount equal to the penalty of the required bond, except that in the case of temporary importations under paragraphs 1607, 1747, 1808, and 1809 and section 308 of the tariff act, the security shall be in an amount equal to one and one-quarter times the estimated duties on the merchandise. At the time of the deposit of any such obligations with the collector of customs, the obligor shall deliver to such collector a duly executed power of attorney and agreement, in favor of the collector, in a form similar to that prescribed in Department Circular 154, dated February 6, 1935, authorizing such officer to collect or sell such obligations so deposited in case of any default in the performance of any of the conditions or stipulations of the bond in lieu of which the deposit is taken, and to apply the proceeds of such sale or collection, in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of such default. In modifying the power of attorney hereinbefore prescribed, the conditions or stipulation of the bond applicable, in lieu of which the deposit is taken, shall be written into such power of attorney so that in case of any default, the collector will have full power to dispose of the obligations deposited. The procedure outlined in Department circular hereinabove referred to shall be followed in all cases except as modified with the approval of the Secretary of the Treasury to cover special cases.

CANCELATION OF BONDS

ART. 1266. *Export bonds.*—(*a*) Bonds required for the exportation of merchandise may be canceled upon the specification of such merchandise on the outward manifest, or outward bill of lading, the inspector's certificate of lading, the record of clearance of the vessel, and the production of a foreign landing certificate, if such certificate is required by the collector; or, if exportation or destruction is not timely, upon the payment of duties imposed by law, in the case of articles entered under paragraphs 1747 and 1808, or, in the case of articles entered under paragraph 1607 or section 308, upon the payment of liquidated damages equal to the entire penal sum of the bond, or the payment of such amount less than the full liquidated damages as may be fixed by the Commissioner of Customs. The requirements of paragraph 3 of vessel bonds, customs Form 7567 or 7569, may be considered as having been complied with upon the production of such of the above-mentioned documents as may be applicable thereto: *Provided*, That upon exportation of narcotic drugs, and the equipment, stores (except such supplies as are placed on board vessels under the provisions of secs. 309 and 317 of the Tariff Act of 1930), and machinery for vessels, a landing certificate will be required in all cases.

(*b*) The landing certificate herein provided for must be produced within 6 months from date of exportation and must be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown that such country has no customs administration, in which case the certificate may be signed by the consignee or by the vessel's agent at the place of landing, and sworn to before a notary public or other officer authorized to administer oaths and having an official seal.

(*c*) In cases where landing certificates are required and the same can not be produced, an application for waiver thereof may be made to the Bureau through the collector, accompanied by such proofs of exportation and landing abroad as may be available.

ART. 1267. *Exportation—When not bona fide.*—(*a*) An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The shipment of merchandise abroad with the intention of returning the same to the United States is not an exportation. Merchandise of foreign origin returned from abroad under these circumstances is dutiable according to its nature, weight, and value at the time of its original arrival in this country.

should not be canceled by collectors, unless they are satisfied that there has been an actual bona fide exportation.

ART. 1268. *Time for production of missing documents.*—(*a*) When entry is made prior to the production of a document, whether the entry is charged against a single entry or

(*b*) Bonds given for the exportation of merchandise a term bond, a card memorandum on customs Form 5101, at comptrollers' ports, or on customs Form 3513 at other

ports, must be prepared by the importer and presented with the entry and this card must be filed as a card index of missing documents, either alphabetically, by dates of expiration, or by entry number, as most convenient. When the document is produced the card must be signed by a customs officer and delivered as a receipt and notation made on the entry. No other record is required in connection with the cancelation of consumption entry bonds.

(*b*) Except when a definite period is fixed by law, all documents for the production of which bond is given must be delivered to the collector of customs within 6 months from the date of the transaction. If the period ends on a Sunday or holiday the next day will be allowed.

ART. 1269. *Application for extension of time.*—On written application, addressed to the collector, showing to his satisfaction that failure to produce the documents was not due to lack of diligence, bonds given by agents to produce consignee's declarations, and bonds given to produce certificates of exportation, landing certificates, and other documents, except invoices, may be extended for a period of three months, and a further extension of three months. It is not necessary to secure the assent of the sureties to an extension of time on bonds the obligation of which provides for the continued liability on any lawful extension thereof.

ART. 1270. *Nonproduction of documents—Failure to redeliver packages—Penalties and deposit of.*—(*a*) Collectors of customs, in treating bonds for the production of missing documents as satisfied, will demand and collect a sum of $10 for each missing declaration of the consignee or other document, except shipper's export declarations and consular invoices, not produced within the time prescribed by the regulations, or any lawful extension thereof. A like amount shall be collected for each required consular invoice which is not produced on the date of entry or within 6 months thereafter, provided the person making entry submits an application under oath for relief from the full penalty of the bond, explaining in detail why the consular invoice cannot be produced, and the collector of customs is satisfied by such application, or otherwise, that the failure to produce the missing invoice is due to causes wholly beyond the control of the person making entry, and is not due to any purpose of the foreign seller or shipper to withhold information required by law, regulation, or special instruction to be shown on the invoice.

(*b*) The sum of $50 shall be collected as liquidated damages for each shipper's export declaration not produced within the time prescribed by the regulations, or any lawful extension thereof.

(*c*) An amount equal to the invoice value plus the duty will be collected for failure to return to the collector on demand packages subject to redelivery.

(*d*) Such sums as shall be collected on bonds as liquidated damages will be deposited as miscellaneous receipts.

(*e*) *Free entry documents.*—(1) When free entry is dependent upon the production of a document which the importer fails to produce, or where the conditionally free provision claimed on entry is held to be inapplicable, the claim for free entry should be treated as abandoned upon the assessment of duty, and the bond given for the production of the free entry document should be canceled without the collection of liquidated damages.

(2) When the production of a document required by the regulations is waived, by either the Department or the collector, and free entry is permitted, such waiver automatically relieves the importer from the payment of liquidated damages.

(3) When a bond is given for the production of a certificate of exportation (art. 397 (*a*), within 6 months from the time of entry, and the certificate is produced after the expiration of the bonded period but prior to the liquidation of the entry, it should be accepted as satisfying the requirement that it be filed in connection with the entry, and no liquidated damages should be collected under this article.

ART. 1271. *Uncanceled bonds—Report of, to Bureau.*—Collectors will report to the Bureau for instructions all bonds given for the production of documents at the expiration of 3 months from the date of maturity, with respect to which no application is pending for cancelation or extension.

ART. 1272. *Prosecution of bonds—Report to United States attorney.*—(*a*) Collectors will report to the United States attorney, on customs Form 4627, for prosecution all custom bonds, except those given for the production of documents, which remain uncanceled 30 days from date of maturity, accompanied by certified copies of the bonds. Such report will be made in triplicate, one copy to be forwarded to the General Counsel for the Department of the Treasury, through the Bureau of Customs, and the third copy to be filed in the office of the collector.

(*b*) The original bonds will be retained at the customhouse, subject to the request of such attorney for inspection or for use upon the trial, and his receipt taken therefor when delivered to him.

(*c*) Application for relief on bonds reported for prosecution will be referred by the collector to the United States attorney.

ART. 1273. *Cancelation by mistake or through fraud.*—The cancelation of a customs bond by mistake or through fraud will not relieve the parties from liability thereunder. Such fraud will, on discovery, be forthwith reported to the United States attorney for prosecution.

## CHAPTER XXIV

## REPORTS AND ACCOUNTS OF CUSTOMS OFFICERS OTHER THAN TO BUREAU OF CUSTOMS

ART. 1274. *List of forms.*—The following is a list of reports, abstracts, schedules, requisitions, and accounts, with their catalog numbers, which collectors and comptrollers of customs are required to submit to the various officers of the Treasury Department, other than the Bureau of Customs, and to the Departments of Commerce, Labor, and of Agriculture, and to the United States Maritime Commission.

### TREASURY DEPARTMENT

*To the Surgeon General of the Public Health Service*

[To be made by customs officers when in charge of established relief stations of the Public Health Service]

Monthly

Public health Form

1922A. Medical officer's monthly report of relief.
1926. Voucher for the care of seamen in hospital.
1927. Report of relief furnished foreign seamen or other pay patients.

Standard Form

1034. Voucher for purchases and services other than personal.

Public health Form

1971F. In-patient card.
1982E. Monthly report of encumbrances.

Annually

1930. Proposal to furnish care and treatment of seamen in hospital.
1931. Proposal for the care and treatment of seamen in contagious hospitals.
D. F. 226. Proposal for the burial of deceased seamen.

Standard Form

1036. With each proposal recommended.

NOTE.—Proposals 1930, 1931, and 1932A are to be forwarded only in case such services are provided for by the Public Health Service.

Whenever necessary

Public health Form

1928. Statement of account and receipt for care and treatment of foreign seamen or other pay patients.
1929A. Statement of account and receipt for treatment of foreign seamen (out patients).
1971E. Out-patient card.



[To be made by customs officers not in charge of established relief stations of the Public Health Service]

*To the Commandant, Coast Guard*

Whenever Necessary

Coast Guard Form

2692. Report of casualty to vessel.

### DEPARTMENT OF COMMERCE

NOTE.—Blank forms under this head will be furnished by the Department of Commerce upon requisition (commerce Form 1501) and as per instructions contained in commerce Form 1500, "Catalogue of books and blanks."

*To the Director of Marine Inspection and Navigation*

[To be forwarded on day of issue]

Commerce Form

1266. Duplicate of each certificate of registry issued.
1271. Duplicate of each certificate of enrollment issued on seaboard and western rivers.
1273. Duplicate of each certificate of enrollment issued on Great Lakes.
1285. Duplicate of each license issued to vessel under 20 tons on seaboard and western rivers.
1288. Duplicate of each license issued to yachts under 20 tons on seaboard and western rivers.
1290. Duplicate of each certificate of enrollment issued to yachts.

Monthly

Standard Form

1020. Account current.
1063. No transactions for which an accounting is required.

Commerce Form

1001. Record and schedule of navigation fees, accompanied by vouchers, commerce Form 1008.
1001. Record and schedule of collections on account of deceased passengers, accompanied by voucher, commerce Form 1008.
1004. Recapitulation of tonnage tax collected, accompanied by voucher, commerce Form 1002.
1007. Record and schedule of navigation fines, penalties, and forfeitures, accompanied by vouchers, commerce Form 1006.
1007. Record and schedule of navigation fines, penalties, and forfeitures remitted.
1071. Record and schedule of special deposits accompanied by receipts, commerce Form 1075.
1073. Record and schedule of special deposits refunded, accompanied by vouchers, commerce Form 1076.
1081. Record and schedule of fines, penalties, and forfeitures under navigation laws.
1209. Report of no transaction under abstract of marine documents surrendered at other than port of issue.
1461. Summary of examination of vessels having on board passengers other than cabin.
1462. Report of examination of passenger vessels.

Quarterly

1200. Statement of vessels built, lost, abandoned, sold to aliens, etc.
1201. Letter of transmittal showing balances of tonnage.
1202. Abstract of marine documents issued and surrendered.
1318. Transcript of all marine documents deposited after the expiration of the statutory period.
129. Laid-up vessels, 500 gross tons and over.
130. Laid-up vessels, 100 to 499 gross tons.

Semiannually

Commerce Form

1079. Report of unsettled cases of fines, penalties, and forfeitures for violations of the navigation laws. (Forwarded June 30 and December 31.)

Annually

1004a. Annual and semiannual recapitulation of tonnage tax collected.
10. Annual alphabetical list of documented yachts.
12. Annual list of documented merchant vessels.
12½. Annual recapitulation of documented merchant vessels.
132. Unrigged vessels of 5 net tons and over not now documented.
133. Yachts of 5 net tons to and including 15 gross tons not now documented.
134. State and municipal vessels of 5 net tons and over not now documented.
135. Laid-up vessels, 5 net to 99 gross tons.
136. Laid-up yachts, 5 net tons and over.

Whenever Necessary

1086. Certified statement of erroneous or excessive exactions other than of import duties.
1250. Application for yacht commission.
1320. Application for official number and signal letters for vessel.
1322. Certificate showing that official number and net tonnage have been marked on vessel.
1339. Bill of sale recorded since issue of outstanding marine document.

*To the Bureau of Foreign and Domestic Commerce*

Monthly

1182. Report of fuel or bunker coal and oil supplied to steamers in foreign trade.

Quarterly

1115. Manufactured articles exported with benefit of drawback.

Whenever Necessary

1175. Report of no transactions.

### DEPARTMENT OF LABOR

*To the Commissioner General of Immigration and Naturalization*

Monthly

Standard Form

1020. Consolidated account current of collections on account of head tax, fines for violations of the immigration laws, fines for violations of the Chinese exclusion laws, and moneys received and disposed of on account of special deposits on account of alien passengers or immigrants detained or in transit through the United States, and persons making unsupported claims to United States citizenship.

Immigration Form

703. Record and schedule of collections on account of head tax, accompanied by bill and notice of head tax (immigration Form 603), and the disposition of fines for violations of the immigration laws and fines for violations of the Chinese exclusion laws (a separate schedule for each class), accompanied by bill and notice of fines (immigration Form 604).
706. Schedule of special deposits refunded that were collected on account of alien passengers or immigrants detained or in transit through the United States, persons making unsupported claims to United States citizenship, and fines for violations of the immigration laws (a separate schedule for each class), accompanied by the receipt vouchers (immigration Form 708).
605. Schedule of fines, penalties and forfeitures.

Standard Form

1063. Report of no transactions. To be used when no transactions occurred during the month.

NOTE.—Blank forms under this head will be furnished by the Department of Labor (Division of Publications and Supplies) upon requisition (immigration Form 712) and as per instructions printed on the back of the blank.

*To the United States Maritime Commission*

Daily

Maritime Commission Form

7036. Daily report of vessel movements. Arrivals.
7037. Daily report of vessel movements. Departures.
7038. No transaction report (both arrivals and departures).

7801. Cargo report of vessels entering American ports from foreign and noncontiguous United States ports and in intercoastal trade.
7802. Cargo report of vessels clearing from American ports for foreign and noncontiguous United States ports and in intercoastal trade.

DEPARTMENT OF AGRICULTURE

*To the Biological Survey*

Quarterly

Customs Form

6551. Report of wild animals and birds imported and also of game-bird eggs imported for propagation.

CHAPTER XXV

STATISTICS

GENERAL PROVISIONS

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1277. Statistical reports furnished to collectors.
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STATISTICAL CLASSIFICATION SCHEDULES

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EXPORT PROCEDURE

1305. Manifests of vessels—Shippers' declarations—Clearance.
1306. Clearance on incomplete manifest under bond.
1307. Cargo of vessels laden in different districts, how returned.
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1309. In transit shipments, customs Form 7525 not to be used for.
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1311. Shipments from interior to seaboard.
1312. Reporting in transit shipments.
1313. Car manifests.
1314. Exportation by ferry or vehicle.
1315. Penalty.
1316. Report of violations of law.
1317. Shipments from the interior for export.
1318. Divided shipments.
1319. Exportations from Alaska, Hawaii, and Puerto Rico, via the United States.
1320. Trade between the United States and its noncontiguous territory.
1321. Government supplies shipped abroad.
1322. Personal effects.

REPORTS TO BUREAU OF CUSTOMS

1323. Monthly report of marine transactions.

GENERAL PROVISIONS

ART. 1275. *Compilation and publication.*—(*a*) Statistics of imports and exports are compiled and published by the Bureau of Foreign and Domestic Commerce of the Department of Commerce from data supplied by collectors of customs as hereinafter provided. Correspondence relative to statistical reports should be addressed to the above Bureau at Washington, D. C.

(*b*) Inquiries relating to statistical requirements of import entries and export declarations, and the procedure of coding and forwarding these documents, should be addressed to the Section of Customs Statistics, Department of Commerce at New York.

ART. 1276. *Accounts, what to show.*—(*a*) The accounts of the commerce of the United States with foreign countries (or its noncontiguous territory) shall comprehend and include, in tabular form, the quantity, by weight or measure, as well as the value of the various articles of foreign commerce.

(*b*) Articles sent out of the country temporarily, such as automobiles for touring purposes, commercial samples, circuses, race horses, and other articles intended to be returned to the United States, which are not sold and do not enter the trade of the country to which sent, should not be included in the statistics as exports when shipped abroad, nor as imports when returned to the United States.

ART. 1277. *Statistical reports furnished to collectors.*—(*a*) The Section of Customs Statistics will supply each collector monthly with statistical reports of the imports into and exports from his district, by commodities and countries, in the form of machine-made tabulations, the district, port, vessel, country, classification, etc., being in code numbers.

(*b*) The statistical report of imports will appear upon white sheets and exports upon yellow sheets. These sheets should be bound by collectors and used as statistical blotters.

ART. 1278. *Statistics furnished by collectors.*—Trade papers, trade organizations, and commercial concerns may be furnished with such statistical information regarding the foreign trade by customs districts as may be available from the records kept for the purpose of making reports to the Department of Commerce, or as shown in the monthly statistical reports supplied to collectors by the Section of Customs Statistics at New York. In no case shall information be furnished in such manner as to disclose individual transactions or names of importers or exporters. (See art. 1465.)

ART. 1279. *Confidential information.*—The contents of invoices, entries, manifests, and export declarations must be treated as confidential and not disclosed to others than the parties in interest by employees of the Customs Service or the Section of Customs Statistics. (See art. 1465.)

STATISTICAL CLASSIFICATION SCHEDULES

ART. 1280. *Statistical information required in entries.*—(*a*) The kinds, quantities, and values of all imported articles shall be ascertained from the entries. Collectors of customs shall require entries of imported merchandise to contain the information required in Schedule A, statistical classification of imports, as prescribed by the Secretary of the Treasury, the Secretary of Commerce, and the chairman of the United States Tariff Commission. Tons, where required, should be long tons of 2,240 pounds as construed in section 2951, Revised Statutes, unless short tons are specified.

(*b*) The values of imported merchandise will be returned in the statistical reports in accordance with the dutiable values as defined in section 402 of the tariff act. The value of the containers or coverings and other charges or expenses incident to placing the merchandise in condition packed ready for shipment to the United States, should be included in the statistical value of merchandise, whether the merchandise is dutiable or free of duty.

(*c*) For statistical purposes nondutiable charges should be deducted in entries from total invoice values or imported merchandise free of duty, as well as for merchandise subject to duty at specific or ad valorem rates.

ART. 1281. *Shippers' export declarations.*—The kinds, quantities, and values of articles exported to foreign countries or shipped to noncontiguous territory of the United States shall be compiled from the export declaration furnished by the shipper to the collector of customs at the port of exportation, prepared on the official form (customs Form 7525) in accordance with the instructions of T. D. 38410.

ART. 1282. *Separation of domestic and foreign merchandise.*—(*a*) The export declaration must show foreign goods separately from goods of domestic production. Only those goods will be reported as foreign which have undergone no change in form or condition or enhancement in value by the application of labor in the United States. Articles made from foreign materials or changed from the conditions in which imported by repacking, grinding, refining, or smelting will be classed as of domestic production or manufacture.

(*b*) Articles exported which are the growth, produce, or manufacture of the United States and articles of foreign origin which have been changed in form and enhanced in value by labor or manufacture in the United States are to be classified in accordance with Schedule B, statistical classification of domestic commodities exported from the United States, issued by the Department of Commerce.

(*c*) Articles exported which had been previously imported, and which are the growth, produce, or manufacture of foreign countries, and are exported in the same condition in which imported, will be classified in accordance with the Department of Commerce statistical classification of foreign merchandise exported from the United States.

ART. 1283. *Values of exports.*—(*a*) Articles exported to foreign countries or shipped to noncontiguous territory shall be valued at their actual cost or the values which they may truly bear at the time of exportation or shipment in the ports of the United States from which they are exported or shipped, including the value of cartons, cases, crates, boxes, sacks, and coverings of any kind.

(*b*) The value stated should be the actual cost or selling price, if the goods are sold, including actual or estimated inland freight charges from the interior place of shipment to the seaport or border point of exportation. If shipped on consignment without a sale having been made, the market value at the time of exportation in the ports of the United States from which exported should be stated.

(*c*) Freight and other charges from the port of departure in the United States to the place of destination in the foreign country or noncontiguous territory to which shipped must not be included in the export value.

ART. 1284. *Classification of countries.*—(*a*) In the statistical reports of imports, exports, and vessels entered and cleared the foreign countries will be classified in accordance with Schedule C of the Department of Commerce.

(*b*) The country to which imports shall be credited for statistical purposes is the country of origin. In cases in which the merchandise is invoiced in or exported from a country other than the country of origin, care should be taken to insure that the country of origin is correctly specified.

(*c*) Entries for immediate consumption or for warehouse, and withdrawals from warehouse for consumption, shall clearly specify the country of origin of the imported articles as well as the nationality and motive power of the vessel from which the imported articles were landed in the United States or in Canada or Mexico if shipped through either of these countries.

ART. 1285. *Country of destination of exports.*—(*a*) If the country of ultimate destination of the commodities exported is different from that for which the vessel or car clears or departs, collectors will require exporters and shippers or their agents to state in the shippers' declarations as the country of ultimate destination the country to which the commodities are sold or destined for a market.

(*b*) Special care should be taken to state the final destination of goods shipped through Canada to Europe and of goods to be transshipped in the United Kingdom, the Netherlands, Germany, and France to other countries, and of goods shipped through Chile or Peru destined to Bolivia.

ART. 1286. *Fractions in quantities and values.*—In the expression of values in export declarations and statistical copies of entries, fractions of a dollar less than 50 cents will be ignored, and fractions of 50 cents or upward will be counted as $1. A like rule will apply to fractions of weight, measure, and tonnage.

ART. 1287. *Dates of importation and exportation.*—For statistical purposes the date of entry will be regarded as the date of importation and the date of clearance will be regarded as the date of exportation.

ART. 1288. *Description of articles exported.*—(*a*) The description of merchandise in export declarations must be stated in specific and not in general terms. Such designations as "fruits", "provisions", "groceries", "canned goods", "hardware", "machinery", or any other general term must not be used. The articles should be described in sufficient detail to permit of their classification under the proper classes of export Schedule B, giving total quantity and value of each article, but omitting invoice details for different marks, sizes, and kinds of the same article.

(*b*) The number of packages, boxes, barrels, bales, etc., must be specified, with quantities in the unit stated in Schedule B, in net weight exclusive of the weight of barrels, boxes, or other bulky coverings and of salt or pickle in the case of salted or pickled fish and meats. Tons, where required, should be given in long tons of 2,240 pounds.

(See art. 657 (*i*) relative to export declarations for drugs.)

ART. 1289. *Errors in entries and export declarations.*—(*a*) Collectors will make a preliminary examination of all import entries and export declarations presented.

(*b*) If on examination any entries or declarations are found to be inaccurate or incomplete, either in the description of articles, or in omitting to state proper quantities and values, or insertion of the intermediate country instead of the country of final destination, or containing any error apparent on the face of the entry or declaration, the correction thereof will be required before acceptance. (Arts. 174 and 298, par. c.)

REPORTS TO THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE

ART. 1290. *Reports, forwarding of.*—The following reports will be prepared by collectors at headquarters ports in accordance with the detailed instructions printed on the blank forms and forwarded to the Bureau of Foreign and Domestic Commerce at Washington, D. C., as early as possible after the close of the month and in no case later than the time specified for the various reports.

ART. 1291. *Imports and exports of gold and silver.*—(*a*) The statistical copy of every entry or export declaration involving gold or silver ore, bullion, coins, etc., shall be transmitted daily by air mail, special delivery, to the Division of Foreign Trade Statistics, Department of Commerce, Washington, D. C. This shall apply to entries and export declarations covering such commodities as copper, lead, etc., if any gold or silver is included therein.

(*b*) All entries or export declarations covering gold or silver shall furthermore be mailed to the Division of Foreign Trade Statistics, Department of Commerce, Washington, D. C., direct by the port where the entry papers or export declarations are filed.

(*c*) A separate series of identifying numbers covering such entries and export declarations shall be used. These identifying numbers will be placed immediately above the regular entry or export declaration numbers, and will be continued in numerical order.

ART. 1292. *Manufactured articles exported with benefit of drawback on imported materials contained therein.*—(*a*) Such articles will be reported quarterly on commerce Form 1115 within 30 days after the close of each quarter. The articles will also be returned as domestic exports from the district of exportation.

(*b*) The articles exported will be shown, with quantities, classified according to Schedule B of the Department of Commerce, enlarged by the addition of sufficient subclasses to show separately each different kind of article exported, though several may be grouped under the same class number.

(*c*) For each exported article there will be shown the imported articles contained therein, classified according to Schedule A, showing quantities or values, or both, with rates of duty, sufficient to verify the amount of drawbacks paid.

ART. 1294. *Bunker coal or fuel oil.*—(*a*) Bunker coal or fuel oil laden on vessels cleared for foreign countries will be reported monthly on commerce Form 1182, within 15 days after the close of each month.

(*b*) Collectors will require masters or agents of vessels clearing in the foreign trade to show on the outward foreign vessel manifest the quantities and values of bunker or fuel coal and oil taken on board such vessels for their own fueling use apart from such quantities as may have been laden on the vessel as cargo.

ART. 1295. *Dumping duties.*—Collectors will report quarterly dumping duties collected under section 202 of the Antidumping Act, 1921, showing commodity, country from which imported, and amount of dumping duties. (Art. 845.)

ART. 1296. *No transactions report.*—Whenever there are no transactions in any of the above statements a report to that effect should be rendered within the required time on commerce Form 1175.

ART. 1297. *Statistical reports prepared at headquarters ports.*—The above statistical returns will be prepared and transmitted at the headquarters ports covering the commerce of the entire district, but the collectors may require that deputy collectors at ports of entry compile monthly reports covering transactions at such ports, to be forwarded to headquarters for consolidation with the district returns.

REPORTS TO SECTION OF CUSTOMS STATISTICS AT NEW YORK

ART. 1298. *Imported foods, drugs, etc., subject to inspection.*—(*a*) Statistical copies of entries for imported foods, drugs, insecticides, and fungicides; meat and meat-food products; grain and grass seeds; viruses, serums, and toxins; tea; narcotic drugs, and other special classes of merchandise covered in chapter X (arts. 547 to 692) as subject to inspection, examination, or permit by the Department of Agriculture or other Government offices, should not be transmitted to the Section of Customs Statistics of the Department of Commerce until the goods are admitted and released to the consignee.

(*b*) Entries for rejected goods which are exported or destroyed, regarded as "nonimportation" under article 557, should not be transmitted to the Section of Customs Statistics; if part of an entry is admitted and part rejected, the rejected portion should be crossed out and clearly indicated on the statistical entry sent to the Section of Customs Statistics.

ART. 1299. *Import entries and warehouse withdrawals.*—(*a*) Statistical copies of entries and withdrawals must describe the merchandise in the detail required by the statistical import Schedule A of the Department of Commerce. Collectors will insert the code numbers of district, port, country, and flag in the proper columns and forward the entries to the Section of Customs Statistics at New York in accordance with the procedure outlined in the Treasury decisions.

(*b*) Collectors may insert the code numbers of commodities and units of quantities if they find it convenient to do so while examining entries for compliance with the commodity classification required by Schedule A.

(*c*) Entries for imported raw wool must show the class of wool, whether carpet, clothing, combing, mohair, alpaca, etc.; the condition, greasy, washed, scoured, or pulled; and the quality or grade in English or American standards: 36's to 44's as coarse or low crossbred; 44's/46's to 56's as medium crossbred; 56's to 58's as fine crossbred; and 60's and over as fine.

ART. 1300. *Reports of corrections.*—Changes in classification and changes in quantities or values amounting to $100 made in liquidating entries or withdrawals must be reported to the Section of Customs Statistics at New York on customs Form 7401, correction report of import entry or withdrawal. In order to minimize correction reports, collectors may hold entries until after examination and weighing of the goods, making any changes on the statistical copies forwarded to the New York statistical office, if that practice will not result in great delay in transmitting statistical copies of entries.

ART. 1301. *Immediate transportation entries returned by port of final destination.*—(*a*) Imported merchandise entered for immediate transportation without appraisement, and merchandise imported through frontier ports in cars secured by customs seals, will be excluded from the return of imports at the port of first arrival, but will be returned as imported at the port where entered for immediate consumption or for warehouse.

(*b*) The entries of such goods, made at the port of first arrival and the port of final destination, are required to show the country where the articles were invoiced and the nationality and motive power of the vessel in which they were brought to the United States, or to Canada, or Mexico, if the goods reach the United States through those countries.

ART. 1302. *Imports of crude ores or metals.*—(*a*) Imported crude ores or metals entered into bonded smelting warehouses will be reported statistically as imported at the port where entered into the bonded smelting or refining warehouse, in accordance with the instructions of T. D. 39828. Quantities and values of the different metal contents will be obtained from the consular invoice or estimated from previous similar importations in accordance with T. D. 39828. (Art. 341, par. (*e*).)

(*b*) Consular invoices of gold, silver, copper, lead, tin, and other metals in ore and base bullion are required by Department of State circular of August 22, 1925, to show separately the quantities and values of each of the metals contained therein. (Art. 341, par. (*f*).)

ART. 1303. *Coding and forwarding of export declarations.*—Export declarations will be numbered, coded, and forwarded to the Section of Customs Statistics at New York in accordance with the instructions in paragraphs 3, 4, and 8 of T. D. 37531, sections 19 (as amended by T. D. 47088) and 20 of T. D. 38410, and other special instructions.

ART. 1304. *Shipments in transit through the United States.*—(*a*) Export declarations, customs Form 7525, are not required for foreign merchandise shipped in transit through the United States from one foreign country to another. In lieu thereof "Statistical Export Declaration for In-Transit Goods", customs Form 7513, will be used as provided in article 906 (*a*) and (*b*).

(*b*) Any export declarations filed by shippers for in-transit goods in addition to customs Form 7513, under a misunderstanding of the regulations, should not be forwarded to the Section of Customs Statistics at New York. Collectors should make a careful check of the outward foreign vessel manifest and railroad car manifest for the purpose of detecting such duplication of declarations.

EXPORT PROCEDURE

ART. 1305. *Manifests of vessels—Shippers' declarations—Clearance.*—(*a*) Before clearance shall be granted to any vessel bound to a foreign place or noncontiguous territory of the United States the master shall file a manifest on commerce Form 1374 of all the cargo on board his vessel. There shall also be filed with the collector declarations of the owners, shippers, or consignors of the cargo shipped by them, specifying the kinds, quantities, values, and the places to which destined. These declarations will be made in duplicate on customs Form 7525 in accordance with the instructions printed thereon, the original verified by oath before a customs officer, notary public, or other authorized person for shipments valued at over $100. Collectors will number the declarations serially as received.

(*b*) Where the cargo is to be transshipped in another customs district, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States, for transportation to a foreign country or noncontiguous territory of the United States, the shippers' export declarations (customs Form 7525) should be filed only with the collector of customs at the port where the merchandise is last laden for its final destination.

(*c*) The manifest of a vessel bound to a foreign country or to or from noncontiguous territory of the United States must show the customhouse number of the export declaration for each consignment, also the particulars required by section 4199, Revised Statutes, namely, the destination of the vessel, the marks and numbers of the packages, and a description of the articles, contents, quantities, and values, provided that a notation on the manifest that values are as stated on shipper's declaration, copies of which are attached to such manifest, will be accepted. Any short shipment must be noted on the duplicate export declarations presented with the manifest. (Art. 173.)



ART. 1306. *Clearance on incomplete manifest under bond.*—Clearance may be granted on incomplete cargo manifest and before all shipper's declarations have been filed, upon application to the collector on customs Form 7301, and the execution of the bond printed thereon. The condition of the bond is that a complete outward manifest be filed not later than the fourth business day after clearance of the vessel, together with all export declarations theretofore received. Delinquent declarations must be filed with the collector as soon as received and at the latest within 6 days after clearance, unless a further extension of time is granted by the collector in exceptional cases. If required by the collector, pro forma declarations on customs Form 7303 must be filed enumerating shipments for which declarations are missing.

ART. 1307. *Cargo of vessel laden in different customs districts, how returned.*—When a vessel is laden in different customs districts with commodities to be exported to foreign countries, shippers' export declarations must be filed in the respective districts where laden. The collector will report as exports only the merchandise laden in his district.

ART. 1308. *Declarations for exports by railways, ferryboats, and vehicles.*—(*a*) Any person who delivers merchandise to any transportation company for exportation from the United States to a foreign country by rail, ferryboat, or vehicle must deliver to the collector of customs at the port through which the merchandise passes into foreign territory export declarations in duplicate on customs Form 7525, showing the kinds, quantities, and values of all merchandise delivered by him or his agent to such carrier for exportation.

(*b*) The collector shall not permit any car or other vehicle laden with merchandise intended for exportation to any foreign country to depart from the United States until a declaration specifying the kinds, quantities, and values of the merchandise has been delivered to him by the shipper or his agent. Exportation may be permitted under bond to produce missing declarations within 15 days.

ART. 1309. *In transit shipments, customs Form 7525 not to be used for.*—The foregoing article applies only to merchandise exported by land carriage or ferryboat to or through adjacent foreign territory for a market. Export declarations on customs Form 7525 are not to be filed for shipments from one part of the United States to another part thereof across foreign territory, nor for merchandise passing through the United States in transit from one foreign country to another, or from one portion of a foreign country to another portion thereof, across the territory of the United States. (Art. 1304.)

ART. 1310. *In transit shipments through Canada diverted.*—When grain or other commodities shipped from northern border or lake ports by vessel or railroad in transit through Canada to other United States ports are diverted for import into Canada or for export from a Canadian port to foreign countries and collectors at the port of shipment are informed to that effect, they will obtain export declaration on customs Form 7525 from the original shippers and forward them to the Section of Customs Statistics at New York, in order that such diverted shipments may be included in the statistics of exports from the United States.

ART. 1311. *Shipments from interior to seaboard.*—Declarations for merchandise shipped from an interior point in the United States partly in transit through Canada or Mexico for export from a seaboard port of the United States are not required to be delivered to the collector of customs at the first border port, but the statistics of exports will be secured from shippers' declarations filed at the seaboard port of exportation.

ART. 1312. *Reporting in transit shipments.*—Foreign merchandise entered for shipment in transit through the United States, or for transshipment in ports of the United States, will not be reported as importations when received, nor will export declarations be required therefor when shipped out. Such merchandise will be reported to the Section of Customs Statistics at New York on customs Form 7513, giving the aggregate quantity and value of each of the various classes of merchandise and the countries to which destined, as prescribed by the Bureau of Foreign and Domestic Commerce. (Arts. 1304, 1309.)

ART. 1313. *Car manifests.*—(*a*) Upon arrival of merchandise for exportation at a border port the carrier must deliver to the collector of customs a car manifest, giving marks and numbers, the name of the shipper or consignor, description of the goods, and the destination thereof. This manifest may be the waybill, or a copy thereof, or a copy of the manifest prepared for the foreign customs. The required shipper's export declarations in duplicate must be attached to the car manifest or waybill when delivered to the collector.

(*b*) Under the provisions of the act of March 3, 1893, no railway car containing commodities for export will be permitted to leave the United States until the car manifest and shipper's export declarations have been delivered to the collector of customs; but if any declarations are missing, immediate exportation may be permitted upon the filing of pro forma declarations therefor and the execution of a bond on customs Form 7303.

ART. 1314. *Exportation by ferry or vehicle.*—The shipper or his agent must deliver shipper's export declarations in duplicate to the customs officer covering all goods exported by ferry, wagon, or other vehicle. The customs officer will retain the original declaration and deliver the certified duplicate to the shipper, master, or driver as a permit for the exportation of the goods. The driver of a vehicle will deliver the certified duplicate to the customs officer when the goods are taken out of the country. The master of a ferry will deliver to the customs officer at the close of each day all duplicates received during that day, accompanied by a statement that such duplicate declarations cover all goods exported on such ferry during that day. If a declaration can not be produced, exportation may be permitted upon the filing of a pro forma declaration and bond on customs Form 7303.

ART. 1315. *Penalty.*—The agent or other employee of any railway or transportation company who shall transport any merchandise into a foreign country before the delivery of a declaration, as required by law, except under bond as provided for, shall be liable to a penalty of $50 for each offense.

ART. 1316. *Report of violations of law.*—Collectors of customs shall report without delay to the nearest United States attorney all violations of the provisions of the statistical laws.

ART. 1317. *Shipments from the interior for export.*—(*a*) For goods shipped on a through export bill of lading from an interior point to a foreign country or to a noncontiguous territory of the United States, the shipper must prepare and deliver to the carrier the export declaration in duplicate to accompany the waybill to the seaport or border port of exportation.

(*b*) For shipments from the interior on domestic bills of lading consigned to the seaboard for exportation, the export declaration may be delivered to the carrier as prescribed above or mailed to the consignee at the port of exportation. (Pars. 3 and 4, T. D. 38410.)

ART. 1318. *Divided shipments.*—If a shipment is divided at the port of exit by accident or intention, part being exported in one vessel or car and part in another, the agent of the carrier will note the amount shipped on the duplicate declaration attached to the vessel or car manifest. A declaration and duplicate covering subsequent shipments must be prepared by the carrier's agent from records of the previous shipment and be presented to the collector when the remainder is shipped. The number of the original declaration must be noted on each of the copies and duplicates.

ART. 1319. *Exportations from Alaska, Hawaii, and Puerto Rico, via the United States.*—Shipper's export declarations in duplicate must accompany merchandise shipped from Alaska, Hawaii, and Puerto Rico for transshipment and exportation from a port in the United States and be delivered by the shipping agent to the collector of customs at such port of exportation, with the name of the exporting vessel noted thereon.

ART. 1320. *Trade between the United States and its noncontiguous territory.*—The regulations contained in this chapter with respect to the collection of statistics of merchandise, gold, and silver exported from the United States to foreign countries by water and of clearances of vessels in such trade are extended to, and will govern, so far as applicable, in the collection of statistics of shipments between the United States and its noncontiguous territory and between the respective portions of said noncontiguous territory.

ART. 1321. *Government supplies shipped abroad.*—(*a*) No export declarations are required for shipments of furniture, stationery, and other office supplies to United States Government offices or employees in foreign countries or noncontiguous territories for their exclusive use, or for shipments of military and naval supplies and equipment from quartermaster stores or supply depots for use of United States military or naval forces abroad, or for equipment shipped to United States lighthouses.

(*b*) Export declarations are required for construction material, machinery, supplies, or other merchandise shipped on commercial vessels to the Panama Canal, Panama Railroad, the Government of Puerto Rico or of the Philippine Islands, or the Manila Railroad Co., which are not regarded as branch offices of United States Government departments or bureaus.

ART. 1322. *Personal effects.*—No export declarations are required for personal effects or baggage of travelers carried on passenger trains to Canada or Mexico.

REPORTS TO BUREAU OF CUSTOMS

ART. 1323. *Monthly reports of marine transactions.*—(*a*) Reports on customs Forms 3065 and 3065 (a) shall be prepared monthly in duplicate at each headquarters port and in triplicate at each marine port and station other than a headquarters port covering marine transactions at such ports. Two copies of the report for each marine port and station other than a headquarters port shall be forwarded to the headquarters port. Each headquarters port shall forward one copy of the report for each marine port and station in the district, including the headquarters port, to the Commissioner of Customs, Washington, D. C. (attention, Division of Statistics and Research), as soon as possible, and in no case later than 10 days after the close of the month. For the purpose of these reports, a marine port or station is understood to be one at which any entrance or clearance of vessels, issuing of documents, numbering of motorboats, etc., occurs.

(*b*) These reports will embrace all vessels entering and clearing through customs at the ports or stations for which the returns are rendered, distinguishing between American and foreign vessels, and vessels entering or clearing in ballast, with bulk cargo, and with general cargo. Vessels having on board commodities other than ballast will be returned as with cargo, although only partially laden. The net tonnage of vessels is to be returned in all cases, and fractions of a ton are to be reported in whole numbers.

(*c*) Only those vessels for which an actual entrance or clearance is required shall be reported. Vessels exempt from entrance or clearance under section 441, Tariff Act of 1930, shall not be included on this report.

(*d*) A vessel shall be reported as entering direct from a foreign country at the first port in the United States where the whole or part of a vessel's cargo is unladen or where she enters in ballast. A vessel shall be reported as cleared direct to a foreign country at that port in the United States where her outward cargo is completed or when she clears foreign in ballast. In the case of vessels entering direct from or clearing direct to foreign ports, a supplemental report shall be made, distinguishing between the nationality of the vessel, the countries from which entered or to which cleared, sailing and steam vessels, tankers and other cargo vessels, and yachts and those engaged in trade.

(*e*) In tabulating entrances the tonnage shall be credited to the country in which is located the first foreign port from which the vessel sailed with cargo for the United States, or at which she received orders to proceed to the United States in ballast to lade; in case of clearances the tonnage shall be credited to the country in which is located the first foreign port at which the vessel will enter for discharge of cargo, or the port to which she is ordered to proceed in ballast to lade, as shown on the clearance papers.

(*f*) No duplication of vessels should appear, either on the original records or on customs Form 3065. In the case of simultaneous transactions or movements the predominating transaction (greatest fee) shall determine where the vessel is to be recorded. In relative importance they are:

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GENERAL PROVISIONS

ART. 1324. *General duties and powers.*—(*a*) The general duties and powers of customs officers consist of the execution of the laws and regulations pertaining to the entry, appraisement, and warehousing of imported merchandise and the collection of duties thereon, the payment of drawback, and the deposit of public moneys; the custody of seized merchandise and the custody of public property used for customs purposes.

(*b*) They are charged with the enforcement of laws for the detection and prevention of smuggling and other frauds against the customs revenue.

(*c*) Tariff Act of 1930, section 502 (c):

It shall be the duty of all officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty arises as to the true construction or meaning of any part of the revenue laws, the decision of the Secretary shall be binding upon all officers of the customs.

(*d*) Their duties also consist of admeasuring and documenting of vessels of the United States, the collection of navigation fines and fees, and tonnage taxes; the compilation of statistics of commerce and navigation; the exclusion from the coastwise trade of foreign vessels and vessels registered under the Panama Canal act; aiding in the enforcement of the steamboat inspection and navigation laws, and the laws relating to the carriage of immigrant passengers; issuing to seamen, who apply for the same and produce the legal proof of citizenship, certificates of citizenship for their identification, and protection at sea and in foreign ports; and complying with the instructions of the Secretary of Commerce relating thereto.

(*e*) They are also required by law to carry into effect all instructions relative to the execution of all laws coming under the jurisdiction of the Department of Agriculture so far as they relate to imported merchandise.



(*f*) It is also their duty to collect and account for the head tax on immigrants and to collect and account for fines imposed under the immigration laws, and to comply with the instructions of the Secretary of Labor in relation thereto.

(*g*) It is also their duty to account for moneys received covering transactions handled for any other Government department, under instructions promulgated by the Secretary of the Treasury.

(*h*) Customs officers will be held responsible for the efficient discharge of the duties of their subordinates, and will report to their superior officer any misconduct or neglect of duty on the part of such subordinates.

(*i*) Each collector of customs shall be held responsible for a report to the Bureau of Customs of any irregularities occuring in his district which, in his opinion, resulted from intentional disregard of a law or regulation, or which is not promptly discontinued when unintentional and the pertinent law or regulation is brought to the attention of the person or persons concerned. This regulation shall apply to acts or omissions of the collector of customs, as well as those of subordinate officers, and if the act or omission is that of the collector, the provisions of this paragraph shall apply to, and such report shall be made by, the assistant collector of customs.

(*j*) United States Code, title 19, section 64:

All Acts and parts of Acts imposing fines, penalties, or other punishment for offenses committed by an internal-revenue officer or other officer of the Department of the Treasury of the United States, or under any bureau thereof, shall apply to all persons whomsoever, employed, appointed, or acting under the authority of any customs law, or any revenue provision of any law of the United States, when such persons are designated or acting as officers or deputies, or persons having the custody or disposition

ART. 1325. *Administration of oaths.*—(*a*) Tariff Act of 1930, sec. 486:

(a) *Customs officers.*—The following officers and employees may administer any oaths required or authorized by law or regulations promulgated thereunder in respect of any matter coming before such officers or employees in the performance of their official duties: (1) Any customs officer appointed by the President; (2) the chief assistant of any such officer, or any officer or employee of the customs field service designated for the purpose by such officer or by the Secretary of the Treasury; and (3) any officer or employee of the Bureau of Customs designated for the purpose by the Secretary of the Treasury.

(b) *Postmasters.*—The postmaster or assistant postmaster of the United States at any post office where customs officers are not stationed is hereby authorized to administer any oaths required to be made to statements in customs documents by importers of merchandise, not exceeding $100 in value, through the mails.

(c) *No compensation.*—No compensation or fee shall be demanded or accepted for administering any oath under the provisions of this section.

(*b*) Postmasters may also administer oaths required by law or otherwise to accounts for travel or other expenses against the United States and oaths so administered have the same force and effect as those administered by an officer having a seal.

ART. 1326. *Uniformed force.*—(*a*) The following classes of officers and employees in all customs districts who have contact with the public, outside of customhouses and appraisers stores, are required to be uniformed when on duty and to wear customs badges conspicuously displayed: staff officers, inspectors (including station inspectors), boarding officers, customs guards, examiners of passengers' baggage, and customs patrol inspectors.

(*b*) The following employees are required to wear a regulation cap and badge only: samplers, storekeepers, and messengers.

(*c*) The uniform except that provided for customs patrol inspectors, shall consist of coat, vest, trousers, and cap. Except in the districts of San Antonio, El Paso, Arizona, San Diego, and Hawaii, the coat, vest, and trousers shall be made of dark blue serge cloth or dark blue tropical worsted cloth, the latter to be worn in warm climates and warm weather, where considered necessary. An overcoat shall be a part of the uniform in those districts where such a garment is necessary. In addition to the above there shall be worn a white shirt and white collar of a turndown pattern, semi-

soft or stiff, a four-in-hand necktie of plain black material and black laced high or low shoes.

*Overcoat.*—The overcoat shall be double-breasted and easy-fitting, with full skirt, shaped at the waist, and held by means of a belt at the back; shall be of dark blue cloth (not serge), weighing 20 to 30 ounces, according to climate; shall have a large convertible collar with tabs and buttonholes on each end for use in closing collar when turned up; and four black bone buttons (45-ligne) shall appear on each side of the front of the coat. The coat shall extend approximately five inches below the knee of the wearer. It shall have two lower flap pockets with horizontal openings, a cash pocket inside of the right pocket, and one inside breast pocket on the right side of the coat. The back of the coat shall have a 20 to 25 inch center vent.

*Coat.*—The coat shall be single-breasted, three-button sack, with ends slightly rounded, two buttons on each sleeve, two lower outside pockets with flaps and one upper outside pocket on left side, one small pocket within the lower right-hand pocket, and one inside pocket on upper right-hand side, to be 5½ inches wide and 9 inches deep. A double-breasted coat, made in accordance with the specifications for the single-breasted coat except as to cut, may be worn in those districts where such a garment is considered necessary. In those districts where a double-breasted coat is used, however, all of the officers must use the double-breasted coat, so that all suit coats worn in the same district will be of the same cut. The coat may be worn with or without a vest, depending upon the weather. The coat must at all times be buttoned at all three buttonholes when the officer is on duty.

*Vest.*—The vest shall be single breasted, without collar, with five buttons, and four outside pockets, without flaps.

*Trousers.*—The trousers shall be plain, with cuffs, two side pockets, two hip pockets, and one watch pocket.

*Cap.*—The cap shall be of dark blue cloth (not serge), with moderate bell crown, deep-droop black visor, black mohair braid band, and a gilt strap, black silk cord, or black patent leather strap, fastened at sides of cap by brass United States customs buttons, as indicated below:

Gilt strap, one-half inch wide (superior gilt wire strap), sewed on sheepskin leather, sliding adjustable type, with brass eyelets on each end for insertion of cap buttons. These straps are to be worn by deputy surveyors, staff officers, station inspectors, chief inspectors, and captains of the customs guards.

Black silk twisted cap cord (three strand), three-sixteenths inch in diameter, the cord to be doubled and knotted approximately 2½ inches from each side button. These cords are to be worn by examiners, inspectors, lieutenants of customs guards, and roundsmen.

Black patent leather strap, one-half inch wide, sliding adjustable type, with holes punched at each end for insertion of cap buttons. These straps are to be worn by customs guards, messengers, samplers, storekeepers, and watchmen.

The cap of examiners of passengers' baggage shall have a white crown. In warm weather officers may wear a cap of the same design as described above but with an open black cane band.

*Buttons.*—All coat and vest buttons shall be of bone, to be covered by shells when the wearer is on duty.

The uniform of officers in the districts of San Antonio, El Paso, Arizona, San Diego, and Hawaii shall be of the same specifications as that for officers in other districts, with the following exceptions:

The coat, vest, and trousers shall be of smooth-finish olive-drab serge (or whipcord in the district of Hawaii), and the overcoat shall be of a corresponding color.

The cap shall be olive drab and the trimming brown to harmonize with the coat, vest, and trousers.

In warm weather the coat and vest need not be worn provided that in such cases the shirt shall be of olive-drab flannel or tropical worsted material to harmonize with the trousers.

The belt and shoes shall be of russet leather.

(*d*) The insignia to be worn on the front of the cap, the badge to be worn on the coat, and bone buttons and shells therefor will all be furnished by the Commissioner of Customs, without cost to the wearer, who will be charged with each article issued to him, and will be required to account for the same.

(*e*) The uniform worn in warm climates and in the summertime in the northern districts may be made from lighter-weight material.

(*f*) Officers, when searching vessels, and inspectors when engaged in weighing, measuring, or gauging merchandise, may wear overalls or other suitable clothing when, in the judgment of the surveyor, or where there is no such officer, the collector, the conditions warrant such action.

(*g*) *Customs patrol inspectors.*—The uniform for customs patrol inspectors, except in the districts of San Antonio, El Paso, Arizona, and San Diego, shall be made in accordance with the following specifications:

*Cap.*—Dark gray whipcord, broad crown, officer's style, black droop visor, black chin strap fastened at sides with solid copperized United States customs buttons; 1½-inch black braid band around cap. A hat may be worn in warm weather. The hat shall conform to the following specification: Stetson or equal, Army service style; color, Oxford mix; smooth finish; crown 5¼ inch high, trimmed with 10-ligne black band, and with four eyelets, one in front, one in rear, and one on each side for ventilation purposes; brim 3-inch wide, semistiff and flat set, with raw edge. When desired the hat may have two eyelets in brim, one on either side of crown, to permit the wearing of a chin strap to hold hat on. The hat is to be worn with two indentations on each side of crown, bringing the crown to a peak (sometimes described as a Montana peak) as worn in the Army. Insignia should be worn on front of cap or hat.

*Coat.*—Dark-gray whipcord, 4-button coat; notch-lapel collar; 2 roomy breast pockets with buttoned flaps—pleat in these pockets. Two large lower patch pockets with buttoned flaps; these pockets to be 8 inches at top, 11 inches at bottom, and 9 inches deep. One inside pocket. One-half-inch black braid around sleeves, placed 3 inches from lower end of sleeve. All buttons to be solid copperized United States customs buttons. Shoulder straps of same material as coat.

*Breeches.*—Dark-gray whipcord riding breeches, 1-inch black braid on sides; 2 hip pockets, 2 side pockets, 1 watch pocket; 1 narrow pocket on right leg 8 inches deep, beginning at lower part of side pocket.

*Shirt.*—Dark-gray flannel to match coat and breeches; 2 roomy flap pockets with pleat in each; extra patch over elbows; 2 copperized pins, U. S. C., to pin shirt collar down.

*Necktie.*—Plain black four-in-hand.

*Belt.*—Black leather.

*Puttees.*—Black leather or high black leather sport boots.

*Shoes.*—Black leather.

*Gun belt.*—Sam Brown, black leather.

*Cartridge holder.*—Black leather.

*Holster.*—Black leather.

*Handcuff case.*—Black leather.

*Lanyard.*—Black leather.

*Coats for winter.*—Leather or cloth coats of the following descriptions:

Material: Leather coat—black leather, waterproof. Cloth coat—dark gray cloth of various weights to meet the needs of the officers.

Lining: Leather coat—sheepskin lining for colder climates; wool lining may be used where desired. Cloth coat—sheepskin lining for colder climates; wool lining may be used where desired, interlined with waterproof oilskin cloth.

Collar: Leather coat—large sheepskin collar, sometimes described as "Shawl beaver collar", for colder climates; plain collar where desired. Cloth coat—large sheepskin collar, sometimes described as "Shawl beaver collar", for colder climates; large convertible plain collar with tab and buttonhole each end for use in closing collar when turned up may be used where desired



Pattern: Leather or cloth coat—full in size and body with large bottom sweep; double breasted; plain bone buttons of suitable color to conform with material; three or four buttons on each side, depending upon the style of coat; sleeves lined as is usual for type of coat; worsted storm wristlets; sleeves equipped with tabs for wind protection; reinforced sweat pads under arms; two upper slash pockets and two lower flap pockets; shield patch for badge; full belted.

Length: Leather or cloth coat—coat to extend about 4 to 6 inches above knee cap or 4 to 6 inches below knee cap, depending upon where and how the coat is to be used.

Shoulder straps: Leather or cloth coat—straps of same material as coat, sewed in shoulder seam and fastened under collar with button, may be worn where desired.

Vent: Leather or cloth coat—the back of the long coat shall have a 20- to 25-inch center vent; short coat to be plain in back.

*Caps for winter.*—Muskrat fur. Customs patrol inspector's insignia to be worn in front.

*Badge.*—Customs patrol inspector's badge to be worn on outside of coat.

*Marks of rank—Patrol unit leader.*—One chevron, navy blue, V-shaped, arms 2½ inches in length, five-sixteenths inch in width, worn on outer half of right sleeve, center point up midway between elbow and top of sleeve.

*Same—Assistant to chief customs patrol inspector.*—One silver bar, 1½ inches in length, five-eighths inch in width—worn across shoulder strap 1 inch above seam.

*Same—Chief customs patrol inspector.*—Two gold bars, 1½ inches in length, three-eighths inch in width, with three-eighths inch space between—worn across shoulder strap 1 inch above seam.

The uniform for customs patrol inspectors in the districts of San Antonio, El Paso, Arizona, and San Diego shall be of the same specifications as that provided for customs patrol inspectors in other districts, with the following exceptions:

The coat, vest, and trousers shall be of smooth-finish olive-drab serge and the overcoat, if worn, shall be of a harmonizing color.

The cap or hat and shirt shall also be olive drab to harmonize with the coat, vest, and trousers.

The trimming on cap or hat shall be brown and all leather articles shall be russet color instead of black.

The coat and vest need not be worn in warm weather.

(*h*) Customs-patrol inspectors, during warm weather or when assigned to boat patrol exclusively, may wear long trousers of specified material instead of riding breeches and puttees.

(*i*) Customs-patrol inspectors in warm climates may wear uniforms of lighter-weight materials.

(*j*) Officers and employees at each port who are required to wear uniforms may make their own arrangements and contracts for the same. At ports and stations where caps can not be purchased they will be furnished through the Bureau of Customs and sold to the wearer at the contract price. All uniforms shall be of the same pattern and of the same material and in exact compliance with these regulations. Superior officers will be held responsible for the neat appearance of the men under them. Habitual untidiness will be recorded against the efficency record of the employees.

ART. 1327. *Customs seal.*—The customs seal of the United States, consisting of the national arms within a circle, according to the design furnished by the Treasury Department, shall be impressed upon all official documents requiring the impress of a seal.

ART. 1328. *Supervision of ports of entry.*—(*a*) Collectors of customs will occasionally, but not less than once a year, visit the various ports of entry in their districts and at least twice a year detail a competent officer from the headquarters port to visit such ports and to make an examination of the conditions found respecting the personnel, methods of transacting business, the keeping of records, and all other official procedure at such ports. Officers making such examinations will report in detail in writing to the collector the conditions found and any delinquencies or misconduct on the part of the customs officers.

(*b*) Collectors may, when deemed necessary, call conferences not oftener than once a year at headquarters ports of deputy collectors in charge of ports of entry and customs stations within their respective districts.

THE COLLECTOR

ART. 1329. *Duties generally.*—(*a*) Tariff Act 1930, 401 (h):

The word "collector" means the collector of customs and includes assistant collector of customs, deputy collector of customs, and any person authorized by law or by regulation of the Secretary of the Treasury to perform the duties of a collector of customs.

(*b*) There is one collector of customs for each customs collection district, whose principal office is at the headquarters port of such district, except that the collectors for districts No. 14 (Virginia) and No. 36 (Duluth and Superior) maintain a principal office at both Newport News and Norfolk, and at Duluth and Superior, respectively.

(*c*) Collectors of customs are charged with the collection of the customs revenue and the enforcement of the customs revenue laws, the neutrality laws, and such other laws as they may be directed to enforce by the Secretary of the Treasury. The instructions, decisions, and regulations of the Secretary of the Treasury are binding on collectors. They are also charged with the administration of the laws relating to the documenting of vessels and to commerce and navigation, and with certain functions under the immigration laws; and the instructions and decisions of the Secretary of Commerce and the Secretary of Labor, respectively, in relation to the administration of such laws are binding upon collectors, as well as the instructions and decisions of the Secretary of Agriculture insofar as they relate to imported merchandise.

(*d*) United States Code, title 46, section 543:

In any port in which no shipping commissioner shall have been appointed, the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such customhouse shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping commissioner within the meaning of this chapter. (R. S., sec. 4503.)

(*e*) All moneys collected or received by collectors of customs in their official capacities, whether as duties, fees, storage, commissions, or from the sale of blank forms, or otherwise, shall be covered into the Treasury of the United States, except that duties collected in Puerto Rico shall be paid into the Treasury of Puerto Rico.

(*f*) In all cases, either civil or criminal, involving court action, a copy of the case report submitted to the United States Attorney shall be mailed, without letter of transmittal, to the Department of Justice, Criminal Division, Washington, D. C.

ART. 1330. *Assistant collectors.*—(*a*) The assistant collector shall be next to the collector the ranking officer in the district. In case of absence or sickness or inability of the collector to act, the assistant collector shall exercise the powers and perform the duties of collector.

(*b*) In the case of a vacancy in the office of the collector such assistant shall give bond, when required, act as such officer, and receive the compensation of such office until appointment thereto has been made and the person so appointed has duly qualified.

(*c*) Whenever a vacancy occurs in the position of assistant collector, it shall be filled by the promotion or transfer of a trained and qualified customs officer designated by the collector, with the approval of the Secretary of the Treasury. Such assistant collector shall continue in office and shall not be reduced or removed except for cause, and in accordance with the civil-service laws and regulations.

ART. 1331. *Deputy collectors.*—(*a*) Upon recommendation by the collector, the Secretary of the Treasury will appoint deputy collectors and prescribe their duties, when not otherwise defined by law.

(*b*) Deputy collectors are officers of the customs and will perform the functions prescribed by law for collectors subject to such regulations and restrictions as are prescribed by the Department.

(c) At ports at which it may be deemed necessary and upon the recommendation of the collector, the Secretary may designate one or more experienced customs officers as "acting deputy collectors." An officer so designated may act as a substitute for, and perform the duties of, a regular deputy collector who is temporarily absent from duty, but shall use the title "acting deputy collector" for no other purpose.

ART. 1332. *Deputy collectors in charge.*—(a) Deputy collectors in charge of ports of entry shall, under the general supervision and direction of the collectors, receive entries of merchandise, collect duties, fees, and other moneys, enter and clear vessels, issue documents to vessels, and perform all other services prescribed by law, the regulations of the Department, or the instructions of the collector.

(b) Each deputy collector of customs in charge shall give a bond to the United States in an amount to be recommended by the collector of customs and approved by the Secretary of the Treasury. When the nomination on customs Form 3021 for the appointment of such deputy collector is forwarded it should be accompanied by a letter containing the collector's recommendation as to the penalty of the bond which he believes sufficient. After the appointment has been approved, and the penalty of the bond fixed by the Department, a form of bond will be transmitted by the Division of Appointments, to the deputy collector for execution and return, through the collector of customs, to the Division of Appointments for Departmental action and approval.

(c) Deputy collectors in charge acting as shipping commissioners, under section 4503 of the Revised Statutes, will render reports of such transactions to the collectors, who will submit such reports to the Department of Commerce in the usual manner.

ART. 1333. *Subordinate employees.*—Subordinate employees shall perform such duties as may be required by law or regulations and such other duties of a ministerial character as may be assigned to them by the collector. When the performance of a ministerial duty involves the signing of a document other than a mere office report or communication, the employee performing the duty shall be designated in writing for that purpose by the collector and shall sign the collector's name with his own name immediately following. When the signing of a document requires the exercise of a discretion conferred upon the collector, such document shall not be signed by a subordinate employee but shall be signed in person by the collector, the assistant collector, a deputy collector, or an employee officially acting as such. The same principle should be followed with respect to subordinate employees of the appraiser, the surveyor, or the comptroller at ports having such officers.

THE COMPTROLLER OF CUSTOMS

ART. 1334. *Duties generally.*—(a) Tariff Act of 1930, section 401 (i):

> The term "comptroller of customs" includes assistant comptroller of customs and any person authorized by law or by regulations of the Secretary of the Treasury to perform the duties of a comptroller of customs.

(b) Tariff Act of 1930, section 523:

> * * * * * *
>
> Comptrollers of Customs shall examine the collector's accounts of receipts and disbursements of money and receipts and disposition of merchandise and certify the same to the Secretary of the Treasury for transmission to the General Accounting Office. They shall perform such other duties as the Secretary of the Treasury may from time to time prescribe, and their administrative examination shall extend to all customs districts assigned to them by the Secretary of the Treasury. * * *

(c) Tariff Act of 1930, section 523:

> * * * * * *
>
> Comptrollers of Customs shall verify all assessments of duties and allowances of drawbacks made by collectors in connection with the liquidation thereof. In cases of disagreements between a collector and a Comptroller of Customs, the latter shall report the facts to the Secretary of the Treasury for instructions. * * *

(d) Ports where comptrollers of customs are located are known as comptroller ports, all others as subcomptroller ports.

ART. 1335. *Assistant and deputy comptrollers.*—(a) The assistant comptroller shall be next to the comptroller the ranking officer in the comptroller's district.

(b) In the case of absence or sickness or inability of the comptroller to act, the assistant comptroller shall exercise the powers and perform the duties of the comptroller.

(c) In the case of a vacancy in the office of the comptroller of customs such assistant shall give bond, when required, act as such officer, and receive the compensation of such office until appointment thereto has been made and the person so appointed has duly qualified.

(d) Whenever a vacancy occurs in the position of assistant comptroller it shall be filled by the promotion or transfer of a trained and qualified customs officer designated by the comptroller of customs, with the approval of the Secretary of the Treasury. Such assistant comptroller shall continue in office and shall not be reduced or removed except for cause and in accordance with the civil-service regulations.

(e) Upon recommendation by the comptroller, the Secretary of the Treasury will appoint deputy comptrollers of customs in districts when they may be needed.

THE SURVEYOR

ART. 1336. *Duties generally.*—(a) At the port of New York the surveyor is the outdoor executive officer of the port and, under the direction of the collector, is required to superintend and direct all inspectors, staff officers, measurers, guards, and such laborers and other employees as are placed under his direction by the collector. He shall report at least once in every week to the collector the name or names of any of the above-mentioned employees who are absent from or neglect to do their duty.

(b) The surveyor will direct the boarding and searching of vessels arriving from foreign ports either in ballast or with cargo, and will detail inspectors to supervise the unlading and inspection of merchandise and baggage imported by vessel or otherwise; the lading of all goods entered for exportation, under bond, or for benefit of drawback or allowance, and the forwarding of merchandise or baggage in bond. He will supervise the admeasurement of American vessels for registry, enrollment, or license and of foreign vessels for collection of tonnage dues; and the measurement of the accommodations for passengers other than cabin, of all vessels carrying such passengers.

(c) He shall determine whether the goods imported in any vessel and the deliveries thereof correspond, according to the inspector's returns, with the permits for landing the same, and if any error or disagreement appears shall report the same to the collector.

(d) He shall examine from time to time and on the first Mondays of January and July in each year test the weights, measures, and other instruments used in ascertaining the duties on imports, with standards to be provided by the collector for that purpose, and where disagreements with the standards are discovered, shall report the same to the collector, and shall comply with such directions as he may receive for correcting the same.

(e) The surveyor shall perform such other duties as are required by law or regulations.

(f) The jurisdiction of the surveyor at New York includes only the territorial limits of the port of New York unless otherwise directed by the collector.

(g) At ports other than New York the duties above outlined for the surveyor at New York shall be performed by the collector or by a deputy collector or other officer designated by the collector.

ART. 1337. *Assistant and deputy surveyors at New York.*—(a) The assistant surveyor at New York shall be next to the surveyor the ranking officer of the surveyor's office. In the case of absence or inability of the surveyor to act, the assistant surveyor shall exercise the powers and perform the duties of surveyor.

(b) In the case of a vacancy in the office of the surveyor of customs such assistant shall give bond, when required, act as such officer and receive the compensation of such office, until appointment thereto has been made and the person so appointed has duly qualified.



(c) Whenever a vacancy occurs in the position of assistant surveyor it shall be filled by the promotion or transfer of a trained and qualified customs officer, designated by the surveyor, with the approval of the Secretary of the Treasury. Such assistant surveyor shall continue in office and shall not be reduced or removed except for cause and in accordance with the civil-service regulations.

(d) Upon recommendation by the surveyor, the Secretary of the Treasury will appoint deputy surveyors and prescribe their duties, when not otherwise defined by law, and they are authorized to perform all of the duties that may be assigned to them by the surveyor.

ART. 1338. *Staff officers at New York.*—Under direction of the surveyor, staff officers at New York will board incoming passenger vessels from a revenue cutter; procure the passenger lists and passengers' declarations from the vessel's officers and compare same; examine declarations for completeness and for other customs purposes; mark the declarations of diplomats and others entitled to free entry; and explain proper procedure to passengers. After the vessel has docked, staff officers will assist the deputy surveyor in charge generally, and assign inspectors to specified tasks; also examine declarations for completeness as to actions taken by customs officers.

INSPECTORS OF CUSTOMS

ART. 1339. *Duties generally.*—(a) Upon recommendation by the collector, the Secretary of the Treasury will appoint inspectors of customs and prescribe their duties, when not otherwise defined by law.

(b) At the port of New York inspectors will be assigned to duty by the surveyor and at other ports by the collector. Inspectors have supervision of all vessels coming into their districts, and will report all discovered violations of the revenue or navigation laws or regulations coming to their attention to their superior officer; they shall board vessels arriving from foreign ports; inspect and search same; seal sea stores; superintend the discharge of cargoes and the disposition thereof; weigh, measure, and gauge merchandise; examine the baggage of arriving passengers; inspect and superintend the shipment of merchandise exported for the benefit of drawback, as well as shipments of goods for exportation or transportation in bond. They are also required to make examinations as often as necessary of vessels coming into their districts to ascertain whether American vessels are properly documented; and perform such other duties as may be assigned to them by their superior officers.

(c) Inspectors shall not perform any private or unofficial duties or services on board vessels to which they may be assigned under penalty of dismissal from the service, and shall not leave their vessels or station without permission from their superior officers.

(d) Where practicable, experienced customs inspectors may be designated as acting examiners under the direction of the appraiser, for the purpose of passing bulky merchandise which is unconditionally free of duty, or subject to a specific rate of duty, or to a duty not dependent on value, provided chemical analysis or technical inspection is not required, and making report of their examination to the appraiser.

ART. 1340. *Boarding vessels.*—It is the duty of customs inspectors, when so directed, to board vessels arriving from foreign ports and every morning make a report of all such vessels arriving the previous day, specifying the name, class, and nationality, master's name, whence arrived, and whether laden or in ballast; certify the manifest of cargo and passengers (see arts. 105 and 158); examine crew list of American vessel (see art. 114); muster destitute American seamen (see arts. 114 and 116); receive preliminary entry when proper application has been made (see art. 112); seal certain sea stores (see arts. 119, 122, 126); ascertain whether any person has boarded or left vessel (see art. 106); seal or otherwise secure hatches or other openings, if deemed necessary, until the necessary permit for unlading is received. The duty of sealing sea stores may be assigned to customs officers other than boarding officers. Boarding officers should not board vessels until such vessels have passed quarantine inspection.

ART. 1341. *Discharging cargo.*—(a) Inspectors are assigned to vessels for the purpose of superintending the unlading and disposition of their cargo and the prevention of smuggling therefrom. (Art. 146.)

(b) They will send to the nearest post office all letters, packages, and bags containing mail matter, take an account thereof, superintend the delivery to the postmaster, and obtain a receipt therefor. (See art. 121.)

(c) Inspectors will obtain from the master lists of the articles reported at the customhouse as sea stores, compare the articles with the list and seal such stores as are not required for immediate use, issue a certificate therefor on customs Form 3203, and report the same, with any excess found, to the surveyor, or to the collector if there be no surveyor. Upon application of the master they will release from under seal such stores as are required for immediate use and issue a certificate therefor on customs Form 3203. (See arts. 119, 122, and 126.)

(d) Discharging inspectors must take possession of specie and valuables in charge of the pursers of vessels as soon as possible after they first go on board. The place or room where such specie and valuables are deposited and the safe or package containing the same must be locked or otherwise secured until receipt of a permit releasing the same.

ART. 1342. *Samples.*—Discharging inspectors will send to the appraiser's stores as soon as practicable all packages manifested or listed as samples, except that they will hold on the dock such packages addressed to other ports until the expiration of the general-order period, when, if no permit has been received, they will send the same to the appraiser's stores.

ART. 1343. *Weighing, gauging, measuring.*—In the absence of special authorization from the surveyor or collector, inspectors shall not permit any goods to be removed from the place of landing until they have been weighed, gauged, measured, sampled, or the proof ascertained, if so ordered, or until any merchandise subject to restrictions of any other Government agency has been released in writing by the restricting agency. Special authorization for the performance of the customs formalities mentioned elsewhere than at the place of landing will be granted by the surveyor or collector only if such officer is assured that the interest of the Government will not be prejudiced thereby. Inspectors shall require persons unlading goods to separate, assort, and arrange the same properly for the convenience of customs officers.

ART. 1344. *Licenses of cartmen and lightermen.*—Inspectors are empowered to require customs cartmen or lightermen engaged in the transportation of goods to produce their licenses or authority to carry such goods, and will report to the surveyor or to the collector any disobedience of customs orders or regulations. (See ch. XIX.)

ART. 1345. *Lading of ballast, cargo, or coal while discharging.*—Inspectors will not allow ballast, cargo, or coal to be taken on board vessels while discharging except on a lading permit; and when such permits are granted, if the execution of the same will be attended with danger to the revenue, the inspector will so report and suspend action awaiting instructions.

ART. 1346. *Unlading at night.*—Inspectors will not permit the unlading of merchandise, baggage, or passengers on Sunday, a holiday, or before 8 a. m. or after 5 p. m., except upon the receipt of a special permit therefor.

ART. 1347. *Removal of seals.*—Inspectors will remove the customs seals from bonded merchandise before releasing the same and will report to the surveyor or collector all cases in which customs seals appear to have been tampered with.

ART. 1348. *Inspector's dock book.*—(a) Discharging inspectors will keep in a book to be known as the dock book, customs Forms 5969, 5971, 5973, 5975, and 5977, an alphabetical record of the various lots of merchandise on the vessel's manifest, identifying each by marks, numbers, and descrip-

tion, against which will be entered a record of the permits and releases thereunder, showing the disposition of the packages covered thereby, whether delivered to public store, to warehouse, to the carrier, or other place, and whether any special action was taken in regard thereto, such as weighing, gauging, sampling, etc. They will likewise indicate the disposition of any packages for which permits may not have been received. (See art. 145.) The use of the dock book will not be required if the information specified above can be legibly and conspicuously recorded on the manifest or another official document which, in the usual course of business, will come to the attention of the customs officers for whom such information is intended.

(*b*) The page number of the vessel's manifest upon which an item appears, as well as the number of the bill of lading, if any, covering it, will be indicated opposite each such item in additional columns.

ART. 1349. *Return of discharge of cargo.*—(*a*) After entry of a vessel at the customhouse the collector will retain the original manifest and send the certified duplicate manifest to the surveyor, or, if there be no surveyor, to the discharging inspector of such vessel. (See art. 105.) The inspectors will note in red ink on the right-hand margin of such manifest the disposition of the merchandise specified therein by stating the kinds of entries and their numbers and indicating packages sent or under general order, and will note all discrepancies between such manifest, the permits, and the merchandise found. (See art. 147.) They will also report on customs Form 5931 goods manifested but not landed and goods landed but not manifested. The certified duplicate manifest and such report, together with the permits, orders, receipts, and other vouchers covering the merchandise, will be forwarded to the surveyor, or to the collector if there be no surveyor, accompanied by customs Form 5933, signed by the discharging inspectors, and will constitute the return of the discharge of cargo.

(*b*) The surveyor, if any, will examine the return and certify to its correctness on customs Form 5933 and transmit the certified duplicate manifest with such certificate and the inspector's report on customs Form 5931 to the collector for post entry, if required.

(*c*) Thereafter the collector will transmit these papers with the post entry attached to the comptroller of customs for comparison of the entries of merchandise with the quantities manifested and the quantities reported by the inspectors as covered by the permits.

ART. 1350. *Goods remaining on board.*—Discharging inspectors will take possession of and send to the general-order stores all merchandise for which no release permit has been received within 48 hours, exclusive of Sundays and holidays, after the vessel's entry, unless such time be specifically extended by the collector. If any vessel under their charge be not fully unladen within the time allowed therefor they will immediately report such fact. When all the cargo of the vessel is discharged they will report such fact to the surveyor, or to the collector if there be no surveyor, but before reporting they shall make an examination of all parts of the vessel to determine the fact that it is fully discharged. (See arts. 144 and 145.)

ART. 1351. *Inspection of baggage.*—(*a*) All persons coming into the United States from foreign countries are liable to detention and search by authorized officers or agents of the Government under the regulations prescribed by the Secretary of the Treasury.

(*b*) Customs inspectors are required to examine the baggage of persons arriving in the United States and to compare the articles found with the passengers' declarations, in accordance with the procedure outlined in articles 419 to 423, inclusive. (See arts. 223 and 416 to 423, inclusive.)

ART. 1352. *Inspectresses.*—Female inspectors are employed for the examination and search of persons of their own sex arriving from foreign countries.

ART. 1353. *Supervision of lading.*—Customs officers are required to supervise the lading of merchandise exported for the benefit of drawback, or merchandise entered or withdrawn for transportation in bond or for exportation, and in certain cases the transshipment of merchandise being transported in bond. Such officers will supervise the shipment of merchandise as directed in permits or entries received by them, and will make their returns thereof in the manner provided by the regulations.

ART. 1354. *Inspection districts.*—Whenever the business of a port is such as to render the same advisable, customs inspectors will be assigned to attend to all customs matters arising within certain districts which are not especially assigned to some particular officer. Such officers may perform the duties of boarding officer, supervise the discharging of the cargo, the shipping of merchandise in bond or for exportation, and when so directed perform the duties of weighing, gauging, measuring, or sampling. They will take charge of vessels or other conveyances arriving within their districts from foreign ports or places, and will perform such duties as may be assigned to them by their superior officers, and make their returns thereof in the manner required by the regulations.

ART. 1355. *Officers of the Coast Guard.*—(*a*) Officers of the Coast Guard, including keepers of Coast Guard stations and houses of refuge, have the power of inspectors of customs and will promptly notify the nearest collector or deputy collector of customs of any shipwreck or of any merchandise presumably of foreign origin cast ashore from wrecks or forming the cargo of vessels stranded or driven ashore by stress of weather. They will exercise supervision over such merchandise or cargo until a regular customs officer arrives to take the necessary action toward forwarding it to its destination or to the nearest port of entry that may be determined upon by the owner or underwriters.

(*b*) It is the duty of such officers and keepers, acting as inspectors of customs, to take such measures as may be within their power to prevent smuggling, and upon a detection of any violation of the customs revenue laws to forthwith report the same to the collector of the district and to seize merchandise in the act of being smuggled or which has been smuggled.

ART. 1356. *Measurers of vessels.*—(*a*) Admeasures, inspectors, or other customs officers acting as measurers of vessels shall be assigned to such duties by the surveyor, and at ports where there is no surveyor by the collector or deputy collector in charge, and in every case when practicable two such officers shall be detailed.

(*b*) The original measurements and computations shall be entered in permanent record books, from which certificates of measurement may be issued.

(*c*) Inspectors or other officers designated to examine and measure vessels under the passenger act are required, upon each arrival of any such vessels, to go on board thereof and to examine all spaces affected by the provisions of the act and to make any measurements that may be necessary to conform to such provisions. (See art. 160.)

(*d*) The measurements of the spaces of every such vessel and the result of the examination will be properly recorded, and be certified by the inspectors making the same, and a detailed report submitted on commerce Form 1462, signed by the examining inspectors.

(*e*) Such report shall be made to the surveyor who will at the close of each month transmit it to the collector with a brief abstract of its contents. At ports having no surveyor the report shall be made direct to the collector.

(*f*) If it appears that any vessel has taken on board or brought an excess of passengers, a separate report in the form prescribed will be made and signed by the examining inspectors or other officers and be delivered to the surveyor, and if it be discovered by the examining inspectors that any provision of the passenger laws has been violated they are required to make a special written report thereof to the surveyor. At ports other than New York such reports shall be made to the collector.

WEIGHING

ART. 1357. *Duties generally.*—(*a*) Each inspector or officer exercising the functions of a weigher will inspect and take copies of all permits in the hands of the discharging inspectors whenever such permits designate articles to be weighed. They will weigh articles so designated, or such proportion thereof as may be required, and record and make return of such weights in the manner hereinafter provided. They will themselves actually do the weighing and record the weights, and will not permit unauthorized persons to handle the scales or other weighing appliances.

(*b*) Such officer will be held responsible for the return of Government weighing equipment or implements of a portable nature to the Government tool house or other designated depository upon the completion of his duties.

ART. 1358. *Tests of implements.*—Each weighing officer will have his weighing implements other than automatic scales tested as often as may be necessary to keep them in conformity with the United States standard. Whenever such weighing implements are found to be inaccurate, they shall be returned to the customhouse for repair. Defects in automatic scales should be reported to the Department's engineer through the automatic scale expert in accordance with the instructions printed with each scale.

ART. 1359. *Dock books.*—(*a*) Weighing officers will daily make a correct entry in dock books of goods weighed by them, specifying the date the weighing was performed. They will first note in the book the permit or order to weigh, and in cases where the merchandise is required to be weighed by numbers, will enter the number and weight of each separate package. They must total all the weights stated in each column of the dock book, and give the gross weight, the tare, and the net weight of each lot as returned by them. Each page of the dock book upon which the results of weighing appear must bear the signature of the weighing officer or officers who actually performed the work, together with the date upon which the same was done, and suitable marks or checks must be used to indicate clearly the packages or drafts weighed upon each date. The book must be indorsed on the outside with the name of the vessel, the date of arrival, and the date the return is filed in the surveyor's or collector's office. The use of the dock book will not be required if the information specified above can be legibly and conspicuously recorded on the manifest or another official document which, in the usual course of business, will come to the attention of the customs officers for whom such information is intended.

(*b*) All dock books issued to weighing officers shall be serially numbered at the top of the outside cover and initialed with pen and ink by the surveyor or deputy surveyor, or by the collector or deputy collector. They shall be issued in four sizes, on customs Forms 5995, a, b, c, and d.

(*c*) The person to whom a dock book is issued shall receipt therefor and shall be held responsible for the return thereof. A similar receipt shall be given by each individual into whose custody a dock book passes, and this receipt shall be canceled upon the return of the book. A record showing to whom the books have been issued shall be kept. For measuring, weighers' books will be used.

(*d*) Whenever required by the collector or the comptroller of customs for the purposes of liquidation, the dock book shall be delivered to them for inspection and verification.

ART. 1360. *Return of weights—Special returns.*—(*a*) The return of weight of the articles embraced in each permit or order will be prepared on customs Form 5985 in the collector's office (in surveyor's office at New York), or by the weighing officer on such form or on the invoice if more practicable, immediately after such weight has been ascertained, or as soon thereafter as practicable. Weighing officers will file their completed books of weights in the surveyor's or collector's office as public records within 3 days after completion of weighing of the cargo. Not more than one vessel's cargo will be entered in a book.

(*b*) When a permit or order directs a special return to be made, the weighing officer will immediately weigh the goods designated and make a return thereof.

(*c*) Certificates or copies of weights will be furnished to parties in interest at their expense by the surveyor at ports where there is such an officer; elsewhere by the collector.



ART. 1361. *Ascertainment of weight.*—(*a*) Before weighing merchandise the weighing officer must see that the scale is accurately balanced at zero. An even beam indicates the weight and whenever found must be taken. If an even beam cannot be had, the weight will be taken on a rising beam; i. e., the highest indication at which the beam will rise.

(*b*) Wherever the duty on a commodity is in excess of one-tenth of 1 cent per pound, and such article is weighable, the weight is, wherever practicable, to be taken by a Government weigher and on a Government scale.

ART. 1362. *Increase of weight by moisture, etc.*—Officers weighing will not make an allowance for draft, impurities, or increase of weight caused by absorption of moisture on the voyage of importation or for any other cause, and the actual weight, as ascertained after landing, will be returned; but they will note in the dock book the condition of the package as found.

(See arts. 702 to 708, for instructions as to weighing sugar.)

ART. 1363. *Weighing of tobacco.*—(*a*) Each package of tobacco in bales, cases, or seroons must be weighed separately and returned by numbers and the weight distinctly marked thereon. All packages of tobacco must be weighed on beams graduated with one-eighth pound notches, and each weight must be taken to the eighth pound. In ascertaining the weight of such packages an even beam or the highest indication at which the beam will rise must be taken.

(*b*) Imported cigars, cheroots, and cigarettes will be weighed in the following manner:

An equal arm trip scale will be used, the fraction less than one-eighth ounce being disregarded.

The cigars, cheroots, and cigarettes must be weighed with an even beam, down weight not being given.

(*c*) A separate serial number must be applied to each importation of cigars, cheroots, and cigarettes made by individual importers or firms and not to each box.

ART. 1364. *Weighing by marks and numbers.*—All articles weighed, entered for consumption, warehouse, or under general order, if of such a character as to be weighed separately, must have the letters "U. S. W.", with the initials of the weighing officer's name underneath and the weight plainly marked thereon with the marking liquid. When packages of the same mark vary materially in size and weight, they must be weighed and returned separately by their numbers. If not numbered, numbers must be placed thereon by the weigher, which must be designated in the return as "weighing officer's numbers."

ART. 1365. *Amendment of returns.*—When a return has been made by a weighing officer it must not be amended or changed, except by permission of the surveyor or collector. The amended return must state why the amendment is made and be checked or signed by the weighing officer before it is presented to the surveyor or collector for his approval. The original figures will be canceled by cross marks and the amendment added, so as to show both records. When an amendment to a return is allowed, the dock book must be corrected, if necessary, to accord with the amended return.

ART. 1366. *Bulk merchandise.*—(*a*) Bulk merchandise which is to be weighed upon test weights will be tallied by the discharging inspectors. If the inspector cannot personally keep account of the merchandise as landed, he will make request for an assistant. At least 1 receptacle in every 50 must be weighed, and such receptacle must be filled to capacity as evenly and uniformly as possible.

(*b*) As soon as the entire quantity of merchandise has been landed, the weighing officer will procure from the inspector a statement of the number of receptacles delivered, and will make up his return according to the average ascertained by his test weights.

(*c*) Railroad iron, barytes, china clay, gypsum, and other similar merchandise may be weighed upon truck or railroad track scales, if the expense of the weighing is not increased thereby. In such cases the scales must be carefully tested at each weighing with United States standard weights or with standard weights furnished by the owner of the scale.

(*d*) Standard tables of the weight of bar iron, steel, and structural iron which are recognized by the trade as correct, such as those prepared by various well-known steel manufacturers, should be used in lieu of actual weighing. However, occasional tests should be made to verify the accuracy of the tables.

(*e*) The waybill weights of bulk cargoes of hay, straw, earth, clays, turnips, cement, potatoes, sugar beets, beet pulp, ferrosilicon, ferromanganese, scrap iron, and scrap steel unladen directly from the importing vessel into cars, or imported in railroad cars, may be accepted as the official weights of said merchandise when the waybill shows that the commodity has been actually weighed. Should, however, such weight vary materially from the invoice weight, a special investigation should be made. When such weights are taken, the weighing officer should note that fact in his dock book and on his return of weight.

ART. 1367. *Uniform packages or articles.*—(*a*) From every invoice of merchandise in uniform packages or articles a sufficient number of packages or articles will be weighed in order to ascertain the average weight thereof. The whole number of packages or articles will be counted, and a return of the weight thereof must be made. If the weigher has reason to believe that the test weight thus ascertained does not correctly represent the weight of the merchandise he will weigh the entire importation.

(*b*) In the case of merchandise entered for warehouse where sizes of packages are fairly uniform and duties comparatively small average test weights may be taken, these weights to be marked on each package and the merchandise be withdrawn on such marked weights only.

ART. 1368. *Expense of weighing, etc.—When borne by importer.*—(*a*) In cases where the invoice or entry does not contain the weight, gauge, or measure of goods required to be weighed, gauged, or measured, in order to ascertain the duties thereon, the consignee shall be called upon to pay the expense of weighing, gauging, and measuring before it is released from customs custody.

(*b*) The fact that the merchandise is to be weighed, gauged, or measured at the expense of the importer must be stated on the permit, and the officer will state in his return the actual expense incurred in ascertaining such weight or quantity, including the compensation of the employees for the time employed.

ART. 1369. *Tare.*—(*a*) The net weight of merchandise dutiable by net weight, or upon a value dependent on net weight, will be determined by deducting the invoice tare, schedule tare, or actual tare from the gross weight.

(*b*) The Department from time to time will publish lists of tares which from experience have proved to be the average weight of coverings of certain classes of merchandise. Such tares will be known as schedule tares and may be accepted as the tare in ascertaining the net weight of such merchandise, unless the importer requests in writing at the time of entry that actual tare be taken.

(*c*) *Invoice tare.*—When the tare is specified in the invoice produced at the time of entry, the collector may, with the consent of the consignee, accept such invoice tare in ascertaining the net weight of the merchandise.

(*d*) *Schedule tare.*—The following schedule tares have been established:

Figs in skeleton cases: Actual tare of outer containers, to which add 13 percent of weight of inside wooden boxes and figs.

Ocher, dry, in casks, 8 percent; in oil, in casks, 12 percent.

Lemons and oranges: Allow 10 ounces per box and 5 ounces per half box for paper wrappings; actual tare of outer containers.

Tobacco: Tobacco, leaf, not stemmed, 13 pounds per bale; Sumatra, 4¼ pounds on the inside matting, weight of outside coverings to be ascertained; and in addition either 4 or 8 ounces to cover paper wrapping of Sumatra tobacco, according to the thickness of paper used, provided that an affidavit be attached to the consular invoice certifying that bales contain paper wrappings and specifying whether light or heavy paper has been used. Occasional tests should be made to verify such tare allowed.

Cuban sugar bags: Two and one-half pounds per bag, to be increased or diminished when the superficial area of the bags varies by more than 2 percent from the standard area of 1,392 square inches.

China clay in so-called half-ton casks, 72 pounds per cask.

Cheese known as Pecorino Romano Sardo and Pecorino Genuino Romano: Allow 2½ per centum from net weight of cheese for inedible protective covering in computing dutiable value and in computing duty at specific rate.

(*c*) *Actual tare.*—If the importer shall be dissatisfied with the invoice tare or with the schedule tare, or if the collector shall be of the opinion that the invoice or schedule tare would not correctly represent the tare of the merchandise, or if the weigher has reason to believe that the invoice or schedule tare is greater than the real tare, the actual tare will be ascertained and in so doing the weigher will empty and weigh as many casks, boxes, and other coverings as he may deem necessary. He will so note in his return at the head of the column of tares whenever the tare returned by him is actual tare.

(*f*) When it is impracticable to ascertain the actual tare, the weigher will state in his return what, in his judgment, constitutes a fair tare allowance.

ART. 1370. *Measurement of marble, granite, and other stone, and lumber.*—(*a*) The surveyor, and at ports where there is no surveyor, the collector or deputy collector in charge, may assign inspectors or other customs officers to measure marble, granite, and other stone and lumber.

(*b*) Such officers will measure all marble described in any order or permit and keep a correct record of each block or piece measured, which record or book will be indorsed with the name of the importing vessel, the name of the importer, and be filed in the surveyor's or collector's office. They will also make a return of such measurements, certifying the same, and promptly forward it to the surveyor or collector.

(*c*) In measuring marble blocks three-fourths of an inch on each surface may be allowed in accordance with the trade custom. When one or more of the surfaces have been sawed, and the surface is level and not injured or defaced, but one-half inch will be allowed. If injured, deductions in the measurements may be made for such defects. When corners are broken or there are other defects running deeper than three-fourths of an inch, a sufficient allowance will be made from one end of a block to level so as to make it equivalent to a parallelepiped. This allowance must not be made of the depth to the defect; but, on the contrary, 1, 2, or 3 inches will usually compensate for a broken corner a foot or more in depth. When the corner is off in such a manner that the defect extends the entire length of the block the allowance must be made from the side and not the end. The correctness of the measurer's estimate can be proved by dividing the block into two parts, measuring each separately, and adding together the results. The measuring rod should be applied to the middle of both sides to get the length and the middle of both ends to get the breadth. In taking the thickness the rod is to be applied to two, three, or four places on each side and twice to each end.

(*d*) These requirements will be applied to granite and other stone in blocks, subject to specific rates of duty.

(*e*) When the quantity of lumber is to be ascertained the procedure set forth in T. D. 31791 will be followed until amended or superseded.

GAUGING

ART. 1371. *Duties generally.*—(*a*) Each inspector or officer exercising the functions of a gauger will inspect and take copies of all permits in the hands of the discharging inspectors whenever such permits designate articles to be gauged. They will gauge articles so designated and record and make a return of such gauges in the manner hereinafter provided. They will themselves actually do the gauging and report the result.

(*b*) When gauged by the rod method, each package of wines, spirits, and liquors must be gauged and inspected separately without regard to marks and brands already on such package.



(*c*) The only fractional part of a gallon to be marked on casks and returned will be one-half gallon.

(*d*) Packages containing malt liquors may be gauged by outside measurement when necessary.

(*e*) Fractional parts of less than one-quarter gallon will be ignored, one-quarter gallon but not more than three-quarters gallon will be taken as one-half gallon; if three-quarters gallon or more, a gallon.

(*f*) Where practicable, packages of wines, spirits, and liquors may be gauged by the weight method when the packages are marked (by scoring (cutting) or dyeing in the wood) with the gross and net weights and the tare, and the collector of customs shall be satisfied that the liquors were gauged prior to exportation and the weights and tare marked on the packages under the supervision of the proper officials of the government of the country of exportation. Each package shall be weighed for verification of the marked gross weight, and if a material difference is found between the marked gross weight and the actual gross weight the capacity of the cask or package shall be ascertained by the rod method. A test shall be made of at least one in five packages for verification of the marked tare by dumping the contents and weighing the empty cask or package. If the test shows the marked tare to be inaccurate each package in the shipment shall be gauged separately by the weight or the rod method.

(*g*) Gauging must take place before goods are sent under general order. Liquors in bottles will not be gauged.

ART. 1372. *Instruments to be used.*—The instruments to be used for gauging purposes shall be known as the calipers, Gunther's sliding scale, bung-diameter rod, barrel rod, and wantage rod, and a marking or scoring iron for the purpose of marking or scoring barrels, casks, etc., when necessary.

ART. 1373. *Tests of instruments.*—Each gauger will have his gauging instruments tested as often as may be necessary and keep them in conformity with the United States standard.

ART. 1374. *Dock books.*—(*a*) Gaugers will daily make a correct entry in dock books of goods gauged by them, specifying the date the gauging was done. The gauger should first note in the book the permit or order, the gauge, and in cases where the merchandise is required to be gauged by numbers, should enter the number and capacity and outage of each package gauged. When it can be done, the numbers should be stated in their order from lowest to highest; in other cases they may be entered as the packages are gauged. The gauger must add each column of figures in the book and give the capacity and outage and the net gauge of each lot as returned by him. Each page of the dock book upon which the results of gauging appear must bear the signature of the gauging officer or officers who actually performed the work, together with the date upon which the same was done, and suitable marks or checks must be used to indicate clearly the packages or lots gauged upon each date. The book must be indorsed on the outside with the name of the vessel and the date of filing in the surveyor's or collector's office. The use of the dock book will not be required if the information specified above can be legibly and conspicuously recorded on the manifest or another official document which, in the usual course of business, will come to the attention of the customs officers for whom such information is intended.

(*b*) All dock books issued to gaugers will be serially numbered on the left-hand side of the front cover, and be initialed with pen and ink by the surveyor or deputy surveyor, or by the collector or deputy collector. They will be issued in four sizes on customs Forms 5995, a, b, c, and d.

(*c*) The person to whom a dock book is issued shall receipt therefor and be held responsible for the return thereof, and, on request, shall furnish it to the collector or comptroller for inspection.

ART. 1375. *Amendment of returns.*—When a return has been made by a gauger it must not be amended or changed, except by permission of the surveyor or collector. The amended return must state why the amendment is made, and must be checked or signed by the gauger before it is presented to the surveyor or collector for his approval. The original figures will be canceled by cross marks and the amendment added so as to show both records. When an amendment to a return is made the dock book must be corrected, if necessary, to accord with the amended return.

ART. 1376. *Return of gauge—Special return.*—(*a*) The return of gauge of the articles embraced in each permit or order will be prepared on customs Form 5985 in the collector's office (in surveyor's office at New York), or by the gauger on such form, immediately after such gauge has been ascertained or as soon thereafter as practicable. Gaugers will file their completed books of gauge in the surveyor's or collector's office as public records within 3 days after the vessel has been completely discharged. Not more than one vessel's cargo will be entered in a book.

(*b*) When a permit or order directs a special return to be made the gauger will immediately gauge the goods designated and make a return thereof. Certificates or copies of gauge will be furnished the parties in interest at their expense by the surveyor at ports where there is such an officer; elsewhere by the collector.

ART. 1377. *Gauging by marks and numbers.*—All articles required to be gauged separately under warehouse permits and general orders shall be gauged and returned by marks and numbers. If numbers do not appear upon such packages when landed, it shall be the duty of the gauger to number the same either at or before the time of determining the quantity and to make return by such numbers. These numbers must be put on with marking liquid and not with chalk and must be designated in the return as "gauger's numbers."

ART. 1378. *Proof of distilled spirits.*—(*a*) The proof of distilled spirits shall be ascertained by the use of a United States hydrometer set which shall have been tested and approved by the National Bureau of Standards. Instructions relative to proofing as found in the Treasury Department Manual shall be followed.

(*b*) The proof of distilled spirits containing saccharin or other nonvolatile substances, such as whiskey blended with sherry wine, brandy with prune juice, gin with glycerin, etc., and cordials, liqueurs, and other spirits containing saccharin or other nonvolatile substances, cannot be determined accurately by the use of hydrometers. In these cases, samples of such liquors shall be sent to a customs laboratory for a report which shall show the true proof or percentage of alcohol, as may be required.

AUTOMATIC SCALE EXPERTS

ART. 1379. *Status of automatic scale experts.*—The automatic scale experts will perform their duties in connection with automatic scales under the supervision and instructions of the Treasury Department engineer in charge of scales. They will submit daily reports of their attendance or absence to the collector or surveyor in order that personnel records may be kept as required for other employees.

CUSTOMS PATROL INSPECTORS

ART. 1380. *Duties generally.*—Such officers, under the general supervision of a customs patrol inspector of a higher rank, shall patrol the border, the seacoast, or the harbors of the United States, on foot or horseback, in automobiles, water craft, or airplane, for the purpose of detecting and preventing smuggling and other frauds against the revenue; cooperate with other Federal agencies in enforcing the various Federal laws which are particularly applicable to conditions in the assigned territory; and perform related work as assigned. As the duties of a customs patrol inspector involve considerable personal danger he is authorized to carry arms for his self-protection.

CUSTOMS GUARDS

ART. 1381. *Duties generally.*—(*a*) Customs guards are appointed to guard merchandise in customs custody and to prevent the illegal or irregular landing or delivery or imported merchandise. They are required to remain on duty until the arrival of the relief guard or until permitted to depart by a superior officer. They must keep a vigilant watch over the vessel, vehicle, stores, or pier to which as-

signed and prevent the landing or removal of merchandise in the absence of the customs officer in charge.

(*b*) Customs guards will not interfere with a vessel taking on coal, ballast, or cargo not in bond at night or at other times in the absence of an inspector, provided a permit therefor is exhibited.

(*c*) Customs guards in the performance of their duties are authorized to stop and search any person or vehicle leaving a vessel or pier to which they are assigned and to open and examine packages in the possession of such persons. Searches of persons should be made, if practicable, in the presence of another officer or person. They also have authority to arrest any person detected in the act of smuggling and to call for the assistance of the police or of any person to aid them in so doing. They are also authorized to make seizures of any merchandise which has been illegally landed from any vessel or vehicle or taken from a pier or warehouse without a permit therefor.

THE APPRAISER

ART. 1382. *Duties generally.*—(*a*) Tariff Act of 1930, section 401 (j):

> The word "appraiser" means appraiser of merchandise and includes chief assistant appraiser and any person authorized by law or by regulations of the Secretary of the Treasury to perform the duties of an appraiser, * * *.

(b) The appraiser is responsible for the examination and appraisement of all imported merchandise; and for furnishing to the collector all information necessary for the assessment of duty on such merchandise in accordance with the terms of the tariff act, and for the defense of his appraisements and advisory classifications before the United States Customs Court, whenever an appeal therefrom has been taken or a protest filed. He is responsible for the conduct of his office and the assignment and disposal of the work thereof. (See ch. XII.)

(*c*) The appraiser shall have the power to review, revise, and correct the reports of his subordinate officers.

ART. 1383. *Acting appraiser at ports where there is no appraiser.*—(*a*) Tariff Act of 1930, section 500 (f):

> The Secretary of the Treasury is authorized to designate an officer of the customs as acting appraiser at a port where there is no appraiser. Such acting appraiser shall take the oath, perform all the duties, and possess all the powers of an appraiser. The Secretary of the Treasury may appoint an officer of the customs who shall perform the functions of acting appraiser during the absence or disability of such acting appraiser.

(*b*) Appraisements made by the acting appraiser will be final unless reviewed on appeal to reappraisement. The collector shall exercise general supervision with respect to the examination and appraisement of merchandise at such ports of entry.

ART. 1384. *Chief assistant appraiser at New York.*—(*a*) The chief assistant appraiser shall be next in rank to the appraiser. He shall assist the appraiser to perform his official duties in such manner as the appraiser at New York may direct, and shall perform such other duties in connection with the appraisement of merchandise as the appraiser may assign to him. During the absence or disability of the appraiser, or in the event that there is no appraiser, the chief assistant appraiser shall exercise the powers and perform the duties of the appraiser.

(*b*) In the case of a vacancy in the office of the appraiser such chief assistant shall give bond, when required, act as such officer, and receive the compensation of such office until appointment thereto has been made and the person so appointed has duly qualified.

(*c*) No person shall enter upon or discharge the duties of appraiser until he shall have taken the oath required by law for such office.

(*d*) Whenever a vacancy occurs in the position of chief assistant appraiser at New York, it shall be filled upon the recommendation of the appraiser and with the approval of the Secretary of the Treasury, by the promotion or transfer of a trained and qualified customs officer, who shall continue in office and shall not be reduced or removed except for cause and in accordance with the civil-service regulations.

ART. 1385. *Assistant appraisers at New York.*—(*a*) Upon recommendation by the appraiser, the Secretary of the Treasury will appoint assistant appraisers at New York and prescribe their duties when not otherwise defined by law.

(*b*) Tariff Act of 1930, section 500 (d):

> It shall be the duty of an assistant appraiser—
> (1) To examine and inspect such merchandise as the appraiser may direct, and to report to him the value thereof;
> (2) To revise and correct the reports and to supervise and direct the work of such examiners and other employees as the appraiser may designate; and
> (3) To assist the appraiser, under such regulations as the Secretary of the Treasury or the appraiser may prescribe.

ART. 1386. *Examiners.*—Tariff Act of 1930, section 500 (e):

> It shall be the duty of an examiner to examine and inspect the merchandise and report the value and such other facts as the appraiser may require in his appraisement or report, and to perform such other duties as may be prescribed by rules and regulations of the Secretary of the Treasury or the appraiser.

ART. 1387. *Verifiers, openers, and packers.*—Verifiers, openers, and packers shall open cases or packages containing merchandise designated for examination, and when examination is completed shall carefully and securely repack the merchandise; and, when required so to do, shall count, measure, or otherwise verify the contents of packages, and perform such other duties as the appraiser, assistant appraiser, or examiner may direct.

ART. 1388. *Exclusion from rooms.*—Appraisers must exclude unauthorized persons from the rooms where goods are waiting appraisement or are undergoing examination.

ART. 1389. *Samplers, duties of.*—(*a*) Samplers shall take sufficient samples to enable the appraiser to appraise and advisorily classify merchandise which is ordered for wharf examination by the collector or as directed by the appraiser. (See arts. 718 to 734, inclusive, for sampling of sugar and molasses.)

(*b*) They shall also inspect and take copies of all permits in the hands of the discharging inspectors whenever such permits designate articles for wharf examination.

(*c*) When the merchandise agrees with permit description, they shall endorse on the permit "Sampled", with date and initials of the sampler.

(*d*) When unable to make this notation for the reason that the merchandise is not legally marked, or dutiable merchandise is found under a free entry, or any other reason, they shall make such notation on the permits as the facts warrant.

(*e*) They shall see that the law as to marking of country of origin is complied with. Infractions shall be noted on the permit, the importer notified, and the nature of the omission reported to the appraiser.

(*f*) Any extraordinary or suspicious situation shall be immediately reported to the appraiser and the inspectors advised as to the disposal of the merchandise.

(*g*) Customs inspectors, when so directed and with the approval of the appraiser, shall take samples.

DIVISION OF LABORATORIES

ART. 1390. *Organization.*—(*a*) The Division of Laboratories is established to provide uniform and efficient customs laboratory service. It operates under the direct supervision of the Chief, Division of Laboratories, who is under the direction of and responsible to the Commissioner of Customs. A chief chemist is in charge of each of the customs laboratories, which are located at Boston, New York, Philadelphia, Baltimore, Savannah, New Orleans, Los Angeles, San Francisco, and Chicago. (See art. 12.)

(*b*) *Submission of samples.*—(1) Except as may be covered by special instructions, samples of importations requiring analysis should be sent directly to the chief chemist of the assigned laboratory.

(2) Samples submitted to a laboratory for analysis should be accompanied by a memorandum on an attached label (customs Form 6479) except as provided in chapter XI, for sugar and molasses, setting forth the information desired from an analysis, such as identity, composition, percentage, grade, etc. In the case of samples of regular importations, the label should show, if obtainable, the invoice designation, trade name, manufacturer, entry number, origin, as well as other pertinent information which would assist the laboratory in rendering a prompt and satisfactory report of analysis.

(3) If customs Form 6431–A, forwarded to the Customs Information Exchange, covers merchandise a sample of which has been previously submitted to a district laboratory for analysis, the sending officer should attach a copy of the chemist's report in order that a second analysis, by the New York laboratory, will be unnecessary.

(*c*) *Function of customs laboratories.*—(1) It will be the function of customs laboratories to analyze all official samples of merchandise received from the United States Customs Court and from customs officers and, under special arrangement, from other Treasury Department officers. Such samples of merchandise to be analyzed will include sugar, wool, foods, oil, dyestuffs, ores, metals, coal-tar products, paper, textiles, narcotic drugs, chemicals, medicines, beverages, or any other articles susceptible to analysis in customs laboratories.

(2) Chief chemists of customs laboratories shall submit promptly to the requesting officer reports of analysis on samples received by them. One copy of the report of analysis shall be attached to the invoice or other entry documents transmitted by appraising officers to the collector. The report shall cover the particular information desired in each case, such as the identity, grade, composition, percentage, or character of the samples analyzed. All reports of analysis shall be complete and comprehensive and sufficiently in detail to enable customs officers to classify or ascertain value, rate of duty, drawback, or admissibility.

(3) Chemists and analysts will consult with and advise customs officers on technical or scientific questions which will include those affecting entry, appraisement, and tariff classification of imported merchandise, and claims for drawback.

(4) In cases where no method of obtaining representative samples of merchandise intended for laboratory analysis is provided for in existing regulations, officers requesting laboratory analysis shall follow the recommendation of the chief chemist with respect to the method of obtaining such representative samples, unless the requesting officer deems such method impracticable, in which event he shall submit the matter to the Commissioner of Customs for determination.

(5) Chemists will assist customs agents or enforcement officers by application of scientific methods of testing and detection in cases of fraud, smuggling, or other violations of customs laws.

UNITED STATES CUSTOMS COURT

ART. 1391. *Publishing of decisions.*—(*a*) The United States Customs Court consists of nine judges, one of whom acts as presiding judge, and is divided into three divisions of three judges each. The office is located at 201 Varick Street, New York.

(*b*) Decisions of the court will be forwarded to the collector of customs for the district in which the merchandise affected thereby was imported. Copies of all decisions will be sent to the Secretary of the Treasury, who shall cause such decisions as he or the court shall deem sufficiently important to be published in full. Abstracts of all other decisions will be made by the court. Such decisions and abstracts will be published at least once each week for the information of customs officers and the public.

ASSISTANT ATTORNEY GENERAL IN CHARGE OF CUSTOMS

ART. 1392. *Duties.*—The Assistant Attorney General, whose office is at 201 Varick Street, New York, N. Y., is in charge of the interests of the Government in the preparation and trial of all protests and appeals in classification, reappraisement, and other cases in which the United States Customs Court and Court of Customs and Patent Appeals have jurisdiction. Collectors and appraisers and other customs officers should correspond directly with him in matters relating to the trial of cases.



CUSTOMS AGENCY SERVICE

ART. 1393. *Organization.*—The customs agency service is the investigative branch of the customs service and as such is required to make all investigations involving fraud or violations of the customs laws. It is a mobile force and the officers thereof are subject to transfer whenever the interests of the service require. It operates under the direct supervision of the deputy commissioner of customs in charge of investigations, and under the general supervision of the Commissioner of Customs. The assistant deputy commissioner of customs assists in the supervision of the customs agency service and directs its activities in the absence of the deputy commissioner.

ART. 1394. *Customs agency districts.*—(*a*) The United States and territory in foreign countries where officers of the customs agency service operate shall be divided from time to time into customs agency districts. A customs agent in each district in the United States shall be designated as "supervising customs agent", and such agent shall be held responsible for the operation of the service within his district. Treasury attachés shall be designated to take charge of districts in foreign countries.

(*b*) Each customs agency district shall have a headquarters, which shall be the office of the supervising customs agent or Treasury attaché in charge of the district. Other offices may be established within customs agency districts, under the direct supervision of a customs agent in charge or under a Treasury representative abroad, and under the general supervision of the supervising customs agent or Treasury attaché.

ART. 1395. *Officers.*—(*a*) The customs agency domestic field force is composed of customs agents and assistant customs agents who may, for special reasons, be designated as supervising customs agents, customs agents at large, and customs agents in charge. The customs agency foreign service consists of Treasury attachés, assistant Treasury attachés, and Treasury representatives. Such officers are assigned to the several customs agency districts. With the exception of customs agents at large (who are under the direct supervision of the deputy commissioner in charge of investigations), they shall work under the supervision of the officer in charge of the office to which they are assigned, and be subordinate to such officer.

(*b*) The Secretary of the Treasury is authorized by law to assign not to exceed 10 persons detailed from the field force of the customs for service in the District of Columbia. Officers of the customs agency service may be assigned to duties in the Bureau of Customs under this authority.

(*c*) Each customs agent shall be furnished with a badge for identification purposes, as well as with credentials bearing the signature of the Commissioner of Customs and the Secretary of the Treasury, and the signed photograph of the agent.

ART. 1396. *Duties—Investigations.*—(*a*) Customs agents shall be employed generally in the prevention and detection of frauds on the customs revenue and all matters involving such frauds requiring investigation shall be referred to them. They shall investigate and report upon all matters brought to their attention by the Commissioner of Customs, collectors, appraisers, surveyors, comptrollers, and others, relating to drawback, undervaluation, smuggling, dumping, personnel, customs procedure, and any other customs matter.

(*b*) (1) There shall be no differentiation in the treatment of chief administrative officers of customs and their subordinates in the matter of investigating accusations of alleged official misconduct. All rules, regulations and instructions in conflict with this expressed policy are hereby revoked.

(2) Undivided responsibility for the investigation and reporting to proper authority of all irregularities concerning any phase of customs administration or misconduct on the part of customs employees, by whatever means brought to its attention, rests with the customs agency service. This injunction, however, is not to be construed as abridging or modifying the responsibility of Presidential appointees acting in administrative capacities in the various customs col-

lection districts of maintaining discipline and efficiency in the customs personnel.

(3) Collectors and other chief officers of the customs are directed to cooperate in making effective this order.

(c) Violations of the customs laws and seizures by customs officers shall be reported immediately by collectors, appraisers, and surveyors to supervising customs agents, and customs agents in charge. Minor violations and minor seizures need not be so reported, under agreement between customs agents and collectors, appraisers, and surveyors.

(d) Each report of investigation shall be signed by the agent or agents making the investigation. It shall be approved by the agent or representative in charge of the office, before being forwarded to its destination. Routine correspondence shall be signed only by the agent in charge, except in special cases, when it may be more advantageous to have some other agent sign.

(e) Correspondence and reports of investigations or other matters requiring the attention of the Bureau of Customs should be addressed to the Commissioner of Customs (investigative unit), Treasury Department, Washington, D. C., with carbon copies attached. Carbon copies of all other reports made and important letters written, should be forwarded to the Commissioner of Customs, through the customs agency service, weekly. Carbon copies of written correspondence of minor importance need not be submitted to the Bureau.

(f) In the performance of their duties they are authorized to administer oaths to witnesses, to make searches, arrests of persons, and seizures of merchandise.

ART. 1397. *Inspection of records.*—(a) The examination of the books, papers, and accounts of collectors and other officers of customs and general conditions in the various collection districts is a function imposed on the customs agency service. To perform this technical work a commission, composed of qualified customs agents, has been organized. The agents assigned to said commission are appointed by the Commissioner of Customs upon the nomination of the deputy commissioner in charge of investigations. Periodical examinations of customs districts are made by the commission, who must report deviations from customs law and procedure, make recommendations as to personnel and organization, and offer suggestions for the establishment of uniformity of practice and procedure to the Commissioner of Customs. The report of the commission will be submitted by the Bureau of Customs to the administrative officer of the district examined for comment, after which the Commissioner of Customs will issue suitable instructions.

(b) Customs agents shall have access at any time to all official books, papers, records, accounts, and correspondence of collectors, appraisers, surveyors, comptrollers, and all other officers of customs.

(c) In addition to the general examination made by the commission, local agents shall, from time to time, and at least once every 6 months, make a thorough check of the financial accounts of collectors and all books, records, and papers pertaining thereto.

ART. 1398. *Questioning customs employees.*—(a) Customs agents may, at any time during an investigation, question any customs officer or employee. When it is desired to question a customs employee the official superior of such employee will be notified by the customs agent in charge of this desire, and the time when, and the place where, such employee is to report for questioning, whereupon the official superior shall direct such employee to report for questioning, as desired.

(b) Customs officers and employees shall disclose any information in their possession pertaining to customs matters when requested to do so by a customs agent, and shall answer any questions put to them by customs agents.

ART. 1399. *Reports to collectors.*—Officers of the customs agency service, upon the detection of any violation of the customs revenue laws, shall immediately report the same through the customs agent in charge, to the collector of the district in which the violation occurred, and forward to the Bureau a copy of such report. Reports on criminal cases that must go to the United States attorney may be addressed to that official and given to the collector, to be forwarded by him with his approval and a copy shall be forwarded to the Bureau.

ART. 1400. *Investigations abroad.*—(a) Customs officers desiring investigations in foreign countries (other than Canada, Mexico, Cuba, and the British West Indies) shall submit their requests for such investigations to the Customs Information Exchange, 201 Varick Street, New York, N. Y.

(b) Investigations in foreign countries (other than Canada, Mexico, Cuba, and the British West Indies) shall be made under the supervision of Treasury attachés accredited to such countries, or, if there be no Treasury attaché in a country, by representatives of the State Department.

(c) Investigations in Canada, Mexico, Cuba, and the British West Indies shall be conducted by the supervising customs agents in charge of districts nearest to the territory in which such investigations are made. Customs officers desiring such investigations shall submit the request to the proper supervising customs agent. A copy of each such request shall be forwarded to the Customs Information Exchange and a copy shall also be sent to the Commissioner of Customs (investigative unit). If the desired information is available in New York, the supervising customs agent of the Customs Information Exchange shall immediately forward it to the officer submitting the request, sending a copy of his communication to the supervising customs agent upon whom the request was made and a copy to the Commissioner of Customs (investigative unit).

ART. 1401. *Cooperation with other customs officers.*—Customs agents will cooperate fully with the local customs officers. They will not interfere with the administration or regular transactions of the customs business. Irregularities discovered by customs agents capable of being dealt with by the local customs officers will be brought to the notice of such officers immediately and a report made to the Bureau of Customs. Other irregularities that may be discovered will be reported promptly to the Bureau.

ART. 1402. *Customs Information Exchange.*—(a) The Customs Information Exchange, located at 201 Varick Street, New York City, will be used by the customs service as a medium to disseminate information. Decisions rendered by the Bureau and Department and circulated by the Customs Information Exchange will be binding upon customs officials. Other information that may be circulated will be considered as advisory only and not as controlling the actions of customs officials.

(b) Information relative to values and classification shall be sent to the Customs Information Exchange from time to time, as provided by T. D. 43246 as amended by T. D. 43434.

ART. 1403. *Reports of transactions.*—(a) Each supervising customs agent and Treasury attaché shall make a report to the Commissioner of Customs at the close of each fiscal year, showing in detail the work performed in his district during such year.

(b) Other reports may be called for from time to time by the deputy commissioner in charge of investigations.

ART. 1404. *Restrictions.*—(a) Officers of the customs agency service will confine their activities within the limits of the district to which they are assigned. They will not go beyond such limits without authority from the Bureau of Customs, except in cases of emergency when it is impracticable to obtain such authority. The facts in such cases will be reported to the Bureau immediately.

(b) The time of officers and employees of the customs agency service during business hours will be devoted entirely to the public service. Private employment inconsistent with or interfering with the performance of official duties will not be sanctioned.

(c) Officers and employees are not permitted to disclose information relating to official business unless authorized by the Bureau of Customs.



CHAPTER XXVII

## CUSTOMHOUSE BROKERS

Art.
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ART. 1405. *Licenses for brokers required—Qualifications—Regulations authorized.*—(a) Tariff Act of 1930, section 641 (a), as amended:

• • • Except as provided in subdivision (c) of this section, no person shall transact business as a customhouse broker without a license granted in accordance with the provisions of this subdivision, but nothing in this section shall be construed to authorize the requiring of a license in the case of any person transacting at a customhouse business pertaining to his own importations. (Aug. 26, 1935, ch. 689, sec. 3, 49 Stat. 864.)

(b) No representative of the Treasury Department shall recognize or deal with any person transacting the business of a customhouse broker, or any employee, officer, or agent thereof, unless such person is licensed as a customhouse broker in accordance with the provisions of these regulations

(c) Tariff Act of 1930, section 641 (a):

The Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships, and may require as a condition to the granting of any license, the showing of such facts as he may deem advisable as to the qualifications of the applicant to render valuable service to importers and exporters. No such license shall be granted to any corporation, association, or partnership unless licenses as customhouse brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. • • •

(d) Tariff Act of 1930, section 641 (d), as amended:

The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section. • • • (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 865.)

ART. 1406. *Definitions.*—When used in these regulations—

(a) *Customhouse broker.*—The term "customhouse broker" includes any person who, acting on behalf of others, transacts customs business not limited to a kind described in article 1411 of these regulations.

(b) *Treasury Department or any representative thereof.*—The term "Treasury Department or any representative thereof" includes any division, branch, bureau, office, or unit of the Treasury Department, whether in Washington or in the field, and any officer or employee of any such division, branch, bureau, office, or unit.

(c) *Committee.*—The word "Committee" means the Committee on Enrollment and Disbarment of the Treasury Department (see sec. 1 of Treasury Department Circular 230, revised).

(d) *Person.*—The word "person" includes corporations, associations, and partnerships.

(e) *Books and papers.*—The term "books and papers" includes all books, accounts, records, papers, documents, and correspondence of a customhouse broker relating to his customs business.

ART. 1407. *Application for license and investigation of application.*—(a) A person desiring to engage in the business of a customhouse broker shall submit an application to the Committee, stating his qualifications for a license. The application shall be under oath and in such standard form as the Committee, with the approval of the Secretary, shall have prescribed.

(b) The Committee shall make an investigation in connection with each such application, and to this end may utilize any investigative facility of the Treasury Department. The investigation shall cover, but need not be limited to, (1) the correctness of the statements made in the application, (2) the business integrity of the applicant, and (3) when the applicant is an individual (including an officer of a corporation or association or a member of a partnership), the character and reputation of the applicant and his experience in customs matters.

(c) As soon as possible after the application has been filed, the name and address of each applicant shall be posted conspicuously in the customhouse at the port where the applicant proposes to maintain his principal office. In the case of a corporation, association, or partnership, the name of the licensed officers or members shall be stated.

(d) The causes sufficient to justify rejection of an application for a license shall include, but shall not be limited to, (1) any conduct which would be ground for the suspension or revocation of the license of a licensed customhouse broker under the provisions of article 1414 of these regulations; (2) any conduct which would be deemed grossly unfair in commercial transactions by accepted standards; (3) a bad reputation imputing to an applicant conduct of any of the foregoing types or of a criminal, dishonest, or unethical kind; and (4) the minority of the applicant. In the case of a corporation, association, or partnership, the application will be rejected by the Committee unless it appears that the officers or members who are licensed customhouse brokers are to exercise responsible supervision and control of the transaction of the customs business of such corporation, association, or partnership. An individual who is unable for any reason to take the oath of allegiance and to support the Constitution of the United States shall not be licensed. An alien undergoing naturalization is ineligible to receive a license until he has received his final naturalization certificate. An officer or employee of the United States is ineligible to receive a license.

(e) Upon the conclusion of the investigation, the Committee shall notify the applicant to appear before a subcommittee of examiners at a specified time and place in the customs district in which the applicant proposes to do business, unless facts already established by the investigation satisfy the Committee that the application should be rejected. Such subcommittee of examiners shall consist of not less than three nor more than five members designated as such by the Committee.

(f) The Committee shall from time to time prescribe lists of suggestions for the guidance of subcommittees of examiners in conducting such examinations. The examinations shall have for their purpose a determination of the applicant's knowledge of customs law and procedure and his fitness to render valuable service to importers and exporters. The examination may at the option of the subcommittee be oral or written, but if oral shall be stenographically reported and transcribed, and in either case shall be forthwith transmitted to the Committee with the report and recommendation of the subcommittee of examiners.

(g) The Committee shall endeavor to ascertain all the facts deemed necessary by it to pass upon any application without expense or undue inconvenience to the applicant. In the event, however, that the Committee is not satisfied by the information received, it may require the applicant (or, in the case of a corporation, association, or partnership, one or more of its officers or members) to appear in person before the Committee or before one or more representatives of the Committee, for the purpose of undergoing additional written or oral examination into the applicant's qualifications for a license.

(h) If the applicant is an individual who proposes to operate under a trade or fictitious name, evidence of the applicant's authority so to conduct business must accompany his application. A licensed individual who proposes to operate under a trade or fictitious name shall submit evidence of his authority to do so to, and receive the approval of, the Committee before he uses such name.

ART. 1408. *Issuance or denial of license.*—(a) If the Committee finds that the applicant is qualified, the Committee

will issue a license in such standard form as the Committee, with the approval of the Secretary of the Treasury, shall have prescribed. The license shall be forwarded to the appropriate collector of customs, who shall deliver it to the licensee after making a record thereof in a roster of licensed brokers which shall be maintained in the customhouse in such manner that it will be readily accessible to the proper customs officers and employees.

(*b*) A license for an individual who is an officer of a corporation or association or a member of a partnership will be issued in the name of the individual licensee, and not in his capacity as officer or member of the organization with which he is connected.

(*c*) If the Committee finds that the application should be rejected for any reason, it shall so report and recommend to the Secretary of the Treasury. Such report and recommendation shall be signed by all members of the Committee agreeing thereto. Any member of the Committee dissenting therefrom shall submit a statement of his reasons for such dissent. The Committee may grant a hearing on an application at the applicant's request.

(*d*) If the Secretary of the Treasury, in the exercise of his discretion, approves such recommendation, notice of rejection of the application shall be given by the Committee to the applicant and to the collector of the district in which the applicant proposed to do business. If the Secretary does not approve such recommendation, he will return it to the Committee with such instructions as to the issuance of a license or further investigation as in his judgment the circumstances may require.

ART. 1409. *Other representation by customhouse brokers.*—A licensed customhouse broker requires no further enrollment under these regulations for the transaction, within the customs districts in which he is licensed, of any business relating specifically to the importation or exportation of merchandise under customs or internal-revenue laws. He is also entitled, without further license or enrollment, to represent claimants or other persons before the Treasury Department in Washington in any matter in which he acted as a customhouse broker in any district in which he is licensed. When serving in such capacity, a licensed customhouse broker shall, in addition to being subject to the provisions of section 641 of the Tariff Act of 1930, as amended, and the rules and regulations thereunder, be subject also to all the provisions of the laws and regulations set forth in Treasury Department Circular 230, as revised from time to time, and shall be responsible as specified in article 1411 (*d*) of these regulations for violations of any such laws or regulations committed by his or its officers, employees, or authorized attorneys or agents, in connection with the prosecution on behalf of the principal of any business before the Treasury Department in Washington.

ART. 1410. *Licenses for more than one customs district.*—Separate licenses shall be required if the licensee desires to transact customs business in more than one customs district. However, a licensee having a license in force in one district may on application to the Committee be granted a license to transact business in another district without further examination, provided it appears on investigation that the licensee is authorized to do business in the State or States in which such other district is situated, and is prepared and qualified to render efficient service in such other district. Licenses may be granted to partnerships with two licensed members, and to corporations and associations with two licensed officers, whether or not such members or officers are licensed in the district for which the partnership, corporation, or association license is granted.

ART. 1411. *License, when not required.*—(*a*) An importer or exporter transacting customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.

(*b*) A common carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being licensed as a customhouse broker.

(*c*) A resident agent employed by one or more vessels or lines of vessels is not required to be licensed as a customhouse broker in order merely to enter or clear vessels consigned to him by a principal. Proof of the agency must be filed with the collector.

(*d*) An employee of a licensed customhouse broker is not required to be licensed in order to act solely for his employer, but in order that such employee may sign customs documents on behalf of his employer the broker must file with the collector a power of attorney for that purpose. Each broker shall file with the collector at each port where the business is to be transacted an authorization specifically naming each employee who may properly act for him. A broker must promptly give notice of any change in the authority of such employees and must exercise such supervision of them as will insure proper conduct on the part of the employees in the transaction of customs business. Each broker will be held strictly responsible for the acts or omissions of his employees within the scope of their employment, and for acts or omissions of such employees which, in the exercise of reasonable care and diligence, the broker should have foreseen. Every attorney in fact acting for a licensed customhouse broker must be a resident of the United States.

ART. 1412. *Books and papers.*—(*a*) Tariff Act of 1930, section 641 (d), as amended:

> The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations requiring the keeping of books, accounts, and records by customhouse brokers, and the inspection thereof, and of their papers, documents, and correspondence by, and the furnishing by them of information relating to their business to, any duly accredited agent of the United States. (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 865.)

(*b*) Each licensed customhouse broker shall maintain correctly and in orderly, itemized manner, and keep current, records of account reflecting all his financial transactions as a customhouse broker. He shall keep and maintain on file a copy of each entry made by him, and copies of all his correspondence and other papers relating to his customs business.

(*c*) Except as provided in paragraph (*d*) of this article, each licensed customhouse broker shall, after 90 days after the effective date of these regulations, keep on customs Form 3079 (Record of Transactions of Licensed Customhouse Broker) in accordance with the instructions printed thereon, records of all customs business transacted by him in behalf of his clients. If a transaction has been handled only in part by the broker, he need fill in only the appropriate part of his customs Form 3079. Records on customs Form 3079, shall be in addition to, and not in lieu of, the regular records of account required by paragraph (*b*) of this article to be kept and maintained.

(*d*) If the data prescribed to be recorded on customs Form 3079 are disclosed in other records regularly kept and maintained by a licensed broker in a systematic, convenient, and readily available form which will permit an effective inspection thereof by duly accredited agents of the United States, such broker may, by notice in writing from the collector of customs for the district, be exempted from the requirements of paragraph (c) of this article. Such notice of exemption shall be issued only if (1) a broker makes written application therefor to the collector, setting forth the facts as to the records he keeps and agreeing that if the exemption is granted he will not change his system of records or his manner of keeping and maintaining them without notification to and prior approval by the said collector, and (2) the collector and the supervising customs agent for the district are satisfied that the records are and will be kept and maintained by the broker in conformity with the conditions above stated.

(*e*) A broker having a license on the effective date of these regulations, who makes application for exemption within 90 days after such date, will be relieved of the requirement of keeping records on customs Form 3079 pending consideration of his application by the collector and supervising customs agent; but if such application shall be denied, the broker shall forthwith, upon written notification of the denial, keep and maintain records on customs Form 3079 as above provided.



(*f*) Whenever it shall appear to the satisfaction of the collector, upon investigation by a duly accredited agent of the United States, that a broker to whom an exemption has been granted as provided in paragraph (*d*) of this article is not keeping and maintaining records in conformity with the requirements of the said paragraph (*d*), the exemption of such broker shall be revoked by notice in writing from the collector and such broker shall thereafter keep and maintain records on customs Form 3079 as above provided.

(*g*) All of the books and papers required by the foregoing provisions of this article shall be kept on file for at least 5 years and maintained in such manner that they may readily be examined. Any or all of such books and papers shall be made available to duly accredited agents of the United States on demand therefor within 5 years after their preparation or receipt by the broker, or within such longer period of time during which they remain in the possession of the broker. The broker shall also furnish such additional information regarding his activities as a licensed customhouse broker as such agents may require.

(*h*) The supervising customs agent in charge of the agency district, or a customs agent designated by him, shall make such inspection of the books and papers required by these regulations to be kept and maintained by a licensed customhouse broker as may be necessary to enable the supervising customs agent, the collector of customs, and other proper officials of the Treasury Department to determine whether or not the broker is complying with the requirements of this article. Furthermore, the supervising customs agent or any duly accredited agent of the United States designated by him may at any time, for the purpose of protecting importers or the revenue of the United States, inspect such books and papers to obtain information regarding specific customs transactions.

(*i*) The agent making any investigation contemplated by the preceding paragraph shall report his findings in full to the Committee, the Commissioner of Customs, and the collector of customs.

ART. 1413. *Other duties and obligations of licensed customhouse brokers.*—(*a*) The duties and obligations specified in this article and elsewhere in these regulations relating to customhouse brokers are not to be construed as exclusive, since the Secretary of the Treasury may deem conduct not within the purview of any specification in these regulations to be such as would also warrant the suspension or revocation of a license under the authority conferred upon him by section 641 of the Tariff Act of 1930, as amended.

(*b*) No licensed customhouse broker shall permit his license or his name to be used by or for any unlicensed person, or by or for any broker whose license is under suspension, in the solicitation, promotion, or performance of any customs business or transaction.

(*c*) No licensed customhouse broker shall accept or retain employment from or with an unlicensed employer to transact customs business for others than the employer in such manner that the fees or other benefits resulting from the services rendered by the licensed broker for others inure to the benefit of the unlicensed employer.

(*d*) No licensed customhouse broker shall knowingly and directly or indirectly (1) accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or subagent, from any person whose application for a license as a customhouse broker shall at any time have been denied for a cause involving moral turpitude, or whose license shall have been revoked for any such cause, or whose license is under suspension, or who is notoriously disreputable; or (2) assist the furtherance of any customs business or transaction of such person; or (3) employ, or accept such assistance from, any such person; or (4) share fees with any such person; or (5) permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the licensed broker: *Provided*, That nothing herein shall be deemed to prohibit any licensed customhouse broker from acting as a customhouse broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have been denied a license as a customhouse broker or had his license revoked or suspended, or may be disreputable.

(*e*) No licensed customhouse broker shall act in behalf of any person, or attempt to represent any person, in respect of any protest or appeal to reappraisement, unless he shall previously have been specifically or generally authorized to do so by such person.

(*f*) No licensed customhouse broker shall knowingly use false and misleading representations to procure employment in any customs matter, nor shall he represent to a client or prospective client that he can obtain extraordinary favors from the Treasury Department or any representative thereof.

(*g*) No licensed customhouse broker shall represent a client before the Treasury Department or any representative thereof in any matter to which the broker, as officer or employee, gave personal consideration, or as to the facts of which he gained knowledge, while in the Government service.

(*h*) No licensed customhouse broker shall knowingly (1) assist a person who has been employed by a client in a matter pending before the Treasury Department or any representative thereof to which matter such person gave personal consideration or gained personal knowledge of the facts or issues thereof while in the Government service, or (2) accept assistance in any such matter from any such person, or (3) share fees in any such matter with any such person.

(*i*) No licensed customhouse broker shall suggest to a client or a prospective client a plan known to be illegal for evading payment of any duty, tax, or other debt or obligation owing to the Government.

(*j*) Each licensed customhouse broker who knows that a client has not complied with the law or has made any error in, or omission from, any document, affidavit, or other paper which the law required such client to execute, shall advise his client promptly of the fact of such noncompliance, error, or omission.

(*k*) Each licensed customhouse broker shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any customs business; and no licensed customhouse broker shall knowingly impart to a client false information relative to any such business when such false information is or might be detrimental to the interest of the Government, the client, or any other person.

(*l*) No licensed customhouse broker shall withhold information relative to any customs business from a client who is entitled to the information.

(*m*) Each licensed customhouse broker shall promptly pay over to the Government when due all sums received for the payment of any duty, tax, or other debt or obligation owing to the Government, and shall promptly account to clients for funds received for them from the Government, or received from a client in excess of the governmental or other charges properly payable in respect of the client's customs business.

(*n*) No licensed customhouse broker shall without authority of his client endorse or accept any Government draft, check, or warrant drawn to the order of such client.

(*o*) No licensed customhouse broker who has recommended to his client an attorney shall demand of, or accept from, such attorney any fee or remuneration by reason of such recommendation without the knowledge and consent of the client.

(*p*) No licensed customhouse broker shall file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper, known by such broker to be false, nor shall knowingly give, or solicit or procure the giving of, any false or misleading information or testimony in any matter pending before the Treasury Department or any representative thereof.

(*q*) Each licensed customhouse broker shall exercise due diligence in answering correspondence, in making financial settlements, and in preparing, or assisting in the preparation of, and filing documents, affidavits, and other papers relating to any matter handled by him as a customhouse broker.

(*r*) No licensed customhouse broker shall procure, or attempt to procure, directly or indirectly, information from Government records or other Government sources of any kind to which access is not granted by proper authority.

(*s*) No licensed customhouse broker shall attempt to influence the conduct of any representative of the Treasury Department in any matter pending before the Treasury Department or any representative thereof, by the use of a threat, false accusation, duress, or the offer of any special inducement or promise of advantage or by the bestowing of any gift or favor or other thing of value.

(*t*) No licensed customhouse broker shall refuse access to, conceal, remove, or destroy the whole or any part of any book, paper, or other record relating to his transactions as a customhouse broker, which is being sought, or which the broker has reasonable grounds to believe may be sought, by the Treasury Department or any representative thereof, or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by such Department or representative, to procure such information.

(*u*) Every licensed officer or member of a corporation, association, or partnership, which is licensed as a customhouse broker, shall exercise responsible supervision and control over the transaction of the customhouse business of such corporation, association, or partnership.

(*v*) A licensed broker who is authorized by State law to transact business under a fictitious or trade name shall, when signing customs documents, affix his own name in conjunction with each signature of the fictitious or trade name.

ART. 1414. *Revocation or suspension of licenses.*—(*a*) Tariff Act of 1930, section 641 (b), as amended:

> The collector or chief officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The collector or chief officer of customs shall within 10 days thereafter notify the customhouse broker in writing of a hearing to be held before him within 5 days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter, claimant, or client, by word, circular, letter, or by advertisement. (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 864.)

(*b*) All complaints or charges against customhouse brokers filed with collectors or other customs officers shall forthwith be forwarded for investigation to the supervising customs agent in charge of the district in which the broker is located. The supervising customs agent shall make his report and transmit it, with recommendation, to the collector of the appropriate district, for such action as may be necessary, and shall also transmit copies thereof to the Committee and to the Commissioner of Customs.

(*c*) If the collector determines that there is not sufficient evidence to prefer charges, he shall report all the facts to the Committee and to the Commissioner of Customs. If the collector determines that there is sufficient evidence to prefer charges, he shall proceed in accordance with paragraph (*a*) of this article. The collector may call upon the attorney for the Government before the Committee on Enrollment and Disbarment to aid him in preparing the notice to show cause to be served upon the accused broker.

(*d*) Notice of the charges, signed by the collector, shall be served upon such customhouse broker in the following manner:

1. If an individual—
   (a) By delivery to the accused broker personally, or
   (b) By registered mail, with demand for a return card signed solely by the addressee;
2. If a corporation, association, or partnership—
   (a) By delivery to any officer of such a corporation or association, or member of such partnership, or
   (b) By registered mail addressed to any such officer or member, with demand for a return card signed solely by the addressee:

   *Provided*, That, if a customhouse broker shall have signed and filed with the Committee his written consent to be served in some other manner, it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

(*e*) The notice shall state the place where and time within which the accused may file in duplicate his verified answer, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the collector, giving a plain and concise, but not necessarily detailed, description of the facts which it is claimed constitute grounds for suspension or revocation of license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute ground for suspension or revocation of license, may be alleged in the statement of charges in a single count in the alternative. If, in order to prepare his defense, the accused desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the collector asking that the statement of charges be made more specific, setting forth in such motion in what specific respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the collector such information is reasonably necessary to enable the accused to prepare his defense, the collector shall furnish the accused with an amended statement of charges giving the needed information.

(*f*) After notice of the charges has been duly served, all other papers in the case, including notice of the time and place of the hearing, shall be served as follows:

(1) By delivering the same to the accused personally if an individual; or if a corporation, association, or partnership, to any officer or member thereof; or

(2) By leaving them at the office of the accused, or of such officer or member, with his clerk or with a person in charge thereof; or

(3) By depositing them in a United States post office or post-office box, enclosed in a sealed envelope, plainly addressed to such accused, or to such member or officer, at the address under which the accused is licensed or at the last known address of the accused, or such member or officer.

(4) When the accused, whether an individual, corporation, association, or partnership, is represented by attorney, by service upon the attorney in the same manner as provided for in paragraph (1), (2), or (3) for service on the accused personally.

(*g*) Copies of all papers in the case, including the notice of charges, and notice of the time and place of all hearings, shall be sent promptly by the collector to the Committee.



(*h*) The hearing shall be before the Collector. The collector shall designate an officer of his staff to represent the Government at the hearing and shall provide a stenographer to make the stenographic record. The attorney for the Government before the Committee on Enrollment and Disbarment, or another attorney designated by the Committee, shall be present and participate in the presentation of testimony. A member or members of the Committee may be present at the hearing. A member or representative of the Committee may act for the collector in taking depositions when necessary. Upon conclusion of the hearing, the collector shall forthwith transmit all papers and three copies of the transcript of the hearing to the Secretary of the Treasury (attention of the Committee on Enrollment and Disbarment).

(*i*) Promptly after the record in a case has been received by the Committee, a copy of a transcript of the evidence, accompanied by proposed findings of fact based upon all the evidence in the case, prepared by the attorney for the Government, shall be delivered to the accused or his attorney. The accused shall have 10 days thereafter in which to submit in writing to the Committee his objections, if any, to such findings. The accused or his attorney shall have the right to examine all exhibits introduced at the hearing. The Committee shall promptly after the receipt of such objections, or after the expiration of 10 days if no such objections are filed, make its findings of fact. The Committee shall recommend to the Secretary the dismissal of the charges when in its opinion such charges have not been proved.

(*j*) If the evidence at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, the Committee may recommend to the Secretary that the charges be dismissed and the collector be instructed to file appropriate charges as a basis for new proceedings.

(*k*) The Committee shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place or the ownership of any property, a failure to prove immaterial allegations in the description of the accused's conduct, or any other immaterial mistake in the statement of charges.

(*l*) If the Committee or a majority thereof finds that a part of the charges in the statement of charges is not sufficiently proved but that the remainder of the charges is so proved, it may recommend a finding that the accused is guilty upon any ground for suspension or revocation of license which is substantially charged by the remainder of the statement of charges.

(*m*) No recommendations shall be made by the Committee as to findings of fact in cases of default by the accused except upon evidence submitted on behalf of the Government.

(*n*) If, in the opinion of the Committee, suspension or revocation of license should be recommended, it shall so report and recommend to the Secretary of the Treasury. Such report and recommendation shall be signed by all members of the Committee agreeing thereto. Any member of the Committee dissenting therefrom shall submit a statement of his reasons for such dissent.

(*o*) If the Secretary of the Treasury in the exercise of his discretion issues his order of suspension or revocation of the license of the accused, notice thereof shall be given by the Committee to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Committee may determine. Except as provided in article 1417 of these regulations, such person will not thereafter be recognized as a customhouse broker during the period of suspension or revocation of his license.

(*p*) Any customhouse broker who has been suspended or whose license has been revoked may make written application to the Committee to have the order of suspension or revocation set aside or modified upon the ground (1) of newly discovered evidence, or (2) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every such application shall be filed with the Committee in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the Committee after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, it shall so recommend to the Secretary, who may order the taking of additional testimony before the collector. The collector shall set a time and place for such hearing, and give due notice thereof to the applicant. The hearing shall be conducted as set forth in paragraph (*h*) of this article. Upon the conclusion of the hearing the collector shall submit three copies of the transcript of the hearing to the Committee. The Committee shall then make its recommendations to the Secretary in the manner heretofore prescribed in connection with revocation and suspension proceedings.

(*q*) In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or revocation, notice thereof shall be given to all those to whom notice of the original order of suspension or revocation was sent.

(*r*) In the case of sickness or necessary absence of the collector which prevents him from acting as provided in this article, the assistant collector shall be deemed the chief officer of the customs referred to in paragraph (*a*) of this article, and shall perform the duties of the collector herein prescribed.

ART. 1415. *Cancelation of licenses.*—(*a*) Tariff Act of 1930, section 641 (a):

> • • • Any license granted to any such corporation, association, or partnership shall be deemed revoked if for any continuous period of more than 60 days after the issuance of such license there are not at least two officers of such corporation or association or two members of such partnership who are qualified to transact business as customhouse brokers. • • •

(*b*) Any corporation, association, or partnership which is licensed as a customhouse broker shall immediately notify the collector of each district in which it is licensed to transact business in the event it ceases to have at least two officers or members who are licensed individually as customhouse brokers and who exercise responsible supervision and control of the transaction of the customs business of the licensed organization. Collectors shall report to the Committee all cases wherein the required number of officers or members of any licensed corporation, association, or partnership have ceased to be qualified as licensed customhouse brokers and the deficiency has continued for more than 60 days. The Committee shall, in such cases, notify the corporation, association, or partnership that its license has been revoked in accordance with the requirement of section 641 (a) of the Tariff Act of 1930. A copy of such notice shall be sent by the Committee to the collector.

(*c*) A customhouse broker's license may be canceled upon written application to the Committee and surrender of the license certificate, but before granting the request, inquiry shall be made by the Committee to ascertain whether it has been made in order to evade proceedings for revocation or suspension of the license, in which event the request shall be denied, unless the Secretary of the Treasury shall otherwise order.

ART. 1416. *Licenses issued under prior acts of Congress.*—Tariff Act of 1930, section 641 (c), as amended:

> Licenses issued under the act of June 10, 1910 (36 Stat. 454; U. S. C., title 19, sec. 415), or under the provisions of subdivision (a) of this section prior to the effective date of this amendment, shall continue in force and effect, subject to suspension and revocation as provided in subdivision (b) of this section. (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 865.)

ART. 1417. *Appeal from the Secretary's decision.*—Tariff Act of 1930, section 641 (b), as amended:

> • • • An appeal may be taken by any licensed customhouse broker from any order of the Secretary of the Treasury suspending or revoking a license. Such appeal shall be taken by filing, in the circuit court of appeals of the United States within

any circuit wherein such person resides or has his principal place of business or in the United States Court of Appeals for the District of Columbia, within 60 days after the entry of such order, a written petition praying that the order of the Secretary of the Treasury be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the Secretary of the Treasury, or upon any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Secretary of the Treasury shall be considered by the court unless such objection shall have been urged before the collector or chief officer of customs or unless there were reasonable grounds for failure so to do. The finding of the Secretary of the Treasury as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the collector or chief officer of customs, the court may order such additional evidence to be taken before the collector or chief officer of customs and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary of the Treasury may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Secretary of the Treasury shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347). The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the Secretary of the Treasury's order. (Aug. 26, 1935, ch. 689, sec. 4, 49 Stat. 864.)

ART. 1418. *Records of the Committee.*—The Committee shall keep such rosters and other records as may be necessary to perform its functions under these regulations, and is authorized to require the permanent transfer to the Committee of any records in any office of the Treasury Department which pertain solely to the functions of the Committee in connection with the licensing and revocation of license of customhouse brokers. Copies of rosters shall be furnished to bureaus, offices, and divisions of the Treasury Department upon sufficient showing of need thereof. The Committee shall, on request, furnish information to any person as to whether any specified person is a licensed customhouse broker.

NOTE.—Regulations governing the recognition of agents, attorneys, and other persons representing claimants before the Treasury Department and offices thereof are contained in T. D. 48616.

## CHAPTER XXVIII

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PRESIDENTIAL APPOINTMENTS

ART. 1419. *Oaths—Bonds.*—(*a*) Appointments of collectors of customs (with the exception of the collectors of customs at San Juan, Puerto Rico, and St. Thomas, Virgin Islands), comptrollers of customs, the surveyor of customs at New York, and the appraiser of merchandise at New York are made by the President, by and with the advice and consent of the Senate of the United States, and such officers may be removed at any time by the President.

(*b*) Upon the appointment of a person to any such office, notice thereof will be forwarded to him by the Secretary of the Treasury, accompanied by a blank form of bond, if a bond is required, with instructions for the preparation and execution of the same.

(*c*) Such bond after execution must be forwarded to the Secretary of the Treasury who, upon receipt and approval of the bond, will transmit a commission and blank oath of office with instructions and authority to enter upon duty on execution of the oath. The oath must be taken in the district to which appointed and, in order to avoid accounting complications, should be taken on the first day of the month, if practicable, or on the 16th. Bonds must be renewed every 4 years and oftener if necessary; and evidence of the continued solvency of individual sureties will be required each year.

(*d*) Subordinate officers, or employees of bonded officers, are not eligible as sureties on the bonds of their directing or employing officers.

SUBORDINATE APPOINTMENTS IN THE CUSTOMS SERVICE

ART. 1420. *Classified civil-service positions.*—Positions in the Customs Service, other than presidential appointees, stitch counters at the port of New York, navigation season employees in Alaska, unclassified laborers, and those the compensation of which is $540 per annum or less, are in the classified civil service and appointments thereto can be made only in accordance with civil-service rules. Unclassified laborers must be appointed in accordance with the labor regulations established by the Civil Service Commisison (see art. 1427).

ART. 1421. *Assistant collectors, etc.*—(*a*) (1) United States Code, title 19, section 7:

The collectors of customs, comptrollers of customs, surveyors of customs, and appraisers of merchandise shall each, with the approval of the Secretary of the Treasury, appoint a customs officer familiar with the customs laws and procedure, to act and be known as the assistant collector, the asistant comptroller, the assistant surveyor, and the chief assistant appraiser (in lieu of the special deputies), and the Secretary of the Treasury shall fix their compensation. The collector of customs at the port of New York shall also, with the approval of the Secretary of the Treasury, appoint a customs officer qualified in the law and familiar with customs procedure, to act and be known as solicitor to the collector, whose compensation shall likewise be fixed by the Secretary of the Treasury. (Mar. 4, 1923, c. 251, sec. 3, 43 Stat. 1453.)

(2) Before approving the nomination of a customs officer for the position of asisstant collector, assistant comptroller, assistant surveyor, chief assistant appraiser, or solicitor to the collector at New York the Department will order an investigation and await the receipt of a report regarding the qualifications of the nominee to fill the position for which nominated.

(*b*) United States Code, title 19, section 8:

In case of a vacancy in the office of a collector of customs, comptroller of customs, surveyor of customs, or appraiser of merchandise, such assistant collector, assistant comptroller, assistant surveyor, or chief assistant appraiser shall give bond when required, act as such officer, and receive the compensation of such office until an appointment thereto has been made and the person so appointed has duly qualified. Whenever a vacancy occurs in the position of such assistants, chief assistant, and solicitor to the collector, herein provided for, it shall be filled with the approval of the Secretary of the Treasury, by the promotion or transfer of a trained and qualified customs officer, and the assistant, chief assistant, and solicitor to the collector so appointed shall continue in office and shall not be reduced or removed except for cause and in accordance with the civil-service laws and regulations. (R. S. sec. 2629; Mar. 3, 1905, c. 1413, sec. 1, 33 Stat. 983; Mar. 4, 1923, c. 251, sec. 4, 42 Stat. 1453.)

(*c*) When a vacancy occurs in the office of collector of customs, comptroller of customs, surveyor of customs at New York, or appraiser of merchandise at New York, the assistant collector, assistant comptroller, assistant surveyor, or chief assistant appraisger shall immediately assume the duties of the vacant office, giving bond when required, after necessary forms and instructions have been received from the Secretary of the Treasury.

(*d*) An assistant collector so assuming the duties of a vacant position of collector must close the collector's accounts as of the day the position became vacant. New accounts must be opened in his own name as acting collector. (See art. 1184.)

(*e*) When an assistant collector assumes, as acting collector, the duties of a vacant position of collector, he should at once nominate an officer on his force for designation as acting assistant collector. There is no provision of law, however, which will permit the officer so designated to receive the compensation of the position of assistant collector.

(*f*) When an assistant collector, an assistant comptroller, an assistant surveyor at New York, or a chief assistant appraiser at New York has been appointed, he retains that position regardless of changes in the position of collector, comptroller, surveyor, or appraiser until separation from the service or demotion for cause, in accordance with the civil-service laws and regulations. It is not necessary that the foregoing officers be renominated by newly appointed collectors, comptrollers, surveyors, or appraisers.

ART. 1422. *Other subordinate officers.*—At the port of New York, deputy collectors, clerks, storekeepers, inspectors, customs guards, and other employees in the collector's office, are appointed by the Secretary of the Treasury upon the nomination of the collector, when approved by the Commissioner of Customs; assistant appraisers, examiners, clerks, verifiers-openers-packers, laborers, and other employees in the appraiser's stores at the port of New York, upon the nomination of the appraiser through the Commissioner of Customs; and deputy surveyors, clerks, and other employees in the office of the surveyor at the port of New York, upon the nomination of the surveyor through the Commissioner of Customs. In districts other than New York, and at ports other than New York in the district of New York, all nominations, except for positions in the office of the comptroller where there is one, shall be made by the collector unless special instructions to the contrary have been issued. Deputy comptrollers, clerks, and other employees in the comptroller's office, in all districts where there is such an officer, are appointed by the Secretary of the Treasury upon the nomination of the comptroller through the Commissioner of Customs.



ART. 1423. *Nominations—Examination-required positions.*—(*a*) When appointments are to be made to positions in the examination-required class, the nominating officer shall request the civil-service district manager for a certification of eligibles, and upon receipt of the certification accompanied by the papers of the eligibles certified, will make a selection from the names certified, with sole reference to merit and fitness.

(*b*) A nomination on customs Form 3021 shall be forwarded to the Commissioner of Customs in quintuple through the civil-service manager for the district, when his approval is necessary, accompanied by the civil-service certificate when one has been issued; in quadruplicate direct to the Commissioner of Customs when civil-service approval is not necessary. If approved, one copy of this form will be returned to the nominating officer.

(*c*) The nomination must contain the following information: The Christian name and surname of the nominee with middle name, if any; date of birth; kind of appointment (permanent, probational, reinstatement, transfer, excepted, or temporary); the proposed compensation; the proposed pay-roll title; official station; effective date; the name, designation, and salary of previous incumbent; and whether the vacancy occurred by promotion, demotion, transfer, death, resignation, or removal.

ART. 1424. *Probationary.*—(*a*) If the Secretary of the Treasury approves the recommendation of the nominating officer, he will appoint the persons so recommended for a probationary period of 6 months. Upon receipt of the letter of appointment, the nominating officer will notify the appointee to report for duty and take the prescribed oath (customs Form 3003). After execution of the oath of office, a certificate of appointment (customs Form 3005) will be delivered to the appointee. The above oath and the personal history (standard Form 6) shall be in triplicate, two copies of each to be forwarded to the Commissioner of Customs; the remaining copies to be filed with the nominating officer.

(*b*) At the end of the fifth month of the probationary period a report in duplicate must be made on standard Form 17 to the Commissioner of Customs.

(*c*) Civil Service Rule XI, section 3, provides that no employee shall be promoted during the probationary period except upon approval of the Civil Service Commission, previously obtained.)

ART. 1425. *Permanent.*—(*a*) If at the end of 6 months the services of the appointee are satisfactory he will be retained in the service and the appointment will become absolute. No additional oath is required.

(*b*) If the services of the probationer be not satisfactory to the nominating officer, that officer will notify such probationer in writing with a full statement of the reasons, and report his action on customs Form 3021, to the Secretary of the Treasury through the Commissioner of Customs, transmitting a copy of the notice. Such notice shall terminate the services of the probationer, and shall state the date on which the services will end.

ART. 1426. *Nominations—Excepted from examination positions—Appointment.*—(*a*) When vacancies are to be filled in positions excepted by the civil-service rules from examinations the nominating officer shall make a nomination on customs Form 3021, in quadruplicate, to the Secretary of the Treasury through the Commissioner of Customs, stating the Christian name and surname of the nominee, with middle name, if any; date of birth; kind of appointment (permanent or temporary); the proposed compensation; the proposed pay-roll title; official station; effective date; the name, designation, and salary of previous incumbent; and whether the vacancy occurred by death, resignation, or removal. The occupation of the nominee, also his or her character for sobriety, industry, and fitness for the position to which nominated, and whether the person nominated is a relative, dependent, or private employee of the nominating officer must also be reported.

(*b*) Appointments to such positions will be made in the same manner as to examination-required positions except that the nomination on customs Form 3021 is forwarded direct to the Commissioner of Customs and not through the civil-service district manager, and that the appointment will be absolute, no probationary period being required. When the appointment is made, oath of office on customs Form 3003 will be taken in triplicate and two copies forwarded to the Commissioner of Customs, accompanied by the information as to personal history on standard Form 6 in duplicate.

ART. 1427. *Laborers—Appointment of.*—(*a*) Laborers in the Customs Service are divided into three classes—classified, unclassified, and temporary.

(*b*) Classified laborers are in the examination-required class, and nominations and appointments must be made to such positions in accordance with the regulations governing appointments to examination-required positions.

(*c*) Unclassified laborers are those who may be appointed to positions which do not require educational qualifications, do not pertain to the mechanical trades or similar skilled occupations, and in which the employee is not required to exercise any supervision, or dexterity, or skill not likely to be possessed by the ordinary day laborer, but which require services which may be performed by an unskilled workman or laborer, such as the trucking or handling of merchandise in the public stores or on the docks or railway stations. Nominations for the appointment of unclassified laborers must be made in the same manner as nominations for appointment to the examination-required class.

(*d*) Temporary laborers, the employment of whom is rendered necessary by unforeseen emergency, may be employed by the collector of customs for periods of not more than 15 days in any one calendar month without nomination and appointment being made, provided that appointments shall be made from eligible lists, if immediately available, and if they can be so made without delaying the unloading of vessels or other work to be performed. The collector shall report in duplicate to the appropriate civil-service district manager, monthly, the names of all persons so employed, the character of the labor performed by them, the rate of compensation, and the aggregate compensation paid each.

ART. 1428. *Temporary appointments.*—(*a*) When a temporary appointment, either to fill a vacancy or a new position, has been authorized by the Commissioner of Customs, with the approval of the Secretary of the Treasury, the nominating officer will call upon the manager of the civil-service district for a register of eligibles; and if there be such register of eligibles who will accept temporary appointment, nomination shall be made in the manner indicated in article 1423. If there be no register of eligibles, or if no eligible will accept the appointment, the nomination shall be made in the same manner as nominations to positions in the excepted-from-examination class (see art. 1426), except that the nomination must be submitted through the civil-service district manager for his approval.

(*b*) Temporary appointments for job employment under section 4, Rule VIII, Civil Service Rules, may not be made for a period exceeding three months but may be extended by the Secretary of the Treasury for a further period of three months upon the recommendation of the nominating officer, if approved by the civil-service district manager.

ART. 1429. *Veteran preference.*—(*a*) United States Code, title 5, section 35:

> Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. In making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such and to the wives of injured soldiers, sailors, and marines who themselves are not qualified, but whose wives are qualified to hold such positions. (R. S. sec. 1754; July 11, 1919, c. 6, sec. 1, 41 Stat. 37; June 18, 1929, c. 28, secs. 3, 21, 46 Stat. 21, 26.)

(*b*) Copies of the civil-service rules showing the manner in which such preference is applied may be secured from the manager in each civil service district.

ART. 1430. *Ineligibles.*—Persons who have been guilty of grave offenses against the revenue laws, or who have been dismissed for fault or delinquency from any branch of the public service, are not eligible for nomination to positions in the Customs Service, nor should any person be nominated for appointment in such service, who can not produce satisfactory proof of good conduct in his or her previous employment.

ART. 1431. *Retired employees—Reemployment prohibited.*—Persons separated from the service who are receiving an annuity under the provisions of the retirement act by reason of age, can not be reemployed by the Government in any position within the purview of the retirement act.

ART. 1432. *Positions—How created.*—(*a*) Positions in the Customs Service other than Presidential appointments may be created or abolished by the Commissioner of Customs, with the approval of the Secretary of the Treasury. Nominations should not be made for appointments to positions not in existence. If the nominating officer shall be of the opinion that necessity exists for the creation of a new position, he may so report to the Commissioner of Customs, with a statement of facts rendering the creation of such position necessary, and if such position is authorized, nomination to fill the same by original appointment, by promotion or otherwise, should be made in the same manner as nominations are made to fill vacancies.

(*b*) The person appointed pursuant to such authority should not be placed on duty, however, until his appointment by name, showing designation and salary, has been approved by the Bureau.

PROMOTIONS

ART. 1433. *Promotions, basis of.*—Promotions in the Customs Service shall be based solely on good conduct, efficiency, and length of service. Nominating officers may before making nominations for promotion take into consideration the recommendations of the immediate superior officers of the persons considered for promotion, and the recommendations of the committee or board of personnel, if there be any. Recommendations of persons not in the Customs Service will not be considered.

ART. 1434. *Nominations for.*—Nominations for promotions shall be made on customs Form 3021, in quadruplicate, to the Secretary of the Treasury through the Commissioner of Customs, and shall state the Christian name and surname of the nominee, with middle name, if any; date of birth; nature of action to be taken; the present and proposed compensation; the present and proposed pay-roll title; official station; effective date; the name, designation, and salary of previous incumbent; whether the vacancy occurred by promotion, demotion, transfer, retirement, death, resignation, or removal; the length of service of the nominee in present position; and his record for industry, efficiency, and good conduct, with any particular incidents of merit or demerit during his period of service.

VACANCIES, DEMOTIONS, AND TRANSFERS

ART. 1435. *Vacancies.*—Vacancies in the Customs Service may result from promotion, resignation, retirement, death, demotion, removal, or transfer, or from the authorization of new positions.

ART. 1436. *Resignations.*—Resignations must be in writing, in triplicate, signed by the person resigning, and state the reasons for such resignation. Upon a resignation being received by a nominating officer he shall immediately forward the same, in duplicate, to the Secretary of the Treasury through the Commissioner of Customs, with his recommendation on customs Form 3021, in quadruplicate. If the resignation be accepted, the nominating officer will be so informed. The recommendation shall state, in all cases, whether or not the separation from the service is without delinquency or misconduct. Where delinquency or misconduct exists its nature should be stated.



ART. 1437. *Deaths.*—All deaths of persons in the Customs Service should be immediately reported by the nominating officer to the Commissioner of Customs, on customs Form 3021, in triplicate, stating the name, designation, compensation, and date of death.

ART. 1438. *Demotions.*—(*a*) Demotions are of two classes: demotions in salary without change in duties, and demotions to other and lower grade duties.

(*b*) Recommendations by nominating officers for demotions in the classified service shall be made only for negligence, delinquency, inefficiency, or other just cause. Recommendations for demotions must be made in quadruplicate on customs Form 3021, showing the name, age, designation, and compensation of the person to be affected and be accompanied by a letter, in duplicate, containing a statement of the reasons therefor. Where a demotion is to other and lower grade duties, the designation and compensation of the position to which it is proposed to demote the employee, the name of the former incumbent, and the manner in which the vacancy occurred must be shown. The order of demotion, together with the recommendation and statement of reasons therefor, shall be a part of the records of the customhouse and furnished upon request to the person affected.

ART. 1439. *Transfers.*—(*a*) Transfers consist of the change of a person from one position to another having a different designation under the same nominating officer, or from a position under one nominating officer to a position under another nominating officer, or from a position in one customs district to a position in another customs district, or from another branch of the Government service to the Customs Service, or from the Customs Service to another branch of the Government service. Such transfers must be submitted to the Commissioner of Customs for approval by the Secretary of the Treasury.

(*b*) Mere changes in station within a district of persons in the Customs Service carrying no change in designation or compensation, if travel expenses are not to be allowed (see par. (*c*)), may be made by a nominating officer, provided that such changes must be immediately reported to the Commissioner of Customs, in duplicate, by letter, if from one port or customs station to another in the district. Care should be taken to show the effective date.

(*c*) Transfers of employees from one station to another must be approved by the Secretary of the Treasury prior to the transfer if traveling expenses incurred in connection therewith are to be reimbursed by the Government. Such reimbursement may be made only in cases where the change of station or transfer is effected in the interest of the public service and not for the convenience of the officer or employee.

(*d*) If a transfer is to be made from one position to another under the same nominating officer, recommendation therefor, on customs Form 3021, in triplicate, must be made to the Secretary of the Treasury through the Commissioner of Customs. If the transfer is to be made from a position under one nominating officer to a position under another nominating officer, or from a position in one customs district to another customs district, or from one branch of the Government service to another branch of the service, the written consent of the nominating officer or head of the service from which the transfer is to be made must be forwarded with the recommendation. The recommendation for transfer must be in quadruplicate, on customs Form 3021, and state the name, age, and designation of the nominee, the compensation to be paid, the vacancy to which the transfer is to be made and how the vacancy occurred, the present compensation of the nominee, whether or not he desires the transfer, and the reasons why such transfer should be made.

SUSPENSIONS AND REMOVALS

ART. 1440. *General provisions.*—(*a*) When any nominating officer is convinced that the interests of the service require it, he may, subject to the limitations contained in article 1441 (*a*), (*c*), and (*d*), suspend any officer or employee from duty and pay for any period not to exceed 90 days, subject to the subsequent approval of the Secretary of the Treasury, and shall file charges against the accused in writing as soon as possible. Notice of such suspension should be forwarded immediately to the Commissioner of Customs, showing the reasons for the suspension and the date on which it begins.

(*b*) The suspension may be disallowed by the Secretary of the Treasury if he finds, upon examination of the evidence presented, that it was not justified.

(*c*) Whenever it is impracticable to present to the accused in person a copy of the charges on which a suspension is based, or removal is recommended, such copy will be sent by registered mail and the receipt forwarded to the Commissioner of Customs. (See arts. 1441 (*d*) and 1443 (*a*).)

(*d*) If the accused fails to file his answer with the nominating officer within 5 days from the date of receipt by him, or to request an extension of time, it will be assumed that he does not desire to file an answer, and the charges and nominating officer's recommendation will be forwarded to the Commissioner of Customs for action.

(*e*) The answer to the charges should be delivered by the accused in person, when practicable, or should be forwarded by registered mail.

(*f*) Suspensions are of two classes: (1) Disciplinary suspensions for minor delinquencies not believed to be sufficient to justify removal (see art. 1441); (2) suspensions pending investigations or hearings on charges brought with a view to removal (see art. 1442).

ART. 1441. *Disciplinary suspension.*—(*a*) United States Code, title 19, section 62:

> The several collectors, comptrollers, surveyors, and appraisers shall have power, with the approval of the Secretary of the Treasury, as punishment for any neglect or minor delinquency the punishment whereof is not prescribed by law, to suspend from duty with loss of pay for a period not to exceed 30 days for any one cause, any customs officer or employee nominated or appointed and subordinate to such collector, comptroller, surveyor, or appraiser: *Provided, however,* That the Secretary of the Treasury may, on application by the suspended person within 1 year from the expiration of the suspension, in his discretion pay the whole or any part of the pay forfeited by reason of said suspension. (Dec. 18, 1890, c. 22, 26 Stat. 690; June 17, 1930, c. 497, Title IV, sec. 523, 46 Stat. 740.)

(*b*) Applications for payment of salary forfeited by reason of such suspensions can be considered by the Secretary of the Treasury only in cases where the employee is suspended for minor delinquencies or misconduct, and not in cases where the employee has been suspended looking to his removal from the service. (See art. 1442.)

(*c*) Such suspensions may be extended by the Secretary of the Treasury, either with or without the recommendation of the nominating officer.

(*d*) The person suspended shall be furnished with a copy of the charges and notified in writing that written answer to such charges must be made within 5 days from the receipt thereof by him, showing cause why the suspension should not be approved or continued. (See art. 1440, pars. (*c*), (*d*), and (*e*).) Upon request of the person under charges, the time for answer may be extended by the nominating officer for such reasonable period as he may deem just. Such answer, with a copy of the charges, must be forwarded to the Commissioner of Customs with the nominating officer's recommendation.

ART. 1442. *Suspensions looking to removal.*—Whenever it shall appear to any nominating officer, either by reason of his personal observation or by reports made to him by supervising officers, that any officer or employee in the Customs Service has been guilty of such delinquencies or misconduct or has proven so inefficient that removal is justified, and the nominating officer is convinced of the guilt of the accused and that the interests of the service require immediate suspension pending action by the department, he may suspend such accused person for a period not to exceed 90 days and shall file charges. (See art. 1443 (*a*).)

ART. 1443. *Charges looking to removal.*—(*a*) When a nominating officer is of the opinion that charges looking to removal should be filed against an officer or employee, whether or not he is immediately suspended, the accused

shall be furnished with a written statement specifying the delinquencies, misconduct, or inefficiency with which he is charged, and shall be notified in writing that written answer to such charges must be made within 5 days of the receipt thereof by him, showing cause why he should not be removed from the service. (See art. 1440, pars. (*c*), (*d*), and (*e*).) Such time to answer may, upon request of the person so charged, be extended by the nominating officer for such reasonable period as he may deem just. No examination of witnesses, nor any trial or hearing, shall be held except at the discretion of the nominating officer. If a hearing is held the accused shall be notified in writing of the time and place of hearing.

(*b*) A copy of the charges, of the answer, of the recommendation in the case, and of the testimony if a hearing is held, shall be forwarded to the Commissioner of Customs, with the recommendation of the nominating officer, all in duplicate. Copies of the charges, of the notice of hearing, if held, of the reasons for removal, and of the order of removal shall be furnished upon request to the person affected.

IMMUNITIES AND PRIVILEGES OF CUSTOMS OFFICERS AND EMPLOYEES

ART. 1444. *Collector not personally liable.*—(*a*) Tariff Act of 1930, section 513:

No collector or other customs officer shall be in any way liable to any owner, importer, consignee, or agent, or any other person for or on account of any rulings or decisions as to the appraisement or the classification of any imported merchandise, or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent might under this Act be entitled to protest or appeal from the decision of such collector or other officer.

(*b*) Tariff Act of 1930, section 484 (j):

* * * The collector shall not be liable to any person in respect of the delivery of merchandise released from customs custody in accordance with the provisions of this section. Where a recovery is had in any suit or proceeding against a collector on account of the release of merchandise from customs custody, in the performance of his official duty, and the court certifies that there was probable cause for such release by the collector, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector, but the amounts so recovered shall, upon final judgment, be paid out of moneys appropriated from the Treasury for that purpose.

(*c*) United States Code, title 28, section 842:

When a recovery is had in any suit or proceeding against a collector or other officer of the revenue for any act done by him, or for the recovery of any money exacted by or paid to him and by him paid into the Treasury, in the performance of his official duty, and the court certifies that there was probable cause for the act done by the collector or other officer, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector or other officer, but the amount so recovered shall, upon final judgment, be provided for and paid out of the proper appropriation from the Treasury. (R. S., sec. 989.)

ART. 1445. *Militia service—Jury duty.*—Customs officers and customhouse clerks are exempt from service in the enrolled and equipped militia, but are not exempt from jury duty. When serving as jurors, absence will be charged to annual leave. If no leave is due an employee, leave without pay will be granted.

ART. 1446. *Leave of absence.*—(*a*) *Annual leave.*—United States Code, title 5, sections 30b, 30c, and 30e:

SEC. 30b. * * * all civilian officers and employees of the United States wherever stationed and * * *, regardless of their tenure, in addition to any accrued leave, shall be entitled to twenty-six days' annual leave with pay each calendar year, exclusive of Sundays and holidays: *Provided*, That the part unused in any year shall be accumulated for succeeding years until it totals not exceeding sixty days. * * * Temporary employees * * * shall be entitled to two and one-half days' leave for each month of service. The annual leave herein authorized shall be granted at such times as the heads of the various departments and independent establishments may prescribe. * * * (Mar. 14, 1936, c. 140, sec. 1, 49 Stat.)

SEC. 30c. Nothing in sections 30b * * * and 30e of this title shall be construed to prevent the continuance of any existing leave differential now obtaining for the benefit of employees of the Federal Government stationed outside the continental limits of the United States. (Mar. 14, 1936, c. 140, sec. 5, 49 Stat.).

SEC. 30e. The leave of absence in sections 30b (and) 30c * * * of this title * * * shall be administered under such regulations as the President may prescribe * * *. (Mar. 14, 1936, c. 140, sec. 7, 49 Stat.)

(*b*) *Sick leave.*—United States Code, title 5, sections 30f–30h and 30k:

SEC. 30f. * * * civilian officers and employees of the United States wherever stationed * * * shall be entitled to sick leave with pay regardless of their tenure, as described herein. (Mar. 14, 1936, c. 141, sec. 1, 49 Stat.)

SEC. 30g. * * * cumulative sick leave with pay, at the rate of one and one-quarter days per month, shall be granted to all civilian officers and employees, the total accumulation not to exceed ninety days. Temporary employees * * * shall be entitled to one and one-quarter days sick leave for each month of service: *Provided*, That all such employees shall furnish certificates satisfactory to the head of the appropriate department or independent establishment. (Mar. 14, 1936, c. 141, sec. 2, 49 Stat.)

SEC. 30h. Administrative officers may advance thirty days sick leave with pay beyond accrued sick leave in cases of serious disability or ailments and when required by the exigencies of the situation. (Mar. 14, 1936, c. 141, sec. 3, 49 Stat.)

SEC. 30k. The leave of absence provided for in section 30f to 30j of this title shall be administered under such regulations as the President may prescribe * * *. (Mar. 14, 1936, c. 141, sec. 7, 49 Stat.)

(*c*) *Presidential appointees.*—Leave of absence may be taken by presidential appointees at times and for periods permitted by the public interests provided that, when such leave of absence embraces more than one official working day, application therefor must be made to the Secretary of the Treasury through the Commissioner of Customs.

(*d*) For detailed instructions as to the granting of the various kinds of leave authorized by law, see Department Circular No. 202 (Revised) dated July 27, 1936, which contains the applicable presidential and departmental regulations.

ART. 1447. *Record of absence.*—(*a*) At each headquarters port, port of entry, and station an employee shall be designated to act as time clerk. The said clerk shall report each day to the head of his office on the "Daily list of absentees" (departmental stock Form 2242) all officers and employees absent on account of annual leave, sick leave, or leave without pay for the whole or any part of the day. After the list of absentees has been approved by the head of the office, the time so charged shall be recorded by the time clerk on the individual card record of absence (departmental stock Form 2152). At subports and stations departmental stock Form 2242 should be prepared in duplicate and the originals forwarded daily to the headquarters port to be entered on the headquarters port copy of departmental stock Form 2152. All of the leave taken by each employee in the calendar year should be entered on one card. The total leave granted to each officer and employee in each calendar year should be entered at the end of the year on departmental stock Form 2240 which shall be maintained as the permanent record at the headquarters port. Thereafter, the yearly record on departmental stock Form 2152 may be disposed of.

(*b*) Applications for leave of absence for less than 1 day will be made to the head of the office or division on customs Form 3019, and for 1 day or more on departmental stock Form 2217.

(*c*) When partial-day absences aggregate a day, a day's absence will be charged against annual leave.

ART. 1448. *Report of absence.*—Each nominating officer shall make, immediately after the close of each calendar year, a report to the Commissioner of Customs on departmental stock Form 2243, showing the absence from duty for such calendar year of each officer, clerk, and employee under such nominating officer, as follows:

The name, designation, number of days annual leave taken, number of days sick leave, number of days without pay, and number of days military leave, with such remarks as may be deemed proper.

ART. 1449. *Report of injuries.*—Whenever an injury, however slight, is sustained by an employee due to an accident occurring in the course of his employment, notice on Form C. A. 1 should be submitted to his immediate superior within 48 hours. If absence from duty continues beyond the day on which injury occurred, or if expense has been incurred for medical treatment, Form C. A. 1, accompanied by Form C. A. 2, Report of Injury, should be forwarded to the Bureau as soon as practicable, Form C. A. 3, Report of Termination of Disability, should be forwarded when the employee returns to work or when death ensues. When disability continues beyond three days and claim for compensation is to be made, it should be submitted on Form C. A. 4, within 60 days after the injury. Claim on account of death should be submitted on Form C. A. 5 within 1 month after death occurs.



ART. 1450. *Retirement.*—(*a*) Classified customs employees, including laborers of all kinds, becoming disabled or upon reaching the required age are eligible for retirement on annuities as provided in the civil service retirement act approved May 29, 1930. The retirement age for customs employees, except as indicated in pars. (*b*) and (*c*), is 70 years, with the privilege of retirement at 68 after 30 years' service, at the option of the employee.

(*b*) Verifiers-openers-packers, sugar samplers, and laborers, both classified and unclassified, are eligible for retirement at 65, or at 63 after 30 years' service, at the option of the employee.

(*c*) Employees whose terms of service include 15 years or more in the Tropics (Puerto Rico, Hawaiian Islands, and the Virgin Islands) are retirable at 62, or at 60 after 30 years' service, at the option of the employee.

ART. 1451. *Reinstatement.*—Former classified customs employees who are not receiving an annuity by reason of age under the provisions of the retirement act and who were not separated from the service for delinquency or misconduct may be reinstated to positions in the Customs Service, subject to the limitations contained in Civil Service Rules IX.

DISABILITIES OF CUSTOMS OFFICERS

ART. 1452. *Customs employees prohibited from importing merchandise.*—(*a*) Tariff Act of 1930, section 599:

No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the importation of any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of $500.

(*b*) Tariff Act of 1930, section 560:

* * * No collector or other officer of the customs shall own, in whole or in part, any bonded warehouse or enter into any contract or agreement for the lease or use of any building to be thereafter erected as a public store or warehouse. * * *

ART. 1453. *Customs officers not to act as agents or prepare entries.*—Customs officers and employees cannot act as consignees or agents or prepare entries for importers, but may advise persons inexperienced in customs matters relative to the entry of their goods. Any merchandise imported by customs officers or employees or consigned to them directly or indirectly for sale in the United States with their knowledge and consent will be seized. Merchandise consigned to them without their authority and refused by them should be treated as unclaimed.

ART. 1454. *Customs officers not to attend or bid at customs sales.*—Customs officers and employees will not be permitted to attend any public sale of goods forfeited to the United States under the revenue laws (except those who may be regularly detailed officially at such sales), nor to bid for themselves or on behalf of other persons upon the goods offered at such sales.

ART. 1455. *Employees of the New York appraiser not to engage in commercial business.*—United States Code, title 19, section 17:

No appraiser, assistant appraiser, examiner, clerk, verifier, sampler, messenger, or other person employed in the departments of appraisal at the port of New York, or any of them, shall engage or be employed in any commercial or mercantile business, or act as agent for any person engaged in such business, during the term of his appointment. (R. S., sec. 2941.)

ART. 1456. *Holding other office prohibited.*—(*a*) United States Code, title 5, section 58:

Unless otherwise specifically authorized by law, no money appropriated by any act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum. (May 10, 1916, c. 117, secs. 6, 39 Stat. 120; Aug. 29, 1916, c. 417, 39 Stat. 582.)

(*b*) United States Code, title 5, section 69:

No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services, whatever, which any officer or clerk may be required to perform, unless expressly authorized by law. (R. S., sec. 1764.)

(*c*) United States Code, title 5, section 70:

No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation. (R. S., sec. 1765.)

(*d*) Persons holding civil office under Federal authority may not hold any office under any State or Territorial government, or under the charter or ordinances of any city, town, or village government, whether elective or by appointment and whether with or without compensation, with the following exceptions: Justices of the peace, notaries public, commissioners to take acknowledgment of deeds or of bail, or to administer oaths; positions on boards of education, school committees, public libraries, religious or eleemosynary institutions incorporated or established or sustained by State or municipal authority, professorships in colleges, and municipal offices in certain places in Maryland and in Virginia adjacent to Washington specified in the footnote to Civil Service Rule I, section 2.

ART. 1457. *Instructing for civil-service examinations prohibited.*—No customs officer or employee shall directly or indirectly instruct or be concerned in any manner in the instruction of any person or class of persons with a view to their special preparation for the examinations of the United States Civil Service Commission. Any violation of this regulation shall be considered sufficient cause for removal from the service.

ART. 1458. *Political and other contributions.*—(*a*) United States Code, title 18, section 208:

It is unlawful for any * * * officer or employee of the United States, or any person receiving any salary or compensation for services from money derived from the Treasury of the United States, to directly or indirectly solicit, receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person. (Jan. 16, 1883, c. 27, sec. 11, 22 Stat. 406; Mar. 4, 1909, c. 321, sec. 118, 35 Stat. 1110; Feb. 28, 1925, c. 368, sec. 312, 43 Stat. 1073.)

(*b*) United States Code, title 18, section 209:

No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in section 208 of this title or in any navy yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever. (Jan. 16, 1883, c. 27, sec. 12, 22 Stat. 407; Mar. 4, 1909, c. 321, sec. 119, 35 Stat. 1110.)

(*c*) United States Code, title 18, section 210:

No officer or employee of the United States mentioned in section 208 of this title shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. (Jan. 16, 1883, c. 27, sec. 13, 22 Stat. 407; Mar. 4, 1909, c. 321, sec. 120, 35 Stat. 1110.)

(*d*) United States Code, title 18, section 211:

No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever

(Jan. 16, 1883, c. 27, sec. 14, 22 Stat. 407; Mar. 4, 1909, c. 321, sec. 121, 35 Stat. 1110.)

(*e*) United States Code, title 18, section 212:

Whoever shall violate any provision of sections 208 to 211 of this title shall be fined not more than $5,000, or imprisoned not more than 3 years, or both. (Jan. 16, 1883, c. 27, sec. 15, 22 Stat. 407; Mar. 4, 1909, c. 321, sec. 122, 35 Stat. 1110.)

(*f*) United States Code, title 18, section 213:

Any executive officer or employee of the United States not appointed by the President, with the advice and consent of the Senate, who shall request, give to, or receive from, any other officer or employee of the Government any money or property or other thing of value for political purposes shall be at once discharged from the service of the United States. (Aug. 15, 1876, c. 287, sec. 6, 19 Stat. 169.)

(*g*) No person in the public service shall use his official authority or influence either to coerce the political action of any person or body, or to interfere with any election.

(*h*) No person in the public service shall for that reason be under any obligation to contribute to any political fund, or to render any political service, and he will not be removed or otherwise prejudiced for refusing to do so.

(*i*) Solicitation, directly or indirectly, by employees for advertisements in program souvenirs, or other publications, from importers, steamship companies, customhouse brokers, or any other person or persons whose business is in any manner conducted with the Customs Service or its employees, or for personal gifts to other employees, is also prohibited.

ART. 1459. *Political activity.*—Employees in the competitive classified service shall take no active part in political management or in political campaigns. This rule is also applicable to unclassified laborers.

ART. 1460. *Rewards and gratuities.*—(*a*) Tariff Act of 1930, section 600:

Any officer or employee of the United States who, except in payment of the duties or exactions fixed by law, solicits, demands, exacts, or receives from any person, directly or indirectly, any gratuity, money, or thing of value, for any service performed under the customs laws, or in consideration of any official act to be performed by him, or of the omission of performance of any such act, in connection with or pertaining to the importation, entry, inspection or examination, or appraisement of merchandise or baggage, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment for not more than 2 years, or both, and evidence, satisfactory to the court in which the trial is had, of such soliciting, demanding, exacting, or receiving shall be prima facie evidence that the same was contrary to law.

HOURS OF BUSINESS AND SERVICE

ART. 1461. *Hours of business.*—(*a*) Customs offices shall be open between the hours of 9 a. m. and 4: 30 p. m. on all days of the year, except Saturdays, Sundays, and national holidays, and on Saturdays, except national holidays, from 9 a. m. to 1 p. m., unless a variation in these hours is necessitated by local conditions and is approved by the Commissioner of Customs. So far as the transaction of public business will permit, customs employees may be excused on State holidays: *Provided, however*, That no such employee shall be excused from performing 4 hours' work, exclusive of time for luncheon, on Saturdays, without being charged the time absent, because of any State law granting part holidays on Saturdays. (See art. 1462 (*e*).)

(*b*) The national holidays are January 1, February 22, May 30, July 4, the first Monday in September, Thanksgiving Day (when designated by the President), and December 25. If a holiday falls on Sunday the following day will be observed.

ART. 1462. *Hours of service.*—(*a*) The official hours of officers, clerks, examiners, and employees, except those hereinafter specified, will be from 9 a. m. to 4:30 p. m., with a half hour for lunch.

(*b*) The official hours of the following employees will be: Staff officers, station inspectors, and inspectors to whatever duty assigned, sugar samplers, samplers, laborers, storekeepers, and outside messengers, from 8 a. m. to 5 p. m., 1 hour for lunch; verifiers-openers-packers and openers and packers, 8 a. m. to 4: 30 p. m., one-half hour for lunch; customs guards not less than 8 hours.

(*c*) The above hours may be extended as the needs of the service demand, and such extension shall be without additional compensation, except as provided for in the act of February 13, 1911, as amended by the act of February 7, 1920.

(*d*) The act of February 7, 1920, also provides that in those ports where customary working hours are other than those above mentioned, the collector of customs is vested with authority to regulate the hours of customs employees so as to agree with prevailing working hours in said port, but nothing contained in this proviso shall be construed in any manner to affect or alter the length of a working-day for customs employees or the overtime pay fixed for such employees.

(*e*) United States Code, title 5, section 26a:

On and after March 3, 1931, 4 hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees cannot be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this section shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws. (Mar. 3, 1931, c. 396, 46 Stat. 1482.)

OFFICE RULES

ART. 1463. *Reading, smoking, etc.*—(*a*) The reading of newspapers, loud conversation, or other conduct interfering with the orderly dispatch of public business, or the congregating of idle persons or loungers in the corridors or elsewhere in public buildings will not be permitted.

(*b*) Smoking is prohibited in file rooms, in elevators, and in such other places as may be deemed advisable in the judgment of the head of the office, as a precaution against fire.

ART. 1464. *Admission out of business hours.*—No person not connected officially with the Customs Service shall be admitted to a customs office except during business hours, unless by special authority of the head of such office.

ART. 1465. *Confidential information.*—(*a*) Collectors, appraisers, customs agents, and other customs officers and employees are hereby instructed not to disclose details of their official activities for publication, except under special authority from the Bureau. It is the desire of the Department that collectors and other principal officers of the customs refrain from disclosing facts concerning seizures, investigations, and other pending cases of public interest until the matter is completed.

(*b*) The right of the press to be advised of administrative action concerning certain customs activities is fully recognized. It is, however, necessary in many cases to avoid publicity in order to protect both the Government's interests and those of persons involved.

(*c*) In applying the above paragraphs to offenses against customs laws, the collector may give the press information of the details in any given case after he has completed his investigation and the case has been closed with a finding against the offender.

(*d*) Insofar as administrative matters in Washington are concerned, statements will be issued only through the office of the Secretary or the Assistant Secretary in charge of the Customs Service; and field officers are expected to conform to this policy by exercising proper restraint and judgment in disclosing local transactions.

(*e*) (1) The information contained in invoices, entries, manifests, export declarations, official reports of investigating officers and other papers or documents, filed with customs officers for any official purpose, must be treated as confidential, except for the purpose for which such documents are required to be filed. All officers and employees of the customs service are prohibited, unless specially authorized to do so by the Bureau or by these regulations, from giving out information contained in such papers and documents except to the importer or exporter (in the case of export documents) or other party directly in interest or to his authorized agent.

(2) In answer to a legal process or demand from a court issued in behalf of the United States or an officer thereof, customs officers or employees shall produce in court in customs custody, and may testify with respect to, any official customs papers or documents demanded. When any such process or demand is issued in behalf of a party other than the United States it shall be complied with only to the extent that the party in whose behalf the papers or documents are demanded is permitted under these regulations to inspect such papers or documents at the customhouse.

(3) Except as provided in subdivision (5) hereof, nothing herein shall preclude customs officers or employees from producing in the United States Customs Court in customs custody any customs papers or documents requested by the court or from testifying or otherwise rendering all proper assistance to the court in proceedings before it; nor from furnishing to counsel for the United States information contained in, and permitting him to inspect, customs papers or documents requested by him, nor from testifying on behalf of the United States or otherwise assisting him in the performance of his official duties.

(4) In all cases where copies of customs documents or records are desired by, or on behalf of, parties to a suit, whether in a court of the United States or any other, such copies shall be furnished to the court only and on a rule of the court upon the Secretary of the Treasury requesting same, provided, however, that copies of such documents or records may be furnished to importers or exporters or other parties directly in interest or to their authorized agents without obtaining prior departmental approval. Exceptions to this rule will be made only on the written order of the Secretary, the Under Secretary, an Assistant Secretary, or the Administrative Assistant to the Secretary. When requested, such copies may be authenticated pursuant to the provisions of section 882 of the Revised Statutes, as amended (U. S. C., title 28, sec. 661).

(5) The authority granted in subdivisions 2, 3, and 4 of this paragraph is subject to the restriction that no matters, the disclosure of which would be prejudicial to the public interest, shall be disclosed to any person without prior authority from the Department.

(6) Upon being served with a subpoena or subpoena duces tecum from a court or officer thereof calling for testimony or the production of papers or documents in cases not covered by (2) or (3) above, or in cases where the testimony or documents desired would disclose matters of a confidential nature or the disclosure of which would be prejudicial to the public interest, the matter shall be referred to the Bureau for instructions. In the event instructions are not received prior to the date set for appearance or production of documents, or if the Bureau declines to permit their production or the disclosure of the information contained therein or otherwise within the knowledge of the customs officer or employee whose testimony is requested the customs officer or employee should appear in court, or before the officer concerned, in answer to the subpoena and respectfully decline to produce the documents called for, or to testify, except to the extent specifically authorized elsewhere in this article, citing this regulation as authority for his refusal. If the matter has not already been referred to the Bureau for instructions, the customs officer or employee will advise the court or officer that it will be so referred.

(*f*) Accredited representatives of the press, including newspapers, commercial magazines, trade journals, and similar publications, may be permitted to examine vessels' manifests and to copy therefrom for publication information and data not of a confidential nature, subject to the following rules:

(1) Of the information and data appearing on outward manifests, only the general character, destination, and quantity (or value) of the commodity, name of vessel, and country of destination, may be copied and published. Where the manifests show both quantity and value, either may be copied and published, but not both in any instance.

(2) Confidential information such as the names of the shippers and consignees, marks and numbers, and both quantities and values of commodities shall not be copied from outward manifests.

(3) Of the information shown on inward manifests, only the name of the consignee, the general character of the commodity, and the quantity (or value), name of vessel, and the country of dispatch shall be copied and published. Where an inward manifest shows both quantity and value of the commodity, either may be copied and published, but not both in any instance.

(*g*) Accredited representatives of regularly established associations, whether incorporated or not, shall be permitted to examine vessels' manifests for the purpose of securing data relative to merchandise of the kind or class in the importation of which the association is interested, subject to the foregoing rules; but this authority does not extend to attorneys or customs brokers representing individual importers.

(*h*) Importers and exporters or their duly authorized brokers, attorneys, or agents may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or to make any copies or notations from the same except with reference to the particular importation or exportation in which they have a proper and legal interest.

(*i*) All copies and notations from inward and outward manifests shall be submitted for examination by the customs officers designated for that purpose.

(*j*) Persons other than representatives of the press and associations provided for above, who have no proper and legal interest in any of the merchandise covered by a manifest, shall not be permitted access to the same.

(*k*) Upon written application of any importer or exporter, the collector of customs shall refuse to permit any person, except as provided in paragraph (*h*), to copy from manifests any information or data concerning the merchandise imported or exported by the applicant. Upon written application of the master or owner of any vessel or line of vessels, the collector of customs shall refuse to permit any person, except as provided in paragraph (*h*), to copy any information or data contained in outward manifests of merchandise carried by the vessel or vessels controlled by the applicant, if the collector is satisfied, upon evidence presented to him, that the publication of the information or data has been or will be detrimental or prejudicial to the applicant.

(*l*) In case any individual shall abuse the privilege granted him of examining inward and outward manifests or shall make any improper use of any information or data obtained from such manifests filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such documents.

(*m*) Information regarding import and export statistics covering specific commodities may be furnished to trade papers, trade organizations, and commercial concerns upon request therefor. This information should conform as nearly as possible to the statistics forwarded to the Department of Commerce and should not disclose confidential information, such as names of shippers or consignees, marks and numbers, vessels' names, etc.

(*n*) The disclosure of the information contained in customs documents (with the exception of statistical data, and data contained in vessels' manifests as heretofore provided for), or the disclosure to one importer or exporter or exporter of information relative to the business of another importer or exporter acquired by the officer or employee by reason of his official employment, will constitute grounds for dismissal from the service; and if done for a valuable consideration will subject such person to criminal prosecution.

ART. 1466. *Travel regulations.*—(*a*) Only necessary expenses for transportation and subsistence should be incurred by persons absent on official business. Such expenses actually incurred and paid by persons traveling under proper authorization will be reimbursed, within statutory limita-

tions, upon presentation of proper vouchers. An allowance not to exceed $5 per diem in lieu of subsistence expenses may be authorized.

(*b*) Inspectors of customs may accept passes or free transportation for interstate and intrastate travel, while other customs officers may accept passes or free transportation for intrastate travel only. The use of such passes or free transportation shall be limited to traveling on official business in the interest of the transportation company or for the purpose of examining baggage and similar routine duties. Requests for free transportation may be issued only by the collector or assistant collector. Such requests shall state specifically the name of the customs officer, the particular customs matter that necessitates the use of the transportation, and the points between which the transportation is desired.

(*c*) Collectors of customs shall forward to the Department, between June 30 and July 15 of each year, a list of all passes and free transportation requested and issued to customs inspectors in his district during the preceding fiscal year, giving the names of the transportation companies, the names of the officers receiving the passes, the points covered by the transportation, and the customs business which necessitated the traveling.

(*d*) Collectors and other officers of the customs, before calling at the Department on official business, must write or telegraph and obtain specific authority therefor before coming to Washington, stating the business concerning which they desire to call and the necessity for presenting the matter personally.

ART. 1467. *Indebtedness of employees.*—(*a*) Customs officers will not act as agents for the collection of debts contracted by customs employees, but employees will not be retained in the service who persistently refuse or habitually neglect to pay their necessary personal and family expenses.

(*b*) The payment of loans for which usurious interest has been paid or contracted will not be enforced, but employees who habitually borrow at excessive rates of interest will not be kept in the service.

(*c*) Customs officers or employees are prohibited from lending to their fellow officers or employees at usurious rates.

(*d*) The presentation by the creditor of a judgment of a court of law will be accepted as conclusive evidence in cases of indebtedness for necessary personal and family expenses incurred while in the Customs Service.

(*e*) Bills or claims presented by professional collectors or attorneys acting as collectors will not be recognized, nor will debts contracted by persons at a time when they were not in the Customs Service.

(*f*) Any violation of this regulation should be reported to the Bureau.

## CHAPTER XXIX

## PUBLIC PROPERTY—RENTED PREMISES—SUPPLIES

PUBLIC BUILDINGS

Art.
1468. Custodians.

RENTED PREMISES

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### PUBLIC BUILDINGS

ART. 1468. *Custodians.*—Collectors or other customs officers appointed as custodians of customhouses and other public buildings under control of the Secretary of the Treasury will have charge and supervision of the buildings intrusted to them, and will be governed by the regulations and instructions concerning the duties of custodians furnished by the Department through the office of the Director of Procurement.

### RENTED PREMISES

ART. 1469. *Use and care.*—(*a*) Collectors or other customs officers having charge of rented buildings or rented quarters for the use of the Customs Service will be governed by the following regulations, when janitor service, heat, and light are not included in the lease:

(*b*) They shall have exclusive control of the force used by the Government for janitor service therein and for heating and lighting the premises.

(*c*) They will cause the halls, stairs, vestibules, passageways, and rooms to be kept neat and clean at all times, and such measures must be taken as may be necessary to protect the walls and woodwork from defacement and prevent the committing of nuisances in or about the building and grounds. Advertisements or public notices, except such as relate to Government business, must not be posted on the walls or in the corridors or public lobbies of such portions of the building as are used by the Government. The labor incident to cleaning the several portions of the building, whitewashing, taking up and laying carpets, and putting up and taking down awnings, when practicable, must be performed by the janitor or his assistants, and no expenses for these services will be allowed unless some special reasons exist therefor and authority has been granted. Application for such authority should state the reasons explicitly.

(*d*) Collectors or other customs officers shall allow no quarters or space to be occupied or used for other than official purposes.

ART. 1470. *Repairs and alterations.*—(*a*) Any necessity for repairs or alterations of the furniture or other articles must be promptly reported, with recommendation for action, to the Bureau of Customs, together with an estimate of the cost of making the same.

(*b*) Customs officers having authority and jurisdiction will not make expenditures for repairs, alterations of the furniture, or for other necessaries without the previous written authority of the Bureau of Customs, and when an amount authorized for any specific purpose proves insufficient authority must first be obtained for any additional expense required before incurring it.

ART. 1471. *Flag.*—(*a*) The flag of the United States shall be displayed over all customhouses occupying rented quarters during the hours of business on working days, provided such hours do not extend beyond sunset, and on holidays, not including Sundays, except when stormy weather prevents its display. It should, however, be displayed on the second Sunday in May, designated as Mother's Day; and on Memorial Day it should be half-staff until noon, then full staff. It is always to be lowered at sunset, taken in, folded, and stored for the night. If it is wet, it should be carefully dried before storing. Flags are to be neatly hemmed by the janitor force when they become torn by the wind until further repairs are impracticable, after which they are to be burned on the premises either in the furnace or some other available place.

(*b*) The revenue ensign of the United States shall also be displayed during the hours of business over all buildings in which customs business is transacted.

(*c*) When stormy weather or high winds prevent the flying of the larger-sized flags, the small storm flag (No. 9) should be hoisted, unless the velocity of the wind is such that it is considered inadvisable to do so.

(*d*) Flags will be supplied by the Department on requisition as follows:

1. National ensigns for public buildings through the Director of Procurement.

2. National ensigns for rented buildings or offices and revenue ensigns for public and rented buildings or offices, through the Bureau of Customs.



### PUBLIC PROPERTY

ART. 1472. *Marking—Preservation.*—All articles of public property purchased out of the appropriation "Collecting the revenue from customs", and in use in the Customs Service, will, so far as practicable, be stamped, marked, or branded with the words "U. S. Customs", in letters one-half inch high.

ART. 1473. *Purchases for other departments or offices.*—The incurring of expense for, or the use of, articles purchased out of the appropriation for the collection of the revenue from customs by officials of other departments or offices will not be permitted.

ART. 1474. *Returns.*—(*a*) Collectors and other customs officers having custody of public property purchased out of the appropriation "Collecting the revenue from customs" are accountable therefor to the Bureau of Customs.

(*b*) A complete record in detail of all public property in the custody of collectors should be kept in proper form for reference, specifying the office or building in which the articles are located, together with the cost and date of purchase and condition of the same as shown by the receipts to their predecessors or their latest inventory, and all authorizations to purchase, transfer, sell, or otherwise dispose of articles should be entered upon this record.

(*c*) Returns of furniture and fixtures and miscellaneous public property will be rendered to the Bureau annually on the 30th of June, and will embrace only such articles as have been acquired, transferred, sold, or otherwise disposed of during the period covered by the returns submitted.

(*d*) The returns should specify the office or building in which the articles are or were located, and the number and description of the articles, care being taken to give the date of authority to purchase, sell, or transfer, and the cost of the articles.

(*e*) Articles should not be entered upon the records of the office nor included in the semiannual returns until they have been received, whatever the date of authority for their purchase; but when received the date of the authority should be entered in its proper column and under the head of "Remarks" the date of their receipt.

(*f*) Furniture and fixtures embraces carpets, matting, rugs, and mats, window shades, awnings, cuspidors, water coolers, platforms, screens, counters, railings, gates, and other furniture unenumerated herein.

(*g*) All items should be continued upon the records of the office until authority has been obtained from the Bureau to drop them.

(*h*) When articles are sent from the Bureau the date of the letter of transmittal should be given in the column headed "Date of authority for purchase."

(*i*) In requesting authority to make transfers, sell, or drop articles, the items should be designated as they are entered upon the record.

(*j*) When old articles of furniture are converted into other articles, the old articles should, after authority has been obtained, be omitted from the record and the new articles entered thereon under the date of the authority to make such change.

(*k*) On retiring from office the officer will forward to the Bureau the receipt, in detail, of his successor for all property transferred to him, which will be compared, and should agree with the record as kept by the Bureau.

(*l*) All property for which returns are required will be charged to and accounted for by the collector or customs officer in charge, who, on retiring from office, will forward receipts in duplicate of his successor for the property so transferred.

(*m*) The records, returns, and disposition of public property in custody of collectors or other customs officials who are custodians of Federal buildings are covered by the "Instructions to custodians", issued through the Director of Procurement.

ART. 1475. *Contracts—Solicitation for, and brokerage or contingent fees prohibited.*—All formal contracts except leases to which the Treasury Department or any branch thereof is a party shall contain the following provision:

> The contractor expressly warrants that he has employed no third person to solicit or obtain this contract in his behalf, or to cause or procure the same to be obtained upon compensation in any way contingent, in whole or in part, upon such procurement; and that he has not paid or promised or agreed to pay, to any third person, in consideration of such procurement, or in compensation for services in connection therewith, any brokerage, commission, or percentage upon the amount receivable by him hereunder; and that he has not, in estimating the contract price demanded by him, included any sum by reason of any such brokerage, commission, or percentage; and that all moneys payable to him hereunder are free from obligation to any other person for services rendered, or supposed to have been rendered, in the procurement of this contract. He further agrees that any breach of this warranty shall constitute adequate cause for the annulment of this contract by the United States, and that the United States may retain to its own use from any sums due or to become due thereunder an amount equal to any brokerage, commission, or percentage so paid, or agreed to be paid: *Provided, however,* It is understood that this covenant does not apply to the selling of goods through a bona fide commercial representative employed by the contractor in the regular course of his business in dealing with customers other than the Government and whose compensation is paid, in whole or in part, by commissions on sales made, nor to the selling of goods through established commercial or selling agents or agencies regularly engaged in selling such goods.

### STATIONERY

ART. 1476. *Stationery to be furnished or authorized by Department.*—No ink, typewriter ribbon, paper, or other article of stationery, except such as is furnished or authorized by the Department, shall be used officially by any official clerk, or other employee of any branch of the Treasury Department.

ART. 1477. *Standard ink.*—The "Government Standard" ink is to be used exclusively in all branches of the Treasury Department. Copying ink should not be used on book records.

ART. 1478. *Fading inks—Aniline colors.*—Customs officials will in no case accept for official purposes bonds, vouchers, or other documents on which money is to be paid, or other important action taken, if prepared and signed with inks which are liable to fade. Documents or papers written or signed with aniline colors—blue, purple, violet, red, etc.—must not be accepted.

ART. 1479. *Requisitions.*—(*a*) Stationery supplies needed for the transaction of customs business will be furnished upon requisitions from the head of each office on departmental stock Form 2162 for the regular and on departmental stock Form 2163 for supplementary requisitions. Customs officers are charged with the responsibility of making requisitions in time to have the supplies on hand when required.

(*b*) Officers will order periodically as follows:

Weekly: Customs officers at New York.

Monthly: Customs officers at comptroller ports (except New York).

Semiannually: Collectors of customs at subcomptroller office ports (Apr. 1 and Oct. 1).

(*c*) The practice of making supplementary requisitions should be avoided as far as possible, and when made they should include all forms that may be needed before making the next regular requisition.

(*d*) Plain thin linen for carbon copies of letters should be requested on stationery requisitions. Thin printed letterheads will be furnished to headquarters ports only, and to them only when it is necessary to use the carbon copy as an original letter, and should be included on requisitions for books and blanks.

(*e*) All blanks which are to be sold by customs officers are listed in the catalogue under the 7500 series, and requisitions therefor should be made on separate sheets of customs Form 4909–A-B-C and should not be included in requisitions for other books and blanks. Collectors are responsible for all blanks for sale shipped into their respective districts and for all blanks sold, and in order to give the collector's office direct control it is the desire of the Bureau that these blanks be ordered only by collectors and by then distributed to deputy collectors.

(*f*) All requests for loose-leaf binders and transfer binders must be made on requisition of stationery, giving the name of the binder and the customs form number. Loose-leaf binders and transfer binders should be used in the manner set forth in paragraphs 26 to 30 of T. D. 38311.

(*g*) Division sheets for loose-leaf binders are furnished with or without celluloid tabs and requests therefor must be made in the same manner as for loose-leaf binders, giving the customs form number of the binder, the size of the sheet, and the edge on which the sheet is to be bound.

BLANK FORMS

ART. 1480. *Requisitions.*—(*a*) All blank forms and blank books needed for the transaction of customs business are supplied by the Department upon requisition of the head of each office, and such requisitions should be made on customs Form 3039 and be forwarded to the Bureau for check and transmission to the Chief of the Section of Books and Blanks, Division of Printing, Treasury Department.

(*b*) Officers will order periodically as follows:

Weekly: The collector at New York.

Monthly: Collectors at comptroller of customs ports (except New York).

Semiannually (Apr. 1 and Oct. 1): Collectors at subcomptroller ports.

(*c*) Nothing should be asked for in requisitions except the forms enumerated in the catalog of customs forms and letterheads, noteheads, continuation sheets, and memorandum pads.

(*d*) Requisitions for blanks kept for sale should be made on customs Form 4909 A–B–C and not be included in requisitions for other books and blanks.

(*e*) The catalog number, quantity on hand, quantity desired, and a brief title should be given, and sizes should be omitted. The catalog numbers should be arranged consecutively and be given in figures.

(*f*) Only the forms actually needed and the probable quantities of each form required during the period covered by the requisition should be requested. Requisitions for books and blanks are revised on the basis of previous issues of each form, and a request for an unusual quantity of any form must be explained, otherwise it will not be allowed. The quantity of any blank ordered should be based upon the number of transactions during the year. The collector's annual report of transactions should be the basis of the order.

(*g*) Officers must, in the transaction of customs business, confine themselves as far as possible to the approved forms which are supplied by the Department upon requisition of the head of each office. Such requisitions should be made on customs Form 3039 and be forwarded to the Bureau for check and transmission to the Chief of the Section of Books and Blanks, Division of Printing, Treasury Department.

(*h*) Requisitions for forms other than those enumerated in the catalog should be made by letter addressed to the Bureau, and should be accompanied in every case with a copy of the form desired, together with a full statement of the necessity for a special form. Ample time should be allowed for departmental consideration of the request and for printing, which in most cases will be from 2 to 3 months.

(*i*) Letterheads and noteheads with printed location will be furnished only for headquarters ports, and at least 6 weeks' time must be allowed for delivery. Stock letterheads and noteheads with location blank will be furnished for ports of entry and for emergency use at headquarters ports.

(*j*) Continuation sheets to letterheads are kept in stock and should be included in requisitions for books and blanks.

(*k*) Memorandum pads are furnished in six sizes, viz: 2¾ by 4, 3 by 5, 4 by 5¼, 3½ by 8, 5¼ by 8, and 8 by 10½ inches, and should be included in requisitions for books and blanks.

(*l*) Supplementary requisitions should be avoided as far as possible, but when made should contain an explanatory note. Such requisitions should never be made, however, until a careful inventory of all the stock on hand has been taken, and should include all forms that may be needed before the time for making the next regular requisition.

(*m*) Articles of stationery must not be included in requisitions for blank forms, but should be made on departmental stock Form 2162 or 2163, and sent to the Division of Printing, Treasury Department.

(*n*) Officers who receive blank forms for which they have made no requisition should promptly notify the Division of Printing, Treasury Department, of the fact.

ART. 1481. *Special books and blanks—Regular sizes of paper.*—(*a*) When a book or blank not in the catalogue is desired, a full statement as to the necessity that exists therefor should be submitted to the Bureau of Customs, in every case with the requisition. A specimen leaf, if a book, should be marked with the number of leaves (not pages) desired, if to be paged, indexed, or tagged with ordinary or special schedule, and if the latter, the schedule should be given in full. The paper should be made to conform to the following regular sizes:

| | *Inches* |
|---|---|
| Cap [1] | 14 by 17 |
| Double cap [1] | 17 by 28 |
| Demy [1] | 16 by 21 |
| Double demy [1] | 21 by 32 |
| Folio [2] | 17 by 22 |
| Double folio [2] | 22 by 34 |
| Medium | 18 by 23 |
| Double medium | 23 by 36 |
| Royal | 19 by 24 |
| Double royal | 24 by 38 |

(*b*) The above sizes of paper are not only commercial sizes and therefore the most economical to use, but they are symmetrical in shape and most convenient to handle and file.

ART. 1482. *Approved forms.*—(*a*) Officers must, in the transaction of public business, confine themselves, as far as possible, to the approved catalogue forms, and no material change shall be made in any such form, nor shall any record book be replaced by a card index or loose-leaf system without the written approval of the Bureau.

(*b*) The specification in these regulations of forms to be used in various transactions shall not be construed to preclude the use at the port of New York of such special forms as have been prescribed for such port.

(*c*) A copy of the catalogue of books and blanks, customs Form 3037, to be known as the "Standard" copy, shall be kept in each chief customs office, in which shall be noted from time to time, as they occur, all changes in the way of the abolition or addition of forms, etc., made by Treasury Decision, or otherwise.

ART. 1483. *Index cards, guide cards, and folders.*—(*a*) Index cards, light, medium, or heavy weight, of sizes 3 by 5 inches, 4 by 6 inches, and 5 by 8 inches, also the metric sizes approximating these sizes, are supplied either plain or with stock rulings (the stock rulings consist of horizontal, horizontal and vertical, or horizontal and double vertical), such as are carried by the Section of Books and Blanks, Division of Printing. These cards may be obtained in white, buff, blue, or salmon, but the use of white only is recommended. Guide cards of sizes 3 by 5 inches, 4 by 6 inches, and 5 by 8 inches, also those for use in cabinets requiring letter, cap, bill, report, and check sizes, are supplied in various cuts, as follows: Blank, numbered, States, daily, weekly, alphabetical of various subdivisions, and with names of counties, towns, and cities. The three first-named sizes may be obtained in either white, buff, blue, or salmon, and the larger sizes in manila or pressboard. Folders of various cuts, both blank and indexed A to Z of various subdivisions, are supplied for use in cabinets requiring letter, cap, bill, and report sizes, and may be obtained with or without expansion bottoms in medium or heavy weight.

(*b*) The punching of holes in index cards and guide cards of sizes 3 by 5, 4 by 6, and 5 by 8 inches will be omitted whenever practicable. Letter, cap, bill, report, and check size guide cards are equipped with lower projection for rod connection unless otherwise ordered.

(*c*) Where a system requires index cards, guide cards, or folders of other sizes, rulings, or printing than those classed above as stationery, the requisition therefor should be made on customs Form 3039.

(*d*) Samples or full description as to ruling, printing, etc., should accompany all requisitions.

IMPORT STAMPS

ART. 1484. *Requisitions.*—Collectors are supplied by the Department, upon requisition, customs Form 3045, with stamps to be placed on packages of imported cigars, cheroots, cigarettes, and spirituous and malt liquors and wines.

PREPARATION OF OFFICIAL COMMUNICATIONS

ART. 1485. *General instructions.*—(*a*) The following instructions in regard to the preparation of official communications are to be strictly observed:

1. The standard letter sheet shall be 8 by 10½ inches in size. The standard legal cap or foolscap sheet shall be 8 by 12½ inches in size.

2. The standard authority for the spelling of the names of post offices in the United States shall be the United States Official Postal Guide; and of all other words, Webster's, Century, or the Standard dictionary.

3. Every communication prepared shall be paged and shall be formulated in the following manner:

The department or office where written.
The place where written.
The date when written.
The name of the person or title of the officer addressed.
The title, if any, of the person addressed.
The residence of the person or officer addressed.
SIR (or MADAM):
The subject matter.
Respectfully,
The signature of the writer.
His official title, if any.

(*b*) There shall be placed on every communication, in the lower left-hand corner, the initials of the principal clerk in charge of the subject matter to which the communication pertains, or the number of the case in the upper right-hand corner, and on the lower right-hand corner, below the title of the official signing the communication, the initials of the principal officer of the division, bureau, or office in which such communication is written. The initials in the lower left-hand corner or the case number shall be referred to in the answer. In acknowledging or referring to Department letters, the date and file number must be quoted.

(*c*) All papers shall be so folded from the bottom to the top of the page as to conform as nearly as possible to the standard size, which is 3½ inches in width by 8 inches in length.

(*d*) In forwarding reports, accounts, certificates of deposits, or papers of like character no letter of transmittal shall be sent unless it contains additional information or explanation.

(*e*) Official communications will be addressed after the following styles:

The Secretary of the Treasury.
The Comptroller General of the United States.
The Commissioner of Customs.
The Surgeon General, Public Health Service.
The Commandant, Coast Guard.
The Director of Procurement, Treasury Department.
The Collector of Customs, New York, N. Y.
The Postmaster, Washington, D. C.

(*f*) Such communications sent to other departments, bureaus, or offices at Washington should be addressed (through the Bureau of Customs).

ART. 1486. *Form and substance.*—(*a*) Each official communication should relate to one subject only, or, if it be necessary to embrace several subjects in one communication, each subject should be treated in a separate paragraph.

(*b*) Officers forwarding letters, reports, or other official matter to superior authority, where remarks or statements are necessary, must write a letter of transmittal to that effect, inclosing the official matter, but where no remarks or statements are necessary official matter may be transmitted by endorsement.

(*c*) Official corespondence relating to the duties of collectors and other officers of the customs, to appointments, to the personnel, and to all matters concerning customs must be addressed and forwarded by mail to the Commissioner of Customs and not through other than official channels or to the care or consideration of other persons not in the service of the Department.

ART. 1487. *Filing.*—(*a*) All correspondence, both incoming and copies of outgoing, shall be filed flat in vertical files by subjects, where possible, and arranged as nearly as may be on a self-indexing basis. So far as practicable carbon copies will constitute the record of outgoing correspondence. The sequence of letters in a file of correspondence shall be chronological, the most recent letter being on top.

(*b*) All book registers of correspondence received and sent shall be discontinued, and no such record kept except where absolutely essential.

ART. 1488. *Official envelopes.*—(*a*) Collectors and other officers of the customs in transmitting official mail matter will use the official envelopes bearing the Government frank. Their use, however, is limited to official business within the territory of the United States, Canada, and Mexico. Postage stamps, in the sums required by law, shall be placed upon all correspondence relating to official business with persons residing in foreign countries other than Canada and Mexico.

(*b*) It is permissible under the law for an executive department or an officer of the Government to send in the mails free of postage, under Government frank, official matter not exceeding 4 pounds in weight.

RECORDS

ART. 1489. *Disposition of unnecessary records.*—(*a*) Collectors of customs, comptrollers of customs, the appraiser of merchandise at New York, the surveyor of customs at New York, supervising customs agents and chief chemists, will submit a report in quintuple to the Bureau of Customs not later than the 1st day of September of each year, listing all official documents and records which are no longer required for official purposes for authority to make disposition thereof.

(*b*) The report in quintuple should be prepared in the following form:

Bureau _____ Date _____
Office _____
Location _____

*List of Papers and Records Which Have No Permanent Value or Historical Interest, and Which Are Not Used in the Transaction of Current Business*

| Item No. | Description or title of papers | Date | | Kind of copy [1] | Estimated weight | Linear feet |
|---|---|---|---|---|---|---|
| | | From— | To— | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] Original, carbon, etc. (Give specific dates.)

(Signed) _____
(Designation) _____

[1] Cap and demy, or their multiples, have been adopted as standard sizes for blank forms and should be used as far as practicable.
[2] Not suitable for record books.

(c) A separate report should be made for the papers located in each separate office. Items in each report should be numbered serially and described with enough detail for identification. The inclusive dates of the papers in each item, together with an indication of the type of copy, such as original, duplicate, triplicate, should be added, as well as the estimated weight and the linear feet of space occupied, not including folders and guides. A sample of the papers described in each item shall be attached to the report when submitted.

(*d*) Official documents and records should not be destroyed, or otherwise disposed of without authority from the Bureau.

(*e*) All consumption, warehouse, rewarehouse, and drawback entries and accompanying papers (including warehouse withdrawals) shall be retained for a period not less than 5 full fiscal years before authority for their disposition is requested. The same rule shall apply to official papers and documents relating to collections other than duties or to disbursements.

(*f*) Consumption, warehouse, rewarehouse, and drawback entries which have not been liquidated, or which have been liquidated or reliquidated less than 2 years (exclusive of any time during which a protest was pending) shall not be included in the list of entries reported for disposition.

(*g*) Liquidated entries on which increased duty has been collected, or refund has been made, shall not be included in the list reported for disposition until after the collection or refund account has been finally settled.

[F. R. Doc. 37-2602; Filed, August 23, 1937; 3:17 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101-Oregon, Supplement 3 Issued Aug. 25, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

[Amendment to WR—B-101—Oregon as Amended]

PART III, SECTION 1, FOOTNOTE 3: MEANING OF THE TERM "WESTERN OREGON" AMENDED TO INCLUDE POLK COUNTY

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Oregon, as amended by Supplement 1 and Supplement 2, is further amended by this supplement as follows:

Part III, Section 1, Footnote 3 is amended by inserting the word "Polk" after the word "include" in the first line of such footnote.

Done at Washington, D. C., this 25th day of August 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2628; Filed, August 25, 1937; 12:39 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

The Telegraph Division at its regular meeting on August 17, 1937, adopted the following Order:

[Docket No. 4743]

IN RE APPLICATION OF A. H. BULL & COMPANY FOR THE EXEMPTION OF THE VESSEL S. S. "CATHERINE" PURSUANT TO THE PROVISIONS OF ARTICLE 28 OF THE SAFETY OF LIFE AT SEA CONVENTION AND SECTION 352 (1) OF TITLE III, PART 2, OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

ORDER

*Whereas*, The Division having under consideration an application by A. H. Bull and Company for exemption pursuant to the provisions of Article 28 of the Safety of Life at Sea Convention and Section 352 (b) (1) of the Communications Act of 1934, as amended, for the vessel S. S. *Catherine* on voyages between St. Thomas, St. Croix, Virgin Islands, and San Juan, Puerto Rico; and

*Whereas*, The Commission is unable to determine from the application that the route or the conditions of the voyage, or other circumstances, are such as to render a radio installation unreasonable or unnecessary:

*It is ordered*, That a hearing shall be held before an Examiner in the Offices of the Commission, at Washington, D. C., September 30, 1937, upon the issues and in accordance with the procedure set forth in the attached Bill of Particulars.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

BILL OF PARTICULARS

NATURE OF APPLICATION—EXEMPTION UNDER ARTICLE 28 OF THE SAFETY CONVENTION AND SECTION 352 (B) (1), TITLE III, PART 2, OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

You are hereby notified that the Federal Communications Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the vessel S. S. *Catherine*, on voyages between St. Thomas, St. Croix, Virgin Islands, and San Juan, Puerto Rico, is within the class of vessels for which an exemption may be granted under Section 352 (b) (1) of the Communications Act of 1934, as amended;

2. To determine whether the route or conditions of the voyages in question are such as to render navigation in the waters concerned hazardous;

3. To determine the cost to the applicant of complying with the radiotelegraph provisions of the Safety Convention and Title III, Part 2 of the Communications Act of 1934, as amended;

4. To determine the value of radiotelegraph communication to the vessel on the voyages in question as a means of enhancing the safety of life and property at sea, both as a matter of protection to persons and property on board the S. S. *Catherine* and as a protection to other shipping in such waters;

5. To determine whether the route or conditions of the voyage, or other circumstances, are such as to render a radio installation unreasonable or unnecessary for the purposes of the Safety Convention or of Title III, Part 2 of the Communications Act of 1934, as amended.

Attention is invited to Paragraph 104.6, subparagraphs b, c, and e, of the Rules and Regulations of the Federal Communications Commission, which are as follows:

104.6 b. In order to avail himself of the opportunity to be heard, the applicant shall, within 15 days of the mailing of the notice by the secretary, file with the Commission a written appearance and statement of his desire to be heard, in accordance with Rule 105.25.

Within 25 days of the mailing of the notice of hearing as aforesaid, any respondent who desires to participate in the hearing, shall file with the Commission his answer to any such appearance in accordance with Rule 105.26.

c. In case no appearance or statement in writing of the facts to be proved upon such hearing is filed by the applicant within the time so specified, the hearing will be cancelled, the applicant deemed in default, his application denied, and the secretary shall so notify the applicant and other parties to the hearing.

e. If at the date set for hearing, the applicant does not appear and offer evidence in support of his said application, a default will be entered, and the Commission will deny the application.

Attention is also called to the following: Rules and Regulations of the Federal Communications Commission, Paragraphs 105.25, 105.26, 105.34, 105.35, 106.22, 106.24, 106.26, 103.2, 103.3, 103.5, 103.8, 106.5, 106.8, 106.9, 106.10, 106.11, 106.12, 106.13, 106.15, 100.12 and such other said rules as may be applicable.

A copy of Practice and Procedure of the Federal Communications Commission may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C., for a charge of ten cents a copy.

The hearing on the above-mentioned application will be held at the offices of the Commission, Washington, D. C., beginning at 10:00 A. M., on the 30th day of September, 1937.

In order to avail itself of the opportunity to be heard, the applicant, within fifteen (15) days from the mailing of this notice, shall file with the Commission a written appearance and statement of desire to be heard, subscribed and verified by the applicant, and a terse yet complete statement, in writing, of the facts which it expects to prove at such hearing.

Within twenty-five (25) days of the publication of this notice of hearing, any person who desires to participate in such hearing shall file with the Commission its appearance and a statement of its desire to be heard, subscribed and verified, and a terse yet complete statement, in writing, of the facts it expects to prove at such hearing. No party, other than the applicant, shall be heard in this proceeding unless and until he shall file his appearance in accordance with the provisions of this paragraph.

Appearances filed in accordance with the preceding paragraphs shall be considered as pleadings but not as evidence of the facts therein stated.

In case no appearance or statement in writing of the facts to be proved upon this hearing is filed by the applicant within the time so specified, or if on the date set for hearing the applicant does not appear and offer evidence in support of his application, the hearing will be cancelled, the applicant deemed in default, and his application denied.

Dated at Washington, D. C., August 21, 1937.

FEDERAL COMMUNICATIONS COMMISSION
TELEGRAPH DIVISION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2629; Filed, August 26, 1937; 9:41 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Federal Savings and Loan Insurance Corporation.

AMENDMENT TO RULES AND REGULATIONS

LIMITING THE BORROWING POWER OF INSURED INSTITUTIONS

*Be it resolved*, That pursuant to authority vested in the Board of Trustees of the Federal Savings and Loan Insurance Corporation by Sections 402 (a) and 403 (b) of the National Housing Act (12 U. S. C. 1725 (a), 1726 (b)), the Rules and Regulations for Insurance of Accounts are hereby amended by inserting therein immediately following Section 9, a new Section 9-A, as follows:

SEC. 9-A. *Limitation upon borrowing.*—No insured institution shall borrow in excess of the aggregate amount authorized by the law under which such insured institution operates. No insured institution shall borrow an aggregate amount exceeding one-half the amount paid in and credited on withdrawable or repurchasable shares, share accounts, certificates of deposit and investment certificates; nor, within such an amount, an amount aggregating more than one-fifth thereof, in loans with a maturity of one year or less, from sources other than a Federal home loan bank. No action of an insured institution in obtaining funds through borrowing, in accordance with the provisions of this section, shall be deemed a violation hereof, because of a subsequent reduction in the amounts paid in and credited on withdrawable or repurchasable shares, share accounts, certificates of deposit and investment certificates.

*Be it further resolved*, That, it being deemed this is a major amendment affecting matters of general principle or policy, and not of an emergency character, pursuant to the provisions of subsection (a) of Section 22 of the Rules and Regulations for Insurance of Accounts, such amendment shall be effective 30 days from a date to be fixed by the Secretary to the Board, which date shall be fixed within 10 days from the date of the adoption of this resolution.

The Secretary fixed the effective date of this resolution as of thirty days from September 1, 1937.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on August 20, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2621; Filed, August 25, 1937; 12:30 p. m.]

AMENDMENT TO RULES AND REGULATIONS

PROHIBITING INSURED INSTITUTION FROM OCCUPYING JOINT OFFICE QUARTERS WITH OTHER FINANCIAL INSTITUTION OR MORTGAGE COMPANY WHICH IS NOT INSURED EITHER BY THE CORPORATION OR BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

*Be it resolved*, That pursuant to authority vested in the Board of Trustees of the Federal Savings and Loan Insurance Corporation by subsection (a) of Section 402 of the National Housing Act (12 U. S. C. 1725 (a)), subsection (c) of Section 3 of the Rules and Regulations for Insurance of Accounts is hereby amended by adding at the end thereof, the following sentence:

No insured institution shall occupy office quarters which are also occupied by some other financial institution or mortgage company which is not insured either by the Corporation or by the Federal Deposit Insurance Corporation, without prior written approval of the Corporation.

*Be it further resolved*, That, it being deemed this amendment is of an emergency character, said amendment shall be effective immediately.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on August 23, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2623; Filed, August 25, 1937; 12:32 p. m.]

### Home Owners' Loan Corporation.

AMENDMENT OF CHAPTER VI, SEC. 603 (C), CONSOLIDATED MANUAL

SETTLEMENT, ADJUSTMENT, AND COMPROMISE OF CLAIMS OR MATTERS AFFECTING THE CORPORATION

*Be it resolved*, That pursuant to the authority vested in the Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647), and particularly by sections 4-a and 4-k of said Act as amended, subsection (c) of section 603 of the Consolidated Manual be, and it is hereby, amended to read as follows:

The General Counsel, with the approval of the General Manager, may settle, adjust, or compromise any claim or matter affecting the Corporation, whether in litigation or not, and may incur any expense necessary to dispose of any outstanding interest, prior lien or equity affecting the title to any property taken as security or acquired by the Corporation. Under procedure and regulations prescribed by the General Counsel, with the approval of the General Manager, such authority may be exercised also by the Regional Counsel, with the approval of the Regional Manager, and in respect of suits or proceedings against tenants, by the State Counsel, with the approval of the State Manager.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2622; Filed, August 25, 1937; 12:31 p. m.]

AMENDING SECTIONS 1D (1) (2) (3) AND (6) OF CHAPTER XIX OF THE STATE MANUAL AND OF CHAPTER V OF THE REGIONAL MANUAL AND SECTIONS 306 AND 309 OF CHAPTER III OF THE CONSOLIDATED MANUAL

REDESIGNATING FUNCTIONS OF BROKERS, CHANGES IN DESIGNATIONS OF FUNCTIONS OF CONTRACT MANAGEMENT BROKERS AND CONTRACT SALES BROKERS; CHANGES IN DIRECTIONS FOR LISTING OF PROPERTIES FOR SALE

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April

27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, Sections 1–d (1), (2), (3) and (6) of Chapter XIX of the State Manual and of Chapter V of the Regional Manual and Sections 306 and 309 of Chapter III of the Consolidated Manual be amended as follows:

Section 1–d (1) (first paragraph 306) is hereby amended to read as follows:

It is the general policy of the Corporation to endeavor to dispose of, rent and manage its acquired properties through brokers in all localities where satisfactory arrangements can be made and maintained for such facilities and where it appears to the best interest of the Corporation to conduct those activities in such manner. The Regional Manager may also assign any other properties under the jurisdiction of the Property Management Division to brokers for sale, rental or management when in his opinion it is advantageous to do so.

Section 1–d (2) (second paragraph 306) is hereby amended to read as follows:

Lists of Contract Sales Brokers and Contract Management Brokers are to be prepared in accordance with regulations to be issued by the Deputy General Manager in Charge with the approval of the General Manager and the General Counsel. Such lists shall contain the names of persons, firms, or corporations engaged in the real estate business in the communities where the Corporation holds mortgages or other liens or has acquired real properties. The names which shall be placed upon these lists shall represent the best qualified brokers available in the territory. The individuals, firms and corporations shall be selected upon the basis of the best interests of the Corporation. The Contract Sales Broker shall perform such service in selling such properties as may be listed with him and such other duties in connection therewith as are required by the terms of the Sales Brokers' Agreement entered into between such broker and the Corporation. The listing shall be subject to prior sale and also subject to change at any time and to the right of withdrawal upon written notice. The Contract Management Broker shall perform such service in connection with the rental and management of properties listed with him and such other duties as are required by the terms of the Management Broker's Agreement entered into between such broker and the Corporation.

Section 1–d (3) (third paragraph 306) is hereby amended to read as follows:

In addition to the list of Contract Sales Brokers in each locality a list of Approved Sales Brokers shall be prepared and maintained. The list shall include the names of those active real estate brokers, in each area where the Corporation holds mortgages or other liens or has acquired real properties, who in the opinion of the Regional Manager or Deputy General Manager in Charge are reputable and qualified to negotiate for the sale of the Corporation's properties and who have indicated their willingness to act as a broker on forms furnished by the Corporation for such purpose. As a condition precedent to being placed upon the approved list, brokers may be required to agree to submit any and all disputes and controversies arising out of sales commissions to arbitrators to be selected in accordance with procedure set forth in the Chapter of the Manual of Rules and Regulations relating to Property Management and to abide by the decision rendered by the arbitrators. When the property is listed with a Contract Sales Broker, the Corporation shall distribute, on its duly authorized forms, listings of any such property to approved real estate brokers within a reasonably effective area of the property. Such a listing shall not be exclusive and the listing price shall be subject to change and the said price and the listing subject to withdrawal or prior sale of the property, all without notice. Such listing shall also be subject to the right of the Corporation to make a sale to any person upon condition that the Corporation shall not be obligated to pay any commission except in cases where the purchaser was procured by an Approved Broker with whom the property is listed. Approved Sales Brokers, upon receipt of any such listing, shall thereafter conduct all of their negotiations with the Corporation through the Contract Sales Broker designated in the listing.

The first sentence of Section 1–d (6) (309) is hereby amended to read as follows:

In areas where the services of a satisfactory broker are not available, the Regional Manager may arrange for a representative citizen of the community to perform such duties in connection with the sale, rental or management of the properties under the jurisdiction of the Property Management Division as are required by the terms of the Management Broker's Agreement or Sales Broker's Agreement.

*Be it further resolved*, That this resolution, insofar as it amends the State and Regional Manuals shall be effective immediately upon its passage; and insofar as it affects the Consolidated Manual shall be effective the same date on which the resolution of January 22, 1937 adopting the Property Management Chapter of the Consolidated Manual becomes effective.

Adopted by the Federal Home Loan Bank Board on August 19, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–2620; Filed, August 25, 1937; 12:30 p. m.]

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AMENDING PROPERTY MANAGEMENT CHAPTER OF THE MANUALS

PLANS OF SALE AND TERMS OF PAYMENT ACQUIRED PROPERTIES

*Be it resolved*, That pursuant to the authority vested in the Board by the Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647), and particularly by Sections 4–a and 4–k of said Act as amended, all of that portion of Section 310 of Chapter III of the Consolidated Manual of the Home Owners' Loan Corporation, and of that portion of Section 1–e of Chapter XIX of the State Manual and of Chapter V of the Regional Manual relating to the plans and terms of sale which begins with the words "there are three authorized plans" and which ends with the words "and the balance to principal" be, and it is hereby, amended to read as follows:

The General Manager with the approval of the General Counsel is authorized to determine the plans of sale of real properties under the jurisdiction of the Property Management Division and of any leasehold or other interests therein. The General Manager is authorized to determine the terms of payment for the sale of such properties or interests therein, provided, however, that in no event shall the term of repayment under any mortgage or other security instrument or installment or like contract exceed fifteen years from the date of delivery of the deed or of such contract. The authority herein vested in the General Manager may be exercised also by the Deputy General Manager in Charge of Property Management, the Regional Manager, and the State Manager under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

*Be it further resolved*, That the provision of this resolution insofar as it amends Chapter III of the Consolidated Manual shall become effective on the effective date of the resolution adopted January 22, 1937, and insofar as the provisions of this resolution amend Section 1–e of Chapter XIX of the State Manual and of Chapter V of the Regional Manual, the provisions of this resolution shall become effective immediately upon its adoption.

Adopted by the Federal Home Loan Bank Board on August 24, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–2624; Filed, August 25, 1937; 12:32 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of August, A. D. 1937.

[File No. 54–1]

IN THE MATTER OF AMERICAN WATER WORKS AND ELECTRIC COMPANY, INCORPORATED

[Application Pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by American Water Works and Electric Company, Incorporated, a registered holding company, pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935, which application requests

(a) that the Commission find that the plan of reorganization therein set forth is necessary and desirable for the purpose of effectuating the provisions of Section 11 (b) of the Act and is fair and equitable to the persons affected by such plan and that, upon the carrying out of the plan of reorganization therein set forth, the operations of the holding-company system of the applicant, including those of the applicant and each of its subsidiary companies, will be limited to a single integrated public-utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system or necessary or appropriate in the public interest or for the protection of investors or consumers and not detrimental to the proper functioning of such system, and that such system and its operation will in all other respects conform to the provisions of Section 11 (b) of the Act;

(b) that the Commission enter its order approving the proposed plan of reorganization as provided in Section 11 (e) of the Act; and

(c) that the Commission grant such other or further relief as may be appropriate.

For the purpose of conforming the applicant's holding-company system to the provisions of Section 11 (b) of the Act, applicant proposes, subject to the necessary approval of the Commission, to reorganize its system in the following respects:

(1) By the purchase by The West Penn Electric Company from West Penn Power Company of 583,999 23/25 shares of common stock of Monongahela West Penn Public Service Company, constituting all of the outstanding common stock of such company except 98 25/25 shares now owned by the applicant.

(2) By the redemption by The West Penn Electric Company of all of its securities outstanding with others than the applicant through funds to be advanced to such company by the applicant, and by the dissolution of such company and the distribution of its assets to the applicant as the then owner of all of its outstanding securities.

(3) By the purchase by Monongahela West Penn Public Service Company from Monongahela Securities Company of all of the outstanding securities and open account indebtedness of Monterey Utilities Corporation.

(4) By the purchase by South Penn Power Company of all of the property and franchises of its wholly owned subsidiaries, Ayr Township Electric Company, Licking Creek Township Electric Company and Todd Township Electric Company.

(5) By the purchase by Monongahela West Penn Public Service Company from The West Penn Electric Company (prior to its dissolution) of all of the outstanding securities and open account indebtedness of West Virginia Public Service Company.

*It is ordered*, That a hearing on such matter be held on September 14, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 9, 1937.

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, and other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2634; Filed, August 26, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of August, A. D. 1937.

[File No. 46–68]

IN THE MATTER OF THE WEST PENN ELECTRIC COMPANY [APPLICATION PURSUANT TO SECTION 10 (A) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The West Penn Electric Company, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of 583,999 23/25th shares of the common stock of Monongahela West Penn Public Service Company, from West Penn Power Company, for a consideration of $7,000,000, both the vendor and the issuer being subsidiary companies of applicant and all of said companies being members of the American Water Works and Electric Company, Incorporated, holding-company system.

*It is ordered*, That a hearing on such matter be held on September 14, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 9, 1937.

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2635; Filed, August 26, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1937.

[File No. 46-66]

IN THE MATTER OF THE GREENVILLE ELECTRIC LIGHT AND POWER COMPANY

[Public Utility Holding Company Act of 1935—Section 10]

ORDER APPROVING ACQUISITION OF SECURITIES UNDER SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Greenville Electric Light and Power Company, a subsidiary of United Public Utilities Corporation, a registered holding company, having filed an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it from The Buckeye Light & Power Company, a subsidiary of said United Public Utilities Corporation, of said Company's unsecured negotiable promissory note in the principal amount of $60,000, to be dated May 1, 1935, to mature January 1, 1945, and to bear interest at the rate of six per cent per annum, such note to be issued to the applicant in payment and discharge of the outstanding indebtedness to the applicant of said The Buckeye Light & Power Company; a hearing on said application having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, that the acquisition by the applicant of said note in accordance with the terms and conditions of and for the purposes represented by such application, and upon the further condition that the applicant, upon receiving such note, shall by an indorsement so qualified that the applicant shall not guarantee or assume any liability on said note, transfer it to said United Public Utilities Corporation in reduction by $60,000 of the applicant's existing indebtedness to said Corporation, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2637; Filed, August 26, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of August, A. D., 1937.

[File No. 46-65]

IN THE MATTER OF REPUBLIC ELECTRIC POWER CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FILED PURSUANT TO SECTION 10 (A) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the applicant, consents to the withdrawal of the above application and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2638; Filed, August 26, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of August, A. D., 1937.

[File No. 32-59]

IN THE MATTER OF THE BUCKEYE LIGHT & POWER COMPANY

[Public Utility Holding Company Act of 1935—Section 6 (b)]

ORDER GRANTING EXEMPTION FROM THE PROVISIONS OF SECTION 6 (A)

The Buckeye Light & Power Company, a corporation organized and operating within the State of Ohio and a subsidiary of United Public Utilities Corporation, a registered holding company, having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by the applicant to The Greenville Electric Light and Power Company, a subsidiary of said United Public Utilities Corporation, of the applicant's unsecured negotiable promissory note in the principal amount of $60,000 to be dated as of May 1, 1935, to mature January 1, 1945, and to bear interest at the rate of six per cent per annum, in payment and discharge of the outstanding indebtedness of the applicant in the amount of $60,000 to the said The Greenville Electric Light and Power Company; a hearing on said application, as amended, having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That the issue and sale of the above described note, in accordance with the terms and for the purpose represented by the application herein be, and the same hereby is, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; provided, however, that if the authorization of the issue and sale of such note by the Public Utilities Commission of the State of Ohio shall be revoked or otherwise terminated this exemption shall immediately terminate without further order of this Commission; and

*It is further ordered*, That within ten days after the issue and sale of said note, the applicant shall file with this Commission a Certificate of Notification, showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2636; Filed, August 26, 1937; 12:47 p. m.]

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*Saturday, August 28, 1937* **No. 167**

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## PRESIDENT OF THE UNITED STATES.

### PANAMA CANAL TOLL RATES

By the President of the United States of America

A PROCLAMATION

WHEREAS section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, authorizes the President to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal, and provides that no tolls when so prescribed shall be changed unless six months' notice thereof is given by the President by proclamation; and

WHEREAS section 412 of title 2 of the said Code requires the President to determine the tonnage of vessels on which toll charges for the use of the Panama Canal shall be based, and fixes maximum and minimum rates of tolls; and

WHEREAS the act entitled "An Act to provide for the measurement of vessels using the Panama Canal, and for other purposes", approved August 24, 1937, which amends the said section 412 and which by its terms becomes effective March 1, 1938, provides, in part, that the tonnage on which tolls shall be based shall be determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal prescribed by the President, and fixes maximum and minimum rates of toll:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, do hereby prescribe and proclaim the following rates of toll to be paid by vessels using the Panama Canal:

1. On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers and cargo, ninety (90) cents per net-vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal.[1]

2. On vessels in ballast without passengers or cargo, seventy-two (72) cents per net-vessel ton.

3. On other floating craft, including warships, other than transports, colliers, hospital ships, and supply ships, fifty (50) cents per ton of displacement.

The tolls prescribed by this Proclamation shall become effective on March 1, 1938, and on that date shall supersede the tolls prescribed by Proclamation No. 1225 of November 13, 1912.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of August, in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

By the President, FRANKLIN D ROOSEVELT

CORDELL HULL
*Secretary of State.*

[No. 2247]

[F. R. Doc. 37-2644; Filed, August 27, 1937; 10:37 a. m.]

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### RULES FOR THE MEASUREMENT OF VESSELS FOR THE PANAMA CANAL

By the President of the United States of America

A PROCLAMATION

WHEREAS section 412 of title 2 of the Canal Zone Code approved June 19, 1934, requires the President to determine the tonnage of vessels upon which toll charges for the use of the Panama Canal shall be based; and

WHEREAS the act entitled "An Act to provide for the measurement of vessels using the Panama Canal, and for other purposes", approved August 24, 1937, which amends the said section 412 and which by its terms becomes effective March 1, 1938, provides, in part, that tolls on merchant vessels, army and navy transports, colliers, hospital ships, supply ships, and yachts shall be based on net-vessels tons of 100 cubic feet each of actual earning capacity determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal prescribed by the President and as may be modified by him from time to time by proclamation after public hearings and six months' public notice:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 412 of title 2 of the Canal Zone Code, approved June 19, 1934, do hereby prescribe and proclaim the Rules for the Measurement of Vessels for the Panama Canal which are annexed hereto and made a part of this proclamation.

The Rules for the Measurement of Vessels for the Panama Canal prescribed by this proclamation shall become effective on March 1, 1938, and shall on that date supersede the Rules prescribed by Proclamation No. 1258 of November 21, 1913.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of August in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

FRANKLIN D ROOSEVELT

By the President,

CORDELL HULL
*Secretary of State.*

[No. 2248]

[1] Amended, *see* p. 1796.

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### RULES FOR THE MEASUREMENT OF VESSELS FOR THE PANAMA CANAL

EFFECTIVE MARCH 1, 1938

*All Vessels to Present Tonnage Document at Canal*

1. ARTICLE I. All vessels, American and foreign, except warships, floating drydocks, and dredges, including vessels of commerce and Army and Navy transports, colliers, supply ships, and hospital ships, applying for passage through the Panama Canal shall present a duly authenticated certificate stating the vessel's gross and net tonnage as determined by these rules. Vessels of commerce, Army and Navy transports, colliers, supply ships, and hospital ships without such certificate shall, before passing through the Canal, or before being allowed to clear therefrom, be measured, and shall have their gross and net tonnage determined in accordance with these rules.

2. All warships, American and foreign, other than transports, colliers, supply and hospital ships, shall present duly authenticated displacement scale and curves stating accurately the tonnage of displacement at each possible mean draft.

*Vessels Designated as "Supply Ships", "Colliers", and "Warships"*

3. It is to be understood that "supply ships" shall include Army and Navy ammunition ships, refrigerator ships, distilling ships, repair ships and tenders, as well as Army and Navy vessels used to transport general Army and Navy supplies; and that "colliers" shall include Army and Navy vessels used to transport coal or fuel oil; and that "warships" shall include armed coast guard vessels and vessels devoted to naval training purposes.

GROSS TONNAGE

*Spaces To Be Included in Gross Tonnage*

4. ART. II. Gross tonnage as determined by these rules shall express the total capacity of vessels, i. e., the exact cubical contents of all spaces below the upper deck and of all permanently covered and closed-in spaces on or above that deck, excepting such spaces as may be hereinafter permitted as exemptions from measurement. Gross tonnage shall include not only all permanently covered and closed-in spaces which are or may be used for stowing cargo and stores or for providing shelter and other comfort for passengers or crew, but also such spaces as are used, or are intended to be used, in navigating and serving the vessel.

5. Only such spaces as are specifically mentioned in article IV, below, shall be exempted from measurement. All other spaces shall be considered as closed in and shall be included in gross tonnage.

*Spaces Considered Permanently Covered and Closed In*

6. ART. III. By permanently covered and closed-in spaces on or above the upper deck are to be understood all those which are separated off by decks or coverings, or fixed partitions, and which, therefore, represent an increase of capacity that is or may be used for the stowage of cargo, or for the berthing and accommodation of the passengers, the officers, or the crew. No break in a deck, nor any opening or openings in a deck or the covering of a space or in the partitions or walls of a space, nor the absence of a partition shall prevent a space from being measured and comprised in gross tonnage if means are provided for closing such a break, opening or openings, so that the spaces thus closed in be thereby better fitted for the transport of goods or passengers. The upper deck is the uppermost full length deck extending from stem to stern.

7. In the case of a vessel having a "trunk" or "turret", the deck forming the covering of the trunk or turret shall be considered the upper deck, and all spaces below that deck within the trunk or turret shall be considered as covered and closed in. The space within the turret or trunk shall be measured as are other between-deck spaces.

8. Spaces considered as "permanently closed in" and spaces permitted to be exempted from measurement shall be determined solely by the provisions contained in these rules, and not by any definitions or provisions contained in the measurement rules or regulations of any country.

*Spaces Exempted From Measurement and Gross Tonnage*

9. ART. IV. The following spaces shall be exempted from measurement and shall not be included in the gross tonnage, and no other spaces shall be exempted:

10. SECTION 1. Spaces on or above the upper deck not permanently covered or closed in, or which may not be readily covered or closed in. In the application of this rule it will be understood that —

(a) Spaces under decks or coverings having no other connection with the body of the ship than the stanchions necessary for their support are not spaces separated off, but are spaces permanently exposed to the weather and the sea and are not to be included in the gross tonnage.

(b) A space within a poop, forecastle, bridge house, or other "permanently covered and closed-in" superstructure or erection may be considered as not permanently covered or closed-in, and may consequently be excluded from tonnage, if the space is opposite an end opening which is not provided with means of closing, and which opening has a breadth equal to or greater than half the breadth of the deck at the line of the opening, and if the space opposite the opening cannot be used to shelter other merchandise than cargo or stores that do not require protection from the sea. If the opening is fitted with a coaming, the space within it is to be included in the gross tonnage if the coaming is more than 2 feet in height. This provision shall be so applied as to exempt from measurement only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a distance from the opening equal to one-half the width of the deck at the line of the opening; provided, that any closed-in space between the open face and the line drawn parallel to it shall be measured. The remainder of the space within a poop, forecastle, bridge house, or other superstructure or erection shall be considered as available for the accommodation of cargo or stores, of passengers or of the ship's personnel, and shall be measured and included in the gross tonnage. (See figs. 1, 2, and 3.)

Should the open space within a poop, forecastle, bridge house, superstructure, or erection between the end opening and a parallel line distant from the opening by half the breadth of the deck become, because of any arrangement, except by convergence of fore and aft bulkheads, of less width than half the breadth of the deck, then only the space between the line of the end opening and a parallel line drawn through the point where the athwartship width of the open space within the poop, forecastle, bridge house, superstructure, or erection becomes equal to, or less than, half the breadth of the deck shall be exempted from measurement. (See figs. 4, 5, 6, and 7.) The remainder of the space within the poop, forecastle, bridge house, superstructure, or erection is to be included in the gross tonnage.

When two erections extending from side to side of the ship are separated by an interval the fore-and-aft length of which is less than the least half breadth of the deck in way of such interval, then whatever be the breadth of the permanent end openings of the erections the entire erections, less the interval separating them, shall be measured and included in the gross tonnage. (See fig. 8.)

(c) In a poop, forecastle, side-to-side bridge house, or other "permanently covered and closed-in" superstructure or side-to-side erection the space directly in way of opposite openings, the height of which is at least 3 feet, in the side walls of the ship not provided with means of closing and corresponding to each other in the opposite walls of the ship shall be exempted. (See figs. 9 and 10.) Passages running fore-and-aft abreast the engine-room casing and open at both ends shall not be exempted. The deck erection including same shall be considered a side-to-side erection provided its outboard sides are flush with the hull of the vessel.

11. SEC. 2. Spaces in way of opposite side openings at least 3 feet in height not provided with means of closing shall be exempted. In the case of a continuous deck with one or more deck openings (usually designated as tonnage openings) that may be so closed as to permit cargo or stores to be carried in the space under the deck, or under portions thereof, only the spaces under such a deck that are exactly in way of opposite openings at least 3 feet in height in the side walls of the ship not provided with means of closing and corresponding to each other in the opposite walls of the ship shall be exempted; and the remaining spaces under such a deck shall be measured and included in gross tonnage. In case the openings in the side walls of the ship are provided with means of closing no portion of the space under such a deck shall be exempted. (Fig. 11.)

12. SEC. 3. The spaces framed in round the funnels and the spaces required for the admission of light and air into the engine rooms shall be exempted from measurement to the extent that such spaces are above the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck as defined in Art. III. A deck with one or more deck openings (usually designated as tonnage openings) that may be so closed as to permit cargo or stores to be carried in the space under the deck or portions thereof would be considered as the upper deck. There shall, however, be measured and included within gross tonnage the spaces situated within close-in side-to-side erections on the upper deck, spaces framed in round the funnels and those required for the admission of light and air to the extent that such light and air and funnel spaces are below the deck or covering of the first or lowest tier of such side-to-side erections on the upper deck. There shall be exempted from the measurement of any superstructure or erection situated above the first or lowest tier of side-to-side erections on the upper deck such portion or portions thereof as are occupied by the spaces framed in round the funnels or by the spaces required for the admission of light and air into the engine rooms. Such exempted spaces must not be used for any other than their designated purpose and must be reasonable in extent.

13. SEC. 4. Space or spaces between the inner and outer plating of the double bottom of a vessel shall be exempted from measurement, except when used, designated or intended for carrying cargo; but the tonnage of such spaces within the double bottom as are or may be used for carrying cargo, shall be determined and included in the gross tonnage. The tonnage of double bottom tanks available for cargo may be obtained by multiplying the liquid-capacity weight by the proper conversion factor to get tons of 100 cubic feet.

14. SEC. 5. The cubical contents of hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the underside of the hatch cover. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 percent of the vessel's gross tonnage, exclusive of hatchways, and only the remainder shall be added to the gross tonnage of the ship, exclusive of the tonnage of the hatchways.

15. SEC. 6. Companion houses shall be exempted when used solely to protect stairways and ladders leading to spaces below. When used as smoking rooms or for any other purposes than companion houses, the parts so used shall be measured and included in gross tonnage.

16. SEC. 7. Domes, skylights, and airshafts shall be exempt from measurement. When there is an opening in the floor of a superstructure immediately below a skylight, the exemption shall include the space between the skylight and the opening in the floor of the superstructure immediately under the skylight. The remainder of the superstructure shall be included in the measurement. The space, in addi-



FIG. 1.—Poop.

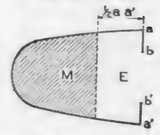


$bb' > \frac{1}{3}$ aa'.
E = space exempted.
M = space measured.

FIG. 2.—Poop.

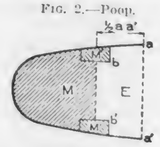


$bb' > \frac{1}{3}$ aa'.
E = space exempted.
M' = closed-in houses, measured.
M = space measured.

FIG. 3.—Forecastle

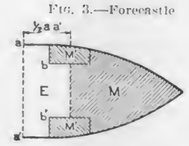


$bb' > \frac{1}{3}$ aa'.
E = space exempted.
M' = closed-in houses, measured.
M = space measured.

FIG. 4.—Poop.

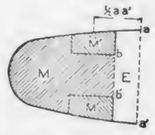


$bb' < \frac{1}{3}$ aa'.
E = space exempted.
M' = closed houses, measured.
M = space measured.

FIG. 5.—Poop.

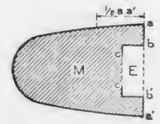


$bb' > \frac{1}{3}$ aa'.
$cc' < \frac{1}{3}$ aa'.
E = space exempted.
M = space measured.

FIG. 6.—Forecastle.

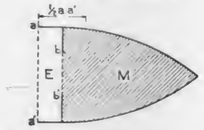


$bb' < \frac{1}{3}$ aa'.
E = space exempted.
M = space measured.

FIG. 7.—Bridge.

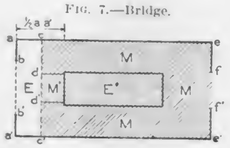


$bb' > \frac{1}{3}$ aa'.
$cd < \frac{1}{3}$ aa'.
$c'd' < \frac{1}{3}$ aa'.
$ff < \frac{1}{3}$ ee'.
E = space exempted.
E' = light and air and funnel space in lowest tier of erections, measured under Art. IV, Sec. 3.
M = space measured.
M' = closed house, measured.

FIG. 8.—Poop and Bridge with interval less than ⅓ the least half breadth of the Deck in way of Interval.

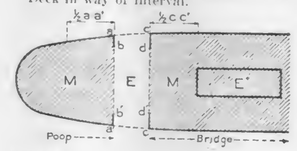


$ac < \frac{1}{3}$ aa'.
$a'c' < \frac{1}{3}$ aa'.
$bb' > \frac{1}{3}$ aa'.
$dd' > \frac{1}{3}$ cc'.
M = spaces measured.
E = space exempted.
E' = light and air and funnel space in lowest tier of erections, measured under Art. IV, Sec. 3.

FIG. 9.—Poop.

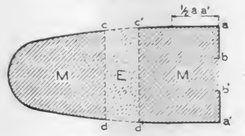


cc' and dd' = side openings under deck covering.
E = space exempted.
$bb' < \frac{1}{3}$ aa'.
M = spaces measured.

FIG. 10.—Bridge.

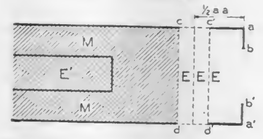


$bb' > \frac{1}{3}$ aa'.
cc' and dd' = side openings.
E = spaces exempted.
M = space measured.
E' = light and air and funnel space, in lowest tier of erections, measured under Art. IV, Sec. 3.

FIG. 11.—Continuous deck with opposite side openings.

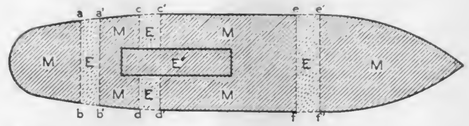


(aa') (bb') (cc') (dd') (ee') (ff') = side openings.
E = spaces exempted opposite side openings below continuous deck.
M = spaces measured.
E' = light and air and funnel space, measured under Art. IV, Sec. 3.

FIGURE 12.—Open spaces between skylight and opening.

tion to the skylight, that may be exempted by this rule is that indicated by A, B, C, D in the following drawings:

17. ART. V. (This section was eliminated on recommendation of Special Committee on Panama Canal Tolls and Vessel Measurement Rules, 1936.)

*Spaces Available for Passengers Not To Be Exempted*

18. ART. VI. Spaces for the use or possible use of passengers shall not be exempted from measurement except as stated in Article IV, section 1, paragraph (a).

19. In case of Army and Navy transports, colliers, supply ships, and hospital ships as defined in article I, the term "passengers" shall include all officers, enlisted men, and other persons who are not assigned to duty and who are not duly inscribed on the ship's rolls.

20. ART. VII (This section was eliminated on recommendation of Special Committee on Panama Canal Tolls and Vessel Measurement Rules, 1936.)

*Measurement of the Cubical Contents of Spaces May Be by The Moorsom System in Each Country, or by the Moorsom System as Prescribed in These Rules*

21. ART. VIII. The cubical contents of the spaces included, by these rules, in gross tonnage may, in any country where the Moorsom system of measurement has been adopted, be ascertained under that system as applied in measuring vessels for national registry, provided that system is substantially similar to Moorsom system of measurement as set forth in article IX of these rules.

*Rules for the Measurement of Contents of Spaces*

22. ART. IX. In countries that have not adopted the Moorsom system of measuring spaces within vessels, the cubical contents of any of the spaces included in gross tonnage shall be ascertained according to the Moorsom system as set forth in the following rules: Rule I for the measurement of empty vessels; rule II for laden vessels; rule III for open vessels.

Rule I. For Measuring the Gross Tonnage of Empty Vessels

23. SEC. 1. The length for the admeasurement of ships having one or more decks is taken on the tonnage deck, which is—

(a) The upper deck for vessels having one or two decks.

(b) The second deck from below for vessels having more than two decks.

24. Measure the length of ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs:

Class 1: Ships of which the tonnage deck is, according to the above measurement, 50 feet long or under, into four equal parts.

Class 2: Ships of which the tonnage deck is, according to the above measurement, above 50 feet long and not exceeding 120 feet, into six equal parts.

Class 3: Ships of which the tonnage deck is, according to the above measurement, above 120 feet long and not exceeding 180 feet, into eight equal parts.

Class 4: Ships of which the tonnage deck is, according to the above measurement, above 180 feet long and not exceeding 225 feet, into 10 equal parts.

Class 5: Ships of which the tonnage deck is, according to the above measurement, above 225 feet long, into 12 equal parts. (Note: A greater number of divisions is permissible provided there be an even number of divisions.)

25. In the case of a break or breaks in a double-bottom, the length of the vessel is to be taken in parts according to the number of breaks, and each part divided into a number of equal parts according to the class in the above table to which such length belongs.

26. SEC. 2. Then the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the traverse area of the ship at each point of division of the length or each point of division of the parts of the length, as the case may require as follows: Measure the depth at each point of division, from a point at a distance of one-third of the round of the beam below the tonnage deck, or, in the case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber (upper side of the inner plating of the double bottom) at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and the limber strake.

27. In the case of a vessel constructed with longitudinal framing, the depths are to be taken to the upper edge or inner surface of the longitudinal frames, where no double bottoms exist. In the case of a ship constructed with a double bottom, the depth shall be taken to the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber of the vessel. This rule for measuring the depth of the hold applies to double-bottom ships having top of double bottom not horizontal. Subject to the provisions of article IV, section 4 of these rules regarding the exemption of double-bottom spaces, if any tank or compartment between the inner and outer plating of the double bottom is used or fitted for the carrying of cargo, the tonnage of the whole of such tank or compartment shall be determined and included in the gross tonnage of the vessel.

28. If the depth at the midship division of the length does not exceed 16 feet, divide each depth into five equal parts; then measure the inside horizontal breadth at each of the four points of division, and also at the upper point of the depth, extending each measurement to the average thickness in that part of the ceiling which is between the points of measurement. Number these breadths from above (i. e., numbering the upper breadth 1, and so on down to the fifth breadth); multiply the second and fourth by 4, and the third by 2; add these products together, and to the sum add the first breadth and the fifth. Multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area of the upper part of the section; then find the area between the fifth and lower point of the depth by dividing the depth between such points into four equal parts, and measure the horizontal breadths at the three points of division and also at the upper and lower points, and proceed as before, and the sum of two parts shall be deemed to be the transverse area; but if the midship depth exceed 16 feet, divide each depth into seven equal parts instead of five, and measure, as before directed, the horizontal breadths at the six points of division, and also at the upper point of the depth; number them from above, as before; multiply the second, fourth, and sixth by 4, and the third and fifth by 2; add these products together, and to the sum add the first breadth and the seventh. Multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed to be the transverse area of the upper part of the section; then find the lower part of the area as before directed, and add the two parts together, and the sum shall be deemed to be the transverse area.

29. This section applies to vessels with double bottoms, the tops of which have a rise from the middle line to each side. In vessels in which the top of the double bottom is horizontal, or in which there is no double bottom, the depths are to be divided by 4 or 6 (instead of 5 or 7), according to their midship depths do not or do exceed 16 feet respectively. In such cases no subdivision of the lower part is to be made.

30. In the case of ships built on the Isherwood system the depths are to be taken to the upper edge of the longitudinal frames, where no double bottom exists. In vessels built of concrete the depths and breadths shall be taken to the inner edge of the main frames. It is to be noted that section 2, paragraph 29, provides that in vessels without double bottoms no subdivision of the lower part of the transverse area is to be made. On ships built with transverse frames without double bottoms the depths are to be taken to the top of the transverse frames, and no subdivision of the lower section is necessary.



31. SEC. 3. Number the transverse sections or areas respectively 1, 2, 3, etc., No. 1 being at the extreme limit of the length at the bow, or of each part of the length, and the last number at the extreme limit of the length at the stern or the extreme limit at the after end of each part of the length; then, whether the length be divided according to the table into 4 or 12 parts, as in classes 1 and 5, or any intermediate number, as in classes 2, 3, and 4, multiply the second and every even-numbered area by 4, and the third and every odd-numbered area (except the first and last) by 2; add these products together, and to the sum add the first and last, if they yield anything; multiply the quantity thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space, or cubical contents of each part if the ship is measured in parts under the tonnage deck. The tonnage of this volume is obtained by dividing it by 100, if the measurements are taken in English feet, and by 2.83 if the measurements are taken in meters. The multiplier 0.353 may be used instead of the divisor 2.83.

32. SEC. 4. If the ship has a third deck the tonnage of the space between it and the tonnage deck shall be ascertained as follows: Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided, as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth at the stem and the breadth at the stern; number them successively 1, 2, 3, etc., commencing at the stem; multiply the second and all the other even-numbered breadths by 4, and the third and all the other odd-numbered breadths (except the first and last) by 2; to the sum of these products add the first and last breadths; multiply the whole sum by one-third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of the space; measure the mean height of the space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by 100 (or by 2.83 if the measurements are taken in meters) and the quotient shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid; and if the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in the manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

33. SEC. 5. If there be a break, a poop, or any other permanently covered or closed-in space on or above the upper deck (as defined above in article III) the tonnage of such space shall be ascertained as follows: Measure the internal mean length of the space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of the space; then measure the mean height and multiply by it the mean horizontal area; divide the product by 100 (or by 2.83 if the measurements are taken in meters) and the quotient shall be deemed to be the tonnage of the space.

34. SEC. 6. In measuring the length, breadth, and height of the general volume of the ship or that of the other spaces, reduce to the mean thickness the parts of the ceiling which exceed the mean thickness. When the ceiling is absent, or when it is not permanently fixed, the length and breadth shall be reckoned from the main frames of the ship, not from the web or belt frames. The same principle is to hold in the case of deck erections; that is, the breadth is to be reckoned from the main framing or stiffeners of the same, when ceiling is not fitted. When the main framing of the ship is curved or carried upward and inboard so as to permit the building of top-side tanks or compartments outboard of the main framing, the breadth of the ship shall be reckoned from the outboard framing of such outboard tanks, thus including these tanks in the measurement.

Rule II. For Measuring the Gross Tonnage of Laden Ships

35. SEC. 7. When ships have cargo on board, or when for any other reason their tonnage cannot be ascertained by means of rule I, proceed in the following manner:

36. Measure the length on the uppermost full-length deck from the outside of the outer plank at the stem to the aft side of the sternpost, deducting therefrom the distance beween the aft side of the sternpost and the rabbet of the sternpost at the point where the counterplank crosses it. Measure also the greatest breadth of the ship to the outside of the outer planking or wales at the middle perpendicular. Then, having first marked on the outside of the ship on both sides thereof the height of the uppermost full-length deck at the ship's sides, girt the ship at the middle perpendicular in a direction perpendicular to the keel from the height so marked on the outside of the ship, on the one side, to the height so marked on the other side, by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum, multiply the result by the length of the ship taken as aforesaid, then multiply this product by the factor 0.17 in the case of ships built of wood, and by the factor 0.18 in the case of ships built of iron or steel. The product will give approximately the cubical contents of the ship, and the tonnage can be ascertained by dividing by 100 or by 2.83, according as the measurements are taken in English feet or in meters.

37. SEC 8. If there is a break, a poop, or other permanently covered and closed-in spaces (as defined above in article III) on or above the uppermost full-length deck, the tonnage of such spaces shall be ascertained by multiplying together the mean inside length, breadth, and depth of such spaces and dividing the product by 100, or 2.83, according as the measurements are taken in English feet or meters, and the quotient so obtained shall be deemed to be the tonnage of the spaces, and shall be added to the other tonnage in order to determine the gross tonnage or total capacity of the ship.

Rule III. For Measurement of Open Vessels

38. SEC. 9. In ascertaining the tonnage of open ships, the upper edge of the upper strake of the shell plating is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

DEDUCTIONS FROM THE GROSS TONNAGE TO ASCERTAIN THE NET TONNAGE

*(A) Deductions Allowed for all Vessels*

39. ART. X. The following spaces (enumerated below in secs. 1 to 11 of this article) shall be deducted from the gross tonnage in order to ascertain the net tonnage of vessels not propelled by engines, and no other spaces shall be deducted. These deductions will also be allowed for vessels propelled by engines, with additional deductions for vessels propelled by engines, listed under (B) article XII. Unless otherwise expressly stipulated, these spaces shall be deducted whether located above or below the upper deck.

40. The volume or cubical contents of deducted spaces shall be ascertained in the manner specified in article VIII or article IX of these rules. The remainder, resulting from deducting from the total space included in gross tonnage the sum of the cubical contents of the spaces whose deduction from gross tonnage is permitted by these rules, shall be the Panama Canal net tonnage of vessels upon which tolls and other charges based upon net tonnage shall be paid by vessels of commerce, Army and Navy transports, colliers, supply ships, and hospital ships (as defined in art. I) for passage through the Panama Canal. One hundred cubic feet, or 2.83 cubic meters, shall constitute 1 gross or net ton.

41. Spaces for the use, or possible use, of passengers (as defined in art. VI) shall not be deducted from the gross tonnage, except in so far as their deduction may be specifically provided for in the following sections (1 to 11) of this article of these rules.

*Definition of Stores and Cargo Carried on Army and Navy Transports, Colliers, Supply Ships, and Hospital Ships*

42. Spaces available for the stowage of stores (other than boatswain's stores) or cargo shall not be deducted from gross tonnage. In case of Army and Navy transports, colliers, supply ships, and hospital ships, as defined in article I, the term "stores (other than boatswain's stores) or cargo" shall include, in addition to goods or cargo ordinarily carried as freight on vessels of commerce, the following articles:

(a) On transports, food, stores, luggage, accouterments, and equipment for passengers.

(b) On colliers, coal, coaling gear, and fuel oil not for the use of the colliers.

(c) On supply ships, stores, supplies of all kinds, distilling machinery and distilled water (other than fresh water stored in peak tanks for the vessels own use), machines, tools and material for repair work, mines and mining material, torpedoes, arms, and ammunition.

(d) On hospital ships, food stores for passengers, medical stores, and hospital equipment.

(e) Guns mounted on transports and supply ships, for defense of the ships, and ammunition required for use in such guns shall not be classed as cargo.

*Deductions From Gross Tonnage Allowed Vessels in Determining Net Tonnage*

43. SECTION 1. The tonnage of the spaces or compartments occupied by, or appropriated to the use of, the officers and crew of the vessel shall be deducted. The term "officers and crew" shall include the personnel inscribed on the ship's rolls, i. e., the ship's officers, engineers, doctors, apothecary, sick attendants, sailors, apprentices, firemen, mechanics, and wireless operators including clerks, pursers, stewards and other members of the personnel provided by the ship for the care of the passengers as well as armed guards on vessels of commerce. The spaces or compartments occupied by the officers and crew shall include their berthing accommodations, spaces provided for medical attention, including the medicine locker and dispensary, mess rooms, ward and dressing rooms, bath and washrooms, water closets, latrines, lavatories, or privies for their exclusive use, and passageways designed primarily for serving these spaces. Room provided for a pilot and so designated, shall be deducted, but spare rooms and linen lockers are not to be deducted.

44. SEC. 2. On hospital ships the spaces or compartments occupied by doctors, apothecary, and sick attendants duly inscribed on the ship's rolls, shall form part of the deduction under section 1 of this article. Spaces provided for the medical attention of the officers and crew of a hospital ship shall likewise be deducted; but spaces fitted for the transportation, or for the medical attention, of other persons than those duly listed in the ship's rolls shall not be deducted.

45. SEC. 3. The spaces appropriated to the use of the master shall be deducted.

46. SEC. 4. Cook houses, galleys, bakeries, laundries, and rooms for ice machines, when used exclusively to serve the officers and crew, and the condenser space, and distilling rooms, when used exclusively for condensing and distilling the water for the officers and crew, shall be deducted.

47. SEC. 5. Spaces used for anchor gear, including the chain locker; steering gear; capstan; the wheel house; the dynamo; the chart room used exclusively for keeping charts, signals, and other instruments of navigation; offices for the master, chief officer, and chief engineer; lookout houses; spaces for keeping electric searchlights, radio appliances, and wireless telephone apparatus; carpenter shop; fumigating and fire-fighting machinery; and other spaces actually used in the navigation of the ship, shall be deducted. Such spaces upon vessels of commerce as may be devoted to the mounting of guns and to the stowage of ammunition for the guns thus mounted shall be deducted. The deduction of all spaces, enumerated in this section, must be reasonable in extent and be subject to the limitations stipulated below in Article XI.

48. SEC. 6. In case of a ship propelled wholly by sails, any space, not exceeding 2½ percent of the gross tonnage, used exclusively for storage of sails shall be deducted.

49. SEC. 7. Spaces used exclusively for boatswain's stores, including paint and lamp rooms, shall be deducted. The deduction is not, however, to exceed 1 percent of the gross tonnage in ships of 1,000 tons gross and upwards, nor more than 75 tons in any ship however large. In vessels from 500 to 1,000 tons gross the limit is fixed at 10 tons and in vessels from 150 to 500 tons at not more than 2 percent of the gross tonnage. In vessels under 150 tons at not more than 3 tons.

50. Spaces used exclusively for engineer's shops shall be deducted. This deduction is in no case to exceed 5 percent of the actual propelling machinery space nor be more than 50 tons for any vessel.

51. SEC. 8. The space occupied by donkey engine and boiler shall be deducted even though not connected with the main pumps of the ship. The space occupied by the pumps used exclusively for handling feed water, ballast, bunker fuel, or for freeing the ship of water shall also be deducted, but the space occupied by the pumps used for handling cargo shall not be deducted.

52. SEC. 9. Passages and passageways designed primarily for serving deducted spaces shall be deducted.

53. SEC. 10. Water ballast spaces, other than spaces in the vessel's double bottom, shall be deducted if they are adapted only for water ballast, have for entrance only ordinary circular or oval manholes whose greatest diameter does not exceed 30 inches, and are not available for the carriage of cargo, stores, or fuel. Peak tanks shall also be deducted when adapted only for carrying fresh water for the vessel's own use, can be entered only as above stated, and are not available for the carriage of cargo or fuel. If used to carry oil or other fuel these spaces shall be regarded as part of the vessel's fuel space and shall not be subject to separate deduction.

Tonnage of tanks may be obtained by using liquid capacity times the conversion factor with one-sixth off for frames in case of peak tanks and one-twelfth off in case of wings or deep tanks when they cannot be readily measured.

54. SEC. 11. Spaces appropriated to the use of the passengers solely as public rooms shall be deducted. These shall include such spaces as social halls, smoking rooms, music rooms, libraries; lounges, dining saloons, gymnasiums, children's play rooms, elevators, foyers, promenades, veranda cafes, bar rooms, barber shops, novelty shops, and passageways designed primarily for serving such spaces. Water closet, toilets, lavatories and wash rooms designed primarily to serve public spaces will be considered as part of the public spaces and be deducted accordingly. Water closets, toilets, lavatories, baths and wash rooms designed primarily to serve nearby staterooms in the same tier will be considered as part of the staterooms they serve and not subject to deduction.

*The Marking and Use of Deducted Spaces Shall be According to National Laws*

55. ART. XI. Each of the spaces enumerated in article X, sections 1 to 11, unless otherwise specifically stated, shall be subject to such conditions and requirements as to marking or designation and use or purpose as are contained in the navigation or registry laws of the several countries, but no space, other than fuel spaces deducted under article XIII of these rules, shall be deducted unless the use to which it is to be exclusively devoted has been appropriately designated by official marking. In no case, however, shall an arbitrary maximum limit be fixed to the aggregate deduction made under article X.



*(B) Additional Deductions Allowed for Vessels Propelled by Engines*

56. ART. XII. The Panama Canal net tonnage upon which tolls and other charges based upon tonnage shall be paid by vessels of commerce, Army and Navy transports, colliers, supply ships, and hospital ships, as defined in article I, propelled by engines, for passage through the Panama Canal, shall be the tonnage remaining after the following deductions have been made from the gross tonnage. One hundred cubic feet, or 2.83 cubic meters, shall constitute 1 gross or net ton. Vessels propelled partly by sails and partly by engines shall be classed as "vessels propelled by engines."

*Additional Deductions From Gross Tonnage Allowed Vessels Propelled by Engines*

57. SECTION 1. The spaces specified above in article X shall be deducted from the space included in gross tonnage to ascertain net tonnage in the case of vessels propelled by engines as in the case of vessels not propelled by engines.

58. SEC. 2. The space occupied by the engines, boilers, coal bunkers, fuel oil tanks, including settling tanks, lubricating oil tanks, and shaft trunks of vessels with screw propellers; spaces within a closed-in side-to-side erection that are framed in around the funnels or that are required for the introduction of light and air to the engine room to the extent that the framed-in spaces around the funnels and the light and air casings are located below the deck or covering of the first or lowest tier of such erections, if any, on the upper deck, as defined in article III, and are contained in closed-in side-to-side erections; spaces necessary for the proper working of the engines, and spaces occupied by the donkey engine and boiler when situated within the boundary of the engine room or within the light and air casing above the engine room and when used in connection with the main machinery for propelling the vessel, shall be deducted. When the shafts of screw propellers pass through open spaces not inclosed within tunnels, the spaces allowed in lieu of the tunnels must be of reasonable dimensions suitable for the vessel in question. When any portion of the engine or boiler rooms is occupied by a tank for fresh water, the spaces thus taken up shall not be deducted.

59. Donkey-engine and boiler spaces, when deducted according to article XIV below, shall not be made a separate deduction.

60. The portion of the framed-in spaces around the funnels and of the light and air casings that extend above the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined in article IV, section 3, and surrounding the said space or spaces are exempted from measurement and form no part of the space deducted under this section.

61. SEC. 3. The deductions made for propelling power, including all those provided for in section 2 of this article, shall in no case exceed 50 percent of the gross tonnage. In other respects the spaces enumerated in section 2 shall, except as otherwise specifically stated, be subject to the requirements as to designation or marking and use or purpose contained in the navigation or registry laws of the several countries.

62. SEC. 4. The deductions made for propelling power provided for in section 2 of this article shall be made according to the provisions of article XIII or of article XIV, as the owner of the vessel may elect.

63. SEC. 5. This section was eliminated by recommendation of Special Committee on Panama Canal Tolls and Vessel Measurement Rules, 1936.

*Propelling Power Deduction for Vessels With Bunkers Having Movable Partitions, or Having Fuel-Oil Compartments That May be Used to Stow Cargo or Stores*

64. ART. XIII. In ships that do not have fixed bunkers, but transverse bunkers with movable partitions, with or without lateral bunkers, and in ships with fuel tanks which may be used to stow cargo or stores, measure the space occupied by the engine rooms, and add to it for vessels with screw propellers 75 percent and for vessels with paddle wheels 50 percent of such space.

65. By the space occupied by the engine rooms is to be understood that occupied by the engine room itself and the boiler room, together with the spaces strictly required for the working of the engines and boilers, with the addition of the spaces taken up by the shaft trunks in vessels with screw propellers, the spaces which enclose the funnels and the casings necessary for the admission of light and air into the engine room to the extent that such spaces are located below the upper deck (as defined in article III) or below a deck with openings, usually designated as tonnage openings, which may be so closed as to permit the carriage of cargo or stores under the deck or a portion thereof, and donkey-engine and boiler spaces when the donkey engine and boiler are situated within the boundary of the main engine room, or of the light and air casing above it and when they are used in connection with the main machinery for propelling the vessel. When the shafts of screw propellers pass through open spaces not enclosed within tunnels, the spaces allowed in lieu of tunnels must be of reasonable dimensions suitable for the vessel in question. When a portion of the space within the boundary of the engine or boiler rooms is occupied by a tank or tanks for the storage of fuel oil, lubricating oil, or fresh water, the space considered to be within the engine room shall be reduced by the space taken up by the tank or tanks for fuel oil, lubricating oil, or fresh water. Note that fuel-oil settling tanks are not to be included in the propelling-power space, no matter where situated. Storerooms, dynamos, ice machine, etc., situated in the confines of the engine room and not bulkheaded off, may be included in engine-room space. If bulkheaded off, they shall not be included in engine-room space but be given separate deductions when they qualify under article X and then listed under item 5 on page 2 of the Panama Canal Certificate.

66. The cubical contents of the above-named spaces occupied by the engine room shall be ascertained in the following manner: Measure the mean depth of the space occupied by the engines and boilers from its crown to the ceiling at the limber strake; measure also three, or, if necessary, more than three, breadths of the space at the middle of its depth, taking one of such measurements at each end and another at the middle of the length; take the mean of such breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by, or required for, the proper working of the engines and boilers. Multiply together these three dimensions of length, breadth, and depth, and the product will be the cubical contents of the space below the crown. Then, by multiplying together the length, breadth, and depth, find the cubical contents of the space or spaces, if any, which are framed in for machinery, for enclosing the funnels, or for the admission of light and air, and which are located between the crown of the engine room and the uppermost deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined in article III. Add such contents, as well as those of the space occupied by the shaft trunk and by any donkey engine and boiler located within the boundary of the engine room or of the light and air casing above the engine room and used in connection with the main machinery for propelling the ship, to the cubical contents of the space below the crown of the engine room; divide the sum by 100 or by 2.83, according as the measurements are taken in feet or meters, and the result shall be deemed to be the tonnage of the engine and boiler room and shall be the tonnage taken as the basis for calculating the deduction for propelling power.

67. If in any ship in which the space for propelling power is to be measured the engines and boilers are in separate compartments, the contents of each compartment shall be measured separately in like manner, according to the above method; and the sum of the tonnage of the spaces

included in the several compartments shall be deemed to be the tonnage of the engine and boiler rooms, and shall be the tonnage taken as the basis for calculating the deduction for propelling power.

*Propelling Power Deduction for Vessels with Fixed Bunkers, or Having Fuel-Oil Compartments That Cannot be Used to Stow Cargo or Stores*

68. ART. XIV. When vessels are fitted with fixed coal bunkers or with fuel-oil tanks which cannot be used to stow cargo or stores, and when such bunkers, tanks, and fuel compartments have been certified by official marking to be spaces for the vessel's fuel, the deduction for propelling power may either be in accordance with the provisions of article XIII above, or by deducting the actual tonnage of the spaces enumerated in article XII, section 2, as measured in accordance with the following provisions, as the owner of the vessel may elect: Measure the mean length of the engine and boiler room, including the coal bunkers. Ascertain the area of three transverse sections of the ship (as set forth in the rules given in articles VIII or IX for the calculation of the gross tonnage) to the deck which covers the engine. One of these three sections must pass through the middle of the aforesaid length, and the two others through the two extremities. Add to the sum of the two extreme sections four times the middle one, and multiply the sum thus obtained by the third of the distance between the sections. This product, divided by 100 if the measurements are taken in English feet, or by 2.83 if they are taken in meters, gives the tonnage of the space measured. If the engines, boilers, and bunkers are in separate compartments, measure each compartment, as above set forth, and add together the results of the several measurements. The bunkers measured for fuel deduction shall include only those bunkers that are absolutely permanent, from which the coal can be trimmed directly into the engine room or stoke-hole, and into which access can be obtained only through the ordinary coal chutes on deck and from doors opening into the engine room or stokehole. Thwartship bunkers that can be in any way extended are not to be included in the measurements for deductions. When any portion of the engine or boiler rooms is occupied by storage tanks for fresh water, the space considered to be within the engine and boiler rooms shall be reduced by the spaces taken up by the tanks for fresh water.

69. The contents of the shaft trunk shall be measured by ascertaining, and multiplying together, the mean length, breadth, and height. The product divided by 100, or 2.83. according as the measurements are taken in English feet or in meters, gives the tonnage of such space. When the shafts of screw propellers pass through open spaces not enclosed within tunnels, the spaces allowed in lieu of tunnels must be of reasonable dimensions suitable for the vessel in question.

70. The tonnage of the following spaces below the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined by article III, is ascertained by the same method, viz:

(a) The spaces framed in around the funnels.

(b) The spaces required for the admission of light and air into the engine room.

(c) The spaces, if any, necessary for the proper working of the engines.

(d) Spaces occupied by the donkey engine and boiler when used in connection with the main machinery for propelling the ship and when situated within the boundary of the engine room or of the casing above the engine room.

(e) Tanks (other than double-bottom compartments) fitted for the storage of fuel oil and lubricating oil not already included by measurement under the provisions of paragraph 68.

*No Space May Be Deducted Unless Included in Gross Tonnage*

71. ART. XV. Under no circumstances shall any space which has not been included in the gross tonnage be deducted from gross tonnage.

*Deducted Spaces, if Used, Must Be Added to Net Tonnage*

72. The use of the whole or any portion of a deducted space, other than fuel spaces deducted under article XIII, to stow cargo of any kind or stores other than boatswain's stores, or to provide passenger accommodations, shall be evidence that the entire space thus wholly or partially occupied is a part of the actual earning capacity of the ship, and the entire space shall be added to, and become a part of, the net tonnage upon which Panama Canal tolls shall be collected.

*Officials Authorized to Measure Vessels and Issue Certificates*

73. ART. XVI. Only such officials as are authorized in the several foreign countries and in the United States to measure vessels and to issue tonnage certificates for purposes of national registry, and such other officials as are authorized by the President of the United States, or by those acting for him, to measure vessels and to issue Panama Canal tonnage certificates, shall have authority to measure vessels for Panama navigation or to issue Panama tonnage certificates.

*Tonnage Certificates Issued Under These Rules May be Corrected by Officials at the Panama Canal*

74. ART. XVII. Tonnage certificates presented at the Panama Canal shall be subject to correction by the official or officials authorized by the President of the United States, or by those acting for him, to administer these measurement rules, insofar as may be necessary to make the certificates conform to these rules.

*Panama Canal Tonnage Certificates*

75. ART. XVIII. The Panama Canal tonnage certificates issued by the measurement authorities of the United States and the several foreign countries shall correspond in substance and form to the sample certificate appended to these rules. Blank certificates in English will be furnished by the Secretary of War or the Governor of the Panama Canal upon request of the measurement authorities of foreign countries. The measurement authorities of any foreign country may also provide themselves with Panama Canal measurement certificates printed in English or in the language of the foreign country, provided such certificates strictly correspond in substance and form to the sample certificate appended to these rules; and provided further, that if it is desired to have a certificate in the language of the foreign country, there must also be a corresponding certificate issued to the vessel in English.

RULES APPLYING TO VESSELS OF WAR, OTHER THAN ARMY AND NAVY TRANSPORTS, COLLIERS, SUPPLY SHIPS, AND HOSPITAL SHIPS

*Tolls Upon Warships Shall Be Levied Upon Actual Displacement Upon Arrival at Canal*

76. ART. XIX. The toll on warships, other than Army and Navy transports, colliers, supply ships, and hospital ships, shall be based upon their tonnage of actual displacement at the time of their application for passage through the Canal. The displacement tonnage of such warships shall be their displacement before the vessels have taken on such coal, fuel oil, stores, or supplies as may be purchased and taken on board after arrival at the Canal for transit through the same.

*"Warships" Defined*

77. ART. XX. "Warships" in the meaning of articles XIX to XXIV shall be considered to be all vessels of war, other than Army and Navy transports, colliers, hospital ships, and supply ships, as defined in article I. Warships are vessels of Government ownership that are being employed by their owners for military or naval purposes.



78. ART. XXI. Every warship, other than Army and Navy transports, colliers, supply ships, and hospital ships (as defined in art. I) upon applying for passage through the Panama Canal shall, in order to facilitate the ascertainment of its mean draft, be anchored or placed at such station or location as shall be designated by the Governor of the Panama Canal or by the officials authorized to act for him.

*Commander of Each Warship to Exhibit Vessel's Displacement Scale and Curves*

79. ART. XXII. The commander of every warship, other than Army and Navy transports, colliers, supply ships, and hospital ships (as defined in art. I), applying for passage through the Panama Canal, shall exhibit for examination by the Governor of the Panama Canal, or by the officials authorized to act for the Governor of the Panama Canal, an official document containing the vessel's curve of displacement, its curves for addition to displacement for change of trim, and a scale so arranged that the displacement at any given mean draft is shown. Such document or documents shall be issued and be certified as correct by competent authorities of the government to which the vessel belongs.

*Actual Displacement to be Determined, and to be Expressed in Tons of 2,240 Pounds*

80. ART. XXIII. The actual displacement of warships shall be determined from their official displacement scale and curves, and shall be expressed in tons of 2,240 pounds.

Should the displacement scale and curves of a warship show or state the vessel's displacement tonnage in metric tons of 2,204.62 pounds, the tonnage so expressed shall be multiplied by 0.9842 for the purpose of converting the tonnage into tons of 2,240 pounds.

*Rule for Determining Displacement of a Warship Not Supplied With Displacement Scale and Curves*

81. ART. XXIV. Should any warship, other than Army and Navy transports, colliers, supply ships, and hospital ships (as defined in art. I), apply for passage through the Panama Canal and, for reasons satisfactory to the Governor of the Panama Canal, not have on board the duly certified document or documents specified in article XXII, the Governor of the Panama Canal, or the officials authorized to act for him, shall then determine the displacement of the vessel, using such reliable data as may be available, or by taking such dimensions of the vessel and using such approximate methods as may be considered necessary and practicable. The displacement tonnage so determined shall be considered to be the displacement of the vessel.

*Application and Interpretation of Rules*

82. ART. XXV. The Board of Admeasurement of the Panama Canal is charged with the application of these rules and, subject to the approval of the Governor, all questions of interpretation arising thereunder shall be decided by the Board. In applying the rules the Board will be governed by the principle that there shall be no change in the present treatment of spaces except as herein provided, and with the approval of the Governor may provide for the treatment of any space for which provision has not herein been made

PANAMA CANAL TONNAGE CERTIFICATE

[SEAL]

Name of vessel..... Nationality..... Type.....

| Official number | Signal letters | Port of registry | Registered tonnages | | Length | Beam | Depth |
|---|---|---|---|---|---|---|---|
| | | | Gross | Net | | | |
| | | | | | | | |

DETAILS OF PANAMA CANAL GROSS TONNAGE

| | Tons of 100 cubic feet | Tons of 100 cubic feet |
|---|---|---|
| The spaces measured for gross tonnage in this ship comprise the following and no others, viz: | | |
| 1. Space or spaces under the tonnage deck, viz: | | |
| (a) Space between tonnage deck and double bottom | | |
| (b) Double-bottom compartments available for cargo under Art. IV, Sec. 4* | | |
| Total space under tonnage deck | | |
| 2. Space or spaces between the tonnage deck and uppermost full length deck Upper 'tween deck.....tons, Lower 'tween deck....tons | | |
| | Tons of 100 cubic feet | |
| 3. Closed-in spaces in permanent constructions above uppermost full length deck: | | |
| (a) Forecastle | | |
| (b) Bridge space | | |
| (c) Poop | | |
| (d) Break or breaks | | |
| (e) Turret space.....tons, (f) Trunk space.....tons | | |
| (g) Roundhouses..tons, ....tons, ....tons, ....tons, ....tons, ....tons ....tons, ....tons, ....tons, ....tons, ....tons, ....tons ....tons, ....tons, ....tons, ....tons, ....tons, ....tons | | |
| (h) Side houses....tons, ....tons, ....tons, ....tons, ....tons, ....tons ....tons, ....tons, ....tons, ....tons, ....tons, ....tons | | |
| (i) Hatchways....tons, ....tons, ....tons, ....tons, ....tons, ....tons ....tons, ....tons, ....tons, ....tons, ....tons, ....tons ....tons, ....tons, ....tons, ....tons, ....tons, ....tons | | |
| Total....tons. Allowance under Art. IV, Sec. 5: ..... tons, Hatch Excess..... | | |
| 4. Total closed-in spaces on or above the uppermost full length deck | | |
| 5. Panama Canal gross tonnage | | |

*References are to articles and sections of the "Rules for Measurement of Vessels for The Panama Canal" 1937 Edition.

| DEDUCTIONS FROM GROSS TONNAGE* | Tons of 100 cubic feet | Tons of 100 cubic feet |
|---|---|---|
| 1. Crew accommodations and passageways serving them: | | |
| (a) Seamen....tons, Firemen....tons, Q'term'ters....tons ....tons, ....tons, Apprentices....tons D'keyman.tons, Motormen tons, ....tons P'pman....tons, Greasers....tons, Mess boys.....tons El'trician..tons, Oilers.....tons, Cooks.....tons ....tons, ....tons, ....tons P'geways..tons, ....tons, ....tons | | |
| (b) Messrooms.....tons, .....tons, Hospital.....tons Bathrooms.....tons, .....tons, Med. Lkr.....tons ....tons, .....tons, .....tons | | |
| 2. Officers' accommodations and passageways serving them: | | |
| (a) Ch. Officer's Cabin..tons. Chief Engr's Cabin ....tons Boatswain ....tons | | |
| Ch. Officer's Office..tons Chief Engr's Office ....tons Carpenter ....tons | | |
| 2d Officer ....tons 2d Engineer ....tons Radio Operator ....tons | | |
| 3d Officer ....tons 3d Engineer ....tons ....tons | | |
| 4th Officer ....tons 4th Engineer ....tons Steward ....tons | | |
| ....tons 5th Engineer.....tons Doctor.....tons | | |
| ....tons 6th Engineer.....tons Pilot.....tons | | |
| ....tons ....tons ....tons | | |
| Passageways ....tons ....tons ....tons | | |
| (b) Messrooms: Officers..tons Engineers ....tons Petty Officers ....tons | | |
| (c) Bathrooms: Officers..tons Engineers ....tons Petty Officers ....tons | | |
| (d) Master's C'bn ....tons Office ....tons Bath ....tons | | |
| Passageways ....tons ....tons W. C. ....tons | | |
| 3. Galleys, cookhouses, bakeries, etc., for exclusive use of officers, engineers and crew: | | |
| Galley.....tons Officers' Pantry.....tons Bakery....tons) | | |
| ....tons Engineers' Pantry..tons ....tons | | |
| 4. Lavatories, water-closets, etc., for exclusive use of officers and crew, and passageways serving them: | | |
| Seamen's W. C.....tons, Officers' W. C...tons, Engineers' W. C.....tons, ....tons, ....tons, | | |
| Firemen's W. C.....tons, Petty Officers' W. C.....tons, ....tons, | | |
| 5. Closed-in spaces used in working the ship, and passageways serving them: | | |
| Wheelhouse .....tons, Anchor gear.....tons, Pump room....tons, ....tons, ....tons, | | |
| Chart house .....tons, Dky. boiler.....tons, Dynamo.....tons, ....tons, ....tons, | | |
| Radio house..tons, Carpenter shop..tons, Fumigating machinery....tons, Ice machine....tons, | | |
| Steering gear....tons, ....tons, | | |

| DEDUCTION FROM GROSS TONNAGE—continued. | Tons of 100 cubic feet | Tons of 100 cubic feet |
|---|---|---|
| 6. Engineer's workshop limited under Art. X, Sec. 7; ....tons. Sailroom limited under Art. X, Sec. 6; .....tons.. | | |
| 7. Boatswain's storerooms limited under Art. X, Sec. 7: Lamp room.....tons Paint room....tons.. Peaks....tons, ....tons, Total.....tons.. | | |
| 8. Water ballast spaces other than D. B. compartments: F. P. T. .....tons, A. P. T.....tons.. .....tons, .....tons.. | | |
| 9. Peak Tanks for Fresh Water under Art. X, Sec. 10: F. P. T...tons.. A. P. T.....tons.. | | |
| 10. Public Rooms as defined under Art. X, Sec. 11: (Itemized on page 3).....tons.. | | |
| 11. Total deduction other than propelling power..... | | |
| 12. PANAMA CANAL NET TONNAGE (*without deduction for propelling power)..... | | |

| FURTHER DEDUCTIONS FOR PROPELLING POWER IN CASE OF VESSELS PROPELLED BY ENGINES | Tons of 100 cubic feet | |
|---|---|---|
| 13. (a) Engine room as measured (Arts. XII, XIII, XIV) | Below deck..tons, Tween deck..tons) In bridge....tons, In poop.....tons) | |
| and (b) In a vessel with screw propellers +75 percent of engine room as measured (Danube Rule)..... | | |
| or (c) In a vessel with paddlewheels +50 percent of engine room as measured (Danube Rule)..... | | |
| or (d) With fixed coal bunkers or fixed tanks and compartments fitted for stowage of fuel oil..... | | |
| 14. Total deduction for propelling power limited under Art. XII, Sec. 3..... | | |
| 15. Panama Canal net tonnage (propelling power deduction by Arts. XII, XIII, or XIV)..... | | |

16. Bunker fuel for BALLAST RATE limited to: Coal ..... long tons or Oil ..... long tons.

*All deducted spaces must be reasonable in extent and the use to which each is to be exclusively devoted must be appropriately designated by official marking.

Detailed list of Public Rooms and Passageways serving them deducted on Page 2, Item 10, under provisions of Art. X, Sec. 11. (Name the Deck and identify each space, stating separately the tonnage of each part deducted.)

.....

.....

.....

.....

SPACES NOT INCLUDED IN GROSS TONNAGE

[Information must be given concerning all spaces exempted from Gross Tonnage]

The following spaces have been exempted from Gross Tonnage and no others:

1. Open Decks under Art. IV, Sec. 1 (a) (Name the deck and otherwise identify):
.....
2. Spaces opposite end openings under Art. IV, Sec. 1 (b) (State separately the dimensions and tonnages of parts exempted):
Forecastle.....
Bridge.....
Poop.....
3. Spaces in way of opposite side openings under Art. IV, Sec. 1 (c) (State separately the dimensions and tonnages of parts exempted):
Forecastle.....
Bridge.....
Poop.....
4. Spaces in way of opposite side openings under Art. IV, Sec. 2 (Name the deck and state separately the dimensions and tonnages of parts exempted).....
.....
5. Spaces above lowest tier of side-to-side erections under Art. IV, Sec. 3 (Name tier and state separately the dimensions and tonnages of parts exempted).....
Space framed in round funnels.....
Space framed in round light and air casings.....
6. Double Bottom Compartments under Art. IV, Sec. 4 (Name or give numbers of compartments exempted).....
7. Companion Houses under Art. IV, Sec. 6 (State location, dimensions and tonnages of parts exempted).....
.....
8. Domes, Skylights and Air Shafts under Art. IV, Sec. 7 (Name and state separately location, dimensions and tonnages of parts exempted).....
.....
9. State any other particulars of exempted spaces.....
.....

THIS IS TO CERTIFY that the .....Vessel above named has
(Nationality) (Type)
been measured in accordance with the Rules for Measurement of Vessels for the Panama Canal, and that the particulars of tonnage contained in this Certificate are correct.

(Given under my hand at ..... this ..... day of ..... 19....

.....(Signature)

.....(Official Position)

[F. R. Doc. 37-2645; Filed, August 27, 1937; 10:37 a. m.]

## EXECUTIVE ORDER

### EXCLUDING CERTAIN LANDS FROM THE CARSON NATIONAL FOREST

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described lands in New Mexico, embraced in color of title application Santa Fe 058183, be, and they are hereby, excluded from the Carson National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 N., R. 8 E., sec. 2, tracts 37, 38, and 39, 8.89 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 26, 1937.*

[No. 7698]

[F. R. Doc. 37-2647; Filed, August 27, 1937; 12:00 m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

[I. C. C. No. 237]

THE ALASKA RAILROAD—LOCAL PASSENGER TARIFF NO. 189-B[1]

NAMING ROUND TRIP SPECIAL FARES ON ROUND TRIP IDENTIFICATION CERTIFICATE PLAN FROM STATIONS ON THE ALASKA RAILROAD IN ALASKA TO ANCHORAGE, ALASKA, ACCOUNT AMERICAN LEGION DEPARTMENT CONVENTION, ANCHORAGE, ALASKA, SEPTEMBER 18, 19, 20, 21, 22, 1937, ISSUED UNDER AUTHORITY OF RULE 52, INTERSTATE COMMERCE COMMISSION TARIFF CIRCULAR NO. 18-A; ISSUED AUGUST 11, 1937; EFFECTIVE SEPTEMBER 15, 1937

Issued by O. F. Ohlson, General Manager, Anchorage, Alaska. Confirmed, Ruth Hampton.

GENERAL RULES AND REGULATIONS

1. *Stations from and to which this tariff applies.*—This tariff applies from all rail line stations. This tariff applies only to Anchorage, Alaska. Conductors picking up passengers at non-agency station will handle passenger to first agency station where ticket must be secured from originating station to final destination.

2. *Conditions of sale.*—Round trip excursion tickets will be sold to delegates of the American Legion, and American Legion Auxiliary, and dependent members of their families, presenting round trip Identification Convention Certificates.

3. *Fare.*—Fare for adults (including children twelve years of age or over): The round trip excursion fare will be the normal one-way fare plus One Dollar ($1.00). One-way fares are shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

4. *Children.*—Children of five (5) and under twelve (12) years of age will under like conditions be charged one-half of fares authorized herein for adults except that sufficient is to be added to make fare end in an "0" or "5". Children under five (5) years of age will be carried free when accompanied by parent or guardian. Children twelve (12) years of age and over will be charged the same fare as authorized herein for adults.

5. *Tickets.*—Use Form L-14 Round trip excursion tickets.

6. *Baggage.*—For baggage rules including free allowances, excess charges, etc., see Local Baggage Tariff No. 2, I. C. C. No. 22 (Alaskan Engineering Commission Series), supplements thereto and reissues thereof. Excess baggage charges will be made on basis of the one-way fares shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

7. *Tickets non-transferable.*—All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased.

8. *Dates of sale.*—September 15, 16, 17, 18, 1937. The going trip must commence on the date stamped on ticket, and must be made by continuous passage to destination.

[1] No supplement to this tariff will be issued except for the purpose of cancelling the tariff.



9. *Final return limit.*—September 26, 1937. The return trip may commence on any date within final return limit, and must be reached not later than midnight of final return limit.

10. *Stopovers*—Stopovers will not be permitted in either direction.

11. *Route.*—Via The Alaska Railroad, direct route only.

[F. R. Doc. 37-2639; Filed, August 27, 1937; 9:37 a. m.]

JOINT TARIFF OF CLASS AND COMMODITY FREIGHT RATES BETWEEN SEATTLE AND TACOMA, WASHINGTON, AND POINTS ON ALASKA RAILROAD

SUPPLEMENT NO. 1 TO JOINT FREIGHT TARIFF NO. 5-E NAMING CLASS AND COMMODITY RATES BETWEEN SEATTLE AND TACOMA, WASHINGTON AND POINTS ON THE ALASKA RAILROAD, AMERICAN YUKON NAVIGATION COMPANY IN ALASKA

The Alaska Railroad in connection with Alaska Steamship Company (FX 5 No. 5); American Yukon Navigation Company (FX 2 No. 1); Puget Sound Freight Lines (FX 5 No. 16).

*Suspension of Rail and Water Service*

Account closing of navigation season 1937 on the Tanana and Yukon Rivers in Alaska, transportation service via The Alaska Railroad, and American Yukon Navigation Company and connections, is hereby discontinued until April 15, 1938. For rules governing acceptance of shipments under this tariff, on and after that date, see Item 250 of tariff.

Issued under authority of Rule 12 of Interstate Commerce Commission Tariff Circular No. 20; Issued August 2d, 1937; Effective August 28, 1937 (Except as noted in individual items).

Issued by O. F. Ohlson, General Manager, Anchorage, Alaska; confirmed, Ruth Hampton.

*Dates on Which Service Will Be Suspended*

| | Date Service Suspended on Traffic From Seattle, Wash., Tacoma, Wash. | Date Service Suspended on Traffic to Seattle, Wash, Tacoma, Wash |
|---|---|---|
| Minto, Alaska | August 28, 1937 | September 25, 1937. |
| Campbells, Alaska | August 28, 1937 | September 24, 1937. |
| Tolovana, Alaska | August 28, 1937 | September 24, 1937. |
| Duggan, Alaska | August 28, 1937 | September 24, 1937. |
| Baker, Alaska | August 28, 1937 | September 24, 1937. |
| Hot Springs Landing, Alaska | August 28, 1937 | September 24, 1937. |
| Tanana, Alaska | August 28, 1937 | September 23, 1937. |
| Birches, Alaska | August 28, 1937 | September 22, 1937. |
| Novikaket, Alaska | August 28, 1937 | September 22, 1937. |
| Kokrines, Alaska | August 28, 1937 | September 22, 1937. |
| Ruby, Alaska | August 28, 1937 | September 22, 1937. |
| Moloid, Alaska | August 28, 1937 | September 22, 1937. |
| Louden, Alaska | August 28, 1937 | September 21, 1937. |
| Galena, Alaska | August 28, 1937 | September 21, 1937. |
| Koyukuk, Alaska | August 28, 1937 | September 21, 1937. |
| Nulato, Alaska | August 28, 1937 | September 21, 1937. |
| Kaltag, Alaska | August 28, 1937 | September 21, 1937. |
| Blackburn, Alaska | August 28, 1937 | September 20, 1937. |
| Thompson, Alaska | August 28, 1937 | September 20, 1937. |
| Anvik, Alaska | August 28, 1937 | September 20, 1937. |
| Holy Cross, Alaska | August 28, 1937 | September 19, 1937. |
| Palmiut, Alaska | August 28, 1937 | September 19, 1937. |
| Russian Mission, Alaska | August 28, 1937 | September 19, 1937. |
| Okagamute, Alaska | August 28, 1937 | September 19, 1937. |
| Marshall, Alaska | August 28, 1937 | September 19, 1937. |
| Rampart, Alaska | August 28, 1937 | September 11, 1937. |
| Stevens Village, Alaska | August 28, 1937 | September 11, 1937. |
| Beaver, Alaska | August 28, 1937 | September 11, 1937. |
| Fort Yukon, Alaska | August 28, 1937 | September 11, 1937. |
| Circle, Alaska | August 28, 1937 | September 11, 1937. |
| Eagle, Alaska | August 28, 1937 | September 11, 1937. |

[F. R. Doc. 37-2640; Filed, August 27, 1937; 9:37 a. m.]

CIRCULAR COVERING FREIGHT RATES ON SHIPMENTS OF LIVE STOCK LESS THAN CARLOAD LOTS, ALASKA RAILROAD

[Freight Circular No. 51-C (Cancels Freight Circular No. 51-B)]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

ANCHORAGE, ALASKA, *August 2nd, 1937.*

*To All Concerned:*

In order to make clear the proper application of rates on livestock as named in Local Freight Tariff No. 16-B, I. C. C. No. 131, effective July 28, 1937, the following is offered in connection with shipments of small livestock, less-than-carloads.

The C class rating, minimum $5.00, as stated in Item 115 of Tariff 16-B may be applied on small livestock when shipped either loose or in boxes, cages, or crates. When shipped loose, the minimum weights as specified in current Western Classification under heading of "Minimum Weights, L. C. L.", must be observed except item No. 130 of Tariff 16-B to apply on calves, loose, six months old or under. When shipped in boxes, cages or crates, the C class rating, minimum $5.00, at actual weight, will be applied.

When small livestock is shipped in boxes, cages, or crates, an alternate rate of first class, actual weight, no minimum, may be applied in accordance with Item 120 of Tariff 16-B. However, charges under this item must not exceed charges under Item 115.

*Example.*—(a) Shipment two calves under six months old, loose, Matanuska to Anchorage, actual weight of calves 250 pounds. Apply C class rate, minimum 750 pounds, minimum charge $5.00. (Item No. 130.)

(b) Shipment two hogs, crated, Matanuska to Anchorage, actual weight of hogs 250 pounds. Apply 1st class rating, actual weight, making charge of $2.40. (Item No. 120.)

(c) Shipment 300 lbs. crated pigs or other small live stock, Matanuska to Fairbanks, apply, actual weight, at "C" class rate, making minimum charge of $5.00 (Item No. 115).

(d) Shipment 100 pounds crated pigs or other small live stock, Matanuska to Fairbanks, apply actual weight at 1st class, making charge $4.06 (Item no. 120).

(e) Shipment 2 calves, (under six months old), loose, Matanuska to Fairbanks, apply 750 pounds minimum weight (Item No. 130) at the "C" class rate, making charge $9.15.

In mixed shipments of adult animals and calves, under six months of age, the minimum weight as per Western Classification will apply on the adult animals and minimum weights as shown in Item No. 130, Tariff 16-B will apply on the calves. In case of a minimum shipment, only one minimum charge will be made for the mixed shipment.

J. T. CUNNINGHAM,
*Supt. Transportation.*

Confirmed, Ruth Hampton.

[F. R. Doc. 37-2641; Filed, August 27, 1937; 9:37 a. m.]

INSTRUCTIONS FOR CHECKING BAGGAGE TO SEWARD DOCK, ALASKA, AND BEYOND TO POINTS ON LINE, ALASKA STEAMSHIP COMPANY

[Passenger Circular No. 140-C (Cancels Passenger Circular No. 140-B)]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

ANCHORAGE, ALASKA, *August 2nd, 1937.*

*To All Agents:*

The following instructions cover method of checking baggage through to Seward Dock, also the checking of through baggage and corpse from stations on The Alaska Railroad to points on the line of The Alaska Steamship Company.

*Checking of baggage to Seward dock.*—Baggage may be checked from any rail line point through to Seward Dock at a charge of 25¢ per piece. Baggage check 264 Series 5, which is yellow in color with printed destination, will be used. These checks are charged to agents and at the end of each month to be reported on Form 594, accounting for each check issued at the above rate.

Excess baggage or C. O. D. baggage checked to Seward Dock will in addition to Excess or C. O. D. check also carry Transfer Tag, Form 264-6, which is yellow in color and printed "Seward Dock." These tags are also charged to Agents and at the end of each month to be reported on Form 594, accounting for each transfer tag issued at the rate quoted above.

Where a passenger boards train at non-agency station and desires baggage checked through to Seward Dock, baggage will be carried to first agency without check where Train

Baggageman will secure checks from Agent and transfer charge collected by Agent at time baggage is checked. Seward Depot will carry a stock of these checks for handling of baggage put on train between Anchorage and Seward.

It frequently occurs that passengers have checked their baggage to Seward on regular local check and enroute desire to have their baggage transferred to Seward Dock. This practice causes confusion in both the accounting and handling of baggage and should be discontinued as far as practicable. However, in case it is necessary to make this change, passengers should be instructed to make the necessary changes on arrival at Seward Depot, in which case they would surrender their white checks and Seward Dock checks would be issued in exchange. Under no circumstances should baggage bearing white local checks be transferred between the Depot and Dock at Seward.

*Checking of baggage beyond Seward dock on lines of Alaska S. S. Co.*—Baggage may be checked from points on this line to points on the line of the Alaska Steamship Company, when presenting ticket of this line from originating station to Seward, and ticket of Alaska Steamship Company from Seward to destination. Interline baggage check Form 264, Series 3, will be used, and for each baggage check issued collect 25 cents to cover transfer between Seward Depot and Seward Dock. These checks are charged to Agents and at the end of the month are to be reported on Form 594, accounting for each check issued.

In case of baggage of excess weight, excess baggage charges to points beyond Seward will be collected as follows; which are in addition to our excess baggage charge from point of origin to Seward:

Valdez, $0.85 per 100 pounds.
Cordova, $1.20 per 100 pounds.
Skagway, $2.50 per 100 pounds.
Juneau, $2.50 per 100 pounds.
Petersburg, $3.10 per 100 pounds.
Wrangell, $3.25 per 100 pounds.
Ketchikan, $3.50 per 100 pounds.
Seattle,[1] $5.45 per 100 pounds.

On interline excess baggage use Prepaid Local and Interline Excess Baggage Check #343, Series 1, showing proper destination and in addition Transfer Tag Form 264–6 will be used for which 25¢ is collected covering transfer of baggage bearing excess tag.

*Checking corpse to Seward dock and beyond.*—Corpse may be checked from any rail line point to Seward Dock or beyond at a charge of $5.00 each. Prepaid Local and Interline Excess Baggage Check #343, Series 1, showing destination SEWARD DOCK, or beyond, will be used. Transfer Tags, Form 264–6, will not be used in connection with Excess Baggage checks covering movement Corpse. The transfer charge of $5.00 covering transfer between Seward Depot and Seward Dock will be shown on excess baggage check.

Rules governing the checking on corpse over the line of the Railroad are found in Local Baggage Tariff No. 2, I. C. C. No. 22.

In checking corpse beyond Seward Dock, corpse escort must present first class adult tickets, one for escort and one for corpse reading from point of origin to Seward via this line, and from Seward to final destination via Alaska Steamship Co., and the corpse tickets reading from point of origin to final destination will be surrendered to the checking baggage agent at time of checking, who will transmit same with his monthly reports to the Accounting Department.

The transfer charge of $5.00 covering transfer between Seward Depot and Seward Dock must be collected at time of checking and this amount shown on excess baggage check. Excess baggage checks must also show form, number, and destination of all corpse tickets and the number of excess check must be endorsed on each coupon of escort's tickets.

[1] Rules governing the checking of corpse over the lines of the Alaska Steamship Company are found under Rule No. 105, Page 5, of Alaska Steamship Company Local Passenger Tariff No. 253, S. B. No. P. 94.

Agents will show on their baggage waybill to Train Baggagemen the destination of transfer baggage covered by above mentioned checks, as SEWARD DOCK or beyond, reading the same as baggage check. Baggage checked to Seward on Local white checks Form 264, Series 1, 2, 4, or 7, will be delivered at the Seward Depot. When Transfer checks are used, both the baggage check and transfer check are to be shown on baggage waybill.

J. T. CUNNINGHAM,
*Sup't Transportation.*

Confirmed. Ruth Hampton.

[F. R. Doc. 37–2642; Filed, August 27, 1937; 9:38 a. m.]

## National Bituminous Coal Commission.

[Order No. 40]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF KENTUCKY AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT LEXINGTON, KENTUCKY, ON OCTOBER 4, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Kentucky directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Kentucky on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Kentucky would be desirable, and upon investigation hereby orders:

1. That on October 4, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Lafayette Hotel, Lexington, Kentucky, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Kentucky, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Kentucky in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Lexington, Kentucky, on October 4, 1937, will not prejudice the case of any producer to be heard upon such application.



6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Kentucky and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Kentucky in which bituminous coal is produced.

By order of the Commission.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

Dated this 26th day of August, 1937.

[F. R. Doc. 37–2648; Filed, August 27, 1937; 12:10 p. m.]

# DEPARTMENT OF AGRICULTURE.

## Agricultural Adjustment Administration.

[Docket No. A–47–1; O–47–1]

NOTICE OF REOPENING OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

*Whereas*, the Secretary of Agriculture, after due notice, caused a public hearing to be held in La Porte, Indiana, on June 28, 1937, in connection with a proposed marketing agreement and a proposed order regulating the handling of milk in the La Porte County, Indiana, Marketing Area which is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk, and the hearing was adjourned subject to being reopened by the Secretary of Agriculture. Among other things, the proposed marketing agreement and order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of individual handler pools and a base rating scheme; (e) reports of handlers; (f) deductions from payments to producers for marketing services by the market administrator; (g) expense of administration; and

*Whereas*, the Secretary of Agriculture, having reason to believe it necessary and advisable to reopen said public hearing for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain, has determined to reopen said hearing;

*Now, therefore*, pursuant to Public Act No. 10, 73d Congress, as amended, and as reenacted by the Agricultural Marketing Agreement Act of 1937, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, notice is hereby given of the reopening of said hearing on a proposed marketing agreement and a proposed order regulating the handling of milk in the La Porte County, Indiana, Marketing Area. Said reopened hearing will be held in the office of the Market Administrator, Room 203, First National Bank Building, La Porte, Indiana, on August 30, 1937, at 1:30 p. m.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area, and it is hereby determined that the period of notice of the reopening of said hearing hereby given is reasonable under the circumstances.

This reopened public hearing is for the purpose of receiving additional evidence as to the general economic conditions now existing in said marketing area which may necessitate regulation in order to effectuate the declared policy of the act, and as to the specific provisions which a marketing agreement and order should contain.

Copies of the proposed marketing agreement and proposed order may be inspected or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–2650; Filed, August 27, 1937; 12:36 p. m.]

## Bureau of Agricultural Economics.

UNITED STATES STANDARDS FOR APPLES

[Superseding standards now in effect promulgated July 21, 1931]

By virtue of the authority vested in the Secretary of Agriculture by the provision in the act of Congress entitled "An Act Making Appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes", approved June 29, 1937 (50 Stat. 395), or any future act of Congress conferring like authority, for the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, I, H. A. Wallace, Secretary of Agriculture, do make and promulgate the following standards for apples, effective on and after September 1, 1937, unless amended or superseded by standards hereafter prescribed and promulgated under such authority.

### INTRODUCTION

Numbers and letters in parentheses following grade terms indicate where such terms are defined on page 2076 under Definitions of Terms.

When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

When the apples are in bulk, percentages shall be calculated on the basis of weight.

### GRADE REQUIREMENTS

*U. S. Fancy* shall consist of apples of one variety which are mature (1) but not overripe (2), carefully handpicked (3), clean (4), fairly well formed (5); free from decay, internal browning, internal breakdown, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage (7) caused by russeting (7a), sunburn (7b), sprayburn (7b), limb rubs (7c), hail (7d), drought spot (7d), scars (7d), disease (7e), insects (7f), or mechanical or other means (7). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Tolerances and condition after storage or transit, page 2077.)

*U. S. No. 1.*—The requirements for this grade are the same as U. S. Fancy except that less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be of one variety, mature (1) but not overripe (2), carefully handpicked (3), clean (4), fairly well formed (5); free from decay, internal browning, internal breakdown, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage (7) caused by russeting (7a), sunburn (7b), spray burn (7b), limb rubs (7c), hail (7d), drought spot (7d), scars (7d), disease (7e), insects (7f), or mechanical or other means (7). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Tolerances and condition after storage or transit, page 2077.)

*U. S. Commercial* shall consist of apples of one variety which meet the requirements of U. S. No. 1 except as to color. This grade is provided for apples which are mature but which do not have sufficient color to meet the specifications of U. S. No. 1. (See Tolerances and condition after storage or transit, page 2077.)

*U. S. No. 1 Early* shall consist of apples of one variety which meet the requirements of U. S. No. 1 except as to color and maturity. Apples of this grade may have no red color and need not be mature. This grade is provided for early varieties only, such as Oldenburg (Duchess of Oldenburg), Gravenstein, Lowland Raspberry (Liveland Raspberry), Red June, Summer Hagloe, Twenty Ounce, Wealthy, Williams, Bailey Sweet, Bietigheimer, and other varieties which ripen at the same period and which are often used for cooking rather than for eating out of hand. (See Tolerances and condition after storage or transit, page 2077.)

*U. S. Utility* shall consist of apples of one variety which are mature (1) but not overripe (2), carefully handpicked (3), not seriously deformed (6); free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage (8) caused by dirt or other foreign matter, broken skins, bruises, russetting (8a), sunburn (8b), spray burn (8b), limb rubs (8c), hail (8d), drought spot (8d), scars (8d), visible water core (8e), disease (8f), insects (8g), or mechanical or other means (8). (See Tolerances and condition after storage or transit, page 2077.)

*U. S. Utility Early* shall consist of apples of one variety which meet the requirements of U. S. Utility except as to maturity. Apples of this grade need not be mature. This grade is provided for early varieties only, such as Oldenburg (Duchess of Oldenburg), Gravenstein, Lowland Raspberry (Liveland Raspberry), Red June, Summer Hagloe, Twenty Ounce, Wealthy, Williams, Bailey Sweet, Bietigheimer, and other varieties which ripen at the same period and which are often used for cooking rather than for eating out of hand. (See Tolerances and condition after storage or transit, page 2077.)

*Combination grades.*—Combinations of the above grades may also be used as follows:

Combination U. S. Fancy and U. S. No. 1.

Combination U. S. No. 1 and U. S. Commercial.

Combination U. S. No. 1 and U. S. Utility.

Combinations other than these are not provided for in connection with the United States apple grades. When combination grades are packed, at least 50 percent of the apples in any container shall meet the requirements of the higher grade in the combination. (See Tolerances and condition after storage or transit, page 2077.)

*U. S. Hail Grade* shall consist of apples which meet the requirements of U. S. No. 1 except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted provided the apples are fairly well formed. (See Tolerances and condition after storage or transit, page 2077.)

*Unclassified* shall consist of apples which are not graded in conformity with any of the foregoing grades.

COLOR

In addition to the foregoing requirements for U. S. Fancy and U. S. No. 1, each apple of these grades must have the percentage of color shown in the table below.

For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety, except that an apple having color of a lighter shade of solid red or striped red than that considered as good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade.

For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over the stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

| Variety | U. S. Fancy | U. S. No. 1 |
|---|---|---|
| | *Percent* | *Percent* |
| Solid red: | | |
| Aiken Red | 50 | 25 |
| Arkansas Black | 50 | 25 |
| Black Ben | 50 | 25 |
| Detroit Red | 50 | 25 |
| Esopus Spitzenburg | 50 | 25 |
| Gano | 50 | 25 |
| King David | 50 | 25 |
| Lowry | 50 | 25 |
| Opalescent | 50 | 25 |
| Virginia Beauty | 50 | 25 |
| Winesap | 50 | 25 |
| Other similar varieties | 50 | 25 |
| Striped or partially red: | | |
| Jonathan | 50 | 25 |
| Kinnard | 50 | 25 |
| McIntosh | 50 | 25 |
| Missouri Pippin | 50 | 25 |
| Other similar varieties | 50 | 25 |
| Arkansas (Mammoth Black Twig) | 33 | 15 |
| Delicious | 33 | 15 |
| Baldwin | 33 | 15 |
| Gray Baldwin | 33 | 15 |
| Ben Davis | 33 | 15 |
| Bonum | 33 | 15 |
| Fameuse | 33 | 15 |
| Limbertwig | 33 | 15 |
| Nero | 33 | 15 |
| Northern Spy | 33 | 15 |
| Ontario | 33 | 15 |
| Paragon | 33 | 15 |
| Ralls (Geneton) | 33 | 15 |
| Rainier | 33 | 15 |
| Rome Beauty | 33 | 15 |
| Salome | 33 | 15 |
| Stayman Winesap | 33 | 15 |
| Sutton | 33 | 15 |
| Tompkins King | 33 | 15 |
| Wagener | 33 | 15 |
| Wealthy | 33 | 15 |
| Willowtwig | 33 | 15 |
| York Imperial | 33 | 15 |
| Other similar varieties | 33 | 15 |
| Stark | 25 | 10 |
| Hubbardston | 25 | 10 |
| Other similar varieties | 25 | 10 |
| Red June | 33 | (1) |
| Williams | 33 | (1) |
| Other similar varieties | 33 | (1) |
| Gravenstein | 25 | (1) |
| Jefferies | 25 | (1) |
| Oldenburg (Duchess of Oldenburg) | 25 | (1) |
| Red Astrachan | 25 | (1) |
| Shiawassee | 25 | (1) |
| Smokehouse | 25 | (1) |
| Summer Rambo | 25 | (1) |
| Twenty Ounce | 25 | (1) |
| Other similar varieties | 25 | (1) |
| Red cheeked or blushed: | | |
| Hyde King | (2) | None |
| Malden Blush | (2) | None |
| Monmouth (Red Cheeked Pippin) | (2) | None |
| Winter Banana | (2) | None |
| Other red cheeked or blushed varieties | (2) | None |
| Yellow or green varieties | (3) | (3) |

[1] Tinge of color.
[2] Blushed cheek.
[3] Characteristic color.

DEFINITIONS OF TERMS

As used in these grades:

1. *Mature* means having reached the stage of maturity which will insure the proper completion of the ripening process.

Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of maturity of apples:

(a) *Hard* means apples with tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment.

(b) *Firm* means apples with tenacious flesh but becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment.

(c) *Firm ripe* means with crisp flesh except that in apples of the Gano, Ben Davis, and Rome Beauty varieties the flesh may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.



(d) *Ripe* means mealy and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

2. *Overripe* means dead ripe, very mealy or soft, past commercial utility.

3. *Carefully handpicked* means that the apples do not show evidence of rough handling or of having been on the ground.

4. *Clean* means free from excessive dirt, dust, spray residue, or other foreign material.

5. *Fairly well formed* means that the apples may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit.

6. *Seriously deformed* means so badly misshapen that the appearance is severely affected.

7. *Damage* means any injury or defect which materially detracts from the appearance or keeping quality of the apples.

(a) Russeting which exceeds the following shall be considered as damage:

Russeting which is excessively rough on Roxbury Russet and other similar varieties.

Russeting on other varieties which covers a total area of more than 25 percent of the surface in the aggregate except that—

(1) Smooth, solid russeting which covers an area of more than 10 percent of the surface in the aggregate shall be considered as damage unless the russeting is within or continuous with that in the stem basin or calyx cavity, in which case an additional 15 percent shall be permitted provided that the total area covered shall not exceed 25 percent in the aggregate.

(2) Slightly rough russeting which covers an area of more than 15 percent of the surface if confined to the stem basin or calyx cavity or continuous therewith, or such russeting which covers an area of more than one-half inch in diameter if it is not continuous with the russeting in the stem basin or calyx cavity, shall be considered as damage.

(3) Rough russeting which is well within the stem basin and is not readily apparent shall be permitted, but any other rough russeting which exceeds one-quarter inch in diameter shall be considered as *damage*.

Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(b) Sunburn or spray burn which has caused blistering or cracking of the skin or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting (7a).

(c) Dark brown or black limb rubs which affect a total area of more than one-half inch in diameter or light brown limb rubs which affect a total area of more than 1 inch in diameter.

(d) Hail marks, drought spots, or other similar depressions or scars which are not superficial or where the injury affects more than one-half inch of the surface in the aggregate.

(e) *Disease.*—Scab spots which are not corked over or corked-over scab spots which affect a total area of more than one-fourth inch in diameter.

Cedar-rust infection which exceeds in the aggregate an area of one-quarter inch in diameter.

Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(f) *Insects.*—More than two healed insect stings or any healed insect sting which is over one-eighth inch in diameter exclusive of any encircling discolored ring.

Worm holes.



8. *Serious damage* means any injury or defect which seriously detracts from the appearance or keeping quality of the apples.

(a) Russeting which exceeds the following shall be considered as serious damage:

Smooth solid russeting which affects more than one-half of the surface in the aggregate, including any russeting in the stem basin, or rough or barklike russeting which detracts from the appearance of the fruit to a greater extent than the smooth solid russeting permitted provided that any amount of russeting shall be permitted on Roxbury Russet and similar varieties.

Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(b) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate, provided that no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well healed hail marks where the skin has been broken.

(e) Visible water core which affects an area of more than one-half inch in diameter.

(f) *Disease.*—Scab spots which are not corked over or corked-over scab spots which affect a total area of more than three-fourths inch in diameter.

Cedar-rust infection which exceeds in the aggregate an area of three-fourths inch in diameter.

Sooty blotch or fly speck which affects more than one-third of the surface.

(g) *Insects.*—More than five healed insect stings.

Worm holes.

TOLERANCES FOR PRECEDING GRADES

In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any container may be below the requirements of the grade, provided that not more than 5 percent shall be seriously damaged by insects and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay or internal breakdown.

When applying the foregoing tolerances to the combination grades no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers may not have less than 40 percent of the higher grade.

The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

CONDITION AFTER STORAGE OR TRANSIT

Decay, scald, or other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

SIZE REQUIREMENTS

The numerical count or the minimum size of the apples packed in a closed container shall be indicated on the package.

When the numerical count is marked on the container the apples shall not vary more than one-fourth inch in their transverse diameter.

When the numerical count is not shown the minimum size shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅛ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

"Size" means the transverse diameter of the apple taken at right angles to a line running from the stem to the blossom end.

In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any container may not meet the size requirements, provided that when the maximum and minimum sizes are both stated an additional 10 percent tolerance is provided for apples which are larger than the maximum size stated.

PACKING REQUIREMENTS

Each package shall be packed so that the apples in the shown face shall be reasonably representative in size, color, and quality of the contents of the package.

*Boxes.*—Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled, and all packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. Apples packed in the standard northwestern apple boxes shall show a total bulge (top and bottom) of not less than three-fourths inch. Each wrapped apple shall be completely enclosed by its individual wrapper.

*Baskets.*—Apples packed in round-stave bushel baskets or tubs shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

*Barrels.*—Apples in barrels shall be tightly packed.

In order to allow for variations incident to proper packing not more than 5 percent of the containers in any lot may not meet these requirements.

MARKING

In order to conserve space, abbreviations may be used for marking the United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

1. U. S. Fcy. for U. S. Fancy.
2. U. S. No. 1 for U. S. Number 1.
3. U. S. Com. for U. S. Commercial.
4. U. S. Util. for U. S. Utility.

5. Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb." as "Comb. U. S. Fcy.—U. S. No. 1."

STANDARDS FOR EXPORT

As applied to condition factors.

1. The apples in any lot shall be generally tightly packed when in barrels or baskets and either generally fairly tight or tightly packed when in boxes.

2. Not more than 5 percent of the apples in any container shall be further advanced in maturity than firm ripe.

3. Not more than a total of 5 percent of the apples in any container shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors, except that—

(a) Not more than 2 percent shall be allowed for apples affected by decay.

(b) Not more than 2 percent shall be allowed for damage by internal breakdown.

(c) The apples shall be free from scald unless they are properly packed in oiled paper or have been especially treated with oil to prevent scald. When so packed or treated, not more than 2 percent of slight scald shall be permitted.

Any lot of apples shall be considered as meeting the standards for export if the entire lot averages within the requirements specified, provided that no sample from the containers in any lot is found to exceed double the percentages specified.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 26th day of August, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2633; Filed, August 26, 1937; 12:32 p. m.]

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**Bureau of Entomology and Plant Quarantine.**

B. E. P. Q.—385 (2d Rev.) August 24, 1937

CLASSIFICATION OF BARBERRY AND MAHONIA PLANTS UNDER BLACK STEM RUST QUARANTINE REGULATIONS

[Quarantine No. 38]

The rules and regulations supplemental to Notice of Quarantine No. 38, Revised, effective September 1, 1937, provide that no plants, cuttings, stocks, scions, buds, fruits, seeds, or other plant parts capable of propagation, of the genera *Berberis, Mahonia,* or *Mahoberberis,* "shall be moved or allowed to be moved interstate from any State of the continental United States or from the District of Columbia into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin and Wyoming, nor from any one of said protected States into any other protected State, unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no restrictions are placed by these regulations on the interstate movement either of Japanese barberry (*Berberis thunbergii*) of any of its rust-resistant varieties, or of cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation." (See Reg. 2-a.)

The protected States referred to below under group B are the seventeen barberry eradication States named in Regulation 2-a, quoted above. Barberry and *Mahonia* plants other than those listed in groups A and B may not be shipped interstate into any of the protected States.

S. A. ROHWER,
*Acting Chief, Bureau of Entomology and Plant Quarantine.*

*A. Barberries which may be shipped interstate to any State without permit or restriction:*

Berberis thunbergii.
Berberis thunbergii atropurpurea.
Berberis thunbergii maximowiczii.
Berberis thunbergii minor.
Berberis thunbergii pluriflora.
Berberis thunbergii pluriflora erecta.

*B. Barberries which may be shipped into or between protected States under Federal permit:*

Berberis aemulans.
Berberis aquifolium (Mahonia).
Berberis beaniana.
Berberis buxifolia.
Berberis candidula.
Berberis chenaultii (hybrid).
Berberis circumserrata.
Berberis concinna.
Berberis darwinii.
Berberis dictyophylla var. albicaulis.
Berberis diversifolia.
Berberis edgeworthiana.
Berberis gagnepainii.
Berberis gilgiana.
Berberis julianae.
Berberis koreana.
Berberis mentorensis.
Berberis nervosa (Mahonia).
Berberis potanini.
Berberis repens (Mahonia).
Berberis sargentiana.
Berberis sanguinea.
Berberis stenophylla (hybrid).
Berberis triacanthophora.
Berberis verruculosa.

Application for permits should be addressed to the Division of Domestic Plant Quarantines, Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington, D. C.

[F. R. Doc. 37-2632; Filed, August 26, 1937; 12:32 p. m.]



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## DEPARTMENT OF COMMERCE.

**Bureau of Fisheries.**

[No. 251-23-4]

ALASKA FISHERY REGULATIONS

AUGUST 26, 1937.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 752), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251, twenty-third edition, issued under date of February 8, 1937, are hereby amended by the following regulation:

SOUTHEASTERN ALASKA AREA

*South Prince of Wales Island District*

*Salmon fishery.*—Regulation No. 6 is amended so as to prohibit commercial fishing for salmon, other than trolling, from 6 o'clock postmeridian August 27 to 6 o'clock antemeridian October 1, and for the remainder of the calendar year after 6 o'clock postmeridian October 15.

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-2643; Filed, August 27, 1937; 10:18 a. m.]

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## DEPARTMENT OF LABOR.

**Immigration and Naturalization Service.**

[Thirteenth Amendment of General Order No. 229]

ENTRY PORTS FOR ALIENS ARRIVING BY AIRCRAFT—WARROAD SEAPLANE BASE, WARROAD, MINNESOTA, AND DULUTH MUNICIPAL AIRPORT AND DULUTH BOAT CLUB SEAPLANE BASE, DULUTH, MINNESOTA

AUGUST 27, 1937.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C. Ti. 49, Sec. 177 (d)), the Duluth Municipal Airport and Duluth Boat Club Seaplane Base, Duluth, Minnesota, are hereby designated as permanent ports, and the Warroad Seaplane Base, Warroad, Minnesota, as a temporary port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (a), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended up to and including December 31, 1936, and subsequent thereto, by General Order No. 229, dated December 21, 1935, and amendments thereto is amended by adding the following after Detroit, Mich., Wayne County Airport: Duluth, Minn., Duluth Municipal Airport and Duluth, Minn., Duluth Boat Club Seaplane Base.

Subparagraph (b) of said Paragraph 3 is amended by adding the following after Tampa, Florida, International Airport: Warroad, Minn., Warroad Seaplane Base, and by striking therefrom the following: Duluth, Minn., Duluth Municipal Airport, and Duluth, Minn., Duluth Boat Club Seaplane Base.

[SEAL] FRANCES PERKINS,
*Secretary.*

Approval recommended:
I. F. WIXON,
*Deputy Commissioner of Immigration and Naturalization.*

[F. R. Doc. 37-2646; Filed, August 27, 1937; 11:23 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

AMENDMENT TO RULE 376

The Telegraph Division at its regular meeting held on August 17, 1937, adopted the following Order amending Rule 376:

ORDER

The Division, having under consideration the request of the American Relay League, Inc., for amendment of Commission's Rule 376 so as to permit type A-3 emission on the frequencies 28500-30000 kc inclusive, and

It appearing that public convenience, interest or necessity requires such amendment for the purpose of carrying out the provisions of the Communications Act of 1934, as amended,

*It is ordered,* That Rule 376 of the Rules and Regulations of the Federal Communications Commission be and the same is hereby repealed and the following substituted in lieu thereof:

376. *Frequency bands for telephony.*—The Following bands of frequencies are allocated for use by amateur stations using radio telephony, Type A-3 emission:

1,800 to 2,000 kilocycles.
28,500 to 30,000 kilocycles.
56,000 to 60,000 kilocycles.
400,000 to 401,000 kilocycles.

*Provided, however,* That the foregoing order shall be effective 30 days from the date hereof.

*Provided further,* That any person aggrieved, or whose interests may be adversely affected by such change in the Rules and Regulations may within said 30 day period file with the Commission in writing a protest and request for a public hearing upon this matter which protest shall be subscribed and verified by the protestant, and shall contain a statement of the protestant's interest in the matter, a request for public hearing, and a terse, yet complete, statement of facts which protestant expects to prove upon such hearing; and upon the filing of any such protest the Commission shall, upon determining that any such protest is properly filed and discloses a justifiable interest in the subject matter, suspend the effective date of the foregoing amendment and order a public hearing in this matter and such further proceedings therein as may be required by law or as the nature of the case may warrant.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2630; Filed, August 26, 1937; 9:41 p. m.]

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EXTENSION OF THE WORKING DATE OF RULE 981

The Broadcast Division, at its regular meeting on August 18, 1937, further extended the working date of Rule 981 for six months from September 15, 1937. This rule requires all relay, international, television, facsimile, high frequency and experimental broadcast stations to have a frequency monitor in operation by September 15, 1936. This monitor does not have to be approved by the Commission but must have an accuracy of one half the allowed tolerance of the class stations with which it is to be used. The unavaila-

bility of commercial monitors on the market has necessitated this the third extension of the effective date of Rule 981.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2631; Filed, August 26, 1937; 9:41 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of August, A. D. 1937.

[File No. 43-71]

IN THE MATTER OF OLD DOMINION POWER COMPANY

[Public Utility Act of 1935]

ORDER FIXING EFFECTIVE DATE FOR DECLARATION REGARDING ALTERATION OF HOLDERS' RIGHTS OF STOCK OF SUBSIDIARY OF HOLDING COMPANY

[Pursuant to Section 7]

Old Dominion Power Company, a subsidiary of a registered holding company, having duly filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the alteration of holders' rights of 6,735 shares of its $7 cumulative preferred stock, having no par value, by amending its articles of association to provide for the waiver and cancellation of all accumulated but unpaid or undeclared dividends on said preferred stock up to July 1, 1937 and to provide that cumulative dividends thereon shall commence to accrue on and from that date;

A hearing on such declaration having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith on condition, however, that the alteration of the holders' rights of the aforesaid preferred stock shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2649; Filed, August 27, 1937; 12:32 p. m.]

*Tuesday, August 31, 1937* *No. 168*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49135]

AIRPORT OF ENTRY

FORT YUKON AIRFIELD, FORT YUKON, ALASKA, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF SIXTY DAYS

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Fort Yukon Airfield, Fort Yukon, Alaska, is hereby designated as an airport of entry for the landing of aircraft from foreign countries for a period of sixty days from the date of approval of this order.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved, August 25, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2651; Filed, August 27, 1937; 2:09 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-58 O-58]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 4, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA, AND WITH RESPECT TO A PROPOSAL TO AMEND THE MARKETING AGREEMENT TENTATIVELY APPROVED JANUARY 18, 1936, AS AMENDED

*Whereas*, under section 8c of Title I of Public No. 10, 73rd Congress, as amended, the Secretary of Agriculture, hereinafter called the Secretary, issued an order regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, effective 12:01 a. m., eastern standard time, February 9, 1936, which order was amended effective 12:01 a. m., eastern standard time, August 1, 1937; and

*Whereas*, the Secretary tentatively approved a marketing agreement regulating the handling of milk in the said marketing area on January 18, 1936, which marketing agreement was amended July 10, 1937; and

*Whereas*, the Secretary has reason to believe that an amendment should be made to said order, as amended, and said tentatively approved marketing agreement, as amended; and

*Whereas*, under the Agricultural Marketing Agreement Act of 1937, which reenacts and further amends certain provisions of Public No. 10, 73rd Congress, as amended, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon marketing agreements and orders;

*Now, therefore*, pursuant to the said acts and the general regulations, notice is hereby given of a hearing to be held on a proposal to amend the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area and the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, in Pilgrim Hall, 27 North Main Street, Concord, New Hampshire at 9:30 a. m., eastern standard time, September 8, 1937, and in the Oval Room, Bradford Hotel, Boston, Massachusetts at 10:10 a. m., daylight saving time, September 9, 1937.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) revising the class I and class II prices set forth in said order and said marketing agreement, (2) amending article 4 section 4 relative to sales outside the marketing area, (3) amending article 6 sections 1 and 2 relative to handlers who are also producers, (4) amending article 8 section 1 relative to time and method of payments for milk, and (5) amending any other provisions in, or adding any other provisions to, said order and said marketing agreement.

Copies of the proposal to amend the order and the marketing agreement may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, U. S. Department of Agriculture, Washington, D. C.

Dated, August 28, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2658; Filed, August 30, 1937; 12:38 p. m.]

### Commodity Exchange Administration.

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (7 U. S. C. and Supp. II, secs. 1-17a), I, H. A. Wallace, Secretary of Agriculture, do hereby make, prescribe, publish, and give public notice of the following rules and regulations, which shall become effective on the first day of October 1937 and continue in force and effect until amended or superseded by rules and regulations hereafter made by the Secretary of Agriculture under said act, and shall be in addition to and shall not supersede rules and regulations heretofore made and promulgated under said act.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 30th day of August 1937.

H. A. WALLACE,
*Secretary of Agriculture.*



RULES AND REGULATIONS

ARTICLE III—SPECIAL PROVISIONS APPLICABLE TO COTTON

*Reporting Requirements*

SEC. 300. The terms "cash cotton" and "spot cotton" shall have the same meaning and shall refer to transactions in actual cotton as distinguished from cotton futures. The terms "call cotton" and "cotton on call" shall mean spot cotton bought or sold, or contracted for purchase or sale, at a price to be fixed later based upon a specified future.

Form 300

SEC. 301. Each *clearing member* of each board of trade (exchange) designated as a contract market for cotton shall report to the Commodity Exchange Administration each business day on form 300 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on form 300, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the information called for with respect to all contracts of sale of cotton for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for cotton shall report separately with respect to each such market. Such report shall show separately for each future:

(a) the total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) the net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) the quantity of cotton bought and the quantity of cotton sold on such contracts during the period covered by the report;

(d) the quantity of cotton delivered and the quantity of cotton received on such contracts during the period covered by the report; and

(e) the quantity of cotton represented by delivery notices passed back to the clearing organization or passed on to other clearing members.

SEC. 302. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 300 shall be filed in the office of the Commodity Exchange Administration in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day.

SEC. 303. Reports on form 300 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report.

Forms 301 and 302

SEC. 304. Each *futures commission merchant* and each *member* of a contract market, who shall carry for another person any account in any cotton future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in section 320 hereof, shall report such account daily to the Commodity Exchange Administration on form 301 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on form 301.

For the purpose of reporting on form 301, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on form 301 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount.

SEC. 305. The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in section 320 hereof shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account."

SEC. 306. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 301 shall be filed with the Commodity Exchange Administration not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Administration has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 307. Reports on form 301 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on form 301 it shall be identified on form 302, and such indentification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on form 301. An account number or code once identified on form 302 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Administration.

SEC. 308. If more than one person shall have control over or be known to have a participating financial interest in any account reported on form 301, the names and addresses of all such persons shall be shown on form 302.

SEC. 309. In identifying accounts on form 302 the person reporting shall indicate the character of such accounts, i. e., whether hedging, straddling, speculative, or commission house.

Form 303

SEC. 310. Every *person* who holds or controls open contracts in any *one* cotton future on any *one* contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in section 321 hereof) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Administration on form 303. Such report shall be made *daily: Provided*, That if on any day such person has no trades or transactions in any cotton future previously reported and there has been no change in the open contracts of such person in any cotton future, the last detailed report of such person shall be considered as his report on open contracts in cotton futures on all intervening days. Such person shall also make a report on form 303 covering the day on which the amount of his open contracts in such future falls below the amount fixed in section 321 hereof.

SEC. 311. Reports made by any person on form 303 shall show for the day covered thereby, by markets and by futures:

(a) the amount of open contracts held or controlled by such person in any and all cotton futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) the character of the open contracts held or controlled, i. e., whether hedging, straddling, or speculative;

(c) the amount of cotton bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) the amount of cotton delivered by or to such person in settlement of futures contracts.

For the purposes of subparagraph (b) hereof the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in paragraph (3) of section 4a of the Commodity Exchange Act.

SEC. 312. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required on form 303 shall be filed with the Commodity Exchange Administration as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 313. Upon receipt of the first report from any person on form 303, or upon application in advance, the Commodity Exchange Administration will assign to such person a code number. In all reports on form 303 filed thereafter, such code number shall be used instead of the name of such person.

SEC. 314. Persons having or controlling open contracts in any cotton future on any contract market equal to or in excess of the amount fixed in section 321 hereof shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Administration with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for.

SEC. 315. Each person required to report on form 303 shall,

(a) if a partnership, furnish upon call the name and address of each partner;

(b) if a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 per cent or more of the capital stock of such corporation; and

(c) if an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Administration upon call in accordance with instructions contained in the call.

Form 304

SEC. 316. Every person who is engaged in merchandising, processing, or dealing in, cotton, cotton yarn, cotton cloth, or other cotton products, and who holds or controls open contracts in any one cotton future on any contract market which equal or exceed the amount fixed in section 321 hereof, shall report to the Commodity Exchange Administration on form 304, which report shall be rendered as of the close of business on *Friday* of each week unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown.

SEC. 317. Reports made by any person on form 304 shall show for the day covered thereby:

(a) the amount of the long or short position of such person in spot cotton, including the "net fixed-price position" and "net basis position";

(b) the make-up of such person's net fixed-price position in spot cotton in sufficient detail to disclose how such position has been determined;

(c) the amount of open contracts held by such person for his own account in all cotton futures on all boards of trade (exchanges) in the United States and elsewhere, by markets and by futures; and

(d) the amount of "call cotton" bought and sold, or contracted for purchase or sale, on which the price has *not* been fixed, together with the respective futures on which based.

SEC. 318. In determining the spot-cotton position of any person reporting on form 304, such person shall use such standards and conversion factors applying to cotton products as are usual and common to the business in which he is engaged. If, in determining the spot-cotton position of such person for hedging purposes, it be his practice regularly to exclude certain items, such items shall be excluded in reporting such spot-cotton position on form 304.

Such person shall upon request furnish the Commodity Exchange Administration with detailed information concerning the kind and amount of each product included in computing his spot-cotton position and the conversion factor used for each such product.

SEC. 319. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports on form 304 shall be filed with the Commodity Exchange Administration, United States Department of Agriculture, Washington, D. C., not later than the next business day following the day covered by the report: *Provided*, That such reports may be transmitted by mail in a plain envelope addressed to the Chief of the Commodity Exchange Administration and marked "Confidential." Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing.

Amounts Fixed for Reporting on Forms 301, 303, and 304

SEC. 320. For the purpose of sections 304 and 305 of article III of these rules and regulations, the amount specified for reporting accounts on form 301 is 5,000 bales, but such specified amount shall not apply to special calls issued under authority of section 322 hereof.

SEC. 321. For the purpose of sections 310, 314, and 316 of article III of these rules and regulations, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on form 303 and form 304 is 5,000 bales.

*Special Calls*

SEC. 322. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated cotton future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Administration on form 301, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in section 320 hereof shall have no application.

SEC. 323. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any cotton future shall, upon call, report all open contracts in cotton futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Administration on form 303 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in section 321 hereof shall have no application.



ARTICLE IV—SPECIAL PROVISIONS APPLICABLE TO BUTTER

*Reporting Requirements*

SEC. 400. The terms "cash butter" and "spot butter" shall have the same meaning and shall refer to transactions in actual butter as distinguished from futures. The terms "butter future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

Form 400

SEC. 401. Each *clearing member* of each board of trade (exchange) designated as a contract market for butter shall report to the Commodity Exchange Administration each business day on form 400 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on form 400, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the information called for with respect to all contracts of sale of butter for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for butter shall report separately with respect to each such market. Such report shall show separately for each future:

(a) the total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) the net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) the quantity of butter bought and the quantity of butter sold on such contracts during the period covered by the report; and

(d) the quantity of butter delivered and the quantity of butter received on such contracts during the period covered by the report.

SEC. 402. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 400 shall be filed in the office of the Commodity Exchange Administration in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day.

SEC. 403. Reports on form 400 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report.

Forms 401 and 402

SEC. 404. Each *futures commission merchant* and each *member* of a contract market, who shall carry for another person any account in any butter future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in section 420 hereof, shall report such account daily to the Commodity Exchange Administration on form 401 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on form 401.

For the purpose of reporting on form 401, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on form 401 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount.

SEC. 405. The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in section 420 hereof shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account."

SEC. 406. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 401 shall be filed with the Commodity Exchange Administration not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Administration has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 407. Reports on form 401 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on form 401 it shall be identified on form 402, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on form 401. An account number or code once identified on form 402 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Administration.

SEC. 408. If more than one person shall have control over or be known to have a participating financial interest in any account reported on form 401, the names and addresses of all such persons shall be shown on form 402.

SEC. 409. In identifying accounts on form 402 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house.

Form 403

SEC. 410. Every *person* who holds or controls open contracts in any *one* butter future on any *one* contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in section 421 hereof) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Administration on form 403. Such report shall be made *daily: Provided*, That if on any day such person has no trades or transactions in any butter future previously reported and there has been no change in the open contracts of such person in any butter future, the last detailed report of such person shall be considered as his report on open contracts in butter futures on all intervening days. Such person shall also make a report on form 403 covering the day on which the amount of his open contracts in such future falls below the amount fixed in section 421 hereof.

SEC. 411. Reports made by any person on form 403 shall show for the day covered thereby, by markets and by futures:

(a) the amount of open contracts held or controlled by such person in any and all butter futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) the character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) the amount of butter bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) the amount of such butter delivered by or to such person in settlement of futures contracts.

For the purposes of subparagraph (b) hereof the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in paragraph (3) of section 4a of the Commodity Exchange Act.

SEC. 412. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required on form 403 shall be filed with the Commodity Exchange Administration as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided,* That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 413. Upon receipt of the first report from any person on form 403, or upon application in advance, the Commodity Exchange Administration will assign to such person a code number. In all reports on form 403 filed thereafter, such code number shall be used instead of the name of such person.

SEC. 414. Persons having or controlling open contracts in any butter future on any contract market equal to or in excess of the amount fixed in section 421 hereof shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Administration with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for.

SEC. 415. Each person required to report on form 403 shall,

(a) if a partnership, furnish upon call the name and address of each partner;

(b) if a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 per cent or more of the capital stock of such corporation; and

(c) if an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Administration upon call in accordance with instructions contained in the call.

Amounts Fixed for Reporting on Forms 401 and 403

SEC. 420.[1] For the purpose of sections 404 and 405 of article IV of these rules and regulations, the amount specified for reporting accounts on form 401 is 25 carlots, but such specified amount shall not apply to special calls issued under authority of section 422 hereof.

SEC. 421. For the purpose of sections 410 and 414 of article IV of these rules and regulations, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on form 403 is 25 carlots.

*Special Calls*

SEC. 422. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated butter future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Administration on form 401, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in section 420 hereof shall have no application.

SEC. 423. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any butter future shall, upon call, report all open contracts in butter futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Administration on form 403 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in section 421 hereof shall have no application.

ARTICLE V—SPECIAL PROVISIONS APPLICABLE TO EGGS

*Reporting Requirements*

SEC. 500. The terms "cash eggs" and "spot eggs" shall have the same meaning and shall refer to transactions in actual eggs as distinguished from futures. The terms "egg future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

Form 500

SEC. 501. Each *clearing member* of each board of trade (exchange) designated as a contract market for eggs shall report to the Commodity Exchange Administration each business day on form 500 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on form 500, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the information called for with respect to all contracts of sale of eggs for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for eggs shall report separately with respect to each such market. Such report shall show separately for each future:

(a) the total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) the net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) the quantity of eggs bought and the quantity of eggs sold on such contracts during the period covered by the report; and

(d) the quantity of eggs delivered and the quantity of eggs received on such contracts during the period covered by the report.

SEC. 502. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 500 shall be filed in the office of the Commodity Exchange Administration in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day.

SEC. 503. Reports on form 500 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report.

Forms 501 and 502

SEC. 504. Each *futures commission merchant* and each *member* of a contract market, who shall carry for another person any account in any egg future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future

[1] Section numbers 416, 417, 418, and 419 reserved for future use.



equal to or in excess of the amount specified in section 520 hereof, shall report such account daily to the Commodity Exchange Administration on form 501 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on form 501.

For the purpose of reporting on form 501, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on form 501 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount.

SEC. 505. The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in section 520 hereof shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account."

SEC. 506. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 501 shall be filed with the Commodity Exchange Administration not later than 30 minutes before the official opening of the market on the next following business day: *Provided,* That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Administration has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 507. Reports on form 501 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on form 501 it shall be identified on form 502, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on form 501. An account number or code once identified on form 502 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Administration.

SEC. 508. If more than one person shall have control over or be known to have a participating financial interest in any account reported on form 501, the names and addresses of all such persons shall be shown on form 502.

SEC. 509. In identifying accounts on form 502 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house.

Form 503

SEC. 510. Every *person* who holds or controls open contracts in any *one* egg future on any *one* contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in section 521 hereof) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Administration on form 503. Such report shall be made *daily: Provided,* That if on any day such person has no trades or transactions in any egg future previously reported and there has been no change in the open contracts of such person in any egg future, the last detailed report of such person shall be considered as his report on open contracts in egg futures on all intervening days. Such person shall also make a report on form 503 covering the day on which the amount of his open contracts in such future falls below the amount fixed in section 521 hereof.

SEC. 511. Reports made by any person on form 503 shall show for the day covered thereby, by markets and by futures:

(a) the amount of open contracts held or controlled by such person in any and all egg futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) the character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) the amount of eggs bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) the amount of such eggs delivered by or to such person in settlement of futures contracts.

For the purposes of subparagraph (b) hereof the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in paragraph (3) of section 4a of the Commodity Exchange Act.

SEC. 512. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required on form 503 shall be filed with the Commodity Exchange Administration as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided,* That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 513. Upon receipt of the first report from any person on form 503, or upon application in advance, the Commodity Exchange Administration will assign to such person a code number. In all reports on form 503 filed thereafter, such code number shall be used instead of the name of such person.

SEC. 514. Persons having or controlling open contracts in any egg future on any contract market equal to or in excess of the amount fixed in section 521 hereof shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Administration with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for.

SEC. 515. Each person required to report on form 503 shall,

(a) if a partnership, furnish upon call the name and address of each partner;

(b) if a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 per cent or more of the capital stock of such corporation; and

(c) if an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Administration upon call in accordance with instructions contained in the call.

Amounts Fixed for Reporting on Forms 501 and 503

SEC. 520.[1] For the purpose of sections 504 and 505 of article V of these rules and regulations, the amount specified for reporting accounts on form 501 is 25 carlots, but such specified amount shall not apply to special calls issued under authority of section 522 hereof.

SEC. 521. For the purpose of sections 510 and 514 of article V of these rules and regulations, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on form 503 is 25 carlots.

*Special Calls*

SEC. 522. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each mem-

[1] Section numbers 516, 517, 518, and 519 reserved for future use.

ber of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated egg future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Administration on form 501, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in section 520 hereof shall have no application.

SEC. 523. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any egg future shall, upon call, report all open contracts in egg futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Administration on form 503 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in section 521 hereof shall have no application.

ARTICLE VI—SPECIAL PROVISIONS APPLICABLE TO POTATOES

*Reporting Requirements*

SEC. 600. The term "potatoes" as used herein shall mean Irish potatoes. The terms "cash potatoes" and "spot potatoes" shall have the same meaning and shall refer to transactions in actual potatoes as distinguished from futures. The terms "potato future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

Form 600

SEC. 601. Each *clearing member* of each board of trade (exchange) designated as a contract market for potatoes shall report to the Commodity Exchange Administration each business day on form 600 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on form 600, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the information called for with respect to all contracts of sale of potatoes for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for potatoes shall report separately with respect to each such market. Such report shall show separately for each future:

(a) the total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) the net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) the quantity of potatoes bought and the quantity of potatoes sold on such contracts during the period covered by the report; and

(d) the quantity of potatoes delivered and the quantity of potatoes received on such contracts during the period covered by the report.

SEC. 602. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 600 shall be filed in the office of the Commodity Exchange Administration in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day.

SEC. 603. Reports on form 600 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report.

Forms 601 and 602

SEC. 604. Each *futures commission merchant* and each *member* of a contract market, who shall carry for another person any account in any potato future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in section 620 hereof, shall report such account daily to the Commodity Exchange Administration on form 601 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on form 601.

For the purpose of reporting on form 601, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on form 601 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount.

SEC. 605. The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in section 620 hereof shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account."

SEC. 606. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 601 shall be filed with the Commodity Exchange Administration not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Administration has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 607. Reports on form 601 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on form 601 it shall be identified on form 602, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on form 601. An account number or code once identified on form 602 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Administration.

SEC. 608. If more than one person shall have control over or be known to have a participating financial interest in any account reported on form 601, the names and addresses of all such persons shall be shown on form 602.

SEC. 609. In identifying accounts on form 602 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house.

Form 603

SEC. 610. Every *person* who holds or controls open contracts in any *one* potato future on any *one* contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in section 621 hereof) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Administration on form 603. Such report shall be made *daily: Provided*, That if on any day such person has no trades or transactions in any potato future previously reported and there has been no change in the open contracts of such person in any potato future, the last detailed report of such person shall be considered as his report on open contracts in potato futures on all intervening days. Such person shall also make a report on form 603 covering the day on which the amount of his



open contracts in such future falls below the amount fixed in section 621 hereof.

SEC. 611. Reports made by any person on form 603 shall show for the day covered thereby, by markets and by futures:

(a) the amount of open contracts held or controlled by such person in any and all potato futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) the character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) the amount of potatoes bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) the amount of such potatoes delivered by or to such person in settlement of futures contracts.

For the purposes of subparagraph (b) hereof the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in paragraph (3) of section 4a of the Commodity Exchange Act.

SEC. 612. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required on form 603 shall be filed with the Commodity Exchange Administration as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 613. Upon receipt of the first report from any person on form 603, or upon application in advance, the Commodity Exchange Administration will assign to such person a code number. In all reports on form 603 filed thereafter, such code number shall be used instead of the name of such person.

SEC. 614. Persons having or controlling open contracts in any potato future on any contract market equal to or in excess of the amount fixed in section 621 hereof shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Administration with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for.

SEC. 615. Each person required to report on form 603 shall,

(a) if a partnership, furnish upon call the name and address of each partner;

(b) if a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 per cent or more of the capital stock of such corporation; and

(c) if an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Administration upon call in accordance with instructions contained in the call.

Amounts Fixed for Reporting on Forms 601 and 603

SEC. 620.[1] For the purpose of sections 604 and 605 of article VI of these rules and regulations, the amount specified for reporting accounts on form 601 is 25 carlots, but such specified amount shall not apply to special calls issued under authority of section 622 hereof.

SEC. 621. For the purpose of sections 610 and 614 of article VI of these rules and regulations, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on form 603 is 25 carlots.

[1] Section numbers 616, 617, 618, and 619 reserved for future use.

*Special Calls*

SEC. 622. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated potato future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Administration on form 601, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in section 620 hereof shall have no application.

SEC. 623. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any potato future shall, upon call, report all open contracts in potato futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Administration on form 603 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in section 621 hereof shall have no application.

ARTICLE VII—SPECIAL PROVISIONS APPLICABLE TO MILL FEEDS

*Reporting Requirements*

SEC. 700. The terms "cash mill feed" and "spot mill feed" shall have the same meaning and shall refer to transactions in actual mill feeds as distinguished from futures. The terms "mill feed future", "each future", and "one future" shall include contracts of the same kind and class maturing during the same delivery month.

Form 700

SEC. 701. Each *clearing member* of each board of trade (exchange) designated as a contract market for mill feeds shall report to the Commodity Exchange Administration each business day on form 700 applicable to such contract market. Such report shall be prepared in accordance with the instructions appearing on form 700, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the information called for with respect to all contracts of sale of mill feed for future delivery to which such clearing member is a party either as buyer or seller, made on or subject to the rules of the contract market covered by the report. Persons who are clearing members of more than one contract market for mill feeds shall report separately with respect to each such market. Such report shall show separately for each future:

(a) the total of all open accounts "long" and the total of all open accounts "short" carried by such clearing member, at the beginning and at the end of the period covered by the report, including his own accounts as well as the accounts of other persons;

(b) the net position of such clearing member in respect to all accounts and contracts open on his books at the end of the period covered by the report;

(c) the quantity of mill feed bought and the quantity of mill feed sold on such contracts during the period covered by the report; and

(d) the quantity of mill feed delivered and the quantity of mill feed received on such contracts during the period covered by the report.

SEC. 702. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 700 shall be filed in the office of the Commodity Exchange Administration in the city where the contract market covered by the report is located, as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day. If there be no office of the Commodity

Exchange Administration in such city, the reports shall be transmitted in accordance with instructions furnished by the Commodity Exchange Administration.

SEC. 703. Reports on form 700 shall be prepared with care, and if any error or omission is discovered in any report a memorandum thereof shall be furnished as soon as possible. Minor corrections may be shown in the next succeeding report.

Forms 701 and 702

SEC. 704. Each *futures commission merchant* and each *member* of a contract market, who shall carry for another person any account in any mill feed future, resulting from any transaction made on or subject to the rules of a contract market, which shall show open contracts in any one future equal to or in excess of the amount specified in section 720 hereof, shall report such account daily to the Commodity Exchange Administration on form 701 applicable to such contract market. "House accounts" carried by a member of a contract market or by a futures commission merchant shall likewise be reported on form 701.

For the purpose of reporting on form 701, all accounts which belong to or are controlled by the same person shall be considered as one account. All accounts required to be reported on form 701 shall be known as "special accounts" and the report thereon shall show the net position, as of the close of the market on the day covered by the report, of each such account in each future in which there are open contracts equal to or in excess of such specified amount.

SEC. 705. The report for the first day that a "special account" shows open contracts in any one future equal to or in excess of the amount specified in section 720 hereof shall show also the net position of such account in such future as of the close of the market on the last preceding business day. Such account shall also be reported on the first day that the net position thereof in such future falls below such specified amount after having been reported as a "special account."

SEC. 706. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required to be made on form 701 shall be filed with the Commodity Exchange Administration not later than 30 minutes before the official opening of the market on the next following business day: *Provided*, That futures commission merchants and members of contract markets that are not located in a city where the Commodity Exchange Administration has an office, may transmit such reports by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 707. Reports on form 701 shall be prepared in accordance with the instructions appearing thereon. Each account reported shall be designated by account number or code and when such account number or code appears for the first time on form 701 it shall be identified on form 702, and such identification (transmitted in a separate sealed envelope marked "Confidential") shall accompany the report on form 701. An account number or code once identified on form 702 shall not thereafter be changed or assigned to any other account without the prior approval of the Commodity Exchange Administration.

SEC. 708. If more than one person shall have control over or be known to have a participating financial interest in any account reported on form 701, the names and addresses of all such persons shall be shown on form 702.

SEC. 709. In identifying accounts on form 702 the person reporting shall indicate the character of such accounts, i. e., whether hedging, spreading, speculative, or commission house.

Form 703

SEC. 710. Every *person* who holds or controls open contracts in any *one* mill feed future on any *one* contract market which equal or exceed the amount fixed by the Secretary of Agriculture (in section 721 hereof) for reporting purposes under section 4i (2) of the Commodity Exchange Act shall report to the Commodity Exchange Administration on form 703. Such report shall be made *daily: Provided*, That if on any day such person has no trades or transactions in any mill feed future previously reported and there has been no change in the open contracts of such person in any mill feed future, the last detailed report of such person shall be considered as his report on open contracts in mill feed futures on all intervening days. Such person shall also make a report on form 703 covering the day on which the amount of his open contracts in such future falls below the amount fixed in section 721 hereof.

SEC. 711. Reports made by any person on form 703 shall show for the day covered thereby, by markets and by futures:

(a) the amount of open contracts held or controlled by such person in any and all mill feed futures on all boards of trade (exchanges) in the United States and elsewhere;

(b) the character of the open contracts held or controlled, i. e., whether hedging, spreading, or speculative;

(c) the amount of mill feed bought and the amount sold by such person for future delivery on all boards of trade (exchanges) in the United States and elsewhere; and

(d) the amount of such mill feed delivered by or to such person in settlement of futures contracts.

For the purposes of subparagraph (b) hereof the term "hedging" shall have the same meaning as the term "bona fide hedging transactions" appearing in paragraph (3) of section 4a of the Commodity Exchange Act.

SEC. 712. Unless otherwise authorized in writing by the Commodity Exchange Administration upon good cause shown, reports required on form 703 shall be filed with the Commodity Exchange Administration as soon as possible after the close of business on the day covered by the report and in any event not later than 9 o'clock a. m. on the next following business day: *Provided*, That reports may be transmitted by mail, in accordance with instructions furnished by the Commodity Exchange Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the day covered by the report.

SEC. 713. Upon receipt of the first report from any person on form 703, or upon application in advance, the Commodity Exchange Administration will assign to such person a code number. In all reports on form 703 filed thereafter, such code number shall be used instead of the name of such person.

SEC. 714. Persons having or controlling open contracts in any mill feed future on any contract market equal to or in excess of the amount fixed in section 721 hereof shall keep books and records showing the details concerning such contracts and all related transactions, and upon request shall furnish the Commodity Exchange Administration with the names and addresses of all futures commission merchants and board of trade members with whom or through whom such contracts are held and of all persons having a participating financial interest in such contracts, together with such other pertinent information as may be called for.

SEC. 715. Each person required to report on form 703 shall,

(a) if a partnership, furnish upon call the name and address of each partner;

(b) if a corporation, furnish upon call the name and address of each stockholder who owns or controls 20 per cent or more of the capital stock of such corporation; and

(c) if an association or trust, furnish upon call the name and address of each person participating in the management or having any financial or beneficial interest in the trading operations of such association or trust.

Such information shall be furnished to the Commodity Exchange Administration upon call in accordance with instructions contained in the call.

Amounts Fixed for Reporting on Forms 701 and 703

SEC. 720.[1] For the purpose of sections 704 and 705 of article VII of these rules and regulations, the amount specified for reporting accounts on form 701 is 500 tons, but such specified amount shall not apply to special calls issued under authority of section 722 hereof.

SEC. 721. For the purpose of sections 710 and 714 of article VII of these rules and regulations, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on form 703 is 500 tons.

*Special Calls*

SEC. 722. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market and each futures commission merchant shall, upon call, report all accounts carried by him which show open contracts in any designated mill feed future equal to or in excess of the amount specified in the call. Such report shall be made to the Commodity Exchange Administration on form 701, and shall be prepared and filed in accordance with instructions contained in the call. As to such calls, the amount specified for general reporting purposes in section 720 hereof shall have no application.

SEC. 723. Whenever in the judgment of the Chief or Acting Chief of the Commodity Exchange Administration there is danger of congestion in any delivery month, each member of a contract market who holds or controls open contracts in any mill feed future shall, upon call, report all open contracts in mill feed futures held or controlled by him if the amount thereof be equal to or in excess of the amount specified in the call. Such reports shall be made to the Commodity Exchange Administration on form 703 and shall be prepared and filed in accordance with the instructions contained in the call. As to such calls the amount fixed for general reporting purposes in section 721 hereof shall have no application.

[F. R. Doc. 37-2657; Filed, August 30, 1937; 12:38 p. m.]

[1] Section numbers 716, 717, 718, and 719 reserved for future use.



## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

SPECIAL AIR TRAFFIC RULE

Pursuant to the authority contained in Section 3 (e) of the Air Commerce Act of 1926, as amended (44 Stat. 568), the following Special Air Traffic Rule shall apply during the Yacht Races off Marblehead, Massachusetts:

No aircraft shall be navigated in the vicinity of Marblehead, Massachusetts, from August 28, 1937 to September 2, 1937, inclusive, except Sunday August 29, 1937, at an altitude of less than 750 feet over or within 1000 feet horizontally of the patrol lines maintained by patrol vessels which will fly the U. S. Coast Guard ensign.

There shall be no landing or taking off inside or within 1000 yards horizontally of such patrol lines.

Approved, to take effect August 28, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-2656; Filed, August 28, 1937; 12:14 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Claude L. Draper, Basil Manly, John W Scott.

[Docket No. IT-5015]

IN RE METROPOLITAN EDISON COMPANY; NORTHERN PENNSYLVANIA POWER COMPANY; PENNSYLVANIA ELECTRIC COMPANY; ERIE LIGHTING COMPANY; THE CLARION RIVER POWER COMPANY; SOLAR ELECTRIC COMPANY

NOTICE OF RESUMPTION OF HEARING

Notice is hereby given that public hearing will be resumed in the above matter on September 14, 1937, at 10 a. m., in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Issued August 26, 1937.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2652; Filed, August 28, 1937; 9:51 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

Docket No. 2575

IN THE MATTER OF LIGHTMORE APPLIANCE CORPORATION AND SOLAR-RAY LAMP COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, September 1, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2655; Filed, August 28, 1937; 10:16 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

ADMINISTRATIVE ORDER No. 127

ALLOCATION OF FUNDS FOR LOANS

AUGUST 18, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Arkansas 8012A Miller (partial) | $150,000 |
| Georgia 8037B Douglas | 35,000 |
| Minnesota 8059B Olmsted | 118,000 |
| Tennessee 8009B Macon | 115,000 |
| Texas 8023A McCulloch (partial) | 100,000 |
| Texas 8050 Grayson (partial) | 100,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2653; Filed, August 28, 1937; 9:51 a. m.]

ADMINISTRATIVE ORDER No. 128

ALLOCATION OF FUNDS FOR LOANS

AUGUST 24, 1937.

By virtue of the authority vested in me by the provisions of Section e of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Arkansas 8011B Jackson (partial) | $100,000 |
| Georgia 8042C Toombs (partial) | 100,000 |
| Georgia 8066W Taylor | 15,000 |
| Kansas 8013B Brown (partial) | 125,000 |
| Kansas 8015B Dickinson (partial) | 150,000 |
| Kansas 8021 Shawnee (partial) | 200,000 |
| Kentucky 8027B Boyle (partial) | 150,000 |
| Kentucky 8031B Union | 155,000 |
| Kentucky 8033C Daviess | 36,000 |
| Michigan 8020 Delta | 123,000 |
| Minnesota 8035B Brown | 35,000 |
| Mississippi 8001D Monroe | 9,500 |
| Missouri 8012A Pemiscot (partial) | 175,000 |
| Montana 8013 Flathead | 144,000 |
| Nebraska 8056A Cedar (partial) | 200,000 |
| New Mexico 8004B Eddy | 31,000 |
| New Mexico 8004GB Eddy | 65,000 |
| Oklahoma 8002B Kay (partial) | 145,000 |
| South Carolina 8013B Greenwood | 9,000 |
| Virginia 8022B Caroline | 100,000 |
| Wisconsin 8046 Lafayette | 157,000 |
| Wyoming 8011B Lincoln | 25,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2654; Filed, August 28, 1937; 9:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of August, 1937.

[File No. 1-381]

IN THE MATTER OF ULEN AND COMPANY 6% CONVERTIBLE SINKING FUND GOLD DEBENTURES, DUE AUGUST 1, 1944, BEARING THREE STAMPS

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration Ulen and Company 6% Convertible Sinking Fund Gold Debentures, due August 1, 1944, bearing three stamps; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on September 7, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2660; Filed, August 30, 1937; 12:39 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of August, 1937.

[File No. 1-405]

IN THE MATTER OF ST. LOUIS COTTON COMPRESS COMPANY, COMMON STOCK, $10 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The St. Louis Cotton Compress Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Common Stock, $10 Par Value, from listing and registration on the St. Louis Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on September 7, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2659; Filed, August 30, 1937; 12:39 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of August, A. D., 1937.

[File No. 37-20]

IN THE MATTER OF THE DECLARATION OF GENERAL MANAGEMENT CORPORATION

ORDER PURSUANT TO RULE 13-22

General Management Corporation, a subsidiary company of States Electric & Gas Corporation, a registered holding company, having filed with this Commission, pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935 and Rule 13-22 thereunder, a declaration with respect to its organization and conduct of business as a subsidiary service company; a hearing on said declaration having been duly held pursuant to appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is found* that Declarant is so organized and conducted as to meet the requirements of Section 13 (b) of said Act with respect to reasonable assurance of efficient and economical performance of the services described in such declaration, for the benefit of associate companies at cost fairly and equitably allocated among them, provided, however, that Declarant shall adjust charges to cost at quarterly intervals.

No finding is made with respect to the rendering of any services differing materially from those described by said declaration as to the services which Declarant intends presently to render.

*It is so ordered.*

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2659; Filed, August 30, 1937; 12:39 p. m.]

*Wednesday, September 1, 1937* *No. 169*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ABOLISHING NOME, ALASKA, AS A CUSTOMS PORT OF ENTRY

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), it is ordered that Nome, Alaska, be, and it is hereby, abolished as a customs port of entry in Customs Collection District No. 31 (Alaska), effective thirty days from the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 28, 1937.*

[No. 7699]

[F. R. Doc. 37-2662; Filed, August 30, 1937; 2:46 p. m.]



## DEPARTMENT OF STATE.

TRADE AGREEMENT NEGOTIATIONS WITH CZECHOSLOVAKIA

CONTENTS

Public Notice of Intention to Negotiate a Trade Agreement with Czechoslovakia;
Presentation of Views to the Committee for Reciprocity Information;
List of Products on Which the United States Will Consider Granting Concessions to Czechoslovakia.

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution No. 10, approved March 1, 1937, and Executive Order No. 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Czechoslovakia.

*Time and Place for Presentation of Written and Oral Statements*

The Committee for Reciprocity Information has prescribed that all information and views in writing and all applications for supplemental oral presentation of views shall be submitted to the Committee for Reciprocity Information not later than 12 noon, October 11, 1937. They should be addressed to "Chairman, Committee for Reciprocity Information, Old Land Office Building, 8th and E Streets, Northwest, Washington, D. C." Supplemental oral statements will be heard at a public hearing beginning at 10 a. m. on October 25, 1937, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Old Land Office Building.

*Form and Manner of Presentation*

The Committee for Reciprocity Information has prescribed the following regulations governing the submission of written and oral statements:

Written statements must be either typewritten or printed. They must be submitted in sextuplicate and at least one copy must be sworn to. Such statements will be treated as confidential, for the use only of the interdepartmental trade agreements organization.

Oral statements may be made to the Committee at the public hearing only by persons who have filed written statements or briefs and who have, within the time prescribed, made written application for a hearing in order that a schedule of appearances may be arranged. Oral statements shall be under oath.

August 31, 1937.

CORDELL HULL,
*Secretary of State.*

PRESENTATION OF VIEWS TO THE COMMITTEE FOR RECIPROCITY INFORMATION WITH REFERENCE TO TRADE AGREEMENT NEGOTIATIONS WITH CZECHOSLOVAKIA

Notice was given today by this Government of intention to negotiate a trade agreement with Czechoslovakia and of the time and place at which, and the manner in which, interested persons should present their views to the Committee for Reciprocity Information. With reference to this notice, an announcement was also made today of the list of products on which the United States will consider granting concessions to Czechoslovakia. Although interested persons may present to the Committee for Reciprocity Information, in written or oral form, information or views regarding concessions on any article imported into the United States from Czechoslovakia or imported into Czechoslovakia from the United States, concessions by the Government of the United States with respect to any article not included in the list referred to above, will not be considered unless a supplementary announcement is made.

The Committee for Reciprocity Information does not require that written statements submitted to it follow any particular outline. However, proper understanding of the views and desires of interested persons will be greatly facilitated if references are made to specific articles, rather than to general classes of articles, and if statements in regard to each article commence on a separate page. In the case of an export commodity, the information presented should include an accurate description of the article, together with the foreign tariff designation under which it is classified, the amount of the import duty and other charges imposed on or in connection with importation into the foreign country, and also data pertaining to prices, cost of packing and transportation, and net and gross weights.

Statements presented to the Committee for Reciprocity Information in accordance with the notice referred to above, together with digests thereof, are transmitted by that Committee to the appropriate committees of the interdepartmental trade-agreements organization, which give them careful study before any recommendations are made. Statements regarding the proposed Czechoslovak agreement which cannot be submitted within the time specified in the notice referred to above will be given such consideration as may be possible at the time of receipt.

Statistics showing the products involved in the trade between the United States and Czechoslovakia may be obtained from the Division of Foreign Trade Statistics of the Department of Commerce or from any district office of the Department of Commerce.

LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO CZECHOSLOVAKIA

With reference to the public notice, issued today, of intention to negotiate a trade agreement with the Government of Czechoslovakia, the Secretary of State announces that unless supplementary public announcement is made, concessions by the Government of the United States (in the form of duty reductions or bindings) will be considered only with respect to the articles described below; it being noted that, in many cases, the descriptive phraseology limits the possible concessions to a smaller field than is covered by the numbered tariff paragraphs. Concessions to be considered may cover all the articles described, or, particularly in the case of "basket" paragraphs covering a wide assortment of articles, may be limited to certain specific commodities or groups of commodities falling within the limits of the wording used in the descriptions. In the event that articles which are now regarded as classifiable under these descriptions are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the United States will not thereby be precluded from granting concessions with respect to such articles. Some of the products appearing on this list may not be the subject of any concession under the terms of the agreement, and the rates on those items which are finally included in the agreement may or may not be changed.

| United States Tariff Act of 1930 Paragraph | Description of articles | Present rates of duty |
|---|---|---|
| 69 | Decolorizing, deodorizing, or gas-absorbing chars and carbons, whether or not activated, and all activated chars and carbons | 45 percent. |
| 78 | Potassium permanganate | 6¢ per lb. |
| 212 | China, porcelain and other vitrified wares, including chemical porcelain ware and chemical stone ware, composed of a vitrified, non-absorbent body which when broken shows a vitrified or vitreous, or semi-vitrified or semivitreous fracture, and all bisque and parian wares * * * all other articles composed wholly or in chief value of such ware, and manufactures in chief value of such ware, not specially provided for: | |
| | Sanitary ware and parts and fittings for same: | |
| | Plain white, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner | 60 percent. |
| | Painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner | 70 percent. |

| United States Tariff Act of 1930 Paragraph | Description of articles | Present rates of duty |
|---|---|---|
| 217 | Bottles, vials, jars, ampoules, and covered or uncovered demijohns, and carboys, any of the foregoing, wholly or in chief value of glass, filled or unfilled, not specially provided for, and whether their contents be dutiable or free (except such as contain merchandise subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof, which shall be dutiable at the rate applicable to their contents): | |
| | If holding more than one pint | 1¢ per lb. |
| | If holding not more than one pint and not less than one-fourth of one pint | 1½¢ per lb. |
| | If holding less than one-fourth of one pint | 50¢ per gross. |
| 218(b) | Fusible enamel rods and canes, for whatever purpose used | 65 percent. |
| 218(c) | Illuminating articles of every description, finished or unfinished, wholly or in chief value of glass, for use in connection with artificial illumination: | |
| | Prisms, glass chandeliers, and articles in chief value of prisms | 60 percent. |
| | Chimneys | 55 percent. |
| | Globes and shades | 70 percent. |
| | All others | 60 percent. |
| | *Provided*, that parts not especially provided for, wholly or in chief value of glass, of any of the foregoing shall be subject to the same rate of duty as the articles of which they are parts. | |
| 218(d) | All glassware commercially known as plated or cased glass, composed of two or more layers of clear, opaque, colored, or semi-translucent glass, or combinations of the same | 60 percent. |
| 218(e) | Bottles and jars, wholly or in chief value of glass, of the character used or designed to be used as containers of perfume, talcum powder, toilet water, or other toilet preparations; bottles, vials, and jars, wholly or in chief value of glass, fitted with or designed for use with ground-glass stoppers, when suitable for use and of the character ordinarily employed for the holding or transportation of merchandise; all the foregoing when unfilled and produced otherwise than by automatic machine | 75 percent. |
| 218 (f) | Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free | 60 percent. |
| | The duty on such of the articles, provided for in this paragraph, as are "primarily designed for ornamental purposes, decorated chiefly by engraving and valued at not less than $8 each" was reduced to 30 percent in the trade agreement with Sweden. | |
| (218 g) | Table and kitchen articles and utensils, composed wholly or in chief value of glass, when pressed and unpolished, whether or not decorated or ornamented in any manner or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), whether filled or unfilled, or whether their contents be dutiable or free | 50 percent. |
| 219 | Cylinder, crown and sheet glass, by whatever process made, and for whatever purpose used: | |
| | Not exceeding 150 square inches | 1 29/64¢ per lb. |
| | Above that, and not exceeding 384 square inches | 1 33/64¢ per lb. |
| | Above that, and not exceeding 720 square inches | 1 33/64¢ per lb. |
| | Above that, and not exceeding 864 square inches | 1 39/64¢ per lb. |
| | Above that, and not exceeding 1,200 square inches | 2½¢ per lb. |
| | Above that, and not exceeding 2,400 square inches | 2 45/64¢ per lb. |
| | Above that | 2 53/64¢ per lb. |
| | Provided, that none of the foregoing weighing less than 16 ounces but not less than 12 ounces per square foot shall be subject to a less rate of duty than | 37½ percent |
| 230 (d) | All glass, and manufactures of glass, or of which glass is the component of chief value, except broken glass or glass waste fit only for remanufacture, not specially provided for | 50 percent. |
| 339 | Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for: | |
| | Composed of iron or steel and enameled or glazed with vitreous glasses | 5¢ per lb. and 15 percent. |
| | Composed wholly or in chief value of copper, brass, steel, or other base metal, not plated with platinum, gold, or silver, and not specially provided for | 40 percent. |
| | The foregoing rates shall apply to the foregoing articles whether or not containing electrical heating elements as constituent parts thereof. | |
| 346 | Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel, or other base metal: | |
| | Valued at not more than 20 cents per hundred | 5¢ per hundred and 20 percent. |
| 348 | Snap fasteners and clasps, and parts thereof, by whatever name known, or of whatever material composed, not plated with gold, silver, or platinum; all the foregoing, valued at not more than $1.66⅔ per hundred: | |
| | If not mounted on tape | 55 percent. |
| | Mounted on tape, including sew-on fasteners | 60 percent. |
| 349 | Metal trouser buttons (except steel) and nickel bar buttons | 1/12 of 1¢ per line per gross. |
| | Steel trouser buttons | ¼ of 1¢ per line per gross. |
| | Buttons of metal, not specially provided for | ¾ of 1¢ per line per gross. |
| | And in addition thereto, on all the foregoing | 15 percent. |
| | Metal buttons embossed with a design, device, pattern, or lettering | 45 percent. |
| 350 | Safety pins, not plated with gold or silver, and not commonly known as jewelry | 35 percent. |
| 412 | Bent-wood furniture, wholly or partly finished, and parts thereof | 42½ percent. |
| 710 | Cheese made from sheep's milk and/or goat's milk, except Roquefort | 7¢ per lb. but not less than 35 percent |
| 780 | Hops | 24¢ per lb. |
| | Lupulin | $1.50 per lb. |
| 805 | Ale, porter, stout, and beer | 50¢ per gal. |
| 910 | Table damask, wholly or in chief value of cotton, and all articles, finished or unfinished, made or cut from such table damask | 30 percent. |
| 911 (a) | Towels (wholly or in chief value of cotton, whether in the piece or otherwise), other than pile fabrics: | |
| | If Jacquard-figured | 40 percent. |
| | If not Jacquard-figured | 25 percent. |
| 911 (b) | Sheets and pillowcases, wholly or in chief value of cotton | 25 percent. |
| 915 | Gloves and mittens, finished or unfinished, wholly or in chief value of cotton or other vegetable fiber: | |
| | Made of fabric knit on a warp-knitting machine | 60 percent. |
| | Made of woven fabric | 25 percent. |
| 1013 | Table damask, wholly or in chief value of flax, and all articles, finished or unfinished, made or cut from such damask | 45 percent. |
| 1014 | Towels and napkins, finished or unfinished, wholly or in chief value of flax: | |
| | Not exceeding 120 threads to the square inch, counting the warp and filling | 55 percent. |
| | Exceeding 120 threads to the square inch, counting the warp and filling | 40 percent. |
| | Sheets and pillowcases, wholly or in chief value of flax | 40 percent. |
| 1023 | All manufactures, wholly or in chief value of flax, not specially provided for | 40 percent. |
| 1116 (b) | Chenille Axminster carpets, rugs, and mats, plain or figured, whether woven as separate carpets, rugs, on mats, or in rolls of any width | 60 percent. |
| 1117 (a) | Wilton carpets, rugs, and mats, valued at not more than 40 cents per square foot | 40 percent. |
| 1309 | Gloves and mittens, knit or crocheted, finished or unfinished, wholly or in chief value of rayon or other synthetic textile | 45¢ per lb. and 55 percent. |
| 1413 | Wall pockets, composed wholly or in chief value of paper, papier-mâché or paperboard, whether or not die-cut, embossed, or printed lithographically or otherwise | 35 percent. |
| 1503 | Spangles and beads, including bugles, not specially provided for | 35 percent. |
| | Fabrics and articles not ornamented with beads, spangles or bugles, nor embroidered, tamboured, appliqued, or scalloped, composed wholly or in chief value of beads or spangles (other than imitation pearl beads, beads in imitation of precious or semiprecious stones, and beads in chief value of synthetic resin) | 60 percent. |
| | All other beads in imitation of precious or semiprecious stones, of all kinds and shapes, of whatever material composed, not including beads of ivory, beads composed in chief value of synthetic resin, or imitation pearl beads | 45 percent. |
| 1510 | Buttons not specially provided for: | |
| | Buttons wholly or in chief value of glass | 45 percent. |
| | Buttons wholly or in chief value of galalith or casein | 45 percent. |
| | Buttons wholly or in chief value of wood | 45 percent. |
| 1526 (a) | Hats, caps, bonnets, and hoods, for women's or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals: | |
| | Valued at more than $6 and not more than $9 per dozen | $2.50 per doz. and 25 percent. |
| | Valued at more than $9 and not more than $12 per dozen | $5 per dozen and 25 percent. |



| United States Tariff Act of 1930 Paragraph | Description of articles | Present rates of duty |
|---|---|---|
| 1526 (a) | Hats, caps, bonnets, and hoods, etc.—Con. | |
| | Valued at more than $12 and not more than $15 per dozen | $6 per dozen and 25 percent. |
| | Valued at more than $15 and not more than $18 per dozen | $7 per dozen and 25 percent. |
| 1527 (c) | Articles valued above 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, cardcases, chains, cigar cases, cigar cutters, cigar holders, cigar lighters, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military and hair ornaments, pins, powder cases, stamp cases, vanity cases, watch bracelets, and like articles; all the foregoing and parts thereof, finished or unfinished: | |
| | (1) * * * | |
| | (2) Composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause (1) of this subparagraph) set with and in chief value of precious or semi-precious stones, pearls, cameos, coral, amber, imitation precious or semi-precious stones, or imitation pearls: | |
| | Valued at $5 or less per dozen pieces | 1¢ each and 3/5 of 1¢ per dozen for each 1¢ the value exceeds 2¢ per dozen and 50 percent. |
| 1528 | Imitation precious stones: | |
| | Cut or faceted | 20 percent. |
| | Not cut or faceted | 60 percent. |
| | Imitation semiprecious stones: | |
| | Faceted | 20 percent. |
| | Not faceted | 60 percent. |
| | Imitation jet buttons, cut, polished, or faceted | 60 percent. |
| | Imitations of opaque precious or semiprecious stones, with flat backs and tops, cut and polished, but not faceted | 60 percent. |
| | Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for: | |
| | McKay sewed or stitched boots or shoes | 30 percent. |
| | Other McKay sewed or stitched footwear | 20 percent. |
| | Welted | 20 percent. |
| | Turn or turned boots or shoes | 10 percent. |
| | Other turn or turned footwear | 20 percent. |
| | Other than turn or turned, welted, or McKay sewed or stitched | 20 percent. |
| 1530 (e) | Boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other materials | 35 percent. |
| | Same, with soles composed wholly or in chief value of india rubber or substitutes for rubber | 35 percent ad valorem on the American selling price. |
| 1532 (a) | Gloves made wholly or in chief value of leather, whether wholly or partly manufactured, the lengths stated in each case being the extreme length (including the unfolded length of cuffs or other appendages) when stretched to their fullest extent: | |
| | Women's and children's, when machine seamed: | |
| | Not over 12 inches in length | $5.50 per doz. prs. |
| | For each inch or fraction thereof in excess of 12 inches | 50¢ per doz. prs. |
| | In addition thereto, on all the foregoing there shall be paid each of the following cumulative duties: | |
| | When machine seamed, otherwise than oversewed | $1 per doz. prs. |
| | When lined with— | |
| | Cotton | $3.50 per doz. prs. |
| | Wool | $3.50 per doz. prs. |
| | Silk | $3.50 per doz. prs. |
| | Other fabric | $3.50 per doz. prs. |
| | Leather | $5 per doz. prs. |
| | Fur | $5 per doz. prs. |
| | When trimmed with fur | $4 per doz. prs. |
| | All the foregoing shall be dutiable at not less than | 50 percent. |
| 1537 (b) | Boots, shoes, and other footwear, wholly or in chief value of india rubber, not specially provided for | 25 percent ad valorem on the American selling price. |
| 1541 (a) | Brass-wind musical instruments, and parts thereof | 40 percent. |
| 1544 | Rosaries, chaplets, and similar articles of religious devotion, of whatever material composed (except if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones), valued at not more than $1.25 per dozen | 15 percent. |
| 1549 (a) | Pencils of paper, wood, or other material not metal, filled with lead or other material, pencils of lead, not specially provided for | 50¢ per gross and 30 percent. |
| 1718 | Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof showing that they are in no way artificially prepared and are only the product of a designated mineral spring | Free. |

The "present rates of duty" given above are the rates applicable, as of the date of this announcement, to products of Czechoslovakia.

If, as a result of presentations submitted by interested persons in accordance with the public notice issued today, or as a result of developments during the course of the negotiations, or for any other reason, it seems desirable to add to the above list of products, supplementary announcement will be made of the additions to the list. Such supplementary announcement will specify the dates for the presentation of written and oral statements in regard to such additions.

[F. R. Doc. 37-2663; Filed, August 31, 1937; 10:05 a. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 59]

### Authority, and Designation of Order of Precedence, of Deputy Governor To Act as Governor in the Absence of the Latter

September 1, 1937.

1. F. F. Hill, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

2. Arthur T. Esgate, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Hill are both unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

3. Charles A. Stewart, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Hill, and Deputy Governor Esgate are unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

4. The provisions hereinbefore set forth shall not operate to limit or restrict the Governor of the Farm Credit Administration in the execution and performance (in Washington or elsewhere) of any functions, powers, authority, or duties vested in him.

5. Farm Credit Administration Order No. 184, dated March 20, 1937, is hereby rescinded.

6. The provisions of this order shall be effective as of the opening of business on the date above written, and shall remain in full force and effect until amended or revoked by subsequent order.

[SEAL] W. I. Myers,
*Governor, Farm Credit Administration.*

[F. R. Doc. 37-2667; Filed, August 31, 1937; 11:24 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of August, 1937.

IN THE MATTER OF A. M. CASTLE & COMPANY CAPITAL STOCK, PAR VALUE $10

ORDER GRANTING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the New York Curb Exchange in A. M. Castle & Company Capital Stock, par value $10, having been permitted by action of this Commission on September 28, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application be and the same is hereby made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2666; Filed, August 31, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of August, 1937.

IN THE MATTER OF GUARANTY TRUST COMPANY OF NEW YORK, AMERICAN DEPOSITARY RECEIPTS REPRESENTING ORDINARY REGISTERED SHARES OF THE DE HAVILLAND AIRCRAFT COMPANY, LIMITED

ORDER GRANTING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the New York Curb Exchange in Guaranty Trust Company of New York, American Depositary Receipts representing Ordinary Registered Shares of The De Havilland Aircraft Company, Limited, having been permitted by action of this Commission on September 28, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application be and the same is hereby made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2664; Filed, August 31, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of August, 1937.

IN THE MATTER OF THE THEW SHOVEL COMPANY COMMON STOCK, PAR VALUE $5

ORDER GRANTING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the New York Curb Exchange in The Thew Shovel Company Common Stock, par value $5, having been permitted by action of this Commission on September 28, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application be and the same is hereby made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2665; Filed, August 31, 1937; 12:32 p. m.]

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*Thursday, September 2, 1937* *No. 170*

## PRESIDENT OF THE UNITED STATES.

CORRECTING CERTAIN LANGUAGE IN PROCLAMATION NO. 2247 OF AUGUST 25, 1937, PRESCRIBING PANAMA CANAL TOLL RATES

By the President of the United States of America

A PROCLAMATION

WHEREAS the phrase "when carrying passengers and cargo" contained in paragraph numbered 1 in Proclamation No. 2247 [1] of August 25, 1937, prescribing Panama Canal toll rates was intended to read "when carrying passengers or cargo"; and

WHEREAS it is desired to correct the said phrase so that it shall read as intended:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, do hereby amend the aforesaid paragraph numbered 1 of Proclamation No. 2247 of August 25, 1937, to read as follows:

"1. On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, ninety (90) cents per net-vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 31st day of August in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

By the President,

FRANKLIN D ROOSEVELT

CORDELL HULL,
*Secretary of State.*

[No. 2249]

[F. R. Doc. 37-2670; Filed, September 1, 1937; 12:25 p m.]

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[1] 2 F. R. 1764.



## WAR DEPARTMENT.

[Changes No. 75]

WAR DEPARTMENT REGULATIONS

RELIEF OF UNEMPLOYMENT, CIVILIAN CONSERVATION CORPS

AUGUST 24, 1937.

War Department Regulations—Relief of Unemployment, Civilian Conservation Corps, May 15, 1935, is changed as follows:

Paragraph 18, as changed by Changes Nos. 14, 17, 20, 24, 27, 42, 48, and 65, is rescinded and the following substituted therefor:

*18. Eligibility for selection and reselection.—a. Function of the selection agencies.*—Selection and reselection of junior enrollees is the responsibility of the selecting agencies designated by the Department of Labor. Selection and reselection of veterans is the responsibility of the Veterans' Administration. Junior and veteran applicants are selected and certified to the War Department under definite policies as to eligibility approved by the Director, Civilian Conservation Corps, and duly announced to their respective field agents by the Federal agencies concerned. Men so selected and certified will present properly executed application forms duly signed by the authorized selecting agents of the Department of Labor or the Veterans' Administration, as the case may be. The War Department does not participate in selection or reselection.

*b. Civil law enforcement officers.*—Civil law enforcement officers such as justices of the peace, sheriffs, game wardens, and their deputies are ineligible for selection.

*c. Reselection.*—(1) An honorably discharged junior is ineligible for reselection for a period of six months following the date of his discharge. If then otherwise qualified he becomes eligible for reselection if his previous service does not exceed eighteen months: *Provided, however,* That a junior who was honorably discharged as a result of physical disability not the result of his own misconduct, and who has since overcome such disability, is eligible for reselection at any subsequent enrollment period if his previous service does not exceed eighteen months. All expenses for transportation prior to acceptance for enrollment will be borne by the applicant.

(2) An honorably discharged veteran will be ineligible for reselection for a period of six months following the date of his discharge. He will then become eligible for reselection regardless of his age, marital status, or the length of his former service in the Civilian Conservation Corps: *Provided, however,* That a veteran who was honorably discharged as a result of physical disability not the result of his own misconduct, and who has since overcome such disability, has been physically examined by the War Department, and has been certified by the War Department to the proper Regional Manager, Veterans' Administration, as physically eligible for reselection, may be reselected at any subsequent enrollment period. All expenses for transportation prior to acceptance for enrollment will be borne by the veteran.

(3) A member administratively or dishonorably discharged from the Civilian Conservation Corps is thereafter ineligible for reselection: *Provided, however,* That a former enrollee, the type of whose discharge is changed by the corps area commander under the authority given in paragraph 38*g* from administrative or dishonorable to honorable, is eligible for reselection at any enrollment period, if he be otherwise legally qualified. Such a man may have been offered reinstatement under the terms of paragraphs 29 and 38*g* by the corps area commander, but his refusal to accept reinstatement when offered will not act as a bar to the reselection when contemplated.

(4) A junior who has been discharged from the Civilian Conservation Corps because of marriage will not be eligible for reselection thereafter under any classification. See paragraph 26*h*.

(A. G. 324.5 (8-13-37).)

*19. Eligibility for enrollment and reenrollment.*

* * * * * *

*c. Within the limits of the numbers authorized to be enrolled, except as provided in d below, enrolling officers have no option in the matter of acceptance of certified selectees when the following qualifications are met.* To qualify for enrollment, an applicant must be—

(1) Selected and certified by one of the designated selecting agencies. See paragraph 18.

(2) Physically qualified for ordinary labor and free from active disease. See Appendix II.

*d. Selectees certified by a designated selecting agency and found physically qualified will be enrolled except—*

*(1) Selectees who have been previously dishonorably or administratively discharged; and*

*(2) Persons under conviction for crime and serving sentence therefor (which is construed as including convicts paroled from penitentiaries). Selectees falling in either of the two excepted classifications cited above will be refused enrollment or, if enrolled before their ineligibility is discovered, will be forthwith discharged. In all other cases of apparent falsification of qualifications for selection, the provisions of paragraph 23b, will apply. Discharge under the provisions of paragraph 23b should be the exception rather than the rule.*

*e.* To qualify for reenrollment a present member of the Civilian Conservation Corps must be—

(1) Physically qualified for ordinary labor and free from active disease.

(2) Honorably discharged from the immediately preceding period of service.

(3) Considered worthy of reenrollment. See paragraph 26*c*.

(4) Unmarried, if a junior, *unless exempted as one of five excepted men per company.*

(5) Under 24 years of age, if a junior (i. e., must not have passed his 24*th* birthday), *unless exempted as one of five excepted men per company.*

(6) *If a junior, able to complete a six months' enrollment period without exceeding a total service of two years (i. e., must not have served previously more than 18 months), unless exempted as one of five excepted men per company.*

(A. G. 324.5 (8-13-37).)

* * * * * *

By order of the Secretary of War:

[SEAL] MALIN CRAIG,
*Chief of Staff.*

Official:

E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 37-2668; Filed, September 1, 1937; 9:46 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENTS TO RULES

Rule 9C-3 (9) amended by adding paragraph (E), exempting from provisions of Section 9 (a) acquisitions of securities acquired in reorganization of public utility companies up to limited amounts, provided acquisition of utility assets authorized by state commission.

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, and particularly Sections 3 (d), 9 (c), and 20 (a) thereof, and finding that amendment of Rule 9C-3 (9) is necessary and appropriate and that such acquisitions of securities by registered holding companies and subsidiary companies thereof as are exempted from the provisions of the Act by said rule, as hereinafter amended, are appropriate, within the limitations therein stated, and are not detrimental to the public interest or that of investors or consumers; and finding further that the following action is necessary and appropriate to carry out the provisions of said Act and not contrary to the purposes thereof, the Securities and Exchange Commission hereby amends said Rule 9C-3 (9), so that the same will read as follows:

RULE 9C-3 (9). *Certain acquisitions of securities exempted.*—(9) Any such company may acquire any security to which it becomes entitled by virtue of any reorganization (whether effected through a statutory merger or consolidation or by sale of the entire assets of the company or companies undergoing reorganization, or otherwise, and including a recapitalization or reincorporation) of one or more other companies, whether or not any such other company is the issuer of such security, if any one of the following additional conditions is satisfied:

(A) Immediately prior to such reorganization and upon completion thereof, no company undergoing such reorganization and no issuer of any security so acquired is an associate company of the acquiring company; or

(B) Immediately before such acquisition such acquiring company owns, directly or indirectly, substantially all of the outstanding securities of the company undergoing reorganization and, upon completion thereof, substantially all of the outstanding securities of the company undergoing reorganization, its successor or successors, are owned by the acquiring company; or

(C) such reorganization involves merely the transfer by a single company of substantially all of its assets to a new company having substantially the same capital structure, and does

not involve any other substantial change in the rights of existing security holders; or

(D) such reorganization plan has been approved by the Commission under Section 11 (f); or

(E) all of the companies undergoing reorganization are public utility companies which are organized under the laws of the same State and the business of each of which is substantially confined to such State; such reorganization is effected through a statutory merger or consolidation of such companies or through a sale of the entire assets of one or more of such companies to another such company; the securities acquired in such a transaction do not, upon the consummation of such transaction, have a value in excess of $100,000 or in excess of five per cent of the total assets of the successor company or the reorganized company which continues in business, whichever of said sums is less; and all acquisitions of utility assets involved in such reorganization have been expressly authorized by the State commission of the State in which such companies are organized;

*Provided, however,* That the exemption provided by this rule shall not be applicable to the acquisition of any securities if such securities are carried on the books of the acquiring company at a higher valuation, in the aggregate, than the one at which securities surrendered or exchanged for such securities were so carried immediately prior to such acquisition.

Rules as to directors and officers under Section 17 (c) amended to permit registered holding company or subsidiary to have representative of owner of 10 per cent of outstanding voting securities, regardless of such representative's financial connections, under certain circumstances, provided the one-third limitation of Rule 17C–6 is applicable; 17C–7 amended to allow officer or director of registered holding company or subsidiary to occupy similar position in a subsidiary thereof, even though the territory served by such subsidiary thereof does not comply with the requirements of paragraph (b) of the rule.

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly Sections 17 (c) and 20 (a) thereof, and finding that such action will not adversely affect the public interest or the interest of investors or consumers and is appropriate to carry out the provisions of said Act, the Securities and Exchange Commission hereby amends Rules 17C–4, 17C–6, and 17C–7 to read as follows:

RULE 17C–4. *Owners of Securities and Their Representatives.*—Subject to the provisions of Rule 17C–9, a registered holding company or subsidiary company thereof may have as an officer or director, or both—

(a) Any person who is both the owner of record and the owner of the beneficial interest in 10 per cent or more of the outstanding voting securities of such company, regardless of such person's financial connections; or

(b) Any person who is an executive officer, director, partner, appointee, or representative of a financial institution and who has no financial connections (as defined in Rule 17C–1) other than those permitted by this or any other rule under Section 17 (c), if such financial institution, directly or indirectly owns, controls, or holds with power to vote, more than 50 per cent of the outstanding voting securities of such company; or

(c) Any person expressly designated in writing as his or its representative by any person (other than a financial institution) who is both the owner of record and the owner of the beneficial interest in 10 per cent or more of the outstanding voting securities of such registered holding company or subsidiary, *provided* that no person designated as a representative of an owner of voting securities pursuant to the provisions of this paragraph (c) shall be eligible as an officer of such registered holding company or subsidiary, if he is also an executive officer of any financial institution; nor shall such person be eligible in the capacity of either officer or director of such registered holding company or subsidiary, if he is an officer or director of any company in any other public utility holding company system or has any financial connections (as defined in Rule 17C–1) except

(1) financial connections permitted by any rule under Section 17 (c); and

(2) financial connections with a national banking association or with an incorporated state bank having powers similar to a national banking association, which financial institution, (A) does not have authority to underwrite or participate in the marketing of securities issued by holding company or public utility companies, and (B) does not own any beneficial interest in any voting security of the registered holding company or subsidiary of which such person is designated as a director or officer or in any voting securities of any associate company thereof;

As long as a company is permitted by this rule to have a person, as an officer or director, any subsidiary company thereof may also have such person as an officer or director.

RULE 17C–6. *Limitations on Number of Directors and Officers Having Financial Connections.*—Notwithstanding any provision of any rule under Section 17 (c), not more than one-third of the directors of any registered holding company or subsidiary company thereof shall at any time after August 26, 1936, be persons who are executive officers, directors, partners, appointees, or representatives of any bank, trust company, investment banker, banking association or banking firm, except that this provision shall not be applicable to any persons who are eligible to such positions pursuant to the provisions of Rules 17C–2, 17C–3, 17C–5, or by virtue of the provisions of paragraphs (a) or (b) of Rule 17C–4.

RULE 17C–7. *Institutions Having Specified Loaning Capacity, or Located in Territory Served.*—Subject to the provisions of Rule 17C–9, a registered holding company or subsidiary company thereof may have as an officer or director, or both, a person who is an executive officer, director, or partner (but not an appointee or representative) of any financial institution other than an investment banker, if such person has no financial connections (as defined in Rule 17C–1) other than those permitted by this or by any other rule under Section 17 (c); *provided* that one of the following conditions is satisfied:

(a) such financial institution at the end of the last calendar year did not have authority, under the laws applicable to its operations, to lend to any one borrower on an unsecured basis an amount in excess of $200,000 or, if there was no such limitation on its lending power, did not have capital and surplus (including partners' balances) in excess of $2,000,000; or

(b) seventy per cent or more of the gross revenues (on a consolidated basis) which such company and all subsidiary companies thereof, if any, derived from their operations as public utility companies during the last calendar year were derived by such company from its own operations as a public utility company; and the residence of such officer or director and the principal office or a branch of such financial institution are situated in the territory served by such company or within 100 miles of the principal operating office which such company maintains in such territory;

but no such company shall have any such person as an officer if such person is also an executive officer of such financial institution. An officer or director of such company may be an officer or director of any subsidiary company thereof, even though the territory served by such subsidiary company is not so located as to meet the requirements of paragraph (b) of this rule. Any company which is permitted by this rule to have a person as an officer or director during any calendar year may continue to have him as such during the first three months of the next calendar year.

By the Commission.

Effective August 28, 1937.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2673; Filed, September 1, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of August, A. D. 1937.

[File No. 52–1]

IN THE MATTER OF GENESEE VALLEY GAS COMPANY, INC.

[Section 11 (f) of Public Utility Holding Company Act of 1935]

NOTICE OF AND ORDER FOR RECONVENING OF HEARING

Genesee Valley Gas Company, Inc., a subsidiary of a registered holding company, having filed an application, and amendments thereto, pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935, for approval of its plan of reorganization in proceedings pending in the United States District Court for the Southern District of New York pursuant to Section 77B of the Federal Bankruptcy Act as amended;

A hearing on said amended application having been held on June 28, 1937, said hearing having been continued, and it now appearing that said hearing should be reconvened;

*It is ordered,* that said hearing be reconvened on September 20, 1937, at ten o'clock in the forenoon of that day in Room 1103, Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers



or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2674; Filed, September 1, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of August, A. D. 1937.

[File No. 46–30]

IN THE MATTER OF THE APPLICATION OF COMMONWEALTH EDISON COMPANY

[Public Utility Holding Company Act of 1935—Section 10]

ORDER APPROVING ACQUISITION OF COMMON AND PREFERRED STOCK OF PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS

Commonwealth Edison Company, a public-utility company, having duly filed with this Commission an application and amendments thereto pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of all or any part of the outstanding common and outstanding 6% and 7% preferred stock of Public Service Company of Northern Illinois, and a hearing on said application, as amended, having been duly held after appropriate notice, and the record in this matter having been examined, and the Commission having made and filed its findings herein:

*It is ordered,* That the acquisition by applicant of said securities, in accordance with the terms and conditions and for the purposes represented by said amended application, be, and the same hereby is, approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2672; Filed, September 1, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of August, A. D. 1937.

[File No. 46–29]

IN THE MATTER OF THE APPLICATION OF COMMONWEALTH SUBSIDIARY CORPORATION

[Public Utility Holding Company Act of 1935—Section 10]

ORDER APPROVING ACQUISITION OF PREFERRED STOCK OF ILLINOIS NORTHERN UTILITIES COMPANY AND WESTERN UNITED GAS AND ELECTRIC COMPANY

Commonwealth Subsidiary Corporation, a subsidiary of Commonwealth Edison Company, having duly filed with this Commission an application and amendments thereto pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of all or any part of the outstanding 6% preferred stock and $7 preferred stock of Illinois Northern Utilities Company and of the outstanding 6% preferred stock and 6½% preferred stock of Western United Gas and Electric Company, and hearings on said amended application having been duly held after appropriate notice, and the record in this matter having been examined, and the Commission having made and filed its findings herein:

*It is ordered,* That the acquisition by applicant of said securities in accordance with the terms and conditions and for the purposes represented by said application, as amended, be, and the same hereby is, approved subject to the qualification that before the actual acquisition of any of the shares of preferred stock, the applicant shall file with the Commission suitable papers showing compliance with the terms of The Illinois Securities Law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2671; Filed, September 1, 1937; 12:43 p. m.]

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## VETERANS' ADMINISTRATION.

AUTHORITY FOR EXTRA-REGIONAL TRAVEL OF PHYSICIANS

R–6100 (E). When one field station requests another to conduct a physical examination of, or render out-patient treatment to, a claimant or beneficiary residing in the territory of the station making the request, and it is necessary for the station conducting the examination or rendering the out-patient treatment to send a salaried physician to the claimant's or beneficiary's home, the manager of the station conducting the examination or rendering the out-patient treatment may issue necessary travel authority for that purpose, notwithstanding that extra-regional travel may be involved. (See R. & P. 4180) (September 1, 1937.)

(Veterans Regulation No. 6–Series.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans Affairs*

[F. R. Doc. 37–2669; Filed, September 1, 1937; 11:15 a. m.]

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*Friday, September 3, 1937* *No. 171*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

EXCUSING FEDERAL EMPLOYEES FROM DUTY ON SEPTEMBER 17, 1937

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. On Friday, September 17, 1937, the one hundred fiftieth anniversary of the signing of the Constitution of the United States, the several executive departments, independent establishments, and other governmental agencies in the District of Columbia, including the Government Printing Office and the Navy Yard and naval stations, shall be closed at 1 o'clock p. m. or at such other hour as they, under their regulations, regularly close on Saturdays; and all employees in the Federal service in the District of Columbia and in the field service of the executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty on that day after the hour at which the departments, establishments, or agencies in which they work are closed in accordance with this order.

2. For the purpose of this order, in establishments or agencies in which the employees work in shifts such employees shall, subject to the foregoing provisions, be excused from duty after four hours of work on the said day.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 31, 1937.*

[No. 7700]

[F. R. Doc. 37–2675; Filed, September 1, 1937; 2:22 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

G. S. Q. R. Series 4, No. 3 — Issued September 2, 1937

[General Sugar Quota Regulations, Series 4, No. 2]

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1937

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations,[1] which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

1. It is hereby determined, pursuant to section 201 of the said act, that the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1937 is 7,042,733 short tons of sugar, raw value.

II

1. There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1937, the following quotas:

*Areas and Quotas in Terms of Short Tons, Raw Value*

Domestic beet sugar, 1,633,361; mainland cane sugar, 442,793; Hawaii, 988,551; Puerto Rico, 840,954; Virgin Islands, 9,396.

2. There are hereby established, pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1937, the following quotas:

*Areas and Quotas in Terms of Short Tons, Raw Value*

Commonwealth of the Philippine Islands, 1,085,304; Cuba, 2,014,538; foreign countries other than Cuba, 27,836.

3. The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries as follows:

*Countries and quotas in pounds*

Argentine, 14,577; Australia, 204; Belgium, 294,308; Brazil, 1,197; British Malaya, 26; Canada, 564,205; China and Hong Kong, 288,114; Colombia, 267; Costa Rica, 20,597; Czechoslovakia, 263,302; Dominican Republic, 6,668,480; Dutch East Indies, 211,384; Dutch West Indies, 6; France, 175; Germany, 117; Guatemala, 334,902; Haiti, Republic of, 921,614; Honduras, 3,432,568; Italy, 1,751; Japan, 4,009; Mexico, 6,031,877; Netherlands, 217,865; Nicaragua, 10,221,004; Peru, 11,114,100; Salvador, 8,208,542; United Kingdom, 350,667; Venezuela, 290,002; subtotal, 49,455,860; unallotted reserve, 6,216,140; total, 55,672,000.

III

1. The quotas established in paragraph 1 of section II hereof for the following listed areas may be filled by direct consumption sugar not in excess of the following amount for each such area:

*Areas and amounts of direct consumption sugar in terms of short tons, raw value*

Hawaii, 29,616; Puerto Rico, 126,033; Virgin Islands, 0.

2. The quotas established in paragraph 2 of section II hereof for the following listed areas may be filled by direct consumption sugar not in excess of the following amount for each such area:

*Areas and Amount of Direct Consumption Sugar in Terms of Short Tons, Raw Value*

Commonwealth of the Philippine Islands, 80,214; Cuba, 375,000.

IV

There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1937, quotas for liquid sugar as follows:

*Countries and Quotas in Terms of Wine Gallons of 72% Total Sugar Content*

Cuba, 7,970,558; Dominican Republic, 830,894; Other foreign countries, 0.

V

1. For the calendar year 1937, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

2. For the calendar year 1937, all persons are hereby forbidden from shipping, transporting or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, City of Washington, this 2nd day of September, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-2679; Filed, September 2, 1937; 12:39 p. m.]

[1] These regulations shall not apply to (1) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (2) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (3) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of one and one-tenth gallons each; or (4) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol, or for livestock feed, or for the production of livestock feed.

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### Farm Security Administration

[Memorandum No. 732]

CHANGE OF OFFICIAL NAME OF RESETTLEMENT ADMINISTRATION TO FARM SECURITY ADMINISTRATION

Pursuant to the authority delegated to me in Executive Order No. 7530,[1] dated December 31, 1936, as amended by Executive Order No. 7557[2] of February 19, 1937, and supplemented by Executive Order No. 7649[3] of June 29, 1937, it is hereby ordered as follows:

1. In view of the fact that the Administration established by me in the Department of Agriculture under the foregoing Executive Orders, as the "Resettlement Administration", is now carrying out a program which involves resettlement activities only as a minor part of its functions, the name of said Administration is hereby changed, effective September 1, 1937, to "Farm Security Administration." The Administrator of the Resettlement Administration shall continue to perform the same functions and be subject to the same limitations as have heretofore been prescribed, but shall, pursuant to the foregoing change, be hereafter known as the "Administrator of the Farm Security Administration."

[1] 2. F. R. 7.
[2] 2 F. R. 343.
[3] 2 F. R. 1136.



2. In addition to the functions heretofore vested in it under said Executive Orders, the Administrator of said Administration shall further perform such of the functions vested in me under Titles I and II, and related sections of Title IV, of the Bankhead-Jones Farm Tenant Act, as may from time to time be hereafter prescribed.

[SEAL] H. A. WALLACE, *Secretary.*

September 1, 1937.

[F. R. Doc. 37-2676; Filed, September 1, 1937; 4:30 p. m.]

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## FARM CREDIT ADMINISTRATION.

[FCA 60]

LOST, STOLEN, DESTROYED, MUTILATED OR DEFACED DEBENTURES

Chapter IV of the compilation of rules and regulations of the Farm Credit Administration, filed with the Administrative Committee of the Federal Register on December 31, 1935, is hereby amended by adding thereto a new section designated as section 804, as follows:

(*a*) *Authorization for relief.*—Whenever a debenture issued by an individual Federal intermediate credit bank, or a consolidated debenture, is lost, stolen, destroyed, or so mutilated or defaced as to impair its value to the owner, the Intermediate Credit Commissioner may authorize the issuance of a new debenture in lieu thereof upon the owner's compliance with the following requirements:

(*b*) *Application.*—In the event of the loss, theft, destruction, mutilation or defacement of a debenture issued by a Federal intermediate credit bank, or a consolidated debenture, the owner or his authorized representative, to protect his interest, should immediately file an application with the Intermediate Credit Commissioner for the issuance of another debenture in lieu thereof. Such application must be filed within a reasonable time after the loss, theft, destruction, mutilation or defacement is discovered.

(c) *Affidavit of loss.*—The owner of the debenture which has been lost, stolen, mutilated, or destroyed, or his authorized representative, shall furnish to the Intermediate Credit Commissioner his affidavit, duly acknowledged before a notary public or other officer authorized by law to administer oaths, setting forth:

(1) That he is the lawful owner (or authorized representative of the owner) of such debenture, and that he is legally entitled to its possession;

(2) A complete identification of such debenture, including serial number, date of issue, face amount, date of maturity, and interest rate;

(3) A detailed statement of the circumstances surrounding the loss, theft, destruction, mutilation or defacement of such debenture;

(4) A statement that the affidavit is made for the purpose of obtaining a new debenture, and an undertaking that, should the original debenture come into possession or control of the deponent, he will immediately surrender it to the Farm Credit Administration.

(*d*) *Bond of indemnity.*—

(1) The owner of a lost, stolen, or destroyed debenture or his authorized representative, shall also furnish to the Intermediate Credit Commissioner a bond of indemnity in a penal amount equal to the sum of the principal and interest to maturity of the said debenture, plus 10 per cent, with corporate surety satisfactory to the Intermediate Credit Commissioner, with conditions to indemnify and save harmless the Farm Credit Administration and any and all Federal intermediate credit banks and officers, employees and representatives thereof, of and from all liability, loss, claims or demands, arising in any manner by reason or on account of the debenture for which the issuance of another is requested.

(2) The owner of a mutilated or defaced debenture, or his authorized representative, shall, before another debenture is issued in lieu thereof, surrender such debenture or as much thereof as remains, to the Intermediate Credit Commissioner, and shall, if required by him, also furnish him a bond of indemnity in a penal sum satisfactory to the Intermediate Credit Commissioner, with corporate surety and conditions as above stated.

(3) A bond of indemnity which is otherwise satisfactory will be accepted if the corporation which is surety thereon holds a certificate from the Secretary of the Treasury as being acceptable on surety bonds. A list of such corporations (Section of Surety Bonds Form #356) may be obtained from the United States Treasury.

(*e*) *Additional evidence of loss.*—The owner of a lost, stolen, mutilated, or destroyed debenture, or his authorized representative, shall also furnish such other and further evidence relating to the loss, theft, destruction, mutilation or defacement of the debenture for which a new debenture is requested, as may be required by the Intermediate Credit Commissioner in any specific case.

(*f*) *Recovery of debenture reported lost, stolen, or destroyed.*—If a debenture reported lost, stolen, or destroyed is recovered by the owner, or his authorized representative, prior to the issuance of a new debenture in lieu thereof, the Intermediate Credit Commissioner should be notified immediately, whereupon the application for the issuance of the new debenture will be cancelled, and any bond and affidavits relative thereto will be returned to the owner, or his authorized representative. If the original debenture is recovered by the owner, or his authorized representative, after a new debenture in lieu thereof has been issued, the said original shall be returned to the Intermediate Credit Commissioner for cancellation.

(*g*) *Immaterial mutilation or defacement.*—Where a mutilation or defacement of a debenture is so slight that the debenture may be identified fully, and the missing fragments could not by any possibility form the basis of a claim against the Farm Credit Administration or any Federal intermediate credit bank, the Intermediate Credit Commissioner, upon application therefor, and the surrender of the defaced or mutilated debenture, may authorize the issuance of a new debenture in lieu thereof without requiring an affidavit or indemnity bond, or such debenture may be accepted and paid, at maturity, as if no mutilation or defacement had occurred.

[SEAL] F. F. HILL, *Acting Governor.*

[F. R. Doc. 37-2678; Filed, September 2, 1937; 12:08 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 23-B]

AMENDMENT TO ORDER NO. 23-A REQUIRING REPORTS TO BE FILED BY NOVEMBER 10, 1937, BY EVERY COMMON CARRIER CONCERNING AMOUNT OF TRAFFIC FOR THE SEVERAL CLASSIFICATIONS OF MESSAGES

The Telegraph Division at a special meeting held August 27, 1937, adopted the following Order:

The Telegraph Division having under consideration its Order No. 23-A:

*It is ordered*, That, effective immediately, Telegraph Division Order No. 23-A be and is hereby amended as follows:

The dates in the last line of the third paragraph stated as—

September 2, 7, 11, 12, 15, 20 and 24, 1937.

shall be and are hereby amended to read as follows.

September 3, 9, 13, 14, 22, 25, and 26, 1937.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2677; Filed, September 2, 1937; 9:52 a. m.]

*Saturday, September 4, 1937* *No. 172*

## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

COLORADO GRAZING DISTRICT NO. 2 PARTIALLY REVOKED

JULY 2, 1937.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that Department order of April 8, 1935, as modified by order of August 29, 1935, establishing Colorado Grazing District No. 2, under and pursuant to the provisions of the Act of June 28, 1934 (48 Stat. 1269), be revoked in so far as the following described lands are affected, and said land (excepting any title to which has passed out of the United States) be withdrawn from public entry under the first form withdrawal, as provided in Sec. 3, Act of June 17, 1902 (32 Stat. 388).

COLORADO-BIG THOMPSON PROJECT, COLORADO
SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 75 W.,
Sec. 31, N½, SW¼, and N½SE¼;
T. 1 N., R. 76 W.,
Sec. 1, E½, N½NW¼, and SW¼NW¼;
Sec. 2, N½ and S½SW¼;
Sec. 3, NE¼NE¼, S½NE¼, SE¼NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 4, N½NE¼, SW¼NE¼, and N½NW¼;
Sec. 5, N½SE¼ and SE¼SE¼;
Sec. 6, SW¼NW¼;
Sec. 7, NW¼NE¼, SE¼NE¼, S½SW¼, and SW¼SE¼;
Sec. 8, NE¼, W½NW¼, N½SE¼, and SE¼SE¼;
Sec. 9, S½NE¼, W½NW¼, W½SW¼, SE¼SW¼, and SE¼;
Sec. 10, NE¼NE¼, W½NW¼, SW¼, and S½SE¼;
Sec. 11, S½NE¼, NW¼, NE¼SW¼, and N½SE¼;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, NE¼, SW¼SW¼, and E½SE¼;
Sec. 16, all;
Sec. 17, E½NE¼, N½NW¼, E½SW¼, and SE¼;
Sec. 18, NW¼NE¼, NE¼NW¼, W½NW¼, and NE¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 22, E½NE¼ and W½NW¼;
Sec. 23, E½ and NW¼;
Sec. 24, all;
Sec. 25, all;
Sec. 26, E½NE¼, NW¼NE¼, NW¼SW¼, SE¼SW¼, and NE¼SE¼;
Sec. 27, NE¼;
Sec. 31, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 32, NW¼SE¼;
Sec. 33, NE¼NE¼;
Sec. 35, SW¼NW¼ and NW¼SW¼;
Sec. 36, all;
T. 1 S., R. 75 W.,
Sec. 10, NW¼NW¼SE¼; W½NE¼NW¼SE¼; N½SW¼-NW¼SE¼; and NW¼SE¼NW¼SE¼;
Sec. 15, E½SE¼;
Sec. 16, all;
Sec. 33, NE¼NE¼;
T. 1 S., R. 76 W.,
Sec. 8, N½SW¼ and W½SE¼;
Sec. 16, all;
Sec. 17, SW¼;
Sec. 18, SE¼SW¼;
Sec. 20, N½NW¼, SW¼NW¼, and NW¼SE¼;
Sec. 21, NW¼SW¼;
Sec. 31, NE¼SW¼, S½SW¼, and W½SE¼;
T. 1 S., R. 77 W.,
Sec. 1, lots 3, 4, and 7;
Sec. 12, SE¼SE¼;
Sec. 35, E½SE¼
Sec. 36, all;

Respectfully,

JOHN C. PAGE, *Commissioner.*

I concur.

JULIAN TERRITT.
*Acting Director, Division of Grazing.*

August 20, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-2682; Filed, September 3, 1937; 1:28 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3221]

IN THE MATTER OF UNITED BUYERS CORPORATION, ARTHUR E. KOENIGER, INDIVIDUALLY AND AS PRESIDENT AND AS ONE OF THE DIRECTORS OF UNITED BUYERS CORPORATION, ELI P. GALE, INDIVIDUALLY AND AS VICE-PRESIDENT IN CHARGE OF BUYING AND AS ONE OF THE DIRECTORS OF UNITED BUYERS CORPORATION, W. WENDELL CALDWELL, INDIVIDUALLY AND AS VICE-PRESIDENT IN CHARGE OF MERCHANDISING AND AS ONE OF THE DIRECTORS OF UNITED BUYERS CORPORATION, HELEN M. DRISCOLL, INDIVIDUALLY AND AS SECRETARY OF UNITED BUYERS CORPORATION, STELLA E. NORDLUND, INDIVIDUALLY AND AS TREASURER OF UNITED BUYERS CORPORATION, PAUL E. PAINTER, MILTON E. ROLFSMEYER, ALFRED M. COPPS, ELDON B. SMITH AND OLIVER J. LECKLIDER, AND EACH OF THEM, INDIVIDUALLY AND AS DIRECTORS OF UNITED BUYERS CORPORATION, H. P. LAU COMPANY, A CORPORATION, BLUFFTON GROCERY COMPANY, A CORPORATION, LIMA-KENTON GROCERY COMPANY, A CORPORATION, S. ZOLLINGER COMPANY, A CORPORATION, WILLIAM EDWARDS COMPANY, A CORPORATION, COPPS COMPANY, A CORPORATION, ALLISON-BEDFORD COMPANY, A CORPORATION, ANGELUS CAMPFIRE COMPANY, A CORPORATION, BLUE SEAL PRODUCTS COMPANY, A CORPORATION, BORDO PRODUCTS COMPANY, A CORPORATION, CHAMPION CHEMICAL WORKS, A CORPORATION, CUPPLES COMPANY, A CORPORATION, DEAN MILK COMPANY, A CORPORATION, J. B. INDERRIEDEN COMPANY, A CORPORATION, RESPONDENTS

### COMPLAINT

Pursuant to the provisions of an Act of Congress, approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", as amended by an Act of Congress, approved June 19, 1936, entitled "An Act to amend Section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C. Title 15, Section 13), and for other purposes", the Federal Trade Commission, having reason to believe that the respondents named above in the caption hereof and hereinafter more particularly designated and described, have violated and are now violating the provisions of Sub-Section (c) of Section 2 of said Act as amended, hereby issues its complaint against the said respondents, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, United Buyers Corporation, is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 111 West Washington Street, in the City of Chicago, State of Illinois.

PAR. 2. Respondents, Arthur E. Koeniger, of 530 Washington Boulevard, Oak Park, Illinois; Eli P. Gale, of 127 North Madison, Lagrange, Illinois; W. Wendell Caldwell, of 2310 Asbury Street, Evanston, Illinois; Helen M. Driscoll, of 5460 University Avenue, Chicago, Illinois; and Stella E. Nordlund, of 6326 North Talman Avenue, Chicago, Illinois, are the President, Vice-President in Charge of Buying, Vice-President in Charge of Merchandising, Secretary and Treasurer, respectively, of the respondent, United Buyers Corporation.

PAR. 3. Respondents, Arthur E. Koeniger, Eli P. Gale, Paul E. Painter, of the Bluffton Grocery Company, Bluffton, Indiana; Milton E. Rolfsmeyer, of H. P. Lau Company, Lincoln, Nebraska; Alfred M. Copps, of the Copps Company, Stevens Point, Wisc.; Eldon B. Smith, of the Lima-Kenton Grocery Company, Lima, Ohio; and Oliver J. Lecklider, of the S. Zollinger Company, Piqua, Ohio, and each of them, are members of the Board of Directors of United Buyers Corporation.

PAR. 4. Respondent, H. P. Lau Company, is a corporation organized and existing under and by virtue of the laws of the State of Nebraska, with an office and principal place of business located at 245 North Eighth Street, in the City of Lincoln, State of Nebraska. Respondent, Bluffton Grocery Company, is a corporation organized and existing under and by virtue of the laws of the State of Indiana, with an office and principal place of business in the city of Bluffton, State of Indiana. Respondent, Lima-Kenton Grocery Company is a corporation organized and existing under and by virtue of the laws of the State of Ohio, with an office and principal place of business at 311 East Market Street, in the City of Lima, State of Ohio. Respondent, S. Zollinger Company, is a corporation organized and existing under the laws of the State of Ohio, with an office and principal place of business at 101 South Wayne Street, in the City of Piqua, State of Ohio. Respondent, Copps Company, is a corporation having an office and principal place of business located at Stevens Point, Wisconsin. Respondent, Wm. Edwards Company, is a corporation organized and existing under and by virtue of the laws of the State of Ohio, with an office and principal place of business at 1300 West Ninth Street, in the City of Cleveland, State of Ohio.

Each of the said respondents in this paragraph hereinabove named are and for more than one year last past have been engaged in the business of buying in interstate commerce, commodities, particularly foodstuffs, groceries, and allied products from numerous and divers manufacturers, importers, and other sellers of such merchandise, including those parties respondent named in Paragraph Five hereof as "respondent sellers", located in states other than the states in which said buyer respondents are located, and in reselling such commodities and merchandise at wholesale to their respective retail customers.

Each of said respondents so engaged in the wholesale grocery business is a share-holding member of the respondent, United Buyers Corporation, the terms and arrangements of which membership are hereinafter more fully set out and described. They are named as parties respondent, both individually and as representative of a group or class of a large number of wholesale grocery concerns, each of whom is likewise a share-holding member in United Buyers Corporation, and all of whom are hereby made respondents without being individually named herein, because they constitute a class or group too numerous to be brought before the Commission in this proceeding without manifest inconvenience and delay. The respondents in this paragraph hereinabove named are fairly representative members of this group or class of wholesale grocery concerns, and they, and each of them, are now and for some time past have been engaged in practices similar to those hereinafter charged against the members of the class who are specifically named as respondents. All respondents of this class are hereinafter designated and referred to as "buyer respondents."

PAR. 5. Respondent, Allison-Bedford Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with an office and principal place of business located at 2309 South Keeler Avenue, Chicago, Illinois. Respondent, Angelus Campfire Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with an office and principal place of business located at 4800 West 66th Street, Chicago, Illinois. Respondent, Blue Seal Products Company is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with an office and principal place of business located at 3400 West 48th Street, Chicago, Illinois. Respondent, Bordo Products Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with an office and principal place of business located at 541 North Franklin Street, Chicago, Illinois. Respondent, Champion Chemical Works, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with an office and principal place of business located at 43 East Ohio Street, Chicago, Illinois. Respondent, Cupples Company, is a corporation organized and existing under and by virtue of the laws of the State of Missouri, with an office and principal place of business located at St. Louis, Missouri. Respondent, Dean Milk Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with an office and principal place of business located at 20 North Wacker Drive, Chicago, Illinois. Respondent, J. B. Inderrieden Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with an office and principal place of business located at 514 West Erie Street, Chicago, Illinois.

Said respondents, and each of them in this paragraph named, are, and for more than one year last past, have been engaged in the business of selling commodities, particularly foodstuffs, groceries, and allied products, to numerous and divers wholesalers, jobbers, merchants, and dealers, including the buyer respondents hereinabove, in Paragraph Four hereof, named, and which buyers are usually located in states other than the states in which said sellers are respectively located.

Said respondent sellers are fairly typical and representative members of a large group or class of manufacturers, processors, importers, and producers engaged in the common practice of selling a substantial portion of their commodities in interstate commerce to the said buyer respondents, who use the purchasing services of respondent United Buyers Corporation. Said group or class of sellers comprises a large number, to-wit: approximately 150 of such manufacturers, processors, importers, and producers, too numerous to be individually named herein as respondents or to be brought before the Commission in this proceeding without manifest inconvenience and delay, but each of whom has been and is engaged in practices similar to those hereinafter charged against those sellers herein specifically named as parties respondent. The respondents in this paragraph named are hereinafter designated and referred to as "respondent sellers."

PAR. 6. Respondent United Buyers Corporation is now, and since the time of its corporation and organization on or about March 27, 1931 has been, engaged in the business of providing market information and purchasing services for approximately 46 wholesale grocery concerns located in the several states of the United States, six of whom are specifically named and described herein as respondent buyers. Each respondent buyer owns five shares of stock in United Buyers Corporation, which shares are debited upon the corporate books pursuant to the understanding and agreement that such shares will be paid for out of accrued benefits and thereafter become the property of the member stockholder and listed as an added asset to its business. Five of the above mentioned six respondent buyers are directly represented on the Board of Directors of United Buyers Corporation.

In the course and conduct of its business aforesaid, said respondent receives orders to purchase commodities, particularly groceries and foodstuffs, from its various member stockholders or shareholders, consisting of the wholesale grocery houses and jobbers aforesaid, and transmits such orders to and executes the same with the aforesaid respondent sellers located in states of the United States other than the state in which such respondent buyers are located. As a result of the transmission of said orders by such buyers to respondent United Buyers Corporation, the execution of same by said respondent at the instance and request of said buyers, and the acceptance of said orders by said sellers, or one or more of them, goods, wares, and merchandise, particularly foodstuffs, are in the case of each order and in a continuous succession of such orders, sold or delivered by one or more of the said sellers to one or more of the said buyers. By such means and in the manner aforesaid, respondent United Buyers Corporation, acting for and in behalf of the said buyers respondents, and each of the other respondents, acting individually and in their respective capacities as set forth in the caption hereof, cause the above

named seller respondents to ship the said commodities, foodstuffs, groceries, and allied products from the state in which such merchandise was located at the time of sale into and through various other states of the United States directly to the said buyer respondents in the states of their respective locations as aforesaid. In the operations and activities referred to, respondents and each of them, are engaged in interstate commerce, in practices which contemplate and result in the transportation of commodities in interstate commerce, and in making purchases which directly affect and bring about such commerce.

The estimated volume of purchases for the year 1936 for the United Buyers Corporation was approximately $4,250,000.00, said purchases being made from the seller respondents. The estimated operating expense for the said year of the United Buyers Corporation was $90,000.00 In all of said transactions, respondent, United Buyers Corporation, and the other respondents herein named as officers and members of the Board of Directors of said United Buyers Corporation, and each of them, were in fact acting in behalf of and for the said respondent buyers.

In connection with its aforesaid purchasing service for its various share-holding members, United Buyers Corporation has caused to be organized various local groups of independent retail grocery stores who become affiliated, and cooperate with said respondent, and in many instances use respondent's name on their stores in approximately fourteen states of the United States, in the sale and distribution of foodstuffs and other commodities purchased from the respondent sellers herein named, and said United Buyers Corporation pursues a practice and policy of serving the various wholesale grocery concerns constituting its membership and shareholders through a trained staff of field men who attempt to, and do, increase the sales of such wholesalers to such retailers by instructing and assisting the said retailers in the use of combined advertising, uniform display posters, suggested store rearrangements, and various and sundry centralized sales plans, and in various other ways.

Prior to an amendment to its charter about July 24, 1936, United Buyers Corporation issued to each of its shareholding members aforesaid, a "Participating Certificate" reading as follows:

No.— $100.00

UNITED BUYERS CORPORATION

PARTICIPATING CERTIFICATE

*Non-Transferable*

This is to certify that ----------, hereinafter designated "Member", has paid $100.00 to the United Buyers Corporation (U. B. C.), and in consideration therefor is entitled to the services of such corporation upon the following conditions:

The U. B. C. agrees:

*1st.*—To act as purchasing agent for the Member and for others holding like participating certificates (all of such holders being designated as Members), and to combine the Members' requirements so as to secure the largest possible brokerage or commissions.

*2nd.*—To remit monthly as participating profits to Members an amount equal to all brokerages or commissions in excess of 1% (one per cent) which it receives on (and of) their individual purchases, except where the brokerage or commission is less than 2% (two per cent)—then ½ (one-half) of such brokerage or commission.

*3rd.*—To keep as strictly confidential all purchases for each Member—such records including brokerages or commissions will be available to the accredited representative of the Member at the offices of the U. B. C. at any time.

The *member* agrees:

A. To cooperate to the fullest possible extent by submitting to the U. B. C. specifications covering its requirements when so requested, in order that all the benefits of volume purchases may be obtained, it being understood that at no time will any purchases be made without the authority of Member.

B. To assist U. B. C. in increasing volume purchases when requested to do so by placing orders through U. B. C., even though prices are the same.

C. To keep and treat as strictly confidential any and all quotations, prices, brokerage or commissions secured by the U. B. C., and to refrain from stating or intimating that lower prices can be obtained through the U. B. C. as any such statement or intimation might cause cancellation of special allowances secured by the U. B. C.

It is mutually agreed that either the *Member* or the U. B. C. shall have the right to cancel this agreement upon thirty days written notice. If cancelled by either party within one year, the U. B. C. agrees to pay back to the holder of this Certificate $100.00 upon the surrender of same to the U. B. C.

Issued at Chicago, Ill., this -------- day of ----------, 19----.

UNITED BUYERS CORPORATION,

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*President.*

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*Secretary.*

Subsequent to such reorganization, respondent, United Buyers Corporation, pursued the practice of issuing to its said member shareholders, in lieu of the above "Participating Certificate", a "Stock Certificate" providing for the payment of dividends, as follows:

The interest of shareholder represented by this certificate is subordinate and subject to any and all indebtednesses of the stockholder of the corporation and shall not be transferable until such indebtedness shall be paid and is expressly subject to By-Law No. 55 of said corporation which By-Law provides the terms under which stock of the corporation may be called in and canceled.

The directors shall have power to declare and pay dividends on the shares of the capital stock of the corporation out of the new assets in excess of capital or out of the net profits as permitted by law, but no dividend shall be paid on the shares of the capital stock of the corporation in any year in excess of Six Dollars ($6.00) per share. Reasonable reserves as determined by the Board of Directors may be set aside from year to year. After setting aside such reserves and paying any such dividends as may be declared by the Board of Directors in any year, the remainder of the net assets in excess of capital or the net profits, available for dividends, shall be distributed by the Board of Directors to the members of the corporation on a patronage basis in proportion to their purchases, sales or services from, to or through this corporation.

PAR. 7. In the course and conduct of the commerce hereinabove described, the respondent sellers herein named pay or grant, and have paid or granted, to respondent, United Buyers Corporation, and respondent, United Buyers Corporation and the individual respondents herein named in their individual capacities, and as corporate officers and members of the Board of Directors of the United Buyers Corporation, and each of them, while acting in fact as intermediary for and on behalf of the respondent buyers in the transmittal and execution of the aforesaid buying orders, does receive and has received and accepted commissions, brokerage fees and other compensations and allowances or discounts in lieu thereof, varying from one to ten per cent of the quoted sale price agreed upon between buyer and seller, on the foodstuffs, groceries, and allied products so purchased, depending upon the nature of the products involved. Under the circumstances as hereinabove set out, no services connected with the transactions of sale and purchase of the merchandise sold to the said respondent buyers on which such brokerage fees, commissions, compensations, or discounts, or allowances in lieu thereof, were and are being paid to the said United Buyers Corporation, either have been or are being rendered to the sellers by respondent, United Buyers Corporation. Furthermore, such fees, commissions, and allowances or discounts so paid and received are passed on to the respondent buyers in the form of dividends upon the aforesaid shares of stock and in the form of patronage dividends, in accordance with the provisions of the aforesaid stock certificate agreement, in the form of services rendered by United Buyers Corporation to the retail customers of said respondent buyers as aforesaid, and in the operating maintenance and overhead expenses of the United Buyers Corporation.

PAR. 8. The payment by respondent sellers of commissions, brokerage fees, and other compensations or allowances and discounts in lieu thereof to the United Buyers Corporation, and the acts and practices of the individual respondents, acting in their individual capacities and as officers and members of the Board of Directors, and as representatives of the member stockholders and shareholders in the United Buyers Corporation in promoting such receipt, and the receipt and the ultimate acceptance of the ensuing benefits therefrom by the respondent buyers, all in the manner and form hereinabove set forth, are in violation of the provisions of Section 2, subsection (c) of the Act described in the preamble hereof. The receipt and acceptances of said brokerage fees, commissions, and other compensations in lieu thereof by the United Buyers Corporation, and the transmission and payment of same by said respondent to its member shareholders or stockholders constituting the group or class of respondent buyers, in the manner and form hereinabove set forth, are likewise in violation of the terms of said statute.

*Wherefore, the premises considered,* The Federal Trade Commission, on the 31st day of August, A. D. 1937, now issues its complaint against said respondents, stating its charges in that respect as hereinabove set out.

NOTICE

Notice is hereby given you, and each of you, the respondents named in the caption of the above complaint, that the 8th day of October, A. D. 1937, at 2:00 o'clock in the afternoon is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violation of the law charged in the complaint.

You are notified and required on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a short and simple statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided or failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further hearing or notice to respondent, to proceed in regular course on the charges set forth in the complaint, and to make, enter, issue and serve upon respondent findings of fact and an order to cease and desist.

If respondent desires to waive hearing on the charges set forth in the complaint and not to contest the proceeding, the answer may consist of a statement that respondent admits all the material allegations of the complaint to be true. Any such answer shall be deemed to waive a hearing thereon, and to authorize the Commission, without trial and without further evidence, or other intervening procedure to make, enter, issue, and serve upon respondent:

(a) In cases arising under Section 5 of the act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes" (the Federal Trade Commission Act), or under sections 2 and 3 of the act of Congress approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act), or under section 2 of the aforesaid Clayton Act as amended by "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes", approved June 19, 1936 (the Robinson-Patman Act), findings of fact and an order to cease and desist from the violations of law charged in the complaint.

*In witness whereof,* The Federal Trade Commission has caused this, its complaint to be signed by its Secretary, and its official seal to be hereto affixed at Washington, D. C., this 31st day of August, A. D. 1937.

By the Commission.

[SEAL] C. G. DUGANNE, *Acting Secretary.*

[F. R. Doc. 37-2683; Filed, September 3, 1937; 2:51 p. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of September, A. D. 1937.

[File No. 46-71]

IN THE MATTER OF ILLINOIS IOWA POWER COMPANY

[Section 10 of Public Utility Holding Company Act of 1935]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Illinois Iowa Power Company, a subsidiary of Illinois Traction Company, a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of 250,000 shares of $100 par value common stock and $10,889,000 principal amount of First and Refunding Mortgage Bonds, 4% Series, due January 1, 1967, to be issued by Illinois Terminal Railroad Company, and for approval of its subsequent acquisition from time to time of not more than $4,111,000 additional principal amount of similar mortgage bonds. The issuer of such stock and bonds is a new corporation to be created in the course of consolidating several railroad subsidiary companies of the applicant. In exchange for the securities presently to be acquired, the applicant is to convey to the new company the McKinley Bridge properties and also to surrender all the stock and other securities which it now owns of the companies that are being consolidated. The applicant owns all the outstanding securities of such companies except $4,111,000 principal amount of underlying bonds. The additional $4,111,000 of bonds of the new company covered by this application are to be acquired from time to time to supply the new railroad company with funds with which to retire such underlying bonds.

*It is ordered,* That a hearing on such matter be held on September 22, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 17, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2681; Filed, September 3, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of September, A. D. 1937.

[File Nos. 46-69 and 46-70]

IN THE MATTER OF THE APPLICATIONS OF UTILITIES POWER & LIGHT CORPORATION LIMITED

NOTICE OF AND ORDER FOR HEARING

Utilities Power & Light Corporation Limited, a wholly owned subsidiary of Utilities Power & Light Corporation, which is a registered holding company, has filed with this Commission an application (File No. 46-69), pursuant to the Public Utility Holding Company Act of 1935, wherein the applicant asks for an order of exemption pursuant to Section 9 (c) (3) of said Act or in the alternative an order of approval pursuant to Section 10 (a) (1) thereof with respect to the acquisition by the applicant by purchases for cash from time to time on the open market through brokers on national exchanges, as such purchases are ordinarily made, of Thirty-Year 5% Gold Debentures due February 1, 1959 and Twenty-Year Gold Debentures 5½% due June 1, 1947 of said Utilities Power & Light Corporation (being the company of which the applicant is a subsidiary as aforesaid) to the extent of the expenditure by the applicant of not more than $3,000,000.

Said Utilities Power & Light Corporation Limited has also filed with this Commission an application (File No. 46-70), pursuant to said Act, wherein the applicant asks for an order of exemption pursuant to said Section 9 (c) (3) thereof or in the alternative an order of approval pursuant to said Section 10 (a) (1) thereof with respect to the acquisition by the applicant by purchases for cash from time to time on the open market through brokers on national exchanges and by over-the-counter transactions in the cases of unlisted securities, as such purchases are ordinarily made, of the following securities of the following associated companies, to the extent of the expenditure by the applicant of not more than $3,000,000:

*Central States Power & Light Corporation*

First Mortgage and First Lien Gold Bonds, 5½% Series, due January 1, 1953.

*Interstate Power Company*

First Mortgage Gold Bonds, 5% Series, due January 1, 1957.

*The Laclede Gas Light Company*

First Mortgage Collateral and Refunding 5½% Gold Bonds:

Series "C," due February 1, 1953.
Series "D," due February 1, 1960.

Ten-Year 5½% Gold Notes, due August 1, 1953.

Refunding and Extension Mortgage 5% Gold Bonds, due April 1, 1934.

Collateral Trust 6% Notes:

Series "A," due August 1, 1942.
Series "B," due August 1, 1942.

Common Stock, par value $100.

*Utilities Elkhorn Coal Company*

6% 20-Year First Mortgage Sinking Fund Gold Bonds, due July 1, 1948.

*Derby Gas & Electric Corporation*

$7 Dividend Series Cumulative Preferred Stock, and $6.50 Dividend Series Cumulative Preferred Stock.

And it appearing to the Commission that these applications should be heard and considered together:

*It is ordered*, That a hearing on said applications and any amendments thereto be held on September 22, 1937, at 10:00 o'clock in the forenoon of that day at Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 17, 1937.

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2680; Filed September 3, 1937; 12:47 p. m.]

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*Wednesday, September 8, 1937* *No. 173*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

LIMITING THE IMPORTATION OF RED CEDAR SHINGLES FROM CANADA DURING THE LAST SIX MONTHS OF 1937

WHEREAS Executive Order No. 7575[1] of March 13, 1937, issued under and pursuant to section 811 of the Revenue Act of 1936 (49 Stat. 1746), limited the quantity of red cedar shingles imported from Canada which might be admitted to entry during the first six months of the calendar year 1937 to 1,048,262 squares, the equivalent of 25 per centum of the combined total of the shipments of red cedar shingles by producers in the United States and the imports of such shingles from Canada for the last six months of the calendar year 1936; and

WHEREAS the said section 811 of the Revenue Act of 1936 requires that the President shall issue a new order for each succeeding half-calendar year during the life of the reciprocal trade agreement entered into with the Dominion of Canada under date of November 15, 1935, limiting the imports of red cedar shingles from Canada for such half-calendar year to 25 per centum of the combined total of such shipments and imports of red cedar shingles for the preceding half-calendar year; and

WHEREAS I find from available statistics that the combined total of such shipments and imports of red cedar shingles during the first half of the calendar year 1937 is 3,569,492 squares:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the aforesaid section 811 of the Revenue Act of 1936 it is hereby ordered that the quantity of red cedar shingles imported from Canada which may

[1] 2 F.R. 531.



be admitted to entry during the last six months of the calendar year 1937 shall be limited to 892,373 squares.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 3, 1937.*

[No. 7701]

[F. R. Doc. 37-2691; Filed, September 4, 1937; 11:18 a. m.]

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## DEPARTMENT OF STATE.

SUPPLEMENT TO THE PAMPHLET INTERNATIONAL TRAFFIC IN ARMS—LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR.

PART IX. REGULATIONS GOVERNING THE EXPORTATION OF HELIUM GAS

SEPTEMBER 3, 1937.

Section 3 of the Act of September 1, 1937 (Public No. 411—75th Congress—First Session), entitled "AN ACT Authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes", provides in part as follows:

(b) That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific, and commercial use, except that helium may be sold for the inflation of only such airships as operate in or between the United States and its Territories and possessions, or between the United States or its territories and possessions and foreign countries: *Provided*, That no helium shall be sold for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States: * * *.

Section 4 of the Act provides as follows:

SEC. 4. No helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State, and a license authorizing said exportation has been obtained from him on the joint recommendation of all of the members of the National Munitions Control Board and the Secretary of the Interior: *Provided*, That, under regulations governing exportation of helium approved by the National Munitions Control Board and the Secretary of the Interior, export shipments of quantities of helium that are not of military importance as defined in said regulations, and which do not exceed a maximum to be specified therein, may be made under license granted by the Secretary of State without such specific recommendation. Such regulations shall not permit accumulations of helium in quantities of military importance in any foreign country, nor the exportation of helium to countries named in proclamations of the President issued pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (Public Resolution Numbered 27 of the Seventy-fifth Congress) while such proclamations are in effect, and shall require exporters to submit a sworn statement to the Secretary of State showing the quantity, destination, consignee, and intended use of each proposed exportation.

Any person violating any of the provisions of this section or of the regulations made pursuant hereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

The National Munitions Control Board shall include in its Annual Report to the Congress full information concerning the licenses issued hereunder, together with such information and data collected by the Board as may be considered of value in the determination of questions related to the exportation of helium gas.

Under the authority of the aforementioned provisions of law and in pursuance thereof, the Secretary of State hereby prescribes and promulgates, with the approval of the National Munitions Control Board and the Secretary of the Interior, the following regulations governing the export of helium gas:

(1) Wherever the word helium is used in these regulations, it shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The expression "contained helium" means the actual quantity of the element, helium, (i. e. 100% pure helium) present in a mixture of helium and other gases. Purity determinations shall be made by usually recognized methods.

(2) Applications for license to export helium gas shall be submitted to the Secretary of State on forms similar to that printed below, copies of which will be furnished by the Secretary of State on request. Each application must be signed and sworn to in the presence of a notary public before it is transmitted to the Secretary of State. All applications must be submitted in duplicate.

Department of State

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO EXPORT HELIUM GAS

(Application to be made in duplicate)

(Insert here name of country of destination) _____ (For official use only) _____

General Instructions

(a) One duplicate application should be made for each complete shipment to any one consignee.
(b) Applications should be typewritten, with the exception of signature which should be written in ink.
(c) Where exact number of containers, weight and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
(d) Shipments should be described in terms of cubic feet.
(e) Applications not executed under oath, unsigned applications, and applications which omit essential information requested in the numbered spaces will be returned.
(f) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.
(g) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

Washington, D. C. (1) Date of application _____
Department of State, (2) Applicant's reference No. _____

The undersigned hereby applies for license to export the commodity described above and swears to (affirms) the truth of all statements and answers herein set forth.

(3) Name of applicant _____
Address _____

(4) Consignee in foreign country:
Name _____ Nationality _____
Address:
Street _____ State or Province _____
City _____ Country _____

(5) Purchaser in foreign country:
Name _____ Nationality _____
Address:
Street _____ State or Province _____
City _____ Country _____

| (6) Quantity of helium gas to be exported | (7) Number and type of containers | (8) Approximate weight | (9) Approximate value |
|---|---|---|---|
| (100% helium at 14.7 pounds; 70° F.) | | | |

(10) State fully the specific purpose for which the helium gas is required:
_____
_____
_____

(11) License to be sent to: Name _____ Address: Street _____ City _____ State _____

(12) Consignor in United States: Name _____ Nationality _____ Address: Street _____ City _____ State _____

_____
(Signature of applicant)

(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Subscribed and sworn to before me at _____ this _____ day of _____, 19____.

[SEAL] _____
(Notary Public)

If partial shipments are made on this license, endorsements by the collectors of customs will be made below.

| Quantity | Number of containers | Value | Port of exit | Date | Name of officer |
|---|---|---|---|---|---|
| | | | | | |

License is hereby granted to the applicant named herein to export from the United States of America to ---------- the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is subject to revocation without notice.

Shipment must be made from port of exit before the date of expiration indicated on the face hereof.

Date of license ----------
(For official use only)

(When countersigned and impressed with the seal of the Department of State, this application becomes a license)

For the Secretary of State:

By ----------
(For official use only)

(3) Licenses authorizing export shipments of helium gas for medical, scientific, and commercial use other than aeronautical operations will be issued by the Secretary of State for quantities not to exceed, during any one year, to one ultimate consignee or purchaser, 20,000 cubic feet, and not exceeding, during any one year, to the consignees or purchasers within any one country, 500,000 cubic feet. Applications for license to export helium gas in excess of the quantities stated herein, for purposes other than aeronautical operations, will not be granted by the Secretary of State without the unanimous recommendation of the members of the National Munitions Control Board and the Secretary of the Interior.

(4) All applications for license to export helium gas shall be accompanied by evidence to show that reasonable safeguards have been adopted to insure that there shall be no unnecessary waste of the helium gas desired.

(5) Succeeding applications for license to export helium gas shall be accompanied by information indicating the manner of disposal of the helium gas obtained under licenses preceding that applied for.

(6) Licenses authorizing the exportation of helium gas for use in commercial or scientific aircraft operations and in quantities considered by the National Munitions Control Board and the Secretary of the Interior not to be of military importance will be issued by the Secretary of State under allotments to exporters which, on the joint recommendation of the Board and the Secretary of the Interior, will be granted for a period of not to exceed one year.

(7) Requests for allotments under paragraph (6) hereof shall be submitted to the Secretary of State in the form of an affidavit, subscribed and sworn to before a notary public. Such requests shall identify and describe the aircraft for use in which the helium gas is intended and shall include, for the consideration of the National Munitions Control Board and the Secretary of the Interior, full information in regard to the proposed schedule of operations of the aircraft for the period to which the allotments are to apply. Requests for allotments shall also be accompanied by evidence showing that reasonable safeguards have been adopted to insure that there shall be no unnecessary waste of the helium gas desired and evidence to rebut the presumption that the quantity stated therein should be considered of military importance. An estimate of the rate at which the hellum gas is to be exported shall be included in all requests for allotments.

(8) Succeeding requests for allotments under paragraphs (6) and (7) hereof shall indicate the manner of disposal of the helium gas obtained under the allotment preceding that requested.

(9) Applications for license to export helium gas under allotments in accordance with the provisions of paragraphs (6) and (7) hereof shall be made to the Secretary of State and shall include information which will adequately identify the aircraft for use in which the helium gas is intended. Such identification shall be the same as that used in the request for the allotment under which application is being made.

(10) Helium gas leaving the United States when used for or intended for the inflation of an aircraft will not be considered as exported within the meaning of Section 4 of the Act when it is the intention of the owner of the aircraft that it shall remain under American registry and shall be commanded by a duly certified United States airman during the entire period of its sojourn abroad, and when there is no intention on the part of the owner of the aircraft to dispose of the helium gas in any foreign country.

(11) The shipper's export declaration (Customs form 7525) or such other document as the Bureau of Customs may require must contain the same information in regard to the quantity and value of the helium gas as that which appears on the application for license.

(12) Export licenses and export declarations, or other documents required by the Bureau of Customs, concerning helium gas must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the helium gas.

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 37-2684; Filed, September 4, 1937; 9:33 a. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49141]

AIRPORTS OF ENTRY

CERTAIN AIRPORTS DESIGNATED AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named airports are hereby designated as airports of entry for the landing of aircraft from foreign countries effective September 4, 1937:

Duluth Municipal Airport, Duluth, Minnesota.
Duluth Boat Club Seaplane Base, Duluth, Minnesota.

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved August 31, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2695; Filed, September 4, 1937; 12:12 p. m.]

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### Bureau of Narcotics.

[T. D. 28]

ORDER OF THE SECRETARY OF THE TREASURY RELATING TO THE ENFORCEMENT OF THE MARIHUANA TAX ACT OF 1937.

SEPTEMBER 1, 1937

Section 14 of the Marihuana Tax Act of 1937 (Act of Congress approved August 2, 1937, Public No. 238), provides as follows:

The Secretary is authorized to make, prescribe, and publish all necessary rules and regulations for carrying out the provisions of this Act and to confer or impose any of the rights, privileges, powers, and duties conferred or imposed upon him by this Act upon such officers or employees of the Treasury Department as he shall designate or appoint.

In pursuance of the authority thus conferred upon the Secretary of the Treasury, it is hereby ordered:

I. RIGHTS, PRIVILEGES, POWERS AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF NARCOTICS

1. There are hereby conferred and imposed upon the Commissioner of Narcotics, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers and duties conferred or imposed upon said Secretary by the Marihuana Tax Act of 1937, so far as such rights, privileges, powers and duties relate to—

(a) Prescribing regulations, with the approval of the Secretary, as to the manner in which the right of public officers to exemption from registration and payment of special tax may be evidenced, in accordance with Sec. 3 (b) of the Act.

(b) Prescribing the form of written order required by Sec. 6 (a) of the Act, said form to be prepared and issued in blank by the Commissioner of Internal Revenue as hereinafter provided.

(c) Prescribing regulations, with the approval of the Secretary, giving effect to the exceptions, specified in subsection (b), from the operation of subsection (a) of Section 6 of the Act.

(d) The destruction of marihuana confiscated by and forfeited to the United States, or delivery of such marihuana to any department, bureau, or other agency of the United States Government, and prescribing regulations, with the approval of the Secretary, governing the manner of application for, and delivery of such marihuana.

(e) Prescribing rules and regulations, with the approval of the Secretary, as to books and records to be kept, and statements and information returns to be rendered under oath, as required by Sec. 10 (a) of the Act.

(f) The compromise of any criminal liability (except as relates to delinquency in registration and delinquency in payment of tax) arising under the Act, in accordance with section 3229 of the Revised Statutes of the United States (U. S. Code (1934 Ed.) title 26, sec. 1661), and the recommendation for assessment of civil liability for internal revenue taxes and ad valorem penalties under the Act.

II. RIGHTS, PRIVILEGES, POWERS AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF INTERNAL REVENUE

1. There are hereby conferred and imposed upon the Commissioner of Internal Revenue, subject to the general supervision and direction of the Secretary of the Treasury, the rights, privileges, powers and duties conferred or imposed upon said Secretary by the Marihuana Tax Act of 1937, not otherwise assigned herein, so far as such rights, privileges, powers and duties relate to—

(a) Preparation and issuance in blank to Collectors of Internal Revenue of the written orders, in the form prescribed by the Commissioner of Narcotics, required by Sec. 6 (a) of the Act. The price of the order form, as sold by the Collector under Sec. 6 (c) of the Act shall be two cents for the original and one copy.

(b) Providing appropriate stamps to represent payment of transfer tax levied by Sec. 7, and prescribing and providing appropriate stamps for issuance to special tax payers registering under Sec. 2 of the Act.

(c) The compromise of any civil liability involving delinquency in registration, delinquency in payment of tax, and ad valorem penalties, and of any criminal liability incurred through delinquency in registration and delinquency in payment of tax, in connection with the Act and in accordance with Section 3229 of the Revised Statutes of the United States (U. S. Code (1934 Ed.) title 26, sec. 1661); the determination of liability for and the assessment and collection of special and transfer taxes imposed by the Act; the determination of liability for and the assessment and collection of the ad valorem penalties imposed by Sec. 3176 of the Revised Statutes, as modified by Sec. 406 of the Revenue Act of 1935 (U. S. Code (1934 Ed.) title 26, secs. 1512–1525), for delinquency in registration; and the determination of liability for and the assertion of the specific penalty imposed by the Act, for delinquency in registration and payment of tax.

GENERAL PROVISIONS

The investigation and the detection, and presentation to prosecuting officers of evidence, of violations of the Marihuana Tax Act of 1937, shall be the duty of the Commissioner of Narcotics and the assistants, agents, inspectors or employees under his direction. Except as specifically inconsistent with the terms of said Act and of this order, the Commissioner of Narcotics and the Commissioner of Internal Revenue and the assistants, agents, inspectors or employees of the Bureau of Narcotics and the Bureau of Internal Revenue, respectively, shall have the same powers and duties in safegarding the revenue thereunder as they now have with respect to the enforcement of, and collection of the revenue under, the Act of December 17, 1914, as amended. (U. S. Code (1934 Ed.) title 26, sec. 1049)

In any case where a general offer is made in compromise of civil and criminal liability ordinarily compromisable hereunder by the Commissioner of Internal Revenue and of criminal liability ordinarily compromisable hereunder by the Commissioner of Narcotics, the case may be jointly compromisable by those officers, in accordance with Sec. 3229 of the Revised Statutes of the United States. (U. S. Code (1934 Ed.) title 26, sec. 1661)

Power is hereby conferred upon the Commissioner of Narcotics to prescribe such regulations as he may deem necessary for the execution of the functions imposed upon him or upon the officers or employees of the Bureau of Narcotics, but all regulations and changes in regulations shall be subject to the approval of the Secretary of the Treasury.

The Commissioner of Internal Revenue and the Commissioneer of Narcotics may, if they are of the opinion that the good of the service will be promoted thereby, prescribe regulations relating to internal revenue taxes where no violation of the Marihuana Tax Act of 1937 is involved, jointly, subject to the approval of the Secretary of the Treasury.

The right to amend or supplement this order or any provision thereof from time to time, or to revoke this order or any provision thereof at any time, is hereby reserved.

The effective date of this order shall be October 1, 1937, which is the effective date of the Marihuana Tax Act of 1937.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2694; Filed, September 4, 1937; 12:12 p. m.]

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### Public Debt Service.

[1937 Department Circular No. 578]

UNITED STATES OF AMERICA TREASURY NOTES

1¼ PERCENT SERIES E–1938 DUE DECEMBER 15, 1938; 2 PERCENT SERIES B–1942 DUE SEPTEMBER 15, 1942; BOTH SERIES DATED AND BEARING INTEREST FROM SEPTEMBER 15, 1937

SEPTEMBER 7, 1937.

*I. Offering of Notes*

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States in two series, designated 1¼ percent Treasury Notes of Series E–1938 and 2 percent Treasury Notes of Series B–1942 respectively, in payment of which only Treasury

Notes of Series A–1937, maturing September 15, 1937, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Notes of Series A–1937 tendered and accepted.

*II. Description of Notes*

1. The notes of Series E–1938 will be dated September 15, 1937, and will bear interest from that date at the rate of 1¼ percent per annum, payable on a semiannual basis on December 15, 1937, and on June 15 and December 15, 1938. They will mature December 15, 1938, and will not be subject to call for redemption prior to maturity.

2. The notes of Series B–1942 will be dated September 15, 1937, and will bear interest from that date at the rate of 2 percent per annum, payable semiannually on March 15 and September 15 in each year. They will mature September 15, 1942, and will not be subject to call for redemption prior to maturity.

3. The notes shall be exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes, or gift taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority.

4. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

5. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

6. Bearer notes with interest coupons attached will be issued in denominations of $100, $500, $1,000, $5,000, $10,000, and $100,000. The notes will not be issued in registered form.

*III. Subscription and allotment*

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

*IV. Payment*

1. Payment at par for notes allotted hereunder must be made or completed on or before September 15, 1937, or on later allotment, and may be made only in Treasury Notes of Series A–1937, maturing September 15, 1937, which will be accepted at par, and should accompany the subscription.

*V. General Provisions*

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 37–2697; Filed, September 7, 1937; 11:54 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL
COLORADO—BIG THOMPSON PROJECT, COLORADO

AUGUST 12, 1937.

*The Secretary of the Interior.*

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat., 1976) it is recommended that the following described lands be withdrawn from public entry under the first form as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

Colorado–Big Thompson project, Colorado
Sixth Principal Meridian,

T. 2 S., R. 80 W., Sec. 28, all

JOHN C. PAGE, *Commissioner.*

AUGUST 16, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

[SEAL] OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37–2686; Filed, September 4, 1937; 9:33 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

G. R.—A. A. A.—Series G, No. 1, Amend. No. 1
Issued September 7th, 1937.

AMENDMENT OF REGULATIONS GOVERNING MEDIATION AND ARBITRATION UNDER SECTION 3 OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

By virtue of the authority vested in the Secretary of Agriculture by section 3 (b) of the Agricultural Marketing Agreement Act of 1937 (Public Law No. 137, 75th Congress), approved June 3, 1937, I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish and give notice of the following amendments to General Regulations—A. A. A.—Series G, No. 1, such regulations, as amended, to be in force and effect from the date hereof until further amended or superseded by regulations hereinafter made by the Secretary of Agriculture:

Amend Article IV, section 405, by deleting paragraph B.

Amend Article IV, section 405, paragraph C to read as follows:

Parties to the dispute may appear in person or by duly accredited agents and may be represented by counsel.

Amend Article IV, Section 405, by changing paragraphs C, D, E, F, G, H, and I to paragraphs B, C, D, E, F, G, and H, respectively.

Amend Article IV, section 406, by deleting paragraph B and changing paragraphs C, D, E, F and G to paragraphs B, C, D, E and F, respectively.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in duplicate, in the city of Washington, District of Columbia, this 7th day of September, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–2698; Filed, September 7, 1937; 12:53 p. m.]



IR—B–101—Hawaii, Puerto Rico, and Alaska, Amendment 1
Issued September 7, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM

INSULAR REGION

*Amendment 1 to Insular Region Bulletins 101, Hawaii, Puerto Rico, and Alaska*

Deletion of Provisions With Respect to Designation of Recipient for Payment in the Case of Incompetent or Deceased Producers

Section 1 of Part II of Insular Region Bulletin 101—Hawaii, Section 1 of Part III of Insular Region Bulletin 101—Puerto Rico, and Section 1 of Part II of Insular Region Bulletin 101—Alaska are hereby amended by the deletion of the paragraph which reads:

In the event of death, disappearance, or incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance, or incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Done at Washington, D. C., this 7th day of Sept., 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–2699; Filed, September 7, 1937; 12:53 p. m.]

### Farm Security Administration.

[Memorandum No. 734]

DELEGATING AUTHORITY TO THE ADMINISTRATOR OF THE PUERTO RICO RECONSTRUCTION ADMINISTRATION FOR THE ADMINISTRATION OF LOANS, RELIEF AND RURAL REHABILITATION IN PUERTO RICO

SEPTEMBER 4, 1937.

Pursuant to the authority delegated to me in Executive Order No. 7530,[1] dated December 31, 1936, and Executive Order No. 7649,[2] of June 29, 1937, I hereby authorize the Administrator of the Puerto Rico Reconstruction Administration, or such person as he may designate to represent him in Puerto Rico, to perform all of the powers and functions vested in me under said Executive Orders with respect to the expenditure of funds allocated by the President under the Emergency Relief Appropriation Act of 1937 to the Resettlement Administration, Department of Agriculture, for loans, relief and rural rehabilitation for needy persons in Puerto Rico.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37–2692; Filed, September 4, 1937; 11:42 a. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

[Aeronautics Bulletin No. 7-E]

AIR COMMERCE REGULATIONS GOVERNING SCHEDULED OPERATION OF INTERSTATE AIR LINE SERVICES

[Edition of October 1, 1936]

AMENDMENT NO. 15

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (48 Stat. 1113), and the Act of June 19, 1934 (48 Stat. 1116), Section 2 of Chapter 3 of Aeronautics Bulletin No. 7–E is hereby amended by adding at the end thereof the following sub-paragraph:

*(A) Washington Airport, South Washington, Va.*—Landings or take-offs at the Washington Airport, South Washington, Virginia, by airline aircraft engaged in scheduled operations and having certificates for a gross weight of 15,000 pounds or more shall be subject to the following additional restrictions:

(1) No landing or take-off shall be made by any such aircraft except on the NNW-SSE (long) runway.

(2) No landing or take-off shall be made by any such aircraft on the NNW-SSE (long) runway if the cross-wind velocity component relative to such runway exceeds 10 miles per hour.

In determining whether the wind, with respect to its direction and velocity, is more or less than the cross-wind velocity component specified herein, the direction and velocity of the wind shall be that indicated, observed, and/or announced by means of a device or devices installed in the Control Tower on said airport.

Approved, to take effect September 7, 1937.

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 37–2693; Filed, September 4, 1937; 12:04 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Claude L. Draper, Basil Manly, John W. Scott

[Docket No. DI–135]

CAROLINA ALUMINUM COMPANY

ORDER REOPENING HEARING

SEPTEMBER 3, 1937.

The Commission having been informed by the Honorable R. Bruce Etheridge, Director of the Department of Conservation and Development for the State of North Carolina, that he has important evidence and that the Chief Engineer and other members of that Department have important evidence relative to the proposed Tuckertown development on the Yadkin River, North Carolina, referred to in Declaration of Intention filed by Carolina Aluminum Company under Section 23 (b) of the Federal Power Act, and Director Etheridge having tendered the services of his Department and staff for the presentation of such evidence; and

The Commission considering it desirable and proper that it have the benefit of all pertinent evidence which the State of North Carolina or other interested organizations or persons may desire to present in connection with the proposed Tuckertown development;

It is *ordered:*

That the hearing on the Declaration of Intention filed by Carolina Aluminum Company respecting its proposed Tuckertown project on the Yadkin River, DI–135, be reopened at 10 a. m. on Monday, September 13, 1937, in the Commission's hearing room at 1800 Pennsylvania Avenue, N. W., Washington, D. C., for the presentation of evidence by the State of North Carolina and all other interested organizations or persons.

Adopted by the Commission on September 2, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37–2685; Filed, September 4, 1937; 9:33 a. m.]

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT–5478]

APPLICATION OF IDAHO POWER COMPANY

ORDER SETTING HEARING

Upon application filed by Idaho Power Company, a corporation organized under the laws of the State of Maine and having its principal business office at 1220 Idaho Street,

[1] 2 F. R. 7.
[2] 2 F. R. 1136.

Boise, Idaho, for authorization of the issuance of $18,000,000 principal amount of that Company's First Mortgage Bonds, 3¾ per cent Series due 1967;

The Commission *orders:*

That a hearing on said application be held on September 22, 1937 at 10 a. m. in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on September 2, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2696; Filed, September 7, 1937; 9:48 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 129]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 28, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Ohio 8050B Union | $40,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2687; Filed September 4, 1937; 9:34 a. m.]

[Administrative Order No. 130]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 30, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| South Carolina 15 Aiken | $265,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2688; Filed, September 4, 1937; 9:34 a. m.]

[Administrative Order No. 131]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 31, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Georgia 8065W Irwin | $20,000 |
| Maine 8002W Penobscot | 10,000 |
| Michigan 8029 Ontonagon | 150,000 |
| Michigan 8033 Charlevoix (partial) | 250,000 |
| Minnesota 8001W Kanabec | 5,000 |
| Missouri 8022B Howard | 45,000 |
| Nevada 8004 Clark | 178,000 |
| Oklahoma 8010W Cleveland | 15,000 |
| Oklahoma 8014W Love | 30,000 |
| Pennsylvania 8013W Tioga | 25,000 |
| Pennsylvania 8006W Indiana | 25,000 |
| Pennsylvania 8015W Bradford | 24,450 |
| Texas 8048 Hidalgo (partial) | 200,000 |
| Virginia 8028W Lancaster | 15,000 |
| Indiana 8006W Boone | 3,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2689; Filed, September 4, 1937; 9:34 a. m.]

[Administrative Order No. 132]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 2, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Virginia 8027B Nottoway | $48,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2690; Filed, September 4, 1937; 9:34 a. m.]

## *Thursday, September 9, 1937* *No. 174*

## PRESIDENT OF THE UNITED STATES.

ENLARGING THE STATUE OF LIBERTY NATIONAL MONUMENT NEW YORK

By the President of the United States of America

A PROCLAMATION

WHEREAS certain government-owned lands known as Fort Wood and situated on Bedloe's Island in the harbor of New York, New York, are contiguous to the Statue of Liberty National Monument, established by Proclamation of October 15, 1924 (43 Stat. 1968), and are necessary for the proper care, management, and protection of the colossal statue of "Liberty Enlightening the World"; and

WHEREAS it appears that it would be in the public interest to add such lands to the Statue of Liberty National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that the following-described lands in New York are hereby added to and made a part of the Statue of Liberty National Monument:

All lands on Bedloe's Island, New York, not now a part of the Statue of Liberty National Monument, including all uplands and marginal submerged lands and such wharves, warehouses, and other lands as comprised Fort Wood prior to evacuation thereof as a military reservation.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as enlarged hereby as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 7th day of September in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United [SEAL] States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State*

[No. 2250]

[F. R. Doc. 37-2703; Filed, September 8, 1937; 10:15 a. m.]



## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49144]

AIRPORT OF ENTRY

WARROAD SEAPLANE BASE, WARROAD, MINNESOTA, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Warroad Seaplane Base, Warroad, Minnesota, is hereby designated as an airport of entry for the landing of aircraft from foreign countries for a period of one year from the date of approval of this order.

[SEAL] FRANK DOW
*Acting Commissioner of Customs.*

Approved: September 2, 1937.

STEPHEN B. GIBBONS
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2700; Filed, September 7, 1937; 1:55 p. m.]

## DEPARTMENT OF THE INTERIOR.

**Bureau of Reclamation.**

[No. 17]

RIVERTON IRRIGATION PROJECT

NOTICE OF ANNUAL WATER CHARGES [1]

AUGUST 21, 1937.

1. *Water rental.*—Irrigation water will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1938 and thereafter until further notice to those lands in private ownership and to those public lands opened under the orders "opening public land to entry" dated March 3, 1926, Nov. 9, 1926, March 23, 1931, May 2, 1932 and January 31, 1933, *against which assessments for water rental were not levied by the Midvale Irrigation District in 1937.*

2. *Charges and terms of payment.*—The minimum water-rental charge for the irrigation season of 1938 and thereafter until further notice will be One Dollar ($1.00) per acre for each irrigable acre of land in each 40-acre subdivision for which application has been or is hereafter made, which will entitle the applicant to two (2) acre-feet of water, or so much thereof as may be necessary for beneficial use, for said season. Payment of the minimum charge shall be made for the entire irrigable area of each farm unit of public land entered under orders "opening public land to entry" dated March 3, 1926, Nov. 9, 1926, March 23, 1931, May 2, 1932 and January 31, 1933 and for the entire irrigable area in each 40-acre subdivision of private land for which application has been made or is hereafter made. Said minimum charge will be made against each acre of irrigable land whether or not water is used; shall be paid in advance on or before May 1, 1938 and no part of said charge will be refunded. Additional water will be furnished during said irrigation season at the rate of fifty cents ($0.50) per acre-foot, payable on December 1, 1938. When water-rental application is submitted and approved after June 15, for public land entered under the reclamation law and after Aug. 1 for land in private ownership, the minimum charge shall apply as a credit on the minimum charge for the following irrigation season.

3. *Penalty for non-payment.*—If payment of the minimum charge be not made on or before May 1 and payment for additional water furnished be not made on or before Dec. 1, as herein provided, there shall be added to the amount unpaid a penalty of one-half of one per centum thereof on the first day of the third calendar month thereafter, and there shall be added a like penalty of one-half of one per centum on the first day of each month thereafter so long as such default shall continue, and no water shall be delivered to the owner or entryman in subsequent years until all such charges and penalties have been paid in full.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[1] Act of June 17, 1902, 32 Stat., 388, as amended and supplemented.

[F. R. Doc. 37-2702; Filed, September 8, 1937; 9:58 a. m.]

## DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

NCR—B-101, as Amended, Supplement No. 3.

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED, SUPPLEMENT NO. 3

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin 101, as amended, is further amended as follows:

1. Part I, the definition of a *Combination farm* is amended to read as follows:

*Combination farm* means any farm, other than a cotton farm or a sharecropper farm, rented partly on shares and on which farm all or any part of the following acreage is rented at a rate per acre in excess of one-half the rate for such farm for general diversion payments, prior to any adjustment of such rates pursuant to Section 15 of Part IV:

(1) acreage classified as new conserving;
(2) acreage classified as neutral under item (1) of Section 3 (a) of Part III;
(3) acreage classified as neutral under item (3) of Section 3 (a) of Part III.

2. Part I, the definition of *Cropland* is amended to read as follows:

*Cropland* means (1) all tillable farm land from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and December 31, 1936, inclusive, except farm land in a dryland farm with a productivity less than 50 percent of the productivity for the community; and (2) any other acreage devoted on January 1, 1937, to orchards.

3. Part I, the definition of *1937 General acreage* is amended to read as follows:

*1937 general acreage* means the total acreage classified as soil-depleting on a farm in 1937, less any acreage classified as cotton or tobacco acreage on such farm in 1937.

4. Part I, the last sentence of the definition of *Old conserving acreage* is amended to read as follows:

No acreage can be classified as old conserving if on such acreage any crop listed in Item 1 of Section 1 (b) of Part III: (1) is seeded in 1937 at a rate not in excess of one-half the normal rate of seeding alone for grain and is cut for grain or hay; (2) is a volunteer stand which volunteer stand it would be practical to cut for grain or hay if such crop were growing alone; (3) is seeded in 1936 at a rate not in excess of one-half the normal rate of seeding alone for grain if it would be practical to cut such crop for grain or hay if such crop were growing alone.

5. Part I, the definition of *Maximum conserving payment* is amended to read as follows:

*Maximum conserving payment* for a farm means the largest amount that may be earned for an increase in the acreage of soil-conserving crops on such farm. Such amount shall be computed by multiplying the rate per acre for conserving payments for such farm by the acreage obtained by: (1) Determining the acreage diverted from each soil-depleting base, other than the total soil-depleting base, not in excess of the acreage for which maximum diversion payment could be made with respect to such base, and (2) subtracting from the sum of the acreages determined under item (1) of this definition the sum of the acreages by which the 1937 general acreage exceeds the general soil-depleting base, the 1937 acreage of a specified type of tobacco exceeds the soil-depleting base for such type of tobacco, and the 1937 cotton acreage exceeds the cotton soil-depleting base.

6. Part I, is amended by the addition of the following new definitions:

*Go-back land* means tillable farm land on a dryland farm from which at least one crop other than wild hay has been harvested or planted for harvest between January 1, 1930, and

December 31, 1936, which farm land has a productivity less than 50 percent of the productivity for the community.

*Eligible go-back land* means go-back land which meets the requirements specified in item (7) of Section 12 (b) of Part IV and the requirements specified in Section 13 (s) of Part IV.

7. Part III, the first paragraph is amended by adding at the end thereof the following:

If any acreage is first planted in 1937 to a crop specified in Section 1 (a) of this Part III and is subsequently planted to another crop or crops in 1937, such subsequently planted crop or crops shall not be considered in classifying such acreage.

8. Part III, Section 1 (c), item (1) c is amended to read as follows:

(c) Any acreage of such of these crops as are included in and used as specified in items (5) and (6) of Section 3 (a) of this Part III.

9. Part III, Section 1 (c), item (2), the last sentence thereof is amended to read as follows:

This item (2), insofar as it relates to soybeans and cowpeas, is not applicable to area "B" if the acreage on which the soybeans or cowpeas are planted meets the requirements set forth in item (2) of Section 2 (c) of this Part III.

10. Part III, Section 2, first paragraph, the parenthetical expression appearing therein is amended to read as follows:

(This Section 2 does not exclude any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in this Section 2 or a first cultivation which meets the requirements pertaining to the type of such cultivation set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except: (1) in Nebraska such seeding or first cultivation must be completed by May 15, 1937; (2) in Missouri such seeding may be made after June 30, 1937. If any of the crops listed in item (1) of Section 1 (b) of this Part III were planted on such acreage in the fall of 1936 and were pastured in the fall of 1936 and were pastured in 1937 until growth of such crop ceased or until such land was first cultivated in 1937.)

11. Part III, Section 2 (a), item (4) is amended to read as follows:

(4) Annual sweet clover and crotalaria.

12. Part III, Section 2 (b) is amended by the addition of the following new item (2):

(2) Planted to lespedeza in the spring of 1937, provided: that on the date as of which final inspection of the farm is made for the purpose of determining performance there is evidence that there was a good stand of lespedeza on such acreage in 1937 which had been permitted to mature sufficiently to reseed itself; that such acreage is not plowed in 1937 after the seeding in the spring of 1937 of such lespedeza; and that if such acreage is seeded in the fall of 1937 to any of the crops listed in item (1) of Section 1 (b) of this Part III such seeding operation is commenced after such lespedeza has been permitted to mature sufficiently to reseed itself.

13. Part III, Section 3 (a), item (3) is amended to read as follows:

(3) a. Seeded in 1937 to a crop specified in subsection (a) of Section 2 of this Part III, in accordance with good farming practices and upon which, due to uncontrollable natural causes, there is not a good stand which, with the exception of the crops listed in item (4) of Section 2 (a) of this Part III, would survive the winter of 1937-38, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay.

b. Seeded in the spring of 1937 to lespedeza in accordance with good farming practices and upon which, due to uncontrollable natural causes, there was not a good stand of lespedeza on such acreage in 1937 which had matured sufficiently to reseed itself, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay.

(This item (3) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in Section 2 (a) of this Part III or the crop listed in item (2) of Section 2 (b) of this Part III or a first cultivation which meets the requirements pertaining to the type of such cultivation set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except: (1) in Nebraska such seeding or first cultivation must be completed by May 15, 1937; (2) in Missouri such seeding may be made after June 30, 1937, if any of the crops listed in item (1) of Section 1 (b) of this Part III were planted on such acreage in the fall of 1936 and were pastured in 1937 until growth of such crop ceased or until such land was first cultivated in 1937.)

14. Part III, Section 3 (a) is amended by the addition of the following item (8):

(8) Cropland on which there is incorporated into the soil by plowing of a good vegetative growth of trailing wild bean.

15. Part III, Section 3 (b), item (1) c is amended to read as follows:

c. Any acreage of such of these crops as are included in and used as specified in items (5) and (6) of Section 3 (a) of this Part III.

16. Part III, Section 3 (b), item (2), the last sentence thereof is amended to read as follows:

This item 2, insofar as it relates to soybeans and cowpeas, is not applicable to area "B" if the acreage on which the soybeans are planted meets the requirements set forth in item (2) of Section 2 (c) of this Part III.

17. Part IV, Section 1 (b) is amended by adding at the end thereof the following:

If there is excess tobacco acreage on any farm and no normal yield per acre for such type of tobacco has been established for such farm, the rate to be applied in such cases will be the result obtained, less the rate for conserving payments for such farm, by multiplying the number of pounds representing the average county yield per acre of such kind of tobacco by the farm's productivity index of crops in the general soil-depleting base and multiplying this result in the case of Burley tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar-leaf tobacco by 3 cents.

18. Part IV, Section 1 (c) is amended by adding at the end thereof the following:

If there is excess cotton acreage on any farm and no normal yield of cotton per acre has been established for such farm, the rate to be applied in such cases will be the result obtained, less the rate for conserving payments for such farm, by multiplying the number of pounds representing the average county yield of cotton per acre by the farm's productivity index of crops in the general soil-depleting base and multiplying this result by 5 cents.

19. Part IV, Section 2, first paragraph is amended by adding at the end thereof the following new sentence:

Any acreage classified as soil-depleting under Section 1 (c) of Part III and any acreage classified as neutral under Section 3 (b) of Part III shall be disregarded in the determination of the percentage of any payments, allowances, or deductions to which any person is entitled with respect to any farm.

20. Part IV, Section 2, subsection (c) is amended to read as follows:

(c) The percentage for the operator of a combination farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be determined as follows:

(1) Determine the sum of the following acreage which is rented at a rate per acre in excess of one-half the rate for such farm for general diversion payments, prior to any adjustment of such rates pursuant to Section 15 of this Part IV:

a. acreage classified as new conserving;
b. acreage classified as neutral under item (1) of Section 3 (a) of Part III;
c. acreage classified as neutral under item (3) of Section 3 (a) of Part III;

(2) Determine the sum of the following acreage which is rented on shares or at a rate not in excess of one-half the rate for such farm for general diversion payments, prior to any adjustment of such rates pursuant to Section 15 of this Part IV:

a. acreage classified as new conserving;
b. acreage classified as neutral under item (1) of Section 3 (a) of Part III;
c. acreage classified as neutral under item (3) of Section 3 (a) of Part III.

(3) Determine the acreage that the operator's percentage of the principal soil-depleting crop on such farm is of the sum of the acreage obtained under item (2) of this subsection (c);

(4) Add the acreages obtained under items (1) and (3) of this subsection (c);

(5) Divide the result obtained under item (4) of this subsection (c) by the sum of the acreages obtained under items (1) and (2) of this subsection (c) and multiply this result by 100 percent.

The percentage for the owner of a combination farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be computed by substracting from 100 percent the percentage obtained for the operator of such farm under item (5) of this subsection (c).



21. Part IV, Section 2 (c), first paragraph, is amended to read as follows:

(e) If a person is an owner, operator, or sharecropper with respect to a cotton farm, such person's percentage of any diversion payment computed with respect to such farm pertaining to the soil-depleting base for a crop which was planted on such farm for harvest in 1937 shall, except as otherwise provided in subsection (f) of this Section 2, be the sum of the percentages determined for such person under items (1), (2), and (3) of this subsection (e);

22. Part IV, Section 2 (f), first paragraph, is amended to read as follows:

(f) If a person is an owner, operator or sharecropper with respect to a cotton farm, such person's percentage of any diversion payment computed with respect to such farm pertaining to the soil-depleting base for a crop which is normally planted on such farm, but which was not planted on such farm in 1937, and such person's percentage of any cotton diversion payment computed with respect to such farm if on such farm any idle cropland is classified as cotton acreage under item (3) of Section 1 (a) of Part III, shall be the sum of the percentages determined for such person under items (1) and (2) of this subsection (f):

23. Part IV, Section 7 (e) is amended to read as follows:

(e) For each farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum diversion payment for such farm for such type of tobacco by such person's percentage.

24. Part IV, Section 8 (e) is amended to read as follows:

(e) For each farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum cotton diversion payment for such farm by such person's percentage.

25. Part IV, Section 9 is amended to read as follows:

SECTION 9. *Total Amount of Conserving Payment if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of conserving payment to such person in such county shall, subject to the provisions of Sections 6, 7, 8, 11, 15, 17, and 18 of this Part IV, be computed as follows:

(a) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, obtain the sum of: (1) the old conserving acreage on such farm in excess of the soil-conserving base for such farm; and (2) the new conserving acreage on such farm.

(b) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, and upon which the total soil-depleting base for such farm exceeds the total acreage on such farm classified as soil-depleting in 1937, determine the amount of such excess.

(c) Determine which of the acreages obtained for each farm under subsections (a) and (b) of this Section 9 is the smaller and multiply such smaller acreage by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 9.

(e) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 9

(g) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 general acreage on such farm is in excess of the general soil-depleting base for such farm by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(h) Add the amounts obtained under subsection (g) of this Section 9.

(i) Subtract the amount obtained under subsection (h) of this Section 9 from the amount obtained under subsection (f) of this Section 9. (If the amount obtained under subsection (h) of this Section 9 is equal to or greater than the amount obtained under subsection (f) of this Section 9, the amount obtained under this subsection (i) shall be zero.)

(j) Subtract the amount obtained under subsection (f) of this Section 9 from the amount obtained under subsection (h) of this Section 9. (If the amount obtained under subsection (f) of this Section 9 is equal to or greater than the amount obtained under subsection (h) of this Section 9, the amount obtained under this subsection (j) shall be zero.)

(k) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, multiply the acreage for which maximum general diversion payment could be made with respect to such farm by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(l) Add the amounts obtained under subsection (k) of this Section 9.

(m) Determine which of the amounts obtained under subsections (i) and (l) of this Section 9 is the smaller.

(n) For all diversion farms in such county with respect to which such person is an owner, operator, or sharecropper, and which have cotton soil-depleting bases or upon which cotton was planted in 1937, perform the operations specified in subsections (e) to (m), inclusive, of this Section 9, substituting for the word "general" the word "cotton".

(o) For all diversion farms in such county with respect to which such person is an owner, operator, or sharecropper, and which have soil-depleting bases for any specified type of tobacco or upon which any specified type of tobacco was planted in 1937, perform the operations specified in subsections (e) to (m), inclusive, of this Section 9, substituting for the word "general" the word "tobacco" preceded by the name of the specified type of tobacco.

(p) Obtain the sum of: (1) the amount obtained under subsection (m) of this Section 9 for general soil-depleting bases; (2) the amount obtained under subsection (m) of this Section 9 for cotton soil-depleting bases; and (3) the amount obtained under subsection (m) of this Section 9 for the soil-depleting bases for any specified type of tobacco.

(q) Obtain the sum of: (1) the amount obtained under subsection (j) of this Section 9 for general soil-depleting bases; (2) the amount obtained under subsection (j) of this Section 9 for cotton soil-depleting bases; and (3) the amount obtained under subsection (j) of this Section 9 for the soil-depleting bases for any specified type of tobacco.

(r) Subtract the amount obtained under subsection (q) of this Section 9 from the amount obtained under subsection (p) of this Section 9. (If the amount obtained under subsection (q) of this Section 9 is equal to or greater than the amount obtained under subsection (p) of this Section 9, the amount obtained under this subsection (r) shall be zero.)

(s) The smaller of the amounts obtained under subsection (d) and (r) of this Section 9 shall be the total conserving payment which shall be made to such person with respect to such farms.

26. Part IV, Section 12 (a), item (2) is amended to read as follows:

(a) $1.00 for each acre obtained by: (1) determining the acreage diverted from each soil-depleting base, other than the total soil-depleting base, not in excess of the acreage for which maximum diversion payment could be made with respect to such base, and (2) subtracting from the sum of the acreages determined under item (1) of this subsection (a) the sum of the acreages by which the 1937 general acreage exceeds the general soil-depleting base, the 1937 acreage of a specified type of tobacco exceeds the soil-depleting base for such type of tobacco, and the 1937 cotton acreage exceeds the cotton soil-depleting base.

27. Part IV, Section 12 (b), item (2) is amended to read as follows:

(2) Two-thirds of the rate per acre for general diversion payments for such farm for each acre diverted from the general soil-depleting base not in excess of the acreage for which maximum diversion payment could be made with respect to such base.

28. Part IV, Section 12 (d) is amended to read as follows:

(d) If such person is an owner, operator, or sharecropper with respect to more than one farm in a county, the soil-building allowance for such person in such county shall be the sum of the amounts obtained for such farms under items (17), (28), and (32) of this Section 12 (d), unless such sum is less than $10.00, in which event the soil-building allowance for such person in such county shall be $10.00.

(1) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the sum of items (1), (3), (4), (5), and (6) of subsection (a) of this Section 12 by such person's percentage.

(2) Add the amounts obtained under item (1) of this subsection (d).

(3) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by such person's percentage.

(4) Add the acreages obtained under item (3) of this subsection (d).

(5) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the acreage by which the 1937 general acreage on such farm is in excess of the general soil-depleting base for such farm by such person's percentage.

(6) Add the acreages obtained under item (5) of this subsection (d).

(7) Subtract the acreage obtained under item (6) of this subsection (d) from the acreage obtained under item (4) of this subsection (d). (If the acreage obtained under item (6) of this subsection (d) is equal to or greater than the acreage

obtained under item (4) of this subsection (d), the acreage obtained under this item (7) shall be zero.)

(8) Subtract the acreage obtained under item (4) of this subsection (d) from the acreage obtained under item (6) of this subsection (d). (If the acreage obtained under item (4) of this subsection (d) is equal to or greater than the acreage obtained under item (6) of this subsection (d), the acreage obtained under this item (8) shall be zero.)

(9) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the acreage for which maximum general diversion payment could be made with respect to such farm by such person's percentage.

(10) Add the acreages obtained under item (9) of this subsection (d).

(11) Determine which of the acreages obtained under items (7) and (10) of this subsection (d) is the smaller.

(12) For all diversion farms in such county with respect to which such person is an owner, operator, or sharecropper, and which have cotton soil-depleting bases or upon which cotton was planted in 1937, perform the operations set forth in items (3) to (11), inclusive, of this subsection (d), substituting for the word "general" the word "cotton".

(13) For all diversion farms in such county with respect to which such person is an owner, operator, or sharecropper, and which have soil-depleting bases for any specified type of tobacco, or upon which any specified type of tobacco was planted in 1937, perform the operations set forth in items (3) to (11), inclusive, of this subsection (d), substituting for the word "general" the word "tobacco" preceded by the name of the specified type of tobacco.

(14) Obtain the sum of: (1) the acreage obtained under item (11) of this subsection (d) for general soil-depleting bases; (2) the acreage obtained under item (11) of this subsection (d) for cotton soil-depleting bases; and (3) the acreage obtained under item (11) of this subsection (d) for the soil-depleting bases for any specified type of tobacco.

(15) Obtain the sum of: (1) the acreage obtained under item (8) of this subsection (d) for general soil-depleting bases; (2) the acreage obtained under item (8) of this subsection (d) for cotton soil-depleting bases; and (3) the acreage obtained under item (8) of this subsection (d) for the soil-depleting bases for any specified type of tobacco.

(16) Subtract the acreage obtained under item (15) of this subsection (d) from the acreage obtained under item (14) of this subsection (d) and multiply such result by $1.00.

(17) Add the amounts obtained under items (2) and (16) of this subsection (d).

(18) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the sum of items (1), (3), (4), (5), (6), and (7) of subsection (b) of this Section 12 by such person's percentage.

(19) Add the amounts obtained under item (18) of this subsection (d).

(20) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by such person's percentage and multiply this result by two-thirds of the rate per acre for general diversion payments for such farm.

(21) Add the amounts obtained under item (20) of this subsection (d).

(22) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the acreage by which the 1937 general acreage on such farm is in excess of the general soil-depleting base for such farm by such person's percentage and multiply this result by two-thirds of the rate per acre for general diversion payments for such farm.

(23) Add the amounts obtained under item (22) of this subsection (d).

(24) Subtract the amount obtained under item (23) of this subsection (d) from the amount obtained under item (21) of this subsection (d). (If the amount obtained under item (23) of this subsection (d) is equal to or greater than the amount obtained under item (21) of this subsection (d), the amount obtained under this item (24) shall be zero.)

(25) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the acreage for which maximum general diversion payment could be made with respect to such farm by such person's percentage and multiply this result by two-thirds of the rate per acre for general diversion payments for such farm.

(26) Add the amounts obtained under item (25) of this subsection (d).

(27) Determine which of the amounts obtained under items (24) and (26) of this subsection (d) is the smaller.

(28) Add the amounts obtained under items (19) and (27) of this subsection (d).

(29) For all nondiversion farms in such county with respect to which such person is an owner, operator, or sharecropper, multiply the sum of items (1) to (5), inclusive, of subsection (c) of this Section 12, by such person's percentage.

(30) Add the amounts obtained under item (29) of this subsection (d).

29. Part IV, Section 13, the fourth paragraph thereof is amended to read as follows:

Where several soil-building practices are adopted on the same acreage on a farm which is not a dryland farm, payment will not be made for: (1) more than one of the practices listed in the same subsection in the case of subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), (r), and (w) of this Section 13; and (2) more than one practice twice, or any two practices of the 17 soil-building practices listed in subsections (a), (b), (t), (u), (x), (y), and (z) of this Section 13. Where several soil-building practices are adopted on the same acreage on a dryland farm, payment will not be made for: (1) more than one of the practices listed in the same subsection in the case of subsections (c), (d), (e), (h), (i), (p), (q), (r) of this Section 13; (2) more than one of the practices listed in subsections (j) and (s) of this Section 13; (3) more than one of the practices listed in subsections (k) and (o) of this Section 13; (4) more than one of the practices listed in subsections (l), (m), and (n) of this Section 13; (5) more than two of the following: a practice listed in either subsections (l), (m), or (n) of this Section 13, a practice listed in either subsection (a) or (b) of this Section 13, and the increased rate of payment for dryland farms specified in the sixth paragraph of this Section 13.

30. Part V, Section 5, fifth paragraph, last sentence is amended to read as follows:

In determining the ownership of a farm where an offer to purchase, option, or similar instrument has been executed with respect to such farm, the person executing the offer to purchase or holding the option shall not be deemed to be the owner of such farm unless on or before June 30, 1937, the sale is completed by payment of the stipulated down payment by the vendee and delivery of the deed or land contract by the vendor.

31. Part VI, Section 7 is amended to read as follows:

SECTION 7. *Ranching Unit Located in More Than One County.*—If a ranching unit is located in two or more adjacent counties, such ranching unit shall be regarded as located in the county in which the base of operations of such ranching unit is located.

32. Part VI, Section 8 is amended to read as follows:

SECTION 8. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any ranching unit in a county, all of such person's pro rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to each ranching unit in such county by the percentage that the estimated total of administrative expenses of the Association for such county as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to ranches in such county in 1937. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his ranching unit is located shall become a member thereof by his signing an application for payment with respect to such ranching unit.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 8th day of Sept. 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2706; Filed, September 8, 1937; 12:44 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-94]

IN THE MATTER OF TRADE PRACTICE CONFERENCE RULES FOR THE PETROLEUM AND PETROLEUM PRODUCTS INDUSTRY

STATEMENT AND ORDER OF THE FEDERAL TRADE COMMISSION

The Commission, on August 10, 1931, promulgated trade practice conference rules for the Petroleum and Petroleum Products Industry, signifying its approval of Group I rules and its acceptance, as expressions of the Industry, of Group II rules.

The said rules were superseded on August 19, 1933, by the approval of the Code of Fair Competition for the said industry under the National Industrial Recovery Act, in connection with which a Petroleum Administrator was appointed by executive order; under such Code and Petroleum Administrator the said industry operated until the invalidation of the N. I. R. A. Code in May, 1935.

Subsequently, groups of the Petroleum Industry east of the Rocky Mountains formulated and laid before the Commission, with application for approval, proposed new trade practice conference rules.

The Commission, on January 16, 1937, by public announcement, invited all persons having an interest in the said trade practice conference rules of August 10, 1931, to present to the Commission in writing on or before February 1, 1937, such views and information as they might desire to submit as to why the Commission's approval and acceptance of said rules should not be formally rescinded.

Upon application of interested members of the industry, a public hearing was announced for and held on February 24 and 25, 1937, at which time all persons who wished to present their views were heard by the Commission.

The Commission, after fully considering all views presented in writing, all matters presented at the said hearing, and other evidence in its possession, finds that the said trade practice conference rules of 1931 have been treated by the industry generally as of no further force and effect from and after the approval of the N. I. R. A. Code, except that certain members of the industry in the Pacific Coast area, and particularly in the State of California, have purported, subsequent to the invalidation of the said N. I. R. A. Code, to resume operation under said rules of 1931 as interpreted by them; but that they did not act in accordance with either the letter or the spirit of the said rules, and that their interpretations and activities were without the approval or sanction of the Commission.

The Commission concludes that the said trade practice conference rules of August 10, 1931, cannot, in the public interest, be accorded the sanction of the Commission; and further concludes that the approval or acceptance of the proposed new rules in the form presented to the Commission would be contrary to law and the public interest.

ORDER

It is therefore ordered that the Commission's approval and acceptance of the trade practice conference rules published on August 10, 1931, for the Petroleum and Petroleum Products Industry be, and are, hereby declared to have heretofore become inoperative and to be of no force and effect, and are formally rescinded;

And it is further ordered, with respect to the new rules proposed by members of the said industry, that the rules be not approved but that the industry be accorded full opportunity to present to the Commission for its consideration, through the Trade Practice Board, such amendments of or substitutions for the said proposed new rules as will be in harmony with law.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2701; Filed, September 7, 1937; 3:56 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.



[Docket No. 3094]

IN THE MATTER OF C. J. O'CROWLEY AN INDIVIDUAL TRADING AS EXCEL PRODUCTS, AND AS C. J. O'CROWLEY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Saturday, September 11, 1937, at nine o'clock in the forenoon of that day (central standard time), Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2704; Filed, September 8, 1937; 10:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1937.

[File No. 43-74]

IN THE MATTER OF GARDNER ELECTRIC LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Gardner Electric Light Company, a subsidiary company of the New England Power Association, a registered holding company pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale to one or more banks or trust companies of $300,000 aggregate principal amount of its promissory notes for a term not exceeding one year and any renewals or extensions thereof; it being stated in such declaration that the proceeds of the aforesaid notes will be applied to the payment of the demand notes of the declarant in the amount of $155,000, now held by New England Power Association, parent of the declarant, to pay open account indebtedness in the amount of $115,000 to New England Power Association, and to reimburse the treasury for amounts expended for certain extensions, additions and improvements to the property of the declarant.

It is ordered that a hearing on such matter be held on September 24, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other poltical subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 20, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to pre-

side at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2705; Filed, September 8, 1937; 12:27 p. m.]

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***Friday, September 10, 1937*** ***No. 175***

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## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4758]

### DRAWBACK ON DISTILLED SPIRITS BOTTLED ESPECIALLY FOR EXPORT

*To District Supervisors, and Others Concerned:*

Pursuant to Section 313 (d) of the Tariff Act of 1930, as amended, (U. S. C., 1934 ed., Sup. II, title 19, sec. 1313 (d)), Section 313 (i) (3) of the Tariff Act of 1930, as amended, (U. S. C., 1934 ed., Sup. II, title 19, sec. 1313 (i)), and to Sec. 309 (b) of the Tariff Act of 1930, (U. S. C., 1934 ed., title 19, sec. 1309 (b)), the following regulations are prescribed for the bottling especially for export, of distilled spirits manufactured or produced in the United States, on which an internal revenue tax has been paid, and for the allowance, upon the exportation thereof, of a drawback equal in amount to the tax found to have been paid thereon:

PARAGRAPH 1 (a). An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. (Art. 1253, Customs Regulations, 1931.) The export character of any shipment will be determined by the intention with which it is made. The shipment assumes an export character only when destined for use in a foreign country.

(b) The law provides that articles of domestic manufacture or production laden as supplies upon the following vessels shall be considered to be exported within the meaning of the drawback provisions of the Tariff Act of 1930, but no such article shall be landed at any port or place in the United States or in any of its possessions: vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports; and vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions.

#### BOTTLING ESPECIALLY FOR EXPORT

PAR. 2. Persons who are authorized to bottle distilled spirits under the provisions of the Federal Alcohol Administration Act, may bottle especially for export with benefit of drawback, such spirits manufactured or produced in the United States and on which an internal revenue tax has been paid.

PAR. 3. The provisions of Treasury Decision 4561 and Regulations 15, in so far as they are applicable and not inconsistent with the provisions of these regulations, shall govern the bottling of distilled spirits to be exported with benefit of drawback.

PAR. 4. Every authorized person desiring to bottle tax-paid distilled spirits especially for export with benefit of drawback must provide in his bottling plant one or more bottling tanks so constructed that every inlet, outlet, or other necessary opening therein which would afford access to the contents may be closed and locked with Government locks. Every such tank installed in such bottling plant must conform in other respects with the requirements of Treasury Decision 4561 and Regulations 15. Where plants are equipped with bottling tanks constructed as prescribed herein, separate bottling tanks for bottling spirits especially for export need not be provided.

PAR. 5. Every authorized person desiring to bottle tax-paid distilled spirits especially for export with benefit of drawback, must also provide at his bottling plant a separate room suitable for the storage of such bottled spirits pending removal thereof from the bottling plant for exportation. The room must be securely constructed of substantial material. All windows, doors, or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door, which must be so constructed that it may be securely locked from the outside with a Government seal lock. The room so provided shall not be used for other purposes while the same is being used for the storage of distilled spirits bottled especially for export. The room must remain locked at all times when such distilled spirits are stored therein, except when necessary to be open for the deposit or removal of spirits. The key to the Government lock will be in the custody of the Government officer assigned to the bottling plant. If no officer is regularly assigned to the bottling plant, the key will be retained in the custody of the District Supervisor or other Government officer designated by him.

PAR. 6. Every storage room and every bottling tank so provided at a bottling plant shall be subject to approval by the District Supervisor. Every person desiring to secure the approval of such a storage room or bottling tank at his bottling plant shall file application therefor in triplicate with the District Supervisor, except that a rectifier adding such a storage room to his rectifying plant or such a bottling tank to his equipment shall file in lieu of such application a notice on Form 27B or report in triplicate, which notice or report shall, after inspection of the premises, be disposed of in accordance with the provisions of Regulations 15. The application shall include a full and complete description of the bottling tank and storage room. If the District Supervisor finds, upon inspection of the premises, that the bottling tank and the storage room are correctly described in the application and meet the requirements of the regulations, he will indorse his approval on the application. One copy of the application, together with a copy of the inspection report attached, will be forwarded to the Commissioner, one copy of the application will be forwarded to the bottler and the remaining copy will be retained by the District Supervisor. If the application is disapproved by the District Supervisor, he will indorse his disapproval thereon, and return two copies to the applicant with a statement of the reasons for such disapproval. The District Supervisor will retain the remaining copy.

#### BOTTLING WITHOUT RECTIFICATION

PAR. 7. When rectification is not involved, the bottler shall prepare a separate application on Form 230, in duplicate for each lot of spirits to be dumped and bottled for exportation with benefit of drawback. The bottler shall insert in each copy of Form 230, after the description of the packages, a notice of intention as follows:

The above-described spirits are to be bottled for ---------- (Name and ---------- especially for export with benefit of drawback. address of exporter)

PAR. 8. Both copies of Form 230 shall be forwarded by the bottler to the District Supervisor for approval. The district Supervisor will, upon approval of the form, forward both copies to the Government officer on duty at the bottler's plant. If no Government officer is on duty at the plant, the Supervisor will assign an officer to make the required examinations and inspections, and to supervise the dumping, bottling, casing and marking of the spirits.



PAR. 9. The Government officer supervising such operations at the bottling plant will inspect the packages to be dumped and satisfy himself that the contents of each are as described by the bottler on Form 230, and were properly tax-paid. The officer will then execute his certificate to that effect on Form 230, unless such certificate was, as in the case of bottling at rectifying plants, executed before the form was submitted to the District Supervisor. Both copies of the form will be delivered by the officer to the bottler, who will proceed with the bottling operations. Before the spirits are transferred to the bottling tank, the officer will see that the tank is empty and the outlet thereof closed and locked. When the spirits have been transferred to the tank, the officer will lock the inlet, and when the bottling is to begin, he will unlock the outlet. Upon completion of the bottling the officer will, except in the case of bottling at rectifying plants, where the procedure prescribed in Regulations 15 will be followed, unlock both the inlet and oulet of the tank pending further use of such tank for bottling especially for export. The spirits shall be dumped, bottled, cased, and marked under the immediate supervision of the Government officer. The officer will verify the bottler's certificate on Form 230 of cases filled and initial such certificate in the space provided therefor. No strip stamps shall be affixed to spirits bottled especially for export.

#### RECTIFICATION AND BOTTLING

PAR. 10. Rectifiers shall prepare a separate application on Form 122, in duplicate, for each lot of distilled spirits to be rectified before being bottled for exportation with benefit of drawback. The rectifier shall insert in each copy of the form, after the description of the packages to be dumped for rectification, a notice of intention as follows:

The above-described spirits will, after rectification, be bottled pursuant to approval on Form 237 for ---------- (Name and address of ---------- especially for export with benefit of drawback. exporter)

PAR. 11. Both copies of Form 122 shall be forwarded by the rectifier to the District Supervisor for approval. The District Supervisor will, upon approval of Form 122, forward both copies of the form to the Government officer on duty at the rectifying plant. The Government officer will deliver both copies of Form 122 to the rectifier, and will supervise the dumping and rectification of the spirits and the transfer of the same to a bottling tank. The rectification shall be conducted separately from the rectification of spirits for other purposes, and immediately upon completion thereof the spirits shall be run into a bottling tank.

PAR. 12. When a rectifier manufactures distilled spirits to be bottled especially for export with benefit of drawback, by a process of rectification involving the mixing of imported spirits with spirits of domestic origin, he shall note on each copy of Form 122 the number of proof gallons of each such kind of spirits mixed together in each processing receptacle, and no further mixing of the spirits contained in any one receptacle with spirits contained in any other receptacle shall be made, unless a similar notation is made on Form 122 and such further mixing is done under the immediate supervision of the Government officer. When spirits so manufactured by the use of imported spirits have been bottled and cased, the bottler shall note on Form 237 the percentage of imported spirits and the percentage of domestic spirits calculated on a proof gallon basis, used in manufacturing the spirits contained in each case.

PAR. 13. The rectifier shall make application on Form 237 in quadruplicate to the Supervisor for permission to bottle the spirits. A notice of intention shall be inserted by the rectifier in each copy of Form 237 after the description of the spirits, as follows:

The above-described spirits, rectified pursuant to Form 122 dated ---------- are to be bottled for---------- (Name and address of exporter) especially for export with benefit of drawback.

The Supervisor will, after approval, return all copies of Form 237 to the rectifier, who shall, if the spirits are subject to rectification tax, forward all copies of the form to the Collector of Internal Revenue with remittance for the tax. The Collector will certify as to the payment of the rectification tax on each copy of Form 237, retain one copy for his files, and return the other three copies to the rectifier. Upon receipt of the copies of Form 237 from the Collector, or, in the case of spirits exempt from rectification tax, upon the receipt of the copies of such form from the District Supervisor, the rectifier shall proceed to bottle the spirits. The spirits shall be bottled, cased and marked under the immediate supervision of the Government officer. Upon completion of the bottling and casing, and the execution on Form 237 of the certificate of cases filled, the rectifier shall deliver one copy of the form to the Government officer and dispose of the other copies as in the case of spirits rectified for other purposes.

PAR. 14. Where distilled spirits intended to be bottled especially for export are to be rectified by a person other than the bottler, the rectifier shall insert in each copy of Form 122 after the description of the packages to be dumped, a notice of intention as follows:

The above-described spirits will, after rectification, be packed and shipped to ---------- for bottling (Name and address of bottler) especially for export.

When the spirits have been rectified and packaged, the rectifier shall insert in each copy of Form 237, before forwarding the same to the District Supervisor, a notice of intention as follows:

The above-described spirits, rectified pursuant to Form 122 dated ----------, are to be shipped to ---------- (Name and address ---------- for bottling especially for export. of bottler)

After the packages have been properly stamped, the rectifier shall stencil or mark thereon, in addition to the other required marks or brands, the words, "To be bottled especially for export." If imported spirits are used in the rectifying process, the rectifier shall proceed in accordance with the provisions of Paragraph 12, notations being made on Form 122 and Form 237 similar to those required where spirits so manufactured are bottled by the rectifier. One copy of Form 237 shall, when completed, be delivered to the Government officer who supervised the operations. The officer will immediately forward the form to the District Supervisor, who will, if the spirits are bottled in his district, forward the same to the Deputy Commissioner with the exporter's claim for drawback, as provided in Paragraph 49. If the spirits are to be bottled in another district, the District Supervisor will forward the form to the District Supervisor of such district for the same purpose.

PAR. 15. The bottling of distilled spirits especially for export with benefit of drawback shall be conducted separately from the bottling of such spirits for other purposes. The spirits shall be immediately cased and marked as hereinafter provided and deposited in the room provided for the storage of such spirits pending removal for exportation.

#### CASING OF THE SPIRITS

PAR. 16. Cases for packaging distilled spirits bottled especially for exportation with benefit of drawback may be constructed of either wood or fibreboard.

PAR. 17. If the cases are constructed of wood, the outer side on which the Government marks are to be placed shall be dressed, and the top, bottom, and sides shall be of a thickness not less than one-half inch and the ends of a thickness not less than three-fourths inch. The corners of the cases shall be put together by the lock-corner or dovetail method. The top, bottom, sides and ends of the cases must not consist of more than two pieces of wood each. When two pieces are used the same shall be tongued and grooved, glued, and fastened on the inside with not less than two metal corrugated fasteners. Each end piece must be mortised to the extent of half its thickness and the top and bottom of the case set therein. The sides must extend the full height of the end pieces. Cement coated nails of a size

not less than fourpenny must be used. At least six such nails shall be driven through each end of the top and bottom pieces into the end piece; at least two such nails shall be driven through each side piece into the bottom piece; at least two such nails shall be driven through each side piece into the top piece; at least two such nails shall be driven through each end piece into the bottom piece; and at least two such nails shall be driven through each end piece into the top piece.

PAR. 18. In addition to being nailed as above provided, the cases must be wired by drawing metal straps or heavy wire around the same about 4 inches from each end, or by passing a wire around the center of the case, both laterally and crosswise, so as to form right angles in the center and be countersunk, and instead of passing over the edges of the case, must pass under or through the edges at a depth sufficient to carry the wire through the side or end and the adjoining top or bottom of the case. The wire shall be tightly drawn and the two ends brought together at the center of the side bearing the Government marks. The ends shall then be securely knotted or twisted together and countersunk in the wood at the point indicated and shall be secured in place by a small wire staple or nail.

PAR. 19. Fibreboard cases shall be constructed of solid fibreboard, or of single or double wall corrugated fibreboard, one-piece style, meeting the requirements of rule 41, Consolidated Freight Classification; rule 18, Official Express Classification; and Section IV (Part 5), Federal Specifications of July 22, 1930.

PAR. 20. In addition to meeting such requirements, the outer container of the cases shall be double-faced and shall not be less than 0.080 of an inch thick for solid fibreboard, and three-sixteenths of an inch thick for single and double wall corrugated fibreboard, and shall have a bursting strength of not less than 200 pounds per square inch, Mullen or Cady test, for solid and single wall corrugated fibreboard containers, and 275 pounds per square inch for double wall fibreboard containers, and be faced on the outside with tough smooth material. The outer ply shall be waterproofed as required by the above-mentioned rules, and the inner plies may be waterproofed where desired. The outer flaps of both the top and bottom shall meet at the center of the case.

PAR. 21. The joint of the case shall be secured by adhesive cloth tape, metal fastenings of staples, or stitching wire made of steel, treated to resist rust, and not less than one-half an inch long. The staples or stitches shall be spaced not more than 2 inches apart, shall pass through all the pieces to be fastened, and shall be clinched on the inside.

PAR. 22. The top, bottom, and sides of the case shall be lined with double-faced corrugated board, having facings at least 0.016 of an inch thick and the combined board shall be not less than three-sixteenths of an inch thick and have a bursting strength of not less than 200 pounds per square inch, Mullen or Cady test. The case shall also contain partitions separating each bottle. Such partitions shall be tightly fitting, touching the top, bottom and all sides of the case, and made of the same board as the liners for the top, bottom, and sides. The corrugated medium of the liners and partitions, as well as of the outer containers, shall be made of chestnut, strawboard, sulphate, sulphite, or pine wood fibreboard not less than 0.009 of an inch thick. The interior packing of pads, liners, or partitions is not required where the bottles are placed in individual double-faced corrugated cartons testing 200 pounds or more per square inch.

PAR. 23. Each case shall bear the box maker's certificate required by the above-mentioned rules, and a further certificate by the box maker, as follows:

OUTER CONTAINER

Minimum bursting strength—
200 pounds per square inch (solid or single wall).
275 pounds per square inch (double wall).
Minimum combined thickness 0.080 inch (solid).
Minimum combined thickness $\frac{3}{16}$ of an inch (corrugated).

LINERS AND PARTITIONS

Minimum bursting strength 200 pounds per square inch.
Minimum combined thickness $\frac{3}{16}$ of an inch.

PAR. 24. The top and bottom of the case shall be secured by gluing the entire inner surface of the inner flaps to the top and bottom liners and the entire inner surface of the outer flaps to the inner flaps with silicate of soda or an equally efficient adhesive. Containers sealed with automatic sealing machines are not required to have the inner flaps glued to the top and bottom pads or liners.

PAR. 25. Distilled spirits bottled especially for export with benefit of drawback may also be placed in such other cases of equally secure material and construction, and affording equal protection to the spirits against breakage and theft as may be approved therefor by the Commissioner.

MARKING OF CASES

PAR. 26. Each case of distilled spirits filled at a rectifying plant for export with benefit of drawback shall bear on one side the markings required by Article XXXI of Regulations 15, as amended; and each case filled for the same purpose at the bottling plants of other authorized bottlers shall bear on one side the markings required by T. D. 4561. Each case shall also bear on the same side the words: "For Export from U. S. A."

PAR. 27. The serial number, the name of the bottler (or symbol and number if used in lieu thereof), the kind of spirits, and the words "For Export from U. S. A.", shall be burned or imprinted upon each wooden case, or plainly and durably stenciled or marked upon each fibreboard case in letters and figures not less than five-eighths inch in height. If the spirits are to be exported by a person other than the bottler, the name and address of the exporter, preceded by the words "Bottled for" or "Bottled expressly for", may be marked in the same manner upon the case.

BOTTLER'S RECORDS

PAR. 28. The receipt, rectification (if any), bottling, and disposition of distilled spirits bottled especially for export with benefit of drawback shall be entered in the records of the bottler in the same manner as spirits received, rectified, bottled, and disposed of for other purposes are entered. In addition to such entries, however, the bottler shall make on the last page of his record and report relating to the disposition of bottled distilled spirits, immediately following the last itemized entry, a summary showing the number of cases and number of proof gallons of spirits bottled especially for export on hand the first day of the month, the number of cases and number of proof gallons of spirits bottled for such purpose during the month, the number of cases and number of proof gallons removed for exportation during the month, and the number of cases and number of proof gallons on hand at the end of the month.

CLAIM AND ENTRY FOR DRAWBACK

PAR. 29 (a). Claim for allowance of drawback of internal revenue taxes on distilled spirits manufactured or produced in the United States and bottled especially for export, and entry for the exportation of such spirits, with benefit of drawback, shall be prepared by the exporter on Form 1582 in quadruplicate. The internal revenue taxes on distilled spirits referred to in Section 402 of the Liquor Tax Administration Act, are the tax of $2.00 on each proof gallon, or wine gallon when below proof, and the tax of 30 cents a proof gallon on rectified distilled spirits. All copies of the form, with Part 1 and Part 2 executed, shall be filed by the exporter with the District Supervisor of the district in which the spirits were bottled. All of the information called for, as indicated by the headings of the columns and the lines of the form, and the instructions printed on the form, shall be furnished.

(b) If the spirits on which drawback is claimed are for use as ship's supplies, notation to that effect will be made by the claimant in Part 2 of Form 1582. The exporter's affidavit in Form 1582 will also be modified by striking out the words, "exported to the port," and substituting therefor the words, "laden for use as ship's supplies on the vessel."



PAR. 30. If the District Supervisor finds that the claim and entry are properly executed, and that the spirits described in the entry have, according to the records of his office, been bottled especially for export, he will execute Part 3 of the form authorizing the Government officer to whom it is addressed to release the spirits for shipment.

PAR. 31. Before the spirits are released, the following legend in plain, durable letters and figures must be stenciled or marked upon the case:

Drawback claimed by ----------
(Name of claimant)
Supervisory Dist. No. ---------- Inspected ----------
193---- ---------- S. G.

The first two lines must be filled in by the exporter (or by the bottler for him) and the last two by the Government officer. The name of the Government officer may be placed on the case by means of a rubber stamp.

PAR. 32. The Government officer will, upon releasing the spirits, execute his report of such release on Part 4 of the claim and entry. One copy of the claim and entry, together with the copy of Form 237 (if any) received from the bottler showing payment of rectification tax on the spirits will be immediately forwarded to the District Supervisor by the Government officer. The other three copies (one of them the original) of the form, each completed identically with the District Supervisor's copy, will be delivered to the exporter or his agent, who shall immediately forward or deliver the three copies to the Collector of Customs at the port of export.

CERTIFICATE OF COLLECTION OF TAX ON IMPORTED SPIRITS

PAR. 33. Where spirits manufactured in the United States from imported spirits are bottled especially for export with benefit of drawback, the Collector of Customs at the port where the entry or withdrawal for consumption was made will, upon application in writing by the exporter, execute a certificate on Form 1583 in triplicate showing that internal revenue tax has been collected on the imported spirits described in the application. Two copies of the certificate will be forwarded by the Collector of Customs to the District Supervisor of the Alcohol Tax Unit district in which the spirits are bottled. The remaining copy will be retained by the Collector. Such certificates shall be serially numbered beginning with No. 1 for each customs district.

PAR. 34. The exporter must set forth in his application for the issuance of the certificate sufficient information to enable the Collector of Customs to identify the importation, such as the entry number, name of importing vessel or other carrier, date of importation, name of importer, marks and numbers of packages, and a description of the spirits.

PAR. 35. The District Supervisor will not approve a claim for drawback on spirits manufactured from imported spirits and bottled especially for export, prior to the receipt of the certificate from the Collector of Customs showing that internal revenue tax has been collected on such imported spirits. Where the spirits described in a certificate of the Collector of Customs are the subject of two or more drawback claims, the District Supervisor will forward the original certificate to the Deputy Commissioner in charge of the Alcohol Tax Unit with the first claim and will prepare and forward certified copies with subsequent claims. (See Paragraph 49.)

DRAWBACK BOND

PAR. 36. The exporter shall, either before or at the time of the execution of his first entry for drawback on Form 1582, file with the District Supervisor a drawback bond on Form 1581 in triplicate to insure the bona fide exportation of spirits on which drawback is claimed, and the procurement and submission of the required evidence of the landing of such spirits at the designated foreign port, or the use thereof as supplies on vessels in accordance with Paragraph 1 (a), or the loss of such spirits after shipment on land or at sea outside the jurisdiction of the United States, without fault or negligence on the part of the exporter. The bond must be furnished with acceptable corporate surety or individual sureties, or secured by the deposit of proper collateral.

PAR. 37. The penal sum of the bond must be sufficient to cover the amount of drawback which will at any time constitute a charge against the bond: Provided, That such bond shall be furnished in multiples of $100 and shall in no case be in a less penal sum than $500. The liability under such bond shall be a continuing one, subject to increase as successive claims for drawback are approved by the District Supervisor and to decrease as satisfactory evidence of exportation or of loss after shipment without negligence on the part of the exporter, as hereinafter provided, is received by the District Supervisor. When the limit of liability under any such bond is reached, no further claims for drawback may be approved thereunder. In such event a new bond must be filed in triplicate to cover subsequent claims.

PAR. 38. The bond will be approved by the District Supervisor if the principal has in all respects complied with the law and regulations. The original will be forwarded to the Deputy Commissioner, one copy will be returned to the principal, and the remaining copy will be retained by the District Supervisor.

PAR. 39. Drawback claims may be approved from time to time under the bond as long as it remains good and sufficient, or until it shall have been released or terminated by the order of the District Supervisor or Commissioner.

PAR. 40. No claim for an allowance of drawback on distilled spirits bottled especially for export, and exported, will be approved until the claimant has furnished the prescribed bond.

ACCOUNT WITH BOND

PAR. 41. The District Supervisor will keep an account with each drawback bond, in which the principal will be charged with the full amount for which each drawback claim is approved and will be given credit for the amount of drawback represented by the distilled spirits concerning which satisfactory evidence of foreign landing, or of use as supplies on vessels as required in Paragraph 52 (b), or of loss on land or at sea outside the jurisdiction of the United States without negligence on the part of the exporter, as hereinafter provided, has been received.

SHIPMENT OR DELIVERY FOR EXPORT

PAR. 42. Every case of bottled distilled spirits intended for export with benefit of drawback shall be consigned to the Collector of Customs at the port of exportation, except that when the shipment is to contiguous foreign territory it shall be consigned to the foreign consignee at destination, but stenciled or marked in care of the Collector of Customs or Deputy Collector of Customs at the port of export. In the case of shipment to contiguous foreign territory, the carrier shall deliver the spirits for customs inspection at the port of export before transporting the same to the foreign destination.

PAR. 43. (a) If the place where the spirits are bottled is located at the port of exportation, the exporter shall deliver the shipment directly for customs inspection and supervision of lading. The drawback entry must be filed with the Collector of Customs at least six hours prior to the lading of the spirits in order to allow opportunity for customs inspection. The exporter must file one copy of the export bill of lading with the Collector of Customs and one copy with the District Supervisor. The bill of lading must show the exporter as the shipper, the serial numbers of the cases, and the quantity shipped in wine gallons.

(b) If the spirits on which drawback is claimed are for use as ship's supplies, a receipt covering the spirits showing marks, numbers and quantity, signed by the master, or an authorized officer of the vessel or steamship company, will be filed in lieu of an export bill of lading.

PAR. 44. In the event the place where the spirits are bottled is located elsewhere than at the port of exportation, the exporter shall deliver the shipment either directly for customs inspection and supervision of lading as in the case where spirits are bottled at the port of exportation

or to a common carrier for transportation to the port of exportation. If the spirits are delivered to a common carrier for transportation, the exporter shall procure two copies of the bill of lading covering such transportation. In case of exportation through a border port to contiguous foreign territory, the bill of lading shall cover transportation to destination and must show the routing, particularly the carrier which will deliver the shipment for customs inspection at the border. The bill of lading shall also show that the shipment was sent in care of the Collector or Deputy Collector of Customs at the border port. The exporter shall immediately forward one copy of the bill of lading direct to the Collector of Customs at the port of export, and transmit the other copy to the District Supervisor of the district where the spirits were bottled. The District Supervisor will attach his copy of the bill of lading to the copy of the claim and entry, Form 1582, returned by the Government officer at the bottling plant.

PAR. 45. In the case of shipments by carrier to the port of export, the exporter will have his agent represent him in respect to transferring of the shipment from the terminal of the carrier to the dock, arranging ocean transportation and other matters incidental to exportation with benefit of drawback, excepting that such representation is not necessary in the case of shipment on a through bill of lading through a border port for exportation to contiguous foreign territory.

CUSTOMS PROCEDURE

PAR. 46. (a) The Collector of Customs, upon receipt of the drawback entry on Form 1582, will cause the date and hour of receipt to be stamped on each copy of the form and will execute Part 5, the order for inspection and lading. The inspector of customs to whom the order is delivered will inspect the cases of spirits. He will examine the contents of such cases as are found broken or tampered with, or which he is led to suspect do not contain the spirits originally packed therein, and will make a special report thereon. The inspector of customs will note in his report any deficiency in quantity or discrepancy between the merchandise inspected and that described in the entry. After having complied with the order of inspection, and after the spirits have been duly laden on board the exporting vessel, aircraft, car, or other conveyance, the inspector of customs will complete and sign Part 6, his certificate of inspection and lading, on each copy of the form. If the inspector of customs discovers any evidence of fraud, he will detain the merchandise and notify the Collector of Customs, who will inform the District Supervisor of the Alcohol Tax Unit district in which the port is located. The District Supervisor will take appropriate action and immediately report the facts to the Deputy Commissioner.

(b) If the spirits are for use as ship's supplies, the inspector of customs will also note that fact on Part 6 of Form 1582.

PAR. 47. Whenever the inspecting officer is unable to certify to the actual inspection and lading of the spirits, he will make his return on Part 7 of Form 1582, stating therein the reasons why the spirits were not inspected by him and laden under his supervision. The officer will, after the vessel, aircraft, car, or other conveyance has cleared, examine the records of the delivering and exporting steamship or transportation lines for the purpose of verifying the particulars stated in the drawback entry, and will make his certificate accordingly. If the records examined show that packages of similar description were laden on the exporting vessel, aircraft, car, or other conveyance for the designated port, the officer will set forth in his certificate, in addition to other data indicated by the form, the date and hour of lading.

PAR. 48. After the inspector of customs has executed his certificate of inspection or non-inspection, as the case may be, and after receipt of the export or through bill of lading, the Collector of Customs will execute his certificate on Part 8 of each copy of Form 1582. The Collector of Customs will retain one copy of the form for his entry record and will transmit the other two copies (one of them the original) fully executed to the District Supervisor of the district from which the bottled spirits were shipped.

DISPOSITION OF CLAIM

PAR. 49. The District Supervisor will examine the two copies of the drawback claim, Form 1582, received from the Collector of Customs and compare the same with the copy received from the Government officer who supervised the bottling operations. If the District Supervisor is satisfied that the claimant has complied in every respect with the law and regulations and the claim is valid, and if a good and sufficient bond has been furnished, he will execute his certificate of approval on each copy of the claim and forward the original to the Deputy Commissioner. The District Supervisor will forward with the claim a copy of each of the following documents, when required hereunder to support the claim:

(a) Form 1583, Certificate of Collector of Customs or certified copy thereof;

(b) Form 237, Rectifier's return showing payment of rectification tax.

PAR. 50. Where the spirits were not inspected by a customs officer at the port of export, and loaded on the exporting vessel, railroad car, motor truck, or other conveyance under his supervision, the claim for drawback may, nevertheless, be allowed provided that the law and regulations were complied with in other respects and the exportation without customs inspection and supervision of lading was not the fault of the exporter or carrier or the agent of either.

PAR. 51. The Commissioner will, upon receipt of the claim and accompanying documents, examine the records of his office to determine whether the spirits of domestic origin described in the claim have been tax-paid. If the Commissioner finds that such spirits have been duly tax-paid, he will execute a certificate to that effect on Form 646–A. If the claim is allowed, in whole or in part, the Commissioner will forward it, together with his certificate, Form 646–A, and the certificate of the Collector of Customs, Form 1583, if any, scheduled on Form 1550–A, to the Comptroller General of the United States for certification of the amount allowed. If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor.

PAR. 52. (a) Each claimant for drawback on bottled distilled spirits exported must agree in the required bond that he will procure and furnish within six months (or such additional extensions of time as may be granted by the District Supervisor or Commissioner), evidence satisfactory to the District Supervisor or Commissioner that such distilled spirits have been landed at the designated foreign port or that after shipment the same were lost on land or at sea, outside the jurisdiction of the United States, without fault or negligence on the part of the exporter. Proof of the foreign landing of the spirits shall, in every case, consist of a duly executed landing certificate except as otherwise provided herein. The landing certificate must give such description of the spirits as will readily identify the shipment to which it relates. It will be in substantially the following form:

Port of _____, _____
_____, 19__. I, _____
of _____
do hereby certify that the merchandise hereinafter described, shipped by _____ at the port of _____, on board the _____ on or about the _____ day of _____, 19__ has been landed at this port from on board the _____ on or about the _____ day of _____, 19__.

| Marks and numbers | Number of cases | Name of article | Quantity | |
|---|---|---|---|---|
| | | | Wine gallons | Proof gallons |
| | | | | |



[SEAL] _____
Subscribed and sworn to before me this _____ day of _____, 19____.
[SEAL] _____
(Name)
_____
(Title)

(b) If the spirits were laden on board a vessel for use as ship's supplies, there must be submitted to the District Supervisor with whom the claim is filed, an affidavit of the master or other officer of the vessel on which the articles were laden, having knowledge of the facts, showing that the spirits have been used on board the vessel and that no portion thereof has been landed in the United States or any of its possessions. In the case of vessels of war, such affidavit will not be required.

PAR. 53. The landing certificate shall be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown that such country has no customs administration, in which case the certificate shall be signed by the consignee or by the vessel's agent at the place of landing and sworn to before a notary public or other officer authorized to administer oaths and having an official seal. The certificate must be filed with the District Supervisor with whom the drawback claim was filed within the period indicated in the preceding paragraph. The District Supervisor will, upon receipt of a proper landing certificate, enter an appropriate credit in the account kept with the drawback bond.

PAR. 54. One landing certificate may cover several consignments made by the same shipper to the same consignee, or to a general agent, on the same date by the same vessel, aircraft, railroad car, motor truck, or other conveyance, and to the same foreign port, provided each consignment is specifically and separately described in the certificate. A certificate in a foreign language must be accompanied by a sworn translation thereof.

PROOF OF LOSS AFTER SHIPMENT

PAR. 55. When the exporter is unable to procure a landing certificate in consequence of loss on land or at sea, he shall file with the District Supervisor with whom the entry for exportation was filed, an application for relief setting forth the extent of the loss and if possible, the location and manner of shipwreck, railroad wreck, or other casualty and the time of its occurrence. Such application must be accompanied by the affidavits of two or more creditable and disinterested persons as to the loss. If the goods were insured, the exporter shall also file certificates by officers of the insurance companies or board of underwriters that the insurance has been paid, and that to the best of their knowledge and belief, the goods were actually destroyed on land or at sea. When obtainable, the exporter must furnish affidavits of the master and mate of the vessel, conductor or other official of the railroad, or operator of the motor truck or other conveyance, detailing the manner and extent of the loss and the time and location of the disaster or other casualty. Such proof shall be furnished to the District Supervisor within six months from the date of exportation. The District Supervisor will, upon receipt of the required evidence, if satisfied therefrom that the merchandise was lost on land or at sea outside the jurisdiction of the United States and without fault or negligence on the part of the exporter, enter an appropriate credit in the account kept with the bond.

EXTENSION OF TIME FOR SUBMITTING PROOF

PAR. 56. In case the exporter, from causes beyond his control, is unable to furnish the required proof of landing or loss on land or at sea within the time prescribed, he may make application to the District Supervisor for an extension of time for production of the evidence. Such application must state specifically the cause of failure to produce the evidence and be verified under oath. The District Supervisor may grant one extension of three months and, if necessary, upon a second application an additional three months may be granted, provided the exporter's bond is good and sufficient.

COLLATERAL EVIDENCE OF LANDING

PAR. 57. In case of inability to produce the prescribed evidence of landing, application for relief may be made to the District Supervisor of the district from which the distilled spirits were shipped.

PAR. 58. Such application must be made under oath and must recite the facts connected with the alleged exportation, setting forth the date of shipment, the kind, quantity, and value of the distilled spirits shipped; the name of the consignee; the name of the vessel or aircraft, or description of the railroad car, motor truck, or other conveyance and the port to which the shipment was made; and the date and amount of the bond covering such shipment. The application shall also state in what particular the regulations respecting the proofs of landing have not been complied with; the cause of failure to produce such proofs; that such failure was not occasioned by any lack of diligence on the part of the applicant, or his agents; and that he is unable to produce any other or better evidence than that submitted with his application.

PAR. 59. Each application shall be supported by such collateral evidence as the exporter is able to submit. The evidence may embrace original or verified copies of letters from consignees advising the shipper of the arrival or sale of the spirits, with such other statements respecting the failure to furnish the prescribed evidence of landing as may be obtained from the consignees or other persons having knowledge thereof. Letters and other documents in a foreign language must be accompanied by sworn translations and when the letters fail to identify sufficiently the goods, the original sales account must be produced.

PAR. 60. If the District Supervisor is satisfied from the evidence presented that the spirits were duly exported from the United States and were landed at the designated foreign port or, for a good and sufficient reason, at some other port outside of the jurisdiction of the United States, and that the failure of the applicant to furnish the prescribed proofs of landing was not occasioned by any lack of diligence on his part or that of his agents, and that the applicant is unable to produce any other or better evidence than that submitted with the application, he will endorse his approval on the application and enter proper credit in the account kept with the drawback bond.

PAR. 61. If the prescribed landing certificate is not furnished by the exporter to the District Supervisor within the prescribed six-month period (or such additional extensions of time as may be granted), or if the exporter shall fail to furnish other satisfactory evidence of the foreign landing of the merchandise or proof of loss on land or at sea after shipment, as authorized herein, the District Supervisor will, in the event the drawback claim has been paid, make written demand upon the principal and surety for repayment to the United States of the full amount of such drawback, plus interest. If the amount demanded is not promptly paid, a copy of the bond, accompanied by a full report of the facts, will be forwarded to the United States Attorney for enforcement of the claim by suit.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved September 7, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2708; Filed, September 9, 1937; 10:54 a. m.]

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[T. D. 4759]

INCOME TAX

The following articles of Regulations 94 amended: Article 54–1; article 102–1; article 102–4; article 112 (g)–2; article 115–5; article 115–11; article 143–1; article 143–3; article 147–3; article 166–1; article 167–1: article 204 (c)–1; article 351–2; article 351–3; article 351–6 and article 1001–7.

Article 166–1, as amended, and article 167–1 of Regulations 86 also amended.

*To Collectors of Internal Revenue and Others Concerned:*

Article 54–1 of Regulations 94 is amended to read as follows:

ART. 54–1. *Records and income tax forms.*—Every person subject to the tax, except persons whose gross income (1) consists solely of salary, wages, or similar compensation for personal services rendered, or (2) arises solely from the business of growing and selling products of the soil, shall, for the purpose of enabling the Commissioner to determine the correct amount of income subject to the tax, keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of the gross income and the deductions, credits, and other matters required to be shown in any return under this title. Such books or records shall be kept at all times available for inspection by internal revenue officers, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

Income tax forms shall be prescribed by the Commissioner and shall be executed and filed in accordance with these regulations and the instructions on the form.

The first sentence of the second paragraph of article 102–1 of Regulations 94 is amended by striking out "as defined and described in section 119" and substituting in lieu thereof "as defined in section 119 and the regulations thereunder".

The fourth and fifth sentences of article 102–4 of Regulations 94 are amended by striking out "as defined and described in section 119", wherever found, and substituting in lieu thereof "as defined in section 119 and the regulations thereunder".

The fifth paragraph of article 112 (g)–2 of Regulations 94 is amended by striking out the last two sentences.

The fourth paragraph of article 115–5 of Regulations 94 is amended by striking out "article 27–6 (b)" and substituting in lieu thereof "article 27 (f)–1 (b)".

The title of article 115–11 of Regulations 94 is amended by striking out the word "on" appearing after the word "profits" and substituting in lieu thereof the word "of".

The second sentence of article 143–1 of Regulations 94 is amended by striking out the comma appearing after the word "rights".

The last sentence of article 143–3 of Regulations 94 is amended by striking out "115" and substituting in lieu thereof "1115".

Paragraph (h) of article 147–3 of Regulations 94 is amended by inserting "(citizen or resident)" after the word "individual".

The last paragraph of article 147–3 of Regulations 94 is amended by striking out "(see article 25–5)" and substituting in lieu thereof "(see article 25–7), or if the payee is a resident of Canada or Mexico,".

Article 166–1, as amended, of Regulations 86 and article 166–1 of Regulations 94 are amended by adding at the end thereof the following:

A person may have an interest that is both substantial and adverse to the grantor in the disposition of only part of the corpus or the income therefrom. If the power to revest title in the grantor is vested in him in conjunction with such person, or is vested solely in such person, there is to be excluded in computing the net income of the grantor only the income of such part.

Subdivisions (b) of articles 167–1 of Regulations 86 and 94 are amended by adding at the end thereof the following:

A person may have an interest that is both substantial and adverse to the grantor in the disposition of only part of the income. There is to be excluded in computing the net income of the grantor only that part of the trust income in the disposition of which such person has a substantial interest adverse to the grantor.

The last sentence of article 204 (c)–1 of Regulations 94 is amended to read as follows:

Insurance companies conducting their business in such manner as to receive income under section 204 (b) (1) (C) are entitled to such deductions relating thereto as are provided for in section 204 (c), but, in the case of deductions referred to in section 204 (c) (10), only to the extent that the aggregate amount thereof does not exceed the income included under section 204 (b) (1) (C).

The third paragraph of article 351–2 of Regulations 94 is amended by striking out in the first sentence thereof "as defined and described in section 119" and substituting in lieu thereof "as defined in section 119 and the regulations thereunder".

The first paragraph of article 351–3 of Regulations 94 is amended by striking out in the third and fourth sentences thereof "as defined and described in section 119", wherever found, and substituting in lieu thereof "as defined in section 119 and the regulations thereunder".

The last paragraph of article 351–6 of Regulations 94 is amended to read as follows:

In determining the "undistributed adjusted net income", as contemplated in section 351 (b) (2), there will be subtracted from the "adjusted net income" ($125,000), the $75,750 aggregate sum of the following items:

(1) $20,750—20 percent of $103,750, the latter amount being the excess of the $125,000 adjusted net income over the $21,250 (85 percent of $25,000) dividend income received during the year from another personal holding company, which is allowable as a credit;

(2) $5,000—the item set aside to apply toward the retirement of its bonded indebtedness of $50,000, incurred prior to January 1, 1934; and

(3) $50,000—dividends distributed to its shareholders during the taxable year 1936.

This leaves $49,250 ($125,000 less $75,750) as the "undistributed adjusted net income" contemplated in section 351 (b) (2), on which the 8 percent and the 18 percent surtax rates of brackets (1) and (2) of section 351 (a) apply, making the 1936 surtax of the M Corporation $8,665.

Article 1001–7 of Regulations 94 is amended by adding at the end thereof the following:

Though its name, charter powers and subjection to State insurance laws are significant in determining the business which a corporation is authorized and intends to carry on, the character of the business actually done in the taxable year determines whether it is taxable as an insurance company under the Act. For example, during the year 1936 the M Corporation, incorporated under the insurance laws of the State of R, carried on the business of lending money in addition to guaranteeing the payment of principal and interest of mortgage loans. Of its total income for the year one-third was derived from its insurance business of guaranteeing the payment of principal and interest of mortgage loans and two-thirds was derived from its noninsurance business of lending money. The M Corporation is not an insurance company for the year 1936 within the meaning of the Act and these regulations.

This Treasury Decision is prescribed pursuant to the provisions of section 62 of the Revenue Act of 1934 and of sections 54, 62 and 147 of the Revenue Act of 1936.

[SEAL] CHAS. T. RUSSELL,
*Acting Commissioner of Internal Revenue.*

Approved September 7, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–2709; Filed, September 9, 1937; 10:54 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Southern Division. September 9, 1937

[CAP—100]

### 1937 COTTON PRICE ADJUSTMENT PAYMENT PLAN ANNOUNCEMENT

COTTON PRICE ADJUSTMENT PAYMENT BULLETIN 100

The provision contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (Public No. 354, 75th Congress), for price adjustment payments to cotton producers, and the conditions under which payments will be made.

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The Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (Public No. 354, 75th Congress), making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes, contains the following provision:

PRICE ADJUSTMENT PAYMENT TO COTTON PRODUCERS

Notwithstanding any other provisions of section 32 of Public Law Numbered 320, Seventy-fourth Congress, as amended, not to exceed $65,000,000 of the funds available under said section 32 in each of the fiscal years 1938 and 1939 shall be available (at such times and in such amounts as the Secretary of Agriculture may determine) until expended for a price-adjustment payment, upon such terms and conditions as the Secretary of Agriculture may determine, with respect to the 1937 cotton crop to cotton producers who have complied with the provisions of the 1938 agricultural adjustment program formulated under the legislation contemplated by Senate Joint Resolution Numbered 207, Seventy-fifth Congress. Such payments to any producer shall be at a rate per pound equal to the difference between 12 cents per pound and the average price of seven-eighths Middling cotton on the ten designated spot cotton markets on the dates of sale of such cotton, but in no case shall exceed 3 cents per pound. The bases for any such payment, or the amount thereof, when officially determined in conformity with rules prescribed by the Secretary of Agriculture shall be reviewable only by the Secretary of Agriculture.

This provides for a cotton price adjustment payment plan somewhat similar to the 1935 Cotton Price Adjustment Payment Plan, the object of which was to assure to the producers of cotton an average return of 12 cents per pound for their 1935 crop. The 1935 plan was drafted with regard to the 1935 crop under clause (3) of section 32 of Public Law No. 320, Seventy-fourth Congress, approved August 24, 1935, as it then stood and was conditioned on applicants for payment undertaking to comply with the requirements of the 1936 Cotton Acreage Adjustment Program formulated under section 8 (1) of the Agricultural Adjustment Act of 1933, as amended. Before payments could be made under the plan the Supreme Court of the United States handed down its decision in the Hoosac Mills case invalidating that program. In Public Law No. 440, Seventy-fourth Congress, approved February 11, 1936, the Congress authorized the carrying out of the plan after omitting the requirement as to cooperation in the 1936 Cotton Acreage Adjustment Program which was abandoned in light of the Supreme Court decision.

The proposed payment plan for the 1937 crop embraces six principal features.

*First*, $130,000,000 is made available for payments, being $65,000,000 for each of the fiscal years, 1938 and 1939, out of the funds heretofore made available under section 32 of said Public Law No. 320, as amended. The first $65,000,000 is now available and the second $65,000,000 becomes available July 1, 1938. Under the 1935 plan $50,000,000 was allocated and $39,756,248.81 was paid to producers up to July 31, 1937, on approximately 3¾ billion pounds of cotton at an average price of 1.059 cents per pound.

*Second*, the adjustment payment will be made, upon application therefor, only to producers who submit proof of compliance with a 1938 agricultural adjustment program which is to be formulated under legislation to be enacted as contemplated by Senate Joint Resolution No. 207, Seventy-fifth Congress, which was approved August 24, 1937 (Public Resolution No. 69). Such proof could not, of course, be furnished earlier than late in the spring of 1938 in any region.

*Third*, payment to an individual producer will be made with respect to his 1937 cotton production sold prior to July 1, 1938, on 65 percent of his base cotton production which was or could have been established under the 1937 Agricultural Conservation Program or such higher percentage of such base production which, in the light of estimated participation in the 1938 Agricultural Adjustment Program, sales from the 1937 cotton crop, average prices in the ten designated spot markets, and other pertinent data, will result in cotton price adjustment payments aggregating approximately $130,000,000.

*Fourth*, the adjustment payment per pound will be the amount per pound by which the official average price of ⅞-inch middling spot cotton on the ten designated spot cotton markets (Norfolk, Augusta, Savannah, Montgomery, Memphis, New Orleans, Little Rock, Houston, Dallas, and Galveston) is below 12 cents per pound on the date of sale of the producer's cotton, but in no case shall the payment per pound exceed 3 cents. The payment respecting sales on any date will apply to all cotton sold on that date, irrespective of the selling price received by any producer for his cotton or its grade and staple.

*Fifth*, the adjustment payment will be made only with respect to the portion of the 1937 cotton crop which is actually sold prior to July 1, 1938. Under the 1935 plan, provision was made whereby cotton under the 10-cent Government loan on July 31, 1936, the last day for sales if the cotton was to be eligible for the adjustment payment, was to be treated as if sold on that date. This provision, however, was inoperative because the official average base price was above 12 cents on such date. The sales of cotton contemplated by the 1937 plan must be bona fide sales made in the usual course of business.

*Sixth*, the adjustment payment will be made to each producer upon the facts established in an approved application executed by him with respect to his individual cotton. Individual Government checks for the amount of the payment approved will be issued to each applicant.

Cotton producers who desire to take advantage of the cotton price adjustment payment plan outlined herein will be required to support their applications with the original cotton sale certificates or sales receipts for all of their 1937 cotton crop sold prior to July 1, 1938. Where receipts are obtained from the purchaser, these receipts must show the date of sale, name and address of the producer, number and gross weight of the bales, and the signature of the buyer and address of the buyer. If the cotton is sold in the seed, the receipt must show the number of pounds of seed cotton and the number of pounds expressed in terms of lint cotton, rather than the number of bales and gross weight. Lint cotton sold but not baled must show the pounds of lint, rather than the number of bales and gross weight.

All cotton producers will be required to obtain sales receipts for sales and mail them to, or file them personally with, the secretary of the County Agricultural Conservation Association. For sales made up to and including September 15, 1937, sales receipts must be filed not later than September 30, 1937. Cotton sale certificates or sales receipts for cotton sold after September 15, 1937, must be filed not later than 15 days after the date of sale.

A bulletin which will contain the necessary instructions pertaining to the execution and handling of the forms, the necessary information covering the details of the plan as it affects cotton producers, and the forms themselves will be issued with the least possible delay.

Done at Washington, D. C., this 9th day of September, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–2710; Filed, September 9, 1937; 12:41 p. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 133]

### FARMS WITHOUT CENTRAL STATION ELECTRIC SERVICE

ALLOTMENTS FOR LOANS

SEPTEMBER 3, 1937.

Pursuant to Section 3 (c) of the Rural Electrification Act of 1936 and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each State and the number of such farms for

the United States at the beginning of the current fiscal year are set forth in the following schedule, and I hereby allot from the sum of $15,000,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

| | Farms without central station electric service July 1, 1937 | Allotment for loans during the fiscal year ending June 30, 1938 |
|---|---|---|
| United States | 5,719,673 | $15,000,060 |
| Alabama | 262,465 | 688,322 |
| Arizona | 11,708 | 30,705 |
| Arkansas | 241,388 | 633,047 |
| California | 63,797 | 167,309 |
| Colorado | 53,694 | 140,814 |
| Connecticut | 13,846 | 36,312 |
| Delaware | 8,403 | 22,037 |
| Florida | 71,177 | 186,661 |
| Georgia | 242,031 | 634,733 |
| Idaho | 24,570 | 64,436 |
| Illinois | 191,646 | 502,597 |
| Indiana | 164,520 | 431,458 |
| Iowa | 184,551 | 483,990 |
| Kansas | 150,962 | 395,902 |
| Kentucky | 274,157 | 718,984 |
| Louisiana | 163,639 | 429,148 |
| Maine | 25,176 | 66,025 |
| Maryland | 31,202 | 82,090 |
| Massachusetts | 17,402 | 45,637 |
| Michigan | 129,962 | 340,829 |
| Minnesota | 184,692 | 484,360 |
| Mississippi | 311,865 | 817,875 |
| Missouri | 251,984 | 660,835 |
| Montana | 42,535 | 111,549 |
| Nebraska | 119,545 | 313,510 |
| Nevada | 2,204 | 5,780 |
| New Hampshire | 5,395 | 14,149 |
| New Jersey | 11,904 | 31,218 |
| New Mexico | 38,317 | 100,487 |
| New York | 93,059 | 244,050 |
| North Carolina | 274,876 | 720,870 |
| North Dakota | 75,489 | 197,972 |
| Ohio | 165,965 | 432,888 |
| Oklahoma | 199,195 | 522,394 |
| Oregon | 39,753 | 104,253 |
| Pennsylvania | 116,995 | 306,823 |
| Rhode Island | 277 | 726 |
| South Carolina | 154,871 | 406,153 |
| South Dakota | 73,179 | 191,914 |
| Tennessee | 259,671 | 680,994 |
| Texas | 464,914 | 1,219,250 |
| Utah | 11,753 | 30,822 |
| Vermont | 19,078 | 50,033 |
| Virginia | 175,856 | 461,187 |
| Washington | 41,931 | 109,965 |
| West Virginia | 99,626 | 261,272 |
| Wisconsin | 144,992 | 380,245 |
| Wyoming | 14,256 | 37,387 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2707; Filed, September 9, 1937; 9:47 a. m.]

***Saturday, September 11, 1937*** ***No. 176***

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

AMENDMENT OF PARAGRAPH 6, SUBDIVISION IX, SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 404), it is ordered that paragraph 6 of Subdivision IX of Schedule A of the Civil Service Rules be, and it is hereby, amended to read as follows:

"6. Two assistants to the Secretary in the office of the Secretary of Agriculture."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 6, 1937.*

[No. 7702]

[F. R. Doc. 37-2711; Filed, September 9, 1937; 2:49 p. m.]

## DEPARTMENT OF STATE.

SUPPLEMENT TO THE LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO CZECHOSLOVAKIA

SEPTEMBER 9, 1937.

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution No. 10, approved March 1, 1937, and Executive Order No. 6750, of June 27, 1934, public notice of intention to negotiate a trade agreement with Czechoslovakia was issued on August 31, 1937. In connection with that notice, the Secretary of State published a list of products on which the United States will consider the granting of concessions to Czechoslovakia, and he further announced that concessions on products not included in the list would not be considered unless supplementary announcement were made.

The Secretary of State now announces that the following item has been added to the list referred to above:

| Tariff Act of 1930 paragraph | Description | Present rate of duty |
|---|---|---|
| 222 (a) | Plate glass, by whatever process made: | |
| | Not exceeding 384 square inches | 8.3 cents per square foot. |
| | Above that, and not exceeding 720 square inches | 11.3 cents per square foot. |
| | Above that, and not exceeding 1008 square inches | 11.7 cents per square foot. |
| | Above that | 13.2 cents per square foot. |
| | Provided, that none of the foregoing measuring one-half inch or over in thickness shall be subject to a less rate of duty than | 50 percent. |

NOTE.—Section (c) of Par. 222 of the Tariff Act of 1930 defines the term "plate glass" as "glass wholly ground and polished on both surfaces."

The "present rates of duty" given above are the rates applicable, as of the date of this announcement, to products of Czechoslovakia.

The Committee for Reprocity Information has prescribed that all information and views in writing and all applications for supplemental oral presentation of views shall be submitted to the Committee for Reciprocity Information not later than 12 noon, October 11, 1937. They should be addressed to "Chairman, Committee for Reciprocity Information, Old Land Office Building, 8th and E Streets, Northwest, Washington, D. C." Supplemental oral statements will be heard at a public hearing beginning at 10 a. m. on October 25, 1937, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Old Land Office Building. The regulations governing the form and manner of presentation of views were given in connection with the public notice of intention to negotiate a trade agreement with Czechoslovakia, dated August 31, 1937, copies of which are available on request.

Some of the products appearing on the list may not be the subject of any concession under the terms of the agreement, and the rates on those items which are finally included in the agreement may or may not be changed.

CORDELL HULL.

[F. R. Doc. 37-2714; Filed, September 9, 1937; 3:24 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49153]

ANTIDUMPING—AMMONIUM SULPHATE FROM POLAND, GERMANY AND BELGIUM

FINDINGS OF DUMPING WITH RESPECT TO AMMONIUM SULPHATE FROM POLAND, GERMANY AND BELGIUM VACATED

SEPTEMBER 7, 1937.

*To Collectors of Customs and Others Concerned:*

Reference is made to Treasury Decisions 45848, 45849 and 45852, which are findings of dumping with respect to ammonium sulphate from Poland, Germany and Belgium, respectively.

After careful reinvestigation and consideration of the cases in which these findings of dumping were made, and on the basis of new and material factual evidence neither before nor considered by the Department at the time the findings were made, I have reached the conclusion that the said findings were not justified.

In view of the conclusion reached, Treasury Decisions 45848, 45849 and 45852 are hereby vacated as of August 13, 1932, the date on which they were issued.

Appraising officers will proceed with all uncompleted appraisement reports pertaining to ammonium sulphate from Poland, Germany and Belgium without regard to any question of dumping, and collectors will liquidate all entries covering this class of merchandise, now before them or that may hereafter come before them, without regard to any reports by appraising officers that would, in the absence of this order, result in the assessment of special dumping duties.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2723; Filed, September 10, 1937; 10:35 a. m.]

### Bureau of Internal Revenue.

[T. D. 4760]

INCOME TAX

AMENDMENT OF ARTICLE 101 (9)-1 OF REGULATIONS 86 AND 94

*To Collectors of Internal Revenue and Others Concerned:*

Article 101 (9)-1 of Regulations 86 and article 101 (9)-1 of Regulations 94 are amended to read:

ART. 101 (9)-1. *Social clubs.*—The exemption granted by section 101 (9) applies to practically all social and recreation clubs which are supported by membership fees, dues, and assessments. If a club engages in traffic, in agriculture or horticulture, or in the sale of real estate, timber, etc., for profit, such club is not organized and operated exclusively for pleasure, recreation, or social purposes. Generally, an incidental sale of property will not deprive the club of the exemption.

This Treasury Decision is issued under the authority prescribed by section 62 of the Revenue Acts of 1934 and 1936.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 7, 1937.

ROSWELL MAGILL
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2713; Filed, September 9, 1937; 2:57 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

WYOMING GRAZING DISTRICT NO. 1

MODIFICATION

SEPTEMBER 2, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, the Departmental order of March 23, 1935, establishing Wyoming Grazing District No. 1 is hereby revoked insofar as it affects the following-described land:

WYOMING
SIXTH PRINCIPAL MERIDIAN
T. 47 N., R. 92 W., sec. 32, NE¼NE¼;
sec. 33, NW¼NW¼.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2716; Filed, September 10, 1937; 10:05 a. m.]



### Division of Territories and Island Possessions.

[I. C. C. No. 239]

THE ALASKA RAILROAD

LOCAL PASSENGER TARIFF NO. 194-B[1] NAMING ROUND TRIP EXCURSION FARES FROM STATIONS ON THE ALASKA RAILROAD TO PALMER, ALASKA, ACCOUNT MATANUSKA VALLEY FAIR, SEPTEMBER 5TH, 1937.

Issued under authority of Rule 52 Interstate Commerce Commission Tariff Circular No. 18-A. Issued, August 18, 1937. Effective, September 5, 1937. Authority Act March 12, 1914 and Executive Order No. 3861. Issued by: O. F. Ohlson, General Manager, Anchorage, Alaska.

*General Rules and Regulations*

1. *Stations From and To Which This Tariff Applies.*—This tariff applies from all Rail Line stations, Seward, Alaska, to Matanuska, Alaska, inclusive. This tariff applies only to Palmer, Alaska. Conductor picking up passenger at non-agency station will handle passenger to first agency station where ticket must be secured from originating station to final destination.

2. *Dates of Sale.*—September 5, 1937.

3. *Final Return Limit.*—September 6, 1937. Return trip to be commenced prior to midnight of final limit.

4. *Stopovers.*—Stopovers will not be permitted in either direction.

5. *Tickets.*—Use Form L-14 Round Trip Excursion tickets.

6. *Children.*—Tickets may be sold at one-half the fares named herein for children five years of age and under twelve years of age, sufficient to be added to make fare end in "0" or "5." Children under five years of age will be carried free when accompanied by parent or guardian.

7. *Baggage.*—No baggage will be checked on tickets sold under this tariff.

8. *Tickets Non-transferable.*—All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased. Passenger must sign the back of return portion of ticket.

9. *Fares.*—From stations shown below to Palmer, Alaska, and return:

| *From* | *Fare* |
|---|---|
| Seward, Alaska | $5.00 |
| Divide, Alaska | 5.00 |
| Primrose, Alaska | 5.00 |
| Lawing, Alaska | 5.00 |
| Moose Pass, Alaska | 5.00 |
| Tunnel, Alaska | 5.00 |
| Portage, Alaska | 5.00 |
| Girdwood, Alaska | 5.00 |
| Bird, Alaska | 4.60 |
| Indian, Alaska | 4.10 |
| Rainbow, Alaska | 3.70 |
| Potter, Alaska | 3.10 |
| Campbell, Alaska | 2.40 |
| Anchorage, Alaska | 2.00 |
| Whitney, Alaska | 2.00 |
| Eagle River, Alaska | 2.00 |
| Birchwood, Alaska | 1.70 |
| Eklutna, Alaska | 1.35 |
| Matanuska, Alaska | .55 |

September 7, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37-2721; Filed, September 10, 1937; 10:22 a. m.]

[1] No supplement will be issued to this tariff except for the purpose of cancelling the tariff.

[Passenger Circular No. 153–B]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

PASSENGER TRAINS DISCONTINUED

ANCHORAGE, ALASKA,
*August 23, 1937.*

*To All Concerned:*

The following passenger train service in connection with the S. S. *Baranof* and S. S. *Mount McKinley* will be discontinued effective as shown:

Train No. 4—Seward to Curry on Tuesdays, Sept. 2.
Train No. 22—Anchorage to Palmer on Tuesdays, Sept. 2.
Train No. 18—Curry to Fairbanks on Tuesdays, Sept. 2.
Train No. 14—Curry to Fairbanks on Wednesdays, Sept. 2.
Train No. 13—Fairbanks to Curry on Mondays, Sept. 2.
Train No. 3—Curry to Seward on Tuesdays, Sept. 2.
Train No. 21—Palmer to Anchorage on Tuesdays, Sept. 2.

The following passenger train service in connection with S. S. *Yukon* and S. S. *Alaska* will be discontinued effective as shown:

Train No. 8 Seward to Palmer on Fridays, Aug. 28.
Train No. 7 Palmer to Seward on Fridays, Aug. 28.

The following passenger train service will be discontinued effective as shown:

Train No. 19 Fairbanks to McKinley Park, Sept. 8.
Train No. 20 McKinley Park to Fairbanks, Sept. 8.

J. T. CUNNINGHAM,
*Sup't. Transportation.*

September 7, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37–2722; Filed, September 10, 1937; 10:22 a. m.]

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[Passenger Circular No. 154–C]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

PASSENGER TRAIN SERVICE

ANCHORAGE, ALASKA,
*August 23, 1937.*

*To All Concerned:*

Effective September 4th, 1937, passenger service will be as follows:

| *Northward* | | | | *Southward* |
|---|---|---|---|---|
| Saturday 7:30 a. m. Lv. | Seward | Ar. | 6:30 p. m. Friday | |
| Saturday 12:30 p. m. Ar. | Anchorage | Lv. | 1:30 p. m. Friday | |
| Saturday 2:00 p. m. Lv. | Anchorage | Ar. | 11:59 a. m. Friday | |
| Saturday 6:30 p. m. Ar. | Curry | Lv. | 7:30 a. m. Friday | |
| Sunday 7:30 a. m. Lv. | Curry | Ar. | 5:15 p. m. Thursday | |
| Sunday 11:59 a. m. Ar. | Healy | Lv. | 12:40 p. m. Thursday | |
| Sunday 12:30 p. m. Lv. | Healy | Ar. | 12:10 p. m. Thursday | |
| Sunday 4:15 p. m. Ar. | Fairbanks | Lv. | 8:30 a. m. Thursday | |

Trains 5, 6, 15, and 16 will be operated until approximately Sept. 20th; announcement will be made later as to date these trains will be discontinued.

See Passenger Circular No. 153–B as to date other passenger trains will be discontinued.

Passenger Circular No. 154–B of April 27th, 1937 is cancelled.

J. T. CUNNINGHAM
*Sup't Transportation.*

September 8, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37–2717; Filed, September 10, 1937; 10:05 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Issued September 9, 1937

[General Sugar Quota Regulations, Series 4, No. 2, Supplement 1]

REVISION OF PRORATIONS OF THE QUOTA FOR FOREIGN COUNTRIES OTHER THAN CUBA

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations (constituting a supplement to General Sugar Quota Regulations, Series 4, No. 2, issued September 2, 1937), which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

1. There is hereby prorated, pursuant to section 204 (b) of the said act, an amount of sugar equal to the prorations of the quota for foreign countries other than Cuba in effect on July 1, 1937, unfilled on the first day of September 1937, among other foreign countries other than Cuba, as follows:

| Country | Additional prorations in terms of pounds | Country | Additional prorations in terms of pounds |
|---|---|---|---|
| Belgium | 334,747 | Dominican Republic | 7,584,752 |
| Canada | 641,729 | Dutch East Indies | 240,429 |
| Colombia | 304 | Netherlands | 247,800 |
| Costa Rica | 23,427 | Peru | 12,641,215 |
| Czechoslovakia | 299,480 | United Kingdom | 398,850 |

In testimony whereof, I, H. A. Wallace, Secretary of Agriculture, have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 9th day of September, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–2715; Filed, September 9, 1937; 4:20 p. m.]

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Issued September 10, 1937

[General Sugar Quota Regulations, Series 4, No. 2, Supplement 2]

PRORATION OF 1937 DEFICIT FOR PHILIPPINE ISLANDS

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations (constituting a supplement to General Sugar Quota Regulations, Series 4, No. 2, issued September 2, 1937), which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

1. It is hereby determined, pursuant to Section 204 (a) of the said act, that for the calendar year 1937 the Commonwealth of the Philippine Islands will be unable by an amount of 173,610,000 pounds of sugar, raw value, to market the quota established for that area in General Sugar Quota Regulations Series 4, No. 2, approved September 2, 1937.

2. An amount of sugar equal to the deficit determined in paragraph 1 is hereby prorated, pursuant to Section 204 (a) of the said act, to foreign countries other than Cuba as follows:



*Additional Prorations (in terms of pounds, raw value)*

| Country: | |
|---|---|
| Belgium | 2,208,237 |
| Brazil | 463 |
| Canada | 4,233,314 |
| China and Hong Kong | 963,549 |
| Colombia | 2,004 |
| Costa Rica | 154,542 |
| Czechoslovakia | 1,975,592 |
| Dominican Republic | 50,034,589 |
| Dutch East Indies | 1,586,046 |
| Guatemala | 1,168,101 |
| Haiti, Republic of | 3,233,158 |
| Mexico | 1,049,821 |
| Netherlands | 1,634,672 |
| Nicaragua | 19,344,076 |
| Peru | 83,390,729 |
| United Kingdom | 2,631,107 |
| Total | 173,610,000 |

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 10th day of September, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–2724; Filed, September 10, 1937; 12:49 p. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. DI–134]

DECLARATION OF INTENTION OF THE WISCONSIN PUBLIC SERVICE CORPORATION

HEARING ON DECLARATION OF INTENTION

Upon Declaration of Intention filed May 27, 1937, by The Wisconsin Public Service Corporation of Milwaukee, Wisconsin, under Section 23 (b) of the Federal Power Act, for the reconstruction of an existing timber and rock-fill dam at Tomahawk, in Lincoln County, Wisconsin, and the construction of a new power house, substation and accessories, said dam to be in and across the upper and non-navigable part of the Wisconsin River, which river is navigable in its lower reaches and is tributary to the Mississippi River, an important navigable waterway of the United States;

The Commission *orders:*

That a hearing on said Declaration of Intention concerning such proposed construction and reconstruction and all matters pertinent thereto be held on October 11, 1937, at 10 a. m. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on September 7, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37–2712; Filed, September 9, 1937; 2:53 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3218]

IN THE MATTER OF QUALITY BAKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND ITS MEMBERS; FIRCH BAKING COMPANY, INC., DREIKORN BAKERY, INC., THE JACOB LAUB BAKING COMPANY, LIBERTY BAKING COMPANY, STROEHMANN BROTHERS COMPANY AND VERMONT BAKING COMPANY, INDIVIDUALLY AND AS REPRESENTATIVE MEMBERS OF SAID UNINCORPORATED ASSOCIATION; C. F. STROEHMANN, J. P. DUCHAINE, GROVER C. PATTON AND W. S. ALLISON, AS OFFICERS AND MEMBERS OF THE EXECUTIVE COMMITTEE OF SAID UNINCORPORATED ASSOCIATION, AND E. J. DERST, W. M. CLEMENS, ONIL O. COTE, S. S. WATTERS, HERBERT J. LAUB, JAMES H. SWAN, GEORGE C. WEST AND JAMES B. DWYER, AS MEMBERS OF SAID EXECUTIVE COMMITTEE, QUALITY BAKERS OF AMERICA, INC., A DELAWARE CORPORATION, WASHBURN CROSBY COMPANY, INC., A CORPORATION, PILLSBURY FLOUR MILLS COMPANY, A CORPORATION, RED STAR MILLING COMPANY, A CORPORATION, CONSOLIDATED FLOUR MILLS COMPANY, A CORPORATION, AND KANSAS MILLING COMPANY, A CORPORATION

COMPLAINT

Pursuant to the provisions of an Act of Congress, approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", commonly known as the Clayton Act, as amended by an Act of Congress, approved June 19, 1936, entitled "An Act to amend Section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C. Title 15, Sec. 13), and for other purposes", commonly known as the Robinson-Patman Act, the Federal Trade Commission, having reason to believe that the respondents named above in the caption hereof and hereinafter more particularly designated and described, have violated, and are now violating, the provisions of Subsection (c) of Section 2 of said Act as amended, hereby issues its complaint against the said respondents, stating its charges in that respect as follows:

PARAGRAPH ONE. (a) Respondent, Quality Bakers of America, is a voluntary unincorporated association, formed in 1922, having its principal place of business at 120 West 42nd Street, New York City. It is hereinafter referred to as the "Association" and its members are wholesale baking concerns located in various sections of the United States.

(b) Respondent members of said Association are about 70 in number and are located in various sections of the United States. Said members are corporations, partnerships, and individuals engaged in the wholesale bakery business. All of the members of said Association are not known to the Commission. Those of its officers, executive committee, and representative members who are known, and who can be conveniently reached are specifically named as respondents herein. All the other members of said Association are hereby made respondents without being individually named because they constitute a class or group too numerous to be brought before the Commission in this proceeding without manifest inconvenience and delay. The following named representative members of the Association are made respondents hereto both individually and in their said representative capacity: Respondent, Firch Baking Company, Inc., a Pennsylvania corporation having its principal place of business at Erie, Pennsylvania; Dreikorn Bakery, Inc., a Massachusetts corporation having its principal place of business at 322 Park Street, Holyoke, Massachusetts; The Jacob Laub Baking Company, an Ohio corporation having its principal place of business at 4909 Lorain Avenue, Cleveland, Ohio; Liberty Baking Company, a Pennsylvania corporation having its principal place of business at 6018 Houston Street, East Liberty, Pittsburgh, Pennsylvania; Stroehmann Brothers Company, a Pennsylvania corporation having its principal place of business at Curtin and Seventh Streets, Harrisburg, Pennsylvania; and Vermont Baking Company, a Vermont corporation having its principal place of business at White River Junction, Vermont. Respondent members of the Association, both named and unnamed, are hereinafter collectively referred to as "members." Said members are, among themselves, mutually non-competitive. Membership is lost whenever a member's trade becomes competitive with the trade of another member or members. Such membership is obtained solely through invitation and election.

(c) Respondents, C. F. Stroehmann, located at Curtin and Seventh Streets, Harrisburg, Pennsylvania; J. P. Duchaine, located at 229 Coffin Avenue, New Bedford, Massachusetts; Grover C. Patton, located at 434 North Morgan Street, Decatur, Illinois; and W. S. Allison, located at 120 W. 42nd Street, New York, New York; are respectively President, Vice-President, Treasurer and Secretary and General Man-

ager of the Association, and each of them are members of the Executive Committee thereof. Respondents E. J. Derst, located at 408 East Oglethorpe Avenue, Savannah, Georgia; W. M. Clemens, located at 19 South Main Street, Dubuque, Iowa; Onil O. Cote, located at 87 Elm Street, Manchester, New Hampshire; S. S. Watters, located at 6018 Houston Street, East Liberty, Pittsburgh, Pennsylvana; Herbert J. Laub, located at 4909 Lorain Avenue, Cleveland, Ohio; James H. Swan, located at 1801 East Magnolia Avenue, Knoxville, Tennessee; George C. West, located at White River Junction, Vermont; and James B. Dwyer, located at 1902 Cranberry Street, Erie, Pennsylvania; are the other members of the said Executive Committee. The said respondent officers and executive committeemen are made parties respondent hereto in their official capacities and as representatives of the aforesaid class or group of unnamed respondents.

(d) Respondent, Quality Bakers of America, Inc., is a Delaware corporation, having its principal place of business at 120 West 42nd Street, New York City. It is the operative agency, acts on behalf of the Association, and will be designated and referred to hereinafter as the Service Company. As such, said respondent corporation conducts numerous activities for the members of the Association, including services as to purchasing, production engineering, accounting, sales promotion, advertising, planning, publications and management assistance. The stock of the Service Company is held exclusively by members of the Association, no stockholder being entitled to hold more than ten or less than five shares thereof.

PAR. TWO. The Association, and its members as aforesaid, in the usual course and conduct of their respective businesses, are engaged in interstate commerce, transporting and causing to be transported their wholesale bakery products from the respective states of their production to their respective customers located in other states. The Service Company, in the regular course and conduct of its business, acting for and on behalf of the Association and its members, in its merchandising activities, heretofore in Paragraph One mentioned and hereafter in Paragraph Three described, is engaged in purchasing materials, supplies and equipment and in causing the same to be transported from the respective states where located at the time of sale to and into and through other states of the United States wherein the Service Company and the various respondent members are located.

PAR. THREE. Among the services rendered to members by the Service Company is that of negotiation for the purchase and the purchase and distribution of merchandise. The lines of merchandise so purchased include flour and many other food materials, required by said members in the production of their products, and a great variety of supplies and equipment, including machinery, used for the manufacture, packaging, storage and distribution of wholesale bakery products. Some of the said described merchandise is purchased outright by the said Service Company, payment being made by it to the vendors. In other cases said company does not pay the purchase price nor take title to the merchandise, but purchases same for and on behalf of respondent members of the Association. In said purchasing service the Service Company sometimes receives the merchandise and reships to the members of the Association, and on other occasions it directs the vendor to ship direct to the members as consignees. The said Service Company and the Association and its members, through the said Service Company as intermediary, caused to be transported the various lines of merchandise so purchased including flour, food materials, supplies, and equipment from the state of location where sold to, into and through the various other states of the United States in which the respective members of said Association are located, and into the State of New York where the Service Company is located. In its said purchasing service the said company is obligated to obtain and actually obtains from vendors the best prices, quality and service that it can on behalf of members and therein acts as intermediary between said vendors and said members.

PAR. FOUR. In the regular course and conduct of its purchasing service, in interstate commerce as hereinabove alleged, respondent Service Company, for more than five years last past has received and accepted from several hundred concerns, or their agents, selling practically all materials, supplies and equipment purchased by said company, valuable price concessions, as brokerages, commissions or other compensation, and allowances or discounts in lieu of brokerage; and the said Service Company now receives and accepts the same from many such concerns, including those corporate respondents hereinafter referred to as "respondent sellers." Each year of its said operations the said Service Company has thus received and accepted substantial sums, and in 1936 received and accepted in the aggregate $181,528.20, as brokerages, commissions or other compensation. The receipts of said company as brokerages and commissions or other compensation all inure to the benefit of the members. One-half thereof is retained by the Service Company for the purpose of operating the various abovementioned services maintained and made available to the entire membership by the said company. The remaining one-half thereof is distributed as patronage dividends, proportionally to the individual members, whose purchases are deemed to have earned the so-called brokerages or commissions or other compensation, in the form of credits against dues charged respectively, by the said company, to said members for such of the services, available at cost, as may be individually subscribed to by them.

Under the circumstances as hereinabove set out,—namely, that all of the stock in the Service Company receiving such brokerage fees, compensations and allowances and allowances or discounts in lieu of brokerage, is owned and held by the member buyers of the Association,—no services connected with the transactions of sale and purchase of the aforesaid materials, supplies and equipment on which such brokerage fees, compensations and other allowances were and are being paid and made, have either been or are being rendered to the said sellers by the Service Company or the Association or its members.

PAR. FIVE. Respondent Washburn Crosby Company, Inc., is a corporation with an office and principal place of business at 80 Broad Street in the City of New York, State of New York. Respondent Pillsbury Flour Mills Company is a corporation with office and principal place of business at 21 West Street in the City of New York, State of New York. Respondent Red Star Milling Company is a corporation with an office and principal place of business in the City of Wichita, State of Kansas. Respondent Consolidated Flour Mills Company is a corporation with an office and principal place of business in the City of Wichita, State of Kansas. Respondent Kansas Milling Company is a corporation with an office and principal place of business in the City of Wichita, State of Kansas. These last named respondents will hereinafter be designated and referred to as "respondent sellers". Said respondents and each of them in this paragraph named are and for more than one year last past have been engaged in the business of manufacturing and selling flour to numerous and divers wholesalers, jobbers, merchants and dealers, including the aforesaid Service Company, respondent, and respondent members of the aforesaid Association, and in the course of such business cause the said flour when sold to be shipped and transported from the state of its location at the time of said sale to, into and through the various other states of the United States in which the said purchasers are located.

Said respondent sellers are fairly typical and representative members of a large group or class of manufacturers, processors, importers and producers engaged in the common practice of selling a substantial portion of their commodities, merchandise, flour, foodstuffs, equipment, supplies and machinery in interstate commerce to the aforesaid Service Company, respondent, and to the members of the aforesaid Association for and on behalf of whom the said Service Company, respondent, acts as intermediary, in the manner and form hereinabove described. Said group or class of



sellers comprises a large number of corporations, partnerships and individuals and are too numerous to be individually named herein as respondents or to be brought before the Commission in this proceeding without manifest inconvenience and delay.

In the course of such commerce said respondent sellers and each of them have paid or granted and are paying or granting to the said Service Company and to the respondent members through that company as intermediary for and in fact for the respondent members of the aforesaid Association, commissions, brokerage fees, and other compensation and allowances or discounts in lieu thereof upon purchases of said commodities made by respondent buyers from said respondent sellers through said Service Company.

PAR. SIX. The payment or granting of such commissions, brokerage fees and other compensations and allowances or discounts in lieu thereof by said respondent sellers to the Service Company, and the receipt and acceptance thereof by the Service Company acting as intermediary for and on behalf of the Association, and for and on behalf of each of the aforesaid member respondents, and the participation in and direction or conduct of such activities by the individual respondents acting as officers and members of the executive committee of the aforesaid respondent Association, all in the manner and form aforesaid, are in violation of the provisions of Subsection (c) of Section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission on this 28th day of August, A. D., 1937, now here issues this its complaint against said respondents, stating its charges in such respect as hereinabove set out.

NOTICE

Notice is hereby given you and each of you, the respondents named in the caption of the above complaint, that the 1st day of October, A. D., 1937, at 2:00 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violation of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a short and simple statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * * * *

Failure of the respondent to file answer within the time above provided or failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further hearing or notice to respondent, to proceed in regular course on the charges set forth in the complaint, and to make, enter, issue, and serve upon respondent findings of fact and an order to cease and desist.

If respondent desires to waive hearing on the charges set forth in the complaint and not to contest the proceeding, the answer may consist of a statement that respondent admits all the material allegations of the complaint to be true. Any such answer shall be deemed to waive a hearing thereon, and to authorize the Commission, without trial and without further evidence, or other intervening procedure, to make, enter, issue, and serve upon respondent:

(a) In cases arising under section 5 of the Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes" (the Federal Trade Commission Act), or under sections 2 and 3 of the act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act), or under section 2 of the aforesaid Clayton Act as amended by "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes", approved June 19, 1936 (the Robinson-Patman Act), findings of fact and an order to cease and desist from the violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 28th day of August, A. D., 1937.

By the Commission.

[SEAL] C. G. DUGANNE,
*Acting Secretary.*

[F. R. Doc. 37-2718; Filed, September 10, 1937; 10:05 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 134]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 8, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Illinois 8026W Iroquois | $30,000 |
| Nebraska 8004W Polk | 5,000 |
| North Dakota 8008W Benson | 3,000 |
| Oklahoma 8006AW Caddo | 7,000 |
| Oregon 8014W Umatilla | 15,000 |
| Virginia 29 Nelson (Partial) | 100,000 |

JOHN M. CARMODY, *Administrator*

[F. R. Doc. 37-2719; Filed, September 10, 1937; 10:06 a. m.]

[Administrative Order No. 135]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 8, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Arkansas 14 Pope | $323,000 |

This money is to be used to build the following extensions and is to be expended approximately as follows:

| | Amount | Miles | Customers |
|---|---|---|---|
| Section 1: | | | |
| Conway | 74,135 | 117.7 | 366 |
| Pope | | | |
| Yell | | | |
| Section 2: | | | |
| Independence | 73,268 | 116.5 | 399 |
| Izard | | | |
| Sharp | | | |
| White | | | |
| Jackson | | | |
| Section 3: | | | |
| Boone | 89,537 | 127 | 465 |
| Marion | | | |
| Newton | | | |
| Searcy | | | |
| Section 4: | | | |
| Grant | 86,950 | 142 | 425 |
| Hot Spring | | | |
| Garland | | | |
| Clark | | | |
| Saline | | | |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2720; Filed, September 10, 1937; 10:06 a. m.]

*Tuesday, September 14, 1937* *No. 177*

## PRESIDENT OF THE UNITED STATES.

### GOLD STAR MOTHER'S DAY

By the President of the United States of America

A PROCLAMATION

WHEREAS the preamble to Public Resolution 123, 74th Congress, approved June 23, 1936, recites:

"WHEREAS the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

"WHEREAS we honor ourselves and the mothers of America when we revere and give emphasis to the home as the fountainhead of the state; and

"WHEREAS the American mother is doing so much for the home and for the moral and spiritual uplift of the people of the United States and hence so much for good government and humanity; and

"WHEREAS the American Gold Star Mothers suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in the World War;"

AND WHEREAS the said Public Resolution 123 provides:

"That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers.

"SEC. 2. That the last Sunday in September shall hereafter be designated and known as 'Gold Star Mother's Day', and it shall be the duty of the President to request its observance as provided for in this resolution."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid public resolution, do by this proclamation designate Sunday, September 26, 1937, as Gold Star Mother's Day and direct Government officials to display the United States flag on all Government buildings, and do call upon the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places on that day as a public expression of the affection and reverence of the people of the United States for the American Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of September in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United
[SEAL] States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2251]

[F. R. Doc. 37-2731; Filed, September 13, 1937; 12:22 p. m.]

### EXECUTIVE ORDER

DESIGNATION OF JEANNE KAVANAGH TO SIGN LAND PATENTS

By virtue of and pursuant to the authority vested in me by section 450 of the Revised Statutes, as amended (U. S. C., title 43, sec. 8), Jeanne Kavanagh of Iowa, appointed by the Secretary of the Interior, August 24, 1937, to the position of clerk to sign land patents, is hereby designated to sign my name to said patents.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 10, 1937.*

[No. 7703]

[F. R. Doc. 37-2727; Filed, September 11, 1937; 11:13 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 41]

AN ORDER DIRECTING ALL DISTRICT BOARDS FAILING TO COMPLY WITH THE COMMISSION'S ORDER NO. 39 TO APPEAR BEFORE THE COMMISSION AND SHOW CAUSE FOR SUCH FAILURE

It appears from the Commission's records that certain District Boards within the areas defined in the Act as Minimum Price Areas Number 1 and Number 2 have not complied in whole or in part with the Commission's Order No. 39, directing each District Board within Minimum Price Areas Number 1 and Number 2 to propose minimum prices for all kinds, qualities and sizes of coal produced in said districts by code members to the Commission on or before the 2nd day of September, 1937.

Now therefore pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

That all District Boards within the areas defined in said Act as Minimum Price Areas Number 1 and Number 2 who have failed to comply in whole or in part with the Commission's Order No. 39 appear before the Commission on September 13, 1937, at 10 A. M. at the office of the Commission in the City of Washington, D. C., and show cause for their failure to comply with the provisions of Commission Order No. 39, particularly in failing to file on or before the 2nd day of September, 1937, proposed minimum prices free on board transportation facilities at the mines for all kinds, qualities and sizes of coal produced in said districts by code members and to propose such price variations as to mines, and consuming market areas, values as to uses and seasonal demand, as may be deemed proper and within the authority conferred by the Act.

Further in failing to file complete schedules of such proposed minimum prices, together with the data with which they were computed, including, but without limitation, the factors considered in determining the price relationship and computed by using as a weighted average of the total cost per net ton of their respective minimum price areas, the amounts tentatively established and determined by the Commission for such use.

The Secretaries of each District Board affected by this order are hereby directed to give telegraphic notice of the contents of the order to each member of their respective District Boards.

The Secretary of the Commission shall forthwith mail copies of this order to the Secretaries of such District Boards as appears from the Commission's records have not complied with Order No. 39.

By order of the Commission.
Dated this 9th day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2728; Filed, September 11, 1937; 12:35 p. m.]

[Order No. 42]

AN ORDER REQUIRING THE SEVERAL DISTRICT BOARDS WITHIN MINIMUM PRICE AREAS NUMBERS 3, 4, 5, 6, 7, 9, AND 10, TO PROPOSE MINIMUM PRICES FOR ALL KINDS, QUALITIES AND SIZES OF COAL PRODUCED BY CODE MEMBERS IN SAID DISTRICTS; PROVIDING FOR THE COORDINATION OF MINIMUM PRICES SO PROPOSED AND GIVING NOTICE OF A PUBLIC HEARING BY THE COMMISSION FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO APPROVE, DISAPPROVE OR MODIFY SUCH PROPOSED MINIMUM PRICES AND DETERMINE THE EXTENT OF THE APPLICABILITY THEREOF

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That each District Board within the areas defined in said Act as Minimum Price Areas Numbers Three (3), Four (4), Five (5), Six (6), Seven (7), Nine (9) and Ten (10), shall forthwith proceed to consider and shall on or before the 24th day of September, 1937, propose to the Commission minimum prices free on board transportation facilities at the mines for all kinds, qualities and sizes of coal produced in said district by code members, and propose such price variations as to mines, consuming market areas, values as to uses and seasonal demand, as may be deemed proper and within the authority conferred in said Act.

Schedules of such proposed minimum prices, together with the data upon which they were computed, including, but without limitation, the factors considered in determining price relationship, shall be submitted to the Commission by each District Board within Minimum Price Areas Numbers three (3), Four (4), Five (5), Six (6), Seven (7), Nine (9) and Ten (10), on or before the 24th day of September, 1937, and the Commission may thereupon approve, disapprove or modify such proposed minimum prices to conform to the requirements of subsection (a) of Part II, "Marketing", of section 4 of the Act.

2. In order to facilitate the determination of such proposed minimum prices the several District Boards within the Minimum Price Areas named shall, in determining such proposed minimum prices, use as the weighted average of the total cost per net ton of the tonnage of the Minimum Price Area, as provided in subsection (a) of Part II of Section 4 of the Act, the amount listed below for the Minimum Price Area in which such district is included, which amount is tentatively established and determined by the Commission for such use; subject, however, to the express condition that prior to final approval, disapproval or modification of said proposed minimum prices by the Commission there shall be substituted for each tentative weighted average cost the actual weighted average cost of the tonnage for each Minimum Price Area to be hereafter determined by the Commission in conformity with subsection (a), Part II of Section 4 of the Act, and in making such substitutions such proposed prices shall be modified as to give full effect to the differences, if any, between the tentative and actual weighted average costs.

The tentative weighted average costs to be used by the District Boards in their proposals of minimum prices are as follows:

| | |
|---|---|
| Minimum Price Area No. 3 | $2.57 |
| Minimum Price Area No. 4 | 3.87 |
| Minimum Price Area No. 5 | 1.94 |
| Minimum Price Area No. 6 | 2.63 |
| Minimum Price Area No. 7 | 2.37 |
| Minimum Price Area No. 9 | 2.04 |
| Minimum Price Area No. 10 | 3.35 |

3. Each District Board within the Minimum Price Areas heretofore named in this order shall by formal resolution designate a representative or representatives of the Board with full authority to attend a meeting to be held as herein provided, and to act in its behalf for the purpose of coordinating such proposed minimum prices in conformity with the requirements of subsection (b), of Part II, Section 4 of the Act.

4. Any District Board within Minimum Price Areas Numbers 1 and 2 which deems it necessary to coordinate the minimum prices of such district with the prices proposed by any of the districts previously referred to in this order may, by formal resolution, designate its representative or representatives with full authority to attend the coordination meeting herein provided for and to act in its behalf therein. In event the Commission determines that coordination between any district in Minimum Price Areas Numbers 1 and 2 and any district in other Price Areas named in this order is necessary in the establishment of proper minimum prices, the Commission may by further order require such District Board to designate its representative or representatives to appear and proceed with such coordination.

5. Such coordination meeting is hereby set for 10:00 o'clock A. M., September 28th, 1937, at the office of the Commission in Washington, D. C., and is to be conducted under the direction of the Commission.

6. Coordination of such proposed minimum prices shall be completed and the proposed minimum prices as coordinated shall be submitted to the Commission not later than the 2nd day of October, 1937. The proposed minimum prices, as coordinated and submitted to the Commission, will be on file in the office of the Secretary of the Commission on the 4th day of October, 1937, and will be available for inspection thereafter during office hours to all interested parties until the time for the hearing hereinafter set forth.

7. A hearing shall be held by the Commission on the 7th day of October, 1937, commencing at 10:00 o'clock A. M., in a Hearing Room of the Commission at the Washington Hotel, Washington, D. C., for the purpose of receiving evidence to enable the Commission to establish and make effective minimum prices in accordance with the standards set forth in subsection (a) and (b), Part II, section 4 of the Act and to determine such limitations as may be required to be imposed upon the applicability of said prices.

8. The Secretary of the Commission shall forthwith mail copies of this order to the Consumer's Counsel, to the Secretaries of all District Boards in all Minimum Price Areas and to all Code Members within the districts included in Minimum Price Areas Numbers Three (3), Four (4), Five (5), Six (6), Seven (7), Nine (9) and Ten (10).

By Order of the Commission.
Dated this 10th day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2737; Filed, September 13, 1937; 12:59 p. m.]

[Order No. 43]

AN ORDER MODIFYING AND AMENDING ORDER NO. 38, REQUIRING THE FILING BY ALL DISTRICT BOARDS OF PROPOSED INITIAL CLASSIFICATIONS OF COAL IN CONFORMITY WITH THE STANDARDS, METHODS AND RULES OF PROCEDURE ESTABLISHED BY THE COMMISSION, PRESCRIBING THE TIME OF FILING SUCH INITIAL CLASSIFICATIONS, PROVIDING FOR INSPECTION THEREOF AND GIVING NOTICE OF PUBLIC HEARING BY THE COMMISSION FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO ESTABLISH INITIAL CLASSIFICATIONS

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission by way of modification and amendment to its Order No. 38, hereby orders and directs:

1. That Order No. 38 of the Commission is hereby amended as follows:

(a) Subsection 2 of Section C—*Rules of Procedure in Proposing and Making Initial Classifications*—is hereby modified to read:

2. Each District Board shall have in the hands of all code members within the District, not later than September 16, 1937, the proposed initial classifications for all coals produced at all mines of code members within the District, such proposals to be made in accordance with the standards and methods hereinbefore set forth.

(b) Subsection 3 of Section C—*Rules of Procedure in Proposing and Making Initial Classifications*—is hereby modified to read:

3. In the event that any code member is dissatisfied with the class or classes in which his coals, or the coals of other code members, have been placed for proposed initial classifi-

cation, he shall have the right to protest to the District Board. Each protest shall be in writing, addressed to and filed with, the Secretary of the District Board, and shall set forth the classification claimed applicable by such code member, together with the reasons why the proposed initial classification should be revised and detailed data in support thereof. The Secretary of the District Board shall fix the time and place for a hearing and shall notify the Commission and all interested code members of such protest and the time and place for hearing the same.

(c) Subsection 1 of Section D—*Rules of Procedure in Making Reclassification of Coals*—is hereby modified to read:

1. Proposals to the Commission for reclassification of any coal or coals of any code member within the district may be initiated at any time by the District Board upon its own motion. The District Board shall also consider and review any classification or classifications proposed by it and established by the Commission, upon application by any code member for reclassification of his coals or upon the protest of any code member against an existing classification. In each case the District Board shall give due notice of the time and place of a hearing and shall afford reasonable opportunity to be heard to all code members affected by any proposed reclassification, and following such hearing shall submit its proposal to the Commission.

Protests against existing classifications and applications for reclassification may be made at any time by any code member to the District Board, except that in any case where an application or protest has been made to the District Board and a decision has been rendered by the Commission upon an application made to the District Board or upon a protest against the decision of the District Board, no further protest or application for reclassification shall be made to the District Board as to coals classified and so determined by the Commission within a period of ninety (90) days from the date of the Commission's Order unless the protestant or applicant can produce to the satisfaction of the District Board new evidence which was not available at the time the previous classification was considered by the District Board and proposed to the Commission.

2. That all District Boards shall, on or before September 22, 1937, file with the Secretary of the Commission at Washington, D. C., proposed initial classifications of coals of all code members within their respective districts, classified in conformity with the standards, methods and rules of procedure established by the Commission. Prior to such filing, all protests of code members which have been filed with the District Boards shall, insofar as practicable, have been heard and determined by the District Boards. All protests filed with the District Boards shall be heard and promptly determined by the District Boards but the filing of such protests with a District Board or a petition to the Commission for review of the action of a District Board thereon shall not operate as a stay in classification proceedings before the Commission under this order except by special order of the Commission upon a showing of particular necessity therefor.

The proposals of initial classifications shall be separate and distinct from proposals of minimum prices and shall in each case be accompanied by such pertinent data as will enable the Commission to determine that said proposals are in conformity with the requirements of said Act and the orders of the Commission.

3. That such proposed initial classifications of coals of all code members within the respective districts as submitted to the Commission by the several District Boards will be on file in the office of the Secretary of the Commission on the 23rd day of September, 1937, and will be available for inspection thereafter during office hours by all interested parties until the time for the hearing hereinafter prescribed.

4. That a hearing shall be held by the Commission on the 27th day of September, 1937, commencing at 10:00 o'clock A. M., in the Hearing Room of the Commission at the Carlton Hotel, Washington, D. C., for the purpose of receiving evidence to enable the Commission to establish the initial classifications of coals of all code members within the several districts.

5. Any code member aggrieved by any decision of a District Board in relation to proposed classifications or reclassifications of coals may, as provided in Section 6 (a) of the Act, obtain a review of the action of the District Board upon petition made in conformity with the Rules of Practice and Procedure established by the Commission, and pending hearing and decision upon such petition the Commission may enter such temporary or preliminary order in the case as in its judgment may be appropriate and not inconsistent with the provisions of the Act.

The Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to the Secretaries of all District Boards, and to all code members within the respective districts.

By order of the Commission.

Dated this 10th day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2738: Filed, September 13, 1937; 12:59 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 11 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

SEPTEMBER 1, 1937.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

NEW JERSEY:
Middlesex, September 1, 1939.
Salem, September 1, 1939.
NEW YORK:
Jefferson, September 1, 1940.
St. Lawrence, September 1, 1940.
SOUTH DAKOTA:
Beadle, September 1, 1940.
Hand, September 1, 1940.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

CALIFORNIA: Modoc, September 1, 1940.
COLORADO:
Clear Creek, September 1, 1940.
Gilpin, September 1, 1940.
FLORIDA: Bay, September 1, 1940.
GEORGIA:
Burke, September 1, 1940.
DeKalb, September 1, 1940.
Paulding, September 1, 1940.
Schley, September 1, 1940.
IDAHO: Bonneville, September 1, 1940.
ILLINOIS:
Alexander, September 1, 1940.
Clark, September 1, 1940.
Hardin, September 1, 1940.
Henderson, September 1, 1940.
Kendall, September 1, 1940.
Livingston, September 1, 1940.
Tazewell, September 1, 1940.
Warren, September 1, 1940.
Williamson, September 1, 1940
Woodford, September 1, 1940.
INDIANA:
Blackford, September 1, 1940.
Johnson, September 1, 1940.
IOWA:
Boone, September 1, 1940.
Buena Vista, September 1, 1940.
Clay, September 1, 1940.
Howard, September 1, 1940.
KENTUCKY:
Adair, September 1, 1940.
Breathitt, September 1, 1940.
Caldwell, September 1, 1940.
MARYLAND:
Kent, September 1, 1940.
St. Marys, September 1, 1940.
MINNESOTA:
Chippewa, September 1 ,1940.
Houston, September 1, 1940.
LacQuiParle, September 1, 1940.
Pipestone, September 1, 1940.
Stevens, September 1, 1940.
Swift, September 1, 1940.
Winona, September 1, 1943.
Yellow Medicine, September 1, 1940.



MISSISSIPPI: Chickasaw, September 1, 1940.
MISSOURI:
Dunklin, September 1, 1940.
Miller, September 1, 1940.
New Madrid, September 1, 1940.
Pemiscot, September 1, 1940.
St. Charles, September 1, 1940.
St. Francois, September 1, 1940.
Ste. Genevieve, September 1, 1940.
Stoddard, September 1, 1940.
Warren, September 1, 1940.
NEW JERSEY: Cumberland, September 1, 1940.
NORTH CAROLINA:
Anson, September 1, 1940.
Richmond, September 1, 1940.
Union, September 1, 1940.
PENNSYLVANIA:
Perry, September 1, 1940.
Schuylkill, September 1, 1940.
TENNESSEE:
Gibson, September 1, 1940.
Hancock, September 1, 1940.
Roane, September 1, 1940.
TEXAS:
Andrews, September 1, 1940.
Coryell, September 1, 1940.
Culberson, September 1, 1940.
Ector, September 1, 1940.
El Paso, September 1, 1940.
Grayson, September 1, 1940.
Hudspeth, September 1, 1940.
Jeff Davis, September 1, 1940
Loving, September 1, 1940
McLennan, September 1, 1940
Palo Pinto, September 1, 1940
Reeves, September 1, 1940
Terry, September 1, 1940
Winkler, September 1, 1940
Yoakum, September 1, 1940
VIRGINIA:
Greensville, September 1, 1940
King George, September 1, 1940
WASHINGTON:
Clark, September 1, 1940
Pierce, September 1, 1940
WEST VIRGINIA: Taylor, September 1, 1940
WISCONSIN:
Florence, September 1, 1943
Langlade, September 1, 1943
Shawano, September 1, 1943
PUERTO RICO:
Adjuntas, September 1, 1940
Guayanilla, September 1, 1940
Lajas, September 1, 1940
Maricao, September 1, 1940
Penuelas, September 1, 1940
Sabana Grande, September 1, 1940

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

A. W. MILLER,
*Acting Chief of Bureau.*

[F. R. Doc. 37-2732; Filed, September 13, 1937; 12:39 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

AMENDING REGULATIONS WITH RESPECT TO EMPLOYEES ACTING IN FIDUCIARY CAPACITIES

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, a resolution adopted on June 4, 1936 with respect to employees appointed by a court to act in a fiduciary capacity, be amended to read as follows:

Any claim or suit against an employee who is appointed by a Court to act in a fiduciary capacity for the convenience of the Corporation, which claim or suit is predicted upon duties or responsibilities devolving upon him within the proper scope of his office, shall be handled as if it were a claim or suit against the Corporation, and any expense or liability resulting therefrom which he is required to pay or discharge shall be assumed and paid by the Corporation, provided no willful malfeasance is involved. The General Manager and the General Counsel are hereby authorized to prescribe such instructions and procedure as they may deem necessary for proper administration under these provisions.

Be it further resolved, That the first paragraph contained in said resolution adopted by the Board on June 4, 1936 insofar as it provided for amendment of the Legal Chapters of the Manuals is hereby revoked.

Adopted by the Federal Home Loan Bank Board on September 10, 1937.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 37-2729; Filed, September 13, 1937; 9:14 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 136]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 9, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| | Amount |
|---|---|
| Arizona 8009 Maricopa | $33,000 |
| Georgia 8070 Mitchell (Partial) | 75,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2730; Filed, September 13, 1937; 9:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1937.

[File No. 43–40]

IN THE MATTER OF MINNESOTA UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

Minnesota Utilities Company, a subsidiary of American Utilities Service Corporation, which is a registered holding company, has filed with this Commission a further amendment to the declaration, as previously amended, heretofore filed by it so as to cause such declaration as amended to relate to the issue and sale by said Minnesota Utilities Company to said American Utilities Service Corporation, for $48,500 in cash, of 2,000 shares of common stock without par value instead of a promissory note in the principal amount of $48,500.

It is ordered that a hearing on such declaration as amended be held on September 21, 1937, at 10:00 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 16, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2733; Filed, September 13, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1937.

[File No. 47-16]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Public Service Company of New Hampshire, a subsidiary of a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition, through liquidation of its wholly owned subsidiary, Manchester Street Railway, of all the assets and franchises of said Manchester Street Railway;

It is ordered that a hearing on such matter be held on September 30, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 25, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2734; Filed, September 13, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1937.

[File No. 46-67]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION

[Public Utility Holding Company Act of 1935, Section 9 (c) (3)]

ORDER GRANTING EXEMPTION OF ACQUISITION OF SECURITIES BY HOLDING COMPANY

American Utilities Service Corporation, a registered holding company, having filed an application with this Commission, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of its acquisition of 62,912 shares of the common stock of Peoria Service Company, of the par value of $5 per share; a hearing on said application, as amended, having been held after appropriate notice; the record in this matter having been examined; the Commission having made and filed its findings herein; and it appearing that appropriate relief may be granted under Section 9 (c) (3) of the Act;

It is ordered that such acquisition by applicant of the aforesaid securities in accordance with the terms and conditions set forth in, and for the purposes represented by, said application, as amended, be and the same hereby is exempted from the provisions of Section 9 (a) of said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2735; Filed, September 13, 1937; 12:42 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1937.

IN THE MATTER OF MARLIN-ROCKWELL CORPORATION COMMON CAPITAL STOCK PAR VALUE $1.00

ORDER POSTPONING HEARING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 AS AMENDED AND DESIGNATING OFFICER TO TAKE TESTIMONY

The Commission, having heretofore, on July 3, 1937, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934 as amended be held on July 14, 1937, to determine whether to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, par value $1.00 of the Marlin-Rockwell Corporation on the New York Stock Exchange; and having on July 13, 1937, ordered such hearing postponed to September 13, 1937; and Marlin-Rockwell Corporation having on September 9, 1937, filed certain additional information as a part of its annual report on Form 10-K for the year ended December 31, 1935;

It is ordered that such hearing be postponed to Wednesday, October 13, 1937 at 10:00 A. M. in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that for the purposes of such proceeding, Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2736; Filed, September 13, 1937; 12:42 p. m.]

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## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

PENSION AND COMPENSATION BENEFITS PAYABLE TO DEPENDENTS OF VETERANS (PUBLIC NO. 304, 75TH CONGRESS)

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*Spanish-American War, Boxer Rebellion, Philippine Insurrection, Peace-Time Service*

R–2508. For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(A) *Widow.*—The term "widow" of a veteran of the Spanish-American War, the Boxer Rebellion, or the Philippine Insurrection, shall mean a person who was married to the veteran prior to September 1, 1922; of a peace-time veteran—who was married to the veteran prior to the expiration of ten years subsequent to his discharge from the enlistment during which the injury or disease, on account of which claim is being filed, was incurred. (V. R. 10 (b), Par. V.) (August 16, 1937.)

(B) *Child.*—The term "child" shall mean a legitimate child or a child legally adopted, unmarried, and under the age of eighteen years, unless prior to reaching the age of eighteen, the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, except that the payment of pension or compensation shall be further continued after the age of eighteen years and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn. (V. R. 10 (a), Par. VI.) The children of a veteran, adopted out of the family of the veteran, are children within the meaning of this paragraph. (A. D. 280.) State laws as to legitimacy are applicable. (12 Sol. 148.)

(C) *Mother-father.*—The term "mother" or "father" shall mean a natural mother or father of the veteran, or mother or father of the veteran through legal adoption. (V. R. 10 Par. VII.) (January 25, 1936.)

R–2510 canceled August 16, 1937.

*World War*

R–2514. For the purposes of adjudicating claims for death compensation pending on August 16, 1937 filed prior to that date, the definition of widow under the laws in effect on August 15, 1937 shall be for application. For the purposes of adjudicating claims for death compensation filed on or after August 16, 1937 under any law granting such benefits to dependents of deceased World War veterans, the following definitions of relationship shall govern.

(A) (1) *Widow.*—The term "widow" of a World War veteran except as to claims arising under Section 1 of Public No. 304, 75th Congress, (Act of August 16, 1937), (See R. & P. R–2514 (A) (2), shall mean a woman:

(a) Who was married prior to July 3, 1931 to the person who served; or

(b) Who was married at any time to the person who served provided a child was born of such marriage; provided that as to (a) and (b) hereof the widow

(c) Must have lived continuously with the person who served from the date of marriage to the date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow, and

(d) Must not have remarried since the death of the person who served.

(2) For the purposes of Section 1 of Public No. 304, 75th Congress, (Act of August 16, 1937), the term "widow" of a World War veteran shall mean a woman:

(a) Who was married at any time to the person who served provided a child was born of their marriage and proof of birth of such child is established as provided in R. & P. R–1046 and 2034, and

(b) Who lived continuously with the person who served from the date of marriage to the date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow, and

(c) who has not remarried since the death of the person who served.

(B) *Child.*—(1) For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), the term "child" shall mean the same as under R. & P. R–2508 (B).

(2) For the purposes of Section 28, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), Public No. 484, 73d Congress (Act of June 28, 1934), as amended by Public No. 844, 74th Congress (Act of June 29, 1936) *and Public No. 304, 75th Congress (Act of August 16, 1937)*, the term "child" shall mean a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child, a child legally adopted, a stepchild if a member of the man's household, an illegitimate child, but as to the father, only if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support, or has been prior to date of death of the veteran judicially decreed to be the putative father of such child, provided, that the payment of compensation shall be continued after the age of eighteen years and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn. (Section 3, World War Veterans' Act, 1924, as amended.)

(C) *Mother-father.*—(1) For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933) the term "mother" or "father" shall mean the same as under R. & P. R–2508 (C).

(2) For the purposes of Section 28, Title III, Public No. 141, 73d Congress (Act of March 28, 1934) *and Public No. 304, 75th Congress (Act of August 16, 1937)*, the terms "mother" and "father" shall include stepmothers and stepfathers, mothers and fathers through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to his enlistment or induction for a period of not less than one year. (Section 3 (5), World War Veterans' Act, 1924, as amended.) (August 16, 1937.)

*Death of Veteran Due to War Time Service: Public No. 2, 73d Congress*

R–2530 (A) *Spanish-American War.*—For the purposes of Public No. 2, 73d Congress, (Act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, as provided for in Veterans Regulation No. 1 (a), Part I, Paragraph 1, shall be entitled to receive pension at the monthly rates specified in R. & P. R–2622 (A) and (B).

(B) *World War.*—For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933) the surviving widow, child or children and dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the World War, *as* provided for *in Veterans Regulation No.* 1 (a), *Part* 1, *Paragraph* 1, shall be entitled to receive compensation at the monthly rates specified in R. & P. R–2622 (A) and (B) or to compensation at the increased rates provided by Public No. 304, 75th Congress (Act of August 16, 1937), as specified in R. & P. R–2623, under conditions set forth in R. & P. R–2574 and 2582. Effective August 16, 1937, service

prior to July 2, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War service, provided the person who served, also served after April 5, 1917 and prior to November 12, 1918, and death occurred or was due to a disability incurred, or to the aggravation of a disease or injury suffered, during the reenlistment and prior to July 2, 1921. (Section 5, Public No. 304, 75th Congress.) (August 16, 1937.)

*Death Due to Service, Directly or Presumptively: Section 28, Title III, Public No. 141, 73d Congress*

R–2538. For the purposes of Section 28, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), and Section 3 of Public No. 304, 75th Congress (Act of August 16, 1937) the surviving widow, child or children and dependent parents of a World War veteran who dies or has died from disease or injury and service connection for such disease or injury has been reestablished on or after March 28, 1934, as service-connected under Section 200 of the World War Veterans' Act, 1924, as amended, or which would have been established under said Section 200, had the veteran been living on March 19, 1933, and reestablished on or after March 28, 1934, shall be entitled to receive compensation at the monthly rates specified in R. & P. R–2622 (A) or (B) and R–2623. (Section 28, Public No. 141, 73d Congress, and Section 3, Public No. 304, 75th Congress.)

(A) Death compensation is not payable under Section 28 unless the veteran entered the active military or naval service prior to November 12, 1918, or unless the veteran entered active military service subsequent to November 11, 1918, and served with the United States military forces in Russia prior to April 2, 1920; provided, that effective August 16, 1937 service rendered prior to July 2, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War service provided the veteran also served after April 5, 1917, and prior to November 12, 1918, provided death occurred, or was due to a disability incurred, or to the aggravation of a disease or injury suffered during the reenlistment and prior to July 2, 1921. (Section 28, Public No. 141, 73d Congress; and Section 2, Public No. 344, 74th Congress; and Section 5, Public No. 304, 75th Congress.) (August 16, 1937.)

*Death of World War Veteran While Receiving or Entitled to Receive Compensation, Pension, or Retirement Pay for Disability of 20 Per Centum or More or 30 Per Centum or More*

R–2548. For the purposes of Public No. 484, 73d Congress, (Act of June 28, 1934), and Public No. 844, 74th Congress (Act of June 29, 1936), the widow, as defined in R. & P. R–2514, (A) (1), and child or children of a person who served with the United States military or naval forces in the World War before November 12, 1918, or before April 2, 1920, if service was in Russia, and who dies or has died of a disability not due to service while receiving or entitled to receive at the time of death, compensation, pension, or retirement pay for a disability of 30 per centum or more directly or presumptively incurred in or aggravated by service after April 5, 1917, and before July 2, 1921, shall be entitled to receive compensation at the monthly rates specified in R. & P. R–2640; provided that in conformity with Section 1 of Public No. 304, 75th Congress, if the person who served was receiving or entitled to receive at the time of death, compensation, pension, or retirement pay for a disability of 20 per centum or more and less than 30 per centum directly or presumptively incurred in or aggravated by service as above provided, the widow as defined in R. & P. R–2514 (A) (2), or if there be no widow, the child or children shall be entitled to receive compensation at the monthly rates specified in R. & P. R–2640.

(A) *Establishment of Service-Connected Disability of 20 Per Centum or More and of 30 Per Centum or More.*—On and after August 16, 1937, the existence of the directly or presumptively service-connected disease or injury *at death* and the determination of a 20 per centum or 30 per centum disability or more resulting from such disease or injury may be based upon evidence filed subsequent to death, but proof of the required percentage of disability at death and evidence as to service connection must be filed not later than three years after August 16, 1937, or the date of death, whichever is the later; provided that a disease or injury or an aggravation thereof will be considered as having been established to the satisfaction of the Veterans Administration where the evidence of record in the Veterans Administration, or in the War or Navy Departments, shows the existence of such disease or injury as having been directly or presumptively incurred in or aggravated by service. Any disability that may be properly directly service connected under the provisions of Public No. 2, 73d Congress, or Section 28, Public No. 141, 73d Congress, or under the law in effect at the time of death will be considered directly service connected for the purpose of Public No. 484, 73d Congress, as amended, and any disability that may be properly presumptively service connected under the provisions of Sections 26, 27, and 28 of Public No. 141, 73d Congress, or under the law in effect at the time of death will be considered presumptively service connected for the purpose of Public No. 844, 74th Congress, as amended. An existing rating of 20 per centum or more or of 30 per centum or more shall not include ratings of temporary total granted solely by reason of hospitalization or treatment.

(B) *Rating of 20 Per Centum or More or 30 Per Centum or More Previously Established Assumed to be Correct.*—In the case of any deceased person who served in the World War in which an existing rating of 20 per centum or more and less than 30 per centum or of 30 per centum or more has been established by a proper rating agency based on a directly or presumptively service connected disease or injury, as defined in subparagraph (A) above, such rating will be assumed to be correct except for fraud, clear, or unmistakable error as to conclusions of fact or law, or misrepresentation of a material fact, regardless of the particular rating schedule under which evaluated, and will be accepted as having established service connection and degree of disability sufficient to constitute title to compensation in the widow, child, or children of the deceased, in accordance with the provisions of Public No. 484, 73d Congress (Act of June 28, 1934) Public No. 844, 74th Congress (Act of June 29, 1936) and Public No. 304, 75th Congress (Act of August 16, 1937).

(C) *Rating schedules to be used in evaluation of disability.*—In any case where a deceased person who served in the World War was receiving or entitled to receive at the date of death, compensation, pension or retired pay for less than a 20 per centum or a 30 per centum disability directly or presumptively incurred in or aggravated by service in the World War, as defined in subparagraph (A) above, and proof of a 20 per centum of a 30 per centum disability or more at date of death has been filed not later than three years subsequent to August 16, 1937, or the date of death, whichever is the later, the degree of disability will be evaluated in accordance with the schedule of disability ratings in effect at the time of death, or the Schedule of Disability Ratings, 1925, and extensions thereto, or the Schedule for Rating Disabilities, 1933, second edition, whichever provides the higher rating for the disease or injury evaluated. In such cases, the burden of proof shall be upon the claimant to show that the 20 per centum or 30 per centum disability existed at the date of death.

(D) *Discharge Requirements.*—The requirements as to discharge must conform to Section 23 of the World War Veterans Act, 1924, as amended (Section 447, Title 38, U. S. Code).

(E) *Federal Income Tax Exemption.*—Exemption from the payment of Federal income tax for the preceding year is a requisite to title to compensation in any person under Public No. 484, 73d Congress (Act of June 28, 1934), as amended.

(F) *"Person Who Served," Definition of.*—The term "person who served" includes both men and women commissioned, enrolled, enlisted or drafted, who were finally accepted for active service, including members of training camps authorized by law, and such other persons as have been heretofore recognized by statute as having a pensionable or compensable status.



(G) *Misconduct.*—Death resulting from misconduct of the person who served is a ground for denial of compensation under the provisions of Public No. 484, 73d Congress but not under Public No. 844, 74th Congress and Public No. 304, 75th Congress. See R. & P. R–2576 (B). (August 16, 1937.)

*Public No. 2 and Sections 28 and 31, Title III, Public No. 141, 73d Congress.*

2574. Original awards of death pension or compensation under Public No. 2, 73d Congress (Act of March 20, 1933), and Sections 28 and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), shall commence as follows:

(A) For the purposes of Public No. 2, 73d Congress, and Sections 28 and 31, Title III, Public No. 141, 73d Congress, the effective date of an award of death pension or compensation shall be fixed in accordance with the facts found, except that no award of death pension or compensation shall be effective prior to the date of the veteran's death, date of the happening of the contingency upon which death pension or compensation is allowed, or *the date of receipt of application therefor*, whichever is the later date; provided that in World War cases, if application is filed on or after August 16, 1937, and within one year from the date of death, the effective date shall be August 16, 1937, or the day following the date of death, whichever is the later, except that the increased rates of death compensation authorized solely under Public No. 304, 75th Congress, shall not be awarded from a date earlier than September 1, 1937. (See R. & P. R–2576.)

(B) Awards pursuant to claims allowed upon new and material evidence relating to the same factual basis as that of a finally disallowed claim shall commence from the date of receipt of such evidence or accompanying communication when such evidence or accompanying communication meets the requirements as to what constitutes an informal claim under current precedents and instructions; provided, if the new and material evidence is submitted within one year from the date of death of veteran, the award shall be effective from the day following the date of the veteran's death, but in no event prior to August 16, 1937. (V. R. No. 2 (d)). See also R. & P. R–1201 and 1205. (August 16, 1937.)

(C) Awards to *children* for whom a widow is in receipt of pension or compensation when her pension or compensation is terminated upon the happening of the contingency upon which it is limited, shall commence from the day following the termination of the widow's award, without the necessity of filing an application. (13 Sol. 689.)

(D) Any claim filed prior to March 19, 1935, *by a dependent mother or father* which was pending on that date and which would have been disallowed for the reason that dependency did not exist within ten years subsequent to the death of the veteran, shall be allowed effective March 19, 1935, provided entitlement is otherwise established. Any claim filed subsequent to March 19, 1933, under Public No. 2, 73d Congress, and disallowed for the reason that dependency was not established within the required period of time, may, upon written notice from the claimant or his representative to the Veterans Administration, be revived at any time prior to March 19, 1936, and when entitlement is otherwise established payments shall commence March 19, 1935. (V. R. No. 2 (d)). (January 25, 1936.)

*Public No. 484, 73d Congress, as Amended by Public No. 844, 74th Congress and Public No. 304, 75th Congress*

2576. Original awards of death compensation under Public No. 484, 73d Congress (Act of June 28, 1934) and Public No. 844, 74th Congress (Act of June 29, 1936), shall commence:

(A) If the person who served died from a disease or injury not service connected and not the result of his own misconduct, as defined in Veterans Regulation No. 10, Paragraph IX, while receiving or entitled to receive compensation, pension, or retirement pay for a 30 per centum disability or more *directly* connected with service:

(1) On June 28, 1934, in those cases in which death of the person who served occurred prior to June 28, 1934:

(2) The date of filing application in those cases wherein death of the person who served occurred on or subsequent to June 28, 1934, except if application is filed on or after August 16, 1937 and within one year from date of death, August 16, 1937 or the day following the date of death, whichever is the later.

(B) If the person who served died under the conditions set forth in subparagraph (A) hereof, except that his death was the result of his own misconduct; or, whether or not the result of misconduct, if death occurred while he was receiving or entitled to receive compensation, pension, or retirement pay for a disability of 30 per centum or more *presumptively* connected with service or under a combined service-connected disability rating of 30 per centum or more when the directly service-connected disability was less than 30 per centum disabling:

(1) The date of filing application or June 29, 1936, whichever is the later, except if application is filed on or after August 16, 1937, and within one year from date of death, August 16, 1937, or the day following the date of death, whichever is the later;

(2) Any claim filed subsequent to March 19, 1933, and prior to June 29, 1936, under Public No. 2, Public No. 141, or Public No. 484, 73d Congress (Acts of March 20, 1933, March 28, 1934, and June 28, 1934) disallowed under Public No. 484, 73d Congress, or abandoned prior to June 29, 1936, under such laws may, upon written notice from the claimant or his representative to the Veterans' Administration, be revived at any time prior to June 30, 1937, and when title is otherwise established payments under Public No. 844, 74th Congress (Act of June 29, 1936) shall commence on the date of its enactment; provided that in any claim adjudicated under Public No. 484, 73d Congress in which the claimant or his representative has not been notified of the allowance thereof, or if a claim under Public No. 2, Public No. 141, or Public No. 484, 73d Congress was pending on June 29, 1936, it shall be considered an application under Public No. 844, 74th Congress without the written notice required herein and, if allowed, payments thereunder shall commence June 29, 1936.

(C) If the person who served died while receiving or entitled to receive compensation, pension, or retirement pay for a 20 per centum or more but less than 30 per centum disability directly or presumptively connected with service:

(1) August 16, 1937, or the day following the date of death, whichever is the later, if application is filed within one year from the date of death:

(2) August 16, 1937, or the date of filing application, whichever is the later, if application is *not* filed within one year from the date of death;

(3) Any claim filed subsequent to March 19, 1933 and prior to August 16, 1937 under any law granting pension or compensation to a widow or child of a World War veteran, disallowed or abandoned prior to August 16, 1937, under such laws, may upon written notice from the claimant or the claimant's representative to the Veterans' Administration, be revived at any time prior to August 16, 1938; and when title is otherwise established, payments under Section 1, Public No. 304, 75th Congress (Act of August 16, 1937) shall commence August 16, 1937, date of approval of the Act, provided that in any claim adjudicated under Public No. 484, 73d Congress or Public No. 844, 74th Congress in which the claimant or the claimant's representative has not been notified of the disallowance thereof, or if a claim under Public No. 2, Public No. 141, or Public No. 484, 73d Congress or Public No. 844, 74th Congress was pending on August 16, 1937, it shall be considered an application under Public No. 304, 75th Congress without the written notice required herein, and, if allowable only under the latter act shall commence August 16, 1937.

(D) In the event a claim filed under this paragraph is not complete at the date of filing thereof in the Veterans' Administration, the claimant will be notified of the evidence necessary to complete the claim and if such evidence is not

received within one year from the date of the request therefor, compensation will not be paid by reason of the filing of that claim. (August 16, 1937.)

*Public No. 2 and Sections 28 and 31, Title III, Public No. 141, 73d Congress*

R–2582. The effective date of an award of increased pension or compensation payable under Public No. 2, 73d Congress, or Sections 28 and 31 Title III, Public No. 141, 73d Congress, shall be fixed in accordance with the facts found, except that:

(A) No award of increased pension or compensation may be effective prior to the date of receipt of the evidence showing entitlement thereto;

(B) For the purposes of the preceding subparagraph, increased pension or compensation shall be taken to mean any award of pension or compensation, amending, reopening, or supplementing a previous award, authorizing any payments not theretofore authorized to the particular individual involved. (V. R. No. 2 (a), Part I, Par. II.)

(C) *World War Widow or Parent on Rolls August 16, 1937.*—Subject to the provisions of subparagraph (A) and (B) of this paragraph, where the widow or parent of a World War Veteran, including a veteran who served as provided in Section 5, Public No. 304, 75th Congress, was on the rolls on August 16, 1937, compensation at the rates provided in Section 3, Public No. 304, 75th Congress, shall be effective August 16, 1937, provided that the rate of compensation shall be as prescribed in subparagraphs (1), (2), or (3) of this subparagraph if the widow or parent was in receipt of Government insurance on August 16, 1937, or thereafter.

(1) The rates under Section 3, Public No. 304, 75th Congress, shall not be payable until the date following the ending date of the insurance award while the combined monthly rates of compensation and insurance being paid on or after August 16, 1937, equal or exceed the rates prescribed in Section 3.

(2) If the combined monthly rates of compensation and insurance being paid on or after August 16, 1937, do *not* equal or exceed the rates prescribed in Section 3, Public No. 304, 75th Congress, and a greater rate of compensation is not payable under Veterans Regulation No. 1 (g) as provided in subparagraph (3) of this subparagraph, the amount of compensation payable while the insurance is being paid shall be that which equals the difference between the amount of the monthly installment of insurance and the rate of compensation otherwise payable under Section 3, subject to increase at the full rate prescribed in Section 3 from the day following the ending date of the insurance award.

(3) Rates and increases of compensation rates shall be paid under Veterans Regulation No. 1 (g) on or after August 16, 1937, in those cases in which the greater amount of compensation is payable under such regulation, without regard to the amount of insurance being paid.

(D) *World War Widow or Parent NOT on the Rolls August 16, 1937.*—Widows or parents in World War cases placed on the compensation rolls effective on or after August 16, 1937 shall be paid for any period over which they may be entitled to compensation at the rates and increases of rates prescribed under subparagraph (C) of this paragraph, except that no rate prescribed under Section 3, Public No. 304, 75th Congress, in excess of the rate provided under Veterans Regulation No. 1 (g) shall be effective prior to September 1, 1937.

(E) For the purposes of subparagraphs (C) and (D) of this section the term "on the rolls" shall include those who are placed on the rolls effective as of a date prior to August 16, 1937. (August 16, 1937.)

*Effective Dates of Readjustment in Rates to Dependents*

Readjustment After Contingency—Public No. 2, 73d Congress (Act of March 20, 1933), Sections 28 and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), Public No. 304, 75th Congress (Act of August 16, 1937), and Public No. 484, 73d Congress (Act of June 28, 1934), as Amended

R–2590. In any claim under Public No. 2, 73d Congress, or Sections 28 and 31, Title III, Public No. 141, 73d Congress, Public No. 304, 75th Congress (Act of August 16, 1937), and Public No. 484, 73d Congress, as amended, in which death pension or compensation is being paid the widow and other dependents of a person who served, and an adjustment in the rates payable becomes necessary because of the death, remarriage or forfeiture of title of one or more of the beneficiaries, readjustment will be made without the filing of a formal application. The rates for the remaining beneficiary or beneficiaries shall be the amount which would have been payable if they had been the sole original beneficiaries and will become effective the day following the date of discontinuance of payments under the prior award. (V. R. No. 2 (a)) (August 16, 1937.)

*Protected Awards—Death Cases*

R–2611. In no event shall Section 4 of Public No. 304, 75th Congress (Act of August 16, 1937) be construed so as to require a reduction or discontinuance of death compensation to widows of deceased World War veterans to whom death compensation payments were authorized prior to the date of enactment of such Act. All widows properly on the rolls on the date of enactment of such Act shall be entitled to the increased rates authorized in Section 3 of such Act (August 16, 1937.)

*Rates Under Public No. 2, 73d Congress (Act of March 20, 1933) and Section 28, Title III, Public No. 141, 73d Congress (Act of March 28, 1934.)*

R–2622. The following rates are payable under the regulations promulgated pursuant to authority of Public No. 2, 73d Congress (Act of March 20, 1933) for death resulting from active military or naval service subsequent to April 20, 1898, and in World War cases prior to the dates when awards under Public No. 304, 75th Congress, (Act of August 16, 1937) become effective. See R. & P. R–2623.

(A) *Rates from March 20, 1933, to March 31, 1935, Inclusive—War-Time Service.*

| | Per Month | |
|---|---|---|
| Widow but no child | $30.00 | |
| Widow and one child (with $6 for each additional child) | 40.00 | |
| No widow but one child | 20.00 | |
| No widow but two children | 30.00 | (equally divided) |
| No widow but three children (with $5 for each additional child; total amount to be equally divided) | 40.00 | (equally divided) |
| Dependent mother or father | 20.00 | |
| (or both) | 15.00 | each |

The total pension payable under this subparagraph shall not exceed $75.00. Where such benefits would otherwise exceed $75.00 the amount of $75.00 may be apportioned as prescribed in R. & P. R–2592. (V. R. No. 1 (a), Part I, Par. IV)

(B) *Rates on and After April 1, 1935, for War-Time Service.*

| | Per Month | |
|---|---|---|
| Widow under 50 years of age | $30.00 | |
| Widow 50 years to 65 years of age | 35.00 | |
| Widow over 65 years of age | 40.00 | |
| Widow with one child, $10 additional for such child up to 10 years of age, increased to $15 from age 10 (with $8 for each additional child up to 10 years of age, increased to $13 from age 10) | | |
| No widow but one child | 20.00 | |
| No widow but two children | 33.00 | (equally divided) |
| No widow but three children | 46.00 | (equally divided) |
| (with $8 for each additional child; total amount to be equally divided) | | |
| Dependent mother or father | 20.00 | |
| (or both) | 15.00 | each |

The total pension payable under this subparagraph shall not exceed $75.00. Where such benefits would otherwise exceed $75.00 the amount of $75.00 may be apportioned as prescribed in R. & P. R–2592. (V. R. No. 1 (g), Par. 1)

(C) *Rates From March 20, 1933, to March 31, 1935, inclusive—For Peace-Time Service.*

| | Per Month | |
|---|---|---|
| Widow but no child | $22.00 | |
| Widow and one child (with $4 for each additional child) | 30.00 | |
| No widow but one child | 15.00 | |
| No widow but two children | 22.00 | (equally divided) |
| No widow but three children (with $3 for each additional child; total amount to be equally divided) | 30.00 | (equally divided) |
| Dependent mother or father | 15.00 | |
| (or both) | 11.00 | each |

The total pension payable under this subparagraph shall not exceed $56.00. Where such benefits would otherwise exceed $56.00 the amount of $56.00 may be apportioned as prescribed by R. & P. R–2592. (V. R. 1 (a) Part II, Par. III.)

(D) *Rates on and after April 1, 1935, for Peace-time Service.*

| | Per Month | |
|---|---|---|
| Widow under 50 years of age | $22.00 | |
| Widow 50 years to 65 years of age | 26.00 | |
| Widow over 65 years of age | 30.00 | |
| Widow with one child, $7 additional for such child up to 10 years of age, increased to $11 from age 10 (with $6 for each additional child up to 10 years of age, increased to $9 from age 10) | | |
| No widow but one child | 15.00 | |
| No widow but two children | 24.00 | (equally divided) |
| No widow but three children | 34.00 | (equally divided) |
| (with $6 for each additional child; total amount to be equally divided) | | |
| Dependent mother or father | 15.00 | |
| (or both) | 11.00 | each |

The total pension payable under this subparagraph shall not exceed $56.00. Where such benefits would otherwise exceed $56.00 the amount of $56.00 may be apportioned as prescribed by R. & P. R–2592. (V. R. No. 1 (g) Par. 2.) (August 16, 1937.)

*Rates Under Public No. 304, 75th Congress (Act of August 16, 1937), World War Only*

R. 2623. The following rates are payable under provisions of Section 3 of Public No. 304, 75th Congress (Act of August 16, 1937) for death resulting from active military or naval service rendered during the World War as defined in R. & P. R–2538 and in accordance with the conditions and limitations specified in R. & P. R–2574 and 2582.

| | Per Month | |
|---|---|---|
| Widow under 50 years of age | $30.00 | |
| Widow 50 years to 65 years of age | 37.50 | |
| Widow over 65 years of age | 45.00 | |
| Widow with one child, $10 additional for such child up to 10 years of age, increased to $15 from age 10 (with $8 for each additional child up to 10 years of age, increased to $13 from age 10). | | |
| No widow but one child | 20.00 | |
| No widow but two children | 33.00 | (equally divided) |
| No widow but three children | 46.00 | (equally divided) |
| (with $8 for each additional child; total amount to be equally divided). | | |
| Dependent mother or father | 45.00 | |
| (or both) | 25.00 | each |

As to the widow, child, or children, the total compensation payable under this paragraph shall not exceed $75.00.

As to a widow, and child or children not in her care and custody, any amount payable under this paragraph may be apportioned as prescribed in R. & P. R–2592. (August 16, 1937.)

*Rates Under Public No. 484, 73d Congress (Act of June 28, 1934), as Amended*

R–2640. Rates of death compensation payable under Public No. 484, 73d Congress (Act of June 28, 1934) as amended by Public No. 844, 74th Congress (Act of June 29, 1936) and as amended by Sections 1 and 2, Public No. 304, 75th Congress (Act of August 16, 1937), where death was not the result of service and a veteran of the World War was receiving or entitled to receive compensation for a 20 per centum or more disability at the time of death. (August 16, 1937.)

| | Per Month | |
|---|---|---|
| Widow but no child | $22.00 | |
| Widow and one child (with $4 for each additional child) | 30.00 | |
| No widow but one child | 15.00 | |
| No widow but two children | 22.00 | (equally divided) |
| No widow but three children (with $3 for each additional child, total amount to be equally divided) | 30.00 | (equally divided) |

The total compensation payable under this paragraph shall not exceed $56.00. Where such benefits would otherwise exceed $56.00, the amount of $56.00 may be apportioned as prescribed in R. & P. R–2592 (F). (January 25, 1936.)

*Accrued Benefits: V. R. No. 2 (a)*

R–2662. Pension, compensation or emergency officers' retirement pay, not paid during the lifetime of the person entitled thereto under Public No. 2, 73d Congress (Act of March 20, 1933), and Sections 26, 27, 28, and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934) and under Public No. 304, 75th Congress (Act of August 16, 1937) excepting Sections 1 and 2 (See R. & P. R–2664), shall upon the death of such person be paid under V. R. No. 2 (a), Part I, Par. V, as follows:

(A) *Accrued Amounts Payable to Widow or Children.*—(1) Upon death of the veteran, first to the widow; second, if there is no widow, to his child or children under the age of eighteen years at his death; (2) upon death of the widow, to her children under the age of eighteen years at her death; (3) upon the death of an apportionee prior to payment of all or any part of an apportioned amount of the veteran's pension, compensation, or emergency officers' retirement pay, such apportioned amount not paid shall be payable to the veteran.

(B) *Reimbursement of Burial Expenses.*—In all other cases no payment whatsoever of such pension, compensation, or emergency officers' retirement pay shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of burial.

(C) *Limitation as to Filing and Perfecting Claim.*—No payment shall be made under subparagraphs (A) and (B) above unless claim therefor shall be filed within one year from the date of the death of the person entitled and perfected by the submission of the necessary evidence within six months from the date of the request of the Veterans Administration therefor. Such payment shall include only payments due and unpaid at the time of death under then existing ratings or decisions. (V. R. No. 2 (a), Par. V).

(D) *Excess Pension, etc., to be Treated as Apportioned.*—See R. & P. R–1285.

(E) *Definition of Term "Widow" for Accrued Claims.*—For the purposes of this paragraph the term "widow" includes "widower" and shall mean the legal widow irrespective of the date of marriage. (V. R. No. 2 series.)

(F) *Definition of Term "Child" for Accrued Claims.*—For the purposes of this paragraph the term "child" shall mean a legitimate child, or an illegitimate child, but as to the father only if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child, under the age of eighteen years at the date of death of the veteran or widow. (V. R. No. 2 series). (August 16, 1937).

*Accrued Compensation: Public No. 484, 73d Congress (Act of June 28, 1934) as Amended*

R–2664. The amount of compensation which has become payable to a widow or child under Public No. 484, 73d Congress (Act of June 28, 1934), as amended by Public No. 844, 74th Congress (Act of June 29, 1936) and amended by or payable under Sections 1 and 2, Public No. 304, 75th Congress (Act of August 16, 1937) but which has not been paid prior to death, may be awarded only for the purpose

of paying the expenses of last sickness and burial, etc., of the deceased beneficiary and then only in the event that there are no funds available to the estate of the deceased for settlement of those expenses. (August 16, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-2726; Filed, September 10, 1937; 4:01 p. m.]

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RULES GOVERNING THE SELECTION OF VETERANS TO COMPOSE THE VETERANS CONTINGENT FOR EMERGENCY CONSERVATION WORK

[Supplement No. 7 to Rules Issued October 1, 1934]

SEPTEMBER 4, 1937.

REENROLLMENT

The amendment to Paragraph 13 of Rules Governing the Selection of Veterans To Compose the Veterans' Contingent for Emergency Conservation Work, which was released in Supplement No. 2, September 25, 1935, is hereby amended to read as follows:

The Director of the Civilian Conservation Corps has directed that veterans honorably discharged from the Civilian Conservation Corps on and after September 30, 1935, will not again be eligible for reselection until *six months* after the date of their discharge.

This revision of controlling instructions is for immediate application.

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-2725; Filed, September 10, 1937; 4:01 p. m.]

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*Wednesday, September 15, 1937* *No. 178*

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## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4761]

VENDING MACHINES FOR TOBACCO PRODUCTS

REGULATIONS NO. 8, RELATING TO THE TAXES ON TOBACCO, SNUFF, CIGARS, AND CIGARETTES, ALSO ON CIGARETTE PAPERS AND TUBES AND PURCHASE AND SALE OF LEAF TOBACCO, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Article 163 of Regulations No. 8, as revised, and approved November 12, 1934, is amended to read as follows:

ART. 163. *Vending Machines.*—Vending machines may be used for vending only tobacco products which have been properly packed and stamped by the manufacturers of such products. The tobacco products may be vended either in such packages or directly from such packages as put up by the manufacturers and approved by the Commissioner of Internal Revenue, as provided for in article 109.

Machines designed for the automatic sale of tobacco products must have glass panels through which the packages are plainly visible. The machines must be approved by the Commissioner before their use is authorized. A working model or photographs of such machines, which will show that the construction conforms with the following requirements, must be submitted to the Commissioner for inspection before such machines are used in dispensing tobacco products:

(a) Machines for vending a tobacco product directly from a statutory package must have the glass panels so placed that the internal revenue stamp, together with the required caution notice and marks or brands, are plainly visible. The mechanism for delivery must provide for practically a direct feed of the article from the original stamped package. All of the stamp must remain on the package until the contents are sold, when the emptied package shall be removed immediately and the package and the stamp thereon utterly destroyed. No such emptied package may again be used for a tobacco product under severe penalties imposed by law.

(b) In respect to machines designed to vend only full and unbroken original stamped statutory packages of tobacco products, responsibility for strict compliance with the internal revenue laws and regulations governing the sale of tobacco products will rest with the persons who sell, or offer to sell, tobacco products by means of vending machines, and such persons shall be liable to the penalties prescribed by law for having in possession and selling or offering for sale tobacco products not properly packed and stamped

This Treasury Decision is promulgated under the authority contained in section 321, Revised Statutes and section 3396, Revised Statutes.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: September 10, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2740; Filed, September 14, 1937; 10:13 a. m.]

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### Committee on Enrollment and Disbarment.

[1937 Amendment]

[DEPARTMENT CIRCULAR No. 230 OF 1936 (REVISED)]

LAWS AND REGULATIONS GOVERNING THE RECOGNITION OF AGENTS, ATTORNEYS, AND OTHER PERSONS REPRESENTING CLAIMANTS BEFORE THE TREASURY DEPARTMENT AND OFFICES THEREOF

SEPTEMBER 7, 1937.

Department Circular No. 230 (Revised) of October 1, 1936, Section 2 (y), is hereby amended by the addition of the following sentence thereto: "This requirement shall not be applicable to powers of attorney wherein the authority granted is limited to the filing of tax or information returns." As amended section 2 (y) will read as follows:

(y) No enrolled person shall exact from his client a manifestly unreasonable fee, whether contingent or otherwise, in any matter before the Treasury Department. The reasonableness of a fee in any case is within limits a matter of judgment and depends upon all the facts and circumstances thereof, including the complexity and difficulty of the case, the amount of time and labor required for its proper preparation and presentation, the amount involved, and the professional standing and experience of the attorney or agent.

A wholly contingent fee agreement shall not be entered into with a client by an enrolled person unless the financial status of the client is such that he would otherwise be unable to obtain the services of an attorney or agent. Partially contingent fee agreements are permissible where provision is made for the payment of a minimum fee, substantial in relation to the possible maximum fee, which minimum fee is to be paid and retained irrespective of the outcome of the proceeding. Such minimum fee need not be paid in advance, if provision for its payment is made irrespective of the outcome of the case. The payment of or agreement to pay a nominal minimum fee will not satisfy the requirements of this subsection.

Whenever an enrolled attorney or agent shall enter into a contract to represent a client before the Treasury Department on a wholly or partially contingent basis, he shall file with the Committee a signed statement to that effect, containing the terms of the contract as they relate to compensation.

When a power of attorney is filed with the Treasury Department it shall be the duty of the attorney or agent filing the same to file therewith a statement as follows:

Place _____
Date _____

This is to certify that I {have / have not} entered into a contingent or partially contingent fee agreement for the representation before the Department of _____ in the matter of _____ under the terms of a power of attorney filed with the Treasury Department on _____, and (in case a contingent or partially contingent fee agreement has been made) that a report of such fee agreement {has / has not} been made to the Committee on Enrollment and Disbarment.

_____

This requirement shall not be applicable to powers of attorney wherein the authority granted is limited to the filing of tax or information returns.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2747; Filed, September 14, 1937; 12:54 p. m.]



## FARM CREDIT ADMINISTRATION.

[FCA 61]

AMENDMENT OF REGULATION GOVERNING CONSOLIDATION OF NATIONAL FARM LOAN ASSOCIATIONS

In view of the change in the law effected by section 23 of the Farm Credit Act of 1937, approved August 19, 1937, which, on and after September 18, 1937, gives every national farm loan association shareholder one vote and no more, paragraph (3) of Section 40 of the Rules and Regulations approved June 8, 1926, as amended [FLB 989, NFLA EXAM 236, November 12, 1935; Chapter II, Section 18 (c), Federal Register Compilation], is hereby amended to read as follows:

Meetings of stockholders of each constituent association shall be called for the purpose of considering the consolidation and the stockholders present at the meeting, provided there is a quorum present, shall, by a vote of two-thirds of the stockholders present and voting, adopt a resolution ratifying and approving both the resolution which the directors have adopted with respect to the consolidation and the Agreement of Consolidation and Articles of Association executed by the officers on behalf of the associations. The notice of the meeting at which such action is taken must contain a statement that a consolidation will be voted on.

[SEAL] W. J. MCANELLY,
*Acting Land Bank Commissioner.*

[F. R. Doc. 37-2741; Filed, September 14, 1937; 10:30 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 9th day of August, A. D. 1937.

[Ex Parte No. MC 10]

IN THE MATTER OF THE CLASSIFICATION OF BROKERS AND MOTOR CARRIERS OF PROPERTY

The matter of classification of brokers and motor carriers of property under Section 204 (c) of the Motor Carrier Act, 1935, being under consideration:

*It is ordered*, That the classification of brokers and carriers of property appearing in the appendix of the attached report be, and it is hereby, approved and adopted:

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

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CLASSIFICATION OF MOTOR CARRIERS PROPERTY

IN THE MATTER OF THE CLASSIFICATION OF BROKERS AND MOTOR CARRIERS OF PROPERTY

*Decided August 9, 1937*

Classification of Motor Carriers of Property under Section 204 (c) of the Motor Carrier Act, 1935, Established

REPORT OF THE COMMISSION

DIVISION 5, COMMISSIONERS EASTMAN, LEE, AND CASKIE

BY DIVISION 5:

The Motor Carrier Act, 1935, authorizes and directs us to supervise and regulate the transportation service rendered by motor carriers and brokers. Section 204 (c) provides that

The Commission may from time to time establish such just and reasonable classifications of brokers or of groups of carriers included in the term "common carrier by motor vehicle," or "contract carrier by motor vehicle," as the special nature of the services performed by such carriers or brokers shall require; and such just and reasonable rules, regulations, and requirements, consistent with the provisions of this part, to be observed by the carriers or brokers so classified or grouped, as the Commission deems necessary or desirable in the public interest.

This classification is made pursuant to the provisions of said section.

Because of the importance of this subject in the development of an orderly highway transportation system, we shall discuss briefly the conditions which necessitate a classification and the background of facts and analyses which have resulted in the conclusions herein set forth.



NEED FOR CLASSIFICATION

The need for a classification of brokers and property carriers arises out of the facts that such carriers are of various distinct and differing types; that the identification of these types will in itself tend, in important respects, to facilitate the process of regulation; and that the differihg types often require differing characters of regulation.

It is obvious that such classification is particularly important at this time in connection with the issuance of certificates, permits, and licenses, as it will facilitate the identification and description of the operations to be covered thereby. The problem of classification is made difficult, however, by the fact that a very large proportion of the operators who are subject to the act now have "grandfather" rights. It is not always easy to fit such operators into a definite classification.

This situation precludes any finding which does not make provision for each major type of operation present in the industry today. We are impressed, too, with the fact that a practical classification must not only provide a satisfactory operating sphere for each kind and major type of operator now in existence, but it must also avoid the danger of establishing restrictions which might be burdensome to the industry. The public interest requires that the way be left open for normal healthy growth. Any plan which would retard such growth would defeat the purpose of the act. We have been fully cognizant of these facts throughout the course of our study of this matter.

With due regard for these considerations, we believe it is necessary that a system be developed through which the different kinds of operations may be classified and identified. It is evident that through such a system, the regulations which may become necessary from time to time and which may be promulgated to take care of particular situations can be made to apply to such classes of carriers as may require special treatment. That is to say, the special requirements, rules, or regulations which, from a practical standpoint, are intended to apply to one type or to a few types only, can be avoided so far as other types are concerned.

It is clear, however, that the application of certain rules, regulations, or requirements must, in some instances, depend wholly or partly upon factors other than those used as the basis for this classification. Where this is the case a general classification cannot be relied upon to designate the type of operation or class of carrier which may be subject to or exempt from certain rules or regulations. To meet this situation and to make it possible to limit certain or special regulations to a specific operating condition, a particular kind of carrier or group of carriers, it may be necessary as need therefor arises to divide the industry into certain additional special groupings which will meet our administrative requirements.

An example of this situation is found in the impossibility of determining the extent to which accounting practices should apply to a particular operation based upon such factors as type of vehicle operated or type of commodities transported. A more practical approach to that problem may be made through the size of the carrier's annual business. Thus a special accounting classification of carriers based on annual gross income may be included and made a part of the separate regulations which will govern accounting practices.

The same principle holds true in safety matters. In some instances, certain safety regulations may be directed to certain types of carriers through the use of a general classification. From a practical standpoint, however, it appears that the kind of vehicle, the nature of the commodity carried, or the specific operating conditions must be definitely described in conjunction with the safety rule itself in order to establish the applicability of a specific safety requirement.

While our investigation indicates that it is not possible to establish a general classification which would meet all of the needs for groupings in connection with accounting, safety, or other special problems, it is clear that a general classifica-

tion can be used to excellent advantage in all of these matters. Those problems which require special groupings will, therefore, be considered separately as a part of such regulations as may be promulgated pertaining to those particulars.

We do not believe, however, that it is now desirable or in accordance with the intent of section 202 to define strictly each type or kind of carrier or broker. Our basic purpose has been to ascertain and define generally the natural divisions which are now present in the industry. In so doing, we have refrained from attaching to any group rules or regulations applying to the transportation activities of the group. The necessity for rules and regulations, special or otherwise, will be brought to our attention through future experience, and will be dealt with in separate proceedings.

SCOPE OF INVESTIGATION

In our investigation of this general subject, representatives of the Bureau of Motor Carriers visited many sections of the country and interviewed representative operators and representatives of motor carrier organizations. A tentative draft of a proposed classification was prepared as a result of these studies and interviews and submitted to the industry. Criticisms and suggestions were invited. Through the courtesy of the American Trucking Associations, Inc., approximately 3,000 copies of this tentative draft were distributed throughout the country. An additional supply of copies was sent to each district office and made available to individual operators.

We gave careful consideration to the suggestions and criticisms which were received from the industry as the result of this tentative draft. A second draft was then prepared. In this revision we endeavored to incorporate all suggestions which had been received and which appeared to be pertinent to the question under consideration. This revised draft was distributed to all interested parties of record and further criticisms and suggestions invited.

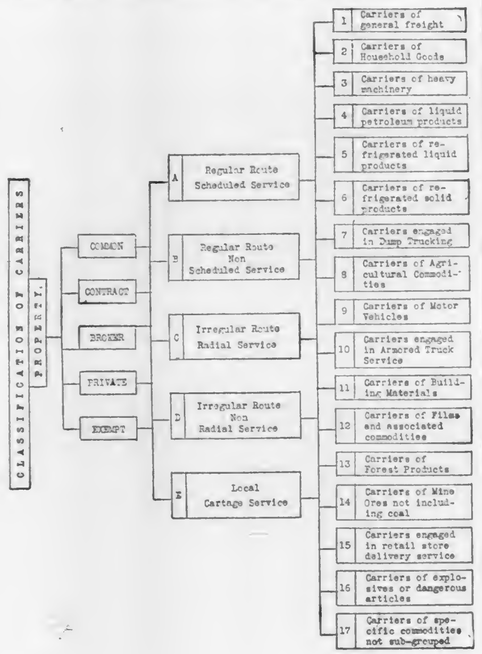


Based upon the information and data received, a third draft of a proposed classification was prepared and submitted to a general conference of carriers and carriers' representatives held at our office in Washington. Each proposed grouping of carriers was discussed in detail and the suggestions of the representatives of each such group carefully noted.

In this report careful consideration has been given to all of the material facts which have been presented to us in the several conferences referred to and at other times during the period of the investigation.

FINDINGS

We find, after investigation and analyses, that the classification of property carriers printed in the appendix to this report is a reasonable and practical classification of brokers, common carriers and contract carriers of property by motor vehicle, and it is hereby approved and adopted.

An appropriate order will be entered.

APPENDIX

CLASSIFICATION

OF

BROKERS, AND MOTOR CARRIERS OF PROPERTY

*Classification Chart*

The first page of this classification is a graph or chart which outlines three steps taken in the breakdown of each motor carrier operation. These three steps are the analytical factors which are used to determine the carrier's classification. They include (1) type of carrier, (2) type of carrier's service, and (3) type of commodities transported. Each class is a composite of these three factors. The chart includes a symbol system through which each class may be identified by a code letter and number.

The first division on the chart identifies the type of operation, as fixed by the Motor Carrier Act, 1935. There are five such types of property operators.

Common carrier of property
Contract carrier of property
Private carrier of property
Broker of property transportation
Exempt carrier

The second division on the chart identifies the type of service in which the carrier is engaged as determined by:

(A) Regular route, scheduled service
(B) Regular route, non-scheduled service
(C) Irregular route, radial service
(D) Irregular route, non-radial service
(E) Local cartage service

The third division on the chart describes the type of commodities transported by the carrier. There are seventeen such commodity groups which are of sufficient importance at this time to warrant individual identification. Additional groups may be added as the need therefor is shown.

(1) Carriers of general freight
(2) Carriers of household goods
(3) Carriers of heavy machinery
(4) Carriers of liquid petroleum products
(5) Carriers of refrigerated liquid products
(6) Carriers of refrigerated solid products
(7) Carriers engaged in dump trucking
(8) Carriers of agricultural commodities
(9) Carriers of motor vehicles
(10) Carriers engaged in armored truck service
(11) Carriers of building materials
(12) Carriers of films and associated commodities
(13) Carriers of forest products
(14) Carriers of mine ores not including coal
(15) Carriers engaged in retail store delivery service
(16) Carriers of explosives or dangerous articles
(17) Carriers of specific commodities, not sub-grouped



The symbol system of code identification is derived from the foregoing three groups. *Illustration:* A common carrier may be engaged in transporting household goods over irregular routes in radial service. Such a carrier would be classed as a *Common Carrier* class C–2.

Appropriate definitions or explanations of each class or group appear on the following pages in the order shown above.

*Types of Carriers*

Definitions

The act, section 203, defines carriers by motor vehicle and brokers as follows:

*Motor Carrier.*—The term "motor carrier" includes common carriers by motor vehicle, contract carriers by motor vehicle (section 203 (a) (16)), and private carriers by motor vehicle (section 204 (a) (3)).

*Common Carrier.*—"The term 'common carrier by motor vehicle' means any person who or which undertakes, whether directly or by a lease or any other arrangement, to transport passengers or property, or any class or classes of property, for the general public in interstate or foreign commerce by motor vehicle for compensation, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water, and of express or forwarding companies, except to the extent that these operations are subject to the provisions of part I." Section 203 (a) (14).

*Contract Carrier.*—"The term 'contract carrier by motor vehicle' means any person, not included under paragraph (14) of this section, who or which, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers or property in interstate or foreign commerce by motor vehicle for compensation." Section 203 (a) (15).

*Private Carrier.*—"The term 'private carrier of property by motor vehicle' means any person not included in the terms 'common carrier by motor vehicle' or 'contract carrier by motor vehicle', who or which transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise." Section 203 (a) (17).

*Broker.*—"The term 'broker' means any person not included in the term 'motor carrier' and not a bona fide employee or agent of any such carrier, who or which, as principal or agent, sells or offers for sale any transportation subject to this part, or negotiates for, or holds himself or itself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation." Section 203 (a) (18).

*Exempt Carrier.*—Section 203 (b), (1) to (9), inclusive, of the act provides that certain motor vehicles and operations shall be exempt from the operation of said act, "except the provisions of section 204 relative to qualifications and maximum hours of service of employees, and safety of operation or standards of equipment", and subject to an exercise of discretion on the part of the Commission in respect to clauses (8) and (9). Such carriers in this classification are termed "exempt motor carriers."

*Types of Property Carrier Service*

Explanation

(A) *Regular Route, Scheduled Service.*—A regular route scheduled service carrier is any person who or which undertakes to transport property or any class or classes of property in interstate or foreign commerce by motor vehicle for compensation between fixed termini and over a regular route or routes upon established or fixed schedules.

(B) *Regular Route, Non-scheduled Service.*—A regular route non-scheduled service carrier is any person who or which undertakes to transport property or any class or classes of property in interstate or foreign commerce by motor vehicle for compensation between fixed termini and over a regular route or routes at intermittent intervals and not upon an established or fixed schedule.

(C) *Irregular Route, Radial Service.*—An irregular route radial service carrier is any person who or which undertakes to transport property or any class or classes of property in interstate or foreign commerce by motor vehicle for compensation over irregular routes from a fixed base point or points to points or places located within such radial area as shall have been fixed and authorized by the Interstate Commerce Commission in a certificate of public convenience and necessity or permit, or from any point located within such radial area to such carrier's fixed base point or points.

(D) *Irregular Route, Non-radial Service.*—An irregular route non-radial service carrier is any person who or which undertakes to transport property or any class or classes of property in interstate or foreign commerce by motor vehicle for compensation over irregular routes between points or communities located within such general territory as shall have been defined geographically and authorized in a certificate of public convenience and necessity or permit, and any other points or communities located within the same general territory without respect to a hub community or a fixed base point of operation.

(E) *Local Cartage Service.*—A local cartage carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation when such transportation is performed in interstate or foreign commerce wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

*Types or Groups of Commodities*

Explanation

(1) *Carriers of General Freight.*—This group comprises both common and contract carriers transporting commodities generally, except such commodities as require special equipment or service.

(2) *Carriers of Household Goods as a Commodity.*—Household goods carriers include carriers, both common and contract, engaged in the transportation of property commonly used in a household when a part of such household equipment or supply; furniture, fixtures, equipment, and the property usual in an office, museum, institution, hospital, or other similar establishment when a part of the stock, equipment, or supply of such office, museum, institution, hospital, or other similar establishment; furniture, fixtures, and equipment of a store; works of art, furniture, musical instruments, display exhibits, and articles requiring the specialized handling and special equipment usually employed in moving household goods.

NOTE.—This type of carrier renders a specialized service requiring skilled workmen. Such special service includes removing furniture from the higher stories of large office buildings when freight elevator service is not available, the proper placing of furniture in the home or office upon delivery at destination, the laying of rugs, hanging of pictures, and other services in connection with the removal of furniture or fixtures from one location to another. A household goods carrier is usually a class C–2 operator but such a carrier may be a class D–2 operator. When the operation is that of a D–2 operator it embraces the transportation of household goods to, from, and between unlimited points of origin and unlimited points of destinations within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

(3) *Carriers of Heavy Machinery.*—This group includes carriers, both common and contract, engaged in the hauling of heavy machinery and equipment including road machinery, structural steel, oil field rigs, and oil field equipment.

NOTE.—These commodities are grouped together because of the equipment required and the nature of the service performed. The territorial scope of the service is usually similar to that of the household goods carrier described above. Certain auxiliary or accessorial services are also performed in the transportation of these commodities, such as the dismantling and resetting of machinery, often requiring the use of rigging, skidding, and similar devices. A carrier of this class may find that all of his facilities are employed for a considerable period of time in a locality which is only a part of the territory in which he is authorized to serve. This type of carrier is usually a class D–3 operator. The movement

involves and embraces the transportation of heavy machinery and similar equipment, to, from, and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

(4) *Carriers of Liquid Petroleum Products.*—Carriers of liquid petroleum products include those carriers who transport such petroleum products as gasoline and other liquid motor fuel, road oil, crude oil, fuel oil, kerosene, and like products in tank vehicles or drums. Such vehicles include solo trucks, semi-trailers, and full-trailers. Carriers of butane, propane, and other derivatives of petroleum are included in this group when such products are transported in tank vehicles. The group also includes carriers of edible oils, coal tar products, and chemicals if transported in tank vehicles but does not include the transportation of milk, fruit juices, or other perishable liquid products which require temperature control.

NOTE.—Carriers who fall within this group may be either common or contract carriers. In either case the service usually involves special tank transport equipment.

(5) *Carriers of Refrigerated Liquid Products.*—This group comprises carriers, both common and contract, which specialize in the transportation of refrigerated or temperature controlled perishable liquid products, such as fruit juices and various beverages in tank vehicles, including solo trucks, semi-trailers, or full-trailers. Those liquid products such as milk which are classified in other commodity groups are not included in this class.

NOTE.—The production area of fruit juices and beverages and the transportation of these products by tank truck is largely restricted to the territories where they are manufactured. While the shipments originate in a restricted area the transportation is usually over long distances and requires operation both day and night. The matter of public health is particularly involved in this type of carriage in view of the nature of the commodity.

(6) *Carriers of Refrigerated Solid Products.*—This group includes that class of carriers, both common and contract, which engages in the transportation of commodities of a perishable nature including fresh fish, meats and meat products, fruits and vegetables, dairy products, etc., requiring the use of special refrigeration or temperature control. It does not include refrigerated or temperature controlled liquid products, otherwise classified herein.

NOTE.—Specially designed and constructed refrigerated equipment is usually necessary for this operation. Dry ice is often used. Extra care in handling shipments must be exercised on account of the danger of spoiling. This operation is the same as that of the ordinary general commodity carrier except as to refrigeration requirements.

(7) *Carriers Engaged in Dump Trucking.*—This group includes both common and contract carriers engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, coal, and other similar commodities.

NOTE.—The operations of this group are usually carried on during the daytime and are local in character. When coal is the commodity transported the operation is over both main highways and rural roads. The activities of carriers in this group are somewhat seasonal, especially in connection with building or construction projects. The value of the commodity hauled is usually low.

(8) *Carriers of Agricultural Commodities.*—This group includes carriers engaged exclusively in the transportation of unmanufactured or unprocessed agricultural commodities. It includes carriers of milk, regardless of the type of vehicle used, but does not include carriers engaged in the transportation of fruit juices or other processed agricultural commodities.

NOTE.—While both common and contract carriers are included in this group, it is composed principally of irregular route radial service common carriers. Most commercial agricultural commodities are also handled as general commodities, especially when hauled in small lots such as fruits, vegetables, produce, poultry, milk or cream in cans, grains in sacks, etc. In some instances, special vehicle equipment is required for the movement of such commodities as livestock, small grains in bulk, grass feeds, hay, tobacco (not processed), etc. During certain seasons of the year, this type of carrier transports feeder cattle from the primary market to the farm or feeding territory.

(9) *Carriers of Motor Vehicles.*—This group consists of motor carriers engaged in the transportation of new and used motor vehicles, including automobiles, trucks, trailers, chassis, bodies, and automotive display vehicles, wholly or partially assembled, in interstate or foreign commerce. In this group are included:

(a) Carriers engaged in the transportation of motor vehicles by truckaway method, involving the use of special equipment such as trucks, tractors, trailers, semi-trailers, 4-wheel trailers, tow cars, wrecking service cars, and various combinations of the above in or upon which such motor vehicles are loaded.

(b) Carriers engaged in the transportation of motor vehicles by driveaway method, involving the utilization of the motive power, in whole or in part, of the vehicles being transported, either in single driveaway or in combinations of two or more vehicles by use of towbar mechanism, saddle or bolster mount mechanism, full mount mechanism, or any combinations of the above.

(c) Carriers engaged in transportation of motor vehicles, within the boundaries of a city or single commercial zone, by either truckaway or driveaway method, where such transportation is a part of and is incidental to an interstate shipment or a movement in interstate or foreign commerce.

NOTE.—The transportation of new automobiles, trucks, and trailers is usually a class C–9 movement. The transportation of used automobiles, trucks, and trailers and new or used chassis, bodies, and automotive display vehicles is usually a class D-9 movement. In either case, the operation may be that of a common or contract carrier. When classified as a class D–9 movement, the scope of the operation is territorial in character and includes the transportation of motor vehicles to, from, and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

(10) *Carriers Engaged in Armored Truck Service.*—This group includes motor carriers, either common or contract, which by reason of the commodity transported, i. e., gold, silver, currency, valuable securities, jewels, and other property of very high value, use specially constructed armored trucks and provide police protection to safeguard the commodity while it is being transported and delivered. It also includes carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

NOTE.—This is a highly specialized type of service and is usually confined to larger cities and industrial areas. It is used by financial institutions for the transfer of funds including bullion, currency, valuable securities, and jewels from dock to vault, pay rolls to industries, bank to bank, etc. It is frequently performed under a specific contract, although there are some carriers engaged in the service that hold themselves out as common carriers. Where the service is entirely local, the operation may be regarded as local cartage within a municipality. Where routes or territory beyond a municipal area are served, the operation becomes that of an irregular route, radial carrier.

(11) *Carriers of Building Materials.*—This group includes both common and contract carriers engaged in the transportation of building materials for compensation, not including sand, gravel, crushed stone, or other building materials, ordinarily transported in dump trucks. It includes haulers of lumber, cut stone, slate, tile, brick, cement plaster in sacks, or other similar materials usually transported on flatbed vehicles.

NOTE.—Usually no special equipment is required, except in the case of the lumber hauler, who uses vehicles equipped with a special unloading device or that of the concrete hauler which mixes en route. Most of the other building materials can be and are hauled in small lots as general commodities. The movement of these commodities is usually in connection with a construction project, in truck loads, and for comparatively short distances. The transportation of lumber between manufacturing plants and from mill to retail yard is an important service rendered by carriers classed in this group.

(12) *Carriers of Films and Associated Commodities.*—This group, composed of both common and contract carriers, includes those carriers which are engaged in the transportation of motion-picture and sound-reproducing films, recording, reproducing, and amplifying devices, supplies, and accessories for the operation of motion-picture theatres or places of exhibition, including the transportation of tickets, advertising matter, displays, and exhibits such as are found in lobbies of motion-picture theatres, and furnishings and supplies necessary in the maintenance and operation of such theatres. This type of operation requires unusual delivery schedules and special personal services.

NOTE.—This group of carriers has, in some instances, undertaken the delivery of newspapers, magazines, publications, yeast, coffee, confectionery, and other dated products. If such commodities were actually transported by a carrier in this group in interstate commerce on and since the grandfather date, such carrier is entitled to continue to transport such items under the law. The transportation of such commodities, however, as a rule is only incidental to and carried on in conjunction with the transportation of films and accessories. In cases of future authorizations involving a showing of public convenience and necessity, these items should not be regarded as being associated with the carriage of films and under no circumstances should the inclusion of these items in grandfather certificates or permits be construed as authorization to the film carrier to engage in the transportation of general freight on the grounds that such general freight is labeled "dated".

(13) *Carriers of Forest Products.*—This group includes both common and contract carriers engaged principally in the transportation of forest products, i. e., logs, poles, piling, fence posts, shingle bolts, pulp-wood, and fuel from the forest to processing points or to market.

NOTE.—In those areas where the timber is large, special truck-equipment is required for the transportation of logs. Such equipment includes bunks, reaches, 2- and 4-wheel trailers, special braking arrangements, and other incidental special equipment. Similar equipment is also frequently used in the transportation of poles and piling. Ordinary vehicles are used to transport the other items referred to herein. This group does not include carriers who are engaged in the transportation of rough or finished lumber or processed products derived from raw forest products nor does it include such operations as are grouped under "carriers of building materials."

(14) *Carriers of Mine Ores Not Including Coal.*—This group comprises both common and contract carriers, engaged principally in the transportation of mining products in the rough, such as iron, copper, or other ores from the mine to the smelter or from the mine to bunkers located on the routes of connecting carriers. It also includes the transportation of products of smelters to refineries or foundries. It does not include coal or coal products or refined or manufactured products of ores which are classified herein under other groupings.

(15) *Carriers Engaged in Retail Store Delivery Service.*—This group includes carriers who render a specialized delivery service for retail store establishments. This service is usually confined to municipal areas, and where that is the case, may be regarded as a city cartage operation. In some instances, however, the service extends beyond municipal areas and in that case the operation may be classified in accordance with the service rendered.

(16) *Carriers of Explosives or Dangerous Articles.*—Carriers of certain explosive or dangerous articles, except liquid petroleum products as described in commodity Group 4, and films as described in commodity Group 12, are those carriers which engage in transporting dangerous, less dangerous, or relatively safe explosives, including non-explosive material such as fuses, cartridge cases, dummy cartridges, etc., inflammable oxidizing materials, corrosive liquids, compressed gases, poisonous articles, and other acceptable dangerous articles other than inflammable liquids in tank vehicles.

NOTE.—The transportation of the commodities classed in this group involves unusual hazards and requires special precautions in the matter of safety. The carriage is usually rendered under special agreement but is also rendered by common carriers when the volume of the movement is not sufficient to warrant a contract operation.

(17) *Carriers of Specific Commodities, not sub-Grouped.*—Throughout the country there are individual truck operators who engage in the transportation of some specific commodity or commodities which do not fall within any of the commodity sub-groups included in this classification.

NOTE.—Usually such transportation is carried on in conjunction with a local industry or local situation and is not of sufficient importance nationally to warrant sub-grouping. In order to provide, however, for the general classification of such operations, miscellaneous commodity Group 17 has been included in this classification. The specific commodity or commodities transported by carriers who may be classified in this group are shown in the carrier's certificate of public convenience and necessity or permit. Commodity Group 17 carriers will be the subject of further study and if need therefor is shown, additional commodity groups will be established from time to time from this miscellaneous group to meet the administrative requirements of the Bureau of Motor Carriers.

*Exceptions to and Changes in Classification*

These classifications and groupings are prescribed for general purposes. The operations of an individual carrier may fall within more than one grouping, in which event they become subject to the rules and regulations of each group into which they fall.

Any group of carriers, or any carrier member of a group, may, upon proper notice, petition the Commission to alter, amend, or otherwise modify any part of this classification or any grouping prescribed herein. Unless exceptions are specifically granted, the general rules and regulations of the Commission shall govern.

*Emergencies.*—In case of emergencies or unforeseen conditions over which the motor carrier affected has no control, which require immediate and extraordinary treatment, the Commission may, without notice, modify, amend, suspend, or vacate any or all classifications or groupings herein prescribed and substitute in lieu thereof such classification groupings or regulations as may be necessary during the period of such emergency.

[F. R. Doc. 37–2746; Filed, September 14, 1937; 12:47 p. m.]



## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 137]

RESCISSION OF ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 7, 1937.

I hereby rescind $400 of the allocation of funds for the project, Alabama 19 Limestone, made by Administrative Order No. 16, dated, September 3, 1936. This action is being taken because it was not necessary to use the entire funds allotted.

I hereby rescind $300,000 of the allocation of funds for the project, Illinois 8026G Iroquois, made by Administrative Order No. 119, dated, July 21, 1937. This action is being taken because it was found not necessary to make the allotment to build a generating plant for the reason that a satisfactory wholesale rate has been negotiated with an existing source of supply.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37–2739; Filed, September 14, 1937; 9:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1937.

[File No. 46–72]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION

[Public Utility Holding Company Act of 1935, Section 10]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by United Public Utilities Corporation, a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of $511,679.98 principal amount of promissory notes due January 1, 1945, bearing interest at the rate of 6% per annum, and of $106,403.40 principal amount of promissory notes due January 1, 1945 and bearing interest, to the extent that such interest is earned, at the rate of

6% per annum, to be issued by Texas Ice and Refrigeration Company, a subsidiary of the applicant, for the purpose of refunding $511,679.98 principal amount of promissory notes of said Texas Ice and Refrigeration Company presently outstanding together with $106,403.40 accrued interest thereon;

It is ordered that a hearing on such matter be held on October 4, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 29, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2745; Filed, September 14, 1937, 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, 1937.

IN THE MATTER OF COLLATERAL BANKERS, INC., CONTINENTAL OIL BUILDING, DENVER, COLORADO

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of Collateral Bankers, Inc. having come on for hearing before the Commission on the question of revocation or suspension; and

The Commission having this day made and filed its findings of fact herein;

It is ordered pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Collateral Bankers, Inc. be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2744; Filed, September 14, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, 1937.

IN THE MATTER OF HERBERT A. JACOBS, DOING BUSINESS AS HERJAY COMPANY 80 WALL STREET NEW YORK, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of Herbert A. Jacobs, doing business as Herjay Company, having come on for hearing before the Commission on the question of revocation or suspension; and

The Commission having this day made and filed its findings of fact herein;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Herbert A. Jacobs, doing business as Herjay Company, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2742; Filed, September 14, 1937; 12:40 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, 1937.

IN THE MATTER OF ALBERT AHRENS, DOING BUSINESS AS ALBERT AHRENS COMPANY, 79 WALL STREET, NEW YORK, NEW YORK

ORDER SUSPENDING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of Albert Ahrens, doing business as Albert Ahrens Company, having come on for hearing before the Commission on the question of revocation or suspension; and

The Commission having this day made and filed its findings of fact herein;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Albert Ahrens, doing business as Albert Ahrens Company, be and the same is hereby suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2743; Filed, September 14, 1937; 12:40 p. m.]

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## *Thursday, September 16, 1937* — *No. 179*

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## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

PUBLIC WATER RESERVE NO. 159

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910 (ch. 421, 36 Stat. 847), as amended by the act of August 24, 1912 (ch. 369, 37 Stat. 497), and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described public lands of the United States be, and they are hereby, withdrawn from settlement, location, sale, or entry and reserved for public use in accordance with the provisions of section 10 of the act of December 29, 1916 (ch. 9, 39 Stat. 862, 865):

SAN BERNARDINO MERIDIAN

T. 14 S., R. 5 E., sec. 26, W½SE¼; sec. 35, W½NE¼, SE¼NW¼, E½SW¼, SW¼SW¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*September, 11, 1937.*

[No. 7705]

[F. R. Doc. 37-2753; Filed, September 15, 1937; 10:44 a. m.]

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### EXECUTIVE ORDER

EXTENDING THE LIMITS OF CUSTOMS PORT OF ENTRY OF CHESTER, PENNSYLVANIA

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, ch. 223, 38 Stat. 609, 623 (U. S. C. Title 19, sec. 2), the limits of the customs port of entry of Chester, Pennsylvania, in Customs Collection District No. 11 (Philadelphia), are hereby extended, effective thirty days from the date of this order, to include the following territory:

Lower Chichester Township
Marcus Hook Borough
Trainer Borough
Upland Borough
Parkside Borough
Eddystone Borough
Ridley Township

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 11, 1937.*

[No. 7706]

[F. R. Doc. 37-2754; Filed September 15, 1937; 10:44 a. m.]

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### EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

Section 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked in so far as it affects the following described tracts of land in California:

SAN BERNARDINO MERIDIAN

T. 10 N., R. 7 W., secs. 7 to 11, inclusive, and N½ sec. 12.
T. 9 N., R. 8 W., secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 10 N., R. 8 W., sec. 6, N½ and SW¼ sec. 7, S½SE¼ sec. 9, S½ and S½NE¼ sec. 10, secs. 11, 12 and 16, S½, NE¼ and S½NW¼ sec. 17, S½SW¼ and SE¼ sec. 18, secs. 19 to 21, inclusive, NW¼ sec. 30.
T. 8 N., R. 9 W., secs. 1 to 6, inclusive.
T. 9 N., R. 9 W., secs. 1 to 36, inclusive.
T. 10 N., R. 9 W., secs. 1 to 12, inclusive, NW¼ and N½NE¼ sec. 13, SW¼ and N½ sec. 14, secs. 15 to 20, inclusive, N½ and N½SW¼ sec. 21, N½NW¼ sec. 22, S½SW¼ and SE¼ sec. 23, S½, S½NW¼ and NE¼ sec. 24, SW¼ sec. 28.
T. 8 N., R. 10 W., secs. 1 and 2.
T. 9 N., R. 10 W., secs. 1, 2, 11 to 14, inclusive, 23 to 26, inclusive, 35 and 36.
T. 10 N., R. 10 W., secs. 12, 13, 24, 35 and 36.

Section 2. Subject to the conditions expressed in the above mentioned acts and to all valid existing rights, the tracts of land described in section 1 of this order are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved for use of the War Department for military purposes.

Section 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 11, 1937.*

[No. 7707]

[F. R. Doc. 37-2755; Filed, September 15, 1937; 10:44 a. m.]

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### EXECUTIVE ORDER

EXEMPTING ROGER JOHN TRAYNOR FROM THE PROVISIONS OF THE EXECUTIVE ORDER OF JANUARY 17, 1873

By virtue of the authority vested in me as President of the United States, it is ordered that the provisions of the Executive Order of January 17, 1873, prohibiting Federal employees from holding office under any state, territorial or municipal government, be, and they are hereby, waived to permit Roger John Traynor, a Consulting Tax Counsel, State Board of Equalization of the State of California, to hold a position of Consulting Expert in the Office of the Secretary of the Treasury.

This order is issued on the recommendation of the Acting Secretary of the Treasury.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 11, 1937.*

[No. 7708]

[F. R. Doc. 37-2756; Filed, September 15, 1937; 10:44 a. m.]

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## WAR DEPARTMENT.

REGULATIONS TO GOVERN THE USE, ADMINISTRATION, AND NAVIGATION OF SOUTH RIVER FROM THE STATE HIGHWAY BRIDGE ON STATE ROUTE NO. 2, AT EDGEWATER, MARYLAND, TO ITS HEAD, AND THE TRIBUTARIES EMPTYING THEREIN, INCLUDING BEARDS CREEK, BROAD CREEK, GINGERVILLE CREEK AND WAREHOUSE CREEK

THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

That section four of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, as amended by section eleven of the river and harbor Act of June thirteenth, nineteen hundred and two, be, and is hereby, amended so as to read as follows:

"Sec. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

THE REGULATIONS

In conformity with the above law the following navigation regulations are prescribed for the South River from the State Highway bridge on State Route No. 2 at Edgewater, Maryland, to its head, and for the tributaries emptying therein, including Beards Creek, Broad Creek, Gingerville Creek and Warehouse Creek, to take effect and be in force on and after the date of approval hereof:

No boat shall proceed at any time at a greater speed than eight (8) miles per hour at any time between May 1st and September 15th, inclusive, on these waterways.

Approved, September 3d, 1937.

[SEAL] LOUIS JOHNSON,
*Acting Secretary of War.*

FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 37-2748; Filed, September 15, 1937; 9:57 a.m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 44]

AN ORDER LIMITING THE TERM OF CONTRACTS AND ORDERS HEREAFTER TO BE ENTERED INTO AND ACCEPTED BY THE MEMBERS OF THE BITUMINOUS COAL CODE; DEFINING THE STATUS OF CONTRACTS AND ORDERS ENTERED INTO AND ACCEPTED PRIOR TO THE DATE OF THIS ORDER AND RESTRICTIONS ON CODE MEMBERS AS TO MAXIMUM DISCOUNTS OR PRICE ALLOWANCES TO DISTRIBUTORS

The Bituminous Coal Act of 1937 provides:

Section 4, Part II, Marketing, Subsection (e)—

No coal subject to the provisions of this section shall be sold or delivered or offered for sale at a price below the minimum or

above the maximum therefor established by the Commission, and the sale or delivery or offer for sale of coal at a price below such minimum or above such maximum shall constitute a violation of the code: *Provided*, That the provisions of this paragraph shall not apply to a lawful and bona fide written contract entered into prior to June 16, 1933. • • • From and after the date of approval of this Act, until prices shall have been established pursuant to subsections (a) and (b) of Part II of this section, no contract for the sale of coal shall be made providing for delivery for a period longer than thirty days from the date of the contract.

In order to give full force and effect to the minimum prices to be established by the Commission, the National Bituminous Coal Commission pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, hereby orders and directs:

1. That from and after the date of this order, no contract shall be entered into and no order shall be accepted by any member of the Bituminous Coal Code providing for the delivery of coal for a period longer than thirty (30) days from the date of the contract or order.

The Commission construes the first paragraph of Section 4, Part II, subsection (e), as being applicable to the third paragraph of the same subsection, which limits contracts for the sale of coal from and after the date of the approval of the Act until prices have been established, to a period not longer than thirty (30) days from the date of the contract. The Commission will construe as a violation of the Bituminous Coal Code the shipment or delivery upon any such contract, subsequent to the establishment of minimum prices, of any coal subject to Section 4 of the Act at a price below the minimum price therefor established by the Commission.

The Commission construes the first paragraph of subsection (e) of Section 4, Part II, of the Act as not applicable to any lawful and bona fide written contract entered into prior to June 16, 1933, in the event such contract has been duly authenticated by the Commission in conformity with regulations hereafter to be prescribed.

2. That following the establishment of minimum prices, no code member may, upon the sale of coal to a distributor, grant any maximum discount or price allowance, or any part thereof, hereafter prescribed by the Commission pursuant to subsection (h) of Section 4, Part II, of the Act, for delivery upon a contract for the sale of coal made by such distributor from and after the date of this order and prior to the establishment by the Commission of such distributors' discounts unless the contract price at which the coal has been sold by such distributor is not less than the established code minimum price for the size and grade of coal covered by such contract and in effect at the time of delivery.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretaries of all District Boards and all code members in the respective districts.

By order of the Commission.

Dated this 14th day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

[F. R. Doc. 37-2757; Filed, September 15, 1937; 11:11 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Issued September 15, 1937.

NER-B-101—Connecticut—Supplement (7)
NER-B-101—Maine—Supplement (8)
NER-B-101—Massachusetts—Supplement (8)
NER-B-101—New Hampshire—Supplement (6)
NER-B-101—New Jersey—Supplement (6)
NER-B-101—New York—Supplement (10)
NER-B-101—Pennsylvania—Supplement (16)
NER-B-101—Rhode Island—Supplement (9)
NER-B-101—Vermont—Supplement (5)

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

AMENDMENTS TO BULLETINS NO. NER-B-101, AS AMENDED, FOR THE STATES OF CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, AND VERMONT, DETERMINING PROCEDURE FOR REDUCTION OF CERTAIN MINIMUM PRACTICE REQUIREMENTS

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act Bulletin No. 101—Connecticut, as amended by Supplements (1) to (6), inclusive, Bulletin No. 101—Maine, as amended by Supplements (1) to (7), inclusive, Bulletin No. 101—Massachusetts, as amended by Supplements (1) to (7), inclusive, Bulletin No. 101—New Hampshire, as amended by Supplements (1) to (5), inclusive, Bulletin No. 101—New Jersey, as amended by Supplements (1) to (5), inclusive, Bulletin No. 101—New York, as amended by Supplements (1) to (9), inclusive, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) to (15), inclusive, Bulletin No. 101—Rhode Island, as amended by Supplements (1) to (8), inclusive, and Bulletin No. 101—Vermont, as amended by Supplements (1) to (4), inclusive, are hereby further amended by entering the following paragraph in Part I of each Bulletin No. 101 immediately preceding the headings "Practice Number" and "Description of Practice and Rate of Payment":

If on any farm it is determined that the application of material in connection with any soil-building practice for which payment is claimed was in an amount per acre less than that established as minimum performance for that practice, the County Committee is authorized to certify that the practice has been carried out on an acreage reduced to that which the amount of materials used would have covered if applied at the minimum rate specified for such practice, *provided*

(1) that the amount of application per acre was not more than 20 percent less than that specified, and

(2) that the County Committee determines that the amount of application per acre was consistent with good farming practice under the conditions prevailing on that farm.

Done at Washington, D. C., this 15th day of Sept., 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE, *Secretary of Agriculture*.

[F. R. Doc. 37-2762; Filed, September 15, 1937; 12:47 p. m.]

### Bureau of Agricultural Economics.

ORDER OF DESIGNATION OF TOBACCO MARKETS

NORTH CAROLINA

Whereas, the Act of Congress approved August 23, 1935 (49 Stat., 731) entitled "The Tobacco Inspection Act" contains the following provisions:

SEC. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determinations occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein.

SEC. 5. That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: Provided, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market.

and

Whereas, pursuant to said Act a referendum has been held among the growers of flue-cured tobacco who sold tobacco at auction on the Wendell, North Carolina market during the last marketing season, in which referendum said growers were given an opportunity to vote for or against the designation as provided in Section 5 of said Act; and

Whereas, more than two-thirds of the growers voting in said referendum and who sold tobacco at auction on said market during the last marketing season voted in favor of said designation.

Now, Therefore, by virtue of the authority conferred upon me by Section 5 of The Tobacco Inspection Act and the affirmative results of the referendum conducted thereunder, the tobacco market at Wendell, North Carolina is designated as a market where tobacco bought and sold thereon at auction, or the products manufactured therefrom, moves in commerce.

It is hereby ordered that, effective 30 days from this date no tobacco shall be offered for sale at auction on the abovenamed market until it shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under the Act; provided, however, that the requirement of inspection and certification may be suspended at such times as it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is insufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated herein.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 14th day of September 1937.

[SEAL] H. A. WALLACE, *Secretary of Agriculture*.

[F. R. Doc. 37-2761; Filed, September 15, 1937; 12:47 p. m.]

### Bureau of Entomology and Plant Quarantine.

[B. E. P. Q.-386 (4th revision)]

LIST OF ARTICLES EXEMPT FROM CERTIFICATION REQUIREMENTS UNDER THE GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE (QUARANTINE NO. 45)

SEPTEMBER 13, 1937.

In accordance with the proviso in Notice of Quarantine No. 45, as revised effective November 4, 1935, the following articles, the interstate movement of which is not considered to constitute a risk of moth dissemination, are exempted from the restrictions of the regulations of this quarantine:

Acacia cuttings (for ornamental use) (*Acacia* spp.).
Banana stalks, when crushed, dried, and shredded.
Birch slabs for use as post cards.
Cable reels, when newly manufactured and empty.
Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).
Evergreen smilax (*Smilax lanceolata*).
Fuchsia (*Fuchsia* spp.).
Galax (*Galax aphylla*).
Geranium (*Pelargonium* spp.).
Heather cuttings (for ornamental use) (*Erica* spp., *Calluna* spp.).
Heliotrope (*Heliotropium* spp.).
Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.
Jerusalem-cherry (*Solarum capsicastrum, S. usaudocapsicum, S. hendersoni*).
Leaves of deciduous and evergreen trees that have been treated or dyed.
Mistletoe (*Phoradendron flavescens, Viscum album*, etc.).
Oregon huckleberry (*Vaccinium ovatum*).
Partridgeberry (*Mitchella repens*).
Strawberry plants (*Fragaria* spp.).
Trailing arbutus (*Epigaea repens*).
Verbena (*Verbena* spp.).
Wintergreen (*Gaultheria* spp., *Pyrola* spp.).

LEE A. STRONG, *Chief, Bureau of Entomology and Plant Quarantine*.

[F. R. Doc. 37-2765; Filed, September 15, 1937; 12:48 p. m.]

[B. E. P. Q.—463]

### STERILIZATION OF IMPORTED VINIFERA GRAPES BY REFRIGERATION

[Approved and effective September 15, 1937]

Recent experimental work by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has proved that all stages of the Mediterranean fruit fly in fruit will be destroyed if the fruit is subjected to the following treatment:

Cooling until the approximate center of the fruit in the package reaches a temperature of 34° F. and holding the fruit at or below that temperature for a period of 12 days.

On the basis of the evidence obtained and under the authority of regulation 2 of the rules and regulations supplemental to Notice of Quarantine No. 56, provision is hereby made for the entry, under permit, and sterilization at plants designated for the purpose, of grapes of the Vinifera type from regions in which the Mediterranean fruit fly occurs, at the port of New York and such other northern ports as may be subsequently approved, under the following conditions:

(1) The grapes must be packed in tight barrels or kegs or other approved containers so constructed as to prevent the escape from the containers pending sterilization, of any stages of the Mediterranean fruit fly, should they be present. Unsterilized grapes in broken containers must be immediately repacked under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine or the contents shall be immediately destroyed in a manner satisfactory to the inspector.

(2) Within 24 hours from the time of unlading, the grapes shall be delivered for treatment to a designated cold storage plant.

The Bureau of Entomology and Plant Quarantine will designate only those cold storage plants which are adequately equipped to handle and sterilize the grapes. An application and a written agreement in form prescribed must be filed with the Bureau of Entomology and Plant Quarantine as a condition for designation.

The sterilization of grapes and their movement to and from the sterilization rooms shall be done under the supervision of plant quarantine inspectors of the Bureau of Entomology and Plant Quarantine who shall at all times have access to the grapes.

Shipments offered for entry may be allowed to leave customs custody under redelivery bond for sterilization. Final release of the shipment by the Collector of Customs and cancellation of the bond will be effected after the inspector of the Bureau of Entomology and Plant Quarantine has notified the Collector of Customs that the required treatment has been given.

(3) For the purpose of additional safeguards and to eliminate possible risk that might be occasioned by breakage of containers, the entry of grapes is limited to the period from October 1 to April 15, when susceptible fruits will not be available for oviposition by fruit flies should any escape prior to the containers being placed in the approved sterilization chambers.

In authorizing the entry of Vinifera grapes into the United States subject to sterilization in accordance with the provisions of this circular it should be emphasized that inexactness and carelessness in applying the treatment may result in injury to the grapes. The treatment required for the entry of Vinifera grapes under the provisions of this circular represents a requirement considered necessary to eliminate pest risk and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruit offered for entry under the provisions of this circular.

Circular B. E. P. Q.-417 is hereby revoked.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-2763; Filed, September 15, 1937; 12:48 p. m.]

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[B. E. P. Q.-464]

IMPORTATION OF VINIFERA GRAPES AND CERTAIN OTHER DECIDUOUS FRUITS SUBJECT TO IN-TRANSIT STERILIZATION AUTHORIZED

[Approved and effective September 15, 1937]

It has been determined that the refrigeration treatment prescribed in circular B. E. P. Q.—463, as a condition for the entry of Vinifera grapes from regions in which the Mediterranean fruit fly occurs, can be completed while the fruit is in transit on ships equipped with adequate refrigeration facilities, provided the grapes have been cooled to the proper temperature before loading in refrigerated holds in the carrying vessels. It has also been determined that certain other deciduous fruits can be similarly treated.

The treatment prescribed in B. E. P. Q.—463, requires the cooling of the grapes until the approximate center of the fruit in the package reaches a temperature of 34° F. and holding it at or below that temperature for a period of 12 days.

On the basis of the above determination and under the authority of regulation 2 of the rules and regulations supplemental to Notice of Quarantine No. 56, grapes of the Vinifera type, and such other deciduous fruits as may be approved in the permit, which are prohibited entry in the fresh state because of the Mediterranean fruit fly, may therefore be entered under the following conditions:

(1) Before being loaded they shall be cooled to a temperature of 32° F. under the supervision of an official designated by the Secretary of Agriculture, or one holding a comparable position, in the country concerned, in a plant approved for the purpose by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(2) The temperature of the grapes or other deciduous fruits shall in no case rise above 33° F. between the time they are taken from the precooling plant and the required refrigeration treatment is begun on the carrying vessel.

(3) The grapes or other deciduous fruits shall be held at a temperature of 34° F. or below for a period of 12 days. Such treatment shall be applied only in vessels which have been approved by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, and in particular holds or compartments designated by that Bureau for this purpose. Treatments must be completed in the holds or compartments in which they are begun.

(4) Each container of grapes or other deciduous fruits to be imported into the United States under the provisions of this circular shall be marked by an appropriate label, or stencil, or stamp impression, which will enable identification at all times.

(5) A certificate shall be issued in triplicate by an official designated by the Secretary of Agriculture or one holding a comparable position in the country concerned, indicating compliance with the provisions of numbered paragraphs (1) and (2) of this circular. In addition this certificate shall give the identifying marks prescribed in paragraph number (4). The signatures and official position of those designated to sign this certificate shall be submitted to the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture in quadruplicate.

(6) The original and one copy of the certificate required in numbered paragraph (4) hereof shall be verified by the American Consul at the port of export and shall accompany the shipment and be surrendered to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture at the port of entry. The third copy will be retained by the consular office verifying the certification.

(7) When requested, applicants for permits to import Vinifera grapes and certain other deciduous fruits under the provisions of this circular shall furnish or arrange to have furnished, blue prints, plans, specifications, or such other information as may be deemed necessary for considering precooling plants or carrying vessels, for approval by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(8) When requested, provisions shall be made to authorize representatives of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, to inspect and carry on such tests as may be deemed necessary in or on precooling plants and carrying vessels for which approval has been requested under the provisions of this circular.

(9) No permits will be issued for the imporation of Vinifera grapes or other deciduous fruits under the provisions of this circular until the precooling plant at the port of loading and the hold, holds, or compartments of the carrying vessels in which the prescribed in-transit treatment is to be given have been approved by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(10) Carrying vessels must be equipped with approved temperature-recording instruments located, installed, operated, and maintained in a manner to be prescribed by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, for each vessel.

(11) Not more than 3 days prior to the lading of grapes or other deciduous fruits to be given in-transit sterilization as provided in this circular, the temperature-recording instruments of the hold, holds, or compartments approved for the purpose shall be tested for accuracy by an official designated by the Secretary of Agriculture, or one holding a comparable position, in the exporting country, and the thermograph record shall bear an endorsement of said official in form approximately as follows:

Port of Export _____
Date _____

The instruments installed for recording temperature within compartment _____ of the S. S. or M. S. _____ which compartment is loaded with _____ covered by precooling certificate No. _____ of the _____ (Name of certifying Government agency), were tested by me at the place and on the date above indicated, and were accurate to within _____° F.

(If no adjustments were necessary, add a statement to that effect. If adjustments were made, add a statement indicating their character)

Signature _____
(Title of Certifying Officer.)



(12) For entry under the provisions of this circular, there shall be surrendered to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture at the port of transshipment or at the port of entry, the original thermograph record showing the temperatures maintained in the holds or compartments in which the fruit concerned was sterilized. When necessary, additional photostatic copies of such records shall be provided at the expense of the permittee.

(13) Vinifera grapes or other deciduous fruits to be imported into the United States under the provisions of this circular shall not be unloaded from the carrying vessel until evidence satisfactory to the Inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has been furnished showing that the grapes or other deciduous fruits have received the refrigeration treatment prescribed in this circular.

(14) Whenever grapes or other deciduous fruits are offered for entry under the provisions of this circular and it cannot be established to the satisfaction of the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture that they have received the required refrigeration treatment, they shall either remain on the vessel under safeguards prescribed by the inspector of the Bureau of Entomology and Plant Quarantine and under seal of the Bureau of Entomology and Plant Quarantine, or they shall be transported beyond the territorial limits of the United States under such safeguards as shall be prescribed by the inspector.

(15) Vinifera grapes or other deciduous fruits may be imported under the provisions of this circular throughout the year and no restrictions are placed on the character of containers in which they shall be packed.

(16) In authorizing the entry of Vinifera grapes and certain other deciduous fruits into the United States in accordance with the provisions of this circular, it should be emphasized that inexactness and carelessness in applying the treatment may result in injury to the fruit or its rejection. The treatment required for the entry of fruit under the provisions of this circular represents a requirement considered necessary for the elimination of pest risk and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruit offered for entry under the provisions of this circular.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-2764; Filed, September 15, 1937; 12:48 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTIONS FROM COMPLIANCE WITH RADIOTELEGRAPH INSTALLATION REQUIREMENT OF SAFETY OF LIFE AT SEA CONVENTION

The Telegraph Division at a special meeting held September 2, 1937, granted extension of time of exemption of vessels of the Puget Sound Navigation Company from the radiotelegraph requirements of the Safety Convention and Public No. 97 approved May 20, 1937, and adopted the following order:

The Commission this day extended the exemption from the radiotelegraph installation requirement of Article 27 of the Safety of Life at Sea Convention and Sections 351 (a) and 359 (a) of Public No. 97, approved May 20, 1937, amending the Communications Act; pursuant to the provisions of Article 28 of the Convention and Section 352 (b) of Public No. 97, which was granted the Puget Sound Navigation Company on March 9, 1937, extended on May 8, 1937, June 7, 1937, July 6, 1937, and August 2, 1937, for the following vessels and voyages:

1. The S. S. *Iroquois* and S. S. *Olympic* for international voyages between Seattle, Washington, and Victoria, B. C., via Port Townsend and Port Angeles.

2. The S. S. *Quilcene*, S. S. *City of Angeles* and S. S. *Rosario* for international voyages between Anacortes, Washington, and Sydney, B. C., via Friday Harbor, San Juan Island, and Orues, Orues Island.

pending further order of the Commission and in any event for a period not to extend beyond September 15, 1937, subject to the same terms and conditions as those specified in the original order of exemption, in order to enable the Commission to further consider information bearing upon the route and conditions of the voyages in question.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37—2750; Filed, September 15, 1937; 9:58 a. m.]

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[Order No. 15]

TELEPHONE CARRIERS—MONTHLY REPORTS OF SELECTED INCOME AND BALANCE-SHEET ITEMS

The Telephone Division adopted the following Order:

At a meeting of the Federal Communications Commission, Telephone Division, held at its office in Washington, D. C., on the 8th day of September, 1937, the subject of monthly reports of selected income and balance-sheet items being under consideration.

It is ordered, that each and every telephone carrier subject to the provisions of the Communications Act of 1934 having annual operating revenues above $1,000,000 shall, beginning as of January 1, 1938, make, and file, in duplicate, with this Commission monthly reports of selected income and balance-sheet items as provided for in Section 219 of said Act; that said reports shall be in forms prescribed and furnished by the Commission for that purpose and in accordance with the instructions in such forms.

It is further ordered, that each of said carriers with annual operating revenues above $1,000,000 shall mail its monthly reports as aforesaid to the Federal Communications Commission, Washington, D. C., within forty days after the close of the calendar month severally covered by the reports

By the Commission, Telephone Division,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2749; Filed, September 15, 1937; 9:57 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3139]

IN THE MATTER OF EDUCATORS ASSOCIATION, INC., A CORPORATION, AND LEO L. TULLY, ORON E. RICHARDS, DONALD W. HENRY, INDIVIDUALLY AND AS PRESIDENT, VICE-PRESIDENT, AND SECOND VICE-PRESIDENT OF EDUCATORS ASSOCIATION, INC., AND MISS LOUISE SIMS, MISS MARION A. MILLER, MISS C. L. MACDONALD, MRS. B. M. GAMBERT, MRS. MARIE C. HOSTLER, MRS. V. B. DECKER, MR. J. E. STRONKS, MR. H. LYLE GOLDSBERRY, MR. J. R. HOSTLER, MR. J. P. TULLY, MRS. M. W. LEES, MISS SARAH E. ATKINSON, MRS. BESSIE MORRELL, EACH INDIVIDUALLY TRADING UNDER THE TRADE NAME AND STYLE OF EDUCATORS ASSOCIATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, September 23, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2751; Filed, September 15, 1937; 10:17 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Edwin L. Davis, Robert E. Freer.

[Docket No. 3155]

IN THE MATTER OF JULES CHAIN STORES CORPORATION, TRADING AND DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF LIBERAL CREDIT DEPARTMENT STORE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered that John W. Addison, an examiner of this Commission be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, September 20, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2752; Filed, September 15, 1937; 10:17 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1937.

[File No. 7-191]

IN THE MATTER OF NATIONAL TUNNEL AND MINES COMPANY CAPITAL STOCK, WITHOUT PAR VALUE

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The New York Curb Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for permission to extend unlisted trading privileges to the Capital Stock, Without Par Value, of National Tunnel and Mines Company; and

A hearing having been held in this matter after appropriate notice, and the Commission having this day made and filed its findings herein;

It is ordered that the application of the New York Curb Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to the Capital Stock, Without Par Value, of National Tunnel and Mines Company be and the same is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2759; Filed, September 15, 1937; 12:42 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of September, 1937.

IN THE MATTER OF MAURICE M. MAHER, DOING BUSINESS AS MAHER & COMPANY, STATE TOWER BUILDING, SYRACUSE, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Maurice M. Maher, doing business as Maher & Company, a sole proprietorship, hereinafter called the registrant, having filed with the Commission on June 3, 1935 an application for registration on Form 1-M pursuant to Rule MA2 of the rules then governing the over-the-counter markets; and the said registration having become effective on January 1, 1936 in accordance with the Commission's rules and regulations; and the said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934 as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936 providing for the registration of over-the-counter brokers and dealers; and

The Commission having reasonable grounds to believe that the said registrant during the period from June 1, 1937 up to and including August 23, 1937 has wilfully violated the provisions of Sections 5 (a) and 17 (a) of the Securities Act of 1933 as amended in the sale of five (5%) per cent convertible debenture bonds of Transcontinental Petroleum Corporation; and having further reasonable grounds to believe that it is in the public interest to revoke the said registration; and

The said registrant on August 25, 1937 having consented in writing to the revocation of said registration and having waived notice and opportunity for hearing in connection therewith, and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934 as amended, that the registration of Maurice M. Maher doing business as Maher & Company as a broker or dealer transacting business on over-the-counter markets be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2760; Filed, September 15, 1937; 12:42 p. m.]

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## VETERANS' ADMINISTRATION.

INSTRUCTIONS GOVERNING THE SELECTION OF VETERANS TO COMPOSE THE VETERANS CONTINGENT OF THE CIVILIAN CONSERVATION CORPS

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APPENDIX

1. Authorized Basic Quotas—Army Corps Areas and Selecting Offices (Veterans Administration), Territories from which selections of veterans are made.
2. Selecting Agencies of the Veterans Administration for the Veterans Contingent of the Civilian Conservation Corps.

Pursuant to the provisions of Public No. 163, 75th Congress (H. R. 6551) An Act to establish a Civilian Conservation Corps and for other purposes, approved June 28, 1937, and authority contained in the communication from the Director of the Civilian Conservation Corps dated July 9, 1937, designating the Veterans' Administration as an agency of the government for the purpose of carrying out the provisions of said Act, the following instructions which supersede all previous rules and instructions issued by the Veterans' Administration governing the selection of veterans to compose the veterans contingent of the Civilian Conservation Corps, are hereby issued for the guidance of all concerned.

The instructions contained herein will become effective as of September 7, 1937. Instructions previously issued governing the selection of veterans for the Civilian Conservation Corps under prior legislation not in conflict with the provisions of the Act of June 28, 1937, will remain in full force and effect until the effective date of the instructions contained herein.

1. *Authority.*

A. Section 1 and Section 7 of the Civilian Conservation Corps Act read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby established the Civilian Conservation Corps hereinafter called the Corps, for the purpose of providing employment, as well as vocational training, for youthful citizens of the United States who are unemployed and in need of employment, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories, and insular possessions: *Provided*, That at least ten hours each week may be devoted to general educational and vocational training: *Provided*, That the provisions of this Act shall continue for the period of three years after July 1, 1937, and no longer.

The Director is authorized to have enrolled not to exceed three hundred thousand men at any one time, of which not more than thirty thousand may be war veterans: *Provided*, That in addition thereto camps or facilities may be established for not to exceed ten thousand additional Indian enrollees, and five thousand additional territorial and insular possession enrollees.

(b) Based upon the provisions of the Act quoted above the Director of the Corps has established the number of war veterans which may be enrolled at any one time in the Corps at 30,000. That portion of the Civilian Conservation Corps which is composed of enrolled veterans will be known as the veterans contingent of the Civilian Conservation Corps. The veterans contingent will form a separate and distinct part of the Civilian Conservation Corps. It will not be mixed or consolidated at any time with other units of the Corps.

B. Pursuant to authority contained in Section 12 of the Civilian Conservation Corps Act the Veterans Administration has been designated as an agency of the government for the purpose of carrying out the provisions of said Act so far as it may relate to the selection of war veterans to compose the veterans contingent of the Corps, and to perform such other functions as may be directly related to the selection of war veterans. In the performance of these functions the Director of the Corps has authorized the Veterans Administration, subject to his general direction and in cooperation with the War Department, to promulgate such rules and regulations as may be required to carry out the functions delegated to it.

2. *Veterans Administration Functions.*

A. *Central Office, Washington, D. C.*

(a) In harmony with the delegation of authority granted by the Director of the Civilian Conservation Corps, it shall be the function of Central Office of the Veterans Administration in coordination with the War Department, to issue controlling instructions necessary in the effective administration of the work incident to the selection of veterans for enrollment in the Corps, and the performance of such other functions as may be directly related to the selection of veterans.

(b) Central Office will act as liaison between the several departments and agencies concerned; furnish general information; establish basic State quotas, and upon advice from the War Department will advise the several Managers of the replacement requirements at the beginning of each replacement period. At the close of each replacement period a consolidated report based upon reports received from the Managers through the Veterans Administration liaison representatives detailed to Corps Area Headquarters, will be prepared for submission to the Director of the Civilian Conservation Corps, showing in detail data indicating the participation of the several activities of the Veterans Administration in the selection and certification of veterans for this work.

B. *Regional Offices, Combined Facilities having Regional Office Functions, and the Contact Division, Central Office.*

Under controlling instructions issued by Central Office it shall be the function of the Managers of the Regional Offices and Combined Facilities, and of the Chief of Contact, Central Office, to furnish application blanks, accept completed applications, and to select veterans for enrollment to fill basic State quotas and replacement requirements requisitioned by the several Corps Area Commanders within quotas previously authorized by Central Office; to certify and notify veterans of the time and place to report for acceptance by the War Department for enrollment, in accordance with information released by Corps Area Headquarters through the liaison representative detailed to such Headquarters; to review and pass upon all requests from veterans who are members of the Civilian Conservation Corps for change in allotment or beneficiary; to handle correspondence and to furnish general information on matters pertaining to the veterans contingent of the Corps. Managers of selecting agencies will be responsible for taking such action as may be indicated to disseminate information to veterans generally with regard to the opportunity for submitting applications for enrollment in the Civilian Conservation Corps, and that contacts regarding matters relating thereto by veterans residing within the territory over which they have jurisdiction should be made with their office or facility.

C. *Liaison Representatives.*

A liaison representative will be detailed to each of the Corps Area Headquarters as his services may be required by the Manager having jurisdiction over the territory in which the Corps Area Headquarters is located, to represent the

Veterans Administration in the performance of the following functions:

(a) To serve as liaison representative between the several Veterans' Administration activities in the Corps Area and the officials of the Corps Area Headquarters.

(b) To keep the several Managers informed of the condition of their respective quotas during enrollment periods in order to avoid the possibility of exceeding their authorized quotas, and to assure that authorized quotas are filled.

(c) To be generally helpful to the Corps Area officials in the effective administration of the work relating to the veterans contingent.

(d) To make adjustments in authorized State replacement quotas within the Corps Area, as provided in Section 7 hereof, in cooperation with the Corps Area Commander, and with the concurrence of the Manager concerned.

(e) To obtain from appropriate officials of Corps Area Headquarters and from the several Managers of the Veterans Administration such data as may be requested by Central Office incident to this work.

(f) To prepare and submit a complete consolidated report to Central Office at the close of each enrollment period of the selection and enrollment of veterans within the Corps Area as of that date.

(g) To perform such other functions secondary to the functions outlined above as may be required to effectively coordinate the work relating to the selection and enrollment of veterans in the Corps amongst the various agencies concerned within controlling instructions.

3. *Selecting Agencies for the Veterans' Contingent.*

The several Regional Offices and Combined Facilities having Regional Office functions and the Contact Division of Central Office of the Veterans' Administration are hereby designated as agencies to select veterans for enrollment by the War Department for the Civilian Conservation Corps. The Managers of the Regional Offices and Combined Facilities and the Chief of Contact, Central Office, are hereby authorized to make selections. This authority may not be redelegated without prior approval of Central Office.

4. *Selection Areas.*

The State in which the authorized selecting agency is located will be the selection area for that authorized agency, except in those States in which there is more than one authorized selecting agency. In those States the agency will make selections from that part of the State over which it has jurisdiction. For example, selections for the entire State of Indiana will be made by the Manager of the Facility at Indianapolis. In those States where there is divided jurisdiction, as in the case of Ohio, the Manager of the Facility at Dayton will make selections only from those counties in southern Ohio coming under his jurisdiction, and the Manager of the Regional Office at Cleveland will make selections from those counties in northern Ohio coming under his jurisdiction. The Veterans' Administration Regional Office at Philadelphia, Pennsylvania, will serve as the selecting agency for veterans residing in the State of Delaware. Selections for this State will be based upon requisitions issued by the Corps Area Commander of the Second Corps Area through the Veterans' Administration liaison representative of the Second Corps Area Headquarters.

5. *Selection for Enrollment.*

(a) The Managers of the selecting agencies authorized to make selections for enrollment in the veterans contingent of the Civilian Conservation Corps will make selections from the number of eligible veterans available as shown by the accepted applications on hand, in time to assure the filling of authorized vacancies preliminary to quarterly enrollment periods. In making selections for enrollment consideration will be given to those veterans found to be eligible in the following order:

1. Those veterans with dependent member or members of their families.

2. Those veterans who elect to make allotments to blood relations not members of their families, or to dependents by obligation as herein defined.

3. Those veterans without dependents.

In considering those veterans within the three classifications enumerated above, first consideration will be given to those veterans within the group considered to be in greatest need of employment.

(b) The term "family" as used herein will be considered to include all persons for whom the veteran is legally responsible for support and maintenance. A veteran may elect to make an allotment to other blood relations or dependents by obligation provided they are, in fact, dependent upon him for support and maintenance, and provided he has no legal dependents. Veterans without dependents will be selected on the condition and with the understanding that a deposit of pay in an amount specified by controlling regulations will be made with the appropriate officials of the War Department in lieu of an allotment.

(c) The basic function of the selecting agencies of the Veterans Administration is to make available through the process of selection, an adequate number of eligible veterans to fill the number of authorized existing vacancies within their respective basic State quotas upon periodic requisitions from the War Department. Such selections should be made from current active applications. Experience has proven that the active file of applications should be kept current so that veterans who have previously filed applications but are no longer interested may not be selected, certified and notified to report for enrollment. Selections should not be made from applications more than approximately thirty days old without first ascertaining from the applicant that he is currently interested in enrollment.

(d) In the event it appears that there may not be available a sufficient number of active applications from which the authorized number of vacancies may be filled, appropriate announcement of the ensuing enrollment period should be publicized through the press and by other usual means of publicity.

(e) If the number of applications exceeds the number required to fill announced quotas, then those veterans who have applied but have not been selected within controlling instructions must seek employment opportunity elsewhere. It cannot be expected that the Civilian Conservation Corps may provide an opportunity for all veterans who apply for enrollment therein.

(f) In harmony with the Veterans Administration's policy to cooperate with the United States Employment Service of the Labor Department and its affiliated public employment services in obtaining jobs for veterans, those veterans who apply for enrollment in the Civilian Conservation Corps and may not be selected and enrolled, should be furnished information as to the location of the public employment office within the community in which they reside, and advised to register for employment with that office. Close cooperation should also be maintained with these employment agencies to the end that veterans registered for employment may be afforded an opportunity to apply for membership in the Civilian Conservation Corps if interested.

6. *Certification and Notification.*

(a) Upon receipt of requisitions from the office of the Corps Area Commander covering the number of veterans to be selected and enrolled to fill vacancies and information as to the time and place to report for acceptance, selected veterans will be certified by the Managers of the selecting agencies for enrollment, ordered to report for acceptance and charged to the authorized quotas. The number of veterans so certified and selected should be adequate to fill existing authorized vacancies and to provide for losses at the place of acceptance due to rejection by reason of failure to pass the physical examination or for other reasons. Those veterans selected in excess of the number of authorized vacancies to meet contingencies relative to rejections, will be considered as alternates and so advised.

(b) The original of the application form of the selected veteran, upon notification to him of the time and place to report to the Army authorities, will be referred direct to the U. S. Army officials at the place he is to report. This reference may be made either by correspondence or personally by an employee of the Veterans Administration, provided no additional expense through such personal reference is incurred. The duplicate copy of the application will be retained for the records of the Veterans Administration.

(c) Veterans selected and certified by the selecting agencies will be notified to report to Army recruiting stations or at such other places as may be designated by the Corps Area Commander.

7. *Enrollments, Reenrollments, and Replacements.*

(a) The second proviso of Section 8 of the Civilian Conservation Corps Act provides in part that enrollments and reenrollments shall be for a period of not less than six months. It also provides for the reenrollment of war veterans without regard to the length of their previous service in the Corps. Subsequent to July 1, 1937 all enrollments or reenrollments in the veterans contingent of the Civilian Conservation Corps will be for a period of six calendar months. There will be four enrollment periods during the fiscal year, namely in July, October, January, and April.

(b) Replacements to fill vacancies caused by discharges or otherwise will be made during the enrollment periods. The number of vacancies within the State quota to be filled during an enrollment period will be that number which represents the difference between the estimated enrollment strength at the end of the enrollment period and the State quota.

(c) In harmony with War Department instructions estimates of the number of vacancies to be filled within the authorized State quotas will be made by the several Corps Area Headquarters. These estimates will be submitted to the War Department, Washington, D. C. Upon receipt of these estimates the War Department will advise Central Office of the Veterans' Administration of the replacement requirements. The War Department and the Veterans' Administration will jointly determine the number of replacements to be authorized. Central Office of the Veterans' Administration will then announce to the Managers of the several selecting agencies the number of vacancies to be filled from the areas coming within their respective jurisdictions, subject to requisition by the appropriate Corps Area Commander. The number specified in the requisition may be in excess of the replacement requirements that provisions may be made for losses due to rejection at the final place of enrollment, but in no instance should the number specified in the requisition be less than the currently authorized requirements.

(d) Such requisitions will be forwarded by the Corps Area Commander concerned to the Manager through the Veterans' Administration liaison representative, together with information as to the time and place that selected veterans should report for initial acceptance.

(e) The number of authorized vacancies to be filled will be apportioned by the Manager to the counties throughout the entire territory under his jurisdiction proportionate to the basic county apportionment and on the basis of the interest indicated by applications on hand.

(f) The liaison representative in cooperation with the Corps Area Commander upon receipt of the certification from a Manager that he will be unable to fill the number of vacancies authorized, and is willing to release a portion thereof for reassignment to those States within the Corps Area that will fill their quota and have a surplus of applications on hand, is authorized to make such adjustments in the authorized vacancies as may be deemed appropriate, provided that such adjustments will not result in the filling of a total number of vacancies for the Corps Area as a whole in excess of the number of vacancies authorized to be filled.

8. *Assignment of Veterans upon Enrollment.*



(a) The assignment of veterans to units of organization in the Civilian Conservation Corps is a function of the War Department. It shall be the general policy, however, so far as controlling conditions and circumstances warrant, to assign veterans to (1) units of organization located within their State of permanent address, and (2) within the Corps Area in which they reside. It is not anticipated that veterans residing in one Corps Area will be transferred to another Corps Area for assignment.

(b) Questions relating to the transfer of veteran enrollees upon their request from one camp to another, will be for the consideration of the War Department. Such requests will be normally denied. However, a veteran may be transferred to a junior company if he so desires to fill the position of senior leader, cook or mess steward. When so transferred he will continue to be classified as an enrollee of the veterans contingent, and accordingly charged against the veterans quota of the State selecting agency which selected him for enrollment. All regulations concerning veterans will continue to apply to him. When relieved from duty as cook or mess steward or upon his request, provided no disciplinary action is pending, he will be transferred back to the veteran unit.

9. *Definition of War Veteran.*

(a) For the purpose of the Civilian Conservation Corps Act war veterans will include only those veterans who performed service with the armed forces of the United States during a period of war. The major wars or expeditions in which the armed forces of the United States have been engaged since 1897 are as follows:

| War | Began | Ended |
|---|---|---|
| Spanish-American War | April 21, 1898 | April 11, 1899. |
| Philippine Insurrection | April 11, 1899 | July 4, 1902. |
| Boxer Rebellion | June 20, 1900 | May 12, 1901. |
| Cuban Pacification | October 6, 1906 | April 1, 1909. |
| Nicaraguan Campaign | August 28, 1912 | November 2, 1913. |
| Vera Cruz Expedition | April 21, 1914 | November 26, 1914. |
| Punitive Expedition into Mexico | March 10, 1916 | February 5, 1917. |
| World War | April 6, 1917 | July 2, 1921. |

(Paragraph 37 of General Appendix of R. and P.)

Reference is made to Paragraphs 36 and 41 of the General Appendix of Regulations and Procedure for a list of the wars, military expeditions, occupations, etc., in which the United States Army, Navy and Marine Corps have participated. Other paragraphs of the General Appendix contain information relative to such participation.

(b) Any veteran who, on or after April 6, 1917 and prior to November 12, 1918, was drafted and reported pursuant to call of the local draft board, and who was rejected or discharged from the draft, will be considered a veteran of the World War for the purposes of selection and certification by the Veterans' Administration for enrollment in the veterans contingent of the Civilian Conservation Corps.

10. *State and Corps Area Quotas for the Veterans' Contingent.*

(a) The total quota for the veterans contingent as authorized by the Director of the Civilian Conservation Corps will be apportioned amongst the various States and the District of Columbia on the basis of the State population as shown by the 1930 census. In those States where there is more than one selecting agency the State quota will be apportioned between the agencies on the basis of the population as shown by the 1930 census in that portion of the State coming under the jurisdiction of the selecting agency. Such apportionments will be made and announced by Central Office. The quotas thus established will be known as State quotas. The sum total of the State quotas within a given Corps Area will constitute the Corps Area quota. The State and Corps Area quotas will not be changed except upon authority of Central Office. In the event a given State within a Corps Area consistently fails to fill existing vacancies within its State quota during replacement periods, or a Corps Area consistently fails to fill vacancies existing in the Corps Area during replacement periods, then consideration will be given to the

permanent adjustment of such quotas through reassignment of the surplus portion thereof to another State within the Corps Area, or to another Corps Area in the event the latter contingency should prevail.

(b) The Managers of the selecting agencies are authorized and instructed to apportion the State quota into local quotas. The county will be used as the basis for establishing such local quotas, and apportionment will be based upon the county population as shown by the 1930 census. In the event the local quota is not filled through the process of selection, the unfilled portion thereof may be reapportioned and filled from some other county or counties as, in the judgment of the Manager, will be most equitable.

11. *Application for Enrollment.*

(a) War veterans interested in enrollment in the veterans contingent of the Civilian Conservation Corps will be required to file application on Form P–130 revised. These forms may be obtained from the Veterans' Administration selecting agencies. They will not be distributed promiscously but will be furnished in duplicate with an accompanying letter of information to each veteran expressing a desire to file application. The form must be prepared and submitted in duplicate. The information called for on the application must be completely filled out. Applications not properly prepared may not be accepted as a basis for certification and should be returned to the veteran for completion. Those veterans personally contacting the Veterans' Administration selecting agencies will be rendered assistance in the preparation of their applications by such employees as the Manager may designate.

(b) Application Forms P–130 revised will be furnished the selecting agencies periodically in sufficient quantities to meet their needs. In the event the supply so furnished should become exhausted the Managers are authorized to mimeograph a supply adequate to meet their immediate needs pending the receipt of the next periodic distribution.

(c) Applications for enrollment in the veterans contingent of the Civilian Conservation Corps will be voluntary on the part of veterans.

12. *Eligibility Requirements for Selection for Enrollment.*

A. *Original Enrollment.*

(a) Veterans who meet the following requirements and who have submitted a properly prepared application, may be considered by the Veterans' Administration selecting agency making selections for original enrollment or subsequent enrollment in the veterans contingent of the Civilian Conservation Corps. Available evidence must establish that the veteran:

1. Has had service in the armed forces of the united States during a period of war
2. Was honorably discharged from such service
3. Is unemployed and in need of employment
4. Is a citizen of the United States
5. Is of good character
6. Is physically able to perform ordinary manual labor
7. Is free from communicable disease, including venereal disease
8. Does not have a history of mental derangement
9. Has not been convicted of a crime or misdemeanor for which he is serving sentence or for which he is currently on parole or probation
10. Has a permanent address within the territory coming under the jurisdiction of the selecting agency which considers his application, and such permanent address is that shown on the application.

(b) The term "unemployed" as used in item #3 above shall be construed to mean that the veteran does not have regular full time employment at a reasonable wage. An unemployed veteran shall be considered to be in need of employment when he does not have adequate income to provide for the essential support of himself and dependents.

(c) A physical examination will not be required incident to the selection of veterans. The selecting agency, however, will give due consideration to the statements contained on the application regarding the veteran's physical condition. A physical examination will be required in connection with the enrollment of the veteran. This examination will be made by the War Department after the veteran has been selected and authorized to report to the place of acceptance.

In determining the possibility of history of mental derangement, reference may be made to office records available to the selecting agency or through inquiry upon personal contact at the selecting agency. However, no investigations are contemplated which will involve additional expense to the government.

(d) Special emphasis is placed upon the importance of establishing the veteran's correct address prior to his selection. If upon review of an application there is reason to question the address as given by the veteran as being his permanent address, selection should be withheld pending development of the facts relative thereto. When a permanent address has been established no change thereof is in order in the absence of conclusive evidence that an error has been made. Should a change of address be authorized the Corps Area Headquarters should be so notified so that the proper record of such change may be made on War Department records.

(e) There are a number of reasons why caution should be exercised in establishing a veteran's permanent address, among which are:

(a) Basic quotas are established in terms of the estimated number of veterans permanently residing within the State or portion thereof coming under the jurisdiction of the selecting agency.

(b) Care must be exercised in the conservation of funds provided for the transportation of members of the Civilian Conservation Corps.

Those veterans who are domiciliary members of a Veterans Administration Facility or who are bona fide members of a soldiers' home, and who are actually present at such Facility or Home, may give the address of the Facility or Home as their permanent address when preparing their applications for enrollment. Their applications will be for the consideration of the Manager having jurisdiction in Civilian Conservation Corps matters in the State in which the Facility or Home is located at which the veteran is a member. Such members should not be encouraged to seek enrollment in the Civilian Conservation Corps, and their applications should not be given preferential consideration because of such membership.

B. *Subsequent Enrollment.*

(a) Veterans who have had previous service in the Civilian Conservation Corps and who were honorably discharged therefrom, as evidenced by their certificate of discharge, may be considered for reselection and enrollment upon submitting a properly completed application form. Veterans who have had previous service in the Civilian Conservation Corps and whose discharge therefrom was other than honorable, or whose previous service was unsatisfactory, as evidenced by their certificate of discharge therefrom, will not be eligible for reselection for enrollment unless the appropriate officials of the War Department upon reconsideration, modify the character of discharge or the notation of unsatisfactory service previously issued.

(b) Veterans who have for any reason and regardless of the character of discharge been separated from the Civilian Conservation Corps or shall be separated from the Civilian Conservation Corps, will not be eligible for reselection for enrollment until the expiration of six calendar months subsequent to the effective date of their discharge, except as hereinafter provided. Veterans selected for enrollment in the Civilian Conservation Corps should be advised of this restriction and urged to remain in the Corps until such time as they have definite assurance of obtaining permanent employment elsewhere.

(c) All veterans to whom this rule is applicable will, at the time of their discharge from the Civilian Conservation Corps, be advised by the War Department of their ineligibility for reselection for a period of six calendar months from the date of discharge, and notation to that effect will be made on the discharge certificate.

(d) Those enrolled veterans who complete an enrollment period and who desire to continue as an enrollee of the veterans contingent in the next succeeding enrollment period, may be reenrolled by the War Department without reference to the selecting agency for continuation of their service. Unless the selecting agency receives notification of a veteran's discharge who has been previously enrolled, it will be assumed that his reenrollment has been accomplished.



(e) At the termination of any enrollment period should both the commanding officer and the project superintendent be of the opinion that an enrollee is not entitled to the privilege of reenrollment because of unsatisfactory performance of service, such reenrollment will be denied him on the basis that he is not considered worthy of reenrollment. Veterans so denied reenrollment will not be eligible for reselection by the selecting agency.

(f) On reenrollments of members by the War Department for an additional enrollment period allottees and allotments will be continued as though no change in the service of the enrollee had occurred.

(g) A veteran who has been honorably discharged from the Civilian Conservation Corps for physical disability not the result of his own misconduct, may be reselected during an enrollment period within six calendar months from the date of his discharge, provided he has overcome such disability, has been physically examined, and certified by the War Department to the proper selecting agency of the Veterans' Administration as physically eligible for reselection. All expense of transportation prior to acceptance for enrollment will be borne by the veteran.

(h) Former veteran enrollees who were discharged to accept positions with the technical agencies (Forestry Service, Park Service, etc.) on the operating staffs of work projects, who are honorably discharged from those positions because of reduction in the number of work projects, and who are otherwise eligible, may be reenrolled in the veterans contingent without reference to the selecting agency within one month from the date of their discharge therefrom, upon application and proper certification by the project superintendent. The appropriate selecting agency should be advised of this action.

(i) Corps Area Commanders are authorized when, in their judgment such action is indicated, to direct a change in the type of discharge whether administrative or dishonorable in character, previously given a veteran enrollee, and to restore him to an honorable status. Such action on the part of the Corps Area Commander will entitle the veteran to reinstatement as an enrollee, without reference to the selecting agency, upon authority of the Corps Area Commander within the six months period for which the veteran had enrolled. Such action on the part of the Corps Area Commander will entitle the veteran to consideration for reselection by the selecting agency during any enrollment period subsequent to the expiration of six calendar months from the effective date of the veteran's discharge.

13. *Pay and Allowances.*

(a) Pursuant to the provisions of Section 9 of the Civilian Conservation Corps Act the basic pay for enrolled members of the veterans contingent of the Civilian Conservation Corps will be $30 a month. Such pay will begin as of the date the veteran is enrolled by the War Department as a member of the Corps.

(b) Veterans assigned as "leaders" will receive pay in the amount of $45 a month, and those assigned as "assistant leaders" will receive pay in the amount of $36 a month. The assignment of leaders and assistant leaders is not a function of the Veterans' Administration.

(c) Pursuant to Section 10 of the Civilian Conservation Corps veteran enrollees will be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing or commutation in lieu thereof, medical attention, hospitalization, and transportation as the Director of the Corps may authorize under the conditions outlined in War Department instructions.

14. *Allotment of Pay.*

A. *Original Allotment.*

(a) All veteran enrollees may receive a cash payment of $8.00 a month from their basic pay. It is required that the remainder be allotted to dependents or deposited with the Chief of Finance, War Department. Those veterans who have legal dependents and those who elect to make an allotment as defined under Paragraph #5 hereof will be required to allot to them from their basic pay an amount not less than that stipulated in the Table of Allotment and Deposit Requirements provided herein. That portion of the basic monthly pay remaining after provisions have been made for the cash payment and the compulsory allotment will be placed on deposit with the Chief of Finance, War Department. Allotments may be made only to dependents for the purpose of their maintenance and support and may not be made for other purposes.

(b) Veteran enrollees without dependents will be required to deposit with the Chief of Finance, War Department, the remaining portion of their basic monthly pay after provisions have been made for the cash payment. Deposits will be repaid to the veterans entitled thereto in case of emergency or upon completion or release from enrollment pursuant to War Department regulations.

*Table of allotment and deposit requirements*

| Dependents | Monthly cash payment | Deposit with chief of finance | Compulsory allotment to dependents | |
|---|---|---|---|---|
| Wife only | $8.00 | $7.00 | $15.00 | |
| Wife and 1 other dependent | 8.00 | 4.00 | 18.00 | Wife $10.00. |
| Wife and 2 other dependents | 8.00 | 2.00 | 20.00 | Dependents |
| Wife and 3 or more dependents | 8.00 | 0.00 | 22.00 | share equally. |
| No wife but: | | | | |
| 1 other dependent | 8.00 | 12.00 | 10.00 | |
| 2 other dependents | 8.00 | 7.00 | 15.00 | Dependents to |
| 3 other dependents | 8.00 | 4.00 | 18.00 | share equally |
| More than 3 other dependents | 8.00 | 2.00 | 20.00 | |
| No dependents | 8.00 | 22.00 | | |

(c) The division of the monthly basic pay as provided in the preceding Table will be for general application. In exceptional cases, however, upon request of the veteran the selecting agency may approve the allotment of the entire amount of the monthly basic pay to the dependents or may approve an allotment equal to the sum of the compulsory allotment and deposit.

(d) In those cases where the veteran has a dependent wife and children and the children are in the care and custody of the wife, the allotment will be made to the wife for her benefit and the benefit of the children jointly. If the children or some of them are not in the care and custody of the wife, the compulsory allotment will be made to the wife for her care and those children under her care and custody, and a separate allotment will be made to some one agreeable to the veteran and acceptable to the Veterans' Administration selecting agency for and on behalf of the children not under the wife's care, with the understanding that the children will share equally in the amount so allotted. For example:

If there is a wife and two children, only one of whom is under her care, there would be an allotment of $15.00 to the wife for her and the one child ($10.00 for the wife and $5.00 for the child), and a separate allotment to some other acceptable person of $5.00 for the other child. The veteran would receive $8.00 cash payment and make a $2.00 deposit with the Chief of Finance, War Department.

This principle will apply generally where separate allotments are required to meet special circumstances.

(e) Veterans who have deposits may make withdrawals therefrom subject to approval by the War Department as provided in War Department regulations to provide additional support and maintenance for their dependents and for emergencies, it being required that evidence satisfactory to the War Department officials will be submitted by the veteran establishing the need for such withdrawal to meet bona fide obligations. Determination as to whether such withdrawals may be approved is a function of the War Department acting independently of the Veterans' Administration.

(f) The veteran in the preparation of his application will be required to designate the dependents legally dependent upon him for support by name, their relationship to him, and their address. Should he have no legal dependents and

elect to make an allotment to a blood relation or dependent by obligation, the name, relationship, and address of such allottee will be designated on the application. Should he have no legal dependents or should he not elect to make an allotment as provided, such statement will be made on the application.

(g) Any veteran enrollee who accepts the return to him of an allotment or any portion thereof made to an allottee while a member of the Civilian Conservation Corps will be subject to discharge under War Department regulations.

B. *Change in Allotments.*

(a) Subsequent to the selection and certification of a veteran by the selecting agency the designated allottee will not be subject to change, and the allotment will not be subject to transfer, reduction or cancellation except upon the approval of the Manager making the selection and certification. In the event conditions should arise which, in the judgment of the veteran, would warrant a change in allottee or allotment, a request therefor together with a full statement of the facts may be referred to the Manager making the selection through the Commanding Officer of the unit of organization to which the veteran is assigned.

(b) No change in allottee or transfer or reduction of allotment upon the request of the veteran will be authorized unless it is established in fact that the allottee is deceased or is no longer dependent upon the veteran for support, or that the person in behalf of whom change in allotment is to be made, has a prior right. The consent of the allottee is not required as a basis for authorizing a change in allottee or allotment if facts otherwise warrant.

(c) A legal dependent as defined in Paragraph #5 hereof may release the veteran from making an allotment in his behalf provided such release is submitted in writing and made a part of the record of the selecting agency and is acceptable to the selecting agency.

(d) A veteran enrollee will be required to comply with an order of a court of proper jurisdiction stipulating that he shall contribute to the support of his legal dependents. In the event it is ascertained that a court order has been issued and the veteran is not complying therewith *within the amount required as a compulsory allotment*, the Manager of the selecting agency which selected the veteran will advise him through the Corps Area Commander concerned of such order and offer him the opportunity to comply therewith by changing his allottee or allotment to conform therewith to the extent of the amount required as a compulsory allotment, and that in the event he refuses to cooperate, consideration of his discharge from the Civilian Conservation Corps will be in order for failure to comply with controlling instructions.

(e) No change in allottee or allotment will be authorized until the facts relative thereto have been fully developed. If in the absence of a request from the veteran a change is indicated by available facts, he will be given the opportunity of making such change as may be required, and in the event of his failure to do so, consideration of his discharge from the Civilian Conservation Corps will be in order for failure to comply with controlling requirements.

(f) The War Department with the consent of the veteran may authorize the increase of an allotment from the approved deposit or cash payment to the veteran, or may authorize an increase in the approved deposit from the cash payment to the veteran without reference to the Veterans Administration selecting agency.

(g) Veteran enrollees who are selected as leaders and assistant leaders will not be required to increase the initial allotment made by them at the time of their selection for enrollment, but may elect to do so with the approval of the ~~War~~ Department without reference to the selecting agency.

(h) No allotment will be paid to an allottee residing in a foreign country. Veterans submitting applications indicating allottees who reside in a foreign country should be advised to that effect, and that their applications will be considered as though they were without dependents, and that a deposit with the Finance Officer will be required as stipulated herein.

(i) Information from allottees to the effect that an allotment has not been received should be referred to the Finance Officer of the Corps Area Headquarters concerned.

(j) Veteran enrollees will be expected to cooperate in all matters relating to the designation of allottees and in making allotments thereto. The provisions of the law and the instructions relative thereto must be applied. Any veteran who fails to cooperate or who furnishes misinformation concerning his legal dependents will be subject to discharge from the Corps upon recommendation of the Manager making the selection. Should the Corps Area Commander not concur in the recommendation made by the selecting agency, the matter will be for the consideration of Central Office of the Veterans Administration, whose decision will be final.

C. *Application of Foregoing Instructions.*

The instructions contained herein governing the allotment of pay are primarily for prospective application. However, adjustments in existing allotments in effect as of the effective date of these instructions will be made to conform therewith upon the request of any person directly interested therein, when the facts establish that an adjustment is in order.

15. *Discharge of Enrollees of the Veterans Contingent.*

(a) The determination as to whether a veteran may be discharged from the Civilian Conservation Corps upon request or otherwise, is not a function of the Veterans Administration. This function is primarily the responsibility of the War Department. In certain instances it is a joint function between the War Department and the technical agencies.

(b) The question of discharges from the Civilian Conservation Corps, however, is of necessity important to the selecting agencies, in that in many cases it relates to the question of reselection. Veterans who subsequent to selection and enrollment are found to be ineligible, may not be continued in the Corps, subject to the War Department's determination. It is therefore important that veterans who are not eligible for enrollment under controlling instructions should not be selected or reselected and certified. This fact necessitates that the selecting agencies give due consideration to the correctness of the representations made by the veteran on his application.

(c) If subsequent to selection and enrollment it should come to the attention of the selecting agency that a veteran obtained his enrollment through misrepresentation of facts, or that he is not otherwise eligible for membership in the Corps, such information should be brought to the attention of the Corps Area Headquarters with appropriate recommendation for such action as may be deemed appropriate under controlling instructions. The appropriate officials of the War Department may likewise bring such cases to the attention of the selecting agency with a request for recommendation. Subsequent to development of the facts it will be the function of the selecting agency to comply with the War Department's request. In all instances wherein the selecting agency submits recommendation to the War Department relative to the discharge of a veteran, a complete report will be made to Central Office of the Veterans' Administration within a reasonable time, together with a statement of the facts, if such recommendations are not accepted and corresponding action taken. The development of the facts necessary to a determination of such questions should be accomplished primarily through the medium of correspondence. Investigations by the selecting agencies which would incur additional expense to the Veterans' Administration are not authorized.

(d) Any action taken by the War Department which will affect the enrollment status of veteran enrollees such as discharged from the Corps, transfer within the Corps, change of allottee, change of allotment, reinstatement upon authority of the Corps Area Commander, will be promptly reported by the appropriate War Department officials in writing to the selecting agency which selected the veteran for enrollment. War Department officials at acceptance and enrollment stations will promptly notify the selecting agency of the rejection of selectees for acceptance or enrollment, stipulating the reasons therefor.

(e) A former veteran member of the Corps who was given an administrative or dishonorable discharge from his former enrollment, if subsequently enrolled fraudulently, will be discharged by the Company Commander and the selecting agency notified.

16. *Transient Veterans.*

(a) Transient veterans desiring to enroll will submit applications to the Manager having jurisdiction over the territory in which the applicant's permanent address, as shown on the application, is located. These applications will be considered by the Manager concerned in connection with other applications received, and if the veteran is selected, appropriate notification will be forwarded to his permanent address.

(b) Transient veterans may obtain applications from any Veterans Administration Regional Office or Combined Facility having Regional Office activities. The form should be prepared in duplicate, and both copies forwarded to the Manager having jurisdiction.

(c) The Managers of Regional Offices and Combined Facilities are instructed to provide assistance to transient veterans who apply in person to their respective stations in the preparation and forwarding of application forms, and to advise such veterans that it will be necessary for them to return to their permanent address to await notification. They should not, however, be given any assurance that they will be selected by the Manager concerned, but advised that their applications will be given due consideration under controlling instructions.

(d) It is incumbent upon transient veterans to return to their place of permanent address before they may be enrolled in the Civilian Conservation Corps, and accordingly veterans who seek enrollment therein should be encouraged to remain at or return to their place of permanent address and make application with the Manager of the Veterans Administration Regional Office or Combined Facility having jurisdiction over the territory in which they reside.

(e) Veterans should not come to Washington seeking enrollment in the Civilian Conservation Corps. Only veterans who have an established permanent address in the District of Columbia will be enrolled therein at Washington. No encouragement should be offered by any employee of the Veterans Administration or by others interested in veterans' welfare to come to Washington for this purpose. Such encouragement will serve to be adverse rather than in the interest of veterans' welfare.

17. *Report of Selection and Enrollment.*

A. *By the Selecting Agency to the Veterans Administration Liaison Representative Detailed to Corps Area Headquarters.*

(a) Immediately following the close of each enrollment period the selecting agency will prepare and submit the original thereof to the Veterans Administration liaison representative detailed to Corps Area Headquarters a statistical report of accomplishments together with narrative explanations that may be required and such comments and recommendations as may be indicated.

(b) The report will consist of eleven items. It should be prepared in tabular form for easy analysis. Abbreviated headings may be used in the tabulation. The purpose of this report is to obtain a record of accomplishments during the enrollment period and a record of the conditions prevailing at the close of the enrollment period in terms of the objective sought, namely, that at the close of the enrollment period there should be in enrollment status from the selection area covered by the report a number of veterans equal to the basic State quota for that area. The report should be prepared without regard to the unit of organization of the Civilian Conservation Corps to which the enrolled veteran may be assigned for duty.

The eleven items to be recorded therein are as follows:

1. Authorized basic State quota
2. Authorized replacement quota announced by Central Office
3. Adjustments in authorized replacement quotas authorized by the liaison representative
4. Replacement quota as adjusted. (Item #2 plus or minus item #3)
5. Number of veterans selected and notified to report for acceptance by the War Department
6. Number of veterans *enrolled* by the War Department
7. Total number of veterans in enrollment status at the close of the enrollment period
8. Shortage or overage in enrollment status in terms of authorized basic State quota (Difference between item #1 and item #7)
9. Total number of veterans in enrollment status at the close of the enrollment period who have made allotments
10. Total number of veterans in enrollment status at the close of the enrollment period who have not made allotments (Item #9 plus item #10 should equal item #7)
11. Number of pending active applications on hand at the close of the enrollment period. This item should cover only those applications of veterans known to be interested in obtaining membership in the Civilian Conservation Corps, but who could not be selected and enrolled because of limitation of the number of authorized vacancies.

This report should be submitted to the liaison representative as promptly as possible subsequent to the termination of the enrollment period.

B. *By the Liaison Representative.*

The liaison representative upon receipt of the reports from the several selecting agencies within the Corps Area will, upon making appropriate check with the Corps Area Commander, with special reference to items #6, 7 and 8 inclusive, prepare a consolidated report by States and forward the original thereof to Central Office, together with narrative explanations which may be required and such comments and recommendations as may be indicated.

C. *Consolidated Report.*

The reports received from the several liaison representatives detailed to Corps Area Headquarters will be consolidated by Central Office into one report for the information of the Director of the Civilian Conservation Corps and others concerned.

The fact that the several reports prepared by the selecting agencies will ultimately be consolidated into one report necessitates that there be uniformity and care in the preparation of such reports.

18. *Civilian Conservation Corps Records.*

A. The applications and correspondence concerning individual veterans relating to enrollment in the veterans contingent of the Civilian Conservation Corps will be maintained in four separate files, the material therein to be arranged in alphabetical order as follows:

1. *Pending File.*—This file should contain the application and correspondence from all veterans who are correctly seeking enrollment in the Civilian Conservation Corps. Any application which is more than six months old and which has not been kept active through an expression of renewed interest on the part of the veteran, will not be considered an active application and should not be carried in this file. This should be the file from which selections are made to fill vacancies in harmony with controlling instructions.

2. *Enrollees' File.*—This file should contain the records of veterans who are actually in enrollment status at any given time.

3. *Discharge File.*—This file should contain the records of veterans who have previously been enrolled in the Civilian Conservation Corps, but who have been discharged therefrom. If a former enrollee subsequently applies for enrollment and is found to be eligible for consideration, then his records should be transferred to the pending file while the question of his enrollment is pending. If he is again enrolled it should be placed in the Enrollees' File; if not, it should be returned to the Discharge File. Care should be exercised not to give consid-

eration to the reselection of a veteran when the individual record clearly indicates that he is ineligible for reselection for enrollment.

4. *Inactive File.*

(a) This file should contain applications, correspondence, and other material on individual veterans who have filed an application or who have expressed an interest in enrolling in the Civilian Conservation Corps, but who have not been enrolled therein and who have not manifested an active interest in obtaining enrollment within a preceding six months.

B. (1) These files must be maintained on a current basis that the Manager may be in a position to furnish Central Office or the liaison representative with pertinent information requested, which may be obtained therefrom and that accurate statistical data may be readily obtainable.

(2) Only material contained in the inactive file may be subject to consideration for destruction or other disposition in harmony with general instructions regarding the disposition of such material. Recommendation should not be submitted for the destruction of material contained in the Pending File, Enrollees' File, or Discharge File.

19. *War Department Regulations.*

(a) "War Department Regulations—Relief of Unemployment—Civilian Conservation Corps" and periodic announcements of changes therein, are distributed to all activities of the Veterans' Administration for their information and guidance in cooperating with the War Department and in answering inquiries concerning this work.

(b) Such matters as physical examination, transportation, discipline, transfers, hours of labor, quarters, subsistence and laundry, allowances, welfare, medical attention and hospitalization, burial, and discharge, etc., are covered in detail in those regulations, and where such matters or other matters which are the function of the War Department are referred to in these instructions, the comment is informative rather than instructional.

(c) In answering inquiries in connection with any matters which are within the jurisdiction of the War Department reference should be made to the War Department Regulations, and where there is any uncertainty concerning the character of information to be furnished, the inquiry should be referred to the office of the Corps Area Commander for appropriate attention.

20. *Responsibility of the Veterans Administration.*

(a) The responsibility of the Veterans Administration will cease upon the forwarding of the original application to the recruiting station and notification of the veteran to report to the recruiting station for completion of enrollment, except as to questions which may arise which are directly related to the veteran's selection or reselection, including questions relating to allottees and allotments. In this connection, however, the Manager will be expected to extend to the veteran, his dependents, the War Department representatives, and others concerned every facility available consistent with existing instructions and regulations, looking toward the equitable disposition of matters relating to the above or any other questions which may be presented incident to this work.

(b) The Managers concerned are directed to take such action as may be necessary to insure that all employees contacting veterans and others on Civilian Conservation Corps matters or who handle applications for enrollment therein are thoroughly familiar with the Instructions Governing the Selection of Veterans to Compose the Veterans Contingent of the Civilian Conservation Corps as contained herein, and as may be sebsequently amended. It should be made the responsibility of all employees concerned to review such instructions periodically that they may be thoroughly conversant therewith.

(c) In view of the nature of the work involved an effort has been made to keep the instructions as free from technicalities as possible and to give the several selecting agencies considerable latitude in the application thereof. However, there are for application certain definite principles and policies which have been clearly stipulated and which are strictly for compliance by officials and employees of the Veterans Administration engaged in this work.

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

Approved: September 7, 1937.

CHARLES H. TAYLOR,
*Acting Director,*
*Emergency Conservation Work*

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### *Appendix*

*Authorized quotas as a basis for the selection of veterans by managers of the Veterans Administration for enrollment by the War Department with the veterans contingent, Civilian Conservation Corps, under the direction of the director, Civilian Conservation Corps, and in accordance with instructions issued by the Administrator of Veterans' Affairs. (Revised as of September 3, 1937)*

| Army corps area and selecting office | Territory from which selections are to be made | Basic quota |
|---|---|---|
| First Corps Area: | | |
| Togus, Maine | Maine | 135 |
| Manchester, N. H. | New Hampshire | 75 |
| Burlington, Vt. | Vermont | 50 |
| Boston, Mass. | Massachusetts | 925 |
| Newington, Conn. | Connecticut | 285 |
| Providence, R. I. | Rhode Island | 130 |
| Total | | 1,600 |
| Second Corps Area: | | |
| New York City | Eastern New York | 1,895 |
| Batavia, N. Y. | Western New York | 635 |
| Lyons, N. J. | New Jersey | 810 |
| Philadelphia, Pa. | Delaware | 40 |
| Total | | 3,400 |
| Third Corps Area: | | |
| Philadelphia, Pa. | Eastern Pennsylvania | 1,335 |
| Pittsburgh, Pa. | Western Pennsylvania | 865 |
| Baltimore, Md. | Maryland | 300 |
| Washington, D. C. | District of Columbia | 120 |
| Roanoke, Va. | Virginia | 380 |
| Total | | 3,000 |
| Fourth Corps Area: | | |
| Nashville, Tenn. | Tennessee | 800 |
| Charlotte, N. C. | North Carolina | 690 |
| Jackson, Miss. | Mississippi | 525 |
| Tuscaloosa, Ala. | Alabama | 675 |
| Atlanta, Ga. | Georgia | 760 |
| Columbia, S. C. | South Carolina | 530 |
| New Orleans, La. | Louisiana | 455 |
| Bay Pines, Fla. | Florida | 565 |
| Total | | 4,800 |
| Fifth Corps Area: | | |
| Cleveland, Ohio | Northern Ohio | 870 |
| Dayton, Ohio | Southern Ohio | 590 |
| Indianapolis, Ind. | Indiana | 620 |
| Louisville, Ky. | Kentucky | 520 |
| Huntington, W. Va. | West Virginia | 400 |
| Total | | 3,000 |
| Sixth Corps Area: | | |
| Detroit, Mich. | Michigan | 1,285 |
| Wood, Wis. | Wisconsin | 715 |
| Hines, Ill. | Illinois | 2,000 |
| Total | | 4,000 |
| Seventh Corps Area: | | |
| Minneapolis, Minn. | Minnesota | 840 |
| Des Moines, Iowa | Iowa | 580 |
| Jefferson Barracks, Mo. | Eastern Missouri | 605 |
| Kansas City, Mo. | Western Missouri | 485 |
| Wichita, Kans. | Kansas | 560 |
| Lincoln, Nebr. | Nebraska | 375 |
| Fargo, N. Dak. | North Dakota | 255 |
| Sioux Falls, S. Dak. | South Dakota | 340 |
| Little Rock, Ark. | Arkansas | 560 |
| Total | | 4,600 |
| Eighth Corps Area: | | |
| Cheyenne, Wyo. | Wyoming | 60 |
| Denver, Colo. | Colorado | 365 |
| Tucson, Ariz. | Arizona | 160 |
| Albuquerque, N. Mex. | New Mexico | 160 |
| Oklahoma City, Okla. | Oklahoma | 880 |
| Dallas, Tex. | Northern Texas | 990 |
| San Antonio, Tex. | Southern Texas | 785 |
| Total | | 3,400 |
| Ninth Corps Area: | | |
| Ft. Harrison, Mont. | Montana | 140 |
| Boise, Idaho | Idaho | 110 |
| Seattle, Wash. | Washington | 340 |
| Portland, Oreg. | Oregon | 200 |
| San Francisco, Calif. | Northern California | 575 |
| Los Angeles, Calif. | Southern California | 665 |
| Reno, Nev. | Nevada | 30 |
| Salt Lake City, Utah | Utah | 140 |
| Total | | 2,200 |
| Grand total | | 30,000 |



*Selecting Agencies of the Veterans Administration for the Veterans Contingent of the Civilian Conservation Corps*

Alabama: Veterans Administration Facility, Tuscaloosa, Alabama.

Arizona: Veterans Administration Facility, Tucson, Arizona.

Arkansas: Veterans Administration, Federal Building, Little Rock, Arkansas.

California (Southern): Veterans Administration Facility Los Angeles, California.

California (Northern): Veterans Administration Facility, San Francisco, California.

Colorado: Veterans Administration, Old Custom House, Denver, Colorado.

Connecticut: Veterans Administration Facility, Newington, Connecticut.

Delaware: Veterans Administration, New Custom House, Philadelphia, Pennsylvania.

District of Columbia: Chief, Contact Division, Veterans Administration, Arlington Building, Washington, D. C.

Florida: Veterans Administration Facility, Bay Pines, Florida.

Georgia: Veterans Administration Facility, Atlanta, Georgia.

Idaho: Veterans Administration Facility, Boise, Idahó.

Illinois: Veterans Administration Facility, Hines, Illinois.

Indiana: Veterans Administration Facility, Indianapolis, Indiana.

Iowa: Veterans Administration Facility, Des Moines, Iowa.

Kansas: Veterans Administration Facility, Wichita, Kansas.

Kentucky: Veterans Administration, 6th and Broadway, Louisville, Kentucky.

Louisiana: Veterans Administration, 333 St. Charles Street, New Orleans, Louisiana.

Maine: Veterans Administration Facility, Togus, Maine.

Maryland: Veterans Administration, Fort McHenry, Baltimore, Maryland.

Massachusetts: Veterans Administration, Post Office Building, Boston, Massachusetts.

Michigan: Veterans Administration, Federal Building, Detroit, Michigan.

Minnesota: Veterans Administration Facility, Minneapolis, Minnesota.

Mississippi: Veterans Administration, Federal Building, Jackson, Mississippi.

Missouri (Eastern): Veterans Administration Facility, Jefferson Barracks, Missouri.

Missouri (Western): Veterans Administration, 406 W. 34th Street, Kansas City, Missouri.

Montana: Veterans Administration Facility, Fort Harrison, Montana.

Nebraska: Veterans Administration Facility, Lincoln, Nebraska.

Nevada: Veterans Administration, Federal Building, Reno, Nevada.

New Hampshire: Veterans Administration, Federal Building, Manchester, New Hampshire.

New Jersey: Veterans Administration Facility, Lyons, New Jersey.

New Mexico: Veterans Administration Facility, Aibuquerque, New Mexico.

New York (Eastern): Veterans Administration, New Parcel Post Building, New York City.

New York (Western): Veterans Administration Facility, Batavia, New York.

North Carolina: Veterans Administration, 212 S. Tryon Street, Charlotte, North Carolina.

North Dakota: Veterans Administration Facility, Fargo, North Dakota.

Ohio (Southern): Veterans Administration Facility, Dayton, Ohio.

Ohio (Northern): Veterans Administration, Post Office Building, Cleveland, Ohio.

Oklahoma: Veterans Administration, Federal Building, Oklahoma City, Oklahoma.

Oregon: Veterans Administration Facility, Portland, Oregon.

Pennsylvania (Eastern): Veterans Administration, New Custom House, Philadelphia, Pennsylvania.

Pennsylvania (Western): Veterans Administration Facility, Pittsburgh, Pennsylvania.

Rhode Island: Veterans Administration, 40 Fountain Street, Providence, Rhode Island.

South Carolina: Veterans Administration Facility, Columbia, South Carolina.

South Dakota: Veterans Administration, Federal Building, Sioux Falls, South Dakota.

Tennessee: Veterans Administration, U. S. Court House, Nashville, Tennessee.

Texas (southern): Veterans Administration, Smith Young Tower, San Antonio, Texas.

Texas (Northern): Veterans Administration, Cotton Exchange Building, Dallas, Texas.

Utah: Veterans Administration Facility, Salt Lake City, Utah.

Vermont: Veterans Administration, 203 College Street, Burlington, Vermont.

Virginia: Veterans Administration Facility, Roanoke, Virginia.

Washington: Veterans Administration, Federal Office Building, Seattle, Washington.

West Virginia: Veterans Administration Facility, Huntington, West Virginia.

Wsconsin: Veterans Administration Facility, Wood, Wisconsin.

Wyoming: Veterans Administration Facility, Cheyenne, Wyoming.

[F. R. Doc. 37-2758; Filed, September 15, 1937; 11:44 a. m.]

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*Friday, September 17, 1937* *No. 180*

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 45]

AN ORDER PROVIDING FOR A PUBLIC HEARING ON PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 12 FOR DIVISION OF MINIMUM PRICE AREA NO. 2 OR OTHER RELIEF

Bituminous Coal Producers Board for District No. 12 having filed a petition with the Commission pursuant to Section 4, Part I (a) of the Bituminous Coal Act of 1937, petitioning the Commission for a hearing to receive evidence for the purpose of enabling the Commission to determine the advisability of dividing Minimum Price Area No. 2 so as to place District No. 12 in a separate minimum price area, or grant such other relief to District No. 12 as would render the establishment of minimum prices in accordance with all the standards set forth in Subsections (a) and (b) of Part II of Section 4 of the Act, more practicable, or such other relief as the Commission may deem just and equitable in the premises, and pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

That a public hearing be held in the City of Washington, D. C., on the 27th day of September, 1937, at the Hearing Room of the Commission in the Hamilton Hotel, commencing at the hour of 10 o'clock A. M., before an Examiner designated by the Commission for the purpose of receiving evidence from all interested parties to enable the Commission to act upon the petition of the Bituminous Coal Producers Board for District No. 12, and to determine, pursuant to subsection (a) of Part I of Section 4 of the Act, whether or not

a change in the territorial boundaries or limits or a division of Minimum Price Area No. 2 is necessary to render the establishment of minimum prices in accordance with all the standards set forth in subsections (a) and (b) of Part II of Section 4 of the Act more practicable, or to grant such other relief to the petitioner as may be deemed just and equitable in the premises.

The Secretary of the Commission shall forthwith give notice of the time, place and purpose of the hearing to be held under this order by publishing a copy of this order for two (2) days in newspapers of general circulation in each of Districts Nos. 9, 10, 11, 12 and 15, and by mailing a copy of this order to the Secretaries of all District Boards, to the Consumers' Counsel, and to all code members within Districts Nos. 9, 10, 11, and 12.

By order of the Commission.

Dated this 15th day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2769; Filed, September 16, 1937; 10:35 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Issued September 16, 1937

[General Sugar Regulations Series 2, No. 1]

ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES

GENERAL SUGAR REGULATIONS MADE BY THE SECRETARY OF AGRICULTURE UNDER THE SUGAR ACT OF 1937

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

1. All persons are hereby forbidden from bringing or importing into the continental United States sugar or liquid sugar produced in any area outside of continental United States, except through customs ports of entry. The collectors of customs shall not permit any such sugar or liquid sugar to enter continental United States unless and until there shall be furnished proof as to the following matters satisfactory to the collector of customs (an affidavit in duplicate (Form SS-3) subscribed and sworn to by the consignee as to such matters may be accepted by the collector of customs as satisfactory proof thereof): (1) The area in which such sugar or liquid sugar was produced, (2) the port from which such sugar or liquid sugar was brought, (3) the names of the consignor, consignee, shipper, and owner, (4) the kind or type and identification marks of such sugar or liquid sugar, (5) the purpose for which such sugar or liquid sugar is brought into continental United States, to wit, whether such sugar or liquid sugar is for consumption in or for export from continental United States, either in the state in which it is being brought or imported into continental United States, or after it has been further refined or otherwise improved in quality, (6) the allotment, if any, under which such sugar or liquid sugar is being brought or imported into continental United States, and (7) the polarization and the weight of such sugar and the total sugar content and quantity of such liquid sugar.

2. Upon notification by the Secretary of Agriculture that sugar or liquid sugar produced in any particular area outside of continental United States has, during any calendar year, been brought into continental United States for consumption therein in amounts totaling the amount of the quota fixed by the Secretary of Agriculture for that area for such calendar year, collectors of customs shall permit no further sugar or liquid sugar from such area to enter continental United States during such calendar year, except as authorized by the Secretary of Agriculture and in accordance with the terms and conditions of such authorization.

3. After the Secretary of Agriculture has determined and certified that sugar or liquid sugar produced in any particular area outside of continental United States has, during any calendar year, been brought into continental United States for consumption therein in amounts totaling the amount of the quota and/or allotments fixed by the Secretary of Agriculture for that area for such calendar year, the Secretary of Agriculture may nevertheless authorize collectors of customs to permit sugar or liquid sugar from such area to enter continental United States for consumption therein, if and when an equivalent amount of sugar or liquid sugar theretofore entered as a part of the quota from the same producing area is delivered to any collector of customs in the place and stead thereof and in substitution therefor, to be held in customs custody and control until thereafter authorized by the Secretary of Agriculture to be released therefrom: *Provided, however*, That no such authorization will be issued by the Secretary of Agriculture unless and until: (A) An application for such authorization has been filed with the Secretary of Agriculture, or his authorized agent, setting forth the reason for requesting such substitution; (B) there shall first be shown to his satisfaction, by such proof as he may require, that the sugar or liquid sugar tendered in substitution and the sugar or liquid sugar sought to be entered (1) were produced in and brought from the same area, (2) have the equivalent weight translated into terms of pounds of sugar polarizing 96°, or, in the case of liquid sugar, the equivalent quantity translated into terms of 72 per cent total sugar content, and (3) are owned or contracted for by the same person; (C) the owner of the sugar or liquid sugar tendered in substitution shall agree in writing that such sugar or liquid sugar shall be treated in the same manner and shall be subject to the same rules and regulations as the sugar or liquid sugar for which it is tendered in substitution would have been treated and subjected if substitution therefor were not permitted; and (D) the owner of the sugar or liquid sugar tendered in substitution shall agree in writing to be responsible for all storage charges and other expenses in connection with the retention of the substituted sugar or liquid sugar in customs custody and that in the event such sugar or liquid sugar is not withdrawn and all charges thereon paid within 1 year from the date of the assumption of customs custody, it shall become abandoned to the Government and may be sold for the Government account, subject to payment to the said owner of the surplus proceeds, if any, after the payment of all charges and other expenses.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 16th day of September, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2770; Filed, September 16, 1937; 12:43 p. m.]

### Bureau of Entomology and Plant Quarantine.

[B. E. P. Q.—462]

[Supersedes P. Q. C. A.—311]

RESTRICTIONS AFFECTING THE IMPORTATION AND INTERSTATE MOVEMENT OF FROZEN-PACK FRUITS

[Approved and effective September 15, 1937]

The importation into the United States and the interstate shipment from Hawaii and Puerto Rico of frozen fruits, other than those which may be entered in the fresh state, are authorized under the provisions of regulation 2 of the rules and regulations supplemental to Notice of Quarantine No. 13; regulation 2 of the rules and regulations supplemental to Notice of Quarantine No. 56; and regulation 3 of the rules and regulations supplemental to Notice of Quarantine No. 56, under the following restrictions and conditions:

(1) Importations and interstate shipments may be made only under permits issued in advance of shipment. Applications for permits should be made to the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(2) The importation and interstate shipment is not authorized of fruits which may be subject to attack, in the area of origin, of plant pests for which the refrigeration treatment herein prescribed may not, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, be completely effective.

(3) Fruit imported from foreign countries or shipped interstate from Hawaii or Puerto Rico under authority of this circular must be frozen solid either before or after packing for shipment and must be at a temperature of 20° F., or below at the time of arrival.

(4) Such fruit may not be removed from the vessel transporting it until it has been determined by inspection by a representative of the Bureau of Entomology and Plant Quarantine that all parts of the shipment at the time of arrival registered a temperature of not more than 20° F. and until it has been released by the said representative of the Bureau of Entomology and Plant Quarantine.

(5) If the fruit in any part of a shipment imported or shipped interstate under authority of this circular is found to be above 20° F. at the time of the inspection required in paragraph (4) of this circular, the entire shipment shall remain on the transporting vessel under such safeguards as may be prescribed by the representative of the Bureau of Entomology and Plant Quarantine until it attains the required temperature of 20° F. or below, or is transported beyond the territorial waters of the United States.

Since the temperature will be determined by thermometers, provision should be made for easy access to the interior of shipments so as to avoid unnecessary mutilation or destruction of containers. It is suggested therefore that cans, casks, or other types of packages of not more than 5-gallon capacity be employed wherever possible.

Applications should include information with respect to the process to be employed—whether the fruit is to be frozen prior to or after placing in the containers—and the approximate length of time that it will be exposed to a temperature of 20° F. or below while in transit.

FROZEN FRUITS WHICH ARE NOT COVERED BY THIS CIRCULAR

This circular does not affect the status of those fruits which may be imported or shipped interstate in the fresh state under the provisions of the rules and regulations supplemental to notices of quarantines nos. 13, 56, and 58. When such fruits are offered for entry or interstate movement in frozen condition they are subject only to the restrictions which apply to their entry or interstate movement as fresh fruits.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-2768; Filed, September 15, 1937; 3:24 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME LOAN BANKS

DEFINITION OF THE TERM "PAID-IN VALUE"

Be it resolved, that pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), the Rules and Regulations for Federal Home Loan Banks are hereby amended by inserting at the end of Section 14, a new Section 14A, as follows:

SEC. 14A. *Regulations.*—"Paid-in value" of stock means the aggregate par value of stock which is full paid, and the sum of payments on stock issued at par which is not full paid, and, for stock issued at a premium above par, the sum of all payments thereon, less that proportion of the aggregate premium above par which has been paid thereon.

Adopted by the Federal Home Loan Bank Board on September 15, 1937.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 37-2767; Filed, September 15, 1937; 3:03 p. m.]



AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME LOAN BANKS

DIVIDENDS ON BANK STOCK TO BE PAID TO STOCKHOLDERS OF RECORD ON DIVIDEND DECLARATION DATE; COMPUTATION OF DIVIDENDS

Be it resolved, that pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), paragraph numbered (4) of subsection (d) of Section 17 of the Rules and Regulations for Federal Home Loan Banks is hereby repealed, and paragraph numbered (3) of said subsection is hereby amended to read as follows:

(3) *Regulations.*—The board of directors of a Bank may, with the approval of the Board, declare dividends out of net earnings or undivided profits to stockholders of record at the close of business on June 30 and/or December 31 (and for no other dates) upon the paid-in value of capital stock outstanding on such record date payable by check on a date to be specified in the resolution declaring said dividend, but in any event within 31 days after said record date.

Dividends shall be declared at an annual rate of percent. On the paid-in value of each share of stock at the beginning of the dividend period (after deducting amounts of stock repurchased, i. e. surrendered and cancelled), dividends shall be computed at the annual dividend rate if the dividend period is for an annual period and at one-half of the annual dividend rate if the dividend period is for a semi-annual period. On payments made on account of stock during the dividend period (after deducting amounts of stock repurchased), dividends shall be computed at the annual dividend rate on an actual day basis for the time invested. For dividend purposes, amounts of stock repurchased within the period covered by a dividend shall be deducted from the latest previous payment (or payments in inverse order) on account of stock.

Adopted by the Federal Home Loan Bank Board on September 15, 1937.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 37-2766; Filed, September 15, 1937; 3:03 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1937.

[File No. 52-1]

IN THE MATTER OF GENESEE VALLEY GAS COMPANY, INC.

[Section 11 (f) of Public Utility Act of 1935]

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

Genesee Valley Gas Company, Inc., a subsidiary of a registered holding company, having filed an application, and amendments thereto, pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935, for approval of its plan of reorganization in proceedings pending in the United States District Court for the Southern District of New York pursuant to Section 77B of the Federal Bankruptcy Act as amended;

A hearing on said amended application having been held on June 28, 1937; said hearing having been continued; an order having been issued reconvening said hearing on September 20, 1937; and it now appearing that said hearing should be postponed;

It is ordered that said hearing be postponed until October 4, 1937 at ten o'clock in the forenoon of that day in Room 1102, Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 30, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2772; Filed, September 16, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 15th day of September, 1937.

[File No. 2-3074]

IN THE MATTER OF HERMAN HANSON OIL SYNDICATE

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Herman Hanson Oil Syndicate, a North Dakota corporation, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Herman Hanson Oil Syndicate, a North Dakota corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2771; Filed, September 16, 1937; 12:44 p. m.]

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*Saturday, September 18, 1937* — *No. 181*

## TREASURY DEPARTMENT.

### Office of the Secretary.

NEWLY-MINED DOMESTIC SILVER

SEPTEMBER 14, 1937.

*Memorandum for the President.*

The Silver Proclamation of December 21, 1933, as amended, provides:

This proclamation shall remain in force and effect until the thirty-first day of December, 1937, unless repealed or modified by Act of Congress or by subsequent proclamation.

As you know, in the normal course a considerable period of time elapses between the date silver is mined and the date when the refining of the silver has been completed and the silver is delivered to a Mint. Accordingly, a question has arisen as to whether domestic silver mined prior to midnight, December 31, 1937, may be received by the mints after that date under said Proclamation.

I am advised by the General Counsel of the Treasury that in his opinion the mints may continue after December 31, 1937, to receive under said Proclamation, domestic silver mined prior to midnight, December 31, 1937, and otherwise complying with the Proclamation. I am in accord with such opinion. Accordingly, if you approve, the mints will be instructed that they may continue after December 31, 1937, to accept under said Proclamation newly-mined domestic silver mined prior to midnight of December 31, 1937.

If you approve of the foregoing, I should appreciate it if you would so indicate below.

[SEAL] H. MORGENTHAU, Jr.,
*Secretary of the Treasury.*

Approved: September 14, 1937.
FRANKLIN D ROOSEVELT
*The White House.*

[F. R. Doc. 37-2780; Filed, September 17, 1937; 11:42 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 111, CALIFORNIA

SEPTEMBER 3, 1937.

It appearing that the following-described tract of public land in California is necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section four of the act of May 24, 1928 (45 Stat. 728), that such land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for use by the Department of Commerce in the maintenance of air navigation facilities:

SAN BERNARDINO MERIDIAN

T. 7 N., R. 8 E., sec. 20, NE¼, 160 acres.

T. A. WALTERS.
*First Assistant Secretary.*

[F. R. Doc. 37-2775; Filed, September 17, 1937; 9:58 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[General Sugar Quota Regulations, Series 4, No. 2, Supplement 3]

PRORATION OF THE 1937 UNITED STATES BEET DEFICIT

[Issued September 16, 1937]

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations (constituting a supplement to General Sugar Quota Regulations, Series 4, No. 2, issued September 2, 1937), which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

1. It is hereby determined, pursuant to Section 204 (a) of the said act, that for the calendar year 1937 the domestic beet sugar area will be unable by an amount of 216,352 short tons of sugar, raw value, to market the quota established for that area in General Sugar Quota Regulations, Series 4, No. 2, approved September 2, 1937.



2. An amount of sugar equal to the deficit determined in paragraph one is hereby prorated, pursuant to Section 204 (a) of the said act, to the Mainland Cane Sugar Area, Puerto Rico, Hawaii, the Virgin Islands and Cuba as follows:

| Areas: | *Additional quotas (short tons, raw value)* |
|---|---|
| Mainland Cane Sugar Area (Louisiana & Florida) | 22,299 |
| Puerto Rico | 42,349 |
| Hawaii | 49,782 |
| Virgin Islands | 473 |
| Cuba | 101,449 |
| Total | 216,352 |

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington this 16th day of September, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2779; Filed, September 17, 1937; 11:17 a. m.]

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## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[Fourteenth Amendment of General Order No. 229]

ENTRY PORT FOR ALIENS ARRIVING BY AIRCRAFT, CHALK'S FLYING SERVICE AIRPORT, MIAMI, FLA.

SEPTEMBER 14, 1937.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 372; U. S. C. Ti. 49, Sec. 177 (d)), the Chalk's Flying Service Airport, Miami, Fla., is hereby designated as a temporary port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (b), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended up to and including December 31, 1936, and subsequent thereto, by General Order No. 229, dated December 21, 1935, and amendments thereto is amended by adding the following after Malone, N. Y., Malone Airport: Miami, Fla., Chalk's Flying Service Airport.

[SEAL] FRANCES PERKINS, *Secretary.*

Approval recommended:
I. F. WIXON,
*Deputy Commissioner of Immigration and Naturalization.*

[F. R. Doc. 37-2781; Filed, September 17, 1937; 11:42 a. m.]

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[General Order No. 252]

EXEMPTION FROM PAYMENT OF HEAD TAX

AMENDMENT OF SUBPARAGRAPH (D), PARAGRAPH 1, SUBDIVISION B OF RULE 1 OF THE IMMIGRATION RULES, AS AMENDED.

SEPTEMBER 14, 1937

By virtue of and pursuant to the authority conferred by Sections 2 and 23 of the Immigration Act of 1917 (Act of February 5, 1917; 39 Stat. 875, 892; U. S. C., title 8, sections 102, 132), and Executive Order No. 6166, dated June 10, 1933, subparagraph (d), paragraph 1, Sudivision B, Rule 1 of the Immigration Rules of January 1, 1930, as amended up to and including December 31, 1936, and by General Order No. 246, dated May 10, 1937, is hereby amended to read as follows:

Aliens whose legal domicile or bona fide residence was in Canada, Newfoundland, Cuba, or Mexico for at least one year immediately preceding entry and who enter the United States for a temporary period in no instance exceeding one year. This exemption shall not be lost merely by reason of temporary absences of short duration from such countries.

[SEAL] I. F. WIXON,
*Deputy Commissioner of Immigration and Naturalization.*

APPROVED:
FRANCES PERKINS, *Secretary*

[F. R. Doc. 37-2782; Filed, September 17, 1937; 11:42 a. m.]



## FEDERAL COMMUNICATIONS COMMISSION.

The Telegraph Division at its regular meeting on September 7, 1937, adopted the following Order:

[File No. 1]

IN RE APPLICATION OF PUGET SOUND NAVIGATION COMPANY FOR EXEMPTION OF THE VESSELS "IROQUOIS," "OLYMPIC," "QUILCENE," "CITY OF ANGELES" AND "ROSARIO," PURSUANT TO THE PROVISIONS OF ARTICLE 28 OF THE SAFETY OF LIFE AT SEA CONVENTION AND SECTION 352 (B) OF TITLE III, PART 2, OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

ORDER

Whereas, there has been filed with the Federal Communications Commission an application of the Puget Sound Navigation Company for exemption pursuant to the provisions of Section 352 (b) of the Communications Act of 1934, as amended, and Article 28 of the Safety of Life at Sea Convention, from the requirement of a radiotelegraph installation, as specified by Title III, Part 2, of the Communications Act of 1934, as amended, and Article 27 of the Safety of Life at Sea Convention, for the following vessels and voyages:

1. The S. S. *Iroquois* and S. S. *Olympic* for international voyages between Seattle, Washington, and Victoria, B. C., via Port Townsend and Port Angeles;

2. The S. S. *Quilcene*, S. S. *City of Angeles*, and S. S. *Rosario*, for international voyages between Anacortes, Washington, and Sydney, B. C., via Friday Harbor, San Juan Island, and Orcas, Orcas Island; and

Whereas, the voyages in question are within the class of voyages for which an exemption from the requirement of a radiotelegraph installation, as specified in Title III, Part 2, of the Communications Act, and Article 27 of the Safety of Life at Sea Convention, may be granted under Section 352 (b) of the Communications Act and Article 28 of the Convention; and

Whereas, the Commission has been informed by the applicant that the vessels in question will be voluntarily equipped with radiotelephone stations having a transmitter power of not less than 50 watts, for communication in event of emergencies with coastal harbor station KOW, Edmonds, Washington, and with the radio telephone stations of the United States Coast Guard; and

Whereas, this Commission granted such exemption on March 9, 1937, pending further order of the Commission and in any event for a period not exceeding 60 days from the date of the order, and subsequently extended said exemption at various times for a period to and including September 15, 1937, during which time the Commission considered all available information bearing upon the route and conditions of the voyages in question; and

Whereas, from the facts and information now before it, the Commission is of the opinion that the requirement of a radiotelegraph installation would be unreasonable and unnecessary in so far as these vessels on the voyages in question are concerned;

It is ordered, that the vessels shall be exempt from compliance with the radiotelegraph installation requirement of Title III, Part 2, of the Communications Act of 1934, as amended, and Article 27 of the Safety of Life at Sea Convention, pending further order of the Commission and in any event for a period not exceeding one year from the date of this order;

*Provided, however*, That nothing contained herein shall constitute a finding by this Commission that compliance with those provisions will be unreasonable or unnecessary if and when any change in the route or conditions of the specified voyages occurs which, in the discretion of the Commission may require compliance therewith;

It is further ordered, that these vessels, on the voyages in question, shall have on board appropriate exemption certificates pursuant to the provisions of Section 359 of the Com-

munications Act of 1934, as amended, and Article 49 of the Safety Convention.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2773; Filed, September 16, 1937; 3:23 p. m.]

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The Telegraph Division at its regular meeting on September 7, 1937, adopted the following Order:

[Docket No. (*as hereafter listed*)]

IN RE APPLICATION OF (AS HEREAFTER LISTED) FOR THE EXEMPTION OF THE VESSEL (AS HEREAFTER LISTED) PURSUANT TO THE PROVISIONS OF ARTICLE 28 OF THE SAFETY OF LIFE AT SEA CONVENTION AND SECTION 352 (B) (2) OF TITLE III, PART 2, OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

ORDER

Whereas, the Division having under consideration an application by (*as hereafter listed*) for exemption pursuant to the provisions of Article 28 of the Safety of Life at Sea Convention and Section 352 (b) (2) of the Communications Act of 1934, as amended, for the vessel (*as hereafter listed*) on voyages (*as set forth in application*) and

Whereas, the Commission is unable to determine from the application that the route or the conditions of the voyage, or other circumstances are such as to render a radio installation unreasonable or unnecessary;

It is ordered, that a hearing shall be held in San Francisco, California, beginning at 10:00 A. M. on the 11th day of October, 1937, upon the issues and in accordance with the procedure set forth in the attached bill of particulars.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

NOTICE

Nature of Application: Exemption under Article 28 of the Safety Convention and Section 352 (b) (2), Title III, Part 2, of the Communications Act of 1934, as amended.

Service: Marine.

File No. _____

Docket No. _____

Applicant: _____

To _____

_____

You are hereby notified that the Federal Communications Commission has examined the above-described application and has designated the foregoing matter for hearing for the following reasons:

1. To determine whether the vessel(s) _____

_____

on voyages _____ is (are) within the class of vessels for which an exemption may be granted under Section 352 (b) (2) of the Communications Act of 1934, as amended;

2. To determine whether the route or conditions of the voyages in question are such as to render navigation in the waters concerned hazardous;

3. To determine the cost to the applicant of complying with the radiotelegraph provisions of the Safety Convention and Title III, Part 2 of the Communications Act of 1934, as amended;

4. To determine the value of radiotelegraph communication to the vessel on the voyages in question as a means of enhancing the safety of life and property at sea, both as a matter or protection to persons and property on board the _____

_____

and as a protection to other shipping in such waters;

5. To determine whether the route or conditions of the voyage, or other circumstances, are such as to render a radio installation unreasonable or unnecessary for the purposes of the Safety Convention or of Title III, Part 2 of the Communications Act of 1934, as amended.

The hearing on the above-mentioned application will be held at _____, beginning at 10:00 A. M., on the _____ day of _____, 1937.

In order to avail itself of the opportunity to be heard, the applicant, within fifteen (15) days from the mailing of this notice, shall file with the Commission a written appearance and statement of desire to be heard, subscribed and verified by the applicant, and a terse yet complete statement, in writing, of the facts which it expects to prove at such hearing.

Within twenty-five (25) days of the publication of this notice of hearing, any person who desires to participate in such hearing shall file with the Commission its appearance and a statement of its desire to be heard, subscribed and verified, and a terse yet complete statement, in writing, of the facts it expects to prove at such hearing. No party, other than the applicant, shall be heard in this proceeding unless and until he shall file his appearance in accordance with the provisions of this paragraph.

Appearances filed in accordance with the preceding paragraphs shall be considered as pleadings but not as evidence of the facts therein stated.

In case no appearance or statement in writing of the facts to be proved upon this hearing is filed by the applicant within the time so specified, or if on the date set for hearing the applicant does not appear and offer evidence in support of his application, the applicant will be deemed in default, and his application denied.

Dated at Washington, D. C., _____, 1937.

FEDERAL COMMUNICATIONS COMMISSION,
TELEGRAPH DIVISION.

T. J. SLOWIE, *Secretary.*

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The Telegraph Division approved a notice of hearing on the attached Order and directed that said notice be sent to the following:

| Docket no. | Owner or operating agency | Ships | Call letters |
|---|---|---|---|
| 4773 | Sudden and Christenson | Catherine G. Sudden | KFKR |
| 4774 | Western Transport Co | Eldorado | KMOI |
| 4775 | Coastal Steamship Co | Lake Frances | KTAO |
| 4776 | Moore Steamship Co | Alvarado | KJBF |
| 4777 | Hammond Lumber Co | Astoria | KGEP |
| | | Portland | KEML |
| | | Arcata | KEXZ |
| | | Eureka | KFAO |
| | | Watsonville | WPUI |
| 4778 | Wilmington Transportation Co | Catalina | KFTP |
| | | Avalon | WQCV |
| | | Cabrillo | WADK |
| 4779 | Hillcone Steamship Co | Edwin B. DeColia | WLGN |
| | | Brandywine | WGUI |
| 4780 | Santa Cruz Oil Corp | American Fisher | WHCM |
| | | Lake Miraflores | KDNR |
| 4781 | Schafer Bros. Steamship Lines | Anna Schafer | KDIT |
| | | Hubert Schafer | KLUE |
| | | Margaret Schafer | WQBB |
| 4782 | Burns Steamship Co | Caddopeak | WPUE |
| 4783 | Kingsley Co | Texada | KDIY |
| 4784 | Horace X. Baxter | A. M. Baxter | WMAE |
| 4785 | Lawrence-Phillips Steamship Co | Point Loma | KJVJ |
| | | Lawrence Phillips | WBDU |
| | | Josephine Lawrence | KEMP |
| | | Corrales | WPIE |
| 4786 | J. Ramselius | W. R. Chamberlin, Jr. | WBDV |
| 4787 | W. R. Chamberlin & Co | Dorothy Wintermote | KLUI |
| 4788 | Paramino Lumber Co | Cascade | KDIS |
| 4789 | E. K. Wood Lumber Co | Olympic | KDIV |
| | | El Capitan | KILP |
| 4790 | P. L. Transportation Co | Scotia | KOJX |
| 4791 | McCormick Steamship Co | C. H. Wheeler, Jr. | KPAA |
| | | Silverado | KFKI |
| | | Brookings | WXDA |
| | | West Shipper | KUCR |
| | | Earnest H. Myer | KIJI |
| | | West Planter | KOGS |
| | | Point San Pablo | KOZN |
| | | Point San Pedro | KDCO |
| | | Munami | KELM |
| | | Wallingford | KEPV |
| | | Hamlin F. McCormick | KESD |
| | | Peter Helms | KUJP |
| | | Nabesna | KONV |
| 4792 | Griffiths Steamship Co | Carriso | WJUO |
| 4793 | James Griffith & Sons, Inc | El Cedro | WYOE |
| 4794 | Wheeler-Hallock Co | Samoa | KTUI |
| 4795 | Donovan Lumber Co | William Donovan | KLIZ |
| 4796 | Richfield Oil Corp | Agwiworld | KDMD |
| | | Torres | WICW |
| | | Topila | WICV |
| 4797 | Hart-Wood Lumber Co | Cadaretta | WLOO |
| 4798 | Coastwise Line | Coast Banker | KIFO |
| | | Coast Farmer | KUCD |
| | | Coast Merchant | KOCN |
| | | Coast Miller | WSBK |
| | | Coast Shipper | KUKD |
| | | Coast Trader | KUCJ |
| 4799 | Coos Bay Lumber Co | Lumberman | WMEO |
| | | Lumbertown | KIFB |
| 4800 | Polarine Fisheries Inc | Polarine | WOCK |
| 4801 | Pacific Ocean Products | Santa Inez | WEDU |
| 4802 | Fisherman's Produce Co | Lansing | WFDA |
| 4803 | Deep Sea Fisheries, Inc | Manatawny | KDFM |
| 4804 | Alaska Steamship Co | Curacao | WGCL |
| | | Starr | WDDR |
| 4805 | Oceanic Fisheries Co | Donna Lane | KDON |
| 4806 | American Marine Products Co | Currier | WJCA |
| 4807 | Coastwise Steamship & Barge Co | James Griffiths | KUTK |

T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2774; Filed, September 16, 1937; 3:24 p. m.]



## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 135]

APPLICATION OF PORTLAND GENERAL ELECTRIC COMPANY

ORDER CONTINUING HEARING

Upon application filed September 4, 1937, by Portland General Electric Company, licensee for Project No. 135, for continuance of the hearing set for September 27, 1937, pursuant to the Commission's order adopted June 30, 1937, concerning said licensee's petition for rehearing in re Part (2) of the order of the Commission of May 4, 1937;

It is *ordered:*

That said hearing be and it is hereby continued to October 25, 1937, at 10 o'clock a. m. in the Commission's hearing room at 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on September 15, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2776; Filed, September 17, 1937; 9:58 a. m.]

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Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket Nos. IT-5479; 5480; 5481; 5482; 5483]

APPLICATION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY

ORDER SETTING HEARING

Upon applications filed by Public Service Electric and Gas Company, a corporation organized under the laws of the State of New Jersey, and having its principal business office at 80 Park Place, Newark, New Jersey, for the approval of the merger of South Jersey Gas, Electric and Traction Company, The Paterson and Passaic Gas and Electric Company, The Gas and Electric Company of Bergen County, New Brunswick Light, Heat and Power Company, and The Cinnaminson Electric Light, Power and Heating Company of Riverton, New Jersey, all corporations organized under the laws of the State of New Jersey, into Public Service Electric and Gas Company;

The Commission *orders:*

That a hearing on said applications be held on October 27, 1937 at 10 a. m. in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.

Adopted by the Commission on September 15, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2777; Filed, September 17, 1937; 9:58 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of September, A. D., 1937.

[File No. 43-69]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

[Public Utility Holding Company Act of 1935, section 7]

NOTICE OF AND ORDER FOR REOPENING OF HEARING

Northern States Power Company, a Minnesota corporation and a registered holding company, having filed with the Commission a declaration, and amendments thereto, pursuant to the provisions of Section 7 of the Public Utility Holding Company Act of 1935, regarding the proposed reclassification of its outstanding 275,000 shares of Cumulative Preferred Stock, $5 Series, into a like number of shares of Preferred Stock, $5 Cumulative Series, each share of which new preferred stock will be convertible on or before September 2, 1947, at the option of the holder, into four shares of common stock of declarant, subject to adjustment in accordance with the proposed amendment to declarant's articles of incorporation, and which new preferred stock will be subject to provisions whereby declarant will be obligated to reimburse the owner of any shares of such preferred stock for any taxes (other than estate, succession, income and inheritance taxes) that are or may be imposed or paid under the laws of Pennsylvania upon such shares or upon such owner as a resident of Pennsylvania by reason of the ownership of such shares, not exceeding, however, in any year 5 mills upon each dollar of the taxable value of such shares;

A hearing on said amended declaration having been held and closed on August 19, 1937, and the declarant having thereafter requested that said hearing be reopened;

*It is ordered*, That said hearing be reopened and continued on September 23, 1937, at ten o'clock in the forenoon of that day in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

*Notice of such hearing is hereby given* to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

*It is further ordered* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2783; Filed, September 17, 1937; 11:44 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of September, 1937.

[File No. 1-1750]

IN THE MATTER OF CRYSTALITE PRODUCTS CORPORATION COMMON STOCK, $1 PAR VALUE, AND 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION.

The Crystalite Products Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Common Stock, $1 Par Value, and 7% Cumulative Preferred Stock, $100 Par Value, from listing and registration on the Los Angeles Stock Exchange; and

After appropriate notice a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading season on September 27, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2784; Filed, September 17, 1937; 11:44 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of September, 1937.

[File No. 2-2402]

IN THE MATTER OF PAPER SALES COMPANY OF DETROIT, INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Paper Sales Company of Detroit, Inc., of Detroit, Michigan, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Paper Sales Company of Detroit, Inc., of Detroit, Michigan, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2778; Filed, September 17, 1937; 10:38 a. m.]

*Tuesday, September 21, 1937* *No. 182*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

ABOLISHING THE NATIONAL EMERGENCY COUNCIL

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the Emergency Relief Appropriation Act of 1937, approved June 29, 1937 (Pub. Res. No. 47, 75th Cong.), and otherwise, it is hereby ordered as follows:

1. The National Emergency Council, reestablished by Executive Order No. 7073 of June 13, 1935, is hereby abolished as of December 31, 1937.

2. All funds allocated to the National Emergency Council from the appropriation contained in the Emergency Relief Appropriation Act of 1937 which remain unobligated on December 31, 1937, shall be retransferred to the appropriation made by said Act.

3. All records, papers, equipment, and other property of the National Emergency Council shall be transferred to the Bureau of the Budget on or before December 31, 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 16, 1937.*

[No. 7709-A]

[F. R. Doc. 37-2792; Filed, September 20, 1937; 11:39 a. m.]

### EXECUTIVE ORDER

AUTHORIZING THE APPOINTMENT OF DR. WINFRED OVERHOLSER AS SUPERINTENDENT OF ST. ELIZABETHS HOSPITAL WITHOUT REGARD TO CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that Dr. Winfred Overholser may be appointed Superintendent of St. Elizabeths Hospital, Department of the Interior, without compliance with the requirements of the Civil Service Rules.

This order is recommended by the Secretary of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 17, 1937.*

[No. 7710]

[F. R. Doc. 37-2786; Filed, September 18, 1937; 11:04 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

WITHDRAWAL FOR PROPOSED GRAZING DISTRICT IN YAVAPAI COUNTY, ARIZONA, VACATED

SEPTEMBER 15, 1937.

Under authority of Departmental order of February 24, 1937, pursuant to section 1 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), notice was published on March 12, 1937, that a hearing would be held at Kirkland, Arizona, or at any place or time to which said hearing might be adjourned for the purpose of considering the establishment of a grazing district in Yavapai County, State of Arizona.

The publication of such notice had the effect of withdrawing all public lands within Yavapai County from all forms of entry and settlement.

It has been determined that at the present time, the public lands within the area proposed for withdrawal are not appropriate for administration in a grazing district under the Taylor Grazing Act.

The withdrawal, therefore, is hereby vacated.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37—2787; Filed, September 20, 1937; 9:55 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Issued September 20, 1937

DETERMINATION OF A FARM PURSUANT TO SUBSECTION (B) OF SECTION 304 OF THE SUGAR ACT OF 1937; AND DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGAR BEETS AND SUGARCANE DURING THE CROP YEAR 1937, PURSUANT TO SUBSECTION (E) OF SECTION 301 OF THE SUGAR ACT OF 1937

WHEREAS, Subsection (b) of Section 304 of the Sugar Act of 1937 provides that the Secretary shall determine what constitutes a farm for the purpose of the said Act, and

WHEREAS, Section 301 of the Sugar Act of 1937 authorizes the Secretary to make payments upon certain conditions with respect to sugar or liquid sugar commercially recoverable from the sugar beets or sugarcane grown on a farm for the extraction of sugar or liquid sugar, and

WHEREAS, one of the said conditions for payment, as stated in Subsection (e) of the said Section 301 is,

"That there shall be carried out on the farm such farming practices in connection with the production of sugar beets and sugarcane during the year in which the crop was harvested with respect to which a payment is applied for, as the Secretary may determine, pursuant to this subsection, for preserving and improving fertility of the soil and for preventing soil erosion, such practices to be consistent with reasonable standards of the farming community in which the farm is situated", and

*Whereas*, definite farm practices were set up under the 1937 Agricultural Conservation Program, pursuant to the Soil Conservation and Domestic Allotment Act, as amended, as conditional requirements for payment with respect to sugar beets and sugarcane for sugar, which practices tended to preserve and improve soil fertility and prevent soil erosion.

Now, Therefore, I, Harry L. Brown, Acting Secretary of Agriculture, do hereby determine (1) that, within the limits of continental United States for the purpose of the provisions of the Sugar Act of 1937, a farm means all farm land which is farmed by an operator as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land, (2) that any farm, as defined above, on which there have been carried out such farming practices in connection with the production of sugar beets and sugarcane during 1937 as would have qualified such farm for at least one half of the maximum payment which could have been made with respect to sugar beets or sugarcane for sugar under the 1937 Agricultural Conservation Program had such farm come within the definition of a farm under such program, shall be deemed to have met the condition with respect to sugar beets and sugarcane, pursuant to Section 301 (e) of the Sugar Act of 1937.

Done at Washington, D. C., this 20th day of Sept., 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-2794; Filed, September 20, 1937; 12:42 p. m.]

### Bureau of Entomology and Plant Quarantine.

TERMINATION DATE ON FRUIT AND VEGETABLE RESTRICTIONS UNDER JAPANESE BEETLE QUARANTINE (QUARANTINE NO. 48) ADVANCED TO SEPTEMBER 22 FOR THE YEAR 1937

It has been determined that the active period of the Japanese beetle in its relation to fruits and vegetables has already ceased for the present season and that it is, therefore, safe to permit the unrestricted movement of the fruits and vegetables listed in regulation 5 of the rules and regulations (15th revision) supplemental to Notice of Quarantine No. 48 from the regulated area as defined in regulation 3 of said rules and regulations; therefore it is ordered that all restrictions on the interstate movement of the articles referred to above are hereby removed on and after September 22, 1937. This order advances the termination of the restrictions as to fruits and vegetables provided for in regulation 5 from October 16 to September 22, 1937, and applies to this season only.

Done at the city of Washington this 20th day of September, 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2793; Filed, September 20, 1937; 12:30 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

The Broadcast Division at its regular meeting held September 7, 1937, adopted the following press release:

USE OF 550 KILOCYCLES NEAR THE COASTS OF THE UNITED STATES

The Communications Commission and the Navy Department have conferred with respect to the use of 550 kilocycles to avoid interference with naval communication activities. The Commission hereby announces the following policy with respect to licensing broadcast stations on this frequency:

No station will be licensed with greater night power than 1 kilowatt, or day power greater than 5 kilowatts, on 550 kilocycles. No application for a new broadcast station or increase in power or time of operation of an existing station will be considered which is located at a distance less than 300 miles from the nearest coast of the United States, unless approval of the Navy Department is submitted in writing with the application. No new station or increase in power or time of operation of an existing station will be authorized which is located at a distance from 300 to 500 miles from the nearest coast, unless approved by the Navy Department.

The above mileages may be decreased if it is shown that a signal intensity of not greater than 100 microvolts per meter will result at the nearest coast or point of naval communications activities. In case a directional antenna is used that increases the signal toward the coast, the mileage may be increased until not more than 100 microvolts per meter result at the nearest coast or point of naval communication activities.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2785; Filed, September 18, 1937; 9:50 a. m.]



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1937.

Commissioners: W. A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2995]

IN THE MATTER OF J. W. MCPHEETERS, TRADING AS MID-WEST SOAP COMPANY, AND AS SAVON PRODUCTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, September 27, 1937, at one o'clock in the afternoon of said day (central standard time), in room 204, Federal Building, Indianapolis, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2788; Filed, September 20, 1937; 10:18 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3050]

IN THE MATTER OF CHRISTMAS CLUB, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed

to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, September 28, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2789; Filed, September 20, 1937; 10:18 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3063]

IN THE MATTER OF EARL E. MAY SEED COMPANY, A CORPORATION, AND EARL E. MAY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, October 6, 1937, at one o'clock in the forenoon of said day, in room 1123 New Post Office Building, 433 West Van Buren Street, Chicago, Illinois (central standard time).

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2790, Filed, September 20, 1937; 10:18 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3150]

IN THE MATTER OF SCHENLEY DISTILLERS CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, October 7, 1937, at ten-thirty o'clock in the forenoon of that day (Central Standard Time) in Court Room No. 1, Federal Building, Louisville, Kentucky.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2791; Filed, September 20, 1937; 10:19 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of September, 1937.

IN THE MATTER OF L. P. ATWATER & COMPANY, 1304 HUNT BUILDING, TULSA, OKLAHOMA

ORDER DENYING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

L. P. Atwater, doing business as L. P. Atwater & Company, a sole proprietorship, hereinafter called the applicant, having filed with the Commission on May 8, 1937, an application for registration on Form 5-M pursuant to Rule MB1 of the Commission's rules; and registration having been postponed pending final determination on the question of denial and/or postponement; and

The Commission, on June 3, 1937, having instituted proceedings on the question of denial and/or postponement of registration pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after appropriate notice, having come on for hearing on June 15, 16, and 17, 1937, in Tulsa, Oklahoma; and the Commission having duly considered the matter and being fully advised in the premises;

*It is ordered*, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the application of L. P. Atwater, doing business as L. P. Atwater & Company, as broker or dealer transacting business on over-the-counter markets be and the same is hereby denied, but without prejudice to any new application filed by the applicant after December 31, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2795; Filed, September 20, 1937; 12:48 p. m.]

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*Wednesday, September 22, 1937* *No. 183*

## PRESIDENT OF THE UNITED STATES.

FIRE PREVENTION WEEK—1937

By the President of the United States of America

A PROCLAMATION

WHEREAS more than ten thousand lives are lost each year as a result of fires in the United States; and

WHEREAS the property loss from fires in the United States in 1936 was more than $260,000,000, a marked increase over the loss in 1935; and

WHEREAS this upward trend in the devastation wrought by fires can be corrected only through the earnest effort of everyone; and

WHEREAS it has been customary for the President of the United States to request public observance of Fire Prevention Week in an effort to bring home to every citizen a realization of individual responsibility in the movement to curtail losses of life and property from preventable fires;



NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and designate the week beginning October 3, 1937, as Fire Prevention Week and invite the active cooperation of all our people in the elimination of fire hazards and the prevention of fire waste, to the end that human life may be safeguarded and the national prosperity increased.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18" day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President.

CORDELL HULL
*Secretary of State.*

[No. 2252]

[F. R. Doc. 37-2804; Filed, September 21, 1937, 12:24 p. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49157]

COUNTERVAILING DUTIES—SUGAR FROM AUSTRALIA

TREASURY DECISIONS REQUIRING ASSESSMENT AND COLLECTION OF COUNTERVAILING DUTIES ON SUGAR CONTENTS OF JAMS, CANNED FRUITS, ETC., OF AUSTRALIA, SUPERSEDED. COLLECTORS OF CUSTOMS INSTRUCTED, PURSUANT TO SECTION 303 OF THE TARIFF ACT OF 1930 (U. S. C., TITLE 19, SEC. 1303) TO REQUIRE DEPOSIT OF ESTIMATED DUTIES AND SUSPENDED LIQUIDATION OF ENTRIES COVERING SUCH MERCHANDISE PENDING DETERMINATION OR ESTIMATION AND DECLARATION OF NET AMOUNTS OF BOUNTIES OR GRANTS PAID OR BESTOWED AND OF AMOUNTS OF COUNTERVAILING DUTIES TO BE COLLECTED

*To Collectors of Customs and Others Concerned:*

Reference is made to Treasury Decision 39310, dated November 16, 1922, as amended by (1923) Treasury Decisions 39541, 39789, and 39812, requiring the assessment and collection of countervailing duties equal to the net amounts of the bounties paid with respect to the sugar contained in certain Australian products.

Official information has been received that at the present time bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303) are being paid or bestowed with respect to the sugar contained in products of Australia exported from that country at varying rates depending upon the net home consumption price of sugar and an Australian equivalent of the world parity price of that commodity.

In view of the changed conditions with respect to bounties or grants paid or bestowed upon products from Australia containing sugar and pursuant to section 303 of the Tariff Act of 1930, the liquidation of entries covering fruit products and all other manufactured products from Australia containing sugar entered for consumption or withdrawn from warehouse for consumption after 30 days after the publication of this decision in the weekly Treasury Decisions shall be suspended pending declaration of the net amount of the bounty or grant paid or bestowed in each case and the amount of the countervailing duties to be collected. A deposit of estimated countervailing duties in the amount of 20 pounds, 11 shillings, 8 pence (Australian currency) for each ton of 2240 pounds of sugar contained in fruit products, and 22 pounds, 15 shillings, 8 pence (Australian currency) for each ton of 2240 pounds of sugar contained in all manufactured products other than fruit products imported directly or indirectly from Australia shall be required at the time of entry in addition to the deposit of the estimated regular duties.

The facts with respect to each shipment of such merchandise from Australia, imported directly or indirectly, and entered for consumption or withdrawn from warehouse for consumption, on or after the effective date of this decision, shall be reported promptly to the Bureau of Customs.

This treasury decision shall become effective and supersede Treasury Decision 39310, as amended by Treasury Decisions 39789 and 39812, after 30 days after publication in the weekly Treasury Decisions.

The instructions contained in Treasury Decision 39541 relating to the methods for determining the sugar contents of various products shall remain in effect.

[SEAL] H. A. BENNER,
*Acting Commissioner of Customs.*

Approved, September 15, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2796; Filed, September 20, 1937; 2:44 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[General Sugar Regulations, Series 2, No. 2]

REGULATIONS GOVERNING NOTICE AND OPPORTUNITY FOR HEARING CONCERNING ALLOTMENT OF QUOTAS OR PRORATIONS THEREOF AND THE ISSUANCE OF ORDERS PERTAINING THERETO

GENERAL SUGAR REGULATIONS MADE BY THE SECRETARY OF AGRICULTURE UNDER THE SUGAR ACT OF 1937

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall continue in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

*Article I—Definitions*

SECTION 100. As used in these regulations:

(a) The term "Act" means the Sugar Act of 1937, approved September 1, 1937.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Hearing Clerk" means the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

(e) The term "Federal Register" means the publication provided for by the Act of July 26, 1935.

(f) The term "person" means an individual partnership, corporation, or association.

*Article II—Hearing on Allotments of Quotas and Prorations Thereof*

SECTION 200. *When Held.*—Whenever the Secretary finds that the allotment of any quota or any proration thereof is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate and foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to maintain a continuous and stable supply of sugar or liquid sugar, or to afford all interested persons an equitable opportunity to market sugar or liquid sugar, he shall hold, or cause to be held, one or more hearings and give persons who market or import sugar or liquid sugar due notice and opportunity to be heard.

SEC. 201. *Notice of Hearing.*—

(a) *Contents of Notice.*—The notice with respect to any hearing shall include a brief summary of the purpose of the hearing, the time and place of such hearing, and the place where a summary or outline of any proposed allotment, or of

any proposed revision or amendment of any existing allotment, may be obtained.

(b) *Manner of Giving Notice.*—The Hearing Clerk shall give such notice in the following manner:

(1) By posting a copy of the notice on the official bulletin board maintained by the Hearing Clerk.

(2) By publication of such notice in the FEDERAL REGISTER.

(3) By issuing a press release containing or describing such notice and making the same available to such newspapers as will reasonably tend to bring notice to the persons entitled to allotments.

(4) Such other means may be used to give notice, in addition to the above, as are calculated to give actual notice to such persons.

(5) Proof of giving notice hereunder shall be made by the affidavit of the Hearing Clerk. Such affidavit shall be filed in the Office of the Hearing Clerk and the filing thereof noted on a docket. Whenever such affidavit has been filed, it shall constitute a paper or document of the Department within the meaning of Title 28, section 661, of the United States Code.

(6) Failure to give notice by any one or more of the means herein provided shall not invalidate, or limit the application of, any order allotting any quota or any proration, thereof, provided notice otherwise sufficient has been given.

(c) *Time of Notice.*—Such notice of hearing shall be issued at least ten days prior to the date fixed for the hearing set forth in said notice unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

SEC. 202. *Designation and Powers of Presiding Officer.*—Each such hearing shall be conducted by a presiding officer, who shall be the Secretary or such officer or employee of the Department as the Secretary may designate for that purpose. Any such designation may be made or revoked by the Secretary at any time. Such hearing shall be conducted in a manner to be determined by the presiding officer to afford a full, fair, and reasonable hearing, subject to the provisions of the Act and applicable regulations issued pursuant thereto.

SEC. 203. *Continuance of Hearing.*—Each such hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued from day to day or adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officer.

SEC. 204. *Submission of Evidence.*—All persons, including also the Secretary and those testifying in his behalf, shall be given reasonable opportunity to offer evidence concerning any proposed allotment or any proposed revision or amendment of any existing allotment made pursuant to subsection (a) of section 205 of the Act. Every witness shall, before proceeding to testify, be sworn or make affirmation, after which he shall state his name, address, occupation, and whom he represents at the hearing, and shall give such other information respecting his appearance as the presiding officer may request. Where necessary in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, or the length of time any witness may consume in giving testimony, or the length of time to be consumed in the asking of questions. The presiding officer shall confine the evidence to relevant matters but need not apply the technical rules of evidence. Affidavits as to relevant economic facts shall be admitted in evidence and shall be considered by the Secretary, and opinion evidence shall be admitted where the presiding officer is satisfied that the witness is qualified to give such evidence.

SEC. 205. *Order of Procedure.*—

(a) The presiding officer shall read the notice of hearing and the designation of the presiding officer, and shall then outline briefly the procedural rules to be followed. The presiding officer shall then cause the questions to which the hearing relates to be stated without argument or comment.

(b) Evidence shall then be received with respect to the matters indicated in the notice of the hearing in such order as the presiding officer may prescribe. Additions to and modifications of any proposed allotment, or of any proposed revision or amendment of any existing allotment, may be proposed at this time and insofar as practicable shall be in writing, but in any event the record shall show who made such proposal.

SEC. 206. *Transcript of Testimony.*—Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall, if possible under the circumstances, be submitted in quadruplicate and in typewritten, printed, or mimeographed form. In case the required number of copies should not be made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read into the transcript of testimony or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or published document either of a public or private nature, the presiding officer shall, after inquiries relating to and identification of such document, determine whether the same shall be produced at the hearing and physically be made a part of the record or whether it shall be incorporated into the record of the hearing by reference. Where relevant and material matter offered in evidence is embraced in a document containing matter not material or relevant, such immaterial and irrelevant parts shall be excluded and shall be segregated insofar as practicable.

SEC. 207. *Written Arguments.*—The presiding officer shall announce at the hearing a reasonable period (not less than ten days from the date of the conclusion of the hearing) within which written arguments based solely on the evidence received at the hearing may be filed in the office of the Hearing Clerk. Such period may be extended by the presiding officer for good cause, such as delay in the furnishing of the transcript or the transcript being of such volume that it may not be thoroughly digested within the period first fixed.

SEC. 208. *Filing the Record.*—The presiding officer shall, as soon as possible after the close of a hearing, notify the Hearing Clerk of its close and of the time for filing written arguments, and furnish the Hearing Clerk with such other information as may be necessary. As soon as possible after the close of the hearing, the presiding officer shall transmit to the Hearing Clerk an original and three copies of the transcript of the testimony and the original and all copies of exhibits not already on file in the office of the Hearing Clerk. He shall attach to the original transcript of the testimony a certificate stating that the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the Hearing Clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the text conform to the correct meaning.

SEC. 209. *Copies of Record.*—Any person desiring a copy of the transcript of the testimony or of any filed written exhibit or written argument shall be entitled to the same upon application to the Hearing Clerk and upon payment of fees therefor as provided by the regulations of the Department.



*Article III—Issuing Allotments of Quotas and Prorations Thereof*

SECTION 300. *Notice of Issuance of Order of Allotment.*—Whenever, on the basis of the evidence adduced at a hearing, any order of the Secretary allotting any quota, or any proration thereof, or revising or amending any existing allotment, is issued, a duplicate original order thereof shall thereupon be filed in the office of the Hearing Clerk for public inspection there, and such order shall be published in the FEDERAL REGISTER.

SEC. 301. *Copies of Allotment Orders.*—Upon application to the Hearing Clerk, any person shall be entitled to a copy of any order allotting any quota or any proration thereof which has been finally approved.

*Article IV—Public Notice of Foregoing Regulations*

SECTION 400. *How Given.*—Public notice of the issuance of the foregoing regulations shall be given by (a) posting a copy of such regulations on the official bulletin board maintained by the Hearing Clerk; (b) publication in the FEDERAL REGISTER; and (c) issuing a press release containing a description of such regulations and thereafter making available in the office of the Hearing Clerk copies of such regulations for the press.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 21st day of September 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2803; Filed, September 21, 1937; 12:18 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3199]

IN THE MATTER OF ABRAHAM SOHN, AN INDIVIDUAL AND BENJAMIN SOHN, AN INDIVIDUAL, DOING BUSINESS AS SOHN BROS.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered*, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, October 1, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, 433 West Van Buren St., Chicago, Ill.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2800; Filed, September 21, 1937; 9:47 a. m.]



*United States of America Before Federal Trade Commission*

[Docket No. 3224]

IN THE MATTER OF E. B. MULLER AND COMPANY, A CORPORATION AND HEINR, FRANCK SONS, INC., A CORPORATION

COMPLAINT

Pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes" (the Federal Trade Commission Act), and pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act), as amended by an Act approved June 19, 1936, entitled "An Act to amend section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes" (the Robinson-Patman Act), the Federal Trade Commission, having reason to believe that E. B. Muller and Company and Heinr. Franck Sons, Inc., have violated and are now violating the provisions of the said Federal Trade Commission Act and the said Clayton Act, as amended, issues this its complaint against the said E. B. Muller and Company and the said Heinr. Franck Sons, Inc., respondents in this proceeding, and states its charges as follows, to-wit:

*Count I*

PARAGRAPH 1. Said respondent E. B. Muller and Company is a corporation organized and existing under the laws of the State of Michigan and has its principal office and place of business at 220 Quay Street in the City of Port Huron, Michigan.

PAR. 2. Said respondent Heinr. Franck Sons, Inc., is a corporation organized and existing under the laws of the State of Delaware and has its principal office and place of business at 131 Avery Avenue in the City of Flushing, New York.

PAR. 3. The officers of the respondent E. B. Muller and Company are H. Gordon McMorran, President, C. C. McMorran, Vice-President, and Mrs. Charlotte H. McMorran, Secretary-Treasurer. Said officers comprise the board of directors of respondent E. B. Muller and Company. The officers of the respondent Heinr. Franck Sons, Inc., are David McMorran, President, A. F. Kalk, Vice-President, and Eugene Beitter, Secretary-Treasurer. Said last named officers comprise the board of directors of Heinr. Franck Sons, Inc. David McMorran and Mrs. Charlotte H. McMorran are, respectively, husband and wife, and father and mother of H. Gordon McMorran and C. C. McMorran. Respondent E. B. Muller and Company has outstanding 30,000 shares of common stock, of which Mrs. Charlotte H. McMorran owns 25,619 shares. Respondent E. B. Muller and Company has no preferred stock. Respondent Heinr. Franck Sons, Inc., has outstanding 10,000 shares of common stock, all of which is owned by David McMorran, and 5,430 shares of preferred stock, of which David McMorran, through his ownership of the stock of the Michigan Debenture Company, a corporation, owns 4,400 shares and Eugene Beitter owns 1,030 shares. The respondents dominate the market for raw chicory in the United States and purchase and use in their respective businesses the greater part of all raw chicory produced in the United States. The respondents also dominate the granulated chicory market in the United States, manufacturing and selling the greater part of all granulated chicory manufactured and sold in the United States. In the course and conduct of their respective businesses, as is more particularly hereinafter stated, the respondents are engaged in competition with other purchasers and users of raw chicory in the United States and with other manufacturers and sellers of granulated chicory in the United States, and if those competitively engaged with the respondent in the United States in the purchase

and use of raw chicory and the manufacture and sale of granulated chicory are eliminated from the business of purchasing and using raw chicory and manufacturing and selling granulated chicory, the above mentioned David McMorran and Mrs. Charlotte H. McMorran, husband and wife, will have and enjoy, through the respondents, a monopoly in the purchase and use of raw chicory in the United States and in the manufacture and sale of granulated chicory in the United States.

PAR. 4. For more than two years prior hereto the respondents have been, and are now, engaged in the business of manufacturing granulated chicory from raw chicory and in selling and shipping granulated chicory, and in the course and conduct of their respective businesses the respondents have sold and shipped, and do now sell and ship, granulated chicory in commerce between and among the various states of the United States from the states in which their respective factories are located and from states in which they maintain stocks of granulated chicory across state lines to purchasers thereof located in states other than the states in which respondents' said factories are located and other than the states in which respondents maintain stocks of granulated chicory.

PAR. 5. In the course and conduct of their businesses, as aforesaid, the respondents have been, and are now, engaged in substantial competition in commerce with other manufacturers and sellers of granulated chicory who, for more than two years prior hereto have been, and are now, manufacturing granulated chicory from raw chicory and selling and shipping granulated chicory in commerce across state lines between and among the various states of the United States.

PAR. 6. In the course and conduct of their businesses, as aforesaid, with the intent, purpose and effect of injuring, restraining, suppressing and destroying competition in commerce in the manufacture and sale of granulated chicory between themselves and competing manufacturers and sellers of granulated chicory, the respondents have been, and are now, manufacturing granulated chicory and selling, shipping, and delivering the said granulated chicory across state lines to purchasers thereof at prices below the cost to the respondents of manufacturing, selling, shipping and delivering said granulated chicory.

PAR. 7. The effect and result of the sale and delivery by respondents of granulated chicory in commerce across state lines to purchasers thereof at prices below the cost to the respondents of manufacturing, selling, shipping, and delivering the same, as aforesaid, have been, and are now, unduly and substantially to injure, restrain and suppress competition between respondents and their competitors in the manufacture of granulated chicory and the sale and shipment thereof in commerce across state lines and to tend to create in respondents a monopoly in the manufacture and sale of granulated chicory.

PAR. 8. The sale of granulated chicory by the respondents below cost as above alleged in Paragraph Six hereof, with the effect and result as alleged in Paragraph Seven hereof, is to the injury and prejudice of the public and to the injury and prejudice of respondents' competitors and constitutes an unfair method of competition in commerce within the intent and meaning of Section 5 of the aforesaid Federal Trade Commission Act approved September 26, 1914.

*Count II*

PARAGRAPH 1. Paragraph One, Paragraph Two, Paragraph Three, Paragraph Four and Paragraph Five of Count I of this complaint are, by reference, incorporated herein and made a part hereof as fully and completely as if set out verbatim.

PAR. 2. In the course and conduct of their respective businesses, as aforesaid, since June 19, 1936, the respondents have been, and are now, discriminating in price between different purchasers of granulated chicory of like grade and quality sold and shipped by the respondents in commerce across state lines to said purchasers for use, consumption and resale by them within the United States, in that the respondents have sold and shipped, and are now selling and shipping, granulated chicory in commerce across state lines, for use, consumption and resale within the United States, to certain purchasers of said granulated chicory at prices below the prices at which the respondents have sold and shipped, and are now selling and shipping, in commerce across state lines, for use, consumption and resale within the United States, granulated chicory of like grade and quality to other purchasers of said granulated chicory engaged in competition with the former purchasers in the use, consumption and resale within the United States of said granulated chicory, and the respondent E. B. Muller and Company has been, and is now, further and additionally discriminating in price between different purchasers of granulated chicory of like grade and quality sold and shipped by the said respondent E. B. Muller and Company in commerce across state lines to said purchasers for use, consumption and resale by them within the United States, in that upon the said respondent E. B. Muller and Company's sales to purchasers of granulated chicory of like grade and quality, sold and shipped in commerce across state lines by the said respondent E. B. Muller and Company to said purchasers for use, consumption and resale by them within the United States, the said respondent E. B. Muller and Company has been, and is now, granting, allowing and paying to certain favored purchasers rebates upon said favored purchasers' purchases of granulated chicory from the said respondent E. B. Muller and Company and denying to other purchasers engaged in competition with said favored purchasers rebates upon said other purchasers' purchases of granulated chicory from the said respondent E. B. Muller and Company.

PAR. 3. The effect of said discriminations in price made by the respondents in the sale of granulated chicory as above set forth in Paragraph Two of this Count has been and may be substantially to lessen competition or to injure, destroy or prevent competition between respondents and their competitors in the manufacture, sale and distribution of granulated chicory, and to tend to create in respondents a monopoly in the manufacture, sale and distribution of granulated chicory and has been and may be substantially to lessen competition or to injure, destroy or prevent competition in the use, consumption or resale of granulated chicory within the United States between those customers of respondents who receive the benefit of the lower prices or rebates above mentioned in Paragraph Two of this Count and those customers of respondents engaged in competition with them who do not receive the benefit of said lower prices or said rebates.

PAR. 4. The aforesaid discriminations in price made by the respondents as above stated in Paragraph Two of this count constitute a violation of the provisions of Paragraph (a) of Section 2 of the above mentioned Clayton Act, as amended.

*Wherefore, the premises considered*, The Federal Trade Commission, on this 11th day of September, A. D. 1937, hereby issues this its complaint against said respondents.

*Notice*

Notice is hereby given you, E. B. Muller and Company, a corporation, and Heinr. Franck Sons, Inc., a corporation, respondents herein, that the 15th day of October, A. D. 1937, at 2:00 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Acts, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a short and simple statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * * *

Failure of the respondent to file answer within the time above provided or failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further hearing or notice to respondent, to proceed in regular course on the charges set forth in the complaint, and to make, enter, issue and serve upon respondent findings of fact and an order to cease and desist.

If respondent desires to waive hearing on the charges set forth in the complaint and not to contest the proceeding, the answer may consist of a statement that respondent admits all the material allegations of the complaint to be true. Any such answer shall be deemed to waive a hearing thereon, and to authorize the Commission, without trial and without further evidence, or other intervening procedure, to make, enter, issue, and serve upon respondent:

(a) In cases arising under section 5 of the act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes" (the Federal Trade Commission Act), or under sections 2 and 3 of the act of Congress approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act), or under section 2 of the aforesaid Clayton Act as amended by "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes", approved June 19, 1936 (the Robinson-Patman Act), findings of fact and an order to cease and desist from the violations of law charged in the complaint.

*In witness whereof*, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 11th day of September, A. D. 1937.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-2801; Filed, September 21, 1937; 9:47 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 138]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 15, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Minnesota 8048W Anoka | $20,000 |
| Minnesota 8057W Otter Tail | 10,000 |
| Mississippi 8023B Copiah | 45,000 |
| South Dakota 8007W Lincoln | 20,000 |
| Virginia 8027W Nottoway | 15,000 |
| Wisconsin 8031B Columbia | 68,000 |
| Wyoming 8011W Lincoln | 23,000 |

JOHN M. CARMODY, *Administrator*.

[F. R. Doc 37-2802; Filed, September 21, 1937; 9:53 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933,

RULE AS TO NON-DISCLOSURE OF CERTAIN INFORMATION

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly Section 19 (a) thereof, and finding that the disclosure of information obtained in the course of examinations and investigations conducted pursuant to Sections 8 (e) and 20 (a) would be contrary to the public interest and would interfere with the execution of the functions vested in the Commission, hereby adopts the following rule:

RULE 122—NON-DISCLOSURE OF INFORMATION OBTAINED IN THE COURSE OF EXAMINATIONS AND INVESTIGATIONS

Information or documents obtained by officers or employees of the Commission in the course of any examination or investigation pursuant to Section 8 (e) or 20 (a) shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this rule. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*

[F. R. Doc 37-2806; Filed, September 21, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

[File No. 51-5]

IN THE MATTER OF LOEB & SHAW, INC.

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Loeb & Shaw, Inc., a subsidiary company of North American Gas and Electric Company, a registered holding company, pursuant to Section 12 & Rule 12C-2 thereunder of the Public Utility Holding Company Act of 1935, for approval of the payment of dividends by applicant out of unearned surplus (which applicant states is created by reduction in its capital stock) in an amount aggregating $17,000;

*It is ordered*, That a hearing on such matter be held on October 7, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party

to such proceeding shall file a notice to that effect with the Commission on or before October 2, 1937.

*It is further ordered,* That Robert P. Reeder an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2807; Filed, September 21, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

[File No. 34-7]

IN THE MATTER OF MIDLAND UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Melvin L. Emerich, Robert P. Minton and Leo J. Sheridan, as a committee for the holders of debentures of Midland Utilities Company pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935, for a report on a proposed plan of reorganization for Midland Utilities Company, a subsidiary of Midland United Company, both registered holding companies, which is presently the subject of reorganization proceedings pursuant to Section 77B of the Bankruptcy Act in the United States District Court for the District of Delaware.

*It is ordered,* That a hearing on such matter be held on October 12, 1937, at 10:30 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 7, 1937.

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2805; Filed, September 21, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September, 1937.

[File No. 1-1698]

IN THE MATTER OF CHALMERS OIL AND GAS COMPANY, 8% CUMULATIVE PREFERRED STOCK, $5.00 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Chalmers Oil and Gas Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its 8% cumulative preferred stock, $5.00 par value, from listing and registration on the Baltimore Stock Exchange; and

After appropriate notice a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on September 30, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2809; Filed, September 21, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 20th day of September 1937.

[File No. 1-308]

IN THE MATTER OF SUTHERLAND PAPER COMPANY COMMON STOCK, $10.00 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Sutherland Paper Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock $10.00 Par Value, from listing and registration on the Chicago and Detroit Stock Exchanges; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10:00 o'clock A. M., on Wednesday, October 13, 1937, in Room 209, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2808; Filed, September 21, 1937; 12:45 p. m.]



## UNITED STATES MARITIME COMMISSION.

[General Order No. 11]

APPLICATIONS UNDER TITLE V, MERCHANT MARINE ACT 1936, FOR CONSTRUCTION DIFFERENTIAL SUBSIDIES

1. Effective immediately General Order No. 7, dated March 19, 1937, including the regulations thereto attached, is rescinded.

2. The Commission hereby adopts the following forms:

a. Form VA-1—Application for aid in the construction of a new vessel to be operated in foreign commerce.

b. Form VA-9—Application for aid in the construction of a new vessel to be operated in domestic trade.

3. Each application for a construction differential subsidy shall be filed on the appropriate form above designated and in accordance with the instructions annexed thereto.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR., *Secretary.*

AUGUST 23, 1937.

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FORM VA 1

APPLICATION FOR AID IN THE CONSTRUCTION OF A NEW VESSEL TO BE OPERATED IN FOREIGN COMMERCE

The undersigned Applicant, _____, hereby applies under Section 501 (a) of the Merchant Marine Act, 1936, for a construction-differential subsidy to aid in the construction of a new vessel hereinafter described (herein sometimes referred to as "the new vessel") to be used on a service, route, or line in the foreign commerce of the United States, determined to be essential under Section 211 of the Act, as hereinafter set forth, and submits in support of its application the following information:

A. *As to the Applicant; Its Citizenship and Affiliations.*—

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices, and of important branch offices, if any.
5. A list of (a) all subsidiaries and (b) all parent companies of the Applicant, together with an indication of the nature of the business transacted by each. This information may be furnished in the form of a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.
6. The following information with respect to each officer and director of the Applicant:

| Name and address | Office | Nationality | Capital shares owned |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

7. The name, address and nationality of, and number of capital shares owned by, each person not named in answer to Item 6, owning of record, or beneficially if known, more than 5 per cent of the outstanding capital shares of any class of the Applicant. If necessary, furnish additional data necessary to establish the fact that, as required by Section 2 of the Shipping Act, 1916, the controlling interest in the Applicant is owned by citizens of the United States.
8. A brief statement of the general effect of each voting agreement, voting trust, or other arrangement whereby the voting rights in any shares of the Applicant are owned, controlled or exercised, or whereby the control of the Applicant is in any way held or exercised by any person not the holder of legal title to such shares. Give the name, address, nationality, and business of any such person, and, if not an individual, the form of organization.

B. *As to the Business of the Applicant and Proposed Use of the New Vessel.*—

9. A brief description of (a) the shipping business of the Applicant; and (b) any other business activities of the Applicant during the preceding five years. If within such period the Applicant has acquired the business of another person or has been reorganized, there should be included a brief description of such acquisition or reorganization.
10. A brief description of the general character and location of the principal property of the Applicant, other than vessels, employed in its business.
11. A list of vessels owned by the Applicant, including (a) name; (b) gross tonnage; (c) net tonnage; (d) deadweight tonnage; (e) age; (f) type; (g) speed; (h) registry; and (i) identification of route or service on which operated.
12. Information similar to that specified in Item 11 as to any vessels chartered to and operated by the Applicant.
13. Briefly, the general terms of each charter for operation (a) of vessels owned by the Applicant and chartered by it to other persons, and (b) of vessels chartered by the Applicant from other persons.
14. Full details concerning the services, routes, or lines on which vessels owned or chartered by the Applicant are now operated, including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year, description of services and voyages, and names of vessels segregated according to services, routes, or lines.
15. Type and kind of cargo now carried in the trade served as stated in the answer to Item 14, information as to how the service or line may be developed for carrying additional types and kinds of cargo, and any factors influencing cargo expectations for the future. If the new vessel is to be a combination passenger and freight vessel, state also, by classes, the passenger accommodations and the number of passengers carried and any factors influencing traffic expectations for the future.
16. Information similar to that called for by the two preceding items with respect to any new service, route, or line which the Applicant proposes presently to establish.
17. Identification of the service, route, or line described in answer to Item 14 or Item 16, on which the Applicant proposes to operate the new vessel, brief description of passengers accommodations and statement of type and kind of cargo to be carried by the new vessel. Any special requirements of such service, route, or line and the manner in which they may be met by the use of the new vessel should be discussed briefly. Any changes in existing services, routes, or lines which the Applicant proposes to make in connection with the use of the new vessel should also be indicated.
18. A statement as to whether or not the new vessel is to be used to replace a vessel now operated by the Applicant and, if so, the name of such vessel and the proposed disposition to be made of it by Applicant; particularly, whether or not the applicant desires the Commission to purchase such vessel pursuant to Section 507 of the Act.

C. *As to the Management of the Applicant.*—

19. A brief description of the principal business activities during the past five years of each director and each principal executive officer of the Applicant.
20. The name and address of each other organization engaged in shipping activities with which any person named in answer to the preceding item has any present substantial business connection, the name of such person and, briefly, the nature of such connection.
21. The name and address of any person who is now acting or within the past five years has acted as managing or operating agent of the Applicant or in any similar capacity, and briefly, the general terms of any agreement with reference thereto.

D. *As to Financial Matters.*—

22. If the Applicant has filed within the past five years with the Commission or with any organization to which the Commission has succeeded, any annual report and general financial statement or other financial information on forms prescribed or approved by the Commission or such predecessor, an identification of each such report or statement, including the dates covered, and the date on which delivered to the Commission or its predecessor.
23. A brief statement of the nature of any substantial changes in the financial condition of the Applicant or the results of its operations since the preceding December 31. For details financial statements may be furnished or reference made to statements annexed as exhibits.
24. The estimated cost of construction of the new vessel and full details as to the manner in which the Applicant proposes to obtain the amount needed to defray its part of the cost of such construction (that is, 25 per centum of the construction cost of the vessel, excluding cost of national-defense features). There shall be included full details of any proposed security issue, including names of underwriters; if the Applicant believes that furnishing of such information might be prejudicial to pending negotiations, such information may be submitted under separate cover in a sealed envelope addressed to the Chairman, United States Maritime Commission, marked "Confidential", and enclosed in an inner envelope addressed the same way and labeled "Information required under Item 24 of Construction Aid Application, submitted under confidential cover."

E. *As to the New Vessel.*—

25. The general characteristics of the proposed new vessel including (a) principal dimensions; (b) gross and deadweight tonnage; (c) bale and grain capacities of all cargo holds; (d) capacities of all tanks, storage spaces, refrigerator cargo spaces and separately chilled cargo spaces; (e) number and classes of passenger accommodations; (f) type and power, and in case of steam machinery, the gauge pressure, total temperature, and vacuum expected of propulsive machinery; (g) kind of fuel to be burned; and (h) sustained sea speed at designed load draft. There should also be given the name of the proposed supervising architect and a brief statement of his experience and qualifications.

26. A general description of the vessel, including a statement of how the proposed construction will result in a vessel which will meet the needs of the service, route, or line for which intended, and the requirements of commerce with emphasis on the following factors: (a) cargo accommodations—cargo space and fittings and appliances for handling and stowing cargo; (b) passenger accommodations; (c) construction and design; and (d) accommodations for officers and crews. There shall here be set forth a statement of the estimated operating expenses and revenues of the new vessel on a voyage basis and a comparison with similar figures for a typical vessel of the fleet now serving the trade route for which the new vessel is intended. The relative differences in performance from an economic and business standpoint should be pointed out.

F. *As to Exhibits Furnished.*—

27. A list of exhibits, properly identified, which shall include, at the time of original filing, the following:

*Exhibit I.*—A copy of the Certificate of Incorporation of the Applicant or other organization papers, including all amendments thereto presently in effect.

*Exhibit II.*—A copy of the By-Laws or other governing instruments of the Applicant, including all amendments thereto presently in effect.

*Exhibit III.*—A copy of each contract or agreement presently in effect, referred to in the answer to Item 8, Item 13, Item 21 or Item 24.

*Exhibit IV.*—A copy (specimen if available) of each form of bonds or notes included in the funded debt of the Applicant, and a copy of each indenture or other instrument under which such securities were issued, including all amendments thereto presently in effect.

*Exhibit V.*—Unless, as set forth in answer to Item 22, such information has previously been furnished, a copy of the financial statements and related schedules and statistical data which would be required to be furnished if the Applicant had been obligated to the United States of America for a construction loan on and after the preceding December 31. The information included in this exhibit shall be similar to that specified in pages 12 through 54 of the Commission's form of "Annual Report and General Financial Statement for Calendar Year 1936" for various persons, including companies obligated to the United States of America for construction loans.

28. After the information required by the form and the specification of exhibits set forth in Item 27 has been received and considered by the Commission, the following information or data with respect to the new vessel, when requested by the Commission, shall be furnished by the Applicant. Such information or data when so requested and furnished shall become a part of the application and a list thereof shall be furnished as an amendment to this Item 28.

*Exhibit VI—Hull Specifications.*—

These specifications are to be in sufficient detail to cover fully the construction of the hull and shall include the following data:

Dimensions.
Block, prismatic and other coefficients.
Designed drafts, light and loaded.
Metacentric heights at full load, ⅔ cargo, ⅓ cargo, and at light condition.
Sustained sea speed at designed load draft, (to be demonstrated as hereinafter required).
Radius of action at sustained sea speed at designed load draft.
Standard of subdivision adopted.
Bale and grain capacities of all cargo holds. Capacities of all tanks, store spaces, refrigerated cargo spaces, and chilled cargo spaces, in cubic feet.
Estimated deadweight and gross tonnage.
Total displacement.

*Exhibit VII—Hull Plans.*—

Midship section, approved by Classification Society acceptable to the Commission.
Outboard profile, general arrangement.
Inboard profile, general arrangement.
General arrangement of all decks and holds.
Fire screen diagram, inboard profile.
Fire screen diagram, all decks.
Lines.
Hydrostatic curves.

Power curves, model tank experimental run shall be made at the designed load draft.

Floodable length curves, together with basic supporting data therefor, worked out by the method used by Bureau of Marine Inspection & Navigation, Department of Commerce.

Stability data and curves, showing the effect of damage resulting in flooding, in alternate locations, a compartment or group of adjacent compartments corresponding to the number of such compartments for which the ship is basically designed. The data presented should cover the effect of damage at drafts ranging from the departure condition to the arrival condition, with full cargo, ⅔ cargo and ⅓ cargo, and should show loss of metacentric height at such drafts due to damage, the metacentric height available before damage, and the amount of ballast, liquid or otherwise, required if necessary to insure positive residual stability in the event of damage.

*Exhibit VIII—Machinery Specifications.*—

These are to be in sufficient detail to include the following data:

Type of main propelling machinery.
Shaft horsepower and propeller revolutions.
Percentage of propelling power in excess of normal power requirements.
Engine revolutions per minute for normal power.
Astern power in percentage of normal ahead power.
Steam pressure and total temperature at superheater outlet or, when no superheat is used, the steam pressure at boiler outlet.
Steam pressure and total temperature in high pressure steam chest.
Vacuum and the temperature of sea water.
Water rate, straight condensing (prime mover only).
Heat balance diagram.

The rate of fuel consumption per shaft horsepower per hour for all purposes, for average climatic conditions under which the vessel will normally operate, for either steam or Diesel installation, as the case may be, shall be the result obtained by dividing the total weight in pounds of fuel consumed per hour by the shaft horsepower transmitted to the propeller shaft, when main propelling machinery is developing the shaft horsepower specified for sustained sea speed. The shaft horsepower specified for sustained sea speed is the normal shaft horsepower, i. e., without any overload.

The characteristics of the fuel on which the fuel rate is based shall be submitted with the fuel rate. The Applicant shall state the average temperature of the outside air and sea water in degrees Fahrenheit, representing average climatic conditions, upon which is based the computation of the rate of fuel consumption.

Diameter and pitch of propeller.
Type of drive and principal characteristics.
Particulars of all auxiliary machinery, including water rates of steam driven units.

*Exhibit IX—Machinery Plans.*—

Arrangement of main propelling and auxiliary machinery.
Electrical generating plant.
Refrigerating plant.

*Exhibit X—Communication Facilities.*—

Data covering facilities for communication by radio, searchlight, sound or other means.

(Name of Applicant)

By: _____

Attest:

_____
*Secretary.*

STATE OF _____,
*County of* _____, ss.:

I, _____, being duly sworn depose and say that I am the _____ (Title of office) of _____ (Exact name of Applicant), the Applicant on whose behalf I have executed the foregoing application; that the Applicant is a citizen of the United States within the meaning of the Shipping Act, 1916, as amended, (U. S. C., Title 46, Sec. 802); that this application is made for the purpose of inducing the United States Maritime Commission to grant to the Applicant, pursuant to the provisions of the Merchant Marine Act, 1936, and particularly Title V thereof, a construction-differential subsidy to aid in the construction of a new vessel to be used on a service, route or line in the foreign commerce of the United States determined to be essential under Section 211 of the Act; that I have carefully examined the application and all documents submitted in connection therewith and, to the best of my knowledge, information and belief, the statements and representations contained in said application and related documents are full, complete, accurate, and true.

_____

Subscribed and sworn to before me, a _____, in and for the State and county above named, this _____ day of _____, 1937.

_____

My commission expires _____

GENERAL INFORMATION FOR APPLICANTS

An application under Section 501 (a) of the Merchant Marine Act, 1936, for a construction-differential subsidy to aid in the construction of a new vessel to be used on a service, route, or line in the foreign commerce of the United States, determined to be essential under Section 211 of the Act, may be made by any citizen of the United States.

Each application should contain sufficient information to enable the Commission to make the necessary determinations as to (a) citizenship of the Applicant, (b) ability of the Applicant to make the required payment of not less than 25 per cent of the construction cost of the vessel (excluding cost of national-defense features) and to pay the balance of the purchase price within twenty years in not to exceed twenty equal annual installments with interest at 3½ per centum per annum, and (c) the suitability of the proposed vessel to the service, route or line for which intended. Section 501 (b) of the Act requires that the plans and specifications be submitted to the Navy Department for its examination and suggestions. The Commission may call for any information which it deems pertinent in addition to that specified in the approved form of application.

The Commission has prescribed the following particular requirements affecting design of vessels to be constructed with Commission aid for operation in foreign commerce of the United States:

(a) The standard to be followed in regard to all types of vessels shall be as required by the Report dated November 27, 1936, of the Technical Committee on Safety at Sea of the Sub-Committee on Department of Commerce and Merchant Marine of the Senate Committee on Commerce, pursuant to Senate Resolution No. 7 (74th Congress) as appearing in Senate Report No. 184 (75th Congress—1st Session).

(b) The vessel must be entitled to receive from the American Bureau of Shipping certificates evidencing highest ratings or classifications in all particulars.

(c) Cargo vessels shall be at least one compartment ships.

(d) Provision for fuel and reserve feed water shall be sufficient to insure a radius of action of not less than six thousand (6,000) nautical miles at designed load draft and at the specified sustained sea speed, unless it can be shown that such a requirement will constitute a definite handicap.

(e) The stem is to be so designed as to make it suitable for the installation of paravane gear of the sliding shoe type.

(f) Necessary stiffening of deck shall be provided during construction of the vessel, suitable for mounting such guns as may be specified by the Navy Department after consideration of the plans.

(g) The specifications and plans must represent a vessel which in all her parts, appurtenances, equipment, and outfit will comply with all the laws of the United States applicable thereto, including the requirements of the Bureau of Marine Inspection & Navigation, Commerce Department, the Navy Department, and the United States Public Health Service and all laws of all foreign countries whose ports will be visited by the vessel in the course of its regular operation.

INSTRUCTIONS AS TO PREPARATION OF APPLICATION

1. The application shall be made in triplicate, at least one copy of which shall be signed. The Applicant shall furnish promptly such number of additional copies of the application or any part thereof as the Commission may request.

2. Each application shall be complete. Items or parts of items which are inapplicable may, however, be omitted. The information required by Article 28 need be furnished only as stated in that item. Detailed descriptions of exhibits need not be given The Applicant may incorporate by specific reference information previously furnished the Commission, provided that such information so incorporated shall have been furnished at least in triplicate and is readily available in the files of the Commission.

3. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. The Applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

4. Any additional information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. Each amendment shall be filed in triplicate, shall refer to the application, and shall be numbered and dated. Without any specific request from the Commission, the Applicant shall file from time to time as amendments any information necessary to keep current and correct while the application is pending the information contained therein or furnished in connection therewith.

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FORM VA 9

APPLICATION FOR AID IN THE CONSTRUCTION OF A NEW VESSEL TO BE OPERATED IN THE DOMESTIC TRADE

The undersigned Applicant, _____, hereby applies under Section 509 of the Merchant Marine Act, 1936, for aid in the construction of a new vessel hereinafter described (herein sometimes referred to as "the new vessel") to be operated by it in the domestic trade, as hereinafter set forth, and submits in support of its application the following information:

A. *As to the Applicant; Its Citizenship and Affiliations.*—

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices, and of important branch offices, if any.
5. A list of (a) all subsidiaries and (b) all parent companies of the Applicant, together with an indication of the nature of the business transacted by each. This information may be furnished in the form of a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.



6. The following information with respect to each officer and director of the Applicant:

| Name and address | Office | Nationality | Capital shares owned |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

7. The name, address and nationality of, and number of capital shares owned by, each person not named in answer to Item 6, owning of record, or beneficially if known, more than 5 per cent of the outstanding capital shares of any class of the Applicant. If necessary, furnish additional data necessary to establish the fact that, as required by Section 2 of the Shipping Act, 1916, at least 75 per cent of the interest in the Applicant is owned by citizens of the United States.

8. A brief statement of the general effect of each voting agreement, voting trust, or other arrangement whereby the voting rights in any shares of the Applicant are owned, controlled or exercised, or whereby the control of the Applicant is in any way held or exercised by any person not the holder of legal title to such shares. Give the name, address, nationality, and business of any such person, and, if not an individual, the form of organization.

B. *As to the Business of the Applicant and Proposed Use of the New Vessel.*—

9. A brief description of (a) the shipping business of the Applicant; and (b) any other business activities of the Applicant during the preceding five years. If within such period the Applicant has acquired the business of another person or has been reorganized, there should be included a brief description of such acquisition or reorganization.

10. A brief description of the general character and location of the principal property of the Applicant, other than vessels, employed in its business.

11. A list of vessels owned by the Applicant, including (a) name; (b) gross tonnage; (c) net tonnage; (d) deadweight tonnage; (e) age; (f) type; (g) speed; (h) registry; and (i) identification of route or service on which operated.

12. Information similar to that specified in Item 11 as to any vessels chartered to and operated by the Applicant.

13. Briefly, the general terms of each charter for operation (a) of vessels owned by the Applicant and chartered by it to other persons, and (b) of vessels chartered by the Applicant from other persons.

14. Full details concerning the services, routes, or lines on which vessels owned or chartered by the Applicaut are now operated, including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year, description of services and voyages, and names of vessels segregated according to services, routes, or lines.

15. Type and kind of cargo now carried in the trade served as stated in the answer to Item 14, information as to how the service or line may be developed for carrying additional types and kinds of cargo, and any factors influencing cargo expectations for the future. If the new vessel is to be a combination passenger and freight vessel, state also, by classes, the passenger accommodations and the number of passengers carried and any factors influencing traffic expectations for the future.

16. Information similar to that called for by the two preceding items with respect to any new service, route, or line which the Applicant proposes presently to establish.

17. Identification of the service, route, or line described in answer to Item 14 or Item 16, on which the Applicant proposes to operate the new vessel, brief description of passenger accommodations, and statement of type and kind of cargo to be carried by the new vessel. Any special requirements of such service, route, or line and the manner in which they may be met by the use of the new vessel should be discussed briefly. Any changes in existing services, routes, or lines which the Applicant proposes to make in connection with the use of the new vessel should also be indicated.

18. A statement as to whether or not the new vessel is to be used to replace a vessel now operated by the Applicant and, if so, the name of such vessel and the proposed disposition to be made of it by the Applicant.

C. *As to the Management of the Applicant.*—

19. A brief description of the principal business activities during the past five years of each director and each principal executive officer of the Applicant.

20. The name and address of each other organization engaged in shipping activities with which any person named in answer to the preceding item has any present substantial business connection, the name of such person and, briefly, the nature of such connection.

21. The name and address of any person who is now acting or within the past five years has acted as managing or operating agent of the Applicant or in any similar capacity, and briefly, the general terms of any agreement with reference thereto.

D. *As to Financial Matters.*—

22. If the Applicant has filed within the past five years with the Commission or with any organization to which the Commission has succeeded, any annual report and general financial statement or other financial information on forms prescribed or approved by the Commission or such predecessor, an identification of each such report or statement, including the dates covered, and the date on which delivered to the Commission or its predecessor.

23. A brief statement of the nature of any substantial changes in the financial condition of the Applicant or the results of its operations since the preceding December 31. For details financial statements may be furnished or reference made to statements annexed as exhibits.

24. The estimated cost of construction of the new vessel and full details as to the manner in which the Applicant proposes to obtain the amount needed to defray its part of the cost of such construction (that is, 25 per centum of the cost of the vessel, excluding cost of national-defense features). There shall be included full details of any proposed security issue, including names of underwriters; if the Applicant believes that furnishing of such information might be prejudicial to pending negotiations, such information may be submitted under separate cover in a sealed envelope addressed to the Chairman, United States Maritime Commission, marked "Confidential", and enclosed in an inner envelope addressed the same way and labeled "Information required under Item 24 of Construction Aid Application, submitted under confidential cover."

E. *As to the New Vessel.*—

25. The general characteristics of the proposed new vessel including (a) principal dimensions; (b) gross and deadweight tonnage; (c) bale and grain capacities of all cargo holds; (d) capacities of all tanks, storage spaces, refrigerator cargo spaces and separately chilled cargo spaces; (e) number and classes of passenger accommodations; (f) type and power, and in case of steam machinery, the gauge pressure, total temperature, and vacuum expected of propulsive machinery; (g) kind of fuel to be burned; and (h) sustained sea speed at designed load draft. There should also be given the name of the proposed supervising architect and a brief statement of his experience and qualifications.

26. A general description of the vessel, including a statement of how the proposed construction will result in a vessel which will meet the needs of the service, route, or line for which intended, and the requirements of commerce with emphasis on the following factors: (a) cargo accommodations—cargo space and fittings and appliances for handling and stowing cargo; (b) passenger accommodations; (c) construction and design; and (d) accommodations for officers and crews. There shall here be set forth a statement of the estimated operating expenses and revenues of the new vessel on a voyage basis and a comparison with similar figures for a typical vessel of the fleet now serving the trade route for which the new vessel is intended. The relative differences in performance from an economic and business standpoint should be pointed out.

F. *As to Exhibits Furnished.*—

27. A list of exhibits, properly identified, which shall include, at the time of original filing, the following:

*Exhibit I.*—A copy of the Certificate of Incorporation of the Applicant or other organization papers, including all amendments thereto presently in effect.

*Exhibit II.*—A copy of the By-Laws or other governing instruments of the Applicant, including all amendments thereto presently in effect.

*Exhibit III.*—A copy of each contract or agreement presently in effect, referred to in the answer to Item 8, Item 13, Item 21 or Item 24.

*Exhibit IV.*—A copy (specimen if available) of each form of bonds or notes included in the funded debt of the Applicant, and a copy of each indenture or other instrument under which such securities were issued, including all amendments thereto presently in effect.

*Exhibit V.*—Unless, as set forth in answer to Item 22, such information has previously been furnished, a copy of the financial statements and related schedules and statistical data which would be required to be furnished if the Applicant had been obligated to the United States of America for a construction loan on and after the preceding December 31. The information included in this exhibit shall be similar to that specified in pages 12 through 54 of the Commission's form of "Annual Report and General Financial Statement for Calendar Year 1936" for various persons, including companies obligated to the United States of America for construction loans.

28. After the information required by the form and the specification of exhibits set forth in Item 27 has been received and considered by the Commission, the following information or data with respect to the new vessel, when requested by the Commission, shall be furnished by the Applicant. Such information or data when so requested and furnished shall become a part of the application and a list thereof shall be furnished as an amendment to this Item 28.

*Exhibit VI—Hull Specifications.*—

These specifications are to be in sufficient detail to cover fully the construction of the hull and shall include the following data:

Dimensions.
Block, prismatic and other coefficients.
Designed drafts, light and loaded.
Metacentric heights at full load, ⅔ cargo, ⅓ cargo, and at light condition.
Sustained sea speed at designed load draft, (to be demonstrated as hereinafter required).
Radius of action at sustained sea speed at designed load draft.
Standard of subdivision adopted.
Bale and grain capacities of all cargo holds. Capacities of all tanks, store spaces, refrigerated cargo spaces, and chilled cargo spaces, in cubic feet.
Estimated deadweight and gross tonnage.
Total displacement.

*Exhibit VII—Hull Plans.*—

Midship section, approved by Classification Society acceptable to the Commission.
Outboard profile, general arrangement.
Inboard profile, general arrangement.
General arrangement of all decks and holds.
Fire screen diagram, inboard profile.
Fire screen diagram, all decks.
Lines.
Hydrostatic curves.
Power curves, model tank experimental run shall be made at the designed load draft.
Floodable length curves, together with basic supporting data therefor, worked out by the method used by Bureau of Marine Inspection & Navigation, Department of Commerce.
Stability data and curves, showing the effect of damage resulting in flooding, in alternate locations, a compartment or group of adjacent compartments corresponding to the number of such compartments for which the ship is basically designed. The data presented should cover the effect of damage at drafts ranging from the departure condition to the arrival condition, with full cargo, ⅔ cargo, and ⅓ cargo, and should show loss of metacentric height at such drafts due to damage, the metacentric height available before damage, and the amount of ballast, liquid or otherwise, required if necessary to insure positive residual stability in the event of damage.

*Exhibit VIII—Machinery Specifications.*—

These are to be in sufficient detail to include the following data:

Type of main propelling machinery.
Shaft horsepower and propeller revolutions.
Percentage of propelling power in excess of normal power requirements.
Engine revolutions per minute for normal power.
Astern power in percentage of normal ahead power.
Steam pressure and total temperature at superheater outlet or, when no superheat is used, the steam pressure at boiler outlet.
Steam pressure and total temperature in high pressure steam chest.
Vacuum and the temperature of sea water.
Water rate, straight condensing (prime mover only).
Heat balance diagram.
The rate of fuel consumption per shaft horsepower per hour for all purposes, for average climatic conditions under which the vessel will normally operate, for either steam or Diesel installation, as the case may be, shall be the result obtained by dividing the total weight in pounds of fuel consumed per hour by the shaft horsepower transmitted to the propeller shaft, when main propelling machinery is developing the shaft horsepower specified for sustained sea speed. The shaft horsepower specified for sustained sea speed is the normal shaft horsepower, i. e., without any overload.
The characteristics of the fuel on which the fuel rate is based shall be submitted with the fuel rate. The Applicant shall state the average temperature of the outside air and sea water in degrees Fahrenheit, representing average climatic conditions, upon which is based the computation of the rate of fuel consumption.
Diameter and pitch of propeller.
Type of drive and principal characteristics.
Particulars of all auxiliary machinery, including water rates of steam driven units.

*Exhibit IX—Machinery Plans.*—

Arrangement of main propelling and auxiliary machinery.
Electrical generating plant.
Refrigerating plant.



*Exhibit X—Communication Facilities.*—

Data covering facilities for communications by radio, searchlight, sound or other means.

(Name of Applicant)

By: _____

Attest:

_____
*Secretary.*

STATE OF _____,
*County of* _____,
*ss.:*

I, _____, being duly sworn, depose and say that I am the _____ (Title of office) of _____ (Exact name of Applicant), the Applicant on whose behalf I have executed the foregoing application; that the Applicant is a citizen of the United States within the meaning of the Shipping Act, 1916, as amended, (U. S. C., Title 46, Sec. 802); that this application is made for the purpose of inducing the United States Maritime Commission to grant to the Applicant pursuant to the provisions of the Merchant Marine Act, 1936, and particularly Section 509 thereof, aid in the construction of a new vessel to be operated in the domestic trade; that I have carefully examined the application and all documents submitted in connection therewith and, to the best of my knowledge, information and belief, the statements and representations contained in said application and related documents are full, complete, accurate, and true.

_____

Subscribed and sworn to before me, a _____, in and for the State and county above named, this _____ day of _____, 1937.

_____

My commission expires _____

GENERAL INFORMATION FOR APPLICANTS

Applications under Section 509 of the Merchant Marine Act, 1936, for aid in the construction of new vessels to be operated in the domestic trade may be made by citizens of the United States.

Each application should contain sufficient information to enable the Commission to make the necessary determinations as to (a) citizenship of the Applicant, (b) ability of the Applicant to make the required payment of not less than 25 per cent of the cost of the vessel (excluding cost of national-defense features) and to pay the balance of the purchase price within twenty years in not to exceed twenty equal annual installments with interest at 3½ per centum per annum, and (c) the suitability of the proposed vessel to the service, route or line for which intended. Section 501 (b) of the Act requires that the plans and specifications be submitted to the Navy Department for its examination and suggestions. The Commission may call for any information which it deems pertinent in addition to that specified in the approved form of application.

The Commission has prescribed the following particular requirements affecting design of vessels to be constructed with Commission aid for operation in the domestic trade:

(a) The standard to be followed in regard to all types of vessels shall be as required by the Report dated November 27, 1936, of the Technical Committee on Safety at Sea of the Sub-Committee on Department of Commerce and Merchant Marine of the Senate Committee on Commerce, pursuant to Senate Resolution No. 7 (74th Congress) as appearing in Senate Report No. 184 (75th Congress—1st Session).

(b) The vessel must be entitled to receive from the American Bureau of Shipping certificates evidencing highest ratings or classifications in all particulars.

(c) Cargo vessels shall be at least one compartment ships.

(d) Provision for fuel and reserve feed water shall be sufficient to insure a radius of action of not less than six thousand (6,000) nautical miles at designed load draft and at the specified sustained sea speed, unless it can be shown that such a requirement will constitute a definite handicap.

(e) The stem is to be so designed as to make it suitable for the installation of paravane gear of the sliding shoe type.

(f) Necessary stiffening of deck shall be provided during construction of the vessel, suitable for mounting such guns as may be specified by the Navy Department after consideration of the plans.

(g) The specifications and plans must represent a vessel which in all her parts, appurtenances, equipment, and outfit will comply with all the laws of the United States applicable thereto, including the requirements of the Bureau of Marine Inspection & Navigation, Commerce Department, the Navy Department, and the United States Public Health Service.

INSTRUCTIONS AS TO PREPARATION OF APPLICATION

1. The application shall be made in triplicate, at least one copy of which shall be signed. The Applicant shall furnish promptly such number of additional copies of the application or any part thereof as the Commission may request.

2. Each application shall be complete. Items or parts of items which are inapplicable may, however, be omitted. The information required by Article 28 need be furnished only as stated in that item. Detailed descriptions of exhibits need not be given. The Applicant may incorporate by specific reference information previously furnished the Commission, provided that such information so incorporated shall have been furnished at least in triplicate and is readily available in the files of the Commission.

3. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. The Applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

4. Any additional information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. Each amendment shall be filed in triplicate, shall refer to the application, and shall be numbered and dated. Without any specific request from the Commission, the Applicant shall file from time to time as amendments any information necessary to keep current and correct while the application is pending the information contained therein or furnished in connection therewith.

[F. R. Doc. 37-2799; Filed, September 20, 1937; 4:28 p. m.]

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[General Order No. 12]

INFORMATION AND PROCEDURE REQUIRED UNDER THE OPERATING DIFFERENTIAL SUBSIDY AGREEMENT

In compliance with the terms of the Operating-Differential Subsidy Agreement, the following information shall be submitted to the Commission by operators who are parties to such agreements:

*Sailing Schedules, Routes, Etc.*—On or before the 15th day of each month, there shall be submitted, for approval by the Commission, a statement in triplicate of all sailings scheduled to be made during the ensuing month by the vessels covered in the agreement. This statement shall show, in respect to each vessel, the anticipated sailing dates, ports of call and whether carrying passengers or freight. Each monthly statement shall be numbered serially in accordance with present practice.

This supersedes Traffic Circular No. 1.

*Condition of Vessels, Inspection and Repairs.*—In order that the Commission may have an opportunity to participate in the inspection of the vessels, the operator is required to give twenty-four hours' notice as to the time and place of making inspections. In the event inspection is made in absence of Commission's representative, the operator shall proceed with inspection, reporting on U. S. M. C. Form TD 100B and sworn to by persons making the inspection and submitted to the Commission.

The operator shall give due notice of the port date and time when making repairs and/or replacements in the United States.

Repairs are to be performed within the continental limits of the United States, except in emergency cases, the necessity for which operators should be prepared to justify upon audit.

*Insurance.*—There shall be submitted to the Commission, for its approval, signed copies of the cover notes issued by your brokers at the time the insurance was bound, setting forth the amounts covered by hull, disbursements and other forms of total loss protection as well as by P. & I. insurance. They shall include the rates, the amounts placed in the different markets, the companies interested with the numbers of their policies and the amount underwritten by each, and the amount of the deductible average, if any. On request of the Commission, the policies are to be temporarily submitted for examination.

The Commission should be advised promptly if any cancellations, changes in the terms or companies interested, of any lay-up periods which will permit of the collection of return premiums and of any major casualty or total loss which may occur.

The insurance arranged in conformity with the requirements of the mortgage, held by the United States will be sufficient and no other information shall be necessary, even though the vessels are also covered by the subsidy agreement.

The Commission desires to have as much of this insurance, as is practicable, placed in the American market and when negotiating for the renewal of the current insurance, it is requested that particular attention be given to the desires of the Commission with regard to the markets in which the insurance is to be placed and that the Commission be notified in ample time so that facts can be given consideration and

the insurance approved or changes can be made prior to attachment.

*Inventories.*—Twenty-four hours notice should be given as to the time and place of inventorying classification required spare parts, ships spare equipment, fuel and stores as are customarily inventoried and the cost of which is charged to the voyage accounts. If, upon giving the above required notice, the Commission's representatives are not present, the operator is to proceed with his inventory in the normal way. The operator may use his own inventory forms, one copy of which shall be sworn to by the persons taking the inventory and which shall be included in the voyage account.

*Partial Payments on Account.*—When partial payments on account of the operating-differential subsidy are desired, the operator should communicate with the Chief, Examining Section, who shall forward necessary instructions and forms to be used.

*Current Financial Reports.*—The operator should submit, not later than the 20th of each month, balance sheets, operating and profit and loss statements for the preceding month in such form as is customarily prepared for the operator's own use.

It is understood that such statements will not reflect final adjustments which may be necessary to correctly reflect the accounts in all cases; if no balance sheets and operating and profit and loss statements are customarily prepared for the operator's own use, monthly trial balances may be submitted instead.

*General.*—All reports and other communications called for by the foregoing, should be addressed to: Chief, Examining Section, United States Maritime Commission, Washington, D. C.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr., *Secretary.*

AUGUST 26, 1937.

[F. R. Doc. 37-2797; Filed, September 20, 1937; 3:58 p. m.]

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[General Order No. 13]

## APPLICATION FOR OPERATING DIFFERENTIAL SUBSIDY UNDER TITLE VI, MERCHANT MARINE ACT, 1936

General Order No. 5, relating to the form of application for operating-differential subsidies, is hereby rescinded and the attached form VI–A is hereby adopted as the required form of application for operating subsidies under Title VI of the Merchant Marine Act of 1936.

Applications for subsidies to become effective on January 1, 1938, are required to be filed on or before October 4, 1937.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr., *Secretary.*

SEPTEMBER 17, 1937.

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### FORM VI–A

APPLICATION FOR OPERATING-DIFFERENTIAL SUBSIDY UNDER TITLE VI, MERCHANT MARINE ACT, 1936

The undersigned Applicant, _____, a citizen of the United States, hereby applies under Title VI of the Merchant Marine Act, 1936, (herein referred to as the Act) for financial aid in the operation of vessels which are to be used in the essential service in the foreign commerce of the United States, and in order to induce the Commission to act favorably on this application, the Applicant submits in support of its application the following information:

A. *As to the Applicant; Its Citizenship and Affiliations.*—

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices, and of important branch offices, if any.
5. A list of (a) all subsidiaries, (b) all parent companies, (c) and all affiliated companies of the Applicant, together with an indication of the nature of the business transacted by each. If practicable, this information should be supplemented by a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.
6. The following information with respect to each officer and director of the Applicant.

| Name and address | Office | Salary | Nationality | Capital shares owned | Other business connections |
|---|---|---|---|---|---|
| | | | | | |
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7. The name, address and nationality of, and number of capital shares owned by, each person not named in answer to Item 6, owning of record, or beneficially if known, more than 5 per cent of the outstanding capital shares of any class of the Applicant. If necessary, furnish additional data necessary to establish the fact that, as required by Section 2 of the Shipping Act, 1916, the controlling interest in the Applicant is owned by citizens of the United States.
8. A brief statement of the general effect of each voting agreement, voting trust, or other arrangement whereby the voting rights in any shares of the Applicant are owned, controlled or exercised, or whereby the control of the Applicant is in any way held or exercised by any person not the holder of legal title to such shares. Give the name, address, nationality, and business of any such person, and, if not an individual, the form of organization.
9. A statement (as required by Section 602 (b) of the Act) disclosing the names of all persons having any pecuniary interest, direct or indirect, in this application or in the ownership or use of the vessel or vessels, routes, or lines covered thereby, and the nature and extent of any such interest. In answer to this item, information furnished under other items of this application may be incorporated by reference and need not be set forth again in detail.

B. *As to the Applicant; Its Business Activities and Relationships.*—

10. A brief description of (a) the shipping business of the Applicant; and (b) any other business activities of the Applicant during the preceding five years. If within such period the Applicant has acquired the business of another person or has been reorganized, there should be included a brief description of such acquisition or reorganization.
11. A brief description of the general character and location of the principal property of the Applicant, other than vessels, employed in its business.
12. Full details concerning the services, routes, or lines on which vessels owned or chartered by the Applicant are now operated, including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year during recent years, description of services and voyages, and names of vessels segregated according to services, routes, or lines.
13. Type and kind of cargo now carried in the trade served as stated in the answer to Item 12, information as to how the service or line may be developed for carrying additional types and kinds of cargo, and any factors influencing cargo expectations for the future. State also, by classes, the passenger accommodations and the number of passengers carried and any factors influencing traffic expectations for the future.
14. Information similar to that called for by the two preceding items with respect to any new service, route, or line which the Applicant proposes presently to establish.
15. A statement of the minimum and maximum number of annual sailings which the Applicant desires to make under the proposed subsidy agreement, and a brief summary of traffic statistics and other facts in support thereof. If the Applicant is required to make extra sailings to meet seasonal traffic movements, a comprehensive statement should be furnished outlining the program normally followed by the Applicant in handling such business during these periods.
16. A general description of the manner in which the Applicant obtains stevedoring, ship repair, ship chandler, towboat, and kindred services to vessels which it owns or operates. Give the name and address of each person, and identify each class of persons, furnishing any such service and, in each case, describe the services rendered, and summarize the terms of any contractual or other arrangements therefor. State whether or not any relationship exists which would have caused the employment of any such person or class of persons by the Applicant to be unlawful under Section 803 of the Act if the services were supplied to a subsidized or chartered vessel, and, if so, describe such relationship.
17. A statement of whether or not there exists or is known to be presently contemplated any relationship which would have caused the employment by the Applicant of any person or class or persons referred to in answer to Item 18 (in the absence of approval by the Commission) to be unlawful under Section 803 of the Act if the services were supplied to a subsidized or chartered vessel. If so, describe such relationship and if it is to be terminated with respect to any vessels referred to in answer to Item 21, the time and manner of the proposed termination. Refer also to any application for waiver of the provisions of Section 803 of the Act which the Applicant proposes to file pursuant to Section 6 of the annexed instructions.



18. State whether or not there exists or is known to be presently contemplated any foreign-flag connection or relationship which (in the absence of waiver by the Commission) would be unlawful under Section 804 of the Act if the Applicant were receiving an operating-differential subsidy under Title VI of the Act. If so, describe such connection or relationship, state the amount of profit resulting from each of such activities, and if they are to be terminated, the time and manner of the proposed termination.
19. State whether or not the Applicant has contracted or expects to contract with any holding company, affiliate company, or associate company, for the use of terminal facilities. If so, furnish a copy of the contract and a financial statement setting forth the profit or loss resulting to such holding company, affiliate company or associate company from its ownership and/or operation of such terminal facilities (a) during the past five years, and (b) under the contemplated arrangement.
20. State whether the Applicant or any holding company, subsidiary or affiliate or associate of the Applicant or any officer, director, agent or executive thereof, directly or indirectly, owns, operates, or charters any vessel or vessels engaged in the domestic, intercoastal or coastwise services or owns any pecuniary interest, directly or indirectly, in any person or concern that owns, charters or operates any vessel or vessels in the domestic, intercoastal or coastwise service. If so, state whether the Applicant or other person above mentioned or a predecessor in interest was in bona fide operation as a common carrier by water in such domestic, intercoastal or coastwise trade in 1935 over the route or routes or in the trade or trades above mentioned, and has so operated since that time, or, if engaged in furnishing seasonal services only, was in bona fide operation in 1935 during the season ordinarily covered by its operations.
21. State whether the Applicant employs or expects to employ any other person or concern as the managing or operating agent of the Applicant. If so, furnish financial statements indicating the profits or losses, if any, resulting to such other person or concern from its managing or operating agency (a) during the past five years, and (b) under the contemplated arrangement. Also attach a copy of the contract covering such services.

C. *As to the Applicant; Its Qualifications for a Subsidy Under Section 601 of the Act.*—

22. A full and complete statement of the circumstances, facts, and other proof which, in the opinion of the Applicant, would support each of the following determinations required to be made by the Commission (pursuant to Section 601 of the Act) prior to approval by it of this application:
    (a) That the operation of the vessel or vessels in the service, route, or line referred to in answer to Item 23 is required to meet foreign-flag competition and to promote the foreign commerce of the United States;
    (b) That the Applicant owns, or can and will build or purchase, a vessel or vessels of the size, type, speed, and number, and with the proper equipment required to enable it to operate and maintain the service, route, or line, in such manner as may be necessary to meet competitive conditions, and to promote foreign commerce;
    (c) That the Applicant possesses the ability, experience, financial resources, and other qualifications necessary to enable it to conduct the proposed operations of the vessel or vessels as to meet competitive conditions and promote a foreign commerce; and
    (d) That the granting of the aid applied for is necessary to place the proposed operations of the vessel or vessels on a parity with those of foreign competitors, and is reasonably calculated to carry out effectively the purposes and policy of the Act.

In answer to this item, information furnished under other items of this application may be incorporated by reference and need not be set forth here in detail.

D. *As to the Applicant; Its Vessels and Replacement Program.*—

23. A list and description of all vessels owned by the Applicant, including (a) name; (b) gross tonnage; (c) net tonnage; (d) deadweight tonnage; (e) year built; (f) type; (g) fuel capacity and consumption; (h) speed; (i) registry; (j) identification of route or service on which operated; and (k) amount of refrigeration. If Applicant owns vessels which are not to be subsidized, such vessels should be listed separately.
24. Information similar to that specified in Item 12 as to any vessels chartered to and operated by the Applicant.
25. Briefly, the general terms of each charter for operation (a) of vessels owned by the Applicant and chartered by it to other persons, and (b) of vessels chartered by the Applicant from other persons.
26. Information sufficient to demonstrate that each of the vessels for which a subsidy is requested is (a) of steel or other acceptable metal, (b) propelled by steam or motor, and (c) as nearly fireproof as practicable; also that such vessels were built in a domestic yard or have been documented under the laws of the United States not later than February 1, 1928, or were actually ordered and under construction for the account of a citizen of the United States prior to such date.
27. A description and summary of the program for replacement of the Applicant's subsidized vessels. The description should include full information concerning the following, if practicable:
    (a) The number, size, and type of vessels to be constructed, general characteristics of the proposed vessel including (a) principal dimensions; (b) gross and deadweight tonnage; (c) bale and grain capacities of all cargo holds; (d) capacities of all tanks, storage spaces, refrigerator cargo spaces and separately chilled cargo spaces; (e) number and classes of passenger accommodations; (f) type and power, and in case of steam machinery, the gauge pressure, total temperature, and vacuum expected of propulsive machinery; (g) kind of fuel to be burned; and (h) sustained sea speed at designed load draft. There should also be given the name of the proposed supervising architect and a brief statement of his experience and qualifications.
    (b) The proposed arrangement for financing the new construction.
    (c) Amount of construction subsidy that the Applicant will expect.
    (d) The effect of the operation of new vessels on the subsidized services. In this connection the information should cover (a) the effect of the new vessels upon turn around days, changes in frequency of sailings, re-alignment or reduction of fleet, and (b) by the operating results, economies, expenses, and capital costs that are expected to result from the replacement program, and (c) the effect of the replacement program on the amount of operating subsidy required by the Applicant. Operating forecasts giving effect to the above should supplement this information.

E. *As to the Applicant; Its Foreign-flag Competition.*—

28. List and describe all services, whether American flag or foreign, which are claimed to compete directly with the lines operated by the Applicant. The services competing with each of the Applicant's lines should be stated and described separately, and ownership and registry of each competing service should be identified in sufficient detail to permit a comparison with the Applicant. In this connection, the name, registry, year built, type, gross, net and deadweight tonnage, and speed of the vessels operated by the Applicant's competitors, and the comparative freight and passenger rates of such competitors should be stated. Describe also any new foreign-flag competition which may originate during the next calendar year and any existing competition which may disappear during such period.
29. Furnish a detail and comprehensive analysis, indicating the percentage of the total passenger and freight business on each of the Applicant's routes which is carried (a) by the Applicant, (b) by all other American services, and (c) by all competing foreign-flag services as a unit. Also furnish a breakdown indicating the percentage of the total foreign-flag business which is handled by each of the foreign-flag competitors. These analyses should, if practicable, be computed on the basis of (a) of comparative receipts of the competing lines, and also (b) upon the comparative tonnage and number of passengers carried by such lines and schedules reflecting such earnings and carryings should be furnished. The source of information in each case should be indicated.
30. Describe briefly all conferences and pools now in effect in any of the routes served by the Applicant. State whether the Applicant is a member of each such pool or conference and the effect of such pool or conference upon the division or allocation of freight or passenger business, and the establishment of rate differentials.
31. If it is desired that the Commission consider any indirect foreign-flag competition in determining the amount of the operating differential subsidy, the Applicant should furnish information similar to that required by Item 26 above as to all such indirect foreign-flag competitors. A full explanation should be offered as to the reason why indirect competition should be considered by the Commission.
32. Using the quotient 100 to express the total foreign-flag competition on each route served by the Applicant, state the percentage of the total foreign-flag competition which is represented (a) by each foreign-flag competitor, and (b) by all the lines of each nation represented among the foreign-flag competitors. The basis upon which the allocation is made should be set forth in detail. It is assumed that the Applicant will take into account in this connection not only the percentage of the total cargo and number of passengers carried by each competing service, but also all other pertinent factors such as the capacity and speed of ships employed and the frequency and regularity of sailings, the passenger and freight rates charged, the type of cargo, and class of passengers carried, etc.

F. *As to the Amount of the Operating-Differential Subsidy.*—

33. List all of the items for which an operating-differential subsidy is requested and state the amount requested for each item (a) in the aggregate, and (b) on each route. The amounts should be stated (a) in differential percentages, (b) in average voyage subsidy cost, and (c) in annual subsidy cost.
34. As to all expense items sought to be included in the operating-differential subsidy, furnish for each of the Applicant's routes a statement of the present day costs of each item (a) on a voyage basis, and (b) on an annual basis. The estimates should be supported by a comparative statement indicating the total and average cost of each item, both on a voyage basis (for each type of vessel and for each route) and on an annual basis (a) in 1935, (b) in 1936, (c) during the first six months of 1937, and (d) on terminations since July 1, 1937. Increases or decreases in

American cost in any of the above periods should be reconciled by marginal comments.

In regard to 1937 expenses, the comparative statement should be prepared as follows: Wages paid in the Deck Department, the Engine Department, and the Steward's Department should be stated separately. Wages should also be broken down to show the amount represented by overtime and vacations. Subsistence should be broken down to show separately (a) the subsistence of officers and crew, and (b) the subsistence cost of passengers and others, and the cost per man per day under each classification. If separate messes for officers and crews are not maintained, a description of the method utilized in determining the costs should be furnished. The item of repairs should be segregated so as to indicate (a) repairs deferred from preceding accounting or subsidy periods, (b) current capital repairs, and (c) current operating repairs. If any of the operating repairs are of an unusual nature, that fact should be set forth in a marginal comment. If insurance is included among the items for which a subsidy is requested, the statement of insurance cost should be broken down to show separately the net premiums (rates and amounts) paid to others for each form of coverage and the estimated cost of self-assumed risks. In all cases except wages and insurance, the Applicant should indicate that portion of the expenditures which were made in foreign countries. Actual wage scales and manning scales should be attached as exhibits if they differ from the minimum scales established by the Commission.

35. The following information should be furnished in regard to each route served by the Applicant, using the quotient 100 to represent the American cost in each case: (a) a schedule setting forth the comparative cost to each substantial foreign competitor on such route as to each of the items of expense for which a subsidy is claimed, and (b) a schedule setting forth the comparative costs to all foreign competitors as a unit of each of the items of expense for which a subsidy is claimed. For the latter schedule, differentials applicable to each competitor should be weighted in accordance with the degree of competition furnished by such competitor, and the basis upon which the differentials have been weighted should be stated, explained, and justified.

36. Submit full, comprehensive, and complete documentary and other proof as to the present day competitive advantages enjoyed by each foreign competitor in connection with each of the items of expenditure for which a subsidy is requested. The documentary evidence may be attached as an exhibit and summarized in the body of the application if desired. The source of the information, as well as the date when it was received, should be stated in each case.

37. State whether the Applicant has any information as to the extent to which each of the Applicant's substantial foreign competitors (a) employs American seamen; (b) patronizes American repair yards, ship chandlers or other ship suppliers; or (c) otherwise purchases or acquires in this country any of the items for which an operating subsidy is being requested by the Applicant. If the Applicant has any information in this connection, the same should be summarized, and the sources from which and the dates when same was obtained, should be indicated.

38. Set forth all items, other than the items of expense mentioned in Paragraph 35 above, as to which a subsidy is being claimed by the Applicant. State the basis for including such additional items in the operating subsidy computation, and present such full and complete documentary and other proof as will justify the awarding of a subsidy for such additional items.

G. *As to Financial Matters.*—

39. Furnish the following financial statements:

(a) Comparative balance sheets of the Applicant as of January 1, 1936; January 1, 1937; June 30, 1937; and January 1, 1938 (the balance sheet for January 1, 1938, to be estimated). Any material changes between the above balance sheets should be reconciled by marginal notations. Information should also be furnished as to the basis used in valuing the Applicant's vessels and other principal assets.

(b) A comparative operating statement of the Applicant showing the results of operations for the following periods: (a) 1936; (b) the first six months of 1937; and (c) the last six months of 1937 as estimated by the Applicant. If Applicant engages in the protected trade, the percentage of revenue arising out of such protected trade should be indicated. Also, if the Applicant serves more than one route, individual operating statements should be furnished for each route in addition to the general operating statement reflecting all of the Applicant's operations.

(c) A comparative statement of voyage accounts covering all 1937 voyage terminations and the corresponding voyage terminations in 1936, with marginal comments reconciling the material changes that have occurred since 1936.

(d) A forecast of operations (a) for the six-month period ending December 31, 1937; and (b) for one or more calendar years beginning January 1, 1937, supported by marginal explanations reconciling all substantial changes from the preceding calendar year.

For the above statements mail pay and subsidy should be stated separately.

40. Describe any contemplated plan of reorganization or recapitalization involving new capital, the consolidation or merger of Applicant with affiliated or other companies, debt elimination, or other changes or modifications in the corporate structure, and indicate by appropriate financial statements the anticipated results thereof.

H. *As to Exhibits Furnished.*—

41. A list of exhibits properly identified, which shall include, at the time of original filing, the following:

*Exhibit I.*—A copy of the Certificate of Incorporation of the Applicant or other organization papers, including all amendments thereto presently in effect.

*Exhibit II.*—A copy of the By-Laws or other governing instruments of the Applicant, including all amendments thereto presently in effect.

*Exhibit III.*—A copy (specimen if available) of each form of bonds or notes included in the funded debt of the Applicant, and a copy of each indenture or other instrument under which such securities were issued, including all amendments thereto presently in effect.

*Exhibit IV.*—Unless such information has previously been furnished, a copy of the financial statements and related schedules and statistical data which would be required to be furnished if the Applicant had been obligated to the United States of America for a construction loan on and after the preceding December 31. The information included in this exhibit shall be similar to that specified in pages 12 through 54 of the Commission's form of "Annual Report and General Financial Statement for Calendar Year 1936" for various persons, including companies obligated to the United States of America for construction loans.

*Exhibit V et seq.*—Such of the financial statements, copies of contracts, schedules, and other data required hereunder which Applicant desires to attach as exhibits instead of incorporating in the body of the application.

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(Name of Applicant)

Attest: By: ---

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*Secretary.*

STATE OF ---,
*County of* ---, *ss.:*

I, ---, being duly sworn, depose and say that I am the ---
(Title of office)
of ---, the Applicant on
(Exact name of Applicant)

whose behalf I have executed the foregoing application pursuant to authority duly vested in me by the Board of Directors of the Applicant, which has duly authorized the filing of this application; that the Applicant is a citizen of the United States within the meaning of the Shipping Act, 1916, as amended, (U. S. C., Title 46, Sec. 802); that this application is made for the purpose of inducing the United States Maritime Commission to grant an operating-differential subsidy to the Applicant, pursuant to the provisions of the Merchant Marine Act, 1936, and particularly Title VI thereof; that I have carefully examined the application and all documents submitted in connection therewith and, to the best of my knowledge, information and belief, the statements and representations contained in said application and related documents are full, complete, accurate, and true.

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Subscribed and sworn to before me, a ---, in and for the State and County above named, this --- day of ---, 1937.

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My commission expires ---.

INSTRUCTIONS AS TO PREPARATION OF APPLICATION

1. The application shall be made in triplicate originals, and should be executed and verified by one of Applicant's principal officers. Applications shall be printed, multigraphed or mimeographed, or prepared in some equivalent manner so as to insure legibility of all copies. Applications should be indexed and, if practicable, the pages should be approximately 8½ by 11 inches in size. The Applicant shall furnish three originals and fifteen copies of the application to the Commission.

2. Each application shall be complete. Items or parts of items which are inapplicable may, however, be omitted. Detailed descriptions of exhibits need not be given. The Applicant may incorporate by specific reference information previously furnished the Commission, if voluminous, provided that such information so incorporated shall have been furnished at least in triplicate and is readily available in the files of the Commission.

3. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. The Applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

4. Any additional information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. Each amendment shall be filed in triplicate originals, shall refer to the application, and shall be numbered and dated. Without any specific request from the Commission, the Applicant shall file from time to time as amendments any information necessary to keep current and correct while the application is pending the information contained therein or furnished in connection therewith.

5. Applications under Sections 803, 804, 805 (a) and (d), 605 (b) should, if practicable, accompany the application. Instructions to cover the form of such special applications will be issued shortly.

[F. R. Doc. 37-2798; Filed, September 20, 1937; 3:58 p. m.]



*Thursday, September 23, 1937* *No. 184*

## PRESIDENT OF THE UNITED STATES.

### COLUMBUS DAY

By the President of the United States of America

A PROCLAMATION

WHEREAS Public Resolution 21, Seventy-third Congress, approved April 30, 1934, provides:

"That the President of the United States is authorized and requested to issue a proclamation designating October 12 of each year as Columbus Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of the public sentiment befitting the anniversary of the discovery of America.";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid public resolution, do by this proclamation designate October 12, 1937, as Columbus Day and do direct that on that day the flag of the United States be displayed on all Government buildings; and, further, I do invite the people of the United States to observe the day with appropriate ceremonies in schools and churches, or other suitable places.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18" day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2253]

[F. R. Doc. 37-2810; Filed, September 21, 1937; 2:58 p. m.]

### GENERAL PULASKI MEMORIAL DAY

By the President of the United States of America

A PROCLAMATION

WHEREAS General Casimir Pulaski crossed the seas to offer his services to General Washington and to the young Republic in its hour of need; and

WHEREAS General Pulaski organized the cavalry unit known as the Pulaski Legion, which he commanded with distinction until the day when he fell mortally wounded while leading a charge at Savannah; and

WHEREAS he died from the wounds thus received on October 11, 1779; and

WHEREAS Public Resolution 24, Seventy-fifth Congress, approved on April 13, 1937, provides:

"That the President of the United States is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1937, and inviting the people of the United States to observe the day in schools and churches or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do direct that the flag shall be displayed upon all Government buildings on October 11, 1937, as a mark of respect to the memory of General Casimir Pulaski, and do hereby invite the people of the United States to observe that day as General Pulaski Memorial Day and to participate with appropriate ceremonies in schools and churches or other suitable places in the solemn commemoration of General Pulaski's death on October 11, one hundred and fifty-eight years ago.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18" day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2254]

[F. R. Doc. 37-2811; Filed, September 21, 1937; 2:58 p. m.]

### EXECUTIVE ORDER

INSPECTION OF INCOME, PROFITS, AND CAPITAL STOCK TAX RETURNS BY THE COMMITTEE ON INTERSTATE COMMERCE, UNITED STATES SENATE

By virtue of the authority vested in me by section 257 (a) of the Revenue Act of 1926 (44 Stat. 9, 51), section 55 of the Revenue Act of 1934 (48 Stat. 680, 698), sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019), and section 55 of the Revenue Act of 1936 (49 Stat. 1648, 1671), it is hereby ordered that income, profits, and capital stock tax returns made under the Revenue Act of 1935, as amended by the Revenue Act of 1936, and the Revenue Act of 1936 shall be open to inspection by the Committee on Interstate Commerce, United States Senate, or any duly authorized subcommittee thereof, for the purpose of, and to the extent necessary in, the investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, which such Committee or subcommittee is authorized and directed to make by Senate Resolution 71 agreed to May 20, 1935 (74th Cong., 1st Sess.); such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of returns by that Committee, approved by me this date.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 31, 1937.*

[No. 7700-A]

[T. D. 4762]

REGULATIONS GOVERNING THE INSPECTION OF INCOME, PROFITS AND CAPITAL STOCK TAX RETURNS MADE UNDER THE REVENUE ACT OF 1935, AS AMENDED, AND THE REVENUE ACT OF 1936, BY THE COMMITTEE ON INTERSTATE COMMERCE, UNITED STATES SENATE

AUGUST 20, 1937.

*To Collectors of Internal Revenue and Others Concerned:*

Pursuant to the provisions of section 257 (a) of the Revenue Act of 1926; section 55 of the Revenue Act of 1934; sections 105 (e) and 106 (c) of the Revenue Act of 1935; and section 55 of the Revenue Act of 1936, income tax returns made under the Revenue Act of 1936 and capital stock and excess-profits tax returns made under the Revenue Act of 1935, as amended, may be inspected by the Committee on Interstate Commerce, United States Senate, or any duly authorized subcommittee thereof, for the purpose of, and to the extent necessary in the investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, which the committee or an authorized subcommittee thereof is

authorized and directed to make by Senate Resolution 71 (Seventy-fourth Congress, first session), passed May 20, 1935. The inspection of returns herein authorized may be by the committee or a duly authorized subcommittee thereof, acting directly as a committee or a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written notice by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof, which is relevant or pertinent to the purpose of the investigation, may be submitted by the committee or the subcommittee to the Senate.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

Approved, August 31, 1937.
FRANKLIN D ROOSEVELT,
*The White House.*

[F. R. Doc. 37-2512; Filed, September 21, 1937; 3:28 p. m.]

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TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49159]

AIRPORT OF ENTRY

CHALKS FLYING SERVICE AIRPORT, MIAMI, FLORIDA, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Chalks Flying Service Airport, Miami, Florida, is hereby designated as an airport of entry for the landing of aircraft from foreign countries for a period of one year from the date of approval of this order.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: September 17, 1937.
JOSEPHINE ROCHE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2813; Filed, September 21, 1937; 4:16 p. m.]

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[T. D. 49160]

REGULATIONS PROMULGATED PURSUANT TO SECTION 403 OF THE SUGAR ACT OF 1937

*To Collectors of Customs:*

Pursuant to the authority contained in section 403 (a) of the Sugar Act of 1937 (Public No. 414—75th Congress, approved September 1, 1937), the following regulations are hereby promulgated for your information and guidance:

(a) Sections 403 and 406, title IV, and section 513, title V, of the Sugar Act of 1937, provide as follows:

IMPORT COMPENSATING TAX

SEC. 403. (a) In addition to any other tax or duty imposed by law, there shall be imposed, under such regulations as the Commissioner of Customs shall prescribe, with the approval of the Secretary of the Treasury, a tax upon articles imported or brought into the United States as follows:

(1) On all manufactured sugar testing by the polariscope ninety-two sugar degrees, 0.465 cent per pound, and for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

(2) On all manufactured sugar testing by the polariscope less than ninety-two sugar degrees 0.5144 cent per pound of the total sugars therein;

(3) On all articles composed in chief value of manufactured sugar 0.5144 cent per pound of the total sugars therein.

(b) Such tax shall be levied, assessed, collected, and paid in the same manner as a duty imposed by the Tariff Act of 1930, and shall be treated for the purposes of all provisions of law relating to the customs revenue as a duty imposed by such Act, except that for the purposes of sections 336 and 350 of such Act (the so-called flexible-tariff and trade-agreements provisions) such tax shall not be considered a duty or import restriction, and except that no preference with respect to such tax shall be accorded any articles imported or brought into the United States.

* * * * * *

EFFECTIVE DATE

SEC. 406. The provisions of this title shall become effective on the date of enactment of this Act.

SEC. 513. No tax shall be imposed on the * * * importation of sugar after June 30, 1941 * * *.

(b) *Effective date.*—The import compensating taxes prescribed by section 403 are applicable to manufactured sugar and articles composed in chief value of manufactured sugar entered for consumption or withdrawn from warehouse for consumption after the opening of business on September 1, 1937. Collectors of customs should proceed with the liquidation of entries covering such merchandise in the usual course. The Bureau's telegram of September 3, 1937, insofar as it related to the suspension of liquidation of duties accruing in connection with entries or withdrawals made on September 1, 1937, is modified accordingly.

(c) *Definitions.*—The terms "manufactured sugar", "total sugars", and the "United States", as used in these regulations, are defined in section 401, title IV of the Sugar Act of 1937, as follows:

SEC. 401. For the purposes of this title—

* * * * * *

(b) The term "manufactured sugar" means any sugar derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar mush, raw sugar, sirups, molasses, and sugar mixtures.

(c) The term "total sugars" means the total amount of the sucrose (Clerget) and of the reducing or invert sugars. The total sugars contained in any grade or type of manufactured sugar shall be ascertained in the manner prescribed in paragraphs 758, 759, 762, and 763 of the United States Customs Regulations (1931 edition).

(d) The term "United States" shall be deemed to include the States, the Territories of Hawaii and Alaska, the District of Columbia, and Puerto Rico.

The terms "testing by the polariscope * * * sugar degrees" and "sugar degree shown by the polariscopic test", as used in section 403 (a) (1) and (2), supra, mean the percentage of sucrose contained in manufactured sugar shown by direct polarimetric estimation.

(d) *Accounting.*—The taxes imposed by section 403 shall be levied, assessed, collected and paid in accordance with the Customs Regulations of 1937, as heretofore or hereafter amended, insofar as they are applicable, and shall be scheduled, deposited, reported, and accounted for as and with other collections of duties on imports, in the same manner as duties imposed by the Tariff Act of 1930 (U. S. C., title 19, sec. 1001).

(e) *Application of tax.*—The taxes imposed by section 403 are applicable to manufactured sugar and articles composed in chief value of manufactured sugar imported into the United States, as defined in section 401 (d), from all foreign countries, including Cuba, or coming into the United States from its territories and possessions other than those named in section 401 (d), supra.

(f) *Exemptions.*—Sugar of the grades or types which are included within the term "manufactured sugar", as hereinbefore defined, but which is to be further refined or otherwise improved in quality, may be released without deposit of the import compensating taxes upon compliance with the following conditions:

1. There shall be filed in connection with the entry an affidavit of the importer that such sugar is to be further refined or otherwise improved in quality.

2. If the sugar is entered for consumption there shall also be filed in connection with the entry a bond on customs Form 7551 or 7553 with an added condition, concurred in by the surety, for the payment of the tax prescribed by section 403 in the event the sugar is not further refined or otherwise improved in quality. If the importer has on file a general term bond for the entry of merchandise, as provided for in article 1253 of the Customs Regulations of 1937, the sugar may be charged against such bond provided there is added thereto, with the concurrence of the surety, the before-mentioned condition. When the sugar is entered for warehouse the regular warehouse entry bond, customs Form 7555, shall be given, unless the importation is charged against a general term bond for the entry of merchandise, and withdrawals shall be made on customs Form 7506. Liquidation of the consumption entries and warehouse entries shall be suspended pending the submission of proof that the sugar has been further refined or otherwise improved in quality.

3. Within three years from the date of entry (in the case of warehouse entries as well as consumption entries) the importer shall submit to the collector of customs at the port of entry an affidavit of the superintendent or manager of the refinery or plant at which the sugar has been processed, showing: (a) The name and location of the refinery or plant. (b) The entry number, date, and port of entry. (If the refinery or plant is not in possession of this information a reference to invoices, purchase orders or other documents which link the shipment with the entry may be substituted.) (c) The date or inclusive dates of the processing of the sugar, and (d) A description of the processing in sufficient detail to enable the collector to determine whether such processing constitutes a refining or improving in quality.

In appropriate cases the processing of sugar covered by more than one entry may be included in one affidavit. Such affidavits shall be based on adequate and carefully kept refinery, plant, and import records, which shall be open at all times to customs agents or other employees of the customs service. The affidavits shall be filed in duplicate, one copy to be forwarded to the comptroller of customs.

Upon satisfactory proof that the sugar has been further refined or otherwise improved in quality the entry may be liquidated free of the import compensating tax imposed by section 403, supra. When such proof is not filed within three years from the date of the entry, the entry shall be liquidated with the assessment of the import compensating tax at the appropriate rate prescribed by section 403.

(g) *Drawback.*—The taxes collected under section 403 will be subject to drawback under the same conditions as duties paid under the Tariff Act of 1930.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, September 20, 1937.
WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2814; Filed, September 21, 1937; 4:16 p. m.]

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DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

NOTICE OF HEARING WITH REGARD TO THE AMENDMENT OF RULES AND REGULATIONS GOVERNING TANK VESSELS

SEPTEMBER 13, 1937.

Notice is hereby given of a public hearing to be held by the Bureau of Marine Inspection and Navigation in the Auditorium of the Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D. C., commencing at 10:00 o'clock in the morning of Monday, October 11, 1937, and continuing from day to day thereafter until the hearing shall have been concluded, upon the question of the amendment, pursuant to the authority contained in the Act of June 23, 1936, (49 Stat., 1889).

A copy of the tentative draft of the changes in the proposed rules and regulations governing the subject will be sent to any interested party making a written request for same to the Director, Bureau of Marine Inspection and Navigation, Washington, D. C. The purpose of the hearing is to obtain the views of all interested therein, so as to aid the Bureau in making appropriate recommendations to the Secretary of Commerce as to the proper amendments to the rules and regulations which ultimately should be adopted. regulations are purely tentative and that any or all of the said rules and regulations may be deleted, amended or altered It is to be understood that the changes in the rules and, also, that such amendments to the rules and regulations as may be recommended to the Secretary for adoption, as a result of the hearing, are subject to the approval of the Secretary and shall become effective only upon his approval.

It will be expected that appearances will be for an amendment by addition, revision, or elimination of a specific section or sections. Mere generalities will not be accepted. Before any discussion is undertaken, there must be handed the Director in triplicate a statement for each such proposal in the form set forth below:

SUGGESTED CHANGES IN THE RULES FOR TANK VESSELS

Proposed: Addition _____. Amendment _____. Deletion _____.

Presented at public hearing, Washington, D. C., October 11, 1937, by _____ representing _____ address _____.

1. Suggested re-wording of Item No. ____, Page No. ____, Section No. ____, Rule No. ____.
2. Submitted by _____.
3. Present wording of Item ____:

_____

_____

4. Suggested re-wording of Item:

_____

_____

5. Brief statement of reason for re-wording suggested:

_____

_____

The proceedings will be recorded in full. Those wishing to procure the record or any part thereof must make arrangements with the recorder during the session. Copies will not be distributed gratuitously as no funds have been provided for this purpose.

An Executive Committee of the Board of Supervising Inspectors will meet at the same time for the purpose of initiating the appropriate action necessary to promulgate these amendments into regulations.

Approved:

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-2819; Filed, September 22, 1937; 12:30 p. m.]

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METHOD OF ACCOUNTING FOR MONIES RECEIVED FROM SALE OF DUPLICATE CONTINUOUS DISCHARGE BOOKS, DUPLICATE CERTIFICATES OF IDENTIFICATION AND DUPLICATE CERTIFICATES OF DISCHARGE

*To Supervising Inspectors, Local Inspectors, Shipping Commissioners, Collectors of Customs and Others Concerned:*

Under the provisions of Subsection (h) of Section 4551 R. S., as amended by the Act of March 24, 1937, Public Law No. 25—75th Congress, if a seaman loses his Continuous Discharge Book, Certificate of Identification or Certificate of Discharge otherwise than by shipwreck, or other casualty, he will be required to pay for a duplicate an amount equal to the cost of such book or certificate to the Government, which for the current supply will be as follows:

| | |
|---|---|
| Duplicate Continuous Discharge Book | $1.00 |
| Duplicate Certificate of Identification | .75 |

| | |
|---|---|
| Duplicate Certificate of Discharge | .35 |
| Each additional duplicate Certificate of Discharge issued to the same man at the same time | .05 |

When the payment is made to a Collector or Deputy Collector of Customs, a receipt will be issued on Cat. 1008 and the payments will be scheduled on Cat. 1001 as "Reimbursement for Loss of Continuous Discharge Books, etc., Bureau of Marine Inspection and Navigation", symbol number 134236. These collections are to be listed on a separate schedule from Navigation fees, and are also to be listed as a separate item on the Account Current with the title and symbol number as given above.

When the money is collected by a Shipping Commissioner or Local Inspector, he will issue to the seaman an informal receipt, stating thereon the number of the document issued and the amount collected. The Shipping Commissioner or Local Inspector will pay over to the Collector of Customs of his port all monies received from this source, such payment to be made not later than the first business day of the week succeeding that in which the collection is made. The Collector will issue a receipt to the Shipping Commissioner or Local Inspector on Cat. 1008 for the monies so paid, and the Collector will follow the procedure outlined in the above paragraph in accounting for the monies so transferred to him.

The seaman will be required to make affidavit in duplicate as to the loss of his Continuous Discharge Book, Certificate of Identification or Certificate of Discharge on Form 719–e, which affidavit is to be executed before a Shipping Commissioner, Collector or Deputy Collector of Customs, or U. S. Local Inspector. The original copy will be forwarded to the Bureau of Marine Inspection and Navigation at Washington and the Director of the Bureau will cause to be prepared a duplicate of the lost document which will be sent to the proper office for completion and delivery to the seaman.

Approved, September 22, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–2820; Filed, September 22, 1937; 12:30 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of September, 1937.

IN THE MATTER OF SECURITIES EXCHANGE CORPORATION 922 TERMINAL BUILDING LINCOLN, NEBRASKA

ORDER DENYING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Securities Exchange Corporation, hereinafter called the applicant, having filed with the Commission on June 8, 1937, an application for registration on Form 3–M pursuant to Rule MB1 of the Commission's rules; and the effective date of registration having been postponed first for fifteen (15) days until July 23, 1937, and then having been further postponed pending final determination as to whether registration should be denied or postponed; and

The Commission, on June 29, 1937, having instituted proceedings on the question of denial and/or postponement of registration pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after the applicant's waiver of the requirement of service of notice seven (7) days prior to the date of the hearing, having come on for hearing on July 12, 1937, in Denver, Colorado; and the Commission having duly considered the matter and being fully advised in the premises;

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the application of Securities Exchange Corporation for registration as broker or dealer on the over-the-counter markets be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2816; Filed, September 22, 1937; 12:27 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 20th day of September, A. D. 1937.

[File Nos. 46–69 and 46–70]

IN THE MATTER OF THE APPLICATIONS OF UTILITIES POWER & LIGHT CORPORATION LIMITED

ORDER POSTPONING HEARING

Utilities Power & Light Corporation Limited having filed with this Commission two applications (File Nos. 46–69 and 46–70) pursuant to the Public Utility Holding Company Act of 1935 and relating to the proposed acquisition by the applicant of certain securities;

Said applications having been set down for joint hearing on September 22, 1937, and the staff of the Commission having made a motion that said hearing be postponed subject to call promptly after determination by the Circuit Court of Appeals for the Seventh Circuit of an appeal therein pending with reference to the appointment of a trustee for Utilities Power & Light Corporation, of which the beforementioned applicant is a wholly-owned subsidiary;

Said motion having duly come on to be heard before this Commission and at said hearing the applicant having requested that said hearing set for September 22, 1937 be postponed to October 13, 1937;

*It is ordered*, That the Commission reserve decision on the aforesaid motion;

*It is further ordered*, That the hearing in said matter now set for September 22, 1937 be and the same hereby is postponed to October 13, 1937 at 10:00 o'clock in the forenoon, Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; subject, however, to any order which the Commission may hereafter enter in connection with the aforesaid motion.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2817; Filed, September 22, 1937; 12:27 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September, 1937.

[File No. 1–182]

IN THE MATTER OF THE PURE OIL COMPANY 5¼% PREFERRED STOCK, $100 PAR VALUE 6% PREFERRED STOCK, $100 PAR VALUE 8% PREFERRED STOCK, $100 PAR VALUE COMMON SHARES, NO PAR VALUE

ORDER POSTPONING HEARING

The Pure Oil Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its 5¼% Preferred Stock, $100 par value, 6% Preferred Stock, $100 par value, 8% Preferred Stock, $100 par value, and Common Shares, no par value, from listing and registration on the Cincinnati Stock Exchange; and

The Commission having ordered that the matter be set down for hearing on October 15, 1937, in Chicago, Illinois; and

Said issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 10:00 A. M. on Tuesday, November 9, 1937, in Room 630, Bankers Building, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as may be determined by the Commission or its officers presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2818; Filed, September 22, 1937; 12:28 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September, 1937.

[File No. 1–427]

IN THE MATTER OF KRESGE DEPARTMENT STORES, INC. 8% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the 8% Cumulative Preferred Stock, $100 par value, of Kresge Department Stores, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given the opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 11 o'clock a. m. on October 13, 1937, in Room 209, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed revelant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2815; Filed, September 22, 1937; 12:27 p. m.]



*Friday, September 24, 1937* *No. 185*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

DESIGNATING JOHN D. BIGGERS ADMINISTRATOR OF AN UNEMPLOYMENT CENSUS

By virtue of and pursuant to the authority vested in me by the act of August 30, 1937 (Public No. 409, 75th Congress), providing for a census of partial employment, unemployment, and occupations, I hereby designate as Administrator thereof John D. Biggers and delegate to him the following functions and duties:

1. The Administrator, as the administering agency, is authorized and directed to conduct the said census and upon completion thereof to issue a report of findings.

2. The Administrator is authorized to appoint, as temporary employees, and fix the compensation, without regard to the Classification Act of 1923, as amended, of such officers, agents, and other personnel, and to make such other expenditures, as may be necessary to carry out the provisions of said act of August 30, 1937, including purchase of materials, supplies, and office equipment, newspapers, periodicals and press clippings, printing and binding, communication services, travel, rent at the seat of Government and elsewhere, contract stenographic reporting services, special messenger service, mimeographing and other duplicating services, rental or purchase of machines and labor saving devices.

To meet the expenses of conducting the said census, allocations will be made, pursuant to the provisions of section 3 of the said act of August 30, 1937, in a total amount not exceeding $5,000,000 from the appropriation contained in the Emergency Relief Appropriation Act of 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 22, 1937.*

[No. 7711]

[F. R. Doc. 37–2823; Filed, September 23, 1937; 12:30 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

CIVIL AIR REGULATIONS

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as furthe- amended by the Act of June 19, 1934 (48 Stat. 1113), and the Act of June 19, 1934 (48 Stat. 1116), the following civil air regulations are hereby made, established, and issued to be known as

Chapter 00. Aircraft Registration Certificate
Chapter 01. Aircraft Certificates
Chapter 02. Aircraft Identification Mark
Chapter 03. Aircraft Title Transfer
Chapter 04. Airplane Airworthiness
Chapter 13. Aircraft Engine Airworthiness
Chapter 14. Aircraft Propeller Airworthiness
Chapter 15. Aircraft Equipment Airworthiness
Chapter 18. Repair and Alteration of Aircraft

Any and all rules or regulations made, established, and issued by the Secretary of Commerce under the authority of such act, as amended, as are inconsistent with the provisions of the above specified civil air regulations are hereby repealed.

Approved, to take effect November 1, 1937, unless otherwise specifically provided in a particular chapter or part thereof.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

00. AIRCRAFT REGISTRATION CERTIFICATE

00.0 Provision for Issuance
00.1 Eligibility
00.2 Application
00.20 Documentary Evidence of Ownership
00.3 Issuance
00.30 Temporary Certificate
00.4 Display
00.5 As Evidence
00.6 Duration
00.7 Non-Transferability
00.8 Suspension or Revocation
00.9 Surrender

CHAPTER 00. AIRCRAFT REGISTRATION CERTIFICATE

00.0. *Provision for issuance.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the granting of registration to aircraft eligible therefor, a registration certificate will be issued by the Secretary for purposes of identifying the aircraft and determining its nationality, upon request of the owner and approval of application made and proofs submitted, for any aircraft duly shown to be eligible for such registration as an aircraft of the United States. A record of such registration will be maintained by the Secretary.

00.01. Except for changes in eligibility and/or ownership, the validity of the present registration of each aircraft shall be concurrent with the validity of its license for airworthiness in force on the date these regulations go into effect.

00.1. *Eligibility.*—No aircraft shall be eligible for registration unless

(a) it is a civil aircraft owned by a citizen of the United States and is not registered under the laws of any foreign country, or unless

(b) it is a public aircraft of a Federal Government or of a State, Territory or possession, or of a political subdivision thereof.

00.2. *Application.*—The owner of any aircraft, who desires a registration certificate for the aircraft as an aircraft of the United States, shall make application therefor to the Secretary upon a form supplied for the purpose, which may be combined with the application for a certificate of airworthiness under CAR 01.

00.20. *Documentary evidence of ownership.*—The following documents may be considered as acceptable evidence of ownership for the registration of aircraft.

00.200. New aircraft, owned by the manufacturer, and for which the manufacturer applies for registration: The appropriate application form.

00.201. *Registered aircraft.*—The registration certificate, issued for such aircraft, executed in accordance with the provisions of CAR 03. If such registration certificate has been lost or destroyed, an affidavit to that effect must be submitted, together with an application for registration on the appropriate form, accompanied by

(a) A certified copy of a bill of sale which transfers all right, title and interest in and to the aircraft to the purchaser, or

(b) A duly authenticated bill of sale from a public officer duly authorized to issue same, with the authority of said officer certified thereon;

(c) A certified copy of an order of court of competent jurisdiction determining title.

00.3. *Issuance.*—Upon approval of an application duly made and proofs submitted, a registration certificate will be issued by the Secretary, together with an identification mark as provided in CAR 02.20.

00.30. *Temporary certificate.*—Pending the issuance of a certificate, a Bureau inspector may issue a temporary registration certificate, together with an identification mark as provided in CAR 02.21.

00.4. *Display.*—The registration certificate shall be carried in the aircraft at all times, and shall be presented for inspection upon the demand of any authorized official or employee of the Department of Commerce, or upon the reasonable request of any other person.

00.5. *As evidence.*—For the purpose of exercising any privilege granted by any international convention, or of enforcing national laws, the registration certificate (or registration) will be deemed prima facie evidence of the nationality of the aircraft.

00.6. *Duration.*—A registration certificate, when issued, will remain effective for an indeterminate time, or until

(a) the aircraft is no longer eligible for registration as an aircraft of the United States, or

(b) ownership of the aircraft is transferred, or

(c) registration of the aircraft is cancelled at the written request of the owner, or

(d) registration of the aircraft is suspended or revoked.

00.7. *Non-transferability.*—A registration certificate is not transferable. (For effect of transfer of title on the registration certificate, see CAR 03.)

00.8 *Suspension or revocation.*—A registration certificate may be suspended or revoked for any of the following reasons:

(a) Any false statement by the owner in his application for said certificate, or in any information accompanying the application.

(b) Loss of eligibility as defined in CAR 00.1.

(c) Any other reason causing the aircraft to become ineligible for registration as an aircraft of the United States.

00.9. *Surrender.*—Upon notice from the Secretary of the suspension or revocation of a registration certificate, the owner of the aircraft to whom same has been issued shall promptly return such certificate to the Secretary.

01. AIRCRAFT CERTIFICATES


01.0. General
01.00. Provision for Issuance
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01.13. Airworthiness Certificate
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CHAPTER 01. AIRCRAFT CERTIFICATES

01.0. *General.*—

01.00. *Provision for issuance.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of aircraft as to their airworthiness, the Secretary will issue aircraft certificates as defined in CAR 01.12 through 01.15 and in accordance with the following provisions.

01.1. *Definitions.*—

01.10. *Certificated aircraft.*—The Air Commerce Act and the Civil Air Regulations provide that an aircraft rated as to airworthiness must first be registered as an aircraft of the United States. Therefore, as used throughout the Civil Air Regulations, the term "certificated aircraft" means any aircraft for which an aircraft certificate other than a registration certificate has been issued.

01.11. *Airworthy.*—As used herein the term "airworthy" when applied to a particular aircraft or component thereof denotes the ability of such aircraft or component thereof to perform its function satisfactorily throughout a range of operations determined by the Secretary in rating the aircraft or component thereof.



01.12. *Experimental.*—As used herein, the term "experimental" when applied to an aircraft denotes that such aircraft is certificated for experimentation in flight with a view to determining or improving its characteristics or those of its components or equipment, and that inspection has disclosed no unairworthy feature of such aircraft with respect to structural integrity, workmanship or flight characteristics.

01.13. *Airworthiness certificate.*—An airworthiness certificate is hereby defined as a document issued by the Secretary to the registered owner of an aircraft, certifying that the aircraft in question is airworthy when operated and maintained in accordance with the terms of said certificate.

01.14. *Experimental certificate.*—An experimental certificate is hereby defined as a document which may be issued by the Secretary to the registered owner of an aircraft, certifying that the aircraft in question is an experimental aircraft and specifying such operation limitations as are deemed necessary by the Secretary.

01.15. *Type certificate.*—A type certificate is hereby defined as a document issued by the Secretary to a manufacturer or designer of aircraft or certain components thereof (See CAR 13, 14 and 15), certifying that the type of aircraft or component, as represented by authenticated data in the form of specifications, descriptions and drawings on file in the Office of the Secretary, has been found to be suitable as a basis for the manufacture of airworthy aircraft or components constructed in accordance with such data.

01.16. *Production certificate.*—A production certificate is hereby defined as a document issued by the Secretary to a manufacturer of aircraft or certain components thereof (See CAR 13, 14 and 15), for which a type certificate has been granted, certifying that said manufacturer has complied with the requirements of CAR 01.5 for the production of aircraft or components thereof in quantities of an exact similarity of type, structure, materials, assembly and workmanship with the specifications, descriptions and drawings forming the basis for said type certificate.

01.17. *Aircraft.*—The term "aircraft" as defined in the Air Commerce Act means any contrivance now known or hereinafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. For the purpose of these regulations aircraft are further classified in the following paragraphs.

01.170. *Airplane.*—A mechanically driven fixed-wing aircraft, heavier than air, which is supported by the dynamic reaction of the air against its wings.

01.171. *Glider.*—An aircraft heavier than air, similar to an airplane but without a powerplant.

01.0172. *Rotorplane.*—A form of aircraft whose support in the air is chiefly derived from the vertical component of the force produced by rotating airfoils.

01.0173. *Aerostat (lighter-than-air aircraft).*—An aircraft whose support is chiefly due to buoyancy derived from aerostatic forces. Aerostats are further classified as balloons and airships.

01.2. *Airworthiness certificates.*

01.20. *Eligibility for airworthiness certificate.*—Application for an airworthiness certificate may be made by the owner of any aircraft eligible for registration as an aircraft of the United States including, in addition to those aircraft for which such certificate is required as provided in CAR 60, the following:

(a) Aircraft used solely for pleasure or non-commercial purposes.

(b) Aircraft belonging to the United States.

(c) Aircraft belonging to any State, Territory or possession of the United States or to a political subdivision thereof, and used exclusively in the governmental service.

01.21. *Application for airworthiness certificates.*—Application for an airworthiness certificate shall be made to the Secretary on a form supplied for the purpose.

01.22. *Kinds of airworthiness certificates.*—Airworthiness certificates are classified by the symbols C and R, for the meaning of which see CAR 02. Airworthiness certificates are further classified and modified by means of operation limitations which will appear on the certificate.

01.220. *Classification of airworthiness certificates for airplanes.*—Airworthiness certificates for airplanes are classified as to one or more operations as follows:

(a) Non-airline carrier use.
(b) Airline carrier use (Goods).
(c) Airline carrier use (Passengers).
(d) Visual-contact flying.
(e) Instrument flying.
(f) Day flying.
(g) Night flying.
(h) No passengers to be carried at any time.
(i) Flights to be confined to 100 miles from fixed base.
(j) Special industrial operations.

01.221. *Classification of airworthiness certificates for gliders.*—Airworthiness certificates for gliders are classified as to operation as follows:

(a) Acrobatic flying.
(b) Airplane towing.
(c) Auto towing.
(d) Shock launching.
(e) Commercial use.
(f) Non-commercial use.
(g) Day flying.
(h) Night flying.
(i) No passengers to be carried at any time.

01.222. *Classification of airworthiness certificates for rotorplanes.*—Airworthiness certificates for rotorplanes are classified as to operation as outlined in CAR 01.220 for airplanes.

01.223. *Classification of airworthiness certificates for aerostats.*—Airworthiness certificates for aerostats are classified as to operation as outlined in CAR 01.220 for airplanes.

01.23. *Requirements for issuance of airworthiness certificates.*

01.230. *Airworthiness requirements.*—For certain classes of aircraft and for definite types of operation the requirements for airworthiness hereinafter specified shall be complied with. They are set forth in the following:

Airplanes, CAR 04
Gliders, CAR 05
Rotorplanes, CAR 06
Aerostats, CAR 07

01.2300. A new aircraft manufactured subsequent to the effective date of these regulations and in accordance with an approval previously issued will be eligible for airworthiness certification after inspection showing compliance with the terms of the current Aircraft Specification previously issued therefor.

01.2301. Aircraft holding a valid commercial license will be eligible for airworthiness certification on expiration of such license and after inspection showing continued airworthiness and compliance with the terms of the current Aircraft Specification previously issued therefor.

01.231. *Inspection of aircraft.*—Each individual aircraft for which an airworthiness certificate is desired shall be presented for inspection to a designated representative of the Secretary for the purpose of determining the airworthiness of the aircraft.

01.2310. The registered owner of any aircraft shall offer full cooperation with respect to any inspection which may be made of said aircraft upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of an airworthiness certificate.

01.232. *Display of Identification Data.*—To facilitate inspection of the aircraft and for purposes of identifying the aircraft with the documents accepted as the basis of the airworthiness certificate, certain manufacturer's and other data shall be displayed as follows, so far as applicable to the type of aircraft involved:

01.2320 (a). An aircraft identification mark in accordance with the provisions of CAR 02.

01.2321 (b). The identification plate and other identifying information required under the pertinent airworthiness requirements of CAR 04, 05, 06 or 07, as the case may be.

01.24. *Issuance.*—Upon application duly made and proofs submitted, an airworthiness certificate will be issued in an appropriate form.

01.25. *Display.*—An airworthiness certificate which has been issued for an aircraft shall be carried therein at all times and shall be posted therein where it may be readily seen by passengers, and any such certificate shall be presented for inspection upon the demand of any passenger, any authorized representative of the Bureau and any State or municipal official charged with enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

01.26. *Duration, renewal and non-transferability.*—

01.260. *Duration.*—An airworthiness certificate will remain in force for a period of one year from date of issuance unless specifically limited to a shorter period, or until sooner suspended, revoked or canceled in accordance with the provisions of CAR 01.26.

01.261. *Renewal.*—The term of an airworthiness certificate may be renewed for additional periods of one year, or for shorter periods, on application of the registered owner to the Secretary or to a designated Bureau inspector, provided proof is made satisfactorily to show

(a) that the aircraft is still airworthy, and
(b) that the ownership is still as registered.

01.262. *Non-transferability.*—An airworthiness certificate is not transferable. However, such certificate may be reissued to an owner other than the original holder thereof provided such other owner meets all the requirements pertaining thereto and makes proper application and proofs therefor in accordance with the provisions of CAR 03.

01.27. *Suspension, revocation, cancellation and surrender.*—

01.270. *Suspension or revocation.*—An airworthiness certificate may be suspended or revoked by reason of any of the following on the part of the holder thereof:

01.2700 (a). The making of any false statement in an application for such certificate, or in any information accompanying such application, or in any report required by the Secretary.

01.2701 (b). Failure to make any report required by the Secretary.

01.2702 (c). Using or displaying such airworthiness certificate for a fraudulent purpose or using or displaying any airworthiness certificate or identification mark in any manner contrary to the public safety or interest.

01.2703 (d). Moral irresponsibility.

01.2704 (e). Violation, or permitting violation, of any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

01.2705 (f). Operating, or permitting the operation of, the aircraft in violation of any of the terms of its airworthiness certificate.

01.2706 (g). Failure to maintain the aircraft in an airworthy condition in accordance with CAR 01.72.

01.271. *Automatic suspension.*—

01.2710 (a). When an aircraft possessed of a valid airworthiness certificate is removed from the continental limits of the United States for the purpose of air navigation wholly within a foreign country, such certificate automatically becomes invalid, and may be suspended or revoked unless prior approval has been received from the Secretary.

01.2711 (b). When an aircraft possessed of a valid airworthiness certificate has been damaged, such certificate automatically becomes invalid until the aircraft has been repaired, inspected and re-rated in accordance with the provisions of CAR 18.

01.272. *Cancellation.*—An airworthiness certificate issued to the registered owner of an aircraft will be canceled upon the written request of such owner.

01.273. *Surrender.*—Upon notice from the Secretary of the suspension or revocation of an airworthiness certificate, or in case of cancellation thereof, the registered owner of the aircraft to whom it has been issued shall immediately return such certificate to the Secretary.

01.3. *Experimental certificates.*—

01.30. *Eligibility for experimental certificate.*—Application for an experimental certificate may be made by the registered owner of the following aircraft:

(a) Aircraft used solely for experimental purposes as defined in CAR 01.12 herein.
(b) Aircraft belonging to the United States.
(c) Aircraft belonging to any State, Territory or possession of the United States or to a political subdivision thereof, and used exclusively in the governmental service.

01.31. *Application for experimental certificate.*—Application for an experimental certificate shall be made to the Secretary upon a form supplied for the purpose.

01.32. *Kinds of experimental certificates.*—Experimental certificates are classified by the symbol X, for the meaning of which see CAR 02. Experimental certificates are further classified and modified by means of operation limitations which will appear on the certificate.

01.33. *Requirements for issuance of experimental certificates.*—

01.330. *Minimum requirements.*—Applicant shall show that the aircraft is to be used for experimental purposes as defined in CAR 01.12 and the aircraft shall satisfactorily undergo the inspection required by CAR 01.331.

01.331. *Inspection of aircraft.*—An aircraft for which an experimental certificate is desired shall be presented for inspection to a designated representative of the Secretary for the purpose of determining that it is an experimental aircraft as defined in CAR 01.12 and that no unairworthy feature with respect to structural integrity, workmanship or flight characteristics is evident. After inspection, such representative will establish suitable operation limitations for incorporation in the certificate when issued.

01.3310. The registered owner of any aircraft shall offer full cooperation with respect to any inspection which may be made of said aircraft upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of an experimental certificate.

01.332. *Display of identification data.*—To facilitate inspection and for purposes of identifying the aircraft as an experimental aircraft, certain data shall be displayed as follows:

01.3320 (a). An aircraft identification mark in accordance with the provisions of CAR 02.

01.3321 (b). A metal plate permanently affixed in a visible location in the pilot's cockpit or compartment bearing the date of manufacture and the name of manufacturer, the manufacturer's serial number and the model designation.

01.34. *Issuance.*—Upon approval of application duly made and proofs submitted, an experimental certificate will be issued in appropriate form.

01.35. *Display.*—An experimental certificate which has been issued for an aircraft shall be carried therein at all times and shall be posted therein where it may be readily seen, and any such certificate shall be presented for inspection upon the demand of any authorized representative of the Bureau and any State or municipal official charged with enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

01.36. *Duration, renewal and non-transferability.*—

01.360. *Duration.*—An experimental certification will remain in force for such a period from date of issuance as specifically stated thereon, or until sooner suspended, revoked or canceled in accordance with the provisions of CAR 01.36.



01.361. *Renewal.*—The term of an experimental certificate may be renewed for additional periods on application of the registered owner to the Secretary or to a designated Bureau inspector, provided proof is made satisfactorily to show:

(a) that the aircraft is still being used for experimental purposes as set forth in CAR 01.330, and.
(b) that the ownership is still as registered.

01.362. *Non-transferability.*—An experimental certificate is not transferable. However, such certificate may be reissued to an owner other than the original holder thereof provided such other owner meets all the requirements pertaining thereto and makes proper application and proofs therefor in accordance with the provisions of CAR 03.

01.37. *Suspension, revocation, cancellation and surrender.*—

01.370. *Suspension or revocation.*—An experimental certificate may be suspended or revoked by reason of any of the following on the part of the holder thereof:

01.3700 (a). The making of any false statement in an application for such certificate, or in any information accompanying the application, or in any report required by the Secretary.

01.3701 (b). Using or displaying such experimental certificate for a fraudulent purpose, or using or displaying any experimental certificate or identification mark in any manner contrary to the public safety or interest.

01.3702 (c). Moral irresponsibility.

01.3703 (d). Violation, or permitting violation, of any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

01.3704 (e). Operating, or permitting the operation of, the aircraft in violation of any of the terms of its experimental certificate.

01.371. *Cancellation.*—An experimental certificate issued to the registered owner of an aircraft will be canceled upon the written request of such owner.

01.372. *Surrender.*—Upon notice from the Secretary of the suspension or revocation of an experimental certificate, or in case of cancellation thereof, the registered owner of the aircraft for which it has been issued shall immediately return such certificate to the Secretary.

01.4. *Type certificates.*—

01.40. *Application for type certificate.*—Application for a type certificate for any aircraft, engine, propeller, or other aeronautical equipment as provided for in CAR 15, shall be made to the Secretary upon a form supplied for the purpose.

01.41. *Kinds of type certificates.*—Type certificates are classified as to type of aircraft or component for which issued.

01.42. *Requirements for issuance of type certificates.*—

01.420. *Airworthiness of type.*—As one requisite to the issuance of a type certificate, the airworthiness of the type of aircraft or component shall be established to the satisfaction of the Secretary. This will require the construction of at least one complete aircraft or component of the type for which the type certificate is desired. In the case of aircraft it is further required that an airworthiness certificate (see CAR 01.2) be obtained for an aircraft of the type in question. For certain classes of aircraft and components the requirements for airworthiness, including special requirements for type certification, are specified hereinafter as follows:

Airplanes, CAR 04.
Gliders, CAR 05.
Rotorplanes, CAR 06.
Aerostats, CAR 07.
Aircraft Engines, CAR 13.
Aircraft Propellers, CAR 14.
Aircraft Equipment, CAR 15.

01.421. *Technical data required.*—The applicant for a type certificate shall submit, together with the application or following such application, technical data representing the type of aircraft or component for which a type certificate is desired. Such data shall comply with the requirements specifically provided for this purpose. (See CAR 01.420 for reference thereto.)

01.422. *Inspection.*—The applicant for a type certificate shall offer full cooperation with respect to any inspection which may be made upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of such type certificate.

01.43. *Issuance.*—Upon approval of an application duly made and proofs submitted, a type certificate will be issued in an appropriate form.

01.44. *Certification under type certificate.*—An aircraft or component manufactured under a type certificate and in accordance with the terms thereof may be certificated as airworthy on the basis of the airworthiness rating of the original article of the type for which said type certificate was issued, upon proof that the article in question conforms exactly with the authenticated data forming a part of said type certificate; provided, however, that each article shall satisfactorily pass such inspections as to workmanship, installation, assembly and flight characteristics as the Secretary may deem necessary.

01.45. *Display.*—Any type certificate, including such papers and data as may be a part thereof, shall be presented for inspection upon the demand of any authorized representative of the Bureau and of any State or municipal official charged with enforcing local laws or regulations involving Federal compliance.

01.46. *Duration, transfer and license.*—

01.460. *Duration.*—A type certificate will be issued for an indeterminate period of time and shall remain effective until it is suspended or revoked, or is canceled upon the written request of the holder thereof.

01.461. *Transfer and license.*—A type certificate is transferable and the benefits of such certificate may be extended by licensing arrangements.

01.47. *Suspension, revocation, cancellation and surrender.*—

01.470. *Suspension or revocation.*—A type certificate may be suspended or revoked in the event of unsatisfactory or unsafe performance in service of aircraft, engines, propellers or other aeronautical equipment for which such type certificate has been issued, and by reason of any of the following on the part of the holder thereof:

01.4700. (a) The making of any false statement in an application for said certificate, or in any information accompanying the application, or in any report required by the Secretary.

01.4761. (b) Failure to make any report required by the Secretary.

01.4702. (c) Use or display of any type certificate or other official notification from the Bureau for a fraudulent purpose; or misrepresentation of any certificated product; or use or display of any type certificate or other official notification from the Bureau in any manner contrary to the public safety or interest.

01.4703. (d) Alteration of the basic design or specifications of an aircraft, engine, propeller or other aeronautical equipment for which a type certificate has been issued, without first having such alteration approved by the Secretary.

01.4704. (e) Refusal to submit to inspection upon proper demand by an authorized representative of the Secretary or to render any reasonable assistance in connection therewith.

01.4705. (f) Moral irresponsibility.

01.4706. (g) Violation of the Air Commerce Act or any rule or regulation duly issued thereunder.

01.471. *Cancellation.*—A type certificate will be canceled on the request of the holder thereof.

01.472. *Surrender.*—Upon notice from the Secretary of the suspension or revocation of a type certificate, or in case of cancellation thereof, the holder thereof shall immediately return such certificate to the Secretary.

01.48. *Confidential nature of data.*—Technical data furnished by manufacturers or designers of aircraft, engines, propellers or other aeronautical equipment, in compliance with the procedure established for the issuance of a type certificate therefor, will be treated as confidential by all em-

ployees of the Department of Commerce for such time as the certificate is in force.

01.5. *Production certificates.*—

01.50. *Application for production certificate.*—Application for a production certificate for any aircraft, engine, propeller, or other aeronautical equipment shall be made to the Secretary upon a form supplied for the purpose.

01.51. *Kinds of production certificates.*—Production certificates are classified as to type of aircraft or component for which issued.

01.52. *Requirements for issuance of production certificates.*—

01.520. *Type certificate required.*—As one requisite to the issuance of a production certificate the applicant therefor shall hold a type certificate for the type of article to be manufactured or shall have secured the rights to manufacture such article under an existing type certificate.

01.521. *Production facilities.*—The applicant for a production certificate shall demonstrate to the satisfaction of the Secretary the adequacy of his production facilities, including qualified personnel, for the manufacture, in quantities, of aircraft or components which such production certificate is to cover. The production facilities shall be such as to insure the reproduction of articles of an exact similarity of type, structure, materials and workmanship with the specifications and other data forming the basis of the type certificate or type certificates for which the production certificate is issued.

01.522. *Inspection of facilities.*—The applicant for a production certificate shall offer full cooperation in respect of any inspection of facilities which may be made upon proper demand by any authorized representative of the Secretary prior and subsequent to the issuance of such production certificate.

01.523. *Inspection of aircraft.*—If the applicant for a production certificate is not the manufacturer of the aircraft which was subjected to the inspections and tests conducted in the fulfillment of the requirements for the type certificate issued, the first article manufactured by him under each production certificate shall satisfactorily undergo the inspection and flight tests required for the issuance of a type certificate.

01.53. *Issuance.*—Upon approval of an application duly made and proofs submitted a production certificate, specifying the type certificate numbers for which the production certificate is valid and whatever detailed inspection procedure may be required prior to the issuance of airworthiness certificates for aircraft manufactured under said production certificate, will be issued in an appropriate form.

01.54. *Certification under production certificate.*—Aircraft or component parts manufactured under a production certificate and in accordance with the terms thereof may be certificated as airworthy on the basis of the airworthiness rating of the original article of the type represented by the type certificate for which said production certificate was issued; provided, however, that each article shall satisfactorily undergo such inspections as may be required under the terms of said production certificate.

01.55. *Display.*—Any production certificate, including such papers and data as may be a part thereof, shall be presented for inspection upon the demand of any authorized representative of the Bureau and of any State or municipal official charged with enforcing local laws or regulations involving Federal compliance.

01.56. *Duration and nontransferability.*—

01.560. *Duration.*—A production certificate will be issued for an indeterminate period of time and shall remain effective so long as the aircraft or components for which it is issued are being manufactured in accordance with terms of such certificate and so long as manufacturing facilities and personnel are continuously maintained at the standards which formed the basis for issuance of such certificate, or until said certificate is sooner suspended or revoked, or canceled upon the written request of the holder thereof.

01.561. *Nontransferability.*—A production certificate is not transferable. However, such certificate may be reissued to a manufacturer other than the original holder thereof provided such other manufacturer meets all the requirements pertaining thereto.

01.57. *Suspension, revocation, cancellation and surrender.*—

01.570. *Suspension or revocation.*—A production certificate may be suspended or revoked in the event of unsatisfactory or unsafe performance in service of aircraft, engines, propellers or other aeronautical equipment manufactured under a production certificate, and by reason of any of the following on the part of the holder thereof:

01.5700. (a) The making of any false statement in an application for said certificate, or in any information accompanying the application, or in any report required by the Secretary.

01.5701. (b) Failure to make any report required by the Secretary.

01.5702. (c) Use or display of any production certificate or other official notification from the Bureau for a fraudulent purpose; or misrepresentation of any certificated product; or use or display of any production certificate or other official notification from the Bureau in any manner contrary to the public safety or interest.

01.5703. (d) Alteration of the basic design or specifications of an aircraft, engine, propeller or other aeronautical equipment for which a production certificate has been issued, without first having such alteration incorporated in the type certificate on which the production certificate is based.

01.5704 (e). Refusal to submit to inspection of facilities, personnel or products upon proper demand by an authorized representative of the Secretary or to render any reasonable assistance in connection therewith.

01.5705 (f). Moral irresponsibility.

01.5706 (g). Violation of the Air Commerce Act or any rule or regulation duly issued thereunder.

01.571. *Surrender.*—Upon notice from the Secretary of the suspension or revocation of a production certificate, or in case of cancellation thereof, the holder thereof shall immediately return such certificate to the Secretary.

01.58. *Confidential nature of data.*—Technical data furnished by manufacturers or designers or aircraft, engines, propellers or other aeronautical equipment, in compliance with the procedure established for the issuance of a production certificate therefor, will be treated as confidential by all employees of the Department of Commerce for such time as the certificate is in force.

01.6. *Registration certificates.*—See CAR 00.

01.7. *Certificate rules.*—

01.70. *Operation of certificated aircraft.*—

01.700. No aircraft certificated as airworthy shall be flown, or authorized to be flown, in violation of the operating or other terms of its airworthiness certificate, nor in violation of any provision of CAR 60, nor unless its airworthiness has been maintained in accordance with CAR 01.72.

01.701. No aircraft certificated as experimental shall be flown, or authorized to be flown, in violation of the operating or other terms of its certificate, nor in violation of any provision of CAR 60.

01.702. No person shall be carried in flight in any aircraft certificated in the classification R or X (See CAR 02.111 and 02.112) except such members of the crew as are necessary for the operation thereof in accordance with the limitations stated in the pertinent certificate.

01.703. The registered owner or the operator of a certificated aircraft shall not permit it to be flown by any person other than one possessed of a pilot certificate valid for the type of aircraft and operation involved.

01.71. *Operation of damaged or altered certificated aircraft.*—

01.710. No flight of a certificated aircraft which has been damaged or altered shall be made, or authorized to be made, until the aircraft has been re-rated as to airworthiness in accordance with the provisions of CAR 18, or has been re-rated as an experimental aircraft.



01.711. When a certificated aircraft has undergone repairs or alterations as set forth in CAR 18.11, 18.12, 18.23, or 18.24, or when a new, old or re-conditioned engine has been installed therein, such aircraft shall be test flown before any passenger is carried therein.

01.72. *Maintenance of airworthiness.*—

01.720. After an airworthiness certificate has been issued to the owner of an aircraft, and between the times that it is inspected by a Bureau inspector for airworthiness and for conformity with approved specifications, the owner shall be charged with the duty of maintaining the aircraft in a good and proper state of repair and flying condition so that it shall continue at all times to be airworthy and to conform with such specifications.

01.721. *Line inspection.*—The owner of a certificated aircraft (other than an aircraft engaged in scheduled interstate or foreign passenger airline carrier operation for which inspection and maintenance requirements are provided elsewhere in these regulations) shall be charged with the duty of having such aircraft given a line inspection by a person possessed of a valid pilot or mechanic certificate, at least once in 7 days preceding flight, provided, however, that there shall be at least one inspection for each 25 hours of flying time. The result thereof shall be entered in the aircraft log-book over the signature of the person making such inspection. The line inspection so required shall be made to ascertain the working condition and state of repair of the following:

01.7210 (a). open control wires, all control wires and pulleys open to inspection through apertures, and all hinges on control surfaces;

01.7211 (b). landing gear structure, wheels, fittings, and shock absorbers;

01.7212 (c). fuselage parts open to visual inspection;

01.7213 (d). main plane external bracing, including fittings and struts, external wires, cables, turnbuckles, and fabric or covering;

01.7214 (e). control surface fabric or covering;

01.7215 (f). engine exhaust manifolds and exhaust-pipe extensions (the engine shall be given a warming-up test, during which the proper functioning of the engine instruments shall be ascertained);

01.7216 (g). carburetors and fuel-feed lines open to visual inspection, to insure proper functioning;

01.7217 (h). cooling system and connections;

01.7218 (i). cowling, to insure that the cowlings are properly secured and safetied, and

01.7219 (j). propellers, as to condition.

01.722. *Periodic inspection.*—The owner of a certificated aircraft shall be charged with the duty, after each 100 hours of flight of the aircraft, of having such aircraft given a periodic inspection by a person possessed of a valid mechanic certificate, and the result thereof shall be entered in the aircraft logbook by the person making such inspection. The periodic inspection shall be made to ascertain the working condition and state the repair of the following:

01.7220 (a). powerplant installation,

01.7221 (b). control systems throughout,

01.7222 (c). propeller alignment,

01.7223 (d). fuselage fittings open or openable to inspection, and

01.7224 (e). all items specified in paragraphs CAR 01.7210 through 01.7219.

01.723. The Bureau inspector or other authorized representative of the Secretary shall be permitted by the owner, operating agency or pilot of any certificated aircraft to inspect it at any time and place for the purpose of determining its flying condition and state of repair. For such purposes, the owner, operating agency or pilot shall give to such inspector or representative free and uninterrupted access to the aircraft and to the area or shelter where the aircraft is located.

01.7230. Upon the presentation for inspection of an aircraft for renewal of its airworthiness certificate, all inspection plates and cowlings shall have been removed and all parts cleaned. The aircraft and engine logbooks, in current form, and the aircraft certificate shall be presented at the same time.

01.73. *Log-Books.*—

01.730. *Aircraft log.*—The registered owner of a certificated aircraft shall maintain an aircraft log-book therefor and shall be responsible for recording in such log-book current reports of line and periodic inspections, the flight time of the aircraft, rigging changes in the aircraft, and repairs and alterations of the aircraft structure and of the propeller.

01.731. *Engine log.*—The registered owner of a certificated aircraft shall maintain an engine log-book for each engine installed therein and shall be responsible for recording in such log-book current reports of line and periodic inspections, the duration of the running time of the engine both on the ground and in the air, changes in the engine installation, and of the overhaul and alteration of the engine.

01.732. The log-books required in CAR 01.730 and 01.731 shall be carried in such aircraft at all times when it is away from the landing area regularly used as its base of operations, provided, however, that log-books for certificated airline aircraft may be maintained and kept at terminals.

01.74. *Aircraft flight reports.*—

01.740. The registered owner of a certificated aircraft engaged in flying (as other than a scheduled airline carrier) shall, on the first day of January and of July of each year, transmit to the Secretary the following information:

01.7400 (a). A navigation summary report showing the hours flown in each kind of non-scheduled operation during the 6 months immediately preceding the rendering of the report, and

01.7401 (b). such other data as may be specified from time to time on forms provided for such purpose by the Secretary.

01.741. When a certificated aircraft is not flown during any semi-annual period ending on the last day of December or of June in any year, such fact shall be reported to the Secretary immediately on the termination of such period.

01.75. *Accident reports.*—When serious injury to a person or to property is suffered or when death results by virtue of the operation of a certificated aircraft, the registered owner or the pilot of such aircraft shall immediately report, by telephone or telegraph, to the Secretary as to the identification mark of the aircraft and the time and place of the accident. All accidents occurring in the operation of certificated aircraft which results in damage to the aircraft shall be immediately reported to the Secretary by the registered owner or the pilot on a form supplied for the purpose, except that this shall not apply in the case of gliders unless serious injury or death results to persons.

01.76. *Production reports.*—A manufacturer to whom a type, an approved type, or a production certificate has been issued shall file his affidavit with the Secretary on January 1 and July 1 of each year showing the number of aircraft, engines, propellers or other equipment, as the case may be, constructed in exact accordance with the terms of such certificate during the preceding 6 months. This report shall include the serial numbers or other identification marks of all the articles involved, the dates of manufacture and any other pertinent information.

02. AIRCRAFT IDENTIFICATION MARK

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CHAPTER 02. AIRCRAFT IDENTIFICATION MARK

02.0. *Provision for issuance.*—Pursuant to the provisions of the Air Commerce Act declaring that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty of the airspace over the lands and waters of the United States, including the Canal Zone, and requiring the Secretary of Commerce to establish air traffic rules for the navigation, protection, and identification of aircraft, the following regulations are prescribed for the assignment, approval, issuance and display of identification marks.

02.1. *Character.*—An aircraft identification mark will consist of one or more Roman capital letters and a number.

02.10. *International symbol.*—The Roman capital letter N will appear first in the identification mark of aircraft of the United States.

02.11. *Classification symbol.*—The international symbol N will be followed in the mark by the Roman capital letter C, R, or X, or by a bar, for the purpose of classifying the aircraft as to its airworthiness, as follows:

02.110 (a). The letter C will classify an aircraft as complying fully with the airworthiness requirements of CAR 01 and 04, 05, 06, or 07, as the case may be, for the purpose of carrying persons or property, for or without hire.

02.111 (b). The letter R will classify an aircraft as complying in some limited respect with the airworthiness requirements of CAR 01 and 04, 05, 06, or 07, as the case may be. The certificate of an aircraft in this classification will specify the use, or uses, for which such aircraft is deemed airworthy, but such use, or uses, shall exclude passenger carrying, and shall be for industrial purposes only.

02.112 (c). The letter X will classify an aircraft as one which has been issued an experimental certificate in accordance with CAR 01.3. An aircraft so classified has been found by inspection to possess no apparent unairworthy features.

02.113 (d). The bar symbol, —, will classify the aircraft as one whose airworthiness rating has not been established. An aircraft so classified is an uncertificated aircraft.

02.12. *Number.*—The classification symbol will be followed in the mark by a number issued for purposes of further identification.

02.2. *Issuance.*—

02.20. *Assignment.*—The aircraft identification mark will be assigned by the Secretary at the time of issuance of the registration or the airworthiness certificate, will be inserted in the body of either thereof, as the case may be, and will be issued as a part thereof.

02.21. *Provisional assignment.*—Pending issuance by the Secretary a provisional assignment may be made by a Bureau inspector.

02.3. *Location for display.*—

02.30. *Conventional airplanes and gliders.*—The mark on such aircraft shall be located on the lower surface of the lower left wing and on the upper surface of the upper right wing. If, in a biplane, the lower left wing space is less than one-half that of the upper left wing, the mark shall be located on the lower surface of the upper left wing, as far to the left as is possible. The top of the letters and figures shall be toward the leading edge. The height shall be at least four-fifths of the mean chord; provided, however, that in the event four-fifths of the mean chord is more than 30 inches, the height of the letters and figures need not be more but shall not be less than 30 inches. In the case of a monoplane, the mark shall be displayed on the lower surface of the left wing and the upper surface of the right wing in the manner thus described. On gliders the letters or figures shall be displayed in the same manner and place prescribed for airplanes except the minimum height shall be 15 inches. The mark shall also be located on both sides of the vertical tail surface, or size as large as a 2-inch margin will permit.

02.31. *Unconventional aircraft.*—Marks on such aircraft will be located as deemed satisfactory by the Secretary upon examination of a three-view drawing to scale, of the aircraft.

02.32. *Airships.*—The mark on such aircraft shall be located on both sides at a distance back from the nose equal to one-fourth of the total airship length, and so located vertically as to lie halfway between the bottom line of the airship surface and the point of maximum beam. The height of the letters and figures shall be one-twelfth of the maximum cross-sectional circumference, but need not exceed four feet.

02.33. *Conventional balloons.*—The mark on such aircraft shall be located at two opposite points near but below the maximum horizontal perimeter. The height of the letters and figures shall equal at least one-twelfth of such perimeter but need not exceed four feet.

02.34. *Unconventional balloons.*—The mark on such aircraft shall be located as deemed satisfactory by the Secretary.

02.4 *Lettering.*—

02.40. *Type.*—The width of the letters and figures (except the figure 1) shall be at least two-thirds of their height. The width of each stroke shall be at least one-sixth of the height of the letters and figures, which shall be of uniform size.

02.41. *Color.*—The letters and numbers shall be painted on the aircraft in any color on any background provided there is a strong contrast, as deemed suitable by the Secretary.

02.42. *Legibility.*—Except with the approval of the Secretary, no other design, mark, symbol or description shall be placed upon an aircraft if such design, etc., modifies, adds to, detracts from, or confuses the assigned mark or destroys its legibility. The assigned marks shall be kept clean and clearly visible.

02.5. *Identification mark rules.*—

02.50. *Domestic aircraft.*—Every aircraft (except a foreign aircraft) entering the airspace over the lands and waters of the United States, including the Canal Zone, shall be possessed of and display an identification mark assigned and issued therefor by the Secretary.

02.51. *Foreign aircraft.*—Foreign aircraft shall be subject to the provisions of CAR 02.50 unless specifically given other authorization pursuant to Section 6 of the Air Commerce Act.

02.52. *Domestic aircraft for foreign delivery.*—An aircraft manufactured in the United States for delivery to a foreign purchaser may display appropriate and duly assigned and/or issued foreign identification marks or insignia and may be navigated for the sole purpose of delivery to said foreign purchaser by the most practical direct air route or for demonstration purposes for a limited time within the immediate vicinity of the manufacturer's airport on application made to and approved by the Secretary.

03. AIRCRAFT TITLE TRANSFER
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03.1 Seller's Report of Title Transfer
03.2 Purchaser's Application for Registration Certificate
03.3 Purchaser's Application for Aircraft Certificate
03.4 Interim Status of Aircraft
03.5 Interim Operation of Aircraft

CHAPTER 03. AIRCRAFT TITLE TRANSFER

03.0. *Provision for issuance.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the granting of registration to aircraft eligible therefor, and to provide for the rating of aircraft as to airworthiness, the following regulations are made to provide for the situations arising from the transfer of title to aircraft.

03.1. *Seller's report of title transfer.*—On the date of transfer of title of an aircraft registered as an aircraft of the United States, the registered owner thereof shall report the transaction in writing to the Secretary on Form AC 03–1 supplied for the purpose, and shall surrender his registration certificate for said aircraft, properly executed as to transfer of title, to the purchaser.

03.2. *Purchaser's application for registration certificate.*—On or after the date of transfer of title of an aircraft registered as an aircraft of the United States the purchaser thereof who desires to register such aircraft as an aircraft of the United States, shall make application therefor to the Secretary in accordance with the provisions of CAR 00.2.

03.3. *Purchaser's application for aircraft certificate.*—On or after the date of transfer of title of an aircraft the purchaser thereof, who desires an aircraft certificate therefor, shall make application to the Secretary in accordance with the appropriate provisions of CAR 01.

03.4. *Interim status of aircraft.*—In the interval of time between the date of transfer of title of an aircraft of the United States and the date of issuance of a registration certificate for such aircraft to the purchaser thereof, as provided in CAR 03.2 such aircraft is unregistered and shall not be flown within the navigable airspace of the United States, unless such purchaser fully complies with the provisions of CAR 03.5.

03.5. *Interim operation of aircraft.*—Pending the completion of the record of transfer of title by the Secretary and the issuance of a registration certificate and an aircraft certificate, if any, the purchaser, if a citizen of the United States, may operate the aircraft under the registration certificate and valid aircraft certificate, if any, previously issued to it, for a period of 60 days from the date of transfer upon the following conditions:

03.50 (a). On the date of transfer of title of an aircraft registered as an aircraft of the United States, the registered owner thereof shall have endorsed the date of transfer and name of the transferee in the blank space provided for such purpose on the face of the registration or aircraft certificate.

03.51 (b). On the date of transfer the proper application form shall have been either mailed to the Secretary or delivered directly to a designated Bureau inspector.

03.52 (c). The aircraft be operated in conformity with the terms of the valid aircraft certificate, if any, issued for such aircraft prior to the transfer of title.

03.53 (d). If the aircraft was issued an experimental certificate, special authority for its interim operation shall first be obtained from the Secretary.

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CHAPTER 04. AIRPLANE AIRWORTHINESS

04.0. *General.*—

04.00. *Scope.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of aircraft as to their airworthiness, the requirements hereinafter set forth shall be used as a minimum basis for establishing such rating for airplanes.

04.000. *Airworthiness certificate.*—The general requirements for the issuance of an airworthiness certificate, and other information concerning such certificates, are set forth in CAR 01. The airworthiness requirements which shall be used as a basis for the certification of airplanes are specified hereinafter. (See 04.003.)

04.001. *Type certificate.*—The general requirements for the issuance of a type certificate are set forth in CAR 01. In addition to the requirements hereinafter specified for an airworthiness certificate, the special requirements designated as (TC) shall apply when a type certificate is sought.

04.002. *Production certificate.*—The requirements for the issuance of, and the procedure for obtaining, a production certificate are set forth in CAR 01.

04.003. *Deviations.*—These requirements are based on the present development in the science of airplane design. Experience indicates that, when applied to conventional types of construction, they will result in an airworthy and well-proportioned aircraft. New types of aircraft and new types of construction may, however, incorporate features to which these requirements cannot be logically applied. In such cases, special consideration will have to be given the particular new problems involved. In cases where the deviation from conventional practice is small, approval may be granted if sufficient evidence is submitted to show that the proposed deviation will not be detrimental to the airworthiness of the design. When the deviation from conventional practice is considerable, special rulings covering the feature or features in question shall be obtained from the Secretary.

04.01. *Classification of airplanes.*—For the purpose of applying these requirements, airplanes are classified as follows:

(a) *Normal.*—airplanes not included in class (b) below.

(b) *Light.*—airplanes having a gross weight of less than 1000 pounds and a wing loading of not more than 6 pounds per square foot.

04.010. Such airplanes are further classified as:

(a) Landplanes
(b) Seaplanes (Boat and Float Seaplanes)
(c) Amphibians (combination of (a) and (b))
(See also CAR 01 for classification as to operation.)

04.02. *Airworthiness requisites.*—As a basis for an airworthiness rating, compliance with the quantitative and qualitative requirements herein with respect to the following factors shall be demonstrated to the Bureau in a manner satisfactory to the Secretary:

(a) The structural strength of wing, tail and control surfaces, fuselage, engine mount, nacelles, fittings, control system and landing gear. (See CAR 04.2 and CAR 04.3.)

(b) Pilot compartment, cabin and control arrangements. (See CAR 04.4 and CAR 04.5.)

(c) Powerplant and powerplant installation. (See CAR 04.6.)
(d) Equipment and instruments. (See CAR 04.5.)
(e) Propellers. (See CAR 04.6.)
(f) Detail design. (See CAR 04.4.)
(g) Materials and workmanship. (See CAR 04.400.)
(h) Flying characteristics and qualities. (See CAR 04.7.)
(i) Safety features. (See CAR 04.4 and CAR 04.5.)

04.03. *Technical data required.*—When technical data are submitted as a basis for an airworthiness rating they shall include information which, in conjunction with suitable inspection and test procedure, will enable the Secretary to establish such rating.

04.030. *Submission to branch office.*—When data are submitted to a branch office of the Bureau, an extra copy of the three-view drawing, main assemblies and installations, drawing lists, applications and reports shall be included for the Washington office files.

04.031. *Data required for airworthiness certificate.*—The minimum data required as a basis for the issuance of an airworthiness certificate for a specific single airplane for which a type certificate is not sought or has not previously been issued, are as follows:

(a) A three-view drawing of the airplane, to a designated scale, specifying the external dimensions, manufacturer's designation, engine model designation, design weight, empty weight, wing and control surface areas, seating arrangement, fuel and oil capacity, baggage capacity (in pounds) and equipment supplied.

(b) Such additional technical data as are deemed necessary by the Secretary to show compliance with the requirements of CAR 04.02.

04.032. Data Required for Type Certificate (TC): As a basis for type certification, the following technical data shall be submitted.

04.0320 (TC). *Drawings.*—A set of drawings shall be submitted in blueprint form, or equivalent. Drawings shall be folded to a size approximately 9'' x 12'', and shall contain at least the following information:

(a) The manufacturer's designation of the original model to which each drawing applies.

(b) All dimensions essential to the reproduction of an identical airplane in respect to structural strength and dimensions.

(c) All dimensions essential for checking the structural analysis required in 04.0327.

(d) Specifications of all materials used in the primary structure (See CAR 04.131), including the guaranteed physical properties in the case of materials the strength properties of which are developed through manufacturing processes, and specifications of all bolts, nuts, rivets and similar standard parts essential to the strength of the structure.

(e) Details of the primary structure, seating arrangement, exists, control systems, powerplant installations, equipment installations and other factors affecting the air-worthiness of the airplane, except that adequate photographs may be substituted for drawings of the powerplant installation, including cooling and exhaust systems. Such photographs shall be made from marked negatives indicating the dimensions and materials of the piping and fittings. In any case diagrammatic layouts of the fuel and oil systems shall be submitted.

(f) Revision blocks stating the nature of the revision and the date it was made, and the serial number of the first airplane manufactured in accordance with the revision.

(g) A three-view drawing of the airplane, to a designated scale, specifying only the external dimensions of the airplane (including dimensions and areas of wing and control surfaces) and the airplane and engine model designations.

04.0321 (TC). *Drawing list.*—A drawing list shall be submitted in duplicate, listing in numerical order or by suitable classification the number, title and original date of each drawing submitted under CAR 04.032. The drawing list shall include references to all drawings originally submitted in connection with applications for airworthiness rating of other models and which apply to the model in question without change. The drawing list shall also indicate, by letter, the latest revision of each revised drawing.

04.0322 (TC). *Equipment lists.*—Lists specifying the equipment supplied with each airplane shall be submitted. The location, weight, and model designation of each item of equipment, including the additional weight necessary for installation shall be specified.

04.0323 (TC). *Preliminary weight and balance report.*—A report shall be submitted in which the range of center of gravity locations for which rating is sought is determined versus weight and with respect to suitable reference planes or lines.

04.0324 (TC). *Balance diagram.*—The report required in CAR 04.0323 shall include a diagram showing the location of the centers of gravity of the component parts of the airplane and its contents, and the location of a suitable reference chord for the wing system, and the location of the assumed center of pressure of the horizontal tail. The locations of the above items shall be indicated by reference to suitable horizontal and vertical planes.

04.0325 (TC). *Weight table.*—The report required in CAR 04.0323 shall include a table or list of the weights of all component parts of the airplane and its contents.

04.0326 (TC). *Structural report.*—A structural report shall be submitted in which the strength of the structure is determined with reference to the strength requirements hereinafter specified. The structural report shall include the computations of the required *limit* loads and shall demonstrate the ability of the structure to develop the required factors of safety with respect to these loads either by analytical methods satisfactory to the Secretary or by reference to authenticated test data, or by a combination of both. (See CAR 04.3.) The structural report shall also include all computations necessary to prove compliance with the miscellaneous requirements hereinafter specified.

04.0327 (TC). *Structural analysis.*—Computations submitted as part of the structural report shall include a table, or tables, including the minimum margins of safety computed for all structural members and shall bear the signature of the responsible engineer or engineers.

04.0328 (TC). *Test reports.*—Test reports submitted as a part of, or referred to in, the structural report shall bear the signature of the Secretary's representative who witnessed the tests, except in the case of minor tests, in which case the applicant's certification that the report accurately represents the complete results of the tests will be accepted.

04.04. *Procedure when airworthiness certificate only is sought* (see also CAR 01).—

04.040. *General.*—The applicant shall prove, to the satisfaction of the Secretary, compliance with all pertinent airworthiness requirements. (See CAR 04.02.) The proofs submitted by the applicant shall include such computations as are necessary to determine the exact application of the airworthiness requirements to the airplane in question.

04.041. *Structural inspection.*—An official representative of the Secretary will conduct such inspections of the structure and methods of fabrication as are deemed necessary by the Secretary prior to completion of the airplane and will witness structural tests in compliance with these regulations. (See CAR 04.3023.)

04.042. *Flight tests.*—The airplane shall be subjected to such flight tests as are deemed necessary by the Secretary to prove compliance with the flight and operation requirements specified in CAR 04.7.

04.05. *Procedure for type certificate.*—

04.050. *Examination of data.*—

04.0500. *Partial data.*—Arrangements may be made with the Bureau for examination of the required technical data in partial units prior to the receipt of a complete file provided that each such unit is complete in itself, and further provided that there is no unreasonable time interval between the receipt by the Bureau of the various units necessary to complete the file.



04.0501. *Discontinuance of examination.*—Examination of any technical data, including drawings, submitted in connection with an application for airworthiness rating, will be discontinued if errors, omissions, or lack of references are found which, in the opinion of the Secretary, render the data unsatisfactory as a basis for proving compliance with the airworthiness requirements. The examination will be continued upon correction of the data to the Secretary's satisfaction. Minor errors and omissions, the effects of which can be readily evaluated, will not constitute cause of discontinuing examination of technical data.

04.051. *Structural inspection.*—An official representative of the Secretary will conduct such inspections of the structure and methods of fabrication as are deemed necessary by the Secretary prior to completion of the airplane and will witness structural tests in compliance with these regulations. (See CAR 04.304.)

04.052. *Type inspection authorization.*—A type inspection will be authorized upon fulfillment of the following requirements:

(a) Completion of examination of the structural report and drawings and correction by the applicant of all errors and omissions which, in the opinion of the Secretary, must be corrected before authorization of the type inspection.

(b) Completion, and acceptance by the Bureau, of all structural tests required as part of the structural report or to prove compliance with the requirements herein specified.

(c) Submission of test reports conforming to the requirements of CAR 04.304 and approval of such reports by the Bureau.

04.053. *Type inspection procedure.*—The type inspection shall consist of a ground inspection and a flight test of an airplane built to conform with the technical data previously submitted and on which the authorization of the type inspection was based. The following sub-paragraphs shall be complied with in connection with the type inspection.

04.0530. *Affidavit of conformity.*—The manufacturer shall present to a designated inspector of the Bureau an affidavit of conformity (Form AC 04–1) in which his chief engineer or other responsible technical representative shall swear under oath that the airplane submitted for type inspection has been manufactured in accordance with the latest technical data submitted to and approved by the Secretary (including all revisions and additions required by the Secretary in connection with authorization of the type inspection) except for any deviations therefrom, which shall be listed and described.

04.0531. *Weight and balance report.*—The airplane shall be weighed and its balance determined in the presence of the inspector, and the manufacturer shall submit to such inspector a complete report covering the determination of the weights and center of gravity locations for which certification is desired.

04.0532. *Applicant's flight test report.*—Prior to, or at the time of, presentation of the airplane for flight tests, the applicant shall submit to the inspector a detailed report of flight tests of the airplane involved. This report shall be signed by the applicant's test pilot who shall certify that the airplane has been flown by him in all maneuvers required for proof of compliance with the flight requirements hereinafter specified and found to conform therewith, except that for very large airplanes this procedure may be modified as deemed necessary by the Secretary.

04.0533. *Ground inspection.*—Before conducting any flight tests, the inspector will complete the ground inspection to the extent that all items affecting the safety of flight have been found satisfactory.

04.0534. *Flight tests.*—The airplane shall be subjected to such flight tests as are necessary to prove compliance with the flight and operation requirements specified in CAR 04.7 and to supply the information required on Form AC 04–2.

04.0535. *Discontinuance of type inspection.*—If during any part of the ground inspection or flight test there is noted any unfavorable characteristic or defect which is considered sufficiently serious by the inspector to warrant discontinuing the type inspection until corrective measures have been taken by the applicant.

(a) the inspector will note each unsatisfactory item on Form AC 04–3 with sufficient detail so that it will be clear to all concerned;

(b) one copy of Form AC 04–3 will be transmitted to the manufacturer;

(c) the manufacturer shall advise the Bureau when the aircraft, incorporating the required changes, will be available for continuance of the type inspection, and

(d) the manufacturer shall furnish the Secretary with technical data descriptive of all structural changes except those of an obviously minor nature, and such changes shall be approved prior to resuming the type inspection.

04.054. *Certification of airplanes.*—The procedure specified in the following sub-paragraphs will be followed in certifying as to the airworthiness of an airplane.

04.0540. *Issuance of aircraft specification.*—Upon completion of all reports, tests and inspections required to prove compliance with the airworthiness requirements to the satisfaction of the Secretary and upon receipt of the certification of the inspector (or inspectors) who conducted the type inspection to the effect that the airplane inspected was found to be airworthy, together with properly executed inspection forms specified in the preceding paragraphs, an Aircraft Specification will be issued for the type and model of the airplane in question. The Aircraft Specification will certify as to the airworthiness of the type of airplane in question when manufactured and inspected in accordance with the provisions noted thereon.

04.0541. *Issuance of type certificates.*—A type certificate such as is described in CAR 01 will be issued to the applicant upon compliance with the requirements therein.

04.0542. *Authenticated data.*—As a part of the type certificate, the Secretary will furnish the applicant, upon issuance of such certificate, one set of drawing lists on which the seal of the Bureau is impressed. These lists shall show acceptance of the drawings as partial proof of the airworthiness of the type of airplane to which they apply.

04.055. *Confidential data.*—All technical data submitted by the applicant for the Bureau's file will be held confidential and will be used only in connection with the airworthiness rating of the airplane or airplanes to which such data apply; provided, however, that the Secretary may at his discretion make such use of the confidential data as is required in the interests of public safety. Access to confidential data will be provided to accredited representatives of the holder of, or applicant for, a pertinent type certificate. Confidential data will not be used for reference purposes in connection with the repair, alteration or remodeling of certificated airplanes by persons other than the holder of the pertinent type certificate without the written consent of such holder unless he is out of business or has given the Bureau blanket permission for such use.

04.06. *Changes, repair and alteration.*—

04.060. *Change, repair or alteration of certificated airplanes.*—Change, repair or alteration of a certificated airplane renders such airplane subject to re-rating as to airworthiness in accordance with CAR 18, but does not affect the type certificate on which the airworthiness certification may have been based.

04.061. *Changes affecting type certificate.*—The holder of a type certificate shall apply for approval of any specific change or revision of the approved drawings or specifications which, in the opinion of the Secretary, affect the airworthiness of the airplane and shall submit sufficient technical data in the form of strength calculations and strength tests, or both, to demonstrate continued compliance with the airworthiness requirements hereinafter specified. If, in the opinion of the Secretary, the changes are such as to affect

the performance or operating characteristics, appropriate tests may be required. Upon satisfactory proof that the revisions do not render the airplane type unairworthy the Aircraft Specification may be modified to include airplanes embodying the approved changes, and sealed copies of the revised drawing list pages will be returned to the applicant.

04.0610. *Drawing changes.*—When a revised drawing is submitted to the Bureau and airplanes previously constructed according to the original drawing are not to be changed, such revised drawing shall indicate the serial number of the first airplane to which the change applies. Corrected pages of the drawing lists shall be submitted in duplicate for each model to which the revision applies. Alternate installations shall be so designated and properly indicated on the drawing lists.

04.0611. *Minor changes.*—The suitability of a minor change will be judged on the basis of the airworthiness requirements which were in effect when the particular airplane model or type was originally certificated, unless the specific circumstances indicate the advisability of compliance with current requirements. Minor changes which obviously do not impair the structural strength or reliability of the airplane nor affect its flying characteristics may be approved by authorized Bureau inspectors without prior reference to the Washington Office. Shop drawings showing such changes shall be forwarded to the Bureau for record purposes.

04.0612. *Major changes.*—Major changes, such as the installation of an engine of a type other than that covered by the original type certificate, shall require the issuance of a new type certificate and may require compliance with current requirements at the discretion of the Secretary.

04.0613. *Changes by persons other than holder of type certificates.*—Changes such as described in CAR 04.061 when made by persons other than the holder of the type certificate are subject to the same procedure as that outlined in CAR 04.061 and pertinent sub-paragraphs, except that the written consent of the holder of the type certificate shall be obtained if it is desired to refer to technical data originally submitted to the Bureau in connection with application for type certificate. (See CAR 04.055.)

04.06130. If changes by persons other than the holder of the type certificate are to be made effective for all airplanes manufactured under the pertinent type certificate, the pertinent Aircraft Specification will be revised accordingly.

04.06131. If changes by persons other than the holder of the type certificate are to be incorporated only on airplanes owned or operated by the person or persons making the change, an amendment to the pertinent Aircraft Specification will be issued to cover the approved changes.

04.1. *Definitions.*—

04.100. *Weight, W.*—The total weight of the airplane and its contents.

04.101. *Design weight.*—The weight of the airplane assumed for purposes of showing compliance with the structural requirements hereinafter specified.

04.1010. *Minimum design weight.*—Weight empty with standard equipment, plus crew, plus fuel of .25 lb. per maximum (except take-off) horsepower, plus oil.

04.102. *Standard weight.*—The maximum weight for which the airplane is certificated as complying with all the airworthiness requirements for normal operations.

04.103. *Provisional weight.*—The maximum weight for which the airplane is certificated as complying with the airworthiness requirements as modified for scheduled air carriers in CAR 04.71.

04.104. *Design wing areas.*—The design wing area is the area bounded by the projection of the actual outline on the surface containing the wing chords, without deduction for the area blanketed by fuselage or nacelles. That part of the area which lies within the fuselage or nacelles is bounded by lateral lines connecting the intersections of the leading and trailing edges with the fuselage or nacelle, ignoring fairings or fillets.

04.105. *Design power, P.*—The total engine horsepower used in determining the maneuvering load factors and design level speed, $V_L$. (See CAR 04.111 and 04.211.)

04.106. *Design wing loading, W/S.*—The design weight (CAR 04.101) divided by the design wing area (CAR 04.104).

04.107. *Design power loading, W/P.*—The design weight (CAR 04.101) divided by the design power. (See CAR 04.105 and Figure 04–3.)

04.108. *Air density, $\rho$.*—The mass density of the air through which the airplane is moving, in terms of the weight of a unit volume of air divided by the acceleration of gravity. The symbol $\rho_0$ denotes the mass density of air at sea level under standard atmospheric conditions and has the value of 0.002378 slugs per cubic foot. (See CAR 04.130 for definition of standard atmosphere.)

04.109. *True airspeed, $V_t$.*—The velocity of the airplane, along its flight path, with respect to the body of air through which the airplane is moving.

04.110. *Indicated airspeed.*—$V$, the true airspeed multiplied by the term $\sqrt{\rho/\rho_0}$. (See CAR 04.108.)

04.111. *Design level speed, $V_L$.*—The indicated airspeed in level flight at design gross weight when the design power (CAR 04.105) is delivered by the engine or engines. In estimating $V_L$ for design purposes a suitable propeller efficiency shall be assumed. This value of $V_L$ will be used as a basis for speed limitations. (See CAR 04.7430.)

04.112. *Design gliding speed, $V_g$.*—The maximum indicated airspeed used in determining the flight loads. (See CAR 04.211.)

04.113. *Design stalling speed, $V_s$.*—The computed indicated airspeed in unaccelerated flight based on the maximum lift coefficient of the wing and the design gross weight. The effects of slipstreams and nacelles shall be neglected in computing $V_s$. When high-lift devices are in operation the corresponding stalling speed will be denoted by $V_{sf}$.

04.114. *Design flap speed, $V_f$.*—The indicated airspeed at which maximum operation of high-lift devices is assumed. (See CAR 04.211.)

04.115. *Maximum vertical speed, $V_m$.*—A fictitious value of indicated airspeed computed for unaccelerated flight in a vertical dive with zero propeller thrust.

04.116. *Design maneuvering speed, $V_p$.*—The indicated airspeed at which maximum operation of the control surfaces is assumed. (See CAR 04.211.)

04.117. *Design gust velocity, U.*—A specific gust velocity assumed to act normal to the flight path. (See CAR 04.2121.)

04.118. *Dynamic pressure, q.*—The Kinetic energy of a unit volume of air.

$q=\frac{1}{2}\rho V_t^2$ (in terms of true airspeed)
$=\frac{1}{2}\rho V_0^2$ (in terms of indicated airspeed)
$=V^2/391$ pounds per square foot, when $V$ is miles per hour indicated airspeed.

(See CAR 04.108 for definition of $\rho$.)

04.119. *Load factor or acceleration factor, n.*—The ratio of a load to the design weight. When the load in question represents the net external load acting on the airplane in a given direction, n represents the acceleration factor in that direction.

04.120. *Limit load.*—A load (or load factor, or pressure) which it is assumed or known may be safely experienced but will not be exceeded in operation.

04.121. *Factor of safety, j.*—A factor by which the *limit* loads are multiplied for various design purposes.

04.122. *Ultimate factor of safety, $j_u$.*—A specified factor of safety used in determining the maximum load which the airplane structure is required to support.

04.123. *Yield factor of safety, $j_y$.*—A specified factor of safety used in connection with the prevention of permanent deformations.

04.124. *Ultimate load.*—A *limit* load multiplied by the specified *ultimate* factor (or factors) of safety. See above definitions and CAR 04.200.

04.125. *Yield load.*—A *limit* load multiplied by the specified *yield* factor (or factors) of safety. (See above definitions and CAR 04.201.)

04.126. *Strength test.*—A static load test in which the *ultimate* loads are properly applied. (See CAR 04.200 and CAR 04.3021.)



04.127. *Proof test.*—A static load test in which the *yield* loads are properly applied for a period of at least one minute. (See CAR 04.201.)

04.128. *Balancing loads.*—Loads by which the airplane is placed in a state of equilibrium under the action of external forces resulting from specified loading conditions. The state of equilibrium thus obtained may be either real or fictitious. Balancing loads may represent air loads, inertia loads, or both. (See CAR 04.2210.)

04.129. *Aerodynamic coefficients, $C_L$, $C_M$, C. P., etc.*—The coefficients hereinafter specified are those of the "absolute" (nondimensional) system adopted as standard in the United States. The subscripts N and C used hereinafter refer respectively to directions normal to and parallel with the basic chord of the airfoil section. Other subscripts have the usual significance. When applied to an entire wing or surface, the coefficients represent average values and shall be properly correlated with local conditions (load distribution) as required in CAR 04.217.

04.130. *Standard atmosphere (standard air).*—Standard atmosphere refers to that variation of air conditions with altitude which has been adopted as standard in the United States. (See any aeronautics text book or handbook, or NACA Technical Report No. 218.)

04.131. *Primary structure.*—Those portions of the airplane which are essential to the distribution and transmission of the loads acting on the airplane in the specified loading conditions. Primary structure includes control systems, engine mounts, fittings, members transmitting local loads, auxiliary members used to support or strengthen other members carrying direct loads, coverings of wing and control surfaces, and all other structural components to which the above definition applies.

04.2. *Structural loading conditions.*—

04.20. *General structural requirements.*—

04.200. *Strength.*—The primary structure (See CAR 04.131) shall be capable of supporting the *ultimate* loads (See CAR 04.124) determined by the loading conditions and *ultimate* factors of safety hereinafter specified, the loads being properly distributed and applied.

04.201. *Deformations.*—The primary structure shall be capable of supporting without detrimental permanent deformations, for a period of at least one minute, the *yield* loads (See CAR 04.125) determined by the loading conditions and *yield* factors of safety hereinafter specified, the loads being properly distributed and applied. Where no *yield* factor of safety is specified a factor of 1.0 shall be assumed. In addition, temporary deformations which occur before the yield load is reached shall be of such a nature that their repeated occurrence will not weaken or damage the primary structure.

04.202. *Stiffness.*—The primary structure shall be capable of supporting the *limit* loads (See CAR 04.120) determined by the loading conditions hereinafter specified without deflecting beyond whatever limits may be hereinafter prescribed or which may be deemed necessary by the Secretary for the case in question.

04.203. *Proof of strength and rigidity.*—No general requirements, but see CAR 04.3 for specific requirements.

04.204. *Materials, fabrication, protection, etc.*—No general requirements, but see CAR 04.4 for specific requirements.

04.21. *Flight loads.*—

04.210. *General.*—The airworthiness rating of an airplane with respect to its strength under flight loads will be based on the airspeeds and accelerations (from maneuvering or gusts) which can safely be developed in combination. For certain classes of airplanes the acceleration factors and gust velocities are arbitrarily specified hereinafter and shall be used for those classes. The airspeeds which can safely be developed in combination with the specified acceleration factors and gusts shall be determined in accordance with the procedure hereinafter specified and shall serve as a basis for restricting the operation of the airplane in flight (See CAR 04.743).

04.211. *Airspeeds.*—(See CAR 04.109 to 04.116 for definitions.) The design airspeeds shall be determined as follows:

$V_L$ shall correspond to design power in accordance with CAR 04.11.

$V_g$ shall not be less than $V_L+K_g(V_m-V_L)$, except that it need not be greater than either $V_L+100$ miles per hour or 1.5 $V_L$, whichever is lower. $K_g$ is specified on Fig. 04–1. $V_m$ is defined in CAR 04.115.

*$V_f$ shall not be less than $2V_{sf}$.* $V_{sf}$ is defined in CAR 04.113.

$V_p$ shall not be less than $V_{sf}-K_P(V_L-V_{sf})$, except that it need not be greater than $V_L$. $K_P$ is specified on Fig. 04–2.

(See CAR 04.2220, 04.2223 and 04.2230 for exceptions for multi-engine airplanes.)

04.212. *Load factors.*—The flight load factors specified hereinafter shall represent *wing* load factors. The *net* load factor, or acceleration factor, shall be obtained by proper consideration of balancing loads acting on the airplane in the specific flight conditions.

04.2120. *Maneuvering load factors.*—The *limit* maneuvering load factors specified hereinafter (see Fig. 04–3) are derived largely from experience with conventional types of airplanes and shall be considered as minimum values unless it can be proved, to the satisfaction of the Secretary, that the airplane embodies features of design which make it impossible to develop such values in flight, in which case lower values may be used subject to the approval of the Secretary.

04.2121. *Gust load factors.*—The gust load factors shall be computed on the basis of a gust of the magnitude specified, acting normal to the flight path, and proper allowance shall be made for the effects of aspect ratio on the slope of the lift curve. The gust velocities specified shall be used only in conjunction with the gust formulae hereinafter specified. The basic gust load factor ($n$) need not exceed that corresponding to the maximum dynamic $C_L$ obtainable under sudden changes of angle of attack. The following formula for the load factor added in encountering a gust shall be used for wings (See CAR 04.22 for tail surfaces).

$\Delta n=\frac{KUVm}{575(W/S)}$, where

$\Delta n$=*limit* load factor increment.
$K$=gust reduction factor.
$=\frac{1}{2}\ (W/S)^{1/4}$, but need not exceed 1.0.
$U$=gust velocity, feet per second.
(Note that the "effective" sharp-edged gust equals $KU$)
$V$=indicated airspeed, miles per hour.
$W/S$=wing loading (CAR 04.106).
$m$=slope of lift curve, $C_L$ per radian, corrected for aspect ratio.

04.2122. *Factors of safety.*—The minimum factors of safety are specified for each loading condition. See also CAR 04.27 for multiplying factors of safety required in certain cases.

04.213. *Symmetrical flight conditions (flaps retracted).*—

04.2130. *General.*—The following flight conditions, together with Table 04–1, shall be considered as representing the minimum number of conditions required to cover a suitable range of symmetrical flight loadings.

04.2131. *Condition I (positive high angle of attack).*—The factors given in Table 04–1 and Fig. 04–3 for this condition shall be used. To provide for flight conditions critical for the front lift truss or its equivalent the aerodynamic characteristics $C_N$, C. P. (or $C_M$) and $Cc$ shall be determined as follows:

(a) $C_{N_1}=\frac{n_1(W/S)}{q_L}$ ($q_L$ is dynamic pressure corresponding to $V_L$; see CAR 04.111 and 04.118.)

(b) $Cc'$=value corresponding to $C_{N_1}$, or value equal to $-.20\ C_{N_1}$, whichever is greater negatively.

(c) $C.\ P.'$=most forward position of the center of pressure between $C_L=C_{N_I}$ and $C_L$ max.; when $C_{N_I}$ exceeds $C_L$ max., the *C. P.* curve shall be extended accordingly.

(d) For biplane combinations the *C. P.* of the upper wing shall be assumed to be 2.5 per cent of the chord forward of its nominal position.

(e) $C_M'$=moment coefficient necessary to give the required *C. P.'* in conjunction with $C_{N_I}$.

04.21310. *Condition $I_1$ (positive high angle of attack modified).*—The smaller of the two values of $C_c$ specified in CAR 04.2131 (b), and the most rearward *C. P.* position in the range specified in CAR 04.2131 (c) shall also be investigated when Condition I is critical for the rear spar (or its equivalent) or if any portion of the front spar (or its equivalent) is likely to be critical in tension. Only the wings and wing bracing need be investigated for this condition.

04.2132. *Condition II (negative high angle of attack).*—The factors given in Table 04–1 for this condition shall be used, with the following provisions:

(a) $C_{N_{II}}=\frac{n_{II}(W/S)}{q_L}$.

(b) $C_c$=actual value corresponding to $C_{N_{II}}$.

(c) When $C_c$ is positive or has a negative value smaller than 0.02 it may be assumed to be zero.

(d) $C_M$=actual value corresponding to $C_{N_{II}}$.

04.2133. *Condition III (positive low angle of attack).*—The factors given in Table 04–1 for this condition shall be used, with the following provisions:

(a) $C_{N_{III}}=\frac{n_{III}(W/S)}{q_o}$ ($q_o$ is dynamic pressure corresponding to $V$; see CAR 04.118 and 04.112).

(b) $C_c$=actual value corresponding to $C_{N_{III}}$.

(c) When $C_c$ is positive or has a negative value smaller than 0.02 it may be assumed to be zero.

(d) $C_M'=C_M-0.01$, where $C_M$ is the actual value corresponding to $C_{N_{III}}$.

04.21330. *Condition $III_1$ (positive low angle of attack, modified).*—If the moment coefficient of the airfoil section at zero lift has a positive value, or a negative value smaller than 0.05, the effects of displaced ailerons on the moment coefficient shall be accounted for in Condition III for that portion of the span incorporating ailerons. To cover this point it will be satisfactory to assume that the basic value of $C_M$ is equal to −0.05 for that portion of the span incorporating ailerons, unless it is actually greater negatively. Only the wings and wing bracing need be investigated for this condition.

04.2134. *Condition IV (negative low angle of attack).*—The factors given in Table 04–1 for this condition shall be used, with the following provisions:

(a) $C_{N_{IV}}=\frac{n_{IV}(W/S)}{q_o}$.

(b) $C_c$=actual value corresponding to $C_{N_{IV}}$.

(c) When $C_c$ is positive or has a negative value smaller than 0.02 it may be assumed to be zero.

(d) $C_M'=C_M-0.01$, where $C_M$ is the actual value corresponding to $C_{N_{IV}}$.

04.2135. *Condition V (inverted flight).*—The factors given in Table 04–1 for this condition shall be used, with the following provisions:

(a) $C_{N_V}=\frac{n_V(W/S)}{q_L}$.

(b) $C'_c=0$.

(c) $C.\ P.'=25\%$.

(d) Only the rear (or single) lift truss system of externally braced wing structures need be investigated for this condition.

04.2136. *Condition VI (gliding).*—The factors given in Table 04–1 shall be used for this condition, with the following provisions:

(a) $C_{N_{VI}}$=value corresponding to $C_c$ max. (positive).

(b) $C'_c=C_c$ max. (positive) +0.01.

(c) $C_M'=C_M-0.01$, where $C_M$ is the actual value corresponding to $C_{N_{VI}}$.

(d) The drag of nacelles and other items attached to the wings shall be conservatively estimated and properly included in the investigation of this condition.

(e) Only the wings and wing bracing need be investigated for this condition.

04.214. *Symmetrical flight conditions (flaps or auxiliary devices in operation).*—

04.2140. *General.*—When flaps or similar high-lift devices are installed on the wings, the design conditions shall be suitably modified to account for their use in flight. The modifications shall be based on the intended use of the flaps and the aerodynamic characteristics of the wing. The following conditions, together with Table 04–2, shall be considered as representing the minimum number of conditions required to cover a suitable range of symmetrical flight loadings in cases where the flaps are used only at relatively low airspeeds.

04.2141. *Condition VII (positive gust, flaps deflected).*—The factors given in Table 04–2 for this condition shall be used, with the following provisions:

(a) The most critical deflection of the flap shall be investigated.

(b) The magnitude and distribution of normal, chord and moment forces over the wing shall correspond to that which would be obtained in developing the specified *limit* gust load factor at the specified airspeed. The gust formula in CAR 04.2121 shall be used.

04.2142. *Condition VIII (negative gust, flaps deflected).*—The factors given in Table 04–2 for this condition shall be used, with the following provisions:

(a) The most critical deflection of the flap shall be investigated.

(b) The magnitude and distribution of normal, chord and moment forces over the wing shall correspond to that which would be obtained in encountering the specified *limit* gust load factor at the specified airspeed. The gust formula in CAR 04.2121 shall be used.

04.2143. *Condition IX (dive, flaps deflected).*—The factors given in Table 04–2 for this condition shall be used, with the following provisions:

(a) The most critical deflection of the flap shall be investigated.

(b) The load factor and the magnitude and distribution of normal, chord and moment forces over the wing shall correspond to the angle of attack at which the greatest rearward chord loads are produced on the wing structure.

(c) Only the wings and wing bracing need be investigated for this condition.

04.215. *Unsymmetrical flight conditions.*—

04.2150. *General.*—Pending the development of more rational methods, the following unsymmetrical flying conditions shall apply. In these conditions the angular inertia of the wings shall be assumed equal to zero, except that the effect of wing nacelles and landing gear may be considered.

04.2151. *Condition $I_u$.*—Condition I (CAR 04.2131) shall be modified by assuming 100 per cent of the air load to be acting on one side of the airplane and 70 per cent on the other. For airplanes over 10,000 pounds gross weight the latter factor may be increased linearly with gross weight up to 80 per cent at 25,000 pounds.

04.2152. *Condition $III_u$.*—Condition III (CAR 04.2133) shall be modified as described for Condition $I_u$ in CAR 04.2151, except that when Condition $III_1$ (CAR 04.21330) applies, the loading for the latter condition shall be substituted on the 100 per cent side.

04.2153. *Condition $V_u$.*—Condition V (CAR 04.2135) shall be modified as described for Condition $I_u$ in CAR 04.2151.

04.216. *Special flight conditions.*—

04.2160. *Gust at reduced weight.*—The requirements for gust conditions (excepting tail surface gust conditions) under any loading between minimum and maximum design weight shall be met by primary structure critically loaded thereby.



04.2161. *Lift-wire cut.*—For wings employing wire bracing in the lift truss, Conditions I and III shall be investigated, using load factors $n_I$ and $n_{II}$ of one half the values specified for these conditions and assuming that any lift wire is out of action. This requirement does not apply to parallel double lift wires, for which case see CAR 04.273.

04.2162. *Drag-wire-cut.*—Drag struts in double-truss systems shall be designed to withstand the loads developed when the drag wire of the upper system in one bay and the drag wire of the lower system in the adjacent bay are each carrying their *limit* loads from any flight condition, the remaining wires in these two bays being assumed to be out of action. The minimum *ultimate* factor of safety shall be 1.5.

04.2163. *Unsymmetrical propeller thrust.*—The structure shall incorporate an *ultimate* factor of safety of 1.5 against failure due to loads caused by maximum (except take-off) power applied on one side of the plane of symmetry only, when power on the other side is off and the airplane is in unaccelerated rectilinear flight.

04.2164. *Wing tanks empty.*—If fuel tanks are supported by the wing structure, such structure and its bracing shall also be investigated for Conditions I, II, III and IV with wing tanks empty. The design weight may be reduced by 0.9 pound per certified maximum (except take-off) horsepower.

04.217. *Wing load distribution.*—The *limit* air loads and inertia loads acting on the wing structure shall be distributed and applied in a manner closely approximating the actual distribution in flight.

04.22. *Control surface loads.*—

04.220. *General.*—In addition to the flight loads specified in CAR 04.21 the primary structure shall meet the requirements hereinafter specified to account for the loads acting on the control surfaces. The following loading conditions include the application of balancing loads (CAR 04.128) derived from the symmetrical flight conditions and also cover the possibility of loading the control surfaces and systems in operating the airplane and by encountering gusts. See also CAR 04.27 for multiplying factors of safety required in certain cases.

04.221. *Horizontal tail surfaces.*—

04.2210. *Balancing.*—The *limit* load acting on the horizontal tail surfaces shall not be less than the maximum balancing load obtained from Conditions I, II, III, IV, VII and VIII. The factors given in Table 04–3 shall be used, with the following provisions:

(a) P (in Fig. 04–4) =40% of net balancing load. (This requires the load on the fixed surface to be 140% of the net balancing load.) In any case P need not exceed that corresponding to a *limit* elevator control force of 150 pounds applied by the pilot.

04.2211. *Maneuvering (horizontal surfaces).*—The factors specified in Table 04–3 and Fig. 04–5 for this condition shall be used, together with the following provisions:

(a) The *limit* unit loading in either direction need not exceed that corresponding to a load on the elevator control equal to the maximum limit control force (Table 04–6) and shall not be less than that corresponding to the minimum *limit* control force (Table 04–6) except as modified by paragraph (b) following.

(b) In any case the average *limit* unit loading shall not be less than the minimum pressure specified in Table 04–3 for this condition.

04.2212. *Damping (horizontal surfaces).*—The total *limit* load acting down on the fixed surface (stabilizer) in the maneuvering condition (CAR 04.2211) shall be applied in accordance with the load distribution of Fig. 04–6, acting in either direction. The load acting on the movable surface in the maneuvering condition may be neglected in determining the damping loads.

04.2213. *Tab effects (horizontal surfaces).*—When a tab is installed on the horizontal movable tail surface so that it can be used by the pilot as a trimming device, the *limit* unit loading over the entire horizontal surfaces shall not be less than that corresponding to the application of the minimum *limit* control force (Table 04–6) together with maximum deflection of the tab in a direction assisting the control force. The factors specified in Table 04–3 for this condition shall be used.

04.222. *Vertical tail surfaces.*—

04.2220. *Maneuvering.*—The factors given in Table 04–4 and Fig. 04–5 for this condition shall be used, with the following provisions:

(a) If the propeller axes are not in the plane of symmetry, the design speed shall not be less than the maximum speed in level flight with any engine inoperative.

(b) The *limit* unit loading in either direction need not exceed that corresponding to the maximum *limit* control force (Table 04–6) except as modified by paragraph (c) following.

(c) In any case the average *limit* unit loading shall not be less than the minimum pressure specified in Table 04–4 for this condition.

04.2221. *Damping (vertical surfaces).*—The total *limit* load acting on the fixed surface (fin) in the maneuvering condition shall be applied in accordance with the load distribution of Fig. 04–6, acting in either direction. The load acting on the movable surface in the maneuvering condition may be neglected in determining the damping loads.

04.2222. *Gusts (vertical surfaces).*—The gust conditions specified in Table 04–4 shall be applied, using the following formulae and provisions:

(a) The gust shall be assumed to be sharp-edged and to act normal to the plane of symmetry in either direction.

(b) The average *limit* unit pressure, $w$, developed in striking the gust shall be determined from the following formula:

$w=UVm/575$, where
$w$ is in pounds per square foot,
$U$ is in feet per second,
$V$ is in miles per hour and
$m$=slope of lift curve, $C_L$ per radian, corrected for aspect ratio. The aspect ratio shall not be taken as less than 2.0 in any case.

(c) This condition applies only to that portion of the vertical surface which has a well-defined leading edge.

(d) The chord distribution extending over the fixed and movable surfaces shall simulate that for a symmetrical airfoil, except that the distribution in Fig. 04–6 may be used where applicable.

04.2223. *Tab effects (vertical surfaces).*—When a tab is installed on the vertical movable tail surface so that it can be used by the pilot as a trimming device the *limit* unit loading over the entire vertical tail surfaces shall not be less than that corresponding to the maximum deflection of the tab together with simultaneous application of the following control force in a direction assisting the tab action:

For airplanes with all propeller axes in the plane of symmetry, zero.

For airplanes with propeller axes not in the plane of symmetry, 200 pounds.

The factors specified in Table 04–4 for this condition shall be used, with the following exception:

(a) If the propeller axes are not in the plane of symmetry, the design speed $V_L$ specified in Table 04–4 may be reduced to the maximum speed in level flight with any engine inoperative.

04.2224. *Special cases (vertical surfaces).*—A special ruling shall be obtained from the Secretary when an automatic pilot is used on airplanes with propeller axes not in the plane of symmetry.

04.223. *Ailerons.*—

04.2230. *Maneuvering.*—The factors given in Table 04–5 and Fig. 04–7 for this condition shall be used, with the following provisions:

(a) If the propeller axes are not in the plane of symmetry, the design speed shall not be less than the maximum speed in level flight with any engine inoperative.

(b) The *limit* unit loading in either direction need not exceed that corresponding to the maximum control force (Table 04–6) resisted by only one aileron, except as modified by paragraph (c) following.

(c) In any case the average *limit* unit loading shall not be less than the minimum pressure specified in Table 04–5 for this condition.

04.2231. *Tab effects (ailerons).*—(Applies only to airplanes with propeller axes not in the plane of symmetry.) When a tab is installed on one or both ailerons so that it can be used by the pilot to assist in moving the ailerons, the *limit* unit loading over both ailerons shall be of sufficient magnitude and in such direction as to hold the ailerons in equilibrium with the tab or tabs deflected to the maximum position. The factors specified in Table 04–5 for this condition shall be used.

04.2232. *Flying conditions (ailerons).*—The ailerons and their control system shall be capable of meeting all requirements specified in the basic symmetrical flying conditions so far as the latter produce symmetrical loads on the ailerons.

04.224. *Wing flaps.*—Wing flaps shall be loaded in accordance with Conditions VII and VIII (CAR 04.2141 and 04.2142) and in addition shall be capable of developing an *ultimate* factor of safety of at least 1.5 with respect to any intermediate conditions which are more severe for any part of the flap or its operating mechanism.

04.225. *Tabs.*—The *limit* forces acting on control-surface tabs shall be determined from the most severe combination of airplane speed and tab normal force coefficient likely to be obtained for any usable loading condition of the airplane and at speeds up to the design gliding speeds, $V_g$. An *ultimate* factor of safety of at least 1.5 shall be maintained.

04.226. *Special devices.*—Special rulings shall be obtained from the Secretary in connection with the design and analysis of wing-slot structures, spoilers, unconventional ailerons, auxiliary airfoils and similar devices. Requests for special rulings shall be accompanied by suitable drawings or sketches of the structure in question, together with general information and an outline of the method by which it is proposed to determine the structural loading.

04.23. *Control system loads.*—

04.230. *General.*—All control systems shall be designed for *limit* loads 25 per cent greater than those corresponding to the *limit* loads specified for the control surfaces to which they are attached, assuming the movable surface to be in that position which produces the greatest load in the control system, except that the maximum and minimum control force limits in Table 04–6 shall apply as hereinafter specified. The factors of safety specified in Table 04–6 shall be used. See also CAR 04.27 for multiplying factors of safety required in certain cases. See also CAR 04.331 for operation requirements for control systems.

04.2300. The forces in the control wires or push rods operating the movable surfaces shall be computed and their effect on the rest of the structure shall be investigated and allowed for in the design of such structure.

04.231. *Elevator systems.*—In applying CAR 04.230 the control force specified in Table 04–6 and Fig. 04–8 shall be assumed to act in a fore-and-aft direction and shall be applied at the grip of a control stick, or shall be equally divided between two diametrically opposite points on the rim of a control wheel.

04.232. *Rudder systems.*—In applying CAR 04.230 the control force specified in Table 04–6 shall be assumed to act in a direction which will produce the greatest load in the control system and shall be applied at the point of contact of the pilot's foot.

04.233. *Aileron systems.*—In applying CAR 04.230 it shall be assumed that the ailerons are loaded in opposite directions. The control force specified in Table 04–6 and Fig. 04–9 shall be assumed to act in a lateral direction at the grip of a control stick, or shall be assumed to act as part of couple equal to the specified force multiplied by the diameter of a control wheel. The following assumptions shall be made:

(a) For nondifferential ailerons, 75 per cent of the stick force or couple shall be assumed to be resisted by a down aileron, the remainder by the other aileron; also, as a separate condition, 50 per cent shall be assumed to be resisted by an up aileron, the remainder by the other aileron.

(b) For differential ailerons, 75 percent of the stick force or couple shall be assumed to be resisted by each aileron in either the up or down position, or rational assumptions based on the geometry of the system shall be made.

04.234. *Flap and tab control systems.*—In applying CAR 04.230 suitable minimum manual forces shall be assumed to act on flap and tab control systems and other similar controls.

04.24. *Ground loads.*—

04.240. *General.*—The following conditions represent the minimum amount of investigation required for conventional (tail down type) landing gear. For unconventional types it may be necessary to investigate other landing attitudes, depending on the arrangement and design of the landing gear members. Consideration will be given to a reduction of the specified *limit* load factors when it can be proved that the shock absorbing system will positively limit the acceleration factor to a definite lower value in the drop test specified in CAR 04.2411. The minimum factors of safety are specified for each loading condition. See also CAR 04.27 for multiplying factors of safety required in certain cases.

04.241. *Level landing.*—The minimum *limit* load factor is specified in Fig. 04–10. The resultant of the ground reaction shall be assumed to be a force lying at the intersection of the plane of symmetry and a plane in which are located the axles and the center of gravity of the airplane less chassis. The propeller axis (or equivalent reference line) shall be assumed horizontal and the basic value of the vertical component of the resultant of the ground reaction shall be equal to the gross weight of the airplane minus chassis and wheels. The horizontal component shall be of the magnitude required to give the resultant force the specified direction except that it need not be greater than 25 per cent of the vertical component. The resultant of the ground reaction shall be assumed to be divided equally between wheels and to be applied at the axle at the center of the wheel. The shock-absorber unit and tires shall be assumed to be deflected to half their total travel, unless it is apparent that a more critical arrangement could exist. The minimum *ultimate* factor of safety shall be 1.5.

04.2410. If a sliding element instead of a rolling element is used for the landing gear, a horizontal component of one-half of the vertical component shall be used to represent the effect of ground friction, except that ski gear which is designed and used only for landing on snow and ice may be designed for the same horizontal component as wheel gear.

04.2411. *Energy absorption.*—The level landing condition specified in CAR 04.241 shall be assumed to be produced by a free drop, in inches, equal to 0.36 times the calculated stalling speed ($V_s$) in miles per hour, except that the height of free drop shall not be less than 18 inches for airplanes employing devices which increase the normal sinking speed, but need not exceed 18 inches when such devices are not employed. The height of free drop is measured from the bottom of the tire to the ground, with the landing gear extended to its extreme unloaded position. (See CAR 04.340 and 04.440.)



04.242. *Three-point landing.*—The minimum *limit* load factor is specified in Fig. 04–10. The value of the sum of the static ground reactions shall be the gross weight of the airplane less chassis. The total load shall be divided between the chassis and tail skid or wheel in inverse proportion to the distances, measured parallel to the ground line, from the center of gravity of the airplane less chassis to the points of contact with the ground. The load on the chassis shall be divided equally between wheels. Loads shall be assumed to be perpendicular to the ground line in the three-point landing attitude, with all shock absorbers and tires deflected to the same degree as in level landing. The tail wheel or skid installation shall also be investigated for this condition. The minimum *ultimate* factor of safety shall be 1.5.

04.2420. *Energy absorption.*—The three-point landing condition specified in CAR 04.242 shall be assumed to be produced by a free drop as specified under CAR 04.2411. This requires shock absorption by both main wheels and tail wheel (or skid). (See CAR 04.340 and 04.440.)

04.243. *Side load.*—The minimum *limit* load factor shall be 0.667. The weight of the airplane shall be assumed to act on one wheel in a direction perpendicular to the ground. In addition, a side component of equal magnitude shall be assumed to act inward and normal to the plane of symmetry at the point of contact of the wheel, and an aft component equal to 0.55 times the vertical component shall be assumed to act parallel to the ground at such point. The airplane shall be assumed to be in a three-point attitude with the shock absorbers deflected to their static position and the tire deflected to one-quarter the nominal diameter of its cross section. The minimum *ultimate* factor of safety shall be 1.5.

04.244. *One-wheel landing.*—An investigation of the fuselage structure is required for a one-wheel landing, in which only those loads obtained on one side of the fuselage in the level landing condition are applied. The resulting load factor is therefore one-half of the level landing load factor. (This condition is identical with the level landing condition insofar as the landing gear structure is concerned.) The minimum *ultimate* factor of safety shall be 1.5.

04.245. *Braked landing.*—The minimum *limit* load factor shall be 1.33. Airplanes equipped with brakes shall be investigated for the loads incurred when a landing is made with the wheels locked and the airplane is in an attitude such that the tail skid or wheel just clears the ground. The weight of the airplane less chassis shall be assumed to act on the wheels in a direction perpendicular to the ground line in this attitude. On addition, a component parallel to the ground line shall be assumed to act at the point of contact of the wheels and the ground, the magnitude of this component being equal to the weight of the airplane less chassis time a coefficient of friction of 0.55. The tire in all cases shall be assumed to have deflected not more than one-quarter the nominal diameter of its cross section, and the deflection of the shock absorbers shall be the same as in level landing. The minimum *ultimate* factor of safety shall be 1.5.

04.246. *Side loads on tail wheel or skid.*—Suitable assumptions shall be made to cover side loads acting on tail skids or tail wheels which are not free to swivel or which can be locked or steered by the pilot.

04.247. *Complete turn-over.*—The *ultimate* load factor for this condition shall be 4.5. The airplane shall be assumed to be inverted and the cabane structure (or its equivalent) shall be assumed to carry the entire load acting normal to the thrust line (or equivalent reference line). In cases where a wing is above the fuselage and braced by more than one cabane lift truss, at least one truss shall be designed for the entire load. The superstructure shall also be capable of resisting a total *ultimate* load of at least three-fourths the weight of the airplane, acting either forwardly or rearwardly parallel to the thrust line or wing chord and suitably divided between the uppermost points of the side trusses of the cabane or equivalent structure. Partial failure of the structure under these conditions is permissible provided that the specified *ultimate* loads can be resisted without endangering the occupants, assuming safety belts to be fastened. (See also CAR 04.460.)

04.25. *Water loads.*—

04.250. *General.*—The following requirements shall apply to the entire airplane, but have particular reference to hull structures, wings, nacelles, and float supporting structure. The requirements for certification of floats as individual items of equipment are specified in CAR 15. The minimum factors of safety are specified for each loading condition. See also CAR 04.27 for multiplying factors of safety required in certain cases. Detail design requirements for hulls and floats are specified in CAR 04.45.

04.251. *Landing with inclined reactions (float, seaplanes).*—The vertical component of the *limit* load factor shall be 4.20 except that it need not exceed a value given by the following formula:

$$n=3.0+0.133\ (W/S).$$

The propeller axis (or equivalent reference line) shall be assumed to be horizontal and the resultant water reaction to be acting in the plane of symmetry and passing through the center of gravity of the airplane less floats and float bracing but inclined so that its horizontal component is equal to one-quarter of its vertical component. The forces representing the weights of and in the airplane shall be assumed to act in a direction parallel to the water reaction. The weight of the floats and float bracing may be deducted from the gross weight of the airplane.

04.2510. For the design of float attachment members, including the members necessary to complete a rigid base truss through the fuselage, the minimum *ultimate* factor of safety shall be 1.85. For the remaining structural members the minimum *ultimate* factor of safety shall be 1.50.

04.252. *Landing with vertical reactions (float seaplanes).*—The *limit* load factor shall be 4.33, acting vertically, except that it need not exceed a value given by the following formula:

$$n=3.0+0.133\ (W/S).$$

The propeller axis (or equivalent reference line) shall be assumed to be horizontal, and the resultant water reaction to be vertical and passing through the center of gravity of the airplane less floats and float bracing. The weight of the floats and float bracing may be deducted from the gross weight of the airplane.

04.253. *Landing with side load (float seaplanes).*—The vertical component of the *limit* load factor shall be 4.0, to be applied to the gross weight of the airplane less floats and float bracing. The propeller axis (or equivalent reference line) shall be assumed to be horizontal and the resultant water reaction shall be assumed to be in the vertical plane which passes through the center of gravity of the airplane less floats and float bracing and is perpendicular to the propeller axis. The vertical load shall be applied through the keel or keels of the float or floats, and evenly divided between the floats when twin floats are used. A side load equal to one-fourth of the vertical load shall be applied along a line approximately half-way between the bottom of the keel and the level of the water line at rest. When built-in struts are used, check calculations shall be made for the built-in struts with the side load at the level of the water line at rest. When twin floats are used, the entire side load specified shall be applied to the float on the side from which the water reaction originates. The minimum *ultimate* factor of safety shall be 1.50.

04.254. *Step landing (boat seaplanes).*—The aircraft shall be in such an attitude that the propeller axis (or equivalent reference line) is horizontal and shall be assumed to be supported by a vertical buoyant force distributed over an area extending from the step forward to a point half-way between the step and the forward end of the normal load water line. Such area may be assumed to be a rectangle whose width is equal to the full projected width of the bottom at the step.

The load on such area shall be so distributed that its intensity is 50 per cent greater at the keel than at the chine and 50 per cent greater on the section at the step than on the forward section. The volume of the prismoidal loading curve so obtained, from which the intensities may be computed, shall equal the gross weight of the airplane times a *limit* load factor of 5.33. The minimum *ultimate* factor of safety shall be 1.5.

(a) For this condition and load factor:

$$nW=\frac{25abL}{16}, \text{ where}$$

$n$=*limit* load factor=5.33,
$a$=intensity of loading at the chine at the forward section,
$b$=the beam and
$L$=half the length of the load water line forward of the step.

The centroid of this loading may be assumed to be on the keel $8L/15$ from the forward edge of the load, and the resultant water reaction shall pass through this centroid and the center of gravity of the airplane.

(b) The forces representing the weights of and in the airplane shall act in a direction parallel to the water reaction.

04.255. *Two-wave landing (boat seaplane).*—The aircraft shall be assumed to be supported by vertically applied up loads at each end of the load water line, the magnitude of each load being such that the resultant load passes through the main step and equals the gross weight of the airplane. The *limit* shear loads and bending moments shall be computed by assuming the gross weight of the airplane to be concentrated at the step and omitting all panelpoint loads. The structure at the point of application of the external loads need not be investigated for local stresses in this condition. The minimum *ultimate* factor of safety shall be 1.50.

04.256. *Bottom loading (boat seaplane).*—The bottom plating, stringers, frames and adjoining structure shall be investigated for the *limit* unit loading determined by the following conditions, using a minimum *ultimate* factor of safety of 1.5:

(a) The *limit* unit loading for that portion of the hull bottom just forward of the main step shall be that determined from CAR 04.254.

(b) The area from the forward end of the normal load water line to a point half-way between the step and the forward end of the normal load water line shall be designed to support a *limit* load having the unit pressure found at the forward portion of the chine in CAR 04.254.

(c) The area extending from the step to the rear end of the normal load water line shall be designed to support a *limit* load having a unit pressure equal to 50 per cent of the average *limit* unit pressure found in CAR 04.254.

04.257. *Seaplane float loads.*—Each main float of a float seaplane shall carry the following loads when supported at the attachment fittings as installed on the airplane. The minimum *ultimate* factor of safety shall be 1.5.

(a) A *limit* load, acting upward, applied at the bow end of the float and of magnitude equal to one-half of that portion of the airplane gross weight normally supported by the particular float.

(b) The *limit* load specified in paragraph (a), above, acting upward at the stern.

(c) A *limit* load, acting upward, applied at the step and of magnitude equal to 1.33 times that portion of the airplane gross weight normally supported by the particular float.

04.2570. *Seaplane float bottom loads.*—Main seaplane float bottoms shall be designed to withstand the following loads. The minimum *ultimate* factor of safety shall be 1.5.

(a) A *limit* load of at least 5.33 pounds per square inch over that portion of the bottom lying between the first step and a section at 25 per cent of the distance from the step to the bow.

(b) A *limit* load of at least 2.67 pounds per square inch over that portion of the bottom lying between the section at 25 per cent of the distance from the step to the bow and a section at 75 per cent of the distance from the step to the bow.

(c) A *limit* load of at least 2.67 pounds per square inch over that portion of the bottom lying between the first and second steps. If only one step is used, this load shall extend over that portion of the bottom lying between the step and a section at 50 per cent of the distance from the step to the stern.

04.258. *Wing-tip float loads.*—Wing-tip floats and their attachment, including the wing structure, shall be analyzed for each of the following conditions, using a minimum *ultimate* factor of safety of 1.5:

(a) A *limit* load acting vertically up at the completely submerged center of buoyancy and equal to three times the completely submerged displacement.

(b) A *limit* load inclined upward at 45° to the rear and acting through the completely submerged center of buoyancy and equal to three times the completely submerged displacement.

(c) A *limit* load acting parallel to the water surface (laterally) applied at the center of area of the side view and equal to one and one-half times the completely submerged displacement.

04.2580. The primary wing structure shall incorporate sufficient extra strength to insure that failure of wing-tip float attachment members occurs before the wing structure is damaged.

04.259. *Miscellaneous water loads.*—

04.2590. *Seawing loads.*—Special rulings shall be obtained from the Secretary for the strength requirements for seawings.

04.26. *Special loading conditions.*—

04.260. *Engine torque.*—In the case of engines having five or more cylinders the stresses due to the torque load shall be multiplied by a *limit* load factor of 1.5. For 4, 3 and 2 cylinder engines the *limit* load factors shall be 2, 3 and 4 respectively. The torque acting on the airplane structure shall be computed for the take-off power, and the propeller speed corresponding thereto, for which the aircraft is certificated. (See CAR 04.744.) The engine mount and forward portion of the fuselage and nacelles shall be designed for this condition. The minimum *ultimate* factor of safety shall be 1.5, except that higher factors may be prescribed by the Secretary when it appears necessary to make special provision for conditions such as vibration, stress concentration and fatigue.

04.261. *High angle of attack and torque.*—The *limit* loads determined from CAR 04–260 shall be considered as acting simultaneously with 75 per cent of the *limit* loads determined from Condition I (CAR 04.2131). The engine mount, nacelles and forward portion of the fuselage (when a nose engine is installed) shall be designed for this condition. The minimum *ultimate* factor of safety shall be 1.5.

04.262. *Side load on engine mount.*—The *limit* load factor for this condition shall be equal to one-third of the limit load factor for Flight Condition I (CAR 04.2131) but shall in no case be less than 1.33. The engine mount and forward section of the fuselage and nacelles shall be analyzed for this condition, considering the limit load to be produced by inertia forces. The minimum *ultimate* factor of safety shall be 1.5.

04.263. *Up load on engine mount.*—For engine mounts the *limit* load in each member shall be arbitrarily assumed as 50 per cent of that in the level landing condition but of opposite sign. The minimum *ultimate* factor of safety shall be 1.5.

04.264. *Passenger loads.*—Passenger loads in the accelerated flight conditions shall be computed for a standard passenger weight of 170 pounds and a minimum *ultimate* factor of safety of 1.50 shall be used, except that seats and berths need not be designed for the reduced weight gust conditions specified in CAR 04.2160. This shall not exempt the primary structure from such gust conditions.

04.2640. Structures to which safety belts are attached shall be capable of withstanding an *ultimate* load of 1,000 pounds per person applied through the safety belt and directed upward and forward at an angle of 45 degrees with the floor line.

04.265. *Local loads.*—The primary structure shall be designed to withstand local loads caused by dead weights and control loads. Baggage compartments shall be designed to withstand loads corresponding to the maximum authorized capacity. The investigation of dead weight loads shall include a sufficient number of reduced weight gust conditions to insure that the most severe combinations have been investigated. See CAR 04.90 for standard weights.

04.266. *Rigging loads.*—Structures braced by wires (or tie-rods) shall be capable of developing an ultimate factor of safety of 1.5 with respect to the *limit* loads due to rigging the wires to 20 per cent of their rated strength (strength of wire, not terminal). When the structure is such that all wires cannot be simultaneously rigged to 20 per cent of their rated loads, a rigging condition shall be assumed in which the average of the rigging loads, expressed in per cent, equals 20. (See also CAR 04.274.) The above condition need not be superimposed on other loading conditions, but the Secretary may require additional investigation for residual rigging loads when such investigation appears necessary. (See also CAR 04.315.)

04.267. *Air loads on struts.*—External wing-brace struts which are at an angle of more than 45 degrees with the plane of symmetry and which have a cross-sectional fineness ratio of more than 3 shall be assumed to act as lifting airfoils and shall be designed to carry the resultant transverse loads in combination with the specified axial loads. In computing the *limit* loads the strut sections shall be assumed to have a normal force coefficient equal to 1.0 and the total air load shall be based on the exposed area of the strut. The chord components and vertical reactions of such air load and the lift contributed by the strut shall not be considered in the analysis of the wing.

04.27. *Multiplying factors of safety.*—

04.270. *General.*—In addition to the minimum factors of safety specified for each loading condition, the multiplying factors specified in Table 04–7 and the following paragraphs shall be incorporated in the structure. The total factor of safety required for any structural component or part equals the minimum factor of safety specified for the loading condition in question multiplied by the factors of safety hereinafter specified, except that certain multiplying factors may be included in others, as indicated in Table 04–7.

04.271. *Fittings.*—All fittings in the primary structure shall incorporate the multiplying factor of safety specified in Table 04–7. For this purpose fittings are defined as parts used to connect one primary member to another and shall include the bearing of those parts on the members thus connected. Continuous joints in metal plating and welded joints between primary structural members are not classified as fittings. (See also CAR 04.4030 and 04.4031.)

04.272. *Castings.*—All castings used in the primary structure shall incorporate a multiplying factor of safety not less than that specified in Table 04–7.

04.273. *Parallel double wires.*—When parallel double wires are used in wing lift trusses each wire shall incorporate a multiplying factor of safety not less than that specified in Table 04–7.

04.274. *Wires at small angles.*—Wire or tie-rod members of wing or tail surface external bracing shall incorporate a multiplying factor of safety computed as follows:

$K=L/2R$ (except that $K$ shall not be less than 1.0), where
$K$=the additional factor,
$R$=the reaction resisted by the wire in a direction normal to the wing or tail surface plane, and
$L$=the load required in the wire to balance the reaction $R$.

04.275. *Double drag trusses.*—Whenever double drag trussing is required by CAR 04.412, all drag wires shall incorporate a multiplying factor of safety varying linearly from 3.0, when the ratio of overhang to root chord of overhang is 2.0 or greater, to 1.20 when such ratio is 1.0 or less, assuming an equal division of drag load between the two systems.

04.276. *Torque tubes used as hinges.*—When steel torque tubes are employed in direct bearing against strap-type hinges they shall incorporate a multiplying factor of safety at the hinge point not less than that specified in Table 04–7. (See also CAR 04.422.)

04.277. *Control surface hinges and control system joints.*—Control surface hinges and control system joints subjected to angular motion, excepting ball or roller bearings and AN standard parts used in cable control systems, shall incorporate multiplying factors of safety not less than those specified in Table 04–7 with respect to the *ultimate* bearing strength of the softest material used as a bearing. For ball or roller bearings a *yield* factor of safety of 1.0 with respect to the manufacturer's non-Brinell rating is considered sufficient to provide an adequate *ultimate* factor of safety.

04.278. *Wire sizes.*—(See CAR 04.403, 04.4032 and 04.412.)

04.3. *Proof of structure.*—

04.30. *General.*—Proof of compliance with the loading requirements outlined in CAR 04.2 shall be made in a manner satisfactory to the Secretary and may consist of structural analyses, load test, flight tests, references to previously approved structures, or combinations of the above. Any condition which can be shown to be noncritical need not be further investigated.

04.300. *Proof of structural analysis*—Structural analyses will be accepted as complete proof of strength only in the case of structural arrangements for which experience has shown such analyses to be reliable. References shall be given for all methods of analysis, formulae, theories and material properties which are not generally accepted as standard. The acceptability of a structural analysis will depend to some extent on the excess strength incorporated in the structure.

04.3000. The structural analysis shall be based on guaranteed minimum mechanical properties of the materials specified on the drawings, except in cases where exact mechanical properties of the materials used are determined.

04.3001. The effects of welding, form factors, stress concentrations, discontinuities, cut-outs, instability, end fixity of columns and vibration shall be accounted for when such factors are present to such an extent as to influence the strength of the structure.

04.301. *Combined structural analysis and tests.*—In certain cases it will be satisfactory to combine structural analysis procedure with the results of load tests of portions of the structure not subject to accurate analysis. In such cases test results shall be reduced to correspond to the mechanical properties of the materials actually used in the airplane. When a unit other than the specific one tested is incorporated in the airplane presented for certification, test results shall be reduced to correspond to the minimum guaranteed mechanical properties of the materials specified on the drawings.

04.302. *Load tests.*—Proof of compliance with structural loading requirements by means of load tests only is acceptable provided that strength and proof tests (See CAR 04.126 and 04.127) are conducted to demonstrate compliance with CAR 04.200 and 04.201, respectively, and further provided that the following sub-paragraphs are complied with.

04.3020. The tests shall be supplemented by special tests or analyses to prove compliance with multiplying factor of safety requirements. (See CAR 04.27.)

04.3021. When a unit other than the specific one tested is incorporated in the airplane presented for certification, the results of *strength* tests shall be reduced to correspond to the minimum guaranteed mechanical properties of the ma-

terials specified on the drawings, unless test loads are carried at least 15 percent beyond the required values.

04.3022. The determination of test loads, the apparatus used and the methods of conducting the tests shall be satisfactory to the Secretary.

04.3023. The tests shall be conducted in the presence of a representative of the Bureau unless otherwise directed by the Secretary.

04.303. *Flight load tests.*—Proof of strength by means of flight load tests will not be accepted unless the necessity therefor is established and the test methods are proved suitable to the satisfaction of the Secretary.

04.304. *Load tests required.*—The following load tests are required in all cases and shall be made in the presence of a representative of the Bureau unless otherwise directed by the Secretary:

(a) Strength tests of wing ribs. (See CAR 04.313.)

(b) Pressure tests of fuel and oil tanks. (See CAR 04.623.)

(c) Proof tests of tail and control surfaces. (See CAR 04.32.)

(d) Proof and operating tests of control systems. (See CAR 04.33 and CAR 04.331.)

04.31. *Proof of wings.*—Proof of wings by structural analysis only shall be in accordance with CAR 04.300 except that the strength of stressed-skin wings shall be substantiated by load tests (CAR 04.302) or by combined structural analysis and tests (CAR 04.301).

04.310. *Redundancies.*—Wing cellules in which the division of loading between lift trusses and drag trusses is indeterminate shall be analyzed either by an acceptable method for indeterminate structures or by making assumptions which result in conservative design loads for all members.

04.311. *Beams.*—The following points shall be covered in the proof of strength of wing beams, in addition to any special types of possible failure peculiar to the structure.

04.3110. *Secondary bendings.*—When axial loads are present the required minimum *ultimate* factor of safety shall be introduced before the computation of the bending moments in order to insure that the required *ultimate* loads can be supported by the structure.

04.3111. *Lateral buckling.*—The ability of beams to resist lateral buckling shall be proved.

04.3112. *Webs.*—The strength of shear webs shall be proved.

04.3113. When axial load is present tests are required to determine the effective "EI" in the case of truss-type beams and beams having unconventional web construction.

04.3114. *Joint slippage in wood beams.*—When a joint in a wood beam is designed to transmit bending from one section of the beam to another or to the fuselage, the stresses in each part of the structure shall be calculated on the assumption that the joint is 100 per cent efficient (except in mid-bay for which see CAR 04.4110) and also under the assumption that the bending moment transmitted by the joint is 75 percent of that obtained under the assumption of perfect continuity. Each part of the structure shall be designed to carry the most severe loads determined from the above assumptions.

04.3115. *Bolt holes.*—In computing the area, moment of inertia, etc., of wood beams pierced by bolts, the diameter of the bolt hole shall be assumed to be one-sixteenth inch greater than the diameter of the bolt.

04.3116. In computing the ability of box beams to resist bending loads only that portion of the web with its grain parallel to the beam axis and one-half of that portion of the web with its grain at an angle of 45° to the beam shall be considered. The more conservative method of neglecting the web entirely may be employed.

04.312. *Drag trusses.*—Drag struts shall be assumed to have an end fixity coefficient of 1.0 except in cases of unusually rigid restraint, in which a coefficient of 1.5 may be used.

04.313. *Ribs.*—Structural analysis of ribs, or their equivalent, is not acceptable as a satisfactory means of demonstrating their strength. Tests to at least 125% of the required *ultimate* load, and covering the most severe loading conditions for the ribs, are required. The following points shall apply in proving the strength of ribs.

04.3130. The load shall be suitably distributed between upper and lower wing surfaces unless a more severe distribution is used.

04.3131. The effects of ailerons and high-lift devices shall be properly accounted for.

04.3132. Rib tests shall simulate conditions in the airplane with respect to torsional rigidity of spars, fixity conditions, lateral support and attachment to spars.

04.314. *Covering.*—Proof of strength of fabric covering is not required when standard grades of cloth and methods of attaching and doping are employed provided, however, that the Secretary may require special tests when it appears necessary to account for the effects of unusually high design airspeeds or slipstream velocities, or similar factors. When metal covering is employed its ability to perform its structural function shall be demonstrated by tests of typical panels or by other means acceptable to the Secretary. In particular, compliance with CAR 04.201 requires demonstration of the behavior of the covering under load in order to determine the effects of temporary deformations (wrinkles).

04.315. *Non-parallel wires.*—When two or more wires are attached to a common point on the wing, but are not parallel, proper allowance for redundancies and the effects of rigging shall be made.

04.32. *Proof of tail and control surfaces.*—Structural analyses of tail and control surfaces will be accepted as complete proof of compliance with *ultimate* load requirements only when the structure conforms with conventional types for which reliable analytical methods are available. Proof tests as defined in CAR 04.127 are required to prove compliance with *yield* load requirements.

04.320. Control surface tests shall include the horn or fitting to which the control system is attached.

04.321. In the analysis of control surfaces proper allowance shall be made for rigging loads in brace wires in cases where the counter wires do not go slack before the *ultimate* load is reached.

04.322. Analyses or individual load tests shall be conducted to demonstrate compliance with the multiplying factor of safety requirements outlined in CAR 04.27 for control surface hinges and brace wires.

04.33. *Proof of control systems.*—Structural analyses of control systems will be accepted as complete proof of compliance with *ultimate* load requirements only when the structure conforms with conventional types for which reliable analytical methods are available. Proof tests as defined in CAR 04.127 are required to prove compliance with *yield* load requirements.

04.330. In control system tests, the direction of test loads shall be such as to produce the most severe loading of the control system structure. The tests shall include all fittings, pulleys and brackets used to attach the control system to the primary structure.

04.331. *Operation test.*—An operation test shall be conducted by operating the controls from the pilot's compartment with the entire system so loaded as to correspond to the minimum *limit* control force specified for the design of the control system. (See Table 04–6.) In this test there shall be no jamming, excessive friction or excessive deflection.

04.332. Analyses or individual load tests shall be conducted to demonstrate compliance with the multiplying factor of safety requirements specified in CAR 04.27 for control system joints subjected to angular motion.

04.34. *Proof of landing gear.*—Structural analyses of landing gear will be accepted as complete proof of compliance with load requirements only when the structure conforms with conventional types for which reliable analytical methods are available. Analyses may be used to demonstrate compliance with the energy absorption requirements in certain cases. When such analyses are not applicable, dynamic tests shall be conducted to demonstrate compliance with energy absorption requirements.



04.340. *Energy absorption tests.*—When tests for energy absorption are required they shall be so conducted as to simulate the landing conditions for which energy absorption requirements are specified in CAR 04.440, and test data shall be obtained from which the maximum acceleration developed at the center of gravity of the airplane can be determined. When drop tests of wheels, tires and shock absorbers are conducted in a combination differing from that employed on the airplane, proper allowance and corrections shall be made for the errors thus introduced.

04.35. *Proof of hulls and floats.*—Structural analyses of hulls and auxiliary floats will be accepted as complete proof of compliance with load requirements only when the structure conforms with conventional types for which reliable analytical methods are available. The strength of the structure as a whole and its ability to distribute water loads from the bottom plating into the main structural members shall be demonstrated. See CAR 15 for the requirements for main floats.

04.36. *Proof of fuselages and engine mounts.*—Structural analyses of fuselages and engine mounts will be accepted as complete proof of compliance with load requirements only when the structure conforms with conventional types for which reliable analytical methods are available.

04.360. The end fixity coefficient used in determining critical column loads shall in no case exceed 2.0. A value of 1.0 shall be used for all members in the engine mount. In doubtful cases, tests are required to substantiate the degree of restraint assumed.

04.361. *Baggage compartments.*—The ability of baggage compartments to sustain the maximum authorized baggage loads under all required flight and landing conditions shall be demonstrated.

04.37. *Proof of fittings and parts.*—Proof of strength of all fittings and joints of the primary structure is required. Where applicable, structural analysis methods may be used. When such methods are inadequate, a load test is required. Compliance with the multiplying factor of safety requirements for fittings (CAR 04.27) shall be demonstrated.

04.370. Since the system of forces which designs a fitting does not necessarily include the forces which design the attaching members, all the forces acting in all the specified conditions shall be considered for every fitting. The strength of each part of a built-up fitting shall be investigated and proper allowance shall be made for the effects of eccentric loading when initially present or when introduced by deflection of the structure under load.

04.371. *Bolts.*—The allowable bearing load assumed for the threaded portion of a bolt shall not exceed 25 per cent of the rated shear strength of the bolt.

04.4. *Detail design and construction.*—

04.40. *General.*—The primary structure and all mechanisms essential to the safe operation of the airplane shall not incorporate design details which experience has shown to be unreliable or otherwise unsatisfactory. The suitability of all design details shall be established to the satisfaction of the Secretary. Certain design features which have been found to be essential to the airworthiness of an airplane are hereinafter specified and shall be observed.

04.400. *Materials and workmanship.*—The primary structure shall be made from materials which experience or conclusive tests have proved to be uniform in quality and strength and to be otherwise suitable for airplane construction. Workmanship shall be of sufficiently high grade as to insure proper continued functioning of all parts.

04.401. *Fabrication methods.*—The methods of fabrication employed in constructing the primary structure shall be such as to produce a uniformly sound structure which shall also be reliable with respect to maintenance of the original strength under reasonable service conditions.

04.4010. *Gluing.*—Gluing may be used except in cases where inferior joints might result or where proper protection from moisture cannot be shown.

04.4011. *Torch welding.*—Torch welding of primary structural parts may be used only for ferrous materials and for such other materials shown to be suitable therefor.

04.4012. *Electric welding.*—Electric arc, spot or seam welding may be used in the primary structure when specifically approved by the Secretary for the application involved. Requests for approval of the use of electric welding shall be accompanied by information as to the extent to which such welding is to be used, drawings of the parts involved, apparatus employed, general methods of control and inspection, and references to test data substantiating the strength and suitability of the welds obtained.

04.4013. *Brazing and soldering.*—The use of brazing and soldering in joining parts of the primary structure is prohibited except that brazing may be used in special cases when the suitability of the method and application can be definitely established to the satisfaction of the Secretary.

04.4014. *Protection.*—All members of the primary structure shall be suitably protected against deterioration or loss of strength in service due to corrosion, abrasion, vibration or other causes. This applies particularly to design details and small parts. In seaplanes special precautions shall be taken against corrosion from salt water, particularly where parts made from different metals are in close proximity. All exposed wood structural members shall be given at least two protective coatings of varnish or approved equivalent. Built-up box spars and similar structures shall be protected on the interior by at least one coat of varnish or approved equivalent and adequate provisions for drainage shall be made. Due care shall be taken to prevent coating of the gluing surfaces.

04.4015. *Inspection.*—Inspection openings of adequate size shall be provided for such vital parts of the aircraft as require periodic inspection.

04.402. *Joints, fittings and connecting parts.*—In each joint of the primary structure the design details shall be such as to minimize the possibility of loosening of the joint in service, progressive failure due to stress concentration, and damage caused by normal servicing and field operations. (See CAR 04.271 for multiplying factors of safety required.)

04.4020. *Bolts, pins and screws.*—All bolts and screws in the structure shall be of uniform material of high quality and of first-class workmanship. Machine screws shall not be used in the primary structure unless specifically approved for such use by the Secretary. The use of an approved locking device or method is required for all bolts, pins and screws.

04.4021. *Wood screws.*—The use of wood screws in the primary structure is prohibited except in special cases when the suitability of the particular application is proved to the satisfaction of the Secretary.

04.4022. *Eyebolts.*—Special eyebolts and similar special bolts shall have a fillet between the head and the shank of at least ¼ the diameter of the bolt when used in control surfaces or at other locations where they might be subjected to bending or vibration.

04.4023. *Castings.*—Castings used in the primary structure shall incorporate the multiplying factor of safety specified in CAR 04.272 and shall be of such material and design as to insure the maximum degree of reliability and freedom from defects. The Secretary reserves the right to prohibit the use of castings where such use is deemed to be unairworthy.

04.403. *Tie-rods and wires.*—The minimum size of tie-rod which may be used in primary structure is No. 6–40. The corresponding minimum allowable size of single-strand hard wire is No. 13 (0.072-inch diameter).

04.4030. *Wire terminals.*—The assumed terminal efficiency of single-strand hard wire shall not be greater than 85 per cent.

04.4031. *Wire anchorages.*—A fitting attached to a wire or cable up to and including the 3,400-pound size shall have at least the rated strength of the wire or cable, and the multiplying factor of safety for fittings (CAR 04.271) is not required in such cases. In the case of fittings to which several tie-rods or wires are attached, this requirement applies separately to each portion of the fitting to which a tie-rod or wire is attached, but does not require simultaneous application of rated wire loads. The end con-

nections of brace wires shall be such as to minimize restraint against bending or vibration.

04.4032. *Counter wire sizes.*—(See also CAR 04.274 and 04.275.) In a wire-braced structure the wire sizes shall be such that any wire can be rigged to at least 10 per cent of its rated strength without causing any other wire to be loaded to more than 20 per cent of its rated strength. As used here "rated strength" refers to the wire proper, not the terminal.

04.404. *General flutter prevention measures.*—The Secretary reserves the right to require special provisions against flutter in any case when such provisions appear to him to be necessary.

04.4040. *Vibration tests.*—Experimental determination of the natural frequency of vibration of certain components of the airplane is required in cases when there are indications of dangerously low frequencies or of coincidence of the natural frequencies of two or more separate structural components.

04.41. *Detail design of wings.*—

04.410. *External bracing.*—When streamline wires are used for external lift bracing they shall be double unless the design complies with the lift-wire-cut condition specified in CAR 04.2161. (See also CAR 04.273.)

04.4100. *Wire-braced monoplanes.*—If monoplane wings are externally braced by wires only, the right and left sides of the bracing shall be independent of each other so that an unsymmetrical load from one side will not be carried through the opposite wires before being counteracted, unless the design complies with the following conditions:

(a) The minimum true angle between any external brace wire and a spar is 14°.

(b) The counter (landing) wires are designed to remain in tension at least up to the *limit* load.

(c) The landing and flying wires are double.

04.4101. Multiple-strand cable shall not be used in lift trusses.

04.4102. *Jury struts.*—Clamps shall not be used for the attachment of jury struts.

04.411. *Wing beams.*—Provisions shall be made to reinforce wing beams against torsional failure, especially at the point of attachment of lift struts, brace wires and aileron hinge brackets.

04.4110. *Wing beam joints.*—Joints in metal beams (except pinned joints) and joints in mid-bays of wood beams shall maintain 100 per cent efficiency of the beam with respect to bending, shear and torsion.

04.412. *Drag truss.*—Fabric-covered wing structures having a cantilever length or overhang such that the ratio of span of overhang to chord at root of overhang is greater than 1.75 shall have a double system of internal drag trussing spaced as far apart as possible, or other means of providing equivalent torsional stiffness. In the former case counter wires shall be of the same size as the drag wires. (See also CAR 04.275.)

04.4120. Multiple-strand cable shall not be used in drag trusses unless such use is substantiated to the satisfaction of the Secretary.

04.413. *Aileron and flap attachments.*—Aileron and flap attachment ribs or brackets shall be rigidly constructed and firmly attached to the main wing structure in order to reduce wing flutter tendencies.

04.414. *Internally-braced biplanes.*—Internally-braced biplanes shall be provided with N or I struts to equalize deflections, and the effect of such struts shall be considered in the stress analysis.

04.415. *Fabric covering.*—Fabric covering shall comply with the requirements of CAR 04.400 and shall be attached in a manner which will develop the necessary strength, with due consideration for slip-stream effects. (See CAR 04.314.)

04.416. *Metal-covered wings.*—The detail design of such wings shall incorporate suitable provision against buckling or wrinkling of metal covering as specified in CAR 04.201 and 04.314.

04.417. *Lift truss system.*—All structural members in the wing lift truss system which transmit direct loads from the landing gear shall be overstrength with respect to landing loads, so as to reduce the probability of damaging the wing in severe landings. This will require that, for any given landing condition, the minimum margin of safety in the lift truss structure shall be greater than the minimum margin of safety in the landing gear structure for the same condition.

04.42. *Detail design of tail and control surfaces.*—

04.420. *Installation.*—Movable tail surfaces shall be so installed that there is no interference between the surfaces or their bracing when any one is held in its extreme position and any other is operated through its full angular movement.

04.421. *Stops.*—When an adjustable stabilizer is used, stops shall be provided at the stabilizer to limit its movement, in the event of failure of the adjusting mechanism, to a range equal to the maximum required to balance the airplane. (See also CAR 40.4261.)

04.422. *Hinges.*—Hinges of the strap type bearing directly on torque tubes are permissible only in the case of steel torque tubes which have a multiplying factor of safety as specified in CAR 04.276. In other cases sleeves of suitable material shall be provided for bearing surfaces.

04.4220. Clevis pins may be used as hinge pins provided that they are made of material conforming with, or the equivalent of, S. A. E. Specification 2330.

04.423. *Elevators.*—When separate elevators are used they shall be rigidly interconnected.

04.424. *Ailerons.*—Ailerons attached to internally-braced wings, to wings braced by wires only or to wings which in the opinion of the Secretary are susceptible to flutter, shall be statically balanced about their hinge lines when in the neutral position. A special ruling shall be obtained from the Secretary when such balance is obtained by means of a single balance weight for each aileron, or when the aileron control system is irreversible.

04.425. *Wing flaps.*—Flaps shall be so installed as not to induce flutter or appreciable buffeting.

04.426. *Tabs.*—Control surface trailing-edge tabs shall be statically balanced about their hinge lines unless and irreversible non-flexible tab control system is used. The installation shall be such as to prevent development of any free motion of the tab.

04.4260. When trailing-edge tabs are used to assist in moving the main surface (balancing tabs), care shall be taken in proportioning areas and relative movements so that the main surface is not aerodynamically overbalanced at any time.

04.4261. Elevator trailing-edge tab systems shall be equipped with stops which limit the travel of the tab to the angular values provided for in the structural report. The range of tab movement shall be sufficient to result in a speed of not more than 90 miles per hour in a glide with power off, under the loading condition of most forward center of gravity certified.

04.427. *Tail surface balancing.*—In the case of airplanes having a high speed in level flight greater than 150 miles per hour, the dynamic balance coefficient of the rudder and of each separate elevator as computed about the point of intersection of the hinge line with the center line of the fuselage shall be not more than 0.08. This coefficient is non-dimensional and consists of a fraction whose numerator is the resultant weight product of inertia of the control surface and whose denominator is equal to the weight multiplied by the aerodynamic area of the control surface. The resultant product of inertia is obtained from the algebraic sum of the products of inertia in the four quadrants, considering the products of inertia in the first and third quadrants as positive and those in the second and fourth quadrants as negative. If the rudder is completely mass-balanced the requirements for elevators may be modified upon application to the Secretary.

04.43. *Detail design of control systems.*—

04.430. *Installation.*—Proper precautions shall be taken with respect to control systems to eliminate the possibility



of jamming, interference from cargo, passengers or loose objects, and chafing or slapping of cables against parts of the airplane. All pulleys shall be provided with satisfactory guards. A control column or stick located between a pilot and a passenger shall not be used unless a throw-over type of wheel control is incorporated.

04.431. *Stops.*—All control systems shall be provided with stops which positively limit the range of motion of the control surfaces. Stops shall be capable of withstanding the loads corresponding to the design conditions for the control system.

04.432. *Joints.*—Bolts with castellated nuts safetied with cotter pins or with an approved type of self-locking nut shall be used throughout the control system, except that the use of clevis pins in standard cable ends, thimbles and shackles is satisfactory for light airplanes as defined in CAR 04.01.

04.433. *Welds.*—Welds shall not be employed in control systems to carry tension without reinforcement from rivets or bolts.

04.434. *Flap controls.*—The flap operating mechanism shall be such as to prevent sudden, inadvertent or automatic opening of the flap at speeds above the design speed for the extended flap conditions. The time required to fully extend or retract flaps shall not be less than 15 seconds, unless it can be demonstrated to the satisfaction of the Secretary that the operation of the flaps in a lesser time does not result in unsatisfactory flight characteristics. Means shall be provided to retain flaps in their fully retracted position and to indicate such position to the pilot.

04.435. *Tab controls.*—Tab controls shall be irreversible and non-flexible, unless the tab is statically balanced about its hinge line. Proper precautions shall be taken against the possibility of inadvertent or abrupt tab operation and operation in the wrong direction.

04.4350. When adjustable elevator tabs are used for the purpose of trimming the airplane, a tab position indicator shall be installed and means shall be provided for indicating to the pilot a range of adjustment suitable for safe take-off and the directions of motion of the control for nose-up and nose-down motions of the airplane.

04.436. *Spring devices.*—The use of springs in the control system either as a return mechanism or as an auxiliary mechanism for assisting the pilot (bungee device) is prohibited except under the following conditions:

(a) The airplane shall be satisfactorily maneuverable and controllable and free from flutter under all conditions with and without the use of spring device.

(b) In all cases the spring mechanism shall be of a type and design satisfactory to the Secretary.

(c) Rubber cord shall not be used for this purpose.

04.437. *Single-cable controls.*—Single-cable controls are prohibited except in special cases in which their use can be proved to be satisfactory.

04.438. *Control system locks.*—When a device is provided for locking the control surfaces in position while the aircraft is on the ground or water, the following provisions shall apply:

(a) The locking device shall be so installed that it can be completely released from all controls with ease and rapidity by a person sitting in either pilot's seat.

(b) For landplanes the device shall be so installed that, until released to provide full manipulation of all controls, it presents a definite obstruction to taxiing the aircraft or starting a take-off. This shall be accomplished by locking the throttle control or by some equally effective measure. For seaplanes the device may, if desired, be so installed as to permit maneuvering on the water with the controls locked, but in any event the means of locking shall definitely prevent the seaplane from being taken into the air.

04.44. *Detail design of landing gear.*—

04.440. *Shock absorption.*—All landing gear (including tail gear installations) shall be provided with shock-absorbing systems which will permit the airplane to be landed under the conditions specified in CAR 04.2411 and CAR 04.2420 without exceeding the ultimate load used in the analysis of any landing gear member. (See CAR 04.340 for proof of absorption capacity.) If the design of the shock-absorbing system is such that the above method of specifying the required energy absorption capacity appears to give irrational results, an alternate method will be considered upon presentation of pertinent data.

04.441. *Shock-absorbing systems.*—The shock-absorbing systems employed shall incorporate suitable means for absorbing the shocks developed in taxiing or running over rough ground.

04.442. *Wheels.*—Main landing gear wheels shall be of a type or model certificated by the Secretary in accordance with the provisions of CAR 15 and shall not be subjected to static loads in excess of those for which they are certificated. Tail wheels may be of any type or model and are not certificated. Nose wheels are subject to special rulings to be made by the Secretary.

04.4420. For the purpose of these regulations main landing gear wheels are considered as those nearest the airplane center of gravity with respect to fore-and-aft location.

04.4421. For the purpose of these regulations a tail wheel is considered as one which supports the tail of a conventional airplane in the three-point landing attitude. A nose wheel is considered to be a wheel supporting the nose of the airplane when the two main wheels are located behind the center of gravity.

04.443. *Tires.*—A landing gear wheel may be equipped with any make or type of tire, provided that the tire is a proper fit on the rim of the wheel and provided that the tire manufacturer's recommended load rating is not exceeded.

04.4430. When specially constructed tires are used to support an airplane, the wheels shall be plainly and conspicuously marked to that effect. Such markings shall include the make, size, number of plies and identification marking of the proper tire.

04.444. *Retracting mechanism.*—When retractable landing wheels are used, visual means shall be provided for indicating to the pilot, at all times, the position of the wheels. Separate indicators for each side are required when each side is separately operated unless a single indicator is obviously satisfactory. In addition, an aural or other equally effective indicator shall be provided and shall function continuously after the throttle is closed until the gear is down and locked.

04.4440. A positive lock shall be provided for the wheels in the extended position, unless a rugged irreversible mechanism is used.

04.4441. Manual operation of retractable landing gears shall be provided for.

04.45. *Hulls and floats.*—(See also CAR 04.46.)

04.450. *Buoyancy (main seaplane floats).*—Main seaplane floats shall have a buoyancy in excess of that required to support the gross weight of the airplane in fresh water as follows:

(a) 80 per cent in the case of single floats,

(b) 90 per cent in the case of double floats.

04.4500. Main seaplane floats for use on aircraft of 2500 pounds or more maximum authorized weight shall contain at least five water-tight compartments of approximately equal volume. Main seaplane floats for use on aircraft of less than 2500 pounds maximum authorized weight shall contain at least four such compartments.

04.451. *Buoyancy (boat seaplanes.)*—The hulls of boat seaplanes and amphibians shall be divided into water-tight compartments in accordance with the following requirements:

(a) In aircraft of 5,000 pounds maximum authorized weight or more the compartments shall be so arranged that, with any two adjacent compartments flooded, the hull and auxiliary floats (and tires, if used) will retain sufficient buoyancy to support the gross weights of the aircraft in fresh water.

and 04.314.

with respect to control systems to eliminate the possibility



(b) In aircraft of 1,500 to 5,000 pounds maximum authorized weight the compartments shall be so arranged that, with any one compartment flooded, the hull and auxiliary floats (and tires, if used) will retain sufficient buoyancy to support the maximum authorized weight of the aircraft in fresh water.

(c) In aircraft of less than 1,500 pounds maximum authorized weight water-tight subdivision of the hull is not required.

(d) Bulkheads may have water-tight doors for the purpose of communication between compartments.

04.452. *Water stability.*—Auxiliary floats shall be so arranged that when completely submerged in fresh water, they will provide a righting moment which is at least 1.5 times the upsetting moment caused by the aircraft being tilted. A greater degree of stability may be required in the case of large flying boats, depending on the height of the center of gravity above the water level, the area and location of wings and tail surfaces, and other considerations.

04.453. *Float design.*—In designing the bow portion of floats and hulls suitable provision shall be made for the effects of striking floating objects.

04.46. *Fuselage and cabins.*—

04.460. *Provision for turn-over.*—The fuselage and cabins shall be designed to protect the passengers and crew in the event of a complete turn-over and adequate provision shall be made to permit egress of passengers and crew in such event. This requirement may be suitably modified when the possibility of a complete turn-over in landing is remote. (See also CAR 04.247 for loading requirements.

04.461. *Doors.*—Closed cabins on all aircraft carrying passengers shall be provided with at least one adequate and easily accessible external door.

04.4610. No passenger door shall be located in the plane of rotation of a propeller, nor within 5° thereof as measured from the propeller hub.

04.4611. The passenger door on landplanes certificated for airline service shall be located on the left-hand side of the cabin.

04.462. *Exits.*—Closed cabins on aircraft carrying more than 5 passengers shall be provided with emergency exits, in addition to the one external door required by CAR 04.461, consisting of movable windows or panels or of additional external doors which provide a clear and unobstructed opening, the minimum dimensions of which shall be 19 inches by 26 inches if elliptical or rectangular, or 26 inches in diameter if circular. The location and the method of operation of emergency exits shall be approved by the Secretary. If the pilot is in a compartment separate from the cabin, passage through such compartment shall not be considered as an emergency exit for the passengers. The number of emergency exits required is as follows:

(a) Aircraft with a total seating capacity of more than 5 persons, but not in excess of 15, shall be provided with at least one emergency exit or one suitable door in addition to the main door specified in CAR 04.461. This emergency exit, or second door, shall be on the opposite side of the cabin from the main door. If desired, an additional emergency exit may be provided in the top of the cabin, but such an installation shall not obviate the necessity for an exit on each side.

(b) Aircraft with a seating capacity of more than 15 persons shall be provided with an additional emergency exit or door either in the top or side of the cabin for every additional 7 persons or fraction thereof above 15, except that not more than 4 exits, including doors, will be required if the arrangement and dimensions are suitable for the purpose intended.

04.463. *Pilot's compartment.*—The pilot's compartment shall be so constructed as to afford suitable ventilation and adequate vision to the pilot under normal flying conditions. In cabin aircraft the windows shall be so arranged that they may be readily cleaned or easily opened in flight to provide forward vision for the pilot. The ventilation requirements of CAR 04.467 shall also apply to the pilot's compartment.

04.4630. The pilot and the primary control units, excluding cables and control rods, shall be so located with respect to the propellers that no portion of the pilot or controls lies in the region between the plane of rotation of any propeller and the surface generated by a line passing through the center of the propeller hub and making an angle of 5° forward or aft of the plane of rotation of the propeller.

04.4631. A metal identification plate shall be permanently affixed in a visible location in the pilot's compartment of each airplane. This plate shall contain the manufacturer's name, the date of manufacture, the manufacturer's serial number and the model designation. The manufacturer shall specify the fuel capacity of each fuel tank on the manufacturer's identification plate, or on or adjacent to the fuel shut-off valves in the pilot's compartment.

04.4632. There shall be placed, in full view of the pilot, such placards as are required in CAR 04.74 (operation limitations) and in CAR 04.723 (emergency ceiling).

04.4633. The windows and windshields of the pilot's compartment in airplanes certificated for airline service shall be so arranged as to provide satisfactory forward vision and protection under all conditions and, to accomplish this, particular attention shall be paid to the following detail requirements:

(a) The windshield shall be constructed of high grade glass at least ⅜ inch thick and having at least 5 liminations held together with a strong binder, except that a substitute therefor is permissible provided that it has equivalent strength and satisfactory optical properties. The structure supporting the windshield shall be of equivalent strength.

(b) Windshields shall be so installed that they can be easily opened in flight and shall be so arranged that the air stream and snow or rain are deflected across the opening, or to provide equivalent results.

(c) The pilot's compartment shall be so constructed and arranged as to prevent glare or reflections which would interfere with the vision of either pilot, particularly while flying at night. The aircraft shall be flown by a Bureau representative during hours of darkness to determine compliance with this provision.

04.4634. The pilot's compartment in airplanes certificated for airline service shall be so constructed as to prevent any leakage into it when the airplane is flying in rain or snow.

04.4635. Two seats shall be installed side-by-side in the pilot's compartment of airplanes certificated for airline service from either of which the airplane shall be fully and readily controllable. If any difference exists as to convenience of the instruments and controls necessary for safe flight such difference should favor the left-hand seat. The left-hand seat shall be known as the first pilot's seat and the right-hand one as the second pilot's seat.

04.4636. The navigation instruments for use by the pilot in airplanes certificated for airline service shall be so installed as to be easily visible to him with the minimum practicable deviation from his normal position and line of vision when he is looking out and forward along the flight path and they shall also be visible to the second pilot.

04.4637. All airplanes certificated for airline service shall be provided with a door or an adequate openable window between the pilot's compartment and the passengers' cabin, which shall be so arranged as to permit direct oral communication between either pilot and the passengers. When a door is provided it shall be equipped with a locking means which shall prevent passengers from opening such door while in flight.

04.464. *Passenger chairs.*—Seats or chairs for passengers shall be securely fastened in place in both open and closed airplanes, whether or not the safety belt load is transmitted through the seat. (See CAR 15 and CAR 04.2640 for safety belt requirements.)

04.465. *Baggage compartments.*—Each baggage and mail compartment shall bear a placard stating the maximum allowable weight of contents, as determined by the structural strength of the compartment (CAR 04.265) and by flight test (CAR 04.742). Suitable means shall be provided to prevent the contents of mail and baggage compartments from shifting.



04.466. *Reinforcement near propellers.*—Surfaces near propeller tips shall be suitably stiffened against vibration and the effects of ice thrown from the propeller. (See CAR 04.611 for clearance requirements.)

04.467. *Passenger compartments.*—A suitable ventilation system shall be provided which will preclude the presence of fuel fumes and dangerous traces of carbon monoxide in each passenger compartment.

04.5. *Equipment.*—

04.50. *General.*—The equipment required shall be dependent upon the type of operation for which certification is to be made. The requirements specified herein (CAR 04.5) shall be the basic equipment requirements and such additional equipment as may be specified in other sections of the Civil Air Regulations for specific special cases shall be supplemental hereto unless otherwise specified.

04.500. Each item of equipment specified in the Civil Air Regulations shall be of a type and design satisfactory to the Secretary, shall be properly installed and shall function to the satisfaction of the Secretary. Items of equipment for which certification is required shall have been certificated in accordance with the provisions of CAR 15 or previous regulations.

04.501. An approved life preserver or flotation device is one approved by the Secretary for such usage on sea-going vessels.

04.502. Fire extinguishing apparatus approved by the Underwriters Laboratories is considered to be of an approved type.

04.503. Approved radio equipment is such as has been approved by the Secretary as complying with the current issue of "Specifications for the Approval of Airline Aircraft Radio Equipment".

04.51. *Non-Airline carrier (NAC) airplanes.*—Airplanes which are certificated as non-airline carriers, shall have at least the following equipment:

04.510. *NAC landplanes — Visual-Contact Day Flying (Within 100 Miles of a Fixed Base).*—

(a) One airspeed indicator. (See CAR 04.5800 for installation requirements.)

(b) One altimeter.

(c) A tachometer for each engine.

(d) An oil-pressure gauge when an oil-pressure system is employed.

(e) A water thermometer for each water-cooled engine.

(f) An oil thermometer for each air-cooled engine.

(g) A manifold-pressure gauge, or equivalent, for each altitude engine. (See CAR 13.)

(h) A fuel quantity gauge. (See CAR 04.624 for requirements.)

(i) Certificated safety belts for all passengers and members of the crew. (See CAR 15 for belt requirements and CAR 04.5810 for installation requirements.)

(j) A portable fire extinguisher in cabin airplanes, which extinguisher shall be of an approved type which shall have a minimum capacity, if carbon tetrachloride, of one quart or, if carbon dioxide, of two pounds or, if other, of equivalent effectiveness; except that any extinguisher of not less than half the above capacity may be used in an airplane equipped with an engine whose maximum rating is 40 horsepower or less. (See CAR 04.5811 for installation requirements.)

(k) Landing gear position indicator for retractable main landing gear. (See CAR 04.444 for requirements.)

(l) A device for measuring or indicating the amount of oil in the tanks. (See CAR 04.633 for requirements.)

(m) A first aid kit, in airplanes arranged for carrying passengers.

(n) A log-book for the airplane and one for each engine. (See CAR 01 for requirements.)

(o) Rigging information for airplanes with wire-braced wings, either in the form of a sketch or listed data, which shall include sufficient information to permit proper rigging.

04.511. *NAC landplanes—Visual-contact day flying (unlimited distance).*—Airplanes of this category shall have the equipment specified in CAR 04.510 and, in addition, there shall be installed:

(a) A magnetic compass. (See CAR 04.5803 for installation requirements.)

04.512. *NAC landplanes.—Visual-contact night flying.*—Airplanes of this category shall have the equipment specified in CAR 04.511 and, in addition, there shall be installed:

(a) A set of certified standard forward position lights in combination with a certificated tail light. (See CAR 15 for light requirements and CAR 04.5827 for installation requirements.)

(b) Two electric landing lights, if the aircraft is operated for hire. (See CAR 04.5825 for installation requirements.)

(c) Certificated landing flares, if the aircraft is operated for hire, as follows (See CAR 15 for flare requirements and CAR 04.5813 for installation requirements):

Airplanes of 3500 pounds maximum authorized weight or less—5 Class 3 flares or 3 Class 2 flares.

Airplanes of between 3500 pounds and 5000 pounds maximum authorized weight—4 Class 2 flares.

Airplanes of 5000 pounds maximum authorized weight or more—2 Class 1 flares or 3 Class 2 flares and one Class 1 flare.

If desired, airplanes of less than 5000 pounds maximum authorized weight may carry the flare equipment specified for heavier airplanes.

(d) A storage battery suitable as a source of energy supply for the lights installed. (See CAR 04.5821 for installation requirements.)

(e) Radio equipment, if the aircraft is operated for hire, as follows: A radio beacon and weather broadcast receiver operating within the frequency range of 200 to 400 kilocycles. Under normal atmospheric conditions this receiver must be capable of receiving with a range of 100 miles intelligence emanated from a radio range or weather broadcast station the equivalent of an SBRA installation.

(f) A set of spare fuses. (See CAR 04.5822 for installation requirements.)

04.513. *NAC landplanes — instrument day flying.*—Airplanes of this category shall have the equipment specified in CAR 04.511 and, in addition, there shall be installed:

(a) *Radio equipment.*—Same as CAR 04.512 (e), whether the aircraft is operated for hire or not, and, in addition, a radio transmitter operated on 3105 kilocycles with a power output sufficient to establish communication at a distance of at least 100 miles under normal atmospheric conditions. Additional frequencies may be employed subject to approval of the Federal Communications Commission.

(b) A gyroscopic rate-of-turn indicator.

(c) A bank indicator. (Instruments (b) and (c) may be combined in one instrument if desired or may be omitted if a gyroscopic artificial horizon instrument is installed.)

(d) A sensitive altimeter which shall be adjustable for changes in barometric pressure and compensated for changes in temperature.

(e) A clock with a sweep-second hand.

(f) A storage battery suitable as a source of energy supply for the radio equipment installed. (See CAR 04.5821 for installation requirements.)

(g) A generator.

(h) A set of spare fuses. (See CAR 04.5822 for installation requirements.)

04.514 *NAC landplanes—Instrument night flying.*—Airplanes of this category shall have the equipment specified in CAR 04.512 and CAR 04.513 combined. The storage battery shall be suitable as a source of energy supply for both the radio equipment and the lights.

04.515. *NAC seaplanes and amphibians.*—The equipment requirements for seaplanes and amphibians shall be the same as specified for landplanes (CAR 04.510 through 04.514) except that seaplanes and amphibians shall not be certificated for operation over water out of sight of land unless they have at least the equipment specified in CAR 04.511, and except that all certificated seaplanes and amphibians shall also have an approved life preserver or flotation device for each person for which there is a seat, and except that all seaplanes and amphibians certificated for night operation shall also have a white anchor light. (See CAR 04.5824 for installation requirements.)

04.52. *Airline carriers—goods (ACG).*—(To be supplied.)

04.53. *Airline carriers—passengers (ACP).*—Airplanes certificated for use as airline passenger carriers shall have installed at least the following equipment:

04.530. *ACP landplanes—visual-contact day flying.*—The same as specified in CAR 04.511 and, in addition, the following:

(a) An electrically heated pitot tube, or equivalent, for the air speed indicator.

(b) One additional portable fire extinguisher of the type specified in CAR 04.510 (j). (See CAR 04.5811 for installation requirements.)

(c) Fixed fire extinguishing apparatus of an approved type for each engine compartment.

(d) Safety belt sign or signal. (See CAR 04.5812 for installation requirements.)

(e) Radio equipment as follows: An *approved* two-way radio system consisting of a transmitter and receiver capable of operating on the frequency or frequencies specified by the Federal Communications Commission and independent of any facility provided by the Federal Government. In addition an *approved* beacon and weather broadcast receiver is required. The question of power and/or range of this equipment will be determined by the Secretary upon application for a Letter of Authority to operate a scheduled service.

(f) A set of spare fuses. (See CAR 04.5822 for installation requirements.)

04.531. *ACP landplanes—visual-contact night flying.*—The same as specified in CAR 04.530 and, in addition, the following:

(a) A set of certificated airline forward position lights or, alternatively, a combination consisting of a set of certificated standard forward position lights and a set of certificated auxiliary position lights. In any case a certificated tail light shall also be installed. (See CAR 15 for light requirements and CAR 04.5827 for installation requirements.)

(b) A storage battery of sufficient capacity for all lights installed. (See CAR 04.5821 for installation requirements and CAR 04.5823.)

(c) Two electric landing lights. (See CAR 04.5825 for installation requirements.)

(d) Certificated landing flares as follows: 2 Class 1 flares or 3 Class 2 flares and 1 Class 1 flare. (See CAR 15 for flare requirements and CAR 04.5813 for installation requirements.)

(e) Instrument lights. (See CAR 04.5826 for installation requirements.)

(f) Cabin lights in all passenger cabins and compartments.

(g) A generator. (See CAR 04.5823 for requirements.)

(h) Radio equipment same as CAR 04.530 (e).

04.532. *ACP landplanes—instrument day flying.*—The same as specified in CAR 04.530 except 04.510 (b) and, in addition, the following:

(a) A gyroscopic rate-of-turn indicator combined with a bank indicator.

(b) A gyroscopic instrument showing bank and pitch.

(c) A gyroscopic compass.

(d) A rate-of-climb indicator.

(e) Two sensitive-type altimeters, both of which shall be adjustable for changes in barometric pressure and compensated for changes in temperature.

(f) A free air thermometer of the distance type with an indicating dial in the cockpit.

(g) A clock with a sweep-second hand.

(h) A vacuum gauge, installed in the lines leading to instruments (a), (b) and (c).

(i) Radio equipment as follows: Same as CAR 04.530 (e) and, in addition, an *approved* auxiliary beacon and weather broadcast receiver capable of receiving radio range signals and emergency broadcast. Such receiver system is normally operated from the main source of electrical supply of the aircraft but in the event of failure of the normal power source may be switched to operate from an independent power supply. This system shall include an independent power supply capable of operating such auxiliary receiver continuously for a period of at least four hours. It is also required that this emergency receiver operate from an independent antenna. Two sets of head-phones shall be required in the aircraft at all times. Effective January 1, 1938, there shall also be installed in such aircraft an *approved radio direction finder*, covering at least the frequency range of 200 to 400 kilocycles. The design of the radio direction finder shall be such as to permit its regular operation in the taking of line bearings on any station to which the direction finder may be tuned without altering the course of the aircraft. The radio direction finder shall also be provided with means to eliminate, insofar as possible, consistent with the advancement of the art, that type of interference commonly known as rain, snow, sleet or dust static. The radio direction finder shall provide means for audible reception of radio range and weather broadcast messages. This radio direction finder may be installed in lieu of the emergency receiver described herein provided that an independent power source equal to that described for the emergency receiver is employed on either the beacon receiver required under CAR 40.235 or on this radio direction finder. Effective November 1, 1937, there shall be installed on such aircraft an *approved radio antenna system*, which has for its purpose the collection of radio range signals, weather broadcast and emergency messages transmitted within the frequency range of 200 to 400 kcs. The design of this antenna system shall be such as to eliminate insofar as possible, consistent with the advancement of the art, that type of interference commonly known as rain, snow, sleet or dust static. This antenna system shall be so designed that it will operate efficiently when used in conjunction with a receiver installed aboard such aircraft which has for its primary purpose the reception of radio range signals, weather broadcast and emergency messages.

(j) A deicing signal to indicate icing conditions in the carburetor if the deicing device specified in CAR 04.6291 requires the manipulation of controls.

(k) A storage battery suitable as a source of energy supply for the radio equipment installed. (See CAR 04.5821 for installation requirements.)

(l) *A generator.*—(See CAR 04.5823 for installation requirements.)

04.533. *ACP landplanes—Instrument night flying.*—The same as specified in CAR 04.531 and CAR 04.532 combined. The storage battery, in this case, shall be of sufficient capacity for all radio equipment and all lights installed.

04.534. *ACP seaplanes and amphibians.*—The same as specified for landplanes (CAR 04.530 through CAR 04.533) and including the life preservers specified in CAR 04.515, except that when certificated for night operation, they shall also have installed the anchor light specified in CAR 04.515.

04.54. (Unassigned.)
04.55. (Unassigned.)
04.56. (Unassigned.)
04.57. (Unassigned.)



04.58. *Installation requirements.*—The following regulations apply to the installation of specific items of equipment and are additional to the regulations of CAR 04.50.

04.580. *Instruments.*—The following regulations shall apply to the installation of instruments when such instruments are required by these regulations.

04.5800. *Air speed indicator.*—This instrument shall be so installed as to indicate true air speed at sea level with the maximum practicable accuracy but in no event shall the instrument error be more than plus or minus 5 miles per hour at approximately 0.9 $V_L$. (See CAR 04.111.)

04.5801. *Powerplant instruments and controls.*—(See CAR 04.650 and 04.651.)

04.5802. *Fuel quantity gauge.*—(See CAR 04.624.)

04.5803. *Magnetic compass.*—This instrument shall be properly damped and compensated and shall be located where it is least affected by electrical disturbances and magnetic influences.

04.5804. *Navigation instruments.*—Navigation instruments for use by the pilot shall be so installed as to be easily visible to him with the minimum practicable deviation from his normal position and line of vision when he is looking out and forward along the flight path and they shall also be visible to the second pilot.

04.5805. *Gyroscopic instruments.*—All gyroscopic instruments shall derive their energy from engine-driven pumps or from auxiliary power units. Each source of energy supply and its attendant complete installation shall comply with the instrument manufacturer's recommendations for satisfactory instrument operation. On multi-engine aircraft each instrument shall have two separate sources of energy, either one of which shall be capable of carrying the required load. Engine-driven pumps, when used, shall be on separate engines. The installation shall be such that failure of one source of energy or breakage of one line will not interfere with proper functioning of the instruments by means of the other source.

04.581. *Safety equipment installation.*—

04.5810. *Safety belts.*—Safety belts shall be so attached that no part of the attachment will fail at a load lower than that specified in CAR 04.2640.

04.5811. *Fire extinguishers.*—The portable fire extinguisher specified in CAR 04.510 shall be so installed as to be accessible to the passengers. The two portable fire extinguishers specified in CAR 04.530 shall be so installed that one is readily available to the crew and the other is near the main external cabin door where it shall be readily available to passengers and ground personnel.

04.5812. *Safety belt signal.*—The signal or sign specified in CAR 04.530 shall be suitable for indicating to the passengers, at appropriate times, that the seat belts should be fastened. It shall be located in a conspicuous place and so arranged that it can be conveniently operated from the seat of either pilot.

04.5813. *Landing flares.*—Landing flares shall be releasable from the pilot's compartment. Structural provision shall be made for the recoil loads.

04.5814. *Deicers.*—Positive means shall be provided for the deflation of all wing boots.

04.582. *Electrical equipment installation.*—

04.5820. *General.*—Electrical equipment shall be installed in accordance with accepted practice and suitably protected from fuel, oil, water and other detrimental substances. Adequate clearance shall be provided between wiring carrying appreciable current and fuel and oil tanks, fuel and oil lines, carburetors, exhaust piping and moving parts.

04.5821. *Battery.*—Batteries shall be easily accessible and adequately isolated from fuel, oil and ignition systems. Adjacent parts of the aircraft structure shall be protected with a suitable acid-proof paint if the battery contains acid or other corrosive substance and is not completely enclosed. If the battery is completely enclosed, suitable ventilation shall be provided. All batteries shall be so installed that spilled liquid will be suitably drained or absorbed without coming in contact with the airplane structure.

04.5822. *Fuses.*—Fuses shall be so located that they can readily be replaced in flight. They shall break the current in a generating system at a sufficiently small current flow to adequately protect the lights, radio equipment and other parts of the circuit.

04.5823. *Generator.*—When a generator is specified it shall have sufficient capacity to carry the entire running load. Such generator shall be engine-driven unless an approved equivalent system is provided. Auxiliary power units will be approved in lieu of batteries and engine-driven generators, provided that they are at least two in number and that the supply system is capable of carrying the entire running load with any one unit out of action.

04.58230. *Running load.*—The running load shall be defined as the electric consumption of all lights, radio equipment and other electrical devices except those which are designed only for occasional intermittent use. Examples of devices regarded as intermittent are radio broadcasting equipment, landing lights and electrically operated landing gears and wing flaps. Radio beacon signal receivers and all other lights are considered a part of the constant load.

04.5824. *Anchor lights.*—The anchor light specified for seaplanes and amphibians shall be so mounted and installed that, when the airplane is moored or drifting on the water, it can show a white light visible for at least two miles in all directions.

04.5825. *Landing lights.*—Electric landing lights shall be so installed that at least one shall be not less than 10 feet to the right or left of the first pilot's seat and beyond the swept disk of the outermost propeller. Individual switches for each light shall be provided in the pilot's compartment.

04.5826. *Instrument lights.*—Instrument lights shall be so installed as to provide sufficient illumination to make all flight instruments easily readable and shall be equipped with rheostat control for dimming unless it can be shown that a non-dimming light is satisfactory.

04.5827. *Position lights.*—Position lights shall be so installed as to provide the light intensity and ranges of visibility prescribed in CAR 15 for tail lights and for standard forward position lights, as the case may be. Forward position lights, including auxiliary lights, shall be spaced laterally as far apart as practicable.

04.5828. *Master switch.*—Electrical installations shall incorporate a master switch easily accessible to a member of the crew.

04.583. *Radio equipment installation.*—To be amplified.

04.589. *Miscellaneous equipment installation.*—

04.5890. *Seats.*—Seats or chairs, even though adjustable, in open or closed airplanes, shall be securely fastened in place whether or not the safety belt load is transmitted through the seat.

04.5891. *Accessories.*—Engine-driven accessories on multi-engine aircraft shall be distributed among two or more engines.

04.6. *Powerplant installation.*—

04.60. *Engines.*—Engines shall be of a type and design which has been certificated as airworthy in accordance with the requirements of CAR 13 or shall have been approved as airworthy in accordance with previous regulations, except that engines for use in light airplanes defined in CAR 04.01 need not be certificated or approved but shall have power ratings assigned by the Secretary in accordance with the provisions of CAR 13 or previous regulations.

04.61. *Propellers.*—Propellers shall be of a type and design which has been certificated as airworthy in accordance with the requirements of CAR 14, or shall have been approved as airworthy in accordance with previous regulations, except that wood propellers of a conventional type for use in light airplanes defined in CAR 04.01 need not be certificated. In certain cases maximum engine bore limitations are also assigned to propellers. Propellers may be used on any engine provided that the certified power ratings, speed ratings and bore of the engine are not in excess of the limitations of the propeller as certificated, and fur-

ther provided that the vibration characteristics of the combination are satisfactory to the Secretary.

04.610. *Controllable pitch.*—The control mechanism shall be designed and equipped with a positive stop which shall limit the minimum pitch so that the take-off crankshaft speed for which the aircraft is certificated is not exceeded during take-off with take-off power unless it is necessary to so locate the stop that a higher crankshaft speed may be used in an emergency. The means provided for controlling the pitch shall be so arranged as to minimize the attention required from a pilot to prevent the engines from exceeding their crankshaft speed limitations under any flight condition.

04.611. *Propeller clearance.*—Propellers shall have a minimum ground clearance of 9 inches when the airplane is in a horizontal position with the landing gear deflected as it would be under the maximum authorized weight of the airplane. Propellers on seaplanes shall clear the water by at least 18 inches when the seaplane is at rest under the maximum authorized load conditions. A clearance of at least 1 inch shall be provided between the tips of propellers and any part of the structure.

04.62. *Fuel systems.*—

04.620. *Capacity and feed.*—The fuel capacity shall be at least 0.15 gallon per maximum (except take-off) horsepower for which the airplane is certificated. Air-pressure fuel systems shall not be used. Only straight gravity feed or mechanical pumping of fuel is permitted. The system shall be so arranged that the entire fuel supply may be utilized in the steepest climb and at the best gliding angle and so that the feed ports will not be uncovered during normal maneuvers involving moderate rolling or side slipping. The system shall also feed fuel promptly after one tank has run dry and another tank is turned on. If a mechanical pump is used, an emergency hand pump of equal capacity shall be installed and available for immediate use in case of a pump failure during take-off. Hand pumps of suitable capacity may also be used for pumping fuel from an auxiliary tank to a main fuel tank.

04.621. *Tank installation.*—No fuel tank shall be placed closer to an engine than the remote side of a fire-wall. At least one-half inch clear air space shall be allowed between the tank and fire-wall. Spaces adjacent to the surfaces of the tank shall be ventilated so that fumes cannot accumulate or reach the crew or passengers in case of leakage. If two or more tanks have their outlets interconnected they shall be considered as one tank and the air space in the tanks shall also be interconnected to prevent differences in pressure at the air vents of each tank of sufficient magnitude to cause fuel flow between tanks. Mechanical pump systems shall not feed from more than one tank at a time except by special ruling from the Secretary.

04.622. *Tank Construction.*—Each fuel tank shall be provided with either a sump and drain located at the point which is lowest when the airplane is in a normal position on the ground or outlets at the bottom of the tank provided with large mesh finger strainers. If a sump is provided, the main fuel supply shall not be drawn from the bottom of this sump. If no sump is provided the system drain shall be controllable from the pilot's compartment and shall act as a tank drain. Each tank shall be suitably vented from the top portion of the air space. Such air vents shall be so arranged as to minimize the possibility of stoppage by dirt or ice formation. When large fuel tanks are used, the size of the vent tubes should be proportioned so as to permit rapid changes in internal air pressure to occur and thereby prevent collapse of the tanks in a steep glide or dive. Tanks of 10 gallons or more capacity shall be provided with internal baffles unless suitable external support is provided to resist surging.

04.623. *Tank strength.*—Fuel tanks shall be capable of withstanding an internal test pressure of 3½ pounds per square inch without failure or leakage. Fuel tanks of large capacity which have a maximum fuel depth greater than 2 feet shall be investigated for the pressure developed during the maximum *limit* acceleration with full tanks. Tanks shall be so designed, and the rivets or welds so located, as to resist vibration failures or leakage.

04.624. *Gauge.*—A satisfactory gauge shall be so installed on all airplanes as to readily indicate to a pilot or flight mechanic the quantity of fuel in each tank while in flight: When two or more tanks are closely interconnected and vented, and it is impossible to feed from each one separately, only one fuel-level gauge need be installed. If a glass gauge is used, it shall be suitably protected against breakage.

04.625. *Lines and fittings.*—All fuel lines and fittings shall be of sufficient size so that under the pressure of normal operation the flow is not less than double the normal flow required for take-off engine power. A test for proof of compliance with this requirement shall be made. All fuel lines shall be so supported as to prevent excessive vibration and should be located so no structural loads can be applied. Bends of small radius and vertical humps in the lines shall be avoided. Copper fuel lines which have been bent shall be annealed before installation. Parts of the fuel system attached to the engine and to the primary structure of the airplane shall be flexibly connected thereto. Flexible hose connections and fuel lines shall have metal liners or the equivalent. Fittings shall be of a type satisfactory to the Secretary.

04.626. *Strainers.*—One or more strainers of adequate size and design, incorporating a suitable sediment trap and drain, shall be provided in the fuel line between the tank and the carburetor and shall be installed in an accessible position.

04.627. *Valves.*—One or more positive and quick-acting valves that will shut off all fuel to each engine shall be within easy reach of the first pilot and the second pilot or of the flight mechanic. In the case of airplanes employing more than one source of fuel supply, suitable provision shall be made for independent feeding from each source.

04.6270. *Dump valves.*—When fuel tanks are equipped with dump valves, the operating mechanism for such valves shall be within convenient reach of the first pilot and the second pilot, or of the flight mechanic. Dump valves shall be so installed as to provide for safe and rapid discharge of fuel.

04.628. *Drains.*—One or more accessible drains shall be provided at the lowest point on the fuel system to completely drain all parts of each system when the airplane is in its normal position on level ground. Such drains shall discharge clear of all parts of the airplane and shall be equipped with suitable safety locks to prevent accidental opening.

04.629. *Miscellaneous fuel system requirements.*—

04.6290. *Filler openings.*—All filler openings in the fuel system shall be plainly marked with the capacity and the word "fuel." Provision shall be made to prevent any overflow from entering the wing or fuselage.

04.6291. An adequate means shall be provided for preventing the formation of ice in the engine carburetors (See also 04.532 (j).)

04.63. *Lubrication systems.*—

04.630. *General.*—Each engine shall have an independent oil supply. The oil capacity of the system shall be at least 1 gallon for every 16 gallons of fuel for single-engine aircraft and 1 to 20 for multi-engine aircraft but shall not be less than the minimum specified by the engine manufacturer for safe operation of the engine. A special ruling concerning capacity will be made by the Secretary when oil may be transferred between engines in flight or when a suitable reserve is provided. The suitability of the lubrication system shall be demonstrated in flight tests in which engine temperature measurements are obtained. The system shall provide the engine with an ample quantity of oil at a temperature suitable for satisfactory engine operation.

04.631. *Tank installation.*—Oil tanks shall be suitably vented and shall be provided with an expansion space which cannot be inadvertently filled with oil. Such expansion space shall be at least 10 per cent of the total tank volume, except that it shall in no case be less than one-half gallon.



04.632. *Tank strength.*—Oil tanks shall be capable of withstanding an internal test pressure of 5 pounds per square inch without failure or leakage. Tanks shall be so designed and the rivets or welds so located as to resist vibration failures and leakage.

04.633. *Gauge.*—A suitable means shall be provided to determine the amount of oil in the system during the filling operation.

04.634. *Piping.*—Oil piping shall have an inside diameter not less than the inside diameter of the engine inlet or outlet and shall have no splices between connections. Connections in the oil system shall be of a type satisfactory to the Secretary.

04.635. *Drains.*—One or more accessible drains shall be provided at the lowest point on the lubricating systems to drain completely all parts of each system when the airplane is in its normal position on level ground. Such drains shall discharge clear of all parts of the airplane and shall be equipped with suitable safety locks to prevent accidental opening.

04.636. *Oil temperature.*—A suitable means shall be provided for measuring the oil temperature at the engine inlet.

04.637. *Filler openings.*—All filler openings in the oil system shall be plainly marked with the capacity and the word "oil".

04.64. *Cooling systems.*—

04.640. *General.*—The cooling system shall be of sufficient capacity to maintain engine temperatures within safe operating limits under all conditions of flight during a period at least equal to that established by the fuel capacity of the aircraft, assuming normal engine power and speeds. Compliance with this requirement shall be demonstrated in flight tests in which engine temperature measurements are obtained under critical flight conditions including flight with one or more engines inoperative.

04.641. *Radiators.*—Radiators shall be so mounted as to reduce vibration and eliminate strains causing distortion.

04.642. *Piping.*—Piping and connections shall conform to accepted standards and shall not transmit vibration to the radiator or the structure of the aircraft.

04.643. *Drains.*—One or more accessible drains shall be provided at the lowest points on the cooling system to drain completely all parts of such system when the airplane is in its normal position on level ground. Such drains shall discharge clear of all parts of the airplane and shall be equipped with suitable safety locks to prevent accidental opening.

04.644. *Filler openings.*—All filler openings in the cooling system shall be plainly marked with the capacity of the system and the name of the proper cooling liquid.

04.65. *Powerplant instruments, controls and accessories.*—

04.650. *Instruments.*—The engine instruments required are specified in CAR 04.5. The installation requirements for navigation instruments in CAR 04.5804 shall apply to tachometers and manifold pressure gauges. All other instruments shall be visible in flight to the pilot and co-pilot or to the flight mechanic. If the manifold pressure gauges and tachometers are not visible to the flight mechanic, he shall be provided with a duplicate set of these instruments.

04.651. *Controls.*—All powerplant controls, including those of the fuel system, shall be plainly marked to show their function and method of operation.

04.6510. *Throttle controls.*—Throttle controls shall be easily accessible to both pilots and shall be so arranged as to afford a positive and immediately responsive means of controlling all engines separately or simultaneously. Flexible throttle control systems shall be of a certificated type. A forward movement shall open the throttle.

04.6511. *Ignition switches.*—Ignition switches shall be easily accessible to both pilots. A positive means for quickly shutting off all ignition of multi-engine aircraft, by grouping of switches or otherwise, shall be provided.

04.6512. *Propeller pitch controls.*—Separate pitch controls shall be provided for each propeller.

04.652. *Accessories (airline carriers).*—(See CAR 04.5891.)

04.66. *Manifolding, cowling and firewall.*—

04.660. *General.*—All manifolds, cowling and firewalls shall be so designed and installed as to reduce to a minimum the possibility of fire either during flight or following an accident and shall therefore comply with accepted practice in all details of installation not hereinafter specified.

04.661. *Manifolds.*—Exhaust manifolds shall be constructed of suitable materials, shall provide for expansion, and, shall be arranged and cooled so that local hot points do not form. Gases shall be discharged clear of the cowling, airplane structure and fuel system parts of drains. They shall not blow back on the carburetor air intake or the pilot or passengers, nor cause a glare ahead of the pilot at night. No exhaust manifolding shall be located immediately adjacent to or under the carburetor or fuel system parts liable to leakage.

04.662. *Air intakes.*—Carburetor air intakes shall be suitably drained and shall open completely outside the cowling unless the emergence of back-fire flames is positively prevented. The drain shall not discharge fuel in the path of possible exhaust flames.

04.663. *Engine cowling.*—All cowling around the powerplant and on the engine side of the firewall shall be made of metal and shall be so arranged that any accumulations of dirt, waste or fuel may be observed without complete removal of the cowling. It shall fit tightly to the firewall, but openings may be provided if the airplane surface within 15 inches thereof is protected with metal or other suitable fireproofing material. The cowling shall be completely and suitably drained in all attitudes of flight and on the ground, with separate drains provided for the parts of the fuel system liable to leakage. All such drains shall be so located as to prevent fuel or oil from dripping onto the exhaust manifold or any parts of the aircraft and from permeating any material of a cellular nature.

04.664. *Firewall.*—A firewall shall be provided unless the engine is mounted in an isolated nacelle with no fuel tanks. Such fire bulkhead shall be constructed in either of the following approved manners:

(a) A single sheet of terne-plate not less than 0.028'' thick.

(b) A single sheet of stainless steel not less than 0.015'' thick.

(c) Two sheets of aluminum or aluminum alloy not less than 0.02'' thick fastened together and having between them an asbestos paper or asbestos fabric sheet at least 1/8'' thick.

04.6640. The firewall shall completely isolate the engine compartment and shall have all necessary openings fitted with close-fitting grommets or bushings. Adjacent inflammable structural members shall be protected by asbestos or an equivalent insulating material and provision shall be made for preventing fuel and oil from permeating it.

04.665. *Heating systems.*—Heating systems involving the passage of cabin air over or in close proximity to engine exhaust manifolds shall not be used unless adequate precautions are incorporated in the design to prevent the introduction of carbon monoxide into the cabin or pilot's compartment. They shall be constructed of suitable materials, be adequately cooled and be susceptible to ready disassembly for inspection.

04.67. (Unassigned.)

04.68. (Unassigned.)

04.69. *Miscellaneous powerplant requirements.*—

04.690. *Materials.*—Fuel, oil and cooling systems shall be made of materials which, including their normal or inherent impurities, will not react chemically with any fuels, oils or liquids that are likely to be placed in them.

04.7. *Performance.*—

04.70. *Performance requirements.*—All airplanes shall comply with the following performance requirements, in standard atmosphere, at all weights up to and including the *standard* weight (CAR 04.102), and under all loading conditions within the center of gravity range certified (CAR

04.742). There shall be no flight characteristics which, in the opinion of the Secretary, render the airplane unairworthy.

04.700. *Landing speeds.*—The landing speed with power off, in standard calm air at sea level, shall not exceed a value determined as follows:

(a) Airplanes certificated for passenger carrying:

65 miles per hour for airplanes of 20,000 pounds *standard* weight or less,

70 miles per hour for airplanes of 30,000 pounds *standard* weight or more, and a linear variation with *standard* weight shall apply for airplanes between 20,000 and 30,000 pounds.

(b) Airplanes which are certificated for the carriage of goods only:

The above landing speed values may be increased 5 miles per hour.

04.701. *Take-off.*—

04.7010. Landplanes shall take-off within 1,000 feet in standard calm air at sea level.

04.7011. Seaplanes shall take-off from the water at sea level in 45 seconds or less with a wind velocity not exceeding 10 miles per hour and under moderately smooth water conditions.

04.702. *Climb.*—

04.7020. Landplanes shall climb, in feet the first minute after leaving the ground, at least 8 times the calculated stalling speed in miles per hour, but not less than 300 feet.

04.7021. Seaplanes shall climb, in feet the first minute after leaving the water, at least 6 times the calculated stalling speed in miles per hour, but not less than 250 feet.

04.703. *Controllability and maneuverability.*—All airplanes shall be controllable and maneuverable under all power conditions and at all flying speeds between minimum flying speed and the maximum certified speed. All airplanes shall have adequate control in a landing at minimum landing speed with power off. Airplanes equipped with conventional gear shall comply with the foregoing requirement in a three-point landing.

04.704. *Balance.*—As used in these regulations the term "balanced" refers to steady flight in calm air without exertion of control force by the pilot or automatic pilot. Lateral and directional balance is required at cruising speed, which for this purpose shall be taken as 90 per cent of the high speed in level flight. Longitudinal balance is required under the following flight conditions:

(a) *Power on.*—In level flight, at all speeds between cruising speed and a speed 20 per cent in excess of stalling speed. In a climb, at maximum (except take-off) horsepower and a speed 20 per cent in excess of stalling speed.

(b) Power off: In a glide, at a speed not in excess of 140 per cent of the maximum permissible landing speed or the placard speed with flaps extended, whichever is lower, under the forward center of gravity position approved with maximum authorized load and under the most forward center of gravity position approved, regardless of weight.

04.705. *Stability.*—Under all power conditions all airplanes shall be longitudinally, laterally and directionally stable. An airplane will be considered to be longitudinally stable if, in stability tests, the amplitude of the oscillations decreases.

04.706. *Spinning.*—All airplanes shall be able to recover from a 6-turn spin in no more than 1½ additional turns with controls neutral, with power off and with the stabilizer or other trimming device set for balance at cruising speed in level flight with the particular load. During the spin the control surfaces shall exert no back pressure on the control column.

04.7060. *Abnormal spins.*—When a spin is obtained by movements of the controls which the inspector considers to be abnormal and unjustifiably severe for operating maneuvers, the use of elevator and rudder will be permitted for recovery after 6 turns. An airplane of this type will be acceptable insofar as spin characteristics are concerned provided recovery can be made in not more than 2 additional turns with ailerons in neutral, and further provided that a normal spin either conforms with the normal requirements or is impossible to perform.

04.7061. An airplane of more than 4,000 pounds *standard* weight will not be subjected to the spin test unless the flight characteristics of the particular airplane are, in the opinion of the Secretary, such as to indicate the advisability of a spin test.

04.707. *Flutter and vibration.*—Wings, tail surfaces, control surfaces and primary structural parts shall be free from flutter or objectionable vibration in all normal attitudes or conditions of flight at all speeds between the minimum flying speed and the maximum certified speed.

04.708. *Ground and water characteristics.*—Landplanes shall be maneuverable on the ground and shall be free from dangerous ground looping tendencies and objectionable taxiing characteristics. The seaworthiness and handling characteristics of seaplanes and amphibians shall be demonstrated by tests deemed appropriate by the Secretary. (See CAR 04.452 for water stability requirements.)

04.71. *Modified performance requirements for airline carriers.*—For multi-engine airline aircraft operating in accordance with the requirements of CAR 61 the weight may be increased beyond the values corresponding to the landing speed specified in CAR 04.700 and the take-off requirements of CAR 04.701, subject to the following conditions.

04.710. The increased weight shall be known as the *provisional* weight. (Car 04.103.) The *standard* weight (CAR 04.102) shall be the maximum permissible weight for all operations other than those in accordance with the requirements of CAR 61. The *provisional* weight shall be the maximum permissible weight for any operation.

04.711. Compliance with all the airworthiness requirements except landing speed and take-off is required at the *provisional* weight, except that the *provisional* weight may exceed the *design* weight on which the structural loads for the landing conditions are based by an amount not greater than 15 per cent, provided that the airplane is shown to be capable of safely withstanding the ground or water shock loads incident to taking-off at the *provisional* weight.

04.712. The aircraft shall be provided with suitable means for the rapid and safe discharge of a quantity of fuel sufficient to reduce its weight from the *provisional* weight to the *standard* weight.

04.713. In no case shall the *provisional* weight exceed a value corresponding to a landing speed of 5 miles per hour in excess of that specified in CAR 04.700.

04.714. Aircraft engaged in operations in accordance with the requirements of CAR 61 shall be certificated for the weight at which they comply with the take-off and other performance provisions of those regulations for the particular operation involved provided that such certified weight shall not exceed the *provisional* weight. It may, however, be less than the *provisional* or *standard* weights, dependent upon the ground or water factilities and the nature of the route flown.

04.72. *Performance tests.*—

04.720. *General.*—Compliance with the foregoing performance requirements shall be demonstrated by means of suitable tests of the type airplane. Additional tests for airline carriers are specified in CAR 04.73. Computations are not acceptable as proof of compliance with the requirements, but shall be used for correcting flight test data to standard atmospheric conditions and may be used to estimate the effects of minor changes. The methods of performance calculation and correction employed shall be subject to the approval of the Secretary.

04.7200. The applicant shall provide a person holding an appropriate commercial pilot certificate to make the flight tests, but a designated Bureau inspector may pilot the airplane during such parts of the tests as he may deem advisable.

04.7201. In the event that the applicant's test pilot is unable or unwilling to conduct any of the required flight tests, the tests shall be discontinued until the applicant furnishes a competent pilot.

04.7202. Parachutes shall be worn by members of the crew during the flight tests.

04.7203. The applicant shall submit to the Bureau inspector a report covering all computations and tests required in connection with calibration of flight instruments and correction of test results to standard atmospheric conditions. The inspector will conduct any flight tests which appear to him to be necessary in order to check the calibration and correction report or to determine the airworthiness of the airplane.

04.721. *Loading conditions.*—The loading conditions used in performance tests shall be such as to cover the range of loads and center of gravity positions for which the airplane is to be certificated.

04.7210. *Use of ballast.*—Ballast may be used to enable airplanes to comply with the flight test requirements as to longitudinal stability, balance and landing in accordance with the following provisions:

04.72100 (a). Ballast shall not be used for this purpose in airplanes having a gross weight of less than 5000 pounds nor in airplanes with a total seating capacity of less than 7 persons.

04.72101 (b). The place or places for carrying ballast shall be properly designed and installed and plainly marked.

04.72102 (c). The loading schedule which will accompany each certificate issued for an airplane requiring special loading of this type shall be conspicuously posted in either the pilot's compartment or in or adjacent to the ballast compartments and strict compliance therewith will be required of the airplane operator.

04.7211. *Fuel to be carried.*—When low fuel adversely affects balance or stability, the airplane shall be so tested as to simulate the condition existing when the amount of fuel on board does not exceed one gallon for every 12 maximum (except take-off) horsepower of the engine or engines installed thereon. When the engine is limited to a lower power, the later shall be used in computing low fuel.

04.722. *Maximum airspeed.*—The flight tests shall include steady flight at the maximum certified airspeed. Such tests shall in no case involve indicated airspeeds in excess of 90 per cent of the design gliding speed ($V_g$) for which compliance with the structural loading requirements (CAR 04.21) has been proved. When $V_g$ is greater than 1.33 $V_L$ (CAR 04.111) the flight tests need not be conducted beyond an indicated airspeed equal to 1.2 $V_L$, provided that the operation limits are correspondingly fixed (see CAR 04.743). The maximum indicated airspeed to be certified for operation of high-lift devices shall also be suitably demonstrated in flight. Recovery from glides or dives at the maximum certified airspeed shall be made in a gentle manner.

04.723. *Emergency ceiling (multi-engine airplanes only).*—Multi-engine airplanes, except airline carriers as provided for in CAR 04.73, shall be flight tested to determine the altitude at which level rectilinear flight may be maintained with any one engine inoperative, the remaining engine or engines operating at the maximum (except take-off) power. In this test the *standard* weight shall be carried.

04.724. *Airspeed indicator calibration.*—In accordance with CAR 04.5800, the airspeed indicator of the type airplane shall be calibrated in flight. The method of calibration used shall be subject to the approval of the Secretary.

04.725. *Check of fuel system.*—The operation of the fuel system shall be checked in flight to determine its effectiveness under low fuel conditions and after changing from one supply tank to another. (See CAR 04.620.) For such tests low fuel is defined as approximately 15 minutes supply at the maximum (except take-off) power certified.

04.73. *Additional performance tests for airline carriers.*—The performance characteristics of airplane certificated as airline carriers shall be determined in accordance with the following requirements, which are additional to those specified under CAR 04.72. From the results obtained in the following tests, the applicant shall submit complete computations and tabulated or charted data which shall show the take-off and landing characteristics (including angles of climb and glide) for various load conditions up to a standard altitude of 8,000 feet, and, with one engine shut off or throttled, rates of descent as related to airspeed between the usable ceiling (see CAR 04.732 (a)) and an altitude of 4,000 feet higher.

04.730. *Take-off.*—With all engines functioning normally the following characteristics shall be obtained in relatively calm air (wind velocity not to exceed approximately 5 miles per hour) at each of two altitudes differing by at least 3,000 feet:

(a) The best angle[1] of steady climb and the corresponding flight path speed with light load[2] and at the maximum authorized weight, with the engines operating at authorized maximum (except take-off) power, and with the landing gear, if retractable, fully retracted.

(b) The horizontal distances required for acceleration from a standing start to the speeds determined under the foregoing sub-paragraph (a) with light load and at the maximum authorized weight, with the landing gear in the extended position.

(c) The horizontal distance required for acceleration from a standing start to the speeds determined under item (a) of CAR 04.731 with light load and at maximum authorized weight, with the landing gear in the extended position.

04.731. *Climb.*—The following characteristics shall be determined at each of two altitudes differing by at least 3,000 feet with the ignition switch of one engine shut off and the remaining engine or engines operating at the authorized take-off power and with the landing gear fully extended, the propeller of the shut-off engine being set for take-off:

(a) The speed of best angle of steady climb with one engine shut off with light load and at the maximum authorized weight.

(b) The best angle of steady climb with conditions as in (a) above.

04.732. *Flight with inoperative engine.*—The following characteristics shall be determined with the ignition switch of one engine shut off or with one engine throttled, whichever results in a lower ceiling, and with the remaining engine or engines operating at the maximum (except take-off) power.

(a) The usable ceiling which, for this purpose, shall be defined as the altitude at which the best rate of climb is 50 feet per minute, with light load and at the maximum authorized weight.

(b) The speed in level flight, at the usable ceiling at maximum authorized weight.

(c) Rates of descent as related to airspeed, from an altitude 4,000 feet above the usable ceiling determined in (a) above, with light load and at maximum authorized weight.

04.733. *Approach and landing.*—The following characteristics shall be determined in relatively calm air (wind velocity not to exceed approximately 5 miles per hour) at each of two altitudes differing by at least 3,000 feet. The engines shall be fully throttled, the propellers (if controllable) in low pitch, and the wing flaps or similar devices used to the maximum extent.

(a) The normal gliding angle for landing approach at maximum authorized weight at a speed at least 10 miles per hour above the minimum landing speed. (The airspeed at which this is made shall be noted.)

[1] Best angle of climb is defined as the angle corresponding to the maximum attainable ratio of vertical speed to flight path speed.

[2] Wherever light load is referred to in this section it shall be interpreted as representing the lightest weight at which the aircraft can safely be flown, i. e., the empty aircraft plus crew, ballast if necessary, and the amount of fuel and oil necessary for the tests.

(b) The length of ground run required to come to a full stop after landing from the test for condition (a) above, using brakes.

04.734. *Proving tests.*—See CAR 40 for special tests required for airline carriers which are to be certificated for passenger carrying.

04.74. *Operation limitations.*—

04.740. *Weight.*—Airplanes may be certificated at a maximum authorized weight which is not sufficient to permit carrying simultaneously the full fuel and full pay load, provided that such weight shall be sufficient to provide a gasoline load of at least 0.15 gallon per certified maximum (except take-off) horsepower, with all seats occupied and with sufficient oil for this amount of fuel.

04.741. *Provisional weight (airline carriers).*—(See CAR 04.71.)

04.742. *Center of gravity limitations.*—The maximum variation in the location of the center of gravity for which the airplane is certificated to be airworthy shall be established. Means shall be provided, when necessary in the opinion of the Secretary, by which the operator is suitably informed of the permissible loading conditions which result in a center of gravity within the certified range.

04.743. *Air speed limitations.*—The maximum certified airspeed shall be limited to a value at least 10 per cent less than the maximum indicated air speed attained in official flight tests. (See CAR 04.722.) The effects of auxiliary devices shall be similarly accounted for when their operation lowers the safe operating speeds. Means shall be provided by which the pilot is suitably informed of the necessary speed limitations.

04.7430. When the design power (CAR 04.105) used in determining structural loading conditions is less than the maximum (except take-off) power for which the engine is certified, the cruising speed shall be limited to a value at least 10 per cent less than the $V_I$ (CAR 04.111) corresponding to the design power used.

04.744. *Powerplant limitations.*—The operations for which engines and propellers are certificated shall be limited to conform with the requirements of CAR 04.260 and to prevent damage to the engines during take-off or flight. Means shall be provided to effect such limitations or to inform the operating personnel thereof.

04.8. (Unassigned.)

04.9. *Miscellaneous requirements.*—

04.90. *Standard weights.*—In computing weights the following standard values shall be used:

Gasoline, 6 lbs. per gallon.
Lubricating Oil, 7.5 lbs. per gallon.
Crew and Passengers, 170 lbs. per person.
Parachutes, 20 lbs. each.

04.91. *Leveling means.*—Adequate means shall be provided for easily determining when the aircraft is in a level position.

TABLE 04–1.—*Symmetrical Flight Conditions (Flaps Retracted)*

| 1. Condition | I | II | III | IV | V | VI |
|---|---|---|---|---|---|---|
| 2. Reference CAR 04 | .2131 | .2132 | .2133 | .2134 | .2135 | .2136 |
| 3. Design Speed (See CAR 04.211) | $V_L$ | $V_L$ | $V_s$ | $V_s$ | $V_L$ | $V_s$ |
| 4. Gust Velocity, U, fps (1) (2) | +30 | −50 | +15 | −15 | | |
| 5. Δn (a) Gust (3) | CAR 04.2121 | CAR 04.2121 | CAR 04.2121 | CAR 04.2121 | $-.5\Delta n_{IIa}$ | |
| Δn (b) Maneuvering | Fig. 04–3 | | $.5\Delta n_{IIb}$ | $-\Delta n_{IIIa}$ | $-.25\Delta n_{IIb}$ | |
| 6. *Limit* Load Factor, n, When line 5 gives two values of Δn, use larger | $1+\Delta n_I$ | $1+\Delta n_{II}$ | $1+\Delta n_{III}$ | $1+\Delta n_{IV}$ | $-1+\Delta n_V$ | |
| 7. Minimum value of n | 2.50 | None | 2.00 | None | 1.5 | None |
| 8. Minimum Yield Factor of Safety, $j_y$ | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| 9. Minimum Ultimate Factor of Safety, $j_u$ | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |

Notes:
(1) Feet per second.
(2) + means upward, −means downward.
(3) May be limited by maximum dynamic lift coefficient obtainable under sudden changes of angle of attack.

TABLE 04–2.—*Symmetrical Flight Conditions (Flaps Extended)*

| 1. Condition | VII | VIII | IX | 1. Condition—Continued | VII | VIII | IX |
|---|---|---|---|---|---|---|---|
| 2. Reference CAR 04 | .2141 | .2142 | .2143 | 6. *Limit* Load Factor, n | $1+\Delta n_{VII}$ | $1+\Delta n_{VIII}$ | |
| 3. Design Speed (See CAR 04.211) | $V_f$ | $V_f$ | $V_f$ | 7. Minimum value of n | 2.00 | None | None |
| 4. Gust Velocity, U, fps (1) (2) | +15 | −15 | | 8. Minimum Yield Factor of Safety, $j_y$ | 1.0 | 1.0 | 1.0 |
| 5. Δn (3) | CAR 04.2121 | CAR 04.2121 | | 9. Minimum Ultimate Factor of Safety, $j_u$ | 1.5 | 1.5 | 1.5 |

Notes:
(1) Feet per second.
(2) + means upward, − means downward.
(3) May be limited by maximum dynamic lift coefficient obtainable under sudden changes of angle of attack.

TABLE 04–3.—*Loading Conditions for Horizontal Tail Surfaces*

| 1. Condition | Balancing | Maneuvering | Damping | Tab Effects |
|---|---|---|---|---|
| 2. CAR Reference 04 | .2210 | .2211 | .2212 | .2213 |
| 3. Design Speed (See CAR 04.211) | | $V_p$ | | $V_L$ |
| 4. Force Coefficient, $C_n$ | | −.55 (down) +.35 (up) | | |
| 5. Average *Limit* Pressure, p. s. f. (1) | | $C_n q_p$ (2) | | |
| 6. Chord Distribution | Fig. 04–4 | Fig. 04–5 | Fig. 04–6 | Fig. 04–5 (3) |
| 7. Span Distribution | Constant $C_n$ | Constant $C_n$ | Constant $C_n$ | Constant $C_n$ (3) |
| 8. Minimum Average *Limit* Pressure, p. s. f. (1) | | 15 | | |
| 9. Special Requirements | None | None | None | None |
| 10. Minimum Yield Factor of Safety, $j_y$ | 1.0 | 1.0 | 1.0 | 1.0 |
| 11. Minimum Ultimate Factor of Safety, $j_u$ | 1.5 | 1.5 | 1.5 | 1.5 |

(1) Over entire horizontal tail.
(2) $q_p$ is the dynamic pressure corresponding to $V_p$, see CAR 04.118.
(3) Refers to main surface, disregarding tab; uniform pressure distribution may be assumed over tab.





TABLE 04–4.—*Loading Conditions for Vertical Tail Surfaces*

| 1. Condition | Maneuvering | Damping | Gust | Tab Effects |
|---|---|---|---|---|
| 2. CAR Reference 04 | .2220 | .2221 | .2222 | .2223 |
| 3. Design Speed (See CAR 04.211) | $V_p$ (2) | | $V_L$ | $V_L$ (4) |
| 4. $C_n$ or Gust | $C_n$=0.45 | | U=30 fps | |
| 5. Average *Limit* Pressure, p.s.f. (1) | $C_n q_p$ (2) | | 04.2222 (a) | |
| 6. Chord Distribution | Fig. 04–5 | | Fig. 04–6 (4) | |
| 7. Span Distribution | Constant $C_n$ | Fig. 04–6 Constant $C_n$ | Constant $C_n$ | Fig. 04–5 (5) Constant $C_n$ (5) |
| 8. Minimum Average *Limit* Pressure, p.s.f. (1) | 12 | | | |
| 9. Special Requirements | 04.2220 (b) | None | None | None |
| 10. Minimum Yield Factor of Safety, $j_y$ | 1.0 | 1.0 | 1.0 | 1.0 |
| 11. Minimum Ultimate Factor of Safety, $j_u$ | 1.5 | 1.5 | 1.5 | 1.5 |

(1) Over entire vertical tail.
(2) $q_p$ is the dynamic pressure corresponding to $V_p$, see CAR 04.118.
(3) See 04.2220 (a) for exception.
(4) See 04.2223 (a) for exception.
(5) See 04.2222 (c).
(6) Refers to main surface, disregarding tab; uniform pressure distribution may be assumed over tab.

TABLE 04–5.—*Loading Conditions for Ailerons*

| 1. Condition | Maneuvering | Tab Effects | 1. Condition—Continued | Maneuvering | Tab Effects |
|---|---|---|---|---|---|
| 2. CAR Reference 04 | .2230 | .2231 | 7. Span Distribution | Constant $C_n$ | Constant $C_n$ (4) |
| 3. Design Speed (See CAR 04.211) | $V_p$ (1) | $V'_L$ (2) | 8. Minimum Average *Limit* Pressure, p. s. f. | 12 | |
| 4. $C_n$ or Gust | $C_n$=0.45 | | 9. Special Requirements | 04.2230 (b) | None |
| 5. Average *Limit* Pressure, p. s. f. | $C_n q_p$ (2) | | 10. Minimum Yield Factor of Safety, $j_y$ | 1.0 | 1.0 |
| 6. Chord Distribution | Fig. 04–7 | Fig. 04–7 (4) | 11. Minimum Ultimate Factor of Safety, $j_u$ | 1.5 | 1.5 |

Notes: (1) See 01.2230 (a) for exception.
(2) $q_p$ is the dynamic pressure corresponding to $V_p$, see CAR 04.118.
(3) $V'_L$ is the maximum level flight air speed with any engine inoperative.
(4) Refers to main surface, disregarding tab; uniform pressure distribution may be assumed over tab.

TABLE 04–6.—*Loading Conditions for Control Systems*

(See CAR 04.230)

| | Elevator | Rudder | | Aileron | Flaps, tabs etc. |
|---|---|---|---|---|---|
| | | Symmetrical (1) Thrust | Unsymmetrical (2) Thrust | | |
| 1. CAR Reference 04 | .231 | .232 | .232 | .233 | .234 |
| 2. Maximum *Limit* Control Force, pounds | 200 | 200 | 200 | 80 | None |
| 3. Minimum *Limit* Control Force, pounds | Fig. 04–8 | 130 | 200 | Fig. 04–9 | See Ref. |
| 4. Minimum Yield Factor of Safety, $j_y$ | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| 5. Minimum Ultimate Factor of Safety, $j_u$ | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |

(1) Propeller axes all in plane of symmetry.
(2) Propeller axes not all in plane of symmetry.

TABLE 04–7.—*Additional (Multiplying) Factors of Safety*

(See CAR 04.27)

| Item | Component | CAR Reference 04 | Additional Yield Factor of Safety, $j_y$ | Additional Ultimate Factor of Safety, $j_u$ | May be Covered by Item No. |
|---|---|---|---|---|---|
| 1. | Fittings | .271 | None | 1.20 | 2, 4, 5, 6, 7, 8, 9 |
| 2. | Castings | .272 | None | 2.00 | 7, 8 |
| 3. | Parallel double wires in wing lift truss | .273 | None | 1.05 | 4 |
| 4. | Wires at small angles | .274 | None | See Ref. | |
| 5. | Double drag truss wires | .275 | None | See Ref. | |
| 6. | Torque tubes used as hinges | .276 | None | 1.5 | |
| 7. | Control surface hinges (1) | .277 | None | 6.67 | |
| 8. | Control system joints (1) | .277 | None | 3.33 | |
| 9. | Wire sizes | .278 | None | See Ref. | |

(1) For bearing stresses only.

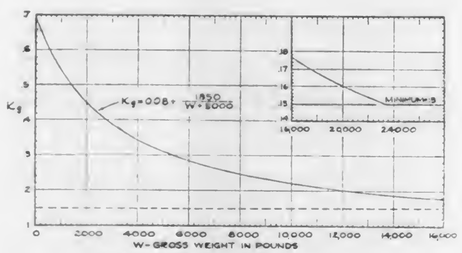


FIG 04-1 GLIDING SPEED FACTOR

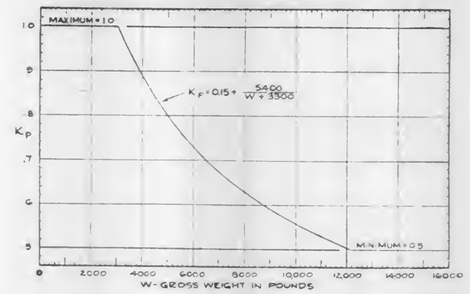


FIG 04-2 PULL-UP SPEED FACTOR

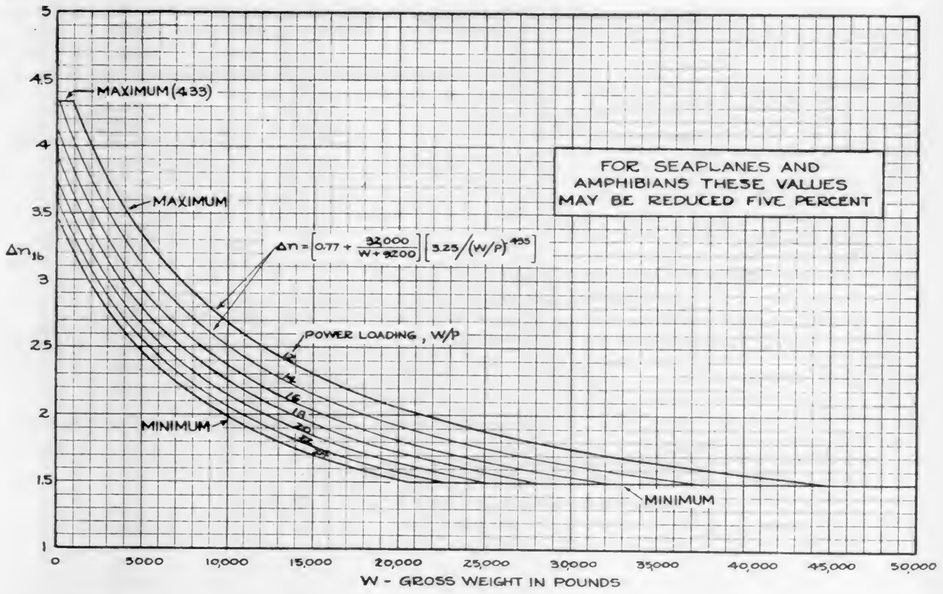


FIG. 04-3 MANEUVERING LOAD FACTOR INCREMENT, CONDITION I

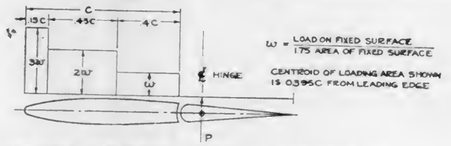


FIG. 04-4 "BALANCING" DISTRIBUTION - HORIZONTAL TAIL

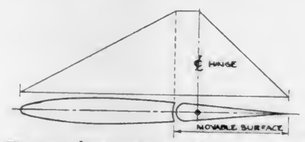


FIG. 04-5 "MANEUVERING" TAIL LOAD DISTRIBUTION

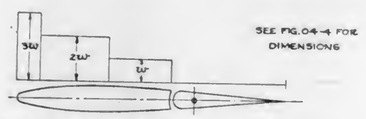


FIG. 04-6 "DAMPING" TAIL LOAD DISTRIBUTION

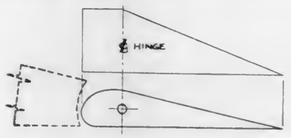


FIG. 04-7 AILERON LOAD DISTRIBUTION.

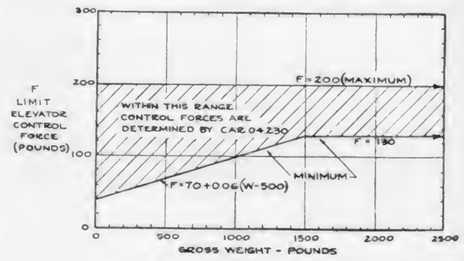


FIG. 04-8 ELEVATOR CONTROL FORCE LIMITS

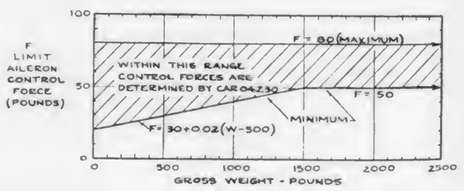


FIG. 04-9 AILERON CONTROL FORCE LIMITS



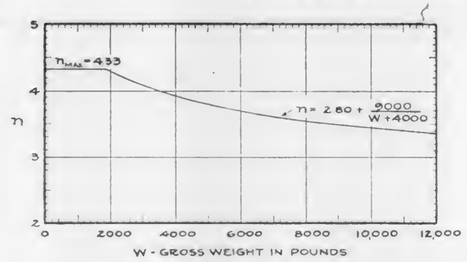


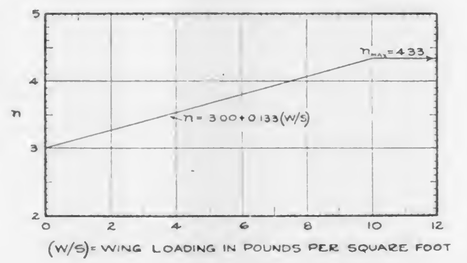


NOTE: USE THE CHART INDICATING THE LOWER VALUE

FIG. 04-10 LIMIT LOAD FACTORS FOR LEVEL AND 3-POINT LANDING CONDITIONS

13. AIRCRAFT ENGINE AIRWORTHINESS

13.0 General
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CHAPTER 13. AIRCRAFT ENGINE AIRWORTHINESS

13.0. *General.*—

13.00. *Provision for rating.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of aircraft as to their airworthiness, the requirements hereinafter set forth shall be used as a minimum basis for establishing such rating for aircraft engines for use in certificated aircraft.

13.01. *Scope.*—

13.010. *Airworthiness requisites.*—To show eligibility of an engine for certification the engine shall meet the requirements herein as to design, construction and testing. The manufacturer shall comply with the requirements by the submission of technical data and by conducting tests with suitable test equipment. The applicable requirements are set forth in CAR 13.1 through 13.5.

13.011. *Type certificate.*—The general requirements for the issuances of a type certificate are set forth in CAR 01. The procedure relative to type certification of engine is set forth in CAR 13.6.

13.012. *Production certificate.*—The requirements for the issuance of a production certificate are set forth in CAR 01.

13.013. *Deviations.*—When an engine embodies a feature of design or construction which deviates from the practice in conventional internal-combustion types, application shall be made to the Secretary for special rulings covering the feature in question.

13.02. *Light aircraft engines.*—An uncertificated engine for certificated light aircraft (See CAR 04.01 (b)) will be assigned a power rating as to maximum power and speed upon compliance with CAR 13.50.

13.03. *Testing facilities.*—A manufacturer submitting an engine for certification or power rating shall conduct all of the tests and supply or arrange for the testing facilities necessary to show compliance with the requirements contained herein.

13.04. *Military engines.*—An engine of a type which has passed the regular endurance tests of and is approved by the United States Army Air Corps or the Bureau of Aeronautics, Navy Department, may be certificated in accordance with CAR 13.51.

13.05. *Engine operation limits.*—A certificated engine or a power-rated engine shall not be operated at a manifold pressure, crankshaft speed or horsepower greater than assigned thereto by the Secretary.

13.06. *Engine identification plate.*—A plate shall be permanently attached to the engine in such location as to be readily accessible when the engine is installed in aircraft and shall contain the following information: manufacturer's name; name, model designation and serial number of the engine; certified manifold pressure, crankshaft speed and power limits; and minimum octane number of the fuel.

13.07. *Previously approved engines.*—These regulations supersede the requirements for approval of engines set forth in previous regulations. However, engines rated as suitable for use in approved aircraft in accordance with previous requirements may be used in certificated aircraft at the discretion of the Secretary.

13.1. *Design requirements.*

13.10. An engine of more than 100 horsepower shall be equipped with a dual ignition system having at least two spark plugs per cylinder.

13.11. An engine and its accessories shall be so designed and constructed as to reduce to a minimum the chances of failure to function in the air and of fire during flight or in the event of a crash.

13.12. Provision shall be made for the installation of a means for preventing the formation of ice in the carburetor.

13.13. An engine shall operate smoothly with no undue vibration at speeds which may be used for continuous operation.

13.14. The fuel system of an engine shall be of such design that it will continue to supply a satisfactory mixture when tilted to the various angles encountered in normal flight maneuvers.

13.2. *Commercial sea level engine.*—

13.20. *Data required.*—In the case of an engine of a type which has not been previously approved by the Army or Navy, and for which the manufacturer desires the certifica-

tion of the Secretary, the following information shall be submitted:

13.200. (a). Application for type certificate on Form AC 13–1 which will be furnished for the purpose by the Secretary.

13.201. (b). A test report, satisfactory to the Secretary, including a log and an affidavit, describing in full detail the manufacturer's block test of an engine of the type for which certification is desired. The test shall be of at least 100 hours duration, of which 50 hours shall be at full throttle at an average speed within plus or minus 3 per cent of the proposed rated speed and 50 hours at 75 per cent of the proposed rated power at propeller load speed. The submission of this test report will not be deemed necessary by the Secretary for modified engines of a type previously tested which do not incorporate changes in the general arrangement, number of cylinders or displacement, or an appreciable increase in power or speed.

13.202 (c). Data suitably describing the status of the engine to be used for the endurance test prescribed in CAR 13.23. The manufacturer may use any engine of the type for which certification is desired, regardless of its previous history, provided all defects which became apparent in the 100-hour manufacturer's test have been explained or corrected to the satisfaction of the Secretary. Such data shall include the permissible maximum and normal cylinder head temperatures determined by the manufacturer for the engine.

13.203 (c). A complete set of drawings descriptive of the engine, which drawings shall be numbered and dated, and shall include change letters for each revision. Drawings of small standard commercial parts need not be submitted, but all other drawings applying to the engine, including those of the assembly and installation, shall be included. The materials shall be specified on the drawings by reference to specification numbers of the Army, Navy, S. A. E., or other such recognized standard whenever possible. If the manufacturer refers to his own specification numbers, details of such specifications shall be furnished the Secretary. All drawings shall be folded to a size approximately 9 by 12 inches, with title showing. In order to eliminate a possible source of controversy, the Secretary will not accept drawings which can be altered after approval. Blueprints, photostats or the equivalent are acceptable. If certain of the drawings required for a particular engine are identical with drawings previously submitted and approved in connection with a prior type of engine made by the same manufacturer, such drawings need not be again submitted.

13.204 (e). A complete parts list in duplicate, showing the drawing number, change letter, if any, and name of each component part of the engine. The drawing numbers shall be listed in numerical order.

13.205 (f). A detailed report, supported by affidavit, of a 10-hour flight test of the engine. This test shall include a climb at full throttle to 15,000 feet or to the service ceiling of the airplane. The report shall completely describe the test and the results thereof and shall include dates, the names of persons involved and particulars of the airplane. The engine used for this test may be the same engine as submitted for the endurance test or may be another engine of the same type.

13.21. *Procedure for submitting data and conducting tests.*—Upon receipt of satisfactory data in accordance with CAR 13.200 through 13.202, the Bureau of Air Commerce will authorize an inspector to examine the manufacturer's testing facilities. If the facilities conform to CAR 13.22, the inspector will witness the official tests and tear-down inspection outlined in CAR 13.23 through 13.27. Certification of the engine is then contingent upon the submission by the manufacturer of a satisfactory report signed by the inspector in accordance with CAR 13.4, and the data described in CAR 13.203 through 13.205.

13.22. *Testing equipment.*—Equipment satisfactory to the Secretary shall be provided by the manufacturer and shall include personnel necessary to conduct the tests outlined in CAR 13.23, 13.24 and 13.25. The following equipment represents a minimum for this purpose:

(a) Electric cradle dynamometer (may be used in conjunction with a water brake absorbing up to 80 per cent of the total horsepower) or torque stand (requires air straightening grid when used for calibration runs). A fixed stand may be used for the endurance test outlined in CAR 13.23.

(b) Propellers suitable for maintaining the speeds and power outputs required.

(c) Tachometer or other accurate means of indicating crankshaft speed. (Counter and stop watch required for frequent checks.)

(d) Manometer for measuring manifold pressure.

(e) Means for measuring engine air intake pressure and temperature.

(f) Oil pressure gauge.

(g) Suitable thermometers to measure oil inlet and outlet temperatures.

(h) Manometer to measure bubble pressure or air speed indicator to measure air velocity over the cylinder head of an air-cooled engine. (Shall be measured at a position approximately half-way between the cylinders and in line with the valve heads when practical.)

(i) Thermocouples for all cylinder heads and barrels of an air-cooled engine. (Shall be located at rear spark plug gasket and near rear cylinder hold-down nut on thrust side.)

(j) Suitable thermometers to measure liquid inlet and outlet temperatures in the case of liquid-cooled engines.

(k) Apparatus for measuring fuel consumption by weight or volume.

(l) Apparatus for measuring oil consumption by weight.

(m) Barometer.

(n) Dry and wet bulb thermometers.

13.23. *Endurance test.*—A 50-hour full throttle endurance test of the engine described in accordance with CAR 13.202 shall be run in periods of at least 5 hours each on consecutive working days except that interruptions to such schedule are permissible if explained to the satisfaction of the Secretary. The test shall be witnessed by an authorized Bureau inspector.

13.230. The engine shall be run at a speed approximately equal to the proposed rated speed and with the manufacturer's recommended setting of the ignition timing, mixture control and intake heat control. The grade of fuel used during the test will be the lowest approved for use in the engine when certificated. Excessive adjustment to the engine or dependence upon excessive fuel or oil consumption for proper cooling during the test will be considered cause for denial of certification by the Secretary.

13.231. Not more than three forced stops caused by the engine shall be allowed during the endurance test. A run of 5 hours shall be added to the test for each forced stop made. Failure of accessories shall not necessarily be considered a forced stop. If the power in a dynamometer run drops as much as 10 per cent, due allowance being made for atmospheric conditions, this shall constitute a forced stop. If a propeller is used to absorb the power during the endurance test, variations in speed of plus or minus 3 per cent are permissible. A variation in speed in excess of this amount due to atmospheric conditions will not be considered a forced stop but the propeller shall be changed to correct for the conditions. Excessive water, fuel or oil leaks developing at the engine shall constitute forced stops. In all cases the Secretary shall be the judge as to what constitutes a forced stop. An engine failure of a type which could cause an immediate forced landing in flight or require the replacement of a major part of the engine shall terminate the test.

13.232. Complete readings of the performance of the engine shall be recorded at least every half-hour throughout the endurance test. The following readings are essential:

(a) Crankshaft speed in revolutions per minute.

(b) Manometer pressure.



(c) Temperatures of the two hottest cylinder heads and barrels if air-cooled, or of the inlet and outlet liquid if liquid-cooled.

(d) Fuel consumption.

(e) Oil consumption.

(f) Oil inlet and outlet temperatures.

(g) Oil pressure.

(h) Air velocity or pressure difference over the cylinder heads if air-cooled.

(i) Barometric pressure.

(j) Temperature (dry and wet bulb).

(k) Engine air inlet temperature and pressure.

13.24. *Take-off rating.*—If a take-off rating in excess of the endurance test rating is desired, the engine shall be run 10 hours at the take-off power and crankshaft speed. This test may be run as the last 10 hours of the 50-hour endurance test required by CAR 13.23 or as a separate test. The take-off output may be maintained continuously for 5-hour periods or may be maintained for 5 minutes and the engine idled for 5 minutes, consecutively, in which case the duration of the take-off testing shall total 20 hours. Take-off ratings of more than 10 per cent in power or in speed in excess of the endurance test output will require additional tests and a special ruling by the Secretary.

13.25. *Calibration test.*—A full throttle power versus speed calibration of the engine shall be made before or after the endurance test outlined in CAR 13.23 and shall be witnessed by an authorized Bureau inspector.

13.250. Full throttle runs shall be made at crankshaft speed intervals of approximately 100 revolutions per minute from 75 to 110 per cent of the proposed rated speed by varying the load. Each speed shall be maintained for at least 2 minutes, or until operating conditions have stabilized, before a reading is taken.

13.251. The engine shall be operated during the calibration test at the manufacturer's recommended setting of the ignition timing, mixture control and intake heat control. The power rating assigned to the engine by the Secretary will correspond to the corrected horsepower obtained during the calibration test at a crankshaft speed within 25 revolutions per minute of the average speed maintained during the endurance test. This corrected horespower shall be the observed horsepower corrected to standard conditions for the pressure, temperature and humidity existing in the air intake of the carburetor just ahead of the venturi. Standard conditions are a barometric pressure of 29.92 inches of mercury, an air temperature of 60° F., and a water vapor pressure of 0.39 inch of mercury. It is recommended that a suitable correction, satisfactory to the Secretary, be further applied to the horsepower when the calibration test is conducted with cooling air of a temperature and velocity which differ materially from 60° F. and the velocity normally to be encountered in flight, respectively.

13.252. Essential readings for each run during the calibration test shall be the same as listed in CAR 13.232 except that torque, observed horespower and corrected horsepower shall be recorded and the oil consumption need not be.

13.26. *Operation test.*—At the conclusion of the endurance or the calibration test the engine shall be operated in the presence of the Bureau inspector at various speeds throughout its operating range to demonstrate the idling, acceleration and running characteristics, which shall be satisfactory to the Secretary.

13.27. *Tear-down inspection.*—After completion of the endurance and calibration tests a complete tear-down and detailed inspection of engine parts shall be made, particular attention being paid to excessive wear or signs of failure. The Bureau inspector will check the conformity of the engine parts with the set of drawings to be submitted by the manufacturer. As a result of the inspection the Secretary may require, prior to certification, such revisions and additional tests as appear necessary to establish the airworthiness of the engine, or he may deny certification notwithstanding the completion of the tests described in CAR 13.23 and 13.24.

13.28. *Geared engines.*—Complete tests as outlined herein are required for the certification of geared engines. Unless the horsepower loss due to reduction gears is appreciable, a geared engine may, at the option of the engine manufacturer, retain the same power rating as a previously approved identical engine with direct drive.

13.3. *Commercial altitude engines.*—

13.30. *Tests.*—An engine which is not designed for full throttle continuous operation at sea level shall be tested and rated as an altitude engine. The requirements for certification of such an engine are identical with those outlined in CAR 13.2 with the following exceptions.

13.300. The manufacturer's test outlined in CAR 13.2 may be conducted at proposed rated power instead of at full throttle.

13.301. The flight test shall be in accordance with CAR 13.205 (f) except that the engine need not be operated at full throttle below the rated altitude.

13.302. The endurance test shall be conducted at a power and speed of at least that at which the manufacturer desires the engine to be rated. In lieu thereof, when the engine is highly supercharged, the test may be conducted at at least the manifold pressure and rated speed which the engine will develop at the proposed rated altitude. In such a case an engine identical except for the supercharged drive shall also be tested at the power and speed at which the manufacturer desires the engine to be rated. When the engine is highly supercharged and is endurance tested at less than rated power, it will be limited for take-off operation to the power developed during this endurance test unless a take-off test in accordance with CAR 13.24 is made to establish the airworthiness of the engine for take-off at higher power.

13.303. The calibration test shall consist of the following:

(a) A full throttle calibration at sea level in accordance with CAR 13.25 except that outputs above the proposed rated power need not be maintained 2 minutes before a reading is taken. This calibration may be omitted if the engine is highly supercharged.

(b) Constant speed runs made by varying the load and the throttle to determine curves of horsepower versus manifold pressure. Curves shall be obtained at crankshaft speed intervals of 100 revolutions per minute from 100 revolutions per minute in excess of the proposed rated speed down to the manufacturer's recommended cruising speed of the engine. For each speed, such curves shall extend from approximately 75 per cent of the average manifold pressure of the engine during the endurance test to 110 per cent of such manifold pressure.

13.31. *Altitude rating.*—The rated altitude shall be that altitude at which the engine develops the rated power and speed at full throttle under standard altitude conditions with the grade of fuel used during the endurance test. When equipment is available, calibration tests simulating altitude conditions shall be made to determine the rated altitude and the characteristics of the engine between the rated altitude and sea level. In lieu of such testing the Secretary will accept such empirical methods of determining the altitude performance of the engine as are substantiated by simulated altitude tests of similar engines or by extensive flight tests. The manufacturer shall in each case submit for the consideration of the Secretary all references, test data and curves upon which the manufacturer's estimate of the altitude performance is based.

13.32. *Limitations applied to altitude engines.*—The manufacturer shall submit to the Secretary suitable curves descriptive of the performance of the engine for take-off, climb, cruising, and high speed at all altitudes between sea level and the rated altitude. It is recommended that these curves be plotted on a single sheet with horsepower versus crankshaft speed or manifold pressure at sea level, and with horsepower versus altitude above sea level. Full speed lines shall be indicated. The manufacturer shall also indicate on these curves the limitations desired. The Secretary will issue limiting instructions for the operation of the engine, a copy of

which the manufacturer shall supply with each engine delivered for use in certificated aircraft. CAR 04 outlines the operating limitations applied to altitude engines.

13.4. *Test report.*—The manufacturer of an engine which is tested in accordance with CAR 13.2 or 13.3 shall prepare a suitable report describing the test equipment, testing and tear-down inspection. The report shall be completely descriptive of the test and shall include all essential details. The report shall be signed and sworn to by the responsible representative of the engine manufacturer and shall include the following information:

13.40 (a). A description and photographs of the testing equipment. (This description need not be included if a previously submitted report adequately describes the equipment used, in which case reference shall be made to such report.)

13.41 (b). A chronological description of the endurance testing, covering the events of each period of running. All irregularities, failures and forced stops shall be fully discussed. A table or chart showing all readings recorded during the test shall be included.

13.42 (c). A description of the calibration testing, and a table of all readings and corrections. The results shall be plotted as curves of brake-mean-effective pressure, corrected horsepower, manifold pressure, cylinder head or cooling liquid temperatures and fuel consumption versus crankshaft speed.

13.43 (d). A description of the condition of the engine parts as determined from the complete tear-down and detailed inspection of the engine after testing. Photographs of all failures or excessively worn parts shall be included.

13.44 (e). Photographs of the engine (front, side, and two three-quarter rear views).

13.5. *Special engines.*—

13.50. *Power-rated engines for light aircraft.*—In the case of engines which are to be installed in light aircraft as defined in CAR 04, and for which the manufacturer desires the Secretary to assign a maximum power and speed rating only, the data submitted shall include the following:

(a) An application for power rating, submitted on the same form as is furnished by the Secretary to applicants for a type certificate. When used for this purpose the form shall be altered by the applicant by crossing out the words "Type Certificate" in the heading and substituting the words "Power Rating".

(b) One set of general assembly drawings sufficiently well-dimensioned to show the general specifications of the engine.

(c) A complete report of a power rating test which shall consist of a 5-hour run on a test stand with the throttle wide open, and at the speed at which a rating is desired. If the corrected horsepower cannot be determined satisfactorily from this test, a calibration test may be made after the 5-hour run. The report shall include a detailed log of the 5-hour test and a description of the test stand and instruments used. Details of the equipment and of the calculations used to determine the corrected horsepower shall also be included.

13.51. *Military engines.*—In the case of an engine of a type which has previously been approved by the Army or Navy and for which the manufacturer desires certification by the Secretary, the following data shall be submitted:

(a) An application as described in CAR 13.200.

(b) A copy of the official Army or Navy endurance test report which was the basis for the military approval, signed by the Army or Navy representative who witnessed the test. It is not necessary for the manufacturer to submit this report when such report has previously been forwarded to the Secretary through official channels. When the report is being prepared by the military agency the Secretary, to expedite approval, may in the interim accept a copy of the official letter of approval of the engine, which letter shall include the military rating and calibration curves.

(c) Drawings as described in CAR 13.203.

(d) A parts list as described in CAR 13.204.

(e) A report of a flight test as described in CAR 13.205, or a statement from the Army or Navy to the effect that such flight tests have been satisfactorily conducted in the Army or Navy service.

13.52. *Modified engines.*—When a manufacturer desires certification by the Secretary of an engine which embodies a modification of a certified engine of the same manufacturer, data shall be submitted and tests conducted as follows:

13.520 (a). If the manufacturer desires to increase the rated power or rated speed, or if the modification is of such extent (in the opinion of the Secretary) as to require endurance testing, the modified engine shall be considered a new design which will be eligible for certification upon compliance with CAR 13.2, 13.3 or 13.51, whichever may apply.

13.521 (b). If no increase in rated power or rated speed is involved and the modified engine embodies only a minor modification of the certificated engine, and if technical data are submitted to the Secretary which demonstrate conclusively that the airworthiness of the modified engine is at least equal to that of the certificated engine, data shall be submitted in accordance with CAR 13.200, 13.203 and 13.204, and a report of calibration testing shall be submitted in accordance with CAR 13.25, 13.303, 13.31 or 13.42, whichever may apply.

13.6. *Procedure relative to type certification.*—

13.60. *General.*—The procedure and general requirements for the issuance of a type certificate shall be as prescribed in CAR 01.

13.61. *Sealed drawing list.*—When a type certificate is granted, a drawing list representative of the certificated engine is impressed with the seal of the Bureau of Air Commerce and is returned to the manufacturer. Bureau inspectors may call for, and must have access to, the sealed drawing list and the pertinent drawings when making an inspection at the manufacturer's plant to determine whether the engines as built conform to the approved data.

13.62. *Major changes.*—Any major change from the approved drawings must be approved in advance by the Secretary. A change shall be considered major within the meaning of these regulations if it adversely affects the reliability or increases the power output of the engine. In all doubtful cases the decision of the Secretary will establish the category within which a specific change shall be included.

13.620. Information accompanying a request for approval of a major change to a certificated engine shall include sufficient technical data and reports of tests (when necessary) to demonstrate to the satisfaction of the Secretary that the changed engine is airworthy. Reports shall be signed and sworn to by the responsible representative of the manufacturer. When it is deemed necessary by the Secretary, an endurance test witnessed by an authorized Bureau inspector will be required to substantiate the airworthiness of specific changes, and particularly when a change is such as to increase materially the power output of the engine.

13.63. *Minor changes.*—On January 1 and July 1 of each year the holder of an engine type certificate shall submit, for approval and file, drawings pertaining to all the minor changes made to the engine during the preceding 6-month period.

13.7. *Engine parts.*—Only structural engine parts which are approved by the Secretary may be used to modify, maintain or repair certificated engines. Replacement parts will be approved provided the airworthiness of the replacement part is proven to the satisfaction of the Secretary at least equal to that of the original part by technical data or tests, or both; or provided an engine of the specific type has been equipped with the part and has satisfactorily completed an endurance test as prescribed in CAR 13.23; or provided the manufacturer submits an official Army or Navy report approving the part for the engine. Drawings of the part shall be submitted and the factory of the manufacturer shall be inspected for its suitability to produce the part. If the part supplied constitutes a major modification of the engine when installed, the engine shall be considered a new design and as such will be eligible for certification only on compliance with all of the regulations pertaining thereto.

13.8. *Engine accessories.*—An engine will be tested and certificated as a complete powerplant including all engine accessories that are attached to the engine and are essential for its proper operation in the air. Cowling, exhaust manifolding and mufflers need not be included, as these items are subject to inspection and approval in each type installation on certificated aircraft. Propellers, propeller hubs and propeller blades are also subject to separate certification under the requirements outlined in CAR 14.

13.80. *Tests.*—At the time of the endurance tests the Secretary will require such additional tests as may be necessary to determine the airworthiness of the engine with the attached accessories. It is recommended that the manufacturer install on the engine, at the time of the test, the accessories with which he may desire the engine to be certificated. Engines may be certificated with other accessories provided the airworthiness of the engine with such other accessories is demonstrated by sufficient technical data, including certified reports of tests when necessary. Additional endurance tests of the engine as described in CAR 13.3 or 13.4 may be necessary if the accessory change constitutes a major modification of the engine.

13.81. *Certification.*—Engine accessories as described in CAR 13.8 are not eligible for separate certification.



14. AIRCRAFT PROPELLER AIRWORTHINESS


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CHAPTER 14. AIRCRAFT PROPELLER AIRWORTHINESS

14.0. *General.*—

14.00. *Provision for rating.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of aircraft as to their airworthiness, the requirements hereinafter set forth shall be used as a minimum basis for establishing such rating for aircraft propellers for use on certificated aircraft.

14.01. *Scope.*—

14.010. *Airworthiness requisites.*—To show eligibility of a propeller for certification the propeller shall meet the requirements herein as to design, construction and testing. The manufacturer shall comply with the requirements by the submission of technical data and by conducting tests with suitable test equipment. The applicable requirements are set forth in CAR 14.1 through 14.4.

14.011. *Type certificates.*—The general requirements for the issuance of a type certificate are set forth in CAR 01. The procedure relative to type certification of propellers is set forth in CAR 14.5.

14.012. *Production certificate.*—The requirements for the issuance of a production certificate are set forth in CAR 01.

14.013. *Deviations.*—When a propeller embodies a feature of design or construction which deviates from the practice in conventional screw propeller types, application shall be made to the Secretary for special rulings covering the feature in question.

14.02. *Hubs and blades.*—Interchangeable propeller hubs and blades are certificated as separate units and the word "propeller" as herein used applies, where applicable, to a propeller hub and to a blade as well as to a complete propeller.

14.03. *Testing facilities.*—A manufacturer submitting a propeller for certification shall conduct all of the tests and supply or arrange for the testing facilities necessary to show compliance with the requirements contained herein. When, in the opinion of the Secretary, adequate and satisfactory methods of testing other than those outlined herein are available, propellers tested by such methods may be eligible for certification.

14.04. *Military propellers.*—A propeller of a type which has passed the regular endurance tests of and is approved by the United States Army Air Corps or the Bureau of Aeronautics, Navy Department, may be certificated in accordance with CAR 14.3.

14.05. *Propeller operation limits.*—A certificated propeller shall not be operated at a power or propeller shaft speed, or in conjunction with an engine bore, greater than the limits assigned thereto by the Secretary. The Secretary may specify short time operation in excess of these limits for take-off purposes except that neither the power nor the speed limits will be raised by more than 10 per cent without further testing.

14.06. *Propeller identification data.*—A certificated propeller, propeller blade or propeller hub shall have the following information conspicuously displayed upon it: manufacturer's name; name, model designation and serial number of the propeller; and maximum power and maximum speed for which certification has been granted. The identification data shall be permanently attached by means of a plate, stamping, engraving, etching or other such method upon a noncritical surface of the propeller blade or hub. When such data are not visible when the propeller is assembled or installed on an aircraft they shall also be painted or printed on the propeller blade or hub.

14.07. *Previously approved propellers.*—These regulations supersede the requirements for approval of propellers set forth in previous regulations. However, propellers rated as suitable for use in approved aircraft in accordance with previous requirements may be used in certificated aircraft at the discretion of the Secretary.

14.1. *Design requirements.*—

14.10. Propellers shall be so designed as to operate without excessive vibration or flutter and shall be constructed of materials which are suitable for service conditions.

14.11. The surface of a propeller blade shall be smooth and the blade shall be faired with respect to the thickness and the moments of inertia about the major and minor axes, with no abrupt curvature changes or irregularities along the blade. Critical surfaces of a metal propeller hub shall be machined smooth without tool marks and any change in cross section shall be faired with as large a fillet as possible.

14.12. It is recommended that a propeller be so designed that the weakest portion of the propeller blade or hub may be inspected without disassembly and that excessive wear or a partial failure will precede a serious type of failure.

14.13. To facilitate inspection wood propellers shall be so finished that the grain of the wood is visible.

14.2. *Commercial propellers.*—

14.20. *Data required.*—In the case of a propeller of a type which has not been previously approved by the Army or Navy, and for which the manufacturer desires the certification of the Secretary, the following information shall be submitted:

14.200 (a). Application for type certificate on Form AC 14–1 which will be furnished for the purpose by the Secretary.

14.201 (b). A complete set of drawings descriptive of the propeller, which drawings shall be numbered and dated and shall include change letters for each revision. All details of the propeller shall be shown, including the profile and plan form of the blade, the size of blade cross sections at frequent stations, the hub design and the materials of construction. The material shall be specified on the drawings

by reference to specification numbers of the Army, Navy, S. A. E. or other recognized standard whenever possible. If the manufacturer refers to his own specification numbers, details of such specifications shall be furnished the Secretary. All drawings shall be folded to a size of approximately 9 by 12 inches, with the title showing. In order to eliminate a possible source of controversy, the Secretary will not accept drawings which may be altered after approval. Blue prints, photostats or the equivalent are acceptable. If certain of the drawings required for a particular propeller are identical with drawings previously submitted and approved in connection with a prior type of propeller made by the same manufacturer, such drawings need not be again submitted.

14.202 (c). A complete parts list in duplicate, showing the drawing number, change letter and name of each component part of the propeller. The drawing numbers shall be listed in numerical order. When only one or two drawings are submitted for compliance with CAR 14.201, it is permissible for the manufacturer to submit these drawings in duplicate in which case a parts list is not required.

14.203 (d). A complete log, supported by an affidavit, describing the manufacturer's tests of the propeller in accordance with CAR 14.21. The log shall include a detailed record of the test with dates; names of persons involved; name and model number of engine, or name, model number and Department of Commerce identification mark of airplane; and hours of testing with corresponding engine speeds. The report shall also include the results of a detailed inspection of the propeller after the test in accordance with CAR 14.23.

14.204 (e). A stress analysis when required by CAR 14.210 or when, in the judgment of the Secretary, the design is sufficiently unconventional to require it.

14.21. *Tests required for propellers other than fixed pitch wood propellers.*—A propeller of such type shall be subjected to a 50-hour endurance block test on an internal-combustion engine rigidly mounted and of the same characteristics as the engine or engines in conjunction with which the propeller will be certificated for use, or on another engine acceptable to the Secretary. The test may be run without a stop or in periods of 5 hours or more each. The cylinder bore of the engine used for the test will determine the maximum bore of the engine with which identical propellers of this type will be certificated for use. The test shall be run at the proposed rated speed of the propeller with the propeller so adjusted as to absorb its proposed rated power. If the engine is not run at full throttle, and horsepower measurements are not possible during the test, manifold pressure readings shall be taken at frequent intervals. A suitable calibration curve shall be used to determine the power absorbed by the propeller during the test. The power rating assigned to the propeller by the Secretary may correspond to the corrected horsepower developed by the engine if the engine used for the test is of the type on which the propeller is to be certificated for use. In the case of a controllable or automatic pitch propeller, the pitch-changing mechanism shall be operated throughout the usable power range at least once for each hour of the test or the equivalent. The engine may be throttled to prevent overspeeding when changing pitch. After such 50 hours of testing, a controllable or automatic pitch propeller shall also be operated at as close to rated power and speed as possible for periods of 5 minutes each at various pitch settings, i. e., at 1 degree intervals throughout the operating range when the design so permits. All variations in running characteristics of the propeller shall be recorded.

14.210. A propeller of the above type which, in the opinion of the Secretary, is sufficiently similar to a previously certificated propeller of the same manufacturer may be subjected to a 50-hour flight test in lieu of the test outlined in CAR 14.21 provided that its airworthiness is demonstrated to the satisfaction of the Secretary by a comparative stress analysis submitted by the manufacturer. The stress analysis shall compare the pertinent aerodynamic, centrifugal, vibration and torque impulse load differences between the respective propellers by a mathematical comparison, when possible, and by suitable curves plotted with the radius of the propeller as abscissa. Curves descriptive of the fairing of the propellers shall also be included when applicable. Such 50-hour flight test shall be conducted on an engine of equal or greater power and speed than that in conjunction with which the rating is requested. At least 5 hours of the test shall be run at the proposed rated speed of the propeller.

14.211. It is recommended that metal propellers of this type also be tested by suitable methods to determine their natural frequencies within all ranges of major vibrations which are produced by the operation of the engines in conjunction with which such propellers are to be certificated for use. Such frequencies should be determined at all blade angles within the desired operating pitch range of propellers. Data covering these tests should be submitted to the Secretary in the form of curves and tables. The type of frequency should be described and the nodes located for each frequency.

14.22. *Tests required for fixed pitch wood propellers.*—A propeller of such type shall be subjected to a 10-hour endurance block test on an internal-combustion engine, or to a 50-hour flight test. In the case of a block test the entire test shall be run at the proposed rated speed of the propeller. In the case of a flight test at least 5 hours shall be run at the proposed rated speed of the propeller. Such flight test shall be conducted with an engine of equal or greater power and speed than that in conjunction with which the propeller is to be certificated for use.

14.23. *Inspection of a tested propeller.*—As prescribed in CAR 14.203, the log of the flight or block test shall include the results of a detailed inspection of the propeller after the test. Photographs of any failures or suspected failures shall be included. A propeller which fails during the testing is not eligible for certification unless the failure is of a nature such that the strength of the propeller is not impaired and a minor modification to the propeller will preclude the probability of future failures of the same type. Aluminum-alloy propellers shall be etched at all critical portions and then examined for minute cracks with a magnifying glass. Steel propellers shall be subjected to both a magnetic and visual inspection for signs of failure.

14.230. A failure of a metal propeller is defined as actual breakage, cracking or permanent set of any part of any blade, hub, bolt, lock nut, spline or keyway; slipping of a blade in its clamping socket; seizing or pitting of any bearing; or jamming of an automatic or controllable pitch mechanism. A wood propeller will be deemed to have failed if the tipping pulls or cracks, if a glue joint opens, or if there is any local failure or crushing around the hub or a bolt. Similar considerations will apply to propellers of any patented composition or of other than conventional wood or metal construction.

14.3. *Military propellers.*—In the case of a propeller of a type which has previously been approved by the Army or Navy and for which the manufacturer desires certification by the Secretary, the following data shall be submitted:

(a) An application as described in CAR 14.200.

(b) A copy of the official Army or Navy endurance test report which was the basis for the military approval, signed by the Army or Navy representative who witnessed the test. It is not necessary for the manufacturer to submit this report when such report has been previously forwarded to the Secretary through official channels. When the report is being prepared by the military agency the Secretary, to expedite approval, may in the interim accept a copy of the official letter of approval of the propeller which letter shall include the military rating, the length of test, and the output and model designation of the test engine.

(c) Drawings as described in CAR 14.201.

14.4. *Modified propellers.*—When a manufacturer desires the certification by the Secretary of a propeller which embodies only minor modifications of a certificated propeller of the same manufacturer, data shall be submitted as follows:

(a) An application as described in CAR 14.200.

(b) Drawings as described in CAR 14.201.

(c) Technical data which demonstrate conclusively that the airworthiness of the modified propeller is at least equal to that of the certificated propeller.

14.5. *Procedure relative to type certification.*—

14.50. *General.*—The procedure and general requirements for the issuance of a type certificate shall be as prescribed in CAR 01.

14.51. *Sealed drawing list.*—When a type certificate is granted, a drawing list representative of the certificated propeller is impressed with the seal of the Bureau of Air Commerce and is returned to the manufacturer. Sealed copies of the drawings may be used for this purpose in lieu of a drawing list. Bureau inspectors may call for, and must have access to, the sealed drawing list or drawings together with any other pertinent drawings when making an inspection of the manufacturer's plant to determine whether the propellers as built conform to the approved data.

14.52. *Major changes.*—Any major change from the approved drawings must be approved in advance by the Secretary. A change will be deemed major within the meaning of these regulations if it adversely affects the reliability or airworthiness of the propeller. In general, a change will be deemed major when it decreases the airworthiness of a part the failure of which might prevent the aircraft from continuing flight. In all doubtful cases the decision of the Secretary shall establish the category within which a specific change will be included.

14.520. Information accompanying a request for approval of a change to a certificated propeller shall include technical data, including (when necessary) stress analyses and reports of tests sufficient to demonstrate to the satisfaction of the Secretary that the changed propeller is airworthy. The report shall be signed and sworn to by the responsible representative of the manufacturer. If the change is to a different blade shank size, engine shaft size, blade airfoil or propeller material, application shall be made for a new type certificate.

14.53. *Minor changes.*—On January 1 and July 1 of each year the holder of a propeller type certificate shall submit, for approval and file, drawings pertaining to all the minor changes made to the propeller during the preceding 6-month period.

14.54. *Reductions in diameter.*—A type certificate may provide for reduction in diameter from that of the propeller tested, provided that no increase in rating is involved. The diameter of a propeller blade may be reduced by cutting off the tip of the blade and fairing the immediate vicinity or by telescoping the outer sections of the blade. The drawings submitted shall show the details of each blade smaller in radius by 6-inch steps, which details may be shown superimposed on a drawing of the original blade.

15. AIRCRAFT EQUIPMENT AIRWORTHINESS


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CHAPTER 15. AIRCRAFT EQUIPMENT AIRWORTHINESS

15.0. *General.*—

15.00. *Provision for rating.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of aircraft and parachutes as to their airworthiness, the requirements hereinafter set forth shall be used as a minimum basis for establishing such rating of aircraft equipment for use in certificated aircraft.

15.01. *Scope of regulations.*—

15.010. These regulations shall apply to all important items of equipment which are manufactured as complete units and purchased by aircraft manufacturers and operators for use on certificated aircraft, except engines and propellers which are treated separately in CAR 13 and CAR 14 respectively.

15.011. For the purpose of these regulations an item of equipment shall be considered important if, by malfunctioning, it can endanger the safety of the aircraft, or the cargo or passengers in the aircraft, or persons or property beneath the aircraft.

15.012. Because the development of aircraft specialties is constantly increasing in scope and variety, there undoubtedly will be developed, from time to time, important items of equipment for which specific provision is not made in these regulations. In such cases the general procedure for certification will be in accordance with these regulations and the manufacturer of the item in question shall apply to the Secretary for special rulings particularly applicable to it.

15.013. The general requirements for the issuance of a type certificate are set forth in CAR 01. The procedure relative to type certification is set forth in CAR 15.05.

15.014. The requirements for the issuance of a production certificate are set forth in CAR 01.

15.02. *Classification of items of equipment.*—

15.020. In view of the diversity of items of equipment and the variety of their uses, such items are herein grouped in two major classifications dependent upon the certification procedure applicable to the particular item.

15.0200. The certification procedure to be followed is similar for all items and differs only in detail in accordance with the classification within which a particular item lies.

15.0201. The specific installations in certificated aircraft of certificated items of equipment, irrespective of the classification herein used, are subject in all cases to approval by the Secretary.

15.021. It is desirable to certify a series of similar models of an item of equipment under one certification in order to eliminate as much clerical and identification work as possible. This may be done for some types of wheels, position lights and other items, a series of which are similar in construction and differ only in size and relatively unimportant structural details. This procedure may be applied to any item to which the manufacturer can show the procedure applicable.

15.022. Items of equipment are classified as follows:

(a) Items of such design that they may be installed and used in any type or model of certificated aircraft, and for which type and production certificates, as defined in CAR 01, may be issued to manufacturers.

(b) Items of such design that they are adapted to only one type or model of certificated aircraft, or of such a nature that their design necessarily varies to suit each type or model of certificated aircraft in which they may be used. Type and production certificates will not be issued for such items. They will be specially approved as integral parts of the aircraft in which they are installed.

15.023. Under CAR 15.022 (a) are included items such as the following:

Landing gear wheels.
Seaplane floats, excluding wing-tip floats.
Skis, including pedestals.
Position lights.
Landing flares.
Safety belts.
Parachutes.
Certain types of special flight and engine control units.
Control wheels.
Certain types of tail wheel knuckles.
Certain types of self-locking bolts and nuts, and parts of that general character.

15.024. Under CAR 15.022 (b) are included items such as the following:

Automatic pilots.
De-icing equipment.
Landing gear shock absorber units.
Autogiro rotor hubs.
Wing ribs.
Fuel and oil tanks.
Engine cowls, wheel streamlines, propeller hub spinners and other special cowling.
Wing-tip floats.
Structures attaching seaplane floats to aircraft.
Special structures attaching skis to aircraft.
Heating and ventilating systems.

15.03. *Factors affecting certification or special approval.*—

15.030. All items of equipment falling within the meaning of these regulations irrespective of their classification shall:

(a) satisfactorily fulfill the purpose for which they are intended,

(b) be free from undue hazard, both in themselves and in their method of operation,

(c) be constructed of suitable and dependable materials, and

(d) be manufactured and installed in accordance with the Civil Air Regulations so far as those regulations pertain to the particular item.

15.031. Certain of the above-mentioned factors may be demonstrated by drawings and analyses, others by drawings and tests, and others by visual inspection.

15.04. *Identification data.*—

15.040. Each type or model of an item of equipment for which certification is requested shall be assigned a model name or model number by the manufacturer such that it may be distinguished from all other types or models of items of equipment.

15.041. Each unit of a certificated or specially approved type or model of equipment item shall be plainly and suitably marked to indicate that it has been certificated or specially approved. The applicable one of the following two methods shall be used to indicate this:

15.0410. (a) If a type certificate has been issued to the manufacturer for the particular item, each unit shall bear the number of this type certificate.

15.0411. (b) If a type certificate has not been issued to the manufacturer for the particular item, each unit shall bear the words "Bureau of Air Commerce Approved" or an abbreviation thereof.

15.042. Each unit of a certificated or specially approved type or model of equipment item shall bear the following identification data:

(a) Manufacturer's name.
(b) Model number or model name.
(c) The serial number or date of manufacture of the particular unit.
(d) Bureau of Air Commerce Type Certificate (or A. C. T. C.) No. ------, or Bureau of Air Commerce Approved (or A. C. A.).
(e) Such additional information as is specifically provided for in the following regulations.

15.043. The data prescribed in CAR 15.042 shall be displayed in a conspicuous place on the unit and in such a manner that it may not be easily erased, disfigured or obscured. Any other information may be added by the manufacturer at his discretion.

15.05. *Procedure relative to certification or special approval.*—

15.050. A request for certification or approval of a type or model, or when possible, of a series of similar models of an item of equipment, shall be supported by the data hereinafter specified.

15.0500. A complete set of drawings descriptive of the item. Drawings of small standard commercial parts need not be submitted, but all other drawings applying to the item, including assembly drawings and, when necessary, installation drawings, shall be submitted. The drawings shall contain all dimensions and material specifications of the item. Material shall be specified by reference to a specification number of the Army, Navy, S. A. E., or other such recognized standard whenever possible. If reference is made to material specifications which are not recognized standards, complete details of such specifications shall be submitted. Revision blocks on drawings shall designate the revision by letter and shall state the nature of the revision, the date and, when serial numbers are used, the serial number of the first unit manufactured in accordance with the revision. Title blocks on drawings shall contain the date of the original issue of the drawing and the drawing number. All drawings shall be folded to a size approximately 9 by 12 inches with the title block showing. In order to eliminate a possible source of controversy, the Secretary will not accept drawings which may be altered after approval. Blueprints, photostats or their equivalent are satisfactory. These shall not contain pencil or ink notations. If certain of the drawings required for a particular model are identical with drawings previously submitted and approved in connection with a prior model made by the same manufacturer, such identical drawings need not again be submitted.

15.0501. A list, in duplicate, of all drawings applicable to the item. Such list shall include all drawings previously submitted and approved in connection with prior models made by the same manufacturer, which also apply to the model in question without change. The list shall be arranged in numerical order and shall designate each drawing by number, title, original date of issue, latest revision letter and the model designation of the item for which the drawing was previously and originally submitted if for other than the model in question. Manufacturers' parts lists, if containing the information specified herein, are acceptable as drawing lists.

15.0502. Such additional data as are hereinafter prescribed for specific cases.

15.0503. The list specified in CAR 05.0501 need not be submitted if the item for which certification is requested is described by only one or two drawings. In such a case, however, the drawings specified in CAR 15.0500 shall be submitted in duplicate.

15.051. If the item falls within the classification covered by CAR 15.022 (a), the data submitted shall include a properly executed formal application for type certificate in accordance with CAR 01.

15.052. If the item falls within the classification covered by CAR 15.022 (b), complete information as to the make and model or makes and models of aircraft in which the item is to be installed shall be furnished. If specific aircraft are involved, the information to be furnished shall include also the serial numbers and aircraft certificate numbers of the aircraft in question.

15.053. Items of equipment which comply with the regulations herein prescribed to the satisfaction of the Secretary may be certificated or approved, as the case may be, for use in certificated aircraft.



15.054. If application for a type certificate has been made, certification is also contingent upon compliance with CAR 01 to the satisfaction of the Secretary.

15.055. Certification is subject to the provisions and restrictions stated on the type certificate and on the specification for the item issued as part of the type certificate, and approval is subject to the provisions and restrictions stated on the specification issued for the aircraft in which the item is installed.

15.056. All manufactured units of a certificated or approved item of equipment shall be in exact accordance with the approved drawings and specifications.

15.057. Changes or modifications to a certificated or approved item of equipment shall be approved by the Secretary in advance.

15.058. A request for approval of a change or modification to a certificated or approved item of equipment shall be supported by revised or new drawings showing the changes; revised drawing list pages, in duplicate, showing the revised or new drawings; and technical data, including reports of any necessary tests, sufficient to demonstrate to the satisfaction of the Secretary that the changed or modified item is airworthy.

15.06. *Previously approved items of equipment.*—These regulations supersede the requirements for approval of items of equipment set forth in previous regulations. However, items of equipment rated as suitable for use in approved aircraft in accordance with previous requirements may be used in certificated aircraft at the discretion of the Secretary.

15.1. *Landing gear equipment.*—

15.10. *Landing gear wheels.*—

15.100. Main landing gear wheels will be certificated for a maximum static load which will be determined from the strength of the wheel. Tail wheels will not be certificated.

15.1000. For the purpose of these regulations main landing gear wheels are considered as those nearest the airplane center of gravity with respect to fore-and-aft location.

15.1001. For the purpose of these regulations a tail wheel is considered as one which supports the tail of a conventional airplane in the three-point landing attitude.

15.101. For wheels other than main landing or tail wheels, application shall be made to the Secretary for special rulings particularly applicable to the cases in question.

15.102. The strength of a main landing gear wheel shall be substantiated by the following two static tests:

(a) Radial load test. (See CAR 15.1020.)
(b) Side load test. (See CAR 15.1021.)

15.1020. The required radial test load is equal to

$$(P)\times(n)\times(1.5)\times(1.25)$$

where $P$ is the maximum static load for which approval is requested, $n$ is

$$2.80+\frac{9000}{2P+4000}$$

and is the applied landing load factor for the corresponding airplane, 1.5 is the factor of safety, and 1.25 is a strength test material factor.

15.1021. The required side test load is equal to

(0.35) × (the radial test load).

15.1022. The radial and side loads shall be applied separately and the wheel shall be equipped with the correct size tire inflated to the proper pressure for the load for which certification is requested.

15.1023. The radial load shall be applied to the wheel in the plane of the tire and may be distributed over a portion of the tire by allowing the tire to bear in a box of firm earth or sand.

15.1024. The side load shall be applied to the tire at its maximum cross-sectional width and may be distributed over an arc of not more than 60°. The wheel shall be restrained only by the axle.

15.1025. When it is impossible to apply sufficient side load to the tire due to its inability to stay on the rim of the wheel, the side load shall be applied directly to the rim of the wheel. In this case, the required test load shall be increased over that specified in CAR 15.1021 in the ratio of the distance from the center of the wheel to the point of maximum cross-sectional width of the tire, to the distance from the center of the wheel to the point where the load actually is applied, thus obtaining a bending moment at the center of the wheel of the same value as would have been obtained had the load been applied at the maximum cross-sectional width of the tire.

15.103. A main landing gear wheel shall support the required loads before failure.

15.104. When a brake is incorporated in a main landing gear wheel, the brake mechanism and its operation shall be satisfactory to the Secretary and the brake shall be free from any undue tendency to lock or jam.

15.105. The rim contour of a main landing gear wheel shall conform to the Tire and Rim Association's standards or recommendations unless the wheel is to be used in conjunction with a specially constructed tire.

15.106. A landing gear wheel may be equipped with any make or type of tire, provided that the tire is a proper fit on the rim of the wheel and provided that the tire manufacturer's load rating, which he uses and recommends as a basis for his guarantee, is not exceeded.

15.107. Each unit of a certificated model of main landing gear wheel shall bear the following additional identification data as prescribed in CAR 15.042 (e):

The maximum static load for which certificated.

15.108. A request for certification of a type or model or series of models of main landing gear wheels shall be supported by the following additional data as prescribed in CAR 15.0502:

15.1080. A report of the static tests prescribed in CAR 15.102. The report shall contain complete details of the tests, including records of wheel deflections and photographs of the test setups. If the side load is applied in accordance with CAR 15.1025, the report shall show clearly that the procedure prescribed in CAR 15.1024 was impossible. The report shall be signed by the person making the tests, and shall be supported by affidavit unless the tests were witnessed by a Bureau inspector, in which case such inspector also will sign the report as a witness.

15.11. *Seaplane floats.*—

15.110. Main seaplane floats will be certificated for a maximum gross weight of airplane which will be determined in accordance with the applicable requirements prescribed in CAR 04.

15.1100. Certification of a float does not include certification of the structure attaching it to the aircraft. Such structure is classified in accordance with CAR 15.022 (b).

15.1101. The installation of floats on aircraft shall be in accordance with the provisions of CAR 04.

15.111. Each unit of a certificated model of main seaplane float shall bear the following additional identification data as prescribed in CAR 15.042 (e):

(a) The maximum gross weight of aircraft for which certificated.
(b) The number of floats per aircraft.

15.112. A request for certification of a type or model or series of models of main seaplane floats shall be supported by the following additional data as prescribed in CAR 15.0502:

15.1120. The technical data required to prove compliance with the applicable structural and detail design requirements prescribed in CAR 04.

15.12. *Skis.*—

15.120. Skis, including ski pedestals, will be certificated for a maximum static load which will be determined from the strength of the ski.

15.1200. Certification of a ski and its pedestal does not include certification of any special structure attaching it to the aircraft. Such structure is classified in accordance with CAR 15.022 (b).

15.1201. The installation of skis on aircraft shall be in accordance with the provisions of CAR 04.

15.121. The strength of a ski, including the pedestal, shall be substantiated by a stress analysis or by static tests.

15.122. A ski, including the pedestal, shall be designed to carry the following loads without failure when supported at the pedestal bearing sleeve:

15.1220. A load upward, distributed uniformly along the ski bottom and symmetrically with respect to the pedestal bearing sleeve in the fore-and-aft direction, the front end of the ski carrying no load if it is at a greater distance from the bearing sleeve than the rear end. The required load is equal to

$$(P)\times(n)\times(1.5)$$

where $P$ is the maximum static load for which approval is requested, $n$ is

$$2.80+\frac{9000}{2P+4000}$$

and is the applied landing load factor for the corresponding airplane, and 1.5 is the factor of safety. If the strength is substantiated by static test, the required test load is equal to

$$(P)\times(n)\times(1.5)\times(1.25)$$

where 1.25 is a strength test material factor.

15.1221. A load upward, applied to the ski bottom at a point directly under the pedestal bearing sleeve. The required load, or required test load, is equal to the load, or test load, specified in CAR 15.1220.

15.1222. A side load distributed uniformly along the edge of the ski bottom and symmetrically with respect to the pedestal bearing sleeve in the fore-and-aft direction, the front end of the ski carrying no load if it is at a greater distance from the bearing sleeve than the rear end. The required load, or required test load, is equal to 35 per cent of the load, or test load, specified in CAR 15.1220. When the height of the aircraft axle from the ground with the ski installed is greater than that with the interchangeable wheel installed, such side load shall be reduced by the ratio of the height of the axle from the ground with the interchangeable wheel installed, to the height of the axle from the ground with the ski installed.

15.1223. A side load applied to the edge of the ski bottom at a point near the front end of the ski. The required load, or required test load, is that necessary to produce a bending moment on the aircraft axle in a horizontal plane of the same magnitude as the bending moment in the vertical plane produced by the load, or test load, specified in CAR 15.1222.

15.123. Each unit of a certificated model ski shall bear the following additional identification data as prescribed in CAR 15.042 (e):

15.1230. The maximum static load for which certificated.

15.124. A request for certification of a type or model or series of models of skis shall be supported by the following additional data as prescribed in CAR 15.0502:

15.1240 (a). A stress analysis of the ski and pedestal showing compliance with CAR 15.122, if the strength of the ski and pedestal has been substantiated by a stress analysis. Such analysis shall be signed by the responsible engineer.

15.1241 (b). A report of the static tests showing compliance with CAR 15.122, if the strength of the ski and pedestal has been substantiated by static tests. The report shall contain complete load computations, complete details of the tests, and photographs of the test setups. The report shall be signed by the person making the tests and shall be supported by affidavit unless the tests were witnessed by a Bureau inspector, in which case such inspector also will sign the report as a witness.

15.2. *Navigation equipment.*—

15.20. *Position lights.*—

15.200. Position lights prescribed in CAR 04, in order to be certificated, shall be so constructed and capable of being so mounted as to comply with the regulations hereinafter prescribed.

15.2000. The installation of position lights in aircraft shall be in accordance with the applicable provisions of CAR 04 to CAR 08 inclusive, and the light manufacturer's mounting instructions.

15.201. As the forward (right and left wing) lights are complementary they will be certificated as a unit. The rear (tail) light will be certificated as a separate unit.

15.202. Forward lights are classified as follows:

(a) Standard forward position lights.
(b) Airline forward position lights.
(c) Auxiliary position lights.

15.203. *Angular limits.*—Position lights shall be so designed as to show unbroken light within the limits hereinafter specified.

15.2030. Each standard and airline forward light shall show an unbroken light between two vertical planes whose dihedral angle is 110 degrees, measured to the left from dead ahead for the left light and correspondingly to the right from dead ahead for the right light. In all directions outside of these limits an additional tolerance of not more than 10 degrees will be permitted within which the cut-off from the required intensity to the permissible stray-light intensity, specified in CAR 15.2040 and CAR 15.2041, shall be effected.

15.2031. Each auxiliary light shall show an unbroken light between the vertical plane through the longitudinal axis forward and a conical surface generated by a line making an angle of 20 degrees with the longitudinal axis forward, measured to the left from dead ahead for the left light and correspondingly to the right from dead ahead for the right light. Outside of these limits the cut-off shall be effected within the limits, including tolerance angle, prescribed for the standard and airline forward position lights.

15.2032. The rear light shall show to the rear an unbroken light between two vertical planes whose dihedral angle is 140 degrees, of which 70 degrees lies on either side of dead aft. In all directions outside of these limits an additional tolerance of not more than 10 degrees will be permitted within which the cut-off from the required intensity to the permissible stray-light intensity, specified in CAR 15.2043, shall be effected.

15.204. Light Intensity—Position lights shall be so designed as to provide the light intensities hereinafter specified when equipped with the lamps prescribed by the manufacturer operated at the candlepower or current rating publicly established by the lamp manufacturer.

15.2040. Each standard forward light shall have an intensity of not less than 8 candlepower in all directions within 30 degrees of the longitudinal axis forward, subject to the limits specified in CAR 15.2030. Each light shall have an intensity of not less than 4 candlepower in all directions between 30 degrees and 90 degrees of the longitudinal axis forward, subject to the limits specified in CAR 15.2030. Each light shall have an intensity of not less than 3 candlepower in all other directions within the limits specified in CAR 15.2030. No light shall have a stray-light intensity of more than 1 candlepower in any direction outside of the specified limits, except within the permissible tolerances specified in CAR 15.2030.

15.2041. Each airline forward light shall have an intensity of not less than 35 candlepower in all directions within 20 degrees of the longitudinal axis forward, subject to the limits specified in CAR 15.2030. Each light shall have an intensity of not less than 8 candlepower in all directions between 20 degrees and 30 degrees of the longitudinal axis forward, subject to the limits specified in CAR 15.2030. Each light shall have an intensity of not less than 4 candlepower in all directions between 30 degrees and 90 degrees of the longitudinal axis forward, subject to the limits specified in CAR 15.2030. Each light shall have an intensity of not less than 3 candlepower in all other directions within the limits specified in CAR 15.2030. No light shall have a stray-light intensity of more than 1 candlepower in any direction outside of the specified limits except within the permissible tolerances specified in CAR 15.2030.



15.2042. Each auxiliary light shall have an intensity of not less than 35 candlepower in all directions within 20 degrees of the longitudinal axis forward, subject to the limits specified in CAR 15.2031. No light shall have a stray-light intensity of more than 1 candlepower in any direction outside of the specified limits, except within the permissible tolerances specified in CAR 15.2031.

15.2043. The rear light shall have an intensity of not less than 8 candlepower in all directions within 70 degrees of the longitudinal axis aft, subject to the limits specified in CAR 15.2032. The light shall have an intensity of not less than 4 candlepower in all other directions within the limits specified in CAR 15.2032. The light shall not have a stray-light intensity of more than 1 candlepower in any direction outside of the specified limits, except within the permissible tolerances specified in CAR 15.2032.

15.205. *Color.*—All left wing lights shall be aviation red, all right wing lights shall be aviation green, and all rear lights shall be aviation white. These colors are defined in CAR 31.

15.206. *Light covers.*—The light bulbs shall be protected by a cover which shall be of noncombustible material and so constructed that it will not change color, or cloud, or suffer any considerable loss of transmission in use. The coloring of colored portions shall be completely diffused through the material.

15.207. A request for certification of a type or model or series of models of forward position lights or rear position lights shall be supported by the following additional data as prescribed in CAR 15.0502:

15.2070. A copy of the instructions for the mounting of the lights in aircraft, furnished by the manufacturer to purchasers of the lights.

15.208. A request for certification and its supporting data shall be accompanied by a complete set of lights described in the data. These lights will be tested at the Department of Commerce laboratory for compliance with CAR 15.203 to CAR 15.206 inclusive.

15.21. *Landing flares.*—

15.210. Landing flares prescribed in CAR 04, in order to be certificated, shall be so constructed and capable of being so mounted as to comply with the regulations hereinafter prescribed.

15.2100. The installation of landing flares in aircraft shall be in accordance with the provisions of CAR 04 to CAR 08 inclusive, and the flare manufacturer's mounting instructions.

15.211. Landing flares will be certificated with respect to their light duration and light intensity. They are grouped in three classifications as follows:

(a) Class 1 flares.
(b) Class 2 flares.
(c) Class 3 flares.

15.212. Class 1 flares shall have a light duration of at least 3 minutes, a light intensity of at least 200,000 candlepower and a rate of descent not greater than 550 feet per minute.

15.213. Class 2 flares shall have a light duration of at least 1½ minutes, a light intensity of at least 110,000 candlepower and a rate of descent not greater than 550 feet per minute.

15.214. Class 3 flares shall have a light duration of at least 1 minute, a light intensity of at least 70,000 candlepower and a rate of descent not greater than 550 feet per minute.

15.215. Each unit of a certificated model landing flare shall bear the following additional identification data as prescribed in CAR 15.042 (e):

15.2150. The class for which certificated.

15.216. A request and supporting data for certification of a type or model or series of models of a landing flare shall be accompanied by 2 flares of each model described in the data. These flares will be tested at the Department of Commerce laboratory for compliance with the light duration and intensity requirements specified in CAR 15.212, CAR 15.213 or CAR 15.214, as the case may be.

15.217. Upon satisfactory completion of the examination of the technical data submitted to the Department of Commerce and satisfactory completion of the tests of the flares submitted to the Deparment of Commerce, 5 flares of each model described in the data, an airplane arranged for the complete installation of flares of each model, and operating personnel shall be made available for functional tests of the flares. These tests may be made at any location desired by the manufacturer.

15.2170. In the event that there is one failure out of the 5 flares subjected to functional tests, 5 additional flares shall be subjected to functional tests.

15.2171. Failure of two or more flares out of 10 dropped shall be sufficient grounds for denial of certification by the Secretary. Certification will be made only if all 5 original flares function satisfactorily or, in the event of one failure in the original 5, if the second 5 function satisfactorily.

15.3. *Safety equipment.*—

15.30. *Safety belts.*—

15.300. Safety belts will be certificated for general aircraft use or for glider use dependent upon the strength of the belt.

15.3000. Certification of a safety belt does not include certification of its anchorages to the aircraft.

15.3001. The installation of safety belts in certificated aircraft shall be in accordance with the pertinent provisions of CAR 04.

15.301. Safety belts shall be so designed as to be easily adjustable. Each belt shall be equipped with a quick-release mechanism so designed that it cannot be released inadvertently. The width of a certificated safety belt shall be at least 2 inches.

15.302. The strength of a safety belt shall be determined by static test.

15.303. Safety belts for general aircraft use will be certificated for one person or two adjacent persons dependent upon the strength of the belt.

15.3030. A safety belt for one person shall be capable of withstanding a load of 1,000 pounds applied in the same manner as a person's weight would be applied in a crash. The quick-release mechanism shall be capable of withstanding this load without undue distortion, so that when the load is relieved to 400 pounds, the mechanism shall be capable of being operated by hand.

15.3031. A safety belt for two persons shall be capable of withstanding a load of 2,000 pounds applied in the same manner as the weight of two persons would be applied in a crash. The quick-release mechanism shall be capable of withstanding this load without undue distortion, and when the load is relieved to 800 pounds, the mechanism shall be capable of being operated by hand.

15.304. Safety belts for glider use only will be certificated as such.

15.3040. A safety belt for glider use shall be capable of withstanding a load of 850 pounds applied in the same manner as a person's weight would be applied in a crash. The quick-release mechanism shall be capable of withstanding this load without undue distortion, and when the load is relieved to 400 pounds, the mechanism shall be capable of being operated by hand.

15.305. Each unit of a certificated model safety belt shall bear the following additional identification data as prescribed in CAR 15.042 (e):

15.3050. Whether for one person, two persons, and/or for glider use only.

15.306. A request for certification of a type or model or series of models of safety belts shall be supported by the following additional data as prescribed in CAR 15.0502:

A report of the static tests showing compliance with CAR 15.3030, CAR 15.3031 or CAR 15.3040, as the case may be. The report shall contain complete details of the tests, including the hand operation of the quick-release mechanism under relieved load, and shall contain photographs of the test setup. The report shall be signed by the person making the tests and shall be supported by affidavit unless the tests

were witnessed by a Bureau inspector, in which case such inspector also will sign the report as a witness.

15.31. *Parachutes.*—

15.310. Parachutes prescribed by CAR 60, in order to be certificated, shall be so constructed as to comply with the following regulations.

15.3100. All materials used shall be equivalent to or better than those specified by the United States Army or Navy for parachutes, or shall be proved satisfactory to the Secretary by technical data and practical tests.

15.3101. The follow through between parachute and rider shall be so engineered that all parts or fittings carrying a shock load are stronger than the combined strength of the suspension lines to which they are attached.

15.3102. All metal parts shall be designed to carry their full rated load without yielding.

15.3103. The fabric used in the canopy construction shall be free from gums, starches and other foreign material. It shall also be free from avoidable imperfections in manufacture and from defects or blemishes affecting its strength or durability and shall have been finished without application of excessive heat. The surface of the fabric shall be smooth.

15.3104. Suspension lines shall be continuous, without splices, from connector link to connector link and shall contain no knots between these points.

15.3105. Before securing the suspension lines to the skirt, each line shall be put under 40 pounds tension and marked to show the point of attachment. The fabric shall be pulled out but not stretched.

15.3106. The machine sewing shall be made with a shuttle or plain stitch. All zigzag sewing shall be done on a 2-stitch zigzag sewing machine.

15.3107. The rip cord, including joints between the handle and the release, shall be designed to withstand a load of 300 pounds.

15.3108. The harness shall be so constructed that the rider can release himself and drop clear in case of a water landing, but a quick-attachable or quick-releasing devise between the harness and the parachute is not mandatory.

15.3109. Each parachute outfit shall be provided with a suitable place for keeping a record card containing spaces for recording dates of repacking, repairs, by whom made and space for the manufacturer's recommendations as to repacking.

15.311. Deviations from CAR 15.3104, CAR 15.3105 and CAR 15.3106 shall be such as are acceptable to the United States Army or Navy, or shall be proved satisfactory to the Secretary by technical data and practical tests.

15.312. A request for certification of a type or model or series of models of parachutes shall be supported by the following additional data as prescribed in CAR 15.0502:

15.3120 (a). Data showing compliance with CAR 15.3100 to CAR 15.3109 inclusive. These data may be references to drawings submitted if the drawings clearly show compliance with these regulations.

15.3121 (b). Data substantiating any deviations in accordance with CAR 15.311.

15.3122 (c). A detailed list of the material and strength specifications of all component parts of the parachutes described in the drawings. The list shall also specify the manufacturing practices employed in the assembly operations and shall satisfy the Secretary that all parts are properly pull-tested before assembly.

15.313. Upon satisfactory completion of the examination of the technical data submitted to the Department of Commerce, parachutes of each model described in the data together with an airplane and operating personnel shall be made available for the following tests of the parachutes. These tests may be made at any location desired by the manufacturer.

15.3130. *Functional test (normal pack).*—12 drops from an airplane with a 170 pound dummy man, from an altitude of not more than 500 feet. The indicated air speed of the airplane at the time of release shall be 100 miles per hour. No twists shall purposely be packed in the suspension lines. The parachute must be fully open within 3 seconds from time of release.

15.3131. *Functional test (twisted lines).*—5 drops from an airplane with a 170 pound dummy man, from an altitude of not more than 500 feet. The indicated air speed of the airplane at the time of release shall be 100 miles per hour. 3 twists shall purposely be packed in the suspension lines near the skirt. The parachute must be fully open within 4 seconds from time of release.

15.3132. *Strength test.*—3 drops with the same parachute from an airplane with a 600 pound lead weight, from an altitude of not more than 500 feet. The indicated air speed of the airplane at the time of release shall be 100 miles per hour. No twists shall purposely be packed in the suspension lines. The weight shall be attached to the harness. No external shock absorbers or material which may act as such shall be permitted. The parachute shall show no failure of any material.

15.3133. *Live drop test.*—2 live drops from an airplane with a 170 pound man, from an altitude of 2,000 feet on a comparatively still day. An additional certificated auxiliary parachute shall be carried. The rider must suffer no discomfort from opening shock and must be able to disengage himself from the harness after landing.

15.3134. *Rate of descent test.*—One drop from an airplane with a 170 pound dummy man, from an altitude of 2,500 feet. The rate of descent shall not exceed 21 feet per second. The descent shall be timed from the time of full opening to the time of ground impact. The distance descended shall be assumed at 2,250 feet and the rate of descent shall be this distance divided by the time in seconds.

15.3135. 100 per cent performance shall be required in the tests specified in CAR 15.3130 through CAR 15.3134 except in the case of an auxiliary parachute. (See CAR 15.315.)

15.314. The tests specified in CAR 15.313 will not be required for parachutes previously approved by the United States Army Air Corps or by the Bureau of Aeronautics, Navy Department. In lieu of these tests, there shall be included in the supporting data submitted with a request for certification of such a parachute the following data:

15.3140 (a). A copy of the official report describing the drop tests and static tests which formed the basis of the Army or Navy approval, signed by the Army or Navy representatives who witnessed the tests.

15.3141 (b). A statement by an authorized representative of the Army or Navy to the effect that the parachute is approved and accepted by the Army or Navy as the case may be.

15.315. A parachute to be certificated for use as an auxiliary parachute in combination with a certificated parachute, need not comply with the rate of descent specified in CAR 15.3134 but shall have a rate of descent not exceeding 25 feet per second and shall comply with all of the other regulations herein prescribed.

15.3150. The technical data submitted in connection with an auxiliary parachute and the tests made to obtain its certification shall satisfactorily account for the combination of parachutes and not the auxiliary parachute alone.

15.3151. Each unit of a certificated model auxiliary parachute shall bear the following additional identification data as prescribed in CAR 15.042 (e): "Auxiliary Only."

15.4. *Control and structural units.*—

15.40. *General.*—

15.400. Certain types of special control units and structural units, such as those listed in CAR 15.023, so designed that they can be used in any type or model of aircraft without change or with only minor changes which in no way affect the operation or strength of the units, will be certificated provided that they comply with the regulations applicable to them prescribed in CAR 04 to CAR 08 inclusive.

15.4000. The installation of such special units in aircraft shall be in accordance with the pertinent provisions of CAR 04 through CAR 08 inclusive and the instructions of the manufacturers of the units.

15.401. Before requesting certification of a type or model or series of models of a special control unit or structural unit, the manufacturer shall apply to the Secretary for a ruling as to the additional data to be submitted in accordance with CAR 15.0502 to show compliance with the regulations applicable to the unit in question prescribed in CAR 04 through CAR 08. This application shall be accompanied by a description of the unit and a drawing, or drawings, sufficient to enable the Secretary to make a ruling particularly applicable to the unit in question.

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15.8. *Equipment items adapted to specific aircraft models.*—

15.80. *Equipment items adapted to only one aircraft model.*—

15.800. Certain items of equipment, such as those listed in CAR 15.024, so designed that they can be used only in one aircraft model will be specially approved as integral parts of the aircraft in which they are installed provided that they comply with the regulations applicable to them prescribed in CAR 04 through CAR 08.

15.801. A request for approval of such an item of equipment shall be supported by the following additional data as prescribed in CAR 15.0502:

15.8010. (a) Data showing compliance with the regulations applicable to the item in question prescribed in CAR 04 to CAR 08 inclusive.

15.8011. (b). In lieu of the data specified in CAR 15.801 (a), data in accordance with a special ruling made by the Secretary and obtained by the procedure prescribed in CAR 15.401.

15.802. The request for approval of such an item of equipment together with its supporting data shall be included with the approval request and supporting data for the aircraft model in which the item is installed.

15.81. *Equipment items adapted to any aircraft model by means of detail design changes.*—

15.810. Certain items of equipment, such as those listed in CAR 15.024, of such a nature that by means of detail design changes they can be used in any aircraft model, will be specially approved as integral parts of the aircraft in which they are installed provided that they comply with the regulations applicable to them prescribed in CAR 04 through CAR 08.

15.811. If the manufacturer so desires, such an item of equipment may be considered as a series of items, each so designed that it can be used only in one aircraft model. Approval in such a case will be handled as prescribed in CAR 15.80.

15.812. If the procedure prescribed in CAR 15.811 is too cumbersome to suit a particular item, the item will be considered in two parts as follows:

(a) The unchanged basic structure.
(b) The variable structure.

15.813. If the basic structure is deemed satisfactory by the Secretary, only the variable structure need be considered in connection with the certification of each aircraft model in which the item is installed.

15.814. A request for examination of the basic structure of such an item of equipment shall be supported by the following additional data as prescribed in CAR 15.0502:

15.8140 (a). Data showing compliance with the regulations applicable to the item in question prescribed in CAR 04 through CAR 08.

15.8141 (b). In lieu of the data specified in CAR 15.814 (a), data in accordance with a special ruling made by the Secretary and obtained by the procedure prescribed in CAR 15.401.

15.815. A request for approval of a complete item of equipment in this classification shall be supported by the following data:

15.8150 (a). Complete references to the data pertaining to the basic structure previously deemed satisfactory by the Secretary.

15.8151 (b). Data as prescribed in CAR 15.814 (a) or CAR 15.814 (b), but pertaining only to the variable structure.

15.8152 (c). Any additional data which may have been prescribed by the Secretary at the time of his examination of the basic structure.



18. REPAIR AND ALTERATION OF AIRCRAFT

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CHAPTER 18. REPAIR AND ALTERATION OF AIRCRAFT

18.0. *Provision for re-rating.*—Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the re-rating of aircraft as to their airworthiness, a certificated aircraft, or component thereof, which has been altered or repaired may be re-rated as to airworthiness in accordance with such of the following provisions as may be applicable.

18.1. *Types of repair.*—An aircraft will be deemed to have been repaired when

18.10. (a). any non-structural member (such as a fairing, cowling or turtleback; 5 per cent or less of the surface of a fabric covered wing or control surface; not more than two adjacent wing or control surface ribs; and the trailing edge of a wing or control surface) has been repaired, or when a complete structural component (such as a wing panel; a landing gear; a wheel; a landing gear, wing or control surface strut; and a control surface) has been replaced by one purchased from the original manufacturer, in which cases the repair will be designated as a minor repair, or when

18.11 (b). any structural member (such as a spar; a wing or control surface leading edge or tip strip; a control surface rib; three or more adjacent wing ribs; a wing or cabane strut wire; a wing compression member; a fitting; a landing gear or tail surface strut or wire; a fuselage longeron, cross tube, diagonal or bulkhead; any portion of the wooden or metal cover of a stressed-skin wing, control surface, fuselage or landing gear; and any bracket supporting a seat, baggage compartment, fixed equipment or control system part) has been repaired or replaced, in which case the repair will be designated as a major repair, or when

18.12 (c). the engine has been overhauled, or when

18.13 (d). the propeller has been repaired, or when

18.14 (e). an instrument has been repaired.

18.2. *Types of alteration.*—An aircraft will be deemed to have been altered when

18.20 (a). the aircraft structure has been changed, except in a manner which incorporates the use of a member or a portion of a member of greater strength than the original member in accordance with Bureau of Air Commerce Manual (ACM 18), or when

18.21 (b). any change has been made in the engine, propeller, equipment or arrangement of equipment, which change may affect the balance, stability, local strength of supporting structures, or any other aspect of the airworthiness of the aircraft, or when

18.22 (c). the engine has been altered, or when

18.23 (d). the propeller has been altered.

18.3. *Types of repair agency.*—Agencies which alter or repair an aircraft in accordance with the classifications set forth in CAR 18.1 and CAR 18.2 will be classified as follows:

18.30. *Manufacturer.*—means the manufacturer holding a type certificate for the construction of the aircraft, engine or propeller which is being altered, repaired or overhauled; or the manufacturer of the instrument being repaired.

18.31. *Certificated repair station.*—means a repair station engaged in altering, repairing or overhauling an aircraft, engine, propeller or instrument in accordance with the classification for which it has been approved as provided for in CAR 52.

18.310. An airplane manufacturer, upon application, shall be eligible for a certificate of competency to operate a repair station in the classification covering the same type of structure as employed in the aircraft for which he holds a type certificate.

18.311. A manufacturer holding a type certificate for an engine, upon application, shall be eligible for a certificate of competency to operate a repair station certificated for engine overhaul.

18.312. A propeller manufacturer, upon application, shall be eligible for a certificate of competency to operate a repair station in the classification covering the same type of propeller as that for which he holds a type certificate.

18.32. *Other agency.*—means a certificated airplane or engine mechanic, i. e., one holding a certificate of competency as provided for in CAR 23, not employed by a manufacturer as defined in CAR 18.30 or by a repair station as defined in 18.31.

18.4. *Rules governing repair agencies.*—Repair agencies as designated in CAR 18.30, 18.31, and 18.32 shall be governed by the following rules:

18.40. The alteration or repair of a structural component of a certificated aircraft shall be made by the manufacturer of the aircraft or made by, or continuously supervised by, a certificated airplane mechanic only.

18.41. The alteration or overhaul of a certificated engine shall be made by the manufacturer of the engine or made by, or continuously supervised by, a certificated airplane or engine mechanic only.

18.42. The alteration, overhaul or repair of a certificated propeller shall be made by the manufacturer of the propeller or made by, or continuously supervised by, a certificated airplane or engine mechanic only.

18.43. An agency as defined in CAR 18.32 shall not engage in the alteration of a certificated engine, or in the alteration, overhaul or repair of a certificated propeller, or in the repair or overhaul of an instrument with which a certificated airline aircraft is equipped.

18.44. Any agency engaged in the overhaul or repair of a certificated engine shall use only structural engine parts which are deemed satisfactory by the Secretary.

18.45. When an engine part or a propeller part is rejected in accordance with these regulations, a copy of the notice of rejection shall be forwarded to the Bureau of Air Commerce.

18.46. When an entry as to any alteration or repair is made in a log-book as required by these regulations, such entry shall include the signature, and title or mechanic certificate number, of the person making such entry.

18.5. *Procedure governing repairs.*—

18.50. *Major repairs.*—Any repair agency engaged in the major repair of a certificated aircraft shall execute Repair and Alteration Form AC 18–1 in duplicate.

18.500. The repair agency shall accurately list the location and the nature of the repair on the blank pages of the form. It shall incorporate in the form such technical data as are necessary to substantiate the airworthiness of the repair, either by reference to the figures and tables in ACM 18, or by the incorporation of computations and well dimensioned detail sketches, or by both. When such data are too extensive, they shall be appended to the original copy of the form and reference thereto shall be made in both copies of the form.

18.501. The repair agency shall request a designated inspector of the Bureau to examine the form, the data and the repair.

18.502. The original parts removed from an aircraft in making a major repair or replacement shall be retained for comparison by such inspector.

18.503. The repair or replacement will be approved when comparison with the retained part indicates conformity with the original, but such inspector may, at his discretion, require that he be furnished a drawing from the original manufacturer of the part or parts in question, or that the agency make a drawing of the part or parts in question and have the drawing approved, in writing, by the manufacturer.

18.504. An invoice is not acceptable as proof of conformity of a purchased replacement with approved specifications therefor, except when such invoice is issued by the original manufacturer.

18.505. Such inspector may require that he be furnished with a sample or samples of the material or materials used in making a major repair or replacement. When it is not possible to compare the materials by a visual inspection the results of material specification tests of the original and replacement samples shall be supplied.

18.506. Such inspector shall determine whether or not the workmanship and materials are in accordance with the regulations and accepted practice.

18.507. Provided such inspector deems the repair airworthy, he will issue a temporary airworthiness certificate.

18.508. The owner shall incorporate the duplicate copy of Form AC 18–1 in the aircraft log-book.

18.51. *Minor repair.*—A repair agency engaged in the minor repair of a certificated aircraft shall make a detailed entry descriptive thereof in the aircraft log-book. If replacement of a component purchased from the original manufacturer is involved, the entry shall so state.

18.52. *Engine overhaul.*—A repair agency engaged in the overhaul of a certificated engine shall make a detailed entry descriptive thereof in the engine log-book.

18.53. *Propeller repair or overhaul.*—Only agencies as defined in CAR 18.30 and 18.31 may repair or overhaul a certificated propeller.

18.530. When a propeller has been repaired, the agency shall execute one copy of Repair and Alteration Form AC 18–1 and deliver it to the owner who shall incorporate it in the aircraft log-book.

18.54. *Instrument repair.*—Any agency as defined in CAR 18.30, 18.31 or 18.32 may repair an instrument with which a certificated aircraft is equipped, except that an agency as defined in CAR 18.32 shall not repair an instrument with which a certificated airline aircraft is equipped.

18.540. When an instrument with which a certificated airline aircraft is equipped has been repaired, the agency or owner shall make an entry thereof in the aircraft log-book and the owner shall be responsible for the making of such entry.

18.6. *Procedure governing alterations.*—

18.60. *Aircraft alteration.*—A repair agency engaged in the alteration of a certificated aircraft shall execute Repair and Alteration Form AC 18–1 in duplicate.

18.600. The repair agency shall accurately list the location and the nature of the alteration on the blank pages of the form. It shall incorporate in the form such drawings, well-dimensioned detail sketches, stress analyses and balance computations as are necessary to substantiate the airworthiness of the alteration. When such data are too extensive, they shall be appended to the original copy of the form and reference thereto shall be made in both copies of the form.

18.601. The repair agency shall request a designated inspector of the Bureau to examine the form, the data and the alteration.

18.602. Such inspector may, at his discretion, deem the alteration airworthy or request the agency to submit the original copy of the form together with the data to the Bureau.

18.603. If such inspector deems the alteration airworthy, he will issue a temporary airworthiness certificate and deliver the duplicate copy of the form to the agency or the owner for incorporation in the appropriate log-book.

18.604. If such inspector requests the agency to refer the decision to the Bureau, the alteration will be examined and either

18.6040 (a). deemed airworthy, in which case the form and the data will be transmitted to the supervising inspector of the district involved, together with an authorization to proceed with such inspection as may be considered necessary, or



18.6041 (b). deemed unairworthy, in which case the agency will be so notified.

18.605. If the inspection provided for in CAR 18.6040 is satisfactory, such inspector will proceed as provided in CAR 18.603.

18.61. *Engine alteration.*—Only agencies as defined in CAR 18.30 and 18.31 may engage in the alteration of a certificated engine.

18.610. A repair agency engaged in the alteration of a certificated engine shall execute Repair and Alteration Form AC 18–1 in duplicate.

18.611. The repair agency shall accurately list the nature of the alteration on the blank pages of the form. It shall incorporate in the form such drawings, well-dimensioned detail sketches, stress analyses and test reports as are necessary to substantiate the airworthiness of the alteration. When such data are too extensive, they shall be appended to the original copy of the form and reference thereto shall be made in both copies of the form.

18.612. The repair agency shall submit the original copy of the form together with the data to the Bureau for examination.

18.613. Upon examination of the form and data, the Bureau may approve the alteration and so notify the agency, in which case the agency shall deliver the duplicate executed copy of the form to the owner who shall incorporate it in the engine log-book; or it may deem an inspection necessary, in which case it will transmit the form and the data to the supervising inspector of the district involved, together with authorization to proceed with such inspection as may be deemed necessary.

18.614. If the inspection provided for in CAR 18.613 is satisfactory, the agency will deliver the duplicate executed copy of the form to the owner who shall incorporate it in the engine log-book.

18.62. *Propeller alteration.*—The provisions in CAR 18.61 through 18.614 for the alteration of a certificated engine are applicable likewise in the case of alteration of a certificated propeller, except that the duplicate executed copy of the form shall be incorporated in the aircraft log-book by the owner.

18.7. *Technique and practices.*—

18.700. *Materials.*—The use of materials of inferior quality or of those which experience has shown to lack uniformity of quality or strength shall be regarded as sufficient cause for withholding approval of alterations and repairs to certificated aircraft.

18.7000. The important physical properties of the materials used shall be definitely specified in the form or accompanying data, either by reference to an accepted standard such as Army, Navy, or S. A. E. specifications or by reference to reliable test results.

18.7001. Only the highest quality of casein or animal glue shall be used in making alterations or repairs to wood parts in certificated aircraft.

18.701. *Aluminum alloy structures.*—

18.7010. All aluminum alloy rivets used by repair agencies shall be properly heat-treated, driven within proper time limits, and of proper materials to insure suitable rivet strength, except in approved special cases in secondary parts where the rivets do not transmit stress, in which cases no heat treatment is necessary, and except in cases when the repair agency has drawings of the manufacturer which show that unheat-treated rivets are satisfactory. Special care shall be taken in the heat treatment of rivets to insure that individual rivets are actually rapidly quenched in the quenching medium.

18.7011. Bolts, screws and rivets employed in joints of dissimilar metals and of wood to aluminum alloy members, in addition to being properly heat-treated, shall be specially coated with paint just prior to assembly. (This is particularly important in the case where an aluminum bolt or screw passes through or into wood, or where bolts or rivets pass through tubing.) In structures made entirely from Alclad materials, bare bolts may be used.



18.7012. The following practices are hereby prohibited:

18.70120 (a). Quenching of 17S or 24S alloys in hot water or air after heat treatment.

18.70121 (b). Insufficiently rapid transfer of 17S or 24S alloys from the heat treatment medium to the quench tank. (An elapsed time of 10 or 15 seconds will, in many cases, result in noticeably impaired corrosion resistance.)

18.70122 (c). Painting after assembly, without prior protective treatment, of non-Alclad structures which are to be subjected to severe corrosive conditions. Whenever possible, parts which are not made from Alclad materials shall be anodized and shop primed prior to assembly.

18.70123 (d). Intimate contact of dissimilar metals or of wood with aluminum alloys.

18.70124 (e). Use of wood which is not thoroughly moisture-proofed for assembly into aluminum alloy structures.

18.70125 (f). Re-heating at temperatures above that of boiling water of 17S or 24S alloys after heat treatment, and the baking of primers at temperatures above that of boiling water.

18.70126 (g). The use of annealed 17S or 24S alloys in parts subject to severe corrosive conditions.

18.70127 (h). The use of hygroscopic materials improperly moisture-proofed in attempting to affect water-tightness of joints and seams.

18.70128 (i). The use of paint removers which contain strong caustic compounds, and of thin paint removers which may have a tendency to run into joints, rather than of those which have a jelly-like consistency.

18.70129 (j). The leaving of any trace of welding flux immediately after welding. (This is most readily prevented by washing in a warm 5% solution of sulphuric acid, rinsing in clear warm water, scrubbing accessible welds with a stiff-bristled brush, and giving a final rinse in clear warm water.)

18.7013. Gasoline tanks with inaccessible interior welds shall be immersed in a tank containing warm 5% sulphuric acid, agitated while rinsing in clear warm water, and then dried.

18.702. *Heat treatment.*—Before replacing damaged members with replacements not purchased from the original manufacturer of the aircraft, the repair agency shall in all cases determine that the material and heat treatment of the damaged members and of the replacements are identical.

18.703. *Wires and cables.*—

18.7030. Wires or cables shall be replaced if injured or distorted.

18.7031. All control cables 3/32" and above shall be spliced and not soldered, using standard Army and Navy tuck splices of at least 5 full tucks, or a Roebling roll of at least 7 full turns.

18.7032. Neither wires nor cables shall be subjected to heat.

18.7033. The substitution of cable for hard or streamline wires is prohibited.

18.704. *Fabric covering.*—All fabric used for recovering an aircraft structure shall be high grade airplane fabric of at least as good quality as that used originally in the aircraft. The dope and tape used shall be of as good quality as that used on the original aircraft, and the first two coats of dope shall be clear and shall be brushed on. The total number of coats of dope shall not be less than necessary to result in a taut finished job. Both surfaces of fabric covering on wings and control surfaces shall be securely fastened to the ribs by rib-stitching cord or any other method approved by the manufacturer. The spacing of these fasteners shall not exceed that recommended by the manufacturer. When rib-stitching cord is used, the cord shall be linen, or equivalent in strength to that used by the manufacturer. When stitching fabric to the ribs, reinforcing tape shall be used on the top of the fabric and over the ribs on both surfaces. This stitching shall be covered with pinked-edge tape, doped to the fabric.

18.705. *Metal wing ribs and spars.*—Repairs to metal ribs and spars shall preferably be made at the factory of origin or by a repair station which is certificated for this type of work. If this is not feasible, the repair agency shall obtain

a recommendation from the original manufacturer and comply with it as to the methods which should be used in making the particular repair.

18.706. *Riveted or bolted truss type metal fuselages.*—The provisions of CAR 18.705 apply to this type of structure.

18.707. *Wood or metal covered (stressed-skin) wings.*—

18.7070. Repairs to damaged stressed-skin or monocoque types of wing structure shall be made at the factory of origin or by a certificated repair station recommended in writing by the manufacturer for this type of work. Such station shall make such repairs in accordance with specific recommendations from the manufacturer.

18.7071. Small holes which in the discretion of a Bureau inspector do not seriously impair the strength of the structure may be repaired by, or the repair may be supervised by, any certificated airplane mechanic, provided the specific recommendations of the manufacturer governing such types of repair are followed. Small holes may be patched by attaching a cover over the hole.

18.7072. In any case, repairs to damaged skin, if very extensive, shall be made by replacing an entire panel from one structural member to the next. Where holes are large, the seam shall be made to lie along a bulkhead or along a structural member.

18.708. *Wood or metal monocoque fuselages.*—The provisions of CAR 18.707 apply to this type of structure.

18.709. *Fittings.*—

18.7090. Damaged fittings shall be replaced by factory parts or by parts made by a repair station certificated for fitting repair work.

18.7091. Worn fittings which were designed without bushings shall not be reamed to oversize but shall be replaced, unless a stress analysis or a test is made to show that the reamed fitting complies with strength requirements. Holes shall not be filled with welding rod and reamed.

18.7092. Torn, kinked or cracked fittings shall be replaced.

18.710. *Wood wing ribs.*—

18.7100. Acceptable methods of repairing a damaged rib are shown in Figures 16 and 17 of ACM 18. Cap strips shall be replaced entirely or repaired at the spars or at a joint in the rib.

18.7101. Damaged web members shall be replaced.

18.7102. Complete ribs shall be made from a manufacturer's approved drawing or from a drawing made by the repair agency and certified by the manufacturer as correct, except that the original rib may be used as a pattern for making the new rib if it is not too seriously damaged to permit comparison. The drawing, if used, shall be retained by the repair agency for use by the Bureau inspector in making the inspection.

18.711. *Wood wing spars.*—

18.7110. Wood spars may be spliced at any point except at a wing fitting, which shall not overlap any part of the splice.

18.7111. Acceptable methods of splicing the various types of spars are shown in Figures 9 through 13 of ACM 18.

18.7112. No scarf shall be made with a slope steeper than 10 to 1, and all joints shall be made with the highest quality of casein or animal glue.

18.7113. When casein glue is used on soft woods, a pressure of 100 to 150 pounds per square inch shall be applied to the joint during the gluing process. In gluing hard woods a pressure of 200 to 250 pounds per square inch shall be applied.

18.7114. In cases of elongated bolt holes in a spar, a new section of spar shall be spliced in or the spar replaced entirely.

18.7115. Except at a fitting, cracked spars (except box spars) in which the cracks are longitudinal and the wood is not splintered may be repaired by gluing, to both sides of the spar, strips of spruce or plywood of sufficient thickness to develop the longitudinal shear strength of the spar, such strips to extend well beyond the termination of the cracks. When this is done a total thickness of spruce equal to the thickness of the spar web or a total thickness of plywood equal to one-half the spar web thickness shall be used as shown in Figure 15 of ACM 18.

18.712. *Welded steel tube fuselages.*—Damaged members in steel tube fuselages may be repaired by the methods shown in Figures 1 through 8 of ACM 18, if it is possible to have a stub of the length indicated in the figures.

18.7120. If the member is damaged at the joint so that it is not possible to have such a stub, the member shall be replaced entirely in the case of web members, and in the case of longerons the splice shall be made in an adjacent bay.

18.7121. When it is necessary to remove a member at a joint or cluster, it shall be carefully and completely removed from the cluster without disturbing the surrounding members to which it is attached.

18.7122. A replacement tube shall be at least equal in strength to the original.

18.7123. Where a rosette weld is necessary the hole shall be made in the outside tube only and be of sufficient size to insure fusion with the inner tube.

18.713. *Engine mounts.*—The provisions of CAR 18.712 shall apply to tubular mount members.

18.714. *Landing gears.*—

18.7140. If damaged landing gear struts are made of streamlined tubing they shall not be repaired, but shall be replaced.

18.7141. If damaged landing gear struts are made of round tubing they may be repaired by using splices similar to those shown in Figures 1 through 8 of ACM 18.

18.7142. Damaged axles shall be replaced entirely.

18.7143. The straightening of landing gear struts and the filling of kinks with weld material are prohibited.

18.715. *Wing brace struts.*—Damaged wing brace struts shall not be repaired but shall be replaced entirely.

18.716. *Wing trailing and leading edges and tip strips.*—Repairs to wing trailing and leading edges and tip strips shall be made by properly attached and reinforced splices.

18.717. *Wood compression ribs.*—Wood compression ribs shall not be repaired but shall be replaced entirely.

18.718. *Control surfaces.*—Repair methods on control surfaces will depend upon the type of construction and the extent of damage. Procedure shall be in accordance with such portions of these regulations as are applicable.

18.719. *Hollow steel propellers.*—Damaged hollow steel propeller blades shall not be repaired except by the manufacturer. Welding is not permissible on such blades even for very minor repairs except by the manufacturer, due to the special process employed and the heat treatment required. A blade developing a crack of any nature in service shall be returned to the manufacturer for inspection.

18.7190. Minor injuries to the leading and trailing edges only of hollow steel blades may be smoothed by hand stoning provided the injury is not deep.

18.720. *Aluminum alloy propellers.*—Damaged aluminum alloy propeller blades and steel propeller hubs shall be repaired only by the manufacturer or by repair agencies certificated for this type of work. Such repair agencies shall be governed by the following considerations.

18.7200. A damaged metal propeller is one which has been bent, dented or cracked in such a manner as to render it unsafe for flight.

18.7201. Damaged blades with model numbers which are on the manufacturer's list of blades that cannot be repaired shall be rejected.

18.7202. The extent of a bend in the face alignment of blades shall be carefully checked by means of a protractor similar to the one illustrated in Figure 18 of ACM 18. Only bends not exceeding 20 degrees at .15 inch blade thickness to 0 degrees at 1.1 inches blade thickness may be cold straightened. Blades with bends in excess of this amount require heat treatment and shall be returned to the manufacturer or his authorized agent for repair.

18.7203. Blades which are bent in edge alignment shall not be repaired by anyone except the manufacturer or his authorized agent.

18.7204. Damaged blades shall be etched in a 20% caustic soda solution and cleaned in a 20% nitric acid solution, or in a cleaning solution which will produce equivalent results,



care being taken not to etch the shank portion. Scratches and suspected cracks shall be given a local etch and examined with a magnifying glass. The shank fillets and the front half of the under surface of the blades from 6 to 10 inches from the tip are the most critical portions. Adjustable pitch blades shall also be etched locally on the clamping portion of the shank at points ¼ inch in from the hub edge in line with the leading and trailing edges, and examined with a magnifying glass for circumferential cracks. *Any crack is cause for rejection.*

18.7205. Nicks and dents on the leading edge and face of blades shall be blended into the blade contour with smooth curves by the use of a riffle file and crocus cloth. After removal of a nick or dent, the surface shall be etched and examined with a magnifying glass, to insure that the nick or dent is entirely removed and that a crack has not started. The surface shall then be polished locally. Blades requiring removal of more material than the following permissible reduction in width and thickness from the drawing dimensions, shall be rejected:

Inner ⅔, 2½%.
Outer ⅓, 5%.
Outer 12", 10%.
Outer 6", May be modified as required.

18.7206. Hubs shall be minutely inspected for cracks by the wet or dry magnetic dust method. Particular attention shall be paid to the inside in the region of the shear shoulders. (Cracks usually start in line with the leading and trailing edges of the blade.) *Any crack is cause for rejection.*

18.7207. Hubs and clamp rings shall be cleaned by stripping off the plating in accordance with the manufacturer's recommended practice. They shall be dimensionally inspected for conformity to the drawing. Particular care shall be taken to check the 90 degree relation between shaft bore and blade socket centerline and track of the blade sockets, as these are the dimensions which are most likely to be affected by accidents. *Any hub which is sprung shall be rejected.*

18.7208. Splines and cone seats shall be carefully inspected for signs of wear. Splines shall be checked with a single key no-go gauge made to plus .002 of the base drawing dimensions for spline land width. If the gauge enters more than 20% of the spline area, the hub shall be rejected.

18.7209. Hubs and clamp rings shall be cadmium plated after they pass inspection. This plating shall be done in accordance with the manufacturer's recommended practice.

18.72010. Clevis pins, bolts and nuts shall be replaced if they show any indication of wear or distortion.

18.72011. The propeller shall be assembled as recommended by the manufacturer, and checked for track and balance. All blades must track within plus or minus $\frac{1}{16}$ inch.

18.72012. Horizontal unbalance may be corrected by adding lead not to exceed ¼ ounce to the concentric hole in the light blade or by removing lead not to exceed ¼ ounce from the heavy blade. An eccentric hole not over three-eighths inch (⅜") in diameter for any size blade end shall be drilled and filled with lead to procure vertical balance. The outer edge of such hole shall not be closer than ¼" to the nearest external surface of the blade. Only one such hole per blade will be permitted. The holes may equal the following dimensions, but in no instance shall they be made larger:

| Size no. of shank | Maximum concentric hole diameter | Maximum concentric hole depth | Maximum eccentric ¾" hole depth |
|---|---|---|---|
| 00 | $\frac{7}{16}$ | $2\frac{1}{2}$ | $2\frac{1}{4}$ |
| 0-V2 | $\frac{19}{32}$ | $3\frac{3}{16}$ | 3 |
| ½ | $\frac{5}{8}$ | $3\frac{3}{16}$ | $3\frac{1}{2}$ |
| 1 | $\frac{3}{4}$ | $4\frac{1}{8}$ | 4 |
| $1\frac{1}{2}$ | $\frac{13}{16}$ | $4\frac{7}{8}$ | $4\frac{1}{2}$ |
| 2 | $\frac{7}{8}$ | $5\frac{1}{2}$ | 5 |
| 3 | $\frac{31}{32}$ | $6\frac{1}{8}$ | 6 |

After securing final horizontal and vertical balance, the holes shall be corked to prevent the lead from falling out. If balance cannot be secured within the allowable limits given above, a reinspection is required because this is more than the maximum amount of unbalance that could occur if all parts were within specified tolerances.

18.72013. Vertical unbalance may be corrected when clamping rings are on the centerline by moving the two rings equally off center in the same direction by an amount which shall not exceed ¼ inch. When the clamp rings are in the 45 degree position due to engine or cowling interference, vertical unbalance may be corrected by moving one ring only towards the front centerline for a distance which shall not exceed ½". If this will not secure perfect balance, a reinspection is required. An arrow shall be stamped on the hub shell and on the clamp ring showing the final location of the ring.

18.721. *Wooden propellers.*—

18.7210. Wooden propellers shall be inspected for such defects as cracks, bruises, scars, warp, oversize holes in the hub, evidence of glue failure and separated laminations, sections broken off and defects in the finish. The tipping shall be inspected for such defects as looseness or slipping, separation of soldered joints, loose screws, loose rivets, breaks, cracks, eroded sections and corrosion.

18.7211. A wooden propeller damaged to the following extent shall be scrapped:

18.72110 (a). A crack or deep cut across the grain of the wood.

18.72111 (b). A comparatively long, wide or deep cut parallel to the grain of the wood.

18.72112 (c). A separated lamination.

18.72113 (d). An excessive number of screws or rivet holes.

18.72114 (e). An oversize hub or bolt hole.

18.72115 (f). An appreciable warp.

18.72116 (g). An appreciable portion of wood missing.

18.7212. Small cracks parallel to the grain of the wood shall be filled with hot glue thoroughly worked into all portions of the cracks. dried and then sanded smooth and flush with the surface of the propeller. This also applies to small cuts.

18.7213. Appreciable dents or scars which have rough surfaces or shapes that will hold a filler and will not induce failure, shall be filled with a mixture of casein glue and clean, fine sawdust thoroughly worked and packed into the defect, dried and then sanded smooth and flush with the surface of the propeller. In any case, all loose splinters shall be removed.

18.7214. The finish, where necessary, shall be renewed in accordance with the recommendations of the manufacturer.

18.7215. Tipping shall be replaced when it cannot be properly repaired. Cracks in the narrow necks of metal between pairs of lobes of the tipping are to be expected and are not defects. All other cracks are defects that shall be repaired, or eliminated by new tipping.

18.7216. For balancing, wood propellers shall be mounted on a hardened mandrel on a knife edge balancing stand in a room free from air currents. Each blade shall in turn be placed in a vertical position with the blade extending downward. The propeller shall then remain in either a vertical or horizontal position without showing any tendency to rotate in either direction. If the propeller does not balance, balance may be obtained in the following manner.

18.72160. Horizontal unbalance may be corrected by the application of clear varnish or solder to the light blade. The light blade may be coated with a high grade of clear primer allowing for a finishing coat of clear varnish. After allowing each coat to dry 48 hours, the balance shall be checked. Then, as may be necessary, either the required amount of varnish shall be removed by carefully sandpapering or an additional coat applied, allowing for the finishing coat of varnish which shall be a thin coat of high grade clear spar varnish. The balance shall be rechecked and sandpaper or additional varnish applied as may be required to effect final balancing. Only clear finish is permitted.

18.72161. When it is necessary to remove the finish at the cambered side of the tipping for inspection or repairs, bal-

ance may be effected by applying putty to the tip of the light blade after all grease, oil and other such substances have been removed and the surface has dried. The solder to be removed or applied shall be of the approximate weight of the putty. If balancing solder is already present on the wide section of tipping on the back of the heavy blade, the required amount shall be removed by careful filing or scraping. If there is no balancing solder, all of the wide section of tipping on the back of the light blade shall be thoroughly cleaned. All of the cleaned tipping shall be thoroughly tinned with ordinary solder and a soldering iron. A perfect bond must be made at all points between the tipping and the solder. To prevent burning of the wood under the tipping, more heat than is necessary to flow the solder shall not be applied. The required amount of solder shall be distributed over the entire tinned area. The balance shall be checked and, as may be necessary, solder may be removed or added until final balance is accomplished. The necessary coats of primer and spar varnish shall be allowed for.

18.72162. Vertical unbalance may be corrected by applying putty to the light side of the wood hub at a point on the circumference approximately 90 degrees from the longitudinal center line of the blades. The putty shall be weighed and a brass plate weighing slightly more than the putty shall be cut out. The thickness of the plate will be from $\frac{1}{8}$ to $\frac{1}{8}$ inch depending on the final area, which must be sufficient for the required number of flat head attaching screws. The plate shall be formed to fit the shape of the light side of the wood hub, and drilled and countersunk for the required number of screws. The plate shall then be attached and all of the screws tightened. After the plate is finally attached to the propeller, the screws shall be secured to the plate by soldering the screw heads. The balance shall be checked and all edges of the plate bevelled to reduce its weight until balance is accomplished.

18.722. *Engines.*—

18.7220. Repairs to, or overhaul of, certificated engines shall not be attempted by any but certificated engine mechanics or by employees of a manufacturer.

18.7221. In making repairs to (or overhauling) a certificated engine the mechanic shall be governed by the recommendations set forth in the respective instruction books published by the manufacturer, except when such recommendations conflict with Civil Air Regulations.

18.7222. Only structural parts approved by the Secretary shall be used in making replacements in certificated engines, and the repair agency shall furnish the owner an affidavit showing that the parts used are approved. This affidavit shall be pasted in and shall become a part of the engine log-book.

18.7223. Welding shall not be done on any structural part of a certificated engine except in special cases when it is proved conclusively to the Secretary that the repaired part is as airworthy as originally.

18.7224. Crankshafts shall be carefully inspected for alignment. If bent beyond the manufacturer's permissible limits, a crankshaft shall not be repaired, but shall be rejected.

18.723. *Instruments.*—Instruments with which certificated airline aircraft are equipped, and which are damaged to such an extent that extensive repairs are necessary, shall be repaired or replaced by the manufacturer or a certificated repair station.

[F. R. Doc. 37-2821; Filed, September 23, 1937; 10:20 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 46]

AN ORDER REQUIRING ALL DISTRICT BOARDS IN MINIMUM PRICE AREAS NUMBER ONE AND NUMBER TWO TO CONVENE IN THE CITY OF WASHINGTON, D. C.

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That each District Board in Minimum Price Areas Number 1 and Number 2 shall convene in the Hearing Room of the Commission at the Carlton Hotel, Washington, D. C., on the 27th day of September, 1937, at ten o'clock A. M.

2. That all members of such District Boards are ordered and directed to be in attendance at such meetings, and the Secretaries of such District Boards are hereby directed and required to give notice of such meetings in conformity with the by-laws of their respective District Boards.

3. That at the meetings provided for and required by this order, each District Board shall give consideration to and take action on such matters as in the judgment of the Commission are necessary to give full effect to Orders No. 38, No. 39 and No. 43 of the Commission, and shall perform such other duties and give consideration to and take action on such other matters as may be assigned and referred by the Commission to the District Boards in conformity with the provisions of said Act.

The Secretary of the Commission shall forthwith telegraph this order and at the same time mail copies thereof to the Secretaries of all District Boards in Minimum Price Areas Number 1 and Number 2.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2822; Filed, September 23, 1937; 11:21 a. m.]

*Saturday, September 25, 1937* *No. 186*

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

INSTRUCTIONS UNDER ACT TO ADD CERTAIN LANDS TO THE COLUMBIA NATIONAL FOREST, WASHINGTON

SEPTEMBER 15, 1937.

*Register, Spokane, Washington.*

SIR: The act of August 12, 1937, (Public No. 257, H. R. 3866, 75th Congress) entitled "An Act To add certain lands to the Columbia National Forest in the State of Washington" reads as follows:

That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Columbia National Forest, in the State of Washington, to be hereinafter administered under the laws and regulations relating to the national forests; and the provisions of the Act approved March 20, 1922 (U. S. C., title 16, secs. 486, 487), as amended, are hereby extended and made applicable to all other lands within the said described area.

Sections 1 to 3, inclusive, and 11 and 12, township 2 north, range 4 east; sections 1 to 3, inclusive, 6 to 8, inclusive, and 10 to 36, inclusive, township 3 north, range 4 east; sections 1 to 28, inclusive, 34 to 36, inclusive, township 4 north, range 4 east; all of township 5 north, range 4 east; sections 1, 2, 11 to 15, inclusive, 22 to 27, inclusive, and 33 to 36, inclusive, township 6 north, range 4 east; sections 4 to 9, inclusive, 16 to 21, inclusive, 28 to 33, inclusive, township 6 north, range 5 east, all in the State of Washington, Willamette meridian.

The publicly owned lands within the area are added to the national forest on the date of the act, subject to then existing claims or entries.

The privately owned lands within the area are made subject to the provisions of the act of March 20, 1922 (42 Stat. 465), as amended, so that if offered in exchange for national forest land or timber in the State of Washington and title thereto accepted, they will become part of the national forest. You will be governed in your action on applications for exchange involving any of these privately owned lands by the general instructions contained in Circular 863, approved March 20, 1925 (51 L. D. 69).



You will make the proper notations of the act upon the records of your office and promptly report such notation.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

Approved, September 15, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2825; Filed, September 24, 1937; 9:51 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

PROCLAMATION BY SECRETARY OF AGRICULTURE CONCERNING BASE PERIOD TO BE USED IN CONNECTION WITH EXECUTION OF MARKETING AGREEMENT AND ISSUANCE OF ORDER REGULATING HANDLING OF MILK IN LA PORTE COUNTY, INDIANA, MARKETING AREA

By virtue of the authority vested in the Secretary of Agriculture by the terms and provisions of Public No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture hereby finds and proclaims that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the La Porte County, Indiana, Marketing Area, the purchasing power of such milk during the base period August 1909 to July 1914 cannot be satisfactorily determined from available statistics in the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1919 to July 1929; and the period August 1919 to July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the La Porte County, Indiana, Marketing Area, for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of said milk in that area.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 24th day of Sept. 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2835; Filed, September 24, 1937; 12:14 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3083]

IN THE MATTER OF MITCHELL BAZELON AND CHARLES HARRIS, INDIVIDUALLY AND AS COPARTNERS, TRADING UNDER THE FIRM NAMES AND STYLES OF PARK-LANE CANDY COMPANY AND CHARIS SPECIALTY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, October 5, 1937, at 2:30 o'clock in the afternoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2831; Filed, September 24, 1937; 10:11 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3073]

IN THE MATTER OF EMILE CARPENTIER, TRADING AS DR. EMILE CARPENTIER

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Saturday, September 25, 1937, at eleven o'clock in the forenoon of that day (eastern standard time), in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2829; Filed, September 24, 1937; 10:10 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3096]

IN THE MATTER OF CHANEL, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, October 1, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2833; Filed, September 24, 1937; 10:12 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2737]

IN THE MATTER OF DAVIS PAINT COMPANY, INC., A CORPORATION, TRADING UNDER ITS OWN NAME AND ALSO AS BURLINGTON PAINT COMPANY AND ROBERTSON PRODUCTS COMPANY, A CORPORATION; FARM AND HOME PAINT COMPANY, A CORPORATION; MANCHESTER PAINT CORPORATION; NEW METHOD PAINT COMPANY, A CORPORATION; PAINTER'S PAINT COMPANY, A CORPORATION; WORLD STAR PAINT COMPANY, A CORPORATION; AND BERRY J. DAVIS, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, October 13, 1937, at ten o'clock in the forenoon of that day (central standard time) in room 320 Old Post Office, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2826; Filed, September 24, 1937; 10:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3111]

IN THE MATTER OF DERAN CONFECTIONERY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, October 5, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2834; Filed, September 24, 1937; 10:12 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 1810]

IN THE MATTER OF D. GOLDENBERG, INC., A CORPORATION, IN ITS OWN NAME AND RIGHT AND TRADING AS P. C. SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2827; Filed, September 24, 1937; 10:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3059]

IN THE MATTER OF MELLS MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),



*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at ten-thirty o'clock in the forenoon of that day (eastern standard time) in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2830; Filed, September 24, 1937; 10:10 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3079]

IN THE MATTER OF PHOEBE PHELPS CARAMEL COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at three o'clock in the afternoon of that day (eastern standard time), in Room 424, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2832; Filed, September 24, 1937; 10:11 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2959]

IN THE MATTER OF THE SWEETS COMPANY OF AMERICA, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered* That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at eleven o'clock in the forenoon of that day (eastern standard time), in Room 424, Federal Trade Commission, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2828; Filed, September 24, 1937; 10:09 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 140]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 20, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Alabama 8021B Cherokee | $188,000 |
| Indiana 8092 Jackson (partial) | 100,000 |
| North Dakota 8008B Benson | 13,200 |
| South Carolina 8016 York (partial) | 75,000 |
| South Dakota 8007B Lincoln | 16,000 |
| Wisconsin 8035C Richland | 3,900 |
| Missouri 8020W Marion | 5,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2824; Filed, September 24, 1937; 9:50 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE AN21

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12), 10 (b) and 23 (a) thereof, hereby amends paragraph (a) of Rule AN21 by deleting the words "four hundred and ninety-eighth" and inserting in lieu thereof the words "five hundred and ninetieth."

Paragraph (a), as amended, reads as follows:

(a) Evidences of indebtedness (1) which have been issued by any foreign state that is presently governed by an interim government which is holding office temporarily and which is to continue to hold such office only until the assumption thereof by a regular government which has been elected and (ii) as to which temporary exemption from the operation of Section 12 (a) shall expire pursuant to the terms of Rule AN7 on May 15, 1936, and as to which registration shall not be effective on that date, shall be exempt from the operation of said Section 12 (a) to and including the five hundred and ninetieth day following the assumption of office by such elected regular government.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2841; Filed, September 24, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of September, 1937.

[File No. 7-203]

IN THE MATTER OF THE BALDWIN LOCOMOTIVE WORKS VOTING TRUST CERTIFICATES FOR COMMON STOCK, $13 PAR VALUE

ORDER DENYING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the Los Angeles Curb Exchange in The Baldwin Locomotive Works, Common Stock, No Par Value, having been permitted by action of this Commission on September 29, 1934; and such privileges having been continued on the Los Angeles Stock Exchange pursuant to Rule JF7; and

The Los Angeles Stock Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application is not made and that the application is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2837; Filed, September 24, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, 1937.

[File No. 7-201]

IN THE MATTER OF E. W. BLISS COMPANY (DELAWARE) CERTIFICATES OF DEPOSIT FOR COMMON STOCK (NON-VOTING), WITHOUT PAR VALUE

ORDER GRANTING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the New York Curb Exchange in E. W. Bliss Company (Delaware), Common Stock (non-voting), without Par Value, having been permitted by action of this Commission on September 28, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application be and the same is hereby made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2840; Filed, September 24, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of September, 1937.

[File No. 7-202]

IN THE MATTER OF E. W. BLISS COMPANY (DELAWARE) COMMON STOCK (VOTING), PAR VALUE $1

ORDER GRANTING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the New York Curb Exchange in E. W. Bliss Company (Delaware), Common Stock (non-voting), without par value, having been permitted by action of this Commission on September 28, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application be and the same is hereby made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2839; Filed, September 24, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of September, 1937.

[File No. 1-617]

IN THE MATTER OF UNITED MILK CRATE CORPORATION $2 CUMULATIVE PARTICIPATING AND CONVERTIBLE CLASS A STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Cincinnati Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the $2 Cumulative Participating and Convertible Class A stock of United Milk Crate Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given the opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 o'clock a. m. on October 15, 1937, in Room 209, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2836; Filed, September 24, 1937; 12:51 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of September, 1937.

[File No. 2-1808]

IN THE MATTER OF OKLAHOMA-TEXAS TRUST

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant, Oklahoma-Texas Trust, of Tulsa, Oklahoma, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Oklahoma-Texas Trust, of Tulsa, Oklahoma, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2838; Filed, September 24, 1937; 12:52 p. m.]

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## *Tuesday, September 28, 1937* — *No. 187*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

AMENDING THE TARIFF OF UNITED STATES CONSULAR FEES

By virtue of and pursuant to the authority vested in me by section 1745 of the Revised Statutes, as amended (U. S. C., title 22, sec. 127), it is ordered that the Tariff of United States Consular Fees be, and it is hereby, amended as follows:

Immediately following paragraph nine of Item 8 of the Tariff of United States Consular Fees, the following paragraph is prescribed:

"The taking of an application for, and issuance of, a travel certificate for use in China---------- $1.00"

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 23, 1937.*

[No. 7712]

[F. R. Doc. 37-2847; Filed, September 25, 1937; 10:35 a. m.]

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### EXECUTIVE ORDER

ESTABLISHING LAKE THIBADEAU MIGRATORY WATERFOWL REFUGE

*Montana*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all the lands now or hereafter owned or controlled by the United States within the following-described area, comprising 3,668.48 acres, more or less, in Hill County, Montana, be, and they are hereby, withdrawn from settlement, location, sale, or entry, and reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or control thereof by the United States:

PRINCIPAL MERIDIAN

T. 34 N., R. 16 E.,
sec. 1, lots 1 to 4, inclusive, and S½N½;
sec. 2, lots 1 to 4, inclusive, and S½N½;
sec. 3, lots 1 and 2, and S½NE¼;
T. 35 N., R. 16 E.,
sec. 22, E½;
sec. 23, N½ and SW¼;
sec. 26;
sec. 27, E½;
sec. 34, E½;
sec. 35;
sec. 36, W½.

The reservation made by this order supersedes as to any of the above-described lands affected thereby the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended.

This reservation shall be known as the Lake Thibadeau Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 23, 1937.*

[No. 7713]

[F. R. Doc. 37-2848; Filed, September 25, 1937; 10:37 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 47]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF TENNESSEE AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT KNOXVILLE, TENNESSEE, ON OCTOBER 13, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Tennessee directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Tennessee on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Tennessee would be desirable, and upon investigation hereby orders:

1. That on October 13, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Farragut Hotel, Knoxville, Tennessee, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Tennessee, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Tennessee in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations

against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Knoxville, Tennessee, on October 13, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Acts.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Tennessee and the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Tennessee in which bituminous coal is produced.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY,
*Acting Secretary.*

[F. R. Doc. 37–2869; Filed, September 27, 1937; 12:58 p. m.]

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[Order No. 48]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF NORTH CAROLINA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT RALEIGH, NORTH CAROLINA, ON OCTOBER 13, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of North Carolina directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in North Carolina on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of North Carolina would be desirable, and upon investigation hereby orders:

1. That on October 13, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Hotel Sir Walter, Raleigh, North Carolina, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of North Carolina and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in North Carolina in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Raleigh, North Carolina, on October 13, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Council, to each known producer of bituminous coal in the State of North Carolina, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of North Carolina in which bituminous coal is produced.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY,
*Acting Secretary.*

[F. R. Doc. 37–2872; Filed, September 27, 1937; 12:59 p. m.]

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[Order No. 49]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF WEST VIRGINIA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT WHITE SULPHUR SPRINGS, WEST VIRGINIA, ON OCTOBER 19, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of West Virginia directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in West Virginia on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of West Virginia would be desirable, and upon investigation hereby orders:

1. That on October 19, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Green Briar Hotel, White Sulphur Springs, West Virginia, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of West Virginia, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in West Virginia in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of the said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in White Sulphur Springs, West Virginia, on October 19, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provisions of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of West Virginia, and to the secretaries of all of the district boards; and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of West Virginia in which bituminous coal is produced.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY,
*Acting Secretary.*

[F. R. Doc. 37–2873; Filed, September 27, 1937; 12:59 p. m.]

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[Order No. 50]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF VIRGINIA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT NORTON, VIRGINIA, ON OCTOBER 26, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Virginia directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Virginia on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Virginia would be desirable, and upon investigation hereby orders:

1. That on October 26, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the United States Bureau of Mines Building, Norton, Virginia, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Virginia, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Virginia in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Norton, Virginia, on October 26, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Virginia, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Virginia in which bituminous coal is produced.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY,
*Acting Secretary.*

[F. R. Doc. 37–2874; Filed, September 27, 1937; 12:59 p. m.]

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[Order No. 51]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF MICHIGAN AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT SAGINAW, MICHIGAN, ON OCTOBER 26, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Michigan directly affect interstate

commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Michigan on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal in the State of Michigan would be desirable, and upon investigation hereby orders:

1. That on October 26, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Board of Commerce Building, Saginaw, Michigan, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Michigan, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Michigan in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Saginaw, Michigan, on October 26, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Michigan, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Michigan in which bituminous coal is produced.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY,
*Acting Secretary.*

[F. R. Doc. 37–2871; Filed, September 27, 1937; 12:58 p. m.]

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[Order No. 52]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF ALABAMA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT BIRMINGHAM, ALABAMA, ON NOVEMBER 9, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate comerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Alabama directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Alabama on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Alabama would be desirable, and upon investigation hereby orders:

1. That on November 9, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the New Federal Post Office and Court House, Birmingham, Alabama, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Alabama, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Alabama in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Birmingham, Alabama, on November 9, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Alabama, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Alabama in which bituminous coal is produced.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY,
*Acting Secretary.*

[F. R. Doc. 37–2870; Filed, September 27, 1937; 12:58 p. m.]

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[Order No. 53]

AN ORDER PROVIDING FOR A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO DETERMINE WHETHER OR NOT CERTAIN COALS IN THE STATE OF ARKANSAS ARE SUBJECT TO THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937, AND FOR THE FURTHER PURPOSE OF HEARING APPLICATIONS FOR EXEMPTION AS PROVIDED FOR BY ORDER NO. 28.

Whereas the Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, provides (Section 17 (b)) that "The term 'bituminous coal' includes all bituminous, semi-bituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in mine of 30 per centum or more."; and

Whereas the Commission deems it necessary to conduct a public hearing in the State of Arkansas for the purpose of receiving evidence to enable the Commission to determine whether or not certain coals in the State of Arkansas are subject to the provisions of the Bituminous Coal Act of 1937 and, further, to hear and determine at the same time all Arkansas applications for exemption filed pursuant to Order No. 28.

Now, therefore, in order to determine whether the coal in said state or any part thereof does not come within the definition of "bituminous coal" as set forth in Section 17 (b) of the Act, and in order to hear applications filed pursuant to Order No. 28 of the Commission, the Commission hereby orders and directs:

1. That a public hearing shall be held at the Hotel Goldman in the City of Fort Smith, Arkansas, on the 4th day of October, 1937, commencing at the hour of 10 o'clock A. M., for the purpose of receiving evidence to enable the Commission to determine whether or not any part of the coal produced in the State of Arkansas does not come within the purview of Section 17 (b) of the Act.

2. That the public hearing so provided by this order, at the time and place designated, include the hearing of the application for exemption filed by the Sunshine Anthracite Coal Company, Clarksville, Arkansas, pursuant to the Commission's Order No. 28, and, in addition, any other applications for exemption filed from the State of Arkansas pursuant to Order No. 28.

3. That any producer of coal, whether bituminous, semi-bituminous, subbituminous, anthracite or lignite, or the Consumers' Counsel, or code members, and all other interested parties may appear at said hearing and submit evidence.

4. Notice of said hearing shall be given under direction of the Secretary of the Commission by mailing a copy of this order to the Consumers' Counsel, to the Commissioner of Internal Revenue, to the Secretaries of the respective District Boards, and by publication of a notice upon two consecutive days in a newspaper of general circulation in the State of Arkansas. The notice published in said newspaper shall contain the date and place of the hearing and a concise statement of the purpose thereof.

By order of the Commission.

Dated this 24th day of September, 1937.

[SEAL] EUGENE J. EARLEY,
*Acting Secretary.*

[F. R. Doc. 37–2875; Filed, September 27, 1937; 1:00 p. m.]

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[Docket No. 2–FD]

BEFORE THE NATIONAL BITUMINOUS COAL COMMISSION IN THE MATTER OF THE APPLICATION OF: ALABAMA COALS, INCORPORATED

ORDER

The above cause came on for hearing on the application of Alabama Coals, Incorporated, for an order provisionally approving it as a marketing agency, as provided for in Section 12, Part II, of the Bituminous Coal Act of 1937.

It appears from the record the application is in due form and complies with Order Number 6 of the Commission, and it appears from evidence offered at a hearing on the application all producer members are on substantially equal terms and have accepted the code as required by law; that applicant is not engaged in the sale of coal but aids the work of agents of the producer members in sales work and renders other valuable service, in aid of its members in particular, and the coal industry in general, and appears to be a marketing agency as distinguished from sales agencies or other merchandising organizations; that it does not exercise such control in markets as to restrict the supply of coal in interstate commerce or prevent the public from receiving coal at fair and reasonable prices, and no evidence or complaint was offered to indicate that the applicant was in any way operating or in a position to operate against the public interest; that it appears to have complied with all requirements of the law and indicates its intention and desire to continue to comply with the law and the orders of the Commission; it appears that temporary approval as a marketing agency can and should be granted the applicant pending further hearing and investigation of its purpose and organization, and until marketing rules and regulations, maximum discounts and minimum or maximum prices are promulgated or established by order of this Commission.

Wherefore, it is ordered by the Commission that the application of Alabama Coals, Incorporated, for provisional approval as a marketing agency be granted pending further hearings and orders of the Commission herein and that Alabama Coals, Incorporated be and the same is hereby considered to be a marketing agency, and approved as such within the purview of Section 12 Part II of the Bituminous Coal Act of 1937 upon the following conditions:

1. That applicant and all its members will continue to comply with the National Bituminous Coal Act of 1937 and all orders of this Commission.

2. That this approval shall terminate upon the further order of the Commission or within fifteen days after the order of the Commission approving marketing rules and regulations, maximum discounts or minimum prices, unless, by order of the Commission said approval is renewed.

It is further ordered that this cause be continued for future hearings upon reasonable notice to the applicant or upon such orders as the Commission may hereafter issue.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–2876; Filed, September 27, 1937; 1:00 p. m.]

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[Docket No. 3–FD]

BEFORE THE NATIONAL BITUMINOUS COAL COMMISSION IN THE MATTER OF THE APPLICATION OF: APPALACHIAN COALS, INCORPORATED

ORDER

The above cause came on for hearing on the application of Appalachian Coals, Incorporated, for an order provisionally approving it as a marketing agency, as provided for in Section 12, Part II, of the Bituminous Coal Act of 1937.

It appears from the record the application is in due form and complies with Order Number 6 of the Commission, and it appears from evidence offered at a hearing on the application all producer members are on substantially equal terms and have accepted the code as required by law; that applicant is not engaged in the sale of coal but aids the work of agents of the producer members in sales work and renders other valuable service, in aid of its members in particular, and the coal industry in general, and appears to be a marketing agency as distinguished from sales agencies or other merchandising organizations; that it does not exercise such control in markets as to restrict the supply of coal in interstate commerce or prevent the public from receiving coal at fair and reasonable prices, and no evidence or complaint was offered to indicate that the applicant was in any way operating or in a position to operate against the public interest; that it appears to have complied with all requirements of the law and indicates its intention and desire to continue to comply with the law and the orders of the Commission; it appears that temporary approval as a marketing agency can and should be granted the applicant pending further hearing and investigation of its purpose and

organization, and until marketing rules and regulations, maximum discounts and minimum or maximum prices are promulgated or established by order of this Commission.

Wherefore, it is ordered by the Commission that the application of Appalachian Coals, Incorporated, for provisional approval as a marketing agency be granted pending further hearings and orders of the Commission herein and that Appalachian Coals, Incorporated, be and the same is hereby considered to be a marketing agency, and approved as such within the purview of Section 12, Part II, of the Bituminous Coal Act of 1937 upon the following conditions:

1. That applicant and all its members will continue to comply with the National Bituminous Coal Act of 1937 and all orders of this Commission.

2. That this approval shall terminate upon the further order of the Commission or within fifteen days after the order of the Commission approving marketing rules and regulations, maximum discounts or minimum prices, unless, by order of the Commission said approval is renewed.

It is further ordered that this cause be continued for future hearings upon reasonable notice to the applicant or upon such orders as the Commission may hereafter issue.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2877; Filed, September 27, 1937; 1:00 p. m.]

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[Docket No. 4-FD]

BEFORE THE NATIONAL BITUMINOUS COAL COMMISSION IN THE MATTER OF THE APPLICATION OF: SMOKELESS COAL CORPORATION

ORDER

The above cause came on for hearing on the application of Smokeless Coal Corporation, for an order provisionally approving it as a marketing agency, as provided for in Section 12, Part II, of the Bituminous Coal Act of 1937.

It appears from the record the application is in due form and complies with Order Number 6 of the Commission, and it appears from evidence offered at a hearing on the application all producer members are on substantially equal terms and have accepted the code as required by law; that applicant is not engaged in the sale of coal but aids the work of agents of the producer members in sales work and renders other valuable service, in aid of its members in particular, and the coal industry in general, and appears to be a marketing agency as distinguished from sales agencies or other merchandising organizations; that it does not exercise such control in markets as to restrict the supply of coal in interstate commerce or prevent the public from receiving coal at fair and reasonable prices, and no evidence or complaint was offered to indicate that the applicant was in any way operating or in a position to operate against the public interest; that it appears to have complied with all requirements of the law and indicates its intention and desire to continue to comply with the law and the orders of the Commission; it appears that temporary approval as a marketing agency can and should be granted the applicant pending further hearing and investigation of its purpose and organization, and until marketing rules and regulations, maximum discounts and minimum or maximum prices are promulgated or established by order of this Commission.

Wherefore, it is ordered by the Commission that the application of Smokeless Coal Corporation, for provisional approval as a marketing agency be granted pending further hearings and orders of the Commission herein and that Smokeless Coal Corporation be and the same is hereby considered to be a marketing agency, and approved as such within the purview of Section 12 Part II of the Bituminous Coal Act of 1937 upon the following conditions:

1. That applicant and all its members will continue to comply with the National Bituminous Coal Act of 1937 and all orders of this Commission.

2. That this approval shall terminate upon the further order of the Commission or within fifteen days after the order of the Commission approving marketing rules and regulations, maximum discounts or minimum prices, unless, by order of the Commission said approval is renewed.

It is further ordered that this cause be continued for future hearings upon reasonable notice to the applicant or upon such orders as the Commission may hereafter issue:

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2878; Filed, September 27, 1937; 1:01 p. m.]

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[Docket No. 6-FD]

BEFORE THE NATIONAL BITUMINOUS COAL COMMISSION IN THE MATTER OF THE APPLICATION OF: RALEIGH SMOKELESS FUEL COMPANY FOR PROVISIONAL APPROVAL AS MARKETING AGENCY

ORDER

Pursuant to Order No. 6 of the Commission, Raleigh Smokeless Fuel Company filed its application for provisional approval as a marketing agency with the Commission at Washington, D. C., on the 16th day of July, 1937.

Pursuant to Order No. 21 of the Commission, a public hearing, of which due notice was given, was held before a Division of the Commission on the 29th day of July, 1937, at ten o'clock A. M., in the hearing room of the Commission at Washington, D. C. The hearing was attended by representatives of the Applicant and of the office of Consumers' Counsel and by other interested persons.

The Commission finds:

That Raleigh Smokeless Fuel Company is not a marketing agency within the meaning of Section 12 of the Bituminous Coal Act of 1937.

Upon the basis of such finding and pursuant to Section 12 of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders as follows:

That the application of Raleigh Smokeless Fuel Company for provisional approval as a marketing agency is hereby dismissed without prejudice.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY, *Acting Secretary.*

[F. R. Doc. 37-2879; Filed, September 27, 1937; 1:01 p. m.]

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[Docket No. 8-FD]

BEFORE THE NATIONAL BITUMINOUS COAL COMMISSION IN THE MATTER OF THE APPLICATION OF: PEALE, PEACOCK & KERR, INC. FOR PROVISIONAL APPROVAL AS MARKETING AGENCY

ORDER

Pursuant to Order No. 6 of the Commission, Peale, Peacock & Kerr, Inc., filed its application for provisional approval as a marketing agency with the Commission at Washington, D. C., on the 16th day of July, 1937.

Pursuant to Order No. 22 of the Commission, a public hearing, of which due notice was given, was held before a Division of the Commission on the 12th day of August, 1937, at ten o'clock A. M., in the hearing room of the Commission at Washington, D. C. The hearing was attended by representatives of the Applicant and of the Office of Consumers' Counsel and by other interested persons.

The Commission finds:

That Peale, Peacock & Kerr, Inc., is not a marketing agency within the meaning of Section 12 of the Bituminous Coal Act of 1937.

Upon the basis of such finding and pursuant to Section 12 of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders as follows:



That the application of Peale, Peacock & Kerr, Inc., for provisional approval as a marketing agency is hereby dismissed without prejudice.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY, *Acting Secretary.*

[F. D. Doc. 37-2880; Filed, September 27, 1937; 1:01 p. m.]

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[Docket No. 9-FD]

BEFORE THE NATIONAL BITUMINOUS COAL COMMISSION IN THE MATTER OF THE APPLICATION OF: ROCHESTER & PITTSBURGH COAL COMPANY FOR PROVISIONAL APPROVAL AS MARKETING AGENCY

ORDER

Pursuant to Order No. 6 of the Commission, Rochester & Pittsburgh Coal Company filed its application for provisional approval as a marketing agency with the Commission at Washington, D. C., on the 16th day of July, 1937.

Pursuant to Order No. 23 of the Commission, a public hearing, of which due notice was given, was held before a Division of the Commission on the 12th day of August, 1937, at ten o'clock A. M., in the hearing room of the Commission at Washington, D. C. The hearing was attended by representatives of the Applicant and of the office of Consumers' Counsel and by other interested persons.

The Commission finds:

That Rochester & Pittsburgh Coal Company is not a marketing agency within the meaning of Section 12 of the Bituminous Coal Act of 1937.

Upon the basis of such finding and pursuant to Section 12 of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders as follows:

That the application of Rochester & Pittsburgh Coal Company for provisional approval as a marketing agency is hereby dismissed without prejudice.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY, *Acting Secretary.*

[F. R. Doc. 37-2881; Filed, September 27, 1937; 1:02 p. m.]

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[Docket No. 10-FD]

BEFORE THE NATIONAL BITUMINOUS COAL COMMISSION IN THE MATTER OF THE APPLICATION OF: MINTER FUEL COMPANY FOR PROVISIONAL APPROVAL AS MARKETING AGENCY

ORDER

Pursuant to Order No. 6 of the Commission, Minister Fuel Company filed its application for provisional approval as a marketing agency with the Commission at Washington, D. C., on the 16th day of July, 1937.

Pursuant to Order No. 24 of the Commission, a public hearing, of which due notice was given, was held before a Division of the Commission on the 29th day of July, 1937, at ten o'clock A. M., in the hearing room of the Commission at Washington, D. C. The hearing was attended by representatives of the Applicant and of the office of Consumers' Counsel and by other interested persons.

The Commission finds:

That Minter Fuel Company is not a marketing agency within the meaning of Section 12 of the Bituminous Coal Act of 1937.

Upon the basis of such finding and pursuant to Section 12 of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders as follows:

That the application of Minter Fuel Company for provisional approval as a marketing agency is hereby dismissed without prejudice.

By order of the Commission.

Dated this 22nd day of September, 1937.

[SEAL] EUGENE J. EARLEY, *Acting Secretary.*

[F. R. Doc. 37-2882; Filed, September 27, 1937; 1:02 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER OF SECRETARY OF AGRICULTURE ISSUED PURSUANT TO PUBLIC ACT NO. 10, 73D CONGRESS, AS AMENDED AND AS REENACTED AND AMENDED BY THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AMENDING ORDER REGULATING HANDLING IN INTERSTATE AND FOREIGN COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS OR AFFECTS INTERSTATE OR FOREIGN COMMERCE, OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

Whereas, the Secretary of Agriculture of the United States, hereinafter referred to as the "Secretary", issued an order regulating the handling of walnuts grown in California, Oregon and Washington, effective October 15, 1935, which order was amended on September 23, 1936, effective September 27, 1936 (the said order, as amended, is hereinafter referred to as the "order"); and

Whereas, at the request of the Control Board established under the order, a hearing was held on August 23, 1937, at Berkeley, California, upon proposed amendments to the order, due notice of such hearing having been given interested parties in accordance with Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereinafter referred to as the "act", and the applicable regulations issued thereunder, at which time and place all interested parties were given an opportunity to be heard concerning the proposed amendments to the order; and

Whereas, the Secretary finds upon the basis of the evidence introduced at the said hearing and the record thereof:

1. That the supply of merchantable walnuts available during the crop year 1937-1938 for handling in the channels of interstate and foreign commerce, or so as directly to burden, obstruct or affect such commerce in walnuts, will exceed the consumptive demand of such walnuts during the said period;

2. That a surplus exists in such available supply of walnuts, and that such surplus amounts to at least thirty-five percent (35%) of such available supply;

3. That the salable percentage of merchantable walnuts should be sixty-five percent (65%) and the surplus percentage should be thirty-five percent (35%),

4. That the fixing of such percentages and the methods provided in the order, as hereby amended, for the disposition of such surplus and for equalizing the burden of such surplus elimination, will tend to establish prices to the growers of such walnuts at a level that will give such walnuts a purchasing power with respect to articles that growers thereof buy, equivalent to the purchasing power of such walnuts in the base period, as defined in the order;

5. That the order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to walnuts grown in California, Oregon and Washington by establishing and maintaining such marketing conditions as will reestablish prices to growers thereof at a level that will give such walnuts a purchasing power with respect to articles that such growers buy, equivalent to the purchasing power of such walnuts in the aforesaid base period, at the same time protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the

policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in the domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to growers above the level which it is declared in the act to be the policy of Congress to establish; and

Whereas, the Secretary finds:

1. That the order, as hereby amended, regulates the handling of such walnuts in the same manner as, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing agreement, upon which hearings were held in September 1935, as amended, in certain respects, upon which amendments a hearing was held on September 8, 1936;

2. That handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the said commodity or products thereof) of not less than fifty percent (50%) of the volume of the said commodity covered by the order, as hereby amended, which is produced within the production area defined in the said order, have signed a marketing agreement and an amendment to the same, which marketing agreement, as amended, regulates the handling of said commodity in the same manner as the order, as hereby amended;

3. That the agreement amending the said marketing agreement has been executed by more than three packers, signatory to the said marketing agreement, who during the preceding crop year handled not less than sixty-seven percent (67%) of the merchantable walnuts packed during such crop year, and has been approved by the Secretary;

4. That the issuance of this amendment to the order is favored by producers who, during the period from September 1, 1936, to August 31, 1937, (which the Secretary hereby determines to be a representative period) have produced for market within the production area specified in the said marketing agreement, as amended, and the order, as hereby amended, at least two-thirds (⅔) of the volume of such commodity produced for market within such production area;

Now, therefore, the Secretary, acting under the authority vested in him under the act, hereby amends the said order, as amended, regulating the handling of walnuts, grown in California, Oregon and Washington, and orders that the handling of such commodity in the current of interstate or foreign commerce, or so as directly to burden, obstruct or affect interstate or foreign commerce in such commodity, from and after the effective date herein specified, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as hereby amended, said amendments being as follows:

1. Delete from the order section 2 of article III and substitute therefor the following:

"SEC. 2. *Salable percentage and surplus percentage.*—On the basis of the carryover, estimated consumptive demand, and estimated production of merchantable walnuts, the salable percentage for the crop year September 1, 1935 to August 31, 1936, shall be seventy (70) per cent and the salable percentage for the crop year September 1, 1936, to August 31, 1937, shall be seventy-five (75) per cent, and the salable percentage for the crop year September 1, 1937, to August 31, 1938, shall be sixty-five (65) per cent. The Secretary may, at any time on request of the Control Board (or if the Control Board shall fail so to request, then after reasonable notice and hearing by the Secretary on request of two or more packers who have handled during the preceding crop year at least ten (10) per cent of the total tonnage handled by all packers during such crop year), and after a finding of fact that the merchantable walnuts available for sale will not be sufficient to supply the consumptive demand, increase the said salable percentage to conform with such new relation as may be found to exist between consumptive demand and available supply; *Provided, however*, That an increase of the salable percentage shall not be made after January 15, of any crop year unless the quantity of walnuts held unsold by the Control Board is sufficient to permit full delivery to packers as required by Section 2 of Article V hereof. Thirty (30) per cent, being the difference between the salable percentage for the crop year ending August 31, 1936, and one hundred (100) per cent shall be the 'surplus percentage' for said crop year and twenty-five (25) per cent, being the difference between the salable percentage for the crop year ending August 31, 1937, and one hundred (100) per cent, shall be the 'surplus percentage' for said crop year, and thirty-five (35) per cent, being the difference between the salable percentage for the crop year ending August 31, 1938, and one hundred (100) per cent, shall be the 'surplus percentage' for said crop year. The merchantable walnuts handled by any packer, in accordance with the provisions hereof, shall be deemed to be that packer's quota fixed by the Secretary, within the meaning of paragraph 5, Section 8a of the Act."

2. Delete from the order section 10 of article III, and substitute therefor the following:

"SEC. 10. *Disposition of cash received in lieu of surplus walnuts.*—Any money received by the Control Board pursuant to Sections 5 and 9 hereof (including any such money payment of which has been deferred pursuant to Section 11 hereof) shall be used by said Control Board to purchase from packers, as provided in this section, merchantable walnuts held by them and not then required to be delivered to the Control Board; *Provided, however*, That the packers from whom such purchases are made shall deliver to the Control Board the surplus referable to the walnuts purchased. At any time before January 15 of a crop year any packer having made cash payment in lieu of delivering surplus walnuts of any pack and quality pursuant to the provisions of Sections 9 and 11 hereof may offer to sell to the Control Board an equal weight of merchantable walnuts of any pack and quality having a credit value per pound equal to or higher than the credit value of the walnuts represented by such cash payment. The Control Board shall thereupon purchase the walnuts so offered in a quantity not to exceed the total quantity of the walnuts represented by such cash payment. For all walnuts so purchased the Board shall pay the credit value of the walnuts represented by such cash payment. In the event any of the walnuts so purchased have a higher credit value than the walnuts represented by such cash payment, the excess shall be credited to the packer. Any of the money referred to in the first sentence of this section remaining in the possession of the Control Board on or after January 15 of a crop year shall be used to purchase, at their credit values, from packers who have met their surplus obligation, any merchantable walnuts then held by them which are not then required to be delivered to the Control Board and which such packers shall desire so to sell. If such funds then remaining are insufficient to purchase all such walnuts, the Control Board shall offer to purchase such walnuts by apportioning such remaining funds ratably among such packers in proportion to the quantity of their respective unsold holdings of merchantable walnuts at date of offer, which such packers offer to sell, provided that any packer may offer all or any part of his unsold holdings. In the event the salable percentage should be increased after the purchase by the Control Board of walnuts from packers as herein provided and there should not remain in the possession of said Control Board cash deposits in a sum sufficient to make refunds in accordance with Article V, the packers by whom such walnuts were sold to the Control Board shall be required to refund the purchase price thereof ratably in proportion to the amounts of their respective sales to the extent necessary to refund to the Control Board a total amount sufficient to enable the Control Board to make the refunds required by Article V and the Control Board shall redeliver to such packers the walnuts purchased by such refunded amounts, or other walnuts of equivalent credit value. All purchases of walnuts by the Control Board pursuant to the terms of this section shall be subject to the conditions of refund as above provided. Any such cash deposits that may remain at the close of the crop year over and above those used for completed purchases as herein provided shall become part of the holdings of the Control Board in the same manner and for the same purposes as the proceeds of surplus walnuts disposed of by said Control Board."



3. Add the following paragraph to section 1 of article VIII of the order:

"Subsequent to the crop year ending August 31, 1937, every packer shall pay to the Control Board, upon demand, such packer's pro rata share as is approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the Control Board, during any period specified by the Secretary, for the maintenance and functioning of the Control Board as set forth herein. Each packer's share of such expenses shall be that proportion thereof which the total credit value of his surplus obligation arising from the handling of merchantable walnuts and from the sale of merchantable walnuts to the Control Board (including any surplus walnuts delivered to the Board or cash paid in lieu thereof in respect of walnuts to be handled) during any crop year is of the total credit value of the surplus obligations of all the packers arising from the handling and sale to the Board of merchantable walnuts (including any surplus walnuts delivered to the Board or cash paid in lieu thereof in respect of walnuts to be handled) during the same crop year, and such pro rata share is hereby approved by the Secretary. The initial assessment upon each packer shall be one (1) per cent of the total credit value of each packer's surplus obligation for each crop year, and said initial assessment shall be adjusted from time to time by the Control Board, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later finding by the Secretary of estimated expenses or the actual expenses which the Secretary finds were necessarily incurred for the maintenance and functioning of the Control Board during any crop year."

4. Delete from Exhibit A attached to the order the paragraph under "Oregon and Washington Packs" setting forth pack specifications for standard or medium Franquettes, and substitute therefor the following:

"*Standard or medium franquettes.*—Walnuts of the Franquette variety (subject to a 10% tolerance for dissimilar varieties) and of the same size specifications as given above for Standard or Medium Soft Shells."

5. In Exhibit B attached to the order add the following paragraph as an introductory paragraph immediately preceding the heading "California Quality Grades":

"The quality grade of any lot of walnuts shall be the highest quality grade to which such lot is eligible under the following specifications."

6. In Exhibit B attached to the order delete the description of "First Quality Grade Walnuts" and "Second Quality Grade Walnuts" under the heading "California Quality Grades", and substitute therefor the following:

"*First quality grade walnuts* shall contain not less than 90 per cent (by count) of kernels practically free from defects. At least 55 per cent of said minimum percentage of sound kernels shall be light in color in accordance with the official color chart issued by the Walnut Control Board.

"*Second quality grade walnuts* shall contain not less than 86 per cent (by count) of kernels practically free from serious defects. At least 35 per cent of said minimum percentage of sound kernels shall be light in color in accordance with the official color chart issued by the Walnut Control Board."

7. In Exhibit B attached to the order delete the description of "First Quality Grade Walnuts" and "Second Quality Grade Walnuts" under the heading "Oregon-Washington Quality Grades", and substitute therefor the following:

"*First quality grade walnuts* shall contain not less than 90 per cent (by count) of kernels practically free from defects. At least 55 per cent of said minimum percentage of sound kernels shall be light in color in accordance with the official color chart issued by the Walnut Control Board.

"*Second quality grade walnuts* shall not contain more than 10 per cent (by count) of moldy, rancid, blank, black, or half shriveled or insect damaged kernels all combined, and not more than an additional 20 per cent (by count) of kernels which are from one-quarter to one-half shriveled. Second quality grade walnuts shall also contain not less than 30 per cent (by count) of kernels which, in addition to being wholly sound, are light in color in accordance with the official color chart issued by the Walnut Control Board."

Nothing contained in the order, as hereby amended, shall be construed as requiring packers, under section 5 of article III of the order, to account to the Control Board for surplus walnuts in respect to such handling of walnuts as is so wholly intrastate in character as not directly to burden, obstruct or affect interstate or foreign commerce in walnuts.

Nothing contained in the order, as hereby amended, shall be deemed to affect, waive or terminate any right, duty, obligation or liability which has arisen or which may hereafter arise in connection with, by virtue of, or pursuant to any provision of the said order, or affect or impair any right or remedy of the Secretary in connection therewith, except as herein indicated, expressly or by necessary implication.

In witness whereof, H. A. Wallace, Secretary of Agriculture, does hereby execute in duplicate, under the official seal of the Department of Agriculture, and issue these amendments to the said order in the City of Washington, District of Columbia, on the 23rd day of September 1937, and declares these amendments to be effective on and after 12:01 a. m., Pacific standard time, September 29th, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2861; Filed, September 25, 1937; 11:56 a. m.]

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WAGE RATES, PRODUCTION, ETC., OF 1937 CROP OF SUGARCANE

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICER

Pursuant to the authority contained in Sections 301 (b) and (d) and 511 of the Sugar Act of 1937, (Public No. 414, 75th Congress),

Notice is hereby given that a public hearing will be held at Baton Rouge, Louisiana, in the Agricultural Auditorium, Louisiana State University and A. & M. College, on October 4, 1937, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture, in determining, (1) pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of the 1937 crop of sugarcane on farms with respect to which applications for payments under the said act are made; and, (2) pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for sugarcane to be paid by processors who, as producers, apply for payments under the said act.

William T. Ham and Joshua Bernhardt are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Done at Washington, D. C., this 25th day of September, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2865; Filed, September 27, 1937; 12:29 p. m.]

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Farm Security Administration.

[Administration Order 219 (Supplement 4)]

LOANS TO OCCUPANTS OF RURAL RESETTLEMENT TYPE PROJECTS FOR OPERATING CAPITAL

RELEASES OF CHATTEL MORTGAGES

1. In order to provide the policy and procedure to be followed in executing releases or partial releases of mort-

gages and similar liens taken in connection with operating goods loans, AO 219 is hereby supplemented to include the following addition as paragraph 8c:

8c. *Releases.*—

I. The policy and procedure as set forth in AO 161 will be followed in executing releases of mortgages or similar liens taken in connection with operating goods loans. The functions indicated in AO 161 to be performed by representatives of the regional RR division will be performed in case of operating goods loans by the appropriate representatives of the regional RP division.

2. Recipients will mark AO 219 to insure reference to this Supplement at the point mentioned above.

[SEAL] WILL W. ALEXANDER, *Administrator.*

Approved, September 15, 1937.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2843; Filed, September 24, 1937; 3:22 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

MODIFICATION OF RULE 229

The Commission, at a general session held on September 22, 1937, modified Rule 229 to read in part as follows:

"5085 kc. fixed"

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2844; Filed, September 25, 1937; 9:50 a. m.]

MODIFICATION OF RULE 229

The Commission, at a general session held on September 22, 1937, approved the insertion of the following clause as a footnote to Rule 229[2] so as to make these frequencies available for assignment by the Broadcast Division on a temporary basis:

| | | | |
|---|---|---|---|
| 9540<br>9550<br>9560 | 9550[1] | 11720<br>11730<br>11740 | 11730[1] |
| 15120<br>15130<br>15140 | 15130[1] | 21500—21500[1] | |

[1] Available for non-government assignments to International Broadcast Stations on a temporary basis and subject to cancellation at the discretion of the Commission without advance notice or hearing.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-2845; Filed, September 25, 1937; 9:51 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of September, A. D., 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-322]

IN THE MATTER OF PROPOSED TRADE PRACTICE CONFERENCE RULES FOR THE RAYON INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Rayon Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than October 8, 1937. Opportunity for oral hearing will be afforded at 10 a. m., October 8, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N.W., Washington, D. C., to such persons as may desire to appear, and who shall have made prior written or telegraphic request to be heard orally. After giving due consideration to such views, suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission,

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered September 24, 1937.

[F. R. Doc. 37-2862; Filed, September 25, 1937; 11:58 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3012]

IN THE MATTER OF MARVO BEAUTY LABORATORIES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Saturday, September 25, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 424, 815 Connecticut Avenue, N. W., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2849; Filed, September 25, 1937; 10:38 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3131]

IN THE MATTER OF ROBERT MORRIS, TRADING AS THE D. P. PEN COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal



Trade Commission, under an Act of Congress (38 Stat. 717, 15 U. S. C. A., Section 41),

*It is ordered*, That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, September 27, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 318, Old Post Office Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2850; Filed, September 25, 1937; 10:39 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayers, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3138]

IN THE MATTER OF IRA W. MINTER AND CLAYTON A. MINTER, INDIVIDUALLY AND AS COPARTNERS DOING BUSINESS UNDER THE FIRM NAMES AND STYLES OF MINTER BROTHERS AND DOUGLASS CANDY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at two o'clock in the afternoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2851; Filed, September 25, 1937; 10:39 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3140]

IN THE MATTER OF LES PARFUMS D'ISABEY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2852; Filed, September 25, 1937; 10:40 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3164]

IN THE MATTER OF FIORET SALES COMPANY, INC., ET AL., AND MURRAY W. MORIN, AND IRVING UNTERMAN, INDIVIDUALLY, AND AS OFFICERS OF FIORET SALES COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at ten o'clock in the forenoon of that day (eastern standard time), at room 500, 45 Broadway, New York City, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2853; Filed, September 25, 1937; 10:41 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3187]

IN THE MATTER OF ELITE GLOVE COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U S. C. A., Section 41),

*It is ordered,* That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Saturday, October 9, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2863; Filed, September 25, 1937; 11:58 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3189]

IN THE MATTER OF DIETZ GUM COMPANY OF CHICAGO, A CORPORATION IN ITS OWN NAME AND RIGHT AND TRADING AS NOVELTY GUM COMPANY, ET AL.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, October 5, 1937, at ten-thirty o'clock in the forenoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2854; Filed, September 25 1937; 10:41 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3195]

IN THE MATTER OF CONFECTIONERS TRADING CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at 2:30 o'clock in the afternoon of that day (eastern standard time), in room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2855; Filed, September 25, 1937; 10:42 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3203]

IN THE MATTER OF JOY PACKAGE COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, October 4, 1937, at three-thirty o'clock in the afternoon of that day (eastern standard time), in room 424, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2856; Filed, September 25, 1937; 10:42 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3209]

IN THE MATTER OF THE WM. M. HARDIE COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, October 5, 1937, at two o'clock in the afternoon of that day (eastern standard time), in Room 424, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2857; Filed, September 25, 1937; 10:43 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3216]

IN THE MATTER OF J. W. PINCUS AND J. DAN SILVER, INDIVIDUALLY AND AS COPARTNERS, TRADING AS THE NOVELCRAFTS COMPANY, AND LOU ROTH, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, October 5, 1937, at eleven thirty o'clock in the forenoon of that day (eastern standard time), in room 424, Federal Trade Commission, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2858; Filed, September 25, 1937; 10:43 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

INSTALLATION AND MAINTENANCE OF CERTAIN APPLIANCES; SAFETY OF EMPLOYEES AND TRAVELERS ON RAILROADS

SEPTEMBER 24, 1937.

*To All Common Carriers by Railroad Subject to the Interstate Commerce Act:*

Attention of all common carriers by railroad subject to the Interstate Commerce Act is directed to certain provisions of Public No. 378, 75th Congress, First Session, an Act to require certain common carriers by railroad to install and maintain certain appliances, methods and systems intended to promote the safety of employees and travelers on railroads, and for other purposes, approved August 26, 1937, as follows:

(1) That block signal systems, interlocking, automatic train stop, train control and cab-signal devices in use on the date of the enactment of this amendatory provision, or such systems or devices hereinafter installed may not be discontinued or materially modified by carriers without the approval of the Commission.

(2) Each carrier by railroad shall file with the Commission its rules, standards, and instructions for the installation, inspection, maintenance, and repair of the systems, devices, and appliances covered by this section within six months after the enactment of this amendatory provision.

(3) In case of accident resulting from failure of any such system, device, or appliance to indicate or function as intended, and resulting in injury to person or property which is reportable under the rules of the Commission, a statement forthwith must be made in writing of the fact of such accident by the carrier owning or maintaining such system, device, or appliance to the Commission.

It will be noted that the provisions stated above in paragraphs (1) and (2) are not restricted to automatic block signal systems but apply equally to all such systems, whether manual or automatic.

The rules, standards, and instructions for the installation, inspection, maintenance, and repair of the systems, devices, and appliances covered by paragraph (2) above when filed with the Commission, and correspondence in connection therewith, should be addressed to W. J. Patterson, Director, Bureau of Safety, Interstate Commerce Commission, Washington, D. C. The time limit for filing these rules, standards and instructions expires February 26, 1938.

The provisions of law stated in paragraph (3) above do not abrogate or supersede orders heretofore issued by the Commission requiring telegraphic reports and monthly reports concerning railroad accidents.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-2864; Filed September 27, 1937; 11:39 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1937.

[File No. 43-75, 46-73]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application and declaration having been duly filed with this Commission, by Southwestern Development Company, a registered holding company pursuant to Sections 10 and 7, respectively, of the Public Utility Holding Company Act of 1935, for the acquisition of South Plains Pipe Line Company First Mortgage and Collateral Trust Fifteen-Year 6% Sinking Fund Gold Bonds due January 1, 1945, in the aggregate principal amount of $3,292,000 of which $3,142,000 is to be acquired from Consolidated Oil Corporation, owner and holder of 51% of outstanding capital stock of applicant, and of which $150,000 is to be acquired from the Amarillo Oil Company, a wholly-owned subsidiary of the applicant; and for the issuance and sale, to finance such acquisition, of a note in the principal amount of $3,292,000 to the Guaranty Trust Company of New York;

*It is ordered* That a consolidated hearing on such matter be held on October 14, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be

admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 9, 1937.

*It is further ordered* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2868; Filed, September 27, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September, A. D., 1937.

[File No. 43-74]

IN THE MATTER OF GARDNER ELECTRIC LIGHT COMPANY

[Public Utility Act of 1935]

ORDER PERMITTING A DECLARATION REGARDING THE ISSUANCE OF UNSECURED NOTES TO BECOME EFFECTIVE. PURSUANT TO SECTION 7

Gardner Electric Light Company, a subsidiary of a registered holding company, having duly filed a declaration with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of its promissory notes in the total amount of $300,000, with interest payable in advance at the rate of 2½% per annum;

A hearing on such declaration having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered,* That such declaration be and become effective forthwith, on the condition, however, that the issuance and sale of the aforesaid unsecured promissory notes shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2867; Filed, September 27, 1937; 12:47 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of September, 1937.

[File No. 1-59]

IN THE MATTER OF AMERICAN ZINC LEAD & SMELTING COMPANY, $6 CUMULATIVE PREFERRED STOCK, $25 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the $6 Cumulative Preferred Stock, $25 Par Value, of the American Zinc Lead & Smelting Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given the opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 11 o'clock A. M. on October 15, 1937, in Room 209, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2866; Filed, September 27, 1937; 12:47 p. m.]

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## UNITED STATES MARITIME COMMISSION.

[General Order No. 14]

APPLICATIONS UNDER SECTIONS 803, 804, 805 (A) AND (D), AND 605 (B) OF THE MERCHANT MARINE ACT OF 1936

The attached form of instructions for the preparation of applications under Sections 803, 804, 805 (a) and (d), and 605 (b) of the Merchant Marine Act of 1936 is hereby approved. All applicants for operating-differential subsidies who intend to file such applications are required to comply therewith.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR., *Secretary.*

SEPTEMBER 24, 1937.

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[Form VI-B]

APPLICATIONS UNDER SECTIONS 803, 804, 805 (A) AND (D), AND 605 (B) OF THE MERCHANT MARINE ACT, 1936

All applications filed pursuant to Sections 803, 804, 805 (a) and (d), and 605 (b) of the Merchant Marine Act of 1936 should comply with the following requirements:

1. *Applications under section 803 of the act.*—

(a) Where the Applicant requests permission to perform or supply stevedoring, ship-repair, ship-chandler, towboat, or kindred services to its own subsidized vessels, the application should contain an exact description of the type and nature of the services to be performed. The Applicant should also state fully the reason why it desires to perform or supply such services instead of purchasing them from outside interests, and should set forth the estimated economies and other benefits expected to result therefrom as demonstrated by past experience.

(b) Where the Applicant requests the approval of the Commission to an arrangement whereby a wholly owned subsidiary will perform or supply the services referred to in Subsection (a) above, the Applicant should state (a) the name of the subsidiary; (b) the state of incorporation; (c) whether any person, firm, or corporation other than the Applicant owns any pecuniary interest, either legal or equitable, directly or indirectly, in the subsidiary company or has any interest in its earnings, and the nature of such interest. The Applicant should also state fully and completely the reasons why such services should be performed by a subsidiary corporation instead of by the Applicant itself, and should indicate the estimated economies and other benefits expected to result therefrom as demonstrated by past experience.

(c) Applications for approval by the Commission of a contract for the use by the Applicant of terminal facilities of a holding company, affiliate company, or associate company, should give the name of the other contracting party and its relationship with the Applicant, including the extent of any stock interest. The Applicant should incorporate, by reference, the material contained in Item 19 of Form VI-A, and should explain why this arrangement is considered necessary. Applicants are advised that the Commission will not give other than tentative approval to any contract for terminal facilities unless the contract specifically provides that the amount to be paid thereunder by the Applicant shall not exceed a fair and reasonable charge for such facilities as determined by the Commission, whose determination in that connection shall be final and conclusive.

2. *Applications under section 804 of the act.*—

(a) The fact that a person conducts as an independent contractor any customary agency business of a vessel on behalf of the Applicant does not of itself cause such person to be an "agent" of the Applicant as that term is used in the phrase "any officer, director, agent or executive thereof" in Section 804 of the Act and in Article 24 of the Subsidy Agreement.

(b) The fact that the Contractor or any of its officers or employees holds an interest in or obligations of another corporation does not of itself cause such corporation to be a "subsidiary, affiliate, or associate" of the Contractor, as such terms are used in Section 804 of the Act and in Article 24 of the Subsidy Agreement, if such interest or obligations do not constitute a substantial part of the business and assets of the Contractor or result in the Contractor or such officers or employees having power, whether or not exercised, to control or direct the policies of such corporation.

(c) No application for waiver of the provisions of Section 804 of the Act need be filed under the circumstances described in the preceding sub-paragraph (a) or (b). If such application is filed by the Contractor on behalf of itself or any other person, firm or corporation proposing to engage in operations which would otherwise be unlawful under said Section 804, such application shall set forth—

(1) Names of parties to the specified agreement or arrangement, identifying each as to affiliations and functions;

(2) Terms and nature of such specified agreement or arrangement, including duration of such relationship, and identification of foreign-flag service and vessels engaged therein. If based upon contract, a copy of such contract shall be annexed to the application;

(3) Operating statements, balance sheets and surplus accounts of the Applicant or the contracting party affiliated with the Applicant, and the foreign party to such arrangement, if available, for each of the past three fiscal years, reflecting and identifying, in so far as practicable, the past operating results and balance sheets significance of the specified arrangement;

If any of such financial statements is not available, an explanation of such unavailibity shall be made and the Applicant shall furnish such other information as to such matters as it may be able to obtain;

(4) An exact description of the manner in which the person on behalf of whom the application is made proposes to own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag service;

(5) An identification of the American-flag services with which such foreign-flag operations will compete; and

(6) Briefly, any special circumstances because of which the Applicant contends that the Commission should waive the provisions of said Section 804.

3. *Applications under section 805 (a) of the act.*—Applications to engage in coastwise or intercoastal trade under Section 805 (a) should describe fully the proposed coastwise or intercoastal service, including the names of the vessels, the frequency of service, and the names of all competing lines. The Applicant should state whether it, or any holding company, subsidiary, affiliate, or associate company, or predecessor interest thereof, was in bona fide operation as a common carrier by water in such domestic, intercoastal, or coastwise trade in 1935 over the route or routes or in the trade or trades for which the application is made and has so operated since that time or has engaged in furnishing seasonal service only, was in bona fide operation in 1935 during the season ordinarily covered by its operation. If the Applicant or the other companies above described were not in bona fide operation in 1935, as aforesaid, the Applicant should furnish proof sufficient to justify a finding that the public interest and convenience will be served by such proposed operation.

4. *Applications under section 805 (d) of the act.*—Applications under this section will not be granted except in extreme cases involving compelling circumstances. All applications should set forth the names of the proposed managing or operating agents; if a corporation, the state of incorporation, the names of all the officers and directors, and the principal shareholders. A copy of the proposed contract covering the services and a statement of the profits or losses to the agent or operator from such services during the preceding three years, should also be submitted. The Commission will not approve of any managing agency contract which does not provide that the amount of compensation therein shall be fair and reasonable as determined by the Commission, and that the Commission's determination shall be final. Each application should contain proof sufficient to demonstrate that the proposed arrangement is in the best interests of the Applicant and the Commission.

5. *Applications under section 605 (b) of the act.*—Applications under Section 605 (b) for the payment of subsidy on vessels more than 20 years of age should summarize and incorporate, by reference, all of the data concerning such vessels which is contained in Form VI-A. The application should also demonstrate why it is in the public interest that such vessels be subsidized. The Commission will not grant a subsidy for operation of vessels over 20 years of age, except in connection with a replacement program which will involve the replacement of such vessels within a reasonable time. Therefore, all applications under this section should set forth the plans of the Applicant in regard to the replacement of the over-age vessels, together with any other circumstances sufficient to justify a finding that a subsidy in such cases is "in the public interest" as required by the statute.

6. *General.*—

(a) The above applications should be filed together with the Form VI-A application for an operating-differential subsidy, if practicable, but in no event later than October 20, 1937. Separate applications should be filed under the individual sections of the Act. Fifteen copies, including three originals, should be furnished to the Commission.

(b) The applications should refer to and incorporate all the provisions of Form VI-A which are pertinent thereto. They should be in affidavit form and should be verified by one of the officers of the Applicant.

[F. R. Doc. 37-2860; Filed, September 25, 1937; 11:39 a. m.]

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IN THE MATTER OF THE INVESTIGATION REGARDING THE OPERATING COSTS OF FOREIGN-FLAG VESSELS

ORDER

*It appearing,* That full and complete information as to the costs of operating foreign-flag vessels operating from ports of the United States is necessary to the proper administration of the Merchant Marine Act, 1936;

*It appearing further,* That ---------- is an owner and operator of, or an agent for, foreign-flag vessels;

*It is ordered,* In pursuance of the powers conferred by section 21 of the Shipping Act, 1916, that ---------- be, and it is hereby, notified and required to file with the Secretary of the Commission, at his office in the Commerce

Building, Washington, D. C., on or before October 8, 1937.

A full and complete memorandum, with respect to all foreign-flag vessels owned, chartered, or operated by ---------- as an agent or manager or in any other capacity, covering the following points:

1. *General.*—

(*a*) The lines or routes upon which it operates and the names of the vessels employed upon each in the foreign commerce of the United States, its Territories or possessions.

(*b*) A statement indicating the number of voyages of each ship upon each line or route terminating between January 1, 1937 and August 31, 1937, and the number of days covered thereby.

2. *Concerning wages—For each vessel.*—

(*a*) the present manning and wage scale,

(*b*) ratio of average overtime payments to basic wage and

(*c*) other allowances.

3. *Concerning subsistence costs—For each vessel and line or route.*—

(*a*) Subsistence costs per man per day of (1) officers and crew and (2) passengers and others upon voyages terminating between January 1, 1937, and August 31, 1937.

(*b*) The total cost of subsistence upon which such averages are based and the percentage of total cost represented by purchases in the United States.

4. *Concerning stores and supplies—For each vessel and line or route.*—

(*a*) A statement indicating the costs of (1) stores and (2) equipment upon voyages terminating between January 1, 1937, and August 31, 1937, with expenditures under each classification segregated to indicate the countries in which made and the ratio of the purchases in each country to the total. If the actual expenditures for any of such voyages are not known they should be estimated.

(*b*) The costs, in ports other than those of the United States, of representative items under each of the above classifications and, in each case, the countries in which customarily purchased—stating the cost in each country if purchased in more than one. Items of like nature (such, for example, as bedding, blocks, canvas, chemicals, cleaning gear, galley equipment, lubricants, mess gear, nautical instruments, packing, paints, pipe and pipe fittings, radio and other electrical supplies and fittings, spares—engine and other, tools, etc.) should be grouped under appropriate titles and adequately described. Items unimportant as to consumption and cost need not be reported and the schedules may be submitted in the most convenient form.

5. *Concerning repairs—For each vessel and line or route.*—

(*a*) A statement indicating the costs of repairs upon voyages terminating between January 1, 1937, and August 31, 1937, with expenditures segregated to indicate the countries in which made and the ratio of the expenditures in each country to the total. If the actual expenditures for any of such voyages are not known they should be estimated.

(*b*) The specifications and itemized costs of such repairs made in ports other than those of the United States.

6. *Concerning insurance—For each vessel, as at August 31, 1937, a statement indicating.*—

(1) the amount and kinds of insurance carried; (2) where placed; (3) net premium rates for each form and (4) the nature and estimated annual cost of self-assumed risks.

7. *Concerning foreign governmental aid.*—Describe the nature of any such aid received or expected to be received during 1937 in connection with the operation of any of the vessels, lines or routes and state, in each case, the purpose for which the said aid is or will be extended and the name of the grantor.

*It is further ordered*, That the aforesaid memorandum required to be filed, shall be subscribed by an officer who shall specify his title, and who shall, under oath, verify the accuracy and completeness thereof.

*It is further ordered*, That a copy of this order be served upon the said ----------.

Adopted by the Commission on September 23, 1937.

[SEAL] W. C. PEET, JR., *Secretary.*

[F. R. Doc. 37-2859; Filed, September 25, 1937; 11:39 a. m.]

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## VETERANS' ADMINISTRATION.

### REVISION OF REGULATIONS

#### GOVERNMENT EMPLOYEES RIGHT TO PENSION

R-2558. For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), no person holding an office or position, appointive or elective, under the United States government or the municipal government of the District of Columbia, or under any corporation, the majority of the stock of which is owned by the United States, shall be paid a pension so long as he continues to draw a salary from such employment, except (1) those persons so employed whose pension is protected by the provisions of the act; however, the rate of pension as to this class shall not exceed $6.00 per month; (2) those unmarried persons whose salary or compensation for service as such employee is in an amount not in excess of $1000 per annum computed monthly, or any married person or any person with minor children whose salary or compensation for service as such employee is in an amount not in excess of $2,500 per annum computed monthly; and (3) widows of veterans: *Provided*, That effective on and after August 25, 1937, no award of death compensation or pension shall be subject to reduction or discontinuance under this paragraph (Public No. 357, 75th Congress (Act of August 25, 1937)) (August 25, 1937).

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-2842; Filed, September 24, 1937; 3:21 p. m.]

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*Wednesday, September 29, 1937* *No. 188*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4763]

### STAMP TAX ON PASSAGE TICKETS

#### EXEMPTION OF PASSAGE TICKETS BETWEEN THE CONTINENTAL UNITED STATES AND PUERTO RICO

[Regulations 71, amended]

*To Collectors of Internal Revenue and Others Concerned:*

The Act approved August 28, 1937 (Public No. 400, 75th Congress), entitled "An Act to amend the Revenue Act of 1926, as amended, to exempt persons traveling between Puerto Rico and the continental United States from the payment of a stamp tax on steamship tickets", provides, as follows:

"That subdivision 5 of schedule A of title VIII of the Revenue Act of 1926, as amended by section 442 (a) of the Revenue Act of May 29, 1928, be, and hereby is, amended by striking out the word 'or' before the word 'Cuba' and by adding the words 'or Puerto Rico' after the word 'Cuba'."

In conformity with the provisions of the Act above quoted, articles 55, 58 and 60 of Regulations 71, approved July 16, 1932, are amended to read as follows:

ART. 55. *Passage tickets to Philippine Islands.*—Passage tickets to Philippine Islands are taxable.

ART. 58. *Passage tickets to ports not in the United States, Canada, Mexico, Cuba, or Puerto Rico.*—(*a*) Passage tickets from any foreign port or domestic port sold or issued in the United States costing more than $10, whose port of destination is not within the United States, Canada, Mexico, Cuba, or Puerto Rico, are subject to tax.

(*b*) Such passage tickets sold or issued in the United States to a port in Newfoundland are subject to tax.

ART. 60. *Passage tickets to ports in the United States, Canada, Mexico, Cuba, or Puerto Rico.*—Passage tickets sold or issued in the United States for passage to ports of destination in the United States, Canada, Mexico, Cuba, or Puerto Rico are not subject to tax unless sold or issued in the United States as a round trip or through ticket for a port not within the United States, Canada, Mexico, Cuba, or Puerto Rico.

This Treasury Decision is issued under the authority contained in section 1101 of the Revenue Act of 1926.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 25, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2890; Filed, September 28, 1937; 10:55 a. m.]

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[T. D. 4764]

### RECORDS AND TRANSCRIPTS OF WHOLESALE LIQUOR DEALERS INCLUDING RECTIFIERS, DISTILLERS, PROPRIETORS OF INTERNAL REVENUE BONDED WAREHOUSES, TAXPAID BOTTLING HOUSES, AND TAXPAID PREMISES, AND IMPORTERS

*To District Supervisors and Others Concerned:*

Pursuant to the authority conferred by Section 3318, R. S., as amended by Section 411, Liquor Tax Administration Act (U. S. C., 1934 ed., Supp. II, title 26, secs. 1208 and 1209), Section 62 of the Act of August 27, 1894, as amended by Section 412, Liquor Tax Administration Act (U. S. C., 1934 ed., Supp. II, title 26, sec. 1210) and Section 3317, R. S., (U. S. C., 1934 ed., title 26, sec. 1206), the following regulations are prescribed, effective October 1, 1937.

1. Every wholesale liquor dealer, with the following exceptions, shall keep Record 52, "Wholesale Liquor Dealer's Record", and render monthly transcripts, Forms 52A and 52B, "Wholesale Liquor Dealer's Monthly Report", and Form 338, "Wholesale Liquor Dealer's Monthly Report (Summary of Forms 52A and 52B)":

#### (A) REGISTERED DISTILLERIES AND INTERNAL REVENUE BONDED WAREHOUSES

2. Every proprietor of a registered distillery and of an internal revenue bonded warehouse shall keep a daily record and render monthly reports on Form 52C, "Monthly Record and Report of Registered Distillery and Internal Revenue Bonded Warehouse", of all bulk distilled spirits shipped from the distillery, and all bulk and bottled-in-bond distilled spirits removed from the warehouse.

3. Where the distillery and the internal revenue bonded warehouse are located on the same premises, only one record on Form 52C will be required. Such record may be kept at the distillery or at the internal revenue bonded warehouse.

4. Removals of distilled spirits from the cistern room for deposit in the internal revenue bonded warehouse on the same premises, need not be reported on Form 52C. However, removals of distilled spirits from the cistern room for deposit in an internal revenue bonded warehouse *not* located on the distillery premises shall be reported by the proprietor of the distillery on Form 52C.

#### (B) TAXPAID BOTTLING HOUSES

5. Every proprietor of a taxpaid bottling house shall keep a daily record and render a monthly report on Form 52D, "Monthly Record and Report of Taxpaid Bottling House Operations", of all distilled spirits received, bottled, and disposed of at his bottling house.

#### (C) TAXPAID PREMISES AT WHICH DISTILLED SPIRITS OR ALCOHOL ARE SOLD IN BULK

6. Every proprietor of a registered distillery, a fruit distillery, an internal revenue bonded warehouse, or an industrial alcohol bonded warehouse, who maintains taxpaid premises at which taxpaid distilled spirits or alcohol are received, stored, and sold *in bulk*, and every wholesale liquor dealer who deals in alcohol *in bulk for industrial purposes*, shall keep Form 52E, "Monthly Record and Report of Importer or Proprietor of Taxpaid Premises", of all spirits, both bulk and bottled, received and disposed of at his taxpaid premises: Provided, That, if such proprietor or wholesale liquor dealer so desires, he may keep Form 52E for bulk spirits only and Record 52 for bottled spirits only.

#### (D) IMPORTERS

7. Every importer who imports and sells distilled spirits *in bulk*, shall keep at the place of business covered by his wholesale liquor dealer special tax stamp, Form 52E, "Monthly Record and Report of Importer or Proprietor of Taxpaid Premises", of all distilled spirits, both bulk and bottled, imported and disposed of by him: Provided, That, if the importer so desires, he may keep Form 52E for bulk spirits only and Record 52 for bottled spirits only. The receipt of imported distilled spirits, both bulk and bottled, shall be entered on Form 52E as of the time of making the customs entry. The disposition of such distilled spirits shall be entered on Form 52E as of the time of their sale or their taxpayment and withdrawal from customs custody.

8. Every importer who maintains wholesale liquor dealer premises where bottled distilled spirits are received and stored, shall keep Record 52 of all bottled distilled spirits received and disposed of thereat (including bottled spirits transferred from customs custody).

#### (E) RECTIFIERS

9. Every rectifier shall report on Form 45, "Rectifier's Monthly Record and Report", all bulk distilled spirits, wines, and other liquors received by him, whether for rectification or for bottling without rectification.

10. The rectifier shall report on such Form 45 all bulk products removed from his rectifying plant, and all bottled products removed from his rectifying plant and from his contiguous wholesale liquor dealer room where such room is maintained and is used exclusively for products bottled at his rectifying plant.

11. Every rectifier who maintains non-contiguous wholesale liquor dealer premises shall report all bottled products (rectified and unrectified) removed from his rectifying plant, on Form 45, kept at such plant. He shall keep Record 52 at such non-contiguous wholesale liquor dealer premises of all bottled products (rectified and unrectified) received and disposed of thereat, including products transferred from his non-contiguous rectifying plant and products received from other persons.

12. Every rectifier who maintains a contiguous wholesale liquor dealer room, which is not used exclusively for products bottled at his rectifying plant, shall report all bottled products (rectified and unrectified) removed from his rectifying plant, on Form 45, kept at such plant. He shall keep Record 52, "Wholesale Liquor Dealer's Record", at such contiguous wholesale liquor dealer room of all bottled products (rectified and unrectified) received and disposed of thereat, including those products transferred from his contiguous rectifying plant.

#### (F) FRUIT DISTILLERIES

13. Every proprietor of a fruit distillery shall keep a daily record and render monthly reports on Form 15, "Monthly Return of Fruit Distiller", of all distilled spirits removed from the distillery. Pending the revision of Form 15, the name and address of the consignee of distilled spirits with-

drawn tax paid will be entered in the name and address columns under "Withdrawn for Fortification of Wine."

RECTIFIER'S DAILY RECORD OF BOTTLING

14. Where the contents of a tank are not completely bottled at the close of business for the day, the rectifier shall enter on the copy of Form 237 attached to the bottling tank, the total distilled spirits, wines and other liquors bottled that day from such tank, giving all the information required by the form. Form 237 shall be kept on the tank until the entire contents are bottled. Upon completion of the bottling, Form 237 shall be removed from the bottling tank and the original and all copies of Form 237 completed and disposed of in accordance with instructions on the form. The same procedure shall be followed for reporting on Form 230 the daily bottling of spirits bottled without rectification.

TIME OF MAKING ENTRIES

15. Daily entries shall be made on Record 52, Forms 52C, 52D, 52E, and 45, as indicated by the headings of the various columns, and in accordance with instructions printed thereon, not later than the close of business of the day on which the transactions occur: Provided, That, where the wholesale liquor dealer, the proprietor of the taxpaid bottling house, the importer or the proprietor of taxpaid premises where distilled spirits are sold in bulk, or the rectifier, keeps a separate record, such as invoices, of the removals of distilled spirits, showing the removal data required to be entered on Record 52, Form 52D, Form 52E, or Form 45, respectively, daily entries of the removal of goods from his premises may be made on the respective record not later than the close of business of the following business day, provided such separate record is approved by the District Supervisor. Such provision is not applicable to daily entries on Form 52C, "Monthly Record and Report of Registered Distillery and Internal Revenue Bonded Warehouse."

SEPARATE RECORD OF SERIAL NUMBERS OF CASES

16. Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52, "Wholesale Liquor Dealer's Record", Form 52D, "Monthly Record and Report of Taxpaid Bottling House Operations", Form 52E, "Monthly Record and Report of Importer or Proprietor of Taxpaid Premises", or Form 45, "Rectifier's Monthly Record and Report", provided the respective proprietor keeps in his place of business a separate record, approved by the District Supervisor, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such a manner that the required information may be ascertained readily therefrom, and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. Entries shall be made on such separate approved record not later than the close of business of the day on which the transactions occur. The dealer, whose separate record has been approved by the District Supervisor, shall note in the column for reporting serial numbers that, "Serial numbers shown on commercial records per authority, dated _____."

ENTRY OF MISCELLANEOUS ITEMS

17. Wholesale liquor dealers may enter on Record 52, "Wholesale Liquor Dealer's Record", as one item the total quantity of different kinds of spirits *made up from broken cases* sold to the same person on the same day, provided such total quantity is not in excess of ten gallons. The entry of such items shall be stated as "Miscellaneous" or "Misc." and shall show the date, the name and address of the person to whom sold, and the quantity. The total quantity of such miscellaneous spirits so disposed of during the month shall be reported in the monthly summary, Form 338, as "Miscellaneous": Provided, the wholesale liquor dealer determines by actual inventory the quantity of each kind of spirits remaining on hand at the end of the month.

PLACE WHERE RECORD 52 SHALL BE KEPT BY WHOLESALE LIQUOR DEALERS

18. Except as otherwise provided herein, the wholesale liquor dealer shall keep Record 52, "Wholesale Liquor Dealer's Record", at the place of business covered by his wholesale liquor dealer special tax stamp, if the spirits are received and sent out from such premises.

19. If the place of business covered by the wholesale liquor dealer special tax stamp is not the same premises where the spirits are received and sent out, the wholesale liquor dealer shall keep his Record 52 at the latter place and render transcripts from such place on Forms 52A and 52B: Provided, That, if approved by the District Supervisor, a wholesale liquor dealer who so desires may keep his Record 52 at the place of business covered by the special tax stamp and render transcripts on Forms 52A and 52B from such place. If, however, the place of business covered by the special tax stamp is not in the same supervisory district as the place where the spirits are received and sent out, Record 52 must be kept at the latter place and transcripts on Forms 52A and 52B rendered to the District Supervisor of that district.

WHERE WHOLESALE LIQUOR DEALER ALSO MAINTAINS A RETAIL LIQUOR DEALER DEPARTMENT

20. Where a wholesale liquor dealer maintains a separate retail liquor dealer department on the same premises, he shall keep Record 52, "Wholesale Liquor Dealer's Record", at his wholesale liquor dealer department, of all spirits received and disposed of thereat. Distilled spirits transferred from the wholesale department to the retail department shall be reported on Record 52, Part 2, as "Transferred to retail liquor dealer department." Sales of five wine gallons or more of distilled spirits to the same person at the same time, filled wholly or partly from the retail liquor dealer department, shall be entered on Record 52, Part 2, and the quantity taken from the retail department shall be entered on Record 52, Part 1, as "Transferred from retail liquor dealer department."

21. Where the wholesale liquor dealer sells at both wholesale and retail and does not maintain a separate retail department, all distilled spirits received and disposed of shall be entered on Record 52.

MONTHLY REPORTS

22. A full and complete transcript of the required records shall be rendered on the respective monthly reports, Forms 52A, 52B, 52C, 52D, and 52E, and Form 45, and forwarded to the District Supervisor, Alcohol Tax Unit, on or before the tenth day of the succeeding month. Record 52, and records kept on Forms 52C, 52D, 52E, and 45 shall be preserved for a period of four years and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

USE OF PREVIOUS ISSUES OF RECORDS AND FORMS

23. The revised Record 52, Forms 52A, 52B, 52C, 338, and 45, and the new Forms 52D and 52E are effective October 1, 1937. However, commercial printers of Record 52, Forms 52A, 52B, 52C, 338 and 45, will be given until January 1, 1938, to dispose of stocks of present issues. Users of Record 52, Forms 52A, 52B, 52C, 338 and 45 will be given until March 1, 1938, to use stocks of the present issues. District Supervisors will not accept Forms 52A, 52B, 52C, 338 or 45 on other than the revised forms (October, 1937) covering transactions beginning with the month of March, 1938.

FORMS TO BE PROVIDED BY USERS AT OWN EXPENSE

24. Record 52, Forms 52A, 52B, 52C, 52D, 52E, 338 and 45 will be provided by users at their own expense, but must be in the form prescribed by the Commissioner: Provided, That, with the approval of the Commissioner, they may be modified to adapt their use to tabulating or other mechanical equipment; Provided, further, That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form.

REGULATIONS REVOKED

25. Treasury Decisions 2571, 4475, 4525, 4654, and 4655; the first two sentences of Paragraph 41 of Treasury Decision 4650; Paragraph 136 of Treasury Decision 4651; and Paragraph 193 of Regulations 15, are hereby revoked.

26. The provisions of Treasury Decision 4679; Article 53 of Regulations 3; Paragraph 9, Page 35 of Regulations 8; Paragraphs 189, 191, and 194 of Regulations 15; and all pertinent provisions of Regulations 7, "Concerning the Tax on Distilled Spirits" (1914 edition), relative to Forms 45, 52, 52A, 52B, 52C, and 338, are hereby revoked in so far as they are inconsistent herewith.

[SEAL] CHAS. T. RUSSELL,
*Acting Commissioner of Internal Revenue.*

Approved, September 24, 1937.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2892; Filed, September 28, 1937; 12:02 p. m.]

## DEPARTMENT OF THE INTERIOR.

**Division of Grazing.**

IDAHO GRAZING DISTRICT NO. 2

MODIFICATION

SEPTEMBER 22, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of November 3, 1936, establishing Idaho Grazing District No. 2 is hereby revoked as far as it affects the following-described lands:

BOISE MERIDIAN

T. 1 S., R. 13 E.,
sec. 31, lot 2;
T. 2 S., R. 13 E.,
sec. 7, SE¼SE¼;
T. 6 S., R. 14 E.,
sec. 32, NW¼NE¼;
T. 2 S., R. 15 E.,
sec. 13, N½NW¼;
sec. 24, N½NW¼;
T. 7 S., R. 16 E.,
sec. 25, SE¼SW¼;
T. 11 S., R. 16 E.,
sec. 6, lots 3 and 4;
sec. 9, NE¼NW¼;
T. 5 S., R. 17 E.,
sec. 12, W½NE¼;
sec. 13, SW¼NE¼;
sec. 15, NW¼NE¼;
T. 6 S., R. 18 E.,
sec. 13, NW¼SW¼;
sec. 14, NE¼SE¼;
T. 3 S., R. 19 E.,
sec. 33, E½SW¼, W½SE¼;
T. 4 S., R. 19 E.,
sec. 4, lots 1, 2, 3, 4, SW¼NW¼;
sec. 29, S½NW¼, S½SW¼;
sec. 30, SE¼NE¼, SE¼SE¼;
sec. 31, E½NE¼;
sec. 32, SW¼NW¼;
T. 6 S., R. 19 E.,
sec. 7, NE¼;
sec. 8, SE¼SE¼;
sec. 17, NE¼NE¼;
sec. 27, SE¼NE¼, NE¼SE¼;
sec. 29, S½SW¼, NE¼SW¼, W½SE¼;
T. 10 S., R. 19 E.,
sec. 22, NW¼SE¼, SE¼SE¼;
T. 12 S., R. 32 E.,
sec. 24, SE¼SE¼;
T. 10 S., R. 34 E.,
sec. 12, E½NE¼;
T. 10 S., R. 35 E.,
sec. 7, lots 2, 3, S½NE¼, SE¼;
sec. 8, W½W½;
sec. 18, N½NE¼;
T. 13 S., R. 35 E.,
sec. 28, S½SW¼;
sec. 33, N½NW¼;
T. 8 S., R. 37 E.,
sec. 29, N½NW¼, SE¼NW¼, NE¼SW¼;
sec. 32, NW¼NW¼;
T. 7 S., R. 38 E.,
sec. 3, SE¼SE¼;
sec. 10, SW¼NE¼;
T. 8 S., R. 38 E.,
sec. 13, W½E½.

T. A. WALTERS,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2888; Filed, September 28, 1937; 9:46 a. m.]

IDAHO GRAZING DISTRICT NO. 3

MODIFICATION

SEPTEMBER 22, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of November 3, 1936, establishing Idaho Grazing District No. 3 is hereby revoked as far as it affects the following-described lands:

BOISE MERIDIAN

T. 7 N., R. 36 E.,
sec. 25, W½NW¼;
sec. 26, E½NE¼;
T. 5 N., R. 38 E.,
sec. 17, lots 7 and 8;
T. 6 N., R. 39 E.,
sec. 3, lots 9, 11, and 13;
sec. 4, lot 9;
T. 7 N., R. 39 E.,
sec. 33, SW¼SE¼;
T. 9 N., R. 42 E.,
sec. 31, lot 4.

T. A. WALTERS,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2889; Filed, September 28, 1937; 9:46 a. m.]

NEW MEXICO GRAZING DISTRICT NO. 6

MODIFICATION

SEPTEMBER 24, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 6 is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the inclusion of the lands within the Bitter Lake Migratory Waterfowl Refuge or upon their temporary withdrawal by Executive order for classification:

NEW MEXICO

*New Mexico Principal Meridian*

T. 8 S., R. 24 E.,
sec. 24, S½SE¼;
sec. 25, NE¼, E½NW¼, E½SW¼, and SE¼;
T. 8 S., R. 25 E.,
sec. 13, SW¼;
sec. 14, S½;
sec. 15, S½;
sec. 16, S½;
sec. 17, all;
sec. 18, SE¼;
secs. 19 to 23, inclusive;
sec. 24, W½;
sec. 25, W½;
secs. 26 to 30, inclusive;
sec. 31, E½;
secs. 32 to 34, inclusive;
sec. 35, N½ and SW¼.
T. 9 S., R. 25 E.,
sec. 11, E½NE¼, NE¼SE¼, and S½SE¼;
sec. 14, E½NE¼, S½NW¼, N½SW¼, and E½SE¼;
sec. 15, E½NE¼, SW¼, and N½SE¼;
sec. 21, E½SE¼;
sec. 22, SW¼NE¼, W½, and NW¼SE¼.
sec. 23, NE¼, S½NW¼, and SW¼;
sec. 26, W½;
sec. 27, N½NW¼, S½N½, S½;
sec. 28, E½, SE¼SW¼;
sec. 32, NE¼NE¼, S½NE¼, E½SW¼, and SE¼;
secs. 33 and 34;
sec. 35, W½.

T. 10 S., R. 25 E.,
sec. 2, W½;
secs. 3 and 4;
sec. 5, lots 1, 2, and 3, S½N½, and S½;
secs. 9 and 10;
sec. 11, W½;
sec. 14, NW¼;
sec. 15, N½, SW¼;
sec. 16, all;
sec. 20, SE¼;
sec. 21, all;
sec. 22, W½NW¼;
sec. 28, N½NE¼, W½;
sec. 29, E½.

T. A. WALTERS,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2846; Filed, September 25, 1937; 9:54 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

### 1937 COTTON PRICE ADJUSTMENT PAYMENT PLAN

#### DEFINITION OF DATE OF SALE [1]

For the purposes of the 1937 Cotton Price Adjustment Payment Plan the date of sale shall be deemed to be the date on which the person by or for whom the cotton which is sold was produced and harvested entered into the agreement to sell such cotton whether or not delivery thereof is simultaneously made and whether or not title thereto simultaneously passes. At the time application for payment under said plan is made it must be shown that the cotton covered by each Cotton Sale Certificate or sales receipt submitted in support of such application is cotton which was sold for money or something of value prior to July 1, 1938, by the person by or for whom it was produced and harvested, that title thereto has vested in the purchaser, and that delivery thereof has been made pursuant to such sale. Cotton paid as standing rent or as an installment on the purchase price of a farm shall be deemed to have been sold by the producer thereof so paying it and the date of sale thereof shall be the date on which it was delivered in such payment prior to July 1, 1938.

Done at Washington, D. C., this 28th day of Sept., 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2895; Filed, September 28, 1937; 12:35 p. m.]

[1] Pursuant to the item entitled "Price Adjustment Payment to Cotton Producers" in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937, Public No. 354, 75th Congress.

Issued September 28, 1937.

[Puerto Rico Sugar Order No. 7]

### ALLOTMENT OF THE QUOTA FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by The Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, issue, publish and give public notice of this order, which shall have the force and effect of law and shall continue in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

Whereas, General Sugar Quota Regulations, Series 4, No. 2, as amended by Supplement 3, establishes for Puerto Rico, for the calendar year 1937, a quota of 883,303 short tons of sugar, raw value, and

Whereas, I hereby find that the total surplus stocks of Puerto Rican sugar in excess of the aforesaid quota and the estimated requirements for local consumption in Puerto Rico for the calendar year 1937 amount to approximately 153,000 tons of sugar, raw value, and

Whereas, I hereby find that the allotment of the sugar quota established for Puerto Rico for consumption in continental United States for the calendar year 1937 is necessary in order to prevent disorderly marketing of sugar from such area.

II

Now, therefore, upon the basis of the foregoing findings and pursuant to the foregoing authority, it is hereby ordered:

1. That the aforesaid quota of 883,303 short tons of sugar, raw value, shall be allotted to the following processors in the amounts which appear opposite their respective names:

| Name of processor | Allotment from processing | Allotment from surplus stocks | Marketing allotment |
|---|---|---|---|
| (1) Aguirre | 95,413 | 12,000 | 107,413 |
| (2) Canabalache | 34,637 | 2,763 | 37,400 |
| (3) Canovanas | 29,817 | 2,934 | 32,751 |
| (4) Carmen | 13,902 | 1,203 | 15,105 |
| (5) Coloso | 31,635 | 2,545 | 34,200 |
| (6) Constancia-Toa | 19,704 | 1,276 | 20,980 |
| (7) El Ejemplo | 11,734 | 1,125 | 12,859 |
| (8) Eureka | 11,272 | 733 | 12,005 |
| (9) Fajardo | 58,112 | 5,927 | 64,039 |
| (10) Guanica | 90,844 | 9,967 | 100,811 |
| (11) Guanmani | 10,954 | 989 | 11,923 |
| (12) Herminia | 1,778 | 115 | 1,893 |
| (13) Igualdad | 11,955 | 1,063 | 13,018 |
| (14) Juanita | 15,562 | 1,008 | 16,570 |
| (15) Lafayette | 28,394 | 2,667 | 31,061 |
| (16) Plazuela-Los Canos | 34,773 | 2,315 | 37,088 |
| (17) Monserrate | 11,012 | 1,033 | 12,045 |
| (18) Pellejas | 1,353 | 88 | 1,441 |
| (19) Plata | 9,902 | 641 | 10,543 |
| (20) Playa Grande | 7,312 | 619 | 7,931 |
| (21) Rochelaise | 8,230 | 844 | 9,074 |
| (22) Roig | 26,361 | 2,436 | 28,797 |
| (23) Rufina | 26,360 | 3,267 | 29,627 |
| (24) San Vicente | 29,364 | 2,440 | 31,804 |
| (25) Santa Barbara | 2,521 | 265 | 2,786 |
| (26) Soller | 5,008 | 324 | 5,332 |
| (27) Vannina | 13,195 | 854 | 14,049 |
| (28) Victoria | 15,875 | 1,213 | 17,088 |
| (29) Eastern Sugar Associates | 81,343 | 9,857 | 91,200 |
| (30) San Francisco | 5,612 | 509 | 6,121 |
| (31) Caribe | 6,309 | 409 | 6,718 |
| (32) Constancia-Ponce | 8,033 | 768 | 8,801 |
| (33) Mercedita | 31,988 | 2,681 | 34,669 |
| (34) Boca Chica | 14,287 | 1,874 | 16,161 |
| Total | 804,581 | 78,722 | 883,303 |

2. That the above-named processors are hereby prohibited from bringing into the continental United States, for consumption during the calendar year 1937, any sugar from Puerto Rico in excess of the marketing allotments set forth in paragraph 1 hereof.

3. That the allotments fixed herein shall not be assigned or transferred without the approval of the Secretary or his duly appointed agent.

4. That where surplus stocks of sugar have been processed from growers' surplus sugarcane and settlement with growers has been made in terms of sugar, such growers' surplus sugar shall share in the allotment herein made to the processor on a pro rata basis.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 28th day of Sept., 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2894; Filed, September 28, 1937; 12:34 p. m.]

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

#### SUPPLEMENT NO. 4

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin No. 101, as Amended, is hereby amended as follows:

1. Part II, Section 9 (a) is amended by adding at the end thereof the following:

The county rates of payment per acre for diversion from the general soil-depleting base for the respective counties in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin shall be as follows:

*Illinois*

County—Rate of General Diversion Payment Per Acre

Bureau, $9.51; Carroll, $9.20; Henry, $9.20; Jo Daviess, $8.69; Lee, $8.88; Mercer, $9.13; Ogle, $8.57; Putnam, $9.45; Rock Island, $8.82; Stephenson, $8.63; Whiteside, $9.26; Winnebago, $7.87.

Boone, $8.06; Cook, $8.25; DeKalb, $9.32; DuPage, $8.38; Grundy, $8.00; Kane, $9.20; Kendall, $8.19; Lake, $8.25; LaSalle, $8.76; McHenry, $8.63; Will, $7.50.

Adams, $7.87; Brown, $8.06; Fulton, $8.63; Hancock, $8.06; Henderson, $8.88; Knox, $9.07; McDonough, $8.69; Schuyler, $8.06; Warren, $9.20.

Bond, $5.48; Calhoun, $8.44; Cass, $8.38; Christian, $7.87; Greene, $8.19; Jersey, $7.43; Macoupin, $7.18; Madison, $6.87; Montgomery, $6.43; Morgan, $8.76; Pike, $7.87; Sangamon, $8.38; Scott, $8.69.

DeWitt, $8.00; Logan, $8.57; McLean, $8.50; Macon, $8.69; Marshall, $8.19; Mason, $7.24; Menard, $8.25; Peoria, $8.32; Stark, $8.50; Tazewell, $8.63; Woodford, $9.32.

Champaign, $8.57; Ford, $7.87; Iroquois, $7.62; Kankakee, $7.43; Livingston, $8.13; Piatt, $8.76; Vermilion, $7.50.

Clark, $6.43; Clay, $5.29; Coles, $7.62; Crawford, $6.55; Cumberland, $5.98; Douglas, $8.13; Edgar, $8.25; Effingham, $5.23; Fayette, $5.61; Jasper, $5.23; Lawrence, $6.17; Marion, $5.04; Moultrie, $8.00; Richland, $5.17; Shelby, $6.99.

Alexander, $6.30; Clinton, $5.98; Jackson, $6.61; Johnson, $5.67; Monroe, $7.12; Perry, $4.91; Pulaski, $6.68; Randolph, $6.24; St. Clair, $6.49; Union, $6.80; Washington, $5.17; Williamson, $5.61.

Edwards, $5.98; Franklin, $5.04; Gallatin, $6.49; Hamilton, $5.48; Hardin, $5.48; Jefferson, $4.98; Massac, $6.11; Pope, $5.48; Saline, $6.05; Wabash, $6.93; Wayne, $5.42; White, $6.24.

*Indiana*

County—Rate of General Diversion Payment Per Acre

Benton, $7.31; Jasper, $6.68; Lake, $7.12; La Porte, $6.80; Newton, $7.43; Porter, $6.74; Pulaski, $6.74; Starke, $6.05; White, $7.43.

Carroll, $8.38; Cass, $8.06; Elkhart, $7.08; Fulton, $7.12; Kosciusko, $8.06; Marshall, $7.56; Miami, $8.69; St. Joseph, $6.72; Wabash, $8.44.

Adams, $7.75; Allen, $8.19; DeKalb, $7.38; Huntington, $8.00; Lagrange, $7.02; Noble, $8.13; Steuben, $7.56; Wells, $7.81; Whitley, $7.69.

Clay, $6.06; Fountain, $6.99; Montgomery, $8.00; Owen, $5.70; Parke, $6.93; Putnam, $6.80; Tippecanoe, $7.50; Vermillion, $6.68; Vigo, $6.43; Warren, $6.99.

Bartholomew, $7.18; Boone, $7.69; Clinton, $8.69; Decatur, $8.19; Grant, $8.76; Hamilton, $8.57; Hancock, $7.75; Hendricks, $7.69; Howard, $9.01; Johnson, $8.63; Madison, $8.57; Marion, $8.00; Morgan, $7.62; Rush, $8.76; Shelby, $7.69; Tipton, $9.45.

Blackford, $7.12; Delaware, $8.44; Fayette, $9.01; Henry, $8.38; Jay, $7.18; Randolph, $8.13; Union, $9.51; Wayne, $8.44.

Daviess, $6.18; Dubois, $5.76; Gibson, $6.99; Greene, $6.30; Knox, $6.93; Martin, $6.18; Pike, $5.64; Posey, $6.30; Spencer, $5.46; Sullivan, $6.68; Vanderburgh, $6.60; Warrick, $5.88.

Brown, $5.76; Crawford, $5.04; Floyd, $6.00; Harrison, $5.58; Jackson, $6.24; Lawrence, $6.36; Monroe, $6.06; Orange, $5.70; Perry, $5.40; Washington, $5.88.

Clark, $5.88; Dearborn, $6.30; Franklin, $7.69; Jefferson, $5.94; Jennings, $5.76; Ohio, $6.48; Ripley, $5.94; Scott, $5.64; Switzerland, $6.42.



*Iowa*

County—Rate of General Diversion Payment Per Acre

Buena Vista, $8.88; Cherokee, $8.57; Clay, $8.25; Dickinson, $7.94; Emmet, $8.13; Lyon, $7.50; O'Brien, $8.69; Osceola, $8.13; Palo Alto, $8.06; Plymouth, $7.50; Pocahontas, $8.50; Sioux, $8.00.

Butler, $7.62; Cerro Gordo, $7.94; Floyd, $7.62; Franklin, $8.57; Hancock, $8.25; Humboldt, $9.13; Kossuth, $8.63; Mitchell, $7.81; Winnebago, $8.32; Worth, $7.81; Wright, $8.88.

Allamakee, $8.38; Black Hawk, $8.76; Bremer, $8.38; Buchanan, $7.62; Chickasaw, $7.43; Clayton, $8.95; Delaware, $8.25; Dubuque, $8.38; Fayette, $8.00; Howard, $7.12; Winneshiek, $8.57.

Audubon, $8.50; Calhoun, $8.95; Carroll, $8.69; Crawford, $8.19; Greene, $8.88; Guthrie, $8.50; Harrison, $8.06; Ida, $8.25; Monona, $8.25; Sac, $9.01; Shelby, $8.69; Woodbury, $7.75.

Boone, $9.13; Dallas, $9.45; Grundy, $8.95; Hamilton, $9.26; Hardin, $8.69; Jasper, $9.32; Marshall, $9.45; Polk, $9.20; Poweshiek, $9.20; Story, $9.20; Tama, $9.26; Webster, $8.69.

Benton, $9.07; Cedar, $9.95; Clinton, $9.13; Iowa, $9.32; Jackson, $8.38; Johnson, $9.51; Jones, $9.39; Linn, $8.76; Muscatine, $8.69; Scott, $9.76.

Adair, $8.32; Adams, $8.06; Cass, $8.25; Fremont, $8.38; Mills, $8.57; Montgomery, $8.69; Page, $8.57; East Pottawattamie, $9.07; West Pottawattamie, $8.45; Taylor, $7.12.

Appanoose, $6.30; Clarke, $7.31; Decatur, $6.49; Lucas, $7.06; Madison, $8.63; Marion, $8.82; Monroe, $6.99; Ringgold, $6.68; Union, $7.50; Warren, $8.50; Wayne, $6.49.

Davis, $6.36; Des Moines, $8.76; Henry, $9.01; Jefferson, $7.50; Keokuk, $8.57; Lee, $7.24; Louisa, $8.50; Mahaska, $8.95; Van Buren, $6.55; Wapello, $7.37; Washington, $9.20.

*Michigan*

County—Rate of General Diversion Payment Per Acre

Alger, $6.12; Baraga, $6.84; Chippewa, $6.42; Delta, $5.76; Dickinson, $6.78; Gogebic, $6.42; Houghton, $6.54; Iron, $6.48; Keweenaw, $5.76; Luce, $6.24; Mackinac, $5.58; Marquette, $6.00; Menominee, $6.42; Ontonagon, $5.76; Schoolcraft, $6.24.

Antrim, $6.12; Benzie, $5.04; Charlevoix, $5.94; Emmet, $6.42; Grand Traverse, $5.64; Kalkaska, $5.16; Leelanau, $5.58; Manistee, $5.22; Missaukee, $5.22; Wexford, $4.98.

Alcona, $5.94; Alpena, $5.76; Cheboygan, $6.00; Crawford, $5.76; Iosco, $5.64; Montmerency, $5.16; Ogemaw, $5.70; Oscoda, $5.16; Otsego, $5.52; Presque Isle, $6.54; Roscommon, $4.62.

Lake, $4.98; Mason, $5.34; Muskegon, $5.76; Newaygo, $5.76; Oceana, $5.16.

Clare, $5.34; Gladwin, $5.70; Gratiot, $7.02; Isabella, $6.00; Mecosta, $4.92; Midland, $6.30; Montcalm, $5.88; Osceola, $5.28.

Arenac, $5.64; Bay, $6.72; Huron, $7.08; Saginaw, $6.78; Sanilac, $6.36; Tuscola, $6.96.

Allegan, $6.57; Berrien, $7.02; Cass, $6.36; Kalamazoo, $6.30; Kent, $6.36; Ottawa, $6.84; Van Buren, $5.94.

Barry, $6.66; Branch, $6.66; Calhoun, $6.60; Clinton, $7.23; Eaton, $7.23; Hillsdale, $7.14; Ingham, $6.60; Ionia, $6.90; Jackson, $6.30; St. Joseph, $6.12; Shiawassee, $6.72.

Genesee, $7.02; Lapeer, $6.42; Lenawee, $7.86; Livingston, $6.60; Macomb, $6.90; Monroe, $7.92; Oakland, $6.60; St. Clair, $6.24; Washtenaw, $7.20; Wayne, $7.14.

*Minnesota*

County—Rate of General Diversion Payment Per Acre

Becker, $5.46; Clay, $5.28; Clearwater, $6.06; Kittson, $4.68; Mahnomen, $5.28; Marshall, $4.80; Norman, $5.40; Pennington, $5.10; East Polk, $5.30; West Polk, $5.66; Red Lake, $5.04; Roseau, $5.22.

Beltrami, $5.82; Cass, $5.34; Hubbard, $4.80; Itasca, $6.18; Koochiching, $6.42; Lake of the Woods, $6.00.

Cook, $5.46; Lake, $5.58; North St. Louis, $6.28; South St. Louis, $6.40.

Bigstone, $5.52; Chippewa, $6.93; Douglas, $6.24; Grant, $5.88; Lac qui Parle, $6.43; East Otter Tail, $5.80; West Otter Tail, $5.82; Pope, $5.82; Stevens, $6.00; Swift, $6.17; Traverse, $5.46; Wilkin, $5.34; Yellow Medicine, $7.24.

Benton, $6.12; Carver, $9.54; Kandiyohi, $7.37; McLeod, $8.88; Meeker, $7.50; Morrison, $5.58; Renville, $7.50; Scott, $8.52; Sherburne, $5.28; Sibley, $8.82; Stearns, $6.42; Todd, $6.18; Wadena, $5.04; Wright, $7.26.

Aitkin, $6.24; Anoka, $5.88; Carlton, $6.42; Chisago, $6.66; Crow Wing, $5.58; Hennepin, $7.26; Isanti, $6.18; Kanabec, $6.24; Mille Lacs, $6.72; Pine, $6.30; Ramsey, $6.54; Washington, $6.54.

Cottonwood, $7.50; Jackson, $8.06; Lincoln, $6.68; Lyon, $7.24; Murray, $7.18; Nobles, $7.75; Pipestone, $6.61; Redwood, $7.62; Rock, $7.24.

Blue Earth, $8.69; Brown, $8.13; Fairbault, $8.50; Freeborn, $8.57; LeSueur, $9.07; Martin, $8.38; Nicollet, $8.69; Rice, $8.69; Steele, $8.57; Waseca, $8.32; Watonwan, $8.32.

Dakota, $6.78; Dodge, $7.18; Fillmore, $7.75; Goodhue, $7.62; Houston, $7.98; Mower, $7.18; Olmsted, $7.50; Wabasha, $7.56; Winona, $7.44.

*Missouri*

County—Rate of General Diversion Payment Per Acre

Andrew, $7.36; Atchison, $7.74; Buchanan, $7.17; Caldwell, $6.24; Clay, $6.67; Clinton, $6.98; Daviess, $6.24; De Kalb, $5.85; Gentry, $6.23; Harrison, $6.30; Holt, $7.74; Nodaway, $6.67; Platte, $7.49; Ray, $6.74; Worth, $6.43.

Adair, $6.04; Carroll, $6.67; Chariton, $6.60; Grundy, $6.04; Linn, $6.54; Livingston, $6.04; Macon, $5.91; Mercer, $6.36; Putnam, $6.74; Randolph, $5.79; Schuyler, $6.43; Sullivan, $6.54.

Audrain, $5.10; Clark, $6.16; Knox, $6.04; Lewis, $6.04; Marion, $6.35; Monroe, $5.79; Pike, $6.16; Ralls, $5.98; Scotland, $5.92; Shelby, $6.05.

Bates, $4.80; Cass, $5.87; Cedar, $4.49; Henry, $4.68; Jackson, $6.71; Johnson, $5.33; Lafayette, $7.18; St. Clair, $4.56; Vernon, $4.31.

Benton, $5.04; Boone, $5.80; Callaway, $5.48; Camden, $4.86; Cole, $5.63; Cooper, $5.58; Dallas, $4.37; Hickory, $4.50; Howard, $6.43; Laclede, $4.91; Maries, $4.79; Miller, $5.21; Moniteau, $5.39; Morgan, $5.28; Osage, $5.75; Pettis, $5.57; Phelps, $4.74; Polk, $4.97; Pulaski, $5.04; Saline, $6.92.

Crawford, $4.55; Franklin, $5.34; Gasconade, $5.03; Jefferson, $5.81; Lincoln, $5.85; Montgomery, $5.22; Perry, $5.70; St. Charles, $6.80; St. Francois, $4.85; Ste. Genevieve, $5.51; St. Louis, $6.53; Warren, $5.66; Washington, $4.68.

Barry, $4.56; Barton, $4.32; Christian, $5.21; Date, $4.74; Greene, $5.52; Jasper, $4.79; Lawrence, $4.74; McDonald, $4.37; Newton, $4.61; Stone, $4.67.

Bollinger, $4.49; Carter, $4.25; Dent, $4.74; Douglas, $4.01; Howell, $3.95; Iron, $3.77; Madison, $4.43; Oregon, $4.19; Ozark, $3.59; Reynolds, $4.25; Ripley, $4.19; Shannon, $4.26; Taney, $4.49; Texas, $4.37; Wayne, $4.37; Webster, $4.79; Wright, $4.50.

Butler, $4.79; Cape Girardeau, $5.70; Dunklin, $5.46; Mississippi, $5.76; New Madrid, $5.64; Pemiscot, $5.99; Scott, $5.33; Stoddard, $5.09.

*Nebraska*

County—Rate of General Diversion Payment Per Acre

Banner, $4.62; Box Butte, $4.26; Cheyenne, $4.50; Dawes, $4.08; Deuel, $4.98; Garden, $4.74; Kimball, $4.44; Morrill, $4.80; Scotts Bluff, $7.14; Sheridan, $4.02; Sioux, $4.38.

Arthur, $3.66; Blaine, $3.72; Boyd, $4.02; Brown, $3.48; Cherry, $3.66; Garfield, $3.84; Grant, $3.66; Holt, $3.66; Hooker, $3.54; Keyapaha, $3.18; Logan, $3.96; Loup, $3.78; McPherson, $3.60; Rock, $3.24; Thomas, $3.42; Wheeler, $3.72.

Antelope, $5.23; Boone, $5.67; Burt, $8.50; Cedar, $6.24; Cuming, $8.19; Dakota, $7.43; Dixon, $6.55; Knox, $5.35; Madison, $6.36; Pierce, $5.80; Stanton, $7.31; Thurston, $6.99; Wayne, $6.99.

Buffalo, $4.98; Custer, $4.38; Dawson, $5.46; Greeley, $4.68; Hall, $5.52; Howard, $5.28; Sherman, $4.62; Valley, $4.68.

Butler, $7.24; Cass, $7.12; Colfax, $7.37; Dodge, $8.06; Douglas, $7.69; Hamilton, $6.24; Lancaster, $6.80; Merrick, $6.00; Nance, $6.06; Platte, $6.93; Polk, $6.96; Sarpy, $7.62; Saunders, $7.12; Seward, $7.62; Washington, $8.06; York, $6.60.

Chase, $4.38; Dundy, $4.26; Frontier, $4.14; Hayes, $4.14; Hitchcock, $4.32; Keith, $4.74; Lincoln, $4.38; Perkins, $4.62; Redwillow, $4.20.

Adams, $5.34; Franklin, $4.50; Furnas, $4.56; Gosper, $4.80; Harlan, $4.50; Kearney, $5.10; Phelps, $4.92; Webster, $4.80.

Clay, $5.82; Fillmore, $6.42; Gage, $6.68; Jefferson, $6.30; Johnson, $6.68; Nemaha, $7.69; Nuckolls, $5.34; Otoe, $7.24; Pawnee, $6.68; Richardson, $7.94; Saline, $7.02; Thayer, $6.00.

*Ohio*

County—Rate of General Diversion Payment Per Acre

Allen, $8.44; Defiance, $8.25; Fulton, $9.07; Hancock, $8.82; Henry, $9.07; Lucas, $8.88; Paulding, $7.62; Putnam, $8.95; Van Wert, $8.32; Williams, $9.07; Wood, $8.82.

Ashland, $7.50; Crawford, $8.50; Erie, $8.10; Huron, $7.80; Lorain, $7.62; Ottawa, $8.76; Richland, $7.62; Sandusky, $8.88; Seneca, $8.63; Wyandot, $8.25.

Ashtabula, $6.96; Columbiana, $7.02; Cuyahoga, $7.20; Geauga, $7.44; Lake, $7.08; Mahoning, $7.56; Medina, $7.56; Portage, $7.44; Stark, $7.86; Summit, $7.62; Trumbull, $7.26; Wayne, $8.52.

Auglaize, $8.44; Champaign, $8.63; Clark, $8.50; Darke, $8.19; Hardin, $8.25; Logan, $7.69; Mercer, $8.32; Miami, $8.57; Shelby, $7.94.

Delaware, $7.87; Fairfield, $8.13; Fayette, $8.38; Franklin, $8.25; Knox, $7.86; Licking, $7.56; Madison, $8.13; Marion, $7.81; Morrow, $7.38; Pickaway, $8.32; Ross, $7.87; Union, $7.62.

Belmont, $6.96; Carroll, $6.72; Coshocton, $7.38; Harrison, $7.14; Holmes, $7.44; Jefferson, $7.08; Tuscarawas, $7.44.

Butler, $8.00; Clermont, $6.12; Clinton, $8.13; Greene, $8.38; Hamilton, $7.32; Montgomery, $8.25; Preble, $8.57; Warren, $7.87.

Adams, $5.88; Brown, $5.88; Gallia, $6.30; Highland, $7.06; Jackson, $6.42; Lawrence, $5.88; Pike, $6.36; Scioto, $6.84.

Athens, $6.84; Guernsey, $6.54; Hocking, $6.42; Meigs, $6.66; Monroe, $6.30; Morgan, $6.96; Muskingum, $7.14; Noble, $6.72; Perry, $6.96; Vinton, $6.18; Washington, $6.66.

*South Dakota*

County—Rate of General Diversion Payment Per Acre

Butte, $5.99; Corson, $3.48; Dewey, $3.48; Harding, $3.83; Perkins, $3.83; Ziebach, $3.11.

Brown, $4.55; Campbell, $3.89; Edmunds, $4.19; Faulk, $4.07; McPherson, $4.19; Potter, $4.25; Spink, $4.08; Walworth, $4.07.

Clark, $4.25; Codington, $5.03; Day, $4.73; Douel, $5.51; Grant, $5.09; Hamlin, $5.09; Marshall, $4.61; Roberts, $5.03.

Armstrong, $———; Haakon, $3.89; Jackson, $3.53; Lawrence, $6.29; Meade, $4.49; Pennington, $4.73; Stanley, $3.42.

Aurora, $3.77; Beadle, $3.83; Brule, $3.23; Buffalo, $3.47; Hand, $3.53; Hughes, $3.35; Hyde, $3.41; Jerauld, $3.95; Sully, $3.65.

Brookings, $6.03; Davison, $4.31; Hanson, $4.49; Kingsbury, $4.91; Lake, $5.97; McCook, $5.34; Miner, $4.50; Minnehaha, $6.60; Moody, $6.60; Sanborn, $4.37.

Bennett, $4.26; Custer, $4.31; Fall River, $3.65; Shannon, $4.20; Washabaugh, $3.53; Washington, $3.59.

Gregory, $4.31; Jones, $3.71; Lyman, $3.29; Mellette, $3.53; Todd, $3.71; Tripp, $3.95; Bon Homme, $5.47; Charles Mix, $4.26; Clay, $6.66; Douglas, $4.43; Hutchinson, $5.34; Lincoln, $6.85; Turner, $6.41; Union, $7.04; Yankton, $6.29.

*Wisconsin*

County—Rate of General Diversion Payment Per Acre

Barron, $7.02; Bayfield, $6.36; Burnett, $5.82; Chippewa, $6.54; Douglas, $6.66; Polk, $6.66; Rusk, $6.60; Sawyer, $5.94; Washburn, $5.88.



Ashland, $5.94; Clark, $6.78; Iron, $6.18; Lincoln, $6.18; Marathon, $6.36; Oneida, $5.82; Price, $6.18; Taylor, $6.66; Vilas, $5.70.

Florence, $5.70; Forest, $6.06; Langlade, $6.54; Marinette, $5.76; Oconto, $6.12; Shawano, $6.72.

Buffalo, $7.38; Dunn, $6.72; Eau Claire, $6.48; Jackson, $6.54; LaCrosse, $7.44; Monroe, $7.08; Pepin, $7.08; Pierce, $7.38; St. Croix, $6.66; Trempealeau, $6.90.

Adams, $4.26; Green Lake, $7.14; Juneau, $6.06; Marquette, $5.64; Portage, $5.04; Waupaca, $6.72; Waushara, $5.22; Wood, $6.18.

Brown, $6.96; Calumet, $7.74; Door, $6.12; Fond Du Lac, $7.68; Kewaunee, $7.08; Manitowac, $7.74; Outagamie, $7.44; Sheboygan, $8.10; Winnebago, $7.68.

Crawford, $7.32; Grant, $8.19; Iowa, $7.87; Lafayette, $8.00; Richland, $7.32; Sauk, $6.90; Vernon, $7.26.

Columbia, $7.31; Dane, $7.81; Dodge, $8.34; Green, $8.13; Jefferson, $8.22; Rock, $7.87.

Kenosha, $7.62; Milwaukee, $7.50; Ozaukee, $7.92; Racine, $7.92; Walworth, $8.13; Washington, $8.22; Waukesha, $7.68.

Part IV, Section 4, is amended by adding at the end thereof the following:

The number of pounds, raw value, of sugar commercially recoverable per ton of sugar beets in each State in the North Central Region in which sugar beets are grown is:

| State: | *Pounds* |
|---|---|
| Illinois | 299 |
| Indiana | 300 |
| Iowa | 288 |
| Michigan | 308 |
| Minnesota | 305 |
| Nebraska | 290 |
| Ohio | 297 |
| South Dakota | 314 |
| Wisconsin | 299 |

Done at Washington, D. C., this 28th day of September, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2896; Filed, September 28, 1937; 12:36 p. m.]

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**Bureau of Biological Survey.**

ORDER PERMITTING HUNTING ON THE UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Pursuant to Section (a) of regulation 1-A of the Regulations for the Administration of the Upper Mississippi River Wild Life and Fish Refuge, public hunting of waterfowl (except Ross's Goose, wood duck, bufflehead duck, ruddy duck, canvas-back duck, red head duck and swans), and of coot and Wilson's snipe or jacksnipe is hereby permitted within said refuge during the period of October 9 to November 7, 1937, both dates inclusive, in the States of Iowa, Minnesota, and Wisconsin, and November 1 to November 30, 1937, both dates inclusive, in the State of Illinois, except on the area specifically scheduled below, but only in conformity with the Migratory Bird Treaty Act Regulations, the Migratory Bird Hunting Stamp Act, the regulations governing said refuge, and laws of the respective States not inconsistent therewith.

MINNESOTA

*Houston County*

*Area Number 1.*—All of the lands and waters lying in Township 104 N., Range 4 W., 5th P. M., described as follows: Those parts of the E½SW¼ and W½SE¼ of Section 14 lying southerly and westerly of Pine Creek; SE¼SW¼E½NW¼, N½NE¼, SW¼NE¼, Lots 1, 2, 3 and 4 in Sec. 23; Lots 1, 2, 3, 4 and 5 in Sec. 24; Lots 1, 2, and 5 and NW¼NW¼, Sec. 25; N½NE¼ and NE¼NW¼, Sec. 26, all of the lands and waters of Lot 1, Sec. 30, Township 104 N., Range 3 W., 5th P. M.; and all of the lands and waters enclosed by the meandered boundaries of what is known as Target Lake situated in parts of said Sections 23 and 24, and all of the lands and waters enclosed by the meandered boundaries of that portion of what is known as Broken Arrow Slough situated northerly of a straight line drawn between the points of intersection of said slough by the north lines of Lots 2 and 4 of Sec. 25, Township 104 N., Range 4 W., excepting from Lot 2, Sec. 24, Township 104 N., Range 4 W. a rectangular parcel of land surrounding the Edward Hoffman cottage, more particularly described by metes and bounds as follows:

*Beginning* at Corner 1, a point on the shore of the Mississippi River 75 feet south of the northeast corner of said Lot 2; thence west 29 feet, smoke house falls 5 feet south 150 feet, Corner 2, a 1" x 24" galvanized iron pipe; thence south parallel with the shore line 514 feet, Corner 3; a 1" x 24" galvanized iron pipe; thence east 150 feet, Corner 4, on the shore of the Mississippi River; thence north with the shore line 514 feet to the place of *beginning*.

*Area number 2.*—All of the lands and waters lying in Township 103 N., Ranges 3 and 4 W., 5th P. M. described as follows: The NE¼, NW¼SE¼, SW¼, N½NW¼, SE¼NW¼, and Lots 1 and 2 in Sec. 1; NE¼NW¼, W½NW¼, and Lots 2, 3, 4, and 5, that portion of Lot 6 east of the C. M. St. P. & P. R. R., and Lots 7 and 8, all in Sec. 12; Lots 1, 2, 3, 4, and 5, that portion of Lot 6 lying easterly of the easterly right of way line of the C. M. St. P. & P. R. R., NW¼SW¼ and SW¼NW¼ in Sec. 13; and all of the lands and waters enclosed by the meandered boundaries of what is known as Lawrence Lake situated in parts of said Sections 12 and 13, all in Township 103 N., Range 4 W., and Fractional Sec. 6, Township 103 N., Range 3 W.

*Vernon County*

*Area number 3.*—All of the lands and waters lying in Township 14 N., Range 7 W, 4th P. M. described as follows: Lots 5, 6, 7, 8 and 9 in Sec. 7; W½SW¼ and Lots 7, 8, 9 and 10 in Sec. 17; SE¼, W½NE¼, SE¼NE¼, and Lots 1, 2, 3, 4 and 5 in Sec. 18; NE¼, Lots 2, 3 and 4 in Sec. 19; NW¼, W½SW¼, Lots 2, 3, 4 and 5, Sec. 20, excepting however from said Lots 2 and 3 a tract of land described as follows: *Beginning* at Corner 1, a 7" x 7" x 36" Maple Post above ground, scribed US Cor. 1 placed in the north line of said Lot 2 and 17.71 chains east of the northwest corner thereof, thence East with the north line of said Lot 2, 7.69 chains to Corner 2, a 6" x 6" x 36" Maple Post above ground, scribed HD Cor. 2, thence South across small slough to high bank and with said high bank 26.00 chains to Corner 3, a 4" x 4" x 36" Maple Post above ground, scribed HD Cor. 2 placed on west bank of Crosby Slough just below junction with said small slough, thence West 7.69 chains to Corner 4, an 8" x 8" x 36" Maple Post above ground, scribed US Cor. 4, thence North parallel with east line 26.00 chains to Corner 1, the Place of *beginning;* and Lot 7 in Sec. 29.

*Wabasha County*

*Area number 4.*—All of the lands and waters lying and being in Township 109 N., Range 9 W., 5th P. M., described as follows: That part of the SE¼ Section 19 which is northeasterly of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railway; NE¼ and S½ Section 20; all fractional Sections 21, 22 and 27; all Section 28; those parts of Section 29, NE¼NE¼ Section 30, NE¼ Section 32, N½ Section 33, and N½ Section 34 which lie northeasterly of the C. M. St. P. and P. R. R.

*Crawford County*

*Area no. 5.*—All of the lands and waters lying in Township 10 N., Ranges 6 and 7 W., 4th P. M., which are enclosed by the following definite boundaries: Starting at the point in fractional Section 14, Township 10 N., Range 7 W., where Lafayette Slough enters the Mississippi River, thence southeasterly along the Mississippi River where it forms the southwesterly boundaries of Fractional Sections 14, 13 and 24, Township 10 N., Range 7 W., and the southerly boundaries of Lot 4 and a portion of Lot 3, both in fractional Section 19, Township 10 N., Range 6 W., to the junction of Capoli

Slough with the Mississippi River, thence along Capoli Slough where it forms the southeasterly and easterly boundaries of Lots 3 and 2, Sec. 19, Township 10 N., Range 6 W., and the easterly boundary of Lot 9, Sec. 18, Township 10 N., Range 6 W., to the junction of said Capoli Slough with Winneshiek Slough, thence northerly along Winneshiek Slough where it forms the easterly boundary of Lot 6, Sec. 18, Township 10 N., Range 6 W., to the junction of said Winneshiek Slough with Gordon Slough, thence along Gordon Slough in westerly, northwesterly, northerly and northwesterly directions, successively, through Sections 18 and 7, Township 10 N., Range 6 W., and Sections 12, 1 and 2 in Township 10 N., Range 7 W., to the point in Sec. 2, Township 10 N., Range 7 W., where said Gordon Slough forms a junction with Winneshiek Slough, thence westerly across Winneshiek Slough to its junction with Mink Cut, thence along Mink Cut in southwesterly and westerly directions to a point in Sec. 11, Township 10 N., Range 7 W., where said Mink Cut forms a junction with Swift Slough, thence along Swift Slough in southerly and southwesterly directions to its junction with Lafayette Slough, thence southward along Lafayette Slough to the place of *beginning*.

*Area number 6.*—All of the lands and waters lying in Township 10 N., Range 6 W., 4th P. M. which are enclosed by the following definite boundaries: Starting at the point where the south line of Sec. 33 intersects the east bank of the Mississippi River, thence east along the south lines of Secs. 33 and 34 and Lot 5, Sec. 35, to the point where the south line of said Lot 5 intersects the west bank of Winneshiek Slough, thence along Winneshiek Slough in a northwesterly direction through Secs. 35, 34, 27, 22 and 21 to the junction of Winneshiek Slough with Milton Slough, thence along Milton Slough in westerly, northwesterly, westerly, southwesterly and westerly directions, successively, where said slough intersects parts of Secs. 21, 16, 17 and 20, to the point where the west line of Sec. 20 intersects the south bank of Milton Slough, thence south along the west line of Sec. 20 to the point where the said west line intersects the north bank of Baptiste Slough, thence westerly along Baptiste Slough through a portion of fractional Sec. 19 to the junction of Baptiste Slough with the Mississippi River, thence along the Mississippi River in a southeasterly direction where it forms the southwesterly boundaries of Lot 8, Sec. 19, and of fractional sections 20, 29, 28, and 33, to the Place of *beginning*.

*Area no. 7.*—All of the lands and waters lying in Townships 6 and 7 N., Range 7 W., which are enclosed by the following definite boundaries: Starting at the point where the north line of Sec. 35, Township 7 N., Range 7 W., intersects the westerly bank of East Channel, thence along East Channel in a northwesterly direction to the point where the easterly boundary of Lot 4, Sec. 26, Township 7 N., Range 7 W. is intersected by the southerly boundary of the right of way of the toll bridge highway operated by the Prairie du Chien Bridge Company, thence along the southeasterly boundary of said highway right of way in a southwesterly direction across lots 4 and 5, Sec. 26, Township 7 N., Range 7 W., to the point where said southerly boundary of said right of way intersects the westerly boundary of said Lot 5, thence in a southerly direction along the westerly boundaries of said Lot 5, of Lots 3, 4, 5 and 6 of Sec. 35, Township 7 N., Range 7 W., and of Lot 1, Sec. 2, Township 6 N., Range 7 W., to the extreme southerly point of said Lot 1, thence in an easterly direction to the extreme southerly point of Lot 3 of said Sec. 2, thence along East Channel in a northeasterly direction where it forms the southeasterly boundaries of Lot 3 of said Sec. 2, and Lot 2, Sec. 1, Township 6 N., Range 7 W., and the easterly and northeasterly boundaries of Lots 3 and 4, Sec. 36, Lot 9, Sec. 35, and Lot 4, Sec. 26, Township 7 N., Range 7 W., to the place of *beginning*.

MINNESOTA-IOWA

*Houston County, Minnesota*

*Allamakee County, Iowa*

*Area number 8.*—All of the lands and waters lying in Townships 100 N. and 101 N., Ranges 3 and 4 W., 5th P. M., which are enclosed by the following definite boundaries: Starting at the point where the north line of Sec. 30, Township 101 N., Range 3 W., 5th P. M. intersects the westerly bank of the Mississippi River, thence West along the north line of said Sec. 30 to a meandered lake, thence around the northerly meandered boundary of said lake to the point of intersection of the northerly meander line of said lake with the east line of Sec. 25, Township 101 N., Range 4 W., thence North along the east line of said Sec. 25 to the northeast corner of said Sec. 25, thence West along the north line of said Sec. 25 to the northwest corner of Lot 7 of said Sec. 25, thence south along the west lines of said Lot 7, of the SE¼NE¼ and of Lot 8, all in said Sec. 25, to the point where the west line of said Lot 8 intersects the northerly meandered boundary of a meandered lake, thence around the westerly meandered boundary of said lake to the point where said meandered boundary is intersected by the south line of said Sec. 25, thence along the south line of said Sec. 25 to the southeast corner of said Sec. 25, thence along the west line of Sec. 31, Township 101 N., Range 3 W., 5th P. M. to the point of intersection of said west line with Minnesota Slough, thence following said Minnesota Slough in southeasterly and southerly directions through Section 31, Township 101 N., Range 3 W., and Sections 6, 7, and 18, Township 100 N., Range 3 W., to the point where the south line of Lot 2, Sec. 18, Township 100 N., Range 3 W., intersects the easterly bank of said Minnesota Slough, thence East along said south line to the southeast corner of said Lot 2, thence south along the west line of Lot 1 of said Sec. 18 to a slough, sometimes referred to as Ferry Slough, thence northeasterly, easterly and southeasterly along said Ferry Slough, where the same forms the southerly boundaries of said Lot 1, Sec. 18 and Lots 3, 5 and 6, Sec. 17 to the junction of said slough with the Mississippi River, thence northerly and northwesterly along the Mississippi River where it forms the easterly boundaries of fractional Sections 17, 8 and 5, Township 100 N., Range 3 W., and the easterly boundaries of fractional Sections 32, 29 and 30, Township 101 N., Range 3 W., to the place of *beginning*, excepting therefrom Lot 3, Sec. 32, Township 101 N., Range 3 W.

IOWA

*Allamakee County*

*Area number 9.*—All of the lands and waters lying in Township 98 N., Range 2 W., 5th P. M., which are enclosed by the following definite boundaries: Starting at the point where the north line of Sec. 28, Township 98 N., Range 2 W., 5th P. M. intersects the westerly bank of Crooked Slough, thence along Crooked Slough in a northwesterly direction to the extreme northerly point of fractional Sec. 21, where Crooked Slough forms a junction with Harpers Slough, thence along Harpers Slough in a southerly direction where it forms the westerly boundaries of said fractional Sec. 21, of Lots 5, 4, 3 and 2, successively, in Sec. 28, of Lot 4, Sec. 33, the northerly boundary of Lot 6, Sec. 33, the westerly boundaries of Lots 2 and 1, Sec. 32, and a part of the southerly boundary of Lot 7, Sec. 33, to the point where said Harpers Slough forms a junction with an unnamed slough opposite the southerly boundary of said Lot 7, thence along said unnamed slough in easterly, northerly, and northwesterly directions, successively, where it forms a part of the southerly boundary of said Lot 7, the southerly, easterly and northerly boundaries of Lot 9, Sec. 33, thence along said slough in a northeasterly direction where said slough separates Lots 3 and 10, Sec. 33, thence along said slough in southeasterly and easterly directions where said slough separates Lots 2 and 10, Sec. 33 and where said slough forms the southwesterly and southerly boundaries of Lot 1, Sec. 33 and the southerly and southeasterly boundaries of Lot 1, Sec. 34, to the junction of said slough with Crooked Slough, thence along Crooked Slough in northwesterly, northerly and northwesterly directions, successively, to the place of *beginning*.

*Area number 10.*—All of the lands and waters lying in Township 97 N., Range 2 W., 5th P. M., which are enclosed by the following definite boundaries: Starting at a point where the north line of Sec. 8, Township 97 N., Range 2 W., intersects the westerly bank of St. Paul Slough, thence following said Slough in northeasterly, easterly, southerly, northeasterly and northerly directions, successively, where it forms the boundary of Lot 7, Sec. 5, Township 97 N., Range 2 W., to its junction with Harpers Slough, thence following said Harpers Slough in westerly and southwesterly directions where it forms the northerly boundaries of Lots 7, 6, and 5, Sec. 5, Township 97 N., Range 2 W., and the westerly boundaries of Lot 5, Sec. 5; Lot 11, Sec. 8; Lots 2 and 1, Sec. 7; Lots 1, 2, and 8, Sec. 18; and Lot 5, Sec. 19, all in Township 97 N., Range 2 W., thence from the southerly point of said Lot 5, Sec. 19, to the northwest corner of Lot 4, Sec. 19, Township 97 N., Range 2 W., thence along the westerly boundary of said Lot 4 to the southwest corner thereof, thence following the slough in southerly, southeasterly, and easterly directions, successively, where it forms the westerly and southerly boundaries of Lot 9, Sec. 19, Township 97 N., Range 2 W., to the junction of said slough with McDonald Slough, thence easterly across McDonald Slough to its junction with the Mississippi River, thence in a northeasterly direction along the Mississippi River to its junction with St. Paul Slough, thence up St. Paul Slough in a general northerly direction to the place of *beginning*, excepting therefrom the following described parcel of land in Lots 3 and 4, Sec. 17, Township 97 N., Range 2 W.; *beginning* at Corner 1, a blazed birch tree, 14 inches in diameter on the bank of St. Paul Slough, near its mouth, and 16 rods south of the northeast corner of said Lot 3, The U. S. Principal Bench Mark #225, a 4 inch Iron Pipe, bears South 63 degrees 30 minutes East across the Mississippi River, the Frank Caya Cottage bears North two rods; thence West, 25 rods to Corner 2, a willow stake; thence North 7 degrees East 90 rods to Corner 3, a willow stake; Thence East, 25 rods to Corner 4, a blazed elm tree 38 inches in diameter on the west bank of St. Paul Slough; thence southwesterly, with the west bank of St. Paul Slough to the place of *beginning*, said exception containing fourteen (14) acres more or less.

*Jackson County*

*Area number 11.*—All of the lands and waters in Township 85 N., Range 5 E., 5th P. M. which are described as follows: That part of the E½NW¼ of Sec. 10 and that part of the E½ of Sec. 10 which lie northerly and easterly of the right of way of the C. M. St. P. R. R. as it is at present maintained and operated; the N½ of Sec. 11 and the N½SW¼ of Sec. 11; and the W½NW¼, SE¼NW¼, NW¼SE¼, and Lots 1 and 2 of Sec. 12.

*Area number 12.*—All of the lands and waters lying in Township 85 N., Range 6 E., 5th P. M., locally known as Railroad Island, and described as follows: Lots 1 and 2, Sec. 15; Lots 1, 2, and 3 and NE¼NE¼, Sec. 22; Lots 1, 2, 3, 4 and 5, SW¼NW¼, NW¼SW¼, E½SW¼, and W½SE¼, Sec. 23; Fractional Sec. 24, Lots 1 and 2, Sec. 25; Lots 1, 2, and 3, Sec. 26.

WISCONSIN

*Buffalo County*

*Area number 13.*—All of the lands and waters lying and being in Sections 6, 7, 16, 17, 18, 19, 20, 21, Township 22 N., Range 13 W., 4th P. M., Sections 1, 2, 3, 4, 10, 11, 12, 13, Township 22 N., Range 14 W., 4th P. M., and Sections 33, 34, 35, 36, Township 23 N., Range 14 W., 4th P. M., which are enclosed by the following definite boundaries: *Beginning* at the point of intersection of the Old Wabasha-Nelson Ferry Road with the tracks of the Chicago, Burlington & Quincy Railroad in the NW¼ Section 6, Township 22 N., Range 13 W.; thence southwesterly along the said ferry road to the slough known as Beef Slough in the NW¼ Section 12, Township 22 N., Range 14 W.; thence southeasterly along the main channel of the said Beef Slough to the Mississippi River in Section 21, Township 22 N., Range 13 W.; thence northwesterly along the Mississippi River to the Chippewa River; thence northerly along the Chippewa River to the C. B. & Q. Railway tracks in the SE¼ Section 33, Township 23 N., Range 14 W.; thence southeasterly along the said railroad tracks to the point of *beginning*; excepting therefrom the following described lands: S½NE¼, W½SE¼ Section 1; SW¼NW¼, N½SW¼ Section 2, Township 22 N., Range 14 W., 4th P. M., NW¼SW¼ Section 34, Township 23 N., Range 14 W.

*Area number 14.*—All of the lands and waters lying and being in Township 20 N., Range 12 W., 4th P. M., described as follows: Lots 9, 10, 11, and 12 in Section 7; Lots 5, 6, 7, 8, 10, 11, 12, 13, and E½SW¼ Section 18; Lots 2, 3, 4, and 5 Section 19; Lots 8, 9, and 10 Section 20; and Lot 2 Section 29, and all of the lands and waters lying and being in Township 20 N., Range 13 W., 4th P. M., described as follows: Lots 12, 13, and 14 Section 1; all fractional Sections 12, 13, and 24, the said lands and waters comprise the island known as Lost Island.

Hunting on private lands within the exterior boundaries of the said refuge is not affected by this order but is subject to such provisions of the State Laws and the Migratory Bird Treaty Act and the regulations thereunder as may apply.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, September 28, 1937.

[F. R. Doc. 37-2893; Filed, September 28, 1937; 12:34 p. m.]

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## Farm Security Administration.

[Administration Order 41 (Rev. 1) (Suppl. 8) [1]]

LOANS TO INDIVIDUALS FOR RURAL REHABILITATION

SEPTEMBER 15, 1937.

1. Effective fifteen days from the date of this Supplement, paragraph 7c I of AO 41 (Rev. 1) is amended to read as follows:

"7c–I. Regional directors are authorized to delegate to assistant regional directors in charge of RR and/or to regional chiefs of Loan and Collections sections the authority granted to them in paragraphs 7a and b of this Order, except that the authority to approve loans exceeding one thousand dollars ($1,000) and not exceeding two thousand dollars ($2,000) is reserved to regional directors and may be delegated by them to assistant regional directors in charge of RR, or in the absence of the latter, to regional chiefs of Loan and Collections sections for stated periods covering such absences. Loans exceeding two thousand dollars ($2,000) and not exceeding five thousand dollars ($5,000) must be approved personally by the regional director or by an assistant regional director who has been properly designated in writing by the regional director to act for him during his temporary absence. (Such designee will sign documents with his own signature and will place under his name, 'For the Regional Director.') All loans exceeding five thousand dollars ($5,000) will be submitted to the Administrator for approval."

2. Effective fifteen days from the date of this Supplement, paragraph 7c II of AO 41 (Rev. 1) is amended to read as follows:

"7c–II. Regional directors may delegate to state RR directors, assistant state RR directors, and district and county RR supervisors, the authority specified in paragraph 7b I, III, IV, and V of this Order."

3. Effective fifteen days from the date of this Supplement, paragraph 7c III A of AO 41 (Rev. 1) is amended to read as follows:

"7c–III. A. When authority is delegated under this Order to an assistant regional director designated to act for the regional director, an assistant regional director in charge of RR and/or a regional chief of a Loan and Collections section, a signed copy of the delegation of authority will be made available to the regional FC manager."

[1] Supersedes AO 41 (Rev. 1) (Suppl. 1), 5/18/36; AO 176, paragraph 10a, 6/25/36. Amends AO 152, 6/9/36. This Supplement broadens the delegation of authority to approve loans and changes the amounts of the loans which may be approved by the authorized officials.

4. Recipients will check AO 41 (Rev. 1) to insure reference to this Supplement at the points mentioned above.

WILL W. ALEXANDER, *Administrator.*

Approved, September 15, 1937.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2885; Filed, September 27, 1937; 2:45 p. m.]

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## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

AMENDMENTS TO EXISTING REGULATIONS THAT ESTABLISH LOAD LINES FOR MERCHANT VESSELS OF 150 GROSS TONS OR OVER WHEN ENGAGED ON A FOREIGN VOYAGE BY SEA, A COASTWISE VOYAGE BY SEA, A GREAT LAKES VOYAGE

ESTABLISHMENT OF SUBDIVISION LOAD LINES ON CERTAIN PASSENGER VESSELS ENGAGED ON A VOYAGE BY SEA OR A VOYAGE ON THE GREAT LAKES

Pursuant to the authority granted to the Secretary of Commerce under Section 2 of the Load Line Act, 1929, (46 U. S. C. 85a) and in conformity with the International Load Line Convention, 1930, and under Section 2 of the Coastwise Load Line Act, 1935, amended June 20, 1936, (46 U. S. C. 88a) existing regulations for the establishment of load lines for merchant vessels of the United States of 150 gross tons or over when engaged in a foreign or coastwise voyage by sea (the Great Lakes excepted) and regulations for the establishment of load lines for merchant vessels of 150 gross tons and over when engaged in a voyage on the Great Lakes, subject to the provisions of the acts, supra, are hereby amended as set forth in Supplements 1, 2 and 3 appended hereto.

Pursuant to the authority granted to the Secretary of Commerce under Section 2 of the Coastwise Load Line Act, 1935, as amended June 20, 1936 (46 U. S. C. 88a), and Executive Order 7548, and in conformity with the International Convention for Safety of Life at Sea, 1929; regulations are hereby established and promulgated as set forth in Supplement 4 appended hereto for locating Subdivision Load Lines on passenger vessels subject to the provisions of the Coastwise Load Line Act, 1935, as amended June 20, 1936, and the International Convention for Safety at Sea, 1929, making Coastwise Voyages by Sea, Coastwise and Foreign Voyages on the Great Lakes, and Foreign Voyages by Sea.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

Approved, September 28, 1937.

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[*Supplement 1*—Section A]

AMENDMENTS TO THE PRESENT REGULATIONS FOR THE ESTABLISHMENT OF LOAD LINES FOR MERCHANT VESSELS OF 150 GROSS TONS OR OVER WHEN ENGAGED IN AN OCEAN VOYAGE

[Reference herein to page, paragraph, and line is to the 1935 edition of the Regulations for the Establishment of Load Lines for Merchant Vessels of 150 Gross Tons or Over When Engaged in a Foreign Voyage by Sea]

(*a*) On page 1, denote these regulations as "Section A."

(*b*) Delete the caption or title on page 1 and substitute the following caption: "Regulations for the Establishment of Load Lines for Merchant Vessels of 150 Gross Tons or Over When Engaged on a Foreign or Coastwise Voyage." (See Sections B and C for regulations relating to steam colliers, tugs, barges, self-propelled barges, and Great Lakes vessels.)

(*c*) In the first line of Paragraph 1, page 1, after the word "for", insert "(i)". To the last line add the following: "and for (ii) merchant vessels of 150 gross tons or over when engaged in a coastwise voyage by sea from one port or place in the United States or its possessions to another port or place in the United States or its possessions and passes outside the line dividing inland waters from the high seas as defined in Section 2 of the act of February 19, 1895, in conformity with the Coastwise Load Line Act of 1935, amended June 20, 1936, effective for vessels of 4,000 gross tons and over November 27, 1935, and for other vessels covered by the act, August 27, 1936."

(See section C for load line regulations applicable to the Great Lakes.)

(*d*) Paragraph 2. Delete this paragraph and the quoted act to conform with Federal Register Regulations.

(*e*) Renumber paragraphs to and including paragraph 20 (old), making such alterations to paragraph numbers in the text as is necessary to preserve existing reference.

(*f*) Change all references from "Bureau of Navigation and Steamboat Inspection" to "Bureau of Marine Inspection and Navigation."

(*g*) Paragraph 3 (old), fourth line, delete the words "and of". Add at the end of last line the following: "and Coastwise Load Line Act of 1935, as amended June 20, 1936."

(*h*) Paragraph 4 (old). Delete from the second line the following words: "on an international voyage." From the fifth line delete the following: "on an international voyage" and "after January 1, 1933."

Add to paragraph "(C) An existing ship—" the following subparagraph:

"(*c*) Where it is neither reasonable nor practicable to comply with these regulations in their entirety, the assigning authority will, in each case, report to the Bureau of Marine Inspection and Navigation the specific matters in which the vessel is deficient, together with such recommendations as may seem desirable. Upon receipt of this report the Bureau shall determine such addition to the freeboard as will, in the judgment of the Bureau, make the vessel as safe as if it had fully complied with the regulations."

(*i*) Paragraph 5a (old). Delete the following words from the seventh line: "when engaged on a foreign voyage." In paragraph 5b, delete the following from the fourth line: "on a foreign voyage." In paragraph 5c, delete the following from the sixth line: "foreign." In paragraph 5d delete the word "foreign" from the fourth line.

(*j*) Paragraph 7 (old). Delete the paragraph and substitute therefor a new paragraph as follows:

"6. Definition of new and existing ships—

"(*a*) For the purpose of marking and certification of load lines on the International form, a "new ship" is one whose keel was laid on or after July 1, 1932, all other ships being regarded as existing ships.

"(*b*) For the purpose of marking and certification of load lines on the Coastwise form, a "new ship" is one whose keel was laid—

"(i) if of 4,000 gross tons and over, on or after November 27, 1935;

"(ii) if less than 4,000 gross tons, on or after August 27, 1936;

"(iii) all other ships being regarded as existing ships.

(*k*) Paragraph 10 (old). In the second line, after the date "1929", add the following: "and August 27, 1935."

(*l*) Paragraph 17 (old). Add the following words to the title of the paragraph, "Renewal of certificates." In the fourth line, following the date "1929", add the following: "and August 27, 1935, as amended June 20, 1936." In the sixth and tenth lines, delete the words "four years" and substitute therefor the words "five years."

Delete the following Provision, beginning in the twelfth line: "*Provided,* That where in the judgment of the assigning authority an unusual hardship would be inflicted on the vessel were she to be detained for the survey required by these regulations, and provided further that the assigning authority is satisfied as to the condition of the vessel it may, in writing, excuse the vessel from the survey for a period not to exceed one year."

In the second subparagraph, ninth line, delete the word "four" and substitute therefor the word "five", and in the tenth line, delete the word "third" and substitute the word "fourth."

In the third subparagraph of paragraph 17, beginning with the third line, delete the following: "The Bureau of Navigation, and Steamboat Inspection, Department of Commerce, shall also be furnished with a copy of any deferment of the due survey, together with a statement of the circumstances in the case."

(m) Paragraph 18 (old). Delete the entire paragraph and substitute therefor the following:

"17. *Forms of load line certificates.*—The form of certificate certifying to the correctness of the load line mark assigned under these regulations shall be as shown in Appendix B, as follows:

"(*a*) International Load Line Certificate issued to United States vessels engaged in foreign voyages, applicable as stated:

A1 For general use.
A2 For sailing ships.
A3 General use combined with timber deck cargo.

"(*b*) For foreign vessels belonging to countries that have not ratified or acceded to the International Load Line Convention, 1930.

B For general use.

"(*c*) Coastwise Load Line Certificate issued to United States vessels engaged solely in coastwise voyages (other than Special Services provided for by Section B of the Load Line Regulations).

C1 For general use.
C2 For sailing ships.
C3 General use combined with timber deck cargo.

"The assigning authority may provide forms similar to the above, these forms to be approved by the Secretary of Commerce before being issued."

(*n*) Paragraph 20 (old). In the second line, following the date "1929", add the following: "and August 27, 1935, as amended."

(*o*) Paragraph 21 (old). Delete the entire paragraph and substitute therefor the following:

"20. *Log book entries.*—The master of a vessel subject to these regulations shall note in the vessel's log the data required by Section 6 of the Load Line Act of March 2, 1929, and the Coastwise Load Line Act, 1935, as amended; that is, before departing from her loading port or place, the position of the load line mark, port and starboard, as applicable to the voyage and the actual drafts of the vessel forward and aft at the time of departing from port as nearly as the same can be ascertained.

"21. *Control.*—The Collector of Customs may detain a vessel for survey if he has reason to believe that the vessel is proceeding on her voyage in excess of the draft allowed by the load line certificate, due regard being given to the season of the year; or has not been marked with load lines, or has not a valid load line certificate on board.

"Pursuant to the provisions of Section 5 of the Load Line Act of March 2, 1929, and the Coastwise Load Line Act, 1935, as amended, it is hereby certified that a vessel of a foreign country which has ratified the International Load Line Convention, 1930, shall be deemed a vessel of a foreign country as described in Sections 5 of the cited acts, and such a vessel shall be exempt from the provisions of these regulations in so far as the marking of the load lines and the certificating thereof are concerned, only so long as such country similarly recognizes the load lines established by these regulations, for the purpose of a voyage by sea: *Provided,* That the vessel is marked with load lines and has on board a valid load line certificate certifying to the correctness of the marks, the ship shall not be loaded beyond the limits allowed by the certificate, the position of the load line of the ship shall correspond with the certificate, the hull and superstructures shall not have been so materially altered as to affect the calculations on which the load line was based and alterations have not been made so that the protection of openings, guard rails, freeing ports, and means of access to crews' quarters have made the ship manifestly unfit to proceed to sea without danger to human life.

"As provided in Sections 7 of the Load Line Act of March 2, 1929, and the Coastwise Load Line Act, 1935, as amended, the Collector of Customs may, by written order, detain provisionally a foreign vessel for survey should he have reason to believe that such vessel is submerged below the marks allowed by the certificate, or that such vessel is not marked and certificated as provided herein. If a foreign vessel is detained for these reasons the Collector of Customs will immediately arrange for a survey as contemplated by Sections 7 of such acts.

"Should it become necessary for the Collector of Customs to survey a vessel in respect to her load line as provided by Sections 7 of the Load Line Act of March 2, 1929, or the Coastwise Load Line Act, 1935, as amended, the Collector shall, wherever practicable, appoint at least one of the three surveyors required by the act from the surveying staff of the American Bureau of Shipping.

"Should action be taken that would appear likely to result in legal proceedings being taken against a foreign ship, or should the ship be detained, the Consul of the country to which the ship belongs shall be informed as soon as possible of the circumstances of the case."

(*p*) Rule 4. In the subparagraph beginning with the title "Fresh-water load lines," add at the end of the paragraph, after the letters "TF", the following: "This provision for deeper loading in fresh water is not applicable to the Great Lakes."

Delete the last paragraph of Rule 4, beginning with the words, "Where a minimum freeboard" and ending with the words, "as provided in rule 4," and substitute the following paragraph:

"Where the draft is restricted on a basis of subdivision or stability and this draft is less than any of the various seasonal drafts permitted by these regulations the center of the disk shall be located on the line of this restricted draft and it shall be applicable to all zones and seasons. If such a permissible maximum draft comes between the seasonal markings, the seasonal markings below shall also be added. A fresh-water load line may be marked forward of the disk as provided in this rule."

(*q*) To Part 3, add the following as a third paragraph: "*Passenger vessels—Subdivision and stability load lines.*—Where in passenger vessels the position of the maximum load lines are determined by the application of subdivision and stability regulations as provided in Section D pertaining to passenger vessels in the ocean and coastwise trades, the provisions of the regulations herein shall also be effective in so far as they are applicable."

(*r*) Part 8. From the first paragraph, fourth line, delete the following: "on a foreign voyage."

(*s*) Part 9. Under the general heading "Summer Zones", paragraph (6), add as a sentence at the end of subparagraph (a), immediately following the words "south of lat. 11° S," the following: "Mackay is to be considered as being on the boundary of the 'seasonal tropical' and the 'summer' zones."

(*t*) Appendix B. Delete the forms of load line certificates shown and substitute the following forms:

APPENDIX B. (TO SECTION A)

*Forms of Load Line Certificates*

[Form A 1]

INTERNATIONAL LOAD LINE CERTIFICATE

Issued under the authority of the United States of America, Department of Commerce under the provisions of the International Load Line Convention, 1930

[SEAL]

Issued by _____
Certificate No. _____
Name of Ship _____ Official Number _____
Port of Registry _____ Gross Tonnage _____

| *Freeboard from Deck Line* | | *Load Line* |
|---|---|---|
| Tropical | (T) | Above (S) |
| Summer | (S) | Upper edge of line through center of disk. |
| Winter | (W) | Below (S) |
| Winter (North Atlantic) | (WNA) | Below (S) |
| *Allowance for fresh water for all freeboards | | |

(All measurements are to upper edges of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is ____ inches above the top of the ____ deck at side.

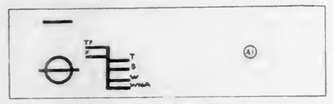

FIGURE A–1.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

**This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19____.

(Here follows the signature or seal and description of the assigning authority.)

NOTE.—In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

*Renewal of Load Line Certificate*

The provisions of the Convention being fully complied with by this ship, this certificate is renewed until _____, 19____.
Place _____
Date _____

Assigning Authority
By _____
(Surveyor)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

*Notes*

[1] The Winter North Atlantic Load Line applies for voyages across the North Atlantic Ocean north of latitude 36° N., during the winter months as defined by the Load Line Regulations. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations.

[2] This Load Line Certificate will be canceled by the Department of Commerce if—

(a) The periodic inspections have not been carried out.
(b) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.
(c) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

[3] When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

*Appliances for Closing Access Openings in Bulkheads at Ends of Detached Superstructures*

Forecastle_____
Bridge, Fore end_____
Bridge, After end_____
Poop_____

*Temporary Appliances for Closing Openings in Superstructure Decks*

_____
_____

APPENDIX B (TO SECTION A)

[Form A 2]

INTERNATIONAL LOAD LINE CERTIFICATE

Issued under the authority of the United States of America, Department of Commerce under the provisions of the International Load Line Convention, 1930.

[SEAL]
Issued by _____
Certificate No. _____
Name of Ship _____ Official No. _____
Port of Registry _____ Gross Tonnage _____

| *Freeboard from deck line* | | *Load Line* |
|---|---|---|
| Tropical, Summer, Winter | | Upper edge of line through center of disk. |
| Winter—North Atlantic | (WNA) | (Below) Upper edge of line through center of disk. |

Allowance for fresh water for all freeboards_____
(All measurements are to upper edges of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ back at side.

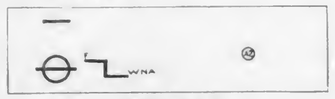

Figure A–2

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

*This certificate remains in force until_____
Issued at_____ on the_____day of_____, 19____

(Here follows the signature or seal and description of the assigning authority.)

NOTE.—In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

*At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of Certificate)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

*Renewal of Load Line Certificate*

The provisions of the Convention being fully complied with by this ship, this certificate is renewed until _____, 19____
Place _____
Date _____

Assigning Authority
By _____
(Surveyor)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

*Notes*

[1] The Winter North Atlantic Load Line applies for voyages across the North Atlantic Ocean north of latitude 36° N., during the winter months as defined by the Load Line Regulations.

[2] This load line Certificate will be canceled by the Department of Commerce if—

(a) The periodic inspections have not been carried out.
(b) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.
(c) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

[3] When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

*Appliances for Closing Access Openings in Bulkheads at Ends of Detached Superstructures*

Forecastle_____
Bridge, Fore end _____
Bridge, After end _____
Poop _____

*Temporary Appliances for Closing Openings in Superstructure Decks*

_____
_____



APPENDIX B (TO SECTION A)

[Form A 3]

INTERNATIONAL LOAD LINE CERTIFICATE

Issued under the authority of the United States of America, Department of Commerce under the provisions of the International Load Line Convention, 1930.

[SEAL]
Issued by _____
Certificate No. _____
Name of Ship _____ Official No. _____
Port of Registry _____ Gross Tonnage _____

| *Freeboard from deck line* | | *Load line* |
|---|---|---|
| Tropical | (T) | Above (S) |
| Summer | (S) | Upper edge of line through center of disk. |
| Winter | (W) | Below (S) |
| Winter (North Atlantic) | (WNA) | Below (S) |
| *Allowance for fresh water for all freeboards | | |

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies with the special requirements of the Load Line Regulations regarding timber deck cargoes.

| *Freeboards from deck line* | | *Load line* |
|---|---|---|
| Tropical (Timber) | (LT) | Above (S) |
| Summer (Timber) | (LS) | Above (S) |
| Winter (Timber) | (LW) | Above (S) / Below (S) |
| Winter North Atlantic (Timber) | (LWNA) | Below (S) |

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.

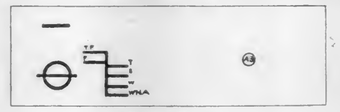

FIGURE A–3.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

**This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19____.

(Here follows the signature or seal and description of the assigning authority.)

NOTE.—In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. (The diagram showing the timber load line marks is to be inserted above by the assigning authority.) Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

*Renewal of Load Line Certificate*

The provisions of the Convention being fully complied with by this ship, this certificate is renewed until ——, 19——

Place ——— Assigning Authority
Date ——— By ———
(Surveyor)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

*Notes*

[1] The Winter North Atlantic Load Line applies for voyages across the North Atlantic Ocean north of latitude 36° N., during the winter months as defined by the Load Line Regulations. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations.

[2] This Load Line Certificate will be canceled by the Department of Commerce if—

(*a*) The periodic inspections have not been carried out.

(*b*) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(*c*) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

[3] When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

*Appliances for Closing Access Openings in Bulkheads at Ends of Detached Superstructures*

Forecastle ———
Bridge, Fore end ———
Bridge, After end ———
Poop ———

*Temporary Appliances for Closing Openings in Superstructure Decks*

———
———

APPENDIX B, (TO SECTION A)

[Form B]

(To be issued to foreign vessels belonging to countries that have not ratified or acceded to the International Load Line Convention, 1930.)

LOAD LINE CERTIFICATE

Issued under the authority of the Department of Commerce, United States of America, under the provisions of the act of March 2, 1929, to establish load lines for American merchant vessels of 150 gross tons or over engaged in foreign trade.

[SEAL]

Issued by ———
Certificate No. ———
Name of Ship ——— Official No. ———
Port of Registry ——— Gross Tonnage ———

| *Freeboard from deck line* | | *Load Line* |
|---|---|---|
| Summer in tropical seas | (T) | Above (S) |
| Summer | (S) | Upper edge of Line through center of disk. |
| Winter | (W) | Below (S) |
| Winter in North Atlantic | (WNA) | Below (S) |

* Allowance for fresh water for all freeboards ———

The upper edge of the deck line from which these freeboards are measured is —— inches above the top of the —— deck at side.

FIGURE B.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the load line regulations of the Department of Commerce.

** This certificate remains in force until ———
Issued at ——— on the ——— day of ———, 19——.

(Here follows the signature or seal and the description of the authority issuing the certificate.)

NOTE.—In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center lines. This certificate is limited to one year and must be renewed annually.

* Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

** At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for renewal indorsements.)

(Reverse side of certificate)

*Renewal of Load Line Certificate*

The provisions of the regulations of the Department of Commerce, determining load lines being fully complied with by this ship, this certificate is renewed till ———
Place ——— Date ———
Signature or seal and description of authority.

The provisions of the regulations of the Department of Commerce, determining load lines being fully complied with by this ship, this certificate is renewed till ———
Place ——— Date ———
Signature or seal and description of authority.

*Notes*

[1] The Winter North Atlantic Load Line applies for voyages across the North Atlantic Ocean north of latitude 36° N., during the winter months as defined by the Load Line Regulations. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations.

[2] This Load Line Certificate will be canceled by the Department of Commerce if—

(*a*) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(*b*) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

[3] When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

*Appliances for Closing Access Openings in Bulkheads at Ends of Detached Superstructures*

Forecastle ———
Bridge, Fore end ———
Bridge, After end ———
Poop ———

*Temporary Appliances for Closing Openings in Superstructure Decks*

———
———



APPENDIX B, (TO SECTION A)

[Form C 1]

COASTWISE LOAD LINE CERTIFICATE

Issued under the authority of the United States of America, Department of Commerce under the provisions of the Coastwise Load Line Act, 1935.

[SEAL]

Issued by ———
Certificate No. ———
Name of Ship ——— Official No. ———
Port of Registry ——— Gross Tonnage ———

| *Freeboard From Deck Line* | | *Load Line* |
|---|---|---|
| Tropical | (T) | Above (S) |
| Summer | (S) | Upper edge of Line through center of disk. |
| Winter | (W) | Below (S) |

*Allowance for fresh water for all freeboards ———
(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is —— inches above the top of the —— deck at side.

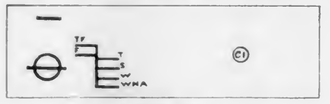


FIGURE C–1.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Department of Commerce Coastwise Load Line Regulations.

** This certificate remains in force until ———
Issued at ——— on the ——— day of ———, 19——.

(Here follows the signature or seal and description of the assigning authority.)

NOTE.—In accordance with the Load Line Regulations the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

* Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

** At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal indorsements.)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

*Renewal of Load Line Certificate*

The provisions of the Coastwise Load Line Regulations of the Department of Commerce being fully complied with by this ship, this certificate is renewed until ———, 19——
Place ——— Assigning Authority
Date ——— By ———
(Surveyor)

*Annual Inspection*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

*Notes*

[1] The periods and areas during which the seasonal load lines apply are as stated in the Load Line Regulations.

[2] This Load Line Certificate will be canceled by the Department of Commerce if—

(*a*) The periodic inspections have not been carried out.

(*b*) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(*c*) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

[3] When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

*Appliances for Closing Access Openings in Bulkheads at Ends of Detached Superstructures*

Forecastle ———
Bridge, Fore end ———
Bridge, After end ———
Poop ———

*Temporary Appliances for Closing Openings in Superstructure Decks*

———
———

APPENDIX B (TO SECTION A)

[Form C 2]

*Coastwise Load Line Certificate*

Issued under the authority of the United States of America, Department of Commerce under the provisions of the Coastwise Load Line Act, 1935.

[SEAL]

Issued by ———
Certificate No. ———
Name of Ship ——— Official No. ———
Port of Registry ——— Gross Tonnage ———

| *Freeboard from Deck Line* | *Load Line* |
|---|---|
| Tropical / Summer / Winter | Upper edge of line through center of disk. |

Allowance for fresh water for all freeboards ———
(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured in —— inches above the top of the —— deck at side.

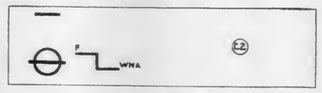


FIGURE C–2.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Department of Commerce Coastwise Load Line Regulations.

* This certificate remains in force until ———
Issued at ——— on the ——— day of ———, 19——.

(Here follows the signature or seal and description of the assigning authority.)

NOTE.—In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be

marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

•At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal indorsements.)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

*Renewal of Load Line Certificate*

The provisions of the Coastwise Load Line Regulations of the Department of Commerce being fully complied with by this ship, this certificate is renewed until ---------- 19----

Place ----------
Date ---------- By ----------
(Surveyor)
Assigning Authority

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

*Notes*

[1] The periods and areas during which the seasonal load lines apply are as stated in the Load Line Regulations.

[2] This Load Line Certificate will be canceled by the Department of Commerce if—

(*a*) The periodic inspections have not been carried out.
(*b*) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.
(*c*) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

[3] When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

*Appliances for Closing Access Openings in Bulkheads at Ends of Detached Superstructures*

Forecastle----------
Bridge, Fore end----------
Bridge, After end----------
Poop----------

*Temporary Appliances for Closing Openings in Superstructure Decks*

----------
----------

APPENDIX B (TO SECTION A)

[Form C 3]

COASTWISE LOAD LINE CERTIFICATE

Issued under the authority of the United States of America, Department of Commerce under the provisions of the Coastwise Load Line Act, 1935.

[SEAL]

Issued by ----------
Certificate No. ----------

Name of Ship ---------- Official No. ------
Port of Registry ---------- Gross Tonnage --------

| *Freeboard from Deck Line* | | *Load Line* |
|---|---|---|
| Tropical ---------- | (T) | ---------- Above (S) |
| Summer ---------- | (S) | Upper edge of line through center of disk. |
| Winter ---------- | (W) | ---------- Below (S) |

•Allowance for fresh water for all freeboards----------

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies with the special requirements of the Load Line Regulations regarding timber deck cargoes.

| *Freeboards from Deck Line* | | *Load Line* |
|---|---|---|
| Tropical (Timber) ---------- | (LT) | ---------- Above (S) |
| Summer (Timber) ---------- | (LS) | ---------- Above (S) |
| Winter (Timber) ---------- | (LW) | ----------{Above (S) / Below (S) |

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is ------ inches above the top of the ---------- deck at side.

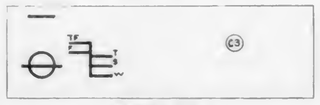


FIGURE C–3.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Department of Commerce Coastwise Load Line Regulations.

•• This certificate remains in force until----------
----- Issued at ---------- on the ---------- day of ----------, 19----

(Here follows the signature or seal and description of the assigning authority.)

NOTE.—In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. (The diagram showing the timber load line marks is to be inserted above by the assigning authority.) Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

• Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

•• At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal indorsements.)

(Reverse side of certificate)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)



*Renewal of Load Line Certificate*

The provisions of the Coastwise Load Line Regulations of the Department of Commerce being fully complied with by this ship, this certificate is renewed until ---------- 19----

Place ----------
Date----------
Assigning Authority
By ----------
(Surveyor)

*Annual Inspections*

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

*Notes*

[1] The periods and areas during which the seasonal load lines apply are as stated in the Load Line Regulations.

[2] This Load Line Certificate will be canceled by the Department of Commerce if—

(*a*) The periodic inspections have not been carried out.
(*b*) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.
(*c*) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the certificate was issued.

[3] When this certificate has expired or been canceled, it must be delivered to the Assigning Authority.

*Appliances for Closing Access Openings in Bulkheads at Ends of Detached Superstructures*

Forecastle----------
Bridge, Fore end----------
Bridge, After end----------
Poop----------

*Temporary Appliances for Closing Openings in Superstructure Decks*

----------
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[Supplement 2—Section B]

REGULATIONS FOR THE VARIANCE OF LOAD LINES FOR STEAM COLLIERS, TUGS, BARGES, AND SELF-PROPELLED BARGES OF 150 GROSS TONS AND OVER WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES

Pursuant to the Coastwise Load Line Act, 1935, as amended June 20, 1936, vesting the Secretary of Commerce with discretion to vary the load line marks from those established by the International Load Line Treaty, 1930, on steam colliers, tugs, barges, and self-propelled barges engaged in special services on inter-island voyages and on coastwise voyages from port to port in the continental United States, the following regulations are hereby established.

ADMINISTRATION

The administrative provisions of Section A, Part 1, of the load line regulations relating to vessels engaged in foreign and coastwise voyages, where applicable, shall apply to vessels subject to Section B except as modified below:

(*a*) Application for the assignment of load lines under Section B for the above classes of vessels shall be made to the Bureau of Marine Inspection and Navigation, stating:

(*a*) Name of vessel and official number
(*b*) Type of vessel (steam collier, tug, barge, or self-propelled barge)
(*c*) Date keel was laid
(*d*) Normal sea speed of vessel
(*e*) Limits of voyage for which approval is requested
(*f*) Normal maximum distance off shore in course of voyage
(*g*) Length of voyage in days and nautical miles
(*h*) Statement of weather conditions to be expected
(*i*) Cargo to be carried.

(*b*) Whenever the Secretary of Commerce shall find that the position of the load line for the classes of vessels above stated may be safely varied from the position fixed by the International Load Line Treaty, 1930, and that any such change will not locate the load line above the actual line of safety, he may approve load lines, as determined by Section B of these regulations, for steam colliers, tugs, barges, and self-propelled barges (separately by class) to be applicable between two specific ports of the continental United States and the intermediate continental United States ports between these limits or between the islands of a group over which the United States has jurisdiction. The marking of such load lines and the certification thereof shall be in accordance with Section B and the Load Line Certificate shall define the limits of the voyage for which the load lines are valid.

(*c*) The use of the special service load line certificate issued under Section B is limited to voyages only as described in the certificate. If the vessel engages on any voyage not contemplated by the certificate where a load line is required, the load line prescribed by Section A shall govern.

(*d*) Vessels engaged on special services in the coastwise trade and the inter-island trade will be certificated on the form shown in Appendix A of Section B.

(*e*) A new ship marked with load lines for special service on a coastwise or inter-island voyage is a ship whose keel was laid on or after September 28, 1937. An existing vessel is one whose keel was laid before that date.

RULES OF ASSIGNMENT

RULE 1. The load line regulations in this section are complementary to those in Section A or Section C (Great Lakes Load Line Regulations), as reference is made thereto.

RULE 2. *Definitions.*—

(*a*) *A steam collier* is a vessel mechanically propelled and specially designed for the carriage of coal in bulk.

(*b*) *A tug* is a vessel specially designed for towing vessels or floating equipment.

(*c*) *A towed barge* is a vessel without sufficient means for self-propulsion and which requires to be towed.

(*d*) *A self-propelled barge* is a vessel mechanically propelled of the type specially designed for use in limited coastwise and Great Lakes service and capable of transiting inter-connecting canals.

RULE 3. *Load Line Markings.*—The load line marks on the ship's sides are to be in accordance with Section A, Rule 4, Figure 1. Seasonal markings such as "Winter North Atlantic" which are not applicable to the voyage will be omitted.

In the case of vessels which engage in special services on coastwise voyages and voyages on the Great Lakes, the marks on the ship's sides are to be in accordance with Figure B–1 shown below. The load lines aft of the combined disk and diamond will be applicable for voyages on the Great Lakes and those on the forward side will be applicable to limited coastwise voyages. The summer line on the ocean will correspond to the summer line on the Lakes and the winter line on the ocean will correspond to the intermediate line on the Lakes.

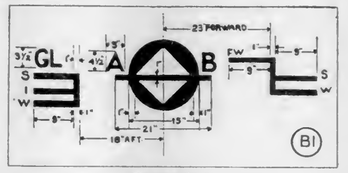


FIGURE B–1

In the case of vessels which operate both on special service coastwise voyages and on unlimited coastwise voyages,

the marks on the ship's sides are to be in accordance with Figure B–2 shown below. The load lines aft of the disk will be applicable to voyages in special service coastwise or inter-island voyages and those on the forward side will be applicable to unlimited coastwise voyages. (A vessel marked for both special service and unlimited coastwise voyages and furnished with a load line certificate on the International form shall, when entering the foreign trade, arrange that the load line markings are in accord with the vessel's International Load Line Certificate by the elimination of the marks aft of the disk.)

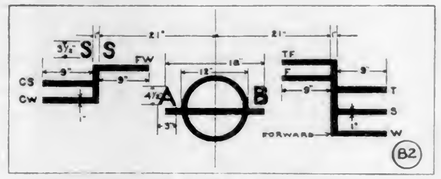


FIGURE B–2.

RULE 4. *Existing vessels.*—In assigning load lines to an existing vessel the provisions of these regulations shall be complied with in principle and detail in so far as is reasonable and practicable, having regard to the proven efficacy of existing arrangements for a special service voyage, and having particular regard to the provision of sufficient means for the protection and safety of the crew.

Where it is neither reasonable nor practicable to comply with these regulations in their entirety, the assigning authority will, in each case, report to the Bureau of Marine Inspection and Navigation the specific matters in which the vessel is deficient with such recommendations as may seem desirable. Upon the receipt of this report the Bureau shall determine such addition to the freeboard as will, in the judgment of the Bureau, make the vessel as safe as if it had fully complied with the regulations.

RULE 5. *Conditions of assignment.*—

(*a*) *Steam colliers.*—The conditions of assignment for steam colliers shall be in accordance with the requirements of Section A, Part 3, and also with the supplementary requirements of Part 7, in cases where a tanker freeboard is assigned.

(*b*) *Tugs.*—The conditions of assignment for tugs shall be in accordance with the provisions of Section C, Part 3, and in addition port lights in exposed casings leading to spaces below the freeboard deck shall be fitted with dead lights.

(*c*) *Towed barges.*—The conditions of assignment for towed cargo barges where the cargo is carried under deck shall be in accordance with Section C, Part 3. In the case of tank barges and cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of Section C, Part 5. In the case of towed cargo barges of the open type, the construction of the vessel must be such as to satisfy the assigning authority that no unusual hazards will be experienced.

(*d*) *Self-propelled barges.*—The conditions of assignment for self-propelled cargo barges carrying cargo under decks shall be in accordance with the provisions of Section C, Part 3. In the case of self-propelled tank barges and self-propelled cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of Section C, Part 5.

RULE 6. *Freeboards.*—When the assigning authority is satisfied that the requirements of these regulations as applicable to the type of vessel under consideration are complied with the freeboards will be computed as follows:

(*a*) *Steam colliers.*—Steam colliers that have constructional features similar to those of a tanker which afford extra invulnerability against the sea may be assigned a reduction of freeboard from that determined under Section A, Part 4. The amount of such reduction shall be determined by the assigning authority, with the approval of the Bureau of Marine Inspection and Navigation, in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the supplementary conditions of assignment laid down for these ships, but without regard to the degree of subdivision provided. The freeboard assigned to such a vessel shall in no case be less than would be assigned the vessel as a tanker, as determined by Section A, Part 7.

(*b*) *Tugs.*—The freeboard is to be computed in accordance with Section C, Part 4. The fresh water and seasonal markings where applicable are to be the same as determined from Section A, Part 4.

(*c*) *Towed cargo barges with cargo under deck.*—The freeboard is to be computed under Section C, Part 4. The fresh water and seasonal markings where applicable are to be determined from Section A, Part 4.

(*d*) *Towed cargo barges with cargo only on deck.*—The freeboard for barges of this type is to be computed in accordance with the requirements of Section C, Part 5. The fresh water and seasonal markings, where applicable, are to be the same as determined from Section A, Part 4.

(*e*) *Towed cargo barges of the open type.*—The load line will be placed where, in the judgment of the assigning authority, with the approval of the Bureau of Marine Inspection and Navigation, the draft will be such that no unusual hazard will be experienced.

(*f*) *Towed tank barges.*—The freeboard is to be computed in accordance with Section C, Part 5. The fresh water and seasonal markings where applicable are to be determined from Section A, Part 4.

(*g*) *Self-propelled cargo barges.*—The freeboard is to be computed under Section C, Part 4. The fresh water and seasonal markings where applicable are to be determined from Section A, Part 4.

(*h*) *Self-propelled tank barges.*—The freeboard is to be computed in accordance with Section C, Part 5. The fresh water and seasonal markings where applicable are to be determined from Section A, Part 4.

RULE 7. The load line certificates for a special service coastwise or special service inter-island voyage are to be on the forms shown in Appendix A.

APPENDIX A (TO SECTION B)

LOAD LINE CERTIFICATE FOR A SPECIAL SERVICE COASTWISE OR INTER-ISLAND VOYAGE

Issued under the authority of the Department of Commerce, United States of America, under the provisions of the Coastwise Load Line Act of August 27, 1935, as amended June 20, 1936.

[SEAL]

Issued by _____

Certificate No. _____

This certificate is valid only for coastwise or inter-island voyages that are between the limits of _____ and _____ provided the vessel is engaged solely in the trade stated herein.

Ship _____ Official No. _____

Port of Registry _____ Trade of vessel _____

Gross Tonnage _____

| *Freeboard from Deck Line* | | *Load Line* |
|---|---|---|
| Tropical _____ | (T) | _____ Above (S) |
| Summer _____ | (S) | Upper edge of line through center of disk |
| Winter _____ | (W) | _____ Below (S) |

*Allowance for fresh water for all freeboards (except on the Great Lakes) _____.

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.

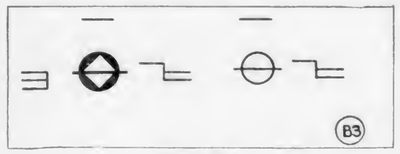


FIGURE B–3.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the Load Line Regulations of the Department of Commerce applicable to vessels engaged on this special service voyage.

**This certificate remains in force until _____

Issued at _____ on the _____ day of _____, 19____.

(Here follows the signature or seal and description of the assigning authority.)

NOTE.—In accordance with the Load Line Regulations the disc or diamond and the lines must be permanently marked by center punch marks or cutting.

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**Upon the expiration of the certificate renewal must be obtained as provided by the Load Line Regulations and the certificate so endorsed. Endorsement should also be made in the spaces provided on the occasion of each annual inspection required by the Load Line Regulations.

(On the reverse side of the load line certificate, the provision for annual inspection endorsement and for renewal of the certificate is to be the same as for vessels engaged in the foreign trade.)

[Supplement 3—Section C]

AMENDMENTS TO THE PRESENT "REGULATIONS FOR THE ESTABLISHMENT OF LOAD LINES FOR MERCHANT VESSELS OF 150 GROSS TONS OR OVER WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES"

[Reference herein to page, paragraph, and line is to the 1936 edition of the Regulations for the Establishment of Load Lines for Merchant Vessels of 150 Gross Tons or Over When Engaged in a Voyage on the Great Lakes]

(*a*) Denote these regulations as a "Section C."

(*b*) In paragraph 1, after the date "1935" in the third line, add the following: "Amended June 20, 1936."

(*c*) To paragraph 2, add at the end, the words, "as amended by the Act of June 20, 1936."

(*d*) In paragraph 3 (D) (b), beginning in the fourth line, delete the words in parentheses, as follows: "(where openings to spaces below the freeboard deck are located within houses or erections that are not protected by class 1 closing appliances, steel coamings and covers are fitted to the openings, air ports below the freeboard and forecastle decks are provided with dead covers, windows in deck houses are provided with strong shutters, and scuppers and discharges from spaces below the freeboard deck are fitted with flap valves and in addition a stop valve capable of being operated from a position always accessible)."

Delete the last subparagraph under paragraph 3, beginning with the words, "Where it is neither practical nor reasonable to comply * * *," and substitute therefor the following paragraph:

"Where it is neither reasonable nor practicable to comply with these regulations in their entirety, the assigning authority will, in each case, report to the Bureau of Marine Inspection and Navigation the specific matters in which the vessel is deficient with such recommendations as seem desirable. Upon the receipt of this report the Bureau shall determine such addition to the freeboard as will, in the judgment of the Bureau, make the vessel as safe as if it had fully complied with the regulations."

(*e*) In Paragraph 13, delete the title and substitute the following: "Validity of certificates—Renewal of certificates."

In the sixth and tenth lines, delete the word "five" and substitute the word "six" in each case. Beginning in the twelfth line, delete from paragraph 13 the following words: "provided, that where in the judgment of the assigning authority an unusual hardship would be inflicted on the vessel were she to be detained for the survey required by these regulations, and provided further that the assigning authority is satisfied as to the condition of the vessel it may, in writing, excuse the vessel from the survey for a period not to exceed one year." In the second subparagraph, beginning in the third line, delete the following: "The Bureau of Marine Inspection and Navigation, Department of Commerce, shall also be furnished with a copy of any deferment of the due survey, together with a statement of the circumstances in the case."

(*f*) From paragraph 16, the third line of the second subparagraph, delete the following words: "Or under the United States Ocean Coastwise Regulations."

(*g*) Delete the heading "Control" from paragraph 17 and substitute the words "Log book entries" as a heading, making the first subparagraph subject thereto.

(*h*) Between the first and second subparagraphs of paragraph 17 (old), insert the heading, "18. Control," making the remainder of paragraph 17 (old) subject thereto.

(*i*) Renumber paragraph 18 (old), making it paragraph 19.

(*j*) Add the following to Part 2, Rule 1, as a continuation of the last subparagraph: "Except steel tank barges especially constructed for the carriage of liquids in bulk and steel cargo barges having only small access hatches in the freeboard deck, the load lines for which may be calculated under Part 5."

(*k*) From Part 2, Rule 4, delete the paragraph immediately following the paragraph entitled "Winter Load Line", as follows:

"Where the vessel has been constructed to have a maximum draft and such draft is less than any of the various seasonal drafts permitted by these regulations, the center of the diamond shall be located on the line of this maximum draft and shall be applicable to all seasons. If such maximum draft comes between the seasonal markings, the seasonal markings below shall be applicable."

and substitute therefor the following:

"Where the draft is restricted on a basis of subdivision or stability and this draft is less than any of the various seasonal drafts permitted by these regulations the center of the diamond shall be located on the line of this restricted draft and it shall be applicable to all seasons. If such a permissible maximum draft comes between the seasonal markings, the seasonal markings below shall also be added."

(*l*) In Part 3, delete the text of the third subparagraph headed "Subdivision and stability load lines" and substitute therefor the following:

"*Passenger vessels—Subdivision and stability load lines.*—Where in passenger vessels the position of the maximum load lines are determined by the application of subdivision and stability regulations as provided in Section D pertaining to passenger vessels on the Great Lakes, the provisions of the regulations herein shall also be effective in so far as they are applicable."

(*m*) Delete from Part 3 all of Rule 10 and substitute therefor the following:

"(*a*) On bulk freighters over 350 feet in length steel hatch covers are to be fitted to all exposed hatchways on the freeboard deck and they are to be of such thickness and provided with such stiffening as will enable them to be handled without deformation.

"(*b*) Solid covers are to have stiffeners spaced not over 42 inches apart. The plating is to be not less than .24" at 24-inch spacing and .36" at 42-inch spacing with intermediate thicknesses at intermediate spacings. The stiffeners are not to be less effective than provided by angles, bulb angles or channels riveted or welded to the plate and having a section modulus in inches cubed not less than given by the formula:

$I/y = S \times L^2 \times 0.025$ where—

$S$ = spacing of stiffeners in feet.
$L$ = length in feet of the unsupported spans.
$I$ = moment of inertia of the section.
$y$ = distance from center of gravity of the section to the outermost strain fiber.

"(*c*) Covers of the sliding plate type with flanges on one edge or with stiffeners riveted or welded to one edge shall have a sufficient number of sections so that when closed the spacing of the stiffeners does not exceed 42 inches. Plates are not to be less in thickness than required for solid steel covers in association with the spacing of the stiffeners when closed. The stiffening at the edge of the covers is not to be less effective than required above for solid covers. If hatch covers of the sliding plate type are used for spans exceeding

12'–1", additional support must be provided, the details of which will be specially considered.

"(*d*) Where wood hatch covers are used they are to be made of long leaf yellow pine or fir and the finished thickness is not to be less than 2½ inches in association with a span of 6 feet. The width of each bearing surface is to be at least 2½ inches."

(*n*) Delete from Part 3 all of Rule 11 and substitute therefor the following:

"RULE 11. *Hatchway beams.*—Hatchways having wood covers are to be fitted with a system of main beams all extending in one direction or a system of main beams in association with auxiliary beams across the top of the main beams so arranged that the unsupported spans of the covers do not exceed 6' except where specially approved. The main beams may be of solid, rolled or built shapes and the auxiliary beams may be either rolled shapes or timber of rectangular section. They are to have a section modulus in inches cubed of not less than given by the formula

$$I/y = S \times L^2 \times C$$

where:

$S$ = the breadth of the area supported in feet.
$L$ = the length of the unsupported spans in feet.
$C$ = 0.03 for steel main beams where 18″ coamings are required.
$C$ = 0.025 for steel auxiliary beams where 18″ coamings are required.
$C$ = 0.025 for steel main beams where 12″ coamings are required.
$C$ = 0.02 for steel auxiliary beams where 12″ coamings are required.
$C$ = 0.15 for wood auxiliary beams where 18″ coamings are required.
$C$ = 0.12 for wood auxiliary beams where 12″ coamings are required.
$I$ = moment of inertia of the section.
$y$ = distance from center of gravity of the section to the outermost strain fiber.

"Where rolled section beams are used the top flanges and the top angles in the case of built beams are to extend for the full length of the beams. Where wood auxiliary beams are used they are to be steel shod at all points where they bear on the main beams and at the ends."

(*o*) To Part 4, Rule 36, add to the last subparagraph, after the figure "0.68", the following: "nor more than 0.86."

(*p*) In Part 4, Rule 37, beginning with the third line of the subparagraph next to the last on page 18, delete "10 and 13.5, both inclusive" and substitute in its place the following: "10 and 19, both inclusive."

(*q*) From Part 4, delete Table 3 entitled "Exposed bulkheads of superstructures of standard height" and substitute the following table in its stead:

TABLE 1.—*Exposed bulkheads of superstructures of standard height*

| Bridge front bulkheads, unprotected bulkheads of poops 0.4L or more in length | | Bulkheads of poops partially protected or less in length than 0.4L | | After bulkheads of bridges and forecastles | |
|---|---|---|---|---|---|
| Length of ship (feet) | Bulb angle stiffeners (inches) | Length of ship (feet) | Plain angle stiffeners (inches) | Length of ship (feet) | Plain angle stiffeners (inches) |
| Under 160 | 5½ x 3 x 0.32 | Under 150 | 3 x 2½ x 9/16 | Under 150 | 2½ x 2¼ x ¼. |
| 160 | 6 x 3 x 0.34 | 150 | 3½ x 2½ x 9/16 | 150 | 3½ x 2½ x 5/16. |
| 200 | 7 x 3 x 0.32 | 200 | 4 x 3 x 5/16 | 250 | 3½ x 3 x 5/16. |
| 240 | 7 x 3 x 0.38 | 250 | 5 x 3 x 5/16 | 350 and above | 4 x 3 x 5/16. |
| 280 | 7 x 3 x 0.44 | 300 | 5 x 3 x 3/8 | | |
| 320 | 8 x 3 x 0.40 | 350 | 6 x 3½ x 3/8 | | |
| 360 | 8 x 3 x 0.46 | 400 | 6 x 3½ x 7/16 | | |
| 400 | 9 x 3½ x 0.38 | 450 | 7 x 3½ x 7/16 | | |
| 440 | 9 x 3½ x 0.50 | 500 and above | 7 x 3½ x ½ | | |
| 480 | 10 x 3½ x 0.40 | | | | |
| 520 | 10 x 3½ x 0.52 | | | | |
| 560 and above | 10 x 3½ x 0.64 | | | | |

| Length of ship (feet) | Bulkhead plating (inch) | Length of ship (feet) | Bulkhead plating (inch) | Length of ship (feet) | Bulkhead plating (inch) |
|---|---|---|---|---|---|
| 200 and under | 0.3 | 160 and under | 0.24 | 160 and under | 0.20 |
| 380 and above | 0.44 | 400 and above | 0.38 | 400 and above | 0.30 |

NOTE.—For ships intermediate in length the thickness of bulkhead plating are obtained by interpolation.

(*r*) In Part 4, Rule 42 entitled "Superstructure bulkheads," change the reference in the sixth line from "Table 3" and substitute "Table 1."

(*s*) Add to Part 4, Rule 51 (c), the following sentence: "On tank barges an efficient life line may be accepted in lieu of guard rails."

(*t*) Delete that part of the freeboard table for steamers, Part 4, Rule 64, from 80 ft. length to and including 330 ft. and substitute the following freeboards:

| L | Freeboard (inches) | L | Freeboard (inches) |
|---|---|---|---|
| 80 feet | 7.2 | 210 feet | 23.0 |
| 90 feet | 8.0 | 220 feet | 24.6 |
| 100 feet | 8.9 | 230 feet | 26.3 |
| 110 feet | 9.9 | 240 feet | 28.1 |
| 120 feet | 11.0 | 250 feet | 29.9 |
| 130 feet | 12.1 | 260 feet | 31.8 |
| 140 feet | 13.3 | 270 feet | 33.8 |
| 150 feet | 14.5 | 280 feet | 35.8 |
| 160 feet | 15.7 | 290 feet | 37.8 |
| 170 feet | 17.1 | 300 feet | 40.0 |
| 180 feet | 18.5 | 310 feet | 42.2 |
| 190 feet | 19.9 | 320 feet | 44.6 |
| 200 feet | 21.4 | 330 feet | 47.0 |

Delete footnote I and renumber the three remaining footnotes I, II, and III, respectively.

(*u*) Delete from Part 4, Rule 59, the first seven words, as follows: "In flush deck ships and in ships."

(*v*) To part 5, Rule 67, add the following as the second paragraph: "A forecastle is not required in the case of self-propelled barges, tank barges, and cargo barges carrying cargo only on deck."

(*w*) In Part 5, Rule 68, change the period (.) to a comma (,) after the word "strength" in the fourth line, and add the following: "these conditions may be modified in the case of self-propelled barges." Also add the following as a sentence at the end of Rule 68: "Engine room skylights are to be of substantial construction, fitted with strong glass lights, which may be required to be fitted with steel covers depending on their height above the freeboard deck."

(*x*) In Part 5, add as a second paragraph to Rule 69: "On towed tank barges a wire cable arranged and equipped to facilitate safe communication between both ends of the vessel at all times may be accepted in lieu of a permanent gangway."

(*y*) In Part 5, add the following as a sentence at the end of Rule 70: "Deck houses for the accommodation of the crew, pilot houses, etc., on the freeboard deck are to be of steel efficiently constructed and provided with port lights fitted with steel dead lights."



(*z*) In Part 5, Rule 78, delete that part of the table from 190 feet length to and including 340 feet length and substitute the following freeboards:

RULE 78.—*Freeboard table for tankers*

| L | Freeboard (inches) | L | Freeboard (inches) |
|---|---|---|---|
| 80 feet | 6.4 | 220 feet | 22.8 |
| 90 feet | 7.2 | 230 feet | 24.3 |
| 100 feet | 8.1 | 240 feet | 25.9 |
| 110 feet | 9.1 | 250 feet | 27.5 |
| 120 feet | 10.1 | 260 feet | 29.2 |
| 130 feet | 11.1 | 270 feet | 30.9 |
| 140 feet | 12.2 | 280 feet | 32.7 |
| 150 feet | 13.3 | 290 feet | 34.5 |
| 160 feet | 14.5 | 300 feet | 36.4 |
| 170 feet | 15.8 | 310 feet | 38.3 |
| 180 feet | 17.1 | 320 feet | 40.2 |
| 190 feet | 18.5 | 330 feet | 42.2 |
| 200 feet | 19.9 | 340 feet | 44.3 |
| 210 feet | 21.3 | | |

[Supplement 4—Section D]

REGULATIONS FOR THE ESTABLISHMENT OF SUBDIVISION LOAD LINES ON PASSENGER VESSELS ENGAGED IN (I) AN INTERNATIONAL VOYAGE (II) A COASTWISE VOYAGE (OTHER THAN THE GREAT LAKES) OR (III) A GREAT LAKES VOYAGE

Part 1. Administration.
Part 2. Rules for foreign and coastwise voyages (Great Lakes excepted).
Part 3. Rules for foreign and coastwise voyages on the Great Lakes.

PART 1. ADMINISTRATION

1. Pursuant to Executive Order 7548 of February 5, 1937, issued by Franklin D. Roosevelt, President of the United States, published in the FEDERAL REGISTER, Volume 2, No. 26, February 9, 1937, regulations are hereby established for placing subdivision load lines on passenger vessels mechanically propelled, subject to the International Convention for Safety of Life at Sea, signed at London on May 31, 1929, ratified by the United States Senate June 19, 1936, and proclaimed by the President on September 30, 1936, and pursuant further to the Coastwise Load Line Act, 1935, as amended June 20, 1936, regulations are hereby established for placing subdivision load lines on passenger vessels of 150 gross tons or over making coastwise voyages by sea and on the Great Lakes, also foreign voyages on the Great Lakes.

2. The Bureau of Marine Inspection and Navigation of the Department of Commerce, under the direction of the Secretary of Commerce, is vested with the responsibility and the authority to determine the position of and to insure the correct marking of subdivision load lines on all passenger vessels subject to the International Convention for Safety of Life at Sea, 1929, and the Coastwise Load Line Act, 1935, as amended June 20, 1936.

3. No pasenger vessel of the United States required to be marked with subdivision load lines shall depart from any port or place for a foreign voyage by sea, a coastwise voyage by sea, or a voyage on the Great Lakes; no foreign passenger vessel belonging to a country that has ratified or acceded to the International Convention for Safety of Life at Sea, 1929 [1] shall depart from any port or place under the jurisdiction of the United States, and no foreign passenger vessel of 150 gross tons or over subject to the Coastwise Load Line Act, 1935, as amended June 20, 1936, shall depart from any port or place under the jurisdiction of the United States, including ports on the Great Lakes, unless such passenger vessel has been marked with subdivision load lines in accordance with these regulations and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.

[1] Passenger vessels belonging to countries that have ratified or acceded to the International Convention for Safety of Life at Sea, 1929, having been marked with subdivision load lines under that Convention and having on board a valid safety certificate shall be accepted as complying with these regulations in so far as marking and certification of subdivision load lines are concerned.

Subdivision load lines shall be marked on both sides of passenger vessels where determined and in the manner described in Section D, Part 2, and Section D, Part 3, hereof as applicable to the vessel's service.

4. Passenger vessels on the Great Lakes of 150 gross tons or over shall not submerge the subdivision load line applicable to the voyage.

5. Passenger vessels required to be marked with subdivision load lines, engaged on foreign and coastwise voyages other than the Great Lakes, shall not submerge in salt water the subdivision load line applicable to the voyage. Vessels engaged on ocean foreign or coastwise voyages may be marked with fresh-water load lines. A vessel on foreign or coastwise voyages (except the Great Lakes) may have an allowance made for the degree of brackishness of the water in which the vessel is floating but not for the weight of fuel, water, etc., required for consumption between the point of departure and the open sea, and no allowance is to be made for bilge or ballast water that may be in the vessel at the time of departure.

6. For the purpose of Section D of these regulations, a vessel is a passenger vessel if:

(*a*) Engaged on an international voyage by sea, it carries or is authorized to carry more than twelve passengers.

(*b*) Engaged on a coastwise voyage by sea or a voyage on the Great Lakes, it carries or is authorized to carry more than sixteen persons in addition to the crew.

(In Section D of these regulations, whenever the word "vessel" is used, a passenger vessel is meant.)

7. A foreign voyage for the purpose of marking passenger vessels with subdivision load lines is a voyage by sea between a port under the jurisdiction of the United States and a port of a foreign country, its colonies, territories, or protectorates (a voyage exclusively on the Great Lakes excepted).

8. A coastwise voyage by sea, for the purpose of marking passenger ships with subdivision load lines, is a voyage in which a vessel in the usual course of her employment proceeds from one port or place in the United States or its possessions to another port or place in the United States or its possessions and passes outside the line dividing inland waters from the high seas, as defined in Section 2 of the Act of February 19, 1895.

9. A Great Lakes voyage is any voyage from a United States port or place on the Great Lakes to another United States port or place on the Great Lakes or to a Canadian port or place on the Great Lakes.

10. A new passenger vessel is a vessel whose keel was laid or was a vessel converted into a passenger vessel on or after (*a*) November 7, 1936, if engaged in foreign voyages, or (*b*) September 28, 1937, if engaged in coastwise or Great Lakes voyages.

11. An existing passenger vessel in respect to its voyage is any passenger vessel that is not a new passenger vessel as defined herein.

12. New passenger vessels making foreign voyages by sea shall comply with these subdivision load line regulations. An existing passenger vessel engaged in foreign voyages by sea may be permitted relaxation from the requirements of these subdivision load line regulations if, in the opinion of the Bureau of Marine Inspection and Navigation, such requirements are unreasonable or impracticable. A new passenger vessel making coastwise voyages by sea or making coastwise or foreign voyages on the Great Lakes shall comply with these subdivision load line regulations. An existing passenger vessel making coastwise voyages by sea or coastwise or foreign voyages on the Great Lakes may be permitted relaxation from the requirements of these subdivision load line regulations if in the opinion of the Bureau of Marine Inspection and Navigation such requirements are unreasonable or impracticable.

13. *Load line requirements of sections A, B, and C.*—The requirements of sections A, B, and C of these Regulations, as applicable to the vessel and her service, shall be complied

with before a passenger vessel will be marked with and certificated as to subdivision load lines.

14. *Marks to indicate subdivision load lines.*—Marks to indicate the maximum mean drafts to which a passenger vessel may be lawfully submerged shall be permanently marked on each side of the vessel in the form, manner, and location provided by these regulations.

The Bureau of Marine Inspection and Navigation shall determine the position of the subdivision load lines by the application of the requirements and rules contained in these regulations; *Provided, however,* That in determining the position of the load lines for passenger vessels engaged on coastwise voyages by sea and for passenger vessels engaged on coastwise and foreign Great Lakes voyages, due consideration shall be given to the age and condition of the vessel, its subdivision and the efficacy thereof and the probable stability of the vessel if damaged and such increases made to the freeboards as existing conditions indicate to be necessary. The correct marking of subdivision load lines on passenger vessels shall be certified to by the American Bureau of Shipping or a classification society [2] approved by the Secretary of Commerce for such purpose.

Certificates certifying to the correctness of subdivision load line marks shall not be furnished until it is determined that the marks have been correctly placed upon the vessel.

15. *Survey for the establishment and renewal of subdivision load line marks.*—Every passenger vessel to be marked with and certificated for subdivision load lines must comply with the general rules and regulations of the Board of Supervising Inspectors as promulgated for ocean, coastwise, and Great Lakes service as applicable to the particular vessel and the service in which she is to be employed.

Every passenger ship marked with subdivision load lines shall be subjected to the surveys specified below:

(*a*) A survey before the ship is put in service.
(*b*) A periodical survey once every twelve months.
(*c*) Additional surveys as occasion arises.
(*d*) Surveys required by Sections A, B, or C.

The surveys referred to in (*a*), (*b*), and (*c*) above shall be carried out by the local steamboat inspectors, as follows:

(*a*) The survey before the ship is put in service shall include a complete inspection of the hull, machinery and equipment, including the outside of the ship's bottom and the inside and outside of the boilers. This survey shall be such as to insure that the arrangements, material and scantlings of the hull, boilers, and their appurtenances, main and auxiliary machinery, life saving appliances, fire fighting and other equipment fully comply with the requirements of this section of the regulations as applicable to the service for which the ship is intended. This survey shall be such as to insure that the workmanship of all parts of the ship and its equipments is in all respects satisfactory.

(*b*) The periodical survey shall include an inspection of the whole of the hull, boilers, machinery and equipment, including the outside of the vessel's bottom. The survey shall be such as to insure that the vessel as regards the hull, boilers, and their appurtenances, main and auxiliary machinery, life saving appliances and other equipment is in satisfactory condition and fit for the service for which it is intended and that it complies with the requirements of this section of the regulations; *Provided,* That passenger vessels whose certificates of inspection are limited to coastwise voyages by sea shall not be required to have the outside of the vessel's bottom examined oftener than once in two years and vessels whose certificates of inspection are limited to Great Lakes voyages shall not be required to have the outside of the vessel's bottom examined oftener than required by Section C of these regulations.

(*c*) A survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficacy or completeness of its life saving appliances, fire fighting, or other equipment, or whenever any important repairs or renewals are made. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with these regulations.

(*d*) Surveys required under Sections A, B, or C should be carried out in conjunction with the surveys required by this Section (D) of the regulations.

After each survey of the ship has been completed, no change shall be made in the structural arrangements, machinery, equipment, etc., covered by the survey, without the sanction of the Bureau of Marine Inspection and Navigation.

16. *Application for the assignment and renewal of subdivision load lines.*—Application for assignment and renewal of subdivision load lines and certification thereof shall be made in writing to the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C.

17. *Equivalents.*—Where in these subdivision load line regulations it is provided that a particular fitting, appliance, or apparatus or type thereof, shall be fitted or carried in a vessel engaged on foreign voyages by sea or that any particular arrangement shall be adopted, there may be substituted any other fitting or appliance or type thereof or any other arrangement provided that the Bureau of Marine Inspection and Navigation, Department of Commerce, shall have been satisfied by suitable trials that the fitting, appliance, or apparatus, or type thereof, or that the arrangement substituted is at least as effective as that specified in the subdivision load line regulations.

Where in the application of these subdivision load line regulations to passenger vessels engaged in coastwise voyages by sea and on coastwise and foreign Great Lakes voyages it is desired to substitute other construction, arrangement, fitting, or appliance or type thereof, such substitution may be made if approved by the Bureau of Marine Inspection and Navigation provided the degree of safety provided by these regulations is obtained.

18. *The subdivision load line certificates.*—Passenger vessels engaged in foreign voyages by sea shall have their subdivision load lines certificated on the safety certificate required by the International Convention for Safety of Life at Sea, 1929.[3] These vessels will also be provided with the load line certificate required by Section A hereof, the minimum freeboard shown thereon to be not less than the minimum freeboard corresponding to the principal passenger condition.

Passenger vessels engaged on coastwise voyages by sea and coastwise and foreign voyages on the Great Lakes shall have the position of their subdivision load lines recorded on a load line certificate in the form required by Sections A or C hereof. The fact that they are subdivision load lines is to be noted on the load line certificate.

Passenger vessels engaged in foreign voyages by sea, on coastwise voyages by sea, and Great Lakes voyages shall have the load line certificate limited to one year and renewal shall be limited to one year. The certificate shall be issued by the American Bureau of Shipping or the classification society approved for placing load lines on the vessel: *Provided,* That before issuance and before renewal of the certificate the classification society has received advice from the Bureau of Marine Inspection and Navigation that the vessel is in a condition to receive a certificate of inspection or is in a condition satisfactory to the Bureau of Marine Inspection and Navigation.

[2] In the case of passenger vessels that are required by the International Convention for Safety of Life at Sea to have on board a Safety Certificate, the certification of subdivision load line marks are to be made by letter to the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C.

[3] Safety certificates shall be issued by the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., for a period not to exceed one year.



19. *Validity of subdivision load line certificates.*—Subdivision load line certificates issued to passenger vessels shall only be valid during the time for which the certificate is issued.

If, due to any cause, the conditions as required by these regulations are changed or these regulations are not carried out, the load line certificate may be cancelled and the load lines considered nonexistent: *Provided, however,* That if the conditions causing the cancellation of the certificate are satisfactorily corrected, the load line certificate shall be reinstated for the remainder of its term.

A valid subdivision load line certificate for foreign voyages by sea shall be valid for coastwise voyages by sea and voyages on the Great Lakes. A valid subdivision load line certificate for coastwise voyages by sea shall be valid for voyages on the Great Lakes but not for foreign voyages by sea. A valid subdivision load line certificate for voyages on the Great Lakes shall not be valid for foreign or coastwise voyages by sea.

20. *Drills and inspections.*—In all new and existing passenger vessels drills by the vessels' crew for the operating of watertight doors, side ports, valves, and closing mechanisms of scuppers, ash chutes and rubbish chutes, shall take place weekly. In passenger vessels in which the voyage exceeds one week in duration a complete drill shall be held before leaving port, and others thereafter at least once a week during the voyage, and all watertight power doors and hinged doors in main transverse bulkheads in use at sea shall be operated daily.

The watertight doors and all mechanisms and indicators connected therewith, and all valves the closing of which is necessary to make a compartment watertight, shall be periodically inspected at sea, at least once a week.

21. *Log book entries.*—(*a*) *Applicable to foreign voyages by sea (the Great Lakes excepted).*—The master of any passenger vessel making foreign voyages by sea shall insert at the time of departing from port in the vessel's official log a statement of the position of the subdivision load line mark, port and starboard, in relation to the surface of the water in which the vessel is then floating [4] and shall also enter a statement of the actual drafts of the vessel forward and aft as nearly as the same can be ascertained.[5]

There shall be entered in the official log the time that hinged, watertight doors fitted in bulkheads dividing cargo between deck spaces are opened in port and the time these doors are closed before leaving port. (These doors must be closed, secured, and remain so during the voyage.)

There shall be entered in the official log the time of opening and the time of closing in port portable plates, gangways, cargo ports, coaling ports, and other openings in the ship's hull below the margin line which are required by these regulations to be kept closed at sea. (Section D, Part 2, Rules 20, 28, and 31.) (If it becomes essential for the safety of the ship to open any of these fittings at sea the circumstances and the time of opening and closing shall be entered in the official log.)

There shall be entered in the official log the time of opening, closing, and securing, at sea, watertight doors fitted between bunkers for the purpose of trimming coal.

There shall be entered in the official log the time of opening and closing in port those air ports below the bulkhead deck that are required to be kept closed by these regulations, while at sea. (Section D, Part 2, Rule 28 (e).)

There shall be entered in the official log a record of the following drills and inspections with an explicit record of any defects which may be disclosed and the steps taken to remedy them:

(1) Operation of watertight power doors and watertight hinged doors in main transverse bulkheads in use at sea—daily.

(2) Drills in the operation of watertight doors, airports, valves, and closing mechanisms of scuppers, ash chutes, and rubbish chutes—weekly (when the voyage exceeds one week, a complete drill shall be held before leaving port).

(3) Inspection at sea of all watertight doors together with all mechanisms and indicators connected therewith, all valves the closing of which is necessary to make a compartment watertight—at least once a week.

(*b*) *Applicable to coastwise voyages by sea and voyages on the Great Lakes.*—The master of a passenger vessel engaged on a coastwise voyage by sea or on a voyage on the Great Lakes shall, before the vessel departs from her loading port or place, enter a statement in the ship's record or log book of the position of the subdivision load line, port and starboard, in respect to the surface of the water in which the vessel is then floating and in addition shall also enter the actual drafts of the vessel forward and aft as nearly as the said drafts can be ascertained.[4]

(*c*) *Fresh water allowance.*—In the case of passenger vessels engaged on foreign or coastwise voyages by sea where an allowance is made for the density of the water in which the vessel is floating, this density is also to be noted in case of submergence of the subdivision load line.

22. *Control.*—The duties and responsibilities of the Collectors of Customs in respect to the load lines certified on the safety certificates of and marked on passenger vessels engaged on foreign voyages by sea shall be the same as stated in Section A, paragraph 20, of these regulations.

The duties and responsibilities of the Collector of Customs, in respect to passenger vessels engaged in coastwise voyages by sea or voyages on the Great Lakes are as defined by the Load Line Regulations, Section A, paragraph 20, and Section C, paragraph 17, of these regulations.

23. *Construction.*—The watertight subdivision of every passenger vessel shall be as efficient as possible, having regard to its intended service. This principle is given effect by the requirements of Part 2 hereof, which provide for variations in the standard of subdivision according to the length of the vessel and the degree to which the vessel approaches the exclusive passenger type, the highest standard being required in vessels of the greatest length engaged primarily in the carriage of passengers.

Passenger vessels engaged in foreign voyages by sea or coastwise voyages by sea or voyages on the Great Lakes, to be marked with subdivision load lines shall—

(*a*) If a new ship, comply with the rules and regulations of this section;

(*b*) If an existing ship, shall comply with such rules and regulations unless it can be shown to the satisfaction of the Bureau of Marine Inspection and Navigation, Department of Commerce, that their application is unreasonable and impracticable.

Passenger vessels engaged on (*a*) foreign voyages by sea, (*b*) coastwise voyages by sea, or (*c*) Great Lakes voyages, navigating more than 20 nautical miles and not more than 200 nautical miles off shore, may, with the approval of the Department of Commerce, be allowed relaxation from such of the requirements of rules 9 to 14, inclusive, rules 20 to 32, inclusive, and rule 38 of Section D, Part 2, hereof, dealing with inner bottoms, openings in watertight bulkheads and in vessels' sides below the bulkhead deck and pumping arrangements as may be proved to the satisfaction of the Bureau of Marine Inspection and Navigation to be neither reasonable nor practicable for the service conditions under which the vessel is to operate.

[4] When the draft of the vessel is limited by a seasonal load line located below the subdivision load line the position of the seasonal load line shall be entered in relation to the surface of the water in which the vessel is floating.

[5] When an allowance of draft is made for density of the water in which the vessel is floating, this density is to be noted in the official log.

In the case of passenger vessels engaged on foreign voyages by sea, coastwise voyages by sea, or Great Lakes voyages, operating not over 20 nautical miles off shore, the Bureau of Marine Inspection and Navigation may, with the approval of the Department, make exemptions from the requirements of these regulations if it considers that the route and the conditions of the voyage are such as to render the application of any of the requirements of the subdivision load line rules and regulations unreasonable or unnecessary.

Passenger vessels engaged on foreign voyages by sea, coastwise voyages by sea, and Great Lakes voyages that are such as to make the risks exceptional and, owing to the absence of general cargo, it is practicable to apply a higher standard of subdivision than required by this section, shall have such further subdivision as may be required by the Bureau of Marine Inspection and Navigation provided that the factor of subdivision shall not exceed 0.50 unless it can be shown that the improved subdivision is neither practicable nor reasonable.

24. *Plans and inspections of new and converted vessels.*—There shall be submitted in triplicate to the Bureau of Marine Inspection and Navigation for approval the following plans:

Midship section.
Profile.
Deck plating.
Shell plating.
Inner bottom.
W. T. Bulkheads, tunnels and escape trunks.
Fuel oil, fresh water, and ballast tanks.

These plans should be furnished as early as practicable. If approved, one copy is to be transmitted to the Supervising Inspector in which district the vessel is to be constructed or converted, one copy shall be furnished the owners, and one copy will be retained in the Bureau of Marine Inspection and Navigation as a record.

When a passenger vessel is being built to class with a recognized American classification society, the official approval by such society of construction plans of the vessel may be, in general, accepted as evidence of the efficacy of the structure as indicated on the plans but the submission of plans to and the approval thereof by the Bureau of Marine Inspection and Navigation is required in all cases of new and converted vessels.

In order that the Bureau of Marine Inspection and Navigation may determine the position of the subdivision load lines and as to whether or not the vessel will have satisfactory stability, if damaged below the water line, the following data shall be submitted to the Bureau of Marine Inspection and Navigation:

Lines; body plan; curves of form; Bonjean curves; stability calculations in damaged conditions.
Floodable length curves with a copy of the flooding calculations. Profile and deck arrangement plans.

Either on the above plans or in such other form as may be convenient, the following details shall be clearly indicated:

Extent and subdivision of double bottom.
Location of openings in bulkheads.
Type of watertight doors fitted to close each such opening.
Location of operating stations for each sliding watertight door.
Details of the construction of each type of watertight door with details of the operating gear.
Location of openings in the sides of the vessel.
Where such openings are pipe discharges, the service for which each pipe is used and the space from which it discharges is to be clearly indicated.
Details of the types of valves fitted on each pipe terminating at the shell, stating the material used, and showing the locations of each valve in the pipes and of the operating stations where remote controls are fitted.
Details of the construction of each cargo, gangway, or coaling port.
Details of the types of light and airports fitted.
Details of the construction of each rubbish or ash chute.
Location of openings in the weather deck and the arrangements adopted for their protection and closing.

During the construction or conversion of a passenger vessel subject to being marked with subdivision load lines, the local steamboat inspectors are to satisfy themselves that the structural arrangements are in accordance with the plans approved by the Bureau of Marine Inspection and Navigation and that the workmanship on the vessel is satisfactory. In the case of a vessel building to class with the American Bureau of Shipping or other approved classification society, the construction surveys and tests carried out by the surveyors of such a society may be considered either in whole or in part as evidence of the satisfactory workmanship and proper adherence to the approved structural plans.

Upon completion of the construction of a passenger vessel or the conversion of a vessel to a passenger vessel, the vessel shall be inclined under the supervision of the Bureau of Marine Inspection and Navigation and the position of her center of gravity determined. If the position of the center of gravity is such that the vessel will have adequate stability in the usual service conditions when taken into consideration with subdivision and other requirements and have an ample margin of stability when loaded to the drafts permitted by the subdivision load lines, the subdivision load lines may be marked and certified. The owners shall supply the operating personnel and the material necessary for inclining the vessel and shall furnish such information required by the Bureau of Marine Inspection and Navigation as is necessary to determine the position of the center of gravity of the vessel from the inclining experiment.[6]

PART 2—RULES FOR DETERMINING SUBDIVISION LOAD LINES FOR PASSENGER VESSELS ENGAGED ON FOREIGN AND COASTWISE VOYAGES (THE GREAT LAKES EXCEPTED)

RULE 1. *Definitions.*—

(*a*) The subdivision load line is the water line used in determining the subdivision of the vessel. The deepest subdivision load line is that which corresponds to the greatest draft.

(*b*) The length of the vessel is the length measured between perpendiculars taken at the extremities of the deepest subdivision load line.

(*c*) The breadth of the vessel is the extreme width from outside of frame to outside of frame at or below the deepest subdivision load line.

(*d*) The bulkhead deck is the uppermost deck up to which the transverse watertight bulkheads are carried.

(*e*) The margin line is a line drawn parallel to the bulkhead deck at side and three inches below the upper surface[7] of that deck at side.

(*f*) The draft is the vertical distance from the top of keel[8] amidships to the subdivision load line in question.

(*g*) The permeability of a space is the percentage of that space which can be occupied by water.

The volume of a space which extends above the margin line shall be measured only to the height of that line.

(*h*) The machinery space is to be taken as extending from the top of keel to the margin line and between the extreme main transverse watertight bulkheads bounding the spaces devoted to the main and auxiliary propelling machinery, boilers when installed, and all permanent coal bunkers.

(*i*) Passenger spaces are those which are provided for the accommodation and use of passengers, excluding baggage, store, provision, and mail rooms. For the purpose of rules

[6] The operating personnel of the vessel shall be supplied by the owners with such information regarding the stability of the vessel as is necessary for their guidance in loading, ballasting, and safely operating the vessel.

[7] Where there is a variation in the thickness of the bulkhead deck at side, the top of the deck should be taken at the least thickness of the deck at side above the beam.

[8] Top of keel means molded base line.



3 and 4, spaces provided below the margin line for the accommodation and use of the crew shall be regarded as passenger spaces.

(*j*) In all cases volumes shall be calculated to molded lines; linear dimensions are to be taken in feet and volumes in cubic feet.

RULE 2. *Floodable length.*—

(*a*) The floodable length at any point of the length of a vessel shall be determined by a method of calculation which takes into consideration the form, draft, and other characteristics of the vessel in question.

(*b*) In a vessel with a continuous bulkhead deck, the floodable length at a given point is the maximum portion of the length of the vessel having its center at the point in question which can be flooded under the definite assumptions hereafter set forth in rule 3 without the vessel being submerged beyond the margin line.

(c) In the case of a vessel not having a continuous bulkhead deck, the floodable length at any point may be determined to an assumed continuous margin line up to which, having regard to sinkage and trim after damage, and sides of the vessel and the bulkheads concerned are carried watertight.[9]

RULE 3. *Permeability.*—

(*a*) The definite assumptions referred to in rule 2 relate to the permeabilities of the spaces below the margin line.

In determining the floodable length a uniform average permeability shall be used throughout the whole length of each of the following portions of the vessel below the margin line:[10]

1. The machinery space as defined in rule 1 (*h*);
2. The portion forward of the machinery space; and
3. The portion abaft the machinery space.

(*b*) (1) For steam vessels the uniform average permeability throughout the machinery space shall be determined from the formula—

$$80 \text{ plus } 12.5\ \frac{(a-c)}{v}$$

where

$a$ = volume of the passenger spaces, as defined in rule 1 (i), which are situated below the margin line within the limits of the machinery space.
$c$ = volume of 'tween deck spaces below the margin line within the limits of the machinery space which are appropriated to cargo, coal, or stores.
$v$ = whole volume of the machinery space below the margin line.

(2) For vessels propelled by internal combustion engines, the uniform average permeability shall be taken as five greater than that given by the above formula.

(3) Where it is shown to the satisfaction of the Bureau of Marine Inspection and Navigation that the average permeability, as determined by detail calculation, is less than that given by the formula, the calculated value may be substituted. For the purposes of such calculation, the permeabilities of passenger spaces, as defined in rule 1 (*i*) shall be taken as 95, that of all cargo, coal, and store spaces as 60, and that of double-bottom, oil-fuel, and other tanks at such values as may be approved in each case by the Bureau of Marine Inspection and Navigation.

[9] In the case of a vessel in which the subdivision bulkheads extend to two different decks, the floodable length for that section where the bulkheads extend to the lower deck may be determined by the use of trim lines tangent to a line three inches below the upper surface of the lower deck at side. Where, however, the arrangement is such that the safety is in no way diminished, advantage may be taken of the extra subdivision offered by the bulkheads extending to the higher deck by the use of an assumed margin line.

[10] The volumes as hereafter defined shall be the molded volumes below a line three inches below the upper surface of the bulkhead deck at side. In the case of a vessel not having a continuous bulkhead deck, there shall be but one average permeability for the portion of the vessel before (or abaft) the machinery space, and for the machinery space, the volume for each compartment of vessel being taken to be assumed continuous margin line.

(*c*) The uniform average permeability throughout the portion of the vessel before (or abaft) the machinery space shall be determined from the formula—

$$63 \text{ plus } 35\frac{a}{v}$$

where

$a$ = volume of the passenger spaces, as defined in rule 1 (i) which are situated below the margin line before (or abaft) the machinery space; and
$v$ = whole volume of the portion of the vessel below the margin line before (or abaft) the machinery space.

(*d*) If a 'tween deck compartment between two watertight transverse bulkheads contains any passenger or crew space, the whole of that compartment, less any space completely enclosed within permanent steel bulkheads and appropriated to other purposes, shall be regarded as passenger space. If, however, the passenger or crew space in question is completely enclosed with permanent steel bulkheads, only the space so enclosed need be considered as passenger space.

RULE 4. (*a*) *Permissible length of compartments.*—The maximum permissible length of a compartment having its center at any point in the vessel's length is obtained from the floodable length by multiplying the latter by an appropriate factor called the factor of subdivision. However, the permissible length shall not exceed one fifth of the subdivision length of the ship or eighty feet, whichever is the less, without the special consideration of the Bureau of Marine Inspection and Navigation.

(*b*) *Factor of subdivision.*—The factor of subdivision shall depend on the length of the vessel, and for a given length shall vary according to the nature of the service for which the vessel is intended. It shall decrease in a regular and continuous manner:

1. As the length of the vessel increases, and
2. From a factor A, applicable to vessels primarily engaged in the carriage of cargo, to a factor B, applicable to vessels primarily engaged in the carriage of passengers.

The variations of the factors A and B shall be expressed by the following formulas (i) and (ii) where L is the length of the vessel in feet as defined in rule 1 (*b*):

$$A = \frac{190}{L-198} \text{ plus } 0.18 \quad (L = 430 \text{ and upward}) \qquad \text{(i)}$$

$$B = \frac{100}{L-138} \text{ plus } 0.18 \quad (L = 260 \text{ and upward})^{11} \qquad \text{(ii)}$$

(*c*) *Criterion of service.*—For a vessel of given length the appropriate factor of subdivision shall be determined by the Criterion of Service Numeral (hereinafter called the "Criterion Numeral") as given by the following formulas (iii) and (iv) where:

$C_S$ = the Criterion Numeral;
$L$ = length of the vessel in feet, as defined in rule 1 (b);
$M$ = the volume of the machinery space, as defined in rule 1 (h); with the addition thereto of the volume of any permanent oil fuel bunkers which may be situated above the inner bottom and before or abaft the machinery space;
$P$ = the whole volume of the passenger spaces below the margin line, as defined in rule 1 (i);
$V$ = the whole volume of the vessel below the margin line;
$P_1 = 0.6LN$ where: $L$ = the length of the vessel in feet as defined in rule 1 (b), and
$N$ = the number of passengers for which the vessel is to be certified.

Where, however, it is shown to the satisfaction of the Bureau of Marine Inspection and Navigation that the value of $0.6LN$ so obtained is greater than the sum of $P$ and the

[11] The foregoing method of determining the permissible length should be used to the exclusion of independent calculations, except in the case of vessels which are so exceptional in their arrangement that it is not directly applicable, in which case calculations should be submitted showing that the margin line will not be submerged with an assumed compartment flooded having the same permeability, the same midpoint of length, and a length equal to the length of the compartment in question divided by F.

whole volume of the actual passenger spaces above the margin line, the lower figure may be taken, provided that in no case shall the value of $P_1$ used be less than $0.4LN$. When $P_1$ is greater than $P$—

$$C_S=72\frac{M+2P_1}{V+P_1-P} \quad \text{(iii)}$$

And in other cases—

$$C_S=72\frac{M+2P}{V} \quad \text{(iv)}$$

For vessels not having a continuous bulkhead deck the volumes are to be taken up to the actual margin lines used in determining the floodable lengths.

(*d*) *Rules for subdivision.*—(1) The subdivision abaft the fore peak of vessels 430 feet in length and upward having a criterion numeral of 23 or less shall be governed by the factor *A* given by formula (i); of those having a criterion numeral of 123 or more by the factor *B* given by formula (ii); and of those having a criterion numeral between 23 and 123 by the factor *F* obtained by linear interpolation between the factors *A* and *B*, using the formula:

$$F=A-\frac{(A-B)\times(C_s-23)}{100} \quad \text{(v)}$$

Where the factor *F* is less than 0.40 and it is shown to the satisfaction of the Bureau of Marine Inspection and Navigation to be impracticable to comply with the factor *F* in a machinery compartment of the vessel, the subdivision of such compartment may be governed by an increased factor, which, however, shall not exceed 0.40.

(2) The subdivision abaft the fore peak of vessels less than 430 feet but not less than 260 feet in length having a criterion numeral equal to *S*, where

$$s=\frac{4691-10L}{17}$$

shall be governed by the factor unity; of those having a criterion numeral of 123 or more by the factor *B* given by the formula (ii); of those having a criterion numeral between *S* and 123 by the factor *F* obtained by linear interpolation between unity and the factor *B*, using the formula:

$$F=1-\frac{(1-B)(C_s-S)}{123-S} \quad \text{(vi)}$$

(3) The subdivision abaft the fore peak of vessels less than 430 feet but not less than 260 feet in length and having a criterion numeral less than S, and of all vessels less than 260 feet in length shall be governed by the factor unity; unless it is shown to the satisfaction of the Bureau of Marine Inspection and Navigation to be impracticable to comply with this factor in any part of the vessel, in which case the Bureau of Marine Inspection and Navigation may allow such relaxation as may appear to be justified, having regard to all the circumstances.

(4) The provisions of subparagraph (3) shall apply also to vessels of whatever length, which are to be certified to carry a number of passengers exceeding 12 but not exceeding $\frac{L^2}{7000}$ or 50, whichever is the less.

RULE 5. *Special rules concerning subdivisions.*—

(*a*) A compartment may exceed the permissible length determined by the rules of rule 4 provided the combined length of each pair of adjacent compartments to which the compartment in question is common does not exceed either the floodable length or twice the permissible length, whichever is the less.[13]

If one of the two adjacent compartments is situated inside the machinery space, and the second is situated outside the machinery space, and the average permeability of the portion of the vessel in which the second is situated differs from that of the machinery space, the combined length of the two compartments shall be adjusted to the mean average permeability of the two portions of the vessel in which the compartments are situated.

Where the two adjacent compartments have different factors of subdivision the combined length of the two compartments shall be determined proportionately.

(*b*) *Additional subdivision at forward end.*—In vessels 430 feet in length and upward, one of the main transverse bulkheads abaft the fore peak shall be fitted at a distance from the forward perpendicular which is not greater than the permissible length.

(*c*) *Recessed bulkheads.*—A main transverse bulkhead may be recessed provided that all parts of the recess lie inboard of vertical surfaces on both sides of the vessel, situated at a distance from the shell plating equal to one-fifth the breadth of the vessel, as defined in rule 1 (*c*), and measured at right angles to the center line at the level of the deepest subdivision load line.

Any part of a recess which lies outside these limits shall be dealt with as a step in accordance with the following paragraph.

(*d*) *Stepped bulkheads.*—A main transverse bulkhead may be stepped provided that—

(1) The combined length of the two compartments, separated by the bulkhead in question, does not exceed 90 percent of the floodable length, or

(2) Additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead.

(*e*) *Equivalent plane bulkhead.*—Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.

(*f*) *Minimum spanning of bulkheads.*—If the distance between two adjacent main transverse bulkheads, or their equivalent plane bulkheads, or the distance between the transverse planes passing through the nearest stepped portions of the bulkheads, is less than 10 feet plus 2 percent of the length of the vessel, only one of these bulkheads shall be regarded as forming a part of the subdivision of the vessel in accordance with the provisions of rule 4.

(*g*) *Allowances for local subdivision.*—Where a main transverse watertight compartment contains local subdivision, and it can be shown to the satisfaction of the Bureau of Marine Inspection and Navigation that, after any assumed side damage extending over a length of 10 feet plus 2 percent of the length of the vessel, the whole volume of the main compartment will not be flooded, a proportionate allowance may be made in the permissible length otherwise required for such compartment. In such a case the volume of effective buoyancy assumed on the undamaged side shall not be greater than that assumed on the damaged side.

(*h*) *Longitudinal subdivision.*—Where it is proposed to fit watertight decks, inner skins or longitudinal bulkheads, watertight or nonwatertight, the Bureau of Marine Inspection and Navigation shall be satisfied that the safety of the vessel will not be diminished in any respect, particularly having in view the possible listing effect of flooding in way of such structural arrangements.

(*i*) *Stability when damaged.*—1. The arrangements which fall within the general category of longitudinal subdivision are of such a varied character that it is not possible to lay down definite rules which would apply equitably to all cases that may arise in practice.

2. Calculations of angle of heel or of effect on stability may be necessary and plans showing the proposed transverse and/or longitudinal subdivision are therefore to be submitted for the Bureau of Marine Inspection and Navigation's consideration and decision as to the calculations to be made and the spaces to be assumed flooded. The object of the calculations is to show:

(i) The angle of heel which might result from the flooding of wing compartments due to side damage extending over a length in feet not exceeding $.02L$ plus ten feet.

If this angle is more than seven degrees, the Bureau of Marine Inspection and Navigation will, as a rule, require such arrangements to be made as will reduce the angle to seven degrees.

(ii) The reduction in stability and angle of heel which might result from flooding of such compartments as may reasonably be assumed vulnerable under certain conditions of damage having regard to the arrangements under consideration.

If this angle is such that the margin line would not be submerged, the arrangements may be allowed; otherwise they will require modification.

(iii) The effect on stability of flooding in way of a watertight deck.

3. In making these calculations the ship is to be assumed to be in the worst anticipated service condition as regards stability, the permeabilities of the spaces assumed to be flooded being taken consistent with this condition as far as possible.

4. The stability conditions assumed in these calculations are to be confirmed after the ship has been inclined.

RULE 6. *Peak and machinery space bulkheads, shaft tunnels, etc.*—

(*a*) 1. Every passenger vessel shall have a forepeak or collision bulkhead, which shall be watertight up to the bulkhead deck. This bulkhead shall be fitted not less than 5 percent of the length of the vessel, and not more than ten feet plus 5 percent of the length of the vessel from the forward perpendicular.

2. If a vessel has a long forward superstructure, the forepeak bulkhead shall be extended weathertight to the deck next above the bulkhead deck. The extension need not be fitted directly over the bulkhead below provided it is at least 5 percent of the length of the vessel from the forward perpendicular and the part of the bulkhead deck which forms the step is made effectively weathertight.

(*b*) An afterpeak bulkhead, and bulkheads dividing the machinery space as defined in rule 1 (*h*) from the cargo and passenger spaces forward and aft, shall also be fitted and made watertight up to the bulkhead deck. The afterpeak bulkhead may, however, be stopped below the bulkhead deck, provided the degree of safety of the vessel as regards subdivision is not thereby diminished.

(*c*) In all cases stern tubes shall be enclosed in watertight spaces. The stern gland shall be situated within a watertight shaft tunnel or other space of such volume that if flooded by leakage through the stern gland the margin line will not be submerged.

RULE 7. *Construction and tests.*—

(*a*) All watertight bulkheads, inner skins, decks, recesses, tunnels, tanks, ventilators, trunks, etc., forming part of the subdivision arrangements shall be of such strength and so constructed as to be capable of withstanding with a proper margin of resistance the pressure due to a head of water up to the bulkhead deck. The construction of these parts of the structure will be accepted if in accordance with the requirements of an approved American classification society. Where frames or beams pass through a watertight deck or bulkhead, such deck or bulkhead shall be made watertight without the use of wood or cement.

(*b*) An examination of the watertight bulkheads, recesses, tunnels, and watertight flats shall be made by an inspector and in addition a hose test shall be made in all cases. The pressure in the hose shall not be less than thirty pounds per square inch.

(*c*) 1. The forepeak shall be tested by filling with water to a head up to the deepest subdivision load line or up to two thirds the height from the top of the keel to the bulkhead deck if that be greater.

2. The watertight space enclosing the stern tube shall be tested by filling with water to a head up to the deepest subdivision load line.

(*d*) Tanks which hold liquids and form part of the subdivision of the vessel shall be tested by filling with water to a head at least up to the deepest subdivision load line or up to two thirds of the distance from the top of the keel to the bulkhead deck, or three feet whichever be the greatest. The tests on such tanks are to insure that the subdivision structural arrangements are watertight and are not to be considered a test of the strength or fitness of any tank for the storage of liquids and for which a test of a higher head may be required under the provisions of rule 17.

(*e*) Inner skins shall be tested by filling the space between them and the shell with water to a head up to the bulkhead deck.

RULE 8. *Fire-resisting bulkheads.*—Fire-resisting bulkheads shall be fitted as provided by the rules and regulations of the Board of Supervising Inspectors as applicable to the vessel and service.

RULE 9. *Extent of double bottoms.*—(*a*) In vessels 200 feet and under 249 feet in length a double bottom shall be fitted at least from the machinery space to the forepeak bulkhead, or as near thereto as practicable.

(*b*) In vessels 249 feet and under 330 feet in length a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and afterpeak bulkheads, or as near thereto as practicable.

(*c*) In vessels 330 feet in length and upwards a double bottom shall be fitted amidships and shall extend to the fore and afterpeak bulkheads or as near thereto as practicable.

(*d*) Where a double bottom is required to be fitted, the inner bottom shall be continued out to the vessel's sides in such a manner as to protect the bottom to the turn of bilge. Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the bilge plating is not lower at any point than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one half the vessel's molded breadth from the middle line.

RULE 10. *Wells in double bottoms.*—Wells constructed in the double bottom in connection with the drainage arrangements shall not extend downward more than necessary, nor shall they be less than eighteen inches from the outer bottom or from the inner edge of the margin plate. A well extending to the outer bottom is, however, permitted at the after end of a shaft tunnel.

RULE 11. *Watertight center girder.*—Double bottom tanks use for fuel oil or fresh water shall have a watertight center girder. This shall not be required for narrow tanks at ends of vessel.

RULE 12.—*Watertight floors.*—Watertight transverse divisions should be fitted in the double bottom under each main watertight subdivision bulkhead or as near thereto as practicable. Where duct keels are fitted, the transverse divisions need not extend across the duct keel.

RULE 13. *Manholes.*—The number of manholes in the inner bottom shall be reduced to the minimum compatible with the design and necessity for access to the double bottom. Efficient covers, capable of being made thoroughly watertight and effectively protected from damage by cargo or coal, shall be fitted to the manholes.

RULE 14. *Air or sounding pipes.*—All air or sounding pipes to the double bottom are to be effectively protected against damage by cargo, coal, etc.

RULE 15. *Tests of inner bottoms.*—Inner bottoms and duct keels shall be tested by filling with water to a head up to the bulkhead deck. Where double bottoms are to be used as tanks, the test head is not to be less than required for tanks forming part of the hull structure. (See rule 17.)

RULE 16. *Tanks for fuel oil, fresh water, liquid cargo, or water ballast.*—(*a*) The installation of fuel-oil tanks in the 'tween decks overhanging the boiler space or adjacent to the vessel's sides abreast the boilers should, where practicable, be avoided, but where found necessary such tanks shall be subdivided into compartments not exceeding twenty one feet in length. No openings are to be cut in the bottom, ends, or sides of fuel-oil tanks except for suction or heater connections.

[13] See subparagraph (*f*). The shorter of the two compartments must not be less than ten feet plus two percent of the length of the vessel.

(*b*) All tanks shall be sufficiently subdivided in order to prevent excessive listing when damaged, and the arrangement of divisional and swash bulkheads is to be such as to avoid excessive dynamic stresses.

(*c*) Cofferdams are to be fitted between fuel-oil tanks and adjacent boiler feed or culinary water tanks so as to prevent the fresh water from being contaminated.

(*d*) Tanks for fuel oil, fresh water, water ballast, or liquid cargo, forming a part of the vessel's structure, are to be constructed in accordance with the requirements of a recognized classification society.

(*e*) The construction of fuel-oil tanks separate from the hull shall conform to the following requirements or the equivalent thereto: Plating shall be not less than five-sixteenths inch in thickness; seams are to be double riveted; all rivet holes shall be fairly drilled or subpunched and reamed to size; rivets shall be spaced not to exceed four diameters; and where practicable, the tanks shall be calked inside and out.

RULE 17. *Tests of tanks.*—All tanks forming part of the vessel's structure shall be tested by filling with water to the height of the load draft, to two thirds of the distance from the top of the keel to bulkhead or freeboard deck, or to two feet above the highest point to which liquid may rise under service conditions, whichever is greatest. Independent fuel-oil tanks are to be tested to a pressure of fifteen pounds per square inch.

RULE 18. *Drainage double bottoms.*—Suitable gutterways are to be fitted around all oil tanks with arrangements for same to drain into sumps, wells, or bilges. Where double bottoms are used for fuel oil, such drainage arrangements shall be made in cargo holds as are necessary to insure that any oil leakage will drain into wells or bilges.

RULE 19. The foregoing rules for the carriage of fuel oil are applicable only to such oil having a flash point not less than 150° F. (Pensky-Marten closed cup tester). Where fuel oil of a lower flash point is to be carried the arrangements are to be specially considered and tanks for such oil must not be fitted adjacent to or beneath the boilers.

RULE 20. *Openings in watertight bulkheads.*—(*a*) The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the vessel; satisfactory means shall be provided for closing these openings.

(*b*) Where pipes, scuppers, electric-light cables, ets., are carried through watertight subdivision bulkheads, arrangements shall be made to insure the integrity of the watertightness of the bulkheads.

(*c*) Within the machinery space and apart from those leading to bunkers and tunnels, not more than one door may be fitted in each main transverse bulkhead for intercommunication. These doors shall be located so as to have the sills as high as practicable.

(*d*) Doorways, manholes, or access openings are not permitted:

1. In the collision bulkhead below the bulkhead deck.

2. In the main transverse bulkheads dividing a cargo space from an adjoining cargo space or from a permanent or a reserve bunker, except as provided for in rule 22 (*c*) (1).

(*e*) The collision bulkhead may be pierced below the margin line by not more than one pipe for dealing with fluid in the forepeak, provided that the pipe is fitted with a screw-down valve capable of being operated from above the bulkhead deck, the valve chest being secured inside the forepeak to the collision bulkhead.

(*f*) Openings closed only by portable bolted plates are not permitted in watertight bulkheads except in machinery spaces. Such plates shall always be in place before the vessel leaves port and shall not be removed at sea except in case of urgent necessity.

(*g*) Sluice valves shall not be permitted in the watertight subdivision bulkheads.

RULE 21. *Watertight doors, types.*—(*a*) The only types of watertight doors permissible are hinged doors and sliding doors and doors of other equivalent patterns, excluding plate doors secured only by bolts. A sliding door may have a horizontal or vertical motion.

(*b*) The permissible classes of doors are:

Class 1. Hinged doors.

Class 2. Sliding doors, operated by hand gear only.

Class 3. Sliding doors which close by dropping or by the action of a dropping weight, operated by a releasing arrangement above the bulkhead deck and by hand gear.

Class 4. Sliding doors operated by power from a central control and by hand gear.

RULE 22. *Doors, location of allowed types.*—(*a*) Where a door of a particular class is specified, a door of a class bearing a lower number may not be fitted, but a door of a class bearing a higher number may be fitted.

(*b*) Class 1 doors in passenger, crew, and working spaces are only permitted above a deck the molded line of which at its lowest point at side is at least seven feet above the deepest subdivision load line, and they are not permitted in such spaces below such a deck.

(*c*) 1. Class 1 doors may be fitted in bulkheads dividing cargo 'tween deck spaces. These doors shall be closed before the voyage commences and shall be kept closed during the voyage. When it is proposed to fit such doors, the number and arrangements shall be submitted for consideration, and a statement shall be required from the owners certifying as to the absolute necessity of such doors.

2. In special cases, where necessary for loading stores from cargo ports or for access while in port, class 1 doors may be fitted in the bulkheads subject to all the requirements of the foregoing paragraph, and, in addition, where such doors may be accessible at any time during the voyage they shall be fitted with locks to prevent their being opened.

(*d*) All other doors whose sills are above the deepest subdivision load line may, subject to power doors being required in special cases, subparagraphs (f) and (g), be of class 2.

(*e*) When any watertight doors which may sometimes be opened at sea, excluding those at the entrance to tunnels, are fitted in the main transverse watertight bulkheads at such a height that their sills are below the deepest subdivision load line, the following rules shall apply, subject to class 4 doors being required in special cases. (See subparagraphs (*f*) and (*g*).)

1. When the number of such doors exceeds 5, all the watertight sliding doors whose sills are below the deepest subdivision load line shall be of class 4, capable of being simultaneously closed from a station situated on the bridge.

2. When the number of such doors does not exceed 5:

(i) If the criterion numeral does not exceed 30, all the watertight doors whose sills are below the deepest subdivision load line may be of class 2.

(ii) If the criterion numeral exceeds 30 but does not exceed 60, all the watertight doors whose sills are below the deepest subdivision load line may be of class 3.

(iii) If the criterion numeral exceeds 60, all the watertight doors whose sills are below the deepest subdivision load line shall be of class 4.

(*f*) 1. Watertight doors fitted in bulkheads between permanent and reserve coal bunkers shall be always accessible except as provided in the following paragraph for 'tween deck bunker doors.

2. If watertight doors which have sometimes to be open at sea for the purpose of trimming coal are fitted between bunkers in the 'tween decks below the bulkhead deck these doors shall be of class 4.

(*g*) When trunkways in connection with refrigerated cargo are carried through more than one main transverse watertight bulkhead and the sills of the openings are less than 7 feet above the deepest subdivision load line the watertight doors at such openings shall be of class 4.

(*h*) 1. Where trunkways or tunnels for access from crew's accommodations to the stokehold, for piping, or for any other purpose are carried through main transverse watertight bulkheads and are used as a passage at sea, the access to at least one end shall be through a trunk extending watertight to a height sufficient to permit access above the bulkhead deck. The access to the other end of the trunkway or tunnel may be through a watertight door of the type required by its location in the vessel. Such trunkways or tunnels shall not extend through the first subdivision bulkhead abaft the collision bulkhead.

2. A short tunnel extending through not more than one main subdivision compartment and which is closed at one end need not be fitted with a door at the other end, provided its sides are not nearer to the shell than is permitted for the sides of a recess in a bulkhead as stated in rule 5 (*c*) and the volume of the tunnel if included with the volume of the compartment to which it opens does not result in the equivalent length of such compartment being in excess of the permissible length, rule 4 (*b*) (3).

3. Where it is proposed to fit tunnels or trunkways for forced draft, these shall receive the special consideration of the Bureau of Marine Inspection and Navigation.

RULE 23. *Watertight doors, operation and fittings.*—(*a*) Hinged watertight doors (class 1) shall be fitted with catches workable from either side of the bulkhead so spaced that the door can be made effectively watertight. In the case of a door which is required to be closed before the voyage commences and kept closed all during the voyage, the catches may be fitted to operate from one side only, provided it be shown that under all operating conditions the door shall be always closed from the one side.

(*b*) The hand closing gear for sliding doors is to be accessible in all cases and capable of being operated both at either side of the door itself and from above the bulkhead deck. The operating gear should consist of a crank handle or a wheel and should be permanently attached to the shafting. If this cannot be done the handle or wheel must be stowed immediately alongside the working position.

(*c*) A door which closes by dropping or by the action of a dropping weight shall have the releasing gear so arranged that the door can be released both at the door itself and at an accessible position above the bulkhead deck. It shall be fitted with a suitable arrangement to regulate the closing movement. Hand gear shall also be provided as required in subparagraph (*b*) arranged so that after being disengaged in releasing the door it can be quickly reengaged from either the upper or lower position.

(*d*) The power gear for closing doors of class 4 shall be operated from a central control in an accessible position above the bulkhead deck. The central control stations for power doors required under the provisions of rule 22 (*e*) (1) shall be on the bridge. The power gear shall be so arranged that it can also be operated from either side of the door itself, but also so that the door if opened by this local control after being closed from the central control will reclose automatically. The arrangement shall also be such that the door can be kept closed from the local control so that it cannot be opened from the central control. Power doors shall also be fitted with hand gear as required in subparagraph (*b*), permanently attached to the door, unless satisfactory means are provided for speedily reengaging it. The arrangements shall be such that in the event that the power gear is disabled it will in no way interfere with the efficient operation of the hand gear.

(*e*) In all classes of doors indicators shall be fitted at all operating stations other than at the door itself showing whether the doors are open or closed and at all operating stations directions for closing the doors should be clearly marked.

(*f*) Where power doors or doors which close by dropping or by the action of a dropping weight in passenger, crew, or working spaces are capable of being closed from a position from which the doors are not visible, sound signals for giving warning when they are about to be closed are to be provided. These signals are to be arranged to be sounded simultaneously with the action of the closing gear.

(*g*) Where any door in a subdivision bulkhead is located in whole or in part below the margin line and is not provided with devices to indicate at the central control station whether the door is open or closed, a means of communication shall be provided, or a system of gongs shall be provided so that the responsible officer may rapidly communicate with those whose duty it is to close the doors.

RULE 24. *Watertight doors, design and installation.*—(*a*) The design of all watertight doors shall be subject to approval by the Bureau of Marine Inspection and Navigation. Brass rubbing faces where fitted on sliding doors should be protected against damage, and they may be fitted on either the door or the frame. Vertical or horizontal sliding doors are to be designed so that they are not likely to be prevented from closing properly by lodgments from dirt or pressure from coal.

(*b*) The operating gear shall be sufficiently powerful to be capable of closing the door under unfavorable circumstances; any leads of shafting should be direct if possible and arrangements should be provided for the proper lubrication and protection from damage of all parts of the gear.

(*c*) When the bulkhead stiffeners are cut in way of a watertight door the opening is to be suitably framed so as to maintain the full strength of the bulkhead. Where stiffeners are not cut, but the spacing has been increased, the strength and stiffness provided at the sides of the doorways are to be such as to provide not less efficiency than the unpierced bulkhead without taking the door frame into consideration. The frames shall be carefully fitted to the bulkheads and no materials liable to deteriorate with age or readily injured by heat shall be used in the joints. Screens shall be fitted or other arrangements provided to prevent coal from interfering with the closing of watertight coal bunker doors.

RULE 25. *Watertight doors, tests.*—(*a*) Watertight doors shall be tested by water pressure to a head not less than the distance from the proposed location of the door in the vessel to the bulkhead deck, nor less than 20 feet for sliding watertight doors and 10 feet for hinged watertight doors. The test, if made before the door is fitted in the vessel, is intended to prove only the strength of the door and frame and the efficiency of the design; and the framing of the structure on which it is mounted should not be such as to give greater reenforcement to the door frame than will be provided by the bulkhead in the vessel, nor is the power applied in closing the door to be greater than that which will be available in the actual installation. Where there are several doors of the same type to be fitted in a ship one of the type may be selected for test at the place of manufacture or at the shipyard, and, provided the result of the test is satisfactory, the remaining doors of the type may be accepted without such tests.

(*b*) Where the doors are not to be tested under a head of water after installation, extreme care is to be taken in their fitting to see that their frames are in no way deformed, and the watertightness of the attachment of the door frames to the bulkhead as well as the watertightness of the doors is to be tested by a hose in the same manner as prescribed for the bulkheads.

(*c*) All of the closing arrangements and warning signals are to be operated satisfactorily in the presence of an inspector. The closing tests on coal bunker doors should be made when coal is in the bunkers.

RULE 26. *Closing watertight doors at sea.*—All watertight doors shall be kept closed during navigation except when necessarily opened for the working of the vessel and shall always be ready to be immediately closed.

RULE 27. *Openings in vessel's sides below the bulkhead deck.*—(a) The requirements of this rule apply to all openings in the sides of vessels below the bulkhead deck whether or not such openings give direct access to spaces above or below the bulkhead deck, except as otherwise specified.

(*b*) In the case of a vessel not having a continuous bulkhead deck it is necessary that special consideration should be given to the application of this rule, particularly with regard to openings through the sides of the vessel in way of or leading from spaces below the highest of the trim lines used in the development of the floodable length curves.

(c) The number of openings in vessel's sides below the bulkhead deck shall be reduced to the minimum compatible with the proper design and working of the vessel.

(d) The arrangement and efficiency of the means for closing each opening shall be consistent with its intended purpose and the position in which it is fitted, and shall be to the satisfaction of the Bureau of Marine Inspection and Navigation.

RULE 28. *Port lights and dead covers.*—(a) The number of port lights which are capable of being opened shall be reduced to a minimum. No port lights shall be fitted in spaces which are appropriated exclusively to cargo or coal. All port lights that for any reason will be inaccessible at sea are to be closed and secured before leaving port.

(b) If, in a 'tween deck, the sills of any port lights are below a line drawn parallel to the molded line of the bulkhead deck at side and having its lowest point 2½ percent of the breadth of the ship above the deepest subdivision load line, all port lights in that 'tween deck shall be of a nonopening type.

(c) If, in a 'tween deck, the sills of any port lights, other than those that require to be of a nonopening type by subparagraph (b), are below a line drawn parallel to the molded line of the bulkhead deck at side and having its lowest point at a height of 12 feet plus 2½ percent of the breadth of the vessel above the deepest subdivision load line, all the port lights in that 'tween deck shall be of such construction as will effectively prevent any person opening them without the consent of the master of the vessel.

(d) Other port lights may be of an ordinary opening type.

(e) If, in a 'tween deck, the sills of any port lights referred to in subparagraph (c) are below a line drawn parallel to the molded line of the bulkhead deck at side and having its lowest point 4½ feet plus 2½ percent of the breadth of the vessel above the load line at which the vessel is floating on her departure from any port, all the port lights in that 'tween deck shall be closed watertight and locked before the vessel leaves port and they shall not be opened during navigation.

When in any 'tween deck any port light is below a line having its lowest point 4½ feet plus 2½ percent of the breadth of the vessel above the deepest subdivision load line, all the port lights in that 'tween deck shall be of such construction that the foregoing condition can be complied with when the vessel is loaded to her deepest subdivision draft.

(f) All port lights are to be of substantial construction subject to approval of the Bureau of Marine Inspection and Navigation. Nonopening port lights are to be thoroughly watertight and port lights which are capable of being opened shall be so constructed that they can be easily and effectively closed and secured watertight. Port lights which are referred to in subparagraph (c) may have in lieu of the customary wing nut a special round slotted or recessed nut requiring a special wrench fitted on one or more of the bolts. Those referred to in subparagraph (c) may have similar arrangements, but the special nuts are to be protected by sleeves or guards so as to render them incapable of being released by the use of any ordinary tools, such as pipe wrenches, etc. (See American Marine Standards Committee, Standard No. 78, plate XIII.)

(g) Hinged inside dead covers shall be fitted to all port lights—

1. Which are required to be of a nonopening type.
2. Which are fitted within one-eight of the vessel's length from the forward perpendicular.
3. Which are fitted in positions defined in subparagraph (c).
4. Which will not be accessible during navigation.
5. Which are fitted in spaces intended for the accommodation of sailors and firemen.
6. Which are fitted in spaces intended for the accommodation of steerage passengers.

(h) Port lights below the bulkhead deck other than those referred to in the preceding paragraph shall be fitted with efficient inside dead covers, which may be portable and stowed adjacent to the port lights.

(i) Dead covers shall be of efficient design and arranged so that they can be easily and effectively secured watertight. Where fitted to opening-type port lights, they shall be of such design that it will not be necessary to release the special or locked nut in order to secure the dead cover.

RULE 29. *Automatic ventilators.*—Automatic ventilators shall not be fitted in vessels' sides below the bulkhead deck without the special sanction of the Bureau of Marine Inspection and Navigation.

RULE 30. *Inlets and discharges.*—(a) All main and auxiliary inlets and discharges shall be so arranged as to prevent accidental admission of water into the vessel. Cocks or valves are to be fitted to each such inlet or discharge at or near the shell, so arranged that they can be readily opened or closed. Sea chests are to be made with the necks as short as practicable, and where they would require to have long necks if fastened directly to the shell of the vessel, they may, instead, be attached to structural boxes built onto the shell. Sea chests shall be made of cast or forged steel.

(b) Pipes terminating at the shell are not to be fitted in a direct line between the outboard openings and the first rigid connection inboard, but are to be arranged with bends or elbows. Such bends or elbows are not to be of lead or cast iron and are to be sufficient in number to provide for expansion of the pipe, any movement due to the working of the vessel, and to offer reasonable safeguard against damage to the piping due to rubbing or bumping of the vessel in the vicinity of the outboard ends.

(c) Valves fitted on the vessel's sides are to be of substantial construction, are not to be made of cast iron and are to be effectively protected against damage. Where operating gear is provided the lead of shafting should be as direct as possible and all parts of the gear are to be protected against damage.

(d) The number of scuppers, sanitary discharges, tank overflows and other similar openings in vessels' sides shall be reduced to the minimum, either by making each discharge serve for as many as possible of the sanitary and other pipes or in any other satisfactory manner.

(e) Such discharges led through the vessel's sides from spaces below the bulkhead deck shall be fitted with efficient and accessible means for preventing water from passing inboard. It is permissible to have for each separate discharge either one automatic nonreturn valve fitted with a positive means of closing it from above the bulkhead deck or, alternatively, two automatic nonreturn valves without such means, the upper of which valves is to be so situated above the deepest subdivision load line as to be always accessible for examination under service conditions.

(f) In the case of tank overflows, the two nonreturn-valve arrangements as described in subparagraph (b) should always be used unless it is impracticable to arrange the upper valve in an accessible position, in which case the one valve with the positive means of closing may be fitted provided there are suitable arrangements to insure the valve not being closed by unauthorized persons and provided a notice is posted in a conspicuous place at the operating station to the effect that the valve must never be closed except as may be required in an emergency.

(g) Where a positive action valve is fitted the operating position above the bulkhead deck shall be always accessible and indicators shall be provided to show whether the valve is free or closed.

(h) When water closets of the under-waterline type are to be fitted, the arrangements are to be specially considered by the Bureau of Marine Inspection and Navigation.

RULE 31. *Side ports.*—(a) Gangway, cargo, and coaling ports shall be of sufficient strength. They shall be effectively closed and secured watertight before the ship leaves port and shall be kept closed during navigation.

(b) Where it is proposed to fit cargo or coaling ports partly or entirely below the deepest subdivision load line, a full report of the conditions should be made to the Bureau of Marine Inspection and Navigation showing that the working of the vessel would be hampered if the fitting of such ports were not approved.



RULE 32. *Ash chutes.*—(a) The inboard opening of each ash chute, rubbish chute, etc., shall be fitted with an efficient cover.

(b) If the inboard opening is situated below the bulkhead deck the cover shall be watertight and in addition an automatic nonreturn valve shall be fitted in the chute in an easily accessible position above the deepest subdivision load line. When the chute is not in use both the cover and the valve shall be kept closed and secured.

(c) In the case of ash ejectors, or other similar expelling devices, where the inboard openings must necessarily be below the deepest subdivision load line in the boiler room, the foregoing requirements may be waived provided that such ejectors or expelling devices are fitted with efficient valves and other fittings to prevent the accidental admission of water.

RULE 33. *Openings in vessels' sides above the bulkhead deck.*—(a) Port lights, gangways, cargo and coaling ports, and other means for closing openings in the vessels' sides above the bulkhead deck shall be of efficient design and construction and of sufficient strength having regard to the spaces in which they are fitted and their positions relative to the deepest subdivision load line.

(b) Hinged covers which can be effectively closed and secured watertight shall be fitted to port lights in 'tween decks or superstructures immediately above the bulkhead deck in the following locations:

1. In 'tween deck forecastles closed at the after end, from the stem to one-eighth of the vessel's length abaft the stem.
2. In spaces intended for the stowage of cargo, fuel, stores, or the accommodation of sailors, firemen, or steerage passengers, other than when such spaces are in a superstructure having one or both ends open.

(c) Port lights in spaces above the bulkhead deck other than as specified in subparagraph (a) may be fitted with portable dead covers or fitted with outer plugs stowed in readily accessible positions. Such dead covers or plugs are to be provided for each size of port light to the extent of at least 25 percent of the number of each size not fitted with attached dead covers.

RULE 34. *Freeboard deck.*—When the bulkhead deck is below the freeboard deck, attention is invited to the necessity of compliance with Section A of these regulations for openings in the sides of vessels below the freeboard deck.

RULE 35. *Openings in weather deck.*—(a) The bulkhead deck or a deck above it shall be weathertight in the sense that in ordinary sea conditions water will not penetrate in a downward direction.

(b) All openings in the exposed weather deck shall have coamings of ample height and strength and shall be provided with efficient means for expeditiously closing them watertight. All exposed cargo hatches are to be fitted with covers made watertight by the use of pliable gaskets, by heavy canvas tarpaulins thoroughly covering the hatch covers and firmly secured in place by battens which shall be fastened by toggles or wedges, or by the use of efficient screw fastenings.

RULE 36. *Freeing ports.*—Freeing ports and/or scuppers shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions.

RULE 37. *Exits.*—(a) Each compartment of every vessel where passengers or crew may be quartered or anyone may be employed shall be provided with at least two means of exit so arranged that should one not be available the other will be. One of these exits must be independent of any watertight doors and should give as direct access to the open deck as practicable.

(b) Where such exits are not readily discernible they shall be clearly marked with appropriate notices.

RULE 38. *Pumping arrangements—Steamships.*—(a) Passenger vessels shall be provided with an efficient pumping plant capable of pumping from and draining any watertight compartment under all practicable conditions after a casualty whether the ship is upright or listed. For this purpose wing suctions will generally be necessary except in narrow compartments at the ends of the ship. Where close ceiling is fitted over the bilges, arrangements shall be made whereby water in the compartment may find its way to the suction pipes. Efficient means shall be provided for draining water from insulated holds.

(b) In addition to the ordinary bilge pump, worked by the main engines, or its equivalent engine-room pump, two independent power bilge pumps shall be provided, except that in ships less than 300 feet in length, having a criterion numeral less than 30, either two efficient hand pumps of the crank type fitted one forward and one aft, or a portable power pump, may be substituted for one of the additional independent power bilge pumps.

In all cases an additional independent power pump shall be fitted when the criterion numeral exceeds 30.

Sanitary, ballast and general service pumps may be accepted as independent power bilge pumps if fitted with the necessary connections to the bilge pumping system.

(c) Where two or more independent power pumps are required, the arrangement shall be such that at least one power pump will be available for use in all ordinary circumstances in which a vessel may be flooded at sea. One of the power pumps shall, therefore, be an emergency pump of a reliable submersible type. A source of power situated above the bulkhead deck shall be available for this pump in any case of emergency.

(d) Where practicable, the power bilge pumps shall be placed in separate watertight compartments so arranged or situated that these compartments will not readily be flooded by the same damage. If the engines and boilers are in two or more watertight compartments, the pumps available for bilge service shall be distributed through these compartments as far as is possible.

(e) With the exception of pumps which may be provided for peak compartments only, each bilge pump, whether operated by hand or by power, shall be arranged to draw water from any hold or machinery compartment in the ship.

(f) Each independent power bilge pump shall be capable of giving a speed of water through the main bilge pipe of not less than 400 feet per minute, and it shall have a separate direct suction, to the compartment in which it is situated, of a diameter not less than that of the bilge main. The direct suctions from each independent power bilge pump shall be arranged to pump from either side of the ship.

(g) Main circulating pumps shall have direct suction connections, provided with non-return valves, to the lowest drainage level in the machinery space, and of a diameter at least two thirds that of the main sea inlet. Where the fuel is, or may be, coal, and there is no watertight bulkhead between the engines and boilers, a direct discharge overboard shall be fitted from at least one circulating pump, or alternatively, a by-pass may be fitted to the circulating discharge.

(h) 1. All pipes from the pumps which are required for draining cargo or machinery spaces shall be entirely distinct from pipes which may be used for filling or emptying spaces where water or oil is carried.

2. Lead pipes shall not be used under coal bunkers or oil fuel storage tanks, nor in boiler or machinery spaces, including motor rooms in which oil settling tanks or oil fuel pump units are situated.

(i) The diameters of bilge mains and branches shall be approved by the Bureau of Marine Inspection and Navigation.

(j) The arrangement of the bilge and ballast pumping system shall be such as to prevent the possibility of water passing from the sea and from water ballast spaces into the cargo and machinery spaces, or from one compartment to another. Special provision shall be made to prevent any deep tank having bilge and ballast connections being inadvertently run up from the sea when containing cargo,

or pumped out through a bilge pipe when containing water ballast.

(*k*) Provision shall be made to prevent the compartment served by any bilge suction pipe being flooded, in the event of the pipe being severed or otherwise damaged, by collision or grounding, in any other compartment. For this purpose, where the pipe is at any part situated near the side of the ship or in a duct keel, there shall be fitted to the pipe in the compartment containing the open end either a nonreturn valve, or a screwdown valve which can be operated from a position above the bulkhead deck.

(*l*) All distribution boxes, cocks and valves in connection with the bilge pumping arrangement shall be in positions which are accessible at all times under ordinary circumstances. They shall be so arranged that in the event of flooding the emergency bilge pump may be operative on any compartment. If there is only one system of pipes common to all the pumps, the necessary cocks or valves for controlling the bilge suctions must be workable from above the bulkhead deck. If in addition to the main bilge pumping system an emergency bilge pumping system is provided, it shall be independent of the main system and so arranged that the emergency pump is capable of operating on any compartment under flooding conditions.

*Motor vessels.*—

(*m*) The bilge pumping arrangements in motor ships shall, so far as practicable, be equivalent to those required for steamships of similar size, except as regards main circulating pumps.

RULE 39. *Astern power.*—Vessels shall have sufficient power for going astern to secure proper control in all circumstances.

RULE 40. *Auxiliary steering apparatus.*—(*a*) Vessels shall be provided with an auxiliary steering apparatus which, however, may be of less power than the main apparatus, and need not be worked by steam or other mechanical power, provided adequate arrangements for manual operation are practicable. A duplicate main steering power plant shall be considered as an auxiliary steering apparatus within the meaning of this paragraph.

(*b*) A spare tiller properly fitted to the rudder stock with relieving tackle should be provided except in particular cases subject to the special approval of the Bureau of Marine Inspection and Navigation, where the design and arrangement of the main tiller are considered such as to warrant its omission.

(*c*) An efficient brake shall be provided so that the change from one gear or tiller to another may be effected when necessary.

RULE 41. *Subdivision load lines.*—(*a*) Subdivision load lines shall be located by measuring vertically down from the deck line required by section A of these regulations.

(*b*) The length, width, and manner of marking the lines shall be as provided in Section A, Part 2, of these regulations.

(*c*) No subdivision load line is to be placed so that the freeboard is reduced from that determined by the highest seasonal mark permitted by Section A.

(*d*) 1. When the highest subdivision load line is located on a vessel used as a passenger vessel in a position between the highest and lowest seasonal load line marks, the seasonal load line marks above the subdivision load line will be omitted and those below will be marked.

2. When the freeboard from the highest subdivision load line on a vessel used as a passenger vessel is greater than the freeboard from the lowest load line permitted by Section A, the load lines required by Section A shall be omitted and the disk with its horizontal line located in line with the highest subdivision load line.

(*e*) One fresh water line is to be marked.[12]

(*f*) Subdivision load lines shall be aft of the vertical line. The vertical line shall be extended as necessary to connect the lowest and highest load lines marked on the vessel.

(*g*) 1. When a vessel has spaces used for cargo and passengers alternatively so that the position of the subdivision load line varies with the service, subdivision load lines for the principal passenger condition shall be marked and denoted by $C_1$ and the alternative conditions marked and denoted by $C_2$, $C_3$, etc. The position of each load line and the conditions under which a particular load line is applicable shall be noted in the certificate.[14]

2. The principal passenger condition for a vessel having spaces used for passengers and cargo alternatively is the condition where only those spaces appropriated exclusively to passengers are taken into consideration for determination of the subdivision load line.

PART 3.—RULES FOR DETERMINING SUBDIVISION LOAD LINES FOR PASSENGER VESSELS ENGAGED ON FOREIGN AND COASTWISE VOYAGES ON THE GREAT LAKES

The rules contained in Part 2 of Section D are applicable in the determination and marking of passenger vessels on the Great Lakes with subdivision load lines except where otherwise stated herein:

(*a*) Passenger vessels on the Great Lakes shall be so subdivided with watertight bulkheads that, based on factors determined by the subdivision load line assigned, the vessel's margin line will not be submerged and the vessel will have positive stability in the event any one main compartment is flooded.

(*b*) Rule 4, Part 2—"Permissible length of compartments"—is not applicable. On Great Lakes passenger vessels the maximum permissible length of a compartment, having its center at any point in the vessels length, is the floodable length.

(*c*) Rule 5, Part 2—"Special rules concerning subdivision"—subparagraphs (*a*), (*b*), and (*d*) (1) are not applicable.

(*d*) Rule 28, subparagraph C, "Port lights of special construction," is not applicable.

(*e*) RULE 41. *Subdivision load lines.*—All references to Section A should read Section C when applied to Great Lakes passenger vessels and a diamond will be substituted for the disk. No "fresh water" lines will be marked.

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[12] When a subdivision and a normal load line are combined the normal fresh water line only will be used unless the position of the subdivision load line is such that confusion will result, in which case a subdivision fresh water line may be used, marked $FC_1$, and the normal fresh water line omitted.

[14] This entry may be made on the safety certificate required by the International Convention for Safety of Life at Sea, or on the Load Line Certificate.

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

[Regulation A[1]]

### DISCOUNTS FOR AND ADVANCES TO MEMBER BANKS BY FEDERAL RESERVE BANKS

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GENERAL PRINCIPLES

The guiding principle underlying the discount policy of the Federal Reserve banks is the advancement of the public interest. Accordingly, the effect that the granting or withholding of credit accommodation by a Federal Reserve bank may have on a member bank, on its depositors and on the community is of primary importance.

In extending accommodation to any member bank, the Federal Reserve banks are required to have due regard to the demands of other member banks, as well as to the maintenance of sound credit conditions and the accommodation of commerce, industry, and agriculture, and to consider not only the nature of the paper offered, but also the general character and amount of the loans and investments of the member bank, and whether the bank has been extending an undue amount of credit for speculative purposes in securities, real estate, or commodities, or in any other way has conducted its operations in a manner inconsistent with the maintenance of sound credit conditions.

INTRODUCTION

This regulation is based upon and issued pursuant to various provisions of the Federal Reserve Act, the most important of which, together with related provisions of law, are published in the Appendix hereto. The regulation is applicable to the following forms of borrowing from a Federal Reserve bank: (1) discounts for member banks of commercial, agricultural and industrial paper and bankers' acceptances; (2) advances to member banks on their own notes secured by paper eligible for discount or purchase by Federal Reserve banks, by obligations of the United States or certain corporations owned by the United States, or by other security which is satisfactory to the Federal Reserve bank; and (3) discounts for Federal Intermediate Credit banks.

SECTION 1. DISCOUNT OF NOTES, DRAFTS AND BILLS FOR MEMBER BANKS[2]

(*a*) *Commercial, agricultural and industrial paper.*—Any Federal Reserve bank may discount for any of its member banks, under authority of sections 13 and 13a of the Federal Reserve Act, any note, draft, or bill of exchange which meets the following requirements:

(1) It must be a negotiable note, draft, or bill of exchange, bearing the indorsement of a member bank, which has been issued or drawn, or the proceeds of which have been used or are to be used, in producing, purchasing, carrying or marketing goods[3] in one or more of the steps of the process of production, manufacture, or distribution, or in meeting current operating expenses of a commercial, agricultural or industrial business, or for the purpose of carrying or trading in direct obligations of the United States (i. e. bonds, notes, Treasury bills or certificates of indebtedness of the United States);

(2) It must not be a note, draft, or bill of exchange the proceeds of which have been used or are to be used for permanent or fixed investments of any kind, such as land, buildings or machinery, or for any other fixed capital purpose;

(3) It must not be a note, draft, or bill of exchange the proceeds of which have been used or are to be used for transactions of a purely speculative character or issued or drawn for the purpose of carrying or trading in stocks, bonds or other investment securities except direct obligations of the United States (i. e. bonds, notes, Treasury bills or certificates of indebtedness of the United States);

(4) It must have a maturity at the time of discount of not exceeding ninety days, exclusive of days of grace, except that agricultural paper as defined below in this section of this regulation may have a maturity of not exceeding nine months, exclusive of days of grace; but this requirement is not applicable with respect to bills of exchange payable at sight or on demand of the kind described in subsection (*b*) of this section.

(*b*) *Bills of exchange payable at sight or on demand.*—Any Federal Reserve bank may discount for any of its member banks, under authority of section 13 of the Federal Reserve Act, negotiable bills of exchange payable at sight or on demand which (1) bear the indorsement of a member bank, (2) grow out of the domestic shipment or the exportation of nonperishable, readily marketable staples,[4] and (3) are secured by bills of lading or other shipping documents conveying or securing title to such staples. All such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made promptly, unless the drawer instructs that they be held until arrival of such staples at their destination, in which event they must be presented for payment within a reasonable time after notice of such arrival has been received. In no event shall any such bill be held by or for the account of a Federal Reserve bank for a period in excess of ninety days.

(*c*) *Construction loans.*—In addition to paper of the kinds specified above, any Federal Reserve bank may discount for any of its member banks, under authority of section 24 of the Federal Reserve Act, a negotiable note which (1) represents a loan made to finance the construction of a residential or a farm building whether or not secured by lien upon real estate, (2) is indorsed by such member bank, (3) is accompanied by a valid and binding agreement, entered into by a person[5] acceptable to the discounting Federal Reserve bank, requiring such person to advance the full amount of the loan upon the completion of the construction of such residential or farm building, and (4) matures not more than

[1] This regulation as printed herewith is in the form as revised effective October 1, 1937. (Superseding Regulation A, Series of 1930.) Any inquiry relating to this regulation should be addressed to the Federal Reserve Bank of the district in which the inquiry arises.

[2] Even though paper is not eligible for discount by a Federal Reserve bank for a member bank under the provisions of this regulation, it may be used as security for an advance by a Federal Reserve bank to a member bank under the terms and conditions of subsection (c) and subsection (d) of section 2 of this regulation if it constitutes security satisfactory to the Federal Reserve bank. In addition to the classes of paper mentioned in section 1 of this regulation a Federal Reserve bank may discount bankers' acceptances in accordance with the provisions of section 6 of this regulation.

[3] As used in this regulation the word "goods" shall be construed to include goods, wares, merchandise, or agricultural products, including livestock.

[4] A readily marketable staple within the meaning of this regulation means an article of commerce, agriculture, or industry of such uses as to make it the subject of constant dealings in ready markets with such frequent quotations of price as to make (*a*) the price easily and definitely ascertainable, and (*b*) the staple itself easy to realize upon by sale at any time.

[5] Such person may be the member bank offering the note for discount or any other individual, partnership, association or corporation.

six months from the date such loan was made and not more than ninety days from the date of such discount by such Federal Reserve bank, exclusive of days of grace.

(*d*) *Agricultural paper.*—Agricultural paper, within the meaning of this regulation, is a negotiable note, draft, or bill of exchange issued or drawn, or the proceeds of which have been or are to be used, for agricultural purposes, including the production of agricultural products, the marketing of agricultural products by the growers thereof, or the carrying of agricultural products by the growers thereof pending orderly marketing, and the breeding, raising, fattening, or marketing of livestock.

(*e*) *Paper of cooperative marketing associations.*—Notes, drafts, bills of exchange, or acceptances issued or drawn by cooperative marketing associations composed of producers of agricultural products are deemed to have been issued or drawn for an agricultural purpose within the meaning of the foregoing definition of "agricultural paper", if the proceeds thereof have been or are to be used by such association in making advances to any members thereof for an agricultural purpose, in making payments to any members thereof on account of agricultural products delivered by such members to the association, or to meet expenditures incurred or to be incurred by the association in connection with the grading, processing, packing, preparation for market, or marketing of any agricultural product handled by such association for any of its members. In addition, any other paper of such associations which complies with the applicable requirements of this regulation may be discounted. Paper of cooperative marketing associations the proceeds of which have been or are to be used (1) to defray the expenses of organizing such associations, or (2) for the acquisition of warehouses, for the purchase or improvement of real estate, or for any other permanent or fixed investment of any kind, is not eligible for discount, even though such warehouses or other property is to be used exclusively in connection with the ordinary operations of the association.

(*f*) *Factors' paper.*—Notes, drafts, and bills of exchange of factors issued as such for the purpose of making advances exclusively to producers of staple agricultural products in their raw state are eligible for discount with maturities not in excess of ninety days, exclusive of days of grace.

(*g*) *Collateral securing discounted paper.*—Any note, draft, or bill of exchange eligible for discount is not rendered ineligible because it is secured by the pledge of goods or collateral of any nature, including paper ineligible for discount.

(*h*) *Determination of eligibility.*—A Federal Reserve bank shall take such steps as may be necessary to satisfy itself as to the eligibility of any paper offered for discount. Compliance of paper with the provisions of paragraph (2) of subsection (*a*) of this section may be evidenced by a statement which adequately reflects the borrower's financial worth and evidences a reasonable excess of quick assets over current liabilities, or such compliance may be evidenced in any other manner satisfactory to the Federal Reserve bank.

(*i*) *Limitations.*—The aggregate of notes, drafts, and bills upon which any person, copartnership, association, or corporation is liable as maker, acceptor, indorser, drawer, or guarantor, discounted for any member bank shall at no time exceed the amount for which such person, copartnership, association, or corporation may lawfully become liable to a national bank under the terms of section 5200 of the Revised Statutes of the United States, as amended.[*] The law forbids a Federal Reserve bank to discount for any State member bank notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State member bank in an amount greater than that which could be borrowed lawfully from such State member bank were it a national bank.

SECTION 2. ADVANCES TO MEMBER BANKS

(*a*) *Advances on eligible paper.*—Any Federal Reserve bank may make advances, under authority of section 13 of the Federal Reserve Act, to any of its member banks for periods not exceeding ninety days on the promissory note of such member bank secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for discount by Federal Reserve banks under the provisions of this regulation or for purchase by such banks under the provisions of Regulation B.

(*b*) *Advances on Government obligations.*—Any Federal Reserve bank may make advances, under authority of section 13 of the Federal Reserve Act, to any of its member banks for periods not exceeding fifteen days[1] on the promissory note of such member bank secured (1) by the deposit or pledge of bonds, notes, certificates of indebtedness, or Treasury bills of the United States, or (2) by the deposit or pledge of debentures or other such obligations of Federal Intermediate Credit banks having maturities of not exceeding six months from the date of the advance, or (3) by the deposit or pledge of Federal Farm Mortgage Corporation bonds issued under the Federal Farm Mortgage Corporation Act and guaranteed both as to principal and interest by the United States, or (4) by the deposit of Home Owners' Loan Corporation bonds issued under the provisions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, and guaranteed both as to principal and interest by the United States.

(*c*) *Advances on other security under section 10 (b) of the Federal Reserve Act.*—Subject to the provisions of subsection (d) of this section, any Federal Reserve bank may make advances, under authority of section 10 (b) of the Federal Reserve Act, to any of its member banks upon the latter's promissory note secured to the satisfaction of such Federal Reserve bank. The rate on advances made under the provisions of this subsection shall in no event be less than one-half of 1 percent per annum higher than the highest rate applicable to discounts for member banks under the provisions of sections 13 and 13a of the Federal Reserve Act in effect at such Federal Reserve bank. Such an advance must be evidenced by the promissory note of such member bank payable either (1) on a definite date not more than four months after the date of such advance, or (2) at the option of the holder on or before a definite date not more than four months after the date of such advance.

(*d*) *Kinds of collateral which may be used as security for advances under section 10 (b) of the Federal Reserve Act.*—A Federal Reserve bank may accept as security for an advance made under the provisions of subsection (c) of this section assets of any of the classes enumerated below which are satisfactory to the Federal Reserve bank, or paper secured by assets of such classes:

(1) Assets which may be used as collateral security for advances under subsection (*a*) of this section, entitled "Advances on eligible paper", or subsection (*b*) of this section, entitled "Advances on Government obligations";

(2) Paper which would be eligible for discount or for purchase by Federal Reserve banks except by reason of the fact that the period of its maturity is greater than that permitted for paper eligible for discount or purchase;

(3) Investment securities as defined by the Comptroller of the Currency pursuant to section 5136 of the Revised Statutes of the United States;

(4) Obligations evidencing loans upon the security of stock which are made in conformity with the provisions of Regulation U;

(5) Obligations insured under the provisions of Title I or Title II of the National Housing Act;

(6) Debentures, bonds, or other such obligations issued by Federal Home Loan banks or issued under authority of the Federal Farm Loan Act, without regard to the maturity of any such obligations;

[*] Section 5200 of the Revised Statutes of the United States is printed in the Appendix to this regulation (page 2001) together with a tabular analysis of the section prepared in the office of the Comptroller of the Currency (page 2001)

[1] However, under the provisions of the last paragraph of section 13 of the Federal Reserve Act, any Federal Reserve bank may make advances for periods not exceeding ninety days to individuals, partnerships, or corporations (including banks) on their promissory notes secured by direct obligations of the United States at rates fixed for the purpose.



(7) Bills, notes, revenue bonds, and warrants which constitute general obligations of any State or of any political subdivision thereof;

(8) Obligations which are issued or drawn for the purpose of financing, refinancing, or carrying real estate and which comply substantially with the standards set forth in the recommendations relating to real estate loans in the Appendix to this regulation;

(9) Obligations which are issued or drawn for the purpose of financing or refinancing the sale of goods upon an installment basis and which comply substantially with the standards set forth in the recommendations relating to loans upon an installment basis in the Appendix to this regulation, and obligations of businesses principally engaged in extending credit on such basis and in substantial accordance with such standards.

In addition, when in the judgment of the Federal Reserve bank circumstances make it advisable to do so, the Federal Reserve bank may accept as security for an advance under subsection (c) of this section any assets other than those set forth above which are satisfactory to the Federal Reserve bank.

SECTION 3. GENERAL REQUIREMENTS AS TO DISCOUNTS AND ADVANCES

(*a*) *Applications for discounts or advances.*—Every application by a member bank for the discount of paper or for an advance to such bank must contain a certificate of such bank, in form to be prescribed by the Federal Reserve bank, that the paper offered for discount or the security offered for the advance, as the case may be, has not been acquired from a nonmember bank (otherwise than in accordance with section 4 of this regulation) or, if so acquired, that the applying member bank has received permission from the Board of Governors of the Federal Reserve System to discount with the Federal Reserve bank paper acquired from nonmember banks or to obtain advances from the Federal Reserve bank on security so acquired. Every such application shall also contain a notation by the member bank as to whether it has on file a statement which adequately reflects the financial worth of a party primarily liable on the paper offered as security for an advance or for discount or of the person from whom the member bank acquired such paper if such person is legally liable thereon. Every application of a State member bank for the discount of paper must contain a certificate or guaranty to the effect that the borrower is not liable and will not be permitted to become liable to such bank for borrowed money during the time his paper is under discount with the Federal Reserve bank in an amount greater than that which could be borrowed lawfully from such State bank were it a national bank.

(*b*) *Financial statements.*—In order to determine whether paper offered for discount or security offered for an advance is eligible and acceptable, any Federal Reserve bank may require that there be filed with it statements, or certified copies thereof, which adequately reflect the financial worth (1) of one or more parties to any note, draft, or bill of exchange offered for discount or to any obligation offered as security for an advance and (2) of any corporations or firms affiliated with or subsidiary to such party or parties. A Federal Reserve bank may in any case require such other information as it deems necessary.

(*c*) *Speculative use of credit by a member bank.*—Each Federal Reserve bank is required by law to keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities, or for any other purpose inconsistent with the maintenance of sound credit conditions; and, in determining whether to grant or refuse discounts or advances, the Federal Reserve bank is required to give consideration to such information. Each Federal Reserve bank may require such information from its member banks as it may deem necessary in order to determine whether such undue use of bank credit is being made.

(*d*) *Additional or marginal collateral.*—In connection with any discount or advance under this regulation, a Federal Reserve bank may require such additional or marginal collateral as it may deem advisable or necessary for its protection; and the requirements of this regulation with respect to collateral shall not be applicable to such additional or marginal collateral. In any case in which additional or marginal collateral is required, it is expected that the Federal Reserve bank in determining the amount will give due regard to the public welfare and the general effects that its action may have on the position of the member bank, on its depositors, and on the community; and in general a Federal Reserve bank should limit the amount of collateral it requires to the minimum consistent with safety. In any case where the amount of the assets of a member bank, at their reasonable value determined in a manner satisfactory to the Reserve bank, required as collateral in connection with any discount or advance under the provisions of this regulation exceeds at the time of the discount or advance 25 per cent of the amount of paper discounted or 125 per cent of the amount of the advance, as the case may be, the Federal Reserve bank shall include an explanation of the facts and circumstances of the case in its loan schedule submitted to the Board of Governors of the Federal Reserve System.

(*e*) *Credit extended on security of obligations of the United States.*—In any case in which the amount of an advance made by a Federal Reserve bank in accordance with the provisions of this regulation on a member bank's promissory note secured by direct obligations of the United States or obligations which are guaranteed both as to principal and interest by the United States is less than the face amount of such obligations, the Reserve bank shall include an explanation of the facts and circumstances of the case in its loan schedule submitted to the Board of Governors of the Federal Reserve System.

SECTION 4. PAPER ACQUIRED FROM NONMEMBER BANKS

(*a*) *Prohibition upon acceptance of nonmember bank paper.*—Except with the permission of the Board of Governors of the Federal Reserve System, no Federal Reserve bank shall discount or accept as security for an advance any assets acquired by a member bank from, or bearing the signature or indorsement of, a nonmember bank, except assets otherwise eligible which were purchased by the offering bank on the open market or otherwise acquired in good faith and not for the purpose of obtaining credit for a nonmember bank.

(*b*) *Applications for permission.*—An application for permission to discount paper acquired from nonmember banks or to use as security for advances assets acquired from nonmember banks shall be made by the member bank which desires to offer such paper for discount or such assets as security and shall state fully the facts which give rise to such application and the reasons why the applying member bank desires such permission. Such application shall be addressed to the Board of Governors of the Federal Reserve System but shall be submitted by the member bank to the Federal Reserve bank of the district, which will forward it promptly to the Board of Governors of the Federal Reserve System with its recommendation.

(*c*) *Paper acquired from Federal Intermediate Credit banks.*—The Board of Governors of the Federal Reserve System hereby grants permission to Federal Reserve banks to discount for member banks paper bearing the signature or indorsement of, or acquired from, Federal Intermediate Credit banks or to make advances to member banks upon the security of paper or assets bearing such a signature or indorsement or so acquired, if otherwise eligible under the law and this regulation.

SECTION 5. DISCOUNTS FOR FEDERAL INTERMEDIATE CREDIT BANKS

(*a*) *Kinds and maturity of paper.*—Any Federal Reserve bank, under authority of section 13a of the Federal Reserve

Act, may discount for any Federal Intermediate Credit bank (1) agricultural paper as defined in section 1 of this regulation, or (2) notes payable to such Federal Intermediate Credit bank covering loans or advances made by it pursuant to the provisions of section 202 (a) of Title II of the Federal Farm Loan Act, which are secured by notes, drafts, or bills of exchange eligible for discount by Federal Reserve banks. Any paper discounted for a Federal Intermediate Credit bank must bear the indorsement of such bank and must have a maturity at the time of discount of not more than nine months, exclusive of days of grace.

(*b*) *Limitations.*—No Federal Reserve bank shall discount for any Federal Intermediate Credit bank any paper which bears the indorsement of any nonmember State bank or trust company which is eligible for membership in the Federal Reserve System under the terms of section 9 of the Federal Reserve Act. In acting upon applications for the discount of paper for Federal Intermediate Credit banks, each Federal Reserve bank shall give preference to the demands of its own member banks and shall have due regard to the probable future needs of its own member banks. Except with the permission of the Board of Governors of the Federal Reserve System, no Federal Reserve bank shall discount paper for any Federal Intermediate Credit bank when its own reserves amount to less than 50 percent of its own aggregate liabilities for deposits and Federal Reserve notes in actual circulation.

SECTION 6. BANKERS' ACCEPTANCES [8]

(*a*) *Definition.*—A banker's acceptance within the meaning of this regulation is a draft or bill of exchange, whether payable in the United States or abroad and whether payable in dollars or some other money, accepted by a bank or trust company, or a firm, person, company, or corporation engaged generally in the business of granting bankers' acceptance credits.

(*b*) *Eligibility.*—Any Federal Reserve bank may discount for any of its member banks any such banker's acceptance bearing the indorsement of a member bank and having a maturity at the time of discount not greater than that prescribed by subsection (c) of this section, which has been drawn under a credit opened for the purpose of conducting or settling accounts resulting from a transaction or transactions involving any one of the following:

(1) The shipment of goods between the United States and any foreign country, or between the United States and any of its dependencies or insular possessions, or between dependencies or insular possessions and foreign countries, or between foreign countries; [9]

(2) The shipment of goods within the United States, provided shipping documents conveying security title are attached at the time of acceptance; or

(3) The storage in the United States or in any foreign country of readily marketable staples [10] provided that the bill is secured at the time of acceptance by a warehouse, terminal, or other similar receipt, conveying security title to such staples, issued by a party independent of the customer or issued by a grain elevator or warehouse company duly bonded and licensed and regularly inspected by State or Federal authorities with whom all receipts for such staples and all transfers thereof are registered and without whose consent no staples may be withdrawn; and provided further that the acceptor remains secured throughout the life of the acceptance. In the event that the goods must be withdrawn from storage prior to the maturity of the acceptance or the retirement of the credit, a trust receipt or other similar document covering the goods may be substituted in lieu of the original document, provided that such substitution is conditioned upon a reasonably prompt liquidation of the credit. In order to insure compliance with this condition it should be required, when the original document is released, either (A) that the proceeds of the goods will be applied within a specified time toward a liquidation of the acceptance credit or (B) that a new document, similar to the original one, will be resubstituted within a specified time.

*Provided,* That acceptances for any one customer in excess of 10 per cent of the capital and surplus of the accepting bank must remain actually secured throughout the life of the acceptance, and in the case of the acceptances of member banks this security must consist of shipping documents, warehouse receipts, or other such documents, or some other actual security growing out of the same transaction as the acceptance, such as documentary drafts, trade acceptances, terminal receipts, or trust receipts which have been issued under such circumstances, and which cover goods of such a character, as to insure at all times a continuance of an effective and lawful lien in favor of the accepting bank, other trust receipts not being considered such actual security if they permit the customer to have access to or control over the goods.

(*c*) *Maturities.*—No such acceptance is eligible for discount which has a maturity at the time of discount in excess of ninety days' sight, exclusive of days of grace, except that acceptances drawn for agricultural purposes and secured at the time of acceptance by warehouse receipts or other such documents conveying or securing title covering readily marketable staples may be discounted with maturities at the time of discount of not more than six months' sight, exclusive of days of grace. Although a Federal Reserve bank may legally discount an acceptance having a maturity at the time of discount not greater than that prescribed above in this subsection, an acceptance should not have a maturity which is in excess of the usual or customary period of credit required to finance the underlying transaction or which is in excess of the period reasonably necessary to finance such transaction. Since the purpose of permitting the acceptance of drafts secured by warehouse receipts or other such documents is to permit the temporary holding of readily marketable staples in storage pending a reasonably prompt sale, shipment, or distribution, no such acceptance should have a maturity in excess of the time ordinarily necessary to effect a reasonably prompt sale, shipment, or distribution into the process of manufacture or consumption.

(*d*) *Dollar exchange acceptances.*—A Federal Reserve bank may also discount any bill drawn by a bank or banker in a foreign country or dependency or insular possession of the United States for the purpose of furnishing dollar exchange as provided in Regulation C, provided that it has a maturity at the time of discount of not more than three months, exclusive of days of grace.

(*e*) *Evidence of eligibility.*—A Federal Reserve bank must be satisfied, either by reference to the acceptance itself or otherwise, that the acceptance is eligible for discount under the terms of the law and the provisions of this regulation. The bill itself should be drawn so as to evidence the character of the underlying transaction, but if it is not so drawn evidence of eligibility may consist of a stamp or certificate affixed by the acceptor in form satisfactory to the Federal Reserve bank.

APPENDIX

*Recommendations of the Board of Governors of the Federal Reserve System as to the Minimum Standards Which Should Be Observed by Member Banks in Making Loans Upon Real Estate*

While recognizing that requirements of individual banks in making loans for the purpose of financing or carrying real estate will vary according to the circumstances of particular transactions, the Board of Governors of the Federal Reserve System believes that certain minimum standards should be observed. Some of these standards are specifically required by law with respect to loans of national banks.

[8] For regulations governing the acceptance by member banks of drafts and bills of exchange drawn on them, see Regulation C.

[9] In accepting any draft or bill of exchange arising out of a shipment of the kind referred to in clause 1 of subsection (*b*) of section 6 of this regulation, the accepting bank will be expected to obtain substantiating evidence as to the eligibility of the transaction underlying such draft or bill of exchange.

[10] See footnote 4 on page 1995.



Others are advisable as a matter of sound banking practice. The examiners for the Federal Reserve banks should take such standards into consideration in reviewing loans of State member banks, and Federal Reserve banks in passing upon applications of member banks for credit accommodations supported by real estate loans should give preference to the acceptance as collateral of such loans as meet these standards. With these considerations in mind the Board recommends that member banks in making or acquiring real estate loans, other than those insured under Title II of the National Housing Act, apply the standards set forth below as minimum requirements:

(1) Obligations issued or drawn for the purpose of financing, refinancing, or carrying real estate should be secured by first lien, evidenced by mortgage, trust deed, or other such instrument, upon improved real estate, including improved farm land and improved business and residential properties;

(2) The amount of the loan or loans evidenced by such obligations should not exceed 50 per cent of the appraised value of the real estate securing such loan or loans and no such loan should be for a longer term than five years, except that any such loan may be in an amount not exceeding 60 per cent of the appraised value of the real estate securing such loan and for a term not longer than ten years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which 40 per cent or more of the principal of the loan will be amortized within a period of not more than ten years by means of substantially equal monthly, quarterly, semiannual, or annual payments on principal with interest added or on principal and interest combined, and member banks should take reasonable steps to satisfy themselves that the payments and other requirements of the obligations will be met in accordance with their terms;

(3) There should be on file with the member bank with respect to such obligations the following documents or properly certified or photostat copies thereof:

(*a*) an appraisal of the value of the real estate which has been made within a reasonable time before the obligation was acquired by the member bank (i) by one or more competent and experienced appraisers independent of the member bank who have no interest, direct or indirect, in the real estate, or (ii) if the member bank maintains a separate real estate department, by one or more officers or employees who are regularly assigned to such department, who specialize in real estate appraisals and who have no interest, direct or indirect, in the real estate, or (iii) by a committee appointed by the board of directors and consisting of not less than two members who are qualified for the purpose and have no interest, direct or indirect, in the real estate, and which appraisal contains, in addition to such other data as may be required by the member bank, statements as to the purpose for which the real estate is used or is proposed to be used and the nature and amount of the income received therefrom;

(*b*) an adequate description of the real estate, including the improvements;

(*c*) evidence of the title to the real estate in the form of a certificate of a title company, a title insurance policy, an opinion of a competent attorney, or other form satisfactory to the member bank;

(*d*) satisfactory evidence that no taxes or assessments thereon are delinquent and that adequate insurance is carried; and

(*e*) such other information and documents as the circumstances of the case may render advisable.

*Recommendations of the Board of Governors of the Federal Reserve System as to the Minimum Standards for Installment Paper Used as Collateral Security for Advances to Member Banks*

While recognizing that requirements of individual banks in making loans for the purpose of financing or refinancing the sale of goods upon an installment basis will vary according to the circumstances of particular transactions, the Board of Governors of the Federal Reserve System believes that certain minimum standards should be observed as a matter of sound banking practice. The examiners for the Federal Reserve banks should take such standards into consideration in reviewing loans of State member banks, and Federal Reserve banks in passing upon applications of member banks for credit accommodations supported by obligations issued or drawn for the purpose of financing or refinancing the sale of goods upon an installment basis should give preference to the acceptance as collateral of such loans as meet these standards. With these considerations in mind, the Board recommends that the standards set forth below be applied by all member banks as minimum requirements in making or acquiring such loans:

(1) Obligations which are issued or drawn for the purpose of financing or refinancing the sale of goods upon an installment basis should be secured by first lien upon or retention of title to such goods through a chattel mortgage, conditional sales contract, bailment lease, or other similar instrument, insuring at all times the continuance of an effective and lawful lien or retention of title in favor of the holder of such obligations;

(2) The goods should be of such nature and the terms of the obligations should be such that in the event of the resale of the goods at any time during the life of the obligations it may reasonably be expected that the sum realized will be substantially greater than that necessary to liquidate the amount of the obligations then unpaid, including interest and all charges; and

(3) Member banks should take reasonable steps to satisfy themselves that the payments and other requirements of the obligations will be met in accordance with their terms.

*Statutory Provisions*

Section 4 of the Federal Reserve Act reads in part as follows:

Said board of directors shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and may, subject to the provisions of law and the orders of the Board of Governors of the Federal Reserve System, extend to each member bank such discounts, advancements, and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks, the maintenance of sound credit conditions, and the accommodation of commerce, industry, and agriculture. The Board of Governors of the Federal Reserve System may prescribe regulations further defining within the limitations of this Act the conditions under which discounts, advancements, and the accommodations may be extended to member banks. Each Federal reserve bank shall keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities, or for any other purpose inconsistent with the maintenance of sound credit conditions; and, in determining whether to grant or refuse advances, rediscounts or other credit accommodations, the Federal reserve bank shall give consideration to such information. The chairman of the Federal Reserve bank shall report to the Board of Governors of the Federal Reserve System any such undue use of bank credit by any member bank, together with his recommendation. Whenever, in the judgment of the Board of Governors of the Federal Reserve System, any member bank is making such undue use of bank credit, the Board may, in its discretion, after reasonable notice and an opportunity for a hearing, suspend such bank from the use of the credit facilities of the Federal Reserve System and may terminate such suspension or may renew it from time to time.

Section 9 of the Federal Reserve Act reads in part as follows:

*Provided, however,* That no Federal Reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than that which could be borrowed lawfully from such State bank or trust company were it a national banking association. The Federal Reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal Reserve bank.

Section 10 (b) of the Federal Reserve Act reads as follows:

SEC. 10 (b). Any Federal Reserve bank, under rules and regulations prescribed by the Board of Governors of the Federal Reserve System, may make advances to any member bank on its time or demand notes having maturities of not more than four months and which are secured to the satisfaction of such Federal Reserve bank. Each such note shall bear interest at a rate not less than one-half of 1 per centum per annum higher than the highest discount rate in effect at such Federal Reserve bank on the date of such note.

Section 13 of the Federal Reserve Act reads in part as follows:

Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice and protest by such bank as to its own indorsement exclusively, any Federal Reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes, the Board of Governors of the Federal Reserve System to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this Act. Nothing in this Act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount, and the notes, drafts, and bills of exchange of factors issued as such making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States.[11] Notes, drafts, and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than 90 days, exclusive of grace.

* * * * *

Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Board of Governors of the Federal Reserve System, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which grow out of the domestic shipment or the exportation of nonperishable, readily marketable agricultural and other staples and are secured by bills of lading or other shipping documents conveying or securing title to such staples: *Provided*, That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: *Provided further*, That no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of ninety days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof.

The aggregate of notes, drafts, and bills upon which any person, copartnership, association, or corporation is liable as maker, acceptor, indorser, drawer, or guarantor rediscounted for any member bank, shall at no time exceed the amount for which such person, copartnership, association, or corporation may lawfully become liable to a national banking association under the terms of section 5200 of the Revised Statutes, as amended: *Provided, however*, That nothing in this paragraph shall be construed to change the character or class of paper now eligible for rediscount by Federal reserve banks.

Any Federal reserve bank may discount acceptances of the kinds hereinafter described, which have a maturity at the time of discount of not more than ninety days' sight, exclusive of days of grace, and which are indorsed by at least one member bank; *Provided*, That such acceptances if drawn for an agricultural purpose and secured at the time of acceptance by warehouse receipts or other such documents conveying or securing title covering readily marketable staples may be discounted with a maturity at the time of discount of not more than six months' sight exclusive of days of grace.

Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. * * *

Any Federal Reserve bank may make advances for periods not exceeding fifteen days to its member banks on their promissory notes secured by the deposit or pledge of bonds, notes, certificates of indebtedness, or Treasury bills of the United States, or by the deposit or pledge of debentures or other such obligations of Federal intermediate credit banks which are eligible for purchase by Federal reserve banks under section 13 (a) of this Act, or by the deposit or pledge of Federal Farm Mortgage Corporation bonds issued under the Federal Farm Mortgage Corporation Act, or by the deposit or pledge of bonds issued under the provisions of subsection (c) of Section 4 of the Home Owners' Loan Act of 1933, as amended; and any Federal reserve bank may make advances for periods not exceeding ninety days to its member banks on their promissory notes secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for rediscount or for purchase by Federal reserve banks under the provisions of this Act. All such advances shall be made at rates to be established by such Federal reserve banks, such rates to be subject to the review and determination of the Board of Governors of the Federal Reserve System. If any member bank to which any such advance has been made shall, during the life or continuance of such advance, and despite an official warning of the reserve bank of the district or of the Board of Governors of the Federal Reserve System to the contrary, increase its outstanding loans secured by collateral in the form of stocks, bonds, debentures, or other such obligations, or loans made to members of any organized stock exchange, investment house, or dealer in securities, upon any obligation, note, or bill, secured or unsecured, for the purpose of purchasing and/or carrying stocks, bonds, or other investment securities (except obligations of the United States) such advance shall be deemed immediately due and payable, and such member bank shall be ineligible as a borrower at the reserve bank of the district under the provisions of this paragraph for such period as the Board of Governors of the Federal Reserve System shall determine: *Provided*, That no temporary carrying or clearance loans made solely for the purpose of facilitating the purchase or delivery of securities offered for public subscription shall be included in the loans referred to in this paragraph.

* * * * * *

The discount and rediscount and the purchase and sale by any Federal reserve bank of any bills receivable and of domestic and foreign bills of exchange, and of acceptances authorized by this Act, shall be subject to such restrictions, limitations, and regulations as may be imposed by the Board of Governors of the Federal Reserve System.

* * * * * *

Any member bank may accept drafts or bills of exchange drawn upon it having not more than three months' sight to run, exclusive of days of grace, drawn under regulations to be prescribed by the Board of Governors of the Federal Reserve System by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies, or insular possessions. Such drafts or bills may be acquired by Federal reserve banks in such amounts and subject to such regulations, restrictions, and limitations as may be prescribed by the Board of Governors of the Federal Reserve System: * * *.

Section 13a of the Federal Reserve Act as amended reads in part as follows:

Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Board of Governors of the Federal Reserve System, discount notes, drafts, and bills of exchange issued or drawn for an agricultural purpose, or based upon live stock, and having a maturity, at the time of discount, exclusive of days of grace, not exceeding nine months. * * *.

That any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Board of Governors of the Federal Reserve System, rediscount such notes, drafts, and bills for any Federal Intermediate Credit Bank, except that no Federal reserve bank shall rediscount for a Federal Intermediate Credit Bank any such note or obligation which bears the indorsement of a nonmember State bank or trust company which is eligible for membership in the Federal reserve system, in accordance with section 9 of this Act. Any Federal reserve bank may also, subject to regulations and limitations to be prescribed by the Board of Governors of the Federal Reserve System, discount notes payable to and bearing the indorsement of any Federal intermediate credit bank covering loans or advances made by such bank pursuant to the provisions of section 202 (a) of Title II of the Federal Farm Loan Act, as amended (U. S. C., Title 12, ch. 8, sec. 1031), which have maturities at the time of discount of not more than nine months, exclusive of days of grace, and which are secured by notes, drafts, or bills of exchange eligible for rediscount by Federal Reserve banks.

* * * * * *

Notes, drafts, bills of exchange or acceptances issued or drawn by cooperative marketing associations composed of producers of agricultural products shall be deemed to have been issued or drawn for an agricultural purpose, within the meaning of this section, if the proceeds thereof have been or are to be advanced by such association to any members thereof for an agricultural purpose, or have been or are to be used by such association in making payments to any members thereof on account of agricultural products delivered by such members to the association, or if such proceeds have been or are to be used by such association to meet expenditures incurred or to be incurred by the association in connection with the grading, processing, packing, preparation for market, or marketing of any agricultural product handled by such association for any of its members: *Provided*, That the express enumeration in this paragraph of certain classes of paper of cooperative marketing associations as eligible for rediscount shall not be construed as rendering ineligible any other class of paper of such associations which is now eligible for rediscount.

The Board of Governors of the Federal Reserve System may, by regulation, limit to a percentage of the assets of a Federal reserve bank the amount of notes, drafts, acceptances, or bills having a maturity in excess of three months, but not exceeding six months, exclusive of days of grace, which may be discounted by such bank, and the amount of notes, drafts, bills, or acceptances having a maturity in excess of six months, but not exceeding nine months, which may be rediscounted by such bank.

Section 19 of the Federal Reserve Act reads in part as follows:

* * * No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this Act, except by permission of the Board of Governors of the Federal Reserve System.

Section 24 of the Federal Reserve Act reads in part as follows:

Loans made to finance the construction of residential or farm buildings and having maturities of not to exceed six months, whether or not secured by a mortgage or similar lien on the real estate upon which the residential or farm building is being constructed, shall not be considered as loans secured by real estate within the meaning of this section but shall be classed as ordinary commercial loans: *Provided*, That no national banking association shall invest in, or be liable on, any such loans in an aggregate amount in excess of 50 per centum of its actually paid-in and unimpaired capital. Notes representing such loans shall be eligible for discount as commercial paper within the terms of the second paragraph of section 13 of the Federal Reserve Act, as amended, if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank.

Section 5200 of the Revised Statutes of the United States reads as follows:

SEC. 5200. The total obligations to any national banking association of any person, copartnership, association, or corporation shall at no time exceed 10 per centum of the amount of the capital stock of such association actually paid in and unimpaired and 10 per centum of its unimpaired surplus fund. The term "obligations" shall mean the direct liability of the maker or acceptor of paper discounted with or sold to such association and the liability of the indorser, drawer, or guarantor who obtains a loan from or discounts paper with or sells paper under his guaranty to such association and shall include in the case of obligations of a copartnership or association the obligations of the several members thereof and shall include in the case of obligations of a corporation all obligations of all subsidiaries thereof in which such corporation owns or controls a majority interest. Such limitation of 10 per centum shall be subject to the following exceptions:

(1) Obligations in the form of drafts or bills of exchange drawn in good faith against actually existing values shall not be subject under this section to any limitation based upon such capital and surplus.

(2) Obligations arising out of the discount of commercial or business paper actually owned by the person, copartnership, association, or corporation negotiating the same shall not be subject under this section to any limitation based upon such capital and surplus.

(3) Obligations drawn in good faith against actually existing values and secured by goods or commodities in process of shipment shall not be subject under this section to any limitation based upon such capital and surplus.

(4) Obligations as indorser or guarantor of notes, other than commercial or business paper excepted under (2) hereof, having a maturity of not more than six months, and owned by the person, corporation, association, or copartnership indorsing and negotiating the same, shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus.

(5) Obligations in the form of banker's acceptances of other banks of the kind described in section 13 of the Federal Reserve Act shall not be subject under this section to any limitation based upon such capital and surplus.

(6) Obligations of any person, copartnership, association or corporation, in the form of notes or drafts secured by shipping documents, warehouse receipts or other such documents transferring or securing title covering readily marketable nonperishable staples when such property is fully covered by insurance, if it is customary to insure such staples, shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus when the market value of such staples securing such additional obligations is not at any time less than 115 per centum of the face amount of such obligation, and to an additional increase of limitation of 5 per centum of such capital and surplus in addition to such 25 per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 120 per centum of the face amount of such additional obligation, and to a further additional increase of limitation of 5 per centum of such capital and surplus in addition to such 30 per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 125 per centum of the face amount of such additional obligation, and to a further additional increase of limitation of 5 per centum of such capital and surplus in addition to such 35 per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 130 per centum of the face amount of such additional obligation, and to a further additional increase of limitation of 5 per centum of such capital and surplus in addition to such 40 per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 135 per centum of the face amount of such additional obligation, and to a further additional increase of limitation of 5 per centum of such capital and surplus in addition to such 45 per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 140 per centum of the face amount of such additional obligation, but this exception shall not apply to obligations of any one person, copartnership, association or corporation arising from the same transactions and/or secured upon the identical staples for more than ten months.

(7) Obligations of any person, copartnership, association, or corporation in the form of notes or drafts secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligation is not at any time less than 115 per centum of the face amount of the notes covered by such documents shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus.

(8) Obligations of any person, copartnership, association, or corporation in the form of notes secured by not less than a like amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, Treasury bills of the United States, or obligations fully guaranteed both as to principal and interest by the United States, shall (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus.

(9) Obligations representing loans to any national banking association or to any banking institution organized under the laws of any State, or to any receiver, conservator, or superintendent of banks, or to any other agent, in charge of the business and property of any such association or banking institution, when such loans are approved by the Comptroller of the Currency, shall not be subject under this section to any limitation based upon such capital and surplus.

*Tabular Analysis of Section 5200 of the Revised Statutes of the United States Prepared in the Office of the Comptroller of the Currency*

| Obligations (see definition in section 5200 above) | Amounts loanable |
|---|---|
| (A) Accommodation or straight loans, whether or not single name, including liability as endorser or guarantor (where endorser or guarantor receives the proceeds from bank) of paper not coming within exceptions 2 and 4.<br>Loans secured by stocks, bonds, and authorized real estate mortgages. | Maximum limit, 10 percent of bank's paid up and unimpaired capital and surplus. |
| (1) Drafts or "bills of exchange drawn in good faith against actually existing values." | No limit imposed by law. |
| (2) Commercial or business paper (of other makers) actually owned by the person, copartnership, association, or corporation negotiating the same. | No limit imposed by law. |
| (3) Obligations secured by goods or commodities in process of shipment. | No limit imposed by law. |
| (4) Obligations as endorser or guarantor of notes (other than commercial or business paper) maturing within six months, owned by endorser. | 15 percent in addition to 10 percent (A). |
| (5) Bankers' acceptances of the kinds described in section 13 of the Federal Reserve Act. | No limit imposed by law. |

[11] Or Treasury bills or certificates of indebtedness. See act approved June 17, 1929 (46 Stat., 19), amending sec. 5 of Second Liberty Bond Act, approved Sept. 24, 1917 (40 Stat., 290).

*Tabular Analysis of Section 5200 of the Revised Statutes of the United States Prepared in the Office of the Comptroller of the Currency*—Continued

| Obligations (see definition in section 5200 above) | Amounts loanable |
|---|---|
| (6) Obligations secured by shipping, documents, warehouse receipts, or other such documents, transferring or securing title covering readily marketable nonperishable staples— | |
| (a) When the actual market value of the property is not at any time less than shown in table herewith. | 15 percent, secured by 115 percent.<br>5 percent, secured by 120 percent.<br>5 percent, secured by 125 percent.<br>5 percent, secured by 130 percent.<br>5 percent, secured by 135 percent.<br>5 percent, secured by 140 percent. |
| (b) When the property is fully covered by insurance (if customary to insure such commodity), and in no event shall this exception apply to obligations of any one customer arising from the same transactions and/or secured upon the identical staples for more than 10 months. | 40 percent in addition to regular 10 percent loan (A). |
| (7) Obligations secured by shipping documents or instruments covering livestock or giving a lien thereon having a market value of not less than 115 percent of the amount of the loan. | 15 percent in addition to regular 10 percent loan (A). |
| (8) Notes secured by not less than a *like face amount* of bonds or notes of the United States issued since April 24, 1917, or by certificates of indebtedness of the United States, Treasury bills of the United States or obligations fully guaranteed by the United States as to principal and interest. | 15 percent of bank's capital and surplus, *in addition* to the amount allowed under (A), or if the full amount allowed under (A) is not loaned, then the amount which may be loaned in the manner described under (8) is increased by the loanable amount not used under (A). In other words, the amount loaned under (A) must never be more than 10 percent, but the aggregate of (A) and (8) may equal, but not exceed, 25 percent. |
| (9) Loans to any bank or representative in charge of its business, when approved by the Comptroller (Act May 20, 1933). | No limit. |

The above regulation was approved by the Board of Governors of the Federal Reserve System on September 14, 1937, to become effective October 1, 1937.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-2884; Filed, September 27, 1937; 2:03 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

ADDING NEW SECTION TO PROPERTY MANAGEMENT CHAPTER (CHAPTER 3) OF THE MANUAL

PAYMENT OF DELINQUENT WATER BILLS

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, a section be added to the Consolidated Manual, said Section to become effective immediately upon adoption of this resolution, and to be appropriately numbered and added to the Property Management Chapter (Chapter 3) of the Consolidated Manual when completed, and to read as follows:

The General Manager is vested with the authority to direct payment of delinquent water bills where required to assure continuance of water service in respect to properties owned by the Corporation, or those under the jurisdiction of Property Management Division.

The General Manager, with the approval of the General Counsel, is authorized to approve and execute on behalf of the Corporation any agreement with municipal officials or private water companies designed to compromise such water service charges with respect to present or future cases in any state.

Any Regional or State Manager may exercise the authority herein granted, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

Adopted by the Federal Home Loan Bank Board on September 27, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2891; Filed, September 28, 1937; 11:56 a. m.]

## FEDERAL HOUSING ADMINISTRATION.

ADMINISTRATIVE RULES AND REGULATIONS UNDER TITLE II OF THE NATIONAL HOUSING ACT

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ADMINISTRATIVE RULES OF THE FEDERAL HOUSING ADMINISTRATOR FOR MUTUAL MORTGAGE INSURANCE UNDER TITLE II OF THE NATIONAL HOUSING ACT

*Section I. Approval of Mortgagees*

1. The following institutions are hereby approved as mortgagees under Section 203 (b) of the National Housing Act:

(*a*) National Mortgage Associations,
(*b*) Federal Reserve Banks,
(*c*) Federal Home Loan Banks,
(*d*) Reconstruction Finance Corporation,
(*e*) RFC Mortgage Company, and
(*f*) any other Federal, State or municipal governmental agency that is or may hereafter be empowered to hold mortgages insured under Title II of the National Housing Act as security or as collateral or for any other purpose.

2. Members of the Federal Reserve System, of the Federal Deposit Insurance Corporation, and of the Federal Home Loan Bank System will be approved as mortgagees upon application.

3. Any charitable or nonprofit organization which presents evidence that it is responsible, has permanent funds of not less than one hundred thousand dollars ($100,000), and has experience in mortgage investment, may be approved upon application.

4. Any other institution not hereinbefore mentioned will be approved as a mortgagee upon application if it has the following qualifications and meets the following conditions to the satisfaction of the Administrator:

(*a*) it is a chartered institution or other permanent organization having succession;

(*b*) it is subject to the inspection and supervision of some governmental agency; or
if not subject to inspection and supervision by some governmental agency, it shall submit an independent detailed audit of its books made by an accountant satisfactory to the Administrator and reflecting a condition satisfactory to him, and also, so long as its approval as a mortgagee continues, shall file with the Administrator similar audits at least once in each calendar year and submit at any time to such examination of its books and affairs as the Administrator may require, and comply with any other conditions that the Administrator may impose;

(*c*) its principal activity is lending on or investing in mortgages, funds which are under its own control; and it has sound capital funds properly proportioned to its liabilities and to the character and extent of its operations, which funds shall be of a value of not less than one hundred thousand dollars ($100,000): provided, that this qualification and condition as to the minimum amount of capital funds shall not apply,

(1) to an institution or other permanent organization subject to the inspection and supervision of some governmental agency, or

(2) to an institution or other permanent organization that establishes to the satisfaction of the Administrator that it is a duly authorized loan correspondent of, and if its approval is requested by, an approved mortgagee or assignee which lends on, or invests in, mortgages on a national scale and is subject to the inspection and supervision of some governmental agency, on the condition that the termination of its relationship as such correspondent will be cause (subject to the provisions of subsection (6) of this section) for withdrawal of its approval as an approved mortgagee and on the further condition that the correspondent institution and the institution for which it is authorized to act shall agree to promptly notify the Administrator of the termination of such relationship; and

(*d*) if it is not subject to the inspection and supervision of some governmental agency, it shall submit an agreement in writing: (1) that so long as it continues to be approved as a mortgagee, it will not issue any mortgage participating certificates on which it assumes personal liability, or issue any guaranty with respect to principal or interest of any mortgage, except that any such obligations outstanding on the date of the application of such institution may thereafter be renewed; and (2) that it will segregate all monthly payments under mortgages insured by the Administrator, received by it on account of ground rents, taxes, assessments, and insurance premiums, and will deposit such funds in a special account, or accounts, with some banking institution which is subject to the inspection and supervision of some governmental agency and shall use such funds for no purpose other than that for which they were received.

5. Approval as a mortgagee under this section, of a banking institution or trust company which is subject to the inspection and supervision of some governmental agency, shall be deemed to constitute approval of such institution or company when lawfully acting in a fiduciary capacity in investing fiduciary funds which are under its individual or joint control. Any instrument creating such fiduciary relationship shall be irrevocable and shall provide that upon termination or distribution, any insured mortgages held in the fiduciary estate shall be disposed of to a mortgagee approved under this or the succeeding section.

Nothing in this section shall be construed to permit the sale to the general public of instruments representing the beneficial interest in all or part of one or more insured mortgages.

6. Approval of an institution as a mortgagee may be withdrawn at any time by notice from the Administrator. In the discretion of the Administrator, the transfer of an insured mortgage to a mortgagee not approved to act under this or the succeeding section, or the failure of a mortgagee not subject to the inspection and supervision of some governmental agency, to segregate all funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds in a special account, or accounts, with some banking institution which is subject to the inspection and supervision of some governmental agency, or the use of such funds for any purpose other than that for which they were received will be cause for withdrawal of approval. Withdrawal of approval will in no case affect the insurance on mortgages theretofore accepted for insurance.





*Section II. Approval of Acceptable Assignees*

1. The Administrator will upon application approve a chartered institution or other permanent organization as an acceptable assignee if such institution or organization meets the following conditions to the satisfaction of the Administrator:

(*a*) it is a corporation or other permanent organization having succession;

(*b*) it has sound capital funds of not less than $100,000;

(*c*) it is subject to the inspection and supervision of some governmental agency;

(*d*) its investments in mortgage loans are intended for its own portfolio; and

(*e*) its facilities are such that it will be able properly to service mortgages held by it.

2. Such an acceptable assignee shall be entitled to acquire insured mortgages from approved mortgagees by assignment after the execution and insurance of such mortgages, and to hold such mortgages without invalidating the insurance thereof, and to service them while so held. An acceptable assignee is not authorized to initiate insured mortgage loans originally or to apply for the insurance of mortgages under Section 203 (a) of the National Housing Act; but shall in all other respects be considered as included in the term "mortgagee" as used in these Administrative Rules and the Regulations of the Federal Housing Administrator.

3. Approval of an institution as an acceptable assignee may be withdrawn at any time by notice from the Administrator. Except in individual cases, approved by the Administrator, transfer of an insured mortgage to a mortgagee not approved to act under this or the preceding section will be cause for withdrawal of approval. Withdrawal of approval will in no case affect the insurance on mortgages theretofore accepted for insurance.

*Section III. Application for Insurance*

1. Any approved mortgagee may submit an application for insurance of a mortgage about to be executed, or of a mortgage already executed, if offered for insurance within one year from the date of execution.

2. The application must be made upon a standard form prescribed by the Administrator.

3. The application must be accompanied by the mortgagee's check for a sum computed at a rate of three dollars ($3) per thousand dollars ($1,000) of the original principal amount of the mortgage loan to be insured, to cover the costs of appraisal by the Administrator, but in no case shall such sum be less than ten dollars ($10). If an application is refused without an appraisal being made by the Administrator, the fee will be returned to the applicant.

If, after insurance, the amount of an insured mortgage is increased either by amendment or by the substitution of a new insured mortgage the fee herein provided for shall be based upon the amount of such increase but in no case shall be less than ten dollars ($10).

The Administrator may agree on fees different from those fixed in this subsection in cases where substantially all residential mortgages and real estate owned or held by an approved mortgagee are examined for mortgage insurance as one operation.

*Section IV. Eligible Mortgages*

To be eligible for insurance—

1. The mortgage must be executed upon a form approved by the Administrator for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter set forth in Section V, must be a first lien upon property that conforms with the property standards prescribed by the Administrator, and the entire principal amount of the mortgage must have been disbursed to, or for the account of, the mortgagor.

2. The mortgage should involve a principal obligation in an amount of one hundred dollars ($100) or multiples thereof

but must not exceed sixteen thousand dollars ($16,000) and must not exceed eighty per centum (80%) of the appraised value of the property as of the date the mortgage is insured.

3. The mortgage must have a maturity satisfactory to the Administrator, not to be less than three (3) nor more than twenty (20) years from the date of its execution as shown by the instrument, and should come due upon the first day of a month.

4. The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such interest rate be in excess of five per centum (5%) per annum. Interest shall be payable in monthly installments on the principal then outstanding.

5. The mortgage must contain complete amortization provisions satisfactory to the Administrator, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Administrator. The sum of the principal and interest payments in each month shall be substantially the same. The period during which amortization payments are made should be an exact number of years, or nineteen (19) years and six (6) months.

6. The mortgage may require the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one per centum (½%) per annum upon outstanding monthly balances. Any such service charge shall be payable in monthly installments.

7. The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth (1/12) of the annual mortgage insurance premium payable by the mortgagee to the Administrator. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage should provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the premium charge referred to in Article III, Section 2, of the Regulations.

In the case of building and loan associations in the Commonwealth of Pennsylvania the mortgage may provide for monthly payments by the mortgagor of an amount equal to one-twelfth (1/12) of three-fourths of one per centum (¾%) annually of the original mortgage obligation, in lieu of the service charge and the payments to put the mortgagee in funds to pay the mortgage insurance premium, provided for in subsection 6 and the first paragraph of this subsection.

8. The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee in a manner satisfactory to the Administrator, for the purpose of paying such ground rents, taxes, assessments, and insurance premiums, before the same become delinquent, for the benefit and account of the mortgagor. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

9. All monthly payments to be made by the mortgagor to the mortgagee as hereinabove provided, in subsections 4 to 8, inclusive, shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(*a*) premium charges under the contract of insurance;
(*b*) service charge, if any;
(*c*) ground rents, taxes, special assessments, and fire and other hazard insurance premiums;
(*d*) interest on the mortgage; and
(*e*) amortization of the principal of the mortgage.

Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to the due date of the next such payment, constitute an event of default under the mortgage.

10. The mortgage may provide for a charge by the mortgagee of a "late charge", not to exceed two (2) cents for each dollar of each payment more than fifteen (15) days in arrears, to cover the extra expense involved in handling delinquent payments.

11. The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage and may be required to pay a further sum equal to one annual mortgage insurance premium, plus one-twelfth of such sum.

12. The mortgagee may charge the mortgagor the amount of the appraisal fee provided for in subsection 3 of Section III and an initial service charge to reimburse itself for the cost of closing the transaction. Such service charge shall not exceed one per centum (1%) of the original principal amount of the mortgage or a charge of twenty dollars ($20), whichever is the greater, except that in cases of property under construction or to be constructed where the mortgagee makes partial disbursements and inspections of the property during the progress of construction, such initial service charge may be in an amount not in excess of two and one-half per centum (2½%) of the original principal amount of the mortgage or a charge of fifty dollars ($50), whichever is the greater.

13. In addition to the charges hereinbefore mentioned, the mortgagee shall collect from the mortgagor only recording fees and such appraisal fees and cost of title search as are approved by the Administrator. Nothing in this and the preceding subsection shall be construed as prohibiting the mortgagor from dealing through a broker, who does not represent the mortgagee, if he prefers to do so, and paying the broker such compensation as is satisfactory to the mortgagor.

14. The mortgage must be executed with respect to a project which, in the opinion of the Administrator, is economically sound.

*Section V. Eligible Mortgagors*

1. A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

2. A mortgagor must establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

3. A mortgagor must have a general credit standing satisfactory to the Administrator.

4. A mortgagor is not restricted as to place of residence and need not be the occupant of the property covered by the mortgage.

*Section VI. Eligible Properties*

1. A mortgage to be eligible for insurance must be on real estate held in fee simple, or on leasehold under a lease for not less than ninety-nine (99) years which is renewable, or under a lease with a period of not less than fifty (50) years to run from the date the mortgage is executed.

2. At the time a mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than four families. Such unit may be connected with other dwellings by a party wall or otherwise.



3. The buildings on the mortgaged property must conform with the standards prescribed by the Administrator.

4. The mortgaged property, if otherwise acceptable to the Administrator, may be located in any community where the housing standards meet the requirements of the Administrator.

*Section VII. Effective Date*

These Administrative Rules are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 1, 1937.

Issued at Washington, D. C., September 15, 1937.

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

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REGULATIONS OF THE FEDERAL HOUSING ADMINISTRATOR FOR MUTUAL MORTGAGE INSURANCE UNDER TITLE II OF THE NATIONAL HOUSING ACT

*Article I*

These Regulations may be cited and referred to as "Regulations of the Federal Housing Administrator for Mutual Mortgage Insurance, dated November 1, 1934, as amended October 1, 1937."

*Article II. Definitions*

As used in these Regulations—

1. The term "Administrator" means the Federal Housing Administrator.

2. The term "Act" means the National Housing Act.

3. The term "mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments if any, secured thereby.

4. The term "insured mortgage" means a mortgage accepted by the Administrator for insurance.

5. The term "mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators, and assigns.

6. The term "mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Administrator.

7. The term "contract of insurance" means the endorsement of the Administrator upon the credit instrument given in connection with an insured mortgage, incorporating by reference these Regulations.

*Article III. Premiums*

1. The mortgagee shall pay to the Administrator an annual mortgage insurance premium equal to one-half of one per centum (½%) of the original principal amount of the mortgage, the first such premium to be paid on the date on which such insurance becomes effective by endorsement. Until the mortgage is paid in full, or the mortgaged property is acquired by the Administrator, as hereinafter set forth, or until the contract of insurance is otherwise terminated, the next and each succeeding premium shall be paid thereafter on the same date in each year as that on which the mortgage, by its original terms, is to mature, and the amount of the premium payment for the second year will be adjusted so as to accord with such payment date.

2. In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within thirty (30) days thereafter notify the Administrator of the date of prepayment and shall collect from the mortgagor and pay to the Administrator a prepayment premium charge of one per centum (1%) of the original principal amount of the prepaid mortgage, except that if at the time of such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original amount of the prepaid mortgage, such prepayment premium shall be one per centum (1%) of the difference in such amounts.

In no event shall the prepayment premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

No prepayment premium shall be collected by the mortgagee in the following cases:

(*a*) where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage for an amount equal to or greater than the original principal amount of the prepaid mortgage; or

(*b*) where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year fifteen per centum (15%) of the original face amount of the mortgage; or

(*c*) where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for (1) damage to the mortgaged property, or (2) a release of a part of such property if approved by the Administrator; or

(*d*) where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Administrator.

Upon such prepayment the contract of insurance shall terminate.

3. In the event that the Administrator terminates, under Section 3 of Article VI, the insurance as to the group to which the insured mortgage is assigned, the mortgagee shall pay to the Administrator an amount equal to that proportion of the annual insurance premium which would otherwise have been payable for the period between the date to which the premium has been paid and the maturity date of the mortgage.

*Article IV. Acceptance for Insurance*

1. Upon accepting a mortgage for insurance, the Administrator shall endorse the original credit instrument in form as follows:

No. ------
Insured under the
National Housing Act
And Regulations of the
Federal Housing Administrator
For Mutual Mortgage Insurance
Dated November 1, 1934
as amended ----------
FEDERAL HOUSING ADMINISTRATOR
By ----------
Authorized agent
Date ----------

The mortgage shall be an insured mortgage from the date of such endorsement. The Administrator and the mortgagee shall thereafter be bound by these Regulations with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of these Regulations and of the National Housing Act.

2. A number shall be inserted in each endorsement after the word "No."; and thereafter each contract of insurance may be referred to as "Contract of Insurance No. ------", inserting in such blank the number that appears in the endorsement.

3. After the words "as amended" there shall be inserted the words "October 1, 1937."

*Article V. Classification of Mortgages*

1. Mortgages accepted for insurance shall be so classified in groups that the mortgages in any group shall involve substantially similar risk characteristics and have similar maturity dates.

2. Premium charges received for the insurance of any mortgage, the receipts derived from the property covered by the mortgage and claims assigned to the Administrator in connection therewith, and all earnings on the assets of the group account shall be credited to the account of the group to which the mortgage is assigned.

3. The principal of, and interest paid or to be paid on, debentures issued in exchange for any property, payments made or to be made to the mortgagee and mortgagor, and

expenses incurred in the handling of the property covered by the mortgage and in collection of claims assigned to the Administrator in connection therewith, shall be charged to the account of the group to which such mortgage is assigned.

*Article VI. Rights and Duties of an Approved Mortgagee Under the Contract of Insurance*

1. Whenever the credit balance in the account of the group to which the insured mortgage has been assigned exceeds the remaining unpaid principal of the insured mortgage and all other outstanding insured mortgages assigned to the same group by an amount equal to ten per centum (10%) of the total premium payments which have theretofore been credited to such account, the Administrator shall pay to the mortgagee under the insured mortgage (whether such mortgage is in good standing or not) for the benefit and account of the mortgagor a sum equal to what the unpaid principal of the insured mortgage is, if in good standing, or would be if it were in good standing, as the case may be. Upon such payment by the Administrator the contract of insurance shall terminate.

2. The mortgagee shall accept such payment and apply it in satisfaction of the obligation of the mortgagor under the insured mortgage. If such insured mortgage is in good standing and such payment is sufficient to satisfy the obligation of the mortgagor under it in full, the mortgagee shall coincidently deliver to the mortgagor any instrument or instruments necessary or proper to discharge the insured mortgage.

3. If the credit balance in the account of the group to which the insured mortgage is assigned fails to exceed, before the first day of the month one year prior to the maturity date of the insured mortgage, the remaining unpaid principal of the then outstanding insured mortgages assigned to such group by an amount equal to ten per centum (10%) of the total premium payments which have theretofore been credited to such account, the Administrator, on the first day of the month one year prior to the maturity date of the insured mortgage and after receipt from the mortgagee of the premium provided for in section 3 of Article III, if any, shall—

(*a*) transfer to the general reinsurance account, an amount equal to ten per centum (10%) of the total premium charges theretofore credited to such group account; and

(*b*) transfer to the mortgagee, for the benefit and account of the mortgagor, such proportion of the credit balance remaining in such group account as the outstanding face amount of the insured mortgage bears to the total outstanding face amount of all insured mortgages assigned to such group.

The contract of insurance covering such mortgage shall thereupon terminate, and the mortgagee shall apply such payment against the principal of the insured mortgage.

4. If the mortgagor pays the insured mortgage in full prior to its final maturity date, and pays to the mortgagee the premium charge provided for in section 2 of Article III, if any, the Administrator shall thereupon pay over to the mortgagor such share of the credit balance of the account of the group to which the insured mortgage has been assigned as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of such account and of the Mutual Mortgage Insurance Fund.

5. If the mortgagor fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of thirty (30) days, the mortgage shall be considered in default, and the mortgagee shall, within thirty (30) days thereafter, give notice in writing to the Administrator of such default, unless the Administrator has been notified of a previous default which remains uncured.

6. At any time within one year from the date of default the mortgagee, at its election, shall either—

(*a*) with, and subject to, the consent of the Administrator, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(*b*) commence foreclosure of the mortgage; provided, that if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within thirty (30) days after the expiration of the time during which such foreclosure is prohibited by such laws.

The mortgagee shall promptly give notice in writing to the Administrator of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

For the purposes of this section, the date of default shall be considered as thirty (30) days after (*a*) the first uncorrected failure to perform a covenant or obligation, or (*b*) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

If after default and prior to the completion of foreclosure proceedings, the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Administrator, and the insurance shall continue as if such default had not occurred.

7. If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of section 6 of this Article, and at any time within thirty (30) days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with subsection (*a*) of section 6 of this Article, tenders to the Administrator possession of, and a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, conveying good merchantable title (evidenced as hereinafter provided in section 8 of this Article) to, such property undamaged by waste, fire, earthquake, flood, tornado, or subsidence cause by mining operations, and assigns (without recourse or warranty) any and all claims which it may have acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired such property, the Administrator shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

(*a*) Debentures of the Mutual Mortgage Insurance Fund as set forth in Section 204 (*b*) of the Act, bearing interest at the rate of three per centum (3%) per annum payable semi-annually on the first day of January and the first day of July of each year, and having a total face value equal to the unpaid amount of the principal of the mortgage, as defined in Section 204 (*a*) of the Act (including all taxes and premiums for insurance against fire and other hazard paid by the mortgagee and interest on the unpaid principal from the date foreclosure proceedings were instituted, or the property was otherwise acquired as provided in section 6 of this Article, to the date of such delivery at the rate of three per centum (3%) per annum, less any amount received on account of interest accrued on such unpaid principal between such dates); and

(*b*) A Certificate of Claim in accordance with Section 204 (*c*) of the Act, which shall become payable, if at all, upon the sale of the property covered by the insured mortgage in accordance with Section 204 (*d*) of the Act. This certificate shall be for an amount which the Administrator shall determine to be sufficient to pay costs of foreclosure, or other such proceedings, including reasonable attorneys' fees, unpaid interest, cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section and any other amounts due under the mortgage and not covered by the amount of the debentures. Each such Certificate of Claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of three per centum (3%) per annum.



8. Evidence of title of the following types will be satisfactory to the Administrator:

(*a*) a fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(*b*) an abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(*c*) a Torrens or similar title certificate; or

(*d*) evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

Such evidence of title shall be furnished without cost to the Administrator and shall be executed as of a date to include the recordation of the deed to the Administrator, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, including any past due and unpaid ground rents, general taxes, or special assessments.

If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Administrator and will be considered by him as good and merchantable.

The Administrator will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes, or provided they have been brought to the attention of the insuring office for consideration in fixing the valuation:

(*a*) customary easements for public utilities, party walls, driveways, and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(*b*) such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Administrator;

(*c*) slight encroachments by adjoining improvements;

(*d*) outstanding oil, water, or mineral rights, except those which include the right to sink wells or shafts on the subject property, withdraw the subjacent support, or otherwise impair the value of the property for residence purposes without payment of adequate damages.

9. In the event that the mortgagee fails to comply with the provisions of sections 6 and 7 of this Article, the contract of insurance shall thereupon terminate, and the mortgagor shall be entitled to receive a share of the credit balance of the account of the group to which the mortgage has been assigned, in such amount as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of such account, and of the Mutual Mortgage Insurance Fund.

*Article VII. Assignments*

1. When the insured mortgage is transferred to another approved mortgagee, such transferee shall notify the Administrator of the acquisition of such mortgage within thirty (30) days thereof, and shall thereupon succeed to all the rights and become bound by all the obligations of the transferor under the contract of insurance; but the transferor shall be released from its obligations under the contract of insurance only upon its giving notice to the Administrator of the transfer of the insured mortgage within thirty (30) days thereof.

Whenever the insured mortgage is transferred to another approved mortgagee for the purposes of collateral only, no notice need be given to the Administrator until such collateral is foreclosed, but the transferor shall remain subject to all the obligations of the contract of insurance.

2. The contract of insurance shall terminate upon the happening of either of the following events:

(*a*) the acquisition of the insured mortgage by, or the pledge thereof to, any person, firm, or corporation, public or private, other than an approved mortgagee, whether individually or in trust for another; provided, that this subsection (*a*) shall not be applicable to a mortgage acquired or held by an approved mortgagee, which is a banking institution or trust company inspected and supervised by some governmental agency, for a trust held or administered by it in a fiduciary capacity, as long as such fiduciary relationship shall remain in effect;

(*b*) the disposal by an approved mortgagee of any partial interest in an insured mortgage or group of insured mortgages (whether to another approved mortgagee or otherwise) by means of a declaration of trust, or by a participation or trust certificate, or by any other device; provided that this subsection (*b*) shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds.

Upon the termination of the insurance under this section, the mortgagor shall be entitled to receive a share of the credit balance of the account of the group to which the insured mortgage has been assigned, in such amount as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of such account and of the Mutual Mortgage Insurance Fund.

*Article VIII. Vested Rights*

Neither the mortgagee nor the mortgagor shall have any vested right in the Mutual Mortgage Insurance Fund, and the determination by the Administrator as to the amount payable out of such fund to, or for the benefit of, the mortgagee and mortgagor under any section or sections of these Regulations shall be final and conclusive as to all parties.

*Article IX. Amendments*

These Regulations may be amended by the Administrator at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance on any mortgage already insured, or any mortgage or prospective mortgage on which the Administrator has made a commitment to insure.

*Article X. Effective Date*

These Regulations are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 1, 1937. Wherever a mortgagee so desires, the provisions of any or all of these Regulations shall become a part of any contract of insurance heretofore made, except that subsections (*a*) and (*b*) of section 7 of Article VI shall apply only to those mortgages insured on or after May 28, 1935.

Issued at Washington, D. C., September 15, 1937.

[SEAL] STEWART McDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 37-2883; Filed, September 27, 1937; 1:13 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2743]

IN THE MATTER OF JUSTIN HAYNES AND COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, October 5, 1937, at two o'clock in the afternoon of that day (eastern standard time), in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37 2886; Filed, September 27, 1937; 3:19 p. m.]

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*Thursday, September 30, 1937* *No. 189*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

PRESCRIBING REGULATIONS FOR CARRYING INTO EFFECT IN THE VIRGIN ISLANDS CERTAIN PROVISIONS OF THE MARIHUANA TAX ACT OF 1937

WHEREAS section 15 of the Marihuana Tax Act of 1937, approved August 2, 1937 (Public, No. 238, 75th Congress), provides, in part:

"The President is hereby authorized and directed to issue such Executive orders as will carry into effect in the Virgin Islands the intent and purpose of this Act by providing for the registration with appropriate officers and the imposition of the special and transfer taxes upon all persons in the Virgin Islands who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana.";

AND WHEREAS it is desired that the Governor of the Virgin Islands and the Commissioner of Finance of the Virgin Islands shall, in connection with the Marihuana Tax Act of 1937, perform duties in the Virgin Islands analogous to those performed in the continental United States by the Secretary of the Treasury and his subordinates:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the statutory provisions above set out it is hereby ordered as follows:

SEC. 1. In enforcing the provisions of the Marihuana Tax Act of 1937, the Commissioner of Finance of the Virgin Islands shall perform in the Virgin Islands administrative duties like those the Commissioner of Internal Revenue and collectors of internal revenue are required to perform in the continental United States, and the Governor of the Virgin Islands shall perform duties in the Virgin Islands like those the Commissioner of Narcotics is required to perform in the continental United States.

SEC. 2. On and after the first day of October, 1937, no person in the Virgin Islands shall import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, give away, or acquire marihuana unless he shall have complied with the provisions of the said Act in the manner provided for in this Order and regulations issued pursuant thereto.

SEC. 3. Every person in the Virgin Islands who by the terms of the said Act would be required if located within the continental United States to register with the collector of internal revenue of his district, his name or style and his place or places of business, shall register the like information with the Commissioner of Finance of the Virgin Islands on forms to be prescribed by the Governor of the Virgin Islands. At the time of such registry and on or before the first day of July annually thereafter, every person in the Virgin Islands who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana shall pay to the Commissioner of Finance of the Virgin Islands special taxes at the rates provided for in section 2 of the said Act: *Provided, however*, that any person in the Virgin Islands who would not be required if located within the continental United States to register or pay a special tax shall not be required to register or pay the special taxes as herein provided.

SEC. 4. The Commissioner of Finance of the Virgin Islands, with the approval of the Governor of the Virgin Islands, shall cause suitable order forms and copies to be prepared for sale to persons as required by section 6 (a) of the Act. The price of the order form as sold by the Commissioner of Finance of the Virgin Islands under section 6 (c) of the Act shall be two cents for the original and one copy. The Commissioner of Finance shall furnish appropriate stamps to represent the payment of the transfer tax levied by section 7 of the said Act. Such stamps shall be provided by the Commissioner of Internal Revenue of the Treasury Department of the United States upon requisition.

SEC. 5. The Governor of the Virgin Islands may prescribe such regulations as may be necessary to carry into full force and effect the provisions of the said Act and this Order. In prescribing such regulations, the regulations prescribed by the Commissioners of Narcotics and Internal Revenue and approved by the Secretary of the Treasury of the United States shall be followed in so far as they can be made applicable to conditions in the Virgin Islands.

SEC. 6. The Governor of the Virgin Islands and any persons acting under his supervision or direction shall have the right to make such inspection and take such action as may be necessary to enforce the provisions of the said Act under this Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 26, 1937.*

[No. 7715]

[F. R. Doc. 37-2903; Filed, September 29, 1937; 10:09 a. m.]

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## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49166]

RATE OF DUTY ON IMPORTED DATES, FRESH OR DRIED

*To Collectors of Customs:*

Under date of September 10, 1937, Van Dyk & Reeves, Inc., 167 41st Street, Brooklyn, New York, domestic packers of imported dates, requested that they be advised under the provisions of section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516), as to the classification of and rate of duty assessed on dates, fresh or dried, imported in wooden boxes or other shipping containers, the contents of which weigh with such container more than 10 pounds, and packed in the following manner:

Within each container above described are layers each weighing more than 10 pounds, each layer being separated into individual units by single strips of paper or similar packing material so that the units so separated weigh not more than 10 pounds each. Either the top or bottom of each layer is covered by a single sheet of paper or similar packing material, and the opposite surface of said layer is covered by smaller single sheets, each of which covers two or more single units. Some of the sides and ends of the layers and of the groups of the units which form each layer are covered either wholly or partly by the extension of the sheet or sheets covering the top or bottom of the layer, and others by a single sheet used as a lining for a whole side or end of the wooden box. No unit or group of units weighing not more than ten pounds per unit or group can be separated from the layer without removing or breaking one or more sheets of the packing material.

The Bureau in a letter dated September 24, 1937, advised Van Dyk & Reeves, Inc. that dates imported in the condition above described are assessed with duty at the rate of 1 cent per pound if imported with pits, or at the rate of 2 cents per pound if imported with pits removed, under the provisions of paragraph 741 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 741).

In a complaint filed in the Bureau against these classifications and rates of duty the domestic producers contend that such dates packed in the manner described are properly dutiable at the rate of 7½ cents per pounds as dates, fresh or dried, with pits or with pits removed, in packages weighing with the immediate container not more than 10 pounds each, under paragraph 741 of the Tariff Act of 1930.

In the opinion of the Bureau, dates packed in the manner described are not dates in packages weighing with the immediate container not more than 10 pounds each, and the assessment of duty on such dates as dates, fresh or dried, with pits, at the rate of 1 cent per pound, or as dates, fresh or dried, with pits removed, at the rate of 2 cents per pound, under paragraph 741 of the Tariff Act of 1930, is hereby approved and should be continued.

In accordance with the provisions of section 516 (b) of the Tariff Act of 1930 notice is hereby given that the classification of and the rate of duty on merchandise of the character described imported or withdrawn from warehouse after the expiration of 30 days after the date of publication of this letter in the weekly Treasury Decisions will be subject to the decision of the United States Customs Court in the event that a protest is filed under the provisions of that subsection.

[SEAL] J. H. MOYLE,
*Commissioner of Customs.*

Approved, September 25, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2898; Filed, September 28, 1937; 3:59 p. m.]

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[T. D. 49167]

REGULATIONS FOR ENTRY OF ARTICLES FOR THE EXHIBITION TO BE HELD AT HOUSTON, TEXAS, FROM OCTOBER 11 TO 16, 1937, INCLUSIVE, BY THE OIL WORLD EXPOSITION

SEPTEMBER 25, 1937.

*To Collectors of Customs and Others Concerned:*

Attention is invited to the provisions of Public Resolution No. 66 of the Seventy-fifth Congress, approved August 21, 1937, which read as follows:

That the President of the United States is authorized to invited by proclamation, or in such other manner as he may deem proper, the States of the Union and all foreign countries to participate in the proposed Oil World Exposition, to be held at Houston, Texas, from October 11 to 16, 1937, inclusive, for the purpose of exhibiting samples of fabricated and raw products of all countries produced by the petroleum industry; and the exhibiting of the tools and equipment used by the industry; and bringing together buyers and sellers for promotion of trade and commerce in such products.

SEC. 2. That all articles which shall be imported from foreign countries for the purpose of exhibition at the Oil World Exposition, to be held at Houston, Texas, from October 11 to 16, 1937, inclusive, by the Oil World Exposition, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exposition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouse under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Oil World Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported under the provisions of this Act, shall be reimbursed by the Oil World Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930.

SEC. 3. That the Government of the United States is not by this resolution obligated to any expense in connection with the holding of such exposition.

(1) All packages containing imported merchandise to be entered under the provisions of the joint resolution shall be plainly marked "Oil World Exposition" and with the name of the country of origin and shall bear separate serial numbers.

(2) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of the joint resolution and valued at more than $100, must be covered by consular invoices certified as provided in article 276 of the Customs Regulations of 1937. Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1481) and shall show that the articles covered thereby are destined to the port of Houston, Texas, and are intended for exhibition or use at the Oil World Exposition, Houston, Texas.

(3) The Oil World Exposition shall give to the deputy collector of customs at Houston, Texas, such security for compliance with the joint resolution and these regulations as may be approved by the Commissioner of Customs.

(4) The collector of customs at Galveston shall detail an officer to act as his representative at the Oil World Exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(5) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the

supervision and custody of, and accounting for, articles imported for exhibition at the Oil World Exposition or transferred thereto for exhibition, shall be reimbursed by the Oil World Exposition to the Government, payment to be made monthly to the deputy collector of customs, Houston, Texas, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the revenue from customs."

(6) Articles to be entered under these regulations which arrive at ports other than Houston shall be entered for immediate transportation without appraisement to the latter port in the manner provided by the general customs regulations.

(7) Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the Oil World Exposition in the manner prescribed in article 453 (c) of the Customs Regulations of 1937, except that in each case an entry under paragraph (8) of these regulations shall be filed, which shall supersede any previous entry, and no new bond other than that specified in paragraph (3) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the Oil World Exposition in the manner prescribed in article 323 of the Customs Regulations of 1937.

(8) Upon the arrival at the port of Houston of articles to be entered under these regulations the same should be entered on a special form of entry to read substantially as follows:

Entry for Exhibition

Entry No. ------

Entry at the port of Houston of articles consigned or transferred to the Oil World Exposition under ---------- I. T. No. ------ ex S. S. ---------- from ---------- on the ------ day of ----------, 1937, for exhibition purposes under Public Resolution No. 66 of the Seventy-fifth Congress, approved August 21, 1937.

| Mark | Number | Package and contents | Quantity | Invoice | Value |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

OIL WORLD EXPOSITION,
By ----------

(9) Upon such entry being made, the deputy collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the deputy collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. Upon the receipt of the articles at such buildings or at the appraiser's stores, the same shall be given a tentative appraisal prior to their exhibition or use. All imported exhibits so received in such buildings shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with paragraph (11) of these regulations.

(10) If for any reason articles imported for entry under these regulations are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the deputy collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided, or under the general tariff law, or for exportation. If not so entered within such period they will be regarded as abandoned to the Government.

(11) Any articles entered under these regulations may be withdrawn for exportation, for abandonment to the Government, destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal.

(12) At any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in article 808 of the Customs Regulations of 1937.

(13) Any articles entered under these regulations which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

(14) All entries under these regulations shall be made in the name of the Oil World Exposition, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and/or charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law, in the name of any person duly authorized in writing by the Oil World Exposition to make such entry, may be accepted by the deputy collector, and the bond of the Oil World Exposition shall thereafter be considered as collateral security for any duties and/or charges accruing on the merchandise covered by any such entry, unless the entry is for permanent exhibition, in which case the liability of the Oil World Exposition under its bond with respect to the articles covered by such entry, shall be terminated when the security required by the general tariff law has been given.

(15) The marking requirements of the Tariff Act of 1930 and the regulations promulgated thereunder will not apply to articles imported under these regulations except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act and the regulations promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. 37-2899; Filed, September 28, 1937; 3:59 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

RECLAMATION WITHDRAWAL, CENTRAL VALLEY PROJECT, CALIFORNIA

AUGUST 17, 1937.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).



CENTRAL VALLEY PROJECT, CALIFORNIA
*Mount Diablo Meridian*

T. 34 N., R. 4 W.,
Sec. 22, NE¼SE¼;
Sec. 23, NW¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 36, lots 5, 6, 7, 8, and NE¼SW¼

Respectfully,

JOHN C. PAGE, *Commissioner.*

Department of the Interior, September 2, 1937.

The lands described are hereby reserved as recommended and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-2901; Filed, September 29, 1937; 9:45 a. m.]

## KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA, TULE LAKE DIVISION, PART ONE

### ORDER OPENING PUBLIC LANDS TO ENTRY

SEPTEMBER 9, 1937.

1. *Public land for which water is available and for which entry may be made.*—In pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto it is hereby announced that water will be available in the irrigation season of 1938 and thereafter, and beginning October 25, 1937 entry may be made in accordance with this order for the following-described public lands under the Tule Lake Division of the Klamath Irrigation Project, Oregon-California, as shown on farm unit plats of Ts. 47 and 48 N., R. 5 E., M. D. M., California, to-wit:

*T. 48 N., R. 5 E., M. D. M. California*

| Section | Farm unit | Irrigable area (acres) | Section | Farm unit | Irrigable area (acres) |
|---|---|---|---|---|---|
| 29 | H | 86.7 | 32 | G | 84.5 |
| | J | 72.0 | | H | 83.9 |
| | K | 84.4 | | | |

*T. 47 N., R. 5 E., M. D. M. California*

| Section | Farm unit | Irrigable area (acres) | Section | Farm unit | Irrigable area (acres) |
|---|---|---|---|---|---|
| 3 | A | 72.4 | 10 | A | 65.9 |
| | B | 72.7 | | B | 67.1 |
| | C | 72.1 | | C | 66.3 |
| | D | 72.9 | | D | 67.1 |
| | E | 76.3 | | E | 73.8 |
| | F | 75.7 | | F | 72.9 |
| | G | 76.1 | | G | 74.1 |
| | H | 75.5 | | H | 73.6 |
| 4 | E | 72.7 | 15 | A | 74.2 |
| | F | 73.2 | | B | 75.1 |
| | G | 75.8 | | C | 74.0 |
| | H | 76.0 | | D | 69.9 |
| 9 | E | 68.2 | | E | 74.0 |
| | F | 68.2 | | F | 73.1 |
| | G | 73.8 | | G | 74.0 |
| | H | 73.8 | | H | 73.1 |
| 16 | A | 73.7 | 20 | G | 75.8 |
| | B | 73.7 | 21 | A | 83.4 |
| | C | 70.0 | | B | 53.0 |
| | D | 67.2 | | C | 72.8 |
| | E | 38.7 | | D | 72.9 |
| | F | 63.9 | | E | 67.6 |
| | G | 73.7 | | J | 86.7 |
| | H | 73.7 | | K | 75.9 |
| 17 | A | 88.9 | 22 | A | 72.5 |
| | B | 84.9 | | B | 72.2 |
| | C | 78.8 | | C | 71.5 |
| | D | 83.9 | | D | 73.0 |
| | E | 85.1 | | E | 63.7 |
| | F | 83.6 | | F | 72.9 |
| 18 | J | 79.6 | | G | 71.8 |
| | L | 86.5 | | H | 73.7 |

The farm unit plats referred to above were approved on the date of this order and are on file in the office of the Superintendent, Bureau of Reclamation, Klamath Falls, Oregon, and in the local land office at Sacramento, California.

2. *Limit of acreage for which entry may be made.*—The limit of area of public land per entry, representing the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the farm unit plats for the respective farm units above listed.

3. *Preference rights to ex-service men.*—Pursuant to the provisions of Public Resolution No. 85, 71st Congress, approved June 12, 1930 (46 Stat., 580), and until *January 25, 1938*, the lands described above will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any war, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to the service with the Army of the United States for which recognition is granted in the aforesaid Public Resolution No. 85; *Provided, however,* That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, and capital required of all applicants under this order.

4. *Applicants must be qualified.*—No entry shall be accepted by the local land office until applicant therefor has satisfied the Examining Board, appointed for the Klamath project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws), as to industry, experience, character, and capital, as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

5. *Requirements as to industry, experience, character, and capital.*—Each applicant must possess good health and have had at least two years' actual experience in farm work and farm practice. He must have at least $2,000 in money free of liability, or the equivalent thereof in livestock, farming equipment, or other assets deemed by the Examining Board to be as useful to the applicant as money.

6. *Examining Board.*—An Examining Board of four members has been appointed by the Secretary of the Interior, to consider the fitness of each applicant to undertake the development and operation of a farm on the Klamath project. Each applicant, except those described in paragraph 12 (a), must appear in person before the Examining Board, and the project superintendent, who is the member representing the United States, and who will act as Secretary of the board, will notify each applicant of the period of time set for his appearance and examination. The members of the board will be present at the project office when the opening is being held, and interested applicants and particularly non-residents, will be examined at such times as it is convenient for them to be present. There must be, of course, some limit of time covering this feature, and the board will fix this limit, and will also announce such other incidental rules as will necessitate one appearance only by each applicant. Careful investigation shall be made to verify the statements and representations made by applicants, to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him.

7. *Determination of relative standing of applicants.*—The relative standing of the applicants will be based upon a percentage rating with the following maximum weights given to the four perscribed qualifications:

| | *Percent* |
|---|---|
| Character | 15 |
| Industry | 20 |
| Capital | 30 |
| Farm Experience | 35 |

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of

these schedules, or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

| Character: | Percent |
|---|---|
| Fair | 5 |
| Good | 6–10 |
| Excellent | 11–15 |
| Industry: | |
| Fair | 5 |
| Good | 6–10 |
| Excellent | 11–20 |
| Capital: | |
| $2,000 to $2,999 | 20 |
| $3,000 to $3,999 | 22 |
| $4,000 to $4,999 | 24 |
| $5,000 to $5,999 | 25 |
| $6,000 to $6,999 | 26 |
| $7,000 to $7,999 | 27 |
| $8,000 to $8,999 | 28 |
| $9,000 to $9,999 | 29 |
| $10,000 or above | 30 |

| Farm experience: | Percent |
|---|---|
| 2 years in farming other than irrigation | 10 |
| 2 years in irrigation farming, any time | 15 |
| 2 years' farming other than irrigation plus 1½% for each additional year's experience up to a total of 12 years (including first 2 years), or a maximum of | 25 |
| 2 years in irrigation farming, in last 4 years | 20 |
| 2 years in irrigation farming, in last 2 years | 25 |
| 3 years in irrigation farming, in last 4 years | 30 |
| 3 years or more in responsible charge of irrigation farm in last 4 years | 35 |

8. *When, and how to apply for a farm unit.*—Any person desiring to acquire any of the said public land must, as a first step, secure from the Superintendent, at Klamath Falls, Oregon, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. The blanks will be available on and after the date of this notice, and full answer must be made to each question propounded therein. The farm application must designate in the first paragraph the particular farm desired. If the applicant claims a preference right on account of military service, he shall attach to this application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated, or transferred to the regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preference right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said Public Resolution No. 85. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or the order of transfer to the regular Army or Naval Reserve, as the case may be, which copy shall be certified by a notary public to be a true copy of the original.

9. *When and where to file the farm application.*—The farm application with the proof to be furnished by the ex-Service man, may be filed with the Superintendent at Klamath Falls, Oregon, in person, if convenient, or by mail, or otherwise, prior to October 25, 1937. No advantage will accrue to an applicant presenting his application in person rather than by mail, and, if the applicant does not reside at Klamath Falls, his application should be mailed. Farm applications received on or after October 25, 1937 will be filed and noted in the order of their receipt.

10. *Simultaneous filing of farm applications.*—All applications received prior to October 25, 1937, the date of opening, will be held and treated as simultaneously filed.

11. *Preference rights for ex-service men not filing in accordance with Paragraph 10.*—In order that ex-service men may take advantage of the preference right as provided in Paragraph 3 of this order, in the event that they fail to file prior to October 25, 1937, as set forth in Paragraph 10 above, their applications together with the proof to be furnished by them, must be filed in the Office of the Project Superintendent, Klamath Falls, Oregon, on or prior to January 24, 1938, the day before the date upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail.

12. *Showing of applicants and selection thereof.*—

(a) Where the applicant fails to make a *prima facie* case—that is, where the applicant does not possess good health or does not show at least two years' farm experience, and the assets required in Paragraph 5, the application shall be rejected and the applicant notified thereof by registered mail, and of his right to appeal to the Secretary of the Interior within 10 days from receipt of notice. Like action shall be taken where the evidence of military service is defective or not furnished. All appeals allowed under this order must be filed in the office of the project superintendent at Klamath Falls, Oregon, and within 10 days from receipt of notice.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, of the time within which he must appear before it. After such personal examinations, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in Paragraph 7 of this order, and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, and of the right of appeal to the Secretary within 10 days from receipt of notice. After the expiration of the appeal period and in the absence of any pending appeals, the board shall select the 69 applicants (there being 69 farm units) with the highest rating, and notify each of the other applicants that since the number of qualified applicants exceeds the number of available farms it is necessary to reject all applications below the first 69 in qualification ratings. Each rejected applicant may appeal to the Secretary within ten days. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection, regardless of other applications, in the order of their ratings. The intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences. Where two or more applicants have received identical ratings a drawing shall be made by the examining board to determine the order in which the available farms shall be awarded.

13. *Notification of applicant that he has been selected.*—After the expiration of the appeal periods in all of the contingencies named above, or any other that may arise, and in the absence of any pending appeals, the board shall notify each applicant selected for a farm, by registered mail, and enclose a water-rental application for the farm selected, which must be filled in by the applicant and returned to the superintendent within 10 days from a receipt of such notice with payment of the water-rental charges named in paragraph 18 below. Upon receipt by the project superintendent of the water-rental application, executed by the applicant and accompanied by the required payment, the board shall make appropriate notation on a copy of said water-rental application, which will entitle the applicant to file homestead application at the local land office, and the board will return said copy by registered mail to the applicant for that purpose. Such homestead application shall be made within 15 days from the date of receipt of the approved water-rental application. Failure to make homestead entry within the period named will render the application subject to rejection.

14. *Failure of selected applicant to complete transaction.*—If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in Paragraph 12.

15. *General entry.*—On and after January 25, 1938, any public lands described herein, which remain unentered, shall be subject to entry under this order by any person having the necessary qualifications. If, on January 25, 1938, prior to 2 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for any such farm unit shall be determined in accordance with the procedure described in paragraph 12 of this order.

16. *Warning against unlawful settlement.*—No person shall be permitted to gain or exercise any right under any settlement or occupation of any of said public land begun without having at the time a valid approved water-rental application covering the land in question: *Provided, however*, That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

17. *Construction charges.*—Section 15 of the act of May 25, 1926 (44 Stat. 639), authorizes and directs the Secretary, when announcement is made of the construction charges for this division, to fix and allocate the construction cost per acre in accordance with the findings and recommendations of the Board of Survey and Adjustments as shown on page 26 of House Document No. 201, 69th Congress, 1st Session. As recited on page 26 of said Document No. 201, the board found that the total gross cost of construction charged to the division, as of June 30, 1925, is $1,640,949; and that this cost should be allocated on the basis of 37,500 acres and not upon 24,200 as heretofore; and that a deduction of $234,407 should be made from the cost named. Applying the deduction of $234,407 would leave a remainder of $1,406,542 and the board's report at this point recites:

"The net cost would be $1,406,542, and this amount, divided by 37,500 acres, would give an average construction cost of $37.50 per acre. This per acre cost of $37.50 does not include any costs for future construction work which will be necessary to complete this division, and this should be particularly noted."

The estimate of cost to complete the works for 33,000 acres which are considered irrigable, is $1,678,000 or a per acre cost of $50.85. This amount added to the per acre cost to June 30, 1925, of $37.50 would make a total per acre cost of $88.35. A summary of the construction estimate for work after June 30, 1925, is attached to and made a part of this order.[1] If the actual cost of future work is less than the estimate of $1,678,000 named above, the construction charge will be proportionately reduced, but the expenditure of $1,678,000 will not be exceeded without the water users agreeing to repay all sums in excess of this amount. In arriving at the per acre rate of $88.35, and as shown above, the write-off of $234,407 authorized in section 15 of the act of May 25, 1926, has been deducted from the total cost, but before this write-off may be actually accomplished, the Secretary of the Interior must require, as set forth in section 45 of the said act of May 25, 1926, a contract with a water users' association or irrigation district whereby such association or irrigation district shall be required to pay the entire charges against all productive lands within the division without regard to default in the payment of charges against any individual tract of land; also as provided in section 45 of the act named, there must be executed a contract of the character described, before the 40-year repayment plan as authorized in this section may be made effective. Since the Tule Lake Division, with the exception of a few tracts, embraces only public land it would not be possible to make such a contract until the lands are opened and entered. Under the circumstances, the division will be operated on a water-rental basis until its agricultural development has advanced sufficiently to permit of a district organization, at which time a so-called joint liability contract will be required and the construction charge will be announced at $88.35 per acre payable over a 40-year period. Should the entrymen or water users fail, or refuse to proceed in the manner required under the act of May 25, 1926, it will become necessary to issue public notice under the Extension Act of August 14, 1914 (38 Stat. 686), without regard to the write-off and under a 20-year repayment plan. This would result in a per acre charge of $49.70 instead of $37.50 for the cost to June 30, 1925, which added to the per acre cost to complete of $50.85, would fix the construction charge at $100.55 per acre payable in 20 years.

[1] See p. 2014.

18. *Water-rental charges.*—The minimum water-rental charge for the irrigation season of 1938 shall be one dollar and eighty cents ($1.80) per acre for each irrigable acre of land in the farm unit, whether water is used or not, which will entitle the entryman to 2½ acre-feet of water per irrigable acre. Additional water will be furnished during the said irrigation season up to a limit of 3½ acre-feet per irrigable acre at the rate of 50 cents per acre-foot, and all further quantities for 75 cents per acre-foot, payable on December 1, 1938. Payment of the minimum charge of one dollar and eighty cents ($1.80) per acre for the irrigation season of 1938 shall be made at the time of filing of water-rental applications: *Provided*, That when water-rental application is filed after June 15, 1938, payment shall be of a minimum charge of one dollar and eighty cents ($1.80) per acre, which payment shall apply as a credit on the minimum charge for the following irrigation season. If payment for water used in addition to the allowance under the minimum charge is not made on or before December 1 as herein provided, there shall be added to the amount unpaid a penalty of one-half of 1 per centum thereof, and there shall be added a like penalty of one-half of 1 per centum on the first day of each month thereafter so long as such default shall continue. No water will be delivered to the entryman in subsequent years until such charge shall have been paid in full. Future charges will be announced by future order or public notice.

19. *Place and manner of payment of water charge.*—All water charges must be paid at the office of the Bureau of Reclamation at Klamath Falls, Oregon, by cash or bank draft, cashier's check, certified check, or postal or express money order, payable to Bureau of Reclamation.

20. *Water-right application under public notice.*—Within three months after date of public notice announcing the construction charges for the land described in this order, each entryman, if required to do so by the Secretary of the Interior, shall make a formal water-right application covering his farm unit. Upon failure to do so, the Secretary may, at his option, cancel the entry in question, with all rights acquired thereunder.

21. *All land to be included in irrigation district.*—Each water-rental application for land covered by this order shall be made on Form 7–289 and the following clause shall be inserted at the bottom of said form:

"I agree to the inclusion of my land in an irrigation district and I agree also to participate in the organization of an irrigation district at the earliest practicable date."

22. *Reservation of rights of way for county highways.*—Rights of way are reserved for county highways across the farm units shown on the farm unit plats along all red lines shown on said plats, said rights of way being 30 feet in width on each side of said lines in all cases where lines are drawn in red solid lines and 60 feet in width out of the farm units crossed by lines drawn in red broken lines. Rights

of way are also reserved for proposed state highway across the farm units abutting the northeasterly side of the Central Pacific Railroad Company's right of way, the said highway right of way being a strip of 100 feet in width, parallel to and touching the said railroad right of way.

23. *Effect of relinquishment prior to one-year's residence.*—In the event that any entry of public land shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2 p. m. the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in paragraph 12 of this order.

24. *Waiver of mineral rights.*—All homestead entries for any of the above-described land will be subject to the laws of the United States governing mineral land and all applicants under this order must waive the right to the mineral content of the land, if required to do so by the Land Office, otherwise the homestead application will be rejected or the homestead entry cancelled.

T. A. WALTERS,
*First Assistant Secretary.*

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ESTIMATE OF COST

*Summary of Construction Cost for New Work after June 30, 1925, to Irrigate 33,000 Acres.*

| | |
|---|---|
| Examination and surveys | $12,000 |
| Gerber Reservoir surveys | 4,000 |
| Cleaning and lining "A" Canal | 26,000 |
| Enlargement of "C" Canal | 15,000 |
| Enlargement of "C-G" Canal | 12,000 |
| Lost River Diversion Channel enlargement to 1,200 second-feet capacity | 174,000 |
| "J" Canal headworks, change | 2,000 |
| "J" Canal enlargement | 133,000 |
| Lateral system | 373,000 |
| Drainage | 560,000 |
| Flood protection | 195,000 |
| Farm units | 12,000 |
| Ditch riders' stations | 12,000 |
| Plant and equipment | 25,000 |
| Operation and Maintenance during construction | 120,000 |
| Revision of Clear Lake spillway | 3,000 |
| Total | 1,678,000 |
| Cost per acre | $50.85 |
| Cost to June 30, 1925 | 37.50 |
| Total cost per acre | 88.35 |

[F. R. Doc. 37-2900; Filed, September 29, 1937; 9:45 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Farm Security Administration.

[Memorandum No. 737 (Amendment to Memorandum No. 710)]

APPROVAL OF LOANS TO INDIVIDUALS

SEPTEMBER 15, 1937.

Pursuant to the authority delegated to me in Executive Order No. 7530, dated December 31, 1936, Dr. Will W. Alexander, as Administrator of the Resettlement Administration of the Department of Agriculture, and, in the event of his absence, Mr. C. B. Baldwin, as Deputy Administrator, are hereby authorized to perform on my behalf the following power and function, in addition to those authorized by Memorandum No. 710, dated February 2, 1937:

To approve the making of loans to individuals in amounts not in excess of $10,000 for any one individual; in connection therewith to execute necessary legal instruments, to prescribe the requisite security and the terms and conditions upon which the loans will be made, and to perform such functions in connection with such loans as are specified in Administration Order 41 (Revision 1), paragraph 7b.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-2904; Filed, September 29, 1937; 12:32 p. m.]

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## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

CIVIL AIR REGULATIONS

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (48 Stat. 1113), the Act of June 19, 1934 (48 Stat. 1116), and Section 12 of the Act of June 12, 1934 (48 Stat. 933, 937), the following civil air regulations are hereby made, established, and issued to be known as

Chapter 20. Pilot Rating
Chapter 21. Airline Pilot Rating
Chapter 23. Ground Instructor Rating
Chapter 24. Mechanic Rating
Chapter 25. Parachute Rigger Rating
Chapter 26. Traffic Control Tower Operator Rating
Chapter 27. Airline Dispatcher Rating
Chapter 40. Scheduled Airline Rating (Interstate)
Chapter 50. Flying School Rating
Chapter 52. Aircraft Repair Station Rating
Chapter 61. Scheduled Airline Rules

Any and all rules or regulations made, established, and issued by the Secretary of Commerce pursuant to law as are inconsistent with the provisions of the above specified civil air regulations are hereby repealed.

Approved, to take effect November 1, 1937, unless otherwise specifically provided in a particular chapter or part thereof.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

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20. PILOT RATING


20.0 Provision for Rating
20.00 General Pilot Ratings
20.01 Special Pilot Ratings
20.1 General Rating Minimum Requirements
20.10 Student Pilot Rating
20.11 Solo Pilot Rating
20.12 Private Pilot Rating
20.13 Limited-Commercial Pilot Rating
20.14 Commercial pilot Rating
20.15 Student Glider Pilot Rating
20.16 Private Glider Pilot Rating
20.17 Commercial Glider Pilot Rating
20.2 Special Rating Minimum Requirements
20.20 Instructor Rating
20.21 Instrument Rating
20.3 Pilot Competency Certificate
20.30 Provision for Issuance
20.31 Application
20.32 Issuance
20.33 Display
20.34 Duration
20.35 Renewal
20.36 Non-Transferability
20.37 Suspension or Revocation
20.38 Surrender
20.39 Re-Application
20.4 Special Competency Rating
20.40 Provision for Issuance
20.41 Application
20.42 Issuance
20.43 Duration
20.44 Renewal
20.45 Non-Transferability
20.46 Suspension
20.47 Re-Application
20.5 Examinations and Tests
20.50 General
20.51 Time and Place
20.52 Physical Examinations
20.53 Aircraft Used in Tests
20.54 Aircraft Type Classification
20.55 Aircraft Weight and Engine Classification
20.56 Flight Area Classification





20.57 Inspection
20.58 Standard of Performance
20.59 Reports
20.6 Pilot Regulations
20.60 Certificate Required
20.61 Carriage of Persons
20.62 Aircraft Type and Weight
20.63 Aircraft Flight Area
20.64 Night Flying
20.65 Instruction
20.66 Log-Books
20.67 Foreign Flights


CHAPTER 20. PILOT RATING

20.0. PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service, pilots will be rated in accordance with the following provisions.

20.00. *General Pilot Ratings:* The general classification and rating of pilots will be based upon their hours of solo flight and the kind of aeronautical activity for which they are deemed competent. Each general rating, except student rating, will include an aircraft rating specifying the type, weight and engine classification of the aircraft which the pilot is deemed competent to fly, and a flight area rating specifying the geographical area in which he is deemed competent to pilot aircraft. The general pilot ratings will be as follows:

(a) Student Pilot Rating
(b) Solo Pilot Rating
(c) Private Pilot Rating
(d) Limited-Commercial Pilot Rating
(e) Commercial Pilot Rating
(f) Airline Pilot Rating (Provided for in all respects in CAR 21)
(g) Student Glider Pilot Rating
(h) Private Glider Pilot Rating
(i) Commercial Glider Pilot Rating

20.01. *Special Pilot Ratings:* Special pilot ratings will be based upon satisfactory demonstration of pilot competence as related to skill or qualification for a particular piloting activity. The special pilot ratings will be as follows:

(a) Instructor Rating
(b) Instrument Rating

20.1. GENERAL RATING MINIMUM REQUIREMENTS: To be eligible for a general pilot competency rating, an applicant shall comply with the following minimum requirements prescribed for the particular rating sought.

20.10. *Student Pilot Rating:* To be eligible for a student pilot rating, an applicant shall comply with the following minimum requirements.

20.100. Age—Applicant shall be at least 16 years of age. If applicant be less than 21 years of age at the time of making application, he shall submit with his application the written consent of either parent, or legal or natural guardian, to the issuance of a student pilot rating.

20.101. Character—Applicant shall be of good moral character.

20.102. Citizenship—Applicant may be a citizen of any nationality.

20.103. Education—Applicant shall be able to read, speak, write and understand the English language; except that a citizen of a country granting reciprocal pilot privileges to pilots of the United States on equal terms and conditions will not be required to meet the English language requirements.

20.104. Physical Condition—Applicant shall comply with the following minimum requirements as to physical condition: *Provided,* That the existence of a lesser grade or condition in one or more of the particulars mentioned may not disqualify the applicant if excellence in other particulars or excellence in aeronautical experience or in aeronautical skill offsets the deficiency in the opinion of the Secretary: *Provided, however,* That an increase of such deficiency, which occurs at any time within the effective period of the certificate and cannot be compensated for by some additional excellence (as in aeronautical experience or practical skill), will be ground for the revocation of such certificate:

20.1040 (a). Eye—Applicant shall have a visual acuity of at least 20/50 in each eye separately, without correction; provided that, if the vision in either or both eyes is poorer than 20/50 and is brought up to 20/30 or better in each such eye by glasses, the applicant may be qualified on condition that correcting glasses be worn while piloting aircraft. An average of 30 millimeters or less on the depth perception apparatus, with or without glasses, is required. If the depth perception is greater than 30 millimeters without correction and can be corrected to at least 30 millimeters by glasses, the restriction that correcting glasses be worn while piloting aircraft will apply. No diplopia will be allowed unless corrected by glasses in which case such glasses must be worn while piloting aircraft. There shall be no serious pathology of the eye.

20.1041 (b). Ear, Nose, Throat and Equilibrium—Applicant shall be able to hear the whispered voice at three feet; shall have no acute or chronic disease of the internal ear, no disease or malformation of the nose or throat which may interfere with or be aggravated by flying, and no disturbance in equilibrium.

20.1042. (c). General Physical Condition—Applicant shall have no organic or functional disease or structural defect or limitation which might interfere with the safe piloting of aircraft.

20.1043. (d). Nervous System—Applicant shall have no disease of the mental or nervous system and no abnormality of the personality.

20.105. Aeronautical Knowledge—No minimum requirement is prescribed but, prior to his first solo flight, applicant shall be familiar with the provisions of CAR 60, and such fact shall be certified to by his instructor in accordance with the requirements of CAR 20.652.

20.106. Aeronautical Experience—No minimum requirement.

20.107. Aeronautical Skill—No minimum requirement is prescribed but, prior to his first solo flight, applicant shall have had a minimum of 8 hours dual flight instruction and shall have been deemed, in the opinion of his instructor, competent to make such flight, and such competence shall be certified to by his instructor on the student pilot certificate in the place provided therefor. The date of such flight and the type, weight and engine classification of the aircraft so flown shall also be certified by the instructor in the same manner.

20.11. *Solo Pilot Rating:* To be eligible for a solo pilot rating, an applicant shall comply with the following minimum requirements.

20.110. Age—Same as in CAR 20.100.
20.111. Character—Same as in CAR 20.101.
20.112. Citizenship—Same as in CAR 20.102.
20.113. Education—Same as in CAR 20.103.
20.114. Physical Condition—Same as in CAR 20.104.

20.115. Aeronautical Knowledge—Applicant shall be familiar with and accomplish satisfactorily a written examination on so much of the provisions of CAR 00, 01, 02, 03, 20, 30, 60, 91, 94 and 98, as are pertinent to his rating.

20.116. Aeronautical Experience—Applicant shall have logged at least 5 hours of solo flight time, of which at least 3 hours shall have been logged within the 60 days last preceding the date of filing the application: *Provided, however,* That a graduate of the solo pilot course of a certificated flying school will be deemed to have complied with this requirement upon presentation of his certificate of graduation.

20.117. Aeronautical Skill—Applicant shall demonstrate satisfactorily his ability to pilot aircraft in solo flights including normal take-offs, turns and landings.

20.12. *Private Pilot Rating:* To be eligible for a private pilot rating, an applicant shall comply with the following minimum requirements:

20.120. Age—Same as in CAR 20.100.
20.121. Character—Same as in CAR 20.101.

20.122. Citizenship—Same as in CAR 20.102.

20.123. Education—Same as in CAR 20.103.

20.124. Physical Condition—Same as in CAR 20.104.

20.125. Aeronautical Knowledge—Same as in CAR 20.115 and, in addition, applicant shall satisfactorily accomplish a written examination covering prevailing weather conditions in the United States as encountered in flying, and the forecasting thereof, the analyzing of weather maps and sequence reports as furnished by the United States Weather Bureau, practical air navigation problems and the use of maps, and navigation by terrain (pilotage) and by dead reckoning, including the use of instruments and other aids to navigation in visual contact flying.

20.126. Aeronautical Experience—Applicant shall have logged at least 35 hours of solo flight time, of which at least 5 hours shall have been logged within the 60 days last preceding the date of filing the application: *Provided, however,* That a graduate of the private pilot course of a certificated flying school will be deemed to have complied with this requirement upon presentation of his certificate of graduation. As part of the foregoing, applicant shall have logged at least 5 hours of solo cross-country flying which shall include at least one flight over a course of not less than 50 miles with at least 2 full stop landings at different points on such course. Such experience shall be certified to by some person, other than the applicant, having direct knowledge of the same.

20.127. Aeronautical Skill—Applicant, for rating on heavier-than-air aircraft of a land or water type, exclusive of gliders, shall demonstrate satisfactorily his ability to pilot an aircraft in solo flight and, in addition to normal take-offs, turns and landings, to perform satisfactorily the following maneuvers:

20.1270 (a). From 1,500 feet, with engine throttled, a 360° turn and a landing in normal landing attitude, the wheels touching the ground beyond and within 300 feet of a line or point designated by the examining Bureau inspector.

20.1271 (b). From 1,000 feet, with engine throttled, a 180° turn and a landing in normal landing attitude, the wheels touching the ground beyond and within 300 feet of a line or point designated by the examining Bureau inspector.

20.1272 (c). A series of 3 shallow and 3 steep figure 8 turns, and one 720° steep power turn in each direction. During these maneuvers, the pilot shall not gain or lose more than 200 feet of altitude.

20.1273 (d). A spiral in one direction from 2,000 feet, with engine throttled, and a landing in normal landing attitude, the wheels touching the ground beyond and within 300 feet of a line or point designated by the examining Bureau inspector.

20.1274 (e). A right hand and a left hand spin, each of at least one full turn.

20.1275 (f). Emergency maneuvers such as spirals, side slips and climbing turns, and recovery from stalls and such other maneuvers as the examining Bureau inspector may deem necessary and appropriate to demonstrate the competence of the applicant for the rating sought.

20.128. Aeronautical Skill on Other Types—Applicant, for rating on aircraft other than gliders or conventional heavier-than-air aircraft of a land or water type, shall demonstrate satisfactorily his ability to pilot an aircraft of such other type in solo flight and, in addition to normal take-offs and landings, shall perform such other maneuvers as the examining Bureau inspector may deem necessary and appropriate to demonstrate the competence of the applicant.

20.13. *Limited-Commercial Pilot Rating:* To be eligible for a limited-commercial pilot rating, an applicant shall comply with the following minimum requirements:

20.130. Age—Applicant shall be at least 18 years of age.

20.131. Character—Same as in CAR 20.101.

20.132. Citizenship—Applicant shall be

20.1320 (a). A citizen of the United States, or

20.1321 (b). A citizen of a foreign country which grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign country, or

20.1322 (c). An alien who has filed his declaration of intention to become a citizen of the United States and notifies the Secretary of the serial number of such declaration and of the date thereof and of the court in which it is filed; *provided,* that the certificate of competency is, in such case, subject to revocation if the holder does not from time to time keep the Secretary advised of the status of the proceedings in court and does not diligently and successfully prosecute them and become admitted as a citizen.

20.133. Education—Applicant shall be able to read, speak, write and understand the English language.

20.134. Physical Condition—Applicant shall comply with the following minimum requirements as to physical condition: *Provided,* That the existence of a lesser grade or condition in one or more of the particulars mentioned may not disqualify the applicant if excellence in other particulars or excellence in aeronautical experience or in aeronautical skill offsets the deficiency, in the opinion of the Secretary: *Provided, however,* That an increase of such deficiency, which occurs at any time within the effective period of the certificate and cannot be compensated for by some other excellence (as in aeronautical experience or practical skill), will be ground for the revocation of such certificate:

20.1340 (a). Eye—Applicant shall have a visual acuity of at least 20/20 in each eye separately without correction; an average depth perception of 30 millimeters or less without correction; no diplopia; not more than 1 diopter of hyperphoria; properly balanced eye muscles with an abduction of 3 diopters or more; sufficient accommodation to pass a Bureau test based primarily upon ability to read official aeronautical maps; normal fields of vision, and no pathology of the eye.

20.1341 (b). Ear, Nose, Throat and Equilibrium—Applicant shall be able to hear the whispered voice at eight feet with each ear separately; shall have no acute or chronic disease of the middle or internal ear; no disease of the mastoid; no unhealed perforations of the ear drum; no disease or malformation of the nose or throat which may interfere with or be aggravated by flying, and no disturbance of equilibrium.

20.1342 (c). General Physical Condition—Same as in CAR 20.1042.

20.1343 (d). Nervous System—Same as in CAR 20.1043.

20.135 Aeronautical Knowledge—Same as in CAR 20.125 and, in addition, applicant shall satisfactorily accomplish a written examination on the theory and the practice of flight and the maintenance of aircraft, and on the maintenance and proper use of aircraft power units in common use.

20.136. Aeronautical Experience—Applicant shall have logged at least 60 hours of solo flight time, of which at least 5 hours shall have been logged within the 60 days last preceding the date of filing the application. *Provided, however,* That a graduate of the limited-commercial pilot course of a certificated flying school will be deemed to have complied with this requirement upon presentation of his certificate of graduation. Solo cross-country flying time as provided in CAR 20.126.

20.137. Aeronautical Skill—Same as in CAR 20.127 except as follows:

20.1370 (a). In the maneuvers required by CAR 20.1270, CAR 20.1271 and CAR 20.1273, the wheels shall touch the ground beyond and within 250 feet of the line or point designated.

20.1371 (b). In the maneuvers required by CAR 20.1272, the pilot shall not gain or lose more than 150 feet.

20.1372 (c). In the spins required by CAR 20.1274, the applicant shall perform a 2-turn spin in each direction with an error of not more than plus or minus ¼ turn.

20.138. Aeronautical Skill on Other Types—Same as in CAR 20.128.

20.14. *Commercial Pilot Rating:* To be eligible for a commercial pilot rating, an applicant shall comply with the following minimum requirements:

20.140. Age—Same as in CAR 20.130.

20.141. Character—Same as in CAR 20.101.

20.142. Citizenship—Same as in CAR 20.132.

20.143. Education—Same as in CAR 20.133.



20.144. Physical Condition—Same as in CAR 20.134.

20.145. Aeronautical Knowledge—Same as in CAR 20.135 except that the examinations will be more searching and in greater detail.

20.146. Aeronautical Experience—Applicant shall have logged at least 200 hours of solo flight time, of which at least 5 hours shall have been logged within the 60 days last preceding the date of filing the application: *Provided, however,* That a graduate of the commercial pilot course of a certificated flying school will be deemed to have complied with this requirement upon presentation of his certificate of graduation. As part of the foregoing applicant shall have logged at least 10 hours of solo cross-country flying, which shall include at least one flight over a course of not less than 100 miles with at least three full stop landings at different points on such course. Such experience shall be certified to by some person, other than the applicant, having direct knowledge of the same.

20.147. Aeronautical Skill—Same as in CAR 20.127 except as follows:

20.1470 (a). In the maneuvers required by CAR 20.1270, CAR 20.1271 and CAR 20.1273, the wheels shall touch the ground within 200 feet beyond the line or point designated.

20.1471 (b). In the maneuvers required by CAR 20.1272, the pilot shall not gain or lose more than 100 feet.

20.1472 (c). Applicant shall complete the spins required in CAR 20.1372 except that the permissible error shall be plus or minus ten degrees.

20.148. Aeronautical Skill on Other Types—Same as in CAR 20.128.

20.15. *Student Glider Pilot Rating:* To be eligible for a student glider pilot rating, an applicant shall comply with the following minimum requirements.

20.150. Age—Applicant shall be at least 14 years of age.

20.151. Character—Same as in CAR 20.101.

20.152. Citizenship—Same as in CAR 20.102.

20.153. Education—Same as in CAR 20.103.

20.154. Physical Condition—Applicant shall certify that to the best of his knowledge and belief he has no physical defect which renders him incompetent to pilot a glider.

20.155. Aeronautical Knowledge—No minimum requirements.

20.156. Aeronautical Experience—No minimum requirements.

20.157. Aeronautical Skill—No first solo flight shall be made by a student glider pilot until, in the opinion of his instructor, the student is deemed competent to make such solo flight.

20.16. *Private Glider Pilot Rating:* To be eligible for a private glider pilot rating, an applicant shall comply with the following minimum requirements:

20.160. Age—Same as in CAR 20.150.

20.161. Character—Same as in CAR 20.101.

20.162. Citizenship—Same as in CAR 20.102.

20.163. Education—Same as in CAR 20.103.

20.164. Physical Condition—Same as in CAR 20.154.

20.165. Aeronautical Knowledge—No minimum requirements.

20.166. Aeronautical Experience—No minimum requirements.

20.167. Aeronautical Skill—Applicant shall demonstrate satisfactorily his ability to pilot a glider and to make normal take-offs and landings, a series of moderate banks, and such other maneuvers as the examining Bureau inspector may deem necessary and appropriate to demonstrate the competence of the applicant for the rating sought.

20.17. *Commercial Glider Pilot Rating:* To be eligible for a commercial glider pilot rating, an applicant shall comply with the following minimum requirements:

20.170. Age—Applicant shall be at least 18 years of age.

20.171. Character—Same as in CAR 20.101.

20.172. Citizenship—Same as in CAR 20.132.

20.173. Education—Same as in CAR 20.133.

20.174. Physical Condition—Same as in CAR 20.104.

20.175. Aeronautical Knowledge—Same as in CAR 20.115.

20.176. Aeronautical Experience—Applicant shall have completed 25 gliding flights of which at least 5 flights shall have been made within the 60 days last preceding the date of filing the application.

20.177. Aeronautical Skill—Same as in CAR 20.167 and, in addition, 360° turns will be required.

20.2. SPECIAL RATING MINIMUM REQUIREMENTS: To be eligible for a special pilot competency rating, an applicant shall comply with the following minimum requirements prescribed for the particular rating sought:

20.20. *Instructor Rating:* To be eligible for an instructor rating, an applicant shall comply with the following minimum requirements:

20.200. Age—Same as in CAR 20.130.

20.201. Aeronautical Knowledge—Applicant shall have practical and theoretical knowledge of flight instruction and shall accomplish a satisfactory written and practical examination thereon.

20.202. Aeronautical Experience—Applicant shall be possessed of a valid commercial or private pilot rating, provided that in the latter case he meets the requirements of CAR 20.146.

20.203. Aeronautical Skill—Applicant shall satisfactorily accomplish a practical flight test as to his ability to perform with precision and teach properly such fundamental flight maneuvers as are, in the opinion of the Secretary, deemed necessary and appropriate for safe and sound instruction in the safe piloting of aircraft.

20.21. Instrument Rating: To be eligible for an instrument rating, an applicant shall comply with the following minimum requirements:

20.210. Aeronautical Knowledge—Applicant shall be familiar with the use of such instruments and other navigational aids, both in aircraft and on the ground, as are deemed by the Secretary to be necessary for the navigation of aircraft by instruments, and with meteorology as applied to weather analysis and forecasting, and the applicant shall satisfactorily accomplish a written examination thereon.

20.211. Aeronautical Experience—Applicant shall have logged at least 200 hours of solo flight time as prescribed in CAR 20.146, including a minimum of at least 20 hours of instrument flying instruction and practice, and shall be possessed of a valid private, limited-commercial or commercial pilot rating. In lieu of not to exceed 10 hours of the foregoing 20-hour requirement applicant may show an equal or greater amount of instruction and practice under suitable conditions approved by the Secretary. Applicant shall also be possessed of a valid and appropriate radio license issued by the Federal Communications Commission.

20.212. Aeronautical Skill—Applicant shall satisfactorily accomplish, solely by instruments, a flight test with respect to the following:

20.2120 (a). Straight level flight for a given period of time.

20.2121 (b). Moderately banked 180° and 360° turns in both directions.

20.2122 (c). Minimum glides and maximum climbs, and approaches to stalled attitudes of flight.

20.2123 (d). Climbing turns.

20.2124 (e). Recovery from stalls, skids, slips and spirals, and from banks in excess of 45°.

20.2125 (f). Such other maneuvers as the examining inspector deems necessary.

20.2126 (g). A practical demonstration, while in flight or under simulated conditions, of estimating arrival time, taking into account speed, wind and drift.

20.213. Radio Skill—Applicant shall satisfactorily accomplish, solely by instruments, a flight test with respect to the following:

20.2130 (a). Tuning radio.

20.2131 (b). Orientation.

20.2132 (c). Following radio range.

20.2133 (d). Locating cone of silence.

20.2134 (e). Letting-down-through on the range by the approved instrument approach procedure for the particular airport used in connection with the test.

20.2135 (f). Such other maneuvers as the examining inspector deems necessary.

20.3. PILOT COMPETENCY CERTIFICATE

20.30. *Provision for Issuance:* An appropriate pilot certificate of competency will be issued by the Secretary to a natural person who is an applicant therefor, after approval of an application made and proofs submitted in connection therewith and if upon inspection and examination such applicant is found by the Secretary to meet the appropriate minimum requirements prescribed in CAR 20.1. Holders of valid pilot licenses, except student licenses, may pilot aircraft pursuant to such authority until the expiration thereof. Holders of valid student pilot licenses may pilot aircraft pursuant to such authority until the expiration thereof or for 6 months after the effective date of these regulations, whichever is the shorter period. Upon the expiration of each pilot license as just set forth the holder, upon meeting the requirements for the renewal or re-issuance thereof and for any ratings held, may have issued to him the following certificates and ratings:

(a) If the holder of a student license, a *solo certificate*, provided he has logged at least 5 hours of certified solo flying time and makes application within the effective period of his license. If the holder of a student license with no or less than 5 hours solo flying time, a *student certificate*, which may be issued by a duly authorized Bureau inspector: *Provided*, That application is made within the effective period of such license and a satisfactory physical examination shown, as provided for in CAR 20.104, within the 6 months immediately preceding application for such student certificate: *And, provided, further*, That such student certificate shall expire one year from the date of said physical examination. Otherwise CAR 20.10 and 20.60 shall apply.

(b) If the holder of an amateur license, a solo certificate.

(c) If the holder of a private, limited-commercial or transport license, a private, limited-commercial or commercial certificate respectively, plus an instrument rating if a non-scheduled instrument rating is held and, in the case of the commercial pilot certificate, an instructor rating whether or not a flying instructor's rating is held.

20.300. Aircraft Rating—The type, weight and engine classification of the aircraft (except unconventional aircraft) which the applicant is deemed competent to pilot will be entered upon the pilot certificate. (See CAR 20.54 and 20.55.)

20.301. Flight Area Rating—When limited, the geographical area in which the applicant is deemed competent to pilot the aircraft provided for in CAR 20.302 will be entered upon the pilot certificate. (See CAR 20.56.)

20.302. Special Rating—When issued to an applicant, as provided for in CAR 20.2 and 20.4, any special rating will be entered upon his pilot certificate.

20.303. Identification Card—An appropriate pilot identification card will be issued in connection with a pilot certificate, in the discretion of the Secretary.

20.31. *Application:* Application for a pilot certificate of competency, subscribed under oath, shall be made to the Secretary upon a form supplied for the purpose.

20.310. Application to Amend—When any change in a pilot competency rating is desired, whether affecting the general or special ratings, the applicant shall file a written request therefor with the Secretary upon a form supplied for the purpose.

20.311. Proceeding to Amend—A proceeding to amend a pilot competency rating, whether general or special, may be instituted by the Secretary when, in his opinion, the pilot is no longer competent in respect of some matter specified in the certificate. Notice of such proceeding shall be addressed to the pilot with opportunity for a hearing. In the interim, the certificate may be suspended in whole or in part. Following the hearing, the Secretary may issue a re-rating as to competency.

20.32. *Issuance:* Upon approval of an application duly made, proofs submitted and examinations and tests satisfactorily completed, a pilot certificate of competency will be issued in an appropriate form.

20.320. Temporary Certificate—Following application made for a pilot certificate of competency, but prior to approval thereof and issuance of the certificate, a temporary pilot certificate may be issued by the examining Bureau inspector. A temporary student pilot certificate may be issued by a medical examiner authorized by the Secretary for such purpose.

20.33. *Display:* A pilot certificate of competency shall be kept in the personal possession of the pilot at all times when piloting aircraft, and shall be presented for inspection upon the demand of any passenger, of any authorized official or employee of the Department of Commerce and of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

20.34. *Duration:* A pilot certificate of competency, unless sooner suspended or revoked in accordance with the provisions of CAR 20.37, will remain in force for the following periods, for the respective kinds of certificate:

20.340 (a). Student pilot—1 year
20.341 (b). Solo pilot—1 year
20.342 (c). Private pilot—1 year
20.343 (d). Limited-commercial pilot—6 months
20.344 (e). Commercial pilot—6 months
20.345 (f). Airline pilot—6 months (See CAR 21)
20.346 (g). Student Glider pilot—1 year
20.347 (h). Private glider pilot—1 year
20.348 (i). Commercial glider pilot—1 year

20.35. *Renewal:* The term of a pilot certificate (other than a student pilot or student glider pilot certificate) may be renewed, for a like period as the original certificate, upon application within 45 days prior to expiration and upon satisfactory showing of the following facts with respect to the kinds of certificates issued:

20.3500 (a). Student pilot—Not renewable
20.3501 (b). Solo pilot—

(1) 15 hours of solo flight, in aircraft of each type, weight and engine classification for which renewal is sought, within the year preceding expiration, and

(2) a satisfactory physical examination, completed within the 9 months preceding expiration, in accordance with the provisions of CAR 20.104.

20.3502 (c). Private pilot—Same as in CAR 20.351 except that the physical examination provided for shall have been completed within the 14 months preceding expiration.

20.3503 (d). Limited-commercial pilot

(1) 10 hours of solo flight, in aircraft of each type, weight and engine classification for which renewal is sought, within the 6 months preceding expiration, and

(2) a satisfactory physical examination, completed within the 60 days preceding expiration, in accordance with the provisions of CAR 20.134.

20.3504 (e). Commercial pilot—Same as in CAR 20.353.
20.3505 (f). Airline pilot—See CAR 21.
20.3506 (g). Student glider pilot—Not renewable.
20.3507 (h). Private glider pilot—10 gliding flights, or one soaring flight of one hour, within the year preceding expiration.

20.3508 (i). Commercial glider pilot—Same as in CAR 20.356, together with a satisfactory physical examination completed within the 60 days preceding expiration, in accordance with CAR 20.104.

20.3509. Reinstatement—In the event of an emergency which prevents renewal prior to expiration, and upon a showing thereof satisfactory to the Secretary, the applicant may have his pilot certificate validated in accordance with the provisions for renewal in CAR 20.35, provided the flight tests appropriate to the rating are again satisfactorily accomplished. The date of application for reinstatement rather than the expiration date of the certificate shall be controlling in applying CAR 21.35. There shall be but one application for reinstatement following a given lapse.



20.3510. Re-Rating after Lapse—Within 6 months after the expiration date of a private, limited-commercial or commercial pilot certificate the holder thereof may have issued to him a solo pilot certificate upon application therefor and a satisfactory showing to the Secretary of physical competency as provided in CAR 20.351 (2), and of 5 hours of certified solo flying time logged by the applicant within the year preceding application in aircraft of each type, weight and engine classification for which the solo pilot certificate is sought.

20.36. *Non-Transferability:* A pilot certificate of competency is not transferable.

20.37. *Suspension or Revocation:* The following rules will govern the suspension of revocation of pilot competency certificates.

20.370. Automatic Invalidation—Any physical deficiency, or any increase in physical deficiency, which occurs at any time within the effective period of a pilot certificate and which is not compensated for by some additional excellence as provided for in CAR 20.104 and 20.134, will automatically cause the pilot certificate to become invalid for the period of such physical deficiency.

20.371. General Grounds—A pilot certificate of competency may be suspended or revoked by reason of any of the following on the part of the holder thereof:

20.37100 (a). Any false statement in an application for a certificate or in any report required by the Secretary.
20.37101 (b). Use or display of the certificate for any fraudulent purpose.
20.37102 (c). Refusal to exhibit the certificate upon proper demand.
20.37103 (d). Unsound physical or mental condition.
20.37104 (e). Any demonstration of incompetency in the piloting of aircraft.
20.37105 (f). Failure to wear correcting lenses when required.
20.37106 (g). Being under the influence of, or using or having personal possession of, intoxicating liquor, cocaine or other habit-forming drugs while on duty.
20.37107 (h). Carrying any passenger who is obviously under the influence of intoxicating liquor, cocaine or other habit-forming drugs.
20.37108 (i). Carelessness or inattention to duty affecting safety.
20.37109 (j). Performance of any act in connection with aircraft which is contrary to the public safety or interest.
20.37110 (k). Violation of any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

20.38. *Surrender:* Upon notice from the Secretary of the suspension or revocation of a pilot certificate, the holder thereof shall immediately return such certificate to the Secretary.

20.39. *Re-Application:* The following rules will govern the re-application for pilot competency certificates:

(a) An applicant for a solo, private glider or commercial glider pilot certificate who has failed to successfully accomplish any prescribed theoretical or practical examination or test may apply for re-examination in any such subject at any time after the expiration of 45 days from the date of such failure.

(b) An applicant for a private, limited-commercial or commercial pilot certificate who has failed to successfully accomplish any prescribed theoretical or practical examination or test may apply for re-examination at any time after the expiration of 90 days from the date of such failure, provided he shows at least 15 additional hours of certified flying time logged by him.

20.4. SPECIAL COMPETENCY RATING

20.40. *Provision for Issuance:* An appropriate special competency rating will be issued by the Secretary, upon approval of application made and satisfactory proofs submitted, to a natural person who, upon inspection and examination, is found by the Secretary to meet the appropriate minimum requirements prescribed in CAR 20.2.

20.41. *Application:* Same as in CAR 20.31 applied to a special rating.

20.42. *Issuance:* Any special rating issued to a pilot will be entered or indicated at the proper place therefor on the pilot certificate of competency.

20.43. *Duration:* A special rating, unless sooner suspended or revoked in accordance with the provisions of CAR 20.46, will remain in force for the effective period of the particular pilot certificate held.

20.44. *Renewal:* Renewal of a special rating may be effected upon application therefor within 45 days prior to the expiration of the pilot certificate and upon satisfactory showing of the following facts with respect to the kind of rating held:

20.440. Instructor Rating—The requirements appropriate for renewal of private or commercial pilot certificates as provided in CAR 20.35, as the case may be, and a satisfactory showing that the applicant has served as an instructor for not less than 10 hours during the preceding 6 months. The holder of such rating may be required to undergo a re-examination in any of the tests prescribed for the original rating at such times as the Secretary deems necessary.

20.441. Instrument Rating—Applicant shall have logged:
20.4410 (a). If holder of a private pilot certificate—10 hours of flying solely by instruments within the year preceding the expiration of the pilot certificate, 5 hours of which shall have been within 6 months thereof.
20.4411 (b). If holder of a limited-commercial or commercial pilot certificate—5 hours of flying solely by instruments within the 6 months preceding the expiration date of the certificate.
20.4412 (c). In lieu of not to exceed 50% of either of the above requirements applicant may show an equal or greater amount of practice under simulated conditions approved by the Secretary.

20.442. Reinstatement—In the event of an emergency which prevents renewal of any of the foregoing special ratings prior to expiration, and upon a showing thereof satisfactory to the Secretary, the applicant may have his rating or ratings validated in accordance with the appropriate provisions for renewal in CAR 20.440 through 20.441, as the case may be, provided the flight tests appropriate to the particular rating are satisfactorily accomplished. The date of application for reinstatement rather than the expiration date of the rating shall be controlling in applying CAR 20.440 through 20.441. There shall be but one application for reinstatement following a given lapse.

20.45. *Non-Transferability:* A special rating is not transferable.

20.46. *Suspension or Revocation:* A special rating may be suspended or revoked by reason of the suspension or revocation of the pilot certificate or by reason of any of the following, on the part of the holder thereof:

20.460 (a). Any false statement in an application for a pilot rating.
20.461 (b). Unsound physical or mental condition.
20.462 (c). Any demonstration of incompetency in piloting aircraft, particularly as related to any given rating.
20.463 (d). Violation of any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

20.47. *Re-Application:* An applicant for a special competency rating who has failed to successfully accomplish any prescribed test for such rating may apply for re-examination thereon after the expiration of 30 days from the date of such failure.

20.5. EXAMINATIONS AND TESTS

20.50. *General:* The examinations and tests prescribed in the foregoing regulations (both for pilot certificates of competency and for the ratings issued with respect thereto) will be conducted by an authorized officer or employee of the Bureau or by a properly qualified person designated for the purpose by the Secretary.

20.51. *Time and Place:* All examinations and tests will be held at such times and places as the Secretary may designate.

20.52. *Physical Examinations:* The following rules will

govern the physical examinations given in connection with the original issuance of any pilot competency certificate:

20.520 (a). The appropriate physical examination prescribed shall be accomplished before any practical or theoretical test or other examination will be given, and shall be completed within the 9 months preceding application for a solo or private rating, or within the 4 months preceding application for a limited-commercial or commercial pilot rating.

20.521 (b). In lieu of a physical examination conducted by authority of the Secretary, a certified copy of the medical examination for flying in the United States Army, Navy, or Marine Corps, made within the 60 days preceding the date of filing application for a pilot certificate, will be accepted for any pilot rating: *Provided*, That the physical qualifications as shown in such prior examination are not less than those required by these regulations for the kind of pilot certificate of rating applied for.

20.522 (c). A pilot holding a certificate of a lower grade and applying for a certificate of a higher shall pass satisfactorily a new physical examination for the grade applied for unless his prior physical examination was for higher grade and was passed within the time limit prescribed in CAR 20.520.

20.53. *Aircraft Used in Tests:* The applicant shall furnish a certificated aircraft for any flight test involved. Each such aircraft, used in any test for a pilot certificate above the grade of solo pilot, shall be equipped with dual controls and shall accommodate the applicant, the inspector and parachutes for both. Aircraft having only one elevator and aileron control for two seats, or any arrangement whereby all flight and engine controls cannot be handled in a normal or conventional manner from either seat are not considered as having dual controls for the purpose of flight tests for pilot ratings.

20.54. *Aircraft Type Classification:* For purposes of specifying the types of aircraft which the applicant is deemed competent to pilot and for convenience of examining the applicant with respect thereof, the following aircraft type classification is prescribed:

(a) Conventional airplane (land or water)
(b) Unconventional airplane (land or water)
(c) Rotorplane (land or water)
(d) Glider
(e) Aerostat.

20.540. Unconventional aircraft which the applicant is deemed competent to fly will be specified on his pilot certificate by make and model designation only.

20.55. *Aircraft Weight and Engine Classification:* For purposes of specifying the weight and power-plant equipment of aircraft which the applicant is deemed competent to pilot, and for convenience of examining the applicant with respect thereto, the following aircraft weight and engine classification is prescribed:

(a) Class 1—Gross weight not more than 1,500 pounds.
(b) Class 2S—Gross weight between 1,500 and 4,000 pounds, single-engine.
(c) Class 2M—Gross weight between 1,500 and 4,000 pounds, multi-engine.
(d) Class 3S—Gross weight between 4,000 and 10,000 pounds, single-engine.
(e) Class 3M—Gross weight between 4,000 and 10,000 pounds, multi-engine.
(f) Class 4S—Gross weight between 10,000 and 25,000 pounds, single-engine.
(g) Class 4M—Gross weight between 10,000 and 25,000 pounds, multi-engine.
(h) Class 5—Gross weight in excess of 25,000 pounds.

20.550. The holder of a valid private, limited-commercial or commercial pilot certificate may pilot conventional aircraft of a similar type (seaplane, landplane, etc.) and of an equal or lower weight and/or engine classification than as specified on such pilot certificate, except for the carriage of persons or property for hire.

20.56. *Flight Area Classification:* For purposes of specifying the geographical limits within which the applicant is deemed competent to pilot aircraft, the following flight area classification is prescribed.

(a) *Limited*—in which case the radius from the base of aircraft operations within which the pilot is deemed competent to pilot shall be within 10 miles for piloting of aircraft carrying persons for hire, and the name of the particular base will be set forth in the pilot certificate, provided that upon 10 days notice to and approval by the Secretary, said area specified in the certificate issued to a limited-commercial pilot may be changed to a different area.

(b) *Unlimited*—in which case the pilot is deemed by the Secretary to be competent to pilot aircraft without restriction as to geographical limits. Such rating relates only to the competency of the pilot and, of itself, will only authorize the applicant to pilot aircraft in the airspace over those geographical areas (other than airspace reservations and other prohibited areas) wherein the pilot certificate is accorded official recognition as valid and effective.

20.57. *Inspection:* The applicant for a pilot certificate of competency shall offer full cooperation with respect to any inspection or examination which may be made of such applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of a pilot certificate of competency.

20.58. *Standard of Performance:* Every practical and theoretical examination and test shall be accomplished to the satisfaction of the Secretary and the minimum passing grade in the subject of examination and test shall be 70 per cent. Each flight maneuver will be graded separately. Other examinations will be graded as a whole.

20.59. *Reports:* The person giving any examination or test in behalf of the Secretary shall report the result thereof upon an appropriate form to the Secretary and all data collected incident to such examination or test shall be considered as of a confidential nature by all persons conducting such examinations or tests and by all employees of the Department of Commerce.

20.6. PILOT REGULATIONS

20.60. *Certificate Required:* No person shall pilot a civil aircraft on a civil airway, or in interstate or foreign air commerce elsewhere, unless possessed of a valid pilot certificate of competency or, if an alien, possessed of a similar pilot certificate or permit, issued or validated according to the provisions of CAR 65. Accordingly, no person shall make a solo flight of civil aircraft on a civil airway, or in interstate or foreign air commerce elsewhere, unless possessed of such certificate, but, prior to such solo flight, no pilot certificate will be required of a person who is flying with a certificated instructor in an aircraft equipped with fully functioning dual controls as provided in CAR 20.53, and provided further, that said instructor is in full charge of one set of said controls. Even then such flights shall be only for instruction or the demonstration of the aircraft to a bona fide prospective purchaser thereof.

20.61. *Carriage of Persons:* The following rules will govern the carriage of persons in aircraft in flight:

20.160. Student—No person possessed of a valid student pilot certificate or receiving dual instruction shall carry in any aircraft in flight any property or any person other than a certificated instructor. No person who has not attained the age of 16 years shall receive dual instruction in any aircraft.

20.611. Solo Pilot—No person possessed of a valid solo pilot certificate shall carry, for or without hire, any person or property in any aircraft in flight.

20.612. Private Pilot—No person possessed of a valid private pilot certificate shall carry any property or any person for hire in any aircraft in flight.

20.613. Limited-Commercial Pilot—No person possessed of a valid limited-commercial pilot certificate shall carry any person for hire in any aircraft in flight outside or beyond the geographical limits specified in his pilot certificate: *Provided*, That such person may demonstrate aircraft in flight outside the geographical limits of such area to prospective purchasers: *Provided, also*, That such person may carry guests, executives or employees of the company employing him, beyond the geographical limits of such area if no additional payment be made for such carriage: *Provided, further*, That such person may serve as second pilot beyond the geographical limits of such area if accompanied by a person possessed of a valid commercial pilot certificate who is in command of such aircraft.



20.614. Commercial Pilot—No person possessed of a valid commercial pilot certificate shall carry any persons or property in scheduled airline service in interstate or foreign air commerce, unless possessed of a valid instrument rating.

20.615. Glider Pilot—No person shall pilot a glider for any commercial purpose unless possessed of a valid commercial glider pilot certificate.

20.62. *Aircraft Type and Weight:* No person shall pilot for hire, or carry any person for or without hire other than a properly certificated instructor in, an aircraft of a type, weight or engine classification other than as specified in his pilot certificate.

20.63. *Aircraft Flight Area:* No person shall pilot an aircraft carrying any person for hire beyond the geographical limits of the flight area specified in his pilot certificate, except as provided in CAR 20.613.

20.64. *Night Flying:* A commercial, limited-commercial or private pilot who has not had at least 2 hours of night solo flying within the last preceding 90 days shall not pilot aircraft carrying passengers between sunset and sunrise until after he has taken off and landed, between sunset and sunrise, at least 10 times, nor unless at least 3 of such landings were made to a full stop.

20.65. *Instruction:* The following rules will govern the giving of flight instructions:

20.650. Rating Required—No person shall give flying instruction for hire to any other person unless possessed of a valid commercial certificate and a valid instructor rating, or, in case of instruction of glider students, unless possessed of a valid commercial glider pilot certificate. Instruction not for hire may be given by the holder of a valid commercial or private pilot certificate and a valid instructor rating.

20.651. Solo Flight Authorization—No instructor shall authorize, or knowingly permit any person to whom he has given flying instruction to make, any solo flight on a civil airway or in interstate or foreign air commerce elsewhere, unless such person is possessed of a valid pilot certificate.

20.652. Aeronautical Knowledge Certification—No instructor shall authorize, or knowingly permit any person to whom he has given flying instruction to make a first solo flight on a civil airway, or in interstate or foreign air commerce elsewhere, until he has examined such student as to his knowledge of the provisions of CAR 60 and until such student shows a satisfactory knowledge thereof, which facts shall be certified to by such instructor on the student pilot certificate.

20.653. Time Limitations—No instructor shall give more than 6 hours of dual flying instruction in any one day, nor more than 6 days of such instruction in any one week.

20.654. Flying Instruction Time Entries—No instructor shall give flying instruction unless, immediately following each period of such instruction, he makes in the log-book of his student the appropriate certified entries as provided in CAR 20.661.

20.66. *Log-Books:* The following rules will govern pilot log-books:

20.660. General—Every certificated pilot and every person receiving flying instruction shall keep an accurate record of his flying time in a log-book in which the entries with respect to dual instruction have been certified by a certificated instructor and the entries with respect to solo flying time have been certified to by him before a notary public.

20.661. Contents—The log-book shall contain the date of flight, the type of aircraft flown, the aircraft certificate number, a statement of instrument and nightly flying time, the duration of the flight, and the points between which such flight was made, and when any flight results in serious damage to the aircraft, a notation to this effect. Flying instruction time shall be logged in the same manner and, in addition, the instructor shall make complete entries in the log-book of his student showing the nature of each maneuver in which instruction was given and the time spent thereon. The instructor shall attest each such entry with his initials and pilot certificate number and rating thereon. This log-book shall be made available, upon demand, to any authorized representative of the Department of Commerce or State or municipal officer enforcing local regulations or laws involving Federal compliance.

20.662. From and after the effective date of these regulations no flying time shall be taken into account in connection with the issuance, renewal or reinstatement of a pilot certificate unless the aircraft flown was possessed of a valid and appropriate certificate of airworthiness.

20.67. *Foreign Flights:* No person shall be in command of any aircraft of the United States flying in any foreign country unless possessed of a valid private, limited-commercial, commercial or airline pilot certificate, with a rating for the type, weight and engine classification of aircraft so flown.

NOTE.—For permission of U. S. Aircraft to be flown out of the United States with intent to enter a foreign country, see CAR 70.

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CHAPTER 21. AIRLINE PILOT RATING

21.0. PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service, airline pilots will be rated as to competence in accordance with the provisions of the following paragraphs.

21.1. MINIMUM REQUIREMENTS: To be eligible for an airline pilot competency rating, an applicant shall comply with the following minimum requirements:

21.10. Age—Applicant shall be at least 23 years of age.

21.11. Character—Applicant shall be of good moral character.

21.12. Citizenship—Applicant shall be

21.120 (a). a citizen of the United States, or

21.121 (b). a citizen of a foreign country which grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign country, or

21.122 (c). an alien who has filed his declaration of intention to become a citizen of the United States and notifies the Secretary of the serial number of such declaration and of the date thereof and of the court in which it is filed: *Provided*, That the certificate of competency is, in such case, subject to revocation if the holder does not from time to time keep the Secretary advised of the status of the proceedings in court and does not diligently and successfully prosecute them and become admitted as a citizen.

21.13. Education:

21.130 (a). Applicant shall be able to read, write, and understand the English language, and shall be able to speak the English language without accent or impediment of speech which would interfere with two-way radio conversation; and

21.131 (b). shall be a high school graduate or what is deemed by the Secretary to be its equivalent from the applicant's showing of general experience and aeronautical experience, knowledge and skill.

21.14. Physical Condition—Applicant shall comply with the following minimum requirements as to physical condition:

21.140 (a). Eye—Applicant shall have a visual acuity of at least 20/20 in each eye separately without correction; an average depth perception of 30 millimeters or less without correction; no diplopia; not more than 1 diopter of hyperphoria; properly balanced eye muscles with an abduction of 3 diopters or more; sufficient accommodation to pass a Bureau test based primarily upon ability to read official aeronautical maps; normal fields of vision; and no pathology of the eye.

21.141 (b). Ear, Nose, Throat and Equilibrium—Applicant shall be able to hear the whispered voice at eight feet with each ear separately; shall have no acute or chronic disease of the middle or internal ear; no disease of the mastoid; no unhealed perforations of the ear drum; no disease or malformation of the nose or throat which may interfere with or be aggravated by flying, and no disturbance in equilibrium.

21.142 (c). General Physical Condition—Applicant shall have no organic or functional disease or structural defect or limitation which might interfere with the safe piloting of aircraft.

21.143 (d). Nervous System—Applicant shall have no disease of the mental or nervous system and no abnormality of the personality.

21.15. Aeronautical Knowledge—Applicant shall be familiar with and shall accomplish a satisfactory written examination on:

21.1500 (a). The provisions of CAR 00, 02, 40, 60, 61 and 98, with CAR 01.70 through 01.74, 04.52 and 04.53, and with 27, 30, 31, 91 and 94 insofar as the same deal with airline operations, and with CAR 41, 70, 71 and 77 if the pilot is to be rated for airline operation in whole or in part without the United States.

21.1501 (b). The fundamentals of air navigation and the use of formulae and of instruments and other navigational aids, both in aircraft and on the ground, which are deemed necessary for the navigation of aircraft by instruments.

21.1502 (c). The general system of weather collection and dissemination.

21.1503 (d). Weather map, weather forecast, and weather sequence abbreviations, symbols and nomenclature.

21.1504 (e). Elementary meteorology, including modern knowledge of the cyclone as associated with fronts.

21.1505 (f). Cloud forms.

21.1506 (g). Department of Agriculture Weather Bureau Circular "N", Instructions for Airway Meteorological Service, and all amendments thereto.

21.1507 (h). Weather conditions, including icing conditions and upper-air winds, affecting aeronautical activities.

21.1508 (i). Air navigation facilities in use on the civil airways, including rotating beacons, course lights, radio ranges, and radio marker beacons.

21.1509 (j). Data obtained from airplane weather observations and meteorological data reported from observations made by pilots engaged in airline flights.

21.1510 (k). The influence of terrain upon meteorological conditions and developments, and the relation thereof to airline flight operations.

21.16. Aeronautical Experience—Applicant shall comply with the following requirements:

21.160 (a). Applicant shall be possessed of a valid commercial pilot rating, or equivalent as determined by the Secretary.

21.161 (b). Applicant shall have logged at least 1,200 hours of certified solo flying time within the last 8 years, of which at least 500 hours shall have been in cross-country flight, and of which at least 5 hours of solo flying time shall have been logged within the 60 days last preceding the date of filing the application.

21.162 (c). Applicant shall have logged at least 100 hours of solo night flying, of which at least 50 hours shall have been cross-country over lighted airways.

21.163 (d). Applicant shall have had at least 20 hours of instrument flying instruction and practice. In lieu of not to exceed 10 hours of the foregoing 20-hour requirement applicant may show an equal or greater amount of instruction and practice under simulated conditions approved by the Secretary.

21.17. Aeronautical Skill—Applicant shall demonstrate satisfactorily his ability to pilot an aircraft of each type, weight and engine classification, as provided in CAR 21.34 and 21.35, on which he seeks rating, in normal take-offs, turns, landings, and the following maneuvers (the maneuvers in CAR 21.175 and 21.176 may be performed in a type of aircraft satisfactory to the examining Bureau inspector):

21.170 (a). From 2,000 feet, with engine throttled, a 360° turn and a landing in normal landing attitude, the wheels touching the ground beyond and within 200 feet of a line or point designated by the examining Bureau inspector.

21.171 (b). From 1,500 feet, with engine throttled, a 180° turn and a landing in normal landing attitude, the wheels touching the ground beyond and within 200 feet of a line or point designated by the examining Bureau inspector.

21.172 (c). A series of 3 shallow and 3 steep figure 8 turns, and one 720° steep power turn in each direction. During these maneuvers, the pilot shall not gain or lose more than 200 feet of altitude.

21.173 (d). A spiral in one direction from 2,000 feet, or higher, with engine throttled, and a landing in normal landing attitude, the wheels touching the ground beyond and within 200 feet of a line or point designated by the examining Bureau inspector.

21.174 (e). Altitudes and permissible errors in CAR 21.170 through 21.173 are applicable when flight tests are conducted in aircraft of a gross weight in excess of 10,000 pounds, otherwise those in CAR 20.1470 through 20.1472 apply.

21.175 (f). Emergency maneuvers such as spirals, side slips and climbing turns, and recovery from stalls, maneuvers in multi-engine equipment with authorized load with one engine inoperative, and such other maneuvers as the examining Bureau inspector may deem necessary to demonstrate the competence of the applicant.

21.176 (g). A right hand and a left hand spin, each of at least two full turns, with not to exceed 10 degrees error.

(NOTE.—The requirements of CAR 21.170 through 21.176 may be met by the holding of a valid commercial rating.)

21.177. Applicant shall accomplish satisfactorily a flight test, solely by instruments, with respect to the following:

21.1770 (a). Straight level flight for a given period of time.

21.1771 (b). Moderate banks during 180° and 360° turns in both directions.

21.1772 (c). Minimum glides and maximum climbs, and approaches to stalled attitudes of flight.

21.1773 (d). Climbing turns.

21.1774 (e). Recovery from stalls, skids, slips and spirals, and from banks in excess of 45°.

21.1775 (f). Such other maneuvers as the examining inspector deems necessary.



21.1776 (g). A practical demonstration, while in flight or under simulated conditions, of estimating arrival time, taking into account speed, wind and drift.

(NOTE.—The requirements of CAR 21.1770 through 21.1774 may be met by the holding of a valid instrument rating.)

21.178. Radio Skill—Applicant shall accomplish a satisfactory flight test, in a hooded cockpit, with respect to the following:

21.1780 (a). Tuning radio.

21.1781((b). Orientation.

21.1782 (c). Following radio range.

21.1783 (d). Locating cone of silence.

21.1784 (e). Letting-down-through on the range by the approved instrument approach procedure for the particular airport used in connection with the test.

21.1785 (f). Such other maneuvers as the examining inspector deems necessary.

21.2 AIRLINE PILOT COMPETENCY CERTIFICATE

21.20. *General:* An airline pilot competency certificate will be issued by the Secretary to a natural person, who is an applicant therefor, after approval of an application made and proofs submitted in connection therewith and if, upon inspection and examination, said applicant is found by the Secretary to meet the minimum requirements prescribed therefor in CAR 21.1. For 6 months after the effective date of these regulations the holder of both a valid transport pilot license and a scheduled air transport rating, upon a showing of the same and upon application made as provided in CAR 21.21, will be issued an airline pilot certificate with ratings specifying aircraft of the type, weight and engine classification as specified on his transport pilot license. In the interim, piloting shall be under authority heretofore granted.

21.21. *Application:* Application for an airline pilot certificate, subscribed under oath, shall be made to the Secretary upon a form supplied for the purpose.

21.210. Application to Amend—When any change in an airline pilot competency rating is desired, the applicant shall file a written request therefor with the Secretary upon a form supplied for the purpose.

21.211. Proceeding to Amend—A proceeding to amend an airline pilot competency rating may be instituted by the Secretary when, in his opinion, the pilot is no longer competent in respect of some matter specified in the certificate. Notice of such proceeding shall be addressed to the pilot with opportunity for a hearing. In the interim, the certificate may be suspended in whole or in part. Following the hearing, the Secretary may issue a re-rating as to competency.

21.22. *Issuance:* Upon approval of an application duly made, proofs submitted and examinations and tests satisfactorily completed, an airline pilot certificate will be issued in an appropriate form.

21.220. Temporary Certificate—Following application made for an airline pilot certificate, but prior to approval thereof and issuance of the certificate, a temporary airline pilot certificate may be issued by the examining Bureau inspector.

21.221. Special Ratings—Any special rating, except an instrument rating, issued as provided in CAR 20.2 and 20.4 will be entered or indicated at the proper place therefor on the airline pilot certificate.

21.222. Any airline pilot, possessed of a valid certificate as such, shall be considered competent to instruct, as outlined in CAR 20.20, other pilots in airline service on the type of equipment in which the instructing pilot is rated.

21.23. *Display:* An airline pilot certificate shall be kept in the personal possession of the pilot at all times when piloting aircraft, and shall be presented for inspection upon the demand of any passenger, or of any authorized official or employee of the Department of Commerce or any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

21.24. *Duration:* An airline pilot certificate, unless sooner suspended or revoked, as provided in CAR 21.27, will remain in force for 6 months.

21.25. *Renewal:* The term of an airline pilot certificate may be renewed, for a like period as the original certificate, upon application within 45 days prior to expiration and upon satisfactory showing of the following facts:

21.250 (a). 10 hours of solo flight, in aircraft of each type, weight and engine classification for which renewal is sought, within the 6 months preceding expiration.

21.251 (b). 5 hours of flying solely by instruments within the 6 months preceding the expiration date of the certificate. In lieu of 50% of the above requirement, applicant may show an equal or greater amount of practice under simulated conditions approved by the Secretary.

21.252 (c). A satisfactory physical examination by a medical examiner of the Department of Commerce, duly authorized to so examine such pilots, completed within the 45 days preceding expiration, in accordance with the provisions of CAR 21.14. Provided, however, that the existence of a lesser grade or condition in one or more of the particulars mentioned in CAR 21.14 may not disqualify the applicant if excellence in other particulars or excellence in aeronautical experience or in aeronautical skill offsets the deficiency, in the opinion of the Secretary; and *provided*, further, that an increase in such deficiency, which occurs at any time within the effective period of the certificate and cannot be compensated for by some other excellence (as in aeronautical experience or practical skill) will be ground for the revocation of such certificate.

21.253. Reinstatement—In the event of an emergency which prevents renewal prior to expiration, and upon a showing thereof satisfactory to the Secretary, the applicant may have his airline pilot certificate validated in accordance with the provisions for renewal in CAR 21.25, provided the flight tests appropriate to the rating are again satisfactorily accomplished. The date of application for reinstatement rather than the expiration date of the certificate shall be controlling in applying CAR 21.25. There shall be but one application for reinstatement following a given lapse.

21.254. Re-Rating after Lapse—Within 6 months after the expiration date of an airline pilot certificate the holder thereof may have issued to him a solo pilot certificate upon application therefor and a satisfactory showing to the Secretary of physical competency as provided in CAR 21.252, and of 5 hours of certified solo flying time logged by the applicant within the year preceding application in aircraft of each type, weight and engine classification for which the solo pilot certificate is sought.

21.26. *Non-Transferability:* An airline pilot certificate is not transferable.

21.27. *Suspension or Revocation:* The following rules will govern the suspension or revocation of an airline pilot certificate.

21.270. Automatic Invalidation—Any physical deficiency, or any increase in physical deficiency, which occurs at any time within the effective period of an airline pilot certificate and which is not compensated for by some additional excellence as provided for in CAR 21.252, will automatically cause such pilot certificate to become invalid for the period of such physical deficiency.

21.271. General Grounds—An airline pilot certificate may be suspended or revoked by reason of any of the following on the part of the holder thereof:

21.27100 (a). Any false statement in an application for a certificate or in any report required to be submitted by these regulations.

21.27101 (b). Use or display of the certificate for any fraudulent purpose.

21.27102 (c). Refusal to exhibit the certificate upon proper demand.

21.27103 (d). Unsound physical or mental condition.

21.27104 (e). Any demonstration of incompetency in the piloting of aircraft.

21.27105 (f). Failure to wear correcting lenses when required.

21.27106 (g). Being under the influence of, or using or having personal possession of, intoxicating liquor, cocaine or other habit-forming drugs while on duty.

21.27107 (h). Knowingly taking off and carrying any passenger who is obviously under the influence of intoxicating liquor, cocaine or other habit-forming drugs.

21.27108 (i). Carelessness or inattention to duty affecting safety.

21.27109 (j). Performance of any act in connection with aircraft which is contrary to the public safety or interest.

21.27110 (k). Violation of any provision of the Air Commerce Act or any rule or regulations duly issued thereunder.

21.28. *Surrender:* Upon notice from the Secretary of the suspension or revocation of an airline pilot certificate, the holder thereof shall immediately return such certificate to the Secretary.

21.29. *Re-Application:* An applicant for an airline pilot certificate who has failed to successfully accomplish any prescribed test for such rating may apply for re-examination thereon after the expiration of 30 days from the date of such failure, provided he shows at least 10 additional hours of certified solo flying time logged by him, which shall include at least 5 hours of flying solely by instruments.

21.3. EXAMINATIONS AND TESTS

21.30. *General:* The examinations and tests prescribed in these regulations (both for an airline pilot certificate and for the ratings issued with respect thereto) will be conducted by an authorized officer or employee of the Bureau or by a properly qualified person designated for the purpose by the Secretary. During the flight tests the airline may have a check pilot on board.

21.31. *Physical Examination:* In connection with the original issuance of any airline pilot certificate the physical examination prescribed shall be accomplished by a medical examiner of the Department of Commerce, duly authorized to so examine such pilots, before any practical or theoretical test or other examination will be given, and shall be completed within the 60 days preceding the date of filing application for such pilot certificate.

21.32. *Time and Place:* All examinations and tests will be held at such times and places as the Secretary may designate.

21.33. *Aircraft Used in Tests:* The applicant shall furnish a certificated aircraft for any flight test involved. Each such aircraft, used in any test for an airline pilot certificate shall be equipped with dual controls and shall accommodate the applicant and the inspector. Aircraft having only one elevator and aileron control for two seats, or any arrangement whereby all flight and engine controls cannot be handled in a normal or conventional manner from either seat, are not considered as having dual controls for the purpose of flight tests for pilot ratings. Each such aircraft shall have full normal visibility for the check pilot.

21.34. *Aircraft Type Classification:* For purposes of specifying the types of aircraft which the applicant is deemed competent to pilot and for convenience of examining the applicant with respect thereof, the following aircraft type classification is prescribed:

(a) Conventional airplane (land or water)
(b) Unconventional airplane (land or water)
(c) Rotorplane (land or water)
(d) Glider
(e) Aerostat

21.35. *Aircraft Weight and Engine Classification:* For purposes of specifying the weight and power-plant equipment of aircraft which the applicant is deemed competent to pilot, and for convenience of examining the applicant with respect thereto, the following aircraft weight and engine classification is prescribed:

(a) Class 1—Gross weight not more than 1,500 pounds.
(b) Class 2S—Gross weight between 1,500 and 4,000 pounds, single-engine.
(c) Class 2M—Gross weight between 1,500 and 4,000 pounds, multi-engine.
(d) Class 3S—Gross weight between 4,000 and 10,000 pounds, single-engine.
(e) Class 3M—Gross weight between 4,000 and 10,000 pounds, multi-engine.
(f) Class 4S—Gross weight between 10,000 and 25,000 pounds, single-engine.
(g) Class 4M—Gross weight between 10,000 and 25,000 pounds, multi-engine.
(h) Class 5—Gross weight in excess of 25,000 pounds.

21.36. *Inspection:* The applicant for an airline pilot certificate shall offer full cooperation in respect of any inspection or examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of such certificate.

21.37. *Standard of Performance:* Every practical and theoretical examination and test shall be accomplished to the satisfaction of the Secretary and the minimum passing grade in the subject of examination or test shall be 70 per cent. Each flight maneuver will be graded separately. Other examinations will be graded as a whole.

21.38. *Reports:* The person giving any examination or test in behalf of the Secretary will report the result thereof upon an appropriate form to the Secretary and all data collected incident to such examination or test will be considered as of a confidential nature by such person and by all employees of the Department of Commerce.

21.4. PILOT REGULATIONS

21.40. *Certificate Required:* No person shall be in command of an aircraft in certificated scheduled air carrier service for the carriage of passengers on a civil airway, or in interstate or foreign air commerce or elsewhere, unless possessed of a valid airline pilot certificate.

21.41. *Aircraft Type and Weight:* No person holding a valid airline pilot certificate shall pilot for hire, or carry any person for or without hire other than a properly certificated instructor in, an aircraft of a type, weight or engine classification other than as specified in his airline pilot certificate.

21.42. *Night Flying:* Unless an airline pilot has had at least 2 hours of night solo flying within the last preceding 90 days he shall not pilot aircraft carrying passengers for hire, between sunset and sunrise, until after he has taken off and landed, between sunset and sunrise, at least 10 times. At least 3 of such landings shall have been made to a full stop.

21.43. *Log-Books:* The following rules will govern pilot log-books:

21.430. General—Every certificated airline pilot shall keep an accurate record of his flying time in a log-book in which the entries as to solo flying have been certified to by him before a notary public or by an official of the airline of which he is an employee during such time, and in which the entries as to instruction have been certified to by his instructor.

21.431. Contents—The log-book shall contain the date of flight, the type of aircraft flown, the aircraft certificate number, a statement of instrument and night flying time, the duration of the flight, and the points between which such flight was made, and, in addition, when any flight results in serious damage to the aircraft, a notation to this effect. Flying instruction time shall be logged in the same manner and, in addition, the instructor shall make complete entries in the log-book of his student showing the nature of each maneuver in which instruction was given and the time spent thereon. The instructor shall attest each such entry with his initials and pilot certificate number and rating thereon. This log-book shall be made available, upon demand, to any authorized representative of the Department of Commerce or State or municipal officer enforcing local regulations or laws involving Federal compliance.

21.44. *Foreign Flights:* No person shall be in command of any aircraft of the United States flying in any foreign country unless possessed of an airline pilot certificate with a rating for the type, weight and engine classification of aircraft so flown.

NOTE.—For permission of U. S. aircraft to be flown out of the United States with intent to enter a foreign country, see CAR 70.

23. GROUND INSTRUCTOR RATING


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CHAPTER 23. GROUND INSTRUCTOR RATING

23.0. PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of instructors in civilian schools giving instruction in flying as to their competency for such service, ground instructors will be rated in accordance with the provisions of the following paragraphs.

23.1. MINIMUM REQUIREMENTS: To be eligible for a ground instructor competency rating, an applicant shall have practical and theoretical knowledge of each ground school subject which the applicant desires to teach in a certificated flying school, or elsewhere. Such knowledge shall be sufficient to accomplish satisfactorily a written examination thereon.

23.2. INSTRUCTOR COMPETENCY CERTIFICATE

23.20. *Provision for Issuance:* A ground instructor certificate of competency will be issued by the Secretary upon approval of application made and satisfactory proofs submitted, to a natural person who, upon inspection and examination, is found by the Secretary to meet the minimum requirements prescribed in CAR 23.1 and is, therefore, rated as competent to give instruction in the aviation ground school subject, or subjects, specified.

23.201. Each holder of a valid ground instructor's rating on the date these regulations go into effect may instruct pursuant to such authority until the expiration thereof, and then, upon compliance with the provisions for renewal thereof, have issued to him a ground instructor certificate of competency as provided for herein.

23.21. *Application:* Application for a ground instructor certificate of competency, subscribed under oath, shall be made to the Secretary upon a form supplied for the purpose.

23.210. Application to Amend—When any change in a ground instructor competency rating is desired, the applicant shall file a written request therefor with the Secretary or may make oral or written request of the local Bureau inspector.

23.211. Proceeding to Amend—A proceeding to amend a ground instructor competency rating may be instituted by the Secretary when, in his opinion, the instructor is no longer competent in respect of some matter specified in the certificate. Notice of such proceeding shall be addressed to the instructor with opportunity for a hearing. In the interim, the certificate may be suspended in whole or in part. Following the hearing, the Secretary may issue a rerating as to competency.

23.22. *Issuance:* Upon approval of an application duly made, proofs submitted and examinations and tests satisfactorily completed, a ground instructor certificate of competency will be issued.

23.220. Temporary Certificate—Following application made for a ground instructor certificate, but prior to approval thereof and issuance of the certificate, a temporary ground instructor certificate may be issued by the local Bureau inspector. Likewise, for the period of time elapsing between application for renewal of a certificate and the issuance of the renewal, a temporary certificate may be issued by the local Bureau inspector.

23.23. *Display:* A ground instructor certificate of competency shall be kept in the personal possession of the instructor at all times when he is engaged in giving instruction in ground school subjects to students in any certificated flying school, or elsewhere, and shall be presented upon the demand of any student, school officer, or of any authorized official or employee of the Department of Commerce, or upon the reasonable request of any other person.

23.24. *Duration:* A ground instructor certificate, unless sooner suspended or revoked, as provided in CAR 23.27, will remain in force for the period of one year from date of issuance.

23.25. *Renewal:* A ground instructor certificate may be renewed upon application within 30 days prior to the expiration thereof and upon satisfactory showing that the holder has served in a capacity of ground instructor in an approved school, or elsewhere, for a period of time not less than one-half the duration of his certificate.

23.26. *Non-Transferability:* A ground instructor certificate of competency is not transferable.

23.27. *Suspension or Revocation:* A ground instructor certificate of competency may be suspended or revoked by reason of any of the following on the part of the holder thereof:

23.270 (a). Any false statement in an application for a ground instructor certificate.

23.271 (b). Any demonstration of incompetency in giving instruction in ground school subjects.

23.272 (c). Refusal to exhibit ground instructor certificate upon demand.

23.273 (d). Carelessness or inattention to duty.

23.274 (e). Violation of any provision of the Air Commerce Act or any rules or regulation duly issued thereunder.

23.28. *Surrender:* Upon notice from the Secretary of the suspension or revocation of his ground instructor certificate, the holder shall immediately return such certificate to the Secretary.

23.29. *Re-Application:* An applicant for a ground school instructor certificate, who has failed to successfully accomplish any prescribed examination or test for such rating or certificate, may apply for re-examination therefor after the expiration of 30 days from the date of such failure.

23.3. EXAMINATIONS AND TESTS

23.30. *General:* The examinations and tests prescribed in the foregoing regulations will be conducted by an authorized officer or employee of the Department of Commerce or by a properly qualified person designated by the Secretary. The Secretary may, in his discretion and at any time, require any applicant or the holder of any ground school instructor certificate to undergo a re-examination in any theoretical or practical test prescribed as requisite for such rating or certificate.

23.31. *Time and Place:* All examinations and tests will be held at such time and place as the Secretary may designate.

23.32. *Inspection:* The applicant for any ground instructor certificate of competency shall offer full cooperation in respect of any inspection and examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of a ground instructor certificate of competency.

23.33. *Standard of Performance:* All practical and theoretical examinations and tests shall be accomplished to the satisfaction of the Secretary and the minimum passing grade in the subject of examination or test shall be 70 per cent.

23.34. *Reports:* The person giving any examination or test in behalf of the Secretary will promptly report the result thereof to the Secretary.

23.4. GROUND INSTRUCTOR REGULATIONS: The following rules will govern the giving of instruction in ground school subjects in certificated flying schools.

23.40. *No Instruction Without Certificate:* No person shall give, or offer to give, any instruction in ground school subjects to students of a certificated flying school unless such person is possessed of a valid ground instructor certificate.

24. MECHANIC RATING


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CHAPTER 24. MECHANIC RATING

24.0. PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service, mechanics will be rated in accordance with the provisions of the following paragraphs.

24.00. Mechanic ratings will be as follows:

(a) Aircraft Mechanic Rating

(b) Aircraft Engine Mechanic Rating

24.1. MINIMUM REQUIREMENTS: To be eligible for a mechanic competency rating, an applicant shall comply with the following minimum requirements prescribed for the particular rating sought.

24.10. *Aircraft Mechanic Rating:* To be eligible for an aircraft mechanic rating, an applicant shall comply with the following minimum requirements.

24.100. Age—Applicant shall be at least 18 years of age.

24.101. Character—Applicant shall be of good moral character.

24.102. Citizenship—Applicant may be a citizen of any nationality.

24.103. Education—Applicant shall be able to read, speak, write and understand the English language.

24.104. Aeronautical Knowledge—Applicant shall have theoretical and practical knowledge of aircraft structure and rigging, including the control systems, shall know how to properly inspect, maintain, repair and overhaul the same, and shall be familiar with the provisions of CAR 00, 01, 02, 04, 15, 18 and 24.

24.105. Aeronautical Experience—Applicant shall have had at least one year of practical experience in the construction, maintenance, or repair of aircraft.

24.106. Aeronautical Skill—Applicant shall satisfactorily demonstrate, by means of written, oral and practical tests, his ability with respect to the subject matters prescribed in CAR 24.104.

24.11. *Aircraft Engine Mechanic Rating:* To be eligible for an aircraft engine mechanic rating, an applicant shall comply with the following minimum requirements:

24.110. Age—Same as in CAR 24.100.

24.111. Character—Same as in CAR 24.101.

24.112. Citizenship—Same as in CAR 24.102.

24.113. Education—Same as in CAR 24.103.

24.114. Aeronautical Knowledge—Applicant shall have theoretical and practical knowledge of aircraft engines and their accessories, including ignition systems, shall know how to properly inspect, maintain, repair and overhaul the same, and shall be familiar with the provisions of CAR 00, 01, 02, 04, 13, 14, 15, 18 and 24.

24.115. Aeronautical Experience—Applicant shall have had at least one year of practical experience in the maintenance, repair and overhaul of aircraft engines.

24.116. Aeronautical Skill—Applicant shall satisfactorily demonstrate, by means of written, oral and practical tests, his ability with respect to the subject matter prescribed in CAR 24.114.

24.2 MECHANIC COMPETENCY CERTIFICATE

24.20. *Provision for Issuance:* An appropriate mechanic certificate of competency will be issued by the Secretary upon approval of application made and satisfactory proofs submitted, to a natural person who, upon inspection and examination, is found by the Secretary to meet the appropriate minimum requirements prescribed in CAR 24.1 and is, therefore, rated as competent to construct, repair, adjust, or overhaul aircraft or aircraft engines, as the case may be, or for the inspection of any aircraft or engine construction, repairs, adjustments or overhauls.

24.200. Each holder of a valid engine mechanic's license and/or a valid airplane mechanic's license on the date these regulations go into effect may perform service pursuant to such authority until the expiration thereof, and then, upon compliance with the provisions for renewal thereof, have issued to him a mechanic competency certificate with an aircraft mechanic rating and/or an aircraft engine rating thereon, as the case may be, as provided for herein.

24.201. Identification Card—In the discretion of the Secretary, an appropriate mechanic's identification card will be issued with mechanic certificate.

24.21. *Application:* Application for a mechanic certificate, subscribed under oath, shall be made to the Secretary upon a form supplied for the purpose.

24.210. Application to Amend—When any change in a mechanic competency rating is desired, the applicant shall file a written request therefor with the Secretary or may make oral or written request of the local Bureau inspector.

24.211. Proceeding to Amend—A proceeding to amend a mechanic competency rating may be instituted by the Secretary when, in his opinion, the mechanic is no longer competent in respect of some matter specified in the certificate. Notice of such proceeding shall be addressed to the mechanic with opportunity for a hearing. In the interim, the certificate may be suspended in whole or in part. Following the hearing, the Secretary may issue a re-rating as to competency.

24.22. *Issuance:* Upon approval of an application duly made, proofs submitted, and examinations and tests satisfactorily completed, a mechanic certificate of competency will be issued in an appropriate form.

24.220. Temporary Certificate—Following application made for a mechanic certificate of competency, but prior to approval thereof and issuance of the certificate, a temporary mechanic certificate may be issued by the local Bureau inspector. Likewise, for the period of time elapsing between application for renewal of a certificate and the issuance of the renewal, a temporary certificate may be issued by the local Bureau inspector.

24.23. *Display:* A mechanic certificate shall be kept in the personal possession of the mechanic at all times when he is serving in connection with aircraft possessed of a valid aircraft certificate, and shall be presented upon the demand of any passenger in, or owner of, such aircraft upon which such mechanic has worked, or of any authorized official or employee of the Department of Commerce or of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

24.24. *Duration:* A mechanic certificate, unless sooner suspended or revoked in accordance with the provisions of CAR 24.27, will remain in force for two years after the date of issue.

24.25. *Renewal:* A mechanic certificate may be renewed upon application within 30 days prior to the expiration thereof and upon satisfactory showing that, during the term of the last certificate, the holder has rendered service, under his certificate, during at least one-half of the term thereof, and that he complies with all of the appropriate minimum requirements prescribed in CAR 24.1. The service so rendered shall be described in written statement under oath subscribed by the applicant. The employer, if any, of the applicant shall certify to the authenticity of such statement.

24.26. *Non-Transferability:* A mechanic certificate is not transferable.

24.27. *Suspension or Revocation:* A mechanic certificate may be suspended or revoked by reason of any of the following, on the part of the holders thereof:

24.270 (a). Any false statement in an application for a certificate or in any report required by the Secretary.

24.271 (b). Using or displaying the certificate for any fraudulent purpose.

24.272 (c). Refusal to exhibit the certificate upon proper demand.

24.273 (d). Carelessness or inattention to duty.

24.274 (e). Any demonstration of incompetency in the construction, repair, adjustment, or overhaul of aircraft, or aircraft engines, or in the inspection of construction, repair, adjustment, or overhaul thereof.

24.275 (f). Being under the influence, or using, or having personal possession, of intoxicating liquor, cocaine, or other habit-forming drugs while on duty.

24.276 (g). Doing any act in connection with aircraft or aircraft engines which is contrary to the public safety or interest, or detrimental to the morale of pilots or mechanics.

24.277 (h). Violation of any provisions of the Air Commerce Act or of any of the rules or regulations duly issued thereunder.

24.28. *Surrender:* Upon notice from the Secretary of the suspension or revocation of his mechanic certificate, the holder shall immediately return such certificate to the Secretary.

24.29. *Re-Application:* An applicant for a mechanic certificate of competency who has failed to successfully accomplish the prescribed theoretical or practical tests may apply for re-examination at any time after the expiration of 90 days, from the date of such failure.

24.3. EXAMINATIONS AND TESTS

24.30. *General:* The examinations and tests prescribed in the foregoing regulations will be conducted by an authorized officer or employee of the Department of Commerce or by a properly qualified person designated for the purpose by the Secretary. The Secretary may, in his discretion and at any time, require any applicant, or mechanic certificate holder, to undergo a re-examination in any theoretical or practical test prescribed as requisite for such certificates.

24.31. *Time and Place:* All examinations and tests will be held at such times and places as the Secretary may designate.

24.32. *Inspection:* The applicant for any mechanic certificate of competency shall offer full cooperation in respect of any inspection and examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of a mechanic certificate of competency.

24.33. *Standard of Performance:* All practical or theoretical examinations and tests shall be accomplished to the satisfaction of the Secretary, and the minimum passing grade in any subject of examination or test shall be 70 per cent.

24.34. *Reports:* The person giving any examination or test in behalf of the Secretary will promptly report the result thereof to the Secretary.

24.4. MECHANIC REGULATIONS: The following rules pertaining to mechanic certificates will govern mechanic services in relation to certificated aircraft:

24.40. *Repair or Overhaul of Aircraft:* A workman or mechanic, other than one possessed of a valid mechanic certificate, may engage in the repair or overhaul of certificated aircraft if such repair or overhaul is in charge of a mechanic possessed of a valid mechanic certificate.





25. PARACHUTE RIGGER RATING


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CHAPTER 25. PARACHUTE RIGGER RATING

25.0. PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide by regulation for the rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service, parachute riggers will be rated in accordance with the provisions of the following paragraphs:

25.1. MINIMUM REQUIREMENTS: To be eligible for a parachute rigger competency rating, an applicant shall comply with the following minimum requirements.

25.10. *Age:* Applicant shall be at least 18 years of age.

25.11. *Character:* Applicant shall be of good moral character.

25.12. *Citizenship:* Applicant may be a citizen of any nationality.

25.13. *Education:* Applicant shall be able to read, write, speak and understand the English language.

25.14. *Aeronautical Experience:* Applicant shall show satisfactory proof of having packed 20 or more parachutes under the supervision of a certificated parachute rigger.

25.2. PARACHUTE RIGGER CERTIFICATE

25.20. *Provision for Issuance:* A parachute rigger certificate of competency will be issued by the Secretary, upon approval of application made and satisfactory proofs submitted, to a natural person who, upon inspection and examination, is found by the Secretary to meet the minimum requirements prescribed in CAR 25.1 and is, therefore, rated as competent to pack, repair, inspect, and maintain any parachute used in connection with civil aircraft of the United States.

25.200. Each holder of a valid parachute rigger license on the date these regulations go into effect may perform service pursuant to such authority until the expiration thereof, and then, upon compliance with the provisions for the renewal thereof, have issued to him a parachute rigger certificate, as provided for herein.

25.21. *Application:* Application for a parachute rigger certificate of competency, subscribed under oath, shall be made to the Secretary upon a form supplied for the purpose.

25.210. Application to Amend—When any change in a parachute rigger competency rating is desired, the applicant shall file a written request therefor with the Secretary or may make oral or written request of the local Bureau inspector.

25.211. Proceeding to Amend—A proceeding to amend a parachute rigger competency rating may be instituted by the Secretary when, in his opinion, the parachute rigger is no longer competent in respect of some matter specified in

the certificate. Notice of such proceeding shall be addressed to the parachute rigger with opportunity for a hearing. In the interim, the certificate may be suspended in whole or in part. Following the hearing, the Secretary may issue a rerating as to competency.

25.22. *Issuance:* Upon approval of an application duly made, proof submitted and examinations and tests satisfactorily completed, a parachute rigger certificate of competency will be issued.

25.220. Temporary Certificate—Following application made for a parachute rigger certificate, but prior to approval thereof and issuance of the certificate, a temporary parachute rigger certificate may be issued by the local Bureau inspector. Likewise, for the period of time elapsing between application for renewal of a certificate and the issuance of the renewal, a temporary certificate may be issued by the local Bureau inspector.

25.23. *Display:* A parachute rigger certificate shall be kept in the holder's personal possession when he is working on any parachute and must be presented for inspection upon demand of any prospective wearer, user, or owner of a parachute upon which such rigger has worked, or any authorized official or employee of the Department of Commerce, or State or municipal official charged with enforcing local regulations or laws involving Federal compliance, or upon the reasonable request of any other person.

25.24. *Duration:* A parachute rigger certificate, unless sooner suspended or revoked in accordance with the provisions of CAR 25.27, will remain in force for 2 years after date of issue.

25.25. *Renewal:* A parachute rigger certificate may be renewed upon application within 30 days prior to the expiration thereof and upon satisfactory showing that, during at least one-half of the term thereof, the holder has rendered service under his certificate and has packed at least 25 parachutes.

25.26. *Non-Transferability:* A parachute rigger certificate is not transferable.

25.27. *Suspension or Revocation:* A parachute rigger certificate may be suspended or revoked by reason of any of the following on the part of the holder thereof:

25.270 (a). Any false statement in application for certificate or in any report required by the Secretary.

25.271 (b). Using or displaying certificate for any fraudulent purpose.

25.272 (c). Refusal to exhibit certificate on proper demand.

25.273 (d). Doing any act in connection with parachutes which is contrary to the public safety or interest, or detrimental to the morale of pilots or parachute riggers.

25.274 (e). Any demonstration of incompetency in the repair, maintenance, inspection, or packing of a parachute. Furthermore, the failure of any parachute packed by the certificate holder to open after the rip cord was pulled by the wearer shall be prima facie evidence of incompetency.

25.275 (f). Being under the influence of, or using or having personal possession of intoxicating liquor, cocaine, or other habit-forming drugs while on duty.

25.276 (g). Carelessness or inattention to duty.

25.277 (h). Violation of any provision of the Air Commerce Act or any regulations duly issued thereunder.

25.28. *Surrender:* Upon notice from the Secretary of the suspension or revocation of his parachute rigger certificate, the holder shall immediately return such certificate to the Secretary.

25.29. *Re-Application:* Any applicant for a parachute rigger certificate who has failed to accomplish successfully the prescribed theoretical or practical tests or meet the requirements for such rating or certificate shall be privileged to reapply any time after the expiration of 90 days from the date of such disapproval.

25.3. EXAMINATIONS AND TESTS

25.30. *General:* The examinations and tests prescribed in the foregoing regulations will be conducted by an authorized officer or employee of the Department of Commerce or by a properly qualified person designated by the Secretary. The Secretary may, in his discretion and at any time, require any applicant or the holder of any parachute rigger certificate to undergo a re-examination in any theoretical or practical test prescribed as requisite for such rating or certificate.

25.31. *Time and Place:* All examinations and tests will be held at such time and place as the Secretary may designate.

25.32. *Inspection:* The applicant for any parachute rigger certificate of competency shall offer full cooperation in respect of any inspection and examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of a parachute rigger certificate of competency.

25.33. *Standard of Performance:* All practical and theoretical examinations and tests shall be accomplished to the satisfaction of the Secretary, and the minimum passing grade in the subject of examination or test shall be 70 per cent.

25.34. *Reports:* The person giving any examination or test in behalf of the Secretary will promptly report the result thereof to the Secretary.

25.4. PARACHUTE RIGGER REGULATIONS: The following rules pertaining to parachute rigger certificates will govern parachute rigger services in relation to parachutes:

25.40. *Necessity for Certificate:* No person (other than one designated by, and operating as a parachute packer or rigger for, the Army or Navy) shall pack, repair, inspect, or maintain any parachute used in connection with civil aircraft of the United States, unless possessed of a valid parachute rigger certificate of competency.

25.41. *Responsibility in Repacking:* A person possessed of a valid parachute rigger certificate shall be charged with the responsibility of refusing to repack any parachute which is in an unairworthy conditions.

25.42. *Minimum Facilities:* A person possessed of a valid parachute rigger certificate shall not pack, repack or repair as provided for in CAR 25.43, any parachute except in a place where the minimum facilities for such operations are

(a) A suitable table, at least 3 by 40 feet, with smooth surface;

(b) a rack where parachutes can be suspended for drying and airing;

(c) packing tools and repair equipment suitable for the repacking and repair of the type of parachute involved, and

(d) adequate housing facilities for the above equipment.

25.43. *Minor Repairs:* Repairs such as the replacement of pack-opening rubbers, packs and pilot chutes, and the patching of holes and tears in silk, may be made by any person possessed of a valid parachute rigger certificate.

25.44. *Major Repairs:* Repairs such as the replacement of canopies, panels, shroud lines and harness shall be made only by the manufacturer of the parachute involved, or by another manufacturer of parachutes deemed competent by the Secretary to make such repairs.

26. AIRPORT CONTROL TOWER OPERATOR RATING


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CHAPTER 26. AIRPORT CONTROL TOWER OPERATOR RATING

26.0. PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide by regulation for the rating of all airmen serving in connection with aircraft of the United States as to their qualifications for such service and for the issuance of airmen certificates and such other certificates and regulations as the Secretary deems necessary in administering the Act, airport control tower operator ratings will be as follows:

(a) Junior Airport Control Tower Operator Rating.
(b) Associate Airport Control Tower Operator Rating.
(c) Senior Airport Control Tower Operator Rating.

26.1. MINIMUM REQUIREMENTS: To be eligible for an airport control tower operator competency rating, an applicant shall comply with the following minimum requirements prescribed for the rating sought.

26.10. *Junior Control Tower Operator Rating:* To be eligible for a junior control tower operator rating, applicant shall comply with the following minimum requirements.

26.100. Age—Applicant shall be at least 22 years of age.

26.101. Character—Applicant shall be of good moral character.

26.102. Citizenship—Applicant shall be

(a) a citizen of the United States, or

(b) an alien who has filed his declaration of intention to become a citizen of the United States and notifies the Secretary of the serial number of such declaration and of the date thereof and of the court in which it is filed: *Provided,* That the certificate of competency is, in such case, subject to revocation if the holder does not from time to time keep the Secretary advised of the status of the proceedings in court and does not diligently and successfully prosecute them and become admitted as a citizen.

26.103. Education—Applicant shall be able to read, write, and understand the English language, shall be able to speak the English language without accent or impediment of speech which would interfere with intelligible two-way radio conversation, and shall be a high school graduate or its equivalent.

26.104. Physical Requirements—Applicant shall comply with the following minimum requirements as to physical condition.

26.1040 (a). Eye—Applicant shall have a visual acuity of at least 20/20 in each eye separately without correction; an average depth perception of 30 millimeters or less without correction; no diplopia; not more than 1 diopter of hyperphoria; properly balanced eye muscles with an abduction of 3 diopters or more; sufficient accommodation to pass a Bureau test based primarily upon ability to read official aeronautical maps; normal fields of vision, and no pathology of the eye.

26.1041 (b). Ear, Nose, Throat and Equilibrium—Applicant shall be able to hear the whispered voice at eight feet with each ear separately; shall have no acute or chronic disease of the middle or internal ear; no disease of the mastoid; no unhealed perforations of the ear drum; no disease or malformation of the nose or throat which will interfere with or be aggravated by the performance of his duties, and no disturbance of equilibrium.

26.1042 (c). General Physical Condition—Applicant shall have no organic or functional disease, nor any structural defect or limitation which might interfere with the proper performance of his duties.

26.1043 (d). Nervous System—Applicant shall have no disease of the mental or nervous system and no abnormality of the personality.

26.105. Aeronautical Knowledge—Applicant shall be familiar with and accomplish satisfactorily an examination on

26.1050 (a). airway traffic control procedure (See CAR 60),

26.1051 (b). airline schedules at the airport for which he seeks to be rated,

26.1052 (c). airport traffic control regulations for the airport for which he seeks to be rated, and

26.1053 (d). teletype symbols and weather sequences on airways converging on the airport for which he seeks to be rated.

26.106. Aeronautical Experience—No minimum requirements.

26.11. *Associate Airport Control Tower Operator Rating:* To be eligible for an associate airport control tower operator rating an applicant shall comply with the following minimum requirements:

26.110. Age—Applicant shall be at least 25 years of age.

26.111. Character—Same as CAR 26.101.

26.112. Citizenship—Applicant must be a citizen of the United States.

26.113. Education—Same as CAR 26.103.

26.114. Physical Requirements—Same as CAR 26.104, except that vision of 20/30 will be permitted provided applicant has served satisfactorily, in the opinion of the Secretary, as an airport control tower operator for a period of 6 months during the year immediately preceding his application.

26.115. Aeronautical Knowledge—Same as in CAR 26.105, and in addition the applicant shall be familiar with and accomplish satisfactorily an examination on

26.1150 (a). airline operation procedure at the airport for which he seeks to be rated,

26.1151 (b). air navigation facilities within 200 miles of the airport for which he seeks to be rated,

26.1152 (c). air traffic rules as provided in CAR 60,

26.1153 (d). the current Consolidated Interline Safety Agreement, and

26.1154 (e). airline and itinerant radio frequencies and radio procedures.

26.116. Aeronautical Experience—Applicant shall have

26.1160 (a). performed satisfactory service as a junior airport control tower operator for the year immediately preceding the date of application for rating as associate control tower operator, provided the 3 months immediately preceding such application shall have been served satisfactorily at the airport for which applicant seeks to be rated, or have

26.1161 (b). performed satisfactory service as a junior airport control tower operator for the 6 months immediately preceding the date of application for rating as associate control tower operator, provided, however, that the 3 months immediately preceding such application shall have been served satisfactorily at the airport for which applicant seeks to be rated, and provided further that the applicant has served satisfactorily as an airport control tower operator for a period of one year during the 3 years immediately preceding the date of his application, or have

26.1162 (c). performed satisfactory service for the 6 months immediately preceding such application as the operator of the control tower at the airport for which he seeks to be rated, or have

26.1163 (d). performed satisfactory service for one year of the 2 years immediately preceding such application (1) as the operator of an airport control tower, (2) as a fixed base operator, (3) in the operations department of a certificated airline, or (4) as a pilot with at least a commercial pilot competency certificate, and

26.1164 (e). shall possess an appropriate valid radio license issued by the Federal Communications Commission.

26.117. Approval by Examining Board.

26.1170 (a). An applicant shall be given an examination by a board appointed by a designated representative of the Bureau and composed of at least 3 members, one selected from the airport management and the others from airline operation departments, Bureau representatives and military aviation units on the airport or from among other competent aeronautical officials having personal knowledge of the qualifications of the applicant and the duties to be performed.

26.1171 (b). The applicant must receive the approval in writing of a majority of the members of such board before consideration will be given for issuance of a certificate of competency to him.

26.1172 (c). The representative of the Secretary will be the chairman of the examining board and will submit to the Secretary, along with the application, a written report embodying his own opinion and the consensus of the board of examiners as to the qualifications of the applicant for performing the duties of the service for which he seeks rating.

26.12. *Senior Airport Control Tower Operator Rating:* To be eligible for a senior airport control tower operator rating, an applicant shall comply with the following minimum requirements:

26.120. Age—Same as CAR 26.110.
26.121. Character—Same as CAR 26.101.
26.122. Citizenship—Same as CAR 26.112.
26.123. Education—Same as CAR 26.103.
26.124. Physical Requirements—Same as CAR 26.114.
26.125. Aeronautical Knowledge—Same as CAR 26.115.
26.126. Aeronautical Experience—Applicant shall have

26.1260 (a). Performed satisfactory service as an associate airport control tower operator for at least one year during the 18 months immediately preceding the date of application for rating as senior airport control tower operator, provided, however, that at least 3 months of the 6 months' period immediately preceding such application shall have been at the airport for which he seeks to be rated, or have

26.1261 (b). performed satisfactory service for the 6 months immediately preceding application as the operator in charge of the control tower at the airport for which he seeks to be rated, and shall

26.1262 (c). demonstrate satisfactorily his ability to supervise and manage all activities of an airport control tower, including the preparation of such reports as may be required from time to time by the airport management and the Secretary, and

26.1263 (d). Same as CAR 26.1164.

26.127. Approval by Examining Board—Same as CAR 26.117.

26.2. AIRPORT CONTROL TOWER OPERATOR CERTIFICATE

26.20. *Provision for Issuance:* An appropriate airport control tower operator certificate of competency will be issued by the Secretary, upon approval of an application made and satisfactory proofs submitted, to a natural person who upon inspection and examination is found by the Secretary to meet the appropriate minimum requirements prescribed in CAR 26.1, and who is therefore rated as competent to control the movements of aircraft on and in the vicinity of the airport at which his competency to control such aircraft has been demonstrated.

26.21. *Application:* Application for an airport control tower operator certificate of competency, subscribed under oath, shall be made to the Secretary upon a form supplied for that purpose.

26.210. Application to Amend—When any change in an airport control tower operator competency rating is desired, the applicant shall file a written request therefor with the Secretary through a designated inspector or airway traffic control manager of the Bureau.

26.211. Proceeding to Amend—A proceeding to amend an airport control tower operator rating may be instituted by the Secretary when, in his opinion, the operator is no longer competent in respect to some matter specified in the certificate. Notice of such proceeding shall be addressed to such operator with opportunity for a hearing. In the interim, the certificate may be suspended in whole or in part. Following the hearing, the Secretary may issue a rerating as to competency.

26.22. *Issuance:* Upon approval of an application duly made, proofs submitted and examinations and tests satisfactorily completed, an airport control tower operator certificate of competency will be issued in an appropriate form.

26.220. Temporary Certificate—Following application made for an airport control tower operator certificate of competency, but prior to approval thereof and issuance of the certificate, an appropriate temporary certificate may be issued by the examining Bureau representative. This temporary certificate shall remain in force until the appropriate airport control tower operator certificate of competency is issued or denied by the Secretary, but not to exceed a period of 60 days.

26.23. *Display:* An airport control tower operator certificate shall be kept in the personal possession of the operator at all times when he is on duty in connection with the control of aircraft, and shall be presented upon the demand of any authorized official or employee of the Department of Commerce or of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

26.24. *Duration:* The airport control tower operator certificate, unless sooner suspended or revoked, shall remain in force for one year from date of issuance, and only for the airport mentioned in the certificate: *Provided, however,* That an airport control tower operator certificate, regardless of rating, shall revert to that of junior airport control tower operator rating for at least 2 months subsequent to the entering upon duty of the holder thereof at a different airport control tower, after which period application may be made for reinstatement of the rating previously held, but for the airport for which applicant seeks to be rated. The operator need not take the physical examination required in CAR 26.104 if he has satisfactorily passed the same within the preceding 12 months.

26.25. *Renewal:* An airport control tower operator certificate may be renewed upon application made within 45 days prior to expiration for the same duration as the original upon showing of

26.250 (a). a satisfactory physical examination, as provided in CAR 26.104, by a designated medical examiner of the Bureau, completed within the 45 days preceding expiration, and

26.251 (b). a letter from his employer or superior officer to the effect that the holder thereof has satisfactorily performed his duties in the airport control tower for at least 3 months immediately preceding date of application for renewal.

26.252. Reinstatement—In the event of an emergency which prevents renewal prior to expiration, and upon a showing thereof satisfactory to the Secretary, the applicant may have his airport control tower operator certificate validated in accordance with the provisions for renewal in CAR 26.25, provided such examinations and tests (including the medical examination within 45 days prior to the application for reinstatement) appropriate to the rating as the Secretary may deem necessary, are satisfactorily accomplished.

26.26. *Non-Transferability:* An airport control tower operator certificate is not transferable.

26.27. *Suspension or Revocation:* An airport control tower operator certificate may be suspended or revoked by reason of any of the following on the part of the holder thereof:

26.270 (a). Violating any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

26.271 (b). Carelessness or inattention to duty affecting safety.

26.272 (c). Unsound physical or mental condition.

26.273 (d). Any demonstration of incompetency in the operation or supervision of an airport control tower.

26.274 (e). Being, or knowingly permitting, a superior, subordinate, fellow operator or other person to be under the influence of, or using, or having personal possession of intoxicating liquor, cocaine, or other habit-forming drug, while present in the airport control tower or on duty directing or controlling aircraft movements.

26.275 (f). Refusing to exhibit his certificate upon proper demand.

26.276 (g). Making any false statements in an application for a certificate or in any report required by the Secretary.

26.277 (h). Performing any act in connection with the control and direction of aircraft which is contrary to the public safety or interest, or detrimental to the morale of pilots or other persons.

26.278 (i). Using or displaying his certificate for any fraudulent purpose.

26.28. *Surrender:* Upon notice from the Secretary of the suspension or revocation of any airport control tower operator certificate, the holder thereof shall promptly return such certificate to the Secretary.

26.29. *Re-Application:* An applicant for an airport control tower operator certificate who has failed to successfully accomplish the prescribed theoretical or practical tests may apply for re-examination at any time after the expiration of 90 days from the date of such failure.

26.3. EXAMINATIONS AND TESTS

26.30. *General:* The examinations and tests prescribed in the foregoing regulations will be conducted by an authorized officer or employee of the Department of Commerce or by a properly qualified person designated for the purpose by the Secretary. The Secretary may, in his discretion and at any time, require any applicant or airport control tower operator certificate holder to undergo a re-examination in any theoretical or practical test prescribed as a requisite for such certificate.

26.31. *Time and Place:* All examinations and tests will be held at such times and places as the Secretary may designate.

26.32. *Physical Examination:* In connection with the original issuance of any airport control tower operator certificate the physical examination prescribed shall be accomplished by a medical examiner of the Department of Commerce duly authorized to so examine applicants for such certificate before any practical or theoretical test or other examination will be given, and shall be completed within the 60 days preceding the date of filing application for such certificate.

26.33. *Inspection:* The applicant for any airport control tower operator certificate shall offer full cooperation in respect of any inspection or examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of such certificate.

26.34. *Standard of Performance:* All practical or theoretical examinations and tests shall be accomplished to the satisfaction of the Secretary and the minimum passing grade in any subject of examination or test shall be 70 per cent.

26.35. *Reports:* The person giving any examination or test in behalf of the Secretary shall promptly report the result thereof upon the appropriate form to the Secretary.

27. AIRLINE DISPATCHER RATING

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CHAPTER 27. AIRLINE DISPATCHER RATING

27.0 PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide by regulation for the rating of all airmen serving in connection with aircraft of the United States as to their qualifications for such service and for the issuance of airmen certificates and such other certificates and regulations as the Secretary deems necessary in administering the Act, airline dispatchers will be certificated in accordance with the provisions of the following paragraphs.



27.1 MINIMUM REQUIREMENTS: To be eligible for an airline dispatcher competency rating, an applicant shall comply with the following minimum requirements.

27.10 *Dispatcher Rating:* To be eligible for a dispatcher rating:

27.100. Age—Applicant shall be at least 23 years of age.

27.101. Character—Applicant shall be of good moral character.

27.102. Citizenship—Applicant shall be

27.1020 (a). A citizen of the United States, or

27.1021 (b). A citizen of a foreign country which grants reciprocal commercial airmen privileges to citizens of the United States on equal terms and conditions with citizens of such foreign country, or

27.1022 (c). An alien who has filed his declaration of intention to become a citizen of the United States and notifies the Secretary of the serial number of such declaration and of the date thereof and of the court in which it is filed; *Provided,* That the certificate of competency is, in such case, subject to revocation if the holder does not from time to time keep the Secretary advised of the status of the proceedings in court and does not diligently and successfully prosecute them and become admitted as a citizen.

27.103. Education—Applicant shall be able to read, write and understand the English language, and speak the same without accent or impediment of speech that would interfere with two-way radio conversation.

27.104. Aeronautical Knowledge—Applicant shall be familiar with and shall accomplish a satisfactory written examination on:

27.10400 (a). The provisions of CAR 40 and 61 and those parts of CAR 60 which apply to dispatching. In each case the applicant shall understand the relation of each provision to airline operation.

27.10401 (b). The characteristics of at least one make and model of airline aircraft, with particular reference to gross load, pay loads under conditions of various fuel loads, fuel capacity, fuel consumption at specified power outputs, speed-power output, altitude charts. and loading charts.

27.10402 (c). The general system of weather collection and dissemination.

27.10403 (d). Weather map, forecast and sequence abbreviations. symbols and nomenclature. The general principles of modern methods of weather analysis including the application of data obtained from airplane weather observations and meteorological data reported from observations made by pilots engaged in airline flights.

27.10404 (e). Cloud forms, including average heights of their bases and approximate upper and lower limits within which their bases and tops respectively occur.

27.10405 (f). Weather conditions adversely affecting aeronautical activities, the circumstances under which they occur, how these are ascertained and located, and elementary principles of forecasting the conditions.

27.10406 (g). The influence of terrain upon meteorological conditions and developments, and the relation thereof to airline flight operations.

27.10407 (h). Elementary principles of radio communications and radio range operations and weather conditions adversely affecting each.

27.10408 (i). Department of Agriculture Weather Bureau Circular "N", Instructions for Airway Meteorological Service, and all amendments thereto.

27.10409 (j). Air navigation facilities in use on the civil airways, including rotating beacons, course lights, radio ranges. radio marker beacons and intermediate fields.

27.10410 (k). Elementary principles of aircraft navigation, and use and limitations of sensitive type altimeters particularly with respect to barometric settings.

27.105. Aeronautical Experience—Applicant shall

27.1050 (a). have been listed as a dispatcher in the airmen competency letter of an airline and have served as a dispatcher for such airline for at least 6 months of the 18 months' period immediately preceding application, or

27.1051 (b). have served as a first or second pilot for a certificated airline for at least one year of the 3 years imme-

diately preceding application and have served as a dispatcher for such airline for at least 3 months of the 18 months' period immediately preceding application, or

27.1052 (c). have served for 2 years of the 4 years immediately preceding application in the operations department of a certificated airline, or

27.1053 (d). be a graduate of an airline dispatcher course of a certificated flying school, which course is deemed by the Secretary to offer the equivalent of CAR 27.1050 through 27.1052.

27.1054 (e). On the effective date of these regulations and for 6 months thereafter an applicant employed or formerly employed for the purpose of the dispatching and flight control of aircraft in airline service may be deemed by the Secretary to have met the requirements of CAR 27.105, and if so deemed, shall be presumptively entitled to an airline dispatcher rating.

27.1055. Any person now or formerly employed by an airline for the purpose of dispatching and flight control of aircraft in airline service for the periods specified either in CAR 27.1050 or CAR 27.1051 may be deemed by the Secretary to have met these respective requirements as to prior dispatcher service.

27.106. Aeronautical Skill—Applicant shall be able:

27.1060 (a). To make a reasonably accurate and intelligent analysis of a series of Weather Bureau 6-hourly maps, in accordance with modern methods, and forecast therefrom the subsequent weather conditions pertinent to flying operations.

27.1061 (b). To make an accurate and detailed analysis, in accordance with modern methods, of weather conditions prevailing in the general neighborhood of a specified civil airway from a series of Weather Bureau 6-hourly maps and sequency reports, and forecast accurately subsequent weather trends pertinent to flying operations, with particular reference to specified terminals.

27.2 AIRLINE DISPATCHER CERTIFICATE

27.20. *Provision for Issuance:* An airline dispatcher certificate of competency will be issued by the Secretary to a natural person, who is an applicant therefor, after approval of an application made and proofs submitted in connection therewith and, if upon inspection and examination, said applicant is found by the Secretary to meet the minimum requirements prescribed in CAR 27.1. (However, such person shall not dispatch airline aircraft until he has qualified as to route competency in accordance with the provisions of CAR 61.553.)

27.21. *Application:* Application for an airline dispatcher certificate, subscribed under oath, shall be made to the Secretary upon a form supplied for the purpose.

27.22. *Issuance:* Upon approval of an application duly made, proofs submitted, and examinations and tests satisfactorily completed, an airline dispatcher certificate of competency will be issued in an appropriate form.

27.220. Temporary Certificate—Following application made for an airline dispatcher certificate of competency, but prior to approval thereof and issuance of the certificate, a temporary dispatcher certificate may be issued by the local Bureau airline inspector.

27.23. *Display:* An airline dispatcher certificate shall be kept in the personal possession of the holder thereof at all times when he is on duty in connection with the dispatching of airline aircraft, and shall be presented upon the demand of any authorized official or employee of the Department of Commerce or of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

27.24. *Duration:* An airline dispatcher certificate, unless sooner suspended or revoked in accordance with the provisions of CAR 27.27, will remain in force for one year after the date of issue.

27.25. *Renewal:* An airline dispatcher certificate may be renewed for additional period of one year upon application within 45 days of expiration and upon proof that the holder thereof has been listed as a dispatcher in the airmen competency letter of an airline and has served as a dispatcher for such airline for at least six months of the 12 months' period immediately preceding expiration of such certificate, or has had experience deemed equivalent by the Secretary.

27.250. Reinstatement—In the event of an emergency which prevents renewal prior to expiration, and upon a showing thereof satisfactory to the Secretary, the applicant may have his airline dispatcher certificate validated in accordance with the provisions for renewal in CAR 27.25.

27.26. *Non-Transferability:* An airline dispatcher certificate is not transferable.

27.27. *Suspension or Revocation:* An airline dispatcher certificate may be suspended or, after hearing, revoked by reason of any of the following, on the part of the holders thereof:

27.270 (a). Any false statement in an application for a certificate or in any report required by the Secretary.

27.271 (b). Using or displaying the certificate for any fraudulent purpose.

27.272 (c). Refusal to exhibit the certificate upon proper demand.

27.273 (d). Carelessness or inattention to duty affecting safety.

27.274 (e). Any demonstration of incompetency in the dispatch of airline aircraft.

27.275 (f). Being under the influence, or using, or having personal possession, of intoxicating liquor, cocaine, or other habit-forming drugs while on duty.

27.276 (g). Doing any act in connection with the dispatch of airline aircraft which is contrary to the public safety or interest.

27.277 (h). Violation of any provision of the Air Commerce Act or any of the rules or regulations duly issued thereunder.

27.28. *Surrender:* Upon notice from the Secretary of the suspension or revocation of his airline dispatcher certificate, the holder shall immediately return such certificate to the Secretary.

27.29. *Re-Application:* An applicant for an airline dispatcher certificate of competency who has failed to successfully accomplish the prescribed theoretical or practical tests may apply for re-examination at any time after the expiration of 30 days, from the date of such failure.

27.3. EXAMINATIONS AND TESTS

27.30. *General:* The examinations and tests prescribed in the foregoing regulations will be conducted by an authorized officer or employee of the Department of Commerce or by a properly qualified person designated for the purpose by the Secretary. The Secretary may, in his discretion and at any time, require any applicant or airline dispatcher certificate holder to undergo a re-examination in any theoretical or practical test prescribed as requisite for such certificates.

27.31. *Time and Place:* All examinations and tests will be held at such times and places as the Secretary may designate.

27.32. *Inspection:* The applicant for an airline dispatcher certificate of competency shall offer full cooperation in respect of any inspection and examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of an airline dispatcher certificate of competency.

27.33. *Standard of Performance:* All practical or theoretical examinations and tests shall be accomplished to the satisfaction of the Secretary and the minimum passing grade in any subject of examination or test shall be 70 per cent.

27.34. *Reports:* The person giving any examination or test in behalf of the Secretary shall promptly report the result thereof upon an appropriate form to the Secretary.

40. SCHEDULED AIRLINE CERTIFICATION (INTERSTATE)


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CHAPTER 40. SCHEDULED AIRLINE CERTIFICATION (INTERSTATE)

40.0. PROVISION FOR CERTIFICATION: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide for the examination and rating of and the issuance of certificates to all airlines engaged in interstate or foreign air commerce as to their qualifications for such service, the following regulations are prescribed for such certification of scheduled airlines engaged in interstate air commerce as to their competency.

40.1. GENERAL MINIMUM REQUIREMENTS: To be eligible for a scheduled airline competency certificate, an applicant shall meet and comply with the following general minimum requirements.

40.10. *Economic Strength:* Applicant shall show economic and financial strength sufficient to establish a presumption of ability to operate the airline with reasonable safety as related to the service offered, for a period of at least one year.

40.11. *Route:* Applicant shall show that the route, including any alternate route, over which it proposes to operate is, or prior to operation will be, equipped with such air navigation facilities (including terminal and intermediate airports, intermediate landing fields and ground aids to air navigation) as are deemed by the Secretary to be necessary for safe operation as related to the service offered, provided that on the route to any alternate terminal such operation may be approved provided a signal from the alternate terminal range can be heard.

40.12. *Aircraft:* Applicant shall show certificated aircraft as provided in CAR 04, of a model and number deemed by the Secretary to be necessary for safe operation as related to the service offered, the route traversed, and the operating and maintenance procedures and techniques proposed.

40.13. *Airmen:* Applicant shall show certificated airmen (including both flight and ground personnel) of kind, grade, and number deemed by the Secretary to be necessary for safe operation as related to the service offered, the route traversed, the aircraft used, and the operating and maintenance procedures and techniques proposed.

40.14. *Operations Manual:* Applicant shall show an operations manual, prepared for the use of its airmen, which fully details the operating and communications methods, procedures and techniques proposed for its airline.

40.15. *Maintenance Manual:* Applicant shall show a maintenance manual or suitable equivalent prepared for the use of its airmen and other maintenance personnel which adequately defines the maintenance methods, procedures and technique proposed for its airline operations.

40.16. *Schedules:* Applicant shall show proposed schedules set up with due regard to sufficient time for the adequate servicing of fuel and oil at intermediate stops, to prevailing winds, and on the basis of a cruising speed of the aircraft at not to exceed that corresponding to the specified cruising power output of the engines as specified in the operations manual.

40.2. PASSENGER MINIMUM REQUIREMENTS: To be eligible for a scheduled airline competency certificate for the carriage of persons in interstate air commerce, an applicant, in addition to meeting the minimum requirements provided for in CAR 40.1, shall meet and comply with the following minimum requirements prescribed for the particular kind of operation proposed.

40.20. *Route Requirements: Visual-Contact Day Operation*

40.200. Airway—Applicant shall show that the regular route over which the proposed operations will be conducted is, or prior to authorization will be, within the limits of a civil airway. (If applicant's proposed route does not lie within the limits of a civil airway, a petition requesting that a civil airway be designated to embrace such route may be made simultaneously with the airline certificate application.)

40.201. Airports—Applicant shall show that the airport to be used at each proposed route terminal and scheduled intermediate stop is possessed of a valid airport competency rating with relation to each aircraft which applicant proposes to use in its operation.

40.202. Public Protection—Applicant shall show that reasonable and adequate facilities and safety devices (including protection from revolving aircraft propellers) are provided for the protection of the public at each terminal and scheduled intermediate stop.

40.203. Intermediate Fields—Applicant shall show intermediate fields, available for safe landings with the load authorized for the route or part thereof, located at not more than 100 mile intervals along the proposed route provided that at the discretion of the Secretary, intermediate fields may be permitted or required at other than 100 mile intervals.

40.204. Refueling Facilities—Applicant shall show that adequate refueling facilities, including equipment to test gasoline storage tanks for the presence of water and to remove any water or condensation found therein, are provided at each terminal, scheduled intermediate stop and intermediate field where refueling is contemplated.

40.205. Radio Facilities—Applicant shall show a two-way ground-to-aircraft radio telephone communication system at each terminal and at such points as may be deemed necessary by the Secretary to insure satisfactory communications over the entire route under normal operating conditions. Such system shall be independent of radio facilities provided by Federal or other governmental agencies.

40.206. Weather Reporting—Applicant shall show weather reporting services at the proposed terminals and enroute, adequate to insure sufficient weather reports prepared from observations made and released by the United States Weather Bureau or by a source approved by it.

40.21. *Route Requirements: Visual-Contact Night Operation*

40.210. Airway—Applicant shall meet the requirements of CAR 40.200 and, in addition, shall show that the proposed route is equipped with such airway beacons and obstruction lights as are deemed by the Secretary to be adequate for safe airline operation at night.

40.211. Airports—Applicant shall meet the requirements of CAR 40.201 and, in addition, shall show that the airport to be used at each proposed terminal and scheduled intermediate

stop is equipped with such lighting facilities as are deemed by the Secretary to be adequate for safe airline operation at night.

40.212. Public Protection—Same as in CAR 40.202.

40.213. Intermediate Fields—Applicant shall meet the requirements of CAR 40.203 and, in addition, shall show that such intermediate fields are equipped with lighting facilities as required by CAR 40.211.

40.214. Refueling Facilities—Same as in CAR 40.204.

40.215. Radio Facilities—Same as in CAR 40.205.

40.216. Weather Reporting—Same as in CAR 40.206.

40.22. *Route Requirements: Instrument and/or Over the Top Operation*

40.220. Airway—Applicant shall meet the requirements of CAR 40.200 for day operation, or of CAR 40.210 for night operation. In addition, for either day or night operation, applicant shall show that the proposed route is equipped with such radio range beacons (or equivalent facilities) projecting courses over the proposed route, as are deemed by the Secretary to be adequate for safe airline operation. Application shall also show other radio navigational aids (including radio markers) as may be deemed necessary by the Secretary.

40.221. Airports—For day operation applicant shall show that the airport to be used at each proposed route terminal, scheduled intermediate stop and alternate terminal is possessed of a valid airport competency rating with relation to each aircraft which applicant proposes to use in its operation. For night operation applicant shall meet the foregoing requirements and, in addition, shall show that the proposed terminal, scheduled intermediate stop, and alternate, airports are provided with such lighting facilities as are deemed by the Secretary to be adequate for safe airline operation at night.

40.222. Public Protection—Same as in CAR 40.202.

40.223. Intermediate Fields—Same as in CAR 40.203 for day operation, and as in CAR 40.213 for night operation.

40.224. Refueling Facilities—Same as in CAR 40.204.

40.225. Radio Facilities—Same as in CAR 40.205.

40.226. Weather Reporting—Same as in CAR 40.206.

40.23. *Aircraft Requirements: Visual-Contact Day Operation*

40.230. If Single Engine Operation over Land—Applicant shall show land aircraft of a model and number necessary for safe operation, or applicant may show a similar number of water aircraft if the route to be flown over is such that the aircraft can, at all times, reach open water deemed suitable by the Secretary for a safe landing in the event of complete power failure. Single-engine aircraft may be operated over civil airways provided such airways are deemed by the Secretary to have suitable landing terrain.

40.231. If Single-Engine Operation over Water—Applicant shall show water aircraft of a model and number necessary for safe operation, or applicant may show a similar number of land aircraft if the route to be flown over is such that the aircraft can, at all times, reach land deemed suitable by the Secretary for a safe landing in the event of complete power failure.

40.232. If Multi-Engine Operation over Land—Applicant shall show aircraft of a model and number necessary for safe operation. Applicant shall also show that such aircraft (other than those specifically listed as in scheduled airline service by the applicant prior to January 1, 1935) to be used on the proposed route or part thereof are capable, with any one engine completely out of commission, of maintaining level flight with authorized load for the route or part thereof at an altitude of at least 1,000 feet above the highest obstruction to flight on the valley level of such route or part thereof on which the aircraft will be operated.

40.233. If Multi-Engine Operation over Water—Applicant shall show aircraft of a model and number necessary for safe operation. Applicant shall also show that such aircraft, which are to be used on the proposed route or part thereof are capable, with any one engine completely out of commission, of maintaining level flight with authorized load at an altitude of at least 1,000 feet above the water. No multi-engine land aircraft shall be operated over water, beyond gliding distance from shore without the aid of power, unless such aircraft is equipped with a fully retractable landing gear with one or more suitable emergency exits located in the upper half of the fuselage, with life preservers or other adequate flotation devices readily available for each person on board, with a Very's pistol and cartridges or equivalent signal equipment deemed suitable by the Secretary, and with radio equipment as required by CAR 40.253, 40.2530, and 40.2531. The landing gear shall be in the retracted position in the event of an emergency landing upon water. The requirements of flotation devices and signal equipment are not applicable where the operation over water is merely that of landings and take-offs, provided there is marine rescue equipment deemed suitable by the Secretary.

40.234. Number of Aircraft—Applicant shall show aircraft, certificated as provided in CAR 04.53, of a number sufficient to permit the maintenance of all schedules proposed, as provided for in CAR 40.16.

40.235. Radio Equipment—Applicant shall show that each aircraft is equipped with an approved two-way radio telephone having sufficient power to permit communication, under normal operating conditions, with at least one ground station used or to be used by the applicant on the regular or alternate route, and capable of communication with other aircraft of the applicant in flight. In addition, each aircraft shall be provided with at least one radio receiving system capable of receiving radio range beacon signals and weather broadcasts.

40.236. Hangar Facilities—Applicant shall show hangar or other facilities adequate for the proper maintenance of the aircraft, engines, equipment and parts.

40.237. Shop Facilities—Applicant shall show shop facilities (including facilities for servicing, repair, and overhaul) adequate for the proper maintenance of all aircraft, engines and equipment used.

40.238. Inspection and Overhaul Organization and Procedures—Applicant shall show inspection and overhaul organization, procedures and techniques adequate for the proper maintenance of all aircraft, engines and equipment used.

40.24. *Aircraft Requirements: Visual-Contact Night Operation*

NOTE.—Single-engine aircraft may not be used in night operation with passengers.

40.240. If Operation over Land—Applicant shall show multi-engine land aircraft, which meet the flight performance requirements of CAR 40.232, and of a number necessary for safe operation as provided for in CAR 40.234.

40.241. If Operation over Water—Applicant shall show multi-engine land aircraft, which meet the flight performance and equipment requirements of CAR 40.233, and of a number necessary for safe operation as provided for in CAR 40.234.

40.242. Number of Aircraft—Same as in CAR 40.234.

40.243. Radio Equipment—Same as in CAR 40.235.

40.244. Hangar Facilities—Same as in CAR 40.236.

40.245. Shop Facilities—Same as in CAR 40.237.

40.246. Inspection and Overhaul Organization and Procedures—Same as in CAR 40.238.

40.25. *Aircraft Requirements: Instrument and/or Over the Top Operation*

NOTE.—Single-engine aircraft may not be used in an instrument or over the top operation with passengers.

40.250. If Operation over Land—Applicant shall show multi-engine aircraft of a model and number necessary for safe operation. Applicant shall also show that such aircraft (other than those specifically listed as in scheduled airline service by the applicant prior to January 1, 1935) to be used on the proposed route, or part thereof, are capable, with any one engine completely out of commission, of maintaining level flight, with authorized load for the route or part thereof, at an altitude equivalent to 1000 feet above the highest part of the terrain on the proposed instrument course of the route, or part thereof.

40.251. If Operation over Water—Same as in CAR 40.241



40.252. Number of Aircraft—Same as in CAR 40.234.

40.253. Radio Equipment—Same as in CAR 40.235 and, in addition, applicant shall show that there is installed in each aircraft to be used in instrument and/or over the top operation (during day or night) over the proposed route, or part thereof, one additional separate radio receiving system capable of receiving radio range signals and weather broadcasts. Such receiver system shall normally operate from the main source of electrical supply of the aircraft but, in event of failure of the normal power source, shall be capable of being switched to operate from an independent power source. This system shall include an independent power source capable of operating such receiver continuously for a period of at least 4 hours. It is also required that such receiver operate from an independent antenna or from either of two antennaes. Two sets of headphones shall be carried in the aircraft at all times.

40.2530. Radio Direction Finder—There shall also be installed in such aircraft an approved radio direction finder, covering at least the frequency range of 200 to 400 kilocycles. The design of the radio direction finder shall be such as to permit its regular operation in the taking of line bearings on any station to which the direction finder may be tuned without altering the course of the aircraft. The radio direction finder shall also be provided with means to eliminate, insofar as possible consistent with the advancement of the art, that type of interference commonly known as rain, snow, sleet or dust static. The radio direction finder shall provide means for audible reception of radio range and weather broadcast messages. It may be installed in lieu of the emergency receiver required in CAR 40.253 provided that an independent power source equal to that described therein for such receiver is employed on either the beacon receiver required therein or on this radio direction finder. (Effective January 1, 1938).

40.2531. Radio Anti-Static Antenna—There shall also be installed on such aircraft an approved radio antenna system, which has for its purpose the collection of radio range signals, weather broadcast and emergency messages transmitted within the frequency range of 200 to 400 kilocycles. The design of this antenna system shall be such as to eliminate insofar as possible, consistent with the advancement of the art, that type of interference commonly known as rain, snow, sleet or dust static. This antenna system shall be designed to operate efficiently when used in conjunction with a receiver installed aboard such aircraft which has for its primary purpose the reception of radio range signals, weather broadcast and emergency messages.

40.254. Hangar Facilities—Same as in CAR 40.236.

40.255. Shop Facilities—Same as in CAR 40.237.

40.256. Inspection and Overhaul Organization and Procedures—Same as in CAR 40.238.

40.26. *Airmen Requirements: Visual-Contact Day Operation*

40.260. Number—Applicant shall show airmen of a number sufficient to permit the maintaining of all schedules proposed, under safe operating conditions.

40.261. First Pilots—Applicant shall show that prior to the issuance of the airline certificate all persons employed to serve as first pilots for the airline meet the following minimum requirements for qualification as to aircraft and route competency.

40.2610 (a). Each first pilot shall be possessed of a valid airline pilot competency rating with specifications or ratings indicating competency to pilot aircraft of each model to be used by him in scheduled operation.

40.2611 (b). Each first pilot, within the 6 months immediately preceding his qualification for the route, shall have made one one-way trip without passengers over the proposed route or part thereof on which he will pilot aircraft for applicant, landing at least once at each terminal, scheduled intermediate stop and intermediate field. If landings cannot be effected at each intermediate field, then the pilot shall make a ground examination, or where impracticable by reason of field conditions, a visual examination from the air at a safe low altitude, of each such field on which no landing was made and shall render a written inspection report thereon promptly to the Secretary; in the case of a visual examination he shall submit to the Secretary a sketch of the field setting forth its condition, obstructions and surrounding terrain. During the preliminary trip, the survey and landing may be accomplished by 2 or more first pilots flying together, provided each lands the aircraft at every terminal, intermediate stop and intermediate field.

40.2612 (c). Each first pilot shall have made 2 round trips, in addition to the trip required by CAR 40.2611 over the proposed route or part thereof on which he will pilot aircraft for applicant as first pilot, without passengers, or shall have made 3 round trips in addition to that required by CAR 40.2611 as second pilot, with or without passengers, within the 12 months immediately preceding his qualification for such route.

40.2613 (d). During these trips required by CAR 40.2611 and CAR 40.2612 the flights shall be visual-contact and the visibility shall be not less than 5 miles as observed from the aircraft.

40.2614 (e). Each first pilot to be qualified as to route competency with respect to an alternate route shall have complied with the provisions of CAR 40.2611 and 40.2613 as applied to such alternate route.

40.262. Second pilots—Applicant shall show that each person employed to serve as a second pilot for the airline is possessed of at least a valid commercial pilot competency rating and before serving as second pilot in any aircraft in scheduled airline service shall have demonstrated, to an airline inspector representing the Secretary or to a check pilot or instructor of the airline duly authorized by the Secretary, his ability to take-off and land such aircraft by making at least 3 satisfactory take-offs and landings in each model of aircraft in which he is to serve. Six months after the effective date of these regulations each applicant for or holder of an airline competency certificate will be required to show that each such person is possessed of a valid instrument rating, unless possessed of a valid airline pilot competency rating.

40.263. Airline Dispatchers—Applicant shall show that each person assuming aircraft dispatcher duties for the airline is familiar with the route or part thereof over which he will dispatch aircraft, the weather characeristics and phenomena peculiar to such route, the nature and peculiarities of the terrain and of obstructions to flight, the air navigation facilities available on the ground and in the aircraft, the contents of the operations manual of the proposed airline and the aircraft limitations specified in the certificates of the aircraft proposed for use. Six months after the effective date of these regulations each applicant for or holder of an airline competency certificate will be required to show that each such person is possessed of a valid and appropriate airline dispatcher competency rating.

40.27. *Airmen Requirements: Visual-Contact Night Operation*

40.270. Number—Same as in CAR 40.260.

40.271. First Pilots—Same as in CAR 40.261, except that at least one trip required by CAR 40.2612 shall have been made between the hours of sunset and sunrise, except that for qualification on an alternate route flights shall be made in accordance with CAR 40.2614.

40.272. Second Pilots—Same as in CAR 40.262.

40.273. Airline Dispatchers—Same as in CAR 40.263.

40.28. *Airmen Requirements: Instrument and/or Over the Top Operation*

40.280. Number—Same as in CAR 40.260.

40.281. First Pilots—Same as in CAR 40.261 and, in addition, applicant shall show that each first pilot, for whom instrument authorization is sought, has demonstrated to an airline inspector representing the Secretary or to a check pilot or instructor of the airline duly authorized by the Secretary, his capability with respect to the following:

40.2810 (a). Familiarity with the aircraft, including demonstration of ability to maneuver such aircraft with the load authorized for the route or part thereof, with any one engine fully throttled, at an altitude equivalent to 1000 feet above

the highest part of the terrain on the proposed instrument course of the route, or part thereof, to be flown by the pilot in airline service.

40.2811 (b). Familiarity with the route and with instruments, including demonstration of ability to fly solely by instruments, under actual or simulated conditions, over the route for which qualification is sought.

40.2812 (c). Familiarity with procedures, including demonstration of ability to accomplish a let-down-through by instruments, according to the procedure specified in the appropriate competency letter, at one station at least, on the route, in each model of aircraft to be used by the pilot in airline operation. Such demonstrations as to the other stations as deemed necessary by the Secretary may be made to an airline inspector representing the Secretary, or to a check pilot or instructor of the airline duly authorized by the Secretary, under simulated conditions or by equivalent means approved by the Secretary.

40.282. Second Pilots—Are required for all instrument operations and shall meet the minimum requirements of CAR 40.262.

40.283. Airline Dispatchers—Same as in CAR 40.263.

40.29. *Miscellaneous Requirements*

40.290. Weather Minimums—Authorization of ceiling and visibility minimums for purposes of flight clearance and for transition from instrument to visual-contact flights and vice-versa will be made by the Secretary and will be based upon the following considerations affecting the clearance and completion of the flight:

(a) the terrain conditions affecting the flight area necessary for the working out of an approach and let-down-through procedure, or for a climb-up-through procedure; and

(b) the skill and experience of dispatcher personnel; and

(c) the skill and experience of pilot personnel; and

(d) the model and maneuverability of the aircraft; and

(e) the obstructions to flight, considered both vertically and horizontally, in the vicinity of the landing area; and

(f) the quality and quantity of meteorological service and of other ground aids to flight available.

40.291. Airline Operation Skill—Applicant shall demonstrate, during a test period (of not less than 10 days of operation) determined by the Secretary (in which time applicant may in the discretion of the Secretary carry mail or goods, as the case may be, in interstate air commerce), ability to operate with safety a scheduled airline service over the route proposed, with the aircraft and airmen proposed, and by means of the operating and maintenance procedures and techniques proposed. For extensions of established operations the test period will be determined by the Secretary on the basis of the length of the proposed extension, pilot qualifications, air navigation facilities and all other factors affecting the applicant's proposed operation.

40.3. GOODS MINIMUM REQUIREMENTS: To be eligible for a scheduled airline competency certificate for the carriage of goods (including mail) in interstate air commerce, an applicant, in addition to meeting the minimum requirements provided for in CAR 40.1, shall meet and comply with the following minimum requirements prescribed for the particular kind of operation proposed:

40.30. *Route Requirements: Visual-Contact Day Operation*

40.300. Airway—Same as in CAR 40.200.

40.301. Airports—Same as in CAR 40.201.

40.302. Public Protection—Same as in CAR 40.202.

40.303. Intermediate Fields—Same as in CAR 40.203.

40.304. Refueling Facilities—Same as in CAR 40.204.

40.305. Radio Facilities—Same as in CAR 40.205.

40.306. Weather Reporting—Same as in CAR 40.206.

40.31. *Route Requirements: Visual-Contact Night Operation*

40.310. Airway—Applicant shall meet the requirements of CAR 40.200 and shall show that the proposed route is provided with such obstruction lights as are deemed by the Secretary to be adequate for safe airline operation at night. In addition applicant shall show that the proposed route is equipped with such airway beacons as are deemed by the Secretary to be adequate for safe airline operation, or the applicant may show that the proposed route is equipped with such radio range beacons (or equivalent facilities) projecting courses over the proposed route as are deemed adequate by the Secretary for safe airline operation.

40.311. Airports—Same as in CAR 40.211.

40.312. Public Protection—Same as in CAR 40.202.

40.313. Intermediate Fields—Same as in CAR 40.213.

40.314. Refueling Facilities—Same as in CAR 40.204.

40.315. Radio Facilities—Same as in CAR 40.205.

40.316. Weather Reporting—Same as in CAR 40.206.

40.32. *Route Requirements: Instrument and/or Over the Top Operation*

40.320. Airway—Applicant shall meet the requirements of CAR 40.200 for a proposed day operation, or of CAR 40.310 for a proposed night operation. In addition, for either day or night operation, applicant shall show that the proposed route is equipped with radio range beacons (or equivalent facilities) projecting courses over the proposed route, as are deemed to be adequate by the Secretary for safe airline operation. Applicant shall also show other radio navigational aids (including radio markers), as may be deemed necessary by the Secretary.

40.321. Airports—Same as in CAR 40.221.

40.322. Public Protection—Same as in CAR 40.202.

40.323. Intermediate Fields—Same as in CAR 40.203 for day operation, and as in CAR 40.213 for night operation.

40.324. Refueling Facilities—Same as in CAR 40.204.

40.325. Radio Facilities—Same as in CAR 40.205.

40.326. Weather Reporting—Same as in CAR 40.206.

40.33. *Aircraft Requirements: Visual-Contact Day Operation*

40.330. If Single-Engine Operation over Land—Same as in CAR 40.230.

40.331. If Single-Engine Operation over Water—Same as in CAR 40.231.

40.332. If Multi-Engine Operation over Land—Applicant shall show aircraft of a model and number necessary for safe operation. Applicant shall also show that such aircraft to be used on the proposed route or part thereof are capable, with any one engine completely out of commission, of maintaining level flight with the authorized load for the route or part thereof at an altitude of at least 1,000 feet above the airport at each terminal and scheduled intermediate stop on the route or part thereof on which the aircraft will be operated.

40.333. If Multi-Engine Operation over Water—Same as in CAR 40.233.

40.334. Number of Aircraft—Applicant shall show aircraft, certificated as provided in CAR 04.52, of a number sufficient to permit the maintenance of all schedules proposed, as provided for in CAR 40.16.

40.335. Radio Equipment—Same as in CAR 40.235.

40.336. Hangar Facilities—Same as in CAR 40.236.

40.337. Shop Facilities—Same as in CAR 40.237.

40.338. Inspection and Overhaul Organization and Procedures—Same as in CAR 40.238.

40.34. *Aircraft Requirements: Visual-Contact Night Operation*

40.340. If Single-Engine Operation over Land—Applicant shall show aircraft, except float seaplanes, of a model and number necessary for safe operation, and, in addition thereto, that the civil airways over which the proposed operation is to be conducted are deemed by the Secretary to have suitable landing terrain.

40.341. If Single-Engine Operation over Water—Applicant shall show aircraft, except float seaplanes, of a model and number necessary for safe operation. Applicant shall also show that the route to be flown over is such that the aircraft can, at all times, reach land deemed suitable by the Secretary for a safe landing in the event of complete power failure.

40.342. If Multi-Engine Operation over Land—Same as in CAR 40.332.



40.343. If Multi-Engine Operation over Water—Same as in CAR 40.233.

40.344. Number of Aircraft—Same as in CAR 40.334.

40.345. Radio Equipment—Same as in CAR 40.235 and, in addition, applicant shall meet the requirements of CAR 40.253, 40.2530 and 40.2531 if the proposed route is not equipped with airway beacons as provided in CAR 40.210.

40.346. Hangar Facilities—Same as in CAR 40.236.

40.347. Shop Facilities—Same as in CAR 40.237.

40.348. Inspection and Overhaul Organization and Procedures—Same as in CAR 40.238.

40.35. *Aircraft Requirements: Instrument and/or Over the Top Operation*

40.350. If Single-Engine Operation over Land—Same as in CAR 40.340.

40.351. If Single-Engine Operation over Water—Same as in CAR 40.341.

40.352. If Multi-Engine Operation over Land—Same as in CAR 40.332.

40.353. If Multi-Engine Operation over Water—Same as in CAR 40.233.

40.354. Number of Aircraft—Same as in CAR 40.334.

40.355. Radio Equipment—Same as in CAR 40.253, 40.2530, and 40.2531.

40.356. Hangar Facilities—Same as in CAR 40.236.

40.357. Shop Facilities—Same as in CAR 40.237.

40.358. Inspection and Overhaul Organization and Procedures—Same as in CAR 40.238.

40.36. *Airmen Requirements: Visual-Contact Day Operation*

40.360. Number—Same as in CAR 40.260.

40.361. First Pilots—Applicant shall show prior to the issuance of the airline certificate that all persons employed to serve as first pilots for the airline meet the following minimum requirements for qualification as to aircraft and route competency:

40.3610 (a). Each first pilot shall be possessed of at least a valid commercial pilot competency rating with specifications or rating indicating competency to pilot aircraft of each model to be used by him in scheduled operation. Each first pilot shall also be possessed of a valid instrument rating, unless possessed of a valid airline pilot competency rating.

40.3611 (b). Each first pilot, within the 6 months immediately preceding his qualification for the route, shall have made one one-way trip over the proposed route, or part thereof on which he will pilot aircraft for applicant, landing at least once at each terminal, scheduled intermediate stop and intermediate field. If landings cannot be effected at each intermediate field, then the pilot shall make a ground examination, or where impracticable by reason of field conditions, a visual examination from the air at a safe low altitude, of each such field on which no landing was made and shall render a written inspection report thereon promptly to the Secretary; in the case of a visual examination he shall submit to the Secretary a sketch of the field setting forth its condition, obstructions and surrounding terrain. During the preliminary trip, the survey and landing may be accomplished by 2 or more first pilots flying together, provided each lands the aircraft at every terminal, intermediate stop and intermediate field.

40.3612 (c). During the trip required by CAR 40.3611 the flight shall be visual-contact and the visibility shall be not less than 5 miles as observed from the aircraft.

40.3613 (d). Each first pilot to be qualified as to route competency with respect to an alternate route shall have complied with the provisions of CAR 40.3611 and 40.3612 as applied to such alternate route.

40.362. Second Pilots—Applicant shall show that each person employed to serve as a second pilot for the airline is possessed of at least a valid commercial pilot competency rating and before serving as second pilot in any aircraft in scheduled airline service shall have demonstrated, to an airline inspector representing the Secretary or to a check pilot or instructor of the airline duly authorized by the Secretary, his ability to take-off and land such aircraft, by making at least 3 satisfactory take-offs and landings in each model of aircraft in which he is to serve.

40.363. Airline Dispatchers—Same as in CAR 40.263.

40.37. *Airmen Requirements: Visual-Contact Night Operation.*

40.370. Number—Same as in CAR 40.260.

40.371. First Pilots—Same as in CAR 40.361, except that each first pilot shall have logged at least 1,200 hours of certified solo flying time, and the trip required by CAR 40.3611 shall have been made between the hours of sunset and sunrise.

40.372. Second Pilots—Same as in CAR 40.362 and, in addition, 6 months after the effective date of these regulations, each applicant for or holder of an airline competency certificate will be required to show that each such person is possessed of a valid instrument rating, unless possessed of a valid airline pilot competency rating.

40.373. Airline Dispatchers—Same as in CAR 40.263.

40.38. *Airmen Requirements: Instrument and/or Over the Top Operation*

40.380. Number—Same as in CAR 40.260

40.381. First Pilots—Same as in CAR 40.361, except that each first pilot shall have logged at least 1,200 hours of certified solo flying time, and, in addition, applicant shall show that each first pilot, for whom an instrument authorization is sought, has demonstrated to an airline inspector representing the Secretary or to a check pilot or instructor of the airline duly authorized by the Secretary, his capability with respect to the following:

40.3810 (a). Familiarity with the aircraft, including demonstration of ability to maneuver such aircraft with the load authorized for the route or part thereof; and, if a multi-engine operation, then the foregoing and in addition thereto a demonstration of ability to maneuver such aircraft with said load with any one engine fully throttled, at an altitude equivalent to 1,000 feet above the highest part of the terrain on the proposed instrument course of the route, or part thereof to be flown by the pilot in airline service.

40.3811 (b). Familiarity with the route and with instruments, including demonstration of ability to fly solely by instruments, under actual or simulated conditions, over the route for which qualification is sought.

40.3812 (c). Familiarity with procedures, including demonstration of ability to accomplish a let-down-through by instruments, according to the procedure specified in the appropriate competency letter, at one station at least on the route or part thereof, having radio range facilities that are intended for such use by the pilot. Such demonstration shall be conducted at least at each pilot division terminal in each model of aircraft to be used by the pilot in airline operation. Such demonstrations as to other stations as deemed necessary by the Secretary may be made to an airline inspector representing the Secretary, or to a check pilot or instructor of the airline duly authorized by the Secretary, under simulated conditions by equivalent means approved by the Secretary.

40.382. Second Pilots—Same as in CAR 40.262.

40.383. Airline Dispatchers—Same as in CAR 40.263.

40.39. *Miscellaneous Requirements*

40.390. Weather Minimums—Same as in CAR 40.29, giving consideration to the fact that no passengers are being carried in this operation and providing for the most rapid progress of the art of flying.

40.391. Airline Operation Skill—Same as in CAR 40.291.

40.4. AIRLINE COMPETENCY CERTIFICATE

40.40. *Provision for Issuance:* An airline competency certificate will be issued by the Secretary to an applicant after approval of application made and proofs submitted in connection therewith and if, upon inspection and examination, said applicant is found by the Secretary to meet the general requirements prescribed in CAR 40.1 and the appropriate particular minimum requirements prescribed in CAR 40.2 or 40.3 and is, therefore rated as competent to engage in intestate air commerce for the carriage of mail, goods, or passengers, in scheduled operation as specified in the

certificate or appended competency letters (provided for in CAR 40.5). Airlines conducting authorized operations shall have until 90 days after the effective date of these regulations to apply for the airline certificate as provided in CAR 40.41. In the interim operations shall be under authority heretofore granted. Also, any airline which heretofore has proven its competency for safe operation shall be entitled presumptively to the airline certificate so applied for.

40.41. *Application:* Application for a scheduled airline certificate shall be made to the Secretary and subscribed under oath by the applicant in the manner outlined in Form AC 40–1.

40.410. Number of Copies—Applicant shall submit at least three copies of the application duly completed and executed, and, in the discretion of the Secretary, may be required to submit a greater number not to exceed ten.

40.411. Application to Amend—When changes in, or amendments thereto, the original application are desired, the applicant shall submit one copy in addition to the number previously required for the original application, of the amended page or pages, incorporating the change or changes desired in the manner provided in CAR 40.41. These copies shall be submitted to the Secretary through the supervising airline inspector involved and shall not be effective until written approval of the Secretary has been received, except that a 30-day period of provisional approval may be granted by the supervising airline inspector for changes in pilot and dispatcher personnel.

40.412. Proceeding to Amend—A proceeding to amend an airline certificate may be instituted by the Secretary when, in his opinion, the airline operator is no longer competent in respect of some matter specified in the certificate. Notice of such proceeding will be addressed to the airline operator with opportunity for a hearing. In the interim, the part of the certificate effected may be suspended in whole or in part. Following the hearing, the Secretary may issue a rerating as to competency, in which event the findings will be incorporated in a new competency letter.

40.413. Inspection—The applicant for an airline certificate shall offer full cooperation with respect to any inspection or examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of such airline certificate.

40.42. *Temporary Permit:* Following application made for an airline certificate, but prior to approval thereof and issuance of the certificate, a temporary permit may be issued by the Secretary in order to enable the applicant to demonstrate ability to meet and comply with the minimum requirements of CAR 40.291 pertaining to airline operation skill. During such period no pay passengers shall be carried.

40.43. *Issuance:* An airline certificate will be issued in an appropriate form in accordance with the provisions of CAR 40.40.

40.44. *Display:* The airline certificate in its current and effective form (or a copy thereof) shall be conspicuously posted in the principal office of the airline where it may be readily seen, and any such certificate shall be presented for inspection upon demand of any authorized officer or employee of the Department of Commerce, or upon the reasonable request of any other person. Facsimile copies of such airline certificate may be posted for display elsewhere.

40.45. *Duration:* An airline certificate will remain effective for an indeterminate time, or until

(a) the certificate is suspended or revoked, or
(b) the airline service is discontinued.

40.46. *Non-Transferability:* An airline certificate is not transferable, except with the consent of the Secretary.

40.47. *Suspension or Revocation:* An airline certificate may be suspended or, after hearing, revoked, in whole or in part, for any of the following reasons:

40.470 (a). Any false statement by the airline operator in the application for such certificate, or in any information accompanying such application, or in any report required by the Secretary.

40.471 (b). Violation on the part of the operator of any of the terms, conditions, specifications, limitations or other provisions of such airline certificate.

40.472 (c). Violation on the part of the operator of any of the terms, conditions, specifications, limitations or other provisions of any competency letter appended to such certificate

40.473 (d). Violation on the part of the operator of any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

40.474 (e). Grossly negligent or willful (and inexcusable) violation by any employee of the operator of any of the terms, conditions, specifications, limitations or other provisions of such airline certificate or any competency letter appended thereto, or of any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

40.475 (f). Suspension of airline service by the operator, except for reasons beyond control of the operator.

40.476 (g). Any unsafe operation of the airline.

40.477 (h) Any failure to maintain safety standards requisite to the obtaining of such certificate.

40.48. *Surrender:* Upon notice from the Secretary of the suspension or revocation of an airline certificate, the operator to whom it has been issued shall immediately return such certificate to the Secretary.

40.49. *Re-application:* An operator whose application for an airline certificate has been disapproved may re-apply at any time.

40.5. AIRLINE COMPETENCY LETTERS

40.50. *Provision for Issuance:* To provide necessary minimum safety standards for the operation of a domestic scheduled airline with sufficient flexibility to meet new and constantly changing situations, 6 airline competency letters will be appended to each airline certificate by the Secretary. Such letters will establish the basis for, and set the limitations upon, the competency of the airline operation and will be deemed an integral part of the airline certificate. The 6 competency letters will be as follows:

40.500 (a). Service Competency Letter
40.501 (b). Route Competency Letter
40.502 (c). Aircraft Competency Letter
40.503 (d). Maintenance Competency Letter
40.504 (e). Airmen Competency Letter
40.505 (f). Weather Competency Letter

40.51. *Application:* Application for an airline certificate will constitute, without other formality, application for a competency letter of each kind.

40.510. Application to Amend—Application to amend a competency letter of any kind may be made by amending the application for the airline certificate as provided for in CAR 40.411.

40.511. Proceeding to Amend—A proceeding to amend a competency letter of any kind may be instituted by the Secretary when, in his opinion, the airline operator is no longer competent in respect of some matter specified in the letter. Notice of such proceeding will be addressed to the airline operator with opportunity for a hearing. In the interim, the part of the letter effected may be suspended in whole or in part. Following the hearing, the Secretary may issue a re-rating as to competency in which event the findings will be incorporated in a new competency letter.

40.512. Inspection—Same as in CAR 40.413.

40.52. *Temporary Letter:* Following application made for an airline certificate, but prior to approval and issuance thereof, temporary competency letters may be issued for the purpose of enabling applicant to demonstrate ability to meet the requirements as to service, route, aircraft, maintenance, airmen, and weather competency, for the duration of the temporary permit provided for in CAR 40.42.

40.53. *Issuance:* Upon approval of an application duly made and proofs submitted (including inspection and examination), a competency letter will be issued in an appropriate form.

40.54. *Display:* No competency letter need be posted for purposes of display, but any such letter shall be presented in its current and effective form for inspection upon demand



of any authorized officer or employee of the Department of Commerce, or upon the reasonable request of any other person.

40.55. *Duration:* A competency letter will remain effective for an indeterminate time, or until

(a) the letter is superseded by a later competency letter of the same kind, or
(b) the letter is suspended or revoked, or
(c) the certificate of which it is a part is suspended or revoked, or
(d) the airline service is discontinued.

40.56. *Non-Transferability:* A competency letter is not transferable, except with the consent of the Secretary.

40.57. *Suspension or Revocation:* A competency letter may be suspended or revoked for any of the reasons specified in CAR 40.47.

40.58. *Surrender:* Upon notice from the Secretary of the suspension or revocation of a competency letter, the operator to whom it has been issued shall immediately return such letter to the Secretary.

40.59. *Re-Application:* An operator, whose application for a competency letter has been disapproved, may re-apply at any time.

50. FLYING SCHOOL RATING

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CHAPTER 50. FLYING SCHOOL RATING

50.0 PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide by regulation for the rating of civilian schools giving instruction in flying, as to the adequacy of the course of instruction, as to the suitability and airworthiness of the equipment, and as to the competency of the instructors, flying school ratings will be as follows:

(a) Advanced Flying School Rating
(b) Primary Flying School Rating

50.1. MINIMUM REQUIREMENTS: To be eligible for a flying school competency rating, an applicant shall comply with the following minimum requirements prescribed for the particular rating sought.

50.10. *Advanced Flying School Rating:* To be eligible for an advanced flying school rating, an applicant shall comply with the following minimum requirements.

50.100. Flying Instructors—Applicant shall show that each person employed to give, or giving, flight instruction for the school is possessed of both a valid and appropriate pilot certificate and a valid instructor rating.

50.101. Aircraft for Flight Instruction—Applicant shall show

50.1010 (a). that each aircraft to be used for purposes of flight instruction is possessed of a valid aircraft certificate.

50.1011 (b). that at least one certificated aircraft is available for purposes of flying instruction for each 15 students enrolled in flying courses.

50.1012 (c). one or more types of aircraft, normally used for primary dual instruction and deemed satisfactory to the Secretary for such purpose, available for purposes of flying instruction, and 2 or more other types, one of which shall be a cabin aircraft of at least 4-place capacity. All aircraft used for night flying instruction shall be appropriately certificated as provided in CAR 04.

50.102. Hangar and Shop Facilities—Applicant shall show hangar space sufficient to adequately house all aircraft used for purposes of flying instruction and shall show shop facilities, equipment and personnel sufficient to maintain such aircraft in an airworthy condition.

50.103. Landing Area—Applicant shall show a landing area available for flying instruction which at least complies with the following:

50.1030 (a). Size and Design—The landing area shall have (1) at least 1,800 feet of effective landing length in all directions, or (2) at least 3 landing strips not less than 500 feet, permitting landing in at least 6 directions at all times, with at least one landing strip aligned with the general direction of the prevailing wind, the landing strips not to cross or converge at angles of less than 40 degrees, nor any of the landing strips to be less than 1,800 feet in effective landing length, or (3) at least 2 landing strips not less than 500 feet wide, permitting landing in at least 4 directions at all times, with at least one landing strip aligned with the general direction of the prevailing wind, the landing strips not to cross or converge at an angle of less than 80 degrees, nor any of the landing strips to be less than 2,500 feet in effective landing length. The foregoing are sea level dimensions.

50.1031 (b). Surface—The landing area shall be suitable for the taking off and landing of aircraft under all ordinary weather conditions, which area shall present a firm, smooth, well drained surface which is free from obstructions.

50.104. Flying Instruction Curriculum—Applicant shall show a flying instruction curriculum so organized as to offer the following courses of flight instruction:

50.1040 (a). Solo Pilot Flight Course—So arranged as to give each student a minimum of 15 hours total flying time, of which not less than 8 hours shall be dual or check time and not less than 7 hours of solo time in which the student is the sole occupant of the aircraft.

50.1041 (b). Private Pilot Flight Course—So arranged as to give each student a minimum of 35 hours total flying time, of which not less than 10 hours, nor more than 15 hours, shall be dual or check time, which may be credited as solo time for the purpose of qualifying for a pilot rating. The course shall also be so arranged as to give each student a minimum of 2 hours solo experience in flying at least one type of aircraft other than that used for primary dual instruction and at least 5 hours of solo cross-country flying, which shall include at least one flight over a course of not less than 50 miles with at least 2 full stop landings at different points on the course.

50.1042 (c). Limited-Commercial Pilot Course—Same as in CAR 50.1041, except that the total flying time shall be a minimum of 60 hours of which not less than 15 hours, nor more than 20 hours, shall be dual or check time.

50.1043 (d). Commercial Pilot Flight Course—So arranged as to give each student

50.10430 (1). a minimum of 175 hours total flying time, of which not less than 25 hours, nor more than 40 hours, shall be dual or check time, which may be credited as solo time for the purpose of qualifying for a pilot rating.

50.10431 (2). a minimum of 10 hours solo experience in flying each of two distinct types of aircraft other than the aircraft used for primary dual instruction.

50.10432 (3). at least 10 hours of solo flying in at least one type of cabin aircraft, of at least 4-place capacity, which shall be loaded with ballast to the approved gross weight for such aircraft during such flights.

50.10433 (4). At least 10 hours of solo night flying.

50.10434 (5). At least 10 hours of solo cross-country flying, which shall include at least one flight over a course of not less than 100 miles with at least 3 full stop landings at the different points on the course.

50.105. Ground Instructors—Applicant shall show that each person giving, or employed to give ground instruction

for the school is possessed of a valid and appropirate ground instructor certificate.

50.106. Aircraft for Ground Instruction—Applicant shall show the following aircraft and aircraft engine demonstration equipment specificaly set aside for ground school instruction:

50.1060 (a). One modern type aircraft complete, with engine.

50.1061 (b). 2 additional types of aircraft wings, showing different types of construction and methods of attachment to the fuselage.

50.1062 (c). 3 aircraft engines of different make in current use, 2 of which shall be air-cooled types, and one water-cooled.

NOTE.—The foregoing equipment is not required to be in airworthy condition, and may have been damaged, provided it has been repaired sufficiently for complete assembly.

50.107. Class Room Facilities—Applicant shall show at least one class room for each 100 persons enrolled, which room shall be capable of seating at least 20 students. All places where instruction is given shall be furnished with suitable and adequate facilities.

50.108. Ground Instruction Curriculum—Applicant shall show a ground instruction curriculum so organized as to offer the following courses of ground instruction:

50.1080 (a). Solo Pilot Ground School Course—So arranged as to give each student at least the following instruction:

50.10800 (1). Civil Air Regulations—5 hours.

50.1081 (b). Private Pilot Ground School Course—Same as in CAR 50.1080, and in addition at least 20 hours in aerial navigation and meteorology as outlined in CAR 20.125, and 5 hours in general service of aircraft.

50.1082 (c). Limited-Commercial Pilot Ground School Course—So arranged as to give each student at least the following instruction:

50.10820 (1). Civil Air Regulations—5 hours.

50.10821 (2). Aircraft engines (including principles of internal-combustion, carburetion, cooling, lubrication, and construction, inspection, maintenance and repair of various types)—15 hours.

50.10822 (3). Aircraft (including history of aviation, theory of flight, nomenclature, aerodynamics, and design, construction, rigging, inspection, maintenance, and repair of various types)—15 hours.

50.10823 (4). Aerial navigation and meteorology—20 hours.

50.10824 (5). Shop practice—5 hours of each of the above required 15 hours on aircraft and on engines may be shop practice on the basis of 3 hours shop practice equivalent to 1 hour of classroom instruction. Shop practice shall be under the direct supervision of a certificated ground instructor. Shop practice as permitted by these regulations is interpreted to mean maintenance and repair instruction. Such instruction, if given, shall be conducted in a specially designated place and on equipment provided for that purpose and shall not be conducted on the actual flying equipment. This, however, shall not be interpreted as prohibiting students from working in the repair shops under the supervision of mechanics holding valid mechanic certificates of competency.

50.10825 (6). Parachutes—1 hour.

50.1083 (d). Commercial Pilot Ground School Course—So arranged as to give each student at least the following instruction:

50.10830 (1). Civil Air Regulations—5 hours.

50.10831 (2). Aircraft Engines—Same as in CAR 50.10821—25 hours.

50.10832 (3). Aircraft—Same as in CAR 50.10822—30 hours.

50.10833 (4). Meteorology—15 hours.

50.10834 (5). Aerial navigation, including the subject of radio and its use—20 hours.

50.10835 (6). Aircraft instruments—10 hours.

50.10836 (7). Parachutes—1 hour.

50.10837 (8). Shop practice—10 hours of the above required 25 hours on engines and 10 hours of the above required 30 hours on aircraft may be shop practice, on the basis of 3 hours shop practice equivalent to 1 hour of classroom instruction. Shop practice shall be under the direct supervision of a certificated ground instructor.

50.11. *Primary Flying School Rating:* To be eligible for a primary flying school rating, an applicant shall comply with the following minimum requirements:

50.110. Flying Instructors—Same as in CAR 50.100.

50.111. Aircraft for Flight Instruction—Applicant shall show

50.1110 (a). that each aircraft to be used for purposes of flying instruction is possessed of a valid aircraft certificate.

50.1111 (b). that at least one certificated aircraft is available for purposes of flying instruction for each 15 students enrolled in flying courses.

50.1112 (c). one or more types of aircraft, normally used for primary dual instruction and deemed satisfactory to the Secretary for such purpose, available for purposes of flying instruction.

50.112. Hangars and Shop Facilities—Same as in CAR 50.102.

50.113. Landing Area—Same as in CAR 50.103.

50.114. Flying Instruction Curriculum—Same as in CAR 50.104, except that 50.1043 is not required.

50.115. Ground Instructors—Same as in CAR 50.105.

50.116. Aircraft for Ground Instruction—Applicant shall show at least one modern type aircraft complete with aircraft engine. The foregoing equipment need not be in airworthy condition.

50.117. Class Room Facilities—Same as in CAR 50.107.

50.118. Ground Instruction Curriculum—Same as in CAR 50.108, except that CAR 50.1082 and CAR 50.1083 are not required.

50.2. FLYING SCHOOL CERTIFICATE

50.20. *Provision for Issuance:* A flying school certificate of competency will be issued by the Secretary, upon approval of application made and satisfactory proofs submitted, to a flying school which, upon inspection and examination, is found by the Secretary to meet the appropriate minimum requirements prescribed in CAR 50.1 and is, therefore, rated as competent to give instruction in flying.

50.200. Civilian schools giving instruction in flying and holding valid approved school certificates may operate pursuant to such authority until the expiration thereof or for 6 months after these regulations go into effect, whichever is the shorter period. Thereafter flying school certificates will be issued, upon application, pursuant to these regulations.

50.21. *Application:* Application for a flying school certificate shall be made to the Secretary, subscribed under oath, upon a form supplied for the purpose, and shall be accompanied by two copies of the flying and ground instruction curricula.

50.210. Application to Amend—When any change in a flying school competency rating is desired, the applicant shall file a written request therefor with the Secretary upon a form supplied for the purpose.

50.211. Proceeding to Amend—A proceeding to amend a flying school competency rating may be instituted by the Secretary when, in his opinion, the flying school is no longer competent in respect of some matter specified in the certificate. Notice of such proceeding shall be addressed to the flying school with opportunity for a hearing. In the interim, the certificate may be suspended in whole or in part. Following the hearing, the Secretary may issue a rerating as to competency.

50.22. *Issuance:* Upon approval of an application duly made and proofs submitted, including inspection and examination, an appropriate flying school certificate of competency will be issued.

50.220. Temporary Certificate—Following application made for a flying school certificate, but prior to approval thereof and issuance of the certificate, a temporary flying school certificate may be issued by the examining Bureau inspector.

50.23. *Display:* The flying school certificate (or a copy thereof) in its currently effective form shall be conspicuously posted in the principal office of the flying school where it may be readily seen, and any such certificate shall be presented for inspection upon demand of any authorized officer or employee of the Department of Commerce, or upon the reasonable request of any other person.



50.24. *Duration:* A flying school certificate, unless sooner suspended or revoked in accordance with the provisions of CAR 50.27, will remain in force for one year after date of issue.

50.25. *Renewal:* The term of a flying school certificate may be renewed upon written application within 45 days prior to expiration and upon a satisfactory showing that the school is in active operation and maintained pursuant to the requirements of these regulations.

50.26. *Non-Transferability:* A flying school certificate is not transferable.

50.27. *Suspension or Revocation:* A flying school certificate may be suspended or revoked, in whole or in part, for any of the following acts or statements on the part of the flying school owner, operator, or employee thereof:

50.270 (a). Any false statement by the flying school operator in the application for the certificate, or in any information accompanying such certificate, or in any report required by the Secretary.

50.271 (b). Violation of any of the terms, conditions, specifications, limitations, or other provisions of the flying school certificate.

50.272 (c). Violation of any provision of the Air Commerce Act or any rule or regulation duly issued thereunder.

50.273 (d). Suspension of flying school service.

50.274 (e). Any unsafe operation of the flying school.

50.275 (f). Any failure to maintain safety standards requisite to the obtaining of such certificate.

50.276 (g). Any advertising which directly, or impliedly, states that the flying school is certificated as competent to offer any course of instruction in flying or ground school courses for which it does not, in fact, possess a valid flying school competency rating.

50.28. *Surrender:* Upon notice from the Secretary of the suspension or revocation of the flying school certificate, the operator to whom it has been issued shall promptly return such certificate to the Secretary.

50.29. *Re-Application:* An operator whose application for a flying school certificate has been disapproved may re-apply at any time after the expiration of 30 days from the date of such disapproval.

50.3. FLYING SCHOOL REGULATIONS: The following rules and regulations will govern the conduct and operation of flying schools:

50.30. *Inspection:* The applicant for any flying school certificate of competency shall offer full cooperation in respect of any inspection and examination which may be made of said applicant upon proper demand by any authorized representative of the Secretary prior or subsequent to the issuance of a flying school certificate of competency.

50.31. *Curriculum*

50.310. Changes—Any proposed change in the curriculum of a certificated flying school shall be submitted to the Secretary for approval, and no change shall be made prior to such approval.

50.32. *Instruction*

50.320. Standard of Instruction—Each certificated flying school shall maintain a standard of ground or flying instruction, or both, to assure that 9 out of every 10 graduates therefrom who apply for a pilot certificate of competency satisfactorily qualify for such pilot certificate.

50.321. Spin Instruction—All certificated flying schools shall give instruction, to each student enrolled for flying instruction, in the recovery from stalls and spins prior to the student's first solo flight.

50.322. Refresher Courses—A certificated flying school may give refresher courses in ground or flying subjects, or both, for the purpose of qualifying pilots who already have had the necessary total flying time for the kind of pilot certificate for which they intend to apply.

50.323. Dual Instruction Restrictions—All dual instruction given by a certificated flying school shall be in the vicinity of the airport or other instruction area, except that not to exceed 2 hours dual cross-country will be permitted and credited toward the student's total time as a portion of his dual and check time.

50.324. Limitation on Flying Instruction Hours—No person shall give, or offer to give, more than 6 hours of dual flying instruction in one day, nor more than 6 days in any one week, to students in a certificated flying school.

50.33. *Examinations:* Upon the completion of each course (meaning each subject taught therein) offered in a certificated flying school, each student taking such course shall be given an examination on the subject matter covered, and all grades attained in such examinations shall be made a part of each student's individual record, and a copy thereof maintained by the school.

50.34. *Records:* Every certificated flying school shall keep an adequate individual record of each student enrolled therein, which record shall include a chronological log of all instruction. The entire record shall be certified to by an authorized official of such school.

50.35. *Reports:* A report and student roster shall be submitted to the Secretary by the owner or operator of each certificated flying school on January first and July first of each calendar year. Such student roster shall list:

(a) The names of all students enrolled,

(b) The course or courses for which they are enrolled,

(c) The names of all students who have been graduated within the period reported on, and

(d) The names of all students dropped from enrollment, within the period reported on, with the reasons therefor.

50.36. *Graduation Certificate:* Each student who is graduated from a certificated flying school shall be furnished with a graduation certificate by such school, which certificate shall show the flying and/or ground course or courses completed and the grade obtained by such student in each subject of such course, together with a statement of the graduate's totals of both dual and solo flying time.

50.37. *Miscellaneous:*

50.370. Flying School Regulations to be Posted—A copy of these flying school regulations (CAR 50) shall be posted conspicuously on the air school bulletin board for the information and guidance of all students enrolled by the school.

50.371. Credit for Dual Time—When a student applies for a pilot certificate as a graduate of a certificated flying school, such graduate may be privileged to count a portion of his dual or check time toward the solo-flying experience required for a pilot certificate subject to the restrictions set forth in CAR 50.1040, 50.1041, 50.1042 and 50.1043, provided he applies for such certificate within 30 days after the date of graduation.

52. AIRCRAFT REPAIR STATION RATING


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CHAPTER 52. AIRCRAFT REPAIR STATION RATING

52.0. PROVISION FOR RATING: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of

Commerce to provide for the re-rating of aircraft as to their airworthiness, aircraft repair stations will be rated as to their competence in various classifications of repair activity in accordance with the following provisions.

52.1. REPAIR STATION CERTIFICATE

52.10. *Application:* Application for a certificate of competency for an aircraft repair station shall be made to the Secretary on Form AC 52–1 supplied for the purpose.

52.11. *Minimum Requirements:* A repair station, in order to be eligible for certification, shall show the following:

52.110 (a). Facilities and equipment as specified in CAR 52.4 for the classification, or classifications, in which certification is desired.

52.111 (b). Certificated personnel as specified in CAR 18.4.

52.12. *Issuance:* Upon approval of an application duly made and proofs submitted, an aircraft repair station certificate will be issued by the Secretary. The classification, or classifications, of activity in which the repair station is deemed competent will be set forth in a letter of transmittal which accompanies and is a part of the certificate.

52.120. Aircraft repair stations holding valid approved repair station certificates may operate pursuant to such authority for 6 months after these regulations go into effect. Thereafter aircraft repair station certificates will be issued, upon application, pursuant to these regulations.

52.13. *Display:* An aircraft repair station certificate, together with its letter of transmittal as provided for in CAR 52.12, shall be displayed in a prominent place in the repair station.

52.14. *Duration:* An aircraft repair station certificate will remain effective for a period of one year from date of issuance or until

52.140 (a). it is sooner cancelled upon the written request of the owner, or

52.141 (b). it is sooner suspended or revoked, or

52.142 (c). ownership of the repair station is sooner transferred.

52.15. *Renewal:* The term of an aircraft repair station certificate may be renewed for additional periods of one year on application of the holder to the Secretary, provided proof is made satisfactorily to show that the station is in active operation and provided also, that an inspection satisfactorily shows that such station is maintaining the standards required for obtaining such certificate.

52.16. *Non-Transferability:* An aircraft repair station certificate is not transferable.

52.17. *Suspension or Revocation:* An aircraft repair station certificate may be suspended or revoked by reason of any of the following on the part of the holder of such certificate or on the part of any employee of such holder:

52.170 (a). Violation of the Air Commerce Act or any rule or regulation duly issued thereunder.

52.171 (b). Any false statement in an application for a certificate or in any report required to be furnished.

52.172 (c). Any demonstration of incompetency, carelessness or negligence, or the use of inferior or improper material.

52.173 (d). Failure to maintain the facilities, equipment or personnel required by CAR 52.11.

52.174 (e). Use or display of the certificate for fraudulent or improper purpose.

52.175 (f). Refusal to submit to inspection upon proper demand by a representative of the Secretary.

52.176 (g). Any false, misleading or incomplete statements in advertising pertaining to the certificated repair station.

52.177 (h). Performance of any act which is deemed by the Secretary to be contrary to the public safety or interest, or detrimental to the morale of airmen, owners or operators.

52.178 (i). Concealment of or withholding of information as to structural defects, damage or faulty workmanship, from the aircraft owner, or from an authorized representative of the Secretary, or from any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance.

52.18. *Surrender:* Upon notice from the Secretary of the suspension or revocation of an aircraft repair station certificate, the holder thereof to whom same has been issued shall immediately return such certificate to the Secretary.

52.19. *Re-Application:* An applicant for an aircraft repair station certificate which has been denied may apply again at the expiration of 90 days from the date of denial.

52.2. INSPECTION: The applicant for, or holder of, an aircraft repair station certificate shall offer full cooperation in respect of any inspection which may be made of such repair station as to facilities, equipment, personnel, techniques, practices or workmanship, upon proper demand by a representative of the Secretary prior to or subsequent to the issuance of any such certificate.

52.3. ADVERTISING: A certificated aircraft repair station shall be privileged to advertise its standing as such only with respect to the classification, or classifications, of activity in which it is rated as competent in the letter of transmittal of its certificate. The advertisement shall not fail to incorporate mention of such classification, or classifications.

52.4. CLASSIFICATION REQUIREMENTS

52.400. *General:* Every certificated aircraft repair station shall show the following facilities and equipment:

52.4000 (a). A stock room properly set up to insure the proper segregation of materials.

52.4001 (b). A proper system of keeping records of all work.

52.4002 (c). Facilities and equipment for making small drawings.

52.4003 (d). Suitable housing facilities adequately heated and lighted.

52.4004 (e). Adequate certificated personnel qualified to perform or supervise the type of work involved.

52.401. *Minimum:* The minimum requirements as to facilities and equipment for the various classifications of activity are as set forth hereinafter. An aircraft repair station which does not meet the specific item requirements set forth for a particular class of work may be eligible for certification if it shows adequate and suitable substitutes for such items.

52.402. *Class 1—Welded Steel Tube Structure:* A repair station certificated for repair work on welded steel tube structure shall show the following facilities, equipment and supplies in addition to those specified in CAR 52.400. These requirements do not include facilities suitable for the repair of fittings, which shall be in accordance with CAR 52.406.

52.4020 (a). Acetylene welding equipment with proper assortment of torch tips and supplies.

52.4021 (b). Portable buffer.

52.4022 (c). Bench and vise.

52.4023 (d). Power-driven emery wheel.

52.4024 (e). Hand tools, including hack saws, clamps, micrometers suitable for both tubing and flat stock, level and a full set of reamers.

52.4025 (f). Adequate supply of all standard sizes of SAE–1025 and SAE–4130 tubing and sheet available.

52.4026 (g). Supplies and equipment for painting and applying protective coatings to the inside as well as to the outside of tubing.

52.4027 (h). Portable drill.

52.4028 (i). Magnifying glass of at least 4–6 power.

52.4029 (j). Long and short trammel rods with adjustable points suitable for aligning fuselage bays.

52.403. *Class 2—Wooden Structure, Excluding Box and Laminated Spars, and Wood Covered Fuselages, Wings and Control Surfaces:* A repair station certificated for repair work on wooden structure, excluding box and laminated spars, and wood covered fuselages, wings and control surfaces, shall show the following facilities, equipment and supplies in addition to those specified in CAR 52.400:

52.4030 (a). Band and rip saws.

52.4031 (b). Planer or joiner, unless factory spars used or satisfactory local mill available.

52.4032 (c). Hand tools, including clamps.

52.4033 (d). Bench, sawhorses and vise.

52.4034 (e). Supply of wood, including aircraft spruce, mahogany plywood and birch plywood, or satisfactory available source.



52.4035 (f). Supply of casein or highest quality animal glue, including proper facilities for mixing.

52.4036 (g). Supplies and equipment for varnishing and for applying other protective coatings.

52.4037 (h). Soldering equipment and other facilities for fabricating drag wires and drag wire lugs.

52.4038 (i). Supply of necessary small standard parts.

52.4039 (j). Sanding machine.

52.404. *Class 3—Fabric Covering:* Repair stations which are certificated for work on fabric covering shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.4040 (a). Suitable sewing machine.

52.4041 (b). Suitable separate space for doping, including proper ventilation, temperature and humidity control.

52.4042 (c). Hand tools.

52.4043 (d). Supply of fabric and tape suitably stored, or satisfactory available source.

52.4044 (e). Doping brushes.

52.4045 (f). Supply of dope and thinner properly stored.

52.4046 (g). Suitable equipment for spray painting, including compressor and spray gun.

52.405. *Class 4—Wood Covered Fuselages, Wings and Control Surfaces, and Box and Laminated Spars:* A repair station which is certificated for work on wood covered fuselages, wings and control surfaces, and box and laminated spars, shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.4050 (a). An adequate press or a sufficient number of clamps.

52.4051 (b). All the items specified in CAR 52.403 except item (h).

52.406. *Class 5—Steel Fittings:* A repair station which is certificated for work on steel fittings shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.4060 (a). Acetylene welding equipment with proper assortment of torch tips and supplies.

52.4061 (b). Drill press.

52.4062 (c). Portable drilling machine with full set of drills.

52.4063 (d). Work bench and vise.

52.4064 (e). Hand tools, including micrometers, full set of reamers, and tools for laying out fittings.

52.4065 (f). Cutting and forming tools.

52.4066 (g). An adequate supply of SAE–1025 and SAE–4130 sheet steel available.

52.4067 (h). Supplies and equipment for painting and applying protective coatings.

52.4068 (i). A supply of necessary small standard parts.

52.4069 (j). Magnifying glass of at least 4–6 power.

52.407. *Class 6—Aluminum Alloy Structure, Excluding Fittings:* A repair station which is certificated for work on aluminum alloy aircraft structure, excluding fittings, shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.40700 (a). Complete heat-treating equipment for rivets and structural parts, and forming machinery, or satisfactory available source.

52.40701 (b). Rivet dies and air hammer, or the equivalent.

52.40702 (c). Hand tools and clamps.

52.40703 (d). Work bench and vise.

52.40704 (e). Shear for cutting and brake for bending sheet metal.

52.40705 (f). Drill press.

52.40706 (g). Portable drill machine with full set of drills.

52.40707 (h). A suitable supply of aluminum alloy sheets and rivets, or satisfactory available source.

52.40708 (i). A supply of necessary small standard parts.

52.40709 (j). Pressure indicator and control for air rivet hammer.

52.40710 (k). Magnifying glass of at least 4–6 power.

52.408. *Class 7—Aluminum Alloy Fittings:* A repair station which is certificated for work on aluminum alloy fittings shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.4080 (a). Drill press.

52.4081 (b). Portable drilling machine with full set of drills.

52.4082 (c). Work bench and vise.

52.4083 (d). Hand tools including micrometers, full set of reamers, and tools for laying out fittings.

52.4084 (e). Cutting and forming tools.

52.4085 (f). An adequate supply of aluminum alloy sheet and bar stock, or satisfactory available source.

52.4086 (g). Supplies and equipment for painting and for applying protective coatings.

52.4087 (h). Heat-treating equipment, or satisfactory available source.

52.4088 (i). A supply of necessary small standard parts.

52.4089 (j). Magnifying glass of at least 4–6 power.

52.409. *Class 8—Assembly:* Assembly operations shall be understood to include such operations as the installation of fuel or oil tanks and piping; the installation of control system parts; the installation of seats, instruments or other such equipment; and the joining together of two or more major components of the airplane. Repair stations which are certificated for this type of work shall show the following facilities, equipment and supplies in addition to those specified in CAR 52.400:

52.40900 (a). Soldering equipment and supplies.

52.40901 (b). Cable splicing equipment.

52.40902 (c). A supply of aircraft bolts, nuts, clevis pins, cotter pins, cable, cable shackles, thimbles and turnbuckles of all the usual sizes, on hand or satisfactory available source.

52.40903 (d). Level and protractor for rigging.

52.40904 (e). A supply of such hand tools and small parts as are necessary for the purpose intended.

52.40905 (f). Step ladders of sufficient height and a satisfactory tail stand.

52.40906 (g). Suitable equipment for annealing and bending fuel and oil lines.

52.40907 (h). Work bench and vise.

52.40908 (i). Long and short trammel rods.

52.40909 (j). Plumb bob.

52.40910. (k). Tape at least 50 feet long.

52.410. *Class 9—Aluminum Alloy Propeller Blades and/or Steel Hubs:* A repair station which is certificated for work on aluminum alloy propeller blades and/or steel hubs, shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.41000 (a). Balancing stand with knife edge and arbor with suitable mandrels.

52.41001 (b). Propeller surface table and mandrels.

52.41002 (c). Supply of crocus cloth.

52.41003 (d). Riffle files.

52.41004 (e). Drilling machine with full set of drills.

52.41005 (f). A supply of lead wool, and tools suitable for removing and repacking lead wool.

52.41006 (g). A supply of caustic soda and nitric acid.

52.41007 (h). Precision calipers.

52.41008 (i). Protractor for measuring angle of bend, as illustrated in Figure 18 of ACM 18.

52.41009 (j). Suitable tanks in which to etch propeller blades.

52.41010 (k). Suitable press for straightening propeller blades cold.

52.41011 (l). Suitable twisting bars.

52.41012 (m). Magnifying glass of at least 4–6 power.

52.41013 (n). Portable power grinder and buffer with grinding wheel.

52.41014 (o). Manufacturer's dimensioned drawings.

52.41015 (p). Means of placing manufacturer's identification numbers and date of repair on blades so that disassembly is unnecessary at the time of inspection.

52.41016 (q). Metal face plate and protractor for measuring pitch angles.

52.41017 (r). No-go gauge.

52.41018 (s). Spline adapter and stand.

52.41019 (t). Cadmium plating equipment installed or readily available.

52.411 *Class 10—Wooden Propellers:* A repair station which is certificated for work on wooden propellers shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.41100 (a). Balancing stand with knife edge and arbor with suitable mandrels.

52.41101 (b). Propeller bench with vise or arbor for holding propeller while being repaired.

52.41102 (c). Wood files.

52.41103 (d). Complete soldering equipment.

52.41104 (e). Tin snips or metal shears, and shim stock.

52.41105 (f). A supply of high grade animal and casein glue, and facilities for mixing.

52.41106 (g). A supply of high grade quick drying varnish.

52.41107 (h). A supply of tipping material and wood screws, or satisfactory available source.

52.41108 (i). Adequate glue press.

52.41109 (j). Scrapers.

52.41110 (k). Means of placing manufacturer's identification numbers and date of repair on the blades.

52.412. *Class 11—Engines:* A repair station which is certificated for work in connection with engine repairs or overhaul shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.41200 (a). Micrometers, inside and outside.

52.41201 (b). Engine disassembly stand.

52.41202 (c). Complete set of precision measurement tools, including reamers, taps, and valve grinding tools.

52.41203 (d). Propeller hub puller.

52.41204 (e). Wash tank and air pressure cleaning equipment located in a space separated from the final assembly space so that fog from cleaning may not settle on parts ready for assembly.

52.41205 (f). Turning lathe.

52.41206 (g). Sand blast equipment, or readily available source.

52.41207 (h). Block and tackle equipment.

52.41208 (i). A supply of engine service manuals.

52.41209 (j). A supply of standard parts such as nuts, bolts, cotters and gaskets, or satisfactory available source.

52.41210 (k). Heating torch.

52.41211 (l). Level plate.

52.41212 (m). Set of "V" blocks and shim material.

52.41213 (n). Height gauge.

52.41214 (o). Suitable test stand for running-in engines, or available.

52.41215 (p). Supply of engine enamel.

52.41216 (q). Welding torch.

52.41217 (r). Brass and copper lock wire.

52.41218 (s). Record system for showing total hours, hours since last overhaul, tear-down, inspection, parts disposal, parts replacement and log of test run.

52.41219 (t). Assembly stand.

52.41220 (u). Magnifying glass of at least 4–6 power.

52.41221 (v). Equipment suitable for checking alignment of master link, connecting rods and crankshaft.

52.41222 (w). High-pressure spark plug testing machine.

52.41223 (x). Carburetor test stand.

52.41224 (y). Equipment available for testing electrical accessories such as starters and generators.

52.41225 (z). Equipment for testing complete ignition systems, or available.

52.41226 ($a^1$). Portable electric drill press and set of drills.

52.41227 ($b^1$). Power-driven emery wheel and buffer.

52.413 *Class 12—Instruments:* A repair station which is certificated for work in connection with aircraft instrument repair or overhaul shall show the following equipment, facilities and supplies in addition to those specified in CAR 52.400:

52.4130 (a). Airspeed indicator test apparatus as follows:

Manometer (inch in tenths scale with a light liquid such as water or kerosene).
Pressure pump (sensitive bulb type).
Vibrator.
Four-way stop-cock with suitable length hose for connections.
Stand for supporting indicator.

52.4131 (b). Altimeter test apparatus as follows:

Manometer (mercury) mm scale.
Vacuum pump.
Bell jar.
Vacuum pump plate.
Ascent and descent rate indicator.
Mounting panel.
Vibrator with momentary switch.
Four-way stop-cock with suitable metering valves and suitable length hose for connections.
Pressure altitude chart (millimeters and feet).
Vacuum wax.
Barometer.

52.4132 (c). Climb indicator test apparatus as follows:

Manometer (mercury) mm scale.
Vacuum pump.
Bell jar.
Vacuum pump plate.
Ascent and descent rate indicator.
Mounting panel.
Vibrator with momentary switch.
Four-way stop-cock with suitable metering valves and suitable length hose for connections.
Pressure altitude chart (millimeters and feet).
Vacuum wax.
Barometer.
Stop watch.

52.4133 (d). Magnetic compass compensating equipment as follows:

Compass compensation equipment (for testing either magnetic or induction compasses) should include either (1), or in lieu thereof, (2), (3), (4) and (5) of the following:

52.41330 (1). Magnetic compass equipped with removable compensating magnets.

NOTE.—Any serviceable magnetic compass equipped with removable compensating magnets may be used as a master compass, provided the compensating magnets are removed before being used. In no case will a compass, having compensating magnets permanently installed, be used as a master compass.

52.41331 (2). A circular swinging base having a radius at least equal to the length of the largest airplane to be swung.

NOTE.—The platform should be situated not less than 75 yards from any aircraft and at least 100 yards from any steel structures such as hangars or railroads. Starting with the magnetic north, radii should be laid out every 30°.

52.41332 (3). Special dolly for elevating the tail to approximately flight position.

NOTE.—The dolly must be rigid and strong enough to hold the airplane while the engine is running at half throttle.

52.41333 (4). Pair of single-wheel blocks.

52.41334 (5). Several 50-pound sand bags.

NOTE.—For putting across the rear of the fuselage of nose-heavy airplanes.

52.4134 (e). Tachometer test stands as follows:

Veedor liquid tachometer.
Gear box for driving tachometer being tested.
Balance wheel to prevent sudden changes in speed.
Variable speed electric motor.

61. SCHEDULED AIRLINE RULES (INTERSTATE)


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CHAPTER 61. SCHEDULED AIRLINE RULES (INTERSTATE)

61.0. CERTIFICATION

61.00. *Certificate Required:* No scheduled airline shall be operated in interstate air commerce for the carriage of mail, goods, or persons, or any combination thereof, unless

(a) possessed of a valid airline certificate (or temporary permit) issued by the Secretary of Commerce, and

(b) possessed of valid competency letters (or temporary letters) relating to service, route, aircraft, maintenance, airmen, and weather, issued by the Secretary of Commerce and appended to such certificate and deemed a part thereof.

61.01. *Violation of Terms:* No scheduled airline shall be operated in interstate air commerce for the carriage of mail, goods, or persons, or any combination thereof, in violation of any of the terms, conditions, specifications, limitations, or other provisions

(a) contained in its airline certificate or temporary permit, or

(b) contained in any current competency letter or temporary letter relating to service, route, aircraft, maintenance, airmen, or weather.

61.1. SERVICE

61.10. *Service Performed and Changes:* No scheduled airline shall perform or render any service, as related to the carriage of mail, goods, or persons, or to day or night operation, until rated competent to render such service in an appropriate competency letter issued by the Secretary. When an airline operator desires to effect a change in the kind of service offered with respect to the above, application for a competency rating therefor shall be made to the Secretary in accordance with CAR 40.510.

61.11. *Schedules*

61.110. Operations Schedules—Shall be set up with due regard to sufficient time for the adequate servicing of fuel and oil at intermediate stops, to prevailing winds, and of a basis of cruising speed of the aircraft at not to exceed the specified cruising power output of the engines as operated in the aircraft. All airline aircraft when being tested for ratings will be checked to determine cruising speeds that are to be approved. Block-to-block time shall be used in establishing time from stop to stop.

61.2. ROUTE

61.20. *Route Operation and Changes:* No scheduled airline shall operate over any route or part thereof until rated competent to operate thereover in an appropriate competency letter, issued by the Secretary. When an airline operator desires to effect a change in the route flown over, application for a competency rating therefor shall be made to the Secretary in accordance with CAR 40.510.

61.21. *Regular Route:* The conduct of operations by a scheduled airline shall at all times be in strict accordance with the terms of its route competency letter.

61.22. *Regular Stops:* Regular terminals and intermediate stops shall be used only as specified in the route competency letter.

61.23. *Alternate Airports:* Regular terminals, intermediate stops or other adequate airports, may be used as alternates when used for the purpose of complying with clearance requirements, provided such alternates are listed as such in the route competency letter.

61.24. *Alternate Route:* No scheduled airline shall operate over any alternate route until rated competent to operate thereover in an appropriate competency letter issued by the Secretary, and the conduct of operations by such airline shall at all times be in strict accordance with the terms of its route competency letter.

61.3. AIRCRAFT

61.30. *Aircraft Operation and Changes:* No scheduled airline shall operate any aircraft until rated competent with respect thereto in an appropriate competency letter issued by the Secretary. When an airline operator desires to effect a change in the model aircraft utilized, application for a competency rating therefor shall be made to the Secretary in accordance with CAR 40.510.

61.31. *Single-Engine Aircraft*

61.310. Day Operation over Land—No single-engine float seaplane shall be operated over land unless such aircraft can, at all times, reach open water suitable for a landing in the event of complete power failure.

61.311. Night Operation over Land—No single-engine aircraft shall be operated at night with passengers.

61.312. Day Operation over Water—The following rules shall govern the operation of single-engine aircraft in day operation over water:

61.3120 (a). No single-engine land aircraft shall be operated over water unless such aircraft can at all times reach land suitable for a landing in the event of a complete power failure.

61.3121 (b). No single-engine water aircraft may be operated over water unless a landing may be effected at all times within a distance of eight miles from shore, in the event of a complete power failure.

61.3122 (c). No single-engine water aircraft shall be operated over water, except during such time and seasons as permit the use of such water for landing without any hazard from floating ice or freezing water spray.

61.313. Night Operation over Water—No single-engine aircraft shall be operated at night with passengers.

61.32. *Multi-Engine Aircraft*

61.320. Day Operation over Land—No multi-engine float seaplane shall be operated over land unless such aircraft can, at all times, reach open water suitable for a landing in the event of a complete power failure.

61.321. Night Operation over Land—No multi-engine float seaplane shall be operated at night over land.

61.322. Day Operation over Water—The following rules will govern the operation of multi-engine aircraft in day operation over water:

61.3220 (a). No multi-engine aircraft shall be operated over water, beyond gliding distance without the aid of power,

unless completely equipped for over-water flying, as provided in CAR 40.233.

61.3221 (b). No multi-engine aircraft shall be operated over water unless such aircraft can, at all times, maintain an altitude of at least 1,000 feet above the water, with any one engine completely out of commission and with the authorized load for the route or part thereof.

61.3222 (c). No multi-engine seaplane shall be operated over water except during such time and seasons as permit the use of such water for landing without any hazard from floating ice or freezing water spray.

61.3223 (d). When one engine fails in a twin-engine aircraft operating over water, the aircraft shall be headed toward, and thereafter continuously flown toward, the shore nearest in terms of time.

61.323. Night Operation over Water—The following rules will govern the operation of multi-engine aircraft in night operation over water:

61.3230 (a). Multi-engine water aircraft, except float seaplanes, may be operated over water at night for the carriage of mail and goods.

61.3231 (b). Same as CAR 61.3221.

61.3232 (c). No multi-engine aircraft shall be operated over water at night beyond gliding distance from shore without the aid of power, unless completely equipped for over-water flying, as provided in CAR 40.233.

61.3233 (d). Same as CAR 61.3223.

61.33. *Instruments:* No scheduled airline shall operate any aircraft in scheduled airline service unless such aircraft is possessed of all instruments required by the provisions of CAR 04.52 and 04.53. Flight instruments shall be properly functioning at the time of clearance and take-off of the aircraft.

61.34. *Equipment:* No scheduled airline shall operate any aircraft in scheduled airline service unless such aircraft is possessed of all equipment required by the provisions of CAR 04.52 and 04.53. Such equipment shall, at the time of clearance and take-off of the aircraft, be in a serviceable condition and ready for use.

61.35. *Maintenance*

61.3500. General—Each aircraft operated by a scheduled airline shall be maintained in a continuous condition of airworthiness, in accordance with accepted standards and practices, and the terms of the aircraft and maintenance competency letters.

61.3501. Organization—A maintenance organization shall be set up by the airline and it shall be responsible for the continuous condition of the airworthiness of all aircraft, engines, propellers, accessories and instruments, for the proper maintenance of adequate facilities, for the adequacy and competence of maintenance personnel and for the preparation and dissemination of such maintenance reports as are required by the Secretary.

61.3502. Supervision—All phases of maintenance duties shall be adequately supervised by qualified mechanics, mechanics in charge, crew chiefs, or foremen.

61.3503. Inspection—An adequate inspection organization shall be set up by the airline and it shall be responsible for determining that all maintenance work conforms to Department of Commerce requirements as to workmanship, methods employed, and materials used, as provided in CAR 61.35. Each inspector shall hold valid mechanic's certificate for the type of inspection involved.

61.3504. Workmanship—Workmanship shall be at least equivalent to that generally accepted as conforming to good practice as related to the airworthiness of the aircraft or auxiliary equipment.

61.3505. Methods—Methods employed shall conform to those generally accepted as good practice. Insofar as they apply, the methods provided for in CAR 18 shall be utilized.

61.3506. Materials—Materials used shall conform, when possible, to Army, Navy or CAR 18 specifications. In no case shall materials be used of physical properties less than those of the material used by the manufacturer of the equipment or component in question insofar as the airworthiness of such equipment or component is affected.

61.3507. Mechanics—An adequate staff of qualified mechanics and experienced artisans shall be employed by the airline operator and kept available for the performance of functions of maintenance and other duties which are reasonable and necessary to the safe and orderly operation involved. Each such mechanic and artisan shall be relieved of all airline duties for a period of at least 24 consecutive hours during each week of duty or equivalent thereof.

61.3508. Training Program—A training program shall be maintained so that maintenance personnel may at all times be familiar with the duties required, with particular reference to the introduction into airline service of new or unfamiliar equipment.

61.3509. Distribution of Personnel—Sufficient maintenance personnel shall be stationed or provided for along the airline route and at such scheduled stops as may be deemed necessary by the Secretary to provide proper service to flight equipment and auxiliaries thereto.

61.3510. Shops and Facilities—At least one general overhaul and maintenance shop containing adequate working space shall be provided for by the operator. Such shop shall be properly lighted, ventilated and heated.

61.3511. Stock—An adequate quantity of spare parts and supplies shall be kept on hand or readily available at all times.

61.3512. Adequate Facilities—Adequate facilities for the proper servicing, maintenance and repair of airline aircraft and auxiliary equipment shall be available at all points along the airline deemed necessary or advisable by the Secretary.

61.3513. Inflammable Material—Including dope, gasoline, etc., shall be kept remote from that portion of shops where sparks or open flames present fire hazards, by their proximity.

61.3514. Refueling Requirements—The following rules will govern the operations incident to the refueling of airline aircraft:

61.35140 (a). Water elimination facilities shall be provided at all refueling points.

61.35141 (b). A daily check for the presence of water in fuel and storage and dispensing tanks shall be made and a record of such water checks shall be kept.

61.35142 (c). Where refueling is accomplished during conditions of rain or snow, precautions shall be taken to prevent the entrance of moisture into the fuel tanks of the aircraft.

61.35143 (d). During refueling the aircraft and the fuel dispensing apparatus shall both be grounded to a point or to points of zero electrical potential.

61.35144 (e). When refueling is accomplished at night, adequate lights shall be provided to insure proper servicing.

61.35145 (f). No smoking and no fires or flames shall be permitted in the immediate vicinity of an aircraft while refueling is being accomplished.

61.35146 (g). When practicable, the aircraft electrical switches shall be not turned on or off while refueling is being accomplished.

61.35147 (h). When passengers are permitted to remain in the cabin while refueling is being accomplished, a responsible cabin attendant shall remain in the cabin at or near the cabin door.

61.3515. Alteration and Repairs—Airline aircraft, including training aircraft, aircraft engines, propellers and approved components thereof, shall be altered or repaired only in conformity to the procedures provided in CAR 18. Reports of such alterations or repairs shall be submitted promptly to the Secretary through the airline maintenance inspector having supervision of the operation involved.

61.3516. *Records:* Current records shall be kept of the total time of service, the time since last overhaul, and time since last inspection, on all aircraft, engines, propellers and where practicable on instruments and accessories.

61.4. MAINTENANCE MANUAL

61.40. *Necessity For:* In order to properly maintain flight equipment, each operator of a scheduled airline shall prepare and maintain a maintenance manual for the use and guidance of the maintenance personnel.



61.41. *Contents:* Each maintenance manual shall contain instructions for each operation covering the overhaul, check, inspection and servicing of flight equipment and other equipment auxiliary thereto, and shall also contain a copy of the current maintenance competency letter. The duties and responsibilities of each mechanic in charge, crew chief, foreman and inspector shall be clearly prescribed.

61.42. *Form:* The maintenance manual shall be loose-leaf in form, and each page therein shall be numbered and dated to show the currency of all material contained therein. All copies of such manual shall at all times be kept up to date.

61.43. *Delivery of Copies:* A copy of the maintenance manual shall be furnished to at least the following persons:

61.430 (a). the Secretary of Commerce,

61.431 (b). the Chief, Airline Inspection Section, Bureau of Air Commerce,

61.432 (c). each airline maintenance inspector of the Bureau of Air Commerce in charge of inspection of any part of the airline,

61.433 (d). each chief of maintenance of the airline,

61.434 (e). each chief inspector of the airline, and

61.435 (f). each mechanic of the airline in charge of all stations where servicing, inspection, checks or overhauls is or are done.

61.44. *Record of Copies:* Each airline operator shall keep a complete record of all persons to whom copies of its maintenance manual have been supplied.

61.45. *Changes:* The following rules will govern changes made in the maintenance manual:

61.450 (a). Any change issuing from the Secretary pertaining to the maintenance manual shall be promptly incorporated in the maintenance manual and copy thereof sent, in the form of a new page of such manual, to each person required to hold a copy of the manual. Each amended page of the manual shall be properly dated.

61.451 (b). Upon receipt of such amended page or pages the recipient shall insert the current information in the manual.

61.452 (c). No change shall be made in any of the overhaul, check or inspection periods contained in the manual without the approval in writing of the Secretary.

61.453 (d). Any data not issuing from the Secretary may be changed by the operator, without the approval of the Secretary, provided such change is not inconsistent with any Federal regulation or competency letter or safe maintenance practice. Notice of such change shall be promptly given in accordance with CAR 61.450.

61.46. *Retirement of Parts Program:* A retirement of parts program shall be set up by the operator based upon the experience of the operator and the best information available including recommendations from the original manufacturer of the equipment.

61.5. AIRMEN

61.50. *Airmen Utilization and Changes:* No scheduled airline shall utilize any pilot or dispatcher until such airman has been rated competent for the particular airline operation by the Secretary. When an airline operator desires to effect a change in the airmen listed in the airmen competency letter, application for a competency rating therefor shall be made to the Secretary in accordance with CAR 40.510.

61.51. *First Pilot*

61.510. Aircraft Commander—The first pilot shall be in command of the aircraft at all times during flight, and shall be responsible for the safety of persons and goods carried, and for the conduct and safety of the members of the crew.

61.511. Aircraft Competency—The first pilot shall meet the appropriate minimum requirements of CAR 40 and be listed in the airmen competency letter as approved for service to be performed.

61.512. Instrument Competency—The first pilot, in addition to meeting the minimum requirements for an instrument rating provided for in CAR 20.21 and the appropriate provisions of CAR 21, as the case may be, must prove satisfactorily to the operator's check pilot, at least every six months after entry into service in accordance with the training program required by CAR 61.53, his ability to pilot and navigate by instruments an aircraft of a make and model to be flown by him in the airline service. Additional checks may be required by the Secretary in his discretion.

61.513. Route Competency—The first pilot shall meet the appropriate minimum requirements of CAR 40 and be listed in the airmen competency letter as approved for the route, or part thereof, specified therein. No pilot shall be scheduled over an alternate route unless he has met the requirements of CAR 61.5141 regarding qualification over such route.

61.514. Route Competency Expiration—The following rules will govern conditions of route competency expiration, as related to first pilots:

61.5140 (a). Regular Route—After 6 consecutive months' absence from flight duty over a regular route, or part thereof, a first pilot will no longer be deemed competent for the carriage of persons in airline service over such route or part thereof.

61.5141 (b). Alternate Route—After 12 consecutive months' absence from flight duty over an alternate route, a first pilot will no longer be deemed competent for the carriage of persons in airline service over such route.

61.515. Route Competency Renewal—The following rules will govern conditions of route competency renewal, as related to first pilots:

61.5150 (a). A first pilot, who has been absent from flight duty over a regular route, or part thereof, for a period of less than 12 consecutive months and whose route competency has expired in accordance with the provisions of CAR 61.5140, will be deemed competent for such route, or part thereof, upon completion of one round trip flight over the route, or part thereof, as pilot (without passengers) or as second pilot (with or without passengers), and upon notice to the Secretary of such flight with weather conditions as outlined in CAR 40.2613.

61.5151 (b). A first pilot, who has been absent from flight duty over an alternate route for a period of more than 12 consecutive months and whose route competency has expired in accordance with the provisions of CAR 61.5141, will be deemed competent for such alternate route upon compliance with the requirements of CAR 40.2611, CAR 40.2612 and CAR 40.2613, as to such alternate route.

61.516. Logging Flight Time—A first pilot shall log the total actual flight time elapsing during his command of the aircraft.

61.517. Logging Instrument Flight Time—Instrument time may be logged as such only when the aircraft is flown solely by reference to instruments either under actual or simulated conditions. (Over-the-top flying shall not be logged as instrument time.)

61.518. Flight Time Limitations—The following rules will provide the limitations as to the first pilot flight time:

61.5180 (a). A first pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours, without a rest period during such 8 hours. If such pilot be scheduled to fly in excess of 8 hours during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period shall equal at least twice the number of hours flown since the last preceding rest period and in no case shall such rest period be less than 8 hours. During such rest period, the pilot shall be relieved of all duties with the airline.

61.5181 (b). When a first pilot has flown in scheduled airline service in excess of 8 hours during any 24 consecutive hours, he shall receive 24 hours of rest before being assigned any duty with the airline.

61.5182 (c). A first pilot shall not fly in excess of 30 hours during any 7 consecutive days. Relief from all duty for not less than 24 consecutive hours shall be provided for and given to such pilot at least once during any 7 consecutive days.

61.5183 (d). A first pilot shall not fly in scheduled airline service as a member of the crew more than 100 hours in any one month.

61.5184 (e). A first pilot shall not fly in airline service more than 1,000 hours in any calendar year.

61.5185 (f). All first pilot flight time limitations of these regulations are applicable even though such pilot may be used as a second pilot except when first pilot is qualifying on a regular route or alternate route on which he is not qualified.

61.5186 (g). A first pilot shall not do other commercial flying while employed by an airline operator when such flying will exceed any flight time limitations specified herein.

61.519. Physical Examination—A first pilot shall complete a satisfactory physical examination given by a medical examiner designated by the Secretary in accordance with the requirements of CAR 20.3504 and 21.252, as the case may be. Additional examinations may be required by the Secretary at his discretion.

61.52. *Second Pilot*

61.520. When Required—A second pilot will be required in the following cases when passengers are carried:

61.5200 (a). When the aircraft used is of a design incorporating multi-engine features, combined with retractable landing gear or wing flaps or of a single-engine design incorporating both retractable landing gear and wing flaps, or

61.5201 (b). when the first pilot is required to fly 5 or more hours during any 24 consecutive hours without an intervening rest period equal to at least 2 hours for each hour flown since the last preceding rest period. Such rest period when required shall not be less than 8 hours, or

61.5202 (c). when the operation authorized permits instrument flying, or

61.5203 (d). when, in the opinion of the Secretary, the usual and customary duties of a first pilot in the navigation and conduct of a flight would be unduly interfered with through the necessity of performing other duties.

61.521. Aircraft Competency—A second pilot shall meet the minimum requirements prescribed in CAR 40.262.

61.522. Instrument Competency—At least once each 6 months after entry into service as a second pilot, each second pilot shall have his log-book certified to the effect that he is capable of flying by instruments and has demonstrated such fact to a first pilot, check pilot, or to the chief pilot of the airline, which person shall so certify.

61.523. Logging Flight Time—A second pilot may log 50% of the total actual flight time or he may log the full flight time during which he was the sole manipulator of the controls, provided that if such time be in excess of 50% of the total flight time, the time so flown by the second pilot shall be certified by the first pilot.

61.524. Flight Time Limitations—A second pilot shall not fly as a member of the crew in scheduled airline service, more than 100 hours in any month.

61.53. *Pilot Technique Maintenance*

61.530. Responsibility of Operator—In order to maintain a high standard of pilot technique, the airline operator shall be responsible for proper and periodic instruction, in their respective duties, of all first and second pilots employed by such operator. The instruction so given to first pilots shall at least include single-engine operation and approach for landing with maximum load authorized for the route or portion thereof, in each type of aircraft to be used by the pilot in scheduled airline service, and instrument approach procedures.

61.531. Transition Training—If a first pilot has not flown a particular make and model of aircraft, within the previous 90 days, he shall before being scheduled in such equipment receive flight training on such aircraft, including:

61.5310 (a). 5 take-offs and landings, with one-half to three-quarters of the useful load aboard.

61.5311 (b). One landing of the 5 provided for in CAR 61.5310, with one engine fully throttled approach, effected during the day, and where night operation is authorized one landing of the 5 provided for in CAR 61.5310, with one engine fully throttled approach, effected at night.

61.532. Persons Carried During Transition Training—During such pilot transition training, no persons other than airline personnel on airline business may be carried.

61.533. Pilot Certification for Equipment—When such tests are not conducted by a Department of Commerce airline inspector, an authorized check pilot shall certify to the pilot's capabilities on the equipment involved.

61.534. Check Pilots—Each airline operator shall provide a sufficient number of check pilots to insure that each pilot constantly meets and complies with the minimum pilot requirements pertaining to scheduled airline service. No check pilot so provided by the operator shall check any first pilots for the airline until such check pilot has been approved therefor by the Secretary. No check of pilot capabilities made in behalf of the airline operator abrogates the authority of the Secretary to make whatever pilot checks are deemed by him to be necessary in the interests of safe airline operation.

61.535. Training Program—A pilot training and instruction program satisfactory to the Secretary shall be maintained by the airline. The operator shall submit it to the Secretary within 60 days of certification of the airline.

61.54. *Radio Operator*

61.540. Pilot as Operator—The first or second pilot may serve in the capacity of a radio operator, subject to the rules of the Federal Communications Commission in respect to the grade of operator's license required.

61.55. *Dispatchers*

61.550. Number Required—The airline operator shall provide an adequate number of certificated airline dispatchers, necessary for the type of operation involved, for the purpose of dispatching airline aircraft.

61.551. Location—One or more airline dispatchers shall be located at such terminal or intermediate points on the route as may be deemed by the Secretary to be necessary for the operation involved.

61.552. Dispatcher Competency Certificate—Each dispatcher used by the airline for the purpose of dispatching airline aircraft shall be possessed of a valid dispatcher's certificate, in accordance with the provisions of CAR 27.

61.553. Route Competency—The following rules shall govern a dispatcher's route competency:

61.55300 (a). He shall have made at least one round trip over the route, or part thereof, on which he is to serve during the previous 90 days prior to dispatching any airplane over such route or part thereof.

61.55301 (b). He shall observe and be familiar with the prevailing weather phenomena peculiar to the route, or part thereof, for which qualification is sought.

61.55302 (c). He shall be familiar with the airline operation over the route, or part thereof, for which qualification is sought.

61.55303 (d). He shall be familiar with the contents of the airline operations manual.

61.55304 (e). He shall be familiar with the airmen and weather competency letters over the route or part thereof for which qualification is sought.

61.55305 (f). He shall be familiar with the general and special rules of the airline concerning dispatch of aircraft in scheduled operations.

61.55306 (g). He shall be familiar with the aircraft used by the airline.

61.55307 (h). He shall be familiar with the provisions of the aircraft certificates and with the loading charts for the equipment used.

61.55308 (i). He shall be familiar with the maximum authorized loads, with respect to the route or part thereof, for the aircraft to be used.

61.55309 (j). He shall be familiar with the fuel and oil consumption of the aircraft, with respect to the airline operating conditions.

61.55310 (k). He shall be familiar with the available charts used to compute the air speed of the aircraft and the fuel consumption, at various altitudes and power outputs of the aircraft engines.

61.55311 (l). He shall be familiar with the local United States Weather Bureau and Bureau of Air Commerce personnel.

61.55312 (m). He shall be familiar with the radio facilities in the aircraft used.



61.55313 (n). He shall be familiar with the peculiarities and limitations of each radio range and radio marker station over the route, or part thereof, for which route competency is sought.

61.55314 (o). He shall be familiar with the effect of weather conditions upon the radio reception by the aircraft to be used.

61.55315 (p). He shall be familiar with the time-tables which ordinarily apply to the airline operation.

61.55316 (q). He shall be familiar with any airway facility, additional to those mentioned in CAR 61.55313 enroute, to, or located at, alternate airports approved as such, for the route or part thereof, in the route and weather competency letter.

61.554. Route Competency Maintenance—Each dispatcher, listed in the airline airmen competency letter shall make at least one round trip over the route, or part thereof, on which he dispatches airline aircraft in scheduled operations, at least once each 6 months.

61.555. A dispatcher shall not dispatch visual-contact, instrument and/or over-the-top flights, either day or night, below the respective minimums specified for such flights in the weather competency letter, except as provided in CAR 61.71094.

61.556. Dispatcher Route Competency Expiration—After 24 consecutive months' absence from dispatching duty over a route or part thereof, a dispatcher will no longer be deemed competent to dispatch aircraft in scheduled operations over such route or part thereof.

61.557. Dispatcher Time Limitations—The following rules will govern the hours of duty for authorized dispatchers:

61.5570 (a). Maximum Consecutive Hours of Duty—No dispatcher shall be on duty as such for a period of more than 10 consecutive hours.

61.5571 (b). Maximum Hours of Duty in 24 Consecutive Hours—If a dispatcher is scheduled to be on duty as such for more than 10 hours in a period of 24 consecutive hours, he shall be given a rest period of not less than 8 hours, at or before the termination of 10 hours of dispatcher duty except in emergencies due to illness or unavoidable absence of a dispatcher due to weather during a qualification trip or other circumstances beyond the control of the operator.

61.5572 (c). Dispatcher's Time Off—Relief from all duty with the airline for not less than 24 hours shall be provided for and given each dispatcher at least once during any consecutive 7 days, or equivalent thereto within one calendar month.

61.6. WEATHER

61.60. *Reports:* The following rules shall govern the use of weather reports by scheduled airline operators:

61.600 (a). No weather report shall be used to control flight movements unless prepared from observations made and released by the United States Weather Bureau, or by a source approved by such Bureau including pilots' flight observation reports.

61.601 (b). The weather reports used shall be the latest reports available.

61.602 (c). The last airway weather report entered upon the clearance form or attached thereto shall be not more than one hour and 15 minutes old at the time the aircraft departs on a scheduled flight, except that off-course weather reports or on-call weather reports may be entered thereupon or attached thereto if the last such report is not more than 2 hours old.

61.603 (d). Barometric pressures, corrected to sea level readings, shall be utilized exclusively.

61.604 (e). All ceiling heights, reported by pilots in flight either by radio or by entry on forms, shall be with reference to altitude above sea level.

61.605 (f). Forecasts made by the Weather Bureau or company meteorologists, or both, may be used.

61.7 FLIGHT OPERATIONS

61.70. *Prior to Clearance*

61.700. Aircraft to be Airworthy—No scheduled airline shall operate any aircraft unless, at the time of use, the aircraft is in an airworthy condition, conforms with the terms of its current aircraft certificate and is loaded in conformity with the current loading schedule which is a part of such certificate.

61.701. Adequately Serviced—Before departure on any flight, the airline aircraft shall be adequately serviced. The first pilot shall be responsible for the proper servicing of the aircraft, although he may delegate the actual work of supervision to a second pilot or other airman.

61.702. Adequate Fuel Supply—The following rules shall govern the minimum fuel supply to be carried by all airline aircraft:

61.7020 (a). Visual-Contact Operation (Day or Night)—No airline aircraft shall be dispatched or shall take off without fuel and oil sufficient, considering the wind and other weather conditions to be encountered during the course of the flight, at least

(1) to complete such flight to the point cleared to, and thereafter.

(2) to fly for a period of 45 minutes at normal cruising consumption for the flight.

61.7021 (b). Instrument or Over-the-Top Operation (Day or Night)—No airline aircraft shall be dispatched or shall take off without fuel and oil sufficient, considering the wind and other weather conditions to be encountered during the course of the flight, at least

(1) to complete such flight to the point cleared to, and thereafter

(2) to fly to and land at the alternate airport designated in the clearance and most distant from the point cleared to, and thereafter

(3) to fly for a period of 45 minutes at normal cruising consumption for the flight.

61.703. Radio Ground Check—Immediately preceding departure from originating station it shall be determined that both day and night frequencies of the two-way radio, as well as all additional frequencies whose use are contemplated during the flight, are working satisfactorily. The method of determining this shall be by radio contact on each frequency with at least one ground station.

61.704. Passengers Aboard During Refueling—Passengers may be permitted to remain in the cabin during refueling, provided:

61.7040 (a). There is no smoking in the aircraft, and

61.7041 (b). there is no smoking on the ground in the vicinity of the aircraft, and

61.7042 (c). an employee of the operator is stationed in the entrance to the passenger cabin and remains there alert for any emergency until refueling is completed.

61.705. Notice of Other Aircraft in Flight on Route—Prior to clearance, it shall be the responsibility of the dispatcher to ascertain from the best information available what other aircraft flights are in progress over the route to be flown, the results of which shall be made known to the pilot. After departure of the scheduled flight the dispatcher will continue to advise his flight or flights the progress of all other known aircraft in flight on the course, crossing courses, converging courses, etc.

61.71. *Dispatching Rules (For Clearance)*

61.7100. Necessity for Dispatching Authorization—No scheduled airline flight shall be started except on the authority of an airline dispatcher whose name appears in the airmen competency letter as qualified for the route, or part thereof, on which the flight takes off.

61.7101. Dispatcher Reporting for Duty—No dispatcher shall clear a flight of airline aircraft unless he has been on duty, at the station from which such clearance is effected, for a period sufficient to become familiar with existing conditions. He shall continue on duty until the aircraft has landed in completion of a trip, or until the dispatching supervision has been taken over by an adjacent airline dispatcher or by another dispatcher who has relieved him after such relief dispatcher has been on duty for a period sufficient to become familiar with existing conditions.

61.7102. Clearance Form: Approval—The clearance form used shall be approved by the Secretary. (Note: A sample form may be obtained from the Secretary which contains substantially the material that would be acceptable.)

61.7103. Clearance Preparation and Execution—A clearance form shall be properly prepared and executed for each flight between designated clearance points, and shall be signed by the first pilot and by an authorized dispatcher or by duly authorized station personnel of the operator after receiving current authority from the authorized dispatcher on duty only when both the first pilot and the dispatcher believe the flight may be made with safety. The original copy shall be given to the first pilot and a duplicate copy shall be kept in the station file for a period of at least 30 days.

61.7104. Clearance Contents—The following rules will govern the clearance contents:

61.71040 (a). The clearance shall contain or have attached thereto all current weather reports as outlined in 61.60 over the airway or part thereof and, when available, any off-airway or on-call weather reports considered necessary or desirable by the pilot or dispatcher to insure the safety of the flight.

61.71041 (b). When available, the latest terminal and airway forecasts shall be included in or attached to the clearance and shall be considered by the dispatcher responsible and first pilot before clearance.

61.71042 (c). The dispatcher or duly authorized station personnel shall attach or enter all current reports or information pertaining to irregularities of navigational aids and facilities affecting the flight. He shall also inform the pilot, during flight, of any additional or different irregularities and the flight shall be controlled accordingly.

61.7105. Clearance Request Repetition—When a pilot requests clearance from a dispatcher authorized to clear the proposed flight and is refused such clearance, he shall not make a similar request from another dispatcher.

61.7106. Change in Clearance by Radio—If a change in clearance is desirable while the aircraft is in flight, the pilot may be given a change in clearance by radio by an authorized dispatcher, provided the two-way conversation appears in the radio log. If the pilot is refused such change by one dispatcher, he shall not make a similar request of another dispatcher.

61.7107. Weather Minimums: General—The following rules relating to weather conditions will govern the dispatching of airline aircraft. No scheduled airline aircraft shall be dispatched unless:

61.71070 (a). At the time of take-off, the ceiling and visibility at the point of departure are equal to or better than those specified for departure in the weather competency letter.

61.71071 (b). In the event of ground fog, all take-offs or landings shall be made in strict accordance with the procedure specified in the weather competency letter.

61.7108. Weather Minimums: Visual-Contact Clearance—The following rules relating to weather conditions will govern the dispatching of airline aircraft in visual-contact operation. No scheduled airline aircraft shall be dispatched unless:

61.71080 (a). The hourly weather report and sequence and current weather forecasts shall show a trend that gives sufficient indication that the ceilings and visibilities along the entire route to be flown are and will remain at or above the minimums specified in the weather competency letter until the flight arrives at the point cleared to.

61.71081 (b). During day operation minimum visibility shall be one mile except contact flight may be made when visibility is reduced to one-half mile by local smoke, dust, haze, blowing snow or sand.

61.71082 (c). During night operation at least one beacon on the course shall be visible from the aircraft at all times.

61.7109. Weather Minimums: Instrument or Over-the-Top Clearance—The following rules relating to weather conditions will govern the dispatching of airline aircraft in instrument and/or over-the-top operation:

61.71090 (a). No scheduled airline aircraft shall be dispatched unless the observed weather information and current weather forecasts, pertaining to the point cleared to, give sufficient indication at the time of clearance that the ceiling and visibility are or will be, when the flight would arrive at such point, at or above the minimums specified in the weather competency letter for letting-down-through.

61.71091 (b). When the observed weather information and current weather forecasts pertaining to the point cleared to give sufficient indication, at the time of clearance, that the ceilings and visibility are, and will remain until the flight would arrive at such point, at or above the minimums specified in the weather competency letter for letting-down-through, there shall be at least one designated alternate airport or intermediate field specified on the appropriate flight clearance. Such alternate airport or field shall be suitable for landing and be within the fuel and oil requirements as outlined in CAR 61.702.

61.71092 (c). If the alternate referred to in CAR 61.71091 is equipped with a radio range beacon, the weather conditions existing thereat at the time of clearance must indicate that the ceilings and visibility are, and will remain until the flight would arrive at such point, at or above the minimums specified in the weather competency letter for letting-down-through, and the hourly weather report sequence and current forecast shall show a trend that gives sufficient indication of weather conditions continuing so until the flight would arrive thereat.

61.71093 (d). If the alternate referred to in CAR 61.71091 is not equipped with a radio range beacon, the weather conditions existing thereat at the time of clearance must be equal to, or better than, broken clouds and a ceiling of 1,000 feet and visibility of 2 miles, and the hourly weather report sequence and forecast shall show a trend that gives sufficient indication of continuing so until the flight would arrive thereat. The Secretary may, in his discretion, prescribe higher minimums.

61.71094 (e). When the ceiling or visibility at the point cleared to is below the minimum specified in the weather competency letter for landing-down-through, but the weather reports pertaining to such point at such time shall show a trend, by the hourly sequence and current forecast, that gives sufficient indication of the weather conditions improving to or above such minimums upon arrival of the flight thereat, 2 designated alternate airports or intermediate fields specified in the appropriate flight clearance. Each such alternate shall be suitable for landing and be within the fuel and oil requirements, as outlined in CAR 61.702.

61.71095 (f). If any one of the alternates, referred to in CAR 61.71094, is equipped with a radio range beacon, the weather conditions existing at such alternate at the time of clearance shall not be less than the minimums provided for in CAR 61.71092.

61.71096 (g). If any one of the alternates, referred to in CAR 61.71094, is equipped with a radio range beacon, the weather conditions existing at such alternate at the time of clearance shall not be less than the minimums provided for in CAR 61.71093.

61.7110. Clearance of Flights on Alternate Routes—Clearance of flights on alternate routes shall not be permitted unless such route or routes have been approved and listed in the letter of competency, and conditions on the regular route are such that the flight would otherwise be canceled or delayed, or when for the purpose of keeping pilots qualified over such routes. When such flights are made for qualifying pilots, such flights shall be made by visual-contact with visibility not less than 5 miles as observed from the aircraft over the entire route. When flights are cleared over alternate routes due to conditions on the regular route being such that flight is considered inadvisable, the weather conditions on the alternate route shall be equal to or better than those listed in the letter of competency for the particular alternate route.

61.7111. Late or Off-Schedule Flights—When variations from the regular schedules occur, the dispatcher shall take



such action or issue such special orders as may be necessary and proper.

61.7112. Flight Hazards—No scheduled airline flight shall be dispatched, or permitted to continue in flight, when there is a known probability of its encountering any hazardous conditions in making or continuing such flight.

61.72. *Flight Preparation and Take-Off Rules*

61.7200. Radio Ground Check—Before departure from the originating terminal on any scheduled airline operation, at least one check shall be made by the pilot of the radio system to be used in flight.

61.7201. Radio Check After Take-Off—When a trailing antenna is used, a precautionary radio check to determine possible loss of such antenna shall be made as soon as practicable after take-off.

61.7202. Control Tests—The pilot shall test the flight controls on the ground and determine that they are functioning properly.

61.7203. View of Traffic—Immediately prior to take-off, the pilot shall maneuver the aircraft to a position from which he can observe incoming and outgoing aircraft.

61.7204. Engine Tests—Before the take-off run, the aircraft engine or engines shall be individually tested at full throttle, except that supercharged engines shall be tested at run-up r. p. m. at the manifold pressure specified by the operator for the particular conditions involved. The engine temperatures (including oil, carburetor, and head temperatures) shall be normal and each magneto shall be individually tested.

61.72040 (a). No person other than a certificated airman may run-up the engine or engines of an airline aircraft while such engines are installed in an airline aircraft.

61.72041 (b). Engine run-ups shall be conducted in such a manner as to minimize the effect of loose gravel, cinders and like material in contacting the propeller blades, aircraft control, lift and stabilizing surfaces.

61.7205. Instrument Tests—Before the take-off run, as many as possible of the aircraft flight instruments, and particularly all pressure gauges and gyroscopic flight instruments, shall be tested by the pilot to determine that they are all functioning properly.

61.7206. Take-Off Restrictions—No pilot shall take-off any airline aircraft if, in his opinion, the aircraft is not airworthy. No pilot shall take-off any airline aircraft at any time when an engine is not functioning properly.

61.7207. Runway Utilization—The take-off shall be started from a point which makes available the greatest length of runway, considering the direction of the wind.

61.7208. Restricted-Vision Take-Offs—If a method of take-off, under conditions of restricted vision (including conditions of ground fog), is specified in the weather competency letter, it shall be strictly followed.

61.7209. Banking after Take-Off—So far as practicable, the aircraft shall not be banked immediately after take-off until at least a minimum altitude of 500 feet has been attained.

61.7210. Pilots at Controls—Neither pilot shall leave the controls during ascent of the aircraft immediately following take-off.

61.7211. Take-Off from Fields Not Designated as Airports—No scheduled airline aircraft shall take-off with passengers from any field not designated as an airport until such aircraft has been properly cleared by a dispatcher authorized to act in such an emergency and until a complete agreement has been reached by both the pilot in command of such flight and the authorized dispatcher that such clearance can be accomplished with safety.

61.73. *Flight Course and Enroute Rules*

61.730. Alternate Routes—Scheduled airline aircraft shall not be operated over an alternate route unless authorized to do so in a route competency letter and then only in compliance with the provisions thereof.

61.731. Deviation from Airway—Scheduled airline aircraft shall not deviate from the prescribed airway except when the circumstances render such deviation necessary as an emergency safety measure. Any such deviation shall be explained by the pilot in a written report to the airline operations manager. The operations manager shall furnish a copy of such report with comments promptly to the Secretary.

61.732. Dispatcher Emergency Decisions—In an emergency situation, arising during the course of the flight, which requires immediate decision and action on the part of the dispatcher, and that is known to him, the airline dispatcher shall notify and advise the pilot as to such situation. Further, the dispatcher shall determine from the pilot what final decision has been made by such pilot and shall enter it in the station radio log.

61.74. *Flight Altitude Rules*

61.740. Visual-Contact Day or Night—Except during take-offs and landings, no scheduled airline aircraft shall be flown at an altitude less than 500 feet above the ground, or within 500 feet from any mountain, hill, or other obstruction to flight, except as may be specifically approved by the Secretary.

61.741. Instrument Flights—Altitudes established for instrument flights by the provisions of CAR 60.—— shall be strictly adhered to during such flights. Except during take-offs, and final approaches and landings, no instrument flight shall be conducted within 1,000 feet above the ground or any obstruction.

61.742. Maximum Altitude of Flight Operations—In scheduled airline aircraft carrying passengers and operating at an altitude above 15,000 feet above sea level, there shall be a competent cabin attendant provided to observe and care for the passengers. Scheduled airline flights above 15,000 feet are prohibited except for the periods of time which are necessary to clear obstructions to flight and to avoid hazardous weather conditions. Scheduled airline flights at altitudes above 18,000 feet are prohibited unless specifically permitted by the terms of the weather competency letter.

61.75. *Instrument Approach Rules*

61.750. Altitude Maintenance on Initial Approach—When making an initial approach to a radio range station, on instruments or on top of overcast or clouds, an aircraft in scheduled airline operation shall not descend below the pertinent minimum altitude for initial approach specified in the weather competency letter for such station, until arrival over the radio range station has been definitely proved by the method outlined in the appropriate instrument approach procedures of the weather competency letter.

61.751. Letting-Down-Through Procedure—When instrument authority is authorized standard instrument approach procedure shall be established by the operator for each radio range station used or to be used for letting-down-through, and approved by the Secretary and included in the weather competency letter. The letting-down-through methods, procedures and minimums specified, shall be strictly adhered to.

61.76. *Landing Rules*

61.760. Pilots at Controls—The pilots shall remain at their controls during the final approach and landing.

61.761. Restricted-Vision Landing—The Method of landing under conditions of restricted vision, when authorized, will be specified in the weather competency letter and shall be strictly adhered to.

61.77. *Flight Interruption Rules*

61.770. Weather Interruption—If any hazardous flight condition is encountered enroute, the pilot shall broadcast information as to the course of action which he is taking and as to his reasons therefor.

61.771. Mechanical Interruptions—In the event of any mechanical failure or interruption (including failure of engine, flight instrument, radio, or other essential component of the aircraft) which may involve the safety of the flight, the pilot shall proceed to and land at the nearest place where a safe landing can be effected. (For general pilot authorization, in emergency situations, see CAR 61.7812.)

61.78. *General Pilot Rules*

61.7800. Command of Flight—The first pilot shall be in command during the flight of the aircraft.

61.7801. Remaining at Controls—The pilots shall remain at their posts while the aircraft is in flight and shall not leave the pilots' compartment except when it is necessary in attend-

ing to their regular duties or when replaced by a person authorized in CAR 61.7803. When a second pilot is required to attend passengers, he shall not, unless the first pilot deems it necessary, leave the pilots' compartment until the aircraft has ascended to its cruising altitude, or during the final stages of an approach for a landing.

61.7802. Manipulation of Controls—No person, other than a first or second pilot shall manipulate the controls of an airline aircraft while in scheduled flight, provided, however, that at the discretion of the first pilot such restriction shall not apply to an authorized airline inspector of the Department of Commerce or to properly qualified company personnel.

61.7803. Pilots' Compartment—The door or doors between the pilots' compartment and the passenger compartment shall be kept closed when the aircraft is in flight. No person shall be admitted to such pilots' compartment while the aircraft is in scheduled flight, except at the discretion of the first pilot, an employee authorized by the operator or any of the following personnel of the Department of Commerce may be admitted

Secretary of Commerce
Assistant Secretary of Commerce
Director of Air Commerce
Assistant Director of Air Commerce
Chief, Certificate and Inspection Division
Chief, Airline Inspection Section
Supervisor, Air Traffic Control
Airline Inspectors of Operation
Airline Inspectors of Maintenance
Airline Inspectors of Radio

61.7804. Radio Head-Sets—A radio telephone headset shall be worn by the first pilot or by a second pilot and the radio tuned to appropriate frequencies at least during the time while the aircraft is in flight or taxiing.

61.7805. Time of Reporting for Duty—The pilot in command of any scheduled flight and the second pilot shall report to the operations office of the operator in sufficient time prior to the start of any scheduled flight to study and familiarize themselves with weather conditions on the route to be flown and for the plan of flight to be executed for the proposed schedule.

61.7806. Local Airport Rules and Interline Agreements—Pilots shall at all times comply with accepted safety agreements or practices, including current interairline agreements and local airport traffic rules.

61.7807. Pilot Seat Belts—Any pilot while actually manipulating or in a situation where he may have to take over the controls shall keep his seat belt fastened at all times.

61.7808. Maneuvers—All aircraft maneuvers not necessary to the safe and orderly progress of the flight shall be avoided.

61.7809. Maps and Flight Equipment—It shall be the responsibility of the pilot in command before any scheduled flight is started to have in his possession in the cockpit proper flight and navigational facility maps, including instrument approach procedures when instrument flight is authorized, and such other flight equipment as may be necessary to properly conduct the particular flight proposed.

61.7810. Flashlights—It shall be the responsibility of the pilot in command to see that 2 satisfactory flashlights in good working order are provided in the aircraft and accessible to both pilots.

61.7811. Emergency Decisions—The first pilot is authorized, in emergency situations which require immediate decision and action, to resolve upon a course of action which is required by the factors and information available to him. He may, in such situations, deviate from prescribed methods, procedures or minimums to the extent required by considerations of safety. When such emergency authority is exercised, the pilot shall keep the proper control station fully informed regarding the progress of the flight. He shall submit a written report of any such deviation to his operations manager. The operations manager shall furnish a copy of such report, with his comments, promptly to the Secretary.

61.79. *Miscellaneous Rules*

61.790. Distribution of Notices—The operator shall set up some provisions for the prompt transmission of all information pertaining to changes and irregularities of all navigational aids and facilities over his entire system. In addition where inter-airline agreements, airway traffic control regulations, and local airport traffic rules, etc., have been provided and adopted, on any portion of the route or routes, prompt notice and appropriate instructions shall be given to all personnel concerned.

61.791. Airline Aircraft Proving Period

61.7910 (a). All airline aircraft of a new make or model shall have at least 100 hours of proving tests in the hands of an airline operator, under the supervision of an authorized representative of the Bureau of Air Commerce before authority for carrying passengers may be issued. At least 50 hours of such tests shall be on scheduled operation and include at least 10 hours of night operation.

61.7911 (b). In the case of major changes on aircraft previously proved, or the use of the same aircraft on a different operation, 50 hours of proving tests similar to that outlined in the preceding paragraph may be required, at least 25 hours of which shall be in scheduled operation.

61.7912 (c). During the tests specified in (a) and (b) above, passengers other than those essential to the tests are prohibited. Mail, express and/or cargo may be carried, at the discretion of the Secretary.

61.792. Smoking Rules—The operator may permit smoking in scheduled airline aircraft except in berths of sleeper planes and during refueling, provided:

61.7920 (a). The aircraft carries a second pilot or cabin attendant, who shall notify passengers when and where smoking is prohibited.

61.7921 (b). Sufficient ash containers of a suitable type are provided.

61.793. No Smoking Signs—A prominent "No Smoking" sign shall be displayed in berths.

61.794. Smoking in Pilot Compartment—When the operator permits smoking in the pilot compartment, suitable ash containers for the members of crew shall be provided. In no event shall smoking be permitted during take-offs, landing and refueling.

61.795. Radio Rules—The following rules will govern the use and operation of radio facilities by an airline operator.

61.7950 (a). Radio facilities, exclusive of the emergency equipment, in the aircraft shall be operating and ready for immediate use at all times when the aircraft is in flight.

61.7951 (b). The radio communications system required by the civil air regulations shall at all times be operated in strict accordance with the rules and regulations provided therefor by the Federal Communications Commission.

61.7952 (c). Where a communication channel serves point-to-point contacts in addition to ground to plane it is required that priority of the circuit be given to plane to ground and ground to plane communication. Where in the opinion of the Secretary the volume of point-to-point traffic is so heavy as to interfere with the primary purpose of the circuit, i. e., plane to ground and ground to plane contacts, the Secretary may require that all other traffic be removed from this circuit.

61.8. OPERATIONS MANUAL

61.80. *Necessity For:* Each operator of a scheduled airline shall prepare and maintain an operations manual for the use and guidance of the airline flight and ground personnel. If desired by the operator, such manual may be broken down into two or more parts, on a divisional basis, but the manual for each division shall be complete as pertains to such division.

61.81. *Contents:* Each operations manual, including a divisional manual, shall contain

61.810. (a) a copy of the current route and weather competency letters,

(b) a copy of all interline traffic agreements affecting the particular operation involved; and

(c) any other data or information which the operator desires to include for the efficiency or safety of the operation.



61.82. *Form:* The operations manual shall be loose-leaf in form, and each page therein shall be numbered and dated to show the currency of all material contained therein. All copies of such manual shall at all times be kept up to date.

61.83. *Delivery of Copies:* A copy of the operations manual shall be furnished to at least the following persons:

(a) the Secretary of Commerce;
(b) the Chief of the Airline Inspection Section, Bureau of Air Commerce;
(c) each airline inspector of the Bureau of Air Commerce in charge of inspection on any portion of the route, including any division thereof;
(d) each airline first pilot;
(e) each airline second pilot;
(f) each person authorized for dispatching duty;
(g) each airline aircraft radio operator; and at
(h) each airline terminal and scheduled intermediate stop.

61.84. *Record of Copies:* Each airline operator shall keep a complete record of all persons to whom copies of its operations manual have been furnished.

61.85. *Changes:* The following rules will govern changes made in the operations manual:

61.850 (a). Any change, issuing from the Secretary, pertaining to the route or weather competency letter shall be promptly incorporated in the operations manual and a copy thereof sent, in the form of a new page of such manual, to each person required to hold a copy of the manual. Each amended page of the manual shall be properly dated.

61.851 (b). Upon receipt of such new page or pages, the recipient shall insert the current information in the manual.

61.852 (c). No change shall be made in any of the terms, specifications, conditions, limitations, or other provisions appearing in the airline certificate or in any appended competency letter without the approval, in writing, of the Secretary.

61.853 (d). Any data not issuing from the Secretary may be changed by the operator, without approval of the Secretary, provided such change is not inconsistent with any Federal regulation or competency letter or safe operation practice. Notice of any such change shall be given promptly in accordance with the provisions of CAR 61.850.

61.9. REPORTS

61.90. *General:* Each scheduled domestic airline operator shall furnish the Secretary such reports as may be required by him.

61.91. *Monthly Report:* A monthly operations report shall be submitted on Form No. AC 61–1 to the Secretary not later than the 20th of the next succeeding month.

61.92. *Mechanical Interruption:* Two copies of mechanical interruption in flight report shall be submitted to the Secretary, through the airline maintenance inspector of the Bureau of Air Commerce who is assigned to such operation, on Form No. AC 61–2 as soon as possible, but not later than 10 days after a mechanical interruption occurs.

61.93. *Weather Interruption:* A weather interruption report shall be submitted to the Secretary on Form No. AC 61–3 as soon as possible but not later than 10 days after a weather interruption occurs. A duplicate copy thereof shall be sent to the Bureau of Air Commerce airline inspector who is assigned to such operation.

61.94. *Mechanical Record:* The records of the airline operator covering mechanical trouble shall be made available upon request to the Bureau of Air Commerce airline maintenance inspector who is assigned to such operation, or to any other authorized representative of the Secretary.

61.95. *Irregularity Report:* All airmen, including flight and ground personnel, shall immediately report any irregularity or hazard which exists on or adjacent to any civil airway, and which in their opinion, makes for unsafe operation of aircraft in flight. Such report shall be made to the airline operations manager, who shall verify its accuracy to the best of his ability. If the report is justified, notice of the irregularity or hazard shall at once be given to the Secretary.

[F. R. Doc. 37–2897; Filed, September 28, 1937; 2:23 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 141]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 27, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Wisconsin 8025B Monroe | $72,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37–2902; Filed, September 29, 1937; 9:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

RULE AS TO NON-DISCLOSURE OF CERTAIN INFORMATION

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Section 23 (a) thereof, and finding that the disclosure of information obtained in the course of examinations and investigations conducted pursuant to Sections 17 (a) and 21 (a) would be contrary to the public interest and would interfere with the execution of the functions vested in the Commission, hereby adopts the following rule:

*Rule A4. Non-disclosure of Information Obtained in the Course of Examinations and Investigations*

Information or documents obtained by officers or employees of the Commission in the course of any examination or investigation pursuant to Section 17 (a) or 21 (a) shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this rule. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2907; Filed, September 29, 1937; 12:56 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1937.

[File No. 43–77]

IN THE MATTER OF HAVERHILL ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Haverhill Electric Company, a subsidiary of New

England Power Association, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue by said Haverhill Electric Company to North Boston Lighting Properties, a registered holding company of which the declarant is a subsidiary, of 3% Demand Notes of Haverhill Electric Company in the aggregate principal amount of $674,375 to evidence a loan of a like aggregate amount to be made by North Boston Lighting Properties to Haverhill Electric Company;

*It is ordered*, That a hearing on such matter be held on October 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1937.

*It is further ordered*, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2906; Filed, September 29, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1937.

[File No. 43-76]

IN THE MATTER OF NORTH BOSTON LIGHTING PROPERTIES

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by North Boston Lighting Properties, a subsidiary of New England Power Association, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by North Boston Lighting Properties through underwriters of its Secured Notes, 3¼%, Series due 1947, in the aggregate principal amount of $13,000,000;

*It is ordered*, That a hearing on such matter be held on October 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1937.

*It is further ordered*, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2905; Filed, September 29, 1937; 12:56 p. m.]

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*Friday, October 1, 1937* *No. 190*

## TREASURY DEPARTMENT.

### Bureau of Narcotics.

LAW AND REGULATIONS RELATING TO THE IMPORTATION, MANUFACTURE, PRODUCTION, COMPOUNDING, SALE, DEALING IN, DISPENSING, PRESCRIBING, ADMINISTERING, AND GIVING AWAY OF MARIHUANA

[*The original document as filed with the Division of the Federal Register, The National Archives, is preceded by the Marihuana Tax Act of August 2, 1937 (50 Stat. 551), and Treasury Decision No. 28 of September 1, 1937 (2 F. R. 1808).*]

INTRODUCTORY

The Marihuana Tax Act of 1937, imposes special (occupational) taxes upon persons engaging in activities involving articles or material within the definition of "marihuana" contained in the Act, and also taxes the transfer of such articles or material.

These regulations deal with details as to tax computation, procedure, the forms of records and returns, and similar matters. These matters in some degree are controlled by certain sections of the United States Revised Statutes and other statutes of general application. Provisions of these statutes, as well as of the Marihuana Tax Act of 1937 are quoted, in whole or in part, as the immediate or general basis for the regulatory provisions set forth. The quoted provisions are from the Marihuana Tax Act of 1937 unless otherwise indicated.

Provisions of the statutes upon which the various articles of the regulations are based generally have not been repeated in the articles. Therefore, the statutory excerpts preceding the several articles should be examined to obtain complete information.

CHAPTER I

*Laws Applicable*

SEC. 7 (e). All provisions of law (including penalties) applicable in respect of the taxes imposed by the Act of December 17, 1914 (38 Stat. 785; U. S. C. 1934 ed., title 26, secs. 1040–1061, 1383–1391), as amended, shall, insofar as not inconsistent with this Act, be applicable in respect of the taxes imposed by this Act.

ART. 1. *Statutes applicable.*—All general provisions of the internal revenue laws, not inconsistent with the Marihuana Tax Act, are applicable in the enforcement of the latter.

CHAPTER II

*Definitions*

SEC. 1. That when used in this Act—

(a) The term "person" means an individual, a partnership, trust, association, company, or corporation and includes an officer or employee of a trust, association, company, or corporation, or a member or employee of a partnership, who, as such officer, employee, or member, is under a duty to perform any act in respect of which any violation of this Act occurs.

(b) The term "marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(c) The term "producer" means any person who (1) plants, cultivates, or in any way facilitates the natural growth of marihuana; or (2) harvests and transfers or makes use of marihuana.

(d) The term "Secretary" means the Secretary of the Treasury and the term "collector" means collector of internal revenue.

(e) The term "transfer" or "transferred" means any type of disposition resulting in a change of possession but shall not include a transfer to a common carrier for the purpose of transporting marihuana.

ART. 2. as used in these regulations:

(a) The term "Act" or "this Act" shall mean the Marihuana Tax Act of 1937, unless otherwise indicated.

(b) The term "United States" shall include the several States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, and the insular possessions of the United States except Puerto Rico and the Virgin Islands. It does not include the Canal Zone or the Philippine Islands.

(c) The terms "manufacturer" and "compounder" shall include any person who subjects marihuana to any process of separation, extraction, mixing, compounding, or other manufacturing operation. They shall not include one who merely gathers and destroys the plant, one who merely threshes out the seeds on the premises where produced, or one who in the conduct of a legitimate business merely subjects seeds to a cleaning process.

(d) The term "producer" means any person who induces in any way the growth of marihuana; and any person who harvests it, either in a cultivated or wild state, from his own or any other land, and transfers or makes use of it, including one who subjects the marihuana which he harvests to any processes rendering him liable also as a manufacturer or compounder. Generally all persons are included who gather marihuana for any purpose other than to destroy it. The term does not include one who merely plows under or otherwise destroys marihuana with or without harvesting. It does not include one who grows marihuana for use in his own laboratory for the purpose of research, instruction, or analysis and who does not use it for any other purpose or transfer it.

(e) The term "special tax" is used to include any of the taxes, pertaining to the several occupations or activities covered by the Act, imposed upon persons who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana.

(f) The term "person" occurring in these regulations is used to include an individual, partnership, trust, association, company or corporation; also a hospital, college of pharmacy, medical or dental clinic, sanatorium, or other institution or entity.

(g) Words importing the singular may include the plural; words importing the masculine gender may be applied to the feminine or the neuter.

(h) The definitions contained herein shall not be deemed exclusive.

CHAPTER III

*Special Taxes*

Registration

SEC. 3232. *United States Revised Statutes.*—No person shall be engaged in or carry on any trade or business hereinafter mentioned until he has paid a special tax therefor in the manner hereinafter provided.

SEC. 2 (a). Every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana shall (1) within fifteen days after the effective date of this Act, or (2) before engaging after the expiration of such fifteen-day period in any of the above-mentioned activities, and (3) thereafter, on or before July 1 of each year, pay the following special taxes respectively: • • •

SEC. 2 (b). Any person subject to the tax imposed by this section shall, upon payment of such tax, register his name or style and his place or places of business with the collector of the district in which such place or places of business are located.



SEC. 17. This Act shall take effect on the first day of the second month after the month during which it is enacted.

ART. 3. *Persons liable.*—Liability to payment of special tax and registration attaches to every person who imports, manufacturers, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana. As to the liability of a person engaged in one or more of the foregoing activities to several taxes see Article 10.

ART. 4. *Manner and time of registration.*—Every person who engages, at any time during the first sixteen days of October, 1937, in any activity subjecting him to special tax shall, on or before the sixteenth day thereof, file application for registration and return of tax liability, hereinafter sometimes referred to as the "application", and pay the tax or taxes enumerated in Article 10 for the period ending June 30, 1938. Any person not engaging in any such activity during the sixteen days mentioned, but so engaging thereafter shall file the application and pay the tax, before commencing such activity. Filing of successive applications and payment of tax are required on or before July 1 of each year thereafter, during which taxable activitiy continues. Form 678c shall be executed by those filing applications on or before October 16, 1937, and for original or nonsuccessive registrations after that date. Form 678d shall be used for successive registrations on or before July 1, annually, as long as taxable activity continues. The forms may be obtained from the collector.

SEC. 3451. *United States Revised Statutes.*—Every person who simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal-revenue laws, or by any regulation made in pursuance thereof, or who procures the same to be falsely or fraudulently executed, or who advises, aids in, or connives at such execution thereof, shall be imprisoned for a term not less than one year nor more than five years; and the property to which such false or fraudulent instrument relates shall be forfeited.

ART. 5. *False applications.*—The false or fraudulent execution or signing of any application for registration or any supporting affidavit required shall subject the offending person to the liabilities imposed by Section 3451, Revised Statutes.

ART. 6. *Signatures—Individuals.*—The application must be signed by the person desiring registration.

*Firms and corporations.*—The application of a firm must be signed by a member, that of a corporation by an officer duly authorized to act. The names of the real owners must be disclosed if the business is being carried on under an assumed or trade name or that of a former owner. If owned by a partnership, the name of each partner must appear. In the case of a corporation, the names of the principal officers must be shown.

*Institutions.*—When an institution is subject to tax the head thereof or of the department wherein marihuana is used shall sign the application for registration.

ART. 7. *Oath—When required.*—If the tax is more than $10, the application must be under oath. If the tax is not in excess of $10, the application may be signed or acknowledged before two witnesses in lieu of an oath. The witnesses must themselves sign the application in their capacity as such.

*Execution.*—The jurat may be executed by any officer authorized to administer oaths. No charge is made if documents required by these regulations are sworn and subscribed to before a deputy collector or an internal-revenue agent.

ART. 8. *Inventory required.*—Every person, making application for registry or reregistry in class III who is not required to render returns on Form 961 and its supplements or on Form 810 and its supplements, or in class IV or V, must prepare under oath or affirmation, in duplicate, an inventory of all marihuana and preparations thereof on hand. Persons making application for registry between October 1, 1937, and June 30, 1938, shall prepare the inventory as of October 1, 1937, or any date between October 1, 1937, and the date of application. Persons making application for registry or reregistry on or after July 1, 1938, shall prepare the inventory as of December 31 preceding the date of the application or any date between December 31 and the date of the application. The inventories may

be prepared on Form 713 (used by registrants under the Harrison Narcotic Law, as amended, for submitting inventories of narcotic drugs on hand), copies of which may be obtained from collectors upon request. If the taxpayer is engaged in more than one of these classes of business, a separate inventory must be prepared for each class. The original inventory must be forwarded to the collector with the application for registration, and the duplicate must be kept on file by the maker for a period of two years. Persons also applying for registration under the Harrison Narcotic Law, as amended, in any one of the classes with respect to which they are required to submit inventories, on Form 713, of narcotic drugs and preparations on hand, may include the marihuana inventory on this same form.

ART. 9. *Registry numbers.*—Upon approval of the application the collector will assign a registry number to the applicant. The numbers are issued serially without regard to classes. The same number shall be retained throughout all the consecutive periods for which the applicant may be registered. In the case of one engaged in business at two or more places or registered in two or more classes at the same place a separate number will be assigned for each place or class. The registry number of a person who discontinues operations will not be assigned to any other person for any portion of the same fiscal year.

*Classification*

SEC. 2. (a) (Cont.) * * * (1). Importers, manufacturers, and compounders of marihuana, $24 per year.

(2) Producers of marihuana (except those included within subdivision (4) of this subsection), $1 per year, or fraction thereof, during which they engage in such activity.

(3) Physicians, dentists, veterinary surgeons, and other practitioners who distribute, dispense, give away, administer, or prescribe marihuana to patients upon whom they in the course of their professional practice are in attendance, $1 per year or fraction thereof during which they engage in any of such activities.

(4) Any person not registered as an importer, manufacturer, producer, or compounder who obtains and uses marihuana in a laboratory for the purpose of research, instruction, or analysis, or who produces marihuana for any such purpose, $1 per year, or fraction thereof, during which he engages in such activities.

(5) Any person who is not a physician, dentist, veterinary surgeon, or other practitioner and who deals in, dispenses, or gives away marihuana, $3 per year: PROVIDED, That any person who has registered and paid the special tax as an importer, manufacturer, compounder, or producer, as required by subdivisions (1) and (2) of this subsection, may deal in, dispense, or give away marihuana imported, manufactured, compounded, or produced by him without further payment of the tax imposed by this section.

(b) Where a tax under subdivision (1) or (5) is payable on July 1 of any year it shall be computed for one year; where any such tax is payable on any other day it shall be computed proportionately from the first day of the month in which the liability for the tax accrued to the following July 1.

ART. 10. *Rates of tax.*—Persons subject to tax are divided into classes as shown by the table below:

| Class | Annual tax rate | Persons liable |
|---|---|---|
| I | $24 | Importers, manufacturers and compounders. |
| II | 1 | Producers, except those included in Class V. |
| III | 3 | Dealers, other than physicians, dentists, veterinary surgeons or other practitioners. |
| IV | 1 | Physicians, dentists, veterinary surgeons and other practitioners. |
| V | 1 | Producers and other persons, other than importers, manufacturers, producers and compounders, who use marihuana in a laboratory for the purpose of research, instruction, or analysis. |

Persons registering in classes I or III shall pay the entire tax if business is commenced in July, but if business is commenced after the month of July the amount due is to be reckoned proportionately from the first day of the month in which business is begun to July 1 following. Persons registering in classes II, IV or V shall pay the tax of $1 a year or for any fractional part thereof, regardless of when business is commenced.

ART. 11. *Importers.*—Every person who imports marihuana is subject to tax as an importer at the rate of $24 per annum in Class I. A manufacturer or compounder who is also an importer is not thereby required to pay more than one tax.

ART. 12. *Manufacturers and compounders.*—Every person coming within the definition set out in Article 2 (c) is subject to tax as a manufacturer or compounder at the rate of $24 per annum in Class I.

ART. 13. *Producers.*—Every person coming within the definition set out in Article 2 (d) is subject to tax as a producer at the rate of $1 per annum or fraction thereof in Class II.

ART. 14. *Dealers.*—Generally, one who sells, gives away, or dispenses marihuana in any form, is subject to tax as a dealer at the rate of $3 per annum in Class III. However, liability as a dealer does not attach to a physician, dentist, veterinary surgeon, or other practitioner who, incidentally to the legitimate practice of his profession, dispenses marihuana. A physician, dentist, veterinary surgeon, or other practitioner who sells or dispenses marihuana apart from the legitimate practice of his profession incurs liability as a dealer. A manufacturer, compounder, or producer, who has paid special tax in such capacity does not incur additional liability on account of sales of his own products at the place of production, or in the case of an importer at his principal place of business. As to the limited right of a manufacturer or producer to sell free from payment of additional special tax away from the factory or place of production, see Article 17. Except as indicated, liability for additional tax as a dealer is incurred at each additional place where sales are made. Retail druggists who have paid tax as dealers do not incur liability as manufacturers or compounders on account of compounding marihuana preparations to fill legitimate prescriptions even though the preparations are compounded in advance of receipt of prescriptions, so long as they are used for prescription purposes only.

ART. 15. *Practitioners.*—Physicians, dentists, veterinary surgeons, and other practitioners, including institutions, who prescribe, distribute, dispense, give away, or administer marihuana, are subject to tax at the rate of $1 per annum or fraction thereof in Class IV.

*Interdistrict practice.*—A practitioner maintaining an office where he is duly registered with the collector of the district in which the office is located, and where his complete stock of marihuana and marihuana records are kept, may distribute, dispense, give away, administer, or prescribe marihuana in other collection districts in which he may be lawfully engaged in the practice of his profession, within the United States, in the course of his professional practice only, without incurring additional tax liability.

ART. 16. *Laboratory use.*—Chemists occupying an independent status and not that of employees, in other words in business for themselves, who make analyses of marihuana or use marihuana in analyzing other substances in a laboratory, and persons who produce or obtain and use in a laboratory any marihuana for the purpose of research, instruction, or analysis, if not registered as an importer, manufacturer, compounder, or producer, are subject to tax at the rate of $1 per annum or fraction thereof in Class V, provided no marihuana is manufactured or compounded for sale or for removal for consumption or sale.

*Particular Situations*

SEC. 3235. *United States Revised Statutes.*—The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as hereinafter provided, for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

SEC. 3236. *United States Revised Statutes.*—Whenever more than one of the pursuits or occupations hereinafter described are carried on in the same place by the same person at the same time, except as hereinafter provided, the tax shall be paid for each according to the rates severally prescribed.

SEC. 2 (c) In the event that any person subject to a tax imposed by this section engages in any of the activities enumerated in subsection (a) of this section at more than one place, such person shall pay the tax with respect to each such place.



(d) Except as otherwise provided, whenever more than one of the activities enumerated in subsection (a) of this section is carried on by the same person at the same time, such person shall pay the tax for each such activity, according to the respective rates prescribed.

ART. 17. *Several places of business.*—Generally a taxpayer must pay as many special taxes as he has places of business. Thus if a concern has one or more separate branches where any of the various taxable businesses is carried on, tax must be paid for each branch separately. However, a manufacturer or producer upon a single payment of special tax may sell products of his own manufacture or production at both the place of manufacture or production and his principal office or place of business, provided no products, except samples, are kept at said office or place of business. Tax does not attach with respect to a warehouse where marihuana is stored, provided no sales are made at such place.

ART. 18. *Itinerant vendors.*—No person is permitted to deal in marihuana except upon orders received or engagements made at, with respect to, or by reason of, a fixed address. A peddler of marihuana will be regarded as incurring a separate tax liability and committing an additional offense at each place where a sale is made.

ART. 19. *Partnerships.*—A partnership is subject to the same tax liability as an individual. Should either of the partners also individually engage in a taxable activity, he will incur additional liability with respect to such activity.

ART. 20. *Institutions.*—Hospitals, colleges, medical and dental clinics, sanatoriums, and other institutions not exempt as public institutions are subject to the same special tax liability as other persons dealing in or handling marihuana in the same manner.

SEC. 3 (a). No employee of any person who has paid the special tax and registered, as required by section 2 of this Act, acting within the scope of his employment, shall be required to register and pay such special tax.

ART. 21. *Principals.*—Principals, rather than agents, are liable to the taxes imposed. Employers and other principals will be regarded as responsible for the acts of employees and other agents within the scope of their employment.

ART. 22. *Employees.*—An employee of a person who has registered and paid tax will not himself incur liability to tax so long as he acts solely within the scope of his employment. However, an employee who, within or without the scope of his employment, does any unlawful act, will be held personally liable.

ART. 23. *Nurses.*—Nurses are regarded as agents of the practitioners or institutions under whose direction or supervision their duties are performed, and they are not permitted to register, nor are they permitted to be in possession of marihuana except as such agents, or as patients. Marihuana left by a practitioner with a nurse, to be administered during his absence, upon discharge of the nurse must be returned to the practitioner, who will account for the marihuana on his records. Any marihuana found in the possession of a nurse not at the time under the supervision of a practitioner shall be forfeited to the Government.

ART. 24. *Traveling salesmen.*—Traveling salesmen who merely solicit orders and forward them to their respective principals are not required to register or pay any tax.

SEC. 3243. *United States Revised Statutes.*—The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

ART. 25. *Operation of State Laws.*—Payment of special tax under Federal law confers no right or privilege to conduct business contrary to State law. The holder of a special-tax stamp issued by the Federal Government may still be punishable under a State law prohibiting or regulating the production, manufacture or sale of marihuana. On the other hand, compliance with State law affords no immunity under Federal law. Persons who engage in business in violation of the law of a State are, nevertheless, required to pay special tax as imposed under the internal-revenue laws of the United States.

*Delinquent and False Returns*

SEC. 3176. United States Revised Statutes, as amended by Sec. 1103 of the Revenue Act of 1926 and by Sec. 619 (d) of the Revenue Act of 1928. * * * If the failure to file a return (other than a return of income tax) or a list is due to sickness or absence, the collector may allow such further time, not exceeding 30 days, for making and filing the return or list as he deems proper. * * * In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

Sec. 406 of the Revenue Act of 1935. In the case of a failure to make and file an internal-revenue tax return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after the date of the enactment of this Act, if a 25 per centum addition to the tax is prescribed by existing law, then there shall be added to the tax, in lieu of such 2 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

Sec. 404 of the Revenue Act of 1935. Notwithstanding any provision of law to the contrary, interest accruing during any period of time after the date of the enactment of this Act upon any internal-revenue tax (including amounts assessed or collected as a part thereof) or customs duty, not paid when due, shall be at the rate of 6 per centum per annum.

ART. 26. *Delinquent returns.*—Every person from whom a special-tax return is required who, without reasonable cause, fails to file such return on time is subject to certain penalties. Under Section 406 of the Revenue Act of 1935 the penalty for delinquency is 5 per cent, if the failure is for not more than 30 days, and an additional 5 per cent for each additional 30 days, or fraction thereof, during which the delinquency continues, not to exceed 25 per cent in the aggregate.

ART. 27. *Sickness or absence.*—If the collector is satisfied that failure to file a return is due to sickness or absence, he may extend the time for not more than 30 days. Since any member of a firm may make the return, sickness or absence of less than all the members of a firm will not relieve from liability to the penalty for failure to make return, nor afford ground for extension of time.

ART. 28. *Failure of agent.*—If an attorney or agent is delegated to make a return and pay special tax, the principal will incur the penalty if the return is not filed within the time prescribed by law.

ART. 29. *Delinquent payment.*—Failure to pay the amount of an assessment within 10 days after issuance of Form 17 (First Notice and Demand) causes to accrue a 5 per cent penalty and interest at the rate of 6 per cent per annum from the date of the expiration of the 10-day period to the date of payment.

ART. 30. *False returns.*—For making a false or fraudulent return additional liability amounting to 50 per cent of the total tax is incurred. If a return covers only a portion of a year or period for which liability is incurred, the return is false as a whole and not merely as to that portion of the year or period omitted.

ART. 31. *When penalty accrues.*—In view of the positive language of Section 2 (a) of the Act, all persons engaging in business under this Act will be regarded as delinquent and the penalties provided are applicable unless applications are filed (1) not later than October 16, 1937, or (2) before engaging in business if business is commenced after October 16, 1937, and (3) thereafter on or before July 1 of each year or on or before the date upon which liability is incurred.

*Changes After Tax Payment*

SEC. 3241, *United States Revised Statutes.* When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house, and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes without the payment of any additional tax; PROVIDED, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal shall be registered with the collector, under regulations to be prescribed by the Commissioner of Internal Revenue.

ART. 32. *Change of control.*—Certain persons other than the taxpayer may, without incurring additional liability, carry on the business at the same address and for the remainder of the period for which special tax was paid. To secure such right the party or parties continuing the business must execute, within 30 days, a return on Form 678c, showing the basis of the right. As to liability for failure to register change, see Article 37. Under the conditions indicated the parties having such right include the following:

(1) The relict, children, or other legal representatives of a deceased taxpayer.

(2) A receiver or referee in bankruptcy, or an assignee for the benefit of creditors.

(3) The partner or partners remaining after death or withdrawal of a member.

Special tax, reckoned from the first day of the month in which the change occurs, is incurred and must be paid by the parties indicated under the conditions stated:

(1) Where additional partners are taken into a firm operating under the old or a new firm name.

(2) Where a corporation is formed to continue the business of a partnership, or a new charter is issued to a former corporation.

(3) Where a stockholder or other party continues a business previously conducted by a corporation, whether or not the corporation is dissolved.

ART. 33. *Change of name or location.*—The name of an individual, firm, or corporation that has paid special tax may be changed, or a special-tax payer may relocate his place of business, without incurring additional tax liability, provided the change is registered with the collector.

ART. 34. *Registration.*—A special-tax payer who changes his name or relocates his place of business shall within 30 days execute a new return on Form 678c, marked "Revised registry." The return shall set forth the date of change and the new name or address. The return shall be forwarded with the special-tax stamp to the collector who issued the stamp for recording the change.

ART. 35. *Removal within district.*—Where a taxpayer removes his business to another address within the district the collector will enter on his Record 10 the new address and the date of removal, and will note the change on the face of the special-tax stamp which he will return to the taxpayer.

ART. 36. *Removal to another district.*—Where a taxpayer removes his business to another district the collector who issued the stamp will enter on his Record 10 the new address and date of removal, and will transmit the stamp to the collector of the district to which the taxpayer removed. The collector of that district will then make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the collector's name, title and district, and the date, on the stamp, which will be returned to the taxpayer.

ART. 37. *Liability for failure to register change.*—A person succeeding to a business for which tax has been paid, or a taxpayer who relocates his business, without registering the change within 30 days, as required by Articles 33 and 34, respectively, will be liable to the tax, to the penalty set forth in Article 26 for failure to make return, and also to penalty for carrying on business without payment of tax.

*Special Tax Stamps*

SEC. 3238. *United States Revised Statutes.*—All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax, and the Commissioner of Internal Revenue is required to procure appropriate stamps for the payment of such taxes; and the provisions of sections thirty-three hundred and twelve and thirty-four hundred and forty-six, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner of Internal Revenue shall have authority to make all needful regulations relative thereto.

ART. 38. *Issuance of stamps.*—Stamps covering special taxes are issued in two forms, with and without coupons. Stamps without coupons are for use in cases where the full tax is due regardless of the period covered. Coupon stamps are for use in cases where the tax may be prorated. The coupon stamps are issued to registrants in Classes I and III, and the stamps without coupons to registrants in Classes II, IV and V.

Collectors will distinctly write or print on the stamp, before it is issued, the taxpayer's name, address, and registry number, and the number of the class in which registered.

SEC. 3239. *United States Revised Statutes.*—Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax; and any person who shall, through negligence, fail to so place and keep said stamps, shall be liable to a penalty equal to the special tax for which his business rendered him liable and the costs of prosecution; but in no case shall said penalty be less than ten dollars. And where the failure to comply with the foregoing provision of law shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

ART. 39. *Posting of stamps.*—Every special tax stamp issued to a taxpayer must be kept posted conspicuously on the premises where the business is operated. One who fails so to post a stamp thereby incurs liability to a penalty, equal to and in addition to the tax, plus the costs of prosecution; but in no case shall the penalty (not including the costs of prosecution) be less than $10. Where the failure is willful the penalty is doubled. This liability is additional to any and all liability otherwise incurred.

ART. 40. *Certificates in lieu of stamps lost or destroyed.*—These regulations shall apply to certificates on Form 785 issued in lieu of special tax stamps lost or destroyed.

CHAPTER IV

*Transfer Taxes*

Rates of Tax

SEC. 7 (a). There shall be levied, collected, and paid upon all transfers of marihuana which are required by section 6 to be carried out in pursuance of written order forms taxes at the following rates:

(1) Upon each transfer to any person who has paid the special tax and registered under section 2 of this Act, $1 per ounce or marihuana or fraction thereof.

(2) Upon each transfer to any person who has not paid the special tax and registered under section 2 of this Act, $100 per ounce of marihuana or fraction thereof.

SEC. 7 (b). Such tax shall be paid by the transferee at the time of securing each order form and shall be in addition to the price of such form. Such transferee shall be liable for the tax imposed by this section but in the event that the transfer is made in violation of section 6 without an order form and without payment of the transfer tax imposed by this section, the transferor shall also be liable for such tax.

SEC. 7 (c). Payment of the tax herein provided shall be represented by appropriate stamps to be provided by the Secretary and said stamps shall be affixed by the collector or his representative to the original order form.

SEC. 8 (a). It shall be unlawful for any person who is a transferee required to pay the transfer tax imposed by section 7 to acquire or otherwise obtain any marihuana without having paid such tax; and proof that any person shall have had in his possession any marihuana and shall have failed, after reasonable notice and demand by the collector, to produce the order form required by section 6 to be retained by him, shall be presumptive evidence of guilt under this section and of liability for the tax imposed by section 7.



ART. 41. *Scope of tax.*—Except as otherwise provided, each transfer of marihuana to a person within the United States is subject to tax, to be paid in the manner hereinafter indicated. The tax is due whether the transferor be located within the United States or elsewhere. The tax applies to every transfer, no matter how often the same material may be transferred. It is no basis of exemption that a transferred article was produced from material on the transfer of which tax was paid.

ART. 42. *Amount of tax.*—Where the transfer is to a taxable person who has duly registered and paid special tax, the transfer tax is at the rate of $1 per ounce or fraction thereof. If the transfer is to a person who has not registered and paid special tax under this Act, tax at the rate of $100 per ounce or fraction thereof is due.

SEC. 7 (d). All provisions of law relating to the engraving, issuance, sale, accountability, cancelation, and destruction of tax-paid stamps provided for in the internal-revenue laws shall, insofar as applicable and not inconsistent with this Act, be extended and made to apply to stamps provided for in this section.

ART. 43. *Method of payment.*—The tax is paid by attachment of adhesive stamps to order forms as hereinafter shown. Stamps of various denominations bearing the words "Marihuana Tax Act of 1937" have been prepared. Only such stamps shall be used in payment of the transfer tax. Payment for the stamps shall be made when application for the order form is submitted.

ART. 44. *Affixing and canceling stamps.*—The "Marihuana Tax Act" stamp, evidencing the payment of the transfer tax, shall be affixed to the original order form by the collector or his representative, and the person so affixing the stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month, and year, or shall, by cutting with a machine or punch, affix his initials and the date as aforesaid, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

SEC. 803. *Revenue Act of 1926.*—Whoever • • •

(c) Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause same to be used, after it has been already used, or knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same;

(d) Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

Is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or both, and any such reused, canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States.

ART. 45. *Reuse of stamps prohibited.*—A stamp once affixed to one order form cannot lawfully be removed and affixed to another. As to refunds for amounts paid for stamps, see Article 94.

Order Forms

SEC. 6 (a). It shall be unlawful for any person, whether or not required to pay a special tax and register under section 2, to transfer marihuana, except in pursuance of a written order of the person to whom such marihuana is transferred, on a form to be issued in blank for that purpose by the Secretary.

SEC. 6 (c). The Secretary shall cause suitable forms to be prepared for the purposes before mentioned and shall cause them to be distributed to collectors for sale. The price at which such forms shall be sold by said collectors shall be fixed by the Secretary, but shall not exceed 2 cents each. Whenever any collector shall sell any of such forms he shall cause the date of sale, the name and address of the proposed vendor, the name and address of the purchaser, and the amount of marihuana ordered to be plainly written or stamped thereon before delivering the same.

SEC. 6 (d). Each such order form sold by a collector shall be prepared by him and shall include an original and two copies, any one of which shall be admissible in evidence as an original. The original and one copy shall be given by the collector to the purchaser thereof. The original shall in turn be given by the purchaser thereof to any person who shall, in pursuance thereof, transfer marihuana to him and shall be preserved by such person for a period of two years so as to be readily accessible for inspection by any officer, agent, or employee mentioned in section 11. The copy given to the purchaser by the collector shall be retained by the purchaser and preserved for a period of two years so as to be readily accessible to inspection by any officer, agent, or employee mentioned in section 11. The second copy shall be preserved in the records of the collector.

ART. 46. *Written order required for transfer of marihuana.*—Except as otherwise provided, every person seeking to obtain marihuana shall make application on Form 679a (Marihuana) to the collector of internal revenue for the district in which the transferee is located for the purchase of an order form. The application shall show (1) the transferee's name, address and, if registered, the registry number, (2) the name and address of the transferor, and (3) a description, including quantities, of the desired articles or materials to be transferred. The application must be accompanied by a certified check, cash, or money order in payment of the transfer tax, (see Article 42) plus 2 cents in payment of the order form.

ART. 47. *Signing of applications.*—Generally applications for order forms shall be signed by the same person or persons signing the application for registration. (See Article 6.) However, when it is impracticable for the person signing the application for registration to sign the applications for order forms they may be signed by another person, provided a power of attorney authorizing such other person to sign the applications for order forms has previously been filed with and approved by the collector. The power of attorney shall be executed in the same manner as applications for registration. The power of attorney shall show the signature of the person thereby authorized to sign applications for order forms and shall affirm that the signature so shown is his signature.

ART. 48. *Signatures to be compared.*—Upon receipt by the collector of an application for an order form the signature on such application shall be compared with that appearing on the application for registration or in the power of attorney. (See Article 47.) Unless the collector is satisfied that the application is authentic it will not be honored.

ART. 49. *Procedure regarding order forms.*—Upon receipt of a properly executed application, accompanied by a sum sufficient to cover the transfer tax and the price of the order form, the collector will execute the order form in triplicate. There shall be shown on each of the three copies the date of issuance, the name and address of the proposed transferor, the name and address of the transferee, and a description, including quantities, of the desired articles or materials. As to affixing of the tax stamp to the original order form, see Article 44. The duplicate and triplicate shall show the date the stamp was purchased and cancelled. The original and duplicate shall be delivered to the transferee, who shall in turn submit the original to the transferor. The triplicate shall be retained by the collector. The transferor shall preserve the original, and the transferee shall preserve the duplicate, for a period of two years so as to be readily accessible for inspection by any officer, agent, or employee mentioned in section 11 of the Act.

ART. 50. *Applications to be filed.*—The collector will stamp each application with the date when the order form is issued, enter thereon the serial number of the order form sold in pursuance thereof, and file all applications numerically according to such serial numbers.

ART. 51. *Importations.*—A collector of internal revenue issuing an order form for the procurement of marihuana from a foreign country shall prepare and issue to the transferee (importer) a document reciting that an order form has been issued. The document shall show the serial number of the order form, the name and address of the transferee, the name and address of the transferor, and the kind and quantity of marihuana covered by the order form. The transferee, in order to obtain release of the marihuana from customs' custody, shall present the document to the collector of customs at the port of entry. No importation of marihuana shall be released from customs' custody until

the aforesaid document has been presented to the collector of customs. Seeds may be imported by a registered importer without payment of transfer tax or procurement of order forms. (See Section 6 (b) (5) of the Act.) A registered importer desiring to import seeds without the use of order forms shall obtain from the collector of internal revenue for the district in which he is registered a certificate of registration (see Article 68), and no importation of seeds shall be released from customs' custody without evidence of issuance of an order form or presentation of a certificate of registration.

Exceptions

SEC. 6 (b). Subject to such regulations as the Secretary may prescribe, nothing contained in this section shall apply—

(1) To a transfer of marihuana to a patient by a physician, dentist, veterinary surgeon, or other practitioner registered under section 2, in the course of his professional practice only: *Provided*, That such physician, dentist, veterinary surgeon, or other practitioner shall keep a record of all such marihuana transferred, showing the amount transferred and the name and address of the patient to whom such marihuana is transferred, and such record shall be kept for a period of two years from the date of the transfer of such marihuana, and subject to inspection as provided in section 11.

(2) To a transfer of marihuana, made in good faith by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, veterinary surgeon, or other practitioner registered under section 2: *Provided*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, veterinary surgeon, or other practitioner who issues the same: *Provided further*, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filed so as to be readily accessible for inspection by the officers, agents, employees, and officials mentioned in section 11.

(3) To the sale, exportation, shipment, or delivery of marihuana by any person within the United States, any Territory, the District of Columbia, or any of the insular possessions of the United States, to any person in any foreign country regulating the entry of marihuana, if such sale, shipment, or delivery of marihuana is made in accordance with such regulations for importation into such foreign country as are prescribed by such foreign country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

(4) To a transfer of marihuana to any officer or employee of the United States Government or of any State, Territorial, District, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, Territorial, District, county, or municipad or insular hospitals or prisons.

(5) To a transfer of any seeds of the plant Cannabis sativa L. to any person registered under section 2.

ART. 52. *When order forms not required.*—The use of order forms in effecting transfers of marihuana is not required:

(1) For dispositions to patients or for use of animals by duly qualified and registered practitioners in the course of their professional practice only.

(2) For dispositions by registered dealers pursuant to properly executed prescriptions of registered practitioners.

(3) For lawful exporations.

(4) For dispositions to exempt officials.

(5) For transfers of any seeds of the plant Cannabis sativa L. to any person registered under section 2 of the Act.

ART. 53. *Dispensing by practitioners.*—Practitioners may dispense marihuana to bona fide patients pursuant to the legitimate practice of their professions without prescriptions or order forms.

All persons and institutions registered as members of Class IV (practitioners, see Article 15), whether they be physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools or colleges, dispensaries not connected with a Federal, State, county, or municipal institution, welfare bureaus, or charitable institutions, must keep a daily record showing the kind and quantity of marihuana dispensed or administered, the name and address of each person to whom dispensed or administered, the name and address of the person upon whose authority the marihuana is dispensed or administered, and the purpose for which it is dispensed or administered. Such records shall be kept for a period of two years in such manner as to be readily accessible to inspection by investigating officers.

ART. 54. *Form of record.*—No special record form will be furnished by the Government for the use of those registered as practitioners. Hospitals and institutions should keep records in the manner best calculated to meet the conditions existing therein. The record that is kept, however, should enable an inspecting officer quickly to ascertain the quantity and kind of marihuana used daily. The initials of the practitioner giving directions for the administering of marihuana should appear on the patient's record chart, or a separate prescription giving the name and address of the patient, the date, and the physician's signature or initials should be filed with the pharmacist in charge of the drug room before the marihuana leaves his charge. If both chart and prescription are used, reference to the prescription should be made on the chart.

ART. 55. *Who may issue prescriptions.*—A prescription for marihuana may be issued only by a physician, dentist, veterinary surgeon, or other practitioner who has duly registered, or an exempt official.

ART. 56. *Who may fill prescriptions.*—A prescription for marihuana may only be filled by a dealer registered in Class III or by an exempt official, or by a member of Class I who is qualified to sell marihuana at retail.

ART. 57. *Purpose of issue.*—A prescription, in order to be effective in legalizing the possession of marihuana and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes.

ART. 58. *Responsibility for issue.*—The duty of properly preparing prescriptions is upon the practitioner, and he is liable to the penalties provided by the Act in case of failure to insert the information required by the law. A prescription may be prepared by a secretary or agent for the signature of a practitioner, but the practitioner will be held responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the dealer who fills a prescription not prepared in the form prescribed by law.

ART. 59. *Manner of execution.*—All prescriptions for marihuana must be dated as of and signed on the day when issued and must bear the full name and address of the patient and the name, address, and registry number of the practitioner. A practitioner may sign a prescription in the same manner as he would sign a check or legal document, as, for instance, J. H. Doe, John H. Doe, or John Henry Doe. Prescriptions should be written with ink or indelible pencil or typewritten; if typewritten, they should be signed by the practitioner.

ART. 60. *Refilling of prescriptions.*—The refilling of a prescription for marihuana is prohibited.

ART. 61. *Partial filling.*—As a general rule, the partial filling of marihuana prescriptions is unlawful. If, however, a dealer is unable to supply the full quantity called for in a prescription, he may, if an emergency exists, and he later advises the issuing practitioner, supply a portion of the marihuana called for by the prescription, provided he makes a suitable notation on the face of the prescription of the quantity furnished and a suitable explanation of the reason for not supplying the full quantity on the back of the prescription. No further quantity will be supplied except upon a new prescription.

ART. 62. *Telephone orders.*—Except as hereinafter provided the furnishing of marihuana pursuant to telephone advice of practitioners is prohibited whether prescriptions covering such orders are subsequently received or not. In an emergency a dealer may deliver marihuana through his employee or responsible agent pursuant to a telephone order, provided the employee or agent is supplied with a properly prepared prescription before delivery is made, such prescription to be turned over to the dealer and filed by him as required by law within a reasonable time after delivery.

ART. 63. *Form to be used.*—The Government does not furnish prescription forms. Any prescription form may be used, provided it is properly executed and shows the required information.



ART. 64. *Filing.*—Dealers who fill marihuana prescriptions are required to keep them in a separate file for a period of two years in such manner as to be readily accessible to inspection by investigating officers. However, if the dealer is registered under the Harrison Narcotic Law, as amended, as a retail dealer, and keeps marihuana prescriptions on the narcotic prescription file, it will be deemed a compliance with this article.

ART. 65. *Labels on container.*—The dealer filling a prescription must affix to the container a label showing the name and registry number of the dealer, the serial number of the prescription, the name and address of the patient, and the name, address, and registry number of the person writing the prescription.

ART. 66. *Exportations.*—Any person desiring to export marihuana to a country which regulates importations thereof shall present to the nearest collector of customs an application on Form 161a, for authorization to make such exportation, which application shall be accompanied by an import permit issued by the government of the country of destination or other evidence which shall be satisfactory to the Commissioner of Narcotics that the applicant has complied with the requirements of the laws and regulations of the country of destination with respect to such proposed exportation thereto. Such application will be forwarded by the collector of customs to the Commissioner of Narcotics who, if satisfied that the applicant has complied with such laws and regulations of the country of destination, shall approve the application, which approval will authorize the collector of customs at the port of export to clear the shipment for exportation without the use of order forms or payment of the transfer tax.

ART. 67. *Orders and prescriptions.*—Persons registered under the Act may transfer marihuana to exempt officials pursuant to orders and prescriptions issued by such exempt officials. Such orders and prescriptions should be prepared on official blanks if such blanks are provided, or otherwise on official stationery, and must show the name, title, and official address of the person by whom executed. No order may be filled unless it is accompanied by a certificate of exemption which has been issued by the collector. (See Chapter VI.)

ART. 68. *Transfer of seeds.*—Before making transfers of unsterilized seeds, the transferor must receive from the transferee a certificate of registration showing him (the transferee) to be qualified under the Act to acquire such seeds. Certificates of registration will be issued by the collector for the district in which the transferee is registered, upon request of the transferee. Records covering receipts and dispositions of such seeds must be kept in the same manner as records of other transactions in marihuana. (See Article 73.)

CHAPTER V

*Information Returns and Records*

Returns

SEC. 10 (a). Every person liable to any tax imposed by this Act shall keep such books and records, render under oath such statements, make such returns, and comply with such rules and regulations as the Secretary may from time to time prescribe.

ART. 69. *Returns required of importers for other than medicinal use.*—Every person registered as an importer, who imports marihuana in any form for any purpose other than the manufacture of medicinal products or the distribution through wholesale or retail drug channels for medicinal use, shall render a quarterly return on Form 961, and its supplement Form 961a, to the collector of internal revenue for the district on or before the 15th day of April, July, October and January, for the quarterly periods ending March 31, June 30, September 30 and December 31, respectively. Each such return shall account for all marihuana on hand and imported, in whatever form, and all sales, exports or other dispositions of marihuana.

ART. 70. *Returns required of manufacturers and compounders for other than medicinal use.*—Every person registered as a manufacturer or compounder, who uses marihuana in any form in the manufacture or compounding of other than medicinal products, shall render a quarterly return on Form 961, and its supplement Form 961a, to the collector of internal revenue for the district on or before the 15th day of April, July, October and January, for the quarterly periods ending March 31, June 30, September 30 and December 31, respectively. Each such return shall account for all marihuana, and all marihuana products other than those specifically excepted by the Act, which are on hand, purchased, or otherwise acquired, all manufacture or compounding thereof, and all sales, exports or other dispositions of marihuana or its products.

ART. 71. *Returns required of importers, manufacturers and compounders for medicinal use.*—Every person registered as an importer, manufacturer, or compounder, in Class I under the Act, who imports, purchases or otherwise acquires marihuana or preparations containing marihuana for use in the manufacture or compounding of medicinal products or for distribution through wholesale or retail drug channels or direct to practitioners for medicinal use, shall render a monthly return on Form 810 and its supplements Forms 810a, 810b, 810c, 810d and 811c to the collector of internal revenue for the district on or before the 15th day of the month succeeding that for which the return is rendered. Returns for marihuana and its medicinal products will be rendered on these forms in accordance with instructions appearing thereon relating to opium and coca leaves and their derivatives. All receipts of marihuana for medicinal distribution or manufacture or compounding will be reported on Form 810a, all dispositions on Form 810b, all manufacturing or compounding operations on Form 810c, all packaging operations on Form 810d, and a semiannual inventory of marihuana and preparations on hand will be rendered as of June 30 and December 31, and will be made a part of the June and December returns, respectively.

Where a person required by this article to render a return for marihuana on Form 810 and its supplements is also registered in Class I under the Harrison Narcotic Law, as amended, and renders a return under that Act on these same forms, the marihuana return may be made a part of such monthly narcotic return, but separate detail sheets, Forms 810a, 810b, 810c, 810d, and 811c must be used to report marihuana transactions. The totals of the various detail sheets of marihuana transactions will be carried to the "Other Opium Alkaloids" column of the summary, Form 810.

ART. 72. *Returns required of producers.*—Every person registered as a producer of marihuana in Class II under the Act shall render an annual return on Form 960, to the collector of internal revenue for the district on or before the 15th day of January, for the annual period ending December 31 of the preceding year. Each such return shall show, both by the number of plots or fields and their total area, all marihuana under cultivation at the beginning of the period, planted or brought under cultivation during the period, harvested or otherwise disposed of during the period and under cultivation at the close of the period. Each such return shall also account for all bulk marihuana on hand and produced during the period, in whatever form, and all sales, exports, or other dispositions of marihuana during the period.

Farmers producing hemp for fiber by retting the entire crop in the field where grown, removing only the matured hemp stalks and no other part of the plant from the field will report either the quantities of such matured stalks gathered or the total fiber yield in the space provided therefor at the bottom of Summary No. 1. No further accounting for such matured stalks need be made. If any part of the plant, other than such matured stalks, is removed from the field such material must be fully accounted for in Summary No. 2. Producers who are also registered as manufacturers, compounders or dealers will also render returns on the forms prescribed for manufacturers, compounders, or dealers to cover transactions entered into under such registration.

ART. 73. *Returns required of dealers for other than medicinal use.*—Every person registered as a dealer in Class III

under the Act, who purchases and sells or otherwise acquires and disposes of marihuana or its products for other than distribution through wholesale or retail drug channels, shall render a quarterly return on Form 961, and its supplement Form 961a, to the collector of internal revenue for the district on or before the 15th day of April, July, October and January for the quarterly periods ending March 31, June 30, September 30 and December 31, respectively. Each such return shall account for all marihuana on hand and purchased, or otherwise acquired, in whatever form, and all sales, exports, or other dispositions of marihuana.

ART. 74. *Returns required of dealers for medicinal use.*—Every wholesale or retail druggist, pharmacist, or other person registered as a dealer in Class III under the Act, who purchases or otherwise acquires and sells or otherwise transfers marihuana or its preparations exclusively for medicinal purposes in any manner except pursuant to prescriptions of registered practitioners, as elsewhere authorized in these regulations, shall render a monthly return on Form 810 and its supplements Forms 810a, 810b and 811c to the collector of internal revenue for the district on or before the 15th day of the month succeeding that for which the return is rendered. Returns for marihuana and its medicinal products will be rendered on these forms in accordance with instructions appearing thereon relating to opium and coca leaves and their derivatives. All receipts of marihuana for medicinal distribution will be reported on Form 810a, and all transfers or other dispositions on Form 810b, and a semiannual inventory of marihuana and preparations on hand will be rendered as of June 30 and December 31, and will be made a part of the June and December returns, respectively.

Where a person required by this article to render a return for marihuana on Form 810 and its supplements is also registered in Class 1 under the Harrison Narcotic Law, as amended, and renders a return under that Act on these same forms, the marihuana return may be made a part of such monthly narcotic return, but separate detail sheets, Forms 810a and 810b, must be used to report marihuana transactions. The totals of the various detail sheets of marihuana transactions will be carried to the "Other Opium Alkeloids" column of the Summary, Form 810.

ART. 75. *General requirements regarding records required of registrants.*—The details of all marihuana imported, purchased, received, compounded or manufactured, and all marihuana exported, sold, used in compounding or manufacture, or otherwise disposed of as reported on Form 961, shall be reported in supplemental detail sheets Form 961a, which shall be affixed to and become a part of such return. Detail sheets will be fully identified and numbered to correspond with the numbers of the summaries and lines to which they relate. The detailed report of imports shall show for each importation the name and address of the foreign consignor, the foreign port of export, the American port of import, and the kind and quantity of marihuana imported. Producers will report the details of all seeds purchased or received for planting and all marihuana exported, sold or otherwise disposed of on page 3, Form 960. The detailed report of purchases shall show for each purchase the name and address of the seller, and the kind and quantity of marihuana purchased. The detailed report of other receipts shall show for each entry full information as to the circumstances of such receipt, the name and address of the person from whom acquired, and the kind and quantity of marihuana received. The detailed report of nonmedicinal marihuana products manufactured or compounded will show the date of completed manufacture or compounding and the kind and quantity of the product.

The detailed report of exports shall show in each instance the name and address of the foreign consignee, the kind and quantity of marihuana exported, the American port of export, and the foreign port of import. The detailed report of sales shall show for each sale the name, address, internal revenue collection district and registry number of the purchaser, the kind and quantity of marihuana sold, and the value of tax stamps affixed to the order form pursuant to which the sale was made. The detailed report of other dispositions shall show for each entry full information as to the disposition made of such marihuana and the kind and quantity of marihuana so disposed of. The detailed report of marihuana used in manufacture or compounding will show the kind and quantity so used, the date placed into process and the name of the product to be manufactured or compounded therefrom. Returns shall be prepared in duplicate and the duplicate retained by the registrant.

ART. 76. *Returns required to be under oath.*—All returns required by these regulations shall be rendered under oath, and shall be signed and sworn to by the registrant, if an individual, by a member of the firm, if a partnership, or by a principal officer, if a corporation. Where it is impracticable for the person interested to execute returns, they may be executed by another person pursuant to power of attorney prepared and filed as outlined in Art. 47.

### Records

ART. 77. *Laboratory use.*—Persons who have registered and paid the tax to obtain and use in a laboratory any marihuana for the purpose of research, instruction, or analysis, are required to keep complete records relating to the receipt, disposal, and stock on hand, of all marihuana. A special record shall also be kept showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition. The Government does not furnish blanks for the keeping of this record, but it should be in a form substantially as follows:

| Marihuana used | | | | Identification and disposition of marihuana or resulting products and residues | | | |
|---|---|---|---|---|---|---|---|
| Date | Detailed description | Quantity | Purpose | Date | Products or residues | Quantity | Disposition |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

### General Provisions

ART. 78. *Records and returns to be retained.*—All order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file by the taxpayer shall be retained and available for inspection for a period of not less than two years.

SEC. 10 (b). Any person who shall be registered under the provisions of section 2 in any internal-revenue district shall, whenever required so to do by the collector of the district, render to the collector a true and correct statement or return, verified by affidavits, setting forth the quantity of marihuana received or harvested by him during such period immediately preceding the demand of the collector, not exceeding three months, as the said collector may fix and determine. If such person is not solely a producer, he shall set forth in such statement or return the names of the persons from whom said marihuana was received, the quantity in each instance received from such persons, and the date when received.

ART. 79. *Special reports.*—Statements pursuant to the foregoing section will be rendered on Form 680 in the manner and at the time requested by the collector of internal revenue.

SEC. 11. The order forms and copies thereof and the prescriptions and records required to be preserved under the provisions of section 6, and the statements or returns filed in the office of the collector of the district under the provisions of section 10 (b) shall be open to inspection by officers, agents, and employees of the Treasury Department duly authorized for that purpose, and such officers of any State, or Territory, or of any political subdivision thereof, or the District of Columbia, or of any insular possession of the United States as shall be charged with the enforcement of any law or municipal ordinance regulating the production, sale, prescribing, dispensing, dealing in, or distributing of marihuana. * * *

ART. 80. *Examining records.*—Any officer, agent, or employee of the Treasury Department authorized to enforce the act, and any officer of any State, Territory, the District of Columbia, or insular possession of the United States charged with the enforcement of any law or municipal ordinance relating to the traffic in marihuana, shall have authority to examine the books, papers, and records kept pursuant to these regulations, and may require the production thereof.



ART. 81. *Records open to inspection.*—All order forms, duplicate forms, prescription records, returns, and inventories required under the Act or these regulations to be kept on file must be kept so that they can be readily inspected.

### CHAPTER VI

### *Special Exemptions*

### Exempt Officials

SEC. 3 (b). An officer or employee of the United States, any State, Territory, the District of Columbia, or insular possession, or political subdivision, who, in the exercise of his official duties, engages in any of the activities enumerated in section 2 of this Act shall not be required to register or pay the special tax, but his right to this exemption shall be evidenced in such manner as the Secretary may by regulations prescribe.

ART. 82. *Exempt officials.*—Officials of the United States, the District of Columbia, any State, Territory, or insular possession of the United States, or of any county, municipality or other political subdivision therein, who, in the exercise of their official duties, acquire, dispense, or handle marihuana, are not thereby required to register or pay special tax, but their right to such exemption shall be evidenced as hereinafter provided.

ART. 83. *Military and naval officers.*—The Surgeon General of the Army and the Surgeon General of the Navy will respectively furnish to the Commissioner of Internal Revenue lists showing the names, addresses, and official status of all officers and contract surgeons authorized to obtain marihuana for official use. Quarterly amendatory lists showing additions to, eliminations from, or other changes to be made in previous lists shall also be furnished. The commanding officer of the National Guard of each State will likewise furnish original and amendatory lists to each collector of such State, similarly identifying the officers authorized to procure marihuana. With respect to procurement of marihuana by officers of the character indicated, see Article 85 entitled "procurement of marihuana."

ART. 84. *Civil officers.*—Each civil officer of the United States, or the District of Columbia, or of any State, Territory, or insular possession of the United States, or any county, municipality, or other political subdivision, claiming exemption from registration and tax under the Act, must file with the collector for the district in which he is located a certificate from a superior official showing the official status and official address of the person claiming exemption and (1) whether he is to purchase the marihuana or obtain it from official stocks, and (2) whether or not the officer is to administer or dispense marihuana. Each such statement must be renewed on or before July 1 of each year.

ART. 85. *Procurement of marihuana.*—Each order for the purchase of marihuana by an exempt official must be accompanied by a certificate, issued by the collector for the district in which the purchasing official is located, on official stationery in the following form:

_____ (Name) _____ (Rank or official capacity)

_____ (Post of duty or official address)

has evidenced his exemption from registration and payment of taxes under the Marihuana Tax Act of 1937, in the manner prescribed by the Commissioner of Narcotics, with the approval of the Secretary of the Treasury, and is entitled to purchase marihuana without the use of official order forms for the use of

_____ (Name of government and department thereof)

Certificates in accordance with the foregoing form will be issued by the collectors upon request but no certificate may be issued for any officer or official unless the list or statement on file indicates that such officer or official is required to purchase marihuana.

If an official is engaged in a private business or privately practices a profession in which marihuana is imported, manufactured, produced, compounded, sold, dealt in, dispensed, prescribed, administered, or given away, such official must register and pay the special tax for such private activity, and the marihuana for such private purposes must be secured upon regular order forms.

SEC. 8 (b). No liability shall be imposed by virtue of this section upon any duly authorized officer of the Treasury Department engaged in the enforcement of this Act or upon any duly authorized officer of any State, or Territory, or of any political subdivision thereof, or the District of Columbia, or of any insular possession of the United States, who shall be engaged in the enforcement of any law or municipal ordinance dealing with the production, sale, prescribing, dispensing, dealing in, or distributing of marihuana.

ART. 86. *Enforcement officers.*—Special agents and customs agents, for the establishment of drawback under customs laws and regulations, inspectors of the Food, Drug and Insecticide Administration, Department of Agriculture, in connection with their duties in enforcing the Food and Drugs Act, and State or Federal officials engaged in their duties in enforcing any State or Federal marihuana law, are entitled to procure from any person registered under the Marihuana Tax Act of 1937 samples of marihuana, and registrants may lawfully furnish to any such persons for the purposes stated, the required samples, taking a receipt therefor, which shall be filed with their official order forms and records.

### Transfer Procedure by Officials

ART. 87. *Orders and prescriptions.*—Orders and prescriptions issued by exempt officials as such for marihuana should be prepared on official blanks if such blanks are provided, or otherwise on official stationery, and must show the name, title, and official address of the person by whom executed.

ART. 88. *Filling and filing orders and prescriptions.*—An order issued for marihuana by an exempt official as such may be filled only by a person registered as an importer, manufacturer, compounder, producer, or dealer. Prescriptions of like issue may be filled only by retail druggists registered as dealers or by manufacturers supplying thereon marihuana of their own manufacture or compounding. Any registrant who fills an improperly prepared order or prescription may be charged with violation of Section 6 of the Act. Orders and prescriptions of exempt officials should when filled, be filed with the regular marihuana orders and prescriptions otherwise required.

### Transfers to Puerto Rico and the Virgin Islands

SEC. 15. The provisions of this Act shall apply to the several States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, and the insular possessions of the United States, except the Philippine Islands. In Puerto Rico the administration of this Act, the collection of the special taxes and transfer taxes, and the issuance of the order forms provided for in section 6 shall be performed by the appropriate internal-revenue officers of that government, and all revenues collected under this Act in Puerto Rico shall accrue intact to the general government thereof. The President is hereby authorized and directed to issue such Executive orders as will carry into effect in the Virgin Islands the intent and purpose of this Act by providing for the registration with appropriate officers and the imposition of the special and transfer taxes upon all persons in the Virgin Islands who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana.

[*Here follows the text of Executive Order No. 7715, dated September 26, 1937, entitled "Prescribing Regulations for Carrying into Effect in the Virgin Islands Certain Provisions of the Marihuana Tax Act of 1937"* (2 F. R. 2008).]

ART. 89. *Transfers to be made pursuant to orders.*—No person in the continental United States may transfer marihuana to a person in Puerto Rico or in the Virgin Islands, except pursuant to an order form, bearing appropriate transfer tax stamp, issued by the appropriate officers in those territories. The transfer or other disposition of marihuana by any person in the continental United States to

any person in Puerto Rico or in the Virgin Islands otherwise than as above described, shall subject the offending party or parties to the penalties provided by the Marihuana Tax Act of 1937. (See Art. 102.)

ART. 90. *Record of transfers required.*—Each transfer or other disposition of marihuana to persons in Puerto Rico or the Virgin Islands shall be recorded and reported by the transferor in the same manner as a transfer within the continental United States.

CHAPTER VII

*Administrative Provisions*

Assessment of Tax

SECTION 3182, UNITED STATES REVISED STATUTES

The Commissioner of Internal Revenue is hereby authorized and required to make * * * assessments of all taxes and penalties * * * where such taxes had not been duly paid by stamp at the time and in the manner provided by law, * * *.

ART. 91. *Assessment of taxes not paid by stamp.*—Tax due on the transfer of marihuana not paid by attachment of stamps to order forms shall be reported for assessment. Special tax which the taxpayer refuses or fails to pay may likewise be reported for assessment.

Jeopardy Assessment

SECTION 1105, REVENUE ACT OF 1932, AS AMENDED BY SECTION 510, REVENUE ACT OF 1934

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3187 of the Revised Statutes, as amended.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

ART. 92. *Jeopardy assessment.*—(a) Whenever, in the opinion of the collector, the collection of the tax will be jeopardized by delay, he should report the matter promptly to the Commissioner by telegram or letter. The communication should recite the full name and address of the person involved, the kind and amount of taxes, the period involved, and such statement of the circumstances and recommendation as will enable the Commissioner immediately to determine and assess the tax due, together with all penalties.

(b) If a jeopardy assessment is made, the taxpayer may stay the collection of the tax by filing with the collector a bond in such amount, not exceeding double the amount of the tax, and with such sureties, as the collector deems necessary, conditioned upon the payment of the tax at the usual time. In lieu of surety or sureties the taxpayer may deposit with the collector United States Liberty bonds or other bonds or notes of the United States having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the collector to sell or collect such bonds or notes so deposited in case of default.

Payment by Check, Etc.

SECTION 1118 (A) REVENUE ACT OF 1926

Collectors may receive, at par with an adjustment for accrued interest, notes or certificates of indebtedness issued by the United States and uncertified checks in payment of income, war-profits, and excess-profits taxes and any other taxes payable other than by stamp, during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe; but if a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered.

ART. 93. *Payment by check, etc.*—(a) Collectors may receive uncertified checks in payment of assessments (but not in payment for stamps), if such checks are collectible at par—that is, for their full amount, without deduction for exchange or other charges. The collector will stamp on the face of each check before deposit the words "This check is in payment of an obligation to the United States and must be paid at par. No protest.", with his name and title.

(b) If the bank upon which any such check is drawn should, for any reason, refuse to pay it at par, the check should be returned through the depository bank and treated as a dishonored check. All expenses incident to the attempt to collect such check and the return of it through the depository bank must be borne by the drawer, since no deduction can be made from amounts received in payment of taxes. Unless the taxpayer whose check has been returned uncollected by the depository bank makes the check good immediately, or pays the amount thereof, the collector should proceed to collect the tax as though no check had been given. A taxpayer who tenders a check, whether certified or not, in payment of taxes, is not released from his obligation until the check has been paid.

Redemption of or Allowance for Stamps

ACT OF MAY 12, 1900, AS AMENDED BY SECTION 1013 (A) OF THE REVENUE ACT OF 1924

That the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal-revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected. Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

* * * * *

*Provided, further,* That no claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

SEC. 2. That the finding of facts in and the decision of the Commissioner of Internal Revenue upon the merits of any claim presented under or authorized by this Act shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

SEC. 3. That all laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed.

ART. 94. *Claims.*—Amounts paid for stamps used in excess, or on instruments not actually effective, may be refunded, upon claim properly presented to the collector. All claims for the redemption of or allowance for stamps must be presented to the collector on Form 843 within four years after the purchase of said stamps from the Government. In filing a claim for the redemption of or allowance for stamps covering the tax on the transfer of marihuana, the stamps involved shall be submitted therewith, or if it is impracticable to submit the stamps, they shall be presented to a deputy collector or other internal-revenue representative, who shall write on the face of the stamps the words "Claim for refund filed" and a statement from such internal-revenue representative shall be furnished showing that such indorsement has been made. The claim shall be forwarded to the Collector of Internal Revenue for the district in which the taxpayer is located who shall certify as to the date the stamps were purchased. The provisions of sections 3220 to 3228, United States Revised Statutes, do not apply to the redemption of or allowance for internal-revenue stamps, and the authority for such redemption or allowance is the Act of May 12, 1900 (31 Stat. 177), as amended by section 1013 (a) of the Revenue Act of 1924, set forth hereinbefore.



Refunds

SECTION 3220 OF THE REVISED STATUTES, AS AMENDED BY SECTION 1111 OF THE REVENUE ACT OF 1926 AND SECTION 619 (B) OF THE REVENUE ACT OF 1928

Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal-revenue taxes collected by him, with the cost and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress at the beginning of each regular session of Congress of all transactions under this section.

SECTION 3228 OF THE REVISED STATUTES, AS AMENDED BY SECTION 1112 OF THE REVENUE ACT OF 1926, SECTION 619 (C) OF THE REVENUE ACT OF 1928, AND SECTION 1106 OF THE REVENUE ACT OF 1932

(a) All claims for the refunding or crediting of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SECTION 1106 (B) OF THE REVENUE ACT OF 1932

(b) The amendment made by subsection (a) of this section to section 3228 of the Revised Statutes shall not bar from allowance a claim for refund filed prior to the enactment of this Act which but for such enactment would have been allowable.

ART. 95. *Refunds.*—As indicated hereinbefore, the transfer tax is ordinarily paid by the purchase and affixing of stamps, while special-tax stamps are issued in payment of special taxes. However, in exceptional cases, such taxes may be paid pursuant to assessment. Claims for refund of amounts so paid by assessment are governed by sections 3220 and 3228, United States Revised Statutes, as amended. Such claims must be presented within four years next after payment of the taxes.

Miscellaneous

ART. 96. *Safeguarding of marihuana.*—Marihuana must at all times be securely kept and properly safeguarded where it will be available for inspection by properly authorized officers, agents, and employees of the Treasury Department.

ART. 97. *Procedure with reference to losses.*—Where, through breakage of the container or other accident, otherwise than in transit between transferor and transferee, marihuana is lost or destroyed, the person having title thereto shall make affidavit as to the kind and quantity of the marihuana items lost or destroyed and the circumstances involved, and immediately forward the affidavit to the Narcotic District Supervisor. A copy of such affidavit shall be retained and filed with the other marihuana records. See appendix for list of Narcotic District Supervisors, their headquarters and States embraced.

Where marihuana is lost by theft, or otherwise lost or destroyed in transit between transferor and transferee, a sworn statement of the facts, including a list of marihuana items stolen, lost or destroyed, and documentary evidence that the local authorities were notified, shall immediately upon ascertainment of the occurrence be filed with the Narcotic District Supervisor by the consignee. A copy of the sworn statement shall be retained and filed with the other marihuana records of the consignee.

In case of loss in transit the transferor is not authorized to make good the loss by duplicating the shipment on the same order form. A separate order form covering each and every shipment of marihuana is required. But see Article 94 as to claims for redemption of stamps unnecessarily used.

ART. 98. *Procedure on discontinuance of business.*—Where it is desired to discontinue business the taxpayer should, before the discontinuance, dispose of all marihuana on hand. Where the discontinuance occurs on any date other than June thirtieth the special-tax stamp or stamps should be returned to the collector who will mark each such stamp "Business discontinued" with the date, and return the stamp to the taxpayer who shall file it with his marihuana records and retain it for a period of two years. The rendering of returns subsequent to the date of discontinuance will not be demanded, provided all marihuana has been accounted for and an affidavit is submitted in duplicate to the collector certifying that no further transactions of that class will be consummated. One copy of this affidavit will be forwarded to the Commissioner of Narcotics. Before business is discontinued the marihuana on hand may be disposed of either pursuant to an order form or to an exempt official, or by shipment to the Narcotic District Supervisor of the district, as provided in the following paragraphs for the disposition of excess, undesirable, or useless stock.

Excess, undesirable, or useless marihuana in the possession of a registered person may be disposed of by shipment, charges prepaid, to the Narcotic District Supervisor of the district. If the person has paid tax in a class under which returns are required to be rendered and the marihuana to be disposed of is a part of the stock for such class, an inventory of the marihuana shipped must be prepared in triplicate on the form used for detailed reporting of dispositions. The original inventory must be filed with the return for such class for the period in which the disposition takes place, the duplicate copy to be made a part of the retained copy of the return and the triplicate copy to be forwarded with the marihuana when shipped for disposition. If the marihuana is stock with respect to which returns are not required, an inventory shall be prepared in quadruplicate on Form 142, the duplicate of which shall be forwarded with the marihuana when shipped and the triplicate retained on file by the taxpayer for a period of two years. The shipper shall notify the Narcotic District Supervisor, advising of the size and description of the container in which the marihuana is being forwarded, and enclosing the original and quadruplicate copy of the inventory which has been prepared.

The Narcotic District Supervisor will retain the quadruplicate copy of Form 142 in his file and forward the original to the Commissioner of Narcotics.

Forfeitures and Penalties

SEC. 9 (a). Any marihuana which has been imported, manufactured, compounded, transferred, or produced in violation of any of the provisions of this Act shall be subject to seizure and forfeiture and, except as inconsistent with the provisions of this Act, all the provisions of internal-revenue laws relating to searches, seizures, and forfeitures are extended to include marihuana.

(b) Any marihuana which may be seized by the United States Government from any person or persons charged with any violation of this Act shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States.

(c) Any marihuana seized or coming into the possession of the United States in the enforcement of this Act, the owner or owners of which are unknown, shall be confiscated by and forfeited to the United States.

(d) The Secretary is hereby directed to destroy any marihuana confiscated by and forfeited to the United States under this section or to deliver such marihuana to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulations as may be prescribed by the Secretary.

ART. 99. *Disposition of forfeited marihuana.*—Marihuana forfeited to the United States under these provisions of the law may be delivered to any department, bureau, or other agency of the United States Government upon proper application addressed to the Commissioner of Narcotics. The application shall show the name, address, and official title, bureau or agency, and department, of the person to whom the marihuana is to be delivered, the kind and quantity of marihuana desired and the purpose for which intended. The

delivery of such marihuana shall be ordered by the Commissioner of Narcotics if, in his opinion, there exists a medical or scientific need therefor. The order will be filled by the Drugs Disposal Committee which will obtain a receipt for marihuana delivered.

ART. 100. *Court sales.*—Court officers in making sales of marihuana under judicial proceedings shall require the purchaser thereof, if other than an exempt official, who must be a registered person, to furnish order forms for such sales or transfers.

SEC. 2 (f). Collectors are authorized to furnish, upon written request, to any person a certified copy of the names of any or all persons who may be listed in their respective collection districts as special taxpayers under this section, upon payment of a fee of $1 for each one hundred of such names or fraction thereof upon such copy so requested.

SEC. 3240. United States Revised Statutes, as amended. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, as of a public record, for which a fee of one dollar for each one hundred words or fraction thereof in the copy or copies so requested may be charged.

ART. 101. *List of taxpayers.*—The list of marihuana special-taxpayers required by the foregoing statute shall be kept on Record 10, and may be inspected and copied in the collector's office at such reasonable and proper times as not to interfere with the collector's use of it, or exclude other persons from inspecting it.

SEC. 12. Any person who is convicted of a violation of any provision of this Act shall be fined not more than $2,000 or imprisoned not more than five years, or both, in the discretion of the court.

ART. 102. *Specific penalty.*—Persons who violate the Act or fail to fulfill its requirements in any particular are liable to punishment, the maximum liability being to a fine of not more than $2,000 or imprisonment of not more than five years, or both, for each offense.

ART. 103. *Correspondence.*—Correspondence relative to interpretation of the law and these regulations may be addressed to the Commissioner of Narcotics, Washington, D. C. Inquiries relative to registration and requests for blank forms should be addressed to the various collectors of internal revenue. All remittances should be sent to the local collector of internal revenue. Correspondence regarding charges of violations of the law or regulations should be addressed to the Narcotic District Supervisor in charge of the proper district. (See appendix for list of collectors and Narcotic District Supervisors.)

ART. 104. *Effective date.*—These regulations shall take effect and be in force on and after October 1, 1937.

ART. 105. *Promulgation of regulations.*—In pursuance of section 14 of the Marihuana Tax Act of 1937, the foregoing regulations are hereby made and promulgated.

H. J. ANSLINGER,
*Commissioner of Narcotics.*

[SEAL]

GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 29, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2914; Filed, September 30, 1937; 11:02 a. m.]

## POST OFFICE DEPARTMENT.

[Order No. 10744]

### WITHDRAWAL OF POSTAL SAVINGS DEPOSITS BY MAIL

AUGUST 13, 1937.

Paragraph 5, Section 1618, Postal Laws and Regulations, is amended to read as follows:

"When a depositor desires to make a withdrawal by mail, the postmaster at any depositary office shall furnish him an application blank (Form PS 315) requesting a money order for the amount of the surrendered certificates and any interest due, less the money-order fee. This form shall be filled out and signed in duplicate in the presence of any postmaster, who shall witness the application and date it with the office stamp. The depositor shall indorse the certificates and deliver them, with the completed Form PS 315, to such postmaster, who shall forward the certificates and the original application to the postmaster at the depositary office. The postage, including registry fee, for transmitting the application and surrendered certificates, shall be borne by the depositor making the application. The duplicate Form PS 315 shall be used to assist in the identification of the depositor on the presentation of the money order for payment."

JAMES A. FARLEY,
*Postmaster General.*

[SEAL]

[F. R. Doc. 37-2912; Filed, September 30, 1937; 10:49 a. m.]

[Order No. 10745]

### WITHDRAWAL OF POSTAL SAVINGS DEPOSITS

AUGUST 13, 1937.

Paragraphs 1 (b) and 13 of section 1616, Postal Laws and Regulations, are hereby rescinded; and paragraphs 1, 5, 9, 11, and 12 of section 1616 are amended to read as follows:

"1616. Notwithstanding any other provision of law, (1) each deposit in a postal savings depository office shall be a savings deposit, and interest thereon shall be allowed and entered to the credit of the depositor once for each quarter beginning with the first day of the month following the date of such deposit, but no interest shall be allowed to any such depositor with respect to the whole or any part of the funds to his or her credit for any period of less than three months; (2) no interest shall be paid on any such deposit at a rate in excess of that which may lawfully be paid on savings deposits under regulations prescribed by the Board of Governors of the Federal Reserve System pursuant to the Federal Reserve Act, as amended, for member banks of the Federal Reserve System located in or nearest to the place where such depository office is situated; * * * (39 U. S. C. 758, as amended by the Act of August 23, 1935, 49 Stat. 721.)

"5. When sufficient funds are not on hand to meet withdrawals, a postmaster who has been authorized by the Third Assistant Postmaster General to draw on a local bank shall draw his official check on the bank designated for that purpose, as provided in section 1613, paragraph 4, and for that purpose shall procure from the bank a supply of blank checks. Such checks shall be drawn only when absolutely necessary and for the sole purpose specified. They shall be made payable to the postmaster or his authorized representative and shall be drawn substantially in the following form: 'Pay to postmaster at _____ from postal-savings fund _____ dollars.' *They shall not be made payable to depositors nor delivered to them.* The postmaster may authorize his assistant or one or more clerks to draw checks in his absence, signing the postmaster's name, 'per _____ _____' (signature of the person so authorized). He shall give proper notice to the bank of each such authorization, but he shall be liable on his official bond for the amount of all checks signed by such authorized representatives.

"9. (a) In order to obtain funds to meet withdrawals of principal or interest in excess of his daily receipts, a postmaster (other than the postmaster at Washington, D. C., or at a central postal-savings depositary post office) who has not been authorized to draw on a local bank shall draw drafts (Form PS 316) on the designated central depositary postmaster for any amount needed. However, for convenience and to avoid the too frequent use of drafts, postmasters shall use money-order funds, so far as practicable, to meet such withdrawals, and postmasters who have been granted a money-order credit with the Treasurer of the United States shall check on that credit to obtain necessary additional working funds. Memorandum slips (Form PS 622-A) to cover such temporary advances to the postal-savings account shall be placed with the money-order funds and held until reimbursement has been made. The postmaster shall reimburse the money-order account from surplus postal-savings funds subsequently received and, at the end of each month, shall draw a postal-savings draft for any amount still due the money-order account and shall dispose of the draft as money-order funds. The money-order account shall always be completely reimbursed at the end of each month, and the postmaster shall not reflect such temporary advances of money-order funds on his monthly reports to the Department. The postmaster shall debit in the daily summary (Form PS 708), or other form used in lieu thereof in accordance with specific instructions, the total amount of funds borrowed each day and shall credit in that record the total amount repaid to the money-order account. Postal-savings drafts shall not be drawn for any purpose other than that specified.

"(b) The postmaster at Washington, D. C., or at a central postal-savings depositary post office where no authority has been granted to check on a local bank, shall use money-order funds, as provided in subparagraph 9 (a) of this Section, when sufficient postal-savings funds are not on hand to meet withdrawals by depositors or to cash postal-savings drafts drawn on him by other postmasters. He shall obtain funds needed to reimburse the money-order account from the Third Assistant Postmaster General and shall requisition such funds in ample time to insure complete reimbursement of the money-order account at the end of each month, and insufficient amount to meet the estimated needs of his office. Any excess over the amount immediately needed for reimbursing purposes shall be held as cash in the post office or shall be deposited, wholly or in part, in a temporary checking account in a designated depositary for government funds, as provided in Section 120, Postal Laws and Regulations. The postmaster at Washington, D. C., or at a central depositary office where no authority has been granted to draw on a local bank, may hold as cash or deposit in such temporary checking account the current postal-savings receipts of his office, in reasonable anticipation of early needs.

"11. When the postmaster draws a draft (Form PS 316) on the designated central depositary postmaster, he shall on that day debit the amount of the draft on the line provided in his daily summary (Form PS 703), or other form used in lieu thereof in accordance with specific instructions. The total of the drafts drawn during each month shall be shown by a similar debit entry on the monthly account current (Form PS 704), and the date, number, and amount of each draft shall be entered in Abstract D on the back of said form. The stubs of the drafts (Form PS 316) shall be retained on file.

"12. The postmaster at a central postal-savings depositary post office, on receiving for payment a draft properly signed and endorsed by a postmaster authorized to draft on him, shall pay the draft from his current postal-savings receipts, or, if they are insufficient, from money-order funds (as provided in subparagraph 9 (b) or, if he has been granted a checking credit on a local bank, by cashing a check on his designated bank, as provided in paragraph 5 of this Section. If the draft is received direct from the drawing postmaster, the funds shall be sent by return registered mail, accompanied by a letter of transmittal on Form PS 319, and the remittance shall be prepared and dispatched in the manner provided in section 111."

JAMES A. FARLEY,
*Postmaster General.*

[SEAL]

[F. R. Doc. 37-2913; Filed, September 30, 1937; 10:49 a. m.]





## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Issued September 29, 1937

### DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE MAINLAND CANE SUGAR AREA FOR THE 1938 CROP, PURSUANT TO THE SUGAR ACT OF 1937

Whereas Section 302 of the Sugar Act of 1937 provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or sharecroppers.

and

Whereas subsection (c) of section 301 of said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

and

Whereas the Secretary of Agriculture, on September 14, 1937, estimated the quota (including a normal carry-over inventory) for the mainland cane sugar area, for the calendar year during which the larger part of the sugar or liquid sugar from the 1938 crop of sugarcane normally would be marketed, to be 439,071 tons of sugar, raw value;

Now, therefore, pursuant to the foregoing sections of said act, I, H. A. Wallace, Secretary of Agriculture, do hereby determine that the proportionate share of sugarcane for any farm in the mainland cane sugar area for the 1938 crop shall be as follows:

(*a*) That the proportionate share shall be calculated by taking the average of the 1935 and 1936 sugarcane for sugar acreage on the farm, adding the 1937 sugarcane for sugar acreage on the farm, and dividing by 2, but in no event shall the proportionate share be in excess of sixty percent of the cropland on the farm suitable for the production of sugarcane, except as hereinafter provided.

(*b*) That the minimum proportionate share shall be the largest of

1. The sum of the acreage planted to sugarcane for sugar in the fall of 1936, the spring of 1937, and the fall of 1937 prior to October 1, 1937,

2. for farms having 30 acres or less suitable for the production of sugarcane, one-third of such acreage but not less than five acres, or

3. for farms having more than 30 acres suitable for the production of sugarcane, ten acres in any event, with a further addition of one-fourth of such acreage in excess of 30 acres, provided that there is plowed under a

leguminous crop, immediately prior to and in preparation for the 1937 fall planting of sugarcane, on an acreage equivalent to the difference between the acreage determined pursuant to this subsection (3) and section (a) above, except in any producing region of the mainland sugarcane area in which the plowing under of a leguminous crop prior to the planting of sugarcane is not practiced, in which case the minimum proportionate share shall not be in excess of the acreage in sugarcane on the farm as of October 1, 1937, less the acreage which would normally be replanted in the spring of 1938.

In addition to the foregoing, the following conditions shall be met:

1. That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer any payment to which tenants or share croppers would be entitled if the 1937 leasing or cropping agreements were in effect.

2. That there shall have been no interference by any producer with contracts heretofore entered into by tenants or share croppers for the sale of their sugarcane.

Done at Washington, D. C., this 29th day of September, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2915; Filed, September 30, 1937; 12:24 p. m.]

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G. S. R. Series 2, No. 3 Issued September 29, 1937

[General Sugar Regulations, Series 2, No. 3]

## ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES FOR RE-EXPORT

### GENERAL SUGAR REGULATIONS MADE BY THE SECRETARY OF AGRICULTURE UNDER THE SUGAR ACT OF 1937

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall continue in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

*Article I—Definitions*

SECTION 100. As used in these regulations:

(*a*) The term "Act" means the Sugar Act of 1937, approved September 1, 1937.

(*b*) The term "person" means any individual, partnership, corporation, or association.

(*c*) The term "Secretary" means the Secretary of Agriculture of the United States.

(*d*) The term "quota" means any quota fixed by the Secretary pursuant to the Act.

(*e*) The term "allotment" means any allotment of any quota or proration thereof made by the Secretary pursuant to section 205 (a) of the Act.

*Article II—Importing Sugar or Liquid Sugar Ex-Quota by Furnishing Bond*

SECTION 200. Upon the furnishing of a bond as provided in section 201 hereof, the following sugar or liquid sugar from any foreign country, or from any sugar-producing area outside of continental United States, may be brought or imported into continental United States despite the quantities of sugar or liquid sugar already charged against the applicable quota or allotment and without being charged against such quota or allotment:

(*a*) Sugar or liquid sugar imported into continental United States for the purpose of being processed and exported as sugar or liquid sugar, and not to be used for domestic consumption in continental United States;

(*b*) Sugar or liquid sugar released from United States Customs custody and control for the sole purpose of being processed and returned thereto; and

(*c*) Sugar or liquid sugar imported into continental United States to be manufactured into articles to be exported from continental United States with benefit of drawback, or to be designated as the basis of a claim for drawback.

SEC. 201. Before any of the sugar or liquid sugar described in section 200 hereof shall be released from the United States Customs custody and control in excess of, or without being charged against, the applicable quota or allotment, the importer, consignee, owner of, or other person interested in, such sugar or liquid sugar shall furnish a bond with a surety or sureties satisfactory to the Secretary in such amount as the Secretary or his agent shall determine, or shall provide such other security as the Secretary or his agent shall determine, conditioned as follows:

(*a*) With respect to sugar or liquid sugar imported for the purpose of being processed by a processor and exported as sugar or liquid sugar from, and not to be used for domestic consumption in, continental United States, the condition shall be that the sugar or liquid sugar imported in the original or processed form, or an equivalent amount of sugar or liquid sugar processed by such processor, shall be delivered to such person or persons as the Secretary or his agent may designate for identification and inspection prior to exportation, and shall be actually exported from continental United States or destroyed within six months or such lawful extension of such time as the Secretary or his agent shall specify. In the event that the sugar or liquid sugar is exported with benefit of drawback, and inspection and identification by the collector of customs for purposes of drawback regulations is made, no further identification and inspection is required.

(*b*) With respect to sugar or liquid sugar released from United States Customs custody and control for the sole purpose of being processed by a processor and returned thereto, the condition shall be that such sugar, or an equivalent amount of sugar, or that such liquid sugar, or an equivalent amount of liquid sugar, processed by such processor, shall be returned to the United States Customs custody and control or destroyed within one month or such lawful extension of such time as the Secretary or his agent shall specify.

(c) With respect to sugar or liquid sugar imported to be used in the manufacture or production of articles to be exported with benefit of drawback, or which is to be designated as the basis for the allowance of drawback (including irrecoverable waste), the condition shall be that, within three years from the date of importation, such sugar or liquid sugar or an equivalent amount thereof shall have been exported as shown by (1) the allowance of a claim or claims for drawback, or (2) other proof of exportation satisfactory to the Secretary, or that such sugar or liquid sugar or an equivalent amount of such sugar or liquid sugar available for a drawback claim, or claims, shall have been destroyed; except that the Secretary or his agent may, under appropriate terms, permit release of any such bond or other security upon allowance of drawback based on a designation of other sugar or liquid sugar.

SEC. 202. Any bond or other security given under this article shall be further conditioned upon payment to the United States of America of all United States Customs Bureau expenses of supervision and control, if any, during the time such sugar or liquid sugar is within continental United States under the authority of these regulations.

SEC. 203. The Secretary or his agent may cancel or release any bond or other security given under this article if, upon the sale or transfer of such sugar or liquid sugar or the sugar or liquid sugar designated for drawback claim, or any part thereof, the purchaser or other person having an interest therein shall furnish in substitution a bond with good and sufficient sureties, or other acceptable security covering such sugar or liquid sugar or such part thereof as may be sold or transferred.



*Article III—Charging of Quota Upon Forfeiture of Bond*

SECTION 300. Upon the forfeiture of any bond or security given pursuant to article II, the quota for the country or area in which such sugar or liquid sugar originated and the allotment to which it would be chargeable if brought in or imported at the time of the forfeiture shall be charged as of the time of forfeiture with the amount of such sugar or liquid sugar, and to the extent that such sugar or liquid sugar exceeds the quota of such country or area, or the chargeable allotment, the forfeiture of the bond shall constitute a violation of the quota and/or allotment regulations or orders issued under the Act, and the person who has furnished such bond shall be subject to the penalties prescribed by sections 504 and 506 of the Act, insofar as said penalties may exceed the sum so forfeited under any such bond.

*Article IV—Credits Upon Exportation of Sugar or Liquid Sugar*

SECTION 400. If any sugar or liquid sugar imported into continental United States from any country is charged at the time of importation against any quota and such sugar or liquid sugar in original or processed form, or an equivalent amount of sugar or liquid sugar, is exported from continental United States and not used for consumption therein, or such sugar or liquid sugar is exported with benefit of drawback, or a claim or claims for drawback is or are allowed upon the basis of a designation of the imported sugar or liquid sugar, the amount of sugar or liquid sugar so exported shall, as of the date of exportation, be credited to the current quota unless such exportation is in compliance with a condition of a bond issued pursuant to section 201 hereof.

*Article V—Reports*

SECTION 500. The United States Customs Bureau is authorized to require from any refiner, manufacturer, processor, Regulations but notwithstanding this designation the Secrehandler, importer, consignee, owner, or other person interested in such sugar or liquid sugar in the importation, processing, or exportation thereof, such declarations, certificates, invoices, oaths, and other documents which may be necessary to carry out the provisions of these regulations.

*Article VI—Designation of Chief of Sugar Section as Agent*

SECTION 600. The Chief or Acting Chief of the Sugar Section, Agricultural Adjustment Administration, is hereby designated as the agent of the Secretary to administer these tary may appoint other agents to administer these Regulations. Any agent appointed under this section or the collector of customs responsible for the release from customs custody of any sugar bonded under these Regulations shall be a proper person to approve or cancel any bond given under these Regulations.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 29th day of September, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2916; Filed, September 30, 1937; 12:24 p. m.]

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## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[General Order No. 251]

## NOTICE TO SUBSTITUTE WITNESSES TO PETITION FOR NATURALIZATION

AMENDMENT OF THE NATURALIZATION REGULATIONS OF DECEMBER 1, 1936

SEPTEMBER 29, 1937.

By virtue of and pursuant to authority conferred by Section 28 of the Act of June 29, 1906 (34 Stat. 606; U. S. C., title 8, sec. 356), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515), and Executive Order No. 6166 dated June 10, 1933, Naturalization Rule 7, Subdivision D, Paragraph 6 is hereby amended to read as follows:

PAR. 6. Where the witnesses who verified the petition cannot be produced upon the final hearing of the petition, and the petitioner desires to substitute other witnesses in their stead, notice thereof shall be given on form 2215 a reasonable time in advance of the date set for the final hearing of the petition for citizenship, either by the petitioner or the clerk of court, to the naturalization officer having administrative supervision over the district in which the petition is filed, except that where the competency and qualifications of the original witnesses have been determined and a representative of the Service attends the final hearing in person, notice of intention to substitute witnesses may be given to such representative attending such hearing. In no case shall final hearing be held until the substitute witnesses have been examined by a representative of this Service and affidavit in triplicate on form 2218-A executed before such representative or before the clerk of court. One copy of this affidavit will be attached to the original petition prior to or at the time of the final hearing and the others to the duplicate and triplicate petitions in order that the records may show the facts.

[SEAL] JAMES L. HOUGHTELING
*Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2909; Filed, September 30, 1937; 10:41 a. m.]

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[General Order No. 253.]

## CERTIFICATION OF NATURALIZATION RECORDS

AMENDMENT OF THE NATURALIZATION REGULATIONS OF DECEMBER 1, 1936

SEPTEMBER 29, 1937.

By virtue of and pursuant to authority conferred by Section 28 of the Naturalization Act of June 29, 1906 (34 Stat. 606; U. S. C., title 8, section 356), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515), and Executive Order No. 6166, dated June 10, 1933, Naturalization Rule 14 is hereby amended to read as follows:

*Rule 14.—Certification of Naturalization Records*

Subdivision A.—Procedure for obtaining certification

PARAGRAPH 1. Application may be made on form 2605 to the Commissioner of Immigration and Naturalization for certification of a naturalization record of any court, or any part thereof, or of any certificate of citizenship, for use in complying with any statute, either Federal or State, or in any judicial proceeding. The applicant shall fill out properly, sign, make oath to, and forward the application to the Commissioner of Immigration and Naturalization, Washington, D. C.

PAR. 2. If the certification be desired for use in complying with a statute, the date and citation of the statute concerned shall be stated in the application. If it be desired for use in a judicial proceeding, the application shall set forth the title and character of the proceeding and the court in which it is pending, and shall be accompanied by an order of such court requesting the Commissioner to supply the certification. The application shall state the title and address of the officer or the court to whom the certification shall be sent.

PAR. 3. If the application be for certification of a declaration of intention in lieu of one filed with a petition for citizenship, the application must be accompanied by two photographs of the applicant in accordance with Rule 5.

PAR. 4. No clerk of court shall make any certification of any naturalization records, except upon appropriate order of the court.

[SEAL] JAMES L. HOUGHTELING,
*Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2910; Filed, September 30, 1937; 10:41 a. m.]

[General Order No. 254.]

EXTENSION OF TIME FOR THE NATURALIZATION OF ALIEN VETERANS OF THE WORLD WAR

AMENDMENT OF THE NATURALIZATION REGULATIONS OF DECEMBER 1, 1936

SEPTEMBER 29, 1937.

By virtue of and pursuant to authority conferred by Section 3 of the Act of August 23, 1937 (Public No. 338, Chapter 735—75th Congress), Naturalization Rule 7, Subdivision D, Paragraph 8, is hereby amended to read as follows:

PAR. 8. An alien veteran of the following description may be naturalized under the Act of August 23, 1937 (Public No. 338, Chapter 735—75th Congress), under the following exemptions and special proofs and procedure.

*I. Alien Veterans*

Veterans of the United States

An individual who—

(*a*) Was a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; and

(*b*) Is an alien not ineligible to citizenship; and

(*c*) Was not at any time during the period described in sub-paragraph (*a*) hereof, or thereafter, separated from such forces under other than honorable conditions; and

(*d*) Was not a conscientious objector who performed no military duty whatever or refused to wear the uniform; and

(*e*) Was not at any time during the period described in subparagraph (*a*) hereof, or thereafter, discharged from the military or naval forces on account of his alienage.

Veterans of Allied Countries

An alien who—

(*f*) Was lawfully admitted into the United States for permanent residence and thereafter

(*g*) Departed therefrom between August 1914 and April 5, 1917; or

Departed therefrom subsequent to April 5, 1917, for the purpose of serving; and

(*h*) Actually served prior to November 11, 1918, in the military or naval forces of any of the countries allied with the United States in the World War; and

(*i*) Was discharged from such service under honorable circumstances.

The following countries were allied with the United States during the World War: Belgium, Bolivia, Brazil, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, France, Great Britain, Greece, Guatemala, Haiti, Hejaz, Honduras, Italy, Japan, Liberia, Montenegro, Nicaragua, Panama, Peru, Poland, Portugal, Rumania, Russia, San Marino, Serbia, the Serb-Croat-Slovene State, Siam, and Uruguay.

*II. Exemptions From the Usual Requirements for Naturalization*

(*a*) No declaration of intention is required;

(*b*) Proof of the usual five years' residence in the United States and six months' county residence is not required (see III (*c*));

(*c*) No certificate of arrival is required unless applicant's legal admission to the United States for permanent residence occurred subsequent to March 3, 1924 (see III (*f*));

(*d*) Petition may be filed in the most convenient naturalization court without proof of residence within its jurisdiction;

(*e*) No petition fee is required unless petition is filed in a State court and the laws of such State require a fee, in which case nothing more than the amount required to be paid to the State shall be charged or collected.

*III. Special Proofs and Procedure*

As to Veterans of the United States and Allied Countries

(*a*) Applicant must be residing in the United States;

(*b*) Petition must be filed prior to May 25, 1938;

(*c*) Applicant and his witnesses must appear before the appropriate representative of the Service and pass preliminary examination previous to filing petition. Certification of such examination shall be made by the examiner, in triplicate, on form 2800; and sworn statement shall be made by the applicant, in triplicate, on form 169. One copy of each of said documents shall be attached to each copy of the petition;

(*d*) Applicant must produce competent proof of his service under honorable circumstances with armed forces;

(*e*) Applicant is required to prove at least two years' continuous residence within the United States immediately preceding the filing of the petition for naturalization, such residence being established pursuant to legal admission for permanent residence, in lieu of the usual five years' residence in the United States and six months' county residence;

(*f*) If admission to the United States for permanent residence occurred subsequent to March 3, 1924, a certificate of arrival must be filed with the petition;

(*g*) Applicant must prove that he has behaved as a person of good moral character during the five years immediately preceding the filing of his petition;

(*h*) Applicant must appear and file his petition in person;

(*i*) Residence and good moral character shall be proved either by the affidavits of two credible witnesses who are citizens of the United States or by depositions of two such persons made before a naturalization examiner for each place of residence;

(*j*) Final action shall not be had upon the petition until at least ninety days have elapsed after the filing of the petition;

(*k*) Applicant must take the prescribed oath of allegiance in open court.

As to Veterans of Allied Countries Only

(*l*) Applicant is required to prove that he was and had been a bona fide lawfully admitted resident in the United States for two years before August 23, 1937.

[SEAL] JAMES L. HOUGHTELING,
*Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-2911; Filed, September 30, 1937; 10:41 a. m.]

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## RECONSTRUCTION FINANCE CORPORATION.

[Circular No. 13 (Revised)]

INFORMATION REGARDING LOANS TO INDUSTRY

For the purpose of maintaining and increasing the employment of labor, Reconstruction Finance Corporation is authorized to make loans, when so secured as reasonably to assure repayment, to solvent industrial or commercial businesses, directly or in cooperation with banks or other lending institutions, or by the purchase of participations.

I. REQUIREMENTS IMPOSED BY LAW

(*a*) The loan can only be made if credit at prevailing bank rates for loans of the character applied for is not otherwise available at banks.

(*b*) The loan must be so secured as reasonably to assure repayment.

(*c*) The loan must mature not later than January 31, 1945.

(*d*) The loan may be made only when deemed to offer reasonable assurance of maintaining or increasing the employment of labor.

(*e*) The borrower must be solvent at the time of disbursement of the loan.

(*f*) The loan is subject to such other terms, conditions and restrictions as may be determined by Reconstruction Finance Corporation.

II. TERMS, CONDITIONS, AND PURPOSES

Loans to industry will be made by this Corporation upon the following terms and conditions, and for the following purposes:

*A. Maturities*

Such loans shall mature at such time, prior to January 31, 1945, as Reconstruction Finance Corporation may in each case determine. A program of payments will be arranged with a view to the borrower's orderly liquidation of its debt.

It is contemplated that loans will not be made for a longer term than is justified by the facts of the particular case. However, the period of time so determined will be sufficient, in so far as can be estimated at the time the loan is granted, to enable the borrower to make plans for the development of future business without being unnecessarily restricted by a repayment schedule which would impair the borrower's working capital during the life of the loan. When loans are primarily to finance capital expenditures, a repayment program up to January 31, 1945, may be considered. For established industries whose need is principally for shorter term credit, such loans usually should be repaid within five years or less.

*B. Interest Rates*

Interest shall be at such rate as may be fixed from time to time by this Corporation.

*C. Purposes*

As Section 5d of the Reconstruction Finance Corporation Act, as amended, provides that loans thereunder shall be made for maintaining and increasing the employment of labor, this Corporation will make industrial loans for the following purposes:

(*a*) *Loans for labor and materials.*—This Corporation will give consideration to applications for loans, the proceeds of which will be used for the payment of labor and the purchase of material required in the operation of a business.

(*b*) *Loans to pay existing indebtedness and taxes.*—This Corporation will give consideration to applications for loans where a portion of the proceeds is to be applied to the payment of taxes and existing indebtedness. Applications for loans will be considered where a substantial portion of the proceeds is to be used to satisfy existing indebtedness on a compromise basis satisfactory to this Corporation, provided it is shown that the loan is necessary to maintain the employment of labor, that the applicant, after the debt adjustment (which may be made either by compromise settlement in full satisfaction of the debt, or by partial payment in cash and the issuance of junior obligations or equity securities), will have sufficient operating assets, and that there is reasonable assurance of continuous operation.

(*c*) *Loans for the purchase of machinery.*—This Corporation will give consideration to applications for loans when the proceeds will be used for the replacement of obsolete or worn out machinery or for the purchase of additional machinery, provided it is shown that such capital expenditures are necessary for efficient operation and are economically sound.

(*d*) *Loans for new enterprises and for the expansion of existing businesses.*—This Corporation will consider applications for loans to new industries or to enable established business concerns to expand into new fields of endeavor, provided it can be shown that such loans will be economically sound and socially desirable. Applicants must have substantial equity investment, without giving consideration to services rendered, patents, good-will, or similar intangibles, or to the potential value which will be established if the operations are successful, so that the funds advanced by this Corporation will be secured as required by law and will not be subject to the risks incident to and properly borne by equity investors. The new enterprise must be sufficiently beyond the developmental or promotional stage that profitable future operations, and therefore continuous employment of labor, can reasonably be assured. Also, it will be required that after giving effect to the loan from this Corporation the applicant will have working capital adequate to assure continuous operation. The collateral value of the security, the net worth and financial condition of the applicant, and future earning prospects will be considered carefully.

(*e*) *Loans to finance industrial construction.*—When a loan from this Corporation is to be used in whole or in part to finance industrial construction, this Corporation may advance funds for this purpose as the construction progresses, provided the initial advances shall be satisfactorily secured by existing assets of the applicant. Final disbursement will be made on the completion of the new industrial property free from all liens other than this Corporation's mortgage. In all such cases, it will be necessary to show that either out of the current assets of the company or out of the proceeds of this Corporation's loan, sufficient funds have been provided to complete the construction and to provide working capital adequate to insure continuous operation.

It is not the intention of this Corporation to make loans:

(*a*) To provide for the operation of any business in receivership, though applications will be considered for loans contingent upon the termination of the receivership, by settlement with creditors or otherwise, upon a basis which will restore the business to a solvent condition.

(*b*) To finance imports or exports, except where such imports or exports are only minor and incidental to the general business conducted.

(*c*) To finance the development or purchase of new inventions, the cost of obtaining patents, the expense of infringement suits or any other litigation.

III. ELIGIBILITY

Applications for loans will be received from industrial and commercial businesses (including the fishing industry), whether corporations, partnerships or individuals. It is the view of this Corporation that the purpose of such loans, as expressed by Congress, i. e. "maintaining and increasing the employment of labor", necessitates a construction which emphasizes the employment of labor, as in manufacturing concerns, as distinguished from the purchase of inventories, as in commercial business.

Loans to the ore industries will be made under the provisions of this Corporation's Circular No. 14 and not under the provisions of this Circular.

Loans to institutions for the exclusive purpose of financing the carrying and orderly marketing of agricultural commodities will be made only under the provisions of this Corporation's Circular No. 10.

Information regarding loans to institutions financing principally the sale of electrical, plumbing or air conditioning appliances or equipment or other household appliances, may be obtained from this Corporation upon request.

Loans on real estate which is not owned by and used in connection with the operation of an industrial or commercial business will not be considered under the provisions of this Circular. Information concerning such loans may be obtained from The RFC Mortgage Company, Washington, D. C.

IV. SECURITY REQUIREMENTS

Section 5d of the Reconstruction Finance Corporation Act, as amended, requires that all loans made thereunder shall be "so secured as reasonably to assure repayment of the loans." Loans should be secured by collateral of character and amount which, considered in connection with other factors such as the character and ability of the management and prospective earnings, will afford reasonable assurance of repayment.

The security may consist of one or more of the following: a first mortgage on real estate, plant and equipment, an assignment of warehouse receipts for marketable merchandise stored in satisfactory warehouses, a first mortgage on chattels or an assignment of current receivables (accounts, notes or trade acceptances). Such loans will not be made on the sole security of unsecured receivables, or of receivables representing non-industrial instalment purchases, or of equipment or other chattels not represented by warehouse receipts. The applicant may offer, as additional collateral, a first lien on any other assets of sound value.

This Corporation usually will not consider as satisfactory primary security the following: second mortgages, franchises, patents, good-will, foreign securities, a mortgage on property owned and occupied as his home by an individual borrower, shares of stock of corporate applicants, or shares of stock

without readily ascertainable market value. An assignment of orders will not constitute satisfactory primary security, though such orders may be important to establish the ability of the applicant to repay the loan. A pledge or mortgage of inventories generally will not be regarded as satisfactory collateral, unless stored in a bonded or otherwise acceptable warehouse, or unless the applicable State law provides for creating and maintaining a satisfactory lien upon inventory not so warehoused.

V. SOLVENCY

Section 5d of the Reconstruction Finance Corporation Act, as amended, provides that such loans shall be made only when, in the opinion of the Board of Directors of this Corporation, the applicant is solvent. If the applicant is not solvent at the time of making application, the application should indicate the manner in which the applicant will become solvent prior to the time of disbursement of the proposed loan.

VI. CHARGES, COMMISSIONS, BONUSES, FEES, ETC.

Payment of bonuses, fees or commissions for the purpose of, or in connection with, obtaining loans is strictly prohibited. However, the borrower, subject to the prior approval of this Corporation, may be allowed to pay the actual reasonable costs incurred in the making of the loan. Such charges may include reasonable compensation for services rendered by attorneys, appraisers, accountants, etc., but not in any event for alleged services in connection with the presentation of the application to this Corporation. All charges must be fully disclosed. A fee based upon a percentage of the loan will be objected to, as also will fees or charges made contingent upon the obtaining of the loan. Applicants will be required to furnish satisfactory proof in the application that no bonus, fee or commission has been or will be paid, and that no compensation, other than reasonable compensation for services required in making the loan, fully disclosed and itemized, has been or will be paid.

VII. SALARIES AND DIVIDENDS

As required by law, the applicant must agree that, so long as any portion of the loan remains outstanding, it will not pay compensation to any officer, director or employee at a rate in excess of that which appears reasonable to this Corporation.

So long as any portion of the loan remains outstanding, no dividends may be paid by any corporate applicant nor any distribution (except reasonable compensation for services) made by partnership or individual applicants, without the consent of this Corporation.

VIII. AUDITS AND APPRAISALS

In connection with preliminary applications, the Loan Agencies of this Corporation do not require audits or appraisals. With each formal application, an appraisal of plant and equipment, by an appraiser for this Corporation, or otherwise, satisfactory to the Manager of the Loan Agency, should be arranged for (if not already available as of a date not more than 6 months preceding the date of filing of the application), but only upon and in accordance with request of the Manager of the Loan Agency.

Independent audits usually are not required in the case of loans of $25,000 or less, when the applicant furnishes satisfactory sworn financial statements. An audit of the applicant, by an auditor for this Corporation or a satisfactory independent auditor, as of a date not more than 6 months prior to date of application, will ordinarily be required prior to disbursement in connection with an approved loan of more than $25,000, but should be arranged for only upon request of the Manager of the Loan Agency.

IX. LOANS IN COOPERATION WITH BANKS OR OTHER LENDING INSTITUTIONS, AND PURCHASES OF PARTICIPATIONS IN LOANS

This Corporation will receive applications from Federal Reserve Banks or other banks for the purchase by this Corporation of participations in loans of the character described in this Circular, made by such banks, and will make such loans in cooperation with Federal Reserve Banks, or other banks or lending institutions, when such loans are for the purposes and in accordance with the terms and conditions set forth in this Circular.

The provision for the purchase of participations is interpreted by this Corporation as permitting Federal Reserve Banks, or other banks, to complete loans in their own names to qualified industrial borrowers, thus maintaining the normal relationship of banker and customer. The lending bank may feel that the loan required is, for one reason or another, too large for the bank to carry, and may desire that this Corporation participate in the risk. Provided any such loan is made after consideration and approval by this Corporation of the purchase of a participation therein, and is in accordance with the terms and conditions set forth in this Circular, this Corporation has authority to purchase a participation in such loan from the lending bank or to make an agreement to purchase if requested to do so within a specified time.

The Comptroller of the Currency has ruled that the Act of Congress of June 19, 1934, relating to industrial loans (which Act was amended by the Act of January 31, 1935), was intended to expand the scope of the lending power of national banks so as to permit a national bank to make a loan under said Act which exceeds or departs from the restrictive provisions of the United States Revised Statutes, Section 5200, as amended, and the Federal Reserve Act, Section 24, provided that the national bank has obtained a commitment from Reconstruction Finance Corporation or a Federal Reserve Bank to take, within a specified period, a portion of said loan so that the net amount of the national bank's participation, after giving effect to the commitment, would be within the limitations imposed by the aforesaid restrictive provisions.

This Corporation will also cooperate with Federal Reserve Banks or other banks or lending institutions in making such loans; for instance, by making a loan directly to the borrower at the same time that another loan is made by the bank or other lending institution, or by other mutually satisfactory arrangements which will bring about cooperation between existing financial institutions and this Corporation in lending money.

This Corporation invites the cooperation of banks or other lending institutions in making loans under the program outlined herein, in the hope that such banks ultimately will take the entire loan, when conditions and the credit risk justify.

Further information concerning such participation agreements between this Corporation and lending banks may be obtained from this Corporation's Circular No. 15.

X. INFORMATION TO BE FILED AND METHOD OF FILING

Preliminary application forms and formal application forms may be obtained from the Loan Agency of Reconstruction Finance Corporation serving the district in which the applicant is located. (See list of such Loan Agencies below, and map showing Loan Agency districts on page 2073.) Preliminary application forms, requiring a minimum amount of information, and without audit or appraisals, will be considered by the Loan Agencies, in order that applicants may be spared the trouble and expense of filing a formal application where clearly not warranted by the circumstances.

Applications should be filed with the Loan Agency serving applicant's district. No application will be received directly at the Washington office of this Corporation.

All requests for information should be directed to the local Loan Agency of this Corporation serving applicant's district and not to the Washington office.

Each Loan Agency of this Corporation will, when requested, assist and advise with applicants in determining their eligibility, and in the preparation of applications; provided, however, that any such assistance, advice, or suggestions by such Agencies shall in no sense be considered as a commitment of Reconstruction Finance Corporation to make the loan.



RECONSTRUCTION FINANCE CORPORATION LOAN AGENCY DISTRICTS

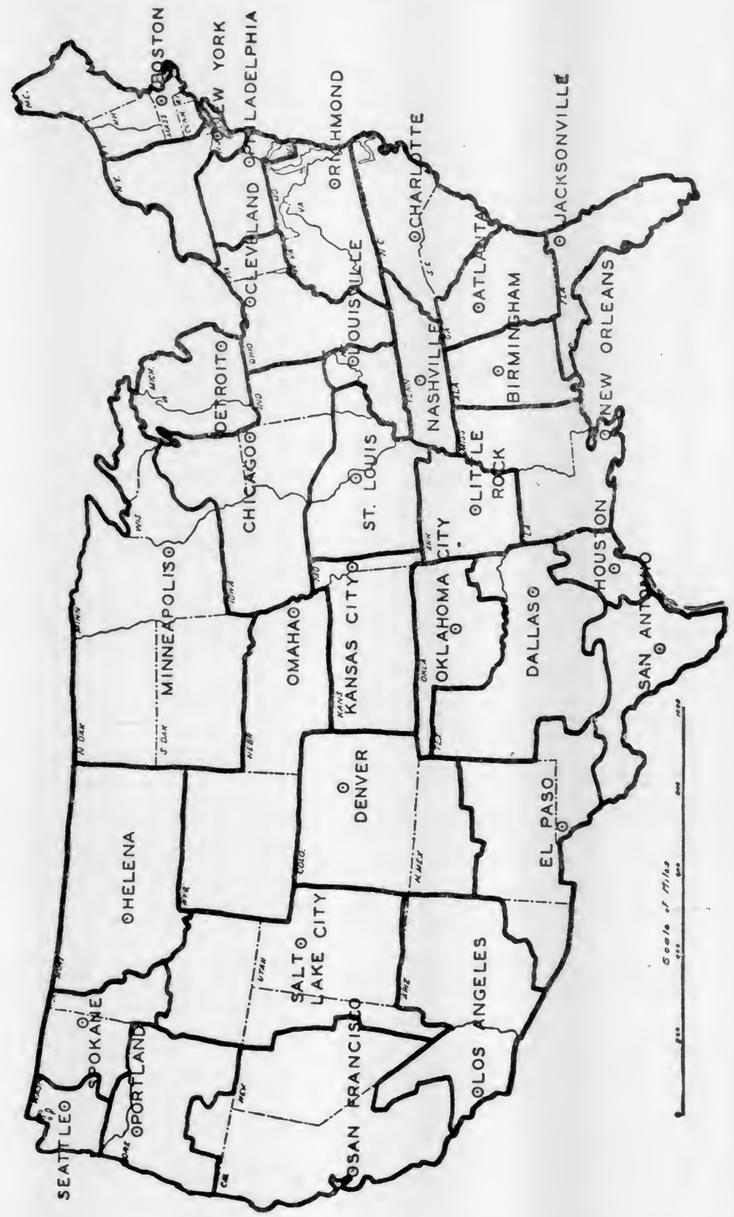

XI. LOCATIONS OF LOAN AGENCIES OF RECONSTRUCTION FINANCE CORPORATION

(The territory served by each Loan Agency is indicated on the map on page 2073.)

| | |
|---|---|
| Atlanta, Ga. | Louisville, Ky. |
| Birmingham, Ala. | Minneapolis, Minn. |
| Boston, Mass. | Nashville, Tenn. |
| Charlotte, N. C. | New Orleans, La. |
| Chicago, Ill. | New York, N. Y. |
| Cleveland, Ohio. | Oklahoma City, Okla. |
| Dallas, Tex. | Omaha, Nebr. |
| Denver, Colo. | Philadelphia, Pa. |
| Detroit, Mich. | Portland, Oreg. |
| El Paso, Tex. | Richmond, Va. |
| Helena, Mont. | St. Louis, Mo. |
| Houston, Tex. | Salt Lake City, Utah. |
| Jacksonville, Fla. | San Antonio, Tex. |
| Kansas City, Mo. | San Francisco, Calif. |
| Little Rock, Ark. | Seattle, Wash. |
| Los Angeles, Calif. | Spokane, Wash. |

In addition, this Corporation maintains a Special Representative at San Juan, Puerto Rico, through whom all applications from Puerto Rico should be forwarded.

XII. ACTS OF CONGRESS APPLICABLE TO LOANS OF THE CHARACTER HEREIN DESCRIBED

The following sections of the Reconstruction Finance Corporation Act, as amended, applicable to such loans, are quoted for the information of prospective borrowers:

SEC. 5d. For the purpose of maintaining and increasing the employment of labor, when credit at prevailing bank rates for the character of loans applied for is not otherwise available at banks, the Corporation is authorized and empowered to make loans to any industrial or commercial business, which shall include the fishing industry, and to any institution, now or hereafter established, financing principally the sale of electrical, plumbing or air conditioning appliances or equipment or other household appliances, both urban and rural. Such loans shall, in the opinion of the board of directors of the Corporation, be so secured as reasonably to assure repayment of the loans, may be made directly, or in cooperation with banks or other lending institutions, or by the purchase of participations, shall mature not later than January 31, 1945, shall be made only when deemed to offer reasonable assurance of continued or increased employment of labor, shall be made only when, in the opinion of the board of directors of the Corporation, the borrower is solvent, shall not exceed $300,000,000 in aggregate amount at any one time outstanding, and shall be subject to such terms, conditions, and restrictions as the board of directors of the Corporation may determine.

The power to make loans given herein shall terminate on January 31, 1937,[1] or on such earlier date as the President shall by proclamation fix; but no provision of law terminating any of the functions of the Corporation shall be construed to prohibit disbursement of funds on loans and commitments, or agreements to make loans, made under this section prior to January 31, 1937, or such earlier date.

* * * * * * *

The following sections of the Reconstruction Finance Corporation Act, as amended, are applicable to loans under Section 5d of the Reconstruction Finance Corporation Act, as amended:

SEC. 16. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the corporation, or for the purpose of obtaining money, property, or anything of value, under this Act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

(b) Whoever (1) fasely makes, forges, or counterfeits any note, debenture, bond, or other obligation, or coupon, in imitation of or purporting to be a note, debenture, bond, or other obligation, or coupon, issued by the corporation, or (2) passes, utters or publishes, or attempts to pass, utter or publish, any false, forged or counterfeited note, debenture, bond, or other obligation, or coupon, purporting to have been issued by the corporation, knowing the same to be false, forged or counterfeited, or (3) falsely alters any note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the corporation, or (4) passes, utters or publishes, or attempts to pass, utter or publish, as true any falsely altered or spurious note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the corporation, knowing the same to be falsely altered or spurious, or any person who willfully violates any other provision of this Act, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

* * * * * * *

(e) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United Sates (U. S. C., title 18, ch. 5, secs. 202 to 207, inclusive) in so far as applicable, are extended to apply to contracts or agreements with the corporation under this Act, which for the purposes hereof shall be held to include loans, advances, discounts, and rediscounts; extensions and renewals thereof; and acceptances, releases, and substitutes of security therefor.

The following section of Public Act No. 35, Seventy-third Congress, is applicable to loans referred to in this circular:

SEC. 4. The Reconstruction Finance Corporation shall not make, renew, or extend any loan under the Reconstruction Finance Corporation Act, as amended, or under the Emergency Relief and Construction Act of 1932, (1) if at the time of making, renewing, or extending such loan any officer, director, or employee of the applicant is receiving compensation at a rate in excess of what appears reasonable to the Reconstruction Finance Corporation, and (2) unless at such time the applicant agrees to the satisfaction of the Corporation not to increase the compensation of any of its officers, directors, or employees to any amount in excess of what appears reasonable to the Reconstruction Finance Corporation while such loan is outstanding and unpaid. For the purposes of this section the term "compensation" includes any salary, fee, bonus, commission, or other payment direct or indirect, in money or otherwise for personal services.

This revised circular was approved by the Executive Committee of the Reconstruction Finance Corporation on August 4, 1937.

[SEAL] G. R. COOKSEY, *Secretary.*

[F. R. Doc. 37-2908; Filed, September 30, 1937; 9:49 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of September, 1937.

[File No. 1-2391]

IN THE MATTER OF GENERAL ITALIAN EDISON ELECTRIC CORPORATION, AMERICAN SHARES REPRESENTING ORDINARY SHARES OF CAPITAL STOCK, AND THE UNDERLYING ORDINARY SHARES OF CAPITAL STOCK, 200 LIRA PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the American Shares representing Ordinary Shares of Capital Stock of General Italian Edison Electric Corporation, and the Underlying Ordinary Shares of Capital Stock, 200 Lira Par Value, of such corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on October 11, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2917; Filed, September 30, 1937; 12:34 p. m.]

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[1] Public, No. 2, 75th Cong., approved Jan. 26, 1937 (ch. 6, 1st sess.), provides as follows:

"That notwithstanding any other provision of law, until the close of business on June 30, 1939, the Reconstruction Finance Corporation is hereby authorized to continue to perform all functions which it is authorized to perform under law, and the liquidation and winding up of the Corporation's affairs as provided for by section 13 of the Reconstruction Finance Corporation Act, as amended, are hereby postponed during the period that functions of the Corporation are continued pursuant to this Act: *Provided*, That in order to facilitate the withdrawal of the credit activities of the Corporation when from time to time during such period the President finds, upon a report of the Board of Directors of the Corporation or otherwise, that credit for any class of borrowers to which the Corporation is authorized to lend is sufficiently available from private sources to meet legitimate demands upon fair terms and rates, the President may authorize the directors to suspend the exercise by the Corporation of any such lending authority for such time or times as he may deem advisable. * * *"



*Saturday, October 2, 1937* *No. 191*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1938

By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, by the act of June 21, 1906, 34 Stat. 325, 326, and by the act of March 2, 1917, 39 Stat. 969, 976, it is hereby ordered that the periods of trust applying to any Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1938, be, and they are hereby, extended for a further period of 25 years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Sept. 29, 1937.*

[No. 7716]

[F. R. Doc. 37-2929; Filed, October 1, 1937; 11:11 a. m.]

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## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49172]

CONVICT LABOR

FINDING WITH RESPECT TO RAILROAD TIES, WOODEN FENCE POSTS AND CHARCOAL PRODUCED ON LA SAONA ISLAND, DOMINICAN REPUBLIC, REVOKED

*To Collectors of Customs and Others Concerned:*

Reference is made to Treasury Decision 48646, approved November 17, 1936, publishing a finding, by authority of section 307 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1307) and pursuant to article 665 of the Customs Regulations of 1931, that convict labor is used in the production of railroad ties, wooden fence posts and charcoal on La Saona Island, Dominican Republic.

The Bureau is in receipt of communications from the Minister of the Government of the Dominican Republic at Washington in which he states that he is authorized by his Government to say that—

"* * * the Dominican Government does not use and never has used prisoners on the work of the private enterprises established on the Island of Saona, or to produce articles of commerce for the Dominican Government."

In view of the official statements set forth above the finding published in the Treasury Decision 48646 is hereby revoked effective November 17, 1936.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved: September 29, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2926; Filed, October 1, 1937; 9:54 a. m.]

## WAR DEPARTMENT.

AMENDMENT TO RULES AND REGULATIONS TO GOVERN THE OPERATION OF THE DRAWBRIDGES CROSSING ALL NAVIGABLE WATERWAYS OF THE UNITED STATES WITHIN THE STATE OF CALIFORNIA

Paragraph 8 of the Rules and Regulations to govern the operation of the drawbridges crossing all navigable waterways of the United States within the State of California approved March 4, 1936, is hereby amended by inserting the following subparagraph after the first subparagraph on page 4 of said Rules and Regulations:

LOS ANGELES-LONG BEACH HARBORS, HENRY FORD AVENUE (FORMERLY BADGER AVENUE) BRIDGE

*Closed periods.*—Between the hours of 7 a. m. and 8:30 a. m., and 4 p. m. and 5:30 p. m. daily except Saturdays and Sundays, and between the hours of 7 a. m. and 8:30 a. m., and 12 noon and 1:30 p. m. on Saturdays, the draw shall not be opened for the passage of vessels smaller than 150 tons gross displacement except police or fire boats, commercial tugboats, or vessels employed or controlled by the State of California and the United States Government.

Approved, September 23, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 37-2922; Filed, October 1, 1937; 9:40 a. m.]

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## DEPARTMENT OF THE INTERIOR.

**Bureau of Reclamation.**

BOISE PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 3, 1937.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat., 1976) it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Sec. 3, Act of June 17, 1902 (32 Stat., 388).

BOISE PROJECT, IDAHO

*Boise Meridian*

T. 10 N., R. 13 E.,
Sec. 2, W½;
Sec. 3, NE¼ and S½;
Sec. 4, NW¼ and S½;
Sec. 5, all;
Sec. 6, E½;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
T. 9 N., R. 14 E.,
Sec. 18, E½;
Sec. 19, E½;
Sec. 30, E½;
Sec. 31, E½;
T. 2 S., R. 8 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 11, all;
Sec. 12, all;

Respectfully,

R. B. WILLIAMS,
*Acting Commissioner.*

Department of the Interior, September 10, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2923; Filed, October 1, 1937; 9:40 a. m.]

COLORADO-BIG THOMPSON PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 12, 1937.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that Departmental order of April 8, 1935, as modified by order of August 29, 1935, establishing Grazing District No. 2, under and pursuant to the provisions of the Act of June 28, 1934 (48 Stat. 1269), be revoked in so far as the following described lands are affected, and said lands be withdrawn from public entry under the first form withdrawal, as provided in Sec. 3, Act of June 17, 1902 (32 Stat. 388):

COLORADO-BIG THOMPSON PROJECT, COLORADO

*Sixth Principal Meridian*

T. 2 S., R. 70 W.,
Sec. 5, SW¼;
Sec. 6, S½;
Sec. 7, all;
Sec. 8, all;
Sec. 9, W½;
Sec. 16, W½;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, W½;
Sec. 27, S½;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, S½;
Sec. 36, S½;
T. 2 S., R. 80 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;

Respectfully,

JOHN C. PAGE, *Commissioner.*

I concur:

DEPUE FALCK,
*Acting Director, Division of Grazing.*

Department of the Interior, September 14, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

T. A. WALTERS,
*First Assistant Secretary.*

[F. D. Doc. 37-2924; Filed, October 1, 1937; 9:40 a. m.]

General Land Office.

[Circular No. 1436]

AMENDMENT OF REGULATIONS GOVERNING EXCHANGES OF STATE LANDS

SEPTEMBER 16, 1937.

*Registers, U. S. Land Offices.*

SIRS: In order to provide that upon the filing of State-exchange applications under section 8 of the Taylor Grazing Act, as amended,[1] copies of such applications be forwarded directly to the proper Special Agents in Charge, Division of Investigations, paragraphs 2 and 3 of Circular No. 1398, approved July 22, 1936, are hereby amended to read as follows:

2. *Action by the Register.*—If the application for exchange appears regular and in conformity with the law and these regulations, the register will assign the current serial number thereto, and, after making appropriate notations upon his records, will transmit the original copy of the application to the General Land Office, together with a report as to any conflicts of record, transmitting the triplicate copy of each application to the proper Special Agent in Charge, Division of Investigations, together with a carbon copy of his report as to conflicts of record. If the selected lands are within a grazing district the Register will transmit the duplicate copy of the application to the Director of Grazing, who will report to the Commissioner of the General Land Office as to whether in his opinion the selected lands are so located as not to interfere with the administration or value of the remaining lands in the district for grazing purposes within the meaning of the act.

An application for exchange will be noted "suspended" by the register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and General Land Office, and will not be subject to other appropriation, application, selection, or filing.

Circular No. 1384, approved April 15, 1936, is hereby revoked insofar as it pertains to exchanges by a State under section 8 of the Grazing Act, as amended.

3. *Action of the General Land Office.*—When an exchange is based upon equal values, upon receipt of a favorable report from the Director of Grazing (where the selected lands are within a grazing district), all else being regular, the Commissioner of the General Land Office will request the Director of Investigations to have a field investigation made for the purpose of determining the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by anyone adversely to the State; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; and whether the reservation which the State desires to make in the offered lands, if any, together with the contemplated use of such reservation, will in any way affect adversely the administration of the grazing district, if the offered lands are within a grazing district. The field examination should be made as soon as possible, and report and special recommendation should be submitted to the General Land Office.

When an exchange is based upon equal areas, if a field examination is found necessary to determine the character of the selected lands as to mineral or springs or water holes, the Director of Investigations will be requested to have a field investigation made for either or both of such purposes.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

Approved, September 16, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2925; Filed, October 1, 1937; 9:41 a. m.]

[1] 48 Stat. 1269; 49 Stat. 1976.



National Bituminous Coal Commission.

[Order No. 54]

AN ORDER REQUIRING DISTRICT BOARD NO. 15 TO CONVENE IN THE CITY OF WASHINGTON, D. C.

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That District Board No. 15 shall convene in the Hearing Room of the Commission at the Carlton Hotel, Washington, D. C., on the 4th day of October, 1937, at ten o'clock A. M.

2. That all members of District Board No. 15 are ordered and directed to be in attendance at such meeting, and the Secretary of the Board is hereby directed and required to give notice of such meeting in conformity with the by-laws of the Board.

3. The District Board shall bring with it all pertinent data upon which proposed minimum prices may be computed and all other data necessary for coordination.

4. That at the meeting provided for and required by this order the District Board shall give consideration to and take action on such matters as in the judgment of the Commission are necessary to give full effect to Order No. 42 of the Commission.

The Secretary of the Commission shall forthwith telegraph this order and at the same time mail a copy thereof to the Secretary of District Board No. 15.

By order of the Commission.

Dated this 30th day of September, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2927; Filed, October 1, 1937; 10:30 a. m.]

## DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

[Memorandum No. 738]

APPOINTMENT OF THE BOARD OF DIRECTORS OF THE FARMERS' HOME CORPORATION AND DELEGATION OF AUTHORITIES TO THE ADMINISTRATOR OF THE FARM SECURITY ADMINISTRATION

SEPTEMBER 30, 1937.

Pursuant to the powers vested in me by the Bankhead-Jones Farm Tenant Act, it is hereby ordered as follows:

1. Harry L. Brown, now Assistant Secretary of Agriculture; A. G. Black, now Chief of the Bureau of Agricultural Economics; and Will W. Alexander, now Administrator of the Farm Security Administration, are hereby appointed as the Board of Directors of the Farmers' Home Corporation created by Section 40 (a) of said Act. The Board of Directors of the Farmers' Home Corporation shall act as general adviser to the Secretary and to the Administrator of the Farm Security Administration on general policies relating to Titles I and II of said Act, and shall further advise the Secretary with respect to the coordination of the program authorized by said Titles I and II with the general work of the Department. The Corporation shall exercise such further powers and functions as may from time to time be assigned to it by my further order.

2. The administration of Title I of the Bankhead-Jones Farm Tenant Act and related provisions of Title IV of that Act, is hereby entrusted to the Administrator of the Farm Security Administration, subject to the supervision of the Secretary.

3. In administering the provisions of Title I of the Act, the Administrator shall utilize personnel, property, and equipment of the Farm Security Administration and the technical assistance of the various bureaus of the Department and the Land Grant Colleges, including their experiment stations and extension services. Within the limits of available resources the various bureaus and divisions of the Department shall make available to the Administrator such information and advice as may be helpful in carrying out the program.

4. The Administrator shall issue from time to time such procedural orders and instructions, not inconsistent with the regulations and requirements of the Department of Agriculture, as may be necessary in the administration of the program authorized by said Title I. The county committees shall be governed by the procedure and forms provided for in such orders and instructions.

5. The Administrator may delegate to any person within the Farm Security Administration the functions hereby vested in him, except determinations of general policy and the issuance of procedural orders and instructions of general application, and the power to compromise claims in accordance with Section 41 (g) of said Act.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-2930; Filed, October 1, 1937; 12:49 p. m.]

## DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[Seventh Amendment to General Order No. 228]

PORTS FOR THE ENTRY OF ALIENS INTO THE UNITED STATES

MOREHEAD CITY, NORTH CAROLINA

SEPTEMBER 30, 1937.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892: U. S. C., Ti. 8, Sec. 102), and Executive Order No. 6166, dated June 10, 1933, Morehead City, North Carolina, is hereby designated as a port for the entry of aliens into the United States.

Paragraph 1, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended up to and including December 31, 1936, and subsequent thereto by General Order No. 228, dated December 21, 1935, and amendments thereto, is amended by inserting Morehead City, North Carolina, between Baltimore, Maryland, and Wilmington, North Carolina, in the list of ports of entry for aliens in District No. 5.

[SEAL] JAMES L. HOUGHTELING,
*Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 37-2928; Filed, October 1, 1937; 10:56 a. m.]

## FEDERAL TRADE COMMISSION.

AMENDMENT TO RULES OF PRACTICE

REPORTS OF COMPLIANCE WITH ORDERS OF COMMISSION

The Commission today amended Rule XXII of its Rules of Practice, said Rule XXII to read as follows:

"In every case where an order is issued by the Commission for the purpose of preventing violations of the law, the respondent or respondents therein named shall file with the Commission, within the time specified in said order, a report, in writing, setting forth in detail the manner and form in which respondent or respondents have complied with the said order of the Commission. *Within its sound discretion the Commission may require any such respondent or respondents from time to time thereafter, to file further reports in writing, setting forth in detail the manner and form in which they are complying with the said order.*

"Reports of compliance shall be signed, in ink, by respondent or attorneys for respondent."

[SEAL] OTIS B. JOHNSON, *Secretary.*

SEPTEMBER 10, 1937.

[F. R. Doc. 37-2919; Filed, September 30, 1937; 3:09 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 142]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 28, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Illinois 8021B Menard (partial) | $140,000 |
| Iowa 8031B Grundy (partial) | 100,000 |
| Iowa 8048GB Pocahontas | 45,000 |
| Kentucky 8038 Fulton (partial) | 100,000 |
| Texas 8030A Upshur (partial) | 70,000 |
| Texas 8047B Deaf Smith | 119,000 |
| Wisconsin 8016B Douglas | 54,000 |
| Wisconsin 8049 Dunn (partial) | 50,000 |
| Texas 8040A Bowie (partial) | 174,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2918; Filed, September 30, 1937; 3:01 p. m.]

## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

DEFINITIONS OF RELATIONSHIP

*General Law*

R-2502. For the purposes of the General Law the following definitions of relationships shall govern in the adjudication of claims for death pension:

(*a*) *Widow.*—The term "widow" shall mean a person who was married to the veteran at any time prior to the death of the veteran. Except when service was rendered in the War with Spain, continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899, unless the marriage was entered into prior to or during service. (30 Stat. 1380.) (See R. & P. R-2515.) (August 16, 1937.) (Public No. 304, 75th Congress.)

*Indian Wars*

R-2504. For the purposes of the Acts of March 4, 1917 (39 Stat. 1199), and March 3, 1927 (44 Stat. 1361), the following definitions of relationships shall govern in the adjudication of claims for death pension:

(*a*) *Widow.*—The term "widow" shall mean a person who was married to the veteran prior to March 4, 1917. Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See R. & P. R-2515.) (August 16, 1937.) (Public No. 304, 75th Congress.)

*Civil War*

R-2506. For the purposes of any service pension law granting pension to widows, remarried widows and children of veterans of the Civil War, the following definitions of relationship shall govern in the adjudication of claims for death pension:

(*a*) *Widow.*—The term "widow" shall mean a person who was married to the veteran prior to June 27, 1905. However, the $50 rate provided for in the Act of July 3, 1926, is payable only when the widow was the wife of the veteran during his Civil War service. Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See R. & P. R-2515.) (August 16, 1937.) (Public No. 304, 75th Congress.)

*Spanish American War, Boxer Rebellion and Philippine Insurrection*

R-2512. For the purposes of Section 30, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), and Public No. 269, 74th Congress (Act of August 13, 1935), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(*a*) *Widow.* (1) For the purposes of the Act of July 16, 1918 (40 Stat. 903), as reenacted by Public No. 269, 74th Congress (Act of August 13, 1935), the term "widow" shall mean a person who was married to the veteran prior to July 16, 1918. Except when service was rendered in the War with Spain continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899, unless the marriage was entered into prior to or during service (30 Stat. 1380). (See R. & P. R-2515.) (August 16, 1937.) (Public No. 304, 75th Congress.)

(2) For the purposes of the Act of September 1, 1922 (42 Stat. 834), and the Act of May 1, 1926 (44 Stat. 382), as reenacted by Section 30, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), and Public No. 269, 74th Congress (Act of August 13, 1935), the term "widow" of a veteran of the Spanish-American War, the Boxer Rebellion, or the Philippine Insurrection, shall mean a person who was married to the veteran prior to September 1, 1922. Except when service was rendered in the War with Spain continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899, unless the marriage was entered into prior to or during service (30 Stat. 1380). (See R. & P. R-2515.) (August 16, 1937.) (Public No. 304, 75th Congress.)

*Continuous Cohabitation*

R-2515. The requirement of any law administered by the Veterans Administration that there must have been continuous cohabitation from the date of marriage to the date of death of the veteran will be considered as having been met when the evidence shows there was no separation due to the fault of the widow. If the parties by mutual consent lived apart for purposes of convenience, health, business, or any other reason which did not show an intent on the part of the widow to desert her husband, the continuity of the cohabitation will not be considered as having been broken. Temporary separations which naturally occur in the ordinary course of life, including those caused for the time being through fault on the part of either party, will not break the continuity of the cohabitation. State laws will not control in determining questions of desertion. Due weight will be given to findings of fact in court decisions made during the life of the veteran on issues subsequently involved in the application of this paragraph, but such findings will not be conclusive as to determinations to be made by the Veterans Administration. (August 16, 1937.) (Act of March 3, 1899 (38 U. S. C. 192) and Public No. 304, 75th Congress.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-2920; Filed, September 30, 1937; 3:16 p. m.]

REVISION OF REGULATIONS

INSTITUTIONAL AWARDS

R-1276. When an incompetent or insane disabled person entitled to disability compensation, pension or emergency officers retirement pay is a patient in a hospital or institution, payments on his account may be made by means of an institutional award in accordance with the following:

(*a*) When no guardian has been appointed or when payments to an unsatisfactory guardian have been stopped or suspended.

(*b*) When a guardian neglects or refuses to furnish the chief officer of the hospital or institution with funds required for the disabled person's comforts and desires not included in the regular support, care, treatment and maintenance of the disabled person provided by the institution.

(*c*) When a guardian requests that an institutional award be made or continued.

(*d*) In either event, in accordance with the provisions of paragraph VI of Veterans' Regulation No. 6 (c) there may be paid to the chief officer in behalf of the disabled person the $15 or $6 per month payable, or in the event the veteran has dependents and more is payable under his disability rating or there are funds to his credit in "Funds Due Incompetent Beneficiaries", such additional amount as may be needed will be allowed, on the basis of a certification by the chief officer of the hospital or institution with respect to the need and the amount required and a certification by the chief attorney concerned as to the neglect or refusal of the guardian to supply necessary funds. Accordingly, in such cases there may be awarded to the chief officer of the hospital or institution (for definition of chief officer see R. & P. R-1277) as provided above, any amount necessary for the disabled person's comforts and desires not included in the regular support, care, treatment and maintenance of the disabled person provided by the hospital or institution. Any benefits payable on account of the disabled person not paid to the chief officer of the institution or to the guardian or not apportioned to a dependent or dependents will be paid into the "Funds Due Incompetent Beneficiaries". Any excess fund in the hands of the chief officer at the end of each accounting period, which he may deem unnecessary for expenditure for the benefit of the disabled person, will be returned to the Veterans' Administration or to the guardian, if one is serving.

(*e*) Where no guardian has been or is to be appointed, or when payments to an unsatisfactory guardian have been stopped or suspended, as indicated in sub-paragraph (*a*), apportionment to dependents will be under R. & P. R-1315. (October 1, 1937.) (Veterans' Regulation No. 6 (c)).

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-2921; Filed, September 30, 1937; 3:16 p. m.]



*Tuesday, October 5, 1937* *No. 192*

## TREASURY DEPARTMENT.

**Federal Alcohol Administration Division.**

DECISION ON REUSED COOPERAGE HEARING CONDUCTED JUNE 28, 1937

OCTOBER 1, 1937.

*To All Bottlers of Distilled Spirits:*

On June 28, 1937, the Administration conducted a public hearing in Washington for the purpose of taking evidence upon a proposal to amend Regulations No. 5, relating to the labeling and advertising of distilled spirits, in such manner as to require the labels for American type whiskey, other than corn whiskey, produced on or after July 1, 1936, and stored in reused cooperage, to bear the following statement, or some similar statement: "This whiskey was stored in reused cooperage and is not entitled to claim age under government regulations."

With respect to American type whiskey, other than corn whiskey, produced on or after July 1, 1936, and stored in reused cooperage, the regulations as originally issued in January, 1936, and as now in effect, do not require or permit the labels for such products to contain any statement with reference to the age thereof. In thus restricting the use of age claims to whiskey stored in new oak containers, the Administration relied upon evidence adduced at public hearings to the effect that American type whiskey stored in new oak containers matures more satisfactorily and more uniformly than whiskey stored in second-hand barrels, and that consumers can be assured of uniform quality only when new containers are used.

It was upon this premise, to which the Administration still adheres, and with a view to complying with the mandate of Congress as expressed in Section 5 (e) of the Federal Alcohol Administration Act, that the regulations as originally issued differentiated, for the protection of the consuming public, between whiskey stored in new and second-hand containers. As a result of this action the following privileges have incidentally accrued to the benefit of those who use new cooperage:

(1) The exclusive right to market their product as "straight whiskey", "straight rye whiskey", "straight bourbon whiskey" and "a blend of straight whiskies"; and the denial of the designation "straight", in any form, to whiskey stored in second-hand cooperage.

(2) The exclusive right to use their product as a base for the production of "blended whiskey", "blended rye whiskey", "blended bourbon whiskey" and all other types of blends, under standards of identity which require all blended whiskies to contain a minimum of 20% straight whiskey, namely, whiskey which has been stored and aged in new barrels.

(3) The exclusive right to claim age for their product, on the label thereof and in the advertising matter relating thereto; with a resulting denial to the used cooperage user of any permission to claim for his product, either upon the label or in advertising matter, any age or maturity.

With full advance notice of these requirements of the labeling regulations a large majority of the distillers of the United States, on and after July 1, 1936, used only new oak containers. As a result, they will expect to derive the marketing advantages accruing from such use. On the other hand a comparatively small number of distillers, with equal notice of the regulations, chose to use, either wholely or in part, second-hand barrels for storage purposes. Some of the distillers in the latter category decided upon reused cooperage, feeling that their particular type of product was better in quality by reason of such storage than if new barrels were used. However, many of the second-hand barrel users resorted to the use of such barrels solely for competitive purposes. It appears from reports filed with the Administration by the distilling industry that there were in storage, in bonded warehouses in the United States, on July 1, 1937, approximately 8,905,715 barrels of American type whiskey. Of this quantity 279,855 barrels, or approximately 3 per cent of all American type whiskey then in storage, consisted of whiskey, other than corn whiskey, which was produced on or after July 1, 1936 and stored in reused cooperage.

It was represented to the Administration in June, 1937, that the existing regulations permitted this used cooperage whiskey to compete unfairly with whiskey stored in new barrels. In this connection it was said that retail dispensers of liquor, in the absence of explanatory label information, were in a position to make extravagant claims with respect to the characteristics of the product. It was upon the basis of this representation that the Administration, with a view to protecting the consumer from deception, conducted its hearing on June 28, 1937, and took testimony upon the proposal to amend the labeling regulations so as to require the labels upon reused cooperage whiskey to contain the statement "This whiskey was stored in reused cooperage and is not entitled to claim age under Government regulations" or some similar statement.

The Administration has carefully studied the transcript of the public hearing record and is not convinced by the facts available that sufficient reason exists for requiring the labels upon used cooperage whiskey to contain the legend quoted above. In arriving at this conclusion, the Administration is mindful of the following facts:

(1) That under the present regulations the consumer is adequately protected from deception with respect to the "age" of used cooperage whiskey by the prohibition against the use of any age claim in connection with such product; and he is adequately informed as to the "identity" of the product by those provisions of the regulations which require it to be designated merely as "whiskey", and preclude it from being designated as "straight" or from being used as a base for the production of blends.

(2) That the adoption of the amendment to the regulations, as proposed for hearing, or in a modified form, would not prevent unscrupulous retailers from making extravagant verbal claims with respect to the characteristics of the product.

(3) That distillers who used second-hand barrels for storing whiskey produced on and after July 1, 1936, with full notice of the labeling disadvantages resulting from such use,

should not be further handicapped at this late date with other restrictions of which they were given no notice in advance of the date upon which the whiskies affected thereby were produced and stored.

(4) That whiskey produced on or after July 1, 1936, and stored in reused cooperage is not entitled to claim age or maturity regardless of the period of storage, with the result that no advantage accrues to the used cooperage operator by storing his product for an extended period. Under the regulations as they stand whiskey stored in reused cooperage for three years must be marketed under the same label as whiskey which has been stored in reused cooperage for one month.

(5) That the existing regulations of the Administration, which are applicable only to interstate transactions, have not accorded to used-cooperage whiskey any opportunity to compete unfairly with whiskey stored in new cooperage, as is indicated by the fact that only a small quantity of used-cooperage whiskey has heretofore been shipped in interstate commerce. Practically all of the used-cooperage whiskey produced since July 1, 1936, which has to date found its way into the retail market, has been bottled exclusively for intrastate sale within states which have not adopted the labeling provisions of Regulations No. 5. In such states used-cooperage whiskey has been bottled in substantial quantities pursuant to certificates of exemption from label approval (which the Administration was compelled by statute to issue), under labels designating the product as "straight whiskey" and claiming age for the full period of storage. This practice has given the intrastate bottler of used-cooperage whiskey competitive advantages over the interstate shipper. However, it should be noted that on and after November 1, 1937, under Regulations No. 13 of the Bureau of Internal Revenue, all persons bottling distilled spirits for intrastate sale will be required to observe the standards of identity of Regulations No. 5 of this Administration, and will be precluded from placing age claims upon whiskies produced on and after July 1, 1936 and stored in reused cooperage.

At the public hearing conducted on June 28, 1937, it was suggested by producers of used cooperage whiskey, as well as by third parties who had acquired the same, that such whiskey be permitted to be marketed under a label upon which substantially the following statement appeared: "Stored in reused cooperage ------ months". The Administration has also rejected this proposal. Any statement upon the labels for used cooperage whiskey of the period during which it has been stored in wood, might be construed by the consumer as a statement of age, and the granting of permission to use such a statement would be unfair to producers who resorted since July, 1936 to the exclusive use of new barrels, with full notice of the benefits flowing from such use. The Administration does not propose to grant to used cooperage whiskey produced after July 1, 1936, any privileges which were not accorded to it under the regulations before the date of its production.

In connection with the public hearing conducted June 28, 1937, representations have been made to the Administration to the effect that certain types of whiskey should be permitted to be stored in carefully selected or specially treated second-hand barrels, and to claim age for the period of such storage, on the ground that such whiskies can properly mature only in selected second-hand cooperage. With respect to these representations, the Administration has determined to conduct another public hearing on November 15, 1937, (on this and other matters) the scope of which is outlined in the formal Notice of Hearing issued by the Administration under even date. In issuing this Notice of Hearing the Administration advises the industry that the regulations as they now exist must govern the labeling of all used-cooperage whiskey produced since July 1, 1936, and that if any amendment to the regulations is adopted as a result of the hearing to be held November 15, 1937, such amendment will have no application whatsoever to any whiskey produced prior to the date of its promulgation. In other words, it is the firm conviction of the Administration that whiskey produced on and after July 1, 1936, under the existing restrictive Standards of Identity, and stored in reused cooperage with full notice of the consequences of such storage, must be marketed under all of the restrictions which were imposed by the regulations prior to the date of its production.

[SEAL] W. S. ALEXANDER, *Administrator.*

[F. R. Doc. 37-2934; Filed, October 2, 1937; 11:15 a. m.]

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NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENTS TO REGULATIONS NO. 5, RELATING TO LABELING AND ADVERTISING OF DISTILLED SPIRITS

OCTOBER 1, 1937.

*To consider revision of requirements relating to age claims upon labels of whiskey stored in reused cooperage, to revise the standards of identify for corn and bourbon whiskeys and for other purposes.*

Pursuant to the provisions of Section 5 (e) of the Federal Alcohol Administration Act as amended:

Notice is hereby given of a public hearing to be held on Monday, November 15, 1937, at 10:00 A. M., at the Mayflower Hotel, Connecticut Avenue and De Sales Street, Washington, D. C., for the purpose of taking evidence with reference to proposed amendments of Regulations No. 5, Relating to the Labeling and Advertising of Distilled Spirits:

1. (a) To amend Article I (j), and other pertinent sections of the regulations, in such manner as (1) to authorize the labels upon American type whiskies produced on and after January 1, 1938, to claim age, under certain conditions and subject to specified restrictions, for the period of storage in specially selected or treated second-hand oak containers, and to require that the labels upon such whiskey indicate, in conjunction with the age statement, the type of container used for storage purposes, and (2) to prescribe standards for the selection of second-hand barrels which may be used for such storage purposes or, in the alternative,

(b) To amend Article II, and other pertinent sections of the regulations, in such manner as to create a standard of identity for so-called "light-bodied" whiskies, and to permit such whiskies to be stored in specially selected or treated second-hand oak containers, and to claim age for the full period of such storage.

2. To amend Article II, and other pertinent sections of the regulations, in such manner as to differentiate more clearly between corn whiskey and bourbon whiskey, by requiring that corn whiskey shall be manufactured from a mash comprised of not less than 80 per cent corn grain and shall be stored in uncharred oak containers, and that bourbon whiskey shall be manufactured from a mash comprised of more than 50 percent corn grain, and shall be stored in charred oak containers, or in such other manner as may be deemed necessary for the protection of the consuming public.

3. To amend Article II, Section 21, and other pertinent sections of the regulations, in such manner as to provide that brandies produced in the United States which have the taste, aroma and general characteristics of cognac, as produced in the Cognac region of France, may be designated as "cognac" if there appears in direct conjunction with such designation, in lettering substantially as conspicuous, the name of the state of other locality in the United States in which the product was produced.

4. To amend Article II, Section 21, and other pertinent sections of the regulations, to provide more specifically for the manner of labeling products which are in fact "whiskey" as known to the trade, but which do not conform to any type specified in the standards of identity; as, for example, blends of Scotch and Irish whiskies, blends of Scotch and Canadian whiskies, blends of Scotch and American whiskies, blends of Irish and American whiskies, and whiskey produced in Ireland but which does not possess the taste, aroma and other characteristics generally attributed to Irish whiskey.

5. To amend Article III, Section 32, and other pertinent sections of the regulations, in such manner as to make it optional, rather than mandatory, that age be stated for American type whiskey less than one year old.



6. To amend Article III, Section 34 (a), and other pertinent sections of the regulations, in such manner as to require that products for which there is no prescribed or recognized class or type designation, be labeled not only under a distinctive or fanciful name, but also with a truthful statement of composition.

7. To amend Article III, Section 38 (d), and other pertinent sections of the regulations, in such manner as to permit the labels upon certain classes of distilled spirits, including cordials and liqueurs, marketed under names which convey to the consumer's mind a color significance, and which derive their color exclusively from fruits, flowers, plants and other natural substances, to omit the legend "Artificially colored" and to state in lieu thereof the true source of the color of the product.

8. To amend Article IV, Section 46 (d), and other pertinent sections of the regulations, in such manner as to require that American type whiskies produced abroad and imported into the United States, under the designation "straight whiskey" of any class, be accompanied by appropriate foreign government certificates indicating, in addition to the data now prescribed, that such products have acquired their age under the same conditions as are applicable to the aging of straight whiskies produced in the United States.

[SEAL] W. S. ALEXANDER, *Administrator.*

[F. R. Doc. 37-2933; Filed, October 2, 1937; 11:15 a. m.]

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## POST OFFICE DEPARTMENT.

NOTIFICATION TO SENDER WHEN COPIES OF A PUBLICATION MAILED UNDER SECTION 574½, POSTAL LAWS AND REGULATIONS, ARE FORWARDED TO ADDRESSEE AT A NEW ADDRESS

SEPTEMBER 25, 1937.

Attention is renewed to paragraph 5, section 769, Postal Laws and Regulations, which provides that when ordinary mail of the third and fourth classes is undeliverable on account of the removal of the addressee, the sender will be notified of the new address on card Form 3547 (for which a postage charge of 2 cents shall be collected upon delivery to the sender), provided the mail itself bears a request for such notice and a pledge to pay the postage thereon.

When copies of a publication mailed under the provisions of section 574½, Postal Laws and Regulations (not second-class matter), bear a request for notice on Form 3547 and a pledge to pay postage therefor, such notice should promptly be furnished the mailer, giving the new address of the addressee in case of his removal when the new address is known, including local change of address, the 2-cent charge for the notice to be collected from the mailer upon its delivery, in the same manner as other postage due is collected.

[SEAL] ROY M. NORTH,
*Acting Third Assistant Postmaster General.*

[F. R. Doc. 37-2943; Filed, October 4, 1937; 12:13 p. m.]

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## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

ORLAND IRRIGATION PROJECT

PUBLIC NOTICE OF ANNUAL WATER CHARGES [1]

SEPTEMBER 15, 1937.

1. *Annual operation and maintenance charges.*—The annual operation and maintenance charge for the irrigation season of 1937 against all lands of the Orland Irrigation Project, California, under public notice, shall be a minimum charge of one dollar ($1.00) per irrigable acre whether water is used thereon or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per acre, and additional water, up to the amount of the surplus natural flow water used prior to the time it became necessary to draw upon any storage water, will be furnished at the rate of ten (10) cents per acre-foot and further additional water at the rate of forty (40) cents per acre-foot.

2. Pursuant to the act of June 24, 1936 (49 Stat. 1907), and the provisions of supplementary contracts executed thereunder, the 1937 operation and maintenance charges against all water users who have executed such supplementary contracts will be consolidated with the construction cost of Stony Gorge Reservoir and paid when such construction cost is paid. Operation and maintenance charges for the year 1937 against all water users who have not executed such supplementary contracts will become due and payable on December 31, 1937, and should be paid to the Bureau of Reclamation, Orland, California.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2937; Filed, October 4, 1937; 9:36 a. m.]

[1] Act of June 17, 1902, 32 Stat. 388, as amended and supplemented.

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### National Bituminous Coal Commission.

[Order No. 55]

AN ORDER REQUIRING EACH DISTRICT BOARD WITHIN MINIMUM PRICE AREAS NUMBER ONE AND NUMBER TWO TO DETERMINE FROM COST DATA SUBMITTED BY THE PROPER STATISTICAL BUREAU OF THE COMMISSION THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE ASCERTAINABLE TONNAGE PRODUCED IN THEIR RESPECTIVE DISTRICTS IN THE CALENDAR YEAR 1936, AND TO ADJUST SUCH WEIGHTED AVERAGE COSTS SO DETERMINED AS MAY BE NECESSARY TO GIVE EFFECT TO CHANGES WHICH MAY HAVE BEEN ESTABLISHED SINCE JANUARY 1, 1936, AND RESTRICTING PUBLICATION OF INFORMATION RELATIVE THERETO

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That each District Board within Minimum Price Areas Number One and Number Two shall, as soon as possible, determine the weighted average of the total costs of the ascertainable tonnage produced in its district in the calendar year 1936, using as the basis for such determination cost data hereinafter made available to it. Each District Board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1936.

2. That the Secretary of the Commission shall immediately transmit to each District Board the proper statistical bureau's compilation of the cost data furnished, pursuant to Order No. 15 of the Commission, by the producers whose mines are located within the district.

3. That the compilations of cost data submitted by the proper statistical bureaus of the Commission to the respective District Boards and the data of the District Boards upon which adjustments of the average costs are to be made, shall be deemed confidential and shall not be made public.

4. That on or before October 8th, 1937, each District Board shall submit to the Commission such determinations and all computations upon which they are based in order that the Commission, after review, may proceed to a determination of the weighted averages of the total costs of the tonnages of Minimum Price Areas Number One and Number Two.

The Secretary of the Commission shall forthwith mail a copy of this order to the Secretaries of the respective District Boards within Minimum Price Areas Number One and Number Two.

By order of the Commission.

Dated this 1st day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-2938; Filed, October 4, 1937; 11:13 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

G. R.—A. A. A.—Series G, No. 1, Amend No. 2

Issued October 4, 1937

AMENDMENT OF REGULATIONS GOVERNING MEDIATION AND ARBITRATION UNDER SECTION 3 OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

By virtue of the authority vested in the Secretary of Agriculture by section 3 (b) of the Agricultural Marketing Agreement Act of 1937 (Public Law No. 137, 75th Congress), approved June 3, 1937, I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish and give notice of the following additional amendment to General Regulations—A. A. A.—Series G, No. 1, as amended, such regulations, as amended hereby, to be in force and effect from the date hereof until further amended or superseded by regulations hereinafter made by the Secretary of Agriculture:

Section 406 of Article IV of the aforesaid General Regulations is amended by deleting paragraph C and inserting in lieu thereof the following paragraph:

"C. The arbitrator, in making the award, may use his own technical knowledge in addition to the evidence submitted by the parties."

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in duplicate, in the city of Washington, District of Columbia, on this 4th day of October, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2944; Filed October 4, 1937; 12:45 p. m.]

### Bureau of Biological Survey.

AMENDMENT OF ORDER PERMITTING AND REGULATING THE HUNTING OF MIGRATORY WATERFOWL AND COOTS WITHIN DESIGNATED AREA OF THE LAKE BOWDOIN MIGRATORY WATERFOWL REFUGE, MONTANA

The first paragraph of the Order of the Secretary of Agriculture of October 7, 1936 (1 F. R. 1558), entitled "Order Permitting and Regulating the Hunting of Migratory Waterfowl and Coots within Designated Area of the Lake Bowdoin Migratory Waterfowl Refuge, Montana", is hereby amended so as to read as follows:

"Pursuant to regulations 1 and 8 of the regulations of the Secretary of Agriculture of May 7, 1930, governing the administration of Federal wildlife refuges, it is hereby ordered that migratory waterfowl (except those species not permitted to be taken under the Migratory Bird Treaty Act Regulations) and coots may be taken during the period prescribed for the taking of such birds in Montana by the said Migratory Bird Treaty Act Regulations, if permitted by State law, within the area of Lake Bowdoin Migratory Waterfowl Refuge, in Phillips County, Montana, established by Executive Order No. 7295, of February 14, 1936, embraced within the exterior boundary hereinafter described, and designated "Public Shooting Ground" on the diagram hereto attached and made a part of this order, subject to the following conditions and restrictions:"

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed at the City of Washington this 30th day of September 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2932; Filed, October 1, 1937; 3:42 p. m.]

AMENDMENT OF ORDER PERMITTING AND REGULATING THE HUNTING OF MIGRATORY WATERFOWL AND COOTS WITHIN DESIGNATED AREA OF THE RED ROCK LAKES MIGRATORY WATERFOWL REFUGE, MONTANA

The first paragraph of the Order of the Secretary of Agriculture of October 7, 1936 (1 F. R. 1560), entitled "Order Permitting and Regulating the Hunting of Migratory Waterfowl and Coots within Designated Area of the Red Rock Lakes Migratory Waterfowl Refuge, Montana", is hereby amended so as to read as follows:

"Pursuant to regulations 1 and 8 of the regulations of the Secretary of Agriculture of May 7, 1930, governing the administration of Federal wildlife refuges, it is hereby ordered that migratory waterfowl (except those species not permitted to be taken under the Migratory Bird Treaty Act Regulations) and coots, may be taken during the period prescribed for the taking of such birds in Montana by the said Migratory Bird Treaty Act Regulations, if permitted by State law, within the area of Red Rock Lakes Migratory Waterfowl Refuge, in Beaverhead County, Montana, established by Executive Order No. 7023, of April 22, 1935, enlarged by Executive Order No. 7172, of September 4, 1935, embraced within the exterior boundary hereinafter described, and designated "Public Shooting Ground" on the diagram hereto attached and made a part of this Order, subject to the following conditions and restrictions:"

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed at the City of Washington this 30th day of September 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2931; Filed, October 1, 1937; 3:42 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

CHANGING THE PROCEDURE FOR PAYMENT OF FEES AND LEGAL EXPENSES

AMENDING THE LEGAL CHAPTER OF THE MANUAL

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, section 602 (b) (c) and (e) of the Manual are amended as follows:

Section 602 (b) is continued by adding the following language at the end thereof:

" * * * and that no receipts or other evidence of disbursement of funds advanced shall be required for reimbursement of such State or District Office account from which such advance was made."

Section 602 (c) is amended to read as follows:

"Where the payment of any such fees or expenses is made by a salaried attorney, fee attorney, title company or trustee, an itemized statement covering such disbursements, certified to by any such attorney, title company or trustee, shall be accepted by the Auditor as sufficient evidence of the disbursement for the purpose of reimbursing the attorney, title company or trustee by whom the monies were paid or as settlement for funds advanced. Where the payment of any such fees or expenses is made by other than an attorney, title company or trustee, a properly certified voucher, or approval by the General Counsel, supported by receipts for all funds actually expended shall be accepted by the Auditor either as sufficient evidence of the disbursement for the purpose of reimbursing the individual payer or as settlement for funds advanced. The statement of the General Counsel as to the reason for the absence of any receipt shall be accepted by the Auditor in lieu thereof, provided the items for which no receipts are presented do not aggregate more than $100.00 in any one case."

Section 602 (e) is amended to read as follows:

"All monies necessary for fees, charges or expenses which may be incurred in the performance of any duty or function of the Legal Department shall be provided or advanced from the appropriate funds and charged to the appropriate accounts.

Adopted by the Federal Home Loan Bank Board on October 1, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2940; Filed, October 4, 1937; 11:49 a. m.]

STATE INCIDENTAL EXPENSE ACCOUNTS; LIMITATIONS AS TO USAGE AND AMOUNTS; VOUCHERS AGAINST SUCH ACCOUNTS

AMENDING THE TREASURY CHAPTER OF THE MANUAL

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 721 of Chapter VII of the Consolidated Manual is hereby amended to read as follows:

SEC. 721. Incidental Expense Accounts for State, Division, Territorial or District Offices maintained with the United States Treasury shall be in such amounts as may be determined by the Treasurer with the approval of the General Counsel, General Manager, and the Budget Director, provided the maximum amount shall not exceed $2,000.00 in any account.

The State, Division, Territorial or District Manager shall have full responsibility, within their respective jurisdictions, for proper disbursements from such accounts. These accounts shall be available for the disbursement of both administrative and non-administrative expenses as stipulated in the Independent Offices Appropriation Act for the fiscal year 1938; however, wherever practicable, vouchers for administrative expenses shall be submitted to the Home Office for disbursement. Non-administrative expenses shall be submitted for reimbursement to the proper Regional Office, and administrative expenses shall be submitted for reimbursement to the Home Office.

Adopted by the Federal Home Loan Bank Board on October 1, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2939; Filed, October 4, 1937; 11:48 a. m.]

REGIONAL WORKING FUND MAINTAINED AS DISBURSING ACCOUNT; DISBURSEMENTS AUTHORIZED

AMENDING THE TREASURY CHAPTER OF THE MANUAL

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Section 4-a and 4-k of said Act as amended, Section 716 of Chapter VII of the Consolidated Manual is hereby amended to read as follows:

SEC. 716. The Regional Working Fund in each Regional Office shall be maintained as a Disbursing Account, and funds therein shall be available only for non-administrative expenses as distinguished from administrative expenses stipulated in the Independent Offices Appropriation Act for the fiscal year 1938.

The Regional Treasurer in each respective Regional Office is authorized and directed to make disbursements from the Regional Working Fund upon, and only upon, vouchers duly certified for payment from this account by the Auditor or an authorized deputy. Transfers to the respective Regional Working Funds shall be requested by the Regional Treasurer and approved by the Regional Manager.

Adopted by the Federal Home Loan Bank Board on October 1, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2941; Filed, October 4, 1937; 11:49 a. m.]



CHANGING PETTY CASH FUND TO IMPREST CASH FUND TO BE USED ONLY FOR ADMINISTRATIVE EXPENSES

AMENDMENT OF TREASURER'S CHAPTER OF MANUAL

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 705 of Chapter VII of the Consolidated Manual is hereby amended to read as follows:

SEC. 705. The Regional Treasurer is authorized to maintain an Imprest Cash Fund in an amount not in excess of $200.00 which may be obtained from the Home Office at the request of the Regional Manager. This fund shall be available only for administrative expenses as distinguished from non-administrative expenses stipulated in the Independent Office Appropriation Act for the fiscal year 1938; provided, that such administrative expenses shall be confined to postage, postage due, carfare, cost of Cashier's checks, and other items which it is not practicable to submit to the Home Office for disbursement. The Regional Treasurer shall be responsible for the propriety of all disbursements made from this fund. Vouchers for reimbursement of this fund shall be submitted to the Auditor in Washington as necessary but in no event less than once each week and the last day of each month. The Treasurer is hereby authorized and directed to reimburse the funds upon and only upon certification by the Auditor or his duly authorized deputies which certification shall specify the account from which disbursement shall be made.

Adopted by the Federal Home Loan Bank Board on October 1, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2942; Filed, October 4, 1937; 11:49 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3232]

IN THE MATTER OF AMERICAN OPTICAL COMPANY, A VOLUNTARY ASSOCIATION AND ALL ITS MEMBERS; GEORGE B. WELLS, INDIVIDUALLY AND AS PRESIDENT OF AMERICAN OPTICAL COMPANY, AN ASSOCIATION; IRA MOSHER, INDIVIDUALLY AND AS VICE PRESIDENT AND GENERAL MANAGER OF AMERICAN OPTICAL COMPANY, AN ASSOCIATION; CHARLES Q. COZZENS, INDIVIDUALLY AND AS VICE PRESIDENT IN CHARGE OF SALES OF AMERICAN OPTICAL COMPANY, AN ASSOCIATION; JOHN M. WELLS, INDIVIDUALLY AND AS VICE PRESIDENT IN CHARGE OF RESEARCH LABORATORY OF AMERICAN OPTICAL COMPANY, AN ASSOCIATION; EDWARD E. WILLIAMS, INDIVIDUALLY AND AS TREASURER OF AMERICAN OPTICAL COMPANY, AN ASSOCIATION; A. TURNER WELLS, INDIVIDUALLY AND AS SECRETARY OF AMERICAN OPTICAL COMPANY, AN ASSOCIATION; ALBERT B. WELLS, INDIVIDUALLY AND AS CHAIRMAN OF THE BOARD, AND AS REPRESENTATIVE OF THE BOARD OF DIRECTORS OF AMERICAN OPTICAL COMPANY, AN ASSOCIATION; AND AMERICAN OPTICAL COMPANY, A CORPORATION, RESPONDENTS

COMPLAINT

Pursuant to the provisions of an Act of Congress, approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", commonly known as the Clayton Act, as amended by an Act of Congress, approved June 19, 1936, (U. S. C. Title XV, Section 13), commonly known as the Robinson-Patman Act, the Federal Trade Commission, having reason to believe that the respondents named in the caption hereof have violated, and are now violating the provisions of Subsection (a) of Section 2 of said Act as

amended, hereby issues its complaint against the said respondents, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, American Optical Company, an association, is a voluntary association organized in 1912 under the laws of Massachusetts, as a common law trust, owning, holding or controlling all of the capital stock of respondent American Optical Company, a corporation, organized, existing and doing business under and by virtue of the laws of the State of Massachusetts, with its principal office and place of business at Southbridge, Massachusetts.

The American Optical Company, a corporation, was organized by respondents to engage in and carry on manufacturing and sales activities of the respondents in states where the Massachusetts trust type of association is not recognized as a corporate entity, and the said respondent corporation is licensed to do and does carry on such business and sales activities for and on behalf of respondents in the States of Pennsylvania, Virginia, Ohio, Tennessee, Alabama, Michigan, Wisconsin, Texas, California, and Idaho.

Respondents George B. Wells, Ira Mosher, Charles O. Cozzens, John M. Wells, Edward E. Williams, A. Turner Wells, and Albert B. Wells, all of Southbridge, Massachusetts, are severally here made parties respondent in their respective capacities as indicated in the caption hereof, individually, and as representative members of American Optical Company, the association.

PAR. 2. Respondents and each of them are now and have been since June 19, 1936, engaged in the business of manufacturing and selling optical goods and ophthalmic products, including lenses, frames, mountings, diagnostic instruments, optical machinery, tools and grinding and polishing materials to various retailers, independent wholesalers and chain business enterprises engaged in business as lessee-operators of the optical departments of various large department stores. Respondents effect the sale and distribution of these products through some 320 branch offices, each of which functions as a wholesaler. These branch offices are grouped into nine districts or sales territories, each with a central sales branch where the respondents maintain a stock of supplies on hand from which they supply the other branch sales offices in each district. Respondents employ over three hundred salesmen who call regularly upon the retail trade, and during 1936 did a volume of approximately $18,500,000.00 in total sales. The individual respondents herein named in their respective capacities as officers and Chairman of the Board and as representative of the association American Optical Company, control and direct the sales policies, pricing and selling activities engaged in by all of the said other respondents as hereinafter set forth.

PAR. 3. In the course and conduct of their respective businesses as aforesaid, respondents, and each of them, transports or causes to be transported the said products, when sold, from the places of their respective locations to the purchasers thereof located in the several States of the United States other than the States in which such shipments originated, and there is and has been at all times herein mentioned a current of trade and commerce in said products, between the States whrein these several respondents are located and the various other States of the United States.

Said respondents and each of them sell and distribute the aforesaid products for use, consumption or resale within the United States and the District of Columbia, in the same territories and places and in competition with various other manufacturers, distributors and wholesalers engaged in the sale of optical goods and ophthalmic products including lenses, frames, mountings, diagnostic instruments, optical machinery and tools and grinding and polishing materials.

Respondents' aforesaid purchaser customers are competitively engaged with each other and with the purchaser customers of respondents' competitors, in the resale of said products, both at wholesale and retail, within the several sales areas in which the said wholesale and retail customers respectively offer for sale and sell the said products of American Optical Company.

PAR. 4. Said respondents and each of them, in the course and conduct of interstate commerce as hereinbefore set forth, have, since June 19, 1936, discriminated in price and are now discriminating in the prices at which they and each of them have sold and do sell American Optical Company products and commodities of like grade and quality, between the different purchasers of such products and commodities, by giving and allowing certain of said purchasers a lower price than given or allowed other purchasers competitively engaged in said line of commerce, and by giving and allowing certain of said purchasers adjustments, rebates, or discounts in the form of cash or commodities not given and allowed to others of respondents' said purchaser customers. Respondents' purchaser customers in whose favor such price discrimination is made are generally the larger dealers who are thus enabled either to undersell their competitors or furnish superior facilities and services to the prospective consumer purchaser, or both, and thereby trade is diverted from the smaller retailer to the more favored and larger dealer in said products.

PAR. 5. The effect of such discrimination in price made by said respondents, as set forth in Paragraph Four hereof, may be substantially to lessen competition between the respondents and their aforesaid competitors; between the customers of respondents in whose favor such discrimination is made and respondents' other customers; and between the customers of respondents' competitors who do not grant such customers the benefit of such discriminatory prices and the customers of respondents in favor of whom respondents discriminate; or tend to create a monopoly in the aforesaid line of commerce in respondents and respondents' favored customers, and to injure, destroy and prevent competition with the said respondents and with those of respondents' customers who knowingly receive the benefit of such discrimination, and with the customers of each of them.

Such discrimination in price by said respondents, and each of them, between different purchasers of commodities of like grade and quality in interstate commerce in the manner and form aforesaid are in violation of the provisions of Subsection (a) of Section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission, on this 30th day of September, A. D. 1937, now issue this its complaint against said respondents, stating its charges in that respect as hereinabove set out.

NOTICE

Notice is hereby given you, American Optical Company, an association; American Optical Company, a corporation; George B. Wells, Ira Mosher, Charles O. Cozzens, John M. Wells, Edward E. Williams, A. Turner Wells, and Albert B. Wells, respondents herein, that the 5th day of November, A. D. 1937, at 2:00 o'clock in the afternoon, is hereby fixed as the time and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be held on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violation of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a short and simple statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *



Failure of the respondent to file answer within the time above provided or failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further hearing or notice to respondent, to proceed in regular course on the charges set forth in the complaint, and to make, enter, issue, and serve upon respondent findings of fact and an order to cease and desist.

If respondent desires to waive hearing on the charges set forth in the complaint and not to contest the proceeding, the answer may consist of a statement that respondent admits all the material allegations of the complaint to be true Any such answer shall be deemed to waive a hearing thereon, and to authorize the Commission, without trial and without further evidence, or other intervening procedure, to make, enter, issue, and serve upon respondent:

(*a*) In cases arising under Section 5 of the act of Congress approved September 26, 1914, entitled "An Act to Create a Federal Trade Commission, to define its powers and duties, and for other purposes" (the Federal Trade Commission Act), or under Sections 2 and 3 of the act of Congress approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act), or under Section 2 of the aforesaid Clayton Act as amended by "An act to amend Section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as amended (U. S. C., Title XV, Section 13), and for other purposes", approved June 19, 1936 (the Robinson-Patman Act), findings of fact and an order to cease and desist from the violations of law charged in the complaint;

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 30th day of September, A. D., 1937.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2935; Filed, October 2, 1937; 12:11 p. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3233]

IN THE MATTER OF BAUSCH & LOMB OPTICAL COMPANY, A CORPORATION, COLONIAL OPTICAL COMPANY, INC., MCINTIRE, MAGEE & BROWN, A CORPORATION, RIGGS OPTICAL COMPANY CONSOLIDATED, A CORPORATION, RIGGS OPTICAL COMPANY, INC., A CORPORATION, SOUTHEASTERN OPTICAL COMPANY, A CORPORATION, AND THE WHITE, HAINES OPTICAL COMPANY, A CORPORATION

COMPLAINT

Pursuant to the provisions of an Act of Congress, approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", commonly known as the Clayton Act, as amended by an Act of Congress, approved June 19, 1936, (U. S. C., Title 15, sec. 13), commonly known as the Robinson-Patman Act, the Federal Trade Commission, having reason to believe that the respondents named in the caption hereof have violated, and are now violating the provisions of Subsection (a) of Section 2 of said Act as amended, hereby issues its complaint against the said respondents, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Bausch & Lomb Optical Company is a corporation, organized and existing under and by virtue of the laws of the State of New York, and its principal office and place of business is located in the City of Rochester in said State. It is now, and has been since June 19, 1936, engaged in the business of manufacturing and selling optical goods and ophthalmic products, including lenses, frames, mountings, diagnostic instruments, optical machinery, tools and grinding and polishing materials, to various retailers, independent wholesalers and chain business enterprises engaged in business as lessee-operators of the optical departments of various large Department Stores. Such sales are by said respondent made both directly and through the other respondents hereinabove named in the caption and hereinafter more particularly designated and described. Respondent Bausch & Lomb Optical Company owns a controlling share of the stock in each of the said other respondent companies and exercises such control in directing the sales policies, pricing and selling activities engaged in by said other respondents in their respective businesses.

PAR. 2. (*a*) Respondent Colonial Optical Company, Inc., is a corporation, organized and existing under and by virtue of the laws of the State of New York, with its principal office and place of business at 62 West 47th Street, in the City of New York in said State. Bausch & Lomb Optical Company owns and holds approximately 91% of the outstanding shares of voting stock issued by Colonial Optical Company, Inc.

(*b*) Respondent McIntire, Magee & Brown is a corporation, organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with its principal office and place of business at 1700 Walnut Street in the City of Philadelphia, in said State. Approximately 58% of the oustanding shares of the voting stock by it issued are owned and held by the respondent Bausch & Lomb Optical Company.

(*c*) Respondent Riggs Optical Company Consolidated is a corporation, organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business at 222 W. NoBank Drive, in the City of Chicago, in the State of Illinois. Approximately 82% of the outstanding shares of voting stock by it issued are owned and held by the respondent Bausch & Lomb Optical Company.

(*d*) Respondent Riggs Optical Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business at Flood Building, in the City of San Francisco, in the State of California. Approximately 74% of the outstanding shares of voting stock by it issued are owned and held by the respondent Bausch & Lomb Optical Company.

(*e*) Respondent Southeastern Optical Company is a corporation organized and existing under and by virtue of the laws of the Commonwealth of Virginia, with its principal office and place of business at 212 E. Franklin Street, in the City of Richmond in said State. Approximately 60% of the outstanding shares of voting stock by it issued are owned and held by the respondent Bausch & Lomb Optical Company.

(*f*) Respondent The White, Haines Optical Company is a corporation organized and existing under and by virtue of the laws of the State of Ohio, with its principal office and place of business at 82 N. High Street, in the City of Columbus, in said State. Approximately 72% of the outstanding shares of voting stock by it issued are owned and held by the respondent Bausch & Lomb Optical Company.

(*g*) Each of the respondents in said subsections (a) to (f) inclusive in this paragraph named is now, and since June 19, 1936, has been engaged in the business of selling at wholesale the aforesaid optical goods and ophthalmic products of the respondent Bausch & Lomb Optical Company.

PAR. 3. In the course and conduct of their respective businesses as aforesaid, respondents, and each of them, transports or causes to be transported the said products, when sold, from the places of their respective locations to the purchasers thereof located in the several States of the United States other than the States in which such shipments originated, and there is and has been at all times herein mentioned a current of trade and commerce in said products, between the States wherein these several respondents are located and the various other States of the United States.

Said respondents and each of them sell and distribute the aforesaid products for use, consumption or resale within the United States and the District of Columbia, in the same

territories and places and in competition with various other manufacturers, distributors and wholesalers engaged in the sale of optical goods and ophthalmic products including lenses, frames, mountings, diagnostic instruments, optical machinery and tools and grinding and polishing materials.

Respondents' aforesaid purchaser customers are competitively engaged in the resale of said products, both at wholesale and retail, to the consumers or users thereof, within the several sales areas in which said purchaser customers respectively offer for sale and sell the said products of Bausch & Lomb Optical Company.

PAR. 4. Said respondents, and each of them, in the course and conduct of interstate commerce as hereinbefore set forth, have, since June 19, 1936, discriminated in price, and are now discriminating in the price at which they and each of them have sold and do sell Bausch & Lomb Optical Company products and commodities of like grade and quality, between the different purchasers of such products and commodities, by giving and allowing certain of said purchasers a lower price than given or allowed other purchasers competitively engaged in said line of commerce and by giving and allowing certain of said purchasers adjustments, rebates or discounts in the form of cash or commodities not given and allowed to other of respondents' said purchaser customers. Respondents' purchaser customers in whose favor such discrimination is made, are generally the larger dealers who are thus enabled either to undersell their competitors or furnish better facilities and services to the prospective consumer purchaser, or both.

PAR. 5. The effect of such discrimination in price made by said respondents, as set forth in Paragraph Four hereof, may be substantially to lessen competition between the respondents and their aforesaid competitors; between the customers of respondents in whose favor such discrimination is made and respondents' other customers; and between the customers of respondents' competitors who do not grant such customers the benefit of such discriminatory prices and the customers of respondents in favor of whom respondents discriminate; and said discrimination tends to create a monopoly in the aforesaid line of commerce in respondents and respondents' favored customers, and to injure, destroy and prevent competition with the said respondents and with those of respondents' customers who knowingly receive the benefit of such discrimination, and with the customers of each of them.

Such discrimination in price by said respondents, and each of them, between different purchasers of commodities of like grade and quality in interstate commerce in the manner and form aforesaid are in violation of the provisions of Subsection (a) of Section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission, on this 30th day of September, A. D. 1937, now issues this its complaint against said respondents, stating its charges in that respect as hereinabove set out.

NOTICE

Notice is hereby given you, Bausch & Lomb Optical Company; Colonial Optical Company, Inc.; McIntire, Magee & Brown; Riggs Optical Company Consolidated; Riggs Optical Company, Inc.; Southeastern Optical Company; and The White, Haines Optical Company, respondents herein, that the 5th day of November, A. D. 1937, at 2:00 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violation of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a short and simple statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * * *

Failure of the respondent to file answer within the time above provided or failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further hearing or notice to respondent, to proceed in regular course on the charges set forth in the complaint, and to make, enter, issue, and serve upon respondent findings of fact and an order to cease and desist.

If respondent desires to waive hearing on the charges set forth in the complaint and not to contest the proceeding, the answer may consist of a statement that respondent admits all the material allegations of the complaint to be true. Any such answer shall be deemed to waive a hearing thereon, and to authorize the Commission, without trial and without further evidence or other intervening procedure, to make, enter, issue, and serve upon respondent:

(*a*) In cases arising under Section 5 of the Act of Congress approved September 26, 1914, entitled "An Act to Create a Federal Trade Commission, to define its powers and duties, and for other purposes" (the Federal Trade Commission Act), or under Sections 2 and 3 of the Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act), or under Section 2 of the aforesaid Clayton Act as amended by "An Act to amend Section 2 of the act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as amended (U. S. C., title 15, Sec. 13), and for other purposes", approved June 19, 1936 (the Robinson-Patman Act), findings of fact and an order to cease and desist from the violations of law charged in the complaint;

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary and its official seal to be hereto affixed, at Washington, D. C., this 30th day of September, A. D. 1937.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-2936; Filed, October 2, 1937; 12:11 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1937.

[File No. 30-63]

IN THE MATTER OF BROKAW, DIXON & MCKEE

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Brokaw, Dixon & McKee pursuant to Section 5 (a) of the Public Utility Holding Company Act of 1935, for an order declaring that said applicants who heretofore had filed a registration statement pursuant to Section 5 (b) of said Act, have ceased to be a holding company by reason of disposing of their control of gas utility companies.

*It is ordered*, That a hearing on such matter be held on October 20, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.: and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 15, 1937.

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2945; Filed, October 4, 1937; 12:52 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of September, 1937.

[File No. 7-204]

IN THE MATTER OF INTERNATIONAL PAPER AND POWER COMPANY COMMON STOCK, $15 PAR VALUE

ORDER DENYING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the Boston Stock Exchange in International Paper and Power Company Class "A", Class "B" and Class "C" Common Stocks, No Par Value, having been permitted by action of this Commission on September 28, 1934; and

The Boston Stock Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said securities other than those specified in paragraph (a) of said Rule and asking the Commission to determine that the security after said changes is substantially equivalent to said securities heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application is not made and that the application is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2946; Filed, October 4, 1937; 12:52 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of September, 1937.

[File No. 7-205]

IN THE MATTER OF INTERNATIONAL PAPER AND POWER COMPANY, 5% CUMULATIVE CONVERTIBLE PREFERRED STOCK, $100 PAR VALUE

ORDER DENYING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Extension of unlisted trading privileges on the Boston Stock Exchange in International Paper and Power Company 7% Cumulative Preferred Stock, $100 Par Value, having been permitted by action of this Commission on July 14, 1937, pursuant to Section 12 (f), Clause 2, of the Securities Exchange Act of 1934, as amended; and

The Boston Stock Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application is not made and that the application is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2947; Filed, October 4, 1937; 12:52 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of September, 1937.

[File No. 7-206]

IN THE MATTER OF INTERBOROUGH RAPID TRANSIT COMPANY COMMON STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the Philadelphia Stock Exchange in Interborough Rapid Transit Company Voting Trust Certificates representing Common Stock, $100 Par Value, having been permitted by action of this Commission on September 29, 1934; and

Said Exchange, pursuant to paragraph "b" of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application be and the same is hereby made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2948; Filed, October 4, 1937; 12:52 p. m.]



*Wednesday, October 6, 1937* . *No. 193*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 7677-A, OF JULY 26, 1937, ENTITLED "CIVILIAN CONSERVATION CORPS"

By virtue of and pursuant to the authority vested in me under the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes" approved June 28, 1937 (Public No. 163, 75th Congress), Paragraph No. 3 of Executive Order No. 7677-A dated July 26, 1937,[1] is hereby amended to read as follows:

"3. The Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, and the Administrator of Veterans' Affairs are requested to cooperate with the Director of the Civilian Conservation Corps in carrying out the purposes of the said Act of June 28, 1937. Each of the said Secretaries and the said

[1] 2 F. R. 1346.

Administrator shall appoint a representative who shall, upon request of the Director, confer with him and under his direction aid him in prosecuting effectively the purposes contemplated by the said Act."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Sept. 29, 1937.*

[No. 7717]

[F. R. Doc. 37-2950; Filed, October 4, 1937; 2:43 p. m.]

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EXECUTIVE ORDER

AUTHORIZING THE INSPECTION OF CERTAIN INCOME TAX RETURNS BY THE DEPARTMENT OF NATIONAL REVENUE, OTTAWA, CANADA

By virtue of the authority vested in me by section 55 (a) of the Revenue Act of 1936 (ch. 690, 49 Stat. 1648, 1671), it is hereby ordered that income tax withholding returns, Form 1042B, filed for the calendar year 1937 and each subsequent calendar year, shall be open to inspection by the Department of National Revenue, Ottawa, Canada, for the purpose of enabling the United States Treasury Department to administer effectively the provisions of the Tax Convention, dated December 30, 1936, between the United States and Canada which was ratified August 13, 1937. Such inspection shall be in accordance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of returns by the Department of National Revenue, Ottawa, Canada, approved by me this date.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Oct. 2, 1937.*

[No. 7718]

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[T. D. 4765]

INCOME TAX

REGULATIONS GOVERNING THE INSPECTION OF INCOME TAX RETURNS, FORM 1042B, BY THE DEPARTMENT OF NATIONAL REVENUE, OTTAWA, CANADA

SEPTEMBER 25, 1937.

*To Collectors of Internal Revenue and Others Concerned:*

Section 55 (a) of the Revenue Act of 1936 provides:

"Returns made under this title shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the Revenue Act of 1926; and all returns made under this Act shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President."

Pursuant to the above provision of law the President orders that income tax withholding returns, Form 1042B, filed under the provisions of Title I of the Revenue Act of 1936, or such Act as amended, shall be open to inspection by the Department of National Revenue, Ottawa, Canada, for the purpose of enabling the United States Treasury Department to administer effectively the provisions of the Tax Convention, dated December 30, 1936, between the United States and Canada which was ratified August 13, 1937. Such inspection shall be as follows:

Upon receipt by the Commissioner of Internal Revenue of income tax withholding returns, Form 1042B, duplicate copies thereof shall be forwarded to the Department of National Revenue, Ottawa, Canada.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

Approved,

FRANKLIN D ROOSEVELT
*The White House.*

[F. R. Doc. 37-2949; Filed, October 4, 1937; 2:43 p. m.]

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TREASURY DEPARTMENT.

Office of the Secretary.

[1937—Department Circular No. 1]

VALUES OF FOREIGN MONEYS

OCTOBER 1, 1937.

Pursuant to section 522, title IV, of the Tariff Act of 1930, re-enacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1937, expressed in any such foreign monetary units: *Provided, however*, That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)

| Country | Monetary unit | Value in terms of U. S. money | Remarks |
|---|---|---|---|
| Argentine Republic | Peso | $1.6335 | Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929. |
| Australia | Pound | 8.2367 | Control of gold stocks and exports authorized Dec. 17, 1929. |
| Austria | Schilling | .2382 | Exchange control established Oct. 9, 1931. |
| Belgium | Belga | .1895 | By decree of Mar. 31, 1936. One belga equals 5 Belgian francs. |
| Bolivia | Boliviano | .0189 | Conversion of notes into gold suspended Sept. 23, 1931. |
| Brazil | Milreis | .0873 | Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930. |
| British Honduras | Dollar | 1.6931 | Conversion of notes suspended. |
| Bulgaria | Lev | .0122 | Exchange control established Oct. 15, 1931. |
| Canada | Dollar | 1.6931 | Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933 |
| Chile | Peso | .0260 | Conversion of notes suspended July 30, 1931. |
| China | Yuan | | Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1s. 2⅛d., or about 29⅛¢ U. S., per yuan. |
| Hong Kong | Dollar | | Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate. |
| Colombia | Peso | 1.6479 | Obligation to sell gold suspended Sept. 24, 1931. |
| Costa Rica | Colon | .7879 | Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932. |
| Cuba | Peso | 1.0000 | By law of May 25, 1934. |
| Czechoslovakia | Koruna | .0351 | By decree of Oct. 9, 1936. |
| Denmark | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Dominican Republic | Dollar | 1.6931 | U. S. money is principal circulating medium. |
| Ecuador | Sucre | .3386 | Conversion of notes into gold suspended Feb. 9, 1932. |
| Egypt | Pound (100 piasters) | 8.3692 | Conversion of notes into gold suspended Sept. 21, 1931. |



VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)—Con.

| Country | Monetary unit | Value in terms of U. S. money | Remarks |
|---|---|---|---|
| Estonia | Kroon | .4537 | Conversion of notes into gold suspended June 28, 1933. |
| Finland | Markka | .0426 | Conversion of notes into gold suspended Oct. 12, 1931. |
| France | Franc | | Provisions of Monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937 which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies. |
| Germany | Reichsmark | .4033 | Exchange control established July 13, 1931. |
| Great Britain | Pound Sterling | 8.2397 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Greece | Drachma | .0220 | Conversion of notes into gold suspended Apr. 26, 1932. |
| Guatemala | Quetzal | 1.6931 | Conversion of notes into gold suspended Mar. 6, 1933. |
| Haiti | Gourde | .2060 | National bank notes redeemable on demand in U. S. dollars. |
| Honduras | Lempira | .8466 | Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. Dollar. |
| Hungary | Pengö | .2961 | Exchange control established July 17, 1931. |
| India [British] | Rupee | .6180 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Indo-China | Piaster | .6633 | Piaster pegged to French franc at the rate of 1 piaster=10 French francs. Information with regard to the relationship of piaster to franc subsequent to Sept. 25, 1936, not yet available. |
| Irish Free State | Free State Pound | 8.2397 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Italy | Lira | .0526 | New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936. |
| Japan | Yen | .3449 | Embargo on gold exports Dec. 13, 1931. |
| Latvia | Lat | | Currency pegged to sterling Sept. 28, 1936, at 2,522 lati=£100. |
| Liberia | Dollar | 1.6931 | British money is principal circulating medium. |
| Lithuania | Litas | .1693 | Free export of gold suspended Oct. 1, 1935. |
| Mexico | Peso | | Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law. |
| Netherlands and colonies | Guilder (florin) | .6806 | Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936. |
| Newfoundland | Dollar | 1.6931 | Newfoundland and Canadian notes legal tender. |
| New Zealand | Pound | 8.2397 | Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931. |
| Nicaragua | Cordoba | 1.6932 | Embargo on gold exports Nov. 13, 1931. |
| Norway | Krone | .4547 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Panama | Balboa | 1.6931 | U. S. money is principal circulating medium. |
| Paraguay | Peso (Argentine) | 1.6335 | Paraguayan paper currency is used; exchange control established June 28, 1932. |
| Persia (Iran) | Rial | .0824 | Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936. |
| Peru | Sol | .4740 | Conversion of notes into gold suspended May 18, 1932. |
| Philippine Islands | Peso | .5000 | By act approved Mar. 16, 1935. |
| Poland | Zloty | .1899 | Exchange control established Apr. 27, 1936. |
| Portugal | Escudo | .0748 | Gold exchange standard suspended Dec. 31, 1931. |
| Rumania | Leu | .0101 | Exchange control established May 18, 1932. |
| Salvador | Colon | .8466 | Conversion of notes into gold suspended Oct. 7, 1931. |
| Siam | Baht (Tical) | .7491 | Conversion of notes into gold suspended May 11, 1932. |
| Spain | Peseta | .3267 | Exchange control established May 18, 1931. |
| Straits Settlements | Dollar | .9613 | British pound sterling and Straits dollar and half dollar legal tender. |
| Sweden | Krona | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Switzerland | Franc | | Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold. |
| Turkey | Piaster | .0744 | 100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930. |
| Union of South Africa | Pound | 8.2397 | Conversion of notes into gold suspended Dec. 28, 1932. |
| Union of Soviet Republics | Chervonetz | 8.7123 | On Oct. 28, 1936, the Council of People's Commissars issued a decree fixing the value of the ruble in foreign exchanges at 4¼ French francs. |
| Uruguay | Peso | 1.7511 | Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. |
| Venezuela | Bolivar | .3267 | Premium on foreign currencies established Aug. 29, 1934, by agreement of banks. |
| Yugoslavia | Dinar | .0298 | Exchange control established Oct. 7, 1931. |

[F. R. Doc. 37-2957; Filed, October 5, 1937; 12:28 p. m.]

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WAR DEPARTMENT.

MODIFICATION OF REGULATIONS GOVERNING THE USE, ADMINISTRATION AND NAVIGATION OF OHIO RIVER, MISSISSIPPI RIVER, ABOVE CAIRO, ILLINOIS, AND THEIR TRIBUTARIES

Subparagraph B "Visual Signals", under Paragraph 5 of the regulations approved by the Secretary of War on January 4, 1933, to govern the use, administration and navigation of the Ohio River, the Mississippi River above Cairo, and their tributaries, is modified to read as follows:

"B. *Visual Signals:* At locks where density of traffic or other local conditions make it appear necessary or advisable, the *sound* signals *given by the lock* will be supplemented by the following visual system:

"At single locks, a green flashing light will be displayed on the land wall opposite the upper gate, at least 15 feet above the land wall, showing upstream through an angle of 120 degrees; and the same type of light will be displayed opposite the lower gate at least 15 feet above the land wall showing downstream through an angle of 120 degrees, indicating that the lock gates are open and that the lock is ready for entrance.

"At double locks similar green flashing lights will be displayed on the land wall opposite the landward lock gates. In addition, amber lights will be displayed on the intermediate wall opposite both the upper and lower gates of the auxiliary lock indicating that the auxiliary lock gates are open and ready for entrance.

"These flashing lights will operate only when the respective gates are seated in the recesses, contact being made automatically by the gates when fully open.

"In all cases, however, vessels will use the *whistle* signals prescribed in paragraph 5A to signal for a lockage."

Approved, September 23, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 37-2953; Filed, October 5, 1937; 9:41 a. m.]

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SPECIAL REGULATIONS TO GOVERN THE OPERATION OF CERTAIN BRIDGES ACROSS THE ILLINOIS RIVER, AT PEKIN, PEORIA AND JOLIET, ILLINOIS

*Supplemental to rules and regulations to govern the operation of the drawbridges crossing the Mississippi River and all its navigable tributaries and outlets.*

THE LAW

The River and Harbor Act of August 18, 1894, contains the following Section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may here-

after be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

THE REGULATIONS

In pursuance of the foregoing law, special regulations are prescribed to govern the operation of the following bridges across the Illinois Waterway:

| Mile | Bridge | Vertical clearance closed | |
|---|---|---|---|
| | | Above high water | Above present low water |
| 152.0 | Margaret Street Highway, Pekin, Ill. | 9.3 | 28.4 |
| 153.0 | Peoria Terminal Company Railroad (C. R. I. & P Ry.), Pekin, Ill. | [1] 2.4 | 21.6 |
| 162.2 | Illinois Terminal Railroad, Peoria, Ill. | [1] 16.1 | [1] 34.2 |
| 162.2 | Toledo, Peoria and Western Railroad, Peoria, Ill. | −0.7 | 17.3 |
| 162.3 | Lower Highway Bridge, Peoria, Ill. | [1] 13.7 | [1] 31.8 |
| 287.3 | McDonough Street Highway, Joliet, Ill. | 16.5 | 16.5 |
| 287.6 | Chicago, Rock Island & Pacific Railway, Joliet, Ill. | 9.4 | 9.5 |
| 287.9 | Jefferson Street Highway, Joliet, Ill. | 16.4 | 16.6 |

[1] For 80-foot width of channel.

When a vessel reaches a distance of about one-half mile down-stream from the Peoria Terminal Company Railroad bridge at Pekin, Illinois; the Toledo, Peoria and Western Railroad bridge at Peoria, Illinois, and the Chicago, Rock Island and Pacific Railway bridge, at Joliet, Illinois, a call signal of 3 long blasts of a whistle, horn, or siren, or three loud and distinct strokes of a bell shall be sounded if the clearance requirements of the vessel are such that opening of the adjacent highway bridges at these respective cities is unnecessary; and if the draw is to be opened immediately, the acknowledging signal by the bridge operators on these railroad bridges shall be the same as the call signal; if the draw can not be opened immediately, or if opened must be closed immediately, four or more short and rapid blasts of a whistle, horn, or siren, or four sharp and rapid strokes of a bell to be repeated at regular intervals until acknowledged by the vessel must be sounded.

These regulations shall take effect and be in force on and after the date of approval hereof, and all regulations or parts of regulations applying to the above-named bridges in conflict therewith are hereby revoked to take effect on that date.

Approved, September 24, 1937.

[SEAL] HARRY H. WOODRING, *Secretary of War.*

FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 37-2954; Filed, October 5, 1937; 9:42 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NCR—B-101, as Amended,
Supplement No. 5 Issued October 4, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED, SUPPLEMENT NO. 5

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin 101, as Amended, is further amended as follows:

1. Part I, *Definitions.*—The definition of 1937 sugar beet acreage is amended to read as follows:

1937 *sugar beet acreage* means the acreage planted to sugar beets on a farm in 1937.

2. Part IV, Section 4, last paragraph, is amended by adding at the end thereof the following:

The acreage allotment for any farm with respect to which the sugar beet payment will be made will be the 1937 sugar beet acreage. The factors to be used in computing the sugar beet payment for the States in the North Central Region in which sugar beets are planted are as follows:

| State: | Factor |
|---|---|
| Illinois | $0.374 |
| Indiana | .375 |
| Iowa | .360 |
| Michigan | .385 |
| Minnesota | .381 |
| Nebraska | .362 |
| Ohio | .371 |
| South Dakota | .392 |
| Wisconsin | .374 |

3. Part IV, Section 13 (d), first paragraph is amended to read as follows:

(d) *Phosphates.*—Application of the following minimum amounts of phosphate materials per acre on noncrop pasture or on cropland, used in 1937 for the growing of a crop specified in Section 2 of Part III, and on which noncrop pasture or cropland in connection with such application none of the crops listed in Section 1 (a) of Part III was planted in 1937, and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III is planted in 1937 in excess of one-half the normal rate of seeding alone for grain or is cut for hay or grain.

4. Part IV, Section 13 (e), first paragraph is amended to read as follows:

(e) *Potash.*—Application of the following minimum amount of 50 percent muriate of potash per acre on noncrop pasture or on cropland used in 1937 for the growing of a crop specified in Section 2 of Part III, and on which noncrop pasture or cropland in connection with such application none of the crops listed in Section 1 (a) of Part III was planted in 1937, and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III is planted in 1937 in excess of one-half the normal rate of seeding alone for grain or is cut for hay or grain.

5. Part IV, Section 13 (f) is amended to read as follows:

(f) *Gypsum.*—Applicable only to Beltrami, Hubbard, Lake of the Woods, Cass, and Clearwater Counties of Minnesota. Application of the following minimum amount of gypsum per acre on cropland used in 1937 for the growing of a crop specified in Section 2 of Part III, and on which cropland in connection with such application none of the crops listed in Section 1 (a) of Part III was planted in 1937, and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III is planted in 1937 in excess of one-half the normal rate of seeding alone for grain or is cut for hay or grain.—(1) 200 pounds of gypsum—$1.25 per acre.

6. Part V, Section 5, first paragraph is amended to read as follows:

Payments will be made only upon application therefor filed with the county committee. Each person who applies for payment will be required to show the extent to which the conditions upon which the payment is to be made have been met. No inspection of any farm will be made for the purpose of determining the extent of performance under the 1937 Agricultural Conservation Program unless a Request for Inspection, NCR–112, duly executed by a person eligible to apply for payment with respect to such farm, requesting such inspection, is received before November 1, 1937, by the county committee. If the county committee fails to receive before November 1, 1937, a duly executed Request for Inspection, NCR–112, for any farm in a county, any person who is an owner, operator, or sharecropper with respect to such farm shall be ineligible to make an application for payment in such county. Any duly executed Request for Inspection, NCR–112, postmarked before November 1, 1937, will be deemed to have been received before November 1, 1937, by the county committee. The eligibility of a person who is an owner, operator, or sharecropper with respect to one or more farms in a county shall, subject to the provisions of Section 17 of Part IV, be determined by the performance on such farm or farms.

7. Part VI, Section 5 (a), item (a–1) is amended to read as follows:

(a–1) *Reseeding by deferred grazing.*—Natural reseeding by nongrazing on an acreage equal to not less than 10 percent of the total range land in the ranching unit from May 15 to September 30, 1937, inclusive—60 percent of the range building allowance for such ranching unit multiplied by the percentage that the non-grazed acreage is of the acreage equivalent to 25 percent of the total range land in such ranching unit, provided, (1) Payment will not be made in excess of 60 percent of the range building allowance; (2) On ranches on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) On ranches used exclusively for grazing sheep the area to be kept free of grazing is either fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the range, forage, tree growth, or watershed; (5) Such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period May 15 to September 30, inclusive; and (6) The ranch operator has submitted to the county committee in writing the designation of the nongrazing range area of the ranch previous to the carrying out of such practice; or

8. Part VI, Section 5 (b) is amended to read as follows:

(b) *Contouring.*—Construction of contour furrows on range land with slopes not in excess of eight percent and not sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre for the area contour furrowed, provided, (1) the contour furrows are constructed on the contour level not less than eight inches in width and four inches in depth, (2) where necessary the contour furrows are dammed sufficiently to prevent overtopping which would cause gullying, (3) the width between the furrows on any land with a slope of three percent or less shall not exceed 25 feet, (4) the width between the furrows on any land with a slope of more than three percent shall not exceed 25 feet less three feet for each percent by which the slope is greater than three percent.

9. Part VI, Section 5 (e) is amended to read as follows:

(e) *Reservoirs.*—Construction of reservoirs and dams—$0.15 per cubic yard of fill for such construction, provided, (1) The construction of reservoirs and dams is carried out in connection with the practices set forth in sub-sections (a–1) or (a–2) of this Section 5; (2) Spillways are made adequate to prevent the dam from washing out under normal rainfall and reservoirs are located where they have a sufficient watershed to insure the filling of such reservoirs with normal precipitation.

10. Part VI is amended by the addition of the following new Section:

SECTION 9. *Adjustment in rates and allowances.*—All the rates and allowances specified in this Part VI are based upon an estimate of available funds and an estimate of approximately 85 percent participation. If participation in the North Central Region exceeds that estimated for such region, all the rates and allowances specified in this Part VI for such region may be reduced pro rata. If participation in the North Central Region is less than the estimate for such region, all such rates and allowances may be increased pro rata. In no case will any rates or allowances be increased or decreased by more than 10 percent.

Done at Washington, D. C., this 4th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2958; Filed, October 5, 1937; 12:41 p. m.]

### Farm Security Administration.

[Administration Order]

PLAN OF ORGANIZATION AND STATEMENT OF BASIC POLICIES TO BE FOLLOWED IN CARRYING OUT THE PROVISIONS OF TITLE I AND RELATED PROVISIONS OF TITLE IV OF THE BANKHEAD-JONES FARM TENANT ACT

I. ADMINISTRATIVE ORGANIZATION

1. *Washington office.*—(a) To execute the provisions of Title I and related provisions of Title IV of the Bankhead-Jones Farm Tenant Act, subject to approved policies and procedures, there is hereby created a major division of the Farm Security Administration to be designated as the Tenant Purchase Division.

(b) The Washington staff of the Tenant Purchase Division of the Farm Security Administration will be limited at the outset to a Director, an Assistant Director, one Executive Assistant, one Administrative Assistant, one Chief Economist, one Loan Adviser; and the necessary secretarial and clerical help.

(c) In lieu of a staff of specialists in the Tenant Purchase Division, it is understood that the Director of that Division and the Director of the Rural Rehabilitation Division will cooperate closely and the services of the present technical staff of the Rural Rehabilitation Division will be available to assist both Divisions as required.

(d) The Division of Farm Management of the Bureau of Agricultural Economics will designate a specialist in farm management to serve as an adviser to the Director of the Tenant Purchase Division with respect to farm management problems.

2. *Regional organization.*—(a) The regional director for the Farm Security Administration shall be the chief executive officer in each region for the administration of Title I of the Bankhead-Jones Farm Tenant Act.

(b) Under the regional director, the regional office set-up for carrying out the tenant purchase program shall consist of one specialist in tenant purchase loans, one assistant, and necessary clerical help. In lieu of a special staff, the specialist in tenant purchase loans shall share with the other divisions in the services of the regional Farm Management specialist and Home Management specialist, Loan and Collections section, Finance and Control Division, Business Management Division, and so forth. In other words, except for the specialist on tenant loans, his assistant, and their clerical staff, there will be no special personnel in the regional office.

3. *State organization.*—(a) Subject to the administrative authority of the regional director, or his designated assistant, the state director of the Farm Security Administration shall be responsible for supervising the execution of the tenant purchase program in the respective states. The state director shall also serve, without extra compensation, as executive secretary of the state Farm Security Advisory committee, issuing such notices of meetings, preparing such minutes, and maintaining such files and records as may be required. With the possible exception of an additional stenographer, no additions to the present staff of state directors will be required.

(b) In each state there shall be a state Farm Security Advisory committee, which shall serve in an advisory capacity with respect to all phases of the Farm Security Program, except that such committees are not intended to replace existing state Farm-Debt Adjustment committees. These committees shall be appointed by the Secretary of Agriculture in the following manner:

Each regional director of the Farm Security Administration shall, in the manner indicated in special instructions to be issued, submit to the Administrator of the Farm Security Administration for transmittal to the Secretary of Agriculture, fifteen nominees listed in order of preference with information regarding the qualifications of each nominee. The Secretary of Agriculture will consider the nominations submitted and if acceptable will select nine appointees and designate a committee chairman. If the nominees submitted are not acceptable, others shall be submitted in like manner. Nominees shall be selected from the standpoint of their qualifications for service without reference to political affiliation. Members of state committees shall serve without compensation but they shall be reimbursed for expenses incurred in attending committee meetings. Their terms of service shall be for one year or the period designated in the appointment.

4. *County organization.*—(a) Responsibility for carrying out the provisions of Title I of the Bankhead-Jones Farm Tenant Act in the counties, except that imposed by the Act or by the Administrator upon county committees, shall be vested in the county RR supervisors and applications for tenant purchase loans shall be filed with such county supervisors. Without additional compensation, the county RR supervisors shall serve as executive secretaries of county committees and shall conduct such correspondence and maintain such files and records in behalf of such committees as may be required.

(b) The land grant colleges and the agricultural experiment stations shall be recognized as authority within each state with respect to technical agricultural practices in that state and the advice of qualified representatives of these institutions shall be sought with respect to the farm and home management plans developed by the county farm and home supervisors in cooperation with borrowers as a basis for farm purchase loans. Such advice should be given in the county in which the plans are developed. The county agricultural agents of the respective counties will be requested to serve as advisers to county committees with respect to qualifications of applicants for tenant purchase loans, and local agricultural practices.

(c) The county committees, consisting of three farmer members provided for in Section 42 or Title IV of the Bankhead-Jones Farm Tenant Act, shall be selected in the following manner:

It is desired that the county RR supervisor (who shall be responsible for initiating the action) and the county agricultural agent jointly agree upon twelve nominees. These nominees, listed in the order of preference with appropriate information regarding each, shall be transmitted to the state Farm Security Advisory committee by the county RR supervisor. If the county agricultural agent does not find it possible to share in the nominations, the county RR supervisor shall proceed independently. The state Farm Security Advisory committee shall choose six acceptable nominees from the twelve submitted and endorse them for appointment to the Secretary of Agriculture. The names of the six persons endorsed, with appropriate information regarding each, shall be transmitted by the regional director to the Administrator of the Farm Security Administration, who in turn shall transmit them to the Secretary of Agriculture.

If persons nominated by the county RR supervisor and the county agricultural agent are not acceptable to the state Farm Security Advisory committee, other names shall be submitted until six acceptable persons have been nominated and if persons endorsed for appointment by state committees are not acceptable to the Secretary of Agriculture, other persons shall be endorsed by state committees. The Secretary of Agriculture shall issue notices of appointment and designate the committee chairmen.

In the event that persons appointed to membership on county committees by the Secretary of Agriculture decline to accept such appointment, the Secretary may appoint others remaining on the list, or may request endorsement of additional nominees.

All persons nominated for appointment as members of county committees shall be bona fide farmers, residing on farms and deriving their income principally from farming. At least four of the twelve persons nominated by the county RR supervisor and the county agricultural agent for the consideration of state committees shall have been tenant farmers experienced in operating family size farms, and at least two of the persons endorsed by state committees for the consideration of the Secretary of Agriculture shall have been tenant farmers experienced in operating family size farms. The term of appointment shall be to December 31, 1938. When new committees are appointed, it is the purpose to include on such committees one or more tenant farmers to whom purchase loans have been made.

(d) In addition to performing the functions specified in Section 2 of Title I of the Bankhead-Jones Farm Tenant Act, the county committee may also serve as the county Farm-Debt Adjustment committee, and as the county Rehabilitation Advisory committee, thus concentrating all county advisory functions of the Farm Security Administration in a single committee, provided, however, that compensation and reimbursement of county committee members from funds appropriated under the authority of Title I of the Bankhead-Jones Farm Tenant Act shall be limited to payment for services rendered in connection with carrying out the provisions of the Title.

II. ALLOCATION OF LOAN FUNDS TO STATES AND COUNTIES

1. Funds for loans to enable eligible farmers to acquire farms shall be distributed to the respective states on the basis of farm population and the prevalence of tenancy.

2. During the fiscal year 1937–1938, the number of counties in which loans shall be made shall be limited to approximately 300 and the number of loans per county shall not be less than five, nor more than ten (except in states in which the total number of loans shall be less than five). If appropriations are made as authorized during the fiscal years 1938–1939 and 1939–1940, it will be possible to extend the loaning program into additional counties on the basis of farm population and prevalence of tenancy.

3. Within each state the particular counties in which loans are to be made during each fiscal year shall be determined by the Secretary of Agriculture with the advice of the state Farm Security Advisory committee, which committee shall take into account data on farm population and prevalence of tenancy submitted by the Secretary of Agriculture.

III. SELECTION OF APPLICANTS

1. Each applicant for a tenant purchase loan shall be required to submit a statement certifying to the following:

(a) His age, marital status, and number of dependents.

(b) That he is a citizen of the United States.

(c) That he is or has been recently engaged in farming as a means of providing the major portion of the family income, as farm tenant; farm laborer; sharecropper; or recent owner.

(d) That he is unable to obtain an adequate loan under reasonable terms for the purchase of a farm from other sources.

(e) That in case he obtains a loan for the purchase of a farm, he will cooperate with representatives of the Farm Security Administration in developing and carrying out a sound farm and home management plan and maintaining such records and accounts as may be required until his debt is repaid.

(f) Whether he is able to make an initial down payment and, if so, in what amount.

(g) Whether he owns livestock and farm implements necessary successfully to carry on farming operations on a family-sized farm.



2. In a given county, the committee shall, with the aid of its secretary, and with the advice of the county agricultural agent, select from among all the applicants those to whom loans can be made and, in the process of selection, the committee shall be guided by the following criteria:

(a) The family must have a reputation for paying its debts and meeting its responsibilities.

(b) The family must have shown reasonable stability of residence.

(c) The family should have demonstrated in the past acceptable evidence of initiative and resourcefulness and successful farming ability and managerial capacity.

(d) The family must be free from physical disabilities or infectious diseases that are likely to obstruct fulfillment of the obligations to be assumed.

(e) The operator or family head must be unable to obtain an adequate loan for the purchase of a farm through private or governmental sources, other than the Farm Security Administration.

(f) The family as a whole should desire the opportunity being made available and both husband and wife should so indicate by signing the application form.

(g) There should be no discrimination based on nationality, race, creed, or political affiliation.

IV. SELECTING FARMS

1. Within the price limit specified for farms to be purchased in a given county, each successful applicant for a purchase loan shall be given large latitude in the selection of the farm which he desires to purchase, but each farm proposed for purchase shall be examined and appraised by the county committee and the committee shall be satisfied that the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making of a loan with respect thereto will carry out the purposes of Title I of the Act and shall be further satisfied that considered from the standpoint of price, location, topography, soil type, fertility and past history of production, the applicant has made a relatively good selection within the county.

V. REASSIGNMENT OF FUNCTIONS

1. Functions may not be added to, transferred between, or dropped from, staffs except upon the written approval of the Secretary.

VI. REGULATIONS

1. All functions are to be performed in accordance with applicable Department of Agriculture Regulations.

[SEAL] WILL W. ALEXANDER, *Administrator.*

Approved, October 5, 1937.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2950; Filed, October 5, 1937; 12:41 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Projects Nos. 67, 96 and 120]

SOUTHERN CALIFORNIA EDISON COMPANY LTD.; SAN JOAQUIN LIGHT AND POWER CORPORATION

ORDER FOR REHEARING

Upon application dated San Francisco, California, August 6, 1937, filed by San Joaquin Light and Power Corporation for a rehearing with regard to paragraphs 5, 6 and 7 of the order of the Commission dated July 10, 1937, directing said company and the Southern California Edison Company Ltd. jointly to compute for each year from 1923 to 1936, inclusive, the amounts to be paid by the San Joaquin Light and Power Corporation to the Southern California Edison Company Ltd. on account of headwater benefits as between licensed project No. 96 and licensed projects, Nos. 67 and 120, in accordance with the decisions, criteria and principles set forth in said order (including said paragraphs 5, 6 and 7);

The Commission orders: That a rehearing be held on the issues specifically raised by said application, in the Commission's hearing room, 1800 Pennsylvania Avenue NW., Washington, D. C. beginning at 10 a. m. on the 4th day of November, 1937.

Adopted by the Commission on September 30, 1937.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2952; Filed, October 5, 1937; 9:41 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3050]

IN THE MATTER OF CHRISTMAS CLUB, A CORPORATION

FINDINGS AS TO THE FACTS AND CONCLUSIONS

Pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", and pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", the Federal Trade Commission on February 5, 1937, issued, and on February 8, 1937, served, its complaint in this proceeding upon respondent, Christmas Club, A Corporation, charging it with the use of unfair methods of competition in commerce in violation of the provisions of said Act, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", and with violating Section 3 of the aforesaid Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, and with violating Section 2 (a) of the said Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", as amended by Section 1 of an Act of Congress approved June 19, 1936, entitled "An Act to amend Section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes." After the issuance of said complaint and the filing of respondent's answer, the Commission, by order entered herein, granted respondent's motion for permission to withdraw said answer and to substitute therefor an amended answer, in which respondent stated that while not conceding that it has violated any law of the United States, nevertheless for the sole purpose of avoiding the trouble and expense incidental to further continuation of this proceeding, it desired to waive hearing on the charges set forth in said complaint and not to contest the proceeding, and solely for the purpose of disposing of this proceeding consented that the Commission might, without trial, without the taking of evidence and without any further procedure enter its findings as to the facts, including such inferences as the Commission might draw from the facts admitted in the said amended answer, and issue and serve upon it an order to cease and desist from the acts admitted in the said amended answer, and in which said amended answer respondent stated that all consents and admissions given or made by the respondent therein were given and made solely on the conditions and for the purposes aforesaid and insofar as they constituted admissions were not made as, nor were they to be taken as, admissions of fact for any other purpose or in any other proceeding whatsoever. Thereafter, this proceeding regularly came

on for final hearing before the Commission on the said complaint and said amended answer, (briefs and oral arguments of counsel having been waived) and the Commission having duly considered the same and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusions drawn therefrom.

FINDINGS AS TO THE FACTS

1. The respondent is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business at 341 Madison Avenue, New York City, in said State.

2. The respondent is now and for more than three years last past has been engaged, among other things, in the sale of pass-books, account books, advertising literature and other paraphernalia for use by banks and trust companies in the conduct by them of Christmas Clubs and other savings systems (which said pass-books, account books, advertising literature and other paraphernalia are hereinafter referred to as "systems").

3. In the course and conduct of its business, the respondent now causes to be shipped and for more than three years last past has caused to be shipped such "systems", when sold by it from Harrisburg, Pennsylvania, to the purchasers thereof, some located in the State of Pennsylvania and others located in various other states of the United States and in the District of Columbia; and there is now and for more than three years last past has been a constant current of trade and commerce by the respondent in such "systems" between and among the various states of the United States and in the District of Columbia.

4. In the course and conduct of its business, the respondent is now, and for more than three years last past has been, in substantial competition with other corporations and with persons, firms and partnerships engaged in the sale of "systems" for use by banks and trust companies and their depositors in the conduct of Christmas Clubs and other savings systems in commerce between and among the various states of the United States and in the District of Columbia.

5. In 1936 there were approximately 17,800 banks and trust companies throughout the United States, of which approximately 5,200 operated Christmas Clubs.

6. The respondent now furnishes, and for more than three years last past has furnished, "systems" to more banks and trust companies, for use by them in the conduct of Christmas Clubs and other savings systems, than has or does any one of its competitors.

7. The annual revenues of the respondent from furnishing "systems" to banks and trust companies now exceeds, and for more than three years last past has exceeded, that of any of its competitors.

8. While prior to 1934 the respondent represented to banks or trust companies that it had the sole and exclusive right to the use of the name or phrase "Christmas Club" and represented that such name or phrase had been trade-marked by it for use on "systems", during the past three years it has not made such representations except as to the name of a magazine.

9. In 1910 Merkel Landis conceived the Christmas Club plan and in 1911 transferred to the Landis Savings Club Company all of his right, title and interest in the plan. Early in 1912 Mr. H. F. Rawll acquired from the Landis Savings Club Company the right to use the plan. Mr. Rawll immediately gave the plan the name "Christmas Club" and operated his business under the unincorporated name "Christmas Club" from March, 1912, until June, 1914, when he incorporated his business under the name "Christmas Club, A Corporation", the respondent herein. The respondent subsequently acquired all the assets of the Landis Savings Club Company. While prior to 1934 the respondent represented that it had the right to the exclusive use of the name or phrase "Christmas Club", it has not established such right in any judicial proceeding. From time to time, various persons, firms and corporations, other than the respondent, have been engaged in the business of supplying banks and trust companies with "systems" inscribed with the name "Christmas Club" for use in the operation of Christmas Clubs and from 1929 to 1932, inclusive, the respondent acquired the assets of a number thereof for a substantial consideration.

10. Since March, 1927, the respondent has been and now is the owner of the registered trade-mark "Christmas Club" for use as the title of a magazine in Class 38 (Reg. No. 225139), but the name or phrase "Christmas Club" has not been so registered by it as a trade-mark for "systems". The aforesaid representations made prior to 1934, that the respondent had the sole and exclusive right to the use of the name or phrase "Christmas Club" without having registered it or having established it in a court of competent jurisdiction, and that such name or phrase had been trade-marked by it for use on "systems" without having registered it or having established it in or by a court of competent jurisdiction for use on "systems" has had the capacity and tendency to mislead certain banks and trust companies purchasing such "systems" from the respondent into believing that such representations were true and to purchase "systems" from respondent in such erroneous beliefs.

11. Certain forms of contracts entered into by the respondent prior to the issuance of the complaint herein contained the statement that "systems" would be shipped "f. o. b. its factories". However, approximately 95% of the "systems" furnished to banks and trust companies by the respondent are manufactured for its order by manufacturing and printing concerns in which the respondent has no financial or other interest and approximately 5% of such "systems" are printed by affiliated corporations, the stock of which is owned by a corporation which also owns a part of the stock of the respondent. All "systems" furnished by the respondent are manufactured and printed for it under its directions and instructions. Said statement contained in such forms of contracts that "systems" would be shipped by the respondent "f. o. b. its factories" has had the capacity and tendency to mislead certain banks and trust companies purchasing "systems" from the respondent into believing that the respondent itself manufactured and printed its own "systems" and to induce them to purchase "systems" from the respondent in such erroneous belief.

12. At various times the respondent has represented, without explanation of the sense in which the term "promoting" is used, that it has spent over a period of time more than $3,500,000 in promoting the Christmas Club name and idea among the banks and people of the United States, such figure representing an arbitrary fraction of the total selling expenses, other than cost of goods sold, and executive selling expenses, over a period of years, of the respondent and certain other companies the assets of which have been acquired by the respondent. Such representation without explanation of the sense in which the word "promotion" has been used has not informed banks and trust companies as to the sense in which respondent has used the word "promotion" and has induced them to purchase "systems" from respondent without knowing the sense in which the word "promotion" was used.

13. By the representations hereinbefore described, trade has been diverted to respondent from its competitors and substantial injury has been done by respondent to substantial competition in interstate commerce.

14. Prior to the issuance of the complaint herein, the respondent contracted to furnish "systems" to banks and trust companies under forms of contracts, many of which were for a term of seven years and provided that the bank or trust company should purchase "systems" from the respondent exclusively.

15. Certain banks and trust companies having such contracts with the respondent have not, by reason thereof, purchased "systems" from competitors of the respondent, and the effect of such contracts has been and is to substantially lessen competition or tend to create a monopoly in the respondent.

16. Since June 19, 1936, and prior to the issuance of the complaint herein, the respondent entered into and is carrying out contracts with banks and trust companies providing that the respondent would furnish "systems" of like grade and quality to each bank or trust company and would accept in payment therefor a percentage of the deposits made in the Christmas Club of the bank or trust company. All of such contracts did not provide for payments on the same percentage basis. However, under the terms of such contracts the bank or trust company was privileged to requisition unlimited quantities of "systems" from the respondent regardless of the rate of percentage paid by the bank or trust company or regardless of the total deposits in its Christmas Club.

17. Under such contracts the respondent has, in the course of interstate commerce, discriminated and is still discriminating in price between different purchasers of "systems" of like grade and quality, the effect of which discriminations has been and is to substantially lessen competition or tend to create a monopoly in interstate commerce in "systems".

CONCLUSIONS

1. The aforesaid acts and practices of the respondent Christmas Club, A Corporation, as described in paragraphs 8, 9, 10, 11, 12 and 13 of the foregoing Findings, considered in connection with the facts set forth in paragraphs 1, 2, 3, 4, 5, 6 and 7 thereof, are to the prejudice of the public and of respondent's competitors, and constitute unfair methods of competition in commerce, within the intent and meaning of Section 5 of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes".

2. The aforesaid acts and practices of the respondent Christmas Club, A Corporation, as described in paragraphs 14 and 15 of the foregoing Findings, considered in connection with the facts set forth in paragraphs 1, 2, 3, 4, 5, 6 and 7 of the foregoing Findings, constitute a violation of the provisions of Section 3 of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914.

3. The aforesaid acts and practices of the respondent Christmas Club, A Corporation, as described in paragraphs 16 and 17 of the foregoing Findings, considered in connection with the facts set forth in paragraphs 1, 2, 3, 4, 5, 6 and 7 thereof, constitute a violation of the provisions of Section 2 (a) of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended by Section 1 of an Act of Congress entitled "An Act to amend Section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended (U. S. C., Title 15, Sec. 13), and for other purposes", approved June 19, 1936.

By the Commission.

[SEAL] W. A. AYRES, *Chairman.*

Dated this 30th day of September, A. D. 1937.

Attest:

OTIS B. JOHNSON,
*Secretary.*

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of September, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3050]

IN THE MATTER OF CHRISTMAS CLUB, A CORPORATION

ORDER TO CEASE AND DESIST

This matter coming on to be heard by the Commission on the complaint filed herein on February 5, 1937, and the amended answer of the respondent filed herein on September 28, 1937, and the Commission having made its findings as to the facts and conclusions of law; (1) that the respondent has violated the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes"; (2) that said respondent has violated the provisions of Section 3 of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes"; (3) that said respondent has violated the provisions of Section 2 (a) of the said Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", as amended by Section 1 of an Act of Congress entitled "An Act to amend Section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as amended (U. S. C. Title 15, Sec. 13), and for other purposes", approved June 19, 1936.

*It is ordered,* That respondent Christmas Club A Corporation, and its successors, officers, agents, servants and employees, forthwith cease and desist in connection with the business of selling or offering for sale "systems" (as that term is defined in the aforesaid findings as to the facts) in interstate commerce and in the District of Columbia, from doing and performing any of the following acts and things:

1. Representing that it has the right to the sole and exclusive use of the name or phrase "Christmas Club" for "systems"; and representing that the name or phrase "Christmas Club" has been trademarked by the respondent for use on "systems": *Provided, however,* That nothing contained in this order shall prohibit the respondent from exercising its lawful right to prevent other corporations, persons, firms, or partnerships from unlawfully using the name or phrase "Christmas Club" or from unlawfully using as a trademark, the name or phrase "Christmas Club";

2. Representing through advertisements, circulars, correspondence, stationery, or in any manner whatsoever, that it is the manufacturer and printer of "systems", unless and until it actually owns and operates, or directly and absolutely controls, a printing establishment wherein are printed any and all "systems" by it sold or offered for sale;

3. Representing that it has spent over a period of time more than $3,500,000, or any other sum, in promoting the Christmas Club name and idea among the banks and trust companies and the people of the United States, without accurately explaining the manner in which such sum has been computed;

4. Entering into contracts for the sale of "systems" or continuing to make sales of "systems" on the condition, agreement and understanding that the purchaser thereof shall not purchase or deal in the "systems" of a competitor or competitors of the respondent: *Provided, however,* That nothing contained in this order shall prohibit the respondent from entering into contracts whereby it agrees to furnish purchasers with such "systems" as they may requisition from the respondent if such purchasers are free to purchase "systems" from competitors of the respondent;

5. Unlawfully discriminating in price as found in Paragraph Sixteen and Seventeen of the aforesaid findings as to the facts, and conclusions.

Nothing contained in this order shall be construed to prevent the respondent from continuing to deal with banks or trust companies so long as such dealings shall not violate the provisions of this order.

*It is hereby further ordered,* That the said respondent shall within ninety (90) days from the date of service upon it of this order, file with this Commission a report in writing, setting forth in detail the manner and form in which it shall have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2951; Filed, October 4, 1937; 2:56 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3159]

IN THE MATTER OF ABRAHAM AND STRAUS, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, October 11, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room No. 338, Victoria Hotel, Seventh Avenue at Fifty-First Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2955; Filed, October 5, 1937; 9:51 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3176]

IN THE MATTER OF BLOOMINGDALE BROTHERS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, October 12, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room No. 338, Victoria Hotel, Seventh Avenue at Fifty-First Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2956; Filed, October 5, 1937; 9:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1937.

[File No. 43-78]

IN THE MATTER OF GENERAL PUBLIC UTILITIES, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by General Public Utilities, Inc., a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, covering the issuance of a maximum amount of 26,909.8 shares of no-par common stock as a dividend to outstanding no-par common stockholders, in amounts not as yet determined by the directors of the declarant, and such stockholders to be given the option of taking cash or such no-par common stock covered by this declaration;

*It is ordered,* That a hearing on such matter be held on October 22, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 18, 1937.

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2960; Filed, October 5, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of October, 1937.

[File 1-1012]

IN THE MATTER OF WARNER QUINLAN COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Common stock, no par value, of the Warner Quinlan Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given the opportunity to be heard;



*It is ordered,* That the matter be set down for hearing at 10 o'clock a. m. on October 20, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2961; Filed, October 5, 1937; 12:46 p. m.]

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*Thursday, October 7, 1937* *No. 194*

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

SUGAR ACT OF 1937

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in Sections 301 (b) and 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress),

Notice is hereby given that public hearings will be held as follows:

At Denver, Colorado, in the House Chamber, Capitol, on October 14, 1937, at 9:30 a. m.

At Pueblo, Colorado, in the County Commissioners' Room, Court House, on October 18, 1937, at 9:30 a. m.

At Scottsbluff, Nebraska, in the Emory Hotel, on October 21, 1937, at 9:30 a. m.

At Billings, Montana, on the Third Floor, Commercial Club, on October 25, 1937, at 9:30 a. m.

At Toledo, Ohio, in Room 418, New Federal Building, on October 29, 1937, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of Section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of the 1937 crop of sugar beets on farms with respect to which applications for payment under the said act are made.

Any of such hearings, after being called to order at the time and place mentioned above, may for convenience be adjourned to such other place in the same city as the presiding officer may designate.

William T. Ham and Joshua Bernhardt are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Done at Washington, D. C., this 6th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2966; Filed, October 6, 1937; 12:47 p. m.]

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Bureau of Animal Industry.

HANDLING OF LIVE POULTRY, ST. LOUIS, MISSOURI

ORDER OF DESIGNATION

Whereas, the Act of Congress approved August 14, 1935, (49 Stat. 648) entitled "An Act to amend the Packers and Stockyards Act", added thereto a new title, as follows:

TITLE V. LIVE POULTRY DEALERS AND HANDLERS

SECTION 501. The handling of the great volume of live poultry required as an article of food for the inhabitants of large centers of population is attendant with various unfair, deceptive, and fraudulent practices and devices, resulting in the producers sustaining sundry losses and receiving prices far below the reasonable value of their live poultry in comparison with prices of other commodities and in unduly and arbitrarily enhancing the cost to the consumers. Such practices and devices are an undue restraint and unjust burden upon interstate commerce and are a matter of such grave concern to the industry and to the public as to make it imperative that steps be taken to free such commerce from such burden and restraint and to protect producers and consumers against such practices and devices.

SEC. 502 (a) The Secretary of Agriculture is authorized and directed to ascertain from time to time and to designate the cities where such practices and devices exist to the extent stated in the preceding section and the markets and places in or near such cities where live poultry is received, sold, and handled in sufficient quantity to constitute an important influence on the supply and price of live poultry and poultry products. On and after the effective date of such designation, which shall be publicly announced by the Secretary by publication in one or more trade journals or in the daily press or in such other manner as he may determine to be adequate for the purpose approximately thirty days prior to such date, no person other than packers as defined in Title II of said Act and railroads shall engage in, furnish, or conduct any service or facility in any such designated city, place, or market in connection with the receiving, buying, or selling, on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, unloading, loading on trucks, trucking, or handling in commerce of live poultry without a license from the Secretary of Agriculture as herein authorized valid and effective at such time. Any person who violates any provision of this subsection shall be subject to a fine of not more than $500 or imprisonment of not more than six months, or both.

(b) Any person desiring a license shall make application to the Secretary, who may by regulation prescribe the information to be contained in such application. The Secretary shall issue a license to any applicant furnishing the required information unless he finds after opportunity for a hearing that such applicant is unfit to engage in the activity for which he has made application by reason of his having at any time within two years prior to his application engaged in any practice of the character prohibited by this Act or because he is financially unable to fulfill the obligations that he would incur as a licensee.

SEC. 503. Sections 202, 401, 402, 403, and 404 of said Act are amended by the addition of the words "or any live poultry dealer or handler" after the word "packer" wherever it occurs in said section. The term "live poultry dealer" means any person engaged in the business of buying or selling live poultry in commerce for purposes of slaughter either on his own account or as the employee or agent of the vendor or purchaser.

SEC. 504. The provisions of sections 305 to 316, both inclusive, 401, 402, 403, and 404 of said Act shall be applicable to licensees with respect to services and facilities covered by this title and the rates, charges, and rentals therefor except that the schedules of rates, charges, and rentals shall be posted in the place of business of the licensee as prescribed in regulations made by the Secretary.

SEC. 505. Whenever the Secretary determines, after opportunity for a hearing, that any licensee has violated or is violating any of the provisions of this title, he may publish the facts and circumstances of such violation and by order suspend the license of such offender for a period not to exceed ninety days and if the violation is flagrant or repeated he may by order revoke the license of the offender.

and

Whereas, the said amendment authorized and directed the Secretary of Agriculture to ascertain and designate the cities where the practices and devices named in section 501, above, exist to the extent stated in said section, and the markets and places in or near such cities where live poultry is received, sold and handled in sufficient quantity to constitute an important influence on the supply and price of live poultry and poultry products; and

Whereas, the Secretary of Agriculture has ascertained through independent investigations, correspondence, public hearings, and statements made by well-informed persons that practices and devices resulting in the producers sustaining sundry losses and receiving prices far below the reasonable value of their live poultry in comparison with the prices of other commodities, and in arbitrarily enhancing the cost to consumers, exist in the following-named city: St. Louis, Missouri.

Now, therefore, by virtue of such authorization and direction, the city above-named is hereby designated as a city where the handling of live poultry required as an article of food for inhabitants of large centers of population is attendant with various unfair, deceptive, and fraudulent practices and devices, resulting in the producers sustaining sundry losses and receiving prices far below the reasonable value of

their live poultry in comparison with prices of other commodities and in unduly and arbitrarily enhancing the cost to the consumers; and the markets and places in such city are hereby designated as markets and places where live poultry is received, sold and handled in sufficient quantities to constitute an important influence on the supply and prices of live poultry and poultry products.

*It is hereby ordered*, That notice of this designation shall be published in the following manner: By publication in the following-named papers:

St. Louis Daily Market Reporter.

St. Louis Post-Dispatch.

published within the City of St. Louis, in the State of Missouri, and by insertion in the following publications of the Department, to wit:

Press Service Release.

Marketing Activities.

such publication to be made on or about October 18, 1937.

*It is further ordered*, That such designation shall be effective on and after November 19, 1937.

In witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the City of Washington, District of Columbia, this 4th day of October, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2967; Filed, October 6, 1937; 12:47 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3141]

IN THE MATTER OF LORD & TAYLOR, BIBERMAN BROS., INC., AND GALEY & LORD, INC., CORPORATIONS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, October 14, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 338, Victoria Hotel, Seventh Avenue at Fifty-First Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2962; Filed, October 6, 1937; 10:43 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3148]

IN THE MATTER OF WALLY FRANK, LTD., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Saturday, October 16, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in room 338, Hotel Victoria, Seventh Avenue at Fifty-First Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2963; Filed, October 6, 1937; 10:43 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3194]

IN THE MATTER OF FRANKLIN KNITTING MILLS, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, October 15, 1937, at nine o'clock in the forenoon of that day (eastern standard time), at room 338, Hotel Victoria, Seventh Avenue at Fifty-First Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2964; Filed, October 6, 1937; 10:43 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1937.



Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3206]

IN THE MATTER OF H. KLUGER, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, October 13, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 338, Victoria Hotel, Seventh Avenue at Fifty-First Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-2965; Filed, October 6, 1937; 10:44 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

RULES UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

OCTOBER 4, 1937.

Certain subsidiaries of registered holding companies, subject to jurisdiction of Interstate Commerce Commission, exempted from Public Utility Holding Company Act of 1935 with respect to transactions approved by the Interstate Commerce Commission—limitation on exemption from section 9 (a) (1) of the Act.

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Section 3 (d) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, and not contrary to the purposes of said Act, the Securities and Exchange Commission hereby adopts Rule 3D-8 to read as follows:

RULE 3D-8. EXEMPTION OF SUBSIDIARIES SUBJECT TO JURISDICTION OF INTERSTATE COMMERCE COMMISSION

Any subsidiary company of a registered holding company, which subsidiary is subject to the jurisdiction of the Interstate Commerce Commission but is not an electric or gas utility company or a holding company, is hereby exempted from the obligations, duties, and liabilities imposed by the Act with respect to any transaction which is approved by the Interstate Commerce Commission, except that the exemption provided from Section 9 (a) (1) by this rule shall not be applicable to any acquisition of securities of any electric or gas utility company or holding company which is an associate of the acquiring company or to any acquisition by which said subsidiary will become a public utility or holding company.

Information or documents derived under certain sections of the Act are confidential and no disclosure of same is to be made, except under Commission authorization.

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Section 20 (a) thereof, and finding that the disclosure of information obtained in the course of examinations, studies and investigations conducted pursuant to Section 13 (g), Section 15 (f), or paragraph (a) or (b) of Section 18 would be contrary to the public interest and would interfere with the execution of the functions vested in the Commission, hereby adopts the following rule:

RULE 5. NON-DISCLOSURE OF INFORMATION OBTAINED IN THE COURSE OF EXAMINATIONS, STUDIES AND INVESTIGATIONS

Information or documents obtained by officers or employees of the Commission in the course of any examination, study or investigation pursuant to Section 13 (g), Section 15 (f), or paragraph (a) or (b) of Section 18 shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court, and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this rule. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

Exempted acquisitions, under Rule 9C-3 (5), limited to liquidating securities where recipient has no option of receiving other or different kinds or amounts of property, cash, or securities than those acquired.

Under limitations, exempted acquisitions under Rule 9C-3 (6) broadened to include receipt of securities because of a declaration of a dividend even where at option of recipient and relaxing conditions on acquisition by company not before or after such acquisition an associate company of issuer.

Addition of paragraph (F) to Rule 9C-3 (9), as complementary rule to 3D-8—further exempted acquisition permitted in case of reorganization, as defined by rule.

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, and particularly Sections 3 (d), 9 (c), and 20 (a) thereof, and finding that amendment of Rule 9C-3 (5), 9C-3 (6), and 9C-3 (9) is necessary and appropriate and that such acquisitions of securities by registered holding companies and subsidiary companies thereof as are exempted from the provisions of the Act by said rule, as hereinafter amended, are appropriate, within the limitations therein stated, and are not detrimental to the public interest or that of investors or consumers; and finding further that the following action is necessary and appropriate to carry out the provisions of said Act and not contrary to the purposes thereof, the Securities and Exchange Commission hereby amends said Rules 9C-3 (5), 9C-3 (6) and 9C-3 (9), so that the same will read as follows:

CERTAIN ACQUISITIONS OF SECURITIES EXEMPTED

RULE 9C-3 (5). Any such company may acquire any security issued or delivered to it as a dividend, including a partial or total liquidating dividend, payable in stock or other securities without any option on the part of any recipient of such dividend to accept or receive other or different kinds or amounts of property, cash or securities than those so acquired by such company; or issued or delivered to it as a result of a change in respect to par or stated value of, a split up of, or a reduction in the number of shares of stock which the issuer has outstanding.

RULE 9C-3 (6). Any such company may acquire any securities issued (A) by a company which is a majority-owned subsidiary thereof, or (B) by a company which is not, immediately before or immediately after such acquisition, an associate company thereof: *Provided* that in either case such acquisition is effected without payment of any premium or additional consideration and that such acquiring company is entitled to receive such securities

(*a*) because of any reclassification of securities of such other company or other change in the rights or holders thereof; or

(*b*) because of the exercise by the acquiring company of a right or privilege to convert securities which it already owns into other securities; or

(*c*) because of the declaration of a dividend which, at the option or election of the recipient, is payable in different kinds or amounts of property, cash or securities; or

(*d*) because of an offer made by a company described in Clause (B) above to all holders of one or more classes of its securities to deliver new securities in exchange for securities it then has outstanding; or

(*e*) because of an offer made by a company described in Clause (A) above to all holders of one or more classes of its securities to deliver new securities in exchange for securities it then has outstanding, if the issuance of such new securities is subject to provisions of Section 6 (a) or is exempted therefrom by order pursuant to Section 6 (b).

RULE 9C–3 (9). Any such company may acquire any security to which it becomes entitled by virtue of any reorganization (whether effected through a statutory merger or consolidation or by sale of the entire assets of the company or companies undergoing reorganization, or otherwise, and including a recapitalization or reincorporation) of one or more other companies, whether or not any such other company is the issuer of such security, if any one of the following additional conditions is satisfied:

(*a*) immediately prior to such reorganization and upon completion thereof, no company undergoing such reorganization and no issuer of any security so acquired is an associate company of the acquiring company; or

(*b*) immediately before such acquisition such acquiring company owns, directly or indirectly, substantially all of the outstanding securities of the company undergoing reorganization and, upon completion thereof, substantially all of the outstanding securities of the company undergoing reorganization, its successor or successors, are owned by the acquiring company; or

(*c*) such reorganization involves merely the transfer by a single company of substantially all of its assets to a new company having substantially the same capital structure, and does not involve any other substantial change in the rights of existing security holders; or

(*d*) such reorganization plan has been approved by the Commission under Section 11 (f); or

(*e*) all of the companies undergoing reorganization are public utility companies which are organized under the laws of the same State and the business of each of which is substantially confined to such State; such reorganization is effected through a satutory merger or consolidation of such companies or through a sale of the entire assets of one or more of such companies to another such company; the securities acquired in such a transaction do not, upon the consummation of such transaction, have a value in excess of $100,000 or in excess of five per cent of the total assets of the successor company or the reorganized company which continues in business, whichever of said sums is less; and all acquisitions of utility assets involved in such reorganization have been expressly authorized by the State commission of the State in which such companies are organized; or

(*f*) the securities so acquired are issued to the acquiring company solely in consideration of its interest in the company or companies undergoing reorganization and the transactions constituting such reorganization, including the issuance and sale of the securities so acquired, are exempt from Sections 6 and 9, respectively, by virtue of Rule 3D–8 (relating to certain transactions approved by the Interstate Commerce Commission);

*Provided, however,* That the exemption provided by this rule shall not be applicable to the acquisition of any securities if such securities are carried on the books of the acquiring company at a higher valuation, in the aggregate, than the one at which securities surrendered or exchanged for such securities were so carried immediately prior to such acquisition.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2969; Filed, October 6, 1937; 12:53 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October, A. D., 1937.

[File No. 31–34]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION ET AL.

NOTICE OF AND ORDER FOR HEARING

Applications having been filed with this Commission by International Utilities Corporation, a Maryland corporation, on behalf of itself and the several corporations hereinafter named, as follows:

1. Pursuant to Section 2 (a) (4) of the Public Utility Holding Company Act of 1935, for an order of the Commission declaring each of Home Natural Gas Company and Kansas-Oklahoma Natural Gas Company, each a Kansas corporation, not to be a gas utility company;

2. Pursuant to Section 3 of the Public Utility Holding Company Act of 1935, for exemption of General Water Gas and Electric Company, a Delaware corporation, and its subsidiary companies as such from the provisions of said Act;

3. Pursuant to Section 3 of the Public Utility Holding Company Act of 1935, for exemption of Edgecott Utilities Corporation, a Delaware corporation, from the provisions of said Act;

4. Pursuant to Section 3 of the Public Utility Holding Company Act of 1935, for exemption of American Equities Company, a Delaware corporation, and its subsidiary companies as such from the provisions of said Act;

5. Pursuant to Section 3 of the Public Utility Holding Company Act of 1935, for exemption of International Public Utilities Corporation, a Delaware corporation, and its subsidiary companies as such from the provisions of said Act;

6. Pursuant to Section 3 of the Public Utility Holding Company Act of 1935, for the exemption of Dominion Gas and Electric Company, a Delaware corporation, and its subsidiary companies as such from the provisions of said Act;

7. Pursuant to Section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order of the Commission declaring Community Public Service Company not to be a subsidiary company of International Utilities Corporation or of any subsidiary company of International Utilities Corporation;

8. Pursuant to Section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order of the Commission declaring Garigliano Societa Idroelettrica not to be a subsidiary of International Utilities Corporation or of any subsidiary company of International Utilities Corporation;

9. Pursuant to Section 3 of the Public Utility Holding Company Act of 1935, for exemption of International Utilities Corporation and every subsidiary of said corporation as such from the provisions of said Act;

*It is ordered,* That a joint hearing on all of such matters be held on October 14, 1937, at 10:00 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to each of the above named parties and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file a notice to that effect with the Commission on or before October 11, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in these matters, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–2968; Filed, October 6, 1937; 12:53 p. m.]



*Friday, October 8, 1937* *No. 195*

## FEDERAL COMMUNICATIONS COMMISSION.

AMENDMENT OF REGULATIONS TO GOVERN DESTRUCTION OF RECORDS OF TELEPHONE, TELEGRAPH AND CABLE COMPANIES

The Commission, at a general session held on September 29, 1937, adopted the following order:

COMMISSION ORDER NO. 17–A

The Commission having under consideration Telephone Division Orders Nos. 6–A, 6–B, and 14, subsection 85 (a), "Telephone toll tickets, and statements forming basis of charges to subscribers and others", and subsection 1 (c), "Trial balance sheets of general and auxiliary ledgers", of paragraph 20 of the Regulations to Govern the Destruction of Records of Telephone, Telegraph and Cable Companies (including Wireless Companies) promulgated pursuant to order of the Interstate Commerce Commission made on the 3rd day of November, 1919:

*It is ordered,* That the words "Optional after charges have been paid or considered to be uncollectible" in the column "Period to be retained" opposite said subsection 85 (a) of paragraph 20, be, and the same are hereby, deleted and that the words "6 months" be inserted at that point.

*It is further ordered,* That the records covered by said subsection 85 (a) of paragraph 20 be, and the same are hereby, exempted from the provisions of Telephone Division Orders Nos. 6–A, 6–B, and 14, and may be destroyed in conformity with the provisions of that subsection as amended by this order.

*It is further ordered,* That those carriers that are using reprinted copies of the said Regulations to Govern the Destruction of Records be, and the same are hereby, notified that the word "permanently" appearing in the original authenticated copies of the Interstate Commerce Commission's order of November 3, 1919, in the column "Period to be retained", opposite said subsection 1 (c), "Trial balance sheets of general and auxiliary ledgers", was by reason of a printing error omitted from such reprinted issues.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37–2970; Filed, October 7, 1937; 9:33 a. m.]

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EXEMPTION FROM PROVISIONS TITLE III, PART 2, COMMUNICATIONS ACT, 1934, AS AMENDED, OF ALL PASSENGER VESSELS OF LESS THAN 100 GROSS TONS NOT SUBJECT TO RADIO PROVISIONS OF SAFETY CONVENTION

The Telegraph Division at its regular meeting held on September 28, 1937, adopted the following order:

ORDER

The Commission, Telegraph Division, having under consideration requests made on behalf of several fishing and sight seeing boats operating locally in the vicinity of Miami, Florida, being passenger vessels of less than 100 gross tons not subject to the radio provisions of the Safety Convention; and

Whereas it appears from the face of such requests and upon preliminary investigation that the route and conditions of the voyages and other circumstances are such as to render a radio installation unreasonable or unnecessary for the purposes of Part II of Title III of the Communications Act of 1934, as amended, and

Whereas the Commission may desire to institute such further proceedings in the matter of such requests for exemption as in its discretion it may find proper;

*It is hereby ordered,* That all passenger vessels of less than 100 gross tons not subject to the radio provisions of the Safety Convention operating between Hillsborough Light and Pacific Reef Light, which are in the vicinity of Miami, Florida, and not operated more than five miles from the nearest land, be and the said class of ships is hereby exempt from the provisions of Title III, Part 2 of the Communication Act of 1934, as amended, for a temporary period pending further order of the Commission, and in any event for a period not to exceed 60 days from the date of this Order pending final decision by the Commission upon said requests for exemption; *Provided, however,* That nothing herein shall constitute a finding by the Commission that a radio installation is or will be unreasonable or unnecessary beyond the express terms hereof.

By order of the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37–2971; Filed, October 7, 1937; 9:33 a. m.]

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## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

PROPERTY MANAGEMENT DIVISION REGULATIONS

Whereas the Board Resolution adopted January 22, 1937 for the Property Management Chapter of the Consolidated Manual has been revised from time to time and further revisions thereof are intended to be made, and it is deemed advisable to readopt said resolution incorporating therein the revisions previously adopted and the revisions now proposed; Therefore,

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, the Property Management Chapter of the Consolidated Manual be numbered 3 and provide as follows:

SEC. 300. The Property Management Division shall be responsible for all matters pertaining to real property securing liens held by the Corporation from the time foreclosure or the acceptance of deed in lieu of foreclosure has been authorized and all matters pertaining to real property acquired by the Corporation, except that the primary responsibility for protecting the Corporation's security from liens resulting from unpaid taxes, assessments, other governmental levies or charges, and ground rents, is placed upon the Legal Department. The responsibility of the Division shall include the sale, rental, collection of rents, maintenance, repairs, reconditioning, rehabilitation, rebuilding, enlargement, demolishing and periodic inspections of such properties.

All appraisals in connection with such properties which the Division may deem to be necessary or advisable shall be made under the direction of the Appraisal Section.

All repairing, reconditioning, rehabilitation, rebuilding, and enlargement or demolishing of such properties which the Division shall deem to be necessary or advisable shall according to approved procedure be under the direction and charge of the Reconditioning Section, except maintenance, and the repairs and the purchase of equipment incident to the maintenance of such properties.

The Property Management Division may direct maintenance and the repairs and the purchase of equipment incident to the maintenance of such properties to be accomplished under the direction of the Reconditioning Section. Maintenance, purchase of equipment, repairs, reconditioning, rehabilitation, rebuilding and enlargement or demolishing authorized by the Property Management Division may be accomplished through Approved Contract Brokers under approved procedure. All such work accomplished through Approved Contract Brokers, except maintenance and the repairs and the purchase of equipment incident to maintenance, shall be under the direction and supervision of the Reconditioning Section.

The Regional Manager, with the advice of the Regional Counsel or the State Manager, with the advice of the State Counsel, may in his discretion bind the Corporation to expend such sums for sidewalks, street improvements or other local improvements affecting property under the jurisdiction of the Property Management Division, or for the general improvement of the neighborhood in which any such property is located, as he may deem to be for the interest of the Corporation, and may on behalf of the Corporation join in and sign petitions or requests therefor, subject to limitations prescribed in Section 314. Consents to proposed improvements out of which assessments or levies will arise shall be executed pursuant to the provisions of Chapter VI.

SEC. 301. The Property Management Division shall be under the control of the General Manager. There shall be assigned a Deputy General Manager in Charge of the Division who shall report to and take direction from the General Manager. The Deputy General Manager in Charge shall have all necessary authority to carry out the rules and regulations of the Corporation relating to matters within the jurisdiction of the Division.

SEC. 302. The Property Committee is a part of the Home Office organization of the Property Management Division. It consists of three members appointed by the Board of Directors, one of whom is designated by the Board as Chairman of the Committee. The concurrence of two members of the Committee shall be sufficient to decide any question that may be presented. The Deputy General Manager in Charge may appeal to the Board from any decision of the Committee. The functions of the Property Committee shall be:

(*a*) To review all cases where it is recommended that the property be sold at an amount which represents a loss to the Corporation in excess of 25%, based on ledger value, plus accrued and unpaid charges against the property, the estimated carrying charges for six months in advance and the commission of the broker, and to render a decision as to whether the property is to be offered for immediate sale or rental and set a minimum sales price for each such property.

(*b*) To review and render decisions with regard to all cases which the Regional Property Committee may deem it advisable to submit or which may be submitted by the Regional Manager or a Field Representative of the Property Management Division as an appeal from the decision of the Regional Property Committee.

(*c*) To review and render decisions in all cases where the amount of reconditioning, repairs, or purchases of equipment and supplies recommended by the Regional Manager exceeds 65% of the latest valuation, as reconditioned, placed on the property by the Property Management Division, or $1,500.00, provided that the amount exceeds $1,000.00.

(*d*) To review and render decisions with regard to all leases other than month to month tenancies, except where the Deputy General Manager in Charge has authorized the Regional Manager to effect leases in behalf of the Corporation, for periods not exceeding two years.

(*e*) To review and render decisions in cases where the Regional Manager or the Regional Property Committee recommends demolition in whole or in part.

(*f*) To review and render decisions in all cases where it is recommended by the Regional Manager that an offer be accepted from the owner of a property on which the Corporation holds a mortgage or other approved security instrument, to exchange such property for property acquired by the Corporation.

(*g*) To review and render decisions with regard to any other matters which the Manual of Rules and Regulations requires to be submitted to the Property Committee.

(*h*) To review and render decisions with regard to any other matters pertaining to the functions of the Property Management Division which the General Manager or the Deputy General Manager in Charge may deem advisable to submit.

(*i*) To review all cases where the Regional Manager recommends the approval of the purchase by any officer or employee of the Corporation from a home owner of property on which the Corporation holds a mortgage or other security instrument, or where the Regional Manager recommends the sale of a property owned by the Corporation, directly or indirectly, to an employee of the Corporation or to the spouse of such employee, and to submit such cases with its recommendations to the General Manager for final action.

SEC. 303. The Property Management Division in the Home Office in Washington shall conduct its operations through the Assistant General Manager to the Regional Manager.

SEC. 304. Property Management operations within the Region shall be under the control of the Regional Manager. In each Regional Office there shall be an Assistant Regional Manager in charge of Property Management, who shall report to and take direction from the Regional Manager and who shall exercise immediate direction and supervision over Property Management operations within the Region.

The Regional Manager may, in the manner now or hereafter provided request the appointment of deputies to execute forms on his behalf, to exercise any authority and to perform any duties vested in or required of the Regional Manager with respect to Property Management operations; provided, however, that such deputization is limited to the Assistant Regional Manager in charge of Property Management and employees of the Property Management Division recommended by him. The Regional Manager may deputize other employees of the Corporation with the approval of the Board.

Where justified by the volume of work, the Regional Property Management Division shall consist of four Sections: (1) Analysis; (2) Sales; (3) Management and (4) Records and Files.

There shall be a Regional Property Committee whose functions shall be to review all cases where it is recommended that the property be sold at a loss to the Corporation, provided the amount of the loss does not exceed 25%, based on ledger value, plus accrued and unpaid charges against the property, the estimated carrying charges for six months in advance and the commission of the broker and to render a decision as to whether the property is to be offered for immediate sale or rental and set a minimum sales price for each such property.

The Regional Property Committee is also authorized to direct the demolition, in whole or in part, of any improvements where such demolition is ordered by public authority and where, in the opinion of the Committee, it is to the best interest of the Corporation to provide for the demolition of such improvements through its own facilities. The Committee may also direct the demolition, in whole or in part, of any improvements other than the main structure (1) where the Appraisal Section has assigned no value to such improvements or (2) to abate a nuisance or remove a dangerous condition. The Committee may also direct the demolition of any portions of the main structure where such demolition is a part of the reconditioning program or is necessary to the completion thereof.

The Regional Property Committee shall consist of three members: The Regional Manager, Chairman, the Assistant Regional Manager in Charge of Property Management, Vice-Chairman and the Regional Appraiser. The Deputy General Manager in Charge may, at any time, supplement the membership of this Committee by the designation of a Field Representative of the Property Management Division to act as a fourth member of such Committee. The concurrence of a majority of the members shall be sufficient to decide any question that may be presented. The Regional Manager or any Field Representative of the Property Management Division designated to act on the Committee, may appeal to the Property Committee in Washington from any decision of the Regional Property Committee.



The Regional Property Committee shall make a monthly report of its activities to the Property Management Division at Washington, D. C.

SEC. 305. The State Manager, under the immediate direction and control of the Regional Manager, shall be the supervisor for Property Management within the State. The District Manager shall be the supervisor within the District for Property Management when the District Office has been authorized to perform Property Management functions.

SEC. 306. The Corporation shall endeavor to dispose of, rent and manage its acquired properties through brokers in all localities where satisfactory arrangements can be made and maintained for such facilities and where it appears to the best interests of the Corporation to conduct those activities in such manner. The Regional Manager may also assign any other properties under the jurisdiction of the Division to brokers for sale, rental or management when in his opinion it is advantageous to do so.

SEC. 307. The General Manager, upon the recommendation of the Regional Manager, is authorized to fix the schedule of fees or compensation to be paid to Sales Brokers in each locality within the Regional area. The Regional Manager is authorized to fix the schedule of fees or compensation to be paid to Contract Management Brokers for the rental and management of properties under the jurisdiction of the Division. Approved schedules of fees shall be filed with the Auditor.

SEC. 308. Brokers may be required to furnish surety bonds payable to the Corporation and such surety bonds shall be approved and accepted as provided in Chapter VI.

SEC. 309. In areas where the services of a satisfactory broker are not available, the Regional Manager may arrange for a representative citizen of the community to perform such duties in connection with the sale, rental or management of the properties under the jurisdiction of the Property Management Division as are required by the terms of the Management Broker's Agreement or Sales Broker's Agreement, and regulations pertaining to brokers shall apply to such representative citizens.

In any territory or locality where the General Manager deems it to the best interests of the Corporation to set up its own organization for the sale, rental and management of properties, and for the carrying out of any of the other functions of the Division, additional personnel may be employed or existing personnel utilized for such purposes.

SEC. 310. The General Manager, with the approval of the General Counsel, is authorized to determine the plans of sale of real properties under the jurisdiction of the Property Management Division and of any leasehold or other interests therein. The General Manager is authorized to determine the terms of payment for the sale of such properties or interests therein, provided, however, that in no event shall the term of repayment under any mortgage or other security instrument or installment or like contract exceed fifteen years from the date of delivery of the deed or of such contract. The authority herein vested in the General Manager may be exercised also by the Deputy General Manager in Charge of Property Management, the Regional Manager, and the State Manager under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

The Regional Manager shall have authority to effect sales of real properties under the jurisdiction of the Division and of any leasehold or other interests therein at or above the minimum sales price which shall be fixed in accordance with established procedure.

The Corporation shall not sell its acquired property either directly or indirectly to an employee of the Corporation or to a spouse of such employee unless and until the transaction has been submitted to the Property Committee in Washington and the approval of the General Manager obtained.

SEC. 311. Rental prices and schedules shall be established by the Regional Manager and may, subject to procedure and limitations approved by the General Manager and General Counsel, also be established by the State Manager or District Manager.

The Corporation shall not rent any property under the jurisdiction of the Division to an employee of the Corporation or to a spouse of such employee either directly or indirectly unless and until the approval of the Regional Manager has been obtained. This restriction shall not, however, affect tenancies existing on September 2, 1936.

The Regional Manager shall have authority to authorize and direct the Regional Accountant to charge off rents payable to the Corporation from former tenants of properties or units "available to yield income" and under the jurisdiction of the Division. This authority shall not extend to tenants in possession. The Regional Manager is authorized to direct the charging off of such rents whenever, in his opinion, the same are uncollectible or when it appears to his satisfaction that it would not be to the best interests of the Corporation to incur any further expense either by way of suit or otherwise in an effort to enforce or make collections.

Tenants and other occupants of properties under the jurisdiction of the Division shall make full payment of any rents due the Corporation without any deductions for disbursements made by them for repairs, decorating, fuel, equipment or other operating expenses. However, in cases where such deductions have been made or are hereafter made by present or former tenants or other occupants, the Regional Manager is authorized to allow such deductions in such amounts as he may deem proper for items which the Corporation under the terms of the rental agreement is obligated to furnish or when he deems it to the best interests of the Corporation to allow such deductions and he may authorize and direct the Regional Accountant to reflect such allowances on the appropriate accounts.

SEC. 312. The classes of expenditures, hereinafter enumerated, affecting properties upon which foreclosure or acceptance of voluntary deed has been authorized, shall be capitalized as follows:

(*a*) The total of any and all unpaid balances on the original, or subsequent loan or loans (including any unpaid balances on advances), the unpaid accrued interest to date of foreclosure judgment or sale where sale is not preceded by a judgment and all costs of acquisition regardless of when paid.

(*b*) All items of expenditure, charged on the books of the Corporation prior to date of acquisition of absolute title, regardless of amount, period covered or nature, except that expenditures incurred for credit reports, appraisal and reconditioning inspection fees, or other inspection fees, requested by the Property Management Division prior to or subsequent to title acquisition, and expenditures incurred for advertising for sale only, and sales commissions to brokers shall not be capitalized, but shall be charged to general Corporation expense.

(*c*) Items of expenditure, except taxes and insurance, incurred prior to the date of acquisition of absolute title to the property but charged after date of acquisition in excess of $25.00, and if such items in excess of $25.00 are partially applicable to a period prior to the date of acquisition, such portion (if in excess of $25.00) applicable to a period prior to the date of acquisition, shall be capitalized and the remaining portion shall be charged to property expense; no single item of acquired property expense incurred for an amount less than $25.00 (other than costs of acquisition) shall be capitalized, unless such expenditure is properly consolidated with other expenditures of less than $25.00 to aggregate more than this amount constituting a certain unit of improvement or betterment.

(*d*) Such portion of expenditures for taxes and insurance applicable to a period prior to date of acquisition, regardless of amount, and all expenditures regardless of amount made as a result of improvement assessments for public improvement with benefit of over one year; the cost of ease-

ments, purchase of reversionary interest, and costs of any public service connections or betterments, shall be capitalized.

(e) Permanent additions, enlargements, betterments, or replacements, comprising, among others, such units as stoves, furnaces, oil burners, stokers, refrigeration, plumbing (including accessories and fixtures for complete installation), and other similar items coming within the general definition of improvements or betterments to income-producing or sale values, shall be capitalized.

(f) All expenditures for initial repairs or reconditioning, whether made prior to acquisition or immediately upon acquisition or deferred until a later date, authorized by the Property Management Division to place the property in rentable or saleable condition.

Expenditures authorized and incurred by the Property Management Division, exclusive of advances for account of borrowers, shall be designated for distribution in the accounts by the Property Management Division in the Home Office, Regional Office, or Field, coincident with authorization, and it shall not be material that expenditures within the above definitions are incurred prior to or subsequent to title acquisitions.

The procedure set forth in this Section shall be retroactive to include all properties upon which foreclosure or acceptance of voluntary deed has been authorized, and all properties upon which foreclosure or acceptance of voluntary deed shall hereafter be authorized shall be included from the date of such authorization of foreclosure or voluntary deed acceptance.

SEC. 313. In addition to those officers and employees of the Corporation who are now or may be hereafter authorized to execute, acknowledge on behalf of the Corporation, seal with the corporate seal, attest, deliver or accept on behalf of the Corporation deeds and other instruments in connection with the sale or rental of real property by the Corporation, all contracts and other instruments incident to the management of property under the jurisdiction of the Property Management Division may be executed on behalf of the Corporation by such other officers and employees of the Corporation and by brokers or such other persons as may be authorized by the General Manager in procedure and under limitations prescribed by the General Manager, with the approval of the General Counsel.

SEC. 314. The Regional Manager may incur or approve charges or expenses of any nature whatsoever made or incurred in the performance of any of the functions or duties required or authorized to be done by this Chapter, and when so approved proper vouchers shall be submitted to the Auditor or an authorized deputy for certification, provided that if the amount to be expended exceeds 65% of the latest valuation as reconditioned placed on the property by the Property Management Division, or $1500.00, and provided that the amount exceeds $1000.00, the approval of the Property Committee in the Home Office shall first be obtained.

The State and District Managers may incur or approve charges in behalf of the Corporation for expenses made or incurred in the performance of any of the functions or duties required or authorized to be done by this Chapter in any case where the amount thereof does not exceed $500.00, provided that where such amount exceeds $500.00 the approval of the Regional Manager shall first be obtained. Any authority hereinabove vested in the State Manager and District Manager may also be exercised by any Assistant to the State Manager in Charge of Property Management or by any District Property Management Supervisor, when duly deputized for such purpose; provided, the Regional Manager, in his discretion, may place limitations upon such authority of State and District Managers in amounts less than $500.00.

The Regional, State and District Managers are authorized and directed, within the respective limitations herein provided, to determine the necessity for any expenditures incurred or approved by them in accordance with the provisions of this Chapter and the amounts thereof.

Contract Management Brokers and Contract Sales Brokers may incur charges in behalf of the Corporation, and may expend, out of revenues from properties listed with them, monies for expenses made or incurred in the performance of any of the functions or duties required or authorized by the regulations, provided that if the amount to be expended exceeds $25.00 on any particular property containing not more than one unit or $50.00 on any property containing more than one unit during any monthly accounting period, the approval of the State or District Manager shall first be obtained, except in any cases requiring emergency repairs for which the broker may incur charges not exceeding $100.00. In no event, however, shall the Contract Management Broker pay any bills or charges incurred in connection with any particular property which cannot be paid out of funds in possession of the broker, received from the income of that particular property. If the funds in possession of the broker from any particular property are not of sufficient amount to pay the charges or bills incurred, then same shall be paid only by voucher through the regular procedure provided therefor. An accounting shall be made by such brokers for each and every item of expense incurred hereunder and payment therefor shall be supported by proper receipts and releases, except as provided elsewhere in the regulations. All expenditures authorized hereunder shall be made under such instructions and procedure as the Deputy General Manager in Charge of Property Management, subject to the approval of the General Manager and General Counsel, may prescribe.

The authorization for payment of expenses provided for in this Section, shall apply to both recurring and nonrecurring items.

SEC. 315. The General Manager, upon the recommendation of the Regional Manager, may authorize the establishment of compensation of not to exceed two dollars per report to credit agencies for credit reports on individuals, corporations, and firms required by the Regulations relating to Property Management, in localities where such reports may not be obtained at a lower cost. The General Manager shall file with the Auditor a schedule of fees in excess of one dollar per report which are authorized for any localities.

SEC. 316. The Deputy General Manager in Charge shall be required to make a report monthly on the operations of the Property Management Division to the General Manager for transmission to the Board. The General Manager shall consider such reports and, from time to time, make recommendations to the Board as to the policies to be followed by the Property Management Division, and the Board will give such direction to the General Manager as may appear to it to be appropriate.

SEC. 317. The advice of the General Counsel or an Associate General Counsel or an Associate Counsel or of the Legal Department shall be secured before action is taken on any matter arising within the Property Management Division which affects the legal position of the Corporation.

*Be it further resolved*, That the Deputy General Manager in Charge may recommend and the General Manager and the General Counsel are hereby authorized to prescribe procedure necessary to carry out the regulations set out herein or hereafter adopted by the Board; and

*Be it further resolved*, That all previously issued regulations which are in conflict herewith, or with regulations issued under authority granted herein are hereby superseded and repealed; and particularly the resolution of January 22, 1937, entitled "Regulations for Property Management Division of the Home Owners' Loan Corporation", as amended, is repealed insofar as it relates to the Property Management Chapter of the Consolidated Manual; and

*Be it further resolved*, That the provisions of this resolution shall become effective November 1, 1937, except that the subject matter of Section 312 herein, contained in the resolution adopted by the Board of Directors of the Home Owners' Loan Corporation on May 14, 1937, relating to capitalization of expenditures, remains effective as provided in the resolution of May 14, 1937.

Adopted by the Federal Home Loan Bank Board on October 5, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2973; Filed, October 7, 1937; 11:11 a. m.]



## FEDERAL HOUSING ADMINISTRATION.

AMENDMENT TO ADMINISTRATIVE RULES OF THE FEDERAL HOUSING ADMINISTRATOR FOR MUTUAL MORTGAGE INSURANCE UNDER TITLE II OF THE NATIONAL HOUSING ACT

The Administrative Rules of the Federal Housing Administrator, issued October 1, 1937, are hereby amended as follows:

Subsection 5 of Section 1 of said Administrative Rules is amended to read as follows:

"5. Approval as a mortgagee under this section, of a banking institution or trust company which is subject to the inspection and supervision of some governmental agency, shall be deemed to constitute approval of such institution or company when lawfully acting in a fiduciary capacity in investing fiduciary funds which are under its individual or joint control. Upon termination of such fiduciary relationship, whether by revocation or otherwise, any insured mortgages held in the fiduciary estate shall be transferred to a mortgagee approved under this or the succeeding section and the fiduciary relationship must be such as to permit such transfer.

"Nothing in this section shall be construed to permit the sale to the general public of instruments representing the beneficial interest in all or part of one or more insured mortgages."

Issued at Washington, D. C., this 30th day of September, 1937 and effective on the 1st day of October, 1937.

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 37-2974; Filed, October 7, 1937; 12:54 p. m.]

## FOREIGN-TRADE ZONES BOARD.

RESOLUTION APPROVING APPLICATION OF THE ALABAMA STATE DOCKS COMMISSION AND ORDER AUTHORIZING ISSUANCE OF GRANT FOR A FOREIGN-TRADE ZONE AT MOBILE, ALABAMA

At a meeting of the Foreign-Trade Zones Board held at its offices in the City of Washington, D. C., on the 22nd day of September, A. D. 1937.

Board: Daniel C. Roper, Secretary of Commerce, Chairman; Henry Morgenthau, Jr., Secretary of the Treasury; Harry E. Woodring, Secretary of War.

RESOLUTION AND ORDER

Pursuant to the Act approved June 18, 1934 (48 Stat. 998; U. S. C. A.; Title 19 § 81a–81u) the following resolution was adopted:

"That the application of the Alabama State Docks Commission for a grant to establish and operate a foreign-trade zone at Mobile, Alabama, as permitted under Public 397, 73d Congress, be approved."

The Board having considered the matter;

*It is ordered*, Upon examination the application of the Alabama State Docks Commission for the privilege of establishing, operating, and maintaining a foreign-trade zone at Mobile has been found to be in proper order and in compliance with the Act and the rules and regulations made thereunder. Now, therefore, the Secretary of Commerce, as Chairman and Executive Officer of the Foreign-Trade Zones Board, is hereby authorized and directed to sign and issue in favor of the Alabama State Docks Commission a grant permitting the establishment, operation, and maintenance of a foreign-trade zone at Mobile, Alabama, in compliance with the application on file with the Board. It is further ordered that a copy of this grant be made a part of the record of this meeting.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT MOBILE, ALABAMA

Whereas, by an Act of Congress approved June 18, 1934, an Act

To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes

(48 Stat. 998; U. S. C. A. Title 19 § 81a–81u), hereinafter referred to as "the Act", the Foreign-Trade Zones Board, hereinafter referred to as "the Board", is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and,

Whereas, the Alabama State Docks Commission, a public corporation, organized and existing under the laws of the State of Alabama, having its office and principal place of business in the City of Mobile, in the State of Alabama, hereinafter referred to as "the Grantee", has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade zone, designated on the records of the Board as Zone No. Two, at Mobile, Alabama, as shown on the map accompanying said application, marked Exhibit No. 10a; and,

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade zone under the Act and that the facilities and appurtenances which in said application it is proposed to provide are sufficient;

Now, therefore, the Board, subject to the provisions, conditions, and restrictions of the Act and all of the rules and regulations made thereunder, hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. Two, at the specific location mentioned above and more particularly described on the map accompanying said application, marked Exhibit No. 10a, said grant being subject to the provisions, conditions, and restrictions of the Act and of all rules and regulations made thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blue prints, accompanying the said application and marked Exhibits Numbers 1 to 13, inclusive, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings, and blue prints, has previously been submitted to and has received the approval of the Board.

The work of construction under this grant shall commence within thirty days from the date of the grant; said work shall be diligently prosecuted to completion and the work of construction shall be completed and operation of the zone shall be commenced by the Grantee within one hundred twenty days from the date of this grant. The Grantee shall notify the United States District Engineer in whose district the zone is located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

The Grantee shall fully comply with the provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure the authorizations and approvals of works in navigable waters of the United States required by such laws. The grant herein made shall not be construed as conveying such approval.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said zone in the performance of their official duties.

This grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States of America be liable therefor.

In witness whereof, the Foreign-Trade [illegible]ASSOR Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, D[illegible]7; 12[illegible] C. ROPER.

ments, purchase of reversionary interest, and costs of any public service connections or betterments, shall be capitalized.

(e) Permanent additions, enlargements, betterments, or replacements, comprising, among others, such units as stoves, furnaces, oil burners, stokers, refrigeration, plumbing (including accessories and fixtures for complete installation), and other similar items coming within the general definition of improvements or betterments to income-producing or sale values, shall be capitalized.

(f) All expenditures for initial repairs or reconditioning, whether made prior to acquisition or immediately upon acquisition or deferred until a later date, authorized by the Property Management Division to place the property in rentable or saleable condition.

Expenditures authorized and incurred by the Property Management Division, exclusive of advances for account of borrowers, shall be designated for distribution in the accounts by the Property Management Division in the Home Office, Regional Office, or Field, coincident with authorization, and it shall not be material that expenditures within the above definitions are incurred prior to or subsequent to title acquisitions.

The procedure set forth in this Section shall be retroactive to include all properties upon which foreclosure or acceptance of voluntary deed has been authorized, and all properties upon which foreclosure or acceptance of voluntary deed shall hereafter be authorized shall be included from the date of such authorization of foreclosure or voluntary deed acceptance.

SEC. 313. In addition to those officers and employees of the Corporation who are now or may be hereafter authorized to execute, acknowledge on behalf of the Corporation, seal with the corporate seal, attest, deliver or accept on behalf of the Corporation deeds and other instruments in connection with the sale or rental of real property by the Corporation, all contracts and other instruments incident to the management of property under the jurisdiction of the Property Management Division may be executed on behalf of the Corporation by such other officers and employees of the Corporation and by brokers or such other persons as may be authorized by the General Manager in procedure and under limitations prescribed by the General Manager, with the approval of the General Counsel.

SEC. 314. The Regional Manager may incur or approve charges or expenses of any nature whatsoever made or incurred in the performance of any of the functions or duties required or authorized to be done by this Chapter, and when so approved proper vouchers shall be submitted to the Auditor or an authorized deputy for certification, provided that if the amount to be expended exceeds 65% of the latest valuation as reconditioned placed on the property by the Property Management Division, or $1500.00, and provided that the amount exceeds $1000.00, the approval of the Property Committee in the Home Office shall first be obtained.

The State and District Managers may incur or approve charges in behalf of the Corporation for expenses made or incurred in the performance of any of the functions or duties required or authorized to be done by this Chapter in any case where the amount thereof does not exceed $500.00, provided that where such amount exceeds $500.00 the approval of the Regional Manager shall first be obtained. Any authority hereinabove vested in the State Manager and District Manager may also be exercised by any Assistant to the State Manager in Charge of Property Management or by any District Property Management Supervisor, when duly deputized for such purpose; provided, the Regional Manager, in his discretion, may place limitations upon such authority of State and District Managers in amounts less than $500.00.

The Regional, State and District Managers are authorized and directed, within the respective limitations herein provided, to determine the necessity for any expenditures incurred or approved by them in accordance with the provisions of this Chapter and the amounts thereof.

Contract Management Brokers and Contract Sales Brokers may incur charges in behalf of the Corporation, and may expend, out of revenues from properties listed with them, monies for expenses made or incurred in the performance of any of the functions or duties required or authorized by the regulations, provided that if the amount to be expended exceeds $25.00 on any particular property containing not more than one unit or $50.00 on any property containing more than one unit during any monthly accounting period, the approval of the State or District Manager shall first be obtained, except in any cases requiring emergency repairs for which the broker may incur charges not exceeding $100.00. In no event, however, shall the Contract Management Broker pay any bills or charges incurred in connection with any particular property which cannot be paid out of funds in possession of the broker, received from the income of that particular property. If the funds in possession of the broker from any particular property are not of sufficient amount to pay the charges or bills incurred, then same shall be paid only by voucher through the regular procedure provided therefor. An accounting shall be made by such brokers for each and every item of expense incurred hereunder and payment therefor shall be supported by proper receipts and releases, except as provided elsewhere in the regulations. All expenditures authorized hereunder shall be made under such instructions and procedure as the Deputy General Manager in Charge of Property Management, subject to the approval of the General Manager and General Counsel, may prescribe.

The authorization for payment of expenses provided for in this Section, shall apply to both recurring and nonrecurring items.

SEC. 315. The General Manager, upon the recommendation of the Regional Manager, may authorize the establishment of compensation of not to exceed two dollars per report to credit agencies for credit reports on individuals, corporations, and firms required by the Regulations relating to Property Management, in localities where such reports may not be obtained at a lower cost. The General Manager shall file with the Auditor a schedule of fees in excess of one dollar per report which are authorized for any localities.

SEC. 316. The Deputy General Manager in Charge shall be required to make a report monthly on the operations of the Property Management Division to the General Manager for transmission to the Board. The General Manager shall consider such reports and, from time to time, make recommendations to the Board as to the policies to be followed by the Property Management Division, and the Board will give such direction to the General Manager as may appear to it to be appropriate.

SEC. 317. The advice of the General Counsel or an Associate General Counsel or an Associate Counsel or of the Legal Department shall be secured before action is taken on any matter arising within the Property Management Division which affects the legal position of the Corporation.

*Be it further resolved*, That the Deputy General Manager in Charge may recommend and the General Manager and the General Counsel are hereby authorized to prescribe procedure necessary to carry out the regulations set out herein or hereafter adopted by the Board; and

*Be it further resolved*, That all previously issued regulations which are in conflict herewith, or with regulations issued under authority granted herein are hereby superseded and repealed; and particularly the resolution of January 22, 1937, entitled "Regulations for Property Management Division of the Home Owners' Loan Corporation", as amended, is repealed insofar as it relates to the Property Management Chapter of the Consolidated Manual; and

*Be it further resolved*, That the provisions of this resolution shall become effective November 1, 1937, except that the subject matter of Section 312 herein, contained in the resolution adopted by the Board of Directors of the Home Owners' Loan Corporation on May 14, 1937, relating to capitalization of expenditures, remains effective as provided in the resolution of May 14, 1937.

Adopted by the Federal Home Loan Bank Board on October 5, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-2973; Filed, October 7, 1937; 11:11 a. m.]



## FEDERAL HOUSING ADMINISTRATION.

### AMENDMENT TO ADMINISTRATIVE RULES OF THE FEDERAL HOUSING ADMINISTRATOR FOR MUTUAL MORTGAGE INSURANCE UNDER TITLE II OF THE NATIONAL HOUSING ACT

The Administrative Rules of the Federal Housing Administrator, issued October 1, 1937, are hereby amended as follows:

Subsection 5 of Section 1 of said Administrative Rules is amended to read as follows:

"5. Approval as a mortgagee under this section, of a banking institution or trust company which is subject to the inspection and supervision of some governmental agency, shall be deemed to constitute approval of such institution or company when lawfully acting in a fiduciary capacity in investing fiduciary funds which are under its individual or joint control. Upon termination of such fiduciary relationship, whether by revocation or otherwise, any insured mortgages held in the fiduciary estate shall be transferred to a mortgagee approved under this or the succeeding section and the fiduciary relationship must be such as to permit such transfer.

"Nothing in this section shall be construed to permit the sale to the general public of instruments representing the beneficial interest in all or part of one or more insured mortgages."

Issued at Washington, D. C., this 30th day of September, 1937 and effective on the 1st day of October, 1937.

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 37-2974; Filed, October 7, 1937; 12:54 p. m.]

## FOREIGN-TRADE ZONES BOARD.

### RESOLUTION APPROVING APPLICATION OF THE ALABAMA STATE DOCKS COMMISSION AND ORDER AUTHORIZING ISSUANCE OF GRANT FOR A FOREIGN-TRADE ZONE AT MOBILE, ALABAMA

At a meeting of the Foreign-Trade Zones Board held at its offices in the City of Washington, D. C., on the 22nd day of September, A. D. 1937.

Board: Daniel C. Roper, Secretary of Commerce, Chairman; Henry Morgenthau, Jr., Secretary of the Treasury; Harry E. Woodring, Secretary of War.

RESOLUTION AND ORDER

Pursuant to the Act approved June 18, 1934 (48 Stat. 998; U. S. C. A.; Title 19 § 81a–81u) the following resolution was adopted:

"That the application of the Alabama State Docks Commission for a grant to establish and operate a foreign-trade zone at Mobile, Alabama, as permitted under Public 397, 73d Congress, be approved."

The Board having considered the matter;

*It is ordered*, Upon examination the application of the Alabama State Docks Commission for the privilege of establishing, operating, and maintaining a foreign-trade zone at Mobile has been found to be in proper order and in compliance with the Act and the rules and regulations made thereunder. Now, therefore, the Secretary of Commerce, as Chairman and Executive Officer of the Foreign-Trade Zones Board, is hereby authorized and directed to sign and issue in favor of the Alabama State Docks Commission a grant permitting the establishment, operation, and maintenance of a foreign-trade zone at Mobile, Alabama, in compliance with the application on file with the Board. It is further ordered that a copy of this grant be made a part of the record of this meeting.

### GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT MOBILE, ALABAMA

Whereas, by an Act of Congress approved June 18, 1934, an Act

To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes

(48 Stat. 998; U. S. C. A. Title 19 § 81a–81u), hereinafter referred to as "the Act", the Foreign-Trade Zones Board, hereinafter referred to as "the Board", is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and,

Whereas, the Alabama State Docks Commission, a public corporation, organized and existing under the laws of the State of Alabama, having its office and principal place of business in the City of Mobile, in the State of Alabama, hereinafter referred to as "the Grantee", has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade zone, designated on the records of the Board as Zone No. Two, at Mobile, Alabama, as shown on the map accompanying said application, marked Exhibit No. 10a; and,

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade zone under the Act and that the facilities and appurtenances which in said application it is proposed to provide are sufficient;

Now, therefore, the Board, subject to the provisions, conditions, and restrictions of the Act and all of the rules and regulations made thereunder, hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. Two, at the specific location mentioned above and more particularly described on the map accompanying said application, marked Exhibit No. 10a, said grant being subject to the provisions, conditions, and restrictions of the Act and of all rules and regulations made thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blue prints, accompanying the said application and marked Exhibits Numbers 1 to 13, inclusive, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings, and blue prints, has previously been submitted to and has received the approval of the Board.

The work of construction under this grant shall commence within thirty days from the date of the grant; said work shall be diligently prosecuted to completion and the work of construction shall be completed and operation of the zone shall be commenced by the Grantee within one hundred twenty days from the date of this grant. The Grantee shall notify the United States District Engineer in whose district the zone is located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

The Grantee shall fully comply with the provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure the authorizations and approvals of works in navigable waters of the United States required by such laws. The grant herein made shall not be construed as conveying such approval.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said zone in the performance of their official duties.

This grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States of America be liable therefor.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, DANIEL C. ROPER,

at Washington, D. C., this Twenty-second day of September, 1937, pursuant to an order of the Board issued on September 22, 1937.

FOREIGN-TRADE ZONES BOARD,
[SEAL] By DANIEL C. ROPER,
*Chairman and Executive Officer.*

Attest:
THOMAS E. LYONS,
*Executive Secretary.*

CERTIFICATE BY EXECUTIVE SECRETARY

I, Thomas E. Lyons, Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the following is a true extract from the records of the proceedings of the Board of that portion of the minutes of meeting of September 22, 1937, relating to the matter hereinbefore in this grant described:

Upon examination the application of the Alabama State Docks Commission for the privilege of establishing, operating, and maintaining a foreign-trade zone at Mobile has been found to be in proper order and in compliance with the Act and the rules and regulations made thereunder. Now, therefore, the Secretary of Commerce, as Chairman and Executive Officer of the Foreign-Trade Zones Board, is hereby authorized and directed to sign and issue in favor of the Alabama State Docks Commission a grant permitting the establishment, operation, and maintenance of a foreign-trade zone at Mobile, Alabama, in compliance with the application on file with the Board. It is further ordered that a copy of this grant be made a part of the record of this meeting.

Witness my hand and the seal of the Foreign-Trade Zones Board this Twenty-Second day of September, 1937, at Washington, D. C.

[SEAL] THOMAS E. LYONS,
*Executive Secretary.*

[F. R. Doc. 37-2972; Filed, October 7, 1937; 10:17 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1937.

[File No. 43-80]

IN THE MATTER OF BEVERLY GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Beverly Gas and Electric Company, a subsidiary of New England Power Association, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue to North Boston Lighting Properties, a registered holding company, of which the declarant is a subsidiary, of unsecured 3% notes of the declarant payable ten months after date in the aggregate principal amount of $650,000 to evidence a loan or loans of a like aggregate amount to be made by North Boston Lighting Properties to the declarant;

*It is ordered,* That a hearing on such matter be held on October 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2975; Filed, October 7, 1937; 12:55 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1937.

[File No. 43-79]

IN THE MATTER OF GLOUCESTER ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Gloucester Electric Company, a subsidiary of New England Power Association, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue to North Boston Lighting Properties, a registered holding company, of which the declarant is a subsidiary, of unsecured 3% notes of the declarant payable ten months after date in the aggregate principal amount of $235,000 to evidence a loan or loans of a like aggregate amount to be made by North Boston Lighting Properties to the declarant;

*It is ordered,* That a hearing on such matter be held on October 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2977; Filed, October 7, 1937; 12:55 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1937.

[File No. 43-81]

IN THE MATTER OF MALDEN ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Malden Electric Company, a subsidiary of New England Power Association, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue to North Boston Lighting Properties, a registered holding company, of which the declarant is a subsidiary, of unsecured 3% notes of the declarant payable ten months after date in the aggregate principal amount of $200,000 to evidence a loan or loans of a like aggregate amount to be made by North Boston Lighting Properties to the declarant;

*It is ordered,* That a hearing on such matter be held on October 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2976; Filed, October 7, 1937; 12:55 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1937.

[File No. 43-83]

IN THE MATTER OF SALEM GAS LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Salem Gas Light Company, as subsidiary of New England Power Association, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue to North Boston Lighting Properties, a registered holding company, of which the declarant is a subsidiary, of unsecured 3% notes of the declarant payable ten months after date in the aggregate principal amount of $425,000 to evidence a loan or loans of a like aggregate amount to be made by North Boston Lighting Properties to the declarant;

*It is ordered,* That a hearing on such matter be held on October 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2978; Filed, October 7, 1937; 12:55 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1937.

[File No. 43-82]

IN THE MATTER OF SUBURBAN GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Suburban Gas and Electric Company, a subsidiary of New England Power Association, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue to North Boston Lighting Properties, a registered holding company, of which the declarant is a subsidiary, of unsecured 3% notes of the declarant payable ten months after date in the aggregate principal amount of $785,000 to evidence a loan or loans of a like aggregate amount to be made by North Boston Lighting Properties to the declarant;

*It is ordered,* That a hearing on such matter be held on October 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-2979; Filed, October 7, 1937; 12:56 p. m.]

*Saturday, October 9, 1937* *No. 196*

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

MONTANA GRAZING DISTRICT NO. 4

MODIFICATION

SEPTEMBER 30, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Montana Grazing District No. 4, as established April 9, 1935, is hereby so modified that the exterior boundaries shall now include the following-described land:

MONTANA

*Principal Meridian*

T. 8 S., R. 20 E.,
secs. 1 and 2;
sec. 3, E½;
secs. 10 to 15, inclusive;
sec. 22, N½;
secs. 23 to 26, inclusive;
secs. 35 and 36;
T. 9 S., R. 20 E.,
secs. 1 and 2;
secs. 11 to 14 and 23 to 26, inclusive;
secs. 35 and 36;
T. 6 S., R. 21 E.,
secs. 13 and 14;
secs. 22 to 27, and 34 to 36, inclusive;
Tps. 7, 8, and 9 S., R. 21 E.,
all;
T. 5 S., R. 22 E.,
secs. 13 to 15, 22 to 27, and 34 to 36, inclusive;
Tps. 6, 7, 8, 9, and 10 S., R. 22 E.,
all;
Tps. 5, 6, 7, 8, and 9 S., R. 23 E.,
all;
T. 4 S., R. 24 E.,
all;
T. 5 S., R. 24 E.,
secs. 1 to 35, inclusive;
sec. 36, that part in Carbon County;
Tps. 6, 7, 8, and 9 S., R. 24 E.,
all;
Tps. 4, 5, and 6 S., R. 25 E.,
those parts in Carbon County;
T. 7 S., R. 25 E.,
secs. 6, 7, 18, and 19;
secs. 20 to 24, inclusive, those parts outside of Crow Indian Reservation;
secs. 27 to 34, inclusive;
T. 8 S., R. 25 E.,
secs. 3 to 10, 14 to 24, and 25 to 36, inclusive;
T. 9 S., R. 25 E.,
all;
T. 8 S., R. 26 E.,
secs. 31 and 32;
T. 9 S., R. 26 E.,
all;
Tps. 9 and 10 S., R. 27 E.,
all;
T. 7 S., R. 28 E.,
sec. 13, lots 5 to 8, inclusive;
sec. 14, lots 5 to 8, inclusive;
sec. 15, lots 5 to 8, inclusive;
sec. 16, lots 5 to 8, inclusive;
sec. 17, lots 5 to 8, inclusive;
sec. 18, lots 7 to 10, inclusive;
secs. 19 to 30, and 32 to 36, inclusive;
T. 8 S., R. 28 E.,
secs. 1 to 5, inclusive;
secs. 6 and 7, E½E½;
secs. 8 to 17, inclusive;
secs. 18 and 19, E½E½;
secs. 20 to 29, inclusive;
secs. 30 and 31, E½E½;
secs. 32 to 36, inclusive;
T. 9 S., R. 28 E.,
that part in Carbon County;
Tps. 7, 8, and 9 S., R. 29 E.,
those parts in Carbon County.

T. A. WALTERS,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-2981; Filed, October 8, 1937; 9:35 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Issued October 7, 1937

DETERMINATION OF A FARM, AND OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1937 FOR THE TERRITORY OF HAWAII, PURSUANT TO THE SUGAR ACT OF 1937

Whereas, Subsection (b) of Section 304 of the Sugar Act of 1937 provides that the Secretary shall determine what constitutes a farm for the purpose of the said act, and

Whereas, section 301 of the said act authorizes the Secretary to make payments upon certain conditions with respect to sugar or liquid sugar recoverable from the sugarcane grown on a farm for the extraction of sugar or liquid sugar, and

Whereas, the condition with respect to farming practices, as stated in subsection (e) of section 301 of the said act, is:

That there shall be carried out on the farm such farming practices in connection with the production of sugar beets and sugarcane during the year in which the crop was harvested with respect to which a payment is applied for, as the Secretary may determine, pursuant to this subsection, for preserving and improving fertility of the soil and for preventing soil erosion, such practices to be consistent with reasonable standards of the farming community in which the farm is situated.

Now, Therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby determine:

1. That in the case of the Territory of Hawaii, a farm means all land which is farmed by a producer, or group of producers, as a single farming unit, with cropping practices, work stock, equipment, labor, and management substantially separate from that of any other such unit.

2. That in order to meet the condition provided in the said subsection (e) of section 301 of the said act, there shall be carried out on farms in the Territory of Hawaii, in connection with the production of the 1937 crop of sugarcane, the following farming practices:

(*a*) For farms on which there is growing at any time during the calendar year 1937 more than 400 acres of sugarcane, the application of chemical fertilizer to sugarcane land fertilized during the calendar year 1937 in an amount not less than that required for the farms referred to in I. R. Announcement 1, issued July 28, 1937, pursuant to the provisions of Insular Region Bulletin 101, Hawaii, issued May 4, 1937.

(*b*) For farms on which there is growing at any time during the calendar year 1937 more than 100, but not more than 400 acres of sugarcane, the application during 1937 of an average gross weight of chemical fertilizer as defined in the said I. R. Announcement 1, to land on which sugarcane has been planted in 1937 and to land on which a crop of ratoon sugarcane has been started in 1937, in an amount not less than 400 pounds per acre of such land.

(*c*) For farms on which there is growing at any time during the calendar year 1937 more than 10, but not more than 100 acres of sugarcane, the application during 1937 of an average gross weight of chemical fertilizer, as defined in the said I. R. Announcement 1, to land on which sugarcane has been planted in 1937 and to land on which a crop of ratoon sugarcane has been started in 1937, in an amount not less than 200 pounds per acre of such land.

(*d*) For farms on which there is growing at any time during the calendar year 1937 not more than ten acres of sugarcane, (1) the application during the 1937 harvest season to the land from which sugarcane is harvested, of the tops and trash cut from such sugarcane; or (2) the carrying out on the farm of any of the soil building practices set forth in the said Insular Region Bulletin 101, Hawaii, for which payment would be made in an amount equal to at least 50¢ per acre for each acre of sugarcane growing on the farm during 1937.

Done at Washington, D. C., this 7th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2983; Filed, October 8, 1937; 9:52 a. m.]



Issued October 7, 1937.

DETERMINATION OF A FARM, AND OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1937-38 FOR PUERTO RICO, PURSUANT TO THE SUGAR ACT OF 1937

Whereas, Subsection (b) of Section 304 of the Sugar Act of 1937 provides that the Secretary shall determine what constitutes a farm for the purpose of the said act, and

Whereas, Section 301 of the said act authorizes the Secretary to make payments upon certain conditions with respect to sugar or liquid sugar recoverable from the sugarcane grown on a farm for the extraction of sugar or liquid sugar, and

Whereas, the condition with respect to farming practices, as stated in subsection (e) of section 301 of the said act, is:

That there shall be carried out on the farm such farming practices in connection with the production of sugar beets and sugarcane during the year in which the crop was harvested with respect to which a payment is applied for, as the Secretary may determine, pursuant to this subsection, for preserving and improving fertility of the soil and for preventing soil erosion, such practices to be consistent with reasonable standards of the farming community in which the farm is situated.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby determine:

1. That in the case of Puerto Rico, a farm means all land which is farmed by a producer, or group of producers, as a single farming unit, with cropping practices, work stock, equipment, labor, and management substantially separate from that of any other such unit.

2. That in order to meet the condition provided in the said subsection (e) of section 301 of the said act, there shall be carried out in connection with the production of the 1937-38 crop of sugarcane in Puerto Rico, except in the Island of Vieques, the following farming practices:

(*a*) For farms on which there is growing at any time during the calendar year 1937 more than 400 acres of sugarcane, the application of chemical fertilizer to sugarcane land fertilized during the calendar year 1937 in an amount not less than that required for the farms referred to in I. R. Announcement 1, issued July 28, 1937, pursuant to the provisions of Insular Region Bulletin 101, Puerto Rico, issued May 4, 1937.

(*b*) For farms on which there is growing at any time during the calendar year 1937 more than 100, but not more than 400 acres of sugarcane, the application during 1937 of an average gross weight of chemical fertilizer as defined in the said I. R. Announcement 1, to land on which sugarcane has been planted in 1937 and to land on which a crop of ratoon sugarcane has been started in 1937, in an amount not less than 400 pounds per acre of such land.

(*c*) For farms on which there is growing at any time during the calendar year 1937 more than 10, but not more than 100 acres of sugarcane, the application during 1937 of an average gross weight of chemical fertilizer, as defined in the said I. R. Announcement 1, to land on which sugarcane has been planted in 1937 and to land on which a crop of ratoon sugarcane has been started in 1937, in an amount not less than 200 pounds per acre of such land.

(*d*) For farms on which there is growing at any time during the calendar year 1937 not more than ten acres of sugarcane, (1) the application during the 1937 harvest season to the land from which sugarcane is harvested, of the tops and trash cut from such sugarcane; or (2) the carrying out on the farm of any of the soil building practices set forth in the said Insular Region Bulletin 101, Puerto Rico, for which payment would be made in an amount equal to at least 50¢ per acre for each acre of sugarcane growing on the farm during 1937.

3. That in order to meet the condition provided in the said subsection (e) of section 301 in connection with the production of the 1937-38 crop of sugarcane in the Island of Vieques, there must be carried out the following agricultural practices:

(*a*) For farms of the acreage designated in group 2 (a) above, the required application of chemical fertilizer to sugarcane land fertilized in 1937 shall be in an amount of plant food contained in chemical fertilizer, as such plant food and chemical fertilizer are defined in the said I. R. Announcement 1, not less than the greater of either (1) 75 pounds of plant food per acre of such land, or (2) 90% of the quantity of plant food which was applied during the calendar year 1936, per acre of sugarcane land fertilized during the calendar year 1936.

(*b*) For farms of the acreage designated in group 2 (*b*) above, the application during 1937 of an average gross weight of chemical fertilizer, as defined in the said I. R. Announcement 1, to land on which sugarcane has been planted in 1937 and to land on which a crop of ratoon sugarcane has been started in 1937, in an amount not less than 200 pounds per acre of such land.

(*c*) For farms of the acreage designated in group 2 (c) above, the application during 1937 of an average gross weight of chemical fertilizer, as defined in the said I. R. Announcement 1, to land on which sugarcane has been planted in 1937 and to land on which a crop of ratoon sugarcane has been started in 1937, in an amount not less than 100 pounds per acre of such land.

(*d*) For farms of the acreage designated in group 2 (d) above, (1) the application during the 1937 grinding season to the land from which sugarcane is harvested, of the tops and trash cut from such sugarcane; or (2) the carrying out on the farm of any of the soil building practices set forth in Insular Region Bulletin 101, Puerto Rico, for which payment would be made in an amount equal to at least 50¢ per acre for each acre of sugarcane growing on the farm during 1937.

Done at Washington, D. C., this 7th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-2984; Filed, October 8, 1937; 9:52 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 1391]

APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY

ORDER SETTING HEARING

Upon application filed by Pacific Gas and Electric Company for preliminary permit for project No. 1391, to consist of a series of large power developments on North Fork of Feather River, California;

The Commission *orders:* That a hearing on said application be held on November 15, 1937, at 10 a. m. in the Commission's hearing room, Hurley-Wright Building, 1800 Pennsylvania Avenue, Northwest, Washington, D. C.

Adopted by the Commission on October 5, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-2980; Filed, October 8, 1937; 9:35 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 143]

RESCISSION OF ALLOCATION OF FUNDS FOR LOANS

OCTOBER 5, 1937.

I hereby rescind the allocation of $255,000 for the project Massachusetts 3 Franklin, made by Administrative Order No. 5, dated July 28, 1936, in the amount of $200,000, and Administrative Order No. 16, dated September 3, 1936, in the amount of $55,000. This action is being taken, due to the inability of the cooperative to meet the requirements of the State Public Service Commission.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-2982; Filed, October 8, 1937; 9:35 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of October, 1937.

IN THE MATTER OF THOMAS F. GAGEN

ORDER OF SUSPENSION

The Commission having reasonable grounds to believe that the respondent Thomas F. Gagen, a member of the Boston Stock Exchange, a National Securities Exchange within the meaning of the provisions of the Securities Exchange Act of 1934, as amended, did during the period beginning on or about May 27, 1935 and continuing to July 31, 1935, effect transactions in the capital stock of the East Boston Company on the said Exchange in violation of the provisions of Sections 9 (a) (1) and 9 (a) (2) of said Act; and

The Commission on May 4, 1936, having ordered that a hearing be held for the purpose of determining whether or not grounds exist to suspend the said respondent from membership on the said Exchange for a period not to exceed twelve months or to expel him therefrom pursuant to the provisions of Section 19 (a) (3) of said Act, as amended; and

After appropriate notice and hearing on the matter before a duly authorized trial examiner, the trial examiner having filed his report, the respondent having waived oral argument before the Commission and having consented to the entry of an order suspending him from membership on the Boston Stock Exchange for a period of twelve months beginning on the 11th day of October, 1937; and

The Commission having duly considered the matter and being of the opinion such order is necessary and appropriate for the protection of investors;

*It is ordered*, Pursuant to Section 19 (a) (3) of said Act;

That, effective on the 11th day of October, 1937, respondent Thomas F. Gagen, a member, as that term is defined in said Act, of the Boston Stock Exchange, a National Securities Exchange, be, and hereby is suspended from said Exchange for a period of twelve months; and

*It is further ordered*, That a copy of this Order be served upon the respondent herein or his counsel, and upon the Secretary of the Boston Stock Exchange.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2985; Filed, October 8, 1937; 12:48 p. m.]

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***Tuesday, October 12, 1937*** ***No. 197***

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ENLARGING OUACHITA NATIONAL FOREST

*Arkansas*

By virtue of and pursuant to the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), it is ordered that, subject to valid existing rights, the following-described public land in Arkansas be, and it is hereby, included in and made a part of the Ouachita National Forest:

FIFTH PRINCIPAL MERIDIAN

T. 4 S., R. 28 W., sec. 31, lots 1 and 5 of NW¼, 79.50 acres.

The reservation made by this order supersedes the temporary withdrawal of the above-described land made by Executive Order No. 7628 of June 8, 1937.[1]

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 8, 1937.*

[No. 7719]

[F. R. Doc. 37-2996; Filed, October 9, 1937; 11:44 a. m.]

[1] 2 F. R. 998.

EXECUTIVE ORDER

ESTABLISHING CAMAS MIGRATORY WATERFOWL REFUGE

*Idaho*

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands acquired, or to be acquired, by the United States within the following-described area, comprising approximately 10,922 acres in Jefferson County, Idaho, be, and they are hereby, reserved and set apart, subject to existing valid rights, for the use of the Department of Agriculture, as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the described area shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

BOISE MERIDIAN

T. 7 N., R. 35 E.,
sec. 1, lots 6 and 7, E½SW¼, and W½SE¼;
sec. 11, E½E½;
sec. 12, all;
sec. 13, lots 1 to 4, inclusive, W½NE¼, E½W½, and W½SE¼;
sec. 23, NE¼, SE¼NW¼, E½SW¼, and SE¼;
sec. 24, all;
sec. 25, lots 1, 2, and 3, and SW¼NE¼;
sec. 26, W½NE¼ and E½NW¼.
T. 7 N., R. 36 E.,
sec. 4, SE¼NE¼ and E½SE¼;
sec. 5, lots 3 and 4, S½NW¼, and SW¼;
sec. 6, lots 1, 2, 6, and 7, S½NE¼, E½SW¼, and SE¼;
secs. 7 to 9 and 16 to 19, inclusive;
sec. 20, N½, SW¼, and NW¼SE¼;
sec. 21, N½;
sec. 29, W½;
sec. 30, all.
T. 8 N., R. 36 E.,
sec. 28, SW¼;
sec. 29, SE¼SW¼ and SE¼;
sec. 31, NE¼NE¼;
sec. 32, N½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼, and SW¼;
sec. 33, N½NW¼.

This refuge shall be known as the Camas Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 8, 1937.*

[No. 7720]

[F. R. Doc. 37-2997; Filed, October 9, 1937; 11:44 a. m.]

EXECUTIVE ORDER

ENLARGING WILLAPA HARBOR MIGRATORY BIRD REFUGE

*Washington*

By virtue of and pursuant to the authority vested in me as President of the United States and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands and accretions thereto, comprising approximately 5,000 acres in Pacific County, Washington, acquired or to be acquired by the United States, be, and they are hereby, reserved and set apart, subject to existing valid rights, for the use of the Department of Agriculture as an addition to the Wallapa Harbor Migratory Bird Refuge established by Executive Order No. 7541 of January 22, 1937[1]: *Provided*, that any private lands within the area described shall become a part of the refuge upon the acquisition of title thereto or lease thereof by the United States:

WILLAMETTE MERIDIAN

T. 11 N., R. 10 W.,
sec. 5, lots 5 and 6, and SW¼SW¼;
secs. 6 and 7;
sec. 8, lots 2 to 5, inclusive, and NW¼NW¼;
sec. 17, lots 3, 4, and 5;
secs. 18 and 19;
sec. 20, lots 1 to 5, inclusive, SW¼NW¼, and W½SW¼;
sec. 29, lots 2, 3, and 4, and NW¼NW¼;
sec. 30, all.

[1] 2 F. R. 133.



WILLAMETTE MERIDIAN—Continued

T. 11 N., R. 11 W.,
secs. 1, 12, and 13.
T. 12 N., R. 11 W.
secs. 25 and 36.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 8, 1937.*

[No. 7721]

[F. R. Doc. 37-2998; Filed, October 9, 1937; 11:44 a. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR THE USE, POSSESSION, AND CONTROL OF THE TENNESSEE VALLEY AUTHORITY

*Alabama*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and by section 7 (b) of the act of May 18, 1933, 48 Stat. 58, 63, it is ordered as follows:

SECTION 1. Executive Order No. 6964 of February 5, 1935, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked in so far as it affects the following-described tract of public land in Alabama:

HUNTSVILLE MERIDIAN

T. 4 S., R. 7 E., sec. 28, NW¼NW¼, 40 acres.

SECTION 2. The tract of land described in section 1 of this order is hereby temporarily withdrawn from settlement, location, sale, or entry and, subject to valid existing rights, reserved for the use, possession, and control of the Tennessee Valley Authority.

SECTION 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 8, 1937.*

[No. 7722]

[F. R. Doc. 37-2999; Filed October 9, 1937; 11:44 a. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR CLASSIFICATION

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and subject to the conditions therein expressed, it is ordered that the public lands within the following-described area in New Mexico be, and they are hereby, temporarily withdrawn from settlement, locations, sale, or entry for classification as to their suitability for wildlife refuge purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 25 E.,
sec. 11, E½NE¼, NE¼SE¼, and S½SE¼;
sec. 14, E½NE¼, S½NW¼, N½SW¼, and E½SE¼;
sec. 15, E½NE¼, SW¼, and N½SE¼;
sec. 21, E½SE¼;
sec. 22, SW¼NE¼, W½, and NW¼SE¼;
sec. 23, NE¼, S½NW¼, and SW¼;
sec. 26, N½NW¼;
sec. 27, N½NW¼;
sec. 28, N½NE¼, aggregating 1,960 acres.

This order shall continue in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE.
*October 8, 1937.*

[No. 7723]

[F. R. Doc. 37-3001; Filed, October 11, 1937; 11:55 a. m.]

EXECUTIVE ORDER

ESTABLISHING BITTER LAKE MIGRATORY WATERFOWL REFUGE

*New Mexico*

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all lands owned or controlled by the United States within the following-described area, comprising 21,869 acres, more or less, in Chaves County, New Mexico, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 S., R. 24 E.,
sec. 24, S½SE¼;
sec. 25, NE¼, E½NW¼, E½SW¼ and SE¼.
T. 8 S., R. 25 E.,
sec. 13, SW¼;
sec. 14, S½;
sec. 15, S½;
sec. 16, S½;
sec. 17, all;
sec. 18, SE¼;
secs. 19 to 23, inclusive;
sec. 24, W½;
sec. 25, W½;
secs. 26 to 30, inclusive;
sec. 31, E½;
secs. 32 to 34, inclusive;
sec. 35, N½ and SW¼.
T. 9 S., R. 25 E.,
sec. 26, S½NW¼ and SW¼;
sec. 27, S½N½ and S½;
sec. 28, S½NE¼, SE¼SW¼, and SE¼;
sec. 32, NE¼NE¼, S½NE¼, E½SW¼, and SE¼;
secs. 33 and 34;
sec. 35 W½.
T. 10 S., R. 25 E.,
sec. 2, W½;
secs. 3 and 4;
sec. 5, lots 1, 2, 3, S½N½, and S½;
secs. 9 and 10;
sec. 11, W½;
sec. 14, NW¼;
sec. 15, N½ and SW¼;
sec. 16, all;
sec. 20, SE¼;
sec. 21, all;
sec. 22, W½NW¼;
sec. 28, N½NE¼ and W½;
sec. 29, E½.

The reservation made by this order supersedes as to any of the above-described lands affected thereby the temporary withdrawal for refuge classification made by Executive Order No. 5909 of August 22, 1932.

This refuge shall be known as the Bitter Lake Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 8, 1937.*

[No. 7724]

[F. R. Doc. 37-3002; Filed, October 11, 1937; 11:55 a. m.]

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## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[Regulations No. 7]

PRODUCTION, FORTIFICATION, TAX PAYMENT, ETC., OF WINE

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APPENDIX

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IV. Specific gravity at 60° F., corresponding to readings of Balling's saccharometer.
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VI. Temperature corrections to readings of alcoholometers (standard at 60° F.)
VII. Alcohol tables for Juerst's ebulliometer.
VIII. Alcohol tables for Lefco ebulliometer.
IX. Number of wine gallons of brandy to be added to 100 wine gallons of wine containing from 1 to 15 per cent of alcohol.

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LAWS PERTAINING TO THE MANUFACTURE, FORTIFICATION, AND TAX PAYMENT OF WINE

NATURAL WINE

SEC. 610 (Act of February 24, 1919, as amended by section 11, Act of August 29, 1935, and section 330, Act of June 26, 1936) (U. S. C., 1934 ed., title 26, section 1310; U. S. C., 1934 ed., Sup. II, title 26, section 1310 (d)). That natural wine within the meaning of this Act shall be deemed to be the product made from the normal alcoholic fermentation of the juice of sound, ripe grapes, without addition or abstraction, except such as may occur in the usual cellar treatment of clarifying and aging: *Provided, however,* That the product made from the juice of sound, ripe grapes by complete fermentation of the must under proper cellar treatment and corrected by the addition (under the supervision of a gauger or storekeeper-gauger in the capacity of gauger) of a solution of water and pure cane, beet, or dextrose sugar (containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis) to the must or to the wine, to correct natural deficencies, when such addition shall not increase the volume of the resultant product more than 35 per centum, and the resultant product does not contain less than five parts per thousand of acid before fermentation and not more than 13 per centum of alcohol after complete fermentation shall be deemed to be wine within the meaning of this Act, and may be labeled, transported, and sold as "wine", qualified by the name of the locality where produced, and may be further qualified by the name of its own particular type or variety: *And provided further,* That wine as defined in this section may be sweetened with cane sugar or beet sugar or pure condensed grape must and fortified under the provisions of this Act, and wines so sweetened or fortified shall be considered sweet wine within the meaning of this Act.

FRUIT AND BERRY WINES

The provisions of the internal-revenue laws applicable to natural wine shall apply in the same manner and to the same extent to citrus fruit wines, peach wines, cherry wines, berry wines, apricot wines, and apple wines, which are the products, respectively, of normal alcoholic fermentation of the juice of sound ripe (1) citrus fruit (except lemons and limes), (2) peaches, (3) cherries, (4) berries, (5) apricots, or (6) apples, with or without the addition of dry cane, beet, or dextrose sugar containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis for the purpose of perfecting the product according to standards, but without the addition or abstraction of other substances, except as may occur in the usual cellar treatment of clarifying or aging.

AUTHORITY TO WAIVE SUPERVISION

SEC. 318 (Act of June 26, 1936) (U. S. C., 1934, ed., Sup. II, title 26, section 1302-a). The Secretary of the Treasury may, by regulations, authorize the amelioration of wine by the winemaker and the fortification of wine, without supervision by any officer of the United States, whenever he determines that such authorization may be made without danger to the revenue.

TAX ON STILL WINES

SEC. 611 (Act of February 24, 1919, as amended by section 451, Act of May 29, 1928, section 6, Act of January 11, 1934 and section 319 (c), Act of June 26, 1936) (U. S. C., 1934 ed., Sup. II, title 26, section 1300 (a) (1)). That upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, which are hereafter produced in or imported into the United States, or which on the day after the passage of this Act are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal revenue taxes now imposed thereon by law, taxes at rates as follows, when sold, or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 5 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 10 cents per wine gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 20 cents per wine gallon.

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

Any such wines may, under such regulations as the Secretary may prescribe, be sold or removed tax free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

The taxes imposed by this section shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

WITHDRAWAL OF BRANDY FOR USE IN FORTIFYING WINES—TAX ON BRANDY USED IN FORTIFYING WINES—BOND TO COVER TAX FULLY

SEC. 612 (Act of February 24, 1919, as amended by section 452, Act of May 29, 1928, section 8, Act of January 11, 1934, section 12, Act of August 29, 1935, and section 331, Act of June 26, 1936) (U. S. C., 1934 ed., Sup. II, title 26, section 1301). (a) Under such regulations and official supervision and upon the giving of such notices and entries as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this title may withdraw from any fruit distillery or Internal Revenue Bonded Warehouse grape brandy, or wine spirits, for the fortification of such wines on the premises where actually made, and any producer of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, or apple wines may similarly withdraw citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, or apple brandy for the fortification, respectively, of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, or apple wines, on the premises where actually made: *Provided,* That after the date of the enactment of the Liquor Tax Administration Act there shall be levied and assessed against the producer of such wines or citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, or apple wines (in lieu of the internal-revenue tax now imposed thereon by law) a tax of 10 cents per proof-gallon of grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, apple brandy, or wine spirits, whenever withdrawn and so used by him after such date in the fortification of such wines, or citrus-fruit wines or peach wines, cherry wines, berry wines, apricot wines, or apple wines during the preceding month, which assessment shall be paid by him within eighteen months from the date of notice thereof: *Provided,* That every producer of wine who withdraws such brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, apple brandy, or wine spirits shall give bond to fully cover at all times prior to payment of the assessment the amount of tax due on such brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, apple brandy, or wine spirits, which bond shall be in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall, by regulations, prescribe. When such wines are destroyed or sold or removed for the manufacture of vinegar, or the production of dealcoholized wines, containing less than one-half of 1 per centum of alcohol by volume, the tax under this section on such grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, apple brandy, or wine spirits shall, under such regulations as the Secretary may prescribe be abated or refunded.

(b) Nothing contained in this section shall be construed as exempting any wines, citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, apple wines, cordials, liqueurs, or similar compounds from the payment of any tax provided for in this title.

(c) Any such wines, or citrus-fruit wines, or peach wines, cherry wines, berry wines, apricot wines, apple wines, may, under such regulations as the Secretary may prescribe, be sold or removed tax free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

(d) The taxes imposed by this section shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

TAX ON CHAMPAGNE AND SPARKLING WINES

SEC. 613 (Act of February 24, 1919, as amended by section 7, Act of January 11, 1934, section 13, Act of August 29, 1935, and section 319 (d), Act of June 26, 1936) (U. S. C., 1934 ed., Sup. II, title 26, section 1300 (a) (2)). (a) Upon the following articles which are produced in or imported into the United States, after the date of the enactment of the Liquor Tax Administration Act, or which on the day after such date are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes imposed thereon by law prior to such date, taxes at rates as follows, when sold, or removed for consumption or sale:

On each bottle or other container of champagne or sparkling wine, 2½ cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 1¼ cents on each one-pint or fraction thereof:

On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, or apple brandy, 1¼ cents on each one-half pint or fraction thereof;

Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume (except vermouth, liqueurs, cordials, and similar compounds made in rectifying plants and containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, or apple wine, fortified respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back the amount of all taxes on such liqueurs, cordials, and similar compounds paid by or assessed against rectifiers at the distilled spirits rate prior to the date of the enactment of the Liquor Tax Administration Act.

WINE TAX TO BE PAID BY STAMP—NOTICE AND BOND

SEC. 616 (Act of February 24, 1919, as amended by section 338, Act of June 26, 1936 (U. S. C., 1934 ed., title 26, section 1300 (b) (1) and Sup. II, title 26, sections 1300 (a) (1) and 1306). That the taxes imposed by section 611 or 613 shall be paid by stamp on removal of the wines from the customhouse, winery, or other bonded place of storage for consumption or sale, and every person hereafter producing, or having in his possession or under his

control when this title takes effect, any wines subject to the tax imposed in section 611 or 613 shall file such notice, describing the premises on which such wines are produced or stored; shall execute a bond in such form; shall make such inventories under oath; and shall, prior to sale or removal for consumption, affix to each cask, barrel, bottle, or other immediate container, and to each case or other shipping container, of such wine, such marks, labels, or stamps as the Commissioner, with the approval of the Secretary, may from time to time prescribe as to each; and the premises described in such notice shall, for the purpose of this Act, be regarded as bonded premises. But the provisions of this section, except as to payment of tax and the affixing of the required stamps or labels, shall not apply to wines held by retail dealers, as defined in section 3244 of the Revised Statutes, nor, subject to regulations prescribed by the Commissioner, with the approval of the Secretary, shall the tax imposed by section 611 apply to wines produced for the family use of the duly registered producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year.

USE OF WINE SPIRITS IN PRODUCTION OF SWEET WINES

SEC. 42 (Act of October 1, 1890, as amended by section 68, Act of August 27, 1894, section 617, Act of February 24, 1919, section 14, Act of August 29, 1935, and section 332, Act of June 26, 1936) (U. S. C., 1934 ed., title 26, section 1302 (a) and Sup. II, title 26, sections 1301 (e) and 1302 (a)). That any producer of pure sweet wines may use in the preparation of such sweet wines, under such regulations and after the filing of such notices and bonds, together with the keeping of such records and the rendition of such reports as to materials and products as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, wine spirits produced by any duly authorized distiller, and the Commissioner of Internal Revenue, in determining the liability of any distiller of wine spirits to assessment under section 3309 of the Revised Statutes, is authorized to allow such distiller credit in his computations for the wine spirits withdrawn to be used in fortifying sweet wines under this Act.

USE OF CITRUS-FRUIT BRANDY IN FORTIFYING CITRUS-FRUIT WINES

The provisions of this section and section 43 shall apply to the use of citrus-fruit brandy in the preparation of fortified citrus-fruit wines in the same manner and to the same extent as such provisions apply to the use of wine spirits in the fortification of sweet wines, except that no brandy (other than a citrus-fruit brandy) may be used in the fortification of citrus-fruit wine and a citrus-fruit brandy prepared from one kind of citrus fruit may not be used for the fortification of a citrus-fruit wine prepared from another kind of citrus fruit or for the fortification of a wine prepared from any fruit other than citrus fruit.

USE OF FRUIT AND BERRY BRANDIES IN FORTIFYING FRUIT AND BERRY WINES

The provisions of this section and section 43 shall apply to the use of peach brandy, cherry brandy, berry brandy, apricot brandy, and apple brandy, in the preparation, respectively, of fortified peach wines, cherry wines, berry wines, apricot wines, and apple wines, in the same manner and to the same extent as such provisions apply to the use of wine spirits in the fortification of sweet wines; except that (1) no brandy other than peach brandy may be used in the fortification of peach wine and peach brandy may not be used for the fortification of any wine other than peach wine, (2) no brandy other than cherry brandy may be used in the fortification of cherry wine and cherry brandy may not be used for the fortification of any wine other than cherry wine, (3) no brandy other than berry brandy may be used in the fortification of berry wine and a berry brandy prepared from one kind of berry may not be used for the fortification of a berry wine prepared from another kind of berry or for the fortification of any wine other than berry wine, (4) no brandy other than apricot brandy may be used in the fortification of apricot wine and apricot brandy may not be used for the fortification of any wine other than apricot wine, and (5) no brandy other than apple brandy may be used in the fortification of apple wine and apple brandy may not be used for the fortification of any wine other than apple wine.

WINE SPIRITS—PURE SWEET WINES

SEC. 43 (Act of October 1, 1890, amended by section 68, Act of August 27, 1894, and section 617, Act of February 24, 1919) (U. S. C., 1934 ed., title 26, section 1302 (d)). That the wine spirits mentioned in section 42 is the product resulting from the distillation of fermented grape juice, to which water may have been added prior to, during, or after fermentation, for the sole purpose of facilitating the fermentation and economical distillation thereof, and shall be held to include the product from grapes or their residues commonly known as grape brandy, and shall include commercial grape brandy which may have been colored with burnt sugar or caramel; and the pure sweet wine which may be fortified with wine spirits under the provisions of this act is fermented or partially fermented grape juice only, with the usual cellar treatment, and shall contain no other substance whatever introduced before, at the time of, or after fermentation, except as herein expressly provided: *Provided*, That the addition of pure boiled or condensed grape must or pure crystallized cane or beet sugar, or pure dextrose sugar containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis, or water, or any or all of them, to the pure grape juice before fermentation, or to the fermented product of such grape juice, or to both, prior to the fortification herein provided for, either for the purpose of perfecting sweet wines according to commercial standards or for mechanical purposes, shall not be excluded by the definition of pure sweet wine aforesaid: *Provided, however*, That the cane or beet sugar, or pure dextrose sugar added for sweetening purposes shall not be in excess of 11 per centum of the weight of the wine to be fortified: *And provided further*, That the addition of water herein authorized shall be under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe: *Provided, however*, That records kept in accordance with such regulations as to the percentage of saccharine, acid, alcoholic, and added water content of the wine offered for fortification shall be open to inspection by any official of the Department of Agriculture thereto duly authorized by the Secretary of Agriculture; but in no case shall such wines to which water has been added be eligible for fortification under the provisions of this act, where the same, after fermentation and before fortification, have an alcoholic strength of less than 5 per centum of their volume.

WITHDRAWAL OF WINE SPIRITS FOR USE IN FORTIFYING PURE SWEET WINES—WHERE WINES MAY BE FORTIFIED—GOVERNMENT SUPERVISION OF FORTIFYING WINES

SEC. 45 (Act of October 1, 1890, as amended by section 68, Act of August 27, 1894, and section 617, Act of February 24, 1919) (U. S. C., 1934 ed., title 26, section 1302 (b) and (c)). That under such regulations and official supervision, and upon the execution of such entries and the giving of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, any producer of pure sweet wines as defined by this act may withdraw wine spirits from any special bonded warehouse in original packages or from any registered distillery in any quantity not less than eighty wine gallons, and may use so much of the same as may be required by him under such regulations, and after the filing of such notices and bonds and the keeping of such records and the rendition of such reports as to materials and products and the disposition of the same as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe in fortifying the pure sweet wines made by him, and for no other purpose, in accordance with the foregoing limitations and provisions; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized whenever he shall deem it to be necessary for the prevention of violations of this law to prescribe that wine spirits withdrawn under this section shall not be used to fortify wines except at a certain distance prescribed by him from any distillery, rectifying house, winery, or other establishment used for producing or storing distilled spirits, or for making or storing wines other than wines which are so fortified, and that in the building in which such fortification of wines is practiced no wines or spirits other than those permitted by this regulation shall be stored in any room or part of the building in which fortification of wines is practiced. The use of wine spirits for the fortification of sweet wines under this act shall be under the immediate supervision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall provide by regulations the time within which wines so fortified with the wine spirits so withdrawn may be subject to inspection, and for final accounting for the use of such wine spirits and for rewarehousing or for payment of the tax on any portion of such wine spirits which remain not used in fortifying pure sweet wines.

FILTERING, CLARIFYING, OR PURIFYING—MANUFACTURE OF VERMOUTH

SEC. 319 (b) (Act of June 26, 1936) (U. S. C., 1934 ed., Sup. II, title 26, section 1151 (e) and (f)). Section 605 of the Revenue Act of 1918, as amended, is amended by adding at the end thereof two new paragraphs reading as follows:

"The filtering, clarifying, or purifying of wines on bonded winery premises or bonded storeroom premises shall not be deemed to be rectification within the meaning of paragraph 'Third' of section 3244 of the Revised Statutes (U. S. C., 1934 ed., title 26, sec. 1398 (f)). The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations under this section as he deems necessary.

"The manufacture of vermouth with fortified sweet wine on bonded winery premises shall not be deemed to be rectification within the meaning of paragraph 'Third' of section 3244 of the Revised Statutes, if distilled spirits are not added to the fortified sweet wine used in the manufacture thereof or to such vermouth during or after its manufacture. Such vermouth may be manufactured on bonded winery premises, but only in a separate department thereof having no interior communication with any other department or part of such premises, under such supervision and in accordance with such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

TRANSFER OF WINE IN BOND

SEC. 618 (Act of February 24, 1919, as amended by section 334, Act of June 26, 1936) (U. S. C., 1934 ed., title 26, section 1303, and Sup. II, title 26, section 1304). (a) That under such regulations and upon the execution of such notices, entries, bonds, and other security as the commissioner, with the approval of the Secretary, may prescribe, domestic wines subject to the tax imposed by section 611 (U. S. C., 1934 ed., Sup. II, title 26, section 1300 (a) (1)) may be removed from the winery where produced, free of tax, for storage on other bonded premises or from such premises to other bonded premises (but not more than one such additional removal shall be allowed), or for exportation from the United States, or for use as distilling material at any regularly registered distillery: *Provided, however*, That the distiller using any such wine as material shall, subject to the provisions of section 3309 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 26, section 1197), be held to pay the tax on the product of such wines as will include both the alcoholic strength therein produced by fermentation and that obtained from the brandy or wine spirits added to such wines at the time of fortification.

WINES FOR USE AS DISTILLING MATERIAL

(b) Under regulations prescribed by the Commissioner with the approval of the Secretary, it shall be lawful to produce grape wines, citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, and apple wines on bonded winery premises by the usual method, and to transport and use the same, and like wines heretofore produced and now stored on bonded winery premises, as distilling material in any fruit-brandy distillery or industrial-alcohol plant.

ASSESSMENT OF TAX ON IMPORTED WINES

SEC. 619 (Act of February 24, 1919) (U. S. C., 1934 ed., title 26, section 1300 (b) (2)). That the collection of the tax on imported still wines, including vermouth, and sparkling wines, including champagne, and on imported liqueurs, cordials, and similar compounds, may be made within the discretion of the Commissioner, with the approval of the Secretary, by assessment instead of by stamps.

NOT TO COMMENCE OR CONTINUE BUSINESS UNTIL BOND IS APPROVED

SEC. 67 (Act of August 27, 1894, as amended by section 305, Act of June 26, 1936) (U. S. C., 1934 ed., Sup. II, title 26, section 1166 (c)). (a) No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a distiller, rectifier, brewer, or winemaker, shall commence or continue the business of a distiller, rectifier, brewer, or winemaker until all bonds in respect of such a business, required by any provision of law, have been approved by the Commissioner of Internal Revenue or such other officer of the Bureau of Internal Revenue as the Commissioner, with the approval of the Secretary of the Treasury, may designate.

DISAPPROVAL OF BOND

(b) The Commissioner or the designated officer may disapprove any such bond or bonds if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of the business of the individual or firm, partnership, corporation, or association giving the same, shall have been previously convicted, in a court of competent jurisdiction, of (1) any fraudulent noncompliance with any provision of any law of the United States if such provision related to internal-revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised, with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise, or (2) any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor.

(c) In case the disapproval is by any officer other than the Commissioner, the individual, firm, partnership, corporation, or association giving the bond may appeal from such disapproval to the Commissioner.

(d) The disapproval of the Commissioner in any matter under this section shall be final.

PENALTY FOR VIOLATION OF WINE LAWS—BLENDING OF WINES—USE OF ALCOHOL IN FORTIFYING WINES

SEC. 620 (Act of February 24, 1919, as amended by section 335, Act of June 26, 1936) (U. S. C., 1934 ed., Sup. II, title 26, section 1309). That whoever evades or attempts to evade any tax imposed by sections 611 to 615, both inclusive, or any requirement of sections 610 to 621, both inclusive, or regulation issued pursuant thereto, or whoever, otherwise than as provided in such sections, recovers or attempts to recover any spirits from domestic or imported wine, shall, on conviction, be punished for each such offense by a fine of not exceeding $5,000, or imprisonment for not more than five years, or both, and in addition thereto by a penalty of double the tax evaded, or attempted to be evaded, to be assessed and collected in the same manner as taxes are assessed and collected, and all wines, spirits, liqueurs, cordials, or similar compounds as to which such violation occurs shall be forfeited to the United States. But the provisions of this section and the provisions of section 3244 of the Revised Statutes, as amended, relating to rectification, or other internal revenue laws of the United States, shall not be held to apply to or prohibit the mixing or blending of wines subject to tax under the provisions of sections 611 to 615, both inclusive, with each other or with other wines for the sole purpose of perfecting such wines according to commercial standards: *Provided*, That nothing herein contained shall be construed as prohibiting the use of tax-paid grain or other ethyl alcohol in the fortification of sweet wines as defined in section 610 of this Act and section 43 of the Act entitled "An Act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, as amended by this Act.

SPIRIT METERS, LOCKS AND SEALS—SUPERVISION BY GOVERNMENT OFFICERS

SEC. 621 (Act of February 24, 1919) (U. S. C., 1934 ed., title 26, sections 1307, 1308). That the Commissioner, by regulations to be approved by the Secretary, may require the use at each fruit distillery of such spirit meters, and such locks and seals to be affixed to fermenters, tanks, or other vessels and to such pipe connections as may in his judgment be necessary or expedient, and is hereby authorized to assign to any such distillery and to each winery where wines are to be fortified such number of gaugers or storekeeper-gaugers in the capacity of gaugers as may be necessary for the proper supervision of the manufacture of brandy or the making or fortifying of wines subject to tax imposed by this section; and the compensation of such officers shall not exceed $5 per diem while so assigned, together with their actual and necessary traveling expenses, and also a reasonable allowance for their board bills, to be fixed by the Commissioner, with the approval of the Secretary, but not to exceed $2.50 per diem for such board bills.

ALLOWANCE FOR LOSSES OF WINE

SEC. 622 (Act of February 24, 1919 (U. S. C., 1934 ed., title 26, section 1305). That the Commissioner, with the approval of the Secretary, is hereby authorized to make such allowances for unavoidable loss of wines while on storage or during cellar treatment as in his judgment may be just and proper.

BRANDY DISTILLERS' EXEMPTION—USE OF WINE ARTIFICIALLY SWEETENED

SEC. 3255 (Revised Statutes, as amended by Act of June 3, 1896, Act of March 2, 1911, section 404, Act of September 8, 1916, section 625, Act of February 24, 1919, section 15, Act of August 29, 1935, and section 333, Act of June 26, 1936) (U. S. C., 1934 ed., Sup. II, title 26, section 1176). The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, oranges, pears, pineapples, apricots, berries, plums, pawpaws, persimmons, prunes, figs, cherries, dates, or citrus fruits (except lemons and limes) from any provision of the internal-revenue laws relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *Provided*, That where, in the manufacture of wine or citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, or apple wine, artificial sweetening has been used, the wine, or the fruit pomace residuum thereof, or the citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, or apple wine may be used in the distillation of brandy or citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, or apple brandy, as the case may be, and such use shall not prevent the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, from exempting such distiller from any provision of the internal-revenue laws relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *And provided further*, That the distillers mentioned in this section may add to not less than five hundred gallons (ten barrels) of grape cheese not more than five hundred gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 per centum pure, such solution to have a saccharine strength of not to exceed 10 per centum, and may ferment the resultant mixture on a winery or distillery premises, and such fermented product shall be regarded as distilling material.

LAWS APPLICABLE

SEC. 1305 (Act of February 24, 1919) (U. S. C., 1934 ed., title 26, sections 1345, 1349). That all administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this Act, and every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records and render, under oath, such statements and returns, and shall comply with such regulations as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

Whenever in the judgment of the Commissioner necessary, he may require any person, by notice served upon him, to make a return or such statements as he deems sufficient to show whether or not such person is liable to tax.

EXAMINATION OF BOOKS AND RECORDS

The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any revenue agent or inspector designated by him for that purpose, to examine any books, papers, records or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

PENALTY FOR NONCOMPLIANCE WITH TAX LAWS

SEC. 1308 (Act of February 24, 1919) (U. S. C., 1934 ed., title 26, section 1347 (b)). (a) That any person required under Titles V, VI, VII, VIII, IX, X, or XII, to pay, or to collect, account for and pay over any tax, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return, or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

(b) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

DEFINITION OF TERM "PERSON"

(d) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

COMMISSIONER TO MAKE REGULATIONS

SEC. 1309 (Act of February 24, 1919) (U. S. C., 1934 ed., title 26, section 1350). That the Commissioner, with the approval of the Secretary, is hereby authorized to make all needful rules and regulations for the enforcement of the provisions of this Act.

ATTESTATION TO RETURNS

The Commissioner with such approval may by regulation provide that any return required by Titles V, VI, VII, VIII, IX, or X to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

BONDED MANUFACTURING WAREHOUSES

SEC. 311 (Tariff Act of 1930, as amended by section 404, Act of June 26, 1936) (U. S. C., 1934 ed., title 19, section 1311 and Sup. II, Title 19, section 1311). All articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury regulations as bonded warehouses, class six: *Provided*, That the manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury: *Provided further*, That the manufacture of distilled spirits from grain, starch, molasses, or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

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TRANSFER TO BONDED MANUFACTURING WAREHOUSES WITHOUT PAYMENT OF TAX

Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements machinery or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

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USE OF WINES IN BONDED MANUFACTURING WAREHOUSES

Distilled spirits and wines which are rectified in bonded manufacturing warehouses, class six, and distilled spirits which are reduced in proof and bottled in such warehouses, shall be deemed to have been manufactured within the meaning of this section, and may be withdrawn as hereinbefore provided, and likewise for shipment in bond to Puerto Rico, subject to the provisions of this section, and under such regulations as the Secretary of the Treasury may prescribe, there to be withdrawn for consumption or be rewarehoused and subsequently withdrawn for consumption: *Provided*, That upon withdrawal in Puerto Rico for consumption, the duties imposed by the customs laws of the United States shall be collected on all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines in such warehouses: *Provided further*, That no internal-revenue tax shall be imposed on distilled spirits and wines rectified in class six warehouses if such distilled spirits and wines are exported or shipped in accordance with the provisions of this section, and that no person rectifying distilled spirits or wines in such warehouses shall be subject by reason of such rectification to the payment of special tax as a rectifier.

TAX NOT TO APPLY ON ARTICLES FOR EXPORT

SEC. 1310 (Act of February 24, 1919) (U. S. C., 1934 ed., title 26, section 1352). (c) Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the taxes imposed under the provisions of Titles VI, VII, or IX shall not apply in respect to articles sold or leased for export and in due course so exported. Under such rules and regulations the amount of any internal revenue tax erroneously or illegally collected in respect to exported articles may be refunded to the exporter of the article, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded.

RIGHT OF ENTRY OF GOVERNMENT OFFICERS

SEC. 3177 (Revised Statutes) (U. S. C., 1934 ed., title 26, section 1501). Any collector, deputy collector, or inspector may enter, in the daytime, any building or place where any articles or objects subject to tax are made, produced, or kept, within his district, so far as it may be necessary for the purpose of examining said articles or objects. And any owner of such building or place, or person having the agency or superintendence of the same, who refuses to admit such officer, or to suffer him to examine such article or articles, shall, for every such refusal, forfeit $500. And when such premises are open at night, such officers may enter them while so open, in the performance of their official duties. And if any person shall forcibly obstruct or hinder any collector, deputy collector, or inspector, in the execution of any power and authority vested in him by law, or shall forcibly rescue or cause to be rescued any property, articles, or objects after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending, excepting in cases otherwise provided for, shall, for every such offense, forfeit and pay the sum of $500, or double the value of the property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court.

ALLOWANCE FOR ACCIDENTAL LOSS OF SPIRITS

SEC. 3221 (Revised Statutes, as amended by section 6, Act of March 1, 1879) (U. S. C., 1934 ed., title 26, section 1275 (b)). The Secretary of the Treasury, upon the production to him of satisfactory proof of the actual destruction by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, while the same remained in the custody of any officer of internal revenue in any distillery warehouse, or bonded warehouse of the United States and before the tax thereon has been paid, may abate the amount of internal taxes accruing thereon, and may cancel any warehouse bond, or enter satisfaction thereon, in whole or in part, as the case may be. And if such taxes have been collected since the destruction of said spirits, the said Secretary shall refund the same to the owners thereof out of any moneys in the Treasury not otherwise appropriated. And when any distilled spirits are hereafter destroyed by accidental fire or other casualty, without any fraud, collusion, or negligence of the owner thereof, after the time when the same should have been drawn off by the gauger and placed in the distillery warehouse provided by law, no tax shall be collected on such spirits so destroyed, or if collected, it shall be refunded upon the production of satisfactory proof that the spirits were destroyed as herein specified.

INSURANCE ON SPIRITS LOST BY ACCIDENT

SEC. 3223 (Revised Statutes, as amended by section 3, Act of March 1, 1879) (U. S. C., 1934 ed., title 26, section 1275 (b)). When the owners of distilled spirits in the cases provided for by the two preceding sections may be indemnified against such tax by a valid claim of insurance for a sum greater than the actual value of the distilled spirits before and without the tax being paid, the tax shall not be remitted to the extent of such insurance.

ACCIDENTAL LOSS OF GRAPE BRANDY

SEC. 5 (Act of June 7, 1906) (U. S. C., 1934 ed., title 26, section 1275 (b)). That the provisions of sections 3221 and 3223 of the Revised Statutes of the United States, as amended by an Act approved March 1, 1879, are hereby extended to grape brandy withdrawn for use in the fortification of sweet wines, and which, prior to such use, is accidentally destroyed by fire or other casualty while stored in the fortifying room on the winery premises.

LOSS OF SPIRITS BY THEFT

SEC. 16 (Act of August 27, 1935) (U. S. C., 1934 ed., Sup. II, title 27, section 166). If distilled spirits upon which the internal revenue tax has not been paid are lost by theft, accidental fire, or other casualty while in possession of a common carrier subject to the Transportation Act of 1920 or the Merchant Marine Act, 1920, or if lost by theft from a distillery or other bonded warehouse, and it shall be made to appear to the Commissioner that such losses did not occur as the result of negligence, connivance, collusion, or fraud on the part of the owner or person legally accountable for such distilled spirits, no tax shall be assessed or collected upon the distilled spirits so lost, nor shall any tax penalty be imposed or collected by reason of such loss, but the exemption from the tax and penalty shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss. This provision shall apply to any claim for taxes or tax penalties that may have accrued since the passage of the National Prohibition Act or that may accrue hereafter. Nothing in this section shall be construed as in any manner limiting or restricting the provisions of Title III of the National Prohibition Act.



RETAIL LIQUOR DEALER'S TAX

SEC. 323 (Act of June 26, 1936). Paragraph "Fourth" of section 3244 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 26, sec. 1394 (a) and (b) (1), and sec. 1398 (a) and (b)), is amended to read as follows:

"Fourth. (a) Retail dealers in liquors shall pay a special tax of $25. Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors, otherwise than as hereinafter provided, in less quantities than five wine gallons to the same person at the same time, shall be regarded as a retail dealer in liquors: *Provided*, That the Commissioner of Internal Revenue may, by regulations, with the approval of the Secretary of the Treasury, provide for the issuance of a stamp denoting payment of such special tax as a 'retail dealer in wines' or a 'retail dealer in wines and malt liquors' if, as the case may be, wines only, or wines and malt liquors only, are sold by a retail dealer in liquors: *And provided further*, That the tax required to be paid by this paragraph shall, in case of a retail drug store or pharmacy making sales of liquors through a duly licensed pharmacist, be designated as a 'medicinal spirit stamp tax': *And provided further*, That any retail dealer in liquors or retail dealer in malt liquors whose business is such as to require him to travel from place to place in different States of the United States may, under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, procure a special tax stamp 'At Large' covering his activities throughout the United States with the payment of but one special tax as a retail dealer in liquors or as a retail dealer in malt liquors, as the case may be (U. S. C., 1934 ed., Sup. II, title 26, sections 1934 (b) (1) and 1398 (b).)

WHOLESALE LIQUOR DEALER'S TAX

"(b) Wholesale dealers in liquors shall pay a special tax of $100. Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors, otherwise than as hereinafter provided, in quantities of five wine gallons or more to the same person at the same time, shall be regarded as a wholesale dealer in liquors: *Provided*, That the Commissioner of Internal Revenue may, by regulations, with the approval of the Secretary of the Treasury, provide for the issuance of a stamp denoting payment of such special tax as a 'wholesale dealer in wines' or a 'wholesale dealer in wines and malt liquors' if, as the case may be, wines only, or wines and malt liquors only, are sold by a wholesale dealer in liquors. A qualified wholesale dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of less than five wine gallons without incurring liability to special tax as a retail dealer in liquors. A qualified retail dealer in liquors may not sell such liquors in quantities of five wine gallons or more to the same person at the same time without incurring liability to special tax as a wholesale dealer in liquors. But no distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, shall be required to pay the special tax of a wholesale dealer in liquors on account of such sales. (U. S. C., 1934 ed., Sup. II, title 26, sections 1394 (a) (1) and (2) and 1398 (a).)

"(c) No retail dealer in liquors shall be held to be a wholesale dealer in liquors solely by reason of sales of five wine gallons or more to the same person at the same time if such sales are for immediate consumption on the premises where sold. (U. S. C., 1934 ed., Sup. II, title 26, section 1398 (b).)

"(d) No wholesale or retail dealer in liquors who has paid the special tax as such a dealer shall again be required to pay special tax as such dealer on account of sales of beer, lager beer, ale, porter, or other similar fermented malt liquor to wholesale or retail dealers in liquors or wholesale or retail dealers in malt liquors consummated at the purchaser's place of business covered by the stamp issued to him to denote the payment of the special tax imposed upon such dealers." (U. S. C., 1934 ed., Sup. II, title 26, section 1394 (a) (3).)

SPECIAL TAX EXEMPTION OF WINEMAKER

SEC. 3246 (Revised Statutes, as amended by section 5, Act of March 1, 1879, Act of March 3, 1915, and section 328, Act of June 26, 1936) (U. S. C., 1934 ed., Sup. II, title 26, section 1394 (g)). (a) Nothing in this chapter shall be construed to impose a special tax upon winemakers who have qualified as such under the internal-revenue laws and regulations, and who sell wines of their own production where the same are made or at the general business office of such winemaker: *Provided*, That no winemaker shall have more than one place of business for the sale of such wine that shall be exempt from the special tax.

AUTHORITY CONFERRED ON THE SECRETARY

SEC. 161 (Revised Statutes) (U. S. C., 1934 ed., title 5, section 22). The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

[T. D. No. 4662]

DUTIES TO BE PERFORMED BY THE ALCOHOL TAX UNIT, BUREAU OF INTERNAL REVENUE

*To Officers and Employees of the Bureau of Internal Revenue, Collectors of Internal Revenue, and Others Concerned:*

(1) Pursuant to section 161, R. S. (U. S. C., 1934 ed., title 5, section 22), the Alcohol Tax Unit is charged with the administration, under the direction of the Commissioner of Internal Revenue, of the laws and regulations concerning the following subjects:

(*a*) The production, custody, and supervision of distilled spirits, alcohol, wines, fermented liquors, cereal beverages, denatured alcohol, and other such liquors and liquids;

(*b*) The establishment, construction, operation, custody, and supervision of distilleries, industrial alcohol plants, bonded warehouses, denaturing plants, wineries, bonded wine storerooms, breweries, rectifying houses, dealcoholizing plants, cereal beverage plants, and other places at which such spirits, liquors, or liquids are produced or stored;

(*c*) The determination, assertion, and assessment of all internal revenue taxes and penalties pertaining to distilled spirits, alcohol, wines, fermented liquors, cereal beverages, denatured alcohol, denatured rum, and articles containing denatured alcohol or denatured rum, and other such liquors and liquids, and the compromise thereof, except that all moneys shall be received and accounted for by the collectors of internal revenue under the direction of the Commissioner of Internal Revenue;

(*d*) Inquiries and investigations relating to the filing of returns for occupational and commodity taxes and penalties in respect to distilled spirits, alcohol, wines, fermented liquors, cereal beverages, denatured alcohol, denatured rum, and articles containing denatured alcohol or denatured rum, and other such liquors and liquids;

(*e*) The investigation, prevention, and detection of violations of the laws pertaining to distilled spirits, alcohol, wines, fermented liquors, cereal beverages, denatured alcohol, denatured rum, or articles containing denatured alcohol or denatured rum, and other such liquors and liquids, or any regulations issued thereunder, and the apprehension of offenders against such laws;

(*f*) The detention and seizure, for violation of laws relating to distilled spirits, alcohol, wines, fermented liquors, cereal beverages, denatured alcohol, denatured rum, and articles containing denatured alcohol or denatured rum, and other such liquors and liquids, of property, whether real or personal (except seizure under distraint warrant), and the custody, control, sale and disposition of property so seized;

(*g*) The discharge of liens under section 902 of the Revenue Act of 1926;

(*h*) The regulation of the size, branding, marking, sale, resale, possession, use, and reuse of containers (of a capacity of less than five wine gallons) designed or intended for use for the sale at retail of distilled spirits; the issuance, suspension and revocation of permits for the manufacture, storage, procurement and transportation of such containers; and the investigation, prevention, and detection of violations of the laws or regulations pertaining to such containers;

(*i*) The filing of correct returns by every person disposing of any substance of the character used in the manufacture of distilled spirits; the filing of correct returns by every person disposing of any denatured alcohol, denatured rum, or articles containing denatured alcohol or denatured rum; and the keeping of records of the disposition of such substances, denatured alcohol, denatured rum, and articles containing denatured alcohol or denatured rum.

2. Pursuant to section 5 of the "Liquor Enforcement Act of 1936," there are hereby conferred and imposed upon the Deputy Commissioner of Internal Revenue in charge of the Alcohol Tax Unit, and the assistants, inspectors, and agents under his supervision, subject to the direction of the Commissioner of Internal Revenue and subject to regulations prescribed by him with the approval of the Secretary of the Treasury, all the rights, privileges, powers, duties, and protection conferred and imposed upon the Secretary of the Treasury, the Commissioner of Internal Revenue, or any other officer or employee of the Treasury Department by any law now or hereafter in force relating to the taxation, transportation, manufacture, possession, or use of, or traffic in distilled spirits, wines, fermented liquors, or denatured alcohol, in so far as they relate to the duties to be performed by the Alcohol Tax Unit as enumerated in paragraph 1 hereof.

3. Except as has been, or may hereafter be, otherwise provided, all regulations prescribed, all orders and instructions issued, and all forms adopted for the enforcement of the laws heretofore administered by the Commissioner of Industrial Alcohol or the Bureau of Industrial Alcohol, and assistants, inspectors, and agents thereunder, and remaining in effect after the repeal of the eighteenth amendment, will continue in effect as regulations, orders, instructions, and forms of the Bureau of Internal Revenue: *Provided*, That the term "Commissioner" or "Commissioner of Industrial Alcohol" and the term "Supervisor" or "Supervisor of permits," wherever used in such regulations, orders, instructions, and forms, shall be held to mean, respectively, "Deputy Commissioner of Internal Revenue" and "District supervisor."

GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved July 3, 1936.

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[Filed with the Division of the Federal Register July 8, 1936 12:51 p.m.]

PART 1—REGULATIONS RELATING TO THE PRODUCTION AND DISTRIBUTION OF WINES

ARTICLE I—SCOPE OF REGULATIONS

PARAGRAPH 1. *Manufacture of wine.*—These regulations are prescribed pursuant to the provisions of law governing the production, distribution, and tax-payment of wine.

ARTICLE II—REGULATIONS SUPERSEDED

PAR. 2. *Regulations superseded.*—These regulations shall, on and after the date of approval thereof, supersede Regulations 7, approved March 6, 1930 (except Part Three), and all amendments and modifications thereof.

ARTICLE III—DEFINITIONS

PAR. 3. *Definitions.*—As used in these regulations, the following words and phrases shall have the meanings as herein defined:

(*a*) "Must" and "juice" shall mean the unfermented juice as expressed from grapes or other authorized fruits.

(*b*) "Natural wine" shall mean wine produced in accordance with the first paragraph of section 610 of the Revenue Act of 1918, as amended.

(*c*) "Pure sweet wine" shall mean wine produced in accordance with section 43 of the Act of October 1, 1890, as amended.

(*d*) "Citrus-fruit wine," "peach wine," "cherry wine," "berry wine," "apricot wine," and "apple wine" shall mean wine produced in accordance with the last paragraph of section 610 of the Revenue Act of 1918, as amended.

(*e*) "Vermouth" shall mean vermouth manufactured in accordance with the last paragraph of section 605 of the Revenue Act of 1918, as amended.

(*f*) "Dry wine" shall mean unfortified wine.

(*g*) "Sweet wine" shall mean fortified wine.

(*h*) "Fortified wine" shall mean wine fortified with brandy or ethyl alcohol as herein provided.

(*i*) "Still wine" shall mean noneffervescent wine and includes both dry and sweet wine.

(*j*) "Champagne" and "sparkling wine" shall mean effervescent wine charged with carbon dioxide, resulting from secondary fermentation of the wine.

(*k*) "Artificially carbonated wine" shall mean effervescent wine artificially charged with carbon dioxide.

(*l*) "Commissioner" shall mean the Commissioner of Internal Revenue.

(*m*) "District supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

(*n*) "Collector" shall mean collector of internal revenue.

(*o*) "Proprietor" shall mean the operator of the bonded winery, bonded storeroom, or bonded field warehouse.

(*p*) "Winemaker" shall mean the proprietor of a bonded winery or bonded storeroom.

(*q*) "Person," "proprietor," or "winemaker" shall include natural persons, associations, copartnerships, and corporations.

(*r*) Words in the plural form shall include the singular and words in the masculine gender shall include females, associations, copartnerships, and corporations.

(*s*) "Wine," when used without qualification, includes champagne and other sparkling wines, artificially carbonated wine, and vermouth produced on bonded winery premises.

ARTICLE IV—BONDED PREMISES

PAR. 4. *Bonded wineries and bonded storerooms.*—For the purpose of these regulations, bonded premises where wines are produced will be designated as bonded wineries, and bonded premises where wines are stored in bond will be designated bonded storerooms and bonded field warehouses.

PAR. 5. *Registry numbers.*—Bonded premises will be numbered serially by district supervisors in the order of establishment. A separate series will be used for each State within a supervisory district. Registry numbers will be assigned to new wineries and storerooms in sequence to numbers heretofore assigned. Registry numbers assigned to wineries and storerooms now operating will be retained.

PAR. 6. *Discontinued premises.*—Registry numbers of discontinued premises will not be assigned to other premises. In the case of a successor taking over the winery or storeroom the same registry number will be retained.

PAR. 7. *Bonded field warehouses.*—Responsible warehouse companies may establish bonded storerooms designated bonded field warehouses, for the storage of wine for credit purposes. A bonded field warehouse must be contiguous or adjacent to a bonded winery and may receive wines only from such winery. The baking of wine is permitted at bonded field warehouses. The provisions of these regulations relating to bonded storerooms shall, except as otherwise indicated, apply to bonded field warehouses.

ARTICLE V—USE OF BONDED PREMISES

PAR. 8. *Winery not used for other purposes.*—The winery must be used exclusively for the production and storage of wine, and no materials, liquids, or liquors other than those used in the manufacture, amelioration, or fortification of wine may be produced or stored on the premises: *Provided, however,* That juice, concentrate, and sirup may be made from grapes and other authorized fruits, and stored on the premises if record is kept of the quantities of grapes and other authorized fruits used therefor and the quantities of such materials produced, stored, and removed from the premises. Bonded storeroom premises must be used exclusively for the storage of wines, except that wines may at both wineries and storerooms be subjected to the usual cellar treatment, including blending, clarification, and purification. Wines may not be produced or ameliorated on bonded storeroom premises.

PAR. 9. *Report of juice, concentrate, and sirup.*—When juice, concentrate, or sirup is made from grapes or other authorized fruits, the quantity crushed for such purposes will be shown on the winery material report, Form 701, and there will be attached to the winemaker's monthly report, Form 702, each month that such materials are produced, remain on hand, or are removed from the winery, a statement showing the quantity made, on hand, and removed, and giving the names and addresses of the parties to whom the materials are shipped and the date and quantity shipped to each party. All tanks and other containers within which such juice, concentrate, or sirup made from grapes or other authorized fruits is stored must be conspicuously labeled to show the kind of material contained therein.

PAR. 10. *Vermouth department.*—Vermouth may be manufactured only in a separate department of the bonded winery premises constructed as provided in Article VI. The vermouth department must be used exclusively for the manufacture and storage of vermouth and for the storage of supplies necessary or incidental to the manufacture of vermouth. The vermouth department may not be used for the storage of still wine or sparkling wine. All fortified sweet wine transferred to the vermouth department must be used immediately in the manufacture of vermouth. When the manufacture of vermouth has been completed, the finished product may be transferred to another department of the winery for storage therein, but vermouth so transferred must at all times be kept separate and apart from still wines and sparkling wines on the premises.

PAR. 11. *Imported and tax-paid wines.*—No domestic tax-paid wines and no imported wines may be stored on the winery or storeroom premises. Proprietors desiring to tax-pay and store wines in advance of sales or to store returned tax-paid wines, must provide storage therefor, after tax-payment, off the bonded premises. If the premises at which the tax-paid wines are stored are in the same building in which the winery or storeroom is located, or in a building adjoining a winery or storeroom building, they must be separated from the bonded premises by a solid and unbroken partition, except openings for ventilation or heating purposes, substantially constructed and so situated that wine may not be transferred thereto from the winery, except through a public street or open yard or through a public hall or elevator shaft leading into a public street or open yard. Openings in partition walls for ventilation or heating purposes must be protected with iron or steel grating consisting of a frame and horizontal and perpendicular bars, having a diameter of not less than one-fourth inch and spaced not more than one-half inch apart, or other gratings of similar construction and equal strength securely attached to or embedded in the partition wall.



PAR. 12. *Tax-paid wine returned for clarification.*—Tax-paid wines in stamped packages may be returned for clarification to the bonded premises from which withdrawn or to other bonded premises operated by the person tax-paying the wine, but such wines must not be mixed with untax-paid wines and must be immediately clarified, returned to the original stamped packages, and removed from the bonded premises. When wine intended for clarification and reshipment in the original packages is received on the bonded premises, the winemaker shall keep a commercial record showing the name and address of the person from whom the wine is received, the date, quantity, and tax classification, and, when returned to the original packages, the date of reshipment, together with the name and address of the person to whom shipped. In case the winemaker does not wish to clarify, return to the original packages and remove immediately, he may return the wine to stock and retax-pay upon removal. When the wine is returned to stock, it will be entered on Form 702 or 702–A as wine received.

PAR. 13. *Wine under lock.*—The portions of the bonded premises in which wines are stored must be kept securely locked in the absence of the proprietor or his agents.

ARTICLE VI—CONSTRUCTION AND EQUIPMENT

PAR. 14. *Wineries and bonded storerooms.*—Bonded wineries and bonded storerooms must be so constructed and equipped as to be suitable for the production, in the case of wineries, and storage of wine, and so that the wines stored therein will be securely protected. The buildings or rooms in in which wines are stored or treated must be securely constructed of substantial material. All doors, windows, or other openings must be so arranged that they may be securely locked or fastened. Fermenting tanks, except those used exclusively for the production of distilling material, must be under a roof or other suitable covering, but need not be enclosed in a building.

PAR. 15. *Vermouth department.*—There must be no interior communication between the vermouth department and any other department or part of the winery premises. The entrance door of the vermouth department shall lead directly into a public street or yard or into the yard of the bonded winery or into an open passageway leading directly to the bonded winery yard or to a public street or open yard.

PAR. 16. *Tanks.*—All fermenters, storage tanks, vermouth processing tanks, and other containers must be so arranged and located as to permit ready examination and determination of their contents by inspecting officers. All pipes, hose, or other conveyors leading to or from the tanks must be so connected and arranged as to be easily visible to examining officers.

PAR. 17. *Fortifying room.*—If wine is to be fortified, a room for such fortification and the storage of brandy must be constructed and equipped in accordance with Part 2 of these regulations.

PAR. 18. *Storage of sweetening agents.*—If it is desired to store sweetening materials for use in the amelioration of wine, a room for the storage of such materials must be provided.

PAR. 19. *Marking on tanks.*—Each fermenter, storage tank, bottling tank, and vermouth processing tank must have painted thereon a permanent serial number and the capacity of the tank in wine gallons. Each vermouth processing tank must also have painted thereon the capacity of the tank per inch of depth, or must have securely attached thereto a table showing the capacity of the tank for each inch of depth. There must also be attached to each copy of Form 698, Application for Approval of Bonded Winery or Bonded Storeroom Premises, a table for each vermouth processing tank, showing the serial number thereof and the capacity for each inch of depth, and where practicable, the inside measurements of the tank. Serial numbers of fermenting tanks shall be preceded by the letter "F" and storage tanks by the letter "S." The serial numbers of vermouth processing tanks and bottling tanks shall be preceded by the letters "P" and "B", respectively. Where barrels are used in processing vermouth there must be painted thereon the capacity in wine gallons and a permanent serial number preceded by the letters "P R."

PAR. 20. *Markings on puncheons and barrels.*—A permanent serial number and the capacity in wine gallons must be painted on puncheons used for storage containers as in the case of storage tanks. A permanent serial number need not be painted on barrels or puncheons used as storage containers and which will be used as shipping containers upon removal of the wines, but the capacity in wine gallons must be plainly marked on each such container.

PAR. 21. *Capacity markings.*—Proprietors will be held responsible for the correctness of the capacity markings of all tanks. Where wooden tanks are used they must be remeasured from time to time and the new capacity marked on the tanks. Report of changes in the measurement and capacity of tanks must be made by the proprietor in triplicate in the manner prescribed in paragraph 46. Allowance will not be made for deficiencies of wine claimed to be due to incorrect gauge of tanks.

PAR. 22. *Separation of winery or storeroom from other premises.*—Buildings or rooms constituting a bonded winery or bonded storeroom must be separated from contiguous buildings or rooms by a solid unbroken partition substantially constructed: *Provided,* That where a bonded winery and a fruit distillery or industrial alcohol plant operated by the same person are located on contiguous premises, pipe lines may, as hereinafter prescribed, be installed for the transfer of brandy from the fruit distillery to the fortifying room of the winery, and for the transfer of wine for use as distilling material from the winery to the fruit distillery or industrial alcohol plant. With the approval of the district supervisor, doors may be placed in the partition separating the bonded field warehouse from the winery contiguous thereto, and provision made for the transfer of wine between such premises by fixed pipe line or by hose. Partitions between a bonded field warehouse and a bonded winery must be constructed of wood or other suitable material and any connecting doors shall be kept closed and locked at all times, except when necessarily open for the transaction of business. The entrance door of a bonded winery or storeroom shall lead directly into a public street or yard or into the yard of the bonded premises or into a public hall or other common passageway leading directly to a public street or open yard.

PAR. 23. *Winery in building used as residence.*—Where the winery or storeroom premises are situated in a building used as a private residence, they must be separated by an unbroken partition (or floor, if a basement is used) and an entrance directly from the outside must be provided.

PAR. 24. *Winery premises.*—All winery and storeroom premises now established must be made, so far as reasonably practicable and as soon as possible, to conform to the requirements of this article, and those hereafter established must be in conformity herewith.

ARTICLE VII—SIGN

PAR. 25. *Posting sign.*—The proprietor shall place and keep conspicuously on the outside of each bonded winery or storeroom, so that it can be plainly seen, a sign bearing in plain, legible, and durable letters and figures not less than 3 inches

in height and of proportionate width, the words "Bonded Winery," "Bonded Storeroom," or "Bonded Field Warehouse," as the case may be, followed by the registered name and number of the premises. Where a vermouth department is established, there must be placed over the entrance door thereof a similar sign bearing the words "Vermouth Dept."

ARTICLE VIII—INSTRUMENTS AND MEASURES

PAR. 26. *Testing instruments and measures.*—The proprietor of each winery and storeroom must provide at his own expense appropriate and accurate instruments and measures for testing and measuring the wine: *Provided, however,* That instruments for testing wine need not be kept at storerooms where no wine is blended and where the alcoholic content of the wine on hand has been determined.

PAR. 27. *Measuring rod.*—An accurate measuring rod and steel tape suitable for use in ascertaining the capacity and contents of tanks and other storage containers, and appropriate measures for determining the contents of shipping containers, must be provided. Measuring instruments shall be available for the use of Government officers.

PAR. 28. *Scales and measures.*—At each winery there must be provided scales and measures for weighing and measuring the materials received and used in the manufacture of wine. However, where material is used immediately upon receipt, public weighmasters' certificates of weight, showing gross weight, tare, and net weight, or the shipper's or railroad weight may be accepted in lieu of weighing materials at the winery, but such certificates must be filed and kept available for inspection. If wines are ameliorated or fortified, proper instruments for determining the sugar, acid, and alcoholic contents of the wine must also be provided.

PAR. 29. *Amelioration of wine.*—Where wines are ameliorated under section 610 of the Revenue Act of 1918, as amended, there must be provided one or more suitable measuring tanks within which the quantity of sugar solution used and the quantity of wine, both before and after amelioration, may be accurately measured. Such measuring tank or tanks must have painted thereon the capacity of the tank per inch of depth, or must have securely attached thereto a table showing the capacity of the tank for each inch of depth, a copy of which must be attached to each Form 698.

PAR. 30. *Amelioration of pure sweet wine.*—Where pure sweet wines are ameliorated under section 43 of the Act of October 1, 1890, as amended, a suitable weighing tank or other proper means must be provided for accurately determining the weight of sugar and water to be used and the weight of the wine before amelioration.

PAR. 31. *Ebulliometers.*—The Salleron-Dujardin ebulliioscope and the Juerst, Lefco, "TAG" (with shield) and malligand type (with shield) ebulliometers have been approved for use in determining the alcoholic content of wines. An ebulliometer called the E–B Torinc, which is similar to the Malligand type, has been approved if used with a shield. Instructions for the use of the Salleron-Dujardin ebulliioscope, the Juerst ebulliometer, and the Lefco ebulliometer, will be found in Part 3 of these regulations.

PAR. 32. *Saccharometers.*—Both the alcoholic content and the saccharine content of wine may be determined by the use of a small still and appropriate saccharometer. The saccharine content of wine can also be determined by the use of a set of three saccharometers graded to read from 0 to 10, 10 to 20, and 20 to 30, in connection with the ebullioscope. Instructions for ascertaining the saccharine content of wine with these instruments will be found in Part 3. Apparatus for use in determining the acidity of wine is listed in the Appendix.

PAR. 33. *Other instruments.*—If the instruments referred to in the two preceding paragraphs are not provided, other appropriate and accurate instruments approved by the Commissioner must be provided in lieu thereof.

ARTICLE IX—FAA PERMIT

PAR. 34. *Permit required.*—Under the Federal Alcohol Administration Act and the regulations issued pursuant thereto, any person, excepting any agency of a State or political subdivision thereof or any officer or employee of any such agency, intending to engage in the business of producing or blending wine, or of purchasing wine for resale at wholesale, is required to procure a permit therefor from the Federal Alcohol Administration, Washington, D. C.

PAR. 35. *Copies filed with district supervisor.*—Any person filing an application, bond, and other papers, as hereinafter required, with the district supervisor for the establishment of a bonded winery or a bonded storeroom where wines are to be blended or purchased for resale at wholesale, shall exhibit the original of such permit to the district supervisor and file two photostat copies thereof with him. No application for the establishment of a bonded winery, or a bonded storeroom where wines are to be blended or purchased for resale at wholesale, will be approved until such permit has been exhibited to the district supervisor and two copies thereof filed with him.

ARTICLE X—APPLICATION AND PLAN

PAR. 36. *Form 698.*—Every person desiring to establish a bonded winery or storeroom shall file with the district supervisor an application on Form 698 in triplicate for approval of the premises. Barrels or puncheons used as storage containers and which will be used as shipping containers need not be described on Form 698. Where tanks are of such shapes that it is practicable to determine their capacities from inside measurements as described in Part Three, there must be attached to each copy of Form 698 a table showing the serial number and capacity of each such tank, together with such measurements.

PAR. 37. *Plat and plan.*—There must be submitted with the application, Form 698, a plat and plan of the bonded premises, except that in instances where it is practicable to show on the plat the information required herein, and such information is in fact so shown, a separate plan of the premises will not be required. The plat and the accompanying plan, where required, must be furnished in triplicate on sheets of white paper of good quality or tracing linen 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. The plat must show the boundaries of the premises, the location, construction, and size of each building or room, and the purpose for which each will be used. If the bonded premises is to be a room or floor of a building, the precise location of the room or floor, together with the means of ingress from and egress into a public street or yard or into a public hall or elevator shaft leading into a public street or yard, must be shown. If the bonded premises consist of more than one building, they must be shown in their relative positions. The surrounding driveways, streets, and sidings shall also be indicated on the plat. The plan shall include a description of each room, or of each floor of each building to constitute the bonded premises, including the dimensions of the room or floor, the location of all doors, windows, or other openings and their dimensions, and how the same are secured. The location of Government locks will be indicated by the letters "GL."

If the construction of all floors in a single building is identical, a typical floor plan may be filed in lieu of a separate plan for each floor. The plan must also show the location, serial numbers, and capacities of all tanks in the fortifying room and in the vermouth department, and the course of all pipe lines used for conveying wine to or from the fortifying room or wine to or vermouth from the vermouth department. Pipe lines used for conveying wine from or to the bonded premises and between buildings on the premises must also be shown. All pipe lines throughout their entire lengths must traverse bonded premises. Where a fruit distillery is maintained on contiguous premises, the relative position of the distillery and winery premises and all pipe line connections between the two premises must be shown on the plat or plan, though the distillery construction and equipment need not be described. The pipe line used for conveying brandy from the distillery to the fortifying room shall be painted black and shown in such color on the plan.



Where the bonded premises consist of a portion of a building or adjoin other premises, such surroundings must be depicted and the bonded area shown in a contrasting color.

PAR. 38. *Certificate of accuracy.*—The points of the compass shall be indicated on each sheet of every plat and plan, both original and supplemental, and each such sheet shall also bear a number and descriptive title and name and address of the proprietor, and a certificate of accuracy dated and signed by the proprietor and the district supervisor. The certificate shall be in the following form:

---------- District, ---------- 19...

We hereby certify that this is an accurate plat (or plan or supplemental plat or plan, as the case may be) of the winery or storeroom or bonded field warehouse premises of ----------
of this district.

----------
(Proprietor)

----------
(District Supervisor)

All plats or plans or supplemental plats or plans prepared after a registry number has been assigned to the premises shall bear such number.

PAR. 39. *Approval of application.*—Applications, plats, and plans which do not contain all the information called for, or which are not executed in the manner required by these regulations, will be returned. If the application, plat, and plan are found to be in proper form, the district supervisor will make or cause to be made an inspection of the premises to determine whether the construction and equipment meet the requirements of these regulations and are correctly described and depicted in the application, plat, and plan. If the district supervisor finds that the applicant has complied in all respects with the requirements of the law and these regulations, including the furnishing of a proper bond as prescribed in paragraph 48, and if he further finds that the bond may properly be approved (see paragraph 42), he will enter the registry number assigned to the premises on each copy of the application and will indorse his approval on each copy of the application, bond, plat, and plan. The district supervisor will retain one copy of each document, forward one copy of each to the Commissioner with a copy of the inspection report, and return one copy of each to the proprietor to be kept at the winery or storeroom readily accessible to Government officers.

PAR. 40. *Disapproval of application.*—If the application is disapproved, the district supervisor will indorse his disapproval on each copy of the application, bond, plat, and plan and return two copies of each to the applicant with a statement of the reasons for disapproval. One copy of each document will be retained by the district supervisor.

PAR. 41. *Bond required.*—No person shall commence or continue the business of a winemaker until all bonds in respect thereof required by any provision of law have been approved by the district supervisor. No person may produce wine without filing bond and otherwise qualifying as a winemaker, except that a duly registered producer without so qualifying may, under the conditions prescribed in Article XVIII of these regulations, produce for his family use not in excess of 200 gallons of still wine per year free of tax.

ARTICLE XI—AUTHORITY TO DISAPPROVE BOND

PAR. 42. *Disapproval by supervisor.*—The district supervisor will, under section 67 of the Act of August 27, 1894, as amended, disapprove any bond or bonds submitted by any individual, firm, partnership, corporation, or association intending to commence or continue the business of a winemaker, if the individual, firm, partnership, corporation, or association giving the same or owning, controlling, or actively participating in the management of the businses of the individual or firm, partnership, corporation, or association giving the same, shall have been previously convicted, in a court of competent jursdiction, of—

(1) Any fraudulent noncompliance with any provision of any law of the United States if such provision related to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise; or

(2) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor.

PAR. 43. *Inquiry by supervisor.*—Before approving any bond given by any individual, firm, partnership, corporation, or association, intending to commence or continue in business as a winemaker, the district supervisor will cause such inquiry or investigation as may be deemed necessary to ascertain whether such individual, firm, partnership, corporation, or association, or any person owning, controlling, or actively participating in the management of the business, has been so convicted or has so compromised an offense of the nature indicated in paragraph 42.

PAR. 44. *Appeal to Commissioner.*—Where the bond is disapproved by the district supervisor, the person giving the bond may, under the law referred to, appeal from such disapproval to the Commissioner. When an appeal is so taken, the district supervisor will furnish the Commissioner full information respecting the disapproval, stating the nature of the offense, the names of the offenders, the date of conviction or of acceptance of compromise, and the reasons for his action. The disapproval of the Commissioner of any bond in respect to the commencement or continuance of the business of a winemaker shall be final.

ARTICLE XII—CHANGE OF BONDED PREMISES

PAR. 45. *Change of location.*—Upon change of location of the bonded premises, the proprietor will file application, Form 698, for the new premises. The application must be supported by a new bond on Form 700–A, Winemaker's Bond, or consent of surety on Form 1533, Consent of Surety to Change in Terms of Bond, extending the terms of the existing bond to cover the new premises. If upon inspection the construction of the new premises is found to be such that the wines to be stored or produced therein will be securely protected, the district supervisor may approve the notice and bond and permit the use of such premises for a temporary period. The proprietor must promptly file a plat and plan of the new premises conforming fully with the requirements herein prescribed in the case of the establishment of a bonded winery or storeroom.

PAR. 46. *Extension or curtailment of premises.*—Where it is desired to extend or curtail the premises to take in or cut off a room or building, a new application, Form 698, plat, and plan or supplemental plat and plan must be filed by the proprietor. When material changes are made in the winemaking, vermouth processing, or storage facilities, or fortifying room (including the brandy storage room), such as the removal or addition of tanks, or changes in the capacity of tanks, report thereof shall be made by the proprietor in triplicate. One copy of the report shall be attached to the application, Form 698, retained at the premises and two copies forwarded to the district supervisor, who will transmit one copy to the Commissioner.

The Commissioner or district supervisor may at any time require the filing of a new application, plat, and plan. Applications on Form 698 must be serially numbered in the order of filing and must indicate the purpose for which filed.

ARTICLE XIII—CHANGE OF PERSONS INTERESTED IN BUSINESS

PAR. 47. *Change in proprietorship.*—Where there is any change in the proprietorship of the business, as shown by the last application, Form 698, the same steps must be taken as in case of new premises, except that the new proprietor may accept the plat and plan on file. In the case of a copartnership, the withdrawal of a partner or the taking in of a new partner, whether active or passive, shall constitute a change

of proprietorship. Where the new proprietor accepts the plat and plan on file, such acceptance shall include a certification as to the accuracy of the plat and plan. The acceptance shall be executed in triplicate, one copy thereof attached to the plat and plan at the premises, and two copies forwarded with the application to the district supervisor, who will transmit one copy to the Commissioner.

ARTICLE XIV—BOND

PAR. 48. *Bond Form 700–A.*—Except as otherwise provided herein, proprietors of bonded wineries and bonded storerooms shall furnish a separate bond on Form 700–A, in triplicate, with surety or security to cover each winery or storeroom. No wine may be produced or received, and no brandy may be withdrawn for fortification until proper bond is filed and the notice and bond are approved by the district supervisor. Bonds on Form 700–A will be in a penal sum sufficient:

(1) To cover the amount of the tax on all wine to be produced, received, or stored at the bonded winery, received or stored at the bonded storeroom, and in transit from such premises to other bonded premises, at any one time;

(2) To cover the amount of the tax at the distilled spirits rate on all brandy to be withdrawn for use in the fortification of wine and in transit to, or stored at, the bonded winery at any one time; and

(3) To fully cover at all times prior to payment of the assessment the amount of the fortifying tax on all brandy so withdrawn and used in the fortification of wine:

*Provided*, That the penal sum of the bond shall not be less than $500 nor more than $50,000 for a single winery or storeroom; but where the aggregate amount of the outstanding (unpaid) assessments of the fortifying tax on brandy used in the fortification of wine exceeds the penal sum of the bond, the winemaker shall file an additional bond with surety or security in an amount sufficient to cover such excess. Should the winemaker neglect to file the requisite bond, the district supervisor will refuse to allow him to produce or receive wine or withdraw brandy for fortification until the charges against the outstanding bond are reduced sufficiently to permit such further operations. The filing of blanket bonds by winemakers is not permissible.

PAR. 49. *Collector's notice of payment of fortifying tax.*—The collector of internal revenue will advise the district supervisor when payment is made of assessments for brandy fortification tax in order that the district supervisor may have current information concerning outstanding liability against the winemaker's bond. The notice of tax payment will include information as to the list, page, and line on which the assessment appears.

PAR. 50. *Bonds on Forms 699 and 700.*—No person shall operate a bonded winery or bonded storeroom unless he shall have filed with the district supervisor, and the district supervisor shall have approved, a bond on Form 700–A; but a winemaker will not be required to file a bond on Form 700–A if satisfactory bond on Form 699, Bond of Winemaker or Dealer, or Form 700, Bond of Winemaker, Fortifying Bond of Winemaker, or Proprietor of Bonded Storeroom, with surety or security, in a sufficient penal sum, has already been filed and approved, and the terms of such bond have been extended by consent of surety, Form 1533.

PAR. 51. *Strengthening bond.*—In all cases where a winemaker gives a strengthening bond on Form 700–A, the surety or sureties thereon must be the same as the surety or sureties on the bond or bonds of that or any prior series of bonds of the winemaker already on file and in effect; otherwise, a new bond (Form 700–A) covering the entire liability will be required. The filing of new or additional bonds on Form 700 is discontinued.

PAR. 52. *Registry number inserted in bond.*—Before the bond is executed, the proprietor must ascertain from the district supervisor the registry number which will be assigned to the bonded premises if established, so that such number may be inserted in the bond. Bonds not completely and properly filled in and executed will be returned for correction. Proper record will be kept of bonds returned for correction, or for any other purpose. All disapproved bonds shall be returned to the principal and the surety or sureties notified of such disapproval.

PAR. 53. *New bond.*—A new bond may be required at any time, in the discretion of the district supervisor, or under instructions of the Commissioner. A new bond shall be required immediately in case of the death, removal from the State, or insolvency of a personal surety, or insolvency of a corporate surety. Executors, administrators, assignees, receivers, and trustees continuing the business must execute a new bond or obtain the consent of the surety or sureties on the existing bond or bonds.

PAR. 54. *Powers of attorney.*—Powers of attorney and other evidence of appointment of agents and officers executing bonds on behalf of surety companies are required to be filed with, and passed upon by, the Commissioner of Accounts and Deposits, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, the district supervisor.

PAR. 55. *Personal sureties.*—Personal sureties on bonds, of which there must be two, must qualify by executing affidavit on Form 33, Affidavit of Individual Surety on Bond, in triplicate. On approval by the district supervisor, a copy of Form 33 should be attached to each copy of the bond to which it relates. District supervisors should exercise great care in deciding as to the sufficiency of the security afforded by individual sureties and such sureties should not be accepted simply because they attempt to qualify by filing affidavit on Form 33. The principal object of affidavit, Form 33, is to obtain statements which the district supervisor must investigate in every case. Personal sureties must reside within the State in which the bonded winery or storeroom is located, and where real property is offered as security the same must be within the State. Supervisors will from time to time make such inquiries as are deemed necessary in regard to the sufficiency of the security afforded by personal sureties on bonds.

PAR. 56. *Deposit of collateral.*—District supervisors on receiving bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, pledged and deposited by principals as collateral security, in lieu of personal or corporate sureties, shall deposit such securities as required by Department Circular No. 154, revised.

PAR. 57. *Consents of surety.*—Consents of surety (Form 1533) to a change in the terms of a bond must be executed by the principal and all sureties with the same formality and proof of authority to execute as required for the execution of bonds, in as many copies as are required of the bond affected thereby. If the surety is a corporation, the consent must be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, it may be executed by an agent or attorney in fact when the home office officials, by specific authorization, direct and order its execution. A copy of such authorization should be attached to each copy of such consent. The procedure governing the approval and disposition of the copies of bonds shall apply to the approval and disposition of consents of surety.

PAR. 58. *Two or more corporate sureties.*—A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability, in terms, upon the face of the bond, in a definite specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary of the Treasury, as set forth in Form 356, Commissioner of Accounts and Deposits, Section of Surety Bonds.



PAR. 59. *Application of surety for relief from bond.*—A surety on any bond may at any time in writing notify the principal and the district supervisor in whose office the bond is on file that he desires after a date named, which shall be at least 60 days after the date of the notification, to be relieved of liability under said bond. Said notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and the other two to the district supervisor, who will retain one copy and transmit the remaining copy to the Commissioner. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice and the surety shall be relieved under said bond for any acts done wholly subsequent to said date: *Provided*, That if the principal fails to execute a new and satisfactory bond, said bond shall remain effective until there shall have been proper accounting and tax payment for all wines and brandy as of the date when the surety is relieved, as named in such notice. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney duly executed by the surety authorizing him to give such notice or by a verified statement that such power of attorney is on file with the Department.

PAR. 60. *Name legibly written.*—The full name of each person signing applications, notices, bonds, powers of attorney, consents of surety, and other written instruments, or papers required of proprietors of bonded wineries or storerooms, shall be legibly written (preferably typed) in the heading or body of each such instrument or paper.

PAR. 61. *Firm or corporate name.*—In the case of a copartnership, the trade name of the firm, followed by the names of all the members thereof, shall be shown. In the case of a corporation, there shall be shown the corporate name, the name of the State under the laws of which it is incorporated, and the location of the principal office or place of business.

PAR. 62. *Execution of instrument.*—An individual proprietor of a bonded winery or storeroom executing such instruments shall sign his full name thereto, or an attorney-in-fact, duly empowered by him, may sign in his behalf. In the case of a copartnership, the firm name shall be typed or written, followed by the word "By" and the signatures of all partners or the signature of any partner or other person holding a power of attorney authorizing him to execute bonds or other instruments on behalf of the partnership. Where an instrument is signed by an attorney-in-fact, a copy of the power of attorney shall be attached thereto, except that no copy need be attached to instruments other than bonds or consents of surety in cases where the power of attorney has been filed in duplicate with the district supervisor. In the case of a corporation, the corporate name shall be typed or written, followed by the word "By" and the signature and title of each officer executing the document for the corporation, who must be duly authorized to act for the corporation. The instrument shall bear the impression of the corporate seal, and, if a bond or consent of surety, shall be supported by an authenticated copy of the document conferring authority upon each officer to execute the instrument. The signature of each person executing a bond or consent of surety shall be witnessed by two persons, who shall affix their signatures as such, except where execution of the instrument is acknowledged before an officer duly authorized to administer oaths, or, in the case of a corporate instrument, where the seal of the corporation is affixed and attested by its proper officer.

PAR. 63. *Superseding bond.*—Where a new bond, Form 700–A, in a sufficient penal sum computed as prescribed in paragraph 48, is filed to supersede a bond or bonds of the same or a prior series and there is no record of violations of law or regulations by the principal or outstanding liability against the bond, the district supervisor shall, after approval of the superseding bond, prepare Form 1490, "Notice of Bond Termination," in quadruplicate (in quintuplicate if there are two sureties), and forward the original to the Commissioner, one copy to each obligor on the bond, and retain one copy to be filed with the bond to which it relates. Where assessments have been made against the principal, the district supervisor will not issue Form 1490 until a statement has been obtained from the collector of internal revenue that such assessments have been paid.

PAR. 64. *Collateral as security on superseding bond.*—The bonds, notes, or other obligations of the United States deposited as collateral security with an outstanding bond of the proprietor of a bonded winery or storeroom, and with respect to which no violation has been charged, may be used to secure a new superseding bond on Form 700–A by appropriate description of such collateral in the new bond.

PAR. 65. *Release of bond.*—Upon receipt of an application for the release of a bond, Form 700–A, or of a bond of a prior series, the district supervisor will examine his records to ascertain whether there is any outstanding liability against the bond. If and when the district supervisor is satisfied that there is no outstanding liability against a bond the release of which has been applied for, he will prepare Form 1491, "Notification of Release of Bond," in quadruplicate (in quintuplicate if there are two sureties), and forward the original copy to the Commissioner, one copy to each obligor on the bond, and retain one copy to be filed with the bond to which it relates.

Where an offer in compromise of civil liability or an application for remission, or claim for abatement of taxes, has been sent to the Commissioner, and notice of final action has not been received, the district supervisor will not take any action toward the release of the bond until such notice has been received and a statement has been obtained from the collector of internal revenue that the tax involved and all outstanding assessments, if any, have been paid.

PAR. 66. *Release of collateral.*—The provisions of Treasury Department Circular No. 154, revised, and these regulations shall apply to bonds to be superseded or released where obligations of the United States have been deposited with the Government by proprietors of bonded wineries or storerooms as collateral security in lieu of surety or sureties, and to the disposition of such obligations so deposited.

ARTICLE XV—SWEETENING MATERIALS

PAR. 67. *Storage room.*—Where sugar or condensed grape must for use in the manufacture or treatment of wine is stored on the winery premises, a room for the storage of such materials must be provided, as required by paragraph 18. All sweetening agents received at the winery must be stored in such room.

PAR. 68. *Form 261.*—All sweetening agents received, used, and on hand at the winery must be reported by the winemaker on Form 261, Winemaker's Monthly Report of Materials for Fortification and Amelioration of Wines.

PAR. 69. *Grape must.*—Pure boiled or condensed grape must may, if desired, be stored in closed, locked containers properly marked and identified as "Condensed must tanks" on the winery premises, outside the storage room for the sweetening agents. Such tanks will be regarded as a part of the storage room for sweetening agents, so far as the storage of condensed must is concerned.

ARTICLE XVI—PRODUCTION AND AMELIORATION OF WINE

*Natural Wine*

PAR. 70. *Production.*—Natural wine is produced by the normal alcoholic fermentation of the juice of sound, ripe grapes, without addition or abstraction, other than such as may occur in the usual cellar treatment of clarifying and aging, except that in the event the must or wine has natural deficiencies, it may be ameliorated with a solution of water and pure cane, beet, or dextrose sugar, containing, respectively, not less than 95 per cent of actual sugar, calculated on a dry basis, the quantities of water and sugar composing the solution being in the proportion necessary to correct natural defi-

ciencies in the must or wine. If so ameliorated, the resulting product (1) must contain not less than 5 parts per thousand of acid before fermentation, (2) may not contain more than 13 per cent of alcohol after complete fermentation, and (3) may not be increased more than 35 per cent in volume.

PAR. 71. *Sweetening for fortification.*—Natural wine, ameliorated in accordance with paragraph 70, may, prior to fortification, be sweetened with cane sugar or beet sugar or pure condensed grape must. Natural wine, to which no sweetening agents have been added, may, prior to fortification, be sweetened with cane sugar or beet sugar or pure condensed grape must. The cane sugar or beet sugar or pure condensed grape must added shall not be in excess of 11 per cent of the weight of the wine.

*Pure Sweet Wine*

PAR. 72. *Production.*—Pure sweet wine is produced by the fermentation or partial fermentation of grape juice only, with the usual cellar treatment, and shall contain no other substance whatever, introduced before, at the time of, or after fermentation, except that the juice or wine, or both, may be ameliorated as follows:

(*a*) With pure boiled or condensed grape must or pure crystallized cane or beet sugar or pure dextrose sugar, containing, respectively, not less than 95 per cent of actual sugar, calculated on a dry basis, or water, or any or all of them, in quantities necessary to perfect the wine according to commercial standards, or for mechanical purposes;

(*b*) The cane or beet or pure dextrose sugar added shall not be in excess of 11 per cent of the weight of the wine;

(*c*) Water shall not be used in excess of 10 per cent of the weight of the juice or wine, or both, to which added, and the wine to which water is added shall not after fermentation have an alcoholic content of less than 5 per cent.

PAR. 73. *Water used at crusher.*—Water may be used at the crusher only when absolutely necessary for the proper operation of the mechanical devices used in crushing and conveying the material to the fermenting tanks, and only in such quantities as is necessary. Where the machinery becomes so clogged that it is evident a greater amount of water than the maximum quantity allowed will be necessary for flushing purposes, or the winemaker desires to flush the machinery without running the water into the sweet wine material, the pipes and conveyors leading to the fermenting tanks containing the sweet wine material will be disconnected or closed before flushing the crushing and conveying machinery. If the winemaker so desires, the water may be run into fermenting tanks for producing distilling material. In such cases where the water is not run into the juice (sweet wine material), it will not be included in the 10 per cent addition permitted by paragraph 72.

PAR. 74. *Water for ameliorating and mechanical purposes.*—Water may be used for ameliorating purposes at the time of crushing and immediately prior to fortification. But, except as prescribed in paragraph 73, the total quantity of water used for both mechanical and ameliorating purposes, either at the time of crushing or fortification, or both, shall not exceed 10 per cent of the weight of the juice or wine.

PAR. 75. *Fortification.*—Pure sweet wine, produced in accordance with paragraph 72, whether ameliorated or not, may be fortified as prescribed in Part Two of these regulations.

*Fruit and Berry Wines*

PAR. 76. *Production.*—Citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, and apple wines will be produced by the normal alcoholic fermentation of the juice of sound ripe citrus fruit (except lemons and limes), peaches, cherries, berries, apricots, and apples, respectively, with or without the addition of dry cane, beet, or dextrose sugar (containing, respectively, not less than 95 per cent of actual sugar calculated on a dry basis), for the purpose of perfecting the product according to standards, but without the addition or abstraction of other substances, other than such as may occur in the usual cellar treatment of clarifying and aging, except that in the event the must or wine has natural deficiencies, it may be ameliorated with a solution of water and pure cane, beet, or dextrose sugar, containing, respectively, not less than 95 per cent of actual sugar, calculated on a dry basis, for the purpose of correcting natural deficiencies in the must or wine. If so ameliorated, the resulting product (1) must contain not less than 5 parts per thousand of acid before fermentation, (2) may not contain more than 13 per cent of alcohol after complete fermentation, and (3) may not be increased more than 35 per cent in volume.

PAR. 77. *Sweetening for fortification.*—Fruit and berry wine, ameliorated in accordance with paragraph 76, may, prior to fortification, be sweetened with cane sugar or beet sugar or pure condensed must of the fruit or berry used in manufacturing the wine. Fruit and berry wine which has not been ameliorated may, prior to fortification, be sweetened with cane sugar or beet sugar, or pure condensed must of the fruit or berry used in manufacturing the wine. The cane sugar or beet sugar or pure condensed must added shall not be in excess of 11 per cent of the weight of the wine.

SUPERVISION OF AMELIORATION BY GOVERNMENT OFFICERS WAIVED

PAR. 78. *Amelioration without Government supervision.*—Proprietors of bonded wineries are authorized to ameliorate wine without supervision by Government officers. However, when Government officers are present on the premises for other purposes or in performance of other duties, they shall observe the process of amelioration and see that it is done within the limitations prescribed by law. Wine may be ameliorated only by the producing winemaker. Fortified wine may be ameliorated only prior to fortification. In determining the alcoholic, saccharine, and acid content of the must or wine, and the quantity of sugar solution that may be used in the production of wine under section 610 of the Revenue Act of 1918, as amended, the winemaker will follow the instructions given in Part 3 and in the Appendix to these regulations.

PAR. 79. *Record of amelioration.*—The amelioration of juice (must) or wine prior to or during the process of fermentation will be shown on the winemaker's production report, Form 701. The amelioration or sweetening of wine, after the same has been taken into account on Form 702 as wine produced, will be shown in the proper detailed statement and in the summary of that account. Where wine produced for probable fortification is ameliorated, the winemaker will enter on the tank label, Form 546, Label for Eligible Wine Material, all information required by such label relative to amelioration and sweetening. (See Article L.)

OTHER REQUIREMENTS RELATIVE TO PRODUCTION

PAR. 80. *Form 546.*—Where grapes, citrus fruit (except lemons and limes), peaches, cherries, berries, apricots, or apples are crushed for probable fortification there will be attached to the fermenting tanks into which the material is run a label, Form 546, as provided in paragraph 242.

PAR. 81. *Wines from other materials.*—Where it is desired to produce wine other than natural wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, and apple wine, as defined in section 610 of the Revenue Act of 1918, as amended, or pure sweet wine as defined in section 43 of the Act of October 1, 1890, as amended, the winemaker will prepare a notice in triplicate showing the materials and methods to be used. One copy of such notice will be attached to the application, Form 698, retained at the premises and the other two copies forwarded to the district supervisor, who will transmit one copy to the Commissioner.

PAR. 82. *Wines under 6 per cent.*—Where wines are produced with an alcoholic content of less than 6 per cent by volume after complete fermentation, the per cent of alcohol contained in the wine and the reason for the low alcoholic content shall be noted by the winemaker on Form 701 at the time of production.



PAR. 83. *Brandy or wine and sweetening agents in effervescent wine.*—Winemakers producing champagne and other sparkling wines, or artificially carbonated wine, may, in connection with the finishing and treatment of such wines, add thereto a small quantity of grape sirup, rock candy, or other sweetening agents and a small quantity of brandy or wine. The brandy so used must be tax-paid. Winemakers may store not more than one barrel of such brandy on their winery premises for this purpose. Such tax-paid brandy and sweetening agents shall be kept either in the sweetening agents room, provided for in paragraph 18, or in a separate closet in the champagne department. If stored in the sweetening agents room, such tax-paid brandy and sweetening agents shall be kept separate from sweetening agents to be used for other purposes.

PAR. 84. *Report on Form 261.*—Every winemaker using tax-paid brandy and grape sirup, rock candy, or other sweetening agents in making a preparation for use in champagne or sparkling wine or artificially carbonated wine shall keep a monthly record thereof and of the preparation made therefrom, on Form 261. All the pertinent information indicated by the headings of the columns and lines of the form shall be reported. The quantities of tax-paid brandy and sweetening agents procured or used by winemakers in making such preparation will not be entered in the district supervisor's Form 290, Bonded Account as to Grape Brandy and Saccharine Entering into Bonded Wineries.

PAR. 85. *Record of wines baked.*—Where wine is baked on bonded premises the proprietor shall keep a record showing the (*a*) serial number of each tank; (*b*) date wine is placed in tank; (*c*) quantity and alcoholic content; (*d*) date baking commenced; (*e*) date baking completed; (*f*) method employed; (*g*) date removed from tank; and (*h*) quantity removed, and alcoholic content thereof. No allowance for losses due to the baking of wine will be made unless shown by such record to have been sustained. The record shall be kept complete and up to date, and preserved for a period of three years available for inspection by Government officers.

ARTICLE XVII—MANUFACTURE OF VERMOUTH

PAR. 86. *Separate department.*—Vermouth may be manufactured only in a separate department of the winery premises, provided as prescribed in paragraph 15. No wine other than fortified sweet wine may be used in the manufacture of vermouth on bonded winery premises. No distilled spirits may be added to the fortified sweet wine used in the manufacture of vermouth on such premises or to the vermouth during or after its manufacture. No alcoholic extract excepting such as may be made by macerating herbs and other non-alcoholic flavoring material with fortified sweet wine in the vermouth department may be used in the manufacture of vermouth in such department.

PAR. 87. *Formulae and processes.*—Every winemaker desiring to manufacture vermouth on his winery premises shall file with the district supervisor a statement in detail of each process by which he intends to manufacture the product, including the formulae. The formulae must show all the ingredients to be used, but the quantity or percentage of each ingredient used need not be given. It will not be necessary to submit a new formula where the quantity or percentage of any ingredient is varied. Where the ingredients composing a formula are changed, however, a new formula must be submitted. Each formula will show the percentage of absolute alcohol by volume in the finished product according to the taxable grade, as not more than 14 per cent, more than 14 per cent and not exceeding 21 per cent, more than 21 per cent and not exceeding 24 per cent. Formulae will be numbered serially and prepared in triplicate. The winemaker will retain one copy of each statement of process and formula accessible for inspection by Government officers and forward two copies to the district supervisor. The district supervisor will retain one copy and forward the other to the Commissioner. No winemaker may manufacture any vermouth not covered by a formula filed by him with the district supervisor.

ARTICLE XVIII—WINES FOR FAMILY USE

PAR. 88. *Registered producer.*—A duly registered producer may produce not in excess of 200 gallons of still wine per year for the use of his own family without payment of tax. Wine thus produced must not be sold or otherwise removed from the place of manufacture.

PAR. 89. *Limitations of exemption.*—The statutory exemption does not apply to (*a*) wine made by one person for the use of another, whether consumed on the premises or removed therefrom for the family use of the owner; (*b*) wine produced by a single person, unless he is the head of a family; (*c*) wine produced by a married man living apart from his family; (*d*) wine made by a partnership or produced at a winery operated by two or more heads of families jointly; or (*e*) wine furnished to persons not members of the producer's family.

PAR. 90. *Form 1541.*—Every person (other than the operator of a bonded winery) entitled to, and desiring to, produce still wine for the exclusive use of his family must prepare Form 1541, Registration for Production of Wine for the Family Use of the Producer thereof not in excess of 200 Gallons and not for Sale or to be otherwise Removed or Consumed, in duplicate, file one copy with the district supervisor and retain the other. The form must be filed at least five days before commencing operations, and must be renewed each succeeding year during which it is desired to produce wine for family use.

ARTICLE XIX—PRODUCTION OF WINE FOR DISTILLING MATERIAL

PAR. 91. *Form 546–B.*—Where wines are produced expressly for distilling material, label, Form 546–B, Distilling Material, will be attached to the fermenting tank. If the wine is transferred to a storage tank before removal from the winery, the label shall be removed from the fermenter and attached to such tank.

PAR. 92. *Addition of water to wine for distilling material.*—Water may be added to wine on the winery premises in a distilling material measuring tank in such quantity as may be necessary to facilitate distillation. Any properly calibrated tank on the winery premises may be used as a distilling material measuring tank. At the time water is added to wine preparatory to removal for use as distilling material, the quantity of water added must be entered in appropriate column in Form 702, and a label, Form 546–B, showing the quantity of water added must be attached to the containers of such wine. A copy of the label must be attached to Form 702. When distilling material is removed, the winemaker will enter in the appropriate statement on Form 702, as removed, the quantity of wine transferred to the fruit distillery.

PAR. 93. *Limitations.*—In the manufacture of wine for use as distilling material, water may be used in such quantity as necessary for the purposes of facilitating fermentation and economical distillation. Such wine may be made by fermentation of the grape juice, citrus-fruit juice, peach juice, cherry juice, berry juice, apricot juice, or apple juice, or by further fermentation of the pomace or cheese after the wine has been drawn off. Spirits distilled from grape cheese to which sugar solution has been added may not be used for fortification. Wine produced for use as distilling material will be accounted for on Form 701 in the manner indicated therein. (See Article XXVI.)

PAR. 94. *Sweetened grape cheese.*—Where it is desired to sweeten grape cheese to be fermented on winery premises for use as distilling material, there may, as provided by section 3255 of the Revised Statutes, as amended, be added to not less than 500 gallons (10 barrels) of grape cheese not more than 500 gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 per cent pure, such solution to have a saccharine strength of not to exceed 10 per cent. If it is desired to add water as well as a sugar solution

to the grape cheese, the sugar solution must be added first, as the statute fixes a limit on the sugar solution in accordance with the quantity of cheese, and not the quantity of cheese and water. The grape cheese may be sweetened once only.

ARTICLE XX—WINE TO BE DEPOSITED WITHIN BONDED PREMISES

PAR. 95. *Storage.*—Upon removal from the fermenters wine must immediately be conveyed into storage containers within the winery, or fortifying tanks in the fortifying room. When the manufacture of vermouth is completed, it must be transferred from the processing tanks to storage or shipping containers. Wine received in bond from other bonded premises must be deposited immediately in the winery or bonded storeroom. The storage of wine in outbuildings or containers outside the bonded premises will not be permitted.

PAR. 96. *Forms 701, 702–A, and 702–B.*—When the first period of fermentation is complete, still wine must be drawn from the fermenters and entry made thereof in monthly record, Form 701, as produced. Fermenters, as such, may not be used for the storage of wine. Champagne or other sparkling wines or artificially carbonated wines shall be entered on Form 702–A, Report of Champagne and other Sparkling Wines and Artificially Carbonated Wines, as produced, when the bottles are filled. If sparkling wine is made by a bulk process, entry must be made in Form 702–A when the wine is deposited in the tank for secondary fermentation. When the manufacture of vermouth is completed, it must be drawn from processing tanks and entry made thereof in Form 702–B, Winemaker's Vermouth Report. Finished vermouth may not remain in processing tanks.

ARTICLE XXI—FILTERING, CLARIFYING, AND PURIFYING OF WINES

PAR. 97. *Processes not rectification.*—The filtering, clarifying, or purifying of wine on bonded winery or storeroom premises is not rectification within the meaning of paragraph "Third" of section 3244 of the Revised Statutes.

PAR. 98. *Limitations.*—In the process of filtering, clarifying, or purifying wines on bonded winery or storeroom premises, materials, methods, and equipment may be used to remove cloudiness, precipitation, and undesirable odors and flavors, but the addition of any substance foreign to wine which remains a part thereof, or the abstraction of ingredients to an extent or in a manner which will affect the basic composition of the wine by eliminating the characteristic elements or which will change its type, is not within the statute, and is not permitted on bonded winery or storeroom premises. However, if any color develops in the manufacture of white wines, it may be removed by suitable cellar treatment.

PAR. 99. *Spurious, imitation, or compound wine.*—The mixing of any materials with wine which will result in the production of a compound, imitation, or spurious wine will constitute rectification and may not, therefore, be done on bonded winery or storeroom premises.

ARTICLE XXII—BLENDING OF WINES

PAR. 100. *Limitations.*—Wines may be mixed or blended with each other at a bonded winery or bonded storeroom only, and for the sole purpose of perfecting such wines according to commercial standards. Natural wine and pure sweet wine may not be mixed or blended with citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, or apple wine, or with wine produced from other materials, nor may wine produced from one kind of fruit or berry be mixed or blended with wine produced from another kind of fruit or berry. Vermouths may be mixed or blended with each other for the sole purpose of perfecting them according to commercial standards, but may not be mixed or blended together with any other wines. Blended wines will be tax-paid according to their alcoholic strength after blending, but the blending must be done in fact for the purpose of manufacturing a finished product conforming to commercial standards. Wine purchased by one winemaker from another may be used for blending purposes without incurring special tax for the sale of such blended wine.

PAR. 101. *Report in Form 702 or 702–B.*—Where wines of different alcoholic strength are blended and the rate of taxability is thereby changed, report of such blending will be made in monthly report, Form 702 or 702–B, as the case may be, showing the exact percentages of alcohol contained in the wines both before and after blending. Where the rate of taxability is not changed, no report of the blending operation need be made.

ARTICLE XXIII—REMOVAL OF WINE

PAR. 102. *Containers and markings.*—Removal of wines may be made in casks, barrels, kegs, tanks, tank trucks, and railroad tank cars, or (when bottled) in cases of any desired size. If shipment is made in a railroad tank car and the premises of the consignor have no siding facilities, each tank truck transporting wine from the winery to the railroad tank car must have affixed thereto a label or tag stating the name of the consignor, the quantity of wine in the tank truck, the serial number of the railroad tank car to which the wine is being transported, and the name and address of the consignee. If shipment is made in a tank car and the premises of the consignee are not equipped with siding facilities, he shall mark each package filled from such car, or affix thereto a tag, stating the name of the consignor, the serial number of the car from which removed, and the name and address of the consignee. All casks, barrels, kegs, tanks, or cases in which wines are removed from bonded premises must be numbered in serial order commencing with No. 1 at each winery or storeroom. The proprietor of a bonded winery or storeroom may, if he desires, change the series after using the numbers up to 100,000 by beginning again with No. 1 and prefixing the numbers of the new series with the letter "A." He may continue to change the series after reaching 100,000 by prefixing each new series with the succeeding letters of the alphabet, "B," "C," "D," etc. The head of each package (including tanks) and the side of each case must be marked in a plain and durable manner with the serial number, the name of the proprietor of the winery or storeroom, the registered number of the premises, the location thereof (by city or town and State or supervisory district and State), the kind of wine, alcoholic strength of the wine, and the contents of the package or case in wine gallons. These marks must be cut, imprinted, or stenciled upon the package or case in legible letters and figures of appropriate size, or placed on a label or tag securely affixed to the package or case. If a label or tag is used, it must be of good quality white paper or other suitable material and of appropriate size, and the letters and figures heren must be durable and legible. The label or tag must be affixed with a good adhesive and, in the case of wooden packages, with not less than five tacks. After being so affixed, a coating of transparent shellac shall be applied over the label or tag. The head of the package or side of the case bearing the prescribed marks shall be known as the "Government head" and "Government side," respectively.

PAR. 103. *Serial numbers.*—Packages and cases will be numbered in sequence on removal, except where packages or cases are filled for shipment in advance of orders, they may be numbered at the time of filling and need not necessarily be removed in serial order. When tank cars are shipped, the railroad car number will also be reported on Form 702. Where wines are transferred in bond from one bonded premises to another, the packages must, upon removal from the last premises, be re-marked with the serial numbers and other marks of such premises but may retain the marks of the premises from which received: *Provided*, That where wine stored at a bonded field warehouse is released to the depositing winemaker for immediate removal, the proprietor of the bonded field warehouse may place thereon the serial numbers and the marks and brands of the winery.



PAR. 104. *Labels.*—When wines are bottled, the bottler shall securely affix to each bottle a label showing (1) the name and address of the premises, or the name, registry number, and State where the premises are located; (2) the kind of wine; (3) the alcoholic content by volume, except that if not over 14 per cent, it may be so stated; and (4) the net contents of the bottle, unless legibly blown in the bottle.

PAR. 105. *Contents of packages.*—Winemakers will be held strictly responsible for the correct determination of the quantity and alcoholic content of wine removed at the time of removal. They must not assume that a package contains a certain quantity or that the wine is of a certain taxable grade. As required by paragraph 26, appropriate and accurate measures and instruments for measuring and testing the wine must be provided at each winery or storeroom. The Salleron-Dujardin or Juerst ebullioscope or one of the other ebullioscopes named in paragraph 31 may be used for determining the per cent of alcohol contained in the wine. If an approved ebullioscope is not provided, other appropriate and accurate instruments approved by the Commissioner must be provided in lieu thereof.

PAR. 106. *Family use.*—Where the head of a family operates a bonded winery, still wine of his own production not exceeding 200 gallons per year may be removed free of tax for the use of his family, the year to be reckoned as commencing on July 1. The winemaker must make proper entries of the quantities so removed in his monthly report, Form 702, as required by paragraph 107. Wine in excess of the 200-gallon allowance removed from the winery for family use must be tax-paid upon removal.

PAR. 107. *Report of removals.*—When wine is removed from the winery or storeroom, appropriate entry must be made on Form 702, 702–A, or 702–B, as the case may be. The proprietor of each winery or storeroom shall keep a separate record showing the date of each tax-paid removal, the quantity, kind, and alcoholic content of the wine removed, the serial numbers of the packages or cases, and the name and address of the consignee. The separate record of tax-paid removals may consist of commercial papers kept on the premises available for inspection and in such a manner that the required information may be readily ascertained therefrom. Entry of wine tax-paid and removal must be made in the separate record kept at the winery, or the commercial papers made available as required, before removals are made. Entry of the total removals each day must be made in Form 702, 702–A, or 702–B before the close of business on the following business day. Records of wine received on bonded winery premises must be made on Form 702 or 702–B before the close of the business day.

ARTICLE XXIV—TAX-PAYMENT OF WINES

PAR. 108. *Tax-payment by stamp.*—Whenever the proprietor proposes to tax-pay and remove wine, he shall, prior to such removal, securely affix to each cask, barrel, or other immediate container except bottles of a capacity of one gallon or less, or to each case or other shipping container (except railroad tank cars), stamps denoting payment of the internal revenue tax thereon. The stamps shall be affixed to the Government head of each package or side of each case. When removal is made in a tank truck, the stamps shall be affixed to a suitable board fastened to the truck in a permanent manner. The stamps must be affixed with a good adhesive. In the case of wooden containers, tacks or staples shall be used in addition to the adhesive. The proprietor shall cancel the stamps by indelibly writing or stamping thereon or perforating his name or initials and the date of cancellation. After cancellation a coating of transparent varnish or shellac must be applied over the stamps. The number of bottles and the size of each bottle in a case of champagne, sparkling wine, or artificial carbonated wine, must be stenciled or marked on the case.

PAR. 109. *Tax-payment in tank cars.*—Where tax-paid wine is shipped in railroad tank cars, the proprietor shall attach to a copy of the bill of lading wine stamps of a value equal to the tax on the wine so shipped, shall cancel the stamps in the manner prescribed in paragraph 108, and shall send the copy of the bill of lading to which the canceled wine stamps are affixed to the supervisor of the district in which the wine is tax-paid. The bill of lading must show the number of the railroad tank car, the contents in wine gallons, the kind of wine, and the alcoholic strength of the wine.

PAR. 110. *Tax-payment label on tank car or tank truck.*—There must be securely affixed to each railroad tank car or tank truck of tax-paid wine a label showing the name, registry number, and location (city or town and State) of the bonded premises from which shipped, the contents in wine gallons, the kind of wine, the alcoholic strength thereof, and the date of tax-payment. The label will be in substantially the following form:

Shipped by
CALIFORNIA WINE CO.
B. W. No. 54, St. Helena, Calif., 14th Dist.
8,931.5 gals. Sherry Wine 20% alc.
Tax paid August 10, 1927

The label must be affixed to some place on the tank car or tank truck where it may readily be examined by Government officers, and must be destroyed when the tank car is emptied.

PAR. 111. *Stamps equal to tax.*—Proprietors will be held strictly responsible for the attachment, or surrender to the district supervisor, of wine stamps in a value equal to the tax on the wine contained in each package or case removed. The tax must be computed according to the alcoholic content of the wine at the time of removal and at the rates provided by law.

PAR. 112. *Tax on still wines.*—The following are the rates of tax on still wines, artificial or imitation wines or compounds sold as still wines, and vermouth produced in a bonded winery, the per cent of alcohol to be reckoned by volume:

(*a*) 5 cents per wine gallon when containing not more than 14 percent of absolute alcohol;

(*b*) 10 cents per wine gallon when containing more than 14 per cent and not exceeding 21 per cent of absolute alcohol;

(*c*) 20 cents per wine gallon when containing more than 21 per cent and not exceeding 24 per cent of absolute alcohol;

(*d*) When containing more than 24 per cent of absolute alcohol, classed as distilled spirits and taxed accordingly.

PAR. 113. *Tax on sparkling wine.*—The following are the rates of tax on champagne or sparkling wine and artificially carbonated wine:

(*a*) On each bottle or other container of champagne or sparkling wine, 2½ cents on each one-half pint or fraction thereof;

(*b*) On each bottle or other container of artificially carbonated wine, 1¼ cents on each one pint or fraction thereof;

(*c*) Any of the foregoing articles containing more than 24 per cent of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

PAR. 114. *Computing tax on champagne.*—The tax on champagne, sparkling wine, and artificially carbonated wine must be computed on each bottle, and not on the aggregate contents of the case. Thus, the tax on a one-fifth gallon bottle of sparkling wine amounts to 10 cents, and on a case of 12 such bottles the tax amounts to $1.20.

ARTICLE XXV—SHIPMENT OF STILL WINES IN BOND TO OTHER BONDED PREMISES

PAR. 115. *Removals free of tax.*—Still wines and vermouth may be removed for transfer in bond free of tax from a bonded winery or bonded storeroom to another bonded winery or bonded storeroom, as provided in these regula-

tions. Such wines and vermouth may be so transferred not more than twice.

PAR. 116. *Shipments in bond.*—Where still wines or vermouth are shipped in bond to other bonded premises the bill of lading covering the shipment must show the proprietor of the premises from which such wine or vermouth is shipped as the consignor, and the proprietor of the premises to which the wine or vermouth is shipped as the consignee; the serial numbers of the packages; the quantity of wine or vermouth and its alcoholic content. Each package or case so shipped must bear the following data, either stenciled thereon in whole or in part, or by label, in whole or in part, securely attached with a good adhesive: that the wine is shipped in bond, the date of shipment, the name, registry number, and location (city or town and State) of the premises from which shipped and the premises to which shipped. This information shall be in addition to the markings prescribed in paragraph 102. Where the wine or vermouth is shipped in tanks, tank trucks, or railroad tank cars, the label must be securely attached with a good adhesive to some place on the tank, tank truck, or railroad tank car where it may readily be examined by Government officers. Where such label is attached to a wooden surface, tacks must be used in addition to the adhesive. The label will be in substantially the following form:

Shipped in bond by
CALIFORNIA WINE CO.
B. W. No. 54, St. Helena, Calif., 14th Dist.
to
NEW YORK WINE CO.
B. W. No. 72, New York, N. Y., 2nd Dist.
Shipped ———
(Date)

PAR. 117. *Form 703.*—At the time of making shipment, the proprietor will make out one pink and one blue Form 703, Shipment of Bonded Wines, giving all the information called for on the form, and will forward both copies to the district supervisor of his district.

PAR. 118. *Shipments in same district.*—If the wines or vermouth are shipped to premises within the same district, the district supervisor will retain both copies of Form 703 until the monthly reports, Form 702 or Form 702–B, of the consignor and consignee are received, when they will be checked with both Forms 702 or 702–B and any loss in transit noted thereon. The date of checking and the initials of the checker will also be entered on each copy of Form 703 in the proper spaces. The district supervisor will then file both copies of Form 703.

PAR. 119. *Shipments to other districts.*—If the wines or vermouth are shipped to another district, the district supervisor will immediately forward the blue Form 703 to the district supervisor of the district to which the wines or vermouth are shipped. The district supervisor of the district to which the wines or vermouth are shipped will check the blue Form 703 with the monthly report on Form 702 or Form 702–B of the proprietor to whom the wine or vermouth is shipped, and will note thereon any loss in transit. The date of checking and the initials of the checker will also be entered on Form 703 in the proper space. The district supervisor will then return the form to the district supervisor of the district from which the wines or vermouth were shipped. When the form is received by the district supervisor of the shipping district, it will be checked with the consignor's report, Form 702 or 702–B, and the date of checking and initials of the checker will be entered on the Form 703.

PAR. 120. *Wines measured when received.*—When received at the premises to which they are shipped, the proprietor of such premises will measure the wine or vermouth and enter on his monthly report, Form 702 or 702–B, the quantity actually received.

PAR. 121. *Losses in transit.*—If there has been a loss in transit from any package or other container in excess of 1 per cent, or 2 per cent in the case of transcontinental shipments, of the quantity shipped in such container, the proprietor of the receiving premises will attach to his monthly report, Form 702 or 702–B, a statement in affidavit form setting out all the material facts relating to the entire loss, and stating particularly the nature and cause thereof, i. e., whether by leakage, evaporation, casualty, theft, etc., and the extent of the loss. If there has been a loss from more than one package, the quantity lost from each package, the cause thereof, and the condition of the package must be given. The statement must also set forth whether the proprietor has been reimbursed or is indemnified for the tax on the wine or vermouth. If statements relative to the loss can be procured from the carrier, copies thereof will also be attached to Form 702 or 702–B, as the case may be. The proprietor shall immediately forward copies of these statements to the proprietor of the winery or storeroom from which the wines or vermouth were shipped.

PAR. 122. *Losses less than 1 per cent.*—If the loss is less than 1 per cent, or 2 per cent in the case of transcontinental shipments, of the quantity shipped in any package or other container, notation of such loss will be made by the proprietor of the receiving premises on his monthly report, Form 702 or 702–B, but no detailed statement of the loss need be made unless so required by the district supervisor or Commissioner.

PAR. 123. *Shipper liable for tax.*—The proprietor of the premises from which the still wine or vermouth is shipped in bond will remain liable for the tax thereon until received at the premises to which shipped. Application for remission of tax on losses in transit will be filed by the consignor in accordance with Article XXXIV.

PAR. 124. *Transfers to and from bonded field warehouse.*—Where wines are transferred to and from a bonded field warehouse and the winery contiguous or adjacent thereto, it shall not be necessary to make report on Form 703. When wines are so transferred the proprietor of each premises shall immediately enter the transaction in his monthly record, Form 702 or 702–B.

ARTICLE XXVI—REMOVAL OF STILL WINE AS DISTILLING MATERIAL

PAR. 125. *Wine removed free of tax.*—Still wine may be removed in bond free of tax to a fruit distillery or an industrial alcohol plant for use as distilling material in the manufacture of brandy and alcohol.

PAR. 126. *Pipe line to fruit distillery.*—Where a bonded winery and a fruit distillery are operated on contiguous premises by the same person, still wine for use as distilling material may be transferred from tanks in the winery to measuring tanks in the distillery, or, where the distillery measuring tanks are authorized to be installed on the winery premises, from such measuring tanks directly to the chargers of the stills, by fixed pipe line. The pipe line must traverse only bonded premises and be equipped with a valve which may be locked with a Government lock. The valve will be locked whenever operations at the distillery or winery are suspended.

PAR. 127. *Pipe line to industrial alcohol plant.*—Where a bonded winery and an industrial alcohol plant are operated on contiguous premises by the same person, still wine for use as distilling material may be transferred from tanks in the winery to storage tanks in the alcohol plant, by means of a securely connected pipe line of a fixed and permanent character. The tanks in the winery must be suitably equipped for determining the quantity of wine so transferred, and the pipe line outlet of each such tank must be equipped with a valve so constructed that it may be locked at all times, except when necessary to be open for the transfer of wine. The keys will be in the custody of the Government officer assigned to the alcohol plant, and the wine will be transferred under his supervision.

PAR. 128. *Report on Form 702.*—All wine removed from a bonded winery or bonded storeroom for shipment or transfer to a fruit distillery or industrial alcohol plant must be reported by the proprietor on monthly record, Form 702.



When wines are removed as distilling material, the exact alcoholic content of the wine, as 18 per cent, 20 per cent, etc., must be entered on Form 702.

PAR. 129. *Substandard wines produced for distilling material.*—Substandard wines produced with excessive water or residue material expressly for use as distilling material shall be reported on Form 701.

PAR. 130. *Marking of packages.*—When shipped each package must be plainly marked "For distilling material," in addition to bearing the marks and brands required by paragraph 102. The winemaker will remain liable for the tax on the wine until it is received at the distillery premises.

PAR. 131. *Wines measured when received.*—Upon receipt of the wine at the fruit distillery or industrial alcohol plant, it must be measured and entered on Form 15, Monthly Return of Fruit Distiller, or Form 1442, Proprietor's Report of Operations at Industrial Alcohol Plant, as the case may be, with the name of the proprietor, the registry number, and the location of the bonded premises from which it is received. In the case of fortified wines the exact alcoholic content of the wine must also be given.

ARTICLE XXVII—EXPORTATION OF WINES FREE OF TAX

PAR. 132. *Removal free of tax.*—Wines may be removed from bonded wineries or bonded storerooms free of tax for export in accordance with the provisions of this article.

PAR. 133. *Bond Form 186.*—Every person intending to withdraw wines from bonded wineries or storerooms, free of tax for exportation, must file with the district supervisor of the district in which the bonded premises are located a bond on Form 186, Bond for the Exportation of Wines Free of Tax under United States Internal Revenue Laws, in a penal sum equal to the tax on the quantity of wine to be withdrawn, as specified in the entry, Form 711, Withdrawal and Export Entry, and in no case less than $500. The rules relating to bond Form 700–A, as set out in Article XIV, shall, as far as applicable, relate to bond Form 186.

PAR. 134. *Approval of bond.*—The bond shall be approved by the district supervisor if the exporter has in all respects complied with the law and regulations. Withdrawals may be made from time to time under the bond as long as it remains good and sufficient, or until it shall have been released or terminated by the order of the Commissioner or district supervisor.

PAR. 135. *Account with bond.*—The district supervisor will keep an account with the bond, in which account the principal will be charged with the tax on each lot of wine removed for exportation and will receive credit for the tax on each lot concerning which satisfactory proof of exportation is received. Wine shipped for export will be carried as unaccounted for until proof satisfactory to the district supervisor is received showing the exportation of the wine, and the tax has been paid on any wine lost in transit. No provision has been made in the law for allowance of tax on wines lost in transit for export.

*Exportation by Vessel or Aircraft*

PAR. 136. *Form 711.*—After having given the required bond, the exporter will execute and file with the district supervisor an entry on Form 711 in quadruplicate. Parts 1 and 2 of each copy will be fully executed. If the exporter has complied in all respects with the law and regulations, the district supervisor will note his approval on each copy of the entry, retain one copy, and return three copies to the exporter. Upon receipt of the approved copies of the entry, the exporter may withdraw the wines therein described for export free of tax.

PAR. 137. *Consigned to collector of customs.*—The packages or cases containing such wines must be plainly marked "For export" in letters not less than five-eighths of an inch in height, in addition to bearing the marks and brands required by paragraph 102. The wine must be consigned to the collector of customs at the port of export for examination, inspection, supervision of lading, and report, as provided in paragraph 138. Upon shipment from the winery or bonded storeroom, the exporter will forward two copies of the entry to the collector of customs at the port of export. The other copy of the entry will be retained by the exporter.

PAR. 138. *Inspection by customs.*—Upon arrival of the wine at the port of export the collector of customs will direct the proper officer to examine and inspect the wines and ascertain whether the same agree in all respects with the description thereof in the entry, and to superintend their lading for exportation. Such officer will note on both copies of the entry any shortage and the apparent cause thereof. When the wine is exported the collector of customs will certify to the clearance of the wine on part 3 of each copy of the entry, forward one copy to the district supervisor who approved it, and retain the remaining copy.

PAR. 139. *Bill of lading.*—The bill of lading covering shipment of the wine must show the exporter as the shipper, the serial numbers of the packages and the quantity of wine. Upon clearance, the exporter will forward a copy of the bill of lading to the district supervisor. Upon receipt of the copy of the bill of lading and copy of the entry, bearing the certificate of clearance of the collector of customs, and after tax has been paid on any wine lost in transit, the district supervisor will make proper entries in Form 733, Bonded Account as to Still Wines Entering into Bonded Wineries and Bonded Storerooms, Form 733–A, Bonded Account as to Champagne and other Sparkling Wines and Artificially Carbonated Wines, or Form 733, Vermouth Account, as the case may be, and credit the account kept with the export bond, Form 186.

*Exportation by Railroad Car, Motor Truck, or Other Conveyance*

PAR. 140. *Exportation through frontier port.*—Where the wines are to be shipped by railroad car, motor truck, or other conveyance, through a customs port, the collector of customs at such port, on receipt of two copies of the entry from the exporter, will direct that the wines be examined, inspected, and report made as provided in paragraph 138. If the inspector finds that the wines have not been tampered with, the collector of customs will allow the railroad car, motor truck, or other conveyance, to proceed to its destination, and will so certify on each copy of the entry, forward one copy to the district supervisor who approved it, and retain the remaining copy.

PAR. 141. *Regulations extended.*—The provisions of these regulations dealing with bills of lading, the making of entries in bonded accounts, and the crediting of accounts kept with export bonds in connection with exportation by vessel or aircraft shall, so far as applicable, extend and apply to exportation by railroad car, motor truck, or other conveyance.

PAR. 142. *Wines tampered with.*—If the inspecting customs officer has reason to believe that the wines have been tampered with, the collector of customs will take the wines into his custody and report the facts forthwith to the district supervisor within whose district the port of export is located, for such action as he may deem necessary.

PAR. 143. *Shipments to American possessions.*—The provisions of these regulations, and the forms prescribed, in respect to the removal of wines, free of tax for exportation to foreign countries, apply to like removals and shipments to the Philippine Islands, Puerto Rico, the Virgin Islands, and the Panama Canal Zone. Hawaii and Alaska are Territories of the United States, and all shipments of domestic wines thereto must be tax-paid before withdrawal from bonded wineries or other bonded premises, unless transferred in bond to a bonded winery or storeroom located in one of those Territories.

ARTICLE XXVIII—TRANSFER OF WINES TO BONDED MANUFACTURING WAREHOUSES, FREE OF TAX

PAR. 144. *Removals free of tax.*—Wines may be withdrawn from bonded wineries or bonded storerooms without payment of tax and transported to bonded manufacturing warehouses, class 6, to be rectified and exported, or shipped to Puerto Rico.

PAR. 145. *Bond, Form 1580.*—The proprietor of a bonded manufacturing warehouse, class 6, desiring to remove wine to such warehouse from a bonded winery or bonded storeroom, free of tax, for rectification and exportation, or shipment to Puerto Rico, will file with the district supervisor of the district in which the winery or bonded storeroom is located, a bond on Form 1580, Bond for Transfer of Wine to Customs Bonded Manufacturing Warehouse, Class 6, executed in triplicate, in a penal sum equal to the amount of the tax on the quantity of wine to be withdrawn, as specified in the entry, Form 711–A, and in no case less than $500. The rules relating to bond Form 700–A, as set out in Article XIV, shall, so far as applicable, relate to bond Form 1580.

PAR. 146. *Approval of bond.*—Bond Form 1580, so filed, shall be approved by the district supervisor if the proprietor of the bonded manufacturing warehouse has in all respects complied with the law and regulations. Withdrawals may be made from time to time under the bond as long as it remains good and sufficient, or until it shall have been released or terminated by the order of the Commissioner or supervisor.

PAR. 147. *Account with bond.*—The district supervisor will keep an account with the bond, in which account the principal will be charged with the tax on each lot of wine removed for transportation to a bonded manufacturing warehouse, class 6, and will receive credit for the tax on each lot concerning which satisfactory proof of deposit in such warehouse is received. Wine removed for transportation to a bonded manufacturing warehouse will be carried as unaccounted for until proof satisfactory to the district supervisor is received showing the deposit of the wine in such warehouse, and the tax has been paid on any wine lost in transit. No allowance of tax will be made on account of any wines lost in transit to a bonded manufacturing warehouse, class 6.

PAR. 148. *Form 711–A.*—After having given the required bond, the proprietor of the bonded manufacturing warehouse, class 6, will execute and file with the district supervisor six copies of entry, Form 711–A. Parts 1 and 2 of each copy will be fully executed. If the applicant has complied in all respects with the law and regulations, the district supervisor will note his approval on each copy of the entry, retain one copy, return four copies to the applicant, and will forward one copy to the proprietor of the bonded winery or bonded storeroom, as his authority to ship without payment of tax the wine described therein to the bonded manufacturing warehouse. Upon receipt of the approved copies of the entry, the proprietor of the bonded manufacturing warehouse, class 6, may withdraw the wines therein described for transportation to such warehouse without payment of tax.

PAR. 149. *Consignment care collector of customs.*—The packages containing such wines must be plainly marked "For deposit in bonded manufacturing warehouse, class 6," in letters not less than five-eighths of an inch in height, in addition to bearing the marks and brands required by paragraph 102. These marks may be abbreviated, as "For Dep. B. M. W. Cl. 6." The wine must be consigned to the bonded manufacturing warehouse, class 6, in care of the collector of customs of the district in which the warehouse is located. Upon shipment of the wine from the winery, or bonded storeroom, the proprietor of the bonded manufacturing warehouse, class 6, will forward four copies of the entry, Form 711–A, to the collector of customs of the district in which the bonded manufacturing warehouse, class 6, is located.

PAR. 150. *Regauge and deposit in customs bonded manufacturing warehouse.*—The collector of customs will direct the proper officer to gauge the wine upon its arrival at the warehouse and cause the wine to be deposited in the customs bonded manufacturing warehouse, class 6, named in the entry. When the wine has been gauged and deposited in the warehouse, the officer will fill out and execute the certificate on part 4 of each copy of the entry, retain one copy for his files, send one copy to the collector of customs, one copy to the district supervisor who approved it, and deliver one copy to the proprietor of the customs bonded manufacturing warehouse. If there has been a loss of wine in transit, the district supervisor will note in part 4 on the copy of Form 711–A retained by him the quantity of wine entered for deposit in the customs bonded manufacturing warehouse, prepare Form 1585 proposing assessment thereon, and forward both forms to the Commissioner.

PAR. 151. *Bill of lading.*—The bill of lading or other document, if any, covering shipment of the wine, must show the proprietor of the bonded manufacturing warehouse, class 6, as the shipper, the serial numbers of the packages, and the quantity of wine. As soon as the wine is shipped, the proprietor of the bonded manufacturing warehouse, class 6, will forward a copy of the bill of lading or other shipping document, if any, to the district supervisor of the district where the winery or bonded wine storeroom is located. If the wine is transported on trucks belonging to the proprietor of the bonded manufacturing warehouse, notation to that effect will be made on the entry, Form 711–A. Upon receipt of the copy of the bill of lading or other shipping document, if any, and copy of the entry, bearing the certificate of deposit of the collector of customs, and after tax has been paid on any wine lost in transit, the district supervisor will make proper entries in his bonded account, Form 733, and credit the account kept with the bond, Form 1580.

ARTICLE XXIX—REMOVAL OF WINE FOR USE OF THE UNITED STATES

PAR. 152. *Removals free of tax.*—Wine may be removed free of tax upon receipt of proper order for use of the United States.

PAR. 153. *Bill of lading.*—Upon shipment the proprietor will forward to the district supervisor of the district a copy of the bill of lading covering the shipment. The bill of lading must show the serial numbers of the packages and the quantity and alcoholic content of the wine. The district supervisor will forward the bill of lading to the Commissioner after checking it with the proprietor's monthly report on Form 702, 702–A, or 702–B, as the case may be. Report of shipment will be made by the proprietor in one of the blank spaces of the form modified for the purpose.

ARTICLE XXX—SHIPMENT OF STILL WINE TO FRUIT DISTILLERY FOR MANUFACTURE OF DEALCOHOLIZED WINE

PAR. 154. *Removed free of tax.*—Still wine may be removed free of tax to a fruit distillery for the manufacture of dealcoholized wine containing less than one-half of 1 per cent of alcohol by volume.

PAR. 155. *Marking of packages.*—When shipped each package must be plainly marked "For dealcoholization," in addition to bearing the other marks and brands. Where fortified wines are removed for dealcoholization, the information called for in paragraph 317 will be entered on Form 702.

PAR. 156. *Entry in Forms 15 and 1493.*—Upon receipt of the wine at the fruit distillery, it will be measured and entered on Form 15 and Form 1493, Monthly Statement of Brandy Distillery Producing Wine Containing Less than one-half of 1 per cent of Alcohol by Volume, with the name, registry number, and location of the bonded premises from which it is received.

ARTICLE XXXI—SHIPMENT OF STILL WINE TO VINEGAR MANUFACTURERS

PAR. 157. *Removals free of tax.*—Still wine may be removed tax-free from a bonded winery or bonded storeroom for the manufacture of vinegar, but before shipment or delivery to the proprietor of a vinegar plant who is not also a winemaker or proprietor of a bonded storeroom, as specified in paragraph 162, the wine will be converted into vinegar stock as prescribed in these regulations.

PAR. 158. *Conversion into vinegar stock.*—Conversion into vinegar stock will be done under the supervision of an officer detailed to such duty by the district supervisor of the district, by the addition of not less than one-half gallon of glacial acetic-acid, U. S. P., or the equivalent thereof of acetic acid, U. S. P. (approximately 1½ gallons), or of wine vinegar (approximately 12 gallons), to each 100 gallons of dry wine. If fortified wine is to be converted into vinegar stock, three times the quantity of glacial acetic acid, acetic acid, or wine vinegar required for the conversion of dry wine must be added. When glacial acetic acid, U. S. P., or acetic acid, U. S. P., is used, the same need not be tested (except when the district supervisor shall so direct), provided the material is delivered to the officer in a sealed package, bearing seal and label descriptive of its content, placed thereon by a reputable manufacturer.



PAR. 159. *Samples of acetic acid.*—In all cases where it is desired to use wine vinegar, or glacial acetic acid, U. S. P., or acetic acid, U. S. P., not contained in a sealed package, bearing seal and label descriptive of its contents, placed thereon by a reputable manufacturer, the officer will take a 1-pint sample from each container of the material to be used, and will submit the same to the Government chemist for analysis. After the samples are taken the containers will be sealed by the officer. The chemist will make a report of his analysis to the district supervisor of the district, and will state the quantity, in wine gallons, of the material required to raise the acetic acid content of 100 gallons of wine to not less than one-half of 1 percent by volume in the case of dry wine, or 1½ per cent by volume in the case of fortified wine. The officer supervising the conversion will satisfy himself that the material has not been tampered with since the samples were taken, and will see that the required quantity is added to the wine.

PAR. 160. *Marking of packages.*—Where glacial acetic acid, U. S. P., or acetic acid, U. S. P., is used to effect conversion, the containers in which the vinegar stock is shipped will be marked "Acetic acid and wine vinegar stock." Where wine vinegar is used to effect conversion, the containers will be marked "Wine vinegar stock." All containers will also be marked with the name, registry number, location (by city or town and State) of the winery or storeroom from which shipped.

PAR. 161. *Retention of acetic acid on winery premises.*—Winemakers may not retain acetic acid on the winery or storeroom premises. Where wine is to be converted into vinegar stock in accordance with the foregoing, the material required for such conversion must be brought into the winery or storeroom at the time of conversion, and any residue not used must be immediately removed from the winery or storeroom. Wine converted into vinegar stock must be kept separate and apart from other wines in the winery or storeroom during the period necessary for conversion and shipment. The vinegar stock must be removed from the winery or storeroom immediately after conversion. The officer supervising the conversion will see that these requirements are complied with. When fortified wines are removed for the manufacture of vinegar, the information called for in paragraph 317 should be entered on Form 702. District supervisors will advise the Commissioner of all conversions under supervision of their officers.

PAR. 162. *Vinegar plant contiguous to winery.*—A winemaker or proprietor of a bonded storeroom who is also the proprietor of a vinegar plant contiguous or adjacent to the winery or storeroom may withdraw still wine free of tax from his winery or bonded storeroom for removal to such vinegar plant. Application for withdrawal of wine for removal to a vinegar plant will be made on Form 1415, Application to Remove Wine Vinegar from Bonded Wineries Without Payment of Tax, in duplicate, and filed with the district supervisor. If the supervisor finds that the vinegar plant is equipped and in condition to produce vinegar from the wine applied for, he will approve the application, and return one copy to the winemaker or proprietor of a bonded storeroom as his authorization to remove the wine to his vinegar plant. The winemaker or proprietor of a bonded storeroom, who removes wine to his vinegar plant free of tax, will make appropriate entries in Form 702. A winemaker or proprietor of a bonded storeroom desiring to withdraw wine free of tax for the manufacture of vinegar must file consent of surety on bond Form 700–A, or effective bond of prior series, extending its terms to cover withdrawal and use of the wine in the manufacture of vinegar. A winemaker or proprietor of a bonded storeroom who withdraws wine free of tax for the manufacture of vinegar will keep a record at the vinegar plant of all wines received and vinegar produced. Such record, as well as the premises of the plant, and all materials and equipment, shall be available for inspection by officers during business hours.

ARTICLE XXXII—REMOVAL OF SPOILED WINE

PAR. 163. *Soured wine.*—Wine which has unavoidably so soured and spoiled as to be unfit for use as wine and which contains one-half of 1 per cent or more of acetic acid in the case of dry wine, or 1½ per cent or more of acetic acid in the case of fortified wine, and not less than 6 per cent of alcohol and acids combined, may be removed from bonded wineries and bonded storerooms free of tax, pursuant to approved application, Form 1415, for shipment to vinegar manufacturers. Wine which has acetified into vinegar, and contains not less than 4 per cent of acetic acid by volume, and not less than 6 per cent of alcohol and acids combined, may be removed free of tax, pursuant to approved application, Form 1415.

PAR. 164. *Application for removal.*—Proprietors desiring to remove spoiled wine, free of tax, will make application to the district supervisor on Form 1415 for permission to make such removal. Upon receipt of the application, the district supervisor will detail an officer to take a sample from each container of the material which it is desired to remove, and submit the same to the Government chemist for analysis. After the samples are taken the containers will be sealed by the officer.

PAR. 165. *Test for alcohol and acids.*—The chemist will test the wine for both alcohol and acids. If the analysis indicates that the wine has been tampered with, the chemist will so state in his report. If the analysis of the samples shows the wine to contain one-half of 1 per cent or more of acetic acid in the case of dry wine, or 1½ per cent or more of acetic acid in the case of fortified wine, and not less than 6 per cent of alcohol and acids combined, the wine may be removed from the bonded premises, in the presence of a Government officer detailed to such duty by the district supervisor, for shipment to a vinegar factory, free of tax; except that if the analysis shows the wine to contain not less than 4 per cent of acetic acid, and not less than 6 per cent of alcohol and acids combined, it need not be shipped to a vinegar factory, but must be used as vinegar. Removal must be made promptly; otherwise, new samples must be taken and analyzed before removal.

PAR. 166. *Explanation of low alcoholic content.*—If the analysis shows the wine to contain less than 6 per cent of alcohol and acids combined by volume, removal from bonded premises free of tax will not be permitted unless the low alcoholic content is satisfactorily explained by affidavit. Upon receipt of such affidavit, the district supervisor will forward it to the Commissioner with report of his findings and recommendation in respect thereto.

PAR. 167. *Form 1415.*—Application for removal, Form 1415, will be made in duplicate, as will be the chemist's report of analysis. If the district supervisor approves Form 1415, he will retain one copy of the form and one copy of the chemist's report, and forward one copy of each to the proprietor for filing at the winery or storeroom.

ARTICLE XXXIII—CONVERSION OF CHAMPAGNE, SPARKLING WINE, AND ARTIFICIALLY CARBONATED WINE INTO STILL WINE

PAR. 168. *Champagne turned into still wine.*—Champagne, sparkling wine, and artificially carbonated wine which has unavoidably turned into still wine may be dumped into other

containers and upon removal tax-paid as still wine. Such champagne, sparkling wine, or artificially carbonated wine must be dumped into other containers in each instance, so as to permit the escape of any effervescence still in the wine.

PAR. 169. *Dumping supervised by officer.*—When the proprietor has as much as 100 bottles which he wishes to dump, he will notify the district supervisor, who will detail an officer to inspect the champagne, sparkling wine, or artificially carbonated wine. If the officer finds that the material has actually turned into still wine through no fault of the winemaker, he will authorize the dumping of the same in his presence. Quantities of less than 100 bottles may be dumped by the proprietor without supervision by an officer.

PAR. 170. *Records.*—When champagne, sparkling wine, or artificially carbonated wine is dumped as still wine, credit will be taken on Form 702–A for the quantity dumped and Form 702 will be debited with a like quantity. If it is desired to destroy champagne, sparkling wine, or artificially carbonated wine because of spoilage, the procedure prescribed in Article XXXV will be followed.

PAR. 171. *Report of officer.*—The officer supervising the dumping of champagne, sparkling wine, or artificially carbonated wine, as still wine, will count the bottles dumped and will state in his report the number and size of bottles dumped, the condition of the champagne, sparkling wine, or artificially carbonated wine, and the apparent cause of deterioration or spoilage. District supervisors will promptly forward a full report of the findings and action taken in each case, together with a copy of the report of analysis, if made, to the Commissioner.

ARTICLE XXXIV—LOSSES

PAR. 172. *Claims for losses.*—Proprietors of bonded wineries and bonded storerooms will claim credit in their winery or storeroom accounts, Forms 702, 702–A, and 702–B, for losses of wines in bond only when it is ascertained that losses have been sustained and only for such quantities as are known to have been lost.

PAR. 173. *Inventories.*—Each proprietor of a bonded winery or bonded storeroom will take an inventory of all wines in storage on June 30 and December 31 of each year, and will enter on his winery or storeroom accounts, Forms 702, 702–A, and 702–B, for those months the losses disclosed by such inventories. Additional inventories may be taken at such other times as the proprietor may desire and the losses disclosed thereby entered on the wine or storeroom accounts. Losses by fire or other casualty, or any other extraordinary or unusual losses, will be reported to the district supervisor immediately after they occur. Credit may also be claimed for such other losses as are actually ascertained to have been sustained, but no credit may be claimed for estimated losses. When an inventory is taken, such fact should be noted on Forms 702, 702–A, and 702–B.

PAR. 174. *Losses at wineries and storerooms.*—Where the losses at a bonded winery or bonded storeroom during any fiscal year, beginning July 1 and ending June 30, exceed 3 per cent of the aggregate quantity of wine on hand at the beginning of the fiscal year and received in bond during the fiscal year, and 6 per cent of the wine produced at a bonded winery by fermentation, or vermouth manufactured, during the fiscal year, or when requested by the district supervisor, the winemaker or proprietor of a bonded storeroom must file with the district supervisor for his district, within 30 days after the close of the fiscal year, an application under oath for remission of the tax on the entire loss, and set out therein all the material facts relating to the loss, and particularly the nature, cause, and extent of the loss. The application will also state the quantity of wine destroyed for which special allowance was made. Applications must be prepared by or at the direction of the proprietor or his duly authorized agent.

PAR. 175. *Percentage of loss allowed.*—The percentage of wine lost will be calculated by fiscal years, beginning July 1 and ending June 30, and will be based on the quantity of wine on hand at the beginning of the fiscal year plus the quantity received and produced during the fiscal year. The percentage of loss from each taxable class of wine will be calculated separately, unless there has been a mixture of different classes during the fiscal year, in which case the percentage of loss will be calculated on the aggregate quantity. Losses of vermouth will be determined separately. The allowances above provided will apply to the losses of each fiscal year separately and will not be cumulative.

PAR. 176. *Cause of loss.*—The nature, cause, and extent of the loss must be stated specifically and in sufficient detail to disclose all the material facts and circumstances surrounding the loss. Where the loss is due to leakage, the cause of the leakage must be stated; where due to racking, the quantity of wine racked and the time of racking should be given; where due to excessive evaporation, the cause therefor should be set out fully; where due to the baking of wine, all of the information required to be entered on the record prescribed by paragraph 85 must be furnished. The particulars of losses from other causes should be given in like manner. Where possible to do so, the loss from each tank or package should be explained separately.

PAR. 177. *Losses of wine in making vermouth.*—Where losses of sweet wine transferred to the vermouth department and the losses of such wine in the process of manufacturing vermouth appear to be excessive, district supervisors will make such investigation, or require such evidence to be submitted, as may be deemed necessary and will advise the Commissioner of their findings and recommendations relative to allowance or disallowance of the loss.

PAR. 178. *Losses in transit.*—Where the loss of wine in transit from any package, case, cask, or tank car shipped in bond exceeds 1 per cent (2 per cent on transcontinental shipments) of the quantity so shipped therein, the proprietor of the winery or storeroom from which the wine is shipped must file with the district supervisor for his district, within 30 days after the shipment is received at destination or is ascertained to have been lost, an application under oath for remission of the tax on the entire loss, setting out therein all the material facts relating to the loss and particularly the nature, cause, and extent of the loss. The application should be supported by statements of proper railroad officials, or affidavits of the consignee or other parties, having personal knowledge of the loss. If the loss does not exceed 1 per cent (2 per cent on transcontinental shipments) from any package, application for the allowance of such loss will not be required, provided there are no circumstances indicating that the wine lost, or any part thereof, was unlawfully removed.

PAR. 179. *Insurance.*—Each application covering losses by casualty or in transit must state whether the proprietor has been or will be indemnified for the tax on the wine lost. Allowance will not be made for losses where the proprietor is so indemnified.

PAR. 180. *District supervisor's examination.*—When an application for remission of tax is filed with the district supervisor, he will carefully examine it and cause such investigation to be made, or require such additional evidence to be submitted, as he may deem necessary, and will forward the application to the Commissioner, together with a statement setting out his recommendation and his reasons therefor, as expeditiously as possible. Where large or excessive losses from casualty or other cause are reported, district supervisors will, upon receipt of such report, immediately make such investigation or require such evidence to be submitted as may be deemed necessary and will advise the Commissioner of their findings and recommendations relative to allowance or disallowance of the loss.

PAR. 181. *Action by Commissioner.*—The Commissioner will make such allowances for unavoidable loss of wines while in storage or in transit as in his judgment may be just and proper. District supervisors will carry all items of loss in bonded wineries and bonded storerooms in their bonded accounts, Forms 733, 733–A, and 733 marked "Vermouth Account," as not allowed until the tax is paid on the loss or they are advised by the Commissioner that the loss has been allowed. Tax must be paid on all wines removed contrary to law while stored in a bonded winery or bonded storeroom or in transit in bond regardless of the per cent of loss.



ARTICLE XXXV—DESTRUCTION OF SPOILED WINES

PAR. 182. *Destruction witnessed by officer.*—Wine which has unavoidably so soured and spoiled as to be unfit for use as wine may be destroyed without payment of tax, but the destruction thereof must be witnessed in each instance by an officer detailed to such duty by the district supervisor.

PAR. 183. *Notice to district supervisor.*—When the proprietor of a bonded winery or bonded storeroom desires to destroy spoiled wine in order to be relieved of tax liability thereon, he will advise the district supervisor as to the approximate quantity of wine which he desires to destroy, and will request that an officer be detailed to inspect the wine and witness the destruction thereof. Where the quantity to be destroyed is in excess of 500 gallons, or 100 bottles if champagne, sparkling or artificially carbonated wine, the proprietor should accompany his request to the district supervisor with a sworn statement setting forth fully the condition of the wine and the cause of spoilage. The district supervisor will thereupon detail an officer to inspect the wine and witness the destruction thereof at the earliest practicable date as hereinafter provided.

PAR. 184. *Inspection by officer.*—The officer detailed to this duty will carefully inspect the wine; and if he is satisfied from his inspection that the wine has so spoiled from unavoidable cause as to be unfit for use as wine, and if there are no circumstances indicating that the wine has been tampered with through the removal of the original content and the substitution of water or other liquid in lieu thereof, he will permit the destruction of the wine in his presence, provided the quantity to be destroyed is not in excess of 500 gallons, or 100 bottles if champagne, sparkling or artificially carbonated wine.

PAR. 185. *Samples.*—If there are circumstances indicating that the wine may have been tampered with through the removal of the original contents and the substitution of water or other liquid in lieu thereof, or if the quantity to be destroyed is in excess of 500 gallons, or 100 bottles if champagne, sparkling or artificially carbonated wine, the officer will take a sample from each package or bulk container of the wine which it is desired to destroy, which he will submit to the nearest Bureau branch laboratory for analysis. After samples are taken therefrom, packages and bulk containers will be sealed by the officer. A sufficient number of samples of champagne, sparkling or artificially carbonated wine, to be truly representative of the entire lot to be destroyed should be taken.

PAR. 186. *Test for alcohol and acids.*—The chemist will test the wine for both alcohol and acids and examine it for other cause of spoilage, and will state in his report whether the wine is unfit for use as such. Where the analysis indicates that the wine has been tampered with, the chemist will so state in his report. If the chemical analysis of the samples shows the material to be unfit for use as wine and to contain 6 per cent or more of alcohol and acids combined, by volume, the district supervisor may authorize the wine to be destroyed in the presence of the officer. Wine so destroyed will not be included with other losses in calculating the per cent of loss under paragraphs 174 and 175.

PAR. 187. *Explanation required.*—If the analysis shows the wine to contain less than 6 per cent of alcohol and acids combined, by volume, destruction without payment of tax will not be permitted unless the low alcoholic content is satisfactorily explained by affidavit to the district supervisor. Neither will destruction without payment of tax be authorized where it is found that the wine has spoiled through the failure of the proprietor to use reasonable diligence.

PAR. 188. *Officer's report.*—Officers supervising the destruction of spoiled wines will measure the wine before authorizing destruction and will state in their reports the quantity destroyed, the condition of the wine, and the apparent cause of spoilage. District supervisors will promptly forward a full report of their findings and action taken in each case, together with a copy of the chemist's report of analysis, to the Commissioner.

ARTICLE XXXVI—DISPOSITION OF LEES

PAR. 189. *Removed for fertilizer.*—Where it is desired to remove lees from a bonded winery or bonded storeroom for use as fertilizer or other by-product, all liquid must be expressed from the lees before removal from the premises. Lees removed for such purpose must not be used as distilling material or received upon fruit distillery premises.

PAR. 190. *Removed as distilling material.*—Where it is desired to use lees as distilling material, the same must be removed and reported in the same manner as wine removed for distilling material. (See Article XXVI.) When necessary, water may be added to fortified wine lees before removal as distilling material. Appropriate entry, because of the addition of water to the lees, must be made in Form 702.

PAR. 191. *Application for destruction or removal.*—Where the proprietor of a bonded winery or storeroom has a material quantity of lees which he desires to destroy or remove other than for use as distilling material and obtain special allowance therefor, he shall make application in writing to the district supervisor for permission to do so, stating the kind, approximate quantity, alcoholic content, and the nature of the proposed disposition. If the lees to be destroyed are unfortified lees, and in a quantity of not more than 500 gallons, the district supervisor will authorize the applicant in writing to dispose of the lees without supervision, except that if the supervisor deems it advisable he will detail an officer to make inspection of the lees and supervise its destruction. Lees which are destroyed or removed pursuant to such written permission or in the presence of a Government officer detailed to such duty by the district supervisor, will not be included with other losses in calculating the per cent of loss under paragraphs 174 and 175. Lees destroyed under the supervision of an officer, or by written authorization of the supervisor, will be entered on Form 702 as loss according to taxable grade, and the disposition or method of destruction must be stated.

ARTICLE XXXVII—MONTHLY RECORDS

PAR. 192. *Form 702.*—The proprietor of every bonded winery or bonded storeroom will keep a monthly record on Form 702.

PAR. 193. *Form 702–A.*—At wineries or storerooms where champagne, sparkling wine, or artificially carbonated wine is handled, the proprietor will keep a separate monthly record on Form 702–A.

PAR. 194. *Form 702–B.*—The proprietor of every bonded winery manufacturing vermouth, and the proprietor of every bonded winery or storeroom receiving, storing, or disposing of vermouth, will keep a monthly record on Form 702–B of transactions in vermouth. Proprietors of wineries manufacturing vermouth will also keep on such form a record of all wines and other materials received and used for the manufacture of vermouth.

PAR. 195. *Material record, Form 701.*—The proprietor of every bonded winery shall keep a monthly record on Form 701 of all materials, other than ameliorating materials, received and used for the manufacture of wine. The receipt of such materials will be entered daily on the form in the statement "Materials received." Each winemaker shall keep a separate record showing the names and addresses of all persons from whom such materials are received, together

with the date of receipt, and the kind and quantity received from each: *Provided*, That where commercial records containing such information are kept on the premises available for inspection and in such a manner that the required information may be readily ascertained therefrom, such commercial records will be accepted in lieu of such separate record. Form 701 need not be kept when there are no materials on hand or wine in the process of manufacture.

PAR. 196. *Complete records required.*—All the information called for in Forms 701, 702, 702–A, and 702–B, as indicated by the headings of the various columns and lines of the forms and the instructions pirnted on the forms, will be reported and all operations will be entered daily on the forms. The entries must be made by the proprietor, or by his agent from personal knowledge or from data furnished by the proprietor. Reports prepared by persons who have no knowledge of the winery or storeroom operations will not be accepted.

PAR. 197. *Fractional parts of gallon.*—All fractional parts of a gallon shall be stated on Forms 701, 702, and 702–B in decimals. For example, one-half gallon should be stated as 0.50 gallon, and not ½ gallon. Fractional parts of a gallon less than one-hundredth will be excluded. Thus, 40.079 gallons will be called 40.07 gallons.

PAR. 198. *Reports signed by proprietor or authorized agent.*—These reports must be subscribed and sworn to by the proprietor or his duly authorized agent. An agent who signs the reports must have on file with the district supervisor a proper power of attorney authorizing him to execute the reports for the proprietor.

PAR. 199. *Three copies of each record.*—One copy each of Forms 701, 702, 702–A, and 702–B will be retained at the winery or storeroom by the proprietor as a permanent record, subject to inspection by Government officers at any reasonable hour. On or before the 10th day of the month succeeding that for which rendered, the proprietor will forward two copies of each form to the district supervisor.

PAR. 200. *Records forwarded together.*—When Forms 701, 702–A, and 702–B are kept, the proprietor will insert one copy of each such form in each copy of Form 702. Where forms are rendered in blank they should bear the notation "No transactions." Upon discontinuance of a bonded winery or bonded storeroom, the last reports should be marked "Final."

ARTICLE XXXVIII—DISTRICT SUPERVISOR'S ACCOUNTS

PAR. 201. *Monthly accounts.*—District supervisors will render monthly accounts on Forms 733 and 733–A of transactions at bonded wineries and bonded storerooms. Form 733 will be used for still wines, Form 733–A for champagne, sparkling wine, and artificially carbonated wine, and Form 733 marked "Vermouth Account" for vermouth. These accounts will be prepared from data obtained from Forms 702, 702–A, and 702–B rendered by the proprietors of bonded wineries and bonded storerooms.

PAR. 202. *Unaccounted for items.*—Still wine and vermouth shipped to other bonded premises will be carried as unaccounted for until Form 702, 702–B, or 703 is received showing that the wine has been received at the premises to which shipped. Wine shipped for export will likewise be carried as unaccounted for until Form 711 and bill of lading are received showing exportation of the wine. Losses in transit will be carried as not allowed until the same are allowed by the Commissioner or the tax is paid thereon.

PAR. 203. *Losses reported.*—The quantity of spoiled wines destroyed in the presence of Government officers in accordance with Article XXXV, and the quantity of lees destroyed or removed in accordance with Article XXXVI, will be reported as loss. Where there is no evidence or circumstances indicating that the wines were tampered with through removal of the original content and the substitution of water or other liquid in lieu thereof, credit may be taken for such items as loss allowed on storage.

PAR. 204. *Accounts in duplicate.*—District supervisors' monthly accounts will be prepared in duplicate and by States within the district. One copy will be retained by the district supervisor and one copy forwarded on or before the last day of the month succeeding that for which rendered, to the Commissioner, together with copies of Forms 701, 702, 702–A, and 702–B.

ARTICLE XXXIX—STAMPS

PAR. 205. *Denominations.*—Stamps for the tax-payment of wines will be provided in denominations of ½ cent, 1 cent, 1¼ cents, 1½ cents, 2 cents, 2½ cents, 3 cents, 4 cents, 5 cents, 6 cents, 7½ cents, 10 cents, 12 cents, 15 cents, 18 cents, 20 cents, 24 cents, 30 cents, 36 cents, 40 cents, 48 cents, 50 cents, 60 cents, 72 cents, 80 cents, $1.00, $1.20, $1.44, $1.50, $1.60, $2.00, $2.50, $4.00, $4.80, $5.00, $9.60, $20, $40, $50, and $100.

PAR. 206. *Purchase from collector.*—Such stamps will be purchased by winemakers from the collector of internal revenue of the district in which the winery or storeroom is located. Stamps may not be purchased by one winemaker from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Wine-tax stamps may be sold only to proprietors of bonded wineries or bonded storerooms and then only for the payment of tax on wine.

PAR. 207. *Form 427–B.*—With each purchase of stamps the winemaker will submit to the collector Form 427–B, Order for Stamps—Wine, in triplicate, properly filled out. The collector will stamp the date of sale on all copies of Form 427–B, return one copy to the winemaker with the stamps, and send one copy to the appropriate district supervisor of the Alcohol Tax Unit. The remaining copy of Form 427–B will be filed in the collector's office so that all purchases of stamps may be verified at any time. Collectors will refuse to sell stamps where such form is not submitted.

PAR. 208. *Affixing and canceling.*—Stamps denoting the payment of tax on packages or cases of wine must be securely affixed thereto and canceled in the manner prescribed in paragraph 108.

PAR. 209. *Obliteration of stamps, marks, and brands.*—A dealer who empties any receptacle to which wine stamps are attached shall destroy such stamps; and if the receptacle is a cask, barrel, keg, tank, tank truck, or railroad tank car, he shall scrape or obliterate the marks, brands, and certificates of tax-payment thereon. Wine stamps shall be destroyed by scraping or obliterating, immediately the receptacles to which they are attached are emptied. Marks and brands on all casks, barrels, and kegs, and certificates of tax-payment on tank cars, containing wine, shall also be scraped or obliterated immediately upon emptying.

ARTICLE XLI—REDEMPTION OF STAMPS

PAR. 212. *Statute governing redemption of stamps.*—The Act of May 12, 1900, as amended (U. S. C., 1934 ed., title 26, section 1424), provides—

That the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal-revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected. Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why the same can not be returned; or if so required by the said Commissioner, when the person presenting the same can not satisfactorily trace the history of said stamps from their issuance to the presentation of his claim aforesaid.

The said Act, as amended, further provides—

That no claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.



PAR. 213. *Claim to collector.*—Winemakers desiring to have wine stamps redeemed under the foregoing provisions of law must make claim on Form 843, Claim for Refund of Amounts Paid for Stamps, to the collector of internal revenue. When a winery or storeroom is discontinued and stamps remain on hand, such stamps are not redeemable if the winemaker operates other bonded premises at which wines are stored. In such cases the stamps may be transferred to the remaining premises for use thereat. Notation of the transfer must be made on record Form 702 of both premises.

ARTICLE XLII—IMPORTED WINES

PAR. 214. *Tax-payment.*—All internal revenue taxes payable on wines imported into the United States from foreign countries and coming into the United States from the Virgin Islands, when entered or withdrawn for consumption, will be collected, accounted for, and deposited as internal revenue collections by collectors of customs, in accordance with Customs Treasury Decision 47942.

ARTICLE XLIII—PAYMENT OF SPECIAL (OCCUPATIONAL) TAXES

PAR. 215. *Retail and wholesale liquor dealer.*—Unless exempted by law, all persons who sell wines in quantities of less than 5 wine gallons to the same person at the same time are liable for special tax as retail dealers in liquors at the rate of $25 per year, and all persons who sell wines in quantities of 5 wine gallons or more to the same person at the same time are liable for special tax as wholesale dealers in liquors at the rate of $100 per year. Persons selling wine both in retail and wholesale quantities are liable for special taxes as both retail and wholesale dealers in liquors, except that no retail dealer incurs liability as a wholesale dealer solely by reason of sales of 5 wine gallons or more to the same person at the same time if such sales are for immediate consumption on the premises where sold.

PAR. 216. *Exemption of winemaker.*—Qualified winemakers who sell wines of their own production at the winery where the same are made or at the general business office of such winemaker, are exempt from these special taxes; but no winemaker shall be exempt from such special tax for more than one place of sale. Unless the exemption is claimed elsewhere by the winemaker, it will be presumed that the exemption is claimed for the winery where the wine is produced, and collectors of internal revenue should collect special taxes accordingly. Where the exemption is claimed for a place other than the winery, the collector shall ascertain that special tax, if incurred, has been paid at the winery before allowing the exemption.

PAR. 217. *Annual special tax.*—The special-tax year commences on July 1 of each year and ends on June 30 of the next year. All persons liable for special tax must file Form 11 with the collector of internal revenue and pay the special tax to him not later than July 31 of each year. Special taxes become due on the 1st day of July in each year and payment thereof will be evidenced by special-tax stamps issued by the collector.

PAR. 218. *Business commenced after July 1.*—Where business is commenced after July 1, the tax will be computed ratably from the 1st of the month in which business was commenced to June 30 following. In such cases, Form 11, Special Tax Return, must be filed with the collector and the tax paid to him not later than the last day of the month in which business commenced.

PAR. 219. *Failure to pay special tax.*—Any person liable for special tax, who fails to file a return, Form 11, within the prescribed time, and who willfully fails to pay such tax, is liable to severe penalties.

ARTICLE XLIV—PENALTIES

PAR. 220. *Penalty for tax evasion.*—Section 620 of the Revenue Act of 1918, as amended, provides—

That whoever evades or attempts to evade any tax imposed by sections 611 to 615, both inclusive, or any requirement of sections 610 to 621, both inclusive, or regulations issued pursuant thereto, or whoever, otherwise than as provided in such sections, recovers or attempts to recover any spirits from domestic or imported wine, shall, on conviction, be punished for each such offense by a fine of not exceeding $5,000, or imprisonment for not more than five years, or both, and in addition thereto by a penalty of double the tax evaded, or attempted to be evaded, to be assessed and collected in the same manner as taxes are assessed and collected, and all wines, spirits, liqueurs, cordials, or similar compounds, as to which such violation occurs shall be forfeited to the United States. • • •

*Section 1308 of the Revenue Act of 1918 provides—*

That any person required under Titles V, VI, VII, VIII, IX, X, or XII, to pay, or to collect, account for and pay over any tax, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment, or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax shall be guilty of a misdemeanor and in addition to other penalties provided by law, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

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The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

ARTICLE XLV—BUSINESS SUBJECT TO INSPECTION BY GOVERNMENT OFFICERS

PAR. 221. *Inspection by officers.*—Internal revenue officers have authority to inspect at any reasonable hour the records, stocks, and premises of winemakers to determine that all provisions of the internal revenue laws are being complied with. Officers desiring to make inspections are required to identify themselves as such by exhibiting their credentials. Any person who shall forcibly obstruct or hinder an internal revenue officer in the execution of any power or authority vested in him by law, renders himself liable to severe penalties.

PAR. 222. *Inventory of wines.*—Inspecting officers will, when directed to do so, take an accurate inventory of all wines on hand at the time of their inspection and compare the quantity found with the quantity carried in the winery or storeroom accounts, Form 702, 702–A, and 702–B. Where a material overage or deficiency in wine is found, the proprietor will be called upon immediately to explain the reasons therefor, and he will be instructed to enter the overage or deficiency on his current account, Form 702, 702–A, or 702–B, as the case may be, with proper explanatory note. The officers will also instruct the winemaker relative to adjusting the winery or storeroom accounts because of any other discrepancies found by them.

PAR. 223. *Assessment of tax on shortages.*—Inspecting officers will not report for assessment apparent shortages of wine or instruct the winemaker to adjust the winery or storeroom records because of apparent overages or shortages where the overage or shortage is not determined by actual inventory. If the officers do not take an actual inventory and their findings are based upon estimate, they should so state in their reports.

PAR. 224. *Inventory of stamps.*—An inventory of the stamps on hand will be taken and the amount found compared with the quantity carried in the winery or storeroom accounts on Form 702. The officers will ascertain whether the proprietor is properly serially numbering and marking all packages upon removal and whether entries are properly made on Forms 701, 702, 702–A, and 702–B. All wines on storage will be examined and where it appears that the wine in any container has been tampered with through illegal removal of the original content and the substitution of water or other liquid therefor, a sample will be taken from each

such container and submitted to the Bureau chemist for analysis.

PAR. 225. *Reports to Commissioner.*—District supervisors will forward to the Commissioner with their recommendations in respect to the assessment of taxes, copies of all reports of officers disclosing apparent tax liabilities or that the winery or storeroom accounts are incorrect and should be adjusted.

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PART 2—REGULATIONS RELATING TO THE FORTIFICATION OF WINE

ARTICLE XLVI—KINDS OF WINE AND BRANDY USED IN FORTIFICATION

PAR. 227. *Limitations.*—Natural wine and pure sweet wine (defined in Article XVI) may be fortified with grape brandy (defined in paragraph 245), and citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, and apple wine (defined in Article XVI) may be fortified with citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, and apple brandy (defined in paragraph 245), respectively, by the producer of such wine on the premises where made: *Provided,* That a citrus-fruit brandy prepared from one kind of citrus fruit may not be used for the fortification of a citrus-fruit wine prepared from another kind of citrus fruit, and a berry brandy prepared from one kind of berry may not be used for the fortification of a berry wine prepared from another kind of berry. No wine other than the wines named may be fortified, and no spirits other than the kind of brandy specified in the case of each, except tax-paid grain or other ethyl alcohol, may be used to fortify such wines. Wine may not be fortified by any person other than the producer thereof, or on premises other than those where made.

PAR. 228. *Form 605.*—At the beginning of each vintage season and at least 30 days before commencing the production of wine for fortification, winemakers must file with the district supervisor a notice on Form 605, Winemaker's Notice of Intention to Fortify Wines, in duplicate, executed in accordance with instructions printed thereon.

ARTICLE XLVII—FORTIFYING ROOM

PAR. 229. *Separate room for fortification.*—At wineries where wine is fortified a separate room must be provided on the bonded premises for that purpose and for the storage of brandy to be so used. This room wil be known as the fortifying room and will be used solely for the storage of brandy and the fortification of wine, except that when the room is not devoted to such use, or when all brandy on storage therein is in a separate locked compartment as provided in paragraph 231, the room may be used for other purposes. All brandy for use in fortification received at the winery will be immediately deposited within the fortifying room, and all wine fortified will be fortified within this room.

PAR. 230. *Construction of room.*—This room must be securely built of substantial materials. With the exception of the entrance door, all doors, windows, or other openings leading to or from the fortifying room must be so arranged and built that they may be securely locked, bolted, or barred from the inside. The entrance door, which will be locked by a Government seal lock at all times when brandy, or wines held for refortification, are on deposit therein, except when fortifying operations are being carried on, or when brandy or wine is being received therein or removed therefrom, and the key to the lock will be in the custody of the district supervisor or other Government officer disignated by him. The windows must be secured by substantial iron bars or solid shutters. District supervisors will make requisitions for the necessary locks and seals, the same to be supplied, used, and accounted for as in case of internal revenue bonded warehouses.

PAR. 231. *Brandy room.*—If desired, the fortifying room may be divided into two separate compartments, one for the fortification of wine and the other for the storage of brandy withdrawn for use in fortification. If a special room for the storage of brandy is provided, it must be sufficiently large to admit of the storage of all brandy to be received and possessed at any one time. When a brandy storage room is provided, all brandy received at the winery for use in fortification will be deposited therein, except where the brandy is to be used immediately, as provided in paragraph 233.

PAR. 232. *Locks for brandy room.*—The door to the brandy storage compartment must open into the other part of seal lock at all times when brandy is on deposit therein, except when brandy is being received therein or removed therefrom. The key to the lock will be in the custody of the district supervisor or other Government officer designated by him.

PAR. 233. *Suitable facilities.*—The fortifying room must be provided with suitable facilities for the fortification of wine and must be sufficiently large to admit of the storage and necessary handling of all brandy withdrawn for fortification purposes that may be on hand unused at any one time. There must be provided within the room suitable fortifying tanks sufficient in number and capacity to enable the Government officer to supervise the fortification operations expeditiously. All wines shall be fortified in such tanks. Where brandy is received by pipe line or in railroad tank cars, suitable closed storage tanks of sufficient capacity for the storage of all brandy so received must also be provided within the room, unless the brandy is to be used immediately and is run directly into the fortifying tanks.

PAR. 234. *Fortifying and storage tanks.*—A permanent serial number and the capacity in wine gallons must be painted on all tanks within the fortifying room. The capacity of the tank per inch of depth must be painted on fortifying tanks and brandy storage tanks of uniform dimensions, standing on end. A table showing the capacity of the tank for each inch of depth must be securely attached to each fortifying tank and brandy storage tank of irregular dimensions or lying on side, a copy of which table shall be attached to each copy of Form 698.

PAR. 235. *Location of tanks.*—All tanks in the fortifying room must be at least 18 inches from any wall and from each other, except that the supervisor may, if, in his opinion, conditions warrant, permit a lesser distance between such tanks, but in no case less than 12 inches. Properly constructed concrete tanks will be permitted in the fortifying room, either single or in series with no space between if so arranged as to permit ready inspection by Government officers. Manholes and all inlet and outlet connections of brandy storage tanks must be equipped with Government locks. The wall of a concrete tank may constitute a part of the wall of the fortifying room. All pipes, hose, or other conveyors leading to or from tanks must be so exposed as to permit ready inspection by Government officers. All stopcocks must be of easy access. Suitable and accurate scales must be provided and placed in this room for use in gauging the brandy, except where all brandy used is conveyed by pipe line directly to the fortifying tank immediately after gauging at the distillery.

PAR. 236. *Accommodations for Government officers.*—A well-lighted, heated, and ventilated office not less than 10 feet square must be provided within the fortifying room by the winemaker for the use of the Government officers assigned to supervise fortification. The office must be furnished with a desk having one or more drawers that may be locked, suitable for the storage of necessary records and forms, a chair, water for making tests, and shelving for storing samples. Where, in the case of wineries heretofore established, it is not practicable to provide an office in the fortifying room in conformity with the requirements hereof, such an office will not be insisted upon if other reasonable and suitable office accommodations for the use of Government officers have been provided.

PAR. 237. *Form 698 and plan.*—The fortifying room and equipment must be accurately described in Form 693 and the plan of the winery premises and apparatus as prescribed in Article X. Where material changes are made in the room, such as the removal or addition of tanks, or changes in the capacity of tanks, report thereof must be made and filed as provided by paragraph 49.



ARTICLE XLVIII—TANKS AND EQUIPMENT

PAR. 238. *Weighing tanks.*—Where brandy is received in railroad tank cars or by pipe line (except as hereinafter provided), a suitable weighing tank must be installed within the fortifying room for weighing the brandy when received and used. The same weighing tank may be used where suitable for weighing the quantities of brandy received and used for fortification.

PAR. 239. *Testing instruments.*—Appropriate and accurate instruments for determining the alcoholic, saccharine, and acid content of all wines ameliorated and fortified must be provided by the winemaker. Information respecting instruments which may be used for the purpose will be found in paragraphs 30 and 31. If such instruments are not provided, other appropriate and accurate instruments approved by the Commissioner must be provided in lieu thereof.

ARTICLE XLIX—KINDS OF WINE THAT MAY BE FORTIFIED

PAR. 240. *Wines eligible for fortification.*—Only natural wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, apple wine, and pure sweet wine produced in accordance with Article XVI of these regulations may be fortified.

PAR. 241. *Supervision by Government officers.*—Government officers assigned to supervise the fortification of wine will not allow such fortification unless they are satisfied after examination of the tank label, Form 546, and testing of the wine, that the limitations in these regulations relative to the amelioration of wine have been observed. If the Government officer is doubtful whether the wine is eligible for fortification, he will submit the matter to the district supervisor for decision.

ARTICLE L—IDENTIFICATION OF WINES

PAR. 242. *Form 546.*—Where grapes, citrus-fruit (except lemons and limes), peaches, cherries, berries, apricots, or apples are crushed for probable fortification, there shall be attached to the fermenting tanks into which the material is run a label, Form 546, filled out in accordance with the instructions contained therein.

PAR. 243. *Removal of Form 546.*—Form 546 will be signed by the winemaker. If the wine is transferred to another tank before amelioration or fortification, the label must be transferred to the new tank and the serial number of the tank and date of transfer entered on such label. Where the contents of two or more tanks are transferred to a single tank, the labels will be attached to the new tank. Where the contents of a tank are transferred to two or more tanks, duplicate labels will be attached to the new tanks. Upon fortification of the wine, the label will be removed and attached to the copy of Form 275, Storekeeper-Gauger's Report of Fortification of Wine, which is forwarded to the district supervisor.

PAR. 244. *Transfer of labels.*—The labels must be so attached to t he tanks that they will not become detached or obliterated and so that they may be transferred from one tank to another upon transfer of the wines. Government officers will not permit the fortification of wine contained in any tank which is not labeled in accordance with these regulations.

ARTICLE LI—KIND OF SPIRITS USABLE FOR FORTIFICATION

PAR. 245. *Brandies eligible for use in fortification.*—The brandies authorized to be used for fortification, as enumerated in paragraph 227, are those made exclusively from grapes, citrus fruits (except lemons and limes), peaches, cherries, berries, apricots, or apples, or from grape wine in the manufacture of which artificial sweetening has been used under the limitations prescribed by Article XVI of these regulations, or from the fruit pomace residuum of such grape wine, or from citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, or apple wine, in the manufacture of which artificial sweetening has been used under the limitations prescribed by Article XVI of these regulations. Brandy produced from the products or the residues of such fruits and berries may also be used for fortification. No brandy or wine spirits produced otherwise than as specified herein may be used for fortification. Brandy produced from grape cheese and a sugar solution may not be used for the fortification of wine.

ARTICLE LII—PROCUREMENT OF BRANDY AND TAX-PAID ETHYL ALCOHOL FOR THE FORTIFICATION OF WINE

PAR. 246. *Procurement of brandy.*—After notice on Form 605 has been filed with the district supervisor, and the use of the pipe line, if any, for the transfer of brandy has been approved, the winemaker may procure brandy or tax-paid ethyl alcohol in the manner hereinafter prescribed for use in fortifying wines.

PAR. 247. *Safe-keeping of brandy.*—Winemakers should not make application to procure brandy in excess of their immediate needs. Upon removal of the brandy from the distillery or warehouse they become responsible under the law and regulations for the safe-keeping of the brandy and for the tax on any losses, except as provided in Article LIX.

ARTICLE LIII—MANNER OF PROCURING BRANDY IN PACKAGES FROM FRUIT DISTILLERIES

PAR. 248. *Application to withdraw brandy.*—Where it is desired to procure brandy from a fruit distillery, the winemaker will make application on part 1 of Form 257, Application for the Removal of Brandy to Fortify Wine, to the district supervisor of the district in which the winery is located, for the withdrawal thereof and the assignment of an officer to gauge the same for that purpose. The application shall be filed in triplicate where the winery and the distillery are in the same supervisory district, and in quadruplicate where they are in different districts. A separate application must be made for each lot of brandy which it is desired to procure. The same application may not include brandy from more than one distillery, nor two or more lots to be removed from the same distillery at different times, except where the distillery is adjacent to the winery as hereinafter provided.

PAR. 249. *Action of district supervisor.*—If the application is in proper order and the bond of the winemaker computed as prescribed by paragraph 48 is sufficient to cover the brandy to be procured, the district supervisor will (1) where the distillery is located in another supervisory district, execute part 3 of the form and forward all four copies to the district supervisor of such district, who will in turn execute part 4 of the form and deliver all four copies to the officer designated to gauge the brandy; (2) where the distillery is in the same district, execute parts 3 and 4 of the form and deliver all three copies to the officer designated to gauge the brandy.

PAR. 250. *Gauge of brandy.*—The officer receiving the order to gauge will deliver all copies of Form 257 to the distiller, who will execute part 5, the notice of the brandy to be gauged, on all copies of the form and return them to the officer. The packages will then be gauged and the required marks placed thereon. The officer will enter in detail his gauge of each package on Form 1520, Storekeeper-Gauger's Report of Spirits Gauged, an extra copy of which he will securely attach to each copy of Form 257. No greater quantity of brandy may be gauged than stated in the order.

PAR. 251. *Distillery and winery on contiguous premises.*—Where the distillery and winery are located on contiguous premises and the officer is charged with supervising deposit of the brandy in the fortifying room, he will retain the Form 257, with the extra copies of Form 1520 attached, and upon deposit of the brandy in the fortifying room, he will execute the certificates of gauge and receipt, parts 6 and 8 on all copies of Form 257.

PAR. 252. *Distillery and winery not on contiguous premises.*—Where the distillery and winery are not located on contiguous premises and the officer is not charged with supervising deposit of the brandy in the fortifying room of the winery, he will, upon withdrawal of the brandy, execute his certificate of gauge, part 6, on all copies of the Form 257, with the extra copies of Form 1520 attached, retain one copy, and immediately forward the remaining copies (two or three, as the case may be) to the winemaker, who will present them to the officer at the winery as a voucher for deposit in the fortifying room. Where no officer is assigned to the winery, the winemaker will request the district supervisor to detail an officer to supervise the deposit of the brandy in the fortifying room. When the brandy is received at the winery, the officer will satisfy himself that the brandy is the same as that described in Form 257, and will supervise its deposit within the fortifying room. He will gauge any packages which appear to have been tampered with, or from which brandy appears to have been abstracted or lost. The details of packages gauged will be reported on Form 1520, with a statement setting forth fully the apparent cause of the loss. An extra copy of such Form 1520 will be attached to each copy of Form 257. After the brandy has been deposited within the fortifying room and any necessary gauging performed, the officer will execute his certificate of receipt on Part 8 of all copies of Form 257.

PAR. 253. *Form 257.*—Upon deposit of the brandy in the fortifying room, the officer will retain one copy of Form 257, with copy of Form 1520 attached, at the winery as a permanent record, and forward the other copy or copies, with Form 1520 attached to each, to the district supervisor, who will, in cases where the brandy was withdrawn from a distillery in another district, forward the extra copy to the district supervisor of such district.

PAR. 254. *Form 1520.*—If the distillery and winery are located on contiguous premises and brandy is to be transferred to the winery from time to time during the month under supervision of an officer, the winemaker's application on part 1 of Form 257, and the district supervisor's order to gauge on part 4 of the form, may cover all brandy to be transferred to the winery during the month. In such case, the officer will make three extra copies of Form 1520, covering his gauge of each lot of brandy transferred to the winery. If the officer gauging the brandy supervises its transfer to and deposit in the fortifying room, he will certify to deposit, on each copy of Form 1520 as the brandy is deposited, and attach one copy thereof to each copy of Form 257. At the close of the month the officer will execute parts 6 and 8 of Form 257, retain one copy thereof, with a copy of each Form 1520 attached, at the winery as a permanent record, and one copy, similarly completed, at the distillery for the same purpose, and forward the other copy to the district supervisor.

PAR. 255. *Officer separately assigned to winery.*—Should an officer be separately assigned to duty at the winery, the officer at the distillery will retain one copy of Form 257 and attach one copy of each Form 1520 thereto as the brandy is gauged, and deliver the other two copies of Form 257 and Form 1520 to the officer at the winery, who will certify to deposit on Form 1520 as the brandy is received and deposited in the fortifying room and attach a copy of Form 1520 to each copy of Form 257. At the close of the month the officer at the distillery will execute his certificate of gauge on part 6 of all three copies of Form 257 and the officer at the winery will execute his certificate of receipt on part 8 of all copies of the form. The forms will then be disposed of as provided in the preceding paragraph.

ARTICLE LIV—MANNER OF PROCURING BRANDY BY PIPE LINE FROM FRUIT DISTILLERIES

PAR. 256. *Distillery and winery on contiguous premises.*—Where the distillery and winery are located on contiguous premises and are operated by the same person, the brandy may be transferred, under the direct supervision of a Government officer, from the distillery to the fortifying room by pipe line: *Provided*, That the bond given as a fruit distiller, Form 30½, Fruit Distiller's Bond, and the bond given as a winemaker, form 700–A, or an effective bond of a prior series, are supported by the same surety, or, if supported by different sureties, the terms of the distillery bond are extended by consent of surety, Form 1533, to cover the transfer of brandy from the distillery to the fortifying room of the winery by pipe line.

PAR. 257. *Report of gauger.*—Where brandy is so transferred, application will be made by the winemaker on Form 257 in the same manner as when brandy is transferred in packages, as prescribed in paragraph 248. The district supervisor will likewise give his order to gauge, as prescribed in paragraph 249, the distiller will indicate the brandy to be gauged, as prescribed in paragraph 250, and the officer designated to gauge the brandy will make his report of gauge and execute his certificates of gauge and receipt, and complete and dispose of Forms 257, with Forms 1520 attached, as prescribed in Article LIII. Notation of transfer by pipe line will be made on Forms 257 or 1520.

PAR. 258. *Pipe line.*—The pipe line shall be of a fixed and permanent character, constructed of metal, and so arranged that it will be exposed to view throughout its entire length. Where the brandy is weighed in the distillery before being run into the fortifying room, the pipe line shall be directly connected in a secure manner with fortifying tanks or brandy storage tanks in the fortifying room; and where the brandy is weighed in the fortifying room, the pipe line shall be directly connected in a secure manner with receiving or brandy storage tanks in the distillery. The pipe line shall be fitted with valves so constructed that they may be locked with Government locks and so arranged as to control the flow of brandy from or into each tank with which it is connected. The valves will be locked with Government locks at all times, except when necessary to be open for the transfer of brandy. The keys will remain in the custody of the Government officer at the distillery, or, if no officer is assigned to the distillery, in the custory of the district supervisor or other officer designated by him.

PAR. 259. *Underground conduit.*—If the distance from the distillery to the fortifying room is great enough to make an underground conduit necessary, or desirable, the same may be used, but must be on a straight line, and not less than 15 inches in diameter, and constructed of iron, concrete, or other suitable material. Such conduit must be supplied with lights in order that it may be readily examined through its entire length. The pipe line passing through this conduit must be clear of the walls thereof, and with no openings except at either end. Each end of the conduit must be provided with some means of closing that may be securely locked with a Government lock, the keys to which will be in the custody of the district supervisor or other officer designated by him.

PAR. 260. *Weighing tanks.*—No pipe line may be used until it has been inspected, and has been approved by the district supervisor. Where brandy is transferred by pipe line a suitable weighing tank or tanks must be provided for gauging the brandy. Such weighing tank or tanks may be located in either the distillery or the fortifying room, but one weighing of the brandy will be required in connection with its transfer to the fortifying room. The brandy may accordingly be weighed either in the distillery immediately before being run into the fortifying room or in the fortifying room immediately upon being received.

PAR. 261. *Fortifying room not having weighing tank.*—Where a weighing tank is not provided in the fortifying room, the brandy may be transferred thereto by pipe line only for immediate use and only in such quantities as are necessary to fortify a given lot of wine. In such cases the wine to be fortified will be run into the fortifying tank and the required quantity of brandy to fortify the wine will be gauged in the distillery and run directly into the fortifying tank containing the wine.



PAR. 262. *Pipe line to wine tank.*—The Government officer at the winery should see that the pipe line will discharge directly into the tank of wine to be fortified before the valve permitting the flow to that tank is opened. After all the brandy in the weighing tank has been withdrawn, the valve in the pipe line will be locked.

PAR. 263. *Storage tank in fortifying room.*—Where it is desired to transfer brandy to the fortifying room and store the same therein prior to use, there must be provided within the fortifying room (or brandy storage room therein, if one is provided) a suitable storage tank or tanks for storing the brandy and a weighing tank for use in gauging the brandy when used. (See Articles XLVII and XLVIII.)

PAR. 264. *Tank locks.*—The pipe line must empty into a closed tank, which will be locked with a Government lock while brandy is being discharged therein or remains therein. The keys to this lock will be retained in the possession of the officer at all times. Where the brandy is run directly by pipe line into the fortifying tank, such tank must be fitted with a locked cover. If, however, the weighing tank is located in the fortifying room, it is not necessary that the fortifying tanks be fitted with locked covers.

PAR. 265. *Report on Form 275.*—Where brandy is transferred to the fortifying room by pipe line for immediate use, the Government officer will note on the copies of Form 1520 attached to his report, Form 275, the statement "Received by pipe line from distillery No. ------."

ARTICLE LV—USE OF RAILROAD TANK CARS FOR TRANSPORTATION OF BRANDY FROM FRUIT DISTILLERIES TO WINERIES

PAR. 266. *Tank facilities.*—Brandy may be transferred from fruit distilleries to the fortifying room of a bonded winery by railroad tank cars where both the distillery and the winery are equipped with suitable railroad siding facilities and where a suitable weighing tank is provided at both the distillery and the winery for use in gauging the brandy and a closed storage tank or tanks of sufficient capacity to hold the brandy are provided within the fortifying room. The transfer of brandy in tank trucks will not be permitted.

PAR. 267. *Application on Form 257.*—Where brandy is to be so transferred, application will be made by the winemaker on Form 257 in the same manner as when brandy is transferred in packages, as prescribed in paragraph 248. The district supervisor will likewise give his order to gauge, as prescribed in paragraph 249, the distiller will indicate the brandy to be gauged, as prescribed in paragraph 250, and the officers designated to gauge the brandy and supervise its deposit within the fortifying room will make their reports of gauge and execute their certificates of gauge and receipt, and dispose of Forms 257, with Forms 1520 attached, as prescribed in Article LIII.

PAR. 268. *Markings on tank car.*—Each railroad tank car used to transport brandy must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and name of the owner, and must be so constructed that all openings may be securely locked, and no such tank car may be used for the transportation of brandy unless it is so locked.

PAR. 269. *Locks and seals.*—Slaight locks to be furnished by the shipper, and seals for the same, by the Government, will be used for this purpose and will be attached as soon as the car is filled. The key of each Slaight lock so used will be forwarded on the day of shipment by the Government officer at the distillery to the Government officer at the winery. All locks and keys in such cases will be returned by the officer at the winery to the distillery from which the brandy was shipped. In cases where no officer is assigned at the winery regularly when the brandy is shipped, the district supervisor will direct the keys to be forwarded to him.

PAR. 270. *Inspection of car.*—In making application for removal from distilleries by railroad tank car, the winemaker will state on the application, Form 257, that the brandy is to be transported by railroad tank car. The storekeeper-gauger at the distillery, upon receiving the order to gauge, will first inspect the car to see that the dome may be locked with a Government seal lock when closed and that all other openings to or from the car may be closed and locked in like manner. If the car is not so constructed, the officer will communicate with the district supervisor and await instructions relative to its use.

PAR. 271. *Gauge of brandy by weight.*—All brandy shipped in railroad tank cars will be gauged by weight in a suitable weighing tank in the distillery before being run into the tank car. The tank car must be filled in the immediate presence of the Government officer. The pipe line or hose connection from the distillery weighing tank to the tank car must be in full view of the officer and must not be connected or used except in his presence. The officer will lock and seal the car as soon as it is filled. The officer will enter on Form 1520, covering the gauge of the brandy, the name of the owner and the serial number of the car, the serial number of the lock seal or seals, the destination, and the date of shipment; for example: "Withdrawn by U. P. tank car No. 1643, lock seal No. 36457, for transfer to winery No. 46, Los Angeles, Calif., for fortification of wine. Billed out 4:30 p. m. September 10, 1936."

PAR. 272. *Certificate to be attached.*—When brandy is shipped in bond in a railroad tank car to a winery for fortification of wine, a certificate, dated and signed by the Government officer, showing that the brandy is shipped in bond for fortification and giving the name, registered number, and location (city or town and State) of the distillery from which shipped, and the winery to which shipped, shall be securely attached to some conspicuous and secure place on the tank car where it may be readily examined by Government officers. The certificate will be in substantially the following form:

Shipped in bond by
CALIFORNIA GRAPE COMPANY
F. D. No. 80, St. Helena, Calif., 14th Dist.
to
WESTERN WINE COMPANY
B. W. No. 50, Santa Rosa, Calif., 14th Dist.
For fortification of wine.

(Date) (Storekeeper-Gauger)

This certificate will be scraped and obliterated immediately the tank car is emptied.

PAR. 273. *Examination of car on arrival at winery.*—Upon arrival of the tank car at the winery, the seals must not be broken or any brandy removed except in the presence of the Government officer, who will first carefully examine the car to see whether the lock and seal are intact and whether there is any evidence of loss by leakage or otherwise. If the lock or seal is found to have been broken or if there is other evidence that the contents of the car have been tampered with, the officer will immediately communicate with the district supervisor, and, except in cases of emergency, await instructions before permitting the car to be unloaded. When a tank car is unloaded, the contents will be pumped into the weighing tank in the fortifying room of the winery, where the brandy will be gauged and transferred to storage tanks in the fortifying room. The transfer of the brandy from the tank car to the fortifying room must be done in the immediate presence of the Government officer. The pipe line or hose connection from the car to the receiving tank must be in full view of the officer and must not be connected or used except in his presence.

PAR. 274. *Report on Form 1520.*—The officer at the winery will prepare Form 1520 covering his gauge of the brandy and will enter on the form the name of the owner and the serial number of the car, the serial number of the seal or seals, the number of the distillery from which shipped, whether the seal or seals have been broken and whether there was any evidence of leakage; for example: "Received 11 a. m. September 12, 1936, U. P. car No. 1643, lock seal No. 36457 unbroken, from fruit distillery No. 412, Los Angeles, Calif.; car in good condition." One copy of this Form 1520 will also be attached to each copy of Form 257.

PAR. 275. *Deficiency or loss in transit.*—If the gauge at the winery discloses a deficiency or loss in transit, the Government officer will enter the amount of the shortage on his certificate of receipt on Form 257 and will attach a statement to the form setting forth fully the apparent cause thereof.

ARTICLE LVI—MANNER OF PROCURING BRANDY FROM BONDED WAREHOUSES

PAR. 276. *Application on Form 257.*—Where it is desired to procure brandy from an internal revenue bonded warehouse, the winemaker must make application on part 2 of Form 257 to the district supervisor of the district in which the winery is situated. The application shall be filed in quadruplicate where the winery and the warehouse are in the same supervisory district, and in quintuplicate where they are in different districts. A separate application must be made for each lot of brandy which it is desired to procure.

PAR. 277. *Supervisor's order to regauge.*—If the application is in proper order and the bond of the winemaker, computed as prescribed by paragraph 51, is sufficient to cover the brandy to be procured, the district supervisor will, (1) where the warehouse is located in another supervisory district, execute part 3 of the Forms 257 and forward all five copies to the district supervisor of such district, who will in turn execute part 4 of the forms and deliver all five copies to the officer designated to regauge the brandy, (2) where the warehouse is in the same district, execute parts 3 and 4 of the forms and deliver all four copies to the officer designated to regauge the brandy.

PAR. 278. *Report of gauge.*—The Government officer receiving the order to regauge will deliver all copies of Form 257 to the proprietor of the warehouse, who will execute the warehouseman's notice of the packages to be gauged on part 5 of all copies of the form and return them to the officer. The packages will then be regauged and the required withdrawal marks placed thereon. The officer will enter in detail the regauge of each package on Form 1520, one copy of which he will securely attach to each copy of Form 257. No greater quantity of brandy may be regauged or withdrawn than stated in the order.

PAR. 279. *Tax on excess losses.*—Where the regauge of the packages discloses excess losses, the proprietor of the warehouse will forward all copies of Form 257, with Form 1520 attached, to the collector of internal revenue, with his remittance to cover the tax due on such excess losses. The collector will certify to the payment of the tax on all copies of the form, retain one copy, and return the other copies to the proprietor of the warehouse, who will deliver them to the Government officer.

PAR. 280. *Certificate of gauge.*—The Government officer will, upon withdrawal of the brandy, execute his certificate of gauge on part 6 of all copies of Form 257, retain one copy, and immediately forward the other copies to the winemaker, who will present them to the officer at the winery as a voucher for deposit in the fortifying room. When the packages are received at the winery, the officer will satisfy himself that the brandy offered for deposit is the same as that described in Form 257 and the attached Form 1520, and will supervise its deposit within the fortifying room. He will gauge any packages which appear to have been tampered with, or from which brandy appears to have been abstracted or lost. The details of packages gauged will be reported on Form 1520, with a statement setting forth fully the apparent cause of the loss. An extra copy of such Form 1520 will be attached to each copy of Form 257. After the brandy has been deposited within the fortifying room, and any necessary gauging performed, the officer will execute his certificate of receipt on part 8 of all copies of Form 257.

PAR. 281. *Filing of Form 257.*—Upon deposit of the brandy in the fortifying room, the officer will retain one copy of Form 257, with Form 1520 attached, at the winery as a permanent record, and forward the other copy or copies of Form 257 similarly completed, to the district supervisor, who will, in cases where the brandy was withdrawn from a warehouse in another district, forward the extra copy to the district supervisor of such district.

PAR. 282. *Tank cars.*—Where an internal revenue bonded warehouse is located on the premises of a fruit distillery and brandy produced at the distillery and eligible for use in fortification is stored in storage tanks in the warehouse, such brandy may, pursuant to application on Form 257, be transferred therefrom to the fortifying room of a bonded winery by means of railroad tank cars under the same conditions as those which govern such transfers direct from the distillery.

PAR. 283. *Pipe lines.*—Where an internal revenue bonded warehouse is located on the premises of a fruit distillery and such warehouse, or a room thereof separated from the remainder of the building by a solid unbroken partition, or a separate building constituting a part of such warehouse premises, is used solely for the storage of brandy produced at such distillery, such brandy may, pursuant to application on Form 257, and under the same conditions as those which govern the transfer of brandy by pipe line direct from a fruit distillery to the fortifying room of a winery operated on contiguous premises by the same person, be transferred by pipe line from storage tanks in such warehouse or in such separate room or building to the fortifying room of a bonded winery or contiguous premises operated by the same person operating the distillery and the warehouse.

ARTICLE LVII—PROCESSES OF FORTIFICATION OF WINE

PAR. 284. *Application on Form 276.*—When the winemaker desires to begin fortification of wine he will make application on part 1 of Form 276, Fortification of Wine, in quadruplicate, to the district supervisor for the assignment of an officer to supervise fortification of the wine, except that where the district supervisor has assigned an officer to the winery and authorized him to supervise fortification upon application of the winemaker, Form 276 will be filed directly with such officer. A separate application will be made for each month in which it is desired to fortify wine.

PAR. 285. *Action by district supervisor.*—If the application is properly prepared and the winemaker's notice of intention to fortify wine, Form 605, has been filed with the district supervisor, and the use of a pipe line for the transfer of brandy has been approved, and the winemaker has procured or been authorized to procure brandy to fortify the wine, the district supervisor will, except in cases where the application is filed directly with a designated officer, as provided in paragraph 284, execute part 2 of the form and deliver all four copies to the officer designated to supervise fortification.

PAR. 286. *Inspection by Government officer.*—The officer who received the order to supervise fortification will inspect the fortifying room and equipment, and the brandy and wine to be used in fortification, to determine whether the same are in legal condition as required by these regulations. He will examine the packages of brandy and any brandy in storage tanks to see that the same corresponds with that shown on Forms 257 on file at the winery. If any irregularity is found, the officer will immediately communicate with the district supervisor and await instructions before permitting fortification. The officer will proceed in a similar manner in cases where he has been authorized to supervise fortification upon application of the winemaker, without prior approval of the Form 276 by the district supervisor.

PAR. 287. *Transfer of wine to fortifying room.*—When it is desired to transfer wine to the fortifying room for fortification, the officer will see (1) that the tank bears a label, Form 546, properly identifying the wine; (2) that according to the label the wine is eligible for fortification; (3) that the wine apparently corresponds with the label; and (4) that the wine appears in all respects to be eligible for fortification. (See Article XXI.) If the wine appears to be eligible for fortification, it will be transferred to the fortifying room and tested by the officer for alcoholic content. After testing the wine for alcohol, the officer will calculate the quantity of brandy required to fortify the wine to the alcoholic strength desired. Wines may not be fortified above 24 per cent by volume, including both the natural and added alcoholic content, as such wines are classed as distilled spirits by section 611 of the Revenue Act of 1918, as amended.



PAR. 288. *Testing and labeling fortified wine.*—Sweetening agents, if any are used, may be added only prior to fortification. After the sweetening agents, if any, have been added to the wine, and the brandy and wine have been run into the fortifying tank, the contents must be thoroughly mixed by plunging or otherwise by the winemaker. In mixing wine and brandy in the fortifying tank, the winemaker may run the wine into the tank first, or, if he so desires, he may run the brandy into the tank first. After it has been completely mixed, the officer will test the wine for alcoholic content, and ascertain the quantity. He will also take a one-pint sample of the wine, seal the same, and attach Form 491, Label for Sample Bottle of Wine, to the bottle. The officer will enter on the label the alcoholic content of the wine as shown by his test, the date of fortification, etc. These samples will be retained in the fortifying room and at the close of the month or upon completion of fortification for the month, the officer will forward two of the samples, representing fortifications at different periods of the month, to the nearest Bureau branch laboratory for testing. Where not over three lots of wine have been fortified during the month, but one sample need be sent to the chemist. If the chemist's analysis indicates that the tests made at the winery were incorrect, he will advise the district supervisor, who will have the instruments used by the officer tested to determine whether they are inaccurate or whether the tests were improperly made by the officer. The samples not used for testing purposes will be held in the fortifying room for a period of six months, after which they may be returned to the winemaker.

PAR. 289. *Refortification.*—If the winemaker does not have sufficient brandy on hand to complete the fortification of a given lot of wine, the wine may, if desired, be partially fortified and held in the fortifying room for further fortification. In making a refortification of wine the Government officer will test the wine for alcohol before the wine is refortified, and compare the results of such tests with the tests of the same wine as shown by the report on Form 275 on which the partial fortification was reported. If the comparison of tests discloses discrepancies of a nature indicating that the wine was tampered with since its partial fortification, the officer will report the facts to the district supervisor and await instructions before permitting the wine to be refortified. If the wine is refortified, the discrepancies found will be reported on the Form 275 on which the refortification is reported. Where discrepancies not of a serious nature are disclosed, and the wine is refortified without first reporting the facts to the district supervisor, the discrepancies will likewise be entered on Form 275. The last test will be made the basis of the refortification. The data reported in the original fortification, as well as the refortification, must be entered on the Form 275, thus making a double report.

PAR. 290. *Daily report on Form 275.*—Each day wines are fortified, the officer supervising fortification will make report thereof on Form 275, in duplicate, giving all the information called for in the form, as indicated by the headings of the various columns and lines and the instructions printed on the form. The officer will retain one copy of the form at the winery as a permanent record and at the close of the day forward the other copy, with Form 546 attached, to the district supervisor.

PAR. 291. *Losses.*—Each day wines are fortified the officer will also enter on Form 276 the information called for on that form, as indicated by the headings of the various columns and lines and the instructions printed on the form. Where losses have been sustained, the officer will attach a statement to each copy of the form, giving the serial numbers of the packages from which loss has been sustained, the quantity lost from each package, and the apparent reason for the loss. At the close of the month, or upon completion of fortification for the month, the officer will complete the form, retain one copy at the winery as a permanent record, and forward one copy to the collector of internal revenue of the district, and the other two copies to the district supervisor, who will transmit one copy to the Commissioner with his Brandy Account, Form 290.

ARTICLE LVIII—GAUGE OF BRANDY IMMEDIATELY PRIOR TO USE IN FORTIFICATION

PAR. 292. *Report of gauge on Form 1520.*—Brandy used in fortifying wine will be carefully gauged by the officer just prior to use. The detail of the gauge will be reported on Form 1520, one copy of which will be attached to each copy of the officer's daily report, Form 275. A separate report on Form 275 will be made for each kind of wine fortified.

PAR. 293. *Losses.*—The officer will call the winemaker's attention to all deficiencies in excess of 1 proof gallon on any package, and, if the winemaker so desires, will regauge the package in the winemaker's presence. Where the officer's gauge indicates that a package may have been tampered with, as where a material deficiency is found and there is no evidence of loss by leakage or casualty, or where deterioration in proof not accountable for by variation in gauge is disclosed, the officer will immediately notify the district supervisor of all the facts in the case and will not permit the package to be used until he is instructed to do so by the district supervisor.

PAR. 294. *Tax on losses.*—No provision is made in the law for relief from tax on losses of brandy in the fortifying room of a bonded winery except on losses of grape brandy by casualty as provided in Article LIX. Tax must be paid on all deficiencies, except deficiencies of grape brandy due to casualty.

ARTICLE LIX—LOSSES OF BRANDY

PAR. 295. *Losses in transit.*—The tax may be remitted on brandy which is withdrawn for the fortification of wine, and which is lost by theft, accidental fire, or other casualty in transit to the winery while in possesion of a common carrier subject to the Transportation Act of 1920 or the Merchant Marine Act of 1920, to the extent that the winemaker is not indemnified against or recompensed for the tax on the brandy lost.

PAR. 296. *Losses in fortifying room.*—The tax may likewise be remitted on grape brandy which is withdrawn for fortification of wine and which prior to use is accidentally destroyed by fire or other casualty while stored in the fortifying room on the winery premises to the extent that the winemaker is not indemnified against, or recompensed for, the tax on the brandy lost.

PAR. 297. *Claims for losses.*—Allowance for losses of any brandy by theft or casualty in transit while in possession of a common carrier, and for losses of grape brandy by casualty while stored in the fortifying room, will be made pursuant to claim filed by the winemaker under oath for remission of tax on the brandy lost. Such losses must be reported to the district supervisor of the district in which the winery is located immediately after they are discovered. Claims for remission of tax on the brandy lost should be filed with the district supervisor within 30 days after the loss is discovered. The claims must set out all the material facts and circumstances relating to the loss, and particularly the nature, cause, and extent of the loss. The claims must state whether the winemaker is indemnified against or recompensed for the tax on the brandy lost.

PAR. 298. *Supporting statements.*—Claims for losses in transit must also set out the name of the carrier and whether such carrier was at the time of the loss subject to the Transportation Act of 1920 or the Merchant Marine Act of 1920; whether claim has been or will be filed against the carrier for the loss; and must, whenever obtainable, be supported by statements of the proper railroad or steamship officials having personal knowledge of the loss. Claims

for losses in the fortifying room must likewise be supported by affidavits of parties having personal knowledge of the loss.

PAR. 299. *Insurance on losses.*—If the brandy lost was insured or claim is made against the carrier, the amount of the insurance or claim against the carrier, or both, and the actual value of the brandy, less the tax, must be stated explicitly.

PAR. 300. *Report of losses.*—When losses of brandy by theft or casualty in transit are ascertained at the time the packages are received at the winery, or where losses by casualty in the fortifying room are ascertained while an officer is on duty, the officer will immediately make a full report of the loss to the district supervisor. The officer's report must set out the nature, cause, and extent of the loss in sufficient detail to bring out all the known, material facts and circumstances surrounding the loss. The condition of each package from which loss has been sustained and the quantity lost therefrom must be reported by the officer.

PAR. 301. *Investigation by district supervisor.*—Where large losses from theft, casualty, or other cause are reported, the district supervisor will immediately make such investigation and require such evidence to be submitted as he may deem necessary and will advise the Commissioner of his findings and recommendations relative to allowance or disallowance of the loss.

PAR. 302. *Reports to Commissioner.*—When an application for remission of tax is received by the district supervisor, he will carefully examine the same and cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary and will forward the application to the Commissioner, together with a statement setting out his recommendation and his reasons therefor, as expeditiously as possible. The district supervisor will also transmit to the Commissioner with the claim copies of any reports of investigation of the loss submitted by the Government officers.

ARTICLE LX—WINEMAKER'S BRANDY AND SACCHARINE REPORT

PAR. 303. *Form 261.*—Each month that brandy is withdrawn, or brandy or sweetening agents are on hand, received, or used, the winemaker will render monthly report on Form 261, giving all the information called for in the form. The entries must be made by the winemaker or by his agent from personal knowledge or data furnished by the winemaker.

PAR. 304. *Preparation of report.*—The form must be subscribed and sworn to by the winemaker or his duly authorized agent. Where the form is signed by an agent, he must have proper power of attorney authorizing him to execute the reports for the winemaker filed with the district supervisor.

PAR. 305. *Filing of report.*—One copy of the form will be retained at the winery by the winemaker as a permanent record, subject to inspection by Government officers at any reasonable hour. On or before the 10th day of the succeeding month, the winemaker will forward two copies of the form to the district supervisor, who will transmit one copy to the Commissioner with his brandy account, Form 290.

PAR. 306. *Audit of reports.*—Before the brandy account, Form 290, is prepared, the correctness of the winemaker's report, Form 261, will be verified by check against the Government officer's reports on Forms 257, 275, and 276. After auditing the reports the following must be stamped thereon and dated and signed by the auditing clerk:

Audited,_____, _____
Clerk Date

ARTICLE LXI—DISTRICT SUPERVISOR'S ACCOUNT

PAR. 307. *District supervisor's account on Form 290.*—District supervisors will render a monthly account on Form 290 of brandy received and used at wineries in their districts. This account will be prepared from data obtained from Forms 261 after such forms have been audited as provided in paragraph 306.

PAR. 308. *Filing of accounts.*—These accounts will be prepared in duplicate and by States within the district. One copy will be retained by the district supervisor and one copy forwarded, not later than the last day of the month succeeding that for which rendered, to the Commissioner, together with copies of Form 261 and Form 276.

ARTICLE LXII—TAX ON BRANDY USED TO FORTIFY WINE

PAR. 309. *Rate of tax.*—The law provides that there shall be levied and assessed against the winemaker a tax of 10 cents per proof gallon on brandy used in the fortification of wine, and that such tax shall be paid within 18 months from the date of notice of the assessment.

PAR. 310. *Assessment.*—Upon receipt of copy of Form 276 from the Government officer at the close of the month, collectors of internal revenue will enter on the distilled spirits list the brandy fortification tax shown due by such form.

PAR. 311. *Collector to notify district supervisor.*—In order that delay in assessing the brandy fortification tax may be avoided, collectors of internal revenue will advise district supervisors of the list, page, and line immediately after an item of brandy fortification tax is entered on the assessment list. District supervisors will note such list, page, and line on their copy, and on the Commissioner's copy of Form 276. If the district supervisor has not received such advice from the collector of internal revenue before the 25th day of the month succeeding that during which brandy was reported on Form 276 as used in fortification, he will promptly make inquiry of the collector of internal revenue in regard to the matter, and, if necessary, will supply the collector of internal revenue with copy of Form 276 for use as the basis for entering tax for assessment. Where the collector of internal revenue has not advised the district supervisor of the list, page, and line on which the assessment has been entered, when copies of the reports and accounts are ready for forwarding to the Commissioner, the district supervisor will note on the Form 276, "Notice of entry of assessment not received."

PAR. 312. *Notice of assessment.*—Immediately upon receipt from the Commissioner of Internal Revenue of the assessment list containing the item, the collector will make demand upon the winemaker for the amount of the tax, specifying in the Form 17, Notice and Demand For Tax, that the tax is payable within 18 months from the date of the notice.

PAR. 313. *Assessment of tax on deficiencies.*—Collectors will also enter on their list for assessment any tax due on deficiencies shown on Form 276. Where the form indicates that the deficiency is due to theft or casualty in transit or, in the case of grape brandy, to casualty in the fortifying room, the collector will not enter on his list the tax thereon, pending consideration of the winemaker's claim for remission of tax. If, after consideration of such claim, the tax is found to be due, it will be entered on the assessment list by the Commissioner of Internal Revenue. (See also Articles LVIII and LIX relative to tax on losses of brandy.)

ARTICLE LXIII—TAX-FREE USE OF BRANDY FOR FORTIFICATION OF WINES USED FOR MANUFACTURE OF VINEGAR OR DEALCOHOLIZED WINES

PAR. 314. *Claim for abatement or refund of fortification tax.*—Where wines fortified under the provisions of section 612 of the Revenue Act of 1918, as amended, are removed for the manufacture of vinegar, or the production of dealcoholized wines containing less than one-half of 1 per cent of alcohol by volume, the tax on the brandy used to fortify the wines will be abated or refunded upon the filing of proper claim by the producer of the wines, supported by evidence clearly establishing the quantity, in proof gallons, of brandy added in fortification to the wine so removed.

PAR. 315. *Alcoholic content shown by the records.*—Because of the variation in alcoholic content of wines both before and after fortification and in the quantity of brandy added to wines in fortification, and because of the mixing of different wines by blending, the winery records pertaining to the fortification, storage, and removal of fortified wines for the manufacture of vinegar or dealcoholized wines must clearly show the alcoholic content of the wines both before and after fortification, and the quantity in proof gallons of brandy added to the wines in fortification. This information must be noted on Form 275 and Form 702 as to all fortified wines removed for the manufacture of vinegar or dealcoholized wines. Such wines must be stored in separate tanks, packages, or other containers, kept completely separated from other wines, and a label containing this information must be attached to the containers of the wine.

ARTICLE LXIV—PENALTIES FOR UNLAWFUL RECOVERY OF BRANDY FROM FORTIFIED WINE

PAR. 316. *Penalty and forfeiture.*—Section 620 of the Revenue Act of 1918, as amended, provides that any person who by any process recovers or attempts to recovery brandy from fortified wines, except as provided by law and regulations, shall, on conviction, be punished for each such offense by a fine of not exceeding $5,000 or imprisonment for not more than five years, or both, and all wines, spirits, liqueurs, cordials, or similar compounds as to which such violation occurs shall be forfeited to the United States.

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PART 3—INSTRUCTIONS FOR TESTING AND MEASURING WINES AND CONTAINERS

ARTICLE LXV—INSTRUCTIONS FOR TESTING WINE

PAR. 319. *Apparatus.*—Wine sets consist of 1 thermometer, 3 saccharometers, graded to read from 0 to 10, 10 to 20, and 20 to 30, 2 alcoholometers graded in the same way, 1 glass cylinder with rubber stopper, 1 copper still, condenser, and stand, with 3 feet of rubber tubing, and a rubber apron to spread over the box while making the test.

PAR. 320. *Samples.*—The sample taken for analysis must be truly representative of the whole volume of the wine in the tank from which it is taken.

PAR. 321. *Care of instruments.*—The instruments to be used must be perfectly clean and should be washed with clean water and thoroughly dried before and after making the tests. A small bit of grease on the spindle or on the surface of the liquid tested will destroy the efficiency of the tests. Instruments should not be handled more than is absolutely necessary, and when picking up the hydrometers they should be held by the upper part of the spindle so as to avoid soiling with the natural oil of the hands that part of the instrument which will be immersed in the liquid when the readings are taken.

PAR. 322. *Test for alcohol.*—Fill the cylinder exactly to the upper mark with the liquid to be tested, lift out the tray holding the hydrometers, and remove the still, etc. Spread the apron over the case, connect the stand, and place the alcohol lamp and still in position. Note the temperature of the liquid in the cylinder and empty it into the still, letting it drain as completely as possible; then fill the cylinder with water to the lower mark, rinse it about, and pour the rinsings into the still. Close the still, connect the condenser, and attach the rubber tube to it to carry away the water; insert the tail of the worm into one of the holes of the rubber stopper and place the stopper in the mouth of the cylinder into which the distillate will flow; fill the condenser with water, which should never be permitted to go above 80° F., and must be kept circulating; light the lamp under the still and continue the distillation at as low a temperature as possible to avoid frothing or priming and until nearly the original volume taken has been collected in the cylinder. Too rapid distillation will result in the loss of alcohol because of imperfect condensation. As soon as the distillation is complete, disconnect the worm of the still from the cylinder, insert the thermometer through the hole in the stopper, and bring the distillate to the same temperature as noted before distillation; remove the stopper, add enough water of the same temperature to fill the cylinder exactly to the upper mark, place the palm of the hand over the mouth of the cylinder, and slowly invert the same a few times to blend the water and distillate and then immediately plunge the alcoholometer in the cylinder and note the indication. Finally, correct the reading according to Table IV to ascertain the true per cent of alcohol. The rubber stopper must be kept in the mouth of the cylinder from the time distillation is commenced until ready to take the reading of the alcoholometer to prevent loss of alcohol by evaporation.

PAR. 323. *Test for sugar.*—The test for saccharine or sugar will be made in the following manner: Pour the residue left in the still after distillation into the cylinder, rinsing the still with a little water a few times to obtain all of the residue contained therein, and empty the rinsings into the cylinder, taking care that none of the residue or rinsings are spilled or lost. Fill the cylinder nearly to the upper mark with water and place the palm of the hand over the mouth of the cylinder and slowly invert the same several times until the liquid is thoroughly mixed and bring the temperature to the exact degree noted in the sample before distillation, then fill the cylinder up to the upper mark with water of the same temperature and take the reading of the saccharometer and make the corrections according to Table III.

PAR. 324. *Verifying tests.*—The above instructions will be followed in all tests made when the wine or must to be tested has fermented and in the tests before and after fortification. The greatest care must be taken in making the tests in order to get correct results.

*Use of Salleron-Dujardin Ebullioscope*

PAR. 325. *Apparatus.*—This set of instruments shall consist of 1 Salleron-Dujardin ebullioscope with reflux condenser, 1 rule with sliding scale for determining the alcohol, 1 alcohol lamp, 1 standardized centigrade thermometer, 1 glass cylinder graduated to read 15 c. c., 25 c. c., and 50 c. c., for accurately measuring the sample to be tested, and 1 plain or mixing glass cylinder of not less than 75 c. c. capacity.

PAR. 326. *Determination of alcohol.*—Pour 15 c. c. of distilled water into the ebullioscope, insert the thermometer, and bring the water to the boiling point. When the mercury becomes stationary, note the temperature and adjust the sliding scale on the rule so that the line indicating the temperature noted will be exactly parallel with the zero mark on the left-hand side of the rule. Now remove the thermometer and empty the water and rinse the ebullioscope thoroughly with wine.

PAR. 327. *Tests before fortification.*—In testing wine before fortification no dilution will be necessary unless the sugar content is more than 6 per cent. If the sugar content is between 6 per cent and 12 per cent dilute with an equal proportion of distilled water, and if above 12 per cent, dilute with twice as much water as wine. In making dilutions care must be taken to get the exact proportions. Take 50 c. c. of the wine to be tested and pour it into the ebullioscope, fill the reflux condenser with cold water, insert the thermometer, and bring the sample to the boiling point. When the mercury in the thermometer becomes stationary and the reading noted, refer to the rule, and the reading on the right-hand side parallel with the line on the sliding scale, indicating the temperature noted, will be the alcoholic content of the wine tested, which, if diluted, should be multiplied by 2 or 3, according to the ratio of water used.

PAR. 328. *Tests after fortification.*—In testing wine after fortification proceed as above except as to the dilution. The sample to be tested should not be more than 6 per cent saccharine nor 11 per cent alcohol, as when higher than this errors are likely to occur, owing to the closeness of the lines on the lower part of the rule.

Examples in determining the alcohol: If the boiling point of the water is found to be 100.2 and the boiling point of the wine is found to be 91.5, the percentage of the alcohol in the wine is 12 per cent; if the boiling point of the wine is found to be 92.1, the percentage of the alcohol is 10.85 per cent, and if the boiling point of the wine is 93.6, the per cent of alcohol is 8.3.

PAR. 329. *Determination of saccharine.*—Pour some of the wine reserved for analysis into one of the cylinders, carefully plunge the proper saccharometer stem into the liquid and note the reading. Withdraw the stem, insert the thermometer, and note the temperature of the wine.

If this temperature is other than 60° F., correct the saccharometer-stem reading according to Table III. Then refer to Table IV to ascertain the specific gravity at the corrected indication, and find the specific gravity of the alcohol shown by the ebullioscope by reference to Table V. Subtract the specific gravity of the alcohol from the specific gravity of the wine and to the remainder add 1 for the weight of the water and the result will be the specific gravity of the wine had it been dealcoholized by the Salleron still. Referring again to Table IV, the per cent of solids (saccharine) will be indicated by the amount of the specific gravity, e. g., should the saccharometer stem when dropped into the wine indicate 6 per cent, by referring to Table IV we find the specific gravity to be 1.0232, and if the ascertained alcohol be 12 per cent, by reference to Table V it will be found that the specific gravity is 0.98435. Subtracting the specific gravity of the alcohol, 0.98435 from the specific gravity of the wine, 1.0232, leaves 0.03885, and by adding 1 the result is 1.03885, the specific gravity of the dealcoholized wine. Turning again to Table IV, it will be noted that this specific gravity would indicate solids (saccharine) to the extent of 9.90 per cent Balling.

PAR. 330. *Use of alcohol stem.*—Should the saccharine stem not register, use the alcohol stem instead and find the specific gravity by Table V, and proceed as above, e. g., the lowest saccharometer failing to register, the alcoholmeter is used instead, and the indication is 10.5 and the temperature 70° F. The correction for temperature is 0.95, as found by Table VI, or 9.55 per cent alcohol. The specific gravity by Table V for 9.55 per cent is 0.98713. The alcohol found by the ebullioscope is 12.55 per cent, and the specific gravity of which is 0.98375. Subtracting 0.98375 from 0.98713 and adding 1 for the specific gravity of the water gives the result of 1.00338, the specific gravity of the dealcoholized wine. By Table IV this specific gravity equals 0.89 per cent Balling.

PAR. 331. *Notation on Form 275.*—If the ebullioscope is used in making the tests, the officer should so state on his daily report, Form 275, and on the label, Form 491.

*Directions for Operating Juerst's Ebulliometer*

PAR. 332. *Determination of the boiling point of water.*—Rinse the instrument twice with ordinary water. In doing so pour an approximate glass tube full of water through one of the openings into the ebulliometer. Take the instrument in your left hand and close the two openings on top of the instrument with the index and middle finger, shake slightly and empty. Now measure in the glass tube as much water as is indicated by the mark and pour it into the ebulliometer. Fasten the empty condenser to the ebulliometer. Place the thermometer into the opening in front of the condenser. The lamp, which is to be filled with ordinary denatured alcohol, is now lit and put under the instrument. In order to protect the thermometer from heat, the little shield should always be fastened to the top of the heating tubes. Within about eight or nine minutes the mercury in the thermometer commences to rise. When the water boils and steam comes out of the top of the condenser watch the thermometer until the mercury remains stationary. The temperature at which the water boils is then noted.

PAR. 333. *Determination of the boiling point of the beverage.*—After the boiling point of the water has been determined, remove the thermometer, empty the ebulliometer, drain it through the draining cock and blow out any liquid which may have remained in the condenser and in the instrument. Now rinse the ebulliometer twice with a glass tube approximately full of the beverage which is to be tested for alcohol.

Drain the instrument through the draining cock. Now measure in the glass tube as much of the beverage (which latter must be well decarbonated) as is indicated by the mark and pour it into the ebulliometer through the thermometer opening. Insert the thermometer. Fill the condenser with ordinary faucet water. Light the alcohol lamp. When the mercury remains stationary, which will be after 10 to 12 minutes from the time the alcohol lamp has been lit, the temperature is read off again and noted. Usually the time for reading the temperature of the thermometer has arrived when the lower cylindrical part of the condenser has become warm.

PAR. 334. *Reading thermometer.*—The thermometer is divided in 13 degrees. Every degree is subdivided in twentieth degrees or in other words in five one-hundredths of a degree.

PAR. 335. *Reading alcohol tables.*—Example: The boiling point of the water was found to be at 9.85 and the boiling point of the beverage 7.50.

Subtract the one figure from the other and look up the percentage of the alcohol in Table VII.

For instance:

9.85 (boiling point of the water).
—7.50 (boiling point of the beverage).

2.35 (Difference between the two boiling points).
2.35=2.51 per cent alcohol by volume.
=or 1.998 per cent alcohol by weight.

*Directions for Operating Lefco Ebulliometer*

PAR. 336. *Determination of the boiling point of water.*—Fill the lamp with denatured alcohol. Rinse the ebulliometer boiler with water by pouring it through the thermometer opening. Measure in the glass tube the quantity of water indicated by the graduation and pour it into the ebulliometer. Place the thermometer in position. Light the lamp and place it under the small tube. Within about eight or nine minutes the mercury in the thermometer commences to rise. When the water boils and the mercury becomes stationary read the thermometer; it is the boiling point of the water. Leave water out of condenser jacket while determining the boiling point of water.

PAR. 337. *Determination of the boiling point of wine.*—Open the cock, empty the boiler, rinse it with some of the wine to be tested, and blow out any remaining liquid in the condenser and instrument. The procedure then is the same as given in paragraph 336 for determining the boiling point of water except that in this case water is used in the condenser jacket. If the wine contains more than 20 per cent alcohol it is best to dilute it with a known proportion of water subsequent to testing, and correct the result for dilution.

PAR. 338. *Directions for reading alcohol tables.*—Determine the boiling point of the water. Determine the boiling point of the alcohol mixture. Should the observed boiling point of water be greater than 100° C., subtract 100° from this boiling point. Subtract this difference from the observed boiling point of the alcohol mixture. This is the corrected boiling point of the mixture.

*Example:* Boiling point of water=100.50° C.

100.50°—100.00°=0.50° C.
Observed boiling point of the alcohol mixture=97.70° C.
97.70°—0.50°=97.20° C. the corrected boiling point of the mixture.
97.20° C.=3.06 per cent alcohol by volume and 2.43 per cent alcohol by weight. (See Table VIII.)

Should the observed boiling point of water be less than 100° C., subtract this observed boiling point from 100.00° C. Add this difference to the observed boiling point of the alcohol mixture. This is the corrected boiling point of the mixture.

*Example:* Observed boiling point of water=99.70° C.

100.00° C.—99.70°=0.30° C.
Observed boiling point of the alcohol mixture=96.30° C.
96.30°+0.30°=96.60° C. the corrected boiling point of the mixture.
96.60° C.=3.74 per cent alcohol by volume and 2.97 per cent alcohol by weight. (See Table VIII.)



CARE OF EBULLIOMETERS

PAR. 339. *Care of apparatus.*—Keep the instrument in perfectly clean condition. Always rinse the ebulliometer with water after using. Always determine the boiling point of the water first.

PAR. 340. *Determining boiling point.*—Since the atmospheric pressure changes from day to day and sometimes during the day, the boiling point of the water and that of the beverage is dependent thereon.

It is, therefore, necessary to determine the boiling point of the water every day, when it is desired to make an alcohol determination.

If the ebulliometer is used continually during the day, the boiling point of the water should be determined from time to time.

PAR. 341. *Use of two ebulliometers.*—Much time may be saved and still greater accuracy may be had with the employment of two ebulliometers, one with which to determine the boiling point of the water and the other with which to determine the boiling point of the alcoholic beverage.

PAR. 342. *Removal of carbonic acid gas.*—It is important that the beverage of which the alcohol is to be determined be thoroughly freed of carbonic acid gas.

PAR. 343. *Dilution of samples before testing.*—If the alcoholic content of the samples being tested exceeds 8 per cent alcohol by volume, the samples should be diluted and the determinations made on the diluted wine. Corrections then should be made in order to obtain the correct percentage of alcohol of the wine before dilution, as per instructions given for the use of the Salleron-Dujardin ebullioscope.

ARTICLE LXVI—DIRECTIONS FOR TAKING SAMPLES OF FORTIFIED WINE AND THEIR DISPOSITION

PAR. 344. *Time of taking samples.*—As provided in paragraph 288 of Part 2 of these regulations, the storekeeper-gauger will take a 1-pint sample from each tank of wine fortified, except partial fortifications. This sample should be taken after the sweetening agents, if any, and brandy have been added and the fortifying tank has been thoroughly plunged to insure complete mixture of the contents. The officer should also make his test for alcohol before taking the sample so that the results thereof may be entered on label, Form 491, to be attached to the bottle.

PAR. 345. *Bottles and labels.*—The bottles used for this purpose must be perfectly clean and drained dry before the wine is placed therein. Rinse the bottles with a little of the wine before filling them; close them with a new and perfect cork and place over the cork a seal of wax; affix to each sample a label, Form 491, properly made out, and signed both by the officer taking the sample and the winemaker or his representative.

PAR. 346. *Forwarding samples.*—Hold the samples in the fortifying room until the close of the month and then forward two of the samples, representing fortifications at different intervals of the month, to the nearest Bureau branch laboratory for testing. Where not over three lots have been fortified during the month, but one sample need be sent the chemist. The other samples will be held in the fortifying room for a period of six months, after which they may be returned to the winemaker. The storekeeper-gauger will be held to a strict accountability for all wine released from the fortifying room by him.

ARTICLE LXVII—METHOD OF DETERMINING THE AMOUNT OF BRANDY TO BE ADDED TO FORTIFY WINES TO THE REQUIRED ALCOHOLIC STRENGTH

PAR. 347. *Formula for determining brandy necessary for fortification.*—After taking the samples for the first test in the fortifying room and the officer is satisfied that the wine is eligible for fortification, the winemaker may add enough of the brandy already gauged for the fortification to the wine to arrest fermentation. Complete the tests and determine the amount of brandy necessary to fortify the wine to the desired alcoholic strength in the following way:

In regard to the amount of brandy or wine spirits to be added, the factors that enter into the problem are: (1) the original alcoholic strength of the wine; (2) the alcoholic strength of the brandy used (this is always one-half of the proof strength), and (3) the resulting alcoholic strength of the mixture. Any two of these being known, the third can be determined. The higher the alcoholic strength of the brandy used the smaller will be the volume of it required to produce any desired alcoholic strength, owing to its containing more alcohol and less water; but in no case should the desired alcoholic strength in the resulting fortified wine exceed 24 per cent. (Par. 287.)

*Formula*

$$X=\frac{V(C-A)}{B-C}$$

$A$=the per cent of alcohol by volume in the wine to be fortified;
$B$=the per cent of alcohol by volume in the wine spirits or brandy to be used in fortifying the wine;
$C$=the desired per cent of alcohol by volume in the wine after being fortified;
$V$=the number of wine gallons of the wine to be fortified; and
$X$=the number of wine gallons of the wine spirits or brandy to be used.

PAR. 348. *Rule for calculation.*—Multiply the number of wine gallons of the wine to be fortified (V) by the difference between its per cent of alcohol by volume (A) and the desired per cent of alcohol by volume in the wine after fortification (C); divide this product by the difference between the per cent of alcohol by volume in the wine spirits or brandy which is used for fortifying (B), and the desired per cent of alcohol by volume in the wine after fortification (C); the quotient (X) will represent the number of wine gallons of the spirits required to produce the desired alcoholic strength in the fortified wine.

*Example*

How many wine gallons of brandy having a per cent of alcohol by volume of 90 shall be added to 100 gallons of wine having an alcoholic content of 10 per cent by volume to fortify the wine to 20 per cent alcohol by volume?

$A$=10 per cent
$B$=90 per cent
$C$=20 per cent
$V$=100 gallons.

$$X=\frac{100\ (20-10)}{(90-20)}=14.29 \text{ (nearly) w. g. brandy.}$$

The original alcoholic strength of the wine will depend on how far the fermentation of the sugar present in the must or juice has been allowed to proceed; as a general rule the volume of alcohol in the wine represents twice that amount of sugar (not extract, total solids, or saccharine strength indicated by Balling's saccharometer) present in the original must.

PAR. 349. *Use of Table IX, Appendix.*—The quantity of brandy necessary to fortify a given quantity of wine to a certain alcoholic content may also be ascertained by reference to Table IX, in the Appendix. This table is calculated only for whole per cents of alcoholic strength and the slight contraction due to admixture of alcohol has been disregarded. When upon determining the alcoholic strength of the wine it is found to be a whole per cent plus a fraction, then the next higher whole per cent should be taken; for instance, if the per cent is 10.25, then 11 should be taken. The same rule should be observed in regard to the alcoholic strength of the brandy used. But nothing herein contained should be considered as preventing the employment of the formula and rule given above in calculating the necessary number of wine gallons of brandy to be added.

When the quantity of the wine proposed to be fortified is found by actual gauge to be greater or less than 100 wine

gallons, to ascertain the necessary number of wine gallons of brandy to be added to obtain a desired alcoholic strength, multiply the number of wine gallons of wine by the number found in the appropriate table and column, having first removed the decimal point two figures to the left.

*Example*

How many wine gallons of brandy having a per cent of alcohol by volume of 75 shall be added to 35 gallons of wine having a per cent of alcohol by volume of 10 to produce a fortified sweet wine having 20 per cent of alcohol by volume?

In Table IX, relative to wine containing 10 per cent of alcohol, opposite the figures 75 in the left-hand margin showing the per cent of alcohol in the brandy, and beneath the figures 20 on the upper margin, showing the desired per cent of alcohol in the wine, will be found the figures 18.18, which show the quantity to be added to 100 gallons of wine. By removing the decimal point two places to the left we have 0.1818, and by multiplying by 35 and taking care to point off four figures in the product for decimals we have 6.36 as the necessary number of wine gallons of brandy to be added:

0.1818
35
9090
5454
6.3630 Answer

In practice the problem would be thus presented: Given 1,000 wine gallons of wine containing 6 per cent alcohol strength, it is desired to fortify it so that the resulting mixture shall contain 17 per cent alcoholic strength. The brandy that is intended to be used for this purpose is marked as follows:

| Package | Wine gallons | Proof | Percent alcohol |
|---|---|---|---|
| No. 1 | 52½ | 162 | 81 |
| No. 2 | 28 | 156 | 78 |
| No. 3 | 27 | 142 | 72 |
| No. 4 | 48 | 120 | 60 |
| No. 5 | 50 | 178 | 89 |

*Example*

How many wine gallons of these packages, taken in their numerical order, will be needed to fortify the 1,000 gallons of wine?

Referring to Table IX, relative to wine containing 6 per cent of alcohol, under column 17 opposite the respective alcoholic strengths of the brandy, we find as follows: 81 per cent, 17.18; 78 per cent, 18.03; 72 per cent, 20; 60 per cent, 25.58; and 89 per cent, 15.27. Moving the decimal point two figures to the left and dividing the contents of each package by the appropriate decimal we obtain the number of the wine gallons of the given wine that will be fortified to the desired percentage, viz:

*1,000.00 gallons.*

According to the table—

Package No. 1. 52½ gallons, at 81 per cent, will fortify $\frac{52.5}{0.1718}$ = 305.58 gallons of wine.

Package No. 2. 28 gallons, at 78 per cent, will fortify $\frac{28}{0.1803}$ = 155.29 gallons of wine.

Package No. 3. 27 gallons, at 72 per cent, will fortify $\frac{27}{0.2000}$ = 135 gallons of wine.

Package No. 4. 48 gallons, at 60 per cent, will fortify $\frac{48}{0.2558}$ = 187.64 gallons of wine.

155½ gallons will fortify ..... 783.51 gallons of wine.

Remaining ..... 216.49 gallons to be fortified

From the remaining package, No. 5, this will require, according to the table 0.1527×216.49, or 33.06 gallons.

PAR. 350. *Finding the calculated per cent of sugar and alcohol after fortification.*—To find the calculated per cent of sugar or alcohol after fortification, multiply the gallons of wine before fortification by the per cent of sugar or alcohol present in the wine, as shown by the first test, and add the amount of sugar or alcohol added, which in the case of the alcohol will be one-half of the proof gallons of brandy added, and divide the sum found by the gallons of wine after fortification. The result will be the calculated per cent of sugar or alcohol present after the fortification has been completed.

ARTICLE LXVIII—RULES FOR FINDING CAPACITY AND CONTENTS OF ROUND TANKS OF UNIFORM DIMENSIONS, STANDING ON END

PAR. 351. *To find the capacity.*—Ascertain the inside depth of the tank by accurately measuring the same with a rod or steel tape. Ascertain the diameter of the tank (1) by accurately measuring the inside width of the tank with a rod or steel tape, or (2) by measuring the outside circumference of the tank and dividing the same by 3.1416 and deducting from the quotient twice the thickness of the staves or sides of the tank. The result will be the inside diameter of the tank.

After determining the depth and diameter of the tank, multiply the diameter by itself and by the depth and by 0.0034, and the product will be the capacity of the tank in gallons.

*Example*

What is the capacity of a tank 120 inches in diameter and 100 inches in depth?

120×120×100×0.0034=4,896 gallons capacity

PAR. 352. *To find the capacity per inch of depth.*—The capacity of the tank for 1 inch of depth can be determined by multiplying the diameter by itself and by 0.0034.

*Example*

What is the capacity per inch of depth of the above tank?

120×120×0.0034=48.96 gallons per inch

PAR. 353. *To find the liquid contents when partly filled.*—When the tank is partly filled, the liquid contents can be determined by ascertaining the depth of the wine in inches and multiplying same by the capacity of the tank for 1 inch of depth. (The depth of the wine can be ascertained by measuring the same with a rod or steel tape or by measuring the dry inches in the tank and subtracting same from the depth of the tank.)

What are the liquid contents of the above tank if the depth of the wine in it is 75 inches?

75 × 48.96 = 3,672 gallons wine in tank

ARTICLE LXIX—RULES FOR FINDING CAPACITY AND CONTENTS OF ROUND TANKS STANDING ON END AND LARGER AT BOTTOM THAN AT TOP, BUT NOT BULGED IN THE MIDDLE

PAR. 354. *To find the capacity.*—Ascertain the inside diameter of the tank at the top and at the bottom and the inside depth of the tank in the manner set forth above. (In ascertaining the depth, the rod or tape should be run straight down and not allowed to follow the course of the staves or sides of the tank.) Add together the square of the top diameter, the square of the bottom diameter, and four times the square of the midway diameter (ascertained by adding the top and bottom diameters together and dividing by 2), and divide the sum by 6, which gives the square of the true mean diameter; multiply this by the depth of the tank, and the product will be the capacity in cylindrical inches. As there are 294 cylindrical inches in a gallon, divide this last product by 294, and the quotient will be the number of gallons contained in the tank.

*Example*

What is the capacity of a tank 108 inches in diameter at the top, 120 inches in diameter at the bottom, and 100 inches in depth?

(108+120)÷2=114 inches midway diameter.
(108×108)+(120×120)+(114×114×4)÷6=13008.
(13008×100)÷294=4,424 gallons, capacity of tank.

The following rule is shorter and, though not mathematically correct, is for all practical purposes sufficiently so, unless the tank is much smaller at the top than at the bottom, and may be used in determining the capacity of such tanks:

Add the top and bottom diameters, divide the sum by 2, multiply the quotient by itself and by 0.0034 and by the depth of the tank; the result will be the capacity of the tank in gallons.

*Example (Tank as Above)*

(108+120)÷2=114 inches mean diameter.
114×114×100×0.0034=4,418 gallons, capacity of tank.

PAR. 355. *To find the capacity for each foot of depth.*—Subtract the top diameter from the bottom diameter, and divide the difference by the depth in inches to get the decrease in diameter for each inch of depth; multiply the quotient by 12, which gives the decrease in diameter per foot; subtract the product from the bottom diameter to get the diameter at 1 foot of depth from the bottom; add the bottom diameter and the diameter at 1 foot from the bottom, divide the sum by 2, multiply the quotient by itself and by 0.0034. The result will be the capacity of the tank for the first foot of depth.

*Example (Tank as above)*

(120 — 108) ÷ 100 = 0.12 inches, decrease in diameter per inch of depth.
0.12×12=1.44 inches, decrease in diameter per foot of depth.
120 — 1.44=118.56 inches, diameter 1 foot from bottom.
(120+118.56)÷2=119.28 inches, mean diameter.
119.28×119.28×0.0034=48.37 gallons per inch for first foot.
48.37×12=580.44 gallons, capacity first foot.

The capacity for the next foot of depth can be ascertained by the same process of taking the diameter at the top of the first foot as the bottom diameter for the calculation. For example, the bottom diameter of the second foot of depth is 118.56 inches, and the top diameter would be 118.56—1.44 (decrease in diameter)=117.12 inches top diameter. By following the above rule the capacity for the second foot is found as follows:

(118.56+117.12)÷2=117.84 inches.
117.84×117.84×0.0034=47.21 gallons per inch for second foot.
47.21×12=566.52 gallons capacity for second foot.

Each other foot of depth can be found in the same way, care being used that each calculation is correct.

PAR. 356. *To find the liquid contents when partly filled.*—Ascertain the decrease in diameter of the tank per inch of depth by subtracting the top diameter of the tank from its bottom diameter and dividing the difference by the depth in inches of the tank, to get the decrease in diameter per inch of depth. Then ascertain the depth in inches of the liquid, and multiply the same by the decrease in diameter per inch of depth, the product will be the difference between the bottom diameter of the tank and the diameter of the tank at the top of the liquid. Then add these two diameters, divide the sum by 2, multiply the quotient by itself and by 0.0034 and by the depth in inches of the liquid. The result will be the gallons of liquid contained in the tank.

*Example*

What are the liquid contents of the above tank if the depth of the wine in it is 75 inches?

(120−108)÷100=0.12 inch, decrease in diameter per inch.
0.12×75=9 inches, difference between the bottom and top.
120−9=111 inches, diameter at top of wine.
(111+120)÷2=115.5 inches, mean diameter.
115.5×115.5×0.0034×75=3.402 gallons, contents.

ARTICLE LXX—RULES FOR FINDING CAPACITY OF ROUND TANKS OR CASKS BULGED IN THE MIDDLE

PAR. 357. *To find the capacity.*—The capacities of casks bulged in the middle can best be determined by filling them with liquid and measuring such liquid in a measuring tank or in a tank of uniform dimensions.

The following rule while not mathematically correct may be used by officers in taking inventories of such casks:

Ascertain the inside head and middle diameters in the manner set forth above. In doing this care should be used to get the true diameter at the head and at the center of the cask. Where the diameters are determind by taking the circumference and dividing same by 3.1416, the measurements should be made in the exact center of the cask and at the heads rather than at the end of the staves in cases where the staves extend beyond the heads.

Add to the head diameter two-thirds of the difference between the head and middle diameter (if the staves are only slightly curved, add only six-tenths of the difference); this gives the mean diameter; multiply the mean diameter by itself and by the inside length, where the cask is lying on its side, or inside height where the cask is standing on one head, and by 0.0034. The result will be the capacity of the cask in gallons.

*Example*

A wine cask is 64 inches long, the head diameter is 36 inches, and the center diameter is 42 inches. What is the capacity of the cask?

42−36=6 inches difference in diameter.
(⅔ of 6)+36=40 inches mean diameter.
40×40×64×0.0034=348.16 gallons capacity of cask.

ARTICLE LXXI—RULES FOR FINDING CAPACITY AND CONTENTS OF SQUARE OR RECTANGULAR TANKS OR VATS WITH PERPENDICULAR SIDES

PAR. 358. *To find the capacity.*—Multiply the inside length by the inside breadth and by the inside height and divide by 231, the number of cubic inches in a gallon, the result will be the capacity in gallons of the tank or vat.

*Example*

A rectangular tank is 120 inches long, 108 inches wide, and 100 inches deep. What is its capacity?

(120×108×100)÷231=5,610 gallons capacity.

PAR. 359. *To find the capacity per inch of depth.*—Multiply the inside length by the inside breadth and divide by 231; the result will be the capacity per inch of depth.

*Example*

What is the capacity per inch of depth of the above tank?

(120×108)÷231=56.10 gallons, capacity per inch.

PAR. 360. *To find the liquid contents when partly filled.*—Multiply the depth of the wine in inches by the capacity per inch.

*Example*

What are the liquid contents of the above tank if the depth of the wine in it is 75 inches?

75×56.10=4,207.5 gallons, contents of tank.

ARTICLE LXXII—RULES FOR FINDING CAPACITY AND CONTENTS OF SQUARE OF RECTANGULAR TANKS OR VATS LARGER AT THE TOP THAN AT THE BOTTOM, OR VICE VERSA

PAR. 361. *To find the capacity.*—Find the mean length by adding the top length and the bottom length and dividing by 2. Find the mean width by adding the top width and the bottom width and dividing by 2. Mutiply the mean length by the mean width and by the depth and divide by 231. The result will be the capacity of the tank in gallons.

*Example*

A rectangular tank is 120 inches long at the top and 108 inches at the bottom, 100 inches wide at the top and 90 inches at the bottom, and 72 inches deep. What is its capacity?

(120+108)÷2=114 inches, mean length.
(100+90)÷2=95 inches, mean width.
(114×95×72)÷231=3,375.5 gallons, capacity of tank.

PAR. 362. *To find the contents when partly filled.*—Subtract the top length from the bottom length and divide the difference by the depth; the result will be the difference in length per inch. Multiply the depth of the wine in inches by the difference in length per inch to get the difference in length at the top of the wine and at the bottom of the tank. Add this difference to the bottom length to get the length at the top of the wine. Add the length at the top of the wine and the bottom length and divide by 2 to get the mean length.

Find the mean width in the same way.

Multiply the mean length by the mean width and by the depth of the wine and divide by 231; the result will be the contents of the tank in gallons.

*Example*

What are the liquid contents of the above tank if the depth of the wine in it is 48 inches?

(120−108)÷72=⅙ inch, difference in length per inch.
48×⅙=8 inches, difference in length top of wine.
108+8=116 inches, length at top of wine.
(108+116)÷2=112 inches, mean length.

The mean width is found in the same way:

(100−90)÷72×48=6⅔ inches, difference in width at top of wine.
(90+6⅔+90)÷2=93⅓ inches, mean width.
(112×93⅓×48)÷231=2,172 gallons, contents of tank.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, October 6, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

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APPENDIX, WITH TABLES

WATERING OF THE FRESH MUST

(*a*) If the acid of the must does not exceed 5 per mille, no addition of water shall be allowed.

(*b*) If the acid of the must is in excess of 5 per mille, the addition of water will be allowed in quantity sufficient to reduce the acid to 5 per mile: *Provided*, That in no case shall the volume of the must be increased more than 35 per cent. Use Table I to ascertain proper amount of water to be added.

TABLE I.—*The number of gallons of sugar water that can be added to each thousand (1,000) gallons of must, based on the acid expressed in parts per mille of tartaric acid*

| Parts per mille fixed acid | Gallons of wine | Gallons of sugar water allowed | Parts per mille fixed acid | Gallons of wine | Gallons of sugar water allowed |
|---|---|---|---|---|---|
| 5.1 | 1,000 | 20.0 | 6.5 | 1,000 | 300.0 |
| 5.2 | 1,000 | 40.0 | 6.6 | 1,000 | 320.0 |
| 5.3 | 1,000 | 60.0 | 6.7 | 1,000 | 340.0 |
| 5.4 | 1,000 | 80.0 | 6.8 | 1,000 | 360.0 |
| 5.5 | 1,000 | 100.0 | 6.9 | 1,000 | 380.0 |
| 5.6 | 1,000 | 120.0 | 7.0 | 1,000 | 400.0 |
| 5.7 | 1,000 | 140.0 | 7.1 | 1,000 | 420.0 |
| 5.8 | 1,000 | 160.0 | 7.2 | 1,000 | 440.0 |
| 5.9 | 1,000 | 180.0 | 7.3 | 1,000 | 460.0 |
| 6.0 | 1,000 | 200.0 | 7.4 | 1,000 | 480.0 |
| 6.1 | 1,000 | 220.0 | 7.5 | 1,000 | 500.0 |
| 6.2 | 1,000 | 240.0 | 7.6 | 1,000 | 520.0 |
| 6.3 | 1,000 | 260.0 | For all acidity over 7.6 | 1,000 | 538.4 |
| 6.4 | 1,000 | 280.0 | | | |

DETERMINATION OF THE ACIDITY OF A YOUNG SOUND WINE OR MUST

*1. Apparatus Necessary*

1. Burette, 25 c. c., graduated to 1/10 c. c.
2. Burette stand.
3. Spot plate, porcelain.
4. Pipette, 20 c. c.
5. Glass tube dropper.
6. Stirring rods.
7. Funnel.
8. Flasks.
9. Beakers.
10. Absorbent cotton.
11. Porcelain dishes.
12. Filter paper.
13. Standard acid sample.

*2. Solutions Necessary*

(*a*) N/10 sodium hydroxide, exact.
(*b*) Indicator, aqueous solution azolitmin, neutral.
(*c*) Approximate N/10 hydrochloric acid.

*3. The Use and Care of Burette*

(*a*) Before using the burette the stopcock should be greased while dry with a very little vaseline. It should then be washed thoroughly inside with water and then rinsed thoroughly twice with the N/10 sodium hydroxide, care being taken that all the interior of the burette comes in contact with the rinsing liquid. The burette is then filled to the top with N/10 sodium hydroxide, placed in a stand, and after standing for a minute the level of the liquid is brought exactly to the 0 mark by opening the stopcock. The instrument is now ready for use.

(*b*) After using the instrument it should be emptied, washed with water, and placed inverted in the stand with the cock open until needed again.

*4. Use and Care of the Pipette*

(*a*) The pipette is used to measure the amount of must or wine to be used for ascertaining the quantity of acid. The wine is sucked with the mouth into the pipette until the level of the liquid is about an inch above the mark, the finger is quickly placed over the end, and the wine allowed to flow out until the mark is reached. The pipette now holds the amount of wine needed for the acid determination and the contents are allowed then to run into a beaker. A little practice makes the operation of the pipette very easy.

(*b*) Before using the pipette it should be always rinsed thoroughly with the wine that one wishes to investigate, and after using should be washed with water.

*5. Care of Other Apparatus*

One main precaution, as in all chemical work, is to keep all glassware, etc., scrupulously clean.



*6. Preparation of the Test Solution of Azolitmin*

Dissolve the powdered azolitmin in 1 quart of distilled water, or if distilled water can not be obtained use boiled and filtered water. The color of this solution should be purple. It often happens, however, that the color is either blue or red. If blue, add a drop or two of the hydrochloric acid, shake, and continue until the color is purple; if red, add similarly a drop or two of the N/10 sodium hydroxide until purple. This solution may change in color over night, so each day it should be brought to purple.

*7. Determination of the Acid*

Selection of the Sample

(*a*) Endeavor to obtain a sample representative of the whole lot or package under investigation. If the wine or must can not be mixed thoroughly, take equal portions from different parts of the container and then mix these portions thoroughly. A sufficient amount is then filtered through a small pad of absorbent cotton placed in the funnel, using a flask to catch the filtered wine.

Measuring the Sample

(*b*) Before measuring the sample remove the gas ($CO_2$) contained in the sample by vigorously pouring the wine from one beaker to another. Then, by use of the pipette, measure 20 c. c. of the sample in a clean beaker about 150 c. c. in capacity. This is important for the reason that this gas has acid properties and would affect the result and because it is impossible to measure correctly a wine containing much gas.

Preparation of the Spot Plate

(*c*) Fill each hole of the spot plate about one-half full with the azolitmin test solution, using for this purpose the glass dropper. This should be done just prior to using it.

The titration

(*d*) *For white wines (or must).*—Having filled the burette as instructed in 3, measured the wine as in 7 (*b*), and prepared the spot plate, 7 (*c*), place the beaker with the wine under the burette and allow the N/10 sodium hydroxide to run slowly into the wine, shaking the beaker the while to thoroughly mix the two liquids. When about 10 c. c. have run into the beaker stop, stir thoroughly with a stirring rod, and place one or two drops of the wine by means of the stirring rod into one of the cavities in the spot plate, mix and at once observe the color. If the change in color of the azolitmin is to a decided red, add more N/10 sodium hydroxide and continue until two drops of the wine do not change the tint of the azolitmin appreciably. For the first two or three times the end point may be a little difficult to discern, but in a short time the eye becomes very proficient and no trouble will be experienced. When the point is reached where the wine does not change the color of the test solution either to red or blue, read the burette, and then from the Table II ascertain the amount of acid present in the wine. For example, if the reading on the burette were 18.2, then from the table the per cent of acid would be 0.683, or if the result is required per mille multiply the per cent by 10, which would be in the above case 6.83 parts per mille. In the event that the burette reading is lower than 10, double the reading, look this up on the table, and divide by 2. For example, if the burette reading were 7.4, then

7.4×2=14.8
14.8 on table=0.555
0.555÷2=0.278 per cent acid.

If the reading is above 36.9, divide reading by 2, look up on table, and multiply by 2. Example: Burette reading 41.6, then

41.6÷2=20.8
20.8 on table=0.780
0.780×2=1.560 per cent acid.

(*e*) *Red wines (or must).*—Red wines are treated in the same manner as are white wines, but often the end point is more difficult to determine. The color of the red wine as it changes with the addition of the N/10 sodium hydroxide is often a splendid indication of the nearness of the end point, but practice alone can help one in this case.

(*f*) *Precautions for the titration.*—When placing the N/10 sodium hydroxide solution in the burette it is best to take the lowest part of the meniscus (or quarter moon) as the level of the liquid, and take the same portion as the level in the final reading. In any case, however, use the same level for both the 0 and the final reading. Remember these facts: If too little N/10 sodium hydroxide has been used in the titration, the azolitmin will turn red with a drop of the wine; if too much has been used, it will turn blue. The bottle containing the N/10 sodium hydroxide should be kept stoppered when not in use and nothing should be allowed to enter this bottle; if some of the N/10 sodium hydroxide in the burette is not needed, throw it away—do not pour back into the bottle.

*8. Sample for Control of Manipulation of Titration*

In order that one may be assured he is correctly determining the acid in a wine, there is included among the materials sent a standard acid sample, the fixed acid content of which is given on the label. If the officer will determine the acidity of this sample according to directions detailed in 7, and his result compares favorably with that given on the label he will know that his manipulation is correct. If his agreement with the sample is within 0.02 per cent acid, the result will be satisfactory.

TABLE II.—*Acid as tartaric—Grams tartaric ($C_4H_6O_6$) in 100 c. c. sample when 20 c. c. are titrated with decinormal alkali*

| C. c. alkali | Grams, 100 c. c. | C. c. alkali | Grams, 100 c. c. | C. c. alkali | Grams, 100 c. c. | C. c. alkali | Grams, 100 c. c. | C. c. alkali | Grams, 100 c. c. |
|---|---|---|---|---|---|---|---|---|---|
| 10.0 | 0.375 | 15.4 | 0.578 | 20.8 | 0.780 | 26.2 | 0.983 | 31.6 | 1.185 |
| 10.1 | .379 | 15.5 | .581 | 20.9 | .784 | 26.3 | .986 | 31.7 | 1.189 |
| 10.2 | .383 | 15.6 | .585 | | | 26.4 | .990 | 31.8 | 1.193 |
| 10.3 | .386 | 15.7 | .589 | 21.0 | .788 | 26.5 | .994 | 31.9 | 1.196 |
| 10.4 | .390 | 15.8 | .593 | 21.1 | .791 | 26.6 | .998 | | |
| 10.5 | .394 | 15.9 | .596 | 21.2 | .795 | 26.7 | 1.001 | 32.0 | 1.200 |
| 10.6 | .398 | | | 21.3 | .799 | 26.8 | 1.005 | 32.1 | 1.204 |
| 10.7 | .401 | 16.0 | .600 | 21.4 | .803 | 26.9 | 1.009 | 32.2 | 1.208 |
| 10.8 | .405 | 16.1 | .604 | 21.5 | .806 | | | 32.3 | 1.211 |
| 10.9 | .409 | 16.2 | .608 | 21.6 | .810 | 27.0 | 1.013 | 32.4 | 1.215 |
| | | 16.3 | .611 | 21.7 | .814 | 27.1 | 1.016 | 32.5 | 1.219 |
| 11.0 | .413 | 16.4 | .615 | 21.8 | .818 | 27.2 | 1.020 | 32.6 | 1.223 |
| 11.1 | .416 | 16.5 | .619 | 21.9 | .821 | 27.3 | 1.024 | 32.7 | 1.226 |
| 11.2 | .420 | 16.6 | .623 | | | 27.4 | 1.028 | 32.8 | 1.230 |
| 11.3 | .424 | 16.7 | .626 | 22.0 | .825 | 27.5 | 1.031 | 32.9 | 1.234 |
| 11.4 | .428 | 16.8 | .630 | 22.1 | .829 | 27.6 | 1.035 | | |
| 11.5 | .431 | 16.9 | .634 | 22.2 | .833 | 27.7 | 1.039 | 33.0 | 1.238 |
| 11.6 | .435 | | | 22.3 | .836 | 27.8 | 1.043 | 33.1 | 1.241 |
| 11.7 | .439 | 17.0 | .638 | 22.4 | .840 | 27.9 | 1.046 | 33.2 | 1.245 |
| 11.8 | .443 | 17.1 | .641 | 22.5 | .844 | | | 33.3 | 1.249 |
| 11.9 | .446 | 17.2 | .645 | 22.6 | .848 | 28.0 | 1.050 | 33.4 | 1.253 |
| | | 17.3 | .649 | 22.7 | .851 | 28.1 | 1.054 | 33.5 | 1.256 |
| 12.0 | .450 | 17.4 | .653 | 22.8 | .855 | 28.2 | 1.058 | 33.6 | 1.260 |
| 12.1 | .454 | 17.5 | .656 | 22.9 | .859 | 28.3 | 1.061 | 33.7 | 1.264 |
| 12.2 | .458 | 17.6 | .660 | | | 28.4 | 1.065 | 33.8 | 1.268 |
| 12.3 | .461 | 17.7 | .664 | 23.0 | .863 | 28.5 | 1.069 | 33.9 | 1.271 |
| 12.4 | .465 | 17.8 | .668 | 23.1 | .866 | 28.6 | 1.073 | | |
| 12.5 | .469 | 17.9 | .671 | 23.2 | .870 | 28.7 | 1.076 | 34.0 | 1.275 |
| 12.6 | .473 | | | 23.3 | .874 | 28.8 | 1.080 | 34.1 | 1.279 |
| 12.7 | .476 | 18.0 | .675 | 23.4 | .878 | 28.9 | 1.084 | 34.2 | 1.283 |
| 12.8 | .480 | 18.1 | .679 | 23.5 | .881 | | | 34.3 | 1.286 |
| 12.9 | .484 | 18.2 | .683 | 23.6 | .885 | 29.0 | 1.088 | 34.4 | 1.290 |
| | | 18.3 | .686 | 23.7 | .889 | 29.1 | 1.091 | 34.5 | 1.294 |
| 13.0 | .488 | 18.4 | .690 | 23.8 | .893 | 29.2 | 1.095 | 34.6 | 1.298 |
| 13.1 | .491 | 18.5 | .694 | 23.9 | .896 | 29.3 | 1.099 | 34.7 | 1.301 |
| 13.2 | .495 | 18.6 | .698 | | | 29.4 | 1.103 | 34.8 | 1.305 |
| 13.3 | .499 | 18.7 | .701 | 24.0 | .900 | 29.5 | 1.106 | 34.9 | 1.309 |
| 13.4 | .503 | 18.8 | .705 | 24.1 | .904 | 29.6 | 1.110 | | |
| 13.5 | .506 | 18.9 | .709 | 24.2 | .908 | 29.7 | 1.114 | 35.0 | 1.313 |
| 13.6 | .510 | | | 24.3 | .911 | 29.8 | 1.118 | 35.1 | 1.316 |
| 13.7 | .514 | 19.0 | .713 | 24.4 | .915 | 29.9 | 1.121 | 35.2 | 1.320 |
| 13.8 | .518 | 19.1 | .716 | 24.5 | .919 | | | 35.3 | 1.324 |
| 13.9 | .521 | 19.2 | .720 | 24.6 | .923 | 30.0 | 1.125 | 35.4 | 1.328 |
| | | 19.3 | .724 | 24.7 | .926 | 30.1 | 1.129 | 35.5 | 1.331 |
| 14.0 | .525 | 19.4 | .728 | 24.8 | .930 | 30.2 | 1.133 | 35.6 | 1.335 |
| 14.1 | .529 | 19.5 | .731 | 24.9 | .934 | 30.3 | 1.136 | 35.7 | 1.339 |
| 14.2 | .533 | 19.6 | .735 | 25.0 | .938 | 30.4 | 1.140 | 35.8 | 1.343 |
| 14.3 | .536 | 19.7 | .739 | 25.1 | .941 | 30.5 | 1.144 | 35.9 | 1.346 |
| 14.4 | .540 | 19.8 | .743 | 25.2 | .945 | 30.6 | 1.148 | | |
| 14.5 | .544 | 19.9 | .746 | 25.3 | .949 | 30.7 | 1.151 | 36.0 | 1.350 |
| 14.6 | .548 | | | 25.4 | .953 | 30.8 | 1.155 | 36.1 | 1.354 |
| 14.7 | .551 | 20.0 | .750 | 25.5 | .956 | 30.9 | 1.159 | 36.2 | 1.358 |
| 14.8 | .555 | 20.1 | .754 | 25.6 | .960 | | | 36.3 | 1.361 |
| 14.9 | .559 | 20.2 | .758 | 25.7 | .964 | 31.0 | 1.163 | 36.4 | 1.365 |
| | | 20.3 | .761 | 25.8 | .968 | 31.1 | 1.166 | 36.5 | 1.369 |
| 15.0 | .563 | 20.4 | .765 | 25.9 | .971 | 31.2 | 1.170 | 36.6 | 1.373 |
| 15.1 | .566 | 20.5 | .769 | | | 31.3 | 1.174 | 36.7 | 1.376 |
| 15.2 | .570 | 20.6 | .773 | 26.0 | .975 | 31.4 | 1.178 | 36.8 | 1.380 |
| 15.3 | .574 | 20.7 | .776 | 26.1 | .979 | 31.5 | 1.181 | 36.9 | 1.384 |

## Tables

NOTE.—The following tables have been prepared for the use of winemakers, storekeeper-gaugers, and examining officers. Table III gives the correction to be applied to the readings of the saccharometer when taken at other than the normal temperature; Table IV gives the specific gravity corresponding to the readings of the saccharometer at the normal temperature; Table V gives the specific gravity corresponding to the readings of the alcoholometer at the normal temperature; Table VI gives the correction to be applied to the readings of the alcoholometer when taken at other than the normal temperature; Table VII gives the alcohol tables for Juerst's ebulliometer; Table VIII gives the alcohol tables for the Lefco ebulliometer; and Table IX gives the wine gallons of brandy required to fortify each 100 wine gallons of wine according to the alcoholic content of the brandy and the wine before fortification, and the desired alcoholic content of the wine after fortification.

TABLE III.—*Correction to be applied to the reading of Balling's saccharometer for different temperatures*

| | Temperature, °F. | Degree Balling | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1° | 2° | 3° | 4° | 5° | 6° | 7° | 8° | 9° | 10° | 11° | 12° | 13° | 14° | 15° | 16° | 17° | 18° | 19° | 20° | 21° |
| To be subtracted from the indicated degree | 50 | 0.17 | 0.17 | 0.18 | 0.19 | 0.20 | 0.20 | 0.21 | 0.21 | 0.22 | 0.22 | 0.22 | 0.23 | 0.23 | 0.24 | 0.24 | 0.24 | 0.25 | 0.25 | 0.25 | 0.26 | 0.26 |
| | 51 | .16 | .16 | .17 | .18 | .19 | .19 | .20 | .20 | .21 | .21 | .21 | .22 | .22 | .23 | .23 | .23 | .21 | .24 | .21 | .24 | .25 |
| | 52 | .15 | .15 | .16 | .17 | .18 | .18 | .18 | .19 | .19 | .19 | .19 | .19 | .20 | .20 | .21 | .21 | .22 | .22 | .22 | .22 | .23 |
| | 53 | .14 | .14 | .14 | .15 | .16 | .16 | .16 | .17 | .17 | .18 | .18 | .18 | .18 | .19 | .19 | .19 | .19 | .20 | .20 | .20 | .20 |
| | 54 | .12 | .12 | .13 | .14 | .15 | .15 | .15 | .16 | .16 | .16 | .16 | .17 | .17 | .17 | .17 | 17 | .18 | .18 | .18 | .18 | .18 |
| | 55 | .09 | .09 | .09 | .10 | .11 | .11 | .11 | .12 | .12 | .12 | .12 | .13 | .13 | .13 | .14 | .14 | .14 | .14 | .14 | .14 | .15 |
| | 56 | .07 | .07 | .07 | .08 | .09 | .09 | .09 | .09 | .10 | .10 | .10 | .10 | .11 | .11 | .11 | .11 | .11 | .11 | 11 | .11 | .11 |
| | 57 | .06 | .06 | .06 | .07 | .07 | .07 | .07 | .07 | .08 | .08 | .08 | .08 | .08 | .09 | .09 | .09 | .09 | .10 | .10 | .10 | .10 |
| | 58 | .04 | .04 | .04 | .05 | .05 | .05 | .05 | .05 | .06 | .06 | .06 | .06 | .06 | .07 | .07 | .07 | .07 | .07 | 07 | 07 | .07 |
| | 59 | .02 | .02 | .02 | .02 | .02 | .02 | .02 | .02 | .03 | .03 | .03 | .03 | .03 | .03 | .03 | .03 | .03 | .03 | .03 | .03 | 03 |
| | 60 | | | | | | | | | | | | | | | | | | | | | |
| To be added to the indicated degree | 61 | 0.02 | 0.02 | 0.02 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.30 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 |
| | 62 | .06 | .06 | .07 | .07 | .08 | .08 | .08 | .08 | .08 | .08 | .09 | .09 | .09 | .09 | .09 | .09 | .09 | .09 | .09 | .09 | .09 |
| | 63 | .09 | .10 | .10 | .11 | .11 | .11 | .11 | .11 | .11 | .11 | .12 | .11 | .12 | .12 | .12 | .12 | .12 | .12 | .12 | .12 | .12 |
| | 64 | .12 | .12 | .13 | .13 | .14 | .14 | .14 | .14 | .15 | .15 | .15 | .12 | .16 | .16 | .17 | .17 | .17 | .17 | .17 | .17 | .17 |
| | 65 | .14 | .15 | .15 | .16 | .17 | .17 | .17 | .17 | .18 | .18 | .18 | .19 | .19 | .19 | .20 | .20 | .20 | .20 | .20 | .20 | .20 |
| | 66 | .17 | .17 | .18 | .19 | .20 | .20 | .21 | .21 | .21 | .22 | .22 | .23 | .23 | .23 | .24 | .24 | .24 | .24 | .24 | .24 | .24 |
| | 67 | .20 | .21 | .21 | .22 | .23 | .23 | .23 | .24 | .24 | .25 | .25 | .25 | .26 | .26 | .27 | .27 | .27 | .27 | .27 | .27 | .27 |
| | 68 | .22 | .23 | .24 | .25 | .26 | .26 | .27 | .28 | .28 | .29 | .29 | .30 | .30 | .31 | .31 | .21 | .31 | .31 | .31 | .31 | .31 |
| | 69 | .25 | .26 | .27 | .28 | .29 | .29 | .30 | .31 | .31 | .32 | .32 | .33 | .33 | .34 | .34 | .34 | .34 | .34 | .34 | .34 | .34 |
| | 70 | .28 | .29 | .30 | .31 | .32 | .32 | .33 | .34 | .34 | .35 | .35 | .36 | .36 | .37 | .37 | .37 | .37 | .38 | .38 | .38 | .38 |
| | 71 | .31 | .32 | .33 | .34 | .35 | .35 | .36 | .37 | .37 | .38 | .38 | .39 | .39 | .40 | .40 | .40 | .40 | .40 | .40 | .40 | .41 |
| | 72 | .34 | .35 | .36 | .37 | .38 | .39 | .40 | .41 | .42 | .42 | .42 | .43 | .43 | .43 | .44 | .44 | .44 | .44 | .44 | .44 | .44 |
| | 73 | .37 | .38 | .40 | .41 | .42 | .43 | .44 | .44 | .45 | .46 | .46 | .46 | .46 | .47 | .47 | .47 | .47 | .47 | .47 | .47 | .47 |
| | 74 | .40 | .42 | .43 | .45 | .46 | .47 | .48 | .48 | .49 | .50 | .50 | .50 | .51 | .51 | .51 | .51 | .51 | .52 | .52 | .52 | .52 |
| | 75 | .44 | .46 | .47 | .49 | .50 | .51 | .52 | .52 | .53 | .54 | .54 | .54 | .55 | .55 | .56 | .56 | .56 | .57 | .57 | .58 | .58 |
| | 76 | .47 | .48 | .50 | .52 | .53 | .54 | .55 | .55 | .56 | .57 | .57 | .58 | .58 | .59 | .60 | .60 | .61 | .61 | .61 | .62 | .62 |
| | 77 | .50 | .52 | .54 | .56 | .57 | .58 | .59 | .60 | .60 | .61 | .61 | .62 | .62 | .63 | .63 | .63 | .64 | .64 | .64 | .65 | .65 |
| | 78 | .53 | .54 | .56 | .58 | .60 | .61 | .62 | .62 | .63 | .64 | .64 | .65 | .65 | .66 | .66 | .66 | .67 | .67 | .68 | .68 | .68 |
| | 79 | .57 | .58 | .60 | .62 | .64 | .65 | .66 | .66 | .67 | .68 | .68 | .69 | .69 | .70 | .70 | .70 | .71 | .71 | .71 | .72 | .72 |
| | 80 | .60 | .62 | .64 | .66 | .68 | .69 | .70 | .70 | .71 | .72 | .72 | .72 | .73 | .73 | .74 | .74 | .75 | .75 | .75 | .76 | .76 |
| | 81 | .63 | .65 | .67 | .69 | .71 | .72 | .73 | .73 | .74 | .75 | .75 | .76 | .76 | .77 | .78 | .78 | .79 | .79 | .79 | .79 | .79 |
| | 82 | .67 | .69 | .71 | .73 | .76 | .76 | .77 | .77 | .78 | .78 | .79 | .80 | .80 | .81 | .82 | .82 | .83 | .83 | .84 | .84 | .84 |
| | 83 | .72 | .74 | .76 | .78 | .81 | .81 | .81 | .82 | .82 | .82 | .83 | .84 | .85 | .86 | .87 | .87 | .87 | .87 | .87 | .87 | .88 |
| | 84 | .77 | .79 | .81 | .83 | .86 | .86 | .86 | .86 | .87 | .87 | .88 | .89 | .90 | .91 | .92 | .92 | .93 | .93 | .93 | .93 | .94 |
| | 85 | .83 | .85 | .87 | .89 | .91 | .92 | .92 | .92 | .93 | .93 | .94 | .95 | .96 | .97 | .98 | .98 | .98 | .99 | .99 | .99 | .99 |
| | 86 | .88 | .90 | .92 | .94 | .96 | .96 | .97 | .98 | .98 | .99 | 1.00 | 1.01 | 1.02 | 1.02 | 1.03 | 1.03 | 1.04 | 1.04 | 1.04 | 1.05 | 1.05 |
| | 87 | .94 | .96 | .98 | .99 | 1.01 | 1.02 | 1.03 | 1.03 | 1.04 | 1.05 | 1.05 | 1.06 | 1.07 | 1.07 | 1.08 | 1.08 | 1.09 | 1.10 | 1.10 | 1.11 | 1.11 |
| | 88 | .99 | 1.01 | 1.03 | 1.04 | 1.06 | 1.07 | 1.08 | 1.09 | 1.10 | 1.11 | 1.11 | 1.12 | 1.12 | 1.13 | 1.13 | 1.14 | 1.15 | 1.15 | 1.16 | 1.17 | 1.17 |
| | 89 | 1.05 | 1.07 | 1.09 | 1.10 | 1.11 | 1.15 | 1.13 | 1.14 | 1.15 | 1.16 | 1.16 | 1.17 | 1.17 | 1.18 | 1.18 | 1.19 | 1.21 | 1.21 | 1.22 | 1.23 | 1.23 |
| | 90 | 1.11 | 1.13 | 1.15 | 1.16 | 1.17 | 1.18 | 1.19 | 1.20 | 1.21 | 1.22 | 1.22 | 1.23 | 1.23 | 1.24 | 1.24 | 1.25 | 1.27 | 1.28 | 1.29 | 1.30 | 1.30 |
| | 91 | 1.15 | 1.17 | 1.19 | 1.20 | 1.21 | 1.22 | 1.23 | 1.24 | 1.26 | 1.27 | 1.27 | 1.27 | 1.28 | 1.28 | 1.29 | 1.30 | 1.32 | 1.33 | 1.34 | 1.35 | 1.36 |
| | 92 | 1.20 | 1.22 | 1.24 | 1.25 | 1.26 | 1.27 | 1.28 | 1.30 | 1.31 | 1.32 | 1.32 | 1.33 | 1.34 | 1.34 | 1.34 | 1.35 | 1.37 | 1.38 | 1.39 | 1.40 | 1.41 |
| | 93 | 1.24 | 1.26 | 1.28 | 1.29 | 1.31 | 1.32 | 1.33 | 1.34 | 1.36 | 1.37 | 1.37 | 1.38 | 1.39 | 1.39 | 1.40 | 1.40 | 1.42 | 1.43 | 1.44 | 1.44 | 1.45 |
| | 94 | 1.29 | 1.31 | 1.33 | 1.35 | 1.36 | 1.37 | 1.39 | 1.40 | 1.41 | 1.42 | 1.42 | 1.43 | 1.44 | 1.44 | 1.45 | 1.45 | 1.47 | 1.47 | 1.48 | 1.49 | 1.50 |
| | 95 | 1.33 | 1.35 | 1.37 | 1.39 | 1.41 | 1.42 | 1.44 | 1.45 | 1.46 | 1.47 | 1.47 | 1.48 | 1.49 | 1.49 | 1.50 | 1.50 | 1.51 | 1.52 | 1.53 | 1.54 | 1.54 |
| | 96 | 1.38 | 1.40 | 1.42 | 1.44 | 1.46 | 1.47 | 1.49 | 1.50 | 1.51 | 1.52 | 1.52 | 1.53 | 1.54 | 1.54 | 1.55 | 1.55 | 1.56 | 1.57 | 1.57 | 1.58 | 1.58 |
| | 97 | 1.42 | 1.44 | 1.46 | 1.48 | 1.51 | 1.52 | 1.54 | 1.55 | 1.56 | 1.57 | 1.57 | 1.58 | 1.59 | 1.59 | 1.60 | 1.60 | 1.62 | 1.62 | 1.63 | 1.63 | 1.64 |
| | 98 | 1.47 | 1.49 | 1.51 | 1.54 | 1.56 | 1.57 | 1.58 | 1.59 | 1.60 | 1.62 | 1.63 | 1.63 | 1.64 | 1.64 | 1.65 | 1.65 | 1.66 | 1.67 | 1.67 | 1.68 | 1.68 |
| | 99 | 1.51 | 1.53 | 1.55 | 1.58 | 1.61 | 1.62 | 1.63 | 1.64 | 1.66 | 1.67 | 1.68 | 1.68 | 1.69 | 1.70 | 1.71 | 1.71 | 1.72 | 1.73 | 1.73 | 1.73 | 1.71 |
| | 100 | 1.55 | 1.57 | 1.59 | 1.62 | 1.66 | 1.67 | 1.68 | 1.69 | 1.72 | 1.72 | 1.73 | 1.73 | 1.74 | 1.76 | 1.77 | 1.77 | 1.78 | 1.79 | 1.79 | 1.79 | 1.80 |

N. B.—The correction for indications between 21° and 30° Balling and 50° and 70° F. temperature may be made by adding 0.005 to each correction given in the above table, column 21°, for each increase in degree Balling. For instance, 25° Balling 79° F., correction to be added to column 21° and 70°. 0.02+0.38=0.40.

TABLE IV.—*Specific Gravity at 60° F., Corresponding to Readings of Balling's Saccharometer*

[W. Schultze, Dingler's Polytechnisches Journal 1878, 230, p. 421]

| Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity |
|---|---|---|---|---|---|---|---|---|---|
| 0.00 | 1.0000 | 0.26 | 1.0010 | 0.52 | 1.0020 | 0.79 | 1.0030 | 1.05 | 1.0040 |
| .03 | 1.0001 | .29 | 1.0011 | .55 | 1.0021 | .81 | 1.0031 | 1.08 | 1.0041 |
| .05 | 1.0002 | .31 | 1.0012 | .58 | 1.0022 | .84 | 1.0032 | 1.10 | 1.0042 |
| .08 | 1.0003 | .34 | 1.0013 | .60 | 1.0023 | .87 | 1.0033 | 1.13 | 1.0043 |
| .10 | 1.0004 | .37 | 1.0014 | .63 | 1.0024 | .89 | 1.0034 | 1.15 | 1.0044 |
| .13 | 1.0005 | .39 | 1.0015 | .66 | 1.0025 | .92 | 1.0035 | 1.18 | 1.0045 |
| .16 | 1.0006 | .42 | 1.0016 | .68 | 1.0026 | .94 | 1.0036 | 1.21 | 1.0046 |
| .18 | 1.0007 | .45 | 1.0017 | .71 | 1.0027 | .97 | 1.0037 | 1.23 | 1.0047 |
| .21 | 1.0008 | .47 | 1.0018 | .73 | 1.0028 | 1.00 | 1.0038 | 1.26 | 1.0048 |
| .24 | 1.0009 | .50 | 1.0019 | .76 | 1.0029 | 1.02 | 1.0039 | 1.29 | 1.0049 |

TABLE IV.—*Specific Gravity at 60° F., Corresponding to Readings of Balling's Saccharometer*—Continued

[W. Schultze, Dingler's Polytechnisches Journal 1878, 230, p. 421]

| Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity |
|---|---|---|---|---|---|---|---|---|---|
| 1.31 | 1.0050 | 1.56 | 1.0060 | 1.82 | 1.0070 | 2.07 | 1.0080 | 2.33 | 1.0090 |
| 1.34 | 1.0051 | 1.59 | 1.0061 | 1.84 | 1.0071 | 2.10 | 1.0081 | 2.35 | 1.0091 |
| 1.36 | 1.0052 | 1.62 | 1.0062 | 1.87 | 1.0072 | 2.12 | 1.0082 | 2.38 | 1.0092 |
| 1.39 | 1.0053 | 1.64 | 1.0063 | 1.90 | 1.0073 | 2.15 | 1.0083 | 2.41 | 1.0093 |
| 1.41 | 1.0054 | 1.67 | 1.0064 | 1.92 | 1.0074 | 2.17 | 1.0084 | 2.43 | 1.0094 |
| 1.44 | 1.0055 | 1.69 | 1.0065 | 1.95 | 1.0075 | 2.20 | 1.0085 | 2.46 | 1.0095 |
| 1.46 | 1.0056 | 1.72 | 1.0066 | 1.97 | 1.0076 | 2.23 | 1.0086 | 2.48 | 1.0096 |
| 1.49 | 1.0057 | 1.74 | 1.0067 | 2.00 | 1.0077 | 2.25 | 1.0087 | 2.51 | 1.0097 |
| 1.51 | 1.0058 | 1.77 | 1.0068 | 2.02 | 1.0078 | 2.28 | 1.0088 | 2.53 | 1.0098 |
| 1.54 | 1.0059 | 1.79 | 1.0069 | 2.05 | 1.0079 | 2.30 | 1.0089 | 2.56 | 1.0099 |



TABLE IV.—*Specific Gravity at 60° F., Corresponding to Readings of Balling's Saccharometer*—Continued

| Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity |
|---|---|---|---|---|---|---|---|---|---|
| 2.58 | 1.0100 | 4.93 | 1.0190 | 7.26 | 1.0280 | 9.45 | 1.0370 | 11.65 | 1.0460 |
| 2.61 | 1.0101 | 4.96 | 1.0191 | 7.28 | 1.0281 | 9.48 | 1.0371 | 11.67 | 1.0461 |
| 2.64 | 1.0102 | 4.98 | 1.0192 | 7.30 | 1.0282 | 9.50 | 1.0372 | 11.70 | 1.0462 |
| 2.66 | 1.0103 | 5.01 | 1.0193 | 7.33 | 1.0283 | 9.52 | 1.0373 | 11.72 | 1.0463 |
| 2.69 | 1.0104 | 5.04 | 1.0194 | 7.35 | 1.0284 | 9.55 | 1.0374 | 11.75 | 1.0464 |
| 2.71 | 1.0105 | 5.06 | 1.0195 | 7.37 | 1.0285 | 9.57 | 1.0375 | 11.77 | 1.0465 |
| 2.74 | 1.0106 | 5.09 | 1.0196 | 7.39 | 1.0286 | 9.59 | 1.0376 | 11.79 | 1.0466 |
| 2.76 | 1.0107 | 5.12 | 1.0197 | 7.42 | 1.0287 | 9.62 | 1.0377 | 11.82 | 1.0467 |
| 2.79 | 1.0108 | 5.15 | 1.0198 | 7.44 | 1.0288 | 9.64 | 1.0378 | 11.84 | 1.0468 |
| 2.82 | 1.0109 | 5.17 | 1.0199 | 7.46 | 1.0289 | 9.66 | 1.0379 | 11.87 | 1.0469 |
| 2.84 | 1.0110 | 5.20 | 1.0200 | 7.48 | 1.0290 | 9.69 | 1.0380 | 11.89 | 1.0470 |
| 2.87 | 1.0111 | 5.23 | 1.0201 | 7.51 | 1.0291 | 9.71 | 1.0381 | 11.92 | 1.0471 |
| 2.89 | 1.0112 | 5.25 | 1.0202 | 7.53 | 1.0292 | 9.73 | 1.0382 | 11.94 | 1.0472 |
| 2.92 | 1.0113 | 5.28 | 1.0203 | 7.55 | 1.0293 | 9.76 | 1.0383 | 11.97 | 1.0473 |
| 2.94 | 1.0114 | 5.30 | 1.0204 | 7.57 | 1.0294 | 9.78 | 1.0384 | 11.99 | 1.0474 |
| 2.97 | 1.0115 | 5.33 | 1.0205 | 7.60 | 1.0295 | 9.81 | 1.0385 | 12.01 | 1.0475 |
| 2.99 | 1.0116 | 5.35 | 1.0206 | 7.62 | 1.0296 | 9.83 | 1.0386 | 12.04 | 1.0476 |
| 3.02 | 1.0117 | 5.38 | 1.0207 | 7.64 | 1.0297 | 9.85 | 1.0387 | 12.06 | 1.0477 |
| 3.05 | 1.0118 | 5.40 | 1.0208 | 7.66 | 1.0298 | 9.88 | 1.0388 | 12.09 | 1.0478 |
| 3.07 | 1.0119 | 5.43 | 1.0209 | 7.69 | 1.0299 | 9.90 | 1.0389 | 12.11 | 1.0179 |
| 3.10 | 1.0120 | 5.45 | 1.0210 | 7.71 | 1.0300 | 9.92 | 1.0390 | 12.14 | 1.0480 |
| 3.12 | 1.0121 | 5.48 | 1.0211 | 7.73 | 1.0301 | 9.95 | 1.0391 | 12.16 | 1.0481 |
| 3.15 | 1.0122 | 5.50 | 1.0212 | 7.75 | 1.0302 | 9.97 | 1.0392 | 12.19 | 1.0482 |
| 3.17 | 1.0123 | 5.53 | 1.0213 | 7.77 | 1.0303 | 9.99 | 1.0393 | 12.21 | 1.0483 |
| 3.20 | 1.0124 | 5.55 | 1.0214 | 7.80 | 1.0304 | 10.02 | 1.0394 | 12.23 | 1.0484 |
| 3.23 | 1.0125 | 5.57 | 1.0215 | 7.82 | 1.0305 | 10.04 | 1.0395 | 12.26 | 1.0485 |
| 3.25 | 1.0126 | 5.60 | 1.0216 | 7.84 | 1.0306 | 10.06 | 1.0396 | 12.28 | 1.0486 |
| 3.28 | 1.0127 | 5.62 | 1.0217 | 7.86 | 1.0307 | 10.09 | 1.0397 | 12.31 | 1.0487 |
| 3.30 | 1.0128 | 5.65 | 1.0218 | 7.89 | 1.0308 | 10.11 | 1.0398 | 12.33 | 1.0488 |
| 3.33 | 1.0229 | 5.67 | 1.0219 | 7.91 | 1.0309 | 10.13 | 1.0399 | 12.36 | 1.0489 |
| 3.35 | 1.0130 | 5.70 | 1.0220 | 7.93 | 1.0310 | 10.16 | 1.0400 | 12.38 | 1.0490 |
| 3.38 | 1.0131 | 5.72 | 1.0221 | 7.95 | 1.0311 | 10.18 | 1.0401 | 12.41 | 1.0491 |
| 3.41 | 1.0132 | 5.75 | 1.0222 | 7.98 | 1.0312 | 10.20 | 1.0402 | 12.43 | 1.0492 |
| 3.43 | 1.0133 | 5.77 | 1.0223 | 8.00 | 1.0313 | 10.23 | 1.0403 | 12.45 | 1.0493 |
| 3.46 | 1.0134 | 5.80 | 1.0224 | 8.02 | 1.0314 | 10.25 | 1.0404 | 12.48 | 1.0494 |
| 3.48 | 1.0135 | 5.82 | 1.0225 | 8.04 | 1.0315 | 10.27 | 1.0405 | 12.50 | 1.0495 |
| 3.51 | 1.0136 | 5.84 | 1.0226 | 8.07 | 1.0316 | 10.30 | 1.0406 | 12.53 | 1.0496 |
| 3.54 | 1.0137 | 5.87 | 1.0227 | 8.09 | 1.0317 | 10.32 | 1.0407 | 12.55 | 1.0497 |
| 3.56 | 1.0138 | 5.89 | 1.0228 | 8.11 | 1.0318 | 10.35 | 1.0408 | 12.58 | 1.0498 |
| 3.59 | 1.0139 | 5.92 | 1.0229 | 8.13 | 1.0319 | 10.37 | 1.0409 | 12.60 | 1.0499 |
| 3.61 | 1.0140 | 5.94 | 1.0230 | 8.16 | 1.0320 | 10.40 | 1.0410 | 12.63 | 1.0500 |
| 3.64 | 1.0141 | 5.97 | 1.0231 | 8.18 | 1.0321 | 10.42 | 1.0411 | 12.65 | 1.0501 |
| 3.66 | 1.0142 | 5.99 | 1.0232 | 8.20 | 1.0322 | 10.45 | 1.0412 | 12.67 | 1.0502 |
| 3.69 | 1.0143 | 6.02 | 1.0233 | 8.22 | 1.0323 | 10.47 | 1.0413 | 12.70 | 1.0503 |
| 3.72 | 1.0144 | 6.04 | 1.0234 | 8.25 | 1.0324 | 10.50 | 1.0414 | 12.72 | 1.0504 |
| 3.74 | 1.0145 | 6.07 | 1.0235 | 8.27 | 1.0225 | 10.52 | 1.0415 | 12.75 | 1.0505 |
| 3.77 | 1.0146 | 6.09 | 1.0236 | 8.29 | 1.0326 | 10.55 | 1.0416 | 12.77 | 1.0506 |
| 3.79 | 1.0147 | 6.11 | 1.0237 | 8.32 | 1.0327 | 10.57 | 1.0417 | 12.80 | 1.0507 |
| 3.82 | 1.0148 | 6.14 | 1.0238 | 8.34 | 1.0328 | 10.60 | 1.0418 | 12.82 | 1.0508 |
| 3.85 | 1.0149 | 6.16 | 1.0239 | 8.37 | 1.0329 | 10.62 | 1.0419 | 12.85 | 1.0509 |
| 3.87 | 1.0150 | 6.19 | 1.0240 | 8.40 | 1.0330 | 10.65 | 1.0420 | 12.87 | 1.0510 |
| 3.90 | 1.0151 | 6.21 | 1.0241 | 8.43 | 1.0331 | 10.67 | 1.0421 | 12.90 | 1.0511 |
| 3.92 | 1.0152 | 6.24 | 1.0242 | 8.45 | 1.0332 | 10.70 | 1.0422 | 12.92 | 1.0512 |
| 3.95 | 1.0153 | 6.26 | 1.0213 | 8.48 | 1.0333 | 10.72 | 1.0423 | 12.94 | 1.0513 |
| 3.97 | 1.0154 | 6.29 | 1.0244 | 8.51 | 1.0334 | 10.75 | 1.0424 | 12.97 | 1.0514 |
| 4.00 | 1.0155 | 6.31 | 1.0245 | 8.53 | 1.0335 | 10.77 | 1.0425 | 12.99 | 1.0515 |
| 4.03 | 1.0156 | 6.34 | 1.0246 | 8.56 | 1.0336 | 10.80 | 1.0426 | 13.02 | 1.0516 |
| 4.05 | 1.1057 | 6.36 | 1.0247 | 8.59 | 1.0337 | 10.82 | 1.0427 | 13.04 | 1.0517 |
| 4.08 | 1.0158 | 6.39 | 1.0248 | 8.61 | 1.0338 | 10.85 | 1.0428 | 13.07 | 1.0518 |
| 4.10 | 1.0159 | 6.41 | 1.0249 | 8.64 | 1.0339 | 10.88 | 1.0429 | 13.09 | 1.0519 |
| 4.13 | 1.0160 | 6.44 | 1.0250 | 8.67 | 1.0340 | 10.90 | 1.0430 | 13.12 | 1.0520 |
| 4.16 | 1.0161 | 6.47 | 1.0251 | 8.70 | 1.0341 | 10.93 | 1.0431 | 13.14 | 1.0521 |
| 4.18 | 1.0162 | 6.50 | 1.0252 | 8.72 | 1.0342 | 10.95 | 1.0432 | 13.16 | 1.0522 |
| 4.21 | 1.0163 | 6.52 | 1.0253 | 8.75 | 1.0343 | 10.98 | 1.0433 | 13.19 | 1.0523 |
| 4.23 | 1.0164 | 6.55 | 1.0254 | 8.78 | 1.0344 | 11.00 | 1.0434 | 13.21 | 1.0524 |
| 4.26 | 1.0165 | 6.58 | 1.0255 | 8.80 | 1.0345 | 11.03 | 1.6435 | 13.24 | 1.0525 |
| 4.28 | 1.0166 | 6.61 | 1.0256 | 8.83 | 1.0346 | 11.05 | 1.6436 | 13.26 | 1.0526 |
| 4.31 | 1.0167 | 6.63 | 1.0257 | 8.86 | 1.0347 | 11.08 | 1.0437 | 13.29 | 1.0527 |
| 4.34 | 1.0168 | 6.66 | 1.0258 | 8.88 | 1.0348 | 11.10 | 1.0438 | 13.31 | 1.0528 |
| 4.36 | 1.0169 | 6.69 | 1.0259 | 8.91 | 1.0349 | 11.13 | 1.0439 | 13.34 | 1.0529 |
| 4.39 | 1.0170 | 6.71 | 1.0260 | 8.94 | 1.0350 | 11.15 | 1.0440 | 13.36 | 1.0530 |
| 4.42 | 1.0171 | 6.74 | 1.0261 | 8.97 | 1.0351 | 11.18 | 1.0441 | 13.38 | 1.0531 |
| 4.44 | 1.0172 | 6.77 | 1.0262 | 8.99 | 1.0352 | 11.20 | 1.0442 | 13.41 | 1.0532 |
| 4.47 | 1.0173 | 6.80 | 1.0263 | 9.02 | 1.0353 | 11.23 | 1.0443 | 13.43 | 1.0533 |
| 4.50 | 1.0174 | 6.82 | 1.0264 | 9.05 | 1.0354 | 11.25 | 1.0444 | 13.46 | 1.0534 |
| 4.53 | 1.0175 | 6.85 | 1.0265 | 9.07 | 1.0355 | 11.28 | 1.0445 | 13.48 | 1.0535 |
| 4.55 | 1.0176 | 6.88 | 1.0266 | 9.10 | 1.0356 | 11.30 | 1.0446 | 13.51 | 1.0536 |
| 4.58 | 1.0177 | 6.91 | 1.0267 | 9.13 | 1.0357 | 11.33 | 1.0447 | 13.53 | 1.0537 |
| 4.61 | 1.0178 | 6.93 | 1.0268 | 9.15 | 1.0358 | 11.35 | 1.0448 | 13.56 | 1.0538 |
| 4.63 | 1.0179 | 6.96 | 1.0269 | 9.18 | 1.0359 | 11.38 | 1.0449 | 13.58 | 1.0539 |
| 4.66 | 1.0180 | 6.99 | 1.0270 | 9.21 | 1.0360 | 11.40 | 1.0450 | 13.61 | 1.0540 |
| 4.69 | 1.0181 | 7.01 | 1.0271 | 9.24 | 1.0361 | 11.43 | 1.0451 | 13.63 | 1.0541 |
| 4.71 | 1.0182 | 7.04 | 1.0272 | 9.26 | 1.0362 | 11.45 | 1.0452 | 13.66 | 1.0542 |
| 4.74 | 1.0183 | 7.07 | 1.0273 | 9.29 | 1.0363 | 11.48 | 1.0453 | 13.68 | 1.0543 |
| 4.77 | 1.0184 | 7.10 | 1.0274 | 9.31 | 1.0364 | 11.50 | 1.0454 | 13.71 | 1.0544 |
| 4.79 | 1.0185 | 7.12 | 1.0275 | 9.34 | 1.0365 | 11.53 | 1.0455 | 13.73 | 1.0545 |
| 4.82 | 1.0186 | 7.15 | 1.0276 | 9.36 | 1.0366 | 11.55 | 1.0456 | 13.76 | 1.0546 |
| 4.85 | 1.0187 | 7.18 | 1.0277 | 9.38 | 1.0367 | 11.57 | 1.0457 | 13.78 | 1.0547 |
| 4.88 | 1.0188 | 7.21 | 1.0278 | 9.41 | 1.0368 | 11.60 | 1.0458 | 13.81 | 1.0548 |
| 4.90 | 1.0189 | 7.23 | 1.0279 | 9.43 | 1.0369 | 11.62 | 1.0459 | 13.83 | 1.0549 |

TABLE IV.—*Specific Gravity at 60° F., Corresponding to Readings of Balling's Saccharometer*—Continued

| Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity | Balling | Specific gravity |
|---|---|---|---|---|---|---|---|---|---|
| 13.86 | 1.0550 | 15.69 | 1.0625 | 17.43 | 1.0698 | 19.04 | 1.0771 | 22.8 | 1.0940 |
| 13.88 | 1.0551 | 15.72 | 1.0626 | 17.45 | 1.0699 | 19.06 | 1.0772 | 22.9 | 1.0944 |
| 13.91 | 1.0552 | 15.74 | 1.0627 | 17.48 | 1.0700 | 19.08 | 1.0773 | 23.0 | 1.0949 |
| 13.93 | 1.0553 | 15.76 | 1.0628 | 17.50 | 1.0701 | 19.10 | 1.0774 | 23.1 | 1.0953 |
| 13.96 | 1.0554 | 15.78 | 1.0629 | 17.52 | 1.0702 | 19.12 | 1.0775 | 23.2 | 1.0958 |
| 13.98 | 1.0555 | 15.80 | 1.0630 | 17.54 | 1.0703 | 19.14 | 1.0776 | 23.3 | 1.0962 |
| 14.01 | 1.0556 | 15.83 | 1.0631 | 17.57 | 1.0704 | 19.17 | 1.0777 | 23.4 | 1.0967 |
| 14.03 | 1.0557 | 15.85 | 1.0632 | 17.59 | 1.0705 | 19.19 | 1.0778 | 23.5 | 1.0971 |
| 14.06 | 1.0558 | 15.87 | 1.0633 | 17.61 | 1.0706 | 19.21 | 1.0779 | 23.6 | 1.0976 |
| 14.08 | 1.0559 | 15.89 | 1.0634 | 17.63 | 1.0707 | 19.23 | 1.0780 | 23.7 | 1.0980 |
| 14.11 | 1.0560 | 15.92 | 1.0635 | 17.66 | 1.0708 | 19.25 | 1.0781 | 23.8 | 1.0985 |
| 14.13 | 1.0561 | 15.94 | 1.0636 | 17.68 | 1.0709 | 19.27 | 1.0782 | 23.9 | 1.0990 |
| 14.16 | 1.0562 | 15.96 | 1.0637 | 17.70 | 1.0710 | 19.29 | 1.0783 | 24.0 | 1.0994 |
| 14.18 | 1.0563 | 15.98 | 1.0638 | 17.72 | 1.0711 | 19.31 | 1.0784 | 24.1 | 1.0999 |
| 14.21 | 1.0564 | 16.01 | 1.0639 | 17.75 | 1.0712 | 19.33 | 1.0785 | 24.2 | 1.1003 |
| 14.23 | 1.0565 | 16.03 | 1.0640 | 17.77 | 1.0713 | 19.36 | 1.0786 | 24.3 | 1.1008 |
| 14.26 | 1.0566 | 16.05 | 1.0641 | 17.79 | 1.0714 | 19.38 | 1.0787 | 24.4 | 1.1012 |
| 14.28 | 1.0567 | 16.07 | 1.0642 | 17.81 | 1.0715 | 19.40 | 1.0788 | 24.5 | 1.1017 |
| 14.31 | 1.0568 | 16.09 | 1.0643 | 17.84 | 1.0716 | 19.42 | 1.0789 | 24.6 | 1.1022 |
| 14.33 | 1.0569 | 16.12 | 1.0644 | 17.86 | 1.0717 | 19.44 | 1.0790 | 24.7 | 1.1026 |
| 14.36 | 1.0570 | 16.14 | 1.0645 | 17.78 | 1.0718 | 19.46 | 1.0791 | 24.8 | 1.1031 |
| 14.38 | 1.0571 | 16.16 | 1.0646 | 17.90 | 1.0719 | 19.49 | 1.0792 | 24.9 | 1.1035 |
| 14.41 | 1.0572 | 16.18 | 1.0647 | 17.93 | 1.0720 | 19.51 | 1.0793 | 25.0 | 1.1040 |
| 14.44 | 1.0573 | 16.21 | 1.0648 | 17.95 | 1.0721 | 19.53 | 1.0794 | 25.1 | 1.1045 |
| 14.46 | 1.0574 | 16.23 | 1.0649 | 17.97 | 1.0722 | 19.56 | 1.0795 | 25.2 | 1.1049 |
| 14.49 | 1.0575 | 16.25 | 1.0650 | 17.99 | 1.0723 | 19.58 | 1.0796 | 25.3 | 1.1054 |
| 14.52 | 1.0576 | 16.27 | 1.0651 | 18.02 | 1.0724 | 19.60 | 1.0797 | 25.4 | 1.1058 |
| 14.54 | 1.0577 | 16.30 | 1.0652 | 18.04 | 1.0725 | 19.63 | 1.0798 | 25.5 | 1.1063 |
| 14.57 | 1.0578 | 16.32 | 1.0653 | 18.06 | 1.0726 | 19.65 | 1.0799 | 25.6 | 1.1068 |
| 14.59 | 1.0579 | 16.35 | 1.0654 | 18.08 | 1.0727 | 19.67 | 1.0800 | 25.7 | 1.1072 |
| 14.62 | 1.0580 | 16.37 | 1.0655 | 18.11 | 1.0728 | 19.70 | 1.0801 | 25.8 | 1.1077 |
| 14.65 | 1.0581 | 16.40 | 1.0656 | 18.13 | 1.0729 | 19.72 | 1.0802 | 25.9 | 1.1082 |
| 14.67 | 1.0582 | 16.42 | 1.0657 | 18.15 | 1.0730 | 19.74 | 1.0803 | 26.0 | 1.1086 |
| 14.70 | 1.0583 | 16.45 | 1.0658 | 18.17 | 1.0731 | 19.77 | 1.0804 | 26.1 | 1.1091 |
| 14.73 | 1.0584 | 16.47 | 1.0659 | 18.20 | 1.0732 | 19.79 | 1.0805 | 26.2 | 1.1096 |
| 14.75 | 1.0585 | 16.50 | 1.0660 | 18.22 | 1.0733 | 19.81 | 1.0806 | 26.3 | 1.1100 |
| 14.78 | 1.0586 | 16.52 | 1.0661 | 18.24 | 1.0734 | 19.84 | 1.0807 | 26.4 | 1.1105 |
| 14.81 | 1.0587 | 16.54 | 1.0662 | 18.26 | 1.0735 | 19.86 | 1.0808 | 26.5 | 1.1109 |
| 14.83 | 1.0588 | 16.57 | 1.0663 | 18.29 | 1.0736 | 19.88 | 1.0809 | 26.6 | 1.1114 |
| 14.86 | 1.0589 | 16.59 | 1.0664 | 18.31 | 1.0737 | 19.91 | 1.0810 | 26.7 | 1.1119 |
| 14.89 | 1.0590 | 16.62 | 1.0665 | 18.33 | 1.0738 | 19.93 | 1.0811 | 26.8 | 1.1123 |
| 14.91 | 1.0591 | 16.64 | 1.0666 | 18.35 | 1.0739 | 19.96 | 1.0812 | 26.9 | 1.1128 |
| 14.94 | 1.0592 | 16.67 | 1.0667 | 18.38 | 1.0740 | 19.98 | 1.0813 | 27.0 | 1.1133 |
| 14.96 | 1.0593 | 16.69 | 1.0668 | 18.40 | 1.0741 | 20.0 | 1.0814 | 27.1 | 1.1137 |
| 14.99 | 1.0594 | 16.72 | 1.0669 | 18.42 | 1.0742 | 20.1 | 1.0818 | 27.2 | 1.1142 |
| 15.02 | 1.0595 | 16.74 | 1.0670 | 18.44 | 1.0743 | 20.2 | 1.0823 | 27.3 | 1.1147 |
| 15.04 | 1.0596 | 16.76 | 1.0671 | 18.47 | 1.0744 | 20.3 | 1.0827 | 27.4 | 1.1151 |
| 15.07 | 1.0597 | 16.79 | 1.0672 | 18.49 | 1.0745 | 20.4 | 1.0832 | 27.5 | 1.1155 |
| 15.09 | 1.5988 | 16.81 | 1.0673 | 18.51 | 1.0746 | 20.5 | 1.0836 | 27.6 | 1.1161 |
| 15.11 | 1.0599 | 16.84 | 1.0674 | 18.53 | 1.0747 | 20.6 | 1.0841 | 27.7 | 1.1166 |
| 15.14 | 1.0600 | 16.86 | 1.0675 | 18.55 | 1.0748 | 20.7 | 1.0845 | 27.8 | 1.1170 |
| 15.16 | 1.0601 | 16.89 | 1.0676 | 18.57 | 1.0749 | 20.8 | 1.0850 | 27.9 | 1.1175 |
| 15.18 | 1.0602 | 16.91 | 1.0677 | 18.59 | 1.0750 | 20.9 | 1.0854 | 28.0 | 1.1180 |
| 15.20 | 1.0603 | 16.94 | 1.0678 | 18.62 | 1.0751 | 21.0 | 1.0859 | 28.1 | 1.1184 |
| 15.23 | 1.0604 | 16.96 | 1.0679 | 18.64 | 1.0752 | 21.1 | 1.0863 | 28.2 | 1.1189 |
| 15.25 | 1.0605 | 16.99 | 1.0680 | 18.66 | 1.0753 | 21.2 | 1.0867 | 28.3 | 1.1194 |
| 15.27 | 1.0606 | 17.01 | 1.0681 | 18.68 | 1.0754 | 21.3 | 1.0872 | 28.4 | 1.1198 |
| 15.29 | 1.0607 | 17.03 | 1.0682 | 18.70 | 1.0755 | 21.4 | 1.0876 | 28.5 | 1.1203 |
| 15.31 | 1.0608 | 17.06 | 1.0683 | 18.72 | 1.0756 | 21.5 | 1.0881 | 28.6 | 1.1208 |
| 15.34 | 1.0609 | 17.08 | 1.0684 | 18.74 | 1.0757 | 21.6 | 1.0885 | 28.7 | 1.1213 |
| 15.36 | 1.0610 | 17.11 | 1.0685 | 18.76 | 1.0758 | 21.7 | 1.0890 | 28.8 | 1.1217 |
| 15.38 | 1.0611 | 17.13 | 1.0686 | 18.78 | 1.0759 | 21.8 | 1.0894 | 28.9 | 1.1220 |
| 15.40 | 1.0612 | 17.16 | 1.0687 | 18.81 | 1.0760 | 21.9 | 1.0899 | 29.0 | 1.1227 |
| 15.43 | 1.0613 | 17.18 | 1.0688 | 18.83 | 1.0761 | 22.0 | 1.0903 | 29.1 | 1.1232 |
| 15.45 | 1.0614 | 17.21 | 1.0689 | 18.85 | 1.0762 | 22.1 | 1.0908 | 29.2 | 1.1236 |
| 15.47 | 1.0615 | 17.23 | 1.0690 | 18.87 | 1.0763 | 22.2 | 1.0912 | 29.3 | 1.1241 |
| 15.49 | 1.0616 | 17.25 | 1.0691 | 18.89 | 1.0764 | 22.3 | 1.0917 | 29.4 | 1.1246 |
| 15.52 | 1.0617 | 17.28 | 1.0692 | 18.91 | 1.0765 | 22.4 | 1.0921 | 29.5 | 1.1251 |
| 15.54 | 1.0618 | 17.30 | 1.0693 | 18.93 | 1.0766 | 22.5 | 1.0926 | 26.6 | 1.1255 |
| 15.56 | 1.0619 | 17.33 | 1.0694 | 18.95 | 1.0767 | 22.6 | 1.0931 | 29.7 | 1.1260 |
| 15.58 | 1.0620 | 17.35 | 1.0695 | 18.97 | 1.0768 | 22.7 | 1.0935 | 29.8 | 1.1265 |
| 15.60 | 1.0621 | 17.38 | 1.0696 | 19.00 | 1.0769 | | | 29.9 | 1.1270 |
| 15.63 | 1.0622 | 17.40 | 1.0697 | 19.02 | 1.0770 | | | 30.0 | 1.1274 |
| 15.65 | 1.0623 | | | | | | | | |
| 15.67 | 1.0624 | | | | | | | | |

Table V.—*Specific gravity at* $\frac{60°}{60°}$ *F.* $\left(\frac{15°.56}{15°.56}\text{ C.}\right)$ *of mixtures (by volume) of ethyl alcohol and water*

[From circular of the United States Bureau of Standards No. 19, April 1, 1913]

| Per cent alcohol by volume at 60° F. | Tenths of per cent | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 0 | 1.00000 | *985 | *970 | *955 | *940 | *925 | *910 | *895 | *880 | *865 |
| 1 | .99850 | 835 | 820 | 806 | 791 | 776 | 761 | 747 | 732 | 717 |
| 2 | .99703 | 688 | 674 | 659 | 645 | 630 | 616 | 602 | 587 | 573 |
| 3 | .99559 | 545 | 531 | 516 | 502 | 488 | 474 | 460 | 446 | 432 |
| 4 | .99419 | 405 | 391 | 378 | 364 | 350 | 336 | 323 | 309 | 296 |
| 5 | .99282 | 269 | 255 | 242 | 228 | 215 | 202 | 189 | 176 | 163 |

* Indicates change in first two decimal places. See next line, column 0.

Table V.—*Specific gravity at* $\frac{60^\circ}{60^\circ}$ *F.* $\left(\frac{15^\circ.56}{15^\circ.56}\text{ C.}\right)$ *of mixtures (by volume) of ethyl alcohol and water*—Continued

[From circular of the United States Bureau of Standards No. 19, April 1, 1913]

| Per cent alcohol by volume at 60° F. | Tenths of per cent: 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|---|
| 6 | 0.99150 | 137 | 124 | 111 | 098 | 085 | 073 | 060 | 047 | 035 |
| 7 | .99022 | 009 | *997 | *984 | *972 | *960 | *947 | *935 | *923 | *911 |
| 8 | .98899 | 887 | 875 | 863 | 851 | 838 | 826 | 814 | 803 | 791 |
| 9 | .98779 | 767 | 755 | 743 | 731 | 720 | 708 | 696 | 684 | 672 |
| 10 | .98661 | 649 | 637 | 625 | 614 | 602 | 590 | 579 | 567 | 556 |
| 11 | .98544 | 532 | 521 | 509 | 498 | 487 | 475 | 464 | 452 | 441 |
| 12 | .98430 | 419 | 408 | 396 | 385 | 374 | 363 | 352 | 341 | 330 |
| 13 | .98319 | 308 | 297 | 286 | 275 | 264 | 254 | 243 | 232 | 221 |
| 14 | .98210 | 200 | 190 | 179 | 168 | 157 | 147 | 136 | 125 | 115 |
| 15 | .98104 | 093 | 083 | 072 | 062 | 051 | 040 | 030 | 019 | 009 |
| 16 | .97998 | 988 | 977 | 967 | 956 | 946 | 936 | 925 | 915 | 905 |
| 17 | .97895 | 885 | 875 | 864 | 854 | 844 | 834 | 824 | 814 | 804 |
| 18 | .97794 | 784 | 774 | 764 | 754 | 744 | 734 | 724 | 714 | 704 |
| 19 | .97694 | 684 | 674 | 654 | 654 | 645 | 635 | 625 | 615 | 605 |
| 20 | .97596 | 586 | 576 | 566 | 556 | 546 | 536 | 526 | 516 | 506 |
| 21 | .97496 | 486 | 476 | 466 | 456 | 446 | 436 | 425 | 415 | 405 |
| 22 | .97395 | 385 | 375 | 365 | 354 | 344 | 334 | 324 | 313 | 303 |
| 23 | .97293 | 283 | 272 | 262 | 252 | 241 | 231 | 221 | 210 | 200 |
| 24 | .97189 | 179 | 168 | 158 | 147 | 137 | 126 | 116 | 105 | 095 |
| 25 | .97084 | 073 | 063 | 052 | 042 | 031 | 020 | 010 | *999 | *988 |
| 26 | .96978 | 967 | 957 | 946 | 935 | 924 | 914 | 903 | 892 | 881 |
| 27 | .96870 | 859 | 848 | 837 | 826 | 815 | 804 | 793 | 782 | 771 |
| 28 | .96760 | 749 | 738 | 727 | 715 | 704 | 693 | 682 | 671 | 659 |
| 29 | .96648 | 637 | 625 | 614 | 603 | 591 | 580 | 568 | 557 | 546 |
| 30 | .96534 | 522 | 511 | 499 | 488 | 476 | 464 | 453 | 441 | 429 |
| 31 | .96418 | 406 | 394 | 382 | 370 | 358 | 346 | 334 | 321 | 309 |
| 32 | .96296 | 284 | 271 | 259 | 246 | 234 | 221 | 209 | 196 | 183 |
| 33 | .96170 | 157 | 144 | 132 | 119 | 106 | 093 | 080 | 067 | 054 |
| 34 | .96041 | 028 | 015 | 002 | *988 | *975 | *962 | *948 | *935 | *921 |
| 35 | .95908 | 894 | 881 | 867 | 854 | 840 | 826 | 812 | 798 | 784 |
| 36 | .95770 | 756 | 742 | 728 | 714 | 700 | 685 | 671 | 657 | 643 |
| 37 | .95628 | 614 | 599 | 585 | 570 | 556 | 541 | 526 | 512 | 497 |
| 38 | .95482 | 467 | 452 | 437 | 423 | 408 | 393 | 378 | 362 | 347 |
| 39 | .95332 | 317 | 302 | 286 | 271 | 256 | 240 | 225 | 209 | 194 |
| 40 | .95178 | 162 | 147 | 131 | 115 | 100 | 084 | 068 | 052 | 036 |
| 41 | .95020 | 004 | *988 | *972 | *956 | *940 | *923 | *907 | *891 | *875 |
| 42 | .94858 | 842 | 825 | 809 | 792 | 776 | 759 | 743 | 726 | 710 |
| 43 | .94693 | 676 | 660 | 643 | 626 | 609 | 592 | 575 | 558 | 541 |
| 44 | .94524 | 507 | 490 | 473 | 455 | 438 | 421 | 403 | 386 | 369 |
| 45 | .94351 | 334 | 316 | 298 | 281 | 263 | 245 | 228 | 210 | 192 |
| 46 | .94174 | 156 | 138 | 120 | 102 | 084 | 066 | 048 | 030 | 011 |
| 47 | .93993 | 975 | 956 | 938 | 920 | 901 | 883 | 864 | 845 | 827 |
| 48 | .93808 | 789 | 771 | 752 | 733 | 714 | 695 | 676 | 657 | 638 |
| 49 | .93619 | 600 | 581 | 562 | 543 | 523 | 504 | 485 | 465 | 446 |
| 50 | .93426 | 407 | 387 | 368 | 348 | 328 | 309 | 289 | 270 | 250 |
| 51 | .93230 | 210 | 190 | 171 | 151 | 131 | 111 | 091 | 071 | 051 |
| 52 | .93031 | 011 | *991 | *971 | *951 | *931 | *911 | *820 | *870 | *850 |
| 53 | .92830 | 810 | 789 | 769 | 749 | 728 | 708 | 688 | 677 | 647 |

*Indicates change in first two decimal places. See next line, column 0.

Table V.—*Specific gravity at* $\frac{60^\circ}{60^\circ}$ *F.* $\left(\frac{15^\circ.56}{15^\circ.56}\text{ C.}\right)$ *of mixtures (by volume) of ethyl alcohol and water*—Continued

[From circular of the United States Bureau of Standards No. 19, April 1, 1913]

| Per cent alcohol by volume at 60° F. | Tenths of per cent: 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|---|
| 54 | 0.92626 | 605 | 585 | 564 | 544 | 523 | 502 | 482 | 461 | 440 |
| 55 | .92419 | 398 | 377 | 357 | 336 | 315 | 294 | 273 | 252 | 231 |
| 56 | .92210 | 189 | 168 | 147 | 126 | 105 | 084 | 062 | 041 | 020 |
| 57 | .91999 | 978 | 956 | 935 | 914 | 892 | 871 | 849 | 827 | 806 |
| 58 | .91784 | 762 | 741 | 719 | 697 | 675 | 653 | 631 | 610 | 588 |
| 59 | .91565 | 543 | 521 | 499 | 477 | 455 | 433 | 410 | 388 | 366 |
| 60 | .91344 | 322 | 299 | 277 | 255 | 232 | 210 | 188 | 165 | 143 |
| 61 | .91120 | 097 | 075 | 052 | 030 | 007 | *984 | *962 | *939 | *916 |
| 62 | .90893 | 870 | 847 | 825 | 802 | 779 | 756 | 733 | 710 | 687 |
| 63 | .90664 | 641 | 618 | 595 | 572 | 549 | 526 | 503 | 480 | 457 |
| 64 | .90434 | 411 | 388 | 365 | 341 | 318 | 295 | 272 | 249 | 225 |
| 65 | .90202 | 179 | 155 | 132 | 108 | 085 | 061 | 038 | 014 | *991 |
| 66 | .89967 | 943 | 920 | 896 | 872 | 848 | 825 | 801 | 777 | 753 |
| 67 | .89729 | 705 | 681 | 657 | 633 | 609 | 585 | 561 | 537 | 513 |
| 68 | .89489 | 465 | 441 | 416 | 392 | 368 | 343 | 319 | 295 | 270 |
| 69 | .89245 | 220 | 196 | 171 | 147 | 122 | 098 | 073 | 048 | 024 |
| 70 | .88999 | 971 | 950 | 925 | 900 | 875 | 850 | 825 | 801 | 776 |
| 71 | .88751 | 725 | 700 | 675 | 650 | 625 | 600 | 574 | 549 | 524 |
| 72 | .88499 | 474 | 448 | 423 | 397 | 372 | 346 | 321 | 296 | 270 |
| 73 | .88244 | 218 | 193 | 167 | 141 | 116 | 090 | 064 | 039 | 013 |
| 74 | .87987 | 961 | 935 | 910 | 884 | 858 | 832 | 806 | 780 | 754 |
| 75 | .87728 | 702 | 676 | 650 | 623 | 597 | 571 | 545 | 518 | 492 |
| 76 | .87465 | 439 | 412 | 386 | 359 | 332 | 306 | 279 | 252 | 226 |
| 77 | .87199 | 172 | 145 | 118 | 092 | 065 | 038 | 011 | *984 | *957 |
| 78 | .86929 | 902 | 875 | 847 | 820 | 793 | 766 | 738 | 711 | 684 |
| 79 | .86656 | 629 | 601 | 574 | 546 | 518 | 491 | 463 | 435 | 408 |
| 80 | .86380 | 352 | 324 | 296 | 269 | 241 | 213 | 185 | 157 | 129 |
| 81 | .86100 | 072 | 044 | 015 | *987 | *959 | *931 | *902 | *874 | *846 |
| 82 | .85817 | 780 | 760 | 732 | 703 | 674 | 646 | 617 | 588 | 560 |
| 83 | .85531 | 502 | 473 | 444 | 415 | 386 | 357 | 328 | 299 | 270 |
| 84 | .85240 | 211 | 181 | 152 | 122 | 093 | 063 | 033 | 004 | *974 |
| 85 | .84944 | 914 | 884 | 854 | 824 | 794 | 764 | 734 | 703 | 673 |
| 86 | .84642 | 612 | 581 | 551 | 520 | 490 | 459 | 428 | 398 | 367 |
| 87 | .84336 | 305 | 274 | 243 | 212 | 181 | 150 | 119 | 088 | 056 |
| 88 | .84025 | *994 | *962 | *930 | *899 | *867 | *835 | *803 | *771 | *739 |
| 89 | .83707 | 675 | 643 | 610 | 578 | 545 | 513 | 480 | 447 | 415 |
| 90 | .83382 | 349 | 315 | 282 | 249 | 216 | 183 | 150 | 116 | 083 |
| 91 | .83049 | 015 | *981 | *947 | *913 | *879 | *845 | *810 | *776 | *741 |
| 92 | .82705 | 670 | 635 | 600 | 565 | 529 | 494 | 458 | 423 | 387 |
| 93 | .82351 | 315 | 279 | 243 | 206 | 170 | 133 | 096 | 059 | 022 |
| 94 | .81984 | 947 | 909 | 871 | 834 | 796 | 757 | 719 | 681 | 642 |
| 95 | .81603 | 564 | 525 | 486 | 446 | 407 | 367 | 327 | 287 | 247 |
| 96 | .81206 | 165 | 125 | 084 | 042 | 001 | *960 | *918 | *876 | *834 |
| 97 | .80792 | 750 | 707 | 664 | 620 | 577 | 533 | 489 | 445 | 401 |
| 98 | .80356 | 311 | 265 | 219 | 173 | 127 | 080 | 033 | *985 | *937 |
| 99 | .79889 | 841 | 792 | 743 | 693 | 643 | 593 | 543 | 492 | 441 |
| 100 | .79389 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

*Indicates change in first two decimal places. See next line, column 0.

TABLE VI.—*Temperature Corrections to Readings of Alcoholometers (Standard at 60° F.)*

[From circular of the United States Bureau of Standards, April 1, 1913]

[This table is calculated from the same data on the thermal expansion of ethyl alcohol as that from which Tables 2, 3, 4, 6, 7, and 8 are calculated. The hydrometer is assumed to be of Jena 16III glass. For the per cents not given between 40 and 80, linear interpolation of the tabulated corrections will give results sufficiently exact for most purposes]

| Observed temperature in degrees Fahrenheit | Observed per cent alcohol by volume: 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| F° | Add to observed per cent alcohol | | | | | | | | | | | | | | | | | | | | | | | | |
| 50 | 0.37 | 0.38 | 0.39 | 0.40 | 0.42 | 0.45 | 0.48 | 0.52 | 0.56 | 0.61 | 0.66 | 0.74 | 0.81 | 0.90 | 0.99 | 1.09 | 1.19 | 1.30 | 1.41 | 1.52 | 1.62 | 1.72 | 1.82 | 1.90 | 1.98 |
| 51 | .34 | .35 | .36 | .37 | .39 | .41 | .44 | .47 | .51 | .56 | .51 | .68 | .75 | .82 | .90 | .99 | 1.08 | 1.18 | 1.28 | 1.38 | 1.47 | 1.56 | 1.64 | 1.71 | 1.79 |
| 52 | .32 | .32 | .33 | .34 | .35 | .38 | .40 | .43 | .47 | .51 | .55 | .62 | .68 | .74 | .80 | .89 | .98 | 1.06 | 1.14 | 1.23 | 1.31 | 1.38 | 1.46 | 1.52 | 1.58 |
| 53 | .29 | .30 | .30 | .31 | .32 | .34 | .36 | .39 | .42 | .46 | .49 | .55 | .60 | .65 | .71 | .78 | .85 | .94 | 1.00 | 1.08 | 1.15 | 1.21 | 1.28 | 1.34 | 1.39 |
| 54 | .26 | .26 | .26 | .27 | .28 | .29 | .32 | .34 | .36 | .40 | .43 | .48 | .52 | .57 | .62 | .68 | .74 | .81 | .86 | .94 | .99 | 1.04 | 1.10 | 1.15 | 1.20 |
| 55 | .22 | .22 | .23 | .23 | .24 | .25 | .27 | .29 | .31 | .34 | .37 | .40 | .44 | .48 | .52 | .57 | .62 | .68 | .72 | .78 | .83 | .87 | .92 | .96 | 1.00 |
| 56 | .18 | .18 | .18 | .18 | .19 | .20 | .22 | .24 | .25 | .28 | .30 | .33 | .36 | .38 | .42 | .46 | .49 | .54 | .58 | .63 | .67 | .69 | .74 | .77 | .80 |
| 57 | .14 | .14 | .14 | .14 | .14 | .15 | .17 | .18 | .19 | .21 | .23 | .25 | .27 | .29 | .32 | .35 | .37 | .40 | .44 | .47 | .51 | .53 | .56 | .58 | .60 |
| 58 | .09 | .10 | .10 | .10 | .10 | .10 | .11 | .12 | .13 | .14 | .16 | .16 | .18 | .19 | .21 | .23 | .24 | .26 | .29 | .32 | .34 | .35 | .38 | .40 | .40 |
| 59 | .05 | .05 | .05 | .05 | .05 | .05 | .06 | .06 | .06 | .07 | .08 | .08 | .09 | .10 | .11 | .12 | .12 | .13 | .14 | .16 | .17 | .18 | .19 | .20 | .20 |
| | Subtract from observed per cent alcohol | | | | | | | | | | | | | | | | | | | | | | | | |
| 61 | ---- | 0.05 | 0.05 | 0.06 | 0.06 | 0.07 | 0.07 | 0.07 | 0.08 | 0.08 | 0.08 | 0.09 | 0.10 | 0.10 | 0.11 | 0.12 | 0.13 | 0.14 | 0.14 | 0.15 | 0.16 | 0.17 | 0.17 | 0.18 | 0.18 |
| 62 | ---- | .10 | .11 | .12 | .12 | .13 | .14 | .14 | .16 | .16 | .17 | .18 | .20 | .21 | .22 | .24 | .26 | .27 | .29 | .30 | .32 | .34 | .36 | .37 | .38 |
| 63 | ---- | .16 | .17 | .18 | .19 | .20 | .20 | .21 | .23 | .24 | .25 | .27 | .29 | .31 | .32 | .35 | .38 | .41 | .44 | .46 | .49 | .51 | .53 | .55 | .56 |
| 64 | ---- | .22 | .23 | .24 | .25 | .26 | .27 | .29 | .31 | .32 | .34 | .37 | .39 | .42 | .44 | .48 | .52 | .54 | .58 | .62 | .66 | .68 | .71 | .74 | .77 |
| 65 | ---- | .28 | .29 | .30 | .32 | .33 | .34 | .36 | .39 | .41 | .43 | .46 | .49 | .52 | .55 | .60 | .65 | .68 | .73 | .78 | .82 | .85 | .90 | .92 | .98 |
| 66 | ---- | .34 | .35 | .36 | .38 | .40 | .42 | .44 | .47 | .50 | .52 | .56 | .59 | .63 | .66 | .71 | .77 | .82 | .88 | .94 | .98 | 1.02 | 1.07 | 1.11 | 1.16 |
| 67 | ---- | .41 | .42 | .43 | .45 | .47 | .50 | .52 | .55 | .58 | .61 | .65 | .70 | .74 | .78 | .84 | .90 | .96 | 1.03 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 |
| 68 | ---- | .48 | .48 | .50 | .52 | .54 | .57 | .60 | .64 | .67 | .71 | .75 | .80 | .85 | .91 | .97 | 1.03 | 1.10 | 1.18 | 1.26 | 1.33 | 1.38 | 1.44 | 1.49 | 1.54 |
| 69 | ---- | .55 | .56 | .57 | .59 | .62 | .66 | .68 | .73 | .76 | .80 | .85 | .91 | .97 | 1.02 | 1.10 | 1.17 | 1.25 | 1.33 | 1.42 | 1.48 | 1.54 | 1.61 | 1.66 | 1.72 |
| 70 | ---- | .62 | .63 | .64 | .67 | .70 | .74 | .77 | .81 | .86 | .90 | .96 | 1.02 | 1.08 | 1.14 | 1.23 | 1.31 | 1.40 | 1.49 | 1.58 | 1.65 | 1.72 | 1.78 | 1.84 | 1.91 |
| 72 | ---- | .77 | .78 | .80 | .83 | .86 | .90 | .91 | .99 | 1.04 | 1.10 | 1.16 | 1.23 | 1.31 | 1.39 | 1.50 | 1.60 | 1.70 | 1.80 | 1.90 | 2.00 | 2.06 | 2.13 | 2.20 | 2.27 |
| 74 | ---- | .93 | .94 | .96 | 1.00 | 1.03 | 1.09 | 1.13 | 1.18 | 1.25 | 1.32 | 1.39 | 1.46 | 1.55 | 1.65 | 1.76 | 1.88 | 1.99 | 2.10 | 2.22 | 2.32 | 2.41 | 2.48 | 2.56 | 2.65 |
| 76 | ---- | ---- | 1.10 | 1.15 | 1.17 | 1.21 | 1.27 | 1.32 | 1.38 | 1.46 | 1.54 | 1.61 | 1.70 | 1.80 | 1.91 | 2.03 | 2.16 | 2.28 | 2.41 | 2.54 | 2.65 | 2.76 | 2.84 | 2.93 | 3.03 |



TABLE VI.—*Temperature Corrections to Readings of Alcoholometers (Standard at 60° F.)*—Continued

| Observed temperature in degrees Fahrenheit | Observed per cent alcohol by volume: 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Add to observed per cent alcohol | | | | | | | | | | | | | | | | | | | | | | | | |
| 78 | ---- | ---- | 1.28 | 1.31 | 1.35 | 1.40 | 1.46 | 1.52 | 1.59 | 1.67 | 1.76 | 1.84 | 1.94 | 2.05 | 2.17 | 2.30 | 2.44 | 2.58 | 2.72 | 2.86 | 2.98 | 3.10 | 3.20 | 3.30 | 3.40 |
| 80 | ---- | ---- | 1.46 | 1.50 | 1.54 | 1.60 | 1.66 | 1.73 | 1.80 | 1.89 | 1.99 | 2.09 | 2.20 | 2.31 | 2.44 | 2.58 | 2.72 | 2.87 | 3.02 | 3.17 | 3.33 | 3.45 | 3.55 | 3.67 | 3.78 |
| 82 | ---- | ---- | 1.64 | 1.69 | 1.74 | 1.80 | 1.87 | 1.94 | 2.02 | 2.12 | 2.22 | 2.34 | 2.45 | 2.57 | 2.71 | 2.86 | 3.00 | 3.16 | 3.33 | 3.50 | 3.66 | 3.79 | 3.92 | 4.04 | 4.18 |
| 84 | ---- | ---- | 1.84 | 1.89 | 1.94 | 2.00 | 2.08 | 2.16 | 2.25 | 2.35 | 2.47 | 2.59 | 2.71 | 2.84 | 2.98 | 3.13 | 3.29 | 3.46 | 3.63 | 3.81 | 4.00 | 4.14 | 4.28 | 4.42 | 4.56 |
| 86 | ---- | ---- | ---- | 2.09 | 2.15 | 2.22 | 2.30 | 2.39 | 2.49 | 2.60 | 2.72 | 2.84 | 2.97 | 3.11 | 3.26 | 3.41 | 3.58 | 3.76 | 3.94 | 4.13 | 4.33 | 4.49 | 4.65 | 4.80 | 4.94 |
| 88 | ---- | ---- | ---- | 2.30 | 2.37 | 2.44 | 2.53 | 2.62 | 2.73 | 2.85 | 2.98 | 3.10 | 3.23 | 3.38 | 3.54 | 3.70 | 3.88 | 4.07 | 4.26 | 4.46 | 4.67 | 4.81 | 5.00 | 5.17 | 5.32 |
| 90 | ---- | ---- | ---- | 2.52 | 2.59 | 2.66 | 2.76 | 2.86 | 2.98 | 3.11 | 3.24 | 3.36 | 3.50 | 3.66 | 3.83 | 4.00 | 4.18 | 4.38 | 4.58 | 4.78 | 5.01 | 5.19 | 5.36 | 5.53 | 5.69 |
| 92 | ---- | ---- | ---- | 2.74 | 2.82 | 2.89 | 3.00 | 3.11 | 3.24 | 3.37 | 3.51 | 3.64 | 3.78 | 3.94 | 4.11 | 4.29 | 4.48 | 4.69 | 4.90 | 5.12 | 5.35 | 5.54 | 5.72 | 5.90 | 6.07 |
| 94 | ---- | ---- | ---- | 2.97 | 3.04 | 3.12 | 3.24 | 3.36 | 3.50 | 3.63 | 3.78 | 3.92 | 4.07 | 4.23 | 4.40 | 4.58 | 4.79 | 5.00 | 5.22 | 5.46 | 5.69 | 5.89 | 6.08 | 6.28 | 6.45 |
| 96 | ---- | ---- | ---- | ---- | 3.28 | 3.36 | 3.49 | 3.62 | 3.76 | 3.90 | 4.05 | 4.20 | 4.36 | 4.53 | 4.69 | 4.87 | 5.10 | 5.32 | 5.55 | 5.80 | 6.03 | 6.24 | 6.44 | 6.64 | 6.82 |
| 98 | ---- | ---- | ---- | ---- | 3.52 | 3.60 | 3.74 | 3.88 | 4.03 | 4.17 | 4.32 | 4.50 | 4.66 | 4.83 | 5.00 | 5.18 | 5.41 | 5.64 | 5.88 | 6.13 | 6.38 | 6.60 | 6.80 | 7.02 | 7.20 |
| 100 | ---- | ---- | ---- | ---- | 3.76 | 3.85 | 4.00 | 4.15 | 4.30 | 4.45 | 4.60 | 4.78 | 4.95 | 5.13 | 5.30 | 5.49 | 5.72 | 5.95 | 6.21 | 6.46 | 6.72 | 6.95 | 7.17 | 7.40 | 7.59 |

TABLE VII.—*Alcohol Tables for Juerst's Ebulliometer*

| Difference between the boiling points | Per cent alcohol by volume | Percent alcohol by weight | Difference between the boiling points | Per cent alcohol by volume | Percent alcohol by weight | Difference between the boiling points | Per cent alcohol by volume | Percent alcohol by weight |
|---|---|---|---|---|---|---|---|---|
| 0.05 | 0.05 | 0.040 | 0.77 | 0.78 | 0.623 | 3.50 | 3.88 | 3.10 |
| .06 | .06 | .048 | .78 | .79 | .631 | 3.55 | 3.94 | 3.15 |
| .07 | .07 | .056 | .79 | .81 | .638 | 3.60 | 4.00 | 3.20 |
| .08 | .08 | .064 | .80 | .82 | .645 | 3.65 | 4.07 | 3.25 |
| .09 | .09 | .072 | .81 | .83 | .654 | 3.70 | 4.14 | 3.31 |
| .10 | .10 | .080 | .82 | .84 | .662 | 3.75 | 4.21 | 3.36 |
| .11 | .11 | .088 | .83 | .85 | .670 | 3.80 | 4.27 | 3.42 |
| .12 | .12 | .096 | .84 | .86 | .678 | 3.85 | 4.34 | 3.47 |
| .13 | .13 | .104 | .85 | .87 | .686 | 3.90 | 4.41 | 3.52 |
| .14 | .14 | .112 | .86 | .88 | .694 | 3.95 | 4.47 | 3.58 |
| .15 | .15 | .120 | .87 | .89 | .702 | 4.00 | 4.53 | 3.63 |
| .16 | .16 | .128 | .88 | .90 | .710 | 4.05 | 4.60 | 3.68 |
| .17 | .17 | .136 | .89 | .91 | .718 | 4.10 | 4.67 | 3.73 |
| .18 | .18 | .144 | .90 | .92 | .726 | 4.15 | 4.74 | 3.78 |
| .19 | .19 | .152 | .91 | .93 | .734 | 4.20 | 4.80 | 3.84 |
| .20 | .20 | .160 | .92 | .94 | .742 | 4.25 | 4.87 | 3.89 |
| .21 | .21 | .168 | .93 | .95 | .750 | 4.30 | 4.93 | 3.95 |
| .22 | .22 | .176 | .94 | .96 | .758 | 4.35 | 5.00 | 4.00 |
| .23 | .23 | .184 | .95 | .97 | .766 | 4.40 | 5.08 | 4.06 |
| .24 | .24 | .192 | .96 | .98 | .774 | 4.45 | 5.15 | 4.12 |
| .25 | .25 | .200 | .97 | .99 | .782 | 4.50 | 5.22 | 4.17 |
| .26 | .26 | .208 | .98 | 1.00 | .790 | 4.55 | 5.29 | 4.23 |
| .27 | .27 | .216 | .99 | 1.01 | .800 | 4.60 | 5.36 | 4.29 |
| .28 | .28 | .224 | 1.00 | 1.02 | .806 | 4.65 | 5.43 | 4.34 |
| .29 | .29 | .232 | 1.10 | 1.12 | .950 | 4.70 | 5.50 | 4.40 |
| .30 | .30 | .240 | 1.15 | 1.17 | .990 | 4.75 | 5.57 | 4.45 |
| .31 | .31 | .248 | 1.20 | 1.23 | 1.030 | 4.80 | 5.64 | 4.51 |
| .32 | .32 | .256 | 1.25 | 1.28 | 1.014 | 4.85 | 5.71 | 4.57 |
| .33 | .33 | .264 | 1.30 | 1.34 | 1.062 | 4.90 | 5.78 | 4.62 |
| .34 | .34 | .272 | 1.35 | 1.39 | 1.102 | 4.95 | 5.88 | 4.68 |
| .35 | .35 | .280 | 1.40 | 1.45 | 1.150 | 5.00 | 5.92 | 4.74 |
| .36 | .36 | .288 | 1.45 | 1.50 | 1.190 | 5.05 | 5.99 | 4.79 |
| .37 | .37 | .296 | 1.50 | 1.56 | 1.238 | 5.10 | 6.06 | 4.85 |
| .38 | .38 | .304 | 1.55 | 1.61 | 1.278 | 5.15 | 6.13 | 4.90 |
| .39 | .39 | .312 | 1.60 | 1.67 | 1.326 | 5.20 | 6.20 | 4.96 |
| .40 | .40 | .320 | 1.65 | 1.72 | 1.366 | 5.25 | 6.27 | 5.02 |
| .41 | .41 | .328 | 1.70 | 1.78 | 1.414 | 5.30 | 6.34 | 5.07 |
| .42 | .42 | .336 | 1.75 | 1.83 | 1.454 | 5.35 | 6.41 | 5.13 |
| .43 | .43 | .344 | 1.80 | 1.89 | 1.502 | 5.40 | 6.48 | 5.19 |
| .44 | .44 | .352 | 1.85 | 1.94 | 1.542 | 5.45 | 6.55 | 5.25 |
| .45 | .45 | .360 | 1.90 | 1.99 | 1.582 | 5.50 | 6.62 | 5.31 |
| .46 | .46 | .369 | 1.95 | 2.04 | 1.622 | 5.55 | 6.69 | 5.36 |
| .47 | .47 | .377 | 2.00 | 2.10 | 1.670 | 5.60 | 6.76 | 5.42 |
| .48 | .48 | .386 | 2.05 | 2.15 | 1.710 | 5.65 | 6.83 | 5.48 |
| .49 | .49 | .395 | 2.10 | 2.21 | 1.758 | 5.70 | 6.90 | 5.53 |
| .50 | .51 | .404 | 2.15 | 2.27 | 1.806 | 5.75 | 6.98 | 5.59 |
| .51 | .52 | .413 | 2.20 | 2.33 | 1.854 | 5.80 | 7.05 | 5.65 |
| .52 | .53 | .422 | 2.25 | 2.39 | 1.902 | 5.85 | 7.12 | 5.71 |
| .53 | .54 | .431 | 2.30 | 2.45 | 1.950 | 5.90 | 7.19 | 5.77 |
| .54 | .55 | .440 | 2.35 | 2.51 | 1.998 | 5.95 | 7.26 | 5.83 |
| .55 | .56 | .448 | 2.40 | 2.57 | 2.046 | 6.00 | 7.34 | 5.89 |
| .56 | .57 | .456 | 2.45 | 2.63 | 2.092 | 6.05 | 7.42 | 5.95 |
| .57 | .58 | .464 | 2.50 | 2.68 | 2.13 | 6.10 | 7.49 | 6.01 |
| .58 | .59 | .472 | 2.55 | 2.74 | 2.18 | 6.15 | 7.57 | 6.07 |
| .59 | .60 | .480 | 2.60 | 2.79 | 2.23 | 6.20 | 7.65 | 6.14 |
| .60 | .61 | .488 | 2.65 | 2.85 | 2.27 | 6.25 | 7.73 | 6.21 |
| .61 | .62 | .496 | 2.70 | 2.90 | 2.31 | 6.30 | 7.81 | 6.27 |
| .62 | .63 | .504 | 2.75 | 2.96 | 2.36 | 6.35 | 7.89 | 6.34 |
| .63 | .64 | .512 | 2.80 | 3.02 | 2.41 | 6.40 | 7.97 | 6.40 |
| .64 | .65 | .520 | 2.85 | 3.09 | 2.46 | 6.45 | 8.06 | 6.47 |
| .65 | .66 | .528 | 2.90 | 3.15 | 2.51 | 6.50 | 8.14 | 6.54 |
| .66 | .67 | .536 | 2.95 | 3.21 | 2.56 | 6.55 | 8.22 | 6.60 |
| .67 | .68 | .544 | 3.00 | 3.27 | 2.61 | 6.60 | 8.30 | 6.67 |
| .68 | .69 | .552 | 3.05 | 3.34 | 2.66 | 6.65 | 8.38 | 6.73 |
| .69 | .70 | .560 | 3.10 | 3.40 | 2.72 | 6.70 | 8.47 | 6.80 |
| .70 | .71 | .568 | 3.15 | 3.45 | 2.76 | 6.75 | 8.55 | 6.87 |
| .71 | .72 | .576 | 3.20 | 3.50 | 2.80 | 6.80 | 8.63 | 6.03 |
| .72 | .73 | .584 | 3.25 | 3.56 | 2.85 | 6.85 | 8.72 | 7.00 |
| .73 | .74 | .592 | 3.30 | 3.64 | 2.91 | 6.90 | 8.80 | 7.07 |
| .74 | .75 | .600 | 3.35 | 3.70 | 2.96 | 6.95 | 8.89 | 7.14 |
| .75 | .76 | .608 | 3.40 | 3.76 | 3.01 | 7.00 | 8.97 | 7.20 |
| .76 | .77 | .615 | 3.45 | 3.82 | 3.06 | 7.05 | 9.05 | 7.27 |



TABLE VII.—*Alcohol Tables for Juerst's Ebulliometer*—Con.

| Difference between the boiling points | Per cent alcohol by volume | Percent alcohol by weight | Difference between the boiling points | Per cent alcohol by volume | Percent alcohol by weight | Difference between the boiling points | Per cent alcohol by volume | Percent alcohol by weight |
|---|---|---|---|---|---|---|---|---|
| 7.10 | 9.13 | 7.34 | 7.35 | 9.55 | 7.68 | 7.60 | 9.98 | 8.02 |
| 7.15 | 9.22 | 7.41 | 7.40 | 9.63 | 7.75 | 7.65 | 10.07 | 8.09 |
| 7.20 | 9.30 | 7.48 | 7.45 | 9.72 | 7.82 | 7.70 | 10.16 | 8.17 |
| 7.25 | 9.39 | 7.55 | 7.50 | 9.80 | 7.88 | 7.75 | 10.25 | 8.24 |
| 7.30 | 9.47 | 7.62 | 7.55 | 9.89 | 7.95 | | | |

TABLE VIII.—*Alcohol Tables for Lefco Ebulliometer*

| Corrected boiling point °C. | Per cent alcohol by volume | Per cent alcohol by weight | Corrected boiling point °C. | Per cent alcohol by volume | Per cent alcohol by weight | Corrected boiling point °C. | Per cent alcohol by volume | Per cent alcohol by weight |
|---|---|---|---|---|---|---|---|---|
| 100.00 | 0.00 | 0.00 | 97.30 | 2.93 | 2.32 | 94.60 | 6.46 | 5.16 |
| 99.95 | 0.05 | 0.04 | .25 | 3.00 | 2.38 | .55 | 6.57 | 5.25 |
| .90 | 0.10 | 0.08 | .20 | 3.06 | 2.43 | .50 | 6.60 | 5.27 |
| .85 | 0.15 | 0.12 | .15 | 3.11 | 2.47 | .45 | 6.68 | 5.33 |
| .80 | 0.20 | 0.16 | .10 | 3.17 | 2.52 | .40 | 6.74 | 5.38 |
| .75 | 0.25 | 0.20 | .05 | 3.22 | 2.56 | .35 | 6.82 | 5.45 |
| .70 | 0.30 | 0.24 | 97.00 | 3.28 | 2.60 | .30 | 6.89 | 5.50 |
| .65 | 0.35 | 0.28 | 96.95 | 3.33 | 2.64 | .25 | 6.97 | 5.57 |
| .60 | 0.40 | 0.32 | .90 | 3.39 | 2.68 | .20 | 7.04 | 5.62 |
| .55 | 0.45 | 0.36 | .85 | 3.44 | 2.73 | .15 | 7.11 | 5.65 |
| .50 | 0.50 | 0.40 | .80 | 3.50 | 2.78 | .10 | 7.19 | 5.74 |
| .45 | 0.56 | 0.45 | .75 | 3.56 | 2.83 | .05 | 7.27 | 5.81 |
| .40 | 0.61 | 0.48 | .70 | 3.62 | 2.88 | 94.00 | 7.35 | 5.87 |
| .35 | 0.67 | 0.53 | .65 | 3.68 | 2.93 | 93.95 | 7.43 | 5.93 |
| .30 | 0.72 | 0.57 | .60 | 3.74 | 2.97 | .90 | 7.51 | 6.00 |
| .25 | 0.77 | 0.61 | .55 | 3.81 | 3.03 | .85 | 7.59 | 6.06 |
| .20 | 0.83 | 0.65 | .50 | 3.87 | 3.07 | .80 | 7.67 | 6.13 |
| .15 | 0.89 | 0.70 | .45 | 3.94 | 3.13 | .75 | 7.75 | 6.19 |
| .10 | 0.94 | 0.74 | .40 | 4.00 | 3.18 | .70 | 7.83 | 6.26 |
| .05 | 1.00 | 0.79 | .35 | 4.07 | 3.24 | .65 | 7.90 | 6.32 |
| 99.00 | 1.05 | 0.83 | .30 | 4.12 | 3.28 | .60 | 7.98 | 6.38 |
| 98.95 | 1.10 | 0.87 | .25 | 4.19 | 3.33 | .55 | 8.06 | 6.45 |
| .90 | 1.15 | 0.91 | .20 | 4.25 | 3.38 | .50 | 8.14 | 6.51 |
| .85 | 1.20 | 0.95 | .15 | 4.33 | 3.44 | .45 | 8.22 | 6.58 |
| .80 | 1.25 | 0.99 | .10 | 4.39 | 3.49 | .40 | 8.30 | 6.64 |
| .75 | 1.30 | 1.03 | .05 | 4.45 | 3.54 | .35 | 8.38 | 6.70 |
| .70 | 1.36 | 1.08 | 96.00 | 4.52 | 3.60 | 30 | 8.46 | 6.77 |
| .65 | 1.41 | 1.12 | 95.95 | 4.59 | 3.65 | .25 | 8.59 | 6.87 |
| .60 | 1.46 | 1.16 | .90 | 4.66 | 3.71 | .20 | 8.60 | 6.88 |
| .55 | 1.52 | 1.21 | .85 | 4.73 | 3.76 | .15 | 8.70 | 6.96 |
| .50 | 1.57 | 1.25 | .80 | 4.80 | 3.82 | .10 | 8.78 | 7.02 |
| .45 | 1.63 | 1.29 | .75 | 4.87 | 3.88 | .05 | 8.86 | 7.09 |
| .40 | 1.68 | 1.32 | .70 | 4.93 | 3.92 | 93.00 | 8.94 | 7.15 |
| .35 | 1.73 | 1.37 | .65 | 5.00 | 3.98 | 92.95 | 9.02 | 7.22 |
| .30 | 1.79 | 1.42 | .60 | 5.06 | 4.03 | .90 | 9.10 | 7.29 |
| .25 | 1.84 | 1.46 | .55 | 5.14 | 4.09 | .85 | 9.18 | 7.35 |
| .20 | 1.90 | 1.51 | .50 | 5.21 | 4.15 | .80 | 9.26 | 7.42 |
| .15 | 1.95 | 1.55 | .45 | 5.28 | 4.20 | .75 | 9.35 | 7.49 |
| .10 | 2.00 | 1.59 | .40 | 5.37 | 4.28 | .70 | 9.43 | 7.55 |
| .05 | 2.06 | 1.64 | .35 | 5.43 | 4.32 | .65 | 9.51 | 7.62 |
| 98.00 | 2.11 | 1.68 | .30 | 5.50 | 4.38 | .60 | 9.60 | 7.69 |
| 97.95 | 2.17 | 1.73 | .25 | 5.57 | 4.44 | .55 | 9.68 | 7.75 |
| .90 | 2.22 | 1.77 | .20 | 5.66 | 4.51 | .50 | 9.77 | 7.83 |
| .85 | 2.28 | 1.80 | .15 | 5.71 | 4.55 | .45 | 9.85 | 7.89 |
| .80 | 2.33 | 1.84 | .10 | 5.77 | 4.60 | .40 | 9.93 | 7.95 |
| .75 | 2.39 | 1.89 | .05 | 5.86 | 4.67 | .35 | 10.02 | 8.04 |
| .70 | 2.45 | 1.94 | 95.00 | 5.93 | 4.72 | .30 | 10.11 | 8.11 |
| .65 | 2.50 | 1.98 | 94.95 | 6.00 | 4.78 | .25 | 10.19 | 8.17 |
| .60 | 2.56 | 2.03 | .90 | 6.07 | 4.84 | .20 | 10.28 | 8.25 |
| .55 | 2.63 | 2.08 | .85 | 6.13 | 4.89 | .15 | 10.37 | 8.32 |
| .50 | 2.69 | 2.13 | .80 | 6.19 | 4.94 | .10 | 10.45 | 8.38 |
| .45 | 2.75 | 2.18 | .75 | 6.26 | 5.00 | .05 | 10.54 | 8.45 |
| .40 | 2.81 | 2.23 | .70 | 6.33 | 5.05 | 92.00 | 10.63 | 8.52 |
| .35 | 2.87 | 2.28 | .65 | 6.39 | 5.10 | 91.95 | 10.72 | 8.60 |

TABLE VIII.—*Alcohol Tables for Lefco Ebulliometer*—Con.

| Corrected boiling point ° C. | Per cent alcohol by volume | Per cent alcohol by weight | Corrected boiling point ° C. | Per cent alcohol by volume | Per cent alcohol by weight | Corrected boiling point ° C. | Per cent alcohol by volume | Per cent alcohol by weight |
|---|---|---|---|---|---|---|---|---|
| 91.90 | 10.81 | 8.67 | 90.10 | 14.34 | 11.55 | 88.30 | 19.14 | 15.50 |
| .85 | 10.89 | 8.74 | .05 | 14.46 | 11.65 | .25 | 19.28 | 15.62 |
| .80 | 10.98 | 8.82 | 90.00 | 14.58 | 11.75 | .20 | 19.42 | 15.79 |
| .75 | 11.07 | 8.89 | 89.95 | 14.70 | 11.85 | .15 | 19.56 | 15.84 |
| .70 | 11.16 | 8.96 | .90 | 14.82 | 11.95 | .10 | 19.71 | 15.98 |
| .65 | 11.25 | 9.03 | .85 | 14.93 | 12.03 | .05 | 19.85 | 16.05 |
| .60 | 11.34 | 9.10 | .80 | 15.05 | 12.13 | 88.00 | 20.00 | 16.21 |
| .55 | 11.43 | 9.17 | .75 | 15.17 | 12.23 | 87.95 | 20.15 | 16.34 |
| .50 | 11.51 | 9.24 | .70 | 15.30 | 12.34 | .90 | 20.32 | 16.48 |
| .45 | 11.60 | 9.32 | .65 | 15.43 | 12.44 | .85 | 20.48 | 16.61 |
| .40 | 11.69 | 9.39 | .60 | 15.56 | 12.55 | .80 | 20.69 | 16.79 |
| .35 | 11.78 | 9.46 | .55 | 15.69 | 12.66 | .75 | 20.81 | 16.89 |
| .30 | 11.87 | 9.54 | .50 | 15.82 | 12.77 | .70 | 20.97 | 17.02 |
| .25 | 11.96 | 9.61 | .45 | 15.94 | 12.86 | .65 | 21.13 | 17.15 |
| .20 | 12.06 | 9.69 | .40 | 16.08 | 12.98 | .60 | 21.29 | 17.28 |
| .15 | 12.16 | 9.77 | .35 | 16.21 | 13.09 | .55 | 21.46 | 17.43 |
| .10 | 12.26 | 9.85 | .30 | 16.35 | 13.20 | .50 | 21.62 | 17.56 |
| .05 | 12.36 | 9.94 | .25 | 16.48 | 13.31 | .45 | 21.79 | 17.70 |
| 91.00 | 12.46 | 10.02 | .20 | 16.62 | 13.43 | .40 | 22.00 | 17.88 |
| 90.95 | 12.56 | 10.10 | .15 | 16.75 | 13.53 | .35 | 22.17 | 18.02 |
| .90 | 12.66 | 10.18 | .10 | 16.89 | 13.65 | .30 | 22.35 | 18.17 |
| .85 | 12.76 | 10.26 | .05 | 17.03 | 13.77 | .25 | 22.52 | 18.31 |
| .80 | 12.86 | 10.34 | 89.00 | 17.16 | 13.87 | .20 | 22.70 | 18.46 |
| .75 | 12.96 | 10.43 | 88.95 | 17.30 | 13.98 | .15 | 22.87 | 18.60 |
| .70 | 13.06 | 10.51 | .90 | 17.44 | 14.10 | .10 | 23.04 | 18.74 |
| .65 | 13.16 | 10.59 | .85 | 17.58 | 14.21 | .05 | 23.22 | 18.90 |
| .60 | 13.26 | 10.67 | .80 | 17.72 | 14.33 | 87.00 | 23.40 | 19.04 |
| .55 | 13.37 | 10.75 | .75 | 17.86 | 14.45 | 86.95 | 23.58 | 19.19 |
| .50 | 13.47 | 10.84 | .70 | 18.00 | 14.56 | .90 | 23.76 | 19.34 |
| .45 | 13.58 | 10.93 | .65 | 18.14 | 14.67 | .85 | 23.93 | 19.48 |
| .40 | 13.68 | 11.01 | .60 | 18.23 | 14.75 | .80 | 24.12 | 19.65 |
| .35 | 13.79 | 11.10 | .55 | 18.42 | 14.91 | .75 | 24.32 | 19.82 |
| .30 | 13.89 | 11.18 | .50 | 18.57 | 15.03 | .70 | 24.53 | 19.98 |
| .25 | 14.00 | 11.28 | .45 | 18.71 | 15.15 | .65 | 24.73 | 20.15 |
| .20 | 14.11 | 11.37 | .40 | 18.86 | 15.27 | .60 | 24.93 | 20.32 |
| .15 | 14.22 | 11.45 | .35 | 19.00 | 15.39 | .55 | 25.12 | 20.49 |

TABLE IX

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 1 Per Cent of Alcohol*

| Percent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 |
| 95 | 16.04 | 14.63 | 13.25 | 11.90 | 10.58 | 9.30 | 8.04 | 6.81 | 5.61 | 4.44 | 3.29 | 2.17 | 1.07 | 0 |
| 94 | 16.25 | 14.81 | 13.41 | 12.04 | 10.71 | 9.41 | 8.13 | 6.89 | 5.68 | 4.49 | 3.33 | 2.19 | 1.08 | 0 |
| 93 | 16.45 | 15.00 | 13.58 | 12.19 | 10.84 | 9.52 | 8.23 | 6.97 | 5.74 | 4.54 | 3.37 | 2.22 | 1.09 | 0 |
| 92 | 16.66 | 15.18 | 13.75 | 12.34 | 10.97 | 9.63 | 8.33 | 7.05 | 5.81 | 4.59 | 3.40 | 2.24 | 1.11 | 0 |
| 91 | 16.88 | 15.38 | 13.92 | 12.50 | 11.11 | 9.75 | 8.43 | 7.14 | 5.88 | 4.65 | 3.44 | 2.27 | 1.12 | 0 |
| 90 | 17.10 | 15.58 | 14.10 | 12.66 | 11.25 | 9.87 | 8.53 | 7.23 | 5.95 | 4.70 | 3.49 | 2.30 | 1.13 | 0 |
| 89 | 17.33 | 15.80 | 14.28 | 12.82 | 11.40 | 10.00 | 8.64 | 7.31 | 6.02 | 4.76 | 3.52 | 2.32 | 1.15 | 0 |
| 88 | 17.56 | 16.00 | 14.47 | 12.99 | 11.53 | 10.12 | 8.75 | 7.40 | 6.09 | 4.82 | 3.57 | 2.35 | 1.16 | 0 |
| 87 | 17.80 | 16.21 | 14.66 | 13.16 | 11.70 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 86 | 18.05 | 16.43 | 14.86 | 13.33 | 11.84 | 10.40 | 8.97 | 7.60 | 6.25 | 4.93 | 3.65 | 2.41 | 1.19 | 0 |
| 85 | 18.31 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.70 | 6.33 | 5.00 | 3.70 | 2.44 | 1.20 | 0 |
| 84 | 18.57 | 16.90 | 15.27 | 13.70 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.47 | 1.22 | 0 |
| 83 | 18.84 | 17.14 | 15.50 | 13.89 | 12.33 | 10.81 | 9.33 | 7.90 | 6.50 | 5.12 | 3.80 | 2.50 | 1.23 | 0 |
| 82 | 19.11 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.84 | 2.53 | 1.25 | 0 |
| 81 | 19.40 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 80 | 19.70 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 79 | 20.00 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 78 | 20.31 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 77 | 20.63 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 76 | 20.96 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 75 | 21.31 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 74 | 21.66 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 73 | 22.03 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 72 | 22.41 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 71 | 22.80 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 70 | 23.21 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 69 | 23.63 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 68 | 24.07 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 67 | 24.52 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 66 | 25.00 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 65 | 25.49 | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 64 | 26.00 | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 63 | 26.53 | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 62 | 27.08 | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 61 | 27.66 | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 60 | 28.26 | 25.53 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 59 | 28.88 | 26.08 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 58 | 29.54 | 26.66 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 57 | 30.23 | 27.27 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 56 | 30.95 | 27.88 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 55 | 31.70 | 28.57 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 54 | 32.50 | 29.26 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 53 | 33.33 | 30.00 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 52 | 34.21 | 30.77 | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 51 | 35.13 | 31.58 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 50 | 36.11 | 32.43 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |

TABLE IX—Continued

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 2 Per Cent of Alcohol*

| Percent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 |
| 95 | 16.25 | 14.81 | 13.41 | 12.04 | 10.71 | 9.41 | 8.13 | 6.89 | 5.68 | 4.49 | 3.33 | 2.19 | 1.08 | 0 |
| 94 | 16.45 | 15.00 | 13.58 | 12.19 | 10.84 | 9.52 | 8.23 | 6.95 | 5.74 | 4.54 | 3.37 | 2.22 | 1.09 | 0 |
| 93 | 16.66 | 15.18 | 13.75 | 12.34 | 10.97 | 9.63 | 8.33 | 7.05 | 5.81 | 4.59 | 3.40 | 2.24 | 1.11 | 0 |
| 92 | 16.88 | 15.38 | 13.92 | 12.50 | 11.11 | 9.75 | 8.43 | 7.14 | 5.88 | 4.65 | 3.41 | 2.27 | 1.12 | 0 |
| 91 | 17.10 | 15.58 | 14.10 | 12.65 | 11.25 | 9.87 | 8.53 | 7.21 | 5.95 | 4.70 | 3.48 | 2.29 | 1.13 | 0 |
| 90 | 17.33 | 15.80 | 14.28 | 12.82 | 11.40 | 10.00 | 8.64 | 7.31 | 6.02 | 4.76 | 3.52 | 2.32 | 1.15 | 0 |
| 89 | 17.56 | 16.00 | 14.47 | 12.99 | 11.53 | 10.12 | 8.75 | 7.40 | 6.09 | 4.82 | 3.57 | 2.35 | 1.16 | 0 |
| 88 | 17.80 | 16.21 | 14.66 | 13.16 | 11.70 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 87 | 18.05 | 16.43 | 14.86 | 13.33 | 11.84 | 10.40 | 8.97 | 7.60 | 6.25 | 4.93 | 3.65 | 2.41 | 1.19 | 0 |
| 86 | 18.31 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.70 | 6.33 | 5.00 | 3.70 | 2.44 | 1.20 | 0 |
| 85 | 18.57 | 16.90 | 15.27 | 13.70 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.47 | 1.22 | 0 |
| 84 | 18.84 | 17.14 | 15.50 | 13.89 | 12.33 | 10.81 | 9.33 | 7.90 | 6.50 | 5.12 | 3.80 | 2.50 | 1.23 | 0 |
| 83 | 19.11 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.84 | 2.53 | 1.25 | 0 |
| 82 | 19.40 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 81 | 19.70 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 80 | 20.00 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 79 | 20.31 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 78 | 20.63 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 77 | 20.96 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 76 | 21.31 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 75 | 21.66 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 74 | 22.03 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 73 | 22.41 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 72 | 22.80 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 71 | 23.21 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 70 | 23.63 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 69 | 24.07 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 68 | 24.52 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 67 | 25.00 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 66 | 25.49 | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 65 | 26.00 | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 64 | 26.53 | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 63 | 27.08 | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 62 | 27.66 | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 61 | 28.26 | 25.53 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 60 | 28.88 | 26.08 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 59 | 29.54 | 26.66 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 58 | 30.23 | 27.27 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 57 | 30.95 | 27.88 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 56 | 31.70 | 28.57 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 55 | 32.50 | 29.26 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 54 | 33.33 | 30.00 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 53 | 34.21 | 30.77 | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 52 | 35.13 | 31.58 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 51 | 36.11 | 32.43 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 50 | 37.14 | 33.33 | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 3 Per Cent of Alcohol*

| Percent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 |
| 95 | 16.45 | 15.00 | 13.58 | 12.19 | 10.84 | 9.52 | 8.23 | 6.97 | 5.74 | 4.54 | 3.37 | 2.22 | 1.09 | 0 |
| 94 | 16.66 | 15.18 | 13.75 | 12.34 | 10.97 | 9.63 | 8.33 | 7.05 | 5.81 | 4.59 | 3.40 | 2.24 | 1.11 | 0 |
| 93 | 16.88 | 15.38 | 13.92 | 12.50 | 11.11 | 9.75 | 8.43 | 7.14 | 5.88 | 4.65 | 3.44 | 2.27 | 1.12 | 0 |
| 92 | 17.10 | 15.58 | 14.10 | 12.65 | 11.25 | 9.87 | 8.53 | 7.22 | 5.95 | 4.70 | 3.48 | 2.29 | 1.13 | 0 |
| 91 | 17.33 | 15.75 | 14.28 | 12.82 | 11.39 | 10.00 | 8.64 | 7.31 | 6.02 | 4.76 | 3.52 | 2.32 | 1.14 | 0 |
| 90 | 17.56 | 16.00 | 14.47 | 12.99 | 11.53 | 10.12 | 8.75 | 7.40 | 6.09 | 4.82 | 3.57 | 2.35 | 1.16 | 0 |
| 89 | 17.80 | 16.21 | 14.66 | 13.16 | 11.70 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 88 | 18.05 | 16.43 | 14.86 | 13.33 | 11.84 | 10.40 | 8.97 | 7.60 | 6.25 | 4.93 | 3.65 | 2.41 | 1.19 | 0 |
| 87 | 18.31 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.70 | 6.33 | 5.00 | 3.70 | 2.44 | 1.20 | 0 |
| 86 | 18.57 | 16.90 | 15.27 | 13.70 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.47 | 1.22 | 0 |
| 85 | 18.84 | 17.14 | 15.50 | 13.89 | 12.33 | 10.81 | 9.33 | 7.90 | 6.50 | 5.12 | 3.80 | 2.50 | 1.23 | 0 |
| 84 | 19.11 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.84 | 2.53 | 1.25 | 0 |
| 83 | 19.40 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 82 | 19.70 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 81 | 20.00 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 80 | 20.31 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 79 | 20.63 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 78 | 20.96 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 77 | 21.31 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 76 | 21.66 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 75 | 22.03 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 74 | 22.41 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 73 | 22.80 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 72 | 23.21 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 71 | 23.63 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 70 | 24.07 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 69 | 24.52 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 68 | 25.00 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.81 | 3.17 | 1.56 | 0 |
| 67 | 25.49 | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 66 | 26.00 | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 65 | 26.53 | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 64 | 27.08 | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 63 | 27.66 | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 62 | 28.26 | 25.53 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 61 | 28.88 | 26.08 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |



TABLE IX—Continued

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 3 Per Cent of Alcohol*—Con.

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 |
| 60 | 29.54 | 26.66 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 59 | 30.23 | 27.27 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 58 | 30.95 | 27.88 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 57 | 31.70 | 28.57 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 56 | 32.50 | 29.26 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 55 | 33.33 | 30.00 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 54 | 34.21 | 30.77 | 27.50 | 24.39 | 21.42 | 18.60 | 15.00 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 53 | 35.13 | 31.58 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 52 | 36.11 | 32.43 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 51 | 37.14 | 33.33 | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 50 | 38.23 | 34.28 | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 4 Per Cent of Alcohol*

| Percent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 |
| 95 | 16.66 | 15.18 | 13.75 | 12.34 | 10.97 | 9.63 | 8.33 | 7.05 | 5.81 | 4.59 | 3.40 | 2.24 | 1.11 | 0 |
| 94 | 16.88 | 15.38 | 13.93 | 12.50 | 11.11 | 9.75 | 8.43 | 7.14 | 5.88 | 4.65 | 3.44 | 2.27 | 1.12 | 0 |
| 93 | 17.10 | 15.58 | 14.10 | 12.65 | 11.25 | 9.87 | 8.53 | 7.22 | 5.95 | 4.70 | 3.48 | 2.29 | 1.13 | 0 |
| 92 | 17.33 | 15.78 | 14.28 | 12.82 | 11.39 | 10.00 | 8.64 | 7.31 | 6.02 | 4.76 | 3.52 | 2.32 | 1.14 | 0 |
| 91 | 17.56 | 16.00 | 14.47 | 12.98 | 11.53 | 10.12 | 8.75 | 7.40 | 6.09 | 4.81 | 3.57 | 2.35 | 1.16 | 0 |
| 90 | 17.80 | 16.21 | 14.66 | 13.16 | 11.70 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 89 | 18.05 | 16.43 | 14.86 | 13.33 | 11.84 | 10.40 | 8.97 | 7.60 | 6.25 | 4.93 | 3.65 | 2.41 | 1.19 | 0 |
| 88 | 18.31 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.70 | 6.33 | 5.00 | 3.70 | 2.44 | 1.20 | 0 |
| 87 | 18.57 | 16.90 | 15.27 | 13.70 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.47 | 1.22 | 0 |
| 86 | 18.84 | 17.14 | 15.50 | 13.89 | 12.33 | 10.81 | 9.33 | 7.90 | 6.50 | 5.12 | 3.80 | 2.50 | 1.23 | 0 |
| 85 | 19.11 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.84 | 2.53 | 1.25 | 0 |
| 84 | 19.40 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 83 | 19.70 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 82 | 20.00 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 81 | 20.31 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 80 | 20.63 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 79 | 20.96 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 78 | 21.31 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 77 | 21.66 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 76 | 22.03 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 75 | 22.41 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 74 | 22.80 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 73 | 23.21 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 72 | 23.63 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 71 | 24.07 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 70 | 24.52 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 69 | 25.00 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 68 | 25.49 | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 67 | 26.00 | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 66 | 26.53 | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 65 | 27.08 | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 64 | 27.66 | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 63 | 28.26 | 25.53 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 62 | 28.88 | 26.08 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 61 | 29.54 | 26.66 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 60 | 30.23 | 27.27 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 59 | 30.95 | 27.88 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 58 | 31.70 | 28.57 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 57 | 32.50 | 29.26 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 56 | 33.33 | 30.00 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 55 | ----- | 30.77 | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 54 | ----- | 31.58 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 53 | ----- | 32.43 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 52 | ----- | 33.33 | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.31 | 2.13 | 0 |
| 51 | ----- | 34.28 | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 50 | ----- | 35.29 | 31.42 | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 5 Per Cent of Alcohol*

| Percent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 |
| 95 | 16.88 | 15.38 | 13.92 | 12.50 | 11.11 | 9.75 | 8.43 | 7.14 | 5.89 | 4.65 | 3.44 | 2.27 | 1.12 | 0 |
| 94 | 17.10 | 15.58 | 14.10 | 12.65 | 11.25 | 9.87 | 8.53 | 7.22 | 5.95 | 4.70 | 3.48 | 2.29 | 1.13 | 0 |
| 93 | 17.33 | 15.78 | 14.28 | 12.82 | 11.39 | 10.00 | 8.64 | 7.31 | 6.02 | 4.76 | 3.52 | 2.32 | 1.14 | 0 |
| 92 | 17.56 | 16.00 | 14.47 | 12.98 | 11.53 | 10.12 | 8.75 | 7.40 | 6.09 | 4.81 | 3.57 | 2.35 | 1.16 | 0 |
| 91 | 17.80 | 16.21 | 14.66 | 13.15 | 11.68 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 90 | 18.05 | 16.43 | 14.86 | 13.33 | 11.84 | 10.40 | 8.97 | 7.60 | 6.25 | 4.93 | 3.65 | 2.41 | 1.19 | 0 |
| 89 | 18.31 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.70 | 6.33 | 5.00 | 3.70 | 2.44 | 1.20 | 0 |
| 88 | 18.57 | 16.90 | 15.27 | 13.70 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.47 | 1.22 | 0 |
| 87 | 18.84 | 17.14 | 15.50 | 13.89 | 12.33 | 10.81 | 9.33 | 7.90 | 6.50 | 5.12 | 3.80 | 2.50 | 1.23 | 0 |
| 86 | 19.11 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.84 | 2.53 | 1.25 | 0 |
| 85 | 19.40 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |

TABLE IX—Continued

*Number of Wine Gallons of Brandy to Be Added to 100 Wine Gallons of Wine Containing 5 Per Cent of Alcohol*—Con.

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 |
| 84 | 19.70 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 83 | 20.00 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 82 | 20.31 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 81 | 20.63 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 80 | 20.96 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 79 | 21.31 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 78 | 21.66 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 77 | 22.03 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 76 | 22.41 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 75 | 22.80 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 74 | 23.21 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 73 | 23.63 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 72 | 24.07 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 71 | 24.52 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 70 | 25.00 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 69 | ----- | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 68 | ----- | 23.58 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 67 | ----- | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 66 | ----- | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 65 | ----- | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 64 | ----- | 25.53 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 63 | ----- | 26.08 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 62 | ----- | 26.66 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 61 | ----- | 27.27 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 60 | ----- | 27.88 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 59 | ----- | 28.57 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 58 | ----- | 29.26 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 57 | ----- | 30.00 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 56 | ----- | 30.77 | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 55 | ----- | 31.58 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 54 | ----- | 32.43 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 53 | ----- | 33.33 | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.31 | 2.13 | 0 |
| 52 | ----- | 34.28 | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 51 | ----- | 35.29 | 31.42 | 27.78 | 24.32 | 21.05 | 17.91 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 50 | ----- | 36.36 | 32.35 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 6 Per Cent of Alcohol.*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 |
| 95 | 17.10 | 15.61 | 14.10 | 12.65 | 11.25 | 9.87 | 8.53 | 7.22 | 5.95 | 4.70 | 3.48 | 2.29 | 1.13 | 0 |
| 94 | 17.33 | 15.78 | 14.28 | 12.81 | 11.39 | 10.00 | 8.64 | 7.31 | 6.02 | 4.76 | 3.52 | 2.32 | 1.14 | 0 |
| 93 | 17.56 | 16.00 | 14.47 | 12.98 | 11.53 | 10.12 | 8.75 | 7.40 | 6.09 | 4.81 | 3.57 | 2.35 | 1.16 | 0 |
| 92 | 17.80 | 16.21 | 14.66 | 13.15 | 11.68 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 91 | 18.05 | 16.43 | 14.86 | 13.33 | 11.84 | 10.38 | 8.97 | 7.59 | 6.25 | 4.93 | 3.65 | 2.40 | 1.19 | 0 |
| 90 | 18.31 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.70 | 6.33 | 5.00 | 3.70 | 2.44 | 1.20 | 0 |
| 89 | 18.57 | 16.90 | 15.27 | 13.70 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.47 | 1.22 | 0 |
| 88 | 18.84 | 17.14 | 15.50 | 13.89 | 12.33 | 10.81 | 9.33 | 7.90 | 6.50 | 5.12 | 3.80 | 2.50 | 1.23 | 0 |
| 87 | 19.11 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.84 | 2.53 | 1.25 | 0 |
| 86 | 19.40 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 85 | 19.70 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 84 | 20.00 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 83 | ----- | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 82 | ----- | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 81 | ----- | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 80 | ----- | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 79 | ----- | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 78 | ----- | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 77 | ----- | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 76 | ----- | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 75 | ----- | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 74 | ----- | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 73 | ----- | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 72 | ----- | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 71 | ----- | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 70 | ----- | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 69 | ----- | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 68 | ----- | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 67 | ----- | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 66 | ----- | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 65 | ----- | 25.53 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 64 | ----- | 26.08 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 63 | ----- | 26.66 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 62 | ----- | 27.27 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 61 | ----- | 27.88 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 60 | ----- | 28.57 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 59 | ----- | 29.26 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 58 | ----- | 30.00 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 57 | ----- | 30.77 | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 56 | ----- | 31.58 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 55 | ----- | 32.42 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 54 | ----- | 33.33 | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 53 | ----- | 34.28 | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 52 | ----- | 35.29 | 31.42 | 27.78 | 24.32 | 21.05 | 17.91 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 51 | ----- | 36.36 | 32.35 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 50 | ----- | 37.50 | 33.33 | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |

TABLE IX—Continued

*Number of Wine Gallons of Brandy To Be Added To 100 Wine Gallons of Wine Containing 7 Per Cent of Alcohol*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 |
| 95 | 15.78 | 14.28 | 12.82 | 11.39 | 10.00 | 8.64 | 7.19 | 6.02 | 4.76 | 3.52 | 2.32 | 1.14 | 0 |
| 94 | 16.00 | 14.47 | 12.98 | 11.53 | 10.12 | 8.75 | 7.40 | 6.09 | 4.81 | 3.57 | 2.35 | 1.16 | 0 |
| 93 | 16.21 | 14.66 | 13.15 | 11.68 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 92 | 16.43 | 14.86 | 13.33 | 11.84 | 10.39 | 8.97 | 7.59 | 6.25 | 4.93 | 3.65 | 2.40 | 1.19 | 0 |
| 91 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.69 | 6.32 | 5.00 | 3.70 | 2.43 | 1.20 | 0 |
| 90 | 16.90 | 15.27 | 13.70 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.47 | 1.22 | 0 |
| 89 | 17.14 | 15.50 | 13.89 | 12.33 | 10.81 | 9.33 | 7.90 | 6.50 | 5.12 | 3.80 | 2.50 | 1.23 | 0 |
| 88 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.84 | 2.53 | 1.25 | 0 |
| 87 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 86 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 85 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 84 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 83 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 82 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 81 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 80 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 79 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 78 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 77 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 76 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 75 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 74 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 73 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 72 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 71 | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 70 | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 69 | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 68 | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 67 | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 66 | 25.53 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 65 | 26.08 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 64 | 26.66 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 63 | 27.27 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 62 | 27.88 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 61 | 28.57 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 60 | 29.26 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 59 | 30.00 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 58 | 30.77 | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 57 | 31.58 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 56 | 32.43 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 55 | 33.33 | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 54 | 34.28 | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 53 | 35.29 | 31.42 | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 52 | 36.36 | 32.35 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 51 | 37.50 | 33.33 | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 50 | ----- | 34.37 | 30.30 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |

*Number of Wine Gallons of Brandy To Be Added To 100 Wine Gallons of Wine Containing 8 Per Cent of Alcohol*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 |
| 95 | 16.00 | 14.46 | 12.98 | 11.53 | 10.12 | 8.75 | 7.40 | 6.09 | 4.81 | 3.57 | 2.35 | 1.16 | 0 |
| 94 | 16.21 | 14.66 | 13.15 | 11.68 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 93 | 16.43 | 14.86 | 13.33 | 11.84 | 10.38 | 8.97 | 7.59 | 6.25 | 4.93 | 3.65 | 2.40 | 1.19 | 0 |
| 92 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.69 | 6.32 | 5.00 | 3.70 | 2.43 | 1.20 | 0 |
| 91 | 16.90 | 15.27 | 13.69 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.46 | 1.21 | 0 |
| 90 | 17.14 | 15.50 | 13.89 | 12.33 | 10.81 | 9.33 | 7.90 | 6.50 | 5.12 | 3.80 | 2.50 | 1.23 | 0 |
| 89 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.84 | 2.53 | 1.25 | 0 |
| 88 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 87 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 86 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 85 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 84 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 83 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 82 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 81 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 80 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 79 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 78 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 77 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 76 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 75 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 74 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 73 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 72 | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 71 | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 70 | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 69 | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 68 | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 67 | 25.53 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 66 | 26.08 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 65 | 26.66 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 64 | 27.27 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 63 | 27.88 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 62 | 28.57 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 61 | 29.26 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 60 | 30.00 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 59 | 30.77 | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 58 | 31.58 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |

TABLE IX—Continued

*Number of Wine Gallons of Brandy to Be Added to 100 Wine Gallons of Wine Containing 8 Per Cent of Alcohol—Con.*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 |
| 57 | 32.43 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 56 | 33.33 | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 55 | ----- | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 54 | ----- | 31.42 | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 53 | ----- | 32.35 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 52 | ----- | 33.33 | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 51 | ----- | 34.37 | 30.30 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |
| 50 | ----- | 35.48 | 31.25 | 27.27 | 23.52 | 20.00 | 16.66 | 13.51 | 10.52 | 7.70 | 5.00 | 2.44 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 9 Per Cent of Alcohol*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 |
| 95 | 16.21 | 14.66 | 13.15 | 11.68 | 10.25 | 8.86 | 7.50 | 6.17 | 4.87 | 3.61 | 2.38 | 1.17 | 0 |
| 94 | 16.43 | 14.86 | 13.33 | 11.84 | 10.38 | 8.97 | 7.59 | 6.25 | 4.93 | 3.65 | 2.40 | 1.19 | 0 |
| 93 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.69 | 6.32 | 5.00 | 3.70 | 2.43 | 1.20 | 0 |
| 92 | 16.90 | 15.27 | 13.69 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.46 | 1.21 | 0 |
| 91 | 17.14 | 15.49 | 13.88 | 12.32 | 10.81 | 9.33 | 7.89 | 6.49 | 5.12 | 3.79 | 2.50 | 1.23 | 0 |
| 90 | 17.40 | 15.71 | 14.08 | 12.50 | 10.96 | 9.46 | 8.00 | 6.58 | 5.20 | 3.81 | 2.53 | 1.25 | 0 |
| 89 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 88 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 87 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 86 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 85 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 84 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 83 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 82 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 81 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 80 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 79 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 78 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 77 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 76 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 75 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 74 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 73 | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 72 | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 71 | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 70 | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 69 | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 68 | ----- | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 67 | ----- | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 66 | ----- | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 65 | ----- | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 64 | ----- | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 63 | ----- | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 62 | ----- | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 61 | ----- | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 60 | ----- | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 59 | ----- | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 58 | ----- | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 57 | ----- | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 56 | ----- | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 55 | ----- | 31.42 | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 54 | ----- | 32.35 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 53 | ----- | 33.33 | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 52 | ----- | 34.37 | 30.30 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |
| 51 | ----- | 35.48 | 31.25 | 27.27 | 23.52 | 20.00 | 16.66 | 13.51 | 10.52 | 7.70 | 5.00 | 2.44 | 0 |
| 50 | ----- | 36.66 | 32.26 | 28.12 | 24.24 | 20.59 | 17.14 | 13.89 | 10.81 | 7.90 | 5.13 | 2.50 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 10 Per Cent of Alcohol*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 |
| 95 | 16.43 | 14.86 | 13.33 | 11.84 | 10.38 | 8.97 | 7.59 | 6.25 | 4.93 | 3.65 | 2.40 | 1.19 | 0 |
| 94 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.69 | 6.32 | 5.00 | 3.70 | 2.43 | 1.20 | 0 |
| 93 | 16.90 | 15.27 | 13.69 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.46 | 1.21 | 0 |
| 92 | 17.14 | 15.49 | 13.88 | 12.32 | 10.81 | 9.33 | 7.89 | 6.49 | 5.12 | 3.79 | 2.50 | 1.23 | 0 |
| 91 | 17.39 | 15.71 | 14.08 | 12.50 | 10.95 | 9.45 | 8.00 | 6.57 | 5.19 | 3.84 | 2.53 | 1.25 | 0 |
| 90 | 17.64 | 15.94 | 14.29 | 12.67 | 11.11 | 9.57 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.27 | 0 |
| 89 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.91 | 2.60 | 1.28 | 0 |
| 88 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 87 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 86 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 85 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 84 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 83 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 82 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 81 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 80 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 79 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |



TABLE IX—Continued

*Number of Wine Gallons of Brandy to Be Added to 100 Wine Gallons of Wine Containing 10 Per Cent of Alcohol—Con.*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 |
| 78 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 77 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 76 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 75 | 22.64 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 74 | 23.07 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 73 | 23.53 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 72 | 24.00 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 71 | 24.49 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 70 | 25.00 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 69 | ----- | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 68 | ----- | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 67 | ----- | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 66 | ----- | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 65 | ----- | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 64 | ----- | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 63 | ----- | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 62 | ----- | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 61 | ----- | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 60 | ----- | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 59 | ----- | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 58 | ----- | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 57 | ----- | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 56 | ----- | 31.42 | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 55 | ----- | 32.35 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 54 | ----- | 33.33 | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 53 | ----- | 34.37 | 30.30 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |
| 52 | ----- | 35.48 | 31.25 | 27.27 | 23.52 | 20.00 | 16.66 | 13.51 | 10.52 | 7.70 | 5.00 | 2.44 | 0 |
| 51 | ----- | 36.66 | 32.26 | 28.12 | 24.24 | 20.59 | 17.14 | 13.89 | 10.81 | 7.90 | 5.13 | 2.50 | 0 |
| 50 | ----- | 37.93 | 33.33 | 29.03 | 25.00 | 21.21 | 17.64 | 14.27 | 11.11 | 8.10 | 5.26 | 2.56 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 11 Per Cent of Alcohol*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 |
| 95 | 16.66 | 15.06 | 13.51 | 12.00 | 10.52 | 9.09 | 7.69 | 6.32 | 5.00 | 3.70 | 2.43 | 1.20 | 0 |
| 94 | 16.90 | 15.27 | 13.69 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.46 | 1.21 | 0 |
| 93 | 17.14 | 15.49 | 13.88 | 12.32 | 10.81 | 9.33 | 7.89 | 6.49 | 5.12 | 3.79 | 2.50 | 1.23 | 0 |
| 92 | 17.39 | 15.71 | 14.08 | 12.50 | 10.95 | 9.45 | 8.00 | 6.57 | 5.19 | 3.84 | 2.53 | 1.25 | 0 |
| 91 | 17.64 | 15.94 | 14.28 | 12.67 | 11.11 | 9.58 | 8.10 | 6.66 | 5.26 | 3.89 | 2.56 | 1.26 | 0 |
| 90 | 17.91 | 16.17 | 14.49 | 12.87 | 11.26 | 9.72 | 8.22 | 6.75 | 5.33 | 3.94 | 2.60 | 1.28 | 0 |
| 89 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 88 | 18.46 | 16.67 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 87 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 86 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 85 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 84 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 83 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 82 | 20.33 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 81 | 20.69 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 80 | 21.05 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 79 | 21.43 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 78 | 21.81 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 77 | 22.22 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 76 | ----- | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 75 | ----- | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 74 | ----- | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 73 | ----- | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 72 | ----- | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 71 | ----- | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 70 | ----- | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 69 | ----- | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 68 | ----- | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 67 | ----- | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 66 | ----- | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 65 | ----- | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 64 | ----- | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 63 | ----- | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 62 | ----- | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 61 | ----- | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 60 | ----- | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 59 | ----- | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 58 | ----- | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 57 | ----- | 31.42 | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 56 | ----- | 32.35 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 55 | ----- | 33.33 | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 54 | ----- | 34.37 | 30.30 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |
| 53 | ----- | 35.48 | 31.25 | 27.27 | 23.52 | 20.00 | 16.66 | 13.51 | 10.52 | 7.70 | 5.00 | 2.44 | 0 |
| 52 | ----- | 36.66 | 32.26 | 28.12 | 24.24 | 20.59 | 17.14 | 13.89 | 10.81 | 7.90 | 5.13 | 2.50 | 0 |
| 51 | ----- | ----- | 33.33 | 29.03 | 25.00 | 21.21 | 17.64 | 14.27 | 11.11 | 8.10 | 5.26 | 2.56 | 0 |
| 50 | ----- | ----- | 34.48 | 30.00 | 25.80 | 21.87 | 18.18 | 14.71 | 11.42 | 8.33 | 5.40 | 2.63 | 0 |

TABLE IX—Continued

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 12 Per Cent of Alcohol*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 |
| 95 | 16.90 | 15.27 | 13.69 | 12.16 | 10.66 | 9.21 | 7.79 | 6.41 | 5.06 | 3.75 | 2.46 | 1.21 | 0 |
| 94 | 17.14 | 15.49 | 13.88 | 12.32 | 10.81 | 9.33 | 7.89 | 6.49 | 5.12 | 3.79 | 2.50 | 1.23 | 0 |
| 93 | 17.39 | 15.71 | 14.08 | 12.50 | 10.95 | 9.45 | 8.00 | 6.57 | 5.19 | 3.84 | 2.53 | 1.25 | 0 |
| 92 | 17.64 | 15.94 | 14.28 | 12.67 | 11.11 | 9.58 | 8.10 | 6.66 | 5.26 | 3.89 | 2.56 | 1.26 | 0 |
| 91 | 17.91 | 16.17 | 14.49 | 12.85 | 11.26 | 9.72 | 8.21 | 6.75 | 5.33 | 3.94 | 2.59 | 1.28 | 0 |
| 90 | 18.18 | 16.41 | 14.71 | 13.04 | 11.42 | 9.86 | 8.33 | 6.85 | 5.40 | 4.00 | 2.63 | 1.30 | 0 |
| 89 | 18.46 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 88 | 18.75 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 87 | 19.04 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 86 | 19.35 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 85 | 19.67 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 84 | 20.00 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 83 | ----- | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 82 | ----- | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 81 | ----- | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 80 | ----- | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.26 | 4.61 | 3.03 | 1.49 | 0 |
| 79 | ----- | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 78 | ----- | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 77 | ----- | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 76 | ----- | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 75 | ----- | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 74 | ----- | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 73 | ----- | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 72 | ----- | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 71 | ----- | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 70 | ----- | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 69 | ----- | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 68 | ----- | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 67 | ----- | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 66 | ----- | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 65 | ----- | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 64 | ----- | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 63 | ----- | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 62 | ----- | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 61 | ----- | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 60 | ----- | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 59 | ----- | 30.55 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 58 | ----- | 31.42 | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 57 | ----- | 32.35 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 56 | ----- | 33.33 | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 55 | ----- | ----- | 30.30 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |
| 54 | ----- | ----- | 31.25 | 27.27 | 23.52 | 20.00 | 16.66 | 13.51 | 10.52 | 7.70 | 5.00 | 2.44 | 0 |
| 53 | ----- | ----- | 32.26 | 28.12 | 24.24 | 20.59 | 17.14 | 13.89 | 10.81 | 7.90 | 5.13 | 2.50 | 0 |
| 52 | ----- | ----- | 33.33 | 29.03 | 25.00 | 21.21 | 17.64 | 14.27 | 11.11 | 8.10 | 5.26 | 2.56 | 0 |
| 51 | ----- | ----- | 34.48 | 30.00 | 25.80 | 21.87 | 18.18 | 14.71 | 11.42 | 8.33 | 5.40 | 2.63 | 0 |
| 50 | ----- | ----- | 35.71 | 31.03 | 26.66 | 22.58 | 18.75 | 15.15 | 11.76 | 8.57 | 5.55 | 2.70 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 13 Per Cent of Alcohol*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 |
| 95 | 15.49 | 13.88 | 12.32 | 10.81 | 9.33 | 7.89 | 6.49 | 5.12 | 3.79 | 2.50 | 1.23 | 0 |
| 94 | 15.71 | 14.08 | 12.50 | 10.95 | 9.45 | 8.00 | 6.58 | 5.19 | 3.84 | 2.53 | 1.25 | 0 |
| 93 | 15.94 | 14.28 | 12.67 | 11.11 | 9.58 | 8.10 | 6.66 | 5.26 | 3.89 | 2.56 | 1.26 | 0 |
| 92 | 16.17 | 14.49 | 12.85 | 11.26 | 9.72 | 8.21 | 6.75 | 5.33 | 3.94 | 2.59 | 1.28 | 0 |
| 91 | 16.41 | 14.70 | 13.04 | 11.42 | 9.85 | 8.33 | 6.84 | 5.40 | 4.00 | 2.63 | 1.29 | 0 |
| 90 | 16.66 | 14.93 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.48 | 4.05 | 2.66 | 1.32 | 0 |
| 89 | 16.92 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 88 | 17.18 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 87 | 17.46 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 86 | 17.74 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 85 | 18.03 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 84 | 18.33 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 83 | 18.64 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 82 | 18.96 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 81 | 19.30 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 80 | 19.64 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 79 | 20.00 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 78 | 20.37 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 77 | 20.75 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 76 | 21.15 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 75 | 21.56 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 74 | 22.00 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.01 | 5.17 | 3.40 | 1.66 | 0 |
| 73 | 22.45 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 72 | 22.91 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 71 | 23.40 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 70 | 23.91 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 69 | 24.44 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 68 | 25.00 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 67 | 25.58 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 66 | 26.19 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 65 | 26.82 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |

TABLE IX—Continued

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 13 Per Cent of Alcohol*—Con.

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 |
| 64 | 27.50 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 63 | 28.20 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 62 | 28.95 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 61 | 29.73 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 60 | ..... | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 59 | ..... | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 58 | ..... | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 57 | ..... | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 56 | ..... | 30.30 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |
| 55 | ..... | 31.25 | 27.27 | 23.52 | 20.00 | 16.66 | 13.51 | 10.52 | 7.70 | 5.00 | 2.44 | 0 |
| 54 | ..... | 32.26 | 28.12 | 24.24 | 20.59 | 17.14 | 13.89 | 10.81 | 7.90 | 5.13 | 2.50 | 0 |
| 53 | ..... | 33.33 | 29.03 | 25.00 | 21.21 | 17.64 | 14.27 | 11.11 | 8.10 | 5.26 | 2.56 | 0 |
| 52 | ..... | 34.48 | 30.00 | 25.80 | 21.87 | 18.18 | 14.71 | 11.42 | 8.33 | 5.40 | 2.63 | 0 |
| 51 | ..... | 35.71 | 31.03 | 26.66 | 22.58 | 18.75 | 15.15 | 11.76 | 8.57 | 5.55 | 2.70 | 0 |
| 50 | ..... | 37.03 | 32.14 | 27.58 | 23.33 | 19.35 | 15.63 | 12.12 | 8.82 | 5.71 | 2.77 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 14 Per Cent of Alcohol*

| Per cent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 |
| 95 | 14.08 | 12.50 | 10.95 | 9.45 | 8.00 | 6.57 | 5.18 | 3.84 | 2.53 | 1.25 | 0 |
| 94 | 14.28 | 12.67 | 11.11 | 9.59 | 8.10 | 6.66 | 5.26 | 3.89 | 2.56 | 1.26 | 0 |
| 93 | 14.49 | 12.85 | 11.26 | 9.72 | 8.21 | 6.75 | 5.33 | 3.94 | 2.59 | 1.28 | 0 |
| 92 | 14.70 | 13.04 | 11.42 | 9.85 | 8.33 | 6.84 | 5.40 | 4.00 | 2.63 | 1.29 | 0 |
| 91 | 14.92 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.47 | 4.05 | 2.66 | 1.30 | 0 |
| 90 | 15.15 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 89 | 15.39 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 88 | 15.63 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 87 | 15.87 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |
| 86 | 16.13 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 85 | 16.39 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 84 | 16.66 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 83 | 16.95 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 82 | 17.24 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 81 | 17.54 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.78 | 3.07 | 1.52 | 0 |
| 80 | 17.86 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 79 | 18.18 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 78 | 18.52 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 77 | 18.87 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 76 | 19.23 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 75 | 19.61 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.04 | 5.17 | 3.40 | 1.66 | 0 |
| 74 | 20.00 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 73 | 20.41 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 72 | 20.83 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 71 | 21.28 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 70 | 21.74 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 69 | 22.22 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 68 | 22.72 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 67 | 23.26 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 66 | 23.81 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 65 | 24.39 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 64 | 25.00 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 63 | 25.64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 62 | 26.32 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 61 | 27.03 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 60 | 27.78 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 59 | 28.57 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 58 | 29.41 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 57 | 30.30 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |
| 56 | 31.25 | 27.27 | 23.52 | 20.00 | 16.66 | 13.51 | 10.52 | 7.70 | 5.00 | 2.44 | 0 |
| 55 | 32.26 | 28.12 | 24.24 | 20.59 | 17.14 | 13.89 | 10.81 | 7.90 | 5.13 | 2.50 | 0 |
| 54 | 33.33 | 29.03 | 25.00 | 21.21 | 17.64 | 14.27 | 11.11 | 8.10 | 5.26 | 2.56 | 0 |
| 53 | 34.48 | 30.00 | 25.80 | 21.87 | 18.18 | 14.71 | 11.42 | 8.33 | 5.40 | 2.63 | 0 |
| 52 | 35.71 | 31.03 | 26.66 | 22.58 | 18.75 | 15.15 | 11.76 | 8.57 | 5.55 | 2.70 | 0 |
| 51 | 37.03 | 32.14 | 27.58 | 23.33 | 19.35 | 15.63 | 12.12 | 8.82 | 5.71 | 2.77 | 0 |
| 50 | 38.46 | 33.33 | 28.57 | 24.14 | 20.00 | 16.13 | 12.50 | 9.09 | 5.88 | 2.85 | 0 |

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 15 Per Cent of Alcohol*

| Percent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 |
| 95 | 12.67 | 11.11 | 9.58 | 8.10 | 6.66 | 5.26 | 3.90 | 2.56 | 1.26 | 0 |
| 94 | 12.85 | 11.26 | 9.72 | 8.21 | 6.75 | 5.33 | 3.94 | 2.59 | 1.28 | 0 |
| 93 | 13.04 | 11.42 | 9.85 | 8.33 | 6.84 | 5.40 | 4.00 | 2.63 | 1.29 | 0 |
| 92 | 13.23 | 11.59 | 10.00 | 8.45 | 6.94 | 5.47 | 4.05 | 2.66 | 1.31 | 0 |
| 91 | 13.43 | 11.76 | 10.14 | 8.57 | 7.04 | 5.55 | 4.10 | 2.70 | 1.33 | 0 |
| 90 | 13.63 | 11.94 | 10.29 | 8.69 | 7.14 | 5.63 | 4.16 | 2.74 | 1.35 | 0 |
| 89 | 13.84 | 12.12 | 10.44 | 8.82 | 7.24 | 5.71 | 4.22 | 2.77 | 1.37 | 0 |
| 88 | 14.06 | 12.30 | 10.60 | 8.95 | 7.35 | 5.79 | 4.28 | 2.81 | 1.39 | 0 |

TABLE IX—Continued

*Number of Wine Gallons of Brandy To Be Added to 100 Wine Gallons of Wine Containing 15 Per Cent of Alcohol*—Con.

| Percent of alcohol in brandy | To produce a resulting fortified wine containing per cent of alcohol | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 |
| 87 | 14.28 | 12.50 | 10.76 | 9.09 | 7.46 | 5.88 | 4.34 | 2.85 | 1.41 | 0 |
| 86 | 14.51 | 12.69 | 10.93 | 9.23 | 7.57 | 5.97 | 4.41 | 2.89 | 1.43 | 0 |
| 85 | 14.75 | 12.90 | 11.11 | 9.37 | 7.69 | 6.06 | 4.47 | 2.94 | 1.45 | 0 |
| 84 | 15.00 | 13.11 | 11.29 | 9.52 | 7.81 | 6.15 | 4.54 | 2.98 | 1.47 | 0 |
| 83 | 15.25 | 13.33 | 11.47 | 9.67 | 7.93 | 6.25 | 4.61 | 3.03 | 1.49 | 0 |
| 82 | 15.51 | 13.55 | 11.66 | 9.83 | 8.06 | 6.35 | 4.68 | 3.07 | 1.52 | 0 |
| 81 | 15.79 | 13.79 | 11.86 | 10.00 | 8.19 | 6.45 | 4.76 | 3.12 | 1.54 | 0 |
| 80 | 16.07 | 14.03 | 12.07 | 10.17 | 8.33 | 6.55 | 4.84 | 3.17 | 1.56 | 0 |
| 79 | 16.36 | 14.28 | 12.28 | 10.34 | 8.47 | 6.66 | 4.91 | 3.22 | 1.59 | 0 |
| 78 | 16.66 | 14.54 | 12.50 | 10.52 | 8.62 | 6.78 | 5.00 | 3.27 | 1.61 | 0 |
| 77 | 16.98 | 14.83 | 12.72 | 10.71 | 8.77 | 6.90 | 5.08 | 3.33 | 1.64 | 0 |
| 76 | 17.38 | 15.09 | 12.96 | 10.90 | 8.93 | 7.04 | 5.17 | 3.40 | 1.66 | 0 |
| 75 | 17.64 | 15.38 | 13.20 | 11.11 | 9.09 | 7.14 | 5.26 | 3.44 | 1.69 | 0 |
| 74 | 18.00 | 15.68 | 13.46 | 11.32 | 9.26 | 7.27 | 5.36 | 3.50 | 1.72 | 0 |
| 73 | 18.36 | 16.00 | 13.72 | 11.53 | 9.43 | 7.40 | 5.45 | 3.57 | 1.75 | 0 |
| 72 | 18.75 | 16.32 | 14.00 | 11.76 | 9.61 | 7.55 | 5.55 | 3.63 | 1.79 | 0 |
| 71 | 19.15 | 16.66 | 14.29 | 12.00 | 9.80 | 7.69 | 5.66 | 3.70 | 1.82 | 0 |
| 70 | 19.56 | 17.01 | 14.58 | 12.24 | 10.00 | 7.84 | 5.77 | 3.77 | 1.85 | 0 |
| 69 | 20.00 | 17.39 | 14.89 | 12.50 | 10.20 | 8.00 | 5.88 | 3.84 | 1.89 | 0 |
| 68 | 20.45 | 17.77 | 15.21 | 12.76 | 10.41 | 8.16 | 6.00 | 3.92 | 1.92 | 0 |
| 67 | 20.93 | 18.18 | 15.55 | 13.04 | 10.64 | 8.33 | 6.12 | 4.00 | 1.96 | 0 |
| 66 | 21.42 | 18.60 | 15.90 | 13.33 | 10.87 | 8.51 | 6.25 | 4.08 | 2.00 | 0 |
| 65 | 21.95 | 19.04 | 16.28 | 13.63 | 11.11 | 8.69 | 6.38 | 4.16 | 2.04 | 0 |
| 64 | 22.50 | 19.51 | 16.66 | 13.95 | 11.36 | 8.88 | 6.51 | 4.25 | 2.08 | 0 |
| 63 | 23.07 | 20.00 | 17.07 | 14.28 | 11.62 | 9.09 | 6.66 | 4.34 | 2.13 | 0 |
| 62 | 23.69 | 20.51 | 17.50 | 14.63 | 11.90 | 9.30 | 6.81 | 4.44 | 2.17 | 0 |
| 61 | 24.32 | 21.05 | 17.94 | 15.00 | 12.19 | 9.52 | 6.97 | 4.54 | 2.22 | 0 |
| 60 | 25.00 | 21.62 | 18.42 | 15.38 | 12.50 | 9.75 | 7.14 | 4.65 | 2.27 | 0 |
| 59 | 25.71 | 22.22 | 18.91 | 15.79 | 12.82 | 10.00 | 7.31 | 4.76 | 2.33 | 0 |
| 58 | 26.43 | 22.85 | 19.44 | 16.21 | 13.16 | 10.25 | 7.50 | 4.88 | 2.38 | 0 |
| 57 | 27.27 | 23.52 | 20.00 | 16.66 | 13.51 | 10.52 | 7.70 | 5.00 | 2.44 | 0 |
| 56 | 28.12 | 24.24 | 20.59 | 17.14 | 13.89 | 10.81 | 7.90 | 5.13 | 2.50 | 0 |
| 55 | 29.03 | 25.00 | 21.21 | 17.64 | 14.27 | 11.11 | 8.10 | 5.26 | 2.56 | 0 |
| 54 | 30.00 | 25.80 | 21.87 | 18.18 | 14.71 | 11.42 | 8.33 | 5.40 | 2.63 | 0 |
| 53 | 31.03 | 26.66 | 22.58 | 18.75 | 15.15 | 11.76 | 8.57 | 5.55 | 2.70 | 0 |
| 52 | 32.14 | 27.58 | 23.33 | 19.35 | 15.63 | 12.12 | 8.82 | 5.71 | 2.77 | 0 |
| 51 | 33.33 | 28.57 | 24.14 | 20.00 | 16.13 | 12.50 | 9.09 | 5.88 | 2.85 | 0 |
| 50 | 34.61 | 29.62 | 25.00 | 20.69 | 16.66 | 12.90 | 9.37 | 6.06 | 2.94 | 0 |

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[T. D. 4766]

INCOME TAX

REGULATIONS WITH RESPECT TO THE TAXATION OF NONRESIDENT ALIEN INDIVIDUALS AND FOREIGN CORPORATIONS NOT ENGAGED IN TRADE OR BUSINESS WITHIN THE UNITED STATES AND NOT HAVING AN OFFICE OR PLACE OF BUSINESS THEREIN AS AFFECTED BY THE RECIPROCAL TAX CONVENTION BETWEEN THE UNITED STATES AND CANADA, EFFECTIVE JANUARY 1, 1936

*To Collectors of Internal Revenue and others concerned:*

PARAGRAPH A. The reciprocal tax convention between the United States and Canada which was ratified August 13, 1937, provides as follows:

*"Article I*

"The High Contracting Parties mutually agree that the income taxation imposed in the two States shall be subject to the following reciprocal provisions:

"(*a*) The rate of income tax imposed by one of the Contracting States, in respect of income derived from sources therein, upon individuals residing in the other State, who are not engaged in trade or business in the taxing State and have no office or place of business therein, shall not exceed five per centum for each taxable year, so long as an equivalent or lower rate of income taxation is imposed by the other State upon individuals residing in the former State who are not engaged in trade or business in such other State and do not have an office or place of business therein.

"(*b*) The rate of income tax imposed by one of the Contracting States, in respect of dividends derived from sources therein, upon nonresident foreign corporations organized under the laws of the other State, which are not engaged in trade or business in the taxing State and have no office or place of business therein, shall not exceed five per centum for each taxable year, so long as an equivalent or lower rate of income taxation on dividends is imposed by the other State upon corporations organized under the laws of the former State which are not engaged in trade or business in such other State and do not have an office or place of business therein.

"(*c*) Either State shall be at liberty to increase the rate of taxation prescribed by paragraphs (*a*) and (*b*) of this article, and in such case the other State shall be released from the requirements of the said paragraphs (*a*) and (*b*).

"(*d*) Effect shall be given to the foregoing provisions by both States as and from the first day of January, nineteen hundred and thirty-six.

*"Article II*

"The provisions of this Convention shall not apply to citizens of the United States of America domiciled or resident in Canada.

*"Article III*

"This Convention shall be ratified and shall take effect immediately upon the exchange of ratifications which shall take place at Washington as soon as possible.

"Signed, in duplicate, at Washington by the duly authorized representatives of Canada and the United States of America, this thirtieth day of December, in the year of our Lord, one thousand nine hundred and thirty-six."

PARAGRAPH B. Section 211 (a) of the Revenue Act of 1936 provides:

*Nonresident aliens doing business in the United States.*—There shall be levied, collected, and paid for each taxable year, in lieu of the tax imposed by sections 11 and 12, upon the amount received, by every nonresident alien individual not engaged in trade or business within the United States and not having an office or place of business therein, from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, a tax of 10 per centum of such amount, except that such rate shall be reduced, in the case of a resident of a contiguous country, to such rate (not less than 5 per centum) as may be provided by treaty with such country.

Section 501 of the Revenue Act of 1937 provides:

"(a) Section 211 (a) of the Revenue Act of 1936 is amended by adding at the end thereof a new sentence to read as follows: 'The tax imposed by this subsection shall not apply to any individual if the aggregate amount received during the taxable year from the sources above specified is more than $21,600.'

"(b) Section 211 of the Revenue Act of 1936, is further amended by adding at the end thereof a new subsection to read as follows:

"'(c) No United States Business or Office and Gross Income of More Than $21,600.—A nonresident alien individual not engaged in trade or business within the United States and not having an office or place of business therein who has a gross income for any taxable year of more than $21,600 from the sources specified in subsection (a), shall be taxable without regard to the provisions of subsection (a), except that—

"'(1) The gross income shall include only income from the sources specified in subsection (a); and

"'(2) The deductions (other than the so-called "charitable deduction" provided in section 213 (c) shall be allowed only if and to the extent that they are properly allocable to the gross income from the sources specified in subsection (a); and

"'(3) The aggregate of the normal and surtax under sections 11 and 12 shall, in no case, be less than 10 per centum of the gross income from the sources specified in subsection (a).'

"(c) The amendments made by subsections (a) and (b)—

"(1) Shall apply only to taxable years beginning after December 31, 1936; and

"(2) Shall not apply to a resident of a contiguous country so long as there is in effect a treaty with such country (ratified prior to the date of the enactment of this Act) under which rates of tax under section 211 (a), prior to its amendment by subsection (a), were reduced."

PARAGRAPH C. Section 231 (a) of the Revenue Act of 1936 provides:

*Nonresident corporations.*—There shall be levied, collected, and paid for each taxable year, in lieu of the tax imposed by sections 13 and 14, upon the amount received by every foreign corporation not engaged in trade or business within the United States and not having an office or place of business therein, from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, a tax of 15 per centum of such amount, except that in the case of dividends the rate shall be 10 per centum, and except that in the case of corporations organized under the laws of a contiguous country such rate of 10 per centum with respect to dividends shall be reduced to such rate (not less than 5 per centum) as may be provided by treaty with such country.

PARAGRAPH D. Section 143 (a) of the Revenue Act of 1936 provides in part:

*Tax-free covenant bonds.*—(1) Requirement of Withholding.—In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a corporation, issued before January 1, 1934, contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this title upon the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 per centum of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods, if payable to an individual, a partnership, or a foreign corporation not engaged in trade or business within the United States and not having an office or place of business therein: *Provided*, That if the liability assumed by the obligor does not exceed 2 per centum of the interest, then the deduction and withholding shall be at the following rates: (A) 10 per centum in the case of a nonresident alien individual (except that such rate shall be reduced, in the case of a resident of a contiguous country, to such rate, not less than 5 per centum, as may be provided by treaty with such country), or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, (B) in the case of such a foreign corporation, 15 per centum, and (C) 2 per centum in the case of other individuals and partnerships: *Provided further*, That if the owners of such obligations are not known to the withholding agent the Commissioner may authorize such deduction and withholding to be at the rate of 2 per centum, or, if the liability assumed by the obligor does not exceed 2 per centum of the interest, then at the rate of 10 per centum.

Paragraph E. Section 143 (b) of the Revenue Act of 1936 provides:

*Nonresident aliens.*—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States, having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States and not having an office or place of business therein), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income (but only to the extent that any of the above items constitutes gross income from sources within the United States), of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, shall (except in the cases provided for in subsection (a) of this section and except as otherwise provided in regulations prescribed by the Commissioner under section 215) deduct and withhold from annual or periodical gains, profits, and income a tax equal to 10 per centum thereof, except that such rate (not less than 5 per centum) as may be provided by treaty with such country: Provided, That no such deduction or withholding shall be required in the case of dividends paid by a foreign corporation unless (1) such corporation is engaged in trade or business within the United States or has an office or place of business therein, and (2) more than 85 per centum of the gross income of such corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of section 119: Provided further, That the Commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent. Under regulations prescribed by the Commissioner, with the approval of the Secretary, there may be ex-

empted from such deduction and withholding the compensation for personal services of nonresident alien individuals who enter and leave the United States at frequent intervals.

PARAGRAPH F. Section 143 (c) of the Revenue Act of 1936 provides:

*Return and payment.*—Every person required to deduct and withhold any tax under this section shall make return thereof on or before March 15 of each year and shall on or before June 15, in lieu of the time prescribed in section 56, pay the tax to the official of the United States Government authorized to receive it. Every such person is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section.

PARAGRAPH G. Section 144 (a) of the Revenue Act of 1936 provides:

*General rule.*—In the case of foreign corporations subject to taxation under this title not engaged in trade or business within the United States and not having any office or place of business therein, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 143 a tax equal to 15 per centum thereof, except that in the case of dividends the rate shall be 10 per centum, and except that in the case of corporations organized under the laws of a contiguous country such rate of 10 per centum with respect to dividends shall be reduced to such rate (not less than 5 per centum) as may be provided by treaty with such country; and such tax shall be returned and paid in the same manner and subject to the same conditions as provided in that section: *Provided*, That in the case of interest described in subsection (a) of that section (relating to tax-free covenant bonds) the deduction and withholding shall be at the rate specified in such subsection.

Paragraph H. Section 322 of the Revenue Act of 1936 provides in part:

(a) *Authorization.*—Where there has been an overpayment of any tax imposed by this title, the amount of such overpayment shall be credited against any income, war-profits, or excess-profits tax or installment thereof then due from the taxpayer, and any balance shall be refunded immediately to the taxpayer.

(b) *Limitation on allowance.*—

(1) *Period of limitation.*—Unless a claim for credit or refund is filed by the taxpayer within three years from the time the return was filed by the taxpayer or within two years from the time the tax was paid, no credit or refund shall be allowed or made after the expiration of whichever of such periods expires the later. If no return is filed by the taxpayer, then no credit or refund shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer.

(2) *Limit on amount of credit or refund.*—The amount of the credit or refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or, if no claim was filed, then during the three years immediately preceding the allowance of the credit or refund.

PARAGRAPH I. Section 1001 of the Revenue Act of 1936 provides in part:

(a) When used in this Act—

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

(2) The term "corporation" includes associations, joint-stock companies, and insurance companies.

(3) The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Act, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(4) The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(7) The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of section 143 or 144.

* * * * * *

(b) The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

Pursuant to the provisions of section 62 of the Revenue Act of 1936 the following regulations are hereby prescribed to carry into effect the quoted provisions of the Convention between the United States of America and Canada, and all regulations inconsistent herewith are modified accordingly:

ART. 1. *Rate of tax.*—The Convention was ratified and became effective August 13, 1937. Under the terms of the Convention, the provisions of which are retroactive to January 1, 1936, the tax at the rate of 10 percent imposed by section 211 (*a*) is reduced to 5 percent with respect to the amount received from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, by every nonresident alien individual not engaged in trade or business within the United States and not having an office or place of business therein, provided he is a resident of Canada.

Under the terms of the Convention the tax at the rate of 10 percent imposed by section 231 (*a*) is reduced to 5 percent with respect to the amount received from sources within the United States as dividends, by every foreign corporation not engaged in trade or business within the United States and not having an office or place of business therein, provided it is organized under the laws of Canada.

ART. 2. *Withholding in general.*—The items of income from sources within the United States enumerated in sections 211 (*a*) and 231 (*a*) are subject to the withholding provisions of sections 143 and 144, at the rates specified therein, with the exception that all items of fixed or determinable annual or periodical income paid to nonresident alien individuals who are residents of Canada (other than the compensation for personal services received by such residents who enter and leave the United States at frequent intervals) and dividends paid to nonresident foreign corporations which are organized under the laws of Canada are subject to withholding at the reduced rate of 5 percent. In general, the provisions of Article 143–1 to Article 143–9, and Articles 144–1 and 144–2 of Regulations 94[1] are applicable in administering the provisions of the Convention.

ART. 3. *Resident of Canada or corporations organized under the laws of Canada.*—For the purpose of withholding, every individual addressee in Canada (including a nonresident alien individual, fiduciary, or partnership) shall be considered by United States withholding agents as a resident of Canada, and every corporation whose address is in Canada shall be considered by such withholding agents as a corporation organized under the laws of Canada. These provisions relative to Canadian residents and Canadian corporations are based upon the assumption that the payee is the actual owner of the property from which the income is derived and consequently is the person liable to the tax upon such income.

A person receiving income which is distributable to an organization exempt from Federal income tax under section 101 of the Revenue Act of 1936 or corresponding sections of prior revenue acts, shall be considered merely a conduit through which the income flows and not a taxable entity. In preparing ownership certificate, Form 1001, the person receiving the income should make a notation thereon substantially as follows: "As this organization has been held to be exempt from the payment of income tax by the Commissioner of Internal Revenue under date of ----------, the interest on this certificate is not subject to withholding", giving the date of the official letter in which the organization was held to be exempt. A similar statement made with respect to other items of fixed or determinable annual or periodical income which are subject to withholding will relieve the withholding agent from liability to withhold the tax.

ART. 4. *Addressee not actual owner.*—If the addressee in Canada is a nominee or agent through whom the income flows to a person who is not entitled to the reduced rate of 5 percent, i. e., a nonresident alien individual who is not a resident of Canada, or a nonresident foreign corporation not organized under the laws of Canada, the addressee in Canada from whom a tax of only 5 percent was withheld, becomes in turn a withholding agent, and is required to withhold an additional tax of 5 percent (10 percent on income other than dividends received for such foreign corporation) before transmitting the income.

(*a*) *Fiduciaries and partnerships.*—Fiduciaries and partnerships with an address in Canada are liable to have 5 percent income tax deducted at the source. If the fiduciary or partnership is acting as a nominee or agent receiving the income for and on behalf of a person other than a resident of Canada or a corporation organized under the laws of Canada, an additional tax of 5 percent or 10 percent, as the case may be, must be deducted by such Canadian fiduciary or partnership and remitted to the United States Treasury. If the fiduciary or partnership receives the income in its own right and distributes its income under a trust deed or partnership agreement, then no further tax in Canada need be deducted.

(*b*) *Tax-free covenant bonds.*—No additional withholding is required with respect to interest on so-called tax-free covenant bonds issued prior to January 1, 1934, where the liability assumed by the obligor exceeds 2 percent but under section 143 (*a*) of the Revenue Act of 1936 only 2 percent income tax is required to be withheld at the source. An additional tax of 5 percent or 10 percent, as the case may be, is required to be withheld, however, by Canadian withholding agents as above provided, (1) where the bonds were issued prior to January 1, 1934, and the liability assumed by the obligor does not exceed 2 percent; (2) where the bonds were issued on or after January 1, 1934, irrespective of the liability assumed by the obligor; (3) where the bonds do not contain a tax-free covenant, regardless of the date of issue.

ART. 5. *Refund of excess tax.*—Although the higher rates of tax imposed by sections 211 (a) and 231 (a) of the Revenue Act of 1936 were retroactive to income received on and after January 1, 1936, withholding at the higher rates of tax was not in effect until July 2, 1936. Consequently, and since during the period January 1 to July 1, 1936 (both dates inclusive), no tax was deducted from dividends paid to nonresident alien individuals, the full amount of tax imposed was not withheld at the source.

The following is a schedule of the rates of tax which, in general, were required to be withheld during the year 1936 from nonresident alien individuals, nonresident partnerships, and nonresident foreign corporations:

*Tax Withheld at Source During 1936 Expressed in Percentages of the Gross Amount of the Income*

| Kind of income | Period January 1-July 1, 1936, both dates inclusive (under the Revenue Act of 1934 and that Act as amended by the Revenue Act of 1935) | | Period July 2-December 31, 1936 (under the Revenue Act of 1936) | |
|---|---|---|---|---|
| | Corporations | Individuals and partnerships | Corporations | Individuals and partnerships |
| Dividends | 15% of 10% (1½%) (d) | None | 10% (e) | 10% (e) |
| Corporate Bond Interest: | | | | |
| (a) | 15% | 4% (d) | 15% | 10% (e) |
| (b) | 2% (e) | 2% (d) | 2% (e) | 2% (d) |
| All other fixed or determinable annual or periodical income including Rents, Royalties, Annuities, Other Interest | 15% | 4% (d) | 15% | 10% (e) |

(a) 1, Bonds issued on or after January 1, 1934, irrespective of liability assumed by obligor;
2, Bonds issued before January 1, 1934, and liability assumed by obligor does not exceed 2%;
3, Bonds without tax-free covenant irrespective of date of issue.
(b) Bonds issued before January 1, 1934, and liability assumed by obligor exceeds 2%.
(c) The withholding rates applicable to this kind of income, are by reason of the Convention, reduced to 5%.
(d) The tax imposed on such income is 5%. The taxpayer is liable for the difference between 5% and the rate withheld.
(e) The tax imposed on such income is 15%. The taxpayer is liable for the difference between 15% and the rate withheld.

In cases where the tax paid (whether paid directly or withheld at the source) is in excess of the tax due from the taxpayer under the Convention, in order to compute the tax properly it will be necessary for the taxpayer to file an income tax return, Form 1040NB, for individuals and Form 1120NB, for corporations, whether or not an income tax return for the year 1936 was filed. In cases where a return has been filed for 1936, the return to be filed under these regulations should be marked "Amended." *The taxpayer's total fixed or determinable annual or periodical income from sources within the United States for the year 1936 should be reported.* In the case of income reported on Form 1040NB, the tax on the income should be computed at the rate of 5 percent. In the case of income reported on Form 1120NB, a tax at the rate of 5 percent should be computed on the dividends only, a tax at the rate of 15 percent being computed on the other items of income reported on the return. Where there has been an overpayment of income-tax claim therefor on Form 843 should accompany the return in order to protect the taxpayers against the running of the statute of limitations provided by section 322 of the Revenue Act of 1936. Any tax paid for the year 1936 in excess of that due from the owner of the income will be refunded by the United States Government as required by law. Where there is a deficiency in tax notice thereof will be sent by the United States Government.

ART. 6. *Release of excess tax withheld.*—Every withholding agent shall immediately release to Canadian addressees (other than corporations) any income tax withheld since December 31, 1936, in excess of 5 percent, and in the case of corporations any income tax withheld since such date in excess of 5 percent with respect to dividends. In such cases claims need not be filed with the withholding agent.

A statement should be attached to annual withholding returns, Form 1013, explaining the discrepancy between the amount of the tax reported as withheld on monthly returns, Form 1012, and the total amount of such tax as shown on Form 1013, resulting from the release of tax in excess of 5 percent.

ART. 7. *Return of tax withheld from Canadian addressees.*—Every United States withholding agent shall make and file with the collector, in duplicate, an information return on Form 1042B, for the calendar year 1937 and each subsequent calendar year, in addition to withholding return, Form 1042, with respect to the items of income from which a tax of only 5 percent was withheld from Canadian addressees. There shall be reported on Form 1042B not only such items of income listed on Form 1042, but also such items of interest listed on monthly returns, Form 1012, including items of interest where the liability for withholding is only 2 percent. In the case of corporations whose addresses are within Canada, only the fixed or determinable income from sources within the United States consisting of dividends should be reported.

ART. 8. *Returns filed by Canadian withholding agents.*—Form 1042 is the form to be prepared annually for the calendar year 1937 and each subsequent calendar year by persons in Canada who receive for the account of any person (other than a resident of Canada or a corporation organized under the laws of Canada) fixed or determinable annual or periodical income from sources within the United States which is subject to tax at the rate of 10 percent or 15 percent, as the case may be, but from which only 5 percent has been withheld as a result of the Convention. Annual withholding return, Form 1042, should be forwarded to the Collector of Internal Revenue, Baltimore, Maryland, accompanied by the tax shown to be due in United States dollars. An extension of time to June 15 is hereby granted to Canadian withholding agents in which to file such returns.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, October 7, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2994; Filed, October 9, 1937; 10:44 a. m.]

[1] 1 F. R. 1908-1911; 2 F. R. 1823

**Federal Alcohol Administration Division.**

SUPPLEMENT NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENTS TO REGULATIONS NO. 5 RELATING TO LABELING AND ADVERTISING OF DISTILLED SPIRITS

TO ADD TO THE SUBJECTS TO BE CONSIDERED AT THE HEARING TO BE HELD BY THE ADMINISTRATION ON MONDAY, NOVEMBER 15TH CERTAIN OTHER PROPOSALS

OCTOBER 8, 1937.

Pursuant to the provisions of Section 5 (e) and (f) of the Federal Alcohol Administration Act as amended:

Notice is hereby given that in addition to the proposals listed in the Administration's Notice of Hearing dated October 1, 1937, concerning which evidence will be taken at the Hearing to be held on November 15th at 10:00 A. M. at the Mayflower Hotel, Washington, D. C., evidence will also be taken at that time and place with reference to the further proposed amendment of Regulations No. 5 relating to the labeling and advertising of distilled spirits:

1. To amend Article III, Section 32 and other pertinent provisions of the regulations in such manner as to permit the same brand label to be used on identical products bottled by the same person at different premises.

2. To amend Article VI, Section 62, and other pertinent sections of the regulations, in such manner as to require that advertisements for blended whiskeys, which contain neutral spirits, make a more conspicuous and prominent statement of the neutral spirits content of the product than is at present prescribed.

3. To amend Article VI, Section 64 (c), and other pertinent sections of the regulations, in such manner as to permit advertisements for bottled in bond whiskey, the labels upon which contain no statement of age, to refer to the maturity of the product in general terms by the use of words such as "old", "mature", etc.

4. To amend Article VIII, Section 80, and other pertinent sections of the regulations, in such manner as to provide that the regulations shall not apply to distilled spirits bottled for export.

[SEAL] W. S. ALEXANDER, *Administrator.*

[F. R. Doc. 37-2995; Filed, October 9, 1937; 10:44 a. m.]

## WAR DEPARTMENT.

RULES AND REGULATIONS TO GOVERN THE OPERATION OF THE HIGHWAY BRIDGE ACROSS UMPQUA RIVER, AT REEDSPORT, OREGON

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (or in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

THE REGULATIONS

In pursuance of the foregoing law, the following special regulations are prescribed to govern the operation of the highway bridge across the Umpqua River at Reedsport, Douglas County, Oregon:

1. The owner of, or agency controlling, the bridge shall provide the appliances and the personnel necessary for the safe, prompt, and efficient opening of the draw at any time during the day or night for the passage of any vessel or other water craft, which cannot pass under the closed draw, when the following signal is received:

One (1) long blast followed immediately by one (1) short blast of a whistle, siren, trumpet, horn or megaphone, or one loud and distinct stroke of a bell.

When the draw of the bridge *can* be opened immediately the draw tender shall reply by

One (1) long blast of a whistle, horn, siren, trumpet or megaphone, or one (1) loud and distinct stroke of a bell.

If the draw of the bridge *cannot* be opened immediately, the draw tender shall reply by

A succession of short blasts of a whistle, horn, siren, trumpet, or megaphone or loud and distinct ringing of a bell.

2. A copy of these regulations shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

3. The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once every four months to make certain that the machinery is in proper order for satisfactory operation.

4. These special regulations shall take effect and be in force on and after the date of approval hereof.

Approved, September 28, 1937.

[SEAL] HARRY H. WOODRING
*Secretary of War.*

FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 37-2988; Filed, October 9, 1937; 9:34 a. m.]

RULES AND REGULATIONS TO GOVERN THE OPERATION OF THE HIGHWAY BRIDGE ACROSS SIUSLAW RIVER AT FLORENCE, OREGON

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

THE REGULATIONS

In pursuance of the foregoing law, the following special regulations are prescribed to govern the operation of the highway bridge across the Siuslaw River, at Florence, Lane County, Oregon:

1. The owner of, or agency controlling, the bridge shall provide the appliances and the personnel necessary for the safe, prompt, and efficient opening of the draw at any time during the day or night for the passage of any vessel or other water craft, which cannot pass under the closed draw, when the following signal is received:

One (1) long blast followed immediately by one (1) short blast of a whistle, siren, trumpet, horn or megaphone, or one loud and distinct stroke of a bell.

When the draw of the bridge *can* be opened immediately the draw tender shall reply by

One (1) long blast of a whistle, horn, siren, trumpet or megaphone, or one (1) loud and distinct stroke of a bell.

If the draw of the bridge *cannot* be opened immediately, the draw tender shall reply by

A succession of short blasts of a whistle, horn, siren, trumpet, or megaphone or loud and distinct ringing of a bell.

2. A copy of these regulations shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

3. The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once every four months to make certain that the machinery is in proper order for satisfactory operation.

4. These special regulations shall take effect and be in force on and after the date of approval hereof.

Approved, September 29, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 37-3000; Filed, October 11, 1937; 9:34 a. m.]

## DEPARTMENT OF THE INTERIOR.

**General Land Office.**

REVISED INSTRUCTIONS PROVIDING FOR AN EXCHANGE OF LANDS GRANTED TO THE STATE OF CALIFORNIA FOR LANDS IN PRIVATE OWNERSHIP

AUGUST 20, 1937.

REGISTER, UNITED STATES LAND OFFICE,
*Los Angeles, California.*

SIR: The following instructions are issued, governing the procedure in making State exchanges under the act of June 5, 1936 (49 Stat. 1482), and are to supersede the previous instructions approved July 13, 1936.

The act of Congress approved June 5, 1936 (49 Stat. 1482), amended the act of March 3, 1933 (47 Stat. 1487), providing for the selection of lands within a certain area in the State of California for the use of the California State Park System, by adding at the end of said act the following proviso:

*Provided further*, That in order to consolidate park areas and/or to eliminate private holdings therefrom, lands patented hereunder may be exchanged, subject to the mineral reservation in the United States as hereinbefore provided, with the approval of and under rules prescribed by, the Secretary of the Interior for privately-owned lands in the area hereinbefore described of approximately equal value containing the natural features sought to be preserved hereby, and the lands so acquired shall be subject to all the conditions and reservations prescribed by this Act, including the reversionary clause hereinbefore set out.

The object of this amendment is to permit the consolidation of park lands within the area involved. Under these provisions of the act the State of California, with the approval of the Secretary of the Interior and under the rules prescribed by the Secretary, may exchange lands, subject to the mineral reservation in the United States, which have been or may be patented to the State under said act of 1933, for privately-owned lands within that area of approximately equal value containing the natural features sought to be preserved by said act. The lands to be acquired by the State through such exchange will be subject to the same conditions and reservations prescribed by said act, including the reversionary clause.

A proposal for an exchange desired to be made by the State in accordance with these provisions of the act must be submitted to the Secretary of the Interior for consideration. Such proposal for exchange should be filed in your office, together with an affidavit by the agent of the State showing that the lands patented to the State under said act and those desired to be acquired by the State in exchange are of approximately equal value, and that the tracts to be acquired contain characteristic desert growth and scenic or other natural features desired to be preserved as a part of the California State Park System.

The proposal for exchange should be in the form of a joint application signed by the proper State official and by the owner of the land which the State desires to acquire in exchange, definitely describing by legal subdivisions of the Government surveys the lands relinquished by the State and those desired by the State in exchange therefor. Such joint application should be filed in your office in triplicate, two copies of which you will transmit to this Office, one copy to be given the serial number of the original selection of the State, the second copy to be assigned a new serial number under which patent would be issued to the party exchanging with the State, and the third copy should be forwarded to the Division of Investigations. Such joint application should be accompanied with a deed of reconveyance to the United States of the tract patented to the State under said act of March 3, 1933, and with a deed of conveyance to the United States from the owner of the tract desired by the State in exchange, such deeds to be duly executed in accordance with the laws of the State, and both deeds to be unrecorded. There should also be filed a certificate by the proper State officer and a certificate by the county recorder showing no encumbrances of the land reconveyed by the State to the United States.

There must be filed a duly-authenticated abstract of title to the tract conveyed to the United States and desired by the State in exchange, showing title to such land in the party conveying to the United States. The certificate of authentication of the abstract must be signed by the recorder of deeds under his official seal and must show that the title memorandum is a full, true, and complete abstract of all matters of record or on file in his office, including conveyances, mortgages, or other encumbrances. The custodian of tax records must certify that all taxes levied or assessed against the land or that could operate as a lien thereon, have been paid in full, and that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of his office. The absence of judgment liens or pending suits against the grantor, which might affect the title to the land, must be shown by the official certificates of the clerks of the courts of record whose judgments under the laws of the United States or of the State constitute a lien on the land conveyed. Such abstract may be authenticated by an abstracter or abstract company approved under section 42 of the mining regulations of April 11, 1922 (49 L. D. 15, 69).

Upon receipt of a joint application for exchange in the General Land Office, accompanied with the required evidence, a report will be requested from the Division of Investigations as to the comparative values of the lands involved, those relinquished by the State, and those desired by the State in lieu thereof.

Publication of notice of the proposed exchange will not be required and payment of fees will not be required in connection therewith.

If all be regular and the report of the Division of Investigations be satisfactory, the proposed exchange will be submitted to the Secretary of the Interior for his consideration. Upon the approval of the exchange by the Secretary of the Interior, the deeds of conveyance will be returned for recording and the abstract of title to be brought down to show such recordation.

Upon the receipt in this Office of the recorded deeds, a patent will be issued to the State for the tract desired in exchange, such patent to contain the mineral reservation and the forfeiture provision prescribed by the act of March 3, 1933, and as contained in the patent issued to the State for the land originally selected. A patent also will be issued to the party exchanging with the State, for the tract reconveyed by the State to the United States.

Very respectfully,

FRED W. JOHNSON,
*Commissioner.*

Approved August 20, 1937.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-2991; Filed, October 9, 1937; 9:35 a. m.]

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INSTRUCTIONS UNDER THE ACT OF CONGRESS PROVIDING FOR THE SELECTION OF LANDS IN THE STATE OF CALIFORNIA FOR THE USE OF THE CALIFORNIA STATE PARK SYSTEM

SEPTEMBER 22, 1937.

REGISTER, UNITED STATES LAND OFFICE,
*Los Angeles, California.*

SIR: The act of Congress approved June 29, 1936 (49 Stat. 2026), entitled "An Act To provide for the selection of certain lands in the State of California for the use of the California State park system," reads as follows:

That subject to valid rights existing on the date of this Act, the State of California may, within five years, select for State park purposes by legal subdivisions all or any portion of the public land not reserved for public purposes in the following townships:

Township 13 south, range 4 east, San Bernardino meridian, sections 25, 26, 35, and 36; township 13 south, range 5 east; township 13 south, range 6 east; township 13 south, range 7 east; township 13 south, range 8 east; township 13 south, range 9 east.

Township 14 south, range 4 east, sections 1 and 12; township 14 south, range 5 east, sections 1 to 26, inclusive, 35, and 36; township 14 south, range 6 east; township 14 south, range 7 east; township 14 south, range 8 east; township 14 south, range 9 east.

Township 15 south, range 6 east, sections 1 to 18, inclusive; township 15 south, range 6 east, sections 21 to 27, inclusive; township 15 south, range 6 east, sections 34, 35, and 36; township 15 south, range 7 east, township 15 south, range 8 east; township 15 south, range 9 east; township 15 south, range 10 east, sections 29, 30, 31, and 32.

Township 16 south, range 6 east, sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16; township 16 south, range 7 east; township 16 south, range 8 east; township 16 south, range 9 east, sections 1 to 12, inclusive; township 16 south, range 10 east, sections 5, 6, 7, and 8.

Township 17 south, range 8 east, San Bernardino meridian: *Provided*, That the Secretary of the Interior may set aside lands of approximately forty-two thousand acres of the above-described area, and may in his discretion, and under such rules and regulations as he may prescribe, transfer complete title to all or any part of the same to the State of California on the basis of acre for acre in consideration of the transfer by the State of California to the United States of the complete title to lands owned by said State within the area withdrawn by Executive Order Numbered 6361 of October 25, 1933, and the provisions of section 2 of this Act shall not apply thereto.

SEC. 2. Upon the submission of satisfactory proof that the land selected contains characteristic desert growth and scenic or other natural features which it is desirable to preserve as a part of the California State park system, the Secretary of the Interior shall cause patents to issue therefor: *Provided*, That there shall be reserved to the United States all coal, oil, gas, or other mineral contained in such lands, together with the right to prospect for, mine, and remove the same at such times and under such conditions as the Secretary of the Interior may prescribe: *Provided further*, That any patent so issued shall contain a provision for reversion of title to the United States upon a finding by the Secretary of the Interior that for a period of more than one year the land has not been used by the State for park purposes: *And provided further*, That in order to consolidate park areas or to eliminate private holdings therefrom, lands patented hereunder may be exchanged with the approval of and under rules prescribed by the Secretary of the Interior for privately owned lands in the area hereinbefore described of approximately equal value containing the natural features sought to be preserved hereby. The lands so acquired to be subject to all the conditions and reservations prescribed by this Act, including the reversionary clause hereinbefore set out.

The public lands within the area described, not reserved for public purposes and not embraced in entries or claims based upon rights existing on the date of the act and thereafter legally maintained are, in view of the five-year period fixed, withheld from disposition under the public land laws other than that authorized until June 30, 1941. You will make appropriate notations as to this reservation upon the records of your office.

For the purpose of this act it is not considered that the public lands involved are affected by the withdrawal made by Executive Order No. 6910, of November 26, 1934, as amended.

Applications to select lands under this grant within the area described should be filed in your office by the proper State officer, in accordance with the regulations governing selections of lands by States, approved June 23, 1910 (39 L. D. 39), as applying to "special grants" or "grants in quantity," except that because of the mineral reservation made by the act no non-mineral affidavit will be required. No affidavit as to springs or water holes will be required in connection with such applications. There must be furnished, however, an affidavit showing that the land is unappropriated, that it is not occupied by and does not contain improvements placed thereon by any Indian, and that no part of the land is claimed, occupied, or being worked under the mining laws. Each selection list must be accompanied with proof that the land selected contains characteristic desert growth and scenic or other natural features which it is desired to preserve as a part of the California State park system. Payment of fees will be required in the sum of $2 for each 160 acres, or fraction thereof.

The selections in any one list should not contain more than 6,400 acres in accordance with the regulations above referred to, 39 L. D. 39, and in each selection list it should be stated that the selections are made under said act of June 29, 1936 (49 Stat. 2026). A certificate of the selecting agent of the State showing that the selections are made under and pursuant to the laws of the State must be furnished with each selection list.

Upon acceptance of the selections, you will prepare a notice for publication thereof.

Any patent issued to the State for such selections, excepting any which may be made under the proviso to section 1 of the act, will contain the mineral reservation and forfeiture provision prescribed by section 2 of the act. No provision is made at this time for development of the reserved mineral deposits in the lands to be so conveyed under this act, and until such regulations shall have been issued, the reserved mineral deposits will not be subject to disposition.

Under the provisions of the act, the State of California, with the approval of the Secretary of the Interior and under rules prescribed by the Secretary, may exchange lands which may be patented under this act with a reservation of minerals to the United States, for privately-owned lands within the area described of approximately equal value, containing the natural features sought to be preserved by the act. The lands to be acquired by the State through such exchange will be subject to the same conditions and reservations prescribed by said act, including the reversionary clause.

A proposal for an exchange desired to be made by the State in accordance with these provisions of the act must be submitted to the Secretary of the Interior for consideration. Such a proposal for exchange should be filed in your office together with an affidavit by the agent of the State showing that the lands patented to the State under said act and



those desired to be acquired by the State in exchange, are of approximately equal value, and that the tracts to be acquired contain characteristic desert growth and scenic or other natural features desired to be preserved as a part of the California State park system.

The proposal for exchange should be in the form of a joint application signed by the proper State official and by the owner of the land which the State desires to acquire in exchange, definitely describing by legal subdivisions of the Government surveys the lands relinquished by the State and those desired by the State in exchange therefor. Such joint application should be filed in your office in triplicate, two copies of which you will transmit to this office, one copy to be given the serial number of the original selection of the State, the second copy to be assigned a new serial number under which patent would be issued to the party exchanging with the State and the third copy should be forwarded to the Division of Investigations. Such joint application should be accompanied with a deed of reconveyance to the United States of the tract patented to the State under said act of June 29, 1936 (Public, No. 838, 49 Stat. 2026), and with a deed of conveyance to the United States from the owner of the tract desired by the State in exchange, such deeds to be duly executed in accordance with the laws of the State, and both deeds to be unrecorded. There should also be filed a certificate by the proper State officer and a certificate by the county recorder showing no encumbrances of the land reconveyed by the State to the United States.

There must be filed a duly-authenticated abstract of title to the tract conveyed to the United States and desired by the State in exchange, showing title to such land in the party conveying to the United States. The certificate of authentication of the abstract must be signed by the recorder of deeds under his official seal and must show that the title memorandum is a full, true, and complete abstract of all matters of record or on file in his office, including conveyances, mortgages, or other encumbrances. The custodian of tax records must certify that all taxes levied or assessed against the land or that could operate as a lien thereon, have been paid in full, and that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of his office. The absence of judgment liens or pending suits against the grantor, which might affect the title to the land, must be shown by the official certificates of the clerks of the courts of record whose judgments under the laws of the United States or of the State constitute a lien on the land conveyed. Such abstract may be authenticated by an abstractor or abstract company approved under section 42 of the mining regulations of April 11, 1922 (49 L. D. 15, 69).

Upon receipt of a joint application for exchange in the General Land Office, accompanied with the required evidence, a report will be requested from the Division of Investigations as to the comparative values of the lands involved, those relinquished by the State and those desired by the State in lieu thereof. At the same time a report will be requested from the National Park Service as to the value for park purposes of the lands desired by the State.

Publication of notice of the proposed exchange will not be required and payment of fees will not be required in connection therewith.

If all be regular and the reports of the Division of Investigations and the National Park Service be satisfactory, the proposed exchange will be submitted to the Secretary of the Interior for his consideration. Upon the approval of the exchange by the Secretary of the Interior, the deeds of conveyance will be returned for recording and the abstract of title to be brought down to show such recordation.

Upon the receipt in this Office of the recorded deeds, a patent will be issued to the State for the tract desired in exchange, such patent to contain the mineral reservation and the forfeiture provision prescribed by the act, and as contained in the patent issued to the State for the lands originally selected. A patent also will be issued to the party exchanging with the State for the tract reconveyed by the State to the United States.

The proviso to section 1 of the act provides that the Secretary of the Interior may set aside lands embracing approximately 42,000 acres of the area described in the act, and in his discretion, and under such rules and regulations as he may prescribe, may transfer complete title to all or any part thereof to the State of California on an acre-for-acre basis, in consideration of the transfer by the State to the United States of the complete title to lands owned by the State within the area withdrawn by Executive Order No. 6361, of October 25, 1933, in which event the provisions of section 2 of the act would not apply.

Should the Secretary of the Interior elect to designate 42,000 acres of the area described for the purpose of exchange in accordance with the proviso to section 1 of this act, further instructions will be issued in regard thereto.

Very respectfully,

FRED W. JOHNSON,
*Commissioner.*

Approved: September 22, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2989; Filed, October 9, 1937; 9:34 a. m.]

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STOCK DRIVEWAY WITHDRAWALS NOS. 156, 209, AND 238, OREGON NOS. 14, 26, AND 36, MODIFIED

OCTOBER 1, 1937.

It appearing that the following-described public land should be included in Stock Driveway Withdrawal No. 209, Oregon No. 26, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such land, excepting any mineral deposits therein, be, and it is hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

WILLAMETTE MERIDIAN

T. 11 S., R. 26 E.,
sec. 33, SE¼SE¼, 40 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

And departmental orders of June 14, 1922, February 25, 1930, May 11 and November 10, 1931, September 22, 1932, and January 19 and April 5, 1937, establishing or modifying Stock Driveway Withdrawals Nos. 156, 209, and 238, Oregon Nos. 14, 26, and 36, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 10 S., R. 25 E.,
sec. 25, SW¼, W½SE¼;
sec. 34, NE¼, E½NW¼, NE¼SW¼;
T. 11 S., R. 25 E.,
sec. 1, SW¼NE¼, lot 4, S½NW¼, E½SW¼, SE¼;
sec. 12, NE¼, E½NW¼, SW¼;
sec. 13, N½NW¼, SW¼NW¼, SW¼, SW¼SE¼;
sec. 23, S½SW¼, SE¼,
sec. 24, N½, SW¼, NW¼SE¼;
sec. 25, NW¼, N½S½;
sec. 26, N½, N½S½, S½SW¼;
sec. 34, E½;
sec. 35;
T. 12 S., R. 25 E.,
sec. 1, N½, N½S½;
sec. 2, N½, SW¼, N½SE¼;
sec. 3, NE¼, N½SE¼;
T. 11 S., R. 26 E.,
sec. 4, lots 1 and 4, S½NW¼, S½;
sec. 5, E½, N½SW¼;
sec. 6, N½SE¼;
sec. 29, S½SW¼, SW¼SE¼;
sec. 31, E½NE¼;
sec. 32, W½NE¼, NW¼, NW¼SE¼;
sec. 35, NE¼SW¼, NW¼SE¼;

T. 12 S., R. 26 E.,
sec. 2, W½W½;
sec. 3, NE¼, N½NW¼;
sec. 4, S½NW¼, SW¼;
sec. 5, S½N½; N½S½;
sec. 9, N½NW¼;
sec. 14, W½E½, W½;
sec. 22;
sec. 24, E½, E½W½;
sec. 26, W½E½, NW¼, N½SW¼, SE¼SW¼;
sec. 30, NE¼NW¼, W½W½, SE¼SW¼; W½SE¼;
sec. 32, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
T. 13 S., R. 26 E.,
sec. 4, W½;
sec. 6, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
sec. 7, N½NE¼, N½SW¼;
sec. 8, N½NE¼;
sec. 9, S½;
sec. 10, NE¼NE¼, W½SW¼, SE¼SW¼;
sec. 13, W½W½;
sec. 23, NW¼NW¼;
sec. 25, E½E½, E½NW¼;
T. 14 S., R. 26 E.,
sec. 1, lots 1 and 2, E½SW¼, SE¼;
sec. 12, NE¼NE¼, W½E½, E½W½;
sec. 13, E½NW¼, NE¼SW¼;
T. 14 S., R. 27 E.,
sec. 7, SW¼, S½SE¼;
sec. 17, N½, N½SW¼, SE¼;
sec. 18, N½, N½SW¼, SE¼SW¼, SE¼;
sec. 20, NE¼NE¼, S½N½, S½;
secs. 28 and 29;
sec. 34, W½E½, W½;
T. 15 S., R. 27 E.,
sec. 4, SW¼NW¼, W½SW¼, NE¼SW¼;
sec. 8, W½NW¼, SW¼;
secs. 17, 20 and 21;
sec. 27, W½;
sec. 28;
sec. 34, W½;
aggregating 20,504.36 acres.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-2990; Filed, October 9, 1937; 9:35 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Farm Security Administration.

[Administration Order 161 (Revision 1)[1]]

RELEASE OF PROPERTY SUBJECT TO A LIEN

OCTOBER 8, 1937.

1. *Purpose.—a.* This Order prescribes the procedure to be followed and the terms and conditions upon which property subject to a lien to the FSA, U. S. Department of Agriculture, or a state RR corporation may be released in whole or in part when the indebtedness secured by such a lien has not been fully repaid.

2. *Definition.—a.* The term mortgage as used herein will mean a chattel mortgage, chattel deed of trust, conditional sales contract, crop mortgage, crop lien, or other similar instrument, *except a mortgage on real property*, given to secure a loan made by the FSA, U. S. Department of Agriculture, or a state RR corporation.

3. *Conditions upon which property may be released.—a.* Mortgaged property, or any part thereof, may be released from the lien of such mortgage to accomplish any of the purposes set forth under paragraph 4a and b hereof in order to further the rehabilitation of the client, provided that:

I. Such a release will not jeopardize the ultimate collection of the loan.

NOTE.—This Revision provides for the necessary changes in release procedure.

II. The same is permitted by the laws of the state in which the property is situated.

III. The accomplishment of the said purpose will not render the mortgage void by reason of the law of the state where the property is situated.

[1] Supplements paragraph 3c IV H of AO 178 (Rev. 1)—3/18/37.

*b.* Mortgaged property, or any part thereof, may be released from the lien of such mortgage to accomplish the purposes set forth in paragraph 4c hereof, provided that:

I. Such a release will not jeopardize the lien held by the FSA or a state RR corporation on any property which has at the time of the release not as yet been released for the accomplishment of the purposes set forth in paragraph 4c hereof.

II. The same is permitted by the laws of the state in which the property is situated.

*c.* No property will be released from the lien of a mortgage when the indebtedness secured by such a lien has not been fully repaid, except subject to the terms and conditions of this Order and any supplement, revision, or modification thereto.

4. *Purposes for which property may be released.—a.* Mortgaged property, or any part thereof, may be released from the lien of a mortgage in order to further the rehabilitation of the client, by enabling the client:

I. To sell the property, or such part thereof, as will be released from the lien of the mortgage and to apply the proceeds in payment of the indebtedness secured by the mortgage. (Release of property for this purpose contemplates the normal sale of such property in connection with farming operations and is to be distinguished from release of property contemplated in paragraph 4c below for the purpose of liquidating a client's indebtedness.)

II. To sell the property, or such part thereof as will be released from the lien of the mortgage, and to apply the proceeds of such sale to the purchase of other property which will be more suitable to his needs and will assist in his rehabilitation, provided:

A. That the new property to be purchased is inspected by the county RR supervisor or district RR supervisor, and found to be suitable to the client's needs.

B. That any excess of proceeds of sale above the cost of the new property be transmitted immediately and applied to the indebtedness.

C. That such new property is made subject to a first mortgage executed and delivered to the United States of America or to the state RR corporation.

III. To exchange the property, or such part thereof as will be released from the lien of the mortgage, for other property which will be more suitable to his needs and will more adequately contribute in his rehabilitation, provided:

A. That the property for which exchange is to be made is inspected by the county RR supervisor or district RR supervisor and found to be suitable to the client's needs.

B. That any cash remitted by the new owner be transmitted immediately and applied to the indebtedness.

C. That such new property is made subject to a first mortgage executed and delivered to the United States of America or to the state RR corporation.

IV. To sell the property, or such part thereof, as will be released from the lien of the mortgage, to meet farming or harvesting expenses when such expenses are determined by the county RR supervisor to be justifiable and proper.

V. To use, sell, or exchange property, or such part thereof, as will be released from the lien of the mortgage, to meet subsistence and emergency needs of the debtor and his family, when such expenses are determined by the county RR supervisor to be justifiable and proper.

VI. To sell the property, or such part thereof as will be released from the lien of the mortgage, to preserve the remainder of the mortgaged property or other mortgaged property from deterioration or spoilage.

*b.* Crops, livestock products, and other farm products may be released from a lien:

I. When, at seasonable time, crops, livestock products, and other farm products are to be marketed and the proceeds of such sales are to be applied as a payment on the client's indebtedness.

II. When the installment of indebtedness due to the FSA, U. S. Department of Agriculture, or to the state RR corporation during the year in which a crop matures or agricultural products are ready for market has been paid, such crops or agricultural products may be released from the lien of the mortgage to enable the client to sell and apply the proceeds of such sale to the expenditures contemplated in the approved farm plan of the client.

III. To sell crops, livestock products, or other farm products for the purpose of meeting justifiable expenses which were contemplated in the farm plan.

*c.* Mortgaged property or any part thereof may be released from the lien of said mortgage for liquidation of the client's account by enabling him to sell the property or such part thereof as will be released from the lien of the mortgage pursuant to this Order and to apply the proceeds in payment of his indebtedness to the FSA, U. S. Department of Agriculture, or to the state RR corporation.

5. *Application for Release.—a.* Any debtor may apply for a release of mortgaged property, or any part thereof, by applying to the county RR supervisor, and filling out Form RA-LE 90, Rev., "Application for Release of Mortgaged Property" (a copy of which is attached hereto for reference[1]), in triplicate where the authority to execute a release has not been delegated to the state director or district RR supervisor and in quadruplicate where such authority to execute releases has been delegated to these officers.

*b.* After filling in his recommendations, as provided in the application form, the county RR supervisor will (if unauthorized to execute the release), forward the original of the application form to the regional office (where the authority to execute the release has not been delegated to the state director or district RR supervisor) or forward the one copy to the regional office and the original to such superior officer (state director or district RR supervisor) as has been authorized to execute the release. One copy will be given to the client and the remaining copy will be retained by the county RR supervisor. If the county RR supervisor is authorized to execute the release, he will prepare and execute the same and dispose of the various copies in accordance with paragraph 6d hereof.

6. *Execution of release form and delegation of authority to execute the same.—a.* All releases *must* be in writing, in a form approved by the Solicitor's Office. No form will be used for any of the purposes set forth in paragraph 4 hereof unless the regional attorney has approved in writing the use of said form for such purposes in the state concerned.

*b.* Regional directors are authorized to execute releases as agents of the Secretary of Agriculture, or as agents of the Administrator of the FSA, or as agents of the FSA for the purposes and subject to the terms and conditions set forth in this Order. Such authority may be delegated to assistant regional directors in charge of RR, who may in turn redelegate to regional Collection advisers or chiefs of the regional Loan and Collections sections, loan approval advisers, state RR directors, and district RR supervisors.

*c.* Regional directors may delegate and assistant regional directors in charge of RR, state RR directors, and district RR supervisors may redelegate authority to execute releases for the purposes set forth in paragraphs 4a I, 4b I, and 4b II hereof to county RR supervisors.

*d.* If the regional director or other officer to whom the authority to execute releases has been delegated, or redelegated, using the information contained in the application for release and such other information as he may have in his office, is satisfied that, in accordance with the terms and conditions set forth in this Order, the property, or any part thereof, should be released, he will prepare in quintuple and execute the original and one copy of a release form (as approved for the state), for the release of part or all of the mortgaged property. The original, the executed copy, and one other copy will be forwarded directly to the county RR supervisor in charge. The fourth copy of the release must be forwarded on the day of execution, together with the appropriate copy of the application for release, to the regional Loan and Collections section to be filed with the mortgage, and the fifth copy of the release will be forwarded to the district RR supervisor. The original and two copies forwarded to the county RR supervisor will be used as follows: Original, signed copy will be recorded or filed if in the opinion of the regional attorney the local law requires the mortgagee to record or file releases. If in the opinion of the regional attorney the local law does not require the mortgagee to record or file releases, the original copy will be delivered to the client, and the unsigned copy will be placed in the files of the county RR supervisor. Nothing contained in this paragraph shall be construed to prevent any official of the FSA from withholding the delivery of a release in order to assure the use of the released property for the purposes intended.

I. The regional director will consult the regional attorney as to the matters set forth in paragraph 6a hereof, and as to all matters of local law required to be decided by this Order including the necessity for recording and filing releases, and as to the best method of proceeding pursuant to this Order and in accordance with the law of the state where the property is situated.

*c.* All delegations and redelegations of authority made hereunder *must* be made in writing, designating by name, title, and address the delegatee and specifying the authority granted, and the same will be made a matter of record.

7. *Checking System to Assume the Execution of Chattel Mortgages for Chattels Acquired through Release.—a.* The regional Loan and Collections section will require that new mortgages be sent to the regional office within a reasonable time for new chattels acquired through exchange or sale of chattels released, pursuant to paragraph 4a II and III hereof, and will maintain a close check to see that cash proceeds from the sale or exchange of mortgaged property are properly transmitted to the Treasury Disbursing office for the region.

[SEAL] WILL W. ALEXANDER, *Administrator.*

Approved, October 8, 1937.

H. A. WALLACE,
*Secretary of Agriculture.*

[1] Form filed with original document in the Division of the Federal Register, The National Archives.

[F. R. Doc. 37-2986; Filed, October 8, 1937; 2:24 p. m.]

[Administration Order 231]

DETERMINATION OF THE EQUITABLE DISTRIBUTION OF FUNDS APPROPRIATED PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT

OCTOBER 8, 1937.

1. Pursuant to the provisions of Section 4 of Title I of the Bankhead-Jones Farm Tenant Act, there is attached hereto a schedule representing the equitable distribution of the money appropriated for the purposes of Title I for the fiscal year ending June 30, 1938, among the several states and territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary.

2. No allotment shall be made to any state or territory in excess of the amounts so distributed.

[SEAL] WILL W. ALEXANDER, *Administrator.*

Approved:

H. A. WALLACE,
*Secretary of Agriculture.*

*Equitable Distribution of Loan Funds Available for the Fiscal Year Ending June 30, 1938, for Title I of the Bankhead-Jones Farm Tenant Act*

| | |
|---|---|
| Region I | $308,124 |
| Connecticut | 7,195 |
| Delaware | 11,634 |
| Maine | 8,774 |
| Maryland | 45,244 |
| Massachusetts | 6,968 |
| New Hampshire | 3,820 |
| New Jersey | 17,603 |
| New York | 76,697 |
| Pennsylvania | 118,828 |
| Rhode Island | 2,067 |
| Vermont | 9,204 |
| Region II | 458,001 |
| Michigan | 109,952 |
| Minnesota | 215,432 |
| Wisconsin | 132,617 |
| Region III | 1,368,418 |
| Illinois | 311,790 |
| Indiana | 185,582 |
| Iowa | 330,561 |
| Missouri | 316,158 |
| Ohio | 224,327 |
| Region IV | 1,591,619 |
| Kentucky | 334,060 |
| North Carolina | 527,586 |
| Tennessee | 416,191 |
| Virginia | 213,967 |
| West Virginia | 99,815 |
| Region V | 1,718,322 |
| Alabama | 615,531 |
| Florida | 61,623 |
| Georgia | 635,003 |
| South Carolina | 406,165 |
| Region VI | 1,505,041 |
| Arkansas | 487,556 |
| Louisiana | 376,890 |
| Mississippi | 640,595 |
| Region VII | 633,965 |
| Kansas | 213,192 |
| Nebraska | 197,105 |
| North Dakota | 103,809 |
| South Dakota | 119,859 |
| Region VIII | 1,344,978 |
| Oklahoma | 427,919 |
| Texas | 917,059 |
| Region IX | 118,936 |
| Arizona | 12,266 |
| California | 90,963 |
| Nevada | 1,525 |
| Utah | 14,182 |
| Region X | 123,355 |
| Colorado | 74,163 |
| Montana | 37,240 |
| Wyoming | 11,952 |
| Region XI | 122,456 |
| Idaho | 39,045 |
| Oregon | 37,166 |
| Washington | 46,245 |
| Region XII | 24,771 |
| New Mexico | 24,771 |
| 3 Territories | 181,927 |
| Alaska | 519 |
| Hawaii | 87,044 |
| Puerto Rico | 94,364 |
| District of Columbia | 87 |
| Grand total | $9,500,000 |

[F. R. Doc. 37-2987; Filed, October 8, 1937; 2:24 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE CRON AND GRACEY-THOMPSON TRACT, FILED ON SEPTEMBER 22, 1937, BY T. S. HOSE, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B, to wit:

In that the statement made under Division II, Item 20 (*b*), relative to the percentage of water in fluid produced from the tract involved, is considered inaccurate and misleading for the reason that the Commission has information to the effect that Wells Nos. 1 and 2 are each producing 90% of water in fluid produced, and Well No. 3 is producing 60% of water in fluid produced, whereas under said item it is set forth that no water is being produced from said tract.

*It is ordered,* Pursuant to Rule 340 (*b*) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered,* That Charles S. Moore, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered,* That the taking of testimony in this proceeding commence on the 21st day of October, 1937, at 10 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3003; Filed, October 11, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of October, A. D., 1937.



[File No. 32-50]

IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FILED PURSUANT TO SECTION 6 (B) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Washington Gas Light Company, a subsidiary of Washington and Suburban Companies, a registered holding company, having heretofore filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of 6 (a) of said Act of the issue or sale of securities of the applicant; and said Washington Gas Light Company having thereafter requested the withdrawal of said application;

The Commission, having due regard to the public interest and the interest of investors and consumers, upon request of the applicant, consents to the withdrawal of the above application and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3004; Filed, October 11, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of October, A. D., 1937.

[File No. 46-37]

IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FILED PURSUANT TO SECTION 10 (A) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Washington Gas Light Company, a subsidiary of Washington and Suburban Companies, a registered holding company, having heretofore filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by said Washington Gas Light Company from said Washington and Suburban Companies of securities of Washington Suburban Gas Company and of Alexandria Gas Company, subsidiaries of said Washington and Suburban Companies; and said Washington Gas Light Company having thereafter requested the withdrawal of said application;

The Commission, having due regard to the public interest and the interest of investors and consumers, upon request of the applicant, consents to the withdrawal of the above application and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3005; Filed, October 11, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of October, A. D., 1937.

[File No. 2-2921]

IN THE MATTER OF OLD DIAMOND GOLD MINES, LIMITED (NO PERSONAL LIABILITY)

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Old Diamond Gold Mines, Limited (No Personal Liability), an Ontario corporation, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Items 34 and 54, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

*It is ordered,* Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Old Diamond Gold Mines, Limited (No Personal Liability), an Ontario corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3006; Filed, October 11, 1937; 12:55 p. m.]

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## SPECIAL MEXICAN CLAIMS COMMISSION.

NOTICE TO CLAIMANTS BEFORE THE SPECIAL MEXICAN CLAIMS COMMISSION

EXTENSION OF THE COMMISSION

By the provisions of House Joint Resolution 437, approved by the President on August 25, 1937, the period prescribed for the completion of the work of the Special Mexican Claims Commission was extended until the end of August 1938, subject to possible earlier termination by executive order upon the completion of its work before the end of the additional period. By reason of the extension, notice of the entry of decisions will be given as hereinafter stated.

This extension of time will make it possible for the Commission to accept and consider such additional evidence and written legal contentions as may be submitted within the period hereinafter announced. It will also afford the Commission an opportunity to make appropriate independent investigations of claims prior to the entry of final awards and, upon proper showing as hereinafter indicated, to review its decisions after they are announced.

The Act of April 10, 1935, under which the Commission was established, provided that the decisions of the Commission should be based upon the existing records in the claims before it, and such additional evidence and written legal contentions as might be presented. The Commission was also given authority, in its discretion, to make independent investigations.

By and under the Rules and Regulations adopted by the Commission on September 16, 1935, copies of which were sent to claimants, periods for the presentation of additional evidence and written legal contentions were prescribed. Such evidence and legal contentions were presented in a large number of cases and were considered, in connection with the records previously existing, in the determination of claims. Independent investigations were made by the Commission in a relatively small number of cases. The Commission was aware of the availability of pertinent information, not in the record, with respect to a considerable number of claims which the time at its disposal did not permit it to investigate. Because of the limited time allowed for the decision of all claims, the Commission was obliged, during the last six months of the period originally prescribed for the completion of its work, to deny the requests of claimants and attorneys for additional time in which to present evidence and written legal contentions, for its consideration.

All the 2815 claims within the present jurisdiction of the Commission have been decided on the basis of the existing records.

*New Evidence*

*Notice is hereby given that the Commission will consider all additional evidence and written legal contentions that may be presented to it by or on behalf of claimants prior to October 31, 1937. Upon proper showing before that date of the need for additional time, extension of time may be granted in individual cases, but under no circumstances will any new evidence or written legal contentions be accepted or considered after December 31, 1937. During the time allowed for the presentation of additional evidence and legal contentions, the pertinent files of the Commission will be open to the inspection of claimants or their authorized representatives.*

*Proof Necessary to Warrant an Award*

Many claimants have apparently not realized that the Commission can enter awards only upon claims as to which liability was assumed by the Mexican Government under the terms of the Convention (Treaty) entered into by that Government and the United States on September 10, 1923.

The function of the present Commission is essentially judicial, and neither the Commissioners nor the members of the staff of the Commission can advise claimants or their attorneys as to the sufficiency of the evidence already presented in support of any claim or as to the desirability of the presentation of additional evidence or written legal contentions.

Article III of the Convention, specifying the forces for whose acts the Mexican Government assumed liability, reads as follows:

"The claims which the Commission shall examine and decide are those which arose during the revolutions and disturbed conditions which existed in Mexico covering the period from November 20, 1910, to May 31, 1920, inclusive, and were due to any act by the following forces:

"(1) By forces of a Government *de jure* or *de facto*.

"(2) By revolutionary forces as a result of the triumph of whose cause governments *de facto* or *de jure* have been established, or by revolutionary forces opposed to them.

"(3) By forces arising from the disjunction of the forces mentioned in the next preceding paragraph up to the time when the government *de jure* established itself as a result of a particular revolution.

"(4) By federal forces that were disbanded, and

"(5) By mutinies or mobs, or insurrectionary forces other than those referred to under subdivisions (2), (3) and (4) above, or by bandits, provided in any case it be established that the appropriate authorities omitted to take reasonable measures to suppress insurrectionists, mobs or bandits, or treated them with lenity or were in fault in other particulars."

An indispensable prerequisite to an award upon any claim is that the record shall affirmatively show that the loss or damage suffered was due to acts of forces specified in paragraph (1), (2), (3), or (4) of the above quoted Article; or that it was due to the acts of forces specified in paragraph (5), and, in such event, "that the appropriate authorities omitted to take reasonable measures to suppress (the) insurrectionists, mobs, or bandits, or treated them with lenity or were in fault in other particulars." *No award can be made upon a mere showing of loss or damage due to revolutionary conditions.*

The record, in order to warrant an award, must also contain competent proof (1) of the American citizenship of the claimant or claimants from the date of the origin of the claim to the date of its filing with the former Commission; (2) of the ownership of any personal property and the ownership or right of possession of any real property involved in the claim; (3) of the value of any property alleged to have been lost or damaged, and the extent of the loss or damage thereof; and (4), of the extent of any loss or damage not connected with property.

The Commission, in considering every claim, takes cognizance of the historical data in its possession with reference to the activities of various forces in Mexico, but these data are, in most instances, helpful to claimants only in supplementing their own evidence as to the circumstances of their losses or damages. *The Commission cannot enter awards upon uncorroborated statements of claimants.*

*Notice of Decisions and Petitions for Review*

As soon as possible after the expiration of the additional period hereby granted for the presentation of additional evidence and legal contentions, the Commission will enter its decisions upon all claims within its jurisdiction. Copies of the decisions will be sent to claimants and their attorneys, with a statement of the period allowed for the filing of a written motion for review, and the conditions under which such review may be granted. After the expiration of the period allowed for review, all decisions will be made final.

*Payments of Awards*

The Government of Mexico is paying the amount of the lump sum settlement agreed upon, in annual installments. A total of $1,534,610.15 has so far been paid to the Government of the United States. A further payment in the amount of $529,610.15 is due in January 1938. There will be due under the agreement seven more annual installments of approximately $500,000.00 each, and interest. It is hoped that the work of this Commission will be completed early enough in 1938 to make it possible that after Mexico makes the 1938 payment the total sum then available may be distributed to the beneficiaries of the Commission's awards without unreasonable delay.

As provided in Section 4 of the Act of April 10, 1935, if the total amount of the awards of the Commission is greater than the amount to be available under the lump sum settlement with Mexico for the payment of awards, it will be necessary for the Commission to reduce its awards on a percentage basis.

*Attorneys' Fees*

The Commission considers it appropriate to bring to the attention of claimants the fact that the data in the present records, with reference to the character and value of the services rendered by counsel or attorneys in the preparation or prosecution of claims, are, in many instances, not such as to afford a basis for the determination by the Commission of just and reasonable fees for such services. The authority of the Commission with reference to attorneys' fees is set forth in Section 8 of the Act of April 10, 1935. The Commission cannot determine fees where authorized, except upon sufficient data.

*Additional Claims to be Decided by the Commission*

The Joint Resolution approved August 25, 1937, provides that, in the event of the reclassification as special claims of any of the claims which were found by the Joint Committee under the Convention of 1934 to be general claims, the claims so reclassified shall be passed upon by this Commission during its existence and thereafter by a Commission to be established in conformity with the Act of April 10, 1935. The claims mentioned are now pending before the Commissioners of the General Claims Arbitration, United States and Mexico, who, under the agreement between the two governments, are required to submit a Joint Report on or before October 24, 1937. Such claims as the Commissioners of the General Claims Arbitration may reclassify as special and any other claims which may be so reclassified during the existence of this Commission will be considered and decided as provided in the Joint Resolution. The interested parties will be duly advised of the reclassification of any of the claims during the existence of this Commission.

By EDITH MCD. LEVY, *Secretary.*

Dated August 31, 1937.

[F. R. Doc. 37-2992; Filed, October 9, 1937; 10:25 a. m.]



*Wednesday, October 13, 1937* *No. 198*

## PRESIDENT OF THE UNITED STATES.

SUSPENSION OF CERTAIN JURISDICTION OF AMERICAN EXTRA-TERRITORIAL COURTS IN EGYPT

By the President of the United States of America

A PROCLAMATION

WHEREAS by a Presidential proclamation issued on March 27, 1876, pursuant to the authority of the act of Congress approved March 23, 1874, the judicial functions theretofore exercised in Egypt by the minister, consuls, or other functionaries of the United States pursuant to the act of Congress approved June 22, 1860, were suspended, during the pleasure of the President, so far as the jurisdiction of certain Egyptian tribunals embraced matters cognizable by the minister, consuls, or other functionaries of the United States in Egypt, except as to cases actually commenced before the date of the said proclamation;

WHEREAS at the time of the issuance of the said proclamation the jurisdiction of the said Egyptian tribunals did not extend to certain categories of cases within the jurisdiction of the minister, consuls, or other functionaries of the United States which were accordingly retained within the jurisdiction of, and have continued to the present time to be exercised by, those functionaries;

WHEREAS the Government of the United States and other governments concluded a convention with the Government of Egypt on May 8, 1937, providing for the termination of the capitulatory rights now enjoyed by the United States and other powers in Egypt and providing that, during the period October 15, 1937–October 14, 1949, the judicial functions now exercised by consular courts would be exercised by the Mixed Tribunals of Egypt, except as to personal status matters—as defined in article 28 of the *Règlement d'Organisation Judiciaire* annexed to and forming a part of the said convention of May 8, 1937—with respect to which the said convention provides that the signatory governments may retain existing consular courts for the purpose of jurisdiction in cases involving the personal status of their respective nationals during the period October 15, 1937–October 14, 1949;

WHEREAS, pending the ratification of the said convention by the Government of the United States it is in the interest of the United States to cooperate with the Government of Egypt and the other capitulatory powers by suspending the jurisdiction now exercised by the minister, consuls, or other functionaries of the United States in Egypt and consenting to the transfer of that jurisdiction to the Mixed Tribunals of Egypt, except jurisdiction in matters involving the personal status of citizens of the United States; and

WHEREAS satisfactory information has been received by me that the said Mixed Tribunals of Egypt are organized on a basis likely to secure to citizens of the United States in Egypt the impartial justice which they now enjoy under the judicial functions exercised by the minister, consuls, or other functionaries of the United States pursuant to the said act of Congress of June 22, 1860:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the power and authority conferred upon me by the said act of Congress approved March 23, 1874, do hereby suspend, effective October 15, 1937, during the pleasure of the President, the judicial functions now exercised by the minister, consuls, or other functionaries of the United States in Egypt, except as to cases actually commenced before October 15, 1937, and except as to matters involving the personal status of citizens of the United States as defined in article 28 of the *Règlement d'Organisation Judiciaire* annexed to the said convention of May 8, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 9th day of October, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
*Secretary of State.*

[No. 2255]

[F. R. Doc. 37-3007; Filed, October 11, 1937; 4:01 p. m.]

## WAR DEPARTMENT.

RULES AND REGULATIONS TO GOVERN THE USE, ADMINISTRATION, AND NAVIGATION OF BAYOU TECHE, LA.

THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

THE REGULATIONS

The following rules and regulations are prescribed for the use, administration, and navigation of Bayou Teche, Louisiana, between the mouth and Arnaudville, Louisiana, including Keystone Lock:

1. *Waterway officer.*—The use, administration, and navigation including the movement and mooring of vessels, tows, and rafts, and all floating things, shall be under the jurisdiction of the District Engineer, U. S. Engineer Department at Large, in charge of the District in which the waterway is located, whose address is:

U. S. Engineer Office, First New Orleans District, 604 Union Building, New Orleans, Louisiana.

2. *Commercial statistics.*—Masters of vessels passing through the lock shall furnish the lockmaster a comprehensive statement of vessels (including barges, rafts, or other vessels, or floating things in tow), passengers, freight, and tonnage, as is required by law for the compilation of commercial statistics. When such vessels navigating the waterway do not pass through the lock, such statement shall be mailed to the District Engineer. Such statements shall contain the following information:

Name of vessel.
Name and address of owner or operator.
Whether steam or motor vessel.
Net registered tonnage.
Draft at time of passing through lock or waterway.
Number of passengers aboard.
List of commodities being transported, together with quantities of each, expressed in short tons, or other units by which such commodities are customarily measured.
Point of origin, destination, and other information required by the District Engineer.

3. *Pilot rules, lights and signals.*—(a) Boats desiring lockage shall give notice to locktender at not more than one-quarter of a mile from lock by three short blasts of the whistle or horn, not exceeding 10 seconds; the acknowledging signal from lock for boats or other craft shall be three short blasts of the whistle or horn. The signal to enter lock will be one short blast and the signal for leaving lock will

be one long blast of the whistle or horn. A fire or distress call is five blasts of the whistle or horn.

(b) All vessels navigating the waterway shall be governed by Pilot Rules for Western Rivers prescribed by U. S. Department of Commerce, Bureau of Marine Inspection and Navigation, and "Rules and Regulations Governing Display of Signals on and the Operation of All Craft and Accessories Working on Wrecks, Engaged in Dredging, Surveying, or Other Work of Improvement, and the Use and Navigation of the Waters in the Vicinity, in the Great Lakes and Their Connecting Tributary Waters as Far East as Montreal, the Red River of the North, and the Rivers whose Waters Flow into the Gulf of Mexico, and Their Tributaries," prescribed by the War Department, or any rules and regulations amendatory thereto, or superseding any of the above rules and regulations which may be subsequently adopted.

(c) The signals for boats desiring to pass bridges shall be those prescribed in general regulations—"Rules and Regulations to Govern the Operation of the Drawbridges Crossing All Navigable Waterways of the United States Discharging their Waters into the Atlantic Ocean South of and Including Chesapeake Bay, and the Gulf of Mexico, Excepting the Mississippi River and its Tributaries"—approved by the Acting Secretary of War, on October 11, 1929, as amended September 26, 1934, and January 8, 1935.

4. *Right of way.*—Rafts and tows must give proper passageway to single vessels and be managed in such manner as not to obstruct or interfere with the passing of boats. Vessels of light draft shall give way to vessels of deeper draft.

5. *Precedence of locks.*—Ordinarily, boats, or tows, arriving at the lock shall take precedence in order of their arrival, but in all cases boats and barges belonging to the United States or employed upon public work shall have precedence over all others; passenger boats shall have precedence over freight boats, individual boats over tows, and vessels over rafts. Small craft will not be granted separate lockage when larger boats are awaiting lockage, and they will be required to lock through with other boats. Rafts shall have one lockage in their turn, except where there are two or more rafts together at the lock, in which case no part of a raft shall pass the lock until the whole of the raft or rafts preceding it shall have passed. In all cases the order of actual entry shall be determined by the lockkeeper.

6. *Size of vessels, tows and rafts.*—The minimum horizontal clearance of bridges crossing the section of the waterway between the mouth and New Iberia, Louisiana, is 59 feet; between New Iberia, Louisiana, and Keystone Lock it is 63 feet; between Keystone Lock and Arnaudville, Louisiana, it is 40 feet; above Arnaudville, Louisiana, all bridges are fixed. Keystone Lock chamber is 160 feet long and 36 feet wide, with 8-foot depth over the miter sill when the tide is mean Gulf level. All vessels, tows, rafts, or other craft attempting to use the lock must have such clearance inside these limits as to permit of free and safe operation during lockage. Rafts of larger dimensions than indicated above shall not attempt to enter the lock, and if it is necessary to reduce the size of a raft in order to pass it through a lock, such operations shall not be permitted to block the entrance to the lock or the approaches thereto. All tows shall be adequately powered, properly assembled, and equipped with the necessary devices and competent, experienced crews to insure safe handling. The length of tows will be varied in accordance with the power of the towing vessel, but in no case will exceed 750 feet including the towing vessel. Vessels will be considered sufficiently powered when they can maintain adequate steerageway which will permit ready maneuverability and safe handling under normal conditions in all weather, and will insure not only the safety of such vessels and tows, but that of all other vessels and tows navigating the waterway and of the property of others located in the waterway. The District Engineer is authorized to require a reduction in the length of any tow or tows or to require the installation of suitable devices or attendant plant when necessary to insure such safety upon finding that the power requirement is not adhered to.

No vessel, tow, raft or other craft, exceeding 40 feet in width, will be allowed in narrow sections of the waterway between the mouth and Keystone Lock, and 30 feet in width in such sections above Keystone Lock, except by special permission of the District Engineer. The length of rafts is subject to approval by the District Engineer.

7. *Entrance to lock.*—No boat or floating craft shall enter the lock from either direction without permission. No vessel, tow, or raft having chains or lines either hanging over the sides or ends dragging on the bottom for steering or for other purposes will be permitted to enter or pass through a lock.

8. *Draft.*—The project dimension of the waterway between the mouth and New Iberia, Louisiana, is 8 feet over a bottom width of 80 feet; between New Iberia, Louisiana, and Keystone Lock it is 6 feet over a bottom width of 60 feet; and between Keystone Lock to Arnaudville, Louisiana, head of project, it is 6 feet over a bottom width of 50 feet. The plane of reference is mean Gulf level.

No boat, barge, or vessel of any kind shall be allowed to enter the lock drawing more water than is shown by the gages to exist over the miter sills; and any boat making such attempt shall not delay other boats by lightering cargo; but if directed by the lockkeeper, shall withdraw so as to leave the entrance unobstructed.

9. *Loss of turn.*—Boats that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

10. *Protection of lock gates.*—No boats will be permitted to enter or leave the lock until the lock gates are fully in the gate recesses and the lockkeeper has ordered the boat to start.

11. *Mooring in lock.*—Vessels when in the lock shall be securely moored by bow and spring lines to the snubbing posts provided for that purpose, and the lines shall not be let go until signal is given for the vessel to leave.

12. *Handling gates.*—No one not employed by the United States for the purpose will be allowed to operate the lock.

13. *Projections from vessels.*—No vessel carrying a deck load which overhangs or projects over the side of the said vessel will be permitted to enter or pass through any of the narrow parts of the waterway.

The sides of all craft attempting to enter the lock must be free from projections of any kind that might injure the walls, gates, or other parts of the lock. All vessels entering the lock must be provided with and must use suitable fenders.

14. *Handling of vessels, tows and rafts.*—Vessels, tows and rafts must be suitably arranged or grouped for passage through the lock before entering. While thus engaged in preparing for passage they must leave room for boats to enter or leave the lock. They shall be navigated in such manner to insure that no damage is done to such vessels, tows, or rafts, or to vessels, tows, and rafts, or property of others.

All vessels engaged in towing barges or other craft not equipped with a rudder, whether light or ladened, shall use two tow lines or one tow line with bridle or double towing end, and one tow line or one of the bridle ends of the tow line shall be fastened to each of the outside forward corners of the leading barge, or barges, or section of raft.

Tow lines shall be shortened to the greatest extent possible to insure full control of tows and thereby to avoid accidents while meeting or otherwise passing other vessels, tows, or rafts, or while passing through the navigation opening of bridges. On approaching a drawbridge or other bridge, vessels and tows, regardless of size, shall line up for the full length, approximately along a line parallel to the axis of the channel. No vessel or tow shall attempt to pass through the navigation opening of such bridge unless it is in such position that it is evident that, except from some unavoidable reason, entrance into or passage through or exit from the navigation opening of the bridge can be accomplished without damage to the bridge or its fenders.

All vessels, rafts, and tows shall be navigated with care so as to avoid striking, disturbing or damaging lighted or unlighted channel buoys, channel markers or other structures erected as aids to navigation, waterway or other revetment, and lock piers.



Masters of towing vessels or other persons in charge of vessels, rafts, and tows shall keep careful watch when passing the above enumerated things and should any of them be struck, disturbed or damaged, they shall report the fact to the nearest Government lockkeeper and by mail to the District Engineer.

If required by the District Engineer, tows consisting of more than one barge besides the towing vessel shall be equipped with and shall use an approved steering device while navigating the waterway. The steering device may consist of rudders or skags for the individual barges, of a machine that utilizes the trailing barge, or barges as a rudder, a drag or any other device or extraneous means which may be employed without obstructing navigation, that will effectively steer the tow. Single vessels, exclusive of barges or rafts which are equipped with rudders, may be towed on a single line if this can be done without damage to the towing and/or the towed craft or vessels, and to vessels or property of others. Dropping anchor or dragging lines, anchor or chains across areas occupied by submarine cable or pipe crossing, or cables for ferries, is prohibited. Such crossings will be marked by signboards placed on each bank of the waterway.

15. *Fairway.*—In narrow sections of the waterway between the mouth and New Iberia, Louisiana, a fairway of 90 feet surface width shall be maintained; between New Iberia, Louisiana, and Keystone Lock, this fairway shall be 70 feet; between Keystone Lock and Arnaudville, Louisiana, head of improvement, the fairway to be maintained is 60 feet.

16. *Stopping in waterway.*—Whenever it becomes necessary for a boat, barge, raft, or other floating craft to stop in narrow parts of the waterway, it shall be securely fastened to one bank and as close to the bank as possible; this shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or craft.

When thus tied up, all boats or barges must be moored by not less than two lines each and rafts and tows at such close intervals as may be necessary to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. All tow lines shall be drawn up short so that the different vessels shall be as close together as possible. No boat or sections of a tow or raft shall be thus tied up abreast of another.

Such stoppages shall be only for such period as may be necessary, and no vessel or craft will be allowed to use any portion of the fairway as a mooring place without permission from the District Engineer.

Masters and pilots in charge of vessels or tows will be held to a strict accountability that the approaches to the lock are not at any time obstructed by barges or rafts awaiting lockage or that have passed through the lock.

In the wider parts of the waterway, vessels may anchor only when necessary and then only in such places and in such manner as will cause no obstruction of the fairway.

The building and assembling of rafts in the waterway will be permitted only upon special authority obtained from the District Engineer and under such conditions as he may prescribe.

17. *Speed.*—Excessive speeding and racing is prohibited. Upon approaching and passing through a drawbridge, or other bridge, a vessel, regardless of size, shall decrease its speed if that be necessary to insure that no damage will be done to the bridge or its fenders. A vessel, upon approaching another vessel in motion, or tied up, to a wharf or other structure, shall reduce its speed sufficiently to avoid collision or excessive wave or suction damage.

18. *Rafts.*—Rafts will be permitted to navigate the waterway only if properly and securely assembled. The passage of "bag," "sack," or "dog" rafts, or loose logs or timber, into and through any portion of the waterway is prohibited. All logs shall be so placed that their length will be in the direction of towing and all the logs in a small section of a raft shall be approximately of the same length. Each section of a raft shall be secured within itself and to adjacent sections by chains or wire rope.

All dogs, chains, and other means used in assembling rafts shall be in good condition and shall be of ample size and strength to accomplish their purposes.

Should it at any time be noted that any staple, dog, chain, or lifting pole has become loosened, it shall be the duty of the master of the towboat, or other person in charge of the raft, to stop the towboat as soon as practicable and to repair the damage; and in order that any loosening of the raft may be quickly ascertained, the master of the towboat, or other person in charge of the raft, shall thoroughly inspect it, or cause it to be inspected at frequent intervals. Under no circumstances shall a log or logs, or timber, be cut out of a raft, or be allowed to float away from the raft or sink in the waterway.

All rafts shall carry sufficient men to enable them to be managed properly and to keep them from being an obstruction to other craft navigating the waterway.

No section or a raft will be permitted to be towed through the waterway, or any portion thereof, unless the logs in the section float sufficiently high in the water to make it evident that the section will not sink en route.

Should any log, or piece of timber, be accidentally lost from a section or any section be accidentally lost from a raft, the location shall be permanently marked and the fact must be promptly reported to the District Engineer by the master of the towboat, or other person in charge, who shall state as definitely as possible the exact point at which the loss occurred and such log or logs, or piece or pieces of timber, shall be removed promptly by the owner thereof.

19. *Bridges.*—All movable span bridges shall be subject to general regulations—"Rules and Regulations to Govern the Operation of the Drawbridges crossing all Navigable Waterways of the United States Discharging Their Waters into the Atlantic Ocean South of and Including Chesapeake Bay, and the Gulf of Mexico, Excepting the Mississippi River and Its Tributaries"—approved by the Secretary of War, October 11, 1929, as amended September 26, 1934, and January 8, 1935.

20. *Refuse in waterway.*—No ashes, cinders, slag, refuse, oil, obstructive matter of any kind, or pollutive things, shall be dumped, cast out, or unloaded in the waterway, and passing of coal from flats or barges to steamers while in the lock is prohibited. The introduction or discharge or water hyacinths into the waterway is prohibited.

21. *Structures.*—All structures in, or dredging in or into the banks of the waterway, or other work in the waterway must be authorized by permits issued by the War Department prior to the date on which construction is begun. For information as to the regulations governing these permits, apply to the District Engineer, whose office location is stated in paragraph 1 of these regulations.

22. *United States property.*—The United States owns a strip of land of varying width along the banks of the waterway at Keystone Lock. The whole of this land is held for the purposes of navigation, sites for Government structures, and for the accommodation and use of employees of the United States.

23. *Trespass on United States property.*—Trespass on United States property or injury to the banks, locks, fences, trees, houses, shops, bench marks, monuments, or any other property of the United States, pertaining to the waterway, is strictly forbidden. No business, trading, or landing of freight or baggage will be allowed on or over bridges, or lock walls.

24. These rules and regulations shall supersede and stand in lieu of the following:

That portion of "*Regulations to govern navigation and the floating of logs and rafts of logs on the Atchafalaya River, La., from its mouth in the Gulf of Mexico to entrance to Six-Mile Lake and on Bayou Boeuf from Morgan City to its junction with Bayou Black and Lake Palourde, Flat Lake, Bayou Long, Bayou Chene, Bayou Teche to Jeancrette, Berwick Bay, Lake Palourde, Wax Bayou and Bayou Shaffer,*" approved by the Secretary of War, September 24, 1915, applicable to this waterway.

"*Regulations governing operations of Keystone Lock, Bayou Teche, La.,*" approved by the Secretary of War, September 25, 1915.

*"Regulations to govern navigation and the floating of logs and rafts of logs on Bayou Teche from Jeanerette, La., to Arnaudville, La.,"* approved by the Secretary of War, November 6, 1919.

25. These regulations shall take effect and be in force on and after the date of approval hereof.

Approved, October 4, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General.*
*The Adjutant General.*

[F. R. Doc. 37-3008; Filed, October 12, 1937; 9:24 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Docket No. 1-FD]

PROGRESSIVE MINERS OF AMERICA, PETITIONER, v. RAY EDMUNDSON AND UNITED MINE WORKERS OF AMERICA, RESPONDENTS

ORDER FOR AND NOTICE OF REOPENING OF HEARING

The above named petitioner, Progressive Miners of America, having filed with the Commission on the 2nd day of August, 1937, a motion to reopen the above entitled cause for the purpose of submitting supplemental testimony to that now on file herein, and the same together with the record in the case having been duly considered by the Commission, and it appearing from the allegations contained that this cause should be reopened for the purpose of receiving further and additional testimony on behalf of all parties interested herein, it is hereby ordered as follows:

1. That the above entitled cause be and the same is hereby reopened and that further testimony may be submitted at a hearing to be held on the 21st day of October, 1937, beginning at the hour of 10 o'clock A. M., in the Hearing Room of the Commission at the Walker Building, in the City of Washington, D. C., at which time and place all interested parties may appear and give testimony as may be pertinent to the issues involved in this cause.

2. That the said hearing will be conducted by an examiner to be designated by the Commission.

3. It is further ordered that this order shall constitute notice of such hearing.

The Secretary of the Commission is instructed to and shall cause personal service to be made of a copy of this order upon Ray Edmundson, and shall likewise mail to the Progressive Miners of America and the United Mine Workers of America a copy of this order.

By order of the Commission.

Dated this 11th day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3010; Filed, October 12, 1937; 11:09 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

CAP-100; Amendment 1.

October 12, 1937

1937 COTTON PRICE ADJUSTMENT PAYMENT PLAN ANNOUNCEMENT

COTTON PRICE ADJUSTMENT PAYMENT BULLETIN 100, AMENDMENT 1

*Time Limit for Filing Cotton Sale Certificates and Sale Receipts*

Cotton Price Adjustment Payment Bulletin 100 is hereby amended by striking out the paragraph which reads "All cotton producers will be required to obtain sales receipts for sales and mail them to, or file them personally with, the secretary of the County Agricultural Conservation Association. For sales made up to and including September 15, 1937, sales receipts must be filed not later than September 30, 1937. Cotton sale certificates or sales receipts for cotton sold after September 15, 1937, must be filed not later than 15 days after the date of sale", and inserting in lieu thereof the following:

Cotton producers desiring to become eligible to receive cotton price adjustment payments will be required to obtain sale receipts or sale certificates showing sales of their cotton and mail them to, or file them personally with, the secretary of the County Agricultural Conservation Association in chronological order. For sales made up to and including October 15, 1937, cotton sale certificates or sale receipts must be filed not later than October 30, 1937. For sales made subsequent to October 15, 1937, cotton sale certificates or sale receipts must be filed not later than 15 days after the date of sale. In cases where cotton is sold before it is ginned, as, for example, a so-called forward sales contract, in order that the cotton may be identified by the gin bale number and the gin weight of the bale the producer who sold the cotton will be allowed 15 days after the date the cotton is ginned within which to file the cotton sale certificate or sale receipt covering such cotton.

Done at Washington, D. C., this 12th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

H. A. WALLACE.
*Secretary of Agriculture.*

[F. R. Doc. 37-3011; Filed, October 12, 1937; 12:44 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 144]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 5, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 8039 Hart (partial) | $100,000 |
| Illinois 8018W Pike | 16,000 |
| Mississippi 8028B Hancock | 26,000 |
| North Carolina 8025B Rutherford | 51,000 |
| West Virginia 8008W Hardy | 10,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3009; Filed, October 12, 1937; 9:24 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1937.

[File No. 43-40]

IN THE MATTER OF MINNESOTA UTILITIES COMPANY

[Section 7 of the Public Utility Holding Company Act of 1935]

ORDER FIXING EFFECTIVE DATE OF DECLARATION REGARDING ISSUE AND SALE OF STOCK BY SUBSIDIARY OF HOLDING COMPANY

Minnesota Utilities Company, a subsidiary of a registered holding company, having filed with this Commission a declaration and two amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding its issue and sale of 2,000 shares of its common stock without par value;

Hearings thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;



*It is ordered*, That such declaration, as amended, be and become effective forthwith, on condition, however, that the issue and sale of the aforesaid stock shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said amended declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3012; Filed, October 12, 1937; 12:44 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of October, 1937.

[File No. 1-326]

IN THE MATTER OF TELEPHONE INVESTMENT CORPORATION CAPITAL STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Telephone Investment Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Capital Stock, No Par Value, from listing and registration on the San Francisco Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10:00 A. M. on Wednesday, October 27, 1937, in Room 1301, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Howard A. Judy and Charles R. Burr, or either of them, officers of the Commission, be and they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F R Doc. 37-3013: Filed, October 12, 1937; 12:44 p. m.]

*Thursday, October 14, 1937* *No. 199*

## PRESIDENT OF THE UNITED STATES.

CONVENING THE CONGRESS IN EXTRA SESSION

By the President of the United States of America

A PROCLAMATION

WHEREAS public interests require that the Congress of the United States should be convened in extra session at twelve o'clock, noon, on the Fifteenth day of November, 1937, to receive such communication as may be made by the Executive;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene in extra session at the Capitol in the City of Washington on the Fifteenth day of November, 1937, at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the United States.

DONE at the City of Washington this 12th day of October, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2256]

[F. R. Doc. 37-3021; Filed, October 13, 1937; 11:49 a. m.]

## TREASURY DEPARTMENT.

### Accounts and Deposits.

[1937 Department Circular No. 570 Revised]

ACCEPTABLE SURETIES ON FEDERAL BONDS

OCTOBER 11, 1937.

The following is a list of those companies appearing upon the certification of the Acting Secretary of the Treasury dated September 25, 1937 (T. D. Form 356), as being the holders of certificates of authority from the Secretary of the Treasury, issued under the Acts of Congress of August 13, 1894 (28 Stat. 279), and March 23, 1910 (36 Stat. 241), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

NAMES OF COMPANIES, LOCATIONS OF PRINCIPAL EXECUTIVE OFFICES, AND STATES IN WHICH INCORPORATED

*California*

1. Associated Indemnity Corporation, San Francisco.
2. Fireman's Fund Indemnity Co., San Francisco.
3. National Automobile Insurance Co., Los Angeles.
4. Occidental Indemnity Co., San Francisco.
5. Pacific Indemnity Co., Los Angeles.

*Connecticut*

6. The Aetna Casualty and Surety Co., Hartford.
7. The Century Indemnity Co., Hartford.
8. Hartford Accident and Indemnity Co., Hartford.

*Delaware*

9. Mellbank Surety Corporation, Pittsburgh, Pa.
10. Saint Paul-Mercury Indemnity Co. of St. Paul, Minn.

*Illinois*

11. American Motorists Insurance Co., Chicago.

*Indiana*

12. Continental Casualty Co., Chicago, Ill.
13. Inland Bonding Co., South Bend.

*Kansas*

14. The Kansas Bankers Surety Co., Topeka.
15. The Western Casualty and Surety Co., Fort Scott.

*Maryland*

16. American Bonding Co. of Baltimore.
17. Fidelity and Deposit Co. of Maryland, Baltimore.
18. Maryland Casualty Co., Baltimore.
19. United States Fidelity and Guaranty Co., Baltimore.

*Massachusetts*

20. American Employers' Insurance Co., Boston.
21. Massachusetts Bonding and Insurance Co., Boston.

*Michigan*

22. National Casualty Co., Detroit.
23. Standard Accident Insurance Co., Detroit.

*Missouri*

24. Central Surety & Insurance Corporation, Kansas City.
25. Employers Reinsurance Corporation, Kansas City.

*New Hampshire*

26. Peerless Casualty Co., Keene.

*New Jersey*

27. Bankers Indemnity Insurance Co., Newark.
28. Commercial Casualty Insurance Co., Newark.
29. The Excess Insurance Co. of America, New York, N. Y.
30. International Fidelity Insurance Co., Jersey City.

*New York*

31. American Re-Insurance Co., New York.
32. American Surety Co. of New York.
33. Columbia Casualty Co., New York.
34. Eagle Indemnity Co., New York.
35. The Fidelity and Casualty Co. of New York.
36. General Reinsurance Corporation, New York.
37. Glens Falls Indemnity Co., Glens Falls.
38. Globe Indemnity Co., New York.
39. Great American Indemnity Co., New York.
40. The Home Indemnity Co., New York.
41. London & Lancashire Indemnity Co. of America, Hartford, Conn.
42. Merchants Indemnity Corporation of New York.
43. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
44. National Surety Corporation, New York.
45. New Amsterdam Casualty Co., Baltimore, Md.
46. New York Casualty Co., New York.
47. The Preferred Accident Insurance Co. of New York.
48. Royal Indemnity Co., New York.
49. Seaboard Surety Co., New York.
50. Standard Surety and Casualty Co. of New York.
51. Sun Indemnity Co. of New York.
52. United States Casualty Co., New York.
53. United States Guarantee Co., New York.
54. The Yorkshire Indemnity Co. of New York.

*Ohio*

55. The Ohio Casualty Insurance Co., Hamilton.

*Pennsylvania*

56. Eureka Casualty Co., Philadelphia.
57. Indemnity Insurance Co. of North America, Philadelphia.

*South Dakota*

58. Western Surety Co., Sioux Falls.

*Texas*

59. American General Insurance Co., Houston.
60. American Indemnity Co., Galveston.
61. Commercial Standard Insurance Co., Fort Worth.
62. Employers Casualty Co., Dallas.
63. Texas Indemnity Insurance Co., Galveston.
64. Trinity Universal Insurance Co., Dallas.

*Virginia*

65. Virginia Surety Co., Inc., Roanoke.

*Washington*

66. General Casualty Co. of America, Seattle.
67. Northwest Casualty Co., Seattle.
68. United Pacific Insurance Co., Seattle.

FOREIGN COMPANIES AUTHORIZED TO DO A REINSURANCE BUSINESS ONLY

69. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y.).
70. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.).
71. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.).
72. The Guarantee Co. of North America, Montreal, Canada (U. S. Office, New York, N. Y.).
73. London Guarantee and Accident Co., Ltd., London England (U. S. Office, New York, N. Y.).
74. The Ocean Accident and Guarantee Corp., Ltd., London, England (U. S. Office, New York, N. Y.).

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3019; Filed, October 13, 1937; 10:08 a. m.]

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## Bureau of Internal Revenue.

[T. D. 4767]

TRANSFER OF OR SUCCESSION TO SPECIAL TAX STAMPS ISSUED UNDER THE INTERNAL REVENUE LAWS PERTAINING TO ALCOHOLIC LIQUORS

SEPTEMBER 23, 1937.

*To Collectors of Internal Revenue, District Supervisors, and Others Concerned:*

1. Pursuant to Sections 1411, 1691 and 1821, Title 26, U. S. C., 1934 Ed., the following regulations are prescribed:

CHANGE OF LOCATION

2. A special taxpayer may, during the taxable period for which special tax was paid, remove his business to a place other than that specified in his original return on Form 11, "Special Tax Return," and stated on his special tax stamp, without incurring additional special tax liability, provided the change is registered with the Collector of Internal Revenue from whom the special tax stamp was purchased, within thirty days after such removal occurs, by executing a new return on Form 11, designated as "Amended Return," setting forth the time when and the place to which such removal was made, and surrender of the special tax stamp.

3. When a special taxpayer removes his business to another address within the same collection district, the Collector of Internal Revenue will enter on his Record 10 the new address and the date of removal, and will note the change on the face of the special tax stamp, stating clearly thereon the new location where said business is to be carried on, and will return the special tax stamp to the taxpayer.

4. When a taxpayer removes his business to a location within a collection district other than that in which the special tax stamp was issued, the Collector of Internal Revenue who issued the special tax stamp will enter on his Record 10 the new address and date of removal, stating clearly the new location where said business is to be carried on, and will transmit the stamp to the Collector of Internal Revenue in charge of the district to which the taxpayer removed. The Collector of that district will make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the Collector's name, title and district, and the date on the special tax stamp, which will be returned to the taxpayer.

CHANGE OF CONTROL

5. Certain persons other than the special taxpayer may, without incurring additional special tax liability, carry on the same business at the same address and for the remainder of the taxable period for which the special tax was paid. To secure such right, the person or persons continuing the business must file with the Collector of Internal Revenue from whom the special tax stamp was purchased, within thirty days after the time of succession, a return on Form 11, "Special Tax Return," showing the basis of the succession.

6. Under the conditions indicated above, the persons having such right of succession are as follows:

(*a*) Death—The widow, child, or other legal representatives of the taxpayer.

(*b*) Husband and Wife—A husband or wife succeeding to the business of his or her spouse (living).

(*c*) Insolvency—A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(*d*) Withdrawal from Firm—The partner or partners remaining after death or withdrawal of a member.

ADDITIONAL SPECIAL TAX LIABILITY

7. A special taxpayer who relocates his business, or a person referred to in paragraph 4, so succeeding to a business for which special tax has been paid, and who fails to register such removal or succession with the Collector of Internal Revenue, within thirty days from the date of such removal or succession, will become liable to additional special tax computed from the first day of the calendar month in which such removal or succession occurred, as provided by Section 1403, Title 26, U. S. C., 1934 Ed., Sup. II.

REASONABLE CAUSE

8. The ad valorem penalty provided by Section 1525, Title 26, U. S. C., 1934 Ed., Sup. II, may be waived in such instances where the taxpayer removing his place of business or a person succeeding to a special tax stamp shows reasonable cause in accordance with existing regulations.

CERTIFICATES ON FORM 785 IN LIEU OF LOST OR DESTROYED STAMPS

9. These regulations shall apply to certificates on Form 785 issued in lieu of special tax stamps lost or destroyed.

PRIOR REGULATIONS

10. All regulations inconsistent herewith are revoked to the extent of their inconsistencies.

[SEAL] GUY T. HELVERING, *Commissioner.*

Approved, Oct. 9, 1937.
ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3017; Filed, October 13, 1937; 10:08 a. m.]

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[T. D. 4768]

REVOKING SPECIALLY DENATURED ALCOHOL FORMULAE

*To District Supervisors, Chemists in Charge, Authorized Chemists, and Others Concerned:*

Pursuant to authority conferred by the Act of June 7, 1906 (U. S. C., 1934 Ed., Title 26, Sec. 1320), and Title III of the National Prohibition Act, Specially Denatured Alcohol Formulae 1–A, 15, and 44–A are hereby revoked effective January 1, 1938, and alcohol shall not be denatured in accordance with such formulae on and after that date.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, October 11, 1937.
ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3018; Filed, October 13, 1937; 10:08 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

RECLAMATION WITHDRAWAL FOR COLORADO-BIG THOMPSON PROJECT, COLORADO

JULY 2, 1937.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat. 388):

COLORADO-BIG THOMPSON PROJECT, COLORADO

*Sixth Principal Meridian*

T. 1 N., R. 74 W.,
Sec. 1, W½;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, E½, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 7, SW¼;
Sec. 8, E½NE¼ and SE¼;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 14, N½NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 15, all;
Sec. 16, all;
Sec. 17, E½;
Sec. 19, N½;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, W½NE¼ and W½;
Sec. 26, W½W½;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;

T. 1 N., R. 75 W.,
Sec. 1, W½NW¼, SW¼, and SW¼SE¼;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 9, N½ and N½S½;
Sec. 10, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 11, N½ and SE¼;
Sec. 12, W½NE¼ and NW¼;
Sec. 13, SE¼;
Sec. 14, N½NE¼, SW¼NE¼, and SE¼NW¼;
Sec. 15, NE¼SW¼ and NE¼SE¼;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, S½;
Sec. 22, S½N½ and S½;
Sec. 24, W½NE¼ and SW¼SW¼;
Sec. 26, NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 32, all;
Sec. 33, NE¼NE¼, N½NW¼, S½SW¼, and S½SE¼;
Sec. 34, SE¼NE¼ and SW¼SW¼;

T. 1 N., R. 76 W.,
Sec. 32, NE¼;
Sec. 33, NW¼;

T. 1 S., R. 75 W.,
Sec. 1, all;
Sec. 2, NE¼, S½NW¼, SW¼, and N½SE¼;
Sec. 3, W½NW¼, SW¼, and W½SE¼;
Sec. 10, SE¼NE¼, W½NE¼, and NW¼;
Sec. 11, E½NW¼, SW¼NW¼, NW¼SW¼, SE¼NE¼, and E½SE¼;
Sec. 12, NE¼, NE¼NW¼, SW¼NW¼, and N½SE¼;
Sec. 13, N½SW¼;
Sec. 14, N½NE¼, E½NW¼, and SW¼;
Sec. 23, W½NE¼, E½NW¼, SW¼, W½SE¼, and NE¼SE¼;
Sec. 24, N½SW¼;
Sec. 25, S½NW¼;
Sec. 26, NE¼NE¼, W½NW¼, SE¼NW¼, and SW¼;
Sec. 27, N½, SW¼, N½SE¼, and SE¼SE¼;
Sec. 32, W½NW¼;
Sec. 34, SW¼;
Sec. 35, NE¼, NW¼NW¼, and E½NW¼;
Sec. 36, all;

T. 1 S., R. 76 W.,
Sec. 13, S½SW¼;
Sec. 15, W½SE¼NE¼; W½E½SE¼, and W½SE¼;
Sec. 18, E½E½;
Sec. 19, E½NE¼, SW¼NE¼, SW¼NW¼, and S½;
Sec. 20, SW¼;
Sec. 24, E½SE¼NE¼, and SW¼SE¼;
Sec. 25, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 26, S½N½ and S½;
Sec. 27, SE¼NE¼, W½NW¼, and S½;
Sec. 28, E½E½;

T. 1 S., R. 76 W.—Continued.
Sec. 33, E½E½;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all;
T. 2 S., R. 76 W., All Township;
T. 1 S., R. 77 W.,
Sec. 2, SE¼SW¼ and SW¼SE¼;
Sec. 3, Lots 2 to 8 inclusive, S½N½ and S½;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, N½NE¼ and SW¼;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 24, S½SE¼;
Sec. 26, N½NW¼;
Sec. 27, W½ and SE¼;
Sec. 28, E½, N½NW¼, SE¼NW¼, and E½SW¼;
Sec. 29, NE¼NE¼ and SE¼;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, W½ and SE¼;
T. 2 S., R. 77 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, NE¼, N½NW¼, SE¼NW¼, E½SW¼, N½SE¼, SE¼SE¼, and E½SW¼SE¼;
Sec. 31, lots 4, 5, 6, 7, 8, 10, 11, 12, and 13
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all;

Respectfully,

JOHN C. PAGE, *Commissioner.*

I concur:
(1)

*Secretary of Agriculture.*

Department of the Interior, July 24, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

T. A. WALTERS,
*First Assistant Secretary.*

[1] See letter signed by the Secretary of Agriculture which is appended hereto.

FIRST FORM RECLAMATION WITHDRAWAL, COLORADO-BIG THOMPSON PROJECT, COLORADO

AUGUST 12, 1937.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

COLORADO-BIG THOMPSON PROJECT, COLORADO

*Sixth Principal Meridian*

T. 2 S., R. 79 W.,
Sec. 1, W½;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, N½ and SE¼;
Sec. 6, N½;
Sec. 9, E½;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, E½;
Sec. 21, E½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, N½;
Sec. 35, N½;
Sec. 36, N½;
T. 2 S., R. 80 W.,
Sec. 19, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

Respectfully,

JOHN C. PAGE, *Commissioner.*

I concur:
(1)

*Secretary of Agriculture.*

Department of the Interior, August 20, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

DEPARTMENT OF AGRICULTURE
September 29, 1937.

The Honorable, The SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Reference is made to letters from the Acting Secretary of the Interior, under dates of July 24 and August 20, transmitting for concurrence by this Department two recommendations by the Commissioner of Reclamation for the withdrawal under the provisions of the Act of June 17, 1902 (32 Stat. 388), in connection with the Colorado-Big Thompson Reclamation Project, of approximately 100,000 acres of land within the Arapaho National Forest, Colorado. By letter of September 2, this Department replied that the Forest Service was being asked for a report on the matter, following the receipt of which a further reply to your communications would be made.

The lands proposed for withdrawal are reported to be, in the main, rough and mountainous, so that apparently little or none of the area actually will be occupied by reclamation works or have a direct relationship to such works. They support approximately 300,000,000 board feet of timber of commercial character; part of the area has been selected for use as an experimental forest within which the research agencies of the Forest Service plan to conduct an extensive program of forest research.

In so far as lands are found to be needed in connection with important reclamation projects there will of course be no question as to the concurrence of this Department. But in this case the Department has no definite knowledge as to the needs of the Reclamation Service for these lands; the available data indicating that none of the withdrawn lands actually will be used for reclamation purposes. On the other hand, as the applicable laws are understood, and as they thus far have been construed, the withdrawal of such lands as are not needed for reclamation projects will in no way hamper their protection, use and administration by the Forest Service as national-forest lands. In such circumstances this Department is without adequate bases either for concurrence in or objection to the proposed withdrawals. The Regional Forester at Denver reports that the proposed withdrawals, as he understands them, will not interfere with national-forest administration and that he, therefore, has no objection to make at this time.

The two orders of withdrawal, in duplicate, transmitted with your letters of July 24 and August 20, are returned herewith.

Very sincerely yours,

H. A. WALLACE, *Secretary.*

[1] See letter signed by the Secretary of Agriculture which is appended hereto.

[F. R. Doc. 37-3014; Filed, October 13, 1937; 9: 34 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 12 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

October 1, 1937.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Marin, October 1, 1940.
New York: Oneida, October 1, 1940.
Puerto Rico: Camuy, October 1, 1940; Guanica, October 1, 1940; Hatillo, October 1, 1940; Isabela, October 1, 1940; Lares, October 1, 1940; Moca, October 1, 1940; Quebradillas, October 1, 1940; San Sebastian, October 1, 1940.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Arizona: Maricopa, October 1, 1940.
California: Lassen, October 1, 1940.
Colorado: Hinsdale, October 1, 1940.
Connecticut: Middlesex, October 1, 1940.
Florida: St. Johns, October 1, 1940.
Illinois: Champaign, October 1, 1940; McLean, October 1, 1940; Montgomery, October 1, 1940; Douglas, October 1, 1943; Fulton October 1, 1943; Jersey, October 1, 1943; Lawrence, October 1, 1943; Marion, October 1, 1943; Moultrie, October 1, 1943.
Indiana: Pulaski, October 1, 1940; Steuben, October 1, 1940.
Iowa: Muscatine, October 1, 1940; Washington, October 1, 1940; Winnebago, October 1, 1940.
Kansas: Franklin, October 1, 1940; Lincoln, October 1, 1940.



Kentucky: Clay, October 1, 1940; Fleming, October 1, 1940; Nelson, October 1, 1940.
Minnesota: Crow Wing, October 1, 1943.
Mississippi: Monroe, October 1, 1940.
Missouri: Gasconade, October 1, 1940; Mississippi, October 1, 1940; Monroe, October 1, 1940; Scott, October 1, 1940.
New Jersey: Camden, October 1, 1940.
North Carolina: Alleghany, October, 1940; Ashe, October, 1940; Haywood, October, 1940; Madison, October, 1940.
Ohio: Highland, October, 1940; Putnam, October, 1940.
Pennsylvania: Snyder, October, 1940.
Tennessee: Dyer, October, 1940.
Texas: Brewster, October, 1940; Dawson, October, 1940; Gaines, October, 1940; Hamilton, October, 1940; Martin, October, 1940; Midland, October, 1940; Pecos, October, 1940; Presidio, October, 1940; Smith, October, 1940; Terrell, October, 1940; Val Verde, October, 1940; Wichita, October, 1940.
Virginia: Carroll, October, 1940; Craig, October, 1940; Madison, October, 1940; Prince George, October, 1940; Surry, October, 1940; Washington, October, 1940.
Washington: Garfield, October, 1940.
West Virginia: Ritchie, October, 1940.
Wisconsin: Eau Claire, October, 1943; Forest, October, 1943; Manitowoc, October, 1943.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL] A. W. MILLER,
*Acting Chief of Bureau.*

[F. R. Doc. 37-3022; Filed, October 13, 1937; 12:44 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Air Commerce.

CIVIL AIR REGULATIONS

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (48 Stat. 1113), the Act of June 19, 1934 (48 Stat. 1116), and Sections 11 and 12 of the Act of June 12, 1934 (48 Stat. 933, 937), the following civil air regulations are hereby made, established, and issued to be known as

Chapter 60. Air Traffic Rules
Chapter 90. Air Mail
Chapter 91. Aircraft Accident Investigations
Chapter 92. Hearings upon Certificates Issued Renewed, Denied, Suspended or Revoked
Chapter 93. Evidence
Chapter 94. Penalties
Chapter 95. Imposition, Remission and Mitigation of Penalties
Chapter 98. Definitions
Chapter 99. Mode of Citation of Regulations

Any and all rules or regulations made, established, and issued by the Secretary of Commerce pursuant to law as are inconsistent with the provisions of the above specified civil air regulations are hereby repealed.

Approved, to take effect November 1, 1937, unless otherwise specifically provided in a particular chapter or part thereof.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

60. AIR TRAFFIC RULES

60.0 Provision for Issuance
60.1 Definitions
60.2 Certificate and Mark Rules
60.20 Pilot Certificate
60.21 Aircraft Certificate
60.22 Identification Mark
60.3 Flight Rules (General)

60.30 Method of Taking-Off and Landing
60.31 Right of Way
60.32 Duty to Give Way
60.33 Air Meet Landing
60.34 Airspace Reservations
60.35 Minimum Safe Altitudes
60.36 Right Side Traffic
60.37 Proximity in Flight
60.4 Flight Rules (Contact)
60.40 Pilot
60.41 Equipment
60.42 Fuel Requirements
60.43 Flight Plan
60.44 Weather Minimums
60.45 Alternate Airport
60.46 Over-The-Top-Flight
60.47 Flight Enroute
60.48 Flight Altitudes
60.5 Flight Rules (Instrument)
60.50 Pilot
60.51 Equipment
60.52 Fuel Requirements
60.53 Flight Plan
60.54 Weather Minimums
60.55 Alternate Airport
60.56 Over-The-Top-Flight
60.57 Flight Enroute
60.58 Flight Altitudes
60.6 Light and Signal Rules
60.60 Angular Limits
60.61 Airplane Lights
60.62 Airship Lights
60.63 Balloon Lights
60.64 Lights When Stationary
60.65 Signals When Stationary
60.66 Distress Signals
60.67 Forced Landing Signals
60.68 Fog Signals
60.7 Acrobatic Flight Rules
60.70 Prohibited Zones
60.71 Acrobatics While Carrying Persons
60.72 Parachute Jumps
60.8 Air Meet Rules
60.80 Classification
60.81 Permit Required
60.82 Provision for Issuance
60.83 Application for Class 1 Air Meet Permit
60.84 Application for Class 2 Air Meet Permit
60.85 Issuance
60.86 Duration
60.87 Non-Transferability
60.88 Suspension or Revocation
60.89 Air Meet Rules
60.9 Miscellaneous Air Traffic Rules
60.90 Running Motors, Supervision of
60.91 Aircraft on Water
60.92 Transportation of Prohibited Articles
60.93 Liquor, Narcotics and Drugs
60.94 Towing of Aircraft
60.95 Dropping of Objects or Things
60.96 Aircraft Model Flying Activities, Supervision of
60.97 Non-Application of Air Traffic Rules
60.98 Certificate of Non-Application

CHAPTER 60. AIR TRAFFIC RULES

60.0 PROVISION FOR ISSUANCE: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to provide regulations for the rating of aircraft, airmen, air navigation facilities, air carriers and flying schools, and for the navigation, protection and identification of aircraft, and for prohibiting the operation or navigation in violation thereof, the following air traffic rules, relating thereto are hereby prescribed.

60.1. DEFINITIONS

60.100. *Flight Plan:* A flight plan means a plan of flight which shall contain the following information:

(a) The aircraft identification mark, or the name of the governmental service in which the aircraft is employed, if so employed, or the name of the airline operator and the trip number, if engaged in scheduled airline service.

(b) The type of aircraft involved and the number of aircraft making the flight, if the aircraft are in formation.

(c) The name of the pilot, or of the flight commander if the aircraft are in formation.

(d) The point of departure of the particular flight for which such plan is being filed.

(e) The point of first intended landing.

(f) The proposed cruising altitude or altitudes.

(g) The proposed cruising airspeed.

(h) The radio equipment carried in the aircraft. (If no radio—NORAD; if radio receiver only—RONLY; if two-way radio, statement of transmitter frequency.)

(i) The proposed time of departure. (The actual time of departure shall be considered as the time when the aircraft leaves the ground and this time shall be forwarded to the point of first intended landing immediately after departure.)

(j) The estimated elapsed time until arrival on the ground at the point of first intended landing. (For scheduled operation, the first stop to be made, together with additional stops if requested by an Airway Traffic Control Station.)

(k) The alternate airport, if the flight is to involve instrument flight.

(l) Any other pertinent information which the pilot deems useful for control purposes, or which may be requested by Airway Traffic Control.

60.101. *Approved Flight Plan:* An approved flight plan is a plan of flight, containing at least the information required by CAR 60.100, which has been submitted to, and approved by, any one of the following as available, but in the order indicated:

(a) The Airway Traffic Control Station of the Bureau into the controlled area of which the flight will first enter before reaching the point of first intended landing, or

(b) the Airway Communications Station of the Bureau at the point of first intended landing, or

(c) the Airport Manager, or his designated representative, at the point of first intended landing.

60.102. *Controlled Airport:* A controlled airport is an airport on which, or adjacent to which, is a radio directional aid to air navigation designed to direct aircraft to that airport by the aid of instruments, and which has been so designated by the Secretary for the safety of instrument flight operations in interstate or foreign air commerce; or any military or Federal landing area above which, or in connection with which, contact flight operations have been restricted to promote the safety of instrument flight operations. (See Appendices for list of Controlled Airports.)

60.103. *Controlled Zone:* A controlled zone is the airspace above an area within a circle with a radius of 3 miles drawn from the center of a controlled airport: *Provided, however,* If the radio directional aid station for such airport is more than 3 miles from the center thereof, then the controlled zone area is extended to include an area for one-half mile on each side of a line projected from the center of such airport to such radio station.

60.104. *Controlled Zone of Intersection:* A controlled zone of intersection is the airspace above an area within a circle with a radius of 25 miles drawn from the center of the zone of intersection as indicated in CAR 60.105 (a), (b), or (c).

60.105. *Center of Controlled Zone of Intersection:* The center of a controlled zone of intersection is:

(a) The cone of silence of a radio range station located at an intersection of airways, or

(b) the center of the intersection of the "on course" radio range signals projected down intersecting airways, or

(c) the center of an "on course" signal projected down an airway, at a point designated by the Secretary.

60.106. *Green Zone of Intersection:* A green zone of intersection is a zone of intersection on a green airway in which through traffic on a green airway continues through such zone at a constant altitude, and in which zone traffic on the intersected amber or red airway shall proceed as outlined in CAR 60.58310, and 60.58320.

60.107. *Amber Zone of Intersection:* An amber zone of intersection is a zone of intersection on an amber airway in which through traffic on an amber airway continues through such zone at a constant altitude and in which zone traffic on the intersected red airway proceeds as outlined in CAR 60.58321.

60.108. *Red Zone of Intersection:* A red zone of intersection is a zone of intersection on a red airway in which traffic on a red airway continues through such zone at a constant altitude and traffic on a secondary red airway proceeds as outlined in CAR 60.58322.

60.109. *Zone of Intersection Priority:* That part of an amber or red zone of intersection which may overlap and lie within a green zone of intersection shall be considered as the green zone of intersection, and that part of a red zone of intersection which may overlap or lie within an amber zone of intersection shall be considered as the amber zone of intersection.

60.110. *Alternate Airport:* An alternate airport is an airport, other than the point of first intended landing, to which a flight may be directed in case of emergency.

60.111. *Contact Flight:* Contact flight is flight of aircraft in which the attitude of the aircraft and its flight path can at all times be controlled by means of visual reference to the ground.

60.112. *Instrument Flight:* Instrument flight is flight of aircraft in which the visual reference in CAR 60.111 is not continuously available and the attitude of the aircraft and its flight path can only be controlled in part or in whole by reference to instruments.

60.113. *Over-The-Top-Flight:* Over-the-top-flight is flight of aircraft made above an overcast, usually a cloud formation.

60.114. *Public Aircraft:* A public aircraft is an aircraft used exclusively in the governmental service.

60.115. *Weather Minimums:* Weather minimums are ceiling, visibility and other minimums provided for specified types of flight operation, and below which flight operation is not permitted, unless specifically authorized elsewhere in these regulations or by the Secretary.

NOTE.—Each local weather reporting station will report existing weather conditions by means of the following symbols and classifications:

Class C—Weather equal to or better than the minimum specified for the particular airport for flight in accordance with contact flight rules. (Satisfactory for contact flight.)

Class I—Weather less than the minimums specified for the particular airport for contact flight (Class C above) and down to the minimums prescribed for the particular airport for suspension of flight operations. (Requiring observance of instrument flight rules.)

Class X—Weather below the minimums specified for the particular airport, wherein any landing or take-off, other than a flight of public aircraft or scheduled airline aircraft, if otherwise authorized, is suspended. (Take-off and landing suspended.)

60.116. *Daylight, Hours of:* (Day Flight, Daylight Hours, Day). The hours of daylight as used in these rules mean those hours between sunrise and sunset, as determined by the official U. S. Weather Bureau records for the locality concerned.

60.117. *Darkness, Hours of:* (Night Flight, Hours of Darkness, Night). The hours of darkness as used in these rules mean those hours between sunset and sunrise, as determined by the official U. S. Weather Bureau records for the locality concerned.

60.118. *Acrobatics (Acrobatic Flight):* Acrobatics as used in these rules means any maneuver of an aircraft not necessary to the orderly progress of its flight.

60.119. *Ceiling:* Ceiling as used in these rules means the distance from the cloud base to the ground at the point of observation, as determined by official Weather Bureau reports.

60.120. *Military Aircraft:* Military aircraft as used in these rules means aircraft operated in the service of the United States Army, Navy, Marine Corps or Coast Guard.

60.2. CERTIFICATE AND MARK RULES

60.20. *Pilot Certificate:* No person shall pilot a civil aircraft on, along, or across a designated civil airway, or elsewhere in interstate or foreign air commerce

(a) unless possessed of a valid pilot certificate of competency, or

(b) unless possessed, if an alien, of such certificate or a similar pilot certificate issued or validated according to the provisions of CAR 65, nor

(c) in violation of any term, specification or limitation of such certificate.

60.21. *Aircraft Certificate:* No flight of civil aircraft, other than of a foreign aircraft, shall be made or authorized to be made

(a) on, along, or across a designated civil airway whatever the purpose or nature of the flight may be, unless such aircraft is possessed of valid aircraft registration and airworthiness (or experimental) certificates, nor

(b) elsewhere in the navigable airspace over the lands and waters of the United States if engaged in interstate or foreign air commerce, unless such aircraft is possessed of such valid aircraft certificates, nor

(c) in violation of any term, specification or limitation of such certificates.

60.210. No foreign aircraft shall engage in interstate or intrastate commerce; nor shall it be otherwise navigated in the United States except in compliance with these air traffic rules and the provisions of CAR 65.

60.22. *Identification Mark:* No flight of aircraft shall be made or authorized to be made in the navigable airspace over the lands or the waters of the United States unless such aircraft is possessed of and displays a valid identification mark asisgned or approved therefor by the Secretary.

60.3. FLIGHT RULES (GENERAL)

60.30. *Method of Taking-Off and Landing:* The following rules shall govern the method of aircraft taking off and landing:

60.300 (a). Aircraft, when taking off or landing, shall observe the local field traffic rules issued for the protection of interstate and foreign air commerce, as approved by the Secretary.

60.301 (b). A take-off shall not be commenced until there is no risk of collision with other aircraft.

60.302 (c). If necessary to circle any airport or other landing area all circles shall be made to the left, unless otherwise specified by the Secretary, or unless the pilot receives other instructions from the airport traffic control tower. All aircraft flying within 3 miles horizontally of the center of such airport or landing area shall conform to this circuit rule unless flying at a height in excess of 2000 feet. (Air traffic in the vicinity of a controlled airport shall take precedence over other air traffic in the controlled zone when required in the interests of safety and will be governed by special traffic rules approved by the Secretary.)

60.303. Aircraft approaching for a landing shall maintain a straight glide path for the last 1000 feet before crossing the airport boundary.

60.31. *Right of Way:* The following rules will govern aircraft right of way:

60.310. Order—Aircraft in flight shall have right of way in the following order: (1) Balloons, fixed or free (an airship not under control is classed as a free balloon), (2) gliders, (3) airships and (4) airplanes (including rotorplanes).

60.311. Crossing—When two aircraft are on crossing courses at approximately the same altitude, the aircraft which has the other on its left shall have right of way, and the other aircraft shall give way.

60.312. Approaching—When two aircraft are approaching head-on, or approximately so, and there is danger of collision, each shall alter its course to the right so that they will pass each other at a distance of at least 300 feet.

60.313. Overtaking—An overtaken aircraft shall have right of way and the overtaking aircraft shall keep clear of the overtaken aircraft by altering its own course to the right.

60.314. Landing—A landing aircraft shall have right of way over aircraft moving on the ground or taking off.

60.315. Distress Landing—An aircraft in distress shall have right of way in attempting to land.

60.32. *Duty to Give Way:* When landing or maneuvering in preparation to land, it shall be the duty of the aircraft at the greater altitude to avoid the aircraft at the lower altitude.

60.33. *Air Meet Landing:* In approaching a landing area where there is a congestion of aircraft or an assembly of persons or automobiles in the vicinity of aircraft, pilots shall proceed with caution and ascertain before landing, or before flying at low altitude over the landing area, whether or not an air meet or airport demonstration is in progress. (See CAR 60.8911.)

60.34. *Airspace Reservations:* No flight of aircraft shall be made at any altitude whatsoever over any airspace reservation set apart by order of the President of the United States, any authorized Federal agency, or by any of the several States, pursuant to the provisions of the Air Commerce Act, as amended, or other applicable law; *provided*, however, that such restriction of flight shall not apply to public aircraft previously authorized by the appropriate governmental agency to make such flights.

NOTE.—See appendices to this chapter for a list of Federal airspace reservations.

60.35. *Minimum Safe Altitudes:* Exclusive of taking off from or landing upon an airport or other landing area, aircraft shall not be flown below the following minimum safe altitudes of flight:

60.350 (a). An altitude over the congested parts of cities, towns, or settlements, sufficient to permit at all times an emergency landing outside of such areas in the event of complete power failure, but in no case less than 1,000 feet above the ground.

60.351 (b). An altitude over certified high explosive danger areas, other than airspace reservations, sufficient to permit at all times an emergency landing outside of such certified danger area in the event of complete power failure, but in no case less than 1,000 feet above the ground.

60.352 (c). 1,000 feet above the ground over any Federal or State penal institution, or any open air assembly of persons.

60.353 (d). 500 feet above the surface elsewhere than as specified in CAR 60.350, 60.351, and 60.352, or within 500 feet from any mountain, hill or other obstruction to flight, except as may be specifically approved by the Secretary.

60.36. *Right Side Traffic:* Aircraft making a contact flight along a civil airway in accordance with the provisions of CAR 60.4, shall keep to the right side of the center line of the airway, well to the right of traffic moving in the opposite direction. Aircraft making an instrument flight and flying along and parallel to a civil airway in accordance with the provisions of CAR 60.5, shall keep to the right side of any radio range course projected down the airway, *provided*, that inbound aircraft may fly along the on-course signal if navigating at an altitude of less than 10,000 feet above sea level, or if maintaining level flight at an altitude of 10,000 feet or more above sea level prescribed for such flight, and *provided*, that outbound aircraft may fly along the on-course signal if maintaining level flight at an altitude of 10,000 feet or more above sea level prescribed for such flight from the time of passing over the cone of silence of the particular radio range concerned.

60.37. *Proximity in Flight:* No aircraft, other than military aircraft of the United States engaged in military maneuvers or aircraft of a certificated flying school engaged in formation flying, shall fly closer than 300 feet to any other aircraft in flight.

60.4. FLIGHT RULES (CONTACT): The following rules will govern contact flight on, along, or across a designated civil airway, or elsewhere in interstate or foreign air commerce.

NOTE.—The rules prescribed under CAR 60.4 will apply to scheduled airline operations unless otherwise specifically indicated.

60.40. *Pilot:* No instrument rating required. (See CAR 40 and 61 for provisions applicable to scheduled airlines.)

60.41. *Equipment:* Aircraft shall be certificated as to equipment as provided for in CAR 04.510, 04.511, 04.512 and/or 04.515, depending upon whether the flight is visual-contact day within 100 miles of a fixed base, visual-contact day unlimited distance or visual-contact night for landplanes, or either of the same for seaplanes or amphibians. (See CAR 04.530 and 04.531 for provisions applicable to scheduled airlines.)

60.42. *Fuel Requirements:* No aircraft shall take off without sufficient fuel and oil, taking into account wind and other weather conditions to be encountered during the course of the flight, to arrive at its point of first intended landing and effect a safe landing thereat. (See CAR 61.7020 for provisions applicable to scheduled airlines.)

60.43. *Flight Plan:* A flight plan, as defined in CAR 60.100, is recommended, but no filing or approval of the same will be required. It may be filed with any of the various agencies designated for the filing of an approved flight plan in CAR 60.101.

60.430. Notification of Arrival—When the pilot of an aircraft has requested that the destination point of a flight be notified of his departure, such pilot of the aircraft shall, immediately upon landing or upon completion of his flight to that point, file an arrival message for transmission to the point of departure.

60.44. *Weather Minimums*

60.440. Within Controlled Zones (Day)—No flight of aircraft shall be made during daylight within a controlled zone unless the ceiling within such zone is at least one thousand (1,000) feet and the visibility is at least three (3) miles.

60.441. Within Controlled Zones (Night)—No flight of aircraft shall be made at night within a controlled zone unless the ceiling within such zone is at least fifteen hundred (1,500) feet and the visibility is at least five (5) miles.

60.442. Within Controlled Zones (Day or Night Below Overcast)—No flight of aircraft shall be made during daylight within a controlled zone closer than three hundred (300) feet vertically to the base of an overcast or cloud formation within such zone, nor closer than five hundred (500) feet vertically if precipitation is occurring in any form. No flight of aircraft shall be made at night within a controlled zone closer than five hundred (500) feet vertically to the base of an overcast or cloud formation within such zone.

60.443. Within Controlled Zones (Day or Night Above Overcast or Through Cloud Level)—No flight of aircraft shall be made during daylight within a controlled zone closer than three hundred (300) feet vertically to the top of an overcast or cloud formation within such zone, nor closer than five hundred (500) feet vertically if precipitation is occurring in any form. No flight of aircraft shall be made at night within a controlled zone closer than five hundred (500) feet vertically to the top of an overcast or cloud formation within such zone. At no time during ascent, descent, or level flight within the cloud level shall the aircraft fly nearer than two thousand (2,000 feet horizontally to the cloud formation or overcast.

60.444. Without Controlled Zones (Day Flight At or Below 1,000 Feet Above the Ground)—No flight of aircraft shall be made during daylight at or below one thousand (1,000) feet above the ground, elsewhere than in a controlled zone, unless the ceiling is sufficient to permit flight at the minimum altitudes prescribed in CAR 60.35 and unless the visibility is at least one (1) mile.

60.445. Without Controlled Zones (Day Flight Above 1,000 Feet Above the Ground)—No flight of aircraft shall be made during laylight above one thousand (1,000) feet above the ground, elsewhere than in a controlled zone, unless the ceiling is sufficient to permit flight at the minimum altitudes prescribed in CAR 60.35 and unless the visibility is at least three (3) miles.

60.446. Without Controlled Zones (Night Flight At or Below 1,000 Feet Above the Ground)—No flight or aircraft shall be made at night at or below one thousand (1,000) feet above the ground, elsewhere than in a controlled zone, unless the ceiling is sufficient to permit flight at the minimum altitudes prescribed in CAR 60.35 and unless the visibility is at least two (2) miles.



60.447. Without Controlled Zones (Night Flight Above 1,000 Feet Above the Ground)—No flight of aircraft shall be made at night above one thousand (1,000) feet above the ground, elsewhere than in a controlled zone, unless the ceiling is sufficient to permit flight at the minimum altitudes prescribed in CAR 60.35 and unless the visibility is at least five (5) miles.

60.448. Without Controlled Zones (Day or Night Below Overcast)—Same as in CAR 60.442.

60.449. Without Controlled Zones (Day or Night Above Overcast)—Same as in CAR 60.443.

NOTE.—If local regulations for the controlled airport concerned require higher minimums for the particular operation concerned, the controlled zone for such airport shall be governed accordingly, provided such local regulations relating to weather minimums are approved by the Secretary.

60.45. *Alternate Airport:* No requirement.

60.46. *Over-The-Top Flight:* No flight of aircraft shall be made over broken clouds or stretches of solid overcast unless the altitude of the aircraft and its flight path can at all times be controlled by visual reference to the ground, and ascent and descent can be made in accordance with the provisions of CAR 60.443. (For scheduled airline operation, see CAR 40 and 61.)

60.47. *Flight Enroute*

60.470. Weather Changes—If weather conditions below the minimums prescribed in CAR 60.44 are anticipated or are actually encountered enroute, a landing shall be made at the nearest airport or the flight shall be altered so that it may be made in weather conditions as good as, or better than, such minimums, unless such aircraft can and does proceed according to the instrument flight rules prescribed in CAR 60.5.

60.471. Communications—No communication facilities required, but if the aircraft is possessed of two-way radio, it is recommended that the procedure provided for in CAR 60.571 be followed.

60.472. Flight Plan Changes—No notice of any change in flight plan is required, but if such plan has been submitted and the aircraft is possessed of two-way radio, it is recommended that the procedure provided for in CAR 60.573 be followed.

60.48. *Flight Altitudes:* Altitudes shall conform to those provided for in CAR 60.58 if the flight is made above one thousand (1,000) feet above the ground.

60.5. FLIGHT RULES (INSTRUMENT): The following rules will govern instrument flight on, along, or across a designated civil airway, or elsewhere in interstate or foreign air commerce.

NOTE.—The rules prescribed under CAR 60.5 will apply to scheduled airline operations unless otherwise specifically indicated.

60.50. *Pilot:* No instrument flight shall be made unless the pilot in charge holds a valid instrument rating.

60.51. *Equipment:* Aircraft making an instrument flight shall be properly certificated as to equipment according to the provisions of CAR 04.513, 04.514 and 04.515. (Scheduled airline aircraft shall be certificated as provided in CAR 04.532 and 04.533.)

60.52. *Fuel Requirements:* No aircraft making an instrument flight shall take off without fuel and oil sufficient, considering the wind and other weather conditions to be encountered during the course of the flight, at least

(a) to complete such flight to the point of the first intended landing and thereafter

(b) to fly to the alternate airport designated in the approved flight plan, and thereafter

(c) to fly, at normal cruising consumption, for a period of forty-five (45) minutes.

(For scheduled airline operations, see CAR 61.7021.)

60.53. *Flight Plan:* An approved flight plan in accordance with CAR 60.101 shall be required. The flight plan shall be submitted for approval only after the pilot has made a careful study of current weather reports and forecasts and believes the flight can be made with safety. Traffic control instructions issued to the pilot before departure and/or enroute are a part of the approved flight plan, and the pilot shall comply with the same in all respects.

60.530. Notification of Arrival—The pilot of an aircraft shall, immediately upon landing or upon completion of the flight, file an arrival message for transmittal to the point of departure.

60.54. *Weather Minimums:*—

60.540. Proximity to Overcast—Flight within the prohibited vertical or horizontal distances from an overcast or cloud formation, prescribed in CAR 60.44, shall be governed by the rules prescribed for instrument flight.

60.541. Without Controlled Zones—Flight made when ceilings or visibilities are below those specified in CAR 60.44 shall be governed by instrument flight rules.

60.542. Within Controlled Zones—Flight made within a controlled zone shall be governed by instrument flight rules, provided that ceilings or visibilities are below those specified in CAR 60.440 and 60.441. No flight, other than by a public aircraft or by a scheduled airline aircraft, shall be made from a controlled airport, or elsewhere in a controlled zone, when the ceiling is less than 500 feet or the visibility is less than 1 mile. (For scheduled airline operation, see CAR 40.290, 40.390 and 61.7109.)

60.543. Non-Controlled Airports—Flight made at an airport not designated as a controlled airport and not within any controlled zone shall be governed by instrument flight rules if weather conditions are less than those provided for in CAR 60.44 and 60.46.

60.55. *Alternate Airport:* No take-off of aircraft shall be made unless

(a) the approved flight plan includes an alternate airport having a landing area suitable for the equipment used, and

(b) weather reports and forecasts indicate that the weather conditions at the alternate airport will remain constant or improve until the arrival of the aircraft, and either (c) or (d) below

(c) a ceiling of at least 2,000 feet and a visibility of at least 5 miles if an overcast exists, or ceiling of at least 1,500 feet and a visibility of at least 5 miles if broken clouds exist, if the alternate airport is equipped with a radio directional aid to air navigation, or

(d) an unlimited ceiling and visibility of at least 3 miles, if the alternate airport is not equipped with a radio directional aid to air navigation.

(For scheduled airline operations, see CAR 61.23 and 61.7109.)

60.56. *Over-The-Top-Flight:* Over-the-top-flight shall be made in accordance with instrument flight rules whenever the attitude of the aircraft and its flight path can not be controlled at all times by visual reference to the ground.

60.57. *Flight Enroute:*—

60.570. Weather Changes—If weather reports available to the pilot indicate weather conditions below the minimums allowing operation into the airport of destination, the aircraft shall land at the nearest airport where a safe landing may be effected or proceed to an appropriate alternate airport as provided for in CAR 60.55. (For scheduled airline operation see CAR 61.7106.)

60.571. Communications (Radio Contacts)—The pilot shall maintain a continuous listening watch on the appropriate radio frequency and shall, by radio, contact and report as soon as possible to the appropriate communications station the time and altitude of passing each radio fix and/or other predetermined check point together with the weather conditions being encountered and any other information pertinent to aircraft movement and, further, if not within the area of an Airway Traffic Control Station, shall, prior to entering a control zone of intersection, establish communication with the Airway Communications Station of the Bureau located within or adjacent to such zone of intersection, forwarding the expected time of arrival over the center of the

control zone of intersection, the requested altitude through the control zone of intersection, and the course or courses proposed to be followed while within the control zone of intersection. Aircraft utilizing airline communication facilities shall relay information as required in this paragraph through airline radio frequency, airline radio operator, and interphone or telephone to the appropriate agent of the Bureau.

60.572. Communications (Radio Failure)—In the event of failure of the two-way communication system of the aircraft, one of the following procedures in the order named shall be observed:

60.5720 (a). Contact Flight—Aircraft may proceed provided that the flight may be made in accordance with contact flight rules as provided for in CAR 60.4; or in the event such contact flight is not possible.

60.5721 (b). Land—Landing shall be made at the nearest suitable airport which is not an airport at which an Airway Traffic Control Station of the Bureau is located, or

60.5722 (c). Emergency Procedure—In the event weather conditions do not permit the procedures provided for in CAR 60.5720 or 60.5721, the pilot shall proceed according to his approved flight plan, including any amending instructions issued and acknowledged enroute, with particular attention to maintaining his last acknowledged assigned altitude until the approximate approach clearance time last issued to him, after which landing may be made. Note: Normal traffic will resume as soon as the aircraft has landed or been accounted for, but, in any event, in not more than 30 minutes after the estimated first arrival time over the airport of such aircraft.)

60.573. Flight Plan Changes—No change shall be made enroute in any approved flight plan until approval has first been obtained from the Airway Traffic Control Station of the Bureau for the area in which the flight is progressing, unless an emergency situation exists which requires immediate decision and action, in which case as soon as possible after such emergency authority is exercised the pilot shall inform the proper control station of the new flight plan and obtain approval therefor. In the event no control station is in operation in the area in question, such information shall be given to the appropriate Airway Communications Station of the Bureau.

60.58. *Flight Altitudes:* The following flight altitudes will govern instrument flights, provided that, except during takeoff or landing no instrument flight shall be made below 1,000 feet above the ground.

60.580. Flight Altitudes on Green Airways—Unless different altitudes are assigned by Airway Traffic Control, the following rules will govern the altitude at which aircraft making flights along those civil airways which are designated as green airways shall fly:

60.5800. Eastbound Flights—Every aircraft making good a true course of from 0° (or 360°) to, but not including, 180° along a green airway shall fly at an ODD thousand foot level above sea level (such as 3,000, 5,000 or 7,000 feet).

60.5801. Westbound Flights—Every aircraft making good a true course of from 180° to, but not including, 360° (or 0°) along a green airway shall fly at an EVEN thousand foot level above sea level (such as 2,000, 4,000 or 6,000 feet).

60.58020 (a). Green Airway No. 1—Composed of the civil airways or parts or combinations thereof, are hereby designated as green airways:

60.58020 (b). Green Airway No. 1—Composed of the civil airways connecting Seattle, Wash., and Bar Harbor, Me., via Seattle, Butte, Billings, Fargo, Minneapolis, Lone Rock (Site 15—Chicago-Twin Cities Airway), Milwaukee, Muskegon, Lansing, Pontiac, Detroit, Buffalo, Albany, Putnam, Conn., Boston, Portland and Bar Harbor.

60.58021 (b). Green Airway No. 2—Composed of the civil airways connecting San Francisco and New York via San Francisco (Oakland), Suisun, Calif., (Site 4—San Francisco-Salt Lake Airway), Salt Lake City, Cheyenne, Omaha, Sheridan, Ill., (Site 36—Kansas City-Chicago Airway), Chicago, Lansing, Ill., Toledo, Cleveland, Bellefonte, Allentown and Newark, N. J. (New York).

60.58022 (c). Green Airway No. 3—Composed of the civil airways connecting Burbank and Philadelphia via Los Angeles (Burbank), Saugus, Calif., (Site 3–A—Los Angeles-San Francisco Airway), Daggett, Calif., (Site 10—Los Angeles-Amarillo Airway), Kingman, Winslow, Albuquerque, Amarillo, Conway, Wichita, Kansas City, Knoxville, Mo., St. Louis, Indianapolis, Dayton, Columbus, Pittsburgh, Harrisburg and Philadelphia (Camden).

60.58023 (d). Green Airway No. 4—Composed of the civil airways connecting Washington and Los Angeles (Glendale) via Los Angeles (Glendale), Alhambra, Fontana, Blythe, Phoenix, Tucson, Benson, Ariz., (Site 45B—Los Angeles-Phoenix Airway), Rodeo, N. M., (Site 57A—Los Angeles-Phoenix Airway), El Paso, Fort Worth-Dallas, Wills Point, Memphis, Nashville, Knoxville, Bristol, Quantico and Washington.

60.58024 (e). Green Airway No. 5—Composed of the civil airways connecting Corpus Christi and Langley Field (Norfolk, Va.) via Corpus Christi, Arcola, Tex., Houston, New Orleans, Mobile, Atlanta, Charlotte, Chester, Richmond and Norfolk, Va., (Langley Field).

60.581. *Flight Altitudes on Amber Airways*—Unless different altitudes are assigned by the Bureau Airway Traffic Control, the following rules will govern the altitude at which aircraft making flights along those civil airways which are designated as amber airways shall fly:

60.5810. Northbound Flights—Every aircraft making good a true course of from 270° to, but not including, 90° along an amber airway shall fly at an ODD thousand foot level above sea level (such as 3,000, 5,000 or 7,000 feet).

60.5811. Southbound Flights—Every aircraft making good a true course of from 90° to, but not including, 270° along an amber airway shall fly at an EVEN thousand foot level above sea level (such as 2,000, 4,000 or 6,000 feet).

60.5812. Amber Airway Designation—The following civil airways, or parts or combinations thereof, are hereby designated as Amber Airways unless otherwise specifically indicated:

60.58120. (a). Amber Airway No. 1—Composed of the civil airways connecting San Diego and Blaine, Wash. (United States-Canadian Border) via San Diego, Alhambra (Alhambra to Los Angeles via Green Airway No. 4, and Los Angeles to Saugus, Calif. (Site 3A Los Angeles-San Francisco Airway) via Green Airway No. 3), Saugus, Calif. (Site 3A Los Angeles-San Francisco Airway) Bakersfield, Fresno, San Francisco (Oakland), (San Francisco to Suisun, Calif.), (Site 4, San Francisco-Salt Lake Airway), (via Green Airway #2), Medford, Portland, Seattle and United States-Canadian Border at Blaine, Wash.

60.58121 (b). Amber Airway No. 2—Composed of the civil airways connecting Daggett and Great Falls via Daggett, Calif. (Site 10 Los Angeles-Amarillo Airway), Las Vegas, Salt Lake City, Clearfield, Utah, Pocatello, Butte, Helena, and Great Falls.

60.58122 (c). Amber Airway No. 3—Composed of the civil airways connecting El Paso and Billings via El Paso, Albuquerque, Pueblo, Cheyenne, and Billings.

60.58123 (d). Amber Airway No. 4—Composed of the civil airways connecting Brownsville, Texas, and Bismarck via Brownsville, Corpus Christi, Fairview, San Antonio, Waco, Fort Worth, Justin, Oklahoma City, Britton, Oklahoma, Tulsa, Bonner Springs, Kansas, (Bonner Springs, Kansas, to Kansas City via Green Airway No. 3), Kansas City, Omaha, Sioux Falls and Bismarck.

60.58124 (e). Amber Airway No. 5—Composed of the civil airways connecting New Orleans and Milwaukee via New Orleans, Memphis, St. Louis, Peoria, Morse, Ill., (Site 29—Kansas City-Chicago Airway), Sheridan, Ill., (Site 35—Kansas City-Chicago Airway), (Sheridan, Ill., (Site 36—Kansas City-Chicago Airway) to Chicago via Green Airway No. 2), Chicago and Milwaukee.

60.58125 (f). Amber Airway No. 6—Composed of the civil airways connecting Briceville, Florida, and Buffalo via Briceville, Florida, Jonesboro, Ga., Atlanta, Nashville, Louisville, La Grange, Ky., Cincinnati, Columbus, Hayesville, Akron, (Cleveland to Bedford, Ohio, (Site 32, Chicago-New York Airway) via Green Airway No. 2), Bedford, Ohio, (Site 32, Chicago-New York Airway) and Buffalo.



60.58126 (g). Amber Airway No. 7—Composed of the civil airways connecting Key West and Swanton, Vt., via Key West, Miami, Jacksonville, Charleston, Raleigh, Chester (Chester to Richmond via GA #5), Richmond, Quantico (Quantico to Washington via GA #4) Wash., New York, and Putnam, Conn.; thence via Green Airway No. 1 to Boston, Mass., and through Concord, New Hampshire, to Burlington, Vt., and to Swanton, Vt., (U. S.-Canadian border).

60.582. *Flight Altitudes on Red Airways*—Unless different altitudes are assigned by the Bureau Airway Traffic Control, the following rules will govern the altitude at which aircraft making flights along those civil airways which are designated as Red Airways shall fly:

60.5820. Eastbound Flights—Every aircraft making good a true course of 0° (or 360°) to, but not including, 180° along a red or secondary red airway shall fly at an ODD thousand foot level above sea level (such as 3,000, 5,000, or 7,000 feet.)

60.5821. Westbound Flights—Every aircraft making good a true course of 180° to, but not including, 360° (or 0°) along a red or secondary red airway shall fly at an EVEN thousand foot level above sea level (such as 2,000, 4,000, or 6,000 feet).

60.5822. Red Airway Designation—The following civil airways, or parts or combinations thereof, are hereby designated as Red Airways, unless otherways specifically indicated:

60.582200 (a). Red Airway No. 1—Composed of the civil airways connecting Indio and Calexico via Indio, Calif., and Calexico.

60.582201 (b). Red Airway No. 2—Composed of the civil airways connecting Portland and Salt Lake City via Portland, Ore., Pendleton, Boise, Clearfield, Utah, (Clearfield, Utah, to Salt Lake City via Amber Airway No. 2).

60.582202 (c). Red Airway No. 3—Composed of the civil airways connecting Ellensburg and Ephrata via Ellensburg, Wenatchee and Ephrata.

60.582203 (d). Red Airway No. 4—Composed of the civil airways connecting Drummond and Bozeman via Drummond (Site 44B Seattle-Helena Airway), Helena and Bozeman (Site 8 Helena-Twin Cities Airway).

60.582204 (e). Red Airway No. 5—Composed of the civil airways connecting Fargo and Pembina (United States-Canadian Border) via Fargo, Grand Forks, and Pembina (United States-Canadian Border).

60.582205 (f). Red Airway No. 6—Composed of the civil airways connecting Sioux Falls and Minneapolis via Sioux Falls and Minneapolis.

60.582206 (g) Red Airway No. 7—Composed of the civil airways connecting La Crosse and Hager City via Rochester.

60.582207 (h). Red Airway No. 8—Composed of the civil airways connecting Benson, Ariz., (Site 45B Los Angeles-Phoenix Airway) and Rodeo, New Mexico, (Site 57A, Los Angeles-Phoenix Airway) via Douglas, Ariz.

60.582208 (i). Red Airway No. 9—Composed of the civil airways connecting Amarillo and Justin, Texas, via Wichita Falls.

60.582209 (j). Red Airway No. 10—Composed of the civil airways connecting Conway, Texas, and Wichita via Oklahoma City (Oklahoma City to Britton via AA #4).

60.582210 (k). Red Airway No. 11—Composed of the civil airways connecting Fairview and Arcola, Texas.

60.582211 (l) Red Airway No. 12—Composed of the civil airways connecting Galveston and Waco via Houston.

60.582212 (m). Red Airway No. 13—Composed of the civil airways connecting Tulsa and St. Charles, Mo., via Springfield.

60.582213 (n). Red Airway No. 14—Composed of the civil airways connecting Wills Point and Charleston, S. C., via Wills Point, Shreveport, Jackson, Miss., Birmingham, Union City (Site 41 New Orleans-Atlanta Airway) (Union City, Ga., (Site 41 New Orleans-Atlanta Airway) to Atlanta via Green Airway No. 5 and Atlanta to Jonesboro, Ga., via Amber Airway No. 6), Jonesboro, Ga., Augusta, Columbia and Charleston.



60.582214 (o). Red Airway No. 15—Composed of the civil airways connecting Knoxville, Mo., (Site 3 Kansas City-Chicago Airway) and Morse, Ill., (Site 29 Kansas City-Chicago Airway) via Burlington.

60.582215 (p). Red Airway No. 16—Composed of the civil airways connecting Lone Rock, Wis., (Site 15 Chicago-Twin Cities Airway) and Chicago via Elmhurst, Ill., (Intersection of South leg Milwaukee and Southeast leg Rockford ranges) (Elmhurst to Chicago via Amber Airway No. 5).

60.582216 (q). Red Airway No. 17—Composed of the civil airways connecting Chicago and Detroit (direct across Lake Michigan).

60.582217 (r). Red Airway No. 18—Composed of the civil airways connecting Toledo and Detroit.

60.582218 (s). Red Airway No. 19—Composed of the civil airways connecting Chicago and Louisville (Chicago to Lansing Ill., via Green Airway No. 2) Lansing, Indianapolis, La Grange, Ky., (La Grange, Ky., to Louisville via Amber Airway No. 6).

60.582219 (t). Red Airway No. 20—Composed of the civil airways connecting Indianapolis and Washington. (Indianapolis to Greenfield, Ind., via Green Airway No. 3), Greenfield, Cincinnati, Charleston and Washington.

60.582220 (u). Red Airway No. 21—Composed of the civil airways connecting Detroit and Washington. (Detroit to Belle River, Ontario, (Intersection of East leg Detroit and Northwest leg Cleveland ranges) via Green Airway No. 1, Belle River, Cleveland, (Cleveland to Akron via AA #6), Akron, Hickory, Pa., (Intersection Southeast leg Akron and West leg Pittsburgh ranges) (Hickory, Pa., to Pittsburgh via Green Airway No. 3), Pittsburgh, Montesson, Pa., (Intersection South leg Pittsburgh and West leg Buckstown ranges) and Washington.

60.582221 (v). Red Airway No. 22—Composed of the civil airways connecting Mobile and Jacksonville.

60.582222 (w). Red Airway No. 23—Composed of the civil airways connecting Buffalo and Newark. (Buffalo to Batavia, N. Y., (Intersection East leg Buffalo and Northwest leg Elmira ranges) via Green Airway No. 1) Batavia, Elmira, Martins Creek (Martins Creek to Newark via Green Airway No. 2).

60.582223 (x). Red Airway No. 24—Composed of the civil airways connecting Miami and Titusville via Fort Meyers, St. Petersburg and Titusville.

60.582224 (y). Red Airway No. 25—Composed of the civil airways connecting Newark and Swanton, Vt., (United States-Canadian boundary) (Newark to George Washington Bridge, N. Y., via Amber Airway No. 7), White Plains, N. Y., (George Washington Bridge), Albany, Burlington and Swanton, Vt., (United States-Canadian Boundary).

60.582225 (z). Red Airway No. 26—Composed of the civil airways connecting New Haven and Norwood via Hartford, Providence, Norwood, Mass.

60.5823. The following are designated as Secondary Red Airways, unless otherwise specifically indicated:

60.58230(a). Secondary Red Airway No. 1—Composed of civil airways connecting Pendleton and Spokane via Pendleton, Pasco and Spokane.

60.58231 (b). Secondary Red Airway No. 2—Composed of civil airways connecting Chicago and Detroit, (Chicago to McCool, Ind., via Green Airway No. 2), McCool, Ind., South Bend, Kalamazoo, Battle Creek, Jackson, Mich., Ann Arbor (Ann Arbor to Detroit via Red Airway No. 17).

60.583. *Flight Altitudes on Airway Intersections*—Unless otherwise instructed by the Bureau Airway Traffic Control, the following flight procedure and altitude rules will govern aircraft making flights on the civil airways where two or more such airways intersect.

60.5830. Flight on Green Airway—An aircraft flying along a Green airway and continuing the flight through a green zone of intersection shall, while within a green zone of intersection, maintain the altitude approved for flight on the green airway being followed and, upon leaving a green zone

of intersection, shall assume an approved altitude prescribed for the new airway to be followed.

60.5831. Flight on Amber Airway.

60.58310. Through Green Zone of Intersection—An aircraft flying along an amber airway and continuing flight through a green zone of intersection shall, while within a green zone of intersection, maintain an altitude 500 feet higher than the altitude approved for flight on the amber airway being followed and, upon leaving a green zone of intersection, shall assume an approved altitude prescribed for the new airway to be followed.

60.58311. Through Amber Zone of Intersection—An aircraft flying along an amber airway and continuing the flight through an amber zone of intersection shall, while within an amber zone of intersection, maintain the altitude approved for flight on the amber airway being followed and, upon leaving an amber zone of intersection, shall assume an approved altitude prescribed for the new airway to be followed.

60.5832. Flight on Red Airway

60.58320. Through Green Zone of Intersection—An aircraft flying along a red airway and continuing flight through a green zone of intersection shall, while within a green zone of intersection, maintain an altitude 500 feet higher than the altitude approved for flight on the red airway being followed and, upon leaving a green zone of intersection, shall assume an approved altitude prescribed for the new airway to be followed.

60.58321. Through Amber Zone of Intersection—An aircraft flying along a red airway and continuing flight through an amber zone of intersection shall, while within an amber zone of intersection, maintain an altitude 500 feet higher than the altitude approved for flight on the red airway being followed and, upon leaving an amber zone of intersection, shall assume an approved altitude prescribed for the new airway to be followed.

60.58322. Through Red Zone of Intersection—An aircraft flying along a red airway and continuing flight through a red zone of intersection shall, while within a red zone of intersection, maintain an altitude approved for flight on the red airway being followed and, upon leaving the red zone of intersection, shall assume an approved altitude prescribed for the new airway to be followed.

60.58323. Flight on Secondary Red Airway—An aircraft flying along a secondary red airway and continuing flight through a green, amber, or red zone of intersection shall, while within such zone of intersection, maintain an altitude 500 feet higher than the altitude approved for flight on the secondary red airway being followed and, upon leaving such zone of intersection, shall assume an approved altitude prescribed for the new airway to be followed.

60.584. *Flight Altitudes on Off-Airway Flights*—The following rules will govern the altitudes at which aircraft making instrument flights, when not on or along civil airways, shall fly:

60.5840. Eastbound Flights—Every aircraft making good a true course of 0° (or 360°) to, but not including, 180° shall fly at an ODD thousand foot level plus 500 feet, above sea level (such as 3,500, 5,500, or 7,500 feet).

60.5841. Westbound Flights—Every aircraft making good a true course of 180° to, but not including 360° (or 0°) shall fly at an EVEN thousand foot level plus 500 feet, above sea level (such as 2,500, 4,500, or 6,500).

60.6. LIGHT AND SIGNAL RULES

60.60. *Angular Limits:* The angular limits laid down in the following rules relating to lights will be determined with the aircraft in normal flying position.

60.61. *Airplane Lights:* Between sunset and sunrise, all airplanes in flight shall show the following lights:

60.610. (a) On the right side a green light and on the left side a red light, each showing unbroken light between 2 vertical planes whose dihedral angle is 110 degrees when measured to the left and right, respectively, from dead ahead. These lights shall be visible at least 2 miles.

60.611 (b) At the rear, and as far aft as possible, a white light shining rearward, visible in a dihedral angle of 140 degrees bisected by a vertical plane through the line of flight and visible at least 3 miles.

60.62. *Airship Lights:* Between sunset and sunrise, airships shall carry and display the same lights that are prescribed for airplanes, except that the side lights shall be doubled horizontally in a fore-and-aft position and the rear light shall be doubled vertically. Lights in a pair shall be at least 7 feet apart.

60.63. *Balloon Lights:* Between sunset and sunrise, a free balloon shall display one white light not less than 20 feet below the car, visible for at least 2 miles. A fixed balloon, or airship, shall carry 3 lights—red, white, and red—in a vertical line, one over the other, visible at least 2 miles. The top light shall be not less than 20 feet below the car, and the lights shall be not less than 7, nor more than 10 feet apart.

60.64. *Lights on Stationary Aircraft:* Between sunset and sunrise, all aircraft which are on the surface of water and not under way, or which are moored or anchored in navigation lanes, shall show a white light visible for at least 2 miles in all directions. Between sunset and sunrise balloon and airship mooring cables shall show groups of 3 red lights at intervals of at least every 100 feet, measured from the basket. The first light in the first group shall be approximately 20 feet from the lower red balloon light. The object to which the balloon is moored on the ground shall have a similar group of lights to mark its position.

60.65. *Signals on Stationary Aircraft:* By day, balloon and airship mooring cables shall be marked with conical streamers not less than 10 inches in diameter at the mouth and 7 feet long, colored with the solid color of chrome yellow. The object to which the balloon or airship is moored on the ground shall have the same kind of streamers, which must be in the same position as the lights specified herein.

60.66. *Distress Signals:* The following signals, separately or together shall, where practicable, be used in case of distress:

60.660 (a). The international signal, S O S by radio—In radiotelephony, the spoken expression MAYDAY (corresponding to the French pronunciation of the expression "m'aider"). When, owing to the rapidity of the maneuvers to be accomplished, an aircraft is unable to transmit the intended messages, the signal P A N not followed by a message retains this meaning.

60.661 (b). The international code flag signal of Distress, NC.

60.662 (c). A square flag having either above or below it a ball, or anything resembling a ball.

60.67. *Forced Landing Signals*: When an aircraft is forced to land at night at an airport, it shall signal its forced landing by making a series of short flashes with its navigation lights, if practicable to do so.

60.68. *Fog Signals*: In fog, mist, or heavy weather, an aircraft on the water in navigation lanes shall signal its presence by a sound device emitting a signal for about 5 seconds at one-minute intervals.

60.7. ACROBATIC FLIGHT RULES

60.70. *Prohibited Zones:* No person shall acrobatically fly an aircraft

60.700 (a). at any height whatsoever over a congested area of any city, town, or settlement, or over any open air assembly of persons, or over any airport or landing area or within 1,000 feet horizontally thereof, or over any controlled zone or over any civil airway of the United States.

60.701 (b). at any height less than 1,500 feet over any place over which flight is not otherwise restricted.

60.71. *Acrobatics While Carrying Persons:* No person shall acrobatically fly an aircraft while carrying any other person or persons for hire provided, however, that this provisions shall not apply to the giving of instruction in acrobatic flying to a person receiving dual instruction and possessed of a valid student pilot certificate or to any other pilot possessed of a valid pilot certificate by a pilot also possessed of such certificate and a valid instructor rating.



60.72. *Parachute Jumps:* When performing acrobatics not prohibited by these regulations, each person in the aircraft shall be properly equipped with a parachute possessed of a valid equipment certificate and maintained in accordance with the provisions of these regulations.

60.720. Equipment—No person shall make any exhibition, test, training, or demonstration parachute jump, unless wearing an auxiliary parachute so arranged that it can be operated if the first parachute should fail to function or become fouled. Whenever an auxiliary parachute is required, it shall consist of a single-harness combination pack.

60.721. Altitude—No exhibition, training or demonstration parachute jump shall be made an altitude of less than 2,000 feet above the surface of the ground.

60.722. Delayed Jump—No person shall delay opening his parachute more than is necessary to properly and safely clear the aircraft, which in no case, except in an emergency jump, shall be less than 1,500 feet above the surface of the ground.

60.723. Jump in High Wind—No exhibition, test, training or demonstration parachute jump shall be made from any aircraft when the surface wind is more than 15 miles per hour.

60.724. Jump near Open Water—No exhibition, test, training or demonstration parachute jump shall be made from any aircraft, when such jump is made within 2 miles horizontally from an open body of water, unless the jumper wears a flotation device approved by the Secretary and unless motor-powered marine rescue equipment is available.

NOTE.—CAR 60.71 does not apply to military personnel when flying, or flying in, military aircraft.

60.8. AIR MEET RULES

60.80. *Classification:* Air meets will be classified as follows:

60.801. Class 1 Air Meets—meaning those meets which will receive wide publicity, large crowds and large numbers of visiting aircraft and in which any one or all of the following events are included:

60.8010 (a). Races in which "N–", "NC", "NR", or "NX" aircraft are permitted to enter.

60.8011 (b). Acrobatic flights over the airport at or below 1,500 feet.

60.8012 (c). Formation flying over the airport at or below 1,500 feet.

60.8013 (d). So called "crazy flying" over the airport.

60.8014 (e). Parachute jumping for a spot.

60.802. Class 2 Air Meets—meaning those meets which are locally-sponsored amateur meets and which may combine passenger-carrying activities with one or more of the following events:

60.8020 (a). Races for "NC" aircraft.

60.8021 (b). Simulated bomb dropping contests.

60.8022 (c). Acrobatic flights over the airport above 1,500 feet.

60.8023 (d). Formation flights over the airport above 1,500 feet.

60.8024 (e). Paper-cutting over the airport above 1,500 feet.

60.8025 (f). Balloon-bursting over the airport above 1,500 feet.

60.8026 (g). Spot landing contests (switches not cut).

60.8027 (h). Parachute jumping (not for a spot).

60.81. *Permit Required:* No air meet shall be held or conducted, or authorized to be held or conducted, on a civil airway or elsewhere within the United States where there is likelihood of endangering aircraft moving in interstate or foreign air commerce unless a permit for such meet has been issued by the Secretary.

60.82. *Provision for Issuance:* The Secretary will issue a permit, in appropriate form, for the holding of an air meet provided:

60.820 (a). Such proposed air meet is to be held on a civil airway or elsewhere within the United States where there is likelihood of endangering aircraft moving in interstate or foreign air commerce, and

60.821 (b). proper application therefor is made and information submitted in accordance with the provisions of CAR 60.83 or 60.84, and

60.822 (c). the person or persons proposing to hold or conduct such air meet appear, in the opinion of the Secretary, to have taken all necessary and proper precautions for safeguarding the interests of the public and those engaged in aeronautics.

60.83. *Application for Class 1 Air Meet Permit:* In order to enable the Secretary to make adequate investigation and to permit publication and distribution of field rules and regulations for the protection of the public and for the benefit of those engaged in aeronautics, any person or persons desiring a permit for the conduct of a Class 1 Air Meet, shall make application therefor to the Secretary, or to the Bureau supervising aeronautical inspector whose office is located in the district in which such meet will be held, at least 15 days prior to the time of holding of such proposed air meet, upon a form to be supplied for the purpose, which form shall contain at least the following information:

60.8300 (a). Name, address and telephone number of the person or persons making the application.

60.8301 (b). Names and addresses of sponsors and backers, if any, of the air meet other than the applicant.

60.8302 (c). List of names of the personnel charged with operation of the air meet and their duties.

60.8303 (d). Certified copy of permission granted by State or local authorities for conduct of such air meet.

60.8304 (e). Certified copy of permission granted for the use of the airport or other landing area.

60.8305 (f). Map or blueprint showing the scale of measurement of the airport or other landing area and race course, if any, and showing the course in relation to obstructions, congested areas, grandstand or spectators' seats, and parking areas.

60.8306 (g). Schedule of airline operation in and out of, or in the vicinity of, the airport during the time the air meet is in progress.

60.8307 (h). Complete description of all events, showing time and qualification for entry.

60.8308 (i). Detailed description of method of policing, particularly as to methods of preventing spectators or unauthorized persons from entering restricted areas. Also, detailed description of the provisions for compliance with CAR 60.8912.

60.8309 (j). Copy of rules and regulations covering the conduct of the air meet. These regulations shall conform substantially with the rules prescribed in CAR 60.89, and shall include such additional rules as, in the opinion of the operator, are necessary for the particular meet involved, including the proposed method of local air traffic control for the operation of all aircraft during the time of such air meet and until the air operations have returned to normal.

60.84. *Application for Class 2 Air Meet Permit:* In order to enable the Secretary to make adequate investigation and to permit publication and distribution of field rules and regulations, if any, for the protection of the public and for the benefit of those engaged in aeronautics, any person or persons desiring a permit for the conduct of a Class 2 Air Meet shall make application to the Secretary, or to the Bureau supervising aeronautical inspector whose office is in the district in which such meet will be held, at least 5 days prior to the holding of such proposed air meet, upon a form to be supplied for the purpose, which form shall contain at least the following information:

60.8400 (a). Name, address and telephone number of the person or persons making the application.

60.8401 (b). Names and addresses of sponsors or backers, if any, of the air meet other than the applicant.

60.8402 (c). List of the names of the personnel charged with operation of the air meet and their duties.

60.8403 (d). Statement that permission will be obtained from State or local authorities for conduct of the air meet prior to the holding of such meet.

60.8404 (e). Statement that permission will be obtained for the use of the airport or other landing area.

60.8405 (f). Map or sketch of airport or other landing area and race course, if any, showing the course in relation to obstructions, congested areas, grandstand or spectators' seats, and parking areas.

60.8406 (g). Schedule of airline operation in and out of, or in the vicinity of, the airport or landing area during the time the air meet is in progress.

60.8407 (h). Complete description of all events, showing time and qualification of entry.

60.8408 (i). Detailed description of method of policing, particularly as to methods of preventing spectators or unauthorized persons from entering restricted areas.

60.85. *Issuance:* Upon approval of an application duly made, data submitted and investigations and inspections completed, an air meet permit will be issued in appropriate form.

60.86. *Duration:* An air meet permit will be granted for a limited time only and for a specific purpose, which time and purpose will be clearly stated in such permit.

60.87. *Non-Transferability:* An air meet permit is not transferable.

60.88. *Suspension or Revocation:* An air meet permit may be suspended or revoked by the Secretary for any of the following reasons:

60.880 (a). Any false statement on the part of the person making application for such permit or in any information accompanying the application.

60.881 (b). Adverse weather conditions affecting the safety of the public or those engaged in aeronautics, as determined by the local Bureau inspector.

60.882 (c). Failure of those in charge of the air meet to properly enforce any term or condition contained in the air meet permit.

60.883 (d). Violation of any term or condition contained in the permit granted for the air meet.

60.884 (e). Violation of any provision of the Air Commerce Act or any rule or regulation duly promulgated thereunder.

60.89. *Air Meet Rules:* The following rules shall apply to, and govern the conduct of, all Class 1 and Class 2 air meets for which a permit may be issued by the Secretary.

60.8900 (a). No person shall be permitted to take part in any air meet until he has furnished the air meet officials a signed statement to the effect that he has read the rules and regulations governing such meets, and which obligates him to abide by all local and Department of Commerce rules and regulations.

60.8901 (b). No person shall be permitted on the operations area of an airport or flying field during any air meet held thereon, except the operating personnel, contestants and their crews, police, State and Federal aeronautics officials and inspectors, and authorized press, radio and photographer personnel.

60.8902 (c). A white dead line paralleling the area reserved for spectators and at least 200 feet in front of such area shall be provided by the air meet officials and the crossing of this dead line in the direction of the spectators of any aircraft will result in the suspension of the certificate of the operator of such aircraft, or other action.

60.8903 (d). The air meet management shall be held responsible for the proper policing of the air meet area within the airport and for other suitable provisions to insure that all spectators and unauthorized persons are kept off prohibited areas.

60.8904 (e). No air event shall be conducted unless the operations area of the airport or flying field is clear, the operating personnel are present, sufficient police or guards are on duty and at their posts, no other air operations are going on and scheduled airline aircraft are not flying in the vicinity.

60.8905 (f). Participants in racing events shall not come in closer proximity to other participating aircraft than 50 feet, and a participant must be not less than 150 feet in the lead before cutting into the same lane of plane or planes just passed.

60.8906 (g). No aircraft shall be flown toward, over, nor within 200 feet horizontally of, the grandstand or spectators.

60.8907 (h). No aircraft performing acrobatics shall be flown toward or over the grandstands or spectators nor within 500 feet thereof.

60.8908 (i). No object shall be dropped or released from aircraft in connection with an air meet which will fall over, toward, nor within 500 feet of, the grandstands or spectators.

60.8909 (j). Race-horse-starts shall be prohibited except when such starts provide for minimum spacing from wing tip to wing tip of at least 100 feet between participating aircraft and then only in case the take-off area is suitable for such starts and a scattering pylon is used for the first pylon, which scattering pylon must be located at least one mile from the boundary of the airport.

60.8910 (k). The home pylon shall be located at least 800 feet from the grandstands or spectators, and racing aircraft shall not be flown toward, over, or within a minimum distance of 500 feet horizontally of, the grandstands or spectators. The home stretches of all race courses shall be parallel to the grandstands and other sections provided for spectators.

60.8911 (l). For purposes of controlling traffic at, and in the vicinity of, an airport or other landing area used for an air meet, signals shall be located either near the announcer's stand or near the home pylon and shall consist either of a large white letter "O" indicating open, and a large white letter "X" indicating closed, or by the words spelled in large white letters on the ground, "OPEN" or "CLOSED", as the case may be. Such signals shall be so constructed as to be easily legible from 2,000 feet altitude and these signals shall be properly operated during the period of the air meet to indicate whether the airport is open for landing to nonparticipants in the meet, or whether it is closed. For the safety and convenience of nonparticipating aircraft, the airport or landing area shall be declared open for landing and take-off purposes for a period of 5 minutes at not more than 30 minute intervals during the air meet.

60.8912 (m). A physician and ambulance and a fully equipped emergency truck shall be available at the air meet for emergency use. (This provision is mandatory for Class 1 Air Meets only.)

60.9. MISCELLANEOUS AIR TRAFFIC RULES

60.90. *Running Motors, Supervision of:* No aircraft engine shall be started or run unless a competent operator is in the aircraft attending the engine controls. Blocks, equipped with ropes or other suitable means of pulling them, shall always be placed in front of the wheels before starting the engine, or engines, unless the aircraft is provided with adequate parking brakes and the same are fully on.

60.91. *Aircraft on Water:* Seaplanes on the water shall navigate according to the laws and regulations of the United States governing the navigation and operation of watercraft, except as otherwise provided in these regulations.

60.92. *Transportation of Prohibited Articles:* No explosives, arms, or munitions of war or other materials deemed by the Secretary to be dangerous goods shall be carried by or in any aircraft other than public aircraft or aircraft in which mail is being transported and/or arms are required, provided that the provisions of this rule shall not apply to proper signalling or safety equipment (such as a Very's pistol or landing flares) nor to the aircraft fuel, nor to materials for industrial and agricultural spraying (dusting).

60.93. *Liquor, Narcotics, and Drugs:* No pilot or other member of the crew of an aircraft in flight shall be under the influence of, or use intoxicating liquor, cocaine, or other habit-forming drugs, nor shall such person carry any other person who is obviously under the influence of intoxicating liquor, cocaine, or other habit-forming drugs, except a medical patient under proper care, or in case of emergency.

60.94. *Towing by Aircraft:* The towing of aircraft by other aircraft or the towing of any device or object by aircraft (except by military aircraft) is prohibited, unless permission therefor has been granted by the Secretary in accordance with the provisions of CAR 60.971.

60.95. *Dropping of Objects or Things:* No object or thing, other than fine sand, lead shot, or water, shall be dropped or released from an aircraft in flight (except by military aircraft) by any person on board the aircraft, unless permission therefor has been granted by the Secretary in accordance with the provisions of CAR 60.971. The pilot or person in charge of the aircraft shall be responsible for the observance of this rule by all persons in the aircraft.

60.96. *Aircraft Model Flying Activities, Supervision of:* No model aircraft shall be flown from, or over, any airport or landing field unless permission therefor, in writing, has been secured from the airport manager or his duly authorized representative. The airport manager shall designate the portion of the field to be used and shall take all necessary precautions to assure the safety of the public on the ground and of aircraft in the air. Rules governing the conduct of such activity shall be drawn and shall include:

60.960 (a). The definite boundaries of the area to be utilized.

60.961. (b). The periods of suspension of activity before, during and after any scheduled or other aircraft operations.

60.962. (c). The limitation of duration of flight of the models.

60.963 (d). Procedure for the retrieving of models.

60.964 (e). Notification by the airport manager to all model operators so engaged of the rules as drawn.

60.97. *Non-Application of Air Traffic Rules:* The air traffic rules, or any particular air traffic rule, shall not apply in the following cases:

60.970 (a). When special circumstances render non-observance necessary to avoid immediate danger, or when such non-observance is required because of stress of weather conditions which could not reasonably have been foreseen, or other unavoidable causes. Such non-observance shall be reported within 24 hours in full detail by letter to the Secretary, including the emergency making such non-observance necessary, the results accomplished by non-observance, and when regular observance was resumed after the emergency had passed. In such case of non-observance if, after investigation by the Secretary, non-observance is deemed to have been necessary in the interests of safety, no infraction of these rules will have been incurred.

60.971 (b). When the public safety, the safety of those engaged in aeronautics or the interests of sound fostering and promotion of aeronautics is deemed by the Secretary to require a non-observance of the air traffic rules, or any particular rule, as evidenced by a certificate of non-application issued by, or under the authority of, the Secretary.

60.98. *Certificate of Non-Application:* A certificate of non-application of air traffic rules will be issued for a limited time and will specifically set forth the subject matter involved, the time limits involved, and will be strictly construed. Requests for such certificate shall be addressed to the Secretary at least 10 days before the certificate applied for is to have effect.

90. AIR MAIL

90.0 Provision for Issuance
90.1 Equipment
90.2 Pilots Flying Hours
90.3 Safe Operation Methods
90.4 Retirement Benefits

CHAPTER 90. AIR MAIL

90.0. PROVISION FOR ISSUANCE: Pursuant to the provisions of the Air Mail Act of 1934, as amended, sections 11 and 12, requiring the Secretary of Commerce to certify to the Postmaster General the character of equipment to be employed and maintained on each air-mail route, to prescribe maximum flying hours of pilots on air-mail lines and safe operation methods on such lines, to approve agreements between air-mail operating companies and their pilots and mechanics for retirement benefits to such pilots and mechanics and to prescribe all necessary regulations to carry out these provisions, the following regulations relating thereto are prescribed.

90.1. EQUIPMENT: The Secretary will furnish to the Postmaster General, upon notification from the latter, specifications for air-mail route equipment with determinations as to speed, load capacity and safety features and safety devices on airplanes to be used on the route noticed by the Postmaster General. These specifications will be in accordance with the pertinent portions of all Civil Air Regulations and in particular with CAR 04, 40 and 61.

90.2. PILOTS FLYING HOURS: Maximum flying hours for pilots on air-mail lines shall be the same as those prescribed for all certificated airlines and in accordance with the provisions of CAR 61.518.

90.3. SAFE OPERATION METHODS: Safe operation methods on air-mail lines shall be the same as those prescribed for all certificated airlines and in accordance with the provisions of CAR 40 and 61.

90.4. RETIREMENT BENEFITS: Regulations hereunder will be issued at a later date.

91. AIRCRAFT ACCIDENT INVESTIGATIONS

91.0 Provision for Issuance
91.1 Immediate Report by Pilot and Owner
91.10 Injury to Person or Property
91.11 Injury to Aircraft
91.12 Glider Accidents
91.13 Notification to Public Officers
91.14 Interference by Bystanders with Materials
91.2 Accident Investigation Board
91.20 Appointment
91.21 Duties
91.3 Hearings
91.30 Chairman of Board
91.31 Time and Place
91.32 Public Nature
91.33 Witnesses, Subpenas, etc.
91.34 Report
91.35 Disclosure
91.36 Report or Statement as Evidence
91.37 Testimony of Investigators

CHAPTER 91. AIRCRAFT ACCIDENT INVESTIGATIONS

91.0. PROVISION FOR ISSUANCE: Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to foster air commerce and study the possibilities for the development of the same, to investigate accidents in civil navigation and to hold hearings for such purpose, and to make such regulations as are necessary to execute the functions vested in the Secretary by the Act, the following regulations are hereby prescribed.

91.1. IMMEDIATE REPORT BY PILOT AND OWNER

91.10. *Injury to Person or Property:* When in the operation of civil aircraft death or serious injury to person or to property results, a report shall be made immediately by the pilot and by the registered owner to the Secretary, or to the nearest known inspector of the Bureau of Air Commerce, by telegraph or by telephone stating the registered number of the aircraft and the time and the place of the accident.

91.11. *Injury to Aircraft:* All accidents in the operation of civil aircraft which cause injury to the aircraft shall be reported without delay by the registered owner or by the pilot to the Secretary on the form provided for the purpose, and furnished by the Secretary or a Bureau inspector upon request.

91.12. *Glider Accidents:* CAR 91.11 and 91.12 shall apply to accidents to gliders only when death or serious injury to person has resulted.

NOTE.—For the regulations forbidding flight of a damaged aircraft until repaired, see CAR 01.71.

91.13. *Notification to Public Officers:* An inspector of the Bureau upon receiving information of an accident at a place within his jurisdiction will notify the appropriate State officers charged with the regulation of aeronautics and the law enforcement officers of the vicinity in which the accident occurs and will request their aid in securing assistance to injured persons, policing the place of the accident and in determining the cause thereof.

91.14. *Interference by Bystanders with Material:* No person, except the Secretary or other person authorized by him, or the head public officer of those described in CAR 91.13, shall remove from the place of the accident any material pertaining thereto, nor shall enter upon the place except for the purpose of giving assistance to injured persons.

91.2. ACCIDENT INVESTIGATION BOARD

91.20. *Appointment:* For the purpose of investigating accidents in civil air navigation, the Secretary will, from time to time, appoint an Accident Investigation Board consisting of 3 officers or employees of the Department of Commerce together with 2 disinterested persons, as advisory members, who are experienced in aeronautics and not officers or employees of the Department of Commerce or of any company or other person directly concerned in the particular accident, *Provided*, That where the circumstances of the accident do not, in the opinion of the Secretary, require the services of so many persons, then any 3 such persons only may be designated for the purpose.

91.21. *Duties:* The Accident Investigation Board, or as many members as can be reasonably assembled, will proceed promptly to the place of the accident, and will there inspect the visible circumstances, provide for the preservation of evidential material pertaining to the accident, and may hear testimony given orally or by depositions or by affidavits, and will record such testimony.

91.3. HEARINGS

91.30. *Chairman of Board:* At any hearing, the officer or employee designated by the Secretary will act as Chairman of the Board and will conduct the hearing.

91.31. *Time and Place:* The time and place of any hearing of testimony will be such as the Chairman of the Board may direct.

91.32. *Public Nature:* Any hearing of testimony will be open to the public.

91.33. *Witnesses, Subpenas, etc.:* At any hearing the provisions of CAR 93 will be applicable.

91.34. *Report:* At the conclusion of an investigation, or as soon thereafter as circumstances permit, the Board will forward its findings, with the testimony and other evidence received at a hearing, to the Secretary.

91.35. *Disclosure:* The Secretary, if he deems it to be in the public interest, will make public a statement of the probable cause or causes of the accident; *except* that when the accident has resulted in serious or fatal injury, the statement will in every case be made public.

91.36. *Report or Statement as Evidence:* No report or statement resulting from an investigation or hearing conducted by the Board upon an accident in civil air navigation, or any part thereof, will be admitted as evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in any such statement, investigation, hearing, or report thereof; *except* in case of criminal or other proceedings instituted by or in behalf of the Secretary or any other duly authorized public officer under the provisions of the Air Commerce Act or of the regulations duly issued thereunder.

91.37. *Testimony of Investigators:* No member of the Board, or other official or employee of the Department of Commerce, shall testify to any facts ascertained in, or information gained by reason of, his official capacity as an expert witness or otherwise, in any suit, action, or proceeding growing out of any matter referred to in any investigation or hearing conducted upon an accident in civil air navigation; *except* in case of criminal or other proceedings instituted by or in behalf of the Secretary or any other duly authorized public officer under the provisions of the Air Commerce Act or of the regulations duly issued thereunder.

92. HEARINGS UPON CERTIFICATES (ISSUED, RENEWED, DENIED, SUSPENDED OR REVOKED)

92.0 Provision for Issuance
92.1 Hearing before Issuance of Certificate
92.10 Provision for Advance Hearing
92.11 Time and Place
92.12 Public Nature
92.13 Notice
92.14 Record
92.2 Hearing before Suspension or Revocation of Certificate
92.20 Notice
92.21 Airmen
92.22 Airlines
92.23 Waiver
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92.25 Decision
92.3 Public Hearing upon Denial, Suspension or Revocation
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92.320 Time and Place
92.321 Notice
92.322 Public Nature
92.323 Conduct of Hearing
92.324 Witnesses, Subpenas etc.
92.325 Record
92.326 Decision following Hearing
92.33 Validity of Order or Action Taken Thereon
92.34 Surrender of Certificate
92.35 Costs in Hearings

CHAPTER 92. HEARINGS UPON CERTIFICATES (ISSUED, RENEWED, DENIED, SUSPENDED OR REVOKED)

92.0. PROVISION FOR ISSUANCE: Pursuant to the provisions of the Air Commerce Act authorizing or requiring the Secretary of Commerce to hold hearings in connection with action in issuing, denying, renewing, suspending or revoking any certificates pertaining to his functions under the said Act, the following regulations are hereby prescribed.

92.1. HEARING BEFORE ISSUANCE OF CERTIFICATE

92.10. *Provision for Advance Hearing:* After application duly made and filed for the issuance of any certificate required or authorized to be issued by the Secretary and before issuance or denial of the certificate, the Secretary, if he deems further inquiry to be necessary in order to assist in making a proper decision upon the application, may direct that an advance hearing take place for such purpose, and may designate an officer or employee of the Department of Commerce to conduct the hearing and to report the evidence taken with recommendations.

92.11. *Time and Place:* The time and place of any hearing will be such as the Secretary may direct, having due regard to the reasonable convenience of the applicant and the nature of the certificate applied for.

92.12. *Public Nature:* Any hearing so directed may be open to the public, in the Secretary's discretion.

92.13. *Notice*

92.130 (a). The Secretary will give to the applicant at least 10 days' notice of the time and place designated for the hearing, unless the applicant consents to an earlier time.

92.131 (b). The notice will specify, as the Secretary may deem necessary, the particular points in the application on which information is sought.

92.132 (c). Notice will also be sent to any other person deemed likely by the Secretary to be able to give information as to the subject of the application or to have an interest therein.

92.133 (d). Notice will be served personally or sent by registered mail. In the latter case deposit in the United States mails will be deemed proof of service.

92.14. *Record:* All evidence taken at the hearing will be recorded and promptly forwarded to the Secretary.

92.2. HEARING BEFORE SUSPENSION OR REVOCATION OF CERTIFICATE

92.20. *Notice:* On receipt of information from a duly authorized inspector of the Bureau of Air Commerce, or from other source deemed satisfactory by the Secretary, a notice will be sent by the Secretary or his duly authorized representative by registered mail to the person concerned, setting forth the matters furnishing ground for the suspension or the revocation, ordering that, unless satisfactory showing is made, the certificate will be thereby suspended or revoked (as the case may be), and notifying him of his statutory right to a hearing as provided for in CAR 92.3.

92.21. *Airmen:* In the case of a person holding any airman rating or certificate (such as pilot, mechanic, instructor, dispatcher, traffic control tower operator, etc.), the order may postpone the taking effect of a revocation of the certificate or any rating thereon until a date named. If before that date a written request is received by the Bureau from the airman for an advance hearing on the question of revocation, the Director of the Bureau may by order make further postponement of the effective date and arrange for a hearing in such manner as he may deem suitable, but with due regard for the provisions of CAR 92.3201.



92.22. *Airlines:* In the case of an airline, the procedure of CAR 92.21 regarding an advance hearing prior to revocation shall also be applicable to an airline competency certificate and letters, but in such case the request must be made by an authorized representative of the airline.

92.23. *Waiver:* If such an advance hearing is requested, the request must include a statement consenting to waive any right to a further hearing as provided for in CAR 92.3.

92.24. *Record:* At the conclusion of such advance hearing, and after the evidence taken and the recommendations thereon have been forwarded to the Secretary, a decision will be made as provided in CAR 92.326.

92.25. *Decision:* If no written request is made for an advance hearing as provided in CAR 92.21 or 92.22, the provisions of CAR 92.3 will then be applicable.

92.3. PUBLIC HEARING UPON DENIAL, SUSPENSION OR REVOCATION

92.30. *Certificate Order:* Any action taken by the Secretary with respect to the denial of an application for a certificate or of an application for its renewal, or the suspension or the revocation of any certificate issued, will be recorded in writing in the office of the Bureau and a copy thereof (by way of notice) will be promptly mailed by the Director of the Bureau to the applicant for or holder of the certificate.

92.31. *Request for Public Hearing:* Within 20 days after receiving a copy of the order provided for in CAR 92.30, any person who desires a public hearing on the matter involved may file a written request therefor with the Secretary.

92.32. *Proceedings*

92.320. Time and Place—

92.3200 (a). The Secretary, after receiving written request for a public hearing as provided in CAR 92.31, will forthwith designate a date for such hearing, such date to be within 20 days after receipt by the Secretary of such request.

92.3201 (b). The Secretary will designate for such public hearing a place deemed by him to be most practicable and convenient in consideration of the place of residence of the applicant or holder and the place where evidence bearing upon the action taken is most readily obtainable.

92.321. Notice—

92.3210 (a). The Secretary will give to the applicant or holder at least 10 days' notice of the time and place designated for the hearing, unless the applicant or holder consents to an earlier time.

92.3211 (b). Notice of the hearing will be served personally or sent by registered mail. In the latter case deposit in the United States mails will be deemed proof of service.

92.322. Public Nature—Any hearing conducted upon a certificate issued by the Secretary will be open to the public.

92.323. Conduct of Hearing—The Secretary, or some officer or employee of the Department of Commerce designated by him in writing for the purpose, will conduct the hearing.

92.324. Witnesses, Subpenas, etc.—The provisions of CAR 93 will be applicable.

92.325. Record—All evidence taken at any hearing conducted upon a certificate will be recorded and promptly forwarded to the Secretary.

92.326. Decision following Hearing—

92.3260 (a). A decision upon the subject matter of the certificate involved in the hearing will be rendered by the Secretary.

92.3261 (b). The decision of the Secretary will be rendered not later than 10 days after the completion of the hearing.

92.3262 (c). The decision of the Secretary, if in accordance with law, will be final.

92.33. *Validity of Order or Action Taken Thereon:* The denial, suspension or revocation of any certificate will be invalid unless opportunity for hearing is afforded, notice served or sent and decision rendered within the respective times prescribed in CAR 92.3.

92.34. *Surrender of Certificate:* Upon receipt of any final order of suspension or of revocation of a certificate, the person holding the certificate shall immediately surrender it by forwarding it to the Secretary as directed by him.

92.35. *Costs in Hearings:* Where the decision in such hearing is adverse to the applicant for hearing, such applicant shall pay to the Secretary, to be covered into the Treasury as miscellaneous receipts, an amount equal to such portion of the costs of the hearing as the Secretary may designate; and in any case, the applicant may be required by the Secretary to furnish bond, on a form and with such surety as he may approve, to cover all such costs before the matter is heard.

93. EVIDENCE

93.0 Provision for Issuance
93.1 Oaths
93.2 Subpenas
93.3 Failure to Obey Subpenas
93.4 Privileges Against Self-Crimination
93.5 Witness Fees and Mileage

CHAPTER 93. EVIDENCE

93.0. PROVISION FOR ISSUANCE: Pursuant to the Air Commerce Act, the Secretary of Commerce, or his representative designated to conduct a hearing, is empowered to administer oaths, examine witnesses, require the preservation of evidence and issue subpenas for the attendance and testimony of witnesses or the production of books, papers, documents, exhibits and other evidence, or the taking of depositions before any designated individual competent to administer oaths.

93.1. OATHS: Any notary public or other officer authorized by law of the United States, or any State, Territory, or possession thereof, or the District of Columbia, to administer oaths or take acknowledgment of deeds, any consular officer of the United States, and any officer or employee of the Department of Commerce designated by the Secretary in writing for the purpose, shall be competent to administer oaths for the purposes of this Act.

93.2. SUBPENAS: Subpenas for the purposes of this Act may be served personally or in other lawful manner.

93.3. FAILURE TO OBEY SUBPENAS: In case of failure to comply with any subpena issued under authority of this Act, the Secretary, or his duly authorized representative, may invoke the aid of any United States district court, the Supreme Court of the District of Columbia, or the United States court of any Territory or other place to which this Act applies. The court may thereupon order the person to whom the subpena was issued to comply with the requirements of the subpena or to give evidence with respect to the matter in question. Any failure to obey the order may be punished by the court as a contempt thereof.

93.4. PRIVILEGE AGAINST SELF-CRIMINATION: No person shall be excused from attending and testifying or from producing books, papers, documents, exhibits, and other evidence before the Secretary or his designated representative or in obedience to the subpena of the Secretary or his designated representative, or in any cause or proceeding instituted by the Secretary or his designated representative, on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

93.5. WITNESS FEES AND MILEAGE: Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in the courts of the United States.

94. PENALTIES

94.0 Provision for Issuance
94.1 Navigation Offenses
94.10 Airspace Reservation
94.11 Unregistered Aircraft
94.12 Foreign Aircraft
94.13 Uncertificated Aircraft
94.14 Uncertificated Airline
94.15 Uncertificated Airman
94.16 Air Commerce Regulations
94.17 Entry and Clearance Regulations
94.18 Immigration Regulations
94.19 Customs and Public Health Regulations
94.2 Penalties
94.20 Personal Penalty
94.21 Aircraft Seizure
94.3 Proceedings in Rem
94.30 In Personam or in Rem
94.31 Proceedings in Rem
94.32 Seizure
94.33 Proceedings by the United States Attorney
94.34 Release of the Aircraft
94.4 Certificate Offenses
94.40 Forging, etc.
94.41 False Use
94.42 Penalties
94.5 Lights and Signals Offenses
94.50 Penalties

CHAPTER 94. PENALTIES

94.0. PROVISION FOR ISSUANCE: Pursuant to the provisions of the Air Commerce Act authorizing the Secretary of Commerce to make such regulations as are necessary to execute the functions vested in him by the Act, the following regulations are prescribed with respect to the penal offenses enumerated in the Act.

94.1. NAVIGATION OFFENSES: (Air Commerce Act, Section 11). It shall be unlawful, except to the extent authorized or exempt under Section 6 of the Air Commerce Act of 1926, as amended:

94.10. *Airspace Reservation:* To navigate any aircraft within any airspace reservation otherwise than in conformity with the Executive Orders regulating such reservation;

NOTE.—For such reservations, see CAR 60.

94.11. *Unregistered Aircraft:* To navigate any aircraft, other than a foreign aircraft, in interstate or foreign air commerce unless such aircraft is registered as an aircraft of the United States;

NOTE.—For registration, see CAR 00.

94.12. *Foreign Aircraft:* To navigate any foreign aircraft in the United States;

NOTE.—For foreign aircraft, see CAR 65 and 66.

94.13. *Uncertificated Aircraft:* To navigate any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an aircraft certificate or in violation of the terms of any such certificate;

NOTE.—For certificates of aircraft, see CAR 01 for United States aircraft and CAR 65 for foreign aircraft.

94.14. *Uncertificated Airline:* To operate any airline in interstate or foreign air commerce without an airline certificate or in violation of the terms of any such certificate;

NOTE.—For certificates of airlines, see CAR 40 for United States airlines and CAR 66 for foreign airlines.

94.15. *Uncertificated Airman:* To serve as an airman in connection with any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an airman certificate or in violation of the terms of any such certificate;

NOTE.—For certificates of airmen, see CAR 20, 21, 23, 24, 25, 26, and 27 for United States airmen and CAR 65 for foreign airmen.

94.16. *Air Commerce Regulations:* To navigate any aircraft otherwise than in conformity with the air traffic rules, or to operate any aircraft registered as an aircraft of the United States otherwise than in conformity with the regulations of the Secretary of Commerce pertaining thereto;

NOTE.—For air traffic rules, see CAR 60.

94.17. *Entry and Clearance Regulations:* To violate any entry or clearance regulation of the Secretary of Commerce: (See CAR 77).

94.18. *Immigration Regulations:* To violate any immigration regulation of the Secretary of Labor: (See CAR 77.)

94.19. *Customs and Public Health Regulations:* To violate any customs or public health regulation of the Secretary of the Treasury. (See CAR 77.)

94.2. PENALTIES: (Air Commerce Act, Section 11)

94.20. *Personal Penalty:* Any person who violates any of the provisions of CAR 94.10 through 94.19 shall be subject to a civil penalty of $500.

94.21. *Aircraft Seizure:* Any person who violates any provision of CAR 94.19

94.210 (a). shall be liable to a civil penalty of $500 and, in addition,

94.211 (b). any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs or public health laws.

94.3. PROCEEDINGS IN REM: (Air Commerce Act, Section 11)

94.30. *In Personam or in Rem:* Any civil penalty imposed, as provided for in CAR 94.1 and 94.2, may be collected by proceedings in personam against the person subject to the penalty; but also, or in lieu thereof, by proceedings in rem against the aircraft.

94.31. *Proceedings in Rem:* Proceedings in rem shall conform as nearly as may be to suits in admiralty; *except*

94.310 (a). that either party may demand a trial by jury of any issue of fact, if the value in controversy exceeds $20; and

94.311 (b). that facts so tried shall not be re-examined other than in accordance with the rules of the common law; and

94.312 (c). that the fact that the seizure in rem is made at a place not upon the high seas or in navigable waters of the United States shall not be held in any way to limit the requirement of conformity.

94.32. *Seizure*

94.320. Summary Seizure—Any aircraft subject to a lien for any civil penalty imposed, as provided for in CAR 94.1 and 94.2, may be summarily seized by and placed in the custody of any duly authorized inspector of the Bureau in the manner prescribed in CAR 77.

94.321. Report of Seizure—A report of the case shall be thereupon transmitted to the United States Attorney for the Federal judicial district in which the seizure is made.

94.33. *Proceedings by the United States Attorney:* The United States Attorney shall promptly institute proceedings for the enforcement of the lien, or notify the Secretary of his failure so to act.

94.34. *Release of the Aircraft:* The aircraft shall be released from custody

94.340 (a). upon payment of the penalty, or of so much thereof as is not remitted or mitigated; or

94.341 (b). upon seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien; or

94.342 (c). upon notification by the United States Attorney of failure to institute such proceedings; or

94.343 (d). upon deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

94.4. CERTIFICATE OFFENSES: (Air Commerce Act, Section 11)

94.40. *Forging, etc.:* Any person who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized under the Air Commerce Act; and/or

94.41. *False Use:* Any person who knowingly uses or attempts to use any such fraudulent certificate:

94.42. *Penalty:* Shall be punishable by a fine not exceeding $1,000, or by imprisonment not exceeding three years, or by both such fine and imprisonment.

94.5. LIGHTS AND SIGNALS OFFENSES: (Air Commerce Act, Section 11)

94.50. *Penalties:* Any person shall be guilty of an offense punishable by a fine not exceeding $5,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment



94.500 (a). who, with intent to interfere with air navigation in the navigable airspace or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under the Air Commerce Act, or for a true light or signal in connection with an airport or other air navigation facility, or

94.501 (b). who, after due warning from the Secretary of Commerce continues to maintain any false light or signal, or

94.502 (c). who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal, or

94.503 (d). who without lawful authority knowingly exhibits any such true light or signal.

95. IMPOSITION, REMISSION AND MITIGATION OF PENALTIES

95.0 Provision for Issuance
95.1 Notice
95.10 Terms of Notice
95.11 Service of Notice
95.12 Copy to the United States Attorney
95.2 Answer
95.20 Failure to Answer
95.21 Extension of Time
95.3 Action upon Answer
95.30 Record
95.31 Notice to the Party
95.32 Notice to the United States Attorney
95.4 Effect on Other Proceedings
95.40 Failure to Serve Notice
95.41 Remission or Mitigation
95.5 Payment
95.6 Accounting

CHAPTER 95. IMPOSITION, REMISSION AND MITIGATION OF PENALTIES

95.0. PROVISION FOR ISSUANCE: Pursuant to the provisions of the Air Commerce Act authorizing the Secretary of Commerce to remit or mitigate penalties incurred under the provisions of that Act and to prescribe by regulation for proceedings for that purpose, the following regulations shall be applicable.

95.1. NOTICE: Upon information received from a duly authorized inspector of the Bureau of Air Commerce, or other source deemed suitable by the Secretary, that a violation of law or regulation has taken place, and that a civil penalty has thereby been incurred by a particular person or persons, the remission or mitigation of which is within the authority of the Secretary, a notice shall be sent to the person or persons by the Director of the Bureau.

NOTE.—In cases where the act complained of does not seriously involve misuse of a Federal certificate or substantially affect the interests of interstate or foreign air commerce, the Director of the Bureau may transmit the file to the appropriate State authorities for such action as may be deemed fit.

95.10. *Terms of Notice:* The notice will state

95.100 (a). the citation of the regulation or law said to have been violated;

95.101 (b). a brief description of the nature of the act constituting the violation, giving the date and place;

95.102 (c). a statement that the person is subject to a penalty of $500 for such violation, under provision of the Air Commerce Act, Section 11;

95.103 (d). a statement that the Secretary is authorized to remit or mitigate the penalty if a sufficient showing of circumstances is made; and

95.104 (e). a statement of the time in which application must be made and filed requesting remission or mitigation and setting forth all pertinent circumstances.

95.11. *Service of Notice:* The notice may be served personally or by registered mail. In the latter case deposit in the United States mails shall be deemed proof of service.

95.12. *Copy to the United States Attorney:* In case libel in rem proceedings against the aircraft are pending at the time of sending the notice regarding remission or mitigation, the Director of the Bureau shall send the United States attorney prosecuting the libel a copy of the notice sent pursuant to CAR 95.1.

95.2. ANSWER: The person or persons so notified may before the date limited file in duplicate an affidavit of answer stating the circumstances upon which the request for remission or mitigation is based.

95.20. *Failure to Answer:* In case a person so notified fails to file by the date limited an affidavit of answer as provided for in CAR 95.2, the Secretary will make entry in the record stating that for failure of answer no remission or mitigation will be granted.

95.21. *Extension of Time:* The time first limited may be extended, and an entry so made may be revoked, if either after or before the time first limited the person files an affidavit of answer stating circumstances which in the opinion of the Secretary excuse the original failure to answer within the time limited.

95.3. ACTION UPON ANSWER: Upon receiving the affidavit of answer provided for in CAR 95.2, the Secretary will determine whether or not the penalty will be remitted or mitigated, and to what extent if any, stating the amount assessed and due to be paid.

95.30. *Record:* The determination so made will be entered in the record of the case.

95.31. *Notice to the Party:* Notice with a copy of the entry of such determination will thereupon be sent to the person concerned, and to each such person if more than one.

95.32. *Notice to the United States Attorney:* If libel proceedings in rem are pending, notice with a copy of the entry of determination will be sent by the Secretary to the United States attorney prosecuting the libel.

95.4. EFFECT ON OTHER PROCEEDINGS

95.40. *Failure to Serve Notice:* The failure of the Director of the Bureau to send the notice provided for in CAR 95.1, or the Secretary to act in allowance of a remission or mitigation of penalty, shall not alter the liability of the person subject to the penalty in any other proceedings.

95.41. *Remission or Mitigation:* The action of the Secretary in remitting or mitigating the penalty, upon notification to the United States attorney having charge of proceedings to collect the penalty, shall operate to stay and discharge all proceedings or to reduce the penalty accordingly, as the case may be.

95.5. PAYMENT: Upon receipt at the Bureau of a money order or a check, payable to the Treasurer of the United States, from the party charged, for the amount of the penalty assessed, the Secretary will notify the sender thereof, acknowledging full payment of the penalty.

95.6. ACCOUNTING: All penalties paid in under these provisions will be covered into the Treasury as miscellaneous receipts.

98. DEFINITIONS

98.0 Provision for Issuance
98.1 Definitions
98.100 Secretary
98.101 Department
98.102 Director or Director of Air Commerce
98.103 Bureau
98.104 Acrobatics
98.105 Airline
98.106 Airship
98.107 Amphibian
98.108 Balloon
98.109 Beacon
98.110 Ceiling
98.111 Controls
98.112 Landplane
98.113 Parachute
98.114 Radio Range Beacon
98.115 Seaplane
98.116 Solo Flight
98.117 Speed
98.118 Spin
98.119 Stall
98.120 Visibility

CHAPTER 98. DEFINITIONS

98.0. PROVISION FOR ISSUANCE: Pursuant to the Air Commerce Act authorizing the Secretary of Commerce to issue certificates of registration, airworthiness and competency and such other certificates and regulations as the Secretary deems necessary in administering the Act, the following regulations are prescribed with reference to definitions.

98.1. DEFINITIONS: The following definitions, in addition to those in the Air Commerce Act (See Section 9) and

those appearing elsewhere in civil air regulations, shall be applicable to the terms so defined.

98.100. SECRETARY.—Secretary as used, unless otherwise specified, shall mean Secretary of Commerce.

98.101. DEPARTMENT.—Department, as used, unless otherwise specified, shall mean Department of Commerce.

98.102. DIRECTOR OR DIRECTOR OF AIR COMMERCE.—Director or Director of Air Commerce, as used, unless otherwise specified, shall mean Director of the Bureau of Air Commerce of the Department of Commerce.

98.103. BUREAU.—Bureau, as used, unless otherwise specified, shall mean the Bureau of Air Commerce of the Department of Commerce.

98.104. ACROBATICS.—Evolutions voluntarily performed with an aircraft other than those required for normal flight.

98.105. AIRLINE.—An established system of aerial transportation, its equipment, or the company owning or operating it.

98.106. AIRSHIP.—An aerostat provided with a propelling system and with means of controlling the direction of motion.

98.107. AMPHIBIAN.—An airplane designed to rise from and alight on either land or water.

98.108. BALLOON.—An aerostat without a propelling system.

98.109. BEACON.—A light, group of lights, or other signaling device, indicating a location or direction.

98.1090. *Airport Beacon.*—A beacon light of high candlepower located at or near an airport for the purpose of indicating the general or specific location of the airport.

98.1091. *Airway Beacon.*—A beacon light of high candlepower, other than an airport or landmark beacon, located on or near an airway for the purpose of indicating the location of an airway.

98.1092. *Auxiliary Airport Beacon.*—A beacon light, usually of lower candlepower than the main airport beacon light, located on the airport site to indicate the specific location of an airport that has a separate airport beacon visible at a greater distance to indicate the general location of the airport.

98.1093. *Auxiliary Airway Beacon.*—A beacon light, usually of lower candlepower than the principal airway beacon lights, used to mark special features of the terrain along an airway or otherwise to supplement the principal airway beacons.

98.1094. *Code Beacon.*—A flashing beacon light having a recognizable characteristic of dots and/or dashes by which its individual identity can be established.

98.1095. *Landmark Beacon.*—A beacon light, other than an airport beacon or an airway beacon, that serves to indicate a definite geographical location.

98.110. CEILING.—Height of the lower level of a bank of clouds above the ground.

98.1100. *Absolute Ceiling.*—The maximum height above sea level at which a given airplane would be able to maintain horizontal flight under standard air conditions.

98.1101. *Service Ceiling.*—The height above sea level under standard air conditions, at which a given airplane is unable to climb faster than a small specified rate (100 feet per minute in the United States and England). This specified rate may differ in different countries.

98.111. CONTROLS.—A general term applied to the means provided to enable the pilot to control the speed, direction of flight, altitude, power, etc. of an aircraft.

98.112. LANDPLANE.—An airplane designed to rise from and alight on the land.

98.113. PARACHUTE.—An umbrella-like device used to retard the descent of a falling body by offering resistance to its motion through the air.

98.114. RADIO RANGE BEACON.—A radio transmitter supplying directive radio waves that provide a means of keeping an aircraft on its proper course.

98.115. SEAPLANE.—An airplane designed to rise from and alight on the water. This includes both the boat and float types.

98.116. SOLO FLIGHT.—A person is engaged in solo flight when he is the sole operator of the controls and is in command of aircraft in flight.

98.117. SPEED

98.1170. *Airspeed.*—The speed of an aircraft relative to the air.

98.1171. *Ground Speed.*—The horizontal component of the velocity of an aircraft relative to the ground.

98.1172. *Landing Speed.*—The minimum speed of an airplane at the instant of contact with the landing area in a normal landing.

98.1173. *Minimum Flying Speed.*—The lowest steady speed that can be maintained, with any throttle setting whatsoever, by an airplane in level flight at an altitude above the ground greater than the span of the wings.

98.1174. *Stalling Speed.*—The speed of an airplane in steady flight at its maximum coefficient of lift.

98.118. SPIN.—A maneuver in which an airplane descends along a helical path of large pitch and small radius while flying at a mean angle of attack greater than the angle of attack at maximum lift.

98.119. STALL.—The condition of an airfoil or airplane in which it is operating at an angle of attack greater than the angle of attack of maximum lift.

98.120. VISIBILITY.—The greatest distance at which conspicuous objects can be seen and identified.

99. MODE OF CITATION OF REGULATIONS

99.0 Provision for Issuance
99.1 Definitions
99.10 Civil Air Regulations
99.2 Mode of Citation
99.20 Words
99.21 Figures

CHAPTER 99. MODE OF CITATION OF REGULATIONS

99.0. PROVISION FOR ISSUANCE: Pursuant to the provisions of the Air Commerce Act authorizing the Secretary of Commerce to make such regulations as are necessary to execute the functions vested in him by the Act, the following regulations are prescribed for the citation of Civil Air Regulations.

99.1. DEFINITIONS.

99.10. *Civil Air Regulations:* Civil Air Regulations are those regulations issued by the Secretary pursuant to the Air Commerce Act and otherwise pursuant to law vesting in him the power and duty to regulate interstate and foreign air commerce and aeronautics.

99.2. MODE OF CITATION

99.20. *Words:* The words "Civil Air Regulations" may be cited by the letters "CAR", and are so cited in the Civil Air Regulations.

99.21. *Figures:* The figures used in connection with Civil Air Regulations shall be cited as they appear in the left-hand margin of and opposite to each division or paragraph of the Civil Air Regulations, but, unless limited by express language, the citation of a figure having a lesser number of digits shall include all of the figures immediately there following having a greater number of digits (if any such figures there be) together with the text in the divisions and/or paragraphs in connection with the latter: *Provided*, That such inclusion shall stop with, and not include, any division and/or paragraph having a larger figure but a less number of digits. (For example, the citation of CAR 99.1 includes CAR 99.10, but not CAR 99.20 and/or 99.21.) The citation of any division or paragraph as indicated above does not include any there following with a figure having an equal or less number of digits. (For example, CAR 91.1 does not include CAR 99.2, nor does CAR 99.10 include CAR 99.2.) The citation of a chapter by its letters and figure (such as CAR 99) is a citation of the whole of that chapter. Whenever the complete sense of a particular division and/or paragraph requires that it be read in connection with any prior division and/or paragraph, the citation of the former will include the latter. (No good example occurs in CAR 99, but one may be found in CAR 20 in connection with suspension or revocation of pilot certificates. For example the citation of CAR 20.371 includes CAR 20.37, and that of CAR 20.37103 includes CAR 20.371 and possibly CAR 20.370 and/or 20.37 depending upon the facts under consideration.)

[F. R. Doc. 37-3020; Filed, October 13, 1937; 10:26 a. m.]



## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

AMENDING TREASURY CHAPTER (VII) OF THE MANUAL

DISPOSITION OF CHECKS OUTSTANDING MORE THAN ONE FULL FISCAL YEAR

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, Section 703 of Chapter VII of the Consolidated Manual is hereby amended to read as follows:

SEC. 703 (*a*). As of the close of business each fiscal year, the Treasurer or other authorized disbursing officer of the Corporation shall draw checks, payable to the Corporation for deposit to the General Working Fund, on each disbursing account maintained in either the United States Treasury or local banks for the total amount of all checks, on each such disbursing account, which have been outstanding more than one full fiscal year; provided, however, that where all signatories have been or are hereafter revoked on any account in a local bank, the Treasury may cause the amounts of all outstanding checks on such account to be transferred to the General Working Fund at the close of the fiscal year in which the signatories were revoked.

(*b*) Any claims for payment of checks, the funds for which have been previously transferred to the Outstanding Check Liability Account or the Surplus Account, when properly approved, certified by the Auditor, and supported by the original check, or an indemnity bond as required by the regulations, shall be paid by the Treasurer from the General Working Fund, and charged to the Outstanding Check Liability Account.

(*c*) The Treasurer is hereby authorized, with the approval of the Budget Director, the General Manager and General Counsel, to establish necessary procedure to give full force and effect to the provisions of this resolution.

Adopted by the Federal Home Loan Bank Board on October 12, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3016; Filed, October 13, 1937; 9:49 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

OCTOBER 5, 1937.

[Administrative Order No. 145]

RESCISSION OF ALLOCATION OF FUNDS FOR LOANS

I hereby rescind the allocation of $16,000 for the project, North Carolina 22 Nash Halifax, made by Administrative Order No. 5, dated July 28, 1936. This action is being taken because the city will not maintain or operate the line and would probably not furnish current to the cooperative. This 16 mile line will eventually go into the Edgecombe project, or will be served by the power company.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3015; Filed, October 13, 1937; 9:34 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

AMENDMENT OF RULE UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT OF PARAGRAPH (C) OF RULE 17C–11 TO EXTEND DURATION OF RULE UNTIL JANUARY 1, 1939

OCTOBER 8, 1937.

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, and particularly Sections 17 (c) and 20 (a) thereof, and finding that amendment to Rule 17C–11 is necessary and appropriate and will not adversely affect the public interest or the interest of investors or consumers, the Securities and Exchange Commission hereby amends Rule 17C–11 so that the same shall read as follows:

RULE 17C–11. *Independent officers or directors.*—(*a*) A registered holding company or subsidiary company thereof may have as an officer or director, or both, a person who is a director (other than a partner) of a financial institution and has no other financial connections (as defined in rule 17C–1) other than those permitted by this rule: *Provided*, That—

(1) Such person is not an executive officer, partner, appointee, or representative of such financial institution; and

(2) Such person was an officer or director of such company on June 1, 1936; and

(3) Such person has no financial connections other than those which he held on June 1, 1936; and

(4) Such person is not an officer or director of any other such company which is not a member of the same holding company system; and

(5) Such company shall have filed or caused to be filed with the Commission a statement on form U–17–3 as adopted June 30, 1936, signed by such officer or director and setting forth the information therein specified.

(*b*) Not more than two persons who are officers or directors of any such company shall be persons who are eligible to such position only by virtue of this rule.

(*c*) This rule shall expire not later than January 1, 1939. By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3026; Filed, October 13, 1937; 12:54 p. m.]

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*United States of America—Before the Securities And Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, 1937.

[File No. 1–1972]

IN THE MATTER OF CORCORAN FIRE INSURANCE COMPANY OF THE DISTRICT OF COLUMBIA COMMON STOCK, $50 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Corcoran Fire Insurance Company of the District of Columbia, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Common Stock, $50 Par Value, from listing and registration on the Washington Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on October 21, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3023; Filed; October 13, 1937; 12:54 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, 1937.

[File No. 1-437]

IN THE MATTER OF WORTHINGTON PUMP AND MACHINERY CORPORATION (VIRGINIA) COMMON STOCK, $100 PAR VALUE 7% CUMULATIVE CLASS A PREFERRED STOCK, $100 PAR VALUE 6% CUMULATIVE CLASS B PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, $100 Par Value, 7% Cumulative Class A Preferred Stock, $100 Par Value, and 6% Cumulative Class B Preferred Stock, $100 Par Value, of Worthington Pump and Machinery Corporation (Virginia); and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on October 21, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3024; Filed, October 13, 1937; 12:54 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of October, A. D., 1937.

IN THE MATTER OF MARLIN-ROCKWELL CORPORATION COMMON CAPITAL STOCK PAR VALUE $1.00

ORDER POSTPONING HEARING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 AS AMENDED AND DESIGNATING OFFICER TO TAKE TESTIMONY

The Commission, having heretofore, on July 3, 1937, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be held on July 14, 1937, to determine whether to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, par value $1.00, of the Marlin-Rockwell Corporation on the New York Stock Exchange; and having subsequently postponed said hearing to October 13, 1937; and Counsel for the Commission having requested a further postponement of the hearing;

*It is ordered*, That such hearing be postponed to Wednesday, October 27, 1937, at 10:00 A. M. in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

*It is further ordered*, That for the purposes of such proceeding, Richard Townsend, an officer of the Commission be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3025; Filed, October 13, 1937; 12:54 p. m.]

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*Friday, October 15, 1937* *No. 200*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[Regulations 100]

EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE CARRIERS TAXING ACT OF 1937 [1]

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INTRODUCTORY

These regulations deal with the employers' tax, the employees' tax, and the employee representatives' tax, imposed by the Carriers Taxing Act of 1937, approved June 29, 1937 (Public, No. 174, Seventy-fifth Congress).

Chapter I defines terms that are used in the Act and in these regulations.

Chapter II deals with the employees' tax.

Chapter III deals with the employers' tax.

Chapter IV deals with the employee representatives' tax.

Chapter V deals with returns and payment of tax.

Chapter VI deals with the adjustment of employees' tax and employers' tax.

Chapter VII deals with credits and refunds.

Chapter VIII contains miscellaneous provisions relative to assessment and collection of underpayments, jeopardy assessment, interest, penalties, and records.

The applicable provisions of the Act, as well as certain applicable provisions of internal-revenue laws of particular importance, will be found in the appropriate places in, and are to be read in connection with, these regulations. The sections of law referred to in these regulations are sections of the Carriers Taxing Act of 1937, unless otherwise stated.

CHAPTER I—DEFINITIONS

SECTION 1 OF THE ACT

That as used in this Act—

(a) The term "employer" means any carrier (as defined in subsection (i) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however*, That the the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained

wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations.

(b) The term "employee" means any person in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual is in the employment relation to a carrier if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the carrier: *Provided further,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier not conducting the principal part of its business in the United States unless during the last pay-roll period in which he rendered service to it prior to said date, he rendered service to it in the United States.

(c) The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in section 1 (a), who before or after the enactment hereof was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

(d) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States.

(e) The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 2 of this Act. Compensation which is earned during the period for which the Commissioner of Internal Revenue shall require a return of taxes hereunder to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only.

(f) The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(g) The term "company" includes corporations, associations, and joint-stock companies.

(h) The term "employee" includes an officer of an employer.

(i) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

(j) The term "person" means an individual, a partnership, an association, a joint-stock company, or a corporation.

ARTICLE 1. *Definitions of miscellaneous terms.*—As used in these regulations—

(*a*) The terms defined in the above provisions of law shall have the meanings so assigned to them.

(*b*) *Act* means the Carriers Taxing Act of 1937 (Public, No. 174, Seventy-fifth Congress).

(*c*) *Act of August 29, 1935,* means the Act entitled "An Act To levy an excise tax upon carriers and an income tax upon their employees, and for other purposes" (Public, No. 400, Seventy-fourth Congress; 49 Stat. 974), as amended by Public Resolution No. 9, Seventy-fifth Congress, approved February 27, 1937.

(*d*) *Railway Labor Act* means the Act approved May 20, 1926 (44 Stat. 577), as originally adopted and any amendments thereto.

(*e*) *Social Security Act* means the Act approved August 14, 1935 (Public, No. 271, Seventy-fourth Congress; 49 Stat. 620).

(*f*) *Tax* means the employers' tax, the employees' tax, or the employee representatives' tax unless otherwise specified.

(*g*) *Employers' tax* means the tax imposed by section 3 of the Act.

(*h*) *Employees' tax* means the tax imposed by section 2 of the Act.

(*i*) *Employee representatives' tax* means the tax imposed by section 5 of the Act.

(*j*) *Secretary* means the Secretary of the Treasury.

(*k*) *Commissioner* means the Commissioner of Internal Revenue.

(*l*) *Collector* means the collector of internal revenue.

SECTION 1 (A) OF THE ACT

(a) The term "employer" means any carrier (as defined in subsection (i) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations.

SECTION 1 (I) OF THE ACT

(i) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

ART. 2. *Who are employers.*—Each of the following persons is an employer within the meaning of the Act—

(*a*) Any carrier, that is, any express company, sleeping-car company, or carrier by railroad, subject to Part I of the Interstate Commerce Act.

(*b*) Any company which

(1) is directly or indirectly owned or controlled by one or more employers as defined in paragraph (*a*) of this article, or under common control therewith, *and*

(2) operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with

(A) the transportation of passengers or property by railroad, *or*

(B) the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad.

As used above in this article—

The term "controlled" includes direct or indirect control, whether legally enforceable and however exercisable or exercised. The control may be by means of stock ownership, or by agreements, licenses, or any other devices which insure that the operation of the company is in the interests of one or more carriers. It is the reality of the control, however, which is decisive, not its form nor the mode of its exercise.

The term "employer" does not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation which on January 1, 1937, or thereafter, is operated by any other motive power.



(*c*) Any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any employer as defined in paragraph (*a*) or (*b*) of this article.

(*d*) Any railroad association, traffic association, tariff bureau, demurrage bureau, weighing and inspection bureau, collection agency, and other association, bureau, agency or organization controlled and maintained wholly or principally by two or more employers as defined in paragraph (*a*), (*b*), or (*c*) of this article and engaged in the performance of services in connection with or incidental to railroad transportation.

(*e*) Any railway labor organization, national in scope, which has been or may be organized in accordance with the provisions of the Railway Labor Act.

(*f*) Any State or National legislative committee, general committee, insurance department, local lodge or division of an employer as defined in paragraph (*e*) of this article established pursuant to the constitution and by-laws of such employer.

SECTION 1 (B) OF THE ACT

(b) The term "employee" means any person in the service of one of more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual is in the employment relation to a carrier if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the carrier: *Provided further,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier not conducting the principal part of its business in the United States unless during the last pay-roll period in which he rendered service to it prior to said date, he rendered service to it in the United States.

SECTION 1 (D) OF THE ACT

(d) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States.

SECTION 1 (H) AND (I) OF THE ACT

(h) The term "employee" includes an officer of an employer.

(i) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

ART. 3. *Who are employees*—(*a*) *General.*—Within the meaning of the Act, any person is an *employee* if he is in the service of one or more employers (as defined in section 1 (a)) for compensation. An individual is in the service of an employer if he is subject to the continuing authority of the employer to supervise and direct the manner in which he renders services for compensation. It is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if the employer has the right to do so. The right of an employer to discharge an individual is also an important factor indicating that the individual is an employee. Other factors indicating that an individual is an employee are the furnishing of tools and the furnishing of a place to work by the employer to the individual who performs the services. In general, if an individual is subject to the control or direction of an employer merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not, as to such services, an employee within the meaning of the Act.

Generally, an individual performing services for an employer as defined in section 1 (a) as a physician, lawyer, dentist, veterinarian, contractor, subcontractor, public stenographer, or auctioneer, who follows an independent profession, trade, or business, in which he offers his services to the public, is an independent contractor. Individuals following the callings mentioned may, however, be employees.

Whether or not an individual is an employee will be determined upon an examination of the particular facts of the case.

If an individual is an employee, it is of no consequence that he is designated as a partner, coadventurer, agent, independent contractor, or otherwise, or that he performs services on a part-time basis. The age of the individual, or the measurement, method, or designation of the remuneration, is immaterial, if he is in fact an employee.

The Act makes no distinction between classes or grades of employees. Thus, superintendents, managers, and other superior employees are employees within the meaning of the Act. An officer of an employer is an employee. A director is not an employee unless he performs services other than those required by attendance at and participation in meetings of the board of directors.

In determining whether an individual is an employee within the meaning of the Act, the citizenship or residence of the individual, or the place where the contract for the services was entered into is immaterial. If an individual performs services for an employer which does not conduct the principal part of its business within the United States, such individual shall be deemed to be in the service of such employer only to the extent that he performs services for it in the United States. In all other cases it is immaterial whether the services are performed within or without the United States.

(*b*) *Employees of local lodges or divisions of railway labor organizations.*—An individual who is in the service of a local lodge or division of a railway labor organization which is included as an employer under section 1 (a) (see article 2 (*f*)), is not an employee within the meaning of the Act unless, on or after August 29, 1935, he was either—

(1) In the service of a *carrier;* that is, on or after August 29, 1935, the individual must have been subject to the continuing authority of a carrier to supervise and direct the manner of the performance of services being rendered by such individual for compensation (see paragraph (*a*) above of this article), or

(2) In the "employment relation" to a *carrier;* that is, the individual on or after August 29, 1935, in accordance with established rules and practices in effect on the carrier, was on furlough subject to call for service within or without the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability. However, an individual shall not be deemed to have been on August 29, 1935, in the "employment relation" to a carrier not conducting the principal part of its business in the United States, unless during the last pay-roll period in which such individual rendered service to the carrier prior to such date, he rendered service to the carrier within the United States.

(For definition of "carrier," see section 1 (i) and article 2 (*a*).)

SECTION 1 (C) OF THE ACT

(c) The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in section 1 (a), who before or after the enactment hereof was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

ART. 4. *Who are employee representatives.*—An employee representative within the meaning of the Act is—

(*a*) Any officer or official representative of a railway labor organization which is not included as an employer under section 1 (a) of the Act who—

(1) was in the service of an employer either before or after June 29, 1937, and

(2) is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended.

(For railway labor organizations which are employers under section 1 (a) of the Act, see articles 2 (*e*) and (*f*).)

(*b*) Any individual who is regularly assigned to or regularly employed by an employee representative as defined in paragraph (*a*) of this article, in connection with the duties of such employee representative's office.

In determining whether an individual is an employee representative, his age, citizenship, and residence, are immaterial.

SECTION 1 (E) OF THE ACT

(e) The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 2 of this Act. Compensation which is earned during the period for which the Commissioner of Internal Revenue shall require a return of taxes hereunder to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only.

SECTION 5 OF THE ACT

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The compensation of an employee representative for the purpose of ascertaining the tax thereon shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in section 1 (a) of this Act.

ART. 5. *Definition of "compensation."*—The term *compensation* means all remuneration in money, or in something which may be used in lieu of money (scrip and merchandise orders, for example), which is earned by an individual for services performed as an employee for one or more employers, or as an employee representative. The term is not confined to amounts earned or paid for active service but includes amounts earned or paid for periods during which the employee or employee representative is absent from active service. The term does not include tips, or the voluntary payment by an employer of the employee's tax, without the deduction of such tax from the remuneration of the employee. (As to when compensation is earned, see article 7.)

ART. 6. *Items included as compensation.*—The following items are included in compensation with respect to employees and in analogous situations with respect to employee representatives—

(*a*) Salaries, wages, commissions, fees, bonuses, and any other remuneration in money or in something which may be used in lieu of money. The name by which remuneration is designated, the amount, and the basis upon which it is paid are immaterial. It may be paid upon the basis of piece work, a percentage of profits, or on a daily, hourly, weekly, monthly, annual, or other basis.

(*b*) Sick pay, vacation allowances, or back pay upon reinstatement after wrongful discharge.

(*c*) Allowance or reimbursement for traveling or other expenses incurred in the business of the employer to the extent of the excess of such amount, if any, over such expenses actually incurred and accounted for by the employee.

(*d*) Generally, premiums paid by an employer on a policy of life insurance covering the life of an employee if the employer is not a beneficiary under the policy. However, premiums paid by an employer on policies of group life insurance covering the lives of his employees are not compensation if the employee has no option to take the amount of the premiums instead of accepting the insurance and has no equity in the policy (such as the right of assignment or the right to the surrender value on termination of his employment).

(*e*) Amounts deducted from the remuneration of an employee, including the amount of the employees' tax deducted pursuant to section 2 (b), constitute compensation paid to the employee.

(*f*) Payments made by an employer into a stock bonus, pension, or profit-sharing fund if such payments inure to the exclusive benefit of the employee and may be withdrawn by the employee at any time, or upon resignation or dismissal or if the contract for services requires such payment as part of the remuneration. Whether or not under other circumstances such payments constitute compensation depends upon the particular facts of each case.

ART 7. *Compensation—when earned.*—Compensation is earned when and as an employee or employee representative, as such, performs services for which he is paid or for which there is a present or future obligation to pay, regardless of the time at which payment is made or is to be made. Remuneration paid for any period of absence from active service shall be deemed to have been earned in the month in which such absence from service occurred. (See articles 5 and 6.)

ART. 8. *Compensation — when paid.*—Compensation is deemed to be paid—

(1) when it is actually paid; or

(2) when it is constructively paid, that is, credited to the account of or set apart for an employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and made available to him so that it may be drawn upon at any time and its payment brought within his own control and disposition; or

(3) within the period for which a return of tax is required to be made if the compensation was earned during such period and is payable during the calendar month following such period. (See article 501, relating to periods for which a return of tax is required.)

*Example* (*A*).—During September, 1938 (which falls in a period for which a return of tax is required to be made), A is employed by employer B at a monthly salary of $150, half of which is payable on the 25th of the month in which the services are performed and the other half on the 10th of the following month. Thus on October 10, A is paid $75 which was earned during September. That $75 is deemed to have been paid to A in September and should be included in B's return for the quarter July, August, and September.

*Example* (*B*).—During December, 1937 (which falls in a period for which a return of tax is required to be made), A is employed by employer B on the basis of a 6-day week at a weekly salary of $60 payable on Saturday of each week. Thus on Saturday, January 1, 1938, A is paid $60 for services performed during the week December 27, 1937, to January 1, 1938, inclusive. In such case five-sixths of that amount or $50 is deemed to have been paid in December and should be included in B's return filed for the period in which December falls. The balance of A's salary for that week ($10) should be included in the return filed for the period in which January, 1938, falls. (But see article 501 (*b*), relating to period covered by return where employer pays on a weekly basis. See article 7 as to when compensation is deemed earned; also article 202 relating to applicable rate of employees' tax.)

CHAPTER II—EMPLOYEES' TAX

SECTION 2 (A) OF THE ACT

(a) In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation of such employee as is not in excess of $300 for any calendar month, earned by him after December 31, 1936—

1. With respect to compensation earned during the calendar years 1937, 1938, and 1939, the rate shall be 2¾ per centum;
2. With respect to compensation earned during the calendar years 1940, 1941, and 1942, the rate shall be 3 per centum;
3. With respect to compensation earned during the calendar years 1943, 1944, and 1945, the rate shall be 3¼ per centum;
4. With respect to compensation earned during the calendar years 1946, 1947, and 1948, the rate shall be 3½ per centum;
5. With respect to compensation earned after December 31, 1948, the rate shall be 3¾ per centum;

ART. 201. *Measure of employees' tax.*—The employees' tax is measured by the amount of compensation earned by an individual as an employee for services rendered to one or more employers on and after January 1, 1937, excluding, however, the amount of such compensation in excess of $300 which is earned by the employee for services performed during any one calendar month. (See articles 5, 6, and 7, relating to compensation.)



ART. 202. *Rates and computation of employees' tax.*—The rates of employees' tax applicable for the respective calendar years are as follows:

| | *Per cent* |
|---|---|
| For the calendar years 1937, 1938, 1939 | 2¾ |
| For the calendar years 1940, 1941, 1942 | 3 |
| For the calendar years 1943, 1944, 1945 | 3¼ |
| For the calendar years 1946, 1947, 1948 | 3½ |
| For the calendar year 1949 and subsequent calendar years | 3¾ |

The employees' tax is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate in effect at the time the compensation was earned.

SECTION 2 (B) OF THE ACT

(b) The tax imposed by this section shall be collected by the employer of the taxpayer by deducting the amount of the tax from the compensation of the employee as and when paid. If an employee is paid compensation by more than one employer with respect to any calendar month, then, under regulations made under this Act, the Commissioner of Internal Revenue may prescribe the proportion of the tax to be deducted by each employer from the compensation paid by him to the employee with respect to such month. Every employer required under this subsection to deduct the tax is hereby made liable for the payment of such tax and shall not be liable to any person for the amount of any such payment.

SECTION 607 OF THE REVENUE ACT OF 1934, MADE APPLICABLE BY SECTION 7 (C) OF THE ACT

Whenever any person is required to collect or withhold any internal-revenue tax from any other person and to pay such tax over to the United States, the amount of tax so collected or withheld shall be held to be a special fund in trust for the United States. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

ART. 203. *Collection of, and liability for, employees' tax.*—(*a*) The employer shall collect the employees' tax imposed with respect to the compensation not in excess of $300 earned for any calendar month by each of his employees, by deducting or causing to be deducted the amount of such tax from such compensation as and when paid. (As to time when compensation is deemed to be paid, see article 8.)

(*b*) If during any calendar month an employee earns compensation from two or more employers, and if the aggregate of such compensation is more than $300, the employees' tax shall be deducted by each employer from the amount of compensation with respect to which the employers' tax is imposed (see section 3 (a) and article 301 (*b*)), as and when such compensation is paid by him to the employee. Any undercollection or overcollection of employees' tax resulting from the employer's inability to determine, at the time compensation is paid, the correct amount with respect to which the deduction should be made shall be corrected in accordance with the provisions of Chapter VI, relating to adjustment of employees' tax and employers' tax, and Chapter VII, relating to credits and refunds.

(*c*) In collecting the employees' tax, the employer shall disregard any fractional part of a cent of such tax unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(*d*) The employer is liable for the employees' tax with respect to compensation paid by him subsequent to June 28, 1937, whether or not collected from the employee. If at any time subsequent to that date the employer deducts less than the correct amount of employees' tax or fails to deduct any part of the tax, he is nevertheless liable for the correct amount of the tax. With respect to compensation earned by any employee for the period from January 1, 1937, to June 28, 1937, inclusive, the employer shall be liable for the employees' tax only to the extent that the employer has under his control at any time subsequent to June 28, 1937, amounts of compensation earned at any time by the employee, or amounts deducted by the employer from the compensation of the employee under the Act of August 29, 1935. Until collected from him, the employee is also liable for the employees' tax. Any employees' tax collected by or on behalf of an employer is a special fund in trust for the United States. An employer is not liable to any person for the amount of the employees' tax deducted by him and paid to the collector.

See Chapter V, relating to returns and payment of employees' tax; articles 601 and 602, relating to adjustment of employees' tax; articles 803, 804, and 805, relating to interest and penalties.

CHAPTER III—EMPLOYERS' TAX

SECTION 3 (A) OF THE ACT

(a) In addition to other taxes, every employer shall pay an excise tax with respect to having individuals in his employ, equal to the following percentages of so much of the compensation as is not in excess of $300 for any calendar month paid by him to any employee for services rendered to him after December 31, 1936: *Provided, however,* That if an employee is paid compensation by more than one employer with respect to any such calendar month, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and eac hsuch employer shall be liable for that proportion of the tax with respect to such compensation which his payment to the employee with respect to such calendar month bears to the aggregate compensation paid to such employee by all employers with respect to such calendar month:

1. With respect to compensation paid to employees for services rendered during the calendar years 1937, 1938, and 1939, the rate shall be 2¾ per centum;
2. With respect to compensation paid to employees for services rendered during the calendar years 1940, 1941, and 1942, the rate shall be 3 per centum;
3. With respect to compensation paid to employees for services rendered during the calendar years 1943, 1944, and 1945, the rate shall be 3¼ per centum;
4. With respect to compensation paid to employees for services rendered during the calendar years 1946, 1947, and 1948, the rate shall be 3½ per centum;
5. With respect to compensation paid to employees for services rendered after December 31, 1948, the rate shall be 3¾ per centum.

ART. 301. *Measure of employers' tax.*—(*a*) Except as provided in paragraph (*b*) of this article, the employers' tax is measured by the amount of compensation paid by an employer to his employees for services performed on and after January 1, 1937, excluding, however, the amount of compensation in excess of $300 which is paid by the employer to any employee for services performed during any one calendar month.

(*b*) If an employer pays compensation to an employee who is also paid compensation by any other employer for services performed during the same calendar month, and if the aggregate compensation paid to such employee by all employers is more than $300 for the calendar month, then there is included in the measure of each employer's tax only that proportion of $300 which each employer's payment to the employee for the month bears to the aggregate compensation paid to such employee by all of his employers for that month. (See articles 5, 6, and 8, relating to "compensation," and article 603, relating to adjustments.)

*Example 1.*—A performs services during August, 1937, for employer X and is paid for the month a salary of $400. X is liable for the employers' tax with respect to $300.

*Example 2.*—A performs services during August, 1937, for employers X and Y and is paid for the month a salary of $150 by each. Since A's aggregate compensation was not in excess of $300, each employer is liable for the employers' tax with respect to $150.

*Example 3.*—A performs services during August, 1937, for employers X and Y and is paid for the month a salary of $200 by X and a salary of $300 by Y, or an aggregate compensation of $500 for the month. In such case X pays two-fifths of A's aggregate compensation and Y pays three-fifths. X, therefore, is liable for the employers' tax with respect to two-fifths of $300, or $120, and Y is liable for the employers' tax with respect to three-fifths of $300, or $180.

ART. 302. *Rates and computation of employers' tax.*—The rates of employers' tax applicable for the respective calendar years are as follows:

| | *Per cent* |
|---|---|
| For the calendar years 1937, 1938, 1939 | 2¾ |
| For the calendar years 1940, 1941, 1942 | 3 |
| For the calendar years 1943, 1944, 1945 | 3¼ |
| For the calendar years 1946, 1947, 1948 | 3½ |
| For the calendar year 1949 and subsequent calendar years | 3¾ |

The employers' tax is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate in effect at the time of the performance of the services for which the compensation was paid.

CHAPTER IV—EMPLOYEE REPRESENTATIVES' TAX

SECTION 5 OF THE ACT

In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation of such employee representative as is not in excess of $300 for any calendar month, earned by him after December 31, 1936:

1. With respect to compensation earned during the calendar years 1937, 1938, and 1939, the rate shall be 5½ per centum;
2. With respect to compensation earned during the calendar years 1940, 1941, and 1942, the rate shall be 6 per centum;
3. With respect to compensation earned during the calendar years 1943, 1944, and 1945, the rate shall be 6½ per centum;
4. With respect to compensation earned during the calendar years 1946, 1947, and 1948, the rate shall be 7 per centum;
5. With respect to compensation earned after December 31, 1948, the rate shall be 7½ per centum.

The compensation of an employee representative for the purpose of ascertaining the tax thereon shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in section 1 (a) of this Act.

ART. 401. *Measure of employee representatives' tax.*—The employee representatives' tax is measured by so much of the compensation earned by an individual for services rendered on and after January 1, 1937, as an employee representative, as does not exceed $300 for any calendar month. (See articles 5, 6, and 7, relating to compensation.)

ART. 402. *Rates and computation of employee representatives' tax.*—The rates of employee representatives' tax applicable for the respective calendar years are as follows:

| | Per cent |
|---|---|
| For the calendar years 1937, 1938, 1939 | 5½ |
| For the calendar years 1940, 1941, 1942 | 6 |
| For the calendar years 1943, 1944, 1945 | 6½ |
| For the calendar years 1946, 1947, 1948 | 7 |
| For the calendar year 1949 and subsequent calendar years | 7½ |

The employee representatives' tax is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate in effect at the time of the performance of the services for which the compensation was earned.

CHAPTER V—RETURNS AND PAYMENT OF TAX

SECTION 7 (A), (D), (C), AND (D) OF THE ACT

(a) The taxes imposed by this Act shall be collected by the Bureau of Internal Revenue and shall be paid into the Treasury of the United States as internal-revenue collections.

(b) The taxes imposed by this Act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this Act as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. If a tax imposed by this Act is not paid when due, there shall be added as part of the tax (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 6 per centum per annum from the date the tax became due until paid.

(c) All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926, and the provisions of section 607 of the Revenue Act of 1934, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the taxes imposed by this Act.

(d) In the payment of any tax under this Act, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

SECTION 602 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 7 (C) OF THE ACT

Every person liable for any tax • • • shall make • • • returns under oath • • • and pay the taxes • • • to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. • • •

SECTION 1102 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 7 (C) OF THE ACT

(a) Every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

(c) The Commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by any internal revenue law (except returns required under income or estate tax laws) to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

(d) Any oath or affirmation required by the provisions of this Act or regulations made under authority thereof may be administered by any officer authorized to administer oaths for general purposes by the law of the United States or of any State, Territory, or possession of the United States, wherein such oath or affirmation is administered, or by any consular officer of the United States.

SECTION 3165 OF THE UNITED STATES REVISED STATUTES, AS AMENDED

Every collector, deputy collector, internal-revenue agent, and internal-revenue officer assigned to duty under an internal-revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal-revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

SECTION 3176 OF THE UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1103 OF THE REVENUE ACT OF 1926 AND SECTION 619 (D) OF THE REVENUE ACT OF 1928

If any person, corporation, company, or association fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise. In any such case the Commissioner of Internal Revenue may, from his own knowledge and from such information as he can obtain through testimony or otherwise, make a return or amend any return made by a collector or deputy collector. Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes. • • •

ART. 501. *Initial and quarterly returns of tax.*—(a) *General.*—For the period beginning January 1, 1937, and ending September 30, 1937, and for each subsequent period of three calendar months ending December 31, March 31, June 30, and September 30, each employer shall prepare a return of tax, in quadruplicate, on Form CT–1 and each employee representative shall prepare a return of tax, in quadruplicate, on Form CT–2. Each employer and employee representative is required to file his own return. Consolidated returns of parent and subsidiary corporations are not permitted.

(b) *Returns of employers required by State law to pay compensation on weekly basis.*—If any employer is required by the laws of any State to pay compensation weekly, the return of tax with respect to such compensation may, at the election of such employer, cover all pay-roll weeks which, or the major part of which, fall within the period for which a return of tax is required by paragraph (a) above. This provision shall not apply, however, to any pay-roll week which falls in two calendar years. Any employer who elects to file a return as provided in this paragraph shall notify the Commissioner in writing of such election and shall include therein a statement setting forth the facts which entitle him to make the election. Such notice shall be in duplicate and shall be attached to the return for the first period to which such election applies. Any election so made shall be binding upon the taxpayer with respect to all returns subsequently made by him until the Commissioner authorizes or directs the taxpayer to make a return on a different basis. For the purpose of determining the time when compensation is paid in accordance with article 8 (3), and of determining the due date of a return in accordance with article 505, the calendar month following the period covered by the return of an employer making such election is the same calendar month which would be determinative for such purposes if the employer had not made the election.

*Example:* Employer A is required by State law to pay his employees within six days after the compensation is earned. In compliance with the State law, Employer A, for services rendered to him for the period September 27 to October 2, 1937, pays his employees on the last-named date. September, 1937, is the last month of a period for which a return of tax is required to be filed. Employer A may elect to include in the return required under paragraph (a) of this article for the period January 1 to September 30, 1937, the compensation paid to his employees for the week of September 27 to October 2, 1937, inclusive, although the compensation for October 1 and 2 falls within another period for which a return is required under paragraph (a) of this article. If, in this example, the pay-roll week ended on October 5, 1937, the compensation paid for the pay-roll week September 29 to October 5 would be included in the return period in which October falls although the compensation earned for September 29 and 30 fell in a prior return period under the general rule.



ART. 502. *Final returns.*—The last return on Form CT–1 for any person who ceases to be an employer, shall be marked "Final return." Such return shall be filed with the collector on or before the thirtieth day after the date of the final payment of compensation with respect to which the tax is imposed. The period covered by each such return shall be plainly written on the return, indicating the date of the final payment of compensation.

The last return on Form CT–2 for any person who ceases to be an employee representative shall be marked "Final return."

There shall be executed as part of each final return a statement giving the address at which the records required by article 806 will be kept and the name of the person keeping the records.

ART. 503. *Execution of returns.*—Each return on Form CT–1 shall be signed and (except as provided in this article) verified under oath or affirmation by (1) the individual, if the employer is an individual; (2) the president, vice president, or other principal officer, if the employer is a corporation; or (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization. Each return on Form CT–2 shall be signed and (except as provided in this article) verified under oath or affirmation by the employee representative.

The oath or affirmation may be administered by any officer duly authorized to administer oaths for general purposes by the law of the United States or of any State or Territory, wherein such oath is administered, or by a consular officer of the United States. Returns executed abroad may be attested free of charge before a United States consular officer. If a foreign notary or other official having no seal acts as attesting officer, the authority of such attesting officer should be certified to by some judicial officer or other proper officer having knowledge of the appointment and official character of the attesting officer. If the tax shown to be payable by any return is $10 or less, the return may be signed or acknowledged before two witnesses instead of under oath.

ART. 504. *Use of prescribed forms.*—Each return, together with any prescribed copies and supporting data, shall be filled out in accordance with the instructions contained thereon and the regulations applicable thereto. The prescribed forms may be obtained from collectors. A taxpayer will not be excused from making a return for the reason that no form has been furnished to him. Application should be made to the collector for the prescribed forms in ample time to have the return prepared, verified, and filed with the collector on or before the due date. Returns shall be carefully prepared so as fully and clearly to set forth the data therein called for. Returns which have not been so prepared will not be accepted as meeting the requirements of the Act. In case the prescribed form is not available, a statement made by the taxpayer disclosing for the period for which a return is required the amount of compensation with respect to which the tax is imposed, together with the amount of tax due, may be accepted as a tentative return. If filed within the prescribed time the statement so made will relieve the taxpayer from liability to the penalty imposed for the delinquent filing of the return by section 3176 of the United States Revised Statutes, as amended, and section 406 of the Revenue Act of 1935 (see article 805), provided that without unnecessary delay such tentative return is supplemented by a return made on the proper form.

ART. 505. *Place and time for filing returns.*—Each return on Form CT–1 shall be filed with the collector for the district in which is located the principal place of business of the employer. Each return on Form CT–2 shall be filed with the collector for the district in which is located the legal residence or principal place of business of the employee representative. If the employer has no principal place of business in the United States or if the employee representative has no legal residence or principal place of business in the United States, the return shall be filed with the collector at Baltimore, Md.

The return for the period January 1, 1937, to September 30, 1937, inclusive, shall be filed on or before November 30, 1937, and the return for each quarterly period thereafter shall be filed on or before the last day of the calendar month following the period for which it is made. If such last day falls on Sunday or a legal holiday, the return may be filed on the next following business day. If placed in the mails, the return shall be posted in ample time to reach the collector's office, under ordinary handling of the mails, on or before the date on which the return is required to be filed. As to additions to the tax in the case of failure to file the return within the prescribed time, see article 805.

ART. 506. *Payment of tax.*—The tax required to be reported on any return is due and payable to the collector without assessment by the Commissioner or notice by the collector, at the time fixed for filing the return. For provisions relating to interest, see article 803, and for provisions relating to penalties, see articles 804 and 805; also section 1114 of the Revenue Act of 1926, made applicable by section 7 (c) of the Act (see page 37).

ART. 507. *When fractional part of cent may be disregarded.*—In the payment of taxes to the collector a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. Fractional parts of a cent shall not be disregarded in the computation of taxes. See article 203 (c) for provisions relative to fractional parts of a cent in connection with the deduction of employees' tax from compensation.

CHAPTER VI—ADJUSTMENT OF EMPLOYEES' TAX AND EMPLOYERS' TAX

SECTION 2 (C) OF THE ACT

(c) If more or less than the correct amount of tax imposed by this section is paid with respect to any compensation payment, then, under regulations made under this Act by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in connection with subsequent compensation payments to the same employee by the same employer.

SECTION 3 (B) OF THE ACT

(b) If more or less than the correct amount of the tax imposed by this section is paid with respect to any compensation payment, then, under regulations made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, proper adjustments with respect to the tax shall be made, without interest, in connection with subsequent excise-tax payments made by the same employer.

ART. 601. *Adjustments in general.*—Sections 2 (c) and 3 (b) of the Act provide in certain cases for the adjustment of errors in the payment of employees' tax and employers' tax without the formality of a claim being filed for refund or credit of an overpayment or without formal demand being made by the collector for payment of any additional amount due by reason of an underpayment. Not all corrections of erroneous collections or payments of tax, however, constitute "adjustments" within the meaning of the Act and these regulations. The various situations under which such adjustments shall be made are set forth in articles 602 and 603. Such articles also contain provisions relating to settlement other than by adjustment under certain circumstances set

forth therein. Chapter VII deals further with settlement other than by adjustment. If an employer makes an erroneous collection of employees' tax from two or more of his employees, a separate adjustment must be made with respect to each employee. Thus, an overcollection of employees' tax from one employee may not be used to offset an undercollection of such tax from another. No interest shall be allowed or collected with respect to any erroneous collection or payment adjusted pursuant to article 602 or 603.

ART. 602. *Adjustment of employees' tax.*—(a) *Undercollections.*—(1) *Prior to filing of return.*—If no employees' tax or less than the correct amount of employees' tax is deducted from any payment of compensation to an employee and the error is discovered prior to the time the return of tax with respect to such compensation is filed with the collector, the employer shall nevertheless report on such return and pay to the collector the correct amount of employees' tax. While, in such case, the employer may reimburse himself by deductions from subsequent remuneration of the employee, such deductions do not constitute adjustments within the meaning of this article, and shall not be reported as adjustments on any return.

(2) *After return is filed.*—If no employees' tax or less than the correct amount of employees' tax is deducted from any payment of compensation to an employee, and the correct amount of such tax is not reported and paid pursuant to paragraph (1), the employer shall adjust the undercollection by deducting the amount thereof from the first payment of compensation made to such employee after the error is discovered. Amounts so deducted shall be reported as adjustments on the return for the quarter in which deducted. The undercollection shall be deducted from such first payment of compensation in addition to the employees' tax imposed with respect to such compensation. If the individual whose employees' tax was undercollected leaves the employ of the employer who failed to make the deduction and is entitled to no further remuneration from such employer, the undercollection is not adjustable under this article. In such case if the undercollection has not been reported and paid pursuant to paragraph (1), the employer shall report and pay the tax with the next quarterly return filed after discovery of the error. No undercollection of employees' tax shall be adjusted after receipt from the collector of formal notice and demand for payment thereof based upon assessment approved by the Commissioner, but the amount shall be paid pursuant to such notice and demand. While in such case the employer may reimburse himself by deductions from remuneration of the employee, such deductions do not constitute adjustments within the meaning of this article and shall not be reported as adjustments on any return.

(b) *Overcollections.*—(1) *Prior to filing of return.*—If an employer (A) collects more than the correct amount of employees' tax from any employee with respect to any quarterly period, and (B) reimburses the employee in the amount of the overcollection prior to the time the return for such period is filed with the collector, then the employer shall not report or pay to the collector the amount of the overcollection. Such reimbursement does not constitute an adjustment within the meaning of this article and shall not be reported as an adjustment on any return. However, every overcollection not repaid to the employee as provided in this paragraph must be reported and paid to the collector with the return for the quarter in which the overcollection took place.

(2) *After return is filed.*—If an employer collects from any employee and pays to the collector more than the correct amount of employees' tax, the employer shall adjust the overcollection when the first payment of compensation is made to the employee after discovery of the error. The adjustment shall be made by applying the overcollection against the employees' tax which is imposed with respect to such first payment of compensation, and by deducting the remainder, if any, of the tax from such compensation. In case the overcollection is greater in amount than the employees' tax imposed with respect to such first payment of compensation, the balance shall be applied against the employees' tax imposed with respect to the next consecutive payments of compensation until the adjustment is completed. No adjustment shall be made under this paragraph after the expiration of four years after the overcollection was paid to the collector. A claim for credit or refund (in accordance with articles 701 and 702) may be filed within such 4-year period for such part of any overcollection as can not be adjusted within such period. After the employee leaves the employ of the employer who made an overcollection and is entitled to no further compensation from such employer, adjustments under this article are not permitted. In such case the employer may pay the amount of the overcollection, or such part thereof as remains unadjusted under this article, to the employee, and file a claim for credit or refund in accordance with articles 701 and 702. In lieu of paying such amount prior to filing a claim, the employer may obtain the employee's written consent to allowance of the claim.

ART. 603. *Adjustment of employers' tax.*—(a) *Underpayments.*—If no employers' tax or less than the correct amount of employers' tax is paid with respect to any payment of compensation, the employer shall adjust the error by (1) reporting the additional amount due by reason of the underpayment as additional tax on his next return filed after the discovery of the error and (2) paying the amount thereof to the collector at the time such return is filed. However, no underpayment shall be adjusted under this article after receipt from the collector of formal notice and demand for payment thereof based upon an assessment approved by the Commissioner, but the amount thereof shall be paid to the collector pursuant to such notice and demand.

(b) *Overpayments.*—If an employer pays more than the correct amount of employers' tax, the employer shall adjust the error by applying the excess payment as a credit against the tax due upon his next return filed after the discovery of the error. No overpayment shall be adjusted under this article after the expiration of four years after the date the overpayment was made to the collector.

CHAPTER VII—CREDITS AND REFUNDS

SECTION 4 OF THE ACT

If more * * * than the correct amount of the tax imposed by section 2 (a) or 3 (a) of this Act is paid or deducted with respect to any compensation payment and the overpayment * * * of the tax cannot be adjusted under section 2 (c) or 3 (b), the amount of the overpayment shall be refunded * * * in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this Act as made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

SECTION 1120 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 7 (C) OF THE ACT

In the case of any overpayment or overcollection of any tax imposed by Title * * * VI, the person making such overpayment or overcollection may take credit therefor against taxes due upon any * * * return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto.

SECTION 3220 OF UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1111 OF THE REVENUE ACT OF 1926 AND SECTION 619 (B) OF THE REVENUE ACT OF 1928

Except as otherwise provided * * * the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; * * *.

SECTION 3228 (A) OF UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1112 OF THE REVENUE ACT OF 1926 AND SECTION 619 (C) OF THE REVENUE ACT OF 1928 AND SECTION 1106 OF THE REVENUE ACT OF 1932

(a) All claims for the refunding or crediting of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must * * * be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax, penalty, or sum. The amount of the refund * * * shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SECTION 3477 OF UNITED STATES REVISED STATUTES

All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

ART. 701. *Credit or refund in general.*—(a) A claim for credit or refund shall be made on Form 843 in accordance with the instructions printed on such form and in accordance with these regulations. It should be clearly indicated on the form whether the claim is for credit or refund. Each claim for credit must be attached to the return on which the credit is claimed. The prescribed form may be obtained from any collector. There shall be set forth under oath all grounds in detail and all facts alleged in support of the claim including the amount and date of each payment to the collector of the tax for which credit or refund is claimed, the name and address of the person who paid the tax to the collector, and the period covered by the return on which such tax was reported.

(b) If any tax is paid by or on behalf of an individual who thereafter dies and a claim for refund or credit is filed by a legal representative of the deceased, certified copies of the letters testamentary, letters of administration, or other similar evidence shall be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is filed. If an executor, administrator, guardian, trustee, receiver, or other fiduciary pays any tax and thereafter a claim for refund or credit is filed by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the tax was paid by the fiduciary and that the latter is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required, but should be submitted only upon the receipt of a specific request therefor. If a claim is filed by a fiduciary other than the one by whom the tax was paid, the necessary documentary evidence shall accompany the claim. The affidavit on the claim form may be made by the agent of the person assessed, but in such case a power of attorney shall accompany the claim.

(c) No credit or refund will be allowed for any tax (including interest or penalty, if any) which has been erroneously, illegally, or otherwise wrongfully collected, after the expiration of four years after the payment to the collector of tax, penalty, or interest, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such 4-year period.

ART. 702. *Credit or refund of overpayments of tax under this Act which are not adjustable.*—(a) If more than the correct amount of tax (including interest or penalty, if any) is paid to the collector and if the overpayment can not be adjusted pursuant to article 602 or 603, the person paying such tax to the collector may take a credit for such overpayment upon any return of tax subsequently filed or may file a claim for refund of such overpayment. In case a credit is taken under this article, a claim on Form 843 is not required, but the return on which such credit is taken shall have securely attached thereto a statement under oath, setting forth in detail the grounds and facts relied upon in support of the credit.

(b) In case a credit is taken on any return or a claim is filed by an employer for refund of employees' tax as provided by paragraph (a), the employer shall attach to the return on which a credit is taken, or shall include in the claim, a statement that he has repaid the tax to the employee or has secured the written consent of such employee to allowance of the refund or credit. In every such case the employer shall keep as part of his records the written receipt of the employee acknowledging payment or the written consent of the employee, whichever is used in support of the credit or refund.

(c) If (1) more than the correct amount of employees' tax is collected by an employer from an employee and paid to the collector; and (2) the employee leaves the employ of such employer; and (3) the employee does not receive reimbursement by way of adjustment or otherwise from such employer and does not authorize the employer to file a claim and receive refund or credit, then such employee may file a claim for a refund of such overpayment. (For claims filed by a legal representative, see article 701 (b).)

(d) In case a claim for refund is filed by an employee as provided by paragraph (c), the claimant shall attach to the claim a statement of a responsible officer of the employer giving the complete details of the overcollection, including the date and amount and a statement by such officer showing that the employer has not reimbursed the employee in the amount of the overcollection and showing the amount, if any, of any credit or refund of such overcollection claimed or to be claimed by such employer.

SECTION 7 (E) OF THE ACT

(e) Any tax paid under this Act by a taxpayer with respect to any period with respect to which he is not liable to tax under this Act shall be credited against the tax, if any, imposed by title VIII of the Social Security Act upon such taxpayer, and the balance, if any, shall be refunded. Any tax paid under title VIII of the Social Security Act by a taxpayer with respect to any period with respect to which he is not liable to tax under such title VIII shall be credited against the tax, if any, imposed by this Act upon such taxpayer, and the balance, if any, shall be refunded.

SECTION 9 (A) OF THE ACT

(a) The term "employment", as defined in subsection (b) of section 811 of title VIII of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1 (b) or service performed as an employee representative as defined in section 1 (c).

ART. 703. *Credit and refund of taxes paid under Title VIII of the Social Security Act for period during which liability existed under this Act.*—If any person pays any tax imposed by Title VIII of the Social Security Act with respect to any period for which he was not liable for such tax but was liable with respect to such period for a tax imposed under the Carriers Taxing Act of 1937, the amount paid as tax under Title VIII of the Social Security Act shall be credited against the amount of tax for which such person is liable under the Carriers Taxing Act of 1937 and the balance, if any, shall be refunded. Each person claiming a credit or refund of any such tax shall file a claim in accordance with article 701.

ART. 704. *Credit and refund of taxes paid under this Act for period during which liability existed under Title VIII of the Social Security Act.*—If any person pays any tax imposed by this Act with respect to any period for which he was not liable for such tax but was liable with respect to such period for a tax imposed under Title VIII of the Social Security Act, the amount paid as tax under this Act shall be credited against the tax for which such person is liable under Title VIII of the Social Security Act and the balance, if any, shall be refunded. Each person claiming any such refund shall file a claim therefor in accordance with article 701.

SECTION 11 OF THE ACT

The provisions of this Act are in substitution for the provisions of the Act of August 29, 1935, as amended, entitled "An Act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", which is hereby repealed. All moneys payable as and for taxes under such Act of August 29, 1935, and not heretofore paid shall cease to be payable and all proceedings pending for the recovery of any such moneys shall be

terminated. All sums paid into the Treasury of the United States as and for taxes under such Act shall be refunded, except so much of the sums so paid as and for taxes with respect to compensation earned after December 31, 1936, as equals the taxes imposed by this Act with respect to the same persons and the same period, and the sums not required to be so refunded shall be retained in the Treasury of the United States and credited on taxes due and payable under this Act. All sums deducted by employers from the compensation of employees as and for taxes under such Act of August 29, 1935, which have not been paid into the Treasury of the United States shall be repaid by such employers to such employees, except so much of the sums so deducted as and for taxes in respect of compensation earned after December 31, 1936, as equals the taxes imposed and required to be deducted by this Act with respect to the same persons and the same period, and the sums not required to be so repaid shall be paid into the Treasury of the United States and thereupon shall be credited on taxes due and payable under this Act. No interest shall be allowed or paid with respect to any sum refunded, credited, or repaid under the provisions of this section.

ART. 705. *Credit and refund of taxes imposed under the Act of August 29, 1935, which were paid to the collector.*—(a) *General.*—Every claim for refund or credit under the provisions of this article shall be made on Form 843 in accordance with the provisions of this article and article 701. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund or credit. No interest shall be allowed with respect to any refunds or credits provided for by this article.

(b) *Representatives' tax.*—Every individual who as a representative, as defined in section 1 (b) of the Act of August 29, 1935, paid to the collector any representatives' tax under such Act with respect to remuneration earned prior to January 1, 1937, may obtain a refund of the amount of such tax. Every individual who as a representative, as defined in section 1 (b) of the Act of August 29, 1935, paid to the collector any representatives' tax under such Act with respect to remuneration earned during the period January 1, 1937, to June 28, 1937, inclusive, may obtain a refund of the amount of such tax if he establishes to the satisfaction of the Commissioner that the employees' tax or employee representatives' tax for such period, if any, for which he is liable under the Carriers Taxing Act of 1937 has been paid to the collector. If the employees' tax or the employee representatives' tax for which an individual is liable under the Carriers Taxing Act of 1937 for the period January 1, 1937, to June 28, 1937, inclusive, has not been paid, then so much of the representatives' tax paid by such individual under the Act of August 29, 1935, with respect to remuneration earned during such period as is not in excess of the tax for which the individual is liable under the Carriers Taxing Act of 1937 for the same period shall be credited against such tax under the Carriers Taxing Act of 1937. Such individual may obtain a refund of so much of the tax paid under the Act of August 29, 1935, as is in excess of the amount credited against his liability under the Carriers Taxing Act of 1937. Any person claiming a refund or crediting any amount under this paragraph shall file a claim in accordance with paragraph (a) of this article.

(c) *Carriers' tax for period March 2, 1936, to December 31, 1936.*—Every carrier, as defined in section 1 (a) of the Act of August 29, 1935, which paid any carriers' tax imposed by that Act with respect to remuneration earned prior to January 1, 1937, may obtain a refund of such tax, or may obtain a credit for the amount thereof against the employers' tax imposed upon such carrier as an employer under the Carriers Taxing Act of 1937, by filing a claim pursuant to paragraph (a) of this article.

(d) *Carriers' tax for period January 1, 1937, to June 28, 1937.*—Every carrier as defined in section 1 (a) of the Act of August 29, 1935, which paid any carriers' tax imposed by that Act with respect to remuneration earned during the period January 1, 1937, to June 28, 1937, inclusive, shall credit against the amount of the employers' tax imposed for the same period upon such carrier as an employer under the Carriers Taxing Act of 1937, an equal amount of carriers' tax so paid under the Act of August 29, 1935. Each carrier required to credit any such tax shall file a claim therefor in accordance with paragraph (a) of this article. The carrier may obtain a refund of any balance of the carriers' tax paid under the Act of August 29, 1935, which remains after the allowance of the foregoing credit, or may obtain a credit for the amount of such balance against its employers' tax for any period subsequent to June 28, 1937, by filing a claim pursuant to paragraph (a) of this article.

(e) *Employees' tax for period March 2, 1936, to December 31, 1936.*—Every carrier as defined in section 1 (a) of the Act of August 29, 1935, which paid to the collector any employees' tax imposed by that Act upon its employees with respect to remuneration earned prior to January 1, 1937, may obtain a refund of such tax, or may obtain a credit for the amount thereof against the employees' tax imposed under the Carriers Taxing Act of 1937, by filing a claim pursuant to paragraphs (a) and (g) of this article.

(f) *Employees' tax for period January 1, 1937, to June 28, 1937.*—Every carrier as defined in section 1 (a) of the Act of August 29, 1935, which paid to the collector any employees' tax imposed by that Act upon its employees with respect to remuneration earned during the period January 1, 1937, to June 28, 1937, inclusive, shall credit against the amount of employees' tax imposed for the same period upon the same employees by the Carriers Taxing Act of 1937, an equal amount of the employees' tax so paid with respect to such employees, under the Act of August 29, 1935. Each carrier required to credit the amount of any such tax shall file a claim covering the amount thereof in accordance with paragraphs (a) and (g) of this article. The carrier may obtain a refund of any balance of employees' tax paid under the Act of August 29, 1935, which remains after the allowance of the foregoing credit, or may obtain a credit for the amount of such balance against the employees' tax imposed for any period subsequent to June 28, 1937, by filing a claim pursuant to paragraphs (a) and (g) of this article.

(g) *Statements required in connection with claims for refund or credit of employees' tax.*—(1) Every carrier as defined in section 1 (a) of the Act of August 29, 1935, which files a claim for refund or credit of any employees' tax paid under such Act shall include in the claim a statement that it has either repaid the tax to the employee and has the employee's written receipt acknowledging payment, or has secured the written consent of the employee to allowance of the claim. If the claim is made with respect to a deceased employee, the carrier shall set out in such statement that he has repaid the tax to the legal representative of the deceased employee and has such representative's written receipt acknowledging payment, or has secured his written consent to allowance of the claim. (See article 806 (c).)

(2) If any individual whose employees' tax was paid to the collector under the Act of August 29, 1935, desires to file a claim for refund, there shall be attached to such claim a statement of a responsible officer of the carrier which employed him showing the amount, if any, of any credit taken or to be taken by such carrier against any employees' tax imposed by the Carriers Taxing Act of 1937 upon such employee. If the claim for such refund is filed by the legal representative of a deceased individual, there shall be attached thereto a statement of a responsible officer of the carrier showing the amount, if any, of any credits taken or to be taken by such carrier against any employees' tax imposed by the Carriers Taxing Act of 1937 upon such deceased individual, and the evidence required by article 701 (b) of his authority to act as such legal representative.

ART. 706. *Employees' tax deducted from remuneration under the Act of August 29, 1935, and not paid to collector.*—(a) *For period March 2, 1936, to December 31, 1936.*—Every carrier, as defined in section 1 (a) of the Act of August 29, 1935, which deducted the employees' tax imposed by such Act from remuneration earned by any individual prior to January 1, 1937, and which has not paid such tax to the collector, shall repay the tax to the individual from whom collected (or in the case of a deceased individual, to his legal representative). Each such carrier shall maintain records showing the amount of the tax thus repaid and the dates on which such amounts were repaid.



(b) *For period subsequent to December 31, 1936.*—(1) Every carrier, as defined in section 1 (a) of the Act of August 29, 1935, which deducted the employees' tax imposed by such Act from remuneration earned by any individual during any period subsequent to December 31, 1936, and which has not paid such tax to the collector, shall repay to the individual from whom collected (or in the case of a deceased individual, to his legal representative), any amount of such tax in excess of the employees' tax imposed by the Carriers Taxing Act of 1937 upon such individual for the same period. Each such carrier shall maintain records showing the amount of the tax thus repaid and the dates on which such amounts were repaid.

(2) So much of the sums not paid to the collector, which were deducted as tax from the compensation of an employee under the Act of August 29, 1935, with respect to compensation earned subsequent to December 31, 1936, as is not in excess of the employees' tax imposed by the Carriers Taxing Act of 1937 upon such employee for the same period, shall be paid to the collector the same as though such amounts had been deducted as and for employees' tax with respect to such compensation under the Carriers Taxing Act of 1937.

CHAPTER VIII—MISCELLANEOUS PROVISIONS

*Assessment and Collection of Underpayments*

SECTION 4 OF THE ACT

If • • • less than the correct amount of the tax imposed by section 2 (a) or 3 (a) of this Act is paid or deducted with respect to any compensation payment and the • • • underpayment of the tax cannot be adjusted under section 2 (c) or 3 (b). • • • the amount of the underpayment shall be collected in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this Act as made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

ART. 801. *Assessment and collection of underpayments.*—If any employees' tax or employers' tax is not paid to the collector when due, the Commissioner may, as the circumstances warrant, assess the tax (whether or not the underpayment is adjustable) or afford the employer opportunity to adjust the underpayment pursuant to article 602 or 603. Unpaid employers' tax or employees' tax may be assessed against the employer. Employees' tax not collected by the employer may also be assessed against the employee. If any employee representatives' tax is not paid when due, it shall be assessed against the employee representative.

The amount of any underpayment, together with interest and penalty, if any, will be collected, pursuant to section 3184 of the United States Revised Statutes and other applicable provisions of law, from the person against whom assessment is made. If any amount of an assessment has been previously reported and paid to the collector as an adjustment or otherwise, the person against whom the assessment is made is privileged to file with the collector a claim on Form 843 for abatement of such amount, together with interest and penalties thereon if included in the assessment.

If an employer pays employees' tax pursuant to an assessment against him without an adjustment having been made pursuant to article 602, reimbursement with respect to such payment is a matter to be settled between the employer and the employee. See article 803, relating to interest, and article 804, relating to penalty for failure to pay an assessment after notice and demand. See also article 802, relative to jeopardy assessment.

*Jeopardy Assessment*

SECTION 1105 OF THE REVENUE ACT OF 1932, AS AMENDED BY SECTION 510 OF THE REVENUE ACT OF 1934

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3187 of the Revised Statutes, as amended.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

SECTION 3187 OF THE UNITED STATES REVISED STATUTES, AS AMENDED

If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with five per centum additional thereto, and interest as aforesaid, by distraint and sale, in the manner hereafter provided, of the goods, chattels, or effects, including stocks, securities, bank accounts, and evidences of debt, of the person delinquent as aforesaid: • • •

ART. 802. *Jeopardy assessment.*—Whenever, in the opinion of the collector, it becomes necessary to protect the interests of the Government by effecting an immediate return and collection of the tax, the case should be promptly reported to the Commissioner by telegram or letter. The communication should recite the full name and address of the person involved, the amount of taxes due, the period involved, and a statement as to the reason for the recommendation, which will enable the Commissioner to assess the tax, together with all penalties and interest due. Upon assessment such tax, penalty, and interest shall become immediately due and payable, whereupon the collector will issue immediately a notice and demand for payment of the tax, penalty, and interest.

The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired and with such sureties as the collector may deem necessary. Such bond shall be conditioned upon the payment of the amount, collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the taxpayer may deposit with the collector bonds or notes of the United States, or bonds or notes fully guaranteed by the United States, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the collector in case of default to collect or sell such bonds or notes so deposited.

Upon refusal to pay, or failure to pay or give bond, the collector will proceed immediately to collect the tax, penalty, and interest by distraint without regard to the period prescribed in section 3187 of the United States Revised Statutes, as amended.

*Interest and Penalties*

SECTION 7 (D) OF THE ACT

(b) • • • If a tax imposed by this Act is not paid when due, there shall be added as part of the tax (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 6 per centum per annum from the date the tax became due until paid.

SECTION 3184 OF UNITED STATES REVISED STATUTES

Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner of Internal Revenue, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof. If such person does not pay the taxes within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of five per centum additional upon the amount of taxes, and interest at the rate of one per centum a month.

SECTION 404 OF THE REVENUE ACT OF 1935

Notwithstanding any provision of law to the contrary, interest accruing during any period of time after the date of the enactment of this Act upon any internal-revenue tax (including amounts assessed or collected as a part thereof) or customs duty, not paid when due, shall be at the rate of 6 per centum per annum.

ART. 803. *Interest.*—If the tax is not paid to the collector when due and is not adjusted under article 602 or 603, interest accrues at the rate of 6 per cent per annum.

ART. 804. *Penalty for failure to pay an assessment after notice and demand.*—(*a*) In case the taxpayer fails to pay to the collector the entire amount of any assessment of tax, penalty, or interest within a period of 10 days after the date of issuance of the form for first notice and demand, based on such assessment, there accrues under section 3184 of the United States Revised Statutes (except as provided in subdivision (*b*) of this article) a penalty of 5 per cent of the amount of such assessment remaining unpaid at the expiration of such period.

(*b*) If, within 10 days after the date of issuance of the first notice and demand, a claim for abatement of any amount of the assessment is filed with the collector who issued the form, the 5 per cent penalty does not attach with respect to such amount. If the claim is rejected in whole or in part and the amount rejected is not paid, the collector shall issue notice and demand for such amount. If payment is not made within 10 days after the date the collector issues the notice and demand, the 5 per cent penalty attaches with respect to the amount rejected. The filing of the claim does not stay the running of interest.

SECTION 3176 OF THE UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1103 OF THE REVENUE ACT OF 1926 AND SECTION 619 (b) OF THE REVENUE ACT OF 1928

* * * In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SECTION 406 OF THE REVENUE ACT OF 1935

In the case of a failure to make and file an internal-revenue tax return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after the date of the enactment of this Act, if a 25 per centum addition to the tax is prescribed by existing law, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

ART. 805. *Penalties for delinquent or false returns.*—(*a*) *Delinquent returns.*—Unless the person required to file a return establishes to the satisfaction of the Commissioner that a reasonable cause exists for the delinquency, the failure to file such return on or before the due date causes to accrue a penalty equal to the following percentage of the taxes required to be reported thereon:

(1) 5 per cent, if the return is filed on or before the thirtieth day after the due date;

(2) 10 per cent, if the return is filed after such thirtieth day and on or before the sixtieth day after the due date;

(3) 15 per cent, if the return is filed after such sixtieth day and on or before the ninetieth day after the due date;

(4) 20 per cent, if the return is filed after such ninetieth day and on or before the one hundred and twentieth day after the due date; or

(5) 25 per cent, if the return is filed after such one hundred and twentieth day or if the return is never filed by the person required to file it.

In computing the period of delinquency all Sundays and holidays after the due date are counted.

Every person filing a return after the due date shall securely attach to the return his statement under oath setting out in detail the reason for his delinquency. The collector shall forward the statement to the Commissioner with the return. The Commissioner will determine whether a penalty has been incurred and, if so, make the assessment.

(*b*) *False returns.*—If a false or fraudulent return is willfully made, the penalty under section 3176 of the United States Revised Statutes, as amended, is 50 percent of the total taxes due for the entire period involved, including any tax previously paid.

*Additional Penalties*

SECTION 1114 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 7 (c) OF THE ACT

(a) Any person required under this Act to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this Act, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the cost of prosecution.

(b) Any person required under this Act to collect, account for and pay over any tax imposed by this Act, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this Act or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(c) Any person who willfully aids or assists in, or procures, counsels, or advises, the preparation or presentation under, or in connection with any matter arising under, the internal-revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(d) Any person who willfully fails to pay, collect, or truthfully account for and pay over, any tax imposed by Titles IV, V, VI, VII, VIII, and IX, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subdivision for any offense for which a penalty may be assessed under authority of section 3176 of the Revised Statutes, as amended, or for any offense for which a penalty has been recovered under section 3256 of the Revised Statutes.

(e) Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process. Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interest from the date of such levy.

(f) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SECTION 35 OF THE CRIMINAL CODE OF THE UNITED STATES, AS AMENDED

Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; * * * or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; * * * shall be fined not more than $10,000 or imprisoned not more than ten years, or both. * * *



*Records*

SECTION 1102 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 7 (c) OF THE ACT

(a) Every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

* * * * *

SECTION 1104 OF THE REVENUE ACT OF 1926, AS AMENDED BY SECTION 618 OF THE REVENUE ACT OF 1928, MADE APPLICABLE BY SECTION 7 (c) OF THE ACT

The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

ART. 806. *Records.*—(*a*) *Records of employees.*—While not mandatory, it is advisable for each employee to keep permanent accurate records showing the name of each employer for which he perform services as an employee, the duration of employment by each, the amount of each payment of remuneration, the date of its receipt, and the amount of employees' tax deducted from each such payment.

(*b*) *Records of employers.*—The records of each employer shall show with respect to each employee, beginning with January 1, 1937—

(1) the name and address of the employee,

(2) the total amount and date of each payment of compensation to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment,

(3) the amount of such payment of compensation with respect to which the tax is imposed, and

(4) the amount of employees' tax withheld or collected with respect to such payment of compensation, and, if collected at a time other than the time such payment was made, the date collected.

If the total payment of compensation (paragraph (2), above) and the amount thereof with respect to which the tax is imposed (paragraph (3), above) are not equal, the reason therefor shall be made a matter of record. Accurate records of the details of every adjustment of employees' tax or employers' tax shall also be kept, including the date and amount of each adjustment. (See Chapter VI, relating to adjustments.)

(*c*) *Records of employee representatives.*—The records of each individual liable for employee representatives' tax shall show, beginning with January 1, 1937—

(1) the name of each employee organization and each employer employing him, and

(2) the amount of compensation earned as an employee representative and as an employee, and the period for which earned.

(*d*) *Records of payments under the Act of August 29, 1935, and of overpayments under this Act.*—Every person claiming refund or credit of any payment of tax under the Act of August 29, 1935, or of any overpayment of tax, penalty, or interest, under this Act, shall keep a complete and detailed record of the alleged payment or overpayment. If claim is made under article 702 (*a*) for refund or credit of employees' tax, there shall also be kept as part of the records the evidence of repayment of the tax to the employee or the written consent of the employee obtained pursuant to the provisions of article 702 (*b*).

(*e*) *Records with respect to claims for refund of employees' tax imposed by the Act of August 29, 1935, and paid to collector.*—Every employer who files a claim for refund under article 705 (*e*) and (*f*) shall keep as part of his records the written receipts or written consents of employees obtained pursuant to the provisions of article 705 (*g*) (1).

(*f*) *Form of records.*—No particular form is prescribed for keeping the records required by this article. Each person required to keep records shall use such forms and systems of accounting as will enable the Commissioner to ascertain whether the taxes for which such person is liable are correctly computed and paid.

(*g*) *Place and period for keeping records.*—All records required by these regulations shall be kept, by the person required to keep them at some convenient and safe location accessible to internal revenue officers. Such records shall at all times be open for inspection by such officers. Records required by subdivisions (*b*) and (*c*) of this article shall be maintained for a period of at least four years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later. Records required by subdivisions (*d*) and (*e*) of this article relating to a claim shall be maintained for a period of at least four years after the date the claim is filed.

*Authority for Regulations*

SECTION 12 OF THE ACT

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make and publish such rules and regulations as may be necessary for the enforcement of this Act.

In pursuance of section 12 of the Act and other provisions of the internal revenue laws, the foregoing regulations are hereby prescribed.

[SEAL] CHAS T. RUSSELL,
*Acting Commissioner of Internal Revenue.*

Approved, October 12, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3030; Filed, October 14, 1937; 11:10 a. m.]

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## FEDERAL DEPOSIT INSURANCE CORPORATION.

REPLACEMENT OF SERVICE OF PROCESS AGENT

Pursuant to the provisions of the fourth paragraph of subsection (j) of Section 12B of the Federal Reserve Act, as amended, the Board of Directors of the Federal Deposit Insurance Corporation has designated Examiner Howard V. Williams, Orlando, Florida, as agent for the Corporation in the State of Florida, to replace Examiner William S. Anderson, for the purpose of receiving service of process, such appointment to be upon the basis with respect to compensation and tenure as all such appointments heretofore made.

I hereby certify that the foregoing appointment was made pursuant to a resolution of the Board of Directors of the Federal Deposit Insurance Corporation adopted on August 18, 1937.

[SEAL] AGNES C. MURPHY,
*Acting Secretary.*

[F. R. Doc. 37-3029; Filed, October 14, 1937; 9:41 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3125]

IN THE MATTER OF THE ROSS ROY SERVICE, INC., A CORPORATION, AND KELVINATOR CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin Friday, October 22, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in Room 921, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3027; Filed, October 13, 1937; 2:30 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3170]

IN THE MATTER OF LOUIS J. WHITMARSH, TRADING AS RITE-WAY SALES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered* That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered* That the taking of testimony in this proceeding begin on Monday, October 18, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 4083, New Post Office Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3028; Filed, October 13, 1937; 2:30 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of October, 1937.

[File No. 1-427]

IN THE MATTER OF KRESGE DEPARTMENT STORES, INC., 8% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER POSTPONING HEARING

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the 8% Cumulative Preferred Stock, $100 Par Value, of Kresge Department Stores, Inc.; and

The Commission having ordered that the matter be set down for hearing on October 13, 1937, in Washington, D. C.; and

Said issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 10:00 A. M. on Tuesday, October 26, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as may be determined by the Commission or its officer presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3033; Filed, October 14, 1937; 12:46 p. m.]

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## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

PENSIONS—RESERVE OFFICERS AND ENLISTED PERSONNEL

*Persons Included in the Acts in Addition to Commissioned Officers and Enlisted Men*

R-1001 (K). *Members of training camps authorized by law.*—Members of training camps authorized by Section 54 of the National Defense Act, are included. Members of the National Guard ordered to active duty for training are not, under Section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, entitled to pension. Reserve officers and members of the enlisted reserves of the United States Army, Navy, or Marine Corps ordered to active duty including duty for training, are entitled to pension under Public No. 159, 75th Congress (October 14, 1937).

*Effective Dates of Awards of Disability Compensation or Pension*

R-1212 (A). Initial awards of disability compensation or pension will be payable in accordance with the provisions of Veterans Regulation No. 2 (a), Part I, Paragraph I, provided an appropriate claim therefor has been filed and, if incomplete, the necessary evidence to complete such claim is submitted within one year from the date of request therefor: *Provided, however*, That no award of disability compensation or pension under Public No. 2, 73rd Congress, will be effective prior to March 20, 1933; no pension under Regulation No. 1 (a), Part II, as amended by Public No. 159, 75th Congress, Act of June 23, 1937, shall be effective prior to the date of claim or June 23, 1937, whichever is the later: *And provided further*, That no award of disability compensation under Title III, Public No. 141, 73d Congress, will be effective prior to March 28, 1934 (October 14, 1937).

*Concurrent Payment of Benefits to Same Person*

R-1296 (A). Notwithstanding the provisions of Section 4715, Revised Statutes, and Veterans Regulation No. 10, Paragraph XIII, a person in receipt of death compensation or pension either under the reenacted pension statutes, the Veterans Regulation No. 1 series, or Title III, Public No. 141, 73d Congress, or Public No. 484, 73d Congress, may also, if otherwise entitled, receive disability compensation under Public No. 141, 73d Congress, on account of his or her own service during the World War (A. D. 325, 335).

(B) For the purposes of Veterans Regulation No. 1 (a), Part II, Paragraph I, as amended by Public No. 159, 75th Congress, (Act of June 23, 1937) pension shall not be paid concurrently with active duty pay or United States employees compensation. Where a person who is eligible for pension is also eligible for the benefits of the United States employees compensation act he shall elect which benefit he shall receive (October 14, 1937).

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-3031; Filed, October 14, 1937; 11:18 a. m.]

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REVISION OF REGULATIONS

APPEALS

9804. *Cooperation with claimant in developing evidence and hearings in connection with appeals.*—(A). (1) Because of the finality of the decisions of the board of veterans appeals, it will readily be seen that it is of utmost importance that every effort be made to secure all relevant evidence and insure the adequacy of the appeal and the proper preparation of the case. The two-fold duty of adjudicating agencies to the Government and to the claimant, under the policy of the Veterans Administration, requires that all proper assistance be accorded to the claimant in the prosecution of his claim. Such assistance will be given whole-heartedly and fully in the development and preparation of claims in appeal status so that all available evidence may be secured and the claimant will be thoroughly advised of the steps necessary to present his case properly for appellate consideration.

(2) This assistance will be extended in the preparation of appeals on all questions that may properly be referred to the board of veterans appeals. The adequacy of an appeal in the individual case will depend on the facts of record, but all appeals will be given equal consideration in this regard.

(3) The employees authorized in R. & P. R-9805, to execute certificates of adequacy may utilize every facility at their disposal to secure any additional evidence that may be deemed necessary to insure a fair and complete presentation of the facts involved. Efforts should first be made, however, to secure such evidence by correspondence but resort may be had to personal contacts wherever necessary.

(4) The certificate of adequacy will not be executed until all pertinent evidence available is secured but if the claimant or his authorized representative should insist on the consideration of the appeal without the submission of any further evidence that might be indicated, a certificate of adequacy will be executed but a notation will be made thereon to the effect that such certificate is being executed at the insistence of the claimant or his representative.

(B) (1) In order to insure the complete development of the claim from the standpoint of rating for compensation or pension purposes, when an appeal is filed from a rating decision, the case file, together with the appeal, will be referred to the rating agency of original jurisdiction for review. The rating agency will review the case to determine whether its previous decision should be affirmed and whether any new issues have been raised by the veteran or his representative or whether all the claimant's contentions have been properly considered and adequately disposed of.

(2) If it is determined that no new rating issues have been raised in connection with the appeal and that all contentions or allegations made by the claimant or his representative have been properly and adequately disposed of, the following certificate will be executed by the rating board:



"It is hereby certified that all material facts pertinent to the rating have been developed, that all assertions and representations advanced by the veteran and in his behalf have been considered and the issues determined."

(3) In the event it is found that new allegations or contentions have been made either by the claimant or his representative with reference to diseases or injuries not previously considered, or grounds or reasons for service connection or increased ratings not previously set forth, the rating agency will carefully review the case in the light of these contentions and render a new rating decision disposing of each question separately by a definite finding. This decision will be made on Form 564 and will conclude with the following statement: "Reviewed pursuant to R. & P. 1325."

(4) In the event the rating board of original jurisdiction finds that further development of the evidence is necessary, it will indicate in detail to the authorization unit, the nature of the evidence desired or the steps to be taken to further develop the case. For the purpose of this review, the rating agencies of original jurisdiction may authorize physical examinations if such action is deemed necessary. In exercising this authority, however, the rating agencies are expected to use discretion and will bear in mind the policy of the Veterans' Administration, to avoid unnecessary physical examinations.

(5) Form P-8 will not be executed in cases where the appeal is from a rating decision until the case has been reviewed by the rating board in accordance with the foregoing provisions.

(C). (1) When the case has been fully developed and the entire evidence reviewed in accordance with the provisions of this section, if the claimant has executed a power of attorney in favor of an accredited service organization, the representative of such organization will be notified to appear before the rating board, if he wishes to do so, for a formal hearing before the Certificate of Adequacy is executed. This hearing will be held when practicable and convenient before the rating board which rendered the decision from which the appeal was entered, and will be in lieu of a formal hearing before the board of veterans appeals, except in unusual cases, which may require the special attention of the accredited organization's headquarters in Washington, D. C. Generally, no further hearing before the board of veterans appeals will be necessary where the representative of the accredited service organization states the basis of the appeal and the nature of the relief sought at the hearing before the rating board, and otherwise properly represents the veteran's interests.

(2) A record of this hearing will be made and incorporated in the case file for consideration by the board of veterans appeals.

Upon the conclusion of the hearing, the representative of the service organization will be requested to execute Form 646, Certificate of Appearance before Rating Board on Appeal to Board of Veterans Appeals. The answers to the three questions propounded on this form will be definite and unequivocal. If there is any doubt with reference to the development of the evidence, the hearing should be utilized to develop leads and information concerning any additional evidence that might be available and the manner in which such evidence may be obtained.

(3) The formal hearings before the rating board, provided for herein, will not be used as a basis for reversing the decision of the rating board from which the appeal was entered, except in case of clear and unmistakable error, or in accordance with existing procedure for amending or reversing a prior rating decision. In the event, however, the prior decision from which the appeal was entered is amended or reversed and the benefit sought by the claimant is granted, appropriate action will be taken to cancel the appeal (September 15, 1937) (V. R. No. 2-series).

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-3032; Filed, October 14, 1937; 11:18 a. m.]

*Saturday, October 16, 1937* *No. 201*

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 56]

AN ORDER REQUIRING EACH DISTRICT BOARD WITHIN MINIMUM PRICE AREAS NUMBERS THREE, FOUR, FIVE, SIX, SEVEN, NINE AND TEN TO DETERMINE FROM COST DATA SUBMITTED BY THE PROPER STATISTICAL BUREAU OF THE COMMISSION THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE ASCERTAINABLE TONNAGE PRODUCED IN THEIR RESPECTIVE DISTRICTS IN THE CALENDAR YEAR 1936, AND TO ADJUST SUCH WEIGHTED AVERAGE COSTS SO DETERMINED AS MAY BE NECESSARY TO GIVE EFFECT TO CHANGES WHICH MAY HAVE BEEN ESTABLISHED SINCE JANUARY 1, 1936, AND RESTRICTING PUBLICATION OF INFORMATION RELATIVE THERETO

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That each District Board within Minimum Price Areas Numbers Three, Four, Five, Six, Seven, Nine and Ten shall, as soon as possible, determine the weighted average of the total costs of the ascertainable tonnage produced in its district in the calendar year 1936, using as the basis for such determination cost data hereinafter made available to it. Each District Board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1936.

2. That the Secretary of the Commission shall immediately transmit to each District Board the proper statistical bureau's compilation of the cost data furnished, pursuant to Order No. 15 of the Commission, by the producers whose mines are located within the district.

3. That the compilations of cost data submitted by the proper statistical bureaus of the Commission to the respective District Boards and the data of the District Boards upon which adjustments of the average costs are to be made, shall be deemed confidential and shall not be made public.

4. That on or before October 27th, 1937, each District Board shall submit to the Commission such determinations and all computations upon which they are based in order that the Commission, after review, may proceed to a determination of the weighted averages of the total costs of the tonnages of Minimum Price Areas Numbers Three, Four, Five, Six, Seven, Nine and Ten.

The Secretary of the Commission shall forthwith mail a copy of this order to the Secretaries of the respective District Boards within Minimum Price Areas Numbers Three, Four, Five, Six, Seven, Nine and Ten.

By order of the Commission.

Dated this 13th day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3037; Filed, October 15, 1937; 11:56 a. m.]

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[Order No. 57]

AN ORDER PROVIDING FOR A PUBLIC HEARING TO RECEIVE EVIDENCE ON THE PROPOSED CLASSIFICATIONS OF COALS OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NUMBER 10, AND TO RECEIVE EVIDENCE FROM PROTESTANTS AND OTHER INTERESTED PARTIES CONCERNING THE PROPOSED CLASSIFICATION OF COALS IN SAID DISTRICT

Pursuant to Act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission directed, pursuant to Orders No. 38 and No. 43, that all District Boards propose initial classifications of coals of all code members within their respective districts, classified in conformity with the standards, methods of applying such standards and rules of procedure established by the Commission, and provided that a hearing should be held for the purpose of receiving evidence to enable the Commission to establish the initial classifications of coals of all code members within the several districts.

At the hearing held pursuant to Orders No. 38 and No. 43, protests were made in the matter of the proposed initial classification of Bituminous Coal Producers Board for District Number 10. The Commission, therefore, orders and directs:

That a hearing be held in the City of Washington, D. C., commencing at 9 o'clock A. M., on the 15th day of October, 1937, at the Hearing Room of the Commission in the Walker Building, before a Board of Examiners designated by the Commission, for the purpose of receiving evidence from all interested parties to enable the Commission to establish the initial classification of coals of all code members within District Number 10, and that said hearing shall continue and be open for the purpose of receiving evidence on the subject from all interested parties until October 22nd, 1937.

The Secretary of the Commission shall forthwith give notice of the time, place, and purpose of the hearing to be held under this order by publishing a copy of this order for two days in a newspaper of general circulation in District Number 10, and by mailing a copy of this order to the Secretary of District Board Number 10, to the Consumers' Counsel, and to all code members within District Number 10.

By order of the Commission.

Dated this 14th day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3038; Filed, October 15, 1937; 11:57 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER INCREASING THE ALLOWANCES, DEDUCTIONS, AND RATES OF PAYMENT UNDER THE 1937 AGRICULTURAL CONSERVATION PROGRAM IN THE EAST CENTRAL, NORTHEAST, NORTH CENTRAL, SOUTHERN, AND WESTERN REGIONS

*Whereas*, under the 1937 Agricultural Conservation Program the existing rates of payments, deductions, and allowances in the East Central, Northeast, North Central, Southern, and Western Regions were based upon an estimate of available funds and an estimate of 85 percent participation by farmers, and are subject to increase or decrease by not more than 10 percent, depending upon the extent of participation;

*Whereas*, farmers participating in said program have largely completed the farming practices in connection with which payments may be made thereunder; and

*Whereas*, judging from the facts shown by the applications for payment which have been submitted in connection with said program and the facts which it is believed will be shown by applications for payment estimated to be submitted hereafter in said program, it reasonably appears that participation by farmers will be less than 85 percent to such extent, and the payments to such participants based upon existing rates, deductions, and allowances will in the aggregate be such an amount, that taking into consideration the available funds the existing rates of payments, deductions, and allowances under said program in the East Central, Northeast, North Central, Southern and Western Regions may be increased by as much as 10 percent:

*Now, therefore*, I, H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, do hereby order that said existing rates of payments, deductions, and allowances be, and the same hereby are, increased 10 percent.

Done at Washington, D. C., this 14th day of October 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3047; Filed, October 15, 1937; 12:49 p. m.]

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DETERMINATION OF THE SECRETARY WITH RESPECT TO A PROPOSED ORDER REGULATING THE HANDLING OF POTATOES GROWN IN CERTAIN COUNTIES IN THE STATES OF COLORADO, NEBRASKA, AND WYOMING

*Whereas*, the Secretary of Agriculture, pursuant to the provisions of Public No. 10, 73rd Congress, as amended, and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of potatoes grown in the counties of Alamosa, Conejos, Costilla, Delta, Eagle, Garfield, Larimer, Montrose, Morgan, Pitkin, Rio Grande, Saguache, and Weld in the State of Colorado; the counties of Sioux, Morrill, Banner, Dawes, Box Butte, Kimball, Sheridan, Cheyenne, and Scotts Bluff in the State of Nebraska, and the counties of Goshen, Niobrara, Parke, and Laramie in the State of Wyoming, would tend to effectuate the declared policy of said acts, gave, on the 14th day of August, 1937, notice of hearings which were held in the Senate Chamber, State Capitol, Denver, Colorado, on the 24th day of August, 1937, and in the Oddfellows Hall Auditorium, Scotts Bluff, Nebraska, on the 25th day of August, 1937, on a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the above-mentioned areas, at which times and places all interested parties were afforded an opportunity to be heard on a proposed marketing agreement and proposed order; and

*Whereas*, after such hearings and after the tentative approval by the Secretary of Agriculture of a marketing agreement on the 3rd day of September, 1937, handlers of more than fifty per centum of the volume of potatoes covered by such proposed order, which are produced or marketed within the aforementioned areas, refused or failed to sign such marketing agreement relating to potatoes;

*Now, therefore*, the Secretary of Agriculture, by virtue of the authority vested in him by Public No. 10, 73rd Congress, as amended, hereby determines:

1. That the refusal or failure of the said handlers to sign the said marketing agreement tends to prevent the effectuation of the declared policy of the above-mentioned acts with respect to potatoes grown in the aforementioned areas; and

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of potatoes in said areas; and

3. That the issuance of the proposed order is approved or favored by over two-thirds of the producers who, during the marketing season 1936, said season being here and now determined by the Secretary to be a representative period, have been engaged in the aforementioned areas in the production for market of potatoes.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, District of Columbia, this 11th day of October, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT,
*President of the United States.*

Dated, October 12, 1937.

[F. R. Doc. 37-3051; Filed, October 15, 1937; 12:54 p. m.]



ORDER OF THE SECRETARY OF AGRICULTURE REGULATING THE HANDLING IN INTERSTATE AND FOREIGN COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS OR AFFECTS INTERSTATE OR FOREIGN COMMERCE, OF POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN THE STATES OF COLORADO, NEBRASKA AND WYOMING

*Whereas*, under the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), it is provided that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including potatoes, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs or affects interstate or foreign commerce in such commodities; and

*Whereas*, the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions in interstate and foreign commerce for potatoes grown in the Counties of Alamosa, Conejos, Costilla, Delta, Eagle, Garfield, Larimer, Montrose, Morgan, Pitkin, Rio Grande, Saguache and Weld in the State of Colorado; Sioux, Morrill, Banner, Dawes, Box Butte, Kimball, Sheridan, Cheyenne and Scotts Bluff in the State of Nebraska; and Goshen, Niobrara, Parke and Laramie in the State of Wyoming (hereinafter referred to as the "area"), as would establish prices to the producers of such potatoes at a level that would give such potatoes a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such potatoes during the base period August 1919–July 1929, conducted public hearings at Denver, Colorado, on August 24, 1937, and at Scotts Bluff, Nebraska, on August 25, 1937, pursuant to due notice given to all interested parties on August 14, 1937, on a proposed order regulating such handling of such potatoes as is in the current of interstate and foreign commerce, or which directly burdens, obstructs or affects such commerce in the said potatoes, at which hearings all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order; and

*Whereas*, the Secretary finds upon the basis of the evidence introduced at the hearings and the record thereof:

(1) That at the time of the hearings the prices received by the producers of such potatoes were at a level that gave such potatoes a purchasing power with respect to articles that such producers buy appreciably below the purchasing power of such potatoes during the base period;

(2) That the regulation of shipments by grades and sizes of the potatoes covered by this order, as prescribed herein, will serve to prevent marked fluctuations in prices to the producers thereof, and will establish and maintain a more stabilized market for such potatoes, tending to establish prices to such producers at a level that will give such potatoes a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such potatoes during the base period;

(3) That this order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production and marketing areas would not effectively carry out the declared policy of the act;

(4) That the pro rata contribution of handlers to the expenses of the administrative agency herein created, based upon the quantity of potatoes shipped, as provided in this order, is fair and equitable; and

(5) That this order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to potatoes grown in the said area by establishing and maintaining such orderly marketing conditions therefor as will establish prices to producers thereof at a level that will give such potatoes a purchasing power with respect to articles that such producers buy equivalant to the

purchasing power of such potatoes in the base period and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to producers above the level which it is declared in the act to be the policy of Congress to establish; and

*Whereas*, the Secretary finds that after the said hearings and after the tentative approval by the Secretary, on September 3, 1937, of a marketing agreement which regulates the handling of such potatoes in the same manner as this order, upon which hearings were held on August 24 and August 25, 1937, handlers (excluding cooperative associations of producers who are engaged in processing, distributing or shipping the potatoes covered by this order) who handled more than fifty (50) percent of the volume of the potatoes covered by this order, and marketed during the 1936 season in the current of interstate or foreign commerce, refused or failed to sign the said marketing agreement with the Secretary; and

*Whereas*, the Secretary determined on the 11th day of October 1937, said determination being approved by the President of the United States on the 12th day of October 1937 that such refusal or failure to sign the tentatively approved marketing agreement tends to prevent the effectuation of the aforesaid declared policy of the act, and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of potatoes in the said area and is approved or favored by over two-thirds of the producers who, during the 1936 marketing season, said season being herewith determined by the Secretary to be a representative period, have been engaged in the said area in the production for market of potatoes; and

*Whereas*, the Secretary finds that this order regulates the handling of such potatoes in the same manner as the aforesaid tentatively approved marketing agreement, and that it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement;

*Now, therefore*, it is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of the said potatoes as is in the current of interstate or foreign commerce or which directly burdens, obstructs or affects interstate or foreign commerce in such potatoes, from and after the date hereinafter specified, shall be in conformity to and in compliance with the terms and conditions of this order.

ARTICLE I—DEFINITIONS

SECTION 1. As used herein, the following terms have the following meanings:

1. "Secretary" means the Secretary of Agriculture of the United States;

2. "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937:

3. "Person" means individual, partnership, corporation, association, or any other business unit;

4. "Potatoes" means and includes all varieties of white (Irish) potatoes grown within the area described in paragraph 8 of this section, during 1937;

5. "To ship" or "to handle" means to put such potatoes into the channels of trade by conveying or causing them to be conveyed by railroad, truck, boat, or any other means whatsoever in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce; "to ship" or "to handle" does not include the act of a grower in merely transferring ownership or title to a shipper, nor does it include acting as a common carrier for another person;

6. "Producer" means any person who produces potatoes for sale;

7. "Handler" means any person who ships or otherwise handles potatoes or permits another person to ship or otherwise handle potatoes in the name of such first person; and

8. "Area" means and includes the following geographical areas: The counties of Alamosa, Conejos, Costilla, Delta, Eagle, Garfield, Larimer, Montrose, Morgan, Pitkin, Rio Grande, Saguache and Weld in the State of Colorado; Sioux, Morrill, Banner, Dawes, Box Butte, Kimball, Sheridan, Cheyenne and Scotts Bluff in the State of Nebraska; and Goshen, Niobrara, Parke and Laramie in the State of Wyoming.

ARTICLE II—GENERAL CULL REGULATIONS

SECTION 1. *Limitation on Shipments.*—No handler shall ship or handle in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce any lot of potatoes which does not at least meet the requirements for U. S. No. 2 potatoes as defined in the "Official Standards for Potatoes", issued by the United States Department of Agriculture, effective September 15, 1936, except that a mixture of varieties is permitted and except that under no circumstances shall the size be less than 1½ inches in diameter with the standard tolerance of 5 percent by weight.

SEC. 2. *Inspection.*—During any period in which the Secretary has limited the shipment of potatoes as provided in article II or in article III hereof, no handler shall ship or handle any potatoes unless they are inspected by an authorized representative of the Federal-State Inspection Service and a certificate is issued showing the necessary information to determine whether such potatoes conform with the requirements of article II and of the regulations, if any, made effective under article III.

ARTICLE III—GRADE AND SIZE REGULATION

SECTION 1. *Regulations.*—Whenever the Secretary shall find, upon the basis of the recommendations of the Control Committee and other available information, that to limit further the shipments of grades or sizes of potatoes in accordance with such recommendations would tend to effectuate the declared policy of the act, he shall limit the shipment of such grades or sizes of potatoes harvested during 1937, during a specified period or periods, by (1) prohibiting handlers from handling potatoes of the United States grade or grades other than the grade or grades specified by the Secretary; or by (2) prohibiting handlers from handling potatoes of a size smaller than the size or sizes specified by the Secretary; or by (3) both methods; provided, that the Secretary shall not limit, or provide methods for limiting, the shipment of potatoes which are at least 1⅞ inches in diameter and otherwise grading U. S. Fancy, U. S. Extra No. 1, U. S. No. 1, and U. S. No. 1, Size A, as described in the "Official Standards for Potatoes" issued by the United States Department of Agriculture, effective September 15, 1936. Any such limitation shall become effective three days after determination thereof by the Secretary, unless the Secretary announces that a longer period shall elapse.

SEC. 2. *Exemptions.*—(1) Before instituting any limitation of shipments pursuant to section 1 of this article, the Secretary, upon the basis of available information and findings by the Control Committee, shall determine for the area the percentage which the quantity of potatoes available for shipment under such limitation is of the total quantity of potatoes which would be available for shipment if there were no such limitation.

(2) Any producer who would, because of such limitation, be unable to dispose of as large a percentage of the potatoes produced by him as the percentage which the Secretary, pursuant to subsection (1) of this section, has determined can be properly shipped from such area, may apply to the Control Committee, whereupon the Control Committee shall investigate the facts presented by such producer and shall transmit to the Secretary its recommendations and all data in connection therewith. The Secretary may, after consideration of the Control Committee's recommendation and data, together with other information available to him, issue a certificate, through the Control Committee, to such producer which will permit the producer, either himself or through a handler, to dispose of a percentage of the potatoes produced by him and available for shipment during the limitation period, which will be equal to the percentage determined by the Secretary pursuant to subsection (1) of this section.

(3) *Charitable purposes.*—Nothing contained in this article shall be construed to authorize any limitation of the right to ship potatoes for consumption to charitable institutions or to relief agencies. The Secretary may, from time to time, prescribe proper safeguards to prevent potatoes shipped for such purposes from being introduced into the commercial channels of trade contrary to the provisions hereof.

(4) *Seed potatoes.*—Upon recommendation by the Control Committee, approved by the Secretary, officially certified seed potatoes or other potatoes shipped for seed purposes shall be exempt from the provisions of this article provided that such recommendation includes adequate safeguards to prevent such potatoes from being used for other than seed purposes.

(5) *Manufacture.*—Subject to such regulations as the Control Committee, with the approval of the Secretary, may prescribe, any limitation of shipments pursuant to section 1 of this article shall not be applicable to potatoes shipped for manufacture into alcohol, starch, flour, or vinegar, or any other manufacturing purpose approved by the Secretary, or for feed for livestock, and which are in due course so manufactured, or so used for livestock feed.

SEC. 3. *Compliance.*—Except as provided in section 2 of this article, no handler shall ship or contract to ship potatoes of a size or grade the shipment of which has been prohibited by the Secretary pursuant to this article.

SEC. 4. *Notice.*—The Control Committee shall give notice of any regulation of shipments by the Secretary at least thirty (30) hours before the time it becomes effective by issuing a press release, posting a notice in the office of the Control Committee or by such other available means as the Control Committee deems necessary to give producers and handlers immediate information of such regulation.

ARTICLE IV—CONTROL COMMITTEE

SECTION 1. *Membership and organization.*—(1) The Secretary shall select a Control Committee consisting of ten members, of whom seven shall be producers and three shall be handlers. Three producers and two handlers shall be selected from the Colorado counties, two producers and one handler shall be selected from the Nebraska counties, and two producers shall be selected from the Wyoming counties designated in paragraph 8, section 1, article I. The Secretary shall likewise select for each member of the committee an alternate with the same qualifications, and in like manner shall select successors.

(2) Any person selected as a member or an alternate shall qualify by filing a written acceptance of this selection with the Secretary or with the Secretary's designated representative.

(3) An alternate for a member of the Control Committee shall act in the place and stead of such member, in his absence or in the event of his death, removal, resignation, or disqualification.

(4) The members of the Control Committee and their alternates shall serve without compensation, but may be allowed their necessary expenses.

(5) The members of the Control Committee shall select a chairman from their membership, and all communications from the Secretary to the Committee may be addressed to the chairman at such address as may, from time to time, be filed with the Secretary. The Committee shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Committee shall give to the Secretary, or his designated agents or representatives, the same notice of meetings of the Committee as is given to members of the Committee.

SEC. 2. *Powers.*—The Control Committee shall have power:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(3) To receive, investigate and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

SEC. 3. *Duties.*—It shall be the duty of the Control Committee:

(1) To act as intermediary between the Secretary and any handler;

(2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to examination by the Secretary;

(3) To furnish the Secretary such available information as he may request;

(4) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) To consult, during the effective period hereof, with any other Control Committee established pursuant to any marketing agreement or order, or with handlers operating under any marketing agreement or order of the Secretary, with respect to shipping or handling potatoes grown in any region covered by such other marketing agreements or orders, to the end that the administration hereof may be coordinated with the administration of such other agreements or orders so as best to effectuate their respective purposes; and

(6) To cause the books of the Control Committee to be audited by one or more competent accountants at least once each year, and at such other times as the Control Committee deems necessary, or as the Secretary may request, and to file with the Secretary copies of all such audit reports.

SEC. 4. *Procedure.*—(1) For any decision of the Control Committee to be valid, a majority of the votes of all members of the Committee shall be necessary.

(2) Upon the selection of a majority of its members, the Control Committee may organize and commence to function. A majority of all members shall constitute a quorum.

(3) The Control Committee may provide for voting by mail, telegram, or radiogram, upon due notice to all members eligible to vote.

(4) The members of the Control Committee (including successors and alternates) and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time.

(5) Each and every order, regulation, decision, determination, or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon his disapproval, shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith.

SEC. 5. *Funds.*—All funds received by the Control Committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may, at any time, require the Control Committee and its members to account for all receipts and disbursements;

(2) Upon the removal, or expiration of the term of office, of any member of the Control Committee, such member shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person full title to all of the property, funds, or claims vested in such member.

ARTICLE V—FUNDS AND EXPENSES

SECTION 1. *Expenses.*—The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions hereunder. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

SEC. 2. *Funds.*—Each handler shall pay to the Control Committee on demand as his pro rata share of the expenses, which the Secretary may find will necessarily be incurred by the Control Committee for the maintenance and functioning of the Control Committee, a sum not exceeding 50 cents (the exact amount to be recommended by the Control Committee and subject to approval by the Secretary) for each car or truck of potatoes shipped or handled by such handler.

SEC. 3. *Shipping permits.*—The Secretary may, in his discretion and for the purpose of collecting money for administrative expenses hereunder, require handlers to purchase from the Control Committee permits to be affixed to each package, lot, carload, or shipment of potatoes before the same shall be handled; provided, however, that any payments received for such permits shall be used for the purpose set forth in section 1 of this article, and shall, in no event, exceed the pro rata share of expenses required to be paid by any handler.

ARTICLE VI—REPORTS

SECTION 1. *Reports.*—Upon the request of the Control Committee made with the approval of the Secretary, every handler shall furnish the Control Committee, in such manner and at such times as it prescribes, such information as it deems necessary to enable it to exercise its powers and perform its duties hereunder.

ARTICLE VII—LIABILITY OF CONTROL COMMITTEE MEMBERS

SECTION 1. *Liability.*—No member or alternate of the Control Committee, nor any employee thereof, shall be held liable individually, in any way whatsoever, to any party hereto or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee except for acts of dishonesty. The liability of the parties hereunder is several and not joint, and no party shall be liable for the default of any other party.

ARTICLE VIII—DURATION OF IMMUNITIES

SECTION 1. *Duration of immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination, except with respect to acts done under and during the existence of this order.

ARTICLE IX—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective time*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereafter specified.

SEC. 2. *Suspension and termination.*—This order, any provision hereof or any amendment hereto, may be suspended or terminated by the Secretary, as to any or all handlers, after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. Unless sooner terminated, this order shall terminate at 11:59 p. m., July 31, 1938.

SEC. 4. *Proceedings after termination.*—(1) Upon the termination hereof, the members of the Control Committee then functioning shall continue to function for the purpose of liquidating its affairs and shall keep the funds and property then in their possession as members of such Control Committee, including claims for any funds unpaid or property undelivered at the time of such termination. Said members (*a*) shall continue to function until discharged by the Secretary, (*b*) shall, from time to time, account for all receipts and disbursements, and deliver all property on hand, together with all books and records of the Control Committee, to such person or persons as the Secretary may direct, and (*c*) shall, upon the request of the Secretary, execute such assignments or other instruments as may be necessary or appropriate to vest in such person or persons full title to all of the funds, property, and claims vested in the Control Committee. Any funds collected pursuant to article V hereof, over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred during the operation hereof and during the liquidation period shall, as soon as practicable after the termination thereof, be returned to handlers. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(2) Any person to whom funds, property, or claims have been transferred or delivered by the members of the Control Committee upon direction of the Secretary, as herein provided, shall be subject to the same obligations and duties with respect to the said funds, property, or claims as were hereinabove imposed upon members of said committee.

ARTICLE X—AGENTS

SECTION 1. *Agents.*—The Secretary may, by designation in writing, name any persons, including any officers or employees of the Government, or name any bureaus or divisions in the Department of Agriculture, to act as his agents or representatives in connection with any of the provisions hereof.

ARTICLE XI—SEPARABILITY

SECTION 1. *Separability.*—If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

ARTICLE XII—DEROGATION

SECTION 1. *Derogation.*—Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States:

(1) To exercise any powers granted by the act or otherwise;

(2) In accordance with such powers to act in the premises whenever such action is deemed advisable.

In Witness Whereof, H. A. Wallace, Secretary of Agriculture, has executed this order in duplicate and has caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, on the 15th day of October 1937, and declares this order to be effective on and after 12:01 a. m., m. s. t., October 19, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3050; Filed, October 15, 1937; 12:52 p. m.]

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DETERMINATION OF THE SECRETARY WITH RESPECT TO A PROPOSED ORDER REGULATING THE HANDLING OF POTATOES GROWN IN CERTAIN COUNTIES IN THE STATE OF IDAHO

*Whereas*, the Secretary of Agriculture, pursuant to the provisions of Public No. 10, 73rd Congress, as amended, and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of potatoes grown in the counties of Ada, Adams, Bannock, Bingham, Bear Lake, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington, in the State of Idaho, would tend to effectuate the declared policy of said acts, gave, on the 14th day of August, 1937, notice of hearings which were held in the Latter Day Saints Tabernacle, Idaho Falls, Idaho, on the 27th day of August, 1937, and in the Auditorium, American Legion Building, Twin Falls, Idaho, on the 28th day of August, 1937, on a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the above-mentioned areas, at which times and places all interested parties were afforded an opportunity to be heard on a proposed marketing agreement and a proposed order; and

*Whereas*, after such hearings and after the tentative approval by the Secretary of Agriculture of a marketing agreement on the 3rd day of September, 1937, handlers of more than fifty per centum of the volume of potatoes covered by such proposed order, which are produced or marketed within the aforementioned areas, refused or failed to sign such marketing agreement relating to potatoes;

*Now, therefore*, the Secretary of Agriculture, by virtue of the authority vested in him by Public No. 10, 73rd Congress, as amended, hereby determines:

1. That the refusal or failure of the said handlers to sign the said marketing agreement tends to prevent the effectuation of the declared policy of the above-mentioned acts with respect to potatoes grown in the aforementioned areas; and

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of potatoes in said areas; and

3. That the issuance of the proposed order is approved or favored by over two-thirds of the producers who, during the marketing season 1936, said season being here and now determined by the Secretary to be a representative period, have been engaged in the aforementioned areas in the production for market of potatoes.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, District of Columbia, this 11th day of October, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT,
*The President of the United States.*

Dated, October 12, 1937.

[F. R. Doc. 37-3052; Filed, October 15, 1937; 12:55 p. m.]

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ORDER OF THE SECRETARY OF AGRICULTURE REGULATING THE HANDLING IN INTERSTATE AND FOREIGN COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS OR AFFECTS INTERSTATE OR FOREIGN COMMERCE, OF POTATOES GROWN IN THIRTY-FOUR DESIGNATED COUNTIES IN THE STATE OF IDAHO

*Whereas*, under the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), it is provided that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including potatoes, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs or affects interstate or foreign commerce in such commodities; and

*Whereas*, the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions in interstate and foreign commerce for potatoes grown in the counties of Ada, Adams, Bannock, Bingham, Bear Lake, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington, in the State of Idaho, as would establish prices to the producers of such potatoes at a level that would give such potatoes a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such potatoes during the base period August 1919–July 1929, conducted public hearings at Idaho Falls, Idaho, on August 27, 1937, and at Twin Falls, Idaho, on August 28, 1937, pursuant to due notice given to all interested parties on August 14, 1937, on a proposed order regulating such handling of such potatoes as is in the current of interstate and foreign commerce, or which directly burdens, obstructs or affects such commerce in the said potatoes, at which hearings all interested persons in attendance were afforded due opportunity to be head concerning the proposed order; and

*Whereas*, the Secretary finds upon the basis of the evidence introduced at the hearings and the record thereof:

(1) That at the time of the hearings the prices received by the producers of such potatoes were at a level that gave such potatoes a purchasing power with respect to articles that such producers buy appreciably below the purchasing power of such potatoes during the base period;

(2) That the regulation of shipments by grades and sizes of the potatoes covered by this order, as prescribed herein, will serve to prevent marked fluctuations in prices to the producers thereof, and will establish and maintain a more stabilized market for such potatoes, tending to establish prices to such producers at a level that will give such potatoes a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such potatoes during the base period;

(3) That this order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production and marketing areas would not effectively carry out the declared policy of the act;

(4) That the pro rata contribution of handlers to the expenses of the administrative agency herein created, based upon the quantity of potatoes shipped, as provided in this order, is fair and equitable; and

(5) That this order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to potatoes grown in the said counties in the State of Idaho by establishing and maintaining such orderly marketing conditions therefor as will establish prices to producers thereof at a level that will give such potatoes a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such potatoes in the base period and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to producers above the level which it is declared in the act to be the policy of Congress to establish; and

*Whereas*, the Secretary finds that after the said hearings and after the tentative approval by the Secretary, on September 3, 1937, of a marketing agreement which regulates the handling of such potatoes in the same manner as this order, upon which hearings were held on August 27 and August 28, 1937, handlers (excluding cooperative associations of producers who are engaged in processing, distributing or shipping the potatoes covered by this order) who handled more than fifty (50) percent of the volume of the potatoes covered by this order, and marketed during the 1936 season in the current of interstate or foreign commerce, refused or failed to sign the said marketing agreement with the Secretary; and

*Whereas*, the Secretary determined on the 11th day of October 1937, said determination being approved by the President of the United States on the 12th day of October 1937, that such refusal or failure to sign the tentatively approved marketing agreement tends to prevent the effectuation of the aforesaid declared policy of the act, and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of potatoes in the said counties in the State of Idaho and is approved or favored by over two-thirds of the producers who, during the 1936 marketing season, said season being herewith determined by the Secretary to be a representative period, have been engaged in the said counties in the State of Idaho in the production for market of potatoes; and

*Whereas*, the Secretary finds that this order regulates the handling of such potatoes in the same manner as the afore-

said tentatively approved marketing agreement, and that it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement;

*Now, therefore*, it is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of the said potatoes as is in the current of interstate or foreign commerce or which directly burdens, obstructs or affects interstate or foreign commerce in such potatoes, from and after the date hereinafter specified, shall be in conformity to and in compliance with the terms and conditions of this order.

ARTICLE I—DEFINITIONS

SECTION 1. As used herein, the following terms have the following meanings:

1. "Secretary" means the Secretary of Agriculture of the United States;

2. "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937;

3. "Person" means individual, partnership, corporation, association, or any other business unit;

4. "Potatoes" means and includes all varieties of white (Irish) potatoes grown within the area described in paragraph 8 of this section, during 1937;

5. "To ship" or "to handle" means to put such potatoes into the channels of trade by conveying or causing them to be conveyed by railroad, truck, boat, or any other means whatsoever in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce; "to ship" or "to handle" does not include the act of a grower in merely transferring ownership or title to a shipper, nor does it include acting as a common carrier for another person;

6. "Producer" means any person who produce potatoes for sale;

7. "Handler" means any person who ships or otherwise handles potatoes or permits another person to ship or otherwise handle potatoes in the name of such first person; and

8. "Area" means and includes the following geographical areas: The counties of Ada, Adams, Bannock, Bingham, Bear Lake, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington, in the State of Idaho.

ARTICLE II—GENERAL CALL REGULATIONS

SECTION 1. *Limitation on shipments.*—No handler shall ship or handle in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce any lot of potatoes which does not at least meet the requirements for U. S. No. 2 potatoes as defined in the "Official Standards for Potatoes", issued by the United States Department of Agriculture, effective September 15, 1936, except that a mixture of varieties is permitted and except that under no circumstances shall the size be less than 1⅛ inches in diameter with the standard tolerance of 5 percent by weight.

SEC. 2. *Inspection.*—During any period in which the Secretary has limited the shipment of potatoes as provided in article II or in article III hereof, no handler shall ship or handle any potatoes unless they are inspected by an authorized representative of the Federal-State Inspection Service and a certificate is issued showing the necessary information to determine whether such potatoes conform with the requirements of article II and of the regulations, if any, made effective under article III.

ARTICLE III—GRADE AND SIZE REGULATION

SECTION 1. *Regulations.*—Whenever the Secretary shall find, upon the basis of the recommendations of the Control Committee and other available information, that to limit further the shipments of grades or sizes of potatoes in accordance with such recommendations would tend to effectuate the declared policy of the act, he shall limit the shipment of such grades or sizes of potatoes harvested during 1937, during a specified period or periods, by (1) prohibiting handlers from handling potatoes of the United States grade or grades other than the grade or grades specified by the Secretary; or by (2) prohibiting handlers from handling potatoes of a size smaller than the size or sizes specified by the Secretary; or by (3) both methods. Any such limitation shall become effective three days after determination thereof by the Secretary, unless the Secretary announces that a longer period shall elapse.

SEC. 2. *Exemptions.*—(1) Before instituting any limitation of shipments pursuant to section 1 of this article, the Secretary, upon the basis of available information and findings by the Control Committee, shall determine for the area the percentage which the quantity of potatoes available for shipment under such limitation is of the total quantity of potatoes which would be available for shipment if there were no such limitation.

(2) Any producer who would, because of such limitation, be unable to dispose of as large a percentage of the potatoes produced by him as the percentage which the Secretary, pursuant to subsection (1) of this section, has determined can be properly shipped from such area, may apply to the Control Committee, whereupon the Control Committee shall investigate the facts presented by such producer and shall transmit to the Secretary its recommendations and all data in connection therewith. The Secretary may, after consideration of the Control Committee's recommendation and data, together with other information available to him, issue a certificate, through the Control Committee, to such producer which will permit the producer, either himself or through a handler, to dispose of a percentage of the potatoes produced by him and available for shipment during the limitation period, which will be equal to the percentage determined by the Secretary pursuant to subsection (1) of this section.

(3) *Charitable purposes.*—Nothing contained in this article shall be construed to authorize any limitation of the right to ship potatoes for consumption to charitable institutions or to relief agencies. The Secretary may, from time to time, prescribe proper safeguards to prevent potatoes shipped for such purposes from being introduced into the commercial channels of trade contrary to the provisions hereof.

(4) *Seed potatoes.*—Upon recommendation by the Control Committee, approved by the Secretary, officially certified seed potatoes or other potatoes shipped for seed purposes shall be exempt from the provisions of this article provided that such recommendation includes adequate safeguards to prevent such potatoes from being used for other than seed purposes.

(5) *Manufacture.*—Subject to such regulations as the Control Committee, with the approval of the Secretary, may prescribe, any limitation of shipments pursuant to section 1 of this article shall not be applicable to potatoes shipped for manufacture into alcohol, starch, flour, or vinegar, or any other manufacturing purpose approved by the Secretary, or for feed for livestock, and which are in due course so manufactured, or so used for livestock feed.

SEC. 3. *Compliance.*—Except as provided in section 2 of this article, no handler shall ship or contract to ship potatoes of a size or grade the shipment of which has been prohibited by the Secretary pursuant to this article.

SEC. 4. *Notice.*—The Control Committeee shall give notice of any regulation of shipments by the Secretary at least thirty (30) hours before the time it becomes effective by issuing a press release, posting a notice in the office of the Control Committee or by such other available means as the Control Committee deems necessary to give producers and handlers immediate information of such regulation.

ARTICLE IV—CONTROL COMMITTEE

SECTION 1. *Membership and organization.*—(1) The Secretary shall select a Control Committee consisting of 8 members, of whom 5 shall be producers and 3 shall be handlers. Two producers shall be selected to represent the producing district commonly known as the "Idaho Falls district", two producers to represent the district commonly known as the "Twin Falls district", and one producer to represent the district commonly known as the "Caldwell district." One handler shall be selected to represent each of the three preceding producing districts. The Secretary shall likewise select an alternate with the same qualifications for each member of the Committee.

(2) Any person selected as a member or an alternate shall qualify by filing a written acceptance of his selection with the Secretary or with the Secretary's designated representative.

(3) An alternate for a member of the Control Committee shall act in the place and stead of such member, in his absence or in the event of his death, removal, resignation, or disqualification.

(4) The members of the Control Committee and their alternates shall serve without compensation, but may be allowed their necessary expenses.

(5) The members of the Control Committee shall select a chairman from their membership, and all communications from the Secretary to the Committee may be addressed to the chairman at such address as may, from time to time, be filed with the Secretary. The Committee shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Committee shall give to the Secretary, or his designated agents or representatives, the same notice of meetings of the Committee as is given to members of the Committee.

SEC. 2. *Powers.*—The Control Committee shall have power:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

SEC. 3. *Duties.*—It shall be the duty of the Control Committee:

(1) To act as intermediary between the Secretary and any handler;

(2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to examination by the Secretary;

(3) To furnish the Secretary such available information as he may request;

(4) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) To consult, during the effective period hereof, with any other Control Committee established pursuant to any marketing agreement or order, or with handlers operating under any marketing agreement or order of the Secretary, with respect to shipping or handling potatoes grown in any region covered by such other marketing agreements or orders, to the end that the administration hereof may be coordinated with the administration of such other agreements or orders so as best to effectuate their respective purposes; and

(6) To cause the books of the Control Committee to be audited by one or more competent accountants at least once each year, and at such other times as the Control Committee deems necessary, or as the Secretary may request, and to file with the Secretary copies of all such audit reports.

SEC. 4. *Procedure.*—(1) For any decision of the Control Committee to be valid, a majority of the votes of all members of the Committee shall be necessary.

(2) Upon the selection of a majority of its members, the Control Committee may organize and commence to function. A majority of all members shall constitute a quorum.

(3) The Control Committee may provide for voting by mail, telegram, or radiogram, upon due notice to all members eligible to vote.



(4) The members of the Control Committee (including successors and alternates) and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time.

(5) Each and every order, regulation, decision, determination, or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon his disapproval, shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith.

SEC. 5. *Funds.*—All funds received by the Control Committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may, at any time, require the Control Committee and its members to account for all receipts and disbursements;

(2) Upon the removal, or expiration of the term of office, of any member of the Control Committee, such member shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person full title to all of the property, funds, or claims vested in such member.

ARTICLE V—FUNDS AND EXPENSES

SECTION 1. *Expenses.*—The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions hereunder. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

SEC. 2. *Funds.*—Each handler shall pay to the Control Committee on demand as his pro rata share of the expenses, which the Secretary may find will necessarily be incurred by the Control Committee for the maintenance and functioning of the Control Committee, a sum not exceeding 50 cents (the exact amount to be recommended by the Control Committee and subject to approval by the Secretary) for each car or truck of potatoes shipped or handled by such handler.

SEC. 3. *Shipping permits.*—The Secretary may, in his discretion and for the purpose of collecting money for administrative expenses hereunder, require handlers to purchase from the Control Committee permits to be affixed to each package, lot, carload, or shipment of potatoes before the same shall be handled: *Provided, however*, That any payments received for such permits shall be used for the purpose set forth in section 1 of this article, and shall, in no event, exceed the pro rata share of expenses required to be paid by any handler.

ARTICLE VI—REPORTS

SECTION 1. *Reports.*—Upon the request of the Control Committee made with the approval of the Secretary, every handler shall furnish the Control Committee, in such manner and at such times as it prescribes, such information as it deems necessary to enable it to exercise its powers and perform its duties hereunder.

ARTICLE VII—LIABILITY OF CONTROL COMMITTEE MEMBERS

SECTION. 1. *Liability.*—No member or alternate of the Control Committee, nor any employee thereof, shall be held liable individually, in any way whatsoever, to any party hereto or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee except for acts of dishonesty. The liability of the parties hereunder is several and not joint, and no party shall be liable for the default of any other party.

ARTICLE VIII—DURATION OF IMMUNITIES

SECTION 1. *Duration of immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall

cease upon its termination, except with respect to acts done under and during the existence of this order.

ARTICLE IX—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective time.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereafter specified.

SEC. 2. *Suspension and termination.*—This order, any provision hereof or any amendment hereto, may be suspended or terminated by the Secretary, as to any or all handlers, after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. Unless sooner terminated, this order shall terminate at 11:59 p. m., July 31, 1938.

SEC. 4. *Proceedings after termination.*—(1) Upon the termination hereof, the members of the Control Committee then functioning shall continue to function for the purpose of liquidating its affairs and shall keep the funds and property then in their possession as members of such Control Committee, including claims for any funds unpaid or property undelivered at the time of such termination. Said members (a) shall continue to function until discharged by the Secretary, (b) shall, from time to time, account for all receipts and disbursements, and deliver all property on hand, together with all books and records of the Control Committee, to such person or persons as the Secretary may direct, and (c) shall, upon the request of the Secretary, execute such assignments or other instruments as may be necessary or appropriate to vest in such person or persons full title to all of the funds, property, and claims vested in the Control Committee. Any funds collected pursuant to article V hereof, over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred during the operation hereof and during the liquidation period shall, as soon as practicable after the termination hereof, be returned to handlers. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(2) Any person to whom funds, property, or claims have been transferred or delivered by the members of the Control Committee upon direction of the Secretary, as herein provided, shall be subject to the same obligations and duties with respect to the said funds, property, or claims as were hereinabove imposed upon members of said committee.

ARTICLE X—AGENTS

SECTION 1. *Agents.*—The Secretary may, by designation in writing, name any persons, including any officers or employees of the Government, or name any bureaus or divisions in the Department of Agriculture, to act as his agents or representatives in connection with any of the provisions hereof.

ARTICLE XI—SEPARABILITY

SECTION 1. *Separability.*—If any provision hereof is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

ARTICLE XII—DEROGATION

SECTION 1. *Derogation.*—Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States:

(1) To exercise any powers granted by the act or otherwise; or

(2) In accordance with such powers to act in the premises whenever such action is deemed advisable.

In witness whereof, H. A. Wallace, Secretary of Agriculture, has executed this order in duplicate and has caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, on the 15th day of October 1937, and declares this order to be effective on and after 12:01 a. m., m. s. t., October 19, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3053; Filed, October 15, 1937; 12:55 p. m.]

DETERMINATION OF THE SECRETARY WITH RESPECT TO A PROPOSED ORDER REGULATING THE HANDLING OF POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, AND MINNESOTA, AND CERTAIN COUNTIES IN THE STATE OF NORTH DAKOTA

*Whereas*, the Secretary of Agriculture, pursuant to the provisions of Public No. 10, 73rd Congress, as amended, and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of potatoes grown in the States of Michigan, Wisconsin, and Minnesota, and the Counties of Towner, Cavalier, Pembina, Pierce, Benson, Ramsey, Walsh, Nelson, Grand Forks, Wells, Eddy, Foster, Griggs, Steele, Traill, Barnes, Cass, and Richland, in the State of North Dakota, would tend to effectuate the declared policy of said acts, gave, on the 14th day of August, 1937, notice of hearings which were held in the Court Room, County Court House, Waupaca, Wisconsin, on the 24th day of August, 1937, in the Armory, Princeton, Minnesota, on the 26th day of August, 1937, in the City Hall Auditorium, Grand Forks, North Dakota, on the 28th day of August, 1937, and in the Court Room, County Court House, Cadillac, Michigan, on the 28th day of August, 1937, on a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the above-mentioned areas, at which times and places all interested parties were afforded an opportunity to be heard on a proposed marketing agreement and proposed order; and

*Whereas*, after such hearings and after the tentative approval by the Secretary of Agriculture of a marketing agreement on the 3rd day of September, 1937, handlers of more than fifty per centum of the volume of potatoes covered by such proposed order, which are produced or marketed within the aforementioned areas, refused or failed to sign such marketing agreement relating to potatoes;

*Now, therefore*, the Secretary of Agriculture, by virtue of the authority vested in him by Public No. 10, 73rd Congress, as amended, hereby determines:

1. That the refusal or failure of the said handlers to sign the said marketing agreement tends to prevent the effectuation of the declared policy of the above-mentioned acts with respect to potatoes grown in the aforementioned areas; and

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of potatoes in said areas; and

3. That the issuance of the proposed order is approved or favored by over two-thirds of the producers who, during the marketing season 1936, said season being here and now determined by the Secretary to be a representative period, have been engaged in the aforementioned areas in the production for market of potatoes.

In Witness Whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, District of Columbia, this 11th day of October, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT,
*The President of the United States.*

Dated, October 12, 1937.

[F. R. Doc. 37-3049; Filed, October 15, 1937; 12:52 p. m.]

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ORDER OF THE SECRETARY OF AGRICULTURE REGULATING THE HANDLING IN INTERSTATE AND FOREIGN COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS OR AFFECTS ITERSTATE OR FOREIGN COMMERCE, OF POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, AND MINNESOTA AND IN CERTAIN DESIGNATED COUNTIES IN THE STATE OF NORTH DAKOTA.

*Whereas*, under the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), it is provided that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including potatoes, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs or affects interstate or foreign commerce in such commodities; and

*Whereas*, the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions in interstate and forign commerce for potatoes grown in the States of Michigan, Wisconsin and Minnesota and in the counties of Towner, Cavalier, Pembina, Pierce, Benson, Ramsey, Walsh, Nelson, Grand Forks, Wells, Eddy, Foster, Griggs, Steele, Traill, Barnes, Cass and Richland, in the State of North Dakota hereinafter referred to as the "area", as would establish prices to the producers of such potatoes at a level that would give such potatoes a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such potatoes during the base period August 1919–July 1929, conducted public hearings at Waupaca, Wisconsin, on August 24, 1937, Princeton, Minnesota, on August 26, 1937, and at Grand Forks, North Dakota, and Cadillac, Michigan, on August 28, 1937, pursuant to due notice given to all interested parties on August 14, 1937, on a proposed order regulating such handling of such potatoes as is in the current of interstate and foreign commerce, or which directly burdens, obstructs or affects such commerce in the said potatoes, at which hearings all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order; and

*Whereas*, the Secretary finds upon the basis of the evidence introduced at the hearings and the record thereof:

(1) That at the time of the hearings the prices received by the producers of such potatoes were at a level that gave such potatoes a purchasing power with respect to articles that such producers buy appreciably below the purchasing power of such potatoes during the base period;

(2) That the regulation of shipments by grades and sizes of the potatoes covered by this order, as prescribed herein, will serve to prevent marked fluctuations in prices to the producers thereof, and will establish and maintain a more stabilized market for such potatoes, tending to establish prices to such producers at a level that will give such potatoes a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such potatoes during the base period;

(3) That this order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production and marketing area would not effectively carry out the declared policy of the act;

(4) That the pro rata contribution of handlers to the expenses of the administrative agency herein created, based upon the quantity of potatoes shipped, as provided in this order, is fair and equitable; and

(5) That this order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to potatoes grown in the said area by establishing and maintaining such orderly marketing conditions therefor as will establish prices to producers thereof at a level that will give such potatoes a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such potatoes in the base period and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to producers above the level which it is declared in the act to be the policy of Congress to establish; and

*Whereas*, the Secretary finds that after the said hearings and after the tentative approval by the Secretary, on September 3, 1937, of a marketing agreement which regulates the handling of said potatoes in the same manner as this order, upon which hearings were held on August 24, 26 and 28, 1937, handlers (excluding cooperative associations of producers who are engaged in processing, distributing or shipping the potatoes covered by this order) who handled more than fifty (50) percent of the volume of the potatoes covered by this order, and marketed during the 1936 season in the current of interstate or foreign commerce, refused or failed to sign the said marketing agreement with the Secretary; and

*Whereas*, the Secretary determined on the 11th day of October 1937, said determination being approved by the President of the United States on the 12th day of October 1937, that such refusal or failure to sign the tentatively approved marketing agreement tends to prevent the effectuation of the aforesaid declared policy of the act, and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of potatoes in the said area and is approved or favored by over two-thirds of the producers who, during the 1936 marketing season, said season being herewith determined by the Secretary to be a representative period, have been engaged in the said area in the production for market of potatoes; and

*Whereas*, the Secretary finds that this order regulates the handling of such potatoes in the same manner as the aforesaid tentatively approved marketing agreement, and that it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement;

*Now, therefore*, It is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of the said potatoes as is in the current of interstate or foreign commerce or which directly burdens, obstructs or affects interstate or foreign commerce in such potatoes, from and after the date hereinafter specified, shall be in conformity to and in compliance with the terms and conditions of this order.

ARTICLE I—DEFINITIONS

SECTION 1. As used herein, the following terms have the following meanings:

1. "Secretary" means the Secretary of Agriculture of the United States;

2. "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937;

3. "Person" means individual, partnership, corporation, association, or any other business unit;

4. "Potatoes" means and includes all varieties of white (Irish) potatoes grown within the area described in paragraph 8 of this section, during the year 1937;

5. "To ship" or "to handle" means to put such potatoes into the channels of trade by conveying or causing them to be conveyed by railroad, truck, boat, or any other means whatsoever in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce; "to ship" or "to handle" does not include the act of a grower in merely tansferring ownership or title to a shipper, nor does it include acting as a common carrier for another person;

6. "Producer" means any person who produces potatoes for sale;

7. "Handler" means any person who ships or otherwise handles potatoes, or permits another person to ship or otherwise handle potatoes in the name of such first person; and

8. "Area" means and includes the following geographical areas: The States of Michigan, Wisconsin and Minnesota; and the counties of Towner, Cavalier, Pembina, Pierce, Ben-

son, Ramsey, Walsh, Nelson, Grand Forks, Wells, Eddy, Foster, Griggs, Steele, Traill, Barnes, Cass and Richland, in the State of North Dakota.

ARTICLE II—GENERAL CULL REGULATIONS

SECTION 1. *Limitation on shipments.*—No handler shall ship or handle in the current of interstate or foreign commerce, or so as directly to burden, obstruct or affect interstate or foreign commerce any lot of potatoes which does not at least meet the requirements for U. S. No. 2 potatoes as defined in the "Official Standards for Potatoes", issued by the United States Department of Agriculture, effective September 15, 1936, except that a mixture of varieties is permitted and except that under no circumstances shall the size be less than 1½ inches in diameter with the standard tolerance of 5 percent by weight.

SEC. 2. *Inspection.*—During any period in which the Secretary has limited the shipment of potatoes as provided in article II or in article III hereof, no handler shall ship or handle any potatoes unless they are inspected by an authorized representative of the Federal-State Inspection Service and a certificate is issued showing the necessary information to determine whether such potatoes conform with the requirements of article II and of the regulations, if any, made effective under article III.

ARTICLE III—GRADE AND SIZE REGULATION

SECTION 1. *Regulations.*—Whenever the Secretary shall find, upon the basis of the recommendations of the Control Committee and other available information, that to limit further the shipments of grades or sizes of potatoes would tend to effectuate the declared policy of the act, he shall limit the shipment of such grades or sizes of potatoes harvested during 1937, during a specified period or periods, by (1) prohibiting handlers from handling potatoes of the United States grade or grades other than the grade or grades specified by the Secretary; or by (2) prohibiting handlers from handling potatoes of a size smaller or larger than the size or sizes specified by the Secretary; or by (3) both methods; provided, that the Secretary shall not limit, or provide methods for limiting, the shipment of potatoes which are at least 1⅞ inches in diameter, and otherwise grading U. S. Fancy, U. S. Extra No. 1, U. S. No. 1, and U. S. No. 1, Size A, as described in the "Official Standards for Potatoes" issued by the United States Department of Agriculture, effective September 15, 1936. Any such limitation shall become effective three days after determination thereof by the Secretary, unless the Secretary announces that a longer period shall elapse.

SEC. 2. *Exemptions.*—(1) Before instituting any limitation of shipments pursuant to section 1 of this article, the Secretary, upon the basis of available information and findings by the Control Committee, shall determine for the area the percentage which the quantity of potatoes available for shipment under such limitation, is of the total quantity of potatoes which would otherwise be available for shipment if there were no such limitation.

(2) Any producer who would, because of such limitation, be unable to dispose of as large a percentage of the potatoes produced by him as the percentage which the Secretary, pursuant to subsection (1) of this section, has determined can be properly shipped from such area, may apply to the Control Committee, whereupon the Control Committee shall investigate the facts presented by such producer and shall transmit to the Secretary its recommendations and all data in connection therewith. The Secretary may, after consideration of the Control Committee's recommendation and data, together with other information available to him, issue a certificate, through the Control Committee, to such producer which will permit the producer, either himself or through a handler, to dispose of a percentage of the potatoes produced by him and available for shipment during the limitation period, which will be equal to the percentage determined by the Secretary pursuant to subsection (1) of this section.

(3) *Charitable purposes.*—Nothing contained in this article shall be construed to authorize any limitation of the right to ship potatoes for consumption to charitable institutions or to relief agencies. The Secretary may, from time to time, prescribe proper safeguards to prevent potatoes shipped for such purposes from being introduced into the commercial channels of trade contrary to the provisions hereof.

(4) *Seed potatoes.*—Potatoes which are officially certified for seed purposes by the respective official state seed potato certification agencies, shall be exempt from the provisions of this article.

(5) *Manufacture.*—Subject to such regulations as the Control Committee, with the approval of the Secretary of Agriculture, may prescribe, any limitation of shipments pursuant to section 1 of this article shall not be applicable to potatoes shipped for manufacture into alcohol, starch, flour, or vinegar or any other manufacturing purpose approved by the Secretary, or for feed for livestock, and which are in due course so manufactured, or so used for livestock feed.

SEC. 3. *Compliance.*—Except as provided in section 2 of this article, no handler shall ship or contract to ship potatoes of a size or grade the shipment of which has been prohibited by the Secretary pursuant to this article.

SEC. 4. *Notice.*—The Control Committee shall give notice of any regulation of shipments by the Secretary at least thirty (30) hours before the time it becomes effective by issuing a press release, posting a notice in the office of the Control Committee, or by such other available means as the Control Committee deems necessary to give producers and handlers immediate information of such regulation.

ARTICLE IV—CONTROL COMMITTEE

SECTION 1. *Membership and organization.*—The Secretary shall select a Control Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers. Two producers and one handler shall be selected from each of the states of Michigan, Wisconsin, and Minnesota, and from the counties in North Dakota designated in paragraph 8, section 1, article I. The Secretary shall likewise select for each member of the committee an alternate with the same qualifications, and in like manner shall select successors.

(2) Any person selected as a member or an alternate shall qualify by filing a written acceptance of his selection with the Secretary or with the Secretary's designated representative.

(3) An alternate for a member of the Control Committee shall act in the place and stead of such member, in his absence or in the event of his death, removal, resignation or disqualification.

(4) The members of the Control Committee, and alternates when acting in the place and stead of members, shall receive compensation at the rate of $5.00 per day when engaged, and shall be reimbursed for expenses necessarily incurred, in the performance of their duties hereunder.

(5) The members of the Control Committee shall select a chairman from their membership, and all communications from the Secretary to the committee may be addressed to the chairman at such address as may, from time to time, be filed with the Secretary. The committee shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The committee shall give to the Secretary, or his designated agents or representatives, the same notice of meetings of the committee as is given to members of the committee.

SEC. 2. *Powers.*—The Control Committee shall have power:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(3) To receive, investigate and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.



SEC. 3. *Duties.*—It shall be the duty of the Control Committee:

(1) To act as intermediary between the Secretary and any handler;

(2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to examination by the Secretary;

(3) To furnish the Secretary such available information as he may request;

(4) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) To consult, during the effective period hereof, with any other Control Committee established pursuant to any marketing agreement or order, or with handlers operating under any marketing agreement or order of the Secretary, with respect to shipping or handling potatoes grown in any region covered by such other marketing agreements or orders, to the end that the administration hereof may be coordinated with the administration of such other agreements or orders so as best to effectuate their respective purposes; and

(6) To cause the books of the Control Committee to be audited by one or more competent accountants at least once each year, and at such other times as the Control Committee deems necessary, or as the Secretary may request, and to file with the Secretary copies of all such audit reports.

SEC. 4. *Procedure.*—(1) For any decision of the Control Committee to be valid, a majority of the votes of all members of the committee shall be necessary.

(2) Upon the selection of a majority of its members, the Control Committee may organize and commence to function. A majority of all members shall constitute a quorum.

(3) The Control Committee may provide for voting by mail, telegram or radiogram, upon due notice to all members eligible to vote.

(4) The members of the Control Committee (including successors and alternates) and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time.

(5) Each and every order, regulation, decision, determination or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon his disapproval, shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith.

SEC. 5. *Funds.*—All funds received by the Control Committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may, at any time, require the Control Committee and its members to account for all receipts and disbursements;

(2) Upon the removal, or expiration of the term of office, of any member of the Control Committee, such member shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person full title to all of the property, funds or claims vested in such member.

ARTICLE V—FUNDS AND EXPENSES

SECTION 1. *Expenses.*—The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions hereunder. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

SEC. 2. *Funds.*—Each handler shall pay to the Control Committee on demand as his pro rata share of the expenses, which the Secretary may find will necessarily be incurred by the Control Committee for the maintenance and functioning of the Control Committee, a sum not exceeding 60 cents (the exact amount to be determined by the Control Committee subject to review by the Secretary) for each car or truck of potatoes shipped or handled by such handler.

SEC. 3. *Shipping permits.*—The Secretary may, in his discretion and for the purpose of collecting money for administrative expenses hereunder, require handlers to purchase from the Control Committee permits to be affixed to each package, lot, carload, or shipment of potatoes before the same shall be handled; provided, however, that any payments received for such permits shall be used for the purpose set forth in section 1 of this article, and shall, in no event, exceed the pro rata share of expenses required to be paid by any handler.

ARTICLE VI—REPORTS

SECTION 1. *Reports.*—Upon the request of the Control Committee made with the approval of the Secretary, every handler shall furnish the Control Committee, in such manner and at such times as it prescribes, such information as it deems necessary to enable it to exercise its powers and perform its duties hereunder.

ARTICLE VII—LIABILITY OF CONTROL COMMITTEE MEMBERS

SECTION 1. *Liability.*—No member or alternate of the Control Committee, nor any employee thereof, shall be held liable individually, in any way whatsoever, to any party hereto or any other person for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate or employee except for acts of dishonesty. The liability of the parties hereunder is several and not joint, and no party shall be liable for the default of any other party.

ARTICLE VIII—DURATION OF IMMUNITIES

SECTION 1. *Duration of immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination, except with respect to acts done under and during the existence of this order.

ARTICLE IX—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective time.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereafter specified.

SEC. 2. *Suspension and termination.*—This order, any provision hereof or any amendment hereto, may be suspended or terminated by the Secretary, as to any or all handlers, after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. Unless sooner terminated, this order shall terminate at 11:59 p. m., July 31, 1938.

SEC. 4. *Proceedings after termination.*—(1) Upon the termination hereof, the members of the Control Committee then functioning shall continue to function for the purpose of liquidating its affairs and shall keep the funds and property then in their possesion as members of such Control Committee, including claims for any funds unpaid or property undelivered at the time of such termination. Said members (a) shall continue to function until discharged by the Secretary, (b) shall, from time to time, account for all receipts and disbursements, and deliver all property on hand, together with all books and records of the Control Committee, to such person or persons as the Secretary may direct, and (c) shall, upon the request of the Secretary, execute such assignments or other instruments as may be necessary or appropriate to vest in such person or persons full title to all of the funds, property, and claims vested in the Control Committee. Any funds collected pursuant to article V hereof, over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred during the operation hereof and during the liquida-

tion period shall, as soon as practicable after the termination hereof, be returned to handlers. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(2) Any person to whom funds, property, or claims have been transferred or delivered by the members of the Control Committee upon direction of the Secretary, as herein provided, shall be subject to the same obligations and duties with respect to the said funds, property, or claims as were hereinabove imposed upon members of said committee.

ARTICLE X—AGENTS

SECTION 1. *Agents.*—The Secretary may, by designation in writing, name any persons, including any officers or employees of the Government, or name any bureaus or divisions in the Department of Agriculture, to act as his agents or representatives in connection with any of the provisions hereof.

ARTICLE XI—SEPARABILITY

SECTION 1. *Separability.*—If any provision hereof is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

ARTICLE XII—DEROGATION

SECTION 1. *Derogation.*—Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States:

(1) To exercise any powers granted by the act or otherwise; or

(2) In accordance with such powers to act in the premises whenever such action is deemed advisable.

In witness whereof, H. A. Wallace, Secretary of Agriculture, has executed this order in duplicate and has caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, on the 15th day of October 1937, and declares this order to be effective on and after 12:01 a. m., c. s. t., October 19, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3048; Filed, October 15, 1937; 12:51 p. m.]

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## Bureau of Animal Industry.

[Amendment 10 to B. A. I. Order 353]

AMENDMENT OF ORDER TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OF RINDERPEST AND FOOT-AND-MOUTH DISEASE

Under authority conferred by law upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930 (46 Stat. 590–689), the order to prevent the introduction into the United States of rinderpest and foot-and-mouth disease (B. A. I. Order 353), dated June 1, 1935, and effective August 1, 1935, as amended, is hereby further amended by including the name of "Switzerland" in the list of countries in said order, as I have determined that foot-and-mouth disease now exists in said country of Switzerland and I have so officially notified the Secretary of the Treasury.

This amendment, which for purpose of identification is designated Amendment 10 to B. A. I. Order 353, shall be effective on and after October 18, 1937.

Done at Washington this 15th day of October 1937.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3046; Filed, October 15, 1937; 12:49 p. m.]

## Bureau of Entomology and Plant Quarantine.

[B. E. P. Q.—Q64]

MEXICAN FRUIT FLY QUARANTINE

REVISION OF QUARANTINE AND REGULATIONS

*Effective Oct. 15, 1937*

INTRODUCTORY NOTE

The following revision of Federal Domestic Plant Quarantine No. 64 and regulations supplemental thereto adds a portion of Jim Wells County in Texas to the regulated area; fixes a host-free period from May 1 to August 31, inclusive, of each year, subject to such modifications as to duration and dates of commencement and termination as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine; designates the insect formerly known as Mexican fruit worm under the more appropriate title of Mexican fruit fly; adds fruits of species of the genus *Sargentia* to the list of hosts; modifies former specific restrictions as to containers; and provides that the Chief of the Bureau of Entomology and Plant Quarantine may specify the conditions and period for the maintenance of sanitary requirements in groves, and may modify, by administrative instructions, any of the restrictions contained in the regulations, other than those pertaining to extension or reduction of the regulated area, when in his judgment such action is necessary to prevent the spread of the Mexican fruit fly.

SUMMARY

These regulations as revised prohibit the interstate shipment of grapefruit, oranges, and all other citrus fruits except lemons and sour limes, from the counties of Brooks, Cameron, Hidalgo, Willacy, and a portion of Jim Wells County, Tex., unless a Federal permit (Form 443) has been issued therefor. The permits may be limited as to destination, and when so limited, are not valid for shipment to other destination points or areas (except to diversion points for diversion to authorized destinations only). (Regulation 5 (*a*).)

Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas, guavas, mameys, ciruelas, and fruit of species of the genus *Sargentia* are prohibited interstate shipment from the regulated area. (Regulations 1 (*c*) and 5 (*b*).)

There are no restrictions on the shipment of lemons or sour limes. (Regulation 5 (*c*).)

Sterilization may be required as a condition for interstate movement of host fruits from defined infested zones. (Regulation 6 (*e*).)

A host-free period is to be maintained from May 1 to August 31, inclusive. (Regulation 7 (Sec. A).)

Information relative to the issuance and use of permits is given in regulations 6 and 7.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

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NOTICE OF QUARANTINE NO. 64 (REVISED)

I, Henry A. Wallace, Secretary of Agriculture, have determined that it is necessary to quarantine the State of Texas to prevent the spread of an injurious insect known as the Mexican fruit fly (*Anastrepha ludens* Loew), new to and not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine the said State of Texas, effective on and after October 15, 1937, and by this Notice of Quarantine No. 64 do order that no fruits of any variety shall be shipped, offered for shipment to a common carrier, received for transportation, or carried by a common carrier, or carried, transported, moved, or allowed to be moved interstate from the said quarantined State in manner or method or under conditions other than those prescribed in the rules and regulations promulgated pursuant thereto or under such modification thereof as may be issued by the Chief of the Bureau of Entomology and Plant Quarantine as hereinafter provided: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto or modification thereof as hereinafter provided, may be limited to the areas in the State of Texas now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas: *Provided further*, That such limitation of the restrictions to the regulated areas shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas, including the control of intrastate movement of host fruits from such areas, as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent the spread of the Mexican fruit fly therefrom to other parts of the State: *And provided further*, That, except as to extension or reduction of the regulated area, the Chief of the Bureau of Entomology and Plant Quarantine may modify by administrative instructions any of the restrictions of the regulations supplemental hereto when in his judgment such action is necessary to prevent the spread of the Mexican fruit fly.

Done at the city of Washington this 14th day of October 1937.

Witness my hand and the seal of the United States Department of Agriculture

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

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RULES AND REGULATIONS (SECOND REVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 64

REGULATION 1. DEFINITIONS

For the purpose of these regulations, the following words shall be construed respectively to mean:

(*a*) *Mexican fruit fly.*—The insect known as the Mexican fruit fly (*Anastrepha ludens* Loew).

(*b*) *Regulated areas.*—The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to Notice of Quarantine No. 64.

(*c*) *Host fruits.*—Fruits susceptible to infestation by the Mexican fruit fly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus *Casimiroa* and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricots, mameys, ciruelas, fruit of species of the genus *Sargentia*, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible and of which due notice will be given.

(*d*) *Host-free period.*—A period of time during which no host fruits are produced or permitted to exist within the regulated area, except immature fruit in such stage of development, and mature fruit held or stored under such conditions as are prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, which in his judgment do not convey risk of propagating the Mexican fruit fly.

(*e*) *Inspector.*—An inspector of the United States Department of Agriculture.

(*f*) *Moved interstate.*—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.

REGULATION 2. LIMITATION OF RESTRICTIONS TO REGULATED AREAS

Conditioned upon the compliance on the part of the State of Texas with the provisos to Notice of Quarantine No. 64, the restrictions provided in these regulations or subsequent administrative instructions on the production or interstate movement of fruit will be limited to fruit produced in or moving interstate from the areas in Texas now or hereafter designated by the Secretary of Agriculture as regulated areas.

REGULATION 3. REGULATED AREA

In accordance with the provisos to Notice of Quarantine No. 64, the Secretary of Agriculture designates as "regulated area" the counties of Brooks, Cameron, Hidalgo, and Willacy in the State of Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect, including all cities, towns, townships, and other political subdivisions within this area.

REGULATION 4. EXTENSION OR REDUCTION OF REGULATED AREAS

The regulated areas designated in regulation 3 may be extended or reduced as may be deemed advisable by the Secretary of Agriculture in accordance with the provisions of the Plant Quarantine Act of August 20, 1912, as amended.

REGULATION 5. RESTRICTIONS ON THE INTERSTATE MOVEMENT OF FRUIT FROM THE REGULATED AREA

(*a*) *Permits required.*—Grapefruit, oranges, and other citrus fruits (except as provided in paragraph (*c*) hereof) shall not be moved interstate from a regulated area into or through any point outside thereof unless a permit has been issued therefor by the United States Department of Agriculture.

(*b*) *Movement of noncitrus hosts prohibited.*—Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (see regulation 1 (*c*)), guavas, mameys, ciruelas, and fruits of species of the genus *Sargentia* shall not be moved interstate from the regulated area and no permits will be issued for such movement.

(*c*) *No restrictions on immune and manufactured fruits.*—No restrictions are placed by these regulations on the interstate movement of lemons, sour limes, or other non-host fruits, nor on the interstate movement of host fruits which have been manufactured or processed in such manner as to eliminate danger of carrying the Mexican fruit fly.

(*d*) *Movement through regulated area.*—No restrictions are placed by these regulations on the interstate movement of restricted articles from an area not under regulation through a regulated area when such movement is on a through bill of lading.

REGULATION 6. CONDITIONS GOVERNING THE ISSUANCE OF PERMITS

Permits for the interstate movement of grapefruit, oranges, and other restricted citrus fruits from the regulated area may be issued upon determination by the inspector that the proposed movement does not involve risk of spread of the Mexican fruit fly. Such determination will be based on compliance with the following conditions:

(*a*) *Grove inspection and sanitation.*—The grove in which the fruit was produced shall be maintained in compliance with the host-free requirement of these regulations and shall be kept free from drops and windfalls during such periods and time as the Chief of the Bureau of Entomology and Plant Quarantine may direct. Such drops and windfalls shall be buried under at least 18 inches of tamped soil or otherwise disposed of in manner and method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The grove shall further be maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruit fly infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected within 30 days prior to the movement of the fruit concerned and have been found free from Mexican fruit fly infestation.

(*b*) *Packing house requirements.*—The packer and shipper shall maintain his packing plant in compliance with the sanitation requirements of the State of Texas issued for the suppression of the Mexican fruit fly. The packer shall also

maintain a complete record of all receipts and sales or shipments of host fruits, subject to examination by the inspector.

(c) *Applications.*—Persons desiring to purchase, pack, or move grapefruit, oranges, or other restricted citrus fruits interstate from the regulated area shall make application for a permit to the office of the Bureau of Entomology and Plant Quarantine, Harlingen, Texas, as far as possible in advance of the probable date of shipment. Application shall show the nature and quantity of the fruit it is proposed to move, together with the location at which it will be packed, the name and address of the shipper, and a list of all groves, together with the names and addresses of the owners, from which fruit for packing will be secured. Each applicant shall file with his application a signed statement in which he agrees to notify the inspector of all additional groves from which fruit for packing will be secured, not to pack or ship fruit from any grove until he has received written notification from the inspector that the grove has been maintained in compliance with the regulations issued under this quarantine, and to discontinue packing and shipping the fruit from any grove on notification from the inspector of the discovery of an infestation of the Mexican fruit fly in such grove or adjoining groves or of failure on the part of the owner or manager of such grove to comply with any condition of these regulations.

(d) *Containers.*—Permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and which are of such nature as will permit the inspector to identify the contents thereof.

(e) *Sterilization may be required.*—Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgment the shipments concerned might involve risk of spread of the Mexican fruit fly.

(f) *Destination limitations.*—Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers or otherwise, to destinations other than those authorized in such permits, except to the usual deversion points for diversion to authorized destinations only.

(g) *Cancelation of permits.*—Any permits issued under these regulations may be withdrawn or canceled and further permits refused either for any failure of compliance with these regulations or violation of them, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of infestation.

REGULATION 7. CONDITIONS REQUIRED IN THE REGULATED AREAS

The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated areas under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

SECTION A. *Host-free period*

A host-free period shall be maintained each year beginning on the first day of May and continuing until the first day of September, subject to such modification as to duration and dates of commencement and termination as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve increased risk of spread of the Mexican fruit fly.

Prior to the commencement of such host-free period each year, all restricted citrus fruit shall be removed from the tree for immediate sale or shipment, or for retention in fly-proof storage approved by the Chief of the Bureau of Entomology and Plant Quarantine, and all other host fruits shall be destroyed either following removal from the trees or by destruction of the trees themselves.

No host fruits shall be permitted to remain on trees or to exist elsewhere within a regulated area at any time during such host-free period except immature citrus fruits which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine are not susceptible to infestation by the Mexican fruit fly.

*Section B. Inspection*

A system of inspection shall be carried on throughout the year to provide for the efficient enforcement of Sections A and C of this regulation, for the prompt discovery of any infestations which occur, and for the enforcement of such conditions in and around citrus groves and packing and processing plants as shall be necessary to prevent the dissemination of Mexican fruit fly through the interstate movement of citrus host fruits.

*Section C. Infested Zones*

Upon the determination of a Mexican fruit fly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone shall be designated by the State of Texas subject to approval by the United States Department of Agriculture and all host fruits in susceptible stages of maturity produced within such zone and existing in the regulated area shall be destroyed or processed in such a manner as to render them free from infestation.

REGULATION 8. MARKETING REQUIREMENTS

Every crate, box, or other container of host fruit moved interstate under these regulations shall have securely attached thereto a shipping permit (Form 443) issued under the provisions of regulation 6, and shall be subject to such other marking as may be required by the inspector.

Each shipment of six or more crates, boxes, or other containers of host fruit moved interstate under these regulations shall, in addition to the shipping permit on each such container, be accompanied by a master permit (Form 515) showing the number of containers and either the license number and destination of the vehicle or the name, number, and destination of the freight car or other carrier, as the case may be.

REGULATION 9. INSPECTION IN TRANSIT

Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by inspectors at any time or place.

REGULATION 10. SHIPMENTS BY THE UNITED STATES DEPARTMENT OF AGRICULTURE

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after October 15, 1937, and shall supersede the rules and regulations promulgated August 12, 1932, as amended.

Done at the city of Washington this 14th day of October 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3045; Filed, October 15, 1937; 12:48 p. m.]



## FARM CREDIT ADMINISTRATION.

[FCA 62]

LOANS TO DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS OF THE FARM CREDIT ADMINISTRATION, THE PRODUCTION CREDIT CORPORATION, AND THE PRODUCTION CREDIT ASSOCIATION

REVISION OF SECTION 218 OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Farm Credit Act of 1933, particularly sections 20 and 23 thereof, section 218 of the Rules and Regulations for Production Credit Associations is hereby revised as follows:

Subject to the prior approval of the Production Credit Commissioner, loans that are otherwise eligible may be made by the association to a director, officer, employee, or agent of the corporation, or to an officer (as distinguished from an employee) of the Farm Credit Administration, or to a member of the immediate family of any of the aforesaid persons, who is otherwise eligible, on the same terms and conditions as to other borrowers. Such prior approval must likewise be obtained: (a) Where the proceeds of a loan, if made by the association to a person, partnership, or corporation, otherwise eligible, are to be used in connection with property in which any of the aforesaid persons has a present legal or equitable interest; or (b) where any of the aforesaid persons is a member of a partnership or a stockholder in a corporation to which the association desires to make a loan. Loans to an employee of the Farm Credit Administration who is not an officer thereof, or to a member of his immediate family, may be made without the approval of the Production Credit Commissioner.

Subject to the limitations contained in the bylaws of the association and subject to the prior approval of the corporation, loans that are otherwise eligible may be made to a director or officer of the association or to a member of the immediate family of such a director or officer who is otherwise eligible on the same terms and conditions as to other borrowers. Such prior approval must likewise be obtained: (a) Where the proceeds of a loan, if made by the association to a person, partnership, or corporation, otherwise eligible, are to be used in connection with property in which such a director or officer has a present legal or equitable interest; or (b) where such director or officer is a member of a partnership or a stockholder in a corporation to which the association desires to make a loan. An association officer, employee, or agent shall not be authorized to make an inspection incident to a loan applied for or obtained by a member of his immediate family. The term "immediate family" as used in this section shall include a father, mother, brother, sister, son, daughter, husband, or wife.

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-3039; Filed, October 15, 1937; 12:07 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 1406]

APPLICATION OF GUY ROCCO

NOTICE OF HEARING

Application having been filed by Guy Rocco, having a business address at 5242 West Division Street, Chicago, Illinois, on November 14, 1936, for a preliminary permit, and on May 26, 1937, for a license for two proposed hydroelectric plants with installed capacity of approximately 12,000 horsepower each to utilize surplus water at the constructed dams of the United States located in the Des Plaines River at Brandon Road and in the Illinois River at Dresden Island, said developments to be run-of-stream plants to utilize the head gates provided in each of the dams as constructed by the United States and the State of Illinois;

And it appearing that the information therein contained is insufficient to show:

(1) That the applicant has complied with the requirements of the laws of the State of Illinois with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of such license;

(2) That applicant will be able to construct said project within the period of time limited by Section 13 of the Federal Power Act;

And it appearing further: That the State of Illinois has protested the issuance of such license;

The Commission orders: That a hearing be held upon said applications beginning at 10 a. m. on November 17, 1937, in the Commission's hearing room, 1800 Pennsylvania Avenue, Washington, D. C.

Adopted by the Commission on October 12, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-3034; Filed, October 15, 1937; 9:25 a. m.]

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Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket Nos. IT-5479; 5480; 5481; 5482; 5483]

APPLICATIONS OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY

ORDER CONTINUING DATE OF HEARINGS

Upon application of Wendell J. Wright of Public Service Terminal, Newark, New Jersey, counsel for the applicant in the above matters, for a continuance of the hearing of said matters now set for October 27, 1937 by the Commission's order adopted September 15, 1937, and for good cause shown;

The Commission orders: That the hearings of said matters be and are hereby continued to November 22, 1937, at 10 a. m., in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Adopted by the Commission on October 12, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-3035; Filed, October 15, 1937; 9:25 a. m.]

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Commissioners: Clyde L. Seavey, Acting Chairman, Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 1442]

APPLICATION OF THE ACME ENGINEERING SERVICE, INC.

ORDER SETTING HEARING

Upon application filed June 25, 1937, by The Acme Engineering Service, Inc. for a preliminary permit for Project No. 1442 to consist of three dams and two power plants, all on the Salamonie River in Wabash and Huntington Counties, State of Indiana, objections having been filed to the granting of said application;

The Commission orders: That a hearing on said application be held on November 14, 1937, at 10 a. m. in the Commission's hearing room, Hurley Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Adopted by the Commission on October 12, 1937.

[SEAL] LEON M. FUQUAY,
*Acting Secretary.*

[F. R. Doc. 37-3036; Filed, October 15, 1937; 9:26 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1937.

[File 43-84]

IN THE MATTER OF COPPER DISTRICT POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Copper District Power Company, a subsidiary of The Middle West Corporation, a registered Holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of unsecured notes to mature within 9 months from date of issue and for the renewal of such notes for another 9 months, in a sum not to exceed $225,000 in principal amount, to The First National Bank of Boston ($125,000) and to The Middle West Corporation and Copper Range Company ($50,000, each); the proceeds of such loan to be used for the purpose of financing the business of the declarant as a public utility;

*It is ordered*, That a hearing on such matter be held on October 28, 1937, at ten o'clock in the forenoon of that day at Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 23, 1937.

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3041; Filed, October 15, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of October, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SINCLAIR ET AL.-HOLLENBACK-NORMAN TRACT, FILED ON SEPTEMBER 20, 1937, BY ALEX MACDONALD, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

Alex Macdonald, having filed on September 20, 1937, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

(1) In that from the information contained in the offering sheet, and shown by the plat attached thereto as Exhibit A, it is made to appear that a drilling well is located on the tract involved, whereas the Commission has information that said well has, in fact, been drilled to a total depth of approximately 7696 feet where salt water was encountered in the Wilcox sand, and, as a result, the well was completed as a dry hole and abandoned;

*It is ordered*, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered*, That Charles S. Moore, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That the taking of testimony in this proceeding commence on the 28th day of October, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37—3044; Filed, October 15, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D., 1937.

[File No. 50-1]

IN THE MATTER OF THE APPLICATION OF INTERNATIONAL PAPER AND POWER COMPANY

ORDER DENYING APPLICATION FOR HEARING

John Lawless, Jr., a stockholder of International Paper and Power Company, having filed with this Commission an application for a rehearing with respect to the application of said company upon which this Commission entered an order on July 31, 1937; and

The Commission having duly considered said application for a rehearing and filed its opinion with reference thereto;



*It is ordered*, That said application for a rehearing be and hereby is denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3043; Filed, October 15, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 15th day of October, 1937.

[File No. 1-2700]

IN THE MATTER OF THE EL PASO NATURAL GAS COMPANY 4¾% CONVERTIBLE DEBENTURES

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the 4¾% convertible debentures, of the El Paso Natural Gas Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on October 25, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3042; Filed, October 15, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 15th day of October, 1937.

[File No. 1-852]

IN THE MATTER OF THE NATIONAL LEATHER COMPANY COMMON STOCK, $10 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, $10 Par Value, of the National Leather Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on October 25, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3040; Filed, October 15, 1937; 12:43 p. m.]

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*Tuesday, October 19, 1937* *No. 202*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49196]

COUNTERVAILING DUTIES ON DRIED SALT FISH FROM NOVA SCOTIA

COLLECTORS OF CUSTOMS INSTRUCTED TO COLLECT DUTIES UNLESS SATISFACTORY EVIDENCE IS PRESENTED THAT NO PRODUCTION BOUNTY WAS PAID ON THE FISH BY THE GOVERNMENT OF NOVA SCOTIA.

*To Collectors of Customs and Others Concerned:*

The Bureau is in receipt of official information which establishes to its satisfaction that bounties or grants within the meaning of the provisions of section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303) are being paid or bestowed on the production in Nova Scotia of dried salt fish.

The net amount of the bounty or grant paid or bestowed on the production in Nova Scotia of each quintal of 112 pounds of dried salt fish is hereby declared to be $1.00 with respect to codfish and $.66⅔ with respect to pollock, hake, haddock, and cusk.

It is represented that Nova Scotia is the center of the Canadian export trade in dried fish; that large quantities of dried fish are imported into Nova Scotia and subsequently reexported to foreign markets, and that no bounties or grants are paid or bestowed on such fish.

There shall be levied and collected a countervailing duty equal to the net amount of the bounty or grant paid or bestowed on dried salt fish of the kinds named in the second paragraph of this declaration, calculated at the rates indicated therein, imported directly or indirectly from Nova Scotia and entered for consumption or withdrawn from warehouse for consumption after thirty days after the date of publication of this declaration in the weekly Treasury Decisions, unless there is filed with the entry a certificate issued by the United States Consul at Halifax identifying the particular dried fish by reference to the consignor, consignee, quantity and kind of fish, exporting vessel and date of exportation, and stating that it has been established to his satisfaction that the dried fish are not products of Nova Scotia and that no bounty or grant has been or will be paid in respect of such fish.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, October 12, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F R. Doc. 37-3054; Filed, October 16, 1937; 9:26 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Bulletin, NSCP-201

1938 NAVAL STORES CONSERVATION PROGRAM

BULLETIN 201

*For the information of producers of gum naval stores in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. This bulletin explains the procedure to be followed in order to qualify for payments under the Naval Stores Conservation Program for 1938.*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and

Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of the said Act in 1938, payments and grants of aid will be made for participation in the 1938 Naval Stores Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Naval Stores Conservation Program are subject to such legislation relating to said program as the Congress of the United States may hereafter enact, and the making of the payments herein provided are contingent upon such appropriation as the said Congress may hereafter provide for such purpose; the amounts of such payments and grants of aid will be finally determined by such appropriation and by the extent of participation in the program. Any increase or decrease in rates of payments and deductions because of the extent of participation in the program will not be in excess of 10 percent.

### Definition of Terms

1. *Turpentine farm.*—The land and turpentine timber owned or leased, or operated on a share-crop basis, and under one management and in one general locality, which is being operated for the production of gum naval stores, and generally referred to as a "turpentine place".

2. *Gum naval stores.*—Crude gum (oleoresin) gum turpentine, and gum rosin produced from live trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

3. *Producer.*—Any person or persons, firm, partnership, or corporation operating a turpentine farm or "place" (whether wholly or partially under fee ownership, cash lease, percentage lease, or other control) producing gum naval stores and regardless of how or where the raw product may be processed.

4. *Face.*—The whole wound or aggregate of streaks made by chipping, streaking, or pulling live trees to stimulate the flow of gum.

5. *Cup.*—A metal, clay, or other container hung on or below the face to accumulate the flow of gum.

6. *Tins.*—The gutters or aprons, made of sheet metal or other material, used to aid in conducting the crude gum (oleoresin) from a face into a cup.

7. *Crop.*—10,000 turpentine faces.

8. *Drift or tract.*—A portion or subdivision of a "crop" set apart for convenience of operation.

9. *D. b. h.*—Diameter breast height, i. e., diameter of tree measured at breast height, that is, at 4½ feet from the ground.

10. *Turpentine season.*—The entire calendar year or that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

11. *Application.*—The prescribed form of application for payment for cooperating in the 1938 Naval Stores Conservation Program (hereinafter referred to as the 1938 program).

### Kind of Payments

Payment will be made to producers who in 1938 carry out the following approved practices with respect to turpentine farms currently being worked in 1938, beginning such cooperation on or within time limits to be established by the Forest Service of the United States Department of Agriculture, (hereinafter referred to as Forest Service) as appropriate and practicable time limits necessary to afford full opportunity to producers to cooperate in the program and to obtain a full measure of compliance with the objectives of the program.

### Duration of Program

The period during which this program is to be in effect is the period January 1 to November 15, 1938, inclusive.

### Conditions of Payment—Performance Required

In order to qualify for payment, producers shall meet the following requirements:

1. No new (virgin) faces shall be operated during the 1938 turpentine season on trees less than 9 inches d. b. h. on any turpentine farm or portion thereof owned or leased by the applicant producer, whether or not such farm is covered by a work sheet and an application.

2. No faces (either old or new) shall be operated during the 1938 turpentine season on trees less than 9 inches d. b. h. on any turpentine farm which is covered by a work sheet and an application.

3. On any turpentine farm which is covered by a work sheet and an application no tree that is less than 14 inches d. b. h. shall have more than one face worked during the 1938 turpentine season.

4. Tins and cups must be removed for the 1938 turpentine season in the manner prescribed and within reasonable time limits established by the Forest Service, from faces on all trees less than 9 inches d. b. h., and from all but one face on all trees between 9 and 14 inches d. b. h. having two or more faces.

5. Total streaks per face made between January 1 and November 15, 1938, shall not exceed an aggregate of 20 inches in vertical measurement (average of measurements between shoulders of first streak and shoulders of last streak).

6. Payment shall not be made on faces in production which by drifts or tracts do not average at least 12 streaks for the 1938 season and such streaks shall have been made at no greater frequency than two streaks per week.

7. Payment shall not be made on faces retained in production in any drift or tract where the acreage height of faces exceeds 90 inches at the beginning of the 1938 turpentine season, in average vertical measurement between shoulders of first streak and shoulders of last streak, including jump streaks.

8. Payment shall not be made on faces taken out of production in any drift or tract where the average height of faces exceeds 90 inches at the beginning of the 1938 turpentine season, in average vertical measurement between shoulders of first streak and shoulders of last streak, including jump streaks.

9. Payment shall not be made on faces taken out, or remaining out, of production in any drift or tract—

(*a*) Unless such faces were, respectively, either in operation for two or more months during the 1937 turpentine season, or were discontinued under the 1937 Naval Stores Conservation Program (hereinafter referred to as the 1937 program), or

(*b*) Where the cups on such faces were installed prior to the season of 1934.

10. No tree shall have any new (first-year) back face unless a bark-bar on each side of the back face is provided, the total of the two being not less than 7 inches in width, measured horizontally along the bark surface; provided, however, that the restriction with respect to width of bark-bar shall not apply to any tree which has on it two or more old faces.

11. The applicant producer shall protect from fire all forest land of any kind within the turpentine farm owned, leased, or otherwise controlled by him during the 1938 turpentine season to the best of his ability, and in doing so shall cooperate with the State and Federal Governments in any cooperative forest fire protective system that exists contiguous to his turpentine farm or within the area within which such farm is situated.

12. The applicant producer, in order to provide for restocking and to promote continued production of timber upon which the naval stores, pulp and paper, lumber, and other wood-using industries are dependent, shall, in any and all cutting of timber under his ownership or control during the 1938 season, meet or exceed the following minimum requirements:

(*a*) All worked-out turpentine, defective, and nonturpentine trees may be cut, provided at least 6 thrifty seed trees 11 inches or more d. b. h. per acre are left, or provided sufficient young growth (at least 150 trees per acre 6 to 8 feet high) is left uncut.

(*b*) In all other cutting operations at least 6 thrifty seed trees 11 inches or more d. b. h. shall be left, unless sufficient young growth (at least 150 trees per acre 6 to 8 feet high (is left standing: provided, however, that where trees are removed in the form of thinnings not less than 50 trees per acre, spaced approximately 30 x 30 feet, 6 to 9 inches in diameter at the stump, shall be left uncut.

Standards similar to the above have been adopted by members of the American Pulpwood Association in the southern and southeastern United States, and they have also committed themselves to cooperate with the naval stores industry in the salvage and cutting of worked-out turpentine timber.

13. Each applicant producer is measuring his trees to determine those on which operation shall respectively be continued or discontinued under the 1938 program shall make an accurate count, by drifts, lots, or other suitable units, of all faces separately as to those that are to remain in operation and those which are not; and he shall make and keep a written record thereof; and such record shall be made available to any field inspector who is responsible for inspecting his operations under the program. Each producer who files a work sheet shall assist the representatives of the Forest Service in the administration of the 1938 program by giving them free access to his turpentine farm, indicating the location of trees and faces recorded on the work sheet, and otherwise facilitating the work of the inspectors in checking compliance with the terms and conditions of the program.

### Rates of Payment

In connection with the utilization, during the period of January 1 to November 15 inclusive, 1938, of land devoted to growing trees suitable for or used in the production of gum naval stores, on all turpentine farms operated in accordance with the conditions hereinabove set forth, payment will be made to producers at the following rates:

A. 1 cent per face for each face in continuous operation during the 1938 turpentine season except new (virgin) faces (front or back) and except faces in drifts or tracts which, by drifts or tracts, average more than 90 inches in height at the beginning of the 1938 season.

B. 5 cents per face (a) on each face on trees less than 9 inches d. b. h. and on any one face of two or more faces on trees 9 to 14 inches d. b. h., which was taken out and kept out of operation in accordance with the conditions of the 1937 program and which is kept out of operation in 1938, and (b) on each face taken out of operation at the beginning of the 1937 turpentine season and kept out of operation in 1938 in accordance with the conditions of the 1938 program.

### Application and Eligibility for Payment

(*a*) *Filing of work sheet and application.*—Payments will be made upon the basis of facts established in an application for payment properly executed on a prescribed form and filed in a district or regional office of the Forest Service. Each person filing an application for payment will be required to show that a work sheet has been properly executed covering, separately, each turpentine farm owned, leased, or otherwise controlled, and being operated by him, with respect to which an application for payment is filed.

An application for payment may be made by (1) any producer who is actively engaged in the production of gum naval stores in the period from January 1, 1938, to November 15, 1938; (2) by any person who was so engaged during 1937, or who participated in the 1937 program on land owned, leased or otherwise controlled by him; or (3) such other persons as may be designated by the Secretary of Agriculture.

(*b*) *Time limit for filing work sheets and application.*—Work sheets and applications shall be filed in the manner prescribed and within the limits established by the Forest Service as reasonably affording opportunity to producers to participate in the benefits of the program and keeping the administrative costs within the budget and as low as reasonably may be reached.

(*c*) *Producer eligible for payment.*—Payment will be made to the producer who conducts the turpentine operation and who executes the application for payment. In the event one producer conducts the operation of a turpentine place during a portion of the 1938 turpentine season and another producer (or producers) conducts the operation of the turpentine place during the remainder of the season, payment will be made to the producer who last conducts the operation of the turpentine place during the season, or the payments shall be divided between such producers on the basis of a mutual agreement between them.

(*d*) *Time of payment.*—Payment will be made as soon as practicable after a final field inspection of the turpentine farm on which a work sheet has been filed (such inspection to be made on or about November 15, 1938) and after an application of payment has been filed with respect to such farm.

### Administration

The field work in connection with this program shall be administered by the Forest Service through the Office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia.

Done at Washington, D. C., this 16th day of October 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3062; Filed, October 18, 1937; 12:44 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

### AMENDMENT TO RULE 8 (b) OF TARIFF CIRCULAR NO. 1

The Commission, at a general session held on October 6, 1937, adopted the following Order:

### COMMISSION ORDER NO. 12–C

The Commission having under consideration Rule 8 (b) of Tariff Circular No. 1:

*It is ordered*, That effective November 15, 1937, Rule 8 (b) be amended to read as follows:

RULE 8 (*b*). Except as hereinafter provided in this rule, or except as otherwise specially authorized by the Commission, after notice of a change has been published and filed the new charges or regulations must be allowed to become effective and remain so for at least thirty days from their effective date before any change can be made therein. The period of notice herein required shall begin on, and include, the date the tariff or supplement is received by the Commission but shall not include the effective date.

Schedules containing charges or regulations specially applicable to Christmas Day, New Year's Day, St. Valentine's Day, Easter, Mother's Day, Father's Day, Jewish New Year's Day, or Thanksgiving Day service may be published and filed to remain in effect for a specified period of less than thirty days without special authority from the Commission. Such schedules in connection with their respective effective dates shall bear the notation "Effective for a period of less than thirty days under authority of Rule (*b*) of Tariff Circular No. 1."

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3056; Filed, October 16, 1937; 9:59 a. m.]

RADIO INSTALLATIONS

ORDER AND NOTICE OF HEARING

The Telegraph Division at its regular meeting on October 5, 1937, adopted the following Order:

[Docket No. (*as hereafter listed*)]

IN RE APPLICATION OF (AS HEREAFTER LISTED) FOR THE EXEMPTION OF THE VESSEL S. S. (AS HEREAFTER LISTED) PURSUANT TO THE PROVISIONS OF ARTICLE 28 OF THE SAFETY OF LIFE AT SEA CONVENTION AND SECTION 352 (B), 1 AND 2, OF TITLE III, PART 2, OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

ORDER

Whereas the Division having under consideration an application by (*as hereafter listed*) for exemption pursuant to the provisions of Article 28 of the Safety of Life at Sea Convention and Section 352 (b), 1 and 2, of the Communications Act of 1934, as amended, for the vessel S. S. (*as hereafter listed*) on voyages between (as set forth in application) and (as set forth in application).

Whereas the Commission is unable to determine from the application that the route or the conditions of the voyage, or other circumstances, are such as to render a radio installation unreasonable or unnecessary;

*It is ordered*, That a hearing shall be held in Washington, D. C., beginning at 10:00 A. M., on the 2nd day of November, 1937, in the case of F. L. Iverson, Docket No. 4854; at 11:00 A. M. the 2nd day of November, 1937, in the case of American Steamship Company, Docket No. 4855; at 2:00 P. M. the 2nd day of November, 1937, in the case of Atlantic Refining Company, Docket No. 4856; at 10:00 A. M. the 4th day of November, 1937, in the case of Eastern Steamship Lines, Inc., Docket No. 4857; at 10:00 A. M. the 5th day of November, 1937, in the case of Merchants & Miners Transportation Company, Docket No. 4853; upon the issues and in accordance with the procedure set forth in the attached Bill of Particulars.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary*.

NOTICE

NATURE OF APPLICATION: EXEMPTION UNDER ARTICLE 28 OF THE SAFETY CONVENTION AND SECTION 352 (B), 1 AND 2, AND TITLE III, PART 2, OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

File No.----------
Docket No.-------

Service: Marine
Applicant: ----------
To----------

You are hereby notified that the Federal Communications Commission has examined the above-described application and has designated the foregoing matter for hearing for the following reasons:

1. To determine whether the vessel (s)----------
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on voyages ----------
is (are) within the class of vessels for which an exemption may be granted under Section 352 (b) (2) of the Communications Act of 1934, as amended;

2. To determine whether the route or conditions of the voyages in question are such as to render navigation in the waters concerned hazardous;

3. To determine the cost to the applicant of complying with the radiotelegraph provisions of the Safety Convention and Title III, Part 2 of the Communications Act of 1934, as amended;

4. To determine the value of radiotelegraph communication to the vessel on the voyages in question as a means of enhancing the safety of life and property at sea, both as a matter or protection to persons and property on board the
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and as a protection to other shipping in such waters;

5. To determine whether the route or conditions of the voyage, or other circumstances, are such as to render a radio installation unreasonable or unnecessary for the purposes of the Safety Convention or of Title III, Part 2 of the Communications Act of 1934, as amended.

The hearing on the above-mentioned application will be held at----------, beginning at 10:00 A. M., on the--------day of----------, 1937.

In order to avail itself of the opportunity to be heard, the applicant, within fifteen (15) days from the mailing of this notice, shall file with the Commission a written appearance and statement of desire to be heard, subscribed and verified by the applicant, and a terse yet complete statement, in writing, of the facts which it expects to prove at such hearing.

Within twenty-five (25) days of the publication of this notice of hearing, any person who desires to participate in such hearing shall file with the Commission its appearance and a statement of its desire to be heard, subscribed and verified, and a terse yet complete statement, in writing, of the facts it expects to prove at such hearing. No party, other than the applicant, shall be heard in this proceeding unless and until he shall file his appearance in accordance with the provisions of this paragraph.

Appearances filed in accordance with the preceding paragraphs shall be considered as pleadings but not as evidence of the facts therein stated.

In case no appearance or statement in writing of the facts to be proved upon this hearing is filed by the applicant within the time so specified, or if on the date set for hearing the applicant does not appear and offer evidence in support of his application, the applicant will be deemed in default, and his application denied.

Dated at Washington, D. C., ----------, 1937

FEDERAL COMMUNICATIONS COMMISSION,
TELEGRAPH DIVISION,
T. J. SLOWIE, *Secretary*.

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The Telegraph Division approved a notice of hearing on the attached Order and directed that said notice be sent to the following:

| Docket no. | Owner or operating agency | Name of vessels |
|---|---|---|
| 4853 | Merchants & Miners Transportation Co., Baltimore, Md. | Essex, Howard, Juniata, Lexington, Merrimack, Nantucket, Ontario, Providence, Quantico, Roanoke, Upshur, Volusia, Wyoming, York. |
| 4854 | F. L. Iverson, Master, c/o s. s. *Lotosland*, Burr's Landing, New London, Conn. | Lotosland. |
| 4855 | American Steamship Company, Buffalo, New York. | Achilles. |
| 4856 | Atlantic Refining Company, Philadelphia, Penna. | R. D. Leonard. |
| 4857 | Eastern Steamship Lines, Inc., Boston, Mass. | Falmouth, Sandwich, Cornish, Norwalk, Wilton, Madison. |

T. J. SLOWIE, *Secretary*.

[F. R. Doc. 37-3057; Filed, October 16, 1937; 9:59 a. m.]

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MODIFICATION OF RULE 262a, B, b

The Telegraph Division at its regular meeting held on October 5, 1937, modified Rule 262a, B, b, to read in part as follows:

SOUTHERN TRANSCONTINENTAL CHAIN AND FEEDERS (BROWN)

*Available for Aeronautical and Aircraft Stations*

| | | | |
|---|---|---|---|
| 2,946 | 3,257.5 | 3,467.5 | 5,612.5 |
| 3,127.5 | 3,242.5 | | 5,632.5 |
| 3,222.5 [8] | 3,447.5 | | 5,652.5 |
| 3,232.5 | 3,457.5 | 5,602.5 | 5,887.5 [8] |



NORTHWESTERN CONTINENTAL CHAIN AND FEEDERS (PURPLE)

*Available for Aeronautical and Aircraft Stations*

| | | |
|---|---|---|
| 2,854 | 3,005 | 5,377.5 Day Only |
| 2,994 | 4,917.5 | 5,887.5 [8] |

*Available for Aeronautical Point-To-Point Stations*

| | | |
|---|---|---|
| 2,644 | 4,917.5 [12] | 8,130 Day Only [8] |
| 2,994 [12] | 6,490 [8] | 10,855 Day Only [10] |

[8] This frequency assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.
[8] Day only—not to be used within 300 miles of Canada.
[8] Subject to the condition that no interference is caused to the international service.
[8] Subject to the condition that no interference is caused to Government stations.
[10] Subject to the condition that no interference is caused to existing services and that the operating frequency will be maintained within 0.02 percent of the assigned frequency.
[12] Subject to the condition that no interference is caused to aeronautical and aircraft stations.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 37-3058; Filed, October 16, 1937; 10:00 a. m.]

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AMENDMENT TO RULE 375 AND RULE 403, CLASS B

The Telegraph Division at its regular meeting held on October 5, 1937, adopted the following Order amending Rule 375 and Rule 403, Class B:

ORDER

The Division, having heretofore amended Rule 376 so as to permit type A-3 emission in the band of frequencies 28,500 to 30,000 kc in lieu of the band 28,000 to 29,000 kc, and

*It appearing*, That Rule 403, Class B, must be amended to conform with this change, and

*It further appearing*, That Rule 375 should be amended to conform with Rule 382,

*It is ordered*, That Rule 375 and Rule 403, Class B, be and the same are hereby repealed and the following substituted in lieu thereof:

"375. *Types of emission.*—All bands of frequencies so assigned may be used for radiotelegraphy, type A-1 emission. Type A-2 emission may be used in the following bands of frequencies only:

"56000 to 60000 kilocycles.
"400,000 to 401000 kilocycles."

"403. *Class B—Unlimited radiotelegraph privileges.*—Limited in the operation of radiotelephone amateur stations to the following bands of frequencies:

"1,800 to 2,000 kilocycles.
"28,500 to 30,000 kilocycles.
"56,000 to 60,000 kilocycles.
"400,000 to 401,000 kilocycles."

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 37-3059; Filed, October 16, 1937; 10:00 a. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5470]

APPLICATION OF SIERRA PACIFIC POWER COMPANY

REOPENING PROCEEDINGS AND SETTING HEARING

Upon petition filed October 8, 1937, by Sierra Pacific Power Company, to renew its original application for authorization for issuance of securities filed July 3, 1937, Docket No. IT-5470, and to present additional evidence therein or in support thereof;

And it appearing that on September 18, 1937, the Commission, by its order, dismissed said application filed July 3, 1937, without prejudice to the right of the applicant to renew said application and to present additional evidence therein or in support thereof;

The Commission *orders:*

(1) That said application filed July 3, 1937, be and it hereby is reinstated and the proceedings thereon, as of the date of the Commission's order of September 18, 1937, be reopened and resumed;

(2) That a further hearing upon said application filed July 3, 1937, and upon said petition filed October 8, 1937, in so far as the requests of said petition have not otherwise been disposed of by this order, be held in the Commission's hearing room, 1800 Pennsylvania Avenue, N. W., Washington, D. C., beginning at 10 A. M. on the 28th day of October, 1937.

Adopted by the Commission on October 14, 1937.

LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 37-3055; Filed, October 16, 1937; 9:59 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3167]

IN THE MATTER OF THE CEMENT INSTITUTE, AN UNINCORPORATED ASSOCIATION; S. W. STOREY, PRESIDENT, AND G. H. REITER, SECRETARY, AND THE VICE-PRESIDENT, TREASURER AND TRUSTEES OF THE CEMENT INSTITUTE; AND AETNA PORTLAND CEMENT COMPANY, ALPHA PORTLAND CEMENT COMPANY, ARKANSAS PORTLAND CEMENT COMPANY, ASH GROVE LIME AND PORTLAND CEMENT COMPANY, BEAVER PORTLAND CEMENT COMPANY, BESSEMER LIMESTONE AND CEMENT COMPANY, CALAVERAS CEMENT COMPANY, CALIFORNIA PORTLAND CEMENT COMPANY, CASTALIA PORTLAND CEMENT COMPANY, COLORADO PORTLAND CEMENT COMPANY, CONSOLIDATED CEMENT CORPORATION, COPLAY CEMENT MANUFACTURING COMPANY, CUMBERLAND PORTLAND CEMENT COMPANY, DEWEY PORTLAND CEMENT COMPANY, DIAMOND PORTLAND CEMENT COMPANY, EDISON CEMENT CORPORATION, FEDERAL PORTLAND CEMENT COMPANY, INC., FLORIDA PORTLAND CEMENT COMPANY, GEORGIA CEMENT AND PRODUCTS COMPANY, GIANT PORTLAND CEMENT COMPANY, GLENS FALLS PORTLAND CEMENT COMPANY, GREAT LAKES PORTLAND CEMENT CORPORATION, GREEN BAG CEMENT COMPANY OF WEST VIRGINIA, GREEN BAG CEMENT COMPANY OF PENNSYLVANIA, HAWKEYE PORTLAND CEMENT COMPANY, HERCULES CEMENT CORPORATION, HERMITAGE PORTLAND CEMENT COMPANY, HURON PORTLAND CEMENT COMPANY, IDAHO PORTLAND COMPANY, INTERNATIONAL CEMENT CORPORATION, KEYSTONE PORTLAND CEMENT COMPANY, KOSMOS PORTLAND CEMENT COMPANY, LAWRENCE PORTLAND CEMENT COMPANY, LEHIGH PORTLAND CEMENT COMPANY, MARQUETTE CEMENT MANUFACTURING COMPANY, MEDUSA PORTLAND CEMENT COMPANY, MISSOURI PORTLAND CEMENT COMPANY, MONARCH CEMENT COMPANY, MONOLITH PORTLAND CEMENT COMPANY, MONOLITH PORTLAND MIDWEST COMPANY, NATIONAL CEMENT COMPANY, NAZARETH CEMENT COMPANY, NEBRASKA CEMENT COMPANY, NORTH AMERICAN CEMENT CORPORATION, NORTHWESTERN PORTLAND CEMENT COMPANY, NORTHWESTERN STATES PORTLAND CEMENT COMPANY, OKLAHOMA PORTLAND CEMENT COMPANY, OREGON PORTLAND CEMENT COMPANY, PACIFIC PORT-

LAND CEMENT COMPANY, PEERLESS CEMENT CORPORATION, PENNSYLVANIA-DIXIE CEMENT CORPORATION, PETOSKEY PORTLAND CEMENT COMPANY, PITTSBURGH PLATE GLASS COMPANY, PORTLAND CEMENT COMPANY OF UTAH, RIVERSIDE CEMENT COMPANY, SANTA CRUZ PORTLAND CEMENT COMPANY, SIGNAL MOUNTAIN PORTLAND CEMENT COMPANY, SOUTHERN STATES PORTLAND CEMENT COMPANY, SOUTHWESTERN PORTLAND CEMENT COMPANY, SPOKANE PORTLAND CEMENT COMPANY, STANDARD PORTLAND CEMENT COMPANY, SUPERIOR CEMENT CORPORATION, SUPERIOR PORTLAND CEMENT, INC., THREE FORKS PORTLAND CEMENT COMPANY, TRINITY PORTLAND CEMENT COMPANY, UNION PORTLAND CEMENT COMPANY, UNIVERSAL ATLAS CEMENT COMPANY, VALLEY FORGE CEMENT COMPANY, VOLUNTEER PORTLAND CEMENT COMPANY, VULCANITE PORTLAND CEMENT COMPANY, WABASH PORTLAND CEMENT COMPANY, WEST PENN CEMENT COMPANY, WHITEHALL CEMENT MANUFACTURING COMPANY, WOLVERINE PORTLAND CEMENT COMPANY, YOSEMITE PORTLAND CEMENT CORPORATION, CORPORATIONS, MEMBERS OF THE CEMENT INSTITUTE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, November 9, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in the Main Hearing Room of the Federal Trade Commission Building, (first floor), 815 Connecticut Avenue, N. W., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-3060; Filed, October 16, 1937; 10:18 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3218]

IN THE MATTER OF QUALITY BAKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND ITS MEMBERS; FIRCH BAKING COMPANY, INC., DREIKORN BAKERY, INC., THE JACOB LAUB BAKING COMPANY, LIBERTY BAKING COMPANY, STROEHMANN BROTHERS COMPANY AND VERMONT BAKING COMPANY, INDIVIDUALLY AND AS REPRESENTATIVE MEMBERS OF SAID UNINCORPORATED ASSOCIATION; C. F. STROEHMANN, J. P. DUCHAINE, GROVER C. PATTON, AND W. S. ALLISON, AS OFFICERS AND MEMBERS OF THE EXECUTIVE COMMITTEE OF SAID UNINCORPORATED ASSOCIATION, AND E. J. DERST, W. M. CLEMENS, ONIL O. COTE, S. S. WATTERS, HERBERT J. LAUB, JAMES H. SWAN, GEORGE C. WEST AND JAMES B. DWYER, AS MEMBERS OF SAID EXECUTIVE COMMITTEE, QUALITY BAKERS OF AMERICA, INC., A DELAWARE CORPORATION, WASHBURN CROSBY COMPANY, INC., A CORPORATION, PILLSBURY FLOUR MILLS COMPANY, A CORPORATION, RED STAR MILLING COMPANY, A CORPORATION, CONSOLIDATED FLOUR MILLS COMPANY, A CORPORATION, AND KANSAS MILLING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

*It is ordered*, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, October 28, 1937, at ten o'clock in the forenoon of that day (central standard time), Room 501, Federal Building, Wichita, Kansas.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent.

The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-3061; Filed, October 16, 1937; 10:18 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of October, 1937.

IN THE MATTER OF JESSE HYMAN AND SEYMOUR KLEIN, DOING BUSINESS AS JESSE HYMAN & CO. 29 BROADWAY NEW YORK, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Jesse Hyman and Seymour Klein, doing business as Jesse Hyman & Co., a partnership, hereinafter called the registrant, having filed with the Commission on June 27, 1935 an application for registration on Form 1-M pursuant to Rule MA2 of the rules then governing the over-the-counter markets; and the said registration having become effective on January 1, 1936, in accordance with the Commission's rules and regulations; and the said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934 as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission having reasonable grounds to believe that the said registrant is permanently enjoined by decree of the Supreme Court of the State of New York, entered with its consent, on or about September 27, 1937, from engaging in and continuing certain conduct and practices in connection with the purchase and sale of securities; and having further reasonable grounds to believe that it is in the public interest to revoke the said registration; and

The said Jesse Hyman and Seymour Klein, on September 27, 1937, having consented in writing to the revocation of said registration and having waived notice and opportunity for hearing in connection therewith, and the Commission having duly considered the matter and being fully advised in the premises;

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934 as amended, that the registration of Jesse Hyman and Seymour Klein, doing business as Jesse Hyman & Co., a partnership, as a broker or dealer transacting business on over-the-counter markets be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3063; Filed, October 18, 1937; 1:00 p. m.]



*Wednesday, October 20, 1937* *No. 203*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDING THE INSTRUCTIONS TO DIPLOMATIC OFFICERS AND THE CONSULAR REGULATIONS

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes (22 U. S. C. § 132), it is ordered that the Instructions to Diplomatic Officers and the Consular Regulations be, and they are hereby, amended as follows:

1. Section XV-8 of the Instructions to Diplomatic Officers is prescribed as follows:

"*Condolences, congratulations, felicitations, etc.*—When communicating condolences, congratulations, felicitations, etc., diplomatic officers will be governed by the rules on the subject established by the Department of State from time to time."

2. Article XII of the Consular Regulations is amended to read as follows:

SHIPMENT OF SEAMEN

189. *Shipment of seamen in foreign ports.*—(a) Every master of a merchant vessel of the United States who engages any seaman at a place out of the United States, in which there is a consular officer shall, before carrying such seaman to sea, procure the sanction of such consular officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping commissioner in the United States shall apply to such engagements made before a consular officer; and upon every such engagement the consular officer shall endorse upon the articles of agreement his sanction thereof, and an attestation to the effect that they have been signed in his presence and otherwise duly made [form no. 16]. (46 U. S. C. § 570.)

Every master who engages any seaman in any place in which there is a consular officer, otherwise than as required by the preceding paragraph, shall incur a penalty of not more than $100, for which penalty the vessel shall be held liable. (46 U. S. C. § 571.)

All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment. (46 U. S. C. § 578.) The provisions of this paragraph are not applicable to contracts whereby fishermen ship for a share in the catch. (25 Fed. Rep. 856; 46 U. S. C. §§ 531, 544.)

(b) *Shipments on provisionally registered or undocumented American-owned vessels.*—Vessels granted provisional certificates of registry (sec. 342) are subject to the laws of the United States regarding shipment, discharge, relief, and transportation of seamen. Such vessels are not subject to the laws of the United States relating to officers, inspection, and measurement until they arrive in ports of the United States. (46 U. S. C. § 12.)

In the case of undocumented American-owned vessels abroad, incapable of proceeding to the United States (sec. 343), the crews are usually made up of men who are not American citizens or American seamen. Seamen of this class when not serving under a contract made in the United States are not regarded as within the jurisdiction of the consular officer as to their shipment or discharge. Seamen engaging on such vessels who are American citizens, and foreigners who have acquired and maintained the status of American seamen are to be shipped and discharged before the consular officer in the same manner as seamen on regularly documented vessels.

(c) *Shipments at ports where no consular officer or at sea.*—Where seamen are shipped at ports where there is no consular officer or at sea, report is made to the consular officer at the first port at which the vessel arrives and the seamen are then formally shipped before such officer, who will endorse the shipping articles and crew list as required (form no. 16), and indicate carefully in such endorsement the date when wages commenced prior to the date of formal shipment before the consular officer.

(d) *Shipments not required to be made before consular officer.*—The shipment of seamen on vessels engaged in the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, is not required to be made before a consular officer (46 U. S. C. §§ 563-564); nor are seamen on fishing vessels or on enrolled or licensed yachts required to be shipped before such officers. Upon request, however, seamen on vessels of the United States engaged in any trade may be shipped before a consular officer.

190. *Obligation to fill vacancies in crew.*—In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive. This section shall not apply to fishing or whaling vessels or yachts. (46 U. S. C. § 569.)

191. *Voyage or term for which seamen may be shipped.*—Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination, and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged, or to give bond to produce said seamen before a boarding officer on the return of said vessel to the United States. (46 U. S. C. § 573.) However, upon his next departure from an American port the master must, in accordance with law, have in his crew the required proportion of American citizens. (46 U. S. C. Supp. §§ 672a, 1132.) If occasion demands, those requirements should be called to the attention of the master.

192. *Seamen must understand contract.*—A consular officer will take care that each engagement of a seaman is signed by the seaman in his presence or in the presence of some duly authorized employee of the consular office, and that all the terms of the contract and the exact nature of the work for which the seaman is engaged are understood by him. A seaman is not bound by a clause in the contract which was not read to him or explained to him. (15 Fed. Rep. 621; 38 Fed. Rep. 258.)

193. *Seamen to produce documents.*—Before signing articles of agreement, every seaman shall produce a continuous discharge book or a certificate of identification if he possesses one, as well as his license or certificate of service, in order that the serial numbers may be entered in the shipping articles. Seamen who do not possess a continuous discharge book or certificate of identification may be employed at a foreign port or place, in which case they shall be furnished a continuous discharge book or a certificate of identification at the first port of entry in the United States or its territories at which the vessel arrives after such seamen are so employed. (2 F. R. 703, 707.)

194. *Shipping articles.*—Every American vessel bound on a foreign voyage is required to obtain from the collector of customs of the district from which clearance is made a true and certified copy of the shipping articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations. The shipping articles (articles of agreement) are deemed to contain all the conditions of the contract with the crew as to their service, pay,

voyage, and all other things, and shall be produced by the master, and laid before any consular officer of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners. (46 U. S. C. § 676.)

Shipping articles (Commerce forms 705 and 705A) are made out in triplicate. One of the copies is retained by the shipping commissioner, and the original and a copy given to the master who shall enter therein any changes made in the crew during the voyage. In case of the paying off of any members of the crew during the voyage, they shall be required to sign the mutual release on both the original and the duplicate of the articles whether discharged before a shipping commissioner in an American port or before an American consul in a foreign port. At the completion of the voyage, when the crew is paid off, the mutual release on both the original and the duplicate of the articles must be signed by all members of the crew; and the original copy, which must contain a complete record of the entries made in all continuous discharge books during the voyage and the entries made in all certificates of discharge (Commerce form 718–A) issued during the voyage to seamen holding certificates of identification, shall be forwarded to the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C. The duplicate copy shall be retained by the shipping commissioner. (2 F. R. 707.)

The shipping articles, the evidence of the seaman's contract, are construed with great liberality and most favorably to the seaman. A seaman may show by parol that untrue statements were made to induce him to sign and that the voyage and time of service described in the articles were different from the voyage and time of service described to him before he signed. (Fed. Cas. 3530, 10667.) Shipping articles cannot lawfully provide forfeiture of wages in excess of that provided by statute. (27 Fed. Rep. 567.)

*Additions to shipping articles.*—Consular officers will be careful to enter the shipment of seamen on the original and copy of the articles until the space is exhausted; and whenever it becomes necessary to use additional sheets, they should be firmly attached in duplicate to the articles in such manner that the new sheets cannot be separated from the articles without discovery or mutilation.

*New articles.*—When it is necessary to grant new articles to a vessel, the crew of which was named in articles then closed, the consular officer shall transmit to the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., the properly completed original of the articles then closed, as well as the certificate under his hand and seal (form no. 21), specifying the seamen to whose discharge he has consented, and also those who have died, absconded, or been forcibly impressed into other service, and he shall retain the properly completed duplicate of the same articles. (See sec. 201.)

195. *Status of shipping agents.*—No undue facilities are to be granted to any shipping agent to the exclusion of others of good reputation. The master is entitled, in the absence of controlling local regulations, to employ any agent he may see fit to obtain seamen for shipment on his vessel. The consular officer has no authority to interfere, nor to confer upon any shipping agent privileges which are not conceded to others. He is also without authority to designate such an agent as specially employed by the consular office, or to permit any agent to use a title, such as "American shipping agent" or "United States shipping agent", indicative of a special relation to the consular office. Although it is expected that a consular officer will inform himself as to the reputation of such agents, and will at the request of a master recommend such as he believes to be efficient and trustworthy, he is forbidden to insist upon the employment of any particular agent. Any instance of such partiality or favoritism which shall be proved to the satisfaction of the Department of State will incur its marked disapproval.

3. Article XIII of the Consular Regulations is amended to read as follows:

DISCHARGE OF SEAMEN

199. *Definitions.*—(*a*) *American seamen.*—For the purposes of these regulations the terms "American seamen" and "seamen or mariners of the United States" are synonymous. The following are to be regarded as American seamen within the meaning of the laws relating to the discharge, wages, and extra wages of seamen:

(1) Seamen who are citizens of the United States, shipped in an American vessel, whether in a port of the United States or in a foreign port.

(2) Seamen who are aliens, shipped in an American vessel, in a port of the United States. (See also sec. 264.)

Except as otherwise noted in these regulations, American seamen engaged on fishing or whaling vessels or yachts are considered to have the same rights and to be under the same obligations as seamen on merchant vessels of the United States. (Secs. 189–190; 46 U. S. C. §§ 531, 544.)

A master of an American vessel is a seaman within the intent of the laws relating to discharge, wages, extra wages, relief, and transportation. (11 Op. Att. Gen. 458; 3 Sumn. 209.) In case of destitution abroad, he is entitled to the same relief and transportation as other American seamen.

The principles which are maintained by this Government in regard to the protection as distinguished from the relief of seamen, are well settled. It is held that the circumstance that the vessel is American is evidence that the seamen on board are also American, and that in every regularly documented merchant vessel, the crew will find their protection in the flag that covers them. (140 U. S. 453.)

When a seaman has been shipped in a port of the United States, a statement in the articles or in the seaman's continuous discharge book or certificate of identification that he is an American citizen is prima-facie evidence for the purposes of relief and protection that the seaman is, by birth or naturalization, a citizen. (10 C. Cls. 454.)

(*b*) *Crew.*—The crew of a vessel—the ship's company—in a general sense, comprises all persons who, in pursuance of some contract or arrangement with the owner or master, are on board the same, aiding in the navigation thereof. (49 Fed. Rep. 287.) Every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman." (46 U. S. C. § 713.)

200. *Authority of consular officers to discharge seamen.*—A consular officer is authorized to discharge a seaman upon the application of the master of any vessel or upon the application of any seaman for his own discharge, if it appears to such officer that the seaman has completed his shipping agreement or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States. (46 U. S. C. § 682.)

201. *Obligation of master to procure discharge by consular officers penalty for not returning member of crew.*—The master of every vessel bound on a foreign voyage or engaged in the whale fishery is required by law to exhibit the certified copy of the crew list to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also to produce the persons named in the crew list. For each failure to produce any person on the certified copy of the crew list the master and owner of the vessel are severally liable to a penalty of $400. However, the penalty is not incurred for failure to produce any person named in the crew list who has been discharged in a foreign country with the written consent of a consular officer, certified under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying, absconding, or being forcibly impressed into other service, of which satisfactory proof shall also be exhibited to the collector of the port. (46 U. S. C. § 677.) The master cannot lawfully discharge a seaman in a foreign port without the intervention of the consular officer; and it is not material in such case that the discharge is made with the seaman's consent or that he has misconducted himself, or is not a citizen of the United States. (7 Op. Att. Gen. 349.) (See also sec. 218.)



Whoever, being master or commander of a vessel of the United States, while abroad, maliciously and without justifiable cause forces any officer or seaman of his vessel on shore in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and seamen of such vessel whom he carried out with him, as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be fined not more than $500, or imprisoned not more than six months, or both. (18 U. S. C. § 486.)

202. *Cases in which seamen may be discharged.*—The usual cases in which American seamen are discharged in a foreign port by consular officers, under the provisions of statute and the principles of maritime law, may be stated as follows:

(1) For misconduct of the seaman. (36 Fed. Rep. 442.) (See also secs. 204, 205.)

(2) On the sale of an American vessel abroad. (46 U. S. C. § 684.) (See also secs. 251, 252.)

(3) When the seaman has completed his shipping agreement. (46 U. S. C. §§ 682, 684.)

(4) Upon the complaint of the seaman that the voyage is continued contrary to agreement and the consular officer is satisfied that the voyage has been designedly and unnecessary prolonged in violation of the article of shipment. (46 U. S. C. § 685.) (See also sec. 243*b*.)

(5) For cruel and unusual treatment. (46 U. S. C. §§ 703, 712.) (See also secs. 205, 243*b*.)

(6) After a report by inspectors that the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, and the consular officer approves such finding, and the crew, or any of them, request a discharge. However, if the inspectors report that, in their opinion, the difficulties or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, the crew shall then remain and discharge their duty. (46 U. S. C. § 658.) (See also sec. 243*c*.)

(7) On account of illness or injury incapacitating the seaman for service. (46 U. S. C. § 683.) (See also sec. 207.)

(8) By mutual consent of master and seaman. (46 U. S. C. § 683.) (See also sec. 243*a*.)

(9) When the seaman is arrested and awaits trial for offense against local laws abroad or is imprisoned for such an offense, or is held as a witness; when also he is sent to the United States as a prisoner or witness.

(10) When a seaman is transferred to another vessel in a foreign port, or when he is promoted to be an officer of the vessel, or when an officer is disrated to the grade of seaman, or when any member of the crew is disrated. (9 Fed. Rep. 222; 290 Fed. Rep. 806.)

(12) When the master is superseded by the majority owners and a new master appointed (46 U. S. C. § 227), or when he is removed by the consular officer. This clause does not refer to the crew, who are not entitled to be discharged when the master is thus superseded or removed. (See sec. 208.)

(13) When the master fails to comply with the following provision of law:

"In all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, lakes (other than Great Lakes), bays, sounds, bayous, and canals, exclusively, the licensed officers and sailors, coal passers, firemen, oilers, and water tenders shall, while at sea, be divided into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; nor shall any licensed officer or seaman in the deck or engine department be required to work more than eight hours in one day; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when in the judgment of the master or other officer the whole or any part of the crew are needed for maneuvering, shifting berth, mooring, or unmooring, the vessel or the performance of work necessary for the safety of the vessel, her passengers, crew, and cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea, from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, or other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, eight hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section and the regulation issued thereunder, the owner shall be liable to a penalty not to exceed $500, and the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to vessels engaged in salvage operations: Provided, That in all tugs and barges subject to this section when engaged on a voyage of less than six hundred miles, the licensed officers and members of crews other than coal passers, firemen, oilers, and water tenders may, while at sea, be divided into not less than two watches, but nothing in this proviso shall be construed as repealing any part of section 4463 of the Revised Statutes." (46 U. S. C. Supp. § 673.)

203. *Records regarding discharge.*—Upon the discharge of any seaman in a foreign port, the master shall make the proper entries in the continuous discharge book and on the ship's articles [sec. 194], and such entries shall be attested to by the consular officer. If the seaman possesses a certificate of identification the matter of the vessel shall issue to the seaman a certificate of discharge on Commerce form 718–A and make the required entries therein which shall be attested by the consular officer. If the seaman has lost his continuous discharge book or certificate of identification, the master shall furnish him with a temporary certificate of discharge, Commerce form 719–A, attested to by the consular officer and note this fact on the articles. (2 F. R. 602.)

Consular form no. 17, certificate of discharge of seamen to be attached to crew list and shipping articles, shall be executed by the consular officer and fastened securely to the crew list and shipping articles.

204. *Discharge without consent of seamen.*—It is the general policy of the laws of the United States to discontenance the discharge of seamen in a foreign port. (Fed. Cas. 5244, 10262.)

When the application for the discharge of a seaman is made by the master, it is the duty of the consular officer to inquire carefully into the facts and circumstances, and to satisfy himself that good and substantial reasons exist for a discharge before granting the application. (59 Fed. Rep. 790; 299 Fed. Rep. 977.)

A seaman is not to be discharged for slight or venial offenses, nor for a single offense, unless of a very aggravated character. If the seaman is charged with insubordination, it should satisfactorily appear that he is incorrigibly dis-

obedient and will not submit to his duty, and that he persists in such conduct. Gross dishonesty, habitual drunkenness, and a disposition to instigate broils and quarrels to the destruction of the discipline of the crew have been held to be sufficient ground for discharge. But it is otherwise if the offense is temporary, and if the offender is repentant and is willing to change his conduct and return to duty. (Fed. Cas. 3234, 6955; 22 Fed. Rep. 927; 36 Fed. Rep. 442.)

205. *Discharge for misconduct or incompetence.*—Generally, the grounds on which a seaman may be discharged, when insubordination or bad conduct is alleged, are such as amount to a disqualification and show him to be an unsafe or unfit man to have on board a vessel. (Fed. Cas. 13117.) The consular officer must be satisfied that the officer or seaman is incompetent to perform the work he has contracted to do, or that he has been guilty of such acts of insubordination as to make him dangerous to a man of ordinary firmness, or that his habitual misconduct (such as drunkenness, for instance) amounts to unfitness for duty, or, if an officer, that he has been guilty of habitual cruelty. Except for good reasons and in extraordinary circumstances, seamen should not be discharged at a foreign port when the vessel is homeward bound.

206. *Discharge for cruel or unusual treatment.*—In all cases where complaint is made by a seaman of cruel or unusual treatment, the consular officer shall inquire into the facts and upon his being satisfied as to the truth and justice of the complaint, he may discharge the seaman and shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which the seaman was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman. (46 U. S. C. § 685.) The officer discharging said seaman shall enter upon the ship's articles, crew list, and official log, the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and the master's reply thereto, if any, shall likewise be entered and subscribed in the same manner. (46 U. S. C. § 703.)

In all cases where a seaman has been charged with desertion and the circumstances claimed by the master to establish the desertion are later found to be the result of cruel or unusual treatment of the seaman, the consular officer should take action as directed in the preceding paragraph. If such action is not possible, he should supply the facts in the case to the consular officer at the next port at which the vessel is scheduled to arrive and to the Department for transmission through the Department of Commerce to the shipping commissioner. The rights of the seaman are not dependent upon the fact he has deserted, but upon the treatment he has received. (Sec. 294.)

207. *Discharge for illness or injury.*—Whenever a seaman is discharged on account of illness or injury incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen. At the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated for service by injury or illness is on board a vessel so situated that a prompt discharge requiring a personal appearance of the master of the vessel before an American consular officer is impracticable, such seaman may be sent to a consular officer who shall care for him and defray the cost of his maintenance and transportation. (46 U. S. C. § 683.)

208. *Change or removal of master.*—(a) *By owners.*—Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master who is not an owner. This provision does not apply where there is a valid written agreement subsisting, by virtue of which the master would be entitled to possession. 46 U. S. C. § 227.) Consular officers are occasionally called upon to assist in the removal of a master under this statute. They will not hesitate to lend their services under such circumstances, but it is desirable for their own protection that they should satisfy themselves that the parties applying to them are duly authorized for the purpose. It is advisable, also, if there is time to do so, to refer the case to the Department of State for instructions.

(b) *By consular officer.*—The removal of a master, without prior authorization of the owners of the vessel as prescribed by the preceding paragraph, should not be effected except where the emergency is so great that action must be taken before such authorization can be procured by telegraph. If the master is seriously ill or is disabled by a permanent injury, the consular officer may remove him, although any action in this regard should ordinarily be undertaken with the consent of the master or of the owners. Other instances which may call for the removal of the master and the appointment of another to complete the voyage include the insanity of the master, his gross incompetency endangering the lives of the passengers or crew, his misconduct or collusion with others to the serious injury of the owners or insurers, or when he has been guilty of flagrant abuse of passengers or crew. However, the grave responsibility attaching to the exercise of this extreme power will suggest to consular officers that any final action should be taken only after careful deliberation and for good and sufficient cause, and, insofar as possible, after receiving authorization either directly from the owners of the vessel or a majority thereof or their agents, or through the Department of State. Any action that may be taken by consular officers in connection with the removal of masters of vessels should be reported promptly and fully to the Department of State.

4. Sections 58, 196 to 198, inclusive, 209 to 217, inclusive, and 254 of the Consular Regulations are canceled.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Oct. 16, 1937.*

[No. 7729]

[F. R. Doc. 37-3066; Filed, October 18, 1937; 2:57 p. m.]

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## TREASURY DEPARTMENT.

### Accounts and Deposits.

[1937—Department Circular No. 327 (Revised)]

REGULATIONS AND INSTRUCTIONS GOVERNING THE ISSUE OF DUPLICATES[1] OF CHECKS OF THE UNITED STATES

The following regulations and instructions governing the issue of duplicates of checks drawn by officers or agents of the United States are hereby established pursuant to Section 3646 of the Revised Statutes of the United States as amended by the Act approved July 8, 1937, known as the Government Losses in Shipment Act, and Section 3647 of the Revised Statutes of the United States, as amended. The requirements contained herein must be strictly observed except as the Secretary of the Treasury, being satisfied that observance thereof is not necessary to carry out the purposes of the law and these regulations, may waive or modify any such requirement.

GENERAL REGULATIONS

1. *Advice of nonreceipt or loss.*—In the event of the nonreceipt or loss of a check issued by an officer or agent of the United States, the owner, better to protect his interest,

[1] The word "duplicate" as used herein means a "substitute, marked duplicate" as provided in section 9 of the Government Losses in Shipment Act (Public No. 192, 75th Congress, approved July 8, 1937).



should immediately notify the Treasurer of the United States or other drawee, describing the check, stating the name of the officer or agent of the United States by whom the check was drawn, giving, if possible, its date, number, and amount, and requesting that payment be stopped.

Upon receipt of such request, if the check is found to be outstanding, a form of affidavit, and in appropriate cases a bond of indemnity (Form No. 2244 or 2244a) will be prepared in the Treasurer's office and transmitted for execution by the claimant. The bond and affidavit, when duly executed according to instructions, must be transmitted to the officer or agent who issued the original check.

2. *Affidavit of nonreceipt or loss.*—An affidavit in substantially the form prescribed, Form 2244, 2244a, 2244b, or 2244c,[1] as the case may be, must be executed by the claimant and submitted to the officer or agent who drew the original check, with a bond of indemnity or application (Form 2244b or 2244c), giving the claimant's name and residence in full, *describing the check, and all endorsements thereon, showing the claimant's interest therein and detailing the circumstances attending its nonreceipt or loss.* The affidavit must be made and signed before a notary public or other officer authorized by law to administer oaths for general purposes, who must certify that he administered the oath. If executed in a foreign country, the affidavit must be made before a notary public or before a diplomatic or consular officer of the United States.

If a corporation or association, etc., is the claimant, an officer thereof must make and sign the affidavit individually, but on behalf of the corporation or association.

If a partnership is the claimant or if the check is owned jointly by two or more persons, all partners or joint owners must execute the affidavit.

3. *Issue of duplicate.*—After the expiration of thirty days from the date of the original check, and before the close of the fiscal year following the fiscal year in which it was issued, the officer or agent will prepare a duplicate, which must be an exact transcript of the original, special care being taken that the number, date and name of the payee correspond to those of the original. In the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, duplicates may be issued without limitation of time. The officer or agent will then, without delay, forward the bond (Form 2244 or 2244a) or application, (Form 2244b or 2244c) and the duplicate check to the Secretary of the Treasury, (Division of Bookkeeping and Warrants). The bond or application and the information obtained shall be examined by the Division of Bookkeeping and Warrants, and if satisfactory, shall be approved and the duplicate check certified, by direction of the Secretary, by the Chief or the Assistant Chief, Division of Bookkeeping and Warrants. In the event the claimant is someone other than the payee of the original check, he should present clear and satisfactory evidence of his ownership to the Division of Bookkeeping and Warrants. Upon a finding by the Chief or the Assistant Chief of the Division that the claimant is the lawful owner of the original check, a duplicate may be issued to the claimant, payable to such claimant through an endorsement on behalf of the Secretary to that effect.

Certification of approval shall be made in writing on the application or bond as well as on the duplicate check. Any duplicate issued in pursuance of these Regulations and Instructions, and certified as provided above, may, if properly endorsed, be paid subject to the same rules and regulations as apply to payment of original checks; but no duplicate shall be paid if the original has already been paid.

No bond of indemnity shall be required in any of the following classes of cases except as hereinafter provided:

(*a*) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States; or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act;

(*b*) If substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

(*c*) If the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States;

(*d*) If the amount of the check is less than $50 and the Secretary of the Treasury is satisfied that the giving of a bond of indemnity would be an undue hardship to the owner or holder;

(*e*) If the owner or holder is a State or political subdivision thereof, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank;

*Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

Where the amount of the check is not more than $20 and the original check has not been received by the payee, it will ordinarily be presumed that the giving of a bond of indemnity would be an undue hardship to the owner. In cases falling within the provisions of subsection (*a*) (*b*) (*c*) (*d*) and (*e*) of this section, application for the issuance of a duplicate check without a bond of indemnity shall be made on form 2244b or 2244c. Additional affidavits and evidence may be required.

4. *In case the officer or agent of the United States is dead or no longer in the service of the United States.*—In case of the loss of a check issued by an officer or agent, other than the Treasurer of the United States or the Secretary of the Treasury, who is dead or no longer in the service of the United States, the affidavit and bond required to be furnished by the owner of said check to an officer or agent in the service of the United States, prior to the issue of a duplicate check, should be forwarded to the Secretary of the Treasury, who will refer them to the General Accounting Office for examination and the statement of an account in favor of the owner of said check, as provided in section 3647 of the Revised Statutes of the United States, as amended, and Section 307 of the Act of June 10, 1921. Payment will then be made by a check issued pursuant to such statement of account.

5. *Recovery of original.*—In the event of the recovery of the original check, after the issuance of the duplicate, it must be surrendered to the Secretary of the Treasury for cancellation. If the check has been recovered before the issuance of a duplicate, the Treasurer of the United States or other drawee should be immediately notified and removal of the stoppage requested.

6. *Errors, erasures, etc.*—Care should be exercised in the execution of the bond to avoid erasures and corrections. If, however, a correction should be necessary, and it is impracticable to obtain another form, a separate notation should be made on the margin of the bond, setting forth the change or correction, which statement should be signed by principal and sureties. For example:

The change in the date, line 13, to August 18, 1937, (or recite other change) was made with full knowledge and consent of the undersigned ---------- (Principal) ---------- (Surety) ---------- (Surety).

There shall be no deviation from the printed bond form, except as may be authorized by the Secretary of the Treasury.

[1] Forms filed with the Division of the Federal Register, The National Archives; copies available upon application to the Treasury Department.

7. *Penalty.*—The penalty of the bond should be in multiples of Five Dollars, and shall be at least equal to the amount of the check, plus 10 per cent, but in no case shall the bond be in an amount less than $10.

INSTRUCTIONS FOR EXECUTING BOND OF INDEMNITY

8. *Names and residence.*—The name, including first name, middle initial if any, and last name of the principal and each surety, together with their addresses, by street, number, city and state, must be given in the first paragraph of bond. The names and addresses should be printed or typewritten, or otherwise clearly written.

9. *Signature and seal.*—The principal and each surety must sign the bond at the foot thereof, by first name, middle initial if any, and last name, to correspond with his name as shown in the first paragraph of bond. A corporate principal or surety must affix its corporate seal.

10. *Witnesses.*—The signature of a witness must appear in the appropriate place, with his full address, with a showing as to whose signature he has witnessed. Signatures of corporations may be attested. If the signature of a witness is illegible the name should be indicated by printing or typewriting.

11. *Corporation as principal.*—If the principal is a corporation, the first and second lines of bond must be filled in thus: "(name of corporation) ---------- by ---------- (an officer duly authorized)." The bond must be signed: "(name of corporation) ----------, by ---------- (name and title of authorized officer)." Seal of the corporation must be affixed to its signature. If the corporation has no impression seal, the fact shall be stated, in which case a scroll or adhesive seal shall appear following the corporate signature.

The official character and authority of the person or persons executing the bond in the name of the principal shall be certified by the Secretary of other officer (who shall be an officer other than the officer executing the bond) on the form at bottom of bond. In lieu of such certificate there may be attached to the bond copies or so much of the records of the principal as will show the official character and authority of the officer signing, duly certified as correct under the corporate seal by the Secretary or other authorized officer as aforesaid. If the corporation has no seal, such records of authority must be sworn to by the certifying officer before a person authorized to administer oaths for general purposes, and such person must affix his seal.

12. *Unincorporated companies, societies, lodges, etc., as principal.*—The instructions pertaining to corporations govern. See paragraph No. 11 of the Regulations and Instructions.

13. *Partnerships.*—If the principals are partners, their individual names shall appear on lines one and two of bond, followed by the recital that they are all the partners composing a firm, naming it, and all the members of the firm shall sign the bond as individuals. All members of the firm must execute the affidavit.

14. *Assumed business title.*—If the principal is doing business under an assumed business title, his individual name shall appear on line one of the bond, followed by the recital that he is the sole owner of the firm, naming it, and he shall sign the bond as an individual. He must also execute the affidavit as an individual, showing that he is the sole owner of the firm.

15. *Joint ownership.*—If the check is owned jointly by two or more persons, all such joint owners must execute the bond as principal and execute the affidavit.

16. *Sureties.*—The surety on the bond may be a corporation authorized by the Secretary of the Treasury, or two responsible individuals, unless the amount of the original check is less than $50, in which case one responsible surety may be accepted. The sureties, if individuals, must be citizens and residents of the United States, except that sureties on bonds executed in the Canal Zone, the Philippine Islands, Puerto Rico, Hawaii, Alaska, or any possession of the United States need not be citizens of the United States, but if not citizens of the United States they shall be domiciled in the place where the principal resides.

When the principal resides in a foreign country and it is impracticable to obtain citizens and residents of the United States as sureties, or a duly qualified corporate surety, other sureties may be accepted, provided their sufficiency as such is certified by a diplomatic or consular officer of the United States.

A firm, as such, will not be accepted as surety, nor a partner for co-partners.

When approved corporate surety or responsible individual sureties cannot be obtained, the Secretary of the Treasury will give consideration to the acceptance of other security.

17. *Sufficiency of sureties.*—The sufficiency of individual sureties must be certified by one of the following-named officers; an executive officer of an incorporated bank or trust company, or manager of a branch thereof, over his official designation and seal of the bank or trust company; postmaster; judge or clerk of court; collector or deputy collector of internal revenue; collector or deputy collector of customs; United States commissioner; United States district attorney; assistant United States district attorney; United States marshal; notary public; justice of the peace; a commissioned officer of the Army, Navy or Marine Corps, or Coast Guard for sureties in the military, naval or coast guard service respectively; an Army reserve officer in command at Civilian Conservation camps for sureties in the Civilian Conservation Corps; or a diplomatic or consular officer of the United States in case of sureties resident in foreign countries. This certificate must be made by a disinterested person.

Affidavits as to the financial qualifications of individual sureties may be required when deemed advisable.

18. This circular supersedes Treasury Department Circular No. 327, dated October 14, 1924, and subsequent amendments thereto, and all previous regulations governing the issuance of duplicate checks of disbursing officers; also Department Circular No. 54 (Treasurer U. S.) Revised, dated June 28, 1932, governing the issuance of duplicate Treasurer's checks and interest checks. The Secretary of the Treasury may withdraw or amend at any time or from time to time any or all of the foregoing rules and regulations.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3073; Filed, October 19, 1937; 1:07 p. m.]

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**Bureau of Internal Revenue.**

[T. D. 4769]

SIX-MONTH INFORMATION RETURN PRESCRIBED FOR JULY 1 THROUGH DECEMBER 31, 1937, UNDER TITLE VIII OF SOCIAL SECURITY ACT

QUARTERLY RETURNS FOR SUCH PERIOD ABOLISHED

*Regulations 91 Amended*

*To Collectors of Internal Revenue and Others Concerned:*

Regulations 91, approved November 9, 1936, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, are amended by striking out subdivision (c) of article 402 which prescribes quarterly information returns for periods beginning after June 30, 1937, and by inserting in lieu thereof the following new subdivisions:

"(c) *Information return for period July 1, 1937, to December 31, 1937.*—Every employer shall make an information return on Forms SS-2 and SS-2a, for the period July 1, 1937, to December 31, 1937, both dates inclusive.

"(d) *Quarterly information returns.*—Every employer shall make an information return on Forms SS-2 and SS-2a for the period January 1, 1938, to March 31, 1938, both dates inclusive, and for each subsequent period of three calendar months ending June 30, September 30, December 31, and March 31."

Regulations 91 are further amended by striking out the following sentences of article 403, relating to information returns on Form SS-3 for employees who attain age 65 or die:

"If the employee attains age 65 or dies on or after July 1, 1937, the return shall cover the period beginning with the first day of the quarter in which the attainment of age 65 or the death occurs and ending on the date on which the return is completed for filing, both dates inclusive. (See article 402 (c) for the 3-month periods which constitute quarters within the meaning of provisions of these regulations relating to returns.)",

and by inserting in lieu thereof the following:

"If the employee attains age 65 or dies within the period July 1, 1937, to December 31, 1937, both dates inclusive, the return shall cover the period from July 1, 1937, to the date the return is completed for filing, both dates inclusive. If the employee attains age 65 or dies on or after January 1, 1938, the return shall cover the period beginning with the first day of the quarter in which the attainment of age 65 or the death occurs and ending on the date on which the return is completed for filing, both dates inclusive. (See article 402 (d) for the 3-month periods which constitute quarters within the meaning of provisions of these regulations relating to returns.)".

This Treasury Decision is prescribed under the authority contained in sections 807 and 808 of the Social Security Act.

[SEAL] CHAS. T. RUSSELL,
*Acting Commissioner of Internal Revenue.*

Approved, October 15, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3065; Filed, October 18, 1937; 2:52 p. m.]

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**Federal Alcohol Administration Division.**

SECOND SUPPLEMENTAL NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENTS TO REGULATIONS NO. 5 RELATING TO LABELING AND ADVERTISING OF DISTILLED SPIRITS

*To Add to the Subjects To Be Considered at the Hearing To Be Held by the Administration on Monday, November 15th, a Revision of the Standard of Identity for Blended Malt Whiskeys and Certain Other Proposals*

OCTOBER 18, 1937.

Pursuant to the provisions of Section 5 (e) of the Federal Alcohol Administration Act as amended:

Notice is hereby given that in addition to the proposals listed in the Administration's Notices of Hearing dated October 1, 1937, and October 8, 1937, concerning which evidence will be taken at the Hearing to be held on November 15th at 10:00 A. M. at the Mayflower Hotel, Washington, D. C., evidence will also be taken at that time and place with reference to the further proposed amendment of Regulations No. 5 relating to the labeling and advertising of distilled spirits:

1. To amend Article II, Section 21, Class 2 (h) and other pertinent provisions of the regulations in such manner as to reduce the required minimum content of straight malt whiskey or straight rye malt whiskey in "blended malt whiskey" and "blended rye malt whiskey" from 51% by volume to 25% by volume.

2. To amend Article II, Section 21, Class 7 (e) and other pertinent provisions of the regulations in such manner as to clarify the phrase "harmless coloring or flavoring materials" appearing therein or to more definitely state what materials may be added to the various classes and types of distilled spirits without altering the class or type designations thereof.

[SEAL] W. S. ALEXANDER, *Administrator.*

[F. R. Doc. 37-3074; Filed, October 19, 1937; 1:08 p. m.]



**DEPARTMENT OF THE INTERIOR.**

**General Land Office.**

AIR NAVIGATION SITE WITHDRAWAL NO. 112, CALIFORNIA

OCTOBER 12, 1937.

It appearing that the following-described public lands are necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section four of the act of May 24, 1928 (45 Stat. 728), that such lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for use by the Department of Commerce in the maintenance of air navigation facilities:

SAN BERNARDINO MERIDIAN

T. 6 N., R. 17 E., sec. 10, S½ SE¼, 80 acres;
T. 8 N., R. 21 E., sec. 32, E½, 320 acres.

OSCAR L. CHAPMAN,
*First Assistant Secretary.*

[F. R. Doc. 37—3067; Filed, October 19, 1937; 9:46 a. m.]

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**FEDERAL POWER COMMISSION.**

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Order No. 46]

TRANSFERS OF SECURITIES BY PUBLIC UTILITIES

Whereas Section 307 (a) of the Federal Power Act empowers this Commission to investigate any facts, conditions, practices or matters which it may find necessary or proper to aid in the enforcement of the provisions of said Act, or in prescribing rules and regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation, and

Whereas proper control by public utilities of their liquid assets is necessary to enable them to render adequate service to the public, and

Whereas Section 301 of the Federal Power Act authorizes the Commission to determine the accounts in which particular items shall be entered, charged or credited by public utilities subject to its jurisdiction and examine the books, accounts, memoranda, and records of such public utilities and inspect the physical property, securities and other evidences of value appearing as assets in the books and accounts of such public utilities, and

Whereas it has been brought to the attention of the Commission that certain public utilities subject to its jurisdiction have been directed by an affiliated company or companies, having or purporting to have control over such public utilities, to transfer securities, which form part of their assets and which are customarily held at division or local offices or in safety deposit boxes at local banks, to a certain depositary or depositaries in the City of New York, where they may be hypothecated or otherwise put beyond control of said public utilities, in such manner and to such extent as to affect the ability of said utilities to render adequate service and to impede or prevent proper examination by the Commission or its agents of the accounts, books, records, and properties of said utilities, and it appearing that certain of said public utilities subject to the jurisdiction of the Commission are about to make such transfers of securities;

Now, therefore, in order to aid the Commission in the performance of its duties and functions under the Federal Power Act and in prescribing rules and regulations thereunder; and to secure information as a basis for the recommendation of legislation to the Congress;

*It is ordered:*

1. That an investigation be instituted forthwith for the purpose of determining the extent to which public utilities

subject to the jurisdiction of the Commission have been ordered or directed to carry out transfers of securities in the manner aforesaid and for the further purpose of ascertaining the degree in which such proposed transfer or transfers of securities would affect the adequacy of service performed by said public utilities and impede or prevent proper examination of their accounts, books, records, and properties and otherwise interfere with the performance by the Commission of its duties under the Federal Power Act.

2. That all public utilities subject to the jurisdiction of this Commission be and they are hereby directed and required to retain in their custody all bonds, stocks, notes and other securities of every description forming part of their assets, until further order or orders of this Commission, pending the conduct of the investigation ordered herewith; *Provided, however,* That upon notice to this Commission, any public utility may pledge such securities, notes receivable or collateral applicable to such notes, or sell or otherwise dispose of the same for some lawful purpose within the corporate powers of such utility, and compatible with the public interest and which may be reasonably necessary or appropriate in the conduct of its business.

3. That the officers, agents and employees of the Commission are authorized to serve certified copies of this order forthwith upon such public utilities as may be specified by the Commission and to conduct such examination of the accounts, books, records and properties of such public utilities as may be necessary for the purposes of this investigation.

4. This order shall become effective as of October 18, 1937.

Adopted by the Commission on October 18, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3068; Filed, October 19, 1937; 12:45 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

### SUSPENSION OF TRADING, WITHDRAWAL, AND STRIKING FROM LISTING AND REGISTRATION

### AMENDMENT OF RULE JD2, PARAGRAPH (B) UNDER SECURITIES EXCHANGE ACT OF 1934

OCTOBER 15, 1937.

The Securities and Exchange Commission deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 (d) and 23 (a) thereof, hereby amends paragraph (b) of Rule JD2 to read as follows:

RULE JD2. *Suspension of trading, withdrawal, and striking from listing and registration.*—

(b) (1). An application by an issuer or an exchange to withdraw or strike a security from listing and registration pursuant to Section 12 (d) shall be made in accordance with the following requirements:

(A) The application shall be made in triplicate, shall be signed and sworn to by an officer of the applicant authorized to do so, and shall set forth the source of the authority of such officer. If the applicant is the issuer it shall forward promptly a copy of the application to the exchange and if the applicant is the exchange it shall forward promptly a copy of the application to the issuer;

(B) The application shall cite the paragraph designation of each provision of the Constitution, by-laws or rules of the exchange, if any, which relates to such a withdrawal or striking, and shall set forth the steps taken by the applicant to satisfy the requirements of such provisions;

(C) The application shall state the reasons for such proposed withdrawal or striking, together with all material facts relating thereto and such facts as in the opinion of the applicant have a bearing on whether the Commission should impose any terms for the protection of investors;

(2) If the application is made by the issuer, such issuer, if so directed by the Commission, shall promptly send notice of such application to all known holders of the security which is the subject of the application. Such notice shall state the time and place of hearing on the application and shall advise such security holders of their right to present their views by appearing at such hearing or writing the Commission on the subject of what terms, if any, should be imposed for the protection of investors in granting the application.

(3) The application may state that the applicant pursuant to this rule offers the application in evidence at any hearing on such application. If such an offer is made, the application shall be received in evidence at the hearing as proof in support of the allegations therein without the necessity of the applicant appearing and introducing further evidence, unless

(A) counsel for the Commission objects, or

(B) a holder of the security which is the subject of the application, the issuer or the exchange involved, or any other person having a bona fide interest in such proceeding appears and objects.

(4) If counsel for the Commission intends to object to the admission in evidence of the application or in advance of the hearing date is apprised of the intention of any person having a bona fide interest in the proceeding to appear in opposition to the application, he shall promptly advise the applicant thereof. If such objection or opposition is first made at such time that seasonable notice thereof cannot be given to the applicant, and the applicant does not appear, the hearing shall be continued to permit the applicant to appear and support its application at the adjourned date thereof. Unless the Commission otherwise directs, the application shall be dismissed if the applicant fails to appear and support its application after it has been notified by counsel for the Commission of such objection or opposition.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3064; Filed, October 18, 1937; 1:38 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1937.

[File No. 46-76]

### IN THE MATTER OF THE MIDDLE WEST CORPORATION

### NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by the Middle West Corporation, a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval for the acquisition of unsecured notes of the Copper District Power Company, a subsidiary of the applicant, in an amount not to exceed $50,000, to mature within 9 months from date of issue and bearing interest at 4½%; a declaration for the issuance and sale of those notes and others having been previously filed with this Commission; and the Commission having heretofore by its order dated October 15, 1937 ordered a hearing upon said declaration;

*It is ordered,* That a hearing on such matter joined with the hearing on said declaration be held on October 28, 1937, at ten o'clock in the forenoon of that day at Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 25, 1937.

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3071; Filed, October 19, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1937.

[File No. 46-74]

### IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION

### NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by United Public Utilities Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of a promissory note of Louisiana Ice and Coal Company, Inc., applicant's wholly-owned subsidiary, in the principal amount of $933,531.10 to be dated January 1, 1937, to bear interest at the rate of 6% per annum, if earned, and to be due January 1, 1945, said note to be issued in exchange for a demand note of said issuer having like principal amount;

*It is ordered,* That a hearing on such matter be held on November 4, 1937, at ten o'clock in the forenoon of that day at Room 209, Securities and Exchange Building 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 30, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R Doc. 37-3069; Filed, October 19, 1937; 12:52 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1937.

[File No. 46-75]

### IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION

### NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by United Public Utilities Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by applicant of a promissory note of Cap F. Bourland Ice Company, applicant's wholly-owned subsidiary, in the principal amount of $2,964.16 to be dated January 1, 1937, to bear interest at 6% per annum, and to be due January 1, 1945, said note to be issued in exchange for a demand note of said issuer having like principal amount;

*It is ordered,* That a hearing on such matter be held on November 4, 1937, at ten o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representatative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 30, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3070; Filed, October 19, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of October, 1937.

[File No. 1-2946]

### IN THE MATTER OF THE SILEX COMPANY COMMON STOCK NO PAR VALUE

### ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Silex Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10:00 o'clock A. M. on Thursday, November 18, 1937, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3072; Filed, October 19, 1937; 12:52 p. m.]

*Thursday, October 21, 1937* *No. 204*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Issued October 19, 1937

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1937 CROP OF LOUISIANA SUGARCANE, PURSUANT TO THE SUGAR ACT OF 1937

Whereas, Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

"(d) That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing."

and

Whereas, the Secretary of Agriculture, on October 4, 1937, held a public hearing in Baton Rouge, Louisiana, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1937 crop of Louisiana sugarcane.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby determine fair and reasonable prices for the 1937 crop of Louisiana sugarcane to be paid by processors who, as producers, apply for payments under the said act, as follows:

1. Not less than $1 per ton of par sugarcane for each one cent of the price of one pound of 96° raw sugar, duty paid basis, based on the simple average of the weekly quotations of 96° raw sugar, duty paid basis, on the Louisiana Sugar and Rice Exchange, Inc., (or upon such quotations as the Secretary may elect to use for the purpose), for the weeks from October 18, 1937, to March 1, 1938, when the price of 96° raw sugar, duty paid basis, is three and one-half cents per pound, provided, however, that for each decline of one-fourth cent in the price of one pound of 96° raw sugar, duty paid basis, determined as above, below three and one-half cents per pound, the price for Louisiana par sugarcane shall be reduced by not more than 3 percent with intervening prices in proportion, unless the price of sugar falls below two and three-fourths cents per pound, in which case no further reduction shall be made, and provided, also, that for an advance of one-fourth cent in the price per pound of 96° raw sugar, duty paid basis, determined as above, over three and one-half cents per pound, the price of Louisiana par sugarcane shall be increased by not less than 3 percent with intervening prices in proportion; and provided further:

(*a*) That par sugarcane, for the purpose of this determination, shall be defined to be sugarcane containing no more sucrose in the normal juice than was defined as par sugarcane by the processor in his sugarcane purchase contract, verbal or written, used in the crop year 1935, and

(*b*) That the premiums paid for sugarcane containing more sucrose in the normal juice than that defined as par sugarcane in the contract or contracts under the terms of which the processor purchased sugarcane in the 1935 crop shall not be less than those paid by such processor during the 1935 crop, provided, however, that in no case shall the premium be less than seven-tenths of one percent for each full one-tenth of one percent by which the sucrose in the normal juice exceeds 12½ percent, and provided further, that the discounts applied for sugarcane containing less sucrose in the normal juice than that defined as par sugarcane in the 1935 purchase contract or contracts shall be used, except that in no case shall the discount be greater than 2 percent for each full one-tenth of one percent by which the sucrose falls below that of par sugarcane until it reaches 9½ percent, and

(*c*) That the processor shall not, through modification of any provisions of the cane purchase contract or through any subterfuge or device whatsoever, reduce the returns from the 1937 crop of Louisiana sugarcane to the grower below those determined above.

Done at Washington, D. C., this 19th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE.

[F. R. Doc. 37-3075; Filed, October 19, 1937; 3:28 p. m.]

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[General Sugar Quota Regulations, Series 4, No. 3]

Issued October 20, 1937

SUGAR CONSUMPTION REQUIREMENTS FOR THE CALENDAR YEAR 1937 FOR THE TERRITORY OF HAWAII AND FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

(1) It is hereby determined, pursuant to section 203 of the said act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1937 is 30,600 short tons of sugar, raw value; and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1937 is 72,396 short tons of sugar, raw value.

(2) There are hereby established, pursuant to section 203 of the said act, quotas for local consumption in the Territory of Hawaii and in Puerto Rico equal to the amounts hereinbefore determined.

II

For the calendar year 1937, all persons are hereby forbidden, pursuant to section 209 of the said act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area has been filled.

Done at Washington, D. C., this 20th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3081; Filed, October 20, 1937; 12:42 p. m.]



### Farm Security Administration.

[Administration Order 217 (Supplement)]

RULES AND REGULATIONS RELATING TO CONDITIONS OF EMPLOYMENT FOR NON-APPOINTIVE WORKERS [1]

OCTOBER 20, 1937.

1. Effective as of July 1, 1937, paragraphs 5f and 5h VI of AO 217 are revised, in conformance with provisions of the Emergency Relief Appropriation Act of 1937, to read as follows:

"5f. When the project manager, community manager or resident engineer has determined the workers to be released for private employment, he will record such release on WPA Form 403, 'Notice of Change in Work Status', and will notify the workers involved to report to the USES or the WPA for referral to the applying employers. No person employed on a work project and certified as in need of relief who refuses a bona fide offer of private employment, under reasonable working conditions, which pays as much or more in compensation for the same length of service as such person receives or could receive under the Emergency Relief Appropriation Act of 1937 and who is capable of performing such work, shall be retained in employment under the Emergency Relief Appropriation Act of 1937 for the period such private employment would be available. At the request of the USES or other employment office, the project manager, community manager or resident engineer will give to the released worker a copy of the said Notice and the 'Referral Card' made out by the employment office, and direct him to the prospective employer."

"5h. VI That any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status if he is still certified as in need of relief and has lost the private employment through no fault of his own."

2. Recipients will mark AO 217 at the points indicated above to insure reference hereto.

[SEAL] WILL W. ALEXANDER,
*Administrator.*

Approved,

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3082; Filed, October 20, 1937; 12:42 p. m.]

[1] Supersedes pars. 5f and 5h VI of AO 217—12/31/36.

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 146]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 14, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Idaho 8010C Nez Perce | $287,000 |
| Indiana 8021 Bartholomew (partial) | 95,000 |
| Minnesota 8053B Waseca (partial) | 195,000 |
| Missouri 8030 Laurence (partial) | 150,000 |
| Missouri 8019B Boone | 30,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3076; Filed, October 20, 1937; 10:08 a. m.]

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[Administrative Order No. 147]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 14, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Georgia 8063 Rabun | $10,000 |
| Illinois 8023B Sangamon (partial) | 100,000 |
| Iowa 8009D Scott (partial) | 270,000 |
| Minnesota 8063C Scott | 50,000 |
| Mississippi 8021C Coahoma | 47,000 |
| Washington 8018B Spokane (partial) | 154,000 |
| Amendment: Transfer of $90,000 from Washington 18G Spokane. | |
| Missouri 8026W Ralls | 10,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3077; Filed, October 20, 1937; 10:08 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of October, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE CRON AND GRACEY-THOMPSON TRACT, FILED ON SEPTEMBER 22, 1937, BY T. S. HOSE, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

*It is ordered,* That consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

*It is further ordered,* That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3079; Filed, October 20, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of October, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SINCLAIR ET AL.—HOLLENBACK-NORMAN TRACT, FILED ON SEPTEMBER 20, 1937, BY ALEX MACDONALD, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

*It is ordered,* That consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but

the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

*It is further ordered,* That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3078; Filed, October 20, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of October, 1937.

[File No. 7-207]

IN THE MATTER OF INTERBOROUGH RAPID TRANSIT COMPANY
COMMON STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the Boston Stock Exchange in Interborough Rapid Transit Company Voting Trust Certificates representing Common Stock, $100 Par Value, having been permitted by action of this Commission on September 28, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered,* That the determination sought by said application be and the same is hereby made, effective upon the issuance of such securities to the holders of the Voting Trust Certificates.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3080; Filed, October 20, 1937; 12:41 p. m.]

*Friday, October 22, 1937* *No. 205*

## PRESIDENT OF THE UNITED STATES.

PACIFIC MERCADO (INTERNATIONAL EXPOSITION) AND WORLD'S FAIR

By the President of the United States of America

A PROCLAMATION

WHEREAS Public Resolution 73, 75th Congress, approved August 26, 1937, recites that "there is to be held in the City of Los Angeles, State of California, commencing in the year 1940, a continuing international exposition to be known as the Pacific Mercado, designed to promote closer relations and better understandings among the countries and nations of the world, through the furtherance of trade, industry, and cultural arts, by gathering, arranging, and exhibiting the varied cultures of such countries and nations and the origins, progress, and accomplishments in science, the arts, education, industry, business, and transportation of such countries and nations, and by other appropriate means"; and that "there is to be held in said city in the year 1942, in connection with the said Pacific Mercado, a world's fair commemorating the landing of Cabrillo";

WHEREAS the said Resolution reads in part as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled* * * * That the President of the United States, be and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite foreign countries to such proposed Pacific Mercado (International Exposition) and to such proposed world's fair to be held in connection therewith, with a request that they participate therein";

AND WHEREAS I believe the people of many nations would be pleased to unite with the people of the United States in participating in this exposition and in the world's fair to be held in connection therewith:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in compliance with the aforesaid Resolution, do invite the participation of foreign countries in this exposition and in the world's fair to be held in connection therewith.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19th day of October in the year of our Lord nineteen hundred and thirty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2257]

[F. R. Doc. 37-3086; Filed, October 21, 1937; 10:40 a. m.]

## DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 58]

AN ORDER PROVIDING FOR A PUBLIC HEARING TO RECEIVE EVIDENCE TO ENABLE THE COMMISSION TO CLASSIFY THE COALS OF ALL CODE MEMBERS WITHIN DISTRICT NO. 10

Pursuant to Act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission directed, by its Orders No. 38 and No. 43, that all District Boards propose initial classifications of coals of all code members within their respective districts, classified in conformity with the standards, methods of applying such standards and rules of procedure established by the Commission, and provided that a hearing should be held for the purpose of receiving evidence to enable the Commission to establish the initial classifications of coals of all code members within the several districts.

At the hearing held pursuant to Orders No. 38 and No. 43, objections were made in the matter of the proposed initial classifications of Bituminous Coal Producers Board for District No. 10. The Commission thereupon referred the proposed initial classifications of Bituminous Coal Producers Board for District No. 10 to a Board of Examiners for hearing pursuant to Order No. 57. Said order provided that the hearing commence on the 15th day of October, 1937, at the Hearing Room of the Commission in the Walker Building, and that said hearing should continue and be open for the purpose of receiving evidence on the subject from all interested parties until October 22, 1937.

The Commission's attention has been directed to the fact that Bituminous Coal Producers Board for District No. 10 has withdrawn the proposed initial classifications of coals of code members in said District. Bituminous Coal Producers Board for District No. 10, having failed to comply with the Commission's Orders No. 38 and No. 43, the Commission will, pursuant to Section 6 (a) of the Act, proceed to classify the coals of all code members within District No. 10.

The Commission, therefore, directs and orders:

1. That a public hearing be held in the City of Washington commencing at 10 o'clock A. M. on Monday, October 25, 1937, at the Hearing Room of the Commission in the Walker Building, before a Board of Examiners designated by the Commission for the purpose of receiving evidence from all interested parties and the recommendation of an appropriate order in the premises to enable the Commission to determine the proper classification of coals of all code members within District No. 10. Said hearing shall continue and be open for the purpose of receiving all pertinent evidence relating to the classification of coals of code members for District No. 10 until October 29, 1937.

2. That the hearing provided for by Order No. 57, having been terminated as the result of the withdrawal of the proposed initial classifications of coals submitted by Bituminous Coal Producers Board for District No. 10, all interested parties will be afforded opportunity to appear and present evidence in the hearing provided for by this order.

The Secretary of the Commission shall forthwith give notice of the time, place and purpose of the hearing to be held under this order by publishing a copy of this order for two days in a newspaper of general circulation in District No. 10, and by mailing a copy of this order to the Secretary of District Board No. 10, to the Consumers' Counsel, and to all code members within District Number 10.

By order of the Commission.

Dated this 20th day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3084; Filed, October 21, 1937; 10:25 a. m.]

[Order No. 59]

AN ORDER REQUIRING AND DIRECTING THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 TO DELIVER TO THE COMMISSION DATA PERTAINING TO THE CLASSIFICATION OF THE COALS IN SAID DISTRICT

Pursuant to act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission on the 16th day of August, 1937, by its Order No. 38 directed all District Boards to propose to the Commission classifications of all coals of code members within their respective districts classified in conformity with the standards, methods and rules of procedure established by the Commission and on the 10th day of September thereafter by its Order No. 43 directed all District Boards to file such proposed initial classifications with the Secretary of the Commission at Washington, D. C., on or before September 22, 1937, and no proposed initial classification of coal conforming to the standards, methods and rules of procedure established by the Commission having been filed by the Bituminous Coal Producers Board for District No. 10, the Commission hereby orders that:

The Bituminous Coal Producers Board for District No. 10 shall forthwith deliver to the Secretary of the Commission at Washington, D. C. the following documents, memoranda, records and data now in the possession of said District Board, which the Commission considers pertinent and material to the determination of the proper classification of the coals in said District:

1. All answers to questionnaires returned by producers to said District Board;

2. All analyses furnished by producers to said District Board;

3. Report of Commercial Testing & Engineering Company, dated May 2, 1935, on certain coals produced in Franklin, Williamson and Saline Counties and in the eastern portion of Perry County, Illinois;

4. Other documents, memoranda, records and data in the possession of said District Board material to the determination of the proper classifications of the coals in said District.

The Secretary of the Commission shall forthwith mail a copy of this Order to the Secretary of the said District Board.

By order of the Commission.

Dated this 20th day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3085; Filed, October 21, 1937; 10:25 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5488]

APPLICATION OF RIPLEY UTILITIES COMPANY

ORDER SETTING DATE OF HEARING

Upon application filed October 8, 1937 by Ripley Utilities Company, a Mississippi corporation, with offices at Savanna, Illinois, pursuant to Section 203 (a) of the Federal Power Act, for approval of the sale of certain of its electric facilities to Tippah County Electric Power Association of Ripley, Mississippi;

*It is ordered:* That a public hearing on said application be held on November 8, 1937, at 10 a. m., in the hearing room of the Commission. Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Adopted by the Commission on October 19, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3083; Filed, October 21, 1937; 9:57 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[No. 3666]

NOTICE OF HEARING IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

OCTOBER 18, 1937.

*It appearing,* That by petitions received from interested parties certain new and amended regulations are proposed for our approval pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), covering the packing, marking, loading, handling while in transit, and to determine whether the proposed changes are in accord with the best known means for securing safety in transit,—

The above entitled proceeding is assigned for hearing on November 10, 1937, at 10 o'clock a. m. (standard time), at the office of the Interstate Commerce Commission, Washington, D. C., before Commissioner McManamy.

Under provision of the Explosives Act, the Commission may utilize the services of the Bureau of Explosives, Association of American Railroads. In the interest of expediency and in order that the time of the Commission may be reasonably conserved, the Bureau of Explosives will be prepared to confer with interested shippers and others at the office of the Commission, Washington, D. C., at 10:00 a. m. (standard time) on November 9, 1937, when opportunity will be afforded all interested parties to discuss, and if possible agree upon, the amendments proposed.

Attached is copy of proposed new and amended regulations. Further copies may be secured upon application to the Commission or the Bureau of Explosives, 30 Vesey Street, New York, N. Y.

By the Commission:

[SEAL] W. P. BARTEL, *Secretary.*

HEARING NOVEMBER 10, 1937

The following items have been made the subject of correspondence and conferences conducted by the Bureau of Explosives and Tank Car Committee and are presented for action by the Commission:

PROPOSED NEW AND AMENDED REGULATIONS

INDEX OF ITEMS


1. Increase in gross weight of shipments of railway fusees.
2. Provision for shipment of nickel carbonyl.
3. Safer packages for chlorates of sodium and potassium.
4. Safer packages for chlorites of calcium and sodium.
5. Provision for shipment of phosphorus trichloride in tank cars.
6. Provision for shipment of liquid carbon dioxide in tank cars.
7. Provision for shipment of oxygen and nitrogen in tank cars.
8. Transfer of use of tank cars from one service to another.
9. Revision of definition for class B poisons.
10. Povision for shipment of sodium arsenate in bulk.
11. Revision of provisions for closures of steel barrels and drums.
12. Revision of thickness of metal in spec. 5C steel barrels and drums.
13. Revision of thickness of metal in spec. 5E steel barrels and drums.
14. Provision for aluminum-lined steel drums for nitric acid.
15. Omission of tape binding for fiber boxes.
16. Revision of specification for rubber drums.
17. Revision of stowage of box toe board for water transportation.
18. Provision for use of tank trucks for liquefied carbon dioxide, withdrawn.
19. Revision of provision for chime reinforcement spec. 5G steel barrels and drums.
20. Provision for trinitroresorcinol (styphnic acid) canceled.
21. Revision of test period for tank car tanks and safety valves.
22. Revision of packing for nitro mannite for truck transportation and pentaerythrite tetranitrate for water transportation.
23. Revision of provision for closure for plywood drum.
24. Revision of provision for liner and pads in fiberboard boxes.
25. Provision for use of wirebound wooden boxes for dangerous explosives.
26. Provision for use of spec. 103A tank cars for aniline oil.
27. Provision for use of fusion welding in 5 tank cars, nickel-clad, for caustic soda.
28. Provision for use of fusion welding in 12 tank cars, with fusion-welded anchors, for nitric acid.
29. Provision for use of fusion welding in 25 tank cars for anhydrous ammonia.


ITEM 1. Petition of Lakeside Railway Fusee Company, Beloit, Wis., for increase in gross weight limit of shipments of railway fusees in fiberboard boxes from 65 to 70 pounds. The request was not supported at conference conducted by Bureau of Explosives on May 19, 1937. Appearance of petitioner at the hearing is desired if request is to have consideration.

ITEM 2. Petition of International Nickel Company, Inc., New York, N. Y., for amendment of regulations so as to provide for the shipment of nickel carbonyl as an inflammable liquid in cylinders. This material has not heretofore been shipped commercially but shipments are contemplated in the near future. (Stowage of the article on vessels for water transportation, not here presented, is having attention of the Department of Commerce.)

*Present*

(Regulations applying to inflammable liquids, n. o. s., par. 235.)

*Proposed*

*Amend* dangerous articles list, freight, by *adding* the following:

| Article | Group | Sec. | Page |
|---|---|---|---|
| Nickel carbonyl | Inflammable liquid | 3 | 49 |

*Amend* paragraph 228 (c), freight, by *adding* the following:

| Article | Exemption | Packing (pars.) |
|---|---|---|
| Nickel carbonyl | No exemption | 230, 231, 233, 252 |

*Amend* paragraph 233, freight, by *adding* the following:

| Article: | Par. |
|---|---|
| Nickel carbonyl | 252 |

*Add* paragraph 252, freight, to read as follows:

252. Nickel carbonyl must be packed in any cylinder as prescribed for any compressed gas, except acetylene.

ITEM 3. Petition of Bureau of Explosives for amendment of regulations for chlorates of sodium and potassium, removing authority to use wooden barrels and kegs for bulk shipments.

*Present*

| Article | Group | Exemption (pars.) | Packing (pars.) |
|---|---|---|---|
| Chlorate of potash | Oxi. M. | 278, 328 | 279, 280, 282, 283. |

317. Chlorate of soda must be packed as follows:
In containers as prescribed in par. 283:
When chlorate of soda is wet with not less than 10 percent water, it may only be shipped in tank cars, specification 103, provided that the commodity must not be loaded to exceed one-third of the shell capacity of the tank and must be equally distributed therein.

*Proposed*

*Amend* item, par. 277 (c), freight, to read as follows:

| Article | Group | Exemption (pars.) | Packing (pars.) |
|---|---|---|---|
| Chlorate of potash | Oxi. M. | 278, 328.. | 279, 280, 282, 283, 317. |

*Amend* par. 281, freight, by *adding* the following:

| Article: | Par. |
|---|---|
| Chlorate of potash | 317 |

*Amend* par. 317, freight, to read as follows:

317. Chlorate of soda *and chlorate of potash* must be packed as follows:
In containers as prescribed in paragraph 283 *except that wooden barrels or kegs, specification 10A, 10B, 10C, or 11B, are not authorized for bulk shipments.*
When chlorate of soda is wet with not less than 10 percent water, etc., (no further change).

ITEM 4. Petition of Bureau of Explosives for amendment of regulations so as to provide special restrictions for the shipment of calcium chlorite ($CaClO_2$) and sodium chlorite ($NaClO_2$). These materials have a specific hazard in transportation due to their high oxidizing and other characteristics. They have not been specially restricted as to packing in the past as shipments have been very small but conditions indicate that their movement will increase. Special packing is proposed.

*Present*

(Regulations applying to oxidizing materials, n. o. s., par. 283.)

*Proposed*

*Add* items, Dangerous Articles List, freight, to read:

| Article | Group | Sec. | Page |
|---|---|---|---|
| Calcium chlorite | Oxi. M | 3 | 49 |
| Sodium chlorite | Oxi. M | 3 | 49 |

*Add* items to list, paragraph 277 (c), freight, to read:

| Article | Group | Exemption | Packing (pars.) |
|---|---|---|---|
| Calcium chlorite | Oxi. M | (1) | 279, 280 to 282, 324B. |
| Sodium chlorite | Oxi. M | (1) | 279, 280 to 282, 324B. |

[1] No exemption.

*Add* items to list, paragraph 281, freight, to read:

| Article: | Par. |
|---|---|
| Calcium chlorite | 324B |
| Sodium chlorite | 324B |



*Add* par. 324B, freight, to read as follows:
324B. Calcium chlorite and sodium chlorite must be packed as follows:
In wooden boxes, specification 15A, 15B, or 15C, with inside containers which must be: Glass or earthenware not over 2¼ pounds capacity each, or metal not over 5 pounds capacity each:
Or in metal barrels or drums, specification 6A, 6B, or 6C; or 5E or 6D (single-trip containers).
*Add* items, dangerous articles list, express, to read:

| Article | Group | Sec. | Page |
|---|---|---|---|
| Calcium chlorite | Oxi. M | 3 | 204 |
| Sodium chlorite | Oxi. M | 3 | 204 |

*Add* items to list, paragraph 136 (c), express, to read:

| Article | Group | Wt. max. | Packing (pars.) |
|---|---|---|---|
| Calcium chlorite | Oxi. M | 100 pounds | 14, 164, 165. |
| Sodium chlorite | Oxi. M | 100 pounds | 14, 164, 165. |

*Add* paragraph 164, express, to read as follows:
164. Calcium chlorite and sodium chlorite must be packed as follows:
In wooden boxes, specification 15A, 15B, or 15C, with inside containers which must be: Glass or earthenware not over 2¼ pounds capacity each, or metal not over 5 pounds capacity each:
Or in metal barrels or drums, specification 6A, 6B, or 6C; or 5E or 6D (single-trip containers).

ITEM 5. Petition of Oldbury Electro Chemical Company, Niagara Falls, New York, for amendment of regulations so as to permit shipment of phosphorus trichloride in tank cars, specification 103A, lined with lead.

*Present*

352. (b) (Add 7th subpar.) Phosphorus trichloride may also be shipped in metal barrels or drums, specification 5A.

*Proposed*

*Amend* subparagraph to paragraph 352 (b), freight, added and effective as of March 20, 1936, to read as follows:
Phosphorus trichloride may also be shipped in metal barrels or drums, specification 5A, *or in tank cars, specification 103A, when these cars are lead-lined.*

ITEM 6. Petition of Taylor Engineering Company, Elgin, Ill., for amendment of regulations so as to provide for shipment of liquid carbon dioxide in tank cars of I. C. C. 105A500 type.

*Present*

*Par. 396 (c).*

| Article | Group | Exempt. (par.) | Packing (pars.) |
|---|---|---|---|
| Liquefied carbon dioxide | Noninf. | 397 | 398 to 405. |

*Par. 430, Table 1.* (No regulations.)

*Proposed*

| Article | Group | Exempt (par.) | Packing (pars.) |
|---|---|---|---|
| Liquefied carbon dioxide | Noninf. | 397 | 398 to 405, 426 to 433. |

| (Add) Article | Max. filling % | Required car (spec.) |
|---|---|---|
| Liquefied carbon dioxide | (1) | ICC–105A500.[2] |

[1] The liquid portion of the gas at 0° F. must not completely fill the tank.
[2] Before an ICC–105A500 tank car may be used for the transportation of liquefied carbon dioxide, the following requirements must be met: Tank must be lagged with cork at least 10 inches in thickness. Tank must be equipped with 1 safety valve of approved design set to open at a pressure not exceeding 375 pounds per square inch and 1 frangible disk device of approved design set to function at a pressure less than the test pressure of the tank. Tank must be equipped with 2 pressure-regulating valves of approved design, 1 set to open at 300 pounds per square inch pressure and 1 set to open at 340 pounds per square inch pressure. The discharge capacity of each safety valve must be sufficient to prevent building up of pressure in tank in excess of 375 pounds per square inch. Each safety device must have its final discharge piped to the outside of the dome.

ITEM 7. Petition of Air Reduction Sales Company, New York, N. Y. for amendment of regulations so as to permit the shipment of oxygen and nitrogen by rail in tank cars.

*Present*

(No regulations.)

*Proposed*

*Amend* paragraph 430, table No. 1, by *adding* the following:

| Article | Max. filling (%) | Required car (Spec.) |
|---|---|---|
| Nitrogen | See par. 427. | ICC–107A* * * |
| Oxygen | See par. 427. | ICC–107A* * *. |

ITEM 8. Petition of Bureau of Explosives and A. A. R. Tank Car Committee for amendment of regulations so as to insure suitability of tank cars for shipment of particular compressed gas owner desires to transport.

*Present*

431. (a) Before a tank car may be used for the transportation of any compressed gas other than that for which it is being used, as indicated by the name of the commodity stenciled on the tank, the owner of the car, or party authorized by the owner, must change the stenciled name, and the manhole closure, safety valve, the induction and eduction valves and pipes, as necessary to make the car suitable for the new service, and stencil date of changes and initials of owner, or party making these changes, under commodity stencil on tank. All changes must be certified to the Bureau of Explosives.

*Proposed*

431. (a) Before a tank car may be used for the transportation of any compressed gas other than that *gas for which it is currently equipped and authorized* as indicated by the name of the commodity stenciled on the tank, the owner of the car, or party authorized by the owner, *must secure approval* for changes in the stenciled name, manhole closure, safety valve, induction and eduction valves and pipes, *and such other changes* as are necessary to make the car suitable for the new service. The date these changes are made, the initials of the owner, or party making these changes, must be stenciled on the tank under commodity name. *A certificate showing the changes which were approved and made must be filed with the Bureau of Explosives and the Secretary A. A. R. Tank Car Committee.*

ITEM 9. Petition of Manufacturing Chemists' Association for amendment of paragraphs 460 (b), freight, and 236 (b), express, so as to clarify definition of poisonous articles by eliminating second paragraphs.

*Present (freight)*

460. (b) Poisonous liquids or solids of such nature that they are chiefly dangerous by external contact with the body or by their being taken internally, as in contaminated food or feeds. The vapors of some of this class of materials are also offensive or dangerous, but to a much less extent than class A poisons.
Any poisonous material not described in paragraph 460 (a) which has a toxicity greater than 22 milligrams per kilo body would fall within this group.

*Proposed (freight)*

460. (b) Poisonous liquids or solids of such nature that they are chiefly dangerous by external contact with the body or by their being taken internally, as in contaminated food or feeds. The vapors of some of this class of materials are also offensive or dangerous, but to a much less extent than class A poisons.
(2d par. omitted.)

(Express regulations same change proposed.)

ITEM 10. Petition of Shepherd Chemical Company, Cincinnati, Ohio, for amendment of regulations so as to provide for shipment of sodium arsenate in bulk.

*Present*

Arsenical dust not subject to dangerous spontaneous heating and arsenic trioxide when delivery is made to plants with private sidings, only, may also be shipped in sift-proof, self-clearing, hopper or bottom-outlet steel cars, equipped with waterproof and dust-proof covers well secured in place for all openings.

*Proposed*

*Amend* 4th subpar., paragraph 501, freight, to read as follows:
Arsenical dust not subject to dangerous spontaneous heating and arsenic trioxide *or sodium arsenate* when delivery is made to plants with private sidings, only, may also be shipped in sift-proof, self-clearing, hopper or bottom-outlet steel cars, equipped with waterproof and dust-proof covers well secured in place for all openings.

ITEM 11. Petition of Manufacturing Chemists' Association, with statement that proposals are made to clarify certain ambiguities in specification for 5 series closures; to eliminate possible use of unsafe closures such as a crimped-on cap without plug, which is permissible on certain containers under present regulations; to revise 5 series closure requirements on a consistent and related basis.

*Present*

(Specification 5A) 6. (a) Body seams must be welded.
(b) Head or chime seams must be welded or double-seamed.
(c) Screw-thread bung flanges must be welded in place.
10. (a) Closures for openings must be such as to prevent leakage in transit.
(b) Closures must be of screw-thread type or secured by means of screw-thread devices. Openings over 2.3 inches diameter are not permitted.
(c) Screw-thread closing devices consisting of threaded flanges and plugs over ¾-inch standard pipe size must have eight threads or less per inch. It is recommended that construction conform with the following drawing:
(Drawing included.)
11. Threaded metal flanges and plugs must be close fitting with gaskets at least one-eighth inch thick and one-fourth inch wide across the face. Threads must be cut at right angles to faced surfaces, which must bear squarely on each other when without gasket. Flange must have five or more complete threads; two ¼ inch drainage holes are allowed. Plug must have sufficient length of threads to engage five threads in flange with gasket in place.
(Specification 5) 2. Restrictions in paragraphs 6 (b), 6 (c), 10 (b), and 10 (c) do not apply.
(Specification 5B) 2. Restrictions in paragraphs 6 (b), 6 (c), 10 (b), and 10 (c) do not apply.
(Specification 5D) 2. Restrictions in paragraphs 6 (a), 6 (c), and 10 (c) do not apply.
(Specification 5E) 2. Restrictions in paragraphs 6 (b), 6 (c), 7, 10 (b), and 10 (c) do not apply.
(Specification 5F) 6. Restrictions in paragraph 10 (c) do not apply.
(Specification 5H) 5. In place of paragraph 10 (b) the following: Openings must be of screw-thread or flange-with-follower-plate type.
(Specification 5J) 2. Restrictions in paragraphs 6 (b), 6 (c), 7, and 10 (c) do not apply. Restrictions in paragraph 10 (b) do not apply, except that openings over 2.3 inches diameter are not permitted.

*Proposed*

*Change* paragraph 6, specification 5A, to read as follows:
6. (a) Body seams must be welded.
(b) Head and chime seams must be welded or double-seamed.
(c) *Flanges for closures* must be welded in place.
*Change* paragraph 10, specification 5A, to read as follows:
10. (a) Closures and openings must be such as to prevent leakage in transit.
(b) Openings over 2.3 inches diameter are not permitted.
(c) Closures must be of screw-thread type or secured by means of screw-thread devices.
(d) Threaded flanges and plugs over ¾ inch standard pipe size must have 8 threads or less per inch. Construction to conform with the following drawing is recommended.
NOTE.—*Drawing to be continued as in current specifications.*
*Change* paragraph 11, specification 5A, to read as follows:
11. (a) Threaded closures must be close fitting with adequate gaskets.
(b) Flange must have 5 or more complete threads; two 5/16 inch drainage holes are allowed. Plug, or cap, must have sufficient length of thread to engage 5 threads when screwed home with gasket in place.
(c) Threads must be cut at right angles to gasket seats which must be faced so as to bear squarely on each other when without gasket.
(d) Gaskets must be at least ⅛ inch thick and ¼ inch across the face.
*Change* paragraph 2, specification 5, to read as follows:
2. (a) Restrictions in paragraph 6 (b), 10 (b), 10 (c), 10 (d), and 11 (d), do not apply.
(b) Brazing is authorized in place of welding prescribed by paragraph 6 (c).
*Add* to paragraph 11, specification 5, a new subparagraph (e) to read as follows:
(e) Closures must be of metal with gaskets of suitable material; all parts, except cap seal over threaded plug or cap, must be as thick as prescribed for head of container: Provided, That thinner metal closures are authorized for containers of not over 12 gallons capacity when constructed, or fitted with lock device, so that closure cannot be removed without destroying it or the lock device.
*Change* paragraph 2, specification 5B, to read as follows:
2. (a) Restrictions in paragraph 6 (b), 6 (c), 10 (b), 10 (c), 10 (d), 11 (c), and 11 (d), do not apply.
(b) Three threads for flanges and for engagement of plug, or cap, therewith are authorized in place of 5 prescribed by paragraph 11 (b).
*Add* to paragraph 11, specification 5B, a new subparagraph (e) to read as follows:
(e) Closures must be of metal with gaskets of suitable material; all parts, except cap seal over threaded plug or cap, must be as thick as prescribed for head of container: Provided, That thinner metal closures are authorized for containers of not over 12 gallons capacity when constructed, or fitted with lock device, so that closure cannot be removed without destroying it or the lock device.
*Change* paragraph 2, specification 5D, to read as follows:
2. Restrictions in paragraphs 6 (a), 6 (c), and 10 (d), do not apply.
*Change* paragraph 2, specification 5E, to read as follows:
2. (a) Restrictions in paragraph 6 (b), 6 (c), 7, 10 (b), 10 (c), 10 (d), 11 (c), and 11 (d), do not apply.
(b) Three threads for flanges and for engagement of plug, or cap, therewith are authorized in place of 5 prescribed by paragraph 11 (b).
*Add* to paragraph 11, specification 5E, a new subparagraph (e) to read as follows:
(e) Closures must be of metal with gaskets of suitable material; all parts, except cap seal over threaded plug or cap must be as thick as prescribed for head of container: Provided, That thinner metal closures are authorized for containers of not over 12 gallons capacity when constructed, or fitted with lock device, so that closure cannot be removed without destroying it or the lock device.
*Change* paragraph 6, specification 5F, to read as follows:
Restrictions in paragraph 10 (d) do not apply.
*Change* paragraph 5, specification 5H, to read as follows:
5. In place of paragraphs 10 (b) and 10 (c), the following:
Openings must be of screw-thread or flange-with-follower-plate type.
*Change* paragraph 2, specification 5J, to read as follows:
2. (a) Restrictions in paragraphs 6 (b), 6 (c), 7, 10 (c), 11 (b), 11 (c), and 11 (d) do not apply.
(b) Three threads for flanges and for engagement of plug, or cap, therewith are authorized in place of 5 prescribed by paragraph 11 (b).
*Add* to paragraph 11, specification 5J, a new subparagraph (e) to read as follows:
(e) Closures must be of metal with gaskets of suitable material; all parts, except cap seal over threaded plug or cap, must be as thick as prescribed for head of container: Provided, That thinner metal closures are authorized for containers of not over 12 gallons capacity when constructed, or fitted with lock device, so that closure cannot be removed without destroying it or the lock device.

ITEM 12. Petition of Manufacturing Chemists' Association for amendment of specification 5C so that the strength of chrome iron alloy used in that drum will be comparable with mild steel used in similar type drums.

*Present*

(No regulation.)

*Proposed*

*Add* new paragraph to specification 5C as follows:
7. Thickness of steel in body and heads of drums made under this specification is authorized to be 2 gauges lighter than as specified in specification 5A..

ITEM 13. Petition of Manufacturing Chemists' Association for amendment of specification 5E so that use will be authorized of lighter gauge body sheets in the manufacture of drums under this specification of type other than full open-head.

*Present*

(No regulation.)

*Proposed*

*Add* to specification 5E a new paragraph to read as follows:
3A. For containers not of the full open-head type, body sheets are authorized to be 20 and 21 gauges for marked capacities not over 55 and 30 gallons, respectively. This provision does not apply to head sheets.

ITEM 14. Petition of Advance Solvents and Chemical Corporation, New York, N. Y., for amendment of regulations and specifications so as to provide for use of aluminum-lined steel drums for nitric acid of high concentration.

*Present*

Or in aluminum drums, specification 42B; or aluminum drums made and marked prior to October 1, 1930, in compliance with specification 42 then effective. Authorized only for acid over 1.46 specific gravity (45.75° Baumé); the acid shall not contain more than 0.1 percent of hydrochloric acid, more than 1 percent of sulphuric acid, or more than a trace of any of the lower oxides of nitrogen.

*Proposed*

*Amend* last subparagraph, paragraph 361 (a), freight, to read as follows:
Or in aluminum drums, specification 42B; *or aluminum-lined steel drums, specification 5X;* or aluminum drums made and marked prior to October 1, 1930, in compliance with specification 42 then effective. Authorized only for acid over 1.46 specific gravity (45.75° Baumé); the acid shall not contain more than 0.1 percent of hydrochloric acid, more than 1 percent of sulphuric acid, or more than a trace of any of the lower oxides of nitrogen.
*Add* new specification 5X, as follows:

SHIPPING CONTAINER SPECIFICATION 5X

STEEL DRUMS—ALUMINUM LINED

1. Containers must comply with specification 5A with the following exceptions and additions:
2. Closing devices of any suitable metal, with cap closure, 3 threads engaged, are authorized in lieu of flanges and plugs specified in paragraph 11 of specification 5A.
3 (Add). Closing device shall be located between rolling hoops.
4 (Add). Lining shall be of aluminum at least 99 percent pure, at least 0.12 inch thick, with all seams welded. It shall have reasonably good fit in outside drum and be arranged so that extensive movement therein will be prevented.

ITEM 15. Petition of Sherwin-Williams Company, Cleveland, Ohio, for amendment of specification 24C so as to authorize lapped and stitched joints in construction of boxes and omission of tape specified by Note in paragraph 499.

*Present*

15. Joints formed by adjoining edges of body pieces must be secured by cloth or paper sealing tape, at least 3 inches wide for boxes of 40 pounds or more gross weight, and at least 2 inches wide for other boxes, securely glued over the edges the entire length of joints.

*Proposed*

*Add* to paragraph 15, specification 24A, the following:
Joint also authorized as follows on all boxes except when made of double-wall board having both corrugations of A-flute type: lapped 1½ inches; stitched at 2½ inch intervals and within 1 inch of each end of joint; double-stitched (2 parallel stitches) at each end of joint over 18 inches long.
*Add* to Note, pars. 499, freight, and 249, express, the following:
*Exception.*—Tape not required on manufacturer's joint that is both glued and stitched.

ITEM 16. Petition of Manufacturing Chemists' Association for amendment of specification 43A so as to authorize incorporation of improvements for construction of drum and closing device.

*Present*

(Specification 43A) 3. Body and heads shall be made of at least 2 laminations; inside lamination shall be pale crepe rubber *with lining of sheet ebonite or pale crepe rubber impregnated with paraffin;* other laminations shall be a mixture of cotton fiber and rubber *impregnated with paraffin.* Thickness of heads shall be at least ½ inch. Thickness of sides shall be at least ¾ inch.
5. Closing device shall be screw-thread type, *consisting of threaded flange and plug with* opening not over 2.3 inches diameter. Thread must be of size not over 4 threads per inch *and with tolerance sufficient to prevent binding when fully engaged.*
6. Plug must be fitted with *rubber* gasket *at least 3/64-inch thick and with width across the face equal to the width of the plug head.* With plug seated *in the flange and* with *washer* in place at least 3 threads must be engaged.
Paragraph 358. (Add, following 2d subpar.) *Or in rubber drums, specification 43A.* Any such container showing evidence of damage must be tested to 20 pounds hydrostatic pressure, without leakage, before using;

*Proposed*

*Amend* paragraphs 3, 5 and 6 of specification 43A to read as follows:
3. Body and heads shall be made of at least 2 laminations; inside lamination shall be of pale crepe *natural or synthetic* rubber, *capable of withstanding the action of hydrofluoric acid up to 65 percent H. F. maximum, for 30 days without any substantial deterioration.* The other laminations shall be a mixture of cotton fiber and rubber. Thickness of heads shall be at least ½ inch. Thickness of sides shall be at least ¾ inch.
5. Closing device shall be screw-thread type; opening not over 2.3 inches diameter. Thread size not over 4 threads per inch *for rubber and 8 threads per inch for steel.*
6. Plug *or cap* must be fitted with *adequate* gasket. With plug *or cap* seated with *gasket* in place, as least 3 *complete* threads must be engaged.
*Add* to paragraph 9 (a), the following:
Also a 4-foot drop to strike directly on closing device.
*Amend* paragraph added below second subparagraph, paragraph 358, freight, effective as of November 1, 1935, to read as follows:
*Hydrofluoric acid of not over 65 percent H. F. maximum is also authorized in rubber drums, specification 43A.* Any such container showing evidence of damage must be tested to 20 pounds hydrostatic pressure, without leakage, before using.



ITEM 17. Petition of Bureau of Explosives for amendment of Water Regulations so as to provide stowage for box toe board which has been added to the express regulations.

The item is not here presented because of our understanding that the matter of stowage of articles for water transportation is having attention by Department of Commerce.

ITEM 18. Petition of Taylor Engineering Company, Elgin, Ill., for regulations permitting transportation of liquefied carbon dioxide gas in tank trucks is not here presented, it being our understanding that petitioner requested Bureau of Explosives to withdraw the item.

ITEM 19. Petition of Bureau of Explosives for amendment of specification 5G, paragraph 2.

*Present*

2. In place of paragraph 2, the following:
The use of an austenitic 18 and 8 chrome nickel alloy steel with carbon content not over 0.12 percent is required, except for rolling hoops, in the manufacture of these containers.

*Proposed*

2. In place of paragraph 2, the following:
The use of an austenitic 18 and 8 chrome nickel alloy steel with carbon content not over 0.12 percent is required, except for rolling hoops *and chime reinforcements,* in the manufacture of these containers.

ITEM 20. Petition of Bureau of Explosives for amendment of regulations so that paragraph 57 (e) be canceled and reference to trinitroresorcinol, wet (styphnic acid) be canceled from the dangerous articles list.

*Present*

57 (e). Trinitroresorcinol (styphnic acid) in bulk must contain not less than 25 percent of water and must in this wet condition be placed in an earthenware crock having a capacity of approximately 10 gallons. The cover of the crock must be securely attached and must be furnished with a rubber or packing gasket. The crock must be secured in the center of a wooden barrel, specification 10B, or metal barrel or drum, specification 5 or 5B, or single-trip container, specification 5E, and must be surrounded on all sides by well-packed sawdust saturated with water.

*Proposed*

*Amending* orders of July 23, 1935, and Dec. 12, 1935, as follows:
Paragraph 57 (e) of regulations for transportation as freight of trinitroresorcinol (styphnic acid) and other mention of the article canceled.

ITEM 21. Petition of Bureau of Explosives for amendments lengthening test periods for tanks and safety valves of tank cars.

*Present*

Par. 19, Specification 104A (Same provisions, except only the retest period is specified as 2 years for tanks and valves).
Par. 14, Specification 105A300 (Same provisions, except matter underscored which is added).

*Proposed*

*Amend* paragraph 19, specification 104A, to read as follows:
19. *Retest of tanks and safety valves.*—Same as specification 103, except that tanks and valves must be retested at intervals of *five* years or less after the original test, and that if the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must be again subjected to the prescribed test.
*Amend* paragraph 14, specification 105A300, to read as follows:
14. *Retests of tanks, anchor rivet covers, and safety valves.*—Tanks must be retested to a pressure of 300 pounds per square inch, as prescribed in paragraph 12 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph 12 (b); and safety valves must be retested to a pressure as prescribed in paragraphs 9 (b) and 13. All tests must be made at intervals of two years or less *except for tanks used exclusively for liquefied petroleum gas, sulphur dioxide, anhydrous ammonia, and class B poisonous liquids, on which all tests must be made at intervals of 5 years or less.* Tanks must also be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph 16.

ITEM 22. Petition of Institute of Makers of Explosives for amendment of regulations so as to provide proper containers for shipments of nitro mannite and pentaerythrite tetranitrate, developed by recent information, and to prevent freezing in transportation.

*Present*

69T. *Packing and weight.*—Nitro mannite in bulk form must be wet with not less than 40 percent by weight of water and in this wet condition, *must be placed in a tight rubber bag which must in turn be placed in a wooden barrel, specification 10B, or metal barrel or drum, specification 5 or 5B, or single-trip container, specification 5E. The space between the rubber bag and the barrel must be not less than 3 inches, and this space must be completely filled with well-packed sawdust saturated with water. The dry weight of nitro mannite in one outside container must not exceed 150 pounds.*

69W. *Packing and weight.*—Pentaerythrite tetranitrate in bulk form must be packed wet with not less than 30 percent by weight of water. The packing must be the same as that described in paragraph 68 for fulminate of mercury, except that the dry weight of pentaerythrite tetranitrate in one container must not exceed 100 pounds.

*Proposed*

*Amend* par. 69T, freight, to read as follows:

69T. *Packing and weight.*—Nitro mannite in bulk form must contain not less than 40 percent by weight of water and in this wet condition be placed in bags made of at least 10 ounce cotton duck, and the bags securely closed. The nitro mannite in cotton bags must then be placed in a rubber bag in a barrel or drum, specification 10B, 5, or 5B. Any empty spaces in the rubber bag must be filled with water and the rubber bag securely closed.

Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured alcohol and water may be used to prevent freezing in transit.

*Amend* par. 69W, freight, to read as follows:

69W. *Packing and weight.*—Pentaerythrite tetranitrate in bulk form must contain not less than 40 percent by weight of water and in this wet condition be placed in bags made of at least 10 ounce cotton duck, and the bags securely closed. The pentaerythrite tetranitrate in cotton bags must then be placed in a rubber bag in a barrel or drum, specification 10B, 5, or 5B. Any empty spaces in the rubber bag must be filled with water and the rubber bag securely closed. Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured alcohol and water may be used to prevent freezing in transit.

ITEM 23. Petition from Aluminum Ore Company, East St. Louis, Ill., for amendment of specification so as to provide additional closure for plywood drums under specification 22A.

*Present*

(No regulations.)

*Proposed*

*Add* par. 14, specification 22A, to read as follows:

14. *Special closure.*—Bung hole closed by 28 gauge steel push-in closure with an outside flange of approximately ½ inch and held securely in place by expanding the closure below the inside face of head is also authorized.

ITEM 24. Petition of E. I. duPont deNemours & Company for amendment of specification 24B fiberboard boxes used for pyroxylin plastic sheets shipped by express. Change in specification will authorize use of 200-pound liner and pads in lieu of 275-pound liner and pads as at present authorized.

*Present*

| Box | Weight | Body | Liner | Pads | Part. |
|---|---|---|---|---|---|
| 1 piece double-faced | 90 * (See Note 1) | 275 | 275 | 275 | |

* Authorized only when boxes are to be metal strapped before shipment.

NOTE 1.—For pyroxylin sheets only.

*Proposed*

*Change* 7th item table par. 4, specification 24B, revised effective March 30, 1937, to read as follows:

| Box | Weight | Body | Liner | Pads | Partitions, etc. |
|---|---|---|---|---|---|
| 1 piece double-faced | 90.[1] (See Note 1) | 275 | 200 | 200 | |

[1] Authorized only when boxes are to be metal strapped before shipment.

NOTE 1.—For pyroxylin sheets only.

ITEM 25. Petition of David M. Lea & Company, Inc., for amendment of regulations so that use will be authorized of specification 16A boxes for shipments of explosives of the more dangerous group.

*Present*

(No regulations.)

*Proposed*

*Amend* pars. 57 (a) second and third subparagraphs 57 (b), 57 (c), 58, 59 (a), 60 (c), 63 (c), 63 (e), 63 (f), 79 (c), 79 (d), 79 (f), 79 (g), 79 (h), 79 (i), freight, by adding authority for use of boxes made under specification 16A in proper places.

(Shipments of the following articles affected: High explosives containing no liquid explosive ingredient, high explosives containing no liquid explosive ingredient or chlorate, high explosives under par. 57 (a) in combination cartridges, nitrocellulose, boxes and lining for high explosives, black powder and low explosives, blasting caps and electric blasting caps.)

ITEM 26. Petition of Manufacturing Chemists' Association for amendment of regulations so as to permit transportation of aniline oil in specification 103A tank cars, in addition to specification 103 cars now provided for.

*Present*

Or in tank cars, specification 103.

*Proposed*

*Amend* last subpar., par. 485, freight, to read as follows:
Or in tank cars, specification 103 or *103A*.

ITEM 27. Petition of General American Transportation Corporation for authority to build 5 class ICC–103–W, fusion-welded nickel-clad tank cars for the transportation of caustic soda.

ITEM 28. Petition of E. I. duPont deNemours & Company for authority to construct and use for the transportation of nitric acid 12 class ICC–103C–W fusion welded tank cars with fusion welded anchors.

ITEM 29. Petition of General American Transportation Corporation for authority to build 25 class ICC–105–A–300–W fusion welded tank cars for the transportation of anhydrous ammonia.

[F. R. Doc. 37-3087; Filed, October 21, 1937; 12:24 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of October, 1937.

[File 1-1012]

IN THE MATTER OF WARNER QUINLAN COMPANY 6% GOLD DEBENTURES, DUE MARCH 1, 1939

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the 6% Gold Debentures, due March 1, 1939, of the Warner Quinlan Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given the opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 o'clock a. m. on November 15, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3088; Filed, October 21, 1937; 12:58 p. m.]



*Saturday, October 23, 1937* *No. 206*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49206]

OUTSIDE EXAMINATION OF MERCHANDISE—CUSTOMS CUSTODY—BONDS

CONDITIONS TO BE ADDED TO BONDS REQUIRED WHEN MERCHANDISE IS EXAMINED ELSEWHERE THAN AT A PLACE IN CHARGE OF A CUSTOMS OFFICER

*To Collectors of Customs and Others Concerned:*

Merchandise examined elsewhere than at the public stores, wharf, or other place in charge of a customs officer, in accordance with the provisions of article 770, Customs Regulations of 1937, is released from customs custody when final examination for purposes of appraisement has been completed, as stated in article 1079 (f) of the said regulations. Article 770 (c) accordingly provides that before merchandise may be removed for examination at a place not in charge of a customs officer the importer shall file a bond on the appropriate form with a condition for the redelivery of the merchandise after its release from customs custody on demand for redelivery made in accordance with law and regulations.

Article 770 (c) provides, further, that such bond shall contain added conditions providing that the importer shall hold the merchandise at the place to which it will be removed for examination until it has been released from customs custody and that he shall transfer the merchandise, at any time before such release, to such place as the collector may direct.

The added conditions, executed in accordance with the provisions of Chapter XXIII of the Customs Regulations of 1937, shall be in the following form:

"There are hereby incorporated in and made a part of bond no. ------, dated ----------, in the penal sum of ----------, executed by ----------, as principal, and ----------, as surety, the following added conditions:

"Whereas the principal named in the said bond has requested that the merchandise covered by entry no. ------, dated ----------, in connection with which the above bond was given, be examined elsewhere than at the public stores, wharf, or other place in charge of a customs officer, in accordance with article 770 of the Customs Regulations of 1937, the obligors named in the above bond stipulate and agree that the said merchandise shall be held at the place to which it will be removed for examination until such merchandise shall have been released from customs custody by the completion of final examination for purposes of appraisement; that the merchandise shall be transferred, at any time before such release, to such place as the collector of customs may direct; and that after such release it shall be redelivered to customs custody if demand for redelivery is made by the collector in accordance with law and regulations."

When the entry is charged against a term bond, the clause

"Whereas the principal named in the said bond expects to request that the merchandise covered by various entries which will be charged against the above bond"

shall be used in place of the following at the beginning of the second paragraph of the above added conditions:

"Whereas the principal named in the said bond has requested that the merchandise covered by entry no. ------, dated ----------, in connection with which the above bond was given,".

[SEAL] JAMES H. MOYLE, *Commissioner of Customs.*

Approved: October 20, 1937.

STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 37-3095; Filed, October 22, 1937; 12:36 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO RULES AND REGULATIONS FOR INVESTMENTS BY THE HOME OWNERS' LOAN CORPORATION IN SECURITIES OF SAVINGS AND LOAN ASSOCIATIONS

*Requests for Privilege of Retiring Investments Held by Home Owners' Loan Corporation Must Be Received by the Board Within 30 Days Subsequent to Last Preceding Dividend or Interest Date. Investments by the Secretary of the Treasury Must Be First Retired Before Home Owners' Loan Corporation Investments are Retired and Home Owners' Loan Corporation Investments Must Be Retired in the Order of Investment*

*Be it resolved*, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (k) of Section 4 of Home Owners' Loan Act of 1933 (12 U. S. C. 1463 (k)), the Rules and Regulations for Investments by the Home Owners' Loan Corporation in Securities of Savings and Loan Associations are hereby amended by adding at the end thereof, the following:

*Be it further resolved*, That requests for the privilege of retiring investments held by the Home Owners' Loan Corporation in securities of savings and loan associations shall be governed by the following provisions:

"1. No request for the privilege of retiring any such investment held by the Home Owners' Loan Corporation will be approved by this Board unless such request is submitted on a form approved by this Board and unless such request is received by this Board at its office in Washington, D. C., within 30 days subsequent to the last preceding dividend or interest date, accompanied by a check, postal money order or bank draft in the amount of the investment sought to be retired, together with any dividends or interest accrued, but unpaid, on such investment to the last preceding dividend or interest date.

"2. No request by an institution for the privilege of retiring any such investment held by the Home Owners' Loan Corporation will be approved by this Board if such institution has any outstanding investment held by the Secretary of the Treasury until such institution shall have retired or made provision satisfactory to this Board for the retirement of all investments held by the Secretary of the Treasury in such institution.

"3. No request by an institution for the privilege of retiring any investment held by the Home Owners' Loan Corporation in such institution will be approved by this Board unless such institution shall have retired or made provision satisfactory to this Board for the retirement of all investments made by said Corporation in such institution prior to the investment sought to be retired."

Adopted by the Federal Home Loan Bank Board on October 21, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3093; Filed, October 22, 1937; 10:33 a. m.]

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

REQUESTS FOR PRIVILEGE OF RETIRING INVESTMENTS HELD BY THE SECRETARY OF THE TREASURY MUST BE RECEIVED BY THE BOARD WITHIN 30 DAYS SUBSEQUENT TO LAST PRECEDING DIVIDEND DATE

*Be it resolved*, That pursuant to authority vested in the Federal Home Loan Bank Board by subsections (a) and (j) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a), 1464 (j)), subsection (d) of Section 37 of the Rules and Regulations for Federal Savings and Loan Associations is hereby amended by adding at the end thereof the following:

"No request for the privilege of retiring preferred shares and full-paid income shares held by the Secretary of the Treasury will be approved by the Board unless such request is submitted on a form approved by the Board and unless such request is received by the Board at its office in Wash-

ington, D. C., within 30 days subsequent to the last preceding dividend date, accompanied by a check, postal money order, or bank draft in the amount of the investment sought to be retired, together with any dividends declared but unpaid, on such investment to the last preceding dividend date."

*Be it further resolved*, That, it being deemed that this is a major amendment affecting matters of general principle or policy and not of an emergency character, pursuant to the provisions of subsection (a) of Section 54 of the Rules and Regulations for Federal Savings and Loan Associations, such amendment shall be effective 30 days from November 1, 1937.

Adopted by the Federal Home Loan Bank Board on October 21, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3098; Filed, October 22, 1937; 12:47 p. m.]

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**Home Owners' Loan Corporation.**

AUTHORIZING GENERAL COUNSEL TO DESIGNATE ATTORNEY TO ACT AS REGIONAL COUNSEL OR STATE COUNSEL

ADDING PARAGRAPH (E) TO SECTION 600 OF THE LEGAL CHAPTER (CHAPTER VI) OF THE MANUAL

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Chapter VI of the Manual is hereby amended by the addition of a paragraph to Section 600 to be lettered (e), which shall read as follows:

(e) The General Counsel is authorized to designate in writing any attorney in a Regional, State, Division, Territorial or District Office to act as, and perform the functions and duties of, Regional Counsel, State Counsel, Division Counsel, Territorial Counsel or District Counsel in the event of vacancy, disability or absence occurring in any established position in the Legal Department until such time as the Board shall approve an appointee to such position; and the attorney so designated by the General Counsel shall have full authority to perform the duties and functions and sign all papers and documents which the Regional Counsel, State Counsel, Division Counsel, Territorial Counsel or District Counsel would be authorized to perform or sign under the rules and regulations of the Corporation. The authority vested in the General Counsel in this subsection may be exercised also by the Regional, State, Division or Territorial Counsel as to personnel under their immediate jurisdiction, under procedure and limitations prescribed by the General Counsel.

Adopted by the Federal Home Loan Bank Board on October 21, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37—3092; Filed, October 22, 1937; 10:33 a m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March; Ewin L. Davis; Robert E. Freer.

[Docket No. 3188]

IN THE MATTER OF LAVOPTIK COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, October 27, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3094; Filed, October 22, 1937; 10:46 a.m.]

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## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

AMENDMENTS TO RULES 200, 201 AND 202 OF THE GENERAL RULES AND REGULATIONS UNDER THE SECURITIES ACT OF 1933

These amendments were adopted to clarify the rules of the Commission relating to the exemption from the registration requirements of the Securities Act of 1933, as amended, of certain security issues in amount of $100,000 or less.

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 3 (b) and 19 (a) thereof, finding that the amendments to Rules 200, 201 and 202 hereby adopted are necessary to carry out the provisions of the Act and are necessary and appropriate in the public interest and for the protection of investors, hereby amends such rules as follows:

I. Rule 200 is hereby amended by adding at the end of the second paragraph thereof the following sentence:

"The aggregate offering price of assessable shares of stock shall be taken as the sum of the offering price thereof determined as hereinbefore provided, and the aggregate amount of all assessments which may legally be levied thereon."

The text of the second paragraph of Rule 200, as amended, reads as follows:

"Any securities (other than those specified below) upon the condition that the aggregate offering price to the public shall not exceed the sum of $30,000: *Provided, however*, That the amount of the offering shall be reduced by the amount of any other offerings (whether public or private), within one year prior to the offering herein exempted, of securities of the same issuer, or of any person controlling, controlled by, or under common control with such issuer, unless, or except to the extent that, such offerings have been withdrawn or have comprised securities (a) such as are described in section 3 (a) (3) of the Act or (b) issued in connection with the liquidation or the purchase or pledge of the assets of any national banking association and to which the provisions of title I of the Act do not apply by reason of any of the provisions of subsection (a) of section 3 thereof. The aggregate offering price of securities offered at the market shall be taken as the product of the number of units offered multiplied by the price per unit at which the securities were bona fide sold on the first day of sale. The aggregate offering price of any securities exchanged for bona fide outstanding securities or claims shall be determined as provided in rule 205. The aggregate offering price of assessable shares of stock shall be taken as the sum of the offering price thereof determined as hereinbefore provided, and the aggregate amount of all assessments which may legally be levied thereon."

II. Rule 201 is hereby amended by adding at the end of paragraph (b) thereof the following sentence:

"The aggregate offering price of assessable shares of stock shall be taken as the sum of the offering price thereof determined as hereinbefore provided, and the aggregate amount of all assessments which may legally be levied thereon."



The text of paragraph (b) of Rule 201, as amended, reads as follows:

"(b) That the aggregate offering price to the public shall not exceed the sum of $100,000: *Provided, however*, That the amount of the offering shall be reduced by the amount of any other offerings of securities of the same issuer which, within one year prior to the offering herein exempted, were exempted from registration solely by reason of this or any other rule under section 3 (b) of the Act, unless, or except to the extent that, such offerings have been withdrawn. The aggregate offering price of securities offered at the market shall be taken as the product of the number of units offered multiplied by the price per unit at which the securities were bona fide sold on the first day of sale. The aggregate offering price of assessable shares of stock shall be taken as the sum of the offering price thereof determined as hereinbefore provided, and the aggregate amount of all assessments which may legally be levied thereon."

III. Rule 202 is hereby amended by adding at the end of paragraph (b) thereof the following sentence:

"The aggregate offering price of assessable shares of stock shall be taken as the sum of the offering price thereof determined as hereinbefore provided, and the aggregate amount of all assessments which may legally be levied thereon."

The text of paragraph (b) of Rule 202, as amended, reads as follows:

"(b) That the aggregate offering price to the public shall not exceed the sum of $100,000: *Provided, however*, That the amount of the offering shall be reduced by the amount of any other offerings of securities (other than certificates of deposit) of the same issuer which, within 1 year of the offering herein exempted, were exempted from registration solely by reason of this or any other rule under section 3 (b) of the Act, unless, or except to the extent that, such other offerings have been withdrawn. The aggregate offering price of securities offered at the market shall be taken as the product of the number of units offered multiplied by the price per unit at which the securities were sold on the first day of sale. The aggregate offering price of securities exchanged for bona fide outstanding securities or claims shall be determined as provided in rule 205. The aggregate offering price of assessable shares of stock shall be taken as the sum of the offering price thereof determined as hereinbefore provided, and the aggregate amount of all assessments which may legally be levied thereon."

The foregoing action shall become effective immediately upon the publication thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3097; Filed, October 22, 1937; 12:45 p. m.]

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*United States of America—Before the Securities And Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of October, A. D., 1937.

[File No. 32-71]

IN THE MATTER OF ALABAMA GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Alabama Gas Company, a subsidiary of Southern Natural Gas Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the requirement of filing a declaration covering the issuance and sale of Merchandise Contract Notes in a total amount not to exceed $400,000 at any time, at 4½% per annum, to mature in monthly installments in amounts equal to the maturities of the merchandise sales contracts to be pledged in collateral for the notes, to The First National Bank of Birmingham, Alabama; such notes are to be used solely for the purpose of financing applicant's business and have been expressly authorized by the State Commission of the state in which applicant is organized and doing business;

*It is ordered*, That a hearing on such matter be held on November 10, 1937, at ten o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1779 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 5, 1937.

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3096; Filed, October 22, 1937; 12:45 p. m.]

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## UNITED STATES MARITIME COMMISSION.

At a regular session of the United States Maritime Commission held at its office in Washington, D. C., on the 21st day of October, 1937.

[General Order No. 15]

MINIMUM-WAGE SCALES, MINIMUM-MANNING SCALES AND REASONABLE WORKING CONDITIONS FOR SUBSIDIZED VESSELS

The Commission, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, having investigated the employment and wage conditions in ocean-going shipping, and having held appropriate public hearings therefor in ten of the principal ports of the United States and in Washington, D. C.; and

The Commission having heretofore entered into certain operating-differential subsidy agreements authorized by Title VI of said Act with the contractors named in the following order; and

The Commission having duly considered the information obtained through such investigation and the written and oral testimony introduced at said hearings and the arguments presented thereat, and finding that the minimum-wage scales, minimum-manning scales and reasonable working conditions hereinafter provided are reasonable, proper and lawful; and

The Commission finding that it is impracticable to establish uniform working conditions with respect to crews' quarters for all subsidized vessels because of the great differences among such vessels in age, contruction. and manning requirements, and finding further that such differences together with the needs of the different services in which such vessels are operated make it impracticable to prescribe uniform minimum-manning scales for all subsidized vessels, and the Commission, therefore, deeming it advisable presently to adopt such minimum-manning scales and reasonable working conditions as are generally applicable

and at a later date to complete such minimum-manning scales and reasonable working conditions for individual subsidized vessels; and

The Commission expressly disclaiming any invention, in the establishment of the minimum-wage scales, minimum-manning scales and reasonable working conditions hereinafter provided, to affect the rights of any contractor or its employees to set higher wage scales, increased manning scales or better working conditions by collective bargaining, or otherwise; it is therefore:

*Ordered,* That the minimum-wage scales, minimum-manning scales and reasonable working conditions attached hereto and made a part hereof as though set forth in full, be and the same hereby are adopted as a part of the minimum-wage scales, minimum-manning scales and reasonable working conditions which the Commission is authorized and directed by Section 301 (a) of the Merchant Marine Act, 1936, to adopt for all officers and crews employed on all types of vessels receiving an operating-differential subsidy; it being the intention of the Commission to complete the minimum-manning scales and reasonable working conditions by prescribing a minimum-manning scale for each subsidized vessel and requirements for crew's quarters on each such vessel:

*And it is further ordered,* That the minimum-wage scales so provided shall be without prejudice to the right or obligation of any contractor to pay, whether as a result of collective bargaining or otherwise, or to the authority of the Commission to allow in computing the amount of operating-differential subsidy, wages which may be in excess of those provided by the aforesaid minimum-wage scales, or to the right or obligation of any contractor to establish, whether as a result of collective bargaining or otherwise, or to the authority of the Commission to consider in computing the operating-differential subsidy, manning scales and working conditions which may exceed the minimum-manning scale and reasonable working conditions herein provided:

*And it is further ordered,* That the minimum-wage scales, minimum-manning scales and reasonable working conditions herein provided shall become effective for each subsidized vessel upon the first signing, after November 1, 1937, of shipping articles for a subsidized voyage of such vessel:

*And it is further ordered,* That the contractors under the several operating-differential subsidy agreements, to wit:

American Diamond Lines, Inc.
American Mail Line, Ltd.
American Scantic Line, Inc.
American South African Line, Inc.
Atlantic & Caribbean Steam Navigation Company.
The Baltimore Mail Steamship Company.
Colombian Steamship Company, Inc.
Eastern Steamship Lines, Inc.
The Export Steamship Corporation.
Grace Line, Inc.
Lykes Bros.-Ripley Steamship Co., Inc.
Mississippi Shipping Company, Inc.
The New York and Cuba Mail Steamship Company.
The Oceanic Steamship Company.
Pacific Argentine Brazil Line, Inc.
South Atlantic Steamship Co. of Delaware.
United States Lines Company.

be immediately served by registered mail with a copy of this Order and of the minimum-wage scales, minimum-manning scales and reasonable working conditions hereby adopted by the Commission and notified that, under Section 8 of the Operating-Differential Subsidy Agreement (Form F-1-C), every such contractor is thereafter bound to comply therewith:

*And it is further ordered,* That the General Counsel request the contractors hereinabove referred to, to execute jointly with the Commission a supplemental agreement expressly incorporating the minimum-wage scales, minimum-manning scales and reasonable working conditions hereby adopted as a part of their original agreements.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR., *Secretary.*

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MINIMUM-WAGE AND MINIMUM-MANNING SCALES AND REASONABLE WORKING CONDITIONS APPLICABLE TO LICENSED OFFICERS EMPLOYED ON ALL TYPES OF VESSELS RECEIVING AN OPERATING-DIFFERENTIAL SUBSIDY FROM THE UNITED STATES MARITIME COMMISSION

The following minimum-wage and minimum-manning scales and reasonable working conditions were adopted by the United States Maritime Commission and shall be applicable to each subsidized vessel upon the first signing, after November 1st, of shipping articles for a subsidized voyage of such vessel.[1]

These minimum-wage scales, minimum-manning scales and reasonable working conditions shall not affect the rights of any contractor or his employees to set higher wage scales, increased manning scales or better working conditions by collective bargaining or otherwise.

For the purpose of establishing minimum-wages and minimum-manning scales applicable to licensed officers, subsidized vessels are classified as set forth below according to their "power tonnage", which represents the gross tonnage of a vessel plus its indicated horsepower as shown in "Merchant Vessels of the United States", June 30, 1936, published by the Bureau of Marine Inspection and Navigation of the United States Department of Commerce:

CLASSIFICATION OF VESSELS

*Single Screw*

| Class: | *Power Tonnage* |
|---|---|
| A | 20,001 and over. |
| B | 12,001 to 20,000. |
| C | 7,501 to 12,000. |
| D | 5,001 to 7,500. |
| E | Less than 5,001. |

*Twin Screw*

| Class: | |
|---|---|
| A–3 | 35,001 and over. |
| A–2 | 28,001 to 35,000. |
| A–1 | 20,001 to 28,000. |
| A | 15,001 to 20,000. |
| B | 9,001 to 15,000. |
| C | 5,501 to 9,000. |
| D | 3,501 to 5,500. |
| E | Less than 3,501. |

MINIMUM-WAGE SCALES

The wages paid to licensed officers employed on vessels receiving an Operating-Differential Subsidy from the United States Maritime Commission shall not be less than the wages set forth in the following table for the various ratings on the several different classes of vessels:

*Licensed Deck Officers*

| Rating / Classification of vessels | A-3 | A-1 | A | B | C | D | E |
|---|---|---|---|---|---|---|---|
| | Wages per month | | | | | | |
| Master | $265.00 | $225.00 | $215.00 | $205.00 | $190.00 | $185.00 | $180.00 |
| First Officer (In Rank) | 210.00 | 200.00 | 190.00 | 175.00 | 165.00 | 160.00 | 155.00 |
| Second Officer (In Rank) | 185.00 | 175.00 | 165.00 | 160.00 | 150.00 | 145.00 | 140.00 |
| Third Officer (In Rank) | 170.00 | 160.00 | 150.00 | 140.00 | | | |
| Fourth Officer [1] | 115.00 | 115.00 | 115.00 | 115.00 | 115.00 | 115.00 | 115.00 |
| Other Licensed Officers [1] | | | | | | | |

[1] If carried.

[1] "Every contractor receiving an operating-differential subsidy shall post and keep posted in a conspicuous place on each such vessel operated by such contractor a printed copy of the minimum-manning and wage scales, and working conditions prescribed by his contract and applicable to such vessel:" (Excerpt from Section 301 (a) of the Merchant Marine Act, 1936.)



*Licensed Engineer Officers*

| Rating / Classification of Vessels | A-3 | A-1 | A | B | C | D | E |
|---|---|---|---|---|---|---|---|
| | Wages per month | | | | | | |
| Chief Engineer | $390.00 | $335.00 | $315.00 | $310.00 | $300.00 | $275.00 | $265.00 |
| First Assistant Engineer (In Rank) | 265.00 | 225.00 | 215.00 | 205.00 | 190.00 | 185.00 | 180.00 |
| Second Assistant Engineer (In Rank) | 210.00 | 200.00 | 190.00 | 175.00 | 165.00 | 160.00 | 155.00 |
| Third Assistant Engineer (In Rank) | 185.00 | 175.00 | 165.00 | 160.00 | 150.00 | 145.00 | 140.00 |
| Fourth Assistant Engineer (In Rank) | 170.00 | 160.00 | | | | | |
| Other Licensed Engineers [1] | 140.00 | 130.00 | 125.00 | 115.00 | 115.00 | 115.00 | 115.00 |

[1] If carried.

MINIMUM-MANNING SCALES

On all vessels of Class C power tonnage and above, there shall be carried, in addition to the Chief Engineer, no less than four (4) other engineers, of whom at least three (3) shall be licensed engineers.

*Minimum-manning scales for other ratings will be prescribed by the United States Maritime Commission for individual* vessels or types of vessels on completion of individual surveys of each ship.

REASONABLE WORKING CONDITIONS

The following reasonable working conditions are prescribed for licensed officers employed on all types of vessels receiving an operating-differential subsidy.

*Obedience*

SECTION 1. Prompt obedience shall be rendered to the orders of the Master and other superior officers.

*Holidays*

SEC. 2. For the purpose of these working conditions, the following shall be deemed to be holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. When any of the foregoing holidays falls on Sunday, the following Monday shall be deemed to be a holiday.

*Inspections*

SEC. 3. In order to insure cleanliness and orderliness, the heads of the various departments shall make a daily inspection of all crew accommodations. The Master shall personally make at least one weekly inspection of the entire vessel with particular attention to the crew's quarters and food, and he shall enter a record in the log of his inspection and findings.

*Subsistence and Quarters*

SEC. 4. When meals are not furnished, licensed officers shall receive a subsistence allowance at the rate of $3.00 per day and, when required to sleep ashore, they shall receive an allowance of $2.00 per night for lodging.

*Travel Allowances*

SEC. 5. When traveling in the course of employment from one vessel to another or from one port to another, licensed officers shall be paid regular wages while en route and shall be provided with transportation (first class by land, with berth, and cabin class by sea) and subsistence at the rate of $3.75 per day except where subsistence is included with transportation.

*Withdrawal of Vessel from Service*

SEC. 6. If, prior to the completion of Shipping Articles, the vessel is withdrawn from service for any cause, including shipwreck, licensed officers shall be provided with return transportation and subsistence, as provided in Section 5 hereof, to the port where Shipping Articles were signed, unless another port is designated in the Shipping Articles. Full wages shall be paid up to the time of arrival at either of such ports. Application for such return transportation, subsistence and wages must be made within 15 days from the date of withdrawal of the vessel from service, except that, in the case of shipwreck, such application must be made within 15 days from the date of arrival at a safe port.

Licensed officers entitled to return transportation in accordance with this rule shall not be paid the money equivalent of such return transportation.

*Retention of Licensed Officers*

SEC. 7. No licensed officer shall be laid off without pay over a Saturday afternoon, Sunday or a holiday. A full complement of licensed officers shall be employed on any vessel operating on a regular schedule at all times when such vessel is in port, unless the time between arrival at and sailing from the port exceeds 15 days, or unless such vessel is to be withdrawn from service: *Provided,* That licensed officers, whose employment has been terminated or who are on vacation need not be replaced.

*Vacations*

SEC. 8. For each year of continuous service on the subsidized vessels of the contractor beginning with November 1, 1937, every licensed officer shall receive a vacation of 14 consecutive days with full pay.

Such vacation shall be cumulative to the extent mutually agreed upon and shall be allowed at such times as may be convenient to the operating necessities of the service. No cash allowance in lieu of vacation shall be made.

If, after 6 months of continuous service, employment is terminated through no fault of the officer, he shall be entitled to such vacation as has accrued on the basis of 1/12th the annual period per month. Continuous service shall not be deemed to be broken by temporary furloughs from the service of the contractor: *Provided,* That no vacation shall accrue during such periods of furlough.

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MINIMUM-WAGE AND MINIMUM-MANNING SCALES AND REASONABLE WORKING CONDITIONS APPLICABLE TO UNLICENSED PERSONNEL EMPLOYED ON ALL TYPES OF VESSELS RECEIVING AN OPERATING-DIFFERENTIAL SUBSIDY FROM THE UNITED STATES MARITIME COMMISSION

The following minimum-wage and minimum-manning scales and reasonable working conditions were adopted by the United States Maritime Commission, and shall be applicable to each subsidized vessel upon the first signing, after November 1st, of shipping articles for a subsidized voyage of such vessel.[1]

These minimum-wage scales, minimum-manning scales and reasonable working conditions shall not affect the rights of any contractor or his employees to set higher wage scales, increased manning scales or better working conditions by collective bargaining or otherwise.

MINIMUM-WAGE SCALES

The wages paid to unlicensed personnel employed on all classes of vessels receiving an operating-differential subsidy from the United States Maritime Commission shall not be less than the wages set forth in the following table for the various ratings:

*Deck Department*

| Rating: | *Wages per month* |
|---|---|
| Boatswain | $85.00 |
| Boatswain's Mate | 82.50 |
| Carpenter | 85.00 |
| Carpenter's Mate | 80.00 |
| Storekeeper | 77.50 |
| Quartermaster | 77.50 |
| Able Seaman | 72.50 |
| Ordinary Seaman | 55.00 |
| Watchman | 72.50 |
| Deck Boy | 50.00 |

[1] "Every contractor receiving an operating-differential subsidy shall post and keep posted in a conspicuous place on each such vessel operated by such contractor a printed copy of the minimum-manning and wage scales, and working conditions prescribed by his contract and applicable to such vessels:" (Excerpt from Section 301 (a) of the Merchant Marine Act, 1936.)

*Engine Department*

| Rating: | Wages per month |
|---|---|
| Junior Engineer | $110.00 |
| Oiler | 82.50 |
| Watertender | 82.50 |
| Fireman | 72.50 |
| Storekeeper | 82.50 |
| Wiper | 60.00 |

*Steward's Department on Passenger Vessels*

| Rating: | Wages per month |
|---|---|
| Utility Man | $55.00 |
| Waiter | 55.00 |
| Steward | 55.00 |
| Bell Boy | 35.00 |

*Steward's Department on Freight Vessels*

| Rating: | Wages per month |
|---|---|
| Chief Steward | $120.00 |
| Chief Cook | 105.00 |
| Second Cook and Baker | 90.00 |
| Messman | 60.00 |
| Messboy | 55.00 |

MINIMUM-MANNING SCALES

SECTION 1. On all vessels having a "power tonnage" of 7,501 to 12,000, at least one (1) wiper shall be carried, and on all vessels of a "power tonnage" of 12,001 and over, no less than two (2) wipers shall be carried. "Power Tonnage" as used in this section represents the gross tonnage of the vessel plus its indicated horsepower as shown in "Merchant Vessels of the United States", June 30, 1936, published by the Bureau of Marine Inspection and Navigation of the United States Department of Commerce.

*Minimum-manning scales for other ratings will be prescribed by the United States Maritime Commission for individual vessels or types of vessels on completion of individual surveys of each ship.*

REASONABLE WORKING CONDITIONS

*Obedience*

SECTION 1. Prompt obedience shall be rendered to the orders of the Master and other superior officers.

*Holidays*

SEC. 2. For the purpose of these working conditions, the following shall be deemed to be holidays: New Years' Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. When any of the foregoing holidays falls on Sunday, the following Monday shall be deemed to be a holiday.

*Inspections*

SEC. 3. In order to insure cleanliness and orderliness, the heads of the various departments shall make a daily inspection of all crew accommodations. The Master shall personally make at least one weekly inspection of the entire vessel with particular attention to the crews' quarters and food, and he shall enter a record in the log of his inspection and findings.

*Subsistence and Quarters*

SEC. 4. When meals are not furnished, unlicensed members of the crew shall receive a subsistence allowance at the rate of $1.80 per day and, when required to sleep ashore, they shall receive an allowance of $1.00 per night for lodging.

*Travel Allowance*

SEC. 5. When traveling in the course of employment from one vessel to another or from one port to another, unlicensed personnel shall be paid regular wages while en route and shall be provided with necessary transportation and subsistence at the rate of $2.50 per day, except where subsistence is included with transportation.

*Withdrawal of Vessel from Service*

SEC. 6. If, prior to the completion of Shipping Articles, the vessel is withdrawn from service for any cause, including shipwreck, unlicensed personnel shall be provided with return transportation and subsistence, as provided in Section 5 hereof, to the port where Shipping Articles were signed, unless another port is specifically designated in the Articles. Full wages shall be paid up to the time of arrival at either of such ports. Application for such return transportation, subsistence and wages must be made within 15 days from the date of withdrawal of the vessel from service, except that, in the case of shipwreck, such application must be made within 15 days from the date of arrival at a safe port.

Unlicensed personnel entitled to return transportation in accordance with this rule shall not be paid the money equivalent of such return transportation.

*Vacations*

SEC. 7. For the first year of continuous service on the subsidized vessels of the contractor beginning November 1, 1937, every unlicensed member of the crew shall receive a vacation of 7 consecutive days with full pay and, for each subsequent year of continuous service, a vacation of 14 consecutive days with full pay.

Such vacation shall be cumulative to the extent mutually agreed upon and shall be allowed at such time as may be convenient to the operating necessities of the service. No cash allowance in lieu of vacations shall be made.

If, after 6 months of continuous service, employment is terminated through no fault of the employee, he shall be entitled to such vacation as has accrued on the basis of 1/12th the annual period per month. Continuous service shall not be deemed to be broken by temporary furloughs from the service of the contractor: *Provided*, That no vacation shall accrue during such periods of furlough.

MINIMUM-WAGE SCALE AND REASONABLE WORKING CONDITIONS APPLICABLE TO RADIO OPERATORS EMPLOYED ON ALL TYPES OF VESSELS RECEIVING AN OPERATING-DIFFERENTIAL SUBSIDY FROM THE UNITED STATES MARITIME COMMISSION

The following minimum-wage scale and reasonable working conditions were adopted by the United States Maritime Commission October 21, 1937, applicable to each subsidized vessel upon the first signing, after November 1st, of shipping articles for a subsidized voyage of such vessel.[1]

These minimum-wage scales and reasonable working conditions shall not affect the rights of any contractor or his employees to set higher wage scales or better working conditions by collective bargaining or otherwise.

MINIMUM WAGE SCALE

On vessels employing not more than one radio operator, the minimum wage of such operator shall be not less than $125.00 per month. On vessels employing more than one radio operator, the minimum wage of the operator of lowest rank shall be not less than $110.00 per month.

REASONABLE WORKING CONDITIONS

*Obedience*

SECTION 1. Prompt obedience shall be rendered to the orders of the Master and other superior officers.

*Holidays*

SEC. 2. For the purpose of these working conditions, the following shall be deemed to be holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. When any of the foregoing holidays falls on Sunday, the following Monday shall be deemed to be a holiday.

[1] "Every contractor receiving an operating-differential subsidy shall post and keep posted in a conspicuous place on each such vessel operated by such contractor a printed copy of the minimum-manning and wage scales, and working conditions prescribed by his contract and applicable to such vessels:" (excerpt from Section 301 (a) of the Merchant Marine Act, 1936.)



*Inspections*

SEC. 3. In order to insure cleanliness and orderliness, the heads of the various departments shall make a daily inspection of all crew accommodations. The Master shall personally make at least one weekly inspection of the entire vessel with particular attention to the crew's quarters and food, and he shall enter a record in the log of his inspection and findings.

*Regulations*

SEC. 4. Radio operators shall observe all rules and regulations promulgated by the Federal Communications Commission and shall be required to know the rules and regulations of the radio company servicing the radio station of the vessels on which employed.

*Allowance for Travel*

SEC. 5. When traveling in the course of employment from one vessel to another or from one port to another, radio operators shall be paid regular wages while en route and shall be provided with transportation (first class by land, with berth, and cabin class by sea) and subsistence at the rate of $3.75 per day except when subsistence is included with transportation.

*Withdrawal of Vessel from Service*

SEC. 6. If, prior to the completion of Shipping Articles, the vessel is withdrawn from service for any cause, including shipwreck, radio operators shall be provided with return transportation and subsistence as provided in Section 2 hereof to the port where Shipping Articles were signed, unless another port is specifically designated in the Articles. Full wages shall be paid up to the time of arrival at either of such ports. Application for such return transportation, subsistence and wages must be made within 15 days from the date of withdrawal of the vessel from service, except that, in case of shipwreck, such application must be made within 15 days from the date of arrival at a safe port.

Radio operators entitled to return transportation in accordance with this rule shall not be paid the money equivalent of such return transportation.

*Maintenance of Station*

SEC. 7. No radio operator shall be required to furnish equipment or supplies necessary for the maintenance of the vessel's radio station.

*Subsistence Ashore*

SEC. 8. When meals are not furnished, radio operators shall receive a subsistence allowance at the rate of $3.00 per day and, when required to sleep ashore, they shall receive an allowance of $2.00 per night for lodging.

*Retention in Port*

SEC. 9. No radio operator shall be laid off without pay over a Saturday afternoon, Sunday or holiday.

*Vacations*

SEC. 10. For each year of continuous service on the subsidized vessels of the contractor beginning with November 1, 1937, every radio operator shall receive a vacation of 14 consecutive days with full pay.

Such vacation shall be cumulative to the extent mutually agreed upon and shall be allowed at such times as may be convenient to the operating necessities of the service. No cash allowance in lieu of vacation shall be made.

If, after 6 months of continuous service, employment is terminated through no fault of the radio operator, he shall be entitled to such vacation as has accrued on the basis of $\frac{1}{12}$ the annual period per month. Continuous service shall not be deemed to be broken by temporary furloughs from the service of the contractor: *Provided*, That no vacation shall accrue during such periods of furlough.

[F. R. Doc. 37-3091; Filed, October 21, 1937; 3:13 p. m.]

## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

PAYMENT TO COMMANDING OFFICERS OF NAVAL HOSPITALS

*Payment of Pension to Naval Hospitals When World War Veterans are Hospitalized Therein as Beneficiaries of the Navy Department*

R–1260. (A) In accordance with the provisions of Section 4813, Revised Statutes (24 U. S. C. 6), the pension of veterans whose claims are based on service subsequent to April 20, 1898, will be paid to the Commanding Officer of a Naval Hospital upon hospitalization therein by the Navy Department. This will not apply where upon application to the Veterans' Administration the veteran is hospitalized as a Veterans' Administration patient.

(B) The amount to be paid to the Naval Hospital will be subject to the provisions of Veterans' Regulation No. 6 (c) and will be the full amount of pension to which the veteran himself is entitled under such regulation and the statute granting the pension. Therefore, if the veteran has dependents the full amount of the pension to which he is entitled will be awarded to the Commanding Officer of the Naval Hospital but if he has no dependents the award to the Commanding Officer will be $15 monthly or $6 monthly, depending upon the basis of entitlement and the disability rating (October 21, 1937.)

*Public Acts No. 2 and No. 141, 73d Congress, and Veterans Regulation*

R–2195. No. 1 (f).—The payment to the Commanding Officer of a Naval Hospital shall be subject to the restrictions of Veterans Regulation No. 6 (c), and will be the full amount to which the veteran himself is entitled under such regulation and the statute granting the pension. If the veteran has dependents the award to the Commanding Officer of a Naval Hospital will be the full amount of the pension to which the veteran himself is entitled or, if he has no dependents, the amount payable to the Commanding Officer will be $15 monthly or $6 monthly, depending upon the basis of entitlement and the disability rating. (October 21, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37—3089; Filed, October 21, 1937; 2:51 p. m.]

REVISION OF REGULATIONS

RATES—PEACE-TIME SERVICE

R–2088. (A) In claims of veterans with peace-time service only subsequent to August 12, 1898, the pension to be awarded will be in accordance with the rates provided in Veterans Regulation No. 1 series, Part II, and the Schedule for Rating Disabilities, 1933.

(B) Pursuant to the provisions of Public No. 788, 74th Congress, enacted June 24, 1936, any peace-time veteran entitled to pension for service connected disability under Veterans Regulation No. 1 series, Part II, and who was on March 19, 1933, in receipt of compensation under the World War Veterans Act, 1924, as amended, or pension under the general law, for such service connected disability shall be entitled to receive pension at seventy-five per centum of the compensation or pension being paid on March 19, 1933, effective July 1, 1936. Where the degree of such service connected disability has increased or decreased since March 19, 1933, the per centum limits shall be determined on the basis of the rate of compensation or pension payable for such changed condition under the laws applied to such veteran in effect on March 19, 1933. However, in no event shall the rate of pension herein provided exceed seventy-five per centum of the rate of pension for similar disability under Veterans Regulation No. 1 (a), Part I. Such pension shall be subject

to the regulations issued under Public Law No. 2, 73d Congress, pertaining to hospitalized and domiciled cases.

(C) The protection afforded by Public No. 788, 74th Congress, will be extended to the claims of veterans who were on March 19, 1933, receiving compensation under the War Risk Insurance Act, as protected by Section 602 of the World War Veterans Act, 1924, as amended, for a disability incurred subsequent to July 2, 1921, where such disability would also have been pensionable on March 19, 1933, under the general law (Act of July 14, 1862), by awarding, effective July 1, 1936, seventy-five per centum of the rate payable under the general law where that benefit is greater than the amount payable under Public No. 2, 73d Congress. In this class of cases a claim for compensation under the War Risk Insurance Act will be accepted for the purpose of awarding the benefits under Public No. 788, 74th Congress, as a claim for pension under the general law, and such claims will be forwarded to the director, veterans claims service, central office. (October 22, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-3090; Filed, October 21, 1937; 2:51 p. m.]

*Tuesday, October 26, 1937* *No. 207*

## PRESIDENT OF THE UNITED STATES.

### ARMISTICE DAY—1937

By the President of the United States of America

A PROCLAMATION

WHEREAS November 11, 1937, is the nineteenth anniversary of the cessation of the most destructive, sanguinary, and far-reaching war in human annals; and

WHEREAS Senate Concurrent Resolution 18, Sixty-ninth Congress (44 Stat. 1982), passed June 4, 1926, provides:

"That the President of the United States is requested to issue a proclamation calling upon the officials to display the flag of the United States on all Government buildings on November 11 and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples"; and

WHEREAS lawlessness and strife in many parts of the world which now threaten international security and even civilization itself, make it particularly fitting that we should again express our wish to pursue a policy of peace, to adopt every practicable means to avoid war, to work for the restoration of confidence and order among nations, and to repeat that the will to peace still characterizes the great majority of the peoples of the earth;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby direct that on November 11, 1937, the nineteenth anniversary of the Armistice, the flag of the United States be displayed on all Government buildings, and do invite the people of the United States to observe the day with appropriate ceremonies in schools and churches, and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this 22nd day of October, in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
SUMNER WELLES
*Acting Secretary of State.*

[No. 2258]

[F. R. Doc. 37-3112; Filed, October 25, 1937; 10:16 a. m.]

### EXECUTIVE ORDER

DESIGNATING THE HONORABLE MARTIN TRAVIESO AS ACTING JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO FOR THE TRIAL OF THE CASE OF UNITED STATES V. JULIO PINTO GANDIA, ET AL.

By virtue of and pursuant to the authority invested in me by section 41 of the act entitled "An Act To provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917 (39 Stat. 965), I hereby designate and authorize the Honorable Martin Travieso, Associate Justice of the Supreme Court of Puerto Rico, to perform and discharge the duties of Judge of the District Court of the United States for Puerto Rico in the trial of the case of *United States v. Julio Pinto Gandia, Juan Alamo, Manuel Avila, Raimundo Diaz Pacheco, Santiago Nieves Malsan, Julio Monge Hernandez, Dionisio Velez Aviles, Jesus Casellas Torres, Anibal Arsuaga Casellas and Juan Bautista Colon Rivera* (No. 4456 Cr.), and to sign all papers, records, and orders necessary or appropriate for the proper adjudication and disposition of such case.

This order is necessary for the reason that the Honorable Robert A. Cooper, Judge of the said District Court of the United States for Puerto Rico, is a necessary witness for the Government in the trial of the said case and is, therefore, under legal disability to act as judge in such case.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 22, 1937.*

[No. 7731]

[F. R. Doc. 37-3104; Filed, October 23, 1937; 11:26 a. m.]

## WAR DEPARTMENT.

### ANCHORAGE GROUNDS FOR SAN FRANCISCO BAY, SAN PABLO BAY, CARQUINEZ STRAIT, SUISUN BAY, NEW YORK SLOUGH AND SAN JOAQUIN RIVER WITH RULES AND REGULATIONS RELATING THERETO

REGULATIONS GOVERNING THE USE AND NAVIGATION OF SAID BAY BY VESSELS OTHER THAN COMMON CARRIERS CARRYING EXPLOSIVES

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REGULATIONS GOVERNING THE USE AND NAVIGATION OF THE WATERS OF SAN FRANCISCO BAY, SAN PABLO BAY, CARQUINEZ STRAIT, SUISUN BAY, NEW YORK SLOUGH, AND SAN JOAQUIN RIVER, CALIFORNIA, BY VESSELS OTHER THAN COMMON CARRIERS CARRYING EXPLOSIVES, AND THE HANDLING OF EXPLOSIVES IN SUCH VESSELS

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*Law Authorizing Establishment of Anchorage Grounds*

River and harbor act approved March 4, 1915:

SEC. 7. That the Secretary of War is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue Cutter Service under the direction of the Secretary of the Treasury: Provided, that at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be, and in the name of the officer designated by the Secretary of War.

NOTE.—The Revenue Cutter Service is now included in the United States Coast Guard, (Act of January 28, 1915). The officer of the Coast Guard Service charged with special duties in connection with the enforcement of these regulations in San Francisco Bay, San Pablo Bay, Carquinez Strait and Suisun Bay, under the direction of the Secretary of the Treasury is designated "Captain of the Port". Complaints arising under these regulations insofar as they effect any of the above named waterways, and requests for permits for loading or unloading explosives in the various explosives anchorages should be addressed to that officer. His office is at Room 417 Customhouse, San Francisco, California.

The District Engineer, U. S. Engineer Office, 208 Post Office Building, Sacramento, California, has supervision over the enforcement of the regulations in New York Slough and the San Joaquin River. Complaints arising under the regulations insofar as they effect those waterways should be addressed to that officer.

THE ANCHORAGE GROUNDS

[All azimuths are referred to true north]

Under authority of the provisions of section 7 of the river and harbor act approved March 4, 1915, quoted above, the following anchorage grounds for vessels are hereby defined and established, and the following rules and regulations relating thereto are adopted.

SAN FRANCISCO BAY

No. 1. *Temporary anchorage.*—The area immediately north of the City of San Francisco, west of a line having a bearing of 344° from the stack at the municipal pumping station at Black Point, San Francisco and passing through Point Stuart Light, Angel Island; south of a line having a bearing of 86° from Point Bonita Light; south of a line having a bearing of 71° from the pylon of the Golden Gate Bridge north of the old fort on Fort Point; and east of a line bearing 162° from Yellow Bluff Light. (For use of this anchorage and description of yacht anchorage embraced therein see rules and regulations below.)

No. 2. *General anchorage.*—The portion of Richardson Bay north of a line having a bearing of 257° from Peninsula Point to the interlocking switch tower of the Northwestern Pacific Railroad at Sausalito, except so much of the above area as is included in Naval Anchorage No. 11.

No. 3. *General anchorage.*—The area in Belvedere Cove, west of a line having a bearing of 25½° from Peninsula Point to the west fender of the Northwestern Pacific Railroad ferry slip at Tiburon.

No. 4. *General anchorage.*—The area on the west side of upper San Francisco Bay west of a line having a bearing of 5° from Bluff Point and just touching the west side of Red Rock; west of a line having a bearing of 333° from Point Simpton (Angel Island) through the ferry apron on the outer end of the Richmond-San Rafael ferry wharf at San Quentin; and south of a line having a bearing of 86° and tangent to the south face of the San Quentin prison building; excluding, however, so much of the above area as is within the outer boundary of the forbidden anchorage zone surrounding Explosives Anchorage No. 13, and also Quarantine Anchorage No. 17 when that anchorage is being used for quarantine purposes.

No. 5. *General anchorage.*—The area on the east side of the upper part of San Francisco Bay, south of the Point Orient wharf of the Standard Oil Company; east of a line having a bearing of 170° from the south west corner of the said Point Orient wharf and passing through the red and black non buoy on the north end of Southampton Shoal; and north of a line having a bearing of 93° from the said buoy at the north end of Southampton Shoal to the north end of the train shed of the Santa Fe Railroad Company at Point Richmond, excluding from this area, however, the entrance channel, 400 feet wide, to Richmond Inner Harbor. (For use of this anchorage see rules and regulations below.)

No. 6. *General anchorage.*—The area on the east side of San Francisco Bay south of a line having a bearing of 280° from the southern extremity of Point Isabel to the northern extremity of Brooks Island, thence along the northwesterly shore of Brooks Island to the training wall extending westerly therefrom thence westerly along said training wall to its bayward end; east of a line having a bearing of 162° from the bayward end of the above training wall; east of a line having a bearing of 324° and tangent to the outer end of the most westerly corner of the Key System Ferry Slip; and north of a line having a bearing of 71° from the northwest corner of Yerba Buena Island, excluding from this area, however, the cable areas therein.

No. 7. *General anchorage.*—The area west of the fill north of Yerba Buena Island within the following lines; north of a line having a bearing of 237° from the northwest corner of Yerba Buena Island; east of the line having a bearing of 329½° from the center anchorage pier of the San Francisco-Oakland Bay Bridge and passing through Point Blunt Light, Angel Island; east of the line having a bearing of 2½° from the tower of the Ferry building at San Francisco to the west end of the transit shed at Parr-Richmond Terminal No. 1, Point Richmond: southwest of a line having a bearing of 129½° from Point Blunt (Angel Island) to the angle point at the northern end of the west side of the fill north of Yerba Buena Island.

No. 8. *General anchorage.*—The area east of the City of San Francisco inclosed within the following lines; south of a line having a bearing of 241½° from the outer end of the north fender of the passenger ferry slip at Alameda Mole and passing through the northeast corner of Pier 50, San Francisco; east of a line having a bearing of 344° from the chimney of the pumping plant at the Hunters Point dry dock (Point Avisadero); north of a line having a bearing of 90° from the northeast corner of Pier 54, San Francisco; and northwest of a line having a bearing of 216° from

the outer end of the extreme north fender of the automobile ferry slips at the Oakland Mole and passing through the northeast corner of the largest building of the sugar refinery at Potrero Point.

No. 9. *General anchorage.*—The area in San Francisco Bay south of a line having a bearing of 268° from the outer end of the south fender of the automobile ferry slip at the end of the Alameda Mole and just touching the northwest corner of Pier 14, San Francisco; southeast of a line having a bearing of 216° from the "A" in the Albers' sign on the north side of Oakland Mole and passing through the flagstaff of the Catholic orphan asylum northwest of Hunters Point, San Francisco; east of a line having a bearing of 344° from the chimney of the pumping plant at the Hunters Point dry dock (Point Avisadero); northeast of a line having a bearing of 146° from the west side of Mission Rock; and north of a line 1,000 yards north of the Hayward-San Mateo highway bridge and parallel thereto; excluding from this area, however, Explosives Anchorage No. 14, Explosives Storage Anchorage No. 15, Explosives Storage Anchorage No. 16, the forbidden anchorage surrounding these three anchorage areas, and the cable area adjacent to Alameda Mole.

All of San Leandro Bay is also included in this anchorage

No. 10. *Naval anchorage.*—The triangular area immediately east of Sausalito; northwest of a line having a bearing of 234° from Point Stuart Light to the outer end of a wharf on the Sausalito shore; and southwest of a line having a bearing of 303° from Alcatraz Light. (For use of this anchorage see rules and regulations below.)

No. 11. *Naval anchorage.*—The area in and adjacent to Richardson Bay south of a line having a bearing of 270° from Peninsula Point; west of the line having a bearing 204° from the southeast end of the ferry landing near Point Tiburon and passing through Yellow Bluff Light; north of the line having a bearing of 271° from Point Knox and passing through Sausalito Point; east of a line having a bearing of 0° from Yellow Bluff Light. (For use of this anchorage see rules and regulations below.)

No. 12. *Naval anchorage.*—The area east of the City of San Francisco inclosed within lines described as follows: south of a line having a bearing of 268° from the outer end of the south fender of the automobile ferry slip at the end of the Alameda Mole and just touching the northerly corner of Pier 14, San Francisco; southeast of a line having a bearing of 53° from the southeast corner of Pier 32, San Francisco, and passing through Oakland Shoal Light beacon; east of a line having a bearing of 344° from the chimney of the pumping plant at Hunters Point drydock (Point Avisadero) (this line passes approximately 1550 feet away from the end of Pier 32, San Francisco); north of a line having a bearing of 241½° from the outer end of the north fender of the passenger ferry slip at Alameda Mole and passing through the northeast corner of Pier 50, San Francisco; and northwest of a line having a bearing of 216° from the outer end of the extreme north fender of the automobile ferry slips at the Oakland Mole and passing through the northeast corner of the largest building of the sugar refinery at Potrero Point. (For use of this anchorage see rules and regulations below.)

No. 13. *Explosives anchorage.*—The circular area having a radius of 1,000 feet about a white buoy used to mark the location of this anchorage the center of which is 2,400 yards 113½° from the most northerly extremity of California Point. (For use of this anchorage see rules and regulations below.)

The circular zone 1,500 feet wide partially surrounding this Explosives Anchorage No. 13 is forbidden anchorage and shall not be used as anchorage by any vessels.

No. 14. *Explosives anchorage.*—The circular area having a radius of 1,500 feet about a white buoy used to mark the location of this anchorage, the center of which bears 122° from the tower of the Ferry Building, San Francisco and 19° from the chimney of the pumping plant at Hunters Point Dry Dock (Point Avisadero). (For use of this anchorage see rules and regulations below.)

The circular zone 1,500 feet wide surrounding this Explosives Anchorage No. 14 is forbidden anchorage and shall not be used by any vessels.

This anchorage and the surrounding zone of forbidden anchorage may be temporarily discontinued by the district engineer of the San Francisco Engineer District when the area occupied by them is needed for general anchorage purposes.

No. 15. *Explosives storage anchorage.*—The area 3,000 feet square, whose center is marked by a white buoy and bears 124½⅝° from the chimney of the pumping plant at Hunters Point Dry Dock (Point Avisadero), and 198° from the West Radio Tower on the westerly extremity of Bay Farm Island, and whose sides are due north and south and east and west. (For use of this anchorage see rules and regulations below.)

The square zone 1,500 feet wide surrounding this Explosives Storage Anchorage No. 15 is forbidden anchorage and shall not be used by any vessels.

No. 16. *Explosives storage anchorage.*—The area 3,000 feet square, the northeast corner of which is marked by a white pile dolphin bearing 270°, 2,900 yards from Roberts Landing and whose sides are due north and south and east and west. (For use of this anchorage see rules and regulations below.)

The square zone 1,500 feet wide surrounding this Explosives Storage Anchorage No. 16 is forbidden anchorage and shall not be used by any vessels.

No. 17. *Quarantine anchorage.*—The area 3,000 feet square, the easterly side of which is coincident with the easterly boundary of Anchorage No. 4, and the northerly side of which, if extended westerly, would pass through the northeasterly tip of California Point. (The above anchorage was established by the Surgeon General with the approval of the Secretary of the Treasury, and is under the jurisdiction of the Medical Officer in Charge of the Port of San Francisco. Its description is included in these regulations for information only.)

SAN PABLO BAY

No. 18. *General anchorage.*—The area adjacent to the west shore of San Pablo Bay north of a line having a bearing of 270° from the easterly of The Sisters Islands; west of a line having a bearing of 5½° from the easterly of the above islands and passing through Light and Echo Board 2 marking the dredged channel to the mouth of Petaluma Creek; and south of a line having a bearing of 120° from the northerly of two high transmission towers near the mouth of Novato Creek, excluding from this area, however, the channel to Hamilton Field and the extension of said channel easterly to the boundary of the anchorage.

No. 19. *General anchorage.*—The area lying east of a line bearing 0° from a group of tanks on the top of the hill about ½ mile southeast of Point San Pablo; and north of a line bearing 51° from the easterly of The Sisters Islands to a point opposite Buoy 3 marking the dredged channel across Pinole Shoal; thence bearing 58°, parallel to the northerly line of said channel and distant 500 feet therefrom to a point opposite the angle in said channel; thence bearing 78½°, parallel to the northerly line of said channel and distant 500 feet therefrom to a point directly south of the end of the long dike extending from Mare Island southwesterly into San Pablo Bay; thence bearing 0° to the end of said dike; thence along said dike in a northeasterly direction to Mare Island.

No. 20. *General anchorage.*—The area on the southern side of San Pablo Bay between Point San Pablo and the Union Oil Company's wharf at Oleum; southeast of a line bearing 42° from the northwest corner of the wharf at Parr-Richmond Terminal No. 4 at Point San Pablo, and south of a line bearing 248½° from the northwest corner of the Union Oil Company's wharf at Oleum; excepting the two Explosives Anchorages 22 and 23.



No. 21. *Naval anchorage.*—The rectangular area south of Mare Island whose northerly boundary is a line 3,000 feet long, having a bearing of 78½° and being parallel to and distant 500 feet northerly from the northerly line of the dredged channel across Pinole Shoal extended; and whose easterly boundary is a line 1,500 feet long having a bearing of 348½° from the shot tower of the Selby Smelting Works.

No. 22. *Explosives anchorage.*—The circular area having a radius of 1,500 feet and whose center is at the northwest corner of the Giant Powder Company's wharf at Pinole Point.

No. 23. *Explosives anchorage.*—The circular area having a radius of 1,500 feet and whose center is at the northwest corner of the Hercules Powder Company's wharf at Refugio

CARQUINEZ STRAIT

No. 24. *General anchorage.*—The area on the north side of Carquinez Strait between Dillon Point and the remaining wing of the former train ferry slip at Benicia north of a line having a bearing of 121° from the easterly side of Dillon Point and passing through the Benicia Tannery tank; thence northeast of the line having a bearing of 165° and passing through the flashing red navigation light at Port Costa; thence north of a line bearing 125° from the high transmission on Dillon Point, excluding from this anchorage, however, the cable area therein.

No. 25. *General anchorage.*—The area on the south side of Carquinez Strait northwest of the City of Martinez lying southwest of a line having a bearing of 108° from the Port Costa Brick Company's stack about 1,000 feet south of the Associated Oil Company's Port Costa dock, and westerly of a line bearing 154° from the Benicia tannery tank.

SUISUN BAY

No. 26. *General anchorage.*—The area on the west side of Suisun Bay adjacent east and northeast of the City of Benicia lying north of a line having a bearing of 77½° from the channel end of the Army Point wharf to the Point Edith Light and Echo Board; northwest of a line having a bearing of 35° from the west end of the channel face of the Shell Company's wharf at Martinez; and south of a line having a bearing of 90° from the Southern Pacific Company's water tank at Goodyear.

No. 27. *General anchorage.*—The area in the northeast portion of Suisun Bay lying east of a line bearing 0° from Seal Island Echo Board; north of a line bearing 82° from Seal Island Echo Board to Roe Island Light, thence bearing 101° to Middle Ground Light, thence bearing 88° to Chipps Island.

SAN JOAQUIN RIVER

No. 28. *General anchorage.*—The area adjacent to Lower Sherman Island lying southeasterly of a line 1,350 feet long bearing 238° from the Point Sacramento Light; easterly of a line bearing 163½° from the west end of said 1,350-foot line; and northerly of a line bearing 27° from the New York Slough (east end) Light to Sherman Island.

No. 29. *General anchorage.*—The entire water area southerly of West Island between West Island and the mainland lying between lines bearing 180° from the eastern extremity of West Island and 211° from the western extremity of West Island.

THE RULES AND REGULATIONS

1. Except in cases of distress, or great emergency, or heavy fog, no vessel shall be anchored in the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, and in the San Joaquin deep-water channel and the Stockton turning basin, California, outside of the anchorages hereby defined and established, nor be made fast to the exterior end of any pier, nor to any vessel lying at the exterior end of any pier, or along any bulkhead in such manner as to obstruct or endanger the passage of any vessels to or from the adjacent wharf property, or impede the movements of any vessel entering or leaving adjacent slips. (For special regulations applying to the Stockton deep-water channel and the Stockton turning basin see paragraphs 15 and 16 below.)

2. Whenever in the opinion of the captain of the port such action may be necessary, that officer may require any or all vessels in any designated anchorage to moor with two or more anchors. Vessels using Anchorages Nos. 15 and 16 for the purpose of storage of explosives will be required to anchor with two or more anchors at all times.

3. Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time, shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released.

4. Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

5. Any vessel anchoring under circumstances of great emergency outside of the anchorage areas shall be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the captain of the port (see also Regulations 15 and 16).

6. The anchorages, as above described, will be used only for the purposes stated for each and under the following special limitations:

(*a*) Anchorage No. 1. Except as described below in this paragraph, this anchorage is a temporary anchorage reserved for the use of vessels entering port while undergoing examination by quarantine, customs or immigration authorities. Upon completion of these examinations vessels shall promptly move out of this anchorage. Yachts may anchor in that portion of this area lying south of a line between Anita Rock Buoys and the northern extremity of Pier 45; west of Steiner Street extended; and east of Lyon Street extended. No permanent moorings shall be placed in the above described area.

(*b*) Anchorage No. 5. Vessels may anchor in this anchorage immediately adjacent to the channel to Richmond Inner Harbor, provided, however, that ships obstructing the said channel must move from their position immediately if and when the fairway is required by vessels navigating the channel.

(*c*) Anchorage No. 10 is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice, should the anchorage be required for public vessels. With the permission of the captain of the port, permanent yacht moorings may be placed within this anchorage, not more than 900 feet from the shore and not outside of the limiting lines of the anchorage.

(*d*) Anchorage No. 11 is reserved for the exclusive use of vessels and seaplanes of the United States Navy.

(*e*) Anchorage No. 12 is reserved for the use of vessels of the United States or foreign navies and for other public vessels of the United States; with the permission of the captain of the port this anchorage may be used temporarily by vessels other than public vessels but vessels availing themselves of this privilege must hold themselves in readiness to shift berth immediately upon receiving notice to do so.

(*f*) Anchorages Nos. 13 and 14 are for the use of vessels loaded with, loading, or unloading, explosives, and these anchorages shall not be used by any other vessels. This provision is not intended to prohibit lighters and barges from tying up alongside of ships for the transfer of cargo.

The circular zones 1,500 feet wide surrounding the Explosives Anchorages Nos. 13 and 14 are forbidden anchorages and no vessel shall anchor therein.

(*g*) Anchorages Nos. 15 and 16 are for the purpose of storage of explosives. Barges and vessels shall be anchored so as not to approach one another closer than 500 feet. All barges using these anchorages for storage purposes shall anchor with two or more anchors. The captain of the port may authorize the placing of moorings within these areas, provided these moorings be so placed that barges at one mooring shall at all times be not less than 500 feet from barges at an adjacent mooring.

The square zones 1,500 feet wide surrounding Explosives Storage Anchorages Nos. 15 and 16 are forbidden anchorages and no vessel shall anchor therein.

7. The captain of the port shall assign berths in the anchorages to all vessels applying. He may grant permits for habitually maintaining and using the same mooring place in an anchorage area, and no vessel shall occupy a permanent berth in an anchorage area, except under authority of such permit, which may be revoked at any time.

8. A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds shall get under way at once or signal for a tug, and shall change position as directed with reasonable promptness.

9. Except as provided in rule 11, vessels carrying explosives or other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gasses, and poisonous substances, shall be anchored within the anchorages Nos. 13, 14, 15, 16, 22 and 23 only.

Any vessel carrying explosives and desiring to proceed to the anchorages provided therefor shall first obtain a written permit from the captain of the port; and no vessel shall occupy a berth in such anchorages except by authority of such permit, which may be revoked at any time. All other vessels, especially tugs and stevedore boats, engaged or used in connection with loading explosives on vessels shall carry written permits from the captain of the port and shall show these permits whenever required by the captain of the port or his properly authorized agents.

10. Whenever any water craft not fitted with mechanical power anchors in explosives anchorages Nos. 13, 14, 15 and 16 while carrying explosives, the captain of the port may require the attendance of a tug upon such water craft when, in his judgment, such action is deemed necessary.

11. The district engineer in charge of works of river and harbor improvement is empowered to authorize, in writing the anchoring of a single barge carrying explosives in or near the vicinity of such work for use thereon, but only in quantities considered by him safe and necessary. The district engineer shall prescribe the conditions under which this explosive shall be stored and handled and shall in each case furnish the captain of the port with a copy of the written permit to anchor explosives on the work and a copy of the rules and regulations for the storage and handling.

12. Whenever the maritime or commercial interests of the United States so require, the captain of the port is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel or obstruct or interfere with range lights, and of any vessel which, lying at the exterior end of a pier or alongside an open bulkhead, obstructs or endangers the passage of vessels to or from adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips.

13. Permits to anchor in channels within the limits of the waterways covered by these regulations, may be granted by the captain of the port to wrecking plants or other vessels legally engaged in recovering sunken property or in laying pipe or cable lines legally established or in repairing the same when the application for such anchorage is approved by the district engineer in charge of works of river and harbor improvement and to plant engaged in dredging operations, when authorized by the district engineer.

The provisions of this paragraph will not apply to plants engaged under the supervision of the district engineer of the Engineer Department upon works for the improvement of rivers and harbors, but the district engineer shall advise the captain of the port, in advance of proposed work for such improvement in all cases where plant is to be employed under his supervision.

14. Nothing in these rules and regulations shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

*Special Regulation Applying to the San Joaquin Deep-Water Channel and the Stockton Turning Basin*

15. Vessels anchored in San Joaquin deep-water channel or the Stockton turning basin because of distress or heavy fog shall be placed as near the edge of the channel or turning basin as possible, so as not to interfere with the free navigation thereof, nor obstruct the approach to, any pier. They shall move from such position as soon as the emergency ceases or when so ordered by the district engineer, United States Engineer Department, in charge of the locality, or by his duly authorized representative.

16. No vessel shall be permanently moored in areas adjacent to the deep-water channel or in any stream tributary to said deep-water channel within one-half mile of its junction with the channel, except on permission in writing from the district engineer, United States Engineer Department at Large, in charge of the improvement.

## REGULATIONS GOVERNING THE USE AND NAVIGATION OF THE WATERS OF SAN FRANCISCO BAY, SAN PABLO BAY, CARQUINEZ STRAIT, SUISUN BAY, NEW YORK SLOUGH, AND SAN JOAQUIN RIVER, CALIFORNIA, BY VESSELS OTHER THAN COMMON CARRIERS CARRYING EXPLOSIVES, AND THE HANDLING OF EXPLOSIVES IN SUCH VESSELS

*The Law*

Section 7 of the River and Harbor Act, approved August 8, 1917, provides as follows:

That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500; or by imprisonment (in case of a natural person) not exceeding six months, in the discretion of the court.

NOTE.—The act of Congress approved March 4, 1921, imposes certain restrictions upon the transportation of explosives by common carriers engaged in interstate or foreign commerce, and also provides that "The Interstate Commerce Commission shall formulate regulations for the safe transportation within the limits of the jurisdiction of the United States of explosives and other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land or water, and upon all shippers making shipments of explosives or other dangerous articles via any common carrier engaged in interstate or foreign commerce by land or water." Other vessels carrying explosives will be governed by the following regulations.

Under authority of section 7 of the river and harbor act approved August 8, 1917, the following regulations are prescribed to govern the use and navigation of the waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough and San Joaquin River, Calif., by vessels, other than common carriers, carrying explosives:

1. The officer of the Coast Guard designated "Captain of the Port", shall have immediate supervision of the enforcement of these regulations, in San Francisco Bay, San Pablo Bay, Carquinez Strait and Suisun Bay; the district engineer of the United States Engineer Office Sacramento, Calif., shall have supervision over New York Slough and the San Joaquin River, but such supervision shall not be construed to diminish or affect the duties of other Federal officials as prescribed in section 17 of the river and harbor act of March 4, 1899. The words *captain of the port* in these regulations shall mean *district engineer* when applied to the waterways over which the latter has jurisdiction.



2. Vessels carrying explosives shall be at all times in charge of competent persons and shall display by day a red flag of at least 16 square feet at the masthead, or at least 10 feet above the upper deck, if the vessel has no mast; at night a red light shall be displayed in the same position specified for the red flag. For use in emergencies each barge shall be provided with a suitable anchor, ground tackle, and equipment, to be approved by the captain of the port, with an adequate supply of fire extinguishers, and fire pails filled with water, and with a suitable foghorn and bell.

3. No smoking will be permitted on or near any vessel, barge, or scow carrying explosives, and no person under the influence of liquor will be allowed on board, nor to approach such vessels. Every person having business on board vessels which are being loaded with explosives, other than members of the crew, must have a pass from the captain of the port in such form as the captain of the port shall determine.

4. Vessels carrying explosives shall not carry inflammable liquids, inflammable solids, oxidizing materials, mineral acids, as defined in Interstate Commerce Commission regulations for the transportation of explosives, or articles likely to ignite spontaneously, or to give off inflammable gases, unless the explosives are stored in separate rooms or are otherwise so separated as to effectually prevent danger to the explosives from any of these articles, or from the vapor thereof. Where blasting caps, detonating fuses, and fulminate of mercury in bulk are loaded on the same vessel with high explosives, they shall be in a different compartment. The distance in a straight line from the compartment containing detonators to the explosives shall be not less than 25 feet.

5. No unnecessary fires shall be permitted on vessels carrying explosives, and those fires which are deemed necessary shall be properly safeguarded and shall be left in constant charge of some one individual of the crew during the entire period that they are burning. Cabins on barges or lighters in which oil lights or stoves are used, and carrying explosives of any or all descriptions, shall be protected by covering the wooden walls, partitions, floors, and ceilings with two thicknesses of one-quarter-inch asbestos board placed with joints broken and covered with No. 26 gage metal. This protection shall also be applied to doors; and the doors from the cabin into other parts of the boat shall be provided with substantial springs, making them self-closing. The stoves shall be at least 18 inches from all partitions, and a sheet-metal shield 5½ feet in height, securely fastened to the floor and the wall, shall be placed midway between the walls and the stove. The stove shall be at least 6 inches from the floor of the cabin, supported either on legs permanently and securely fastened to the stove and the floor, or on 6 inches of hollow tile securely fastened in place. The hole in the roof of the cabin where the stovepipe passes through shall be 18 inches larger in circumference than the stovepipe, and a substantial metal plate shall be placed in the opening surrounding the pipe to hold it in place. The stove pipe shall also be tied into the walls so that it will not shift. The smoke-stack shall be provided with substantial screens of fine mesh or other satisfactory spark arrester. All oil lamps shall be held in marine brackets. Safety matches of wooden-stick type rather than the paper type shall be used exclusively and kept in proper receptacles. Oils and lamps shall be kept on deck in a metal-lined box and in such position that it can be readily thrown overboard. No artificial light shall be permitted in the holds or compartments of any vessel that contains explosives except electric flash lights or electric lanterns or an approved electric lighting of the vessel. Crews shall not have or carry matches, firearms, or cartridges on their persons. Electric flash lights shall be provided for the attendants.

6. No explosives will be allowed to be placed aboard a vessel until the rest of the cargo has been placed aboard and the vessel trimmed. All work of construction of floors, partitions, and other conditioning of the vessel, and the removal of any other combustibles from that part of the hold in which the explosives are to be stored, shall be completed before loading of the explosives is commenced. All rubbish, shovelings, old oil, paint cans, oil rags, rope ends, and other litter shall be removed from the holds. Such lumber as is allowed to remain in the holds for use as firewood shall be securely piled. Floors shall be kept broom clean. All decks, gangways, and holds over which explosives must be passed in loading shall be freed from all loose metal or tools and carefully swept before loading is commenced and after loading has ceased.

7. All explosives shall be handled carefully. No metal tools shall be used in loading, unloading, or handling explosives. Men engaged in loading, unloading, or handling explosives shall not have or carry on their persons metal tools or bale hooks, matches, firearms, or cartridges, and they shall not wear boots or shoes shod or strengthened with iron nails or any metal unless such boots or shoes are covered with leather, felt, or other similar material. Packages of explosives shall not be thrown, dropped, rolled, dragged, or slid over each other or over the decks. Dynamite boxes shall be stored topside up. Powder kegs shall be loaded with seams up.

8. The term "high explosives in bulk" will be construed to mean high explosives packed in boxes, barrels, or kegs and not loaded in ammunition or shells. The standard definition of the term "high explosives" will be that contained in paragraph 1503 of the regulations of the Interstate Commerce Commission for the transportation of explosives by rail, viz: "High explosives are all explosives more powerful than ordinary black powder, except smokeless powders and fulminates. Their distinguishing characteristic is their susceptibility to detonation by a blasting cap. Examples of high explosives are dynamite, picric acid, picrates, chlorate powders, nitrate of ammonia powders, dry trinitrotoluol, dry nitrocellulose (guncotton), dry tetranitroaniline, dry tetranitromethylaniline, and fireworks that can be exploded en masse." Unless they are loaded in the same vessel with articles enumerated in the rule quoted above, picric acid 10 per cent wet, and trinitrotoluol 10 per cent wet, and nitrocellulose (guncotton) 20 per cent will will not be classified as high explosives. The term "high explosives in bulk" does not include such articles as benzol, toluol, smokeless powder, black powder, small-arms ammunition, ammunition for cannon with explosive projectiles, explosive projectiles or torpedoes, percussion fuses, time fuses, combination fuses, tracer fuses, cordeau detonant, primers for cannon and small arms, blasting caps, detonating fuses, and fulminate of mercury in bulk. Blasting caps, detonating fuses, and fulminate of mercury in bulk will be considered as constituting a distinct class by themselves and shall be stowed and handled with special care.

9. In transferring high explosives in bulk, blasting caps, detonating fuses, or fulminate of mercury from one vessel to another they shall be handled by hand or regulation chute and mattress. If difference in elevation between vessels or condition of weather renders it impossible to transfer or load by hand or chute, mechanical hoists and a special crate or basket may be used. Explosives transferred in this manner shall not be handled roughly. They shall be hoisted and lowered carefully and be deposited or lowered on a mattress.

10. When an inclined chute is employed, such chute shall be constructed of 1-inch planed boards with side boards 4 inches high, extending 3 inches above top face of bottom of chute and throughout its length fastened with brass screws. D-shaped stripes or runners not more than 6 inches

apart and running lengthwise of the chute shall be fastened to the upper surface of the bottom part by means of glue and wooden pegs extending through the bottom part and runners. Chutes shall be occasionally wiped down with waste moistened with machine oil when dynamite packages are being handled. A stuffed mattress 4 feet wide by 6 feet long and not less than 4 inches thick, or a heavy jute or hemp mat of like dimensions shall be placed under the discharging end of the chute. The incline of the chute shall be such that the velocity of the packages sliding will not be great enough to cause violent shock when coming in contact with other packages or when reaching the bottom of the slide, or men shall be stationed alongside the chutes to retard the velocity of the packages and prevent violent shocks when packages come in contact with each other or reach the bottom of the chute.

11. Broken or seriously damaged packages of explosives may be recoopered when it is practicable and not dangerous. A broken box of dynamite that can not be recoopered shall be reinforced by stout wrapping paper and twine, placed in another strong box, and surrounded by dry, fine sawdust, or dry, clean cotton waste, or elastic wads made from dry newspaper: A ruptured can or keg shall be inclosed in a grain bag of good quality and boxed or crated. Injured packages thus protected and properly marked may be forwarded. Packages too seriously damaged to be recoopered shall not be forwarded, but shall be set aside and the shipper notified to make disposition thereof. In removing broken cases or kegs of explosives from vessels, care shall be taken to remove any particles of loose explosives.

12. The transportation of high explosives by water and the transfer of high explosives to and from water craft in the waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and San Joaquin River, California, other than in the case of naval vessels, shall be made under the direct supervision of such guards as may be assigned for the purpose by the captain of the port, but this is not to be construed as charging the captain of the port with any responsibility in connection with the navigation of such water craft. Owners or agents of water craft transferring or carrying such cargoes, will be required to provide subsistence when cews are subsisted on board, and, when necessary, suitable sleeping accommodations for guards placed on board by the captain of the port, and for such period as he may specify. When crews are not subsisted on board, subsistence for inspectors and guards will not be required, but every opportunity shall be afforded to them to use such cooking facilities as are provided for the crews.

13. The captain of the port, in his discretion, may authorize the loading of shipments, not greater than 2500 pounds net in weight, of low explosives from lighters or motor boats on the offside of vessels alongside a wharf after all cargo is on board and the vessel is ready to depart. The lighter or motor boat carrying the explosives shall enter the slip at which the loading vessel is berthed not more than one hour before the sailing time of said loading vessel, and shall depart from the slip immediately after discharging the explosives.

The term low explosives as used in this paragraph will include only those explosives similar in composition or characteristics to ordinary black powder and which cannot be detonated by a commercial blasting cap. Examples are rifle, sporting, cannon, and blasting powders.

14. In any case of violation of the regulations in regard to the handling of explosives, the captain of the port is empowered to remove any vessel, or any man or men, from the waters to which these regulations pertain or to stop the loading or unloading of explosives in said waters.

15. Nothing in the foregoing shall be construed as relieving the master of any vessel carrying explosives from the responsibility of making frequent inspections, both by day and night, to see that these rules are complied with.

16. These regulations shall take effect and be in force on and after the date of approval hereof, and all regulations or parts of regulations applying to the above-named waterways in conflict therewith are hereby revoked, to take effect on that date.

Approved, October 8, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 37-3111; Filed, October 25, 1937; 9:49 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

GRAZING DISTRICT NOTICE

ARIZONA

OCTOBER 20, 1937.

Pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), notice is hereby given that a hearing will be held in Gila Bend, Arizona, at 10 a. m., on the 15th day of November 1937, and on any subsequent date or dates to which said hearing may be adjourned, by the Department of the Interior, for the purpose of establishing a grazing district to include the following-described surveyed and unsurveyed lands:

ARIZONA

*Gila and Salt River Meridian*

Tps. 7 and 8 S., R. 1 E.;
T. 9 S., R. 1 E., N½;
T. 2 S., R. 1 W., S½;
Tps. 3 to 9 S., inclusive, R. 1 W.;
T. 2 S., R. 2 W., S½;
Tps. 3 to 9 S., inclusive, R. 2 W.;
Tps. 18 and 19 S., R. 2 W.;
T. 2 S., R. 3 W., S½;
Tps. 3 to 9 S., inclusive, R. 3 W.;
Tps. 10 and 11 S., R. 3 W., exclusive of Papago Indian Reservation;
Tps. 18 and 19 S., R. 3 W.;
T. 2 S., R. 4 W., S½;
Tps. 3 to 11 S., inclusive, R. 4 W.;
T. 12 S., R. 4 W., exclusive of Papago Indian Reservation;
Tps. 15 to 17 S., R. 4 W., exclusive of Papago Indian Reservation;
T. 18 S., R. 4 W.;
T. 2 S., R. 5 W., S½;
Tps. 3 and 4 S., R. 5 W.;
T. 5 S., R. 5 W., exclusive of Gila Bend Indian Reservation;
Tps. 6 to 18 S., inclusive, R. 5 W.;
T. 2 S., R. 6 W., S½;
Tps. 3 to 18 S., inclusive, R. 6 W.;
T. 2 S., R. 7 W., S½;
Tps. 3 to 10 S., inclusive, R. 7 W.;
T. 14 S., R. 7 W., S½;
Tps. 15 to 17 S., inclusive, R. 7 W.;
T. 2 S., R. 8 W., S½;
Tps. 3 to 10 S., inclusive, R. 8 W.;
T. 14 S., R. 8 W., S½;
Tps. 15 to 17 S., inclusive, R. 8 W.;
T. 2 S., R. 9 W., S½;
Tps 3 to 10 S., inclusive, R. 9 W.;
T. 2 S., R. 10 W., S½;
T. 3 S., R. 10 W.;
Tps. 6 to 10 S., inclusive, R. 10 W.;
T. 2 S., R. 11 W., S½;
T. 3 S., R. 11 W.;
T. 4 S., R. 11 W., N½.

This hearing will be open to the attendance of State officials and settlers, residents, and livestock owners of the vicinity where the establishment of such grazing district is proposed.

The publication of this notice has the effect, in accordance with the provisions of the aforesaid act, of withdrawing all public lands within the exterior boundaries of this proposed district from all forms of entry and settlement.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-3109; Filed, October 25, 1937; 9:48 a. m.]



### Division of Territories and Island Possessions.

[Passenger Circular No. 114-C [1]]

THE ALASKA RAILROAD TRANSPORTATION DEPARTMENT

CHARGES ASSESSED ON OPERATION OF MOTOR CARS IN PASSENGER SERVICE, ALASKA

ANCHORAGE, ALASKA,
*September 28, 1937.*

*To All Concerned:*

In connection with the operation of Motor Cars in special service, effective at once the following charges will be assessed for such special service:

Regular tariff rates, including any reduced rate which might be in effect, will apply for each passenger handled, regardless of number, and in addition, the surcharge as shown below for the car used will be made to cover the cost of operating the car. In computing surcharge one way distance only will be considered. Minimum charge is exclusive of all passenger fares. Separate ticket form L-18 should be issued to cover surcharge.

Surcharge will not apply on motor cars operated between Nenana and Fairbanks and between Anchorage and Seward when there are seven (7) or more full fare revenue passengers.

| No. | Location | Seating capacity | Surcharge per mile | Minimum charge |
|---|---|---|---|---|
| 111 | Anchorage | [1] 14 | 0.25 | $13.00 |
| 113 | Anchorage | 12 | .25 | 13.00 |
| 114 | Anchorage | [2] 44 | .80 | 25.00 |
| 116 | Fairbanks | 12 | .25 | 13.00 |

[1] Capacity Trailer No. 201 for Motor 111 is 28 passengers. Capacity Trailer No. 202 (freight trailer) for Motor 111 is five (5) tons distributed load.
When trailers are used no additional surcharge will be made other than for use of Motor Car.
[2] Includes 18 passengers in baggage compartment of Motor 114. Capacity of Trailer No. 303 for Motor 114 is 60 passengers.
Seating capacity is exclusive of motorman.

In computing distances, decimal .5 or over will be counted as one mile; less than .5 will be dropped. All decimals should be retained until final result is obtained.

For example, Gas Car 113 is ordered for special trip Anchorage to Willow, or vice versa, transportation will be collected from all passengers and in addition, surcharge of $17.75 will be made. On return of the car regular transportation will be collected from any passenger handled but no surcharge will be made.

When cars are operated in special service, they may at the option of the passengers, be held at the turning point on the following basis:

1 hour free time will be allowed all cars.

All time in excess of one hour will be charged for as follows:

Motor Car 114, $3.00 per hour.
Motor Cars 111, 113 and 116, $1.50 per hour.
Fractions of one hour will be computed as one hour.

Occasionally round trip excursions are arranged for, and such round trip excursions will not be classed as special service, but will be considered as new business. Accordingly, charges will be made on basis of the minimum number of passengers shown below, at regular tariff rates—or reduced rates if in effect at time tickets are sold and car arranged for:

Motor Car No. 114, minimum fifty round trip passengers.
Motor Cars Nos. 111, 113 and 116, minimum of ten round trip passengers, except between Seward and Anchorage and between Nenana and Fairbanks, where seven (7) one way passengers only will be required.

In no case will the minimum earnings be less than specified under minimum charge on the preceding page for the car furnished.

[1] Cancels Passenger Circular No. 114-B.

Motor cars used in freight service will be charged the surcharge indicated for car furnished in addition to regular tariff rates on shipment.

Arrangements for special service should be made through agent at the originating point, who will advise this office of the service desired.

This railroad does not agree to furnish any particular car at any specified time, and will only furnish such car or cars as are available at time order is received.

Authority: Act, March 12, 1914, and Executive Order No. 3861.

J. T. CUNNINGHAM,
*Sup't. of Transportation.*

Approved:
O. F. OHLSON,
*General Manager.*
OCTOBER 16, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37-3100; Filed, October 23, 1937; 9:36 a. m.]

### General Land Office.

STOCK DRIVEWAY WITHDRAWALS NOS. 48, 171, 190 AND 206, IDAHO NOS. 3, 10, 11 AND 14, REDUCED

OCTOBER 16, 1937.

Departmental orders of December 9, 1918, June 19, 1924, September 1, 1925, April 17, 1928, and February 3, 1930, withdrawing certain lands in Idaho for stock driveway purposes under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked in so far as they effect the following-described lands which are within Idaho Grazing District No. 1 established April 8, 1935:

BOISE MERIDIAN

T. 2 S., R. 5 W.,
sec. 7, S½;
sec. 8, SW¼;
sec. 17, W½ and SW¼SE¼;
sec. 18, E½E½;
sec. 20, E½ and NE¼NW¼;
sec. 28, SW¼NW¼, NW¼SW¼ and S½SW¼;
sec. 29, NE¼, N½SE¼ and SE¼SE¼;
sec. 33, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼ N½SE¼ and SE¼SE¼;
sec. 34, S½SW¼;
T. 3 S., R 5 W.,
sec. 3, W½;
sec. 4, E½;
sec. 9, E½;
sec. 10, NW¼ and W½SW¼,
sec. 15, W½W½;
sec. 22, W½NW¼;
T. 2 S., R. 6 W.,
sec. 12, SE¼;
T. 16 S., R. 9 E.,
sec. 25, NE¼, NE¼NW¼, SW¼NW¼ and W½SW¼;
sec. 26, SE¼SE¼;
sec. 35, lot 1;
T. 16 S., R. 10 E.,
sec. 19, lots 10 and 11;
sec. 30, lots 2 and 3;
T. 8 S., R. 11 E.,
secs. 10 to 15, inclusive;
secs. 22, 23, 26, 27, 34 and 35;
T. 9 S., R. 11 E.,
secs. 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 and 35;
T. 10 S., R. 11 E.,
secs. 2, 3, 10, 11, 13, 14, 15 and
secs. 22 to 27, inclusive;
T. 6 S., R. 12 E.,
sec. 13, S½N½ and S½;
sec. 14, S½;
sec. 15, S½;
secs. 21, 22, 23, 24, 26, 27, 28, 33 and 34;
T. 7 S., R. 12 E.,
secs. 2 to 11, 17 to 21, and 28 to 33, inclusive;
T. 8 S., R. 12 E.,
secs. 4 to 9, inclusive;
secs. 17 and 18;
T. 10 S., R. 12 E.,
sec. 13, SE¼;
sec. 18, S½;
secs. 19 to 30, inclusive;

T. 10 S., R. 13 E.,
sec. 17, SW¼NW¼ and S½;
sec. 18, S½N½ and S½;
sec 19,
sec. 20, N½ and N½S½;
sec. 30, N½;
T. 14 S., R. 14 E.,
sec. 34, S½SW¼;
T. 15 S., R. 14 E.,
sec. 19, SW¼SE¼;
aggregating 61,661.23 acres.

OSCAR L. CHAPMAN
*Assistant Secretary.*

[F. R. Doc. 37-3110; Filed, October 25, 1937; 9: 48 a.m.]

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## National Bituminous Coal Commission.

[Order No. 60]

AN ORDER DECLARING THAT BITUMINOUS COAL PRODUCERS BOARDS FOR DISTRICTS NUMBERS ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN AND EIGHT HAVE FAILED TO TAKE ACTION REQUIRED BY THE COMMISSION'S ORDER NO. 39 AND THE BITUMINOUS COAL ACT OF 1937; PROVIDING FOR COMMISSION ACTION PURSUANT TO THE AUTHORITY OF SECTION 6 (A) OF SAID ACT AND DIRECTING THAT SAID DISTRICT BOARDS FILE WITH THE COMMISSION CERTAIN DATA

The Commission having by its Order No. 39 directed all District Boards within Minimum Price Areas Number 1 and Number 2 to propose minimum prices for all kinds, qualities and sizes of coal produced by code members in their respective Districts, in conformity with the provisions of Section 4, Part II—Marketing, subsection (a) of the Act, and having further provided for the coordination of such proposed minimum prices as required under subsection (b) of Section 4, Part II of the Act, and having provided for the completion of such coordination and the submission of such coordinated minimum prices to the Commission, not later than the 23rd day of September, 1937; and

*It appearing* that minimum prices were proposed in conformity with such order by the several District Boards, and it further appearing that the District Boards for Districts Numbers 1, 2, 3, 4, 5, 6, 7 and 8 failed to complete such coordinations on or before the date prescribed by the Commission; and

*It further appearing* that no request for an extension of time was made at any time by any of said District Boards;

*It further appearing* in the course of the public hearing held on the 27th day of September, 1937, pursuant to said Order No. 39 of the Commission that the above named District Boards continued in their inability to coordinate proposed minimum prices in common consuming markets; and

*The Commission* having by supplemental order dated September 30, 1937, assigned to Examiners Borden Covel, W. R. J. Zimmerman and J. S. Dunn the duty of conducting a hearing to assist said District Boards in voluntary coordination of their proposed minimum prices; and

*It now appearing* after continued hearing before said Examiners and conferences between representatives of the several District Boards that said District Boards have not at this time completed the voluntary coordination of proposed minimum prices as required under said Act and order of the Commission, and said Examiners having reported to the Commission the inability of the District Boards to arrive at agreements of coordination, and the Commission, after hearing the report of the Examiners and representatives of the District Boards involved, having concluded that further hearings will not result in voluntary coordination of proposed minimum prices within any reasonable period of time.

*Now, therefore*, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes", (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby declares, directs and orders:

1. That District Boards Numbers 1, 2, 3, 4, 5, 6, 7 and 8 have failed to complete coordination of proposed minimum prices for all coals produced by code members in their respective Districts moving into common consuming markets, in accordance with the provisions of subsection (b), Part II, Section 4 of the Act and as directed by the Commission's Order No. 39.

2. That the hearing now being conducted before the Examiners of the Commission under supplemental order dated September 30, 1937 is hereby directed to be closed, and the record in such hearing and evidence adduced therein is hereby declared to be incomplete and shall be inadmissible in any further proceeding or action involved in the establishment of minimum prices by the Commission.

3. That the Commission, pursuant to the authority of Section 6 (a) of said Act, will now proceed, in lieu of said District Boards, to coordinate, in conformity with the provisions of Section 4, Part II, of said Act, the proposed minimum prices in such markets as are determined to be common consuming market areas, and in such coordination to make such modifications of proposed minimum prices as may be required to give full effect to the differences, if any, between the tentative and the actual weighted average of the total cost per net ton of the tonnage of Minimum Price Area Number One, as previously required in Order No. 39 of the Commission.

4. That District Boards Numbers 1, 2, 3, 4, 5, 6, 7 and 8, shall, on or before the 25th day of October, 1937, at 12 o'clock noon, transmit to and place in the hands of the Commission, all statistical data secured by the District Boards from code members within their respective Districts, together with all compilations made therefrom relative to the distribution and use of coals produced within their respective Districts and all data upon which the minimum prices proposed by the several District Boards were computed, as well as all data utilized by said Boards in proceeding with the work of coordination, all of which data and reports shall be available to the Commission for its use in proposing coordinated minimum prices.

5. That the Commission may from time to time require the appearance, formally or informally, of any District Board member, officer, or employee thereof, for the purpose of further informing the Commission as to facts concerning the production and distribution of coals in the several Districts.

The Secretary shall give notice of this order by mailing a copy thereof to the Secretary of each of the District Boards above named and by mailing a copy to each member of said Boards.

By order of the Commission.

Dated this 22nd day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*

[F. R. Doc. 37-3103; Filed, October 23, 1937; 11:20 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[ACP-1938]

### 1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

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Section 1. National, State and County Goals.
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### 1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special programs under said Act are approved for 1938 by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

SECTION 1. *National, State, and county goals.*—(a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve the soil fertility and prevent wind and water erosion.

(2) The following acreages of soil-depleting crops:

Cotton, 27,000,000 to 29,000,000 acres.
Corn, 92,000,000 to 96,000,000 acres.
Tobacco, Flue-cured, 850,000 to 900,000 acres.
Tobacco, Burley, 480,000 to 500,000 acres.
Tobacco, Fire-cured and dark air-cured, 170,000 to 180,000 acres.
Tobacco, Cigar filler and binder, 85,000 to 90,000 acres.
Tobacco, Georgia-Florida Type 62, 2,800 to 3,000 acres.
Potatoes, 3,100,000 to 3,300,000 acres.
Peanuts, 1,500,000 to 1,600,000 acres.
Rice, 825,000 to 875,000 acres.
Other soil-depleting crops, 145,000,000 to 155,000,000 acres.
Total soil-depleting crops, 273,000,000 to 288,000,000 acres.

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration with the assistance of State committees shall establish county goals for total soil-depleting crops and where applicable for individual soil-depleting crops. County goals for cotton, tobacco, and rice shall be established for each county where such crops are grown commercially. County goals for corn, potatoes, and peanuts shall be established only for those counties which the Agricultural Adjustment Administration designates as being in the principal commercial producing areas. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration with the assistance of State committees may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent wind and water erosion.

SEC. 2. *Goals for individual farms.*—(a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable goals for corn, cotton, tobacco, peanuts, rice, and potatoes. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm.[1]

If the acreage of cotton or rice planted on any farm in 1938 is less than 80 percent of the cotton or rice goal, respectively, established for that farm, the cotton or rice goal for 1938 shall be reduced to 125 percent of the planted acreage of cotton or rice, respectively, unless, in the case of cotton, the county committee finds that the failure to plant 80 percent of the acreage in the cotton goal was due to flood or drought.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which, except as otherwise noted,[2] shall be the acreage of cropland in the farm (excluding commercial orchards, normally idle cropland, and idle or fallow riceland) in excess of the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to

[1] For farms on which rice goals are established, consideration shall also be given to the acreage in the farm suited to rice production and for which water is readily available and the acreage of rice customarily grown by the producer. A potato goal will not be established for any farm for which the acreage of land normally planted to potatoes is determined to be less than three acres. The cotton goal for any farm shall not exceed 50 percent of the cropland in the farm.

[2] In areas designated by the Agricultural Adjustment Administration as the areas where the seeding and establishment of additional acreages of perennial grasses and legumes is impracticable because of climatic conditions, the county committee may establish a soil-conserving acreage for a farm which is equal to the acreage of cropland usually devoted to perennial grasses and legumes on the farm, but in such event Practice No. A-8, Sec. 6 (protecting summer fallowed acreage against wind and water erosion), shall not be counted toward meeting the soil-building goal for such farm. A zero soil-conserving acreage may, in accordance with instructions issued by the Agricultural Adjustment Administration, be established for farms for which a rice goal is the only soil-depleting goal established.

be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted [2] shall be the sum of the following:

(1) (i) One and one-half times the soil-conserving acreage or

(ii) On farms (in the Southern and East Central Regions) for which cotton, flue-cured tobacco, or peanut goals are established, an acreage equal to not more than the sum of the cotton, tobacco, peanut and potato goals and not less than one half of the sum of such goals may be used if requested by the operator. If this alternative is used, the general soil-depleting goal will not be used in computing the payment for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the total of the cotton, tobacco, peanut, rice, and potato goals, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item 12 of Sec. 3) with respect to noncrop open pasture land.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent wind and water erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

SEC. 3. *Payment for full performance.*—Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) $1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: *Provided, however,* That if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm, the rate shall be $1.50 per acre, not adjusted for productivity, on the number of acres in the general soil-depleting goal in excess of the sum of the cotton, tobacco, peanut, rice, and potato goals for the farm. The general soil-depleting goal will not be used in computing the payment with respect to farms for which all or part of the sum of the cotton, tobacco, peanut, and potato goals is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal.

(2) 10 cents per bushel of the normal yield of corn for the farm for each acre in the corn goal.

(3) 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton goal.

(4) The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal for each of the following types of tobacco:

(*a*) Burley, 0.5 cent.
(*b*) Flue-cured, 1.0 cent.
(*c*) Fire-cured and dark air-cured, 1.7 cents.
(*d*) Cigar filler and binder, 0.8 cent.
(*e*) Georgia-Florida Type 62, 2.0 cents.

(5) 0.2 of a cent per pound of the normal yield per acre of peanuts for the farm for each acre in the peanut goal.

(6) For farms having potato goals, the following number of cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938, not in excess of the potato goal, in the following producing areas:

(*a*) Early, 6 cents.
(*b*) Late, 4 cents.

(7) 0.125 of a cent per pound of the normal yield per acre of rice for the farm for each acre in the rice goal.

(8) 70 cents per acre on (*a*) the soil-conserving acreage, or (*b*) all or such portion of the sum of the cotton, tobacco, peanut, and potato goals as is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal for the farm.

(9) 50 cents per acre of restoration land designated for the farm.

(10) $2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(11) $2.00 per acre of commercial orchards on the farm January 1, 1938.

(12) (a) In the North Central Region and in Kansas, Oklahoma, Texas, and California, 2 cents per acre of noncrop open pasture land in the farm plus $1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture.

(*b*) In North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Oregon, and Washington, 3 cents per acre of noncrop open pasture land plus 75 cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture.

(*c*) In all other States, 30 cents per acre, adjusted for productivity by States or regions, for fenced noncrop open pasture land, in excess of one half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

SEC. 4. *Payment for partial performance.*—The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following deductions which are applicable to the farm.

(1) Five times the payment rate specified in Sec. 3 for the normal yield on the acreages by which the corn and fire-cured and dark air-cured tobacco acreages exceed the respective goals established for these crops.

(2) Ten times the payment rates specified in Sec. 3 for the normal yield on the acreages by which the acreages of flue-cured tobacco, Burley tobacco, cigar filler and binder tobacco, Georgia-Florida Type 62 tobacco, potatoes, peanuts, and rice exceed the respective goals established for these crops, or, on farms for which potato goals are not established in designated commercial areas, for each acre by which the acreage of potatoes exceeds 3 acres.

(3) Eight times the payment rates specified in item (1) of Sec. 3 for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to items (1), (2), and (4) of this Sec. 4.

(4) 3.6 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton goal but not in excess of 115 percent of the cotton goal and 10 cents per pound of the normal yield for the farm for each acre of cotton in excess of 115 percent of the cotton goal for the farm.

(5) $2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

(6) $3.00 for each acre of native sod or any other land which has been cropped but is not classified as cropland or restoration land which, in areas designated by the Agricultural Adjustment Administration as being areas subject to serious wind erosion or areas containing large acreages unsuited to continuing production of cultivated crops, is broken out during the period October 1, 1937 to October 1, 1938, unless the breaking-out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such acreage to be in addition to that designated as restoration land.

(7) $1.00 for each acre, in areas designated by the Agricultural Adjustment Administration as being areas subject to serious wind erosion or areas containing large acreage unsuited to continuing production of cultivated crops, with respect to which there is failure to adopt in 1938 methods recommended by the State committee and approved by the Agricultural Adjustment Administration for the prevention of wind or water erosion; and for each acre of restoration land on which there is failure to carry out in 1938 conservation measures designed to promote restoration, at the most rapid rate possible, of a permanent vegetative cover, such measures to be specified by the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration.

(8) In counties designated by the Agricultural Adjustment Administration as counties where commercial vegetables and potatoes or commercial vegetables and cigar filler (type 41) or binder (types 51, 52, and 53) tobacco are grown generally on the same farms, a deduction shall be made from the payment with respect to any farm having a potato or cigar filler and binder tobacco goal, for each acre on which commercial vegetables are grown in 1938 in excess of the average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the lower deduction rate applicable to the farm under this sec. 4 with respect to potatoes and cigar filler and binder tobacco.

SEC. 5. *Soil-depleting crops.*—Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting: [4]

(*a*) Land planted to the following crops for harvest in 1938:

(1) Corn (including field corn, sweet corn, and popcorn, but excluding sown or close-drilled corn used as a cover crop or green manure crop).
(2) Grain sorghums.
(3) Cotton.
(4) Tobacco.
(5) Sugar beets.
(6) Sugarcane.
(7) Rice.
(8) Peanuts harvested for nuts.
(9) Commercial mustard.
(10) Hemp.
(11) Broomcorn.
(12) Mint.
(13) Mangels and cowbeets.
(14) Cultivated sunflowers.
(15) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
(16) Potatoes.
(17) Bulbs and flowers.
(18) Safflower.
(19) Field beans.
(20) Canning peas.

(*b*) Land planted to wheat between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop on irrigated land or in area having an annual average precipitation of more than 30 inches; or

(2) When such crop is used as a cover crop on irrigated land or in an area having an annual average precipitation of more than 30 inches or as a nurse crop, and is not harvested for grain or used in any area in any other manner determined by the Agricultural Adjustment Administration to be soil-depleting in such area; or

(3) When true-type winter wheat seeded in the spring of 1938 (prior to June 15) on non-irrigated cropland is used only as a pasture or cover crop, in areas where summer fallow is classified as soil-depleting.

(*c*) Land planted to oats,[5] barley, rye, buckwheat, flax, emmer, spelt, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or used in any area in any other manner determined by the Agricultural Adjustment Administration to be soil-depleting in such area.

(*d*) Land planted in 1938 to sweet sorghum, Sudan grass, millet, or sown or close-drilled corn, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, or silage or used in any area in any other manner determined by the Agricultural Adjustment Administration to be soil-depleting in such area.

(*e*) Land planted in 1938 to field peas harvested for peas or soybeans harvested for seed for crushing, or used in any area in any other manner determined by the Agricultural Adjustment Administration to be soil-depleting in such area.

(*f*) Summer fallow in States or other areas designated by the Agricultural Adjustment Administration as areas where the alternating of summer fallow and crops in regular sequence is the usual method of producing such crops: *Provided, however,* That if in any such area summer-fallowed acreage is seeded in 1938 to perennial grasses or perennial legumes in accordance with good farming practice such acreage shall not be classified as soil-depleting.

(*g*) Summer fallow in any area not protected from wind and water erosion by methods recommended by the State committee and approved by the regional director.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If one or more than one of such crops reach maturity and an individual crop goal is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop goal is established. If none of such crops reaches maturity and individual crop goals are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop goal is established. If two or more of such crops reach maturity and individual crop goals are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

SEC. 6. *Soil-building practices.*—Such of the soil-building practices listed in the following schedule as the Agricultural Adjustment Administration determines are adapted to any region and should be encouraged in such region shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in areas designated by the regional director and in

[2] For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of (1) a number of acres equal to one half the number of dollars computed for the farm under Sec. 3, and (2) the soil-conserving acreage for the farm if practice A–1 in Sec. 6 is applicable in the county in which the farm is located.

[4] Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

[5] Excluding oats used as a support crop for vetch or Austrian field peas.

accordance with specifications issued by him or by the State committee with his approval. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the Federal or State agency may be counted towards meeting the soil-building goal.

*Schedule of Soil-Building Practices*

A. Each acre of the following shall be counted as one acre:

1. Maintaining until after July 1, 1938 a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.

2. Seeding biennial legumes (other than those qualifying under practice B–1 below), orchard grass, or mixtures of timothy or redtop and legumes.

3. Seeding winter legumes or growing annual lespedeza.

4. Green manure crops (excluding wheat on non-irrigated land in areas with 30 inches or less annual precipitation and excluding such other crops as may be determined as not qualifiable for any area by the regional director) of which a good stand and good growth is plowed or disced under as green manure.[6]

5. Summer legumes grown alone and not classified as soil-depleting.

6. Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

7. Growing sweet sorghums, rye, or sown or close-drilled corn, provided a good growth is attained, the crop is not pastured or harvested for grain, seed, or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

8. Protecting summer-fallowed acreage (not classified as soil-depleting) from wind and water erosion by contour or basin listing, stripcropping, or other approved measures specified by the regional director.[7]

B. Each acre of the following shall be counted as one and one-half acres:

1. Seeding approved[8] domestic or Canadian red clover except in mixtures.

C. Each acre of the following shall be counted as two acres:

1. Seeding perennial legumes; perennial grasses other than timothy, redtop, and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.

2. Cultivating, protecting, and maintaining a good stand of forest trees planted between January 1, 1934, and January 1, 1938.

3. Improving a stand of forest trees under such approved system of farm woodland management as is specified by the regional director.

D. Each acre of the following shall be counted as three acres:

1. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses.

E. Each acre of the following shall be counted as five acres:

1. Planting forest trees (including shrubs in protective plantings).

2. Control of seriously infested plots of perennial noxious weeds, designated by the regional director, on cropland in organized weed-control districts in accordance with approved chemical or tillage methods.

3. Application of at least one-half inch of sand on fruiting cranberry bogs.

F. Each acre of the following shall be counted as one-half acre:

1. Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.

2. Renovation of perennial legumes and mixtures of grasses and legumes.

3. Seeding true-type winter wheat in the spring of 1938 (not later than June 15) on non-irrigated cropland and utilizing only as a pasture or cover crop, in areas where summer fallow is classified as soil-depleting.

4. Seeding timothy or redtop.

5. Protecting muck land subject to serious wind erosion (in areas designated by the State committee and approved by the regional director) by establishing or maintaining approved shrub windbreaks.

G. Each acre of the following shall be counted as one-fourth acre:

1. Leaving on the land as a protection against wind erosion (only in wind erosion areas, which will be designated by the regional director) the stalks of sorghums or Sudan grass, classified as soil-depleting, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939.

2. Restoration of farm woodlots, normally over-grazed, by non-grazing during the normal pasture season.

3. Contour listing or furrowing noncrop land.

4. Stripcropping other than for protection of summer-fallowed acreage.

5. Incorporating small-grain stubble and straw in the surface soil in areas where summer fallow is classified as soil-depleting.

H. Each acre of the following shall be counted as one-sixth acre:

1. Contour farming intertilled crops.

2. Contour listing (except on protected summer-fallowed acreage or as a part of a seeding operation).

I. Each acre of the following shall be counted as one-tenth acre:

1. Contour seeding of small grain crops.

2. Basin listing (except on protected summer-fallowed acreage or as a part of a seeding operation).

3. Natural vegetative cover or small grain stubble of crops harvested in 1938, left on cropland not tilled after July 1, 1938 (only in wind-erosion areas, which will be designated by the regional director) where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939.

J. Each of the following practices in the amounts specified shall be counted as one acre.[9]

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

3. Application of 500 pounds of basic slag or rock phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

4. Application of 300 pounds of gypsum containing 18 percent sulphur (or its sulphur equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, or permanent pasture.

5. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

6. Construction of reservoirs and dams—15 cubic yards of material moved in making the fill or excavation.

7. Reseeding depleted pastures with good seed of adapted pasture grasses or grasses and legumes—10 pounds of seed.

8. Contour ridging of noncrop open pasture land—750 linear feet of ridge or terrace.

9. Application of one ton of straw or equivalent mulching material to commercial orchard or commercial vegetable land in areas designated by the regional director as areas in which straw normally costs more than $5.00 per short ton.

10. Application of not less than two tons of straw or equivalent mulching material per acre in commercial orchards or on commercial vegetable land and such material mechanically incorporated into the soil or used as a mulch.

11. Application[10] of the following quantities of ground limestone or its equivalent in areas designated by the regional director as areas in which the average cost of ground limestone to farmers is:

(*a*) Not more than $1.50 per ton, 3,000 lbs.

(*b*) More than $1.50 but not more than $2.50 per ton, 2,000 lbs.

(*c*) More than $2.50 but not more than $3.50 per ton, 1,500 lbs.

(*d*) More than $3.50 but not more than $5.00 per ton, 1,000 lbs.

(*e*) More than $5.00 per ton, 800 lbs.

12. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to peanuts and commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

13. Restoration of non-crop open pasture by non-grazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period.

SEC. 7. *Materials furnished as grants of aid.*—Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

SEC. 8. *Division of payment.*—The payment generally shall be divided among interested persons as the crops grown on the farm or the proceeds thereof are divided under the lease or operating agreement and as each person contributes to the carrying out of soil-building practices on the farm.

(*a*) For all farms in the Southern, East Central, and Northeast Regions and for designated classes of farms[11] in the Western and North Central Regions the share of each interested person in the payment shall be computed on the basis of the acreage shares[12] of each such person in the soil-depleting crops grown, or the proceeds thereof, and the soil-building practices carried out on the farm in 1938.

(*b*) For all farms in the Western and North Central Regions, except designated classes of farms,[11] the share of each interested person in the payment shall be computed on the basis of the percentage division of the principal crop and the

[6] In orchards or on commercial vegetable or potato land or under such other circumstances as are designated by the Agricultural Adjustment Administration a good stand and a good growth of such crop may be left on the land as a temporary mulch.

[7] This practice (No. A–8) shall not be counted toward meeting the soil-building goal on any farm when carried out on light, sandy soils, or on any soils in any area where destruction of the vegetative cover has resulted in the land becoming subject to wind or water erosion.

[8] Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice B–1 is used similar approval with respect to alfalfa seed under practice C–1 shall also be required.

[9] When the materials specified in items 1, 2, or 3 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or Natal grass in connection with a soil-depleting crop, only such proportionate part, if any, of the material applied shall be counted as is specified by the Agricultural Adjustment Administration as being fair under the circumstances.

[10] Applications of less than 1,000 pounds per acre of ground limestone shall not be counted toward meeting the soil-building goal except as may be approved by the regional director.

[11] Designated classes of farms shall include: (*a*) Farms for which a cotton or rice goal is established or on which cotton or rice is grown in 1938 in counties where cotton or rice is a major crop (such counties to be designated by the Agricultural Adjustment Administration); (*b*) farms operated with the aid of sharecroppers; (*c*) farms on which a change in ownership or a change in tenure occurs during 1938 and the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that both the predecessor and successor owners or tenants contributed to performance on the farm in 1938; (*d*) farms for which potato goals are established and the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the application of the formula prescribed in subsection (*a*) of this Sec. 8 results in a division of payments that more accurately reflects the relative performance of the interested persons than the formula prescribed in subsection (*b*) of this Sec. 8

[12] In computing the acreage share of each person each acre of Georgia-Florida type 62 tobacco shall be given a weight of 10; each acre of fire-cured or dark air-cured tobacco, a weight of 7; each acre of cigar filler and binder tobacco, a weight of 5; each acre of flue-cured tobacco, a weight of 4; each acre of potatoes (planted on the farms for which potato goals are established), a weight of 3; each acre of cotton, rice, Burley tobacco, or corn (planted on farms for which corn goals are established), a weight of 2; each acre of other soil-depleting crops (excluding sugar beets and sugarcane for sugar, and general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal) a weight of 1; and each acre unit of soil-building practices (excluding the growing of self-reseeded annual legumes and the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and excluding soil-building practices which are carried out by the owner of a farm rented to another person for cash or standing or fixed rent and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying-out of any soil-building practice, the acreage of such practice with respect to which such persons contributed shall be divided equally among them.

In lieu of the above method of computing the share of each interested person in the payment, the following method shall be used in States or parts of States, designated by the regional director upon the recommendation of the State committee: The payment computed with respect to each soil-depleting goal (excluding the general soil-depleting goal if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm) shall be divided among the persons who are parties to the lease or operating agreement in the proportion that such persons are entitled to share in 1938 in the soil-depleting crop(s) in such goal or the proceeds of such crop(s). The remaining payment with respect to the farm shall be divided among eligible persons in accordance with their respective contributions to the units of approved soil-building practices carried out on the farm by such persons in 1938.

If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement, by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

proportion the acreage of cropland owned [13] or operated by each such person bears to the total acreage of cropland in the farm in 1938.

SEC. 9. *Association membership and deduction for expenses.*—Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperation in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of $2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than $20.00 will be made.

SEC. 10. *Payments restricted to effectuation of the purposes of the program.*—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the regional director.

SEC. 11. *Payments computed and made without regard to claims.*—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 12. *Changes in leasing and cropping agreements and other devices.*—If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

SEC. 13. *Deductions incurred on other farms.*—If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application under which a payment can be made is not filed and deductions computed under Sec. 4, excluding item (5), exceed the amount computed for such other farms under items (1) through (7) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share [14] of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for a share of the crops produced thereon or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

SEC. 14. *Productivity indexes.* [15]—The Secretary shall establish for each county a county productivity index or per-acre rate which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn (except in counties in which corn goals are established), wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, potatoes (except in counties in which potato goals are established), sweetpotatoes, and broomcorn varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index or rate per acre shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county committee, subject to the approval of the State committee. Such productivity index or rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop as does reflect the productivity of the farm may be used, provided that the productivity index or rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the productivity indexes or rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index or per-acre rate for all farms in the county shall not exceed 100 or the county per-acre rate, respectively, unless it is determined that farms for which such indexes or rates per acre are established are not representative of all farms in the county and a variation from 100 or the county per-acre rate is approved by the Agricultural Adjustment Administration.

SEC. 15. *Corn, cotton, tobacco, peanut, potato, and rice yields.*—(*a*) There shall be established for each county having a corn, cotton, tobacco, peanut, potato, or rice goal the county average yield or per-acre rate for each such crop for which a county goal is established. Such county average yield shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the

[13] For the purpose of computing the acreage of cropland owned by each person, a farm shall be considered as owned by the person who owns or is purchasing the farm or rents the entire farm from another for cash and who operates such farm, rents such farm to another person for a share of the crops produced thereon, or field-rents all or part of such farm to others. Cropland which is both owned (or considered as owned) and operated by the same person shall be counted twice in determining the proportion the acreage of cropland owned or operated by such person bears to the total acreage of the cropland in the farm in 1938.

[14] To be determined in accordance with the provisions of Sec. 8.

[15] If the statistical procedure established for any region provides for a determination that the weighted average of the per-acre rates for all farms in each county shall not exceed the respective county average per-acre rate, such per-acre rates shall be used in all payment forms in lieu of productivity indexes or per-acre yields, and the per-unit rates established in Sec. 3.



1937 Agricultural Conservation Program shall be used as a basis for establishing county yields. The county average rate established for any county shall be the county average yield thus determined multiplied by the applicable unit rate established in Sec. 3.

(*b*) The county committee shall establish for each farm having a corn, cotton, tobacco, peanut, rice, or potato goal a yield per acre or per-acre rate for each such crop for which a goal for such crop is established. Such yield designated for any farm shall be that yield which the county committee, acting in accordance with applicable instructions, finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of such crop. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The per-acre rate shall be such yield multiplied by the applicable per-unit rate established in Sec. 3. The weighted average yield or per-acre rate for all farms in any county with respect to any such crop shall not exceed the county average yield or per-acre rate for such crop unless it is determined that farms for which such yields or per-acre rates are established are not representative of all farms in the county producing such crop and a variation from the county average yield or per-acre rate is approved by the Agricultural Adjustment Administration.

SEC. 16. *Application for payment.*—(*a*) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and (1) who is growing crops on such farm, is operating such farm or is renting such farm to another person for a share of the crops grown thereon, or (2) who is the owner of such farm and participates thereon in the carrying-out of soil-building practices in 1938.

(*b*) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(*c*) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(*d*) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will result in payments not commensurate with performance thereon.

SEC. 17. *Determination of county in which a farm is located.*—A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

SEC. 18. *Appeals.*—Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination: (*a*) eligibility to file an application for payment; (*b*) any soil-depleting or soil-building goal; (*c*) the division of payment; or (*d*) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the regional director to review the decision of the State committee.

SEC. 19. *Instructions and forms.*—The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per-acre rates of payment and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as $1.00.

SEC. 20. *Definitions.*—For the purposes of the 1938 Agricultural Conservation Program.

*Secretary* means the Secretary of Agriculture of the United States.

*Regional director* means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

*Northeast region* means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

*East central region* means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

*Southern region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

*North central region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*Western region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

*State committee* means the group of persons designated within any State to assist in the administration tf the 1938 Agricultural Conservation Program in such State.

*County committee* means the group of persons elected within any State to assist in the administration of the 1938 Agricultural Conservation Program in such county.

*County* means the political or civil division of a State designated as a county or in the State of Louisiana as a parish, except that for the purposes of the 1938 Agricultural Conservation Program groups of townships in the political or civil divisions of Polk, Ottertail, and St. Louis in Minnesota and Pottawattomie in Iowa may be designated as counties.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

*Share cropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon or the proceeds thereof.

*Farm* means all adjacent or nearby farm land owned by a person (*a*) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (*b*) all or part of which is field-rented to and operated by other persons: *Provided*, That in areas where cotton, tobacco, or peanuts is commonly grown on field-rented tracts (such areas to be designated by the Agricultural Adjustment Administration), land which is rented for fixed or cash rent or which is field-rented for a share of the crop by an operator from one or more persons in accordance with usual farming arrangements may be included as a part of the farm of the operator.

*Cropland* means farm land which is tilled annually or in a regular rotation but shall not include restoration land or any land which constitutes, or will constitute if such tillage is continued, a wind or water erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

*Restoration land* means farm land, in areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion and areas containing large acreages unsuited to continuing production of cultivated crops, which has been cropped at least once since January 1, 1933, and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

*Commercial orchards* means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

*Noncrop open pasture* means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Principal crop* means the soil-depleting crop, other than sugar beets, to which the greatest number of acres on the farm or tract is devoted in 1938. If there is no such soil-depleting crop which has a larger acreage in 1938 than any other such soil-depleting crop, the principal crop shall be the soil-depleting crop other than sugar beets grown on the farm which is of major importance in terms of acreage planted in the county in which such farm is located. If there is no such soil-depleting crop seeded on the farm for harvest in 1938, the principal crop shall be the crop having the largest 1938 acreage. If no crop is grown on the farm in 1938, it shall be considered that the principal crop is the crop to which the greatest number of acres on the farm is usually devoted.

*General soil-depleting* goal means the total soil-depleting goal established for the farm less the acreage included in each individual crop goal established for the farm and less the acreage of sugarcane for sugar and sugar beets grown on the farm in 1938.

*General soil-depleting crops* means all soil-depleting crops other than sugar beets and sugarcane for sugar and those for which individual crop goals are established on the farm.

*Animal unit* means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

Done at Washington, D. C., this 23rd day of October 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3135; Filed, October 25, 1937; 12:43 p. m.]

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Bureau of Animal Industry.

NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

OCTOBER 22, 1937.

To MONTEVIDEO LIVESTOCK SALES, INC.,
*Stockyard owner, at Montevideo, Minnesota.*

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

*Notice is hereby given* that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Montevideo Livestock Sales, Inc., at Montevideo, State of Minnesota, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3101; Filed, October 22, 1937; 12:41 p. m.]

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NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

OCTOBER 22, 1937.

To C. V. OWENS, E. H. OWENS, and PETE KEISER, *Doing business as South Greeley Sales Yards, Stockyard owner, at Greeley, Colorado.*

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passageways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

*Notice is hereby given* that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as South Greeley Sales Yards, at Greeley, State of Colorado, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3102; Filed, October 22, 1937; 12:41 p. m.]

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Bureau of Biological Survey.

SCHEDULE OF PRICES UNDER WHICH SURPLUS BIG-GAME ANIMALS ON THE PRESERVES ADMINISTERED BY THE BUREAU OF BIOLOGICAL SURVEY MAY BE OFFERED FOR SALE[1]

EFFECTIVE OCTOBER 25, 1937

*Live animals captured, crated in individual crate, and delivered to transportation company or to purchaser's truck:*

| | *Each* |
|---|---|
| Buffalo: | |
| Mature animals—not less than 2 years of age | $60 |
| Animals under 2 years of age | 50 |
| Elk:[2] | |
| Mature animals—not less than 2 years of age | 55 |
| Animals under 2 years of age | 50 |
| Mule Deer[2] or White-tailed Deer | 45 |

*Live animals corralled and delivered to purchaser's truck or crate at the capturing corral on the preserve:*

| | |
|---|---|
| Buffalo: | |
| Mature animals—not less than 2 years of age | 50 |
| Animals under 2 years of age | 40 |
| Elk:[2] | |
| Mature animals—not less than 2 years of age | 45 |
| Animals under 2 years of age | 40 |
| Mule Deer[2] or White-tailed Deer | 35 |

*Animals butchered, dressed, prepared for shipment and delivered to transportation company or purchaser's truck, including carcass and hide and head:*

| | |
|---|---|
| Buffalo: | |
| Mature animals—not less than 2 years of age | 50 |
| Animals under 2 years of age | 40 |
| Elk:[2] | |
| Mature animals—not less than 2 years of age | 45 |
| Animals under 2 years of age | 40 |
| Mule Deer[2] | 35 |

*Animals butchered on the open range, but removed therefrom and dressed by purchaser:*

| | |
|---|---|
| Buffalo: | |
| Mature animals—not less than 2 years of age | 45 |
| Animals under 2 years of age | 35 |
| Elk:[2] | |
| Mature animals not less than 2 years of age | 40 |
| Animals under 2 years of age | 35 |
| Mule Deer[2] | 30 |

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 23rd day of October, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3119; Filed, October 25, 1937; 12:38 p. m.]

[1] Amending Schedule incorporated in Regulations governing Disposal of Big-Game Animals and Other Products on Wildlife Refuges, October 14, 1936 (1 F. R. 1584).

[2] At the National Bison Range, Mont., the price of elk and mule deer will be $5.00 less per head.

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FARM CREDIT ADMINISTRATION.

[FCA 63]

THE FEDERAL LAND BANK OF BALTIMORE
CHARGES FOR DETERMINATION OF TITLE

Pursuant to Paragraph "Ninth", Section 13, of the Federal Farm Loan Act, as amended [12 U. S. C. 781 (Ninth)] and the "Association and Bank Fee Regulations" prescribed by the Land Bank Commissioner thereunder, effective January 1, 1936 [FLB 1001, LB EXAM 548, NFLA EXAM 238; December 14, 1935; Chap. II, Sec. 6 (b), Federal Register Compilation]; and by action of the Executive Committee of The Federal Land Bank of Baltimore on July 2, 1937, as amended, with the approval of the Land Bank Commissioner, dated September 1, 1937, the following fees shall be charged to cover cost of determination of title for each land bank and each Land Bank Commissioner loan closed:—

$5.00 for each loan closed in the amount of $1,000.00 or less.

An increase of $3.00 in the fee for each increase of $1,000.00, or portion thereof, up to $10,000.00. An increase of $2.00 in the fee for each additional $1,000.00, or portion thereof, up to $25,000.00. An increase of $1.00 in the fee for each additional $1,000.00, or portion thereof, over $25,000.00.

The aforegoing fees shall be collected at the time of the closing of the loan, or prior thereto, and shall be in addition to the application and appraisal fees collected at the time of the filing of the application.

The aforegoing schedule of fees for title determination shall be effective from the 1st day of November, 1937.

[SEAL] THE FEDERAL LAND BANK OF BALTIMORE,
By CHAS S. JACKSON, *President.*

Confirmed:

J. B. VAUGHAN,
*Assistant Secretary.*

[F. R. Doc. 37-3113; Filed, October 23, 1937; 12:16 p. m.]

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FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 3929—Commission Order No. 18]

IN THE MATTER OF FREQUENCY ALLOCATION TO SERVICES IN THE FREQUENCY BANDS FROM 10 KC TO AND INCLUDING 30,000 KC.

At a regular meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of October, 1937:

The Commission having under consideration the provisions of Section 303 (c), (f) and (g) of the Communications Act of 1934, and Rule 229 of its Rules and Regulations; and

A public informal hearing having been conducted at the offices of the Commission from June 15 to June 29, 1936 at which time persons representing the departments of the Federal Government, the agencies of state and municipal governments interested in radio, and persons representing all radio services and all important phases of the radio industry, presented testimony; and

The record of the hearing, having been made available to the Interdepartment Radio Advisory Committee, and said Committee having made certain recommendations with respect to the allocation of frequencies to Federal Government agencies; and

The Commission having considered the recommendations of the Interdepartment Radio Advisory Committee, and

being fully advised in the premises, found, as a result of its investigation and hearing, that public convenience, interest or necessity require that Rule 229 of its Rules and Regulations be revised;

*It is ordered*, That Rule 229 of the Rules and Regulations of the Commission in so far as it allocates the frequencies from 25,000 kc to 28,000 kc be and the same is hereby amended, effective at 3:00 a. m., E. S. T., October 13, 1938, in accordance with the table identified as Part I of Rule 229 attached hereto and made a part of this Order; *And provided, however*, That the Commission may make assignments in accordance with the allocation given in said table prior to October 13, 1938.

*It is further ordered*, That any holder of, or applicant for, an instrument of authorization, whose frequency or frequencies heretofore assigned or applied for may be changed by the provisions of this Order, who objects to such change may within ninety (90) days from the date of this Order, file with this Commission his objections in writing and request a hearing.

*It is further ordered*, That the holder of, or an applicant for, an instrument of authorization who, prior to ninety (90) days from this date, fails to file written objections and a request for hearing as hereinabove set out, shall be deemed to have consented to such change.

*It is further ordered*, That any applicant who, after the date of this Order requests an instrument of authorization or an authorization renewal for a frequency or frequencies which will be changed after 3:00 a. m., E. S. T., October 13, 1938, will without further notice be deemed to have consented to the effective time and date of such change of the frequency or frequencies requested.

FREQUENCY ALLOCATIONS

*Part I*

10–30,000 Kilocycles

RULE 229. Subject to the foregoing provisions, the center frequencies of communication bands that will be designated are as follows: [1]

| Frequency (kc.) | Allocation |
|---|---|
| 10.05 | Fixed. |
| 10.20 | Do. |
| 10.35 | Do. |
| 10.50 | Do. |
| 10.65 | Do. |
| 10.80 | Do. |
| 10.95 | Do. |
| 11.10 | Do. |
| 11.25 | Do. |
| 11.40 | Do. |
| 11.55 | Do. |
| 11.70 | Do. |
| 11.85 | Do. |
| 12.00 | Do. |
| 12.15 | Do. |
| 12.30 | Do. |
| 12.45 | Do. |
| 12.60 | Do. |
| 12.75 | Do. |
| 12.90 | Do. |
| 13.05 | Do. |
| 13.20 | Do. |
| 13.35 | Do. |
| 13.50 | Do. |
| 13.65 | Do. |
| 13.80 | Do. |
| 13.95 | Do. |
| 14.10 | Do. |
| 14.25 | Do. |
| 14.40 | Do. |
| 14.55 | Do. |
| 14.70 | Do. |
| 14.85 | Do. |
| 15.00 | Do. |
| 15.20 | Do. |
| 15.40 | Do. |
| 15.60 | Do. |
| 15.80 | Do |
| 16.00 | Do. |
| 16.20 | Do. |
| 16.40 | Do. |
| 16.60 | Do. |
| 16.80 | Do. |
| 17.00 | Do. |
| 17.20 | Do. |
| 17.40 | Do. |
| 17.60 | Do. |
| 17.80 | Government. |
| 18.00 | Do. |
| 18.20 | Fixed. |
| 18.40 | Do. |
| 18.60 | Government. |
| 18.80 | Fixed. |
| 19.00 | Do. |
| 19.20 | Do. |
| 19.40 | Do. |
| 19.60 | Do. |
| 19.80 | Government. |
| 20.00 | Fixed. |
| 20.25 | Do. |
| 20.50 | Do. |
| 20.75 | Do. |
| 21.00 | Do. |
| 21.25 | Do. |
| 21.50 | Do. |
| 21.75 | Do. |
| 21.80 | Do. |
| 22.00 | Do. |
| 22.10 | |
| 22.25 | |
| 22.35 | |
| 22.50 | |
| 22.60 | |
| 22.75 | |
| 22.90 | |
| 23.00 | |
| 23.25 | |
| 23.50 | |
| 23.75 | |
| 24.00 | |
| 24.25 | |
| 24.50 | |
| 24.75 | |
| 25.00 | |
| 25.30 | |
| 25.60 | |
| 25.82 | |
| 25.90 | |
| 26.10 | |
| 26.20 | |
| 26.50 | |
| 26.80 | |
| 27.10 | |
| 27.40 | |
| 27.70 | |
| 28.00 | |
| 28.30 | |
| 28.50 | |
| 28.60 | |
| 28.90 | |
| 29.20 | |
| 29.50 | |
| 29.80 | |
| 30.20 | |
| 30.60 | |
| 31.00 | |
| 31.40 | |
| 31.80 | |
| 32.20 | |
| 32.60 | |
| 32.80 | |
| 33.00 | |
| 33.40 | |
| 33.80 | |
| 34.20 | |
| 34.50 | |
| 34.60 | |
| 35.00 | |
| 35.40 | |
| 35.80 | |
| 36.20 | |
| 36.60 | |
| 37.00 | |
| 37.40 | |
| 37.80 | |
| 38.00 | |
| 38.20 | |
| 38.60 | |
| 39.00 | |
| 39.39 | |
| 39.40 | |
| 39.80 | |
| 40.20 | |
| 40.70 | |
| 41.20 | |
| 41.70 | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| Fixed. | |
| Government. | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| Fixed. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Do. | |
| Government. | |
| 42.20 | Fixed. |
| 42.70 | Government. |
| 42.80 | Do. |
| 43.20 | Fixed. |
| 43.70 | Do. |
| 44.20 | Do. |
| 44.70 | Do. |
| 45.20 | Do. |
| 45.70 | Do |
| 46.00 | Government |
| 46.20 | Do. |
| 46.70 | Fixed. |
| 47.20 | Do. |
| 47.50 | Do. |
| 47.70 | Do. |
| 48.20 | Do. |
| 48.70 | Do. |
| 49.20 | Do. |
| 49.70 | Do. |
| 50.20 | Do. |
| 50.80 | Do. |
| 51.40 | Do. |
| 51.68 | Do. |
| 52.00 | Do. |
| 52.60 | Do. |
| 53.20 | Do. |
| 53.80 | Government. |
| 54.00 | Do. |
| 54.40 | Fixed. |
| 55.00 | Do. |
| 55.36 | Do. |
| 55.60 | Do. |
| 56.00 | Government. |
| 56.20 | Do. |
| 56.80 | Fixed. |
| 57.40 | Do. |
| 58.00 | Government. |
| 58.56 | |
| 58.60 | |
| 59.20 | |
| 59.80 | |
| 60.00 | Fixed |
| 60.40 | |
| 61.20 | |
| 61.50 | |
| 62.00 | Do. |
| 62.80 | Do. |
| 63.18 | Do. |
| 63.60 | Do. |
| 64.00 | Government. |
| 64.40 | Do. |
| 65.20 | Fixed. |
| 66.00 | Government. |
| 66.50 | |
| 66.80 | |
| 67.60 | 68.00 Fixed. |
| 68.40 | |
| 68.92 | Do. |
| 69.20 | Do. |
| 69.50 | |
| 70.00 | Do. |
| 70.80 | Do. |
| 71.26 | Do. |
| 71.60 | Do. |
| 72.40 | Do. |
| 73.20 | Do. |
| 74.00 | Do. |
| 74.80 | Government. |

[1] Allocations are indicated for information purposes. Indented frequencies indicate assignments which have been made up to October 6, 1937 in accordance with the proviso in Rule 228. For more detailed information regarding restrictions on the use of frequencies, consult the chapter of the Rules and Regulations of this Commission dealing with the service to which the frequency is allocated.



| Frequency (kc.) | Allocation |
|---|---|
| 75.00 | Government. |
| 75.60 | Fixed. |
| 76.40 | Do. |
| 77.20 | Do. |
| 78.00 | Do. |
| 78.80 | Do. |
| 79.32 | Do. |
| 79.60 | Do. |
| 80.40 | Do. |
| 80.50 | Do. |
| 81.20 | Do. |
| 82.00 | Do. |
| 82.80 | Government. |
| 83.00 | Do. |
| 83.60 | Fixed. |
| 83.86 | Do. |
| 84.40 | Do. |
| 85.20 | Do. |
| 86.00 | Do. |
| 86.80 | Do. |
| 87.60 | Do. |
| 88.40 | Do. |
| 89.20 | Do. |
| 90.00 | Do. |
| 90.80 | Do. |
| 91.60 | Do. |
| 92.40 | Do. |
| 92.76 | Do. |
| 93.20 | Do. |
| 94.00 | Government. |
| 94.80 | Fixed. |
| 95.00 | Do. |
| 95.60 | Do. |
| 96.40 | Do. |
| 97.20 | Do. |
| 97.50 | Do. |
| 98.00 | Do. |
| 98.80 | Do. |
| 99.00 | Do. |
| 100 | Government. |
| 101 | Fixed. |
| 102 | Government. |
| 103 | Fixed. |
| 104 | Government. |
| 105 | Coastal Teleg. |
| 106 | Government. |
| 107 | Coastal Teleg. |
| 108 | Government. |
| 109 | Coastal Teleg. |
| 110 | Do. |
| 111 | Do. |
| 112 | Do. |
| 113 | Government. |
| 114 | Coastal Teleg. |
| 115 | Government. |
| 116 | Coastal Teleg. |
| 117 | Do. |
| 118 | Do. |
| 119 | Do. |
| a120 | Coastal Teleg. & Govt. |
| 121 | Coastal Teleg. |
| 122 | Government. |
| 123 | Coastal Teleg. |
| 124 | Coastal Teleg. |
| 125 | Do. |
| 126 | Do. |
| 127 | Do. |
| 128 | Government. |
| 129 | Coastal Teleg. |
| 130 | Do. |
| 131 | Do. |
| 132 | Government. |
| a133 | Coastal Teleg. & Govt. |
| 134 | Coastal Teleg. |
| 135 | Do. |
| 136 | Do. |
| 137 | Do. |
| 138 | Do. |
| 139 | Do. |
| 140 | Do. |
| 141 | Do |
| 142 | Guard Band. |
| 143 | Maritime Calling. |
| 144 | Guard Band. |
| 145 | Coastal Teleg. |
| 146 | Do. |
| 147 | Do. |
| 148 | Do. |
| 149 | Do. |
| 150 | Do. |
| 151 | Ship Teleg. |
| 152 | Do. |
| 153 | Do. |
| 154 | Do. |
| a155 | Ship Teleg. & Govt. |
| 156 | Ship Teleg. |
| 157 | Do. |
| 158 | Do. |
| 159 | Government. |
| 160 | Ship Teleg. |
| 161 | Fixed & Coastal Teleg. |
| 162 | Do. |
| 163 | Do. |
| 164 | Do. |
| 165 | Do. |
| fh166 | Govt., Fixed & Coastal Teleg. |
| 167 | Fixed & Coastal Teleg. |
| 168 | Fixed & Coastal Teleg. |
| 169 | Do. |
| 170 | Do. |
| 171 | Do. |
| br172 | Govt. & Fixed. |
| 173 | Fixed & Coastal Teleg. |
| 174 | Do. |
| h175 | Government |
| 176 | Fixed & Coastal Teleg. |
| 177 | Do. |
| fhr178 | Govt., Fixed & Coastal Teleg. |
| 179 | Fixed & Coastal Teleg. |
| a180 | Govt., Fixed & Coastal Teleg. |
| 181 | Fixed & Coastal Teleg. |
| r182 | Do. |
| r183 | Do. |
| 184 | Do. |
| 185 | Government. |
| r186 | Fixed & Coastal Teleg. |
| r187 | Do. |
| bfhr188 | Govt., Fixed & Coastal Teleg. |
| r189 | Fixed & Coastal Teleg. |
| a190 | State Police & Govt. |
| 191 | Fixed & Coastal Teleg. |
| br192 | Govt. & Fixed. |
| r193 | Fixed & Coastal Teleg. |
| r194 | Govt., Fixed & Coastal Teleg. |
| 195 | Government. |
| 196 | Do. |
| 197 | Do. |
| 198 | |
| 199 | |
| 200 | |
| 201 | Do. |
| 202 | |
| h203 | |
| 204 | |
| 205 | Gen. Communication. |
| h206 | Government. |
| 207 | |
| 208 | Do. |
| hr209 | 209 Do. |
| hr210 | Do. |
| 211 | |
| bhr212 | Do. |
| 213 | Gen. Communication. |
| hr214 | Government. |
| 215 | Do. |
| 216 | |
| 217 | |
| 218 | |
| 219 | Do. |
| 220 | |
| 221 | |
| 222 | |
| 223 | |
| 224 | Do. |
| hr225 | |
| 226 | |
| br227 | |
| 228 | |
| 229 | |
| 230 | Do. |
| 231 | |
| 232 | |
| 233 | |
| 234 | |
| 235 | |
| h236 | 236 Do. |
| 237 | |
| 238 | |
| 239 | |
| 239 | |
| 240 | |
| 241 | |
| 242 | Do. |
| 243 | |
| 244 | |
| 245 | |
| 245 | |
| br246 | |
| 247 | |
| 248 | Do. |
| 249 | |
| 250 | |
| 251 | |
| 251 | |
| hr252 | |
| 253 | |
| 254 | Do. |
| 255 | |
| hr256 | |
| 257 | |
| 257 | |
| 258 | |
| 259 | |
| 260 | Do. |
| 261 | |
| hr262 | |
| 263 | |
| 263 | |
| 264 | |
| 265 | |
| 266 | Do. |
| 267 | |
| hr268 | |
| 269 | |
| 269 | |
| 270 | |
| 271 | |
| hr272 | 272 Government. |
| 273 | |
| hr274 | |
| 275 | |
| 275 | |
| 276 | |
| 277 | |
| a278 | 278 Govt. & Airport. |
| 279 | |
| 280 | |
| 281 | |
| 281 | |
| 282 | |
| 283 | |
| 284 | Government. |
| 285 | |
| *286 | |
| 287 | |
| 287 | |
| *288 | |
| 289 | |
| *290 | 290 Do. |
| 291 | |
| *292 | |
| 293 | |
| 293 | |
| *294 | |
| 295 | |
| *296 | 296 Do. |
| 297 | |
| *298 | |
| 299 | |
| 299 | |
| *300 | |
| 301 | |
| *302 | 302 Do. |
| 303 | |
| *304 | |
| 305 | |
| 305 | |
| *306 | |
| 307 | |
| *308 | 308 Do. |
| 309 | |
| *310 | |
| 311 | |
| 311 | |
| *312 | |
| 313 | |
| *314 | 314 Do. |
| 315 | |
| 316 | |
| 317 | |
| 317 | |
| 318 | |
| 319 | |
| 320 | 320 Do. |
| 321 | |
| 322 | |
| 323 | 323 Do. |
| 324 | |
| 325 | |
| 326 | 326 Do. |
| 327 | |
| 328 | |
| 329 | |
| 329 | |
| 330 | |
| 331 | |
| 332 | Do. |
| a333 | Govt. & Aircraft. |
| 334 | |
| 335 | |
| 335 | |
| 336 | |
| 337 | |
| 338 | 338 Government. |
| 339 | |
| 340 | |
| 341 | |
| 341 | |
| 342 | |
| 343 | |
| 344 | 344 Do. |
| 345 | |
| 346 | |
| 347 | |
| 347 | |
| 348 | |
| 349 | |
| 350 | 350 Do. |
| 351 | |
| 352 | |
| 353 | |
| 354 | Guard Band. |
| d355 | Government. |
| 356 | |
| 357 | |
| 358 | |
| 359 | 359 Do. |
| h360 | |
| 361 | |
| 362 | |

See footnotes at end of table.

| Frequency (kc.) | Allocation |
|---|---|
| 362 | |
| 363 | |
| 364 | |
| h365 } 365 | Government. |
| 366 | |
| 367 | |
| 368 | |
| 369 | Guard Band. |
| 370 | Do. |
| h371 | Government. |
| 372 | Guard Band. |
| 373 | Do. |
| 374 | Do. |
| a375 | Direction Finding. |
| 376 | Guard Band. |
| 377 | Do. |
| 378 | Do. |
| h379 | Government. |
| 380 | Guard Band. |
| 381 | Do. |
| 382 | Do. |
| 383 | Do. |
| 384 | Do. |
| h385 | Government. |
| 386 | Gen. Communication. |
| 387 | Do. |
| h388 | Government. |
| 389 | Gen. Communication. |
| 390 | Do. |
| h391 | Government. |
| 392 | Coastal Teleg. |
| l394 | Coastal Teleg. & Ship Teleg. |
| 396 } 396 | Government. |
| 398 | Guard Band. |
| 400 | Ship Teleg. |
| 402 | Guard Band. |
| 404 | Government. |
| 406 | Coastal Teleg. |
| 408 | Do. |
| a410 | Coastal Teleg., Ship Teleg., & Govt. |
| 412 | Guard Band. |
| 414 | Aircraft. |
| 416 | Guard Band. |
| 418 | Coastal Teleg. |
| 420 | Do. |
| 422 | Do. |
| 424 | Guard Band. |
| a425 | Coastal Teleg., Ship Teleg., Intership Phone, & Govt. |
| 426 | Guard Band. |
| 428 | Government. |
| 430 | Coastal Teleg. |
| 432 | Do. |
| 434 | Government. |
| 436 | Coastal Teleg. |
| 438 | Do. |
| 440 | Government. |
| 442 | Coastal Teleg. |
| 444 | Government. |
| 446 | Do. |
| 448 | Coastal Teleg. |
| 450 | Government. |
| 452 | Coastal Teleg. |
| ah454 | Coastal Teleg., Ship Teleg., & Govt. |
| 456 | Guard Band. |
| 457 | Aircraft. |
| 458 | Guard Band. |
| 460 | Coastal Teleg. |
| 462 | Do. |
| h464 | Government. |
| 466 | Coastal Teleg. |
| 468 | Ship Teleg. |
| 470 | Government. |
| 472 | Coastal Teleg. |
| 474 | Do. |
| a476 | Coastal Teleg., & Govt. |
| 478 | Coastal Teleg. |
| 480 | Government. |
| 482 | Coastal Teleg. |
| 484 | Do. |
| 486 | Guard Band. |
| 488 | Do. |
| 490 | Do. |
| 492 | Do. |
| 494 | Do. |
| 496 | Do. |
| 498 | Do. |
| a500 | Maritimo Calling & Govt. |
| 502 | Guard Band. |
| 504 | Do. |
| 506 | Do. |
| 508 | Do. |
| 510 | Do. |
| 512 | Do. |
| 514 | Do. |
| 515 | Government. |
| 516 | Do. |
| 518 | Do. |
| 520 | Do. |
| 522 | Do. |
| 524 | Do. |
| 526 | Do. |
| 528 | Do. |
| 530 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 532 | Government. |
| 534 | Do. |
| 536 | Do. |
| 538 | Do. |
| 540 | Do. |
| 542 | Do. |
| 544 | Do. |
| 545 | Do. |
| 546 | Guard Band. |
| 548 | Do. |
| a 550 to 1,500 | Government. |
| 550 | Broadcast. |
| 560 | Do. |
| 570 | Do. |
| 580 | Do. |
| 590 | Do. |
| 600 | Do. |
| 610 | Do. |
| 620 | Do. |
| 630 | Do. |
| 640 | Do. |
| 650 | Do. |
| 660 | Do. |
| 670 | Do. |
| 680 | Do. |
| 690 | Government. |
| 700 | Broadcast. |
| 710 | Do. |
| 720 | Do. |
| 730 | Do. |
| 740 | Do. |
| 750 | Do. |
| 760 | Do. |
| 770 | Do. |
| 780 | Do. |
| 790 | Do. |
| 800 | Do. |
| 810 | Do. |
| 820 | Do. |
| 830 | Do. |
| 840 | Do. |
| 850 | Do. |
| 860 | Do. |
| 870 | Do. |
| 880 | Do. |
| 890 | Do. |
| 900 | Do. |
| 910 | Do. |
| 920 | Do. |
| 930 | Do. |
| 940 | Do. |
| 950 | Do. |
| 960 | Do. |
| 970 | Do. |
| 980 | Do. |
| 990 | Do. |
| 1,000 | Do. |
| 1,010 | Do. |
| 1,020 | Do. |
| 1,030 | Do. |
| 1,040 | Do. |
| 1,050 | Do. |
| 1,060 | Do. |
| 1,070 | Do. |
| 1,080 | Do. |
| 1,090 | Do. |
| 1,100 | Do. |
| 1,110 | Do. |
| 1,120 | Do. |
| 1,130 | Do. |
| 1,140 | Do. |
| 1,150 | Do. |
| 1,160 | Do. |
| 1,170 | Do. |
| 1,180 | Do. |
| 1,190 | Do. |
| 1,200 | Do. |
| 1,210 | Do. |
| 1,220 | Do. |
| 1,230 | Do. |
| 1,240 | Do. |
| 1,250 | Do. |
| 1,260 | Do. |
| 1,270 | Do. |
| 1,280 | Do. |
| 1,290 | Do. |
| 1,300 | Do. |
| 1,310 | Do. |
| 1,320 | Do. |
| 1,330 | Do. |
| 1,340 | Do. |
| 1,350 | Do. |
| 1,360 | Do. |
| 1,370 | Do. |
| 1,380 | Do. |
| 1,390 | Do. |
| 1,400 | Do. |
| 1,410 | Do. |
| 1,420 | Do. |
| 1,430 | Do. |
| 1,440 | Do. |
| 1,450 | Do. |
| 1,460 | Do. |
| 1,470 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 1,480 | Broadcast. |
| 1,490 | Do. |
| 1,500 | Do. |
| 1,510 | Do. |
| 1,520 | Do. |
| 1,530 | Do. |
| r1,540 | Do. |
| 1,550 | Do. |
| 1,560 | Do. |
| 1,570 | Do. |
| 1,580 | Government. |
| h1,584 | Do. |
| 1,588 | Do. |
| 1,590 | Broadcast. |
| r1,592 | Alaska (Rule 419). |
| 1,596 | State Police (temp.). |
| 1,600 | Broadcast. |
| 1,602 | Geophysical. |
| 1,604 | |
| r1,606 | Relay Broadcast. |
| 1,608 | |
| 1,610 | Police. |
| 1,612 | |
| h**1,614 | Gen. Exp. & Govt. |
| 1,616 | |
| 1,620 | |
| r1,622 | Relay Broadcast. |
| 1,624 | |
| i1,626 | Police & Govt. |
| 1,628 | Geophysical. |
| 1,630 | Marine Fire. |
| 1,632 | |
| 1,634 | Police. |
| 1,636 | |
| 1,636 | |
| 1,638 | Aviation |
| 1,640 | |
| i1,642 | Police & Govt. |
| 1,644 | |
| r1,646 | Relay Broadcast. |
| 1,648 | |
| h1,652 | Motion Picture, Geophysical & Govt. |
| 1,656 | |
| 1,658 | Police. |
| r1,660 | |
| 1,664 | |
| h1,666 | Police & Govt. |
| 1,668 | |
| 1,672 | |
| 1,674 | Police. |
| 1,676 | Geophysical. |
| 1,680 | |
| h1,682 | Police & Govt. |
| 1,684 | |
| 1,688 | |
| 1,690 | Police. |
| 1,692 | |
| 1,696 | |
| 1,698 | Do. |
| 1,700 | Geophysical. |
| 1,704 | |
| 1,706 | Police. |
| r1,708 | |
| h1,712 | Police & Govt. |
| 1,716 | Amateur. |
| 1,720 | Do. |
| 1,724 | Do. |
| 1,728 | Do. |
| 1,732 | Do. |
| 1,736 | Do. |
| 1,740 | Do. |
| 1,744 | Do. |
| 1,748 | Do. |
| 1,752 | Do. |
| 1,756 | Do. |
| 1,760 | Do. |
| 1,764 | Do. |
| 1,768 | Do. |
| 1,772 | Do. |
| 1,776 | Do. |
| 1,780 | Do. |
| 1,784 | Do. |
| 1,788 | Do. |
| 1,792 | Do. |
| 1,796 | Do. |
| 1,800 | Do. |
| 1,804 | Do. |
| 1,808 | Do. |
| 1,812 | Do. |
| 1,816 | Do. |
| 1,820 | Do. |
| 1,824 | Do. |
| 1,828 | Do. |
| 1,832 | Do. |
| 1,836 | Do. |
| 1,840 | Do. |
| 1,844 | Do. |
| 1,848 | Do. |
| 1,852 | Do. |
| 1,856 | Do. |
| 1,860 | Do. |
| 1,864 | Do. |
| 1,868 | Do. |
| 1,872 | Do. |
| 1,876 | Do. |

See footnotes at end of table.



| Frequency (kc.) | Allocation |
|---|---|
| 1,880 | Amateur. |
| 1,884 | Do. |
| 1,888 | Do. |
| 1,892 | Do. |
| 1,896 | Do. |
| 1,900 | Do. |
| 1,904 | Do. |
| 1,908 | Do. |
| 1,912 | Do. |
| 1,916 | Do. |
| 1,920 | Do. |
| 1,924 | Do. |
| 1,928 | Do. |
| 1,932 | Do. |
| 1,936 | Do. |
| 1,940 | Do. |
| 1,944 | Do. |
| 1,948 | Do. |
| 1,952 | Do. |
| 1,956 | Do. |
| 1,960 | Do. |
| 1,964 | Do. |
| 1,968 | Do. |
| 1,972 | Do. |
| 1,976 | Do. |
| 1,980 | Do. |
| 1,984 | Do. |
| 1,988 | Do. |
| 1,992 | Do. |
| 1,996 | Do. |
| 2,000 | Do. |
| a2,004 | Govt. & Exp. Vis. B/C. |
| h2,008 | Do. |
| 2,012 | Exp. Vis. B/C. |
| 2,016 | Do. |
| 2,020 | |
| 2,022 | Relay B/C & Exp. Vis. B/C. |
| a2,024 | |
| 2,026 | Govt. & Exp. Vis. B/C. |
| 2,028 | |
| i2,032 | Do. |
| 2,036 | Police & Exp. Vis. B/C. |
| 2,040 | Do. |
| 2,044 | Do. |
| i2,048 | Govt. & Exp. Vis. B/C. |
| a2,052 | Do. |
| 2,056 | |
| 2,058 | Relay B/C. & Exp. Vis. B/C. |
| 2,060 | |
| 2,064 | |
| 2,066 | Govt. & Exp. Vis. B/C. |
| 2,068 | |
| h2,072 | Do. |
| i2,076 | Do. |
| 2,080 | |
| 2,082 | Do. |
| h2,084 | Do. |
| 2,088 | |
| 2,090 | Relay B/C & Exp. Vis. B/C. |
| 2,092 | |
| a2,096 | Govt. & Exp. Vis. B/C. |
| 2,100 | |
| 2,102 | Relay Broadcast. |
| 2,104 | |
| 2,108 | |
| a2,110 | Ship Harbor & Govt. |
| 2,112 | |
| 2,116 | |
| i2,118 | Do. |
| 2,120 | |
| 2,124 | |
| 2,126 | Ship Harbor. |
| 2,128 | |
| 2,132 | |
| 2,134 | Do. |
| 2,136 | |
| 2,140 | |
| 2,142 | Do. |
| 2,144 | |
| a2,148 | Government Relay Broadcast. |
| 2,150 | |
| 2,152 | |
| 2,156 | |
| 2,158 | Ship Harbor. |
| 2,160 | |
| 2,164 | |
| 2,166 | Do. |
| 2,168 | |
| 2,172 | |
| 2,174 | Do. |
| 2,176 | |
| 2,180 | |
| i2,182 | Ship Harbor & Govt. |
| 2,184 | |
| 2,188 | |
| 2,190 | Relay Broadcast. |
| 2,192 | |
| a2,196 | Government. |
| 2,198 | Ship Harbor. |
| 2,200 | |
| ik2,204 | |
| hik2,206 | Ship Harbor & Govt. |
| ik2,208 | |
| 2,212 | Gen. Communication. |
| #2,216 | Government. |
| j2,220 | Do. |
| #ah2,222 | Do. |
| 2,224 | |

| Frequency (kc.) | Allocation |
|---|---|
| 2,228 | Gen. Communication. |
| #2,232 | Government. |
| 2,236 | Gen. Communication. |
| j2,240 | Government. |
| 2,244 | Gen. Communication. |
| j2,248 | Government. |
| a2,252 | Fixed & Govt. |
| k2,256 | |
| k2,258 | Government. |
| k2,260 | |
| 2,264 | Fixed. |
| j2,268 | Government. |
| #2,272 | Do. |
| 2,276 | Gen. Communication. |
| j2,280 | Government. |
| j2,284 | Do. |
| j2,288 | Do. |
| 2,292 | Gen. Communication. |
| j2,296 | Government. |
| 2,300 | Gen. Communication. |
| 2,304 | Government. |
| ik2,308 | |
| hik2,310 | Police & Govt. |
| ik2,312 | |
| 2,316 | |
| 2,318 | Police. |
| ij2,320 | Government. |
| 2,324 | |
| 2,326 | Police. |
| 2,328 | |
| 2,332 | |
| 2,334 | Do. |
| 2,336 | Government. |
| ij2,340 | Do. |
| 2,342 | Police. |
| 2,344 | |
| 2,348 | |
| 2,350 | Do. |
| 2,352 | |
| 2,356 | |
| 2,358 | Do. |
| ij2,360 | Government. |
| 2,364 | |
| 2,366 | Police. |
| 2,368 | |
| i2,372 | |
| i2,374 | Police & Govt. |
| i2,376 | |
| 2,380 | |
| 2,382 | Police. |
| h2,384 | Government. |
| 2,388 | |
| 2,390 | Police. |
| 2,392 | |
| 2,396 | |
| **2,398 | Gen. Exp. |
| 2,400 | |
| 2,404 | |
| 2,406 | Police. |
| 2,408 | |
| 2,412 | |
| 2,414 | Do. |
| 2,416 | |
| 2,420 | |
| 2,422 | Do. |
| 2,424 | |
| 2,428 | |
| 2,430 | Do. |
| 2,432 | |
| 2,436 | Government. |
| 2,440 | |
| i2,442 | Police & Govt. |
| 2,444 | |
| 2,448 | |
| h2,450 | Do. |
| 2,452 | |
| 2,456 | |
| 2,458 | Police. |
| 2,460 | |
| 2,464 | |
| i2,466 | Police & Govt. |
| 2,468 | |
| 2,472 | |
| i2,474 | Do. |
| 2,476 | |
| 2,480 | |
| 2,482 | Police. |
| hi2,484 | Government. |
| 2,488 | |
| 2,490 | Police. |
| 2,492 | Government. |
| 2,496 | Do. |
| 2,500 | Do. |
| 2,504 | |
| 2,506 | Coastal Harbor. |
| 2,508 | |
| ir2,512 | |
| i2,514 | Coastal Harbor & Govt. |
| hi2,516 | Government. |
| i2,520 | |
| i2,522 | Coastal Harbor & Govt. |
| i2,524 | |
| 2,528 | |
| 2,530 | Coastal Harbor. |
| 2,532 | |
| 2,536 | |
| r2,538 | Coastal Harbor. |

| Frequency (kc.) | Allocation |
|---|---|
| ij2,540 | Government. |
| 2,544 | Do. |
| 2,548 | |
| 2,550 | Coastal Harbor. |
| 2,552 | |
| 2,556 | |
| hi2,558 | Coastal Harbor & Govt. |
| 2,560 | |
| i2,564 | |
| ir2,566 | Do. |
| i2,568 | |
| hi2,572 | Do. |
| h2,576 | Government. |
| i2,580 | |
| i2,582 | Coastal Harbor & Govt. |
| i2,584 | |
| 2,588 | |
| 2,590 | Coastal Harbor. |
| 2,592 | |
| 2,596 | |
| 2,598 | Do. |
| 2,600 | |
| 2,604 | Government. |
| 2,608 | Aviation. |
| 2,612 | Do. |
| ri2,616 | Do. |
| i2,618 | Aviation & Govt. |
| i2,620 | Aviation. |
| h2,624 | Aviation & Govt. |
| ai2,628 | Aviation. |
| ai2,630 | Aviation & Govt. |
| air2,632 | Aviation. |
| 2,636 | Do. |
| 2,640 | Do. |
| 2,644 | Do. |
| 2,648 | Do. |
| hi2,652 | Aviation & Govt. |
| ah2,656 | Government. |
| 2,660 | Do. |
| 2,662 | Do. |
| 2,664 | Do. |
| 2,668 | Do. |
| h2,670 | Do. |
| 2,672 | |
| 2,676 | Do. |
| 2,680 | Do. |
| 2,684 | Do. |
| h2,688 | Do. |
| 2,692 | Do. |
| 2,696 | |
| h2,698 | Do. |
| 2,700 | |
| 2,704 | Do. |
| ai2,708 | Aviation. |
| ai2,710 | Aviation & Govt. |
| ai2,712 | Aviation. |
| hik2,716 | Government. |
| 2,720 | Aviation. |
| 2,724 | |
| 2,726 | Special Emergency. |
| 2,728 | |
| 2,732 | Aviation. |
| 2,736 | |
| 2,738 | Coastal Harbor, Ship Harbor, Intership & Govt. |
| 2,740 | |
| 2,744 | Government. |
| 2,748 | Aviation. |
| 2,752 | |
| a2,754 | Government. |
| a2,756 | |
| 2,758 | Relay Broadcast. |
| 2,760 | |
| h2,764 | Government. |
| i2,768 | |
| hi2,770 | Do. |
| ahi2,772 | Do. |
| 2,776 | Fixed. |
| 2,780 | Do. |
| 2,784 | Do. |
| 2,788 | |
| 2,790 | Relay Broadcast. |
| ah2,792 | Government. |
| a2,796 | Do. |
| 2,798 | Do. |
| h2,800 | Do. |
| 2,804 | Police. |
| 2,808 | Do. |
| 2,812 | Do. |
| h2,816 | Government. |
| hi2,820 | |
| i2,822 | Do. |
| i2,824 | Do. |
| 2,828 | |
| 2,830 | Relay Broadcast. |
| 2,832 | |
| 2,836 | Fixed. |
| 2,840 | Fixed. |
| ahi2,844 | Government. |
| 2,848 | Fixed. |
| h2,852 | Government. |
| 2,854 | Aviation. |
| 2,856 | |
| k2,860 | |
| k2,862 | Aviation & Govt. |
| k2,864 | |
| 2,868 | |

See footnotes at end of table.

| Frequency (kc.) | Allocation |
|---|---|
| 2, 870 | Aviation. |
| 2, 872 | |
| 2, 876 | |
| 2, 878 | Do. |
| 2, 880 | |
| 2, 884 | Government. |
| k2, 888 | |
| k2, 890 | Aviation & Govt. |
| k2, 892 | |
| 2, 896 | |
| 2, 898 | Aviation. |
| 2, 900 | |
| 2, 904 | |
| 2, 906 | Do. |
| 2, 908 | |
| r2, 912 | Do. |
| 2, 916 | Government. |
| 2, 920 | |
| 2, 922 | Aviation. |
| 2, 924 | |
| 2, 928 | |
| 2, 930 | Aviation. |
| 2, 932 | |
| 2, 936 | |
| 2, 938 | Do. |
| 2, 940 | |
| 2, 944 | |
| 2, 946 | Do. |
| 2, 948 | |
| h2, 952 | Government. |
| 2, 956 | Aviation. |
| h2, 960 | Government. |
| 2, 964 | Aviation. |
| 2, 968 | Government. |
| h2, 970 | Do. |
| 2, 972 | Do. |
| 2, 976 | Do. |
| h2, 980 | Do. |
| 2, 984 | |
| r2, 986 | Aviation. |
| 2, 988 | |
| 2, 992 | |
| aehir2, 994 | Aviation & Govt. |
| 2, 996 | |
| 3, 000 | |
| 3, 002. 5 | Aviation. |
| e3, 005 | Government. |
| 3, 010 | Gen. Communication. |
| k3, 015 | |
| k3, 017. 5 | Government. |
| k3, 020 | |
| 3, 025 | Fixed. |
| 3, 030 | Gen. Communication. |
| ek3, 035 | Government. |
| lk3, 037. 5 | Do. |
| ik3, 040 | |
| 3, 045 | Fixed. |
| 3, 050 | Gen. Communication. |
| 3, 055 | Do. |
| 3, 060 | |
| 3, 062. 5 | Aviation. |
| e3, 065 | Government. |
| a3, 070 | Do. |
| 3, 072. 5 | Aviation. |
| 3, 075 | |
| 3, 080 | |
| a3, 082. 5 | Aviation & Govt. |
| h3, 085 | Government. |
| 3, 088 | Aviation. |
| 3, 090 | |
| r3, 092. 5 | Do. |
| e3, 095 | Government. |
| 3, 100 | |
| h3, 105 | Maritime Calling, Aircraft & Govt. |
| 3, 110 | |
| 3, 115 | Ship Teleg. & Coastal Teleg. |
| ahi3, 120 | Ship Teleg., Coastal Teleg., Aircraft & Govt. |
| 3, 125 | |
| 3, 127. 5 | Aviation. |
| 3, 130 | |
| 3, 135 | |
| 3, 137. 5 | Do. |
| 3, 140 | |
| 3, 145 | |
| 3, 147. 5 | Do. |
| 3, 150 | |
| ehk3, 155 | Aviation & Govt. |
| 3, 160 | |
| 3, 162. 5 | Aviation. |
| 3, 165 | |
| 3, 170 | |
| 3, 172. 5 | Do. |
| 3, 175 | |
| 3, 180 | |
| 3, 182. 5 | Do. |
| 3, 185 | |
| r3, 190 | Special Emergency. |
| ehr3, 195 | Aivation & Govt. |
| 3, 200 | |
| ij3, 202. 5 | Do. |
| 3, 205 | |
| 3, 210 | |
| ij3, 212. 5 | Do. |
| 3, 215 | |
| 3, 220 | |
| jh3, 222. 5 | Aviation & Govt. |
| r3, 225 | |
| 3, 230 | |
| 3, 232. 5 | Aviation Government. |
| e3, 235 | |
| 3, 240 | |
| 3, 242. 5 | Aviation. |
| 3, 245 | |
| 3, 250 | Agriculture. |
| 3, 255 | |
| 3, 257. 5 | Aviation. |
| 3, 260 | |
| behikr3, 265 | Aviation & Govt. |
| 3, 270 | Fixed. |
| 3, 275 | Do. |
| 3, 280 | Do. |
| 3, 285 | Do. |
| 3, 290 | Do. |
| e3, 295 | Fixed & Govt. |
| 3, 300 | Fixed. |
| k3, 305 | Do. |
| k3, 307. 5 | Fixed & Govt. |
| k3, 310 | Fixed |
| 3, 315 | Do. |
| 3, 320 | |
| 3, 322. 5 | Aviation. |
| 3, 325 | |
| hk3, 330 | Fixed. |
| hk3,332.5 | Fixed & Govt. |
| hk3, 335 | Fixed. |
| 3, 340 | Government. |
| 3, 345 | Do. |
| 3, 350 | Do. |
| 3, 355 | Do. |
| 3, 360 | Do. |
| 3, 365 | Do. |
| 3, 370 | Do. |
| 3, 375 | Do. |
| 3, 380 | Do. |
| bh3, 385 | Do. |
| 3, 390 | Do. |
| 3, 395 | Do. |
| h3, 397. 5 | Do. |
| 3, 400 | Do. |
| 3, 402. 5 | Do. |
| 3, 405 | Do. |
| 3, 410 | Do. |
| e3, 415 | Aviation & Govt. |
| hk3, 420 | |
| hk3, 422. 5 | Do. |
| hk3, 425 | |
| hk3, 425 | |
| ij3, 427. 5 | Do. |
| 3, 430 | |
| 3, 432. 5 | Aviation. |
| 3, 435 | |
| ij3, 437. 5 | Aviation & Govt. |
| 3, 440 | |
| e3, 445 | Government. |
| 3, 447. 5 | Aviation. |
| 3, 450 | |
| 3, 452. 5 | Do. |
| 3, 455 | |
| 3, 457. 5 | Do. |
| 3, 460 | |
| 3, 465 | |
| 3, 467. 5 | Do. |
| 3, 470 | |
| e3, 475 | Government. |
| 3, 477. 5 | Aviation. |
| 3, 480 | |
| hj3, 485 | Aviation & Govt. |
| 3, 490 | |
| **3, 492. 5 | Gen. Experimental. |
| 3, 495 | |
| 3, 497. 5 | Government. |
| 3, 500 | Amateur. |
| a3, 505 | Amateur & Govt. |
| 3, 510 | Amateur. |
| 3, 515 | Do. |
| 3, 520 | Do. |
| 3, 525 | Do. |
| 3, 530 | Do. |
| a3, 535 | Amateur & Govt. |
| 3, 540 | Amateur. |
| 3, 545 | Do. |
| 3, 550 | Do. |
| 3, 555 | Do. |
| 3, 560 | Do. |
| 3, 565 | Do. |
| 3, 570 | Do. |
| 3, 575 | Do. |
| 3, 580 | Do. |
| a3, 585 | Amateur & Govt. |
| 3, 590 | Amateur. |
| 3, 595 | Do. |
| 3, 600 | Do. |
| 3, 605 | Do. |
| 3, 610 | Do. |
| a3, 615 | Amateur & Govt. |
| 3, 620 | Amateur. |
| 3, 625 | Do. |
| 3, 630 | Do. |
| 3, 635 | Do. |
| 3, 640 | Do. |
| 3, 645 | Amateur. |
| 3, 650 | Do. |
| 3, 655 | Do. |
| 3, 660 | Do. |
| a3, 665 | Amateur & Govt. |
| 3, 670 | Amateur. |
| 3, 675 | Do. |
| 3, 680 | Do. |
| 3, 685 | Do. |
| 3, 690 | Do. |
| a3, 695 | Amateur & Govt. |
| 3, 700 | Amateur. |
| 3, 705 | Do. |
| 3, 710 | Do. |
| 3, 715 | Do. |
| 3, 720 | Do. |
| a3, 725 | Amateur & Govt. |
| 3, 730 | Amateur. |
| 3, 735 | Do. |
| 3, 740 | Do. |
| 3, 745 | Do. |
| 3, 750 | Do. |
| a3, 755 | Amateur & Govt. |
| 3, 760 | Amateur. |
| 3, 765 | Do. |
| 3, 770 | Do. |
| 3, 775 | Do. |
| 3, 780 | Do. |
| a3, 785 | Amateur & Govt. |
| 3, 790 | Amateur. |
| 3, 795 | Do. |
| 3, 800 | Do. |
| 3, 805 | Do. |
| 3, 810 | Do. |
| a3, 815 | Amateur & Govt. |
| 3, 820 | Amateur. |
| 3, 825 | Do. |
| 3, 830 | Do. |
| 3, 835 | Do. |
| 3, 840 | Do. |
| a3, 845 | Amateur & Govt. |
| 3, 850 | Amateur. |
| 3, 855 | Do. |
| 3, 860 | Do. |
| a3, 865 | Amateur & Govt. |
| 3, 870 | Amateur. |
| 3, 875 | Do. |
| 3, 880 | Do. |
| 3, 885 | Do. |
| 3, 890 | Do. |
| 3, 895 | Do. |
| 3, 900 | Do. |
| a3, 905 | Amateur & Govt. |
| 3, 910 | Amateur. |
| 3, 915 | Do. |
| 3, 920 | Do. |
| 3, 925 | Do. |
| 3, 930 | Do. |
| a3, 935 | Amateur & Govt. |
| 3, 940 | Amateur. |
| 3, 945 | Do. |
| 3, 950 | Do. |
| 3, 955 | Do. |
| 3, 960 | Do. |
| a3, 965 | Amateur & Govt. |
| 3, 970 | Amateur. |
| 3, 975 | Do. |
| 3, 980 | Do. |
| a3, 985 | Amateur & Govt. |
| 3, 990 | Amateur. |
| 3, 995 | Do. |
| 4, 000 | Do. |
| h4, 005 | Government. |
| h4, 010 | Do. |
| 4, 015 | Do. |
| 4, 020 | Do. |
| 4, 025 | Do. |
| 4, 030 | Do. |
| h4, 035 | Do. |
| h4, 040 | Do. |
| 4, 045 | Do. |
| 4, 050 | Do. |
| 4, 055 | Do. |
| 4, 060 | Do. |
| 4, 065 | Do. |
| 4, 070 | Do. |
| h4, 075 | Do. |
| 4, 080 | Do. |
| 4, 085 | Do. |
| 4, 090 | Do. |
| 4, 097. 5 | Fixed. |
| 4, 100 | |
| 4, 105 | Government. |
| 4, 110 | Aviation. |
| 4, 115 | Do. |
| 4, 120 | |
| 4, 122. 5 | Do. |
| 4, 125 | |
| hl4, 130 | Government. |
| 4, 135 | Do. |
| 4, 140 | Maritime Calling. |
| 4, 145 | Ship Teleg. |
| a4, 150 | Ship Teleg. & Govt. |
| 4, 155 | Government. |
| hl4, 160 | Ship Teleg. & Govt. |

See footnotes at end of table.



| Frequency (kc.) | Allocation |
|---|---|
| a4, 165 | Ship Teleg. & Govt. |
| 4, 170 | Ship Teleg. |
| 4, 175 | |
| 4, 177. 5 | Coastal Phone. |
| 4, 180 | |
| 4, 185 | Coastal Teleg. |
| 4, 190 | Fixed. |
| 4, 195 | Do. |
| 4, 200 | Government. |
| 4, 205 | Do. |
| h4, 210 | Do. |
| h4, 215 | Do. |
| h4, 220 | Do. |
| h4, 225 | Do. |
| 4, 230 | Do. |
| 4, 235 | Do. |
| h4, 240 | Do. |
| 4, 245 | Agriculture. |
| 4, 250 | Gen. Communication. |
| 4, 255 | Government. |
| 4, 260 | Fixed. |
| 4, 265 | Government. |
| 4, 270 | |
| 4, 272. 5 | Coastal Phone. |
| 4, 275 | |
| hk4, 280 | Coastal Phone & Govt. |
| h4,282. 5 | Coastal Phone & Govt. |
| hk4, 285 | |
| hk4,287.5 | Do. |
| hk4, 290 | Government. |
| 4, 295 | Do. |
| 4, 300 | Do. |
| 4, 305 | Do. |
| 4, 310 | Do. |
| 4, 315 | |
| 4, 317. 5 | Do. |
| 4, 320 | |
| h4, 325 | |
| h4, 327. 5 | Do. |
| h4, 330 | Do. |
| 4, 335 | Aviation. |
| 4, 340 | Gen. Communication. |
| 4, 345 | Do. |
| 4, 350 | Do. |
| 4, 355 | Do. |
| hl4, 360 | Government. |
| 4, 365 | Do. |
| 4, 370 | Do. |
| 4, 375 | Do. |
| 4, 380 | Do. |
| 4, 385 | Do. |
| 4, 390 | Do. |
| 4, 395 | Gen. Communication. |
| 4, 400 | |
| 4, 402. 5 | Ship Phone. |
| 4, 405 | |
| 4, 410 | |
| 4, 412. 5 | Do. |
| 4, 415 | |
| 4, 420 | |
| 4, 422. 5 | Do. |
| 4, 425 | |
| h4, 425 | |
| h4,427.5 | Government. |
| h4, 430 | Do. |
| 4, 435 | Do. |
| 4, 440 | Do. |
| 4, 445 | Do. |
| 4, 450 | Gen. Communication. |
| 4, 455 | |
| 4, 457. 5 | Ship Phone. |
| 4, 460 | |
| h4, 465 | |
| h4, 467. 5 | Government. |
| h4, 470 | Do. |
| h4, 475 | |
| 4, 477. 5 | Do. |
| l4, 480 | Aviation. |
| 4, 485 | |
| h4, 487. 5 | Government. |
| h4, 490 | Do. |
| hl4, 495 | Aviation. |
| h4, 497. 5 | Government. |
| h4, 500 | Do. |
| 4, 505 | Gen. Communication. |
| 4, 510 | Government. |
| h4, 515 | Fixed. |
| 4, 520 | Government. |
| 4, 525 | Fixed. |
| 4, 530 | Do. |
| 4, 535 | Do. |
| 4, 540 | Do. |
| 4, 545 | Do. |
| 4, 550 | Do. |
| 4, 555 | Do. |
| 4, 560 | Gen. Communication. |
| 4, 565 | Government. |
| 4, 570 | Fixed. |
| 4, 575 | Do. |
| h4, 580 | Government. |
| 4, 585 | Gen. Communication. |
| h4, 590 | Government. |
| h4, 595 | Do. |
| h4, 600 | Do. |
| 4, 605 | Gen. Communication. |
| a4, 610 | Government. |
| 4, 615 | |
| h4, 617. 5 | Government |
| 4, 620 | |
| aeh4, 625 | Do. |
| hk4, 630 | Do. |
| 4, 635 | Gen. Communication. |
| 4, 640 | Do. |
| 4, 645 | Fixed. |
| 4, 650 | Aviation. |
| 4, 655 | Fixed. |
| 4, 660 | Do. |
| 4, 665 | Do. |
| 4, 670 | Do. |
| 4, 675 | Do. |
| 4, 680 | Do. |
| 4, 685 | Do. |
| 4, 690 | Aviation. |
| 4, 695 | Gen. Communication. |
| 4, 700 | Do. |
| 4, 705 | Mobile Press. |
| 4, 710 | Fixed. |
| 4, 715 | Do. |
| 4, 720 | Do. |
| 4, 725 | Do. |
| 4, 730 | Do. |
| 4, 735 | Do. |
| 4, 740 | Aviation. |
| 4, 742. 5 | Do. |
| 4, 745 | Do. |
| 4, 750 | |
| 4, 752. 5 | Coastal Phone. |
| 4, 755 | |
| 4, 760 | Gen. Communication. |
| a4, 765 | Government. |
| 4, 770 | Gen. Communication. |
| 4, 775 | Do. |
| 4, 780 | Coastal Teleg. |
| 4, 785 | Do. |
| 4, 790 | Do. |
| 4, 795 | |
| **4,797.5 | Gen. Experimental. |
| 4, 800 | |
| 4, 805 | Fixed. |
| 4, 810 | Gen. Communication. |
| 4, 815 | Do. |
| 4, 820 | Do. |
| 4, 825 | Do. |
| h4, 830 | Government. |
| 4, 835 | Gen. Communication. |
| 4, 840 | Do. |
| 4, 845 | Do. |
| h4, 850 | Government. |
| 4, 855 | Gen. Communication. |
| 4, 860 | Do. |
| 4, 865 | Do. |
| h4, 870 | Government. |
| 4, 875 | Gen. Communication. |
| 4, 880 | Do. |
| 4, 885 | Do. |
| hl4, 890 | Government. |
| 4, 895 | Gen. Communication. |
| 4, 900 | Do. |
| 4, 905 | Do. |
| h4, 910 | Government. |
| 4, 915 | |
| 4, 917. 5 | Aviation. |
| 4, 920 | |
| 4, 925 | |
| 4, 927. 5 | Government. |
| 4, 930 | |
| 4, 935 | |
| 4, 937. 5 | Aviation. |
| 4, 940 | |
| 4, 945 | |
| 4, 947. 5 | Do. |
| 4, 950 | |
| 4, 950 | |
| 4, 952. 5 | Aviation. |
| 4, 955 | |
| 4, 960 | Gen. Communication. |
| 4, 965 | |
| 4, 967. 5 | Aviation. |
| 4, 970 | |
| 4, 975 | Government. |
| 4, 980 | Fixed. |
| 4, 985 | Do. |
| 4, 990 | Fixed. |
| 4, 995 | Do. |
| 5, 000 | Government. |
| 5, 005 | Gen. Communication. |
| 5, 010 | Fixed. |
| 5, 015 | Gen. Communication. |
| 15, 020 | Government. |
| 5, 025 | Gen. Communication. |
| 15, 030 | Government. |
| 5, 032. 5 | Aviation. |
| 5, 035 | |
| 5, 040 | |
| 5, 042. 5 | Aviation. |
| 5, 045 | |
| 5, 050 | |
| 5, 052. 5 | Fixed. |
| 5, 055 | |
| 5, 060 | Gen. Communication. |
| h5, 065 | Government. |
| 5, 067. 5 | Fixed. |
| 5, 070 | |
| 5, 075 | |
| 5, 077. 5 | Fixed. |
| 5, 080 | |
| 5, 085 | Do. |
| 15, 090 | Government. |
| 5, 095 | Fixed. |
| 5, 100 | Do. |
| 5, 105 | Do. |
| 5, 110 | Do. |
| 5, 115 | Gen. Communication. |
| 5, 120 | |
| 5, 122. 5 | Aviation. |
| 5, 125 | |
| 5, 130 | Gen. Communication. |
| 5, 135 | Police. |
| r5, 137. 5 | Alaska (Rule 419–B). |
| 5, 140 | Police. |
| 5, 145 | Gen. Communication. |
| 5, 150 | Do. |
| 5, 155 | Do. |
| 5, 160 | Do. |
| 5, 165 | Aviation. |
| r5, 167. 5 | Alaska (Rule 419–B). |
| 5, 170 | |
| 5, 175 | Gen. Communication. |
| 5, 180 | Fixed. |
| 5, 185 | Do. |
| 5, 190 | Do. |
| 5, 195 | Police. |
| 5, 200 | Government. |
| 5, 205 | |
| r5, 207. 5 | Alaska (Rule 419–B). |
| 5, 210 | |
| 5, 215 | Gen. Communication. |
| 5, 220 | Do. |
| 5, 225 | Fixed. |
| 5, 230 | Do. |
| 5, 235 | Do. |
| 5, 240 | Do. |
| 5, 245 | Do. |
| 5, 250 | Do. |
| 5, 255 | Gen. Communication. |
| 5, 260 | Fixed. |
| 5, 265 | Do. |
| 5, 270 | Do. |
| 5, 275 | Gen. Communication. |
| 5, 280 | Government. |
| 5, 285 | Fixed. |
| 5, 290 | Do. |
| 15, 295 | Fixed & Govt. |
| 5, 300 | Fixed. |
| 5, 305 | Do. |
| 5, 310 | Aviation. |
| 5, 315 | Fixed. |
| 5, 320 | Do. |
| 5, 325 | |
| 5, 327. 5 | Government. |
| 5, 330 | |
| 5, 335 | Fixed. |
| 5, 340 | Do. |
| 5, 345 | Do. |
| 5, 350 | Do. |
| 5, 355 | Do. |
| 5, 360 | Do. |
| 5, 365 | Agriculture. |
| 5, 370 | Fixed. |
| h5, 375 | Government. |
| 5, 377. 5 | Aviation. |
| 5, 380 | |
| 5, 385 | Gen. Communication. |
| 5, 390 | Do. |
| 5, 395 | Do. |
| 5, 400 | Do. |
| 5, 405 | Aviation. |
| 5, 410 | Gen. Communication. |
| 5, 415 | Do. |
| 5, 420 | Do. |
| 5, 425 | Do. |
| 5, 430 | Do. |
| 5, 435 | Do. |
| 5, 440 | Do. |
| 5, 445 | Do. |
| 5, 450 | Do. |
| 5, 455 | Do. |
| 5, 460 | Do. |
| 5, 465 | Do. |
| 5, 470 | Do. |
| h5, 475 | Government. |
| 5, 480 | Gen. Communication. |
| 5, 485 | Do. |
| 5, 490 | Do. |
| 5, 495 | Do. |
| 5, 500 | Do. |
| a5, 505 | Ship Teleg. & Govt. |
| 5, 510 | Ship Teleg. |
| 5, 515 | Do. |
| 5, 520 | Maritime Calling. |
| 5, 525 | Ship Teleg. |
| 5, 530 | Do. |
| 5, 535 | Do. |
| a5, 540 | Coastal Teleg. & Govt. |
| 5, 545 | Coastal Teleg. |
| 5, 550 | Do. |
| 5, 555 | Do. |
| 5, 560 | Do. |
| 5, 565 | Do. |
| 5, 570 | |
| 5, 572. 5 | Aviation. |

See footnotes at end of table.

| Frequency (kc.) | Allocation |
|---|---|
| 5, 575 | |
| 5, 580 | |
| 5, 582. 5 | Aviation. |
| 5, 585 | |
| 5, 590 | |
| 5, 592. 5 | Do. |
| 5, 595 | |
| a5, 600 | Government. |
| 5, 602. 5 | Aviation. |
| 5, 605 | |
| 5, 610 | |
| 5, 612. 5 | Do. |
| 5, 615 | |
| 5, 620 | |
| 5, 622. 5 | Do. |
| 5, 625 | |
| 5, 630 | |
| 5, 632. 5 | Do. |
| 5, 635 | |
| 5, 640 | |
| 5, 642. 5 | Do. |
| 5, 645 | |
| 5, 650 | |
| 5, 652. 5 | Do. |
| 5, 655 | |
| 5, 660 | |
| 5, 662. 5 | Do. |
| 5, 665 | |
| 5, 670 | |
| 5, 672. 5 | Do. |
| 5, 675 | |
| 5, 680 | |
| 5, 682. 5 | Do. |
| 5, 685 | |
| 5, 690 | |
| 5, 692. 5 | Do. |
| 5, 695 | |
| 5, 697. 5 | Do. |
| 5, 700 | |
| 5, 705 | |
| 5, 707. 5 | Do. |
| 5, 710 | |
| 5, 715 | Gen. Communication. |
| 5, 720 | Fixed. |
| 5, 725 | Gen. Communication. |
| 5, 730 | Do. |
| k5, 735 | Government. |
| h5, 737. 5 | Do. |
| 5, 740 | |
| 5, 742. 5 | Do. |
| 5, 745 | |
| 5, 750 | Fixed. |
| 5, 755 | Gen. Communication. |
| 5, 760 | Do. |
| 5, 765 | Do. |
| 5, 770 | Do. |
| h5, 775 | Government. |
| 5, 780 | Gen. Communication. |
| 5, 785 | Do. |
| 5, 790 | Do. |
| 5, 795 | Do. |
| 5, 800 | Do. |
| 5, 805 | Do. |
| 5, 810 | Do. |
| h5, 815 | Government. |
| 5, 820 | Gen. Communication. |
| 5, 825 | Do. |
| 5, 830 | Do. |
| h15, 835 | Government. |
| 5, 840 | Gen. Communication. |
| 5, 845 | Fixed. |
| 5, 850 | |
| 5, 852. 5 | Do. |
| 5, 855 | |
| 5, 860 | Gen. Communication. |
| 5, 865 | Government. |
| 5, 870 | Gen. Communication. |
| h15, 875 | Government. |
| 5, 880 | Gen. Communication. |
| 5, 885 | |
| 5, 887. 5 | Aviation. |
| 5, 890 | |
| 5, 895 | Gen. Communication. |
| 5, 900 | Do. |
| 5, 905 | Do. |
| 5, 910 | Do. |
| 5, 915 | Do. |
| h5, 920 | Government. |
| 5, 925 | Do. |
| 5, 930 | Do. |
| 5, 935 | Do. |
| h5, 940 | Do. |
| 5, 945 | Do. |
| 5, 950 | Do. |
| 5, 955 | Do. |
| h5, 960 | Do. |
| 5, 965 | Do. |
| 5, 970 | Gen. Communication. |
| 5, 975 | Fixed. |
| 5, 980 | Do. |
| 5, 985 | Do. |
| 5, 990 | Do. |
| 5, 995 | Government. |
| 6, 000 | Guard Band. |
| 6, 010 | |
| 6, 020 | Int. Broadcast. |
| 6, 030 | |

| Frequency (kc.) | Allocation |
|---|---|
| 6, 030 | |
| 6, 040 | Int. Broadcast. |
| 6, 050 | |
| 6, 060 | |
| 6, 070 | Do. |
| 6, 080 | |
| 6, 090 | |
| 6, 100 | Do. |
| 6, 110 | |
| 6, 120 | Government. |
| 6, 130 | |
| 6, 140 | Int. Broadcast. |
| 6, 150 | |
| 6, 160 | Ship Teleg. |
| 6, 170 | Do. |
| 6, 180 | Do. |
| an6, 190 | Ship Teleg. & Govt. |
| 6, 200 | Ship Teleg. |
| h6, 210 | Maritime Calling, Aircraft, & Govt. |
| h6, 220 | Ship Teleg. & Govt. |
| h6, 225 | Government. |
| h6, 230 | Ship Teleg. & Govt. |
| h6, 240 | Do. |
| a6, 250 | Coastal Teleg. & Govt. |
| 6, 260 | Coastal Teleg. |
| 6, 270 | Do. |
| 6, 280 | Do. |
| e6, 290 | Coastal Teleg. & Govt. |
| 6, 300 | Coastal Teleg. |
| 6, 310 | Do. |
| 6, 320 | Do. |
| fh6, 330 | Coastal Teleg. & Govt. |
| 6, 340 | Coastal Teleg. |
| 6, 350 | Do. |
| h6, 355 | Government. |
| 6, 360 | Coastal Teleg. |
| 6, 370 | Do. |
| 6, 380 | Do. |
| e6, 385 | Government. |
| h6, 390 | Coastal Teleg. & Govt. |
| 6, 400 | Coastal Teleg. |
| e6, 405 | Government. |
| 6, 410 | Coastal Teleg. |
| a6, 420 | Government. |
| a**6, 425 | Gen. Exp. & Govt. |
| a6, 430 | Government. |
| 6, 440 | Mobile Press. |
| h6, 445 | Government. |
| 6, 450 | Mobile Press. |
| a6, 460 | Coastal Phone & Govt. |
| e6, 465 | Government. |
| a6, 470 | Coastal Phone & Govt. |
| e6, 475 | Government. |
| h6, 480 | Coastal Phone & Govt. |
| 6, 490 | Aviation. |
| e6, 500 | Aviation & Govt. |
| 6, 510 | Aviation. |
| 6, 520 | Do. |
| 6, 530 | Do. |
| h6, 540 | Aviation & Govt. |
| 6, 550 | Aviation. |
| 6, 560 | Do. |
| 6, 570 | Do. |
| 6, 580 | Do. |
| 6, 590 | Do. |
| a6, 600 | Aviation & Govt. |
| h6, 610 | Government. |
| h6, 615 | Aviation & Govt. |
| h6, 620 | Government. |
| e6, 625 | Do. |
| e6, 630 | Aviation & Govt. |
| e6, 635 | Government. |
| e6, 640 | Aviation & Govt. |
| e6, 645 | Government. |
| a6, 650 | Ship Phone & Govt. |
| e6, 655 | Government. |
| a6, 660 | Ship Phone & Govt. |
| e6, 665 | Government. |
| a6, 670 | Ship Phone & Govt. |
| 6, 680 | Fixed. |
| 6, 690 | Government. |
| 6, 700 | Fixed. |
| 6, 710 | Do. |
| 6, 717. 5 | Do. |
| 6, 720 | Do. |
| 6, 725 | Do. |
| 6, 730 | Do. |
| 6, 732. 5 | Do. |
| 6, 740 | Do. |
| 6, 745 | Do. |
| g6, 747 | Government. |
| 6, 750 | Fixed. |
| 6, 755 | Do. |
| 6, 760 | Do. |
| 6, 770 | Do. |
| 6, 777. 5 | Do. |
| 6, 780 | Do. |
| 6, 785 | Do. |
| 6, 790 | Do. |
| 6, 800 | Do. |
| 6, 810 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 6, 815 | Fixed. |
| 6, 820 | Do. |
| 6, 830 | Do. |
| 6, 840 | Do. |
| 6, 845 | Do. |
| 6, 850 | Do. |
| 6, 852. 5 | Do. |
| 6, 860 | Do. |
| 6, 870 | Do. |
| 6, 875 | Do. |
| 6, 880 | Do. |
| 6, 890 | Do. |
| 6, 900 | Do. |
| gh6, 910 | Fixed & Govt. |
| 6, 920 | Fixed. |
| 6, 927. 5 | Do. |
| 6, 930 | Do. |
| 6, 935 | Do. |
| h6, 940 | Fixed & Govt. |
| 6, 942. 5 | Fixed. |
| 6, 950 | Do. |
| 6, 957. 5 | Do. |
| 6, 960 | Do. |
| 6, 965 | Do. |
| g6, 970 | Fixed & Govt. |
| 6, 980 | Fixed. |
| 6, 990 | Government. |
| 7, 000 | Amateur. |
| 7, 010 | Do. |
| 7, 020 | Do. |
| 7, 030 | Do. |
| 7, 040 | Do. |
| 7, 050 | Do. |
| 7, 060 | Do. |
| 7, 070 | Do. |
| 7, 080 | Do. |
| 7, 090 | Do. |
| 7, 100 | Do. |
| 7, 110 | Do. |
| 7, 120 | Do. |
| 7, 130 | Do. |
| 7, 140 | Do. |
| 7, 150 | Do. |
| 7, 160 | Do. |
| 7, 170 | Do. |
| 7, 180 | Do. |
| 7, 190 | Do. |
| 7, 200 | Do. |
| 7, 210 | Do. |
| 7, 220 | Do. |
| 7, 230 | Do. |
| 7, 240 | Do. |
| 7, 250 | Do. |
| 7, 260 | Do. |
| 7, 270 | Do. |
| 7, 280 | Do. |
| 7, 290 | Do. |
| 7, 300 | Do. |
| g7, 305 | Government. |
| 7, 310 | Fixed. |
| 7, 320 | Do. |
| g7, 330 | Fixed & Govt. |
| 7, 340 | Fixed. |
| 7, 350 | Do. |
| 7, 355 | Do. |
| 7, 360 | Do. |
| 7, 370 | Do. |
| 7, 380 | Do. |
| g7, 385 | Government. |
| 7, 390 | Fixed. |
| 7, 400 | Do. |
| 7, 407. 5 | Do. |
| 7, 410 | Do. |
| 7, 415 | Do. |
| 7, 420 | Do. |
| 7, 430 | Do. |
| 7, 437. 5 | Do. |
| 7, 440 | Do. |
| 7, 445 | Do. |
| 7, 450 | Do. |
| g7, 455 | Government. |
| g7, 460 | Fixed & Govt. |
| 7, 470 | Fixed. |
| 7, 480 | Do. |
| 7, 490 | Do. |
| g7, 500 | Fixed & Govt. |
| 7, 510 | Fixed. |
| 7, 520 | Do. |
| g7, 530 | Fixed & Govt. |
| g7, 535 | Government. |
| g7, 540 | Fixed & Govt. |
| 7, 550 | Fixed. |
| 7, 555 | Do. |
| 7, 560 | Do. |
| 7, 565 | Do. |
| 7, 570 | Do. |
| 7, 580 | Do. |
| 7, 590 | Do. |
| 7, 600 | Do. |
| 7, 610 | Do. |
| 7, 615 | Do. |
| 7, 620 | Do. |
| 7, 625 | Do. |
| 7, 630 | Do. |
| 7, 640 | Do. |
| g7, 645 | Government. |
| 7, 650 | Fixed. |

See footnotes at end of table.



| Frequency (kc.) | Allocation |
|---|---|
| 7, 655 | Fixed. |
| 7, 660 | Do. |
| 7, 662. 5 | Do. |
| 7, 670 | Do. |
| g7, 680 | Fixed & Govt. |
| 7, 690 | Fixed. |
| 7, 700 | Aviation. |
| 7, 710 | Fixed. |
| 7, 715 | Do. |
| 7, 720 | Do. |
| 7, 730 | Do. |
| 7, 737. 5 | Do. |
| 7, 740 | Do. |
| 7, 745 | Do. |
| 7, 750 | Do. |
| 7, 752. 5 | Do. |
| 7, 760 | Do. |
| 7, 770 | Do. |
| 7, 775 | Do. |
| 7, 780 | Do. |
| 7, 790 | Do. |
| 7, 800 | Do. |
| 7, 810 | Do. |
| 7, 820 | Do. |
| 7, 830 | Do. |
| 7, 840 | Do. |
| 7, 850 | Do. |
| h7, 860 | Fixed & Govt. |
| 7, 870 | Fixed. |
| 7, 880 | Do. |
| 7, 890 | Do. |
| 7, 900 | Do. |
| 8, 910 | Do. |
| h7, 920 | Fixed & Govt. |
| 7, 930 | Fixed. |
| 7, 940 | Do. |
| 7, 950 | Do. |
| 7, 955 | Do. |
| 7, 960 | Do. |
| 7, 970 | Do. |
| 7, 980 | Do. |
| 8, 990 | Do. |
| h7, 995 | Government. |
| 8, 000 | Fixed. |
| h8, 010 | Government. |
| a8, 015 | Aviation & Govt. |
| 8, 020 | |
| 8, 030 | Government. |
| 8, 040 | Do. |
| 8, 050 | Do. |
| 8, 060 | Do. |
| r8, 070 | Fixed & Aviation. |
| 8, 075 | Fixed. |
| h8, 080 | Government. |
| 8, 090 | Do. |
| 8, 100 | Do. |
| 8, 110 | Do. |
| 8, 120 | Do. |
| e8, 130 | Aviation & Govt. |
| 8, 140 | Government. |
| 8, 150 | Do. |
| 8, 160 | Do. |
| 8, 170 | Do. |
| 8, 180 | Do. |
| 8, 190 | Fixed. |
| k8, 200 | Fixed & Govt. |
| 8, 210 | Government. |
| 8, 220 | Aviation. |
| 8, 230 | Ship Teleg. |
| 8, 240 | Ship Teleg. & Aviation. |
| 8, 250 | Ship Teleg. |
| 8, 260 | Do. |
| 8, 270 | Government. |
| 8, 280 | Maritime Calling. |
| 8, 290 | Ship Teleg. |
| a8, 300 | Ship Teleg. & Govt. |
| 8, 310 | Government. |
| h8, 320 | Ship Teleg. & Govt. |
| ak, 330 | Do. |
| 8, 340 | Ship Teleg. |
| 8, 350 | Mobile Press. |
| 8, 360 | Do. |
| 8, 370 | Coastal Teleg. |
| 8, 380 | Do. |
| 8, 390 | Do. |
| 8, 400 | Government. |
| 8, 410 | Do. |
| 8, 420 | Coastal Teleg. |
| 8, 430 | Do. |
| 8, 440 | Do. |
| 8, 450 | Do. |
| 8, 460 | Government. |
| 8, 470 | Do. |
| 8, 480 | Coastal Teleg. |
| 8, 490 | Do. |
| a8, 500 | Coastal Teleg. & Govt. |
| 8, 510 | Government. |
| k8, 520 | Coastal Teleg. & Govt. |
| 8, 530 | Government. |
| 8, 540 | Coastal Phone. |
| 8, 550 | Do. |
| 8, 560 | Do. |
| 8, 570 | Coastal Teleg. |
| 8, 580 | Do. |
| 8, 590 | Government. |
| 8, 600 | Do. |
| 8, 610 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 8, 620 | Government. |
| 8, 630 | Coastal Teleg. |
| 8, 640 | Do. |
| 8, 650 | |
| **8, 655 | Gen. Experimental. |
| 8, 660 | |
| 8, 670 | Coastal Teleg. |
| 8, 680 | Do. |
| 8, 690 | Do. |
| 8, 700 | Fixed. |
| 8, 710 | Do. |
| 8, 720 | Do. |
| 8, 730 | Government. |
| 8, 740 | Do. |
| 8, 750 | Do. |
| 8, 760 | Do. |
| 8, 770 | Do. |
| 8, 780 | Do. |
| 8, 790 | Do. |
| 8, 800 | Fixed. |
| 8, 810 | Do. |
| 8, 820 | Ship Phone & Fixed. |
| 8, 830 | Ship Phone. |
| 8, 840 | Do. |
| 8, 850 | Do. |
| e8, 860 | Ship Phone & Fixed. |
| 8, 870 | Fixed & Govt. |
| 8, 880 | Government. |
| a8, 885 | Do. |
| 8, 890 | Do. |
| 8, 900 | Do. |
| 8, 905 | Do. |
| 8, 910 | Do. |
| 8, 920 | Do. |
| 8, 930 | Do. |
| 8, 940 | Do. |
| 8, 950 | Do. |
| 8, 960 | Do. |
| 8, 970 | Do. |
| 8, 980 | Do. |
| 8, 990 | Do. |
| 9, 000 | Do. |
| 9, 010 | Do. |
| 9, 020 | Do. |
| h9, 030 | Government. |
| 9, 040 | Fixed. |
| 9, 050 | Do. |
| 9, 060 | Do. |
| 9, 070 | Do. |
| 9, 080 | Do. |
| h9, 090 | Government. |
| 9, 100 | Fixed & Govt. |
| 9, 110 | Fixed. |
| h9, 120 | Fixed & Govt. |
| 9, 130 | Fixed. |
| 9, 140 | Do. |
| 9, 150 | Do. |
| 9, 160 | Do. |
| 9, 170 | Do. |
| g9, 180 | Fixed & Govt. |
| 9, 190 | Fixed. |
| 9, 200 | Do. |
| 9, 210 | Do. |
| 9, 220 | Do. |
| 9, 230 | Do. |
| 9, 240 | Do. |
| 9, 250 | Government. |
| 9, 260 | Fixed. |
| 9, 270 | Do. |
| 9, 280 | Do. |
| h9, 285 | Government. |
| 9, 290 | Fixed. |
| h9, 300 | Fixed & Govt. |
| 9, 310 | Aviation. |
| 9, 320 | Government. |
| 9, 330 | Fixed. |
| 9, 340 | Do. |
| 9, 350 | Do. |
| 9, 355 | Do. |
| 9, 360 | Do. |
| 9, 365 | Do. |
| 9, 370 | Do. |
| 9, 380 | Do. |
| 9, 390 | Do. |
| 9, 400 | Do. |
| 9, 410 | Do. |
| 9, 420 | Do. |
| h9, 425 | Government. |
| 9, 430 | Fixed. |
| 9, 440 | Do. |
| 9, 450 | Do. |
| 9, 460 | Do. |
| 9, 470 | Do. |
| 9, 480 | Do. |
| 9, 490 | Do. |
| 9, 500 | Do. |
| 9, 510 | Int. Broadcast. |
| 9, 520 | |
| 9, 530 | Do. |
| 9, 540 | |
| 9, 550 | Government. |
| 9, 560 | |
| 9, 570 | Int. Broadcast |
| 9, 580 | |
| 9, 590 | Int. Broadcast. |
| 9, 600 | |
| 9, 610 | Fixed. |
| 9, 620 | Do. |
| 9, 630 | Do. |
| 9, 640 | Do. |
| 9, 650 | Do. |
| lk9, 660 | Fixed & Govt. |
| 9, 670 | Fixed. |
| 9, 680 | Do. |
| 9, 690 | Do. |
| 9, 700 | Do. |
| 9, 710 | Government. |
| 9, 720 | Fixed. |
| 9, 730 | Do. |
| 9, 740 | Government. |
| 9, 750 | Fixed. |
| 9, 760 | Do. |
| 9, 770 | Do. |
| 9, 780 | Do. |
| 9, 790 | Do. |
| 9, 800 | Do. |
| 9, 810 | Do. |
| 9, 820 | Do. |
| 9, 830 | Do. |
| 9, 840 | Do. |
| 9, 850 | Do. |
| 9, 860 | Do. |
| 9, 870 | Do. |
| 9, 880 | Do. |
| 9, 890 | Do. |
| 9, 900 | Do. |
| 9, 905 | Do. |
| 9, 910 | Government. |
| 9, 920 | Fixed. |
| 9, 930 | Do. |
| 9, 940 | Do. |
| 9, 950 | Do. |
| 9, 960 | Do. |
| 9, 970 | Do. |
| 9, 980 | Do. |
| 9, 990 | Do. |
| 10, 000 | Government. |
| 10, 010 | Fixed. |
| 10, 020 | Do. |
| 10, 030 | Do. |
| h10, 035 | Government. |
| 10, 040 | Fixed. |
| 10, 050 | Do. |
| 10, 060 | Do. |
| 10, 070 | Do. |
| 10, 080 | Do. |
| 10, 090 | Do. |
| 10, 100 | Do. |
| 10, 110 | Do. |
| 10, 120 | Aviation. |
| 10, 125 | Do. |
| 10, 130 | Do. |
| k10, 140 | Fixed & Govt. |
| 10, 150 | Fixed. |
| 10, 160 | Do. |
| 10, 170 | Do. |
| 10, 180 | Do. |
| 10, 190 | Aviation. |
| 10, 200 | Fixed. |
| 10, 210 | Do. |
| 10, 220 | Do. |
| 10, 230 | Do. |
| 10, 240 | Do. |
| 10, 250 | Do. |
| l10, 255 | Government. |
| 10, 260 | Fixed. |
| 10, 270 | Do. |
| 10, 280 | Do. |
| 10, 290 | Do. |
| 10, 300 | Do. |
| 10, 310 | Do. |
| 10, 320 | Do. |
| 10, 330 | Do. |
| 10, 340 | Do. |
| 10, 350 | Do. |
| 10, 360 | Do. |
| 10, 370 | Do. |
| 10, 380 | Do. |
| 10, 390 | Do. |
| 10, 400 | Do. |
| 10, 410 | Do. |
| 10, 420 | Do. |
| 10, 430 | Do. |
| 10, 440 | Do. |
| 10, 450 | Do. |
| 10, 460 | Do. |
| 10, 470 | Do. |
| 10, 480 | Do. |
| 10, 490 | Do. |
| 10, 500 | Do. |
| 10, 510 | Do. |
| 10, 520 | Do. |
| 10, 530 | Do. |
| 10, 540 | Do. |
| 10, 550 | Do. |
| 10, 560 | Do. |
| 10, 570 | Do. |
| 10, 580 | Do. |
| 10, 590 | Do. |
| 10, 600 | Do. |
| 10, 610 | Do. |

See footnotes at end of table.

| Frequency (kc.) | Allocation |
|---|---|
| 10, 620 | Fixed. |
| 10, 630 | Do. |
| 10, 640 | Do. |
| 10, 650 | Do. |
| 10, 660 | Do. |
| 10, 670 | Do. |
| 10, 675 | Do. |
| 10, 680 | Do. |
| 10, 690 | Do. |
| 10, 700 | Do. |
| 10, 710 | Do. |
| 10, 720 | Do. |
| 10, 730 | Do. |
| ik10, 740 | Fixed & Govt. |
| 10, 750 | Fixed. |
| 10, 760 | Do. |
| 10, 770 | Do. |
| 10, 780 | Do. |
| 10, 790 | Do. |
| 10, 800 | Do. |
| 10, 810 | Do. |
| 10, 820 | Do. |
| 10, 830 | Do. |
| 10, 840 | Do. |
| 10, 850 | Do. |
| 10, 855 | Aviation. |
| 10, 860 | Fixed. |
| 10, 870 | Do. |
| 10, 880 | Do. |
| 10, 890 | Do. |
| 10, 900 | Do. |
| 10, 910 | Do. |
| 10, 920 | Do. |
| 10, 930 | Do. |
| 10, 940 | Do. |
| 10, 950 | Do. |
| 10, 955 | Aviation. |
| 10, 960 | Do. |
| 10, 970 | Do. |
| 10, 980 | Fixed. |
| 10, 990 | Do. |
| 11, 000 | Do. |
| a11, 010 | Do. |
| 11, 025 | Ship Teleg. & Govt. |
| 11, 040 | Ship Teleg. |
| 11, 055 | Maritime Calling. |
| 11, 070 | Ship Teleg. |
| 11, 085 | Do. |
| 11, 100 | Do. |
| 11, 115 | Constal Teleg. |
| 11, 130 | Do. |
| 11, 145 | Do. |
| 11, 160 | Do. |
| 11, 175 | Do. |
| 11, 190 | Do. |
| 11, 205 | Do. |
| 11, 220 | Do. |
| 11, 235 | Do. |
| 11, 250 | Do. |
| 11, 265 | Do. |
| 11, 280 | Do. |
| 11, 295 | Do. |
| 11, 310 | Do. |
| 11, 325 | Coastal Teleg. |
| 11, 340 | Mobile Press. |
| 11, 355 | Do. |
| 11, 370 | Constal Phone |
| 11, 385 | Do. |
| 11, 400 | Do. |
| 11, 415 | Fixed. |
| 11, 430 | Do. |
| ik11, 445 | Fixed & Govt. |
| Do. 11, 460 | Fixed. |
| 11, 470 | Aviation. |
| 11, 475 | Government. |
| 11, 490 | Fixed. |
| 11, 505 | Do. |
| 11, 510 | Do. |
| 11, 520 | Do. |
| 11, 525 | Do. |
| 11, 535 | Do. |
| 11, 550 | Government. |
| 11, 565 | Fixed. |
| 11, 580 | Government. |
| 11, 595 | Fixed. |
| ik11, 610 | Fixed & Govt. |
| 11, 625 | Fixed. |
| 11, 640 | Do. |
| 11, 655 | Do. |
| 11, 670 | Do. |
| 11, 680 | Do. |
| 11, 685 | Do. |
| 11, 710 | Do. |
| 11, 730 | Do. |
| 11, 750 | Int. Broadcast. |
| 11, 770 | Government. |
| 11, 790 | Int. Broadcast. |
| 11, 810 | Do. |
| 11, 830 | Do. |
| 11, 850 | Do. |
| 11, 870 | Do. |
| 11, 890 | Do. |
| 11, 910 | Aviation. |
| 11, 925 | Fixed. |
| 11, 940 | Government. |
| 11, 950 | Fixed. |
| 11, 955 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 11, 960 | Aviation. |
| 11, 970 | Fixed. |
| 11, 985 | Do. |
| 12, 000 | Do. |
| h12, 015 | Fixed & Govt. |
| 12, 030 | Fixed. |
| 12, 045 | Government. |
| 12, 060 | Do. |
| 12, 075 | Do. |
| 12, 090 | Do. |
| 12, 105 | Fixed. |
| 12, 120 | Do. |
| 12, 135 | Government. |
| 12, 150 | Do. |
| 12, 165 | Do. |
| 12, 180 | Do. |
| 12, 195 | Do. |
| 12, 210 | Do. |
| 12, 225 | Do. |
| 12, 240 | Do. |
| 12, 255 | Do. |
| 12, 270 | Do. |
| 12, 285 | Fixed. |
| 12, 300 | Do. |
| 12, 315 | Do. |
| h12, 330 | Government. |
| 12, 345 | Aviation & Govt. |
| 12, 360 | Ship Teleg. |
| 12, 375 | Do. |
| h12, 380 | Do. |
| 12, 390 | Government. |
| h12, 405 | Ship Teleg. |
| 12, 420 | Government. |
| 12, 435 | Maritime Calling. |
| a12, 450 | Ship Teleg. |
| 12, 465 | Ship Teleg. & Govt. |
| h12, 480 | Government. |
| 12, 495 | Ship Teleg. & Govt. |
| a12, 510 | Coastal Teleg. |
| 12, 525 | Coastal Teleg. & Govt. |
| 12, 540 | Coastal Teleg. |
| 12, 550 | Government. |
| 12, 555 | Coastal Teleg. |
| 12, 570 | Do. |
| 12, 585 | Do. |
| 12, 600 | Government. |
| 12, 615 | Do. |
| h12, 630 | Constal Teleg. & Govt. |
| 12, 645 | Coastal Teleg. |
| 12, 660 | Do. |
| 12, 675 | Do. |
| 12, 690 | Government. |
| 12, 705 | Do. |
| 12, 720 | Coastal Teleg. |
| 12, 735 | Do. |
| 12, 750 | Do. |
| 12, 765 | Government. |
| h12, 780 | Coastal Teleg. Govt. |
| 12, 795 | Government. |
| 12, 810 | Coastal Phone. |
| 12, 825 | Do. |
| 12, 840 | Do. |
| 12, 855 | Gen. Experimental. |
| **12,862.5 | Government. |
| 12, 870 | Do. |
| 12, 885 | Fixed & Govt. |
| 12, 900 | Fixed. |
| h12, 915 | Do. |
| 12, 930 | Do. |
| 12, 940 | Do. |
| 12, 945 | Do. |
| 12, 955 | Do. |
| 12, 960 | Do. |
| 12, 970 | Do. |
| 12, 975 | Do. |
| 12, 990 | Do. |
| 13, 000 | Do. |
| 13, 005 | Do. |
| 13, 015 | Do. |
| 13, 020 | Do. |
| 13, 030 | Do. |
| 13, 035 | Coastal Teleg. |
| 13, 050 | Do. |
| 13, 065 | Do. |
| 13, 080 | Government. |
| 13, 095 | Do. |
| 13, 110 | Do. |
| 13, 125 | Do. |
| 13, 140 | Do. |
| 13, 155 | Do. |
| 13, 170 | Coastal Teleg. |
| 13, 185 | Fixed. |
| 13, 200 | Ship Phone. |
| 13, 210 | Do. |
| 13, 215 | Do. |
| 13, 220 | Do. |
| 13, 230 | Do. |
| 13, 245 | Do. |
| 13, 260 | Do. |
| 13, 275 | Do. |
| 13, 290 | Government. |
| 13, 305 | Do. |
| 13, 320 | Do. |
| 13, 335 | Do. |
| 13, 350 | Fixed. |
| 13, 360 | Do. |
| 13, 370 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 13, 375 | Fixed. |
| 13, 380 | Government. |
| 13, 390 | Fixed. |
| 13, 405 | Do. |
| 13, 410 | Do. |
| 13, 420 | Do. |
| 13, 435 | Do. |
| 13, 450 | Do. |
| 13, 465 | Do. |
| 13, 480 | Do. |
| 13, 495 | Do. |
| 13, 510 | Do. |
| 13, 525 | Do. |
| 13, 540 | Do. |
| h13, 545 | Government. |
| 13, 555 | Fixed. |
| 13, 570 | Do. |
| 13, 575 | Government. |
| 13, 585 | Fixed. |
| 13, 600 | Do. |
| 13, 615 | Do. |
| 13, 630 | Do. |
| 13, 645 | Do. |
| 13, 660 | Do. |
| 13, 675 | Do. |
| 13, 690 | Do. |
| 13, 705 | Do. |
| 13, 720 | Do. |
| 13, 735 | Do. |
| 13, 750 | Do. |
| 13, 765 | Do. |
| 13, 780 | Do. |
| 13, 790 | Do. |
| 13, 795 | Do. |
| 13, 810 | Do. |
| 13, 825 | Do. |
| 13, 840 | Do. |
| 13, 855 | Do. |
| 13, 870 | Do. |
| 13, 885 | Do. |
| 13, 900 | Do. |
| 13, 915 | Do. |
| 13, 930 | Do. |
| 13, 945 | Do. |
| 13, 960 | Do. |
| 13, 975 | Do. |
| 13, 990 | Do. |
| 14, 005 | Amateur. |
| 14, 020 | Do. |
| 14, 035 | Do. |
| 14, 050 | Do. |
| 14, 065 | Do. |
| 14, 080 | Do. |
| 14, 095 | Do. |
| 14, 110 | Do. |
| 14, 125 | Do. |
| 14, 140 | Do. |
| 14, 155 | Do. |
| 14, 170 | Do. |
| 14, 185 | Do. |
| 14, 200 | Do. |
| 14, 215 | Do. |
| 14, 230 | Do. |
| 14, 245 | Do. |
| 14, 260 | Do. |
| 14, 275 | Do. |
| 14, 290 | Do. |
| 14, 305 | Do. |
| 14, 320 | Do. |
| 14, 335 | Do. |
| 14, 350 | Do. |
| 14, 365 | Do. |
| 14, 380 | Do |
| 14, 395 | Fixed |
| 14, 410 | Do. |
| 14, 425 | Do. |
| 14, 440 | Do. |
| 14, 455 | Do. |
| 14, 470 | Do. |
| 14, 485 | Do. |
| 14, 500 | Do. |
| 14, 515 | Do. |
| 14, 530 | Do. |
| 14, 545 | Do. |
| 14, 560 | Do. |
| 14, 575 | Do. |
| 14, 590 | Do. |
| 14, 605 | Do. |
| 14, 620 | Do. |
| 14, 635 | Do. |
| 14, 650 | Do. |
| 14, 665 | Do. |
| 14, 680 | Do. |
| 14, 695 | Do. |
| 14, 710 | Do. |
| 14, 725 | Do. |
| 14, 740 | Do. |
| 14, 755 | Do. |
| 14, 770 | Do. |
| 14, 785 | Do. |
| 14, 800 | Do. |
| 14, 815 | Do. |
| 14, 830 | Do. |
| 14, 845 | Do. |
| 14, 860 | Do. |
| 14, 875 | Do. |
| 14, 890 | Do. |

See footnotes at end of table.



| Frequency (kc.) | Allocation |
|---|---|
| 14, 905 | Fixed. |
| 14, 920 | Do. |
| 14, 935 | Do. |
| 14, 950 | Do. |
| 14, 965 | Do. |
| 14, 980 | Do. |
| 14, 995 | Do. |
| 15, 000 | Government. |
| 15, 010 | Fixed. |
| 15, 025 | Do. |
| 15, 040 | Do. |
| 15, 055 | Do. |
| 15, 070 | Do. |
| 15, 085 | Do. |
| 15, 110 | Int. Broadcast. |
| 15, 130 | Government. |
| 15, 150 | Int. Broadcast. |
| 15, 170 | Do. |
| 15, 190 | Do. |
| 15, 210 | Do. |
| 15, 230 | Do. |
| 15, 250 | Do. |
| a15, 270 | Do. |
| 15, 290 | Do. |
| 15, 310 | Do. |
| 15, 330 | Do. |
| 15, 355 | Fixed. |
| 15, 370 | Do. |
| 15, 385 | Do. |
| 15, 400 | Do. |
| 15, 415 | Do. |
| 15, 430 | Do. |
| 15, 445 | Do. |
| 15, 460 | Do. |
| 15, 475 | Do. |
| 15, 490 | Do. |
| 15, 505 | Do. |
| 15, 520 | Do. |
| 15, 535 | Do. |
| 15, 550 | Do. |
| 15, 565 | Do. |
| 15, 580 | Do. |
| 15, 595 | Do. |
| 15, 610 | Do. |
| 15, 625 | Do. |
| 15, 640 | Do. |
| 15, 655 | Do. |
| 15, 670 | Do. |
| 15, 675 | Do. |
| 15, 685 | Do. |
| 15, 700 | Do. |
| 15, 715 | Do. |
| 15, 730 | Do. |
| 15, 745 | Do. |
| 15, 760 | Do. |
| 15, 775 | Do. |
| 15, 790 | Do. |
| 15, 805 | Do. |
| 15, 820 | Do. |
| 15, 835 | Do. |
| 15, 850 | Do. |
| 15, 865 | Do. |
| 15, 880 | Do. |
| 15, 895 | Do. |
| 15, 910 | Do. |
| 15, 925 | Do. |
| 15, 940 | Do. |
| 15, 955 | Do. |
| 15, 970 | Do. |
| 15, 985 | Do. |
| 16, 000 | Do. |
| 16, 015 | Do. |
| h16, 020 | Government. |
| 16, 030 | Fixed. |
| 16, 045 | Do. |
| 16, 060 | Government. |
| 16, 075 | Fixed. |
| 16, 080 | Government. |
| 16, 090 | Fixed. |
| 16, 100 | Government. |
| 16, 105 | Fixed. |
| 16, 120 | Government. |
| 16, 135 | Fixed. |
| 16, 150 | Government. |
| 16, 160 | Do. |
| 16, 165 | Fixed. |
| 16, 180 | Government. |
| 16, 195 | Fixed. |
| 16, 210 | Do. |
| 16, 225 | Government. |
| 16, 240 | Aviation. |
| 16, 255 | Fixed. |
| 16, 270 | Do. |
| 16, 285 | Do. |
| 16, 300 | Government. |
| 16, 315 | Fixed. |
| 16, 320 | Government. |
| 16, 330 | Fixed. |
| 16, 340 | Government. |
| 16, 345 | Fixed. |
| 16, 360 | Do. |
| 16, 370 | Do. |
| 16, 375 | Do. |
| 16, 390 | Do. |
| 16, 405 | Ship Teleg. |
| 16, 420 | Government. |
| 16, 440 | Aviation. |

| Frequency (kc.) | Allocation |
|---|---|
| 16, 460 | Ship Teleg. |
| 16, 480 | Do. |
| 16, 500 | Do. |
| 16, 520 | Do. |
| 16, 540 | Government. |
| 16, 560 | Maritime Calling. |
| 16, 580 | Ship Teleg. |
| a16, 600 | Ship Teleg. & Govt. |
| 16, 620 | Government. |
| 116, 640 | Ship Teleg. & Govt. |
| 16, 660 | Ship Teleg. |
| 16, 680 | Do. |
| 16, 700 | Mobile Press. |
| 16, 720 | Do. |
| 16, 740 | Coastal Teleg. |
| 16, 760 | Do. |
| 16, 780 | Do. |
| 16, 800 | Do. |
| 16, 820 | Government. |
| 16, 840 | Coastal Teleg. |
| 16, 860 | Do. |
| 16, 880 | Do. |
| 16, 900 | Do. |
| a16, 920 | Coastal Teleg. & Govt. |
| 16, 940 | Government. |
| a16, 960 | Coastal Teleg. & Govt. |
| 16, 980 | Coastal Teleg. |
| 17, 000 | Coastal Teleg. & Aviation. |
| 17, 020 | Government. |
| 17, 040 | Coastal Teleg. |
| 17, 060 | Government. |
| 17, 080 | Coastal Phone. |
| 17, 100 | Do. |
| 17, 120 | Do. |
| 17, 140 | Fixed. |
| 17, 160 | Do. |
| 17, 180 | Government. |
| 17, 200 | Do. |
| 17, 220 | Fixed. |
| 17, 240 | Government. |
| 17, 260 | Fixed. |
| 17, 280 | Do. |
| 17, 300 | Gen. Experimental. |
| **17, 310 | Fixed. |
| 17, 320 | Do. |
| 17, 340 | Do. |
| 17, 360 | Do. |
| 17, 380 | Do. |
| 17, 400 | Do. |
| 17, 420 | Do. |
| 17, 440 | Government. |
| 17, 460 | Do. |
| 17, 480 | Do. |
| 17, 500 | Do. |
| 17, 510 | Fixed. |
| 17, 520 | Government. |
| 17, 540 | Fixed. |
| 17, 560 | Do. |
| 17, 580 | Ship Phone. |
| 17, 600 | Do. |
| 17, 610 | Do. |
| 17, 620 | Do. |
| 17, 640 | Do. |
| 17, 660 | Do. |
| 17, 680 | Do. |
| 17, 700 | Fixed. |
| 17, 720 | Government. |
| 17, 740 | Do. |
| 17, 760 | Int. Broadcast. |
| 17, 780 | Do. |
| 17, 800 | Do. |
| 17, 820 | Fixed. |
| 17, 840 | Do. |
| 17, 860 | Do. |
| 17, 880 | Do. |
| 17, 900 | Do. |
| 17, 920 | Do. |
| 17, 940 | Do. |
| 17, 960 | Do. |
| 17, 980 | Do. |
| 18, 000 | Do. |
| 18, 020 | Do. |
| 18, 040 | Do. |
| h18, 060 | Fixed & Govt. |
| 18, 080 | Fixed. |
| 18, 100 | Government. |
| 18, 120 | Fixed. |
| 18, 140 | Do. |
| 18, 160 | Do. |
| 18, 180 | Do. |
| 18, 200 | Do. |
| 18, 220 | Do. |
| 18, 240 | Do. |
| 18, 260 | Do. |
| 18, 280 | Do. |
| 18, 300 | Do. |
| 18, 320 | Do. |
| 18, 340 | Do. |
| 18, 360 | Aviation. |
| 18, 380 | Fixed. |
| 18, 400 | Do. |
| 18, 420 | Do. |
| 18, 440 | Do. |
| 18, 460 | Do. |
| 18, 480 | Do. |
| 18, 500 | Do. |
| 18, 520 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 18, 540 | Fixed. |
| 18, 560 | Do. |
| 18, 580 | Do. |
| 18, 600 | Do. |
| 18, 620 | Do. |
| 18, 640 | Do. |
| 18, 660 | Do. |
| 18, 680 | Do. |
| 18, 700 | Do. |
| 18, 720 | Do. |
| 18, 730 | Do. |
| 18, 740 | Do. |
| 18, 760 | Do. |
| 18, 780 | Do. |
| 18, 800 | Do. |
| 18, 820 | Do. |
| 18, 840 | Do. |
| 18, 860 | Do. |
| 18, 880 | Do. |
| 18, 900 | Do. |
| 18, 920 | Do. |
| 18, 940 | Do. |
| 18, 960 | Do. |
| 18, 980 | Do. |
| 19, 000 | Do. |
| 19, 020 | Do. |
| 19, 040 | Do. |
| 19, 060 | Do. |
| 19, 080 | Do. |
| 19, 100 | Do. |
| 19, 120 | Do. |
| 19, 140 | Do. |
| 19, 160 | Do. |
| 19, 180 | Do. |
| 19, 200 | Do. |
| 19, 220 | Do. |
| 19, 240 | Do. |
| 19, 260 | Do. |
| 19, 280 | Do. |
| 19, 300 | Do. |
| 19, 320 | Do. |
| 19, 340 | Do. |
| 19, 360 | Do. |
| 19, 380 | Do. |
| 19, 400 | Do. |
| 19, 420 | Do. |
| 19, 440 | Do. |
| 19, 460 | Do. |
| 19, 470 | Do. |
| 19, 480 | Do. |
| 19, 500 | Do. |
| 19, 520 | Do. |
| 19, 540 | Do. |
| 19, 560 | Do. |
| 19, 580 | Do. |
| 19, 600 | Do. |
| 19, 620 | Do. |
| 19, 640 | Do. |
| 19, 660 | Do. |
| 19, 680 | Do. |
| 19, 700 | Do. |
| 19, 720 | Do. |
| 19, 740 | Do. |
| 19, 760 | Do. |
| 19, 780 | Do. |
| 19, 800 | Do. |
| 19, 820 | Do. |
| 19, 840 | Do. |
| 19, 860 | Do. |
| 19, 880 | Do. |
| 19, 900 | Do. |
| 19, 920 | Do. |
| 19, 940 | Do. |
| 19, 960 | Do. |
| 19, 980 | Do. |
| 20, 000 | Government. |
| 20, 020 | Fixed. |
| h20, 025 | Government. |
| 20, 040 | Fixed. |
| 20, 060 | Do. |
| 20, 075 | Government. |
| 20, 080 | Fixed. |
| 20, 100 | Do. |
| 20, 120 | Do. |
| 20, 125 | Government. |
| 20, 140 | Fixed. |
| 20, 150 | Government. |
| 20, 160 | Fixed. |
| 20, 180 | Do. |
| 20, 200 | Do. |
| 20, 220 | Do. |
| 20, 225 | Government. |
| 20, 240 | Fixed. |
| 20, 260 | Do. |
| 20, 280 | Do. |
| 20, 300 | Do. |
| 20, 320 | Do. |
| 20, 340 | Do. |
| 20, 360 | Do. |
| 20, 380 | Government. |
| 20, 400 | Do. |
| 20, 420 | Fixed. |
| 20, 440 | Do. |
| 20, 460 | Do. |
| 20, 480 | Do. |
| 20, 500 | Do. |
| 20, 520 | Do. |

See footnotes at end of table.

| Frequency (kc.) | Allocation |
|---|---|
| 120, 525 | Government. |
| 20, 540 | Fixed. |
| 20, 560 | Do. |
| 20, 580 | Do. |
| 20, 600 | Do. |
| 20, 620 | Do. |
| 20, 640 | Do. |
| 20, 660 | Do. |
| 20, 680 | Government. |
| 20, 700 | Fixed. |
| 20, 720 | Do. |
| 20, 740 | Do. |
| 20, 760 | Do. |
| g20, 775 | Government. |
| 20, 780 | Fixed. |
| 20, 800 | Do. |
| 20, 820 | Do. |
| 20, 840 | Do. |
| 20, 860 | Do. |
| 20, 880 | Do. |
| 20, 900 | Do. |
| 20, 920 | Do. |
| 20, 940 | Do. |
| 20, 960 | Do. |
| 20, 980 | Do. |
| 21, 000 | Do. |
| 21, 020 | Do. |
| 21, 025 | Government. |
| 21, 040 | Fixed. |
| 21, 060 | Do. |
| 21, 080 | Do. |
| 21, 100 | Do. |
| 21, 120 | Do. |
| 21, 140 | Do. |
| 21, 160 | Do. |
| 21, 180 | Government. |
| 21, 200 | Fixed. |
| 21, 220 | Do. |
| 21, 240 | Do. |
| 21, 260 | Do. |
| 21, 280 | Do. |
| 21, 300 | Do. |
| 21, 320 | Government. |
| 21, 340 | Fixed. |
| 21, 360 | Do. |
| 21, 380 | Do. |
| 21, 400 | Do. |
| 21, 420 | Do. |
| 21, 440 | Do. |
| 21, 460 | Int. Broadcast. |
| 21, 480 | Do. |
| 21, 500 | Government. |
| 21, 520 | Int. Broadcast. |
| 21, 540 | Do. |
| 21, 575 | Coastal Teleg. |
| 21, 600 | Do. |
| 21, 625 | Do. |
| 21, 650 | Do. |
| 21, 675 | Do. |
| 21, 700 | Do. |
| 21, 725 | Do. |
| 21, 750 | Do. |
| 21, 775 | Do. |
| 21, 800 | Do. |
| 21, 825 | Do. |
| 21, 850 | Do. |
| 21, 875 | Do. |
| 21, 900 | Do. |
| 21, 925 | Government. |
| 21, 950 | Coastal Teleg. |
| 21, 975 | Do. |
| 22, 000 | Ship Teleg. |
| 22, 025 | Do. |
| 22, 050 | Do. |
| 22, 075 | Do. |
| 22, 080 | Maritime Calling. |
| 22, 100 | Ship Teleg. |
| 22, 125 | Do. |
| 22, 150 | Do. |
| 22, 175 | Government. |
| 22, 200 | Ship Teleg. |
| 22, 225 | Mobile Press. |
| 22, 250 | Do. |
| 22, 275 | Coastal Teleg. |
| 22, 300 | Do. |
| 22, 325 | Do. |
| 22, 350 | Do. |
| 22, 375 | Do. |
| 22, 400 | Do. |
| 22, 425 | Do. |
| 22, 450 | Do. |
| 22, 475 | Do. |
| 22, 500 | Do. |
| 22, 525 | Do. |
| 22, 550 | Do. |
| h22, 575 | Coastal Teleg. & Govt. |
| 22, 600 | Coastal Teleg. |
| 22, 625 | Government. |
| 22, 650 | Coastal Teleg. |
| 22, 660 | Fixed. |
| 22, 675 | Coastal Phone. |
| 22, 700 | Coastal Phone & Fixed. |
| 22, 725 | Coastal Phone. |
| 22, 750 | Fixed. |
| 22, 775 | Do. |
| 22, 800 | Fixed. |
| 22, 825 | Do. |
| 22, 850 | Do. |
| 22, 875 | Do. |
| 22, 900 | Do. |
| 22, 925 | Do. |
| 22, 950 | Do. |
| 22, 975 | Do. |
| 23, 000 | Do. |
| 23, 025 | Do. |
| 23, 050 | Do. |
| 23, 075 | Do. |
| **23, 100 | Gen. Experimental. |
| 23, 125 | Gen. Communication. |
| 23, 150 | Do. |
| 23, 175 | Do. |
| 23, 200 | Do. |
| 23, 225 | Do. |
| 23, 250 | Do. |
| 23, 275 | Do. |
| 23, 300 | Do. |
| 23, 325 | Do. |
| 23, 350 | Do. |
| 23, 375 | Do. |
| 23, 400 | Do. |
| 23, 425 | Do. |
| 23, 450 | Do. |
| 23, 475 | Do. |
| 23, 500 | Do. |
| 23, 525 | Do. |
| 23, 550 | Do. |
| 23, 575 | Do. |
| 23, 600 | Do. |
| 23, 625 | Do. |
| 23, 650 | Do. |
| 23, 675 | Do. |
| 23, 700 | Do. |
| 23, 725 | Do. |
| 23, 750 | Do. |
| 23, 775 | Do. |
| 23, 800 | Do. |
| 23, 825 | Do. |
| 23, 850 | Do. |
| 23, 875 | Do. |
| 23, 900 | Do. |
| 23, 925 | Do. |
| 23, 950 | Do. |
| 23, 975 | Do. |
| 24, 000 | Do. |
| 24, 025 | Do. |
| 24, 050 | Do. |
| 24, 075 | Do. |
| 24, 090 | Government. |
| 24, 100 | Gen. Communication. |
| h24, 120 | Government. |
| 24, 125 | Gen. Communication. |
| h24, 150 | Government. |
| 24, 175 | Gen. Communication. |
| 24, 180 | Government. |
| 24, 200 | Gen. Communication. |
| 24, 225 | Do. |
| 24, 250 | Do. |
| 24, 270 | Government. |
| 24, 275 | Gen. Communication. |
| 24, 300 | Do. |
| 24, 325 | Do. |
| 24, 350 | Do. |
| 24, 375 | Do. |
| 24, 400 | Do. |
| 24, 425 | Do. |
| 24, 450 | Do. |
| 24, 475 | Do. |
| 24, 480 | Government. |
| 24, 500 | Gen. Communication. |
| 24, 510 | Government. |
| 24, 525 | Gen. Communication. |
| 24, 540 | Government. |
| 24, 550 | Gen. Communication. |
| 24, 575 | Do. |
| 24, 600 | Do. |
| 24, 625 | Do. |
| 24, 630 | Government. |
| 24, 650 | Gen. Communication. |
| 24, 675 | Do. |
| 24, 700 | Do. |
| 24, 725 | Do. |
| 24, 750 | Do. |
| 24, 775 | Do. |
| 24, 800 | Do. |
| 24, 825 | Do. |
| 24, 850 | Do. |
| 24, 875 | Do. |
| 24, 900 | Do. |
| 24, 925 | Do. |
| 24, 930 | Government. |
| 24, 950 | Gen. Communication. |
| 24, 975 | Do. |
| 25, 000 | Government. |
| s125, 025 | Broadcast & Govt. |
| s125, 050 | Do. |
| s125, 075 | Do. |
| s125, 100 | Do. |
| s125, 125 | Do. |
| s125, 150 | Do. |
| s125, 175 | Do. |
| s125, 200 | Do. |
| s125, 225 | Do. |
| s125, 230 | Do. |
| s125, 250 | Do. |
| s125, 275 | Do. |
| s125, 300 | Do. |
| s125, 325 | Do. |
| s125, 350 | Do. |
| s125, 375 | Do. |
| s125, 400 | Do. |
| s125, 410 | Do. |
| s125, 425 | Do. |
| s125, 450 | Do. |
| s125, 475 | Do. |
| s125, 500 | Do. |
| s125, 525 | Do. |
| s125, 530 | Do. |
| s125, 550 | Do. |
| s125, 575 | Do. |
| s125, 590 | Do. |
| 125, 600 | Do. |
| 125, 625 | Do. |
| 125, 650 | Do. |
| 125, 675 | Do. |
| 125, 700 | Do. |
| 125, 725 | Do. |
| 125, 750 | Do. |
| 125, 770 | Do. |
| 125, 775 | Do. |
| 125, 800 | Do. |
| 125, 825 | Do. |
| 125, 850 | Do. |
| 125, 875 | Do. |
| 125, 900 | Do. |
| 125, 925 | Do. |
| 125, 950 | Do. |
| 125, 975 | Do. |
| 126, 000 | Do. |
| 126, 025 | Do. |
| 126, 050 | Do. |
| 126, 075 | Do. |
| 126, 100 | Do. |
| 126, 125 | Do. |
| 126, 150 | Do. |
| 126, 175 | Do. |
| 126, 190 | Do. |
| 126, 200 | Do. |
| 126, 220 | Do. |
| 126, 225 | Do. |
| 126, 250 | Do. |
| 126, 275 | Do. |
| 126, 280 | Do. |
| 126, 300 | Do. |
| 126, 325 | Do. |
| 126, 350 | Do. |
| 126, 375 | Do. |
| 126, 400 | Do. |
| 126, 425 | Do. |
| 126, 450 | Do. |
| 126, 475 | Do. |
| 126, 500 | Do. |
| 126, 525 | Do. |
| 126, 550 | Do. |
| 126, 575 | Do. |
| t126, 600 | Do. |
| t126, 625 | Do. |
| t126, 650 | Do. |
| t126, 675 | Do. |
| t126, 700 | Do. |
| t126, 725 | Do. |
| t126, 750 | Do. |
| t126, 775 | Do. |
| t126, 800 | Do. |
| t126, 825 | Do. |
| t126, 850 | Do. |
| t126, 875 | Do. |
| t126, 900 | Do. |
| t126, 925 | Do. |
| t126, 950 | Do. |
| t126, 975 | Do. |
| e27, 000 | Gen. Communication & Govt. |
| e27, 025 | Do. |
| e27, 050 | Do. |
| e27, 075 | Do. |
| e27, 100 | Do. |
| e27, 125 | Do. |
| e27, 150 | Do. |
| e27, 175 | Do. |
| e27, 200 | Do. |
| e27, 225 | Do. |
| e27, 250 | Do. |
| e27, 275 | Do. |
| e27, 300 | Do. |
| e27, 325 | Do. |
| e27, 350 | Do. |
| e27, 375 | Do. |
| e27, 400 | Do. |
| e27, 425 | Do. |
| e27, 450 | Do. |
| e27, 475 | Do. |
| e27, 500 | Do. |
| e27, 525 | Do. |
| e27, 550 | Do. |
| e27, 575 | Do. |
| e27, 600 | Do. |

See footnotes at end of table.



| Frequency (kc.) | Allocation |
|---|---|
| e27, 625 | Gen. Communication & Govt. |
| e27, 650 | Do. |
| e27, 675 | Do. |
| e27, 700 | Do. |
| e27, 725 | Do. |
| e27, 750 | Do. |
| e27, 775 | Gen. Communication & Govt. |
| e27, 800 | Do. |
| e27, 825 | Do. |
| e27, 850 | Do. |
| e27, 875 | Do. |
| e27, 900 | Do. |
| e27, 925 | Gen. Communication & Govt. |
| e27, 950 | Do. |
| e27, 975 | Do. |
| 28, 000 to 30, 000 | Amateur. |

NOTES

a Available for non-government assignments.
b Available for non-government assignments in Alaska.
d Available for non-government stations for assignment to Merchant Fleet Corporation vessels for communication with government stations.
e Available for non-government assignments provided no interference is caused with government assignments.
f Not to be used by the government in the vicinity of the Great Lakes.
g Available for government use on basis of no interference to any fixed service.
h Available for government use provided no interference is caused to any other existing service.
i Available for use by government station provided no interference is caused to non-government operation.
j Not to be used within 300 miles of the Canadian border.
k Available for use during daylight hours (2 hours after local sunrise until 2 hours before local sunset) provided no interference is caused to the service of any other country.
t Not to be used within 500 miles of the Canadian border.
* In use continually for the protection of life and property.
** All frequencies allocated as general experimental frequencies are available for assignment to broadcast service on an experimental basis.
r Available for assignment in Alaska under Rule 419.
s Available for assignment in accordance with Article 7, Paragraph 1 of the General Radio Regulations Annexed to the International Telecommunication Convention, Madrid, 1932, provided no interference is caused to the international mobile service.
t Available for assignment in accordance with Article 7, Paragraph 1 of the General Radio Regulations Annexed to the International Telecommunication Convention, Madrid, 1932, provided no interference is caused to the international fixed service.
z Assigned for low power fixed service in Hawaii.

ABBREVIATIONS

Exp. Vis. B/C—Experimental Visual Broadcasting.
Exp.—Experimental.
Gen.—General.
Govt.—Government.
Teleg.—Telegraph.
Ship Phone—Ship Radiotelephone.
Int. Broadcast—International Broadcast.
Emerg.—Emergency.
Relay B/C—Relay Broadcast.
Temp.—Temporary.

1 Authorized for non-government use in Puerto Rico.
2 Available for non-government assignments to International Broadcast Stations on a temporary basis and subject to cancellation at the discretion of the Commission without advance notice or hearing.

By the Commission.

[SEAL]

T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3106; Filed, October 25, 1937; 9:35 a. m.]

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[Docket No. 3929—Commission Order No. 19]

IN THE MATTER OF FREQUENCY ALLOCATION TO SERVICES IN THE FREQUENCY BANDS FROM 30,000 KC TO AND INCLUDING 300,000 KC

At a regular meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of October, 1937;

The Commission having under consideration the provisions of Section 303 (c), (f) and (g) of the Communications Act of 1934, and Rule 229 of its Rules and Regulations; and

A public informal hearing having been conducted at the offices of the Commission from June 15 to June 29, 1936, at which time persons representing the departments of the Federal Government, the agencies of state and municipal governments interested in radio, and persons representing all radio services and all important phases of the radio industry, presented testimony; and

The record of the hearing, having been made available to the Interdepartment Radio Advisory Committee, and said Committee having made certain recommendations with respect to the allocation of frequencies to Federal Government agencies; and

The Commission having considered the recommendations of the Interdepartment Radio Advisory Committee, and being fully advised in the premises, found, as a result of its investigation and hearing, that public convenience, interest, or necessity require that Rule 229 of its Rules and Regulations be revised;

*It is ordered*, That Rule 229 of the Rules and Regulations of the Commission in so far as it allocates the frequencies above 30,000 kc be and the same is hereby amended, effective 3:00 a. m., E. S. T., October 13, 1938, in accordance with the table identified as Part II of Rule 229 attached hereto and made a part of this Order; *Provided, however*, that the Commission may make assignments in accordance with the allocation given in said table prior to October 13, 1938.

*It is further ordered*, That any holder of, or applicant for, an instrument of authorization, whose frequency or frequencies heretofore assigned or applied for may be changed by the provisions of this Order, who objects to such change may within ninety (90) days from the date of this Order, file with this Commission his objections in writing and request a hearing.

*It is further ordered*, That the holder of, or an applicant for, an instrument of authorization who, prior to ninety (90) days from this date, fails to file written objections and a request for hearing as hereinabove set out, shall be deemed to have consented to such change.

*It is further ordered*, That any applicant who, after the date of this Order requests an instrument of authorization or an authorization renewal for a frequency or frequencies which will be changed after 3:00 a. m., E. S. T., October 13, 1938, will without further notice be deemed to have consented to the effective time and date of such change of the frequency or frequencies requested.

FREQUENCY ALLOCATIONS

*Part II*

30,000–300,000 Kilocycles

RULE 229. Subject to the foregoing provisions, the center frequency will be designated as follows: [1]

| Frequency (kc.) | Allocation |
|---|---|
| 30,020 | Government. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Coastal and Ship Harbor. |
| 580 | Police. |
| 620 | Geophysical and Motion Picture |
| 660 | Experimental. |
| 700 | Police |
| 740 | Special Services. |
| 780 | Fixed. |
| 820 | Relay Broadcast. |
| 860 | Mobile Press. |
| 900 | Government. |
| 940 | Forestry. |
| 980 | Police. |
| 31,020 | Special Services. |
| 060 | Geophysical and Motion Picture |
| 100 | Police. |
| 140 | Experimental. |
| 180 | Fixed. |
| 220 | Relay Broadcast. |
| 260 | Coastal and Ship Harbor. |
| 300 | Government. |
| 340 | Forestry. |
| 380 | Fixed. |
| 420 | Special Emergency. |
| 460 | Fixed. |
| 500 | Police. |
| 540 | Special Services. |
| 580 | Forestry. |
| 620 | Relay Broadcast. |
| 660 | Coastal and Ship Harbor. |
| 700 | Government. |
| 740 | Special Emergency. |
| 780 | Police. |
| 820 | Forestry. |
| 860 | Fixed. |
| 900 | Police. |
| 940 | Fixed. |
| 980 | Mobile Press. |
| 32,020 | Government. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 33,020 | Mobile Press. |
| 060 | Fixed. |
| 100 | Police. |
| 140 | Fixed. |
| 180 | Special Emergency. |
| 220 | Police. |
| 260 | Mobile Press. |
| 300 | Government. |
| 340 | Experimental. |
| 380 | Relay Broadcast. |
| 420 | Aviation. |
| 460 | Special Services. |
| 500 | Police. |
| 540 | Geophysical and Motion Picture. |
| 580 | Mobile Press. |
| 620 | Special Services. |
| 660 | Marine Fire. |
| 700 | Government. |
| 740 | Relay Broadcast. |
| 780 | Police. |
| 820 | Special Emergency. |
| 860 | Fixed. |
| 900 | Police. |
| 940 | Fixed. |
| 980 | Mobile Press. |
| 34,020 | Government. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 35,020 | Relay Broadcast. |
| 060 | Experimental. |
| 100 | Police. |
| 140 | Special Emergency. |
| 180 | Mobile Press. |
| 220 | Police. |
| 260 | Relay Broadcast. |
| 300 | Government. |
| 340 | Coastal and Ship Harbor. |
| 380 | Fixed. |
| 420 | Forestry. |
| 460 | Special Services. |
| 500 | Police. |
| 540 | Geophysical and Motion Picture |
| 580 | Aviation. |
| 620 | Relay Broadcast. |
| 660 | Coastal and Ship Harbor. |
| 700 | Government. |
| 740 | Forestry. |
| 780 | Police. |
| 820 | Relay Broadcast. |
| 860 | Intership. |
| 900 | Police. |
| 940 | Forestry. |
| 980 | Mobile Press. |
| 36,020 | Government. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 37,020 | Relay Broadcast. |
| 060 | Fixed. |
| 100 | Police. |
| 140 | Special Services. |
| 180 | Special Emergency. |
| 220 | Police. |
| 260 | Coastal and Ship Harbor. |
| 300 | Government. |
| 340 | Relay Broadcast. |
| 380 | Police.[1] |
| 420 | Mobile Press. |
| 460 | Fixed. |
| 500 | Police. |
| 540 | Experimental. |
| 580 | Coastal and Ship Harbor. |
| 620 | Relay Broadcast. |
| 660 | Intership. |
| 700 | Government. |
| 740 | Marine Fire. |
| 780 | Police. |
| 820 | Special Emergency. |
| 860 | Aviation. |
| 900 | Police. |
| 940 | Special Services. |
| 980 | Coastal and Ship Harbor. |
| 38,020 | Government. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 39,020 | Mobile Press. |
| 060 | Aviation. |
| 100 | Police. |
| 140 | Special Services. |
| 180 | Police. |
| 220 | Coastal and Ship Harbor. |
| 260 | Relay Broadcast. |
| 300 | Government. |
| 340 | Special Emergency. |
| 380 | Police. |
| 420 | Experimental. |
| 460 | Police. |
| 500 | Special Services. |
| 540 | Coastal and Ship Harbor.[1] |
| 580 | Relay Broadcast. |
| 620 | Special Emergency. |
| 660 | Government. |
| 700 | Forestry. |
| 740 | Police. |
| 780 | Relay Broadcast. |
| 820 | Special Emergency. |
| 860 | Police. |
| 900 | Forestry. |
| 940 | Special Emergency. |
| 980 | Police. |
| 40,020 | Government. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 41,020 | Broadcasting. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |

[1] Existing authorizations for low powered fixed service in the Territory of Hawaii to remain unchanged for the present.

[1] Allocations are for information purposes only. For more detailed information regarding restrictions on the use of frequencies, consult chapter of the Rules and Regulations of this Commission dealing with the service to which the frequency is allocated.



| Frequency (kc.) | Allocation |
|---|---|
| 41,660 | Broadcasting. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 42,020 | Do. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 43,020 | Do. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 44,000 | Television.[1] |
| 50,000 | |
| 50,000 | |
| 55,000 | Do. |
| 56,000 | |
| 60,000 | Amateur. |
| 60,020 | Government. |
| 060 | Do. |
| 100 | Government. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 61,020 | Do. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 62,020 | Do. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 63,020 | Do. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 64,020 | Do. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 65,020 | Do. |
| 060 | Do. |
| 100 | Do. |
| 140 | Do. |
| 180 | Do. |
| 220 | Do. |
| 260 | Do. |
| 300 | Do. |
| 340 | Do. |
| 380 | Do. |
| 420 | Do. |
| 460 | Do. |
| 500 | Do. |
| 540 | Do. |
| 580 | Do. |
| 620 | Do. |
| 660 | Do. |
| 700 | Do. |
| 740 | Do. |
| 780 | Do. |
| 820 | Do. |
| 860 | Do. |
| 900 | Do. |
| 940 | Do. |
| 980 | Do. |
| 66,000 | |
| 72,000 | Television. |
| 72,040 | Government. |
| 120 | Do. |
| 200 | Do. |
| 280 | Do. |
| 360 | Do. |
| 440 | Do. |
| 520 | Do. |
| 600 | Do. |
| 680 | Do. |
| 760 | Do. |
| 840 | Do. |
| 920 | Do. |
| 73,000 | Do. |
| 080 | Do. |
| 160 | Do. |
| 240 | Do. |
| 320 | Do. |
| 400 | Do. |
| 480 | Do. |
| 560 | Do. |
| 640 | Do. |
| 720 | Do. |
| 800 | Do. |
| 880 | Do. |
| 960 | Do. |
| 74,040 | Do. |
| 120 | Do. |
| 200 | Do. |
| 280 | Do. |
| 360 | Do. |
| 440 | Do. |
| 520 | Do. |
| 600 | Do. |
| 680 | Do. |
| 760 | Do. |
| 840 | Do. |
| 920 | Do. |
| 75,000 | Do. |
| 080 | Do. |
| 160 | Do. |
| 240 | Do. |
| 320 | Do. |
| 400 | Do. |
| 480 | Do. |
| 560 | Do. |
| 640 | Do. |
| 720 | Do. |
| 800 | Do. |
| 880 | Do. |
| 960 | Do. |
| 76,040 | Do. |
| 120 | Do. |
| 200 | Do. |
| 280 | Do. |
| 360 | Do. |
| 440 | Do. |
| 520 | Do. |
| 600 | Do. |
| 680 | Do. |
| 760 | Do. |
| 840 | Do. |
| 920 | Do. |
| 77,000 | Do. |
| 080 | Do. |
| 160 | Do. |
| 240 | Do. |
| 320 | Do. |
| 400 | Do. |
| 480 | Do. |
| 560 | Do. |
| 640 | Do. |
| 720 | Do. |
| 800 | Do. |
| 880 | Do. |
| 960 | Do. |
| 78,000 | |
| 84,000 | Television. |
| 84,000 | |
| 90,000 | Television. |
| 90,040 | Government. |
| 120 | Do. |
| 200 | Do. |
| 280 | Do. |
| 360 | Do. |
| 440 | Do. |
| 520 | Do. |
| 600 | Do. |
| 680 | Do. |
| 760 | Do. |
| 840 | Do. |
| 920 | Do. |
| 91,000 | Do. |
| 080 | Do. |
| 160 | Do. |
| 240 | Do. |
| 320 | Do. |
| 400 | Do. |
| 480 | Do. |
| 560 | Do. |
| 640 | Do. |
| 720 | Do. |

[1] Existing authorization for low powered fixed service in the Territory of Hawaii to remain unchanged for the present.

| Frequency (kc.) | Allocation |
|---|---|
| 91, 800 | Government. |
| 880 | Do. |
| 960 | Do. |
| 92, 040 | Do. |
| 120 | Do. |
| 200 | Do |
| 280 | Do. |
| 360 | Do. |
| 440 | Do. |
| 520 | Do. |
| 600 | Do. |
| 680 | Do. |
| 760 | Do. |
| 840 | Do. |
| 920 | Do. |
| 93, 000 | Do. |
| 080 | Do. |
| 160 | Do. |
| 240 | Do. |
| 320 | Do. |
| 400 | Do. |
| 480 | Do. |
| 560 | Do. |
| 640 | Do. |
| 720 | Do. |
| 800 | Do. |
| 880 | Do. |
| 960 | Do. |
| 94, 040 | Do. |
| 120 | Do. |
| 200 | Do. |
| 280 | Do. |
| 360 | Do. |
| 440 | Do. |
| 520 | Do. |
| 600 | Do. |
| 680 | Do. |
| 760 | Do. |
| 840 | Do. |
| 920 | Do. |
| 95, 000 | Do. |
| 080 | Do. |
| 160 | Do. |
| 240 | Do. |
| 320 | Do. |
| 400 | Do. |
| 480 | Do. |
| 560 | Do. |
| 640 | Do. |
| 720 | Do. |
| 800 | Do. |
| 880 | Do. |
| 960 | Do. |
| 96, 000 | Television. |
| 102, 000 | Television. |
| 102, 000 | Television. |
| 108, 000 | Government. |
| 108, 040 | Government. |
| 120 | Do. |
| 200 | Do. |
| 280 | Do. |
| 360 | Do. |
| 440 | Do. |
| 520 | Do. |
| 600 | Do. |
| 680 | Do. |
| 760 | Do. |
| 840 | Do. |
| 920 | Do. |
| 109, 000 | Do. |
| 080 | Do. |
| 160 | Do. |
| 240 | Do. |
| 320 | Do. |
| 400 | Do. |
| 480 | Do. |
| 560 | Do. |
| 640 | Do. |
| 720 | Do. |
| 800 | Do. |
| 880 | Do. |
| 960 | Do. |
| 110, 040 | Do. |
| 120 | Do. |
| 200 | Do. |
| 280 | Do. |
| 360 | Do. |
| 440 | Do. |
| 520 | Do. |
| 600 | Do. |
| 680 | Do. |
| 760 | Do. |
| 840 | Do. |
| 920 | Do. |
| 111, 000 | Do. |
| 080 | Do. |
| 160 | Do. |
| 240 | Do. |
| 320 | Do. |
| 400 | Do. |
| 480 | Do. |
| 560 | Do. |
| 640 | Do. |
| 720 | Do. |
| 800 | Do. |
| 880 | Do. |
| 960 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 112, 000 | Amateur. |
| 118, 000 | Amateur. |
| 118, 060 | Government. |
| 180 | Do. |
| 300 | Do. |
| 420 | Do. |
| 540 | Do. |
| 660 | Do. |
| 780 | Do. |
| 900 | Do. |
| 119, 020 | Do. |
| 140 | Do. |
| 260 | Do. |
| 380 | Do. |
| 500 | Do. |
| 620 | Do. |
| 740 | Do. |
| 860 | Do. |
| 980 | Do. |
| 120, 100 | Do. |
| 220 | Do. |
| 340 | Do. |
| 460 | Do. |
| 580 | Do. |
| 700 | Do. |
| 820 | Do. |
| 940 | Do. |
| 121, 060 | Do. |
| 180 | Do. |
| 300 | Do. |
| 420 | Do. |
| 540 | Do. |
| 660 | Do. |
| 780 | Do. |
| 900 | Do. |
| 122, 020 | Do. |
| 140 | Do. |
| 260 | Do. |
| 380 | Do. |
| 500 | Do. |
| 620 | Do. |
| 740 | Do. |
| 860 | Do. |
| 980 | Do. |
| 123, 100 | Do. |
| 220 | Do. |
| 340 | Do. |
| 460 | Do. |
| 580 | Do. |
| 700 | Do. |
| 820 | Do. |
| 940 | Do. |
| 124, 060 | Do. |
| 180 | Do. |
| 300 | Do. |
| 420 | Do. |
| 540 | Do. |
| 660 | Do. |
| 780 | Do. |
| 900 | Do. |
| 125, 020 | Do. |
| 140 | Do. |
| 260 | Do. |
| 380 | Do. |
| 500 | Do. |
| 620 | Do. |
| 740 | Do. |
| 860 | Do. |
| 980 | Do. |
| 126, 100 | Do. |
| 180 | Do. |
| 300 | Do. |
| 420 | Do. |
| 540 | Do. |
| 660 | Government (Airport traffic control). |
| 780 | Government. |
| 900 | Do. |
| 127, 020 | Do. |
| 140 | Government (Airport traffic control.) |
| 260 | Government. |
| 380 | Do. |
| 500 | Government (Airport traffic control.) |
| 620 | Government. |
| 740 | Do. |
| 860 | Do. |
| 980 | Do. (Airport traffic control). |
| 128, 100 | Government. |
| 220 | Do. |
| 340 | Do. |
| 460 | Do. (Airport traffic control). |
| 580 | Government. |
| 700 | Do. |
| 820 | Do. |
| 940 | Do. (Airport traffic control). |
| 129, 060 | Guard Band. |
| 180 | Do. |
| 300 | Aviation (Airport traffic control). |
| 420 | Guard Band. |
| 540 | Do. |
| 660 | Aviation (Airport traffic control). |
| 780 | Guard Band. |
| 900 | Do. |
| 130, 020 | |

| Frequency (kc.) | Allocation |
|---|---|
| 130, 160 | Guard Band. |
| 300 | Aviation (Airport traffic control). |
| 440 | Guard Band. |
| 580 | Do. |
| 720 | Do. |
| 860 | Aviation (Airport traffic control). |
| 131, 000 | Guard Band. |
| 140 | Do. |
| 280 | Do. |
| 420 | Aviation (Airport traffic control). |
| 560 | Guard Band. |
| 700 | Do. |
| 840 | Aviation (Airport traffic control). |
| 980 | Guard Band. |
| 132, 120 | Aviation. |
| 260 | Broadcast. |
| 400 | Special Services. |
| 540 | Coastal and Ship Harbor. |
| 680 | Experimental. |
| 820 | Police. |
| 960 | Broadcast. |
| 133, 100 | Do. |
| 240 | Fixed. |
| 380 | Special Services. |
| 520 | Police. |
| 660 | Special Emergency. |
| 800 | Fixed. |
| 940 | Aviation. |
| 134, 080 | Broadcast. |
| 220 | Mobile Press. |
| 360 | Experimental. |
| 500 | Police. |
| 640 | Fixed. |
| 750 | Broadcast. |
| 920 | Do. |
| 135, 060 | Police. |
| 200 | Aviation. |
| 340 | Special Services. |
| 480 | Coastal and Ship Harbor. |
| 620 | Special Services. |
| 760 | Broadcast. |
| 900 | Mobile Press. |
| 136, 040 | Fixed. |
| 180 | Police. |
| 320 | Aviation. |
| 460 | Special Emergency. |
| 600 | Fixed. |
| 740 | Broadcast. |
| 880 | Do. |
| 137, 020 | Aviation. |
| 160 | Coastal and Ship Harbor. |
| 300 | Police. |
| 440 | Special Services. |
| 580 | Marine Fire. |
| 720 | Fixed. |
| 860 | Special Services. |
| 138, 000 | Mobile Press. |
| 140 | Experimental. |
| 280 | Aviation. |
| 420 | Police. |
| 560 | Broadcast. |
| 700 | Do. |
| 840 | Special Services. |
| 980 | Aviation. |
| 139, 120 | Police. |
| 260 | Special Emergency. |
| 400 | Fixed. |
| 540 | Special Services. |
| 680 | Mobile Press. |
| 820 | Aviation. |
| 960 | Experimental. |
| 140, 100 | Marine Fire. |
| 240 | Fixed. |
| 380 | Special Emergency. |
| 520 | Aviation. |
| 660 | Broadcast. |
| 800 | Special Services. |
| 940 | Police. |
| 141, 080 | Fixed. |
| 220 | Aviation. |
| 360 | Experimental. |
| 500 | Fixed. |
| 640 | Special Emergency. |
| 780 | Aviation. |
| 920 | Special Services |
| 142, 060 | Broadcast. |
| 200 | Do. |
| 340 | Do. |
| 480 | Do. |
| 620 | Do. |
| 760 | Do. |
| 900 | Do. |
| 143, 040 | Do. |
| 180 | Do. |
| 320 | Do. |
| 460 | Do. |
| 600 | Do. |
| 740 | Do. |
| 880 | Do. |
| 144, 080 | Do. |
| 220 | Do. |
| 360 | Do. |
| 500 | Do. |
| 600 | Do. |
| 780 | Do. |
| 920 | Do. |



| Frequency (kc.) | Allocation |
|---|---|
| 145, 060 | Government. |
| 200 | Do. |
| 340 | Do. |
| 480 | Do. |
| 620 | Do. |
| 760 | Do. |
| 900 | Do. |
| 146, 040 | Do. |
| 180 | Do. |
| 320 | Do. |
| 460 | Do. |
| 600 | Do. |
| 740 | Do. |
| 880 | Do. |
| 147, 020 | Do. |
| 160 | Do. |
| 300 | Do |
| 440 | Do. |
| 580 | Do. |
| 720 | Do. |
| 860 | Do. |
| 148, 000 | Do. |
| 140 | Do. |
| 280 | Do. |
| 420 | Do. |
| 560 | Do. |
| 700 | Do. |
| 840 | Do. |
| 980 | Do. |
| 149, 120 | Do. |
| 260 | Do. |
| 400 | Do. |
| 540 | Do. |
| 680 | Do. |
| 820 | Do. |
| 960 | Do. |
| 150, 120 | Do. |
| 280 | Do. |
| 440 | Do. |
| 600 | Do. |
| 760 | Do. |
| 920 | Do. |
| 151, 080 | Do. |
| 240 | Do. |
| 400 | Do. |
| 560 | Do. |
| 720 | Do. |
| 880 | Do. |
| 152, 040 | Do. |
| 200 | Do. |
| 360 | Do. |
| 520 | Do. |
| 680 | Do. |
| 840 | Do. |
| 153, 000 | Do. |
| 160 | Do. |
| 320 | Do. |
| 480 | Do. |
| 680 | Do. |
| 800 | Do. |
| 960 | Do. |
| 154, 120 | Do. |
| 280 | Do. |
| 440 | Do. |
| 600 | Do. |
| 760 | Do. |
| 920 | Do. |
| 155, 080 | Do. |
| 240 | Do. |
| 400 | Do. |
| 560 | Do. |
| 720 | Do. |
| 880 | Do. |
| 156, 000 | Broadcast (Television). |
| 162, 000 | Broadcast (Television). |
| 162, 000 | Broadcast (Television). |
| 168, 000 | Broadcast (Television). |
| 168, 040 | Government. |
| 200 | Do. |
| 360 | Do. |
| 520 | Do. |
| 680 | Do. |
| 840 | Do. |
| 169, 000 | Do. |
| 160 | Do. |
| 320 | Do. |
| 480 | Do. |
| 640 | Do. |
| 800 | Do. |
| 960 | Do. |
| 170, 140 | Do. |
| 320 | Do. |
| 500 | Do. |
| 680 | Do. |
| 860 | Do. |
| 171, 040 | Do. |
| 220 | Do. |
| 400 | Do. |
| 580 | Do. |
| 760 | Do. |
| 940 | Do. |
| 172, 120 | Do. |
| 300 | Do. |
| 480 | Do. |
| 660 | Do. |
| 840 | Do. |
| 173, 020 | Do. |

| Frequency (kc.) | Allocation |
|---|---|
| 173, 200 | Government. |
| 380 | Do. |
| 560 | Do. |
| 740 | Do. |
| 920 | Do. |
| 174, 100 | Do. |
| 280 | Do. |
| 460 | Do. |
| 640 | Do. |
| 820 | Do. |
| 175, 000 | Do. |
| 180 | Do. |
| 360 | Do. |
| 540 | Do. |
| 720 | Do. |
| 900 | Do. |
| 176, 080 | Do. |
| 260 | Do. |
| 440 | Do. |
| 620 | Do. |
| 800 | Do. |
| 980 | Do. |
| 177, 160 | Do. |
| 340 | Do. |
| 520 | Do. |
| 700 | Do. |
| 880 | Do. |
| 178, 060 | Do. |
| 240 | Do. |
| 420 | Do. |
| 600 | Do. |
| 780 | Do. |
| 960 | Do. |
| 179, 140 | Do. |
| 320 | Do. |
| 500 | Do. |
| 680 | Do. |
| 860 | Do. |
| 180, 000 | Broadcast (Television). |
| 186, 000 | Broadcast (Television). |
| 186, 000 | Broadcast (Television). |
| 192, 000 | Broadcast (Television). |
| 192, 140 | Government. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 193, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 194, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 195, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 196, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 197, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 198, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 199, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 200, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 201, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 202, 140 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 203, 140 | Do. |
| 240 | Do. |
| 340 | Do. |
| 540 | Do. |
| 740 | Do. |
| 940 | Do. |
| 201, 000 | Broadcast (Television). |
| 210, 000 | Broadcast (Television). |
| 210, 000 | |
| 216, 000 | |

| Frequency (kc.) | Allocation |
|---|---|
| 216, 110 | Government. |
| 330 | Do. |
| 550 | Do. |
| 770 | Do. |
| 990 | Do. |
| 217, 210 | Do. |
| 430 | Do. |
| 650 | Do. |
| 870 | Do. |
| 218, 090 | Do. |
| 310 | Do. |
| 530 | Do. |
| 750 | Do. |
| 970 | Do. |
| 219, 190 | Do. |
| 410 | Do. |
| 630 | Do. |
| 850 | Do. |
| 220, 070 | Do. |
| 290 | Do. |
| 510 | Do. |
| 730 | Do. |
| 950 | Do. |
| 221, 170 | Do. |
| 390 | Do. |
| 610 | Do. |
| 830 | Do. |
| 222, 050 | Do. |
| 270 | Do. |
| 490 | Do. |
| 710 | Do. |
| 930 | Do. |
| 223, 150 | Do. |
| 370 | Do. |
| 590 | Do. |
| 810 | Do. |
| 224, 000 | Amateur. |
| 230, 000 | Amateur. |
| 230, 120 | Do. |
| 360 | Do. |
| 600 | Do. |
| 840 | Do. |
| 231, 080 | Do. |
| 320 | Do. |
| 560 | Do. |
| 800 | Do. |
| 232, 040 | Do. |
| 280 | Do. |
| 520 | Do. |
| 760 | Do. |
| 233, 000 | Do. |
| 240 | Do. |
| 480 | Do. |
| 720 | Do. |
| 234, 000 | Broadcast (Television). |
| 240, 000 | Broadcast (Television). |
| 246, 000 | Government. |
| 246, 120 | Do. |
| 360 | Do. |
| 600 | Do. |
| 840 | Do. |
| 247, 080 | Do. |
| 320 | Do. |
| 560 | Do. |
| 800 | Do. |
| 248, 040 | Do. |
| 280 | Do. |
| 520 | Do. |
| 760 | Do. |
| 249, 000 | Do. |
| 240 | Do. |
| 480 | Do. |
| 960 | Do. |
| 250, 220 | Do. |
| 480 | Do. |
| 740 | Do. |
| 251, 000 | Do. |
| 260 | Do. |
| 520 | Do. |
| 780 | Do. |
| 252, 040 | Do. |
| 300 | Do. |
| 560 | Do. |
| 820 | Do. |
| 253, 080 | Do. |
| 340 | Do. |
| 600 | Do. |
| 860 | Do. |
| 254, 120 | Do. |
| 380 | Do. |
| 640 | Do. |
| 900 | Do. |
| 255, 160 | Do. |
| 420 | Do. |
| 680 | Do. |
| 940 | Do. |
| 256, 200 | Do. |
| 460 | Do. |
| 720 | Do. |
| 980 | Do. |
| 257, 240 | Do. |
| 500 | Do. |
| 760 | Do. |
| 268, 000 | Broadcast (Television). |
| 264, 000 | Broadcast (Television). |
| 264, 000 | |
| 270, 000 | |

| Frequency (kc.) | Allocation | Frequency (kc.) | Allocation | Frequency (kc.) | Allocation |
|---|---|---|---|---|---|
| 271, 140 | Government. | 277, 300 | Government. | 294, 450 | Government. |
| 420 | Do. | 580 | Do. | 750 | Do. |
| 700 | Do. | 860 | Do. | 295, 050 | Do. |
| 980 | Do. | 278, 140 | Do. | 350 | Do. |
| 272, 260 | Do. | 420 | Do. | 650 | Do. |
| 540 | Do. | 700 | Do. | 950 | Do. |
| 820 | Do. | 980 | Do. | 296, 250 | Do. |
| 273, 100 | Do. | 279, 260 | Do. | 550 | Do. |
| 380 | Do. | 540 | Do. | 850 | Do. |
| 660 | Do. | 820 | Do. | 297, 150 | Do. |
| 940 | Do. | 920 | Do. | 450 | Do. |
| 274, 220 | Do. | 280, 100 | Do. | 750 | Do. |
| 500 | Do. | 380 | Do. | 298, 050 | Do. |
| 780 | Do. | 660 | Do. | 350 | Do. |
| 275, 060 | Do. | 940 | Do. | 650 | Do. |
| 340 | Do. | 281, 220 | Do. | 950 | Do. |
| 620 | Do. | 500 | Do. | 299, 250 | Do. |
| 900 | Do. | 780 | Do. | 550 | Do. |
| 276, 180 | Do. | 282, 000 | Broadcast (Television). | 850 | Do. |
| 460 | Do. | 288, 000 | Broadcast (Television). | | |
| 740 | Do. | 288, 000 | Broadcast (Television). | | |
| 277, 020 | Do. | 294, 000 | Government. | | |
| | | 294, 150 | | | |

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3107; Filed, October 25, 1937; 9:36 a. m.]

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[Order No. 20]

DIVISIONS ABOLISHED; POWERS, ETC., TO BE EXERCISED BY COMMISSION

The Commission, at a General Session on October 13, 1937, adopted the following order:

The divisions of the Commission created by Commission Order No. 1, adopted July 17, 1934, are hereby dissolved and abolished as of November 15, 1937, and all powers and functions heretofore and presently vested in such divisions shall thereafter be exercised by the Commission.

Chairman McNinch, with such assistance as he may require, is hereby directed to prepare for submission to the Commission at the earliest practicable date such new and supplementary rules and regulations and such modifications of the present rules and regulations as are made necessary by this order.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3108; Filed, October 25, 1937; 9:36 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 148]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 20, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Indiana 8016C Henry | $7,512.84 |
| Minnesota 8071 Blue Earth (partial) | 150,000.00 |
| Texas 8052 Fannin (partial) | 100,000.00 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3105; Filed, October 25, 1937; 9:35 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1937.

[File No. 46-61]

IN THE MATTER OF INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER AMENDING ORDER APPROVING ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Pursuant to an amended application under Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, this Commission has heretofore, on July 14, 1937, entered an order approving the acquisition by the International Hydro-Electric System of 1,439,020 common shares of Gatineau Power Company in accordance with the terms and conditions of and for the purposes represented by such application as amended.

Such application as amended stated in effect that such acquisition was to be in accordance with the terms of a proposed compromise or arrangement which, in effect, would result in a merger of the Canadian Hydro-Electric Corporation with said Gatineau Power Company. The terms of such compromise or arrangement made provision for the issue by said Gatineau Power Company of common shares and also 5% preferred shares which were to be redeemable at the option of the company at a price of $105 per share and upon distribution of the assets of the company were to have a right to a premium of 5%.

Prior to the entry of the order by this Commission the applicant had advised it of the existence of certain negotiations with respect to the terms of such preferred shares and of the possibility of change in the terms of such compromise or arrangement. Said applicant has now advised this Commission that, at a meeting of the shareholders which considered said compromise or arrangement its terms were changed so as to provide that the redemption price of such preferred shares should be $110 instead of $105 per share and the premium upon distribution 10% instead of 5%. Such enlargement of the rights of the preferred shareholders will to that extent diminish the rights of the common shares to be acquired by International Hydro-Electric System.

In view of all the circumstances of this case this Commission deems that such change in the compromise or arrangement is not objectionable to the provisions of the Public Utility Holding Company Act of 1935 and that the approval granted by the before mentioned order should be applicable notwithstanding such change. It is therefore

*Ordered*, That the order in the above entitled matter heretofore entered by this Commission on July 14, 1937, be and the same hereby is amended by adding thereto a provision that such acquisition is authorized although the shares of preferred stock of Gatineau Power Company have a redemption price of $110 per share and dividends and the right to a premium of 10% upon distribution of assets.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3115; Filed, October 25, 1937; 12:30 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of October, A. D. 1937.

[File No. 46-58]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FILED PURSUANT TO SECTION 10 (A) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Washington and Suburban Companies, a registered holding company, having heretofore filed with this Commission an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of securities of Washington Gas Light Company, a subsidiary of said Washington and Suburban Companies; and said Washington and Suburban Companies having thereafter requested the withdrawal of said application;

The Commission, having due regard to the public interest and the interest of investors and consumers, upon request of the applicant, consents to the withdrawal of the above application and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCES P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3114; Filed, October 25, 1937; 12:30 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of October, A. D., 1937.

IN THE MATTER OF MARLIN-ROCKWELL CORP. COMMON CAPITAL STOCK PAR VALUE $1.00

ORDER DISMISSING PROCEEDINGS INSTITUTED PURSUANT TO SECTION 19 (A) (2) SECURITIES EXCHANGE ACT OF 1934

The Commission having heretofore on July 3, 1937, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be held on July 14, 1937, to determine whether to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, $1.00 par value, of Marlin-Rockwell Corporation on the New York Stock Exchange, and having subsequently postponed such hearing to October 27, 1937; and

Marlin-Rockwell Corporation, prior to the date of said hearing, having by amendment filed the information concerning the Amount of Sales and Cost of Goods Sold for the fiscal year ended December 31, 1935, as required by Item 8 of Form 10-K;

*It is ordered*, That the proceedings heretofore instituted against Marlin-Rockwell Corporation pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be and the same hereby are dismissed.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3117; Filed, October 25, 1937; 12:30 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of October, A. D., 1937.

IN THE MATTER OF MICHIGAN-UTAH CONSOLIDATED MINES CO. CAPITAL STOCK, PAR VALUE 25 CENTS

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, Michigan-Utah Consolidated Mines Company, a corporation, is the issuer of Capital Stock, par value 25 cents; and

Whereas said Michigan-Utah Consolidated Mines Company registered such securities on the Salt Lake Stock Exchange, a national securities exchange, by filing on or about April 8, 1935, an application with the said exchange and with the Commission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule JB1, as amended, promulgated by the Commission thereunder; and

Whereas said Rule JB1, as amended, at the time said application was filed and at all subsequent times did and does require such application to be filed on Form 10 for Corporations; and

Whereas in accordance with the provisions of Form 10 for Corporations, and the Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, as to the use of said Form 10 for Corporations, in effect both at the time said application was filed and at all subsequent times; Item 36 of said Form did and does require that Schedules numbered I to IX, inclusive, in the form and manner prescribed by the Instruction Book for Form 10 for Corporations, be furnished where applicable and reference thereto made on the face of the balance sheet and profit and loss statement in appropriate places; and further, Item 36 of said Form did and does require the registrant to submit financial statements certified in accordance with and in the manner prescribed by the Instruction Book for Form 10 for Corporations; and

Whereas said Michigan-Utah Consolidated Mines Company has failed to comply with the provisions of said Section 12 (b) of said Securities Exchange Act, as amended, with the provisions of said Rule JB1, as amended, with the provisions of said Form 10 for Corporations, and with the provisions of said Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that the application filed by it for registration of said securities on said exchange pursuant to said Section 12 (b) does not contain

Schedules I to IX, inclusive, required pursuant to the Instructions to Item 36, in support of the financial statements, although required by the Rules and Regulations of the Commission; and it does not contain a

Certificate of a person properly identified as an independent public or independent certified public accountant, which certificate sufficiently states the scope and comprehensiveness of the audit or which states a definite opinion by such accountant as to the accounting principles and procedures followed by the registrant required to accompany the financial statements submitted pursuant to Item 36, although required by the Rules and Regulations of the Commission; and

Whereas Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas said Michigan-Utah Consolidated Mines Company has failed to comply with Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and with Rules KA1 and KA2 promulgated by the Commission thereunder in that, as issuer of said Capital Stock, par value 25

cents, it has failed to file the information and documents required by Rule KA1, adopted by the Commission pursuant to said Section 13 (a) and has failed to file its annual report for the year ending December 31, 1935 and an annual report for the year ending December 31, 1936, on Form 10–K as required by Rule KA2, adopted by the Commission pursuant to said Section 13 (b);

*It is ordered*, That pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said Michigan-Utah Consolidated Mines Company has so failed to comply with said provisions of said Section 12 (b) (1) and said Sections 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with any provision of either of said Sections or of any rule or regulation promulgated by the Commission under either of said Sections; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Capital Stock, par value 25 cents, on said Salt Lake Stock Exchange; and

*It is further ordered*, That said Michigan-Utah Consolidated Mines Company appear before an officer of the Commission and show cause why the registration of said Capital Stock, par value 25 cents, on said Salt Lake Stock Exchange should not be suspended for a period not exceeding twelve months or withdrawn as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

*It is further ordered*, That for the purpose of such proceeding, Foster Cline, an officer of the Commission, be and hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That a public hearing for the taking of testimony begin on the ninth day of November, 1937, at 10:00 A. M. at the regional office of the Securities and Exchange Commission, 1706 Welton Street, Denver, Colorado, and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3116; Filed, October 25, 1937; 12:30 p. m.]

## UNITED STATES TARIFF COMMISSION.

PUBLIC NOTICE: CIGARETTE-MAKING MACHINES AND PARTS, INVESTIGATION DISCONTINUED AND DISMISSED

[Docket No. 10—Section 337, Tariff Act of 1930]

IN THE MATTER OF INVESTIGATION OF ALLEGED UNFAIR METHODS OF COMPETITION OR UNFAIR ACTS IN THE IMPORTATION OR SALE OF CIGARETTE-MAKING MACHINES AND PARTS THEREOF

Is hereby ordered by the United States Tariff Commission on this 21st day of October 1937, that the investigation heretofore, on August 4, 1936, instituted pursuant to the provisions of Section 337 of the Tariff Act of 1930 into alleged unfair methods of competition or unfair acts in violation of said section in the importation or sale in the United States of cigarette-making machines and parts thereof, be, and the same is hereby, *discontinued and dismissed*.

Ordered further that public notice of this action shall be given by posting announcement thereof for thirty days at the office of the Commission in the City of Washington, D. C., and at the office of the Commission at the Port of New York, and by publishing the text thereof in "Treasury Decisions", published by the Department of the Treasury, and by announcement thereof in "Commerce Reports", published by the Department of Commerce.

By order of the United States Tariff Commission this 21st day of October, 1937.

[SEAL] SIDNEY MORGAN, *Secretary*.

[F. R. Doc. 37-3099; Filed, October 23, 1937; 9:35 a. m.]

*Wednesday, October 27, 1937* *No. 208*

## DEPARTMENT OF STATE.

NEGOTIATION OF TRADE AGREEMENT WITH VENEZUELA CONTEMPLATED

OCTOBER 25, 1937.

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution No. 10, approved March 1, 1937, and Executive Order No. 6750 of June 27, 1934, the Secretary of State announced today that this Government contemplates the negotiation of a trade agreement with Venezuela, and invited interested persons to submit suggestions as to the products that should be considered.

This preliminary announcement, which is made with a view to obtaining suggestions from interested persons in the early stages of the discussions, should not be confused with the formal notice of intention to negotiate regularly given. The formal notice will be issued at a later date, after receipt of the proposals of the Government of Venezuela, at which time there will also be made public a list of products on which the United States will consider granting concessions to Venezuela.

The object of this preliminary announcement is to provide notification at the earliest possible date that negotiations are contemplated, in order that interested parties may have an opportunity to suggest the import or export products which, in their opinion, should be included in the negotiations. Such suggestions, particularly those in regard to export products, are most useful to the trade-agreements organization if available at an early stage. Full information should be submitted as soon as possible. Exact technical descriptions of the products in question should be given, including, so far as possible, their nomenclature in the tariff laws of the importing country. These suggestions may be submitted in any form, and need not be under oath. They should be addressed to the Chairman of the Committee for Reciprocity Information, 7th and F Streets, N. W., Washington, D. C., and should reach the Committee not later than November 26, 1937.

Suggestions received by the Committee for Reciprocity Information will be distributed promptly to all agencies of the trade-agreements organization for use in the preparation of lists of commodities that may be involved in the negotiations. The list of commodities upon which the United States will consider the granting of concessions to Venezuela will be published along with the formal notice of intention to negotiate. The formal notice, as heretofore, will indicate dates for the submission of briefs and applications for oral hearings, and the dates on which the customary open hearings will be held. The listing of products will indicate to American producers and importers whether or not particular tariff rates in which they are interested are under consideration. They will thus be saved the trouble of preparing briefs on products of interest to them but which are not expected to be involved in the negotiations.

A detailed compilation showing the principal products involved in the 1929 and 1936 trade between Venezuela and the United States, prepared by the Division of Foreign Trade Statistics of the Department of Commerce, may be obtained from that Division, or from any of the District Offices of the Department of Commerce, as well as from the Committee for Reciprocity Information, or the Department of State.

CORDELL HULL, *Secretary of State*.

[F. R. Doc. 37-3137; Filed, October 25, 1937; 3:14 p. m.]



## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49208]

AIRPORT OF ENTRY

FORT YUKON AIRFIELD, FORT YUKON, ALASKA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF SIXTY DAYS

OCTOBER 22, 1937.

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Fort Yukon Airfield, Fort Yukon, Alaska, is hereby redesignated for a period of sixty days from October 24, 1937, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (U. S. C., title 49, sec. 179 (b)).

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3136; Filed, October 25, 1937; 2:18 p. m.]

### Bureau of Internal Revenue.

[Regulations 99]

TAX ON THE MANUFACTURE OF MANUFACTURED SUGAR UNDER SECTION 402 OF THE SUGAR ACT OF 1937

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Authority for Regulations

*Section 405 (c) of the Act*

INTRODUCTORY

These regulations relate to the tax on the manufacture of manufactured sugar imposed under section 402 of the Sugar Act of 1937 (Public, No. 414, Seventy-fifth Congress), approved September 1, 1937.

Chapter I defines terms that are used in the Act and in these regulations.

Chapter II deals with the imposition of the tax.

Chapter III describes the procedure for filing claims for payment based on the exportation of manufactured sugar or articles processed wholly or partly from manufactured sugar.

Chapter IV deals with the procedure for filing claims for payment based on the utilization of manufactured sugar as live-stock feed, in the production of live-stock feed, and in the distillation of alcohol.

Chapter V contains miscellaneous provisions, including those relating to the filing of returns, payment of the tax, refunds, and penalties.

For convenient reference, the complete text of Title IV of the Sugar Act of 1937 has been set forth in an appendix to these regulations.[1] The applicable provisions of the Act as well as applicable provisions of certain other internal revenue laws will be found in the appropriate places in these regulations. The sections of the law quoted, except as otherwise indicated, are contained in the Sugar Act of 1937.

CHAPTER I

DEFINITIONS

SECTION 401 OF THE ACT

For the purposes of this title—

(a) The term "person" means an individual, partnership, corporation, or association.

(b) The term "manufactured sugar" means any sugar derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added) equal to more

[1] Not printed.

than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar mush, raw sugar, sirups, molasses, and sugar mixtures.

(c) The term "total sugars" means the total amount of the sucrose (Clerget) and of the reducing or invert sugars. The total sugars contained in any grade or type of manufactured sugar shall be ascertained in the manner prescribed in paragraphs 758, 759, 762, and 763 of the United States Customs Regulations (1931 edition).

(d) The term "United States" shall be deemed to include the States, the Territories of Hawaii and Alaska, the District of Columbia, and Puerto Rico.

ART. 100. *Meaning of terms.*—As used in these regulations—

(*a*) The terms defined in the applicable provisions of law shall have the meaning so assigned to them.

(*b*) The term "Secretary" means the Secretary of the Treasury.

(*c*) The term "Commissioner" means the Commissioner of Internal Revenue.

(*d*) The term "collector" means a collector of internal revenue.

(*e*) The term "Act" means the Sugar Act of 1937.

(*f*) The term "tax" means the tax imposed by section 402 of the Act.

(*g*) The term "manufacture" means that process of manufacturing which directly results in manufactured sugar.

(*h*) The term "manufacturer" means the person who performs that process of manufacturing which directly results in manufactured sugar. The term also includes any person who, having acquired any sugar which is to be manufactured into manufactured sugar, without further refining or improving it in quality, sells such sugar as manufactured sugar or uses such sugar as manufactured sugar in the production of other articles for sale.

(*i*) The terms "includes" and "including" when used in a statement contained in these regulations, shall not be deemed to exclude other things otherwise within the meaning of such statement.

## CHAPTER II

### TAX ON THE MANUFACTURE OF MANUFACTURED SUGAR

#### SECTION 406 OF THE ACT

The provisions of this title shall become effective on the date of enactment of this Act.

ART. 200. *Effective date.*—The tax is effective with respect to the manufacture of manufactured sugar from the first moment of September 1, 1937, the date of enactment of the Sugar Act of 1937. (See article 205.)

ART. 201. *Geographical scope.*—The tax is applicable to the manufacture of manufactured sugar in the United States, which is defined in the Act to include only the States, the Territories of Hawaii and Alaska, the District of Columbia, and Puerto Rico.

#### SECTION 402 (a) AND (b) OF THE ACT

(a) Upon manufactured sugar manufactured in the United States there shall be levied, collected and paid a tax, to be paid by the manufacturer at the following rates:

(1) On all manufactured sugar testing by the polariscope ninety-two sugar degrees, 0.465 cent per pound, and for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

(2) On all manufactured sugar testing by the polariscope less than ninety-two sugar degrees, 0.5144 cent per pound of the total sugars therein.

(b) Any person who acquires any sugar which is to be manufactured into manufactured sugar but who, without further refining or otherwise improving it in quality, sells such sugar as manufactured sugar or uses such sugar as manufactured sugar in the production of other articles for sale shall be considered for the purposes of this section the manufacturer of manufactured sugar and, as such, liable for the tax hereunder with respect thereto.

ART. 202. *Rate of tax.*—The rates of tax imposed upon the manufacture of manufactured sugar are:

(*a*) On all manufactured sugar testing by the polariscope 92 sugar degrees, 0.465 cent per pound, and for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

(*b*) On all manufactured sugar testing by the polariscope less than 92 sugar degrees, 0.5144 cent per pound of the total sugars therein.

(See section 401 (b) of the Act for definition of "manufactured sugar.")

ART. 203. *Measure of tax.*—The measure of the tax is the number of pounds of manufactured sugar produced by the manufacturer. In the case of a person considered, under section 402 (b) of the Act, to be a manufacturer, the measure of the tax is the number of pounds of manufactured sugar sold, or used in the production of other articles for sale, by such person.

ART. 204. *Liability for tax.*—Liability for the tax attaches to the manufacturer. (See article 100 (*h*) for definition of "manufacturer.")

ART. 205. *When the tax attaches.*—(*a*) The tax attaches upon the completion of that process of manufacturing the direct result of which is manufactured sugar. If the completion of the manufacturing process takes place during the period the tax is in effect, the tax attaches, notwithstanding that some part of the manufacturing process took place before such period.

(*b*) If a person acquires sugar to be manufactured into manufactured sugar, and, without further refining or improving it in quality, sells such sugar as manufactured sugar, or uses it as manufactured sugar in the production of other articles for sale, such person is liable for the tax as a manufacturer. The tax attaches at the time of the sale of such sugar or at the time of its use in the production of other articles for sale, by such person.

(See article 502, relating to payment of tax.)

#### SECTION 402 (d) OF THE ACT

(d) No tax shall be required to be paid upon the manufacture of manufactured sugar by, or for, the producer of the sugar beets or sugarcane from which such manufactured sugar was derived, for consumption by the producer's own family, employees, or household.

ART. 206. *Exemption.*—No tax is required to be paid on the manufacture of manufactured sugar by, or for, the producer of the sugar beets or sugarcane from which such manufactured sugar was derived, for consumption by the producer's own family, employees, or household. This exemption is applicable only in cases where the producer in question is an *individual;* it does not apply if the producer of the sugar beets or sugarcane is a corporation.

To support the exemption from tax under the provisions of section 402 (d) of the Act with respect to that quantity of manufactured sugar delivered by the manufacturer to the producer, the manufacturer shall obtain from each producer an affidavit or certificate, in duplicate, on Form 2 (Sugar). The original affidavit or certificate shall be filed with the return on which the exemption is claimed, and a duplicate copy kept on the premises where the manufacturing was done. Such affidavit on Form 2 (Sugar) shall be executed by the producer with respect to each lot of manufactured sugar delivered to him by the manufacturer.

It is not necessary that the manufactured sugar received by the producer be manufactured from the identical sugar beets or sugarcane delivered. The manufacturer may deliver to the producer an amount of manufactured sugar not in excess of the amount which would have been manufactured from the particular quantity of sugar beets or sugarcane the producer has delivered to the manufacturer. All the manufactured sugar to be delivered to a producer for consumption by his family, employees, or household need not be delivered to him at one time, but a separate affidavit or certificate on Form 2 (Sugar) must be obtained for each withdrawal.



The deduction in the manufacturer's return in connection with this exemption is limited to manufactured sugar actually delivered to the producer during the period for which the return is made and shall not include any quantity of manufactured sugar which has not actually been delivered to the producer.

Under the Act this exemption is applicable only to that quantity of manufactured sugar required by the producer for consumption by his family, employees, or household. The manufacturer is required to exercise care in accepting affidavits or certificates from producers to ascertain that no quantity of manufactured sugar in excess of that required for such use is delivered to the producer under this exemption.

## CHAPTER III

### EXPORT PAYMENTS

#### SECTION 404 (a) OF THE ACT

(a) Upon the exportation from the United States to a foreign country, or the shipment from the United States to any possession of the United States except Puerto Rico, of any manufactured sugar, or any article manufactured wholly or partly from manufactured sugar, with respect to which tax under the provisions of section 402 has been paid, the amount of such tax shall be paid by the Commissioner of Internal Revenue to the consignor named in the bill of lading under which the article was exported or shipped to a possession, or to the shipper, if the consignor waives any claim thereto in favor of such shipper: *Provided*, That no such payment shall be allowed with respect to any manufactured sugar, or article, upon which, through substitution or otherwise, a drawback of any tax paid under section 403 has been or is to be claimed under any provisions of law made applicable by section 403.

#### SECTION 404 (a) OF THE ACT

(c) No payment shall be allowed under this section unless within one year after the right to such payment has accrued a claim therefor is filed by the person entitled thereto.

ART. 300. *Who may file the claim.*—The person named as consignor in the bill of lading under which the manufactured sugar, or an article processed wholly or partly therefrom, is exported or shipped has the primary right to claim the export payment provided for in section 404 (a) of the Act. Such person may, however, waive any claim thereto in favor of the shipper, in which case the shipper will be recognized as the proper claimant.

A waiver in substantially the following form shall be used:

_____, the consignor named in the bill of lading to which this waiver is affixed or attached, do (es) waive in favor of_____ (shipper) any claim for
(here insert name of shipper)
payment allowable under the provisions of section 404 (a) of the Sugar Act of 1937, by reason of the exportation or shipment of the articles described in such bill of lading, and state (s) that such party is the actual shipper of the article or articles exported.

_____
(Consignor named in the bill of lading.)

ART. 301. *Claim for payment.*—Claim for an export payment shall be executed by the claimant on the form prescribed by the Commissioner in accordance with the instructions contained thereon and in accordance with these regulations. The claim shall be filed with the collector of internal revenue for the district in which is located the principal place of business of the claimant. If the claimant has no principal place of business in the United States, the claim shall be filed with the collector of internal revenue at Baltimore, Md.

ART. 302. *Proof of exportation or shipment.*—No export payment shall be allowed unless the claimant establishes actual exportation to a foreign country or shipment to a possession. Exportation to a foreign country or shipment to a possession may be evidenced by (*a*) a copy of the export bill of lading, or (*b*) a certificate by an agent or representative of the carrier showing actual delivery of the manufactured sugar or articles in a foreign country or a possession of the United States, or (*c*) a certificate of landing signed by a customs officer of the foreign country to which the manufactured sugar or articles are delivered, or (*d*) if such foreign country has no customs administration, or in the case of shipment to a possession, a sworn statement of the consignee showing receipt of the manufactured sugar or articles.

ART. 303. *Limitations on allowance.*—(*a*) *Time for filing claim.*—No export payment shall be allowed unless claim therefor is filed by the person entitled thereto within one year from the date the right to such payment accrued. The right to payment accrues as of the date the articles are exported.

(*b*) *Drawback of duty.*—No export payment is allowable with respect to any manufactured sugar, or article manufactured wholly or partly from manufactured sugar, upon which through substitution or otherwise a drawback of any tax paid under section 403 of the Act (import compensating tax) has been or is to be claimed under any provision of law made applicable by section 403 of the Act.

## CHAPTER IV

### LIVESTOCK FEED AND DISTILLATION PAYMENTS

#### SECTION 404 (b) AND (c) OF THE ACT

(b) Upon the use of any manufactured sugar, or article manufactured therefrom, as livestock feed, or in the production of livestock feed, or for the distillation of alcohol, there shall be paid by the Commissioner of Internal Revenue to the person so using such manufactured sugar, or article manufactured therefrom, the amount of any tax paid under section 402 with respect thereto.

(c) No payment shall be allowed under this section unless within one year after the right to such payment has accrued a claim therefor is filed by the person entitled thereto.

ART. 400. *Filing of claim.*—Any person using any manufactured sugar, or an article manufactured therefrom, with respect to which a tax has been paid under section 402, as (1) live-stock feed, (2) in the production of live-stock feed, or (3) for the distillation of alcohol, may file a claim for payment of the amount of tax paid. The claim for payment shall be executed by the claimant on the form prescribed by the Commissioner, in accordance with the instructions contained thereon, and in accordance with these regulations. The claim shall be filed with the collector for the district in which is located the principal place of business of the claimant. If the claimant has no principal place of business in the United States, the claim shall be filed with the collector at Baltimore, Md.

ART. 401. *Proof of claim.*—No claim for payment under section 404 (b) of the Act will be allowed unless the claimant establishes to the satisfaction of the Commissioner (*a*) that the tax with respect to the manufactured sugar upon which the claim is based was actually paid; (*b*) that the manufactured sugar, or article manufactured therefrom, was actually used in the production of live-stock feed, or as live-stock feed, or for the distillation of alcohol; (*c*) the quantity and test of the manufactured sugar upon which the claim is based; and (*d*) such other facts as may be required to determine the claimant's right to the payment.

ART. 402. *Period for filing claim.*—No payment under section 404 (b) of the Act will be allowed unless claim therefor is filed by the person entitled thereto within one year from the date the right to such payment accrued. The right to payment accrues as of the date the manufactured sugar, or article manufactured therefrom, is used for one of the three purposes for which payment is allowable under the Act. (See article 400.)

## CHAPTER V

### ADMINISTRATIVE AND OTHER GENERAL PROVISIONS

#### *Returns and Payment of Tax*

#### SECTION 405 (a) OF THE ACT

(a) Except as otherwise provided, the taxes imposed by this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury. Such taxes shall be paid into the Treasury of the United States

#### SECTION 405 (b) OF THE ACT

(b) All provisions of law, including penalties, applicable with respect to the taxes imposed under title IV of the Revenue Act of 1932, shall, insofar as applicable and not inconsistent with the provisions of this title, be applicable in respect to the tax imposed by section 402. • • •

SECTION 402 (c) OF THE ACT

(c) The manufacturer shall file on the last day of each month a return and pay the tax with respect to manufactured sugar manufactured after the effective date of this title (1) which has been sold, or used in the production of other articles, by the manufacturer during the preceding month (if the tax has not already been paid) and (2) which has not been so sold or used within twelve months ending during the preceding calendar month, after it was manufactured (if the tax has not already been paid): *Provided*, That the first return and payment of the tax shall not be due until the last day of the second month following the month in which this title takes effect.

For the purpose of determining whether sugar has been sold or used within twelve months after it was manufactured sugar shall be considered to have been sold or used in the order in which it was manufactured.

SECTION 626 OF THE REVENUE ACT OF 1932, MADE APPLICABLE BY SECTION 405 (b) OF THE ACT

(a) Every person liable for any tax imposed by this title * * * shall make monthly returns under oath in duplicate and pay the taxes imposed by this title to the collector for the district in which is located his principal place of business or, if he has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

(b) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. * * *

SECTION 405 (d) OF THE ACT

(d) Any person required, pursuant to the provisions of section 402, to file a return may be required to file such return with and pay the tax shown to be due thereon to the collector of internal revenue for the district in which the manufacturing was done or the liability incurred.

SECTION 1102 (c) AND (d) OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 627 OF THE REVENUE ACT OF 1932 AND BY SECTION 405 (b) OF THE ACT

(c) The Commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by any internal revenue law * * * to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

(d) Any oath or affirmation required by the provisions of this Act or regulations made under authority thereof may be administered by any officer authorized to administer oaths for general purposes by the law of the United States or of any State, Territory, or possession of the United States, wherein such oath or affirmation is administered, or by any consular officer of the United States.

ART. 500. *Returns.*—Every person liable for the tax shall prepare for each calendar month a return in duplicate on Form 1 (Sugar) in accordance with the instructions thereon and in accordance with these regulations.

A separate return shall be prepared for each collection district in which the manufacturing was done or liability for the tax incurred. That is, if the taxpayer is engaged in the manufacture of manufactured sugar (or incurs liability for tax as a manufacturer under section 402 (b) of the Act) in more than one collection district, he shall prepare a separate return with respect to the liability for the tax incurred in each such district. (See, however, article 501.)

If, within a collection district, the taxpayer has more than one factory, refinery, or other place where he manufactures manufactured sugar, there shall be prepared and annexed to the return for such district a separate schedule for each such factory, refinery, or other place, giving for each such place the information required on Form 1 (Sugar).

The return shall be under oath and verified before an officer duly authorized to administer oaths. If the amount of the tax shown by the return to be due is $10 or less, the return may be signed and executed before two subscribing witnesses instead of under oath.

ART. 501. *Time and place for filing returns.*—The return for each calendar month shall be filed in duplicate with the collector for the district in which the manufacturing is done, or liability for the tax incurred, on or before the last day of the month following the month for which the return has been prepared. For example, the return for the month of October, 1937, is required to be filed on or before November 30, 1937. However, the due date of the first return of tax, for the month of September, 1937, is fixed in the Act as November 30, 1937.

The Commissioner, on application and for good cause shown, may permit a taxpayer who is engaged in the manufacture of manufactured sugar in more than one collection district to file consolidated returns and pay the tax to the collector for the district in which such taxpayer has his principal place of business.

ART. 502. *Payment of tax.*—(a) *General.*—The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector on the last day of the month following the month in which the manufactured sugar was sold by the manufacturer, or used by him in the production of other articles for sale. However, an exception is made with respect to the first return and payment of tax under the Act: The tax with respect to manufactured sugar manufactured in the month of September, 1937, and sold, or used in the production of other articles for sale, in such month by the manufacturer, shall be due and payable without assessment by the Commissioner or notice from the collector, on November 30, 1937.

With respect to manufactured sugar which has not been sold, or used in the production of other articles for sale, by the manufacturer, within 12 months from the month in which manufactured, the tax shall be due and payable, without assessment by the Commissioner or notice from the collector, on the last day of the month following the month in which such 12-month period expires.

For the purpose of determining whether manufactured sugar has been sold, or used in the production of other articles for sale, by the manufacturer, within 12 months after it was manufactured, such sugar shall be considered to have been sold or used in the order in which it was manufactured.

With respect to sugar which has been acquired by a person to be manufactured into manufactured sugar but which, without further refining or other improvement in quality, is sold as manufactured sugar or is used as manufactured sugar in the production of other articles for sale, the tax with respect thereto is due and payable without assessment by the Commissioner or notice from the collector, on the last day of the month following the month in which such sugar was so sold or used. However, the due date for payment of tax liability incurred in September, 1937, is fixed as November 30, 1937.

(b) *Examples.*—

*Example 1:* A quantity of manufactured sugar, manufactured in the month of October, 1937, is sold by the manufacturer during the month of December, 1937. The tax with respect to such manufactured sugar is due and payable on or before January 31, 1938.

*Example 2:* On September 30, 1938, the manufacturer still has on hand, unsold, a quantity of manufactured sugar manufactured by him in the month of September, 1937. The tax with respect to such manufactured sugar is due and payable on or before October 31, 1938.

*Example 3:* A quantity of manufactured sugar manufactured in September, 1937, was destroyed by fire in December, 1937, prior to a sale by the manufacturer. The tax with respect to such sugar is due and payable on or before October 31, 1938.

(c) *Date of sale.*—Manufactured sugar will be considered to have been sold during the month in which title thereto passes from the manufacturer to a purchaser. When title passes is dependent upon the intention of the parties, which is gathered from the contract of sale and the attendant circumstances. In the absence of expressed intention or other direct evidence, the legal rules of presumption followed in the jurisdiction where the sale is made govern in determining when title passes. Generally, for the purposes of payment of the tax, manufactured sugar will be considered to have been sold during the month in which it was delivered to the purchaser or to a carrier for delivery to the purchaser.

SECTION 405 (b) OF THE ACT

(b) * * * If the tax is not paid when due there shall be added as part of the tax interest at 6 per centum per annum from the date the tax became due until the date of payment.

ART. 503. *Interest on delinquent taxes.*—If the tax is not paid when due there shall be added as part of the tax interest at the rate of 6 per cent per annum from the time the tax became due until paid.

SECTION 1102 (a) AND (b) OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 627 OF THE REVENUE ACT OF 1932 AND SECTION 405 (b) OF THE ACT

(a) Every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SECTION 1104 OF THE REVENUE ACT OF 1926, AS AMENDED BY SECTION 618 OF THE REVENUE ACT OF 1928, MADE APPLICABLE BY SECTION 627 OF THE REVENUE ACT OF 1932 AND SECTION 405 (b) OF THE ACT

The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

ART. 504. *Records.*—(a) *Inventory.*—Every manufacturer of manufactured sugar shall make an itemized inventory of all manufactured sugar held by him, as of the first moment of September 1, 1937. A separate inventory shall be made for each factory, refinery, or other place where such person holds or manufactures manufactured sugar, and a copy of such inventory shall be retained on the premises.

(b) *Manufacturing records.*—Every person who on and after September 1, 1937, manufactures manufactured sugar shall keep an accurate record of the manufacturing done by him. A separate record shall be kept at and for each place where the manufacturing is done.

Such records shall show: The quantity of manufactured sugar and other sugar on hand at the beginning of the month; the quantity received during the month; the quantity of manufactured sugar produced during the month; the quantity sold during the month; the quantity of manufactured sugar used during the month in the production of other articles for sale; and the quantity of manufactured sugar and other sugar on hand at the end of the month. The records shall show the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

The records shall contain sufficient information to enable the Commissioner to determine the amount of tax due. Records shall likewise be kept of all transactions involved in any way in any claim or deduction based upon an exemption, or in connection with any claim for payment, refund, credit, or abatement. All records shall be open for inspection by internal revenue officers and shall be maintained for a period of at least four years from the date the return is filed.

*Closing Agreements*

SECTION 606 (a) AND (b) OF THE REVENUE ACT OF 1928

(a) *Authorization.*—The Commission (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal-revenue tax for any taxable period ending prior to the date of the agreement.

(b) *Finality of agreements.*—If such agreement is approved by the Secretary, or the Undersecretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) the case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) in any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.



*Jeopardy Assessments*

SECTION 1105 OF THE REVENUE ACT OF 1932, AS AMENDED BY SECTION 510 OF THE REVENUE ACT OF 1934

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3187 of the Revised Statutes, as amended.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

*Penalties*

SECTION 3176, UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1103 OF THE REVENUE ACT OF 1926 AND SECTION 619 (d) OF THE REVENUE ACT OF 1928

* * * In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SECTION 406, REVENUE ACT OF 1935

In the case of a failure to make and file an internal-revenue tax return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after the date of the enactment of this Act, if a 25 per centum addition to the tax is prescribed by existing law, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

SECTION 3184, UNITED STATES REVISED STATUTES

Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner of Internal Revenue, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof. If such person does not pay the taxes within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of five per centum additional upon the amount of taxes, and interest at the rate of one per centum a month.

ART. 505. *Penalties.*—A failure to file a return as required by these regulations causes to accrue a penalty of 5 per cent of the amount of the tax if such failure is for not more than 30 days, with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues. In no case, however, shall the penalty exceed 25 per cent in the aggregate.

If assessment is made of the tax, penalty, or interest, and payment is not made within 10 days after the issuance of the form for first notice and demand, based on assessment approved by the Commissioner, there will accrue a 5 per cent penalty, and interest at the rate of 6 per cent a year computed upon the entire assessment (including penalty and interest, if any) from 10 days after issuance of said form until date of payment. In cases where assessment is settled by partial payments, interest is to be computed from the expiration of the first 10-day notice through the date of the first payment and from the next succeeding day to the date of the next payment, until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 per cent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 per cent penalty applies. The filing of the claim does not stay the running of interest, which continues to run for the full period that intervenes between the date of expiration of the first notice and demand and the date of payment.

If a false or fraudulent return be willfully made, the penalty under section 3176 of the Revised Statutes is 50 per cent of the total tax due.

*Refunds*

SECTION 3220 OF THE UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1111 OF THE REVENUE ACT OF 1926 AND SECTION 619 (b) OF THE REVENUE ACT OF 1928

Except as otherwise provided • • • the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; • • •.

SECTION 3228 (a) OF THE UNITED STATES REVISED STATUTES, AS AMENDED BY SECTION 1112 OF THE REVENUE ACT OF 1926, SECTION 619 (c) OF THE REVENUE ACT OF 1928, AND SECTION 1106 (a) OF THE REVENUE ACT OF 1932

(a) All claims for the refunding or crediting of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, • • • be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax, penalty, or sum. The amount of the refund • • • shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SECTION 621 (c) OF THE REVENUE ACT OF 1932, AS AMENDED BY SECTION 401 (c) OF THE REVENUE ACT OF 1935, MADE APPLICABLE BY SECTION 405 (b) OF THE ACT

(c) Interest shall be allowed at the rate of 6 per centum per annum with respect to any amount of tax under this title credited or refunded, • • •.

ART. 506. *Refunds.*—A tax (including any penalty or interest) erroneously, illegally, or otherwise wrongfully collected may be refunded by the Commissioner. A claim for such refund shall be made on Form 843 in accordance with the instructions printed on such form and in accordance with these regulations. Copies of the prescribed forms may be obtained from the collector. The claim shall set forth clearly in detail the reasons and facts relied upon in support of the claim, shall be made under oath, and presented within four years next after payment of such taxes.

*Additional Penalties*

SECTION 1123 OF THE REVENUE ACT OF 1926, MADE APPLICABLE BY SECTION 627 OF THE REVENUE ACT OF 1932 AND SECTION 405 (b) OF THE ACT

Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both.

SECTION 35 OF THE CRIMINAL CODE OF THE UNITED STATES, AS AMENDED BY ACT OF CONGRESS APPROVED JUNE 18, 1934 (PUBLIC, NO. 394, SEVENTY-THIRD CONGRESS)

Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; • • • or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; • • • shall be fined not more than $10,000 or imprisoned not more than 10 years, or both. • • •

SECTION 3443, UNITED STATES REVISED STATUTES

Whenever any person fraudulently claims or seeks to obtain an allowance of drawback on goods, wares, or merchandise on which no internal duty shall have been paid, or fraudulently claims any greater allowance of drawback than the tax actually paid as aforesaid, he shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained, or the sum of five hundred dollars, at the election of the Secretary of the Treasury.

*Authority for Regulations*

SECTION 405 (c) OF THE ACT

(c) The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such rules and regulations as may be necessary to carry out all provisions of this title except section 403.

In pursuance of the provisions of section 405 (c) of the Act and other provisions of the internal revenue laws, the foregoing regulations are hereby prescribed.

[SEAL] CHAS. T. RUSSELL,
*Acting Commissioner of Internal Revenue.*

Approved, October 23, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3139; Filed, October 26, 1937; 12:31 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—Arizona, Supplement 3 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—ARIZONA, SUPPLEMENT 3

*Amendments to WR—B-101—Arizona, as Amended*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6, is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 6 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Arizona, as amended by Supplement 1 and Supplement 2, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."



Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of section 6, as follows:

"SEC. 6. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 3, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above.

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 3. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23d day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3120; Filed, October 25, 1937; 12:39 p. m.]

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

WR—B-101—California, Supplement 3 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—CALIFORNIA, SUPPLEMENT 3

*Amendments to WR—B-101—California, as Amended*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice F is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 6 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin 101—California as amended by Supplement 1, and Supplement 2, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice F is amended to read as follows:

"*Crested Wheat Grass,* seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of Section 6, as follows:

"SEC. 6. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payment computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of sugar beets grown on the farm in 1937. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the sum of the following:

1. The acreage of soil-conserving crops in 1937 on land customarily used in rotation with sugar beets, multiplied by 2.5.

2. The acreage of green manure or cover crops planted on acreage devoted to sugar beets in 1937 immediately following the harvest of the sugar beets and turned under in the fall or winter after 90 days unpastured growth, multiplied by 1.25.

3. The acreage of green manure or cover crops turned under on the acreage devoted to sugar beets in 1937 immediately preceding the planting of the sugar beets, multiplied by 1.25.

4. The acreage of sugar beets grown in 1937 on land devoted to perennial or biennial legumes in 1936. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above—

1. Divide the total obtained under subsection C above, by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm the applicant's share[1] of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 4, subsection A or subsection F, whichever is applicable for the farm. Total the amounts thus obtained.

3. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

4. If the total obtained under item 3 above, equals or exceeds the total obtained under item 2 above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

F. If the total obtained under subsection E, item 3 above, is less than the total obtained under subsection E, item 2 above—

1. Divide the total obtained under subsection E, item 3, by the total obtained under subsection E, item 2, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 4. Total the amounts thus obtained.

G. The amount obtained under subsection E, item 1 above, or the amount under subsection F, item 1 above, or the amount obtained under F, item 2 above, whichever is the largest, shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3121; Filed, October 25, 1937; 12:39 p. m.]

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

WR—B-101—Colorado, Supplement 5 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—COLORADO, SUPPLEMENT 5

*Amendments to WR—B-101—Colorado, as Amended*

*Part III, Section 1, Practices A, B, C, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice D is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Colorado, as amended by Supplement 1, Supplement 2, Supplement 3, and Supplement 4, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice D is amended to read as follows:

"*Crested Wheat Grass,* seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of Section 5, as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.



B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above,

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3122; Filed, October 25, 1937; 12:39 p. m.]

WR—B-101—Idaho, Supplement 3 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—IDAHO, SUPPLEMENT 3

*Amendments to WR—B-101—Idaho, as Amended*

*Part III, Section 1, Practices A, B, C, D, and F are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice E is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Idaho, as amended by Supplement 1 and Supplement 2, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and F are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice E is amended to read as follows:

"*Crested Wheat Grass,* seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of Section 5, as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[2] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above,

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable pro-

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

[2] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

visions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3123; Filed, October 25, 1937; 12:40 p. m.]

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WR—B-101—Kansas, Supplement 5 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—KANSAS, SUPPLEMENT 5

*Amendments to WR—B-101—Kansas, as Amended*

*Part III, Section 1, Practices A, B, C, D, and F are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice E is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1938 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 6 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Kansas, as amended by Supplement 1, Supplement 2, Supplement 3, and Supplement 4, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and F are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items a and b of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice E is amended to read as follows:

"*Crested Wheat Grass,* seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of section 6, as follows:

"SEC. 6. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 3, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above.

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 3. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3124; Filed, October 25, 1937; 12: 40 p. m.]

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WR—B-101—Montana, Supplement 4 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—MONTANA, SUPPLEMENT 4

*Amendments to WR—B-101—Montana, as Amended*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice F is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Montana, as amended by Supplement 1, Supplement 2, and Supplement 3, is further amended by this supplement as follows:

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.



Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice F is amended to read as follows:

"*Crested Wheat Grass,* seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of section 5, as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above.

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3125; Filed, October 25, 1937; 12:40 p. m.]

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WR—B-101—Pondera County, Montana, Supplement 1
Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—PONDERA COUNTY, MONTANA, SUPPLEMENT 1

*Amendments to WR—B-101—Pondera County, Montana*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice F is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 4 is amended by the addition of a sentence defining the terms "retired from production";*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments;*

*Part XI, Section 1, Paragraph C is amended to provide for deductions with respect to excess in soil-depleting crops; and*

*Part XI is amended by the addition of Section 3 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Pondera County, Montana, is amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay.

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice F is amended to read as follows:

"*Crested Wheat Grass,* seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 4 is amended by the addition of the following sentence:

"The terms 'retired from production' as used in this section mean cropland which will not be seeded to soil-depleting crops for a sufficient period to permit the establishment of a protective vegetative growth thereon."

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

Part VI, Section 6 is amended by the addition of the following Subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI, Section 1, Paragraph C is amended to read as follows:

"C. The amount obtained under A above or the amount obtained under B above, whichever is the smaller, shall be the amount of soil-building payment to the applicant, subject to such deductions for excess soil-depleting crops on all such farms, determined for each farm pursuant to the provisions of Section 4, Part VI."

Part XI is amended by the addition of Section 3, as follows:

"SEC. 3. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above,

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3133; Filed, October 25, 1937; 12:43 p. m.]

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WR—B-101—Nevada, Supplement 3 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—NEVADA, SUPPLEMENT 3

*Amendments to WR—B-101—Nevada, as Amended*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice F is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program; and*

*Part VI, Section 6, is amended by the addition of subsection C designed to preclude duplicate payments.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Nevada, as amended by Supplement 1 and Supplement 2, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay.

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice F is amended to read as follows:

"*Crested Wheat Grass*, seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Done at Washington, D. C., this 23rd day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3126; Filed, October 25, 1937; 12:41 p. m.]

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WR—B-101—New Mexico, Supplement 5 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 5

*Amendments to WR—B-101—New Mexico, as Amended*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of Subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 6 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—New Mexico, as amended by Supplement 1, Supplement 2, Supplement 3, and Supplement 4, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of section 6, as follows:

"SEC. 6. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 3, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total otbained under subsection C above is less than the total obtained under subsection B above.

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 3. Total the amounts thus obtained.

*F.* The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.



Done at Washington, D. C., this 23rd day of October 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3127; Filed, October 25, 1937; 12:41 p. m.]

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WR—B-101—North Dakota, Supplement 4 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—NORTH DAKOTA, SUPPLEMENT 4

*Amendments to WR—B-101—North Dakota, as Amended*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice F is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—North Dakota, as amended by Supplement 1, Supplement 2, and Supplement 3, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice F is amended to read as follows:

"*Crested Wheat Grass*, seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 5 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of Section 5, as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above,

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3128; Filed, October 25, 1937; 12:41 p. m.]

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WR—B-101—Oregon, Supplement 4 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—OREGON, SUPPLEMENT 4

*Amendments to WR—B-101—Oregon, as Amended*

*Part III, Section 1, Practices A, B, C, D, and F are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice E is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the Authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Oregon, as amended by Supplement 1, Supplement 2, and Supplement 3, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and F are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice E is amended to read as follows:

"*Crested Wheat Grass*, seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of Section 5 as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above,

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3129; Filed, October 25, 1937; 12:41 p. m.]

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WR—B-101—Utah, Supplement 3 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN 101—UTAH, SUPPLEMENT 3

*Amendments to WR—B-101—Utah, as Amended*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payments for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice F is amended to authorize payment for growing in 1937 created wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of Subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Utah, as amended by Supplement 1 and Supplement 2, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay.

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice F, is amended to read as follows:

"*Crested Wheat Grass*, seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following Subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of Section 5, as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[2] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above,

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1 above, or the amount obtained under subsection E, item 2 above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October 1937 Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3130; Filed, October 25, 1937; 12:42 p. m.]

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WR—B-101—Weber and Davis Counties, Utah, Supplement 3
Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—WEBER AND DAVIS COUNTIES, UTAH, SUPPLEMENT 3

*Amendments to WR—B-101—Weber and Davis Counties, Utah, as Amended*

*Part III, Section 1, Practices A, B, C, D, and E are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice F is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Weber and Davis Counties, Utah, as amended by Supplement 1 and

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

[2] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

Supplement 2, is further amended by this Supplement as follows:

Part III, Section 1, Practices A, B, C, D, and E are each amended as follows:

Item 1 of each such practice is amended by deleteing therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay."

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice F is amended to read as follows:

"*Crested Wheat Grass*, seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of section 5, as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above,

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C. this 23rd day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3134; Filed, October 25, 1937; 12:43 p. m.]

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WR—B-101—Washington. Supplement 3 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—WASHINGTON, SUPPLEMENT 3

*Amendments to WR—B-101—Washington, as Amended*

*Part III, Section 1, Practices A, B, C, D, and F are amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice E is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of Subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Washington, as amended by Supplement 1 and Supplement 2, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, D, and F are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program,"

Items *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay.

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice E is amended to read as follows:

"*Crested Wheat Grass*, seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of Section 5, as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above,

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

F. The amount obtained under subsection E, item 1 above, or the amount obtained under subsection E, item 2 above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3131; Filed, October 25, 1937; 12:42 p. m.]

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WR—B-101—Wyoming, Supplement 3 Issued October 23, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN 101—WYOMING, SUPPLEMENT 3

*Amendments to WR—B-101—Wyoming, as Amended*

*Part III, Section 1, Practices A, B, C, and E are each amended to make clear the authorization of payment for establishment in 1937 of a good stand of such crops when seeded subsequent to the final date for performance of such practices under the 1936 Agricultural Conservation Program;*

*Part III, Section 1, Practice D is amended to authorize payment for growing in 1937 crested wheat grass seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program;*

*Part VI, Section 6 is amended by the addition of Subsection C designed to preclude duplicate payments; and*

*Part XI is amended by the addition of Section 5 containing multiple farm provisions with respect to sugar beets.*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Wyoming, as amended by Supplement 1 and Supplement 2, is further amended by this supplement as follows:

Part III, Section 1, Practices A, B, C, and E are each amended as follows:

Item 1 of each such practice is amended by deleting therefrom the words "Seeding and", by capitalizing the first letter in the word "establishment", by replacing the period at the end of each sentence with a comma, and by adding at the end of each such item the expression "provided that such stand is obtained from a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item 2 of each such practice is amended by inserting immediately following the words "Seeding on cropland in 1937" the expression "or establishment on cropland in 1937 of a good stand of a crop seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Item *a* and *b* of said Items 2 are revised to read as follows:

"*a.* Seeded in 1937, either alone or with a nurse crop which is not harvested for grain or hay.

"*b.* Seeded with a nurse crop which is harvested for grain or hay."

Part III, Section 1, Practice D is amended to read as follows:

"*Crested Wheat Grass*, seeded on cropland in 1937, or grown in 1937 on cropland if seeded subsequent to the final date for performance of this practice under the 1936 Agricultural Conservation Program."

Part VI, Section 6 is amended by the addition of the following Subsection C:

"C. Payment will not be made for any soil-building or range-building practice with respect to which a payment was received or applied for under the 1936 Agricultural Conservation Program."

Part XI is amended by the addition of Section 5, as follows:

"SEC. 5. *Determination of sugar beet payment.*—The amount of sugar beet payment to be made to any applicant with respect to the 1937 acreage of sugar beets on the farms owned or operated in the county by such applicant shall be determined as follows:

A. Determine for each farm the applicant's share of the maximum possible payments computed with respect to the 1937 acreage of sugar beets, without regard to any practices carried out on the farm with relation to sugar beets. Total the amounts thus obtained.

B. Compute for each farm the applicant's share of the acreage of soil-conserving crops required to qualify the 1937 acreage of sugar beets for full payment in accordance with the provisions of Part II, Section 2, subsection A or subsection B, whichever is applicable for the farm. Total the amounts thus obtained.

C. Compute for each farm the applicant's share[1] of the acreage devoted to soil-conserving crops in 1937 on land customarily used in rotation with sugar beets. Total the amounts thus obtained.

D. If the total obtained under subsection C above equals or exceeds the total obtained under subsection B above, the amount obtained under subsection A above shall, subject to the applicable provisions of this Part XI, be the amount of sugar beet payment to the applicant.

E. If the total obtained under subsection C above is less than the total obtained under subsection B above:

1. Divide the total obtained under subsection C above by the total obtained under subsection B above, and multiply the percentage thus obtained by the amount obtained under subsection A above.

2. Compute for each farm individually the applicant's share of the sugar beet payment determined in accordance with the provisions of Part II, Section 2. Total the amounts thus obtained.

[1] If sugar beets were not grown on the farm in 1937, the applicant's share shall be determined in accordance with the provisions of Part V.

F. The amount obtained under subsection E, item 1, above, or the amount obtained under subsection E, item 2, above, whichever is the larger, shall, subject to the applicable provisions of this Part XI, be the amount of the sugar beet payment to the applicant."

Done at Washington, D. C., this 23rd day of October 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3132; Filed, October 25, 1937; 12:42 p. m.]

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**Bureau of Entomology and Plant Quarantine.**

B. P. Q.—359 (Supplement No. 2) October 15, 1937

SUPPLEMENT NO. 2 TO INSTRUCTIONS TO INSPECTORS ON THE TREATMENT OF NURSERY PRODUCTS, FRUITS, VEGETABLES, AND SOIL, FOR THE JAPANESE BEETLE, PURSUANT TO NOTICE OF QUARANTINE NO. 48

Section II of Circular B. P. Q.—359 entitled "Instructions to Inspectors on the Treatment of Nursery Products, Fruits, Vegetables, and Soil, for the Japanese Beetle", is further supplemented as follows:

II. TREATMENT OF SOIL ABOUT THE ROOTS OF PLANTS

*F. Paradichlorobenzene Treatment*

The following instructions, based on the horizontal diffusion of gaseous paradichlorobenzene, do not supplant the instructions given in Supplement No. 1 to B. P. Q.—359, issued August 23, 1935, but modify them in such a manner that the treatment can be applied more safely to the smaller sizes of nursery plants.

*Material—Paradichlorobenzene.*—A technical grade or C. P. grade, ground into small-sized crystals, is satisfactory for this treatment.

*Condition of plunging soil.*—Paradichlorobenzene should be mixed with a light soil, which should be moist, friable, and relatively low in organic matter. It should be sifted through a half-inch mesh screen to remove large lumps, stones, and debris prior to mixing with paradichlorobenzene.

*Condition of plant ball.*—The plant balls should be moist, *but not wet*, and not over 6 inches in diameter. If the soil is wet the treatment will not be satisfactory; if the soil is dry the plants may be injured during the treatment.

*Season.*—Treatment can be made at any time between October 1 and May 1, providing the proper temperature conditions can be obtained.

*Temperature, dosage, and exposure requirements.*—The various combinations of temperature, dosage and exposure which are effective in destroying the larvae in plant balls of different diameters are given in Table 5. The temperatures given at the head of the different columns in Table 5 are considered to be the minimum temperature during the treatment.

*Application of the treatment.*—The treating-soil should be mixed immediately before being used, as follows: Spread the soil in a thin layer on a smooth surface of a floor, bench, or other suitable space, scatter the crystals uniformly over the surface of the soil, and mix thoroughly by means of a shovel, rake, hoe, or fork, turning the mass at least three times during the operation. It is necessary to remove the pots from potted plants before placing them in the treated soil. When the burlap on balled plants is of a coarse weave which will not inhibit the proper penetration of the gas, it may be left on the balls, but when the material is closely woven it should be removed. When the plants are ready for treatment, a layer of the treated soil is spread on a smooth hard surface such as a floor or bench. Then, a row of plants is placed on this soil with the balls spaced at least 1 inch apart. Then the spaces between the plant balls are filled with treated soil, taking care not to get it on top of the balls or in contact with the stems. Finally, about 1 inch of treated soil is placed firmly against the row of treated plants. The operation is repeated until all of the plants are in place. When completed, each plant ball is surrounded on the sides and bottom by at least 1 inch of treated soil.

*Care of plants during treatment.*—The plants should not be removed from the treated soil during the period of the treatment. If it is necessary to apply water to the plants during the treatment to prevent desiccation, the operation should be limited to a light syringing, under the supervision of an inspector. If sufficient water is applied to make the treated soil or the plant balls muddy, the insecticidal action of the gas may be seriously impaired.

*Care of plants after treatment.*—The insecticidal action of the gas is completed at the end of the period of treatment. It is advisable to avoid excessive watering of the plants after removing them from the treated soil in order to permit any residual gas to escape from the plant balls. Saturating the balls with water tends to prevent the escape of this residual gas and may cause some injury to the plants. It is possible to handle the plants after treatment by the usual nursery procedure, providing care is taken to avoid reinfestation.

TABLE 5.—*Dosage, temperature, and exposure requirements for paradichlorobenzene to destroy larvae of the Japanese beetle by horizontal diffusion of the gas through plant balls of different widths*

| Diameter of the plant balls in inches | Pounds of crystals per cubic yard of plunging soil | Days of treatment required when the minimum temperature in ° F is within the range indicated below | | | | | |
|---|---|---|---|---|---|---|---|
| | | 45–49 | 50–54 | 55–59 | 60–64 | 65–69 | 70–74 |
| Up to 2 | 1 | (1) | (1) | 10 | 9 | 7 | 5 |
| | 5 | 9 | 7 | 6 | 5 | 4 | 2 |
| | 10 | 7 | 6 | 5 | 4 | 3 | 2 |
| | 20 | 5 | 5 | 4 | 3 | 2 | 1 |
| 2–4 | 1 | (1) | (1) | (1) | (1) | 10 | 6 |
| | 5 | (1) | 10 | 10 | 9 | 8 | 4 |
| | 10 | 9 | 8 | 8 | 7 | 6 | 3 |
| | 20 | 7 | 7 | 6 | 6 | 5 | 2 |
| 4–6 | 1 | (1) | (1) | (1) | (1) | (1) | (1) |
| | 5 | (1) | (1) | (1) | (1) | (1) | (1) |
| | 10 | (1) | (1) | (1) | (1) | 9 | 7 |
| | 20 | (1) | (1) | 8 | 7 | 6 | 4 |

[1] The exposure is more than 10 days.

*Varieties of plants.*—In addition to the varieties of azaleas—*Azalea hinodigiri, A. amoena, A. obtusa kiusiana* var. Coral Bells, *A. kaempferi* vars. Cleopatra, Fedora, Othello, and Salmon Beauty—for which the treatment was originally recommended, the preliminary experiments indicate that the following varieties of plants might be treated satisfactorily by this procedure:

*Anemone hupehensis.*
*Aquilegia* sp. var. Mrs. Scott Elliott's hybrid.
*Artemisia dracunculus.*
*Aster alpinis.*
*Campanula medium.*
*Ceratostigma plumbaginoides.*
*Chyrsanthemum* sp.
*Dianthus caryophyllus* var. Abbotsford Pink.
*Digitalis purpurea.*
*Eupatorium coelestinum.*
*Helianthemum glaucum croceum.*
*Iberis amara.*
*Myosotis* sp.
*Pachysandra terminalis.*
*Phlox*, sp. var. R. P. Struthers.
*Santolina chamaecyparissus incana.*
*Sedum acre.*
*Sempervivum alberti.*
*Stokesia laevis.*
*Thymus serpyllum.*
*Viola* sp. var. Jersey Gem.
*Viola* sp. var. Rosina.



The treatment of the following varieties of potted plants by this procedure is still somewhat doubtful:

*Cerastium biebersteini.*
*Delphinium grandiflorum chinense.*
*Fragaria* sp. vars. Bun Special, Dorse, Fairfax, and Joe.
*Limonium latifolium.*
*Papaver nudicaule.*
*P. orientale.*
*Primula veris.*

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-3118; Filed October 25, 1937; 12:38 p. m.]

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FEDERAL TRADE COMMISSION.

*United States of America Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-322]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE RAYON INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been had under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717),

*It is now ordered*, That the trade practice rules of Group I and of Group II, approved and accepted, respectively, by the Commission in this proceeding, be, and the same are, hereby promulgated for the Rayon Industry.

The rules promulgated herein by the Commission are designed to foster and promote fair competitive conditions and the protection of the purchasing and consuming public in the interest of both industry and the public. The requirements of the rules with respect to fiber, yarn, thread, strands or fabric are likewise applicable to such articles or commodities when contained in garments or other textile products or articles as well as when advertised, offered for sale, sold or distributed in the form of fiber, yarn, thread, strands or fabric.

*Group I*

The unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition or other illegal practices prohibited, within the purview of the Federal Government, by acts of Congress as construed in the decisions of the Federal Trade Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

RULE 1. *Generic scope of word "Rayon".*—The word rayon is the generic term for manufactured textile fiber or yarn produced chemically from cellulose or with a cellulose base and for thread, strands or fabric made therefrom, regardless of whether such fiber or yarn be made under the viscose, acetate, cuprammonium, nitrocellulose or other process. It is an unfair trade practice to cause such fiber or yarn or thread, strands or fabric made therefrom to be sold, offered for sale, distributed, advertised, described, branded, labeled or otherwise represented: (1) as not being rayon; or (2) as being something other than rayon; or (3) without disclosure of the fact that such material or product is rayon, made clearly and unequivocally in the invoices and labeling and in all advertising matter, sales promotional descriptions or representations thereof however disseminated or published.

RULE 2. *Designation of manufacturing processes.*—It is an unfair trade practice to cause any such rayon product to be represented as having been made by a certain process when such is not the fact or when the same has been made by a different process, or otherwise to cause the character, properties, quality or grade of any such rayon product to be represented falsely or deceptively. Nothing in these rules shall prohibit, in conjunction with the word or designation "rayon", the use of words, terms, phrases, statements or representations which truthfully and accurately designate or describe the process by which said rayon was manufactured, such as, for example,

"Viscose Rayon" or "Rayon Manufactured by the Viscose Process."

"Acetate Rayon" or "Rayon Manufactured by the Acetate Process."

"Cuprammonium Rayon" or "Rayon Manufactured by the Cuprammonium Process."

"Nitrocellulose Rayon" or "Rayon Manufactured by the Nitrocellulose Process."

*Provided, however*, That in any such term, phrase, statement, or representation, said word "rayon" is set forth with at least equal prominence, conspicuousness, and emphasis so as not to be misleadingly or deceptively minimized, obscured, or rendered inconspicuous.

RULE 3. *Trade-Marks.*—Nothing in these rules shall prohibit the truthful and accurate use of the trade-mark of the manufacturer, processor, seller, or distributor of any such rayon fiber, yarn, thread, strands, or fabric, such as, for example, "Celanese Rayon", "Acele Rayon", "Du Pont Rayon", "Bemberg Rayon", "Seraceta Rayon", or other similar representation: *Provided*, That the term "rayon" as descriptive of the product is set forth as a part of such term, phrase, statement, or representation so used, or in immediate conjunction therewith, and with at least equal prominence, conspicuousness, and emphasis, to the end that said word "rayon" and the fact that the product is rayon will not be misleadingly or deceptively minimized, obscured, or rendered otherwise inconspicuous: *And provided further*, That any such term, phrase, statement, or representation so used is otherwise truthful and non-deceptive.

RULE 4. *The terms "Silk", "Pure Dye", "Wool", "Linen", "Flax", "Cotton", etc.*—It is an unfair trade practice to cause to be used, as descriptive of rayon fiber, or of yarn, thread, strands or fabric composed in whole or in part of rayon, the word "silk" or the distinctive term or phrase "pure dye", or the words "wool", "linen", "flax", "cotton", or any other word, term, phrase or representation of similar import: *Provided, however*, That nothing in this rule shall prohibit the use of the word "silk", "wool", "linen", "flax" or "cotton" in a term, phrase, statement or representation truthfully and accurately indicating, in harmony with the requirements of Rule 6 for mixed goods, that such yarn, thread, strand or fabric is composed in part of silk, wool, linen, flax or cotton as the case may be.

RULE 5. *Terms relating to types of construction or weave.*—It is an unfair trade practice to cause to be used as descriptive of rayon fiber, thread, strands, yarn or fabric the words "taffeta", "chiffon", "velvet", "crepe", "georgette", or any other word, term, phrase or representation which is associated in the minds of the purchasing or consuming public with silk, wool, linen, flax, cotton, or with any fiber, yarn, thread, strand or fabric other than rayon; except, however, nothing in these rules shall prohibit the use of any word, term, phrase or designation truthfully indicating the type of weave or construction: *Provided* such word, term, phrase, or designation be qualified by the word "rayon" so as clearly to show that such product is in fact rayon or contains rayon and other materials as the case may be, disclosed in accordance with the requirements of Rule 6 as to mixed goods, such as, for example, "Rayon Taffeta", "Rayon Crepe", "Rayon Velvet", when fabric is composed wholly of rayon, or "Rayon and Silk Taffeta" when fabric is composed of rayon in greater and silk in lesser proportion; *Provided, however*, That in the use of any such term, phrase or designation the word "rayon"

shall be set forth therein with at least equal prominence, conspicuousness and emphasis as the other word or words in each such term, phrase or designation, to the end that said word "rayon" and the fact that said product contains such rayon shall not be misleadingly or deceptively minimized, obscured or rendered otherwise inconspicuous.

RULE 6. *Mixed goods.*—In the case of yarn, thread, strands or fabric composed of a mixture of rayon and other kinds of fiber or substances (other than necessary dyeing and finishing materials), full and non-deceptive disclosure of the rayon and other content of such product should be made; and it is an unfair trade practice to conceal, or fail to refuse to make such disclosure of, the presence of any constituent of such product, having the capacity, tendency or effect of misleading or deceiving purchasers or the consuming public. Such disclosure of the fiber content of said products, pursuant to this rule, shall be made by accurately designating and naming each constituent fiber thereof in the order of its predominance by weight, beginning with the largest single constituent; such as, for example, "Rayon, Wool and Silk" for yarn, thread, strands or fabric composed of rayon, wool and silk and containing rayon in larger proportion than either silk or wool and containing wool in greater proportion than silk; subject, however, to the following:

(I) In setting forth a disclosure of the names of the fiber contained in any such mixed product of two or more fibers, the respective name of any such fiber shall not be set forth in type or manner so disproportionately enlarged, emphasized or conspicuously placed as thereby to have the capacity, tendency or effect of misleading or deceiving purchasers or the consuming public into the belief that a greater proportion of such over-emphasized fiber is present than is in fact true; such as, for example, in printing or otherwise setting forth said illustrative disclosure of "Rayon, Wool and Silk", the word "wool" or the word "silk" shall not be disproportionately enlarged or otherwise emphasized in such manner as to have the capacity, tendency or effect of misleading or deceiving purchasers or the consuming public in respect to the proportion or effective character of the wool or the silk in such mixed product.

(II) Where the fiber or fibers comprising at least 95% of such mixed product are disclosed not only by name as required by these rules but also with the percentage of each in the order of predominance by weight as recommended in Rule A, then the remaining 5% or less of the fiber content of such product may be designated and disclosed as "Other Fibers", or "Miscellaneous Fibers": *Provided* such 5% proportion or less is not definitely known to be composed of one fiber or readily ascertainable as consisting of but one fiber but on the contrary is composed of fibers which may be of various kinds, the percentages or quantities of each of which are not definitely known or readily ascertainable: *And provided further*, That such fiber content designated or disclosed as "Other Fibers" or "Miscellaneous Fibers" is not otherwise misrepresented. Illustrative examples of the disclosure provided for under this rule are as follows: "50% Rayon, 46% Silk, 4% Other Fibers" or "55% Rayon, 40% Wool, 5% Miscellaneous Fibers" for products composed of the respective stated percentages of rayon, silk and wool and composed of 5% of fibers the proportion or percentage of each of which is not known or readily ascertainable, including such small additional amounts of rayon, wool or silk as may be present due to unavoidable variations in manufacturing processes.

(III) In making disclosure of fiber content under these rules by choosing to specifically name any particular fiber in a mixed product which is present in the proportion of 5% or less by weight, the percentage in which such specifically named fiber is present in the product shall then be clearly and truthfully disclosed, such as, for example, "2% Wool" or "2% Silk", to the end that purchasers or the consuming public may not be misled or deceived into the erroneous belief that said fiber is present in a greater or lesser proportion than is in fact true.

(IV) Nothing in any of these rules, however, shall be construed as relieving anyone of the requirement of making full, specific and accurate disclosure of the presence, in any fiber, yarn, thread, strand or fabric, of any substance other than fiber used therein as loading material or as an adulterant, or of the requirement of otherwise avoiding deceptive concealment or misrepresentation in respect to such substance.

RULE 7. *Encouraging or promoting the use of misleading merchandising methods.*—It is an unfair trade practice to cause any such rayon fiber, or yarn, thread, strands or fabric made therefrom to be advertised, represented, offered for sale, sold or distributed through any means or devices, or under any conditions, which are calculated to cause, promote or aid, or which have the capacity and tendency or effect of causing, promoting or aiding, the marketing of such products in the channels of trade or commerce under circumstances or representations which are false, misleading or deceptive to purchasers, prospective purchasers or the consuming public. The following is set forth as a specific example, without limitation as to others, of the type of practices prohibited by this rule:

(*a*) Causing, promoting or aiding, in a manner calculated to mislead or deceive, the advertisement, offering for sale or sale of any rayon or rayon products at silk counters or in the silk department of dealers or as being manufactured or distributed by a silk company or silk corporation, or other firm or corporation or organization whose name indicates a silk business, without making full and unequivocal disclosure that such products are rayon and not silk or are a mixture of rayon and other materials disclosed in accordance with the requirements of Rule 6 as to mixed goods, and without taking such other steps as may be necessary to prevent misrepresentation or deception.

*Group II*

The trade practices embraced in these Group II rules are considered to be conducive to sound business methods and are to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. However, the failure to observe them under certain circumstances may result in an unfair method of competition contrary to law. In such event, a corrective proceeding may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. *Disclosure of proportions of mixed fibers.*—The practice of making full and accurate disclosure of the proportions or percentages of constituents in such mixed goods is approved as a proper practice to the end that salespersons, dealers and other marketers of such products may have accurate information of the contents and may in turn correctly inform the puchasing and consuming public thereof, thereby avoiding confusion, misunderstanding or misrepresentation as to the nature or content of such products. Any action taken in following this rule shall be consonant with the requirements of the foregoing Group I rules.

RULE B. *Information as to treatment and care of product.*—The practice by producers, manufacturers and distributors, of furnishing and disseminating, through tags, labels, advertisements or other publicity, accurate information as to the proper treatment, care and cleaning of rayon or rayon products is approved and recommended as a desirable practice to follow in the interest of enabling consumers to obtain and enjoy full benefit of the desirable qualities and service of such products.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered October 26, 1937.

[F. R. Doc. 37-3138; Filed, October 26, 1937; 12:12 p. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of October, A. D., 1937.

IN THE MATTER OF DISTRICT BOND COMPANY COMMON CAPITAL STOCK PAR VALUE $25.00

ORDER DISMISSING PROCEEDINGS INSTITUTED PURSUANT TO SECTION 19 (A) (2) SECURITIES EXCHANGE ACT OF 1934

The Commission having heretofore on October 30, 1936, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be held on November 16, 1936, to determine whether to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, par value $25.00, of District Bond Company on the Los Angeles Stock Exchange; and

A hearing having been held pursuant to said order after appropriate notice to the registrant; the company having on March 8, 1937, filed its annual report on Form 10-K for the fiscal year ended December 31, 1935, and having on April 30, 1937, filed its annual report on Form 10-K for the fiscal year ended December 31, 1936; and

The Commission having duly considered the matter and being now fully advised in the premises;

*It is ordered*, That the proceedings heretofore instituted against District Bond Company pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be and the same hereby are dismissed.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3140; Filed, October 26, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of October, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GENERAL CRUDE OIL CO.—GRAVES TRACT, FILED ON SEPTEMBER 29, 1937, BY T. S. HOSE, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

T. S. Hose, having filed on September 29, 1937, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

In that the statement concerning the percentage of water in fluid produced from the tract involved, as set forth under Division II, Item 20 (b), is considered misleading for the reason that it appears that said tract is currently producing in excess of 47% water in fluid produced and that the percentage of said water production has, for the past several months, been greatly in excess of that shown by the offering sheet;

*It is ordered*, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That the taking of testimony in this proceeding commence on the 15th day of November, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3141: Filed, October 26, 1937; 12:37 p. m.]

## *Thursday, October 28, 1937* — *No. 209*

## TREASURY DEPARTMENT.

**Treasurer of the United States; Director of the Mint.**

[1937—Department Circular No. 55, Revised]

EXCHANGE OF PAPER CURRENCY AND COIN

OCTOBER 25, 1937.

1. This Circular supersedes Department Circular No. 55, revised, dated January 26, 1927, issued by the Treasurer of the United States and the Director of the Mint, as amended and supplemented.

2. The following regulations govern the exchange of the coin and paper currency of the United States (including National bank notes and Federal Reserve bank notes in process of retirement and Federal Reserve notes). Under authorization in the act approved May 29, 1920, 41 Stat. 655 (U. S. C. title 31, sec. 476), the Secretary of the Treasury transferred to the Federal Reserve banks and branches the duties and functions performed by the former Assistant Treasurers of the United States in connection with the exchange of paper currency and coin of the United States. Except for the duties in this respect to be performed by the Treasurer of the United States as may be indicated from time to time by the Secretary of the Treasury exchanges of the paper currency and coin of the United States and the distribution and replacement thereof will, so far as practicable, be effected through the Federal Reserve banks and branches. Federal reserve banks and branches have been instructed by the Treasury to make an equitable and impartial distribution of available supplies of currency and coin in all cases, and applications therefor should be made to the Federal reserve bank or branch of such bank located in the same district with the applicant. Distribution of new coins will not be made so long as there are available sufficient stocks of circulated coins in the Federal reserve banks and branches or in the Treasury offices.

I. IN GENERAL

3. The official agencies of the Treasury Department will continue to exchange lawfully held coins and currencies of the United States, dollar for dollar, for other coins or currencies which may be lawfully acquired and are legal tender for public and private debts.

4. Gold coin and gold certificates are exchanged only as provided in the act, orders, regulations, and instructions relating to gold and gold certificates.

II. EXCHANGE OF MUTILATED PAPER CURRENCY

5. Lawfully held paper currency of the United States (including National bank notes and Federal Reserve bank notes in process of retirement and Federal Reserve notes) when not so mutilated that less than three-fifths of the original proportions remain, will be exchanged at its face amount. Such lawfully held paper currency, when so mutilated that less than three-fifths but clearly more than two-fifths of the original proportions remain, is exchangeable only by the Treasurer of the United States, at one-half the face amount of the whole note or certificate: *Provided, however*, That it may be exchanged at face amount upon compliance with the provisions of the following paragraph. Fragments not clearly more than two-fifths are not exchangeable, unless accompanied by the evidence required in the following paragraph.

6. Fragments less than three-fifths, when identifiable as to denomination, kind and genuineness, are exchangeable at the face amount of the whole note, only by the Treasurer of the United States, when accompanied by satisfactory proof that the missing portions have been totally destroyed. This proof should be in the form of an affidavit from the owner setting forth that he is the owner and the cause and manner of destruction. If, however, the owner cannot of his own knowledge state the facts as to destruction, an affidavit or affidavits from any other person or persons having knowledge of the facts will also be required.

7. The affidavits must be subscribed and sworn to before a notary public or other officer authorized by law to administer oaths. Unless authenticated by the official impression seal of the officer, the affidavit should be accompanied by a certificate from the proper official, showing that the officer was in commission on the date of the acknowledgment. The date when the officer's commission expires should appear in any event. Should any affiant sign by mark (X), his signature must be witnessed by two persons besides the acknowledging officer, and the places of residence of the witnesses to the mark must be stated.

8. In addition to the affidavits, there should be furnished a certificate, to be executed, if possible, by an officer of an incorporated bank or trust company or by a public officer of the United States, setting forth that that officer has read the affidavits and that the affiants are reputable persons in the community and are, in the judgment of the officer, worthy of belief.

9. *Blank forms for affidavits or certificates are not furnished. No relief is granted on account of currency totally destroyed.*—The Treasurer of the United States will exercise such discretion under this regulation as may seem to him needful to protect the United States from fraud.

III. EXCHANGE OF MUTILATED COIN

10. *In general.*—Except as hereinafter provided mutilated silver and minor coins are not accepted at their face amount but at their bullion or metal value. Silver coins are mutilated when plugged, fused together, or so punched, clipped, chipped, or otherwise mutilated as to be appreciably reduced in weight, or when so defaced as to be not readily and clearly identifiable as to genuineness and denomination. Minor coins are mutilated when plugged, fused together, or so defaced as not to be readily identifiable, or when so punched or clipped or otherwise mutilated as to show a material loss of metal. Silver and minor coins that are bent or twisted out of shape, but showing no appreciable reduction in weight or material loss of metal, respectively, and silver and minor coins which are readily and clearly identifiable as to genuineness and denomination and which have been reduced in weight by natural abrasion only, are not regarded as mutilated, and will be received at face amount.

11. Silver and minor coins which have merely been so altered as to render them available for use as coins of another denomination will be received at face amount, except that such minor coins must first be certified to by a coinage mint as being genuine and otherwise eligible for receipt at such amount. A charge of 40 cents per thousand coins or *pieces* or fraction thereof, shall be made for such coins or *pieces* received and examined by such mint for certification, regardless of the number of coins in any deposit certified to as aforesaid, with a minimum charge of $1.00 for each such deposit received and examined by it. The payments so received shall be covered into the Treasury as a miscellaneous receipt. Such coins as are not certified by such mint to be eligible for receipt at their face amount, shall be accepted by such mint at their bullion or metal value or returned to the depositor at his expense.

12. Mutilated coins should not be transmitted to the Federal Reserve banks or branches or to the Treasurer of the United States but should be forwarded to such coinage mints or to the New York Assay Office as hereinafter provided, for sale at their bullion or metal value.

13. Relative to the criminal penalties connected with the defacement or mutilation of United States coins, see section 155 of the Penal Code of the United States (U. S. C. title 18, sec. 279).

14. *Standard silver dollars and subsidiary silver coins.*—Standard silver dollars and subsidiary silver coins (halves, quarters, and dimes), when rejected as mutilated, will be stamped by the receiving officer with a distinguishing mark before being returned to the owner. Such mutilated coins will be purchased at the mints at Philadelphia, San Francisco, and Denver, and the United States Assay Office in New York City, at the price fixed from time to time by the Director of the Mint, which is approximately the market price of silver bullion on the date purchased, and should be transmitted to the mints, or the assay office at New York, by registered mail or by express (charges prepaid). Payment therefor will be made by check drawn on the Treasurer of the United States.

15. *Minor coins.*—Mutilated minor coins (one-cent bronze and five-cent nickel) will be purchased at the mints in Philadelphia, San Francisco, and Denver, in lots of not less than one pound of each kind, at a price (the approximate value as metal) fixed from time to time by the Director of the Mint, and should be transmitted to the mints by registered mail or by express (charges prepaid). Payment therefor will be made by check drawn on the Treasurer of the United States.

IV. OTHER INFORMATION

16. *Shipments of coins.*—Coins forwarded for exchange or for sale as bullion must be shipped at the expense and risk of the owner. Shipments of silver or minor coins for exchange should be assorted by denomination into packages in sums or multiples of $20.00. Not more than $1,000.00 in any silver coin, $300.00 in five-cent pieces, or $100.00 in one-cent pieces, should be shipped in one bag or package.

17. By taking advantage of the facilties provided at the Federal Reserve banks and branches for the exchange of paper currency and coin, applicants are enabled to have such transactions effected within a shorter time and at a lower cost for transportation charges, as a general rule, than would be possible through the Treasurer of the United States at Washington. So far as practicable, therefore, such transactions should be handled through the Federal Reserve banks and branches.

18. The Federal Reserve banks and branches are located in Boston, Mass.; New York, N. Y.; Buffalo, N. Y.; Philadelphia, Pa.; Cleveland, Ohio; Cincinnati, Ohio; Pittsburgh, Pa.; Richmond, Va.; Baltimore, Md.; Charlotte, N. C.; Atlanta, Ga.; New Orleans, La.; Jacksonville, Fla.; Birmingham, Ala.; Nashville, Tenn.; Chicago, Ill.; Detroit, Mich.; St. Louis, Mo.; Louisville, Ky.; Memphis, Tenn.; Little Rock, Ark.; Minneapolis, Minn.; Helena, Mont.; Kansas City, Mo.; Omaha, Nebr.; Denver, Colo.; Oklahoma City, Okla.; Dallas, Tex.; El Paso, Tex.; Houston, Tex.; San Antonio, Tex.; San Francisco, Calif.; Los Angeles, Calif.; Portland, Ore.; Salt Lake City, Utah; Seattle, Wash.; and Spokane, Wash.

19. The coinage mints are located in Philadelphia, Pa.; San Francisco, Calif.; and Denver, Colo.

20. The Act of June 30, 1876, 19 Stat. 64 (U. S. C. title 31, sec. 424), provides that all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit", "altered", or "worthless" upon all fraudulent notes issued in the form of, and intended to circulate as money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national banks, they shall, upon presentation, "redeem" such notes at the face amount thereof.

21. All counterfeit notes and coins found in remittances are canceled and delivered to the Secret Service Division of the Treasury Department or to the nearest local office of that division, a receipt for the same being forwarded to the sender. Communications with respect thereto should be addressed to the Chief, Secret Service Division, Treasury Department, Washington, D. C.

[SEAL] W. A. JULIAN,
*Treasurer of the United States.*
NELLIE TAYLOE ROSS,
*Director of the Mint.*

Approved:

WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3147; Filed, October 27, 1937; 12:47 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER SUSPENDING THE LICENSE FOR MILK, RICHMOND, VIRGINIA, SALES AREA

Whereas H. A. Wallace, Secretary of Agriculture of the United States of America, acting under the provisions of Public, No. 10, 73d Congress, as amended, issued on the 30th day of April 1934 a license for milk, Richmond, Virginia, sales area, effective May 1, 1934, which license was amended on April 16, 1935; and

Whereas the Secretary of Agriculture has determined to suspend the further operation of said license,

Now, therefore, W. R. Gregg, Acting Secretary of Agriculture, acting under the authority vested in him by the Agricultural Marketing Agreement Act of 1937, which reenacted and amended certain provisions of Public, No. 10, 73d Congress, as amended, and said license, hereby suspends the further operation of said license, but any and all of the obligations which have arisen or which may hereafter arise in connection therewith, by virtue of, or pursuant to the operation of said license to the effective date of this order of suspension shall not be affected, waived or terminated hereby; and provided further, that the market administrator designated pursuant to the provisions of article III of said license shall continue to perform such duties and have such powers as are necessary to liquidate the said license.

In witness whereof, W. R. Gregg, Acting Secretary of Agriculture of the United States of America, has executed in duplicate this order suspending the further operation of the aforesaid license and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 26th day of October 1937, and hereby declares that this order shall become effective on and after 12:01 a. m., e. s. t., November 1, 1937.

[SEAL] W. R. GREGG,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3142; Filed, October 26, 1937; 2:12 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3210]

IN THE MATTER OF SAMUEL STORES, INCORPORATED, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered*, That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, November 2, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3143; Filed, October 27, 1937; 10:13 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[Statistical Series Circular No. 24]

SYSTEM CONSOLIDATED REPORTS FOR STEAM RAILWAYS, CLASS I

OCTOBER 27, 1937.

*To Chief Accounting Officers of Class I Steam Railways:*

Consideration has been given to the various comments submitted by railway accounting officers and others in regard to the tentative discussion of General Principles of System Consolidated Reports for Steam Railways issued in July 1937. Attention is now being given to the application of the general principles to individual systems. It will be of assistance in this work to have for study the various statements of this nature actually in use.

The accompanying Statistical Series Circular No. 24 was adopted by order of the Commission, Division 4, dated October 21, 1937. Your answer should be filed in the Bureau of Statistics not later than December 1, 1937.

W. P. BARTEL, *Secretary.*

ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 21st day of October 1937.

The subject of system consolidated reports being under consideration;

*It is ordered*, That—

1. Steam railways of Class I excluding switching and terminal companies, be and hereby are required to submit a

copy of each consolidated statement prepared during the calendar years 1936 and 1937 in accordance with Statistical Series Circular No. 24, which is made a part of this order.

2. The answer to said circular shall be filed in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before December 1, 1937.

By the Commission, Division 4.

[SEAL] W. P. BARTEL, *Secretary.*

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INSTRUCTIONS

This report is designed to ascertain the extent to which Class I steam railways have prepared financial, operating, statistical, or other statements: (A) Consolidating the results for the respondent with those for other companies; and (B) Consolidating the results for companies in which the respondent is directly or indirectly interested but in which consolidations the results for the respondent have not been included.

I. List *separately* in the various blocks numbered I, II (Roman), etc., below, the name or character of each and every statement (income, profit and loss, balance-sheet, operating expenses, tons originated, etc.) or partial statement, prepared by the reporting company, together with the other specified information:

(1) In which during 1936 and 1937, financial, operating, statistical, or other results of the reporting company were consolidated with those of any rail, other carrier or non-carrier company or companies.

(2) In which during 1936 and 1937, the financial, operating, statistical, or other results of any rail, other carrier or noncarrier company or companies in which the reporting company is *financially or otherwise interested*, directly or indirectly, were consolidated with each other by the respondent but not including the respondent's results.

II. Only one such consolidated statement or partial statement should be listed under Arabic number (1) in each Roman numeral block. *Use extra sheets where necessary.*

III. Where a consolidated statement containing several items, as for example the income statement, is reported, no consolidated individual items which are a part of such statement should be separately reported.

IV. Where all items of a financial, operating, statistical, or other statement or schedule are not consolidated but a partial consolidation is made, each such partially consolidated statement or schedule shall be separately reported.

V. If more than one completely or partially consolidated statement is prepared for an identical group of two or more companies, use a separate Roman numbered block for each of such statements. In this event, the names, character of business and relationships may be incorporated in the additional blocks by reference to the Roman numbered block in which the identical companies were consolidated in another statement. *Use extra sheets where necessary.*

VI. Under frequency of reports (Arabic numeral 2) specify annual, quarterly, monthly, and so forth, if such reports *are regularly prepared. If not regularly prepared*, indicate character or frequency, such as experimental, occasional, once, etc.

VII. Under the nature of the business specify rail, coal, lumber, hotel, etc.

VIII. Under nature of relationship, please be as specific as possible with regard to whether such relationship is by way of lease, operating agreement, ownership of securities, etc. In all cases where there is a financial relationship represented by ownership of securities, please specify the amount of par of bonds owned, and in the case of stock, the number of shares of preferred and/or common owned, and the percentage which your holdings of each represent of the total of each.

I. (1) Name or description of consolidated statement.

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(2) Frequency, etc.

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*Companies Consolidated*

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| Name | Nature of business, etc. | Nature of relationship, etc. |
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| | | |
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II. (1) Name or description of consolidated statement.

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(2) Frequency, etc.

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*Companies Consolidated*

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| Name | Nature of business, etc. | Nature of relationship, etc. |
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III. (1) Name or description of consolidated statement.

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(2) Frequency, etc.

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*Companies Consolidated*

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| Name | Nature of business, etc. | Nature of relationship, etc. |
|---|---|---|
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IV. (1) Name or description of consolidated statement.

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(2) Frequency, etc.

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*Companies consolidated*

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| Name | Nature of business, etc. | Nature of relationship, etc. |
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A copy of *each* completely or partially consolidated statement, marked for identification by the number of the Roman block in which it is listed in the schedule herewith, should be submitted.

OATH

State of_____,

*County of*_____, *ss:*

I, the undersigned_____
(Title of officer in charge of the accounts)

of the_____Company, on my
(Full name of reporting company)

oath do say that the annexed return has been prepared under my direction, that I have carefully examined the same and declare the same to be a complete and correct report of the partially or wholly consolidated statements prepared by the respondent in the years in question to the best of my knowledge, information and belief.

_____

Subscribed and sworn to before me this_____day of_____, 193__.

_____
(Notary Public)

My commission expires_____

[F. R. Doc. 37-3148; Filed, October 27, 1937; 12:48 p. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE BRITISH AMERICAN-M. L. THOMPSON TRACT, FILED ON SEPTEMBER 17, 1937, BY T. S. HOSE, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

T. S. Hose, having filed on September 17, 1937, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

In that the statement concerning the percentage of water in fluid produced from the tract involved, as set forth under Division II, Item 20 (b), is considered misleading for the reason that it appears that said tract is currently producing in excess of 53% water in fluid produced and that the percentage of water production has, for the past several months, been greatly in excess of that shown by the offering sheet;

*It is ordered*, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That the taking of testimony in this proceeding commence on the 16th day of November, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3146; Filed, October 27, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.



IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-V. P. LEE TRACT, FILED ON AUGUST 30, 1937, BY J. W. SAIN, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

J. W. Sain, having filed on August 30, 1937, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

In that the statement concerning the percentage of water in fluid produced from the tract involved, as set forth under Division II, Item 20 (b), is considered misleading for the reason that it appears that said tract is currently producing in excess of 21% water in fluid produced and that the percentage of water production has, for the past several months, been greatly in excess of that shown by the offering sheet;

*It is ordered*, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That the taking of testimony in this proceeding commence on the 16th day of November, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3144; Filed, October 27, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-L. F. WHIPPLE TRACT, FILED ON AUGUST 30, 1937, BY J. W. SAIN, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

J. W. Sain, having filed on August 30, 1937, with the Securities and Exchange Commission, an offering sheet for

the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

In that the statement concerning the percentage of water in fluid produced from the tract involved, as set forth under Division II, Item 20 (b), is considered misleading for the reason that it appears that said tract is currently producing in excess of 8% water in fluid produced and that the percentage of water production has, for the past several months, been greatly in excess of that shown by the offering sheet;

*It is ordered*, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That the taking of testimony in this proceeding commence on the 16th day of November, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3145; Filed, October 27, 1937; 12:46 p. m.]

*Friday, October 29, 1937* *No. 210*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

### TRANSFERRING TO THE UNITED STATES HOUSING AUTHORITY FEDERAL HOUSING PROJECTS, FUNDS, PROPERTY AND EMPLOYEES OF THE FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

By virtue of and pursuant to the authority vested in me by the United States Housing Act of 1937, approved September 1, 1937 (Public No. 412, 75th Congress), and in order to effectuate the purposes thereof, I hereby transfer to the United States Housing Authority, effective on November 1, 1937:

1. All right, interest, and title held by the Federal Emergency Administration of Public Works in any housing or slum-clearance projects constructed or in the process of construction on the date of enactment of the said Act (except certain portions or parcels of real estate, including easement rights, which the Federal Emergency Administrator of Public Works has heretofore reserved for dedication or grant pursuant to the provisions of Section 5 of the Act approved June 29, 1936, 49 Stat. 2026). Where more than one such project is located within the territorial boundaries of a city, all of the projects in that city shall be treated as a single project of the United States Housing Authority, without, however, prejudicing the power of the Authority to make separate sales, leases or other disposition of part or parts of the combined project or to make separate loans, capital grants or annual contributions in connection therewith.

2. All assets, contracts, records, applications, libraries, research materials and other property, held by the Federal Emergency Administration of Public Works in connection with housing or slum-clearance projects transferred under paragraph 1 hereof or with housing or slum-clearance activities (except those portions or parcels of real estate reserved for dedication or grant, as aforesaid); provided, however, that nothing herein shall be construed as impairing or affecting the obligation of the United States of America under any contracts transferred hereby.

3. Any unexpended balance of funds allocated to the Federal Emergency Administration of Public Works for the construction of any housing or slum-clearance projects constructed or in the process of construction on the date of enactment of the said Act (except $200,000 of the balance of funds allocated for the construction of the housing projects in Puerto Rico known as H-3600-CA and H-3600-SJA).

4. Such unexpended balances of moneys made available to the Federal Emergency Administration of Public Works for administrative expenses under the Independent Offices Appropriation Act, 1938, approved June 28, 1937 (Public No. 171, 75th Congress) as amended by the Public Works Administration Extension Act of 1937, approved June 29, 1937 (Public Res. No. 47, 75th Congress), as, with the approval of the Director of the Bureau of the Budget, the Federal Emergency Administrator of Public Works shall certify would otherwise have been used by the Housing Division of said Administration for administrative expenses.

5. All employees of the Federal Emergency Administration of Public Works who are actually serving on the effective date of this order, and who shall be certified within six months from the date of this order, by the Federal Emergency Administrator of Public Works as having been engaged in work connected with housing or slum-clearance on or prior to the date of enactment of the said Act; provided that employees transferred pursuant to this Order shall not thereby acquire a competitive civil service status, but such employees (except officers, experts and attorneys) who are transferred and whose compensation per annum is $1,980 or less may acquire a competitive civil service status after compliance with the provisions of Section 6 of Rule II of the Civil Service Rules.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 27, 1937.*

[No. 7732]

[F. R. Doc. 37-3159; Filed, October 28, 1937; 12:16 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[Regulations 80 (1937 Edition)]

### ESTATE TAX UNDER TITLE III OF THE REVENUE ACT OF 1926, AS AMENDED BY THE REVENUE ACTS OF 1928, 1932, 1934, 1935, and 1936

### ADDITIONAL ESTATE TAX UNDER TITLE II OF THE REVENUE ACT OF 1932, AS AMENDED BY THE REVENUE ACTS OF 1934, 1935, AND 1936

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Appendix.
Title III, Revenue Act of 1926, as amended—Estate Tax.
Title II, Revenue Act of 1932, as amended—Additional Estate Tax.
List of the divisions and locations of offices of internal revenue agents in charge.

## *Estate Tax*

[Except as otherwise indicated, the section references are to the Revenue Act of 1926, or the Revenue Act of 1926 as amended. References to other Revenue Acts are specific]

### TITLE III—ESTATE TAX

SEC. 300. When used in this title—

(a) The term "executor" means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent;

(b) The term "net estate" means the net estate as determined under the provisions of section 303;

(c) The term "month" means calendar month; and

(d) The term "collector" means the collector of internal revenue of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the Commissioner.



SEC. 301. (a) In lieu of the tax imposed by Title III of the Revenue Act of 1924, a tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 303) is hereby imposed upon the transfer of the net estate of every decedent dying after the enactment of this act, whether a resident or nonresident of the United States;

1 per centum of the amount of the net estate not in excess of $50,000;

2 per centum of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

3 per centum of the amount by which the net estate exceeds $100,000 and does not exceed $200,000;

4 per centum of the amount by which the net estate exceeds $200,000 and does not exceed $400,000;

5 per centum of the amount by which the net estate exceeds $400,000 and does not exceed $600,000;

6 per centum of the amount by which the net estate exceeds $600,000 and does not exceed $800,000;

7 per centum of the amount by which the net estate exceeds $800,000 and does not exceed $1,000,000;

8 per centum of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

9 per centum of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

10 per centum of the amount by which the net estate exceeds $2,000,000 and does not exceed $2,500,000;

11 per centum of the amount by which the net estate exceeds $2,500,000 and does not exceed $3,000,000;

12 per centum of the amount by which the net estate exceeds $3,000,000 and does not exceed $3,500,000;

13 per centum of the amount by which the net estate exceeds $3,500,000 and does not exceed $4,000,000;

14 per centum of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

15 per centum of the amount by which the net estate exceeds $5,000,000 and does not exceed $6,000,000;

16 per centum of the amount by which the net estate exceeds $6,000,000 and does not exceed $7,000,000;

17 per centum of the amount by which the net estate exceeds $7,000,000 and does not exceed $8,000,000;

18 per centum of the amount by which the net estate exceeds $8,000,000 and does not exceed $9,000,000;

19 per centum of the amount by which the net estate exceeds $9,000,000 and does not exceed $10,000,000;

20 per centum of the amount by which the net estate exceeds $10,000,000.

### TITLE II—ADDITIONAL ESTATE TAX. (REVENUE ACT OF 1932, AS AMENDED)

SEC. 401. Revenue Act of 1932, as amended by section 201 of the Revenue Act of 1935.

(a) In addition to the estate tax imposed by section 301 (a) of the Revenue Act of 1926, there is hereby imposed upon the transfer of the net estate of every decedent dying after the enactment of this Act, whether a resident or nonresident of the United States, a tax equal to the excess of—

(1) the amount of a tentative tax computed under subsection (b) of this section, over

(2) the amount of the tax imposed by section 301 (a) of the Revenue Act of 1926, computed without regard to the provisions of this title.

(b) The tentative tax referred to in subsection (a) (1) of this section shall equal the sum of the following percentages of the value of the net estate:

Upon net estates not in excess of $10,000, 2 per centum.

$200 upon net estates of $10,000; and upon net estates in excess of $10,000 and not in excess of $20,000, 4 per centum in addition of such excess.

$600 upon net estates of $20,000; and upon net estates in excess of $20,000 and not in excess of $30,000, 6 per centum in addition of such excess.

$1,200 upon net estates of $30,000; and upon net estates in excess of $30,000 and not in excess of $40,000, 8 per centum in addition of such excess.

$2,000 upon net estates of $40,000; and upon net estates in excess of $40,000 and not in excess of $50,000, 10 per centum in addition of such excess.

$3,000 upon net estates of $50,000; and upon net estates in excess of $50,000 and not in excess of $70,000, 12 per centum in addition of such excess.

$5,400 upon net estates of $70,000; and upon net estates in excess of $70,000 and not in excess of $100,000, 14 per centum in addition of such excess.

$9,600 upon net estates of $100,000; and upon net estates in excess of $100,000 and not in excess of $200,000, 17 per centum in addition of such excess.

$26,600 upon net estates of $200,000; and upon net estates in excess of $200,000 and not in excess of $400,000, 20 per centum in addition of such excess.

$66,600 upon net estates of $400,000; and upon net estates in excess of $400,000 and not in excess of $600,000, 23 per centum in addition of such excess.

$112,600 upon net estates of $600,000; and upon net estates in excess of $600,000 and not in excess of $800,000, 26 per centum in addition of such excess.

$164,600 upon net estates of $800,000 and upon net estates in excess of $800,000 and not in excess of $1,000,000, 29 per centum in addition of such excess.

$222,600 upon net estates of $1,000,000; and upon net estates in excess of $1,000,000 and not in excess of $1,500,000, 32 per centum in addition of such excess.

$382,600 upon net estates of $1,500,000; and upon net estates in excess of $1,500,000 and not in excess of $2,000,000, 35 per centum in addition of such excess.

$557,600 upon net estates of $2,000,000; and upon net estates in excess of $2,000,000 and not in excess of $2,500,000, 38 per centum in addition of such excess.

$747,600 upon net estates of $2,500,000; and upon net estates in excess of $2,500,000 and not in excess of $3,000,000, 41 per centum in addition of such excess.

$952,600 upon net estates of $3,000,000; and upon net estates in excess of $3,000,000 and not in excess of $3,500,000, 44 per centum in addition of such excess.

$1,172,600 upon net estates of $3,500,000; and upon net estates in excess of $3,500,000 and not in excess of $4,000,000, 47 per centum in addition of such excess.

$1,407,600 upon net estates of $4,000,000; and upon net estates in excess of $4,000,000 and not in excess of $4,500,000, 50 per centum in addition of such excess.

$1,657,600 upon net estates of $4,500,000; and upon net estates in excess of $4,500,000 and not in excess of $5,000,000, 53 per centum in addition of such excess.

$1,922,600 upon net estates of $5,000,000; and upon net estates in excess of $5,000,000 and not in excess of $6,000,000, 56 per centum in addition of such excess.

$2,482,600 upon net estates of $6,000,000; and upon net estates in excess of $6,000,000 and not in excess of $7,000,000, 59 per centum in addition of such excess.

$3,072,600 upon net estates of $7,000,000; and upon net estates in excess of $7,000,000 and not in excess of $8,000,000, 61 per centum in addition of such excess.

$3,682,600 upon net estates of $8,000,000; and upon net estates in excess of $8,000,000 and not in excess of $9,000,000, 63 per centum in addition of such excess.

$4,312,600 upon net estates of $9,000,000; and upon net estates in excess of $9,000,000 and not in excess of $10,000,000, 65 per centum in addition of such excess.

$4,962,600 upon net estates of $10,000,000; and upon net estates in excess of $10,000,000 and not in excess of $20,000,000, 67 per centum in addition of such excess.

$11,662,600 upon net estates of $20,000,000; and upon net estates in excess of $20,000,000 and not in excess of $50,000,000, 69 per centum in addition of such excess.

$32,362,600 upon net estates of $50,000,000; and upon net estates in excess of $50,000,000, 70 per centum in addition of such excess.

(c) For the purposes of this section the value of the net estate shall be determined as provided in Title III of the Revenue Act of 1926, as amended, except that in lieu of the exemption of $100,000 provided in section 303 (a) (4) of such Act, the exemption shall be $40,000.

NOTE.—Section 401 (b) of the Revenue Act of 1932 was amended by Section 405 (a) of the Revenue Act of 1934, and was further amended by section 201 (a) of the Revenue Act of 1935.

Section 401 (c) of the Revenue Act of 1932 was amended by section 201 (b) of the Revenue Act of 1935.

Section 201 (d) of the Revenue Act of 1935 reads as follows:

"The amendments made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act."

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SEC. 401. Revenue Act of 1932, as originally enacted. • • •

(b) The tentative tax referred to in subsection (a) (1) of this section shall equal the sum of the following percentages of the value of the net estate:

Upon net estates not in excess of $10,000, 1 per centum.

$100 upon net estates of $10,000; and upon net estates in excess of $10,000 and not in excess of $20,000, 2 per centum in addition of such excess.

$300 upon net estates of $20,000; and upon net estates in excess of $20,000 and not in excess of $30,000, 3 per centum in addition of such excess.

$600 upon net estates of $30,000; and upon net estates in excess of $30,000 and not in excess of $40,000, 4 per centum in addition of such excess.

$1,000 upon net estates of $40,000; and upon net estates in excess of $40,000 and not in excess of $50,000, 5 per centum in addition of such excess.

$1,500 upon net estates of $50,000; and upon net estates in excess of $50,000 and not in excess of $100,000, 7 per centum in addition of such excess.

$5,000 upon net estates of $100,000; and upon net estates in excess of $100,000 and not in excess of $200,000, 9 per centum in addition of such excess.

$14,000 upon net estates of $200,000; and upon net estates in excess of $200,000 and not in excess of $400,000, 11 per centum in addition of such excess.

$36,000 upon net estate of $400,000; and upon net estates in excess of $400,000 and not in excess of $600,000, 13 per centum in addition of such excess.

$62,000 upon net estates of $600,000; and upon net estates in excess of $600,000 and not in excess of $800,000, 15 per centum in addition of such excess.

$92,000 upon net estates of $800,000; and upon net estates in excess of $800,000 and not in excess of $1,000,000, 17 per centum in addition of such excess.

$126,000 upon net estates of $1,000,000; and upon net estates in excess of $1,000,000 and not in excess of $1,500,000, 19 per centum in addition of such excess.

$221,000 upon net estates of $1,500,000; and upon net estates in excess of $1,500,000 and not in excess of $2,000,000, 21 per centum in addition of such excess.

$326,000 upon net estates of $2,000,000; and upon net estates in excess of $2,000,000 and not in excess of $2,500,000, 23 per centum in addition of such excess.

$441,00 upon net estates of $2,500,000; and upon net estates in excess of $2,500,000 and not in excess of $3,000,000, 25 per centum in addition of such excess.

$566,000 upon net estates of $3,000,000; and upon net estates in excess of $3,000,000 and not in excess of $3,500,000, 27 per centum in addition of such excess.

$701,000 upon net estates of $3,500,000; and upon net estates in excess of $3,500,000 and not in excess of $4,000,000, 29 per centum in addition of such excess.

$846,000 upon net estates of $4,000,000; and upon net estates in excess of $4,000,000 and not in excess of $4,500,000, 31 per centum in addition of such excess.

$1,001,000 upon net estates of $4,500,000; and upon net estates in excess of $4,500,000 and not in excess of $5,000,000, 33 per centum in addition of such excess.

$1,166,000 upon net estates of $5,000,000; and upon net estates in excess of $5,000,000 and not in excess of $6,000,000, 35 per centum in addition of such excess.

$1,516,000 upon net estates of $6,000,000; and upon net estates in excess of $6,000,000 and not in excess of $7,000,000, 37 per centum in addition of such excess.

$1,886,000 upon net estates of $7,000,000; and upon net estates in excess of $7,000,000 and not in excess of $8,000,000, 39 per centum in addition of such excess.

$2,276,000 upon net estates of $8,000,000; and upon net estates in excess of $8,000,000 and not in excess of $9,000,000, 41 per centum in addition of such excess.

$2,686,000 upon net estates of $9,000,000; and upon net estates in excess of $9,000,000 and not in excess of $10,000,000, 43 per centum in addition of such excess.

$3,116,000 upon net estates of $10,000,000; and upon net estates in excess of $10,000,000, 45 per centum in addition of such excess.

(c) For the purposes of this section the value of the net estate shall be determined as provided in Title III of the Revenue Act of 1926, as amended, except that in lieu of the exemption of $100,000 provided in section 303 (a) (4) of such Act, the exemption shall be $50,000.

SEC. 405. Revenue Act of 1934.

(a) Section 401 (b) of the Revenue Act of 1932 is amended to read as follows:

"(b) The tentative tax referred to in subsection (a)(1) of this section shall equal the sum of the following percentages of the value of the net estate:

"Upon net estates not in excess of $10,000, 1 per centum.

"$100 upon net estates of $10,000; and upon net estates in excess of $10,000 and not in excess of $20,000, 2 per centum in addition of such excess.

"$300 upon net estates of $20,000; and upon net estates in excess of $20,000 and not in excess of $30,000, 3 per centum in addition of such excess.

"$600 upon net estates of $30,000; and upon net estates in excess of $30,000 and not in excess of $40,000, 4 per centum in addition of such excess.

"$1,000 upon net estates of $40,000; and upon net estates in excess of $40,000 and not in excess of $50,000, 5 per centum in addition of such excess.

"$1,500 upon net estates of $50,000; and upon net estates in excess of $50,000 and not in excess of $70,000, 7 per centum in addition of such excess.

"$2,900 upon net estates of $70,000; and upon net estates in excess of $70,000 and not in excess of $100,000, 9 per centum in addition of such excess.

"$5,600 upon net estates of $100,000; and upon net estates in excess of $100,000 and not in excess of $200,000, 12 per centum in addition of such excess.

"$17,600 upon net estates of $200,000; and upon net estates in excess of $200,000 and not in excess of $400,000, 16 per centum in addition of such excess.

"$49,600 upon net estates of $400,000; and upon net estates in excess of $400,000 and not in excess of $600,000, 19 per centum in addition of such excess.

"$87,600 upon net estates of $600,000; and upon net estates in excess of $600,000 and not in excess of $800,000, 22 per centum in addition of such excess.

"$131,600 upon net estates of $800,000; and upon net estates in excess of $800,000 and not in excess of $1,000,000, 25 per centum in addition of such excess.

"$181,600 upon net estates of $1,000,000; and upon net estates in excess of $1,000,000 and not in excess of $1,500,000, 28 per centum in addition of such excess

"$321,600 upon net estates of $1,500,000; and upon net estates in excess of $1,500,000 and not in excess of $2,000,000, 31 per centum in addition of such excess.

"$476,600 upon net estates of $2,000,000; and upon net estates in excess of $2,000,000 and not in excess of $2,500,000, 34 per centum in addition of such excess.

"$646,600 upon net estates of $2,500,000; and upon net estates in excess of $2,500,000 and not in excess of $3,000,000, 37 per centum in addition of such excess.

"$831,600 upon net estates of $3,000,000; and upon net estates in excess of $3,000,000 and not in excess of $3,500,000, 40 per centum in addition of such excess.

"$1,031,600 upon net estates of $3,500,000; and upon net estates in excess of $3,500,000 and not in excess of $4,000,000, 43 per centum in addition of such excess.

"$1,246,600 upon net estates of $4,000,000; and upon net estates in excess of $4,000,000 and not in excess of $4,500,000, 46 per centum in addition of such excess.

"$1,476,600 upon net estates of $4,500,000; and upon net estates in excess of $4,500,000 and not in excess of $5,000,000, 48 per centum in addition of such excess.

"$1,716,600 upon net estates of $5,000,000; and upon net estates in excess of $5,000,000 and not in excess of $6,000,000, 50 per centum in addition of such excess.

"$2,216,600 upon net estates of $6,000,000; and upon net estates in excess of $6,000,000 and not in excess of $7,000,000, 52 per centum in addition of such excess.

"$2,736,600 upon net estates of $7,000,000; and upon net estates in excess of $7,000,000 and not in excess of $8,000,000, 54 per centum in addition of such excess.

"$3,276,600 upon net estates of $8,000,000; and upon net estates in excess of $8,000,000 and not in excess of $9,000,000, 56 per centum in addition of such excess.

"$3,836,600 upon net estates of $9,000,000; and upon net estates in excess of $9,000,000 and not in excess of $10,000,000, 58 per centum in addition of such excess.

"$4,416,600 upon net estates of $10,000,000; and upon net estates in excess of $10,000,000, 60 per centum in addition of such excess."

(b) The amendment made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act.

ARTICLE 1. *Estate tax statutes.*—Current Federal estate taxation consists of, *first*, the estate tax imposed by the Revenue Act of 1926, as amended, and, *second*, the additional estate tax imposed by the Revenue Act of 1932, as amended.

*Basic Act.*—The Revenue Act of 1926 (Title III), enacted 10.25 a. m., eastern standard time, February 26, 1926, imposes an estate tax against which credits are allowable, under certain conditions and limitations, for Federal gift tax and for estate, inheritance, legacy, or succession taxes paid a State or Territory of the United States, or the District of Columbia. Under this Act, as amended, a specific exemption of $100,000 is authorized for the estate of a resident or citizen of the United States. Such Act is denominated the basic Act for the reason that its provisions equally apply to the additional tax imposed by the Revenue Act of 1932, as amended, save as to rates, the amount of the specific exemption, and the credits allowed for the gift tax and for estate, inheritance, legacy, or succession taxes.

*Act imposing additional estate tax.*—The Revenue Act of 1932 (Title II), enacted 5 p. m., eastern standard time, June 6, 1932, imposes an additional estate tax against which no credit is allowable for estate, inheritance, legacy, or succession taxes, although, under certain conditions and limitations, a credit is allowable for Federal gift tax. By this Act, as amended, a specific exemption of $40,000 is authorized for the estate of a resident or citizen of the United States.

*Chronological description of statutes.*—The Federal estate tax was first imposed by the Act of September 8, 1916, which authorized a specific exemption of $50,000 for the estate of a resident of the United States. This law was amended by the Act of March 3, 1917 (Title III), by increasing the rates of tax. The Revenue Act of 1917 (Title IX), imposed a tax upon the transfer of the net estate of decedents dying after October 3, 1917, in addition to the tax imposed by the Revenue Act of 1916, as amended. The Revenue Act of 1918 (Title IV), which became effective at 6:55 p. m., eastern standard time, February 24, 1919, reduced the rates applicable to net estates below $1,500,000, and contained a number of provisions not found in any of the prior Acts, among which was a special subdivision pertaining to life insurance. The Revenue Act of 1921 (Title IV) became effective at 3.55 p. m., eastern standard time, November 23, 1921. It reenacted without change the rates of Title IV of the Revenue Act of 1918, and embodied numerous minor changes.



The Revenue Act of 1924 (Part I, Title III) became effective at 4.01 p. m., eastern standard time, June 2, 1924, and, as originally enacted, increased the rates applicable to net estates in excess of $100,000, as compared with those of Title IV of the Revenue Act of 1921. It contained provisions not found in any of the prior Acts, among which was a provision authorizing a credit not in excess of 25 per cent of the tax for estate, inheritance, legacy, or succession taxes paid a State, Territory, or the District of Columbia, but did not include all of the exemptions accorded by the Revenue Act of 1921.

The Revenue Act of 1926 (Title III) increased the specific exemption authorized in the case of a resident decedent from $50,000 to $100,000, reduced the rates applicable to net estates in excess of $100,000, and amended the rates imposed by Part I, Title III, of the Revenue Act of 1924 by substituting for such rates the same rates imposed by the Revenue Acts of 1918 and 1921. This Act authorizes a credit in estates of decedents dying after its enactment for estate, inheritance, legacy, or succession taxes paid to a State, Territory, or the District of Columbia not to exceed 80 per cent of the tax imposed by the Act.

The Revenue Act of 1928 (Part I, Title II), which became effective at 8 a. m., eastern standard time, May 29, 1928, did not repeal Title III of the Revenue Act of 1926, but made certain amendments to that title and amended and supplemented the general administrative provisions of the Revenue Act of 1926. Public Resolution No. 131, Seventy-first Congress, approved 10.30 p. m., eastern standard time, March 3, 1931, amended section 302 (c) of the Revenue Act of 1926 relating to certain transfers made during the decedent's life.

The Revenue Act of 1932 imposes a tax upon the net estates of decedents dying after the effective date thereof, in addition to the tax imposed by the Revenue Act of 1926, to be assessed, collected, and paid in the same manner and subject to the same provisions of law as the tax imposed by the Revenue Act of 1926. As originally enacted it authorized a specific exemption of $50,000 for the estate of a resident. This Act also, by Title VI, amended and supplemented the provisions of the Revenue Act of 1926.

The Revenue Act of 1934 amended the Revenue Act of 1932 by increasing the rates for the computation of the additional tax with respect to the estates of decedents dying on or after May 11, 1934, and also by Tile II and Title III amended and supplemented certain provisions of the Revenue Act of 1926 and the Revenue Act of 1932, effective 11.40 a. m., eastern standard time, May 10, 1934. This Act placed the estates of nonresident citizens of the United States in the same category with estates of residents by making the specific exemptions applicable and by including for tax personal property situated outside the United States. The Revenue Act of 1935, enacted 6 p. m., eastern standard time, August 30, 1935, increased the rates for the computation of the additional tax imposed by the Revenue Act of 1932, as previously amended, reduced the specific exemption provided by the Revenue Act of 1932 from $50,000 to $40,000, and authorized an option whereby the executor may elect to have the property in the gross estate valued as of a date or dates subsequent to the date of the decedent's death. It also changed the due date of the tax from 1 year after the decedent's death to 15 months after such date. These amendments became effective with respect to the estates of decedents dying on or after August 31, 1935. The Revenue Act of 1936, enacted 9 p. m., eastern standard time, June 22, 1936, amended section 302 (d) of the Revenue Act of 1926, as amended, relative to certain transfers made during the decedent's life and made certain other amendments of the administrative provisions.

ART. 2. *Transfers and interests reached.*—In addition to property passing under a will or the intestate laws, the gross estate for the purpose of the estate tax includes, as more specifically explained hereafter in these regulations, certain transfers made during the decedent's life without an adequate and full consideration in money or money's worth, joint estates with right of survivorship, tenancies by the entirety, life insurance even though payable to beneficiaries other than the estate, property over which the decedent exercised a general power of appointment, and dower or curtesy of the surviving spouse, or statutory estate in lieu thereof.

ART. 3. *Neither a property nor an inheritance tax.*—The Federal estate tax is imposed upon the transfer of the net estate, determined in the manner prescribed by the applicable law. (See article 1.) The tax is not laid upon the property but upon the transfer of the entire net estate and not any particular legacy, devise, or distributive share. The relationship of the beneficiary to the decedent has no bearing upon the question of liability or the extent thereof. The transfer of property is taxable although it escheats to the State for lack of heirs.

*Estates Subject to Tax*

ART. 4. *Description of taxable estates.*—The tax is imposed upon the transfer of the net estate. The term "net estate" has a distinct meaning in the statute, signifying the difference between the total value of the gross estate and the total of the authorized deductions. One of the deductions authorized in the case of the estate of a resident of the United States is a specific exemption. A specific exemption is also an authorized deduction in the case of the estate of a citizen of the United States regardless of residence, if the decedent died after 11.40 a. m., eastern standard time, May 10, 1934. For detailed information regarding the specific exemption, see article 48.

There is no basis for tax if the value of the gross estate does not exceed the total amount of the authorized deductions. Whether taxable or not, a return must be filed in every case, except in the case the value of the gross estate at the date of death does not exceed the amount of the specific exemption allowable. For detailed information regarding returns, see articles 63, 64, 65, and 70.

ART. 5. *Definition of "citizen," "resident," and "nonresident."*—The statute provides (paragraph (5) of section 2 (a)) that the term "United States," when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

A resident is one who, at the time of his death, had his domicile in the United States; or one who was a citizen of the United States at the time of death and with respect to whose property any probate or administration proceedings are had in the United States Court for China. (See section 321 (a).) A missionary who, at the time of death, was serving as such under a foreign missionary board of any religious denomination in the United States, will be presumed to have died a resident of the United States, if domiciled therein at the time of his or her commission and departure for such service, and not a nonresident merely by reason of his or her intention to remain permanently in such service. (See section 303 (f).) All persons not residents of the United States as above defined, or to whom the presumption just stated does not apply, are nonresidents.

A citizen of the United States is a nonresident if his domicile is in Puerto Rico, the Philippine Islands, or other foreign country, whereas a subject or a citizen of a foreign country is a resident if his domicile is in the United States. A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of later removing therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal.

Every person born or naturalized in the United States (including citizens and residents of possessions of the United States who have been made citizens of the United States by treaty or Act of Congress) who owes his allegiance to or is entitled to the protection of the United States is a citizen thereof. When any naturalized citizen has left the United States and resided for two years or more in the foreign country from which he came, or five years or more in any other foreign country, it is presumed that he has ceased to be a citizen of the United States. This presumption does not apply, however, to residents abroad when the United States was at war, nor does it apply in the case of individuals born in the United States. However, even though an individual born in the United States of either citizen or alien parents resided in a foreign country for a number of years, he would still be a citizen of the United States unless he had become naturalized in or taken an oath of allegiance to the foreign country of residence or some other foreign state. A person who has filed his declaration of intention of becoming a citizen of the United States, but who has not yet received his final citizenship papers, is an alien.

Subsequent to the enactment of the amendments to the Revenue Act of 1926, made by the Revenue Act of 1934, different provisions control the determination of the tax liability of the estates of citizens or residents of the United States and the estates of nonresidents not citizens of the United States. Prior to the enactment of the amendments contained in the Revenue Act of 1934 the tax liability was determined on the basis of the decedent's residence within or without the United States, regardless of citizenship, except as to estates administered in the United States Court for China as in this article indicated.

*Determination of Tax Liability*

ART. 6. *Manner of determining liability.*—The first step in the determination of tax liability is to ascertain the total value of the decedent's gross estate. (See articles 10 to 28, inclusive; also article 49.) The second step is to subtract from the value of the gross estate the total amount of the deductions authorized in order to arrive at the value of the net estate. (See articles 29 to 48, inclusive, and articles 50 to 55, inclusive.) The third step is the computation of the tax and any allowable credits. (See articles 7, 8, and 9.)

If the specific exemption is applicable and the decedent died after the enactment of the Revenue Act of 1932, the net estate must be determined, for the computation of the tax imposed by the Revenue Act of 1926, on the basis of a specific exemption of $100,000, and the net estate must also be determined, for the computation of the additional tax imposed by the Revenue Act of 1932, or by the Revenue Act of 1932 as amended, on the basis of a specific exemption of $50,000 if the decedent died prior to August 31, 1935, or on a basis of a specific exemption of $40,000 if the decedent died on or after August 31, 1935.

ART. 7. *Rates of tax.*—The Revenue Act of 1916, the amendment thereto of March 3, 1917, the Revenue Act of 1917, the Revenue Act of 1918, and the Revenue Act of 1924, as originally enacted, each imposed different rates of tax. The rates imposed by the Revenue Act of 1921 are the same as those prescribed in the Revenue Act of 1918. The rates imposed by the Revenue Act of 1924, as originally enacted, were different from those prescribed in any of the prior Acts, but section 322 (a) of the Revenue Act of 1926 amended section 301 (a) of the Revenue Act of 1924, effective as of June 2, 1924, so as to impose the same rates prescribed by the Revenue Acts of 1918 and 1921. The rates imposed by the Revenue Act of 1926 are different from those prescribed in any of the prior Acts and are applicable to the estates of decedents dying after 10:25 a. m., eastern standard time, February 26, 1926, no change in its rates being made by any of the later Acts. An additional tax is imposed by the Revenue Act of 1932 which is the excess of the amount computed at the rates set forth in the Revenue Act of 1932 over the tax imposed by the Revenue Act of 1926. The rates set forth in the Revenue Act of 1932 are applicable to estates of decedents dying after 5 p. m., eastern standard time, June 6, 1932, and before May 11, 1934. The rates prescribed by the Revenue Act of 1934 for the computation of the additional tax are applicable to estates of decedents dying on or after May 11, 1934, and before August 31, 1935. The rates prescribed by the Revenue Act of 1935 for the computation of the additional tax are applicable to estates of decedents dying on or after August 31, 1935. See "Table I" and "Table II," contained in the following article, for the various rates, and such article for an explanation of the use of the tables.

ART. 8. *Computation of tax.*—The tax imposed by the Revenue Act of 1926 and earlier Acts is computed on the value of the net estate at progressively graduated rates. The additional tax imposed by the Revenue Act of 1932, or by the Revenue Act of 1932 as amended, is obtained by subtracting the tax imposed by the Revenue Act of 1926 from an amount computed on the value of the appropriate net estate at the rates set forth either in the Revenue Act of 1932, or in that Act as amended by the Revenue Act of 1934 or 1935, as the case may require. The remainder resulting from such subtraction is the additional tax imposed. In certain cases arising after the enactment of the Revenue Act of 1924, the tax is reduced by authorized credits. (See article 9). If credits are authorized, the tax computed at the rates prescribed by the Revenue Act of 1924, as amended, and the Revenue Act of 1926 and the additional tax computed under the provisions of the Revenue Act of 1932 or the Revenue Act of 1932 as amended, is the gross tax or the tax before reduction by credits. The difference between the gross tax and the credits is the net tax.

Table I shows the rates in effect under the Revenue Acts of 1935, 1934, 1932, and 1926. Table II shows the rates in effect prior to the enactment of the Revenue Act of 1926. Column (1) of Table I sets forth the total taxes imposed by the Revenue Act of 1926 and the Revenue Act of 1932, as amended by the Revenue Act of 1935 (that is, the tax imposed by section 301 (a) of the Revenue Act of 1926 and the additional tax imposed by section 401 of the Revenue Act of 1932, as amended by section 201 of the Revenue Act of 1935) upon specified amounts, and the rates whereby such total taxes may be computed upon any excess over the amounts specified. Column (2) of Table I sets forth the total taxes imposed by the Revenue Act of 1926 and the Revenue Act of 1932, as amended by section 405 of the Revenue Act of 1934, upon specified amounts and the rates for the total taxes upon the excess of such amounts. Column (3) of Table I sets forth the total taxes imposed by the Revenue Act of 1926 and the Revenue Act of 1932, prior to the enactment of the Revenue Act of 1934, upon specified amounts and the rates for the total taxes upon the excess of such amounts. Column (4) of Table I sets forth the tax imposed by the Revenue Act of 1926 upon specified amounts and the rates for the tax upon the excess of such amounts. Columns (1) to (4), inclusive, of Table II set forth the tax on specified amounts, and the rates for the tax upon the excess of such amounts, in effect for the periods shown in the headings. Column (A) of each table sets forth the specified amounts upon which the tax is shown in the first subcolumn of each of the numbered columns. Column (B) of each table indicates the respective maximum limits to which the rates shown in the second subcolumn of each of the numbered columns are applicable.

The computation under each column must be based on the applicable net estate. The amount of the net estate computed for the purpose of the additional tax in accordance with the specific exemption authorized by the Revenue Act of 1932, or by that Act as amended, differs from the amount of the net estate computed for the purpose of the tax imposed by the Revenue Act of 1926 in accordance with the larger specific exemption authorized by such Act.



*Table I (For Computation of Estate Tax)*

| (A) Net estate equaling— | (B) Net estate not exceeding— | (1) In effect on and after Aug. 31, 1935. (Tentative tax, 1932 Act as amended.) Total taxes imposed by 1926 Act and by 1932 Act as amended by 1935 Act | | (2) In effect from May 11, 1934, to Aug. 30, 1935, inclusive. (Tentative tax, 1932 Act as amended.) Total taxes imposed by 1926 Act and by 1932 Act as amended by 1934 Act | | (3) In effect from 5 p. m., eastern standard time, June 6, 1932, to May 10, 1934, inclusive. (Tentative tax, 1932 Act.) Total taxes imposed by 1926 Act and by 1932 Act | | (4) In effect after 10:25 a. m., eastern standard time, Feb. 26, 1926. Revenue Act of 1926 | |
|---|---|---|---|---|---|---|---|---|---|
| | | Tax on amount in column (A) | Rate of tax on excess over amount in column (A) | Tax on amount in column (A) | Rate of tax on excess over amount in column (A) | Tax on amount in column (A) | Rate of tax on excess over amount in column (A) | Tax on amount in column (A) | Rate of tax on excess over amount in column (A) |
| | | | *Per cent* | | *Per cent* | | *Per cent* | | *Per cent* |
| $10,000 | $10,000 | | 2 | | 1 | | 1 | | 1 |
| 20,000 | 20,000 | $200 | 4 | $100 | 2 | $100 | 2 | $100 | 1 |
| 30,000 | 30,000 | 600 | 6 | 300 | 3 | 300 | 3 | 200 | 1 |
| 40,000 | 40,000 | 1,200 | 8 | 600 | 4 | 600 | 4 | 300 | 1 |
| 50,000 | 50,000 | 2,000 | 10 | 1,000 | 5 | 1,000 | 5 | 400 | 1 |
| 70,000 | 70,000 | 3,000 | 12 | 1,500 | 7 | 1,500 | 7 | 500 | 2 |
| 100,000 | 100,000 | 5,400 | 14 | 2,900 | 9 | 2,900 | 7 | 900 | 2 |
| 200,000 | 200,000 | 9,600 | 17 | 5,600 | 12 | 5,000 | 9 | 1,500 | 3 |
| 400,000 | 400,000 | 26,600 | 20 | 17,600 | 16 | 14,000 | 11 | 4,500 | 4 |
| 600,000 | 600,000 | 66,600 | 23 | 49,600 | 19 | 36,000 | 13 | 12,500 | 5 |
| 800,000 | 800,000 | 112,600 | 26 | 87,600 | 22 | 62,000 | 15 | 22,500 | 6 |
| 1,000,000 | 1,000,000 | 164,600 | 29 | 131,600 | 25 | 92,000 | 17 | 34,500 | 7 |
| 1,500,000 | 1,500,000 | 222,600 | 32 | 181,600 | 28 | 126,000 | 19 | 48,500 | 8 |
| 2,000,000 | 2,000,000 | 382,600 | 35 | 321,600 | 31 | 221,000 | 21 | 88,500 | 9 |
| 2,500,000 | 2,500,000 | 557,600 | 38 | 476,600 | 34 | 326,000 | 23 | 133,500 | 10 |
| 3,000,000 | 3,000,000 | 747,600 | 41 | 646,600 | 37 | 441,000 | 25 | 183,500 | 11 |
| 3,500,000 | 3,500,000 | 952,600 | 44 | 831,600 | 40 | 566,000 | 27 | 238,500 | 12 |
| 4,000,000 | 4,000,000 | 1,172,600 | 47 | 1,031,600 | 43 | 701,000 | 29 | 298,500 | 13 |
| 4,500,000 | 4,500,000 | 1,407,600 | 50 | 1,246,600 | 46 | 846,000 | 31 | 363,500 | 14 |
| 5,000,000 | 5,000,000 | 1,657,600 | 53 | 1,475,600 | 48 | 1,001,000 | 33 | 433,500 | 14 |
| 6,000,000 | 6,000,000 | 1,922,600 | 56 | 1,716,600 | 50 | 1,166,000 | 35 | 508,500 | 15 |
| 7,000,000 | 7,000,000 | 2,482,600 | 59 | 2,216,600 | 52 | 1,516,000 | 37 | 653,500 | 16 |
| 8,000,000 | 8,000,000 | 3,072,600 | 61 | 2,736,600 | 54 | 1,886,000 | 39 | 813,500 | 17 |
| 9,000,000 | 9,000,000 | 3,682,600 | 63 | 3,276,600 | 56 | 2,276,000 | 41 | 983,500 | 18 |
| 10,000,000 | 10,000,000 | 4,312,600 | 65 | 3,836,600 | 58 | 2,686,000 | 43 | 1,163,500 | 19 |
| 20,000,000 | 20,000,000 | 4,962,600 | 67 | 4,416,600 | 60 | 3,116,000 | 45 | 1,353,500 | 20 |
| 50,000,000 | 50,000,000 | 11,662,600 | 69 | 10,416,600 | 60 | 7,616,000 | 45 | 3,353,500 | 20 |
| 50,000,000 | | 32,362,600 | 70 | 28,416,600 | 60 | 21,116,000 | 45 | 9,353,500 | 20 |

*Table II (For Computation of Estate Tax)*

| (A) Net estate equaling— | (B) Net estate not exceeding— | (1) In effect from 6.55 p. m., eastern standard time, Feb. 24, 1919, to 10:25 a. m., eastern standard time, Feb. 26, 1926. Revenue Acts of 1918, 1921, and 1924 | | (2) In effect from Oct. 4, 1917, to 6.55 p. m., eastern standard time, Feb. 24, 1919, inclusive. Total taxes imposed by 1916 Act as amended by Act of Mar. 3, 1917, and imposed by 1917 Act | | (3) In effect from Mar. 3, 1917, to Oct. 3, 1917, inclusive. Revenue Act of 1916 as amended by Act of Mar. 3, 1917 | | (4) In effect from Sept. 9, 1916, to Mar. 2, 1917, inclusive. Revenue Act of 1916 | |
|---|---|---|---|---|---|---|---|---|---|
| | | Tax on amount in column (A) | Rate of tax on excess over amount in column (A) | Tax on amount in column (A) | Rate of tax on excess over amount in column (A) | Tax on amount in column (A) | Rate of tax on excess over amount in column (A) | Tax on amount in column (A) | Rate of tax on excess over amount in column (A) |
| | | | *Per cent* | | *Per cent* | | *Per cent* | | *Per cent* |
| $50,000 | $50,000 | | 1 | | 2 | | 1½ | | 1 |
| 150,000 | 150,000 | $500 | 2 | $1,000 | 4 | $750 | 3 | $500 | 2 |
| 250,000 | 250,000 | 2,500 | 3 | 5,000 | 6 | 3,750 | 4½ | 2,500 | 3 |
| 450,000 | 450,000 | 5,500 | 4 | 11,000 | 8 | 8,250 | 6 | 5,500 | 4 |
| 750,000 | 750,000 | 13,500 | 6 | 27,000 | 10 | 20,250 | 7½ | 13,500 | 5 |
| 1,000,000 | 1,000,000 | 31,500 | 8 | 57,000 | 10 | 42,750 | 7½ | 28,500 | 5 |
| 1,500,000 | 1,500,000 | 51,500 | 10 | 82,000 | 12 | 61,500 | 9 | 41,000 | 6 |
| 2,000,000 | 2,000,000 | 101,500 | 12 | 142,000 | 12 | 106,500 | 9 | 71,000 | 6 |
| 3,000,000 | 3,000,000 | 161,500 | 14 | 202,000 | 14 | 151,500 | 10½ | 101,000 | 7 |
| 4,000,000 | 4,000,000 | 301,500 | 16 | 342,000 | 16 | 256,500 | 12 | 171,000 | 8 |
| 5,000,000 | 5,000,000 | 461,500 | 18 | 502,000 | 18 | 376,500 | 13½ | 251,000 | 9 |
| 8,000,000 | 8,000,000 | 641,500 | 20 | 682,000 | 20 | 511,500 | 15 | 341,000 | 10 |
| 10,000,000 | 10,000,000 | 1,241,500 | 22 | 1,282,000 | 22 | 961,500 | 15 | 641,000 | 10 |
| | | 1,681,500 | 25 | 1,722,000 | 25 | 1,261,500 | 15 | 841,000 | 10 |

An illustration of the tables' use is as follows: The net estate for the tax imposed by the Revenue Act of 1926 amounts to $1,240,000. By reference to Table I it will be seen that the specified amount in column (A) nearest to the value of the decedent's net estate but less than such value is $1,000,000. The tax upon this amount as indicated in column (4) opposite $1,000,000 in column (A) is $48,500. Upon the remainder of the net estate, $240,000, the tax is computed at the rate of 8 per cent set out in the second subcolumn of column (4) opposite $1,000,000 in column (A). The tax on this remainder is, consequently, $19,200. The following result is thus obtained:

| | | |
|---|---|---|
| Tax on | $1,000,000 | $48,500 |
| Tax on | 240,000 | 19,200 |
| Total | 1,240,000 | 67,700 |

*Example (1)* (estate subject to the tax imposed by the Revenue Act of 1926 and also to the additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935, and involving credit for State inheritance tax): A resident decedent died August 15, 1936, leaving a net estate of the value of $210,000 after deducting the specific exemption of $100,000 allowed by the Revenue Act of 1926. The tax shown in the first subcolumn of column (4) of Table I on a net estate equaling $200,000 is $4,500. As $210,000 exceeds $200,000 and falls below $400,000, the tax on the excess of $10,000 is computed at the rate of 4 per cent, the rate shown in the second subcolumn of column (4). The $400 tax on such excess added to $4,500 gives $4,900, the gross tax computed under the Revenue Act of 1926. (Credit for gift tax is not involved in this example.) It will be assumed

that the maximum amount of credit, $3,920, or 80 per cent of $4,900, is allowed for State inheritance tax. The net tax imposed by the Revenue Act of 1926 is the difference between $4,900 and $3,920, or $980. For the purpose of the additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935, the decedent's net estate after deducting the specific exemption of $40,000 is $270,000. The total gross taxes imposed by the Revenue Act of 1926 and the Revenue Act of 1932, as amended by the Revenue Act of 1935, shown in the first subcolumn of column (1) on a net estate equaling $200,000 is $26,600. As $270,000 exceeds $200,000 and falls below $400,000, the tax on the excess of $70,000 is computed at 20 per cent, the rate shown in the second subcolumn of coloumn (1). The tax on such excess is, consequently, $14,000. The $14,000 added to the $26,600 gives $40,600, the tax computed upon the net estate of $270,000 at the rates set forth in the Revenue Act of 1935. The difference between the total gross taxes imposed by the Revenue Act of 1926 and the Revenue Act of 1932, as amended by the Revenue Act of 1935, $40,600, and the gross tax, $4,900, imposed by the Revenue Act of 1926, is $35,700, the gross additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935. As in this example no credit for gift tax is involved, the amount of the gross additional tax is the same as the net additional tax. The net tax imposed by the Revenue Act of 1926, $980, added to the net additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935, $35,700, results in a total net tax of $36,680. A tabulation of this example is as follows:

| | | |
|---|---|---|
| Gross tax imposed by 1926 Act | $4,900 | |
| Credit for gift tax imposed by 1924 and/or 1932 Act | 0 | |
| Gross tax, less credit for gift tax | 4,900 | |
| Credit for estate, inheritance, legacy, or succession tax | 3,920 | |
| Net tax imposed by 1926 Act | | $980 |
| Total gross taxes imposed by 1926 Act and 1932 Act, as amended | 40,600 | |
| Gross tax imposed by 1926 Act | 4,900 | |
| Gross additional tax imposed by 1932 Act, as amended | 35,700 | |
| Credit for gift tax imposed by 1932 Act | 0 | |
| Net additional tax imposed by 1934 Act | | 35,700 |
| Total net tax | | 36,680 |

*Example* (2) (estate subject only to the additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935): The gross estate of a resident decedent who died September 1, 1936, amounts to $85,000. Deductions for administration expenses and claims against the estate are allowed in the amount of $10,000, leaving $75,000 before the deduction of the specific exemption authorized by the Revenue Act of 1926. As that exemption is $100,000, it is apparent that the estate is not subject to the estate tax imposed by such Act. However, as the specific exemption authorized by the Revenue Act of 1932, as amended by the Revenue Act of 1935, is only $40,000, the estate is subject to the additional estate tax imposed by the latter Act. For the purpose of such additional estate tax the net estate amounts to $35,000. The tax shown in the first subcolumn of column (1) of Table I on a net estate equaling $30,000 is $1,200. As $35,000 exceeds $30,000 and falls below $40,000, the tax on the excess of $5,000 is computed at 8 per cent, the rate shown in the second subcolumn of column (1). The tax on such excess is, consequently, $400. The $400 added to the $1,200 gives $1,600, the tax computed upon the net estate of $35,000 at the rates prescribed by the Revenue Act of 1935. Inasmuch as, in this example, the estate is not subject to the tax imposed by the Revenue Act of 1926, $1,600 is the gross additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935. As credit for gift tax is not involved in this example, the gross additional tax is the same as the net additional tax. It will be noted that credit for State or Territorial estate, inheritance, legacy, or succession taxes is not allowable against the additional tax imposed by the Revenue Act of 1932, or by that Act as amended.

*Example* (3) (estate subject to the tax imposed by the Revenue Act of 1926 and to the additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935, and involving credits for gift tax and for State inheritance taxes): The value of the gross estate of a resident decedent who died September 15, 1936, is $400,000 and the value of the net estate for the purpose of the tax imposed by the Revenue Act of 1926 is $225,000. The gross tax imposed by the Revenue Act of 1926 is $5,500. (See illustration for use of table in computing the tax.) On December 1, 1934, the decedent, in contemplation of death, transferred certain real property to his daughter as a gift. The value of the real property as of the date of the gift, and as of the time of death, was $155,000. As a result of this gift, a gift tax was paid in the amount of $3,625, on a net gift of $100,000 after exclusion of $5,000 and deduction of $50,000 specific exemption. (See Gift Tax Act of 1932.) As the value of the transferred real property is included in the decedent's gross estate, a credit for gift tax is allowed against the gross tax imposed by the Revenue Act of 1926 in such amount as does not exceed an amount which bears the same ratio to the gross tax, $5,500, as the value at which the taxable gift ($155,000 less the gift tax exclusion of $5,000) is included in the gross estate bears to the value of the entire gross estate. (See article 9 (a).) This ratio, which is ascertained by dividing $150,000 by $400,000, is 0.375. The credit for gift tax is, therefore, allowed in the amount which results from multiplying $5,500 by 0.375, or $2,062.50. The gross tax, $5,500, less the credit for gift tax, is $3,437.50. It will be assumed that State inheritance taxes paid equal or exceed the maximum amount of the credit allowable therefor (80 per cent of the difference between the gross tax and the gift tax credit). Accordingly, $2,750 is allowed as the credit for State inheritance taxes. The difference between $3,437.50 and $2,750 is $687.50, which is the net tax imposed by the Revenue Act of 1926.

The net estate for the purpose of the additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935, is $285,000. The total gross taxes imposed by the Revenue Act of 1926 and the Revenue Act of 1932, as amended by the Revenue Act of 1935, computed in accordance with the table is $43,600. The difference between such total gross taxes and $5,500, the gross tax computed under the Revenue Act of 1926, is $38,100, the gross additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935. The credit for gift tax against such gross additional tax (1) can not exceed an amount which bears the same ratio to the gross additional tax as the value at which the taxable gift is included in the gross estate bears to the value of the entire gross estate (38,100, the gross tax, multiplied by 0.375, the factor, equals $14,287.50), and (2) can not exceed the difference between the total amount of the gift tax and the credit for gift tax allowed against the gross tax computed under the Revenue Act of 1926. The credit here allowed is $3,625 less $2,062.50, or $1,562.50. A tabulation of this example is as follows:

| | | |
|---|---|---|
| Gross tax imposed by 1926 Act | $5,500.00 | |
| Credit for gift tax imposed by 1932 Act | 2,062.50 | |
| Gross tax less credit for gift tax | 3,437.50 | |
| Credit for estate, inheritance, legacy, or succession tax | 2,750.00 | |
| Net tax imposed by 1926 Act | | $687.50 |
| Total gross taxes imposed by 1926 and 1932 Acts, as amended | $43,600.00 | |
| Gross tax imposed by 1926 Act | 5,500.00 | |
| Gross additional tax | 38,100.00 | |
| Credit for gift tax imposed by 1932 Act | 1,562.50 | |
| Net additional tax imposed by 1932 Act, as amended | | $36,537.50 |
| Total net tax | | 37,225.00 |



*Credits Against Estate Tax*

GIFT TAX CREDIT

SEC. 301. (b) (as amended by section 801 of the Revenue Act of 1932).

(1) If a tax has been paid under Title III of the Revenue Act of 1932 on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this title, then there shall be credited against the tax imposed by subdivision (a) of this section the tax paid under such Title III with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit shall not exceed an amount which bears the same ratio to the tax imposed by subdivision (a) of this section as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate.

(2) For the purposes of paragraph (1), the amount of tax paid for any year under Title III of the Revenue Act of 1932 with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

SEC. 402. Revenue Act of 1932. (Pertaining to additional estate tax.) * * *

(b) (1) If a tax has been paid under Title III of this Act on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this title, then there shall be credited against the tax imposed by section 401 of this Act the amount of the tax paid under such Title III with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit (A) shall not exceed an amount which bears the same ratio to the tax imposed by section 401 of this Act as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate, and (B) shall not exceed the amount by which the gift tax paid under Title III of this Act with respect to so much of the property as constituted the gift as is included in the gross estate, exceeds the amount of the credit under section 301 (b) of the Revenue Act of 1926, as amended by this Act.

(2) For the purposes of paragraph (1), the amount of tax paid for any year under Title III of this Act with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

SEC. 404. Revenue Act of 1928.

Section 322 of the Revenue Act of 1924 (relating to the credit of gift tax against estate tax where the amount of the gift is required to be included in the gross estate of the decedent) is revived as of January 1, 1926 (the effective date of its repeal by the Revenue Act of 1926). Such section shall also be applied in the case of the estate tax imposed by Title III of the Revenue Act of 1926, in the same manner and to the same extent as in the case of the estate tax imposed by Title III of the Revenue Act of 1924.

SEC. 322. Revenue Act of 1924.

In case a tax has been imposed under section 319 upon any gift, and thereafter upon the death of the donor the amount thereof is required by any provision of Part I of this title to be included in the gross estate of the decedent then there shall be credited against and applied in reduction of the estate tax, which would otherwise be chargeable against the estate of the decedent under the provisions of section 301, an amount equal to the tax paid with respect to such gift; and in the event the donor has in any year paid the tax imposed by section 319 with respect to a gift or gifts which upon the death of the donor must be included in his gross estate and a gift or gifts not required to be so included, then the amount of the tax which shall be deemed to have been paid with respect to the gift or gifts required to be so included shall be that proportion of the entire tax paid on account of all such gifts which the amount of the gift or gifts required to be so included bears to the total amount of gifts in that year.

INHERITANCE TAX CREDIT

SEC. 301. (c) (as amended by section 802 (a) of the Revenue Act of 1932). The tax imposed by subdivision (a) of this section shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). The credit allowed by this subdivision shall not exceed 80 per centum of the tax imposed by subdivision (a) (after deducting from such tax the credits provided by subdivision (b)), and shall include only such taxes as were actually paid and credit therefor claimed within four years after the filing of the return required by section 304, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Board of Tax Appeals within the time prescribed in section 308, then within such four-year period or before the expiration of 60 days after the decision of the Board becomes final.

(2) If, under subdivision (b) of section 305 or subdivision (1) of section 308, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such four-year period or before the date of the expiration of the period of the extension.

Refund based on the credit may (despite the provisions of section 319) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest, except that where the overpayment was made prior to the enactment of the Revenue Act of 1932, then interest shall be allowed and paid on the amount refunded at the rate of 6 per centum per annum from the date of the overpayment to the date of such enactment.

NOTE.—Section 802 (b) of the Revenue Act of 1932 reads as follows:

"(b) If any return required by section 304 of the Revenue Act of 1926 was filed more than three years before the enactment of this Act (except in cases where a petition for redetermination of a deficiency has been filed with the Board of Tax Appeals within the time prescribed in section 308) the credit for estate, inheritance, legacy, or succession taxes shall be determined as if this section had not been enacted."

SEC. 402. Revenue Act of 1932. (Petaining to additional estate tax.)

(a) The credit provided in section 301 (c) of the Revenue Act of 1926, as amended (80 per centum credit), shall not be allowed in respect of such additional tax.

ART. 9. (a) *Credit for gift tax.*—The estate is entitled, with certain limitations, to credit against the estate tax for Federal gift tax paid in respect of property included in the gross estate.

(1) *Credit against estate tax imposed by the Revenue Act of 1926.*—In accordance with the provisions of section 301 (b) of the Revenue Act of 1926, as amended by section 801 of the Revenue Act of 1932, credit for gift tax paid on gifts made by the decedent under the Gift Tax Act of 1932, or under that Act as amended, is allowed against the estate tax imposed by section 301 (a) of the Revenue Act of 1926. Such credit can not exceed an amount which bears the same ratio to the gross tax computed under the provisions of the Revenue Act of 1926 as the value of the property which was included for the purpose of the gift tax and also included in the gross estate bears to the value of the entire gross estate. In computing this ratio, the value of such property is the value determined for the purpose of the gift tax or the value determined for the purpose of the estate tax, whichever is the lower. In accordance with section 322 of the Revenue Act of 1924, as revived and extended by section 404 of the Revenue Act of 1928, credit for the entire amount of gift tax paid under the Revenue Act of 1924 in respect of property included in the gross estate is allowed against the estate tax imposed by section 301 (a) of the Revenue Act of 1926.

(2) *Credit against additional estate tax imposed by the Revenue Act of 1932, or by that Act as amended.*—In accordance with the provisions of section 402 of the Revenue Act of 1932 credit for gift tax paid on gifts made by the decedent under the Gift Tax Act of 1932, or under that Act as amended, is allowed against the additional estate tax imposed by section 401 (a) of the Revenue Act of 1932, or by that Act as amended. Such credit can not exceed an amount which bears the same ratio to the gross additional estate tax computed under the provisions of the Revenue Act of 1932, or that Act as amended, as the value of the property which was included for the purpose of the gift tax and also included in the gross estate bears to the value of the entire gross estate. In computing this ratio, the value of such property is the value determined for the purpose of the gift tax or the value determined for the purpose of the estate tax, whichever is the lower. Fur-

thermore, the credit can not exceed the difference between the total amount of such gift tax paid and the amount of the credit therefor against the estate tax imposed by the Revenue Act of 1926. No credit for gift tax paid under the Revenue Act of 1924 is allowed against the additional estate tax imposed by section 401 (a) of the Revenue Act of 1932, or that Act as amended.

Property included for the purpose of the gift tax and also included in the gross estate does not embrace any portion of the gift excluded under the provisions of subsection (b) of section 504 of the Gift Tax Act of 1932, and due allowance must be made for any such exclusions when computing the credit in accordance with the limitations set forth in the foregoing paragraphs (1) and (2). For example: A donor, in contemplation of death, transferred property then valued at $100,000 to his five children, and paid the resulting gift tax. The property is thereafter included in his gross estate for the purpose of the estate tax at a value of $80,000. As the total value of the property at the time of the gift was $100,000 and the amount of $25,000 was excluded under the provisions of subsection (b) of section 504 of the Gift Tax Act of 1932, $75,000, or three-fourths of the property, was included for the purpose of the gift tax. As the total value of the property determined for the purpose of the estate tax is $80,000, the value of three-fourths thereof is $60,000. Since $60,000 is the lower of the two values ($75,000 and $60,000), this amount is used in computing the ratio.

If only a part of the property, included for the purpose of a gift tax imposed upon transfers made during a certain calendar year, is also included in the decedent's gross estate for the purpose of the estate tax, the gift tax paid in respect of such a part of the property is an amount which bears the same ratio to the total gift tax paid for such calendar year as the value of such part of the property bears to the total amount of the net gifts (computed without deduction of the specific exemption) for such year. For the purpose of computing this proportion the values finally determined for the purpose of the gift tax control, irrespective of the values determined for the purpose of the estate tax.

If all of the property, included for the purpose of a gift tax imposed upon transfers made during a certain calendar year, is included in the decedent's gross estate for the purpose of the estate tax, the gift tax paid in respect of the property included in the gross estate is the amount of the gift tax paid for that calendar year.

*Example:* On July 15, 1932, a resident donor gave his son a yacht valued at $50,000 as a wedding present. On August 15, 1932, the decedent donated $50,000 in cash to a charitable organization. On December 1, 1932, he transferred to his wife real property valued at $100,000 in contemplation of death. The total amount of gifts for the year 1932 for the purpose of the gift tax is $185,000, $5,000 for each of the three donees being excluded from the total gifts under the provisions of the Gift Tax Act of 1932. After deducting $50,000 specific exemption and $45,000 for the gift to the charitable organization, the net gifts amount to $90,000. The gift tax on the net gifts, $3,125, was paid. The donor died on December 10, 1936, and the value of the real property transferred in contemplation of death is included in his gross estate for the purpose of the estate tax. The gift tax paid in respect of the property included in the gross estate is an amount which bears the same ratio to $3,125 as $95,000 bears to $140,000, or $2,120.54. Note that $95,000 is the portion of the real property subject to gift tax ($100,000 less the excluded $5,000) and that $140,000 is the amount of the net gifts computed without deduction of the specific exemption, $50,000.

The credit is allowable even though the gift tax was paid by the executor after the decedent's death and the amount of the gift tax is deductible from the gross estate as a debt of the decedent.

For a further illustration of the computation of gift tax credit, see the last example in article 8.

(*b*) *Credit for estate, inheritance, legacy, or succession taxes.*—Under the provisions of section 301 (c) of the Revenue Act of 1926, as amended, the estate is entitled, under certain conditions, to a credit against the Federal estate tax imposed by section 301 (a) of the Revenue Act of 1926 for estate, inheritance, legacy, or succession taxes actually paid with respect to the estate of the decedent to any of the several States, Territories, or the District of Columbia. The credit is limited to 80 percent of such Federal estate tax, after deduction of the credit allowed, if any, against such tax for Federal gift taxes paid. No credit for payment of estate, inheritance, legacy, or succession taxes is allowed against the additional tax imposed by the Revenue Act of 1932, or by that Act as amended. The credit is limited to the amount of estate, inheritance, legacy, or succession taxes paid to any State, Territory, or the District of Columbia in respect to property included in the gross estate of the decedent for Federal estate tax purposes.

The credit is also limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return, except as otherwise provided in this paragraph. If a petition was filed with the Board of Tax Appeals for the redetermination of a deficiency within the time prescribed by section 308 (see article 76), the credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the expiration of 60 days after the decision of the Board becomes final, whichever period is the longer. If the return was filed after, or less than three years before, the enactment of the Revenue Act of 1932 and an extension of time was granted for payment of the tax shown on the return or of a deficiency, the credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the date of the expiration of the extension, whichever period is the longer. If the return was filed more than three years before the enactment of the Revenue Act of 1932, except in cases in which a petition for redetermination of a deficiency has been filed with the Board of Tax Appeals within the time prescribed by section 308, the credit is limited to such taxes as were actually paid and credit therefor claimed within three years after the filing of the return. Should the executor, in accordance with the provisions of section 305 (e), as added by section 811 (a) of the Revenue Act of 1932, elect to postpone the payment of the Federal estate tax attributable to a reversionary or remainder interest, the credit allowable against the Federal estate tax attributable to such interest is limited to estate, inheritance, legacy, or succession taxes attributable to such interest as are actually paid to any State, Territory, or the District of Columbia and credit therefor claimed prior to the expiration of 60 days after the termination of the precedent interest. (See article 82 (b).)

Refund based on the credit, despite the provisions of section 319, will be made if claim therefor is filed within the period provided for filing claim for credit. Such refunds will be made without interest unless the overpayment was made prior to the enactment of the Revenue Act of 1932, in which case interest upon the amount refunded is allowable on the amount of the refund at the rate of 6 per cent per annum from the date of the overpayment to the date of the enactment of the Revenue Act of 1932.

Before the Commissioner allows any credit for any estate, inheritance, legacy, or succession taxes, there must be submitted to him the following:

(1) Certificate of the proper officer of the taxing State, Territory, or District of Columbia showing: (*a*) the total amount of tax imposed (before adding interest and penalties and before allowing discount); (*b*) the amount of discount allowed; (*c*) the amount of penalties and interest imposed or charged; (*d*) the total amount actually paid in cash; and (*e*) the date of payment.

(2) A certificate of the above-mentioned officer showing whether (*a*) a claim for refund of such taxes or any part thereof is pending and (*b*) whether a refund of such taxes or any part thereof has been authorized. If any refund has been made, the date, the amount thereof, and a description of the property or interest in respect to which such refund was made must be shown in the certificate.



The evidence described above should be filed with the return, but if that is not convenient or possible, then it should be submitted to the investigating officer verifying the return, or, if the investigation of the estate has been completed, it should be transmitted to the Commissioner.

The Commissioner may require the submission of such additional proof as is deemed necessary to establish the right to the credit. For example, he may require an itemized list of the property in respect to which any such taxes were imposed, certified by the officer having custody of the records pertaining to such taxes for the State or Territory involved or the District of Columbia, and an affidavit of the executor stating whether any litigation has been instituted, or appeal taken, or any such action is designed or contemplated by him, or, to his knowledge, by any beneficiary or other person, the final determination of which may affect the amount of such taxes.

If, subsequent to the allowance of a credit by the Commissioner, a refund is made of any such estate, inheritance, legacy, or succession taxes, the executor, or if the refund is made after the executor's discharge, then any person or persons to whom the refund is made, is required to advise the Commissioner of the date of the refund and the amount thereof, furnish the Commissioner with a description of the property or interest in respect to which the refund was made, and pay the Federal estate tax, if any, due as a result of such refund, together with interest.

### *Gross Estate—Valuation*

SEC. 302 (as amended by section 404 of the Revenue Act of 1934). The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States— * * *

(j) (as added by section 202 (a) of the Revenue Act of 1935). If the executor so elects upon his return (if filed within the time prescribed by law or prescribed by the Commissioner in pursuance of law), the value of the gross estate shall be determined by valuing all the property included therein on the date of the decedent's death as of the date one year after the decedent's death, except that (1) property included in the gross estate on the date of death and, within one year after the decedent's death, distributed by the executor (or, in the case of property included in the gross estate under subdivision (c), (d), or (f) of this section, distributed by the trustee under the instrument of transfer), or sold, exchanged, or otherwise disposed of, shall be included at its value as of the time of such distribution, sale, exchange, or other disposition, whichever first occurs, instead of its value as of the date one year after the decedent's death, and (2) any interest or estate which is affected by mere lapse of time shall be included at its value as of the time of death (instead of the later date) with adjustment for any difference in its value as of the later date not due to mere lapse of time No deduction under this title of any item shall be allowed if allowance for such item is in effect given by the valuation under this subdivision. Wherever in any other subdivision or section of this title or in Title II of the Revenue Act of 1932, reference is made to the value of property at the time of the decedent's death, such reference shall be deemed to refer to the value of such property used in determining the value of the gross estate. In case of an election made by the executor under this subdivision, then for the purposes of the deduction under section 303 (a) (3) or section 303 (b) (3), any bequest, legacy, devise, or transfer enumerated therein shall be valued as of the date of decedent's death with adjustment for any difference in value (not due to mere lapse of time or the occurrence or nonoccurrence of a contingency) of the property as of the date one year after the decedent's death (substituting the date of sale or exchange in the case of property sold or exchanged during such one-year period).

NOTE.—Section 202 (b) of the Revenue Act of 1935 reads as follows:

"The amendment made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act."

ART. 10. *Valuation of property.*—(*a*) *General.*—The value of every item of property includible in the gross estate is the fair market value thereof at the time of the decedent's death; or, if the executor elects in accordance with the provisions of article 11, it is the fair market value thereof at the date therein prescribed or such value adjusted as therein set forth. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell. The fair market value of a particular kind of property includible in the gross estate is not to be determined by a forced sale price or by an estimate of what a whole block or aggregate would fetch if placed upon the market at one and the same time. Such value is to be determined by ascertaining as a basis the fair market value as of the applicable valuation date of each unit of the property. For example, in the case of shares of stock or bonds, such unit of property is a share or a bond. All relevant facts and elements of value as of the applicable valuation date should be considered in every case. Depreciation or appreciation in value subsequent to the valuation date are not relevant factors and will not be considered.

(*b*) *Real estate.*—The property should not be returned at the local assessed value thereof unless such value represents the fair market value as of the applicable valuation date. (See article 12 for the manner of listing and describing real estate.)

(*c*) *Stocks and bonds.*—The value of stocks and bonds, within the meaning of the statute, is the fair market value per share or bond on the applicable valuation date.

The value of stocks and bonds listed upon a stock exchange shall be obtained by taking the mean between the highest and lowest quoted selling prices upon the valuation date. If the valuation date is on a Sunday or a legal holiday, the transactions of the next previous business day will govern. If there were no sales on the valuation date, the value shall be determined by taking the mean between the highest and lowest sales upon the nearest date either before or after the valuation date, if within a reasonable period thereof. If the security was listed upon more than one exchange, the records of the exchange where the security is principally dealt in should be employed. In valuing listed stocks and bonds the executor should observe care to consult accurate records to obtain values as of the applicable valuation date.

If the securities are not listed upon an exchange, but are dealt in through brokers, or have a market, the value shall be determined by taking the mean between the highest and lowest selling prices as of the valuation date, or, if there were no sales on that date, of the nearest date either before or after the valuation date upon which sales were made, if within a reasonable period. If quotations are obtained from brokers, or evidence as to the sale of securities is obtained from the officers of the issuing companies, the executor should preserve in his files the letters furnishing such quotations or evidence of sale for inspection when the return is verified by an investigating officer.

In case securities are quoted on a bona fide bid and asked basis, and actual sales are not available, the mean between the bid and asked prices as of the applicable valuation date, or the nearest date thereto if within a reasonable time thereof, will be accepted as the value.

If the value of a security can not be determined by sales, or from bid and asked prices, as prescribed in the preceding provisions, then, in the case of corporate or other bonds, the value is to be arrived at by giving consideration to the soundness of the security, the interest yield, the date of maturity, and other relevant factors, and, in the case of shares of stock, upon the basis of the company's net worth, earning power, dividend-paying capacity, and all other relevant factors having a bearing upon the value of the stock. Complete financial and other data upon which the valuation is based should be submitted with the return.

In exceptional cases in which it is established by clear and convincing evidence that the value per bond or share of any security determined upon the basis of selling or bid and asked prices as herein provided does not reflect the fair market value thereof, other relevant facts and elements of value will be considered in determining the fair market value. The size of holdings of any security to be included in the gross estate is not a relevant factor and will not be considered in such determination.

The full value of securities pledged to secure an indebtedness of the decedent should be included in the gross estate.

If the decedent had a trading account with the broker, all securities belonging to the decedent and held by the broker at the date of death must be included at their fair market value as of the applicable valuation date. Securities purchased on margin for the decedent's account and held by the broker should also be returned at their fair market value as of the applicable valuation date. The amount of the decedent's indebtedness to the broker or other person with whom securities were pledged will be allowed as a deduction from the gross estate in accordance with articles 29, 36, and 52. (See article 12 for manner of listing and describing stocks and bonds.)

(*d*) *Interest in business.*—Care should be taken to arrive at an accurate valuation of any business in which the decedent was interested, whether as partner or proprietor. A fair appraisal as of the applicable valuation date should be made of all the assets of the business, tangible and intangible, including good will, and the business should be given a net value equal to the amount which a willing purchaser, whether an individual or corporation, would pay therefor to a willing seller in view of the net value of the assets and the demonstrated earning capacity. Special attention should be given to fixing an adequate figure for the value of the good will of the business in all cases in which the decedent has not agreed, for an adequate and full consideration in money or money's worth, that his interest therein shall pass at his death to his surviving partner or partners.

The factors hereinbefore stated relative to the valuation of other property, if applicable, will be considered in determining the valuation of an interest in a business held as proprietor or partner. All evidence bearing upon such valuation should be submitted with the return, including copies of reports in any case in which examinations of the business have been made by accountants, engineers, or any technical experts as of or near the applicable valuation date.

(*e*) *Notes, secured and unsecured.*—The value of notes, whether secured or unsecured, will be presumed to be the amount of unpaid principal, plus interest to the applicable valuation date, unless the executor establishes a lower value, or it is shown that they are worthless. However, items of interest should be separately listed on the estate tax return. Unless returned at face value, together with accrued interest, it must be shown by satisfactory evidence that the note is worth less than the unpaid amount because of the interest rate, or date of maturity, or other cause, or that it is uncollectible, either in whole or in part, by reason of the insolvency of the party or parties liable, or for other cause, and that the property, if any, pledged or mortgaged as security is insufficient to satisfy it.

(*f*) *Cash on hand or on deposit.*—The amount of cash belonging to the decedent, either in his possession at the date of death or in the possession of another, or deposited with a bank, should be included. If bank checks outstanding at the time of the decedent's death, given in discharge of bona fide, legal obligations of the decedent incurred for an adequate and full consideration in money or money's worth, and not as transfers coming within the provisions of section 302 (c) or (d) are subsequently honored by the bank and charged to the account, the balance remaining may be returned, provided the payments effected thereby are not claimed as deductions from the gross estate.

(*g*) *Household and personal effects.*—All household and personal effects of the decedent should be included at the price which a willing buyer would pay to a willing seller. A room by room itemization is desirable. All the articles should be named specifically, except that a number of articles contained in the same room, none of which has a value in excess of $50, may be grouped. A separate value should be given for each article named. The executor may furnish, in lieu of an itemized list, a sworn statement, in duplicate, setting forth the aggregate value of the property as appraised by a competent appraiser, or appraisers of recognized standing and ability, or by a dealer or dealers in the class of personalty involved.

If, however, there is included among the household and personal effects, articles having marked artistic or intrinsic value of a total value in excess of $2,000, such as jewelry, silverware, paintings, etchings, engravings, antiques, books, statuary, vases, oriental rugs, collections of coins and stamps, the appraisal of an expert or experts, under oath, should be filed with the return, Form 706, accompanied by the affidavit, in duplicate, of the executor as to the completeness of the itemized list of such property and of the disinterested character and the qualifications of the appraiser or appraisers.

If it is desired to effect distribution or sale of any portion of the household or personal effects in advance of the investigation by an officer of the Bureau of Internal Revenue, information to that effect should be given to the internal revenue agent in charge for the division wherein the decedent was domiciled at the date of his death, or if such household and personal effects were not located in such division, then to the Commissioner. The statement to the internal revenue agent in charge should be accompanied by a verified appraisal of such property and an affidavit of the executor as to the completeness of the list of such property and the qualifications of the appraiser, as already referred to, but such an appraisal and affidavit need not be in duplicate. If a personal inspection by an officer of the Bureau is not deemed necessary, the executor will be so advised. This procedure is designed to facilitate disposition of such property and to obviate future expense and inconvenience to the estate by affording the Commissioner an opportunity to make an investigation should one be deemed necessary prior to sale or distribution. (For location of the offices of the internal revenue agents in charge and the territory embraced in each division, see Appendix.)

If expert appraisers are employed care should be taken to see that they are reputable and of recognized competency to appraise the particular class of property involved. In the appraisal, books in sets by standard authors should be listed in separate groups. In listing paintings having artistic value, the size, subject, and artist's name should be stated. In the case of oriental rugs, the size, make, and general condition should be given. Sets of silverware should be listed in separate groups. Groups or individual pieces of silverware should be weighed and the weights given in troy ounces. In arriving at the value of silverware, the appraisers should take into consideration its antiquity, utility, desirability, condition, and obsolescence.

(*h*) *Other property.*—Any property not specifically treated in this article should be valued in accordance with the rule laid down in subdivision (*a*) hereof. Live stock, farm machinery, harvested and growing crops should be itemized and the value of each item separately returned.

(*i*) *Annuities, life, remainder, and reversionary interests.*—(1) If the executor adopts the option set forth in article 11, any annuity, life, remainder, or reversionary interest includible in the gross estate should be valued as of the date of the decedent's death in accordance with the provisions of this article and then such value should be adjusted as explained in article 11 for any difference in value between the date of death and the applicable subsequent date due to causes other than mere lapse of time. If the executor does not adopt the option set forth in article 11, the value of any such interest should be computed as hereinafter prescribed without such further adjustment for any decrease or increase in the value of the property subsequent to the date of death.

(2) The value of an annuity contract issued by a company regularly engaged in the selling of contracts of that character is established through the sale by that company of comparable contracts.

(3) All other future payments are to be discounted upon the basis of compound interest at the rate of 4 per cent a year. If the time of payment or of payments is dependent upon the continuation of, or upon the termination of a life or of lives, the Actuaries' or Combined Experience Table of Mortality, as extended, and established actuarial principles are to be used in the computation of the present worth. For the purpose of the computation the age of a person is to be taken as the age of that person at his nearest birthday. Table A, a part of this article, gives factors applicable to a case in which only one life is involved. (See paragraphs (4) to (8), inclusive.) Table B, a part of this article, gives factors applicable to a case in which only a term-certain is involved. (See paragraphs (9) to (11), inclusive.) If the time of payment or of payments is dependent upon the continuation of, or termination of more than one life, or there is a term-certain concurrent with one or more lives, a special computation in accordance with the first two sentences of this paragraph is necessary. A case requiring a special computation may be stated to the Commissioner who will furnish the applicable factor, provided such request is made sufficiently in advance of the due date of the return. Such request must fully disclose all relevant facts. The date of birth of each person, the duration of whose life may affect the value of the interest, should be established by affidavit.

(4) If the decedent had a remainder interest in property subject to the life estate of another, the present worth of the remainder interest at the time of death should be obtained by multiplying the value of the property at the time of death by the figure in column 3 of Table A opposite the number of years nearest to the actual age of the life tenant.

*Example:* The decedent was entitled to receive property worth $50,000 upon the death of his elder brother, to whom the income for life had been bequeathed. The brother at the time of the decedent's death was 31 years 5 months old. By reference to Table A, it is found that the figure in column 3, opposite 31 years, is 0.31262. The present worth at the date of death of the remainder interest is, therefore, $15,631 ($50,000 multiplied by 0.31262).

(5) In case the decedent was entitled to receive an annuity of a definite amount during the lifetime of another person, payable at the end of annual periods, the present worth at the time of the decedent's death must be computed upon the basis of the value of a life annuity at the age of the other person. The amount payable annually should be multiplied by the figure in column 2 of Table A opposite the number of years in column 1 nearest to the actual age of the other person.

*Example:* The decedent received under the terms of his father's will an annuity of $10,000 for the life of his elder brother. The brother at the decedent's death was 40 years 8 months old. By reference to Table A, the figure in column 2 opposite 41 years, the number nearest to the brother's actual age, is found to be 14.86102. The present worth of the annuity at the date of the decedent's death is therefore $148,610.20.

(6) If an annuity under which the decedent was entitled to receive during the life of another payments at the end of each semiannual quarterly or monthly period, the value of the annuity is to be determined by multiplying the aggregate amount to be paid within a year by the figure in column 2 of Table A opposite the number of years in column 1 nearest the actual age of the person whose life measures the duration of the annuity, and then multiplying the product by 1.01820 for monthly payments, by 1.01488 for quarterly payments, or by 1.00990 for semiannual payments.

*Example:* If, in the example given in paragraph (5), the annuity is payable in semiannual installments of $5,000 at the end of each semiannual period, the aggregate annual amount, $10,000, should be multiplied by the factor 14.86102, and the product should be multiplied by 1.00990. The present worth at the date of death of the annuity is, therefore, $150,081.44 ($10,000×14.86102×1.00990).

(7) If the first payment of an annuity for the life of an individual is to be paid at once, the value of the annuity is the sum of the first payment plus the present worth of a similar annuity, the first payment of which is not to be made until the end of the first period.

*Example:* The decedent was entitled to receive an annuity of $50 a month payable during the life of another. The decedent died on the day a payment was due. At the date of his death the person whose life measures the duration of the annuity was then 50 years of age. The value of the annuity at the date of decedent's death is $50 plus the product of $50×12×12.47032 (see Table A)×1.01820 (see preceding paragraph), or $7,668.38 [$50 plus ($50×12×12.47032 ×1.01820)].

(8) If the decedent was entitled to receive the entire income of certain property during the life of another person, or was entitled to the use of nonincome-producing property during the life of another person, a hypothetical annuity at a rate of 4 per cent of the value of the property should be made the basis of the calculation.

*Example:* The decedent was entitled to receive the income from a fund of $100,000 during the life of a person 41 years old. The value of a hypothetical annuity of $4,000, dependent upon the life of such a person, is indicated by the table to be $59,444.08 ($4,000 multiplied by 14.86102).

(9) If the decedent was entitled to receive property at the end of a specified number of years after his death, Table B or an extension thereof should be used.

*Example:* The decedent is entitled to receive $100,000 at the end of 30 years. The value of his right is the product of $100,000 multiplied by 0.308319 the factor in column 3, Table B, opposite 30 years in column 1.

(10) If an annuity under which the decedent was entitled to receive during a term-certain payments at the end of each semiannual, quarterly, or monthly period, the value of the annuity is to be determined by multiplying the aggregate amount to be paid within a year by the applicable factor in column 2 of Table B and the product is to be multiplied by 1.01820 for monthly payments, by 1.01488 for quarterly payments, or by 1.00990 for semiannual payments.

*Example:* The decedent was an annuitant for a term-certain, being entitled to $1,000 annually payable in installments of $500 at the end of each semiannual period. A semiannual payment of $500 had been made just before the death of the decedent and there remained 20 payments to be made over a period of 10 years. The value of the annuity as of the date of the decedent's death is the product of $500×2×8.11089 (see Table B) ×1.01820, or $8,258.51.

(11) If the first payment of an annuity for a definite number of years is to be paid at once, the applicable factor is the product of the factor shown in Table B multiplied by 1.02154 for monthly payments, by 1.02488 for quarterly payments, by 1.02990 for semiannual payments, or by 1.04 for annual payments.

*Example:* The decedent was the beneficiary of an annuity of $50 a month. On the day a payment was due, the decedent died. There were 300 payments to be made, including the payment due. The value of the annuity as of the date of decedent's death is the product of $50×12×15.62208 (see Table B)×1.02154, or $9,575.15 ($50×12×15.62208×1.02154).

TABLE A.—*Table, single life, 4 per cent, showing the present worth of an annuity, or a life interest, and of a reversionary interest*

| 1 | 2 | 3 | 1 | 2 | 3 |
|---|---|---|---|---|---|
| Age | Annuity, or present value of $1 due at the end of each year during the life of a person of specified age | Reversion, or present value of $1 due at the end of the year of death of a person of specified age | Age | Annuity, or present value of $1 due at the end of each year during the life of a person of specified age | Reversion, or present value of $1 due at the end of the year of death of a person of specified age |
| | *Annuity* | *Reversion* | | *Annuity* | *Reversion* |
| 0 | $14.72829 | $0.395078 | 8 | $19.61057 | $0.20727 |
| 1 | 17.30771 | .295869 | 9 | 19.53413 | .21022 |
| 2 | 18.69578 | .2424710 | 10 | 19.45359 | .21332 |
| 3 | 19.15601 | .2246511 | 11 | 19.36943 | .21656 |
| 4 | 19.41226 | .2149112 | 12 | 19.28184 | .21993 |
| 5 | 19.55301 | .2095013 | 13 | 19.19095 | .22344 |
| 6 | 19.61731 | .2070314 | 14 | 19.09590 | .22708 |
| 7 | 19.62502 | .2067315 | 15 | 18.99764 | .23086 |

TABLE A.—*Table, single life, 4 per cent, showing the present worth of an annuity, etc.*—Continued.

| 1 Age | 2 Annuity, or present value of $1 due at the end of each year during the life of a person of specified age | 3 Reversion, or present value of $1 due at the end of the year of death of a person of specified age | 1 Age | 2 Annuity, or present value of $1 due at the end of each year during the life of a person of specified age | 3 Reversion, or present value of $1 due at the end of the year of death of a person of specified age |
|---|---|---|---|---|---|
| | *Annuity* | *Reversion* | | *Annuity* | *Reversion* |
| 16 | $18.89569 | $0.23478 | 58 | $10.04630 | $0.57514 |
| 17 | 18.79010 | .23884 | 59 | 9.73131 | .58726 |
| 18 | 18.68070 | .24305 | 60 | 9.41474 | .59943 |
| 19 | 18.56751 | .24740 | 61 | 9.09765 | .61163 |
| 20 | 18.45038 | .25191 | 62 | 8.78052 | .62383 |
| 21 | 18.32932 | .25656 | 63 | 8.46412 | .63600 |
| 22 | 18.20416 | .26138 | 64 | 8.14888 | .64812 |
| 23 | 18.07471 | .26636 | 65 | 7.83552 | .66017 |
| 24 | 17.94097 | .27150 | 66 | 7.52476 | .67212 |
| 25 | 17.80274 | .27682 | 67 | 7.21699 | .68397 |
| 26 | 17.65984 | .28231 | 68 | 6.91298 | .69565 |
| 27 | 17.51224 | .28799 | 69 | 6.61301 | .70719 |
| 28 | 17.35968 | .29386 | 70 | 6.31716 | .71857 |
| 29 | 17.20225 | .29991 | 71 | 6.02612 | .72976 |
| 30 | 17.03961 | .30617 | 72 | 5.74003 | .74077 |
| 31 | 16.87176 | .31262 | 73 | 5.45928 | .75157 |
| 32 | 16.69846 | .31929 | 74 | 5.18402 | .76215 |
| 33 | 16.51954 | .32617 | 75 | 4.91463 | .77251 |
| 34 | 16.33503 | .33327 | 76 | 4.65125 | .78264 |
| 35 | 16.14437 | .34060 | 77 | 4.39383 | .79254 |
| 36 | 15.94755 | .34817 | 78 | 4.14296 | .80220 |
| 37 | 15.74427 | .35599 | 79 | 3.89858 | .81159 |
| 38 | 15.53421 | .36407 | 80 | 3.66071 | .82074 |
| 39 | 15.31722 | .37241 | 81 | 3.42900 | .82965 |
| 40 | 15.09295 | .38104 | 82 | 3.20288 | .83836 |
| 41 | 14.86102 | .38996 | 83 | 2.98024 | .84691 |
| 42 | 14.62122 | .39918 | 84 | 2.76106 | .85534 |
| 43 | 14.37356 | .40871 | 85 | 2.54366 | .86371 |
| 44 | 14.11860 | .41852 | 86 | 2.32795 | .87200 |
| 45 | 13.85713 | .42857 | 87 | 2.11384 | .88024 |
| 46 | 13.58958 | .43886 | 88 | 1.90115 | .88842 |
| 47 | 13.31698 | .44935 | 89 | 1.69107 | .89650 |
| 48 | 13.03942 | .46002 | 90 | 1.48540 | .90441 |
| 49 | 12.75716 | .47088 | 91 | 1.28432 | .91214 |
| 50 | 12.47032 | .48191 | 92 | 1.09024 | .91961 |
| 51 | 12.17919 | .49311 | 93 | .90547 | .92667 |
| 52 | 11.88408 | .50446 | 94 | .73687 | .93320 |
| 53 | 11.58531 | .51595 | 95 | .58435 | .93906 |
| 54 | 11.28325 | .52757 | 96 | .46182 | .94378 |
| 55 | 10.97789 | .53931 | 97 | .36698 | .94742 |
| 56 | 10.66982 | .55116 | 98 | .24038 | .95229 |
| 57 | 10.35931 | .56310 | 99 | .00000 | .96154 |

TABLE B.—*Table Showing the Present Worth at 4 Per Cent of an Annuity for a Term-Certain, and of a Reversionary Interest Postponed for a Term-Certain*

| 1 Number of years | 2 Present worth of an annuity of $1, payable at the end of each year, for a certain number of years | 3 Present worth of $1, payable at the end of a certain number of years | 1 Number of years | 2 Present worth of an annuity of $1, payable at the end of each year, for a certain number of years | 3 Present worth of $1, payable at the end of a certain number of years |
|---|---|---|---|---|---|
| | *Annuity* | *Reversion* | | *Annuity* | *Reversion* |
| 1 | $0.96154 | $0.961538 | 16 | $11.65229 | $0.533908 |
| 2 | 1.88609 | .924556 | 17 | 12.16567 | .513373 |
| 3 | 2.77509 | .888996 | 18 | 12.65929 | .493628 |
| 4 | 3.62989 | .854804 | 19 | 13.13394 | .474642 |
| 5 | 4.45182 | .821927 | 20 | 13.59032 | .456387 |
| 6 | 5.24214 | .790314 | 21 | 14.02916 | .438834 |
| 7 | 6.00205 | .759918 | 22 | 14.45111 | .421955 |
| 8 | 6.73274 | .730690 | 23 | 14.85684 | .405726 |
| 9 | 7.43533 | .702587 | 24 | 15.24696 | .390121 |
| 10 | 8.11089 | .675564 | 25 | 15.62208 | .375117 |
| 11 | 8.76047 | .649581 | 26 | 15.98277 | .360689 |
| 12 | 9.38507 | .624597 | 27 | 16.32958 | .346816 |
| 13 | 9.98565 | .600574 | 28 | 16.66306 | .333477 |
| 14 | 10.56312 | .577475 | 29 | 16.98371 | .320651 |
| 15 | 11.11839 | .555265 | 30 | 17.29203 | .308319 |

ART. 11. *Optional valuation date.*—In general, the object of subdivision (j) of section 302 is to make provision whereby the amount of tax otherwise payable may be lessened when, within the year following the decedent's death, the gross estate has suffered a shrinkage in its aggregate value.

If the decedent died after August 30, 1935, the executor may, by an election upon his return, Form 706, if filed within the time prescribed by law or prescribed by the Commissioner in pursuance of law, have the property which was included in the gross estate on the date of decedent's death valued as of the applicable dates, as follows:

(1) Any property distributed, sold, exchanged, or otherwise disposed of within one year after the decedent's death, valued as of the date of such distribution, sale, exchange, or other disposition, whichever first occurs;

(2) Any property not distributed, sold, exchanged, or otherwise disposed of within such 1-year period, valued as of the date one year after the date of the decedent's death;

(3) Any property, interest, or estate which is affected by mere lapse of time, valued as of the date of decedent's death; except that an adjustment is to be made for any difference in its value, not due to such lapse of time, as of the date one year after the date of decedent's death, or as of the date of its distribution, sale, exchange, or other disposition, whichever date first occurs.

Property "distributed" is limited to distributions thereof by the executor, or by the trustee in the case of property included in the gross estate under subdivision (c), (d), or (f) of section 302, as amended. Distribution may be effected by the entry of the order or decree of distribution, or, if there is no such order or decree, by the segregation or separation of the property from the estate or the trust, or by the actual paying over or delivery of the property to the person entitled thereto by the will, or under the law, or by the terms of the trust.

The sale, exchange, or other disposition, to which subdivision (j) refers, may be one made by the executor, or by the trustee of property included in the gross estate under subdivision (c), (d), or (f) of section 302, as amended, or by any other person to whom the property had not been distributed by the executor or by such a trustee, or to whom it had not passed from the gross estate as the result of a sale, exchange, or other disposition thereof, as, for example, a sale, exchange, or other disposition by an heir, devisee, donee or grantee to whom the decedent in his lifetime transferred the property, or by the survivor of the decedent if the property had been held by them subject to the right of survivorship.

Property, in the case of a sale, exchange, or other disposition thereof within the 1-year period, is to be valued as of the date when it ceases to form a part of the gross estate, that is, the date when the title passes as the result of its sale, exchange, or other disposition. The terms "distributed", "sold", "exchanged", "or otherwise disposed of" comprehend all possible ways by which property may be separated or passed from the gross estate. Thus, money on hand at decedent's death which is thereafter used in the payment of the funeral expenses, or in settlement of claims against the estate, or is invested, falls within the term "otherwise disposed of."

The property to be valued as of one year after the date of decedent's death, or as of date of decedent's death, or as of some intermediate date, is the property included in the gross estate on the date of the decedent's death. As property and its value are separate and distinct, the former denoting legal rights, the latter the monetary measure of such rights, and as subdivision (j) treats of the two separately, it will be necessary in every case first to determine what property constituted the gross estate at decedent's death. Subdivisions of section 302, as amended, other than subdivision (j), supply the information necessary to that determination, subdivision (j) being, in the main, confined to the date or dates as at which the value is to be ascertained.

Interest-bearing obligations, such as bonds and notes, embody two promises, one to pay principal and the other to pay interest, and both promises are a part of the gross estate at the death of the decedent, if the obligation was then owned by him, or had been previously so transferred by him, or at his death there was vested in him any such right or power in or with respect to the obligation as to bring it within any of the other subdivisions of section 302, as amended. If the valuation date is that of decedent's death, the principal of the obligation and interest then accrued and unpaid thereon



are to be valued as of that date. If the valuation date is subsequent to death, the principal and interest then accrued and unpaid are to be valued as of that date. The valuation date of any part payment of principal or of any installment of interest, made between decedent's death and the date as at which the obligation is to be valued, will be the date of such payment. Like rules will govern, so far as applicable, when any other obligation is involved, as, for example, one calling for the payment of rent or a royalty. Thus, in the case of rent, if the realty and the obligation to pay the rent reserved were parts of the gross estate at the time of decedent's death, the value of the former must be determined as of the applicable valuation date, and also the value of the rent then accrued and unpaid reserved by the latter. The valuation date of any rent paid in the interim pursuant to the rental obligation will be the date of its payment.

As in the case of bonds and notes, the interest accrued and unpaid upon a judgment on the date as of which the judgment is to be valued is to be included in the valuation. The valuation date of any part payment of the judgment, or of any interest thereon (without regard to whether earned before or after decedent's death), made between decedent's death and the date as of which the judgment is to be valued, will be the date of such payment.

When corporate stock is a part of the gross estate at decedent's death, and a dividend in partial liquidation is thereafter paid on or before the date as of which the stock is to be valued, the valuation date of such dividend will be the date of its payment. Similarly, a dividend paid within the same period out of earnings, whether the earnings are made or accumulated prior or subsequent to decedent's death, will be valued as of the date of its payment. Earnings of the corporation neither declared as a dividend nor paid between decedent's death and the valuation date of the stock, will be reflected in the value of the stock. But a dividend declared prior to the valuation date of the stock and payable subsequent thereto will not be so reflected if the stock is selling "ex dividend" on such valuation date, but is to be valued as of that date.

Differing from payments of principal and interest in the case of bonds and notes, those made upon a judgment are not pursuant to a promise but to an obligation imposed by law, which obligation, in its totality, is a part of the gross estate at decedent's death if coming within any of the other subdivisions of section 302, as amended. So, too, liquidating dividends and dividends paid from earnings are not pursuant to a promise but are referable to legal rights inherent in stock ownership.

By way of illustrating the operation of subdivision (j), there is given the following example in which the death of the decedent will be taken to have occurred December 1, 1935:

| Description | Valuation date | Value at valuation date | Value at date of death |
|---|---|---|---|
| Improved real estate—not disposed of within year following decedent's death | Dec. 1, 1936 | $30,000 | $35,000 |
| Rents accrued but unpaid under lease antedating decedent's death | Dec. 1, 1936 | 900 | 500 |
| Rent paid Jan. 1, 1936 | Jan. 1, 1936 | 500 | |
| Bonds sold June 1, 1936 | June 1, 1936 | 59,400 | 60,000 |
| Interest accrued and unpaid thereon | June 1, 1936 | 400 | 400 |
| Interest paid Apr. 1, 1936 | Apr. 1, 1936 | 1,200 | |
| Corporate stock—distributed to legatee Nov. 1, 1936 | Nov. 1, 1936 | 100,000 | 200,000 |
| Cash dividend paid upon such stock Aug. 1, 1936 | Aug. 1, 1936 | 100,000 | |
| Bonds matured and paid Oct. 1, 1936 | Oct. 1, 1936 | 12,000 | 12,000 |
| Interest accrued | | | 80 |
| Interest paid at maturity | Oct. 1, 1936 | 240 | |
| Interest paid Apr. 1, 1936 | Apr. 1, 1936 | 240 | |
| Corporate stock—not disposed of within year following decedent's death, and upon which no dividend was paid in that period | Dec. 1, 1936 | 50,000 | 100,000 |
| Total value of gross estate pursuant to the election | | 354,980 | |
| Total value of gross estate as of date of decedent's death | | | 407,980 |

Properties, interests, or estates which are affected by mere lapse of time include patents, estates for the life of a person other than the decedent, remainders, reversions, and other like properties, interests, or estates. The phrase "affected by mere lapse of time" has no reference to obligations for the payment of money, whether or not interest-bearing, the value of which changes with the passing of time. However, such an obligation, like any other property, may become affected by lapse of time when made the subject of a bequest or transfer which itself is creative of an interest or estate so affected.

The date of valuation of any property, interest, or estate so affected is, as prescribed in subdivision (j), the date of decedent's death, but with an adjustment to be made of the value then obtaining, which adjustment, while disregarding any later increase or decrease in value due solely to lapse of time, adds to or subtracts from the value at death any difference between that value and the value as of the date one year after decedent's death, or the applicable intermediate date, if, and to the extent that, such difference was due to a cause or causes other than lapse of time. Accordingly, in the valuation of any property, interest, or estate affected by lapse of time, the difference between its value at decedent's death and its value as of the later date must be analyzed to determine the portion of such difference attributable to other cause or causes, and that portion only is to be applied in adjusting the value as of the date of the decedent's death. If, for example, the decedent owned a patent which on the date of his death had an unexpired term of 10 years and a value of $100,000, and if the patent was sold 6 months after the decedent's death, at which time, because of the lapse of time and other causes, only $65,000 was realized therefor, the value would be determined as follows:

| | | |
|---|---|---|
| Value of patent on date of decedent's death | | $100,000 |
| Difference between value on date of death and date of sale ($100,000 minus $65,000) | $35,000 | |
| Portion of such difference due to the 6 months elapsing between date of death and date of sale (one-half of 10 per cent of $100,000) | 5,000 | |
| Portion of difference due to causes other than lapse of time | | 30,000 |
| Adjusted value of patent | | 70,000 |

Or, to give another example, it may be supposed that the decedent was entitled to receive property which, at the time of his own death, was worth $50,000 upon the death of another person who was entitled to the income therefrom for life and who was 31 years old at the time of the decedent's death. The value at decedent's death of his remainder interest would, as explained in article 10 (i) of these regulations, be $15,631, and if, due to economic conditions, the property declined in value and became worth $40,000 one year after the date of decedent's death, the value of the remainder interest would be determinable in the following manner:

| | |
|---|---|
| Value of remainder interest at decedent's death ($50,000 times factor (0.31262) shown opposite age 31 A, for age 32) | 12,771.60 |
| Value of remainder interest one year after decedent's death ($40,000 times factor (0.31929) shown in Table A, for age 32) | 12,771.60 |
| Net difference due in part to decline in value of the property and in part to increase in the value of the remainder interest due to lapse of time | 2,859.40 |
| Elimination of the increase due to lapse of time ($50,000 times the difference between the factor for age 32 and the factor for age 31, or 0.00667) | 333.50 |
| Portion of the difference in value due to the decline in value of the property | 3,192.90 |
| Value of remainder interest at decedents' death | 15,631.00 |
| Less portion of difference not due to lapse of time | 3,192.90 |
| Adjusted value of remainder interest | 12,438.10 |

(The amount of the adjustment may be computed more readily by multiplying the decline in the value of the prop-

erty ($10,000) by the factor (0.31929) applicable to the later date.)

Deductions authorized under section 303 are limited to the extent that allowance thereof is not, in effect, given in the valuing of the gross estate. Property passing by decedent's will, or passing by a transfer made by the decedent in his lifetime (if the transfer was such as to require the property transferred to be included in the gross estate) to or for any such public, charitable, or religious uses as are described in section 303 (a) (3) or in section 303 (b) (3), is deductible at its value as of the date of the decedent's death, subject, however, to adjustment for any difference in value one year after such death, or at the date of the sale or exchange in the case of property sold or exchanged during such 1-year period. But no such adjustment may take into account any difference in value due to lapse of time or to the occurrence or nonoccurrence of a contingency.

The election is available to the executor only at the time the return is filed, and only if the return is filed within 15 months from the decedent's death, or within the period of an extension of time for filing granted under the provisions of article 68 or 69 of these regulations. The election applies to all the property included in the gross estate on the date of the decedent's death. It can not be applied only to a portion of such property. The election, if exercised, can not be rescinded.

In every case where the election is exercised, the return, Form 706, must set forth (1) an itemized description of all property included in the gross estate on the date of the decedent's death, together with the value of each item as of that date, (2) an itemized disclosure of all distributions, sales, exchanges, and other dispositions of any of the property during the 1-year period after the decedent's death, together with the dates thereof, and (3) the value of each item of property determined in accordance with the provisions of subdivision (j). The amount of any income accrued and unpaid at the date of the decedent's death on each item of principal, the amount of any income collected or otherwise realized thereon after the decedent's death and prior to the date as of which the item of principal is to be valued, and the amount of any income accrued and unpaid thereon at such subsequent valuation date, shall be separately shown. All the information indicated by Form 706 must be supplied. Statements as to distributions, sales, exchanges, and other dispositions of the property within the 1-year period must be supported by evidence. If the court makes an order or decree of distribution during that period, a certified copy thereof must be submitted as part of the evidence. The Commissioner may require the submission of such additional evidence as is deemed necessary.

ART. 12. *Description of property listed on return.*—In listing upon the return the property constituting the gross estate (other than household and personal effects, as to which see article 10 (*g*)), the description thereof should be such that the property may be readily identified. Thus, a legal description should be given of each parcel of real estate, and if located in a city the name of street and number, its area, and, if improved, a short statement of the character of the improvements. Description of bonds should include number held, principal amount, name of obligor, date of maturity, rate of interest, date or dates on which interest is payable, series number if there is more than one issue, the exchange upon which listed, or the principal business office of the corporation, if unlisted. Description of stocks should include number of shares, whether common or preferred, and, if preferred, what issue thereof, par value, quotation at which returned, exact name of corporation, and, if the stock is unlisted, the location of the principal business office and State in which incorporated and the date of incorporation. If a listed security, state principal exchange upon which sold. Description of notes should include name of maker, date on which given, date of maturity, amount of principal, amount of principal unpaid, rate of interest and whether simple or compound, date to which interest has been paid and amount of unpaid interest. Description of land contracts received should include name of vendee, date of contract, description of property, sale price, initial payment, amounts of installment payments, unpaid balance of principal and accrued interest, interest rate and date prior to decedent's death to which interest had been paid.

Description of bank accounts should disclose name and address of depository, amount on deposit, whether a checking, savings, or a time-deposit account, rate of interest, if any payable, amount of interest accrued and payable, and serial number. Description of life insurance should give the name of the insurer, number of policy, name of the beneficiary, and the amount of the proceeds. For every policy of life insurance listed on the return, the executor must procure a statement by the company on Form 712 and file it with the collector. (See article 28.) In describing an annuity, the name and address of the grantor of the annuity should be given, or if payable out of a trust or other funds such a description as will fully identify it. If payable for a term of years, the duration of the term and the date on which it began should be given, and if payable for the life of a person other than the decedent, the date of birth of such person should be stated. Judgments should be described by giving the title of the cause and the name of the court in which rendered, date of judgment, name and address of judgment debtor, amount of judgment, rate of interest to which subject, whether any payments have been made thereon, and, if so, when and in what amounts.

*Gross Estate—General*

SEC. 302 (as amended by section 404 of the Revenue Act of 1934). The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States—

(a) To the extent of the interest therein of the decedent at the time of his death; • • •

ART. 13. *Property of decedent at time of death.*—It is designed by the foregoing provision of the statute that there shall be included in the gross estate all property of the decedent, whether real or personal, tangible or intangible, the beneficial ownership of which was in the decedent at the time of his death, except real property situated outside the United States.

If the decedent died prior to 10.25 a. m., eastern standard time, February 26, 1926, the test which determines that a given interest is to be included in the gross estate under the provisions of subdivisions (a) of the corresponding sections of the Revenue Acts prior to that of 1926 is whether the property, after death, shall be subject to: (1) Payment of the charges against the estate; (2) payment of the expenses of administration; and (3) distribution as a part of the estate. This test is not applicable if the decedent died subsequent to the effective date of the Revenue Act of 1926.

All real property situated in the United States and owned by the decedent at the date of his death should be included in the gross estate, whether the decedent was a resident or a non-resident, a citizen or an alien, and whether the property came into the posesssion and control of the executor or administrator or passed directly to heirs or devisees. If the decedent was a resident (or a nonresident citizen who died after the enactment of the Revenue Act of 1934), all personal property owned by him should be included, wherever situated. If the decedent was a nonresident alien (or, regardless of citizenship, was a nonresident who died prior to the enactment of the Revenue Act of 1934), so much of his personal property as had its situs in the United States at the time of his death should be included, and the value of his entire gross estate, wherever situated, should be disclosed, if deductions are claimed. (See articles 52 to 54.) As to the situs of the personal property of nonresident alien decedents, or nonresident decedents, regardless of citizenship, who died prior to the enactment of the Revenue Act of 1934, see article 50.

The value of a vested remainder should be included in the gross estate. Nothing should be included, however, on account of a contingent remainder in the case the contingency does not happen in the lifetime of the decedent, and the interest consequently lapses at his death. Nor should anything be included on account of an interest or an estate limited for the life of the decedent. There should be included, however, the value of a reversionary interest retained by the decedent, which reverts upon the termination of a particular estate or in case of his prior death passes to others. There should also be included the value of an annuity payable to, or an interest or an estate vested in, the decedent for the life of another person who survives him. For rules in valuing such remainders, annuities, and interests or estates *pur autre vie*, see article 10 (*i*).

A cemetery lot owned by the decedent is part of his gross estate, but its value is limited to the salable value of such part of it as is not designed for the interment of the decedent or members of his family. Property subject to homestead or other exemptions under local law must be included in the gross estate. Notes or other claims held by the decedent should be included, though they are canceled by his will. As to the valuation of notes and claims, see article 10 (*e*).

Outstanding dividends and accrued interest should be included in the gross estate. Dividends on either common or preferred stock should be separately listed on the return if declared prior to the applicable valuation date, and not reflected in the market value of the stock on that date. Thus, dividends both declared and payable to holders of record on a date prior to the valuation date, should be separately included, provided the stock is valued "ex dividend" on the valuation date.

*Example:* A 5 per cent dividend upon stock is declared March 1, payable on April 1, to stockholders of record on March 15. If the applicable valuation date is March 10, and the market value on that day was 90, the value to be returned for both stock and dividend is 90, the dividend being reflected in the market value of the stock. If the applicable valuation date is March 20, the dividend is not reflected in the market value, and must be returned in addition to the market value of the stock on March 20.

As to the inclusion of dividends, interest, and other income paid after the date of the decedent's death and before the subsequent valuation date, in case the executor exercises the option prescribed by section 302 (j), see article 11.

Various statutory provisions, which exempt bonds, notes, bills, and certificates of indebtedness of the Federal Government or its agencies and the interest thereon from taxation, are not applicable to the estate tax, since this tax is an excise tax on the transfer, and is not a tax on the property transferred. However, in case the decedent was a nonresident alien not engaged in business in the United States, bonds, notes, and certificates of indebtedness of the United States, beneficially owned by such alien, should not be included.

*Gross Estate—Dower and Curtesy*

SEC. 302 (as amended by section 404 of the Revenue Act of 1934). The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States— • • •

(b) To the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower, curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy; • • •

ART. 14. *Dower and curtesy.*—The provision of section 302 (b) includes dower and curtesy and all interests created by statute in lieu thereof, although the estate or interest so created may differ in character from dower or curtesy. The effect of the provision is to require the inclusion of the full value of the property, without deduction of the value of the interest of the surviving husband or wife, and without regard to the time when the right to such an interest arose. This provision does not apply to the estate of any decedent dying after September 8, 1916, and prior to 6:55 p. m., February 24, 1919 (the effective date of Title IV of the Revenue Act of 1918), unless the property has its situs in a jurisdiction wherein dower, curtesy, or the statutory interest in lieu thereof is subject to the payment of charges against the estate, the expenses of its administration, and is subject to distribution as part of the estate, or unless there has been an election to take property devised or bequeathed in lieu of dower, curtesy, or such statutory interest, and the property so taken has its situs in a jurisdiction by the laws of which it is subject to the payment of such charges and expenses, and to distribution as a part of the estate.



*Gross Estate—Transfers by Decedent in His Lifetime*

SEC. 302 (as amended by section 404 of the Revenue Act of 1934). The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States— • • •

(c) (as amended by Joint Resolution of March 3, 1931, Public, No. 131, Seventy-first Congress, and by section 803 (a) of the Revenue Act of 1932) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, or of which he has at any time made a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from, the property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;

(d) (as amended by section 401 of the Revenue Act of 1934, and by section 805 (a) of the Revenue Act of 1936) (1) To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona-fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of decedent's death.

(2) For the purposes of this subdivision the power to alter, amend, or revoke shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the alteration, amendment, or revocation takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose if the notice has not been given or the power has not been exercised on or before the date of his death, such notice shall be considered to have been given, or the power exercised, on the date of his death.

(3) The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title; • • •

(f) If any one of the transfers, trusts, interests, rights, or powers, enumerated and described in subdivisions (c), (d), and (f) of this section is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value at the time of death of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

SEC. 303. (d) (as amended by section 804 of the Revenue Act of 1932) • • • For the purposes of this title, a relinquishment or promise of relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth".

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SEC. 302. (c) (as originally enacted) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death,

except in case of a bona fide sale for an adequate and full consideration in money or money's worth. Where within two years prior to his death but after the enactment of this Act and without such a consideration the decedent has made a transfer or transfers, by trust or otherwise, of any of his property, or an interest therein, not admitted or shown to have been made in contemplation of or intended to take effect in possession or enjoyment at or after his death and the value or aggregate value, at the time of such death, of the property or interest so transferred to any one person is in excess of $5,000, then, to the extent of such excess, such transfer or transfers shall be deemed and held to have been made in contemplation of death within the meaning of this title. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death but prior to the enactment of this Act, without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;

Joint Resolution of March 3, 1931 (Public, No. 131, Seventy-first Congress):

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first sentence of subdivision (c) of section 302 of the Revenue Act of 1926 is amended to read as follows:

"To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, including a transfer under which the transferor has retained for his life or any period not ending before his death (1) the possession or enjoyment of, or the income from, the property or (2) the right to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth."

SEC. 302. (d) (as originally enacted) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death but after the enactment of this Act without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall be deemed and held to have been made in contemplation of death within the meaning of this title:

SEC. 401. Revenue Act of 1934.

Section 302 (d) of the Revenue Act of 1926 is amended to read as follows:

"(d) (1) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth.

"(2) For the purposes of this subdivision the power to alter, amend, or revoke shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the alteration, amendment, or revocation takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose if the notice has not been given or the power has not been exercised on or before the date of his death, such notice shall be considered to have been given, or the power exercised, on the date of his death.

"(3) The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;"

SEC. 805. Revenue Act of 1936.

(a) Section 302 (d) (1) of the Revenue Act of 1926, as amended, is amended to read as follows:

"(d) (1) To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona-fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of decedent's death."

(b) Except in the case of transfers made after the date of the enactment of this Act, no interest of the decedent of which he has made a transfer shall be included in the gross estate under such section 302 (d) (1) unless it was includible under such section before its amendment by this section.

ART. 15. *Transfers during life.*—The following classes of transfers made by the decedent prior to his death, whether in trust or otherwise, if not constituting bona fide sales for an adequate and full consideration in money or money's worth, are subject to the tax: (1) transfers in contemplation of death (see article 16); (2) transfers to the extent that title remained in the decedent at the time of his death and the passing thereof was conditioned upon his death (see article 17); (3) transfers under which the decedent reserved or retained (in whole or in part) the use, possession, rents, or other income or enjoyment of the transferred property, for his life, or for a period not ascertainable without reference to his death, or for a period of such duration as to evidence an intention that it should extent to his death; including also the reservation or retention of the use, possession, rents, or other income, the actual enjoyment of which was to await the termination of a transferred precedent interest or estate (see article 18); (4) transfers under which the decedent retained the right, either alone or in conjunction with another person or persons, to designate who should possess or enjoy the property or the income therefrom (see article 19); and (5) transfers under which the enjoyment of the transferred property was subject at decedent's death to a change through the exercise, either by the decedent alone or in conjunction with another person or persons, of a power to alter, amend, revoke, or terminate, or such a power was relinquished in contemplation of decedent's death (see articles 20 and 21).

The value of transferred property includible in the gross estate is the value thereof at the date of decedent's death, or if the executor has duty elected pursuant to the provisions of section 202 of the Revenue Act of 1935 (by which section subdivision (j) was added to section 302 of the Revenue Act of 1926, as amended) to have the value of the gross estate determined as of the dates therein prescribed, then the value will be that as of the applicable date or dates so prescribed (see article 11). If a portion only of the property was so transferred as to come within the terms of the statute, only a corresponding proportion of the value of the property should be included in ascertaining the value of the gross estate. If the transferee has made additions to the property, or betterments, the enhanced value of the property due thereto should not be included.

To constitute a bona fide sale for an adequate and full consideration in money or money's worth the transfer must have been made in good faith, and the price must have been an adequate and full equivalent reducible to a money value. If the price was less than such a consideration, only the excess of the fair market value of the property (as of the date of decedent's death, or as of the applicable date under such an election as is mentioned in the last preceding paragraph) over the price received by the decedent should be included in ascertaining the value of the gross estate. For the purposes of the tax a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in decedent's property or estate, is not to any extent a consideration in money or money's worth.

In case a transfer, by trust or otherwise, was made by a written instrument, duplicate copies thereof should be filed with the return. If of public record, one of the copies should be certified; if not of record, one copy should be verified. If the decedent was a nonresident, only one copy, certified or verified, need be filed.

All transfers made by the decedent during his life of an amount of $5,000 or more, except bona fide sales for an adequate and full consideration in money or money's worth, must be disclosed in the return, whether the executor regards such transfers as subject to the tax or not. If the executor believes that such a transfer is not subject to the tax a brief statement of the pertinent facts should be made.



ART. 16 *Transfers in contemplation of death.*—Transfers in contemplation of death made by the decedent after September 8, 1916, other than bona fide sales for an adequate and full consideration in money or money's worth, must be included in the gross estate. A transfer in contemplation of death is subject to the tax although the decedent parted absolutely and immediately with his title to, and possession and enjoyment of, the property.

A transfer in contemplation of death is a disposition of property prompted by the thought of death. The phrase "contemplation of death" as used in the statute is not limited to contemplation of imminent death or to an apprehension that death is near at hand. Death must be "contemplated," that is, the motive which induces the transfer must be such that leads to testamentary disposition. A gift inter vivos which springs from a motive essentially associated with life rather than with death is not made in contemplation of death.

As the phrase "transfer in contemplation of death" is applicable to many varying transactions, the circumstances of each case must be examined to ascertain the motive which induced the decedent to make the transfer. If the transfer results from mixed motives, one of which is the thought of death, the more compelling motive controls. A condition of the mind or body of the transferor (whether occasioned by old age or disease) which naturally prompts a testamentary disposition to a proper object of his bounty, will be considered a decisive test of contemplation of death in the absence of proof of the existence of purposes associated with life as the dominant motive for the transfer.

Any transfer without an adequate and full consideration in money or money's worth, made by the decedent within two years of his death, of a material part of his property in the nature of a final disposition or distribution thereof, is, unless shown to the contrary, deemed to have been made in contemplation of death. This provision applies even though the decedent died subsequent to the effective date of the Revenue Act of 1926 and prior to the effective date of the Revenue Act of 1932.

If the executor contends that the value of a transfer of $5,000 or more made by the decedent subsequent to September 8, 1916, should not be included in the gross estate because he considers that such transfer was not made in contemplation of death, he should file sworn statements with the return, in duplicate, of all the material facts and circumstances, including those directly or indirectly indicating the decedent's motive in making the transfer and his mental and physical condition at that time, and one copy of the death certificate.

The fact that a gift was made as an advancement to be taken into account upon the final distribution of the decedent's estate is not, in and of itself, determinative of its taxability. (See article 15.)

ART. 17. *Transfers conditioned upon survivorship.*—The statutory phrase, "a transfer * * * intended to take effect in possesion or enjoyment at or after his death," includes a transfer by the decedent (other than a bona fide sale for an adequate and full consideration in money or money's worth) whereby and to the extent that the beneficial title to the property (if the transfer was in trust), or the legal title thereto (if the transfer was otherwise than in trust), remained in the decedent at the time of his death and the passing thereof was subject to the condition precedent of his death. If the tax applies, it does so without regard to the time of the transfer, whether before or after the enactment of the Revenue Act of 1916.

On the other hand, if, as a result of the transfer, there remained in the decedent at the time of his death no title or interest in the transferred property, then no part of the property is to be included in the gross estate merely by reason of a provision in the instrument of transfer to the effect that the property was to revert to the decedent upon the predecease of some other person or persons or the happening of some other event. (See article 15.)

ART. 18. *Transfers with possession or enjoyment retained.*—(a) *Transfers included.*—The statutory phrase, "a transfer * * * intended to take effect in possession or enjoyment at or after his death," includes a transfer, whether in trust or otherwise, made subject to the reservation or retention by the decedent of the use, or the possession, or the rents or other income or enjoyment of the transferred property, or any part thereof, for his life, or for a period not ascertainable without reference to his death, or for such a period as to evidence his intention that it should extend at least for the duration of his life; including also the reservation or retention of the use, possession, rents, or other income the actual enjoyment of which, by the decedent, was to be postponed until the termination of a transferred precedent interest or estate. (See article 15.)

If for any such period the use, possession, rents, or other income (in whole or in part) were to be disposed of in discharge of a legal obligation of the decedent or otherwise for his pecuniary benefit, then to that extent the use, possession, rents, or other income will be treated as having been reserved to or retained by the decedent.

(b) *Taxability.*—Every such transfer (not amounting to a bona fide sale for an adequate and full consideration in money or money's worth), made by the decedent subsequent to September 8, 1916, is taxable, and the value of the property or interest so transferred shall be included in the gross estate of the decedent. The provisions of this subdivision do not apply (1) if the transfer was made prior to 10.30 p. m., eastern standard time, March 3, 1931, and (2) if the decedent died prior to 5 p. m., eastern standard time, June 6, 1932. See section 506 of the Revenue Act of 1934.

ART. 19. *Transfers with right retained to designate who shall possess or enjoy.*—(a) *Transfers included.*—The statutory phrase, "a transfer * * * intended to take effect in possession or enjoyment at or after his death," includes a transfer, by trust or otherwise, in connection with which the decedent reserved or retained, either to himself alone or in conjunction with any other person or persons, the right during his life, or for a period not ascertainable without reference to his death, or for such a period as to evidence an intention that the right should continue for at least the duration of his life, to designate the person or persons who should possess or enjoy the transferred property (in whole or in part), or any of the income thereof. (See article 15.)

(b) *Taxability.*—If the transfer was not a bona fide sale for an adequate and full consideration in money or money's worth, the property or the interest or interests therein so transferred shall be included in the gross estate if falling within any one of the following paragraphs:

(1) Regardless of when the transfer was made, if decedent died after the enactment of the Revenue Act of 1916 (September 8, 1916), and the right to so designate was reserved at the time of the transfer and was subject to such an exercise as would determine the ultimate disposition of the property or of an interest or interests therein, and such right was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the right and any adverse interest which was not substantial.

(2) When the transfer was made after the enactment of the Revenue Act of 1916 (September 8, 1916) and the decedent died after the enactment of the Revenue Act of 1932 (5 p. m., eastern standard time, June 6, 1932), or the transfer was made and the decedent died after 10.30 p. m., eastern standard time, March 3, 1931, and the right to so

designate was reserved at the time of the transfer and was not subject to such an exercise as would determine the ultimate disposition of the property or of an interest or interests therein, but was limited to a designation of the person or persons who should possess or enjoy the property or the income therefrom (in whole or in part) for the period of decedent's life, or for a period not ascertainable without reference to his death, or for a period of such duration as to evidence an intent that it should extend for the remainder of decedent's life, and such right was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the transferred property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the right and of any adverse interest which was not substantial.

(3) When the transfer was made and decedent died after the enactment of the Revenue Act of 1932 (5 p. m., eastern standard time, June 6, 1932) and the right to so designate was reserved at the time of the transfer, whether exercisable by decedent alone or in conjunction with a person or persons having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

As used in this article, the expression "reserved at the time of the transfer" includes any understanding, expressed or implied, had in connection with the making of the transfer that the right to designate the person or persons who should possess or enjoy the property or the income therefrom should later be created or conferred.

ART. 20. *Transfers with power to change the enjoyment.*—(a) *Transfers included.*—Subdivision (d) of section 302 of the Revenue Act of 1926, as amended, embraces a transfer by trust or otherwise (if not amounting to a bona fide sale for an adequate and full consideration in money or money's worth) when at the time of decedent's death the enjoyment of the transferred property, or some part thereof or interest therein, was subject to any change through a power exercisable either by the decedent alone, or by him in conjunction with some other person or persons, to alter, or amend, or revoke, or terminate. (See article 15.)

The addition to the subdivision, by section 805 of the Revenue Act of 1936, of the phrase to the effect that it is not material in what capacity the power was subject to exercise by the decedent or by the other person or persons in conjunction with the decedent, is considered as merely declaratory of the meaning of the subdivision prior to the addition of the phrase.

The second phrase added by amendment in 1936 (namely "without regard to when or from what source the decedent acquired such power") is not considered declaratory of the meaning of the subdivision prior to the amendment in a case in which no one of the powers enumerated in the subdivision was reserved at the time of the making of the transfer, but one or more thereof was conferred subsequent thereto (whatever the source from which conferred) without any understanding, expressed or implied, had in connection with the making of the transfer that such power or powers should be later conferred.

The third change made in the subdivision by the Revenue Act of 1936 consisted of the addition of the words "or terminate" following the words "to alter, amend, revoke." Such addition is considered but declaratory of the meaning of the subdivision prior to the amendment. A power to terminate capable of being so exercised as to revest in the decedent the ownership of the transferred property or an interest therein, or as otherwise to inure to his benefit or the benefit of his estate, is, to that extent, the equivalent of a power to "revoke," and when otherwise so exercisable as to effect a change in the enjoyment, is the equivalent of a power to "alter."

(b) *Taxability.*—The property or the interest or interests therein so transferred shall be included in the gross estate if coming within any one of the following paragraphs:

(1) Regardless of when the transfer was made, if the decedent died after the enactment of the Revenue Act of 1916 (September 8, 1916), and the power was reserved at the time of the transfer and was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the transferred property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the power and any adverse interest which was not substantial.

(2) When the transfer was made after the enactment of the Revenue Act of 1924 (4.01 p. m., eastern standard time, June 2, 1924) and before the amendment of the subdivision by the Revenue Act of 1936 became effective (June 23, 1936), and the decedent's death occurred at any time subsequent to the transfer, and the power was reserved at the time of the transfer and was exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

(3) When the transfer was made and the decedent died after June 22, 1936 (the date of the enactment of the Revenue Act of 1936), and the power was either reserved at the time of the transfer or later created or conferred, without regard to the source from which the power was acquired, and whether exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

As used in this and in the next succeeding article, the expression "reserved at the time of the transfer" refers to a power which, having been reserved when the transfer was made, continued to the date of decedent's death (see the paragraph next following as to the conditions under which the power will be considered as existent at decedent's death) to be exercisable by decedent alone or by him in conjunction with some other person or persons, and includes any understanding, expressed or implied, had in connection with the making of the transfer that the power should later be created or conferred.

The power to alter, amend, revoke, or terminate will be considered to have existed on the date of the decedent's death, though the exercise of the power was subject to a precedent giving of notice, or though the alteration, amendment, revocation, or termination would take effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice had been given or the power had been exercised, or though the exercise of the power was restricted to a particular time or the happening of a particular event which had not arrived or occurred at decedent's death. When determining the value of the gross estate in such cases the full value of the property transferred subject to the power should be discounted for the period required to elapse between the date of decedent's death and the date upon which the alteration, amendment, revocation, or termination could take effect. (See article 10 (i) (3).)

The provisions of this article do not apply to a transfer when the power may be exercised only with the consent of all parties having an interest, vested or contingent, in the transferred property, and the power adds nothing to the rights of the parties as conferred by the applicable local law.



ART. 21. *Power relinquished in contemplation of death.*—If the decedent had previously held, either alone or in conjunction with another person or persons, a power to alter, or amend, or revoke, or terminate a transfer made by him, and the power was subsequently relinquished in contemplation of the decedent's death (the relinquishment not amounting to a bona fide sale for an adequate and full consideration in money or money's worth), then to the extent that the transferred property or any interest therein had been subject to such relinquished power it is to be included in the gross estate if coming within any one of the following paragraphs:

(1) Regardless of when the transfer was made, if the power was reserved at the time of the transfer and was relinquished and the decedent died after the enactment of the Revenue Act of 1916 (September 8, 1916), and the power was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the transferred property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the power and any adverse interest which was not substantial.

(2) When the transfer was made after the enactment of the Revenue Act of 1924 (4.01 p. m., eastern standard time, June 2, 1924) and before the amendment of the subdivision by the Revenue Act of 1936 became effective (June 23, 1936), and the power was reserved at the time of the transfer and its relinquishment and the decedent's death subsequently occurred, and the power was exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

(3) When the transfer was made after June 22, 1936 (the date of the enactment of the Revenue Act of 1936), and the relinquishment of the power and the decedent's death subsequently occurred, and the power was either reserved at the time of the transfer or later created or conferred, without regard to the source from which the power was acquired, and whether exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

Within the meaning of this article, it is essential to a relinquishment of a power which is exercisable by the decedent in conjunction with another person or persons that the relinquishment by such other person or persons operates as a complete relinquishment of the power.

If the relinquishment be not admitted or shown to have been in contemplation of decedent's death, but occurred within two years prior to such death, and affected the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value in excess of $5,000 (as of the date of decedent's death, or as of the applicable date under such an election as is referred to in the second paragraph of article 15) then, to the extent of such excess, the relinquishment will be deemed, unless shown to the contrary, to have been in contemplation of decedent's death. (See article 15.)

*Gross Estate—Property Held Jointly*

SEC. 302 (as amended by section 404 of the Revenue Act of 1934). The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States— • • •

(e) To the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth: *Provided*, That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further*, That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants; • • •

SEC. 303 (d) (as amended by section 804 of the Revenue Act of 1932) • • • For the purposes of this title, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth."

ART. 22. *Property held jointly or as tenants by the entirety.*—The foregoing provisions of the statute extend to joint ownerships wherein the right of survivorship exists, regardless of when such ownerships were created. The statute specifically reaches property held jointly by the decedent and any other person or persons, or by the decedent and spouse as tenants by the entirety, or deposited with any person or institution carrying on a banking business in the name of the decedent and any other person and payable to either or the survivor, provided the decedent contributed toward the acquisition of the property so held or deposited, or acquired it by gift, bequest, devise, or inheritance. Section 302 (e), as amended, applies to all classes of property, whether real or personal, in the case the survivor takes the entire interest therein by right of survivorship, and no interest therein forms a part of the decedent's estate for purposes of administration. It has no reference to property held by the decedent and any other person or persons as tenants in common.

ART. 23. *Taxable portion.*—The entire property is prima facie a part of the decedent's gross estate. But it is not the intent of the statute that there should be so included a greater part or proportion thereof than is represented by an outlay of funds, which, in the first instance, were decedent's own, or more than a fractional part equal to that of the other joint owner should neither have parted with any consideration in its acquirement. Facts, which in a given case bring it within any one of the exceptions enumerated in the statute, may be submitted by the executor.

Whether the entire property, or only a part, or none of it, enters into the make-up of the gross estate depends upon the following considerations: (1) So much of the property (whether the whole, or a part thereof) as originally belonged to the other joint owner, and which at no time in the past had been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth, forms no part of the decedent's gross estate. (2) If the facts are otherwise the same as in (1), but the decedent paid to such other joint owner a consideration for the interest by him (the decedent) acquired in the property, then such portion of the property, proportionate to the consideration so paid, constitutes a part of the gross estate. (3) If the property, or a part thereof, or a part of the consideration wherewith it was acquired, had at any time been acquired by the other joint owner from the decedent as a gift, or for less than an adequate and full consideration in money or money's worth, then such portion of the entire property, proportionate to the consideration, if any, which in the first instance was paid from such other joint owner's own funds, forms no part of the gross estate. (4) If the property was acquired by the decedent and his or her surviving spouse as tenants by the entirety by gift, will, or inheritance, then but one-half of the property becomes a part of the gross

estate. (5) If acquired by the decedent and the other joint owner as joint tenants by gift, will, or inheritance, and their interests are not otherwise specified or fixed by law, then one-half only of the property is a part of the gross estate; or, if so acquired by the decedent and two or more persons, and the interests of the several joint tenants are not otherwise determinable, then the decedent and the others joint tenants surviving him shall each be deemed the owner of an equal fractional part, and one only of such fractional parts is to be included in the gross estate.

The following are given as illustrative: (*a*) If the decedent furnished the entire purchase price, the entire property should be included in the gross estate; (*b*) if the decedent furnished a part only of the purchase price, only a corresponding portion of the property should be so included: (*c*) if the decedent, prior to the acquisition of the property by himself and the other joint owner, gave the latter a sum of money which later constituted such other joint owner's entire contribution to the purchase price of the property, the entire property should be included; (*d*) if the other joint owner, prior to the acquirement of the property, received from the decedent, for less than an adequate and full consideration in money or money's worth, property which thereafter became, as such, or in a converted form, part of the purchase price of the property, the value of the property to be included is to be reduced proportionately to the consideration furnished by the other joint owner in the original transaction; (*e*) if the decedent furnished no part of the purchase price, no part of the property should be included; (*f*) if the decedent and spouse acquired the property by will as tenants by the entirety, one-half of the property should be included.

For the purposes of the estate tax, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, is not to any extent a consideration in money or money's worth.

*Gross Estate —Property Passing Under Power of Appointment*

SEC. 302 (as amended by section 404 of the Revenue Act of 1934). The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States— • • •

(f) (as amended by section 803 (b) of the Revenue Act of 1932). To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of or intended to take effect in possession or enjoyment at or after his death, or (3) by deed under which he has retained for his life or any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth; and • • •

(i) If any one of the transfers, trusts, interests, rights, or powers, enumerated and described in subdivisions (c), (d), and (f) of this section is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value at the time of death of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

SEC. 303 (d) (as amended by section 804 of the Revenue Act of 1932) • • • For the purposes of this title, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration in "money or money's worth".

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SEC. 302. (f) (as originally enacted) To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of, or intended to take effect in possession or enjoyment at or after, his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth; and • • •

ART. 24. *Property passing under general power of appointment.*—Property passing under a general power of appointment must be included in the gross estate of the person exercising the power (known as the donee, or appointor), if the power is exercised by will. It should be so included if the power is exercised by deed or other instrument in contemplation of death. It should also be so included if the power is exercised by deed or other instrument with the intent that the transfer shall take effect in possession or enjoyment at or after the death of the donee of the power. (For description of transfers made in contemplation of death and transfers included in the phrase, "intended to take effect in possession or enjoyment at or after • • • death," and the taxability thereof with reference to when made and when the death occurred, see articles 16, 17, 18, and 19.) The statute, however, does not require inclusion in the gross estate of the appointed property in the case of a bona fide sale thereof by the donee of the power for an adequate and full consideration in money or money's worth.

Only property passing under a general power should be included. Ordinarily a general power is one to appoint to any person or persons in the discretion of the donee of the power, or, however limited as to the persons or objects in whose favor the appointment may be made, is exercisable in favor of the donee, his estate, or his creditors. Duplicate copies of the instrument granting the power and of the instrument by which the power was exercised, one of each to be certified or verified, must be filed with Form 706 in all cases, unless the decedent was a nonresident, in which case only one copy of each instrument, certified or verified, is required.

*Gross Estate—Insurance*

SEC. 302 (as amended by section 404 of the Revenue Act of 1934). The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States—• • •

(g) To the extent of the amount receivable by the executor as insurance under policies taken out by the decedent upon his own life; and to the extent of the excess over $40,000 of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life. • • •

ART. 25. *Taxable insurance.*—The statute provides for the inclusion in the gross estate of insurance taken out by the decedent upon his own life, as follows: (*a*) All insurance receivable by, or for the benefit of, the estate; (*b*) all other insurance to the extent that it exceeds in the aggregate $40,000.

The term "insurance" refers to life insurance of every description, including death benefits paid by fraternal beneficial societies, operating under the lodge system. Insurance is considered to have been taken out by the decedent, whether or not he made the application, if he acquired the ownership of, or any legal incident thereof in, the policy; but in the case of a decedent dying before November 7, 1934 (the date of approval of the 1934 edition of Regulations 80), the provisions of the second paragraph of article 25 or Regulations 70 (1929 edition) will continue to apply. Legal incidents of ownership in the policy include, for example: The right of the insured or his estate to its economic benefits, the power to change the beneficiary, to surrender or cancel the policy, to assign it, to revoke an assignment, to pledge it for a loan, or to obtain from the insurer a loan against the surrender value of the policy, etc.

ART. 26. *Insurance in favor of the estate.*—The provision requiring the inclusion in the gross estate of all insurance receivable by the executor, without any exemption, applies to policies made payable to the decedent's estate or his executor or administrator, and all insurance which is in fact receivable by, or for the benefit of, the estate. It includes insurance taken out to provide funds to meet the estate tax, and any other taxes or charges which are enforceable against the estate. The manner in which the policy is drawn is immaterial so long as there is an obligation, legally binding upon the beneficiary, to use the proceeds in payment of such taxes or charges. If the decedent took out insurance in favor of another person or corporation as collateral security for a loan or other accommodation, the insurance is considered to be receivable for the benefit of the estate. The amount of the loan outstanding at decedent's death, with interest accrued thereon to that date, will be deductible in determining the net estate. (See article 29.)



ART. 27. *Insurance receivable by other beneficiaries.*—The statute requires the inclusion in the gross estate of the decedent of the proceeds of any policy, or the aggregate proceeds of all policies, not receivable by or for the benefit of decedent's estate, to the extent that such proceeds exceed $40,000, regardless of when the policy was or the policies were issued, if the decedent possessed at the time of his death any of the legal incidents of ownership.

The estate is entitled to only one exemption of $40,000 upon insurance receivable by beneficiaries other than the estate. For example, if the decedent left life insurance payable to three such beneficiaries in amounts of $10,000, $40,000, and $50,000 (total, $100,000), the full amount should be listed on the return and therefrom subtracted the $40,000 exemption as provided in the appropriate schedule of Form 706. The word "beneficiaries," as used in reference to the $40,000 exemption, means persons entitled to the actual enjoyment of the insurance money.

ART. 28. *Valuation of insurance.*—The amount to be returned if the policy is payable to or for the benefit of the estate is the amount receivable. If the proceeds of a policy are payable to a beneficiary other than to or for the benefit of the estate, the amount to be listed in the appropriate schedule of the return is the full amount receivable. (For taxable portion see article 27.) In case the proceeds of a policy are made payable to the beneficiary in the form of an annuity for life or for a term of years, there should be listed in the appropriate schedule of the return the one sum payable at death under an option which could have been exercised either by the insured or by the beneficiary, or if no option was granted, the sum used by the insurance company in determining the amount of the annuity.

With respect to each policy there should be filed a certificate, Form 712, from the insurance company showing the following:

(*a*) The face amount of the policy.
(*b*) The amount of any indebtedness to the company which reduced the amount otherwise payable.
(*c*) The amount of accumulated dividends.
(*d*) The amount of postmortem dividends.
(*e*) Any other facts affecting the value. (See next paragraph.)
(*f*) The value as of the date of death of the insured of the benefits payable under the policy.

In the case of any policy providing for deferred payments (other than payments measured by the facts disclosed under (*a*), (*b*), (*c*), and (*d*) above), the certificate should include the following information:

(*g*) The provisions with respect to the deferred payments or to the installments.
(*h*) The amounts of the deferred payments or installments.
(*i*) If the number of installments to be paid may be measured by the life of any individual, the date of birth of such individual.
(*j*) The amount applied by the insurance company as a single premium representing the purchase of the installment benefits.
(*k*) The basis (Mortality Table and rate of interest) employed by the insurance company in valuing the installment benefits.

*Gross Estate—Retroactive Provisions*

SEC. 302. • • • (h) Except as otherwise specifically provided therein subdivisions (b), (c), (d), (e), (f), and (g) of this section shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whether made, created, arising, existing, exercised, or relinquished before or after the enactment of this Act.

*Deductions—Estates of Citizens or Residents Administration Expenses, Claims, Etc.*

SEC. 303. For the purpose of the tax the value of the net estate shall be determined—

(a) (as amended by section 403 (a) of the Revenue Act of 1934) In the case of a citizen or resident of the United States, by deducting from the value of the gross estate—

(1) (as amended by section 805 of the Revenue Act of 1932) Such amounts—

(A) for funeral expenses,
(B) for administration expenses,
(C) for claims against the estate,
(D) for unpaid mortgages upon, or any indebtedness in respect to, property where the value of decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate, and
(E) reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent,

as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent, or property taxes not accrued before his death, or any estate, succession, legacy, or inheritance taxes. The deduction herein allowed in the case of claims against the estate, unpaid mortgages, or any indebtedness shall, when founded upon a promise or agreement, be limited to the extent that they were contracted bona fide and for an adequate and full consideration in money or money's worth. There shall also be deducted losses incurred during the settlement of estates arising from fires, storms, shipwrecks, or other casualties, or from theft, when such losses are not compensated for by insurance or otherwise, and if at the time of the filing of the return such losses have not been claimed as a deduction for income tax purposes in an income tax return. • • •

SEC. 303. (d) (as amended by section 804 of the Revenue Act of 1932) • • • For the purposes of this title, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth".

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SEC. 303. (a) (as originally enacted) In the case of a resident, by deducting from the value of the gross estate—

(1) Such amounts for funeral expenses, administration expenses, claims against the estate, unpaid mortgages upon, or any indebtedness in respect to, property (except, in the case of a resident decedent, where such property is not situated in the United States), to the extent that such claims, mortgages, or indebtedness were incurred or contracted bona fide and for an adequate and full consideration in money or money's worth, losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casualty, or from theft, when such losses are not compensated for by insurance or otherwise, and such amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent, as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent, or any estate, succession, legacy, or inheritance taxes; • • •

ART. 29. *Deduction of administration expenses, claim, etc.*—In order to be deductible under the foregoing provision of the statute, the item must fall within one of the several classes of deductions specifically enumerated therein, and must also, except in the case of deductible losses during the administration of the estate, be one the payment of which out of the estate is authorized by the laws of the jurisdiction under which the estate is being administered. Unless both of these conditions exist the item is not deductible. If the item is not one of those described it is not deductible merely because payment is allowed by the local law. If the amount which may be expended for the particular purpose is limited by the local law no deduction in excess of such limitation is permissible. If a claim against the estate, an unpaid mortgage, or an indebtedness is founded upon a promise or agreement, the deduction therefor is limited to the extent that the liability was contracted bona fide and for an adequate and full consideration in money or money's worth. A relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, is not to any extent a consideration in money or money's worth.

An item may be entered on the return for deduction though the exact amount thereof is not then known, provided it is ascertainable with reasonable certainty, and will be paid. No deduction may be taken upon the basis of a vague or uncertain estimate. In the event the amount of the liability was unascertainable at the time of final audit of the return by the Commissioner, and, as a consequence, deduction was not allowed therefor in such audit, and subsequently the amount of the liability is ascertained, relief may be sought as provided by articles 76 and 99.

ART. 30. *Effect of court decree.*—The decision of a local court as to the amount of a claim or administration expense will ordinarily be accepted if the court passes upon the facts upon which deductibility depends. If the court does not pass upon such facts its decree will, of course, not be followed. For example, if the question before the court is whether a claim should be allowed, the decree allowing it will ordinarily be accepted as establishing the validity and amount of the claim. The decree will not necessarily be accepted even though it purports to decide the facts upon which deductibility depends. It must appear that the court actually passed upon the merits of the case. This will be presumed in all cases of an active and genuine contest. If the result reached appears to be unreasonable, this is some evidence that there was not such a contest, but it may be rebutted by proof to the contrary. If the decree was rendered by consent, it will be accepted, provided the consent was a bona fide recognition of the validity of the claim—not a mere cloak for a gift—and was accepted by the court as satisfactory evidence upon the merits. It will be presumed that the consent was of this character, and was so accepted, if given by all parties having an interest adverse to the claimant. The decree will not be accepted if it is at variance with the law of the State; as, for example, an allowance made to an executor in excess of that prescribed by statute.

ART. 31. *Funeral expenses.*—An executor may deduct such amounts for funeral expenses as are actually expended by him and, under the laws of the local jurisdiction, are payable out of the decedent's estate. A reasonable expenditure by the executor for a tombstone, monument, mausoleum, or for a burial lot, either for the decedent or his family, may be deducted under this heading, provided such an expenditure is allowable by the local law. Included in funeral expenses is the cost of transportation of the person bringing the body to the place of burial.

ART. 32. *Administration expenses.*—The amounts deductible from the gross estate as "administration expenses" are such expenses as are actually and necessarily incurred in the administration of the estate; that is, in the collection of assets, payment of debts, and distribution among the persons entitled. The expenses contemplated in the law are such only as attend the settlement of an estate by the legal representative preliminary to the transfer of the property to individual beneficiaries or to a trustee, whether such trustee is the executor or some other person. Expenditures not essential to the proper settlement of the estate, but incurred for the individual benefit of the heirs, legatees, or devisees, may not be taken as deductions. Administration expenses include (1) executor's commissions; (2) attorney's fees; (3) miscellaneous expenses. Each of these classes is considered separately in articles 33 to 35, inclusive.

ART. 33. *Executor's commissions.*—The executor or administrator, in filing the return, may deduct his commissions in such an amount as has actually been paid or which at that time it is reasonably expected will be paid, but no deduction may be taken if no commissions are to be collected. In the case the amount of the commissions has not been fixed by decree of the proper court, the deduction will be allowed on the final audit of the return provided: (1) That the Commissioner is reasonably satified that the commissions claimed will be paid; (2) that the amount entered as a deduction is within the amount allowable by the laws of the jurisdiction wherein the estate is being administered; and (3) that it is in accordance with the usually accepted practice in said jurisdiction in estates of similar size and character. If the deduction is disallowed in whole or in part on final audit, the disallowance will be subject to modification as the facts may later require. If the deduction is allowed in advance of payment and payment is thereafter waived, it shall be the duty of the executor to notify the Commissioner and pay the tax resulting therefrom, together with interest. Executors should note that the commissions received as compensation for their services constitute taxable income and that the amounts received or receivable by them as such compensation are cross-referenced for income-tax purposes.

A bequest or devise to the executor in lieu of commissions is not deductible. If, however, the decedent fixed by his will the compensation payable to the executor for services to be rendered in the administration of the estate, deduction may be taken to the extent that the amounts so fixed does not exceed the compensation allowable by the local law or practice.

Amounts paid as trustees' commissions do not constitute expenses of administration and are not deductible, whether received by the executor acting in the capacity of a trustee or by a separate trustee as such.

ART. 34. *Attorney's fees.*—The executor or administrator, in filing the return, may deduct such an amount of attorney's fees as has actually been paid or which at that time it is reasonably expected will be paid. If on the final audit of a return the fees claimed have not been awarded by the proper court and paid, the deduction will, nevertheless, be allowed, provided the Commissioner is reasonably satisfied that the amount claimed will be paid and that it does not exceed a reasonable remuneration for the services rendered, taking into account the size and character of the estate and the local law and practice. If the deduction is disallowed in whole or in part on final audit, the disallowance will be subject to modification as the facts may later require.

Attorney's fees incurred by beneficiaries incident to litigation as to their respective interests do not constitute a proper deduction, inasmuch as expenses of this character are properly charged against the beneficiaries personally and are not administration expenses.

ART. 35. *Miscellaneous administration expenses.*—This includes such expenses as court costs, surrogates' fees, accountants' fees, appraisers' fees, clerk hire, etc. Expenses necessarily incurred in preserving and distributing the estate are deductible, including the cost of storing or maintaining property of the estate, if it is impossible to effect immediate distribution to the beneficiaries. Expenses for preserving and caring for the property may not include additions or improvements; nor will such expenses be allowed for a longer period than the executor is required to retain the property. A brokerage fee for selling property of the estate is deductible if the sale is necessary in order to pay the decedent's debts, the expenses of administration, or to effect distribution. Other expenses attending the sale are deductible, such as the fees of an auctioneer, if it is reasonably necessary to employ one.

ART. 36. *Claims against the estate.*—The amounts that may be deducted under this heading are such only as represent personal obligations of the decedent existing at the time of his death, whether or not then matured, and interest thereon which had accrued at the time of death. If, as authorized by subdivision (j) of section 302 as added by section 202 of the Revenue Act of 1935 (see article 11), the executor has duly elected to have the value of the gross estate determined as of a date or dates prescribed in such subdivision, then the deduction on account of interest will be limited to the amount thereof accrued and unpaid at decedent's death, plus the interest earned between death and a date one year thereafter, unless the claim is sooner paid, in which case the amount of interest deductible will be the amount accrued to date of such payment. The deduction will include payments made of any interest accrued at decedent's death and payments of interest earned between death and one year thereafter, or between death and the date on which the claim was paid. Only claims enforceable against the decedent's estate may be deducted. If the claim is founded upon a promise or agreement, the deduction therefor is limited to the extent that the liability was contracted bona fide and for an adequate and full consideration in money or money's worth. Thus, a pledge or a subscription, evidenced by a promissory note or otherwise, even though enforceable against the estate, is deductible only to the extent that liability therefor was contracted bona fide and for an adequate and full consideration in cash or its equivalent. Liabilities imposed by law or arising out of torts are deductible. See article 29 as to the relinquishment or promised relinquishment of dower and other marital interests.



ART. 37. *Taxes.*—The deduction for property taxes is limited to such taxes as accrued prior to the date of decedent's death. Property taxes accrue on the date the ownership of the property determines the liability for such taxes.

Taxes upon income received during the decedent's lifetime are deductible, including interest accrued thereon at time of death, but taxes upon income received after death are not deductible. No estate, succession, legacy, or inheritance tax is deductible.

ART. 38. *Unpaid mortgages.*—Deduction is allowed of the full unpaid amount of a mortgage upon, or of an indebtedness in respect to, any property of the gross estate, including interest which had accrued thereon at the time of death, provided the value of the property, undiminished by the amount of the mortgage or indebtedness, is returned as part of the value of the gross estate. If decendent's estate is liable for the amount of the mortgage or indebtedness, the full value of the property subject to the mortgage or indebtedness must be included as part of the value of the gross estate; the amount of the mortgage or indebtedness being in such case allowed as a deduction. But if decedent's estate is not so liable, only the value of the equity of redemption (or value of the property, less the indebtedness) need be returned as part of the value of the gross estate. In no case may the deduction on account of the mortgage or indebtedness exceed the liability therefor contracted bona fide and for an adequate and full consideration in money or money's worth. If the executor has made the election referred to in the second sentence of article 36, the deduction on account of interest upon the mortgage or indebtedness will be limited to the amount thereof accrued and unpaid at decedent's death, plus the interest earned between death and a date one year thereafter, unless the mortgage or indebtedness is sooner paid or the property subject to the mortgage or indebtedness is sooner distributed, sold, exchanged or otherwise disposed of, the deduction in any such case being limited to the amount of interest accrued to the date of such payment, distribution, sale, exchange or other disposition. The deduction will include payments made of any interest accrued at decedent's death and payments of interest earned between death and one year thereafter, or between death and the date of payment of the mortgage or indebtedness, or the date on which the property subject thereto was distributed, sold, exchanged or otherwise disposed of. Inasmuch as real property situated outside of the United States does not form a part of the gross estate, no deduction may be taken of any mortgage thereon or any indebtedness in respect thereto.

ART. 39. *Losses from casualties or theft.*—There may be deducted under this heading losses incurred during the settlement of the estate arising from fires, storms, shipwrecks, or other casualties, or from theft, if such losses are not compensated for by insurance or otherwise. In the case of a decedent who died subsequent to the effective date of the Revenue Act of 1932, such losses are not deductible if, at the time of the filing of the estate tax return, they had been claimed as a deduction for income tax purposes in an income tax return. If the loss is partly compensated, the excess of the loss over such compensation may be deducted. Losses not of the nature described are not deductible. In order to be deductible a loss must occur during the settlement of the estate. If a loss with respect to an asset occurs after distribution thereof to the distributee it may not be deducted.

ART. 40. *Support of dependents.*—The support during the settlement of the estate of dependents of the decedent is deductible, but pursuant to the following rules:

(1) In order to be deductible, the allowance must be authorized by the laws of the jurisdiction in which the estate is being administered, and not in excess of what is reasonably required.

(2) The allowance for which deduction may be made is limited to support during the settlement of the estate. Any allowance for a more extended period is not deductible.

(3) There must be an actual disbursement from the estate to the dependents, but after payment has been made the right of deduction is not affected by the fact that the dependents do not expend the entire amount for their support during the settlement of the estate.

*Deductions—Property Previously Taxed*

SEC. 303. For the purpose of the tax the value of the net estate shall be determined—

(a) (as amended by section 403 (a) of the Revenue Act of 1934). In the case of a citizen or resident of the United States, by deducting from the value of the gross estate— • • •

(2) (as amended by section 806 (a) of the Revenue Act of 1932 and by section 402 of the Revenue Act of 1934) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donors by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under the Revenue Act of 1932, or an estate tax imposed under this or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction allowable under this paragraph shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (1), (3), and (4) of this subdivision as the amount otherwise deductible under this paragraph bears to the value of the decedent's gross estate. Where the property referred to in this paragraph consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction. • • •

SEC. 303. (a) (as originally enacted) In the case of a resident, by deducting from the value of the gross estate— • • •

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under the Revenue Act of 1924, or an estate tax imposed under this or any prior Act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate and not deducted under paragraph (1) or (3) of this subdivision; • • •

NOTE.—All of the amendments to the above paragraph were made by section 806 (a) of the Revenue Act of 1932, except that the following clause was inserted by section 402 of the Revenue Act of 1934: "and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor."

ART. 41. *Deduction of the value of transfers previously taxed.*—Should there be included in the decedent's gross estate property received by him by gift from any person within five years prior to his death, or received by gift, bequest, devise, or inheritance from any person who died within five years prior to his death, or property acquired in ex-

change for property so received, the statute authorizes a deduction in behalf thereof, subject to the following conditions and limitations, namely:

(*a*) *Conditions.*—

(1) The property respecting which the deduction is sought must have been received by the decedent as a gift within five years of the date of his death, or received by him by gift, bequest, devise, or inheritance from a prior decedent who died within five years of the date of the decedent's death.

(2) The property must be identified either as the same which the decedent so received or acquired in exchange therefor.

(3) The property must have formed a part of the gross estate, situated in the United States, of such prior decedent, or have been included in the total amount of gifts of a donor.

(4) An estate tax by or on behalf of the estate of such prior decedent, or a gift tax by or on behalf of the donor, must have actually been paid (the mere filing of a return for such estate or donor not being sufficient).

(5) If the decedent died after 11:40 a. m., eastern standard time, May 10, 1934, no such deduction, in respect to the property or property given in exchange therefor, must have been allowable in determining the value of the net estate of the prior decedent.

(*b*) *Limitations.*—

(A) If the decedent died prior to 5 p. m., eastern standard time, June 6, 1932—

(1) The deduction is limited to the value of the property finally determined for the purpose of the gift tax or for the purpose of the prior estate tax, or to the value of such property (or property acquired in exchange therefor) included in the decedent's gross estate, whichever is the lower.

(2) The deduction, as limited in (1), is reduced by the total amount paid prior to the decedent's death on any mortgage or other lien on the property previously taxed, provided such mortgage or other lien was deducted in determining the estate tax of the prior decedent, or the gift tax of the donor.

(3) The deduction for property previously taxed, or that acquired in exchange therefor, is not diminished by amounts deducted under paragraph (1) or (3) of subdivision (a) of section 303 merely because such amounts were paid out of said property. On the other hand, however, the deduction is diminished to the extent that the value of the property so taxed, or of that acquired in exchange therefor, is deducted under said paragraph (1) or (3) on account of such losses arising from casualty or theft as are incurred with respect to said property during the settlement of the estate, or on account of such transfers of specific items of said property as the decedent made in his lifetime or by his will, for public, religious, charitable, scientific, literary, or educational purposes, and the deduction is further diminished to the extent that the amounts allowed under said paragraph (1) or (3), other than those relating to said losses or transfers, are in excess of the value of the decedent's property not previously taxed but subject to debts and charges. The burden of proving that the estate is entitled to the deduction rests upon the executor. The provisions of this paragraph apply in like manner to cases controlled by the Revenue Acts of 1921 and 1924.

(B) If the decedent died after 5 p. m., eastern standard time, June 6, 1932—

(1) The deduction is limited to the value of the property, or the aggregate value of such property if more than one item, as finally determined for the purpose of the gift tax or for the purpose of the prior estate tax, or to the value of such property or aggregate items thereof (or property acquired in exchange therefor) included in the decedent's gross estate, whichever is the lower.

(2) The deduction, as limited in (1), is reduced by the total amount paid prior to the decedent's death on any mortgage or other lien on the property previously taxed, provided such mortgage or other lien was deducted in determining the estate tax of the prior decedent or the gift tax of the donor.

(3) The deduction is further reduced on account of the deductions allowed under paragraphs (1), (3), and (4) of subdivision (a) of section 303. The amount of this further reduction is that proportion of such deductions which the amount otherwise deductible for property previously taxed bears to the value of the decedent's gross estate.

Under the provisions of the Revenue Act of 1918 the deduction was available only in the case the prior decedent died after October 3, 1917, the date of the passage of the Revenue Act of 1917, and the decedent's death occurred subsequent to the effective date of the Revenue Act of 1918. But under the provisions of the Revenue Act of 1921 the right to such deduction is made available to the estates of all decedents dying since September 8, 1916. If, under the provisions of the Revenue Act of 1918, or any prior Act of Congress imposing an estate tax, the deduction was not available, the right thereto is to be determined in accordance with the provisions of paragraph (2) of subdivision (a) of section 403 of the Revenue Act of 1921, but if available under the Revenue Act of 1918, it is governed by paragraph (2) of subdivision (a) of section 403 of that Act. Section 1100 (c) of the Revenue Act of 1924 provides that the retroactive benefit of section 403 of the Revenue Act of 1921 is not lost by the repeal thereof. If the tax has been paid without taking the deduction, a claim for refund may be made, as provided by article 99.

*Example (1):* The decedent died June 15, 1931. The value of his gross estate for the purpose of the estate tax is $1,000,000, of which $200,000 is the value of insurance in excess of $40,000 payable to beneficiaries other than the estate, $600,000 is the value of property previously taxed, and $200,000 is the value of stocks and bonds not previously taxed. The property previously taxed was inherited from the decedent's father, who died on June 1, 1929. The tax on the father's estate was paid. The property previously taxed may be set forth as follows:

| | Decedent's estate | Prior estate | Lower value |
|---|---|---|---|
| Item 1 | $150,000 | $100,000 | $100,000 |
| Item 2 | 40,000 | 85,000 | 40,000 |
| Item 3 | 110,000 | 125,000 | 110,000 |
| Item 4 | 130,000 | 120,000 | 120,000 |
| Item 5 | 90,000 | 115,000 | 90,000 |
| Item 6 | 80,000 | 50,000 | 50,000 |
| Total | 600,000 | 595,000 | 510,000 |

Item 1, $150,000, is specifically bequeathed to a charitable organization. Administration expenses and debts of the decedent amount to $250,000.

The decedent having died prior to 5 p. m., eastern standard time, June 6, 1932, the deduction is limited to the value of each item placed upon it by the Commissioner in the prior estate or gift, or to the value of each item included in the decedent's gross estate, whichever is the lower. Accordingly, the total amount of the deduction thus ascertained is $510,000. In accordance with paragraph (A) (3) of this article the deduction must be diminished to the extent of the value of any specific item bequeathed to a charitable organization. As item 1 was so bequeathed the amount of $510,000 is diminished by $100,000, the value of item 1 as included in the deduction for property previously taxed. Also, in accordance with paragraph (A) (3) of this article the deduction must be further diminished to the extent that the deductions for administration expenses and debts, or $250,000, exceed the value of the decedent's property subject to debts and charges



and not previously taxed, or $200,000. This excess is $50,000. The deduction for property previously taxed is, therefore, further diminished by $50,000, and the amount of the deduction allowable for property previously taxed is $360,000. The total deductions of $860,000 (administration expenses and debts, $250,000; charitable bequest, $150,000; property previously taxed, $360,000; and specific exemption, $100,000) subtracted from the total gross estate of $1,000,000 leaves a net estate of $140,000.

*Example (2):* The decedent died June 15, 1936. The value of his gross estate for the purpose of the estate tax is $1,000,000, of which $200,000 is the value of insurance in excess of $40,000 payable to beneficiaries other than the estate, $600,000 is the value of property previously taxed, and $200,000 is the value of stocks and bonds not so taxed. The property previously taxed was inherited from the decedent's father who died on June 1, 1932. The tax on the father's estate was paid. The property previously taxed may be set forth as follows:

| | Decedent's estate | Prior estate |
|---|---|---|
| Item 1 | $150,000 | $100,000 |
| Item 2 | 40,000 | 85,000 |
| Item 3 | 110,000 | 125,000 |
| Item 4 | 130,000 | 120,000 |
| Item 5 | 90,000 | 115,000 |
| Item 6 | 80,000 | 50,000 |
| Total | 600,000 | 595,000 |

Item 1, $150,000, is specifically bequeathed to a charitable organization free of estate, inheritance, legacy, or succession taxes. Administration expenses and debts of the decedent amount to $150,000. At the time of the father's death there was an unpaid mortgage of $60,000 on item 5 which was deducted in determining the estate tax liability of the father's estate. This mortgage was entirely paid before the sons' death.

The decedent having died after 5 p. m., eastern standard time, June 6, 1932, the deduction for property previously taxed is limited to the aggregate value of the items constituting such property as finally determined in the case of the prior decedent or donor, or to the aggregate value of such property included in the decedent's gross estate, whichever is the lower. Accordingly, the amount of the deduction for property previously taxed thus ascertained is $595,000. In accordance with paragraph (B) (2) of this article this deduction is reduced by $60,000, the amount paid in the discharge of the mortgage on item 5. The deduction thus reduced is $535,000.

The deduction is further reduced by a proportionate amount computed under the provisions of paragraph (B) (3) of this article. As the amount of the specific exemption authorized by the Revenue Act of 1926 is greater than the amount of the specific exemption authorized by the Revenue Act of 1932, the amount so computed in determining the deduction for the purpose of the estate tax imposed by the Revenue Act of 1926 differs from the amount so computed in determining the deduction for the purpose of the additional tax imposed by the Revenue Act of 1932.

In the present example the deductions, except for property previously taxed, amount to $400,000, as follows: $150,000 for the charitable bequest, $150,000 for administration expenses and debts, and $100,000 for the specific exemption authorized by the Revenue Act of 1926. The proportionate amount by which the deduction for property previously taxed is further reduced for the purpose of the estate tax imposed by the Revenue Act of 1926 is ascertained by multiplying the above mentioned $400,000 by 0.535, the ratio which the said $535,000 bears to the value of the gross estate, $1,000,000, and amounts to $214,000. The difference between $535,000 and $214,000 is $321,000, the amount in which the deduction for property previously taxed is allowable in determining the tax imposed by the Revenue Act of 1926. The total amount of the deductions, $721,000, subtracted from the value of the gross estate, $1,000,000, leaves a net estate of $279,000 the transfer of which is subject to the tax imposed by the Revenue Act of 1926.

The Revenue Act of 1932, as amended by the Revenue Act of 1935, provides for a specific exemption of $40,000. Accordingly, the deductions, other than the deduction for property previously taxed, allowable under that Act, as amended, amount to $340,000, and 0.535 of that amount is $181,900, the proportionate amount by which the deduction for property previously taxed is further reduced for the purposes of the additional tax. The difference between $535,000 and $181,900 is $353,100, the amount in which the deduction for property previously taxed is allowable in determining the additional tax. The total amount of the deductions, $693,100, subtracted from the value of the gross estate, $1,000,000, leaves a net estate of $306,900, the transfer of which is subject to the additional tax imposed by the Revenue Act of 1932, as amended by the Revenue Act of 1935.

ART. 42. *Property originally received.*—If the property originally received from a donor or prior decedent is included in the decedent's gross estate, the executor must describe it fully and prove its identity.

ART. 43. *Property acquired in exchange.*—The deduction for substituted property is not limited to property acquired by a single exchange of property received from the donor or the prior decedent, but extends to substituted property acquired by the process of exchange, whether through the medium of money or otherwise, irrespective of the number of conversions involved, including the proceeds of the sale or other disposition of property so received or acquired, as well as property acquired by purchase with the proceeds of the sale or other disposition of such property so long as such proceeds can be conclusively identified as such and clearly traced to the property originally so received.

The executor must describe and fully identify both the property originally received from the donor or the prior decedent and the substituted property for which deduction is claimed, giving the date and stating the nature of the transaction by which the substituted property was acquired, together with the name and address of the transferee. If the transaction was evidenced by written instrument of public record, precise reference to such record must be made, and if by instrument not of record, a verified copy thereof must be supplied. If there was no written instrument, there must be furnished the affidavit of one or more persons having personal knowledge of the matter, setting forth the facts in connection therewith.

The burden of identifying property as acquired in exchange for property included in the gross estate of the prior decedent for Federal estate tax purposes rests upon the executor.

*Deductions—Transfers for Public, Charitable, Religious, Etc., Uses*

SEC. 303. For the purpose of the tax the value of the net estate shall be determined—

(a) (as amended by section 403 (a) of the Revenue Act of 1934) In the case of a citizen or resident of the United States, by deducting from the value of the gross estate— • • •

(3) (as amended by section 807 of the Revenue Act of 1932 and by section 406 of the Revenue Act of 1934) The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in

whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate; and • • •

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SEC. 303. (a) (as originally enacted) In case of a resident, by deducting from the value of the gross estate— • • •

(3) The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate; and • • •.

NOTE.—The second sentence of section 303 (a) (3), as amended, was added by section 807 of the Revenue Act of 1932. The clause, "and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation." was added by section 406 of the Revenue Act of 1934.

ART. 44. *Transfers for public, charitable, religious, etc., uses.*—Deduction may be taken of the value of all property transferred by will or by the decedent in his lifetime not to exceed the value of the transferred property required to be included in the gross estate if in either case the property was transferred (1) to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes; or (2) to or for the use of any corporation or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), if no part of the net earnings of the corporation or association inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; or (3) to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, if such transfers, legacies, bequests, or devises are to be used by such trustee, trustees, fraternal society, order, or association exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

If a trust is created for both a charitable and a private purpose, deduction may be taken of the value of the beneficial interest in favor of the former only insofar as such interest is presently ascertainable, and hence severable from the interest in favor of the private use. Article 10 indicates the principles to be applied in the computation of the present worth of deferred uses, but such computation will not be made by the Commissioner on behalf of the executor. Thus, if money or property is placed in trust to pay the income to an individual during his life, or for a term of years, and then to pay or deliver the principal to a charitable corporation, or to apply it to a charitable purpose, the present value of the remainder is deductible. To determine the present value of such remainder, use the appropriate factor in column 3 of Table A or B of article 10. If the present worth of a remainder bequeathed for a charitable use is dependent upon the termination of more than one life, or in any other manner rendering inapplicable Table A or B of article 10, the claim for the deduction must be supported by a full statement, in duplicate, of the computation of the present worth made, in accordance with the principles set forth in article 10, by one skilled in actuarial computations.

The deduction is not limited, in the estates of residents (or of citizens who died after the enactment of the Revenue Act of 1934), to transfers to domestic corporations or associations, or to trustees for use within the United States.

If the decedent died after 5 p. m., eastern standard time, June 6, 1932, and under the terms of the will, or the law of the jurisdiction wherein the estate is administered, or the law of the jurisdiction imposing the particular tax, the Federal estate tax (including the additional estate tax imposed by the Revenue Act of 1932, or by that Act as amended), or any estate, succession, legacy, or inheritance tax is payable in whole or in part out of any bequest, legacy, or devise deductible under section 303 (a) (3), the sum deductible is the amount of such bequest, legacy, or devise so reduced. Thus, if $50,000 is bequeathed for a charitable purpose and is subjected to a State inheritance tax of $5,000, the amount deductible is $45,000; or if a life estate is bequeathed to an individual with remainder over to a charitable corporation, and by the local law the legacy tax upon the life estate is taken out of the corpus with the result that the charitable corporation will be entitled to receive only the amount of the fund less the tax, the deduction is limited to the present worth, as of the date of the testator's death, of the remainder of the fund so reduced; or if the testator bequeaths his residuary estate, or a portion thereof, to charity, and his will contains a direction that certain inheritance taxes, otherwise payable from legacies in respect to which they were laid, shall be payable out of such residuary estate, the deduction may not exceed the bequest to charity thus reduced pursuant to the direction of the will; or if a residuary estate, or a portion thereof, be bequeathed to charity, and by the local law the Federal estate tax is payable out of the residuary estate, the deduction may not exceed that portion of the residuary estate bequeathed to charity as reduced by the Federal estate tax. The statute in effect provides that the deduction shall be based on the amount actually available for charitable uses, that is, the amount of the fund remaining after the payment of all death taxes. The return should fully disclose the computation of the amount to be deducted. If such amount is dependent upon the amount of any death tax which has not been paid before the filing of the return, Form 706, there should be submitted with the return a computation of such tax.

ART. 45. *Religious, charitable, scientific, and educational corporations.*—A corporation or association to which such a transfer was made must meet four tests: (1) It must be organized and operated for one or more of the specified purposes; (2) it must be organized and operated exclusively for such purpose or purposes; (3) no part of its net earnings shall inure to the benefit of private stockholders or individuals; and (4) no substantial part of its activities shall be carrying on propaganda, or otherwise attempting, to influence legislation.

The estate is not deprived of the right to deduct the value of property so transferred by reason of the fact that private individuals are the recipients of the benefits which the corporation or association dispenses. Such right is, however, lost if any part of the net earnings of the corporation or association inures to the benefit of a private stockholder or individual.

ART. 46. *Proof required.*—In establishing the right of the estate to this deduction, the executor must submit:

(1) Duplicate copies of the will of the decedent, and of the order admitting the will to probate, one copy of each of which should be certified, if the deduction is claimed of property transferred by such will. Duplicate copies of any instrument in writing by which the decedent made a transfer of property in his lifetime the value of which is required by the statute to be included in his gross estate, if the deduction is claimed of property so transferred. If the instrument is of record one copy thereof should be certified, and if not of record, one copy should be verified. The certified or verified copy should be forwarded by the collector to the Commissioner.



(2) An affidavit by the executor stating whether any action has been instituted to contest the will, or any bequest or devise therein, the deduction of which from the gross estate is claimed, and whether, according to his information and belief, any such action is designed or contemplated.

(3) Such other documents or evidence as may be requested by the Commissioner.

ART. 47. *Conditional bequests.*—If the transfer is dependent upon the performance of some act or the happening of some event in order to become effective, it is necessary that the performance of the act or the occurrence of the event shall have taken place before the deduction can be allowed.

If the legatee, devisee, donee, or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so bequeathed, devised, or given by the decedent, deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of such power.

### *Specific Exemption*

SEC. 303. For the purpose of the tax the value of the net estate shall be determined——

(a) (as amended by section 403 (a) of the Revenue Act of 1934) In the case of a citizen or resident of the United States, by deducting from the value of the gross estate—• • •

(4) An exemption of $100,000. • • •

SEC. 401. Revenue Act of 1932. • • •

(c) (as amended by section 201 (b) of the Revenue Act of 1935) For the purposes of this section the value of the net estate shall be determined as provided in Title III of the Revenue Act of 1926, as amended, except that in lieu of the exemption of $100,000 provided in section 303 (a) (4) of such Act, the exemption shall be $40,000.

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SEC. 303. (a) (as originally enacted) In the case of a resident, by deducting from the value of the gross estate— • • •

SEC. 401. (c) Revenue Act of 1932, as originally enacted. For the purposes of this section the value of the net estate shall be determined as provided in Title III of the Revenue Act of 1926, as amended, except that in lieu of the exemption of $100,000 provided in section 303 (a) (4) of such Act, the exemption shall be $50,000.

SEC. 201. Revenue Act of 1935. • • •

(b) Section 401 (c) of the Revenue Act of 1932 (relating to the exemption for the purposes of the additional estate tax) is amended by striking out "$50,000" and inserting in lieu thereof "$40,000". • • •

(d) The amendments made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act.

ART. 48. *Specific exemption.*—A specific exemption should be deducted in determining the net estate in the case of the estate of a resident. A specific exemption should also be deducted in the case of the estate of a citizen, regardless of residence, if the decedent died after 11.40 a. m., eastern standard time, May 10, 1934. The specific exemption deductible in determining the net estate upon which the tax is imposed by the Revenue Act of 1926 (in effect after 10.25 a. m., eastern standard time, February 26, 1926), is $100,000. The specific exemption deductible in determining the net estate upon which the additional tax is imposed by the Revenue Act of 1932 (in effect after 5 p. m., eastern standard time, June 6, 1932) is $50,000 if the decedent died prior to August 31, 1935, and $40,000 if the decedent died on or after August 31, 1935. If the decedent died prior to the enactment of the Revenue Act of 1926, the specific exemption is $50,000. No specific exemption is authorized in the case of the estate of a nonresident alien, and no specific exemption is authorized in the case of the estate of a nonresident, regardless of citizenship, if the decedent died prior to 11.40 a. m., eastern standard time, May 10, 1934.

### *Estates of Nonresident Aliens*

SEC. 303. (d) (as amended by section 403 (d) of the Revenue Act of 1934) For the purpose of this title, stock in a domestic corporation owned and held by a nonresident not a citizen of the United States shall be deemed property within the United States, and any property of which the decedent has made a transfer, by trust or otherwise, within the meaning of subdivision (c) or (d) of section 302, shall be deemed to be situated in the United States, if so situated either at the time of the transfer, or at the time of the decedent's death. • • •

(e) (as amended by section 403 (d) of the Revenue Act of 1934) The amount receivable as insurance upon the life of a nonresident not a citizen of the United States, and any moneys deposited with any person carrying on the banking business, by or for a nonresident not a citizen of the United States who was not engaged in business in the United States at the time of his death, shall not, for the purpose of this title, be deemed property within the United States.

(f) Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia, or the Territories of Alaska or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service.

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SEC. 303. (d) (as originally enacted) For the purpose of this title, stock in a domestic corporation owned and held by a nonresident decedent shall be deemed property within the United States, and any property of which the decedent has made a transfer, by trust or otherwise, within the meaning of subdivision (c) or (d) of section 302, shall be deemed to be situated in the United States, if so situated either at the time of the transfer, or at the time of the decedent's death.

SEC. 303. (e) (as originally enacted) The amount receivable as insurance upon the life of a nonresident decedent, and any moneys deposited with any person carrying on the banking business, by or for a nonresident decedent who was not engaged in business in the United States at the time of his death, shall not, for the purpose of this title, be deemed property within the United States.

SEC. 403. Revenue Act of 1934. • • •

(d) Section 303 (d) and (e) of such Act, as amended, are amended by striking out the phrase "nonresident decedent" wherever such phrase appears in such subdivisions and inserting in lieu thereof in each case "nonresident not a citizen of the United States". • • •

ART. 49. *Gross estate.*—The gross estate of a citizen, alien, resident, and nonresident are made up in the same way. For computation of net estate of a nonresident alien (or a nonresident, regardless of citizenship, if death occurred prior to the enactment of the Revenue Act of 1934), see article 51. For meaning of the terms "citizens," "residents," and "nonresidents," and the presumption applying as to the residence of missionaries, see article 5.

ART. 50. *Situs of property.*—Real estate and tangible personal property are situated in the United States if physically therein. Certificates of stock, bonds, bills, notes, and other written evidences of intangible property which are treated as being the property itself are property situated in the United States if physically situated therein.

Except as provided in section 303 (e) intangible personal property has a situs within the United States if consisting of a property right issuing from or enforceable against a corporation (public or private) organized in the United States or a person who is a resident of the United States. As examples, the following may be given: Corporate stock issued by such a corporation, or a simple debt, bond, note, or other chose in action for which such a corporation or individual is liable. Under the provisions of section 303 (e) the amount receivable as insurance upon the life of a nonresident decedent (non-resident alien decedent if death occurred after the enactment of the Revenue Act of 1934) and any moneys deposited with any person carrying on the banking business by or for such a decedent not engaged in business in the United States at the time of his death shall not be deemed property within the United States.

Property of which the decedent has made a transfer taxable under the provisions of article 15 of these regulations is deemed to be situated in the United States if so situated either at the time of the transfer or at the time of the decedents' death. (See articles 15 to 21, inclusive.)

### *Deductions—Estates of Nonresident Aliens*

SEC. 303. For the purpose of the tax the value of the net estate shall be determined— • • •

(b) (as amended by section 403 (b) of the Revenue Act of 1934) In the case of a nonresident not a citizen of the United

States, by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States—

(1) (as amended by section 401 (a) of the Revenue Act of 1928) That proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated;

(2) (as amended by section 806 (b) of the Revenue Act of 1932 and by section 402 of the Revenue Act of 1934) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under the Revenue Act of 1932, or an estate tax imposed under this or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction allowable under this paragraph shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (1) and (3) of this subdivision as the amount otherwise deductible under this paragraph bears to the value of that part of the decedent's gross estate which at the time of his death is situated in the United States. Where the property referred to in this paragraph consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

(3) (as amended by section 807 of the Revenue Act of 1932 and by section 406 of the Revenue Act of 1934) The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(c) (as amended by section 403 (c) of the Revenue Act of 1934) No deduction shall be allowed in the case of a nonresident not a citizen of the United States unless the executor includes in the return required to be filed under section 304 the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States. * * *

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SEC. 303 (as originally enacted). For the purpose of the tax the value of the net estate shall be determined— * * *

(b) In the case of a nonresident, by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States—

(1) That proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated, but in no case shall the amount so deducted exceed 10 per centum of the value of that part of his gross estate which at the time of his death is situated in the United States;

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under the Revenue Act of 1924, or an estate tax imposed under this or any prior Act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States and not deducted under paragraph (1) or (3) of this subdivision; and

(3) The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(c) No deduction shall be allowed in the case of a nonresident unless the executor includes in the return required to be filed under section 304 the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States. * * *

SEC. 403. Revenue Act of 1934. * * *

(b) Section 303 (b) of such Act, as amended, is amended by striking out "In the case of a nonresident" and inserting in lieu thereof "In the case of a nonresident not a citizen of the United States".

(c) Section 303 (c) of such Act, as amended, is amended by striking out "in the case of a nonresident" and inserting in lieu thereof "in the case of a nonresident not a citizen of the United States". * * *

SEC. 401. Revenue Act of 1928.

(a) Section 303 (b) (1) of the Revenue Act of 1926 (relating to deductions from the gross estate of a nonresident decedent) is amended by striking out ", but in no case shall the amount so deducted exceed 10 per centum of the value of that part of his gross estate which at the time of his death is situated in the United States."

(b) Subsection (a) of this section shall apply in the case of nonresident decedents dying after the enactment of this Act.

NOTE.—All of the amendments to section 303 (b) (2), as originally enacted, were made by section 806 (b) of the Revenue Act of 1932, except that the following clause was inserted by section 402 of the Revenue Act of 1934: "and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor".

SEC. 807. Revenue Act of 1932.

Sections 303 (a) (3) and 303 (b) (3) of the Revenue Act of 1926 are amended by inserting after the first sentence of each a new sentence to read as follows:

"If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes."

SEC. 406. Revenue Act of 1934.

Section 303 (a) (3) and section 303 (b) (3) of the Revenue Act of 1926, as amended, are amended by inserting after "individual", wherever appearing therein, a comma and the following: "and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation".

ART. 51. *Net estate.*—The statute imposes the tax upon the transfer of only the portion of the estate of a nonresident alien (or of a nonresident, regardless of citizenship, if the decedent died prior to the enactment of the Revenue Act of 1934) that was situated in the United States. In determining the net estate, the deductions specifically authorized for this class of cases may be taken from the portion of the gross estate situated in the United States.



ART. 52. *Deductions of administration expenses, claims, etc.*—In estates of nonresident aliens (or of nonresidents, regardless of citizenship, if the decedents died prior to the enactment of the Revenue Act of 1934), deductions from the gross estate may be taken, subject to the limitations set forth in articles 29 to 40, inclusive, and to the limitations hereinafter stated, for the following: Funeral expenses; administration expenses; claims against the estate; unpaid mortgages; losses incurred during the settlement of the estate arising from fires, storms, shipwrecks, or other casualties, or from theft, if such losses are not compensated for by insurance or otherwise; and amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent. It is immaterial whether the amounts to be deducted were incurred or expended within or without the United States, but certain limitations are imposed which do not apply to estates of residents or citizens (or of residents only, without regard to citizenship, if the decedents died prior to the enactment of the Revenue Act of 1934), namely:

(1) Only that proportion of the aggregate thereof is deductible which the value of that part of the gross estate situated (within the meaning of the statute) in the United States, bears to the value of the entire gross estate, wherever situated; and if the decedent died prior to the effective date of the Revenue Act of 1928, no sum may be deducted in excess of 10 per cent of the value of that part of the gross estate situated in the United States. (See article 55.) The 10 per cent limitation does not apply to the deductions hereafter considered in articles 53 and 54.

(2) No deduction whatever may be taken unless the executor includes in the return the value of that part of the gross estate not situated in the United States. Such part of the gross estate must be valued as of the date of the decedent's death; or, if the option authorized by section 302 (j) is exercised, such part must be valued in accordance with the provisions of article 11.

In order that the Commissioner may properly pass upon the items claimed as deductions, the executor should submit a certified copy of the schedule of liabilities, claims against the estate, and expenses of administration filed under the foreign death-duty act; or, if no such schedule was filed, a certified copy of the schedule of such liabilities, claims, and expenses filed with the foreign court in which administration was had; or, if items of deduction allowable under section 303 (b) (1) were not included in either such schedule, or if no such schedules were filed, then the affidavit of the foreign executor setting forth the facts relied upon as entitling the estate to the benefit of the particular deduction or deductions.

ART. 53. *Deduction of the value of property previously taxed.*—The right to deduct the value of property received by a nonresident alien decedent (or by a nonresident, regardless of citizenship, if the decedent died prior to the enactment of the Revenue Act of 1934) by gift from any person within five years prior to his death, or by gift, bequest, devise, or inheritance from any person who died within five years prior to his death, or of the value of property acquired in exchange for property so received, is governed by the same rules as those applying to estates of residents (articles 41 to 43 inclusive), subject to the four following exceptions:

(1) The deduction is not available to any extent unless the executor includes in the return the value of that part of the gross estate not situated in the United States. Such part of the gross estate must be valued as of the date of the decedent's death; or, if the option authorized by section 302 (j) is exercised, such part must be valued in accordance with the provisions of article 11.

(2) The property for which the deduction is claimed must be included in that part of the gross estate situated in the United States at the time of the decedent's death.

(3) If the decedent died prior to the enactment of the Revenue Act of 1932, references in article 41 (b) (A) (3) to paragraphs (1) and (3) of subdivision (a) of section 303, shall be deemed to refer to paragraphs (1) and (3) of subdivision (b) of section 303.

(4) If the decedent died after the enactment of the Revenue Act of 1932, instead of the amount of the deduction being reduced in accordance with the third limitation set forth under article 41 (b) (B), the amount of the deduction is reduced by the proportion of the total other deductions, allowed under paragraphs (1) and (3) of subdivision (b) of section 303, which the amount otherwise deductible for property previously taxed bears to the value of the part of the gross estate situated in the United States at the time of the decedent's death.

ART. 54. *Deduction of value of transfers for public, charitable, religious, etc., uses.*—The right to deduct the value of property transferred by nonresident aliens (or nonresidents, regardless of citizenship, if decedents died prior to the enactment of the Revenue Act of 1934) for public, religious, charitable, scientific, literary, or educational purposes is governed by the same rules as those applying to estates of resident decedents (articles 44 to 47, inclusive), subject, however, to the two following exceptions:

(1) The right is limited to transfers to corporations and associations created or organized in the United States, or to trustees for use within the United States.

(2) The right is available only if the executor includes in the return the value of that part of the gross estate not situated in the United States. Such part of the gross estate must be valued as of the date of the decedent's death; or, if the option authorized by section 302 (j) is exercised, such part must be valued in accordance with the provisions of article 11.

Instead of duplicate copies of the documents specified in article 46, only one copy is required to be filed.

ART. 55. *Determination of net estate.*—The following example will show the manner of determining the net estate of a nonresident alien. The gross estate, wherever situated, amounts to $1,000,000, of which $200,000 represents the value of the property having its situs within the United States (the term "United States" including not only the several States, but also the Territories of Alaska and Hawaii, and the District of Columbia). The funeral expenses, administration expenses, and claims against the estate aggregate $150,000, and there are charitable bequests, for use within the United States, amounting to $25,000. Hence the property situated within the United States constitutes 20 per cent of the entire gross estate wherever situated, and a like percentage of the $150,000 is $30,000. The following result is accordingly obtained:

| | | |
|---|---|---|
| Gross estate within the United States | | $200,000 |
| 20 percent of $150,000 | $30,000 | |
| Charitable bequests for use within the United States | 25,000 | |
| | | 55,000 |
| Net estate | | 145,000 |

For the manner of computing the tax on the net estate, see article 8.

In the example given, had the decedent died prior to the effective date of the Revenue Act of 1928, 20 per cent of the funeral expenses, administration expenses, and claims against the estate, or $30,000, would not have been deductible, for the reason that it would have exceeded 10 per cent of the value of the property situated in the United States. The deduction in such case would have been limited to 10 per cent of $200,000, plus the charitable bequests, or a total of $45,000, and the resultant net estate would have been $155,000, instead of the amount given in the example.

ART. 56. *Payment of tax.*—The provisions relating to credits (see article 9) and to rates and payment of the tax are the same in estates of nonresident aliens (or of nonresidents, regardless of citizenship, if the decedents died prior to the enactment of the Revenue Act of 1934) and of residents or citizens (or of residents only, without regard

to citizenship, if the decedents died prior to the enactment of the Revenue Act of 1934). The statute provides that the executor shall pay the tax. If there is no executor or administrator appointed, qualified, and acting within the United States, every person in either the actual or constructive possession of any property of the decedent is constituted by the statute an executor for the purpose of tax payment, and is liable for the tax to the extent of the property so in his possession. (See articles 78 to 85, inclusive.) All checks, drafts, or money orders should be made payable to the order of Collector of Internal Revenue.

*Preliminary Notice—Estates of Residents or Citizens*

SEC. 304. (a) The executor, within two months after the decedent's death, or within a like period after qualifying as such, shall give written notice thereof to the collector. • • •

SEC. 403. Revenue Act of 1932, as amended by section 403 (f) of the Revenue Act of 1934 and by section 201 (c) of the Revenue Act of 1935.

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of the decedent's death exceeds $40,000.

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SEC. 403. Revenue Act of 1932, as originally enacted.

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, except that in the case of a resident decedent a return shall be required if the value of the gross estate at the time of the decedent's death exceeds $50,000.

NOTE.—The words "resident decedent" were stricken out and the words "citizen or resident of the United States" substituted by section 403 (f) of the Revenue Act of 1934. This section was further amended by section 201 (c) of the Revenue Act of 1935 by striking out "$50,000" and substituting "$40,000". Section 201 (d) of the Revenue Act of 1935 reads as follows:

"The amendments made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act."

ART. 57. *When notice required.*—A preliminary notice is required to be filed in the case of every resident or citizen (or of a resident only, without regard to citizenship, if the decedent died prior to 11.40 a. m., eastern standard time, May 10, 1934), whose gross estate exceeded $40,000 in value at the date of death, except that if the decedent died (1) after September 8, 1916, and prior to 10.25 a. m., eastern standard time, February 26, 1926, or (2) after 5 p. m., eastern standard time, June 6, 1932, and prior to August 31, 1935, notice is required only if the gross estate exceeded $50,000 in value at the date of death, and except that if the decedent died after 10.25 a. m., eastern standard time, February 26, 1926, and prior to 5 p. m., eastern standard time, June 6, 1932, notice is required only if the gross estate exceeded $100,000 in value at the date of death. The value of the gross estate at the date of death governs with respect to the filing of the notice regardless of whether the value of the gross estate is, at the executor's election, finally determined as of a date subsequent to the date of death pursuant to the provisions of section 302 (j) as added by section 202 of the Revenue Act of 1935. The notice must be filed in duplicate within two months after the decedent's death or within two months after the executor has qualified. In the case of a resident, it must be filed with the collector in whose district the decedent had his domicile at the time of death. In the case of a nonresident citizen, it must be filed with the collector in whose district the gross estate in the United States was situated; or, if the gross estate in the United States was situated in more than one district, or, if no part of the gross estate was situated in the United States, it must be filed with the collector for the second district of New York, or with such collector as the Commissioner may designate. If there is doubt as to whether the gross estate exceeded $40,000, or exceeded $50,000 or exceeded $100,000, as the case may be, the notice should be filed as a matter of precaution in order to avoid the possibility of penalties attaching.

ART. 58. *Notice by executor or administrator.*—The duly qualified executor or administrator is required to file such preliminary notice on Form 704, copies of which may be obtained from the collector, within two months after qualifying as such, if notice has not already been filed. The primary purpose of the notice is to advise the Government of the existence of taxable estates, and filing should not be delayed beyond the two months' period because of uncertainty as to the exact value of the assets. The filing of the notice within the prescribed period is mandatory, and the estimate of the gross estate called for by the notice should be the best approximation of value which can be made within the time allowed. The instructions upon the back of the form should be read carefully before executing the notice. The signature of one executor or administrator upon Form 704 is sufficient. For penalties for delinquency in filing notice, or for filing a false or fraudulent notice, see articles 91, 92, and 94.

ART. 59. *Notice by others than duly qualified executor or administrator.*—The term "executor" embraces any person in actual or constructive possession of any property of the decedent at the time of the latter's death, if within two months after the decedent's death no executor or administrator qualifies. The notice on Form 704 must be filed by such persons in every case in which an executor or administrator has not duly qualified within such period. If, within the period mentioned, an executor or administrator qualifies, the duty of filing the notice devolves upon him, and all other persons are relieved therefrom.

*Preliminary Notice—Estates of Nonresident Aliens*

ART. 60. *Estates of nonresident aliens; preliminary notice.*—In estates of nonresident aliens (or of nonresidents, regardless of citizenship, if the decedent died prior to the enactment of the Revenue Act of 1934), notice on Form 705, copies of which may be obtained from the Commissioner of Internal Revenue, Washington, D. C., or from any collector of internal revenue, is required if any part of the gross estate was situated (see article 50) in the United States. The notice must be filed, in duplicate, by every appointed, qualified, and acting executor or administrator within the United States with the collector of internal revenue of the district in which such part of the gross estate was situated, or, if such part of the gross estate was situated in more than one district, it must be filed with the collector for the second district of New York or with such collector as the Commissioner may designate. The notice is necessary if any part of the decedent's gross estate was situated, within the meaning of the statute, in the United States, regardless of the value of that part of the entire gross estate. If no executor or administrator has qualified, notice must be filed within two months after the date of death by every person in either the actual or constructive possession of any property of the decedent so within the United States at the time of his death. If such person has no knowledge of the decedent's death within two months following its occurrence, he should file the notice immediately upon obtaining such knowledge. The term "person in actual or constructive possession of any property of the decedent" (section 300) includes, among others, the decedent's agents and representatives; safe-deposit companies, warehouse companies, and other custodians of property in this country; brokers holding, as collateral, securities belonging to the decedent or investment funds owned by the decedent, and debtors of the decedent in this country. As to any moneys deposited by or for a decedent of this class with any person, corporation, or association carrying on the banking business, no notice is required, unless, however, the decedent was engaged in business in the United States at the time of his death.

ART. 61. *Information return by corporation or transfer agent.*—Upon notification from the Bureau of Internal Revenue a corporation (organized or created in the United States), or its transfer agent will be required to file a return disclosing the following information pertaining to stocks or bonds registered in the name of a nonresident decedent (regardless of citizenship): (1) Name of decedent as registered; (2) date of death, residence, place of death, and names and addresses of executors, attorneys, or other representatives, within and without the United States, if known; and (3) a description of the securities and the number of shares or bonds and the par values. Treasury Department Form 714, which will be supplied by the Bureau upon request, may be used for the return.



ART. 62. *Transfer certificates.*—Certificates permitting the transfer of property of nonresident decedents (regardless of citizenship) without liability will be issued by the Commissioner when he is satisfied that the tax imposed upon the estate, if any, has been fully discharged or provided for. The tax will be considered fully discharged for the purpose of the issuance of a transfer certificate only when investigation has been completed and payment of the tax, including any deficiency finally determined, has been made. If the tax liability has not been fully discharged transfer certificates may be issued permitting the transfer of particular items of property without liability upon the filing with the Commissioner of such security as he may require. No corporation or its transfer agent should transfer stock or bonds registered in the name of a nonresident decedent without first requiring this transfer certificate covering all of the decedent's stock and bonds of the corporation and showing that such transfer may be made without liability. A bank, trust company, or other custodian in possession of bills, notes, cash, mortgages, securities, money due on open accounts by domestic debtors, or any other property situated in the United States of a nonresident decedent's estate should also require the certificate before transferring such property. Corporations, transfer agents, banks, trust companies, or other custodians can insure avoidance of liability for tax and penalties only by demanding and receiving transfer certificates prior to transfer of property of nonresident decedents (regardless of citizenship).

The requirements of this and the preceding article do not apply if there is an executor or administrator appointed, qualified, and acting within the United States.

*The Return—Estates of Residents or Citizens*

SEC. 304 (as amended by section 403 (e) of the Revenue Act of 1934). (a) • • • The executor shall also, at such times and in such manner as may be required by regulations made pursuant to law, file with the collector a return under oath in duplicate, setting forth (1) the value of the gross estate of the decedent at the time of his death, or, in case of a nonresident not a citizen of the United States, of that part of his gross estate situated in the United States; (2) the deductions allowed under section 303; (3) the value of the net estate of the decedent as defined in section 303; and (4) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax.

(b) Return shall be made in all cases where the gross estate at the death of the decedent exceeds $100,000, and in the case of the estate of every nonresident not a citizen of the United States any part of whose gross estate is situated in the United States. If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate.

SEC. 403. Revenue Act of 1932, as amended by section 403 (f) of the Revenue Act of 1934 and by section 201 (c) of the Revenue Act of 1935.

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of the decedent's death exceeds $40,000.

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SEC. 304 (as originally enacted). (a) • • • The executor shall also, at such times and in such manner as may be required by regulations made pursuant to law, file with the collector a return under oath in duplicate, setting forth (1) the value of the gross estate of the decedent at the time of his death, or, in case of a nonresident, of that part of his gross estate situated in the United States; (2) the deductions allowed under section 303; (3) the value of the net estate of the decedent as defined in section 303; and (4) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax.

(b) Return shall be made in all cases where the gross estate at the death of the decedent exceeds $100,000, and in the case of the estate of every nonresident any part of whose gross estate is situated in the United States. If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate.

SEC. 403. Revenue Act of 1932, as originally enacted.

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, except that in the case of a resident decedent a return shall be required if the value of the gross estate at the time of the decedent's death exceeds $50,000.

SEC. 403. Revenue Act of 1934. • • •

(e) Section 304 (a) and (b) of such Act, as amended, are amended by striking out "nonresident" wherever such word appears and inserting in lieu thereof in each case "nonresident not a citizen of the United States."

(f) Section 403 of the Revenue Act of 1932 is amended by striking out "resident decedent" and inserting in lieu thereof "citizen or resident of the United States".

SEC. 201. Revenue Act of 1935. • • •

(c) Section 403 of the Revenue Act of 1932, as amended, (relating to the requirement for filing a return under such additional estate tax) is amended by striking out "$50,000" and inserting in lieu thereof "$40,000".

(d) The amendments made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act.

ART. 63. *When return required—Date of filing.*—A return on Form 706 is required in the case of every resident or citizen (or resident, without regard to citizenship, if the decedent died prior to 11.40 a. m., eastern standard time, May 10, 1934), whose gross estate, as defined in the statute, exceeded $40,000 in value at the date of death, except that if the decedent died (1) after September 8, 1916, and prior to 10.25 a. m., eastern standard time, February 26, 1926, or (2) after 5 p. m., eastern standard time, June 6, 1932, and prior to August 31, 1935, the return is required only if the gross estate exceeded $50,000 in value at the date of death, and except that if the decedent died after 10.25 a. m., eastern standard time, February 26, 1926, and prior to 5 p. m., eastern standard time, June 6, 1932, the return is required only if the gross estate exceeded $100,000 in value at the date of death. The duty to file a return depends upon the value of the gross estate on the date of the decedent's death, regardless of any valuation as of a subsequent time that the executor may use by virue of his election under subdivision (j) of section 302, as added by section 202 of the Revenue Act of 1935, since such election may be made only upon the return. In the case of a resident, the return must be filed with the collector in whose district the decedent had his domicile at the time of death. In the case of a nonresident citizen, it must be filed with the collector in whose district the gross estate in the United States was situated; or, if the gross estate in the United States was situated in more than one district, or, if no part of the gross estate was situated in the United States, it must be filed with the collector for the second district of New York, or with such collector as the Commissioner may designate. The return on Form 706 must be filed in duplicate within 15 months after the date of death, if the decedent died on or after August 31, 1935, and within 1 year after the date of death, if the decedent died before August 31, 1935. If the return is due 15 months after the decedent's death, the due date is the day of the fifteenth calendar month after his death numerically corresponding to the day of the calendar month in which death occurred, except that, if there is no numerically corresponding day in such fifteenth month, the last day of such fifteenth month is the due date. For example, if the decedent died on August 31, 1937, the due date is November 30, 1938. If the due date for filing the return falls on a Sunday or on a legal holiday, the due date for filing will be the day following such Sunday or legal holiday. If placed in the mails the return should be posted in ample time to reach the collector's office, under ordinary handling of the mails, on or before the date on which the return is required to be filed. If a return is made and placed in the mails in due course, properly addressed,

and postage paid, in ample time to reach the office of the collector on or before the due date, no penalty will attach should the return not be actually received by such officer until subsequent to that date.

ART. 64. *Persons liable for return.*—The statute provides that the duly qualified executor or administrator shall file the return. If there is more than one executor or administrator, the return must be made jointly by all. If no executor or administrator has been appointed, every person in actual or constructive possession of any property of the decedent is constituted by the statute an executor for the purposes of the tax (section 300), and is required to make and file a return as provided by section 304. If, in any case, the executor is unable to make a complete return as to any part of the gross estate, he is required to give all the information he has as to such property, including a full description, and the name of every person holding a legal or beneficial interest in the property. If the executor is unable to make a return as to any property, the statute requires that every person holding a legal or beneficial interest therein shall, upon notice from the collector, make return as to such part of the gross estate. For penalties for delinquency in filing return, or for filing a false or fraudulent return, see articles 91, 92, and 94.

ART. 65. *Preparation of return.*—The return must be made on Form 706, copies of which will be supplied by the collector upon application. It must be filed in duplicate under oath and contain an itemized inventory by schedule of the property constituting the gross estate and lists of the deductions under the appropriate schedules. The return must set forth (1) the value of the gross estate (see articles 10–28), (2) the deductions allowed (see articles 29–48), (3) the value of the net estate, and (4) the tax paid or payable thereon. If the decedent died subsequent to the effective date of the Revenue Act of 1932 (5 p. m., eastern standard time, June 6, 1932), the return must set forth (1) both the net estate determined in accordance with the provisions of the Revenue Act of 1926, and the net estate for the purposes of the additional tax imposed by the Revenue Act of 1932, or by that Act as amended, which should be determined in the same manner except that in lieu of the exemption of $100,000 provided in section 303 (a) (4) of the Revenue Act of 1926, the exemption is $50,000 or $40,000, as the case may be (see article 48), and (2) both the tax imposed by the Revenue Act of 1926 and the additional tax imposed by the Revenue Act of 1932, or by that Act as amended. The amount payable upon a return filed for an estate subject to both the tax imposed by the Revenue Act of 1926 and the additional tax imposed by the Revenue Act of 1932, or by that Act as amended, is the total of said taxes. The instructions printed on the form should be carefully followed. All documents and vouchers used in preparing the return should be retained by the executor so as to be available for inspection whenever required. Duplicate copies of the will, if the decedent died testate, one of which should be certified, must be submitted with the return, together with copies of such other documents as in Form 706 and in the applicable articles of these regulations are required. There may also be filed in duplicate copies of any documents which the executor may desire to submit with the return in explanation thereof.

In every case of an estate of a nonresident citizen who died after the date of the enactment of the Revenue Act of 1934, the executor should file the following documents with the return: (1) A copy of the inventory of property and the schedule of liabilities, claims against the estate and expenses of administration filed with the foreign court of probate jurisdiction, certified by a proper official of such court. (2) A copy of the return filed under the foreign inheritance, estate, legacy, or succession tax act, certified by a proper official of the foreign tax department, if the estate is subject to such a foreign tax.

ART. 66. *Supplemental data.*—The statute provides that the executor, in addition to filing notice and return, shall furnish such supplemental data as may be necessary to establish the correct tax (section 304). It is therefore the duty of the executor to furnish upon request copies of any documents in his possession relating to the estate, or on file in any court having jurisdiction over the estate, appraisal lists of any items included in the gross estate, copies of balance sheets or other financial statements relating to the value of stock, and any other information obtainable by him that may be found necessary in the determination of the tax. Failure to comply with such a request will render the executor liable to penalties (article 93), and proceedings may be instituted in the proper United States court to secure compliance therewith (section 1122 (a)).

Persons having possession or control of any records or documents containing or supposed to contain any information concerning the estate, or having knowledge or information of any fact or facts of a material bearing upon the liability, or the extent of liability, of the estate to the tax, shall, upon request of the Commissioner or any revenue agent or inspector designated by him for that purpose, make disclosure thereof. Failure on the part of any person to comply with such request will render him liable to penalties (article 93), and compliance with the request may be enforced in the proper United States court (section 1122 (a)).

*Determination of Tax by Commissioner*

SEC. 306. As soon as practicable after the return is filed the Commissioner shall examine it and shall determine the correct amount of the tax.

SEC. 313. • • • (b) If the executor makes written application to the Commissioner for determination of the amount of the tax and discharge from personal liability therefor, the Commissioner (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 310) shall notify the executor of the amount of the tax. The executor, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

ART. 67. *Examination of return and determination of tax by the Commissioner.*—As soon as practicable after returns are filed, they will be examined and the amount of the tax determined by the Commissioner under such procedure as he may from time to time prescribe.

If the executor makes written application to the Commissioner for a determination of the tax and discharge from personal liability therefor, the Commissioner will, within one year after receipt of such application, or if the application is made before the return is filed then within one year after the return is filed, notify the executor of the amount of the tax, and upon payment thereof, the executor will be discharged from personal liability for any deficiency in the tax thereafter found to be due.

*Extension of Time for Filing Return*

SEC. 3176. Revised Statutes (as amended by section 1103 of the Revenue Act of 1926 and by section 619 (d) of the Revenue Act of 1928 [U. S. C., 1934 edition, Title 26, section 1524]).

• • • If the failure to file a return (other than a return of income tax) or a list is due to sickness or absence, the collector may allow such further time, not exceeding 30 days, for making and filing the return or list as he deems proper. • • •

ART. 68. *Extension of time by collector.*—In case of sickness or absence, collectors are authorized to grant an extension of time for filing the return for a period not in excess of 30 days from the due date, which extension may be granted either before or after the due date. An extension of time for filing the return does not in itself operate to extend the time for the payment of the tax, which is due and payable 15 months after the date of death if the decedent died on or after August 31, 1935, and 1 year after the date of death if the decedent died before August 31, 1935. For extension of time of payment, see article 82.

ART. 69. *Extension of time by Commissioner.*—In case it is impossible for the executor to file a reasonably complete return within 15 months from the date of death if the decedent died on or after August 31, 1935, or within 1 year from the date of death if the decedent died before August 31, 1935, the Commissioner may, upon application from the executor showing good and sufficient cause, grant an extension of time not to exceed 3 months from the due date if the decedent died on or after August 31, 1935, or 6 months from the due date if the decedent died before August 31, 1935. Before the expiration of the extension period granted a return as complete as possible must be filed. The return thus filed will be the return required by section 304 (a) and any tax shown thereon will be the "amount determined by the executor as the tax" referred to in section 305 (b) and section 307. Such return can not thereafter be amended, although supplemental information may subsequently be filed that may result in a finally determined tax different from the amount shown as the tax by the executor upon his return. An extension of time for filing the return does not operate to extend the time for payment of the tax, which is due 15 months after the date of death if the decedent died on or after August 31, 1935, and 1 year after the date of death if the decedent died before August 31, 1935. An extension of time in which to make payment of the tax may be secured as provided in article 82.



*The Return—Estates of Nonresident Aliens*

ART. 70. *Return of estates of nonresidents.*—A return on Form 706, copies of which may be obtained from the Commissioner of Internal Revenue, Washington, D. C., or from any collector of internal revenue, is required in the case of every nonresident alien (or nonresident, regardless of citizenship, if the decedent died prior to the enactment of the Revenue Act of 1934) any part of whose gross estate was situated (see article 50) in the United States. The return must set forth an itemized list of that part of the gross estate situated in the United States and the total value thereof (see article 51), the deductions claimed, if any (see articles 52–54), the value of the net estate (see article 55), and the tax paid or payable thereon. If the decedent died after the effective date of the Revenue Act of 1932 (5 p. m., eastern standard time, June 6, 1932), the return must set forth both the tax imposed by the Revenue Act of 1926 and any additional tax imposed by the Revenue Act of 1932, or that Act as amended. The return must be filed with the collector of internal revenue of the district in which such part of the gross estate was situated, or, if such part of the gross estate was situated in more than one district, it must be filed with the collector for the second district of New York, or with such collector as the Commissioner may designate. The return must be filed in duplicate and under oath within 15 months from the date of death if the decedent died on or after August 31, 1935, and within 1 year from the date of death if the decedent died before August 31, 1935, unless an extension is obtained pursuant to article 68 or 69. If the due date for filing the return falls on a Sunday or on a legal holiday, the due date for filing will be the day following such Sunday or legal holiday. If placed in the mails the return should be posted in ample time to reach the collector's office, under ordinary handling of the mails, on or before the date on which the return is required to be filed. If a return is made and placed in the mails in due course, properly addressed, and postage paid, in ample time to reach the office of the collector on or before the due date, no penalty will attach should the return not be actually received by such officer until subsequent to that date. The return should be made and filed by the executor or administrator appointed, qualified, and acting within the United States, or, if none, then by any person in actual or constructive possession of any property of the decedent situated in the United States, whatever its value. If the qualified executor or administrator is unable to make a complete return as to any part of the gross estate, he is required to give all the information available to him as to such part, including a description thereof and the name of every person holding a legal or beneficial interest therein. As to the meaning of the term "person in actual or constructive possession of any property of the decedent", see article 60.

ART. 71. *Supplemental data.*—Pursuant to the provisions of section 304 (a), with respect to furnishing supplemental data, if the decedent is a nonresident alien (or a nonresident, regardless of citizenship, if the decedent died prior to the enactment of the Revenue Act of 1934), the executor is required to file with the return:

(1) A certified copy of will, if decedent died testate, or, if the decedent left several wills to govern in different jurisdictions, certified copy of each will.

(2) If any deductions are claimed, copy of inventory of property filed under the foreign death-duty act; or, if no such inventory was filed, a certified copy of inventory filed with the foreign court of probate jurisdiction.

The Commissioner may require the documents specified in paragraph (2) regardless of whether deductions are claimed. For requirements dealing with the duty to furnish other documents or information relating to the tax liability of the estate, and penalties in connection therewith, see article 66.

*Privileged Character of Returns*

ART. 72. *Returns confidential.*—All estate tax returns and notices are treated as privileged communications and may not be exhibited, or the contents thereof divulged, to any person other than the executor or his duly authorized attorney or agent, except as prescribed in rules and regulations which may be separately issued upon the subject. This confidential treatment extends to records in possession of the Bureau of Internal Revenue, whether on file with the Commissioner, collector, or revenue agent, including information submitted or obtained in connection with a return. Internal revenue officers are not prohibited from disclosing the returned value of any item or the amount of any deduction, if such disclosure is necessary in order to arrive at the correct determination of the tax, but such right of disclosure does not extend to such information as the amount of the estate, the amount of tax, or other general data. If a copy of the return is desired because no copy was retained by the executor, or the retained copy has been lost or destroyed, or for other satisfactory reason, a copy may be furnished by the Commissioner to the executor, or to his authorized attorney or agent, upon payment of the fee prescribed.

ART. 73. *Disclosure other than to executor.*—If an attorney or other person asks a ruling on a question of law arising in a specific case, the Commissioner will require satisfactory evidence of the right to obtain such ruling. Hypothetical questions, however, can not be answered.

ART. 74. *Attorneys must have authorization.*—In all cases in which information is sought regarding an estate, or an interview is asked, by an attorney or by any agent of the executor or administrator, the information or interview will be denied unless the attorney or agent presents a duly executed power of attorney from the executor or administrator authorizing the attorney or agent to act in his behalf.

No attorney or agent will be recognized as representing an estate or executor unless such attorney or agent is enrolled to represent claimants or others before the Treasury Department. For regulations governing enrollment, reference should be made to Treasury Department Circular No. 230, as revised, copies of which may be obtained upon application to the Secretary of the Committee on Enrollment and Disbarment, Treasury Department, Washington, D. C.

*Return by Collector or Commissioner*

SEC. 3176. Revised Statutes (as amended by section 1103 of the Revenue Act of 1926 [U. S. C., 1934 edition, Title 26, section 1512 (a), (b), and (c)]).

If any person, corporation, company, or association fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise. In any such case the Commissioner of Internal Revenue may, from his own knowledge and from such information as he can obtain through testimony or otherwise, make a return or amend any return made by a collector or deputy collector. Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes. • • •

ART. 75. *No return filed, or a false or fraudulent return filed.*—Section 3176 of the Revised Statutes, as amended, provides that if any person fails to make and file a return at the time required, or makes, willfully or otherwise, a false or fraudulent return, the collector or deputy collector shall make a return. The Commissioner may also make a return or amend any return made by a collector or deputy collector. A return so made by the Commissioner, or made by the collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes. If a tax is found to be due upon such a return, both the estate and the executor will be liable for penalties as well as for the tax.

*Deficiency Tax*

SEC. 307. As used in this title in respect of a tax imposed by this title the term "deficiency" means—

(1) The amount by which the tax imposed by this title exceeds the amount shown as the tax by the executor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the executor upon his return, or if no return is made by the executor, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax.

SEC. 308. (a) (as amended by section 501, Revenue Act of 1934) If the Commissioner determines that there is a deficiency in respect of the tax imposed by this title, the Commissioner is authorized to send notice of such deficiency to the executor by registered mail. Within 90 days after such notice is mailed (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day), the executor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. Except as otherwise provided in subdivision (d) or (f) of this section or in section 312 or 1001, no assessment of a deficiency in respect of the tax imposed by this title and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the executor, nor until the expiration of such 90-day period, nor, if a petition has been filed with the Board, until the decision of the Board has become final. Notwithstanding the provisions of section 3224 of the Revised Statutes the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court.

* * * * *

(c) The Board shall have jurisdiction to redetermine the correct amount of the deficiency, even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the executor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefore is asserted by the Commissioner at or before the hearing or a rehearing.

(f) If after the enactment of this Act the Commissioner has mailed to the executor notice of a deficiency as provided in subdivision (a), and the executor files a petition with the Board within the time prescribed in such subdivision, the Commissioner shall have no right to determine any additional deficiency, except in the case of fraud, and except as provided in subdivision (e) of this section or in subdivision (c) of section 312. If the executor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered for the purposes of this subdivision or of subdivision (a) of this section, or of section 319, as a notice of a deficiency, and the executor shall have no right to file a petition with the Board of Tax Appeals based on such notice, nor shall such assessment or collection be prohibited by the provisions of subdivision (a) of this section.

SEC. 318. (a) If after the enactment of this Act the Commissioner determines that any assessment should be made in respect of any estate or gift tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or the Revenue Act of 1924, or by any such Act as amended, the Commissioner is authorized to send by registered mail to the person liable for such tax notice of the amount proposed to be assessed, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 308 of this Act. In the case of any such determination the amount which should be assessed (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand and the provisions prohibiting claims and suits for refund) as in the case of a deficiency in the tax imposed by this title, except that in the case of an estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, the period of limitation prescribed in section 1109 of this Act shall be applied in lieu of the period prescribed in subdivision (a) of section 310.

(b) If before the enactment of this Act any person has appealed to the Board of Tax Appeals under subdivision (a) of section 308 of the Revenue Act of 1924 (if such appeal relates to a tax imposed by Title III of such Act or to so much of an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section as was not assessed before June 3, 1924), and the appeal is pending before the Board at the time of the enactment of this Act, the Board shall have jurisdiction of the appeal. In all such cases the powers, duties, rights, and privileges of the Commissioner and of the person who has brought the appeal, and the jurisdiction of the Board and of the courts, shall be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (a) of this section, except as provided in subdivision (h) of this section and except that the person liable for the tax shall not be subject to the provisions of subdivision (a) of section 319.

(c) If before the enactment of this Act the Commissioner has mailed to any person a notice under subdivision (a) of section 308 of the Revenue Act of 1924 (whether in respect of a tax imposed by Title III of such Act or in respect of so much of an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section as was not assessed before June 3, 1924), and if the 60-day period referred to in such subdivision has not expired before the enactment of this Act and no appeal has been filed before the enactment of this Act, such person may file a petition with the Board in the same manner as if a notice of deficiency had been mailed after the enactment of this Act in respect of a deficiency in a tax imposed by this title. In such cases the 60-day period referred to in subdivision (a) of section 308 of this Act shall begin on the date of the enactment of this Act, and the powers, duties, rights, and privileges of the Commissioner and of the person entitled to file the petition, and the jurisdiction of the Board and of the courts, shall, whether or not the petition is filed, be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (a) of this section.

(d) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before the date of the enactment of this Act, and if the Commissioner, after the enactment of this Act, finally determines the amount of the deficiency, he is authorized to send by registered mail to the person liable for such tax notice of such deficiency, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 308 of this Act. In the case of any such final determination the amount of the tax (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in cases of delinquency in payment after notice and demand, and the provisions relating to claims and suits for refunds) as in the case of a deficiency in the tax imposed by this title, except as otherwise provided in subdivision (g) of this section, and except that the period of limitation prescribed in section 1109 of this Act shall be applied in lieu of the period prescribed in subdivision (a) of section 310.

(e) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before that date, and if the Commissioner after June 2, 1924, but before the enactment of this Act, finally determined the amount of the deficiency, and if the person liable for such tax appealed before the enactment of this Act to the Board of Tax Appeals and the appeal is pending before the Board at the time of the enactment of this Act, the Board shall have jurisdiction of the appeal. In all such cases the powers, duties, rights, and privileges of the Commissioner and of the person who has brought the appeal, and the jurisdiction of the Board and of the courts, shall be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (d) of this section, except as provided in subdivision (h) of this section, and except that the person liable for the tax shall not be subject to the provisions of subdivision (a) of section 319.

(f) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before the date of the enactment of this Act, and if the Commissioner after June 2, 1924, finally determined the amount of the deficiency, and notified the person liable for such tax to that effect less than 60 days prior to the enactment of this Act and no appeal has been filed before the enactment of this Act, the person so notified may file a petition with the Board in the same manner as if a notice of deficiency had been mailed after the enactment of this Act in respect of a deficiency in a tax imposed by this title. In such cases the 60-day period referred to in subdivision (a) of section 308 of this Act shall begin on the date of the enactment of this Act, and, whether or not the petition is filed, the powers, duties, rights, and privileges of the Commissioner and of the person who is so notified, and the jurisdiction of



the Board and of the courts, shall be determined, and the computation of the tax be made, in the same manner as provided in subdivision (d) of this section.

(g) In cases within the scope of subdivision (d), (e), or (f), if the Commissioner believes that the collection of the deficiency will be jeopardized by delay, he may, despite the provisions of subdivision (a) of section 308 of this Act, instruct the collector to proceed to enforce the payment of the unpaid portion of the deficiency, and notice and demand shall be made by the collector for the payment thereof. Within 30 days after such jeopardy notice and demand the person liable for the tax may obtain a stay of collection of the whole or any part of the amount included in the notice and demand by filing with the collector a bond in like manner, under the same conditions, and with the same effect, as in the case of a bond to stay the collection of a jeopardy assessment under section 312 of this Act.

(h) In cases within the scope of subdivision (b) or (c) of this section where any hearing before the Board has been held before the enactment of this Act and the decision is rendered after the enactment of this Act, such decision shall, for the purposes of this title, be considered to have become final upon the date when it is rendered, and neither party shall have any right to petition for a review of the decision. The Commissioner may, within one year from the time the decision is rendered, begin a proceeding in court for the collection of any part of the amount disallowed by the Board, unless the statutory period of limitations properly applicable thereto has expired before the appeal was taken to the Board. The court shall include in its judgment interest upon the amount thereof in the same cases, at the same rate, and for the same period, as if such amount were collected otherwise than by proceeding in court. In any such proceeding by the Commissioner or in any suit by the taxpayer for a refund, the findings of the Board shall be prima facie evidence of the facts therein stated.

(i) Where before the enactment of this Act a jeopardy assessment has been made under subdivision (d) of section 308 of the Revenue Act of 1924 (whether of a deficiency in the tax imposed by Title III of such Act or of a deficiency in an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section) all proceedings after the enactment of this Act shall be the same as under the Revenue Act of 1924 as amended by this Act, except that—

(1) A decision of the Board rendered after the enactment of this Act where no hearing has been held by the Board before the enactment of this Act may be reviewed in the same manner as provided in this Act in the case of a tax imposed by this title;

(2) Where no hearing has been held by the Board before the enactment of this Act, the Commissioner shall have no right to begin a proceeding in court for the collection of any part of the deficiency disallowed by the Board; and

(3) In the consideration of the case the jurisdiction and powers of the Board shall be the same as provided in this Act in the case of a tax imposed by this title.

(j) In the case of any estate or gift tax imposed by prior Act of Congress, in computing the period of limitations provided in section 310 or 311 of this Act on the making of assessments and the beginning of distraint or a proceeding in court, the running of the statute of limitations shall be considered to have been suspended (in addition to the period of suspension provided for in subdivision (b) of section 310) for any period of time prior to the enactment of this Act during which the Commissioner was prohibited from making the assessment or beginning distraint or proceeding in court.

SEC. 606. Revenue Act of 1928.

(a) *Authorization.*—The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal-revenue tax for any taxable period ending prior to the date of the agreement.

(b) *Finality of agreement.*—If such agreement is approved by the Secretary, or the Undersecretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) the case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) in any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

(c) Section 1106 (b) of the Revenue Act of 1926 is repealed, effective on the expiration of 30 days after the enactment of this Act, but such repeal shall not affect any agreement made before such repeal takes effect.

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NOTE.—Section 308 (a) was amended by section 501 of the Revenue Act of 1934 by changing the period within which the executor may petition the Board of Tax Appeals from 60 days to 90 days, and by excluding from such period a legal holiday in the District of Columbia.

The last sentence of such section 501 reads as follows:

"The amendments made by this section shall apply only in respect of notices mailed after thirty days after the date of the enactment of this Act."

ART. 76. *Deficiency, petitions, and closing agreements.*—Section 307 by its definition of the word "deficiency" provides a term which will apply to any amount of tax determined to be due in excess of the amount of tax reported by the executor, or in excess of the amount reported by the executor as adjusted by way of prior assessments, abatements, refunds, or collections without assessment. In defining the term "deficiency" section 307 recognizes two classes of cases—one, in which the executor makes a return showing some tax liability; the other, in which the executor makes a return showing no tax liability, or in which the executor fails to make a return. Additional tax, resulting from supplemental information filed after the return has been filed, is a deficiency within the meaning of the Act.

When a case is considered for the first time, the deficiency is the excess of the amount determined to be the correct amount of the tax over the amount shown as the tax by the executor on his return, or, if it is a case in which no tax was reported by the executor, the deficiency is the amount determined to be the correct amount of the tax. Subsequent information sometimes discloses that the amount previously determined to be the correct amount of the tax is less than the correct amount, and that a redetermination of the tax is necessary. In such a case the deficiency on redetermination is the excess of the amount determined to be the correct amount of the tax over the sum of the amount of tax reported by the executor and the deficiency assessed in connection with the previous determination. If it is a case in which no tax was reported by the executor, the deficiency is the excess of the amount determined to be the correct amount of the tax over the amount of the deficiency disclosed by the previous determination. If the previous determination resulted in a refund to the executor, the deficiency upon the second determination is the excess of the amount determined to be the correct amount of the tax over the amount of tax reported by the executor decreased by the amount of the tax refunded.

In all cases in which a deficiency in respect of a tax (including penalties or other additions to the tax provided by law) is determined by the Commissioner, a notice thereof will be sent to the executor by registered mail in accordance with the provisions of section 308 (a) of the statute even though a jeopardy assessment (see article 77) is made. If, subsequent to the mailing of such notice, a jeopardy assessment is made in respect of the deficiency to which such notice relates no subsequent notice will be sent to the executor by the Commissioner, but if such jeopardy assessment is made, and the amount thereof is in excess of the deficiency to which the notice relates, the Commissioner will mail a notice to the executor as required by section 308 (a) of the determination of such additional deficiency provided no petition has theretofore been filed with the Board of Tax Appeals. If a deficiency is determined in respect of both the tax imposed by the Revenue Act of 1926 and the additional tax imposed by the Revenue Act of 1932, notice of both deficiencies may be incorporated in the same communication.

Within 90 days (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) after the mailing of the registered letter notifying him of the final determination of a deficiency by the Commissioner, the executor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency, other than a deficiency resulting from the correction of a mathematical error appearing upon the return. If notice of the deficiency is mailed prior to, or within 30 days after, the enactment of the Revenue Act of 1934, the period within which a petition may be filed with the Board is 60 days (not counting Sunday as the sixtieth day) after mailing of the notice. (See article 77.) The right to file a petition with the Board exists whether the decedent died prior or subsequent to the enactment of the Revenue Act of 1926.

The executor and the Commissioner (or any officer or employee authorized by the Commissioner), subject to approval by the Secretary or the Under Secretary of the Treasury, may, under the provisions of section 606 of the Revenue Act of 1928, enter into a closing agreement in writing relating to the tax liability of the estate which will be final and conclusive except upon a showing of fraud or malfeasance, or misrepresentation of a material fact.

*Assessment of Tax*

SEC. 305. (b) (as amended by section 808 (a) of the Revenue Act of 1932) Where the Commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the Commissioner may extend the time for payment of any such part not to exceed eight years from the due date. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, and the running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension. • • •

SEC. 308. • • • (b) If the executor files a petition with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the Commissioner but disallowed as such by the decision of the Board which has become final shall be assessed or be collected by distraint or by proceeding in court with or without assessment.

(c) If the executor does not file a petition with the Board within the time prescribed in subdivision (a) of this section, the deficiency, notice of which has been mailed to the executor, shall be assessed, and shall be paid upon notice and demand from the collector.

(d) The executor shall at any time have the right, by a signed notice in writing filed with the Commissioner, to waive the restrictions provided in subdivision (a) of this section on the assessment and collection of the whole or any part of the deficiency.

(e) The Board shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the executor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the Commissioner at or before the hearing or a rehearing.

(f) If after the enactment of this Act the Commissioner has mailed to the executor notice of a deficiency as provided in subdivision (a), and the executor files a petition with the Board within the time prescribed in such subdivision, the Commissioner shall have no right to determine any additional deficiency, except in the case of fraud, and except as provided in subdivision (e) of this section or in subdivision (c) of section 312. If the executor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered, for the purposes of this subdivision or of subdivision (a) of this section, or of section 319, as a notice of a deficiency, and the executor shall have no right to file a petition with the Board of Tax Appeals based on such notice, nor shall such assessment or collection be prohibited by the provisions of subdivision (a) of this section.

(g) For the purposes of this title the date on which a decision of the Board becomes final shall be determined according to the provisions of section 1005. • • •

(i) (as amended by section 808 (b) of the Revenue Act of 1932) Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of four years. If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case the running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension, and there shall be collected, • • •

SEC. 310. (a) Except as provided in section 311, the amount of the estate taxes imposed by this title shall be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of three years after the return was filed.

(b) (as amended by section 402 (a) of the Revenue Act of 1928) The running of the statute of limitations provided in this section or in section 311 on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of a notice under subdivision (a) of section 308) be suspended for the period during which the Commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court (and in any event, if a proceeding in respect of the deficiency is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

SEC. 311. (a) In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(b) Where the assessment of any tax imposed by this title or of any estate or gift tax imposed by prior Act of Congress has been made (whether before or after the enactment of this Act) within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court (begun before or after the enactment of this Act), but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the executor.

(c) This section shall not bar a distraint or proceeding in court begun before the enactment of the Revenue Act of 1924; nor shall it authorize the assessment of a tax or the collection thereof by distraint or by proceeding in court (1) if at the time of the enactment of this Act such assessment, distraint, or proceeding was barred by the statutory period of limitation properly applicable thereto, unless prior to the enactment of this Act the Commissioner and the executor agreed in writing thereto, or (2) contrary to the provisions of subdivision (a) of section 308 of this Act.

SEC. 312. (a) If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, he shall immediately assess such deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) and notice and demand shall be made by the collector for the payment thereof.

(b) If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under subdivision (a) of section 308, then the Commissioner shall mail a notice under such subdivision within 60 days after the making of the assessment.

(c) The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the executor, despite the provisions of subdivision (f) of section 308 and whether or not the executor has theretofore filed a petition with the Board of Tax Appeals. The Commissioner shall notify the Board of the amount of such assessment, if the petition is filed with the Board before the making of the assessment or is subsequently filed, and the Board shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) If the jeopardy assessment is made after the decision of the Board is rendered such assessment may be made only in respect of the deficiency determined by the Board in its decision.

(e) A jeopardy assessment may not be made after the decision of the Board has become final or after the executor has filed a petition for review of the decision of the Board.

(f) When a jeopardy assessment has been made the executor, within 30 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the Board which has become final, together with interest thereon as provided in subdivision (j) of this section.

(g) If the bond is given before the executor has filed his petition with the Board under subdivision (a) of section 308, the bond shall contain a further condition that if a petition is not filed within the period provided in such subdivision, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subdivision.

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(i) When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be refunded. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector. • • •

SEC. 318. (a) If after the enactment of this Act the Commissioner determines that any assessment should be made in respect of any estate or gift tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or the Revenue Act of 1924, or by any such Act as amended, the Commissioner is authorized to send by registered mail to the person liable for such tax notice of the amount proposed to be assessed, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 308 of this Act. In the case of any such determination the amount which should be assessed (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand and the provisions prohibiting claims and suits for refund) as in the case of a deficiency in the tax imposed by this title, except that in the case of an estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, the period of limitation prescribed in section 1109 of this Act shall be applied in lieu of the period prescribed in subdivision (a) of section 310. • • •

SEC. 1109 (as amended by section 619 (a), Revenue Act of 1928). (a) Except in the case of • • • estate, and gift taxes—

(1) Notwithstanding the provisions of section 3182 of the Revised Statutes or any other provision of law, all internal-revenue taxes shall (except as provided in paragraph (2) or (3) of this subdivision) be assessed within four years after such taxes became due, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of five years after such taxes became due.

(2) In case of a false or fraudulent return with intent to evade tax, of a failure to file a return within the time required by law, or of a willful attempt in any manner to defeat or evade tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(3) Where the assessment of any tax imposed by this Act or by prior Act of Congress has been made (whether before or after the enactment of this Act) within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court (begun before or after the enactment of this Act), but only if begun (A) within six years after the assessment of the tax, or (B) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the taxpayer.

(b) This section shall not bar a distraint or proceeding in court begun before the enactment of the Revenue Act of 1924; nor shall it authorize the assessment of a tax or the collection thereof by distraint or by proceeding in court if at the time of the enactment of this Act such assessment, distraint, or proceeding was barred by the statutory period of limitation properly applicable thereto, unless prior to the enactment of this Act the Commissioner and the taxpayer agreed in writing thereto.

SEC. 403. Revenue Act of 1932.

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, • • •.

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SEC. 310. (b) (as originally enacted) The running of the statute of limitations provided in this section or in section 311 on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of a notice under subdivision (a) of section 308) be suspended for the period during which the Commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court, and for 60 days thereafter.

NOTE.—The above subdivision was amended by section 402 (a) of the Revenue Act of 1928, by inserting the following: "(and in any event, if a proceeding in respect of the deficiency is placed on the docket of the Board, until the decision of the Board becomes final)". Section 402 (b) of the Revenue Act of 1928 reads as follows:

"Subsection (a) of this section shall apply in all cases where the period of limitation has not expired prior to the enactment of this Act."

ART. 77. *Assessments.*—In any case in which the Commissioner believes that the assessment or collection of a deficiency tax will be jeopardized by delay, he will make an immediate assessment thereof. In such case the assessment may be made before the mailing of the notice provided by section 308 (a), or at any time thereafter prior to the filing of a petition for a review by the court of a decision rendered by the Board. If the jeopardy assessment is made subsequent to a decision of the Board, then the assessment is limited to the amount of the deficiency determined by the Board. If the jeopardy assessment is made before any notice in respect of the deficiency to which the jeopardy assessment relates has been mailed under subdivision (a) of section 308, the Commissioner will mail a notice as provided by such subdivision within 60 days after the making of such jeopardy assessment.

If an amount of tax in excess of that shown upon the return is determined to be due as a result of the correction of a mathematical error appearing upon the face of the return, the executor will be duly notified and an assessment made of the tax which would have been the correct tax but for the mathematical error. The notice that the correct amount of the tax has been assessed will not be a notice of a deficiency within the meaning of subdivision (a) of section 308 or section 319 and the executor has no right to file a petition with the Board of Tax Appeals based upon such notice.

If a petition is filed with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final will be assessed, except such portion as may have been assessed as a jeopardy assessment. If no petition is filed with the Board within the time prescribed in section 308 (a), the deficiency, notice of which has been mailed to the executor, will be assessed. If the executor by a signed notice in writing filed with the Commissioner waives the restrictions on the assessment and collection of the whole or any part of a deficiency, assessment of such whole or part will be made immediately. (As to payment, see articles 78 to 85, inclusive.)

All assessments against executors (as to assessments against transferees and fiduciaries, see article 105), except in the case of a false or fraudulent return, or of a failure to file a return within the time required by law, must be made within three years after the return was filed (four years after the due date of the tax if the decedent died prior to the effective date of the Revenue Act of 1924). If notice of a deficiency is mailed in accordance with the provisions of subdivision (a) of section 308, then the period within which assessment thereof is required to be made is extended for the period during which the Commissioner is prohibited from making the assessment and for 60 days thereafter. If a proceeding in respect of the deficiency is placed on the docket of the Board, the period within which assessment is required to be made is extended until the decision of the Board becomes final and for 60 days thereafter. If an extension of time for payment of the tax is granted in accordance with section 305 (b) or section 308 (i), as amended by section 808 of the Revenue Act of 1932, the period within which assessment is required to be made is extended by the time covered by such extension.

In case of a false or fraudulent return with intent to evade the tax, or of a failure to file a required return, the tax may be assessed, or proceedings in court for collection may be begun without assessment, at any time.

*Payment of and Receipts for Taxes*

SEC. 305. (a) (as amended by section 203 (a) of the Revenue Act of 1935) The tax imposed by this title shall be due and payable fifteen months after the decedent's death, and shall be paid by the executor to the collector. • • •

SEC. 308. • • • (b) If the the executor files a petition with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final shall be assessed and shall be paid upon notice and demand from the collector. • • •

(c) If the executor does not file a petition with the Board within the time prescribed in subdivision (a) of this section, the deficiency, notice of which has been mailed to the executor, shall be assessed, and shall be paid upon notice and demand from the collector. • • •

SEC. 313. (a) The collector shall grant to the person paying the tax duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts. • • •

SEC. 1118. (a) Collectors may receive, • • • uncertified checks in payment of income, war-profits, and excess-profits taxes and any other taxes payable other than by stamp, during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe; but if a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered.

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SEC. 305. (a) (as originally enacted) The tax imposed by this title shall be due and payable one year after the decedent's death, and shall be paid by the executor to the collector. • • •

NOTE.—The above subdivision was amended by section 203 (a) of the Revenue Act of 1935 by substituting "fifteen months" for

"one year". Section 203 (c) of the Revenue Act of 1935 reads as follows:

"The amendments made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act."

ART. 78. *Payment of tax; General.*—The tax is due and must be paid within 15 months from the date of death if the decedent died on or after August 31, 1935, or within 1 year from the date of death if the decedent died before August 31, 1935, unless an extension of time for payment thereof has been granted by the Commissioner. (See also article 82.) If the tax is due 15 months after the decedent's death, the due date is the day of the fifteenth calendar month after his death numerically corresponding to the day of the calendar month in which death occurred, except that, if there is no numerically corresponding day in such fifteenth month, the last day of such fifteenth month is the due date. For example, if the decedent died on August 31, 1937, the due date is November 30, 1938. No discount will be allowed for payment in advance of the due date. The collector will grant to the person paying the tax duplicate receipts, either of which will be sufficient evidence of such payment and entitle the executor to be credited with the amount by any court having jurisdiction to audit or settle his accounts.

Following an investigation of the return, the tax liability will be determined by the Commissioner. If the amount of tax shown on the return has been paid and exceeds the amount of tax as determined, a certificate of overassessment will be prepared and issued, regardless of whether or not a claim for refund of such excess payment is filed unless refundment of such excess is barred by the statute of limitations, or such excess is otherwise not refundable, as in the case of a compromise (see article 101), a closing agreement (see article 76) conclusively fixing the amount of tax liability, or an estoppel. If the amount of tax as determined exceeds the amount of tax already paid but is less than the amount shown on the return, the executor will be notified of the amount of the unpaid tax and payment thereof should be made to the collector. If the audit of the return does not disclose a deficiency tax or overpayment the executor will be notified to that effect. If, as a result of the audit of the return, a deficiency in respect of the tax is finally determined and such deficiency is in whole or in part assessed (see article 77), the executor should pay the amount of the deficiency assessed upon notice and demand from the collector, except in the case a stay of the collection of a jeopardy assessment is obtained by the filing of a bond (see article 96), or an extension of time for payment is granted (see article 83). Until any tax determined by the Commissioner, including any deficiency, is assessed, the executor should reserve a sufficient portion of the estate to satisfy any unpaid assessment.

ART. 79. *The executor shall pay the tax.*—The statute provides that the executor shall pay the tax. This duty applies to the entire tax, regardless of the fact that the gross estate consists in part of property which will not come into his possession. If there is no duly qualified executor or administrator, all persons in actual or constructive possession of any property of the decedent are liable for and required to pay the tax to the extent of the value of such property. (See section 300 (a). As to the personal liability of the executor, see article 102.)

ART. 80. *Payment by check.*—Collectors may accept uncertified checks in payment of the tax, provided such checks are collectible at par, that is, for the full amount, without any deduction for exchange or other charges. The collector will stamp upon the face of each check before deposit thereof the words "This check is in payment of an obligation to the United States and must be paid at par. No protest." This should be followed by his name and title. The day on which the check is received will be considered the date of payment so far as the taxpayer is concerned, unless the check is returned dishonored. If the bank on which a check is drawn should refuse to pay it at par, the check should be returned through the depositary bank.

All expenses incident to the attempt to collect such a check and the return of it through the depositary bank must be paid by the drawer of the check to the bank on which it is drawn. (See section 3210 of the Revised Statutes, as amended, reenacted by section 1128 (b) of the Revenue Act of 1926.) In the case a check has been returned uncollected by the depositary bank, the collector should proceed to collect the tax as though no check had been given, and the taxpayer will remain liable for payment of the tax and for all interest, legal penalties and additions, if any attach, to the same extent as though such check had not been tendered. A taxpayer who tenders a certified check in payment of the tax is not released from his obligation until the check has been paid. (See U. S. C., 1934 edition, Title 26, section 1546 (a).)

Treasury Department Circular No. 176, as amended, prescribes detailed regulations governing the deposit and collection of checks. Collectors are referred to paragraphs 13–16 and paragraph 26 thereof as to the deposit of taxpayers' checks and the handling of uncollected or lost items.

ART. 81. *Payment with bonds of the United States.*—Payment of the tax may be made with certain bonds of the United States in accordance with section 14 of the Second Liberty Bond Act, as amended (U. S. C., 1934 edition, Title 31, section 765), and Department Circular 225, as amended and supplemented, issued pursuant thereto. Such bonds must bear interest at a higher rate than 4 per cent per annum, and are receivable at par value, together with interest accrued at the time of payment, provided they were owned by the decedent continuously for at least six months prior to the date of his death, and upon such date constituted a part of his gross estate.

*Extension of Time for Payment of Tax*

SEC. 305. * * * (b) (as amended by section 808 (a) of the Revenue Act of 1932) Where the Commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the Commissioner may extend the time for payment of any such part not to exceed eight years from the due date. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, and the running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension. If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount in respect of which the extension is granted, and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. * * *

(e) (as added by section 811 (a) of the Revenue Act of 1932) Where there is included in the value of the gross estate the value of a reversionary or remainder interest in property, the payment of the part of the tax imposed by this title attributable to such interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property, and the amounnt the payment of which is so postponed shall then be payable, together with interest thereon at the rate of 4 per centum per annum from eighteen months after the date of the decedent's death until such amount is paid. The postponement of payment of such amount shall be under such regulations as the Commissioner with the approval of the Secretary may prescribe, and shall be upon condition that the executor, or any other person liable for the tax, shall furnish a bond in such an amount, and with such sureties, as the Commissioner deems necessary, conditioned upon the payment within six months after the termination of such precedent interest or interests of the amount the payment of which is so postponed, together with interest thereon, as above provided. Such part of any estate, inheritance, legacy, or succession taxes allowable as a credit against the tax imposed by this title as is attributable to such reversionary or remainder interest may be allowed as a credit against the tax attributable to such interest, subject to the percentage limitation contained in section 301 (c), if such part is paid, and credit therefor claimed, at any time prior to the expiration of 60 days after the termination of the precedent interest or interests in the property.

NOTE.—Section 811 (b) of the Revenue Act of 1932 reads as follows: "The amendment to section 305 of the Revenue Act of 1926 made by subsection (a) of this section, shall not apply, in the case of estates of decedents dying prior to the date of the enactment of this Act, to that part of any payment of Federal estate taxes made prior to such date which is attributable to a reversionary or remainder interest in property."

SEC. 308. * * * (1) (as amended by section 808 (b) of the Revenue Act of 1932) Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of four years. If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case the running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension, and there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period.

NOTE.—Section 404 of the Revenue Act of 1935 had the effect of changing the rate of interest of 1 per centum a month provided in the above subdivision to 6 per centum per annum for any period after August 30, 1935. Such section 404 reads as follows:

"Notwithstanding any provision of law to the contrary, interest accruing during any period of time after the date of the enactment of this Act upon any internal-revenue tax (including amounts assessed or collected as a part thereof) or customs duty, not paid when due, shall be at the rate of 6 per centum per annum."

ART. 82. (*a*) *Extension of time for payment of tax shown on return.*—In any case in which the Commissioner finds that payment, on the due date, of the tax shown on the return would impose undue hardship upon the estate, an extension or extensions of time will be granted for the payment of the tax for a period not to exceed in all eight years from the due date. Extensions of time for tax payment will be granted only in exceptional cases, and those in which it is evident that the payment of the tax on or before the due date would impose upon the estate undue hardship. What constitutes "undue hardship" depends upon the facts in the particular case.

An application for an extension of time for the payment of the tax must be in writing and must contain, or be supported by, sufficient information under oath from which the Commissioner may determine whether undue hardship would result if the requested extension were refused.

As a condition to the granting of such an extension the Commissioner may require that a penal bond be furnished in an amount not exceeding double the amount for which the extension is desired. If a bond is to be furnished it must be filed with the collector within 10 days after notification by the Commissioner that such bond is required, and shall be conditioned upon the payment, in accordance with the terms of the extension granted, of the tax involved, including any interest thereon, and shall be executed by a surety or sureties, and shall be subject to the approval of the Commissioner. In lieu of such surety or sureties, the bond may be secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, U. S. C., 1934 edition, Sup. II, Title 6, section 15.)

No single extension for more than one year will be granted. Application for extension of time for payment should be filed with the collector, who will refer it to the Commissioner with suitable recommendations.

An extension of time to pay the tax does not relieve the executor from the duty of filing the return on or before the date fixed by the regulations, nor will it operate to prevent the running of interest. (See articles 84 and 85.) An extension of time to pay the tax may extend the period within which taxes allowed as a credit by section 301 (c) are required to be paid and the credit therefor claimed. (See article 9.) The running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), is suspended for the period of the extension. (See articles 77 and 105.)

All applications for extensions of time for payment of tax must be made before the due date of such tax. If the executor desires to obtain an additional extension, the application therefor must be filed with the collector on or before the date of the expiration of the previous extension.

The granting of an extension of time for paying the tax is discretionary with the Commissioner and such authority will be exercised under such conditions as he may deem advisable.

(*b*) *Extension of time for payment of tax attributable to a reversionary or remainder interest.*—In the case there is included in the gross estate a reversionary or remainder interest in property, the payment of the part of the tax attributable to such interest, except such part of such tax as was paid prior to the enactment of the Revenue Act of 1932, may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property. This provision is limited to cases in which the reversionary or remainder interest is included in the decedent's gross estate as such and does not extend to cases in which the decedent creates future estates by his own testamentary act.

Notice of the exercise of the election to postpone the payment of the tax attributable to a reversionary or remainder interest should be filed with the Commissioner before the date prescribed for payment of the tax. There should be filed with the notice of election a certified copy of the will or other instrument under which the reversionary or remainder interest was created. The Commissioner may require the submission of such additional proof as is deemed necessary to disclose the complete facts. If the duration of the precedent interest is dependent upon the life of any person the application must show the date of birth of such person.

As a prerequisite to the postponement of the payment of the tax attributable to a reversionary or remainder interest, a bond must be furnished in such an amount (at least double the amount of the tax and interest for the estimated duration of the precedent interest), and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the tax and interest accrued thereon within six months after the termination of the precedent interest. In case the duration of the precedent interest is dependent upon the life or lives of any person or persons, or is otherwise indefinite, the bond must be further conditioned upon the principal or surety promptly notifying the Commissioner when such precedent interest terminates and upon the principal or surety notifying the Commissioner during the month of September of each year as to the continuance of the precedent interest. If after the acceptance of a bond it is determined that the amount of the tax attributable to the reversionary or remainder interest was understated in the bond, a new bond or a supplemental bond may be required, or such tax to the extent of the understatement may be collected.

If the decedent's gross estate consists of both a reversionary or remainder interest in property and other property, the tax attributable to the reversionary or remainder interest, within the meaning of section 305 (e) and this article, is an amount which bears the same ratio to the total tax which the value of the reversionary or remainder interests bears to the entire gross estate, subject to the following qualification: In determining the ratio, the value of the reversionary or remainder interest should be reduced by (1) the amount of claims, mortgages, and indebtedness which is a lien upon such interest; (2) losses in respect of such interest during the settlement of the estate which are deductible under the provisions of subdivisions (a) (1) and (b) (1) of section 303; (3) any amount in respect of such interest identified as previously taxed property under the provisions of subdivisions (a) (2) and (b) (2) of section 303; (4) any amount deductible on account of devises or

bequests of such interests to charitable, etc., uses as described in subdivisions (a) (3) and (b) (3) of section 303. In determining the ratio, the gross estate should likewise be reduced by such deductions having similar relationship to items in the gross estate other than the remainder or reversionary interest.

If the time for payment of the Federal estate tax attributable to a reversionary or remainder interest in property is postponed, all estate, inheritance, legacy, or succession taxes allowable as a credit under the provisions of section 301 (c) of the Revenue Act of 1926, as amended, which are paid and for which credit is claimed within the period provided in such section, will be allowed not to exceed 80 per cent, respectively, of that portion of the Federal estate tax attributable to such interest and to that portion attributable to the other property, and will be applied first to the respective portion of the Federal estate tax which is attributable to the same interests in property to which the estate, inheritance, legacy, or succession taxes are attributable. Estate, inheritance, legacy, or succession taxes, as described in section 301 (c) of the Revenue Act of 1926, as amended, which are attributable to the reversionary or remainder interest and which are paid and for which credit is claimed after the expiration of the period provided in section 301 (c) will also be allowed as a credit against the Federal estate tax attributable to such interest (limited by the requirement that the total credit may not exceed 80 per cent of the total Federal estate tax) if such taxes are paid and credit therefor is claimed prior to the expiration of 60 days after the termination of the preceding interest or interests in the property.

*Example:* The Federal estate tax attributable to the reversionary or remainder interest is $5,000, and that attributable to all other property is $10,000. The estate, inheritance, legacy, or succession taxes paid to the State within the 4-year period are $9,000, all attributable to property other than the reversionary or remainder interest. Of this $9,000, the maximum of $8,000 is credited against the Federal estate tax of $10,000 attributable to property other than the reversionary or remainder interest, and the balance of $1,000 is credited to the Federal estate tax attributable to the reversionary interest. Accordingly, the estate will be required to pay $2,000 (Federal estate tax of $10,000 attributable to property other than the reversionary or remainder interest, minus the credit of $8,000) at once, and an extension will be allowed for payment of $4,000 (Federal estate tax of $5,000 attributable to the reversionary interest, minus credit of $1,000). After expiration of the 4-year period, but before expiration of 60 days after termination of the life estate or precedent interest, the estate pays additional State estate, inheritance, legacy, or succession taxes of $5,000 attributable to the reversionary or remainder interest. As the maximum credit is $12,000 (80 per cent of $15,000, the total Federal estate tax) and $9,000 has already been allowed, there will be an additional allowance of $3,000, and the estate will be required to pay $1,000 at the end of the extension period.

If any estate, inheritance, legacy, or succession taxes are imposed by any of the several States, Territories, or the District of Columbia upon a reversionary or a remainder interest in property and other property, without definitely apportioning the tax between such classes of property, for the purposes of this article the amount of such estate, inheritance, legacy, or succession taxes which will be deemed to be attributable to the reversionary or remainder interest will be an amount which bears the same ratio to the total of such taxes as the value of such property bears to the value of the decedent's entire estate upon which the estate, inheritance, legacy, or succession tax was imposed. In determining the ratio, reduction will be made in the value of the reversionary or remainder interest and the value of the gross estate as previously provided in this article for determining the Federal estate tax attributable to the reversionary or remainder interest.

If any part of the tax was paid prior to the enactment of the Revenue Act of 1932, and the gross estate consists of both a reversionary or remainder interest and other property, the portion of the tax so paid attributable to the reversionary or remainder interest is an amount which bears the same ratio to the total tax so paid which the entire tax attributable to the remainder or reversionary interest, computed as provided in this article, bears to the total tax.

The amount of tax the payment of which is postponed under the provisions of section 305 (c) bears interest at the rate of 4 per cent per annum from 18 months after the date of the decedent's death until such amount is paid. (See article 84 (b).)

ART. 83. *Extension of time for payment of deficiency tax.*—In any case in which the Commissioner finds that payment of the deficiency tax upon the date prescribed for the payment thereof would impose undue hardship upon the estate, an extension or extensions of time will be granted for payment, with the approval of the Secretary, for a period not to exceed in all four years from the date prescribed for the payment of the deficiency. Extension of time for such payment will be granted only in exceptional cases and those in which it is evident that payment on or before the date prescribed for payment of the deficiency would impose undue hardship. This provision applies to all estates, regardless of the date of the decedents' death.

What constitutes "undue hardship" depends upon the facts in the particular case. No extension will be granted where the deficiency is due to negligence or intentional disregard of the rules and regulations, or to fraud with intent to evade the tax.

Any application for an extension of time for the payment of a deficiency must be in writing and must contain, or be supported by, information under oath showing wherein undue hardship would result if the extension were refused.

As a condition to the granting of such an extension the Commissioner may require that a penal bond be furnished in an amount not exceeding double the amount of the deficiency. If a bond is to be furnished it must be filed with the collector within 10 days after notification by the Commissioner that such bond is required, and shall be conditioned upon the payment of the deficiency in accordance with the terms of the extension granted, including interest upon the deficiency, as prescribed by the statute (see article 85), until the deficiency is paid, and shall be executed by a surety or sureties and shall be subject to the approval of the Commissioner. In lieu of such surety or sureties, the bond may be secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, U. S. C., 1934 edition, Sup. II, Title 6, section 15.) No single extension for more than one year will be granted. Application for extension of time for payment should be filed with the collector. The collector will refer the application to the Commissioner with suitable recommendations.

Application for extension of time for payment of a deficiency must be made on or before the date prescribed for payment thereof, as shown by the notice and demand from the collector. If the executor desires to obtain an additional extension, the application therefor must be filed with the collector on or before the date of the expiration of the previous extension.

An extension of time to pay the deficiency will not operate to prevent the running of interest. (See article 85.) An extension of time to pay the deficiency may extend the period within which taxes allowed as a credit by section 301 (c) are required to be paid and the credit therefor claimed. (See article 9.) The running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), is suspended for the period of the extension. (See articles 77 and 105.) No extension of time for paying a deficiency will be granted until after the assessment thereof and notice and demand for payment has been made by the collector.



The granting of an extension of time for paying the deficiency is discretionary with the Commissioner and the Secretary, and such authority will be exercised under such conditions as may be deemed advisable.

*Interest on Tax*

SEC. 305. * * * (c) (as amended by section 203 (b) of the Revenue Act of 1935). If the time for the payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the expiration of three months after the due date of the tax to the expiration of the period of the extension. * * *

NOTE.—Section 305 (c) was amended by section 203 (b) of the Revenue Act of 1935 by substituting "three months" for "six months". Section 203 (c) of the Revenue Act of 1935 reads as follows:

"The amendments made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act."

(e) (as added by section 811 (a) of the Revenue Act of 1932). Where there is included in the value of the gross estate the value of a reversionary or remainder interest in property, the payment of the part of the tax imposed by this title attributable to such interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property, and the amount the payment of which is so postponed shall then be payable, together with interest thereon at the rate of 4 per centum per annum from eighteen months after the date of the decedent's death until such amount is paid. * * *

SEC. 308. * * * (h) Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the due date of the tax to the date the deficiency is assessed, or, in the case of a waiver under subdivision (d) of this section, to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier.

(i) (as amended by section 808 (b) of the Revenue Act of 1932) Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of four years. If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case the running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension, and there shall be collected, as a part of the tax interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period.

NOTE.—Section 404 of the Revenue Act of 1935 had the effect of changing the rate of interest of 1 per centum a month provided in the above subdivision to 6 per centum per annum for any period after August 30, 1935. Such section 404 reads as follows:

"Notwithstanding any provision of law to the contrary, interest accruing during any period of time after the date of the enactment of this Act upon any internal-revenue tax (including amounts assessed or collected as a part thereof) or customs duty, not paid when due, shall be at the rate of 6 per centum per annum."

(j) The 50 per centum addition to the tax provided by section 3176 of the Revised Statutes, as amended, shall, when assessed after the enactment of this Act in connection with an estate tax, be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of subdivision (h) of this section shall not be applicable.

SEC. 309. (a) (1) Where the amount determined by the executor as the tax imposed by this title, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the due date until it is paid.

(2) Where an extension of time for payment of the amount so determined as the tax by the executor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under subdivision (c) of section 305, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subdivision, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

NOTE.—See note under section 308 (i).

(b) Where a deficiency, or any interest assessed in connection therewith under subdivision (h) of section 308, or any addition to the tax provided for in section 3176 of the Revised Statutes, as amended, is not paid in full within 30 days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

NOTE.—See note under section 308 (i).

(c) If a bond is filed, as provided in section 312, the provisions of subdivision (b) of this section shall not apply to the amount covered by the bond.

SEC. 312. * * * (f) When a jeopardy assessment has been made the executor, within 30 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the Board which has become final, together with interest thereon as provided in subdivision (j) of this section.

(g) If the bond is given before the executor has filed his petition with the Board under subdivision (a) of section 308, the bond shall contain a further condition that if a petition is not filed within the period provided in such subdivision, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subdivision. * * *

(l) When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be refunded. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

(j) In the case of the amount collected under subdivision (l) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of 6 per centum per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under subdivision (l) of this section, or, in the case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in subdivision (h) of section 308. If the amount included in the notice and demand from the collector under subdivision (l) of this section is not paid in full within 30 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

NOTE.—See note under section 308 (i).

ART. 84. (*a*) *Interest on tax shown on return.*—If any portion of the tax shown on the executor's return is not paid on or before the due date, and no extension of time for payment thereof has been granted, such unpaid portion bears interest from the due date until payment is received by the collector at the rate of 6 per cent per annum (except that during any part of such period of time prior to August 31, 1935, interest accrues at the rate of 1 per cent a month).

If an extension of time has been granted for paying any portion of the tax shown on the executor's return, in accordance with article 82 (a), interest accrues thereon at the rate of 6 per cent per annum from the expiration of 18 months after the decedent's death to the expiration of the period of the extension. If the amount of the tax, the time for payment of which has been extended, together with any interest accrued thereon, is not paid in full on or before that date of the expiration of the extension, the total unpaid amount (tax and any accrued interest) bears interest from the expiration of the extension until payment is received by the collector at the rate of 6 per cent per annum (except that during any part of such period of time prior to August 31, 1935, interest accrues at the rate of 1 per cent a month).

Interest at 6 per cent per annum is computed on the basis of 365 days to the year, or 366 days in a leap year. Interest at the rate of 1 per cent a month is computed on the basis of a calendar month, i. e., a period (save one beginning on

the first day of a calendar month) terminating with the day of the succeeding calendar month numerically corresponding with the day preceding the beginning of the period. If there is no corresponding day of the succeeding calendar month, the last day of such succeeding month is the last day of the period. If interest at the rate of 1 per cent a month is to be computed for one or more months and a fraction of a month, it should be computed for the number of whole months, and then for the fraction upon the basis of the number of days of the calendar month in which the first day of the fraction falls. Thus, for example, a period beginning with February 14 and ending on March 13, is one month, and a period beginning with February 14 and ending on March 11, is twenty-six twenty-eighths of a month, except that if the year be a leap year the period is twenty-seven twenty-ninths of a month.

(b) *Interest on tax attributable to a reversionary or remainder interest.*—If the time for the payment of the tax attributable to a reversionary or remainder interest is postponed in accordance with the provisions of section 305 (e), as added by section 811 (a) of the Revenue Act of 1932, the amount the payment of which is so postponed will bear interest at the rate of 4 per cent per annum from 18 months after the date of the decedent's death until such amount is paid. However, if the amount of the tax, the time for payment of which is so postponed, together with interest accrued thereon, is not paid in full on or before the date of the expiration of the period of the postponement (six months after the termination of the precedent interest or interests in the property), the unpaid amount bears interest at the rate of 6 per cent per annum from the date of the expiration of the period of the postponement until payment is received by the collector.

ART. 85. *Interest on deficiency tax.*—The statute provides that any deficiency shall bear interest at the rate of 6 per cent per annum from the due date for payment of the tax (15 months after the date of death if the decedent died on or after August 31, 1935, or 1 year after the date of death if the decedent died before August 31, 1935) to the date the deficiency is assessed, except in the case of a waiver of the restrictions against the assessment and collection of the deficiency, and that such interest shall be assessed at the same time as the deficiency of which it becomes an integral part. The deficiency in respect to which the restrictions against the assessment and collection are waived under section 308 (d) bears interest at the rate of 6 per cent per annum from the due date of the tax to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed, whichever is the earlier. The term "deficiency" includes any tax resulting from the correction of a mathematical error appearing upon the face of a return. (See second paragraph of article 77.)

If any portion of the deficiency assessed is not paid within 30 days from the date of the notice and demand issued by the collector (except a deficiency or any part thereof with respect to which a jeopardy assessment is made and collection is stayed by the filing of a bond), and no extension of time for payment thereof has been granted, such unpaid portion bears interest from the date of the notice and demand until payment is received by the collector at the rate of 6 per cent per annum (except that during any part of such period of time prior to August 31, 1935, interest accrues at the rate of 1 per cent a month).

If an extension of time is granted for paying any portion of the deficiency assessed, in accordance with article 83, interest accrues thereon at the rate of 6 per cent per annum for the period of the extension, i. e., from the date prescribed for the payment (30 days after the date of the notice and demand) to the expiration of the period of the extension. If the amount of the deficiency, the time for payment of which has been extended, together with interest accrued thereon, is not paid in full on or before the date of the expiration of the extension, the total unpaid amount (tax, interest and any addition thereto) bears interest from the expiration of the extension until payment is received by the collector at the rate of 6 per cent per annum (except that during any part of such period of time prior to August 31, 1935, interest accrues at the rate of 1 per cent a month).

Any addition to the tax resulting from the imposition of an ad valorem penalty under the provisions of section 3176, Revised Statutes, as amended, or section 406 of the Revenue Act of 1935, is subject to the same provisions of law relating to the assessment, collection, and the accrual of interest, as the deficiency tax, except that such addition to the tax is not subject to any interest between the due date for payment of the tax (15 months after the date of death if the decedent died on or after August 31, 1935, or 1 year after the date of death if the decedent died before August 31, 1935) and the date of the assessment thereof.

If a stay of the collection of a jeopardy assessment of a deficiency tax, or any addition to the tax resulting from the imposition of an ad valorem penalty, is obtained and a petition for a redetermination of the deficiency is filed with the Board of Tax Appeals, interest accrues on such unpaid portion of the deficiency or penalty, if any, determined by a decision of the Board which is made final, at the rate of 6 per cent per annum from the date of the notice and demand from the collector following the jeopardy assessment to the date of the notice and demand by the collector subsequent to the final action taken on the petition filed with the Board. If the amount which the Board determines should have been assessed is not paid in full within 30 days from the date of such notice and demand issued subsequent to the decision of the Board which has become final, interest accrues upon the unpaid amount from the date of such notice and demand until it is paid at the rate of 6 per cent per annum (except that during any part of such period of time prior to August 31, 1935, interest accrues at the rate of 1 per cent a month). If the amount (exclusive of any ad valorem penalty) determined by the Board as the amount which should be assessed is greater than the amount actually assessed the difference bears interest at the rate of 6 per cent per annum from the due date of the tax until assessment of such difference. If the collection of the jeopardy assessment is stayed, and no petition is filed with the Board for a redetermination of the deficiency, interest accrues upon the deficiency so assessed at the rate of 6 per cent per annum from the date of the jeopardy notice and demand to the date of the notice and demand made by the collector after the expiration of the 90 days from the mailing by the Commissioner of the notice of the deficiency. If such amount is not paid within 30 days from the date of such further notice and demand, interest accrues upon the unpaid amount from the date of such further notice and demand until it is paid at the rate of 6 per cent per annum (except that during any part of such period of time prior to August 31, 1935, interest accrues at the rate of 1 per cent a month).

For method of computing interest at 6 per cent per annum or at 1 per cent a month see last paragraph of article 84 (a).

### *Collection of Tax*

SEC. 314. (a) If the tax herein imposed is not paid on or before the due date thereof the collector shall, upon instruction from the Commissioner, proceed to collect the tax under the provisions of general law, or commence appropriate proceedings in any court of the United States having jurisdiction, in the name of the United States, to subject the property of the decedent to be sold under the judgment or decree of the court. From the proceeds of such sale the amount of the tax, together with the costs and expenses of every description to be allowed by the court, shall be first paid, and the balance shall be deposited according to the order of the court, to be paid under its direction to the person entitled thereto. This subdivision in so far as it applies to the collection of a deficiency shall be subject to the provisions of section 308.

ART. 86. *Remedy not exclusive.*—The remedy by action, here provided, is not exclusive. For other available remedies for the collection of the tax, see article 105.

### *Reimbursement*

SEC. 314. • • • (b) If the tax or any part thereof is paid by, or collected out of that part of the estate passing to or in the possession of, any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this title that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution. If any part of the gross estate consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds, in excess of $40,000, of such policies bear to the net estate. If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio.



ART. 87. *Right to reimbursement not enforceable by Commissioner.*—If any portion of the tax is paid by or collected out of that part of the estate passing to, or in the possession of, any person other than the duly qualified executor or administrator, such person may be entitled to reimbursement, either out of the undistributed estate or by contribution from other beneficiaries whose shares or interests in the estate would have been reduced had the tax been paid before distribution of the estate, or whose shares or interests are subject either to an equal or prior liability for the payment of taxes, debts, or other charges against the estate. The executor is entitled to require beneficiaries under insurance policies to bear their proportion of the tax. These provisions, however, are not designed to curtail the right of the Commissioner to collect the tax from any person, or out of any property, liable therefor. The Commissioner can not be required to apportion the tax among the persons liable, nor to enforce any right to reimbursement or contribution.

### *Lien*

SEC. 315 (as amended by section 613 (b) of the Revenue Act of 1928, and as further amended by section 803 (c) and section 809 of the Revenue Act of 1932).

(a) Unless the tax is sooner paid in full, it shall be a lien for ten years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the Commissioner is satisfied that the tax liability of an estate has been fully discharged or provided for, he may, under regulations prescribed by him with the approval of the Secretary, issue his certificate, releasing any or all property of such estate from the lien herein imposed.

(b) If (1) except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth.

SEC. 313. • • • (b) If the executor makes written application to the Commissioner for determination of the amount of the tax and discharge from personal liability therefor, the Commissioner (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 310) shall notify the executor of the amount of the tax. The executor, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

(c) The provisions of subdivision (b) shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due, unless the title to such part of the gross estate has passed to a bona fide purchaser for value, in which case such part shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser by the heirs, legatees, devisees, or distributees.

ART. 88. *Property subject to lien.*—The lien imposed by section 315 attaches at the date of the decedent's death to every part of the gross estate, whether or not the property comes into the possession of the duly qualified executor or administrator. It attaches to the extent of the tax shown to be due by the return and of any deficiency tax found to be due upon review and audit.

The lien upon the entire property constituting the gross estate continues for a period of 10 years after the decedent's death, except—

(1) If the tax is paid in full before the expiration of such period.

(2) Such portion of the gross estate as is used for the payment of charges against the estate and expenses of its administration allowed by any court having jurisdiction thereof.

(3) Such portion of the gross estate as has passed to a bona fide purchaser for value after payment of the full amount of tax determined by the Commissioner pursuant to a request of the executor for discharge from personal liability, as authorized by section 313 (b) and (c) (see article 67), but there is substituted a like lien upon the consideration received from such purchaser by the heirs, legatees, devisees, or distributees.

(4) Such property as was received from the decedent as a transfer by trust or otherwise in contemplation of or intended to take effect in possession or enjoyment at or after his death, or under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom (except in case the transfer was a bona fide sale for an adequate and full consideration in money or money's worth), and was sold by the transferee to a bona fide purchaser for such a consideration. In such case the lien attaches to all the property of the transferee except such thereof as may be sold to a bona fide purchaser for such a consideration.

(5) If a certificate releasing such lien is issued. (See article 89.)

ART. 89. *Release of lien.*—The statute provides that if the Commissioner is satisfied that the tax liability of an estate has been fully discharged or provided for, he may issue his certificate releasing any or all property of the estate from the lien. The issuance of certificates releasing such lien is a matter resting within the discretion of the Commissioner, and certificates will be issued only in case there is actual need therefor. The primary purpose of such release is not to evidence payment or satisfaction of the tax, but to permit the transfer of property free from the lien in case it is necessary to clear title. Receipts for payment of the tax are issued by the collector.

If the tax liability has been fully discharged a certificate may be issued releasing the lien as to any or all property of the estate. If the tax liability has not been fully discharged, no general release of all property of the estate will be granted but certificates releasing the lien upon particular items of property may be issued by the Commissioner who may require as a prerequisite, in such an amount as he may designate, a partial payment of tax or the furnishing of an indemnity bond with such surety or sureties as he deems necessary. In lieu of such surety or sureties, the bond may be secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, U. S. C., 1934 edition, Sup. II, Title 6, section 15.) The tax

will be considered fully discharged only when investigation has been completed and payment of the tax, including any deficiency finally determined, has been made.

The application for a release should be filed with the Commissioner and should explain the circumstances that require the release, fully describe the particular items for which the release is desired, and show the applicant's relationship to the estate, such as executor, heir, devisee, legatee, beneficiary, transferee, or purchaser. If the return, Form 706, has not been filed, an affidavit may be required showing the value of the property to be released, the basis for such valuation, the approximate value of the gross estate, the approximate value of the total real property included in the gross estate, and in case the property is to be sold or transferred, the name and address of the purchaser or transferee and the consideration to be received.

*Penalties*

SEC. 320. (a) Whoever knowingly makes any false statement in any notice or return required to be filed under this title shall be liable to a penalty of not exceeding $5,000, or imprisonment not exceeding one year, or both.

(b) Whoever fails to comply with any duty imposed upon him by section 304, or, having in his possession or control any record, file, or paper, containing or supposed to contain any information concerning the estate of the decedent, or, having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the Commissioner or any collector or law officer of the United States or his duly authorized deputy or agent, who desires to examine the same in the performance of his duties under this title, shall be liable to a penalty of not exceeding $500, to be recovered, with costs of suit, in a civil action in the name of the United States.

SEC. 1114. (a) Any person required under this Act to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this Act who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(b) Any person required under this Act to collect, account for and pay over any tax imposed by this Act, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this Act or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(c) Any person who willfully aids or assists in, or procures, counsels, or advises, the preparation or presentation under, or in connection with any matter arising under, the internal-revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

* * * * * *

(e) Any person in possession of property, or rights to property subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process. Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interest from the date of such levy.

(f) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3176. Revised Statutes (as amended by section 1103 of the Revenue Act of 1926 [U. S. C., 1934 edition, Title 26, section 1512 (d) and (e)]). * * * In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 406. Revenue Act of 1935.

In the case of a failure to make and file an internal-revenue tax return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after the date of the enactment of this Act, if a 25 per centum addition to the tax is prescribed by existing law, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an addftional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

SEC. 616. Revenue Act of 1928.

Any person who, in connection with any compromise under section 3229 of the Revised Statutes, as amended, or offer of such compromise, or in connection with any closing agreement under section 606 of this Act, or offer to enter into any such agreement, willfully (1) conceals from any officer or employee of the United States any property belonging to the estate of a taxpayer or other person liable in respect of the tax, or (2) receives, destroys, mutilates, or falsifies any book, document, or record, or makes under oath any false statement, relating to the estate or financial condition of the taxpayer or other person liable in respect of the tax, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than one year, or both.

SEC. 403. Revenue Act of 1932.

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926. * * *.

ART. 90. *Nature of penalties.*—Two kinds of penalties are provided for delinquency with respect to the duties imposed by the statute:

(1) A specific penalty, to be recovered by suit, unless previously paid or adjusted by the acceptance of an offer in compromise; and

(2) A penalty of a certain percentage of the tax, to be added to and collected in the same manner as the tax.

In any case in which more than one penalty is provided the Government may assert any one or more thereof.

ART. 91. *Penalties for false or fraudulent notice or return.*—In the case any statement in the notice or return is knowingly false, the person making it is subject to a penalty not exceeding $5,000, or imprisonment for not exceeding one year, or both, and for a false or fraudulent return, 50 per cent will be added to the amount of the tax. Any person required to file any notice or make a return who willfully fails to do so at the time required shall be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

Any person who willfully aids or assists in the preparation or presentation of a false or fraudulent notice or return, or procures, counsels, or advises the preparation or presentation of such a notice or return, whether such falsity or fraud is with or without the knowledge or consent of the person required to make the notice or return, will be guilty of a felony and, upon conviction thereof, fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

ART. 92. *Penalty for failure to give notice or make and file return.*—For failure to give the notice or make and file the return within the time prescribed, the person in default is subject to a penalty not exceeding $500.

For failure to make and file the return within the time prescribed by the Commissioner, or within an extension of time granted by the Commissioner or the collector, 5 per cent will be added to the tax if the failure is for not more than 30 days, with an additional 5 per cent for each 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate, except that if the last date allowed for filing the return is on or before August 30, 1935, 25 per cent will be added to the tax, and except that if the return is filed after the time allowed and it is shown that the failure to file within the time so allowed



was due to a reasonable cause and not to willful neglect, no such addition will be made to the tax.

ART. 93. *Penalty for failure to pay tax, exhibit property, keep or exhibit records, etc., and for concealment of assets.*—Any person in possession or control of any record, file, or paper, containing or supposed to contain information relating to the estate, or having in his possession or control property comprised in the gross estate of the decedent, who fails to exhibit the same upon the request of the Commissioner or any collector or law officer of the United States, or his duly authorized deputy or agent, in the performance of his duties, or having knowledge or information of any fact or facts of a material bearing upon the liability, or the extent of liability, of the estate to the tax, who fails to make disclosure thereof upon request of the Commissioner or any revenue agent or inspector designated by him for that purpose, is liable to a penalty not to exceed $500, to be recovered by civil action. Such a request must be granted whether or not he believes that a compliance therewith is material.

Any person required to pay the tax, keep any records, or supply any information, for the purpose of the computation, assessment, or collection of the tax, who willfully fails to pay such tax, keep such records, or supply such information, as required by the law or regulations, shall, in addition to other penalties, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

Any person who willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

Any person who in connection with any compromise entered into or offer made under the provisions of section 3229 of the Revised Statutes as amended, or, who in connection with any closing agreement under section 606 of the Revenue Act of 1928, or the offer to enter into any such agreement, willfully conceals from any officer or employee of the United States any property belonging to the estate or any person liable in respect of the tax, or receives, destroys, mutilates, or falsifies any book, document, or record, or makes under oath any false statement, relating to the estate or its value or the financial condition of any person liable in respect of the tax, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both.

ART. 94. *Penalty for assisting, procuring, or advising the preparation or presentation of false or fraudulent documents.*—Any person who willfully aids or assists in, or procures, counsels, or advises, the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent affidavit, claim, or document, shall, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such affidavit, claim, or document, be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

*Abatement and Stay of Collection of Jeopardy Assessment*

SEC. 312. * * * (f) When a jeopardy assessment has been made the executor, within 30 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the Board which has become final, together with interest thereon as provided in subdivision (j) of this section.

(g) If the bond is given before the executor has filed his petition with the Board under subdivision (a) of section 308, the bond shall contain a further condition that if a petition is not filed within the period provided in such subdivision, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subdivision.

(h) Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The executor shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the executor, be proportionately reduced. If the Board determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the Board is rendered the bond shall, at the request of the executor, be proportionately reduced.

(i) When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be refunded. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector. * * *

(k) No claim in abatement shall be filed in respect of any assessment made after the enactment of this Act in respect of any estate * * * tax.

ART. 95. *Claim for abatement.*—No claim for abatement may be filed in respect of any assessment made after the effective date of the Revenue Act of 1926. The amount of any assessment directed to be abated by the statute as the result of a decision of the Board of Tax Appeals which has become final and all overassessments determined as a result of audit or examination of returns will be abated by the Commissioner without action on the part of the executor.

ART. 96. *Collection of jeopardy assessment stayed by filing bond.*—If a jeopardy assessment has been made, the executor, within 30 days after notice and demand from the collector for payment of the amount of the jeopardy assessment may obtain a stay of collection of the whole, or any part, of the amount of such assessment by filing with the collector a bond in such amount not exceeding double the amount as to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated as a result of a decision of the Board which has become final, together with the interest thereon, as provided in the statute. (See article 85.) In lieu of such sureties, the bond may be secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, U. S. C., 1934 edition, Sup. II, Title 6, section 15.) The petition with the Board of Tax Appeals for redetermination of the deficiency in respect to which the jeopardy assessment was made must be filed within 90 days (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) after the mailing by the Commissioner of the notice of the final determination of the deficiency. (See article 76.) If the bond is given before the petition is filed with the Board, the bond shall contain a further condition that if a petition is not filed within the 90 days, then the amount, the collection of which is stayed by the bond, shall be paid on notice and demand at any time after the expiration of such 90-day period, together with interest thereon at the rate of 6 per cent per annum from the date of the jeopardy notice and demand made by the collector to the date of notice and demand made after the expiration of the 90-day period.

ART. 97. *Accrual of interest as affected by the stay of the collection of a jeopardy assessment.*—For rules relating to the accrual of interest where the collection of a jeopardy assessment is stayed by the filing of a bond, see article 85.

ART. 98. *Limitation of time to file bond to stay collection of jeopardy assessment.*—If it is desired to stay the collec-

tion of the whole, or any part, of the amount in respect to which a jeopardy assessment has been made, the bond referred to in article 96 must be filed with the collector within 30 days after notice and demand by the collector for the payment of the amount of the jeopardy assessment.

*Refunds*

SEC. 319. (a) If the Commissioner has mailed to the executor a notice of deficiency under subdivision (a) of section 308 and if the executor after the enactment of this Act files a petition with the Board of Tax Appeals within the time prescribed in such subdivision, no refund in respect of the tax shall be allowed or made and no suit for the recovery of any part of such tax shall be instituted in any court, except—

(1) As provided in subdivision (c) of this section or in subdivision (i) of section 312 or in subdivision (b), (e), or (g) of section 318 or in subdivision (d) of section 1001; and

(2) As to any amount collected in excess of an amount computed in accordance with the decision of the Board which has become final; and

(3) As to any amount collected after the statutory period of limitations upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for refund or in any such suit for refund the decision of the Board which has become final, as to whether such period had expired before the notice of deficiency was mailed, shall be conclusive.

(b) (as amended by section 810 (a) of the Revenue Act of 1932) All claims for the refunding of the tax imposed by this title alleged to have been erroneously or illegally assessed or collected must be presented to the Commissioner within three years next after the payment of such tax. The amount of the refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the refund.

(c) (as amended by section 810 (b) of the Revenue Act of 1932 and by section 504 (d) of the Revenue Act of 1934) If the Board finds that there is no deficiency and further finds that the executor has made an overpayment of tax, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the executor as provided in section 3220 of the Revised Statutes, as amended. No such refund shall be made of any portion of the tax unless the Board determines as part of its decision that it was paid within four years (or in the case of a tax imposed by this title, within three years) before the filing of the claim or the filing of the petition, whichever is earlier.

SEC. 325. Any tax that has been paid under the provisions of Title III of the Revenue Act of 1924 prior to the enactment of this Act in excess of the tax imposed by such title as amended by this Act shall be refunded without interest.

SEC. 606. Revenue Act of 1928.

(a) *Authorization.*—The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal-revenue tax for any taxable period ending prior to the date of the agreement.

(b) *Finality of agreements.*—If such agreement is approved by the Secretary, or the Undersecretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) the case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) in any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded. • • •

SEC. 607. Revenue Act of 1928.

Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid (whether before or after the enactment of this Act) after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

SEC. 608. Revenue Act of 1928.

A refund of any portion of an internal-revenue tax (or any interest, penalty, additional amount, or addition to such tax) made after the enactment of this Act, shall be considered erroneous—

(a) if made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed; or

(b) in the case of a claim filed within the proper time and disallowed by the Commissioner after the enactment of this Act, if the refund was made after the expiration of the period of limitation for filing suit, unless—

(1) within such period suit was begun by the taxpayer, or

(2) (as amended by section 503 of the Revenue Act of 1934) within such period, the taxpayer and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision in one or more named cases then pending before the United States Board of Tax Appeals or the courts. If such agreement has been entered into, the running of such statute of limitations shall be suspended in accordance with the terms of the agreement.

SEC. 610. Revenue Act of 1928.

(a) Any portion of an internal-revenue tax (or any interest penalty, additional amount, or addition to such tax) refund of which is erroneously made, within the meaning of section 608, after the enactment of this Act, may be recovered by suit brought in the name of the United States, but only if such suit is begun within two years after the making of such refund.

(b) Any portion of an internal-revenue tax (or any interest, penalty, additional amount, or addition to such tax) which has been erroneously refunded (if such refund would not be considered as erroneous under section 608) may be recovered by suit brought in the name of the United States, but only if such suit is begun before the expiration of two years after the making of such refund or before May 1, 1928, whichever date is later.

(c) (as added by section 502 (a) of the Revenue Act of 1934) Despite the provisions of subsections (a) and (b) such suit may be brought at any time within five years from the making of the refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

NOTE.—Section 502 (b) of the Revenue Act of 1934 reads as follows:

"The amendment made by subsection (a) of this section shall not apply to any suit which was barred on the date of the enactment of this Act."

(d) (as added by section 803 of the Revenue Act of 1936) Erroneous refunds recoverable by suit under this section shall bear interest at the rate of 6 per centum per annum from the date of the payment of the refund.

SEC. 611. Revenue Act of 1928.

If any internal-revenue tax (or any interest, penalty, additional amount, or addition to such tax) was, within the period of limitation properly applicable thereto, assessed prior to June 2, 1924, and if a claim in abatement was filed, with or without bond, and if the collection of any part thereof was stayed, then the payment of such part (made before or within one year after the enactment of this Act) shall not be considered as an overpayment under the provisions of section 607, relating to payments made after the expiration of the period of limitation on assessment and collection.

SEC. 403. Revenue Act of 1932.

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, • • •.

SEC. 1104. Revenue Act of 1932.

Where the Commissioner has (before or after the enactment of this Act) signed a schedule of overassessments in respect of any internal revenue tax imposed by this Act or any prior revenue Act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

SEC. 177. Judicial Code (as amended by section 808 of the Revenue Act of 1936 [U. S. C., 1934 edition, Title 28, Sup. II, section 284 (b)]). In any judgment of any court rendered (whether against the United States, a collector or deputy collector of internal revenue, a former collector or deputy collector, or the personal representative in case of death) for any overpayment in respect of any internal-revenue tax, interest shall be allowed at the rate of 6 per centum per annum upon the amount of the overpayment, from the date of the payment or collection thereof to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner of Internal Revenue. The Commissioner is hereby authorized to tender by check payment of any such judgment, with interest as herein provided, at any time after such judgment becomes final, whether or not a claim for such payment has been duly filed, and such tender shall stop the running of interest, whether or not such refund check is accepted by the judgment creditor.

SEC. 3220. Revised Statutes (as amended by section 3, Act of May 29, 1928, Public, No. 611, Seventieth Congress [U. S. C., 1934 edition, Title 26, section 1670 (a) (1) and (b), and section 1676]). The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal-revenue taxes collected by him, with the cost and expense of suit; also all damages and cost recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress, by internal-revenue districts and alphabetically arranged, of all refunds in excess of $500, at the beginning of each regular session of Congress of all transactions under this section.



SEC. 3226. Revised Statutes (as amended by section 1103 (a) of the Revenue Act of 1932 and by section 807 (a) of the Revenue Act of 1936 [U. S. C., 1934 edition, Title 26, Sup. II, sections 1672-1673]). No suit or proceeding shall be maintained in any court for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof; but such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress. No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates. Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun.

SEC. 3228. Revised Statutes (as amended by section 619 (c) of the Revenue Act of 1928 [U. S. C., 1934 edition, Title 26, section 1433]).

(a) All claims for the refunding or crediting of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax, penalty, or sum.

(b) Except as provided in section 284 of the Revenue Act of 1926, claims for credit or refund (other than claims in respect of taxes imposed by the Revenue Act of 1916, the Revenue Act of 1917, or the Revenue Act of 1918) which at the time of the enactment of the Revenue Act of 1921 were barred from allowance by the period of limitation then in existence, shall not be allowed.

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SEC. 319. (b) (as originally enacted) All claims for the refunding of the tax imposed by this title alleged to have been erroneously or illegally assessed or collected must be presented to the Commissioner within three years next after the payment of such tax.

SEC. 319. (c) (as originally enacted) If the Board finds that there is no deficiency and further finds that the executor has made an overpayment of tax, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the executor as provided in section 3220 of the Revised Statutes, as amended. Such refund shall be made either (1) if claim therefor was filed within the period of limitation provided for by law, or (2) if the petition was filed with the Board within four years after the tax was paid, or, in the case of a tax imposed by this title, within three years after the tax was paid.

SEC. 810. Revenue Act of 1932.

(a) Section 319 (b) of the Revenue Act of 1926 is amended to read as follows:

"(b) All claims for the refunding of the tax imposed by this title alleged to have been erroneously or illegally assesed or collected must be presented to the Commissioner within three years next after the payment of such tax. The amount of the refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the refund."

(b) The last sentence of section 319 (c) of the Revenue Act of 1926 is amended to read as follows:

"No such refund shall be made of any portion of the tax paid more than four years (or, in the case of a tax imposed by this title, more than three years) before the filing of the claim or the filing of the petition, whichever is earlier."

(c) Title III of the Revenue Act of 1924 is amended by inserting after section 318 a new section to read as follows:

"SEC. 318½. The amount of any refund of the tax imposed by Part I of this title shall not exceed the portion of the tax paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund."

(d) Section 319 (b) of the Revenue Act of 1926, as amended by this Act, and section 318½ of the Revenue Act of 1924, as added by this Act, shall not bar from allowance a claim for refund filed prior to the enactment of this Act which but for such enactment would have been allowable.

SEC. 1103. Revenue Act of 1932.

(a) Section 3226 of the Revised Statutes, as amended, is amended to read as follows:

"SEC. 3226. No suit or proceeding shall be maintained in any court for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof; but such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress. No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates."

(b) Suits or proceedings instituted before the date of the enactment of this Act shall not be affected by the amendment made by subsection (a) of this section to section 3226 of the Revised Statutes. In the case of suits or proceedings instituted on or after the date of the enactment of this Act where the part of the claim to which such suit or proceeding relates was disallowed before the date of the enactment of this Act, the statute of limitations shall be the same as provided by such section 3226 before its amendment by subsection (a) of this section.

SEC. 504. Revenue Act of 1934. • • •

(d) The last sentence of section 319 (c) of the Revenue Act of 1926, as amended, is amended to read as follows: "No such refund shall be made of any portion of the tax unless the Board determines as part of its decision that it was paid within four years (or in the case of a tax imposed by this title, within three years) before the filing of the claim or the filing of the petition, whichever is earlier."

(e) The amendments made by subsections (a), (b), (c), and (d) of this section shall have no effect in the case of any proceeding before the Board on a petition if any hearing by the Board thereon has been held prior to 30 days after the date of the enactment of this Act.

SEC. 807. Revenue Act of 1936.

(a) Section 3226 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: "Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun."

(b) The amendment made by subsection (a) shall not operate (1) to bar a suit or proceeding in respect of a claim reopened prior to the date of the enactment of this Act, if such suit or proceeding was not barred under the law in effect prior to the date of the enactment of this Act, or (2) to prevent the suspension of the statute of limitations for filing suit under section 608 (b) (2), as amended, of the Revenue Act of 1928.

ART. 99. *Claim for refund.*—A claim for refund of estate tax, or for refund of interest or penalties, erroneously or illegally collected, should be made on the form prescribed by the Treasury Department (Form 843), and should be filed with the collector of internal revenue, although a claim will not be considered defective solely by reason of the fact that it is not made on the form or that it is filed with the Commissioner of Internal Revenue. The claim must set forth in detail and under oath each ground upon which a refund is claimed, and facts sufficient to apprise the Commissioner of the exact basis thereof. Any claim which does not comply with the requirements of the preceding sentence will not be considered for any purpose as a claim for refund.

Claims for the refund of estate tax imposed by the Revenue Act of 1926 and the additional estate tax imposed by the Revenue Act of 1932, or the Revenue Act of 1932 as amended by the Revenue Act of 1934, or 1935, must be filed within three years next after the payment of the amount sought to be refunded. If, however, the tax was imposed by the estate tax title of any of the Acts prior to the Revenue Act of 1926 the period within which the claim must be filed is four years after payment of the tax. Any tax imposed by Title III of the Revenue Act of 1924 which was paid prior to the enactment of the Revenue Act of 1926 in excess of the amount of tax imposed by the Revenue Act of 1924 as amended by the Revenue Act of 1926 is not deemed to have been erroneously or illegally collected and hence a claim for the refund of such excess is not subject to the 4-year limitation set out in the next preceding sentence. Furthermore, the 4-year limitation of time within which claims for refund must be filed does not apply in a case in which a refund is sought under the provisions of the last paragraphs of sections 401 and 403 of the Revenue Act of 1921.

The amount of the refund shall not exceed the portion of the tax paid during the three or four year period, as the case may be, immediately preceding the filing of the claim,

or the filing of the petition with the Board of Tax Appeals. Upon receipt of any claim for refund, other than a claim for refund of an overpayment determined in accordance with a decision of the Board of Tax Appeals which has become final, the return of the estate will be reaudited and only the excess payment determined by the Commissioner as a result of consideration of the claim and reaudit will be refunded. If the reaudit reveals that the tax has been underpaid, the amount of such underpayment will be collected unless the collection thereof is barred.

If a petition was filed with the Board of Tax Appeals for the redetermination of a deficiency, as provided by section 308, and the Board finds that the executor has made an overpayment of the tax, and further determines as part of its decision that any portion of the overpayment was made within three years (or, within four years, in a case of a tax imposed by an Act prior to the Revenue Act of 1926) before the filing of the claim or the filing of the petition, whichever is earlier, the amount of such portion of the overpayment will be refunded. The portion of the overpayment made within such period will be refunded, even though the Board has not determined as part of its decision that the overpayment was so made, if a hearing upon the petition was held by the Board prior to the expiration of 30 days after the date of the enactment of the Revenue Act of 1934.

Save in the case of a claim for refund of an overpayment computed in accordance with a decision of the Board of Tax Appeals which has become final, the burden of proof rests upon the claimant and all facts relied upon in support of the claim must be clearly set forth under oath. Every affidavit, argument, brief, or statement of facts, prepared or filed by an attorney or agent as argument or evidence in the matter of a protest, must have therein a statement signed by such attorney or agent showing whether or not he prepared such document and whether or not the attorney or agent knows of his own knowledge that the facts contained therein are true. In the case there is a hearing, should the executor not appear in person, his representative who appears must present a properly executed power of attorney and be enrolled to practice before the Treasury Department. (See article 74.)

(1) If the claim is made by an executor or administrator, a certificate of the court must be furnished showing that the appointment remains in full force and effect.

(2) If the executor or administrator has been discharged and no administrator de bonis non has been appointed and qualified, there should be submitted, in lieu of the certificate above mentioned, (a) a certified copy of the court order granting the discharge, and (b) a certified copy of the order of distribution, or, if such order does not fully disclose the identity of the person or persons entitled to receive any amount that may be refunded and the percentage or proportion thereof to which each, if more than one, is entitled, there should be submitted a certified copy of the decedent's will, if any, and such further proof as may be requisite to establish both the identity of such person or persons and the percentage or proportion of the amount sought to be refunded to which each, in the case there are more than one, is entitled.

If upon audit of the return filed by the executor the Commissioner determines that an overassessment has been made on account of the tax, a certificate of overassessment will be prepared and issued, even though claim for refund of such excess payment has not been filed, except as provided in article 76. The certificate of overassessment, issued if no claim for refund has been filed, will be addressed to the executor and the documentary evidence, as set out above, identifying the person or persons entitled to receive the refund will be required.

A refund is erroneous if made after the enactment of the Revenue Act of 1928, when made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed. In the case a claim was filed within the proper time and such claim was disallowed by the Commissioner after the enactment of the Revenue Act of 1928, and the period of limitation for filing suit by the executor had expired prior to the making of the refund, a refund based upon such claim is erroneous unless suit was begun by the executor within the period of limitation for filing suit, or unless within such period the executor and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision of one or more named cases then pending before the Board of Tax Appeals or the courts. Erroneous refunds, as above described, may be recovered by suit brought in the name of the United States within two years after the making of such refunds. An erroneous refund, though not considered as erroneous under section 608 of the Revenue Act of 1928, may be recovered in the same manner if the suit is begun within two years after the making of such refund or before May 1, 1928, whichever date is later. Erroneous refunds, whether erroneous under the provisions of section 608 of the Revenue Act of 1928 or otherwise, may be recovered by suit brought within five years of the making of the refund if it appears that any part of the refund was induced by fraud or misrepresentation of a material fact and suit for recovery was not barred on the date of the enactment of the Revenue Act of 1934.

A claim for the payment of a judgment rendered against a collector of internal revenue representing Federal estate tax, penalties, or other sums collected in connection therewith should be made on Form 843 and filed with the Commissioner of Internal Revenue, Washington, D. C. The claimant should state the names of all parties to the action, the date of its commencement, the date of the judgment, the court in which it was recovered, its amount, and the fact that the action related to Federal estate tax or interest or penalties in connection therewith. To the claim there should be annexed two certified copies of the final judgment, a certificate of probable cause (see section 989 of the Revised Statutes [U. S. C., 1934 edition, Title 28, section 842]) and, if refund is claimed, an itemized bill of the costs paid, receipted by the clerk or other proper officer of the court.

A claim for the payment of a judgment rendered against the United States representing Federal estate tax, penalties, or other sums collected in connection therewith should be made on Form 843 in the manner prescribed in the preceding paragraph, except that—

(*a*) a certificate of probable cause is not required,

(*b*) the claims shall be executed in duplicate, and

(*c*) in the case of a judgment rendered by the Court of Claims there may be submitted, in place of a certified copy of the final judgment, a certificate of the judgment issued by the clerk of the court and two copies of the court's opinion, if any was rendered.

### *Interest on Refunds*

SEC. 301. (c) (as amended by section 802 (a) of the Revenue Act of 1932) * * * Refund based on the credit may (despite the provisions of section 319) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest, except that where the overpayment was made prior to the enactment of the Revenue Act of 1932, then interest shall be allowed and paid on the amount refunded at the rate of 6 per centum per annum from the date of the overpayment to the date of such enactment.

SEC. 614. Revenue Act of 1928.

(a) Interest shall be allowed and paid upon any overpayment in respect of any internal-revenue tax, at the rate of 6 per centum per annum, as follows: * * *

(2) (as amended by section 804 of the Revenue Act of 1936) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than 30 days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon. * * *

(d) Subsections (a), (b), and (c) shall take effect on the expiration of 30 days after the enactment of this Act, and shall be applicable to any credit taken or refund paid after the expiration of such period, even though allowed prior thereto.



ART. 100. *Payment of claims and interest.*—Under the law, warrants in payment of claims allowed can only be drawn payable to the person or persons entitled to the proceeds, and consequently can not be drawn payable to attorneys or agents. If the claimants are indebted to the United States for taxes, such taxes must be paid before the warrants are delivered. (U. S. C., 1934 edition, Title 31, section 227.)

Upon the allowance of the claim for refund of any tax or penalty paid, unless the refund results from the allowance of a credit for payment of estate, inheritance, legacy, or succession taxes, the statute provides for the payment of interest upon the total amount of such refund at the rate of 6 per cent per annum from the date such tax or penalty was paid to a date preceding the date of the refund check by not more than 30 days, such date to be determined by the Commissioner, whether or not such check is accepted by the taxpayer. Acceptance of a refund warrant or check will not prejudice the right of the claimant to have refunded to him any additional overpayment and interest thereon. If a refund is based upon the credit for payment of estate, inheritance, legacy, or succession taxes allowed by subdivision (b) of section 301, as amended by section 802 of the Revenue Act of 1932 (see article 9), the refund will be made without interest unless the overpayment was made prior to the enactment of the Revenue Act of 1932, in which case interest will be paid upon the amount of such overpayment at the rate of 6 per cent per annum from the date of payment to the date of the enactment of such Act.

### *Power to Compromise or Remit Penalties*

SEC. 3229. Revised Statutes [U. S. C., 1934 edition, Title 26, section 1661]. The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal revenue laws instead of commencing suit thereon; and, with the advice and consent of the said Secretary and the recommendation of the Attorney General, he may compromise any such case after a suit thereon has been commenced. Whenever a compromise is made in any case there shall be placed on file in the office of the Commissioner the opinion of the Solicitor of Internal Revenue, or of the officer acting as such, with his reason therefor, with a statement of the amount of tax assessed, the amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and the amount actually paid in accordance with the terms of the compromise.

ART. 101. *Compromise of taxes and penalties.*—Offers in compromise should be filed with the appropriate collector of internal revenue. No offer in compromise of tax, interest, and ad valorem penalty collectible as part of the tax will be accepted unless there is a substantial doubt as to either liability or collectibility.

### *Personal Liability of Executor, Transferee, Trustee, and Beneficiary*

SEC. 3467. Revised Statutes (as amended by section 518 (a) of the Revenue Act of 1934 [U. S. C., 1934 edition, Title 31, section 192]). Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid.

SEC. 315. (b) (as amended by section 803 (c) of the Revenue Act of 1932). If (1) except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax.

ART. 102. *Personal liability.*—If the executor, before paying all the estate tax, pays, in whole or in part, any debt due by the decedent or the decedent's estate, or distributes any portion of the estate, he is personally liable, to the extent of such payment or distribution, for so much of the estate tax as remains due and unpaid.

The term "executor" includes every person in actual or constructive possession of any property of the decedent if there is no appointed, qualified, and acting personal representative within the United States. For provisions of the statute and regulations prescribing conditions authorizing release of the executor from his personal liability for payment of the tax, see section 313 (b) and article 67.

If the tax in respect to a transfer of property includible in the gross estate under the provisions of section 302 (c), or such section 302 (c) as amended, or in respect to insurance receivable by a beneficiary other than the estate and includible in the gross estate under the provisions of section 302 (g), is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax.

### *Examination of Records and Taking of Testimony*

SEC. 1104 (as amended by section 618, Revenue Act of 1928). The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such persons, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

SEC. 1122. (a) If any person is summoned under this Act to appear, to testify, or to produce books, papers, or other data, the district court of the United States for the district in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data.

(b) The district courts of the United States at the instance of the United States are hereby invested with such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the provisions of this Act. The remedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such provisions.

SEC. 507. Revenue Act of 1934.

The Commissioner, for the purpose of determining the liability at law or in equity of a transferee of the property of any person with respect to any Federal taxes imposed upon such person, is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon such liability, and may require the attendance of the transferor or transferee, or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter, with power to administer oaths to such person or persons.

ART. 103. *Securing evidence—Taking testimony.*—In order to ascertain the correctness of a return, or to make a return if none has been made, the Commissioner has power to require the attendance, and to take the testimony, of the person rendering the return, or any officer or employee of such person, or any other person having knowledge in the premises. Such persons may be required to produce any relevant book, paper, or other record. The Commissioner also is authorized, for the purpose of determining the liability at law or in equity of a transferee of the property of any person with respect to any Federal taxes imposed upon such person, to examine any books, papers, records, or memoranda bearing upon such liability and may require the attendance of the transferor or transferee, or any officer or employee of such person and take his testimony with reference to the matter. The Commissioner has the authority to administer oaths to the persons required to testify. The power and authority herein described may be exercised by any officer or employee of the Bureau of Internal Revenue, including the field force designated by

the Commissioner for that purpose. (For penalties, see article 93.)

ART. 104. *Power to compel compliance.*—If any person is summoned to appear and testify, or to produce books, papers, or other data, the District Court of the United States for the district in which such person resides has power to compel the giving of the testimony, the production of the books, papers, or data, and to issue any appropriate process, writ, or order.

*Remedies for Collection and Proceedings for Enforcing Liability of a Transferee or Fiduciary*

SEC. 305. (b) (as amended by section 808 (a) of the Revenue Act of 1932) where the Commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the Commissioner may extend the time for payment of any such part * * *. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of extension, and the running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension. * * *

SEC. 308. (i) (as amended by section 808 (b) of the Revenue Act of 1932) Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency * * *. In such case the running of the statute of limitations for assessment and collection as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension * * *.

SEC. 311. * * * (b) Where the assessment of any tax imposed by this title or of any estate or gift tax imposed by prior Act of Congress has been made (whether before or after the enactment of this Act) within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court (begun before or after the enactment of this Act), but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the executor. * * *

SEC. 316. (a) The amounts of the following liabilities shall, except as hereinafter in this section provided, be assessed, collected, and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in a tax imposed by this title (including the provisions in case of delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(1) The liability, at law or in equity, of a transferee of property of a decedent or donor, in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed by this title or by any prior estate tax Act or by any gift tax Act.

(2) The liability of a fiduciary under section 3467 of the Revised Statutes in respect of the payment of any such tax from the estate of the decedent or donor.

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax.

(b) The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the executor or donor; or

(2) If the period of limitation for assessment against the executor expired before the enactment of this Act but assessment against the executor was made within such period,—then within six years after the making of such assessment against the executor, but in no case later than one year after the enactment of this Act.

(3) If a court proceeding against the executor or donor for the collection of the tax has been begun within either of the above periods,—then within one year after return of execution in such proceeding.

(c) (as amended by section 403 (a) of the Revenue Act of 1928) The running of the statute of limitations upon the assessment of the liability of a transferee or fiduciary shall, after the mailing of the notice under subdivision (a) of section 308 to the transferee or fiduciary, be suspended for the period during which the Commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

(d) This section shall not apply to any suit or other proceeding for the enforcement of the liability of a transferee or fiduciary pending at the time of the enactment of this Act.

(e) As used in this section the term "transferee" includes heir, legatee, devisee, and distributee.

SEC. 604. Revenue Act of 1928.

No suit shall be maintained in any court for the purpose of restraining the assessment or collection of (1) the amount of the liability, at law or in equity, of a transferee of property of a taxpayer in respect of any income, war-profits, excess-profits, or estate-tax, or (2) the amount of the liability of a fiduciary under section 3467 of the Revised Statutes in respect of any such tax.

SEC. 403. Revenue Act of 1932.

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, * * *.

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SEC. 316. (c) (as originally enacted) The running of the period of limitation upon the assessment of the liability of a transferee or fiduciary shall, after the mailing of the notice under subdivision (a) of section 308 to the transferee or fiduciary, be suspended for the period during which the Commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary, and for 60 days thereafter.

NOTE.—The above subdivision was amended by section 403 (a) of the Revenue Act of 1928. Section 403 (b) of the Revenue Act of 1928 reads as follows:

"Subsection (a) of this section shall apply in all cases where the period of limitation has not expired prior to the enactment of this Act."

ART. 105. *Remedies for collection and administrative proceedings for enforcing liability of a transferee or fiduciary.—Remedies for collection.*—Three remedies are provided for the collection of the tax: (1) The collector may issue warrant of distraint authorizing the seizure and sale of any or all of the assets of the estate. (See section 3187 of the Revised Statutes, as amended by section 1016 of the Revenue Act of 1924; U. S. C., 1934 edition, Title 26, section 1580.) (2) The collector may commence in any court of the United States appropriate proceedings, in the name of the United States, to subject the property of the decedent to sale under the judgment or decree of the court. (3) The personal liability of the executor and of certain transferees, trustees, and beneficiaries, set forth in article 102, may be enforced by any appropriate action.

The period of limitation, except in case of fraud or in case no return was filed, for collection of the tax by distraint or suit is six years after assessment if assessment of the tax was made within the statutory period of limitation or prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the executor. If an extension of time for payment of the tax is granted under the provisions of section 305 (b) or section 308 (i), as amended, the period within which collection by distraint or suit may be made is extended by the period of the extension granted for payment of the tax.

*Administrative proceedings for enforcing liability of a transferee or fiduciary.*—The amount for which a transferee of the property of a decedent is liable, at law or in equity, and the amount of the personal liability of a fiduciary under section 3467 of the Revised Statutes, as amended, in respect of any estate tax, whether shown on the return of the executor or determined as a deficiency in the tax, shall be assessed against such transferee or such fiduciary, as the case may be, and collected and paid, in the same manner and subject to the same provisions and limitations as in the case of a deficiency, except as hereinafter provided.

The term "transferee" as used in section 316 includes an heir, legatee, devisee, and distributee of an estate of a deceased person.

The period of limitation for assessment of the liability of a transferee or of a fiduciary is as follows:

(*a*) Within one year after the expiration of the period of limitation for assessment against the executor. (See sections 308, 310, 311, 312, 318, and 1109, and article 77.)

(*b*) If the period of limitation for assessment against the executor expired before the enactment of the Revenue Act of 1926 but assessment against the executor was made within such period, then within six years after the making of such assessment against the executor, but in no case later than one year after the enactment of the Revenue Act of 1926.



(c) If a court proceeding against the executor for the collection of the tax has been begun within the period of limitation for the bringing of such proceeding, then within one year after the return of execution in such proceeding.

If a notice of the liability of a transferee, or the liability of a fiduciary, has been mailed to such transferee or to such fiduciary under the provisions of section 308 (a) (see article 76), then the running of the statute of limitations shall be suspended for the period in which the Commissioner is prohibited from making the assessment (and in any event, if a proceeding in respect of the liability is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

The provisions of section 316 do not apply in any suit or proceeding for the enforcement of the liability of a transferee, or fiduciary, which was pending at the time of the enactment of the Revenue Act of 1926.

If assessments have been made against several persons covering the same tax liability, and payment of such liability by one or more such persons has been duly certified to the Commissioner, the Commissioner, for the purpose of temporarily relieving the collector from liability under section 3218 of the Revised Statutes (U. S. C., 1934 edition, Title 26, section 1740), may authorize him to take credit temporarily with respect to the assessments not specifically paid. Such action, however, shall not constitute an abatement and shall not discharge the liability of the persons concerned.

*Records, Statements, and Special Returns*

SEC. 1102. (a) Every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

* * * * * *

(d) Any oath or affirmation required by the provisions of this Act or regulations made under authority thereof may be administered by any officer authorized to administer oaths for general purposes by the law of the United States or of any State, Territory, or possession of the United States, wherein such oath or affirmation is administered, or by any consular officer of the United States.

ART. 106. *Executor's duty to keep records.*—It is the duty of the executor to keep such records as the Commissioner may require. Executors are required to keep such complete and detailed records of the affairs of the estate as will enable the Commissioner to determine accurately the amount of the tax liability.

ART. 107. *Executor's duty to render statements.*—It is the duty of the executor not only to make the formal return, but also to render any other sworn statement which the Commissioner may require for the purpose of determining whether a tax liability exists and, if so, the extent thereof.

*Estates Administered in the United States Court for China*

SEC. 321. (a) The term "resident" as used in this title includes a citizen of the United States with respect to whose property any probate or administration proceedings are had in the United States Court for China. Where no part of the gross estate of such decedent is situated in the United States at the time of his death, the total amount of tax due under this title shall be paid to or collected by the clerk of such court, but where any part of the gross estate of such decedent is situated in the United States at the time of his death, the tax due under this title shall be paid to or collected by the collector of the district in which is situated the part of the gross estate in the United States, or, if such part is situated in more than one district, then the collector of such district as may be designated by the Commissioner.

(b) For the purpose of this section the clerk of the United States Court for China shall be a collector for the territorial jurisdiction of such court, and taxes shall be collected by and paid to him in the same manner and subject to the same provisions of law, including penalties, as the taxes collected by and paid to a collector in the United States.

*Notice of Persons Acting as Fiduciary*

SEC. 317. (a) Upon notice to the Commissioner that any person is acting as executor, such person shall assume the powers, rights, duties, and privileges of an executor in respect of a tax imposed by this title or by any prior estate tax Act, until notice is given that such person is no longer acting as executor.

(b) Upon notice to the Commissioner that any person is acting in a fiduciary capacity for a person subject to the liability specified in section 316, the fiduciary shall assume on behalf of such person the powers, rights, duties, and privileges of such person under such section (except that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated.

(c) Notice under subdivision (a) or (b) shall be given in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(d) In the absence of any notice to the Commissioner under subdivision (a) or (b), notice under this title of a deficiency or other liability, if addressed in the name of the decedent or other person subject to liability and mailed to his last known address, shall be sufficient for the purposes of this title.

ART. 108. *Notice of persons acting as fiduciary.*—The "notice to the Commissioner" provided for in section 317 shall be in writing signed by the fiduciary and filed with the Commissioner, setting forth the name and address of the person for whom he is acting in a fiduciary capacity and also the nature of the liability of such person, accompanied by satisfactory evidence of his authority to act for such person in the fiduciary capacity. If the fiduciary capacity exists by order of court, a certified copy of the order of the court may be regarded as such satisfactory evidence. The written notice to the commissioner need not be accompanied by evidence of the authority of the fiduciary to act if there is already on file with the Commissioner satisfactory evidence of the authority to act. Any such written notice which has been filed with the Commissioner since the enactment of the Revenue Act of 1926 shall be considered as sufficient notice to the Commissioner within the meaning of section 317 if and when there is or has been filed with the Commissioner the satisfactory evidence herein provided for. When the fiduciary capacity has terminated, the fiduciary, in order to be relieved of any further duty or liability as such, must file with the Commissioner written notice that the fiduciary capacity has terminated as to him, accompanied by satisfactory evidence of the termination of the fiduciary capacity. Such written notice should state the name and address of the person, if any, who has been substituted as fiduciary.

This article, made under the provisions of section 317, shall not be taken to abridge in any way the powers and duties of fiduciaries provided for in other sections of Title III of the Act or in any prior estate tax Act.

*Scope of Repeal*

SEC. 1200. (a) The following parts of the Revenue Act of 1924 are repealed, to take effect (except as otherwise provided in this Act) upon the enactment of this Act, subject to the limitations provided in subdivisions (b):

* * * * * *

Part I of Title III (called "Estate Tax");

* * * * * *

Sections 1004, 1005, 1006, and 1007, subdivision (a) of section 1008, sections 1009, 1010, 1011, 1012, 1014, 1018, 1019, and 1020, subdivisions (a) and (b) of section 1021, subdivision (c) of section 1025, and sections 1026, 1027, 1028, 1029, 1030, and 1031 (being certain administrative provisions).

(b) The parts of the Revenue Act of 1924 which are repealed by this Act shall (except as provided in sections 283 and 318 and except as otherwise specifically provided in this Act), remain in force for the assessment and collection of all taxes imposed by such Act, and for the assessment, imposition, and collection of all interest, penalties, or forfeitures which have accrued or may accrue in relation to any such taxes * * *. In the case of any tax imposed by any part of the Revenue Act of 1924 repealed by this Act, if there is a tax imposed by this Act in lieu thereof, the provisions imposing such tax shall remain in force until the corresponding tax under this Act takes effect under the provisions of this Act.

SEC. 714. Revenue Act of 1928.

The parts of the Revenue Act of 1926 which are repealed by this Act shall remain in force for the assessment and collection of all taxes imposed thereby and for the assessment, imposition, and collection of all interest, penalties, or forfeitures which have accrued or may accrue in relation to any such taxes.

ART. 109. *Scope of repeal.*—The Revenue Act of 1926 retains in force (except as provided in section 318) the provisions of Part I, Title III, of the Revenue Act of 1924, and the provisions of estate tax titles of all prior Acts, for the

assessment and collection of all taxes accruing thereunder and for the imposition and collection of all penalties which have accrued or may accrue in relation to any such taxes. The Revenue Act of 1928 to the same extent, and for the same purpose, retains in force the parts of the Revenue Act of 1926 repealed by the Revenue Act of 1928.

*Rules and Regulations*

SEC. 1101. The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this Act.

SEC. 1108. (a) (as amended by section 506 of the Revenue Act of 1934) The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

SEC. 403. Revenue Act of 1932. (Pertaining to additional estate tax.) * * * the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, * * *.

ART. 110. *Promulgation of regulations.*—These regulations are prescribed pursuant to the authority contained in the foregoing statutory provisions, and apply to all pending estate tax cases unless a particular question is governed by a specific provision of the earlier statutes differing from the Revenue Act of 1926, as amended and supplemented to date, in which case the provisions of the applicable statute control, and Regulations 37 (revised January, 1921), Regulations 63, Regulations 68, and Regulations 70 (1929 Edition), as amended by Treasury Decisions relating thereto, to that extent remain in full force and effect.

[SEAL] CHAS. T. RUSSELL,
*Acting Commissioner of Internal Revenue.*

Approved, October 26, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

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APPENDIX

TITLE III, REVENUE ACT OF 1926, AS AMENDED

*Estate Tax*

SEC. 300. When used in this title—

(a) The term "executor" means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent:

(b) The term "net estate" means the net estate as determined under the provisions of section 303;

(c) The term "month" means calendar month; and

(d) The term "collector" means the collector of internal revenue of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the Commissioner.

SEC. 301. (a) In lieu of the tax imposed by Title III of the Revenue Act of 1924, a tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 303) is hereby imposed upon the transfer of the net estate of every decedent dying after the enactment of this act, whether a resident or nonresident of the United States;

1 per centum of the amount of the net estate not in excess of $50,000;

2 per centum of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

3 per centum of the amount by which the net estate exceeds $100,000 and does not exceed $200,000;

4 per centum of the amount by which the net estate exceeds $200,000 and does not exceed $400,000;

5 per centum of the amount by which the net estate exceeds $400,000 and does not exceed $600,000;

6 per centum of the amount by which the net estate exceeds $600,000 and does not exceed $800,000;

7 per centum of the amount by which the net estate exceeds $800,000 and does not exceed $1,000,000;

8 per centum of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

9 per centum of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

10 per centum of the amount by which the net estate exceeds $2,000,000 and does not exceed $2,500,000;

11 per centum of the amount by which the net estate exceeds $2,500,000 and does not exceed $3,000,000;

12 per centum of the amount by which the net estate exceeds $3,000,000 and does not exceeds $3,500,000;

13 per centum of the amount by which the net estate exceeds $3,500,000 and does not exceed $4,000,000;

14 per centum of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

15 per centum of the amount by which the net estate exceeds $5,000,000 and does not exceed $6,000,000;

16 per centum of the amount by which the net estate exceeds $6,000,000 and does not exceed $7,000,000;

17 per centum of the amount by which the net estate exceeds $7,000,000 and does not exceed $8,000,000;

18 per centum of the amount by which the net estate exceeds $8,000,000 and does not exceed $9,000,000;

19 per centum of the amount by which the net estate exceeds $9,000,000 and does not exceed $10,000,000;

20 per centum of the amount by which the net estate exceeds $10,000,000.

(b) (1) If a tax has been paid under Title III of the Revenue Act of 1932 on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this title, then there shall be credited against the tax imposed by subdivision (a) of this section the amount of the tax paid under such Title III with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit shall not exceed an amount which bears the same ratio to the tax imposed by subdivision (a) of this section as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate.

(2) For the purposes of paragraph (1), the amount of tax paid for any year under Title III of the Revenue Act of 1932 with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

(c) The tax imposed by subdivision (a) of this section shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). The credit allowed by this subdivision shall not exceed 80 per centum of the tax imposed by subdivision (a) (after deducting from such tax the credits provided by subdivision (b)), and shall include only such taxes as were actually paid and credit therefor claimed within four years after the filing of the return required by section 304, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Board of Tax Appeals within the time prescribed in section 308, then within such four-year period or before the expiration of 60 days after the decision of the Board becomes final.

(2) If, under subdivision (b) of section 305 or subdivision (1) of section 308, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such four-year period or before the date of the expiration of the period of the extension.

Refund based on the credit may (despite the provisions of section 319) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest, except that where the overpayment was made prior to the enactment of the Revenue Act of 1932, then interest shall be allowed and paid on the amount refunded at the rate of 6 per centum per annum from the date of the overpayment to the date of such enactment.

SEC. 302. The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States—

(a) To the extent of the interest therein of the decedent at the time of his death;

(b) To the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower, curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy;

(c) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, or of which he has at any time made a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from, the property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;



(d) (1) To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona-fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of decedent's death.

(2) For the purposes of this subdivision the power to alter, amend, or revoke shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the alteration, amendment, or revocation takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose if the notice has not been given or the power has not been exercised on or before the date of his death, such notice shall be considered to have been given, or the power exercised, on the date of his death.

(3) The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;

(e) To the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth: *Provided*, That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further*, That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants;

(f) To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of or intended to take effect in possession or enjoyment at or after his death, or (3) by deed under which he has retained for his life or any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth; and

(g) To the extent of the amount receivable by the executor as insurance under policies taken out by the decedent upon his own life; and to the extent of the excess over $40,000 of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life.

(h) Except as otherwise specifically provided therein subdivisions (b), (c), (d), (e), (f), and (g) of this section shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whether made, created, arising, existing, exercised, or relinquished before or after the enactment of this Act.

(i) If any one of the transfers, trusts, interests, rights, or powers, enumerated and described in subdivisions (c), (d), and (f) of this section is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or moneys' worth, there shall be included in the gross estate only the excess of the fair market value at the time of death of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

(j) If the executor so elects upon his return (if filed within the time prescribed by law or prescribed by the Commissioner in pursuance of law), the value of the gross estate shall be determined by valuing all the property included therein on the date of the decedent's death as of the date one year after the decedent's death, except that (1) property included in the gross estate on the date of death and, within one year after the decedent's death, distributed by the executor (or, in the case of property included in the gross estate under subdivision (c), (d), or (f) of this section, distributed by the trustee under the instrument of transfer), or sold, exchanged, or otherwise disposed of, shall be included at its value as of the time of such distribution, sale, exchange, or other disposition, whichever first occurs, instead of its value as of the date one year after the decedent's death, and (2) any interest or estate which is affected by mere lapse of time shall be included at its value as of the time of death (instead of the later date) with adjustment for any difference in its value as of the later date not due to mere lapse of time. No deduction under this title of any item shall be allowed if allowance for such item is in effect given by the valuation under this subdivision. Wherever in any other subdivision or section of this title or in Title II of the Revenue Act of 1932, reference is made to the value of property at the time of the decedent's death, such reference shall be deemed to refer to the value of such property used in determining the value of the gross estate. In case of an election made by the executor under this subdivision, then for the purposes of the deduction under section 303 (a) (3) or section 303 (b) (3), any bequest, legacy, devise, or transfer enumerated therein shall be valued as of the date of decedent's death with adjustment for any difference in value (not due to mere lapse of time or the occurrence or nonoccurrence of a contingency) of the property as of the date one year after the decedent's death (substituting the date of sale or exchange in the case of property sold or exchanged during such one-year period).

SEC. 303. For the purpose of the tax the value of the net estate shall be determined—

(a) In the case of a citizen or resident of the United States, by deducting from the value of the gross estate—

(1) Such amounts—

(A) for funeral expenses,

(B) for administration expenses,

(C) for claims against the estate,

(D) for unpaid mortgages upon, or any indebtedness in respect to, property where the value of decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate, and

(E) reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent,

as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent, or property taxes not accrued before his death, or any estate, succession, legacy, or inheritance taxes. The deduction herein allowed in the case of claims against the estate, unpaid mortgages, or any indebtedness shall, when founded upon a promise or agreement, be limited to the extent that they were contracted bona fide and for an adequate and full consideration in money or money's worth. There shall also be deducted losses incurred during the settlement of estates arising from fires, storms, shipwrecks, or other casualties, or from theft, when such losses are not compensated for by insurance or otherwise, and if at the time of the filing of the return such losses have not been claimed as a deduction for income tax purposes in an income tax return.

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under the Revenue Act of 1932, or an estate tax imposed under this or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction allowable under this paragraph shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (1), (3), and (4) of this subdivision as the amount otherwise deductible under this paragraph bears to the value of the decedent's gross estate. Where the property referred to in this paragraph consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

(3) The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory,

any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate; and

(4) An exemption of $100,000.

(b) In the case of a nonresident not a citizen of the United States, by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States—

(1) That proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated;

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under the Revenue Act of 1932, or an estate tax imposed under this or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction allowable under this paragraph shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (1) and (3) of this subdivision as the amount otherwise deductible under this paragraph bears to the value of that part of the decedent's gross estate which at the time of his death is situated in the United States. Where the property referred to in this paragraph consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

(3) The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(c) No deduction shall be allowed in the case of a nonresident not a citizen of the United States unless the executor includes in the return required to be filed under section 304 the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States.

(d) For the purpose of this title, stock in a domestic corporation owned and held by a nonresident not a citizen of the United States shall be deemed property within the United States, and any property of which the decedent has made a transfer, by trust or otherwise, within the meaning of subdivision (c) or (d) of section 302, shall be deemed to be situated in the United States, if so situated either at the time of the transfer, or at the time of the decedent's death. For the purposes of this title, a relinquishment or promised relinquishment of dower, courtesy, or of a statutory estate created in lieu of dower or courtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth."

(e) The amount receivable as insurance upon the life of a nonresident not a citizen of the United States, and any moneys deposited with any person carrying on the banking business, by or for a nonresident not a citizen of the United States who was not engaged in business in the United States at the time of his death, shall not, for the purpose of this title, be deemed property within the United States.

(f) Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia, or the Territories of Alaska or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service.

SEC. 304. (a) The executor, within two months after the decedent's death, or within a like period after qualifying as such, shall give written notice thereof to the collector. The executor shall also, at such times and in such manner as may be required by regulations made pursuant to law, file with the collector a return under oath in duplicate, setting forth (1) the value of the gross estate of the decedent at the time of his death, or, in case of a nonresident not a citizen of the United States, of that part of his gross estate situated in the United States; (2) the deductions allowed under section 303; (3) the value of the net estate of the decedent as defined in section 303; and (4) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax.

(b) Return shall be made in all cases where the gross estate at the death of the decedent exceeds $100,000, and in the case of the estate of every nonresident not a citizen of the United States any part of whose gross estate is situated in the United States. If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate.

SEC. 305. (a) The tax imposed by this title shall be due and payable fifteen months after the decedent's death, and shall be paid by the executor to the collector.

(b) Where the Commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the Commissioner may extend the time for payment of any such part not to exceed eight years from the due date. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, and the running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension. If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount in respect of which the extension is granted, and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension.

(c) If the time for the payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the expiration of three months after the due date of the tax to the expiration of the period of the extension.

(d) The time for which the Commissioner may extend the time for payment of the estate tax imposed by Title IV of the Revenue Act of 1921 shall be five years.

(e) Where there is included in the value of the gross estate the value of a reversionary or remainder interest in property, the payment of the part of the tax imposed by this title attributable to such interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property, and the amount the payment of which is so postponed shall then be payable, together with interest thereon at the rate of 4 per centum per annum from eighteen months after the date of the decedent's death until such amount is paid. The postponement of payment of such amount shall be under such regulations as the Commissioner with the approval of the Secretary may prescribe, and shall be upon condition that the executor, or any other person liable for the tax, shall furnish a bond in such an amount, and with such sureties, as the Commissioner deems necessary, conditioned upon the payment within six months after the termination of such precedent interest or interests of the amount the payment of which is so postponed, together with interest thereon, as above provided. Such part of any estate, inheritance, legacy, or succession taxes allowable as a credit against the tax imposed by this title as is attributable to such reversionary or remainder interest may be allowed as a credit against the tax attributable to such interest, subject to the percentage limitation contained in section 301 (c), if such part is paid, and credit therefor claimed, at any time prior to the expiration of 60 days after the termination of the precedent interest or interests in the property.

SEC. 306. As soon as practicable after the return is filed the Commissioner shall examine it and shall determine the correct amount of the tax.

SEC. 307. As used in this title in respect of a tax imposed by this title the term "deficiency" means—

(1) The amount by which the tax imposed by this title exceeds the amount shown as the tax by the executor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the executor upon his return, or if no return is made by the executor, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax.

SEC. 308. (a) If the Commissioner determines that there is a deficiency in respect of the tax imposed by this title, the Commissioner is authorized to send notice of such deficiency to the executor by registered mail. Within 90 days after such notice is mailed (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day), the executor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. Except as otherwise provided in subdivision (d) or (f) of this section or in section 312 or 1001, no assessment of a deficiency in respect of the tax imposed by this title and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the executor, nor until the expiration of such 90-day period, nor, if a petition has been filed with the Board, until the decision of the Board has become final. Notwithstanding the provisions of section 3224 of the Revised Statutes the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court.

(b) If the executor files a petition with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the Commissioner but disallowed as such by the decision of the Board which has become final shall be assessed or be collected by distraint or by proceeding in court with or without assessment.

(c) If the executor does not file a petition with the Board within the time prescribed in subdivision (a) of this section, the deficiency, notice of which has been mailed to the executor, shall be assessed, and shall be paid upon notice and demand from the collector.

(d) The executor shall at any time have the right, by a signed notice in writing filed with the Commissioner, to waive the restrictions provided in subdivision (a) of this section on the assessment and collection of the whole or any part of the deficiency.

(e) The Board shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the executor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the Commissioner at or before the hearing or a rehearing.

(f) If after the enactment of this Act the Commissioner has mailed to the executor notice of a deficiency as provided in subdivision (a), and the executor files a petition with the Board within the time prescribed in such subdivision, the Commissioner shall have no right to determine any additional deficiency, except in the case of fraud, and except as provided in subdivision (e) of this section or in subdivision (c) of section 312. If the executor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered, for the purposes of this subdivision or of subdivision (a) of this section, or of section 319, as a notice of a deficiency, and the executor shall have no right to file a petition with the Board of Tax Appeals based on such notice, nor shall such assessment or collection be prohibited by the provisions of subdivision (a) of this section.

(g) For the purposes of this title the date on which a decision of the Board becomes final shall be determined according to the provisions of section 1005.

(h) Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the due date of the tax to the date the deficiency is assessed, or, in the case of a waiver under subdivision (d) of this section, to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier.

(i) Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of four years. If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case the running of the statute of limitations for assessment and collection, as provided in sections 310 (a) and 311 (b), shall be suspended for the period of any such extension, and there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period.

(j) The 50 per centum addition to the tax provided by section 3176 of the Revised Statutes, as amended, shall, when assessed after the enactment of this Act in connection with an estate tax, be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of subdivision (h) of this section shall not be applicable.

SEC. 309. (a) (1) Where the amount determined by the executor as the tax imposed by this title, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the due date until it is paid.

(2) Where an extension of time for payment of the amount so determined as the tax by the executor has been granted and the amount the time for payment of which has been extended, and the interest thereon determined under subdivision (c) of section 305, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subdivision, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(b) Where a deficiency, or any interest assessed in connection therewith under subdivision (h) of section 308, or any addition to the tax provided for in section 3176 of the Revised Statutes, as amended, is not paid in full within 30 days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

(c) If a bond is filed, as provided in section 312, the provisions of subdivision (b) of this section shall not apply to the amount covered by the bond.

SEC. 310. (a) Except as provided in section 311, the amount of the estate taxes imposed by this title shall be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of three years after the return was filed.

(b) The running of the statute of limitations provided in this section or in section 311 on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of a notice under subdivision (a) of section 308) be suspended for the period during which the Commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court (and in any event, if a proceeding in respect of the deficiency is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

SEC. 311. (a) In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(b) Where the assessment of any tax imposed by this title or of any estate or gift tax imposed by prior Act of Congress has been made (whether before or after the enactment of this Act) within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court (begun before or after the enactment of this Act), but only if begun (1) within six years after the assessment of the tax, or

(2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the executor.

(c) This section shall not bar a distraint or proceeding in court begun before the enactment of the Revenue Act of 1924; nor shall it authorize the assessment of a tax or the collection thereof by distraint or by proceeding in court (1) if at the time of the enactment of this Act such assessment, distraint, or proceeding was barred by the statutory period of limitation properly applicable thereto, unless prior to the enactment of this Act the Commissioner and the executor agreed in writing thereto, or (2) contrary to the provisions of subdivision (a) of section 308 of this Act.

SEC. 312. (a) If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, he shall immediately assess such deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) and notice and demand shall be made by the collector for the payment thereof.

(b) If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under subdivision (a) of section 308, then the Commissioner shall mail a notice under such subdivision within 60 days after the making of the assessment.

(c) The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the executor, despite the provisions of subdivision (f) of section 308 and whether or not the executor has theretofore filed a petition with the Board of Tax Appeals. The Commissioner shall notify the Board of the amount of such assessment, if the petition is filed with the Board before the making of the assessment or is subsequently filed, and the Board shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) If the jeopardy assessment is made after the decision of the Board is rendered such assessment may be made only in respect of the deficiency determined by the Board in its decision.

(e) A jeopardy assessment may not be made after the decision of the Board has become final or after the executor has filed a petition for review of the decision of the Board.

(f) When a jeopardy assessment has been made the executor, within 30 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the Board which has become final, together with interest thereon as provided in subdivision (j) of this section.

(g) If the bond is given before the executor has filed his petition with the Board under subdivision (a) of section 308, the bond shall contain a further condition that if a petition is not filed within the period provided in such subdivision, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subdivision.

(h) Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The executor shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the executor, be proportionately reduced. If the Board determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the Board is rendered the bond shall, at the request of the executor, be proportionately reduced.

(i) When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be refunded. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

(j) In the case of the amount collected under subdivision (i) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of 6 per centum per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under subdivision (i) of this section, or, in the case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in subdivision (h) of section 308. If the amount included in the notice and demand from the collector under subdivision (i) of this section is not paid in full within 30 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

(k) No claim in abatement shall be filed in respect of any assessment made after the enactment of this Act in respect of any estate or gift tax.

SEC. 313. (a) The collector shall grant to the person paying the tax duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts.

(b) If the executor makes written application to the Commissioner for determination of the amount of the tax and discharge from personal liability therefor, the Commissioner (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 310) shall notify the executor of the amount of the tax. The executor, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

(c) The provisions of subdivision (b) shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due unless the title to such part of the gross estate has passed to a bona fide purchaser for value, in which case such part shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser by the heirs, legatees, devisees, or distributees.

SEC. 314. (a) If the tax herein imposed is not paid on or before the due date thereof the collector shall, upon instruction from the Commissioner, proceed to collect the tax under the provisions of general law, or commence appropriate proceedings in any court of the United States having jurisdiction, in the name of the United States, to subject the property of the decedent to be sold under the judgment or decree of the court. From the proceeds of such sale the amount of the tax, together with the costs and expenses of every description to be allowed by the court, shall be first paid, and the balance shall be deposited according to the order of the court, to be paid under its direction to the person entitled thereto. This subdivision in so far as it applies to the collection of a deficiency shall be subject to the provisions of section 308.

(b) If the tax or any part thereof is paid by, or collected out of that part of the estate passing to or in the possession of, any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this title that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution. If any part of the gross estate consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds, in excess of $40,000, of such policies bear to the net estate. If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio.

SEC. 315. (a) Unless the tax is sooner paid in full, it shall be a lien for ten years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the Commissioner is satisfied that the tax liability of an estate has been fully discharged or provided for, he may, under regulations prescribed by him with the approval of the Secretary, issue his certificate, releasing any or all property of such estate from the lien herein imposed.

(b) If (1) except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B), the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth.



SEC. 316. (a) The amounts of the following liabilities shall, except as hereinafter in this section provided, be assessed, collected, and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in a tax imposed by this title (including the provisions in case of delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(1) The liability, at law or in equity, of a transferee of property of a decedent or donor, in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed by this title or by any prior estate tax Act or by any gift tax Act.

(2) The liability of a fiduciary under section 3467 of the Revised Statutes in respect of the payment of any such tax from the estate of the decedent or donor.

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax.

(b) The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the executor or donor; or

(2) If the period of limitation for assessment against the executor expired before the enactment of this Act but assessment against the executor was made within such period,—then within six years after the making of such assessment against the executor, but in no case later than one year after the enactment of this Act.

(3 If a court proceeding against the executor or donor for the collection of the tax has been begun within either of the above periods,—then within one year after return of execution in such proceeding.

(c) The running of the statute of limitations upon the assessment of the liability of a transferee or fiduciary shall, after the mailing of the notice under subdivision (a) of section 308 to the transferee or fiduciary, be suspended for the period during which the Commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

(d) This section shall not apply to any suit or other proceeding for the enforcement of the liability of a transferee or fiduciary pending at the time of the enactment of this Act.

(e) As used in this section, the term "transferee" includes heir, legatee, devisee, and distributee.

SEC. 317. (a) Upon notice to the Commissioner that any person is acting as executor, such person shall assume the powers, rights, duties, and privileges of an executor in respect of a tax imposed by this title or by any prior estate tax Act, until notice is given that such person is no longer acting as executor.

(b) Upon notice to the Commissioner that any person is acting in a fiduciary capacity for a person subject to the liability specified in section 316, the fiduciary shall assume on behalf of such person the powers, rights, duties, and privileges of such person under such section (except that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated.

(c) Notice under subdivision (a) or (b) shall be given in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(d) In the absence of any notice to the Commissioner under subdivision (a) or (b), notice under this title of a deficiency or other liability, if addressed in the name of the decedent or other person subject to liability and mailed to his last known address, shall be sufficient for the purposes of this title.

SEC. 318. (a) If after the enactment of this Act the Commissioner determines that any assessment should be made in respect of any estate or gift tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or the Revenue Act of 1924, or by any such Act as amended, the Commissioner is authorized to send by registered mail to the person liable for such tax notice of the amount proposed to be assessed, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 308 of this Act. In the case of any such determination the amount which should be assessed (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand and the provisions prohibiting claims and suits for refund) as in the case of a deficiency in the tax imposed by this title, except that in the case of an estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, the period of limitation prescribed in section 1109 of this Act shall be applied in lieu of the period prescribed in subdivision (a) of section 310.

(b) If before the enactment of this Act any person has appealed to the Board of Tax Appeals under subdivision (a) of section 308 of the Revenue Act of 1924 (if such appeal relates to a tax imposed by Title III of such Act or to so much of an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section as was not assessed before June 3, 1924), and the appeal is pending before the Board at the time of the enactment of this Act, the Board shall have jurisdiction of the appeal. In all such cases the powers, duties, rights, and privileges of the Commissioner and of the person who has brought the appeal, and the jurisdiction of the Board and of the courts, shall be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (a) of this section, except as provided in subdivision (h) of this section and except that the person liable for the tax shall not be subject to the provisions of subdivision (a) of section 319.

(c) If before the enactment of this Act the Commissioner has mailed to any person a notice under subdivision (a) of section 308 of the Revenue Act of 1924 (whether in respect of a tax imposed by Title III of such Act or in respect of so much of an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section as was not assessed before June 3, 1924), and if the 60-day period referred to in such subdivision has not expired before the enactment of this Act and no appeal has been filed before the enactment of this Act, such person may file a petition with the Board in the same manner as if a notice of deficiency had been mailed after the enactment of this Act in respect of a deficiency in a tax imposed by this title. In such cases the 60-day period referred to in subdivision (a) of section 308 of this Act shall begin on the date of the enactment of this Act, and the powers, duties, rights, and privileges of the Commissioner and of the person entitled to file the petition, and the jurisdiction of the Board and of the courts, shall, whether or not the petition is filed, be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (a) of this section.

(d) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before the date of the enactment of this Act, and if the Commissioner, after the enactment of this Act, finally determines the amount of the deficiency, he is authorized to send by registered mail to the person liable for such tax notice of such deficiency, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 308 of this Act. In the case of any such final determination the amount of the tax (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in cases of delinquency in payment after notice and demand, and the provisions relating to claims and suits for refund) as in the case of a deficiency in the tax imposed by this title, except as otherwise provided in subdivision (g) of this section, and except that the period of limitation prescribed in section 1109 of this Act shall be applied in lieu of the period prescribed in subdivision (a) of section 310.

(e) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before that date, and if the Commissioner after June 2, 1924, but before the enactment of this Act, finally determined the amount of the deficiency, and if the person liable for such tax appealed before the enactment of this Act to the Board of Tax Appeals and the appeal is pending before the Board at the time of the enactment of this Act, the Board shall have jurisdiction of the appeal. In all such cases the powers, duties, rights, and privileges of the Commissioner and of the person who has brought the appeal, and the jurisdiction of the Board and of the courts, shall be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (d) of this section, except as provided in subdivision (h) of this section and except that the person liable for the tax shall not be subject to the provisions of subdivision (a) of section 319.

(f) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before the date of the enactment of this Act, and if the Commissioner after June 2, 1924, finally determined the amount of the deficiency, and notified the person liable for such tax to that effect less than 60 days prior to the enactment of this Act and no appeal has been filed before the enactment of this Act, the person so notified may file a petition with the Board in the same manner as if a notice of deficiency had been mailed after the enactment of this Act in respect of a deficiency in a tax imposed by this title. In such cases the 60-day period referred to in subdivision (a) of section 308 of this Act shall begin on the date of the enactment of this Act, and whether or not the petition is filed, the powers, duties, rights, and privileges of the Commis-

sioner and of the person who is so notified, and the jurisdiction of the Board and of the courts, shall be determined, and the computation of the tax be made, in the same manner as provided in subdivision (d) of this section.

(g) In cases within the scope of subdivision (d), (e), or (f), if the Commissioner believes that the collection of the deficiency will be jeopardized by delay, he may, despite the provisions of subdivision (a) of section 308 of this Act, instruct the collector to proceed to enforce the payment of the unpaid portion of the deficiency, and notice and demand shall be made by the collector for the payment thereof. Within 30 days after such jeopardy notice and demand the person liable for the tax may obtain a stay of collection of the whole or any part of the amount included in the notice and demand by filing with the collector a bond in like manner, under the same conditions, and with the same effect, as in the case of a bond to stay the collection of a jeopardy assessment under section 312 of this Act.

(h) In cases within the scope of subdivision (b) or (e) of this section where any hearing before the Board has been held before the enactment of this Act and the decision is rendered after the enactment of this Act, such decision shall, for the purposes of this title, be considered to have become final upon the date when it is rendered and neither party shall have any right to petition for a review of the decision. The Commissioner may, within one year from the time the decision is rendered, begin a proceeding in court for the collection of any part of the amount disallowed by the Board, unless the statutory period of limitations properly applicable thereto has expired before the appeal was taken to the Board. The court shall include in its judgment interest upon the amount thereof in the same cases, at the same rate, and for the same period, as if such amount were collected otherwise than by proceeding in court. In any such proceeding by the Commissioner or in any suit by the taxpayer for a refund, the findings of the Board shall be prima facie evidence of the facts therein stated.

(i) Where before the enactment of this Act a jeopardy assessment has been made under subdivision (d) of section 308 of the Revenue Act of 1924 (whether of a deficiency in the tax imposed by Title III of such Act or of a deficiency in an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section) all proceedings after the enactment of this Act shall be the same as under the Revenue Act of 1924 as amended by this Act, except that—

(1) A decision of the Board rendered after the enactment of this Act where no hearing has been held by the Board before the enactment of this Act may be reviewed in the same manner as provided in this Act in the case of a tax imposed by this title;

(2) Where no hearing has been held by the Board before the enactment of this Act, the Commissioner shall have no right to begin a proceeding in court for the collection of any part of the deficiency disallowed by the Board; and

(3) In the consideration of the case the jurisdiction and powers of the Board shall be the same as provided in this Act in the case of a tax imposed by this title.

(j) In the case of any estate or gift tax imposed by prior Act of Congress, in computing the period of limitations provided in section 310 or 311 of this Act on the making of assessments and the beginning of distraint or a proceeding in court, the running of the statute of limitations shall be considered to have been suspended (in addition to the period of suspension provided for in subdivision (b) of section 310) for any period prior to the enactment of this Act during which the Commissioner was prohibited from making the assessment or beginning distraint or proceeding in court.

SEC. 319. (a) If the Commissioner has mailed to the executor a notice of deficiency under subdivision (a) of section 308 and if the executor after the enactment of this Act files a petition with the Board of Tax Appeals within the time prescribed in such subdivision, no refund in respect of the tax shall be allowed or made and no suit for the recovery of any part of such tax shall be instituted in any court, except—

(1) As provided in subdivision (c) of this section or in subdivision (i) of section 312 or in subdivson (b), (e), or (g) of secton 318 or in subdivision (d) of section 1001; and

(2) As to any amount collected in excess of an amount computed in accordance with the decision of the Board which has become final; and

(3) As to any amount collected after the statutory period of limitations upon the beginning of distraint or a proceeding in court for collection has expired; but in any such suit for refund the decision of the Board which has become final, as to whether such period had expired before the notice of deficiency was mailed, shall be conclusive.

(b) All claims for the refunding of the tax imposed by this title alleged to have been erroneously or illegally assessed or collected must be presented to the Commissioner within three years next after the payment of such tax. The amount of the refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the refund.

(c) If the Board finds that there is no deficiency and further finds that the executor has made an overpayment of tax, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the executor as provided in section 3220 of the Revised Statutes, as amended. No such refund shall be made of any portion of the tax unless the Board determines as part of its decision that it was paid within four years (or in the case of a tax imposed by this title, within three years) before the filing of the claim or the filing of the petition, whichever is earlier.

SEC. 320. (a) Whoever knowingly makes any false statement in any notice or return required to be filed under this title shall be liable to a penalty of not exceeding $5,000, or imprisonment not exceeding one year, or both.

(b) Whoever fails to comply with any duty imposed upon him by section 304, or, having in his possession or control any record, file, or paper, containing or supposed to contain any information concerning the estate of the decedent, or, having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the Commissioner or any collector or law officer of the United States or his duly authorized deputy or agent, who desires to examine the same in the performance of his duties under this title, shall be liable to a penalty of not exceeding $500, to be recovered, with costs of suit, in a civil action in the name of the United States.

SEC. 321. (a) The term "resident" as used in this title includes a citizen of the United States with respect to whose property any probate or administration proceedings are had in the United States Court for China. Where no part of the gross estate of such decedent is situated in the United States at the time of his death, the total amount of tax due under this title shall be paid to or collected by the clerk of such court, but where any part of the gross estate of such decedent is situated in the United States at the time of his death, the tax due under this title shall be paid to or collected by the collector of the district in which is situated the part of the gross estate in the United States, or, if such part is situated in more than one district, then the collector of such district as may be designated by the Commissioner.

(b) For the purpose of this section the clerk of the United States Court for China shall be a collector for the territorial jurisdiction of such court, and taxes shall be collected by and paid to him in the same manner and subject to the same provisions of law, including penalties, as the taxes collected by and paid to a collector in the United States.

## TITLE II, REVENUE ACT OF 1932, AS AMENDED

### *Additional Estate Tax*

SEC. 401. *Imposition of tax.*—

(a) In addition to the estate tax imposed by section 301 (a) of the Revenue Act of 1926, there is hereby imposed upon the transfer of the net estate of every decedent dying after the enactment of this Act, whether a resident or nonresident of the United States, a tax equal to the excess of—

(1) the amount of a tentative tax computed under subsection (b) of this section, over

(2) the amount of the tax imposed by section 301 (a) of the Revenue Act of 1926, computed without regard to the provisions of this title.

(b) The tentative tax referred to in subsection (a) (1) of this section shall equal the sum of the following percentages of the value of the net estate:

Upon net estates not in excess of $10,000, 2 per centum.

$200 upon net estates of $10,000; and upon net estates in excess of $10,000 and not in excess of $20,000, 4 per centum in addition of such excess.

$600 upon net estates of $20,000; and upon net estates in excess of $20,000 and not in excess of $30,000, 6 per centum in addition of such excess.

$1,200 upon net estates of $30,000; and upon net estates in excess of $30,000 and not in excess of $40,000, 8 per centum in addition of such excess.

$2,000 upon net estates of $40,000; and upon net estates in excess of $40,000 and not in excess of $50,000, 10 per centum in addition of such excess.

$3,000 upon net estates of $50,000; and upon net estates in excess of $50,000 and not in excess of $70,000, 12 per centum in addition of such excess.

$5,400 upon net estates of $70,000; and upon net estates in excess of $70,000 and not in excess of $100,000, 14 per centum in addition of such excess.

$9,600 upon net estates of $100,000; and upon net estates in excess of $100,000 and not in excess of $200,000; 17 per centum in addition of such excess.

$26,600 upon net estates of $200,000; and upon net estates in excess of $200,000 and not in excess of $400,000, 20 per centum in addition of such excess.

$66,600 upon net estates of $400,000; and upon net estates in excess of $400,000 and not in excess of $600,000, 23 per centum in addition of such excess.

$112,600 upon net estates of $600,000; and upon net estates in excess of $600,000 and not in excess of $800,000, 26 per centum in addition of such excess.



$164,600 upon net estates of $800,000; and upon net estates in excess of $800,000 and not in excess of $1,000,000, 29 per centum in addition of such excess.

$222,600 upon net estates of $1,000,000; and upon net estates in excess of $1,000,000 and not in excess of $1,500,000, 32 per centum in addition of such excess.

$382,600 upon net estates of $1,500,000; and upon net estates in excess of $1,500,000 and not in excess of $2,000,000, 35 per centum in addition of such excess.

$557,600 upon net estates of $2,000,000; and upon net estates in excess of $2,000,000 and not in excess of $2,500,000, 38 per centum in addition of such excess.

$747,600 upon net estates of $2,500,000; and upon net estates in excess of $2,500,000 and not in excess of $3,000,000, 41 per centum in addition of such excess.

$952,600 upon net estates of $3,000,000; and upon net estates in excess of $3,000,000 and not in excess of $3,500,000, 44 per centum in addition of such excess.

$1,172,600 upon net estates of $3,500,000; and upon net estates in excess of $3,500,000 and not in excess of $4,000,000, 47 per centum in addition of such excess.

$1,407,600 upon net estates of $4,000,000; and upon net estates in excess of $4,000,000 and not in excess of $4,500,000, 50 per centum in addition of such excess.

$1,657,600 upon net estates of $4,500,000; and upon net estates in excess of $4,500,000, and not in excess of $5,000,000, 53 per centum in addition of such excess.

$1,922,600 upon net estates of $5,000,000; and upon net estates in excess of $5,000,000 and not in excess of $6,000,000, 56 per centum in addition of such excess.

$2,482,600 upon net estates of $6,000,000; and upon net estates in excess of $6,000,000 and not in excess of $7,000,000, 59 per centum in addition of such excess.

$3,072,600 upon net estates of $7,000,000; and upon net estates in excess of $7,000,000 and not in excess of $8,000,000, 61 per centum in addition of such excess.

$3,682,600 upon net estates of $8,000,000; and upon net estates in excess of $8,000,000 and not in excess of $9,000,000, 63 per centum in addition of such excess.

$4,312,600 upon net estates of $9,000,000; and upon net estates in excess of $9,000,000 and not in excess of $10,000,000, 65 per centum in addition of such excess.

$4,962,600 upon net estates of $10,000,000; and upon net estates in excess of $10,000,000 and not in excess of $20,000,000, 67 per centum in addition of such excess.

$11,662,600 upon net estates of $20,000,000; and upon net estates in excess of $20,000,000 and not in excess of $50,000,000, 69 per centum in addition of such excess.

$32,362,600 upon net estates of $50,000,000; and upon net estates in excess of $50,000,000, 70 per centum in addition of such excess.

(c) For the purposes of this section the value of the net estate shall be determined as provided in Title III of the Revenue Act of 1926, as amended, except that in lieu of the exemption of $100,000 provided in section 303 (a) (4) of such Act, the exemption shall be $40,000.

SEC. 402. *Credits against tax.*—

(a) The credit provided in section 301 (c) of the Revenue Act of 1926, as amended (80 per centum credit), shall not be allowed in respect of such additional tax.

(b) (1) If a tax has been paid under Title III of this Act on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this title, then there shall be credited against the tax imposed by section 401 of this Act the amount of the tax paid under such Title III with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit (a) shall not exceed an amount which bears the same ratio to the tax imposed by section 401 of this Act as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate, and (B) shall not exceed the amount by which the gift tax paid under Title III of this Act with respect to so much of the property as constituted the gift as is included in the gross estate, exceeds the amount of the credit under section 301 (b) of the Revenue Act of 1926, as amended by this Act.

(2) For the purposes of paragraph (1), the amount of tax paid for any year under Title III of this Act with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

SEC. 403. *Assessment, collection, and payment of tax.*—

Except as provided in section 402, the tax imposed by section 401 of this Act shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by section 301 (a) of the Revenue Act of 1926, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of the decedent's death exceeds $40,000.

*List of the Divisions and Locations of Offices of Internal Revenue Agents in Charge*

Communications should be addressed:
United States Internal Revenue Agent in Charge,
(City) (State)

| Territory embraced | Name of division | Location of office |
|---|---|---|
| Alabama | Nashville | Nashville, Tenn. |
| Alaska | Seattle | Seattle, Wash. |
| Arizona | Los Angeles | Los Angeles, Calif. |
| Arkansas | Oklahoma | Oklahoma City, Okla. |
| California: | | |
| Counties of Monterey, Kings, Tulare, Inyo, and counties north. | San Francisco | San Francisco, Calif. |
| Counties of San Luis Obispo, Kern, San Bernardino, and counties south. | Los Angeles | Los Angeles, Calif. |
| Colorado | Denver | Denver, Colo. |
| Connecticut | New Haven | New Haven, Conn. |
| Delaware | Baltimore | Baltimore, Md. |
| District of Columbia | do | Do. |
| Florida | Jacksonville | Jacksonville, Fla. |
| Georgia | Atlanta | Atlanta, Ga. |
| Hawaii | Honolulu | Honolulu, Hawaii. |
| Idaho | Salt Lake | Salt Lake City, Utah. |
| Illinois: | | |
| Counties of Mercer, Henry, Stark, Marshall, La Salle, Grundy, Kankakee, and counties north. | Chicago | Chicago, Ill. |
| Counties of Henderson, Warren, Knox, Peoria, Woodford, Livingston, Ford, Iroquois, and counties south. | Springfield | Springfield, Ill. |
| Indiana | Indianapolis | Indianapolis, Ind. |
| Iowa | Omaha | Omaha, Nebr. |
| Kansas | Wichita | Wichita, Kans. |
| Kentucky | Louisville | Louisville, Ky. |
| Louisiana | New Orleans | New Orleans, La. |
| Maine | Boston | Boston, Mass. |
| Maryland | Baltimore | Baltimore, Md. |
| Massachusetts | Boston | Boston, Mass. |
| Michigan | Detroit | Detroit, Mich. |
| Minnesota | St. Paul | St. Paul, Minn. |
| Mississippi | New Orleans | New Orleans, La. |
| Missouri | St. Louis | St. Louis, Mo. |
| Montana | Salt Lake | Salt Lake City, Utah. |
| Nebraska | Omaha | Omaha, Nebr. |
| Nevada | San Francisco | San Francisco, Calif. |
| New Hampshire | Boston | Boston, Mass. |
| New Jersey | Newark | Newark, N. J. |
| New Mexico | Denver | Denver, Colo. |
| New York: | | |
| Counties of Kings, Nassau, Queens, Richmond, and Suffolk. | Brooklyn | Brooklyn, N. Y. |
| County of New York, north to Twenty-third Street. | Second New York | 17 Battery Place, New York, N. Y. |
| County of New York, north of and including Twenty-third Street, and counties of Bronx and Westchester | Upper New York | 807 U. S. Parcel Post Building, 341 Ninth Ave., New York, N. Y. |
| Counties of Rockland, Orange, Putnam, and counties north and west. | Buffalo | Buffalo, N. Y. |
| North Carolina | Greensboro | Greensboro, N. C. |
| North Dakota | St. Paul | St. Paul, Minn. |
| Ohio: | | |
| Counties of Preble, Miami, Clark, Madison, Union, Marion, Morrow, Knox, Coshocton, Guernsey, Noble, Washington, and counties south. | Cincinnati | Cincinnati, Ohio. |
| Counties of Darke, Shelby, Champaign, Logan, Hardin, Wyandot, Crawford, Richland, Ashland, Holmes, Tuscarawas, Harrison, Belmont Monroe, and counties north. | Cleveland | Cleveland, Ohio. |
| Oklahoma | Oklahoma | Oklahoma City, Okla. |
| Oregon | Seattle | Seattle, Wash. |
| Pennsylvania: | | |
| Counties of Potter, Clinton, Center, Blair, Bedford, and counties east. | Philadelphia | Philadelphia, Pa. |
| Counties of McKean, Cameron, Clearfield, Cambria, Somerset, and counties west. | Pittsburgh | Pittsburgh, Pa. |
| Rhode Island | New Haven | New Haven, Conn. |
| South Carolina | Columbia | Columbia, S. C. |
| South Dakota | St. Paul | St. Paul, Minn. |
| Tennessee | Nashville | Nashville, Tenn. |
| Texas | Dallas | Dallas, Tex. |
| Utah | Salt Lake City | Salt Lake City, Utah. |
| Vermont | Boston | Boston, Mass. |
| Virginia | Richmond | Richmond, Va. |
| Washington | Seattle | Seattle, Wash. |
| West Virginia | Huntington | Huntington, W. Va. |
| Wisconsin | Milwaukee | Milwaukee, Wis. |
| Wyoming | Denver | Denver, Colo. |

[F. R. Doc. 37-3149; Filed, October 28, 1937; 9:35 a. m.]

[T. D. 4770]

## COLLECTION OF INTERNAL REVENUE TAX ON INTOXICATING LIQUORS, DENATURED ALCOHOL, AND ARTICLES CONTAINING DENATURED ALCOHOL, COMING INTO THE UNITED STATES FROM THE PHILIPPINE ISLANDS, THE VIRGIN ISLANDS AND PUERTO RICO

*To Collectors of Internal Revenue, District Supervisors, Collectors of Customs, and Others Concerned:*

Section 1460 (a), Title 26, U. S. C., 1934 ed., is as follows:

1460. *Shipments to the United States*—(*a*) *Tax imposed in United States*—(*1*) *Amount.*—There shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands, a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture.

(2) *Payment.*—Such tax shall be paid by internal-revenue stamp or stamps, to be provided by the Commissioner (of Internal Revenue), and to be affixed in such manner and under such regulations as he, with the approval of the Secretary, shall prescribe. (June 17, 1930, c. 497, sec. 301, 46 Stat. 685).

Section 1463 of said Title and Code is as follows:

1463. *Deposit of internal revenue collections.*—All internal revenues collected in or for account of the Philippine Islands shall accrue intact to the general government thereof and be paid into the insular treasury. (June 17, 1930, c. 497, sec. 301, 46 Stat. 686).

Section 1470 (a) of said Title and Code is as follows:

1470. *Shipments to the United States*—(*a*) *Taxes imposed in the United States.*—There shall be levied, collected, and paid in the United States, upon articles coming into the United States from the Virgin Islands, a tax equal to the internal-revenue tax imposed in the United States upon like articles of domestic manufacture. (Feb. 24, 1919, c. 18, sec. 1304, 40 Stat. 1142).

Section 1480 (a), (b) and (c) of said Title and Code is as follows:

1480. *Shipments to the United States*—(*a*) *Rate of tax.*—Articles of merchandise of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale shall be subject to a tax equal to the internal revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture. (Apr. 12, 1900, c. 191, sec. 3, 31 Stat. 77; May 17, 1932, c. 190, 47 Stat. 158).

(b) *Payment of tax*—(*1*) *Upon entry into United States.*—Such tax shall be paid by internal revenue stamp or stamps to be purchased and provided by the Commissioner (of Internal Revenue) and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe. (Apr. 12, 1900, c. 191, sec. 3, 31 Stat. 77).

(2) Before shipment from Puerto Rico. All United States internal revenue taxes imposed by law on articles of Puerto Rican manufacture coming into the United States for consumption or sale may be paid by affixing to such articles before shipment thereof a proper United States internal revenue stamp denoting such payment.

* * * * *

(c) Deposit of internal-revenue collections. All taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the island, shall be covered into the treasury of Puerto Rico. (Mar. 2, 1917, c. 145, sec. 9, 39 Stat. 954; May 17, 1932, c. 190, 47 Stat. 158).

1. Pursuant to the above provisions of law and Section 251 of the Revised Statutes (U. S. C. 1934 ed., title 26, sec. 1821), and section 5 of the Liquor Enforcement Act of 1936 (U. S. C., 1934 ed., Supp. II, title 27, sec. 225), liquor and articles, i. e., intoxicating liquors (alcohol and other distilled spirits, liqueurs, cordials and similar compounds, wines and fermented malt liquors), denatured alcohol, and articles containing denatured alcohol (except as hereinafter provided), and articles containing pure alcohol such as bay rum, extracts, perfumes, etc., arriving in the United States from any of the possessions to which reference is made, are subject to taxes at the rates imposed upon domestic products of the same kind by the internal revenue laws.

The Liquor Taxing Act of 1934, approved January 11, 1934 (U. S. C., 1934 ed., title 26, sections 1150 et seq., 1300 et seq., and 1330 et seq.), as amended by the Liquor Tax Administration Act of June 26, 1936 (U. S. C., 1934 ed., Supp. II, title 26, sec. 1300 (a) (1) and (2)), imposes taxes at various rates upon distilled spirits, wines, liqueurs and cordials, and fermented malt liquors. Rectification tax on rectified distilled spirits or wines at the rate of 30 cents per proof gallon is also collectible because of the provisions of the Third subsection of Section 3244, Revised Statutes, as amended (U. S. C., 1934 ed., title 26, sec. 1398 (f)), and the provisions of Section 605 of the Revenue Act of 1918, as amended (U. S. C., 1934 ed., title 26, sec. 1150 (a) (6)), if the product so rectified would be subject to that tax if manufactured in the United States.

2. *Virgin Islands and Puerto Rico.*—Title III of the National Prohibition Act, as amended, and all provisions of the internal revenue laws relating to the enforcement thereof, were extended to and made applicable in the Virgin Islands and Puerto Rico on and after August 27, 1935, by Section 329 (c) of the Liquor Tax Administration Act approved June 26, 1936 (U. S. C., 1934 ed., Supp. II, title 27, sec. 90). Therefore, alcohol denatured in accordance with approved formulae, and articles made therewith in accordance with authorized formulae may be shipped to the United States from such possessions, without incurring liability to internal revenue taxes. Unless the alcohol is denatured in accordance with a prescribed formula and the articles are made therewith in accordance with prescribed formulae, the denatured alcohol and such articles when shipped to the United States will be subject to tax at the rate of $2.00 per proof gallon, or wine gallon if below proof, on the alcohol therein.

3. *Philippine Islands.*—Title III of the National Prohibition Act is not in effect in the Philippine Islands. Liquor and articles containing alcohol, whether denatured or not, arriving in the United States from such Islands, will be subject to tax on the alcohol therein at rates provided by law, including tax at the rate of 30 cents per proof gallon on spirits and wines if they are rectified in such a manner that they would be subject to such tax if manufactured in the United States.

### PROCEDURE FOR ESTABLISHING TAXABLE CLASSIFICATION OF THE LIQUOR OR ARTICLE

4. (*a*) Effective December 1, 1937, every person intending to bring in from the insular possessions named the liquor or articles to which reference is made (except fermented malt liquors, and except denatured alcohol and articles made therewith produced in Puerto Rico or the Virgin Islands pursuant to Title III of the National Prohibition Act and regulations) shall submit, in advance, to the Commissioner of Internal Revenue in quintuplicate (and if the liquor or article is to arrive at more than one port, an additional copy as to each such port), through the District Supervisor of the Alcohol Tax Unit of the district in which such person is located, a serially numbered (commencing with the number 1 for the first and continuing in series thereafter) and dated formula, stating the name and address of the manufacturer and the brand of the liquor or article, and showing the names of the ingredients of which it is composed and the process by which it is made, each step being set forth in sequence. Unless exemption from the rectification tax at the rate of 30 cents per proof gallon is claimed, the quantities or percentages of each ingredient need not be given. Where the ingredients or processes are subsequently changed, a new formula must be submitted. The Commissioner of Internal Revenue or the District Supervisor of the Alcohol Tax Unit may, at any time, require the submission of a formula or formulae notwithstanding a formula or formulae have already been submitted. In submitting such formula, the importer shall indicate thereon in each instance the port, or ports, through which he intends to bring in the merchandise.

(*b*) When a numbered and dated formula has been filed, the Commissioner of Internal Revenue shall transmit a copy thereof, with the classification for tax purposes indicated thereon, to the Collector of Customs at each port named therein. Any shipment of liquor or articles arriving in the United States prior to the receipt of notice by the Collector of Customs that the formula therefor has been filed and acted upon shall be detained by the Collector of Customs until the tax found to be due thereon, if any, has been paid.

(c) There shall be filed with the Collector of Customs in connection with each shipment a certificate, in the English language, signed by the shipper and addressed to the Collector of Customs, which shall show: (1) the name and address of the consignee, (2) the designation of the liquor or article, (3) the quantity thereof, (4) the number and date of the formula covering the liquor or article, (5) a declaration that it has been manufactured in accordance with such formula, and (6) the name and address of the person who filed the formula. In the case of shipments arriving from Puerto Rico, the certificate shall state whether the United States internal revenue taxes have been paid and, if paid, the amount thereof. Where the formula and certificate have been received by the Collector of Customs, shipments of the liquor or article covered thereby may be released upon payment of the tax, if any, due as shown by such formula. Samples need not be taken for examination unless there is reason to believe that the liquor or article is not in accordance with the formula.

(*d*) In the interim between the date of approval of this regulation and December 1, 1937, the importer and the shipper may conform with the above requirements, or the shipper may attach to the shipping documents a certificate, in the English language, addressed to the Collector of Customs, stating the brand of the liquor or article and showing the names of the ingredients and the processes by which made, each step being set forth in sequence. In such event, internal revenue taxes found to be due will be collected without detaining the shipment, unless there is reason to believe that the liquor or article is not as represented. Shipments arriving during this period of time, as to which the importer or shipper has not conformed with either of the above alternatives, and shipments arriving on and after December 1, 1937, as to which a certificate based upon a formula that has been acted upon has not been filed, will be detained by the Collector of Customs pending the payment of taxes, if any, found to be due. Shipments shall also be detained by the Collector of Customs in any case in which there is reason to believe that all internal revenue taxes due on the liquor or articles shipped have not been paid.

### BY WHOM THE INTERNAL REVENUE TAXES ARE TO BE COLLECTED

5. Internal revenue taxes on liquors or articles arriving from Puerto Rico, unless paid before shipment, and on those from the Philippine Islands, will be collected by the Collector of Internal Revenue for the district in which the liquors or articles are brought in on notice to him by the Collector of Customs of the arrival thereof. Internal revenue taxes on liquors or articles arriving from the Virgin Islands will be collected by the Collector of Customs.

### TO WHICH GOVERNMENT THE INTERNAL REVENUE TAXES SHALL BE CREDITED

6. All internal revenue taxes collected on liquors and articles arriving from Puerto Rico and the Philippine Islands will be credited, respectively, to the governments of such possessions. All internal revenue taxes collected on liquors and articles arriving from the Virgin Islands will be credited to the government of the United States in accordance with 35 Op. Atty. Gen., 63, of June 9, 1926.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

JAMES H. MOYLE,
*Commissioner of Customs.*

Approved October 25, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3150; Filed, October 28, 1937; 9:37 a. m.]





## FEDERAL POWER COMMISSION.

[Order No. 46–A]

### DIRECTION OF THE FEDERAL POWER COMMISSION SPECIFYING INFORMATION AND DATA TO BE SUPPLIED BY PUBLIC UTILITIES, PURSUANT TO ORDER NO. 46 OF THE COMMISSION

The Federal Power Commission pursuant to the express provisions of the Federal Power Act authorizing and directing it to conduct investigations, necessary or desirable, to discover full information as to assets, liabilities, capatalization, investment, receipts, etc., of licensees and public utilities, as well as methods of accounting and a determination of the particular accounts in which such items are recorded; to discover facts, conditions, practices, or matters indicating whether any person has violated any rule, regulation, or order of the Commission; for the purpose of recommending further legislation concerning the matters to which the Act relates; and considering its Order No. 46, dated October 18, 1937, providing as follows:

"Whereas Section 307 (a) of the Federal Power Act empowers this Commission to investigate any facts, conditions, practices or matters which it may find necessary or proper to aid in the enforcement of the provisions of said Act, or in prescribing rules and regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation; and

"Whereas proper control by public utilities of their liquid assets is necessary to enable them to render adequate service to the public; and

"Whereas Section 301 of the Federal Power Act authorizes the Commission to determine the accounts in which particular items shall be entered, charged or credited by public utilities subject to its jurisdiction and examine the books, accounts, memoranda, and records of such public utilities and inspect the physical property, securities and other evidences of value appearing as assets in the books and accounts of such public utilities; and

"Whereas it has been brought to the attention of the Commission that certain public utilities subject to its jurisdiction have been directed by an affiliated company or companies, having or purporting to have control over such public utilities, to transfer securities, which form part of their assets and which are customarily held at division or local offices or in safety deposit boxes at local banks, to a certain depositary or depositaries in the City of New York, where they may be hypothecated or otherwise put beyond control of said public utilities, in such manner and to such extent as to affect the ability of said utilities to render adequate service and to impede or prevent proper examination by the Commission or its agents of the accounts, books, records and properties of said utilities, and it appearing that certain of said public utilities subject to the jurisdiction of the Commission are about to make such transfers of securities;

"Now, therefore, in order to aid the Commission in the performance of its duties and functions under the Federal Power Act and in prescribing rules and regulations thereunder; and to secure information as a basis for the recommendation of legislation to the Congress;

"It is ordered:

"1. That an investigation be instituted forthwith for the purpose of determining the extent to which public utilities subject to the jurisdiction of the Commission have been ordered or directed to carry out transfers of securities in the manner aforesaid and for the further purpose of ascertaining the degree in which such proposed transfer or transfers of securities would affect the adequacy of service performed by said public utilities and impede or prevent proper examination of their accounts, books, records, and properties and otherwise interfere with the performance by the Commission of its duties under the Federal Power Act.

"2. That all public utilities subject to the jurisdiction of this Commission be and they are hereby directed and required to retain in their custody all bonds, stocks, notes and

other securities of every description forming part of their assets, until further order or orders of this Commission, pending the conduct of the investigation ordered herewith; *Provided, however,* That upon notice to this Commission, any public utility may pledge such securities, notes receivable or collateral applicable to such notes, or sell or otherwise dispose of the same for some lawful purpose within the corporate powers of such utility, and compatible with the public interest and which may be reasonably necessary or appropriate in the conduct of its business.

"3. That the officers, agents and employees of the Commission are authorized to serve certified copies of this order forthwith upon such public utilities as may be specified by the Commission and to conduct such examination of the accounts, books, records and properties of such public utilities as may be necessary for the purpose of this investigation.

"4. This order shall become effective as of October 18, 1937."

Directs:

1. That each and every public utility, subject to the jurisdiction of the Federal Power Commission, file with the Commission in accordance with these directions and within seven days from the date of receipt of the attached questionnaire, full and complete information and data therein specified.

2. That actual, verified, and sworn statements, in the detail indicated by the attached questionnaire, are to be filed with the Federal Power Commission as directed, and verification must be by oath of a responsible officer of the reporting company.

3. That each and every report must be complete in itself.

4. That whenever the terms "security" or "securities" are used in these directions or in the attached questionnaire, they shall be construed to mean and shall include each and every class and kind of obligation, investment, or evidence of indebtedness, no matter how designated, including stocks, bonds, notes, acceptances, debentures, scrip, certificates of indebtedness and options or rights to purchase any of the foregoing.

5. That whenever the terms "owns" or "ownership" are used in these directions or in the attached questionnaire, they shall be construed to mean and shall include all forms of ownership or control, direct or indirect, no matter how exercised, and without regard for the degree of ownership or how evidenced; whether acquired or obtained by lease, loan, borrowing, purchase, or otherwise, and whether in possession, pledged, encumbered, deposited for safe keeping, held in escrow, or otherwise out of the actual possession of the reporting company.

6. Whenever the terms "encumbered" or "encumbrance" are used in these directions or in the attached questionnaire, they shall be construed to mean and shall include the hypothecation, loan, or lease to another, as well as any transaction whatsoever by which securities are posted, deposited, or pledged as security for a loan or any obligation, commitment, or undertaking, and which are subject to return under any arrangement upon satisfaction of the obligation, or otherwise, under any contingency whatsoever. The terms "encumbered" or "encumbrance" shall also be construed to mean and shall include any and all conveyances to, or registration of securities in the name of a nominee, trustee, escrow agent, or other person, even though possession, ownership, or control, of such nominee, trustee, escrow agent, or other person, is nominal only.

7. That the terms "sale" or "sold," whenever used in these directions or in the attached questionnaire, shall be construed to mean and shall include every form of conveyance or disposal by which ownership and title are vested in another person without power of revocation and without condition.

8. That every public utility which is also a holding or parent company shall, in making the return called for herein, also furnish and file or cause to be furnished and filed with the Federal Power Commission, as consecutively numbered schedules to such public utility's return, for each and every individual subsidiary company controlled by it, full and complete information and data in the same detail and form as required to be filed by said public utility.

9. Returns setting forth the information specified herein or called for in the attached questionnaire shall be in duplicate.

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QUESTIONNAIRE

SCHEDULE OF INFORMATION TO BE SUPPLIED PURSUANT TO THE COMMISSION'S ORDER NO. 46 OF OCTOBER 18, 1937

Furnish full and complete information in answer to each of the following questions, making whatever explanation may be necessary to record accurately the data requested.

1. Give the full and complete name and address of the reporting company.

2. If the reporting company constitutes a part of any holding company system, designate the system and specify by what means the control of the reporting company is accomplished, giving the name and address of the immediate company or companies through which such control is achieved and maintained.

3. List and describe in such detail, as may be necessary to provide complete identification thereof, all securities owned by the reporting company as of the following specified dates, showing par value or principal amount, date of acquisition, from whom acquired, cost, recorded book value, encumbrance, as well as the exact location where the individual securities were kept, whether in the vault of the reporting company, in a safe deposit box or vault, on deposit, or otherwise, giving the name of the city or town where kept, the full name and address of the custodian or any other person whatsoever having custody or possession of such securities, and all such other and further information that may be necessary to identify without question the exact physical location of each of the securities:

(*a*) July 1, 1937.
(*b*) August 10, 1937.
(*c*) September 1, 1937.
(*d*) October 15, 1937.
(*e*) Date of affidavit affixed to this return.

4. Report in detail each and every sale, transfer, encumbrance, purchase, lease, loan, optional arrangement, understanding, or undertaking of sale or purchase, or change of custodian or place of deposit of securities during the period from July 1, 1937, to the date of the filing of the returns herein specified, showing in detail the person or persons who were in any way parties to any such transaction, all terms and conditions which attach to the transaction, the consideration paid or received, any obligation incurred or assumed in connection therewith, the purpose or reason for the sale, purchase, encumbrance, transfer, lease, loan, or optional arrangement, understanding, or undertaking of sale or purchase of said securities, as well as the recorded book value thereof at the time of the consummation of the transaction.

5. Report fully every instruction, request, direction, or communication of any nature whatsoever, written or otherwise, received by the reporting company since July 1, 1937, to the date of the filing of this return, which emanated from a parent, holding, sub-holding, or affiliated company, or any system agency, organization, fiscal agent, or other person or persons acting for or purporting to act for the person or persons which control the reporting company, relative to the sale, encumbrance, or change of custodian or place of deposit of any security owned, and (1) furnish and file with the return herein required, verified copies of each and every such written communication, memorandum, instrument, or writing, (2) furnish and file, under oath, separately, full and complete statements of each and every verbal communication, instrument, request, or direction, giving the full name and address of every person who was in any way a party to such verbal communication, instruction, request, or direction and attach verified copies of all memoranda, notations, or writings recording, relating or referring to such verbal communication, instruction, request, or direction.

Adopted by the Commission October 26, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3160; Filed, October 28, 1937; 12:17 p. m.]



## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 149]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 21, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Tennessee 8022 Gibson | $18,500 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3151; Filed, October 28, 1937; 9:39 a. m.]

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[Administrative Order No. 150]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 22, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Missouri 8027B Andrew (Partial) | $102,000 |
| Washington 8027 Lewis | 71,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3152; Filed, October 28, 1937; 9:39 a. m.]

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[Administrative Order No. 151]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 23, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Missouri 8028 Barton | $185,000 |
| South Carolina 8013C Greenwood | 11,000 |
| Texas 8053 McClennan (Partial) | 100,000 |
| Texas 8058 Fayette (Partial) | 100,000 |
| Virginia 8011C Rockingham (Partial) | 87,000 |
| Wisconsin 8019B Chippewa | 10,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3153; Filed, October 28, 1937; 9:39 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

HOLDING COMPANY ACT

RULE PRESCRIBING THE FORM FOR USE OF REGISTERED PUBLIC UTILITY HOLDING COMPANIES IN THEIR ANNUAL REPORTS TO THE COMMISSION OF FINANCIAL CONDITION AND RESULTS OF OPERATIONS

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 14 and 20 (a) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission hereby adopts Form U-14-3 and the following rule:

RULE 14-3. *Annual Reports by Public Utility Holding Companies.*—On or before the 1st day of May in each calendar year, every registered holding company shall file a report with the Commission for the prior calendar year, or for any portion thereof during which there was effective as to such company any uniform system of accounts prescribed by any rules of the Commission. Every such report shall be submitted on Form U-14-3 and shall be prepared in accordance with the instructions incorporated in such form. For appropriate cause shown, the Commission may extend the time within which any such report is to be filed. If any company after filing such a report shall submit changes or amendments thereto by letter, pursuant to instruction 6 of such form, such company shall be deemed thereby to have agreed that the Commission's staff may indicate the changes or amendments such company desires to make in its report by causing notations of the changes set forth in such letter to be made on the copies of such report so filed and by substituting in such copies any new pages or schedules that may be thus submitted by the reporting company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3163; Filed, October 28, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

[File 43-80]

IN THE MATTER OF BEVERLY GAS AND ELECTRIC COMPANY

ORDER PERMITTING A DECLARATION REGARDING THE ISSUANCE OF UNSECURED NOTES TO BECOME EFFECTIVE PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Beverly Gas and Electric Company, a subsidiary of New England Power Association, a registered holding company, having duly filed a declaration and amendments thereto with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of its promissory notes in the total amount of $650,000, maturing ten months from the date of issue and bearing interest at the rate of 3% per annum;

A hearing on such declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered,* That such declaration, as amended, be and become effective forthwith, on the condition, however, that the issuance and sale of said notes shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3162; Filed, October 28, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

[File 43-79]

IN THE MATTER OF GLOUCESTER ELECTRIC COMPANY

ORDER PERMITTING A DECLARATION REGARDING THE ISSUANCE OF UNSECURED NOTES TO BECOME EFFECTIVE PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Gloucester Electric Company, a subsidiary of New England Power Association, a registered holding company, having duly filed a declaration and amendments thereto with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of its

promissory notes in the total amount of $235,000, maturing ten months from the date of issue and bearing interest at the rate of 3% per annum;

A hearing on such declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That such declaration, as amended, be and become effective forthwith, on the condition, however, that the issuance and sale of said notes shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3164; Filed, October 28, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

[File No. 43-77]

IN THE MATTER OF HAVERHILL ELECTRIC COMPANY

ORDER PERMITTING A DECLARATION REGARDING THE ISSUANCE OF UNSECURED NOTES TO BECOME EFFECTIVE PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Haverhill Electric Company, a subsidiary of New England Power Association, a registered holding company, having duly filed a declaration and amendments thereto with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of its promissory notes in the total amount of $1,014,375, maturing ten months from the date of issue and bearing interest at the rate of 3% per annum;

A hearing on such declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That such declaration, as amended, be and become effective forthwith, on the condition, however, that the issuance and sale of said notes shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3163; Filed, October 28, 1937; 12:50 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

[File 43-81]

IN THE MATTER OF MALDEN ELECTRIC COMPANY

ORDER PERMITTING A DECLARATION REGARDING THE ISSUANCE OF UNSECURED NOTES TO BECOME EFFECTIVE PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Malden Electric Company, a subsidiary of New England Power Association, a registered holding company, having duly filed a declaration and amendments thereto with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of its promissory notes in the total amount of $200,000, maturing ten months from the date of issue and bearing interest at the rate of 3% per annum;

A hearing on such declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That such declaration, as amended, be and become effective forthwith, on the condition, however, that the issuance and sale of said notes shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3162; Filed, October 28, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

[File No. 43-76]

IN THE MATTER OF NORTH BOSTON LIGHTING PROPERTIES

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

North Boston Lighting Properties, a subsidiary of New England Power Association, a registered holding company, having filed with the Commission a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by the declarant of an aggregate principal amount of $13,000,000 of its Secured Notes, 3½%, Series due 1947; a hearing on said declaration, as amended, having been held after appropriate notice; the record in the matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That said declaration, as amended, be and become effective forthwith, on the condition, however, that the issuance and sale of said Notes shall be effected subject to and in substantial compliance with the terms and conditions of, and for the purposes represented by, said declaration as amended.

*It is further ordered*, That the amortization of debt discount and expense and call premium shall be accounted for in accordance with the terms of the declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3161; Filed, October 28, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

[File No. 43-83]

IN THE MATTER OF SALEM GAS LIGHT COMPANY

ORDER PERMITTING A DECLARATION REGARDING THE ISSUANCE OF UNSECURED NOTES TO BECOME EFFECTIVE PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Salem Gas Light Company, a subsidiary of New England Power Association, a registered holding company, having duly filed a declaration and amendments thereto with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of its promissory notes in the total amount of $425,000, maturing ten months from the date of issue and bearing interest at the rate of 3% per annum;

A hearing on such declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That such declaration, as amended, be and become effective forthwith, on the condition, however, that the issuance and sale of said notes shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3166; Filed, October 28, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1937.

[File 43-82]

IN THE MATTER OF SUBURBAN GAS AND ELECTRIC COMPANY

ORDER PERMITTING A DECLARATION REGARDING THE ISSUANCE OF UNSECURED NOTES TO BECOME EFFECTIVE PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Suburban Gas and Electric Company, a subsidiary of New England Power Association, a registered holding company, having duly filed a declaration and amendments thereto with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of its promissory notes in the total amount of $785,000, maturing ten months from the date of issue and bearing interest at the rate of 3% per annum;

A hearing on such declaration, as amended, having been held after appropriate notice;[1] the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That such declaration, as amended, be and become effective forthwith, on the condition, however, that the issuance and sale of said notes shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by said declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3165; Filed, October 28, 1937; 12:49 p. m.]



*Saturday, October 30, 1937* *No. 211*

## WAR DEPARTMENT.

SPECIAL REGULATIONS TO GOVERN THE OPERATION OF CERTAIN BRIDGES ACROSS THE ILLINOIS WATERWAY AT PEKIN, PEORIA AND JOLIET, ILLINOIS.

SUPPLEMENTAL TO RULES AND REGULATIONS TO GOVERN THE OPERATION OF THE DRAWBRIDGES CROSSING THE MISSISSIPPI RIVER AND ALL ITS NAVIGABLE TRIBUTARIES AND OUTLETS.

*The Law*

The River and Harbor Act of August 18, 1894, contains the following Section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

*The Regulations*

In pursuance of the foregoing law, special regulations are prescribed to govern the operation of the following bridges across the Illinois Waterway:

| Mile | Bridge | Vertical clearance closed | |
|---|---|---|---|
| | | Above high-water | Above present low water |
| 152.9 | Margaret Street Highway, Pekin, Ill. | 9.3 | 28.4 |
| 153.0 | Peoria Terminal Company Railroad (C. R. I. & P. Ry.), Pekin, Ill. | 2.4 | 21.6 |
| 162.2 | Illinois Terminal Railroad, Peoria, Ill. | [1] 16.1 | [1] 34.2 |
| 162.2 | Toledo, Peoria and Western Railroad, Peoria, Ill. | —.7 | 17.4 |
| 162.3 | Lower Highway Bridge, Peoria, Ill. | [1] 13.7 | [1] 31.8 |
| 287.3 | McDonough Street Highway, Joliet, Ill. | 16.5 | 16.5 |
| 287.6 | Chicago, Rock Island & Pacific Railway, Joliet, Ill. | 9.4 | 9.5 |
| 287.9 | Jefferson Street Highway, Joliet, Ill. | 16.4 | 16.6 |

[1] For 80-foot width of channel.

When a vessel reaches a distance of about one-half mile from the Peoria Terminal Company Railroad bridge at Pekin, Illinois; the Toledo, Peoria and Western Railroad bridge at Peoria, Illinois, and the Chicago, Rock Island and Pacific Railway bridge, at Joliet, Illinois, a call signal of 3 long blasts of a whistle, horn, or siren, or three loud and distinct strokes of a bell shall be sounded if the clearance requirements of the vessel are such that opening of the adjacent bridges at these respective cities is unnecessary; and if the draw is to be opened immediately, the acknowledging signal by the bridge operators on these railroad bridges shall be the same as the call signal; if the draw can not be opened immediately, or if opened must be closed immediately, four or more short and rapid blasts of a whistle, horn, or siren, or four sharp and rapid strokes of a bell to be repeated at regular intervals until acknowledged by the vessel must be sounded.

These regulations shall take effect and be in force on and after the date of approval hereof, and all regulations or parts of regulations applying to the above-named bridges in conflict therewith are hereby revoked to take effect on that date.

Approved, October 19, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 37-3175; Filed, October 29, 1937; 9:39 a. m.]

DEPARTMENT OF THE INTERIOR.

**National Bituminous Coal Commission.**

OPINION

[D53–FD]

*In the Matter of the Application of Wheeling Steel Corporation for Exemption from the Provisions of Section 4 of the Bituminous Coal Act of 1937, as Authorized by the Second Paragraph of Section 4–A of Said Act*

[D31–FD]

*In the Matter of the Application of the Emperor Coal Company for Exemption from the Provisions of Section 4 of the Bituminous Coal Act of 1937, as Authorized by the Second Paragraph of Section 4–A of Said Act*

[D30–FD]

*In the Matter of the Application of Consumers Mining Company for Exemption from the Provisions of Section 4 of the Bituminous Coal Act of 1937, as Authorized by the Second Paragraph of Section 4–A of Said Act*

The Wheeling Steel Corporation and its subsidiaries, Emperor Coal Company and Consumers Mining Company, have made application to the Commission for exemption of coal produced by them from operation of Section 4 of the Bituminous Coal Act of 1937, basing such claims for exemption upon subsection (1) of Part II of said Section 4, which provides:

(1) The provisions of this section shall not apply to coal consumed by the producer or to coal transported by the producer to himself for consumption by him.

Under the averments of the applications filed, as supported by uncontradicted evidence adduced at the hearings, there is presented to the Commission the question whether coal produced by one corporation and utilized or consumed by another corporation is entitled to exemption under subsection (1) in a case where the producing corporation is a wholly owned subsidiary of the consuming corporation and such production and consumption of coal is incident to the manufacture of steel products.

In providing for regulation of interstate commerce in coal, Congress in subsection (1) of the Act has defined an exception covering coal in certain cases where, but for that exception, the coal would be subject to all the regulatory provisions of Section 4 of the Act. In the cases now before the Commission we are called upon to determine how broadly that exception is to be construed.

Clearly, under recognized rules of construction of statutes any producer of coal seeking to have his commerce in coal relieved of regulation by virtue of subsection (1) assumes the burden of proving by clear and convincing evidence that such coal is entitled to exemption under the terms of that subsection. 59 Corpus Juris 1089; *Thomas E. Basham Co.* v. *Lucas*, 21 Fed. (2d) 550.

It is urged by applicants that the term "producer" as used in subsection (1) should be broadly construed so as to include a corporation producer of coal which is wholly owned subsidiary of the consuming corporation.

It is not the generally accepted rule of construction in the case of statutory exceptions or exemptions to broaden or extend the exception or exemption by any liberal interpretation. Exceptions, as a general rule, should be strictly but reasonably, construed; they extend only so far as their language fairly warrants, and all doubts should be resolved in favor of the general provision rather than the exception. Where a general rule is established by statute with exceptions, the court will not curtail the former nor add to the latter by implication, and it is a general rule that an express exception excludes all others. 59 Corpus Juris 1092; Lewis' Sutherland on Statutory Construction, Section 494; *Hopkins* v. *U. S.*, 235 Fed. 95.

Nor does the construction proposed by applicants appear to conform to the intention and purpose of Congress in enacting the Bituminous Coal Act of 1937. The act came not as an emergency measure but as a result of years of study of coal industry problems by Congress. In the records of the courts in the case of the *Appalachian Coals* v. *U. S.*, 288 U. S. 344, as well as in the case of *Carter* v. *Carter Coal Company*, et al., 298 U. S. 238, the many complex factors involved in the production and distribution of bituminous coal were clearly outlined and from these records, as well as from the records of hearings before its Committees, Congress undoubtedly determined that partial or incomplete regulation of the industry would not be effective. Consequently, under Section 4–A of the Act specific authority was vested in the Commission to extend the operation of the regulatory provisions to phases of intrastate commerce in coal under certain conditions. Congress also anticipated possible avoidance or evasion of regulation by the use of affiliate or subsidiary relationships between producers and consumers of coal and therefore provided (subsection (g), Part II, Section 4) that "The price provisions of this Act shall not be evaded or violated by or through * * * the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities."

And we do not find in the Act any definition or recognition of the so-called "captive" relationship between producers and consumers, typified by the relationship existing in the present cases.

In its interpretation and administration of the Bituminous Coal Act of 1937 this Commission cannot ignore conditions actually existing in the coal industry or disregard possible consequences of an interpretation of subsection (1) such as is contended for by applicants. As the Supreme Court of the United States so aptly said in the case of the *National Labor Relations Board* v. *Jones & Laughlin Steel Corporation*, Advance Opinions, 81 L. Ed. 563: "We are asked to shut our eyes to the plainest facts of our national life and to deal with the questions of direct and indirect effects in an intellectual vacuum. * * * We have often said that interstate commerce itself is a practical conception It is equally true that interference with that commerce must be appraised by a judgment that does not ignore actual experience."

We find no expressed national policy which encourages concentration of natural resources in the hands of large industrial consumers and certainly it was not the intention of Congress to weaken the effectiveness of the Act by any encouragement of unregulated relationships between producers and consumers of coal.

The purposes of the Act are clear: to safeguard producers against unfair competitive practices, to protect the industry from the cycles of price cutting and wage reductions which too frequently have occurred in the past, to insure to the consumer adequate and dependable supplies of coal at reasonable prices by restoring and maintaining a state of fair competition in the industry.

Certainly the need for effective regulation should have greater weight than any possible effect of a failure to grant this exemption to consuming industries which organize themselves on a national basis and extend their activities not only into fields of manufacturing and distribution but into the more remote fields of production of raw materials.

In construing the language of subsection (1) the Commission therefore concludes that its inclusion in the Act was not an expression of intention on the part of Congress to create a class of unregulated coal producers but was a recognition of the legal principle that there being no commerce in the case of coal produced and consumed by the same legal entity, such production and consumption could not be dealt with under the power to regulate commerce.

For these reasons the Commission rules that the exemption provided for under subsection (1), Part II, Section 4 of the Act cannot be applied to the case of coal produced by a corporation which is a wholly owned subsidiary of the consuming corporation.

Accordingly, the application of the Wheeling Steel Corporation is hereby granted as to all coal consumed by the applicant which is produced by the applicant at its mine located at Beech Bottom, West Virginia, and known as applicant's "Beech Bottom" mine, and the applications of the Emperor Coal Company and the Consumers Mining Company are denied and proper orders are directed to be entered in the respective cases.

[SEAL] NATIONAL BITUMINOUS COAL COMMISSION.
By C. F. HOSFORD, Jr., *Chairman*.
PLEAS E. GREENLEE,
THOMAS S. HAYMOND,
JOHN C. LEWIS,
WALTER H. MALONEY,
C. E. SMITH,
PERCY TETLOW,
*Commissioners*.

[F. R. Doc. 37–3158; Filed, October 28, 1937; 12:13 p. m.]

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[D53FD]

IN THE MATTER OF THE APPLICATION OF WHEELING STEEL CORPORATION FOR EXEMPTION FROM THE PROVISIONS OF SECTION 4 OF THE BITUMINOUS COAL ACT OF 1937, AS AUTHORIZED BY THE SECOND PARAGRAPH OF SECTION 4–A OF SAID ACT

FINDINGS AS TO THE FACTS AND CONCLUSION

Pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes", (Public No. 48, 75th Congress, 1st Sess.), known as the Bituminous Coal Act of 1937, Applicant, Wheeling Steel Corporation, on the 28th day of June, 1937, filed with the Commission its application for exemption seeking to have exempted from the provisions of Section 4 of the Bituminous Coal Act of 1937, all commerce in bituminous coal produced by it and its alleged subsidiary corporations, the Consumers Mining Company, a corporation organized and existing as such under and by virtue of the laws of the state of Pennsylvania, and Emperor Coal Company, a corporation organized and existing as such under and by virtue of the laws of the state of Kentucky. The application is filed by virtue of the authority granted in the second paragraph of Section 4–A of the Act and the exemption requested under the second paragraph of Section 4–A of the Act, Subsection (1) of Section 4 of the Act, and upon the further broad ground that commerce in bituminous coal of the kind and character engaged in by Applicant is excluded from the provisions of the Act.

The Commission, pursuant to the provisions of said Act, by its Orders of Assignment and Reference dated the 16th day of August, 1937, assigned and referred said matters to Charles S. Mitchell, an examiner of the Commission, for hearing, submission of proposed findings of fact and recommendation of appropriate order in the premises. On the 7th day of September 1937, the Commission by its Order reassigned said matter to Robert C. Patterson, an examiner of the Commission, for hearing, submission of proposed findings of fact and recommendation of appropriate order in the premises.

Due and reasonable notice of said hearing having been given all interested parties, said cause came on for hearing before said examiner of the Commission, in accordance with the aforesaid Orders of the Commission, on the 8th day of September 1937, at Washington, D. C. At said hearing testimony and other evidence was introduced by Carl O. Schmidt, Counsel for Applicant, in support of the allegations of the Application, the testimony and other evidence adduced at the hearing being duly recorded and filed with the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission upon the record and the Commission having duly considered same and being fully advised in the premises, makes this its finding as to the facts and its conclusion drawn therefrom:

FINDINGS OF FACT

Applicant, Wheeling Steel Corporation, is a corporation organized and existing as such under and by virtue of the laws of the state of Delaware with its general offices located at Wheeling, in the state of West Virginia. Applicant is primarily engaged in the business of manufacturing iron and steel products for sale and is qualified to do business in the states of Ohio and West Virginia. Applicant, in carrying on its business, owns and operates iron and steel plants located at Steubenville, Portsmouth, Yorkville, and Martins Ferry, in the state of Ohio and at Beech Bottom and Benwood, in the state of West Virginia, and is a member of the Bituminous Coal Code.

Applicant consumes a great quantity of bituminous coal in the manufacture of its iron and steel products at the aforementioned plants. A part of the coal consumed by Applicant is produced by Applicant at a mine wholly owned and operated by Applicant. This mine is located at Beech Bottom, in the state of West Virginia. All of the coal produced by Applicant at this mine is consumed by Applicant, with the exception of that sold to Applicant's employees.

Consumers Mining Company, a member of the Bituminous Coal Code, is a corporation organized and existing as such under and by virtue of the laws of the state of Pennsylvania and is engaged primarily in the business of producing bituminous coal and owns and operates a mine for such purpose located at Harmarville, in Allegheny County, Pennsylvania, said mine being known as the "Harmar" mine. Said corporation has its own individual officers; operates its own mine; pays its own taxes; employs and pays its own labor by its own check; owns in fee the mine in question, including all of its facilities, coal lands, and the coal lying in place; keeps an individual set of books; maintains an individual bank account; carries its assets upon its books in its own name; maintains an individual office at its mine; and in the years 1931–1933 produced and sold coal commercially, making a profit and depositing funds realized as profit in a bank to its own account.

That the coal produced by Consumers Mining Company at said Harmar Mine is delivered to and consumed by Wheeling Steel Corporation, with the exception of that sold to and consumed by the employees of Consumers Mining Company, the coal delivered to and consumed by Wheeling Steel Corporation being transported in interstate commerce.

Emperor Coal Company, a member of the Bituminous Coal Code, is a corporation organized and existing as such under and by virtue of the laws of the state of Kentucky and is engaged primarily in the business of producing bituminous coal and owns and operates a mine for such purpose at Freeburne, in the state of Kentucky, said mine being known as the "Freeburne" mine. Said corporation has its own individual officers; operates its own mine; pays its own taxes, including the Social Security taxes, employs and pays its own labor by its own check; carries its own Workmen's Compensation Insurance; owns in fee the mine in question, including all of its facilities, coal lands, and the coal lying in place; keeps an individual set of books; maintains an individual bank account; carries its assets upon its books in its own name; maintains an individual office at its mine; and sold coal commercially until June 1937, making a profit thereon and declaring dividends.

That the coal produced by Emperor Coal Company at said Freeburne mine is delivered to and consumed by Wheeling Steel Corporation, with the exception of that sold to and consumed by the employees of Emperor Coal Company, the coal delivered to and consumed by Wheeling Steel Corporation being transported by rail in interstate commerce.

We conclude:

1. That upon the record in this case, it is clear that Applicant owns and operates the mine located at Beech Bottom, Brooke County, West Virginia. That it produces the coal produced at said mine and consumes the entire output of same, with the exception of that sold to its employees. It is also clear under the record in this cause that Applicant and Consumers Mining Company are separate and distinct corporations and that Applicant is not the producer of the coal produced at the Harmar mine, the producer of said coal being the Consumers Mining Company. It is also clear

under the record in this cause that Applicant and Emperor Coal Company are separate and distinct corporations and that Applicant is not the producer of the coal produced at the Freeburne mine, the producer of said coal being Emperor Coal Company.

2. That under the record in this cause, with the exception of that coal sold by Applicant to its employees, all the coal consumed by Applicant which is produced by Applicant at its mine located at Beech Bottom, West Virginia, and known as Applicant's "Beech Bottom" mine, falls within Subsection (1) of Section 4 of the Bituminous Coal Act of 1937 and is exempt from the provisions of Section 4 of the Act. On the other hand, the coal consumed by Applicant and produced at the "Harmar" mine of Consumers Coal Company and at the "Freeburne" mine of Emperor Coal Company does not fall within the provisions of Subsection (1) of Section 4 of the Act and, therefore, is not exempt from the provisions of Section 4 of the Act.

An appropriate order will be entered.

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At a session of the National Bituminous Coal Commission held at its office in Washington, D. C., on the 13th day of October, 1937.

*Order in the Matter of the Application of Wheeling Steel Corporation for Exemption From the Provisions of Section 4 of the Bituminous Coal Act of 1937, as Authorized by the Second Paragraph of Section 4–A of Said Act*

This proceeding having been duly heard and the testimony and other evidence introduced into hearing being duly recorded and filed with the Commission; and the duly designated examiner of the Commission having submitted proposed findings of fact and recommendations of an appropriate order in the premises; and the Commission having on the date hereof, made and filed report containing its findings of fact and conclusions thereon; and an opinion having been filed separately; all of which are hereby referred to and made a part hereof:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the application of the Wheeling Steel Corporation is hereby granted to the extent that the coal produced at its Beech Bottom Mine, Beech Bottom, West Virginia, and consumed by the applicant is within the purview of sub-section (1) of Section 4 of the Bituminous Coal Act of 1937 and is held to be exempt from the provisions of Section 4 of said Act.

2. That the bituminous coal consumed by the applicant and produced at the Harmar mine of Consumers Coal Company and at the Freeburne mine of the Emperor Coal Company does not come within the purview of sub-section (1) of Section 4 of the Act and accordingly is held not to be exempt from the provisions of Section 4 of the Act.

By order of the Commission.

[SEAL] C. F. HOSFORD, Jr., *Chairman.*

Dated this 13th day of October, 1937.

[F. R. Doc. 37-3154; Filed, October 28, 1937; 12:03 p. m.]

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[D31FD]

IN THE MATTER OF THE APPLICATION OF EMPEROR COAL COMPANY FOR EXEMPTION FROM THE PROVISIONS OF SECTION 4 OF THE BITUMINOUS COAL ACT OF 1937, AS AUTHORIZED BY THE SECOND PARAGRAPH OF SECTION 4–A OF SAID ACT

FINDINGS AS TO THE FACTS AND CONCLUSION

Pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes", (Public, No. 48, 75th Congress, 1st Sess.), known as the Bituminous Coal Act of 1937, Applicant, Emperor Coal Company, on the 21st day of June 1937, filed with the Commission its application for exemption seeking to have exempted from the provisions of Section 4 of the Bituminous Coal Act of 1937, all commerce in bituminous coal produced by it. The Application is filed by virtue of the authority granted in the second paragraph of Section 4–A of the Act and the exemption requested under the second paragraph of Section 4–A of the Act, subsection (1) of Section 4 of the Act, and upon the further broad ground that commerce in bituminous coal of the kind and character engaged in by Applicant is excluded from the provisions of the Act.

The Commission, pursuant to the provisions of said Act, by its Orders of Assignment and Reference dated August 11, 1937, assigned said cause for hearing and by its order dated the 7th day of September 1937, assigned said cause to Robert C. Patterson, an examiner of the Commission, for hearing, submission of proposed findings of fact and recommendation of appropriate order in the premises.

Due and reasonable notice of said hearing having been given all interested parties, said cause came on for hearing before said examiner of the Commission, in accordance with the aforesaid Orders of the Commission, on the 8th day of September, 1937, at Washington, D. C. At said hearing testimony and other evidence was introduced by Carl O. Schmidt, counsel for Applicant, in support of the allegations of the Application, the testimony and other evidence adduced at the hearing being duly recorded and filed with the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission upon the record and the Commission having duly considered same, and being fully advised in the premises, makes this its findings as to the facts and its conclusion drawn therefrom:

FINDINGS OF FACT

Applicant, Emperor Coal Company, is a corporation organized and existing as such under and by virtue of the laws of the state of Kentucky, with its general offices located at Freeburne, Kentucky, and is a member of the Bituminous Coal Code.

Applicant is engaged primarily in the business of producing bituminous coal and owns and operates a mine for such purpose located at Freeburne, Kentucky, said mine being known as the "Freeburne" mine. Said corporation has its own individual offices; operates its own mine; pays its own taxes; employs and pays its own labor by its own check; owns in fee the mine in question, including all of its facilities, coal lands and the coal lying in place; keeps an individual set of books; maintains an individual bank account; carries its assets upon its books in its own name; maintains an individual office at its mine; and in the years 1931–1933 produced and sold coal commercially, making a profit and depositing the funds realized as profit in a bank to its own account.

That the coal produced by Emperor Coal Company at said Freeburne mine is delivered to and consumed by Wheeling Steel Corporation, a corporation organized and existing as such under and by virtue of the laws of the State of West Virginia, which said corporation is a legal entity separate to Wheeling Steel Corporation by Applicant herein being transported by rail in interstate commerce.

We conclude:

That upon the record in this cause it is clear the Applicant owns and operates the coal mine located at Freeburne, Kentucky, and produces the coal produced at said mine, the coal produced at said mine being consumed by Wheeling Steel Corporation. It is also clear under the record in this cause that Applicant and Wheeling Steel Corporation are separate and distinct corporations. It is also clear under the record in this cause that Applicant is not the consumer of the coal produced at the Freeburne mine, the consumer of such coal being the Wheeling Steel Corporation.

Consequently, under the record in this cause, the coal produced by Applicant at its said Freeburne mine does not fall within the provisions of subsection (1) of Section 4 of the Act and, therefore, is not exempt from the provisions of Section 4 of the Act.

An appropriate order will be entered.

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At a session of the National Bituminous Coal Commission held at its office in Washington, D. C., on the 13th day of October, 1937.

*Order in the Matter of the Application of Emperor Coal Company for Exemption From the Provisions of Section 4 of the Bituminous Coal Act of 1937, as Authorized by the Second Paragraph of Section 4–A of Said Act*

This proceeding having been duly heard and the testimony and other evidence introduced into hearing being duly recorded and filed with the Commission; and the duly designated examiner of the Commission having submitted proposed findings of fact and recommendations of an appropriate order in the premises; and the Commission having on the date hereof, made and filed report containing its findings of fact and conclusions thereon; and an opinion having been filed separately; all of which are hereby referred to and made a part hereof:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes", (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

That the application of the Emperor Coal Company is denied as the coal produced at its mine located at Freeburne, Kentucky, is not consumed by the applicant, and such coal is not exempt from the provisions of Section 4 of the Bituminous Coal Act of 1937.

By order of the Commission.

[SEAL] C. F. HOSFORD, Jr., *Chairman.*

Dated this 13th day of October, 1937.

[F. R. Doc. 37-3156; Filed, October 28, 1937; 12:10 p. m.]

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[D30FD]

IN THE MATTER OF THE APPLICATION OF CONSUMERS MINING COMPANY FOR EXEMPTION FROM THE PROVISIONS OF SECTION 4 OF THE BITUMINOUS COAL ACT OF 1937, AS AUTHORIZED BY THE SECOND PARAGRAPH OF SECTION 4–A OF SAID ACT

FINDINGS AS TO THE FACTS AND CONCLUSION

Pursuant to the provisions of an Act of Congress, approved April 26, 1937, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes", (Public, No. 48, 75th Congress, 1st Sess.), known as the Bituminous Coal Act of 1937, Applicant, Consumers Mining Company, on the 17th day of June, 1937, filed with the Commission its application under the second paragraph of Section 4–A of the Bituminous Coal Act of 1937, seeking to have exempted from the provisions of Section 4 of said Act all coal produced by it.

The Commission, pursuant to the provisions of said Act, by its order dated the 11th day of August, 1937, assigned said cause for hearing and by its Order of Reference dated the 11th day of August, 1937, referred and assigned said matter to Charles S. Mitchell, an examiner of the Commission, for hearing, submission of proposed findings of fact and recommendation of appropriate order in the premises. On the 7th day of September, 1937, the Commission by its order reassigned said matter to Robert C. Patterson, an examiner of the Commission, for hearing, submission of proposed findings of fact and recommendation of appropriate order in the premises.

Due and reasonable notice of said hearing having been given all interested parties, said cause came on for hearing before said examiner in accordance with the aforesaid Orders of the Commission on the 8th day of September, 1937, at Washington, D. C. At said hearing, Applicant introduced testimony and other evidence in its behalf, there being no testimony or other evidence offered by counsel for the Commission or by other interested parties. The testimony and other evidence adduced at the hearing was duly recorded and filed with the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission upon the record in said cause and the Commission, having duly considered the same and being fully advised in the premises, makes this its findings as to the facts and its conclusion drawn therefrom:

FINDINGS OF FACT

Applicant, Consumers Mining Company, a member of the Bituminous Coal Code, is a corporation organized and existing as such under and by virtue of the laws of the State of Pennsylvania with its general offices located at Harmarville, Pennsylvania. Applicant is engaged primarily in the business of producing bituminous coal and owns and operates a mine for such purpose located at Harmarville, in Allegheny County, Pennsylvania, said mine being known as the "Harmar" mine. Said corporation has its own individual officers; operates its own mine; pays its own taxes; employs and pays its own labor by its own check; owns in fee the mine in question, including all of its facilities, coal lands, and the coal lying in place; keeps an individual set of books; maintains an individual bank account; carries its assets upon its books in its own name; maintains an individual office at its mine; and in the years 1931–1933 produced and sold coal commercially, making a profit and depositing funds realized as profit in a bank to its own account.

That the coal produced by Consumers Mining Company at said Harmar mine is delivered to and consumed by Wheeling Steel Corporation, with the exception of that sold to and consumed by the employees of Consumers Mining Company, the coal delivered to and consumed by Wheeling Steel Corporation being transported in interstate commerce.

We conclude:

That under the record in this cause the Applicant, Consumers Mining Company, owns and operates the mine located at Harmarville, in the State of Pennsylvania, and that it disposes of its product to the Wheeling Steel Corporation, a corporation separate and distinct from the Consumers Mining Company. It is further clear under the record in this cause that the producer of the coal in question, the Consumers Mining Company, is not the consumer thereof and, consequently, the coal produced by the Applicant, Consumers Mining Company, does not fall within Subsection (1) of Section 4 of the Act. The application is, therefore, denied.

An appropriate order will be entered.

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At a session of the National Bituminous Coal Commission held at its office in Washington, D. C., on the 13th day of October, 1937.

*Order in the Matter of the Application of Consumers Mining Company for Exemption From the Provisions of Section 4 of the Bituminous Coal Act of 1937, as Authorized by the Second Paragraph of Section 4–A of Said Act*

This proceeding having been duly heard and the testimony and other evidence introduced into hearing being duly recorded and filed with the Commission; and the duly designated examiner of the Commission having submitted proposed findings of fact and recommendations of an appropriate order in the premises; and the Commission having on the date hereof, made and filed report containing its findings of fact and conclusions thereon; and an opinion having been filed separately; all of which are hereby referred to and made a part hereof:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes", (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

That the application of the Consumers Mining Company is denied as the coal produced at its mine located at Harmar-

ville, Pennsylvania, is not consumed by the applicant and such coal is not exempt from the provisions of Section 4 of the Bituminous Coal Act of 1937.

By order of the Commission.

[SEAL] C. F. HOSFORD, JR., *Chairman.*

Dated this 13th day of October, 1937.

[F. R. Doc. 37-3155; Filed, October 28, 1937; 12:08 p. m.]

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RULING RE CONTRACTS FOR THE SALE OF BITUMINOUS COAL TO GOVERNMENTAL AGENCIES

The Commission has been informed that in many instances agencies of the Federal and State Governments, and political subdivisions thereof, are directed by statute or local ordinance to award contracts for the delivery of coal only after the submission of bids; that subsequent to the establishment of minimum prices by the Commission some time will necessarily elapse before such agencies can prepare the necessary invitations to bid, receive and examine bids submitted, and enter into contracts based upon such bids; that such agencies must maintain an adequate and constant supply of coal at all times; and that coal presently is being supplied under contracts providing for deliveries not more than thirty (30) days from the date of such contracts. In view of the above mentioned situation the Commission states:

1. That it will not construe as a violation of the Act the making of a contract with an agency of the Federal or State Governments, or political subdivisions thereof, which contains a provision that in the event the National Bituminous Coal Commission shall establish during the period of the contract a minimum price for the class, grade or size of coal produced at the mine or mines named in the contract, which is more than the contract price for such coal, the contract price shall be increased to the minimum price so established by the Commission, for the coal shipped from the mine or mines and delivered after the effective date of the establishment of such minimum price; that the right is reserved to the purchaser to enter a new contract for successive thirty (30) day periods until a minimum price for the coal shall have been established by the Commission; and that the right is reserved to the purchaser to enter a new contract for a period of sixty (60) days after the date of the establishment of such a minimum price, the price to be paid during such periods to be the contract price or the minimum price, if any, established by the Commission effective on dates of shipment from the mine or mines named in the contract.

2. That it will not construe as a violation of the code the making of a contract by a code member in conformity with the provisions set forth in paragraph one above.

By order of the Commission.

Dated this 27th day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3157; Filed, October 28, 1937; 12:12 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER AND NOTICE OF TERMINATION OF THE LICENSE FOR GUM-TURPENTINE AND GUM-ROSIN PROCESSORS, LICENSE NO. 37

Whereas the Secretary of Agriculture of the United States on March 9, 1934, acting under the provisions of the Agricultural Adjustment Act, issued under his hand and the official seal of the Department of Agriculture a license for processors of gum-turpentine and gum-rosin, effective March 13, 1934, which license was subsequently amended by the Secretary of Agriculture on June 27, 1934, effective June 28, 1934, on December 27, 1934, effective December 31, 1934, and on April 22, 1935, effective April 26, 1935; and

Whereas the Secretary of Agriculture on August 1, 1935, issued an order suspending the further operation of article V of the said license, as amended, effective August 5, 1935; and

Whereas the Secretary of Agriculture has determined to terminate the said license, as amended.

Now, therefore, the undersigned acting under the authority vested in the Secretary of Agriculture under the terms and conditions of the said act and pursuant to the applicable general regulations issued thereunder hereby terminates the said license, as amended.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States has executed this order and notice in duplicate and has caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 29th day of October 1937 and hereby declares this termination to be effective on and after 12:01, a. m., e. s. t., November 3, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3177; Filed, October 29, 1937; 12:05 p. m.]

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IR—B-101—Puerto Rico, amendment 2. Issued October 29, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—INSULAR REGION

AMENDMENT 2 TO INSULAR REGION BULLETIN 101—PUERTO RICO

Paragraph (b) of practice numbered 10 of section 3 of Part I of Insular Region Bulletin 101—Puerto Rico is hereby amended to read as follows:

"(b) *For all plantation farms.*—Field experiments on principal types of soil included in the cropland on the plantation farm (not devoted to permanent pasture or to orchards or trees of any kind) in the use of organic matter or chemical fertilizers, the experiments to be properly laid out, controlled, harvested, and reported to the local office of the Insular Division, or carried to that degree of completion which is practicable during the calendar year 1937, with not less than five repetitions of each individual treatment (variable) to be tested, and five repetitions of the standard check, the number of experiments to be established on the farm to be determined in accordance with the following table:

"For farms on which there is included cropland not devoted to permanent pasture or to orchards or trees of any kind, in an amount—

"Less than 800 acres, 1 experiment.
"800–1,299 acres, inclusive, 2 experiments.
"1,300–1,899 acres, inclusive, 3 experiments.
"1,900–2,499 acres, inclusive, 4 experiments.
"2,500 acres and over, 5 experiments, plus one additional experiment for each 1,000 acres in excess of 2,500 acres."

Done at Washington, D. C., this 29th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3178; Filed, October 29, 1937; 12:05 p. m.]

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### Bureau of Animal Industry.

NOTICE OF HEARING RE DESIGNATION OF CINCINNATI, OHIO, AS A MARKET SUBJECT TO THE LIVE POULTRY AMENDMENT TO THE PACKERS AND STOCKYARDS ACT

It appearing from information in the Department of Agriculture that the city of Cincinnati, Ohio, and certain markets and places therein should be designated as a city, market, or place subject to the provisions of the Packers and Stockyards Act, as amended August 14, 1935, 49 Stat. 648; 7 U. S. C. (Supp. II), Section 218 (a),

Notice is hereby given that, pursuant to said act as amended, a hearing will be held beginning at 10 a. m. November 10, 1937, in Room 9, Live Stock Exchange Building, Cincinnati, Ohio, at which any interested party may appear and present such facts as tend to show whether Cincinnati and certain markets and places therein should be so designated.

After a city is designated, no person other than packers, as defined in Title II of the Packers and Stockyards Act, 42 Stat. 159; 7 U. S. C. Sections 189 to 231, and railroads shall engage in, furnish, or conduct any service or facility in any such designated city, place, or market in connection with the receiving, buying, or selling, on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, unloading, loading on trucks, trucking, or handling in commerce of live poultry without a license from the Secretary of Agriculture.

Done at Washington, D. C., this 29th day of October, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3176; Filed, October 29, 1937; 10:06 a. m.]

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NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

OCTOBER 28, 1937.

To THE HOCKING VALLEY LIVESTOCK SALES COMPANY,
*Stockyard owner, at Lancaster, Ohio.*

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition.

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as The Hocking Valley Livestock Sales Company, at Lancaster, State of Ohio, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3170; Filed, October 28, 1937; 3:41 p. m.]

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NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

OCTOBER 28, 1937.

To E. C. STICKELMAN,
*Doing business as Stickelman Livestock Commission Company, stockyard owner, at Gothenburg, Nebraska.*

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Stickelman Livestock Commission Company, at Gothenburg, State of Nebraska, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3172; Filed, October 28, 1937; 3:42 p. m.]

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NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

OCTOBER 28, 1937.

To TWIN FALLS COMMISSION COMPANY,
*Stockyard owner, at Twin Falls, Idaho.*

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Twin Falls Commission Company, at Twin Falls, State of Idaho, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3171; Filed, October 28, 1937; 3:41 p. m.]

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## Bureau of Entomology and Plant Quarantine.

B. E. P. Q.—Q. 52. Rev. of Reg. 3

### MODIFICATION OF PINK BOLLWORM QUARANTINE REGULATIONS

#### INTRODUCTORY NOTE

The following revision adds the counties of Socorro and Valencia in New Mexico to the lightly infested areas. There are no ginning facilities in these counties and the small amount of cotton grown therein is carried into the adjacent regulated area for ginning. The inclusion of these counties in the regulated area allows such seed to be returned after ginning to farms and ranches in Socorro and Valencia Counties for planting and feeding purposes. No other changes are made in the regulations.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

*Amendment No. 3 to Revised Rules and Regulations Supplemental to Notice of Quarantine No. 52*

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 3 of the revised rules and regulations supplemental to Notice of Quarantine No. 52, on account of the pink bollworm of cotton, which were promulgated on October 13, 1936, as amended effective December 1, 1936, and further amended effective April 6, 1937, be and the same is hereby still further amended to read as follows:

#### REGULATION 3. REGULATED AREAS; HEAVILY AND LIGHTLY INFESTED AREAS

*Regulated areas*

In accordance with the provisos to Notice of Quarantine No. 52 (revised), the Secretary of Agriculture designates as regulated areas, for the purpose of these regulations, the following counties in Arizona, New Mexico, and Texas, including all cities, districts, towns, townships, and other political subdivisions within their limits:

*Arizona area.*—Counties of Cochise, Graham, and Greenlee.

*New Mexico area.*—Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

*Texas area.*—Counties of Andrews, Brewster, Cameron, Cochran, Crane, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Hudspeth. Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reeves, Starr, Terrell, Terry, Upton, Ward, Willacy, Winkler, and Yoakum; that part of *Bailey County* lying south of the following-described boundary line: beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of Block A of the M. B. & B. survey to the western boundary of said county; that part of *Lamb* County lying south of the following-described boundry line: beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of league 239, 238, 233, 222, 218, and 207 to the western boundary line of said county.

*Heavily Infested Areas*

Of the regulated areas, the following counties and parts of counties are hereby designated as heavily infested within the meaning of these regulations:

Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, in the State of Texas, and all of *Hudspeth County* in the same State except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

*Lightly Infested Areas*

The following areas are designated as lightly infested:

The counties of Cochise, Graham, and Greenlee in Arizona[1]; the counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia in New Mexico; the entire counties of Andrews, Cameron, Cochran, Crane, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Loving, Martin, Midland, Pecos, Reeves, Starr, Terry, Upton, Ward, Willacy, Winkler, and Yoakum, the regulated parts of Bailey and Lamb Counties in Texas, and that part of the northwest corner of Hudspeth County, Tex., lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

This amendment shall be effective on and after Oct. 28, 1937, and shall on that date supersede amendment no. 2 which became effective April 6, 1937.

Done at the city of Washington this 27th day of October, 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3173; Filed, October 28, 1937; 3:42 p. m.]

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## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

### REGULATION T, EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

#### AMENDMENT NO. 10, EFFECTIVE NOVEMBER 1, 1937

On October 27, 1937, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Be it resolved*, That, effective November 1, 1937, Regulation T, as amended, is further amended in the following respects:

1. Section 2 (d) of said regulation is amended to read as follows:

"(d) The term *'combined account'* means the combination of all accounts (except 'special accounts') between any creditor and any customer, or any group of customers acting jointly."

[1] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under quarantine No. 61, and shipments therefrom must comply with the requirements of that quarantine.



2. Section 2 (m) of said regulation is amended to read as follows:

"(m) The term *'customer'* means any person (including any partner of a creditor firm in his relations with the firm) to or for whom, or any group of persons to or for whose joint account, a creditor is carrying any short position in securities or extending or maintaining any credit: *Provided, however*, That a partner shall not be deemed to be a customer of his firm within the meaning of this regulation with reference to his financial relations to the firm as reflected in his capital and ordinary drawing accounts."

3. Clause (2) of section 3 (b) of said regulation is amended to read as follows:

"(2) in such account transactions are permitted and credit is extended or maintained solely for the purpose of enabling such member, broker, or dealer to carry accounts for his customers other than his partners, and"

4. Clause (3) of section 3 (f) of said regulation is amended to read as follows:

"(3) The current market value of any securities sold short in the account (other than unissued securities) *plus*, for each such security (other than an unissued or exempted security), such amount as the Board shall prescribe from time to time in the supplement to this regulation as the amount to be included as the margin required for such short sales, except that such amount so prescribed need not be included when there are held in the account securities exchangeable or convertible into such securities sold short;"

5. The first sentence of the last paragraph of section 3 (f) of said regulation is amended to read as follows:

"For the purposes of this regulation, the adjusted debit balance of every account in which any short position in securities (other than unissued or exempted securities) is carried or any credit is extended or maintained for the purpose of purchasing or carrying securities shall be computed in accordance with the above rules, regardless of whether it be a combined account or a special account."

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-3187; Filed, October 29, 1937; 1:05 p. m.]

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### AMENDMENT TO SUPPLEMENT TO REGULATION T, EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

On October 27, 1937, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Be it resolved*, That, effective November 1, 1937, the supplement to Regulation T is amended to read as follows:

"BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

*"Supplement to Regulation T*

"Effective November 1, 1937

*"Maximum Loan Values.*—Pursuant to the provisions of section 7 of the Securities Exchange Act of 1934 and section 3 of its Regulation T, as amended, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum loan values of registered securities (other than exempted securities) for the purposes of Regulation T:

"(1) *General rule.*—Except as provided in paragraphs (2) and (3) of this supplement, the maximum loan value of a registered security (other than an exempted security) shall be 60 per cent of the current market value of the security.

"(2) *Extension of credit to other members, brokers and dealers.*—The maximum loan value of a registered security (other than an exempted security) in a special account with another member, broker or dealer, which special account complies with subsection (b) of section 3 of Regulation T, as amended, shall be 75 per cent of the current market value of the security.

"(3) *Extension of credit to distributors, syndicates, etc.*—The maximum loan value of a registered security (other than an exempted security) in a special account with a distributor, syndicate, etc., which special account complies with subsection (c) of section 3 of Regulation T, as amended, shall be 80 per cent of the current market value of the security.

*"Margin Required On Short Sales.*—Pursuant to the provisions of section 7 of the Securities Exchange Act of 1934 and section 3 of Regulation T, as amended, the Board of Governors of the Federal Reserve System hereby prescribes that the amount to be included in the adjusted debit balance of an account, pursuant to section 3 (f) (3) of Regulation T, as amended, as margin required on short sales of securities (other than unissued or exempted securities) shall be 50 per cent of the current market value of each such security except that in the case of a special account with another member, broker or dealer, which special account complies with subsection (b) of section 3 of Regulation T, as amended, such amount shall be 35 per cent of such current market value."

[SEAL] S. R. CARPENTER, *Assistant Secretary.*

[F. R. Doc. 37-3188; Filed, October 29, 1937; 1:05 p. m.]

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### AMENDMENT TO SUPPLEMENT TO REGULATION U, LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING STOCKS REGISTERED ON A NATIONAL SECURITIES EXCHANGE

On October 27, 1937, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Be it resolved*, That, effective November 1, 1937, the supplement to Regulation U is amended by changing the maximum loan value figure "45 per cent" in the first paragraph of said supplement to "60 per cent", and by changing the maximum loan value figure "60 per cent" in the second paragraph of said supplement to "75 per cent", so that as thus amended the supplement will read as follows:

"SUPPLEMENT TO REGULATION U

*"Issued by the Board of Governors of the Federal Reserve System*

"Effective November 1, 1937

"For the purpose of section 1 of Regulation U, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 60 per cent of its current market value, as determined by any reasonable method.

*"Loans to brokers and dealers.*—Notwithstanding the foregoing, a stock, if registered on a national securities exchange shall have a special maximum loan value of 75 per cent of its current market value, as determined by any reasonable method, in the case of a loan to a broker or dealer from whom the bank accepts in good faith a signed statement to the effect (1) that he is subject to the provisions of Regulation T (or that he does not extend or maintain credit to or for customers except in accordance therewith as if he were subject thereto), and (2) that the securities hypothecated to secure the loan are securities carried for the account of his customers other than his partners."

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-3189; Filed, October 29, 1937; 1:06 p. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket Nos. IT-5489, 5490, 5491]

### APPLICATIONS OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY

#### ORDER SETTING HEARING

Upon applications filed October 26, 1937, by Public Service Electric and Gas Company, 80 Park Place, Newark, New Jersey, pursuant to Section 203 of the Federal Power Act for

approval of the merger of Newark Consolidated Gas Company, (IT–5489), Essex and Hudson Gas Company, (IT–5490), and Hudson County Gas Company, (IT–5491), all being corporations organized under the laws of the State of New Jersey, into said Public Service Electric and Gas Company:

The Commission orders:

That a hearing be held on the said applications beginning at 10. a. m., Monday, November 22, 1937, in the Commission's hearing room, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on October 26, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37–3174; Filed, October 29, 1937; 9:38 a. m.]

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Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Projects Nos. 67 and 120, and 96]

SOUTHERN CALIFORNIA EDISON COMPANY, LTD., SAN JOAQUIN LIGHT AND POWER CORPORATION

ORDER POSTPONING REHEARING

Upon telegraphic request received October 29, 1937, from Southern California Edison Company Ltd., the Commission orders:

That the rehearing set for November 4, 1937, with regard to Paragraphs 5, 6, and 7 of the order dated July 10, 1937, directing San Joaquin Light and Power Corporation and Southern California Edison Company Ltd., jointly to compute the amount of headwater benefits in connection with projects Nos. 96, 67,, and 120, be postponed to Monday, December 6, 1937, to be held in the Commission's hearing room at 1800 Pennsylvania Avenue NW., Washington, D. C., beginning at 10 a. m.

Adopted by the Commission on October 29, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37–3179; Filed, October 29, 1937; 12:12 p. m.]

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## FOREIGN-TRADE ZONES BOARD.

[Order No. 4]

AN ORDER RELATIVE TO THE HANDLING OF GOLD AND SILVER IN FOREIGN-TRADE ZONES

At a regular meeting of the Foreign-Trade Zones Board, held at its offices in the City of Washington, D. C., on the 22nd day of September, A. D., 1937, the Board considered the matter relating to the handling of gold and silver in foreign-trade zones and adopted the following order:

Whereas section 15 (c) of the Act of June 18, 1934 (U. S. C., title 19, sec. 810 (c)), relating to foreign-trade zones provides as follows:

The Board may at any time order the exclusion from the zone of any goods or process of treatment that in its judgment is detrimental to the public interest, health, or safety.

And whereas, paragraph 803 of regulations of the Foreign-Trade Zones Board provides as follows:

"When it shall be reported to the Board that any goods or process of treatment is detrimental to the public interest, health, or safety, the Board shall cause such investigation to be made as it may deem necessary. The Board may order the exclusion from the zone of any goods or process of treatment that in its judgment is detrimental to the public interest, health, or safety."

And whereas the Board finds that in its judgment the melting, smelting, or refining or other treatment by heating or by a chemical or electrical process of silver or gold in any form within any foreign-trade zone within the continental United States, and the admission into any such zone of silver or gold, with the exceptions hereinafter enumerated, are detrimental to the public interest;

Now, Therefore, Be It Ordered, that silver or gold in any form may not be melted, smelted, or refined or otherwise treated by heating or by a chemical or electrical process within any foreign-trade zone within the continental United States; and further that silver and gold are hereby excluded from admission into any such zone, except that "fabricated silver", as referred to in section 91 of the Silver Regulations of August 17, 1934, as amended,[1] and "fabricated gold", as defined in section 4 of the Provisional Regulations issued under the Gold Reserve Act of 1934,[2] may be admitted into and held in such form within any such zone.

Attention is directed to the fact that silver may be exported from the continental United States only as provided in Article IX of the Silver Regulations of August 17, 1934, as amended (see section 91 regarding the exportation of "fabricated silver"); and gold may be exported from the continental United States only as provided in the Provisional Regulations issued under the Gold Reserve Act of 1934 (see section 16 regarding the exportation of "fabricated gold").

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce,*
*Chairman, Foreign-Trade Zones Board.*

OCTOBER 21, 1937.

[F. R. Doc. 37–3182; Filed, October 29, 1937; 12:37 p. m.]

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## INTERSTATE COMMERCE COMMISSION.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of October, A. D. 1937.

[Ex Parte 72 (Sub–No. 1)]

ORDER IN THE MATTER OF REGULATIONS CONCERNING THE CLASS OF EMPLOYEES AND SUBORDINATE OFFICIALS THAT ARE TO BE INCLUDED WITHIN THE TERM "EMPLOYEE" UNDER THE RAILWAY LABOR ACT

The Commission having been requested to determine whether so-called "red caps", station porters, station attendants, parcel porters, ushers, and other persons whose duties consist of, or include, carrying passengers' hand baggage and other articles between trains, waiting rooms, ferries, and/or highway vehicles, together with those who supervise or direct the performance of such duties, are employees of the carriers within the meaning of the fifth paragraph of section 1 of the Railway Labor Act;

*It is ordered,* That each class I steam railroad, also each switching and terminal company, and each class A electric railway reporting to this Commission, be, and it is hereby, ordered and directed to furnish the information called for in the attached questionnaire with respect to each passenger station at all cities of over 100,000 population, based on the 1930 census, and return the same properly sworn to as indicated in the questionnaire not later than December 15, 1937.

*It is further ordered,* That each class I steam railroad, also each switching and terminal company, and each class A electric railway reporting to this Commission be made parties to this proceeding, also that a copy of this order be served upon each such carrier, and that notice of this order be given to the general public by depositing a copy of the same in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, division 3.

[SEAL] W. P. BARTEL, *Secretary.*

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[1] Section 91 of the Silver Regulations of August 17, 1934, as amended, refers to fabricated silver as "Silver contained in articles fabricated and held in good faith for a specific and customary use and not for their value as silver bullion."

[2] Section 4 of the Provisional Gold Regulations reads in part as follows:

"'Fabricated gold' means gold which has, in good faith and not for the purpose of evading, or enabling others to evade, the provisions of the * * * [Gold Reserve Act of 1934, or of the regulations issued thereunder,] been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses, but does not include gold coin or scrap gold."



QUESTIONNAIRE

Subject: Hand baggage porters.

NOTE.—The term "hand baggage porters" as used in this questionnaire means persons whose duties consist of, or include, carrying passengers' hand baggage and other articles between trains, waiting rooms, ferries, and/or highway vehicles, together with those who supervise or direct the performance of such duties. These men are variously designated by terms such as "red caps", station porters", "station attendants", "parcel porters", "ushers", "chief ushers", "captains", etc. They are divided into two classes, A and B, as shown below. It is desired that all questions be answered as to both classes.

Exact name of reporting carrier.

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Name, title, and address of officer of respondent to whom correspondence concerning this report should be addressed.

---
(Name)

---
(Title)

---
(Address)

Name of station ---

Location of station --- ---
(City) (State)

CLASS A—HAND BAGGAGE PORTERS WHO ARE PAID SALARIES, WAGES, OR OTHER COMPENSATION BY RESPONDENT

1. Total number employed on September 1, 1937.
2. By what title or titles are they designated?
   a.
   b.
   c.
3. Their duties, if any, in addition to carrying hand baggage and other articles for passengers.
   a.
   b.
   c.
4. Average number of hours in service per person.
   a. Per day.
   b. Per week.
   c. Per month.
5. Salary or wages.
   a. Per hour.
   b. Per day.
   c. Per week.
   d. Per month.

(The entries under 4 and 5 should be in accord with the basis usually employed at the station for which the report is made.)

6. What was the total amount of compensation received from the carrier for services of such employees at the station covered by the return during the month of September, 1937?
7. What was the total number employed at such station during the whole or any part of the same month?
8. Do they also receive tips?
9. Are they permitted to solicit tips?
10. Do you have any information regarding the amount of tips collected? If so, submit such information as is available for any representative period.
11. Are they considered eligible to receive passes?
12. The number who have received passes during the current year.
13. Are they required to wear a certain kind of uniform, cap, badge, or other identifying insignia? If so, give details.
14. Who bears the expense of the uniforms, etc. worn?
16. Give title or position of officers or employees under whose supervision hand baggage porters perform their services.
17. Are they required to make any kind of application for employment? If so, submit copy of application form and state by whom application must be approved.
18. Are they required to pass an examination? If so, state nature of examination.
19. Are they subject to certain rules? If so, submit copy of rules.
20. Is discipline imposed for breach of rules? If so, nature of discipline.
21. Are any of them members of any relief, benefit, hospital, or group insurance organization for employees of the carrier? If so, state number and other details briefly.
22. Are any seniority rights or preferences accorded them, based on length of service? If so, specify briefly.
23. Summarize briefly any agreements between carrier and any labor organizations regarding wages, rules, and working conditions of persons covered by return.
24. Number who are conceded by the carrier to be employees. If some are conceded to be employees and others are not, state the distinction.

CLASS B—HAND BAGGAGE PORTERS WHO RECEIVE NO COMPENSATION OTHER THAN TIPS

1. Total number in service on September 1, 1937.
2. By what title or titles are they designated?
   a.
   b.
   c.
3. Average number of hours in service per person.
   a. Per day.
   b. Per week.
   c. Per month.
4. Their duties, if any, in addition to carrying hand baggage and other articles for passengers.
   a.
   b.
   c.
5. Are they considered eligible to receive passes?
6. The number who have received passes during the current year.
7. What officer or employee assigns these persons to the service?
8. Give title or position of officers or employees under whose supervision hand baggage porters perform their services.
9. Are they required to make any kind of application? If so, submit copy of application form and state by whom it must be approved.
10. Are they required to pass an examination? If so, state nature of examination.
11. Are they subject to certain rules? If so, submit copy of rules.
12. Is discipline imposed for breach of rules? If so, nature of discipline.
13. Are they disciplined for improper service to passengers? If so, nature of discipline.
14. Are they permitted to solicit tips?
15. Do you have any information regarding the amount of tips collected? If so, submit such information as is available for any representative period.
16. Are they required to wear a certain kind of uniform, cap, badge, or other identifying insignia? If so, give details.
17. Who bears the expense of the uniforms, etc. worn?
18. Are any required to pay for the privilege of acting as hand baggage porters?
19. If the services of hand baggage porters are engaged by a concessionnaire, so state.
20. Are any seniority rights or preferences accorded them, based on length of service? If so, specify briefly.
21. Are any of them members of any relief, benefit, hospital, or group insurance organization for employees of the carrier? If so, state number and other details briefly.
22. Have any been paid salaries, wages, or other compensation since enactment of the Railway Labor Act on May 20, 1926? If so, state number and other details.
23. Have the salaries, wages, or other compensation of any such persons been discontinued during or since Federal control? If so, state the number and other details.
24. Summarize briefly any agreements between carrier and any labor organizations regarding wages, rules, and working conditions of persons covered by return.
25. Number who are conceded by the carrier to be employees. If some are conceded to be employees and others not, state the distinction.

NOTE.—If insufficient space is shown for any answer, the additional information may be shown on a supplemental sheet affixed to the questionnaire. Copies of this questionnaire sufficient for the probable requirements of the various carriers will accompany the order, but if additional copies are needed they will be furnished upon request.

OATH

STATE OF ---,

*County of* ---, *ss:*

I, ---, the undersigned, ---
(Name of person) (Title)

--- of the ---,
(Full name of reporting carrier)

do on my oath declare that the foregoing returns have been prepared by me or under my direction from the books and records of said ---
(Full name of reporting carrier)

and from such other sources of information as seemed necessary for complete statement of the facts; that I have carefully examined or caused to be examined each and every statement herewith submitted; and that all of said statements are true and correct to the best of my knowledge, information, and belief.

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Subscribed and sworn to before me this --- day of ---, 19--.

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[F. R. Doc. 37–3169; Filed, October 28, 1937; 12:59 p. m.]

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 27th day of October, A. D. 1937.

[Ex Parte No. MC 14]

ORDER CONCERNING MOTOR CARRIER RATES IN MIDDLE ATLANTIC STATES

The Commission having under consideration the subject of the rates, charges, classifications, rules, regulations, and practices applicable to the transportation of property in interstate or foreign commerce by common carriers by motor vehicle between points in certain middle Atlantic States, in connection with the order entered by Division 5 on September 28, 1937, in Investigation and Suspension Docket No. M-205, Rates over Freight Forwarders, Inc., suspending the operation of tariff schedules enumerated in said order and instituting an investigation with respect thereto, and good cause appearing therefor:

*It is ordered*, That an investigation be, and it is hereby, instituted by the Commission, on its own motion, into and concerning the lawfulness of the rates, charges, and classifications, and the rules, regulations, and practices relating thereto, applicable to the transportation by all common carriers by motor vehicle subject to the Motor Carrier Act, 1935, of all property in interstate or foreign commerce between all points in territory A, on the one hand, and territory B, on the other hand, as respectively defined in appendix I of this order, with a view of determining whether the rates, charges, classifications, and the rules, regulations, and practices relating thereto, of respondents, or any of them, applicable to such transportation are in any respects in violation of law, and of making such findings and entering such order or orders in the premises, and of taking such other and further action, as the facts and circumstances may appear to warrant.

*It is further ordered*, That all common carriers of property by motor vehicle subject to the Motor Carrier Act, 1935, operating between the points and participating in the transportation described in the next preceding paragraph hereof, be, and they are hereby, made respondents to this proceeding, that this order be served upon said respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

*And it is further ordered*, That this proceeding, and Investigation and Suspension Docket No. M-205, Rates over Freight Forwarders, Inc., be, and the same are hereby, consolidated for hearing and disposition.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary*.

APPENDIX I

*Description of Territories*

*Territory A.*—Points in New York, New Jersey, and Delaware on and within a line beginning at the Connecticut-New York State line east of Port Chester, N. Y., following the Connecticut-New York State line to a point north of State Highway 23; thence through Golden's Bridge, N. Y. and Peekskill, N. Y., down the east bank of the Hudson River to a point opposite Cliffside, N. J.; thence through Englewood, N. J., Paterson, N. J., Essex Falls, N. J., Springfield, N. J., Plainfield, N. J., Raritan, N. J., Flemington, N. J., Frenchtown, N. J., Point Pleasant, N. J., Pipersville, Pa., Souderton, Pa., Phoenixville, Pa., West Chester, Pa.; thence via a line drawn across U. S. Highway 1 between Chadds Ford and Hamorton, Pa., to the Pennsylvania-Delaware line via the Pennsylvania-Delaware line and the Maryland-Delaware line to U. S. Highway 40; via U. S. Highway 40 to New Castle, Del., down the Delaware River and Bay to Cape May and the New Jersey-Long Island coastline to Montauk Point, and thence through Long Island Sound to the Connecticut-New York State line.

*Territory B.*—Points in Maryland, Pennsylvania, District of Columbia, and Virginia on and within a line beginning at the Maryland-Delaware line on U. S. Highway 40, following the Southern boundary of Territory A to a point on U. S. Highway 1 between Chadds Ford and Hamorton, Pa.; thence via U. S. Highway 1 to Bel Air, Md.; thence through Cockeysville, Md., Westminster, Md., Taylorsville, Md., Ridgeville, Md., Clarksburg, Md., and Gaithersburg, Md., to the Potomac River at the Maryland-District of Columbia line; thence through Falls Church, Baileys Cross Roads, Alexandria, Va., along the District of Columbia-Maryland line; thence through Collington, Annapolis, and the Chesapeake Bay to Perryville, Md., and thence via U. S. Highway 40 to the Maryland-Delaware line.

[F. R. Doc. 37-3180; Filed, October 29, 1937; 12:30 p. m.]

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At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 27th day of October, A. D., 1937.

[Ex Parte No. MC-14]

MOTOR CARRIER RATES IN MIDDLE ATLANTIC STATES

INVESTIGATION AND SUSPENSION DOCKET NO. M-205; RATES OVER FREIGHT FORWARDERS, INC.

*It appearing*, That the Commission has this day entered an order instituting an investigation in Ex Parte No. MC-14, Motor Carrier Rates in Middle Atlantic States, has consolidated the same with Investigation and Suspension Docket No. M-205, Rates over Freight Forwarders, Inc., and has referred the said proceeding as thus consolidated to division 5 for administrative handling and disposition:

*It is ordered*, That the above-entitled proceedings be, and the same are hereby, assigned for hearing before division 5 on November 10, 1937, at 10 o'clock a. m. (standard time), at the offices of the Interstate Commerce Commission, Washington, D. C.,

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-3181; Filed, October 29, 1937; 12:31 p. m.]

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SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1937.

[File No. 52-6]

IN THE MATTER OF THE UNITED TELEPHONE AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Louis R. Gates, R. W. Samuelson, Ira C. Snyder, Donald L. Pettis and A. Z. Patterson, as Reorganization Managers for The United Telephone and Electric Company, pursuant to Sections 11 (f) and 11 (g) of the Public Utility Holding Company Act of 1935, for the approval by the Commission of the reorganization plan for said Company submitted by the applicants to this Commission and for a report by this Commission on said plan, said Company being a registered holding company and the subject of reorganization proceedings under Section 77-B of the Bankruptcy Act now pending in the District Court of the United States for the District of Delaware.

*It is ordered*, That a hearing on such matter be held on November 29, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 23, 1937.

*It is further ordered*, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3183; Filed, October 29, 1937; 12:44 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D., 1937.

IN THE MATTER OF JUMBO EXTENSION MINING COMPANY COMMON CAPITAL STOCK PAR VALUE 10 CENTS, ASSESSABLE

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, Jumbo Extension Mining Company, a corporation, is the issuer of Common Capital Stock, Par Value 10 Cents, Assessable; and

Whereas said Jumbo Extension Mining Company registered such securities on the San Francisco Mining Exchange, by filing on or about May 5, 1936, an application with the said exchange and with the Commission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, promulgated by the Commission thereunder; and

Whereas, said Rule JB1, as amended, at the time said application was filed and at all subsequent times did and does require such application to be filed on Form 10 for Corporations; and

Whereas said Jumbo Extension Mining Company has failed to comply with the provisions of said Section 12 (b) of said Securities Exchange Act, as amended, with the provisions of said Rule JB1, as amended, with the provisions of said Form 10 for Corporations, and with the provisions of the Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that the application filed by it for registration of said securities on said exchange pursuant to said Section 12 (b) does not correctly state the status of securities temporarily registered, as required by Item 8 of said Form and the Instructions thereto; and fails to restrict the securities shown under Column E of Item 14 to reacquired securities, as required by that Item and the Instructions thereto; and fails to give information concerning preemptive and subscription rights in answer to Sections 5 and 6 of Item 19, as required by that Item and the Instructions thereto, and fails to furnish information as to record and beneficial holdings in the form required by Item 28 and the Instructions thereto, notwithstanding the provisions of Form 10 for Corporations and the Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, as to the use of said Form 10 for Corporations; and

Whereas Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security registered on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and



Whereas, said Jumbo Extension Mining Company has failed to comply with Section (a) and (b) of said Securities Exchange Act of 1934, as amended, and with Rules KA1 and KA2 promulgated by the Commission thereunder in that, as issuer of said Common Capital Stock, Par Value 10 Cents, Assessable, it has failed to file the information and documents required by Rule KA1, adopted by the Commission pursuant to said Section 13 (a) and has failed to file its annual report for the year ending December 31, 1936 on Form 10-K as required by Rule KA2, adopted by the Commission pursuant to said Section 13 (b);

*It is ordered*, That pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said Jumbo Extension Mining Company has so failed to comply with said provisions of said Section 12 (b) (1) and said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with any provision of either of said Sections or of any Rule or Regulation promulgated by the Commission under either of said Sections, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Common Capital Stock, Par Value 10 Cents, Assessable, on said San Francisco Mining Exchange; and

*It is further ordered*, That said Jumbo Extension Mining Company appear before an officer of the Commission and show cause why the registration of said Common Capital Stock, Par Value 10 Cents, Assessable, on said San Francisco Mining Exchange should not be suspended for a period not exceeding twelve months or withdrawn, as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

*It is further ordered*, That for the purpose of such proceeding, Howard A. Judy, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That a public hearing for the taking of testimony begin on the 16th day of November, 1937, at 10:00 A. M. at the regional office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3186; Filed, October 29, 1937; 12:47 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 28th day of October, A. D., 1937.

IN THE MATTER OF ROSETTA MINES COMPANY COMMON CAPITAL STOCK

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, Rosetta Mines Company, a corporation, is the issuer of Common Capital Stock; and

Whereas said Rosetta Mines Company registered such securities on the San Francisco Mining Exchange, by filing on or about November 13, 1935, an application with the said exchange and with the Commission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, promulgated by the Commission thereunder; and

Whereas Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer

of a security registered on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas said Rosetta Mines Company filed on or about May 1, 1936, an annual report on Form 10–K for the fiscal year ended December 31, 1935, pursuant to Section 13 (a) and (b) of said securities Exchange Act of 1934, as amended, and Rules KA1 and KA2 promulgated by the Commission thereunder; and

Whereas said Rosetta Mines Company has failed to comply with the provisions of said Section 13 (a) and (b), said Rules KA1 and KA2, and with the provisions of said Form 10–K and with the provisions of the Instructions for said Form 10–K, and the Rules and Regulations of the Commission supplemental thereto, as amended, in that the annual report filed by it for the fiscal year ended December 31, 1935.

Fails to list Mr. Fred Tailleur as the parent of the registrant, and his respective percentage of voting power, although required by Item 1 of said Form 10–K and the Instructions thereto, and the Rules and Regulations of the Commission; and

Fails to include an Accountant's Certificate to the financial statements, filed as part of said annual report, which is reasonably comprehensive as to the scope of the audit made, and which states the opinion of the accountant with respect to the accounting principles and procedures followed by the registrant, although required by Item 8 of said Form 10–K and the Instructions thereto, and the Rules and Regulations of the Commission; and

Fails to include Schedule VIII in support of the registrant's financial statements, although required by Item 8 of said Form 10–K and the Instructions thereto, and the Rules and Regulations of the Commission; and

Whereas said Rosetta Mines Company has failed to comply with Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and with Rules KA1 and KA2 promulgated by the Commission thereunder in that, as issuer of said Common Capital Stock, it has failed to file the information and documents required by Rule KA1, adopted by the Commission pursuant to said Section 13 (a) and has failed to file its annual report for the year ended December 31, 1936 on Form 10–K, as required by Rule KA2 adopted by the Commission pursuant to said Section 13 (b);

*It is ordered,* That pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said Rosetta Mines Company has so failed to comply with said provisions of said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with either provision of said Section or of any Rule or Regulation promulgated by the Commission under said Section, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Common Capital Stock on said San Francisco Mining Exchange; and

*It is further ordered,* That said Rosetta Mines Company appear before an officer of the Commission and show cause why the registration of said Common Capital Stock on said San Francisco Mining Exchange should not be suspended for a period not exceeding twelve months or withdrawn as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

*It is further ordered,* That for the purpose of such proceeding, Howard A. Judy, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered,* That a public hearing for the taking of testimony begin on the 17th day of November, 1937, at 10:00 A. M. at the regional office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3185; Filed, October 29, 1937; 12:45 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of October, 1937.

[File No. 2-2149]

IN THE MATTER OF METROPOLITAN PERSONAL LOAN COMPANY

STOP ORDER

This matter comging on to be heard by the Commission on the registration statement of registrant Metropolitan Personal Loan Company, of Allentown, Pennsylvania, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

*It is ordered,* Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Metropolitan Personal Loan Company, of Allentown, Pennsylvania, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3184; Filed, October 29, 1937; 12:44 p. m.]

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*Tuesday, November 2, 1937* *No. 212*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4771]

MONTHLY TAX RETURNS UNDER TITLE VIII OF THE SOCIAL SECURITY ACT

ARTICLE 401 OF REGULATIONS 91, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Article 401 of Regulations 91, approved November 9, 1936, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, as amended by Treasury Decision 4756, approved July 22, 1937, is further amended to read as follows:

*Monthly tax returns.*—Every employer (see article 4) shall make a monthly tax return on Form SS–1 for each calendar month beginning with November 1937. The original copy will be filed with the Collector (see Article 409). The duplicate copy may be retained by the employer as a part of his records. See, however, article 404, relating to final returns.



This Treasury Decision is prescribed pursuant to the provisions of section 1102 (a) of the Revenue Act of 1926 and section 808 of the Social Security Act.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, October 29, 1937.

H. MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 37-3196; Filed, October 30, 1937; 11:33 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

NEW MEXICO GRAZING DISTRICT NO. 6

MODIFICATION

OCTOBER 26, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 6 is hereby revoked as far as it affects the following-described lands:

NEW MEXICO

*New Mexico Principal Meridian*

T. 15 S., R. 26 E., sec. 13, SE¼SE¼;
T. 21 S., Rs. 33 and 34 E.;
T. 22 S., Rs. 35 and 36 E.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-3191; Filed, October 30, 1937; 9:22 a. m.]

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### Division of Territories and Island Possessions.

[Supplement No. 1 to I. C. C. No. 122]

THE ALASKA RAILROAD

[Supplement No. 1 to Joint Freight Tariff No. 36–C]

NAMING COMMODITY RATES ON GROCERIES AND OTHER ARTICLES FROM SEATTLE AND TACOMA, WASHINGTON, TO ANCHORAGE, ALASKA

*Cancellation Notice*

Joint Freight Tariff No. 36–C, I. C. C. No. 122 is hereby cancelled. After date of cancellation the rates[1] named in Joint Freight Tariff No. 5–E, I. C. C. No. 128, supplements thereto and successive issues thereof will apply.

Issued October 5, 1937; Effective October 17, 1937. Authority: Act, March 12, 1914, and Executive Order No. 3861. Issued by: O. F. Ohlsen, General Manager, Anchorage, Alaska.

October 28, 1937.

The above is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

[F. R. Doc. 37-3197; Filed, November 1, 1937; 10:17 a. m.]

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### General Land Office.

STOCK DRIVEWAY WITHDRAWALS NOS. 53 AND 192, CALIFORNIA NOS. 3 AND 15, REDUCED

OCTOBER 23, 1937.

Departmental orders of December 13, 1918, and July 31, 1928, which withdrew certain lands in California for stock-driveway purposes under section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 16 E.,
sec. 9, SE¼NW¼, NE¼SW¼, SE¼;
sec. 10, N½SW¼;
sec. 13, SW¼SE¼;
aggregating 360 acres.

CHARLES WEST,
*Under Secretary.*

[F. R. Doc. 37-3192; Filed, October 30, 1937; 9:22 a. m.]

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STOCK DRIVEWAY WITHDRAWAL NO. 137, MONTANA NO. 5, REVOKED

OCTOBER 23, 1937.

Departmental order of August 24, 1920, which withdrew the following-described land as Stock Driveway Withdrawal No. 137, Montana No. 5, under section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked:

PRINCIPAL MERIDIAN

T. 11 N., R. 10 W.,
sec. 3, S½S½;
sec. 4, lots 1, 2, 3, 4, S½SE¼;
sec. 5, NE¼, SE¼NW¼, S½;
sec. 6, SE¼SE¼;
sec. 7, NE¼NE¼;
sec. 8, N½, SE¼;
sec. 9, NE¼, S½;
sec. 10, NE¼, NE¼NW¼, SW¼SE¼, E½SE¼;
sec. 11, S½;
sec. 14;
T. 12 N., R. 10 W.,
sec. 20, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
sec. 21, NW¼NE¼, NW¼, W½SW¼;
sec. 28, W½NW¼, SW¼;
sec. 29, E½, E½NW¼;
sec. 32, NE¼;
sec. 33, NW¼, S½;
aggregating 5,203.02 acres.

CHARLES WEST,
*Under Secretary.*

[F. R. Doc. 37-3194; Filed, October 30, 1937; 9:23 a. m.]

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STOCK DRIVEWAY WITHDRAWAL NO. 3, WYOMING NO. 1, REDUCED

OCTOBER 23, 1937.

Departmental order of October 20, 1917, which withdrew certain lands in Wyoming as Stock Driveway Withdrawal No. 3, under section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked so far as it affects the following-described public land:

SIXTH PRINCIPAL MERIDIAN

T. 45 N., R. 82 W.,
sec. 8, SE¼NE¼, NE¼SE¼, S½SE¼;
sec. 9, SW¼, S½SE¼;
aggregating 400 acres.

CHARLES WEST,
*Under Secretary.*

[F. R. Doc. 37-3193; Filed, October 30, 1937; 9:22 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Bureau of Biological Survey.

AMENDMENT OF ORDER PERMITTING AND REGULATING HUNTING OF CERTAIN MIGRATORY GAME BIRDS WITHIN THE LAKE MATTAMUSKEET WILDLIFE REFUGE, NORTH CAROLINA

Subdivision 1 of the first paragraph of the Order of the Secretary of Agriculture of November 6, 1936, (1 F. R. 1760), entitled "Order Permitting and Regulating Hunting of Certain Migratory Game Birds Within the Lake Mattamuskeet

[1] Increase.

Wildlife Refuge, North Carolina", is hereby amended so as to read as follows:

"1. *Shooting areas.*—Those areas within the Lake Mattamuskeet Wildlife Refuge described as follows:

*"Area No. 1.*—Starting at the point where Canal No. 5 East intersects East Main Canal; thence south three degrees thirty minutes East to the refuge boundary; thence westward and southwestward along said boundary to a point approximately 20 chains westward from Station 109; thence north four degrees west to Canal No. 1 East; thence north along said canal to a point approximately 145 chains from East Main Canal; thence north eighty six degrees east to the place of beginning.

*"Area No. 2.*—Starting at the point where Canal No. 1 West intersects West Main Canal; thence south three degrees thirty minutes east to the refuge boundary; thence westward and northwestward to Canal No. 6 West; thence north along said Canal No. 6 West to West Main Canal; thence north eighty six degrees east to Canal No. 1 West; thence south along said Canal No. 1 West to the place of beginning."

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 29th day of October, 1937.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-3195; Filed, October 30, 1937; 11:01 a. m.]

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AMENDMENT OF ORDER PERMITTING AND REGULATING HUNTING OF CERTAIN GAME BIRDS WITHIN THE TULE LAKE WILDLIFE REFUGE, CALIFORNIA

Subdivision 1 of the first paragraph of the Order of the Acting Secretary of Agriculture of October 26, 1936 (1 F. R. 1671), entitled "Order Permitting and Regulating Hunting of Certain Game Birds Within the Tule Lake Wildlife Refuge, California", is hereby amended so as to read as follows:

"1. *Shooting area.*—That area within the Tule Lake Wildlife Refuge described as follows:[1]

MOUNT DIABLO MERIDIAN

Beginning at the southwest corner of sec. 31, T. 47 N., R. 4 E., thence northerly with the west boundaries of secs. 31, 30, 19, 18, and 7 to the northwest corner of lot 4, sec. 7; thence in T. 47 N., R. 4 E., easterly with the north boundary of said lot 4 to the northeast corner thereof; southerly with the east boundaries, lot 4, sec. 7, and lots 1 and 2, sec. 18 to the southeast corner of lot 2, sec. 18; easterly to the one-quarter corner between secs. 17 and 18; northerly with the line between secs. 17 and 18 to the northwest corner of sec. 17; easterly with the line between secs. 8 and 17 to a point 200 feet west of the outer toe of the Tule Lake dike; thence with a line parallel to and 200 feet distant from the outer toe of said dike through secs. 17, 20, 29, 32, 33, and 34, T. 47 N., R. 4 E., and sec. 3, T. 46 N., R. 4 E., to the one-quarter corner between secs. 2 and 3; thence southerly with the west boundary of sec. 3 to the southeast corner of said section; thence easterly with the north boundary of sec. 10 to the northeast corner of said section; thence southerly with the east boundary of sec. 10 to the southeast corner of said section; thence westerly with the south boundary of sec. 10 to a point in the north boundary of the Lava Beds National Monument; thence with the north boundary of said National Monument through secs. 10, 9, 16, 21, 20, 17, and 18 to the one-quarter corner between sec. 18, T. 46 N., R. 4 E., and sec. 13, T. 46 N., R. 3 E.; thence northerly with the west boundaries of secs. 18, 7, and 6, T. 47 N., R. 4 E., to the northwest corner of sec. 6, T. 47 N., R. 4 E.; thence easterly and northerly with the north boundary of sec. 6 to the place of beginning.

Beginning at a point in line between sec. 4, T. 46 N., R. 5 E., and sec. 33, T. 47 N., R. 5 E., in the west right-of-way boundary of the Great Northern Railroad; thence southeasterly with the said right-of-way boundary in sec. 4, T. 46 N., R. 5 E., to a point in the east-west center line of sec. 4; thence westerly to the west one-quarter corner of sec. 4 approximately 200 feet north of the inner toe of the Tule Lake dike; thence with a line parallel to and 200 feet distant from the inner toe of said dike through secs. 5 and 6, T. 46 N., R. 5 E., secs. 1 and 2, T. 46 N., R. 4 E., sec. 35, T. 47 N., R. 4 E., to a point in the line between secs. 34 and 35, 200 feet north of the inner toe of Tule Lake dike; thence northerly with the west boundaries of secs. 35 and 26; easterly with the north boundaries of secs. 26 and 25 to a point 200 feet east of the toe of dike; thence northerly with a line parallel to and 200 feet east of toe of said dike through secs. 24, 13, and 12 to a point in the northwest quarter of sec. 12, 200 feet southwest of the toe of dike bearing northwest and southeast; thence southeasterly with a line parallel to and 200 feet southwest of the toe of said dike, through sec. 12, T. 47 N., R. 4 E., and secs. 18 and 20, T. 47 N., R. 5 E., to the east boundary of sec. 20, the west right-of-way boundary of the Great Northern Railroad; thence southerly with said right-of-way boundary, the east boundaries of secs. 20, 29, and 32, and in sec. 33 to the place of beginning."

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 30th day of October, 1937.

H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-3200; Filed, November 1, 1937; 12:52 p. m.]

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INTERSTATE COMMERCE COMMISSION.

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of October, A. D., 1937.

ORDER IN THE MATTER OF QUALIFICATIONS OF EMPLOYEES AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON CARRIERS AND CONTRACT CARRIERS BY MOTOR VEHICLE

Upon further consideration of the record in the above-entitled case, and for good cause shown:

*It is ordered,* That this proceeding be, and it is hereby, reopened for further hearing, at such time and place as the Commission may hereinafter direct, solely with respect to the reasonableness of the rule relating to the use of safety glass set forth in Part III, Paragraph 4, Section C (1) and Part III, Paragraph 5, Section C (1) of the Safety Regulations prescribed in the above-entitled case on the twenty-third day of December, A. D. 1936.

By the Commission, Division 5:

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3198; Filed, November 1, 1937; 12:16 p. m.]

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[Ex Parte No. MC 4]

NOTICE IN THE MATTER OF QUALIFICATIONS OF EMPLOYEES AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON CARRIERS AND CONTRACT CARRIERS BY MOTOR VEHICLE

OCTOBER 29, 1937.

The Commission, by Division 5, on October 26, 1937, reopened the above-entitled matter for further hearing solely with respect to the reasonableness of the rule relating to the use of safety glass set forth in Part III, Paragraph 4, Section C (1) and Part III, Paragraph 5, Section C (1) of the Safety Regulations prescribed in the above-entitled case on the twenty-third day of December, A. D., 1936,[1] and a hearing thereon is set before Examiner R. W. Snow at the offices of the Interstate Commerce Commission at Washington, D. C. on the twelfth day of November, A. D., 1937, at ten o'clock A. M., Standard Time.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3199; Filed, November 1, 1937; 12:16 p. m.]

[1] See diagram on p. 2407.



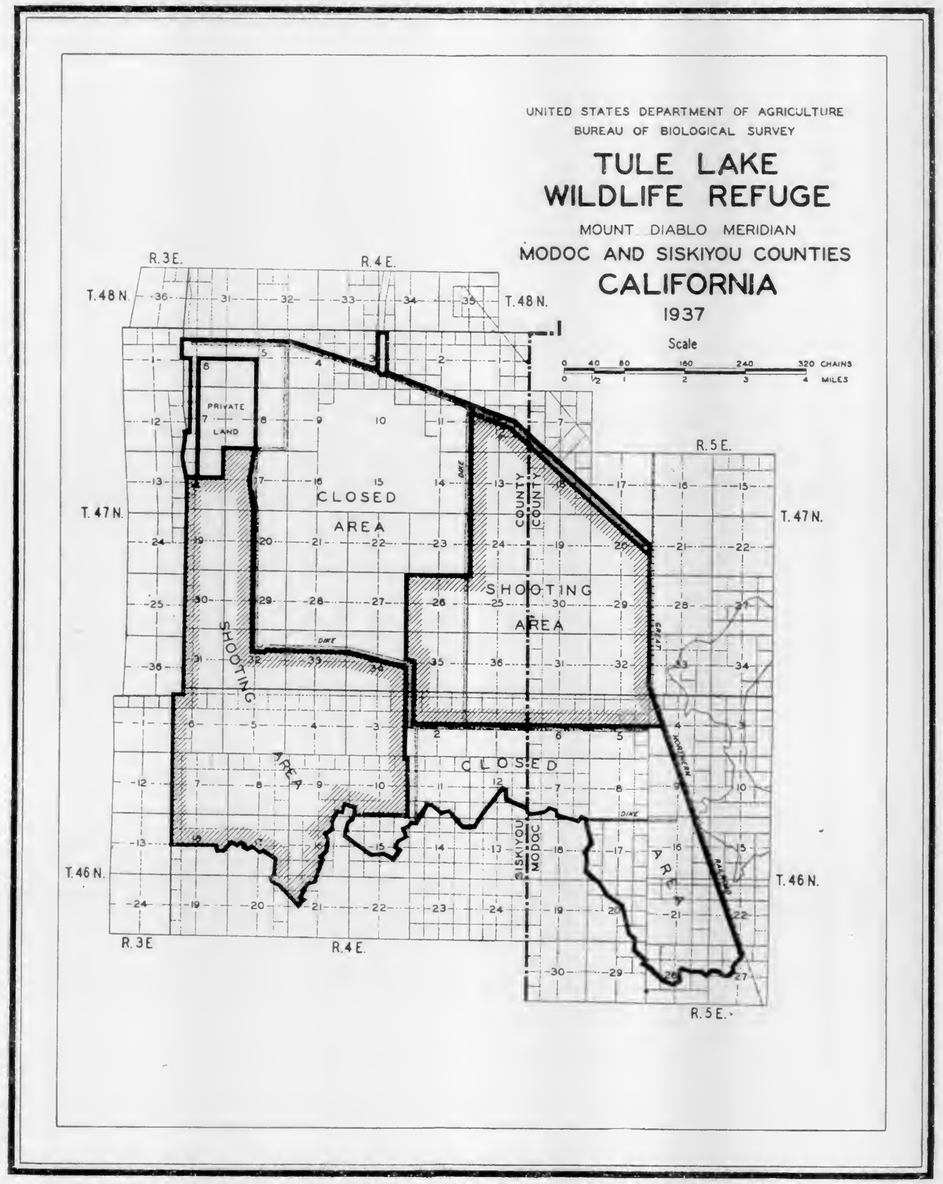

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 152]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 26, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Ohio 8039 Paulding | $100,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3190; Filed, October 30, 1937; 9:22 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commisison held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1937.

[File No. 43-78]

IN THE MATTER OF GENERAL PUBLIC UTILITIES, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by General Public Utilities, Inc., a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, covering the issuance of a maximum amount of 26,909.8 shares of no-par common stock as a dividend to outstanding no-par common stockholders, in amounts not as yet determined by the directors of the declarant, such stockholders to be given the option of taking cash or such no-par common stock covered by this declaration;

This matter having come on for hearing in Room 1103, 1778 Pennsylvania Ave. NW. on October 22, 1937, at 10:00 o'clock in the forenoon; at that time the hearing was adjourned until November 16, 1937; whereas the declarant having requested that the date of hearing be advanced, counsel for the Commission consenting thereto;

*It is ordered,* That a hearing on such matter be held on November 12, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 8, 1937.

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3202; Filed, November 1, 1937; 12:52 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1937.

[File No. 46-77]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Middle West Corporation, a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of the acquisition of not more than 10,000 shares of Preferred Stock of Central Illinois Public Service Company, a subsidiary of the applicant, such shares to be acquired from time to time by purchase for cash through brokers on national securities exchanges;

*It is ordered,* That a hearing on such matter be held on November 17, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 12, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3201; Filed, November 1, 1937; 12:52 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D., 1937.

[File 46-73]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY

ORDER APPROVING THE ACQUISITION OF SECURITIES PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Southwestern Development Company, a Colorado corporation and a registered holding company, having filed with this Commission an application, and amendments thereto, pursuant to Section 10 (a) of the Public Utility Holding Company Act of 1935, for approval of its acquisition of an aggregate principal amount of $3,292,000 of South Plains Pipe Line Company First Mortgage and Collateral Trust Fifteen-Year 6% Sinking Fund Gold Bonds, due January 1, 1945;

A hearing on such application, as amended, having been duly held after appropriate notice, the record in this matter having been examined, and the Commission having made and filed its findings herein;

*It is ordered,* That the acquisition of such securities by the applicant in the manner and subject to the terms set forth in such application, as amended, be and the same is hereby approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3204; Filed, November 1, 1937; 12:53 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D., 1937.

[File No. 43-75]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Southwestern Development Company, a Colorado corporation and a registered holding company, having duly filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by the declarant of a secured promissory note in the principal sum of $3,292,000, such note to be payable in five installments, four of such installments to be $300,000 each maturing, respectively, on January 2nd in each of the years from 1939 to 1942, inclusive, and the final installment of $2,092,000 maturing January 2, 1943, to bear interest payable semi-annually at the rate of 4% per annum, and to be issued by the declarant to Guaranty Trust Company of New York; a hearing on said declaration, as amended, having been duly held after appropriate notice, and the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered,* That said declaration, as amended, be and become effective forthwith on condition that the issue and sale of said note be effected by the declarant in substantial compliance with the terms and conditions and for the purposes represented by said amended declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3205; Filed, November 1, 1937; 12:53 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of October, 1937.

[File No. 1-182]

IN THE MATTER OF THE PURE OIL COMPANY 5¼% PREFERRED STOCK, $100 PAR VALUE; 6% PREFERRED STOCK, $100 PAR VALUE; 8% PREFERRED STOCK, $100 PAR VALUE; COMMON STOCK, NO PAR VALUE

ORDER POSTPONING HEARING

The Pure Oil Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its 5¼% Preferred Stock, $100 par value, 6% Preferred Stock, $100 par value, 8% Preferred Stock, $100 par value and Common Shares, no par value, from listing and registration on the Cincinnati Stock Exchange; and

The Commission having ordered that the matter be set down for hearing on November 9, 1937, in Chicago, Illinois; and

Said issuer having requested a postponement of said hearing;

*It is ordered,* That said hearing be postponed until 10:00 A. M. on Thursday, January 20, 1938, in Room 630, Bankers Building, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as may be determined by the Commission or its officers presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3206; Filed, November 1, 1937; 12:53 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on this 29th day of October, 1937.

IN THE MATTER OF WILLIAM A. BACHRACH, DOING BUSINESS AS WILBAC SECURITIES COMPANY, 715 WALBRIDGE BUILDING, BUFFALO, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of William A. Bachrach, doing business as Wilbac Securities Company, as a broker or dealer on over-the-counter markets having come on for hearing before the Commission upon the question of revocation or suspension; and the Commission having entered its opinion and findings of fact in the matter and being of the opinion that it is in the public interest and for the protection of investors to revoke said registration;

*It is ordered,* Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of William A. Bachrach, doing business as Wilbac Securities Company, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3203; Filed, November 1, 1937; 12:53 p. m.]

*Wednesday, November 3, 1937* *No. 213*

## PRESIDENT OF THE UNITED STATES.

EMERGENCY BOARD, PACIFIC ELECTRIC RAILWAY—EMPLOYEES

By the President of the United States of America

A PROCLAMATION

WHEREAS the President, having been duly notified by the National Mediation Board that a dispute between the Pacific Electric Railway, a carrier, and certain of its employees represented by Brotherhood of Railroad Trainmen which dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce within the state of California to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of 3 persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate the aforementioned dispute and report its findings to me within thirty days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of $75.00 dollars for

every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72nd Congress, Approved June 30, 1932, 11:30 a m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

All expenditures of the board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1938" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 30th day of October in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty second.

FRANKLIN D ROOSEVELT

By the President
SUMNER WELLES
*Acting Secretary of State*

[No. 2259]

[F. R. Doc. 37-3217; Filed, November 2, 1937; 11:22 a. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4772]

STATEMENT OF "AGE" AND "KIND" ON SPIRITS WITHDRAWN FROM CISTERNS PRIOR TO APRIL 1, 1937

*To District Supervisors and Others Concerned:*

Paragraphs "(o)" and "(p)" of Article 1 of Regulations No. 13, approved May 24, 1937, shall not be applicable to distilled spirits withdrawn from cisterns at registered distilleries prior to April 1, 1937.

[SEAL] WAYNE C. TAYLOR,
*Acting Secretary of the Treasury.*

Approved October 30, 1937.

[F. R. Doc. 37-3215; Filed, November 2, 1937; 11:01 a. m.]

## WAR DEPARTMENT.

REGULATIONS GOVERNING ENTRANCE TO PORT ALEXANDER, ALASKA, DURING IMPROVEMENT OPERATIONS AT THIS PORT

OCTOBER 13, 1937.

1. On March 18, 1931, the Secretary of War approved regulations governing the use, administration, and navigation of the Outer Entrance (from Chatham Straits) of Port Alexander, Alaska, for the purpose of preventing interference with the operations of the United States in the improvement of this harbor entrance, pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917.

2. As the operations at this locality have been completed and there is no longer any necessity for these regulations, I recommend that they be revoked.

[SEAL] G. B. PILLSBURY,
*Brigadier General, Acting Chief of Engineers.*

Recommendation approved October 15, 1937.

HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F. R. Doc. 37-3212; Filed, November 2, 1937; 9:39 a. m.]

[2nd Indorsement]

REVOCATION OF REGULATIONS FOR MONROE HARBOR (RAISIN RIVER AND LAKE ERIE), MICHIGAN

SEPTEMBER 23, 1937.

1. On July 5, 1916, the Secretary of War prescribed rules and regulations for the use and navigation of Monroe Harbor (Entrance Channel and Canal), Michigan, which placed the canal and its appurtenances in charge of the District Engineer, defined the harbor entrance and the extent of the canal, prescribed speed limits and prohibited the unauthorized use, occupancy and injury of Government piers, docks and lands adjoining the waterway.

2. The piers, which were a primary matter of concern, were removed in 1935, the channel has been lengthened, widened, straightened and supplemented by a turning basin, and the land formerly within Government boundary lines along the river now forms part of the river. A Port Authority has been created under Michigan Statutes to regulate and govern port activities at the locality. The special regulations prescribed in 1916 are, therefore, no longer needed since existing general regulations are sufficient to meet navigation requirements on this waterway.

3. Accordingly, I recommend that the special regulations for Monroe Harbor (Entrance Channel and Canal), Michigan, prescribed by the Secretary of War July 5, 1916, be revoked.

[SEAL] G. B. PILLSBURY,
*Brigadier General, Acting Chief of Engineers.*

Recommendation in the foregoing 2nd indorsement approved September 25, 1937.

HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F. R. Doc. 37-3211; Filed, November 2, 1937; 9:39 a. m.]

[2nd Indorsement]

REVOCATION OF REGULATIONS FOR ST. CLAIR FLATS SHIP CANAL, MICHIGAN

SEPTEMBER 24, 1937.

1. On February 15, 1907, the Department prescribed special rules and regulations for the use and navigation of the St. Clair Flats Ship Canal, Michigan, which defined the canal as comprising the dikes, the water between the dikes and for a width of 300 feet west of the west dike, and the improved channels of approach; provided for the appointment of a custodian to direct the movement of all vessels, boats, or other floating things in the canal; established rules for the navigation of the canal; and prohibited the willful damage or injury of the revetment of the dikes, the trees growing thereon, and the buildings or other public property pertaining to the canal or the dikes.

2. In 1934 the west dike, together with the buildings and trees thereon, was removed, the channel of the canal was widened and deepened and no custodian is now appointed or required to direct the movement of craft through the canal. General rules and regulations governing navigation are sufficient to adequately meet the requirements of navigation on this waterway. Accordingly, I recommend that the special rules and regulations prescribed on February 15, 1907, by the Secretary of War to govern the use and navigation of St. Clair Flats Ship Canal be revoked.

[SEAL] G. B. PILLSBURY,
*Brigadier General, Acting Chief of Engineers.*

Recommendation in the 2nd indorsement approved September 27, 1937.

HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F R. Doc. 37-3213; Filed, November 2, 1937; 9:39 a. m.]



[2nd Indorsement]

REVOCATION OF LOGGING REGULATIONS GOVERNING MISSISSIPPI RIVER, BETWEEN MOUTH OF CHIPPEWA RIVER AND HEAD OF WEST NEWTON SLOUGH

SEPTEMBER 1, 1937.

On August 3, 1900, the Secretary of War approved logging regulations for the Mississippi River between the mouth of Chippewa River, Wisconsin, and the head of West Newton Slough. Since no drives of logs have been made for many years and lumbering as a large scale industry has ceased in this area, the banning of logging from the Mississippi River will cause little or no hardship to any individual or company. Commercial and pleasure craft will undoubtedly increase after completion of the 9-foot channel project on the Mississippi and it appears inadvisable to permit the floating of loose timber and sack rafts in the river below Minneapolis, the present head of this project. I recommend, therefore, that the logging regulations approved August 3, 1900, be revoked.

[SEAL] M. C. TYLER,
*Brigadier General Acting Chief of Engineers.*

Recommendation in the foregoing 2nd indorsement approved September 3d, 1937.

LOUIS JOHNSON,
*The Assistant Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F. R. Doc. 37-3210; Filed, November 2, 1937; 9:39 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

AMENDING INSURANCE CHAPTER (IX) OF THE MANUAL

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 900, Section 901, Section 902, and Section 903, of the Consolidated Manual are hereby amended to read as follows:

SEC. 900. All activities of the Corporation relating to insuring and maintaining appropriate insurance on property of the Corporation and properties upon which the Corporation holds liens shall be handled by the Insurance Section, which shall operate under the general supervision of the General Manager and under the direct and immediate supervision of the Manager of the Insurance Section who shall be charged with the duty and responsibility of supervising and directing all such insurance activities and the maintenance of adequate records therefor. The Manager of the Insurance Section shall have the authority to establish adequate Home and Field Office organizations to carry out the rules and regulations prescribed by the Board under such procedure and limitations as may be recommended by him and approved by the General Manager and the General Counsel.

SEC. 901. The Insurance Section shall establish requirements as to the amount and kind of insurance to be maintained by mortgagors and on owned property in the various states and territories. No insurance policy shall be accepted unless written by an insurance company, association, or organization licensed to do business in the particular state or territory, or specifically authorized by state law to transact business within the state or territory where the property is located and whose policy forms are acceptable to the Insurance Section.

SEC. 902. The Manager of the Insurance Section, or his authorized deputy, shall approve vouchers for payment of any proper charge or expense for any item of insurance and the same shall be paid and charged to the proper account, except charges for additional premiums due to increased hazard shall be paid from the Regional Working Fund upon proper approval of the Regional Insurance Supervisor or his assistant.

SEC. 903. The Insurance Section shall be charged with the responsibility of adjusting and settling all losses sustained on any property owned by the Corporation or securing a mortgage held by the Corporation, except that in the event an amicable settlement cannot be reached and litigation appears to be immediately imminent or court proceedings appear to be immediately necessary, the matter shall be referred to the Litigation Division of the Legal Department for appropriate action. Insurance loss funds may be applied to the proper account or used for the restoration, repair or improvement of properties damaged, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

Employees of the Corporation authorized to sign or countersign checks drawn on a disbursing account of the Corporation, maintained in the United States Treasury, are designated and directed to endorse for the Corporation, without recourse, insurance loss drafts where the total amount of the individual loss on property securing the mortgage debt is not over $100.00, upon receipt of approved certificate signed by the borrower certifying that the property has been or will be satisfactorily repaired; and to transmit the draft to the mortgagor.

*Be it further resolved*, That such authorization to endorse drafts as provided in the last paragraph of Section 903 may be extended to any District Manager or Subdistrict Manager upon the recommendation of the Manager of the Insurance Section and the approval of the General Manager.

*Be it further resolved*, That all previous actions of the Board and of the Board of Directors insofar as they conflict with the provisions of this resolution, are hereby superseded and revoked.

*Be it further resolved*, That the provisions of this resolution shall become effective November 22, 1937.

Adopted by the Federal Home Loan Bank Board on November 1, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3216; Filed, November 2, 1937; 11:08 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1937.

[Docket No. 3088]

IN THE MATTER OF OLIVER BROTHERS, INC., A CORPORATION; AND W. D. ALLEN MFG. CO., A CORPORATION, BLACK HARDWARE CO., A CORPORATION, JACOBI HARDWARE CO., A CORPORATION, MATTHEWS & BOUCHER, A CO-PARTNERSHIP COMPOSED OF WILLIAM G. FISHER AND WILLIAM S. JOHNSON, CHARLOTTE SUPPLY CO., A CORPORATION, VIRGINIA-CAROLINA HARDWARE CO., A CORPORATION; AND GLOBE CRAYON CO., INC., A CORPORATION, E. V. CRANDALL OIL & PUTTY MFG. CO., INC., A CORPORATION, CHAS. F. BAKER & CO., INC., A CORPORATION, KEYSTONE EMERY MILLS, A CORPORATION, JAS. CORNER & SONS, A SOLE PROPRIETORSHIP, JAMES A. REILLY, SOLE PROPRIETOR, RESPONDENTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A. Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

*It is ordered,* That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, November 8, 1937, at ten o'clock in the forenoon of that day (eastern standard time), Room 338, Victoria Hotel, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3214; Filed, November 2, 1937; 9:40 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of November, A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-CARTER-JAMES-ALLEN-WALKER-HALL TRACT, FILED ON OCTOBER 15, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

Louis Bernstein, having filed on October 15, 1937, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

> In that the statement concerning the percentage of water in fluid produced from the tract involved, as set forth under Division II, Item 20 (b), is considered misleading for the reason that it appears that said tract is currently producing in excess of 28 per cent water in fluid produced, and that the percentage of water production has, for the past several months, been greatly in excess of that shown by the offering sheet.

*It is ordered,* Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered,* That the taking of testimony in this proceeding commence on the 16th day of November, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3219; Filed, November 2, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of November, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-CARTER-JAMES-WALKER TRACT, FILED ON OCTOBER 13, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

Louis Bernstein, having filed on October 13, 1937, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

> In that the statement concerning the percentage of water in fluid produced from the tract involved, as set forth under Division II, Item 20 (b), is considered misleading for the reason that it appears that said tract is currently producing in excess of 32 per cent water in fluid produced, and that the percentage of water production has, for the past several months, been greatly in excess of that shown by the offering sheet.

*It is ordered,* Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered,* That the taking of testimony in this proceeding commence on the 16th day of November, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3220; Filed, November 2, 1937; 12: 49 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1937.

[File No. 32-72]

IN THE MATTER OF NORTHERN BERKSHIRE GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Northern Berkshire Gas Company, a subsidiary of New England Power Association, a registered holding company pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for the exemption from the provisions of Section 6 (a) of the issuance and sale of 43 shares of its $100 par value common stock to be issued in exchange for all the outstanding capital stock of Charlemont Electric Light and Power Company, consisting of 50 shares of the par value of $100 each which are now owned by Massachusetts Lighting Companies, in order to effect the consolidation of Charlemont Electric Light and Power Company with the applicant; this consolidation has been approved by Massachusetts Department of Public Utilities;

*It is ordered,* That a hearing on such matter be held on November 18, 1937, at 10 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 13, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3218; Filed, November 2, 1937; 12:49 p. m.]

*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 29th day of October, A. D., 1937

IN THE MATTER OF MICHIGAN-UTAH CONSOLIDATED MINES CO. CAPITAL STOCK, PAR VALUE 25 CENTS

ORDER POSTPONING HEARING INSTITUTED PURSUANT TO SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934

The Commission having directed under date of October 22, 1937, that pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934 a hearing be held at the Commission's Regional Office, 1706 Welton Street, Denver, Colorado, at 10:00 A. M. on November 9, 1937, to determine whether registration of the Capital Stock, Par Value 25 Cents, of Michigan-Utah Consolidated Mines Company should be suspended for a period not exceeding twelve months or be withdrawn; and

It appearing to the Commission that Foster Cline, hereinbefore designated as the officer to conduct said proceedings, is under subpoena to appear as a witness in the United States District Court at Tulsa, Oklahoma, on or about said date;

*It is ordered,* That the hearing heretofore called for November 9, 1937, be held at the same hour and place on November 19, 1937; and

*It is further ordered,* That for the purpose of such proceedings Foster Cline, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3221; Filed, November 2, 1937; 12:49 p. m.]

## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

DISAPPEARANCE OF INCOMPETENT VETERANS; PAYMENT TO DEPENDENTS

R-1281 (A). *Under veterans' regulation no. 1 (g).*—Where an incompetent veteran receiving or entitled to receive pension (compensation) under either Part I or Part II of the Veterans' Regulation No. 1 series, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the Veteran the amounts authorized for surviving dependents under the Veterans' Regulation No. 1, series, Parts I and II respectively, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or April 1, 1935 (effective date of Veterans' Regulation No. 1 (g)), whichever is the later, provided that in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance; provided, further, that the amounts authorized for surviving dependents under Part I of Veterans' Regulation No. 1 series will be the amounts authorized under Section 3 of Public No. 304, 75th Congress, from or after the date of its approval, August 16, 1937. The provisions of this subparagraph are applicable only to the cases of incompetent veterans receiving or entitled to receive pension or compensation under either Part I or Part II of the Veterans' Regulation No. 1 series.

(B) *Under section 8 of Public, No. 304, 75th Congress.*—Where an incompetent World War veteran receiving or entitled to receive compensation under Public No. 141, 73d Congress, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amount of compensation payable to dependents of deceased veterans who die from war service connected disabilities as provided in Section 3 of Public No. 304, 75th Congress, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or August 16, 1937, whichever is the later, provided that in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance.

(C) Awards to dependents will be prepared in accordance with effective awards procedure and will bear the notation "Veterans' Regulation No. 1 series, Part VI", where pension (compensation) is payable under Part I or Part II of the Veterans' Regulation No. 1 series, or "Section 8 of Public No. 304, 75th Congress", where compensation is payable under Public No. 141, 73d Congress. Apportionments of payments shall be in accordance with R. & P. R-2592.

(D) Where a veteran's whereabouts becomes known to the Veterans' Administration after an award to dependents has been made as provided herein, the award to the dependents will be discontinued, effective the last day of the month in which the award action is taken, and appropriate action will be taken to adjust the veteran's award in accordance with the facts found. (November 1, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-3208; Filed, November 1, 1937; 3:21 p. m.]

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REVISION OF REGULATIONS

OUT-PATIENT MEDICAL TREATMENT

R-6060 (A). The provisions of regulations and procedure governing medical, surgical, and dental services, including necessary prosthetic appliances and other supplies authorized by Veterans' Regulation No. 7 (a), other than those incident to domiciliary or hospital care, for veterans of wars as defined in paragraph I of Veterans' Regulation No. 10 and paragraph IV of Veterans' Regulation No. 10, as amended by paragraph I of Veterans' Regulation No. 10 (e), and for persons honorably discharged from the United States Army, Navy, Marine Corps or Coast Guard for disability in line of duty, or who are in receipt of pension for service-connected disability, suffering from injuries or diseases incurred or aggravated in the line of duty in the active military or naval service, in so far as they are not inconsistent with the provisions of Veterans' Regulation No. 7 (a) are hereby continued in effect, except that a formal claim for compensation or pension will not be required of an applicant for the benefits of Veterans' Regulation No. 7 (a). (January 25, 1936.)

(B) Adjunct out-patient treatment for a nonservice-connected condition which is associated with a disease or injury incurred or aggravated in line of duty in active military or naval service will be authorized by chief medical officers or their designates, after careful determination that the associated nonservice-connected condition is aggravating the disability from the basic service-connected disease or injury. For applicable principles, see procedure, medical. (November 1, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-3209; Filed, November 1, 1937; 3:21 p. m.]

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REVISION OF REGULATIONS

MISREPRESENTATION OF AGE

*Validity of Enlistment a Prerequisite to Entitlement*

R-1061 (A). *In desertion at time of enlistment.*—A veteran in desertion who reenlisted and served honorably is not barred from pension, if otherwise entitled by reason of his honorable service, unless the reenlistment was affirmatively voided by the service department.

(B) *Misrepresentation of age.*—Title 10, U. S. C. A., in Paragraphs 654 and 654a provides that a person who enlisted in the Army between April 6, 1917, and November 11, 1918, and was discharged for fraudulent enlistment on account of misrepresentation of age, shall be considered to have been honorably discharged. The same provisions are extended by Title 34, U. S. C. A., Paragraph 204, to a person who enlisted in the Navy or Marine Corps between April 6, 1917, and November 11, 1918. (A. D. 306.) Paragraph 655, as amended by Public No. 108, 75th Congress, provides that a person who enlisted in the army between April 21, 1898, and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge. If the discharge was for fraudulent enlistment on account of misrepresentation of age by the veteran's statement alone, benefits may be awarded from January 5, 1927, if otherwise entitled; but where the individual was discharged because of fraudulent enlistment on account of minority, benefits, if otherwise in order, are payable from May 25, 1937. The determination whether the veteran should be considered to have been honorably discharged under this section will be made by the War Department and such determination will be binding on the Veterans' Administration. (November 1, 1937.)

*Types of Discharges for Service Pension (Spanish-American War, Boxer Rebellion, Philippine Insurrection, Civil War, and Indian Wars)*

R-2040 (A). An honorable discharge is a prerequisite for service pension, including pension on the basis of Indian War service, such pension being based upon the fulfillment of a contract for service as contemplated by the soldier's enlistment, and a person discharged under other than honorable conditions for concealing his minority at time of enlistment is not entitled to such pension, except as provided in R. & P. R-1061 (B). Pension is not payable unless the veteran was honorably discharged from all periods of service in the particular war concerned, except as provided in R. & P. R-2041. November 1, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-3207; Filed, November 1, 1937; 3:21 p. m.]

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*Thursday, November 4, 1937* *No. 214*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked in so far as it affects any public lands within the following-described area in New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 8 E.,
sec. 1, lots 1 to 7, S½NE¼, SE¼NW¼, SE¼, and that part of Ojo Caliente Grant east of Caliente River;
sec. 12, lots 1 to 4, E½, and that part of Ojo Caliente Grant east of Caliente River;
sec. 13, those parts of NE¼SW¼, lots 9 and 12, and that part of Ojo Caliente Grant in NW¼, east of Caliente River;
sec. 24, those parts of NE¼NW¼, lots 4 and 5 east of Caliente River;
T. 23 N., R. 9 E.,
secs. 1 to 6, and 9 to 12, inclusive;
sec. 14, N½NE¼, NE¼NW¼;
sec. 15;
T. 24 N., R. 9 E.,
secs. 1 to 4, inclusive;
sec. 7, NE¼, E½NW¼;
sec. 8, N½;
secs. 9 to 16, inclusive;
sec. 20, E½;
secs. 21 to 29, inclusive;
sec. 31, SE¼;
secs. 32 to 36, inclusive;
T. 25 N., R. 9 E.,
secs. 1, 35 and 36;



T. 23 N., R. 10 E.,
sec. 3;
sec. 4, N½, NW¼SW¼, E½SE¼;
sec. 5, NE¼, NW¼SE¼;
sec. 6, N½, N½SW¼;
Tps. 24 to 26 N., R. 10 E.;
T. 27 N., R. 10 E.,
secs. 31 to 36, inclusive;
T. 24 N., R. 11 E.,
sec. 5, SW¼NE¼, S½NW¼, SW¼;
secs. 6 to 8, and 16 to 19, inclusive;
sec. 20, N½, SW¼, W½SE¼;
sec. 29, W½NW¼;
sec. 30;
sec. 31, N½;
T. 25 N., R. 11 E.,
secs. 5 to 9, inclusive;
sec. 16, N½, SW¼;
secs. 17 to 19, inclusive;
sec. 20, N½, SW¼;
sec. 31, W½;
T. 26 N., R. 11 E.,
sec. 6.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for soil-erosion control and other land utilization activities in connection with the Taos Project, LA-NM 2: *Provided*, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 1, 1937.*

[No. 7734]

[F. R. Doc. 37-3222; Filed, November 3, 1937; 11:38 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 61]

AN ORDER PROVIDING FOR A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO DETERMINE WHETHER CERTAIN COALS IN THE STATE OF TEXAS ARE SUBJECT TO THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937, AND FOR THE FURTHER PURPOSE OF HEARING APPLICATIONS FOR EXEMPTION AS PROVIDED FOR BY ORDER NO. 28.

Whereas the Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, provides (Section 17 (b)) that "The term 'bituminous coal' includes all bituminous, semi-bituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more"; and

Whereas the Commission deems it necessary to conduct a public hearing in the State of Texas for the purpose of receiving evidence to enable the Commission to determine whether certain coals in the State of Texas are subject to the provisions of the Bituminous Coal Act of 1937 and, further, to hear and determine at the same time all Texas applications for exemption filed pursuant to Order No. 28;

Now, therefore, in order to determine whether the coal in said state or any part thereof does not come within the definition of "bituminous coal" as set forth in Section 17 (b) of the Act, and in order to hear applications filed pursuant to Order No. 28 of the Commission, the Commission hereby orders and directs:

1. That a public hearing shall be held at Adolphus Hotel, in the City of Dallas, Texas, on the 15th day of November, 1937, commencing at the hour of 10:00 o'clock A. M., for the purpose of receiving evidence to enable the Commission to determine whether any part of the coal produced in the State of Texas does not come within the purview of Section 17 (b) of the Act.

2. That the public hearing so provided by this order, at the time and place designated, shall include the hearing of the application for exemption filed by the Morton Salt Company, Chicago, Illinois, pursuant to the Commission's Order No. 28, and, in addition, any other applications for exemption filed for the State of Texas pursuant to Order No. 28.

3. That any producer of coal, whether bituminous, semi-bituminous, subbituminous, anthracite or lignite, or the Consumers' Counsel, or code members, and all other interested parties may appear at said hearing and submit evidence.

4. Notice of said hearing shall be given under direction of the Secretary of the Commission by mailing a copy of this order to the Consumers' Counsel, to the Commissioner of Internal Revenue, to the Secretaries of the respective District Boards, to the Morton Salt Company, to all known producers of coal in Texas, lignite or otherwise, and by publication of a notice upon two consecutive days in two newspapers of general circulation in the State of Texas. The notice published in said newspapers shall contain the date and place of the hearing and a concise statement of the purpose thereof.

By order of the Commission.

Dated this 20th day of October, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3223; Filed, November 3, 1937; 11:57 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

[Corrected Order]

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 27th day of October, A. D. 1937.

[Ex Parte No. MC 14]

MOTOR CARRIER RATES IN MIDDLE ATLANTIC STATES

The Commission having under consideration the subject of the rates, charges, classifications, rules, regulations, and practices applicable to the transportation of property in interstate or foreign commerce by common carriers by motor vehicle between points in certain middle Atlantic States, in connection with the order entered by Division 5 on September 28, 1937, in Investigation and Suspension Docket No. M-205, Rates over Freight Forwarders, Inc., suspending the operation of tariff schedules enumerated in said order and instituting an investigation with respect thereto, and good cause appearing therefor:

*It is ordered*, That an investigation be, and it is hereby, instituted by the Commission, on its own motion, into and concerning the lawfulness of the rates, charges, and classifications, and the rules, regulations, and practices relating thereto, applicable to the transportation by all common carriers by motor vehicle subject to the Motor Carrier Act, 1935, of all property in interstate or foreign commerce between all points in territory A, on the one hand, and territory B, on the other hand, as respectively defined in appendix I of this order, with a view of determining whether the rates, charges, classifications, and the rules, regulations, and prac-

tices relating thereto, of respondents, or any of them, applicable to such transportation are in any respects in violation of law, and of making such findings and entering such order or orders in the premises, and of taking such other and further action, as the facts and circumstances may appear to warrant.

*It is further ordered*, That all common carriers of property by motor vehicle subject to the Motor Carrier Act, 1935, operating between the points and participating in the transportation described in the next preceding paragraph hereof, be, and they are hereby, made respondents to this proceeding, that this order be served upon said respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

*And it is further ordered*, That this proceeding, and Investigation and Suspension Docket No. M-205, Rates over Freight Forwarders, Inc., be, and the same are hereby, consolidated for hearing and disposition.

By the Commission.

W. P. BARTEL, *Secretary.*

APPENDIX I

DESCRIPTION OF TERRITORIES

*Territory A.*—Points in New York, New Jersey, Pennsylvania and Delaware on and within a line beginning at the Connecticut-New York State line east of Port Chester, N. Y., following the Connecticut-New York State line to a point north of New York State Highway 123; thence through Golden's Bridge, N. Y. and Peekskill, N. Y., down the east bank of the Hudson River to a point opposite Cliffside, N. J.; thence through Englewood, N. J., Paterson, N. J., Essex Falls, N. J., Springfield, N. J., Plainfield, N. J., Raritan, N. J., Flemington, N. J., Frenchtown, N. J., Point Pleasant, Pa., Pipersville, Pa., Souderton, Pa., Phoenixville, Pa., West Chester, Pa.; thence via a line drawn across U. S. Highway 1 between Chadds Ford and Hamorton, Pa., to the Pennsylvania-Delaware line via the Pennsylvania-Delaware line and the Maryland-Delaware line to U. S. Highway 40; via U. S. Highway 40 to New Castle, Del., down the Delaware River and Bay to Cape May and the New Jersey-Long Island coastline to Montauk Point, and thence through Long Island Sound to the Connecticut-New York State line.

*Territory B.*—Points in Maryland, Pennsylvania, District of Columbia, and Virginia on and within a line beginning at the Maryland-Delaware line on U. S. Highway 40, following the southern boundary of Territory A to a point on U. S. Highway 1 between Chadds Ford and Hamorton, Pa.; thence via U. S. Highway 1 to Bel Air, Md; thence through Cockeysville, Md., Westminster, Md., Taylorsville, Md., Ridgeville, Md., Clarksburg, Md., and Gaithersburg, Md., to the Potomac River at the Maryland-District of Columbia line; thence through Falls Church, Baileys X Roads, Alexandria, Va., along the District of Columbia-Maryland line; thence through Collington, Annapolis, and the Chesapeake Bay to Perryville, Md., and thence via U. S. Highway 40 to the Maryland-Delaware line.

[F. R. Doc. 37-3224; Filed, November 3, 1937; 12:18 p. m.]

*Friday, November 5, 1937* *No. 215*

## DEPARTMENT OF STATE.

NEGOTIATION OF TRADE AGREEMENT WITH TURKEY CONTEMPLATED

NOVEMBER 3, 1937.

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution 10, approved March 1, 1937, and Executive Order No. 6750 of June 27, 1934, the Acting Secretary of State announced today that this Government contemplates the negotiation of a trade agreement with Turkey, and invited interested persons to submit suggestions as to the products that should be considered.

This preliminary announcement, which is made with a view to obtaining suggestions from interested persons in the early stages of the discussions, should not be confused with the formal notice of intention to negotiate regularly given. The formal notice will be issued at a later date, after receipt of the proposals of the Government of Turkey, at which time there will also be made public a list of products on which the United States will consider granting concessions to Turkey.

The object of this preliminary announcement is to provide notification at the earliest possible date that negotiations are contemplated, in order that interested parties may have an opportunity to suggest the import or export products which, in their opinion, should be included in the negotiations. Such suggestions, particularly those in regard to export products, are most useful to the trade-agreements organization if available at an early stage. Full information should be submitted as soon as possible. Exact technical descriptions of the products in question should be given, including, so far as possible, their nomenclature in the tariff laws of the importing country. These suggestions may be submitted in any form, and need not be under oath. They should be addressed to the Chairman of the Committee for Reciprocity Information, 7th and F Streets NW, Washington, D. C., and should reach the Committee not later than December 3, 1937.

Suggestions received by the Committee for Reciprocity Information will be distributed promptly to all agencies of the trade-agreements organization for use in the preparation of lists of commodities that may be involved in the negotiations. The list of commodities upon which the United States will consider the granting of concessions to Turkey will be published along with the formal notice of intention to negotiate. The formal notice, as heretofore, will indicate dates for the submission of briefs and applications for oral hearings, and the dates on which the customary open hearings will be held. The listing of products will indicate to American producers and importers whether or not particular tariff rates in which they are interested are under consideration. They will thus be saved the trouble of preparing briefs on products of interest to them but which are not expected to be involved in the negotiations.

A detailed compilation showing the principal products involved in the 1929 and 1936 trade between Turkey and the United States, prepared in the Bureau of Foreign and Domestic Commerce of the Department of Commerce, may be obtained from that Bureau or from any of the District Offices of the Department of Commerce, as well as from the Committee for Reciprocity Information or the Department of State.

SUMNER WELLES,
*Acting Secretary of State.*

[F. R. Doc. 37-3226; Filed, November 3, 1937; 3:42 p. m.]

## DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

SR—B-101, Kemper County, Mississippi Amendment 3

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101, KEMPER COUNTY, MISSISSIPPI

*Amendment 3*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, Southern Region Bulletin 101, Kemper County, Mississippi, as amended, is hereby further amended as follows:

I

Subsection (e), section 15, Division of Class I Payment Where Diversion Was Not Made Ratably, is amended to read as follows:

(e) *Division of class I payment.*—On farms where there are two or more producers, that portion of the class I payment which is to be divided among producers on the crop-share basis shall be divided among the producers entitled to share in the soil-depleting crop(s) in such base in the proportion that the acreage share of each such producer bears to the total acreage on the farm devoted in 1937 to such crop(s) except that if no acreage was devoted to the crop(s) in one or more soil-depleting bases in 1937, or if the County Committee finds that diversion was not made ratably by all producers on the farm, the portion of such payment to be made to any producer with respect to each soil-depleting base shall be

(1) in the proportion that his contribution to the difference between the respective soil-depleting base and the 1937 acreage of the crop(s) in such base bears to the total difference between such base and the 1937 acreage of the crop(s) in such base; or

(2) in the proportion that his acreage share of the respective soil-depleting base bears to such base for the farm.

In cases where the farm is composed of only one producer unit and no acreage on the farm is devoted in 1937 to the crop(s) in one or more soil-depleting bases established for such farm, the contribution of each producer in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (e) may be determined by agreement of all producers on the farm provided there is attached to the application for payment a statement signed by each producer on the farm that the contribution of each interested person with respect to each soil-depleting base in connection with which a payment is made is in the same proportion that such person would have shared in that soil-depleting crop (or the proceeds thereof) under the lease or operating agreement.

In cases where the farm is composed of only one producer unit and no acreage on the farm was devoted in 1937 to the crop(s) in one or more soil-depleting bases established for such farm and the contribution of each interested person with respect to any soil-depleting base in connection with which a payment is made is *not* in the same proportion that such person would have shared in that soil-depleting crop (or the proceeds thereof) under the lease or operating agreement, and in cases where the farm to be covered by an application for payment is composed of more than one producer unit and either no acreage on the farm was devoted in 1937 to the crop(s) in one or more soil-depleting bases established for such farm or the County Committee finds that diversion was not made ratably, the contribution of each such producer may, subject to the approval of the Administrative Officer in Charge or the Acting Administrative Officer in Charge in the State Office acting with the advice and consent of the State Committee, be determined in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (e) by agreement of all producers on the farm signified in the presence of at least two members of the County Committee, provided such agreement is found by the County Committee to be equitable to all concerned. In any such case there shall be submitted to the State Office, at the time of submission of the application for payment with respect to the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee stating that the agreement has been reached voluntarily in accordance with the foregoing provisions.

In cases where the contribution of each producer is to be determined in accordance with the provisions of either paragraph (1) or paragraph (2) of this subsection (e) and agreement of all producers is not obtained as outlined above, the County Committee may recommend, subject to the approval of the Administrative Officer in Charge in the State Office, acting with the advice and consent of the State Committee, and the approval of the Director of the Southern Division, its determination of the contribution of each producer, such recommendation to set forth fully the facts upon which such recommendation is based.



II

The last sentence of subsection (f) of section 15, which reads as follows: "In case of the death or incompetency of a producer occurring during the period of performance under the 1937 program, class I and class II payments shall be made or withheld in accordance with rules to be prescribed by the Secretary.", is deleted.

III

Subsection (g), section 15, Lease or Operating Agreement Expiring During Growing Season, is amended to read as follows:

(g) *Lease or operating agreement expiring during 1937.*—If control of a farm is lost through the expiration of a lease or operating agreement during 1937 the incoming producer shall not be shown as having an interest in the class I payment with respect to any soil-depleting crop which is harvested, or which under normal conditions would be ready for harvest, prior to the termination of the lease or operating agreement; except that if the County Committee finds that both the outgoing producer and the incoming producer have contributed to performance in 1937 with respect to the crop(s) in that soil-depleting base and such producers have agreed upon a division between them of the acreage of such crop(s) the acreage shall be divided according to their agreement (indicated by their signatures on the application for payment), or, if they are unable to agree, the County Committee shall recommend, subject to the approval of the Administrative Officer in Charge in the State, acting with the advice and consent of the State Committee, and the approval of the Director of the Southern Division, the division of such acreage between such persons on the basis found by it to be most equitable having due regard to the measure of performance contributed by each producer, and shall support its recommendation by a letter setting forth fully the facts in the case.

IV

Subsection (c) of section 62 is amended to read as follows:

(c) If two or more tracts of land in the same county are under different ownerships, even though they are operated by the same person, each such separately owned tract shall be covered by a separate work sheet. In case an operator rents from the same person a part of a tract of land on shares and the remainder of such tract for cash or a fixed commodity payment, or in case a person rents a part of a tract of land to one or more tenants on shares, and a part of the same tract of land to the same tenant(s) for cash or a fixed commodity payment, all such land may be covered by one work sheet.

Done at Washington, D. C., this 4th day of November 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3230; Filed, November 4, 1937; 12:41 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 5]

APPLICATION OF THE MONTANA POWER COMPANY AND ROCKY MOUNTAIN POWER COMPANY FOR TRANSFER OF LICENSE

NOTICE OF HEARING

Upon joint application filed July 21, 1937, by The Montana Power Company, 40 East Broadway, Butte, Montana, and Rocky Mountain Power Company, licensee under license for

Project No. 5, requesting approval of transfer of said license to said The Montana Power Company:

It is ordered: That a hearing be held upon said application on December 2, 1937, at 10 a. m. in the Commission's hearing room, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on November 2, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3228; Filed, November 4, 1937; 9:39 a. m.]

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Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John Scott.

[Docket No. IT-5492]

APPLICATION OF MOUNTAIN STATES POWER COMPANY

ORDER SETTING HEARING

Upon application filed October 29, 1937, by Mountain States Power Company, a corporation organized under the laws of the State of Delaware, and having its principal business office at 236 Lyon Street, Albany, Oregon, for authorization of the issuance of $8,000,000 principal amount of that company's first mortgage bonds, 6% series due 1942, $700,00 principal amount of serial notes and 69,160 shares, without par value, of $6 cumulative prior preference stock:

The Commission orders: That a hearing on said application be held on December 1, 1937, at 10 a. m. in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Adopted by the Commission on November 2, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3227; Filed, November 4, 1937; 9:39 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1937.

Commissioners: W. A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3224]

IN THE MATTER OF E. B. MULLER AND COMPANY, A CORPORATION, AND HEINR. FRANCK SONS, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Friday, November 12, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 338, Hotel Victoria, Seventh Avenue at Fifty-First Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3225; Filed, November 3, 1937; 2:58 p. m.]

## INTERSTATE COMMERCE COMMISSION.

[Ex parte No. MC 7]

WASHINGTON, D. C., COMMERCIAL ZONE

*Submitted April 25, 1937* *Decided October 26, 1937*

Zone adjacent to and commercially a part of Washington, D. C., and contiguous municipalities in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, is partially exempt from regulation under section 203 (b) (8) of the Motor Carrier Act, 1935, determined.

*William C. Seibert* for State Corporation Commission of Virginia.

*W. C. Woodward, M. Ward Guthrie, Charles G. Morgan, Jr., Wilton H. Wallace, Ralph S. Fowler, Frederick M. Bradley,* and *Wm. E. Humphries* for motor carriers of property.

*Sydney R. Prince, Jr., Edward S. Pardoe,* and *G. Thomas Dunlop* for motor carriers of passengers.

*Francis J. Kelly* and *James E. Black* for shippers.

*A. J. Dixon, W. N. McGehee,* and *A. R. Eldred* for rail carriers.

REPORT OF THE COMMISSION

*Division 5, Commissioners Eastman, Lee, and Rogers*

*By Division 5:*

Exceptions were filed by District of Columbia Trucking Association, Inc., to the order recommended by the examiner, and Capital Transit Company replied thereto. Our conclusions differ in some respects from those recommended by the examiner.

This is an investigation instituted on our own motion to determine and define the zone adjacent to and commercially a part of the municipality of Washington, D. C., and of any municipality or municipalities contiguous thereto. Such determination and definition are necessary for the purpose of applying the exemption provided in section 203 (b) (8) of the Motor Carrier Act, 1935.[1]

Witnesses testified on behalf of District of Columbia Trucking Association, Inc., Capital Transit Company, and various shippers. The zone adjacent to and commercially a part of Washington and contiguous municipalities will be referred to as the commercial zone.

The District of Columbia, originally ten miles square, was ceded to the Federal Government by Maryland and Virginia. Later that part of the District of Columbia south and west of the Potomac River, now Arlington County and Alexandria, Va., was retroceded to Virginia. The present area of the District of Columbia is approximately 62 square miles and its population in 1930 was 486,869. Since February 1895, the City of Washington has been coextensive with the District of Columbia.

Municipalities in Maryland contiguous to Washington are Boulevard Heights, Fairmount Heights, Capitol Heights, Cottage City, Mount Rainier, and Takoma Park, Md. There are no municipalities in Virginia contiguous to Washington within the meaning of section 203 (b) (8). Alexandria is opposite the southern part of Washington but the two cities are not contiguous under section 203 (b) (8), as there are no

[1] Section 203. (b) * * * nor, unless and to the extent that the Commission shall from time to time find that such application is necessary to carry out the policy of Congress enunciated in section 202, shall the provisions of this part, except the provisions of section 204 relative to qualifications and maximum hours of service of employees and safety of operations or standards of equipment apply to: (8) The transportation of passengers or property in interstate or foreign commerce wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, except when such transportation is under a common control, management, or arrangement for a continuous carriage or shipment to or from a point without such municipality, municipalities, or zone, and provided that the motor carrier engaged in such transportation of passengers over regular or irregular route or routes is also lawfully engaged in the intrastate transportation of passengers over the entire length of such interstate route or routes in accordance with the laws of each State having jurisdiction; * * *.



means of communication between the cities by motor vehicle except through unincorporated areas.

Since there are few industries in Washington and contiguous municipalities, the population of Washington has grown with the increase of employment by the Federal Government. As of July 30, 1936, there were 117,103 employees of the Federal Government in Washington. Employees of the District of Columbia Government number 12,930, and there are approximately 182,000 engaged in the professions and trades or employed by stores, hotels, and others. As the population of Washington increased, suburban residential communities grew up beyond the boundaries of the District of Columbia. The more intense suburban development in Maryland extends at least two miles beyond the District of Columbia line to the northwest and northeast. In Virginia, suburban communities have grown up in Arlington County.

The Metropolitan District of Washington designated by the United States Bureau of the Census includes the District of Columbia and the following areas in Maryland and Virginia:

In Montgomery County, Md.: District 4, Rockville; District 7, Bethesda; District 10, Potomac; District 13, Wheaton.

In Prince Georges County, Md.: District 1, Vansville; District 2, Bladensburg; District 6, Spaulding; District 12, Oxen Hill; District 13, Kent; District 14, Bowie; District 16, Hyattsville; District 17, Chillum; District 18, Seat Pleasant; District 19, Riverdale; District 20, Lanham; District 21, Berwyn.

Alexandria, Va.

Arlington County, Va.

In Fairfax County, Va.: Falls Church; Providence District.

The land area of the Metropolitan District is 485 square miles.

A witness for the Washington Board of Trade testified that in his opinion the commercial zone of Washington lies within a radius of 20 to 25 miles from the Zero Milestone at the center of the original area of the District of Columbia. Gaithersburg, Olney, Laurel, Bowie, and Marlboro, Md., and Dranesville and Fairfax, Va., are within that area. Commodities transported by motor vehicle from Washington to points within 20 miles consist mainly of dry goods, household goods, food products, and building materials. In the reverse direction, the commodities transported consist mainly of farm and dairy products and small manufactured articles.

A number of residents of Maryland and Virginia are employed in Washington and travel daily between their homes and places of employment. Commutation service by motor vehicle is provided by the Capital Transit Company between Washington and Gaithersburg, Olney, Burtonsville, and Laurel, Md., and intermediate points. That company also operates busses between Washington and Mount Vernon, Va., except during the winter months. It contends that the Washington commercial zone extends to all of the points included in those operations.

Department stores in Washington regularly deliver goods purchased from them to points within 20 miles without additional charge. A map prepared for use in measuring the circulation of Washington newspapers shows the Washington suburban area as including Montgomery, Prince Georges, and Charles Counties, Md., and Loudoun, Arlington, Fairfax, and Prince William Counties, Va. Retail deliveries of coal are made by motor vehicle from northeast Washington to consumers in Beltsville and Marlboro, Md., and Alexandria and Falls Church, Va. Ready-mixed concrete is transported by motor vehicle from Washington to points as distant as Fairfax.

The Washington commercial zone extends only to those areas which are adjacent to and commercially a part of Washington and contiguous municipalities. In determining the limits of the commercial zone herein, we shall adhere to the principles enunciated in our supplemental report in *New York, N. Y. Commercial Zone,* 2 M. C. C. 191. Gaithersburg, Olney, Rockville, Laurel, Bowie, and Marlboro, Md., and Fairfax, Falls Church, and Mount Vernon, Va., are not sufficiently adjacent to Washington to be considered within the Washington commercial zone for the purpose of applying the exemption in section 203 (b) (8).

The State Corporation Commission of Virginia takes the position that the public interest requires the removal of the exemption to the extent that it affects transportation by motor vehicle between Washington and points in Virginia. A somewhat similar position is taken by the District of Columbia Trucking Association, Inc., which contends that all transportation by motor vehicle for hire from and to Washington should be subject to regulation under all provisions of the act, and that the District of Columbia boundary line should be designated as the limits of the Washington commercial zone. It is clear that the Washington commercial zone extends beyond the limits of the District of Columbia, and that transportation by motor vehicle between Washington and those areas in Maryland and Virginia within the commercial zone is exempt from regulation under section 203 (b) (8) unless and to the extent that the application of the act is found to be necessary to carry out the policy of Congress set forth in section 202. It has not been shown that the removal of the exemption is necessary to carry out this policy.

We find that the zone adjacent to and commercially a part of Washington and contiguous municipalities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, is partially exempt under section 203 (b) (8) from regulation, is as follows:

District of Columbia.

Garrett Park, Md.

Kensington, Md.

That part of Montgomery County, Md., east of a line extending northward from the Potomac River to the intersection of Conduit Road and Seven Locks Road, and thence northward along Seven Locks Road to the intersection with Weaver Road; and south of a line extending eastward along Weaver Road from the intersection with Seven Locks Road to Orndorf Mill Road, thence eastward along Orndorf Mill Road to Old Georgetown Road, thence southeastward along Old Georgetown Road to Grosvenor Lane, thence eastward along Grosvenor Lane to U. S. Highway 240, thence northward along U. S. Highway 240 to Garrett Park Road, thence southeastward along Garrett Park Road to Wheaton Road, thence northeastward along Wheaton Road to Old Bladensburg Road, thence southeastward along Old Bladensburg Road to the Montgomery County-Prince Georges County line.

Chillum, Riverdale, Hyattsville, Bladensburg, Seat Pleasant, and Spaulding Districts, Prince Georges County, Md.

Alexandria, Va.

Arlington County, Va.

An order giving effect to these findings will be entered.

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ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of October, A. D. 1937.

[Ex Parte No. MC 7]

WASHINGTON, D. C., COMMERCIAL ZONE

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

*It is ordered,* That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of Washington, D. C., and contiguous municipalities in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially

exempt under section 203 (b) (8) of the act from regulation be, and it is hereby, defined to include the following:

District of Columbia.

Garrett Park, Md.

Kensington, Md.

That part of Montgomery County, Md., east of a line extending northward from the Potomac River to the intersection of Conduit Road and Seven Locks Road, and thence northward along Seven Locks Road to the intersection with Weaver Road; and south of a line extending eastward along Weaver Road from the intersection with Seven Locks Road to Orndorf Mill Road, thence eastward along Orndorf Mill Road to Old Georgetown Road, thence southeastward along Old Georgetown Road to Grosvenor Lane, thence eastward along Grosvenor Lane to U. S. Highway 240, thence northward along U. S. Highway 240 to Garrett Park Road, thence southeastward along Garrett Park Road to Wheaton Road, thence northeastward along Wheaton Road to Old Bladensburg Road, thence southeastward along Old Bladensburg Road to the Montgomery County-Prince Georges County line.

Chillum, Riverdale, Hyattsville, Bladensburg, Seat Pleasant, and Spaulding Districts, Prince Georges County, Md.

Alexandria, Va.

Arlington County, Va.

*It is further ordered,* That this order shall become effective 30 days from the date hereof and shall continue in effect until the further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3229; Filed, November 4, 1937; 12:25 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At the regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-L. F. WHIPPLE TRACT, FILED ON AUGUST 30, 1937, BY J. W. SAIN, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

*It is ordered,* That consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

*It is further ordered,* That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3235; Filed, November 4, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SHELL-V. P. LEE TRACT, FILED ON AUGUST 30, 1937, BY J. W. SAIN, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

*It is ordered,* That consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

*It is further ordered,* That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding[1] be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3233; Filed, November 4, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of November, A. D., 1937.

[File No. 43-84]

IN THE MATTER OF COPPER DISTRICT POWER COMPANY

[File No. 46-76]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTION 7 AND GRANTING EXEMPTION OF ACQUISITION OF SECURITIES BY A HOLDING COMPANY PURSUANT TO SECTION 9 (C) (3) OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Copper District Power Company, a subsidiary of The Middle West Corporation, a registered holding company, having duly filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it of not to exceed $225,000 principal amount of unsecured notes, each to be dated upon the respective dates of the advance of funds thereon and to mature within nine months from the date of issue, not to exceed $125,000 principal amount of which are to bear interest at the rate of 3½ per cent per annum, and not to exceed $100,000 of which are to bear interest at the rate of 4½ per cent per annum and be subordinated to the aforementioned 3½ per cent notes;

The Middle West Corporation having duly filed with this Commission an application, and amendment thereto, pursuant to Section 9 (c) (3) of said Act, for an order exempting from the provisions of Section 9 (a) thereof the acquisition by said applicant of not to exceed $50,000 principal amount of such 4½ per cent notes;

A joint hearing on said amended declaration and said amended application having been held after appropriate notice; the record in these matters having been examined; and the Commission having made and filed its findings herein:

*It is ordered,* That said declaration, as amended, be and become effective on November 3, 1937, on condition that none of such notes be issued or sold by declarant after April 30, 1938, or such later date as the Commission may hereafter fix, and on the further condition that such notes be issued and sold in accordance with the terms and conditions of, and for the purposes represented by, said declaration, as amended; and

*It is further ordered,* That, within ten days after the issue and sale of any of such notes, the declarant shall file with this Commission a Certificate of Notification, showing that such issue and sale have been effected in accordance with the conditions of this order and incorporating a true copy of the notes with respect to which the certificate is filed; and

*It is further ordered,* That the acquisition by applicant, The Middle West Corporation, of not to exceed $50,000 principal amount of such 4½ per cent notes, in accordance with the terms and conditions of said amended application, be and the same hereby is exempted from the provisions of Section 9 (a) of said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3231; Filed, November 4, 1937; 12:49 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE BRITISH-AMERICAN-M. L. THOMPSON TRACT, FILED ON SEPTEMBER 17, 1937, BY T. S. HOSE, RESPONDENT

ORDER TERMINATING EFFECTIVENESS OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from the person who filed the offering sheet described in the title hereof, an application for an order terminating the effectiveness of the filing of same, together with an affidavit that all persons on whose behalf said offering sheet has been filed, to whom copies thereof have been delivered, have been notified in writing of the intention of such person to terminate the effectiveness of said offering sheet, and it appearing that termination of the effectiveness of the filing of said offering sheet, as requested, is not inconsistent with the public interest,

*It is ordered,* Pursuant to Rule 356 in Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, terminated as of the date of the entry of this order.

*It is further ordered,* That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3234; Filed, November 4, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of November, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GENERAL CRUDE OIL CO.-GRAVES TRACT, FILED ON SEPTEMBER 29, 1937, BY T. S. HOSE, RESPONDENT

ORDER TERMINATING EFFECTIVENESS OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from the person who filed the offering sheet described in the title hereof, an application for an order terminating the effectiveness of the filing of same, together with an affidavit that all persons on whose behalf said offering sheet has been filed, to whom copies thereof have been delivered, have been notified in writing of the intention of such person to terminate the effectiveness of said offering sheet, and it appearing that termination of the effectiveness of the filing of said offering sheet, as requested, is not inconsistent with the public interest,

*It is ordered,* Pursuant to Rule 356 in Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, terminated as of the date of the entry of this order.

*It is further ordered,* That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3232; Filed, November 4, 1937; 12:49 p. m.]

*Saturday, November 6, 1937* *No. 216*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49227]

CUSTOMS FORMS

CUSTOMS FORMS 4373 AND 4375 ABOLISHED; INSTRUCTIONS CONTAINED IN T. D. 39875, PERTAINING TO USE THEREOF, REVOKED

OCTOBER 20, 1937.

*To Collectors of Customs and Others Concerned:*

Customs Form 4373, "Notice of Unsatisfied Bond", and customs Form 4375, "Notice of Expiration of Bond for Production of Missing Documents and Demand for Liquidated Damages", are hereby abolished. The use thereof should be discontinued immediately.

The instructions contained in T. D. 39875, approved November 20, 1923, pertaining to the use of these forms, are hereby revoked.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, November 2, 1937.

STEPHEN B. GIBBONS
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3244; Filed, November 5, 1937; 12:24 p. m.]

## WAR DEPARTMENT.

[2d Ind.]

REVOCATION OF REGULATIONS FOR PERE MARQUETTE RAILWAY BRIDGE ACROSS BLACK RIVER, MICHIGAN, AT PORT HURON

SEPTEMBER 22, 1937.

1. On April 18, 1919, the Department prescribed special regulations to govern the draw in the swing bridge of the Pere Marquette Railway across Black River at Port Huron, Michigan.

2. As this swing bridge interfered with navigation, the Department ordered its alteration and it was subsequently replaced by a single leaf bascule bridge with a minimum horizontal clearance normal to the axis of the stream of 100 feet, which can be promptly opened to afford passage of vessels. There is no longer any necessity for the regulations ap-

proved in 1919, and I recommend, therefore, that they be revoked.

[SEAL] M. C. TYLER,
*Brigadier General, Acting Chief of Engineers.*

Recommendation in the 2d indorsement approved September 24, 1937.

HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F. R. Doc. 37-3237; Filed, November 5, 1937; 9:49 a. m.]

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REGULATIONS TO GOVERN THE OPERATION OF THE DRAWBRIDGE OF THE MISSISSIPPI STATE HIGHWAY DEPARTMENT ACROSS THE YAZOO RIVER AT YAZOO CITY, MISSISSIPPI

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

In pursuance of the foregoing law, the following regulations are prescribed to govern the operation of the drawbridge of the Mississippi State Highway Department across the Yazoo River at Yazoo City, Mississippi.

THE REGULATIONS

1. The owner or agency controlling the aforementioned bridge will maintain a draw tender in constant attendance at said bridge during highwater periods when so directed by the United States District Engineer.

2. Persons requiring opening of the draw of the bridge at other times shall give at least three hours notice of the time at which such opening will be required, in person, in writing, or by telephone, to a designated representative of the owner or agency controlling the bridge. Upon receipt of such notice the representative shall cause a competent draw tender to be at the bridge at the time specified in the notice and the bridge shall be promptly opened for the passage of the vessel at such time, or, if the vessel be delayed, for a reasonable time thereafter.

3. The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph 2 may be reached. Similar notices shall be posted at Satartia, Mississippi, and Belzoni, Mississippi.

4. The operating machinery of the draws shall be maintained in a serviceable condition and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

5. These regulations shall take effect and be in force on and after the date of approval thereof.

Approved, October 23, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F. R. Doc. 37-3238; Filed, November 5, 1937; 9:49 a.m.]

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SPECIAL REGULATIONS FOR THE OPERATION OF THE DRAWS OF BRIDGES OVER THE SANTEE AND CONGAREE RIVERS, SOUTH CAROLINA

*Supplemental to Rules and Regulations to govern the operation of the drawbridges crossing navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries.*

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall wilfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

THE REGULATIONS

In pursuance of the foregoing law, the following special regulations are prescribed to govern the operation of the drawbridges crossing the Santee and Congaree Rivers, South Carolina:

1. The owners of, or agency controlling, the bridges will not be required to keep draw tenders in constant attendance at their bridges, provided they shall keep conspicuously posted on both upstream and downstream sides of the bridges in a manner that it can easily be read at any time, a copy of these regulations, together with a notice stating exactly on whom a notice for the opening of the draw shall be made, and explaining exactly how such person may be reached.

2. Whenever a vessel is unable to pass under the bridges when the draw spans are closed, notice that a passage is desired shall be given to the persons named in the notice posted on the bridge and in the manner stated therein.

3. The draws of the bridges shall be opened as soon as practicable after the receipt of notice as specified in paragraph 1 and in any event not later than 24 hours after receipt thereof.

4. The owners or agency controlling these bridges, shall maintain the operating machinery in serviceable condition, and shall have the draws opened and closed at least once every quarter to make certain that the machinery is in proper order for satisfactory operation.

5. As long as these regulations are in force, the owners or agency controlling these bridges will be required to place bridge tenders in constant attendance on their bridges upon ten (10) days notice in writing by the District Engineer in local charge of the Charleston, South Carolina, Engineer District.

6. These regulations shall take effect and be in force on and after October 31, 1937.

Approved, October 25, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General, The Adjutant General.*

[F. R. Doc. 37-3236; Filed, November 5, 1937; 9:49 a.m.]



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## DEPARTMENT OF AGRICULTURE.

### Bureau of Agricultural Economics.

AMENDMENTS TO RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE TOBACCO INSPECTION ACT

By virtue of the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act, approved August 23, 1935 (49 Stat., 731) I, H. A. Wallace, Secretary of Agriculture, do prescribe and promulgate, effective November 5, 1937, the following amendments to the Rules and Regulations of the Secretary of Agriculture under the said Act, approved effective January 2, 1936:

*Regulation 4, section 4.*—Paragraph 1 is amended to read as follows:

"PARAGRAPH 1. *Method of conducting.*—Any referendum held as provided in section 5 of the act shall be conducted by the Bureau in accordance with this section. The Chief of Bureau shall determine (a) the market or group of markets to be covered by a referendum; (b) when a referendum is to be held; and (c) the period during which growers, entitled to vote therein, may cast their ballots. When a referendum is held for a group of markets, the result of such referendum may be construed to apply either individually or collectively to such markets. Before holding a referendum, the Bureau shall establish from the records of the collectors of internal revenue for the preceding marketing season, or in the absence of such records then from such other reliable sources of information as are available, a list showing the names of all growers who are entitled to vote in the referendum, and from the list so established the eligibility of growers to vote in a referendum shall be determined by the Bureau: *Provided*, That if a grower, whose name appears on such lists for two or more markets selling the same class of tobacco, votes in one referendum for a market selling such class, he shall not be eligible to vote in a referendum for any other market selling such class."

Paragraph 4 is amended to read as follows:

"PAR. 4. *Filing and tabulation of votes.*—Each ballot, when filled in and signed by a grower entitled to vote in a referendum, shall be mailed or delivered by him as specified in the ballot. Persons authorized by the Chief of Bureau to receive votes in any referendum shall promptly file all votes received or collected by them with the Bureau. All ballots filed in a referendum shall be examined to verify the eligibility of the voter and the Chief of Bureau shall have compiled the result of the referendum and furnish the Secretary a statement showing whether or not two-thirds of the growers voting favored the designation of the market or group of markets covered by the referendum. In verifying votes, ballots which do not show the desire of the voter, or ballots which are defective or illegible, or ballots on which the signature or other identification does not correspond with the established list shall not be counted. The choice of any individual voter shall not be divulged by any official of the Bureau, except to the Secretary when requested. Votes, ballots, and other documents pertaining to a referendum shall be preserved in the Bureau for a period of 2 years from the closing date of such referendum, and may be destroyed thereafter."

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 5th day of November 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3245; Filed, November 5, 1937; 12:51 p. m.]

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## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

*Requiring Federal associations to keep fidelity bonds in home office and to file copy thereof with Federal home loan bank; also requiring such bonds to contain clause empowering such banks to give notice to the surety of any loss; further requiring surety to notify such bank before cancellation of such bond.*

*Be it resolved*, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of the Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)), the last two sentences of subsection (a) of Section 12 of the Rules and Regulations for Federal Savings and Loan Associations are hereby amended to read as follows:

"The original bond shall be kept in the home office of the association, and a true copy thereof shall be filed with the Federal home loan bank of which the association is a member. Each such bond shall contain clauses, in form approved by the Board, empowering the Federal home loan bank, in case of any loss covered by such bond, to give notice thereof to the surety within the periods limited therefor in such bond, and requiring the surety to notify the Federal home loan bank before cancellation of such bond."

*Be it further resolved*, That, it being deemed this amendment is of an emergency character, said amendment shall be effective immediately.

Adopted by the Federal Home Loan Bank Board on November 1, 1937.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 37-3243; Filed, November 5, 1937; 12:18, p. m.]

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## Federal Savings and Loan Insurance Corporation.

AMENDMENT TO RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

*Filing copy of fidelity bonds covering officers and employees of insured institutions with a Federal home loan bank and retaining original or copy of such bond in principal office; requiring certain clauses in such bonds regarding notice of loss and notice of cancellation.*

*Be it resolved*, That pursuant to authority vested in the Board of Trustees of the Federal Savings and Loan Insurance Corporation by subsection (a) of Section 402 of the National Housing Act (12 U. S. C. 1725 (a)), subsection (a) of Section 15 of the Rules and Regulations for Insurance of Accounts is hereby amended by repealing the last sentence thereof and by substituting therefor the following:

"A true copy of such bond shall be filed with the Federal home loan bank of which such insured institution is a member or, if such insured institution is not a member, then with the Federal home loan bank of the district in which such insured institution is located, as agent for the Corporation, and either the original of such bond or a true copy thereof shall be kept in the principal office of such institution. In the event such insured institution is subject to State supervisory authority, such bond shall contain a clause, in form approved by the Corporation, requiring the surety to notify such Federal home loan bank before cancellation or

termination of the bond. In the event the insured institution is not subject to State supervisory authority, the bond shall contain clauses, in form approved by the Corporation, empowering such Federal home loan bank, in the case of any loss covered by such bond, to give notice thereof to the surety within the periods limited therefor in such bond and requiring the surety to notify such Federal home loan bank before cancellation or termination of the bond."

*Be it further resolved,* That, it being deemed this amendment is of an emergency character, said amendment shall be effective immediately.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on November 1, 1937.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 37-3242; Filed, November 5, 1937; 12:18 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 154]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 29, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Arkansas 8018 Carroll (Partial) | $200,000 |
| Iowa 8039W Benton | 25,000 |
| Kansas 8018 Sedgwick | 222,000 |
| Kansas 8022 Doniphan | 160,000 |
| Missouri 8018B Texas | 10,000 |
| Missouri 8019W Boone | 3,500 |
| Texas 8063 Navarro (Partial) | 100,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3239; Filed, November 5, 1937; 9:50 a. m.]

[Administrative Order No. 155]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 29, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Iowa 8027B Buena Vista (Partial) | $100,000 |
| Iowa 8032B Butler (Partial) | 105,000 |
| Iowa 8036B Wright (Partial) | 100,000 |
| Iowa 8038B Pocahontas (Partial) | 103,000 |
| Iowa 8039B Benton (Partial) | 100,000 |
| Iowa 8043B Greene (Partial) | 30,000 |
| Iowa 8049B Hardin (Partial) | 40,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3240; Filed, November 5, 1937; 9:50 a. m.]

[Administrative Order No. 156]

AMENDMENT OF ALLOCATIONS OF FUNDS FOR LOANS

OCTOBER 29, 1937.

I hereby amend Administrative Order No. 40 by transferring the $200,000 allotted to Texas 39 Rockwell to a combined project called Texas 7067 Rains-Rockwell. I also hereby amend Administrative Order No. 59 by transferring $360,000 allotted to Texas 46 Rains to the new project Texas 7067 Rains-Rockwell.

I hereby amend Administrative Order No. 122 by transferring the partial allotment of $100,000 made to Minnesota 8068 Carver to Minnesota 8063B Scott.

I hereby amend Administrative Order No. 149 by rescinding the allotment of $18,500 made to Tennessee 8022 Gibson and allot this amount to Tennessee 8020B Gibson.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3241; Filed, November 5, 1937; 9:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of November, A. D. 1937.

[File No. 43-85]

IN THE MATTER OF WORCESTER COUNTY ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Worcester County Electric Company, a subsidiary company of New England Power Association, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of $250,000 aggregate principal amount of its promissory notes to bear interest at the rate of 2% per annum, to be payable six months from the date thereof, and to evidence bank loans to be made by certain banks, it being stated by declarant that the proceeds of said notes are to be used for the purpose of paying off an indebtedness now owing by declarant to said New England Power Association.

*It is ordered,* That a hearing on such matter be held on November 19, 1937, at ten o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 15, 1937.

*It is further ordered.* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3246; Filed, November 5, 1937; 12:53 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of November, 1937.

[File No. 1-308]

IN THE MATTER OF SUTHERLAND PAPER COMPANY COMMON STOCK, $10.00 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Sutherland Paper Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Common Stock, $10.00 Par Value, from listing and registration on the Chicago and Detroit Stock Exchanges; and

After appropriate notice a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on November 14, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3248; Filed, November 5, 1937; 12:53 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of November, 1937.

[File No. 1-617]

IN THE MATTER OF UNITED MILK CRATE CORPORATION $2 CUMULATIVE PARTICIPATING AND CONVERTIBLE CLASS A STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Cincinnati Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the $2 Cumulative Participating and Convertible Class A Stock of United Milk Crate Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on November 14, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3247; Filed, November 5, 1937; 12:53 p. m.]

*Tuesday, November 9, 1937* *No. 217*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER OF JANUARY 17, 1873, TO PERMIT ANY OFFICER OR EMPLOYEE OF THE MUNICIPALITY OF ST. THOMAS AND ST. JOHN OR OF THE MUNICIPALITY OF ST. CROIX, VIRGIN ISLANDS, TO BE APPOINTED AS IMMIGRATION INSPECTOR FOR THE VIRGIN ISLANDS

By virtue of and pursuant to the authority vested in me by section 1753 of the Revised Statutes of the United States (U. S. C., title 5, sec. 631), and as President of the United States, the Executive Order of January 17, 1873, as amended, prohibiting, with certain exceptions, officers and employees of the United States from holding any office under any State, territorial, municipal, or other local government, is hereby further amended so as to permit any officer or employee of the Municipality of St. Thomas and St. John or of the Municipality of St. Croix, Virgin Islands, to be appointed to and hold a position as Immigration Inspector for the Virgin Islands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 6, 1937.*

[No. 7736]

[F. R. Doc. 37-3259; Filed, November 8, 1937; 10:56 a. m.]

## DEPARTMENT OF THE INTERIOR.

**Bureau of Reclamation.**

RECLAMATION WITHDRAWAL FOR CENTRAL VALLEY PROJECT, CALIFORNIA

AUGUST 17, 1937

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

CENTRAL VALLEY PROJECT, MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 35 N., R. 1 W., Section 22, E½.

Respectfully,

JOHN C. PAGE, *Commissioner.*

I concur:
(1)
*Secretary of Agriculture.*

Department of the Interior, October 29, 1937. The lands described are hereby reserved as recommended and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

OCTOBER 15, 1937.

The Honorable, THE SECRETARY OF THE INTERIOR:

DEAR MR. SECRETARY: Further reference is made to the Acting Secretary's letter of September 2, 1937, enclosing draft of a first form reclamation withdrawal dated August 17, and to this Department's reply of September 14, 1937.

The land described in the withdrawal lies outside the boundaries of the Shasta National Forest, California, but is in the Kennett Dam area of the Central Valley Project. The E½ Section 22, T. 35 N., R. 1 W., M. D. M., is located along Pit River at the mouth of Roaring and Hatchet Creeks. It is quite rough and is inaccessible except for trails. It is principally valuable as a protection type, and for recreation in that good fishing is to be had. The lower portion of the area, bordering Pit River on both sides, is approximately at the 1,200-foot contour. Thus, it will be a few miles upstream from the reservoir level. Should a mine be located within the area, pollution of the streams would doubtless occur as well as silting of the Shasta Reservoir. This Department, therefore, concurs in the withdrawal of the land from entry under the Act of June 17, 1902 (32 Stat., 388).

Sincerely yours,

H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-3253; Filed, November 6, 1937; 9:45 a. m.]

**Division of Grazing.**

ARIZONA GRAZING DISTRICT NO. 2

MODIFICATION

NOVEMBER 3, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of March 6, 1936,

(1) See letter signed by the Secretary of Agriculture which follows.

establishing Arizona Grazing District No. 2 is hereby revoked as far as it affects the following-described land:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 14 W.,
sec. 4, lot 4, SE¼NW¼, NE¼SW¼;
sec. 5, lot. 1.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-3250; Filed, November 6, 1937; 9:44 a. m.]

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WITHDRAWAL OF PROPOSED MILK RIVER GRAZING DISTRICT VACATED

MONTANA

NOVEMBER 4, 1937.

Under authority of the Departmental order of August 22, 1934, pursuant to section 1 of the act of June 28, 1934, (48 Stat. 1269), notice was published on September 2, 1934, that a hearing would be held at Malta, Montana, on December 4, 1934, for the purpose of establishing a grazing district to include the following-described lands:

MONTANA

MONTANA MERIDIAN

*Blaine County*

Ts. 23 to 37 N., Rs. 17 to 21 E., inclusive.
Ts. 23 and 24 N., R. 22 E.
Ts. 25 to 32 N., inclusive, R. 22 E., exclusive of Fort Belknap Indian Reservation.
Ts. 33 to 37 N., inclusive, R. 22 E.
T. 32 N., R. 23 E., exclusive of Fort Belknap Indian Reservation.
Ts. 33 to 37 N., inclusive, R. 23 E.
Ts. 31 and 32 N., R. 24 E., exclusive of Fort Belknap Indian Reservation.
Ts. 33 to 37 N., inclusive, R. 24 E.
T. 31 N., R. 25 E., exclusive of Fort Belknap Indian Reservation.
Ts. 32 to 37 N., inclusive, R. 25 E.
Ts. 31 to 37 N., inclusive, R. 26 E.

*Phillips County*

Ts. 23 to 25 N., inclusive, R. 22 E.
Ts. 22 to 25 N., inclusive, R. 23 E.
Ts. 21 to 25 N., inclusive, R. 24 E., exclusive of Jefferson National Forest.
Ts. 21 to 25 N., inclusive, R. 25 E., exclusive of Jefferson National Forest and Fort Belknap Indian Reservation.
Ts. 21 to 24 N., inclusive, R. 26 E.
Ts. 25 to 31 N., inclusive, R. 26 E., exclusive of Fort Belknap Indian Reservation.
Ts. 32 to 34 N., inclusive, R. 26 E.
T. 24 N., R. 26½ E.
Ts. 21 to 37 N., Rs. 27 to 29 E., inclusive.
Ts. 20 to 37 N., inclusive, R. 30 E.
Ts. 21 to 37 N., inclusive, R. 31 E.
Ts. 22 to 37 N., inclusive, Rs. 32 and 33 E.
Ts. 30 to 37 N., inclusive, R. 34 E.
T. 32 N., R. 35 E.

*Valley County*

Ts. 22 to 32 N., inclusive, R. 34 E.
Ts. 22 to 37 N., inclusive, Rs. 35 to 38 E.
Ts. 23 to 37 N., inclusive Rs. 39 and 40 E.
Ts. 25 to 37 N., inclusive, R. 41 E.
Ts. 26 to 37 N., inclusive, R. 42 E.
Ts. 26 to 35 N., inclusive, R. 43 E.
Ts. 26 to 32 N., inclusive, Rs. 44 and 45 E.

The publication of such notice had the effect, in accordance with the provisions of the aforesaid act, of withdrawing all public lands within the exterior boundaries of the proposed district from all forms of entry and settlement.

All of the above lands in Blaine and Phillips Counties and in part of Valley County are included in Montana Grazing District No. 1. It has been determined that the remaining lands are not appropriate for administration in a grazing district under the Taylor Grazing Act. The withdrawal therefore is hereby vacated as to the following-described lands:

*Valley County*

T. 33 N., R. 39 E., That part east of Porcupine Creek.
T. 34 N., R. 39 E., That part east of Porcupine Creek and south of the north boundary of former Fort Peck Indian Reservation.
Ts. 31 and 32 N., R. 40 E., Those parts east of Porcupine Creek.
T. 33 N., R. 40 E.
T. 34 N., R. 40 E., That part south of the north boundary of former Fort Peck Indian Reservation.
Ts. 28, 29, 30, and 31 N., R. 41 E., Those parts east of Porcupine Creek.
Ts. 32 and 33 N., R. 41 E.
T. 34 N., R. 41 E., That part south of the north boundary of former Fort Peck Indian Reservation.
T. 26 N., R. 42 E.
T. 27 N., R. 42 E., That part east of Milk River and Porcupine Creek.
T. 28 N., R. 42 E., That part east of Porcupine Creek.
Ts. 29 to 33 N., inclusive, R. 42 E.
T. 34 N., R. 42 E., That part south of the north boundary of former Fort Peck Indian Reservation.
Ts. 26 to 33 N., inclusive, R. 43 E.
T. 34 N., R. 43 E., That part south of the north boundary of former Fort Peck Indian Reservation.
Ts. 26 to 32 N., inclusive, Rs. 44 and 45 E.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-3251; Filed, November 6, 1937; 9:44 a. m.]

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**General Land Office.**

STOCK DRIVEWAY NO. 11, MONTANA NO. 1, ENLARGED

OCTOBER 26, 1937.

It appearing from examination that the following-described public lands should be included in Stock Driveway Withdrawal No. 11, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and of section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

PRINCIPAL MERIDIAN

T. 15 S., R. 10 W.,
sec. 4, SE¼;
sec. 9, NE¼ NE¼, S½ NE¼;
sec. 10, W½;
sec. 15, W½ W½;
sec. 22, W½ NW¼, NW¼ SW¼, E½ SW¼;
aggregating 960 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

CHARLES WEST, *Under Secretary.*

[F. R. Doc. 37-3252; Filed, November 6, 1937; 9:45 a. m.]

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STOCK DRIVEWAY WITHDRAWAL NO. 64, NEW MEXICO NO. 11, REDUCED

NOVEMBER 1, 1937.

Department order of February 12, 1919, which withdrew certain lands in New Mexico for stock driveway purposes under section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked so far as it affects the following-described public land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 N., R. 12 E.,
sec. 7, NE¼ SW¼, lots 3 and 4, 101 acres.

OSCAR L. CHAPMAN, *Assistant Secretary.*

[F. R. Doc. 37-3254; Filed, November 6, 1937; 9:46 a. m.]



**DEPARTMENT OF AGRICULTURE.**

**Agricultural Adjustment Administration.**

SUGAR ACT OF 1937

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICER

Pursuant to the authority contained in Sections 301 (b) and (d) and 511 of The Sugar Act of 1937, (Public No. 414, 75th Congress)

Notice is hereby given that a public hearing will be held at Honolulu, Territory of Hawaii, in the Conference Room of the Honolulu Chamber of Commerce, Dillingham Building, on November 29, 1937, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture, in determining, (1) pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of the 1937 crop of sugarcane on farms with respect to which applications for payments under the said act are made; and, (2) pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for sugarcane to be paid by processors who, as producers, apply for payments under the said act.

Carl B. Robbins and George W. Mills are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Done at Washington, D. C., this 6th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3258; Filed, November 6, 1937; 12:20 p. m.]

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1938 RANGE CONSERVATION PROGRAM BULLETIN

CONTENTS

Section 1. Rates of Range-Building Payments.
2. Range-Building Allowance.
3. Conditions of Payment.
4. Changes in Leasing Arrangements and Other Devices.
5. Eligibility for Payment.
6. Materials Furnished as Grants of Aid.
7. Payment Restricted to Effectuation of the Purposes of the Program.
8. Payments Computed and Made Without Regard to Claims.
9. Association Membership and Deduction for Expenses.
10. Establishment of Grazing Capacities.
11. Determination of County in Which a Ranching Unit is Located.
12. Appeals.
13. Instructions and Forms.
14. Definitions.

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in rates of payments made because of the extent of participation in the Agricultural Conservation Program, including the Range Conservation Program, is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Range Conservation Program contained in this bulletin are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special programs under said Act are approved for 1938 by the Secretary of Agriculture; and (3) public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

SECTION 1. *Rates of range-building payments.*—Within the limits of the range-building allowance, payment will be made for carrying out on range land in 1938 such of the following range-building practices as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution.

*Practices and Conditions of Payment—Rate*

A. *Reseeding of range land.*—

1. *Natural reseeding by deferred grazing.*—For withholding 25 percent of the range land in the ranching unit from grazing for the period from the start of forage growth to seed maturity, established by the State committee and approved by the Regional Director: *Provided* (1) If grazing is deferred on less than 25 percent of the range land in the ranching unit, a proportionate payment will be made; (2) On ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) On ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) Such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of forage growth to seed maturity; (6) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranching unit previous to the carrying-out of such practice; and (7) The ranch operator complies with such other conditions or specifications as may be established by the county committee with the approval of the State committee, including the increase of the area to be withheld from grazing to as much as 40 percent of the range land, where the county committee determines such additional conditions or specifications are needed in the interest of range conservation: Sixty percent of the range-building allowance, provided such rate shall not exceed the equivalent of $1.25 per animal unit of grazing capacity.

2. *Artificial reseeding.*—For reseeding depleted range land with good seed of adapted varieties of range grasses or forage shrubs: 20 cents per pound of seed sown, but not in excess of $2.00 per acre.

B. *Erosion and run-off control.*—

3. *Contour listing, furrowing, or sub-soiling.*—For listing, furrowing, or sub-soiling range land on the contour: 50 cents per acre.

4. *Spreader dams and terraces.*—Spreader dams and terraces constructed in combination with each other for the diversion of surface water to prevent soil washing of range land: 15 cents per cubic yard for material moved in building the dams, and 40 cents per 100 linear feet of terraces constructed.

C. *Development of stock water on range land.*—

5. *Earthen tanks or reservoirs.*—For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock: 15 cents per cubic yard of fill or excavation.

6. *Concrete or rubble masonry dams.*—For constructing concrete or rubble masonry dams in rough or broken areas

(where earthen dams or reservoirs are impracticable and where there is no possiblity of using the masonry dam for irrigation), for the purpose of providing water for range livestock: $6.00 per cubic yard of concrete or rubble masonry.

7. *Wells.*—i. For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at ranching unit headquarters: $2.00 per linear foot.

ii. For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at ranching unit headquarters: $1.00 per linear foot.

8. *Development of natural watering places.*—For developing springs or seeps, protecting the source from trampling and conveying the water in a trough or in a pipe not less than one inch in diameter to a tank, for the purpose of providing water for range livestock: 40 cents per cubic foot for excavation in soil or gravel, and 70 cents per cubic foot for excavation in rock.

D. *Planting and maintaining a stand of trees.*—

9. *Tree planting.*—Planting of trees on range land, provided that the trees are planted in 1938 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage plated to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock: $10.00 per acre.

10. *Cultivating and maintaining a stand of trees.*—Cultivating, protecting, and maintaining by replanting if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelterbelt plantings, planted between January 1, 1934 and January 1, 1938: $4.00 per acre.

E. *Conservation of range lands through the elimination of destructive plants.*—

11. *Prickly pear and cactus.*—

(*a*) Light infestation: $0.50 per acre.
(*b*) Medium infestation: $0.75 per acre.
(*c*) Heavy infestation: $1.00 per acre.

12. *Mesquite.*—

(*a*) Light infestation: $0.50 per acre.
(*b*) Medium infestation: $1.00 per acre.
(*c*) Heavy infestation: $2.00 per acre.

13. *Cedar.*—

(*a*) Light infestation: $0.75 per acre.
(*b*) Medium infestation: $1.00 per acre.
(*c*) Heavy infestation: $1.50 per acre.

14. *Lechuguilla.*—

(*a*) Heavy infestation: $0.60 per acre.

F. *Fire guards.*—

15. For the establishment of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if the fire guard is used in connection with controlled burning within the ranching unit: $0.50 per 100 linear feet.

SEC. 2. *Range-building allowance.*—(*a*) In Texas, Oklahoma, Kansas, Nebraska, South Dakota, and California, the range-building allowance shall be 2 cents per acre of range land in the ranching unit plus $1.00 times the grazing capacity of the range land; and in Arizona, New Mexico, Nevada, Utah, Colorado, Washington, Oregon, Idaho, Montana, Wyoming, and North Dakota, the range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: *Provided, however,* That in either area the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

(*b*) In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties in which this additional allowance is made shall be those counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the Regional Director determines the reseeding and erosion control practices specified in Section 1 to be necessary and effective in promoting range conservation. *Provided, however,* That neither the grazing capacity nor the acreage of mountain meadow land for which this additional allowance is made shall be considered in calculating the portion of the range-building allowance provided for in subsection (a).

SEC. 3. *Conditions of payment.*—The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to the specifications prescribed by the State committee and approved by the Regional Director. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 4 of Bulletin ACP–1938. Where a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, payment will be made for the proportion of the total acreage of the practice, not exceeding the proportion of the total cost, not furnished by the Federal or State agency. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration.

SEC. 4. *Changes in leasing arrangements and other devices.*—No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Range Conservation Program has made any change from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold from the person participating in such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Range Conservation Program.

SEC. 5. *Eligibility for payment.*—Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

SEC. 6. *Materials furnished as grants of aid.*—Wherever it is found practicable, trees, seeds, and other material may upon request of the ranch operator(s) be furnished by the Agricultural Adjustment Administration as grants of aid in lieu of payments. Wherever such materials are furnished, the range-building allowance will be reduced by the amount of the payment which otherwise would be computed with respect to the practices in connection with which the materials so furnished are used.

SEC. 7. *Payment restricted to effectuation of the purposes of the program.*—All or any part of any payment which otherwise would be made to any person under the 1938 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the Regional Director.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1938.

SEC. 8. *Payments computed and made without regard to claims.*—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 9. *Association membership and deduction for expenses.*—Any ranch operator who previously has not, in accordance with the Articles of Association, become a member of the County Agricultural Conservation Association of the county in which his ranching unit or units are located shall become a member thereof by signing an application under which a payment can be made with respect to any such ranching unit. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Range Conservation Program.

There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

SEC. 10. *Establishment of grazing capacities.*—There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

SEC. 11. *Determination of county in which a ranching unit is located.*—A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

SEC. 12. *Appeals.*—Any ranch operator who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting his ranching unit may, within 15 days after being notified thereof, request the county committee in writing to reconsider the recommendation or determination: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall, within 30 days after the receipt of the appeal, inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the Regional Director to review the decision of the State committee.

SEC. 13. *Instructions and forms.*—The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Range Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with grazing capacities and the acreages or units of range-building practices and shall provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as $1.00.

SEC. 14. *Definitions.*—For the purposes of the 1938 Range Conservation Program,

*Secretary* means the Secretary of Agriculture of the United States.

*North Central Region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

*Western Region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

*Regional Director* means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

*State Committee* means the group of persons designated for any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

*County Committee* means the group of persons elected for any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

*Range-Building Payment* means a payment for the carrying out of one or more approved range-building practices.

*Range-Building Allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch Operator* means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1938.

*Range land* means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

*Ranching Unit* means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land.

*Animal Unit* means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

*Grazing Capacity of Range Land* means the number of animal units which such lands will sustain, on a twelve-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Done at Washington, D. C., this 6th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3256; Filed, November 6, 1937; 12:20 p. m.]

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NER—B-101—Pennsylvania, Supplement (17)

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA, SUPPLEMENT (17)

*Changing of the Date Prior to Which Lime and Superphosphate can be Applied in Preparation for Seeding Grasses or Legumes in 1938*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) to (16), inclusive, is hereby further amended by striking out the matter in the first paragraph under the heading "Applying Lime and Superphosphate in Preparation for Seeding Grasses or Legumes", which reads as follows:

"Applying either (1) between July 15 and October 31, 1937, at least the following amounts of the following materials or their equivalents[1] per acre, to crop land, or (2) lime at any time in 1937 before October 31 to land which has been or is to be seeded in 1937 to buckwheat, provided that after the removal of the buckwheat the land is disked or harrowed (not plowed) and is afterward in 1937 sown to wheat or rye, if the county committee determines that such application is made in preparation for seeding such crop land to legumes or to a grass or legume mixture in the spring of 1938.",

and inserting in lieu thereof the following:

Applying either (1) between July 15 and December 1, 1937, at least the following amounts of the following materials or their equivalents[1] per acre, to cropland, or (2) lime at any time in 1937 before December 1 to land which has been or is to be seeded in 1937 to buckwheat, provided that after the removal of the buckwheat the land is disked or harrowed (not plowed) and is afterward in 1937 sown to wheat or rye, if the county committee determines that such application is made in preparation for seeding such cropland to legumes or to a grass or legume mixture in the spring of 1938.

Done at Washington, D. C., this 6th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-3257; Filed, November 6, 1937; 12:20 p. m.]

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FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 1442]

APPLICATION OF THE ACME ENGINEERING SERVICE, INC. FOR PRELIMINARY PERMIT

ORDER SETTING HEARING

Upon its own motion the Commission orders that the hearing set for November 12, 1937, on the application filed June 25, 1937, by The Acme Engineering Service, Inc., for a preliminary permit for project No. 1442 to consist of three dams and two power plants, all on the Salamonie River in Wabash and Huntington Counties, Indiana, be postponed to Monday, November 29, 1937 beginning at 10 a. m., to be held in the Commission's hearing room Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Adopted by the Commission on November 5, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3249; Filed, November 6, 1937; 9:44 a. m.]

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FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March; Ewin L. Davis; Robert E. Freer.

[Docket No. 3135]

IN THE MATTER OF RALPH DEWBERRY, TRADING AND DOING BUSINESS AS DEWBERRY ENGRAVING COMPANY AND THE NATIONAL ENGRAVING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Edward J. Hornibrook, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Friday, November 12, 1937, at ten o'clock in the forenoon of that day, central standard time, at the office of Stokely, Scrivner, Dominick & Smith, 8th Floor, First National Bank Building, Birmingham, Alabama.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3255; Filed, November 6, 1937; 10:28 a. m.]



SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1937.

[File No. 43-86]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF TEXAS

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Public Service Corporation of Texas, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it to Keystone Pipe & Supply Company of 4,800 shares of 6% preferred stock at $90 per share and 70,000 shares of no par common stock, 40,000 shares thereof at $1.00 per share pursuant to option and 30,000 thereof at $1.60, for the purpose of liquidating debts owed to said Keystone Pipe & Supply Company in the amount of $467,478.01 by declarant and in the amount of $52,945.84 by Mobeetie Gas Company, a subsidiary of declarant.

*It is ordered,* That a hearing on such matter be held on November 30, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 24, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3262; Filed, November 8, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1937.

[File No. 43-87, 51-6]

IN THE MATTER OF WEST TEXAS GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

Declarations having been duly filed with this Commission, by West Texas Gas Company, a subsidiary of Southwestern Development Company, a registered holding company, pursuant to Sections 7 and 12 (c) of the Public Utility Holding Company Act of 1935, for the waiver of the sinking fund requirement for 1938 on South Plains Pipe Line Company First Mortgage and Collateral Trust 15-Year 6% Sinking Fund Bonds assumed by the declarant (all of which are owned by Southwestern Development Company, a registered holding company) to enable the declarant to declare and pay a dividend on its common stock which dividend is to be declared and paid out of capital or unearned surplus;

*It is ordered,* That a hearing on such matter be held on November 23, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 18, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3263; Filed, November 8, 1937; 12:34 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of November, 1937.

[File No. 1-59]

IN THE MATTER OF AMERICAN ZINC LEAD & SMELTING COMPANY $6 CUMULATIVE PREFERRED STOCK, $25 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the $6 Cumulative Preferred Stock, $25 Par Value, of American Zinc Lead & Smelting Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on November 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3265; Filed, November 8, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of November, 1937.

[File No. 1-1012]

IN THE MATTER OF WARNER QUINLAN COMPANY COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Warner Quinlan Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on November 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3264; Filed, November 8, 1937; 12:35 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D., 1937.

[File No. 43-69]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

ORDER REFUSING TO PERMIT DECLARATION TO BECOME EFFECTIVE

Northern States Power Company, a Minnesota corporation and a registered holding company, having duly filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the proposed reclassification of its outstanding 275,000 shares of Cumulative Preferred Stock, $5 Series, into a like number of shares of Preferred Stock, $5 Cumulative Series, each share of such new preferred stock (1) to be convertible on or before September 2, 1947, at the option of the holder, into four shares of common stock of declarant, subject to adjustment in accordance with the proposed amendment to declarant's articles of incorporation, and (2) to be subject to provisions whereby declarant would be obligated to reimburse the owner of any shares of such preferred stock for any taxes (other than estate, succession, income and inheritance taxes) that are or may be imposed or paid under the laws of Pennsylvania upon such shares or upon such owner as a resident of Pennsylvania by reason of the ownership of such shares, not exceeding, however, in any year five mills upon each dollar of the taxable value of such shares; and such declaration and amendments being also with respect to the proposed issue and sale by declarant of such preferred stock, as thus reclassified, in exchange for the outstanding preferred stock of declarant, and also the proposed issue and sale by declarant of such additional amount of common stock, not exceeding 1,100,000 shares, as may be needed upon the exercise of such conversion privileges as aforesaid;

Hearings on such amended declaration having been duly held after appropriate notice, it having been stipulated that the matter be submitted to the Commission for final determination on the basis of the record of the proceedings and the arguments of counsel, the issuance of an order to show cause being waived; the Commission having heard oral argument on behalf of the declarant; having examined the record in this matter; and having made and filed its findings herein:

*It is ordered*, That the Commission hereby refuses to permit said declaration to become effective.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3261; Filed, November 8, 1937; 12:34 p. m.]

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*Wednesday, November 10, 1937* *No. 218*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. No. 4773]

INCOME TAX

REGULATIONS UNDER TITLE II, REVENUE ACT OF 1937, RELATING TO RETURNS OF INFORMATION WITH RESPECT TO FOREIGN CORPORATIONS

*To Collectors of Internal Revenue and Others Concerned:*

PARAGRAPH A. Title II of the Revenue Act of 1937, approved August 26, 1937 (Public No. 377, Seventy-fifth Congress, Chapter 815, first session) provides in part:

TITLE II—FOREIGN PERSONAL HOLDING COMPANIES

SEC. 201. *Inclusion in Income of United States Shareholders of Income of Foreign Personal Holding Companies.*—

The Revenue Act of 1936 is amended by adding after Supplement O of Title I a new Supplement to read as follows:

"Supplement P—Foreign Personal Holding Companies.

* * * * * *

"SEC. 340. *Returns as to Formation, etc., of Foreign Corporations.*—

"(a) *Requirement.*—Under regulations prescribed by the Commissioner with the approval of the Secretary, any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person—

"(1) Who, on or after the date of the enactment of the Revenue Act of 1937, aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation, shall, within 30 days thereafter, file with the Commissioner a return; or

"(2) Who, since December 31, 1933, and prior to 90 days after the date of the enactment of the Revenue Act of 1937, has aided, assisted, counseled, or advised in the formation, organization, or reorganization of any foreign corporation shall, within 90 days after the date of the enactment of such Act, file with the Commissioner a return.

"(b) *Form and Contents of Return.*—Such return shall be in such form, and shall set forth, under oath, in respect of each such corporation, to the full extent of the information within the possession or knowledge or under the control of the person required to file the return, such information as the Commissioner with the approval of the Secretary prescribes by regulations as necessary for carrying out the provisions of this Act. Nothing in this section shall be construed to require the divulging of privileged communications between attorney and client.

SEC. 341. *Penalties.*—

"Any person required under section 338, 339, or 340 to file a return, or to supply any information, who willfully fails to file such return, or supply such information, at the time or times required by law or regulations, shall, in lieu of the penalties provided in section 145 (a) for such offense, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $2,000, or imprisoned for not more than one year, or both."

PAR. B. Section 1001 of the Revenue Act of 1936 provides in part:

SEC. 1001. *Definitions.*

(a) When used in this Act—

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

PAR. C. Section 62 of the Revenue Act of 1936 provides:

SEC. 62. *Rules and Regulations.*—

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.



Pursuant to the above-quoted provisions and other provisions of the internal revenue laws, the following regulations are hereby prescribed with respect to returns of information to be filed by attorneys, accountants, fiduciaries, banks, trust companies, financial institutions, or other persons as to the formation, organization, or reorganization of foreign corporations:

ARTICLE 1. *Information returns.*—(a) *Return under section 340 (a) (1).*—Any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who, on or after August 26, 1937, aids, assists, counsels, or advises in, *or with respect to*, the formation, organization, or reorganization of any foreign corporation shall file with the Commissioner, within 30 days after giving such aid, assistance, counsel, or advice, an information return as provided in section 340 (a) (1) and these regulations. The return must be filed in every such case (1) regardless of the nature of the counsel or advice given, whether for or against the formation, organization, or reorganization of the foreign corporation, or the nature of the aid or assistance rendered and (2) regardless of the action taken upon the advice or counsel, that is, whether the foreign corporation is actually formed, organized, or reorganized.

If, in a particular case, the aid, assistance, counsel or advice given by any person extends over a period of more than one day and not for more than 30 days, such person, to avoid the multiple filing of returns, may file a single return for the entire period. In such case, the return shall be filed within 30 days from the first day of such period. If, in a particular case, the aid, assistance, counsel or advice given by any person extends over a period of more than 30 days, such person may file a return at the end of each 30 days included within such period and at the end of the fractional part of a 30-day period, if any, extending beyond the last full 30 days. In each such case, the return must disclose all the required information which was not reported on a prior return.

(b) *Return under section 340 (a) (2).*—Any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who, since December 31, 1933, and prior to November 24, 1937, (the ninetieth day after the enactment of the Revenue Act of 1937), has aided, assisted, counseled, or advised in the formation, organization, or reorganization of any foreign corporation, shall file with the Commissioner, on or before November 24, 1937, an information return as provided in section 340 (a) (2) and these regulations. The return must be filed in every such case regardless of the nature of the counsel or advice given, whether for or against the formation, organization, or reorganization of the foreign corporation, or of the nature of the aid or assistance rendered, if such formation, organization, or reorganization occurs subsequent to the giving of such aid, assistance, counsel, or advice and prior to the expiration of ninety days after the date of enactment of the Act.

(c) *Requirements common to returns under section 340 (a) (1) and section 340 (a) (2).*—

(1) *Employers.*—In the case of aid, assistance, counsel, or advice, in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by a person in whole or in part through the medium of subordinates or employees, (including in the case of a corporation the officers thereof), the return of the employer must set forth to the full extent all information prescribed by these regulations including that which, as an incident to such employment, is within the possession or knowledge or under the control of such subordinates or employees.

(2) *Employees.*—The obligation of a subordinate or employee (including in the case of a corporation the officers thereof) to file a return with respect to any aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given as an incident to his employment, will be satisfied if a complete and accurate return as prescribed by section 340 and these regulations is duly filed by the employer setting forth all of the information within the possession or knowledge or under the control of such subordinate or employee.

Clerks, stenographers, and other subordinates or employees, rendering aid or assistance solely of a clerical or mechanical character in, or with respect to, the formation, organization, or reorganization of a foreign corporation are not required to file returns by reason of such services.

(3) *Partners.*—In the case of aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by one or more members of a partnership in the course of its business, the obligation of each such individual member to file a return will be satisfied if a complete and accurate return, as prescribed by these regulations, is duly filed by the partnership, executed by all the members of the firm who gave any such aid, assistance, counsel or advice. If, however, the partnership has been dissolved at the time the return is due, individual returns must be filed by each member of the former partnership who gave any such aid, assistance, counsel or advice.

(4) *Returns jointly made.*—If two or more persons aid, assist, counsel or advise in, or with respect to, the formation, organization, or reorganization of a particular foreign corporation, any two or more of such persons may, in lieu of filing several returns, jointly execute and file one return.

(d) *Penalties.*—For criminal penalties for failure to file the returns required by section 340 and these regulations, see section 341 quoted in Paragraph A.

ART. 2. *Form of return.*—The returns under article 1 shall be made on Form 959. Such forms may, upon request, be procured from any collector. Each person should carefully prepare his return so as to set forth fully and clearly the information called for therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the Act.

ART. 3. *Contents of returns.*—The return on Form 959 shall, in accordance with the provisions of these regulations and the instructions on the form, set forth the following information to the full extent such information is within the knowledge or possession or under the control of the person required to file the return:

(1) The name and the address of the person (or persons) to whom and the person (or persons) for whom or on whose behalf the aid, assistance, counsel, or advice was given;

(2) A complete statement of the aid, assistance, counsel or advice given;

(3) Name and address of the foreign corporation and the country under the laws of which it was formed, organized or reorganized;

(4) The month and year when the foreign corporation was formed, organized or reorganized;

(5) A statement of how the formation, organization, or reorganization of the foreign corporation was effected;

(6) A complete statement of the reasons for, and the purposes sought to be accomplished by, the formation, organization, or reorganization of the foreign corporation;

(7) A statement showing the classes and kinds of assets, transferred to the foreign corporation in connection with its formation, organization, or reorganization, including a detailed list of any stock or securities included in such assets, and a statement showing the names and addresses of the persons who were the owners of such assets immediately prior to the transfer;

(8) The names and addresses of the shareholders of the foreign corporation at the time of the completion of its formation, organization, or reorganization, showing the classes of stock and number of shares held by each;

(9) The name and address of the person (or persons) having custody of the books of account and records of the foreign corporation;

(10) Such other information as may be required by the return form; and

(11) Where any of the information required to be furnished is withheld because its character is claimed to be privileged

as a communication between attorney and client within the meaning of section 340 (b), the return must so state and must contain a complete statement of the nature and the circumstances of the communication on which a decision as to the propriety of the claim of privilege may be reached.

If a person aids, assists, counsels or advises in, or with respect to, the formation, organization, or reorganization of more than one foreign corporation, a separate return must be filed with respect to each foreign corporation.

ART. 4. *Verification of return.*—All returns required by section 340 and these regulations shall be verified under oath or affirmation. The oath or affirmation may be administered by an officer duly authorized to administer oaths for general purposes by the law of the United States, or of any State, territory, or possession of the United States, wherein such oath is administered, or by a consular officer of the United States. Such returns executed abroad may be attested free of charge before United States consular officers. If a foreign notary or other official having no seal shall act as attesting officer, the authority of such attesting officer shall be certified to by some judicial official or other proper officer having knowledge of the appointment and official character of the attesting officer.

[SEAL] CHAS. T. RUSSELL,
*Acting Commissioner of Internal Revenue.*

Approved, November 6, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3268; Filed, November 9, 1937; 11:24 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ORDER OF THE SECRETARY OF AGRICULTURE REGULATING HANDLING IN INTERSTATE AND FOREIGN COMMERCE AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS, OR AFFECTS INTERSTATE OR FOREIGN COMMERCE OF CELERY GROWN IN THE STATE OF FLORIDA

Whereas it is provided in Public No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937[1] (hereinafter called the act), as follows:

Sec. 8c. (1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

and

Whereas the Secretary of Agriculture, having reason to believe that the issuance of an order would tend to establish and maintain such marketing conditions for celery grown in the State of Florida as would establish prices to growers at a level that will give such celery a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such celery in the base period, did, pursuant to the provisions of the act and regulations thereunder, on the eighth day of June 1937, give notice of a hearing to be held in Sanford, Florida, on June 25, 1937, on a proposed order regulating the handling of celery grown in the State of Florida and did, upon said date and at said place, conduct a public hearing thereon, and did give opportunity to all interested parties to be heard concerning the said proposed order; and

[1] Public 137, 75th Congress.

Whereas the Secretary finds upon the evidence introduced at the hearing and the record thereof:

(1) That customarily more than 95 per cent of all shipments of celery grown in the State of Florida is in the current of interstate or foreign commerce and directly burdens, obstructs or affects such commerce;

(2) That, in order to give such celery a purchasing power with respect to articles that farmers buy equivalent to the average purchasing power of such celery during the base period, August, 1909–July, 1914, the average price received by the grower should have been $1.29 per crate during the 1937 season;

(3) That the average price received by growers of such celery for the 1937 season was approximately $.97 per crate;

(4) That the average price per crate of said celery received by growers during the eight years from 1930 to 1937, was $1.03 or 80 per cent of the purchasing power of said celery during the said base period;

(5) That, in the past, lack of regulation of shipments of celery produced in the State of Florida was an important factor contributing to unstable marketing conditions for said celery and consequently depressed prices to growers;

(6) That the regulation of shipments of celery through proration as prescribed by this order will serve to prevent fluctuations of prices to growers, particularly prices which are so low as to represent losses to growers, and thereby establish and maintain a more stable market for said celery, tending to restore prices to growers of said celery to a level that will have a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of said celery in said base period;

(7) That the method of regulating shipments by proration among handlers is fair and equitable;

(8) That this order is limited in its application to the smallest regional production area and regional marketing area that is practicable;

(9) That the issuance of several orders applicable to any subdivision of the regional production and marketing areas covered by this order would not effectively carry out the declared policy of Title I of the act with respect to establishing and maintaining such marketing conditions for celery as will reestablish prices to growers that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period;

(10) That the necessary expenses to be incurred by the control committee for its maintenance and functioning during the season beginning August 1, 1937 and ending July 31, 1938, will amount to $24,640; that such expenses are fair and reasonable; and that the prorata share thereof of each handler in amount of $.01 per crate is fair and reasonable and is approved;

(11) That the interest of the consumer is protected by reason of the fact that the order is devised to operate so as to approach a level of prices which it is declared to be the policy of Congress to establish by securing a gradual correction of the current level of prices at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in the domestic and foreign markets, and by reason of the fact that the order authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish in said act;

(12) That this order will tend to establish and maintain such orderly marketing conditions for celery in interstate commerce as will establish prices to growers at a level that will give such celery a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such celery in the base period; and

(13) That there are no differences in the production and marketing of celery in the production area covered by this order that make necessary different terms applicable to different parts of such area; and



Whereas the Secretary of Agriculture further finds:

(1) That the marketing agreement regulating the handling of celery grown in the State of Florida executed by him on November 9, 1937, and upon which a public hearing was held on June 25, 1937, was signed by handlers who handled more than fifty percent of such commodity produced during the period August 1, 1936–July 31, 1937; and

(2) That this order regulates the handling of said celery in the same manner as the said marketing agreement does, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in the aforesaid marketing agreement; and

Whereas the Secretary of Agriculture finds and determines that the issuance of this order is favored by producers who during the marketing season of 1937, which the Secretary determines to be a representative period, produced for market at least two-thirds of the volume of such commodity produced for market within the production area specified in such order;

Now, therefore, it is ordered by the Secretary of Agriculture, acting under the authority vested in him as aforesaid, that the handling of celery, grown in the State of Florida, in the current of interstate or foreign commerce or so as directly to burden, obstruct or affect interstate or foreign commerce in such celery, from and after the date herein specified shall be in conformity to, and in compliance with, the terms and conditions of this order.

ARTICLE I—DEFINITIONS

SECTION 1. *Definitions.*—As used herein, the following terms have the following meanings:

1. "Secretary" means the Secretary of Agriculture of the United States.

2. "Act" means the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937, reenacting and amending certain provisions of Public No. 10, 73rd Congress, as amended.

3. "Person" means individual, partnership, corporation, association, or any other business unit.

4. "Celery" means and includes all varieties of celery grown in the State of Florida.

5. "Shipper" means any person engaged in shipping celery in the current of interstate or foreign commerce, or so as directly to burden, obstruct or affect interstate or foreign commerce.

6. "To ship" means to handle for shipment in, to ship in, or in any other way to put celery in, the channels of trade by conveying or causing celery to be conveyed by railroad, truck, boat, or any other means whatsoever (but not as a common carrier of celery owned by another person), in the current of interstate or foreign commerce, or so as directly to burden, obstruct or affect interstate or foreign commerce. "To ship" does not include the act of the grower in merely transferring ownership or title to a shipper.

7. "Crate" means a standard Florida crate, inside dimensions ten by twenty by twenty-two (10x20x22) inches, or the equivalent thereof in edible celery.

8. "Control Committee" means the Control Committee created pursuant to article II of this order.

9. "Grower" means any individual (each member of a partnership), corporation, association, or any other business unit engaged in growing celery in the State of Florida, who or which has a financial interest in the crop.

10. "Block" means that part of one field set at one time with celery of the same varietal characteristics.

11. "Season" means the period of twelve (12) months beginning August 1 and ending July 31.

12. "Sanford District" means that part of Seminole County lying north and west of the south line of Sections 25, 26, 27, 28, 29, and 30, Township 20 south, Range 29 east, and the south line of sections 26, 27, 28, 29, and 30, Township 20 south, Range 30 east, and Lake Jesup; and the counties of Levy, Marion, Sumter, Lake, and Volusia, and all of the State of Florida lying north thereof.

13. "Oviedo District" means that part of Seminole County not included in the Sanford District as described in paragraph 12 hereof, and the counties of Orange, Osceola, Brevard, and Indian River.

14. "Manatee District" means all of the counties of Manatee, Citrus, Hernando, Pasco, Hillsborough, Polk, Hardee, Highlands, Okeechobee, Pinellas, and St. Lucie.

15. "Sarasota District" means the counties of Sarasota, De Soto, Glades, Martin, and all of the State of Florida lying south thereof.

16. "Car" means 352 crates of celery.

ARTICLE II—CONTROL COMMITTEE

SECTION 1. *Membership and organization.*—1. A Control Committee is hereby established consisting of the following number of members and they and their respective alternates shall be selected from the following named districts:

(*a*) Three (3) grower members and four (4) shipper members with an alternate for each from the Sanford District;

(*b*) One (1) grower member and one (1) shipper member with an alternate for each from the Oviedo District;

(*c*) Two (2) grower members and one (1) shipper member with an alternate for each from the Manatee District;

(*d*) Two (2) grower members and one (1) shipper member with an alternate for each from the Sarasota District;

(*e*) One (1) shipper member with his alternate from the combined Manatee and Sarasota Districts.

2. (*a*) Grower members, and their respective alternates, for each district shall be selected by the Secretary from nominees elected by growers in that district or from growers in such districts. Nominations shall be made on or before June 15th of each year (except in the year 1937, when nominations shall be made as soon as possible after the effective date of this order) in the following manner, and the number of nominees and places of election for each district shall be as follows:

(1) *Sanford District.*—Six (6) persons to be nominated in an election held at the city of Sanford.

(2) *Oviedo District.*—Two (2) persons to be nominated in an election held at the town of Oviedo.

(3) *Manatee District.*—Four (4) persons to be nominated in an election held at the city of Bradenton.

(4) *Sarasota District.*—Four (4) persons to be nominated in an election held at the city of Sarasota.

(*b*) A grower may participate only in the elections held in the district in which he grows celery. Each grower shall be entitled to cast only one (1) vote at any such election, and no grower shall participate (in any one season) in elections held in more than one (1) district. The results of any such election, including the number of votes received by each nominee, shall be transmitted to the Secretary.

3. Shipper members, and their respective alternates, for each district shall be selected by the Secretary from shippers in such district or from the respective nominees of groups designated to make nominations as follows:

(*a*) Each shipper who shipped five hundred (500) cars or more of celery during the current season (except 1937 when the season shall be the one just concluded) shall, on or before June 15th (except in the year 1937 when nominations shall be made as soon as possible after the effective date of this order), nominate two (2) persons (indicating preferences) for membership. From each such group of nominations the Secretary may select one (1) member and one (1) alternate. However, if there are more than three (3) 500-car shippers whose principal places of business are in the Sanford District, only the three (3) largest shall make nominations as hereinabove provided. If there is more than one (1) 500-car shipper whose principal place of business is located in the Oviedo District, only the largest shall make nominations as hereinabove provided. If there is more than one (1) 500-car

shipper whose principal place of business is located in the Sarasota District, only the largest shall make nominations as hereinabove provided. If there is more than one (1) 500-car shipper whose principal place of business is located in the Manatee District, only the largest shall make nominations as hereinabove provided.

(b) Nominations for the remaining shipper members from each district, if any, shall be made by elections in which only shippers shall be entitled to participate. From each group of nominations made pursuant to this subparagraph, or from shippers in such district, the Secretary shall select one (1) member and one (1) alternate. In any such election, each shipper shall be entitled to cast but one (1) vote on behalf of himself, or his agent, partners, affiliates, subsidiaries, and representatives. The results of any such election, including the number of votes received by each nominee, shall be transmitted to the Secretary.

(1) Two (2) persons shall be nominated, at an election held in the city of Sanford, for each of the remaining members of the Control Committee for the Sanford District for which nominations have not been made pursuant to subparagraph (*a*) of this paragraph.

(2) Two (2) persons shall be nominated, at an election held in the town of Oviedo, for the member for the Oviedo District for which nominations have not been made pursuant to subparagraph (*a*) of this paragraph.

(3) Two (2) persons shall be nominated, at an election held in the city of Bradenton, for the member of the Manatee District for which nominations have not been made pursuant to sub-paragraph (*a*) of this paragraph.

(4) Two (2) persons shall be nominated, at an election held in the city of Sarasota, for the member for the Sarasota District for which nominations have not been made pursuant to sub-paragraph (*a*) of this paragraph.

(5) Two (2) persons shall be nominated, at an election held in the city of Sarasota, for the member for the combined Manatee and Sarasota Districts.

4. Members of the Control Committee shall be selected annually for a term of one (1) year, beginning August 1, and shall serve until their respective successors shall be selected and shall qualify, except that those selected in the year 1937 shall hold office until August 1, 1938, and until their respective successors shall be selected and shall qualify. Each shipper shall participate only in the elections held in the district in which such shipper has his principal place of business, except that any shipper whose place of business is located in either the Manatee or Sarasota Districts may participate in the election of shipper nominees for the combined Manatee and Sarasota Districts. If any of the above groups fail to select nominees in the number above specified on or before June 15th, except in the year 1937 when selections shall be made as soon as practicable after the effective date of this order, the Secretary may select, without nominations, the members and alternates for such groups.

5. An alternate for a member of the Control Committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, or disqualification, until a successor for his unexpired term has been selected.

6. To fill any vacancy occasioned by the removal, resignation, or disqualification of any member or alternate of the Control Committee, a successor for his unexpired term shall be selected, in the manner provided for in this section, within thirty (30) days after such vacancy occurs: *Provided, however,* That only one (1) nomination shall be made for each vacancy; and *Provided, further,* That nominations for the successor to any member or alternate previously selected by the Secretary from the nominations made by any 500-car shipper shall be made by such 500-car shipper. If nominations are not made within such thirty (30) days after such vacancy occurs, the Secretary may select a member to fill such vacancy without regard to nominations.

SEC. 2. *Powers.*—The Control Committee shall have the following powers:

1. To administer, as hereinafter specifically provided, the terms and provisions of this order;

2. To make administrative rules and regulations in accordance with, and to effectuate the terms and provisions of, this order;

3. To receive, investigate, and report to the Secretary complaints of violations of this order; and

4. To recommend to the Secretary amendments to this order.

SEC. 3. *Duties.*—The duties of the Control Committee shall be as follows:

1. To act as intermediary between the Secretary and any shipper or grower;

2. To keep minute books and records which will clearly reflect all its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

3. To investigate, from time to time, and assemble data on, the growing, shipping, and marketing conditions respecting Florida celery, and to furnish to the Secretary such available information as he may request;

4. To negotiate, from time to time, with representatives of growers and shippers of celery produced in competing areas respecting the formulation of a marketing agreement and order, pursuant to the act, providing for coordinated regulation of celery shipments from such areas with celery shipments from Florida;

5. To appoint subcommittees or additional committees to assist it in administering this order;

6. To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

7. To select a chairman and a vice-chairman, who must be members of the Control Committee, and a secretary and a treasurer, who need not be members of the Control Committee. The chairman and vice-chairman shall be elected by the Control Committee, one (1) from the Sanford or Oviedo District and the other from the Manatee or Sarasota District. The secretary and treasurer shall be appointed by the Control Committee, and both offices may be filled by one (1) person. The treasurer shall give bond in an amount satisfactory to the Control Committee.

8. To give the Secretary or his designated agent and representatives the same notice of meetings of the Control Committee as is given the members thereof;

9. To perform such duties in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public No. 320, 74th Congress, approved August 24, 1935, as may from time to time be assigned to it by the Secretary; and

10. To cause the books of the Control Committee to be audited by one or more competent accountants at least once for each season and at such other times as the Control Committee deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports made.

SEC. 4. *Procedure.*—The Control Committee shall not perform any of its powers or duties herein prescribed while there are more than four (4) vacancies in its membership. A quorum shall consist of nine (9) members in attendance at the meeting, and all decisions of the Control Committee shall be by a majority vote of the members present.

2. The Control Committee may provide for simultaneous meetings of various groups of its members at designated places upon due notice to all members, and, after the groups have established telephone communication with loud speaker receivers for each group throughout the entire meeting, shall proceed with such meeting as if the Control Committee were assembled in one place. Actions taken by the Control Committee in this manner shall have the same force and effect as though an assembled meeting had been held.



3. The Control Committee may provide for voting by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, nine (9) affirmative votes shall be necessary for its adoption.

4. The members of the Control Committee (including successors and alternates) and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

SEC. 5. *Funds and Other Property.*—1. All funds received by the Control Committee pursuant to any of the provisions of this order shall be used solely for the purpose herein specified and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

2. The officer designated by the Control Committee shall have charge of all books, records and other property of said committee. He shall act as secretary to all subcommittees which may be selected or appointed. Upon the death, resignation, removal or expiration of the term of office of any member of the Control Committee, all books, records, funds and other property of the Control Committee in his possession shall be delivered to the Control Committee or to his successor in office, and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee or his successor full title to all the books, records, funds and other property in the possession or under the control of such member or officer pursuant to this order.

3. The Control Committee may, with the approval of the Secretary, maintain in its own name or in the names of its members a suit against any shipper subject hereto for the collection of such shipper's pro rata share of expenses.

ARTICLE III—REGULATION BY PRORATION

SECTION 1. *Recommendation for Proration Period.*—1. It shall be the duty of the Control Committee to investigate supply and demand conditions of celery. Whenever such conditions make it advisable to regulate the shipment of celery, the Control Committee shall recommend to the Secretary the establishment of a proration period, or series of proration periods, during which the shipment of celery may be regulated pursuant to this article. Such recommendations shall be made at a meeting of the Control Committee held at least two (2) days prior to the commencement of such recommended regulation period. The Control Committee shall promptly notify shippers and growers of such recommendation by giving notice in such manner as the Control Committee shall deem adequate under the circumstances. Such notice shall contain a direction to shippers and growers to make the applications required pursuant to section 2 of this article.

2. Based upon the recommendations made pursuant to paragraph 1 of this section, or other information available to the Secretary, the Secretary may establish a prorate period or series of prorate periods, including the time of commencement, duration, and termination thereof, if the Secretary deems that such regulation of the flow of shipments of celery in the current of interstate or foreign commerce during any particular period or periods within the season would tend to effectuate the declared policy of the act.

SEC. 2. *Applications from Shippers.*—1. Every shipper desiring to ship celery in the current of interstate or foreign commerce during any such prorate period shall make application to the Control Committee for allotments at such time and in such manner as the Control Committee shall determine. Each such application shall include information specifying:

(a) The identification of each block of celery available for harvest; and

(b) An estimate of the number of crates of celery which will be available for shipment during such regulation period from each such block.

2. No shipper shall include in any such application the celery of any grower whose production such shipper does not own or have exclusive written authority to ship.

3. Every grower who desires to ship celery in the current of interstate or foreign commerce during any such regulation period, and who has not given a shipper written authority to handle such celery shipment, may make application in the manner set forth in paragraph 1 of this section.

SEC. 3. *Computation of Quantity Available for Shipment.*—The Control Committee shall examine all applications submitted, and check the quantities of celery reported therein. The Control Committee shall correct any errors, omissions, or inaccuracies, or make such changes as it finds are necessary to bring the quantities reported into conformity with the results of the check. For this purpose the Control Committee shall employ as many competent representatives as it deems necessary, which representatives shall not be affiliated with or employed by any grower or shipper. From the applications filed pursuant to section 2 hereof, corrected as herein provided, the Control Committee shall compute the quantity of celery available for shipment during such regulation period by each applicant making reports as hereinbefore provided and the total quantity available for shipment by all applicants during such regulation period.

SEC. 4. *Quantity advisable for shipment.*—For each regulation period established pursuant to section 1 hereof the Control Committee shall procure available evidence concerning (1) movement of Florida celery to market during previous weeks; (2) track holdings at principal destinations; (3) changes in seasonal demands; (4) prices for current and previous weeks at wholesale markets and shipping points; (5) returns to growers; (6) shipments of celery from competing States and shipments of competing vegetables; (7) supplies of Florida celery available for shipment and the condition of such supplies; and (8) other pertinent market information, including opinions of experienced persons in the celery industry. From such evidence the Control Committee shall make a determination of the quantity of celery it deems advisable to be shipped during such regulation period. The evidence procured pursuant to this paragraph shall be transmitted to the Secretary together with such determination.

SEC. 5. *Recommendations by control committee.*—The Control Committee shall calculate the recommended allotment percentage by dividing the quantity deemed advisable to be shipped, determined pursuant to section 4 of this article, by the total quantity available for shipment, determined pursuant to section 3 of this article. Such division shall be calculated to the nearest one-hundredth. The Control Committee shall calculate the recommended allotment of each applicant by applying the recommended allotment percentage to each applicant's supply of celery available for shipment, determined pursuant to section 3 of this article. Thereupon, the Control Committee shall report to the Secretary its recommendations made pursuant to this section, with its computations and determinations made pursuant to sections 3 and 4 of this article. At least twenty-four (24) hours prior to the commencement of any proposed regulation period, the Control Committee shall notify each applicant of (1) the quantity of celery such applicant has available for shipment during such proposed regulation period, determined pursuant to section 3 of this article, (2) the proposed allotment percentage determined pursuant to this section, and (3) such applicant's proposed allotment determined pursuant to this section.

SEC. 6. *Fixing of allotments by the Secretary.*—1. From the reports made pursuant to section 5 of this article, and other available information, the Secretary shall determine:

(a) The total quantity of celery deemed advisable for shipment during such regulation period;

(b) The quantity of celery available for shipment during such regulation period by each applicant making reports as hereinbefore provided; and

(c) The total quantity of celery available for shipment during such regulation period.

2. The Secretary shall advise the Control Committee of each determination made pursuant to subparagraphs (a), (b) and (c) of paragraph 1 of this section, and the Control Committee shall thereupon determine, in the manner hereinafter provided, the allotment percentage for such regulation period and the allotment for each applicant, and shall then notify every applicant of his allotment and the amount of same.

3. The allotment percentage for such regulation period shall be the result of the division of the total quantity of celery advisable for shipment during such regulation period by the total quantity of celery available for shipment during such regulation period. Such calculation shall be made to the nearest one-hundredth.

4. The allotment for each applicant shall be the product of such applicant's available quantity of celery for shipment during such regulation period and the allotment percentage for such regulation period.

5. Every shipper shall apportion the quantity of celery represented by his allotment equitably among the growers whose celery he has exclusive authority, in writing, to ship (including celery produced by such shipper) by applying the allotment percentage for such regulation period to the available quantity for such grower.

SEC. 7. *Allotments to first shipper only.*—1. Where a shipment of celery moves in a series of shipments through two or more shippers in the current of interstate or foreign commerce, allotments made pursuant to the foregoing provision of this article shall be applicable to the first shipment of such celery; the subsequent shipments of any such celery shall be made without the issuance of additional allotments therefor to subsequent shippers: *Provided*, That such subsequent shippers ship only celery which was included within the allotment applicable to the first shipment of such celery, and such subsequent shippers furnish to the Control Committee such evidence of such shipment at such time as it may, with the approval of the Secretary, require.

SEC. 8. *Transfer of allotments.*—Subject to such procedural rules and regulations as the Control Committee, with the approval of the Secretary, may prescribe, shippers to whom allotments have been made may transfer such allotments, in whole or in part. The amount of such transfer shall be deducted from the allotment of the transferor and added to the allotment of the transferee: *Provided*, That no transfer of allotment may be made when all of the celery from the acreage upon which allotment has been granted has been harvested and a portion of such allotment remains unshipped. In such event the unshipped portion of such allotment shall revert to the Control Committee for cancellation.

SEC. 9. *Withdrawals.*—No application for allotment shall include celery as available for shipment during such regulation period from any block of celery which has been previously included in an application for allotment, unless a new crop shall be matured on such block: *Provided, however*, That the Control Committee shall permit withdrawal of applications for allotments on blocks of celery which the Control Committee finds are not, in fact, available for shipment because (1) not sufficiently matured to warrant shipment; (2) mechanical conditions prevent shipment; (3) labor conditions prevent harvest; (4) weather conditions prevent harvest; (5) other conditions justify such withdrawal. Such blocks may be included in an application for an allotment in the next succeeding regulation period: *Provided, further*, That the allotment percentage for such withdrawn celery shall be five (5) percent less than the allotment percentage in effect at the time of harvest, and no such withdrawal shall be granted unless the request therefor is made before the time when the Control Committee meets to consider applications for allotments for the next succeeding regulation period.

SEC. 10. Emergency allotments.—Upon verified application therefor, the Control Committee shall grant, subject to the approval of the Secretary, allotments to applicants on celery not included in applications filed pursuant to section 2 of this article: *Provided*, That the Control Committee finds that the failure to ship such celery will result in serious damage thereto and consequent loss to the owner. The amount of such allotment shall be the product of such applicant's available quantity of celery, determined by the Control Committee, and an allotment percentage five (5) percent less than the allotment percentage determined for such regulation period pursuant to section 6 of this article.

SEC. 11. *Overshipment.*—No shipper shall ship celery during any regulation period in excess of the allotment fixed for him by the Secretary except for additional allotments granted or transferred to him pursuant to the foregoing provisions of this article: *Provided, however*, That overshipment not exceeding two (2) percent of such shipper's allotment fixed for him by the Secretary shall not be a violation of this agreement if not made for the purpose of taking advantage of marketing conditions: *And provided, further*, That report of such overshipment is made to the Control Committee on or before the end of the prorate period.

SEC. 12. *Modification or cancellation of regulation period.*—If the limitation of shipments during any regulation period is rendered unnecessary by reason of crop failure in any district, unforeseen increased demand, or other causes, the Secretary, or the Control Committee with the approval of the Secretary, may cancel or modify regulation of shipments. No such action by the Control Committee shall become effective until approved by the Secretary.

SEC. 13. *Petitions for adjustments of applications for allotments.*—Any shipper or grower dissatisfied with the revision of his application by the Control Committee may request the said committee to reconsider such revision, and may further appeal to the Secretary. In the event of such appeal to the Secretary, the Control Committee shall furnish a report to the Secretary setting forth the action taken and the reasons therefor. The parties involved shall abide by the determination of the Control Committee pending the disposition of such petition by the Secretary.

SEC. 14. *Adjustment of allotments.*—Subsequent to the issuance of allotments, the Control Committee may, with the approval of the Secretary, adjust allotments in such a manner as to eliminate the effect of any errors, omissions, and inaccuracies in such allotments.

SEC. 15. *Shipments for by-product and relief purposes.*—The provisions of this article are not applicable to shipments of celery for conversion into by-products, or for charitable or unemployment relief purposes, except that if any shipper makes shipments for these purposes, he shall report to the Control Committee the amount thereof, the person to whom shipped, and the purposes for which shipped.

ARTICLE IV—ASSESSMENTS

SECTION 1. *Expenses and assessments.*—1. The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions under this order. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

2. Each shipper shall pay to the Control Committee upon demand such shipper's pro rata share, as is approved by the Secretary, of the expenses in the amount of $24,640.00 (which amount the Secretary has found will necessarily be incurred by the Control Committee during the season ending July 31, 1938), or expenses in such other amount as the Secretary may later find will necessarily be incurred by the Control Committee during said season for the maintenance and functioning of the Control Committee during the said season as set forth herein. Each shipper's share of such expenses shall be that portion thereof which the total quantity of celery shipped by such shipper in the current of interstate or foreign commerce during said season is of the total quantity of celery shipped by all shippers in the current of interstate or foreign commerce during said season, and, such pro rata share is hereby approved by the Secretary. The present assessment upon each shipper shall be one cent per crate of celery shipped by such shipper in the current of interstate or foreign commerce. Said assessment may be adjusted from time to time by the Control Committee with the approval of the Secretary, in order to cover any later finding by the Secretary of estimated expenses, or the actual expense of the Control Committee during said season: *Provided, however*, That in no case shall the assessment be in excess of 1 cent per crate of celery shipped by such shipper in the current of interstate or foreign commerce. The assessment of each shipper for any season shall be due at such time and shall be payable in such installments, if any, as the Control Committee, with the approval of the Secretary, shall determine.

3. For seasons subsequent to the season ending July 31, 1938, every shipper shall pay to the Control Committee, upon demand, such shipper's pro rata share as is approved by the Secretary of such expenses as the Secretary may find will necessarily be incurred by the Control Committee for the maintenance and functioning of the Control Committee as set forth in this order: *Provided, however*, That in no case shall the assessment be in excess of 1 cent per crate of celery shipped by each shipper in the current of interstate or foreign commerce.

4. At the end of each season, the Control Committee shall credit each contributing shipper with the excess of the amount paid by such shipper above his pro rata share of the expenses, or debit such shippers with the difference between his pro rata share and the amount paid by such shipper. Any such debits shall become due and payable upon the demand of the Control Committee.

5. Members of the Control Committee shall serve without compensation as members, but shall be allowed their expenses necessarily incurred in the performance of their powers and duties hereunder.

ARTICLE V—REPORTS

SECTION 1. *Reports.*—Upon the request of the Control Committee, made with the approval of the Secretary, every shipper shall furnish the Control Committee, in such manner and at such times as it prescribes, such information as will enable it to perform its powers and duties under this order.

ARTICLE VI—AMENDMENTS

SECTION 1. *Proposals.*—Amendments to this order may from time to time be proposed by the Control Committee.

ARTICLE VII—AGENTS

SECTION 1. *Agents.*—The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government or any Bureau or Division in the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

ARTICLE VIII—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective time.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

SEC. 2. *Termination.*—1. The Secretary may at any time terminate this order.

2. The Secretary shall terminate this order at the end of any marketing season whenever he finds that such termination is favored by a majority of the growers, who during the preceding marketing period, have been engaged in the production for market of celery in Florida: *Provided*, That such majority have during such period produced more than fifty (50) percent of the volume of such celery produced within Florida, but such termination shall be effective only if notice thereof is given on or before July 1 of such marketing season.

3. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.



SEC. 3. *Proceedings after termination.*—1. Upon the termination of this order, the members of the Control Committee then functioning shall continue as joint trustees, for the purpose of administering this order, of all funds and property then in the possession or under the control of the Control Committee, including claims for any funds unpaid or property not delivered at the time of such termination. Said trustees (*a*) shall continue in such capacity until discharged by the Secretary; (*b*) shall from time to time account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Control Committee and the joint trustees, to such person as the Secretary shall direct; and (*c*) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the Control Committee or the joint trustees pursuant to this order. Any funds collected for expenses pursuant to article IV of this order and held by such joint trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the joint trustees or such other person in the performance of their duties hereunder, shall as soon as practicable after the termination of this order, be returned to the shippers pro rata in proportion to their contributions made thereto pursuant to this order.

2. Any person to whom funds, property or claims have been delivered by the Control Committee or its members upon direction of the Secretary as herein provided shall be subject to the same obligations and duties with respect to said funds, property or claims as are hereinabove imposed upon the members of said Committee or upon said joint trustees.

ARTICLE IX—DURATION OF IMMUNITIES

SECTION 1. *Duration of immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination except with respect to acts done under and during the existence of this order, and benefits, privileges, and immunities conferred by this order upon any party shall cease upon its termination as to such party except with respect to acts done under and during the existence of this order.

ARTICLE X—SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

ARTICLE XI—DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (1) to exercise any powers granted by the act or otherwise, and (2) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

ARTICLE XII—LIABILITY OF CONTROL COMMITTEE MEMBERS

SECTION 1. *Liability.*—No member of the Control Committee nor any employee thereof shall be held liable individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty.

*In witness whereof*, the Secretary of Agriculture does hereby execute in duplicate this order under his hand and the official seal of the Department of Agriculture in the city of Washington, District of Columbia, on this 9th day of November, 1937, and pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m., eastern standard time, November 13, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3270; Filed, November 9, 1937; 12:40 p. m.]

**Bureau of Entomology and Plant Quarantine.**

B. E. P. Q.—Q. 71 Rev. of Reg. 3, effective November 9, 1937

MODIFICATION OF DUTCH ELM DISEASE QUARANTINE REGULATIONS

*Introductory Note*

The following modification of the Dutch elm disease quarantine regulations adds to the regulated area the towns of Redding and Weston in Fairfield County, Conn.; the township of Alexandria in Hunterdon County, N. J., and the town of Cornwall in Orange County, N. Y. This action was taken on the basis of intensive inspections made throughout the year which disclosed infections in areas contiguous to the present regulated area.

AVERY S. HOYT,
*Acting Chief, Bureau of Entomology and Plant Quarantine.*

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AMENDMENT NO. 3 TO RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 71

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 3 of the rules and regulations supplemental to Notice of Quarantine No. 71, on account of the Dutch elm disease, which were promulgated on February 20, 1935, as amended effective April 1, 1936, and November 9, 1936, be, and the same is hereby, further amended to read as follows:

*Regulation 3. Regulated Areas*

In accordance with the provisos to Notice of Quarantine No. 71, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.*—Towns of Darien, Fairfield, Greenwich, New Canaan, Norwalk, Redding, Ridgefield, Stamford, Weston, Westport, and Wilton, in *Fairfield County.*

*New Jersey.*—Counties of Bergen, Essex, Hudson, Morris, Passaic, Somerset, and Union; all of *Hunterdon County* except the townships of Delaware, Holland, Kingwood, and West Amwell, and the boroughs of Frenchtown, Lambertville, Milford, and Stockton; townships of Hopewell, Princeton, and West Windsor, and the boroughs of Hopewell, Pennington, and Princeton, in *Mercer County;* all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; townships of Holmdel, Matawan, Middletown, Raritan, Shrewsbury, and the boroughs of Atlantic Highlands, Eatontown, Fair Haven, Highlands, Keansburg, Keyport, Little Silver, Long Branch, Matawan, Monmouth Beach, Oceanport, Red Bank. Rumson, Sea Bright, Shrewsbury, Union Beach, and West Long Branch, in *Monmouth County;* all of *Sussex County* except the townships of Montague, Sandyston, Stillwater, and Walpack; townships of Allamuchy, Franklin, Frelinghuysen, Independence, Hope, Liberty, Mansfield, Oxford, Washington, and White, and the boroughs of Belvidere, Hackettstown, and Washington, in *Warren County.*

*New York.*—Counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, and Westchester; towns of Blooming Groove, Chester, Cornwall, Goshen, Highland, Minisink, Monroe, Tuxedo, Warwick, Wawayanda, and Woodbury, in *Orange County;* towns of Carmel, Phillipstown, Putnam Valley, and South East, in *Putnam County;* town of Huntington, in *Suffolk County.*

This amendment shall be effective on and after November 9, 1937, and shall on that date supersede amendment No. 2 which became effective on November 9, 1936.

Done at the city of Washington this 9th day of November 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3269; Filed, November 9, 1937; 12:40 p. m.]

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**Food and Drug Administration.**

REGULATIONS FOR THE INSPECTION OF CANNED SHRIMP UNDER AMENDMENT TO FEDERAL FOOD AND DRUGS ACT

SECRETARY OF AGRICULTURE:

Under the authority conferred by the amendment of August 27, 1935, to the Federal Food and Drugs Act (Sec. 10A), I recommend the adoption and promulgation, to become effective at once, of the following amendments to the regulations governing the inspection of canned shrimp approved June 8, 1937:

Regulation 7 (b): Change the time of process for wet pack tin containers, size 502 x 510, from 15 minutes at 250° F. to 13 minutes at 250° F.

Add to Regulation 13 a new paragraph: (h) When any packer desires emergency inspection service for a period during which no sea food inspector is available therefor, the Food and Drug Administration may assign temporarily for such service any available food and drug inspector upon payment by the packer to the Treasurer of the United States a fee to cover all expenses for salary, travel, and subsistence, incurred in the temporary assignment, in accordance with the regulations of the Department of Agriculture.

W. G. CAMPBELL,
*Chief, Food & Drug Administration.*

Approved, November 9, 1937.

M. L. WILSON,
*Acting Secretary.*

[F. R. Doc. 37-3271; Filed, November 9, 1937; 12:41 p. m.]

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## DEPARTMENT OF COMMERCE.

**Bureau of Air Commerce.**

CIVIL AIR REGULATIONS—AMENDMENT NO. 1

WASHINGTON AIRPORT, SOUTH WASHINGTON, VA.

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (48 Stat. 1113), and the Act of June 19, 1934 (48 Stat. 1116), the sub-paragraph added at the end of Section 2 of Chapter 3 of Aeronautics Bulletin No. 7-E, by Amendment No. 15 of September 3, 1937, is hereby amended to read as follows:

(A) *Washington Airport, South Washington, Va.*—Landings and take-offs at the Washington Airport, South Washington, Virginia, by airline aircraft engaged in scheduled operations shall be subject to the following restrictions in addition to those otherwise imposed:

1. Boeing 247-D aircraft—

(a) No take-off on the WNW-ESE (short) runway shall be made—

(1) If the wind velocity is less than 15 m. p. h.
(2) If the wind angle in relation to the center line of the runway exceeds 15 degrees, or
(3) If the wind is "gusty plus" according to the current official weather report.

2. Douglas DC-2, DC-3, and DST series aircraft—

(a) No landing or take-off shall be made on the short runway during the hours of darkness.

(b) In the case of the Douglas DC-2 series of aircraft no take-off shall be made on the short runway if the gross load of such aircraft exceeds 17,000 lbs.



(c) In the case of the Douglas DC-3 and DST series of aircraft no take-off shall be made on the short runway if the gross load of such aircraft exceeds 22,000 lbs.

(d) No landing or take-off by such aircraft shall be made on the short runway—

(1) If the wind velocity is less than 15 m. p. h.
(2) If the wind angle in relation to the center line of the runway exceeds 15 degrees, or
(3) If the wind is "gusty plus" according to the current official weather report.

(e) No landing or take-off shall be made by any such aircraft on the NNW-SSE (long) runway if the cross wind velocity component relative to such runway exceeds 15 m. p. h.

As used in this sub-paragraph the term "runway" includes the usable part of the field adjoining the actual runway if the effective length of such part is equal to that of the actual runway.

The direction or velocity of wind for the purposes of this sub-paragraph is that shown by devices in the control tower at the Airport.

Approved, to take effect November 15th, 1937.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-3266; Filed, November 8, 1937; 1:56 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of November, A. D., 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March; Ewin L. Davis; Robert E. Freer.

[File No. 21-288]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE HOUSE DRESS AND WASH FROCK MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the House Dress and Wash Frock Manufacturing Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than November 29, 1937. Opportunity for oral hearing will be afforded at 10 a. m., November 29, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C., to such persons as may desire to appear, and who shall have made prior written or telegraphic request to be heard orally. After giving due consideration to such views, suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered November 5, 1937.

[F. R. Doc. 37-3267; Filed, November 9, 1937; 9:50 a. m.]

## UNITED STATES MARITIME COMMISSION.

At a regular session of the United States Maritime Commission held at its office in Washington, D. C., on the 29th day of October, 1937.

[General Order No. 17]

REGISTRATION OF PERSONS ENTITLED TO PRACTICE BEFORE THE UNITED STATES MARITIME COMMISSION

The United States Maritime Commission, pursuant to authority conferred upon it by the Merchant Marine Act, 1936, particularly Section 204 (b) thereof, hereby prescribes and adopts as necessary and appropriate in the public interest rules for the registration of persons entitled to practice before the Commission, together with Forms 4524 and 4525 for the filing of applications for permission to practice before the Commission, and Form 4526, the Form of Oath, all of which are attached hereto and made a part hereof as though fully set forth.[1]

After January 1, 1938, a register will be maintained by the Commission in which will be entered the names of all persons entitled to practice before the Commission.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr., *Secretary.*

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RULES FOR THE REGISTRATION OF PERSONS ENTITLED TO PRACTICE BEFORE THE UNITED STATES MARITIME COMMISSION

No person shall be admitted to practice before the Commission whose application has not been approved or who has been suspended or disbarred from such practice, nor shall firms or corporations be so admitted. These rules shall not apply, however, to any regular officer or employee of a ship operator or shipbuilder who represents such ship operator or shipbuilder before the Commission, or to any person who appears on his own behalf.

1. *Classes of persons who may be admitted.*—The following classes of persons whom the Commission finds to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

(a) *Attorneys at law.*—Attorneys at law who are admitted to practice before the Supreme Court of the United States or the highest court of any State or Territory or the District of Columbia.

(b) *Persons not attorneys.*—Any person not an attorney at law who is a citizen of the United States and who shall file proof to the satisfaction of the Commission that he is possessed with the necessary legal, technical or other qualifications to enable him to render valuable service before the Commission and is otherwise competent to advise and assist in the presentation of matters before the Commission.

2. *Applications for admission.*—Application for admission to practice before the Commission shall be made on the forms prescribed therefor which may be obtained from the Secretary of the Commission, and shall be addressed to the United States Maritime Commission, Washington, D. C.

3. *Hearing; withdrawal of application.*—The Commission in its discretion may call upon the applicant for a full statement of the nature and extent of his qualifications. If the Commission is not satisfied as to the sufficiency of the applicant's qualifications, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents to the Commission no request for such hearing within 20 days after receiving the notification above referred to, his application shall be deemed to be withdrawn.

4. *Suspension or disbarment.*—The Commission may, in its discretion, deny admission, suspend, or disbar any person from practice before the Commission who, it finds, does not possess the requisite qualifications to represent

[1] Forms 4524, 4525, and 4526 filed with the Division of the Federal Register, The National Archives; copies available upon application to the United States Maritime Commission.

others, or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice before the Commission may be disbarred from such practice only after he is afforded an opportunity to be heard.

5. *Statement of interest.*—The Commission, in its discretion, may call upon any registered practitioner for a full statement of the nature and extent of his interest in the subject-matter presented by him before the Commission. Attorneys retained on a contingent fee basis shall file with the Commission a copy of the contract of employment.

By order of the United States Maritime Commission.

W. C. PEET, Jr., *Secretary.*

Dated October 29th, 1937.

[F. R. Doc. 37-3260; Filed, November 8, 1937; 3:41 p. m.]

## *Thursday, November 11, 1937* *No. 219*

## PRESIDENT OF THE UNITED STATES.

THANKSGIVING DAY—1937

By the President of the United States of America

A PROCLAMATION

I, FRANKLIN D. ROOSEVELT, President of the United States of America, hereby designate Thursday, the twenty-fifth day of November 1937 as a day of national thanksgiving.

The custom of observing a day of public thanksgiving began in Colonial times and has been given the sanction of national observance through many years. It is in keeping with all of our traditions that we, even as our fathers in olden days, give humble and hearty thanks for the bounty and the goodness of Divine Providence.

The harvests of our fields have been abundant and many men and women have been given the blessing of stable employment.

A period unhappily marked in many parts of the world by strife and threats of war finds our people enjoying the blessing of peace. We have no selfish designs against other nations.

We have been fortunate in devoting our energies and our resources to constructive purposes and useful works. We have sought to fulfill our obligation to use our national heritage by common effort for the common good.

Let us, therefore, on the day appointed forego our usual occupations and, in our accustomed places of worship, each in his own way, humbly acknowledge the mercy of God from whom comes every good and perfect gift.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of November, in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
SUMNER WELLES
*Acting Secretary of State.*

[No. 2260]

[F. R. Doc. 37-3272; Filed, November 9, 1937; 2:39 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49246]

AIRPORT OF ENTRY

ROCHESTER MUNICIPAL AIRPORT, ROCHESTER, NEW YORK, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

NOVEMBER 8, 1937

*To Collectors of Customs and Others Concerned:*

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Rochester Municipal Airport, Rochester, New York, is hereby redesignated for a period of one year from November 7, 1937, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (U. S. C., title 49, sec. 179 (b)).

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3278; Filed, November 10, 1937; 9:49 a. m.]

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 9, NEW MEXICO NO 3, REDUCED

NOVEMBER 2, 1937.

Departmental orders of February 28, 1918, and September 17, 1926, withdrawing certain lands in New Mexico for stock driveway purposes under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked in so far as they affect the following-described lands which are within New Mexico Grazing District No. 2 established March 27, 1936:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 18 W., E½ sec. 3, NE¼ sec. 10, N½, SE¼ sec. 11, and E½ sec. 14;
T. 2 N., R. 18 W., E½ of secs. 3, 10, 15, 22, 27 and 34;
T. 3 N., R. 18 W., SW¼ sec. 28, E½, N½NW¼ sec. 29, N½ sec. 30, N½, N½SE¼, SE¼SE¼ sec. 33, and S½ sec. 34;
T. 3 N., R. 19 W., S½NW¼, SW¼ sec. 14, S½N½, N½S½ sec. 15, W½ sec. 23, N½, SW¼, N½SE¼, SW¼SE¼ sec. 25, and all sec. 26;
T. 5 S., R. 4 W., W½W½ of secs. 30 and 31;
T. 3 S., R. 5 W., E½SE¼ sec. 23, N½NW¼, SW¼NW¼, NW¼SW¼ sec. 24, N½NE¼, SW¼NE¼, SE¼SW¼, W½SE¼ sec. 26, SE¼SE¼ sec. 34, NE¼NW¼, S½NW¼ and W½SW¼ sec. 35;
T. 4 S., R. 5 W., E½E½ of secs. 3, 10 and 15, NE¼NE¼ sec. 22, W½NW¼ sec. 26, SE¼NE¼, NE¼SE¼, S½SE¼ sec. 27, and W½E½ sec. 34;
T. 5 S., R. 5 W., NW¼NE¼, S½NE¼, NE¼SE¼ sec. 3, SW¼NE¼, NW¼NW¼, S½NW¼, N½SE¼, SE¼SE¼ sec. 11, E½NE¼, NE¼SE¼, SW¼SE¼ sec. 14, W½E½ sec. 23, N½N½ sec. 25 and N½NE¼ sec. 26;
T. 3 S., R. 7 W., sec. 27, N½, N½SW¼, SE¼SW¼, SE¼ sec. 28, secs. 29, 30 and 31, N½NE¼, NW¼, NW¼SW¼ sec. 33 and N½N½ sec. 34;
T. 4 S., R. 7 W., N½, SW¼, N½SE¼, SW¼SE¼ sec. 5, all secs. 6 and 7;
T. 4 S., R. 8 W., sec. 1, secs. 7 to 12, inclusive, W½ sec. 17, secs. 18 and 19, W½ of secs. 20 and 29, secs. 30 and 31;
T. 5 S., R. 8 W., W½ sec. 5, secs. 6 and 7, W½ of secs. 8 and 17, secs. 18 and 19, NW¼NE¼, S½NE¼, W½, SE¼ sec. 20, S½NW¼, NW¼SW¼ sec. 21, W½E½, W½ sec. 28, secs. 29, 30 and 31, W½E½ and W½ sec. 33;
T. 6 S., R. 8 W., W½ sec. 4, secs. 6 and 7, W½ of secs. 9, 21, 28 and 33;
T. 7 S., R. 8 W., NW¼, N½SW¼, SW¼SW¼ sec. 4, secs. 5 and 8, E½, N½NW¼ sec. 9, secs. 17, 20 and 27, W½W½ sec. 33, NW¼NE¼ and E½W½ sec. 34;
T. 8 S., R. 8 W., E½SE¼, SW¼ sec. 5, N½SE¼ sec. 7, SW¼, NW¼SE¼, S½SE¼ sec. 8, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼, S½SE¼ sec. 17, sec. 20, part of N½SW¼ sec. 26 not in Hot Springs Reservation, NW¼, S½ sec. 27, N½, SE¼ sec. 28, N½ of secs. 29 and 30, E½ sec. 33 and all sec. 34;
T. 9 S., R. 8 W., E½ sec. 3, E½E½ sec. 10, W½W½ sec. 11, NW¼NW¼ sec. 14, NE¼, E½SW¼, N½SE¼, SW¼SE¼ sec. 15, S½SE¼ sec. 21, W½E½, E½W½, SW¼SW¼ sec. 22, NW¼NE¼, N½NW¼ sec. 27, E½ sec. 28, N½ and SW¼ sec. 33;
T. 6 S., R. 9 W., secs. 1, 10, 11, 12 and 15, W½E½, W½ sec. 22, and N½SW¼ sec. 27;
T. 8 S., R. 9 W., NE¼, S½NW¼ and S½ sec. 25;
T. 4 S., R. 13 W., secs. 25 and 26, E½, SE¼NW¼, NE¼SW¼ sec. 27, sec. 28, N½, N½SW¼, SE¼SW¼, SE¼ sec. 29, NE¼NE¼, N½SW¼, SW¼SW¼ sec. 30, NW¼NE¼, S½NE¼ and NW¼ sec. 31;
T. 5 S., R. 13 W., S½ of secs. 10, 11 and 12, N½ of secs. 13 and 14, secs. 15 and 21, N½, SW¼ sec. 22, secs. 28, 29 and 30;
T. 1 S., R. 18 W., lots 4, 5, 6, 7, 14 and 15 sec. 6; aggregating 57,427.95 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-3275; Filed, November 10, 1937; 9:36 a. m.]



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas the Secretary of Agriculture, pursuant to the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, hereinafter called the "act", having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the La Porte County, Indiana, Marketing Area would tend to effectuate the declared policy of the act, gave, on the 11th day of June 1937, notice of a public hearing to be held at La Porte, Indiana, on the 28th day of June 1937, on a proposed marketing agreement and a proposed order, said hearing being reopened at La Porte, Indiana, on the 30th day of August 1937, for the purpose of receiving additional evidence, and at the said times and places conducted, jointly with the Milk Control Board of the State of Indiana, public hearings at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas after such hearings and after the tentative approval by the Secretary of Agriculture of a marketing agreement on the 24th day of September 1937, handlers of more than fifty (50) per centum of the volume of milk covered by such proposed order and which is marketed within the La Porte County, Indiana, Marketing Area, refused or failed to sign such marketing agreement relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in the said marketing area; and

3. That the issuance of the proposed order is approved or favored by over two-thirds (⅔) of the producers who, during the month of July 1937, said month being herewith determined by the Secretary of Agriculture to be a representative period, engaged in the production of milk for sale in the said marketing area.

In witness whereof, M. L. Wilson, Acting Secretary of Agriculture, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 5th day of November, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

Approved:
FRANKLIN D ROOSEVELT,
*The President of the United States.*
Dated, November 6, 1937.

[F. R. Doc. 37-3285; Filed, November 10, 1937; 12:47 p. m.]

ORDER OF THE SECRETARY OF AGRICULTURE REGULATING THE HANDLING IN INTERSTATE COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS OR AFFECTS INTERSTATE COMMERCE, OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas the Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the La Porte County, Indiana, Marketing Area would tend to effectuate the declared policy of said act, gave, on the 11th day of June, 1937, notice of a public hearing to be held at La Porte, Indiana, on the 28th day of June, 1937, on a proposed marketing agreement and a proposed order, said hearing being reopened at La Porte, Indiana, on the 30th day of August, 1937, for the purpose of receiving additional evidence, and at the said times and places conducted, jointly with the Milk Control Board of the State of Indiana, public hearings, at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas the Secretary has found and proclaimed the period August 1919–July 1929 to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the La Porte County, Indiana, Marketing Area; and

Whereas after said hearings and after the tentative approval by the Secretary of a marketing agreement on the 24th day of September, 1937, handlers of more than 50 per cent of the volume of milk covered by this order, which is marketed within the La Porte County, Indiana, Marketing Area, refused or failed to sign such tentatively approved marketing agreement relating to milk; and

Whereas the Secretary determined on the 5th day of November, 1937, said determination being approved by the President of the United States on the 6th day of November, 1937, that said refusal or failure tends to prevent the effectuation of the declared policy of the said act, and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area, and is approved or favored by over two-thirds of the producers who, during the month of July, 1937, said month being herewith determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the La Porte County, Indiana, Marketing Area; and

Whereas the provision of the order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who, during the month of July, 1937, said month being herewith determined by the Secretary to be a representative period, have been engaged in the production for market of milk covered in such order, said approval being separate and apart from the approval of producers as set forth above; and

Whereas the Secretary finds, upon the evidence introducted at the said hearings:

1. That approximately 8.1 per cent of the total volume of milk handled in the La Porte County, Indiana, Marketing Area, is in the current of interstate commerce and that the regulation of the handling of such milk in the said area, complementary to the regulation by the State of Indiana, is necessary in order to obtain uniformity in the administration of the Federal and State programs relating to the regulation

of the handling of milk in the La Porte County, Indiana, Marketing Area;

2. That the prices, ascertained in accordance with sections 2 and 8e of the aforesaid act, which will give milk sold in the Marketing Area a purchasing power equivalent to the purchasing power of milk during the base period, August 1919–July 1929, are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Marketing Area, but that the minimum prices fixed in the marketing agreement do reflect such factors, will insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

3. That the classification of milk into three classes follows a custom already established in the market and is a valid economic method of classifying milk;

4. That the determination of uniform prices to producers and the payment of such prices through individual handler pools is a fair and reasonable method of distributing to producers the proceeds of sales to handlers;

5. That the La Porte County, Indiana, Marketing Area, as defined in this order, is the natural marketing area within which handlers distribute the aforesaid milk;

6. That the Market Administrator is a proper agency to administer this order and that the powers granted to, and duties specified for, such Market Administrator in this order are necessary for the administration of this order;

7. That the deduction of 3¢ per hundredweight from payments made to producers, except those producers for whom a duly qualified association is actually performing services, is a proper deduction for such services rendered by the Market Administrator for market information to such producers, and for verification of weights, sampling, and testing of milk;

8. That the reports required of handlers by this order are reasonably necessary for the proper administration of this order;

9. That this order regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the marketing agreement mentioned above, upon which a hearing has been held;

10. That the issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy to establish a level of prices for milk to producers that will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the La Porte County, Indiana, Marketing Area;

NOW, THEREFORE, the Secretary, pursuant to the authority vested in him by said act, hereby orders that such handling of milk in the La Porte County, Indiana, Marketing Area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, be in conformity to and in compliance with the following terms and conditions:

### ARTICLE I—DEFINITIONS

SECTION 1. *Terms.*—The following terms shall have the following meanings:

1. "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

2. "Secretary" means the Secretary of Agriculture of the United States.

3. "La Porte County, Indiana, Marketing Area", hereinafter called the "Marketing Area", means the territory within the boundaries of La Porte County (a) which lies north of township 36 North and (b) which is that part of township 36 North within a 6-mile radius of the city of La Porte.

4. "Person" means any individual, partnership, corporation, association, and any other business unit.

5. "Producer" means any person, irrespective of whether any such person is also a handler, who produces milk in conformity with the health requirements applicable for milk to be sold for consumption as milk in the Marketing Area.

6. "Handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk, which is sold as milk or cream in the Marketing Area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce.

7. "Market Administrator" means the person designated pursuant to article II as the agency for the administration hereof.

8. "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

9. "Base" means the quantity of milk calculated for each producer pursuant to section 4 of article VII.

### ARTICLE II—MARKET ADMINISTRATOR

SECTION 1. *Selection, removal, and bond.*—The Market Administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The Market Administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary, a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

SEC. 2. *Powers.*—The Market Administrator shall have power:

1. To administer the terms and provisions hereof; and

2. To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

SEC. 3. *Duties.*—The Market Administrator, in addition to the duties hereinafter described, shall:

1. Keep such books and records as will clearly reflect the transactions provided for herein;

2. Submit his books and records to examination by the Secretary at any and all times;

3. Furnish such information and such verified reports as the Secretary may request;

4. Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the Market Administrator; and

5. Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person, who, within 15 days after the date upon which he is required to perform such acts, has not (*a*) made reports pursuant to article V or (*b*) made payments pursuant to article VIII.

SEC. 4. *Responsibility.*—The Market Administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler or any other person for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

### ARTICLE III—CLASSIFICATION OF MILK

SECTION 1. *Sales and use classification.*—Milk purchased or handled by handers shall be classified as follows:

1. All milk sold or distributed as milk, all milk used to produce cream for consumption as cream, and all milk not specifically accounted for as Class II or Class III milk shall be Class I milk;

2. All milk sold as flavored milk or milk drinks, buttermilk, cottage cheese, condensed milk, evaporated milk, powdered milk, and cream for the manufacture of ice cream shall be Class II milk; and

3. All milk specifically accounted for (*a*) as being sold, distributed, or disposed of other than as Class I or Class II milk and (*b*) as actual plant shrinkage within reasonable limits shall be Class III milk.

SEC. 2. *Interhandler and nonhandler sales.*—Milk sold by a handler to another handler, or to a person not a handler who distributes milk or manufactures milk products, shall be considered to be Class I milk. In the event that such selling handler on or before the date fixed for filing reports pursuant to article V furnishes proof satisfactory to the Market Administrator that such milk has been sold or disposed of by such purchaser other than as milk, then, and in that event, such milk shall be classified in accordance with such proof.



### ARTICLE IV—MINIMUM PRICES

SECTION 1. *Class I price.*—Each handler shall pay producers, in the manner set forth in article VIII, for Class I milk, at such handler's plant, not less than $2.60 per hundredweight.

SEC. 2. *Class II price.*—Each handler shall pay producers, in the manner set forth in article VIII, for Class II milk, not less than that price per hundredweight calculated for each delivery period by the Market Administrator as follows: Multiply by 4 the average price per pound of 92-acre butter at wholesale in the Chicago market as reported by the United States Department of Agriculture, for the delivery period during which such milk is purchased, and add 30 percent thereof.

SEC. 3. *Class III price.*—Each handler shall pay producers, in the manner set forth in article VIII, for Class III milk, not less than that price per hundredweight calculated for each delivery period by the Market Administrator as follows: Multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture, for the delivery period during which such milk is purchased, and add 10 percent thereof.

### ARTICLE V—REPORTS OF HANDLERS

SECTION 1. *Periodic reports.*—On or before the 5th day after the end of each delivery period each handler shall, with respect to milk or cream which was, during such delivery period, (*a*) received from producers, (*b*) received from handlers, and (*c*) produced by such handler, report to the Market Administrator, in the detail and form prescribed by him, as follows:

1. The receipts at each plant from producers who are not handlers and the quantity of such receipts which represents the total of all milk delivered by producers in excess of their respective bases;

2. The receipts at each plant from any other handler, including any handler who is also a producer;

3. The quantity, if any, produced by such handler; and

4. The respective quantities of milk which were sold, distributed, or used, including sales to other handlers, for the purpose of classification pursuant to article III.

SEC. 2. *Reports as to producers.*—Each handler shall report to the Market Administrator:

1. Within 10 days after the Market Administrator's request, with respect to any producer for whom such information is not in the files of the Market Administrator, and with respect to a period or periods of time designated by the Market Administrator, (*a*) the name and address, (*b*) the total pounds of milk delivered, (*c*) the average butterfat test of milk delivered, and (*d*) the number of days upon which deliveries were made; and

2. As soon as possible after first receiving milk from any producer, (*a*) the name and address of such producer, (*b*) the date upon which such milk was first received, and (*c*) the plant at which such producer delivered milk.

SEC. 3. *Reports of payments to producers.*—Each handler shall submit to the Market Administrator on or before the 20th day after the end of each delivery period his producer pay roll for such delivery period which shall show for each producer (*a*) the net amount of such producer's payment with the prices, deductions, and charges involved, (*b*) the total delivery of milk with the average butterfat test thereof, and (*c*) the portion of such delivery which was in excess of the base of such producer.

SEC. 4. *Verification of reports.*—In order that the Market Administrator may submit verified reports to the Secretary, pursuant to paragraph 3 of section 4 of article II, each handler shall permit the Market Administrator or his agent, during the usual hours of business, to (*a*) verify the information contained in reports submitted in accordance with this article, and (*b*) weigh milk delivered by each producer and sample and test milk for butterfat.

### ARTICLE VI—HANDLERS WHO ARE ALSO PRODUCERS

SECTION 1. With respect to each handler who is also a producer:

1. The Market Administrator shall, subject to the condition set forth in paragraph 2 of this section, exclude from the computations made pursuant to section 1 of article VII, the quantity of milk produced and sold, used, or distributed by such handler; provided, that where any such handler has purchased milk from other producers the value of the milk so purchased shall be computed under section 1 of article VII as follows: The quantity of such milk shall be ratably apportioned among such handler's total Class I, Class II, and Class III sales (after excluding purchases, if any, from other handlers) and multiplied by the Class I, Class II, and Class III prices, respectively.

2. The Market Administrator shall, upon prior written notice from such handler of the exercise thereof, grant the option of having all milk produced by such handler included in the computation made pursuant to section 1 of article VII in lieu of the provisions of paragraph 1 of this section.

3. The Market Administrator shall consider as Class III milk any milk or cream sold in bulk by any such handler, who has not exercised the option set forth in paragraph 2 of this section, to another handler operating a bottling or processing plant. If such buying handler uses or sells such milk or cream other than in Class III the Market Administrator shall add to the total value computed for such buying handler pursuant to section 1 of article VII the difference between (1) the value of such milk or cream at the Class III price and (2) the value according to its actual usage.

### ARTICLE VII—DETERMINATION OF UNIFORM PRICES TO PRODUCERS

SECTION 1. *Computation of value of milk for each handler.*—For each delivery period the Market Administrator shall compute, subject to the provisions of article VI, the value of milk sold or used by each handler, which was not purchased from other handlers, by (*a*) multiplying the quantity of such milk in each class by the price applicable pursuant to article IV and (*b*) adding together the resulting value of each class; provided, that if milk, including skim milk, is sold by a handler to another handler and if such selling handler has not filed reports pursuant to section 1 of article V and made the payments required by article VIII, the Market Administrator shall, in computing the value of milk for the purchasing handler, multiply the quantity of milk reported by the purchasing handler as purchased from such selling handler and classified as Class I milk, by the difference between the Class I and Class II prices, and add the resulting sum to the value of milk otherwise computed pursuant to this section.

SEC. 2. *Computation and announcement of uniform prices.*—The Market Administrator shall compute for each handler and announce the uniform prices per hundredweight of milk delivered to such handler during each delivery period as follows:

1. From the total value of milk computed for such handler pursuant to section 1 of this article, subtract the sum obtained from multiplying by the Class III price the total quantity of milk, if any, delivered by producers who did not regularly sell milk for consumption in the Marketing Area during a period of 30 days next preceding the effective date hereof;

2. If the Class I milk of such handler is greater than the base milk delivered to him by producers, subtract a sum equal to the base milk times the Class I price;

3. If the Class I milk of such handler is less than the base milk delivered to him by producers subtract a sum equal to the excess milk times the Class III price;

4. Divide the remaining sum of money by the excess milk if paragraph 2 be true or by the base milk if paragraph 3 be true to secure the blended price for excess milk or for base milk, as the case may be; and

5. On or before the 10th day after the end of each delivery period notify such handler and make public announcement of the uniform prices computed for him pursuant to this section, and of the Class II and Class III prices.

SEC. 3. *Base rating.*—The base of each producer shall be a quantity of milk for each delivery period calculated in the following manner; multiply the rating, if any, effective pursuant to section 4 of this article, by the number of days on which such producer delivered milk during such delivery period. Milk delivered by a producer not in excess of his base shall be designated as "base milk" and that delivered in excess of his base shall be designated as "excess milk."

SEC. 4. *Determination for base rating.*—For the purpose of calculating, pursuant to section 3 of this article, the bases of producers, the Market Administrator shall determine a rating with respect to milk delivered in bulk by each producer to handlers as follows:

1. Effective for the remainder of the calendar year 1937 the rating of each producer shall be the daily base, if any, of each such producer which is on file July 15, 1937, with the administrator of the order for the Marketing Area, issued by the Milk Control Board of the State of Indiana;

2. Effective for each of the first three delivery periods following the effective date hereof, during which any producer delivers milk and for whom the reports of handlers do not supply information necessary for a determination of a rating pursuant to paragraphs 1, 3 and 4 of this section the rating of each such producer shall be that proportion of his milk delivered which is the proportion of the aggregate daily base milk to the aggregate daily delivery of milk of all other producers; effective for the remainder of the then current calendar year the rating of each such producer shall be the average of his ratings for each of such first three delivery periods: Provided, that ratings under this paragraph shall not be effective for any producer during the period when handlers are required to make payment to any such producer pursuant to paragraph 1 of section 1 of article VIII;

3. Effective for each year subsequent to 1937, divide the total deliveries in bulk to handlers during the four months of the preceding year when deliveries were lowest by the number of days on which deliveries were made and take such a percentage of the result as will make the total of all figures so determined approximately equal to 115 percent of the average Class I and Class II milk per day sold during such preceding year by all handlers to whom such milk was delivered; and

4. Effective for the remainder of the then current calendar year, in the case of any producer whose delivery of milk in bulk to handlers during any 2 consecutive delivery periods is less than 85 percent of his base, that figure which is equal to the average delivery per day of such producer during such 2 consecutive delivery periods.

ARTICLE VIII—PAYMENTS FOR MILK

SECTION 1. *Time and method of payment.*—On or before the 15th day after the end of each delivery period, each handler shall, with respect to milk purchased outside the State of Indiana or delivered to the handler's plant outside the State of Indiana during such delivery period, make payment to producers from whom such milk was purchased, subject to the butterfat differential set forth in section 3 of this article, as follows:

1. To any such producer who did not regularly sell milk during a period of 30 days next preceding the effective date hereof to a handler or to persons within the Marketing Area, at the Class III price for all the milk delivered by such producer during the period beginning with the first regular delivery by such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month; and

2. To all other such producers, at the uniform prices per hundredweight for base milk and for excess milk as notified by the Market Administrator pursuant to section 2 of article VII.

SEC. 2. *Errors in payments.*—Errors made from whatever cause in the payments prescribed in this article shall be corrected not later than the date for making payments next following the determination of such errors.

SEC. 3. *Butterfat differential.*—If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 4 percent, such handler shall pay to each producer for each one-tenth of one percent of average butterfat content above 4 percent, or shall deduct for each one-tenth of one percent of average butterfat content below 4 percent, an amount per hundredweight as follows:

If the average butter price used in section 2 of article IV is 29¢ or less—3¢.,

If the average butter price used in section 2 of article IV is 29.1¢ to 34¢—3.5¢.

If the average butter price used in section 2 of article IV is 34.1¢ to 39¢—4¢.

If the average butter price used in section 2 of article IV is over 39¢—4.5¢.

ARTICLE IX—MARKETING SERVICES

SECTION 1. *Deductions for marketing services.*—Except as set forth in section 2, each handler shall deduct 3 cents per hundredweight from the payments made to each producer pursuant to paragraphs 1 and 2 of section 1 of article VIII, with respect to all milk delivered to such handler during each delivery period by such producer, and shall pay such deductions to the Market Administrator on or before the 15th day after the end of such delivery period. Such monies shall be expended by the Market Administrator for market information to, and for verification of weights, sampling, and testing of milk purchased from the said producers.

SEC. 2. *Producers' cooperative association.*—In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in section 1 of this article, each handler shall make the deductions from the payments to be made pursuant to paragraphs 1 and 2 of section 1 of article VIII which are authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the associations of which such producers are members.

ARTICLE X—EFFECTIVE TIME, SUSPENSION, AND TERMINATION

SECTION 1. *Effective time.*—The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 2 of this article.

SEC. 2. *Suspension and termination.*—Any or all provisions hereof or any amendment hereto shall be suspended or terminated as to any or all handlers after such reasonable notice as may be given by the Secretary, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. *Effect.*—Unless otherwise provided by the Secretary in the notice of amendment, suspension, or termination of any or all provisions hereof, the amendment, suspension, or termination shall not (a) affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any provision hereof; (b) release or waive any violation hereof occurring prior to the effective date of such amendment, suspension, or termination; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

SEC. 4. *Continuing power and duty.*—If upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the Market Administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided, that any such acts required to be performed by the Market Administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.



The Market Administrator or such other person as the Secretary may designate shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the Market Administrator or such person, to such person as the Secretary shall direct; and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the Market Administrator or such person pursuant hereto.

SEC. 5. *Liquidation after suspension or termination.*—Upon the suspension or termination of any or all provisions hereof the Market Administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the Market Administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the Market Administrator or such person in liquidating and distributing such funds, shall be distributed to the producers in an equitable manner.

ARTICLE XI—LIABILITY

SECTION 1. *Handlers.*—The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

In witness whereof, M. L. Wilson, Acting Secretary of Agriculture, does hereby execute in duplicate and issue this order in the city of Washington, District of Columbia, on this 9th day of November 1937, and declares this order to be effective on and after 12:01 a. m., c. s. t., November 13, 1937.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3286; Filed, November 10, 1937; 12:47 p. m.]

## Bureau of Animal Industry.

[Amendment 13 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

NOVEMBER 1, 1937.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Alpine, November 1, 1940; San Joaquin, November 1, 1940; San Mateo, November 1, 1940; Sutter, November 1, 1940.

South Dakota: Aurora, November 1, 1940; Bon Homme, November 1, 1940; Charles Mix, November 1, 1940; Deuel, November 1, 1940.

Puerto Rico: Arecibo, November 1, 1940; Ponce, November 1, 1940; Utuado, November 1, 1940.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Colorado: Arapahoe, November 1, 1940; Denver, November 1, 1940; Elbert, November 1, 1940; Jefferson, November 1, 1940.

Georgia: Dade, November 1, 1940; Henry, November 1, 1940; Spalding, November 1, 1940; Whitfield, November 1, 1940.

Indiana: Benton, November 1, 1940; Morgan, November 1, 1940; Putnam, November 1, 1940.

Iowa: Scott, November 1, 1940.

Kansas: Jefferson, November 1, 1940; Marion, November 1, 1940; McPherson, November 1, 1940; Neosho, November 1, 1940; Wilson, November 1, 1940.

Maine: Oxford, November 1, 1940.

Maryland: Cecil, November 1, 1940; Charles, November 1, 1940.

Massachusetts: Dukes, November 1, 1940.

Michigan: Alger, November 1, 1940; Charlevoix, November 1, 1940; Delta, November 1, 1940; Livingston, November 1, 1940; Menominee, November 1, 1940; Presque Isle, November 1, 1940.

Minnesota: Brown, November 1, 1943; Goodhue, November 1, 1943; Le Sueur, November 1, 1943; Watonwan, November 1, 1943.

Missouri: Atchison, November 1, 1940; Cape Girardeau, November 1, 1940; DeKalb, November 1, 1940; Franklin, November 1, 1940; Perry, November 1, 1940; St. Louis, November 1, 1940.

Montana: Cascade, November 1, 1940.

New Jersey: Atlantic, November 1, 1942.

New Mexico: Mora, November 1, 1940.

North Carolina: Johnston, November 1, 1940; Martin, November 1, 1940; Wake, November 1, 1940.

North Dakota: Pembina, November 1, 1943.

Ohio: Hancock, November 1, 1940; Monroe, November 1, 1940; Sandusky, November 1, 1940.

Pennsylvania: Dauphin, November 1, 1940; Union, November 1, 1940.

Tennessee: Benton, November 1, 1940; Bradley, November 1, 1940; Putnam, November 1, 1940.

Texas: Bailey, November 1, 1940; Borden, November 1, 1940; Crockett, November 1, 1940; Crosby, November 1, 1940; Denton, November 1, 1940; Erath, November 1, 1940; Fannin, November 1, 1940; Garza, November 1, 1940; Lamb, November 1, 1940; Lynn, November 1, 1940; Mills, November 1, 1940; Roberts, November 1, 1940; Stephens, November 1, 1940; Throckmorton, November 1, 1940; Upton, November 1, 1940; Young, November 1, 1940.

Virginia: Albemarle, November 1, 1940; Amherst, November 1, 1940; Buchanan, November 1, 1940; Campbell, November 1, 1940; Charles City, November 1, 1940; Charlotte, November 1, 1940; Mecklenburg, November 1, 1940; Nelson, November 1, 1940; Russell, November 1, 1940; Scott, November 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

J. R. MOHLER,
*Chief of Bureau.*

[F. R. Doc. 37-3287; Filed, November 10, 1937; 12:47 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 64]

AMENDMENT OF SECTION 102D (1) OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

Pursuant to the provisions of the Farm Credit Act of 1933, particularly sections 20 and 80 (b) thereof, Section 102d (1) of the Rules and Regulations for Production Credit Associations is hereby amended to read as follows:

"(1) No individual shall become a director unless he is eligible to borrow from the association and unless, by the date of the approval of his election by the president of the corporation, he is the holder of at least one share of class B stock of the association; provided, however, that an individual who is a stockholder in a corporation, or a member of a partnership, which is a borrower from the association, may become a director if he has been duly authorized to vote the class B stock of the association owned by such corporation or partnership and if he is personally liable to the association for the repayment of the corporation's or partnership's loans from the association; and provided further that an individual to whom class B stock is issued jointly with others and who is duly authorized to vote such stock on

behalf of all the joint owners, may be a director without owning other class B stock in his sole right."

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-3280; Filed, November 10, 1937; 12:04 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

The Telegraph Division at its regular meeting on November 3, 1937, adopted the following Order:

[Docket No. (as hereafter listed)]

IN RE APPLICATION OF (AS HEREAFTER LISTED) FOR EXEMPTION UNDER THE PROVISIONS OF SECTION 352 (B) OF THE COMMUICATIONS ACT OF 1934, AS AMENDED

ORDER

Whereas beginning on October 11, 1937, hearings were held in the above-entitled matter before an examiner at San Francisco, California, upon the application of the said *(as hereafter listed)* for exemption of the SS *(as hereafter listed)* under the provisions of Section 352 (b) (2) of the Communications Act of 1934 as amended, and

Whereas by reason of the provisions of Telegraph Division Order No. 29-A, said vessel(s) is (are) now exempt under the provisions of Part II of Title III of the Act for a period ending November 6, 1937; and it further appearing that it will be impracticable to enter a final decision in the above-entitled case prior to November 6, 1937, and

Whereas it appears that the above-named vessel(s) is (are) now equipped with a certain radiotelegraph installation and carries a radio operator (carry radio operators) duly qualified to operate same,

*It is ordered,* That the above-named vessel(s) be and it is (they are) hereby exempt from the provisions of Part II of Title III of the Communications Act of 1934 for a temporary period pending final decision in the above-entitled matter and until further order of the Commission, the circumstances being such that it would be unreasonable to require compliance for such temporary period; *provided further*, that during such temporary period there shall remain in operation on board said vessel(s) its (their) present radiotelegraph equipment, which shall be operated by a duly qualified operator(s); and *provided further* that nothing contained herein shall constitute a finding as to whether a radio installation as provided for in said Part II of Title III is or will be unreasonable or unnecessary beyond the express terms hereof.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

The exemption contained in the attached Order was granted to the following applicants:

| Docket No. | Applicant | Name of vessel(s) |
|---|---|---|
| 4774 | Western Transport Co., San Francisco, Calif. | El Dorado. |
| 4775 | Coastal Steamship Co., Tacoma, Washington. | Lake Francis. |
| 4776 | Moore Steamship Co., San Francisco, Calif. | Alvarado. |
| 4777 | Hammond Lumber Co., San Francisco, Calif. | Astoria, Portland, Argata, Eureka and Watsonville. |
| 4780 | Santa Cruz Oil Corp., San Francisco, Calif. | American Fisher & Lake Miraflores. |
| 4781 | Schafer Bros. Steamship Lines, Montesano, Washington. | Anna Schafer, Hubert Schafer, and Margaret Schafer. |
| 4782 | Burns Steamship Co., Los Angeles, Calif. | Lurline Burns—ex Caddopeak. |
| 4786 | J. Ramselius & Co., San Francisco Calif. | Corrales. |
| 4787 | W. R. Chamberlin & Co., San Francisco, Calif. | W. R. Chamberlin, Jr. |
| 4788 | Paramino Lumber Co., San Francisco, Calif. | Dorothy Wintermote. |
| 4789 | E. K. Wood Lumber Co., San Francisco, Calif | Cascade, Olympic and El Capitan. |
| 4790 | P. L. Transportation Co., San Francisco, Calif. | Scotia. |
| 4791 | McCormick Steamship Co., San Francisco, Calif. | Silverado, C. L. Wheeler, Jr., Brookings, West Shipper, Ernest H. Myer, West Planter, Point Pablo, Point San Pedro, Munami, Wallingford, Hamlin F. McCormick, Peter Helms and Nabesna. |
| 4794 | Wheeler-Hallock Co., Portland, Oreg. | Samoa. |
| 4797 | Hart-Wood Lumber Co., San Francisco, Calif. | Cadaretta. |
| 4799 | Coosbay Lumber Co., San Francisco, Calif. | Lumberman and Lumbertown. |
| 4800 | Polarine Fisheries, Inc., San Francisco, Calif. | Polarine. |
| 4801 | Pacific Ocean Products, Ltd., San Francisco, Calif. | Santa Inez. |
| 4802 | Fisherman Produce Co., San Francisco, Calif. | Lansing. |
| 4803 | Deep Sea Fisheries, Inc., San Francisco, Calif. | Manatawney |
| 4806 | American Marina Products Co., San Francisco, Calif. | Currier. |

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3273; Filed, November 10, 1937; 9:36 a. m.]

The Telegraph Division at its regular meeting on November 3, 1937, adopted the following Order:

[Docket No. (as hereafter listed)]

IN RE APPLICATION OF (AS HEREAFTER LISTED) FOR EXEMPTION UNDER THE PROVISIONS OF SECTION 352 (B) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED AND ARTICLE 28 OF THE SAFETY CONVENTION

ORDER

Whereas beginning on October 11, 1937, hearings were held in the above-entitled matter before an examiner at San Francisco, California, upon the application of the said *(as hereafter listed)* for exemption on the SS *(as hereafter listed)* under the provisions of Section 352 (b) (2) of the Communications Act of 1934, as amended, and Article 28 of the Safety Convention, and

Whereas by reason of the provisions of Telegraph Division Order No. 29-A, said vessel(s) is (are) now exempt under the provisions of Part II of Title III of the Act for a period ending November 6, 1937, and is (are) exempt from the requirements of Article 27 of the Safety Convention for the same period; and it further appearing that it will be impracticable to enter a final decision in the above entitled case prior to November 6, 1937, and

Whereas it appears that the above-named vessel(s) is (are) now equipped with a certain radiotelegraph installation and carries a radio operator (carry radio operators) duly qualified to operate same,

*It is ordered,* That the above-named vessel(s) be and it is (they are) hereby exempt from the provisions of Part II of Title III of the Communications Act of 1934 as amended, and from the requirements of Article 27 of the Safety Convention to the extent of voyages to ports in British Columbia, Canada, for a temporary period pending final decision in the above-entitled matter and until further order of the Commission, the circumstances being such that it would be unreasonable to require compliance for such temporary period; *Provided further,* That during such temporary period there shall remain in operation on board said vessel(s) its (their) present radiotelegraph equipment, which shall be operated by a duly qualified operator(s); and *Provided further,* That nothing contained herein shall constitute a finding as to whether a radio installation as provided for in said Part II of Title III and said Safety Convention is or will be unreasonable or unnecessary beyond the express terms hereof.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*



The exemption contained in the attached Order was granted to the following applicants:

| Docket no. | Applicant | Name of vessel(s) |
|---|---|---|
| 4783 | Kingsley Company, Seattle, Washington. | Texada. |
| 4784 | Horace X. Baxter Steamship Co., San Francisco, Calif. | A. M. Baxter. |
| 4785 | Lawrence-Phillips Steamship Co., Los Angeles, Calif. | Dorothy Phillips ex Point Loma. Lawrence Philips & Josephone Lawrence. El Cedro. |
| 4793 | James Griffith & Sons, Inc., Seattle, Wash. | |
| 4798 | Coastwise Line, Portland, Oregon | Coast Banker, Coast Farmer, Coast Merchant, Coast Miller, Coast Shipper and Coast Trader. |
| 4807 | Coastwise Steamship & Barge Co., Seattle, Wash. | James Griffiths. |

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3274; Filed, November 10, 1937; 9:36 a. m.]

## INTERSTATE COMMERCE COMMISSION.

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 3rd day of November, A. D. 1937.

SUPPLEMENT TO REGULATIONS TO GOVERN THE DESTRUCTION OF RECORDS OF SLEEPING CAR COMPANIES, ISSUE OF 1920

The matter of the determination of the operating, accounting, and financial papers, records, books, blanks, tickets, stubs, and documents of sleeping car companies which may, after a reasonable time, be destroyed being under consideration:

*It is ordered,* That the Regulations to Govern the Destruction of Records of Sleeping Car Companies, Issue of 1920, be, and they hereby are, amended so that item 60 shall read as follows:

| Item No. | Description of accounts etc. | Period to be retained |
|---|---|---|
| 60 | Monthly and yearly records of repairs to and inspection of the electrical equipment of car and its battery readings. | 2 years. |

*It is further ordered,* That this order shall become effective on December 1, 1937.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3281; Filed, November 10, 1937; 12:25 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 158]

AMENDMENT OF ALLOCATIONS OF FUNDS FOR LOANS

NOVEMBER 4, 1937.

I hereby amend Administrative Order No. 147 by transferring the $90,000 allotted to Washington 18G Spokane to Washington 18A Spokane (additional) inasmuch as the funds will be used to construct distribution lines rather than a generating plant.

I hereby amend Administrative Order No. 73 by transferring the $75,000 allotted to Idaho 10G Nez Perce to Idaho 10A Nez Perce (additional) inasmuch as the funds will be used to construct distribution lines rather than a generating plant.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3276; Filed, November 10, 1937; 9:37 a. m.]

[Administrative Order No. 159]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 4, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | *Amount* |
|---|---|
| Georgia 8035B Walton | $50,000 |
| Indiana 8038B Johnson | 18,000 |
| Iowa 8036W Wright | 10,000 |
| Nebraska 8051W Burt | 8,000 |
| Michigan 8037W Huron | 50,000 |
| Missouri 8022W Howard | 5,000 |
| Ohio 8055B Coshocton | 95,000 |
| Texas 8056 Lubbock | 100,000 |
| Washington 8008W Benton | 4,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3277; Filed, November 10, 1937; 9:37 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of November, 1937.

[File No. 1-113]

IN THE MATTER OF DISTILLERS AND BREWERS CORPORATION OF AMERICA COMMON STOCK, $5 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Distillers and Brewers Corporation of America, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Common Stock, $5 Par Value, from listing and registration on the Board of Trade of the City of Chicago; and

After appropriate notice a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on November 19, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3282; Filed, November 10, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of November, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-CARTER-JAMES-ALLEN-WALKER-HALL TRACT, FILED ON OCTOBER 15, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER TERMINATING EFFECTIVENESS OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from the person who filed the offering sheet described in the title hereof, an application for an order terminating the effectiveness of the filing of same, together with an affidavit that all persons on whose behalf said offering sheet has been filed, to whom copies thereof have been delivered, have been notified in writing of the intention of such person to terminate the effectiveness of said offering sheet, and it appearing that termination of the effectiveness of the filing of said offering sheet, as requested, is not inconsistent with the public interest,

*It is ordered*, Pursuant to Rule 356 in Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, terminated as of the date of the entry of this order.

*It is further ordered*, That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3283; Filed, November 10, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of November, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-CARTER-JAMES-WALKER TRACT, FILED ON OCTOBER 13, 1937, BY LOUIS BERNSTEIN, RESPONDENT

ORDER TERMINATING EFFECTIVENESS OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from the person who filed the offering sheet described in the title hereof, an application for an order terminating the effectiveness of the filing of same, together with an affidavit that all persons on whose behalf said offering sheet has been filed, to whom copies thereof have been delivered, have been notified in writing of the intention of such person to terminate the effectiveness of said offering sheet, and it appearing that termination of the effectiveness of the filing of said offering sheet, as requested, is not inconsistent with the public interest,

*It is ordered*, Pursuant to Rule 356 in Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, terminated as of the date of the entry of this order.

*It is further ordered*, That the Order for Hearing and Order Designating Trial Examiner heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3284; Filed, November 10, 1937; 12:43 p. m.]

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## UNITED STATES TARIFF COMMISSION.

PUBLIC HEARING ORDERED

WOMEN'S AND MISSES' CEMENTED SHOES OF LEATHER

*Hearing in Investigation No. 114 Under Section 336, Tariff Act of 1930*

*Notice is hereby given*, pursuant to Section 336 of the Tariff Act of 1930, that a public hearing in the foregoing investigation will be held at the office of the United States Tariff Commission in Washington, D. C., at 10:00 o'clock a. m. on the 14th day of December, 1937, at which time and place all parties interested will be given opportunity to be present, to produce evidence, and to be heard with regard to the differences in costs of production of, and all other facts and conditions enumerated in Section 336 of the Tariff Act of 1930 with respect to, the following articles described in paragraph 1530 (e) of Title I of said tariff act, namely,

Women's and misses' shoes, wholly or in chief value of leather, not specially provided for, made by the cement process

By order of the United States Tariff Commission this 8th day of November, 1937:

[SEAL] SIDNEY MORGAN, *Secretary*.

[F. R. Doc. 37-3279; Filed, November 10, 1937; 9:50 a. m.]

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*Friday, November 12, 1937* *No. 220*

## ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER.

REGULATIONS FOR THE CODIFICATION OF EXECUTIVE AND ADMINISTRATIVE DOCUMENTS

*Issued by the Administrative Committee of the Federal Register, with the Approval of the President, Pursuant to the Act of June 19, 1937, Public No. 158, 75th Congress*

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Statute—Federal Register Act, as amended.




RESOLUTION

Whereas, by the terms of the Act of June 19, 1937 (Public No. 158, 75th Cong.) a code of all executive and administrative "documents", rules and orders "of general applicability and legal effect", of "each agency" of the Federal government, is required to be prepared and submitted to the President (Sec. 11a) and, thereafter, at his direction, to be published and to be "prima-facie evidence of the text of such documents and of the fact that they are in full force and effect" (Sec. 11c); in carrying out this purpose, the Congress has provided that "each agency of the Government" within the executive and administrative branch is required to prepare and file with the Administrative Committee of the Federal Register, not later than July 1, 1938, a "complete codification" of all such documents which "are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities" (Sec. 11a); a Codification Board to "supervise and coordinate the form, style, arrangement, and indexing" of the codifications of the various agencies is established (Sec. 11b); and the Administrative Committee of the Federal Register is required to "prescribe, with the approval of the President, regulations for carrying out" these purposes and provisions (Sec. 11d);

And whereas, the Administrative Committee, after some months of careful study and deliberation upon the problem of carrying through a project of such extended scope and vital importance to both the federal executive and administrative establishment and the public, agrees that the prompt, accurate, efficient, and adequate carrying out of the Act of Congress requires (1) an immediate and close liaison between the Codification Board and the several agencies, together with the prompt and energetic prosecution of the work by each agency; (2) the submission of completed units of the proposed codification of each agency from time to time prior to July 1, 1938; for criticisms, suggestions, and fitting into the general code, subject, however, to the final approval, amendment, and certification of each code by the agency concerned not later than July 1, 1938, as provided in the act and the regulations which follow herein; (3) the exertion of every effort to assure that each of the several Federal agencies will submit creditable codifications so that no agency will suffer by comparison with the codifications of other agencies or be subject to legal difficulties or practical embarrassments in its operations after the codification for the whole executive and administrative branch is published; and (4) the submission of the whole completed code of executive and administrative rules and orders to the President in accurate, complete, and usable form, ready for printing, within the time limit prescribed in the Act of Congress;

Therefore, pursuant to the authority contained in Section 11 (d) of the Federal Register Act, as amended by the Act of June 19, 1937 (Pub. No. 158, 75th Cong.), the Administrative Committee of the Federal Register hereby prescribes, with the approval of the President, the following regulations to govern the preparation (including form, style, arrangement, and indexing) and submission of the codes required to be submitted thereunder.

TITLE I. CODIFICATION OF EXECUTIVE OR ADMINISTRATIVE DOCUMENTS

*Chapter I. Definitions*

SEC. 1. As used herein, unless the context otherwise requires,

PAR. *a. Act.*—The term "act" means the Federal Register Act, approved July 26, 1935 (49 Stat. 500) as amended by the Act of June 19, 1937 (Pub. No. 158, 75th Cong.).

PAR. *b. Document.*—"The term 'document' means any Presidential proclamation or Executive order, and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency" (Sec. 4 of the act) and of "general applicability and legal effect" which is "in force and effect and relied upon by such agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities" (Sec. 11a of the act).[1]

PAR. *c. Agency or Federal Agency.*—The terms "Federal agency" or "agency" mean "the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States, but not the legislative or judicial branches of the Government" (Sec. 4 of the act).

PAR. *d. Committee or Administrative Committee.*—The terms "Committee" or "Administrative Committee" mean the Administrative Committee of the Federal Register established under Section 6 of the act.

PAR. *e. Secretary.*—The term "Secretary" means the Secretary of the Administrative Committee.

PAR. *f. Board and Chairman.*—The term "Board" means the "Codification Board" established under Section 11 of the act, and the term "Chairman" means the Chairman of the Codification Board by virtue of his office as Director of the Division of the Federal Register, The National Archives.

*Chapter II. Preparation, Submission and Certification by Agencies*

Part A. Contents of Codifications

SEC. 2. *Nature of the codification.*—"Codification" as ordinarily used in the United States and as intended in the act and these regulations means the collection of all documents and their orderly and systematic arrangement, with all obsolete and repealed matter eliminated and all new matter or amendments incorporated in their appropriate sections or paragraphs, so that the whole may be republished as one simultaneously issued document.[2]

SEC. 3. *Revisions.*—The complete revision or restatement of documents, either in their language or substance, is not necessarily contemplated, although agencies are free to do so provided such work may be completed and the revision made effective not later than June 1, 1938. On the other hand, portions of documents consisting of extensive quotation of statutory provisions, with or without quotation marks, should be excluded.

SEC. 4. *Completeness.*—Main emphasis should be laid upon completeness and accuracy rather than form, since the act requires a "complete" codification of "all" documents (Sec. 11a of the act) and obviously the omission of material which should be included will lessen the legal effect as well as the practical value of each codification and will prove confusing and embarrassing to the agency in its future work.

SEC. 5. *Present general applicability and legal effect.*—Each agency should keep constantly in mind the fact that the codifications are to include only documents which are (1) currently "in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities", and also (II) "of general applicability and legal effect". Without attempting to set forth all applications of present "general applicability and legal effect", the phrase means all documents (1) prescribing a penalty (Sec. 5 (a) (3) of the act), conferring rights, privileges, authority, or immunities, or imposing obligations, and (2) currently relevant or applicable to the general public, the members of a class, or the persons

[1] See also Chapter II, Sec. 5, *infra*.

[2] "The word 'codification' is not intended to lay down rigid requirements. It means an orderly presentation of 'documents' brought up to date in the form best adapted to usefulness as tested by the experience of the agency. Thus, if there have been a series of amendments to a regulation, the minimum requirement would be a rewriting of such regulation, eliminating from its text obsolete provisions, and inserting therein new matter. If a regulation is already in such form, the agency may in its discretion deem further codification unnecessary, even though the inclusion of various regulations in that form may involve some repetition of provisions common to two or more of them.

"If a regulation has never been set forth by the agency in an orderly and easily available form, the amendment would require that this be done. In many cases an adequate codification would also require the systematizing of regulatory material according to subject matter." House Report 478, 75 Cong. 1 Sess.

of a locality, as distinguished from named individuals or organizations. In short, such documents must be of "public" as distinguished from "private" import, as generally exemplified in the classification of laws in the Statutes at Large into "Public Laws" and "Private Laws", and in the regulations approved by the President respecting the type of matter to be published in the Federal Register.[3] More particularly, the following types of documents require special treatment:

PAR. *a. Internal administration.*—Those documents or parts of documents "effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof" shall not be included (Cf. Sec. 5 (a) (1) of the act); but documents or portions thereof prescribing intra-departmental procedure which the public should know or follow in dealing with an agency shall be included.

PAR. *b. Administrative decisions.*—The decisions of executive or administrative agencies, made upon hearing or otherwise and applicable only to named parties, unless also promulgated as formal and general rules, shall not be included, although upon analogy with judicial decisions they may be said to form a body of rules or principles in which the public or a class may be interested.

PAR. *c. Repealed or superseded matter.*—No obsolete, repealed, or superseded matter should be included even though it might be called in question or become relevant in cases arising under past states of fact. In short, the term "in force or effect and relied upon by the agency as authority for, or invoked by it in the discharge of, any of its functions or activities" means *present* activities under the *latest* statutes or regulations on the same subject matter. Thus, regulations under old tax statutes should be excluded, except as they are applicable to current taxation.[4]

PAR. *d. Documents referring to public lands.*—Where there are masses of documents referring to public lands, the agency concerned should consult with representatives of the Board before attempting a codification of such documents, in order that special rules may be formulated.

SEC. 6. *Other information to be included.*—In addition to the text of all documents, each document, or section or paragraph of the codification, should have noted at the bottom thereof the following:

PAR. *a. Authority on which based.*—The authority (statute, order, proclamation, or otherwise) for the issuance of each document which is embodied in a section of the code shall be cited *in parenthesis* at the end of each section or paragraph. This citation should include (*a*) the specific authorization, if any, for the issuance of regulations, and (*b*) if possible, the statutory provisions interpreted or applied by the section. Citations, as nearly as possible, should be in the following form:

*Statutes—*

"(Sec. 6, 49 Stat. 501; 44 U. S. C. 306)"

Where statutes are cited, the United States Code citations should be given as well as the Statutes at Large. Only the section number and page or pages of the Statutes at Large on which the authority for the regulation appears should be given, rather than the first page of the statute or the chapter; and in citing the United States Code, the 1934 edition should be used and only the title number and the section number (and subsection number or letter, if any) should be given, separated by "U. S. C."

*Proclamations.—*

"(Pres. Proc. 2256, Oct. 12, 1937.)"
"(Proc., Sec. Ag., April 3, 1936.)"

*Executive orders.—*

"(Ex. Order 7298, Feb. 18, 1936.)"

*Administrative orders.—*

"(Adm. Order 145, R. E. A., Oct. 5, 1937.)"

*Treaty.—*

"(Par. 21, Art 22. General Radio Regulations annexed to International Telecommunication Convention, Proclaimed by President, June 27, 1934, 49 Stat. 2391.)"

PAR. *b. Citation of sources.*—At the end of each section or paragraph, (1) the official designation or type of original document (Executive Order, Administrative Order, Memorandum, Bulletin, etc.) from which the text of section or paragraph originally formed a part and is taken, together with (2) the date of its adoption and (3) the title of the officer, board or commission issuing the same, unless the issuing agency is the same as the agency named in the "Title"[5] of the codification, and (4) the same information with respect to all amendments thereto, shall be cited in brackets immediately following the citations of authority on which the documents are based—in the following form:

*Executive orders (President).—*

"[Ex. Order 7298, Feb. 18, 1936.]"

*Regulations (Veterans' Administration and Bureau of Internal Revenue).—*

"[Reg. R–1001 (K), V. Ad., Oct. 14, 1937.]"
"[Reg. 100, Art. 603, Bu. Int. Rev., Oct. 12, 1937.]"

*Bulletins (Agricultural Adjustment Administration).—*

"[SR–Bull.–1, A. A. A., March 20, 1936.]"

*Orders* (Federal Communications Commission):

"[Order 17–A, F. C. C., Sept. 29, 1937.]"

*Rules (Securities and Exchange Commission).—*

[Rule 3D8, S. E. C., Oct. 4, 1937.]

*Circulars (Treasury).—*

[Dept. Circ. 570, Sec. Treas., Oct. 11, 1937.]

PAR. *c. Explanatory material or references.*—Any other material which the agency deems necessary by way of explanation or reference may be submitted in the form of footnotes.

PAR. *d. Decisions and interpretations.*—Since the act has not required the submission of "annotated" codifications and since an attempt to do so would make codification impossible for many agencies in the time available, decisions of executive or administrative agencies, construing or applying documents, but which do not have the effect of a formal amendment of the text, and judicial opinions referring to documents shall not be cited except in unusual circumstances and then only in the form of explanatory footnotes.

Part B. Liaison and Cooperation with Board

SEC. 7. *Codification committees in agencies.*—In the execution of the codifications within the short time prescribed by Congress, it is indispensable that each agency set up an organization for the preparation of its codification. In order that the Board may deal with each agency from day to day, a responsible person of legal training or knowledge, such as the solicitor or general counsel for the agency, should be placed in charge of the codification in each agency, with assistants drawn from the several units of the agency. Agencies, with extended functions and organization, should set up in effect their own codification committees. The Codification Board at the Department of Justice shall be informed of the codification organization and plans of each agency at once.

[3] "As the President has for purposes of the daily issues determined the classes of documents having general applicability and legal effect, the several agencies would in general be guided by that determination in selecting the kinds of material for inclusion in the codification." House Report 478, 75 Cong. 1 Sess. See the last revision of "Regulations Prescribed by the Administrative Committee of the Federal Register with the Approval of the President". The National Archives (Published in pamphlet form by the Government Printing Office and in the Federal Register for Jan. 12, 1937).

[4] "Regulations, under acts of Congress which have been repealed or superseded, for instance, would presumably be found no longer to have 'general applicability', even though a few cases arising under them still remain open." House Report 478, 75 Cong. 1 Sess.

[5] See Ch. III, Part B, Sec. 1, Par. 1, *infra*.



SEC. 8. *Cooperation with Board.*—The several members of the Board will be individually assigned to the several agencies, to effect an immediate and continuous liaison between the Board and the several agencies, so that there may be mutual information, advice, and suggestions and the problems of the separate agencies may be presented to the Board for prompt and early decision.

Part C. Preliminary Submission of Codifications

SEC. 9. *Early submission of portions of codifications.*—While the act does not require the submission of the completed codifications by the several agencies until July 1, 1938 (Sec. 11a of the act), it is indispensable that the Codification Board receive units or parts of the codifications of each agency from time to time so that the work of arranging the code for the entire executive and administrative branch of the government may proceed immediately. Such partial codifications, so submitted, may be those of separate units or functions within an agency. Through this method of procedure, the complete codification for each agency may proceed by stages, the simpler and less extensive parts of the codification being submitted first. Both the agency and the Board will thus be afforded an opportunity to perfect form and arrangement prior to the final submission of the full codification for each agency.

SEC. 10. *Resubmission.*—Partial codifications, submitted as suggested in the preceding section, should be reasonably final but will not bind the agency and will be resubmitted to the agency for final approval and certification as hereinafter provided.

Part D. Transmission, Certification, and Final Submission of Codifications

SEC. 11. *Preliminary or partial submissions.*—Where preliminary or partial codifications are submitted in accordance with Part C, above, they should be accompanied by a letter setting forth (1) the nature of the matter submitted, (2) its relation to the other portion of the codification being prepared by the agency, and (3) any questions or problems in connection therewith which the agency desires to submit to the Board.

SEC. 12. *Final submission and certification.*—Between June 1 and July 1, 1938, each agency must submit in final form its codification (Sec. 11a of the act), to each copy of which shall be attached a certificate signed by the chief authority of the submitting agency (with the seal, if any, affixed), in the following language:

Certificate

It is hereby certified that the attached document is a complete codification of all documents which, in the opinion of this agency, have general applicability and legal effect and which have been issued or promulgated by this agency and were in force and effect and relied upon by this agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938:

SEC. 13. *To whom submitted.*—All material submitted shall be addressed and delivered to

Secretary of the Administrative Committee,
c/o Codification Board,
Department of Justice,
Washington, D. C.

*Chapter III. Form, Style, and Arrangement*

Part A. Physical Format

SEC. 14. The partial and final codifications submitted shall conform to the following:

PAR. *a. Number of copies.*—Three copies shall be submitted.

PAR. *b. Size of paper.*—Only letter size paper (approximately 8½x10 or 11 inches) shall be used, and the material shall be placed thereon parallel with the long side of the sheet so that the individual sheets may be conveniently handled and filed, and in order to leave a maximum of margins for notes and corrections or insertions.

PAR. *c. Contents and numbering of pages.*—Not more than one section, subsection, or numbered paragraph shall be placed on one page, and the pages shall be numbered consecutively in Arabic numerals.

PAR. *d. Typing.*—All matter shall be legibly typewritten, mimeographed, or printed, except that material already in such form may be cut and pasted on pages of the prescribed size in order to save time and eliminate typing and the errors often consequent therein, and in such cases corrections may be made in ink or by typewriter in the margins or by interlineation and striking out.

PAR. *e. Forms—Illustrations and diagrams.*—Ordinarily, forms should not be incorporated in the codifications. Illustrations shall not be incorporated in the code as a part of a document unless publication is essential in the public interest. In cases where an illustration was incorporated as a part of a document which has been issued and amended prior to June 1, 1938, and the publication of the illustration is essential, a new illustration including the necessary changes to conform to the amendments shall be prepared and forwarded with the codified document. Illustrations accompanying codes, when published, shall be reduced to page size and be line-cuts only. Copy for illustrations, preferably tracings on linen, must be securely attached to the part of the code which incorporates such illustration.

Part B. Arrangement

SEC. 15. *System of heading and numbers.*—As stated above, main emphasis should be laid upon the completeness of the collection of documents which comprise the codification of each agency rather than revisions in form or substance. However, it will be necessary for each agency to assemble the whole of its codification according to some system of headings and numbers. Similarly, it will be necessary for the Board to assemble the codifications of all the agencies in order to produce the complete codification required by the act (Sec. 11a of the act). While considerable latitude is necessarily given each agency in determining the headings, headnotes, and numbering of its codification, the following should be followed as nearly as practicable:

PAR. *a. Titles, chapters, etc.*—The final and complete codification, comprised of the codification of all the agencies, will be submitted to the President by the Administrative Committee in the following form (as exemplified in the form of these regulations), so far as practicable and adaptable to each agency:

1. "*Titles*", numbered in Arabic and preceded by the word "Title", will be assigned to each agency by the Board, and these will constitute the major units of the complete codification; such assignments of "titles" will be made in the following order: (1) the President of the United States; (2) the Executive departments, in the order of their precedence; (3) all other Federal agencies, listed in alphabetical order by their official titles.

I. "*Chapters*", numbered in Roman and preceded by the word "Chapter", should be assigned to each division, bureau, or unit of each agency, within its "title";

A. "*Parts*", differentiated by capitals and preceded by the word "Part", will be used, where necessary or convenient, to indicate the major divisions of "Chapters";

1. "*Sections*", numbered in Arabic and preceded by "Sec.", will be the normal unit within "Chapters" or "Parts";

a. "*Paragraphs*", differentiated in lower case letters of the alphabet and preceded by "Par.", will be the subdivisions of "Sections" where necessary.

PAR. *b. Headings of titles, chapters and parts.*—Each title, chapter, and part shall have a heading. Titles will be headed by the official name of the agency to which it is assigned, as for example:

"TITLE 1. THE PRESIDENT OF THE UNITED STATES"

Chapters will be headed by the official title of divisions, bureaus, or units, as for example:

*"Chapter II. Bureau of Agricultural Economics"*

PAR. c. *Headnotes to sections and paragraphs.*—Sections and paragraphs shall have headnotes in the style now in use in the United States Code, as for example:

SEC. 3. *Notice of Application; Service; Order for Taking.*—Reasonable notice of not less than ten days, and when the deposition is to be taken in a foreign country, of not less than fifteen days, must first be given in writing. * * *

SEC. 16. *Table of contents; indexing.*—Each submission of a partial or final codification shall be accompanied by a table of contents in outline form, giving the titles, chapters, parts, sections, and paragraphs, together with their numbers, headings, and headnotes; but no index need be prepared, since the indexing for the entire codification for all agencies must necessarily be done by the central codification organization according to one system.

SEC. 17. *Joint regulations.*—Whenever officers of two or more Federal agencies have joint power to issue documents, or whenever regulations issued by one officer affect two or more subdivisions of one agency, the question of location of the joint regulations within the codifications involved should be submitted to the Board in order to assure uniformity of treatment.

Part C. Style

SEC. 18. *Abbreviations.*—Each agency shall cooperate with the Board in settling the abbreviations peculiar to, and to be used by, the agency in order that there may be no confusion of abbreviations as between agencies and so that identical matter will be cited by different agencies according to the same abbreviations.

SEC. 19. *Style manual.*—Punctuation, capitalization, orthography, and other matters of style should conform, so far as possible and practicable, to the most recent edition of the Style Manual of the United States Government Printing Office. The spelling of geographic names shall conform to the most recent decisions of the United States Geographic Board made pursuant to Executive Orders, No. 27–A of September 4, 1890, No. 399 of January 23, 1906, and No. 6680 of April 17, 1934.

SEC. 20. *Descriptions of tracts of land.*—Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive orders and Proclamations, issued by the Board of Surveys and Maps of the Federal Government.

*Chapter IV. Miscellaneous*

SEC. 21. *Effective date of regulations.*—The foregoing regulations, subject to amendment or amplification, shall be effective immediately upon the approval of the President.

SEC. 22. *Official mail.*—All official mail on matters arising under Section 11 of the act or these regulations should be addressed to:

The Chairman, Codification Board,
Department of Justice,
Washington, D. C.

SEC. 23. *Publication of regulations.*—The foregoing regulations shall be printed in the Federal Register; and there shall be appended thereto a copy of the Federal Register Act, as amended, with pertinent portions italicized.

ADMINISTRATIVE COMMITTEE OF
THE FEDERAL REGISTER.
By R. D. W. CONNOR, *Chairman.*

Approved.

FRANKLIN D ROOSEVELT
*The White House, November 10, 1937.*

[F. R. Doc. 37-3289; Filed, November 11, 1937; 11:25 a. m.]

FEDERAL REGISTER ACT

PUBLIC NO. 220, 74TH CONGRESS (49 STAT. 500–503), AS AMENDED BY PUBLIC NO. 158, 75TH CONGRESS

AN ACT

*To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. *There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed $5,000 a year.*

SEC. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided,* That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

SEC. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." *It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder.* The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. *The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.*



SEC. 4. *As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.*

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) *such documents or classes of documents as may be required so to be published by Act of the Congress: Provided, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.*

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but *in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.*

SEC. 6. *There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things:*

(a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) *the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.*

SEC. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

SEC. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

SEC. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the publication of the Federal Register shall begin within three business days thereafter. *Provided,* That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

SEC. 11. (a) *On July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938. The Committee shall, within ninety days thereafter, report thereon to the President, who may authorize and direct the publication of such codification in special or supplemental editions of the Federal Register.*

(b) *There is hereby established a Codification Board, which shall consist of six members: The Director of the Division of the Federal Register, chairman ex officio; three attorneys of the Department of Justice, designated by the*

*Attorney General; and two attorneys of the Division of the Federal Register, designated by the Archivist. The Board shall supervise and coordinate the form, style, arrangement, and indexing of the codifications of the various agencies.*

*(c) The codified documents of the several agencies published in the supplemental edition of the Federal Register pursuant to the provisions of subsection (a) hereof, as amended by documents subsequently filed with the Division, and published in the daily issues of the Federal Register, shall be prima-facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication thereof.*

*(d) The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section.*

SEC. 12. *Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.*

SEC. 13. All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.

SEC. 14. *This Act may be cited as the "Federal Register Act."*

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## DEPARTMENT OF THE INTERIOR.

### Office of Indian Affairs.

### REGULATIONS GOVERNING THE LEASING OF RESTRICTED ALLOTTED INDIAN LANDS FOR MINING PURPOSES

APPLICABLE TO ALL RESTRICTED LANDS ALLOTTED TO OR HELD IN TRUST BY INDIVIDUAL MEMBERS OF INDIAN TRIBES EXCEPT THE FIVE CIVILIZED TRIBES AND OSAGE NATION

A provision in the act of March 3, 1909 (35 Stat. 781, 783), reads:

That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect.

1. To carry this provision of law into effect the following regulations are prescribed:

The term "Superintendent" herein refers to the superintendent or other officer of the Indian Service or of the Government who may have jurisdiction over the allotments involved.

The term "Supervisor" herein refers to a representative of the Secretary of the Interior, under direction of the Director of the United States Geological Survey, authorized and empowered to supervise and direct operations under oil and gas or other mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

Applications for leases should be made to the Superintendent having jurisdiction over the lands.

2. No lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government whether connected with the Indian Service or otherwise, and no employee of the Interior Department shall be permitted to acquire any interest in such leases by ownership of stock in corporations having leases or in any other manner.

3. At such times and in such manner as he may deem appropriate, the Superintendent shall publish notices that oil and gas leases on specific tracts, each of which shall be in a compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. The successful bidder must deposit with the Superintendent on the day of sale a certified check or bank draft on a solvent bank in an amount equal to 20 percent of the bid as a guaranty of good faith. Balance of the bonus and the first year's rental shall be paid and lease in completed form shall be filed within 20 days after the lease is forwarded to the lessee by the Superintendent for execution, unless such period shall have been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or pay the full consideration within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Interior Department, the amount of bonus deposited will be forfeited for the use and benefit of the Indian allottee, in the discretion of the Secretary of the Interior.

The right is reserved by the Secretary of the Interior to reject any and all bids and to disapprove and reject prior to approval any lease made on an accepted bid; and should any bid be rejected after bonus deposit is made by bidder, such deposit shall be immediately returned. The successful bidder or bidders shall pay the costs of advertising lands for oil and gas, or other mineral leases.

4. The Superintendent shall execute leases on behalf of allottees who are incompetent by reason of mental incapacity, and of minor allottees, except such persons for whom guardians have been appointed, in accordance with tribal constitutions which provide for the appointment of guardians.

5. Leases for minerals other than oil and gas shall be negotiated with the Indian allottee whose lands are sought to be leased after permission so to do has first been obtained from the Superintendent and, with the papers required, shall be filed with the Superintendent within 30 days from and after the date of execution: Provided, That no such lease on lands of allottees incompetent by reason of mental incapacity, and of minor allottees, shall be made until competitive bids have been invited therefor by advertising for at least two weeks in two or more papers of general circulation in the vicinity; but if a minor or such incompetent person is interested with competent adults in inherited lands, and such adults agree respecting a lease, the Superintendent or properly designated guardian may sign for the minor or mentally incompetent person without advertising. The minor's age and date of birth must be shown whenever possible.

6. If the applicant for a lease is a corporation it shall file evidence of authority of its officers to execute papers, and with its first application it shall also file:

(I) A certified copy of its articles of incorporation, and, if foreign to the State in which the lands are located, evidence showing compliance with the corporation laws thereof.

(II) Lists of officers, principal stockholders and directors, with postoffice addresses and number of shares held by each.

(III) A sworn statement of the proper officer showing:

(*a*) The Total number of shares of the capital stock actually issued and the amount of cash paid into the treasury on each share sold; or, if paid in property, the kind, quantity, and value of the same paid per share.

(*b*) Of the stock sold, how much remains unpaid, and subject to assessment.

(*c*) The amount of cash the company has in its treasury and elsewhere.

(*d*) The property, exclusive of cash, owned by the company and its value.

(*e*) The total indebtedness of the company and the nature of its obligations.

7. Statements of changes in officers and stockholders shall be furnished by a corporation lessee to the Superintendent on January 1 of each year, and at such other times as may be requested. Affidavits may also be required of individual stockholders at any time, setting forth in what corporations or with what persons, firms, or associations such individual stockholders are interested in mining leases of restricted Indian lands within the State, and whether they hold such interests for themselves or in trust.

8. Except to prevent loss or waste, leases of undivided, inherited lands will be approved only when accompanied by proof that the lessors are the only heirs of the deceased allottee. Heirship must be established in accordance with the act of June 25, 1910 (36 Stat. 855), and the regulations prescribed thereunder. If the heirs have already been so determined, the Superintendent when forwarding the lease shall refer to the date and file number of Indian Office letter notifying him of such determination. If the heirs include a life tenant, the lease must be accompanied by an agreement between such life tenant and the remaindermen, providing for the division of the rents and royalties, subject to approval of the Secretary of the Interior.

If the heirs to an allotment are undetermined or can not be located, or if heirs owning less than one-half interest in the land refuse to sign a lease, and it appears necessary to lease the land to prevent loss or waste, the Superintendent will report the facts to the Commissioner of Indian Affairs and ask for instructions.

9. Lessees shall furnish with each lease a bond (Form 5–154b) with two or more personal sureties, or with an acceptable company authorized to act as sole surety. Such bond shall be in amount as follows: for less than 40 acres, $500; for 40 acres and less than 80 acres, $1,000; for 80 acres and less than 120 acres, $1,500; for 120 acres and not more than 160 acres, $2,000; and for each additional 40 acres or part thereof above 160 acres, $500: *Provided*, That a lessee may file one bond (Form 5–154f) in the sum of $15,000, covering all leases of a particular class in any one State up to 10,240 acres, to which he is or may become a party. The right is reserved at any time before or after approval of lease to increase the amount of a bond above the sum named in any case where the Secretary of the Interior deems it proper to do so. Bonds with personal sureties will be accepted only where the sureties deposit with the Commissioner of Indian Affairs collateral consisting of any public debt obligations of the United States guaranteed as to principal and interest by the United States, equal in value to the full amount of the bond, or other collateral satisfactory in kind and value, to the Secretary of the Interior, or show ownership of unencumbered real estate equal in value to twice the amount of the bond. In lieu of other bonds, lessees may execute their own surety contracts upon deposit of Government bonds as collateral (Form 5–154a).

10. The Superintendent may, either before or after approval of a lease, call for any additional information desired to carry out these regulations. If a lessee shall fail to furnish the papers necessary to put his lease and bond in proper form for consideration, the Superintendent shall forward such lease for disapproval.

11. Oil and gas mining leases shall be made for a period of ten years from the date of approval by the Secretary of the Interior and as much longer thereafter as oil, gas, casinghead gas, or any of them, is produced in paying quantities.

Leases for other minerals shall be for a period of 15 years.

12. No individual, corporation, partnership, company, or association shall hold under leases for mining purposes restricted Indian lands in any one State in excess of the following areas, exclusive of holdings in the Five Civilized Tribes and the Osage Nation:

(*a*) On deposits of the nature of lodes or veins, containing ores of gold, silver, copper, lead, zinc, or other useful metals, not more than 640 acres.

(*b*) For beds of placer gold, gypsum, asphaltum, phosphate, iron ores, or other useful minerals other than coal, oil, and gas, not more than 960 acres.

(*c*) For coal, oil, or gas, not more than 10,240 acres, except that in the State of Oklahoma there is no limitation on the number of acres any lessee may acquire, by lease or assignment, for oil or gas mining purposes.

*Rents and Royalties*

13. All rents and other payments due under leases which have been or may be approved by the Secretary of the Interior shall be paid to the Superintendent or to such other person as may be designated by the Secretary of the Interior, for the benefit of the various lessors. Except advance payments for the first year which shall be sent direct to the Superintendent at the time of filing leases, payments of rental and royalty under oil and gas leases shall be transmitted through the oil and gas supervisor, shall be accompanied by a statement by the lessee, in triplicate, showing the specific items of rental or royalty that the remittance is intended to cover, and shall be made at such time or times as the lease provides. No credit will be given any lessee for rents or royalties paid direct to the lessors or their representatives.

In the event of the discovery of minerals in paying quantities all advance payments shall be allowed as credit on stipulated royalties for the year for which the payment is made. No refund will be made under oil, gas, or other mining leases, in the event the royalty on production for any year is not sufficient to equal the advance payment for that year, nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease, nor shall the lessee be relieved from the obligations to pay said advance rental annually when it becomes due by reason of any subsequent surrender or cancellation of the lease.

For leases other than oil and gas, all advance rental for the first year shall be paid to the Superintendent at the time of filing the lease, and the amounts so paid shall be and become the property of the lessor if the lease be disapproved because of the lessee's failure to meet the requirements of the law or these regulations, or because of any other fault or defect chargeable to the lessee.

14. Advance annual rentals shall be paid on leases for minerals other than oil and gas at the following rates: Fifteen cents per acre per annum for the first and second years; 30 cents per acre per annum for the third and fourth years; 75 cents per acre per annum for the fifth year; and $1 per acre per annum for each succeeding year during the term of the lease.

15. The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, the rental so paid for any one year to be credited on the royalty for that year, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil, and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. During the period of supervision, "value" for the purposes of the lease, may, in the discretion of the Secretary, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the oil and gas supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly on the last day of the calendar month following the calendar month in which produced; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction of such oil in storage caused by acts of God. All rental and royalty payments, except as provided in sections 4 (c) and 8 (a) of the lease form (5–154h, revised April 24, 1935), shall be made by check or draft drawn on a solvent bank, open for the transaction of business on the day the check or draft is issued, to the order

of the Superintendent. Except the advance rental for the first year, which as provided in section 13 of these regulations, shall be paid to the Superintendent when the lease is filed, payments shall be transmitted through the oil and gas supervisor, shall be accompanied by a statement by the lessee, in triplicate, showing the specific items of rental or royalty that the remittance is intended to cover, and shall be made at such times as the lease provides. In determining the value for royalty purposes of products, such as natural gasoline, that are derived from treatment of gas, a reasonable allowance for the cost of manufacture shall be made, such allowance to be two-thirds of the value of the marketable product unless otherwise determined by the Secretary of the Interior on application of the lessee or on his own initiative, and that royalty will be computed on the value of gas or casinghead gas, or on the products thereof (such as residue gas, natural gasoline, propane, butane, etc.), whichever is the greater.

In time of war or other public emergency any of the executive departments of the United States Government shall have the option to purchase at the highest posted market price on the date of sale all or any part of the oil produced under any lease.

16. The royalty on coal shall not be less than ten cents per ton of 2,000 pounds on mine run, or coal as it is taken from the mines, including what is commonly called "slack".

17. The royalty on asphaltum shall not be less than ten cents per ton of 2,000 pounds on crude asphalt or 60 cents per ton on refined asphalt.

18. For gold, silver, copper, lead, zinc, and tungsten the lessee shall pay quarterly a royalty of not less than ten percent, to be computed on the gross value of the ores as shown by reduction returns after deducting freight and treatment charges.

19. For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas the lessee shall pay quarterly a royalty of not less than ten percent of the value at the nearest shipping point.

20. Lessees may make arrangements with the purchasers of oil for the payment of the royalties to the Superintendent by such purchasers, but such arrangement, if made, shall not operate to relieve a lessee from responsibility should the purchaser fail or refuse to pay royalties when due. Where lessees avail themselves of this privilege, division orders permitting the pipe line companies or other purchasers of the oil to withhold the royalty interest shall be executed and forwarded to the oil and gas supervisor for approval, as pipe line companies are not permitted to accept or run oil from leased Indian lands until after the approval of a division order showing that the lessee has a lease regularly approved and in effect. The right is reserved for the oil and gas supervisor to cancel a division order at any time or require the pipe line company to discontinue to run the oil of any lessee who fails to operate the lease properly or otherwise violates the provisions of the lease, of these regulations, or of the operating regulations.

Lessee or his representative shall actually be present when oil taken under division orders is run by pipe line companies and lessee shall be responsible for the correct measurement and report of oil so run; otherwise the approval of division order may be revoked.

21. Royalty payments on all leases shall be made monthly, on or before the last day of the calendar month following the calendar month for which such payment is to be made.

*Stipulations*

22. The lessee under any lease heretofore approved may, by stipulation (Form 5–154i), with the consent of the lessor and the approval of the Secretary of the Interior, make such approved lease subject to all the terms, conditions, and provisions contained in these regulations and in the lease form currently in use.

*Assignments*

23. (*a*) Leases hereafter approved, or any interest therein, may be assigned or transferred only with the approval of the Secretary of the Interior, and to procure such approval the assignee must be qualified to hold such lease under existing rules and regulations, and shall furnish a satisfactory bond for the faithful performance of the covenants and conditions thereof.

(*b*) No lease or any interest therein or the use of such lease shall be assigned, sublet, or transferred, directly or indirectly, by working or drilling contract, or otherwise, without the consent of the Secretary of the Interior.

(c) Assignments of leases and stipulations modifying the terms of existing leases shall be filed with the Superintendent within 30 days after the date of execution.

*Cancellations*

24. A lease will be cancelled by the Secretary of the Interior for good cause upon application of the lessor or lessee, or if at any time the Secretary is satisfied that the provisions of the lease or of any regulations heretofore or hereafter prescribed have been violated. When the lessee applies for cancellation he must, before the same will be considered, pay a surrender fee of $1 and all royalties and rents due to the date of completion of such application, surrender all parts of the lease actually delivered to him, and furnish a duly recorded release of the acreage covered by the application if the lease thereon has been recorded: Provided, That where the application is made by an assignee to whom no copy of the lease was delivered he will be required to surrender only his copy of the assignment.

If the lease is owned in undivided interests by more than one person, firm, or corporation all shall join in the application for cancellation.

All required fees and papers must be at least in the mail on or before the date upon which rents and royalties become due in order for the lessee and his surety to be relieved from liability for the payment thereof.

If there has been a contest respecting a lease or leases, the approved, disapproved, or cancelled parts thereof will be held in the office of the Superintendent for five days after promulgation by him, by mailing or delivery of the department's decision, and will not be delivered if within that period a motion for review or reconsideration be filed until such motion is passed upon by the department.

No part of any advance rentals shall be refunded to the lessee, nor shall he be relieved from his obligation to pay rentals annually when due by reason of any subsequent surrender or cancellation of the lease. Upon cancellation of a lease the lessor shall be entitled to take immediate possession of the land.

*Further Requirements of Lessees*

25. Lessees will be required to carry out and observe the operating regulations now or hereafter in force governing oil and gas operations on restricted Indian lands. Operations will not be permitted under any lease requiring approval of the Secretary of the Interior until the approved lease has been delivered.

All leases issued under the provisions of these regulations shall be subject to imposition by the Secretary of such restrictions as to time or times for the drilling of wells and as to the production from any well or wells as in his judgment may be necessary or proper for the protection of the natural resources of the leased land and in the interests of the Indian lessor. In the exercise of his judgment the Secretary may take into consideration among other things the Federal laws, State laws, or regulations by competent Federal or State authorities or lawful agreements among operators regulating either drilling or production or both, and also any regulatory action desired by tribal authorities.

All leases issued pursuant to these regulations shall be subject to a cooperative or unit development plan affecting the leased lands if and when required by the Secretary of the Interior.

26. Lessees shall agree to allow the lessors and their agents or any authorized representative of the Interior Department to enter, from time to time, upon and into all parts of the leased premises for the purposes of inspection, and shall further agree to keep a full and correct account of all operations and make reports thereof, as required by the regulations of the Department governing operations on public and restricted Indian lands; and their books and records showing manner of operations and persons interested shall be open at all times for examination of such officers of the department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examination.

*Land From Which Restrictions Have Been or May Be Removed*

27. All leases of any description whatever executed by an allottee on land from all of which the restrictions against alienation had been removed before such execution may be executed without any provision for reference to or supervision by the Secretary of the Interior or any official of the Department of the Interior; and the Superintendent shall refuse to accept for consideration any lease covering land from all of which restrictions had been removed before such execution.

28. All leases executed before the removal of restrictions against alienation on land from all of which restrictions against alienation shall be removed after such execution, if such leases contain specific provision for approval by the Secretary of the Interior, whether now filed with the department or presented for consideration hereafter, will be considered and acted upon by this department as heretofore.

29. Oil and gas leases heretofore or hereafter approved and leases for other minerals now or hereafter in force on land from all of which restrictions against alienation have been or shall be removed, even if such leases contain provisions authorizing supervision by this department, shall, after such removal of restrictions against alienation, be operated entirely free from such supervision, and the authority and power delegated to the Secretary of the Interior in said leases shall cease, and all payments required to be made to the Superintendent shall thereafter be made to lessor or the then owner of said land; and changes in regulations thereafter made by the Secretary of the Interior applicable to oil and gas leases shall not apply to such leased land from which said restrictions are removed.

In the event restrictions are removed from a part of the land included in any lease to which this section applies the entire lease shall continue subject to the supervision of the Secretary of the Interior, and all royalties thereunder shall be paid to the Superintendent until such time as the lessor and lessee shall furnish the Secretary of the Interior satisfactory information that adequate arrangements have been made to account for the oil, gas, or mineral upon the restricted land separately from that upon the unrestricted. Thereafter the restricted land only shall be subject to the supervision of the Secretary of the Interior, provided that the unrestricted portion shall be relieved from such supervision as in the lease or regulations provided.

30. Sections 8 and 9 of the approved oil and gas lease form (5–154h, as revised April 24, 1935), relative to relinquishment of supervision and terms operative after such relinquishment, read as follows:

"8. *Relinquishment of supervision by the Secretary of the Interior.*—Should the Secretary of the Interior, at any time during the life of this instrument, relinquish supervision as to all or part of the acreage covered hereby, such relinquishment shall not bind lessee until said Secretary shall have given 30 days written notice. Until said requirements are fulfilled, lessee shall continue to make all payments due hereunder as heretofore in section 3 (*c*). After notice of relinquishment has been received by lessee, as herein provided, this lease shall be subject to the following further conditions:

(*a*) All rentals and royalties thereafter accruing shall be paid in the following manner: Rentals and royalties shall be paid to lessor or his successors in title, or to a trustee appointed under the provisions of section 9 hereof. Rentals and royalties shall be paid directly to lessor or his successors in title, or to said trustee as the case may be.

(*b*) If, at the time supervision is relinquished by the Secretary of the Interior, lessee shall have made all payments then due hereunder, and shall have fully performed all obligations on its part to be performed up to the time of such relinquishment, then the bond given to secure the performance hereof, on file in the Indian Office, shall be of no further force or effect.

(c) Should such relinquishment affect only part of the acreage, then lessee may continue to drill and operate the land covered hereby as an entirety: *Provided*, That lessee shall pay in the manner prescribed by section 3 (c), for the benefit of lessor such proportion of all rentals and royalties due hereunder as the acreage retained under the supervision of the Secretary of the Interior bears to the entire acreage of the lease, the remainder of such rentals and royalties to be paid directly to lessor or his successors in title or said trustee as the case may be, as provided in subdivision (*a*) of this section.

"9. *Division of fee.*—It is covenanted and agreed that should the fee of said land be divided into separate parcels, held by different owners, or should the rental or royalty interests hereunder be so divided in ownership, after the execution of this lease and after the Secretary of the Interior relinquishes supervision hereof, the obligations of lessee hereunder shall not be added to or changed in any manner whatsoever save as specifically provided by the terms of this lease. Notwithstanding such separate ownership, lessee may continue to drill and operate said premises as an entirety: *Provided*, That each separate owner shall receive such proportion of all rentals and royalties accruing after the vesting of his title as the acreage of the fee, or rental or royalty interest, bears to the entire acreage covered by the lease; or to the entire rental and royalty interest as the case may be: *Provided further*, That if, at any time after departmental supervision hereof is relinquished, in whole or in part, there shall be four or more parties entitled to rentals or royalties hereunder, whether said parties are so entitled by virtue of undivided interests or by virtue of ownership of separate parcels of the land covered hereby, lessee, at his election may withhold the payment of further rentals or royalties (except as to the portion due the Indian lessor while under restrictions), until all of said parties shall agree upon and designate in writing and in a recordable instrument a trustee to receive all payments due hereunder on behalf of said parties and their respective successors in title. Payments to said trustee shall constitute lawful payments hereunder, and the sole risk of an improper or unlawful distribution of said funds by said trustee shall rest upon the parties naming said trustee and their respective successors in title."

These, or similar provisions, will be contained in all leases.

31. Should the removal of restrictions affect only part of the acreage covered by an oil and gas lease containing provisions to the effect that the royalties accruing under the lease, where the fee is divided into separate parcels, shall be paid to each owner in the proportion which his acreage bears to the entire acreage covered by the lease, the lessee or assignee of such unrestricted portion will be required to make the reports required by these regulations and the operating regulations with respect to the beginning of drilling operations, completion of wells, and production, the same as if the restrictions had not been removed. In the event the unrestricted portion of the leased premises is producing, the owners of the lease thereon will be required to pay the portion of the royalties due the Indian lessor at the time and in the manner specified by these regulations.

*Fees*

32. In accordance with the provisions of the act of February 14, 1920 (41 Stat. 408–415), a fee of $5 is hereby required upon approval of each lease, sublease, or assignment. This fee shall be paid at the time of filing the lease, sublease, or

assignment, and will be refunded in case the instrument is disapproved.

*Forms*

33. The forms prescribed for use in connection with these regulations are designated as follows, and may be obtained from the Superintendent at a cost of ten cents each:

5–154. Lease for minerals, other than oil and gas.
5–154a. Lessee's personal bond supported by Government securities.
5–154b. Bond for separate leases.
5–157d. Authority of officers to execute papers.
5–154e. Assignment.
5–154f. $15,000 collective bond.
5–154g. Affidavit of personal surety to accompany bonds.
5–154h. (Revised April 24, 1935). Oil and gas lease.
5–154i. Stipulation modifying terms of oil and gas mining lease.

34. The reference in these regulations to "allottees" and "allotments" does not include assignments of tribal lands made pursuant to tribal constitutions for the use of individual Indians and assignees of such lands; but such tribal assignments may be leased by Indians to whom mineral rights have been so assigned, subject to the terms of the tribal constitution and subject to the approval of the Secretary of the Interior for such periods of time as are authorized by existing law. In the leasing of such lands preference will be given to Indian cooperative associations and to individual Indians.

The foregoing regulations are respectfully submitted to the Secretary of the Interior with recommendation that they be approved.

JOHN COLLIER,
*Commissioner of Indian Affairs.*

Approved, October 8, 1937.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37–3288; Filed, November 11, 1937; 9:45 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

NOVEMBER 11, 1937.

*To H. L. Anderson, doing business as Farmers' Livestock Sales Company, McCook, Nebraska*

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Farmers' Livestock Sales Company, at McCook, State of Nebraska, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–3291; Filed, November 11, 1937; 12:41 p. m.]

## Commodity Exchange Administration.

NOTICE OF HEARING

*To all Contract Markets, Futures Commission Merchants, and Parties Interested:*

Whereas Section 4a of the Commodity Exchange Act, 7 U. S. C. Supp. II, Sec. 6a, directs that, for the purpose of diminishing, eliminating, or preventing excessive speculation causing sudden, unreasonable, or unwarranted price changes in any commodity named in the act, the Commodity Exchange Commission shall, from time to time, after due notice and opportunity for hearing, proclaim and fix such limits on the amount of trading under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market which may be done by any person as said Commission finds is necessary for such purpose;

Now, therefore, notice is hereby given that a hearing will be held beginning at 10 o'clock a. m., on December 1, 1937, in Room 300, Chicago Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois, for the presentation of evidence as to (1) what maximum limit should be fixed for the amount of wheat, corn, oats, barley, rye, and flaxseed which any person directly or indirectly may buy or sell, or agree to buy or sell, under contracts of sale for future delivery on or subject to the rules of all contract markets, on any one business day, and (2) what maximum limit should be fixed for the net long or net short position in wheat, corn, oats, barley, rye, and flaxseed which may be held or taken by any person as a result of contracts for future delivery on or subject to the rules of all contract markets.

Neither of the aforesaid limits will apply to transactions which are shown to be bona fide hedging transactions as that term is specifically defined in Section 4a of the Commodity Exchange Act, 7 U. S. C. Supp. II, Sec. 6a.

Dated November 10, 1937.

Commodity Exchange Commission:

By H. A. WALLACE,
*Secretary of Agriculture.*
[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*
HOMER CUMMINGS,
*Attorney General.*

[F. R. Doc. 37–3295; Filed, November 11, 1937; 12:42 p. m.]

DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority vested in it by the Commodity Exchange Act, 7 U. S. C. A., Chapter 1, the Commodity Exchange Commission hereby designates J. W. T. Duvel and J. M. Mehl to act jointly and/or severally as its agents for the purpose of conducting a hearing to be held, as stated in the notice thereof, on December 1, 1937, in Room 300, Chicago Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois, beginning at 10 o'clock a. m., with respect to the fixing of maximum limits for the amount of wheat, corn, oats, barley, rye, and flaxseed which any person may buy or sell for future delivery in one day and for the amount of the net position short or long which any person may hold as the result of contracts for future delivery of such commodity, as provided in said act, and said Commission authorizes them to adjourn said hearing from time to time or from place to place, or both, to such other times and places as convenience may require, until opportunity has been given to all interested parties to be heard.

In testimony whereof, we have hereunto affixed our respective signatures this 10th day of November 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*
DANIEL C. ROPER,
*Secretary of Commerce.*
HOMER CUMMINGS,
*Attorney General.*

[F. R. Doc. 37–3294; Filed, November 11, 1937; 12:41 p. m.]

NOTICE OF HEARING

*To all Contract Markets for Grain and All Parties Interested:*

Whereas, Sec. 5a (4) of the Commodity Exchange Act, 7 U. S. C. Supp. II, Sec. 7a (4), provides that whenever the Secretary of Agriculture finds, after due notice and opportunity for hearing, that it would prevent or tend to prevent "squeezes" and market congestion endangering price stability if he were to require any contract market or markets to make provision for a period of not less than three nor more than ten business days during which delivery of the actual cash commodity may be made on any futures contract after trading in futures for such commodity has ceased for any delivery month, he shall issue an order requiring any one or more contract markets to provide for such delivery period for any one or more commodities;

Whereas, Sec. 5a (5) of said act, 7 U. S. C. Supp. II, Sec. 7a (5), provides that whenever the Secretary finds, after due notice and opportunity for hearing, that the giving of a longer notice of delivery than the notice of at least one business day required by said section is necessary to prevent or diminish unfair practices in trading in any one or more commodities or markets, he shall, by order, require such longer notice of delivery, which shall not be more than ten business days, and shall make it applicable to such commodities and markets as he finds will prevent or diminish unfair practices; and

Whereas the Secretary of Agriculture has reason to believe that each contract market on which wheat, corn, oats, barley, rye and flaxseed, or any of them, are traded in for future delivery, should be required to provide for such period, with respect to such commodities, to prevent "squeezes" and market congestion endangering price stability, and to require such notice of delivery, with respect to such commodities, to prevent or diminish unfair practices in trading;

Now, Therefore, notice is hereby given that a hearing will be held beginning at 10 o'clock a. m., on November 30, 1937, in Room 300, Chicago Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois, at which any interested party may appear and present such facts as may tend to show that such action should or should not be taken.

Dated November 10, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–3293; Filed, November 11, 1937; 12:41 p. m.]

DESIGNATION OF PRESIDING OFFICER

Pursuant to the authority vested in me by the Commodity Exchange Act, 7 U. S. C. A., Chapter 1, I hereby designate J. W. T. Duvel and J. M. Mehl to act jointly and/or severally as agents of the Secretary of Agriculture for the purpose of conducting a hearing to be held, as stated in the notice thereof, on November 30, 1937, in Room 300, Chicago Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois, beginning at 10 o'clock a. m., with respect to requiring contract markets to provide for a period for delivery of commodities after trading therein for future delivery has ceased, and requiring contract markets to require written notice of delivery of commodities under contracts for future delivery to be given more than one business day prior to the date of delivery, as provided in said act, and I authorize them to adjourn said hearing from time to time or from place to place, or both, to such other times and places as convenience may require, until opportunity has been given to all interested parties to be heard.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington on this 10th day of November 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–3292; Filed, November 11, 1937; 12:41 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

AMENDING THE ACCOUNTING CHAPTER OF THE MANUAL PROVIDING FOR ACCOUNTING PROCEDURE AND DISPOSITION OF OVERPAYMENTS OF LESS THAN FIFTY CENTS ON PAID IN FULL LOANS

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by sections 4–a and 4–k of said Act as amended, Section 800 (a) and Section 800 (k) of the Accounting Chapter (VIII) of the Consolidated Manual are amended to read as follows, and Section 800 (l) is revised by deleting therefrom the second paragraph:

SEC. 800 (*a*) The Accounting Section shall be under the direction of the Comptroller of the Corporation who is authorized, with the approval of the General Counsel, the General Manager and the Budget Director, to prescribe all accounting procedure according to policies of the Board heretofore and hereafter adopted.

(*k*) If a remittance purporting to pay a loan in full, or intended as a final settlement in any case involving a release of the Corporation's interest or a part thereof, is insufficient in an amount of fifty cents or less, no attempt shall be made to collect any such difference between the amount due and the amount of the payment received. The appropriate account affected shall be credited with the amount of such insufficiency, with a contra debit to the account, Insufficient Payments—Final Settlements. Overpayments exceeding fifty cents shall be refunded, by disbursement from the Regional Working Fund, upon approval of the Regional Manager and certification by the Auditor or an authorized deputy. Overpayments of fifty cents or less shall be credited to such account as the Comptroller shall prescribe; provided, however, that the Regional Manager may, in any case where he deems it advisable, direct that the same be refunded.

Adopted by the Federal Home Loan Bank Board on November 9, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–3290; Filed, November 11, 1937; 12:05 p. m.]

## INTERSTATE COMMERCE COMMISSION.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of November, A. D. 1937

[Ex Parte No. 123]

FIFTEEN PERCENT CASE, 1937

The Commission, having before it the petitions of numerous railroads subject to the interstate commerce act for authority to increase their rates, fares and charges, including inter-

national rates, fares and charges, in specified amounts, filed on November 5, 1937, on behalf of the Abilene & Southern Railroad Company, and other carriers, and a petition filed on November 6, 1937, by the American Short Line Railroad Association, supplemental to and in support of that petition, on behalf of certain other carriers subject to the act; and it appearing that said petitioners pray that the Commission enter a general order modifying all its outstanding orders to the extent necessary to enable petitioners to make effective the increases proposed, and that where the application of the increase herein proposed to the existing rates and fares would result in departures from Section 4 of the act, the Commission authorize such departures, which petitions so filed are referred to for greater certainty:

*It is ordered*, That the Commission enter upon an investigation of the proposals made in said petitions; and that a copy of this order be served upon the applicants named in said petitions and upon the Governors and regulatory bodies of the several States:

*It is further ordered*, That the above-entitled proceeding be, and it is hereby assigned for hearing before Division 7 of the Commission at the office of the Commission in Washington, November 29, 1937, at 10 a. m., standard time.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-3296; Filed, November 11, 1937; 12:51 p. m.]

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[Docket No. 3666]

## ORDER IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles being under further consideration;

*And it appearing*, That applications of the War Department, United States Government, and Gulf Oil Company, unanimously recommended by the Tank Car Committee, and concurred in by the Bureau of Explosives, Association of American Railroads, request permission to construct and operate in experimental rail service in the transportation of gasoline within the description of materials in paragraph 236 (a) of the aforesaid regulations, a total of thirty tank cars with riveted aluminum alloy tanks, twenty-five for the War Department and five for the Gulf Oil Company, to be constructed in accordance with shipping container specification 103AL embodied herein, including requirements of the Association reproduced as an appendix to the specification;

*It further appearing*, That the Tank Car Committee, in recommending approval of these applications, submits that the proposed specification will provide aluminum-alloy tank-car tanks having the same strength as steel tanks of specification 103 type in current use in the transportation of gasoline of the grade described, and that use thereof is in accordance with the best-known practicable means for securing safety in transit;

*It further appearing*, That there are in use at the present time 169 tank cars with tanks constructed of aluminum, 93 riveted and 76 of welded construction, for commodities of nondangerous character in transportation, and not within the terms of the aforesaid regulations;

*And it further appearing*, That reports are required to be made to the Bureau of Explosives and the secretary, mechanical division, Association of American Railroads before any car is placed in service, certifying to compliance with the specification, and further periodical reports to same parties on the condition of tanks and safety valves:

*It is ordered*, That the pending applications be granted and the construction and use be and is hereby authorized of a total of 30 tank cars, with tanks in accordance with the following shipping container specification 103AL, including appendix thereof, subject to requirements for the safe transportation of gasoline and safety appliances, and carrier rules for the interchange of tank cars:

### SHIPPING CONTAINER SPECIFICATION 103AL

*Riveted Aluminum Alloy, Heat Treated, Tanks to be Mounted on or to Form Part of a Car*

[Effective November 5, 1937]

1. (*a*) *Type.*—Tanks built under this specification must be cylindrical, with heads dished convex outward, and must have at least one expansion dome with manhole, and such other external projections as are prescribed herein.

(*b*) *Lagging.*—The tank shell and dome must be lagged with an approved insulation material having a thermal efficiency at least equal to 85 per cent carbonate of magnesia 2 inches in thickness.

The entire insulation must be covered with a metal jacket, not less than 1/8" in thickness, efficiently flashed around all openings so as to be weather-tight.

2. (*a*) *Bursting pressure.*—The calculated bursting pressure, as determined by the following formula, must be at least 300 lbs. per square inch. Castings and attachments must be designed for the same bursting pressure.

(*b*) Formula for determining bursting pressure.

$$\frac{S \times 2t \times E}{d} = \text{Bursting Pressure.}$$

$S$ = Ultimate tensile strength in lbs. per sq. in.
$t$ = Thickness in inches thinnest plate.
$E$ = Seam efficiency.
$d$ = Inside diameter in inches.

3. (*a*) *Material.*—All plates for tank and expansion dome must be made of aluminum alloy, heat treated, in accordance with Federal Specification No. QQ-A-353, dated 6-6-33, condition "T."

(*b*) All rivets must be of aluminum alloy having a minimum shearing value when driven in the tank of 33,000 lbs. per sq. in. They must be heated in pyrometrically controlled furnace and be driven hot.

(*c*) Aluminum alloy castings must conform to Proposed Federal specification for aluminum base alloy sand castings QQ-A-363 dated 2-13-37.

(*d*) Aluminum alloy forgings heat treated, must conform to Federal specification QQ-A-367 effective on the date hereof.

4. *Thickness and widths of plates.*—The minimum thickness of plates, including thickness of each plate at rivet seams, must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads |
|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| Over 78 to 96 inches | 1/2 | 3/8 | 5/16 | 1/2 | 5/16 |

The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal seam, including overlaps, above the cradle.

5. *Dishing of tank heads.*—Tank heads must be of approved contour.

6. (*a*) *Riveting.*—For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets less than 5/8 inch nominal diameter not permissible on any part of tank or attachments. All rivets must be driven hot.

(*b*) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be at least double riveted. Dome head, manhole ring, safety valve flange, and bottom outlet chamber flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material. The efficiency of multiple riveted seams must be at least 70% of the strength of the thinnest plate. The efficiency of single riveted seams must be at least 35% of the strength of the thinnest plate.

(*c*) The manner in which tank is supported on and securely attached to the car structure must be approved.

7. *Preparation for calking.*—The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 70 to 80 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus 1/4 inch.

8. *Calking.*—All seams, including those formed by attachment of expansion dome and other external projections, must be calked both inside and outside, except that inside calking of the seam fomed by attachment of expansion dome to tank is not required and outside calking of seams formed by attachment of all external projections, except the expansion dome is not required. Split calking and calk welding prohibited.

9. (*a*) *Expansion dome.*—The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 2 per cent of the total capacity of the tank and dome combined.

(*b*) The manhole in the dome head must be of sufficient diameter to permit access to the interior of the tank. The opening in tank shell within the dome must be at least 29 inches and not more than 30 inches in diameter.

(*c*) The dome head must be dished convex outward.

10. (*a*) *Closures for manholes.*—All covers not hinged to tank must be attached to outside of the dome head by at least a 3/8 inch steel chain or its equivalent.

(*b*) All joints between manhole covers and their seats must be made tight against vapor pressure, and to secure this a suitable gasket must be used. The manhole cover must be of approved type and design to make it practically impossible to remove the cover while the interior of the tank is subjected to pressure.

(*c*) Manhole rings and covers must be of cast, forged or pressed aluminum alloy.

11. *Gauging devices, venting and loading and discharge pipes extending through dome of tanks.*—Not specification requirements. When installed, these external projections, including their valves, must be protected from accidental injury by being set into a securely covered recess, or by means of cast or pressed steel, malleable iron or aluminum equivalent housing with a cover that can be securely closed. Openings in wall of housing must be equipped with screw plugs or other closures.

12. *Venting, loading and discharge pipes.*—These pipes, when installed, must be closed by efficient valves of metal not subject to rapid deterioration by the lading. Provision must be made for closing the pipe connections of the valves.

13. (*a*) *Bottom discharge outlets.*—The bottom discharge outlet, when applied, must be made of metal not subject to rapid deterioration by the lading, be of approved construction and be provided with a valve at its upper end and a liquid tight closure at its lower end.

(*b*) The valve operating mechanism and outlet chamber construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

14. (*a*) *Safety valves.*—The tank must be equipped with one or more safety valves mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

(*b*) One safety valve must be provided for each tank, or compartment thereof, of 6,650 gallons capacity or less, and two safety valves for each tank, or compartment thereof, of over 6,650 gallons capacity.

(*c*) Each safety valve must be set to open at a pressure of 25 pounds per square inch. (For tolerance see paragraph 18.)



15. *Fixtures, reinforcements, and other attachments not otherwise specified.*—All external attachments to tank must be riveted in place and calked to comply with conditions prescribed in paragraphs 6 and 8, or applied by other approved means of at least equal strength and efficiency.

16. *Plugs for openings.*—When plugs are used in the heads or other parts of tanks they must be solid, of aluminum alloy, with standard pipe thread and taper, and of a length which will screw at least 6 threads inside the face of fitting or tank.

17. *Test of tanks.*—Each tank must be tested, before being put into service and also at intervals as prescribed in paragraph 19, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves, must be in place while test is made.

18. *Tests of safety valves.*—Each valve must be tested, before being put into service and also at intervals as prescribed in paragraph 19, by attaching to an air line and applying pressure. The valve must not leak below 20 pounds pressure. (See Note paragraph 218 (*d*) of freight regulations.) The valve must open at the pressure prescribed in paragraph 14 (c) with a tolerance of plus or minus 3 pounds.

19. *Retests of tanks and safety valves.*—Tanks and safety valves must be retested, as prescribed for original tests in paragraphs 17 and 18, within 10 years after the original test, and thereafter at intervals of five years or less. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. Reports must be rendered as prescribed in paragraph 21.

20. *Marking.*—Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(*a*) ICC-103-AL in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal near the center of one outside head of the tank. This mark must also be stenciled on the insulation jacket near the center of one outside head in letters and figures at least 2 inches high.

(*b*) Initials of manufacturer and date of original test of tank in letters and figures at least 3/8 inch high, stamped plainly and permanently into the metal of the tank immediately below the stamped mark specified in paragraph 20 (a). These initials and date must also be stenciled on the insulation jacket immediately below the stenciled mark specified in paragraph 20 (*a*) in letters and figures at least 2 inches high.

(*c*) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the insulation jacket.

(*d*) Date on which the safety valves were last tested, pressure to which tested, place where test was made and by whom, stenciled on the insulation jacket.

21. *Reports.*—Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the secretary, mechanical division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of alterations of the tank or equipment therefor from original design, a similar report must be rendered to the same parties. For the periodic retests of tank and safety valves, other than above mentioned, reports must be rendered to the Bureau of Explosives and to car owner. In addition to the foregoing, owners or operators of cars where construction is authorized herein shall make semi-annual inspections of the tanks and report their condition to the above parties.

APPENDIX

*A. A. R. Requirements*

AAR-5. *Dishing of tank heads.*—Tank heads must be dished for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must be not less than 3 3/4 inches.

AAR–6. (*a*) *Anchorage.*—The minimum shearing and bearing values of rivets connecting longitudinal anchor plates to tank and underframe shall be as follows:

Connection of single piece anchor plates to tank: (A single piece anchor is one having one longitudinal anchor plate on each side of the center sill construction.)

Shearing area of aluminum rivets, not less than 40 square inches.

Bearing area of aluminum rivets, not less than 24 square inches.

Connection of single piece anchor plates to underframe:

Shearing area of steel rivets, not less than 15 square inches.

Bearing area of steel rivets, not less than 12 square inches.

The shearing and bearing values of rivets securing anchor plates to underframe shall not exceed 70 per cent of the shearing and bearing values, respectively, of those used for connection of anchor plates to tank. The maximum diameter of a driven aluminum rivet in the anchor must not exceed its normal diameter plus $\frac{1}{32}$ inch. Head block anchorage prohibited.

(*b*) *Tank bands.*—Each tank shall have at least two bands, one at each bolster or other approved means of equal strength and security. If more than the prescribed two bands are used, their location is optional.

All tank bands shall be in direct contact with outside of main shell.

The cross sectional area of the tank band shall at no place be less than the equivalent of one square inch of steel. A threaded end $1\frac{3}{8}$ inch or more in diameter, with body consisting of a flat band 2 inch by $\frac{1}{2}$ inch, or equivalent section, or round $1\frac{1}{8}$ inch in diameter, will be accepted as meeting this requirement.

(*c*) *Bolster slabbing.*—Contact bearing area shall be not less than 15 square feet.

Not less than 50 per cent of the above prescribed minimum of number of square feet of bolster slabbing bearing area shall be outside the zone of center sill construction.

AAR–10. *Closures for manholes.*—Approved bolted type or bolted and hinged type, see Figs. 5 and 6, AAR specifications, or other approved type must be used.

AAR–13. (*a*) *Bottom discharge outlets.*—To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet valve chamber or some fixed attachment thereto, must have external U. S. F. threads four threads to the inch. The liquid-tight closure at its lower end must have corresponding female threads machined to give proper clearance.

(*b*) For outlet chambers that project 6 inches or more from shell of tank a V groove must be cut (not cast) in the upper part of the outlet valve chamber at a point immediately below lowest part of valve to a depth that will leave thickness of chamber wall at the root of the V not over $\frac{3}{8}$ inch. Where outlet chamber is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(*c*) The flange on the outlet chamber must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet chamber will occur at or below the V-groove.

(*d*) The valve must have no wings or stem projecting below the V-groove in the outlet castings, unless they are scored or designed to break or bend without unseating valve. The valve and seat must be readily accessible or removable for repairs, including grinding.

(*e*) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank.

(*f*) In no case must extreme projection of bottom discharge outlet equipment extend to within 12 in. above top of rail. All bottom discharge outlet reducers and closures and their attachments must be secured to car by at least $\frac{3}{8}$ in. steel chain or its equivalent, except that outlet closure plugs may be attached by $\frac{1}{4}$ in. chain. When the bottom discharge outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

AAR–14. *Safety valves.*—Safety valves must be of approved design. See Fig. 2, AAR specifications.

AAR–20. *Marking.*—For all other markings see Fig. 1, AAR specifications.

AAR–21. *Certificate of construction.*—For form of certificate of construction see section F, page 6, AAR specifications.

AAR–22. *Car structure.*—For car structure see section H, page 8, AAR specifications.

*It is further ordered,* That tank cars constructed under this order are hereby authorized for use on and after the date of approval and publication hereof, or until further order by the Commission;

*And it is further ordered,* That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 5th day of November, 1937.

By the Commission, Commissioner McManamy.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–3297; Filed, November 11, 1937; 12:51 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

[File No. 34–9; 43–88]

IN THE MATTER OF FEDERAL WATER SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Federal Water Service Corporation, a registered holding company, pursuant to Rules 12E–4 and 12E–5 of this Commission under the Public Utility Holding Company Act of 1935 for a report by this Commission upon a plan of reorganization of Federal Water Service Corporation which involves a reclassification of its 15,296 shares of $7 preferred stock outstanding, its 69,888 shares of $6.50 preferred stock outstanding, its 71,706 shares of $6 preferred stock outstanding, its 2,379 shares of $4 preferred stock outstanding, its 468,775 shares of Class A stock outstanding and its 542,450 shares of Class B stock outstanding; and Federal Water Service Coporation having also filed with this Commisison a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 for the issuance of shares of common stock, special stock and dividend arrears certificates necessary to carry out its reorganization plan;

*It is ordered,* That a hearing on such matter be held on December 7th, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 3, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3300; Filed, November 11, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

[File No. 43–89]

IN THE MATTER OF NEBRASKA NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Nebraska Natural Gas Company, a subsidiary of North American Light & Power Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue or sale of 6,700 shares of Common Stock of the par value of $100 each and a 6% 10-Year Unsecured Promissory Note in the principal amount of $850,000, said declaration stating that said securities are to be issued in exchange for and upon retirement of outstanding securities of the declarant;

*It is ordered,* That a hearing on such matter be held on December 1, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 24, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3298; Filed, November 11, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

[File No. 51–7]

IN THE MATTER OF NEBRASKA NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Nebraska Natural Gas Company, a subsidiary of North American Light & Power Company, a registered holding company, pursuant to Rule 12C–2 adopted pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935, for an order authorizing the applicant to declare and pay a dividend or dividends on its Common Stock out of capital or unearned surplus;

*It is ordered,* That a hearing on such matter be held on December 1, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 24, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3299; Filed, November 11, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

[File No. 32–73]

IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Potomac Electric Power Company, a subsidiary of The North American Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of section 6 (a) of said Act of the issue and sale by the applicant of an aggregate principal amount of $5,000,000 of its First Mortgage Bonds, 3¼% Series due 1966, it being stated in said application that the issue and sale of said securities are solely for the purpose of financing the business of the applicant, that the proceeds of the issue and sale of said securities will be used for the purpose of reimbursing the applicant's treasury for expenditures made by it for capital assets and for working capital, and that the applicant is applying to the Public Utilities Commission of the District of Columbia for the authorization by said Commission of such issue and sale, the applicant being organized and doing business in the District of Columbia;

*It is ordered,* That a hearing on such matter be held on November 26, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested con-

sumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 20, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3301; Filed, November 11, 1937; 12:52 p. m.]

*Saturday, November 13, 1937* *No. 221*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

### AMENDMENT OF PARAGRAPH 6, SUBDIVISION VII, SCHEDULE A, CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), it is ordered that paragraph 6, Subdivision VII, Schedule A of the Civil Service Rules be, and it is hereby, amended to read as follows:

"6. Temporary clerks, carriers, and laborers required for part-time or intermittent work in the Postal Service in connection with the holiday or seasonal business from November 15, 1937, to January 15, 1938."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 11, 1937.*

[No. 7738]

[F. R. Doc. 37-3307; Filed, November 12, 1937; 11:27 a. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4774]

### CASES AND BOTTLES FOR PACKAGING INDUSTRIAL ALCOHOL

*To District Supervisors and Others Concerned:*

The first paragraph of article 55 of Regulations 3, page 57, as amended by T. D. 4502, dated December 15, 1934, is further amended to read as follows:

ART. 55. Original packages of alcohol filled at industrial-alcohol bonded warehouses may consist of cases containing 1-half-pint, 1-pint, 1-quart, or 1-gallon bottles (liquid measure), as follows: 32 one-half-pint bottles, 48 one-half-pint bottles, 16 one-pint bottles, 24 one-pint bottles, 12 one-quart bottles, 1 one-gallon bottle, or 3 one-gallon bottles.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 9, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3305; Filed, November 11, 1937; 3:56 p. m.]

[T. D. 4775]

### SALE AND SHIPMENT OF PROPRIETARY SOLVENTS

*To District Supervisors and Others Concerned:*

Paragraph (6), of Section 2, Title I, of the "Liquor Law Repeal and Enforcement Act," reads as follows:

(6) The term "regulation" shall mean any regulation prescribed by The Commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this title or of Title III of the National Prohibition Act, and the Commissioner is authorized to make such regulations.

Pursuant to the authority conferred by the statute above quoted, the fourth, fifth, and sixth paragraphs of Article 146 of Regulations No. 3, as amended by Treasury Decision 16, dated August 2, 1933, Treasury Decision 4524, dated February 16, 1935, and Treasury Decision 4577, dated August 8, 1935, are further amended to read as follows:

"Proprietary solvents produced from specially denatured alcohol, Formula #1, may be sold by producers to users for solvent or other manufacturing purposes only, or to dealers or other producers for resale. Packages of such proprietary solvents containing more than five wine gallons shall be of metal only, and shall have embossed thereon the serial numbers and permit number or symbol of the producer by or for whom the packages are filled, such as are prescribed by Article 111, as amended by Treasury Decision No. 9, with respect to completely denatured alcohol. Such packages shall also bear the name and address of the producer by or for whom the packages are filled. Before packages are filled by one producer for another producer, permission must first be obtained therefor from the Commissioner.

"Upon written authorization of the Commissioner, shipments of proprietary solvents may be made by producers in railroad tank cars, or in tank wagons or tank trucks operated or controlled by them, or by their bona fide agents, to themselves at other locations, and to their bona fide agents where title remains vested in the producer; and producers and their bona fide agents may make shipments of such solvents by such means to (1) other producers of proprietary solvent; and (2) actual users for solvent or manufacturing purposes, and not for resale: Provided that, in the case of shipments to wholly-owned subsidiaries of the producer title may be transferred to such agents; and, provided further that, in the case of railroad tank car shipments the vendee has railroad siding facilities on his premises for receiving such tank car shipments; and, provided further, in the case of tank wagon or tank truck shipments the producer shall be responsible under his bond for the delivery of the proprietary solvents to actual users for solvent or manufacturing purposes.

"When proprietary solvents are sold by the producer to another producer, complete records of these transactions must be maintained by the actual producer and the vendee producer. Users of proprietary solvents who receive such solvents in railroad tank cars, tank wagons, or tank trucks, must maintain complete records of the receipt and actual use thereof. The records herein prescribed must be kept available for inspection by internal revenue officers."

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 9, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3306; Filed, November 11, 1937; 3:56 p. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 62]

### AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 1

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Boards for Districts No. 1 to No. 8, and of District No. 13 as to Van Buren, Warren, and McMinn Counties in Tennessee inclusive, constituting Minimum Price Area No. 1, as defined in the Act, of the weighted averages of the total costs of the ascertainable tonnages produced in their respective districts in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determinations were based, as filed with the Commission pursuant to Order No. 55 of the Commission, dated October 1, 1937,[1] and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determinations, hereby orders and directs:

1. That the weighted averages of the total costs of the tonnage for Minimum Price Area No. 1 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of Two Dollars and Fifteen Cents ($2.15), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission, and the several Statistical Bureaus of the Commission in Price Area No. 1.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretaries of the respective District Boards within Minimum Price Area No. 1, and publish a copy of this order in the Federal Register.

By order of the Commission.

Dated this 11th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3308; Filed, November 12, 1937; 12:12 p. m.]

[Order No. 63]

### AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 2

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Boards for Districts No. 9, No. 10, No. 11 and No. 12, constituting Minimum Price Area No. 2, as defined in the Act, of the weighted averages of the total costs of the ascertainable tonnages produced in their respective districts in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determinations were based, as filed with the Commission pursuant to Order No. 55 of the Commission, dated October 1, 1937, and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determinations, hereby orders and directs:

1. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 2 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of One Dollar and Seventy-nine Cents ($1.79), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission and the several statistical bureaus of the Commission in Price Area No. 2.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretaries of the respective District Boards within Minimum Price Area No. 2, and publish a copy of this order in the Federal Register.

By order of the Commission.

Dated this 11th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3309; Filed, November 12, 1937; 12:12 p. m.]



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-59 O-59]

### NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

Whereas under the Agricultural Marketing Agreement Act of 1937, which reenacts and further amends Public No. 10, 73rd Congress, as amended, notice of hearing is required in connection with a proposed marketing agreement and a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon marketing agreements and orders;

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of milk in the Cincinnati, Ohio, Marketing Area;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of milk in the Cincinnati, Ohio, Marketing Area, in the Ballroom of the Alms Hotel, McMillan and Victory Parkway, Cincinnati, Ohio, on November 29, 1937 at 9:30 a. m., eastern standard time.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the Cincinnati, Ohio, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce in such milk. Among other things, the proposed marketing agreement and order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of a marketwide settlement fund with a base rating plan; (e) deductions from payments to producers for marketing services by market administrator; (f) reports of handlers; (g) expense of administration.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated, November 12, 1937.

[F. R. Doc. 37-3311; Filed, November 12, 1937; 12:44 p. m.]

### DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR HARVESTING OF THE 1937 CROP OF LOUISIANA SUGARCANE, PURSUANT TO THE SUGAR ACT OF 1937

Whereas, Section 301 (b) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may

determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

And whereas, section 301 (e) of the said act provides, in part, as follows:

The conditions provided in * * * subsection (b) with respect to wage rates, of this section shall not apply to work performed prior to the enactment of this Act; * * *.

And

Whereas, the Secretary of Agriculture, on October 4, 1937, held a public hearing in Baton Rouge, Louisiana, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1937 crop of Louisiana sugarcane.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby determine fair and reasonable wage rates with respect to the harvesting of the 1937 crop of Louisiana sugarcane as follows:

1. For adult male workers, not less than $1.50 per day for cutting cane, and for adult female workers, not less than $1.20 per day for cutting cane; or

2. Not less than 75 cents per ton for cutting cane on a tonnage basis.

In addition to the foregoing, the following requirements shall be met:

(1) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(2) That the producer shall provide laborers, free of charge, with the perquisites customarily furnished by him, e. g., a habitable house, a suitable garden plot with facilities for its cultivation, pasture for livestock, medical attention, and similar incidentals.

Done at Washington, D. C., this 12th day of November 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3310; Filed, November 12, 1937; 12:44 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3225]

IN THE MATTER OF ASKIN'S RETAIL STORES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, November 22, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 424 of the Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3304; Filed, November 11, 1937; 3:32 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3217]

IN THE MATTER OF J. E. MILLER, DOING BUSINESS AS KONDI COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, December 16, 1937, at ten o'clock in the forenoon of that day (central standard time) in Room 324, Small Court Room, Main Post Office Building, Atlanta, Georgia.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3303; Filed, November 11, 1937; 3:32 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March; Ewin L. Davis; Robert E. Freer.

[Docket No. 3143]

IN THE MATTER OF BENJAMIN D. RITHOLZ, MORRIS I. RITHOLZ, SAMUEL J. RITHOLZ, SYLVIA RITHOLZ, FANNIE RITHOLZ AND SOPHIE RITHOLZ, INDIVIDUALS TRADING AS NATIONAL OPTICAL STORES COMPANY AND DR. RITHOLZ OPTICAL COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, December 2, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3302; Filed, November 11, 1937; 3:32 p. m.]



*Tuesday, November 16, 1937* *No. 222*

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

[Circular No. 1438]

INSTRUCTIONS AUTHORIZING THE SECRETARY OF THE INTERIOR TO ISSUE PATENTS TO STATES UNDER THE EXCHANGE PROVISIONS OF SECTION 8 OF THE TAYLOR GRAZING ACT, AS AMENDED, SUBJECT TO PRIOR LEASES ISSUED UNDER SECTION 15 OF THE ACT

OCTOBER 13, 1937.

*Registers, U. S. Land Offices.*

SIRS: The Act of Congress approved August 24, 1937 (Public No. 346, 75th Congress), reads as follows:

That the Secretary of the Interior in adjudicating State exchanges, under section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976), involving lands embraced in outstanding leases under section 15 of said Act issued prior to the filing of the State exchange application, is hereby authorized upon the request of any State to issue patent to the State, subject to such outstanding lease: *Provided*, That the United States shall not by reason of the issuance of any such patents be required to account to the State for any money due and collected prior thereto as rent for any part of the then-current annual rental period except as is now provided by law.

In accordance with the provisions of this Act, where a State application for exchange under the provisions of the Taylor Grazing Act approved June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976), is found to embrace lands included in an outstanding lease issued under Section 15 of said Act, before final action is taken by this office with a view to the issuance of patent on such application, the State will be afforded an opportunity to request the issuance of patent for the land involved subject to such outstanding lease, and upon receipt of such a request by the State, further action will be taken with a view to the issuance of patent, should no objection appear of record.

Accordingly, any application for lease, or for the renewal of a lease, under Section 15 of the Grazing Act, found to be in conflict with a pending State application under Section 8 of the Act, will be suspended and held in this office awaiting final action on the State's application.

When an application by the State has been approved for patenting, any such conflicting application for lease, or for the renewal of a lease, will be finally rejected and the case closed by this office. Should the State's application be finally rejected, the application for lease, or for renewal of a lease, will be considered upon its merits.

In accordance with the proviso to said Act of August 24, 1937, in cases where the United States has, prior to the issuance of such a patent, received payments for an unexpired portion of the then current annual rental period, no payment other than that provided for by Section 10 of the Grazing Act, as amended, will be required to be made to the State by the United States.

Very respectfully,

ANTOINETTE FUNK,
*Acting Commissioner.*

Approved, October 13, 1937.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-3313; Filed, November 13, 1937; 9:29 a. m.]

### National Bituminous Coal Commission.

[Order No. 64]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF MISSOURI AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT KANSAS CITY, MISSOURI, ON NOVEMBER 29, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Missouri directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Missouri on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Missouri would be desirable, and upon investigation hereby orders:

1. That on November 29, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Hotel Kansas Citian, Kansas City, Missouri, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Missouri, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Missouri in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Kansas City, Missouri, on November 29, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Missouri, and to the secretaries of all of the District Boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Missouri in which bituminous coal is produced.

By order of the Commission.

Dated this 11th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3322; Filed, November 15, 1937; 12:42 p. m.]

[Order No. 65]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 3

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Board for District No. 13, which with the exception of Van Buren, Warren and McMinn Counties in Tennessee, constitutes Minimum Price Area No. 3, as defined in the Act, of the weighted average of the total costs of the ascertainable tonnage produced in Minimum Price Area No. 3, in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determinations were based, as filed with the Commission pursuant to Order No. 56 of the Commission, dated October 13, 1937, and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determination, hereby orders and directs:

1. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 3 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of two dollars and fifty-five cents ($2.55), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission, and the Statistical Bureau of the Commission in Price Area No. 3.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretary of District Board No. 13, and publish a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 13th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3323; Filed, November 15, 1937; 12:42 p. m.]

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[Order No. 66]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 4

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Board for District No. 14, constituting Minimum Price Area No. 4, as defined in the Act, of the weighted average of the total costs of the ascertainable tonnage produced in District No. 14 in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determination was based, as filed with the Commission pursuant to Order No. 56 of the Commission, dated October 13, 1937, and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determination, hereby orders and directs:

1. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 4 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of Three Dollars and Fifty-nine Cents ($3.59), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission and the statistical bureau of the Commission in Price Area No. 4.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretary of District Board No. 14, and publish a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 13th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3324; Filed, November 15, 1937; 12:42 p. m.]

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[Order No. 67]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 5

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Board for District No. 15, constituting Minimum Price Area No. 5, as defined in the Act, of the weighted average of the total costs of the ascertainable tonnage produced in District No. 15 in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determination was based, as filed with the Commission pursuant to Order No. 56 of the Commission, dated October 13, 1937, and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determination, hereby orders and directs:

1. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 5, in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of Two Dollars and Two Cents ($2.02), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission and the Statistical Bureau of the Commission in Price Area No. 5.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretary of District Board No. 15, and publish a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 13th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3325; Filed, November 15, 1937; 12:42 p. m.]

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[Order No. 68]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 6

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Cong., 1st Sess.). known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determinations of the District Boards for Districts No. 16, No. 17, and No. 18, constituting Minimum Price Area No. 6, as defined in the Act, of the weighted averages of the total costs of the ascertainable tonnages produced in their respective districts in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determinations were based, as filed with the Commission pursuant to Order No. 56 of the Commission, dated October 13, 1937, and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determinations, hereby orders and directs:

1. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 6 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of two dollars and seventy-four cents ($2.74), per net ton.



2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission and the several statistical bureaus of the Commission in Price Area No. 6.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretaries of the respective District Boards within Minimum Price Area No. 6, and publish a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 13th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3326; Filed, November 15, 1937; 12:43 p. m.]

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[Order No. 69]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 7

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determinations of the District Boards for Districts No. 19 and No. 20, constituting Minimum Price Area No. 7, as defined in the Act, of the weighted averages of the total costs of the ascertainable tonnages produced in their respective districts in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determinations were based, as filed with the Commission pursuant to Order No. 56 of the Commission, dated October 13, 1937, and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determinations, hereby orders and directs:

1. That the weighted averages of the total costs of the tonnage for Minimum Price Area No. 7 in the Calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of Two Dollars and Forty-six Cents ($2.46), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission and the Statistical Bureaus of the Commission in Price Area No. 7.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretaries of the respective District Boards within Minimum Price Area No. 7, and publish a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 13th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3327; Filed, November 15, 1937; 12:43 p. m.]

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[Order No. 70]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 9

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Board for District No. 22, constituting Minimum Price Area No. 9, as defined in the Act, of the weighted average of the total costs of the ascertainable tonnage produced in District No. 22 in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determination was based, as filed with the Commission pursuant to Order No. 56 of the Commission, dated October 13, 1937, and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determination, hereby orders and directs:

1. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 9 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of Two Dollars and Eleven Cents ($2.11), per net ton.

2. That the weighted average figures of total cost determined herein shall be available for inspection by the public at the office of the Secretary of the Commission and the statistical bureau of the Commission in Price Area No. 9.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretary of District Board No. 22, and publish a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 13th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3328; Filed, November 15, 1937; 12:43 p. m.]

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[Order No. 71]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA NO. 10

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Board for District No. 23, constituting Minimum Price Area No. 10, as defined in the Act, of the weighted average of the total costs of the ascertainable tonnage produced in District No. 23, in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determination was based, as filed with the Commission pursuant to Order No. 56 of the Commission, dated October 13, 1937, and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determination, hereby orders and directs:

1. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 10 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of Three Dollars and Forty-Five Cents ($3.45), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission and the statistical bureau of the Commission in Price Area No. 10.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretary of District Board No. 23, and publish a copy of this order in the FEDERAL REGISTER.

By Order of the Commission.

Dated this 13th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc 37-3329; Filed, November 15, 1937; 12:44 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

NOVEMBER 12, 1937.

*To the Muskingum Livestock Market, Inc.,*
*Stockyard owner, at Zanesville, Ohio.*

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce

in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition.

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as The Muskingum Livestock Market, Inc., at Zanesville, State of Ohio, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3316; Filed, November 13, 1937; 12:18 p. m.]

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## DEPARTMENT OF COMMERCE.

### Bureau of Fisheries.

ORDER CLOSING CERTAIN AREAS IN UPPER MISSISSIPPI WILD LIFE AND FISH REFUGE TO FISHING

By virtue of the authority in me vested by the Upper Mississippi River Wild Life and Fish Refuge Act of June 7, 1924 (43 Stat. 650) and pursuant to Section (b) of Regulation 1-C of the Regulations for the Administration of the Upper Mississippi River Wild Life and Fish Refuge, set forth in United States Department of Agriculture Bureau of Biological Survey Service and Regulatory Announcements issued in December 1934, it is hereby ordered that the following described areas in Clayton County, Iowa, be, and they hereby are, set aside for the propagation and distribution of fish by the Bureau of Fisheries, and the taking of fish or aquatic animal life of any kind from the said areas is prohibited from this the seventeenth day of November, 1937, on.

*Section 16, T. 92 N., R. 2 W., 5th P. M.*, Lot 1 except the N. 100-ft. strip; Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; Sublots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, all in the E½.

*Section 21, T. 92 N., R. 2 W., 5th P. M.*, Lot 1.

[SEAL] DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-3314; Filed, November 13, 1937; 11:35 a. m.]

## FEDERAL HOUSING ADMINISTRATION.

[Circular No. 3 [1]]

RENTAL HOUSING

INSURANCE OF MORTGAGES

*Administrative Rules and Regulations Under Section 207, Title II of the National Housing Act*

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### PART I

SCOPE OF OPERATIONS UNDER SECTION 207

1. The National Housing Act provides for the insurance of mortgages upon two general classes of property:

(a) Properties consisting of one- to four-family dwellings. Rules and Regulations with respect thereto are set forth in FHA Form No. 2010, entitled Mutual Mortgage Insurance, and, with respect to activities of operative builders, in Circular No. 4.

(b) Properties consisting of a larger number of family units either in one building or in a group of buildings. The Rules and Regulations set forth in this Circular apply to such properties.

2. The general class of property described in the preceding subparagraph (b) is herein termed "rental housing" and is further subdivided into

(a) Large Scale Rental Projects;
(b) Small Scale Rental Projects;
(c) Public Housing Projects;

the requirements for each of which are set forth in Parts II-A, II-B, and II-C, respectively, of this Circular (No. 3).

3. The term "rental housing" includes housing the occupancy of which is permitted by the owner thereof in consideration of the payment of agreed monthly charges, whether or not by the terms of the agreement such payment over a period of time will entitle the occupant to the ownership of the premises. Where the project involves a total of fifty (50) or more family units in detached structures containing three (3) or more family units in each structure, the project must be submitted under Section 207 and must meet the requirements outlined in this Circular (No. 3). Where the project involves a total of less than fifty (50) family units or consists of detached structures containing less than three (3) family units in each structure, and it is intended from time to time to deed individual parcels separately from the whole, the project may, at sponsor's election, be submitted either under the operative builders' program (Circular No. 4) or under Section 207.

[1] This Circular covers in general terms the procedure involved in the insurance of mortgages on housing projects under Section 207 of the National Housing Act and sets forth the Administrative Rules and Regulations governing such insurance. Those contemplating the initiation of such projects, or desiring further information on the subject, should communicate directly, either by correspondence or in person, with the Rental Housing Division, Federal Housing Administration, Washington, D. C., or with the local F. H. A. State or District Director.



GENERAL POLICY

Among the purposes set forth in the preamble to the National Housing Act, the first is "to encourage improvement in housing standards and conditions." In Section 207, under the heading of "Low-Cost Housing Insurance", the Act provides for the insurance of mortgages "covering property held by Federal or State instrumentalities, private limited dividend corporations, or municipal corporate instrumentalities of one or more States, formed for the purpose of providing housing for persons of low income, which are regulated or restricted by law or by the Administrator as to rents, charges, capital structure, rate of return, or methods of operation."

Under these provisions of such Act the Federal Housing Administration seeks to obtain the widest possible usefulness for the facilities arising out of its power to insure mortgages on low-cost housing projects. The projects themselves may be of different types such as the construction or rehabilitation of an apartment building or groups of such buildings; detached single-family houses so arranged as to create a more or less self-contained neighborhood; a community of semi-detached or row houses; any combination of the types aforementioned. The essential consideration, whatever the type of project, is that the housing shall be well planned and of sound construction, intended for rental at the lowest figure consistent with sound operation.

The precise application of the phrase "for the purpose of providing housing for persons of low income" will be determined by the Administrator with respect to each separate project submitted for insurance on the basis of the following general principles:

(1) In a given community or neighborhood persons of low income will be taken to mean persons whose incomes at the time a project is submitted are insufficient to permit, without sacrifice of other essentials of living or security, their occupancy of housing of adequate standards of sanitation, safety, and amenity which has been erected under conditions of financing, construction, and operation less favorable than those made possible by the National Housing Act.

(2) If through the use of the mortgage insurance facilities of the National Housing Act, through the efficient planning, construction, and operation of a group of dwelling units, and through the control of rents, charges, capital structure, rate of return, and methods of operation of the mortgagor during the term of the insured mortgage, the cost of housing of the required standards can be so reduced as to fall within the means of such persons of low income, the Administrator will consider a proposal to erect such a group of dwellings as a low-cost housing project.

(3) No project will be deemed to fall within this classification if it provides housing accommodations which are obviously in the luxury class or which are obliged to compete for tenancy by the offering of extraordinary facilities and services; nor will any project be approved for mortgage insurance if the housing accommodations called for are so incompatible with the general character of the community or neighborhood as to impair the economic soundness of the undertaking.

(4) When through the provision of new housing or otherwise, any low-income group can find in a given community or neighborhood a reasonable choice of accommodations of the required standard within a rental range which it can afford to pay, no additional housing for such group will be considered low-cost housing.

(5) In cases where applications for mortgage insurance on low-cost housing projects are submitted by Federal or State instrumentalities or municipal corporate instrumentalities which receive public grants, subsidies, or other advantages not available to private limited dividend corporations, the accommodations provided by such projects must be so designed and restricted as to occupancy that such projects may not be directly competitive with private operations.

Two main types of financing may be accomplished under an insured mortgage under Section 207 of the Act. Both types are alike in the requirement that the mortgagor—the sponsor of the project—must be a definite legal entity endowed with full responsibility and possessed of the requisite degree of permanence and reliability to make the periodic payments on the debt.

One type of transaction will be the execution to a single lending institution, which advances the entire amount borrowed, of a credit instrument or instruments secured by a so-called straight mortgage creating a first lien on the property. In such case the mortgage, together with the credit instrument or instruments secured thereby, will be held by the lending institution for its own use and benefit without the intervention of a trustee.

The second method may consist of the execution by the mortgagor corporation of an indenture of trust to an appropriate trustee providing for the issue and sale thereunder of bonds or other obligations. In such cases it will be required that the bonds be retired at or before maturity by means of sinking funds operating through purchase in the market or call by lot.

In the case of low-cost housing projects sponsored by Federal, State, or municipal instrumentalities, opportunity is afforded for the cooperation of public funds and private capital. Agencies of the Federal or of any State Government having funds available for low-cost housing and slum-clearance projects, may employ substantial sums in the form of grants or subsidies as the equity investment, and the remainder of the funds required for the project can be advanced from private sources against an insured first mortgage.

### PART II

ADMINISTRATIVE RULES

*A. Large-Scale Rental Projects*

Section I. Application and Commitment.

1. Information required for preliminary examination of a Large Scale Rental project shall be submitted by the sponsors of such project through the local Federal Housing Administration State or District Director on FHA Form 2013. No application will be considered unless the exhibits called for by that form are furnished. The submission of the Form 2013 will be deemed to be the applicant's agreement to pay an amount computed at the rate of $3.00 per thousand of the original principal face amount of the mortgage loan to be insured, on account of the costs of appraisal and examination during construction. Such amount shall be payable in two installments:

(a) one-half (referred to as "commitment fee") prior to the issuance of a conditional commitment, and

(b) the remainder (referred to as "closing fee") before the Administrator's Contract of Mortgage Insurance shall issue.

If the Administrator shall (1) refuse to issue a commitment or (2) issue a commitment unacceptable to the applicant because it contains conditions not covered by the application, one-half of the commitment fee shall be returned to the

applicant upon written request, if made within thirty (30) days from the date of such refusal or of such commitment, as the case may be. If after commitment an application to increase the amount of the insured mortgage is presented, a new commitment fee based upon the amount of such increase will be required to be paid at the time the application for such increase is filed. If the principal amount of the mortgage finally insured by the Contract of Insurance is greater or less than the principal amount of the mortgage applied for, an adjustment will be made in the closing fee so that the aggregate amount of the commitment and closing fees shall equal $3.00 per thousand of the original principal face amount of the insured mortgage. If after insurance the amount of the insured mortgage is increased either by amendment or by the substitution of a new insured mortgage, the fees herein provided for shall be based upon the amount of such increase.

2. Upon the submission of a project, the Administration will examine such information and determine therefrom whether the project is eligible for insurance. In the event that a project is found to be eligible, the Administration will verify the representations of the sponsors, make such further examination, and require such further information from sponsors or such changes in the project as it may deem necessary.

3. Upon payment of the commitment fee and if the project shall, in the opinion of the Administrator, be satisfactory, the Administrator will issue to sponsors his commitment to insure the proposed mortgage. *No commitment shall be valid unless signed by the Administrator or on his behalf by the Acting Administrator.* The commitment will be conditioned upon special requirements applicable to the project and upon full compliance satisfactory to the Administrator with the requirements of these Rules and upon the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, estimates, and other instruments evidencing such compliance.

Section II. Eligible Mortgages

1. The Administrator does not furnish mortgage forms for each project or for each jurisdiction. The forms customarily used in any particular jurisdiction if so modified and amplified as to include the matters herein set forth, and if otherwise satisfactory to the Administrator, will be approved.

2. In order to be eligible for insurance as a Large Scale Rental Mortgage under the provisions of this Part II–A a mortgage shall create a first lien securing a principal obligation not in excess of $10,000,000, and such part thereof as may be attributable to dwelling use shall not exceed $1,300 per room, depending upon the location of the project and local building costs and rental conditions. The principal obligation of such mortgage shall not exceed eighty per centum (80%) of the amount which the Administrator estimates will be the fair value of the property or project when completed.

3. The mortgage must have a maturity satisfactory to the Administrator, depending upon the risk involved and the general character of the project, and shall contain amortization or sinking-fund provisions satisfactory to the Administrator.

4. The mortgage shall provide for payments by the mortgagor to the mortgagee on account of interest, principal, and mortgage insurance at intervals of not more than six (6) months.

5. The mortgage shall bear interest at such rate, not exceeding four and one-half per centum (4½%) per annum, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Administrator.

6. The mortgage shall cover the entire property included in the rental housing project. Where the project consists wholly of single-family houses the mortgage may include appropriate provisions for the release from the lien thereof of any such house and the land upon which it is located in consideration of the payment to the mortgagee, in reduction of the principal of the mortgage, of an amount set forth in a schedule attached to and forming part of said mortgage. Such mortgages shall provide that the released property be subject to deed restrictions, approved by the Administrator at the time of the insurance of the mortgage and providing to the properties remaining under the mortgage adequate protection against adverse influences. Where the mortgage does not contain such release provisions no property shall, except with the consent of the mortgagee and the Administrator, be released from the lien thereof so long as the mortgage insurance is in force.

7. The mortgage shall contain a covenant against the creation by the mortgagor of liens against the property inferior to the lien of the mortgage.

8. The mortgage shall contain a covenant binding the mortgagor to keep the premises insured against fire and such other hazards as the Administrator may stipulate, in companies and in amounts satisfactory to the Administrator. The policies evidencing such insurance shall include as one of the assured the Administrator as his interest may appear, and shall have attached standard form mortgage clause making loss, if any, payable to the mortgagee.

9. No mortgage shall be accepted for insurance unless the Administrator finds that the project with respect to which it is executed is economically sound.

10. The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee the next annual mortgage insurance premium payable by the mortgagee to the Administrator. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage shall provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the premium charge referred to in Article III, Paragraph 2 of the Regulations.

11. All periodic payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each periodic payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(*a*) premium charges under the contract of insurance;
(*b*) at its discretion, to any sums due under the terms of the mortgage or the credit instrument which it secures.

Any deficiency in the amount of any such aggregate periodic payment shall, unless made good by the mortgagor within any grace period stated in the mortgage, constitute an event of default under the mortgage.

Section III. Eligible Mortgagors

1. In order to be eligible as a mortgagor of a Large Scale Rental Project such mortgagor must be a private limited dividend corporation organized under the general business incorporation law of the state wherein the project is located, or under other authority, subject to the approval of the Administrator.

2. Such mortgagor corporation (*a*) must have been formed for the purpose of providing housing for persons of low income as interpreted by the Administrator with respect to such project, in accordance with the general principles hereinbefore set forth, and (*b*) shall be regulated or restricted by law or by the Administrator as to rents, charges, capital structure, rate of return, and methods of operation as set forth in the following Section. It shall engage in no business other than the construction and operation of a rental housing project or projects covered by an insured mortgage or mortgages. Such regulation or restriction shall terminate at such time as the mortgage insurance contract is no longer in effect.

Section IV. Regulation or Restriction of Mortgagors

The regulation or restriction of an eligible mortgagor of a Large Scale Rental Project shall be as set forth in the certificate of incorporation, and shall embody, in substance, the requirements hereinafter mentioned. The regulation or restriction thus imposed will be made effective through the issuance of certain shares of special stock which will acquire majority voting rights in the event of default under the mortgage or violation of a provision of the certificate of incorporation, but only for a period coexistent with the duration of such default or violation. Such special stock shall be held and all voting rights with respect thereto exercised by the Administrator or his nominee. When the contract of insurance shall have been terminated the shares of special stock shall be surrendered by the Administrator or such nominee.

1. *Rents and charges.*—Except as hereinafter provided,

(*a*) No charge shall be made by the mortgagor corporation for the accommodations offered by the project in excess of a rental schedule to be filed with the Administrator prior to the opening of the project for rental, which schedule shall be based upon a maximum average rental fixed prior to the insurance of the mortgage. Such schedule shall not thereafter be changed except upon application of the mortgagor corporation and the written approval of the Administrator. In establishing such maximum and in passing upon applications for changes, consideration will be given the following and similar factors:

(1) Relation of the proposed rentals to those currently being paid in the given community by families for whom this type of housing is intended.
(2) Average annual earnings of the families for whom the housing is intended.
(3) Rental income necessary to maintain the economic soundness of the project.

(*b*) The established maximum rental shall be the maximum authorized charge against any tenant for the accommodations offered exclusive of telephone, gas, electric, and refrigeration facilities. Charges in addition to such maximum rental may be made against a tenant for telephone, gas, electric, refrigeration, and other facilities and privileges furnished by the mortgagor, subject to the approval of the Administrator.

(*c*) In the case of a project subject to a mortgage containing release clauses, all matters with respect to the release and all agreements between the mortgagor and its vendees with respect to the amount and terms of sale must first be approved by the Administrator.

2. *Capital structure.*—

(*a*) In appraising a project for commitment the Administrator will value the contribution of the sponsors (which shall be in the form of unencumbered land, and such cash and services as the Administrator shall require) at an amount determined by him to represent its value as a component part of the project upon completion, and shall credit sponsors, for appraisal purposes, with the amount of equity so found. The sponsors shall satisfy the Administrator that the cash and services contributed as part of such equity shall, when added to the proceeds of the mortgage, be sufficient to cover all estimated costs of the project and to provide a cash reserve for contingencies, preopening expense, and other items during the construction period.

(*b*) Such number of shares of capital stock may be issued either with or without par value, as sponsors may deem appropriate, and such stock, together with such amount, if any, as may be carried on the books of the corporation as paid-in surplus, shall represent such equity. Additional stock may be authorized but the certificate of incorporation shall provide that it may not be issued except with the approval of the Administrator. No stock shall be redeemed or purchased by the corporation during the period in which the mortgage insurance is in force, except with the approval of the Administrator.

3. *Rate of return.*—No dividends shall be declared or paid by the corporation in any one dividend year in excess of an aggregate amount fixed by the Administrator at the time the mortgage is accepted for insurance. Such amount shall not exceed an amount equal to six per centum (6%) per annum of the equity as valued by the Administrator, but the Administrator may permit an additional stated amount not in excess of two per centum (2%) per annum payable out of surplus earnings of the corporation after provision for required reserves, provided that no such additional dividends shall be declared or paid unless the principal of the insured mortgage shall be prepaid in an amount at least equal to required interest and principal payments for the first amortization year.

4. *Methods of operation.*—

(*a*) No compensation shall be paid by the corporation except for necessary services and except at such rate as is fair and reasonable in the locality for similar services, nor, except with the prior written approval of the Administrator, shall any compensation be paid by the corporation to its officers, directors, or stockholders, or to any person or corporation for supervisory or managerial services, or to any employee in an amount in excess of eighteen hundred dollars ($1,800) per annum. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation.

(*b*) The corporation shall maintain its project, the grounds, buildings, and equipment appurtenant thereto, in good repair and in such condition as will preserve the health and safety of its tenants.

(*c*) Before the payment of any dividend by the corporation reserves shall be accumulated and so replenished from time to time as to remain intact so long as the mortgage insurance is in force. The amount and types of such reserves and the conditions under which they shall be accumulated, replenished, and used, shall be specified in the certificate of incorporation.

(*d*) The corporation, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Administrator or his duly authorized agent at all reasonable times.

(*e*) The books and accounts of the corporation shall be kept in accordance with the uniform system of accounting prescribed by the Administrator. The corporation shall file with the Administrator the following reports verified by the oath of such officer of the corporation as the Administrator may designate and in such form as prescribed by the Administrator:

(1) monthly occupancy reports;
(2) semi-annual reports to be filed within thirty (30) days after the end of each dividend period established in the certificate of incorporation;
(3) annual reports prepared by a certified public accountant, to be filed within sixty (60) days after the end of each fiscal year; and
(4) specific answers to questions upon which informaton is desired from time to time relative to the operation and condition of the property and the status of the insured mortgage.

5. *Control of funds during construction.*—Funds involved in the construction of a project representing security for an insured mortgage loan shall be subject to the following restrictions:

(*a*) Funds representing the required cash equity shall, as a condition precedent to the insurance of the mortgage, be placed in a special account with a depositary satisfactory to the Administrator and subject to withdrawal only upon written approval of the Administrator. Upon completion of construction to the satisfaction of the Administrator, any balance then remaining in such special account shall be paid over to the general account of the corporation for the purpose of establishing its reserves.

(*b*) No funds representing the proceeds of an insured mortgage shall be advanced except upon proper requisition approved by the Administrator.

(c) Assurance for the completion of the project must be approved by the Administrator prior to the insurance of the mortgage. The bond of a satisfactory surety company; in the standard A. I. A. form of construction bond and in an amount approved by the Administrator as sufficient to cover estimated disbursements under the construction contract for any two (2) month period, will be required, except that the Administrator may, depending upon the circumstances of each case, accept in lieu of such surety bond such alternate method of assuring completion as he may approve as adequate.

Section V. Eligible Mortgagees

1. The following are eligible for approval as mortgagees:

(a) A chartered institution or other permanent organization having succession.

(b) The Federal or a State Government, or an agency, instrumentality, or subdivision thereof.

(c) The holder or holders of a credit instrument or instruments given in connection with a mortgage, acting by and through a trustee appointed pursuant to the terms of such mortgage.

2. An eligible institution, organization, agency, or entity may become the mortgagee under an insured mortgage upon its approval as such at the time by the Administrator.

3. In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements in respect to the issuance and sale of such bonds shall be subject to approval by the Administrator.

Section VI. Eligible Properties

1. In order for property to be eligible as the subject of an insured mortgage, such property must be held in fee simple, or under a lease for not less than ninety-nine (99) years which is renewable, or under a lease having not less than fifty (50) years to run from the date the mortgage is insured. Such mortgage may also cover other property approved by the Administrator.

2. The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is accepted for insurance be free and clear of all liens other than that of such mortgage.

3. At the time the mortgage is insured:

(a) There shall be located on the mortgaged property housing accommodations which shall conform to standards satisfactory to the Administrator and may consist of a group of detached, semi-detached, or row houses, or multi-family dwellings; or

(b) The mortgagor shall be obligated to construct and complete such housing accommodations thereon and shall have furnished such assurance of the performance of such obligation as the Administrator may require.

Section VII. Title

1. In order to be eligible for insurance, the Administrator must determine that marketable title to the mortgaged property is vested in the mortgagor as of the date the mortgage is acceped for insurance. Title to property covered by the mortgage will be examined by the Administrator, and if found to be eligible such finding shall be recited in the contract of insurance and shall inure to the benefit of the mortgagee according to Paragraph 8 of Article VI of the Regulations.

2. Upon acceptance of the mortgage for insurance, the mortgagee, without expense to the Administrator, shall furnish to the Administrator a policy of title insurance as provided in subparagraph (a) of this paragraph, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Administrator, the mortgagee, without expense to the Administrator, shall furnish such evidence of title as provided in subparagraphs (b), (c), or (d) of this paragraph, as the Administrator may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Administrator. Such policy shall comply with the "L. I. C. Standard Mortgagee Form" or the "A. T. A. Standard Mortgagee Form", or such other form as may be approved by the Administrator and which offers substantially the same coverage under substantially the same conditions and stipulations; shall be payable to the mortgagee and the Administrator as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of property by the mortgagee in extinguishment of the debt through foreclosure or by other means as provided in Paragraph 5 (a) of Article VI of the Regulations, and to the Administrator as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Administrator, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Administrator, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys in the locality in which the property is situated, such title and title evidence will be satisfactory to the Administrator. The Administrator will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for insurance purposes, and provided they have been brought to his attention for consideration in fixing valuations:

(a) customary easements for public utilities, party walls, driveways, and other purposes, customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(b) such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Administrator;

(c) slight encroachments by adjoining improvements;

(d) outstanding oil, water, or mineral rights, except those which include the right to sink wells or shafts on the subject property, withdraw the subjacent support, or otherwise impair the value of the property for residence purposes without payment of adequate damages.

Section VIII. Premiums

The contract of insurance shall provide for the payment by the mortgagee to the Administrator of an annual mortgage insurance premium at the rate of one-half of one per centum (½ of 1%) of the original principal face amount of the mortgage.

*B. Small Scale Rental Projects*

Section I. Eligible Mortgages

1. In order to be eligible for insurance under the provisions of this Part II–B, a mortgage shall not exceed a principal obligation of $200,000, and such part thereof as may be attributable to dwelling use shall not exceed $1,300 per room, depending upon the location of the project and local building costs and rental conditions. The principal obligation of such mortgage shall not exceed eighty per centum (80%) of the amount which the Administrator estimates will be the fair value of the property or project when completed.

2. The mortgage must be executed, upon a form approved by the Administrator for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications set forth in Section III of Part II–A of these Rules, and must be a first lien upon property that conforms with property standards prescribed by the Administrator.



3. The mortgage must have a maturity satisfactory to the Administrator, depending upon the risk involved and the general character of the project.

4. The mortgage may bear interest at such rate, not exceeding four and one-half per centum (4½%) per annum, as may be agreed upon between the mortgagor and the mortgagee. Interest shall be payable in monthly installments on the principal then outstanding. All charges made in connection with the mortgage transaction shall be subject to the approval of the Administrator.

5. The mortgage must contain amortization or sinking fund provisions satisfactory to the Administrator requiring monthly payments by the mortgagor. Such amortization payments shall commence not less than twelve (12) months nor more than eighteen (18) months from the date of the mortgage. The sum of the principal and interest payments in each month shall be substantially the same, except that prior to the required commencement of amortization payments, payments of interest alone shall be made. The mortgage shall provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth (1/12) of the annual mortgage insurance premium payable by the mortgagee to the Administrator. Such payments shall continue only so long as the contract of insurance shall remain in effect.

6. The mortgagee may charge the mortgagor the amount of any fee paid by the mortgagee to the Administrator on account of costs of appraisal and examination during construction as required by these Rules.

7. The provisions of Paragraphs 6 to 11, both inclusive, of Section II of Part II–A of these Rules shall be applicable to Small Scale Rental Projects insured under this Part II–B.

Section II. Regulation or Restriction of Mortgagors

The regulation or restriction of an eligible mortgagor of a Small Scale Rental Project shall be embodied in a contract to be executed by the mortgagor and the Administrator prior to the execution of the contract of insurance, except that regulation or restriction of dividends and provisions for reserves shall be by means of provisions satisfactory to the Administrator embodied in the certificate of incorporation of such mortgagor.

The provisions of Paragraphs 1 (Rents and Charges), 2 (Capital Structure), 3 (Rate of Return), 4 (Methods of Operation), and 5 (Control of Funds During Construction), of Section IV, Part II–A of these Rules, shall apply to mortgagors of projects insured under this Part II–B.

Section III

The provisions of Section I (Application and Commitment), Section III (Eligible Mortgagors), Section V (Eligible Mortgagees), Section VI (Eligible Properties), Section VII (Title), and Section VIII (Premiums), of Part II–A of these Rules, shall apply to Small Scale Rental Mortgages insured under this Part II–B.

PART II–C

PUBLIC HOUSING PROJECTS

Section I. Eligible Mortgagors

In order to be eligible as a mortgagor under this Part II–C a mortgagor must be either—

(a) a private limited dividend corporation organized under a State Housing Law;

(b) a municipal corporate instrumentality of one or more States;

(c) a State instrumentality; or

(d) a Federal instrumentality.

Section II. Regulation or Restriction

Since an eligible mortgagor under this Part II–C will be regulated or restricted by law as to rents, charges, capital structure, rate of return, and methods of operation, the regulation or restriction thus imposed will ordinarily be deemed sufficient to insure the economic operation of such projects and to meet the requirements of Section 207 of the Act. The Administrator may in unusual cases, however, further regulate and restrict as the particular case may require in such manner as may be agreed upon in advance by and between the mortgagor and the Administrator.

Public housing authorities or other governmental instrumentalities undertaking rental housing projects to be insured hereunder must have initial funds which may be considered in lieu of the equity required of private corporations. Such funds (which may be in the form of government loans, grants, or subsidies, or in other form) if sufficient in amount will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage. Liens inferior to the lien of the insured mortgage may be allowed against properties insured under this Part.

Section III

Additional Requirements

In the case of a Public Housing Project the Administrator shall determine in each case the fee to be paid on account of costs of appraisal and examination during construction. Such fee, however, shall not exceed $3.00 per thousand of the original principal face amount of the insured mortgage. Except as specifically modified by this Part, all of the applicable provisions of Parts II–A and II–B of these Rules, shall apply to mortgages on Public Housing Projects.

Effective Date

These Administrative Rules shall be effective as to all mortgages upon which insurance shall be issued on or after the date hereof. The Administrator with the consent of the mortgagor and the mortgagee may amend to conform to these Rules any contract of mortgage insurance issued prior to the date hereof.

Issued at Washington, D. C., *November 1, 1937.*

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

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PART III

REGULATIONS

Article I

These Regulations may be cited and referred to as "Regulations of the Federal Housing Administrator for Rental Housing Insurance, revised November 1, 1937."

Article II. Definitions

As used in these Regulations—

1. The term "Administrator" means the Federal Housing Administrator.

2. The term "Act" means the National Housing Act, *as amended.*

3. The term "mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instrument or instruments, if any, secured thereby.

4. The term "insured mortgage" means a mortgage accepted by the Administrator for insurance.

5. The term "mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Administrator.

6. The term "mortgagee" means the original lender under a mortgage and its successors and assigns. The original lender may be a single entity acting in its own behalf or consist of one or more entities acting by and through a trustee appointed pursuant to the terms of the mortgage.

7. The term "contract of insurance" means the endorsement of the Administrator upon the credit instrument or instruments given in connection with the insured mortgage, together with the written instrument duly executed by the Administrator and the mortgagee, setting forth the terms, conditions, and provisions of insurance, which terms, conditions, and provisions shall be subject to these Regulations.

Article III. Premiums

1. The mortgagee shall pay to the Administrator the annual mortgage insurance premium established by the Administrator as a part of the contract of insurance in accordance with the Rules. The first such premium shall be paid on the date on which such insurance becomes effective, and the next and each succeeding premium shall be paid on the same date each year thereafter until the mortgage is paid in full, or the mortgaged property is acquired by the mortgagee and transferred to the Administrator as hereinafter set forth, or until the contract of insurance is otherwise terminated: *Provided, However*, That in event the mortgagee, after giving notice of default to the Administrator in accordance with the provisions of Paragraph 5 of Article VI of these Regulations, shall be prevented from instituting foreclosure proceedings or prosecuting such proceedings for a period in excess of ninety (90) days by virtue of any mortgage moratorium or similar law for the relief of debtors, the premium charge during the period in which the mortgagee is so prevented exclusive of such 90-day period shall be one per centum (1%) of the initial annual premium charge imposed for the insurance of the mortgage. The mortgagee shall establish to the satisfaction of the Administrator that it was so prevented for a period coexistent with the period during which the benefit of the reduced premium charge is claimed and the determination of the Administrator as to the precise duration of such period shall be final and conclusive.

2. In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within thirty (30) days thereafter notify the Administrator of the date of prepayment and shall collect from the mortgagor and pay to the Administrator a prepayment premium charge of one per centum (1%) of the original principal face amount of the prepaid mortgage, except that if at the time of such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original principal face amount of the prepaid mortgage, such prepayment premium shall be one per centum (1%) of the difference in such amounts.

In no event shall the prepayment premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

No prepayment premium shall be collected by the mortgagee in the following cases:

(*a*) where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage for an amount equal to or greater than the original principal face amount of the prepaid mortgage; or

(*b*) where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year fifteen per centum (15%) of the original principal face amount of the mortgage; or

(c) where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for (1) damage to the mortgaged property, or (2) a release of a part of such property if approved by the Administrator; or

(d) where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Administrator.

Upon such prepayment the contract of insurance shall terminate.

3. In the event that the Administrator terminates, under Paragraph 3 of Article VI, the insurance as to the group to which the insured mortgage is assigned, the mortgagee shall pay to the Administrator an amount equal to that proportion of the annual insurance premium which would otherwise have been payable for the period between the date to which the premium has been paid and the maturity date of the mortgage.

Article IV. Acceptance for Insurance

1. Upon accepting a mortgage for insurance, the Administrator and the mortgagee shall execute the contract of insurance and the mortgage shall be an insured mortgage from the effective date of such contract. The Administrator shall also endorse the original credit instrument or instruments with a reference to such insurance contract. The Administrator and the mortgagee shall thereafter be bound by the contract of insurance, subject to the provisions of these Regulations which shall form part of each such contract.

Article V. Classification of Mortgages

1. Mortgages accepted for insurance shall be so classified into groups that the mortgages in any group shall involve substantially similar risk characteristics and have similar maturity dates.

2. Premium charges received for the insurance of any mortgage, the receipts derived from the property covered by the mortgage and claims assigned to the Administrator in connection therewith, and all earnings on the assets of the group account shall be credited to the account of the group to which the mortgage is assigned.

3. The principal of, and interest paid or to be paid on, debentures issued in exchange for any property, payments made or to be made to the mortgagee and mortgagor, and expenses incurred in the handling of the property originally covered by the mortgage and in collection of claims assigned to the Administrator in connection therewith, shall be charged to the account of the group to which such mortgage is assigned.

Article VI. Rights and Duties of a Mortgagee Under the Contract of Insurance

1. Whenever the credit balance in the account of the group to which the insured mortgage has been assigned exceeds the remaining unpaid principal of the then outstanding mortgages assigned to such group by an amount equal to ten per centum (10%) of the total premium payments which have theretofore been credited to such account, the Administrator shall terminate the insurance as to that group of mortgages by paying to each of the mortgagees holding an outstanding mortgage assigned to such group a sum sufficient to pay off the unpaid principal of such mortgage coming due after the date of such termination, the payment in each case being for the benefit and account of the mortgagor. Such termination, however, shall not affect or impair any right or claim of a mortgagee arising from any default on the part of the mortgagor in complying with the terms, provisions, and covenants of the mortgage or other happening occurring prior to the date of such termination, and the mortgagee in such case upon complying with the terms and provisions of the contract of insurance shall be entitled to receive debentures and a certificate of claim as provided in Paragraph 6 of this Article.

2. The mortgagee shall accept such payment and apply it in satisfaction of the obligation of the mortgagor under the insured mortgage. If such payment is sufficient to satisfy the obligation of the mortgagor under the mortgage in full, the mortgagee shall coincidentally deliver to the mortgagor such instruments as may be necessary or proper to discharge the insured mortgage.

3. If the credit balance in the account of the group to which the insured mortgage is assigned fails to exceed, at the beginning of the final year prior to the maturity date of the mortgages assigned to such group, the remaining unpaid principal of the then outstanding mortgages assigned to such group by an amount equal to ten per centum (10%) of the total premium payments which have theretofore been credited to such account, the Administrator shall terminate the insurance as to that group of mortgages (1) by transferring to the general reinsurance account an amount equal to ten per centum (10%) of the total premium charges theretofore credited to such group account, and (2) by distributing for the benefit and account of the mortgagors under the mortgages hereinafter mentioned the remainder of such credit balance, if any, pro rata to the mortgagees holding such then outstanding mortgages. Such termination, however, shall not affect or impair any right or claim of a mortgagee arising from any default on the part of the mortgagor in complying with the terms, provisions, and covenants of the mortgage or other happening occurring prior to the date of such termination, and the mortgagee in such case upon complying with the terms and provisions of the contract of insurance shall be entitled to receive debentures and a certificate of claim as provided in Paragraph 6 of this Article.

4. If the mortgagor pays the insured mortgage in full prior to its final maturity date, and pays to the mortgagee the premium charge provided for in Paragraph 2 of Article III hereof, the Administrator shall thereupon pay over to the mortgagor such share of the credit balance of the account of the group to which the insured mortgage has been assigned as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of such account and of the Mutual Mortgage Insurance Fund.

5. If the mortgagor fails to make any payment to the mortgagee required by the mortgage, or to perform any other covenant or obligation under the mortgage, and such failure continues for the period of grace, if any, set forth in the mortgage, the mortgage shall be considered in default, and the mortgagee, within the period set forth in the contract of insurance after the occurrence of a default arising on account of such failure to make any such payment or within the period set forth in the contract of insurance after the mortgagee shall have knowledge of the occurrence of a default arising on account of such failure to perform any other covenant or obligation under the mortgage, shall give notice in writing to the Administrator of such default. At any time within the period set forth in the contract of insurance from the date of such notice, the mortgagee, at its election, shall either—

(*a*) with, and subject to, the consent of the Administrator, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(*b*) institute proceedings for the foreclosure of the mortgage: *Provided*, That if the laws of the state in which the mortgaged property is situated do not permit the institution of such proceedings within such period of time, the mortgagee shall institute such proceedings within thirty (30) days after the expiration of the time during which the institution of such proceedings is prohibited by such laws.

Nothing contained in this Paragraph 5 shall be construed so as to prevent the mortgagee from taking action at a later date than herein specified, provided the Administrator so agrees in writing.

The mortgagee shall promptly give notice in writing to the Administrator of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

6. If the mortgagee has complied with the provisions of Paragraph 5 of this Article, and at any time within thirty (30) days (or such further time as may be allowed by the Administrator in writing) after acquiring title to and possession of the mortgaged property in accordance with Paragraph 5 of this Article, tenders to the Administrator possession of, and a deed containing a covenant which warrants against acts of the mortgagee and all claiming by, through, or under it conveying title satisfactory to the Administrator as provided in Paragraph 8 of this Article to, such property, free and clear of all liens and encumbrances which may have attached subsequent to the date on which the mortgage was accepted for insurance, including all past due and unpaid ground rents, general taxes, or special assessments, and assigns (without recourse or warranty) any and all claims which it may have acquired in connection with the mortgage transaction and as a result of the foreclosure proceedings or other means by which it acquired such property, including any claim on account of title insurance and fire, or other hazard insurance, the Administrator shall promptly accept conveyance of such property and such assignment, notwithstanding that the buildings or improvements thereon may be incomplete or may have been destroyed, damaged, or injured, in whole or in part, and shall deliver to the mortgagee—

(*a*) Debentures of the Mutual Mortgage Insurance Fund as set forth in Section 204 (b) of the Act, bearing interest at the rate of three per centum (3%) per annum, and in a principal amount equal to the value of the mortgage as defined in Section 204 (a) of the Act, to wit, the principal of the mortgage which is unpaid at the date of conveyance to the Administrator (exclusive of all sums which might otherwise be credited to the mortgagor or deemed "paid" on account of such principal through acquisition of the mortgaged property by foreclosure or other means as set forth in Paragraph 6 of this Article), plus all taxes, assessments, and water rents which are prior liens upon the mortgaged premises and premiums for insurance against fire or other hazard paid by the mortgagee during the period between the date of default and the date of such conveyance and assignment to the Administrator, and interest on such unpaid principal from the date foreclosure proceedings were instituted, or the property was otherwise acquired as provided in Paragraph 5 (a) of this Article, to the date of such conveyance at the rate of three per centum (3%) per annum, less any amount received on account of interest accrued on such unpaid principal between such dates; and

(*b*) A certificate of claim in accordance with Section 204 (c) of the Act which shall become payable, if at all, upon the sale of the property covered by the insured mortgage in accordance with Section 204 (d) of the Act which provides as follows: "If the net amount realized from any property conveyed to the Administrator under this section and the claims assigned therewith, after deducting all expenses incurred by the Administrator in handling, dealing with, and disposing of such property and in collecting such claims, exceeds the face amount of the debentures issued in exchange for the mortgage covering such property plus all interest paid on such debentures, such excess shall be divided as follows:

(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Administrator shall pay to the holder of such certificate the full amount so payable; and any excess remaining thereafter shall be paid to the mortgagor of such property.

(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Administrator shall pay to the holder of such certificate the full amount of such excess.

This certificate shall be for an amount which the Administrator shall determine to be sufficient to pay costs of foreclosure, or such other proceedings, including reasonable attorneys' fees, unpaid interest, and any other amounts due under the mortgage and not covered by the amount of the debentures. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the fact amount of such certificate an increment at the rate of three per centum (3%) per annum.

7. In the event that the mortgagee fails to comply with the provisions of Paragraphs 5 and 6 of this Article, then the contract of insurance shall thereupon terminate, and the mortgagor shall be entitled to receive a share of the credit balance of the account of the group to which the mortgage has been assigned, in such amount as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of such account and of the Mutual Mortgage Insurance Fund.

8. Title satisfactory to the Administrator within the meaning of Section 204 (a) of the Act will be a marketable title. Such marketable title as was determined to be vested in the mortgagor by the Administrator pursuant to Section VII of Part II–A of the Administrative Rules of the Federal Housing Administrator for Rental Housing Insurance, revised November 1, 1937, as of the date the mortgage was accepted for insurance, will be accepted as satisfactory under Section 204 (a) of the Act, for conveyance to the Administrator by deed as provided in Paragraph 6 of this Article, unless such title is impaired by any act or omission of the mortgagee or other event occurring subsequent to the date of the acceptance of the mortgage for insurance: *Provided*, That the Administrator will not object to the title because of mechanics' liens excepted from the title evidence, as unfiled at the date of the recording of the mortgage or of any advance thereunder, provided that advances under the mortgage are disbursed with the approval of the Administrator and that the certification of a title insurer or title attorney satisfactory to the Administrator be obtained to the effect that, as of the date of each advance, no lien appeared of record and the title policy or title opinion had been extended accordingly.

9. The mortgagee, at the time a deed is tendered in accordance with Paragraph 6 of this Article, shall furnish without expense to the Administrator satisfactory evidence that such marketable title as was found by the Administrator to be vested in the mortgagor as of the date the mortgage was acceped for insurance is not, at the time a deed is tendered as aforesaid, impaired by any act or omission of the mortgagee or other event occurring subsequent to the date the mortgage was accepted for insurance. Such evidence may be a policy of title insurance issued by a company and in owner form satisfactory to the Administrator, and payable to the Administrator, and effective as of a date subsequent to the recording of the deed to the Administrator, or such evidence may be in form satisfactory to the Administrator as provided in subparagraphs (*b*), (*c*), or (*d*) of Section VII of Part II–A of the Administrative Rules.

10. The Administrator will accept title from the mortgagee subject to building or use restrictions or reversionary clauses for the breach of such restrictions, if such restrictions have not been violated prior to the date of the deed to the Administrator.

11. The mortgagee without cost or expense to the Administrator shall, in default of the mortgagor, keep the mortgaged premises insured against fire and other hazard as provided in the mortgage. In the event the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured and such failure shall continue for a period of time set forth in the contract of insurance after receipt of written notice of such failure from the Administrator to the mortgagee, then the contract of insurance shall, at the election of the Administrator, thereupon terminate, and the mortgagor shall be entitled to receive a share of the credit balance of the account of the group to which the mortgage has been assigned, in such amount as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of such account and of the Mutual Mortgage Insurance Fund. In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the amount of any funds received by the mortgagee in payment of such loss shall be sufficient to pay in full the entire mortgage indebtedness, the said mortgage shall, upon receipt of such funds by the mortgagee, be deemed paid and the contract of insurance made with the Administrator shall thereupon terminate. If, however, any funds so received shall be insufficient to pay such mortgage indebtedness in full, the mortgagee shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing, or rebuilding of such premises or to apply such proceeds to the mortgage indebtedness without the prior written approval of the Administrator. If the Administrator shall fail to give his approval to the use or application of such funds for either of said purposes within fifteen (15) days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Administrator.

Article VII. Assignments

1. Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

2. An insured mortgage other than a mortgage executed in the form of an indenture of trust providing for the issue and sale of bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred to a transferee who may be a mortgagee previously approved by the Administrator or who may be approved at the time of such transfer as a mortgagee responsible and able to service such insured mortgage. Upon such approval and transfer the transferor shall be released from its obligations under the contract of insurance.

3. The contract of insurance shall terminate with respect to mortgages described in Paragraph 2 of this Article upon the happening of either of the following events:

(*a*) The acquisition of the insured mortgage by or the pledge thereof to any person, firm, or corporation, public or private, except as specifically provided in Paragraphs 1 and 2 of this Article.

(*b*) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device except as specifically provided in Paragraph 1 of this Article.

Upon the termination of the insurance under this Paragraph 3 the mortgagor shall be entitled to receive a share of the credit balance of the account of the group to which the insured mortgage has been assigned, in such amount as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of such account and of the Mutual Mortgage Insurance Fund.

Article VIII. Vested Rights

Neither the mortgagee nor the mortgagor shall have any vested right in the Mutual Mortgage Insurance Fund, and the determination by the Administrator as to the amount payable out of such fund to or for the benefit of the mortgagee and mortgagor under these Regulations shall be final and conclusive as to all parties.

Article IX. Amendments

These Regulations may be amended by the Administrator at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance on any mortgage already insured or any mortgage or prospective mortgage on which the Administrator has made a commitment to insure.

Article X. Effective Date

These Administrative Regulations are effective as to all mortgages upon which insurance shall be issued on or after the date hereof.

Issued at Washington D. C., *November 1, 1937*.

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

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PART IV

PROJECT STANDARDS

The National Housing Act requires the administrator to find that the project with respect to which a mortgage is to be executed is economically sound, as a prerequisite to his insurance of such mortgage. The following criteria will guide the Administrator in forming his opinion as to the economic soundness of any project:



1. *Community.*—

(*a*) A satisfactory economic background in general and specifically with reference to sources of employment for the population group for which the housing accommodations are intended.

(*b*) Existence of a need for dwellings meeting approved physical standards, and available for rent at prices within the limitations set forth elsewhere in the Rules and Regulations, and also within the rent paying capacity of the income group the project is designed to serve.

(*c*) The financial condition and administration of the community, with particular reference to the possibility of excessive tax burdens or increased tax rates; the probability of future special assessments and the general tendency in the community with respect to the placing of further levies, and the relation of such added burdens to the sums likely to be available to meet them.

2. *The neighborhood.*—

(*a*) Appropriate neighborhood zoning, or other regulation of land use; character and age of the neighborhood, its prospective trend of development, and conformity of the proposed improvement thereto; future of the neighborhood as influenced by present or prospective improvements external thereto; and by present or possible inharmonious land uses within it.

(*b*) Size of the proposed project as a factor in influencing neighborhood development and stabilizing, modifying, or reversing discernible trends; relation of the neighborhood and the project to community plans tending to promote homogeneity of land use, permanent population betterments, and the rehabilitation of blighted or slum areas.

(*c*) Conformity of the project and its prospective tenants to the needs and characteristics of predominant ethnic groups nearby; probable long term immunity of the neighborhood from adverse influences.

(*d*) Accessibility of the neighborhood to churches and to centers of employment, trade, education, and recreation; adequacy and economy of public means of transit, and conformity of the project to local custom and habit as regards transportation.

3. *The site.*—

(*a*) Freedom from adjacent adverse influences either topographic, industrial, or psychological.

(*b*) Adequate and acceptable local land planning, or possibility of modifications thereof.

(*c*) Freedom from flood danger or other hazards; satisfactory and non-costly foundation conditions; the presence nearby of all necessary utility connections; and topographic adaptability, within the property lines, to the intended use.

(*d*) General conformity of the proposed improvement to the discernible real estate characteristics of the site, and to appropriate densities, rents, layouts, and type of structure as indicated by these characteristics.

4. *The buildings.*—

(*a*) Open land within the project shall be so distributed as to avoid narrow courts and to assure adequate light and air, and a satisfactory outlook for all rooms. Net lot coverage must be kept to the minimum consistent with a sound project based on a reasonable land value. Densities should not ordinarily exceed eight (8) families per gross acre for free standing houses, fifteen (15) families per gross acre for grouped or row houses, and one hundred (100) families per gross acre for multiple family dwellings.

(*b*) Buildings not over three stories in height are preferred, and no walkup may exceed four stories. Elevators will be required for buildings of greater height which will be acceptable only if appropriate to the location.

(*c*) Conformity of the land use, buildings and all accessory features with the requirements of all applicable laws, ordinances, and regulations relating to the utilization of land and the safety and sanitation of buildings.

(*d*) Suitability of the type of construction to the general plan of housing proposed. (Generally, preference will be given to buildings promising slow depreciation and moderate maintenance costs.)

(*e*) Economical layouts (high ratio of usable building area to gross building area; cross ventilation in a maximum of the dwelling units; privacy of sleeping quarters under maximum possible use of dwelling units; avoidance of narrow courts and shafts.

(*f*) Suitability of the buildings as quarters for families of average size.

Layouts containing not less than three habitable rooms and one bathroom should be heavily predominant, but a small proportion of smaller units may be included. One of the habitable rooms shall have a floor area of not less than one hundred sixty (160) square feet; one a floor area of not less than one hundred (100) square feet; and one a floor area of not less than seventy (70) square feet; except that a kitchen may have a floor area of not less than fifty (50) square feet. Buildings of the corridor-type plan will ordinarily not be approved for mortgage insurance.

5. *Finance and operation.*—

(*a*) Relation of rental levels of the project to the existing pattern of rentals in the community.

(*b*) Adequacy of the estimation of costs of administration, operation, and maintenance in conformity with local prices and conditions.

(*c*) Reasonableness of assumptions as to occupancy ratio in relation to a long-term expectancy.

(*d*) Possibility of accumulating a surplus in excess of dividend requirements after all expenses and the service of the mortgage.

(*e*) Land valued to conform to the local pattern of land values and to a capitalized value as determined by the residuals of gross income available for such capitalization.

(*f*) Sufficiency of the cash and other equity in the project to provide for all improvement costs above the mortgage and to assure continuing interest in the project by the sponsors.

(*g*) Provisions for a continuing and responsible management organization.

(*h*) Experience and responsibility of the proposed contractor.

[F. R. Doc. 37–3315; Filed, November 13, 1937; 12:12 p. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. D. I.–131]

IN RE DECLARATION OF INTENTION OF PLATTE VALLEY PUBLIC POWER AND IRRIGATION DISTRICT

ORDER SETTING DATE OF FURTHER HEARING; ALLOWING INTERVENTION

Upon declaration of intention filed January 5, 1934, and supplemented July 6, 1936, by Platte Valley Public Power and Irrigation District (hereinafter referred to as "declarant") and the petition filed May 14, 1937, by The Central Nebraska Public Power and Irrigation District (hereinafter referred to as "petitioner") requesting that it be allowed to intervene and present testimony in respect of the said declaration of intention:

It appears:

(1) That a copy of said petition to intervene was served on the declarant on May 15, 1937.

(2) That on May 17, 1937, declarant, by telegram, challenged the petitioner's right to intervene and the allegations of the petition and requested opportunity to file a formal pleading thereto;

(3) That at the hearing on said declaration of intention held May 17, 1937, pursuant to Commission order of March 23, 1937, after appropriate notice was duly given to the declarant, declarant failed to appear;

(4) That petitioner introduced testimony at said hearing upon the understanding that the same would be stricken from the record if the petition of intervention should be disallowed by the Commission, and the hearing was recessed subject to the further order of the Commission;

(5) That on May 17, 1937, the date of said hearing, Elm Creek Ditch Company, Gothenburg Ditch Company, Dawson County Irrigation Company, Thirty-mile Canal Company, Cozad Ditch Company, Six-mile Canal Company, Southside Irrigation Company, and Kearney Mutual Irrigation Company (hereinafter referred to as "protestants"), by telegram, informed the Commission that they had contracts approved by the Federal Government for all of the water of Sutherland District (declarant's project) for thirty years, and requested that they be afforded an opportunity to intervene in protection of their rights and that no order be made permitting intervention by other districts until they had been afforded an opportunity to object and to be heard; but said protestants were not otherwise represented at the hearing;

(6) That on June 16, 1937, the Commission addressed a telegram to the declarant as follows:

"Commission desires to afford you every reasonable opportunity to be heard further in this matter consistent with closing record within thirty days. Do you still wish to be heard in answer and argument against allowing intervention of Central Nebraska, or to present rebuttal testimony? Or perhaps having examined record made at recent hearing you are content to rely upon record already made. Please wire reply";

(7) That on the same date the Commission addressed a telegram to the protestants informing them of the limited nature of the present proceeding and requesting that they reply by wire whether they still desired to intervene and be heard upon the single question then pending; but no further communication has been received either from the declarant or from the eight protestants;

From the record herein the Commission finds:

(1) That the project works of the petitioner and of the declarant are contiguous and complementary; the petitioner has such an interest as entitles it to intervene in the proceedings on said declaration of intention, DI–131, and the testimony introduced by the petitioner should stand as a part of the record thereon;

(2) That the protestants, after full opportunity, have not complied with the Commission's Rules of Practice and Regulations governing filing of petitions of intervention and hence are not yet entitled to be permitted to intervene;

The Commission orders:

(A) That the petitioner be and it hereby is allowed to intervene and the evidence introduced by it at said hearing is admitted as a part of the record in the proceedings on said declaration of intention;

(B) That a further public hearing on the said declaration of intention and the said petition for intervention be held on December 8, 1937, at 10 a. m., in the hearing room of the Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., for the following purposes, to wit:

(1) To afford the declarant opportunity to offer such additional pertinent evidence as it may desire and particularly in rebuttal of the evidence given at the said hearing held may 17, 1937, on behalf of the petitioner, now the intervenor, Central Nebraska Public Power and Irrigation District;

(2) To afford opportunity to said protestants, Elm Creek Ditch Company, Gothenburg Ditch Company, Dawson County Irrigation Company, Thirty-mile Canal Company, Cozad Ditch Company, Six-mile Canal Company, Southside Irrigation Company, and Kearney Mutual Irrigation Company, to present their respective petitions for intervention with evidence in support thereof;

(C) That the declarant and the petitioner (now the intervenor), as well as the eight protestants hereinbefore named as having requested an opportunity to intervene, be each notified by registered mail immediately (a copy of this order to be enclosed with each notice) that immediately following the adjournment of the further hearing to be held as aforesaid on December 8, 1937, the record on the said declaration of intention, the petition or petitions for intervention, and the hearings held thereon will be closed and the matter thereupon submitted to the Commission for its findings as provided by the Federal Power Act.

Adopted by the Commission on November 9, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37–3312; Filed, November 13,1937; 9:29 a. m.]

## INTERSTATE COMMERCE COMMISSION.

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 16th day of October, A. D. 1937.

ORDER IN THE MATTER OF ANNUAL REPORTS FROM CARRIERS BY PIPE LINE

The subject of the requirement of annual reports from carriers by pipe line being under consideration:

*It is ordered:*

1. That the order of this Commission dated November 6, 1936, In the Matter of Annual Reports from Carriers by Pipe Line, is hereby annulled.

2. That all Carriers by Pipe Line subject to the provisions of the Interstate Commerce Act be and they hereby are, required to file an annual report for the year ending December 31, 1937, and for each succeeding year until further order, in accordance with Annual Report Form P (Carriers by Pipe Line), which is hereby approved and made a part of this order.

*It is further ordered,* That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–3317; Filed, November 15, 1937; 12:14 p. m.]

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 20th day of October, A. D. 1937.

ORDER IN THE MATTER OF ANNUAL REPORTS FROM CARRIERS BY WATER

The subject of the requirement of annual reports from carriers by water being under consideration:

*It is ordered:*

1. That the order of this Commission dated November 19, 1936, In the Matter of Annual Reports from Carriers by Water, is hereby annulled.

2. That all Carriers by Water subject to the provisions of the Interstate Commerce Act be and they hereby are, required to file an annual report for the year ending December 31, 1937, and for each succeeding year until further order, in accordance with Annual Report Form K (Carriers by Water) which is hereby approved and made a part of this order.

*It is further ordered,* That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–3318; Filed, November 15, 1937; 12:14 p. m.]



At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 23rd day of October, A. D. 1937.

ORDER IN THE MATTER OF ANNUAL REPORTS FROM LESSORS TO STEAM RAILWAY COMPANIES

The subject of the requirement of annual reports from lessors to steam railway companies being under consideration:

*It is ordered:*

1. That the Order of this Commission dated January 7, 1937, In the Matter of Annual Reports from Lessors to Steam Railway Companies is hereby annulled.

2. That all Lessors to steam railway companies subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ending December 31, 1937, and for each succeeding year until further order, in accordance with Annual Report Form E (Lessor Companies), which is hereby approved and made a part of this order.

*It is further ordered,* That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–3319; Filed, November 15, 1937; 12:14 p. m.]

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 28th day of October, A. D. 1937.

IN THE MATTER OF ANNUAL REPORTS FROM ELECTRIC RAILWAYS

The subject of the requirement of annual reports from Electric Railway Companies being under consideration:

*It is ordered:*

1. That the order of this Commission dated November 19, 1936, in the matter of annual reports from Electric Railways, is hereby annulled.

2. That all Electric Railway Companies subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ending December 31, 1937, and for each succeeding year until further order, in accordance with Annual Report Form G, (Electric Railways), which is hereby approved and made a part of this order.

*It is further ordered,* That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–3320; Filed, November 15, 1937; 12:14 p. m.]

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of November, A. D. 1937.

[Ex Parte No. 122]

ORDER RELATING TO COST FINDING IN TRANSPORTATION SERVICE

*It appearing,* That the National Industrial Traffic League has requested this Commission to give consideration to the report entitled "Cost Finding in Railway Freight Service for Regulatory Purposes," issued by the Federal Coordinator of Transportation in June, 1936, which sets forth a plan for obtaining information necessary for the determination of railway costs, based upon the results of a study made under his direction in accordance with the provisions of Section 13 of the Emergency Railroad Transportation Act, 1933; and

*It further appearing,* That this Commission has before it proceedings in which the parties are endeavoring to determine the costs of railway, highway, and waterway transportation; and

*It further appearing,* That the Railroad Commission of Texas, through the Director of its Pipe Line Department, has asked for the cooperation of this Commission in the development of cost finding methods for transportation by pipe line; and

*It further appearing,* That in cases before this Commission the parties are presenting evidence as to transportation costs incurred within State boundaries, obtained by apportioning transportation system expenses to the various States served without uniformity in the methods used for such apportionments:

*It is ordered,* That a proceeding of investigation and inquiry be, and it is hereby, instituted by this Commission on its own motion into and concerning cost finding in transportation service with a view to determining whether the Commission shall require all or any common and contract carriers subject to part I or part II of the Interstate Commerce Act to file special or annual reports for cost finding purposes in accordance with the plan recommended by the Federal Coordinator of Transportation, and hereinbefore referred to, or some other plan, and to prescribe such forms of accounts, records or memoranda, to be kept by all or any said carriers, as may be necessary or desirable in connection therewith.

*It is further ordered,* That notice of this proceeding be given to such carriers and other interested parties by such means as the Commission may hereafter adopt and use for that purpose, including the posting of a notice in the office of the Commission's Secretary.

*And it is further ordered,* That this proceeding be assigned for hearing at such time and place as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37–3321; Filed, November 15, 1937; 12:15 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15 day of November, A. D. 1937.

[File No. 43–90]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Southwestern Development Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, in regard to the issuance and distribution as a dividend to the common stockholders of the declarant of $2,040,300 of its own Unsecured 4% Promissory Notes, due July 1, 1943;

*It is ordered,* That a hearing on such matter be held on December 1, 1937, at ten o'clock in the forenoon of that day at Room 1101 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 26, 1937.

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3330; Filed, November 15, 1937; 12:44 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D., 1937.

IN THE MATTER OF THE AUTOLINE OIL COMPANY PREFERRED CAPITAL STOCK, $10 PAR VALUE COMMON CAPITAL STOCK, $10 PAR VALUE

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas The Autoline Oil Company, a corporation, is the issuer of Preferred Capital Stock, $10 Par Value, and Common Capital Stock, $10 Par Value; and

Whereas said The Autoline Oil Company registered such securities on the Baltimore Stock Exchange, by filing on or about June 27, 1935, an application with the said Exchange and with the Commission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule JB1, as amended, and Rule JB3, as amended, promulgated by the Commission thereunder; and

Whereas said Rule JB1, as amended, at the time said application was filed and at all subsequent times did and does require such application to be filed on Form 10 for Corporations; and

Whereas in accordance with the provisions of Form 10 for Corporations, and the Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, as to the use of said Form 10 for Corporations, in effect both at the time said application was filed and at all subsequent times, Item 36 of said form did and does require that Schedules numbered I to IX, inclusive, in the form and manner prescribed by the Instruction Book for Form 10 for Corporations be furnished where applicable and reference thereto made on the face of the balance sheet and profit and loss statement in appropriate places; and further, Item 36 of said form did and does require the registrant to submit financial statements certified in accordance with and in the manner prescribed by the Instruction Book for Form 10 for Corporations; and Exhibit "B" did and does require copies of all indentures and amendments thereof relating to the authorized funded debt of the registrant, set forth in answer to Item 13 (a); and whereas Rule JB3, as amended, requires that every amendment to an application for registration pursuant to Rule JB1 shall be filed with the Exchange and the Commission on Form 8; and

Whereas said The Autoline Oil Company has failed to comply with the provisions of said Section 12 (b) of said Securities Exchange Act, as amended, with the provisions of said Rule JB1, as amended, said Rule JB3, as amended, and with the provisions of said Form 10 for Corporations, and with the provisions of said Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that neither the application filed by it for registration of said securities on said Exchange pursuant to said Section 12 (b) nor any amendment thereto contains

(1) Schedules IV, V, VI and VII pursuant to the Instructions to Item 36, although required by the Rules and Regulations of the Commission;

(2) An accountant's certificate pursuant to the Instructions to Item 36 and conforming to the applicable requirements as set forth in the Instructions, the accountant's certificate submitted certifying only to the fact that "Attached balance sheet and statement of income and profit and loss of The Autoline Oil Company for the year ended December 31, 1934 is a true copy of the statements included in a report dated March 7, 1935, rendered by Elmer L. Hatter, Certified Public Accountant, deceased, and are subject to the qualifications contained in that report"; or an explicit statement in lieu of the omitted material, setting forth the reasons why the information is neither known nor available, although required by the Rules and Regulations of the Commission; and

(3) A copy of the indenture relating to the authorized funded debt set forth under Item 13 (a) filed as Exhibit B under a covering Form 8, although required by the Rules and Regulations of the Commission; and

Whereas Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas said The Autoline Oil Company filed on or about May 1, 1936, an annual report for the year ended December 31, 1935, pursuant to Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and Rules KA1 and KA2 promulgated by the Commission thereunder; and

Whereas said The Autoline Oil Company has failed to comply with the provisions of said Section 13 (a) and (b), said Rules KA1 and KA2 and with the provisions of said Form 10-K and with the provisions of the Instructions for said Form 10-K and the Rules and Regulations of the Commission supplemental thereto, as amended, in that the annual report filed by it for the year ended December 31, 1935

(1) Fails to contain a profit and loss statement which indicates the net profit for the period, although required by Item 8 of said Form 10-K and the Instructions thereto and the Rules and Regulations of the Commission;

(2) Fails to show, in the statement submitted as purporting to be the profit and loss statement, an analysis of each surplus account, although required by Item 8 of said Form 10-K and the Instructions thereto, and the Rules and Regulations of the Commission;

(3) Fails to include Schedules IV, V, VI, VII and VIII in support of the registrant's financial statements, although required by Item 8 of said Form 10-K and the Instructions thereto, and the Rules and Regulations of the Commission;

(4) Fails to include an accountant's certificate to the financial statements, filed as part of said annual report, which is based upon an adequate audit and prepared in conformity with the requirements of the Instructions as to the scope of such audit and the matters to be covered in the certificate, although required by Item 8 of said Form 10-K and the Instructions thereto and the Rules and Regulations of the Commission; and

(5) Fails to state the aggregate remuneration of each person among the officers, directors and employees of the registrant receiving one of the three highest aggregate amounts of remuneration under subdivision (a) and the aggregate remuneration of all directors in all of their capacities under subdivision (b) of Item 9, although required by said Item 9 of said Form 10-K, and the Rules and Regulations of the Commission; and

Whereas said The Autoline Oil Company has failed to comply with Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and with Rules KA1 and KA2 promulgated by the Commission thereunder in that as issuer of said Preferred Capital Stock, $10 Par Value, and Common Capital Stock, $10 Par Value, it has failed to file information and documents required by Rule KA1, adopted by the Commission pursuant to said Section 13 (a) and has failed to file its annual report for the year ended December 31, 1936 on Form 10-K as required by Rule KA2, adopted by the Commission pursuant to said Section 13 (b);

*It is ordered*, That pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said The Autoline Oil Company has so failed to comply with said provisions of said Section 12 (b) (1) and said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with any provision of either of said Sections, or of any Rule or Regulation promulgated by the Commission under either of said Sections, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Preferred Capital Stock, $10 Par Value, and said Common Capital Stock, $10 Par Value, on said Baltimore Stock Exchange; and

*It is further ordered*, That said The Autoline Oil Company appear before an officer of the Commission and show cause why the registration of said Preferred Capital Stock, $10 Par Value, and said Common Capital Stock, $10 Par Value, on said Baltimore Stock Exchange, should not be suspended for a period not exceeding twelve months or withdrawn as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

*It is further ordered*, That for the purpose of such proceeding, Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That a public hearing for the taking of testimony begin on the 24th day of November at 10:00 A. M. in Room 1103, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3331; Filed, November 15, 1937; 12:45 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

IN THE MATTER OF UNITED TOWNS ELECTRIC CO., LTD. FIRST AND REFUNDING MORTGAGE, 6%, SERIES "A" BONDS, DUE 1945

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, United Towns Electric Company, Ltd., a corporation, is the issuer of First and Refunding Mortgage, 6%, Series "A" Bonds, due 1945; and

Whereas said United Towns Electric Company, Ltd., registered such securities on the Baltimore Stock Exchange, a national securities exchange, by filing on or about August 22, 1935, an application with the said Exchange and with the Commission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule JB1, as amended, and Rule JB3, as amended, promulgated by the Commission thereunder; and

Whereas said Rule JB1, as amended, at the time said application was filed and at all subsequent times did and does require such application to be filed on Form 10 for Corporations; and

Whereas in accordance with the provisions of Form 10 for Corporations, and the Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, as to the use of said Form 10 for Corporations, in effect both at the time said application was filed and at all subsequent times, Item 18 (g) of said form did and does require a brief outline of the principal provisions permitting any substitution, stating whether or not any notice is required in connection with any such substitution, of any property securing an issue of funded debt set forth under Item 13 (a) which is to be registered; and Item 36 of said form did and does require that Schedules numbered I to IX, inclusive, in the form and manner prescribed by the Instruction Book for Form 10 for Corporations be furnished where applicable and reference thereto made on the face of the balance sheet and profit and loss statement in appropriate places; and further, Item 36 of said form did and does require the registrant to submit financial statements certified in accordance with and in the manner prescribed by the Instruction Book for Form 10 for Corporations; and Rule JB3, as amended, did and does require that every amendment to an application for registration pursuant to Rule JB1 shall be filed with the exchange and with the Commission on Form 8 and shall conform to the requirements governing the original application with respect to the number of copies filed and similar matters; and

Whereas said United Towns Electric Company, Ltd., has failed to comply with the provisions of said Section 12 (b) of said Securities Exchange Act, as amended, with the provisions of said Rule JB1, as amended, said Rule JB3, as amended, with the provisions of said Form 10 for Corporations, and with the provisions of said Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that material purporting to be Amendments No. 2 and 3 to the application for registration of said securities was not filed under covering Form 8, as required by Rule JB3, and in that material purporting to be said Amendment No. 2 was not filed in triplicate, as required by Rule JB3, and in that the application filed by it for registration of said securities on said Exchange pursuant to said Section 12 (b) does not contain the following:

(1) A statement under Item 18 (g) as to whether or not any notice to the trustee is required in connection with the substitution of any property securing the bonds, although required by the Instructions and Rules and Regulations thereunder;

(2) Schedules I to IX, inclusive, required pursuant to the Instructions to Item 36 furnished in support of the financial statements, although required by the Rules and Regulations of the Commission; and

(3) Accountants' certificates meeting the requirements set forth in the Instructions for said form, in that the accountants do not state their opinions as to the profit and loss statements or as to the accounting principles and procedures followed by the registrant; and

Whereas Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security on a national securities exchange file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas said United Towns Electric Company, Ltd., filed on or about September 10, 1936, an annual report for the fiscal year ended December 31, 1935, pursuant to Section 13 (a) and (b) of said Securities Exchange Act, as amended, and Rules KA1 and KA2 promulgated by the Commission thereunder; and

Whereas said United Towns Electric Company, Ltd., has failed to comply with the provisions of said Section 13 (a) and (b), said Rules KA1 and KA2 and with the provisions of said Form 10-K, and with the provisions of the Instructions for said Form 10-K, and the said Rules and Regulations of the Commission supplemental thereto, as amended, in that

the annual report filed by it for the year ended December 31, 1935,

(1) Fails to include a statement as to the registrant's securities other than equity securities, owned by each director and each officer of the registrant, covering both the securities owned of record and those owned beneficially, as of the registrant's fiscal year, although required by Item 4 of said Form 10–K and the Instructions thereto, and the Rules and Regulations of the Commission; and

(2) Fails to include Schedules I to XI, inclusive, in support of the financial statements of the registrant and its subsidiaries, although required by Item 8 of said Form 10–K and the Instructions thereto, and the Rules and Regulations of the Commission; and

(3) Fails to include accountants' certificates in connection with the financial statements of the registrant and its subsidiaries, which contain a statement of the accountant's opinion with respect to the accounting principles and procedures followed by the registrant and its subsidiaries, and which cover the profit and loss statements furnished for each of the companies, although required by Item 8 of said Form 10–K and the Instructions thereto, and the Rules and Regulations of the Commission; and

Whereas said United Towns Electric Company, Ltd., has failed to comply with Section 13 (a) and (b) of said Securities Exchange Act, as amended, and with Rules KA1 and KA2 promulgated by the Commission thereunder, in that as issuer of said First and Refunding Mortgage, 6%, Series "A" Bonds, due 1945, it has failed to file the information and documents required by Rule KA1 adopted by the Commission pursuant to said Section 13 (a) and has failed to file its annual report for the year ended December 31, 1936, on Form 10–K, as required by Rule KA2, adopted by the Commission pursuant to said Section 13 (b);

*It is ordered,* That pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said United Towns Electric Company, Ltd., has so failed to comply with said provisions of said Section 12 (b) (1) and said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with any provision of either of said Sections, or of any Rule or Regulation promulgated by the Commission under either of said Sections; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said First and Refunding Mortgage, 6%, Series "A" Bonds, due 1945, on said Baltimore Stock Exchange; and

*It is further ordered,* That said United Towns Electric Company, Ltd. appear before an officer of the Commission and show cause why the registration of said First and Refunding Mortgage, 6%, Series "A" Bonds, due 1945, on said Baltimore Stock Exchange should not be suspended for a period not exceeding twelve months or withdrawn, as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

*It is further ordered,* That for the purpose of such proceeding, Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered,* That a public hearing for the taking of testimony begin on the 30th day of November, 1937, at 10:00 A. M. in Room 1103 at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3332; Filed, November 15, 1937; 12:45 p. m.]

*Wednesday, November 17, 1937* *No. 223*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4776]

MUTILATED OR MISSING STRIP STAMPS

*To Collectors of Internal Revenue, District Supervisors and Other Officers and Employees of the Bureau of Internal Revenue Concerned:*

Pursuant to Section 205, Title II, Liquor Taxing Act of 1934 (U. S. C., 1934 ed., Title 26, Section 1152E) the following regulations are hereby prescribed:

1. Any person who has in his possession bottles containing distilled spirits required to be stamped by Title II of the Liquor Taxing Act of 1934, on which the stamps are so mutilated that they cannot again be affixed in their entirety, or to which no stamps are affixed, may purchase strip stamps to affix to such bottles in accordance with the conditions herein set forth.

2. Proper remittance and application under oath for the necessary stamps shall be submitted with Form 428, in triplicate, to the District Supervisor, Alcohol Tax Unit. The applicant in every case will state the cause of mutilation or absence of the stamps and submit evidence that the spirits are taxpaid. Such evidence may consist of the invoices covering the purchase of such spirits, in addition to other available documents. The District Supervisor will approve the requisition, Form 428, if he is satisfied from the evidence submitted that the tax has been paid on the spirits, and that the mutilation or absence of the stamps has been satisfactorily explained. He will forward the original Form 428 and one copy with the remittance to the Collector of Internal Revenue. The Collector will enter the serial numbers of the stamps issued and stamp the date of sale on both copies of Form 428. He will send the stamps and the copy of Form 428 to the District Supervisor, who will deliver the stamps to the applicant, either by mail or by a representative of his office, together with instructions in regard to marking and affixing them to the containers.

3. Where a bottle containing distilled spirits on which the stamp is so mutilated that it cannot again be affixed in its entirety, or to which no stamp is affixed, is discovered and it is ascertained that no application for a stamp has been made, such bottle will be detained pending appropriate action. If, upon investigation, it develops that the spirits in the bottle have been taxpaid, the officer who made the discovery shall secure an affidavit from the proper party setting forth the reason for the mutilation or absence of the stamp, as well as documentary evidence, if any, in support thereof. He shall then require the party involved to execute a suitable application to be submitted to the Supervisor, accompanied by a statement of the facts and the officer's recommendation. Such officer will inform the possessor of such bottle that it is his privilege to submit an offer in compromise. In the event a suitable offer in compromise is tendered, the procedure shall thereafter conform with the procedure governing cases in which an application for stamps was made without the intervention of a Government officer. When received, the stamp may be issued and affixed, and the bottle may be released from detention without awaiting action on the offer in compromise. Where no offer in compromise is submitted, the bottle and the spirits therein shall be seized for forfeiture.

4. Nothing contained in these regulations shall supersede or otherwise affect the authority granted and the procedure established by Treasury Decision 4744, approved June 24, 1937, for obtaining, without cost, stamps to replace those which have been lost or destroyed.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 12, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–3336; Filed, November 16, 1937; 12:55 p. m.]



## FARM CREDIT ADMINISTRATION.

[FCA 65]

AMENDMENT OF REGULATIONS GOVERNING CHANGES IN INSTALLMENT MATURITY DATES OF LAND BANK LOANS

Section 29 of the Rules and Regulations approved June 8, 1926, as amended [Section 5 (c), Chapter II, of the Federal Register Compilation, issued with FLB 1069, JSLB 446, GA 355, REG 465, LB EXAM 577, NFLA EXAM 260, REV APP 286, LB APP 135, dated April 21, 1936], governing changes in installment maturity dates of land bank loans, is hereby revoked.

[SEAL] A. S. GOSS,
*Land Bank Commissioner.*

[F. R. Doc. 37–3334; Filed, November 16, 1937; 11:31 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME LOAN BANKS

*Providing for Payment of Actual Transportation Expenses and Not to Exceed $10 Per Diem in Lieu of Subsistence and Other Expenses to Members of the Federal Savings and Loan Advisory Council*

*Be it resolved,* That, pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), the paragraph entitled "Regulations" of Section 53 of the Rules and Regulations for Federal Home Loan Banks is hereby repealed, and the following inserted in lieu thereof:

"Independent Offices Appropriation Act, 1938: '• • • Payment, when specifically authorized by the Board, of actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Board • • •' (Sec. 1)

*"Regulations.*—The members of the Federal Savings and Loan Advisory Council while away from their homes in an advisory capacity to the Board shall receive, when specifically authorized by resolution of the Board adopted prior or subsequent to such travel, payment of travel expenses incurred and allowable in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (U. S. C., title 5, secs. 821–833), as evidenced by receipts for such expenditures in form satisfactory to the Comptroller General of the United States and (without other compensation from the United States) not to exceed Ten ($10.00) Dollars per diem, in lieu of subsistence and other expenses."

Adopted by the Federal Home Loan Bank Board on November 15, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–3333; Filed, November 16, 1937; 10:26 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D., 1937.

[File No. 2–2131]

IN THE MATTER OF SEMINOLE PROVIDENT TRUST

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant, Seminole Provident Trust, of Tulsa, Oklahoma, filed April 25, 1936, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading in the facing page, Items 27, 31, 33, 36, 39, 40, 51, Exhibit H and the prospectus, and the registrant having consented to the issuance of this order, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in the particulars set forth above, and the Commission being now fully advised in the premises,

*It is ordered,* Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Seminole Provident Trust, of Tulsa, Oklahoma, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3335; Filed, November 16, 1937; 12:39 p. m.]

*Thursday, November 18, 1937* *No. 224*

## PRESIDENT OF THE UNITED STATES.

PAN AMERICAN EXPOSITION, TAMPA, FLORIDA, 1939

By the President of the United States of America

A PROCLAMATION

WHEREAS there is to be held at Tampa, Florida, during the year 1939, an international exposition which has for its purpose the commemoration of the four-hundredth anniversary of the landing of Hernando De Soto in Tampa Bay, and which because of its international character will contribute to cordial relations among nations; and

WHEREAS a joint resolution of Congress, approved August 26, 1937 (50 Stat. 831), reads in part as follows:

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite foreign countries to an exposition to be held in Tampa, Florida, to be known as the 'Pan American Exposition', in commemoration of the four-hundredth anniversary of the landing of Hernando De Soto in Tampa Bay, under the auspices and on the grounds of the Florida Fair and Gasparilla Association, Incorporated, in the year 1939, with a request that they participate therein.";

AND WHEREAS I believe the people of many nations would be pleased to unite with the people of the United States in participating in this exposition, to be known as the Pan American Exposition:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in compliance with the aforesaid joint resolution of Congress, do invite the participation of the countries of the Americas in this Exposition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 15" day of November in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty second.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2261]

[F. R. Doc. 37–3348; Filed, November 17, 1937; 11:41 a. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6752 OF JUNE 28, 1934, AMENDING SUBDIVISION XVIII OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the Civil Service Act (22 Stat. 403), it is ordered that Executive Order No. 6752 of June 28, 1934, amending Subdivision XVIII of Schedule A of the Civil Service Rules by adding thereto the following paragraph: "13. Positions in the National Soldiers' Home at Johnson City, Tennessee", be and it is hereby revoked, effective January 1, 1938.

With the exception of the incumbents of positions ordinarily excepted under paragraphs 11 and 12, Subdivision XVIII of Schedule A of the Civil Service Rules, those employees appointed to positions at the Veterans' Administration Facility, Mountain Home, (National Soldiers' Home, Johnson City) Tennessee, subsequent to June 28, 1934, who do not have a civil-service status, may acquire such status in accordance with the provisions of section 6 of Civil Service Rule II as amended by Executive Order No. 7408 of July 6, 1936.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 15, 1937.*

[No. 7739]

[F. R. Doc. 37-3338; Filed, November 16, 1937; 1:40 p. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked in so far as it affects the following-described tract of land in California:

SAN BERNARDINO MERIDIAN

T. 10 N., R. 9 W., sec. 32, E½W½ and E½, 480 acres.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, the tract of land described in section 1 of this order is hereby temporarily withdrawn from settlement, location, sale, or entry and reserved for use of the War Department for military purposes.

SECTION 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 15, 1937*

[No. 7740]

[F. R. Doc. 37-3339; Filed, November 16, 1937; 1:40 p. m.]

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EXECUTIVE ORDER

RESERVOIR SITE RESTORATION NO. 17; PARTIAL REVOCATION OF EXECUTIVE ORDER OF JUNE 8, 1926, CREATING RESERVOIR SITE RESERVE NO. 17

*California*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497, the Executive Order of June 8, 1926, creating Reservoir Site Reserve No. 17, is hereby revoked as to the following-described lands:

MOUNT DIABLO MERIDIAN

T. 12 S., R. 24 E.,
sec. 1, lots 1, 2, 3, and 4;
sec. 12, E½SE¼;
sec. 13, E½E½;
sec. 24, N½SW¼, and NW¼SE¼.
T. 13 S., R. 24 E.,
sec. 1, lots 1 and 7.
T. 11 S., R. 25 E.,
sec. 31, NE¼SW¼, NE¼NW¼SW¼, fractional W½NW¼SW¼, fractional W½SW¼SW¼, SE¼SW¼SW¼, N½SE¼SE¼, and SE¼SE¼SE¼;
sec. 32, SW¼SW¼;
sec. 33, SE¼.
T. 12 S., R. 25 E.,
sec. 4, NE¼;
sec. 5, lot 3, lot 4 except SW¼, SE¼NE¼;
sec. 6, fractional NE¼ of lot 1, S½ of lot 2, lot 3, S½NE¼, and E½SE¼;
sec. 19, lots 1, 2, and 3, NE¼SW¼;
sec. 24, N½SE¼;
sec. 28, SE¼NW¼, N½NE¼SW¼, and SE¼SW¼;
sec. 29, SW¼SE¼;
sec. 31, lot 2, SW¼NE¼, and SE¼NW¼;
sec. 32, NW¼NE¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 15, 1937.*

[No. 7741]

[F. R. Doc. 37-3340; Filed, November 16, 1937; 1:41 p. m.]

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TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49249]

CUSTOMS REGULATIONS AMENDED—ADMINISTRATION OF OATHS BY CUSTOMS PATROL INSPECTORS

*To District Patrol Superintendents and Others Concerned:*

Pursuant to the authority conferred by sections 486 (a) and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1486 (a) and 1624) and T. D. 49047, article 1380 of the Customs Regulations of 1937 is hereby amended by inserting the letter "(a)" before the word "Such" in line one thereof and by adding a new paragraph, designated "(b)," reading as follows:

(b) Customs patrol inspectors are hereby designated to administer any oaths required or authorized by law or regulations promulgated thereunder in respect of any matter coming before them in the performance of their official duties.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, November 11, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3341; Filed, November 16, 1937; 4:03 p. m.]

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[T. D. 49250]

CUSTOMS REGULATIONS AMENDED—PORTS OF DOCUMENTATION

CUSTOMS PORT OF CORDOVA, ALASKA, DESIGNATED AS PORT OF DOCUMENTATION; DESIGNATION OF CUSTOMS PORT OF SEWARD, ALASKA, AS PORT OF DOCUMENTATION REVOKED

*To Collectors of Customs and Others Concerned:*

The Department of Commerce has designated the customs port of Cordova, Alaska, as a port of documentation, effective November 15, 1937.

The designation of the customs port of Seward, Alaska, as a port of documentation has been revoked by the Department of Commerce, effective the same date.



The port of Cordova will, therefore, be the home port of all vessels permanently documented at Seward, effective November 15, 1937. In the event that the owners of vessels desire that a port other than Cordova be designated as the home port of their vessels, the approval of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, should be obtained.

Article 3, Customs Regulations of 1937, page 2, is hereby amended by the insertion of an asterisk preceding the name of the port "Cordova" in Customs Collection District No. 31 (Alaska), and the deletion of the asterisk preceding the name of the port "Seward" in that district, effective November 15, 1937.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, November 12, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3337; Filed, November 16, 1937; 1:30 p. m.]

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[T. D. 49252]

ENTRY OF ARTICLES FOR EXHIBITION AT THE INTERNATIONAL PETROLEUM EXPOSITION AT TULSA, OKLAHOMA, TO BE HELD MAY 14 TO MAY 21, 1938

NOVEMBER 12, 1937.

*To Collectors of Customs and others concerned:*

Attention is invited to the provisions of Public Resolution No. 337 of the Seventy-fifth Congress, approved August 21, 1937, which read as follows:

That the President of the United States is authorized to invite by proclamation, or in such other manner as he may deem proper, the States of the Union and all foreign countries to participate in the proposed International Petroleum Exposition, to be held at Tulsa, Oklahoma, from May 14, 1938, to May 21, 1938, inclusive, for the purpose of exhibiting samples of fabricated and raw products of all countries used in the petroleum industry and bringing together buyers and sellers for promotion of trade and commerce in such products.

Sec. 2. All articles which shall be imported from foreign countries for the purpose of exhibition at the International Petroleum Exposition, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exposition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: Provided, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles, which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: Provided further, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: Provided further, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: Provided further, That articles which have been admitted without payment of duty for exhibition under any tariff law, and which have remained in continuous customs custody or under a customs exhibition bond, and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: And provided further, That the International Petroleum Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International Petroleum Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

Sec. 3. That the Government of the United States is not by this Act obligated to any expense in connection with the holding of such exposition and is not hereafter to be obligated other than for suitable representation thereat.

(1) All packages containing imported merchandise to be entered under the provisions of the public resolution shall be plainly marked "International Petroleum Exposition" and with the name of the country of origin and shall bear separate serial numbers.

(2) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of the public resolution and valued at more than $100, must be covered by consular invoices certified as provided in article 276 of the Customs Regulations of 1937. Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1481) and shall show that the articles covered thereby are destined to the port of Tulsa, Oklahoma, and are intended for exhibition or use at the International Petroleum Exposition, Tulsa, Oklahoma.

(3) The International Petroleum Exposition shall give to the deputy collector of customs at Tulsa, Oklahoma, such security for compliance with the public resolution and these regulations as may be approved by the Commissioner of Customs.

(4) The collector of customs at St. Louis, Missouri, shall detail an officer to act as his representative at the International Petroleum Exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(5) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the International Petroleum Exposition or transferred thereto for exhibition, shall be reimbursed by the International Petroleum Exposition to the Government, payment to be made monthly to the deputy collector of customs, Tulsa, Oklahoma, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the revenue from customs."

(6) Articles to be entered under these regulations which arrive at ports other than Tulsa shall be entered for immediate transportation without appraisement to the latter port in the manner provided by the general customs regulations.

(7) Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the International Petroleum Exposition in the manner prescribed in article 453 (c) of the Customs Regulations of 1937, except that in each case an entry under paragraph (8) of these regulations shall be filed, which shall supersede any previous entry, and no new bond other than that specified in paragraph (3) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the International Petroleum Exposition in the manner prescribed in article 323 of the Customs Regulations of 1937.

(8) Upon the arrival at the port of Tulsa of articles to be entered under these regulations the same should be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

ENTRY NO.

Entry at the port of Tulsa of articles consigned or transferred to the International Petroleum Exposition under ---------- I. T. No. ------ ex SS ---------- from ----------

on the ---------- day of ----------, 193--, for exhibition purposes under Public Resolution No. 337 of the Seventy-fifth Congress, approved August 21, 1937.

| Mark | Number | Package and contents | Quantity | Invoice | Value |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

INTERNATIONAL PETROLEUM EXPOSITION.
By ----------

(9) Upon such entry being made, the deputy collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the deputy collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. Upon the receipt of the articles at such buildings or at the appraiser's stores, the same shall be given a tentative appraisal prior to their exhibition or use. All imported exhibits so received in such buildings shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with paragraph (11) of these regulations.

(10) If for any reason articles imported for entry under these regulations are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the deputy collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided, or under the general tariff law, or for exportation. If not so entered within such period they will be regarded as abandoned to the Government.

(11) Any articles entered under these regulations may be withdrawn for exportation, for abandonment to the Government, destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal.

(12) At any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in article 808 of the Customs Regulations of 1937.

(13) Any articles entered under these regulations which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

(14) All entries under these regulations shall be made in the name of the International Petroleum Exposition, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law, in the name of any person duly authorized in writing by the International Petroleum Exposition to make such entry, may be accepted by the deputy collector, and the bond of the International Petroleum Exposition shall thereafter be considered as collateral security for any duties and charges accruing on the merchandise covered by any such entry, unless the entry is for permanent exhibition, in which case the liability of the International Petroleum Exposition under its bond with respect to the articles covered by such entry, shall be terminated when the security required by the general tariff law has been given.

(15) The marking requirements of the Tariff Act of 1930 and the regulations promulgated thereunder will not apply to articles imported under these regulations except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act and the regulations promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3342; Filed, November 16, 1937; 4:03 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

GRAZING DISTRICT NOTICE

NEVADA

NOVEMBER 12, 1937.

Pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), notice is hereby given that a hearing will be held in Caliente, Nevada, at 10 a. m. on December 13, 1937, and on any subsequent date or dates to which the said hearing may be adjourned, by the Department of the Interior, for the purpose of considering the establishing of a grazing district to include the following:

NEVADA

*Mount Diablo Meridian*

Public lands in Lincoln County exclusive of established grazing districts and national forests

This hearing will be open to the attendance of State officials and settlers, residents, and livestock owners of the vicinity where the establishment of such grazing district is proposed.

The publication of this notice has the effect, in accordance with the provisions of the aforesaid act, of withdrawing the above-described lands from all forms of entry and settlement.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-3345; Filed, November 17, 1937; 9:42 a. m.]

### National Bituminous Coal Commission.

Docket No. 18-FD

INVESTIGATION OF THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF OHIO AND ITS EFFECT UPON INTERSTATE COMMERCE IN SUCH COAL

REPORT, FINDINGS AND CONCLUSIONS OF THE COMMISSION

The National Bituminous Coal Commission on the 14th day of July, 1937, made and entered of record its Order No. 13 which was thereafter amended by Orders No. 13-a and No. 27, authorizing and directing that an investigation and hearing me conducted under and by virtue of the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purposes of determining whether transactions in intrastate commerce in bituminous coal in the various localities within the State of Ohio, directly affect interstate commerce in bituminous coal or cause or will cause any undue or unreasonable advantage, preference or prejudice in such commerce on the one hand, and interstate commerce in bituminous coal on the other hand;

In said order a trial examiner of the Commission was designated, authorized and directed to preside at said hearing and to receive evidence adduced by interested parties; to cause the same to be preserved of record and to make findings of fact therefrom; to report his proceedings in that behalf together with a record of all testimony and exhibits, and all record and documentary evidence, and his findings of fact and recommendations for an appropriate order in the premises;

Due and reasonable public notice of the time and place of said hearing was given by publication of said order in a newspaper of general circulation in each county within the State of Ohio in which bituminous coal is produced, and in the FEDERAL REGISTER, Washington, D. C., and by mailing in the United States Mail to each producer of bituminous coal within said State known to the Commission, a true copy of said order fixing the time, place and purposes of said hearing;

An investigation was duly and lawfully conducted at the time and place prescribed in said order, and pursuant to the provisions of the Bituminous Coal Act of 1937, and at said hearing large numbers of producers and distributors of bituminous coal appeared and asked to be heard, and were heard, and ample opportunity was afforded to all interested parties to be heard, and a full and complete hearing was had and said Trial Examiner has duly filed his report as directed. The Commission has duly considered said report and the record of the proceedings and now makes its findings and conclusions. The report and findings herein differ somewhat from those recommended by the Examiner.

From the evidence contained in said record, the Commission finds:

1. That there are eleven principal coal producing areas within the State of Ohio located in the eastern one-fourth of the State, namely, Jackson, Pomeroy, Hocking, Shawnee, Crooksville, Cambridge, Middle, Pittsburg No. 8, Amsterdam-Bergholz, Massillon and Leetonia-Lisbon.

2. That during the years of 1929 and 1934 to 1936 inclusive, there was a total of 88,861,334 tons of bituminous coal produced in Ohio.

3. That of the production of bituminous coal in Ohio during said years aforesaid, approximately 46,017,736 tons were consumed within the State of Ohio, which is approximately one-half of the total production.

4. That during the year 1936 the production of bituminous coal in Ohio amounted to 23,327,450 tons, of which Ohio consumed 12,730,011 tons; approximately 10,597,449 tons of Ohio's production in bituminous coal was shipped in interstate commerce or sold as railroad and steamship fuel.

5. That the State of Ohio is a large potential producer of bituminous coal; that during the year 1935 there was produced by mines within the State of Ohio, 21,153,000 tons of coal on an average working time of 162 days, however, mines within the State of Ohio in the past produced as much as 40,546,000 tons annually; that during none of the years from 1929 to date have the mines within the State of Ohio produced as much coal as has been consumed within the State of Ohio; that more than one-half of the coal consumed within the State of Ohio comes from interstate sources, however, there are large coal resources in Ohio and many inactive mines that are potential producers.

6. That the State of Ohio is one of the largest consumers of bituminous coal; that during the predepression year of 1929, the State of Ohio consumed a total of 49,055,000 tons exclusive of the tonnage consumed by railroads and steamships.

7. That during the year 1929 the State of Ohio consumed a total of 25,365,523 tons more than was produced within the State.



8. That tonnage of interstate shipments of bituminous coal consumed within the State of Ohio during the year 1929 was 38,627,585 tons, which was 79.8 per cent of the total consumption of coal within the State; that in 1936 Ohio consumed 26,815,000 tons of bituminous coal from interstate sources, or 67.8% of the total consumption, a relative decrease of 12% of interstate coal.

9. That there are three broad classes of use for bituminous coal used in Ohio—industrial fuel, railroad fuel and domestic fuel; that neither Ohio coals nor coals from interstate sources dominate the Ohio market for any one of these classes of use; that for one or more of these uses, all coals shipped interstate into Ohio are of such a similar character to that produced in Ohio, that they are competitive and the demand for coal in Ohio markets shows that the volume of heat derived from coal is ordinarily the principal consideration upon which the consumer bases his selection of coal, but, however, in both the commercial and domestic markets, price is the determining factor when there is sufficient price differential to yield a material saving in cost.

10. That the production and consumption of bituminous coal within the State of Ohio has fluctuated from year to year, marketing conditions and prices have been unstable and the industry unprofitable and during none of the years from 1929 to date have producers in Ohio produced more than 36 per cent of the total amount of bituminous coal consumed within the State.

11. That heavy shipments of interstate bituminous coal pass through the heart of Ohio producing fields into the large consuming marketing areas in Ohio; that six industrial counties consumed 56.9 per cent of the total bituminous coal consumed for industrial purposes within the State of Ohio in 1929; that during the depression years immediately following there was a 20 per cent decrease from the peak of 1929; that since such decrease Ohio's consumption of bituminous coal has been increasing; that the largest proportion of coal from interstate sources shipped into Ohio is transported by rail, although a substantial tonnage comes into Ohio markets by barge and truck; that the interstate rail coal moving into Ohio markets is subject to a substantial freight differential; but freight tariffs are published covering rail transportation from interstate and intrastate producing fields to substantially all rail destinations within the State of Ohio.

12. That transportation charges have been an important factor in determining the price and movement of bituminous coal; that in the investigations of the Interstate Commerce Commission it has been found that there is keen and active competition between interstate coals and Ohio coals at rail destinations in Ohio and it was further found that certain intrastate rates on bituminous coal to Ohio destinations had resulted in preferences to Ohio shippers in intrastate commerce and unjust discrimination against interstate commerce, as shown in, Ohio-Michigan Coal Case, Docket No. 12698, 80 I. C. C. 663; In the Matter of Intrastate Rates on Bituminous Coal Within the State of Ohio, Docket No. 12851, 80 I. C. C. 687; Intrastate Rates on Bituminous Coal Within the State of Ohio, Docket No. 25566, 192 I. C. C. 413; Surcharge on Bituminous Coal Within the State of Ohio, Docket No. 25885, 192 I. C. C. 734. Certified copies of the Interstate Comperce Commission's findings of fact and decisions were introduced as exhibits in this proceeding.

13. That a large number of representative cities and towns throughout the State of Ohio, numbering over 1,000, received shipments by rail of bituminous coal from both intrastate and interstate origins in 1936; that there is keen and active competition of intrastate commerce in bituminous coal with interstate commerce in bituminous coal in substantially all coal markets in the State; that the evidence of production and distribution presented concerning previous years establishes the fact that the distribution of coal in intrastate transactions and interstate shipments by rail in Ohio, follow generally the conditions prevailing in Ohio in 1936; that, in addition, there are substantial shipments of intrastate and interstate bituminous coals moving by trucks into Ohio mar-

ket areas; and that this coal engages in keen and active competition with interstate and intrastate rail coal.

14. That a group of twenty-three Class I carriers and their subsidiaries are in a position as a group to purchase and do purchase railroad fuel from Ohio mines and railroad fuel from coal fields in six nearby states; that all of such fields including those in Ohio produce coal, which for railroad fuel purposes is comparable; that in 1929 approximately 8,000,000 tons of bituminous coal were purchased from Ohio mines and approximately 34,000,000 tons from coal fields in adjoining states by the same group of twenty-three Class I carriers; and that Ohio coal is in keen and active competition with coal from interstate origins in the railroad fuel market in Ohio; and that the railroad fuel market in Ohio has not changed materially since 1929.

15. That bituminous coal produced by the same Ohio mines is sold partly in Ohio markets and partly in markets in other states; that in Ohio markets such bituminous coal competes with interstate coal; that a number of producers own mines both in Ohio and in nearby states, and ship coal both intrastate and interstate into Ohio markets wherein the coal of such producers competes with other intrastate and interstate coals; and that transactions in bituminous coal in interstate and intrastate commerce in the State of Ohio are so interwoven and interrelated that they cannot be separated from each other and intrastate shipments have a direct effect upon the interstate shipments and one cannot be regulated apart from the other.

16. That there is active, keen and continuous competition of Ohio coals with interstate coals in the State of Ohio; that such competition has had and now has a direct effect upon the interstate shipments into Ohio markets; that generally, this competition has affected interstate coals by causing a loss of tonnage in Ohio markets; and this effect has resulted primarily from destructive competition based on prices and generally the quality of the coals has been disregarded when the differential in price became sufficiently wide.

17. That with very few exceptions producers do not store bituminous coal, as storage over any appreciable period results in substantial losses from spontaneous combustion, disintegration and deterioration; that instead, the producer loads directly from the mine tipple into railroad cars on his tracks; that the producer also produces several different sizes of coal and has little or no control over the relative proportions of the different sizes that come from his mine; that this is primarily dependent upon the physical character of the seam, hardness of the coal, cleavage and other factors that influence the yield. To illustrate this, one witness testified that to produce 1000 tons of egg coal, the producer would be required to produce 4000 tons of run of mine coal; that the demand for the several sizes varies with the state of business and the seasons; in times of industrial activity the demand for steam sizes, the screenings, tends to rise, and, in general, there is a tendency for a surplus of screenings to develop during the winter months and a surplus of larger sizes to develop during the summer. A surplus of screenings has at times caused such pressure on the market that to move such coal from the producer's railroad siding, the surplus sizes have been sold for a price far below the cost of production. This is done so that the producer may keep his tracks clear and continue to produce sizes of coal for which there is demand. We conclude:

1. That bituminous coal produced and consumed in the State of Ohio, and shipped to Ohio destinations, is in direct, keen, active and continuous competition with bituminous coal shipped to the same markets from interstate sources and transactions in bituminous coal in intrastate commerce between localities in Ohio directly affect and burden the flow of interstate commerce in bituminous coal from producing localities without the State of Ohio to consuming localities within the State of Ohio; that such situation will be further accentuated and accelerated by the fact that Ohio producers shipping bituminous coal in interstate commerce will obtain a realization on such interstate transactions under a regulated minimum price that will further enable such producers to maintain the unregulated prices in the Ohio markets at a level that will do much to prevent interstate shippers into Ohio, subject to regulated prices, from competing in the markets in Ohio.

2. That if all transactions in intrastate commerce in bituminous coal as between localities within the State of Ohio or any substantial part thereof, are exempt from regulation as to the minimum price at which such coal could be sold or disposed of by the producer, the interstate coal now being disposed of in Ohio markets would be diminished, if not entirely eliminated in such markets and thus cause an undue and unreasonable advantage, preference or prejudice as between localities in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand and an undue, unreasonable or unjust discrimination against interstate commerce in bituminous coal.

3. That there does not exist an opportunity for interstate commerce in coal to continue to freely flow into the consuming market areas within the State of Ohio and compete upon a fair basis; that coordination of prices in both interstate and intrastate commerce in bituminous coal is necessary and that such coordination cannot be effected except by adjustment of prices; that unless intrastate transactions in such coal are subjected to regulation, effect cannot be given to the minimum price structures and coordination of prices in common consuming marketing areas established and approved by the Commission, as provided by the Bituminous Coal Act of 1937; and that the Commission will be unable to effectively enforce the provisions of the Act.

4. That intrastate shipments in coal and interstate shipments in bituminous coal into markets in the State of Ohio are so inter-related and interwoven that one cannot be regulated apart from the other; and that interstate commerce in coal cannot be protected unless both intrastate and interstate commerce in bituminous coal are regulated as provided by Section 4 of the Bituminous Coal Act of 1937.

5. That unless intrastate commerce in bituminous coal within the State of Ohio is subjected to regulation, the practice of dumping, which is always demoralizing to the trade, cannot be prevented; that lack of regulation will not only enable the Ohio producer to enjoy an unfair and discriminatory advantage over interstate shippers in disposing of coal within the State of Ohio, but also to enjoy an unfair and discriminatory advantage in disposing of his coal in interstate commerce in other states; and that in the absence of regulation such producer will be able to use the unregulated intrastate Ohio market as a dumping ground to dispose of his surplus sizes, and thereby keep his tracks clear and be in a better position to supply prepared sizes then in demand and to ship into the regulated interstate markets, at a great advantage over the regulated interstate shipper, not possessing an outlet, to dispose of his surplus sizes.

An appropriate order will be entered.

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OPINION

Recognizing the vital importance of bituminous coal in the national economy, Congress by the enactment of the Bituminous Coal Act of 1937 provided for stabilization of that major natural resource industry.

The purposes of the Act are clearly set forth in the declaration, "That regulation of the sale and distribution in interstate commerce of bituminous coal is imperative for the protection of such commerce; that there exist practices and methods of distribution and marketing of such coal that waste the coal resources of the Nation and disorganize. burden, and obstruct interstate commerce in bituminous coal, with the result that regulation of the prices thereof and of unfair methods of competition therein is necessary to promote interstate commerce in bituminous coal and to remove burdens and obstructions therefrom."

To accomplish these objects the law provides for the banning of certain specific trade practices in the industry which have been found to be unfair and the establishment of minimum prices and proper marketing rules and regulations governing sales of coal by code member producers and by distributors. Such minimum prices and regulations are to be determined according to well defined standards which are set forth in detail in Section 4 of the Act and were duly promulgated by the Commission on June 21, 1937 as the Bituminous Coal Code.

Section 4 of the Act provides, inter alia, "for the purpose of carrying out the declared policy of this Act, the Code shall contain the following conditions and provisions, which are intended to regulate interstate commerce in bituminous coal and which shall be applicable only to matters and transactions *in* or *directly affecting* interstate commerce in bituminous coal."

Having provided for regulation of commerce in coal among the several states, Congress recognized the incontrovertible fact that relationships between interstate and intrastate commerce are so intimate and direct that its interstate commerce could not be successfully dealt with if commerce in coal within individual states was permitted to continue unregulated.

Consequently there was invoked the Congressional power to regulate phases of intrastate commerce which has become clearly recognized under the doctrine of the Shreveport case, where Federal control was found essential in order to secure the freedom of interstate traffic from interference or unjust discrimination and to promote the efficiency of the interstate service, Houston, E. & W. T. R. Company versus United States 234 U. S. 342.

Accordingly Congress, by Section 4–A of the Act, vested authority in the Coal Commission to extend the applicability of the provisions of Section 4 to intrastate commerce in coal when carried on by any person or in any locality, in cases where the Commission, upon investigation and after hearing, finds transactions in intrastate commerce cause any undue or unreasonable advantage, preference or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the other hand, or any undue, unreasonable or unjust discrimination against interstate commerce in coal or in any manner directly affect such interstate commerce.

The Commission, acting upon its own motion, has duly investigated the relationship between interstate commerce in coal and intrastate commerce in coal in the State of Ohio, and, after hearing, has concluded and specifically found that substantially all transactions in intrastate commerce in all localities in the State of Ohio do directly affect interstate commerce in coal, and that transactions in coal in Ohio, interstate and intrastate, are so commingled together and interwoven that regulation of interstate commerce as required under the Act cannot be accomplished without like regulation of intrastate commerce in all localities within the State.

The general facts concerning the production, distribution and use of bituminous coal throughout the United States are clearly set forth in the records of twenty or more hearings held in recent years before Committees of Congress, as well as in the findings and opinions of the courts in Appalachian Coals versus United States, 288 U. S. 344, and Carter versus Carter Coal Company, et al., 298, U. S. 238.

Large tonnages of bituminous coal are produced in 28 counties of Ohio, as well as in the adjacent States of Pennsylvania, West Virginia, Virginia, Kentucky, Tennessee, Indiana and Illinois. Facilities for coal production throughout the coal mining areas of Ohio range from the small mine producing a few tons per day by hand labor to the highly mechanized operation employing hundreds of men and capable of loading and shipping enormous tonnages of coal daily. Wages in the coal mines of Ohio, as elsewhere, constitute the major item of cost and because of a mobility due to modern conditions of organization, transportation and employment, labor is peculiarly sensitive to any disturbance of the delicate balance now maintained between competitive coal districts as to their wage levels and working conditions. In late years prices realized by producers for their coal have not, on the average, equalled production costs, with the result that throughout the industry price demoralization inevitably leads to wage reductions, less rigid observation of safety standards and increased wastes in the process of mining.



In recent years radical changes have taken place in methods of coal distribution. At one time coal from individual mines and producing fields was limited to local use or to markets available only by railroad and steamship lines. Today the development of improved roads and the widespread use of motor trucks has broadened immeasurably the markets available to any individual mine or producing district, and by reason of this new method of distribution tonnages produced by small mining operations which individually would appear to have little bearing upon markets, now seriously affect conditions because of the cumulative effect of tonnages made available from groups of small mines and transported to distant markets by truck.

Bituminous coal has likewise undergone a transformation insofar as uses are concerned. At one time coal as produced from the mine, that is, run of mine, was universally accepted by consumers. Today, elaborate screening facilities must be provided to meet market demands and a wide variety of sizes and grades is generally offered. Producers, therefore, are under constant stress to find outlets for particular sizes of coal not in immediate demand in order to continue operation of their mines.

In former years industries using coal were to a large extent local or, at most, statewide in scope. Today, those industries which depend on coal for energy and raw materials are organized and conducted on the basis of finding outlets for their products, not only within the state of origin but throughout other states. Electric power produced from coal is now generated in huge units whose output under modern transmission methods enters consuming centers beyond the state. Bituminous coal still serves as a main source of energy for the railroads, whose principal activities are in interstate commerce. Today, in all of its markets, bituminous coal must meet the competition of other fuels and forms of energy, supplies of which are transported in many instances from producing areas hundreds of miles distant.

It may therefore be concluded that, in general, the production and distribution of coal has ceased to be an activity, local in effect, and that commerce in coal cannot any longer be dealt with as a business activity limited in scope to areas within the confines of a single state.

The production and distribution of coal in the State of Ohio presents a picture typical of the industry. With 23,327,450 tons produced in 1936 by Ohio mines, 12,630,011 tons were consumed within the state for domestic fuel and industrial purposes, and 10,597,449 tons shipped for consumption in other states or sold as railroad and steamship fuel. In the same year Ohio imported 26,815,000 tons of coal although its own production facilities were not operating at full capacity.

In surveying the uses of coal within the state, we find a range from the industrial plants of the Mahoning Valley, the power plants scattered at strategic points throughout the state, and railroads and steamship lines, to domestic heating not only in the stores and apartments of large cities but in the humblest dwellings in rural communities.

Coal is today transported throughout Ohio by a network of railroads which cover the state, as well as by barges and steamers on the Ohio River and Lake Erie. These methods of transportation are supplemented by the movement of coal by motor truck, not only directly from producing mines but from distribution facilities located in every substantial community and serving wide areas.

A review of the marketing of coal in the State of Ohio shows that state lines are not a factor in distribution. Coal moves in and out of the state by barges, railroad cars and trucks. Coals produced within Ohio compete actually in every market with coals produced in other states, and all coals must constantly meet the keen competition of other fuels. Undoubtedly cases exist where it will be shown that in isolated communities or in individual transactions there may be no direct relationship between interstate commerce and intrastate commerce in coal. Nevertheless it is clear that in the overwhelming majority of instances, intrastate

commerce cannot be set apart and distinguished from interstate commerce. From our study of commerce in coal in the State of Ohio we find no line of distinction between mines and producing fields engaging in intrastate commerce in the state and those engaging in interstate commerce, nor do we find that any particular size, grade or quality of coal can be earmarked for movement into other states. Neither the cost or methods of producing and preparing coal determines its market within or without the state. Coal is produced and loaded at the mine for shipment without regard to its ultimate destination which is determined entirely by marketing factors.

This relationship between the two types of commerce becomes significant in administering any stabilization plan using minimum prices and fair trade practice rules as media or regulation. In the coal industry of Ohio, as in other states, with potential capacity substantially exceeding demand, with consumption varying from season to season as well as with the rise and fall of industrial activities, with continued encroachments on coal markets by other fuels which are not subject to regulation, the price of coal is, in the vast majority of cases, the essential determining factor in the selection of coals by consumers. Small price differences lead not only to substantial changes in the demand for particular coals but also to diversion of business from one mine or mining field to another. The presence or absence of fair trade regulations definitely affects the ability of producers and distributors to compete and unfair trade practices very frequently result in advantages which may be calculated in terms of price.

From the highly competitive conditions presently existing in the coal industry in the State of Ohio and neighboring states, it would appear that the competition is and will continue to be so keen that the failure to regulate transactions in intrastate commerce within the state renders impossible any effective regulation of interstate coal moving into Ohio. In this case the question of price and fair trade practices certainly dominates coal in trade between the states.

The Commission therefore has found that these relationships will continue in effect and that failure to guard against consequences of non-regulation of intrastate commerce in Ohio will undoubtedly lead to irreparable injury to producers and producing districts now engaged in interstate commerce and serving consumers within the State of Ohio.

In its investigation of intrastate commerce in coal in Ohio, the Coal Commission has followed the only practical method of procedure. Transactions in bituminous coal by individual producers vary from day to day, coal from a particular mine may be shipped entirely in interstate commerce on one hand and in intrastate commerce on the succeeding day and carloads of particular sizes may be sold in local markets while other sizes find outlets in other states. To investigate and define specifically the character and effect of each transaction by every individual producer or in any given locality would be impracticable because such transactions number thousands daily and complete records of such transactions are not available. Consequently the Commission has arrived at its determinations through a review and analysis of general practices in coal distribution throughout the state, leaving for future determinations the status of individual cases as they may arise.

Adequate provision has been made in the Act for the protection of any person whose commerce in coal may hereafter be determined not to conform to the general rule. Section 4–A, after authorizing the Commission to extend application of the provisions of Section 4 to phases of intrastate commerce in coal, provides further that any producer believing that any commerce in coal is not subject to the provisions of Section 4 of the Act or to the provisions of Section 4–A extending operation of the Act and Code to phases of intrastate commerce, may file an application for exemption with the Commission, setting forth the facts upon which the claim is based.

Pending hearing and decision by the Commission the petitioner is exempted from any obligations, duty or liability imposed by said Section 4 or by any order of the Commission extending the operation of Section 4 to phases of intrastate commerce, a portion of which the producer claims to be exempt.

Provision is also made for the review of any order of the Commission denying or otherwise disposing of any application for exemption, such review to be had in conformity with subsection (b) of Section 6 of the Act.

The Commission by its order in Docket No. 18–FD, extending operation of Section 4 of the Act and the Bituminous Coal Code to intrastate commerce in all localities within the State of Ohio, provided further that notice of its action shall be given by mail to all known producers of coal who have not heretofore accepted the Code and directs publication of proper notice in newspaper of general circulation in each county known to produce bituminous coal within the State.

By the terms of the Commission's order the provisions of Section 4 and the Code do not begin to apply to persons engaged in intrastate commerce in coal in the State of Ohio, and therefore no obligation, duty or liability is imposed upon those persons, until the 15th day of December, 1937, thus affording adequate opportunity to such persons to file applications for exemption and thereby avoid liability until full hearing has been had in their individual cases.

ORDER

*At a Regular Session of the National Bituminous Coal Commission Held at its Offices in Washington, D. C., on the 11th Day of November, 1937.*

*It appearing*, That by Orders No. 2 and 13, the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4–A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Ohio and the effect of such transactions upon interstate commerce in such coal; and

*It further appearing*, That reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 8th day of November, 1937, made and filed its report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof;

Now, therefore, It is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in all localities within the State of Ohio directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between transactions in intrastate commerce in Ohio on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Therefore, it is further ordered:

1. That on and after the 15th day of December, 1937, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Ohio, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Ohio.

2. That any producer of bituminous coal in intrastate commerce within the State of Ohio, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Sections 4 and 4–A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4–A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Ohio, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Ohio known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 11th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–3347; Filed, November 17, 1937; 11:02 a. m.]

## COMMODITY CREDIT CORPORATION.

C. C. C. Cotton Form 1
INSTRUCTIONS
1937–38

1937–38 INSTRUCTIONS CONCERNING THE MAKING OF LOANS BY COMMODITY CREDIT CORPORATION TO COTTON PRODUCERS ON NOTES SECURED BY COTTON WAREHOUSE RECEIPTS

The Reconstruction Finance Corporation has extended to Commodity Credit Corporation a line of credit for the purpose of enabling Commodity Credit Corporation to make loans and/or purchase paper of producers of cotton, secured by pledge of cotton warehouse receipts. These instructions state the requirements with reference to making such loans and the purchase of such paper.

1. *Definitions.*—As used in these instructions, unless the context otherwise requires, the following terms will be construed respectively to mean—

(*a*) *Producer.*—Any person, partnership, association, or corporation producing cotton either as landowner, landlord, or tenant.

(*b*) *Eligible cotton.*—Cotton produced in 1937 of grade and staple as specified in paragraph 3 hereof, the beneficial title to which is and always has been in the producer. Attention is called to the fact that landlords cannot borrow on the tenant's share nor on cotton taken in on account. The tenant may borrow separately on his share.

(c) *Lending agency.*—Any bank, cooperative marketing association, or other corporation, partnership, association, or person lending money to producers on eligible cotton warehouse receipts, upon 1937–38 C. C. C. Cotton Form A. (A Loan Agency of the Reconstruction Finance Corporation is not included within this definition.)

(*d*) *Eligible paper.*—Notes of producers with loan agreements upon 1937–38 C. C C. Cotton Form A or any form hereafter approved by Commodity Credit Corporation dated subsequent to September 10, 1937, and prior to April 1, 1938, and executed in accordance with these instructions with State documentary revenue stamps affixed thereto where required by law. (Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law, and all such notes must be submitted for direct loans in accordance with paragraph 5 hereof.)

2. *Forms.*—The following documents must be delivered in connection with every loan made or note purchased by Commodity Credit Corporation:

(*a*) Note of producer (1937–38 C. C. C. Cotton Form A).
(*b*) Loan agreement (1937–38 C. C. C. Cotton Form A).
(c) Warehouse receipts complying with the provisions of Section 11 hereof issued by approved warehouses.
(*d*) Producer's Letter of Transmittal (1937–38 C. C. C. Cotton Form B) or Lending Agency's Letter of Transmittal (1937–38 C. C. C. Cotton Form C).

3. *Amount.*—Loans to producers will be made upon a basis of 9 cents per pound for cotton classed seven-eighths inch or longer as to staple and middling or better as to grade, and 7.75 cents per pound on cotton classed seven-eighths inch or longer as to staple and under middling in grade, provided no cotton shall be eligible for a loan which is of a grade not deliverable on contracts in compliance with the regulations of the New York and New Orleans Cotton Exchanges. Loans at the rate of 8 cents per pound will be made on cotton classed thirteen-sixteenths inch as to staple and middling or better in grade. Thirteen-sixteenths inch staple cotton under middling in grade is not eligible for a loan. The term, "middling or better", as used herein, shall include only the following grades of cotton:

White Standards and Extra White:
Middling Fair.
Strict Good Middling.
Good Middling.
Strict Middling.
Middling.
Spotted:
Good Middling—Spotted.
Strict Middling—Spotted.

4. *Time and manner of loans and purchase.*—Commodity Credit Corporation will purchase eligible paper, as defined above, only from lending agencies which have executed and delivered to the Loan Agency to which notes are submitted Contract to Purchase (1937–38 C. C. C. Cotton Form D) obtainable only from Loan Agencies. Under the terms of this contract, lending agencies are required to report on 1937–38 C. C. C. Cotton Form F all payments or collections on producers' notes held by them, and to remit promptly to Commodity Credit Corporation, Washington, D. C., an amount equivalent to one and one-half percent per annum interest on the principal amount collected from the date of the note to the date of payment.

Notes must be tendered on Lending Agency's Letter of Transmittal (1937–38 C. C. C. Cotton Form C) in duplicate prior to July 1, 1938, to the Loan Agency serving the district in which the cotton is stored as indicated in paragraph 15 hereof. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from their respective dates to the date of payment of the purchase price at the rate of two and one-half percent per annum.

5. *Direct loans.*—It is contemplated that producers will ordinarily obtain loans from a local bank or other lending agency which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Arrangements, however, have been made for making direct loans to producers prior to April 1, 1938. In such cases the note must be made payable to Commodity Credit Corporation and must be tendered to the Loan Agency of the Reconstruction Finance Corporation serving the district in which the cotton is stored on a producer's Letter of Transmittal (1937–38 C. C. C. Cotton Form B), in duplicate, postmarked not later than midnight of March 31, 1938, if tendered by mail. Upon delivery of all necessary documents properly executed and upon approval of the loan by the Manager of the Loan Agency, payment will be made in accordance with the directions of the producer contained in said 1937–38 C. C. C. Cotton Form B.

6. *Preparation of documents.*—A producer desiring a loan upon eligible cotton may obtain the necessary forms from

any county extension agent in the cotton-producing areas, also from the Loan Agencies of the Reconstruction Finance Corporation listed in Section 15 of these instructions. Such forms may also be obtained from Commodity Credit Corporation, Washington, D. C. The forms are identified and no reprints or substitutes may be used.

All blanks in both the note and loan agreement must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and no documents containing additions, alterations, or erasures will be accepted by Commodity Credit Corporation or Reconstruction Finance Corporation. Only the white copy of the note and loan agreement marked original is to be executed; the colored copy marked duplicate is to be retained by the producer.

7. *Liability of producer.*—If the producer complies with the terms of the loan agreement, he will not be personally liable for any deficiency upon the sale of the pledged cotton. The note and loan agreement govern the liability of the producer and should be read carefully.

8. *Lending agency.*—The lending agency may endorse the notes of producers without recourse as provided in the note, 1937–38 C. C. C. Cotton Form A. Care should be exercised by the lending agency to determine the genuineness of the signatures to the note and loan agreement and that the warehouse receipts are genuine and represent merchantable cotton in existence. No provision is made for any deduction from the loan proceeds as a charge for handling the loan documents. Lending agencies must complete the "Advice of Loan" slip appended to the loan agreement, detach and mail same to Commodity Credit Corporation, Washington, D. C., as loans are made to producers. All blanks in the Advice of Loan and Schedule of Repayments (1937–38 C. C. C. Cotton Form F) must be filled in with ink, indelible pencil, or typewriter.

9. *Liens.*—All cotton tendered to Commodity Credit Corporation must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the loan agreement. The names of the holders of all existing liens on the pledged cotton such as landlords, laborers, or mortgagees (but not warehousemen), must be listed in the space provided therefor in paragraph 2 of the loan agreement. If the borrower is a tenant, the landlord must sign the lien waiver whether or not he claims lien. A misrepresentation as to prior liens, or otherwise, will render the producer personally liable under the terms of the loan agreement (1937–38 C. C. C. Cotton Form A) and subject to criminal prosecution under the provisions of Section 10 (a) of the Reconstruction Finance Corporation Act, as amended, which section is printed at the end of the loan agreement. The waiver and consent to the pledge of the cotton and the payment of the proceeds of the loan and the proceeds of the sale of the cotton solely to the producer as contained in paragraph 2 of the loan agreement must be signed personally by all lienholders listed or by their agents whose duly executed authority must be attached firmly; or, if corporations, by the designated officer thereof customarily authorized to execute such instruments, in which case the duly executed authority need not be attached. Notes in which the waiver and consent to pledge, as contained in paragraph 2 of the Loan Agreement, are not signed by all prior lienholders listed by producer, will not be acceptable to Commodity Credit Corporation. The producer may direct in the Letter of Transmittal (1937–38 C. C. C. Cotton Form B) that the proceeds check for a direct loan from Commodity Credit Corporation be made payable to him and/or such other person or concern as he may direct thereon.

10. *Warehouses.*—Commodity Credit Corporation will accept only insured warehouse receipts covering cotton pledged as collateral to notes on 1937–38 C. C. C. Cotton Form A issued by any warehouse approved by the Loan Agency of the Reconstruction Finance Corporation serving the district in which such warehouse is located. Warehousemen are advised to communicate with the Loan Agency of the Reconstruction Finance Corporation concerning approval. When warehouses are approved, notification will be given either by letter or published lists. All cotton pledged as security for a note must be in the same warehouse.

The warehouseman guarantees in the certificate and waiver, provided in paragraph 1 of the loan agreement, that the cotton falls within the proper grade and staple classification for the loan made and is responsible to Commodity Credit Corporation for any loss occasioned by reason of misrepresentation of the class whether intentional or otherwise.

11. *Warehouse receipts.*—Only negotiable insured warehouse receipts dated prior to the date of the producer's note and properly assigned by an endorsement in blank so as to vest title in the holders or issued to bearer, executed by warehousemen who are not owners of the cotton, will be acceptable. They must set out in their written or printed terms a description by tag number and weight of the bale or bales represented thereby, and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of Section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1937, which by their terms will expire prior to August 1, 1938, must bear endorsement of the warehouse extending the terms of the warehouse receipt for a period of 1 year from August 1, 1937. Block warehouse receipts will be accepted only when the tag number and weight of each bale is indicated on the block receipt.

12. *Warehouse charges.*—The warehouseman's charges are limited and his obligations defined by the form of warehouseman's certificate and waiver provided in paragraph 1 of the loan agreement. This should be read carefully and must be executed by the warehouseman issuing the cotton warehouse receipts pledged as collateral to the producer's note.

13. *Insurance.*—Holders of notes desiring insurance coverage in addition to the insurance coverage provided by the warehousemen as specified in paragraph 1 of the loan agreement (1937–38 C. C. C. Cotton Form A), should obtain such coverage at their own expense. In addition to the insurance provided by the warehousemen, Commodity Credit Corporation has obtained a blanket insurance policy covering any differences between the market value of the cotton and the loan value plus interest and accrued charges, in the event that the market value of the cotton at the time and place of a loss is less than the amount of the note plus interest and accrued charges. This blanket policy protects the Corporation in the event the warehouseman fails to comply with the insurance requirements of the Corporation and also covers any losses or damage to the cotton to the amount of the loan, plus interest and charges, due to flood.

The premium under this blanket policy is 1¾ cents per $100 per month on the daily average balance of the outstanding loans, with respect to the insurance of warehousemen, and flood. The premium for any difference between loan value and market value is at the rate of 7 cents per $100 per month on the actual amount of such difference, this premium to be reported and paid only in the event that the market value, as quoted by the Bureau of Agricultural Economics of the United States Department of Agriculture, for middling seven-eighths inch cotton on the New Orleans spot market, is less than the loan value plus interest and accrued charges.

Banks and other lending agencies may obtain such insurance coverage as they desire through the usual channels or they may secure coverage under the blanket policy carried by Commodity Credit Corporation. Banks and other lending agencies desiring to obtain this coverage should write Commodity Credit Corporation, Washington, D. C., and appropriate instructions will be issued together with the necessary forms for reporting thereunder. Upon purchase by Commodity Credit Corporation no allowance will be made to cover the costs of insurance obtained by lending agencies.

14. *How money is to be obtained from the Commodity Credit Corporation.*—Where the loan is to be made by Commodity Credit Corporation direct to the producer, the Producer's Letter of Transmittal (1937–38 C. C. C. Cotton Form B) is to be completed by the producer and presented in duplicate either in person or preferably by mail with eligible paper to the Loan Agency of the Reconstruction Finance Corporation serving the district in which the cotton is stored as indicated in paragraph 15 hereof. A copy of this letter is to be retained by the producer as a memorandum. Upon approval of the documents, payment will be made pursuant to the letter.

Where the letter and documents are presented by the producer in person the certificate printed at the bottom of the letter need not be executed, provided the producer can furnish evidence satisfactory to the Agency Manager as to his identity.

Lending agencies desirous of selling eligible paper to Commodity Credit Corporation will follow the same procedure except that the Lending Agency's Letter of Transmittal (1937–38 C. C. C. Cotton Form C) will be used. It must be completed in accordance with the instructions printed thereon.

15. *Loan Agencies of the Reconstruction Finance Corporation.*—The location of the Loan Agencies of the Reconstruction Finance Corporation previously referred to herein and the district served by each agency in connection with this loan are shown below:

| *Loan Agency:* | *District Served* |
|---|---|
| Atlanta, Ga. | Georgia. |
| | Florida. |
| Birmingham, Ala. | Alabama. |
| Charlotte, N. C. | Virginia. |
| | North Carolina. |
| | South Carolina. |
| Dallas, Tex. | Cities in Texas attached to Dallas in Federal Reserve Inter-District Collection System. |
| El Paso, Tex. | New Mexico. |
| | Cities in Texas attached to El Paso in Federal Reserve Inter-District Collection System. |
| Houston, Tex. | Cities in Texas attached to Houston in Federal Reserve Inter-District Collection System. |
| Little Rock, Ark. | All cities in Arkansas except those attached to Memphis in Federal Reserve Inter-District Collection System. |
| Los Angeles, Calif. | California. |
| | Arizona. |
| Memphis, Tenn. | Illinois. |
| | Missouri. |
| | Tennessee. |
| | Cities in Arkansas and Mississippi attached to Memphis in Federal Reserve Inter-District Collection System. |
| New Orleans, La. | Louisiana. |
| | Cities in Mississippi attached to New Orleans in Federal Reserve Inter-District Collection System. |
| Oklahoma City, Okla. | Oklahoma. |
| San Antonio, Tex. | Cities in Texas attached to San Antonio in Federal Reserve Inter-District Collection System. |

16. *Release of collateral.*—If the producer's note was made payable directly to Commodity Credit Corporation and he desires to obtain the return of the note and the release of the collateral upon payment, he should notify the Federal Reserve Bank or branch thereof serving the district in which the cotton is stored as provided in paragraph 15 hereof. If his note was made payable to a payee other than Commodity Credit Corporation, the producer should notify the payee named therein. Warehouse receipts representing cotton held by Commodity Credit Corporation will be released by the Federal Reserve Bank or branch thereof holding the receipts, upon the payment of the amount of the loan, the accrued interest, and proper charges. Upon written request of the producer or the lending agency, the note and warehouse receipts will be forwarded to an approved bank, to be released to the producer or his agent against payment. Where receipts are transmitted to a bank they will be sent, with a request to return them to the sender, if payment and release are not effected within 15 days. All charges and expenses of the bank are to be paid by the producer.

[SEAL]

[F. R. Doc. 37-3344; Filed, November 17, 1937; 9:37 a. m.]



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3214]

IN THE MATTER OF THE WEBB CRAWFORD COMPANY, A CORPORATION, ED. D. WIER, E. L. WIER, AND CARTER W. DANIEL, INDIVIDUALS TRADING UNDER THE FIRM NAME AND STYLE OF "DANIEL BROKERAGE COMPANY", CHARLES F. GATES AND SONS, INC., A CORPORATION, GODCHAUX SUGARS, INC., A CORPORATION, J. ARON AND COMPANY, INC., A CORPORATION, MYLES SALT COMPANY, LTD., A CORPORATION, MORTON SALT COMPANY, A CORPORATION, J. D. JOHNSTON, JR., COMPANY, THE SHOTWELL MANUFACTURING COMPANY, CINCINNATI SOAP COMPANY, AND JACKSON HAY COMPANY, RESPONDENTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 USCA, Section 41) and (49 Stat. 1526, USCA, Sec. 13, as amended)

*It is ordered,* That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, December 7, 1937, at ten o'clock in the forenoon of that day (eastern standard time), Small Court Room No. 324, Post Office Building, Atlanta, Georgia.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3346; Filed, November 17, 1937; 10:13 a. m.]

## INTERSTATE COMMERCE COMMISSION.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of November, A. D. 1937.

[Ex Parte No. MC 15]

ORDER IN THE MATTER OF REGULATIONS GOVERNING SIZES AND WEIGHT OF MOTOR VEHICLES AND COMBINATIONS OF MOTOR VEHICLES USED BY COMMON AND CONTRACT CARRIERS IN TRANSPORTATION OF PASSENGERS AND BY COMMON, CONTRACT, AND PRIVATE CARRIERS IN TRANSPORTATION OF PROPERTY IN INTERSTATE OR FOREIGN COMMERCE

Section 204 (a) (1), (2), and (3) and section 225 of the Motor Carrier Act, 1935, being under consideration, and good cause appearing therefor:

*It is ordered,* That investigation be, and it is hereby, instituted into the above-described matter for the following purposes:

1. To enable the Commission to make a report under the provisions of section 225 on the need for Federal regulation

of the sizes and weight of motor vehicles and combinations thereof, and

2. To enable the Commission to prescribe reasonable requirements under the provisions of section 204 of the act as to the sizes and weight of motor vehicles and combinations thereof insofar as they affect the safety of operation.

*It is further ordered*, That notice of this proceeding be given to common and contract carriers by motor vehicle and private carriers of property by motor vehicle, as defined in part II of the Interstate Commerce Act, and other interested parties by such means as the Commission may hereafter adopt and use for that purpose, including the posting of a notice in the office of the Commission's Secretary.

*And it is further ordered*, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3349; Filed, November 17, 1937; 12:14 p. m.]

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[No. MC-C-4 [1]]

LOS ANGELES, CALIF., COMMERCIAL ZONE

*Submitted October 31, 1936. Decided November 9, 1937*

1. Removal of exemption provided in section 203 (b) (8) of the Motor Carrier Act, 1935, respecting transportation by motor vehicle between the harbor districts of Los Angeles and Long Beach, Calif., on the one hand, and other points within the Los Angeles commercial zone, on the other, found necessary to carry out the policy of Congress enunciated in section 202 of the act.

2. Zone adjacent to and commercially a part of Los Angeles and contiguous municipalities (except the San Pedro, Wilmington, and Terminal Island districts of Los Angeles and Long Beach) and zone adjacent to and commercially a part of the San Pedro, Wilmington, and Terminal Island districts of Los Angeles and Long Beach, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond each zone, is partially exempt from regulation under section 203 (b) (8), determined.

Scott Elder, Ira H. Rowell, and Frank B. Austin for Railroad Commission of California.

Clyde M. Leach for Board of Harbor Commissioners, Los Angeles, Calif., and Charles A. Bland for Board of Harbor Commissioners, Long Beach, Calif.

Martin C. Frincke, Jr., Warren E. Libby, H. W. Baugh, Arlo D. Poe, Joe Abrams, Rex W. Boston, R. N. Christensen, Ed. B. Collinge, Harold W. Dill, Wallace K. Downey, A. Myers, David G. Shearer, L. W. Wright, and H. Halverson for truckmen's associations and individual motor carriers.

H. R. Brashear, T. A. Loretz, R. J. Beck, B. F. Bolling, Charles R. Boyer, Emuel J. Forman, R. S. Sawyer, R. E. Crandall, Geo. P. Rahe, K. D. Loos, E. E. Tuttle, L. A. Strouse, and Robert C. Neill for shippers' associations and individual shippers.

E. E. Bennett, E. T. Lucey, Berne Levy, J. E. Lyons, J. R. Bell, W. S. Wheaton, and R. E. Wedekind for rail carriers.

H. S. Marx and Edward Stern for Railway Express Agency, Inc.

REPORT OF THE COMMISSION

*Division 5. Commissioners Eastman, Lee, and Rogers*

By Division 5:

Exceptions were filed by one of the parties to the order recommended by the examiner, and the proceeding was argued orally. Our conclusions differ from those recommended by the examiner.

This is an investigation, on our own motion, to determine the area of the municipality of Los Angeles, Calif., and municipalities contiguous thereto, and of the zone adjacent to and commercially a part of such municipalities, within the meaning of section 203 (b) (8) of the Motor Carrier Act, 1935,[2] and to take such other action and make such other findings, determinations, and orders as the facts and circumstances warrant.

Los Angeles, in southern California, is about 200 miles from the nearest State line and 125 miles from the international border. It occupies an area of 480 square miles and in 1930 had a population of 1,238,048. Since the original settlement just south of San Gabriel Mountains, the city has grown in every direction assuming an irregular outline. On the south a narrow strip of annexed land, between one-half and three-quarters of a mile wide and known as the "shoe string" strip, connects the main area of Los Angeles with the annexed districts of San Pedro, Wilmington, and Terminal Island. The southwestern limits of the city also extend to the Pacific Ocean.

Separate municipalities contiguous to Los Angeles in the sense that they actually touch or border thereon are San Fernando, Beverly Hills, Santa Monica, Culver City, Inglewood, Hawthorne, El Segundo, Torrance, Burbank, Glendale, Pasadena, South Pasadena, Alhambra, Vernon, Huntington Park, and Long Beach, Calif. The unincorporated town of Gardena, Calif., is also contiguous. Los Angeles and its surrounding group of cities and towns occupy practically all of Los Angeles County south of the San Gabriel and Santa Susana Mountains and west of the San Gabriel River, and have a population of approximately 2,000,000.

Across the city in an east and west direction, from the western limits of Alhambra to the western edge of Santa Monica, the distance is approximately 23 miles, and from the extreme northwestern corner of the city to the extreme southern corner it is about 50 miles.

The port facilities of Los Angeles are in the San Pedro, Wilmington, and Terminal Island districts. These facilities together with those at Long Beach constitute the Port of Los Angeles. A few years ago the port ranked second in foreign tonnage and first in intercoastal tonnage. It now ranks fifth in total tonnage. About 90 percent of the wharves in the Los Angeles harbor districts are owned by the city, of which some are leased to private interests.

The industrial activity of Los Angeles was originally confined to the eastern section of the city just north of what is now Vernon. In recent years it has moved beyond the city limits; and many industries have relocated and new industries have been established in the territory east of the city, mainly in Vernon, Huntington Park, Bell, and Southgate, Calif., and in unincorporated areas in the vicinity of these municipalities. These manufacturing or industrial districts are generally considered to be commercially a part of Los Angeles where most of the products are absorbed.

The principal point of difference between the parties is whether the Los Angeles harbor districts and Long Beach should be included within the area in which the exemption in section 203 (b) (8) applies. The Los Angeles Chamber of Commerce and the Los Angeles Traffic Conference, a group of traffic managers of 20 or more leading industrial firms, contend that the Los Angeles commercial zone embraces all of Los Angeles and the territory west of the harbor line of the Union Pacific Railroad Company and northeast of the line of the Atchison, Topeka and Santa Fe Railway Company from the harbor districts, through Torrance, to a point at approximately the center of the northern limits of El Segundo. On the other hand, the motor carriers, with a single exception, and the rail carriers are adverse to the inclusion of the San Pedro, Wilmington, and Terminal Island districts and Long Beach in the same zone with the business and industrial sections of Los Angeles.

Petroleum products from California points to the Port of Los Angeles move generally by pipe line. Other freight between the port and the business and industrial districts of Los Angeles is transported by 4 rail carriers and approximately 140 motor carriers. Between the wharves within the port, transshipments are handled by motor carriers engaged entirely in this specialized form of service.

Prior to 1923 traffic from wharves at the port to the central business section of the city was handled chiefly by rail carriers. In that year business through the port began to increase materially, the wharves became congested, and trucks began to move a large volume of the tonnage. Formerly the steamship lines collected a loading charge on all traffic which was transferred from steamer to rail or truck, but, in order to facilitate handling, the charge was discontinued when movement from the port was by motor truck, and the rail lines' proportion of the traffic has constantly diminished since that time. In 1923 the rail proportion was approximately 75 percent. In 1935 about 62 percent of the inbound tonnage of general cargo through the port, except lumber and oil, was moved by truck, and 90 percent thereof was destined to points within the switching limits of the city.

The total movement of merchandise and lumber handled over municipally operated wharves in 1935 was 2,544,122 inbound tons and 1,242,438 tons outbound. Of this inbound and outbound tonnage, 1,240,628 tons and 601,013 tons, respectively, or an average of 48.6 percent, moved by truck.

No highway connecting the central business section of Los Angeles and the port lies entirely within the city limits. If a route over Figueroa Street is used from the City Hall of Los Angeles to 190th Street and Normandie Avenue beyond, all but one and one-half miles is within the city limits. Truck Boulevard (Alameda Boulevard) and Wilmington Boulevard are through rather thickly settled territory north of Compton and through sparsely settled territory between Compton and the Wilmington section. Over Long Beach Boulevard, the route is through a densely populated area. Main Street and Avalon Boulevard, between 120th Street and the northern limits of the Wilmington section, a distance of approximately 9 miles, run through unincorporated territory consisting mainly of small farm lands.

At present there is no effective regulation by the Railroad Commission of California of the rates of motor carriers operating between the port and Los Angeles proper. That Commission attempted to exercise jurisdiction over a carrier operating between these areas, but the carrier claimed that he was operating in interstate and foreign commerce exclusively and that the order of the Commission directing him to cease and desist from operating was a direct burden on such commerce. The Supreme Court of California in *Meyers v. Railroad Commission*, 23 Pac. (2nd) 26, sustained his contention and annulled the Commission's order.

Transportation by motor vehicle in interstate and foreign commerce between the port and the main business and industrial sections of Los Angeles, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond, is now exempt from regulation by us under the provisions of section 203 (b) (8), except with respect to qualifications and maximum hours of service of employees, safety of operations, and standards of equipment. The motor carriers generally which perform this transportation ask us to exercise our authority to remove this exemption in order to prevent unfair and destructive competitive practices between the motor carriers which operate to and from the port, and to carry out in other respects the policy of Congress declared in section 202.

In *New York, N. Y., Commercial Zone*, 1 M. C. C. 665, 2 M. C. C. 191, and *St. Louis, Mo.-East St. Louis, Ill., Commercial Zone*, 1 M. C. C. 656, we discussed the principles underlying the determinations of commercial zones for the purpose of applying the exemption in section 203 (b) (8). As we stated in the supplemental report in *New York, N. Y., Commercial Zone*, 2 M. C. C. 191, Congress intended by the exemption in that section to remove from Federal regulation operations which, although in interstate or foreign commerce, were nevertheless of a distinctly local or urban type, as distinguished from intercity or intercommunity operations. In *St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, supra*, we found that the application of all provisions of the act to transportation by motor vehicle between Belleville, Ill., a municipality contiguous to East St. Louis, Ill., on the one hand, and points in the St. Louis-East St. Louis Commercial Zone, on the other, was necessary to carry out the policy of Congress, and the exemption respecting this transportation was removed. Elizabeth and other municipalities in New Jersey contiguous to New York, N. Y., were not included in the commercial zone prescribed in *New York, N. Y., Commercial Zone, supra*.

The port is separate from the main residential, business, and industrial sections of Los Angeles. Although the motor carriers' pick-up and delivery areas and the rail carriers' switching limits extend to areas beyond the corporate limits of Los Angeles, they do not embrace any part of the San Pedro, Wilmington, and Terminal Island districts or Long Beach. A separate switching district for the Los Angeles harbor, which has had our approval, is maintained by the rail carriers. See *Unified Operation at Los Angeles Harbor*, 150 I. C. C. 649, and *Wilmington Cham. of Com. v. Atchison, T. & S. F. Ry. Co.*, 198 I. C. C. 213. Because of the distance between the port and the main business and industrial sections of Los Angeles, and because of the nature of the transportation, the movement of property to and from the port is not local but intercity in character, and should be regulated under all provisions of the act.

We find that the removal of the exemption provided in section 203 (b) (8) respecting transportation by motor vehicle between the Los Angeles harbor districts and Long Beach, on the one hand, and other points within the considered area, on the other, it is necessary to carry out the policy of Congress enunciated in section 202. To effect the removal of the exemption we shall designate two zones, one which may be termed the Los Angeles Commercial Zone and the other, the Los Angeles Harbor Commercial Zone. The exemption provided in section 203 (b) (8) will continue to apply to transportation by motor vehicle subject to the act within each zone, but not to transportation from points in one zone to points in the other.

We further find that the zones adjacent to and commercially a part of Los Angeles and contiguous municipalities (except the San Pedro, Wilmington and Terminal Island districts and Long Beach), in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone will, until further order, be partially exempt from regulation, is the area east of a line extending in a generally northwesterly and northerly direction from the intersection of Inglewood Avenue and Redondo Beach Boulevard along the eastern and northern corporate limits of Redondo Beach, Calif., to the eastern corporate limits of Manhattan Beach, Calif., thence along the eastern and northern corporate limits of Manhattan Beach to the Pacific Ocean, thence along the shore line of the Pacific Ocean to the western corporate limits of Los Angeles at a point east of Topanga Canyon, and thence along the western corporate limits of Los Angeles to a point near Santa Susana Pass; south of a line extending in a generally easterly direction from a point near Santa

[1] This report does not embrace that part of the investigation relating to classifications of groups of motor carriers.

[2] Section 203 (b) (8) and the immediately preceding and qualifying portions of section 203 are as follows:

> • • • nor, unless and to the extent that the Commission shall from time to time find that such application is necessary to carry out the policy of Congress enunciated in section 202, shall the provisions of this part, except the provisions of section 204 relative to qualifications and maximum hours of service of employees and safety of operation or standards of equipment apply to: (8) The transportation of passengers or property in interstate or foreign commerce wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, except when such transportation is under a common control, management, or arrangement for a continuous carriage or shipment to or from a point without such municipality, municipalities, or zone, and provided that the motor carrier engaged in such transportation of passengers over regular or irregular route or routes in interstate commerce is also lawfully engaged in the intrastate transportation of passengers over the entire length of such interstate route or routes in accordance with the laws of each State having jurisdiction; • • •.

Susana Pass along the northern corporate limits of Los Angeles to the eastern corporate limits of Burbank, thence along the eastern corporate limits of Burbank to the northern corporate limits of Glendale, and thence along the northern corporate limits of Glendale and Pasadena to the northeastern corner of Pasadena; west of a line extending in a generally southerly and southwesterly direction from the northeastern corner of Pasadena along the eastern and a portion of the southern corporate limits of Pasadena to the eastern corporate limits of San Marino, Calif., thence along the eastern corporate limits of San Marino and the eastern and a portion of the southern corporate limits of Alhambra to the western corporate limits of Monterey, Calif., thence along the western corporate limits of Monterey and the western corporate limits of Montebello, Calif., to the Rio Hondo, and thence along the Rio Hondo and the Los Angeles River to the northern corporate limits of Long Beach; and north of a line extending in a generally westerly direction from the Los Angeles River along the northern corporate limits of Long Beach and the southern and a portion of the western corporate limits of Compton, Calif., to Olive Street, thence along Olive, Main, Walnut, and 182nd Streets to the eastern corporate limits of Torrance, thence along a portion of the eastern and the northwestern corporate limits of Torrance to Redondo Beach Boulevard, and thence along Redondo Beach Boulevard to Inglewood Avenue.

We further find that the zone adjacent to and commercially a part of the Wilmington, San Pedro, and Terminal Island districts of Los Angeles and Long Beach in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone will, until further order, be partially exempt from regulation, is the area east of a line extending in a generally northerly and northwesterly direction from the Pacific Ocean along the western corporate limits of Los Angeles to 258th Street, thence along 258th Street to the eastern corporate limits of Torrance, and thence along a portion of the eastern, and along the southern and western corporate limits of Torrance to the northwestern corner of Torrance; south of a line extending in a generally easterly direction from the northwestern corner of Torrance along the northwestern and a portion of the eastern, corporate limits of Torrance to 182nd Street, thence along 182nd, Walnut, Main, and Olive Streets to the western corporate limits of Compton, and thence along a portion of the western and along the southern corporate limits of Compton and the northern corporate limits of Long Beach to the northeastern corner of Long Beach; west of the eastern corporate limits of Long Beach; and north of the southern corporate limits of Long Beach and Los Angeles.

An order giving effect to these findings will be entered.

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At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 9th day of November, A. D. 1937.

ORDER RELATIVE TO LOS ANGELES, CALIF., COMMERCIAL ZONE

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is made a part hereof:

*It is ordered*, That the exemption in section 203 (b) (8) of the Motor Carrier Act, 1935, to the extent it affects transportation by motor vehicle between points in Los Angeles, Calif., municipalities contiguous thereto, and the zone adjacent thereto and commercially a part thereof north of a line extending in a generally westerly direction from the northeastern corner of Long Beach, Calif., along the northern corporate limits of Long Beach, and the southern and a portion of the western corporate limits of Compton, Calif., to Olive Street, thence along Olive, Main, Walnut, and 182nd Streets to the eastern corporate limits of Torrance, Calif., thence along a portion of the eastern and the northwestern corporate limits of Torrance to Redondo Beach Boulevard, and thence along Redondo Beach Boulevard to Inglewood Avenue, on the one hand, and points south of that line, on the other hand, be, and it is hereby, removed, and that said transportation be, and it is hereby, subjected to all of the provisions of the Motor Carrier Act, 1935.

*It is further ordered*, That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of Los Angeles and contiguous municipalities (except the San Pedro, Wilmington, and Terminal Island districts of Los Angeles and Long Beach, Calif.), in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203 (b) (8) of the act, be, and it is hereby, defined to include the area east of a line extending in a generally northwesterly and northerly direction from the intersection of Inglewood Avenue and Redondo Beach Boulevard along the eastern and northern corporate limits of Redondo Beach, Calif., to the eastern corporate limits of Manhattan Beach, Calif., thence along the eastern and northern corporate limits of Manhattan Beach to the Pacific Ocean, thence along the shore line of the Pacific Ocean to the western corporate limits of Los Angeles at a point east of Topanga Canyon, and thence along the western corporate limits of Los Angeles to a point near Santa Susana Pass; south of a line extending in a generally easterly direction from a point near Santa Susana Pass along the northern corporate limits of Los Angeles to the eastern corporate limits of Burbank, Calif., thence along the eastern corporate limits of Burbank to the northern corporate limits of Glendale, Calif., and thence along the northern corporate limits of Glendale and Pasadena, Calif., to the northeastern corner of Pasadena; west of a line extending in a generally southerly and southwesterly direction from the northeastern corner of Pasadena along the eastern and a portion of the southern corporate limits of Pasadena to the eastern corporate limits of San Marino, Calif., thence along the eastern corporate limits of San Marino and the eastern and a portion of the southern corporate limits of Alhambra, Calif., to the western corporate limits of Monterey, Calif., thence along the western corporate limits of Monterey and the western corporate limits of Montebello, Calif., to the Rio Hondo, and thence along the Rio Hondo and the Los Angeles River to the northern corporate limits of Long Beach; and north of a line extending in a generally westerly direction from the Los Angeles River along the northern corporate limits of Long Beach and the southern and a portion of the western corporate limits of Compton to Olive Street, thence along Olive, Main, Walnut, and 182nd Streets to the eastern corporate limits of Torrance, thence along a portion of the eastern and the northwestern corporate limits of Torrance to Redondo Beach Boulevard, and thence along Redondo Beach Boulevard to Inglewood Avenue.

*It is further ordered*, That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of the San Pedro, Wilmington, and Terminal Island districts of Los Angeles and Long Beach, in which transportation by motor vehicle in interstate or foreign commerce not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203 (b) (8) of the act, be, and it is hereby, defined to include the area east of a line extending in a generally northerly and northwesterly direction from the Pacific Ocean along the western corporate limits of Los Angeles to 258th Street, thence along 258th Street to the eastern corporate limits of Torrance, and thence along a portion of the eastern, and along the southern and western corporate limits of Torrance to the northwestern corner of Torrance; south of a line extending in a generally easterly direction from the northwestern corner of Torrance along the northwestern and a portion of the eastern corporate limits of Torrance to 182nd Street, thence along 182nd, Walnut, Main, and Olive Streets to the western corporate limits of Compton, and thence along a portion of the western and along the southern corporate limits of Compton and the northern corporate limits of Long Beach to the northeastern corner of Long Beach; west of the eastern corporate limits of Long Beach; and north of the southern corporate limits of Long Beach and Los Angeles.

*And it is further ordered*, That this order shall become effective December 20, 1937, and shall continue in effect until further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-3350; Filed, November 17, 1937; 12:14 p. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 160]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 11, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|---|---|
| Illinois 8004BW Peoria | $10,000 |
| Iowa 8034W Jones | 15,000 |
| Iowa 8033W Calhoun<br>Iowa 8033BW Calhoun | 6,000 |
| Nebraska 8005W Adams | 20,000 |
| Oklahoma 8012B Alfalfa | 90,000 |
| Wisconsin 8021W Taylor | 10,000 |
| Wisconsin 8037W Trempeleau | 15,000 |

I hereby amend Administrative Order No. 40 by transferring $180,000 allocated to Oklahoma 11 Grant to Oklahoma 2B Kay.

JOHN M. CARMODY, *Administrator*.

[F. R. Doc. 37-3343; Filed, November 17, 1937; 9:37 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1937.

[File No. 47-10]

IN THE MATTER OF HUGH M. MORRIS AND HAROLD S. SCHUTT, TRUSTEES OF PEOPLES LIGHT AND POWER CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FILED PURSUANT TO SECTION 10 (A) (2) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1925

Hugh M. Morris and Harold S. Schutt, as Trustees of Peoples Light and Power Corporation (the said trustees being a registered holding company), having filed an application pursuant to Section 10 (a) (2) of the Public Utility Holding Company Act of 1935 with respect to the acquisition by said Trustees, in connection with a plan of reorganization of said corporation, dated June 1, 1936, of certain assets of Texas Public Service Company and its subsidiary, Texas Public Service Production Corporation; and

Said applicant thereafter having requested the withdrawal of said application;

The Commission, having due regard for the public interest and the interest of investors and consumers, upon request of the applicant, consents to the withdrawal of the above application and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3353; Filed, November 17, 1937; 12:32 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1937.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE PURSUANT TO SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND APPROVING ACQUISITIONS OF SECURITIES PURSUANT TO SECTION 10 OF SAID ACT AND RULE 12C-1

*In the Matters of Peoples Light and Power Company (File Nos. 43-45, 46-47), Voting Trustees for the Class A Common Stock of Peoples Light and Power Company (File Nos. 43-46, 46-46), Hugh M. Morris and Harold S. Schutt, Trustees of Peoples Light and Power Corporation (File No. 46-49), Mississippi Public Service Company (File Nos. 43-50, 44-2), Texas Public Service Company (File Nos. 43-52, 44-3), West Coast Power Company (File Nos. 43-53, 44-1), Kansas Public Service Company (File Nos. 43-54, 44-4), California Public Service Company (File Nos. 43-55, 44-6), Western States Utilities Company (File Nos. 43-57, 44-7), Iowa Water Service Company (File No. 44-5), Joint Application of Texas Public Service Company and Texas Public Service Farm Company (File No. 46-50), Joint Application of Iowa Water Service Company, Kansas Public Service Company, and West Coast Power Company (File No. 46-51).*

Joint hearings having been held on the declarations and applications, as amended, relating to the reorganization of Peoples Light and Power Corporation and its subsidiaries and filed with this Commission in the above-entitled proceedings; the Commission having heard argument and duly considered the record in this matter and having filed its findings herein;

*It is ordered*, That said declarations, as amended, be and become effective forthwith and that said applications, as amended, be and they hereby are granted; upon condition, however, that the issue and sale of the securities covered by said declarations and the acquisitions of securities covered by said applications be effected in substantial compliance with the terms and conditions of and for the purposes represented by said declarations and applications, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3351; Filed, November 17, 1937; 12:32 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of November, A. D., 1937.

[File No. 2-3245]

IN THE MATTER OF VIRGINIA CITY GOLD MINING COMPANY

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Virginia City Gold Mining Company, a Washington corporation, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Items 3, 19, 20, 34, 46, 54, 55, Exhibits E and G, and the prospectus, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Virginia City Gold Mining Company, a Washington corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3352; Filed, November 17, 1937; 12:32 p. m.]

*Friday, November 19, 1937* *No. 225*

## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL, BOISE PROJECT, IDAHO

SEPTEMBER 3, 1937.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat., 388)

BOISE PROJECT, IDAHO

*Boise Meridian*

T. 14 N., R. 2 E.,
Sec. 16, all;
Sec. 21, all;
T. 16 N., R. 2 E.,
Sec. 28, all;
T. 9 N., R. 3 E.,
Sec. 21 W½;
Sec. 28, all;
Sec. 29, all;
Sec. 32, all;
Sec. 33, all;
T. 13 N., R. 3 E.,
Sec. 4, all;
Sec. 9, all;
Sec. 23, all;
Sec. 25, all;
Sec. 26, all;
Sec. 35, all;
T. 14 N., R. 3 E.,
Sec. 19, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
T. 15 N., R. 3 E.,
Sec. 6, all;
Sec. 7, NW¼NE¼ and W½;
Sec. 18, NW¼, N½SW¼, and SW¼SW¼;
Sec. 19, W½NW¼;
T. 8 N., R. 4 E.,
Sec. 1, all;
Sec. 11, S½;
Sec. 12, all;
T. 10 N., R. 4 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 14, W½;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 24, all;
Sec. 25, all;
Sec. 30, all;
Sec. 31, W½;
Sec. 36, all;

T. 11 N., R. 4 E.,
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all;
T. 8 N., R. 5 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
T. 9 N., R. 5 E.,
Sec. 31, all;
Sec. 36, all;
T. 10 N., R. 5 E.,
Sec. 7, all;
Sec. 8, all;
Sec. 18, all;
Sec. 19, all;
T. 9 N., R. 6 E.,
Sec. 31, all;
Sec. 32, all;
T. 5 N., R. 7 E.,
Sec. 10, all;
Sec. 15, all;
Sec. 16, all;
Sec. 21, all;
Sec. 22, all;
T. 13 N., R. 9 E.,
Sec. 25, all;
Sec. 36, all;
T. 8 N., R. 10 E.,
Sec. 12, all;
Sec. 13, all;
T. 11 N., R. 10 E.,
Sec. 17, all;
Sec. 20, all;
T. 12 N., R. 10 E.,
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 8, all;
Sec. 9, all;

BOISE PROJECT, IDAHO

*Boise Meridian*

T. 13 N., R. 10 E.,
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
T. 9 N., R. 11 E.,
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
T. 12 N., R. 11 E.,
Sec. 4, all;
Sec. 5, all;
Sec. 8, all;
Sec. 9, all;
T. 8 N., R 12 E.,
Sec. 7, all;
Sec. 8, all;
Sec. 17, all;
Sec. 18, all;
T. 9 N., R. 13 E.,
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
T. 10 N., R. 13 E.,
Sec. 2, E½;
Sec. 3, NW¼;
Sec. 4, NE¼;
Sec. 6, W½;
Sec. 26, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
T. 9 N., R. 14 E.,
Sec. 18, W½;
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½;
T. 1 S., R. 8 E.,
Sec. 36, all;

T. 1 S., R. 9 E.,
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
T. 2 S., R. 9 E.,
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
T. 1 S., R. 10 E.,
Sec. 7, all;
Sec. 8, all;
Sec. 17, all;
Sec. 18, all;
T. 19 N., R. 1 W.,
Sec. 4, all;
Sec. 8, all;
Sec. 9, all;
Sec. 17, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
T. 20 N., R. 1 W.,
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all;

Respectfully,

R. B. WILLIAMS,
*Acting Commissioner.*

I concur:
(1)
*Secretary of Agriculture.*

Department of the Interior, November 9, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

T. A. WALTERS,
*First Assistant Secretary.*

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DEPARTMENT OF AGRICULTURE,
NOVEMBER 3, 1937.

The Honorable, THE SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Further reference is made to the letter of September 15 from Acting Secretary West submitting for the concurrence of this Department a recommendation of the Acting Chief of the Bureau of Reclamation that certain described lands within the boundaries of the

[1] See letter signed by Secretary of Agriculture which follows.



Payette, Challis, Weiser, Sawtooth and Boise National Forests be withdrawn from location and entry under Section 3 of the Act of June 17, 1902 (32 Stat. 388). The described lands are somewhat scattered through these National Forests but in the aggregate comprise an area of approximately 115,000 acres. It is stated that the immediate object of the withdrawal is to prevent the location of mineral claims within the area.

This Department, through its administration of the National Forests, is fully cognizant of the unfortunate degree to which important public enterprises can be obstructed or defeated by dubious mining locations under the general mining laws. It also understands that under the laws authorizing such withdrawals, lands also under withdrawal for National Forest purposes, except so far as they actually are needed for project works, shall continue subject to the National Forest rules and regulations and to administration by this Department. It is anticipated that if the construction of the project necessitates the submergence or destruction of physical improvements essential to the administration of the National Forests, the Bureau of Reclamation will arrange for the satisfactory replacement of the improvements thus submerged or destroyed, to the degree that such improvements thereafter will be required by this Department in its administration of the National Forests.

Without being privy to the plans of the Reclamation Service and the probable location and extent of project works requiring such extensive withdrawal, this Department is not in a position to concur in the proposed withdrawal. However, the statement that the withdrawal will be modified where it subsequently is found to be in excess of the area actually needed is noted. Under these circumstances, and until more fully advised, the Department is not disposed to object to the withdrawal as proposed.

Sincerely,

H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-3356; Filed, November 18, 1937; 9:50 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

PRICES FOR SUGARCANE, WAGE RATES, PUERTO RICO

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICER

Pursuant to the authority contained in sub-sections (d) and (b) of Section 301, and in Section 511 of the Sugar Act of 1937, (Public 414, 75th Congress),

*Notice is hereby given* that a public hearing will be held at San Juan, Puerto Rico, in the Auditorium of the Ateneo, on November 30, 1937, at 9 A. M.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, (1) pursuant to the provisions of Section 301 (d) of the said act, fair and reasonable prices for sugarcane to be paid by processors who, as producers, apply for payments under the said act; and (2) pursuant to the provisions of Section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of the 1938 crop of sugarcane on farms with respect to which applications for payment under the said act are made.

J. Bernhardt, J. B. Frisbie and G. Laguardia are hereby designated as presiding officers to conduct either jointly, or severally the foregoing hearing.

Done at Washington, D. C., this 17th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary.*

[F. R. Doc. 37-3354; Filed, November 17, 1937; 3:46 p. m.]

DETERMINATION OF PROPORTIONATE SHARES FOR SUGARCANE PRODUCERS IN PUERTO RICO FOR THE CROP YEARS 1938 AND 1939, PURSUANT TO THE SUGAR ACT OF 1937

NOVEMBER 18, 1937.

Whereas, Section 302 of the Sugar Act of 1937 provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or sharecroppers.

and

Whereas, subsection (c) of section 301 of said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

Now, therefore, pursuant to the foregoing sections of the said act, I, H. A. Wallace, Secretary of Agriculture, do hereby determine that proportionate shares for sugarcane producers in Puerto Rico for the crop years 1938 and 1939 shall be established on the following bases:

I

1. For a producer for whom a 1937 marketing allotment was established, pursuant to the provisions of Puerto Rico Sugar Order No. 5, issued November 24, 1936, such 1937 marketing allotment shall constitute his 1937 base, and his proportionate share for the 1938 crop shall be calculated, in terms of short tons of sugar, raw value, by multiplying such 1937 base by a fraction whose numerator shall be the sum of the sugar quotas to be established for Puerto Rico for the calendar year 1938, pursuant to sections 201 and 203 of the said act, plus whatever amount may be required to provide a normal carry-over inventory for Puerto Rico pursuant to section 302 (a) of the said act, and whose denominator shall be the total of such 1937 bases, plus the total of the 1937 bases determined for new growers[1] as provided in 2 and 3 below. A producer for whom a 1937 marketing allotment was established as aforesaid, and who is now growing sugarcane on land covered by a 1937 marketing allotment but from which no sugarcane was harvested during the crop year 1931, 1932, or 1934, or any subsequent crop year, may be considered as a new grower for 1938 with

[1] A new grower (producer) for the 1938 crop year shall be the person who is the legal owner of the sugarcane crop grown on land for which a 1937 marketing allotment was not established pursuant to the provisions of Puerto Rico Sugar Order No. 5; and for the crop year 1939, a new grower (producer) shall be the person who is the legal owner of the sugarcane crop grown on land for which a proportionate share for 1938 has not been established pursuant to the provisions of this determination.

respect to such new production, in accordance with the provisions of 2 and 3 below.

2. For a producer for whom a 1937 marketing allotment was not established pursuant to the provisions of the said Puerto Rico Sugar Order No. 5, and whose current production, as estimated by the Secretary of Agriculture, is 15 tons of sugar, raw value, or less, the production so estimated shall constitute his 1937 base, and his proportionate share for the 1938 crop shall be calculated, in terms of short tons of sugar, raw value, by adjusting such 1937 base in the manner specified in 1 above.

3. For a producer for whom a 1937 marketing allotment was not established pursuant to the provisions of the said Puerto Rico Sugar Order No. 5, and whose current production, as estimated by the Secretary of Agriculture, is more than 15 tons of sugar, raw value, the 1937 base shall be the greater of either:

(a) 15 tons, *plus* an amount determined by multiplying the first ton of such estimated production in excess of 15 tons by 98 per centum, and thereafter by multiplying each successive ton by a percentage figure which shall be progressively reduced by 2 per centum for every such ton;

(b) 30 per centum of the current production in terms of short tons of sugar, raw value, estimated as aforesaid;

and his proportionate share for the 1938 crop year shall be calculated in terms of short tons of sugar, raw value, by adjusting such 1937 base in the manner specified in 1 above.

II

For the crop year 1939, proportionate shares shall be established in the same manner as set forth above, except that for a producer for whom a proportionate share was established in 1938, such proportionate share shall constitute the base to be adjusted for the crop year 1939 as provided in 1 above, and the figure resulting from such adjustment shall be the proportionate share for the crop year 1939; and except, further, that for a producer for whom a proportionate share was not established in 1938 (i. e., for a new grower for 1939), the figure obtained pursuant to the provisions of 2 or of alternative (a) of 3 above, whichever is applicable, shall constitute the base to be adjusted as provided in 1 above, and the figure resulting from such adjustment shall be the proportionate share for the crop year 1939.

III

1. Where a producer wishes to be considered as a new grower for any of the years referred to above, application must be made at such time and in such manner as may be prescribed by the Secretary of Agriculture.

2. In the event that a proportionate share for any year, established in accordance with the foregoing provisions of this determination, is not filled, the unfilled portion thereof shall be prorated, on the basis of the proportionate shares then in effect, among all other producers within the same mill area who are able to supply such unfilled portion, to the extent that each such producer is able to supply his pro rata share.

IV

In addition to the foregoing, the following conditions shall be met:

1. That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer any payment to which tenants or share-croppers would be entitled if the 1937 leasing or cropping agreements were in effect.

2. That there shall have been no interference by any producer with contracts heretofore entered into by tenants or share-croppers for the sale of their sugarcane.

V

The Chief, or the Acting Chief, of the Sugar Section of the Agricultural Adjustment Administration, and the Officer in Charge of the San Juan office of the Agricultural Adjustment Administration, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally as agents of the Secretary of Agriculture in administering the provisions of this determination.

Done at Washington, D. C., this 18th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3362; Filed, November 18, 1937; 12:43 p. m.]

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**Bureau of Animal Industry.**

B. A. I Order 363.

RULE 1, REVISION 36—TO PREVENT THE SPREAD OF SPLENETIC OR TICK FEVER IN CATTLE

[Effective on and after Dec. 1, 1937]

The fact has been determined by the Secretary of Agriculture and notice is hereby given that the contagious and infectious disease known as splenetic or tick fever exists in cattle in Collier, Glades and Highlands Counties, Fla., and that said-mentioned disease still exists among cattle in other portions of the State of Florida, and also in the following-named State and Territory, to wit: Texas and Puerto Rico.

Now, therefore I, H. A. Wallace, Secretary of Agriculture, under authority conferred by section 1 of the act of Congress, approved March 3, 1905, (33 Stat. 1264), do hereby quarantine the areas hereinafter described, and do order by this rule 1, revision 36, under the authority and discretion confered on the Secretary of Agriculture by section 3 of the said act of Congress, approved March 3, 1905, (33 Stat. 1265), that the interstate movement of cattle from the areas herein quarantined shall be made only in accordance with the regulation of the Secretary of Agriculture for the prevention of the spread of splenetic or tick fever in cattle.

AREAS QUARANTINED

The following areas are quarantined for splenetic or tick fever in cattle:

*Florida*

The following counties and portions of counties are quarantined: Collier, Hendry, Orange, and Osceola; that portion of Glades County comprised in Townships 40 and 41 South, Range 29, East, Townships 40 and 41, South, Range 30, East, and Townships 40 and 41, South, Range 31, East; that portion of Highlands County lying south of the township line between Townships 36 and 37, South; and that portion of Polk County lying north and east of a line beginning where the Seaboard Air Line Railroad crosses the Lake-Polk County line, thence running southeasterly along said railroad to Polk City, thence running southeasterly along the Polk City-Haines City highway to the northwest corner of the city limits of Haines City, thence running due east to the range line dividing range 27 east and range 28 east, thence running south along said range line to its intersection with the township line dividing township 29 south and township 30 south, thence running east along said township line to where it crosses the range line dividing range 28 east and range 29 east, thence running south along said range line to the Highlands-Polk County line.

*Puerto Rico*

The entire Territory is quarantined.

*Texas*

The following counties and portions of counties are quarantined: Angelina, Hardin, Jasper, Jefferson, Newton, Orange, Polk, Sabine, San Augustine, Shelby, Starr, Trinity, Tyler, Webb, and Zapata; that part of Cameron County lying south and east of a line beginning at a point where the Southern Pacific Railroad intersects the Cameron-Hidalgo county line, thence running southeasterly along said railroad to a point where it intersects the Combes-Edinburg Highway, thence east along the Combes-Edinburg Highway to a point where it intersects the Missouri Pacific Railroad at Combes, thence easterly along the county highway from Combes to the Arroyo Colorado, thence running in a northerly course along the west bank of the Arroyo Colorado to the Willacy County line; that part of Chambers County lying east of the Trinity River; that part of Galveston County, which joins Chambers County, known as Galveston Peninsula; that part of Hidalago County lying south and west of a line beginning at a point where the Southern Pacific Railroad intersects the Hidalgo-Cameron county line, thence running westerly along the Southern Pacific Railroad to a point where it intersects the main line of that railroad, thence running southerly along the main line of the Southern Railroad to a point where it intersects the West Edinburg Highway, thence running westerly along said highway to a point where it intersects the Missouri Pacific Railroad, thence running northerly along said Missouri Pacific Railroad to the intersection of the Monte Christo Road, thence running westerly along said Monte Christo Road to a point where it intersects the Hidalgo-Starr county line; that part of Liberty County lying east of the Trinity River; and that part of the Nacogdoches County lying south and east of a line beginning at a point where highway No. 21 intersects the Nacogdoches-Cherokee county line, running thence in an easterly and southeasterly direction along said highway to the town of Chireno, including all incorporated and unincorporated townsites intersected by this highway, except the corporate limits of the city of Nacogdoches, thence running in a northerly and northwesterly direction along the public road from said town of Chireno, through towns of Martinsville and Libby, to the town of Garrison, including all incorporated and unincorporated townsites intersected by this public road, thence running in a northeasterly direction along highway No. 35 from the town of Garrison to a point where said highway intersects the Nacogdoches-Rusk county line.

INTERPRETATION

This rule 1, revision 36, shall be construed in connection with the regulation of the Secretary of Agriculture for the prevention of the spread of splenetic or tick fever in cattle and is subject to amendment or revision on statutory notice.

Rule 1, revision 35, (B. A. I. Order 360), dated November 16, 1936, effective December 1, 1936, shall cease to be effective on and after December 1, 1937, on and after which date this rule 1, revision 36, which for purposes of identification is designated as B. A. I. Order 363, shall become and be effective until otherwise ordered.

The effect of this order is as follows:

In Florida: Charlotte County is released from quarantine; and parts of Collier, Glades and Highlands Counties are requarantined.

In Texas: Duval, Harris, Houston, Montgomery, and San Jacinto Counties, the remainder of Brazoria County, and parts of Cameron, Chambers, Hidalgo, Liberty, and Nacogdoches counties are released from quarantine.

The existing quarantine in the Territory of Puerto Rico is continued.

Done in the City of Washington this 16th day of November, 1937.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

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NOTE: FEEDING STATIONS FOR NONINFECTED CATTLE

Properly equipped, noninfectious pens are maintained at the following points within the quarantined area:

*Texas*

Beaumont, Jefferson County: Gulf, Colorado & Santa Fe Railway Co. pens, and Southern Pacific Co. pens.

Laredo, Webb County: International & Great Northern Railroad Co. pens.

Orange, Orange County: Southern Pacific Lines pens.

[F. R. Doc. 37-3361; Filed, November 18, 1937; 12:43 p. m.]



**Bureau of Biological Survey.**

AMENDMENT OF ORDER PERMITTING THE SHOOTING OF CERTAIN BLACKBIRDS WHEN FOUND SERIOUSLY INJURIOUS TO AGRICULTURAL OR OTHER INTERESTS

Order of the Acting Secretary of Agriculture of June 26, 1937, "Permitting The Shooting of Certain Blackbirds When Found Seriously Injurious to Agricultural or Other Interests" (2 F. R. 1328), is amended so as to read as follows:

ORDER PERMITTING AND GOVERNING THE SHOOTING OF CERTAIN BLACKBIRDS AND BOAT-TAILED GRACKLES WHEN FOUND SERIOUSLY INJURIOUS TO AGRICULTURAL OR OTHER INTERESTS

Information having been furnished to the Secretary of Agriculture that yellow-headed blackbirds, red-wing blackbirds, bicolored red-wing blackbirds, tricolored red-wing blackbirds, Brewer's blackbirds, and boat-tailed grackles, by reason of heavy seasonal concentrations in their respective ranges in the United States, have become seriously injurious to agricultural crops and ornamental or shade trees, and an investigation having been made to determine the nature and extent of the injury and whether the birds should be killed and if so during what times and by what means, and the Secretary having determined that the aforesaid birds, under the conditions stated, have become seriously injurious as aforesaid and that the most practical means of safeguarding such crops and trees from such injury is to shoot the birds,

By virtue of authority conferred upon the Secretary of Agriculture by the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755) as amended by the Act of June 20, 1936 (49 Stat. 1555),

*It is ordered*, That the owner or custodian of any agricultural crop or of ornamental or shade trees is hereby authorized to shoot the aforesaid birds, under the following conditions, restrictions, and requirements, when found committing or about to commit serious depredations upon such crop or trees owned by or in his custody:

1. No birds killed pursuant to this Order shall be shipped or transported or sold or offered for sale except that they may be transported to such place within the vicinity as may be necessary to bury or otherwise destroy their carcasses: *Provided, however*, That State agricultural departments, colleges, or other public institutions and the United States Department of Agriculture may requisition such number of the birds so killed as they may need for scientific investigations.

2. Every person availing himself of the privileges of this Order shall at all reasonable times, and particularly during any operations thereunder, permit any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access to the premises on which such operations have been or are being conducted and shall promptly furnish such officer all such information touching his operations as such officer shall require.

3. This Order does not permit the killing of any of the aforesaid birds in violation of any State law or regulation and if a State permit to kill the birds is required such permit must be procured before exercising the privileges conferred by this Order.

4. On or before January 1 of each year during the continuance of this Order every person who kills any of the aforesaid birds under the authority hereby conferred shall submit to the Chief, Bureau of Biological Survey, United States Department of Agriculture, Washington, D. C., a report of his operations.

This Order is not effective in California, provision having previously been made for handling such depredations by the County Agricultural Commissioners.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

November 17, 1937.

[F. R. Doc. 37-3355; Filed, November 17, 1937; 3:46 p. m.]

DEPARTMENT OF COMMERCE.

**Bureau of Marine Inspection and Navigation.**

AMENDMENTS TO GENERAL RULES AND REGULATIONS GOVERNING TANK VESSELS; ALSO APPROVAL OF CERTAIN EQUIPMENT FOR VESSELS

Pursuant to call under authority of Section 4405 of the Revised Statutes by the Hon. Daniel C. Roper, Secretary of Commerce, a special meeting of an Executive Committee of the Board of Supervising Inspectors, consisting of R. S. Field, Director, Captain C. W. Willett, Supervising Inspector of the 6th District, and Mr. Eugene Carlson, Supervising Inspector of the 3rd District, was held in the public hearing room of the auditorium of the Department of Commerce, Washington, D. C., on October 11 to 13, 1937. The following resolutions were unanimously adopted:

[Resolution No. 4235]

GENERAL RULES AND REGULATIONS

*Resolved,* That under authority of Section 4405 R. S., and Public 765, 74th Congress, General Rules and Regulations prescribed by the Board of Supervising Inspectors for Tank Vessels, November 10, 1936, be and hereby are amended in the following respects:

*Supplement No. 1—Tank Vessels*

NOTE.—The symbols at each paragraph are designed to facilitate identification and have the following meaning:

*No change in intent.
**New Section.
***Section renumbered, no change in intent.
****Amended by additional requirement.

Substitute for paragraph 1 on page 1 the following:

**1. *Authority for These Rules and Regulations.* These rules and regulations are established pursuant to authority of Title LII of the Revised Statutes as amended by an Act approved June 23, 1936.

***On page 1, present paragraph 1 is changed to paragraph 2.

***On page 1, present paragraph 2 is changed to paragraph 3.

***On page 1, present paragraph 3 is changed to paragraph 4.

*Page 4—Paragraph (aa)—fourth line—delete Technical Method D—323—32T and insert in lieu thereof Tentative Method D—323—37T.

Delete present Section I–1–1. (a), (b) and (c), and insert in lieu thereof the following:

*I–1–1. *Issuance of Certificate of Inspection.* TB/ALL. (a) Every tank vessel subject to these regulations shall be inspected to see that its hull, boilers, machinery, apparatus for storage, and appliances comply with law and these regulations. If such vessel is found to comply with law and these regulations, a certificate of inspection shall be issued to it, or to its owners, by the local inspectors of the Bureau.

TB/ALL. (b) Certificates of inspection for tank vessels shall be similar in form to certificates issued to other cargo vessels, and in addition to the manning requirements and waters over which they may be operated, they shall be endorsed "Inspected and approved for the carriage of inflammable or combustible liquids of Grades A, B, C, D, or E" (as the case may be), and such endorsement shall serve as a permit for such vessel to operate.

TB/ALL. (c) The certificate of inspection shall be verified by the oaths of the inspectors signing it before the chief officer of the customs of the district or any other person competent by law to administer oaths. Such certificate shall be delivered to the master or owner of the tank vessel to which it relates and shall be framed under glass and posted in a conspicuous part of the vessel: Provided, however, That where it is not practicable so to expose said certificate, it shall be carried in the vessel in such manner as prescribed by the inspectors.

Delete Section I–3–2. TB/ALL. (a) and (b), and insert in lieu thereof the following:

*I–3–2. *American Bureau of Shipping.* TB/ALL. (a) In the inspection of hulls, boilers, and machinery of vessels, the rules promulgated by the American Bureau of Shipping designated "Rules for Building and Classing Steel Vessels, 1936" and "Entered according to Act of Congress, in the office of the Librarian of Congress at Washington, by the American Bureau of Shipping, April 1936" respecting material and construction of hulls, boilers, and machinery, except as otherwise provided for by law and these rules and regulations, are hereby adopted and shall be accepted as standard by the inspectors of this Bureau. If in the development of the industry improved materials or methods of construction cause the American Bureau of Shipping to change the requirements of the above-mentioned edition of their rules, their latest rules, if approved by the Bureau of Marine Inspection and Navigation and entered in the office of the Librarian of Congress at Washington, shall be accepted as standard.

*TB/ALL. (b) The approved plans and certificate of the American Bureau of Shipping, or other recognized classification society for classed vessels, may be accepted by the Bureau or its inspectors as evidence of the structural efficiency of the hull and reliability of machinery of vessels subject to these regulations, except as otherwise provided for by law and these rules and regulations.

Immediately following Section I–3–3. TB/ALL. (b), add the following in place of TB/ALL. (c):

*TB/ALL. (c) *Certificate of Class May be Accepted.* In the event such tank vessel is classed by the American Bureau of Shipping or other recognized classification society, the approved plans and certificates of such society may be accepted by the Bureau or its inspectors as evidence of the structural efficiency of the hull and reliability of machinery, except as otherwise provided for by law and these rules and regulations.

Delete Section I–3–4. TB/ALL. (a), and insert in lieu thereof the following:

*I–3–4. *First Inspection of Existing Tank Vessels.* TB/ALL. (a) Certificate of class may be accepted as evidence. If the tank vessel has been classed and maintained in class with the American Bureau of Shipping or other recognized classification society, the approved plans and certificates of such society may be accepted by the Bureau or its inspectors as evidence of the structural efficiency of the hull and reliability of machinery of such vessel, except as otherwise provided for by law and these rules and regulations.

Delete Section I–3–6. TB/ALL. (c), and insert in lieu thereof the following:

****TB/ALL. (c) The annual inspection of all tank vessels shall be made on written application to the local inspectors by the owner, master, or authorized agent of the vessel to be inspected. Such application shall state upon its face that previous application for inspection has not been made to any other board of local inspectors or supervising inspectors, and shall also state the grade of cargo the vessel is to be inspected for and certificated to carry, such as A, B, C, D, or E grades as described in these regulations and the route or waters over which the vessel is to operate.

Delete Section I–3–7. TB/ALL. (a), (b), (c) and (d), and insert in lieu thereof the following:

****I–3–7. *Drydocking or Hauling Out.* TB/ALL. (a) Each steel hull tank vessel shall be placed in drydock or on a slipway or hauled out for examination depending upon its service as follows:

1. Each tank vessel whose operations in salt water service aggregate more than six months in a calendar year shall be drydocked or hauled out at least once each calendar year.

2. Each tank vessel whose operations in salt water service aggregate six months or less in a calendar year shall be drydocked or hauled out at least once in every two calendar years.

3. Each tank vessel used in fresh water service exclusively shall be drydocked or hauled out at least once in every five calendar years.

TB/ALL. (b) Each wood hull tank vessel shall be placed in drydock or on a slipway, or hauled out for examination at least once every four years: Provided, however, That vessels without independent metal tanks shall be placed in drydock or on a slipway or hauled out for examination at least once every two years.

TB/ALL. (c) Each tank vessel, irrespective of service, which has not complied with these drydocking requirements, either because it was on a voyage or was tied up, shall be drydocked or hauled out upon the completion of such voyage or before being placed in service.

TB/ALL. (d) Whenever any tank vessel is placed in drydock or on a slipway or hauled out for repairs it shall be the duty of the master, owner, or agent to report the same, together with the nature of any repairs or alterations contemplated, to the local inspectors of that district, and if the condition or age of the vessel in the judgment of the inspectors renders an examination necessary, a thorough inspection shall be made by them to determine what is necessary to make such vessel seaworthy and come within the provisions of these regulations.

Delete present Section I–3–8. TB/ALL. (a), and insert in lieu thereof the following:

*I–3–8. *Special Inspections.* TB/ALL. (a) Repairs and alterations involving safety. No extensive alterations involving the safety of a tank vessel either in regard to hull or machinery shall be made without the approval of the Bureau. Before such alterations are carried out, copies of drawings and specifications, in triplicate, for the work involved shall be forwarded to the local inspectors for submission to the Bureau for approval, and if approval is given one set of said plans and specifications, properly approved and dated, shall be returned to the owner or to the repair yard designated by the owner, and one set to the local inspectors who forwarded same to the Bureau. If such plans and specifications are not approved, the Bureau shall promptly notify the owner or designated shipyard wherein they fail to comply with these regulations. No extensive repairs to the hull or machinery which affect the safety of a vessel shall be made without the knowledge of the local inspectors.

Delete Section I–3–8. TB/ALL. (c), and insert in lieu thereof the following:

****TB/ALL. (c) To proceed to other ports for repairs. The local inspectors may issue a permit to proceed to another port for repairs, if in their judgment the vessel can proceed with safety. In the issuance of such a permit, the local inspectors will state upon its face the conditions upon which it is granted and whether the vessel is to be allowed to carry freight or passengers. A vessel whose certificate of inspection has expired shall not be issued a permit to carry passengers while enroute to another port for repairs.

When a permit has been issued by the local inspectors of a district for a tank vessel to proceed to another district to make repairs, such local inspectors shall notify the supervising inspector of their district, stating the repairs to be made on such vessel. Said supervising inspector shall notify the supervising inspector of the district where the repairs are to be made, furnishing him a copy of the report of the inspectors indicating the repairs ordered on the vessel.

Immediately following section 1–3–8 (d), add new Subsection as follows:

**Section I–3–8. TB/ALL. (e) *Crew Accommodations.* Crew's quarters shall be inspected to determine their sanitary condition. The local inspectors, upon completing such inspection, shall notify the master or officer in charge of the vessel of their findings, which shall be entered in the vessel's log book.

Delete Section I–4–1. *Licensed Officers and crew.* TB/ALL. (a), TB/ALL. (b) and TB/ALL. (c), and insert in lieu thereof the following:

I–4–1. *Licensed Officers and crew.* TB/ALL. (a) The local inspectors shall make in the certificate of inspection of each tank vessel an entry of such complement of officers and/or crew as required by law and these rules and regulations, and which in the judgment of the local inspectors who inspect the vessel will be necessary for her safe operation. The complement may be changed from time to time by endorsement on such certificate by local inspectors by reason of change of conditions or employment.

TB/ALL. (b) Wherever these regulations refer to a certificated tankerman, the holder of a license as master, mate, pilot, or engineer shall be considered as qualified to perform all duties of such tankerman without being certificated as such.

TB/ALL. (c) In all cases where a certificate of inspection does not require at least two licensed officers, the local inspectors shall enter in the permit issue to any manned tank vessel subject to these regulations the number of the crew to be certificated as tankermen. If the total complement of a tank vessel is either one or two persons only one such person need be a certificated tankerman. If the total complement exceeds two, only two such persons need be certificated tankermen.

Delete Section I–4–2. Insert in lieu thereof the following:

****I–4–2. *Tank Barges.* B/BLR. Tank barges operating on inland waters or on the Great Lakes or rivers need not be manned unless in the judgment of the local inspectors such manning is necessary for the protection of life and property and for the safe operation of the vessel: Provided, however, That towing vessels, while towing barges which are not required to be manned, shall carry in the regular complement of the towing vessel a sufficient number of licensed officers or certificated tankermen to provide at least one such licensed officer or certificated tankerman on each watch.

Delete Section I–4–3. B/LBR. (a), and insert in lieu thereof the following:

*I–4–3. *Towing vessels may carry persons in addition to crew.* B/LBR. (a) Towing vessels engaged in towing tank barges on the Great Lakes, inland waters, or rivers, may be authorized by the supervising inspector of the district to carry on board such number of persons in addition to its crew as shall be deemed necessary to carry on the legitimate business of such towing vessel or barge, not exceeding, however, one person to every net ton of the towing vessel.

Delete Section I–5. Insert in lieu thereof the following:

*Section I–5. *Waters Operated Over.*

Delete Section I–5–1. *Waterways.* TB/ALL. Insert in lieu thereof the following:

*I–5–1. *Waters.* TB/ALL. The certificate of inspection shall show the waters over which the tank vessel is permitted to operate, such as: all waters; oceans, coastwise; Great Lakes; bays, sounds and lakes, other than the Great Lakes; rivers; or inland waters tributary to the Gulf of Mexico.

Delete Section II–1–2. T/ALL. Insert in lieu thereof the following:

*II–1–2. *Means of Escape.* T/ALL. On all tankships where the plans and arrangements will possibly permit, all passageways leading to living quarters, or places where anyone may be regularly employed, shall be provided with not less than two avenues of escape so located that if one of such avenues is not available another may be. The locality and arrangement of such additional means of escape shall be determined by the inspectors as will in their judgment best carry out the purpose for which this provision was made.

Immediately following II–1–3. T/ALL. (b), add the following Section:

**TB/ALL. (c) Every undocumented tank barge shall have its name or number carved, punch-marked, or welded on the main beam, inside the cargo hatch, or other suitable permanent part of the vessel's structure for the purpose of identification. The vessel's name or number shall also be displayed on both sides of the highest part of the vessel's hull or house structure.

Delete Section II–1–4. T/ALL. Insert in lieu thereof the following:

****II–1–4. *Draft Marks.* TB/ALL. All tank vessels of 50 gross tons and over shall have the drafts of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost, or at such other places forward

and aft as may be necessary for easy observance. The draft shall be taken from the bottom of the lowest part of the keel to the surface of the water, the bottom of the mark to indicate the draft in feet.

Delete Section II–1–5. TB/ALL. (a), (b) and (c), and insert in lieu thereof the following:

••••II–1–5. *Hull Fittings.* TB/ALL. (a) All main and auxiliary inlet and discharge pipes leading through any part of the vessel's hull or to sea chests shall be fitted with efficient means of preventing the ingress of water in the event of a fracture of such pipes.

TB/ALL. (b) All scuppers, sanitary and other similar discharges leading through the vessel's hull from enclosed spaces, shall be fitted with means for preventing the ingress of water. All scupper and sanitary piping shall be adequately protected where necessary. Drains from sanitary fixtures in living quarters which pass through cargo tanks shall be provided with water seals, valves, or other suitable means for preventing the entrance of gases into such quarters.

TB/ALL. (c) Sea chests, sea valves, and strainers shall be carefully examined by the inspector when the vessel is in drydock, and, if he deems it necessary, he may order them opened up for internal examination. This also applies to bilge injection valves.

TB/ALL. (d) It shall be the duty of the inspectors when inspecting vessels to examine carefully all air ports and deadlights in the hull and to satisfy themselves that they are safe.

Add new Section II–1–6 to read:

••II–1–6. T/ALL. *Crew Accommodations.* On all tankships of 100 gross tons and over, the construction of which is begun after January 1, 1938, the minimum requirements relative to construction, location, and equipment of crew accommodations are as follows:

(a) *Sleeping Quarters.* At least 120 cubic feet of space and not less than 16 square feet of deck area shall be allotted to each member of the crew for sleeping purposes. In measuring sleeping quarters allotted to crews of vessels, the local inspectors shall not deduct from the total volume or from the deck area any equipment contained therein which is provided for the exclusive use of the crew. Not more than one bunk shall be placed above another, and the lower bunk shall be at least 12 inches above the deck. The upper bunk shall be located as nearly as practicable midway between the lower bunk and the lower side of the deck beams overhead.

(b) *Toilet and Washing Facilities.* Each such tankship shall be provided with at least one washbasin, one bathtub or shower, and one toilet for each eight members of the crew or portion thereof, exclusive of licensed officers. There shall also be provided at least one washbasin, one bathtub or shower, and one toilet for the use of the licensed officers. When the engine room crew, exclusive of licensed officers and others separately provided for exceeds eight, separate washing facilities shall be provided.

(c) *Hospital Accommodations.* Each such tank vessel which in the ordinary course of its trade makes voyages of more than three days' duration between ports, and which carries a crew of 12 or more, shall be equipped with a compartment suitably separated from other spaces for hospital purposes, and such compartment shall have at least 1 bunk for every 12 seamen constituting her crew, provided that not more than 6 bunks shall be required in any case.

(d) *Location, Construction and Equipment.*

1. Crew accommodations shall not be located forward of the collision bulkhead, or where there will be undue risk to members of the crew in getting to stations.

2. Where crew quarters abut galley, boiler, or engine room bulkheads, such bulkheads shall be insulated with fire-resistive material to reduce transmission of heat.

3. Insofar as practicable, crew quarters shall be so located or constructed that they will be protected against objectionable odors of cargo, fuel tanks, paint lockers, oil rooms, bilges, toilets, etc.

4. Crew quarters shall be adequately lighted, heated and ventilated. The minimum standard for natural lighting is that it will be possible in daylight and in clear weather to read the print of an ordinary newspaper in any part of the space allotted. When it is not possible to provide adequate natural lighting, artificial lighting may be accepted on the same basis, provided, however, that in the artificial lighting of the crew's quarters, the use of portable wiring is prohibited, except when approved by the chief engineer.

Bare metal surfaces of ship's sides and metal weather decks overhead which are not decked over with wood externally, shall be covered with suitable fire-resistive material to aid in keeping the crew's quarters dry.

In the ventilation of crew accommodations provision shall be made for the ingress of fresh air and for the egress of impure air; it shall be adequate for the purpose intended, and so arranged as to be effective in any ordinary weather conditions, and to distribute fresh air without undue discomfort to the occupants. Where natural ventilation is provided, each inlet shall have an area of at least 6 square inches for each person accommodated, the outlet to be at least equal in size to the inlet. In no case shall any one such inlet or outlet have a cross sectional area of less than 24 square inches.

Mechanical ventilation may be provided if such system is equal in effectiveness to the requirements for natural ventilation and is approved by the Bureau.

Mess rooms shall be provided for both officers and crew, and shall be separate from each other where space and conditions will permit. Such mess rooms shall be sufficient in size to accommodate all persons allotted to such space: Provided, however, That this sub-paragraph need not apply to vessels operating on the Great Lakes, lakes, bays and sounds, or rivers.

5. All washbasins, showerbaths, or tubs required by these regulations shall be equipped with proper plumbing, including hot and cold running water. Washbasins for the crew may be located in the crew's sleeping quarters, if properly installed, equipped with proper plumbing for draining and supplied with hot and cold running water.

6. All toilets shall be installed and equipped with the proper plumbing for flushing. Where more than one toilet is located in a space or compartment, each toilet shall be separated with a screen constructed of fire-resistive material to afford privacy. Such screens may be installed so as to be open at top and bottom for ventilation purposes. Toilet seats shall be so constructed as to remain in an upright position when not in use.

7. Floors of toilets and washrooms shall be covered with cement, tile, or other suitable floor covering.

8. On each such tankship there shall be provided at least one sink or other suitable means for washing clothes.

9. Each hospital shall have a toilet, washbasin, and bathtub or shower conveniently situated.

10. A clothes locker shall be provided for each person accommodated of a size not less than 12'' x 21'' x 5' high and so placed as to be readily accessible.

11. Living accommodations shall be properly screened to exclude insects.

••Section II–1–7. *Crew Accommodations.* TB/ALL. All tankships of less than 100 gross tons and all manned tank barges, the construction of which is begun after January 1, 1938, shall be provided with crew accommodations of sufficient size, adequate construction, and with suitable equipment to provide for the protection and accommodation of its crew in a manner practicable for the size, facilities and service of the vessel, and consistent with the principles underlying the requirements for crew accommodations on tankships of 100 gross tons or more.

••Section II–1–8. *Crew Accommodations.* T/ALL. On all tankships of 100 gross tons or over the construction of which was begun after March 4, 1915, and prior to January 1, 1938, the crew accommodations shall be of a character and number in compliance with Section II–1–6 (a), (b) and (c), except that separate washing facilities are not required where the engine room crew, exclusive of licensed officers, and others separately provided for, does not exceed ten. In cases where an improvement is necessary in the sanitary conditions of such vessels, Section II–6–1 (d) will also apply in principle insofar as space and conditions will permit.



••II–1–9. *Crew Accommodations.* TB/ALL. All tankships and all manned tank barges not heretofore provided for shall have crew quarters and washing and toilet facilities in keeping with the age, size, facilities and service of the vessel, and suitable for the accommodation and protection of the crew.

Delete Section II–2–6. TB/ALL. (a) and (b), and insert in lieu thereof the following:

•••II–2–6. *Vessels With Independent Tanks.* TB/ALL. (a) Independent cargo tanks may be located in hold spaces or in other cargo tanks, but in all cases a working space of at least 15 inches shall be provided around such independent tanks, or else provision shall be made for moving them to secure such space. When independent cargo tanks are located in an enclosed space other than a cargo tank, such enclosed space shall be considered as equivalent to a pump room, and shall be safeguarded as such, as required in these regulations.

TB/ALL. (b) Cargo tanks for Grade A liquids having a Reid vapor pressure in excess of 25 pounds shall be independent of the hull.

Delete Section II–3–5. TB/ALL. Insert in lieu thereof the following:

•II–3–5. *Cargo Tanks.* TB/ALL. Cargo shall comply with the conditions specified in II–2–6 (a) and II–2–6 (b), and shall pass the tests required in II–2–7 (a), II–2–7 (b), and II–2–7 (c): Provided, however, That less than 15 inches around such tanks may be accepted if in the judgment of the local inspectors making the inspection a satisfactory inspection of the cargo tanks and hull structure can be made.

Delete Section II–4–2. TB/ALL. Insert in lieu thereof the following:

••••II–4–2. *Cargo Tanks.* TB/ALL. (a) Cargo tanks shall be independent of the wood hull, shall be made of steel or iron, except as provided in Section II–4–2 (b), and shall pass the tests required in Section II–2–7 (a) and II–2–7 (b). Where cargo tanks in wood hulls are not arranged to provide working spaces around them they shall be so constructed as to allow inspection of the hull, tanks, and bilges, and they shall be so installed that they can be moved to allow repairs to the hull structure and to themselves.

B/LBR. (b) Wood hull tank barges not provided with metal tanks, which prior to the effective date of these regulations (November 10, 1936) were in use in the carriage of inflammable or combustible products in bulk, may be certificated for service until November 10, 1941, subject to the following restrictions:

1. The service of such barges shall be limited to the carriage of combustible products of Grades D and E only.

2. The use of such vessels shall be restricted to the waters over which, in the judgment of the local inspectors, they may be operated without undue hazard.

3. Before such vessels receive a regular certificate of inspection, and at least every two years from the date of issue of such regular certificate, they shall be placed on drydock or hauled out for examination, at which time the cargo tanks shall be thoroughly cleaned and the hull searched for leaks and caulked and repaired as necessary. The inspector shall adopt any other means to satisfy himself that the vessel is tight and in good condition.

Delete Section II–4–4. TB/ALL. Insert in lieu thereof the following:

•II–4–4. *Hold Spaces and Bulkheads.* TB/ALL. In existing wood hull tank vessels containing independent cargo tanks for the transportation of Grades A, B, C, or D liquids, the hold spaces shall be considered as equivalent to a pump room and shall be safeguarded and ventilated as such as required in these regulations. Where the hold spaces contain equipment or operations which are sources of vapor ignition, such equipment or operations shall be isolated from other spaces by gas-tight bulkhead or, if it is impracticable to construct a gas-tight bulkhead, two structurally tight bulkheads without openings, separated by a well ventilated air space 24'' wide, where possible, may be used.

Delete Section II–5–1. TB/ALL. Insert in lieu thereof the following:

••••II–5–1. *Design and Construction of Boilers.* TB/ALL. The design and construction of all boilers, mountings, steam pipes, etc., built on and after January 1, 1935, shall conform to Rules I and II, General Rules and Regulations of the Bureau. The design and construction of all boilers built prior to January 1, 1935, shall conform to the regulations in effect at the time such boilers were built.

Boilers on tank vessels not previously required to be inspected and which were not built according to the specifications of the Bureau, may be considered the same as foreign built boilers as specified in Section C–1–11 of Rule II, General Rules and Regulations, and treated as such.

Delete Section II–5–5. Insert in lieu thereof the following:

••••II–5–5. *Installation of Fuel-oil System.* TB/ALL. No system for the use of petroleum or other mineral oil on any tank vessel as fuel shall be installed without the approval of the Bureau. Application for permission to install such fuel-oil systems shall be made to the Bureau on the prescribed blank form together with blue prints, in triplicate. The blue prints shall show the fuel-oil tanks, bracings, pumps, piping, riveting schedule, control valves, control apparatus, vent pipes, suction pipes and their controls, also the piping and appurtenances forming part of the fuel-oil burning system, and the test to be applied to all fuel-oil tanks. The applications and blue prints shall be forwarded through the local inspectors of the district where the installation is to be made. The installation of such fuel-oil systems shall comply with the requirements of Rule II, General Rules and Regulations, Section P–19–3, P–19–6, P–19–15, P–19–16, except paragraph (r) of Section P–19–3. All fuel tanks which are independent of the hull shall be constructed so as to conform to the requirements contained in Section II–5–6 (b), Gasoline Fuel Tanks.

Delete Section II–5–6. TB/ALL. (a), (b) and (c), and insert in lieu thereof the following:

••••II–5–6. *Installation of Internal Combustion Engines—New Vessels.* TB/ALL. (a) *Engines.* Gasoline engines, whether for propulsion or for driving auxiliaries, shall have their air intakes so directed that backfire can not blow down into the bilges. They shall be fitted with effective backfire flame arresters. All carburetors shall be fitted with suitable metal drip collectors.

Each internal combustion engine located on the weather deck shall be provided with a ventilated metal hood, or, where space permits, with a well-ventilated metal housing of sufficient size to allow for proper operation and maintenance.

(b) *Gasoline Fuel Tanks.* (1) The plans and specifications showing the proposed construction of all gasoline fuel tanks shall be submitted to the Bureau for approval. All gasoline fuel tanks vented to the atmosphere of capacities in excess of five gallons shall be constructed of metal not less than 1/16'' in thickness, provided, however, tanks constructed of ferrous metal less than 3/16'' in thickness shall be galvanized by the hot dipped process, both inside and outside. Seams shall be riveted, brazed, or welded except that soldered joints may be used on small tanks of 20 gallon or less capacity, provided the solder used has a melting point of not less than 450° F.

Tanks shall be provided with swash plates and braces, where necessary. The material used shall be the same as the tank.

Cylindrical tanks with longitudinal seams shall be arranged so that such seams are located as near the top as possible.

All spuds for pipe connections shall be securely riveted, welded, brazed, or soldered to the tank. No gauge glasses or try cocks shall be fitted to tanks.

All tanks shall be securely fastened and shall be arranged as to be readily inspected or movable for inspection.

Tanks shall be tested to a pressure of at least 5 pounds per square inch gauge after installation.

(2) All gasoline fuel tanks, not vented to the atmosphere, shall be constructed and tested in accordance with Rule II, General Rules and Regulations, Section I–18–12, "Unfired Pressure Vessels", and shall be so installed as to be secure against movement and to afford easy access for inspection. No gauge glasses or try cocks shall be fitted to tanks.

(c) *Gasoline Fuel Piping.* The fuel piping for gasoline engines shall comply with Rule II, General Rules and Regulations, Section 19, "Piping systems", and in addition it shall also comply with the following requirements: It shall be run in sight whenever practicable, be protected from mechanical injury, and effectively secured against vibration. Shut-off valves or cocks of a suitable type shall be installed in supply lines and located in accessible positions at tanks. Similar shut-off valves shall be located in the supply lines close to the carburetors. No outlets for drawing gasoline shall be permitted in engine compartments. Filling and sounding pipes for fuel tanks shall terminate on deck, and vents shall terminate at least 2 feet above the deck and not less than 3 feet from any opening into living quarters. Filling pipes shall extend nearly to the bottoms of fuel tanks. The cross sectional area of the vent pipes shall not be less than 25 percent of the cross sectional area of the filling pipe; all such vent pipes shall be fitted with flame screens or approved flame arrestors.

Delete Section II–5–7. TB/ALL. Insert in lieu thereof the following:

•II–5–7. *Internal combustion engine exhaust—New Installations.* TB/ALL. Exhaust lines from internal combustion engines, where run through the deck, or through the sides of the superstructure, shall be extended to a height of at least 4 feet above the deck. An approved spark arrester shall be installed in each exhaust line. Exhaust piping shall be either insulated or water-cooled.

Delete Section II–5–8. TB/ALL. Insert in lieu thereof the following:

•II–5–8. *Internal combustion engines—Existing Installations.* TB/ALL. Existing installations of internal combustion engines and their exhausts shall comply with Sections II–5–6 and II–5–7 where necessary in the interest of safety.

Delete Section II–5–10. B/ALL. (a) and B/R. (b), and insert in lieu thereof the following:

••••II–5–10. *Bilge pumps for tank barges.* B/ALL. (a) All tank barges shall be provided with means for removing bilge water from all parts of the vessel other than the cargo tanks.

(b) B/BR. On unmanned barges, bilge pumps, hand or power operated, either fixed or portable, and located on the barge or towing vessel, may be accepted as suitable means for pumping out spaces other than cargo tanks. When such barges are towed in flotilla and attended by a towing vessel at all times, suitable siphons, portable or fixed, carried aboard the barge or on the towing vessel, may be accepted.

Delete Section II–6–1. TB/ALL. (a), (b), (c), (d), (e) and (f), and insert in lieu thereof the following:

••••II–6–1. *Electrical Installation—General—New Vessels.* TB/ALL. (a) The electrical installation on a new tank vessel shall be in compliance with Sections II–6–1 to II–6–3 and to the extent that such installation is not covered by these sections it shall be at least equivalent to the Bureau's general requirements.

(b) Where practicable, electrical cable is to be located well inboard from the sides, preferably along or near the center line, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Feeders shall be run as far as practicable to avoid cargo pump rooms and enclosed spaces immediately adjoining cargo tanks.

(c) No ground connections may be used in any part of electrical circuits except detecting lamps on switch boards. The armor on all cables shall be electrically and mechanically continuous.

(d) Switch boards, distributing panels, switches, fuses, and other circuit-interrupting devices are not to be fitted in cargo pump rooms or enclosed spaces immediately adjoining cargo tanks. Portable extension cables and fittings are to be of an approved type.

(e) Main distribution circuits shall be protected against overload by circuit breaking devices, the capacity of which shall be marked at each such device.

Delete Section II–6–2. TB/ALL. Insert in lieu thereof the following:

••••II–6–2. *Electrical installation—Cargo Pump Rooms—New Vessels.* TB/ALL. (a) The electrical installation in a cargo pump room or in an enclosed space immediately adjoining cargo tanks on a new vessel shall meet requirements as follows:

(b) Wiring is to be leaded and armored and shall be run through approved gas-tight fittings having stuffing glands at inlets and outlets.

(c) Joints in wiring shall be made only in wiring appliances, such as junction boxes, outlet boxes, etc., and such boxes shall be completely metallic and shall be gas-tight.

(d) Lighting fixtures shall be of approved type.

(e) Electric motors shall be of approved type either totally enclosed or ventilated to the atmosphere by suction and discharge air ducts. Separately ventilated motors are to have pressure type ventilation and shall be arranged with an automatic shut-off to open the circuit when the ventilating fan motor stops. The system is to be so interlocked that the pump motor cannot be started prior to a circulation of air. The air ducts are to lead to and from the atmosphere outside the pump room and are to terminate not less than 3′ above the deck and not less than 6′ from any cargo tank vent.

Delete Section II–6–3. TB/ALL. Insert in lieu thereof the following:

••••II–6–3. *Location of Storage Batteries—New Vessels.* TB/ALL. Storage batteries shall not be located in cargo pump rooms. The space in which they are located shall be well ventilated and they shall be protected against mechanical and electrical injury including short circuiting and overloading. Batteries shall be secured against movement, and acid batteries shall be set in lead-lined trays at least 3″ deep of at least 4-pound sheet lead.

Delete Section II–6–4. TB/ALL. Insert in lieu thereof the following:

••••II–6–4. *Electrical Installation—Existing Tank Vessels.* TB/ALL. The present electrical installation of existing tank vessels may be accepted if in the judgment of the inspector such installations are found to be safe and in good mechanical condition, and to comply with the regulations in effect when the vessel was built, or to the requirements of a recognized classification society. All portable extension cables and fittings shall be of an approved type.

Any major change in the present electrical installation or any conversion shall comply with Sections II–6–1 to II–6–3, inclusive.

NOTE.—For the electrical bending and grounding of independent cargo tanks in existing wood hulls, see II–4–3.

Delete Section II–7–1. TB/ALL. Insert in lieu thereof the following:

••••II–7–1. *Ventilation—New Vessels.* TB/ALL. All enclosed parts of the vessel other than cargo, fuel, and water tanks and cofferdams shall be provided with efficient means of ventilation. Pump rooms and compartments containing machinery where sources of vapor ignition are normally present shall be ventilated in such a way as to remove vapors from points near the floor level or the bilges. Effective steam or air actuated gas ejectors or blowers, or ventilators fitted with heads for natural ventilation, will be approved for this purpose.

Delete Section II–7–3. TB/ALL. Insert in lieu thereof the following:

••••II–7–3. *Ventilation—Hold Space.* TB/ALL. Hold spaces containing independent cargo tanks shall be considered to be equivalent to cargo pump rooms and shall be ventilated and safeguarded as such.



Delete Section II–7–4. TB/All. (a) and (b), and insert in lieu thereof the following:

••••II–7–4. *Venting of cargo tanks—New Vessels.* TB/ALL. (a) Each cargo tank of a tank vessel shall be equipped with a vent.

(b) Cargo tanks in which Grade A liquids are to be transported shall be fitted with a venting system consisting of a branch vent line from each cargo tank connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or pressure-vacuum relief valve. Each branch vent line may be provided with a manually operated control valve, provided it is bypassed with a pressure-vacuum relief valve or each cargo tank to which such a branch vent line is connected is fitted with an independent pressure-vacuum relief valve.

In barges with independent tanks carrying Grade A liquids, separate discharge pipes may be fitted to each pressure-vacuum relief valve, or the pressure-vacuum relief valve may be elevated so that in either case the discharge from such valve will not be less than 7 feet above the deck where practicable.

Delete Section II–7–9. TB/ALL. Insert in lieu thereof the following:

••••II–7–9. *Venting of Cargo Tanks—Existing Vessels.* TB/ALL. The venting of cargo tanks of existing vessels shall be made to equal the requirements of new vessels where the changes are, in the opinion of the local inspectors, necessary in the interests of safety: Provided, That on existing vessels carrying Grade A cargo no relaxation shall be allowed from new ship requirements.

Delete Section II–8–2. TB/ALL. (c), and insert in lieu thereof the following:

••••II–8–2. TB/ALL. (c) Means shall be provided for controlling the cargo or pump room bilge pumps and their suctions and discharges in order that a flooded pump room may be pumped out. Suitable portable or fixed air-driven or hand-operated pumps may be accepted as complying with this provision.

Delete Section II–8–3. TB/ALL. (a) and (b), and insert in lieu thereof the following:

••••II–8–3. *Cargo Pumps—Existing Vessels With Independent Cargo Tanks.* TB/ALL. (a) Cargo pumps on existing vessels may be located in a hold space containing independent cargo tanks or on deck. If the pump driving unit is of the type permitted in cargo pump rooms, it also may be located in the hold space. If other types of driving units are used, they shall be located on deck or in an engine compartment. If the pump drive shaft passes through decks or bulkheads into a hold space or pump room, it shall be provided with suitable stuffing boxes at such points.

(b) Cargo pumps on existing vessels may be connected to bilges in hold spaces containing independent cargo tanks; provided, that such suction branch is fitted with two valves, one of which shall be of a non-return screw-down type.

Delete Section II–8–4. TB/ALL. (a), and insert in lieu thereof the following:

•II–8–4. *Cargo piping—New Vessels.* TB/ALL. (a) Pipe lines shall be carefully fitted to avoid stresses at the joints. For sizes above 2 inches in diameter, flanged, welded, or other approved connections shall be made throughout and packing shall be of a material suitable for the cargo carried. Connections at oil-tight bulkheads or other divisions shall be made in such manner that the plating does not form part of a flanged joint. Cargo pipe lines shall not pass through spaces containing machinery where sources of vapor ignition are normally present. Cargo lines can be carried through bunker spaces only by providing a pipe tunnel or alley.

Cargo pipe lines may pass through cargo pump engine compartments on existing vessels provided no cargo valves are located therein.

Delete Section II–9–2. TB/ALL. Insert in lieu thereof the following:

••••II–9–2. *Whistles.* T/ALL. Each tankship shall be provided with an efficient whistle sounded by steam or by some substitute for steam to give the necessary whistle signals. All whistles shall be placed at an elevation of not less than 6 feet above the top of the pilot house, where the clearance for passing under bridges will permit it. Tankships navigating the Red River of the North, Yukon, and similar rivers, and rivers whose waters flow into the Gulf of Mexico, and tankships of less than 100 gross tons may have their whistles located not less than 2 feet above the tops of their pilot houses, such whistles or substitutes shall be satisfactory in sound and source of power for the purpose intended.

Delete Section II–9–5. T/ALL. Insert in lieu thereof the following:

••••II–9–5. *Alarm bells.* T/ALL. (a) The sleeping accommodations of all tankships of over 100 gross tons shall be equipped with a sufficient number of alarm bells so located as to warn all occupants. The alarm bells, if electric, shall be operated from a switch located in the pilot house or on the bridge, such switch to be marked to indicate the on and off position. The bells shall be of such size, character, and construction as to provide an alarm throughout the spaces for which they are provided.

B/OC. (b) Each tank barge of over 100 gross tons, where the crew is divided into watches for the purpose of steering the vessel, shall be provided with a suitable alarm bell installation.

Delete Section II–9–6. T/OCL. Insert in lieu thereof the following:

•II–9–6. *Sounding Machines.* T/OCL. All tankships of 500 gross tons and over shall be equipped with an efficient mechanical deep-sea sounding apparatus, in addition to the ordinary deep-sea hand lead. The mechanical deep-sea sounding apparatus above required shall be installed, kept in working order, and ready for immediate use: Provided, That tank vessels of less than 1500 gross tons navigating the Great Lakes exclusively need not be equipped with deep-sea sounding apparatus as required by this paragraph.

Delete Sections III–2–1, III–2–2, III–2–3 and III–2–4, and insert in lieu thereof the following:

•III–2–1. *Tankships, Ocean.* T/O. All tankships which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board. No boat shall be of less than 180 cubic feet measurement.

•III–2–2. *Barges, Ocean.* B/O. All tank barges which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats to accommodate all persons on board. No boat shall be of less than 125 cubic feet measurement.

••••III–2–3. *Tankships, Coastwise.* T/C. All tankships which normally operate 20 miles or less offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board. No boat shall be of less than 180 cubic feet measurement except by approval of the Bureau.

••III–2–4. *Barges, Coastwise.* B/C. All tank barges which normally operate 20 miles or less offshore shall carry a sufficient number of lifeboats to accommodate all persons on board. No boat on a tank barge of 100 gross tons or over shall be of less than 125 cubic feet measurement, except by approval of the Bureau. No boat on a tank barge of less than 100 gross tons shall be of less than 90 cubic feet measurement, except by approval of the Bureau.

••III–2–5. TB/L. All tank vessels operating on the waters of the Great Lakes shall carry a sufficient number of lifeboats to accommodate all persons on board. No boat on a tank vessel of 100 gross tons or over shall be of less than 90 cubic feet measurement except by approval of the Bureau. No boat on a tank vessel of less than 100 gross tons shall be of less than 60 cubic feet measurement.

All tank vessels of 300 gross tons and over, operating on the waters of the Great Lakes, shall carry in addition to their lifeboat equipment one approved and fully equipped life raft of suitable size, with one self-igniting water light attached thereto by manila lanyard of about 15 thread, 3 fathoms in length, raft to be stowed in a manner to allow same to float clear in the event of sinking of the vessel; Provided, however, That the self-igniting water light need not be attached to

the raft. When the self-igniting water light is not attached to the raft a snap hook shall be provided for this purpose.

**III–2–6. TB/BR. All tank vessels operating exclusively on bays, sounds, lakes (other than the Great Lakes), rivers, harbors, or inland waters tributary to the Gulf of Mexico, shall carry boats, rafts, or buoyant apparatus of sufficient number to accommodate all persons on board. No boat shall be of less than 60 cubic feet measurement. The minimum size of any piece of buoyant apparatus shall be such as to accommodate at least five persons.

**III–2–6. TB/LB. The local inspectors may issue permits to tank vessels of less than 100 gross tons which are certificated for lake, bay and sound routes, to engage on short voyages to points beyond such waters, but not more than 15 miles from the port of refuge, provided that such vessels are equipped with a sufficient number of lifeboats, rafts, or buoyant apparatus to accommodate all persons on board. No lifeboat shall be of less than 60 cubic feet measurement. The minimum size of any life raft or piece of buoyant apparatus shall be such as to accommodate at least five persons.

*Section III–3–1. *Tankship lifeboat equipment, ocean and coastwise.* T/OC has been rearranged in alphabetical order as follows:

Paragraph (g)—change to read paragraph (f).
Paragraph (h)—change to read paragraph (g).
Paragraph (i)—change to read paragraph (h).
Paragraph (j)—change to read paragraph (i).
Paragraph (k)—change to read paragraph (j).
Paragraph (l)—change to read paragraph (k).
Paragraph (m)—change to read paragraph (l).
Paragraph (n)—change to read paragraph (m).
Paragraph (o)—change to read paragraph (n).
Paragraph (p)—change to read paragraph (o).
Paragraph (q)—change to read paragraph (p).
Paragraph (r)—change to read paragraph (q).
Paragraph (s)—change to read paragraph (r).
Paragraph (t)—change to read paragraph (s).
Paragraph (u)—change to read paragraph (t).
Paragraph (v)—change to read paragraph (u).
Paragraph (w)—change to read paragraph (v).
Paragraph (x)—change to read paragraph (w).
Paragraph (y)—change to read paragraph (x).
Paragraph (f)—change to read paragraph (y).
(No change has been made in the wording.)

*In Section III–3–2, Tankship lifeboat equipment, Great Lakes, T/L. (a), delete the small letter (a) at end. This section has been rearranged in alphabetical order as follows:

Paragraph (b)—change to read paragraph (a).
Paragraph (c)—change to read paragraph (b).
Paragraph (d)—change to read paragraph (c).
Paragraph (e)—change to read paragraph (d).
Paragraph (f)—change to read paragraph (e).
Paragraph (g)—change to read paragraph (f).
Paragraph (h)—change to read paragraph (g).
Paragraph (i)—change to read paragraph (h).
Paragraph (j)—change to read paragraph (i).
Paragraph (k)—change to read paragraph (j).
Paragraph (l)—change to read paragraph (k).
Paragraph (m)—change to read paragraph (l).
Paragraph (n)—change to read paragraph (m).
Paragraph (o)—change to read paragraph (n).
Paragraph (p)—change to read paragraph (o).
Paragraph (q)—change to read paragraph (p).
Paragraph (r)—change to read paragraph (q).
Paragraph (s)—change to read paragraph (r).
Paragraph (t)—change to read paragraph (s).
Paragraph (u)—change to read paragraph (t).
Paragraph (v)—change to read paragraph (u).

*In Section III–3–3, Tankship lifeboat equipment, bays, sounds, lakes, other than the Great Lakes, and rivers, T/BR. (a), delete the small letter (a) at end. This section has been rearranged in alphabetical order as follows:

Paragraph (b)—change to read paragraph (a).
Paragraph (c)—change to read paragraph (b).
Paragraph (d)—change to read paragraph (c) and read 2 hatchets in lieu of 1 ax.
Paragraph (e)—change to read paragraph (d).
Paragraph (f)—change to read paragraph (e).
Paragraph (g)—change to read paragraph (f).
Paragraph (h)—change to read paragraph (g).
Paragraph (i)—change to read paragraph (h).
Paragraph (j)—change to read paragraph (i).
Paragraph (k)—change to read paragraph (m).
Paragraph (l)—change to read paragraph (j).
Paragraph (m)—change to read paragraph (k).
Paragraph (n)—change to read paragraph (l).

*Section III–3–4. *Barges—Lifeboat Equipment, All Waters.* B/ALL. Lifeboats on barges shall be equipped as follows:

Delete the small letter (a) in the heading and rearrange the following paragraphs in alphabetical order as follows:

Paragraph (b)—change to read paragraph (a).
Paragraph (c)—change to read paragraph (b).
New Paragraph (c) inserted to read as follows:

(c) *Lantern.* One lantern containing sufficient oil to burn at least nine hours and ready for immediate use.

Paragraph (d) remains unchanged.
Paragraph (e) remains unchanged.
New paragraph (f) inserted to read as follows:

(f) *Matches.* One box of safety matches wrapped in a water proofed package, in a water-tight container secured to the underside of the stern thwart.

Paragraph (f)—change to read paragraph (g) and amend as follows: four oars and one steering oar with rowlock or becket.

Paragraph (g)—change to read paragraph (h).
Paragraph (h)—change to read paragraph (i).
Paragraph (i)—change to read paragraph (j).

Delete Section III–3–5. TB/ALL. (a), and insert in lieu thereof the following:

*III–3–5. *Tankships—Life Raft Equipment, Ocean, Coastwise.* T/OC. Life rafts shall be equipped as follows:

(a) *Boat hook.*—One boat hook on a suitable staff.

(b) *Distress signals.*—One watertight metal case containing 12 self-igniting red lights of same character as distress lights required for lifeboats, the container to be of the same material and construction as required for lifeboats: Provided, That a container of the same material and construction, with a cover of not less than 3 inches in diameter, may be used on life rafts.

(c) *Drinking cups.*—Two enameled drinking cups.

(d) *Life line.*—One life line properly secured entirely around the sides and ends of the raft, festooned in bights not longer than 3 feet with seine floats in each bight.

(e) *Matches.*—One box of safety matches in a watertight container.

(f) *Oars.*—Four oars.

(g) *Painter.*—One painter of manila rope not less than 2¾ inches in circumference, and of a length not less than three times the distance between the boat deck and the light draft.

(h) *Provisions.*—One airtight receptacle containing 2 pounds of provisions for each person. These provisions may be of hard bread or its equivalent in any approved emergency ration of cereal or vegetable compound. No meat or other ration requiring saline preservative shall be allowed. The receptacle shall be of metal fitted with an opening in the top not less than 5 inches in diameter properly protected by a screw cap made of heavy case brass with machine thread and an attached double toggle, seating to a pliable rubber or felt gasket, which shall insure a tight joint.

(i) *Rowlocks.*—Five rowlocks attached by separate chains.

(j) *Sea anchor.*—One sea anchor constructed of good quality canvas or other satisfactory material; and, if of circular pattern, to be not less than 2 feet in diameter.

(k) *Self-igniting water light.*—One self-igniting water light of approved type. (See Appendix C–9).

(l) *Storm oil.*—One container holding 1 gallon of vegetable or animal oil so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea anchor.

(m) *Water.*—One water-tight receptacle containing 1 quart of water for each person.

Delete Section III–3–6. TB/ALL. (a), and insert in lieu thereof the following:

****III–3–6. *Life Raft Equipment.* TB/L. and B/OCL. Life rafts shall be equipped as follows:

(a) *Boat hook.*—One boat hook on a suitable staff.

(b) *Distress Signals.*—One watertight metal case containing 12 self-igniting red lights of same character as distress lights required for lifeboats, the container to be of the same material and construction as required for lifeboats: Provided, That a container of the same material and construction, with a cover of not less than 3 inches in diameter, may be used on life raft.

(c) *Life line.*—One life line properly secured entirely around the sides and ends of the raft, festooned in bights not longer than 3 feet with seine floats in each bight.

(d) *Matches.*—One box of safety matches in a watertight container.

(e) *Oars.*—Four Oars.

(f) *Painter.*—One painter of manila rope not less than 2¾ inch in circumference, and of a length not less than three times the distance between the boat deck and the light draft.

(g) *Rowlocks.*—Five rowlocks attached by separate chains.

(h) *Sea anchor.*—One sea anchor constructed of good quality canvas or other satisfactory material; and, if of circular pattern, to be not less than 2 feet in diameter.

(i) *Self-igniting water light.*—One self-igniting water light of approved type. (See Appendix C–9)

(j) *Storm oil.*—One container holding 1 gallon of vegetable or animal oil so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea anchor.

Immediately following Section III–3–6 insert new Section III–3–7 as follows:

**Section III–3–7. *Tank Vessels—Life Raft Equipment, Bays and Rivers.* TB/BR: Life rafts shall be equipped as follows:

(a) *Boat hook.*—One boat hook on a suitable staff.

(b) *Life line.*—One life line properly secured entirely around the sides and ends of the raft, festooned in bights not longer than 3 feet with seine floats in each bight.

(c) *Oars.*—Four oars.

(d) *Painter.*—One painter of manila rope not less than 2¾ inches in circumference, and of a length not less than three times the distance between the boat deck and the light draft.

(e) *Rowlocks.*—Five rowlocks attached by separate chains.

Immediately following Section III–3–7 insert new Section III–3–8 as follows:

***III–3–8. *Equipment for buoyant apparatus.* TB/ALL. Buoyant apparatus designed to accommodate 25 persons or more shall be fitted and equipped as follows:

(a) *Life line.* One life line properly secured entirely around the sides and ends of the buoyant apparatus, festooned in bights not longer than 3 feet with a seine float in such bight.

(b) *Painter.* One painter of sufficient strength properly secured to the buoyant apparatus so that the buoyant apparatus may be lowered from the deck where stored to the water. It shall be of good quality manila rope not less than 2 inches in circumference and at least equal in length to the height of the boat deck where stored to the vessel's light seagoing draft plus 6 feet.

(c) *Self-igniting water light.* One self-igniting water light of approved type. (See Appendix C–9.)

Buoyant apparatus designed to accommodate less than 25 persons shall not be required to be equipped with a self-igniting water light. Such apparatus weighing less than 75 pounds shall not be required to have a painter for lowering.

Delete Present Section III–5–6. T/OCLB. Insert in lieu thereof the following:



****III–5–6. *Person in charge of each boat.* TB/OCLB. A licensed deck officer, an able seaman, or a certificated lifeboatman shall be placed in charge of each boat or life raft. He shall have a list of its lifeboat men and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

Change present heading of Section III–5–7. *Certificated Lifeboatmen in each boat.* T/OCLB to read as follows:

****III–5–7. *Certificated Lifeboatmen in each boat.* TB/OCLB.

Delete Section C–10–4 and insert in lieu thereof the following:

****C–10–4. *Factory tests.* T/OC. (a) Tests and approval. A mounted line-carrying gun shall be tested in the presence of the supervising inspector of the district by firing three rounds from the gun. At least one round shall carry the regular service projectile with one of the service lines attached for a distance of at least 1,050 feet without breaking or fouling the line, under conditions of a reasonably still atmosphere. The other rounds shall be fired with not less than the same weight powder charge used in the above test, and one shall be fired with not less than an 8-ounce charge. The projectile used for these shots shall be of the same weight as the service projectile, but no line need be attached. Test shots shall be fired from the gun when mounted on its own carriage, lashed as in shipboard use. After the test has been satisfactorily completed, the gun and carriage shall show no signs of fracture or damage.

(f) Marking of gun and equipment and filling reports. The mounted type line-carrying gun and its equipment, i. e., carriage line box, or reel and projectiles, shall all bear the same number and be initialed by the inspector who observes the test. He shall file a report of the test, together with the number of the gun, the date, and the result, in the office of the supervising inspector in whose district the test is made, and the supervising inspector shall furnish the manufacturer a copy of the report.

Delete Section III–7–4. TB/ALL. Insert in lieu thereof the following:

*III–7–4. *Attachment of Water Lights.* TB/ALL. On all tank vessels the self-igniting water lights need not be attached to the ring buoy, but may be placed alongside the buoy which it is intended to serve so that it can be easily and quickly attached to the buoy by means of its lanyard when needed in case of emergency. When self-igniting water lights are not attached to the ring buoys, a snap hook shall be provided for this purpose.

Delete Section III–9–1. T/OC. (a), (b), (c) and (d), and insert in lieu thereof the following:

****III–9–1. *Requirements—Ocean and Coastwise—Tank Ships.* T/OC. (a) All tank ships shall be equipped with a line-carrying gun and equipment auxiliary thereto as herein specified.

(b) Tank ships of more than 1000 gross tons shall be equipped with a mounted type gun either breech or muzzle loading, similar in size, performance, and general design to the guns used by the United States Coast Guard.

(c) All such tank ships of 150 gross tons and not more than 1,000 gross tons shall be equipped with a mounted type gun, either breech or muzzle loading, or a shoulder type gun, the requirements of which are set forth in a subsequent section under that heading. Delete paragraph (f), Section III–9–2, and insert in lieu thereof the following:

(f) *Auxiliary Line.* At least 1,500 feet of 3-inch manila line shall be carried by vessels of over 1,000 gross tons. This line shall be considered as part of the line-carrying gun equipment and shall be maintained in first-class condition at all times.

Delete Section IV–2–1. (b), and insert in lieu thereof the following:

****(b) Tank ships of 500 gross tons and under shall be equipped with an efficient hand pump capable of delivering 50 gallons per minute or a power-driven pump of equivalent

capacity. Provided: That on tank ships of 20 gross tons or under where it is impracticable to install a hand or power-operated fire pump, or on tank ships with only one man in the crew, at least one additional 15 pound $CO_2$ or the equivalent fire extinguisher may be accepted in lieu of a fire pump.

Delete Section IV–2–2. T/ALL. (a) and (b), and insert in lieu thereof the following:

*IV–2–2. *Capacity of Fire Pumps—Tank Ships of More Than 500 Gross Tons.* T/ALL.

(a) The capacity of the combined fire pump installation shall be one-fifth gallon per minute per gross ton of the tank ship. The maximum total fire pump capacity required for any tank ship shall be 800 gallons per minute.

(b) Pumps on tank ships of more than 500 gross tons shall be capable of delivering water through the highest outlets at a minimum pressure of 50 pounds per square inch at the hose nozzle when the pumps are delivering their rated capacity.

Paragraph (c) remains unchanged.

IV–2–5. Delete paragraph (a) of Section IV–2–5. T/ALL. Insert in lieu thereof the following:

*IV–2–5. *Fire pump relief valves, and piping.* T/ALL. (a) Fire pumps shall be equipped on the discharge side with a relief valve and a pressure gauge to indicate the pressure on the firemain. Except when the fire pump is being used in connection with tank cleaning operations, the relief valve shall be set to relieve at 125 pounds per square inch pressure.

Paragraphs (b), (c) and (d) remain unchanged.

Delete Paragraph (e).

Change title of Section IV–3. *Fire Equipment for Cargo Space, etc.,* to read:

*Section IV–3. *Fire Extinguishing Equipment—Cargo Spaces—Boiler Room and Machinery Spaces, Etc.*

Delete Section IV–3–1. Insert in lieu thereof the following:

****IV–3–1. *General Requirement.* Cargo Spaces. T/ALL. (a) Every tankship shall be provided with suitable pipes and valves attached to the boiler to convey steam into the hold and into the different compartments thereof, and into the fuel tanks, to extinguish fire, or such other suitable apparatus as may be prescribed.

****(b) The valves on steam and carbon dioxide fire extinguishing systems shall be plainly marked to indicate the compartment into which they discharge. Such smothering pipes shall enter the tank at a point above the highest liquid level at which cargo is carried.

Delete Section IV–3–2. Insert in lieu thereof the following:

****IV–3–2. *Systems Which May be Substituted for Steam—Cargo Spaces.* T/ALL. On tankships, foam, gases, or vapors, or any other effective fire extinguishing system may be substituted for steam, provided such system, if fixed, is completely installed in accordance with approved drawings and specifications. Such systems may be portable, semi-portable, or fixed, and may be of more than one type, provided its total capacity equals the requirements of these regulations. Provided, however, carbon tetrachloride may be used for fighting fire in cargo spaces allowing one quart of carbon tetrachloride for each 225 cubic feet of space, upon approval of the Bureau only. In no case will carbon tetrachloride be allowed for fighting fire in cargo spaces on tankships where the volume of the largest cargo compartment exceeds 6,300 cubic feet.

Delete Section IV–3–3. T/ALL. (a), and insert in lieu thereof the following:

****IV–3–3. *Minimum capacity of fire-extinguishing systems for cargo spaces.* T/ALL. (a) For steam, inert gases, and vapors. The minimum capacity of fire systems for cargo spaces shall be based upon the volume of the largest cargo compartment, in cubic feet, which shall be determined by measurements taken between fire-retarding boundaries such as decks, shells, tank bottoms, and bulkheads.

Change present Section IV–3–9. T/ALL to Section IV–3–13 and insert in its place the following:

**IV–3–9. *Fixed fire-extinguishing systems for boiler room and machinery spaces.* T/ALL. Fixed fire-extinguishing systems, when installed in boiler rooms or machinery spaces of tank ships, shall be fitted with equipment of the type and character specified as follows:

(a) *Carbon Dioxide System Requirements.* 1. When a carbon dioxide smothering system is installed in the boiler room of steam propelled tankships, the quantity of carbon dioxide carried shall not be less than that determined by the following formula:

$$W=\frac{L\times B\times D}{36}$$

Where

$W$ = weight of $CO_2$ required, in pounds.
$L$ = length of the boiler room, in feet.
$B$ = breadth of the boiler room, in feet.
$D$ = distance in feet from tank top to highest point of shell of fire tube boilers, or top of drum or casing, whichever is highest on water tube boilers.

When a carbon dioxide smothering system is installed in the machinery space of vessels which are propelled by internal combustion engines, the quantity of carbon dioxide carried shall not be less than that determined by the following formula:

$$W=\frac{L\times B\times D}{22}$$

where

$W$ = weight of $CO_2$ required, in pounds.
$L$ = length of the machinery space, in feet.
$B$ = breadth of the machinery space, in feet.
$D$ = distance in feet from tank top to top of engine.

*Provided, however:* That all tankships propelled by internal combustion engines using gasoline as fuel shall be fitted with a fixed $CO_2$ smothering system in the engine room space.

2. The whole charge of gas shall be capable of being released simultaneously by operating one valve and control; such valve or control shall be adequately protected to avoid the accidental discharge of gas. All cylinders shall be completely discharged in not more than two minutes. The arrangement of the piping shall be such as to give a general and fairly uniform distribution over the entire area protected. A suitable alarm shall be provided to operate automatically when the control valve is operated, and shall be located in the area protected. Provision shall be made to prevent the admission of air into the lower parts of the area protected when the system is in operation.

3. Where $CO_2$ equipment is provided for cargo spaces and also for boiler and machinery spaces, it shall be so interconnected that the entire equipment may be used for fighting fire in any one of such spaces.

(b) *Foam Smothering System Requirements.* 1. When a foam type system is fitted, its capacity shall be such as to discharge rapidly over the entire area of the bilge (tank top) of the largest boiler room a volume of foam six inches deep. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

2. The foregoing system may be of a type employing either two-solution tanks or one or more generators using an approved dry chemical mixture. All containers and valves by which they are operated shall be easily accessible and so placed that they will not readily be cut off from use by an outbreak of fires.

3. When a semi-portable foam generator using a dry chemical mixture in conjunction with the fire line is provided, stop valves, which may be closed in case of a rupture of the fire line, shall be installed in such line, and a connection for at least two fire hoses shall be provided aft of the after stop valve, provided, however, foam generators will not be allowed on any tank vessels unless at least one fire pump of suitable capacity is located or can be controlled outside of the space to be protected.

(c) Where the boiler room is not entirely separated from the machinery space by a fire-resistive bulkhead, both compartments shall be considered to be one space for the purpose of determining the amount of foam or inert gas necessary.



Change Section IV–3–10. T/ALL to Section IV–3–12, and insert in its place the following:

**IV–3–10. *Fire extinguishing equipment other than fixed—For Boiler Room and Machinery Spaces.* T/ALL.

The minimum requirements for fire fighting equipment on all tankships which are not fitted with fixed fire extinguishing systems in boiler room and machinery spaces shall be of the type and character specified as follows:

(a) 1. Steam vessels of more than 750 gross tons. One foam type fire extinguisher of not less than 40 gallon capacity, or not less than 100 pounds of carbon dioxide, for each boiler room.

2. Steam vessels of 750 gross tons and under. One foam type fire extinguisher of not less than 20 gallon capacity, or not less than 50 pounds of carbon dioxide for each boiler room.

(b) 1. Internal combustion engine driven ships of 50 gross tons and upward. One foam type fire extinguisher of not less than 12 gallon capacity, or not less than 30 pounds of carbon dioxide for each 1,000 B. H. P. or fraction thereof.

2. When donkey boilers using oil as fuel are located in the machinery space on vessels propelled by internal combustion engines, there shall be substituted for one of the 12 gallon foam type, or 30 pound carbon dioxide fire extinguishers, one foam type fire extinguisher of not less than 40-gallon capacity, or at least 100 pounds of carbon dioxide.

(c) 1. All of the above extinguishers shall be fitted with suitable hose attachments or other approved methods of distributing the foam or carbon dioxide in any part of the spaces to be protected.

Immediately following Section IV–3–10 insert new Section IV–3–11 as follows:

**IV–3–11. *Spray Nozzles.* T/ALL. Fire hose lines in boiler and machinery spaces of vesesls of 3,000 gross tons or over, except vessels driven by electric motors, shall be provided with at least two suitable nozzles of an approved type which are capable of effectively extinguishing oil fires. This equipment shall be kept in efficient condition and ready for use at all times.

IV–5–6. *Hand Fire Extinguishers—Numbers Required on Tank Ships.* T/ALL.

Add new paragraph (e) to this section to read as follows:

****(e) Tank ships of 15 gross tons and under shall be equipped with at least two 2½ gallon foam type, or the equivalent, fire extinguishers as provided in IV–5–6 (c).

Change title and paragraph (a) of Section IV–5–7. *Hand fire extinguishers required on Tank Vessels using oil as fuel.* TB/ALL to read as follows:

*IV–5–7. *Hand fire extinguishers required on Tank Vessels of over 15 gross tons using oil as fuel.* TB/ALL.

(a) In boiler rooms, and machinery spaces which contain internal combustion engines, there shall be provided at least two 2½ gallon foam type fire extinguishers or their equivalents as provided in IV–5–6 (c). On tank ships these fire extinguishers shall be in addition to those provided in IV–5–6.

Delete Section IV–6–1 (a) and (b), TB/ALL. and insert in lieu thereof the following:

****(a) Tank vessels of 500 gross tons and under, using oil as fuel under boilers, shall be fitted with metal tanks in the space where such oil is used, containing 5 cubic feet of sand and a scoop or shaker for distributing same, and such tank, sand, and scoop, when so provided, may be considered as replacing one of the fire extinguishers required under IV–5–7 (a).

(b) Tank vessels of over 500 gross tons, using oil as fuel, under boilers, shall be fitted with metal tanks in the space where such oil is used, containing 10 cubic feet of sand and a scoop or shaker.

Delete Section IV–7–2 (b), and insert in lieu thereof the following:

****(b) B/ALL. Each unmanned tank barge not provided with a cargo pump room shall be equipped with at least one 2½-gallon foam type fire extinguisher or the equivalent, which may be carried aboard the barge or the towing vessel while under way. When the barge is moored to the dock, such equipment shall be accessible, or equivalent equipment may be supplied by the terminal.

Delete Section V–1–4. TB/ALL.

Delete Section V–1–5. B/CBLR. Insert in lieu thereof the following:

****V–1–4. *Watchman.* B/ALL. (a) *Manned Barge.*—At least one member of the crew of a manned tank barge shall be on board at all times except when the vessel is gas-free or is moored at a dock or terminal at which watchman service is provided.

B/BLR. (b) *Unmanned Barge.*—On each normally unmanned barge, or barge in tow, a strict watch shall be kept at all times from the towing vessel, either by a licensed officer or certificated tankerman, while the vessel is under way, and the same shall apply at all times while the barge is moored at a dock, unless the barge is gas-free, or watchman service is provided, or unless reasonable precaution is taken to prevent unauthorized persons from boarding the barge. These watchmen may be members of the regular complement of the towing vessel.

Renumber Section V–1–6 to read: V–1–5.

Renumber Section V–1–7 to read: V–1–6.

Renumber Section V–1–8 to read: V–1–7.

Delete Section V–1–9. TB/ALL. Insert in lieu thereof the following:

***V–1–8. *Shipping Papers.* TB/ALL. Each loaded tank vessel shall have on board a bill of lading, manifest, or shipping document giving the name of the consignee and the location of the delivery point, the kinds, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled. The tank vessel shall not be delayed in order to secure exact quantities of cargo. Such manifests or bills of lading may be made out by the master, master of the towing vessel, owner, or agent of the owner. Provided, however, in the case of unmanned barges where shipping papers are not available, an entry in the log book of the towing vessel giving the name of the shipper and location of shipping point, the name of the consignee and location of delivery point, the approximate kind, grade and quantity of cargo in each barge of the tow, and for whose account the cargo is being handled, shall be considered as complying with these requirements.

Delete present Section V–1–10. Insert in lieu thereof the following:

***V–1–9. *Sanitary condition and crew quarters.* T/ALL.

****(a) It shall be the duty of the master and chief engineer of every tankship to see that such vessel and crew's quarters are kept in a sanitary condition.

(b) Crew quarters shall be kept in sanitary condition by daily cleaning and removal of rubbish, and by painting at regular intervals as needed. Floors shall be maintained in good condition to facilitate cleaning. Lighting, heating, and ventilation in quarters shall be maintained in satisfactory condition: Provided, however, That forced ventilation when installed may be closed down during transfer of cargo. Repairs or changes in electric wiring shall only be made with the approval of the chief engineer.

Delete Section V–4–5. TB/ALL. Insert in lieu thereof the following:

*V–4–5. *Fresh Air Breathing Apparatus.* TB/ALL. All manned tank vessels having cargo tanks which exceed 15 feet in depth, measured from the deck, shall be provided with fresh air breathing apparatus, including belt and life lines.

Delete Section V–5–1. *Men on Duty.* TP/ALL. and insert in lieu thereof the following:

*V–5–1. *Men on Duty.* TB/ALL.

Delete Section V–5–9. B/R. Insert in lieu thereof the following:

*V–5–9. *Auxiliary Steam, Electric Current, etc.* B/ALL. When discharging cargo from one or more barges, the towing vessel may furnish steam, air, or electric current for pumps on barges or dock, but in no case shall the cargo pass through or over the towing vessel.

Delete Section V–5–12. TB/ALL. Insert in lieu thereof the following:

••••V–5–12. *Transfer of Other Cargo or Stores.* TB/ALL. (a) Package goods, freight, and ships' stores shall not be loaded or discharged during the loading of Grade A, B, or C products except by permission of the senior deck officer on duty. Explosives as cargo shall not be loaded or carried on any tank vessel containing Grade A, B, or C cargo.

(b) B/ALL. Tank barges may be permitted to transport deck cargoes directly over bulk cargo spaces when the nature of such deck cargoes, and the method of loading and unloading same does not create an undue hazard. Such vessels shall have their decks properly dunnaged to prevent chafing between the steel parts of the vessel and the deck cargo.

(c) B/ALL. Vents on cargo tanks of tank barges which transport general cargo directly over bulk cargo spaces shall be extended to an elevation above that at which the general cargo over such spaces is stowed.

R. S. FIELD,
*Director.*
[SEAL] CHESTER W. WILLETT,
*Supervising Inspector 6th District.*
EUGENE CARLSON,
*Supervising Inspector 3rd District.*

Approved,
DANIEL C. ROPER,
*Secretary of Commerce.*

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[Resolution No. 1511–90]

APPROVAL OF MISCELLANEOUS ITEMS OF EQUIPMENT

*Resolved,* That under authority of Sections 4405 and 4491 R. S., the following equipment be and hereby is approved for use on vessels subject to inspection:

FIRE EXTINGUISHERS

4156. Pyrene 2-gallon Pump Type Extinguisher, manufactured by the Pyrene Manufacturing Company, Newark, N. J., for use on tank barges only.

4097. Pyrene 1-gallon Carbon Tetrachloride Extinguisher, manufactured by the Pyrene Manufacturing Company, Newark, N. J., for use on tank barges only.

4184. Pyrene 12-gallon Foam Type Extinguisher, manufactured by the Pyrene Manufacturing Company, Newark, N. J.

4128. "Valmar" 3½-gallon Carbon Tetrachloride, Model F–R–X, Fire Extinguisher, manufactured by the American-La France and Foamite Industries, Inc., Elmira, New York, for use on tank barges only.

APPARATUS FOR EXTINGUISHMENT OF FIRE IN COMPARTMENTS OF VESSELS

2593–1. No. 1380 Marine Sprinkler Water Flow Alarm System, manufactured by the American District Telegraph Co., 155 Sixth Avenue, New York, N. Y.

2593–1. No. 1380 Marine Manual Fire Alarm System, manufactured by the American District Telegraph Co., 155 Sixth Avenue, New York, N. Y.

FIRE INDICATING AND ALARM SYSTEMS

350.4. Watchman's Clock, manufactured by the Detex Watchclock Corporation, 76 Varick Street, New York, N. Y.

LIFE PRESERVERS

3501. Rubatex Life Preserver, manufactured by the Rubatex Products, Inc., 227 Park Avenue, New York, N. Y.

4042. Kapok life jacket with water light, manufactured by the Sea-Lite Manufacturing Corporation, 79 Tremont Street, Boston, Massachusetts.

HOSE MASKS

340.10 MSA Combination Hose Mask, Manufactured by the Mine Safety Appliances Company, Braddock, Thomas and Meade Streets, Pittsburgh, Pennsylvania, for use on tank vessels.

SERVICE LINES FOR LINE CARRYING GUNS

4182. Regan's #6 and #7 Service Lines for Life Saving Guns, manufactured by the John F. Regan Company, 70 Warren Street, New York, N. Y.

R. S. FIELD,
*Director.*
[SEAL] CHESTER W. WILLETT,
*U. S. Supervising Inspector, 6th District.*
EUGENE CARLSON,
*U. S. Supervising Inspector, 3rd District.*

Approved:
DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37–3360; Filed, November 18, 1937; 12:32 p. m.]

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## COMMODITY CREDIT CORPORATION.

1937–38 C. C. C. Cotton Form 1

AMENDMENT TO COMMODITY CREDIT CORPORATION'S "INSTRUCTIONS"

1937 COTTON CIRCULAR LETTER NO. 1

SEPTEMBER 17, 1937.

The Executive Committee of Commodity Credit Corporation has made the following ruling with reference to loans under the 1937–38 cotton loan program:

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"The provisions of Section 1 (b) of the printed Instructions (1937–38 C. C. C. Cotton Form 1) and of Paragraph 2 of the Loan Agreement (1937–38 C. C. C. Cotton Form A), providing that a landlord cannot borrow on the tenant's share nor on cotton taken in on account, have been and hereby waived, but this shall in nowise affect the requirement that cotton must have been produced by a 'producer' as defined in Section 1 (a) of the Instructions (1937–38 C. C. C. Cotton Form 1)."

[SEAL] BEN JOHNSON,
*Vice President.*

[F. R. Doc. 37–3357; Filed, November 18, 1937; 9:50 a. m.]

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1937–38 C. C. C. Cotton Form 1

AMENDMENT TO COMMODITY CREDIT CORPORATION'S "INSTRUCTIONS"

1937 COTTON CIRCULAR LETTER NO. 2

OCTOBER 4, 1937.

The provisions of paragraph 3 of the printed Instructions, 1937–38 CCC Cotton Form 1, have been amended to provide as follows:

Loans to producers will be made on *tenderable grades* of *cotton* on the basis of the following schedule of loan values:

| Grade | Staple | Loan Value Per Pound | Staple | Loan Value Per Pound |
|---|---|---|---|---|
| *White and Extra White:* | | | | |
| Middling Fair | 1⅛" or better | 9.00¢ | Below 1⅛" | 8.00¢ |
| Strict Good Middling | 1⅛" or better | 9.00¢ | Below 1⅛" | 8.00¢ |
| Good Middling | 1⅛" or better | 9.00¢ | Below 1⅛" | 8.00¢ |
| Strict Middling | 1⅛" or better | 9.00¢ | Below 1⅛" | 8.00¢ |
| Middling | 1⅛" or better | 9.00¢ | Below 1⅛" | 8.00¢ |
| Strict Low Middling | 1⅛" or better | 8.50¢ | Below 1⅛" | 7.00¢ |
| Low Middling | 1⅛" or better | 7.75¢ | Below 1⅛" | 6.00¢ |
| *Spotted:* | | | | |
| Good Middling | 1⅛" or better | 9.00¢ | Below 1⅛" | 8.00¢ |
| Strict Middling | 1⅛" or better | 9.00¢ | Below 1⅛" | 8.00¢ |
| Middling | 1⅛" or better | 8.50¢ | Below 1⅛" | 7.00¢ |
| *Tinged:* | | | | |
| Good Middling | 1⅛" or better | 8.50¢ | Below 1⅛" | 7.00¢ |
| Strict Middling | 1⅛" or better | 7.75¢ | Below 1⅛" | 6.00¢ |
| *Stained:* | | | | |
| Good Middling | 1⅛" or better | 7.75¢ | Below 1⅛" | 6.00¢ |
| *Gray:* | | | | |
| Good Middling | 1⅛" or better | 8.50¢ | Below 1⅛" | 7.00¢ |
| Strict Middling | 1⅛" or better | 7.75¢ | Below 1⅛" | 6.00¢ |

[SEAL] BEN JOHNSON,
*Vice President.*

[F. R. Doc. 37–3358; Filed, November 18, 1937; 9:51 a. m.]



1937–38 C. C. C. Cotton Form 1

SUPPLEMENT TO COMMODITY CREDIT CORPORATION'S "INSTRUCTIONS"

1937 COTTON CIRCULAR LETTER NO. 3

OCTOBER 19, 1937.

Further supplementing the printed instructions contained in 1937–38 C. C. C. Cotton Form 1, with reference to loans on 1937 cotton, the following information is given for the assistance of banks and other lending agencies:

(1) If a landlord and tenant store cotton in a warehouse in their joint names, they may obtain a loan thereon by executing the note (1937–38 C. C. C. Cotton Form A) jointly. All of the other documents should be executed jointly also.

(2) Where a note is executed by a landlord and tenant jointly, as indicated above, it is not necessary for the landlord to sign the lien waiver in the loan agreement, and in the space in the loan agreement indicating whether the cotton was raised as a landowner, landlord or tenant, it should be indicated that it was raised as landlord and tenant.

(3) Notes executed by a tenant who has an administrator, executor or trustee as a landlord should be submitted for direct loans under Section 5 of 1937–38 C. C. C. Cotton Form 1, in order that Counsel may ascertain prior to their acceptance, that the documents are satisfactory.

(4) Warehouse receipts dated not later than the date of the note of the producer, which otherwise meet the requirements of section 11 of 1937–38 C. C. C. Cotton Form 1, are acceptable.

(5) The lending agency may rely upon the representation of the producer as to his status as landowner, landlord or tenant, as well as the other representations made by the producer under the terms of the loan agreement and those made by the warehouseman in the warehouseman's certificate and waiver, provided the lending agency acts in good faith and has no reason to believe that such statements and representations are untrue.

(6) Attention is again called to the fact that this Corporation's obligation to purchase eligible paper is applicable only to those banks and other lending agencies which have executed and delivered to each Loan Agency of the Reconstruction Finance Corporation through which paper is tendered for purchase, contract on 1937–38 C. C. C. Cotton Form D. This contract may be procured only from the Loan Agencies listed in Section 15 of 1937–38 C. C. C. Cotton Form 1, and must be completed by the counter-signature of the Managers or Acting Managers of such Loan Agencies as Agents of Commodity Credit Corporation. Banks or others acting or expecting to act as lending agencies should procure and execute contract to purchase immediately.

(7) Attention also is called to the requirement that the advice of loan slip attached to the loan agreement (1937–38 C. C. C. Cotton Form A) be completed, detached and mailed promptly to Commodity Credit Corporation, Washington, D. C. Failure to do so is a violation by the lending agency of the contract to purchase.

(8) Banks and other lending agencies holding producers' notes, on 1937–38 C. C. C. Cotton Form A, desiring, for their protection while they hold such notes, insurance coverage in addition to that provided by the warehouse man, must obtain such additional coverage at their own expense. This is explained fully in Section 13 of 1937–38 C. C. C. Cotton Form 1.

[SEAL] BEN JOHNSON,
*Vice President.*

[F. R. Doc. 37–3359; Filed, November 18, 1937; 9:51 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1937.

[File No. 43–91]

IN THE MATTER OF KNIFE RIVER COAL MINING COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Knife River Coal Mining Company, a subsidiary of United Public Utilities Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance by the applicant to said United Public Utilities Corporation of $112,746.17 principal amount of promissory notes dated January 1, 1937, due January 1, 1945, bearing 6% interest, and of $93,000 principal amount of promissory notes dated January 1, 1937, due January 1, 1945, bearing 7% interest, for the purpose of refunding outstanding demand notes of the declarant held by said United Public Utilities Corporation;

*It is ordered,* That a hearing on such matter be held on December 3, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 29, 1937.

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3365; Filed, November 18, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1937.

[File No. 46–78]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by United Public Utilities Corporation, a registered holding company, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of its acquisition of $112,746.17 principal amount of Promissory Notes of Knife River Coal Mining Company dated January 1, 1937, due January 1, 1945, bearing 6% interest, and of $93,000 principal amount of Promissory Notes of Knife River Coal Mining Company dated January 1, 1937, due January 1, 1945, bearing 7% interest, said Knife River Coal Mining Company being a subsidiary of the applicant;

*It is ordered,* That a hearing on such matter be held on December 3, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities com-

mission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 29, 1937.

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3364; Filed, November 18, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of November, 1937

File No. 1-427

IN THE MATTER OF KRESGE DEPARTMENT STORES, INC., 8% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the 8% Cumulative Preferred Stock, $100 Par Value, of Kresge Department Stores, Inc.; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on November 26, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3367; Filed, November 18, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 16th day of November, 1937.

[File No. 1-2688]

IN THE MATTER OF NATIONAL FUNDING CORPORATION 7% CLASS A CUMULATIVE COMMON STOCK, $10 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The National Funding Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its 7% Class A Cumulative Common Stock, $10 Par Value, from listing and registration on the Los Angeles Stock Exchange; and

After appropriate notice a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on November 26, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3366; Filed, November 18, 1937; 12:49 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of November, 1937.

[File No. 2-2922]

IN THE MATTER OF QUEENSBORO GOLD MINES, LTD.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Queensboro Gold Mines, Ltd., an Ontario corporation, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Items 27 and 54 and the prospectus, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Queensboro Gold Mine, Ltd., an Ontario corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3363; Filed, November 18, 1937; 12:49 p. m.]

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*Saturday, November 20, 1937* *No. 226*

## DEPARTMENT OF STATE.

NEGOTIATION OF TRADE AGREEMENT WITH THE UNITED KINGDOM CONTEMPLATED

NOVEMBER 18, 1937.

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution 10, approved March 1, 1937, and Executive Order No. 6750 of June 27, 1934, the Secretary of State announced today that this Government contemplates the negotiation of a trade agreement with the United Kingdom, and invited interested persons to submit suggestions as to the products that should be considered.

This preliminary announcement, which is made with a view to obtaining suggestions from interested persons in the early stages of the discussions, should not be confused with the formal notice of intention to negotiate regularly given. The formal notice will be issued at a later date, after receipt of the proposals of the Government of the United Kingdom, at which time there will also be made public a list of products on which the United States will consider granting concessions to the United Kingdom.



The object of this preliminary announcement is to provide notification at the earliest possible date that negotiations are contemplated, in order that interested parties may have an opportunity to suggest the import or export products which, in their opinion, should be included in the negotiations. Such suggestions, particularly those in regard to export products, are most useful to the trade-agreements organization if available at an early stage. Full information should be submitted as soon as possible. Exact technical descriptions of the products in question should be given, including, so far as possible, their nomenclature in the tariff laws of the importing country. These suggestions may be submitted in any form, and need not be under oath. They should be addressed to the Chairman of the Committee for Reciprocity Information, 7th and F Streets, NW, Washington, D. C., and should reach the Committee not later than December 16, 1937.

Suggestions received by the Committee for Reciprocity Information will be distributed promptly to all agencies of the trade-agreements organization for use in the preparation of lists of commodities that may be involved in the negotiations. The list of commodities upon which the United States will consider the granting of concessions to the United Kingdom will be published along with the formal notice of intention to negotiate. The formal notice, as heretofore, will indicate dates for the submission of briefs and applications for oral hearings, and the dates on which the customary open hearings will be held. The listing of products will indicate to American producers and importers whether or not particular tariff rates in which they are interested are under consideration. They will thus be saved the work of preparing briefs on products of interest to them but which are not expected to be involved in the negotiations.

A detailed compilation showing the principal products involved in the 1929 and 1936 trade between the United Kingdom and the United States, prepared in the Bureau of Foreign and Domestic Commerce of the Department of Commerce, may be obtained from that Bureau or from any of the District Offices of the Department of Commerce, as well as from the Committee for Reciprocity Information or the Department of State.

CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 37-3368; Filed, November 18, 1937; 3:32 p. m.]

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## WAR DEPARTMENT.

SPECIAL REGULATIONS TO GOVERN THE OPERATION OF THE SEABOARD AIR LINE RAILWAY DRAWBRIDGE OVER THE KISSIMMEE RIVER NEAR FORT BASSENGER, FLORIDA

*Supplemental to rules and regulations to govern the operation of drawbridges crossing all navigable waters of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries*

THE LAW

*[Here follows, in the original document, the text of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), which may be found at 2 F. R. 2813 (DI).]*

THE REGULATIONS

In pursuance of the foregoing law, the following special regulations are prescribed to govern the operation of the Seaboard Air Line Railway drawbridge over the Kissimmee River, near Fort Bassenger, Florida.

1. The owner of, or agency controlling, the bridge will not be required to keep a drawtender in constant attendance at the above-mentioned bridge.

2. Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of, or agency controlling, the bridge.

3. Upon receipt of such notice, the authorized representative of the owner of, or agency controlling, the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

4. The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can easily be read at any time a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph 2 may be reached.

5. The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

6. These regulations shall take effect and be in force on and after the date of approval hereof, and all regulations or parts of regulations applying to the above-named bridge in conflict therewith are hereby revoked to take effect on that date.

Approved, November 10, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 37-3370; Filed, November 19, 1937; 9:37 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

YUMA IRRIGATION PROJECT, ARIZONA VALLEY DIVISION

PUBLIC NOTICE (PRIVATE LAND ONLY)

NOVEMBER 10, 1937.

1. *Land for which water will be furnished.*—In pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, notice is hereby given that upon proper water-right application being made therefor, water will be furnished under the Valley Division of the Yuma Irrigation Project, Arizona, in the irrigation season of 1938 and thereafter, for the following described private lands:

GILA AND SALT RIVER BASE AND MERIDIAN, ARIZONA

| | Irrigable acreage |
|---|---|
| T. 8 S., R. 23 W.: | |
| Section 19, SW¼NW¼SE¼ | 10.00 |
| Section 20, SE¼SW¼ (N½ of Lots 3 and 8, Block 47, Townsend Tract) | 0.44 |
| T. 9 S., R. 23 W.: | |
| Section 17, NW¼SE¼ | 27.00 |
| SW¼SE¼ | 11.00 |
| T. 9 S., R. 24 W.: | |
| Section 12, NE¼SW¼ | 36.00 |
| NW¼SE¼ | 36.00 |
| T. 10 S., R. 24 W.: | |
| Section 16, NW¼SE¼ (that part lying east of Main Drain) | 17.00 |
| SW¼SE¼ (that part lying east of Main Drain) | 13.00 |
| T. 10 S., R. 25 W.: | |
| Section 1, Lot 5 (being part of NW¼SW¼) | 18.80 |

Supplemental diagrams showing the lands described were approved on the date of this notice and are on file in the office of the Superintendent at Yuma, Arizona, and in the local land office at Phoenix, Arizona.

2. *Limit of area for which water right may be secured.*—The maximum limit of area for which water-right application may be made for lands in private ownership is 160 acres of irrigable land for each owner.

3. *Application for water rights.*—All water-right applications must be made to the Superintendent of the Bureau of

Reclamation, Yuma, Arizona, upon forms provided for that purpose, and may be made on or after the date of this notice.

4. *Classes of charges for water rights.*—The water-right charges are of two kinds, to-wit: (a) A charge against each irrigable acre to cover the cost of construction of the irrigation system termed the construction charge; and (b) An annual charge against each irrigable acre to cover the cost of operation and maintenance of the system, termed the operation and maintenance charge.

5. *Construction charge.*—The construction charge for said land shall be One Hundred twenty-three dollars and nine cents ($123.09) per irrigable acre, payable as follows:

(a) For lands that were, prior to August 13, 1914, subjected by contract or otherwise to the provisions of the Reclamation law, one hundred eighteen dollars and nine cents ($118.09) per irrigable acre shall be paid in ten equal annual instalments, the first of which shall be paid at the time of filing water-right application, and subsequent instalments shall be due and payable December 1 of each year thereafter: *Provided, however,* That if water-right application subject to the provisions of the Reclamation Extension Act, or an acceptance of the provisions of said act, be filed within six months from the date of this notice, then and in that event said charge of one hundred eighteen dollars and nine cents ($118.09) per irrigable acre shall be payable in twenty instalments, the first of which shall become due and payable on December 1 following the date of water-right application, and subsequent instalments on December 1 of each year thereafter; in which event the first four instalments shall be each two per centum thereof, the next two instalments each four per centum thereof, and the next fourteen instalments each six per centum thereof.

(b) For the remaining land an initial payment of five per centum of one hundred eighteen dollars and nine cents ($118.09) per irrigable acre shall be made at the time of filing water-right application, and the remainder of said charge of one hundred eighteen dollars and nine cents ($118.09) per irrigable acre shall be paid in fifteen annual instalments, the first five of which shall each be five per centum of $118.09 per irrigable acre, and the remaining ten instalments each seven per centum thereof. The first of said fifteen annual installments shall become due and payable December 1 of the fifth calendar year after the initial installment and subsequent instalments shall become due and payable on December 1 of each calendar year thereafter.

(c) For all lands covered by this notice, five dollars ($5.00) per irrigable acre shall be paid as provided in the act of June 5, 1924 (43 Stat., 416), in twelve equal annual instalments, the first of which shall be due and payable at the time of filing water-right application, and subsequent instalments on December 1 of each year thereafter.

6. *Increased construction charge in certain cases.*—In all cases where water-right application for lands in private ownership shall not be made within one year from the date of this notice, the construction charge for such land shall be increased five per centum each year until such application is made and an initial instalment is paid.

7. *Operation and maintenance charge.*—For the irrigation season of 1938 and thereafter until further notice, the annual operation and maintenance charge shall be the same as for other like lands in the Valley Division under this project.

8. *Place and manner of payment of water charges.*—All water charges must be paid in currency or by New York draft or money order. Payment of water charges made under the terms of the contract dated February 5, 1931 between the United States and the Yuma County Water Users' Association shall be remitted to Secretary, Yuma County Water Users' Association, Yuma, Arizona, and those not made under the provisions of such contract shall be payable to Agent-Cashier, Bureau of Reclamation, Yuma, Arizona.

9. *Exclusion of lands by action of Colorado River.* Every water-right application shall contain the following provisions:

The applicant hereby releases the United States from any and all claims for loss or damages on account of (1) the exclusion of said lands or any part thereof, from the irrigable lands of said project, or (2) the failure to supply water for the irrigation of any part of the lands hereinbefore described when such exclusion or failure is due to (a) the destruction by flood, erosion, encroachment, or other action of the Colorado River, of the levees erected by the Bureau of Reclamation along the banks of said river, or (b) a change in the location of said levees when such change is considered necessary by the proper officials of the United States to prevent the destruction of said levees from the said causes. Land so excluded shall be relieved from payment of all construction and of operation and maintenance charges which otherwise would thereafter become due from the lands so excluded.

10. If an acceptance of the terms of the contract dated February 5, 1931, between the United States and the Yuma County Water Users' Association is filed within sixty (60) days after filing of water-right application, then repayment of the construction charges shall be in accordance with the terms of such contract.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-3372; Filed, November 19, 1937; 9:38 a. m.]

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## Division of Territories and Island Possessions.

### THE ALASKA RAILROAD

*In Connection With Alaska Steamship Company (FX5 No. 5), American Yukon Navigation Company (FX2 No. 1), Puget Sound Freight Lines (FX5 No. 16)*

SUPPLEMENT NO. 2 TO JOINT FREIGHT TARIFF NO. 5-E [1]

Naming class and commodity rates between Seattle and Tacoma, Washington, and points on the Alaska Railroad, American Yukon Navigation Company, in Alaska. Issued, October 15, 1937. Effective November 16, 1937. Authority, Act of March 12, 1914, and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

The following [1] is hereby confirmed.

RUTH HAMPTON,
*Acting Director.*

NOVEMBER 16, 1937.

[F. R. Doc. 37-3373; Filed, November 19, 1937; 9:38 a. m.]

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## General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, REDUCED

NOVEMBER 10, 1937.

Departmental order of June 19, 1924, withdrawing certain lands in Arizona for stock driveway purposes under section ten of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), is hereby revoked in so far as it affects the following-described land:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 7 W.,
sec. 7 and NE¼, N½ NW¼, SE¼ NW¼ and S½ sec. 18, 1291.88 acres.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-3371; Filed, November 19, 1937; 9:38 a. m.]

[1] Filed with the Division of the Federal Register. The National Archives; copies available upon application to O. F. Ohlson, General Manager, Anchorage, Alaska.



## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-60 O-60]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF PACKAGE HONEY BEES AND QUEEN BEES

Whereas under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of package honey bees and queen bees;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of honey bees and queen bees in the Hotel Monteleone, New Orleans, Louisiana, on December 6, 1937 at 9:30 a. m., central standard time.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of package honey bees and queen bees produced in the United States. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Board, (b) filing of sale prices and prohibiting the sale of package honey bees and queen bees at other than the price filed, (c) prohibiting certain unfair methods of competition and unfair trade practices, (d) expenses of administration, and other matters relating to the handling of package honey bees and queen bees produced in the United States.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

H. A. WALLACE,
*Secretary of Agriculture.*

NOVEMBER 19, 1937.

[F. R. Doc. 37-3375; Filed, November 19, 1937; 12:39 p. m.]

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SR—B-101, Amendment 16 Issued November 19, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM, SOUTHERN REGION, AMENDMENT 16

COUNTY AVERAGE RATES OF SOIL-CONSERVING PAYMENTS IN CONNECTION WITH THE GENERAL SOIL-DEPLETING BASE

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Southern Region Bulletin 101, as amended, is hereby further amended by adding the following to paragraph (2) of subsection (a) of Section 15, as amended by Amendment 15 to said Bulletin:

*County—Rate of Payment per Acre*

OKLAHOMA

Adair, $6.20; Alfalfa, $7.85; Atoka, $5.05; Beaver, $6.20; Beckham, $6.65; Blaine, $7.20; Bryan, $6.10; Caddo, $7.00; Canadian, $7.20; Carter, $6.30; Cherokee, $5.65; Choctaw, $5.15; Cimarron, $5.65; Cleveland, $6.75; Coal, $5.20; Comanche, $6.65; Cotton, $6.50; Craig, $5.50; Creek, $5.95; Custer, $6.95; Delaware, $5.75; Dewey, $6.30; Ellis, $6.40; Garfield, $7.40; Garvin, $7.40; Grady, $7.20; Grant, $7.30; Greer, $7.20; Harper, $6.10; Harmon, $6.75; Haskell, $5.40; Hughes, $5.60; Jackson, $7.40; Jefferson, $6.10; Johnston, $6.10; Kay, $6.85; Kingfisher, $7.00; Kiowa, $7.65; Latimer, $5.60; LeFlore, $5.60; Lincoln, $5.50; Logan, $5.95; Love, $5.75; McClain, $7.00; McCurtain, $5.30; McIntosh, $5.65; Mayes, $5.75; Major, $6.95; Marshall, $6.30; Muskogee, $6.20; Murray, $6.30; Noble, $5.65; Nowata, $5.50; Okfuskee, $5.95; Oklahoma, $6.75; Okmulgee, $6.10; Osage, $6.30; Ottawa, $5.50; Pawnee, $5.85; Payne, $5.60; Pontotoc, $6.10; Pittsburg, $5.40; Pottawatomie, $6.10; Pushmataha, $4.95; Rogers, $5.50; Roger Mills, $5.65; Seminole, $5.65; Sequoyah, $5.50; Stephens, $6.30; Texas, $6.30; Tillman, $7.65; Tulsa, $6.40; Washita, $7.55; Wagoner, $6.05; Washington, $6.05; Woods, $6.95; Woodward, $5.85.

TEXAS

Anderson, $4.50; Andrews, $6.30; Angelina, $4.55; Aransas, $7.20; Archer, $6.00; Armstrong, $7.25; Atascoza, $7.25; Austin, $7.00; Bailey, $8.55; Bandera, $6.15; Bastrop, $6.40; Baylor, $6.95; Bee, $6.95; Bell, $8.60; Bexar, $7.85; Blanco, $7.05; Borden, $4.90; Bosque, $8.30; Bowie, $5.90; Brazoria, $6.30; Brazos, $5.60; Brewster, $6.10; Briscoe, $6.70; Brooks, $7.60; Brown, $7.70; Burleson, $6.45; Burnet, $7.15; Caldwell, $7.45; Calhoun, $6.75; Callahan, $6.30; Cameron, $9.20; Camp, $5.05; Carson, $7.40; Cass, $4.70; Castro, $7.00; Chambers, $6.55; Cherokee, $4.80; Childress, $7.20; Clay, $6.25; Cochran, $6.65; Coke, $5.55; Coleman, $8.45; Collin, $8.60; Collingsworth, $8.25; Colorado, $7.15; Comal, $7.40; Comanche, $6.80; Concho, $8.15; Cooke, $8.00; Coryell, $8.35; Cottle, $6.75; Crane, $6.75; Crockett, $7.00; Crosby, $6.95; Culberson, $6.95; Dallam, $6.05; Dallas, $8.20; Dawson, $6.30; Deaf Smith, $6.15; Delta, $7.00; Denton, $8.10; DeWitt, $6.75; Dickens, $6.55; Dimmit, $7.05; Donley, $7.10; Duval, $7.00; Eastland, $5.75; Ector, $7.80; Edwards, $6.20; Ellis, $8.20; El Paso, $9.35; Erath, $5.85; Falls, $7.75; Fannin, $7.40; Fayette, $6.65; Fisher, $6.30; Floyd, $7.35; Foard, $7.60; Fort Bend, $7.65; Franklin, $4.90; Freestone, $5.20; Frio, $6.65; Gaines, $5.85; Galveston, $7.55; Garza, $6.95; Gillespie, $7.10; Glasscock, $6.20; Goliad, $6.50; Gonzales, $7.00; Gray, $7.45; Grayson, $7.95; Gregg, $4.00; Grimes, $4.80; Guadalupe, $7.40; Hale, $7.05; Hall, $7.75; Hamilton, $8.30; Hansford, $6.10; Hardeman, $7.25; Hardin, $6.65; Harris, $6.85; Harrison, $4.50; Hartley, $5.75; Haskell, $6.65; Hays, $7.10; Hemphill, $6.55; Henderson, $5.40; Hidalgo, $11.70; Hill, $8.10; Hockley, $7.20; Hood, $5.75; Hopkins, $6.05; Houston, $4.40; Howard, $6.50; Hudspeth, $9.35; Hunt, $7.40; Hutchinson, $6.20; Irion, $7.30; Jack, $5.75; Jackson, $7.00; Jasper, $4.75; Jeff Davis, $6.85; Jefferson, $7.40; Jim Hogg, $7.20; Jim Wells, $8.50; Johnson, $7.95; Jones, $6.50; Karnes, $7.00; Kaufman, $7.30; Kendall, $7.65; Kenedy, $7.85; Kent, $5.05; Kerr, $7.55; Kimble, $6.50; King, $6.65; Kinney, $4.95; Kleberg, $8.55; Knox, $7.80; Lamar, $7.30; Lamb, $9.00; Lampasas, $8.25; LaSalle, $7.75; Lavaca, $7.15; Lee, $6.60; Leon, $4.85; Liberty, $6.40; Limestone, $7.20; Lipscomb, $6.65; Live Oak, $7.65; Llano, $7.00; Loving, $5.40; Lubbock, $7.40; Lynn, $6.80; McCulloch, $8.80; McLennan, $8.45; McMullen, $6.85; Madison, $4.65; Marion, $4.50; Martin, $6.05; Mason, $6.40; Matagorda, $6.65; Maverick, $7.90; Medina, $7.00; Menard, $7.30; Midland, $6.50; Milam, $7.40; Mills, $8.10; Mitchell, $6.50; Montague, $5.50; Montgomery, $5.20; Moore, $6.65; Morris, $4.85; Motley, $7.45; Nacogdoches, $4.30; Navarro, $7.20; Newton, $4.75; Nolan, $6.75; Nueces, $14.05; Ochiltree, $6.75; Oldham, $6.40; Orange, $6.10; Palo Pinto, $5.85; Panola, $4.60; Parker, $5.85; Parmer, $6.55; Pecos, $10.65; Polk, $4.90; Potter, $6.55; Presidio, $7.10; Rains, $5.85; Randall, $6.75; Reagan, $6.20; Real, $5.60; Red River, $6.50; Reeves, $7.85; Refugio, $8.90; Roberts, $7.55; Robertson, $5.60; Rockwall, $7.85; Runnels, $8.95; Rusk, $4.70; Sabine, $4.25; San Augustine, $4.30; San Jacinto, $5.05; San Patricio, $11.70; San Saba, $8.20; Schleicher, $6.95; Scurry, $4.70; Shackelford, $6.30; Shelby, $4.35;

Sherman, $6.10; Smith, $4.60; Somervell, $5.95; Starr, $7.15; Stephens, $6.10; Sterling, $7.00; Stonewall, $5.40; Sutton, $6.50; Swisher, $7.00; Tarrant, $8.00; Taylor, $6.45; Terrell, $6.05; Terry, $7.55; Throckmorton, $6.75; Titus, $5.40; Tom Green, $8.15; Travis, $7.75; Trinity, $4.55; Tyler, $5.00; Upshur, $4.70; Upton, $6.65; Uvalde, $7.20 Val Verde, $8.40; Van Zandt, $5.70; Victoria, $6.95; Walker, $5.15; Waller, $6.20; Ward, $7.80; Washington, $6.65; Webb, $8.90; Wharton, $7.65; Wheeler, $6.50; Wichita, $7.15; Wilbarger, $8.20; Willacy, $10.15; Williamson, $8.65; Wilson, $6.95; Winkler, $5.40; Wise, $6.20; Wood, $4.80; Yoakum, $6.95; Young, $6.80; Zapata, $6.80; Zavala, $6.55.

For any individual farm in any of the foregoing counties the rate of payment for diverting such part of the general soil-depleting base as is in excess of the home consumption needs for the farm (but in no case in excess of 15 percent of such base) shall be that rate determined by multiplying the county average rate for the county in which the farm is located by the productivity index for the farm established in accordance with the provisions of section 49 (d), Part V, and dividing the result thereof by 100.

Done at Washington, D. C., this 19th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3376; Filed, November 19, 1937; 12: 39 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Vice Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 708]

APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY FOR AMENDMENT OF LICENSE

ORDER SETTING HEARING ON ANNUAL CHARGES, ETC.

The Commission having under consideration an application filed May 23, 1934, by Sierra and San Francisco Power Company, then licensee under the license for project No. 708, for amendment of said license to relieve it of the requirement imposed by Article 7 of the license to clear brush and trees in the Melones reservoir area between elevations 735 feet and 630 feet, United States Geological Survey datum, until and unless further clearing should become necessary or advisable due to additional road construction or to the development of some reservoir margin for recreational purposes; said license and application having been transferred to Pacific Gas and Electric Company; and

It appearing that the requirement for clearing the reservoir area may have some bearing upon the power capacity of 500 horsepower set forth in the license as issued and said power capacity may have been erroneously fixed in said license; and

The order of the Commission of November 13, 1934, authorizing the amendment sought may have been predicated upon a misunderstanding of the situation presented by said application, for which reason more complete information is necessary in order to finally pass upon the application and the questions raised thereby;

It is ordered:

That a hearing be held upon the matter of the fixing of the power capacity of said project No. 708, the annual charges due under the license therefor, and upon a recomputation of such annual charges, said hearing to begin at 10 a. m. on December 7, 1937, in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.

Adopted by the Commission on November 16, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3369; Filed, November 19, 1937; 9:37 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1937.

[File No. 43-93]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Northern States Power Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant, in accordance with a certain proposed bank credit agreement, of not to exceed in the aggregate $4,000,000 principal amount of unsecured notes, to be dated as of the various dates of issuance thereof, to mature October 1, 1939, and to bear interest at the rate of 3% per annum, aside from a stand-by charge;

*It is ordered,* That a hearing on such matter be held on December 6, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 1, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3380; Filed, November 19, 1937; 1:05 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1937.

[File No. 43-92]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Southern Natural Gas Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant to a single purchaser of $650,000 aggregate principal amount of its First Mortgage Pipe Line Sinking Fund Bonds 4½% Series due 1952 at a price of 97¾% of the principal amount thereof;



*It is ordered,* That a hearing on such matter be held on December 6, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 1, 1937.

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3378; Filed, November 19, 1937; 1:04 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1937.

[File No. 52-4]

IN THE MATTER OF WEST OHIO GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by David C. Patterson, M. J. Mauermann and David Copland, as a Committee for holders of First and Refunding Mortgage 6% Bonds of West Ohio Gas Company, a subsidiary of the Trustees of Midland Utilities Company, pursuant to Sections 11 (f) and 11 (g) of the Public Utility Holding Company Act of 1935, and Rules 12E-3, 12E-4 and 12E-5 thereunder, which application, as amended, asks that the Commission (1) approve pursuant to Section 11 (f) of the Act said Committee's amended plan dated November 1, 1937 for the reorganization of said West Ohio Gas Company, (2) make a report on said amended plan pursuant to Section 11 (g) of the Act and (3) either make a report on the letters and documents to be used in connection with the solicitation of assents to said amended plan, or advise said Committee that it does not contemplate making such a report; and

Said amended plan proposing that (1) holders of the $1,300,000 of West Ohio Gas Company's First and Refunding 6% Bonds would receive $500 principal amount of new 5% First Mortgage Bonds, $30 in cash and 80 shares of new common stock for each $1,000 principal amount of the present bonds, (2) that holders of the $53,000 principal amount of 6% First Mortgage Bonds of The Delphos Gas Company, on which interest has been paid to October 1, 1937, would receive $500 principal amount of new 5% First Mortgage Bonds and 46.25 shares of new common stock for each $1,000 principal amount of the present bonds, or at their election might receive a conveyance or transfer of the properties securing such Delphos Bonds upon assuming the obligations of West Ohio Gas Company incident to such properties, (3) that Midland Utilities Company, as the holder of $65,633 of demand notes of West Ohio Gas Company, on which unpaid accrued interest will amount to $12,953 on January 1, 1938, would receive 9,006 shares of new common stock, (4) that holders of preferred stock would receive for each share of such stock and accumulated dividends five shares of new common stock, approximately 52% of the present preferred stock being owned by Midland Utilities Company, (5) that no participation be given to the existing common stock, all of which is owned by Midland Utilities Company, and (6) that general claims be paid by the new company to the extent allowed by the court;

*It is ordered,* That a hearing on such matter be held on December 7, 1937, at 10:00 o'clock in the forenoon of that day at Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 2, 1937.

*It is further ordered,* That Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3377; Filed, November 19, 1937; 1:04 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of November, A. D., 1937.

[File No. 43-78]

IN THE MATTER OF GENERAL PUBLIC UTILITIES, INC.

ORDER PERMITTING A DECLARATION REGARDING THE ISSUANCE OF NO PAR COMMON STOCK TO BECOME EFFECTIVE

General Public Utilities, Inc., a registered holding company, having filed a declaration with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance and distribution of a maximum of 26,909.8 shares of its no-par common stock in connection with the payment of a proposed dividend on the outstanding common stock of the declarant; such proposed dividend is to be payable at the option of the stockholders either in the amount of $3 cash or in amount of one-fifth of one share for each share of no-par common stock held;

A hearing on such declaration having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered,* That such declaration be and become effective forthwith on the condition, however, that the issuance and distribution of the aforesaid no-par common stock shall be effected in substantial compliance with the terms and

conditions set forth in, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3379; Filed, November 19, 1937; 1:05 p. m.]

*Tuesday, November 23, 1937* *No. 227*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

ENLARGING TONGASS NATIONAL FOREST

*Alaska*

By virtue of and pursuant to the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), it is ordered that, subject to valid existing rights, the following-described public lands in Alaska be, and they are hereby, included in and made a part of the Tongass National Forest:

COPPER RIVER MERIDIAN

T. 58 S., R. 79 E.,
sec. 34, lots 1, 2, 3, 4 and S½;
sec. 35, lots 1, 2, 3, W½NE¼, E½NW¼ and S½;
sec. 36, lots 1, 2 and SW¼;
T. 59 S., R. 79 E.,
sec. 3, E½, NE¼NW¼, lots 1, 2, 3, 4 and that part of lot 5 lying east of the west ⅛ section line;
sec. 10, E½, lots 1, 4 and E½SW¼; aggregating 2,311.93 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 19, 1937.*

[No. 7742]

[F. R. Doc. 37-3390; Filed, November 20, 1937; 10:48 a. m.]

### EXECUTIVE ORDER

TRANSFERRING THE CONTROL AND JURISDICTION OVER CERTAIN LANDS IN DONA ANA COUNTY, NEW MEXICO, FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF THE INTERIOR

By virtue of and pursuant to the authority vested in me under Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), it is ordered that the control and jurisdiction over the following-described lands, consisting of 3,186.997 acres, more or less, acquired by the United States through the Resettlement Administration, in Dona Ana County, New Mexico, be, and they are hereby, transferred from the Department of Agriculture to the Department of the Interior for conservation purposes in connection with the administration of the Taylor Grazing Act, approved June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976):

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 1 E.,
sec. 19, all;
sec. 30, N½;
T. 23 S., R. 1 W.,
sec. 24, E½E½;
sec. 25, NE¼;
sec. 31, all;
T. 23 S., R. 4 W.,
sec. 34, SE¼;
sec. 35, S½S½;
T. 24 S., R. 3 W.,
sec. 4, all, except the following-described tract:

Beginning at a point on the north line of U. S. Highway No. 80, from which the southeast corner of section 4, township 24, south, range 3 west, bears S. 58°06' E., 2,590.4 feet distant;
Thence from said initial point, by metes and bounds, S. 83°06' W., 300 ft. along north line of said highway;
N. 06°52' W., 500 ft;
N. 83°08' E., 300 ft;
Thence,
S. 06°52' E., 500 ft. to the place of beginning.
The tract as described contains an area of 3.443 acres.

T. 24 S., R. 4 W.,
sec. 3, lots 1 to 4, inclusive, and S½N½.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 19, 1937.*

[No. 7743]

[F. R. Doc. 37-3391; Filed, November 20, 1937; 10:48 a. m.]

### EXECUTIVE ORDER

AUTHORIZING THE SOLICITOR OF THE DEPARTMENT OF LABOR TO ACT AS SECRETARY OF LABOR

By virtue of the authority vested in me under the provisions of section 179 of the Revised Statutes of the United States (U. S. C., title 5, sec. 6), I hereby authorize and direct the Solicitor of the Department of Labor to perform the duties of Secretary of Labor during the absence of the Secretary of Labor and the Assistant Secretary of Labor.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 19, 1937.*

[No. 7744]

[F. R. Doc. 37-3392; Filed, November 20, 1937; 10:48 a. m.]

## DEPARTMENT OF STATE.

NEGOTIATION OF TRADE AGREEMENT WITH CANADA CONTEMPLATED

NOVEMBER 19, 1937.

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution 10, approved March 1, 1937, and Executive Order No. 6750 of June 27, 1934, the Secretary of State announced today that this Government contemplates the negotiation of a trade agreement with Canada, and invited interested persons to submit suggestions as to the products that should be considered.

This preliminary announcement, which is made with a view to obtaining suggestions from interested persons in the early stages of the discussions, should not be confused with the formal notice of intention to negotiate regularly given. The formal notice will be issued at a later date, after receipt of the proposals of the Government of Canada, at which time there will also be made public a list of products on which the United States will consider granting concessions to Canada.

The object of this preliminary announcement is to provide notification at the earliest possible date that negotiations are contemplated, in order that interested parties may have an opportunity to suggest the import or export products which, in their opinion, should be included in the negotiations. Such suggestions, particularly those in regard to export products, are most useful to the trade-agreements organization if available at an early stage. Full information should be submitted as soon as possible. Exact technical descriptions of the products in question should be given, including, so far as possible, their nomenclature in the tariff laws of the importing country. These suggestions may be submitted in any form, and need not be under oath. They should be addressed to the Chairman of the Committee for Reciprocity Information, 7th and F Streets, NW., Washington, D. C., and should reach the Committee not later than December 17, 1937.

Suggestions received by the Committee for Reciprocity Information will be distributed promptly to all agencies of the trade-agreements organization for use in the preparation of lists of commodities that may be involved in the negotiations. The list of commodities upon which the United States will consider the granting of concessions to Canada will be published along with the formal notice of intention to negotiate. The formal notice, as heretofore, will indicate dates for the submission of briefs and applications for the customary public hearings, and the dates on which the public hearings will be held. The listing of products will indicate to American producers and importers whether or not particular tariff rates in which they are interested are under consideration. They will thus be saved the work of preparing briefs on products of interest to them but which are not expected to be involved in the negotiations.

A detailed compilation showing the principal products involved in the 1929 and 1936 trade between Canada and the United States, prepared in the Bureau of Foreign and Domestic Commerce of the Department of Commerce, may be obtained from that Bureau or from any of the District Offices of the Department of Commerce, as well as from the Committee for Reciprocity Information or the Department of State.

CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 37-3389; Filed, November 20, 1937; 9:42 a. m.]



## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 72]

AN ORDER DECLARING THAT BITUMINOUS COAL PRODUCERS BOARDS FOR DISTRICTS NUMBER NINE, TEN, ELEVEN AND TWELVE HAVE FAILED TO TAKE ACTION REQUIRED BY THE COMMISSION'S ORDER NO. 39 AND THE BITUMINOUS COAL ACT OF 1937; PROVIDING FOR COMMISSION ACTION PURSUANT TO THE AUTHORITY OF SECTION 6 (A) OF SAID ACT AND DIRECTING THAT SAID DISTRICT BOARDS FILE WITH THE COMMISSION CERTAIN DATA

The Commission having by its Order No. 39 directed all District Boards within Minimum Price Areas Number 1 and Number 2 to propose minimum prices for all kinds, qualities and sizes of coal produced by code members in their respective districts, in conformity with the provisions of Section 4, Part II—Marketing, subsection (a) of the Act, and having further provided for the coordination of such proposed minimum prices as required under subsection (b) of Section 4, Part II of the Act, and having provided for the completion of such coordination and the submission of such coordinated minimum prices to the Commission not later than the 23d day of September, 1937; and

It appearing, that minimum prices were proposed in conformity with such order by the several District Boards, and it further appearing that the District Boards for Districts Number Nine, Ten, Eleven and Twelve failed to complete such coordinations on or before the date prescribed by the Commission; and

It further appearing that no formal request for an extension of time was made at any time by any of said District Boards; and

It further appearing in the course of the public hearing held pursuant to Order No. 39 of the Commission that the above named District Boards have continued in their inability to coordinate proposed minimum prices in common consuming markets; and

It now appearing that after continued efforts by the several District Boards, such Boards have not at this time completed a voluntary coordination of proposed minimum prices as required under said Act and order of the Commission, and the Commission having concluded that voluntary coordination will not be accomplished within any reasonable period of time.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby declares, directs and orders:

1. That District Boards Number Nine, Ten, Eleven and Twelve have failed and been unable to complete coordination of proposed minimum prices for all coals produced by code members in their respective districts moving into common consuming markets, in accordance with the provisions of subsection (b), Part II, Section 4 of the Act and as directed by the Commission's Order Number 39.

2. That the Commission, pursuant to the authority of Section 6 (a) of said Act, will now proceed in lieu of said District Boards to coordinate in conformity with the provisions of Section 4, Part II, of said Act, the proposed minimum prices in such markets as are determined to be common consuming market areas and in such coordination to make such modifications of proposed minimum prices as may be required to give full effect to the differences, if any, between the tentative and actual weighted average of the total cost per net ton of the tonnage of Minimum Price Area Number Two as previously required in Order No. 39 of the Commission.

3. That District Boards Number Nine, Ten, Eleven and Twelve shall, on or before the 22nd day of November, 1937, at twelve o'clock noon, transmit to and place in the hands of the Commission, all statistical data secured by the District Boards from code members within their respective districts, together with all compilations made therefrom relative to the distribution and use of coals produced within their respective districts, and all data upon which the minimum prices proposed by the several District Boards were computed, as well as all data utilized by said Boards in proceeding with the work of coordination, all of which data and reports shall be available to the Commission for its use in proposing coordinated minimum prices.

4. That the Commission may from time to time require the appearance, formally or informally, of any District Board member, officer, or employee thereof, for the purpose of further informing the Commisison as to facts concerning the production and distribution of coals in the several Districts.

The Secretary shall give notice of this order by mailing a copy thereof to the Secretary of each of the District Boards above named and by mailing a copy to each member of said Boards.

By order of the Commission.

Dated this 19th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3400; Filed, November 22, 1937; 12:05 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-61 O-61]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT ORDER REGULATING HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

Whereas, under the Agricultural Marketing Agreement Act of 1937, which reenacts and further amends Public No. 10, 73rd Congress, as amended, notice of hearing is required in connection with a proposed marketing agreement and a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of milk in the St. Louis, Missouri Marketing Area;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of milk in the St. Louis, Missouri,

Marketing Area, in the Roof Solarium, Chase Hotel, Lindell and Kingshighway, St. Louis, Missouri, on December 8, 1937 at 9:30 a. m.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the St. Louis, Missouri, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in such milk. Among other things, the proposed marketing agreement and order provide for: (*a*) selection of a market administrator; (*b*) classification of milk; (*c*) minimum prices; (*d*) payments to producers through the use of individual handler pools; (*e*) reports of handlers; (*f*) expense of administration.

It is hereby declared that an emergency exists in the handling of milk in the St. Louis, Missouri, Marketing Area, which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated: November 22, 1937.

[F. R. Doc. 37-3402; Filed, November 22, 1937; 12:37 p. m.]

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## Commodity Exchange Administration.

### AMENDMENTS TO RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING REGISTRATION AS FUTURES COMMISSION MERCHANT AND AS FLOOR BROKER UNDER THE COMMODITY EXCHANGE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (7 U. S. C. and Supp. II, secs. 1–17a), I, H. A. Wallace, Secretary of Agriculture, do hereby make, prescribe, publish, and give public notice of the following amendments to the rules and regulations of the Secretary of Agriculture under said act, promulgated July 14, 1937, said amendments to be effective immediately unless otherwise indicated, and until amended or superseded under the authority of said act.

Section 10 of article I of said rules and regulations is amended to read as follows:

SEC. 10. Application for registration as futures commission merchant shall be made on form 1–R. Application for registration as floor broker shall be made on form 2–R. Application forms may be obtained from the Commodity Exchange Administration, United States Department of Agriculture, Washington, D. C. or from any field office thereof. Each application shall be executed and filed in accordance with the instructions appearing on the prescribed form.

Every application for registration as futures commission merchant for the period ending December 31, 1938, or for any subsequent period, shall be accompanied by a supplemental statement on form 1–RF, showing the financial condition of the applicant as of a date not more than six months prior to the date of filing application: *Provided*, That the latest statement of financial condition submitted by the applicant to any commodity or securities exchange of which applicant is a member which includes substantially the same information concerning applicant's financial condition as that required on form 1–RF, as of a date not more than six months prior to the filing of application, may be filed (in duplicate) with the application in lieu of statement on form 1–RF.

Every statement on form 1–RF and every statement filed in lieu thereof shall bear the verification of the applicant in the following form, to wit:

Applicant represents that all information contained or incorporated in this financial statement is true to the best of applicant's knowledge and belief.

Dated at ----------, the ---- day of ----------, 19----.

If the applicant is a partnership, the financial statement shall be signed in the name of the partnership by a general partner and the signature witnessed. If the applicant is a sole proprietorship, the financial statement shall be signed by the proprietor and the signature witnessed. If the applicant is a corporation or other form of organization, the financial statement shall be signed in the name of the corporation or other organization by the president, vice president, or other principal officer, attested and the seal affixed by the secretary or other authorized officer.

Willful misrepresentation or concealment by the applicant (or registrant) of any material fact in an application for registration or in any statement supplemental thereto shall constitute cause for the suspension or revocation of registration.

Section 12 of article I of said rules and regulations is amended, effective as of January 1, 1938, to read as follows:

SEC. 12. Every person registered as futures commission merchant under the act shall—

(a) post in a conspicuous place in each office in the United States maintained by such person in which orders for the purchase or sale of any commodity for future delivery are solicited or accepted, the original or a duplicate (issued by the Secretary of Agriculture) of such registrant's registration certificate as futures commission merchant; and

(b) post in a conspicuous place in each office in the United States in which orders for the purchase or sale of any commodity for future delivery are solicited or accepted *on behalf* of such registrant, a duplicate (issued by the Secretary of Agriculture) of such registrant's registration certificate as futures commission merchant.

Duplicates of registration certificates may be procured on request on payment of two dollars ($2) for each duplicate. The word "DUPLICATE" in conspicuous letters shall appear on the face of each duplicate.

Sections 14 and 15 of article I of said rules and regulations are amended, effective as of January 1, 1938, to read as follows:

SEC. 14. The registrant shall file with the Commodity Exchange Administration a statement on form 3–R setting forth any change which renders no longer accurate the information contained in any of the following enumerated items of the registrant's application for registration (or any statement supplemental thereto):

*With respect to a futures commission merchant:* Item 2 (address of principal office), item 3 (address at which general books and records of account are kept), item 4 (form of organization), item 9 (addresses and names of managers of branch offices and location of branch offices in which there is maintained a separate and complete set of records including the financial record of commodity customers' accounts), and item 14 (refusal of, or suspension or expulsion from, commodity-exchange membership). Any change in the personnel of a partnership resulting from the death, withdrawal, or addition of a partner which, as a matter of law, does not create a new partnership may be reported on form 3–R, as provided in section 15 hereof.

*With respect to a floor broker:* Item 2 (a) (business address), item 9 (names and addresses of clearing members through whom registrant clears commodity futures transactions for his own account), and item 11 (refusal of, or suspension or expulsion from, commodity-exchange membership).



Upon discontinuing business as futures commission merchant or as floor broker the registrant shall immediately notify the Commodity Exchange Administration on form 3–R.

All statements on form 3–R shall be prepared and filed in accordance with the instructions appearing thereon.

SEC. 15. A new registration shall be required in the event of a change:

(a) in the name of the registrant;

(b) in the form of organization of the registrant;

(c) in the ownership of the business of the registrant in the case of a sole proprietorship; and

(d) in the personnel of a partnership resulting from the death, withdrawal, or addition of a partner: *Provided*, That if such change does not, as a matter of law, create a new partnership, it may be reported by the registrant to the Commodity Exchange Administration on form 3–R within 10 days of the date of such change, and if so reported a new registration shall not be required.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 20th day of November 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3394; Filed, November 20, 1937; 11:22 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 23]

### CONTINUANCE OF ORDERS, ETC., GRANTED BY ABOLISHED DIVISIONS

The Commission, at a general session held on November 10, 1937, unanimously adopted the following Order:

The Commission having under consideration the effect of Commission Order No. 20 abolishing the Divisions of the Commission;

*It is ordered*, That all orders, determinations, rules, regulations, permits, contracts, licenses, and privileges which have been issued, made, or granted by a Division shall, consistent with the terms thereof, continue in effect except as or until modified, terminated, superseded, or repealed by the Commission or by operation of law.

Except as provided by Commission Order No. 21, any proceeding, hearing, or investigation commenced or pending before any Division or a Director of a Division shall be continued by the Commission as if originally commenced before it.

This order shall be effective at midnight, November 15, 1937, and shall continue in effect until rescinded or modified by subsequent order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3384; Filed, November 20, 1937; 9:41 a. m.]

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[Order No. 24]

### RULES AND REGULATIONS, PART I, PRACTICE AND PROCEDURE, AMENDED

The Commission, at a general session held on November 10, 1937, unanimously adopted the following Order:

The Commission having under consideration certain amendments to the Rules and Regulations made necessary by Commission Order No. 20,

*It is ordered*, That the Rules and Regulations, Part I, Practice and Procedure be and the same are hereby amended as follows:

RULE 100.2. This rule is deleted.

RULE 106.6. This rule is amended to read as follows:

RULE 106.6. The Commission, a Commissioner, or an Examiner, when designated to preside at a hearing, may, upon its or his own motion or the motion of any party and for good cause shown, after opening any hearing pursuant to notice, temporarily postpone the hour or date or change the place thereof, when in its or his judgment the ends of justice will be better served.

RULE 106.7. This rule is amended to read as follows:

RULE 106.7. At hearings on complaints, petitions, applications or for other instruments of authorization which the Commission is empowered to make, the complainant, petitioner, or applicant as the case may be, shall open and close. At hearings on investigation and suspension proceedings under Title II of the Act, the respondent whose tariffs are under suspension shall open and close. At hearings on all other investigations, revocations, modifications, suspension of operator licenses under Title III of the Act, or other proceedings instituted by the Commission, the Commission shall open and close. At hearings on protests, the protestant shall open and close. In hearings upon a consolidated record, the Commission or presiding officer shall designate the order of presentation. Interveners shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of either original party, the Commission or presiding officer shall designate at what stage such interveners shall be heard.

RULE 106.16. This rule is amended to read as follows:

RULE 106.16. At any stage of a hearing, the presiding Commissioner or Examiner may call for further evidence upon any issue, and may require such evidence to be presented by any party to the proceeding.

RULE 106.17. This rule is amended to read as follows:

RULE 106.17. Before the close of a hearing, the presiding Commissioner or Examiner may, at the request of a party or upon his own motion, require that a party furnish additional documentary evidence, supplementary to the existing record, within a stated period of time. The record of such proceeding will be held open until the expiration of such fixed time, and such additional documentary evidence will be made a part thereof.

RULE 106.18. This rule is amended to read as follows:

RULE 106.18. Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows:

(1) Hearings before the Commission en banc: By any Commissioner.

(2) Hearings before an Examiner:

(*a*) By any Commissioner.

(*b*) When an Examiner has been designated to hear a case, he may sign and issue subpenas in that case.

(*c*) By the Chief Examiner or the Assistant Chief Examiner.

No subpena shall be signed or issued in any event without recommendation thereon in advance by the law department: *Provided, however*, That if a hearing is held in the field and no representative of the law department is in attendance, examination and recommendation by the law department in advance shall not be required.

RULE 106 25. This rule is amended to read as follows:

RULE 106.25. No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing before the Commission, a Commissioner, or Examiner, unless otherwise ordered by the Commission.

RULE 106.27. This rule is amended to read as follows:

RULE 106.27. In the event testimony is taken before a Commissioner or an Examiner, the testimony duly transcribed shall be reported back to the Commission, together with a written report containing recommendations as to the decision to be made thereon, and the facts and grounds upon which such recommendation is based.

RULE. 106.29. The first paragraph of this rule is amended to read as follows:

RULE 106.29. In the event that a case is heard before a Commissioner or an Examiner, the Commission shall hear oral argument upon petition of any party and may permit the filing of briefs. Such party shall request oral argu-

ment at the time of the filing of exceptions, or, if no exceptions are filed, within the time allowed for the filing of exceptions. In the event that testimony is taken before the Commission, it may be followed by oral argument by the parties, or by the filing of briefs, or both, in the discretion of the Commission, and the case shall thereafter be decided on the basis of the testimony heard and proceedings had.

RULE 106.30. The third paragraph of this rule is amended to read as follows:

Rule 106.30. * * *

* * *

For good cause, a Commissioner or an Examiner before whom any hearing is being held, may, prior to the conclusion of such hearing, on his own motion or that of any party, add to or reduce the time hereinabove provided for the filing of briefs.

RULE 107.1. This rule is amended to read as follows:

RULE 107.1. These rules may be suspended, revoked, modified, amended, or supplemented, in whole or in part, at any time, by the Commission.

These amendments shall become effective at midnight, November 15, 1937 and shall continue in effect until rescinded or modified by subsequent order of this Commission.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3385; Filed, November 20, 1937; 9:41 a. m.]

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[Order No. 25]

COMMUNICATIONS RELATIVE TO APPLICATIONS PENDING BEFORE COMMISSION

The Commission, at a general session held on November 10, 1937, unanimously adopted the following Order:

The Secretary is hereby directed to make a record of all communications received by the Commission relating to the merits of any application pending before the Commission requesting the granting, renewal, modification or revocation of any license or construction permit, certificate of convenience and necessity or rate schedule. Such record shall show the name and address of the person making the statement and the substance of such statement. When the date of hearing has been set, if the matter is designated for hearing, the Secretary shall notify all persons shown by the records to have communicated with the Commission regarding the merits of such matter in order that such persons will have an opportunity to appear and give evidence at such hearing, provided, that in the case of communications bearing more than one signature notice shall be given to the person first signing unless the communication clearly indicates that such notice should be sent to some one other than such person.

No such person shall be precluded from giving any relevant, material and competent testimony at such hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

No such communication will be considered by the Commission in determining the merits of any such matter nor shall any such communication be considered by any Examiner unless it has been introduced into evidence at the hearing and appears as a part of the record. The admissibility of any such communication or the Secretary's record of any such communication shall be governed by the applicable rules of evidence and no such communication shall be admissible on the basis of a stipulation unless Commission's counsel as well as counsel for all of the parties shall join in such stipulation.

Such communications, however, may be considered by the Commission if circumstances warrant in deciding whether or not a matter shall be set down for hearing in cases where in the absence of such communication no hearing would be required by the Commission.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3386; Filed, November 20, 1937; 9:41 a. m.]

[Order No. 26]

WEEKLY REPORT ON APPLICATIONS FILED, ETC.

The Commission, at a general session held on November 10, 1937, unanimously adopted the following Order:

The Secretary is hereby directed to prepare each week a report listing all applications which have been filed during the preceding week for the issuance, renewal, modification, transfer or revocation of licenses, construction permits or certificates of convenience and necessity, as well as all rate schedules filed. Such report shall also show what, if any, action has been taken by the Commission during the preceding week with respect to designation of any of said applications for hearing, the setting of a date for a hearing on any such application, the granting or denial of petitions for intervention, continuance, etc., as well as final action on any of such applications by the Commission. It shall not be necessary for the Secretary to include in such report any information with respect to either the filing of or action upon applications for operator's, amateur, itinerant aircraft, or ship licenses or permits, or the modification or renewal thereof, nor of applications for temporary privileges such as special broadcasts, etc., nor of applications for emergency services.

The Secretary is also directed to mail a copy of such report to all Senators, members of and delegates to the House of Representatives and Governors of the several States, as well as the utility commissions of such states. The Secretary shall include with such report a request that all such persons shall advise the Commission whether they desire to appear either in person or by accredited representative at a hearing on any application listed in said report as having been filed with the Commission, when and if such matter shall be set down for hearing, in order that they may inform the Commission as to any public interest involved in the matter.

The Secretary is also directed to request such persons to advise any state or municipal officials charged with the duty of protecting the public interest likely to be affected by the granting or denial of any such application that such an application has been filed and that such public official should advise the Commission if he desires to appear either in person or by accredited representative at a hearing on such application when and if the matter is set down for hearing.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3387; Filed, November 20, 1937; 9:42 a. m.]

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AMENDMENT TO RULES AND REGULATIONS GOVERNING RADIO STATIONS IN ALASKA

The Telegraph Division at its regular meeting on November 11, 1937, amended the rules and regulations governing the services in Alaska to read as follows:

416. The general regulations and regulations for individual services shall apply to stations located in the Territory of Alaska so far as may be consistent with this chapter.

417 (a). An application for the operation of a station in Alaska other than a broadcast or amateur station, shall be filed in triplicate with the Commission's Inspector in Charge at Seattle, Washington, who will route the application to the Federal Communications Commission as follows:

(1) The Inspector shall send the application to the Officer in Charge of the Alaska Communication System in Seattle, which Officer will recommend by endorsement, the type of equipment, frequencies, etc., necessary for efficient operation with the Alaska System.

(2) The office of the Alaska Communication System will then forward such application to the Office of the Chief Signal Officer of the United States Army. This Officer will either approve or amend the recommendation of the Alaska Communication System.

(3) The Chief Signal Officer will then send such application to the Federal Communications Commission for final action.



(b) Correspondence with the applicant with regard to applications, defective applications, and instruments of authorization will be forwarded to the applicant or licensee in the reverse order of the procedure set out in Rule 417 (a).

418a. A ship in an Alaskan port where radio or wire communication is not provided, or when such radio or wire service is suspended, may accept messages for transmission to the nearest public coastal station, and the radio equipment may be operated while the ship is alongside the dock or at anchor in such port, without regard to the provisions of Rule 289a (3) (4).

418b. Any station in Alaska, regardless of the class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions or other matters relating to safety of life and property, provided:

(1) There is no regular established means of communication between the points in question;

(2) No charge is made for the communication service;[1]

(3) A copy of each message so transmitted is kept on file at the transmitting station for a period of one year, to be made available upon request by authorized Government representatives.

418c. Aeronautical stations in Alaska shall furnish emergency service to itinerant aircraft on request. Additional service may be rendered provided that suitable arrangements have been made between the licensee of the aeronautical station and the itinerant aircraft for cooperation in the cost of operation and maintenance.

418d. Every aeronautical station licensed for unlimited hours of operation in Alaska shall file with the Alaska Communication System a statement of the hours of service of the station and thereafter shall give immediate notice to that System of any changes therein.

419. The following frequencies are allocated for use in Alaska:

(a) *Fixed public service—*

(1) Primarily for point-to-point communication between Government and non-Government stations, subject to the conditions that no interference is caused to other services. Type A1 or A2 emission only:

| | | | | | |
|---|---|---|---|---|---|
| *kc.* | *kc.* | *kc.* | *kc.* | *kc.* | *kc.* |
| 172 | 186 | 192 | 212 | 246 | 268 |
| 178 | 187 | 198 | 214 | 252 | 272 |
| 182 | 188 | 209 | 225 | 256 | 274 |
| 183 | 189 | 210 | 227 | 262 | |

(2) Primarily for point-to-point communication between Government and non-Government stations, subject to the conditions that no interference is caused to other services. Type A3 emission:

| | | | |
|---|---|---|---|
| *kc.* | *kc.* | *kc.* | *kc.* |
| 182 | 186 | 256 | 262 |

(b) *Fixed public service: public coastal and ship services—*

(1) Primarily for short distance communication between Government and non-Government stations and for communication between ships in Alaska waters and stations in Alaska operating in the public coastal service, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services. Types A1, A2, A3 emission:

| | | | | |
|---|---|---|---|---|
| *kc.* | *kc.* | *kc.* | *kc.* | *kc.* |
| 1540 | 1660 | 2616 | 2994[2] | 5137.5[3] |
| 1606 | 1708 | 2632 | 2092.5 | 5167.5[3] |
| 1622 | 2512 | 2912 | 3190 | 5207.5[3] |
| 1646 | 2566 | 2986 | 3265[3] | 8070[3] |

(2) The frequencies 5207.5 kilocycles unlimited, and 8070 kilocycles day only, are also available for stations located in the Aleutian Islands west of 165 degrees west longitude.

(c) *Public coastal service—*

(1) For communication with any ship station:

425 kilocycles, A1, A2 emission, maximum power 200 watts.

460 kilocycles, A1, A2 emission, maximum power 200 watts.

500 kilocycles, Calling, A1, A2 emission, maximum power 200 watts.

(2) For communication with ship stations in Alaskan waters:

1592 and 2538 kilocycles, A1, A2, A3 emission, maximum power 100 watts.

(d) *For use by ship stations in Alaskan waters in addition to those set forth in Rule 285a—*

(1) 1592 kilocycles, A1, A2, A3 emission, maximum power 100 watts.

2538 kilocycles, A1, A2, A3 emission, maximum power 100 watts.

(e) *Chain aviation frequencies—*

[Available on condition that no interference will result to other aviation service]

(1) Mid-Alaska Chain and Feeders (Orange)

a. Available for aircraft and aeronautical stations on the route when the Department of Commerce has authorized scheduled airline operations.

(1) A1, A2 emission only.
1638, 3082.5, 3105,[4] 5692.5, 6210[4]
(2) A3 emission only.
2946, 3105,[4] 4742.5, 6210[4]

b. Available for aircraft and aeronautical stations maintaining non-scheduled operations only.

(1) A1, A2 emmission only.
2816, 3105,[4] 5682.5, 6210[4]
(2) A3 emission only.
2648, 3105,[4] 5572.5, 6210[4]

c. Available for aeronautical point-to-point stations of licensees of aeronautical stations on the route where the Department of Commerce has authorized scheduled airline operation.

(1) A1, A2 emission only.
1638, 4125, 6570, 8015[3]
(2) A3 emission only.
5602.5, 5887.5

d. Available for aeronautical point-to-point stations of licensees of aeronautical stations maintaining non-scheduled operation only.

(1) A1, A2 emission only.
4115, 5632.5, 8015[3]
(2) A3 emission only.
4967.5, 5122.5

(2) Southern Alaska Chain and Feeders (Green)

a. Available for aircraft and aeronautical stations on the route where the Department of Commerce has authorized scheduled airline operation.

(1) A1, A2 emission only.
2608, 3105,[4] 4690, 6210[4]
(2) A3 emission only.
3105,[4] 3162.5, 5032.5, 6210[4]

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[1] The conditions under which common carriers are permitted to render free service are set forth in paragraph 16 of Rules Governing the issuance of Telegraph Franks, adopted February 13, 1935.

[2] May be used where originally authorized prior to March 1, 1937.

[3] Not to be used between the hours of 6:00 P. M., and 6:00 A. M., P. S. T.

[4] Not available for aeronautical stations on the Orange and Green Chains.

b. Available for aircraft and aeronautical stations maintaining non-scheduled operation only.

(1) A1, A2 emission only.
2748, 3105,[4] 5310, 6210 [4]
(2) A3 emission only.
2922, 3105,[4] 5652.5, 6210,[4] 6590 [2]

c. Available for aeronautical point-to-point stations of licensees of aeronautical stations on the route where the Department of Commerce has authorized scheduled airline operation.

(1) A1, A2 emission only.
4947.5, 5672.5, 8015 [3]
(2) A3 emission only.
4952.5, 5582.5

d. Available for aeronautical point-to-point stations of licensees of aeronautical stations maintaining non-scheduled operation only.

(1) A1, A2 emission only.
4650, 5662.5, 8015 [3]
(2) A3 emission only.
5042.5, 5622.5

(f) *Itinerant aircraft and off route service in Alaska—*

(1) The frequencies 3105 and 6210 kc. are designated as calling and working frequencies for aircraft in Alaska which do not normally fly the Orange and Green Chains. In addition, these frequencies may also be assigned to aeronautical stations at locations in Alaska other than on the Orange and Green Chains.

(2) Aircraft and aeronautical stations in Alaska may use the frequency 8220 kc. when the aircraft is separated by more than 400 miles from the nearest aeronautical station.

(3) All aeronautical stations, including those on the Orange and Green Chains, shall maintain listening watches during their regular hours of service (normally specified in the license as "unlimited" hours) as follows:

| *Local standard time of station* | *Frequency* [5] | *Emission* [5] |
|---|---|---|
| 8 A. M. to 4 P. M. | 3105 kc. | A1, A2, A3 |
| 4 P. M. to 8 A. M. | 6210 kc. | A1, A2, A3 |

(4) Scheduled aircraft which normally fly the Alaska chain routes may communicate on chain frequencies with chain stations when they are making special trips off the normal route.

By the commission, telegraph division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3383; Filed, November 20, 1937; 9:40 a. m.]

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The Telegraph Division at its regular meeting on November 11, 1937, adopted the following Order:

[Docket No. 4833]

IN THE MATTER OF THE APPLICATION OF PHILADELPHIA & NORFOLK STEAMSHIP COMPANY, PHILADELPHIA, PENNSYLVANIA, FOR EXEMPTION UNDER SECTION 352 (B) (2) OF THE COMMUNICATIONS ACT AS AMENDED

Whereas, an application for exemption under the provisions of Section 352 (b) (2) of the Communications Act of 1934 has been filed on behalf of the following vessels owned and operated by the above-named applicant: S. S. *Delaware River*, S. S. *James River*, S. S. *Hampton Roads* and S. S. *Elizabeth River*, which said application has been ordered for further hearing before an examiner of the Commission; and

[3] Not to be used between the hours of 6:00 P. M. and 6:00 A. M., P. S. T.

[4] Not available for aeronautical stations on the Orange and Green Chains.

[5] Orange and Green Chain aeronautical stations will reply on their regular chain frequencies and employ the type of emission for the category in which they are licensed to render service.

Whereas, the applicant has filed a petition, under oath, from which it appears that no further consideration is desired at this time of said application in so far as it relates to the S. S. *Delaware River* and S. S. *James River*, and from which it further appears that prior to any operation in the open sea of the S. S. *Hampton Roads* and S. S. *Elizabeth River*, said vessels will be equipped with a radiotelephone installation suitable for communication in distress situations from said vessels during the temporary sixty-day period herein after referred to; and

Whereas, said petition further requests the granting of a temporary exemption on behalf of the S. S. *Hampton Roads* and S. S. *Elizabeth River* for a period of sixty days from November 6, 1937, and that during such temporary period, and until further order of the Commission, no further proceedings be had in Docket No. 4833; and

It appearing, that within the meaning of Section 352 (b) (2) of the Communications Act the radio installation required by Part II of Title III of the Act will be unreasonable and unnecessary for such temporary period;

It is therefore, by the Commission, Telegraph Division this 11th day of November, 1937, ordered that the said S. S. *Hampton Roads* and S. S. *Elizabeth River* be, and they are hereby, exempt under the provisions of Part II of Title III of the Communications Act as amended for a temporary period ending January 6, 1938 from the requirement of making a radio installation such as provided in said part, *Provided, however*, That said vessels shall not be operated on any voyages covered by Section 351 of the said Act unless and until there has been installed in operating condition on board same the radiotelephone apparatus hereinabove referred to; *Provided, further*, That no further proceedings shall be had in Docket No. 4833 until further order of the Commission; and *Provided, further*, That nothing herein contained shall constitute a finding by the Commission that a radio installation such as provided for by Part II of Title III of the Communications Act is or will be unreasonable or unnecessary beyond January 6, 1938 or beyond the express terms hereof.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3374; Filed, November 20, 1937; 9:40 a. m.]

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The Telegraph Division at its regular meeting on November 11, 1937, adopted the following Order:

[Docket Nos. (as hereafter listed)]

IN RE APPLICATION OF (AS HEREAFTER LISTED) FOR EXEMPTION UNDER THE PROVISIONS OF SECTION 352 (B) (2) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

Whereas, on November (*as hereafter listed*), 1937, a hearing was held in the above-entitled matter before an examiner in Washington, D. C., upon the application of the said (*as hereafter listed*) for exemption of the (*as hereafter listed*) under the provisions of Section 352 (b) (2) of the Communications Act of 1934, as amended, and

Whereas, by reason of the provisions of Telegraph Division Order No. 29-A, said vessel(s) was (were) exempted under the provisions of Part II of Title III of the Act for a period ending November 6, 1937; and

It appearing, that it would be unreasonable to require the applicant to comply with the said provisions for the temporary period pending the Commission's final decision on the said application(s) for exemption,

*It is ordered*, That the above-named vessel(s) be and it is (They are) hereby exempt from the provisions of Part II of Title III of the Communications Act of 1934 for a temporary period pending further order of the Commission and in any event for a period not to exceed 60 days from November 6, 1937, *provided, however*, That any radiotelegraph equipment now operated on the vessel(s) shall continue to be so operated during such temporary period; and *provided, further* that nothing contained herein shall constitute a finding as to whether a radio installation as provided for in said Part II of Title III is or will be unreasonable or unnecessary beyond the express terms hereof.

By the Commission, Telegraph Division.

[SEAL] T. J. SLOWIE, *Secretary.*

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The exemption contained in the attached Order was granted to the following applicants:

| Docket No. | Applicant | Name of Vessel(s) | Date of hearing |
|---|---|---|---|
| 4856 | Atlantic Refining Company, Philadelphia, Penna. | R. D. Leonard..... | November 2, 1937. |
| 4857 | Eastern Steamship Lines, Inc., Boston, Mass. | Falmouth, Cornish, Norwalk, Wilton, Madison, Sandwich. | November 4, 1937. |
| 4887 | Bouchard Transportation Co., New York, N. Y. | M/L Bacol..... | November 5, 1937. |

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3382; Filed, November 20, 1937; 9:40 a. m.]

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## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5493]

APPLICATION OF THE CALIFORNIA OREGON POWER CO.

ORDER FIXING DATE OF HEARING

Upon application filed November 1, 1937, by The California Oregon Power Company, a California corporation with main office in the City of San Francisco in said State, for authority to subordinate its leasehold interest in Coos Bay Steam Plant, at North Bend, Oregon, to the lien of a trust indenture proposed to be executed by Mountain States Power Company, owner and lessor of said steam plant, in connection with the refunding by the latter company of its existing mortgage indebtedness;

It is therefore orderd:

That a hearing be held on said application on December 1, 1937, at 10 a. m., in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Ave., N. W., Washington, D. C.

Adopted by the Commission on November 18, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3388; Filed, November 20, 1937; 9:42 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-260]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE RADIO RECEIVING SET MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Radio Receiving Set Manufacturing Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than December 7, 1937. Opportunity for oral hearing will be afforded at 10 a. m., December 7, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C., to such persons as may desire to appear, and who shall have made prior written or telegraphic requests to be heard orally. After giving due consideration to such views, suggestions or objections as may be received concerning the proposed rules. the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered November 19, 1937.

[F. R. Doc. 37-3398; Filed, November 22, 1937; 10:00 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3137]

IN THE MATTER OF J. A. BOOS, TRADING AS WINCHESTER AND COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, November 30, 1937, at ten o'clock in the forenoon of that day (eastern standard time), Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3395; Filed, November 22, 1937; 9:57 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3157]

IN THE MATTER OF HAY & PEABODY CEMENT VAULT COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Edward E. Reardon, an examiner of this Commission, be, and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Friday, November 26, 1937, at two o'clock in the afternoon of that day (eastern standard time), in Court Room No. 4, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3396; Filed, November 22, 1937; 9:58 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3235]

IN THE MATTER OF EARL C. NOYES, INDIVIDUALLY, AND TRADING AS SEYON PRODUCTS COMPANY, INC., AND AS END-O-CORN LABORATORIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, November 29, 1937, at ten o'clock in the forenoon of that day, eastern standard time, in Room 412, Post Office Building, Rutland, Vermont.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3397; Filed, November 22, 1937; 9:59 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

[Supplement No. 5 to Tariff Circular No. 20[1]]

RULES TO GOVERN THE CONSTRUCTION AND FILING OF FREIGHT-RATE PUBLICATIONS[2]

Including classifications, pipe-line schedules and tariffs containing joint rail-motor, motor-water, and rail-motor-water rates as indicated herein;[2] administrative rulings. Issued by order of the Commission, June 18, 1937. Effective December 1, 1937, except as noted.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3381; Filed, November 19, 1937; 2:19 p. m.]

[1] Cancels Supplement Nos. 1, 3, and 4, and Special Permission No. 157707. Supplement No. 5 contains all changes which are in effect.

[2] The original document has been filed with the Division of the Federal Register, The National Archives; copies available upon application to the Interstate Commerce Commission.

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of November, A. D. 1937.

ORDER IN THE MATTER OF ANNUAL REPORTS FROM STEAM RAILWAY COMPANIES OF CLASS III

The subject of the requirement of annual reports from steam railway companies being under consideration:

*It is ordered:*

1. That the order of this Commission dated November 10, 1936, In the Matter of Annual Reports from Steam Railway Companies of Class III, is hereby annulled.

2. That all steam railway companies of Class III subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ending December 31, 1937, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Roads), which is hereby approved and made a part of this order.

*It is further ordered,* That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3401; Filed, November 22, 1937; 12:13 p. m.]

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## RAILROAD RETIREMENT BOARD.

REGULATIONS GOVERNING EMPLOYEE REPRESENTATIVE REPORTS UNDER THE RAILROAD RETIREMENT ACT OF 1937

NOVEMBER 22, 1937.

SECTION A. DEFINITIONS

1. "The Act" wherever used herein means the Railroad Retirement Act of 1937.

2. Section 1 (b) of the Act defines as an Employee Representative "any officer or official representative of a railway labor organization other than a labor organization included in the term 'employer' as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office".

3. The term "compensation" means "any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of any tax now or hereafter imposed with respect to the compensation of such employee".

SECTION B. ADMINISTRATION

The Director, Labor Relations Service, of the Board is directed to administer the regulations as set forth herein.

SECTION C. REPORTS

1. An initial report will be required which requests an individual to set forth facts upon which he bases his status as an Employee Representative. If the facts indicate that the individual so filing the report is an Employee Representative within the meaning of the Act, he will be so advised and will thereafter be required to furnish compensation reports as mentioned below. If the facts indicate that he is not an Employee Representative within the meaning of the Act, he will be so notified and no compensation reports will be required of him, unless or until such facts are presented.

2. All individuals who submit facts indicating they are Employee Representatives under the Act shall furnish to the Board, monthly reports of their compensation as such beginning January 1, 1937. These reports will be used to properly record the compensation and will be used for the adjudication and computation of annuities upon retirement.

SECTION D. GENERAL

Proper forms will be furnished from time to time by the Director, Labor Relations Service, for use in making these reports.

Section 13 of the Act provides as follows:

Any officer or agent of an employer, as the word "employer" is hereinbefore defined, or any employee acting in his own behalf, or any individual whether or not of the character hereinbefore defined, who shall willfully fail or refuse to make any report or furnish any information required, in accordance with the provisions of section 10 (b) 4, by the Board in the administration of this Act or the Railroad Retirement Act of 1935, or who shall knowingly make or cause to be made any false or fraudulent statement or report when a statement or report is required to be made for the purpose of such Acts, or shall knowingly make or aid in making any false or fraudulent statement or claim for the purpose of causing an award or payment under such Acts, shall be punished by a fine of not more than $10,000 or by imprisonment not exceeding one year.

These Regulations are adopted by the Board by and under authority of Section 10 (b) 4 of the Act.

By direction of the Board.

[SEAL] R. B. BRONSON, *Secretary.*

[F. R. Doc. 37-3399; Filed, November 22, 1937; 10:50 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of November, A. D. 1937.

[File No. 30-25]

IN THE MATTER OF GREAT LAKES UTILITY CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Great Lakes Utilities Corporation, a Delaware corporation, pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935, for an order declaring that said applicant, which heretofore filed a notification of registration pursuant to Section 5 (a) of said Act, has ceased to be a holding company by reason of having disposed of all of its assets pursuant to a reorganization plan.

*It is ordered,* That a hearing on such matter be held on December 13, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 7, 1937.

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3403; Filed, November 22, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1937.

[File No. 43-85]

IN THE MATTER OF WORCESTER COUNTY ELECTRIC COMPANY

ORDER FIXING EFFECTIVE DATE FOR DECLARATION REGARDING ISSUE AND SALE OF SECURITIES

Worcester County Electric Company, a subsidiary company of New England Power Association, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it of two certain promissory notes in the aggregate principal amount of $250,000, said notes to be payable six months after the date thereof, and to bear interest at the rate of 2% per annum prepaid;

A hearing on said declaration having been held after appropriate notice; the record in this matter having been examined, and the Commission having made and filed its findings herein:

*It is ordered,* That said declaration be and become effective forthwith, subject to the terms and for the purposes represented thereby.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3404; Filed, November 22, 1937; 12:52 p. m.]

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## UNITED STATES MARITIME COMMISSION

NOTICE OF APPLICATION OF SOUTH ATLANTIC STEAMSHIP CO. OF DELAWARE FOR A WAIVER OF THE PROVISIONS OF SECTION 804, MERCHANT MARINE ACT, 1936

NOVEMBER 19, 1937.

The South Atlantic Steamship Co. of Delaware has requested the United States Maritime Commission to waive with respect to its affiliates the Strachan Shipping Company of Savannah, Georgia and the Trosdal Shipping Company of Savannah, Georgia, the provisions of Section 804 of the Merchant Marine Act, 1936, prohibiting a contractor receiving an operating-differential subsidy or its holding company, subsidiary, affiliate or associate from owning, chartering, acting as agent or broker for, or operating foreign-flag vessels which compete with any American-flag service determined by the Commission to be essential as provided in Section 211 of said Act. Any protests against such waiver, together with the reasons therefor, should be stated in writing and received by the Secretary of the Commission not later than 12 o'clock meridian December 6, 1937, in order to receive consideration.

[SEAL] W. C. PEET, Jr., *Secretary.*

[F. R. Doc. 37-3393; Filed, November 20, 1937; 10:55 a. m.]

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*Wednesday, November 24, 1937* *No. 228*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDING PARAGRAPH 7, SUBDIVISION I, SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 404), it is ordered that para-

graph 7, Subdivision I, Schedule A of the civil service rules be, and it is hereby, amended to read as follows:

"7. Any person employed in a foreign country, or in the Virgin Islands, or in any island possession of the United States in the Pacific Ocean except the Hawaiian Islands, or United States citizens employed in a confidential capacity in the Philippine Islands, when in the opinion of the Civil Service Commission it is not practicable to treat the position involved as in the competitive classified service; but this paragraph shall not apply to any person employed in a foreign country contiguous to the United States in the service of the Immigration and Naturalization Service, Department of Labor."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 20, 1937.*

[No. 7746]

[F. R. Doc. 37-3405; Filed, November 22, 1937; 3:00 p. m.]

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EXECUTIVE ORDER

ESTABLISHING A DEFENSIVE SEA AREA OFF THE COAST OF SAN CLEMENTE ISLAND

*California*

By virtue of and pursuant to the authority vested in me by the provisions of section 44 of the Criminal Code, as amended (U. S. C., title 18, sec. 96), the area of water surrounding San Clemente Island, California, extending from low-water mark out for a distance of three hundred yards beyond low-water mark, is hereby established as a defensive sea area for purposes of national defense, subject to the uses reserved for the Department of Commerce in Executive Order No. 6897, dated November 7, 1934.

At no time shall vessels or other craft be navigated within the defensive sea area above defined except such as are authorized by the Secretary of the Navy.

Any person violating the provisions of this order shall be subject to the penalties provided by law.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 20, 1937.*

[No. 7747]

[F. R. Doc. 37-3406; Filed, November 22, 1937; 3:00 p. m.]

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EXECUTIVE ORDER

WITHDRAWAL OF AREA FOR USE OF THE NAVY DEPARTMENT FOR PRESENT AND PROSPECTIVE NAVAL PURPOSES

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that the following-described area in Alaska, be, and it is hereby, withdrawn from settlement, location, sale, or entry and, subject to valid existing rights, reserved for the use of the Navy Department for present and prospective naval purposes:

SEWARD MERIDIAN

Beginning at a point at latitude 57°45'30" north and longitude 152°32'0" west, thence:

S. to latitude 57°43'0" N., longitude 152°32'0" W.;
SE. to latitude 57°42'0" N., longitude 152°30'0" W.;
E. to latitude 57°42'0" N., longitude 152°26'0" W.;
N. to latitude 57°44'0" N.;
NW. to latitude 57°45'30" N., longitude 152°29'0" W.;
W. to latitude 57°45'30" N., longitude 152°32'0" W., to the point of beginning.

This order shall continue in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*November 20, 1937*

[No. 7748]

[F. R. Doc. 37-3407; Filed, November 22, 1937; 3:01 p. m.]

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EXECUTIVE ORDER

ENLARGING ST. MARKS MIGRATORY BIRD REFUGE

*Florida*

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands and waters, together with all accretions thereto, acquired or to be acquired by the United States within the following-described areas, comprising approximately 31,445 acres in Wakulla, Jefferson, and Taylor Counties, Florida, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as an addition to the St. Marks Migratory Bird Refuge, established by Executive Order No. 5740 of October 31, 1931: *Provided*, That any private lands within the areas described shall become a part of the refuge upon the acquisition of title thereto or lease thereof by the United States:

TALLAHASSEE MERIDIAN

T. 4 S., R. 1 E.,
sec. 11, lots 1 to 5, inclusive;
secs. 14, 23, 24, 25, 26, and 36.
T. 4 S., R. 2 E.,
secs. 4, 5, 8, and 9;
sec. 13, SW¼;
secs. 14, 15, 16, and 17;
secs. 19 to 36, inclusive.
T. 5 S., R. 2 E., all fractional.
T. 4 S., R. 3 E.,
sec. 13, SW¼ and S½SE¼;
sec. 14, S½N½ and S½;
sec. 15, SE¼NE¼ and SE¼;
secs. 19 to 23, inclusive;
sec. 24, all in Jefferson County;
sec. 25, all in Jefferson County;
secs. 26 to 30, inclusive;
secs. 35 and 36.
T. 5 S., R. 3 E., all fractional, including East Cut-Off Island.
T. 4 S., R. 4 E.,
sec. 18, that part of the SW¼SW¼ lying west of the Aucilla River;
sec. 19, that part of the NW¼NW¼ lying west of the Aucilla River.

HARTSFIELD SURVEY

Those parts of River Survey Lots 7 and 8 not already in the St. Marks Migratory Bird Refuge:
Bay Lot 3, W½;
Lot 12, W½;
Lot 13, W½;
Lots 117 to 120, inclusive;
Lot 121, all that part described as follows:
Beginning at the corner of Lots 116 and 117 in the northwest boundary of Lot 121, thence S. 17°09' E., 60.00 chains; N. 80°03' E., 60.76 chains; N. 72°51' E., 59.21 chains, to a point on Apalachee Bay; thence with the meanders of Apalachee Bay, northerly, 126.42 chains, to a point in the northwest boundary of Lot 121, thence with the northwest boundary of Lot 121, southwesterly, to the place of beginning.

IN APALACHEE BAY

All of Sprague, Big Pass, Little Pass, John's, and Patty's Islands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 22, 1937.*

[No. 7749]

[F. R. Doc. 37-3411; Filed, November 23, 1937; 10:59 a. m.]



TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. No. 4777]

INCOME TAX

*Regulations 94 Amended by Renumbering Chapters XXXIV and XXXV as Chapters XXXV and XXXVI, and by Amending Articles 351-1 and 351-4: Article 351-4 of Regulations 86 Also Amended*

*To Collectors of Internal Revenue and Others Concerned:*

1. Regulations 94, approved November 12, 1936, are amended as follows:

(*a*) Chapters XXXIV and XXXV are renumbered as Chapters XXXV and XXXVI.

(*b*) The following is substituted for the heading of Chapter XXXIV renumbered as Chapter XXXV.

"SURTAX ON PERSONAL HOLDING COMPANIES

"(Under Title IA of the Revenue Act of 1936 as it existed prior to the amendment made by section 1 of the Revenue Act of 1937)"

(*c*) Immediately after the quotation of section 351 the following is inserted:

"Section 3 of the Revenue Act of 1937 enacted August 26, 1937 provides in part:

"'• • • Title IA of the Revenue Act of 1936, as it existed prior to such amendment, [section 1 of the Revenue Act of 1937] shall not apply to a foreign personal holding company (as defined in section 331 of the Revenue Act of 1936, added to such Act by section 201 of this Act) with respect to any taxable year ending after the date of the enactment of this Act.'"

[NOTE.—The provisions of this chapter apply to taxable years beginning after December 31, 1935, but do *not* apply to any taxable year beginning after December 31, 1936, or, in the case of a foreign personal holding company as defined in section 331 of the Revenue Act of 1936 (added to such Act by section 201 of the Revenue Act of 1937) to any taxable year ending after August 26, 1937.]

(*d*) The following sentence is added at the end of the second paragraph of article 351-1:

"A foreign corporation which is a foreign personal holding company (as defined in section 331 of the Revenue Act of 1936, added to such Act by section 201 of the Revenue Act of 1937) is not subject to the tax imposed by section 351 with respect to any taxable year ending after August 26, 1937 (see section 3 of the Revenue Act of 1937)."

2. Articles 351-4 of Regulations 86 and 94 are amended to provide:

"ART. 351-4. *Amounts used or set aside to retire indebtedness incurred prior to January 1, 1934.*

"(*a*) *Indebtedness.*—The term 'indebtedness' means an obligation, absolute and not contingent, to pay, on demand or within a given time, in cash or other medium, a fixed amount. The term 'indebtedness' does not include the obligation of a corporation on its capital stock.

"The indebtedness must have been incurred (or, if incurred by assumption, assumed) by the taxpayer prior to January 1, 1934. An indebtedness evidenced by bonds, notes or other obligations issued by a corporation is ordinarily incurred as of the date such obligations are issued and the amount of such indebtedness is the amount represented by the face value of the obligations. In the case of renewal or other changes in the form of an indebtedness, so long as the relationship of debtor and creditor continues between the taxpayer and his creditor, the giving of a new promise to pay by the taxpayer will not have the effect of changing the date the indebtedness was incurred.

"(*b*) *Amounts used or set aside.*—The deduction is allowable, in any taxable year, only for amounts used or set aside in that year. The use or setting aside must be to effect the extinguishment or discharge of indebtedness. Since, therefore, in the case of renewal and other changes in the form of an indebtedness, the relationship of debtor and creditor continues between the taxpayer and his creditor, the mere giving of a new promise to pay by the taxpayer will not result in an allowable deduction. If amounts are set aside in one year, no deduction is allowable for such amounts for a later year in which actually paid. As long as all other conditions are satisfied, the aggregate amount allowable as a deduction for any taxable year includes all amounts (from whatever source) used and, as well, all amounts (from whatever source) set aside, irrespective of whether in cash or other medium. Double deductions are not permitted.

"A resolution, specifying the particular indebtedness to be retired, the plan of retirement, and the specific assets to be used for that purpose, passed by the board of directors or corresponding authority during the taxable period or prior thereto, will be considered sufficient to meet the statutory requirement that the amounts must be 'set aside.' A certified copy of such resolution must accompany the return on Form 1120H.

"(*c*) *Reasonableness of the amounts with reference to the size and terms of the indebtedness.*—The reasonableness of the amounts used or set aside must be determined by reference to the size and terms of the particular indebtedness. Hence, all the facts and circumstances with respect to the nature, scope, conditions, amount, maturity, and other terms of the particular indebtedness must be shown in each case.

"Ordinarily an amount used to pay or retire an indebtedness, in whole or in part, at or prior to the maturity and in accordance with the terms thereof will be considered reasonable, and may be allowable as a deduction for the year in which so used, if no adjustment is required by reason of an amount set aside in a prior year for payment or retirement of the same indebtedness.

"All amounts set aside for the payment or retirement of an indebtedness in accordance with and pursuant to the terms of the obligation, for example, the annual contribution required by a mandatory sinking fund, will be considered as complying with the statutory requirement of reasonableness. Amounts set aside by a corporation voluntarily and without specific requirement by the terms of the indebtedness to which they apply will be considered reasonable if set aside pursuant to and in accordance with a definite and reasonable plan for payment or retirement of the particular obligation at maturity. Thus, an amount of $250,000 set aside in one year for the payment or retirement of an indebtedness of $300,000 which still has several years to run would not, except under extraordinary circumstances, be considered reasonable. To be considered reasonable it is not necessary that the plan of retirement provide for a retroactive setting aside of amounts for years prior to that in which the plan is adopted. However, if a voluntary plan was adopted prior to 1934, no adjustment is allowable in respect of the amounts set aside in the years prior to 1934. A plan once adopted must be adhered to in all subsequent years unless circumstances other than mere tax liability later arise which justify a modification of the plan.

"(*d*) *General.*—The burden of proof will rest upon the taxpayer to sustain the deduction claimed. Therefore, the taxpayer must furnish the information required by the return, and such other information as the Commissioner may require in substantiation of the deduction claimed."

This Treasury Decision is issued under the authority contained in sections 62 of the Revenue Acts of 1934 and 1936.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 19, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3408; Filed, November 22, 1937; 3:20 p. m.]

## WAR DEPARTMENT.

REVOCATION OF RULES AND REGULATIONS TO GOVERN THE OPERATION OF DRAWBRIDGES CROSSING THE ST. JOE RIVER, IDAHO

NOVEMBER 11, 1937.

*To the Secretary of War.*

On March 9, 1928, the Acting Secretary of War approved rules and regulations to govern the operation of the drawbridges crossing the Saint Joe River, Idaho. Investigation now discloses that this river is a navigable water of the State of Idaho, but it is not a navigable water of the United States since it has no navigable connection with navigable waters outside the State of Idaho. Accordingly, I recommend that the regulations approved March 9, 1928, be revoked.

J. L. SCHLEY,
*Major General,*
*Chief of Engineers.*

Recommendation approved November 12, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 37-3410; Filed, November 23, 1937; 9:52 a. m.]

## DEPARTMENT OF LABOR.

### Immigration and Naturalization Service.

[Eighth Amendment to General Order No. 228]

DISCONTINUING BOUNDARY COTTAGE, MAINE, AS A PORT OF ENTRY FOR ALIENS

NOVEMBER 22, 1937.

The designation of Boundary Cottage, Maine, as a port for the entry of aliens into the United States, pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Ti. 8, Sec. 102), and Executive Order No. 6166, dated June 10, 1933, is hereby discontinued.

Paragraph 1, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended up to and including December 31, 1936, and thereafter by amendments to General Order No. 228, is amended by striking from the list of ports of entry in District No. 1, the following: Boundary Cottage, Maine.

[SEAL] JAMES L. HOUGHTELING,
*Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary*

[F. R. Doc. 37-3412; Filed, November 23, 1937; 11:21 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 161]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 15, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|---|---|
| Georgia 8045 Sumter | $72,000 |
| Minnesota 8053W Waseca | 10,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3409; Filed, November 23, 1937; 9:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of November, A. D. 1937.

[File No. 32-74]

IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Wisconsin Michigan Power Company, a subsidiary company of The North American Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of $2,000,000 aggregate principal amount of its First Mortgage Bonds, 3¾% Series due 1961, to be dated July 15, 1936, to mature July 15, 1961, and to bear interest at a rate of 3¾% per annum, payable semi-annually, and the issuance of $700,000 aggregate principal amount of its promissory notes, to mature serially at the rate of $140,000 in each of the years 1938 to 1942, inclusive, and to bear interest at the rate of 3% per annum, payable semi-annually, it being stated by applicant that the issue and sale of said bonds and notes are solely for the purpose of financing applicant's business and will be expressly authorized by the Public Service Commission of Wisconsin, the State commission of the State in which applicant is organized and does business, and by the Michigan Public Utilities Commission, the State commission of the State in which applicant also does business;

*It is ordered*, That a hearing on such matter be held on December 9, 1937, at ten o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 4, 1937.

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3413; Filed, November 23, 1937; 12:46 p. m.]



*Thursday, November 25, 1937* *No. 229*

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

NOVEMBER 23, 1937.

To C. W. POORE, JAY POORE, and FORREST POORE,
*Doing business as McCook Livestock Exchange, Stockyard owner, at McCook, State of Nebraska.*

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as McCook Livestock Exchange, at McCook, State of Nebraska, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3416; Filed, November 24, 1937; 12:50 p. m.]

### Bureau of Biological Survey.

REGULATIONS FOR THE ADMINISTRATION OF NATIONAL WILDLIFE REFUGES UNDER THE JURISDICTION OF THE BUREAU OF BIOLOGICAL SURVEY [1]

By virtue of authority conferred upon the Secretary of Agriculture by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), section 84 of the act of March 4, 1909, 35 Stat. 1104, as amended by act of April 15, 1924, 43 Stat. 98, and section 401 of the act of June 15, 1935, 49 Stat. 385, and otherwise, the following regulations effective November 24, 1937, are hereby prescribed for the administration of lands of the United States that heretofore have been or that hereafter may be set apart or reserved by law, proclamation, or Executive order for the use of the Department of Agriculture, under the supervision of the Bureau of Biological Survey, as game refuges or as preserves, reservations, or breeding grounds, for waterfowl or other migratory or native birds and big game or other wild animals and hereinafter referred to as "refuges", except as otherwise provided by special regulations:

REGULATION 1—DEFINITION OF TERMS

For the purpose of these regulations the following terms shall be construed, respectively, to mean and to include—

*Secretary.*—The Secretary of Agriculture of the United States.

*Chief of Bureau.*—The Chief of the Bureau of Biological Survey, United States Department of Agriculture.

*Regional director.*—Regional director of the Bureau of Biological Survey, United States Department of Agriculture.

*Refuge.*—Refuges, preserves, ranges, reservations, or breeding grounds under the administration of the Secretary of Agriculture.

*Take.*—Molest, pursue, hunt, shoot, kill, trap, capture, or collect, or attempt to molest, pursue, hunt, shoot, kill, trap, capture, or collect, by any means or in any manner.

*Person.*—The plural or singular, as the case demands, of individuals, clubs, associations, partnerships, or corporations, unless the context otherwise requires.

*Officer in charge.*—Refuge manager, assistant refuge manager, United States reservation protector, superintendent, deputy, or the authorized representative of any such officer.

*Wildlife.*—Wild mammals, birds, fishes, and other vertebrates, including nests and eggs.

*Big-game animals.*—Buffalo, moose, caribou, elk, deer, bighorns or mountain sheep; mountain goats, antelope, bears, pecarries, and for the purpose of these regulations, wild burros and wild horses.

*Wild game birds.*—All migratory and upland game birds.

REGULATION 2—ENTRY UPON REFUGES

Entry upon refuges unless otherwise provided shall be only under appropriate permit issued for the purpose, but permits will not be required of any person—

For admission to the headquarters of the officer in charge when made by the usual line of travel;

For access to any part of a refuge by a person who is accompanied by the officer in charge;

For access to any part of a refuge by an authorized employee of the Department of Agriculture;

For entry and temporary use for recreational or other appropriate purposes of a camp site or other area specifically designated for the use of the public by the Chief of Bureau under such conditions as he shall prescribe so long as such use and occupancy do not interfere with the objects for which the refuge is established; or

For fishing or the taking of wildlife when by appropriate order the Secretary shall specifically authorize such action without permit.

REGULATION 3—FISHING

Fishing will be allowed on refuges acquired under the Migratory Bird Conservation Act, and on such areas in other refuges as may be designated for the purpose from time to time by order of the Secretary, but it shall be conducted in accordance with the laws of the State in which situated and in a manner that will not interfere with the objects of the refuge. Permits, valid during the period stated therein, for fishing on any such refuges or areas shall be issued by the officer in charge unless the Secertary by order shall authorize fishing without permit.

REGULATION 4—SPECIMENS FOR SCIENTIFIC, EXHIBITION, RESTOCKING, OR PROPAGATING PURPOSES

Specimens of plant and animal life or other natural objects on any refuge, including the nests and eggs of birds, may be taken for scientific, exhibition, restocking, or propagating purposes under special permit issued by the Secretary and countersigned by the Chief of Bureau, but no such permit shall be deemed to authorize the taking, possession,

[1] These regulations, except regulations 15, 16, and 17 which are general in scope, are not applicable to the Wichita Mountains Wildlife Refuge, Okla., the Upper Mississippi River Wildlife and Fish Refuge, Minn., Wis., Iowa, and Ill., the Bear River Migratory Bird Refuge, Utah, and the Aleutian Islands and Nunivak Island Refuges, Alaska.

transportation, or sale of any wildlife, or of the nests or eggs of birds, contrary to State or Federal law.

REGULATION 5—SCIENTIFIC STUDIES

Entry upon a refuge for scientific study, for taking photographs, or for other like purpose, when not inconsistent with the objects for which the refuge was created, may be allowed under permit issued by the officer in charge.

REGULATION 6—REMOVAL OF INJURIOUS OBJECTS

The removal of injurious animal life or other objects on any refuge and the disposition thereof in accordance with law and regulations and the orders of the Secretary shall be made by or under direction of the Chief of Bureau.

REGULATION 7—DOMESTIC ANIMALS

The ranging of cattle or other domestic stock or the running at large of dogs or cats upon a refuge or the entry of any such animals upon a refuge for any purpose except as specifically authorized under these regulations is not permitted.

REGULATION 8—ECONOMIC UTILIZATION OF RESOURCES

Permits to graze livestock, to harvest hay or stock feed, to remove timber, firewood, or other spontaneous products of the soil, or shells, sand, or gravel, to occupy or cultivate areas, to occupy residences or other buildings, to use any material of commercial value, or to make other use of the refuge not inconsistent with its objects may be issued by the Chief of Bureau or the regional director of the region in which the refuge is located upon such terms and at such rates of charge, if any, as may be ascertained and determined by the Chief of Bureau or the regional director to be commensurate with the value of the privilege granted by such permit. Any domestic animal that may die on the refuge shall be buried immediately by the owner, or by the person having it in charge, at least 2 feet underground and not less than one-fourth mile from a road, trail, highway, camp site, or occupied area, as directed by the officer in charge.

REGULATION 9—HUNTING AND TRAPPING

The taking of wildlife on refuges, when in accordance with the provisions of applicable Federal and State laws and under such conditions as the Secretary may prescribe, will be allowed only within such areas as may be designated for the purpose by order of the Secretary, and, unless otherwise provided in the order, under permit issued by the officer in charge, but no birds may be taken on any refuge acquired under the Migratory Bird Conservation Act.

REGULATION 10—OFFICIAL OPERATIONS EXCEPTED

These regulations shall not be construed to forbid or interfere with official operations within refuges by employees or agents of other departments or bureaus of the Government for the use of which the refuges or parts thereof have also been appropriated or designated.

REGULATION 11—PRIVATE OPERATIONS AND ADVERTISING

No person shall engage in or solicit any business or erect or occupy buildings within any refuge without a permit issued by the Chief of Bureau or by the regional director of the region in which the refuge is located and then only upon such conditions and at such rates of charge, if any, as may be ascertained and determined by the Chief of Bureau to be appropriate. Private notices or advertisements may not be posted, distributed, or displayed within the boundaries of any refuge, except that this prohibition shall not apply to names, addresses, and business designations of a permanent nature regularly carried on trucks, business automobiles, or other vehicles.

REGULATION 12—FIREARMS

Carrying, possessing, or discharging firearms on any refuge is not permitted, except that the officer in charge and other employees of the Department of Agriculture engaged in predator or rodent control and Federal or State officials engaged in law enforcement may carry and use firearms on refuges in the performance of official duties. Persons authorized by permit of the Secretary, countersigned by the Chief of Bureau, to take specimens of wildlife for scientific purposes on any refuge may use firearms when necessary in collecting such specimens; and under permit of the Chief of Bureau firearms may be possessed or used on refuges for such special purposes as may be specifically authorized in such permit. Persons crossing any refuge may carry or transport unloaded, dismantled, or cased firearms over regularly established routes of travel.

REGULATION 13—DISORDERLY CONDUCT

Disturbance of the peace or other disorderly conduct is prohibited at all times on all refuges, and no intoxicated person will be permitted to enter or be upon any refuge. Violation of this regulation shall invalidate the original permission accorded the offender to enter and be upon the refuge, and he shall leave the refuge as directed by the officer in charge, or failing to do so, his presence on the area after such notice or direction shall constitute a continuous trespass for the purpose of the enforcement of these regulations and will subject him to eviction from the refuge or to arrest and prosecution, or both.

REGULATION 14—PRESERVATION OF PUBLIC PROPERTY AND NATURAL FEATURES

The destruction, injury, defacement, removal, or disturbance in any manner of any building, notice, sign, signboard, equipment, fence, post, road, trail, dike, dike embankment, dam, bridge, fireplace, grate, table, bench, camp equipment, or any other public property of any kind; or of any tree, flower, vegetation, rock, or soil; or of any animal, bird, or other form of wildlife is prohibited, except as otherwise provided.

REGULATION 15—INTRODUCING EXTRALIMITAL WILDLIFE

Live mammals, birds, fishes, frogs, snakes, or turtles taken elsewhere shall not be introduced, liberated, or placed on any refuge unless authorized by the Chief of Bureau by permit or otherwise.

REGULATION 16—IMPOUNDING OF ANIMALS

Domestic livestock and dogs trespassing on a refuge may be impounded by the officer in charge. If the owner is known, prompt written notice of the impounding will be served upon him and in the event of his failure to remove the impounded animal within 5 days from delivery of such notice it will be sold or otherwise disposed of as hereinafter prescribed. If the owner is unknown, no sale or other disposition of the animal shall be made until at least 15 days have elapsed from the date that a notice of the impounding is first published in a newspaper of general circulation in the county in which the trespass occurs and posted at the county courthouse. Regional directors and officers in charge of refuges are hereby authorized to order the publication of such notices in newspapers by direct transmittal to the publisher of the standard form of advertising order approved by the Comptroller General. The notice shall state when and where the animal was impounded, shall describe it by brand or earmark or both, or, in the absence of such distinguishing marks, by such other means as are necessary to identify such animal, and shall specify the time and place it will be offered at public sale to the highest bidder in default of redemption by the owner on or before that date. Prior to such sale the owner may redeem the animal by submitting proof of ownership and paying all expenses incurred by the United States for gathering, advertising, pasturing, feeding, and impounding. Upon the sale of any animal in accordance with this regulation, the Chief of Bureau or his authorized representative shall issue a certificate of sale. If an animal impounded under this regulation is offered at public sale and no bid is received, it may, in the discretion of the Chief of Bureau, or the regional director, be sold at private sale or be condemned and destroyed.



In all livestock trespasses on wildlife refuges the value of the forage consumed will be computed at the daily, monthly, or yearly commercial rates prevailing in the locality for the class of livestock found in trespass.

In addition to the damages to wildlife refuge property injured or destroyed, and in order to compensate the United States fully for any loss resulting from trespass by livestock, a charge may be made and added to the value of the forage consumed, which shall include the pro rata salary of refuge officers for the time spent and the expenses incurred in and about the investigations, reports, and prosecution of the case.

REGULATION 17—SALE OF SURPLUS ANIMALS AND PRODUCTS

Within the limitations of the act of June 15, 1935, 49 Stat. 383, the following conditions and requirements are prescribed governing the sale or other disposition of wildlife, including long-horned cattle, wild burros, and wild horses, and hay, timber, grass, or other spontaneous products of the soil that may become surplus to refuge needs or requirements:

*Big-game animals and long-horned cattle.*—The Chief of Bureau shall from time to time determine the number of surplus big-game animals, including long-horned cattle, in the respective herds on fenced big-game refuges under his administration and, upon submitting lists of such animals to the Secretary, shall announce them for sale for propagation, restocking, exhibition, or food, in accordance with such schedule of prices as may be prescribed from time to time by order of the Secretary and under such conditions as the Chief of Bureau may impose for the safeguarding of the Government's interests. In the sale of such animals preference shall be given to applications for purchase alive for propagation, restocking, or exhibition: *Provided*, That in the discretion of the Chief of Bureau surplus animals may be exchanged for like or other species or they may be donated or loaned to State, county, city, or municipal zoos, parks, or game preserves, or to private institutions for propagation, restocking, or exhibition, the recipients to pay expenses incident to the capture, crating, removal, and transportation of such animals as the Chief of Bureau shall direct.

Surplus animals not disposed of as hereinbefore provided may be transferred to an Indian Agency or other Federal service on application therefor by such agency or service, for restocking, propagation, or food, said agency or service to pay all expenses incident to the capturing or butchering of the animals and their removal and transportation from the refuge.

Substandard animals, carcasses of animals accidentally killed or injured, and hides, heads, horns, or other parts of such animals may be disposed of at public or private sale in the discretion of the Chief of Bureau, at the best price obtainable.

*Fur-bearing animals.*—Under the direction of the Chief of Bureau, fur-bearing animals surplus to refuge needs and requirements or the disposal of which is essential to the maintenance of a balanced wildlife population and management program may be taken and exchanged, sold or donated, to any State or county for restocking or propagation, or they may be trapped and the pelts thereof sold in the open market at the prevailing market price; but the Chief of Bureau may, if consistent with refuge administration, extend public trapping privileges on such refuge, giving preference to local residents of the county or counties in which the refuge is situated, subject to State trapping laws and regulations and to such regulations, conditions, and rates of charge, if any, as the Secretary by order may prescribe, and, unless otherwise provided in the order, under permit issued by the officer in charge.

*Wild burros and wild horses.*—Wild burros and wild horses existing on wildlife refuges surplus to refuge needs and requirements, or the disposal of which is essential to the maintenance of a balanced wildlife population, may be disposed of by private or public sale at the best price obtainable, or they may be otherwise disposed of in the discretion of the Chief of Bureau.



*Wild game birds.*—Wild game birds, including migratory and upland species, propagated, introduced, or mantained on refuges surplus to refuge needs or requirements, or the disposal of which is essential to the maintenance of a balanced population, may be disposed of in such manner and under such conditions as the Chief of Bureau may determine to be appropriate.

*Hay, grass, timber, and other products.*—Hay, grass, timber, or other spontaneous products of the soil produced on any refuge surplus to refuge needs and requirements may be sold by the Chief of Bureau, preference being given to local residents of the county or counties in which the refuge is situated, at prevailing market prices for such products in the locality where produced.

Whenever in the opinion of the Chief of Bureau or the regional director it shall be advantageous to the United States, he may, in his discretion, enter into cooperative agreements with officials, organizations, associations, and individuals for the cultivation of lands of the United States within refuges, whereby specified areas of grain, hay, or other feed and cover for wildlife will be allowed to remain on the refuge in lieu of further consideration for such agreements or permits.

REGULATION 18—APPLICATION FOR PERMITS

Applications for permits shall be made in writing and shall be addressed to the regional director of the Bureau of Biological Survey of the region in which the refuge is situated or to the officer in charge of the refuge, when the permits are authorized to be issued by such officers; otherwise, to the Chief, Bureau of Biological Survey, Washington, D. C.

REGULATION 19—EXHIBITION AND REVOCATION OF PERMITS

The holder of a permit authorizing him to be upon a refuge shall exhibit it at any reasonable time upon request of any officer or employee of the Department of Agriculture engaged in the administration or enforcement of laws or regulations applicable to the refuge and shall furnish such further information as to his identification as may be required by such officer or employee. A permit may be terminated at any time by agreement between the officer in charge and the permittee; it may be revoked by the Chief of Bureau or by the regional director who issued it for noncompliance with the terms thereof or of these regulations, for nonuse, or for violation of any law, regulation, or order applicable to the refuge, or for violation of any State or Federal law protecting wildlife or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary.

These regulations supersede the regulations of the Secretary of Agriculture of May 7, 1930, for the administration of Federal wildlife refuges, and the regulations of the Secretary of October 5, 1935, relating to the impounding of animals, and of October 14, 1936, relating to the disposal of surplus big-game animals.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 23d day of November, 1937.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3417; Filed, November 24, 1937; 12:50 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 66]

AMENDMENT OF SECTION 101d OF THE RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS—VOTING RIGHTS OF CLASS B STOCK OWNED BY TWO OR MORE PERSONS JOINTLY

Pursuant to the provisions of the Farm Credit Act of 1933, particularly sections 20 and 80 (b) thereof, Section 101d of the Rules and Regulations for Production Credit Asso-

ciations is hereby amended by adding thereto the following paragraph:

"Class B stock owned by two or more persons jointly shall be entitled to one vote only. Such vote may be cast by any one of the joint owners present at the meeting if he has been duly authorized to do so by all the other joint owners; otherwise, such stock may be voted only when all the joint owners are present at the meeting and agree upon the manner in which the vote is to be cast."

[SEAL] S. M. GARWOOD,
*Production Credit Commissioner.*

[F. R. Doc. 37-3415; Filed, November 24, 1937; 12:09 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of November, 1937.

[File No. 1-326]

IN THE MATTER OF TELEPHONE INVESTMENT CORPORATION CAPITAL STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Telephone Investment Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Capital Stock, No Par Value, from listing and registration on the San Francisco Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on December 3, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3418; Filed, November 24, 1937; 12:51 p. m.]

## UNITED STATES MARITIME COMMISSION.

[General Order No. 18]

REGULATION GOVERNING APPLICATIONS FOR APPROVAL OF SALE, TRANSFER, MORTGAGE OR CHARTER OF VESSELS PURCHASED FROM THE UNITED STATES OR DOCUMENTED UNDER THE LAWS OF THE UNITED STATES

The United States Maritime Commission, pursuant to the authority conferred upon it by the Merchant Marine Act, 1936, particularly Section 204 (b) thereof, the Shipping Act, 1916, and the Merchant Marine Act, 1920, hereby prescribes and adopts as necessary and appropriate thereunder the following regulation governing applications for approval, pursuant to Section 9 of the Shipping Act, 1916, of the placing under a foreign registry or flag, or of the sale, transfer, mortgage or charter to any person not a citizen of the United States of any vessel purchased from the United States or documented under the laws of the United States.

Ordered that, no person shall put under a foreign registry or flag, or sell, transfer, mortgage or charter to any person not a citizen of the United States any vessel purchased from the United States Maritime Commission or its predecessors, the United States Shipping Board and the Department of Commerce, or any vessel documented at any time under the laws of the United States, except vessels which have already been transferred to foreign registry or flag, whether or not such vessel has a documented status for any other purpose at the time of the proposed placing under foreign registry or flag, or the proposed sale, transfer, mortgage or charter, without first obtaining the approval of the Commission: Provided that any such vessel documented under the laws of the United States may be chartered without further action by the Commission to a person not a citizen of the United States for a period not to exceed twelve months or for a voyage or voyages the probable duration of which does not exceed twelve months, pursuant to the regulation prescribed by the United States Shipping Board on April 22, 1930. This regulation shall take effect immediately.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr., *Secretary.*

NOVEMBER 22, 1937.

[F. R. Doc. 37-3414; Filed, November 23, 1937; 3:32 p. m.]

*Saturday, November 27, 1937* *No. 230*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

TRANSFERRING CERTAIN LANDS FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF COMMERCE AND RESERVING THEM AS THE ARCADIA FISH HATCHERY

*Rhode Island*

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), it is ordered that the following-described lands in the County of Washington, Rhode Island, acquired by the United States through the Resettlement Administration, be, and they are hereby, transferred from the Department of Agriculture to the Department of Commerce, Bureau of Fisheries, and reserved and set apart for the use of the Department of Commerce, subject to valid existing rights, as a fish hatchery:

Beginning at a stone bound, 8 in. square, standing 2 in. above ground, on the east side of the Summit Road, said bound being the southwest corner of land now or formerly of George A. Young and wife, Sarah M. Young.

Thence, from said initial point, by metes and bounds,

N. 76° E., 169.39 ft., to a stone bound;

N. 6° W., 169.63 ft., to a stone bound;

S. 76° W., 169.28 ft., to a boulder and stone wall on the side of the Summit Road, the last three courses bounding on land of said George A. and Sarah M. Young;

Northwest, 138.35 ft. along the northeast side of said Summit Road, to land now or formerly of Edmund B. Pilkington and Martha Alice Pilkington;

N. 19° E., 28.27 ft. along a stone wall, to a corner in the wall;

N. 44° E., 56.73 ft., to the beginning of a stone wall;

N. 11° 30' E., 180.42 ft. along a wall, to a corner in the wall;

N. 80° W., 292.94 ft. along a wall, to a corner in the wall, at the Summit Road, the last four courses bounding on land of the said Edmund B. and Martha Alice Pilkington;

Northwest, 87.52 ft. along the northeast side of said Summit Road, to the center line of Roaring Brook;

East, 1320 ft., more or less, along the center line of said Roaring Brook to a point which is 210 ft., more or less, west from the south end of the Arcadia Upper Pond spillway;

S. 36°23' E., 220 ft., to a point on the edge of the Arcadia Upper Pond, said point being 200 ft., more or less, south from the south end of the Arcadia Upper Pond spillway;

Southeast, 600 ft., more or less, along the edge of the Arcadia Upper Pond;

S. 48° W., 800 ft., more or less, partly along a wire fence which is the west boundary line of the School House Lot, to a point on the northeast side of the Arcadia Frosty Hollow Road, said point being the southwest corner of said School House Lot;

Northwest, 844 ft., along the northeast side of the said Arcadia Frosty Hollow Road, to the east side of the Summit Road;

Thence,

N. 25°30' E., 176.35 ft., to the place of beginning.

The transit survey was made in October, 1935; the directions of the lines refer to the magnetic meridian and were determined by deflection angles; and the corresponding magnetic declination was 14°52'36" W. The tract as described contains 26.0 acres, more or less.

This reservation shall be known as the Arcadia Fish Hatchery.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 24, 1937.*

[No. 7752]

[F. R. Doc. 37-3419; Filed November 24, 1937; 2:44 p. m.]

## WAR DEPARTMENT.

REGULATIONS TO GOVERN THE USE, ADMINISTRATION, AND NAVIGATION OF THE CAPE COD CANAL, MASSACHUSETTS

THE LAW

Extract from the River and Harbor Act of August 8, 1917:

SEC. 7. That section four of the river and harbor Act of August 18, 1894, as amended by section 11 of the river and harbor Act of June 13, 1902, be, and is hereby, amended so as to read as follows:

SEC. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

In pursuance of the foregoing law, the following regulations are prescribed to govern the use, administration, and navigation of the Cape Cod Canal, Massachusetts.

*The Regulations*

1. *Limits.*—The Cape Cod Canal, including approaches, is defined as the waterway from a point in Buzzards Bay, Massachusetts, about one mile west of Wings Neck Light, thence through dredged channels and land cuts to the outer extremity of the northerly stone breakwater in Cape Cod Bay at Sandwich.

2. *Authority of canal officers.*—The movement of all boats, or craft of every description in the canal, shall be subject to the supervision of the District Engineer of the Engineer Department at Large, in general charge of Federal Waterway improvements in the locality, whose address is 3d Floor, Park Square Building, 31 St. James Avenue, Boston, Mass.

3. *Dimensions.*—Various dimensions relating to the canal are as follows:

Length: 8 miles across isthmus.
Length of approach channel, Buzzards Bay: 5 miles.
Length of breakwater, Cape Cod Bay: 3,000 feet.

*Bridges:*
Highway (fixed):
Horizontal Clearance: 550 feet between channel piers.
Vertical Clearance: 135 feet above mean high water.

*Bridges*—Continued
Railroad (Vertical Lift):
Horizontal Clearance: 500 feet between channel piers.
Vertical Clearance:
Closed: 7 feet above mean high water.
Raised: 135 feet above mean high water.

The work of deepening and widening the canal is in progress. Information regarding the controlling depth and width may be obtained from the District Engineer, Boston, Massachusetts.

4. *Signals.*—

1. All vessels desiring to enter the canal may signal by three long blasts of the whistle when arriving at Wings Neck Light or Sandwich breakwater.

2. A vessel approaching the railroad bridge when the lift span is lowered shall signal by three long blasts of the whistle for raising the span. Vessels or other craft without steam power shall hail the bridge by horn or megaphone, or notify the operator by verbal communication of the desire to pass under the span.

3. The span shall be raised with the least possible delay upon receiving the signal: *Provided*, That the span shall not be raised when there is a train upon the bridge or approaching it so closely that the train cannot be stopped. If the span of the bridge is ready to be raised immediately, the operator shall so indicate by sounding one long blast of a whistle or horn; but, if it will not be raised immediately, he shall so indicate by sounding four short blasts in quick succession upon such whistle or horn. These signals shall be made as soon as possible after receiving the boat signal.

4. Vessels shall not attempt to pass the bridge until the span has been fully raised.

5. *Precedence.*—Ordinarily, vessels will be given precedence in order of arrival, but when several vessels are to be passed precedence shall be given:

FIRST. To vessels owned by the United States or employed on canal improvement work.

SECOND. To passenger vessels.

THIRD. To freight vessels and towboats.

FOURTH. To small boats and craft bent on pleasure only.

6. *Mooring.*—Anchorage or mooring basins are located at both the eastern and western terminals. The eastern basin is on the north side of the canal. It is 2,000 feet in length, 300 feet in width and dredged to a depth of 25 feet at mean low water. The western basin is on the southeast side of the Hog Island Channel, opposite the dredged cut to Onset Bay. It is 2,600 feet in length, 350 feet in width, and 32 feet in depth at mean low water. Mooring dolphins are provided. Vessels mooring or anchoring shall do so in such a manner as not to obstruct the canal channel nor to impede vessel movement to and from the basins.

7. *Location of traffic lights—Eastern or Cape Cod Bay terminal.*—Red, green, and purple electric lights, visible for a distance of about two miles in clear weather, day or night, are located at Sandwich on the south side of the entrance. The lights, which are at an elevation of about 30 feet above high water, are located on a pole structure.

*Western or Buzzards Bay terminal.*—Red, green, and purple electric lights, visible for a distance of about two miles in clear weather, day or night, are located near Wings Neck lighthouse, on the south side of the entrance. The lights, which are at an elevation of about 35 feet above high water, are located on a pole structure.

8. *Westbound traffic.*—When a green light is showing at the eastern or Cape Cod Bay terminal at Sandwich, vessels may proceed through the canal. The green light indicates that the canal and approaches are open to westbound traffic. When the purple light is showing, vessels may proceed as far as the mooring basin at the eastern entrance, where they must stop and await the green signal light at the Sandwich Terminal before passing west through the canal. The purple

light indicates that the canal proper is not open to westbound traffic and that eastbound traffic may have to be passed in the Cape Cod Bay approach channel. The red light means that vessels must stop clear of the outer end of the Cape Cod Bay approach channel.

9. *Eastbound traffic.*—When a green light is showing at the western or Buzzards Bay signal block at Wings Neck, vessels may proceed through the canal unless later stopped by motor boat or other signal. The green light indicates that the canal and approaches are open to eastbound traffic. When the purple light is showing, vessels may proceed through the Buzzards Bay approach channel as far as the mooring basin near Hog Island, where they must stop and from whence clearance will be granted by motor boat or other signal. The purple light indicates that the canal proper is not open to eastbound traffic and that westbound traffic may have to be passed in the Buzzards Bay approach channel. The red light means that vessels must stop clear of the southern entrance to the Buzzards Bay approach channel and must not enter the Buzzards Bay approach channel. In daytime when sunshine obscures the signal lights, or if the electric current should be temporarily interrupted, a red ball or shape will be operated from a pole about 60 feet southwest of the traffic lights. When the ball is raised, vessels must stop; when the ball is lowered to the ground, full clearance is granted.

10. *Warning lights.*—At both terminals, vessels tied up at dolphins or anchored may be warned by the red light flashing three times, that about fifteen (15) minutes later they will be given a green light. If, on receiving the green light they do not proceed within fifteen (15) minutes, they may forfeit their priority to pass through the canal.

11. *Meeting of vessels.*—Vessels navigating the canal or its approaches in opposite directions at the same time under proper lights are subject to the usual customs, rules, and laws of navigation applicable to restricted channels.

12. *Two-way traffic.*—Two-way traffic through the canal will be allowed when, in the opinion of the representative of the United States Engineer Department charged with directing traffic, the conditions are suitable.

13. *Obtaining clearance.*—Vessels should not attempt to transit the canal until clearance has been obtained. When conditions render visibility poor, clearance should be procured by radio or other reliable medium.

14. *Speed.*—No boat in the canal shall be raced or crowded alongside another or moved at a speed which will cause excessive wash. Speed will be reduced to a minimum consistent with safe navigation. All vessels must pass mooring dolphins, wharves, landings, and dredging plants at minimum speed, with engines stopped, if practicable, to avoid wave and suction damage.

15. *Management of boats.*—The boat entering first shall have precedence. As a rule the vessel following shall keep at least 1,000 feet astern of the vessel ahead. Restricted passing is permissible, particularly when a leading, low-powered vessel is unable to stem the current, but extreme care to avoid collision is imperative.

16. *Handling of tows.*—Tows should be assembled outside the canal entrances when practicable, and vessels in tow should be securely fastened to the towing vessel and to each other. Long hawsers are not permitted. Vessels without engine motive power must not attempt to sail through the canal.

17. *Unnecessary delay in canal.*—Vessels must not obstruct navigation by unnecessary delay in entering or passing through the canal or by anchoring in the channel.

18. *Landing of freight, etc.*—Except in emergencies, vessels shall not stop to land passengers, freight or baggage or to transfer same to another vessel under such conditions as would in any way interfere with navigation.

19. *Deposit of refuse.*—No ashes, oil or other material or liquid of any kind shall be thrown, pumped, or swept into the canal or approaches, or deposited on canal grounds.

20. *Statistics.*—Masters or pursers of vessels shall furnish the District Engineer, or his authorized representative, on each passage through the canal, such written statement of passengers, freight, and registered tonnage as may be indicated by blanks furnished for the purpose. Failure to furnish this statement will result in the offending boats being refused passage through the canal or any part of it.

21. *Persistent violation of regulations.*—If the owner or master of any boat persistently violates these regulations after due notice of the same, legal proceedings may be instituted under the act or acts covering such violations.

22. *Pilots.*—The U. S. Engineer Department does not maintain pilot service. Pilots licensed by the Department of Commerce are usually available. Signals from vessels or requests by radio, etc., will be transmitted to pilots, but no responsibility therewith is assumed.

23. *Trespass upon canal property.*—Trespass upon the canal property or injury to the canal, lands, banks, bridges, breakwaters, dolphins, fences, culverts, trees, telephone lines, or to any other property of the United States pertaining to the canal, is prohibited.

24. *Fish and game.*—All persons are forbidden to enter upon the United States lands or canal for the purpose of fishing or hunting, or taking fish or game by any means, without a written permit from the District Engineer. The fish and game laws of the United States and of the State of Massachusetts will be enforced upon the canal and the lands of the United States pertaining thereto.

25. *Effective Date.*—These regulations shall take effect and be in force from and after January 1, 1938. All previous regulations are hereby rescinded.

Approved November 15, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

[F. R. Doc. 37-3423; Filed, November 26, 1937; 10:07 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 73]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER ONE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937.

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number One having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number One having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number One and to other evidence and pertinent data relating to the classifications of coals for District Number One:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number One, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number One, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number One and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number One or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number One to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number One and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3425; Filed, November 26, 1937; 11:24 a. m.]

[Order No. 74]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER TWO AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Two having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Two having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Two and to other evidence and pertinent data relating to the classifications of coals for District Number Two:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Two, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Two, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Two and such classifications shall be effective until further order of this Commission.



2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Two or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Two to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Two and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3426; Filed, November 26, 1937; 11:36 a. m.]

[Order No. 75]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER THREE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Three having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Three having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Three and to other evidence and pertinent data relating to the classifications of coals for District Number Three:

Now, therefore, pursuant to Act of Congress entitled "An Act of regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Three, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Three, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Three and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Three

or the Commission involving a revision of the initial classification of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Three to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Three and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3427; Filed, November 26, 1937; 11:36 a. m.]

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[Order No. 76]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER FOUR AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Four having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Four having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Four and to other evidence and pertinent data relating to the classifications of coals for District Number Four:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Four, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Four, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Four and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Four or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Four to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Four and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3429; Filed, November 26, 1937; 11:37 a. m.]

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[Order No. 77]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER FIVE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Five having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Five having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Five and to other evidence and pertinent data relating to the classifications of coals for District Number Five:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Five, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Five, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Five and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Five or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Five to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Five and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3428; Filed, November 26, 1937; 11:37 a. m.]

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[Order No. 78]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER SIX AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Six having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Six having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Six and to other evidence and pertinent data relating to the classifications of coals for District Number Six;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Six, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Six, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Six and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Six or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Six to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Six and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3430; Filed, November 26, 1937; 11:38 a. m.]

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[Order No. 79]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER NINE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Nine having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Nine having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Nine and to other evidence and pertinent data relating to the classifications of coals for District Number Nine;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Nine, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Nine, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Nine and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Nine or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commssion shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Nine to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Nine and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH. *Secretary.*

[F. R. Doc. 37-3431; Filed, November 26, 1937; 11:39 a. m.]

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[Order No. 80]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER TEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38, NO. 43 AND NO. 58, AND SECTION 4, PART II, SUBSECTION (A), AND SECTION 6, SUBSECTION (A), OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Ten having proposed to the Commission initial classifications of coals of code members; a hearing having

been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in their respective districts; Bituminous Coal Producers Board for District Number Ten having proposed at such hearing initial classifications of coals of code members in such district, and later having withdrawn such initial classifications; the Commission having found by its Order No. 58 that said Bituminous Coal Producers Board for District Number Ten had failed to comply with the Commission's Orders No. 38 and No. 43, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act; and, the Commission having given due consideration to evidence submitted and to pertinent data in its possession,

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Ten, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals for Code Members within District Number Ten filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Ten and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Ten or the Commission involving a revision of the initial classifications of coals of any code member.

4. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Ten to the Consumers' Counsel, the Secretary of the Bituminous Coal Producers Board for District Number Ten, to all code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3432; Filed, November 26, 1937; 11:39 a. m.]

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[Order No. 81]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER THIRTEEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Thirteen having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Thirteen having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Thirteen and to other evidence and pertinent data relating to the classifications of coals for District Number Thirteen:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Thirteen, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Thirteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Thirteen and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Thirteen or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Thirteen to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Thirteen and to code members within said District, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 24th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3433; Filed, November 26, 1937; 11:40 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 4 to B. A. I. Order 357]

RULES AND REGULATIONS WITH RESPECT TO STOCKYARD OWNERS, MARKET AGENCIES, DEALERS, AND LICENSEES

[Effective on and after December 1, 1937]

NOVEMBER 26, 1937.

Under authority of the act of Congress approved August 15, 1921 (U. S. C., title 7, secs. 181-229), as amended by the act approved August 14, 1935 (U. S. C., sup. I, title 7, secs. 218-218d), amendment 4 to B. A. I. Order 357, effective December 1, 1937, amending the general rules and regulations of the Secretary of Agriculture with respect to stockyard owners, market agencies, dealers, and licensees, is hereby promulgated.

I

Regulation 3 (a) is hereby amended to read as follows:

3. (*a*) Each stockyard owner and market agency shall plainly state in the schedule of rates and charges (sec. 306, title III) filed by such stockyard owner or market agency, the date when effective, the stockyards at which it applies, the name and business address of the stockyard owner or market agency, the kind of livestock, the nature of the service, and the terms or conditions under which the service will be rendered.

Each licensee furnishing or conducting services or facilities for which a charge is made shall plainly state in the schedule of rates and charges (sec. 504, title V, which incorporates by reference sec. 306, title III) filed by such licensee, the date when effective, the city, place, or market at which it applies, the name and the business address of the licensee, the nature of the service or facilities furnished, and the terms or conditions under which the service will be rendered.

Schedules of rates and charges and amendments thereto of stockyard owners, market agencies, and licensees shall be printed or typed on paper which is approximately 8 by 11 inches in size, the lines of print or type being horizontal to the 8-inch dimension. Two copies of each such schedule or amendment shall be filed with the Bureau of Animal Industry at Washington, D. C., at least one of which shall be signed by the market agency, stockyard owner, or licensee filing the same.

The schedules of each market agency, stockyard owner, and licensee shall be designated by successive numbers as filed. Each such schedule shall be divided into sections which shall provide for the various classes of services furnished by the market agency, stockyard owner, or licensee. Each amendment of such schedule shall be numbered, and shall show the number of the schedule of which it is an amendment. Each such amendment shall in its body make adequate reference to the section or sections of the schedule which is amended, and shall set forth such section or sections in full in the amended or supplemented form. Each amendment shall indicate the numbers of such amendments to the original schedule as are in effect. After a market agency, stockyard owner, or licensee has filed 30 amendments to its schedule, any further change in the rates or charges shall be embodied in a new schedule which shall contain all rates and charges then in effect: *Provided, however,* That not more than 10 amendments relating to charges other than for feed may be filed without filing and publishing a new schedule.

Each stockyard owner, market agency, and licensee shall also file with the Bureau of Animal Industry at Washington, D. C., two copies of every rule or regulation, or set of rules or regulations, and of each amendment or supplement thereto, properly printed or typed, which in any manner change, affect, or determine any part or the aggregate of the rates or charges of such stockyard owner, market agency, or licensee, or the value of the services furnished.

All schedules and rules or regulations and amendments thereto required to be filed under this act shall be kept posted in a conspicuous public place by the market agency and stockyard owner filing same. Licensees shall post schedules of rates, charges, and rentals in a conspicuous location in their places of business where they may be readily observed by any interested person (sec. 504, title V). Unless the requirement as to filing and notice is specifically waived, as provided for in section 306 (*c*) (incorporated by reference in sec. 504, title V), all amendments to schedules or rules or regulations changing a rate or charge shall be filed with the Bureau of Animal Industry at Washington, D. C., not less than 10 days before the effective date thereof and must be posted in a conspicuous public place by the market agency, stockyard owner, or licensee filing the amendment at least 10 days prior to the effective date.

II

Regulation 17 (b) is hereby amended to read as follows:

17. (*b*) Every market agency and dealer shall, on or before the date of commencement of operations, execute and thereafter maintain, or cause to be executed and thereafter maintained, reasonable bonds to suitable trustees to secure the performance of their obligations incurred as such market agency or dealer, and shall immediately file or cause to be filed with the Bureau of Animal Industry at Washington, D. C., a fully executed duplicate of such bond. For the purpose of this regulation, "market agency" means any person engaged in the business of buying or selling in commerce livestock at a stockyard on a commission basis, and "dealer" means any person, not a market agency, engaged in the business of buying or selling in commerce livestock at a stockyard either on his own account or as the employee or agent of the vendor or purchaser.

Such bonds may contain such other terms and conditions as may be agreed upon between the parties thereto, not inconsistent with the requirements of this regulation. The surety on such bond shall be a surety company approved by the Treasury Department of the United States for bonds executed to the United States, or any other form of indemnity may be accepted in lieu thereof which is found by the Chief of the Bureau of Animal Industry at Washington, D. C., to afford substantially equivalent protection.

The amount of such bond shall be not less than the nearest multiple of $1,000 above the average amount of sales and/or purchases of livestock by such market agency or dealer during two business days, based on the total number of the business days, and the total amount of such sales and/or purchases in the preceding 12 months, or in such part thereof in which such market agency or dealer did business, if any. For the purpose of this computation, 308 shall be deemed the number of business days in a year, except that in those markets where livestock is offered for sale on not more than two days per week the actual number of days in the preceding 12 months on which livestock was offered for sale shall be deemed the number of business days. In such instances the amount of the bond shall be not less than the nearest multiple of $1,000 above the average amount of sales and/or purchases of livestock by such market agency or dealer during one business day. In any case, however, the amount of bond shall be not less than $2,000; and when the sales and/or purchases, calculated as hereinbefore specified, exceed $50,000 the amount of the bond need not exceed $50,000 plus 10 percent of the excess. Whenever the Chief of the Bureau of Animal Industry at Washington, D. C., finds any bond required hereunder to be inadequate, such bond, upon notice, shall be adjusted to meet the requirements of this regulation.

Two or more market agencies or dealers or the employees or agents of such dealers, if such market agencies or dealers are affiliated with the same association or local exchange, may be covered by a single bond in an amount based on their combined purchases and/or sales determined in accordance with this regulation.

All surety bonds, or their equivalents, shall contain a provision requiring that at least 10 days' prior notice in writing be given to the Bureau of Animal Industry at Washington, D. C., by the party terminating such bonds or equivalents, in order to effect their termination.

Done at Washington, D. C., this 26th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3424; Filed, November 26, 1937; 11:20 a. m.]

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### Farm Security Administration.

DESIGNATION OF COUNTIES (ALABAMA)

NOVEMBER 20, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Alabama State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Barbour, Blount, Butler, Chilton, Conecuh, Dallas, DeKalb, Elmore, Geneva, Greene, Hale, Lawrence, Lee, Madison, Marengo, Marion, Monroe, Montgomery, Morgan, Pickens, Pike, Talladega, Tallapoosa, Walker, Wilcox.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F.R. Doc. 37-3420; Filed, November 24, 1937; 3:16 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. IT-5497]

APPLICATION OF WISCONSIN MICHIGAN POWER COMPANY

ORDER FIXING DATE OF HEARING

Upon application filed November 24, 1937, by Wisconsin Michigan Power Company, a corporation organized under the laws of the State of Wisconsin and having its principal place of business at Public Service Building, 231 West Michigan Street, Milwaukee, Wisconsin, for authority under Section 203 of the Federal Power Act to purchase the physical property and appurtenant flowage rights comprising the hydro-electric generating and transmission system of the Northern Paper Mills:

It is ordered:

That a hearing on said application be held beginning at 10 a. m. on December 4, 1937, in the Commission's hearing room in the Hurley-Wright Building, 1800 Pennsylvania Avenue N.W., Washington, D. C.

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Adopted by the Commission November 24, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3421; Filed, November 26, 1937; 10:06 a. m.]

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Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket Nos. IT 5495 and IT 5496]

APPLICATIONS OF MISSISSIPPI RIVER POWER COMPANY, MISSOURI TRANSMISSION COMPANY, IOWA TRANSMISSION LINE COMPANY

ORDER SETTING HEARING

Upon joint applications filed November 18, 1937, by Mississippi River Power Company, a Maine corporation with offices at Keokuk, Iowa, and Missouri Transmission Company, a Missouri corporation with offices at St. Louis, Missouri, and Iowa Transmission Line Company, a Delaware corporation with offices at Des Moines, Iowa, pursuant to Section 203 (a) of the Federal Power Act, for approval of the transfer of the facilities of the Missouri Transmission Company and the Iowa Transmission Line Company to the Mississippi River Power Company;

It is ordered:

That a public hearing on said applications be held beginning at 10:00 A. M. on December 15, 1937, in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue N.W., Washington, D. C.

* * * * * *

Adopted by the Commission on November 23, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3422; Filed, November 26, 1937; 10:06 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of November, 1937.

[File No. 1-429]

IN THE MATTER OF STUTZ MOTOR CAR COMPANY OF AMERICA, INC. COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike the no par value Common Stock of the Stutz Motor Car Company of America, Inc., from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10:00 o'clock, A. M., on Tuesday, December 14, 1937, in Room 1101, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3434; Filed, November 26, 1937; 12:53 p. m.]

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*Tuesday, November 30, 1937* *No. 231*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4778]

QUARTERLY TAX RETURNS UNDER TITLE VIII OF THE SOCIAL SECURITY ACT PRESCRIBED FOR THE FIRST QUARTER OF THE CALENDAR YEAR 1938 AND FOR EACH QUARTER THEREAFTER; TAX AND INFORMATION RETURNS COMBINED

REGULATIONS 91, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Regulations 91, approved November 9, 1936, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, as amended by Treasury Decision 4756, approved July 22, 1937, Treasury Decision 4769, approved October 15, 1937, and Treasury Decision 4771 approved October 29, 1937, are further amended as follows:

(1) Articles 401 and 402 are amended to read as follows:

"ART. 401. *Returns for periods within the calendar year 1937*—(a) *Monthly tax returns.*—Every employer (see article 4) shall make a monthly tax return on Form SS-1 for each calendar month of the calendar year 1937.

"(b) *Periodical information returns.*—Every employer shall make an information return on Forms SS-2 and SS-2a for the period January 1, 1937, to June 30, 1937, both dates inclusive, and for the period July 1, 1937, to December 31, 1937, both dates inclusive. The employer shall attach to Form SS-2 a separate Form SS-2a for each of his employees who received taxable wages during the period covered by the return. Form SS-2 shall be filed in duplicate but only one original Form SS-2a shall be filed for each employee.

"ART. 402. *Returns for periods within the calendar year 1938 and subsequent years.*—Every employer shall make a tax and information return on Form SS-1a for the first quarter after December 31, 1937, within which taxable wages are paid to his employee or employees, and for each subsequent quarter whether or not taxable wages are paid therein. One original return shall be filed with the collector. For purposes of returns under Title VIII of the Act, the quarters shall each be three calendar months as follows: (1) from January 1 to March 31, both dates inclusive; (2) from April 1 to June 30, both dates inclusive; (3) from July 1 to September 30, both dates inclusive; and (4) from October 1 to December 31, both dates inclusive. Each employer shall make returns under this article until he ceases to be an employer and files a final return as required by the provisions of article 404."

(2) The parenthetical reference in article 403 is amended to read as follows:

"(See article 402 for the 3-month periods which constitute quarters within the meaning of provisions of these regulations relating to returns.)"

(3) Article 404 is amended to read as follows:

"ART. 404. *Final returns.*—The last return on Form SS-1a covering periods subsequent to December 21, 1937, or the last returns on Form SS-1, and on Forms SS-2 and SS-2a, covering periods within the calendar year 1937, for any person who ceases to be an employer, shall be marked 'Final return' by the employer or the person filing the return. Such final returns shall be filed with the collector on or before the thirtieth day after the date on which the final payment of wages subject to tax is made for services performed for the employer, and shall plainly show the period covered and also the date of the last payment of wages. There shall be executed as part of each final return a statement giving the address at which the records required by article 412 will be kept and the name of the person keeping the records. Persons whose status as employers is only temporarily suspended, including persons engaged in seasonal activities, shall not file final returns by reason of such temporary suspension."

(4) The first three sentences of article 406, relating to the use of numbers assigned to employers and employees under Title VIII, is amended to read as follows:

"Every employer shall enter on each return required under these regulations the identification number assigned to him under Title VIII of the Act. If no identification number has been assigned to the employer prior to the time he files such return, the employer shall enter on the return the date on which the application therefor on Form SS-4 was filed (or mailed) by him, and the name and address of the office to which the application was sent. The account number assigned under Title VIII of the Act to every employee with respect to whom information is required to be reported on Form SS-1a, Forms SS-2a or Form SS-3 shall be entered on such forms by the employer."

(5) The last two sentences of article 407, relating to execution of returns, are amended to read as follows:

"If the sum of the employees' tax and the employers' tax shown to be payable by any return on Form SS-1 (covering a monthly period ending December 31, 1937 or prior period), or any return on Form SS-1a (covering a period subsequent to December 31, 1937) is $10 or less, the return may be signed or acknowledged before two witnesses instead of under oath. If the amount of wages required to be reported in item 2 on Form SS-2 (covering a period within the calendar year 1937) is $500 or less, the return may be signed or acknowledged before two witnesses instead of under oath."

(6) The seventh sentence of article 408, relating to use of prescribed forms, is amended to read as follows:

"In case the prescribed tax return form is not available, a statement made by the employer disclosing for the period for which a return is required the amount of wages with respect to which the taxes are imposed, together with the amount of taxes due, may be accepted as a tentative return."

Article 408 is further amended by striking out the word "monthly" in the eighth sentence.

(7) Article 409, relating to place and time for filing returns, is amended by striking out the word "monthly" in the next to the last sentence thereof.

(8) The first sentence of article 410, relating to payment of tax, is amended to read as follows:

"The employees' tax and the employers' tax required to be reported on each return on Form SS-1 or Form SS-1a are due and payable to the collector, without assessment by the Commissioner or notice by the collector, at the time fixed for filing such return."

(9) Article 502, relating to adjustment of employees' tax, article 503, relating to adjustment of employers' tax, article 504, relating to credit or refund of overpayments which are not adjustable, and article 604, relating to penalties for delinquent or false returns, are amended by inserting after the words "Form SS-1" wherever they appear therein the words "or Form SS-1a"; and by inserting after the word "month" wherever it appears therein the words "or quarter"; and by inserting after the word "monthly" wherever it appears therein the words "or quarterly".

(10) Article 604 is further amended by striking out the last paragraph of subdivision (a) thereof and by inserting in lieu of such paragraph the following:

"Every person filing a return after the due date shall securely attach to the return his statement setting out in detail the reasons for delinquency."

This Treasury Decision is prescribed under the authority contained in sections 807 and 808 of the Social Security Act.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 23, 1937.

H. MORGENTHAU, Jr.
*Secretary of the Treasury.*

[F. R. Doc. 37-3437; Filed, November 27, 1937; 11:57 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL, CENTRAL VALLEY PROJECT, CALIFORNIA

NOVEMBER 1, 1937.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat., 1976) it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Sec. 3, Act of June 17, 1902 (32 Stat., 388).

CENTRAL VALLEY PROJECT, CALIFORNIA

*Mount Diablo Meridian*

T. 33 N., R. 4 W., Sec. 3, N½.

Respectfully,

JOHN C. PAGE, *Commissioner.*

Department of the Interior, November 10, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R Doc. 37-3440; Filed, November 29, 1937; 9:48 a. m.]

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### General Land Office.

REGULATIONS GOVERNING THE LOCATING AND MAINTAINING OF MINING CLAIMS IN THE PAPAGO INDIAN RESERVATION

NOVEMBER 13, 1937.

*Register, Phoenix, Arizona.*

SIR: Section 3 of the act of June 18, 1934, (48 Stat. 984-988) as amended by the act of August 28, 1937 (Public No. 395—75th Congress), provides:

"(a) The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: Provided further, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation.

(b) (1) The order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms

of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: Provided, That damages shall be paid to the superintendent or other officer in charge of the reservation for the credit of the owner thereof, for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior to be the fair and reasonable value of such improvements: Provided further, That a yearly rental not to exceed 5 cents per acre shall be paid to the superintendent or other officer in charge of the reservation for deposit in the Treasury of the United States to the credit of the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations.

(2) In the event any person or persons, partnership, corporation, or association desires a mineral patent, according to the mining laws of the United States, he or they shall first pay to the superintendent or other officer in charge of the reservation, for deposit in the Treasury of the United States to the credit of the Papago Tribe, the sum of $1 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss of the use or occupancy of the lands withdrawn by the requirements of mining operations; but the sum thus deposited, except for a deduction of rental at the annual rate hereinbefore provided, shall be refunded to the applicant in the event that patent is not acquired: Provided, That an applicant for patent shall also pay to the superintendent or other officer in charge of the said reservation for the credit of the owner thereof, damages for the loss of improvements not theretofore paid, in such a sum as may be determined by the Secretary of the Interior to be the fair value thereof.

(3) Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of this Act, except under permit from the Secretary of the Interior approved by the Papago Indian Council: Provided, That nothing herein shall be construed as interfering with or affecting the validity of the water rights of the Indians of this reservation: Provided further, That the appropriation of living water heretofore or hereafter affected by the Papago Indians is hereby recognized and validated subject to all the laws applicable thereto.

(4) Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202)."

The act of June 18, 1934, as amended by the act of August 28, 1937, revokes departmental order of October 28, 1932, which temporarily withdrew from all forms of mineral entry or claim the lands within the Papago Indian Reservation and restores, as of June 18, 1934, such lands to exploration, location and purchase under the existing mining laws of the United States.

The procedure in the location of mining claims, performance of annual labor and the prosecution of patent proceedings therefor shall be the same as provided by the United States mining laws and regulations thereunder, Circular No. 430, with the additional requirements hereinafter prescribed.

In addition to complying with the existing laws and regulations governing the recording of mining locations with the proper local recording officer, the locator of a mining claim within the Papago Indian Reservation shall furnish to the superintendent or other officer in charge of the reservation, within 90 days of such location, a copy of the location notice, together with a sum amounting to 5 cents for each acre and 5 cents for each fractional part of an acre embraced in the location for deposit with the Treasury of the United States to the credit of the Papago Tribe as yearly rental. Failure to make the required annual rental payment in advance each year until an application for patent has been filed for the claim shall be deemed sufficient grounds for invalidating the claim. The payment of annual rental must be made to the superintendent or other officer in charge of the reservation each year on or prior to the anniversary date of the mining location.

Where a mining claim is located within the reservation, the locator shall pay to the superintendent or other officer in charge of the reservation damages for the loss of any improvements on the land in such a sum as may be determined by the Secretary of the Interior to be a fair and reasonable value of such improvements, for the credit of the owner thereof. The value of such improvements may be fixed by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, and payment in accordance with such determination shall be made within one year from date thereof.

At the time of filing with the Register an application for mineral patent for lands within the Papago Indian Reservation the applicant shall furnish, in addition to the showing required under the general mining laws, a statement from the superintendent or other officer in charge of the reservation, that he has deposited with the proper official in charge of the reservation for deposit in the Treasury of the United States to the credit of the Papago Tribe a sum equal to $1. for each acre and $1. for each fractional part of an acre embraced in the application for patent in lieu of annual rental, together with a statement from the superintendent or other officer in charge of the reservation that the annual rentals have been paid each year and that damages for loss of improvements, if any, have been paid.

Upon the filing in the office of the Register of an application for patent for land within the reservation, together with the evidence required in the preceding paragraph, the Register will, if no reason appears for rejecting the application, proceed to publish a notice as provided for by the mining regulations. The Register will forward copies of the notice of application for patent to the superintendent of the reservation and to the Special Agent in Charge at Albuquerque, New Mexico, endorsing thereon "within Papago Indian Reservation", requesting both to report in accordance with the instructions of December 5, 1916 (45 L. D. 539).

The act provides that in case patent is not acquired the sum deposited in lieu of annual rentals shall be refunded. Where patent is not acquired, such sums due as annual rentals but not paid during the period of patent application shall be deducted from the sum deposited in lieu of annual rental. Applications for refund shall be filed in the office of the Register and should follow the general procedure in applications for repayment, Circular No. 513.

Mining locations in the Papago Indian Reservation made subsequent to August 28, 1937, and prior hereto may be validated upon full compliance with the foregoing provisions within 90 days of the approval of these regulations.

Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of the said act of August 28, 1937, except under permit from the Secretary of the Interior approved by the Papago Indian Council.

A mining location may not be located on any portion of a ten acre legal subdivision containing water reservoirs, charcos, water holes, springs, wells or any other form of water development by the United States or the Papago Indians except under a permit from the Secretary of the Interior approved by the Papago Indian Council which permit shall contain such stipulations, restrictions, and limitations regarding the use of the land for mining purposes as may be deemed necessary and proper to permit the free use of the water thereon by the United States or the Papago Indians.

The term "locator" wherever used in these regulations shall include and mean his successors, assigns, grantees, heirs, and all others claiming under or through him.

You will give to the regulations the widest publicity possible without expense to the Government.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

I concur: November 6, 1937.

JOHN COLLIER,
*Commissioner of Indian Affairs.*

Approved: November 13, 1937.

T. A. WALTERS,
*First Assistant Secretary.*

[F. R. Doc. 37-3441; Filed, November 29, 1937; 9:53 a. m.]



## National Bituminous Coal Commission.

[Order No. 82]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER SEVEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Seven having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; Bituminous Coal Producers Board for District Number Seven having submitted evidence at such hearing showing compliance with the standards of classification of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43, and other evidence having been submitted at such hearing concerning classifications of coals of code members in District Number Seven; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Seven and to other evidence and pertinent data relating to the classifications of coals for District Number Seven:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Seven, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Seven, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Seven and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Seven or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Seven to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Seven and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3447; Filed, November 29, 1937; 12:24 p. m.]

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[Order No. 83]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER EIGHT AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Eight having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Eight having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Eight and to other evidence and pertinent data relating to the classifications of coals for District Number Eight:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Eight, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Eight, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Eight and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Eight or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Eight to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Eight and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3448; Filed, November 29, 1937; 12:25 p. m.]

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[Order No. 84]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER ELEVEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Eleven having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of

coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Eleven having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Eleven and to other evidence and pertinent data relating to the classifications of coals for District Number Eleven:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Eleven, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Eleven, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Eleven and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Eleven or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Eleven to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Eleven and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3449; Filed, November 29, 1937; 12:26 p. m.]

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[Order No. 85]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER TWELVE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Twelve having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Twelve having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Twelve and to other evidence and pertinent data relating to the classifications of coals for District Number Twelve:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Twelve, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Twelve, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Twelve and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Twelve or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Twelve to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Twelve and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3450; Filed, November 29, 1937; 12:26 p. m.]

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[Order No. 86]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF KANSAS AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT KANSAS CITY, KANSAS, ON DECEMBER 9, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Kansas directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Kansas on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Kansas would be desirable, and upon investigation hereby orders:

1. That on December 9, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Hotel Grund, Kansas City, Kansas, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Kansas, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Kansas in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Kansas City, Kansas, on December 9, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Kansas, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Kansas in which bituminous coal is produced.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3451; Filed, November 29, 1937; 12:27 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SUGAR ACT OF 1937

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in Sections 301 (b) and (d) and 511 of the Sugar Act of 1937 (Public No. 414, 75th Congress),

Notice is hereby given that a public hearing will be held at Clewiston, Florida, on December 4, 1937, at 9:00 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, (1) pursuant to the provisions of Section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane on farms with respect to which applications for payments under the said act are made, and, (2) pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for sugarcane to be paid by processors who, as producers, apply for payments under the said act.

William T. Ham and Robert B. Tyler are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Done at Washington, D. C., this 26th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3435; Filed, November 26, 1937; 3:54 p. m.]



### Bureau of Animal Industry.

NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

NOVEMBER 27, 1937.

To C. V. OWENS and E. H. OWENS,

*Doing business as C. V. Owens & Son Auction Sales Com. Co., Stockyard owner, at Fort Morgan, State of Colorado*

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as C. V. Owens & Son Auction Sales Commission Company, at Fort Morgan, State of Colorado, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3438; Filed, November 27, 1937; 12:03 p. m.]

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### Farm Security Administration.

DESIGNATION OF COUNTIES (ARKANSAS)

NOVEMBER 27, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Arkansas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938.

Ashley, Boone, Carroll, Cleveland, Crittenden, Cross, Faulkner, Hempstead, Hot Spring, Howard, Jackson, Lafayette, Little River, Marion, Miller, Mississippi, Pope, Pulaski, Randolph, White, Woodruff.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3445; Filed, November 29, 1937; 12:14 p. m.]

DESIGNATION OF COUNTIES (FLORIDA)

NOVEMBER 27, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Florida State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Hardee, Jackson, Marion.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture*

[F. R. Doc. 37-3442; Filed, November 29, 1937; 12:13 p. m.]

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DESIGNATION OF COUNTIES (NORTH CAROLINA)

NOVEMBER 26, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the North Carolina State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year, ending June 30, 1938:

Caswell, Chatham, Cleveland, Edgecombe, Franklin, Guilford, Henderson, Hertford, Iredell, Madison, Onslow, Orange, Richmond, Robeson, Union, Washington, Wilkes.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3439; Filed, November 27, 1937; 12:03 p. m.]

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DESIGNATION OF COUNTIES (SOUTH CAROLINA)

NOVEMBER 27, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the South Carolina State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Aiken, Anderson, Chesterfield, Clarendon, Colleton, Florence, Greenville, Kershaw, Lancaster, Laurens, Oconee, Orangeburg, Spartanburg, Sumter, Williamsburg, York.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3444; Filed November 29, 1937; 12:14 p. m.]

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DESIGNATION OF COUNTIES (TENNESSEE)

NOVEMBER 27, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Tennessee State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Bradley, Fayette, Fentress, Greene, Haywood, Lawrence, Loudon, McNairy, Montgomery, Putnam, Rutherford, Shelby, Tipton, Wayne, Weakley.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3443; Filed, November 29, 1937; 12:13 p. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Projects Nos. 67 and 120, and 96]

SOUTHERN CALIFORNIA EDISON COMPANY LTD.; SAN JOAQUIN LIGHT AND POWER CORPORATION

ORDER POSTPONING REHEARING

Upon telegraphic request received November 23, 1937, from Southern California Edison Company Ltd., the Commission orders:

That the rehearing set for December 6, 1937, with regard to Paragraphs 5, 6, and 7 of the order dated July 10, 1937, directing San Joaquin Light and Power Corporation and Southern California Edison Company Ltd., jointly, to compute the amount of headwater benefits in connection with projects Nos. 96, 67, and 120, be postponed to Tuesday, December 14, 1937, to be held in the Commission's hearing room at 1800 Pennsylvania Avenue NW., Washington, D. C., beginning at 10 a. m.

Adopted by the Commission on November 24, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3436; Filed, November 27, 1937; 9:53 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 22nd day of November, A. D. 1937.

[No. 15780]

DEPRECIATION CHARGES OF CARRIERS BY WATER

Upon consideration of a petition filed by the Association of Water Line Accounting Officers for further postponement of the effective date of the order entered herein August 1, 1935, as amended April 2, 1936 and March 17, 1937

*It is ordered,* That the order of August 1, 1935 in this proceeding be, and it is hereby, further amended by changing to January 1, 1939 all effective dates specified as January 1, 1938 in said order as amended.

By the Commission, Division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3446; Filed, November 29, 1937; 12:17 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

REPEAL OF RULES AN12 AND AN13 UNDER SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Securities and Exchange Commission has repealed Rules AN12 and AN13 of the Rules and Regulations under the Securities Exchange Act of 1934. These two rules provided certain exemptions from registration which exemptions had already expired in accordance with the terms of the rules.

The text of the Commission's action is as follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby repeals Rules AN12 and AN13.

The foregoing action shall become effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3452; Filed, November 29, 1937; 12:50 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of November, 1937.

[File No. 1-1012]

IN THE MATTER OF WARNER QUINLAN COMPANY 6% GOLD DEBENTURES, DUE MARCH 1, 1939

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the 6% Gold Debentures, due March 1, 1939, of Warner Quinlan Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on December 10, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3453; Filed, November 29, 1937, 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1937.

[File No. 43-87 51-6]

IN THE MATTER OF WEST TEXAS GAS COMPANY

[Public Utility Act of 1935]

ORDER PERMITTING DECLARATION ALTERING SINKING FUND PROVISIONS TO BECOME EFFECTIVE, PURSUANT TO SECTION 7

West Texas Gas Company, a subsidiary of a registered holding company, having filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the alteration of security holders' rights by waiving certain sinking fund payments which were required to have been made on January 1, 1938 and July 1, 1938 in the amount of $150,000 and $200,000 respectively; a hearing on such declaration having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered,* That such declaration be and become effective forthwith on the condition, however, that the alteration of the bond holders' rights shall be effected in compliance with the terms and conditions set forth in and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3454; Filed, November 29, 1937; 12:51 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of November, 1937.

[File No. 1-1659]

IN THE MATTER OF TASTYEAST, INC., CLASS A STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Board of Trade of the City of Chicago, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Class A Stock of Tastyeast, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10 o'clock a. m. on December 15, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3455; Filed, November 29, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of November, 1937.

[File No. 1-237]

IN THE MATTER OF APPLICATION OF THE CHICAGO STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE $3 CUMULATIVE PARTICIPATING PREFERRED STOCK, NO PAR VALUE, OF UNITED CHEMICALS, INC.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the $3 Cumulative Participating Preferred Stock, no par value, of United Chemicals, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given the opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 11 o'clock a. m. on December 15, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3456; Filed, November 26, 1937; 12:52 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a reuglar session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1937.

[File No. 47-17]

IN THE MATTER OF BELLOWS FALLS HYDRO-ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Bellows Falls Hydro-Electric Corporation pursuant to Sections 10 (a) (2) & 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition from Green Mountain Power Corporation, of Montpelier, Vermont, of certain utility assets with a book value of $32,104.42 and located in the yard of the applicant at its plant in Bellows Falls, Vermont;

*It is ordered*, That a hearing on such matter be held on December 15, 1937, at 2 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 10, 1937.

*It is further ordered*, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3457; Filed, November 29, 1937; 12:53 p. m.]

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*Wednesday, December 1, 1937* *No. 232*

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4779]

REGULATION OF TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

AMENDMENT OF REGULATIONS 13

*To District Supervisors and Others Concerned:*

Paragraph (1) of Article 5 of Regulations 13, under the provisions of Joint Resolution approved June 18, 1934, entitled "Joint Resolution to Protect the Revenue by Regulation of the Traffic in Containers of Distilled Spirits", is amended to read as follows:

"ART. 5. *Imports and exports.*—(1) The importation into the United States of containers of one-half pint capacity or greater for use in packaging distilled spirits for sale at retail, except in connection with the importation of the liquor contained therein, is prohibited: *Provided*, That upon application by any importer the Supervisor of the district in which the port of entry is situated may in his discretion, by the issuance of an appropriate permit, authorize the importation of empty liquor bottles, or other containers, for packaging distilled spirits imported by him; and there shall be blown legibly either in the bottom or in the body of all empty bottles imported under this provision, the name, and the name of the city of address, of the importer thereof, and there shall be blown legibly in the shoulder of each such bottle the words 'Federal Law Forbids Sale or Reuse of This Bottle': *Provided further*, That upon application by any distiller, rectifier, or wholesale liquor dealer authorized to bottle distilled spirits, the Supervisor of the district in which the applicant is situated may in his discretion, by the issuance of an appropriate permit, authorize the importation, for the packaging of domestic distilled spirits, of empty liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design, and in regard to which satisfactory evidence is submitted that they cannot be obtained in the United States. The District Supervisor issuing the permit will furnish a copy to the Supervisor of the district in which the port of entry is situated. There shall be blown legibly in the shoulder of each such bottle imported under this provision, the words 'Federal Law Forbids Sale or Reuse of This Bottle', and in the body thereof, the name, and the name of the city or country of address of the glass manufacturer. The permit symbol and number of the bottler shall be blown either in the body or in the bottom of each such bottle.

"(a) After the issuance of the permit authorizing the importation of liquor bottles for packaging imported or domestic distilled spirits, the importer, distiller, rectifier or wholesale liquor dealer shall forward a certified copy of the order to the Supervisor of the district in which the applicant is situated. The certified copy of the order shall show the name, and the name of the city and country of address, of the glass manufacturer abroad, the date of the order, the place from which shipped, the name and address of the consignee, the method of forwarding, the size, quantity, and description of the bottles ordered, and the shipment or delivery date requested by the consignee. Upon receipt of any shipment or delivery of such liquor bottles, the importer, distiller, rectifier or wholesale liquor dealer placing the order shall forward to the Supervisor of the district in which the applicant is situated a notice of the receipt of shipment or delivery, showing the name, and the name of the city and country of address, of the glass manufacturer abroad, the date of the order, the place from which shipped, the date of receipt, the name and address of the consignee, the method of forwarding, and the size, quantity, and description of the bottles furnished."

[SEAL] ROSWELL MAGILL, *Acting Secretary of the Treasury*.

Approved, November 27, 1937.

[F. R. Doc. 37-3461; Filed, November 30, 1937; 12:33 p. m.]

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## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

GRAZING DISTRICT NOTICE, NEVADA

NOVEMBER 24, 1937.

Pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), notice is hereby given that a hearing will be held in Austin, Nevada, at 10 a. m. on December 11, 1937, and on any subsequent date or dates to which the said hearing may be adjourned, by the Department of the Interior, for the purpose of considering the establishing of a grazing district to include the following:

NEVADA

*Mount Diablo Meridian*

Public lands in Esmeralda, Eureka, Lander, and Nye Counties exclusive of established grazing districts and national forests.

This hearing will be open to the attendance of State officials and settlers, residents, and livestock owners of the vicinity where the establishment of such grazing district is proposed.

The publication of this notice has the effect, in accordance with the provisions of the aforesaid act, of withdrawing the above-described lands from all forms of entry and settlement.

CHARLES WEST, *Acting Secretary of the Interior*.

[F. R. Doc. 37-3458; Filed, November 30, 1937; 9:58 a. m.]

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## National Bituminous Coal Commission.

[Order No. 87]

AN ORDER CLOSING PROCEEDINGS UNDER ORDER NUMBER 42

The National Bituminous Coal Commission having by its Order Number 42 directed all District Boards within Minimum Price Areas Numbers Three, Four, Five, Six, Seven, Nine and Ten to propose minimum prices for all kinds, qualities, and sizes of coal produced by code members in said Districts, and directed said District Boards to coordinate such proposed minimum prices in conformity with Section 4, Part II (b) of the Bituminous Coal Act of 1937, and to propose such prices as coordinated to the Commission, and directed that a hearing be held for the purpose of receiving evidence to enable the Commission to establish and make effective minimum prices in accordance with the standards set forth in subsections (a) and (b), Part II, Section 4, of the Act; and it appearing that the aforesaid District Boards have proposed minimum prices as directed, and coordinated same in common consuming marketing areas, and having submitted such coordinated prices to the Commission, and the Commission having determined that further proceedings under said Order Number 42 would serve no useful purpose,

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That proceedings under Order Number 42 be and the same are hereby closed.

2. That the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to the Secretaries of all District Boards within Minimum Price Areas Numbers Three, Four, Five, Six, Seven, Nine and Ten, and to all code members in each of said Minimum Price Areas.

By order of the Commission.

Dated this 29th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

[F. R. Doc. 37-3459; Filed, November 30, 1937; 11:43 a. m.]

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[Order No. 88]

AN ORDER PRESCRIBING AND ESTABLISHING MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NUMBERS ONE TO THIRTEEN INCLUSIVE, PURSUANT TO SECTION 4, PART II, OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders Nos. 9 and 25 directed all District Boards to propose reasonable rules and regulations incidental to the sale and distribution of coal of code members produced within their respective districts, and to coordinate such marketing rules and regulations in the manner therein provided, and submit same to the Commission; and the said District Boards having proposed such rules and regulations, as directed, and the District Boards having coordinated the rules and regulations as proposed by them, with certain exceptions, which exceptions were submitted to the Commission, together with coordination agreements, and statements of the reasons therefor having been submitted to the Commission at a hearing; the Commission having given due consideration to the marketing rules and regulations as proposed and coordinated by the District Boards, as well as to the exceptions made thereto, and all other evidence and pertinent data submitted to it, and having conformed said marketing rules and regulations to the standards as set forth in Section 4, Part II of the Bituminous Coal Act of 1937,

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Marketing Rules and Regulations, incidental to the sale and distribution of coals of Code Members within Districts Numbers 1 to 13 inclusive as set forth in the document so captioned, and filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are established and prescribed as the Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members in said Districts Numbers 1 to 13 inclusive, and said Marketing Rules and Regulations shall be and become effective at 12:01 A. M. on the 16th day of December, 1937.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the Marketing Rules and Regulations may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II, (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefore, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and the Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members of Districts 1 to 13, inclusive, to the Consumers' Counsel, the Secretaries of Bituminous Coal Producers Boards for Districts Numbers 1 to 13, inclusive, and to all Code Members within said Districts, shall cause copies of this order and said Marketing Rules and Regulations and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause a copy of this order to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 29th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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MARKETING RULES AND REGULATIONS, INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NUMBERS 1 TO 13, INCLUSIVE

Marketing Rules and Regulations, Incidental to the Sale and Distribution of Coals of Code Members within Districts Numbers 1 to 13, inclusive, as set forth herein have been prescribed and established by Order of the Commission, subject to such modification and revision as the Commission may establish by further Orders.

F. WITCHER MCCULLOUGH, *Secretary*.

Dated, November 29, 1937.

SECTION I. DEFINITIONS

1. The term "person" as used herein, includes individuals, firms, associations, partnerships, corporations, trusts, trustees, co-operatives, receivers and trustees in bankruptcy and in other legal proceedings, and any other recognized forms of business organizations.

2. A "Sales Agent" is a person who as agent, in law or in fact, sells coal for or on behalf of a code member.

3. A "commission" is the total of all compensations and allowances for services received by a sales agent from a code member for the sale of coal.

4. A "Wholesaler" is a person who purchases coal for resale and who resells such coal in lots of not less than a cargo or railroad carload, without physically handling such coal.

5. A "Farmers' Cooperative Organization" is a bona fide and legitimate cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States, and composed of local farmers' cooperative organizations, and which purchases coal for resale and resells it in lots of not less than a cargo or railroad carload to its member farmers' organizations, without physically handling such coal.

6. A "wholesale discount" is the total of all allowances or reductions from minimum or other prices allowed to a wholesaler or farmers' cooperative organization by a code member or his sales agent.

7. "Retailing" is the selling of coal in lots of less than a cargo or railroad carload.

8. A "spot order" is a legal obligation for the sale and purchase of coal, the delivery of which is stipulated to be made within not more than thirty (30) days from the date upon which the order was accepted.

9. A "contract" is a legal obligation for the sale and purchase of coal, the deliveries of which are stipulated to be made during a period longer than that specified for a spot order.

10. A "commitment" is a contract or spot order after a quotation is accepted or an option is exercised and not reduced to writing.

11. A "quotation" is an offer for the sale of coal at a price which the offeror may withdraw prior to its being acted upon by the offeree.

12. An "option" is an offer for the sale of coal at a price to be accepted within a time certain, during which time the offeror may not withdraw the offer without consent of the offeree.

13. "Coal Commission" as used herein, shall mean the National Bituminous Coal Commission established under the provisions of the Bituminous Coal Act of 1937.

14. "Act" as used herein, shall mean the Bituminous Coal Act of 1937.

15. "District Board" as used herein, shall mean any District Board established under the provisions of Section 4, Part I (a) of the Act.

16. "Statistical Bureau" shall mean, unless otherwise specifically stated, the statistical bureau of the Commission for the district in which the coal involved in any transaction is produced, or the district in which is located a mine of a code member affected by any order or regulation.

17. "Minimum Price" shall mean a minimum price established and made effective by the Coal Commission.

18. "Maximum Price" shall mean a maximum price established and made effective by the Coal Commission.

19. "Registration and Register" as used herein, shall refer to registration with the Coal Commission pursuant to rules and regulations prescribed by the Commission for the administration of Section 4 of the Act.

SECTION II. SALES AGENTS

1. All appointments of sales agents by code members or their agents or authorized representatives, and the terms and conditions of such appointments shall be subject to the Marketing Rules and Regulations from time to time established by the Coal Commission.

2. Each code member shall be responsible for the compliance by all his sales agents and agents and employees of sales agents with the provisions of the Bituminous Coal Code and of all rules and regulations, promulgations and determinations of the Coal Commission.

3. All contracts for the appointment of sales agents by code members or by agents or authorized representatives of code members shall be in writing. Certified copies of all such agency contracts entered into and in effect prior to the effective date of these rules and regulations shall be filed by the code member with the statistical bureau or bureaus for the district in which the code member produces coal, on or before December 31, 1937.

Certified copies of all contracts appointing sales agents made subsequent to the effective date of these rules and regulations, shall be similarly filed by the code member within ten (10) days after the date upon which such contracts have been entered into.

4. As to all coal sold by a code member otherwise than through a sales agent or through sales representatives regularly employed as salesmen by the code member, such code member shall, not later than the tenth day of each calendar month, file with the statistical bureau, a list of all his sales representatives and all wholesalers through whom, directly or indirectly, any such coal was sold, with a statement (as to sales representatives) of the duration and character of their employment, the tonnage sold by each such sales representative and wholesaler, and the amount of compensation or discounts paid to and allowed by them.

Each code member shall file monthly similar information obtained from his sales agents with the statistical bureau, concerning sales of coal made by the sales agents' representatives other than salesmen regularly employed.

5. A list showing the names and addresses of sales agents and the code members for whom such agents act shall be published by the Coal Commission from time to time.

6. All agency contracts and other information filed by code members in conformity with the foregoing regulations, other than the names and addresses of sales agents, shall be held by the Coal Commission as the confidential records of said parties and shall not be made public without the consent of the code member from whom the same shall have been obtained, except where such disclosure is required in any proceeding before the Coal Commission by way of enforcement of the Act or upon the order of any court of competent jurisdiction.

7. On and after January 1, 1938, no code member shall pay any commission or make any allowance to any sales agent unless the contract of agency shall have been filed with the Coal Commission as hereinbefore required and unless the sales agent shall have agreed in writing with the code member to conform to and observe the minimum prices and Marketing Rules and Regulations established by the Coal Commission and shall have conformed to the Fair Trade Practice provisions of the Code, as well as to these Marketing Rules and Regulations and all other proper orders of the Coal Commission.

SECTION III. REGISTRATION OF WHOLESALERS

I. From and after the date hereinafter provided no code member or sales agent of a code member shall pay or allow any discount from minimum or other prices to any wholesaler as herein defined unless such wholesaler shall be registered with the Coal Commission at the time of the sale.

II. Wholesalers of coal desiring to qualify themselves so as to be entitled to receive from code members or their sales agents discounts from minimum prices established by the Coal Commission shall make application to be designated as Registered Wholesalers.

III. The form of application to be filed for approval as a Registered Wholesaler shall among other things set forth:

"(*a*) The name of the applicant.

"(*b*) The address of his principal place of business together with the address of each branch office maintained.

"(*c*) The form of organization of applicant's business, whether corporate, partnership, individual or any other form.

"(*d*) The names and addresses of all officers, directors, managers and other parties in interest, including in the case of a corporation, the names of all stockholders, bondholders and other persons having a substantial interest.

"(*e*) The total tonnage of bituminous coal handled by the applicant in the years 1934; 1935; 1936 and the first six (6) months of 1937, together with a schedule of tonnage handled in 1936 and in the first six (6) months of 1937 for each code member.



"Also a list showing the names and addresses of any person to whom the wholesaler sold more than ten percent of the coal of any code member handled by applicant in the year 1936.

"(*f*) A statement of the applicant's affiliation, if any, with any coal producer, whether or not a code member, or any transporter, processor, distributor or consumer of coal.

"(*g*) Each application must be accompanied by duplicate copies of the 'Terms of Registration' hereinafter set forth, each properly signed and acknowledged.

"A. On behalf of corporations, by a principal officer or officers of the corporation duly authorized to act.

"B. On behalf of a partnership, by one or more of the partners duly authorized for that purpose.

"C. On behalf of an individual, by the applicant or his attorney duly empowered for that purpose.

"D. In the case of any other form of business organization, by a person or persons legally authorized to execute an application on behalf of the applicant."

IV. Each such application shall be accompanied by the following agreement, executed in duplicate and properly signed and acknowledged on behalf of applicant.

*"Terms of Registration*

"The undersigned wholesaler agrees upon being registered as a 'Registered Wholesaler' by the Coal Commission and thereby becoming entitled to discounts authorized by the Coal Commission:

"(1) Not to sell, deliver, resell or offer for sale any coal at a price less than the minimum price nor greater than the maximum price established by the Coal Commission for such coal and in effect on the date of delivery.

"(2) To comply with the provisions of Section 4, Part II (i) of the Bituminous Coal Act of 1937 relating to unfair methods of competition.

"(3) To accept no discount on coal unless such coal is purchased for bona fide resale in conformity with these rules and regulations and the orders of the Coal Commission.

"(4) To abide by the Marketing Rules and Regulations from time to time established by the Coal Commission governing the sale and distribution of coal.

"(5) To furnish or cause to be furnished to the Coal Commission at any time upon its direction, a copy of every resale contract or order; a copy of each invoice to wholesaler's vendee, together with copies of each credit memorandum and such other information concerning the sale and distribution of coal as the Coal Commission may require.

"(6) To include in every spot order and contract made or entered into by the Registered Wholesaler, the following provision:

"This contract (or order) is made and accepted subject to the Marketing Rules and Regulations established by the National Bituminous Coal Commission and now in effect, and particularly to the terms of registration of wholesalers as set forth herein."

V. After receipt of any such application, the Coal Commission upon a determination that the applicant is a bona fide wholesaler agreeing to conform to its Marketing Rules and Regulations, shall register such person as a Registered Wholesaler and shall issue to the applicant a certificate of registration accordingly. The Coal Commission shall promptly notify each District Board of such registration and shall publish from time to time for the information of code members, a list of Registered Wholesalers, which list shall be amended from time to time as the Coal Commission may direct, to show additions, withdrawals or removals.

VI. At any time upon complaint or upon its own motion, the Coal Commission, may investigate and determine whether a Registered Wholesaler has violated the rules and regulations prescribed by the Coal Commission governing the resale of coal by such Registered Wholesaler.

The registration of any such wholesaler, may be suspended by the Coal Commission after hearing, held upon twenty (20) days written notice by mail to the wholesaler, and upon proof of failure or refusal to comply with any duty or requirement imposed upon the wholesaler by reason of his registration with the Coal Commission, the registration of the offending wholesaler may be suspended for such period of time as the Coal Commission in its discretion may deem proper. Each District Board and all code members in the districts in which the Registered Wholesaler has been purchasing coal for resale shall be duly notified by the Coal Commission of any suspension, including the effective date and the period thereof.

SECTION IV. FARMERS' COOPERATIVE ORGANIZATIONS

I. Farmers' Cooperative Organizations as hereinbefore defined shall, in order to obtain the privileges granted by the second paragraph of Number 13, subsection (i) of Part II—Marketing—of Section 4 of the Act, be registered with the Coal Commission as herein required and no code member or his sales agent shall pay or allow any discount from minimum prices to any farmers' cooperative organization on or after the first day of February 1938, unless such farmers' cooperative organization shall be so registered at the time of the sale.

II. Each such farmers' cooperative organization desiring to obtain such privileges and discounts shall make application to the Coal Commission for registration as bona fide and legitimate farmers' cooperative organization. Such application shall among other things set forth:

"(1) The name and Post Office address of the applicant, date of organization and the names and addresses of the officers and directors, if any.

"(2) The names of the local farmers' cooperatives which are members of applicant organization.

"(3) The form of organization of applicant's business, with a reference to the law or laws under which such organization was formed.

"(4) A statement of the purpose for which such organization is formed, as set forth in its Charter or Articles of Association.

"(5) A statement of the qualifications for membership in such organization, as set forth in its Charter or Articles of Association, together with a specific statement as to whether membership is actually limited to bona fide local farmers' cooperatives.

"(6) A statement of the terms and conditions under which such organization grants rebates, discounts, patronage dividends or other similar benefits to its members and the amount of rate thereof.

"(7) A statement setting forth the territories in which applicant operates or proposes to operate.

"(8) A statement showing the tonnages of bituminous coal purchased and resold by applicant in the calendar years 1934; 1935; 1936 and the first six (6) months of 1937."

III. Each such application shall have attached thereto duplicate copies of the following agreement, duly authorized, executed and acknowledged on behalf of applicant:

"The undersigned Farmers' Cooperative Organization agrees, upon being registered as a Farmers' Cooperative Organization by the Coal Commission and thereby becoming entitled to discounts authorized by the Commission:

"(1) Not to sell, deliver, resell or offer for sale any coal at a price less than the minimum price nor greater than the maximum price established by the Coal Commission for such coal and in effect on the date of delivery.

"(2) To comply with the provisions of Section 4, Part II (i) of the Bituminous Coal Act of 1937 relating to Unfair Methods of Competition.

"(3) To accept no discount on coal from a code member unless such coal is purchased for bona fide resale in conformity with the rules and regulations and orders of the Coal Commission.

"(4) To abide by the Marketing Rules and Regulations from time to time established by the Coal Commission governing the sale and distribution of coal.

"(5) To furnish or cause to be furnished to the Coal Commission at any time upon its direction, such information as to sales of coal made by applicant as the Coal Commission may require."

IV. After receipt of any such application the Coal Commission, upon a determination that the applicant is a bona fide and legitimate farmers' cooperative organization as defined in said Act and in these regulations, shall register such applicant as a Registered Farmers' Cooperative Organization and shall issue to the applicant a certificate of Registration accordingly. The Commission shall promptly notify each District Board of such registration and shall publish from time to time for the information of code members, a list of Registered Farmers' Cooperative Organizations, which list shall be amended from time to time as the Coal Commission may direct in order to show additions, withdrawals or removals.

V. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a Registered Farmers' Cooperative Organization has violated the rules and regulations prescribed by the Coal Commission governing the resale of coal by such Registered Farmers' Cooperative Organization.

The registration of any such Registered Farmers' Cooperative Organization may be revoked by the Coal Commission after hearing, held upon twenty (20) days written notice by mail, upon proof that such Registered Farmers' Cooperative Organization no longer complies with the requirements of the Act and of the Coal Commission, and in case of failure or refusal to comply with any duty or requirement imposed upon the Registered Farmers' Cooperative Organization by reason of its Registration with the Coal Commission having been established, the Coal Commission may suspend the Registration for such period of time as the Coal Commission in its discretion may deem proper. Each District Board and all code members in which the Registered Farmers' Cooperative Organization has been purchasing coal for resale shall be notified by the Coal Commission of any revocation or suspension, including the effective date and the period of any suspension.

SECTION V. DISCOUNTS AND ALLOWANCES

Section 4, Part II, subsection (i) of the Act provides:

"(i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of the code:

"1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: Provided, however, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

"2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

"3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

"4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

"5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona fide agreement for the purchase or sale entered into on the predate.

"6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

"7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

"8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

"9. The unauthorized use, whether in written or oral form, of trade-marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

"10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

"11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

"12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of any organization of retailers or industrial consumers, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this Act.

"13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal."

1. Effective January 1, 1938, no code member or sales agent of a code member shall allow or pay, directly or indirectly, any compensation for the selling of coal, whether by way of commission or allowance, to any sales agent whose contract of agency shall not have been filed with the Coal Commission.

2. Effective January 1, 1938, no code member or sales agent of a code member shall pay or allow any discount to any wholesaler or farmers' cooperative organization who shall not have filed an application for registration with the Coal Commission in the manner provided in Sections III and IV of these Marketing Rules and Regulations.

3. Effective February 1, 1938, no code member or sales agent of a code member shall pay or allow any discount to any wholesaler or farmers' cooperative organization which shall not be registered with the Coal Commission in the manner provided in Sections III and IV of these Marketing Rules and Regulations.

4. No commission shall be paid or discount allowed by a code member on any coal sold for locomotive fuel purposes.

5. No discount from minimum or other prices shall be paid or allowed on coal sold to any person for retailing by him.

6. Subject to further order of the Coal Commission, the amount of commission to be paid by the code member to his sales agent and the amount of the discount to be allowed to a Registered Wholesaler or Registered Farmers' Cooperative Organization by a code member or his sales agent shall be fixed by agreement of the parties subject, however, to review as to the reasonableness of such commission or discount by the Coal Commission upon complaint or upon its own motion. In every case reviewed by the Coal Commission, the code member, sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall have the burden of establishing that the commission paid or discount allowed was a reasonable charge commensurate with the service actually rendered and did not exceed the fair cost of the service plus a reasonable profit on the transaction involved, and that the commission or discount so allowed was in conformity with the provisions of the Bituminous Coal Code and the Marketing Rules and Regulations of the Coal Commission.

7. No commission shall be paid to a sales agent or discount allowed to a wholesaler by a code member, where the coal is delivered or resold to any person who controls in whole or in part the sales agent or wholesaler.



SECTION VI. LIMITATIONS OF ORDERS, AGREEMENTS, AND QUOTATIONS

1. Until further order of the Coal Commission no code member or sales agent of a code member and no wholesaler or farmers' cooperative organization, registered or proposing to register shall enter into any agreement or order for the sale or delivery of coal for a period in excess of thirty (30) days from the date of such agreement or order, and no prices shall be less than the minimum prices in effect at the time of delivery; Provided, however; that contracts for periods not exceeding one (1) year at prices not less than the minimum prices established by the Coal Commission, in effect at the time of delivery, may be made with agencies of the Federal Government or with such agencies of State or local governments as are required by law to purchase coal for periods in excess of thirty (30) days. In the case of governmental agencies options may be given for a period not exceeding forty-five (45) days. No option for the sale of coal may be given, except as herein specifically provided.

2. All quotations shall be made or confirmed in writing, and shall, without notice, become null and void immediately upon the establishment by the Coal Commission of a revised minimum price for the coal covered by the quotation.

SECTION VII. SPOT ORDERS

1. Spot orders shall be acknowledged or accepted in writing within three (3) business days from the date of their receipt.

2. Every acceptance of a spot order shall contain the following clauses:

(*a*) "If the price herein named is f. o. b. any point other than the originating mine, such price shall be increased or decreased by the amount and at the time of any change in the published freight rate included in such price and becoming effective during the period of the order.

(*b*) "No shipment consigned to any destination point may be reconsigned en route or otherwise without the consent of the seller. In case of any reconsignment the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery to the destination to which such shipment is actually delivered.

(*c*) "The coal shipped pursuant to this order is sold and purchased upon the condition that it shall be used in the plant or plants and at the destination named herein and for the use stated herein and is not to be sold or diverted by the buyer to other destinations or uses without the consent of the seller. In case of diversion the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery at such other destinations and for the use to which actually applied.

(*d*) "If shipments called for by this order are not completed within thirty (30) days from the date of this order, the unfilled portion of the order shall be cancelled and no delivery of such tonnage shall be made."

3. In any case where a sale is made by a sales agent of a code member or by a Registered Wholesaler or Registered Farmers' Cooperative Organization, such sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall not exercise the rights of the seller as defined in items 2 (*b*) and 2 (*c*) of this section without first securing the consent in writing of the code member producing such coal.

4. All terms and conditions of a sale of coal must be fully and expressly set forth either in the order or in the acceptance. Any modification must be made in writing and filed in the same manner as an order.

SECTION VIII. USE OF COAL ANALYSES

1. No analysis of coal shall be utilized by a code member, sales agent, sales representative or wholesaler, or farmers' cooperative organization making a resale, in selling or offering for sale any coal produced by the code member, unless such code member shall have previously filed with the Statistical Bureau of the Coal Commission and the District Board for the district in which the coal is produced, copies of such analysis, together with a certificate setting forth the time and manner of obtaining the sample analyzed, the name and address of the person or firm making the analysis and stating that such analysis is truly representative of the grade and size of coal as regularly produced by the code member. Each such analysis shall be not less than a proximate analysis showing ash, volatile matter, fixed carbon, sulphur and British Thermal Units and ash softening temperature. Each analysis shall further show whether made on an "as received" or "moisture free" basis and if on an "as received" basis, the analysis shall include moisture content.

2. All analyses so filed shall be subject to inspection at the office of the Statistical Bureau at any time during office hours by any interested person, and may be used by the District Board and the Coal Commission in determining from time to time proper classifications of the coals produced by the code member.

3. Any analysis of the coal of a code member made by or on behalf of a consumer and accepted by the code member as the basis for an adjustment of price under any contract or order shall be filed by the code member with the proper Satistical Bureau and District Board, within ten (10) days after such adjustment is made and shall be subject to the provisions of Rule No. 2 herein.

4. No agreement or order for the sale of coal produced by a code member, made upon a premium and penalty basis, shall be entered into or accepted by a code member or wholesaler unless the analysis upon which the premium and penalty clause is based has been previously filed as required in Rule No. 1. Such analysis shall be accompanied by a statement setting forth in full the terms of the premium and penalty provisions of the proposed contract or order.

5. In the case of premium and penalty agreements entered into prior to the effective date of these regulations, and claimed to be continuing in effect, the code member, sales agent or wholesaler, party to the agreement, shall file a statement containing the information required under Rule No. 4, within fifteen (15) days from such effective date.

SECTION IX. TERMS OF PAYMENT

The price and fair trade practice provisions of the Act shall not be evaded or violated by a code member, his sales agent or any Registered Wholesaler or Registered Farmers' Cooperative Organization through the use of terms of payment, and in no instance shall terms of payment be more favorable than the following:

1. On rail, river, or ex-river shipments the date of payment of invoices for coal sold shall be on or before the 20th day of the month following shipment.

2. On tidewater cargo shipments the date of payment shall be not more than thirty (30) days from date of vessel bill of lading and where coal is sold f. o. b. mines for tidewater cargo shipment, on or before the 20th day of the month following the month in which the coal is dumped.

3. Payment for all bunker coal supplied for foreign vessels shall be by cash on delivery or by master's draft on owners in United States currency at not exceeding fifteen (15) days sight at supplier's option. When the drafts are accepted by suppliers, all bank charges for collection, exchange, etc., shall

be for owner's account; for American vessels, on or before the 20th day of the month following delivery.

4. On railroad locomotive fuel, the date of payment shall be on or before the 25th of the month following the date of shipment.

5. Payment shall be made in full and on a net cash basis. No portion of the invoice price may be withheld by agreement by reason of any unadjusted claim of the buyer nor shall any portion be withheld or deposited in escrow by reason of any alleged agreement relating to the constitutionality of any provision of the Act or the validity of any order of the Coal Commission.

6. Where payment is made by note, trade acceptance or other form of indebtedness, the seller shall charge and the buyer shall pay interest at the current market rate.

7. Freight on all-rail or ex-river shipments shall not be paid by a code member, his sales agent, or a Registered Wholesaler or Registered Farmers' Cooperative Organization, except to prepay stations as published in current railway tariffs or to the United States Government, States, or political subdivisions thereof. Where freight is thus prepaid, the amount thereof shall immediately upon receipt of freight bill or notice of sight draft payment, be invoiced to the buyer for immediate payment.

SECTION X. CRUSHING AND PULVERIZING COAL

1. Each code member who maintains and operates at his mine or at any facility used in preparing coals for market, any crushing or pulverizing device, shall register such device with the Statistical Bureau of the Coal Commission, on or before the Twentieth (20th) day of January 1938, on forms submitted by the Coal Commission.

2. Such forms shall include the following:

"1. Name and address of code member.
"2. Name of mine or facility at which device is located.
"3. Name and style or type of crushing or pulverizing device.
"4. Hourly capacity of device.
"5. Sizes of coal which device can crush or pulverize.
"6. Sizes of coal resulting from crushing or pulverizing.
"7. Number of tons crushed in 1936 and in each month of 1937.
"8. Cost per ton of crushing or pulverizing in 1936."

3. Beginning with the month of January 1938, each code member shall on or before the tenth (10th) day of each succeeding month, file with the Statistical Bureau on forms to be provided by the Coal Commission, a statement verified by affidavit, setting forth the following information for the preceding calendar month:

(*a*) Number of tons of each size crushed or pulverized.
(*b*) Number of tons of each size resulting from crushing or pulverizing.

4. No code member shall sell any coal crushed or pulverized at a price less than the minimum price established for the grade and size of coal before the crushing or pulverizing process plus five cents (5¢) per net ton.

SECTION XI. MISCELLANEOUS

1. No deduction or allowance shall be granted from invoice prices by any code member or sales agent, wholesaler or farmers' cooperative organization to any purchaser for advertising.

2. The price and fair trade practice provisions of the Act shall not be evaded by any payment or allowance by a code member to any purchaser or purchaser's representative covering advertising and the amount of expenditures for advertising shall be subject to review by the Coal Commission as to the good faith of the transaction.

3. Where coal is refused by a consignee in transit or at destination the code member may, and in the case where the coal was sold by a sales agent or registered wholesaler or registered farmers' cooperative organization of the code member, such sales agent or registered wholesaler or registered farmers' cooperative organization, with the approval of the code member, may sell the same at the best obtainable price, provided that in each case the code member shall file with the statistical bureau of the Coal Commission, within five (5) days from the date of such resale, a statement giving the name and address of the consignee and the reasons for the refusal, the name and address of the purchaser upon resale and the price received by the seller upon resale, a copy of the carrier's notice of refusal or notice of reconsignment and such other pertinent facts as may be offered in proof of the necessity of such resale and that in making such resale, the provisions of the Code and the Marketing Rules and Regulations of the Coal Commission other than as to price have not been violated or evaded.

4. All code members and all Registered Wholesalers and Registered Farmers' Cooperative Organizations shall promptly furnish to the statistical bureau of the Coal Commission for the District in which the coal originated, full reports of all reconsignments and shall authorize the carrier making such reconsignments to furnish complete information thereon to such statistical bureau.

5. Where any allowance is requested by a buyer of coal on any shipment claimed to be substandard in preparation or quality, the code member or the sales agent or registered wholesaler or registered farmers' cooperative organization, with the prior approval of the code member, may on or before the maturity date of the invoice, make settlement and agree with the buyer upon an amount reasonably to be deducted for such inferior coal and accept payment therefor at less than the minimum prices; provided, however, that in each such case the code member shall within five (5) days after granting such allowance file with the statistical bureau of the Coal Commission in the District in which the coal originates:

(*a*) A statement giving the name of the consignee and the reason for the request for the allowance.
(*b*) A formal claim duly executed by or on behalf of the buyer and verified by affidavit setting forth the amount claimed by way of deduction and the reasons for the complaint.
(*c*) The amount of allowance or adjustment made.
(*d*) A statement that the adjustment has not been made with the purpose or intent of evading the price provisions of the Act. All such adjustments and allowances shall be subject to review by the Coal Commission.

6. The screening of mine run or re-screening of other grades of coal sold and billed as such for the buyer's account for the purpose of keeping the resultant products separate in the shipment thereof is prohibited. All coal must be sold and invoiced under the designation shown therefor in the price schedule published by the Coal Commission.

7. All coal confiscated or lost in transit shall be invoiced to the carrier at the market value of the coal but in no event at less than the minimum price therefor, established by the Coal Commission.

8. Failure to file information required by the within Marketing Rules and Regulations or the filing of false information, wilfully made, will subject the party failing to file the information required or the party so filing, to the penalties of the Act and other penalties imposed by law.

9. These Marketing Rules and Regulations are subject to revision and amendment by further order of the Coal Commission.

[F. R. Doc. 37-3460; Filed, November 30, 1937; 11:43 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE CB4

The Securities and Exchange Commission deeming it necessary for the execution of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, hereby amends Rule CB4 by adding to paragraph (b) thereof the following sentence:

"Current supplements filed to report the termination of listed or unlisted trading privileges in any security admitted to dealing on the exchange shall include a brief statement of the reasons for such termination."

The foregoing amendment shall be effective on December 10, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3462; Filed, November 30, 1937; 12:46 p. m.]



*Thursday, December 2, 1937* *No. 233*

## TREASURY DEPARTMENT.

**Bureau of Customs.**

[T. D. 49269]

COUNTERVAILING DUTIES—DRIED SALT FISH FROM NOVA SCOTIA

*To Collectors of Customs and Others Concerned:*

Reference is made to T. D. 49196, approved October 12, 1937, announcing the application of section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303) to certain fish from Nova Scotia.

The Bureau has received official information that fish described in T. D. 49196 may be exported from Nova Scotia without the benefit of any bounty or grant because the fish have a moisture content of 43 per cent or more, or because of the price received for the fish. T. D. 49196 is accordingly amended by deleting from the last sentence thereof the words "the dried fish are not products of Nova Scotia and that."

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved, November 26, 1937.
STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3464; Filed, November 30, 1937; 3:42 p. m.]

## DEPARTMENT OF THE INTERIOR.

**Office of Indian Affairs.**

CONFEDERATED BANDS OF THE UTE TRIBE OF INDIANS, COLORADO

ORDER OF RESTORATION

NOVEMBER 13, 1937.

Whereas, pursuant to the provisions of an agreement accepted and ratified by the Act of June 15, 1880 (21 Stat. L., 199), the Confederated Bands of the Ute Tribe of Indians in Colorado ceded to the United States a large area of their reservation in the State of Colorado, which area was then held and deemed to be public land of the United States, subject to disposal under the laws providing for the disposal of public lands, except as provided in the said Act of June 15, 1880, supra, and

Whereas, there are now remaining undisposed of within the said ceded area certain tracts which, if now restored, would prove beneficial to the Confederated Bands of the Ute Tribe of Indians, because of their value for grazing purposes and mineral content, and

Whereas, by relinquishment and cancellation of unperfected homestead entries within this area a limited additional acreage of land of similar character may be included within the class of undisposed of ceded land, and

Whereas, the Commissioner of Indian Affairs has recommended restoration to tribal ownership of all said vacant undisposed of ceded lands within the following described boundaries:

Beginning at the southeast corner of section 36, township 47 north, range 1½ west of the New Mexico principal meridian in Colorado; thence west on the section lines to the southeast corner of section 35, township 47 north, range 2 west; thence north to the northeast corner of the said section 35; thence west to the center section line of section 33; thence south to the south line of said section 33; thence east to the northwest corner of section 3, township 46 north, range 2 west; thence south to the southwest corner of section 3; thence east to the northwest corner of section 11; thence south to the southwest corner of section 14; thence east to the southeast corner of section 13, township 46 north, range 1½ west; thence north along the township line to the place of beginning.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the Act of June 18, 1934 (48 Stat. L., 984), I hereby find that restoration to tribal ownership of all lands which are now, or may hereafter be, classified as undisposed of ceded Ute Indian lands lying within the above described boundaries in Colorado which shall include mineral and other rights not acquired by entrymen within any entries perfected where the surface right only was acquired by such entrymen, will be in the public interest, and said lands are hereby restored to tribal ownership for the use and benefit of the Confederated Bands of the Ute Tribe of Indians, Colorado, subject to any valid existing rights.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 37-3467; Filed, December 1, 1937; 10:04 a. m.]

## DEPARTMENT OF COMMERCE.

**Bureau of Marine Inspection and Navigation.**

CUSTOMS PORTS AUTHORIZED TO ISSUE MARINE DOCUMENTS

Under authority of the Act of February 16, 1925 (43 Stat. 947) the following-named ports are designated ports of documentation from which marine documents may issue:

ATLANTIC AND GULF COASTS

Maine and New Hampshire (1):
Eastport.
Calais.
Jonesport.
Bar Harbor.
Bangor.
Belfast.
Rockland.
Bath.
*Portland.
Portsmouth.

Massachusetts (4):
Gloucester.
Salem.
*Boston.
Provincetown.
New Bedford.
Fall River.

Rhode Island (5):
*Providence.
Newport.

Connecticut (6):
New London.
Hartford.
New Haven.
*Bridgeport.

New York (10):
*New York.
Albany.
Newark.
Perth Amboy.

Philadelphia (11):
*Philadelphia.
Wilmington.

Maryland (13):
*Baltimore.
Annapolis.
Crisfield.
Cambridge.
Washington.

Virginia (14):
Alexandria.
Reedville.
*Newport News.
*Norfolk.
Cape Charles.

North Carolina (15):
Elizabeth City.
Washington.
Beaufort.
*Wilmington.

South Carolina (16):
Georgetown.
*Charleston.

Georgia (17):
*Savannah.
Brunswick.

Florida (18):
Fernandina.
Jacksonville.
St. Augustine.
Miami.
Key West.

ATLANTIC AND GULF COASTS—continued

Florida (18)—Continued.
*Tampa.
Apalachicola.
Pensacola.
Mobile (19):
*Mobile.
Gulfport.
See also Rivers.
New Orleans (20):
*New Orleans.
See also Rivers.
Sabine (21):
*Port Arthur.
Sabine (21)—Continued.
Beaumont.
Lake Charles, La.
Galveston (22):
*Galveston.
Houston.
San Antonio (23):
*San Antonio.
Corpus Christi.
Puerto Rico (49):
*San Juan.
Virgin Islands:
*St. Thomas.

WESTERN RIVERS

New Orleans (20):
*New Orleans.
Baton Rouge.
See also Gulf.
Tennessee (43):
*Memphis.
Nashville.
Chattanooga.
Mobile (19):
*Mobile.
See also Gulf.
Kentucky (42):
*Louisville.
St. Louis (45):
*St. Louis.
Kansas City.
Omaha (46):
*Omaha.
Dakota (34):
*Pembina.
Montana and Idaho (33):
*Great Falls.
Iowa (44):
*Des Moines.
Minnesota (35):
*Minneapolis.
Duluth and Superior (36):
*Duluth.
See also Lakes.
Wisconsin (37):
*Milwaukee.
See also Lakes.
Chicago (39):
*Chicago.
Peoria.
See also Lakes.
Indiana (40):
*Indianapolis.
Evansville.
Ohio (41):
Cincinnati.
See also Lakes.
Pittsburgh (12):
*Pittsburgh.

NORTHERN LAKES

Vermont (2):
*St. Albans.
Burlington.
St. Lawrence (7):
Rouses Point.
*Ogdensburg.
Cape Vincent.
Rochester (8):
Oswego.
*Rochester.
Buffalo (9):
*Buffalo.
Ohio (41):
Erie.
*Cleveland.
Sandusky.
Toledo.
Ohio (41)—Continued.
See also Rivers.
Michigan (38):
*Detroit.
Port Huron.
Sault Ste. Marie.
Grand Haven.
Chicago (39):
*Chicago.
See also Rivers.
Wisconsin (37):
*Milwaukee.
See also Rivers.
Duluth and Superior (36):
*Duluth.
See also Rivers.

PACIFIC COAST

San Diego (25):
*San Diego.
Los Angeles (27):
*Los Angeles.
Port San Luis.
San Francisco (28):
*San Francisco-Oakland.
Eureka.
Oregon (29):
Marshfield.
Astoria.
*Portland.
Washington (30):
Tacoma.
*Seattle.
Bellingham.
Washington (30)—Contd.
Port Townsend.
Port Angeles.
Aberdeen.
Alaska (31):
Ketchikan.
Hyder.
Wrangell.
Petersburg.
Eagle.
*Juneau.
Sitka.
Skagway.
Cordova.
Hawaii (32):
*Honolulu.

The grand divisions are printed in boldface, the district names in small capitals, with the numbers enclosed in parentheses, and the ports in roman with asterisks (*) to indicate the headquarters ports. Marine documents are not issued at the headquarters ports of San Antonio, Indianapolis, and St. Albans, nor in the districts of El Paso (24), Arizona (26), Colorado (47), and Utah and Nevada (48).

Marine documents may be issued at the port of Washington, North Carolina. Washington is a customs station, but not a port of entry.

A duplicate of each marine document issued to a vessel, together with the surrendered original, if there is one, should be sent to the headquarters port for review. All duplicates, surrendered originals, and copies of lost originals, must be forwarded from the headquarters port to the Director of the Bureau of Marine Inspection and Navigation at the end of each day.

A license may be renewed by endorsement at any port of documentation, but a notice of such renewal, Cat. No. 1302, must be sent to the port at which the license issued, to the port of last previous renewal, and to the home port.

Additional ports will be designated as ports of documentation when this action is required by the exigencies of the service.

[SEAL] R. S. FIELD, *Director.*

Approved, November 19, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-3463; Filed, November 30, 1937; 1:02 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3084]

IN THE MATTER OF WARNER'S RENOWNED REMEDIES COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, December 6, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in Room 313, Federal Building, Binghamton, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3471; Filed, December 1, 1937; 11:29 a. m.]



## INTERSTATE COMMERCE COMMISSION.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of November A. D. 1937.

[Ex Parte No. 125]

ORDER CONCERNING INCREASED PULLMAN FARES AND CHARGES, 1937

The Commission, having before it the petition filed by the Pullman Company for approval by the Commission of an increase of ten percent in all sleeping and parlor car rates, fares, and charges, and for permission to file special tariff supplements, which said petition so filed is referred to for greater certainty:

*It is ordered,* That the Commission enter upon an investigation of the proposals made in said petition; and that a copy of this order be served upon the applicant and upon the Governors and regulatory bodies of the several States.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3472; Filed, December 1, 1937; 12:21 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 162]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 22, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|---|---|
| Illinois 8021C Menard | $50,000 |
| Mississippi 8024B Lafayette | 10,000 |
| Missouri 8024B Callaway | 16,000 |
| Oklahoma 8015 Tillman | 150,000 |
| Texas 8061 Coleman | 100,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3465; Filed, December 1, 1937; 10:00 a. m.]

[Administrative Order No. 163]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 24, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|---|---|
| Alabama 8021W Cherokee | $15,000 |
| Illinois 8007B Henry | 16,000 |
| Iowa 8014W Humboldt | 10,000 |
| Ohio 8060AW Seneca | 5,000 |
| Ohio 8068AW Fulton | 3,000 |
| Texas 8047W Deaf Smith | 45,485 |
| Wyoming 8011GB Lincoln | 36,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3466; Filed, December 1, 1937; 10:00 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENTS TO FORMS 5 AND 6

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 16 (a) and 23 (a) thereof, hereby amends Instructions 7 and 13 of Form 5, and Instructions 7 and 13 of Form 6 to read respectively as follows:

7. *Signature.*—If the person reporting be a corporation, partnership, business trust, etc., the full name of such person should appear over the signature of an officer or other person authorized to sign. If the person reporting be an individual, the report should be signed by him, or specifically on his behalf by a person authorized to sign for him.

13. *Beneficial ownership.*—The reporting requirements relate only to beneficial ownership, direct and indirect, and changes in beneficial ownership. Record ownership does not, of itself, constitute beneficial ownership. A person filing a report may expressly declare therein that such filing shall not be construed as an admission that he is, for the purposes of Section 16, the beneficial owner of any equity security covered by the report.

The foregoing amendments, as set forth in the printed copies of Forms 5 and 6 marked "Revision of October 30, 1937," shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3486; Filed, December 1, 1937; 12:44 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1937.

[File Nos. 46-69 and 46-70]

IN THE MATTER OF THE APPLICATIONS OF UTILITIES POWER & LIGHT CORPORATION LIMITED

ORDER DESIGNATING DATE OF HEARING

Utilities Power & Light Corporation Limited having filed with this Commission two applications (File Nos. 46-69 and 46-70) pursuant to the Public Utility Holding Company Act of 1935 relating to the proposed acquisition by the applicant of certain securities;

Said applications having been set down for joint hearing on September 22, 1937, and pursuant to Commission Order dated September 20, 1937 having been postponed, and on November 16, 1937 having been continued subject to call of the trial examiner and the trial examiner having set the proceedings down for hearing at the time and place hereafter mentioned;

*It is ordered,* That the hearing in said matters now subject to call be and the same hereby is set down for hearing on December 16, 1937, at 10 o'clock in the forenoon, Room 1102, Securities and Exchange Building, 1778 Pennsylvania Ave., N. W., Washington, D. C.; subject, however, to any order which the Commission may hereafter enter in connection with this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3487; Filed, December 1, 1937; 12:44 p. m.]

## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

DISCONTINUANCE OR RESTORATION OF BENEFITS

*Claimants Required to Report When Requested*

R-1184. Every person applying for or in receipt of compensation or pension for disability shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a duly authorized medical examiner of the Veterans' Administration, including a period of observation in a hospital, if necessary. This will

not be construed as in any way modifying the policy of assigning permanent ratings, whenever proper, under existing procedure. For failure to report, see R. & P. R–1251 and R–1266. (December 1, 1937.) (V. R. No. 2 (a), Part I, Paragraph II.)

*Discontinuance and Restoration of Benefits Under Veterans Regulation No. 10, as Amended, By Reason of Federal Employment*

R–1229. (A) Whenever pension or compensation is reduced or discontinued by reason of Federal employment under Veterans Regulation No. 10, Paragraph X, as amended by Veterans Regulation No. 10 (c), payments will be discontinued from the first of any full month period that such employee is in an actual pay status in his office or position: Provided, that on or after August 25, 1937, no award of disability compensation or pension shall be subject to reduction or discontinuance under this subparagraph (Public No. 357, 75th Congress (Act of August 25, 1937)).

(B) Where payments of pension or compensation have been discontinued under Veterans Regulation No. 10, Paragraph X, as amended by Veterans Regulation No. 10 (c), by reason of Federal employment, restoration of payments will be authorized, if otherwise in order, from the first of the month following the last full month period that the person so employed was in an actual pay status under the conditions upon which payments were discontinued, provided that a claim (informal) for restoration of the pension is made within one year from the date on which the income becomes less than the proportionate rate. Otherwise, benefits will be restored from the date of receipt of the claim or the date from which entitlement is shown, whichever is the later: Provided, that any restoration of payments by reason of the application of Public No. 357, 75th Congress, shall be made effective as of August 25, 1937, if otherwise in order. (December 1, 1937.)

[SEAL] FRANK T. HINES
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37–3468; Filed, December 1, 1937; 11:18 a. m.]

REVISION OF REGULATIONS

ACCRUED BENEFITS: LAWS REPEALED BY PUBLIC NO. 2, 73D CONGRESS (ACT OF MARCH 20, 1933)

R–2666. (E) *Adjudication Under Prior Laws—Running Awards.*—Where payments of pension, compensation disability allowance, or emergency officers retirement pay *were being currently made* to a beneficiary at the date of death under laws repealed by the Act of March 20, 1933, all claims for such of these benefits as were due and unpaid to the beneficiary at the time of death for any period prior to July 1, 1933, will be adjudicated under the applicable laws in effect prior to March 20, 1933; provided, however, that the amount due and unpaid will be computed only on the basis of the rate approved prior to March 20, 1933. (V. R. No. 2 series). (December 1, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37–3469; Filed, December 1, 1937; 11:18 a. m.]

REVISION OF REGULATIONS

STATUTORY DISCHARGE OF ACTIVELY TUBERCULOUS PATIENTS

R–6065. (A) Beneficiaries with active tuberculosis, the disability from which has been adjudicated as attributable to service in the World War, who have been hospitalized for a continuous period of one year under proper medical supervision; whose condition, it is adjudged, will not reach arrest by further hospitalization; and whose discharge from hospital treatment will not be prejudicial to themselves or their families, will be potentially eligible for the statutory hospital discharge authorized in Section 202 (3), World War Veterans Act, 1924, as provided by Public No. 141, 73d Congress. For procedure, see R. & P. 6108 and 6276.

(B) Actively tuberculous patients whose discharge from hospital treatment under (A) is not disapproved by the chief medical officer or clinical director will be so discharged if proper investigation by the office concerned discloses the following necessities of home environment: A sanitary domicile where reasonable comforts and care can be provided, such as a well-ventilated room or porch, good food, fresh air, etc.; relatives or friends who can assume the obligations of continued nursing care, who know how properly to safeguard themselves from infection by proper disposition of the patient's sputum, and who can furnish, on forms supplied by the Veterans' Administration, the information necessary for administrative supervision; feasibility of keeping infants and young children from infection by the patient; facilities to provide for not less than 18 hours a day in bed or in a "curing chair".

(C) *Discharge, not under Public, No. 141, 73d Congress, where there has not been one year's continuous hospitalization.*—Beneficiaries suffering from active tuberculosis who have not had one year's continuous hospitalization under proper medical supervision, but who fulfill all other conditions specified in sub-paragraph (A) hereof, may be permitted discharge from hospital treatment for "maximum benefit," but not under the provisions calling for the post-hospital statutory award in section 202 (3), World War Veterans Act, 1924, as provided by Public No. 141, 73d Congress. If there is probability of further improvement of these patients by hospitalization, it will be continued. (December 1, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37–3470; Filed, December 1, 1937; 11:18 a. m.]

*Friday, December 3, 1937* *No. 234*

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 89]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ONE IN CONFORMITY WITH SECTION 4, PART II, SUBSECTION (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 62 the weighted average of the total costs of the tonnage for Minimum Price Area One in the Calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having



proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classification of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 73 determined and established the initial classifications of coals of code members within said District One; the District Board for District Number One having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number One, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number One, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number One or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number One, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number One, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number One and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary of temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number one to the Consumer's Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area One and to code members within District Number One, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

PRICE SCHEDULE NO. 1—DISTRICT NO. 1

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 1, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 16, 1937.

Issued November 30, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups—For Market Areas Nos. 1, 1A, 2, 3, 4, 5, 6, (13), 7, 8, 9, 10 and 12; for all Other Market Areas Base Size Groups Shown in Second Table Below May Be Used*

INCLUDES

| Base size group | Lump, maximum screen size [1] | Double screened sizes | |
|---|---|---|---|
| | | Maximum top size [1] | Maximum bottom size [1] |
| 1 | All lump over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 4". |
| 3 | 3" | 6" | 3". |
| 4 | 2" | 6" | 2". |
| 5 | 1¼" | 5" | 2". |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| 9 | Mine run. | | |
| 12 | | 2" NPS | 0". |
| 13 | | 1¼" Slk | 0". |
| 14 | | ¾" Slk | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

*Size Groups—For Market Areas Nos. 11, 17, 20, 22, 23, 24, 27, 28, 29, 30, 31 and 32*

| Group No. | Sizes | Group No. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block. | 5 | 2" x 5" Egg.<br>2½" x 4" Egg.<br>2" x 4½" Egg.<br>2" x 4" Egg.<br>1½" x 6" Egg.<br>⅝" & under.<br>Screened R. O. M. |
| 2 | 4" and 5" Block.<br>5" x 10" Chunks.<br>5" x 8" "<br>4" x 10" "<br>4" x 8" "<br>4" x 6" "<br>4" x 3" " | 6 | 3" and under Stove. |
| 3 | 2¾" to 3" Lump.<br>3" x 8" Egg.<br>3" x 6" Egg.<br>2½" x 8" Egg.<br>2" x 8" Egg. | 7 | 2" and under top size and ½" and over bottom size Nut. |
| 4 | 1¼" to 2" Lump.<br>2½" x 6" Egg.<br>3" x 5" Egg.<br>2¾" x 5" Egg.<br>2½" x 5" Egg.<br>2" x 6" Egg.<br>3" x 4" Egg. | 0 | Straight Mine Run, 8" resultant. |
| | | 12 | 2" Minus—Nut—Slack with top size not exceeding 2" No fines removed. |
| | | 13 | 1¼" Minus — Nut — Slack with top size not exceeding 1¼". No fines removed. |
| | | 14 | ¾" Minus—Pea—Slack with top size not exceeding ¾". No fines removed. |

*Price Index*

| Company | Mine | Seam | Size group numbers | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 | |
| A. G. & S. Mining Company | Brilliant | Lower Klt. | G | G | G | G | G | G | G | G | G | G | G | G |
| Ajax Coal Co., Inc. | Ajax #2 | | F | F | F | F | F | F | F | F | F | F | F | F |
| Alder Run Coal Co. | #1 and #2 | "B" | G | G | G | G | G | G | G | G | G | G | G | G |
| Allegheny River Mining Co. | Cadegna | Lower Klt. | G | G | G | G | G | G | G | G | G | G | G | G |
| Allegheny River Mining Co. | Chicksaw | Lower Klt. | G | G | G | G | G | G | G | G | G | G | G | G |
| Allegheny River Mining Co. | Mohican | Upper Freeport | E | E | E | E | E | E | E | E | E | E | E | E |
| Anita Coal Company | Coolspring | | E | E | E | E | E | E | E | E | E | E | E | E |
| Anita Coal Mining Company | Anita #1 | Lower Freeport | F | F | F | F | F | F | F | F | F | F | F | F |
| Appalacha Coal Company | Appalacha | "D" Freeport | E | E | E | E | E | E | E | E | E | E | E | E |
| Apple Coal Company | Apple #1 & #2 | "E" | C | C | C | C | C | C | C | C | C | C | C | C |
| Argyle Coal Company | Argyle #2 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Argyle Coal Company | Bennington "B" | "B" | C | C | C | C | C | C | C | C | C | C | C | C |
| Argyle Coal Company | Tunnel #1 | Upper Freeport | E | E | E | E | E | E | E | E | E | E | E | E |
| Arrow Coal Corporation | Arrow #5 | "B" | C | C | C | C | C | C | C | C | C | C | C | C |
| Arrow Coal Corporation | Arrow #6 | "C" Prime | C | C | C | C | C | C | C | C | C | C | C | C |
| Atlantic Mining Company | Atlantic #1 | Upper Freeport | F | F | F | F | F | F | F | F | F | F | F | F |
| "B" Quality Coal Co. | "B" Quality 2 & 3 | | B | B | B | B | B | B | B | B | B | B | B | B |
| Baker-Whiteley Coal Co. | Elma #1 & 2 | "B" | F | F | F | F | F | F | F | F | F | F | F | F |
| Baker-Whiteley Coal Co. | Elma #3 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D | D |
| Bambling Coal Company | Cambria #2 | | E | E | E | E | E | E | E | E | E | E | E | E |
| Banner Coal Mining Company | Knickerbocker #3 | | C | C | C | C | C | C | C | C | C | C | C | C |
| Barnes Coal Company | Lancashire 14 & 15 | Lower Klt. | C | C | C | C | C | C | C | C | C | C | C | C |
| Barnes & Tucker Company | Lancashire #10 | "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Barnes & Tucker Company | Lancashire #12 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Barnes & Tucker Company | Lancashire 10 & 12 Mixed | "D-E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Beacon Coal Company | Peerless #5 | "C" Prime & "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Beadle & McCauley Coal Co. | Beadle & McCauley | (Lower Freeport<br>Tyson | F | F | F | F | F | F | F | F | F | F | F | F |
| Bear Rock Mining Company | Miller Run #3 | Lower Freeport | E | E | E | E | E | E | E | E | E | E | E | E |
| Beaver Run Coal Company | Cortright #1 | Lower Freeport | D | D | D | D | D | D | D | D | D | D | D | D |
| Beccaria Coal Mining Co. | Leland #8 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Bellfield Coal & Coke Co. | Dean #10 | | G | G | G | G | G | G | G | G | G | G | G | G |
| Berkey Bros. Coal Co. | Berkey | "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Berwind-White Coal Mng. Co. | Eureka #35 | Lower Klt. | A | A | A | A | A | A | A | A | A | A | A | A |
| Berwind-White Coal Mng. Co. | Eureka #36 | Lower Klt. | A | A | A | A | A | A | A | A | A | A | A | A |
| Berwind-White Coal Mng. Co. | Eureka #37 | Lower Klt. | A | A | A | A | A | A | A | A | A | A | A | A |
| Berwind-White Coal Mng. Co. | Eureka #40 | Lower Klt. | A | A | A | A | A | A | A | A | A | A | A | A |
| Berwind-White Coal Mng. Co. | Eureka #42 | Lower Klt. | A | A | A | A | A | A | A | A | A | A | A | A |
| Berwind-White Coal Mng. Co. | Maryland Shaft | Lower Klt. | A | A | A | A | A | A | A | A | A | A | A | A |
| Berwind-White Coal Mng. Co. | No. 35 C | "C" Prime | D | D | D | D | D | D | D | D | D | D | D | D |
| Berwind-White Coal Mng. Co. | No. 37 C | "C" Prime | D | D | D | D | D | D | D | D | D | D | D | D |
| Berwind-White Coal Mng. Co. | No. 40 C | "C" Prime | E | E | E | E | E | E | E | E | E | E | E | E |
| Beuhler Coal Mining Co. | Miller Run #6 | Lower Klt. | D | D | D | D | D | D | D | D | D | D | D | D |
| Big Bend Coal Mining Co. | Irvona #6 | Lower Klt. | C | C | C | C | C | C | C | C | C | C | C | C |
| Big Vein Coal Co. of Lonsconing, Inc. | Castle | (Big Vein<br>Tyson | D | D | D | D | D | D | D | D | D | D | D | D |
| Big Vein Coal Co. of Lonsconing, Inc. | Pekin | Big Vein | D | D | D | D | D | D | D | D | D | D | D | D |
| Bird Coal Company | Bird #1, #2, & #3 | "C" Prime | E | E | D | E | E | E | E | E | E | E | E | E |
| Bird Coal Company | Bird #1 | "B" | D | D | D | D | D | D | D | D | D | D | D | D |
| Black Oak Coal Mining Co. | Black Oak #5 | "D" | C | C | C | C | C | C | C | C | C | C | C | C |
| Blackwater Coal Company | Cooper | Kittanning | E | E | E | E | E | E | E | E | E | E | E | E |
| Bland Bros. Coal Company | Bland #4 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E | E |
| Bland, Fred Jr. | Bland #1, 2, 3, & 4 | | D | D | D | D | D | D | D | D | D | D | D | D |
| Boron Bros. Coal Company | Mt. Vernon #1 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Boron Bros. Coal Company | Woodward #2 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Bowman Coal Co., George G. | Chapman #1 | Redstone | G | G | G | G | G | G | G | G | G | G | G | G |
| Bowman Coal Co., George G. | Fuel #3 | Redstone | G | G | G | G | G | G | G | G | G | G | G | G |
| Brighton Coal Mining Co. | Brighton #1 & #2 | Mid-Klt. | G | G | G | G | G | G | G | G | G | G | G | G |
| Brothers Valley Coal Co. | Pen-Mar #5 | Lower Klt. | G | G | G | G | G | G | G | G | G | G | G | G |
| Buffalo Coal Company | Pine Hill #2 | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G | G |
| Buffalo & Susquehanna C & C Co. | Sagamore | "E" | G | G | G | G | G | G | G | G | G | G | G | G |
| Buffalo & Susquehanna C & C Co. | Sykesville | Lower Freeport | D | D | D | D | D | D | D | D | D | D | D | D |



*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 | |
| Butler Consolidated Coal Co. | Plumville | Upper Freeport | G | G | G | G | G | G | G | G | G | G | G | G |
| Butterworth Bros. Coal Mng. Co. | Keystone #1, 2, 3, & 4 | Lower Freeport | C | D | D | D | D | D | D | D | D | D | D | D |
| Butterworth Coal Company | Butterworth #1 | Lower Freeport | D | G | G | G | G | G | G | G | G | G | G | G |
| Cambria Fuel Company | Cambria #1 | Lower Klt. | G | A | A | A | A | A | A | A | A | A | A | A |
| Cambria Fuel Company | Cambria #2 | Upper Klt. | F | F | F | F | F | F | F | F | F | F | F | F |
| Campbell Coal Company | Hampshire | Bakerstown | C | C | C | C | C | C | C | C | C | C | C | C |
| Carnegie-Illinois Steel Corp. | Ingleside | Lower Klt. | D | D | D | D | D | D | D | D | D | D | D | D |
| Carroll Coal Co., E. J. | Lutz | Clarion | F | F | F | F | F | F | F | F | F | F | F | F |
| Carroll Gutesman Coal Co. | Carroll | Clarion | E | E | E | E | E | E | E | E | E | E | E | E |
| Carrolltown Coal Company | Victor #9 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Cassler Coal Sales Agency | Imperial 11 & 12 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Central Moshannon C. Mng. Co. | Cen. Moshannon #2 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Chambers Coal Co., R. A. | Clarence #1 | Brookville | G | G | G | G | G | G | G | G | G | G | G | G |
| Cherry Run Coal Mining Co. | Cherry Run #1 | Brookville | G | G | G | G | G | G | G | G | G | G | G | G |
| Cherry Tree Coal Co. | Victor #17 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Chestnut Hill Coal Co. | Chestnut Hill #1 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Christy, Harry J. | Baxter | "B" | G | G | G | G | G | G | G | G | G | G | G | G |
| Christy, Harry J. | McNeese-Reese | "B" | G | G | G | G | G | G | G | G | G | G | G | G |
| Clay Coal Mng. Co. The Henry | Deep Run | | F | F | F | F | F | F | F | F | F | F | F | F |
| Clearfield Blt. Coal Corp. | Cooper | "B" | D | D | D | D | D | D | D | D | D | D | D | D |
| Clearfield Blt. Coal Corp. | Clymer #1 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Clearfield Blt. Coal Corp. | Commodore | "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Clearfield Blt. Coal Corp. | Rossiter | "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Clyde Coal Company | Clyde #28 | "B" | D | D | D | D | D | D | D | D | D | D | D | D |
| Coal Mining Co. of Graceton | Graceton #3 | "F" | D | D | D | D | D | D | D | D | D | D | D | D |
| Colonial Iron Company | Brown | Kelly | E | E | E | E | E | E | E | E | E | E | E | E |
| Commercial Coal Mining Co. | Commercial #5 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Consolidation Coal Co. | Consolidation #1 | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G | G |
| Consolidation Coal Co. | Consolidation #3 | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G | G |
| Consolidation Coal Co. | Consolidation #4 | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G | G |
| Consolidation Coal Co. | Consolidation #10 | Tyson | F | F | F | F | F | F | F | F | F | F | F | F |
| Consolidation Coal Co. | Consolidation #17 | Tyson | F | F | F | F | F | F | F | F | F | F | F | F |
| Consolidation Coal Co. | Consolidation #119 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E | E |
| Consolidation Coal Co. | Consolidation #120 & #121 | "C" Prime & E | E | E | E | E | E | E | E | E | E | E | E | E |
| Consolidation Coal Co. | Consolidation #123 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Coral Coal & Coke Co. | Potter #1 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Conser-Moshannon Coal Mng. Co. | Sterling #3 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Crago, Harry F. | Chester | | F | F | F | F | F | F | F | F | F | F | F | F |
| Cumberland Coal Co. | Douglas #1 | "B" | G | G | G | G | G | G | G | G | G | G | G | G |
| Dahlin & Company | Mt. Branch | | F | F | F | F | F | F | F | F | F | F | F | F |
| Davis Coal & Coke Company | Orenda | "C" Prime | E | E | E | E | E | E | E | E | E | E | E | E |
| Davis Coal & Coke Company | #37 | "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Davis Coal & Coke Company | #38 | "B" | D | D | D | D | D | D | D | D | D | D | D | D |
| Davis Coal & Coke Company | #39 | "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Davis Coal & Coke Company | #40 | "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Davis Coal & Coke Company | #42 | "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Davis Coal & Coke Company | Pendleton #23 | Bakerlown | E | E | E | E | E | E | E | E | E | E | E | E |
| Deringer Fuel Company | Woodland #2 | Moshannon | D | D | D | D | D | D | D | D | D | D | D | D |
| Dora Coal Company | Dora | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Duncan-Spangler Coal Co. | Delta #2 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| DuShan Coal Mining Co. | DuShan #1 | "B" | D | D | D | D | D | D | D | D | D | D | D | D |
| Eastment, S. H. | Coaldale | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Eastment, S. H. | Reading #3 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| East Windber Coal Co. | E. Windber #5 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E | E |
| Ebensburg Coal Company | Ebensburg #1 | "B" | D | D | D | D | D | D | D | D | D | D | D | D |
| Echo Mining Company | Lumsted #3 | "D" & "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Eichelberger & Company, E. | Bacon #4 | Barnet | F | F | F | F | F | F | F | F | F | F | F | F |
| Enterprise Coal Mining Co. | Ponfeigh #1 & 7A | "C" Prime | E | E | E | E | E | E | E | E | E | E | E | E |
| Enterprise Coal Mining Co. | Ponfeigh #2 & 7 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Fair Oak Coal Co., Inc. | Fair Oak #5 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E | E |
| Feeney Coal Co. | McIntyre | "B", "D", "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Ferncliff Coal Corporation | Thayerton | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Flenner Coal Co. | Flenner #1 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Fogle Coal Co., Inc. | Fogle | "A" | G | G | G | G | G | G | G | G | G | G | G | G |
| Forks Coal Mining Co. | Hughes #3 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Forks Coal Mining Co. | Hughes #11 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Frostburg Coal Company | No. 2 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Gallagher & Brother, W. R. | Black Oak #1 | "B" | D | D | D | D | D | D | D | D | D | D | D | D |
| Georges Creek Coal Co., Inc. | No. 2 | B. V. & Tyson | F | F | F | F | F | F | F | F | F | F | F | F |
| Georges Creek Coal Co., Inc. | No. 3 & 4 | Waynesburg-Tyson | F | F | F | F | F | F | F | F | F | F | F | F |
| Georgian Coal Mining Co. | Georgian | Freeport | E | E | E | E | E | E | E | E | E | E | E | E |
| Glen Ridge Coal Co., Inc. | Miller Run #4 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Glen White Coal & Lumber Co. | Glen White #1 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Glen White Coal & Lumber Co. | Glen White #2 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Globe Coal Company | Virginian #14 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Good Clay & Coal Company | Good A-22 | "D" | D | D | D | D | D | D | D | D | D | D | D | D |
| Goshen Coal Company | Goshen #1, 5 & 6 | "B" & "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Gould, Thomas V. | Gould #1 | "B" | D | D | D | D | D | D | D | D | D | D | D | D |
| Gould, Thomas V. | Superior #1 | "D" & "E" | D | D | D | D | D | D | D | D | D | D | D | D |
| Grasso Coal Mining Co. | Liberty #1 & 2 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Guernsey Coal Company | Henrietta #1 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Gulbranson, W. O. | Imperial #2 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Gulbranson, W. O. | Imperial #3 | "C" | E | E | E | E | E | E | E | E | E | E | E | E |
| Gulbranson, W. O. | Imperial #4 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hale Coal Company | Brookwood Shaft | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hamill Coal & Coke Company | Hamill #1 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Harrington, F. R. & H. L. | Harrington #1 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Harve-Mack Coal Company | Harve-Mack #1 & 2 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hastings Fuel Company | Hastings #1 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hawk Run Coal Mining Co. | Coaldale #26 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hegarty's Sons, S. | Oakland #2 | "B" Miller | E | E | E | E | E | E | E | E | E | E | E | E |
| Heisley Coal Company | Heisley #3 | "C" | E | E | E | E | E | E | E | E | E | E | E | E |
| Helvetia Coal Mining Co. | Yatesboro #5 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Helvetia Coal Mining Co. | Waterman #2 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Henrietta Coal Company, Inc. | Henrietta #6 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Henrietta Coal Mining Company | Henriette #2 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Heshbon Coal Co. | Heshbon #2 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hi-Grade Coal Co. | No. 1 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hill Bros. Coal Co. | Ashman #4 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E | E |
| Hillman Coal & Coke Co. | Jerome #1 | "E" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hillman Coal & Coke Co. | Jerome #3 | "B" | E | E | E | E | E | E | E | E | E | E | E | E |
| Hillside Coal Co. | Moshannon #11 | | D | D | D | D | D | D | D | D | D | D | D | D |

*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Hillvitz, Joseph | Moore #1 | | D | D | D | D | D | D | D | D | D | D | D |
| Hoffa Coal Co., A. F | Hoffa #2 | Pittsburgh | D | D | D | D | D | D | D | D | D | D | D |
| Howell & Sill | Anna S | Blossburg | C | C | C | C | C | C | C | C | A | C | C |
| Hughes & Co., C. A | Hughes #2 | "B" | A | A | A | A | A | A | A | A | A | A | A |
| Hughes & Company, C. A | Lilly #3 | "B" | A | A | A | A | A | A | A | A | A | A | A |
| Huskin Coal Company | Huskin #3, 4 & 6 | "C" Prime & "B" | F | F | F | F | F | F | F | F | F | F | F |
| Imperial Coal Corp | Cambria Smokeless | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Imperial Coal Corp | Cardiff | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Imperial Coal Corp | Diamond Smokeless | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Indian Creek Coal & Coke Co | Indian Creek #1, 2 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Jackson Big Vein Georges Cr. C. Co | Caledonia | Pittsburgh | D | D | D | D | D | D | D | D | D | D | D |
| James Coal Mining Co | McGregor & Orpha | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Johnstown Coal & Coke Co | Portage #2 | "C" Prime | C | C | C | C | C | C | C | C | C | C | C |
| Johnstown Coal & Coke Co | Portage #6 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Johnstown Smokeless Coal Co | No. 7 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Johnstown Smokeless Coal Co | Shaft | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Jones Coal Co., E. A | Markleton #1 | "E" | F | F | F | F | F | F | F | F | F | F | F |
| Jones Coal Co., Roy | Sutton #9 & 10 | "A" & "B" | G | G | G | G | G | G | G | G | G | G | G |
| Jones, W. J | Mt. Airie | "D" | G | G | G | G | G | G | G | G | G | G | G |
| Kato Coal Co | Kato #5 | "B" | B | B | B | B | B | B | B | B | B | B | B |
| Kay Coal Mining Co | Shaul | | E | E | E | E | E | E | E | E | E | E | E |
| Kay Coal Mining Co | Tussey #1 | Kelly | B | B | B | B | B | B | B | B | B | B | B |
| Kay Coal Mining Co | Tussey #2 | "B" | B | B | B | B | B | B | B | B | B | B | B |
| Kearney Coal Co | Kearney-Barnett | Barnett | A | A | A | A | A | A | A | A | A | A | A |
| Kenrock Coal Co | Franklin #2 | Barnett | B | B | B | B | B | B | B | B | B | B | B |
| Kent Coal Mining Co | Kent #3 & #4 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Keystone Coal Co | Keystone #1 | "B" | B | B | B | B | B | B | B | B | B | B | B |
| Keystone Mining Co | Keystone #5 | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Keystone Mining Co | Sarah Furnace | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Kimmell Coal Co | Ralphton #14 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| King Coal Co. (Punxsutawney) | Mauk | "D" | F | F | F | F | F | F | F | F | F | F | F |
| King Coal Co. (Ramey) | King #1 | Big Vein & Bakerstown | D | D | D | D | D | D | D | D | D | D | D |
| Koontz Coal Co | Swanton | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Koppers Coal Co | Indian Creek #4 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Kristianson & Johnson Coal Co | Kristianson #1-2 | "C" | C | C | C | C | C | C | C | C | C | C | C |
| Kristianson & Johnson Coal Co | Gulwal | "B" | B | B | B | B | B | B | B | B | B | B | B |
| Lanark Coal Co. (Hastings) | Lanark #1 | | D | D | D | D | D | D | D | D | D | D | D |
| Lanark Coal Co | Mahaffey #1 | Barnett | D | D | D | D | D | D | D | D | D | D | D |
| Langdon Coal Co | Glendale #4 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Laurel Run Coal Mining Co | Laurel Run #2 | "A" | C | C | C | C | C | C | C | C | C | C | C |
| Lehigh Valley Coal Co | Lehigh Valley #23 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Lehman & Estep Coal Co | Lehman & Estep | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Leland Coal Co | Leland #10 | "C" Prime | F | F | F | F | F | F | F | F | F | F | F |
| Lenox Coal Co | Thermal #5 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Lenox Coal Co | Thermal #8 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Lenox Coal Co | Thermal #9 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Lenox Coal Co | Thermal #10 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Lenox Coal Co | Thermal #11 | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Lenox Coal Co | Thermal #15 | "C" Prime & "B" | F | F | F | F | F | F | F | F | F | F | F |
| Lenox Coal Co | Thermal #9 & 10 Mixed | "E" | C | C | C | C | C | C | C | C | C | C | C |
| Light, A. L. Special | Frances | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Lincoln Coal Co | Lincoln | "D" | F | F | F | F | F | F | F | F | F | F | F |
| Lindsey Coal Mining Co | Lindsey #8 | "B" | A | A | A | A | A | A | A | A | A | A | A |
| Logan Coal Co | Logan #4 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Logan Coal Co | Logan #4½ | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Logan Coal Co | Logan #6 | Brookville | C | C | C | C | C | C | C | C | C | C | C |
| Long & Little | Lanark #1 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Loyal Hanna Coal & Coke Co | No. 3 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Loyal Hanna Coal & Coke Co | No. 6 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Loyal Hanna Coal & Coke Co | No. 7 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Lytle Brothers | Garfield #2 | | D | D | D | D | D | D | D | D | D | D | D |
| McCartney, T. V | Merritt #3 | "E" | F | F | F | F | F | F | F | F | F | F | F |
| McClure Mining Co | McClure | "B" | C | C | C | C | C | C | C | C | C | C | C |
| McCombie Coal Mining Co | Bakerton #3 & 5 | "D" | F | F | F | F | F | F | F | F | F | F | F |
| McCombie, Frank C | McCombie #2 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| McCord, Charles | Bradley #1 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| McCullough Coal Corp | McCullough #1 | Bakerstown | C | C | C | C | C | C | C | C | C | C | C |
| McDonald Coal Co | McDonald | "B" | F | F | F | F | F | F | F | F | F | F | F |
| McGarey Coal Mining Co | McGarey #1 | Kelly | E | E | E | E | E | E | E | E | E | E | E |
| McIntyre & Co., James M | Shreeve Run #1 | Barnett | C | C | C | C | C | C | C | C | C | C | C |
| McIntyre & Co., James M | Shreeve Run #2 | Tyson | C | C | C | C | C | C | C | C | C | C | C |
| McNitt Coal Co., The | Bowery Furnace | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Manor Coal Co | Manor | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Markton Coal Co | Oliver | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Maria Coal Mining Co | Benscreek Miller #1 | "B" | B | B | B | B | B | B | B | B | B | B | B |
| Martin Wilcox Coal Co | Wilford | | E | E | E | E | E | E | E | E | E | E | E |
| Maryland Coal Co | Kingsland | Pittsburgh | D | D | D | D | D | D | D | D | D | D | D |
| Mastellar Coal Co | Hampshire #9 | Bakerstown | F | F | F | F | F | F | F | F | F | F | F |
| Mastellar Coal Co | New Creek | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Middle Pennsylvania Coal Corp | Canmore #1 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Middle Pennsylvania Coal Corp | Mid-Pen #4 | "D" | C | C | C | C | C | C | C | C | C | C | C |
| Milbar Coal Co | Glenside #9 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Mineral Point Coal Co | Smokeless #1 | Pittsburgh | E | E | E | E | E | E | E | E | E | E | E |
| Miners Big Vein Coal Co | Biweel | "E" | G | G | G | G | G | G | G | G | G | G | G |
| Mohawk Coal Mining Co | Mohawk | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Mohawk Mining Co | Mohawk | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Monroe Coal Mining Co | Revloc | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Moravian Coal Co | Moravian #1 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Morgart Corp., The | Mogart #1 | | D | D | D | D | D | D | D | D | D | D | D |
| Morrisdale Coal Mining Co | Cunard Slope | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Morrisdale Co | Morrisdale Shaft #1-3 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Morrison Coal & Coke Co | Bakerstown | Bakerstown | A | A | A | A | A | A | A | A | A | A | A |
| Morris Run Coal Mining Co | Morris Run | Blossburg | C | C | C | C | C | C | C | C | C | C | C |
| Moshannon Coal Co | Moshannon #10 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Moshannon Smithing Coal Co | Glenmar #1 | "D" | A | A | A | A | A | A | A | A | A | A | A |
| Mountain Coal Co | Yellow Run Shaft | "B" | A | A | A | A | A | A | A | A | A | A | A |
| Mountain Top Coal Co | Mountian Top #1 | "B" | A | A | A | A | A | A | A | A | A | A | A |
| Mountain Top Coal Co | Scalp Level #2 | "B" | A | A | A | A | A | A | A | A | A | A | A |
| Mountz & Co., S. J | Viola #1 | "B" | C | C | C | C | C | C | C | C | C | C | C |



*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Mountz & Co., S. J | Viola #3 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Mountz & Co., S. J | Waverly | "E" | F | F | F | F | F | F | F | F | F | F | F |
| New Castle Coal Co | Lobb #1 | "B" | E | E | E | E | E | E | E | E | F | E | E |
| New Castle Coal Co | New Castle #1 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Northwestern Mining & Exch. Co | Kramer | "D" | G | G | G | G | G | G | G | G | G | G | G |
| Northwestern Mining & Exch. Co | Kyler | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Northwestern Mining & Exch. Co | Oyster | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Northwestern Mining & Exch. Co | Toby | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Oak Ridge Fuel Co | Oak Ridge #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Oak Ridge Fuel Co | Oak Ridge #6 | "C" | D | D | D | D | D | D | D | D | D | D | D |
| O'Neill & Co., H | O'Neill #2 | | D | D | D | D | D | D | D | D | D | D | D |
| Patchin Coal Mining Co | Patchin #4 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Patton Clay Mfg. Co | Patton Clay #1 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Patton Coal Mining Co | Cymbria | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Peale, Peacock & Kerr, Inc | A-18-D | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Peerless Coal Co | Peerage #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Pennington, C. E | Pennington #4 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Pen Run Coal Corp | Victor #45 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Penn Smokeless Fuel Co | Hiyasota | "C" & "E" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #6 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #8 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #9-B | "B" & "E" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #9-E | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #10 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #17-E | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #21 & 22 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #42 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #46 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp | Penna. #55 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Pilkington & Snyder Coal Co | Ladysmith #5 | | D | D | D | D | D | D | D | D | D | D | D |
| Pine Hill Smokeless Coal Co | Ponfeigh #6 | Berlin #2 | D | D | D | D | D | D | D | D | D | D | D |
| Piper & Co., W. H | Sonman #2 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Portage Fuel Co | Portage #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Potomac Big Vein Geo. Cr. C. Co | Elkhart #2 | Bakerstown | D | D | D | D | D | D | D | D | D | D | D |
| Potomac Big Vein Geo. Cr. C. Co | Potomac | Pittsburgh | D | D | D | D | D | D | D | D | D | D | D |
| Potomac Big Vein Geo. Cr. C. Co | Union #1 | Pittsburgh | D | D | D | D | D | D | D | D | D | D | D |
| Potomac Big Vein Geo. Cr. C. Co | Union #4 | Tyson | D | D | D | D | D | D | D | D | D | D | D |
| Potomac Fuel Co., Inc | Franklin #1 | Bakerstown | D | D | D | D | D | D | D | D | D | D | D |
| Quality Coal Co., Inc., The | Quality Pine Hill #1 & 2 | Sewickley | D | D | D | D | D | D | D | D | D | D | D |
| Quality Smokeless Coal Co | Kimberly | Pittsburgh | D | D | D | D | D | D | D | D | D | D | D |
| Quemahoning Valley Coal Co | "C" Prime | Roy #7 | D | D | D | D | D | D | D | D | D | D | D |
| Rattlesnake Coal Co | Rattlesnake | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reading Iron Co | Reading #3 | "C" | D | D | D | D | D | D | D | D | D | D | D |
| Reading Iron Co | Reading #5 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Red Top Coal Co | Red Top | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reed Coal Mining Co. (Elmora) | Reed #1 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Reed Coal Co., W. W | Midlothian | Fulton | D | D | D | D | D | D | D | D | D | D | D |
| Reed-Rudolph Coal Co., Inc | Reed #2 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reid Coal Co | Reid #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reilly Coal Co., Joseph H | Reilly #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reitz Coal Co | Reitz #2 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reitz Coal Co | Reitz #3 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Reitz Coal Co | Reitz #3 Upper | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Reitz Coal Co | Reitz #4 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reitz Coal Co | Reitz #5 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Reitz Coal Co | Reitz #8 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Rich Hill Coal Co | Rich Hill #1 & 2 | "D" & "E" | D | D | D | D | D | D | D | D | D | D | D |
| Ringgold Coal Co., Inc | Ringgold #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Riverside Fuel Corp | Riverside #2 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Rochester & Pittsburgh C. Co | Ernest | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Rochester & Pittsburgh C. Co | Helvetia | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Rochester & Pittsburgh C. Co | Kent #1 & #2 | "D" & "E" | D | D | D | D | D | D | D | D | D | D | D |
| Rochester & Pittsburgh C. Co | Lucerne #2 & #3 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Rochester & Pittsburgh C. Co | Adrian | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Rockhill Coal & Iron Co | Rockhill #1, 5, 6, 7, 8 & 9 | Fulton & Barnett | D | D | D | D | D | D | D | D | D | D | D |
| Rowe & Lorentz | Silver Valley | Bakerstown | D | D | D | D | D | D | D | D | D | D | D |
| Royal Quemahoning Coal Mng. Co | Royal #1 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Royal Quemahoning Coal Mng. Co | Royal #2 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Roy's Smithing Coal Co | Roy #1 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Sandy Hollow Coal Co | Sandy Hollow #1 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Saxman Coal & Coke Co | Harrison | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Schill-Staah Coal Co | Ess-Ess-See | "A" | D | D | D | D | D | D | D | D | D | D | D |
| Schnars Coal Co., R. R | Belfast No. 14 | "A" | D | D | D | D | D | D | D | D | D | D | D |
| Seaboard Coal Mng. Co | Seaboard #1 | Barnett | D | D | D | D | D | D | D | D | D | D | D |
| Shallmar Mining Co | Maple Ridge #2 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Shallmar Mining Co | Bethel #3 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Shallmar Mining Co | Wolf Den | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Shannon Co., The | Ocean 5 | Barnett | D | D | D | D | D | D | D | D | D | D | D |
| Shaw Big Vein Coal Company | Shaw #1 | Pittsburgh & Redstone | D | D | D | D | D | D | D | D | D | D | D |
| Shaw Big Vein Coal Company | Shaw #2 | Pittsburgh & Redstone | D | D | D | D | D | D | D | D | D | D | D |
| Shawmut Mining Company | No. 5 C | "C" | D | D | D | D | D | D | D | D | D | D | D |
| Shawmut Mining Company | Proctor #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Shawmut Mining Company | Proctor #2 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Shawmut Mining Company | Shawmut #5 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Shawmut Mining Company | Brown Run #42 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Sheets Coal Co., E. E | Greenhill | | D | D | D | D | D | D | D | D | D | D | D |
| Simon, J. H | Buffalo | Kelly | D | D | D | D | D | D | D | D | D | D | D |
| Smokeless Quemahoning Coal Co | Alex #1 | "C" | D | D | D | D | D | D | D | D | D | D | D |
| Snow Shoe Coal Company | Redding #1 | "A" | D | D | D | D | D | D | D | D | D | D | D |
| Sonman Run Mining Co | Sonman Run | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Sonman Shaft Coal Company | Sonman Shaft | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Sonman Shaft Coal Company | Sonman Slope | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Sprankles Mills Coal Co | Maurer | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Springfield Coal Corporation | Springfield #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Sterling Coal Company | Sterling #1 & 6 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Stineman Coal & Coke Company | Stineman #2 & 4 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Stineman Coal Mining Co | Stineman #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Stony River Coal Company | Stony River | "B" | D | D | D | D | D | D | D | D | D | D | D |

*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Superior Cherry Run C. Corp. | Cherry Run | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Taylor & McCoy Coal & Coke Co. | Gallitzin Shaft | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Thomson-Lea Coal Mng. Co. | Elton Colliery #1 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Trojan Coal Mining Company | Trojan #3 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Trumble, George | Colorado #3 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Tuscarora Smokeless C. Co. | Pretoria | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Varissi Coal Company | Heshbon | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Viaduct Coal Company | Viaduct | "A" | F | F | F | F | F | F | F | F | F | F | F |
| Vinton Colliery Company | Vinton Colliery #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Vinton Colliery Company | Vinton Colliery #6 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Vulcan Smithing Coal Co. | Vulcan Slope | "D" | C | D | D | D | D | D | D | D | D | D | D |
| Waddell, Douglas | Waddell | Big Vein | D | G | G | G | G | G | G | G | G | G | G |
| Wallwork Coal Company | Hawthorne | "E" | G | D | D | D | D | D | D | D | D | D | D |
| Webster Coal & Coke Co. | Webster #14 | "B" | D | C | C | C | C | C | C | C | C | C | C |
| Wells Creek Smithing Coal Co. | Adams | "D" | C | C | C | C | C | C | C | C | C | C | C |
| Westover & Minds Coal Mng. Co. | Cortland #1 | | C | F | F | F | F | F | F | F | F | F | F |
| Wilbur Coal Mining Co. | Knickerbocker #2 | "B" | F | E | D | D | E | E | E | E | E | E | E |
| Wilbur Coal Mining Co. | Knickerbocker #4 | "B" | E | D | G | G | D | D | D | D | D | D | D |
| Wiley Coal Co., Inc. | Wiley #1 | "D" | G | G | E | E | G | G | G | G | G | G | G |
| Williams Coal Company | Mary Henry | "B" | E | F | A | A | F | F | F | F | F | F | F |
| Wilmore Fuel Company | Mack #1 | "D" | F | A | G | G | A | A | A | A | A | A | A |
| Wilmore Fuel Company | Mack #2 | "D" | A | G | C | C | G | G | G | G | G | G | G |
| Windber High Grade Coal Co. | Windber #5 | "B" | C | C | F | F | C | C | C | C | C | C | C |
| Winslow Brothers | Winslow #2 | "B" | F | G | C | C | G | G | G | G | G | G | G |
| Wood Coal Mining Co., F. B. | Miller Run #7 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Woolridge Coal Company | Woolridge #1, 2, & 3 | "B" & "C" | F | C | C | C | C | C | C | C | C | C | C |
| Yorkshire Coal Company, Inc. | Homestead | "D" | C | O | G | G | G | G | G | G | G | G | G |
| Yorkshire Coal Company, Inc. | Yorkshire | "B" | G | | | | | | | | | | |

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1, 1A, 2 and 3*

*Designated base rate.*—Clearfield Meyersdale.

*Rates higher than base.*—On shipments destined within the above named Market Areas, the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield-Meyersdale base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield-Meyersdale base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate; provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 4*

*Designated base rate.*—Reynoldsville.

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Reynoldsville base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Reynoldsville base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 5, 7, 9, 10 and 12*

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 8*

*Designated base rate.*—Ohio Number 8 Rate.

*Rates higher than base.*—On Shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Ohio #8 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Ohio #8 base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31 and 32*

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the Minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.



*Market Areas Nos. 1 and 1–A—Prices in Cents per Net Ton of 2,000 Pounds*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 290 | 290 | 290 | 290 | 280 | 275 | 260 | 260 | 255 | 250 | 240 |
| B | 285 | 285 | 285 | 285 | 275 | 270 | 255 | 255 | 250 | 245 | 235 |
| C | 280 | 280 | 280 | 280 | 270 | 265 | 250 | 250 | 245 | 240 | 230 |
| D | 275 | 275 | 275 | 275 | 265 | 260 | 245 | 245 | 240 | 235 | 225 |
| E | 270 | 270 | 270 | 270 | 260 | 255 | 240 | 240 | 235 | 230 | 220 |
| F | 265 | 265 | 265 | 265 | 255 | 250 | 235 | 235 | 230 | 225 | 215 |
| G | 260 | 260 | 260 | 260 | 250 | 245 | 230 | 230 | 225 | 220 | 210 |

Coal transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations in New York Harbor, including mainland destinations on Long Island Sound as far east as and including Port Chester, New York, and all destinations on Long Island may take 1¢ per net ton less than the prices indicated for Market Areas 1 and 1–A.

Coal in Size Groups 12, 13, 14 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 2¢ per net ton less than the prices indicated for Market Areas 1 and 1–A.

Coal in Size Group 9 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east Port Chester, New York, and to all coastal ports in New England may take 1¢ per net ton less than the prices indicated for Market Areas 1 and 1–A.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 2*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ..... | ..... | 290 | 285 | 280 | 275 | 260 | 260 | 255 | 250 | 240 |
| B | ..... | ..... | 285 | 280 | 275 | 270 | 255 | 255 | 250 | 245 | 235 |
| C | ..... | ..... | 280 | 275 | 270 | 265 | 250 | 250 | 245 | 240 | 230 |
| D | ..... | ..... | 275 | 270 | 265 | 260 | 245 | 245 | 240 | 235 | 225 |
| E | ..... | ..... | 270 | 265 | 260 | 255 | 240 | 240 | 235 | 230 | 220 |
| F | ..... | ..... | 265 | 260 | 255 | 250 | 235 | 235 | 230 | 225 | 215 |
| G | ..... | ..... | 260 | 255 | 250 | 245 | 230 | 230 | 225 | 220 | 210 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 3*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 305 | 305 | 305 | 305 | 305 | 305 | 280 | 280 | 255 | 250 | 240 |
| B | 300 | 300 | 300 | 300 | 300 | 300 | 275 | 275 | 250 | 245 | 235 |
| C | 295 | 295 | 295 | 295 | 295 | 295 | 270 | 270 | 245 | 240 | 230 |
| D | 290 | 290 | 290 | 290 | 290 | 290 | 265 | 265 | 240 | 235 | 225 |
| E | 285 | 285 | 285 | 285 | 285 | 285 | 260 | 260 | 235 | 230 | 220 |
| F | 280 | 280 | 280 | 280 | 280 | 280 | 255 | 255 | 230 | 225 | 215 |
| G | 275 | 275 | 275 | 275 | 275 | 275 | 250 | 250 | 225 | 220 | 210 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2000 Pounds for Shipment Into Market Area No. 4*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ..... | ..... | 290 | 285 | 280 | 275 | 260 | 260 | 255 | 250 | 240 |
| B | ..... | ..... | 285 | 280 | 275 | 270 | 255 | 255 | 250 | 245 | 235 |
| C | ..... | ..... | 280 | 275 | 270 | 265 | 250 | 250 | 245 | 240 | 230 |
| D | ..... | ..... | 275 | 270 | 265 | 260 | 245 | 245 | 240 | 235 | 225 |
| E | ..... | ..... | 270 | 265 | 260 | 255 | 240 | 240 | 235 | 230 | 220 |
| F | ..... | ..... | 265 | 260 | 255 | 250 | 235 | 235 | 230 | 225 | 215 |
| O | ..... | ..... | 260 | 255 | 250 | 245 | 230 | 230 | 225 | 220 | 210 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 5, 6, 7, 9, 10, 12, and 13*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ..... | ..... | 265 | 260 | 255 | 250 | 245 | 235 | 235 | 225 | 220 | 210 |
| B | ..... | ..... | 260 | 255 | 250 | 245 | 240 | 230 | 230 | 220 | 215 | 205 |
| C | ..... | ..... | 255 | 250 | 245 | 240 | 235 | 225 | 225 | 215 | 210 | 200 |
| D | ..... | ..... | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 210 | 205 | 195 |
| E | ..... | ..... | 245 | 240 | 235 | 230 | 225 | 215 | 215 | 205 | 200 | 190 |
| F | ..... | ..... | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 200 | 195 | 185 |
| G | ..... | ..... | 235 | 230 | 225 | 220 | 215 | 205 | 205 | 195 | 190 | 180 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 8*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ..... | ..... | 275 | 270 | 265 | 260 | 255 | 245 | 245 | 235 | 230 | 220 |
| B | ..... | ..... | 270 | 265 | 260 | 255 | 250 | 240 | 240 | 230 | 225 | 215 |
| C | ..... | ..... | 265 | 260 | 255 | 250 | 245 | 235 | 235 | 225 | 220 | 210 |
| D | ..... | ..... | 260 | 255 | 250 | 245 | 240 | 230 | 230 | 220 | 215 | 205 |
| E | ..... | ..... | 255 | 250 | 245 | 240 | 235 | 225 | 225 | 215 | 210 | 200 |
| F | ..... | ..... | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 210 | 205 | 195 |
| G | ..... | ..... | 245 | 240 | 235 | 230 | 225 | 215 | 215 | 205 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with:.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 275 | 275 | 275 | 275 | 265 | 265 | 230 | 240 | 215 | 215 | 205 |
| B | 270 | 270 | 270 | 270 | 260 | 260 | 225 | 235 | 210 | 210 | 200 |
| C | 265 | 265 | 265 | 265 | 255 | 255 | 220 | 230 | 205 | 205 | 195 |
| D | 260 | 260 | 260 | 260 | 250 | 250 | 215 | 225 | 200 | 200 | 190 |
| E | 255 | 255 | 255 | 255 | 245 | 245 | 210 | 220 | 195 | 195 | 185 |
| F | 250 | 250 | 250 | 250 | 240 | 240 | 205 | 215 | 190 | 190 | 180 |
| G | 245 | 245 | 245 | 245 | 235 | 235 | 200 | 210 | 185 | 185 | 175 |

*Important.*—Exceptions shown on the following pages area part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20 and 21*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ..... | ..... | ..... | 290 | 280 | 275 | 240 | 210 | 215 | 215 | 205 |
| B | ..... | ..... | ..... | 285 | 275 | 270 | 235 | 235 | 210 | 210 | 200 |
| C | ..... | ..... | ..... | 280 | 270 | 265 | 230 | 230 | 205 | 205 | 195 |
| D | ..... | ..... | ..... | 275 | 265 | 260 | 225 | 225 | 200 | 200 | 190 |
| E | ..... | ..... | ..... | 270 | 260 | 255 | 220 | 220 | 195 | 195 | 185 |
| F | ..... | ..... | ..... | 265 | 255 | 250 | 215 | 215 | 190 | 190 | 180 |
| G | ..... | ..... | ..... | 260 | 250 | 245 | 210 | 210 | 185 | 185 | 175 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

STEAMSHIP BUNKER COAL PRICES

1. Steamship bunker coal shall be defined as coal that is furnished for a vessel's own consumption, to steamers ordinarily carrying cargo or passengers and engaged in foreign or coastwise trade.

2. Minimum prices for such bunker coal for the ports of New York, Philadelphia, and Baltimore shall be as follows:

| Bunker classification | Price index | Price port of New York (per gross ton) | Price port of Philadelphia (per gross ton) | Price port of Baltimore (per gross ton) |
|---|---|---|---|---|
| A | Mine run index A, B, and C. | $5.87 F. A. S.[1] | $5.22 F. O. B. cars at piers. | $5.15 F. O. B. cars at piers. |
| B | Mine run index D, and E. | $5.77 F. A. S.[1] | $5.12 F. O. B. cars at piers. | $5.05 F. O. B. cars at piers. |
| C | Mine run index F, and G. | $5.67 F. A. S.[1] | $5.02 F. O. B. cars at piers. | $4.95 F. O. B. cars at piers. |

[1] Price includes 30¢ per ton for towing or lightering.

3. The mine index letters shown are those for mine run coal. Sizes other than mine run may be supplied at the same prices from the mines included in the mine run index shown.

4. "Steamship Bunker" coal furnished ex lighter at Port of New York to vessels requiring 249 gross tons or less, prices f. o. b. piers plus all charges for delivery shall apply.

5. The above prices are not subject to any freight rate adjustments.

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DESCRIPTION OF MARKET AREAS

*Market Area No. 1.*—Destinations on and east of the line of the N. Y. N. H. & H. R. R. beginning just west of West Haven, Conn.; thence northward, including North Haven, Wallingford, Yalesville, Meriden, Berlin, Hartford, East Hartford, Farnhams, East Windsor, Melrose, Broad Brook, Connecticut; thence northeasterly, across country, passing the state line where it is crossed by the Central Vermont Ry.; thence passing east of Webster Junction, Mass., and west of South Worcester and Worcester; thence on and east of the B. & M. R. R. thru Barber, West Boylston, Oakdale, Clinton, Lancaster, Ayer, Groton, Pepperill, Mass.; crossing the state line into New Hampshire to Hollis, N. H.; thence thru Nashua, Merrimack, Reeds Ferry, Manchester, N. H.; thence crossing the B. & M. R. R. between Manchester and Hooksett, thence north to a point just west of Intervale, continuing in a direct line across country to a point just east of Berlin, N. H.; thence in a direct line across country to and including Cookshire, Quebec; thence westward on and including the C. P. R. to Lennoxville; thence along the west shore of the St. Francis River, including Sherbrooke and Drummondville, to the St. Lawrence River; thence following the west bank of the St. Maurice River northward including Three Rivers, Shawinigan Junction and northward.

*Market Area No. 1A–A.*—Applies on coal dumped for cargo over piers at New York Harbor and Wilmington, Delaware, for trans-shipment by vessel, at Philadelphia, Pa., for transshipment to destinations both inside and outside of Delaware Capes, and at Baltimore, Maryland, for destinations outside the Chesapeake Capes only. At the port of Baltimore, Md., Market Area No. 2 prices will apply on coal dumped for destination inside the Chesapeake Capes.

The port of New York is defined to be the Upper Bay, Lower Hudson River, East River, Long Island Sound and tributary waterways. The tributary waterways to the east include Gowanus Creek, Newtown Creek, Harlem River, Bronx River, Westchester Creek, Flushing Bay and Creek, and Eastchester Creek. The tributary waterways to the west include Kill Van Kull, Arthur Kill, Newark Bay, Passaic River, Hackensack River.

*Market Area No. 2.*—Beginning with a point on the western shore of the Chesapeake Bay south of the Rappahannock River continuing westward crossing the R. F. & P. just north of Doswell, Va.; thence westward and north of the line of the C. & O., excluding Orange and Charlottesville, crossing the N. & W. just north of Basic; thence westward crossing the B. & O. just north of Staunton; continuing westward joining the junction of the southern border of Area No. 12 at the W. Va.-Va. state line; thence north along the Va.-W. Va. state line to a point directly south of, and including, Petersburg, W. Va.; thence northward following west of the line of the B. & O. R. R., including Romney, Pattersons Creek, Cumberland and Mt. Savage Junction, crossing the Potomac River, the B. & O. and the W. M. just west of Cumberland, Md.; thence north and west along the western side of the B. & O. just west of Mt. Savage Junction and thence just east of State Line, Pa.; thence northeastward crossing the P. R. R. just east of Dunnings Creek Junction; thence just east of Henrietta and Martinsburg, Pa., crossing the P. R. R. just east of Morrisons Cove Junction; thence north crossing the P. R. R. just east of Bellwood; thence northwestward crossing the P. R. R. just east of Irvona and crossing the N. Y. C. east of Mahaffey; thence northward and west of Grampian crossing the B. R. & P. west of Curwensville; thence northeast crossing the B. & S. and P. R. R. east of Driftwood; thence north crossing the B. & S. east of Keating Summit and the C. & P. A. R. R. east of Port Allegany, Pa., thence crossing the N. Y.–Pa. state line and the P. S. & N. west of Ceres, N. Y., and again just north of Ceres; thence eastward crossing the B. & S. south of Wellsville; thence north crossing the Erie just west of Andover; thence northwest crossing the P. S. & N. just south of Swain; thence northwest crossing the Erie and P. R. R. south of Portage and the Erie just east of Portage looping around Portage, crossing the P. R. R. just north of Portage; thence southeastward crossing the P. S. & N. and P. S. E. just south of Moraine; thence eastward and northward crossing the P. S. & N. and D. L. & W. just west of Wayland; thence northwestward crossing the Erie R. R. west of Lakeville and east of Avon; thence southeast passing south of Hemlock; thence northward crossing the N. Y. C. west of Canandaigua; thence northwestward crossing the L. V. just west of Mendon; thence northeastward crossing the W. S. and N. Y. C. just west of Pittsford; thence northward crossing the N. Y. C. just east of East Rochester; thence northward crossing the N. Y. C. just east of Windsor Beach to Lake Ontario; thence east and north following the shore of Lake Ontario to Cape Vincent, N. Y.; thence northward across Lake Ontario and east of Kingston, Ontario; thence northward crossing the C. N. R. east of Gananoque Junction and Harrowsmith; thence northward crossing the C. P. R. just east of Tichborne and Sharbot Lake; thence northward crossing the C. P. R. south of Renfrew; thence westward across country crossing the line of the C. N. R. just west of Barrys Bay; thence in a line due north passing just west of Pembroke and including all of the United States and Canada east of this line, exclusive of Market Areas Nos. 1, 1–A, and 3.



*Market Area No. 3.*—All destinations within the District of Columbia.

*Market Area No. 4.*—That portion of the province of Ontario located between Areas Nos. 2 and 27; thence eastward along the south shore of Lake Ontario to the boundary of Market Area No. 2; thence south along the western boundary of Market Area No. 2 to a point just east of Driftwood, Pa.; thence westward crossing the P. R. R. and B. & S. just south and west of Driftwood, crossing the P. S. & N. just north of Paine; thence northward crossing the P. R. R. just west of St. Marys and again crossing the P. R. R. just west of Clermont, again crossing the P. R. R. just east of Hazelhurst, crossing the Erie R. R. just west of Backus; thence due north to the Pennsylvania-New York state line; thence west and north following the New York-Pennsylvania state line to Lake Erie; thence following the south shore of Lake Erie through Buffalo; thence westward along the north shore of Lake Erie to and including Port Stanley; thence north including points on C. N. R. R. from Port Stanley to and including Goderich, Ont., via Stratford, Ont.

*Market Area No. 5.*—Beginning at the Southwest corner of Market Area No. 4 in Pennsylvania; thence westward to but not crossing the P. R. R.; thence south following just east of the line of the P. R. R.; circumscribing Brockwayville; thence north following a line just west of the Erie R. R. just west of Ridgway and Johnsonburg to but not including Kane; thence south of the line of the B. & O. passing south of Carlsons, crossing the B. & O. and T. V. just south of Sheffield; thence westward and to the south of the Tionesta Valley Ry. crossing the P. R. R. just south of Tionesta; thence southwestward crossing the P. R. R. again just north of Oil City; thence across country northwesterly crossing the Erie just south of Saegertown; thence north to the shore of Lake Erie passing to the west of Union City and Kanty.

*Market Area No. 6.*—Beginning the northwest corner of this area at the boundary of Market Area No. 5 at a point just east of Buchanan, Pa., crossing the Erie R. R. just southeast of Buchanan; thence southwesterly crossing the N. Y. C. just east of Amasa; thence south crossing the B. & L. E. just east of Kremis; thence southeastward, south of the line of the B. & L. E., crossing midway between Houston Junction and Mercer; thence south, east of the P. R. R., crossing the P. R. R. Carmona branch line just east of Leesburg, crossing the W. A. R. R. east of Newcastle between Newcastle and Awwa Junction, crossing the B. & O. and P. R. R. immediately east of Newcastle Junction; thence southward crossing the B. & O. between N. C. Jct. and W. Pittsburgh; thence crossing the P. R. R. east of Wampun Junction and the P. R. R. and B. & L. E. just west of Homewood; thence across country southwesterly to the Pennsylvania-Ohio state line, crossing the P. R. R. just east of East Liverpool on the state line; thence following the state line due south to the W. Va.-Pa. state line; thence following the W. Va.-Pa. state line to the point of convergence of the Pa.-Md.-W. Va. state lines; thence on an airline to a point just east of Indian Creek, crossing the I. C. V. just east of Indian Creek; thence following the I. C. V. (north of the I. C. V.) to Jones Mills; thence in a slightly reversed curve running just east of Ft. Palmer; thence north to a point just south of the Pa. R. R.; thence northwesterly following the P. R. R., crossing the P. R. R. just south of Blairsville Inter., and again at a point midway between Livermore, Pa., and Tunnelton, Pa., and continuing in a northwesterly direction north of the P. R. R., passing between Iselin and Apollo, running just northeast of Leechburg passing immediately north of Schenly, and crossing the Pa. and P. S. & N.; thence north, west of the P. S. & N., crossing the B. S. & N., crossing the B. R. & P. west of W. Mosgrove, the W. A. R. R. west of E. Brady, and the B. & O. west of Foxburg; thence curving slightly to the east crossing the Pa. R. R. midway between E. Sandy and Foxburg, and crossing the N. Y. C. midway between E. Sandy and Clarion Jct.; thence due north on an airline to the boundary of Market Area No. 5; thence west on the boundary of Area No. 5 to the point of beginning.

*Market Area No. 7.*—Beginning on the boundary of Market Area No. 6 on the Ohio-Pa. state line just east of East Liverpool, Ohio; thence south crossing the P. R. R. just north of Yellow Creek, Ohio; thence northwestward crossing the P. R. R. just east of Alliance Junction; thence northward crossing the P. R. R. south of Lordstown, crossing the N. Y. C. just south of Newton Falls and the B. & O. just west of Newton Falls; thence crossing the N. Y. C. just south of Braceville; thence crossing the Erie R. R. just west of Leavittsburg; thence northeastward crossing the B. & O. and P. R. R. just north of Warren; thence crossing the N. Y. C. just south of Latimer; thence eastward crossing the Pa.-Ohio state line and crossing the Erie R. R. just north of Shenango; thence eastward to the boundary line of Area No. 6. It is bounded on the east by Market Area No. 6.

*Market Area No. 8.*—Beginning at the shore of Lake Erie, crossing the N. Y. C. just east of Sandusky; thence in a southerly direction, crossing the N. Y. C. & St. L. just east of Kimball, crossing the W. & L. E. and N. Y. C. just east of Monroeville, crossing the B. & O. just east of Willard, crossing the Northern Ohio just east of Plymouth and continuing along the eastern side of the line of the B. & O., crossing the Big Four just east of Shelby, crossing the Erie and Pa. R. R.'s just east of Mansfield, crossing the P. R. R. just east of Mt. Vernon, crossing the B. & O. and P. R. R. just east of Newark; thence southeasterly crossing the N. Y. C. just west of Fultonham; thence southerly crossing the P. R. R. just north of Crooksville; thence southeasterly to the east of Sayre, San Toy and Lathrop, crossing the B. & O. just west of Belpre to the Ohio River where the line connects with the boundary line of Market Area No. 12. The balance of Market Area No. 8 is bounded on the north by Lake Erie, on the northeast by Market Area No. 9, on the east center by Market Area No. 7, on the east by Market Area No. 6 and on the south and southeast by Market Area No. 12.

*Market Area No. 9.*—Beginning at the shore of Lake Erie and crossing the N. Y. C. and N. Y. C. & St. L. just west of Willoughby, Ohio; thence southeasterly across country joining the boundary line of Market Area No. 7 at a point just north of Leavittsburg, Ohio. Market Area No. 7 provides the southern boundary of Market Area No. 9 and Market Area No. 10 provides the eastern boundary of Market Area No. 9 with the shore of Lake Erie making its northern boundary.

*Market Area No. 10.*—Beginning at the shore of Lake Erie and crossing the N. Y. C. and N. Y. C. and St. L. R. R.'s just west of Conneaut, Ohio; thence following south of the line of the B. & L. E. to the Pa.-Ohio state line; thence following the Pa.-Ohio state line southward to the boundary line of Market Area No. 7. The western boundary lines of Market Areas 5 and 6 provide the eastern boundary of Market Area No. 10 and on the north it is bounded by Lake Erie.

*Market Area No. 11.*—Beginning at the shore of Lake Erie on the western boundary of Market Area No. 8 continuing thereon to the Ohio River; thence down the Ohio River to the Indiana-Ohio state line; thence north on the Indiana-Ohio state line to the Michigan-Ohio state line; thence east on the Michigan-Ohio state line to Lake Erie; thence along the shore of Lake Erie to the starting point of this area.

*Market Area No. 12.*—Beginning with, but excluding State Line, Pa., westward on the Pa.-Md. and Pa.-W. Va. state line, and continuing westward on the county line between Marshall and Wetzel Counties of West Virginia to the Ohio River; thence down the middle of the Ohio River to a point between School House and Latart, W. Va.; thence via the

Mason-Jackson County line southeastward along the northern boundaries of Putnam, Kanawha and Clay Counties crossing the B. & O. R. R. at Villa Nova (Duck P. O.); thence across country through Nicholas County south of Richwood; thence across country eastward through Pocahontas County crossing the C. & O. just north of Marlinton to the W. Va.-Va. state line; thence north and west of the western boundary of Area No. 2.

*Market Area No. 13.*—Beginning this area at a point on the Pa.-Md. state line just east of State Line, Pa.; thence northeastward crossing the P. R. R. just east of Dunnings Creek Junction; thence just east of Henrietta and Martinsburg, Pa., crossing the P. R. R. just east of Morrisons Cove Junction; thence north crossing the P. R. R. just east of Bellwood; thence northwestward crossing the P. R. R. just east of Irvona and Grampian crossing the B. R. & P. west of Curwensville; thence northeast to a point just southeast of Driftwood, excluding Driftwood; thence westward, crossing the B. & O. R. R. just south and west of Driftwood, crossing the P. S. & N. just north of Paine; thence westward to but not crossing the P. R. R.; thence south following just east of the line of the P. R. R. circumscribing Brockwayville; thence north following a line just west of the Erie R. R. just west of Ridgway and Johnsonburg to but not including Kane; thence south of the line of the B. & O. R. R. passing south of Carlsons, crossing the B. & O. and T. V. just south of Sheffield; thence westward and to the south of the Tionesta Valley Ry. crossing the P. R. R. just south of the Tionesta Valley Ry. crossing the P. R. R. just south of Tionesta; thence southwestward to a point just east of Oil City; thence south crossing the N. Y. C. between E. Sandy and Clarion Junction and the P. R. R. between E. Sandy and Foxburg; thence following the P. R. R. to a point just north of Freeport, passing to the west of E. Brady, W. Mosgrove, and Red Bank; thence southeast crossing the P. R. R. just north of Schenly passing between Apollo and Iselin, and crossing the P. R. R. between Livermore and Tunnelton, again crossing the P. R. R. south of Blairsville Inter.; thence south passing east of Ft. Palmer and west of Jones Mills; thence running north of the I. C. V. crossing the B. & O. east of Indian Creek, again crossing the B. & O. and the W. & M. at a point midway between Indian Creek and Confluence; thence due south to the conjunction of the Pennsylvania-W. Virginia-Maryland state line; thence east on the state line to the beginning of this area.

*Market Area No. 14.*—Eastern Lake Area includes all points on and east of the line of the Canadian Pacific Railway from Prescott, Ontario, to Maniwake, Quebec, including Ottawa and Hull.

*Market Area No. 15.*—Middle Lake Area takes in all territory other than that described as being in the Western and Eastern Lake Areas, including all docks in Canada on Lake Superior and the St. Marys River and its tributaries.

*Market Area No. 16.*—Western Lake Area includes all docks in the United States on Lake Superior and the St. Marys River and its tributaries, including Detour and Lime Island; north bank of Lake Michigan from and including St. Ignace and Mackinac Island to Escanaba; west bank of Lake Michigan from and including Escanaba, Michigan, to and including Highland Park, Illinois.

*Market Area No. 17.*—Points in Indiana. Beginning on the shores of Lake Michigan at the northeastern corner of Lake County, Indiana; thence east along the shores of Lake Michigan and the Indiana-Michigan state line to a point west of the P. R. R.; thence south excluding points on the P. R. R. from the state line to and excluding Hibbard; thence southeast excluding points on the N. Y. C. & St. L. from Hibbard to Claypool; thence south to and excluding North Manchester; thence southwest to Denver, excluding Denver; thence south including points on the N. Y. C. & St. L. Denver to Peru, including Peru; thence south excluding points on the N. Y. C. & St. L. from Peru to Indianapolis, excluding Indianapolis; thence south excluding points on the P. R. R. from Indianapolis to and excluding Martinsville; thence southwest including points on the P. R. R. from Martinsville to Gosport, including Gosport; thence south including points on the C. I. & L. from Gosport to Bedford, inclusive; thence east excluding points on the C. M. St. P. & P. to and including Seymour; thence east including points on the B. & O. R. R., Seymour to Lawrenceburg, inclusive; thence to the Ohio River; thence south following the Ohio River excluding Jefferson and New Albany to but excluding Evansville; thence to the Illinois-Indiana state line; thence north on the Illinois-Indiana state line to and excluding Lake County, Indiana; thence following the boundary line of Lake County to Lake Michigan, the starting point of this area. Market Area 22 (Terre Haute) excluded.

*Market Area No. 18.*—Evansville, Indiana.

*Market Area No. 19.*—New Albany and Jefferson, Indiana.

*Market Area No. 20.*—Beginning at the Indiana-Ohio state line at the Ohio River; thence north along the Indiana-Ohio state line to the Michigan-Indiana state line; thence west to a point west of the P. R. R. just south of Sturgis, Michigan; then south including points on the P. R. R. to Fort Wayne, Indiana, including Fort Wayne; thence west excluding points on the N. Y. C. & St. L. from Fort Wayne to but excluding South Whitley; thence southwest excluding points on the P. R. R. to and excluding North Manchester; thence southwest including points on the P. R. R. from Newton to and including Denver; thence south excluding points on the N. Y. C. & St. L. from Denver to Peru, excluding Peru; thence south including points on the N. Y. C. & St. L. from Peru to and including Indianapolis; thence south including points on the P. R. R. from Indianapolis to Martinsville; thence southwest excluding points on the P. R. R. Martinsville to Gosport; thence south excluding points on the C. I. & L. Gosport to Bedford, excluding Bedford and Gosport; thence east including points on the C. M. St. P. & P. Bedford to but excluding Seymour; thence east excluding points on the B. & O. Seymour to Lawrenceburg, excluding Lawrenceburg.

*Market Area No. 21.*—Beginning at a point on the Michigan-Indiana state line south of Sturgis, Michigan; thence south excluding points on the P. R. R. Sturgis to Fort Wayne, excluding Fort Wayne; thence west including points on the N. Y. C. & St. L. from Fort Wayne to and including South Whitley; thence southwest including points on the P. R. R. from South Whitley to and including North Manchester; thence northwest including points on the N. Y. C. & St. L. North Manchester to and including Hibbard; thence north including points on the P. R. R. Hibbard to the Michigan-Indiana state line; thence east to the point of beginning.

*Market Area No. 22.*—Terre Haute, Indiana.

*Market Area No. 23.*—All points in Northern Illinois not included in Market Area No. 29 located on and north of the N. Y. C. R. R. from but not including Kankakee on the C. C. C. & St. L. to Seneca, including Seneca; thence west including points on the Chicago, Rock Island, and Pacific Seneca to and including Bureau; thence west excluding points on the Chicago, Rock Island, and Pacific from Bureau to and excluding Colona; thence west including the C. R. I. & P. from Carbon Cliff to Rock Island; thence northwest including points on the M. St. P. & P., Davenport to and including Clinton; thence following the Mississippi River to the Illinois-Wisconsin state line; thence east following the Illinois-Wisconsin state line to Lake Michigan; thence south to the starting point of this area excluding Market Area No. 29.

*Market Area No. 24.*—Central Illinois. The North boundary line of Madison and Bond Counties; east of the east boundary line of Bond County and north of the Pennsylvania R. R. running east from Mulberry Grove to the Indiana-Illinois state line; thence north along the Illinois-Indiana state line to but excluding Delmar; west excluding points on the C. C. C. & St. L. Delmar to and excluding Kankakee, Ill.; thence west excluding points on the C. C. C. & St. L. Kankakee to Seneca; west excluding points on the Chicago, Rock Island and Pacific to and excluding Bureau; thence southeast excluding points on the Chicago, Rock Island and Pacific R. R. to and excluding Peoria; thence following the east bank of the Illinois River to the Mississippi River; thence to the starting point of this area.

*Market Area No. 25.*—All points in the state of Illinois south of the south boundary line of Market Area No. 24 except those points in Illinois located in Market Area No. 26.

*Market Area No. 26.*—All points in the St. Louis Switching District in Missouri and Illinois as described in Freight Tariff No. G-1, I. C. C. No. 301, issued by R. A. Sperry, Agent, or reissues thereof, alphabetically listed as follows:

MISSOURI POINTS

| | |
|---|---|
| Alpha | Howard Station |
| Arloe | Ivory |
| Baden | Jennings |
| Bon Avis | Lackland |
| Benton | Lindenwood |
| Bissell's Point | Maplewood |
| Carondelet | Old Orchard |
| Cheltenham | Olivette |
| Clayton | Prospect Hill |
| Clifton Heights | Rosedale |
| Continental | St. Louis |
| Eden | Shrewsbury |
| Gratiot Station | Southeastern Junction |
| Gravios | Tower Grove Station |
| Hillside | |

ILLINOIS POINTS

| | |
|---|---|
| Brooklyn | Madison |
| Cahokia | Mitchell |
| Cochem | Monsanto |
| Conlogue | National City |
| Dupo | National Stock Yards |
| East St. Louis | Prairie du Pont |
| Fallings Springs | Rose Lake |
| Granite City | Venice |
| Landsdowne | |

Also, in addition thereto, the following points:

MISSOURI POINTS

| | |
|---|---|
| Brentwood | Pinewood |
| Glendale | Richmond Heights |
| Kirkwood | Rock Hill |
| Luxemburg | University City |
| Oakland | Webster Grove |
| Overland | Wellston |

ILLINOIS POINTS

| | |
|---|---|
| Alton | Nameoka |
| Alton Summit | Roxana |
| East Alton | South Wood River |
| Edwardsville | Upper Alton |
| Federal | Wann |
| Hartford | Wood River |

*Market Area No. 27.*—All territory in the state of Michigan on and south of the line of the Grand Trunk Railroad from Port Huron to Owosso, and on and east of the line of the Michigan Central Railroad, Owosso to Lansing, and on and south of the line of the Pere Marquette Railroad, Lansing to Waverly, and on and west of the line of the Pere Marquette Railroad, Waverly to Pentwater, Michigan, and in addition thereto that part of the province of Ontario west of Goderich, Clinton, St. Marys, London, St. Thomas and Port Stanley, Ontario.

*Market Area No. 28.*—All territory in the Lower Peninsula of Michigan north of the line of the Grand Trunk Railroad, Port Huron to Owosso, and west of the line of the Michigan Central Railroad, Owosso to Lansing, and north of the line of the Pere Marquette Railroad, Lansing to Waverly, and east and north of the line of the Pere Marquette Railroad, Waverly to Pentwater.

*Market Area No. 29.*—All points in the Chicago Switching District in Illinois and Indiana described in Freight Tariff 20-T, I. C. C. 242, issued by R. A. Sperry, Agent, and in addition thereto:

All points within the following described territory:

On and south of the At. & S. F., Chicago to Joliet, inclusive;

On and east of the C. M. St. P. & P., Joliet to Peotone, inclusive;

On and east of the I. C., Peotone to Kankakee, inclusive;

On and north of the N. Y. C. from Kankakee to the Illinois-Indiana state line; and

All points in Lake County, Indiana, not included in the Chicago Switching District described in first paragraph of this Market Area.

*Market Area No. 30.*—Eastern part of Wisconsin and Upper Peninsula of Michigan. Beginning at Lake Michigan on the Illinois-Wisconsin state line; thence west to a point west of the M. St. P. & S. S. M., including points on the M. St. P. & S. S. M. to and including Singer; thence northwest excluding points on the C. & N. W. to and including Beaver Dam; thence north including points on the C. M. St. P. & P. from Beaver Dam to and including Winneconne, including the Markesan and Berlin branch lines; thence northeast to and including Appleton; thence northwest including points on the C. & N. W. from Appleton to New London; thence north including points on the C. &. N. W. from New London to Clintonville; thence northeast including points on the C. & N. W. to and including Stiles Junction; thence north including points on the C. M. St. P. & P. from Stiles Junction to and points on said railroad to and including Ontonagon; thence points on sai drailroad to and including Ontonagon; thence east following the boundary line of the Upper Peninsula of Michigan via the shores of Lake Superior and Lake Michigan to the starting point of this area.

*Market Area No. 31.*—Points in Wisconsin. Beginning at the Mississippi River at a point north of LaCrosse; thence east and southeast excluding all points on the C. & N. W. via Sparta, Wyeville, Necedah, and Buffalo to and excluding Slinger; thence south excluding points on the M. St. P. & S. S. M. from Slinger to the Illinois-Wisconsin state line; thence west following the state line to the Mississippi River; thence north following the banks of the Mississippi River to the starting point of this area.

*Market Area No. 32.*—Points in Illinois. Beginning at a point south of and excluding Rock Island and including all points on the Chicago, Rock Island and Pacific R. R. to and excluding Bureau; thence south including points on the Chicago, Rock Island, and Pacific R. R. to and including Peoria; thence southwest following the east banks of the Illinois River to the Mississippi River; thence north along the Mississippi River to and excluding Quincy, Illinois; thence north following the Mississippi River to the starting point of this area.

*Market Area No. 33.*—Beginning at the Minnesota-Iowa-Wisconsin state line running west on the Minnesota-Iowa state line to a point west of the C. M. St. P. & P. R. R.; thence northwest including all points on the C. M. St. P. & P. to but excluding Mankato; thence east excluding points on the main line of the C. &. N. W. to the Mississippi River; thence down the Mississippi River to the starting point of this area.

*Market Area No. 34.*—Beginning at a point just south of and including Mankato; thence east including all points on the main line of the C. & N. W. to the Mississippi River including Minnesota City; thence northwest following the Mississippi River to a point just south of Hastings, Minn.; thence north including points on the C. M. St. P. & P. R. R. to and including Stillwater and Duluth Junction; thence west and southwest including points on the M. St. P. & S. S. M. to and including Minneapolis; thence southwest to a point just west of Chaska, including Chaska; thence south including points on the Minneapolis and St. Louis R. R. to and including Montgomery; thence southwest including points on the C. M. St. P. & P. R. R. to and including Kasota; thence south including points on the C. M. St. P. & P. from Kasota to Mankato, inclusive, the starting point of this area.

*Market Area No. 35.*—To points in Tennessee and Kentucky west of a line beginning at and excluding Lewis-

burg, Tennessee; thence north including all points on the L. & N. R. R. Lewisburg to Stone River; thence north including points on the branch line of the L. & N. from Nashville to Scottsville, Kentucky, and from Hartsville Junction to Hartsville, Tenn.; thence north including the Glasgow branch line of the L. & N. R. R. and the Hodgenville branch to a point south of Lebanon Junction, excluding Lebanon Junction; thence crossing the L. & N. south of Lebanon Junction; thence north excluding points on the L. & N. from Lebanon Junction to the Jefferson County line; thence west to the Ohio River; thence west and south following the Ohio and Mississippi Rivers to but not including Memphis, Tenn.; thence northeast including points on the N. C. & St. L. from Memphis, excluding Memphis (M. A.–90), to and including Jackson; thence east including points on the N. C. & St. L. R. R. from Jackson to Perryville, including Perryville; thence east including the Allens Creek branch line; thence to a point south of Columbia; thence to the starting point of this area excluding the Gordonsburg branch line of the L. & N. but excluding Columbia (M. A.–86); Nashville (M. A.–87); Franklin (M. A.–88).

*Market Area No. 36.*—To points in Kentucky beginning at the Tennessee-Kentucky state line running north excluding all points on the L. & N. R. R. to, but including Lebanon Junction; thence west to the Ohio River; thence north and east following the Ohio River to a point south of Covington, Kentucky, excluding Covington; thence southeast excluding points on the C. & O. from Covington to Maysville, excluding Maysville; thence southwest including points on the L. & N. R. R. from Maysville to and including Winchester; thence on an airline southeast including all points on the L. & N. from Winchester to McRoberts; thence southeast running between McRoberts and Dunham to the Virginia state line; thence southwest following the Virginia state line to a point midway between Pennington Gap and Middlesboro; thence south to the Virginia-Tennessee state line; thence west following the Virginia-Tennessee state line and the Kentucky-Tennessee state line to the starting point of this area.

*Market Area No. 37.*—Beginning at a point south of Covington, Ky., including Covington and including all points on the C. & O. R. R. to and including Maysville; thence southwest excluding points on the L. & N. R. R. from Maysville to and excluding Winchester; thence southeast from Winchester to McRoberts; thence south running between McRoberts and Dunham, including Dunham; thence to the Virginia state line; thence northeast on the Virginia-Kentucky state line to the Virginia-West Virginia state line; thence north running on an airline between Wharncliffe and Iaeger; thence north excluding points on the Virginian R. R. to a point west of Deepwater; thence north to and excluding Greendale; thence north including the Widen branch line of the B. C. & G.; thence west on an airline to a point south of and excluding Ripley; thence north to the Ohio River; thence down the Ohio River to the starting point of this area.

*Market Area No. 38.*—Beginning on the Virginia-Tennessee state line near Kyles Ford, Tennessee, running north midway between Pennington Gap and Middlesboro; thence northeast following the Kentucky-Virginia state line to a point west of Grundy; thence southeast running between Womack and Lowell including Womack; thence south to and including Doran; thence southwest on an airline running north of and excluding Speers Ferry; thence southwest on an airline to the starting point of this area.

*Market Area No. 39.*—Beginning at Kyles Ford, Tenn., at a point on the Tennessee-Virginia state line running southwest to a point just north of Holston; thence southeast to Morristown, excluding both Holston and Morristown; thence southeast on an airline from Morristown to Old Fort, excluding Old Fort; thence northeast on an airline running between Pineola and Edgemont to the N. Carolina-Virginia state line, including the branch line of the N. & W. from Abingdon, Virginia to W. Jefferson, N. Carolina; thence northwest to a point north of Saltville, including Marion and the Saltville branch; thence southwest to a point just north of Speers Ferry, including Speers Ferry; thence to the starting point of this area.

*Market Area No. 40.*—Beginning at the Atlantic Ocean on the N. Carolina-Virginia state line; thence west following the state line including Anderson and Leaksville to a point immediately south of Marion; thence north on an airline to a point east of Marion; thence northeast running west of Richlands; thence north between Womack and Lowell; thence northeast to the Virginia-Kentucky state line; thence north running on an airline between Wharncliffe and Iaeger; thence north including points on the Virginian R. R. to a point west of Deepwater, including Deepwater; thence north including Greendale; thence east to a point south of Delphi; thence east on an airline excluding Richwood to and including Staunton; thence east and northeast including points on the C. & O. R. R. from Staunton to and including Orange; thence south to and including Gordonsville; thence southeast to and including Doswell; thence southeast on an airline running north of West Point to the Rappahannock River.

*Market Area No. 41.*—To points in North Carolina north and east of a line beginning at the Atlantic Ocean and running north and west of Beaufort and New Bern, N. Carolina; northwest on a line running south of New Bern, Kinston, Goldsboro, Selma, and Raleigh, N. Carolina; west on a line running south of Cary, N. Carolina; north on a line running west of Brassfield, N. Carolina; thence west on a line running south of Durham, Chapel Hill, Greensboro, Winston-Salem; thence southwest, west of the Southern R. R., to the boundary of Market Area No. 43; thence west following the boundary of this area to a point just north and west of Edgemont; thence northeasterly passing east of Boone and West Jefferson to the N. Carolina-Virginia state line; thence east along the N. Carolina-Virginia state line to the Atlantic Ocean.

*Market Area No. 42.*—To points in N. Carolina and S. Carolina east of a line beginning at the Atlantic Ocean running west on a line running south of Mount Holly, S. Carolina; north on a line running west of Lanes, Manning, and Britton, S. Carolina; east on a line running south of Sumter, S. Carolina; west on a line running north of Sumter, S. Carolina; north on an airline running east of Rose Hill, Camden, and Kershaw, S. Carolina, and east of Monroe, N. Carolina; northeast on an airline running west of Norwood, N. Carolina; northwest on a line running west of Albemarle, Salisbury, and Barber, North Carolina; north on an airline running west of Barber, Mocksville, and Hanes, N. Carolina; east on a line running south of Hanes, Winston-Salem, Greensboro, Chapel Hill, Durham, Cary, and Raleigh, N. Carolina; southeast on a line running south of Selma, Goldsboro, and New Bern, N. Carolina; south on a line running west of New Bern and Beaufort, N. Carolina.

*Market Area No. 43.*—To points in N. Carolina, S. Carolina and eastern Georgia, west of a line beginning at the Atlantic Ocean and running on an airline north of N. Charleston, S. Carolina; north on a line running west of Inness, S. Carolina; west on a line running south of Mt. Holly, S. Carolina; north on a line running west of Lanes, Manning, and Britton, S. Carolina; east on a line south of Sumter, S. Carolina; west on a line running north of Sumter, S. Carolina; north on a line running east of Rose Hill, Camden, and Kershaw, S. Carolina; north on a line running east of Monroe, N. Carolina; northeast on a line running west of Norwood, N. Carolina; northwest on a line running west of Albemarle, Salisbury, and Barber, N. Carolina; northwest on a line running north of Statesville and Taylorsville, N. Carolina; west on an airline running north of Edgemont, N. Carolina; south on an airline running between Edgemont and Montezuma, N. Carolina, and west of Marion, N. Carolina; southwest on an airline running east of Hendersonville, N. Carolina, to the N. Carolina-S. Carolina state line; southwest on an airline running north of River Falls, Walhalla, and Westminster, S. Carolina, to S. Carolina-Ga. state line; west on a line running north of Toccoa, Cornelia, and Lula, Ga.; south on an airline running east of Lula, Ga., and west of Elberton, Ga., and east of Campania, Ga.; southwest on an airline running west of Wrens, Ga.; east on a line running south of Wrens, and Saint Clair, Ga.; south on a line running west of Gough, Ga.; to a point north of Midville, Ga.; east on a line running north of Midville; south on a line running east of Midville; west on a line running south of Midville; south on a line running west of Modoc, Ga.; east on a line running south of Modoc; south on a line running east of Swainsboro, and Lexsy, Ga.; east on a line running south of Stillmore, Statesboro, and Dover, Ga.; south on a line running west of Cameron, Egypt, and Meldrim, Ga.; east on a line running south of Pooler, Ga.; southwest on a line running north of Burroughs, Fleming, and Walthoursville, Ga.; south on a line running south of Walthoursville, and Altamaha, Ga.; east on an airline to the Atlantic Ocean.



*Market Area No. 44.*—To points in the state of Florida and eastern part of Georgia. Beginning at the Atlantic Ocean and running west on an airline south of Jacksonville; thence north on an airline running west of Jacksonville on the A. C. L. to Callahan including points on the A. C. L., Callahan to Waycross, including Waycross; thence northeast including points on the A. C. L. from Waycross to Jesup; thence northwest including points on the Southern Railroad, Jesup to Hazelhurst; thence northwest to the Ocmulgee River; thence following the south and west banks of said river to and excluding Abbeville; thence continuing up the Ocmulgee River to a point north of and including Hawkinsville; thence northwest to and excluding points on the O. S. R. R. to Grovania, excluding Grovania; thence north including all points on the G. S. & F. from Grovania to Macon, Ga., including Macon; thence west, crossing the C. of G. R. R. excluding points on the C. of G. from Macon to and including Ft. Valley, Ga.; thence west excluding points on the C. of G. from Ft. Valley to Paschal, excluding Paschal; thence northwest excluding points on the A. B. & C. R. R. from Paschal to Manchester, both excluded; thence west excluding points on the A. B. & C. from Manchester to Durand; thence north excluding points on the C. of G. from Durand to and excluding Raymond; thence west crossing the A. & W. P. including Newnan; thence northeast including points on the A. & W. P. from Newnan to Union City, excluding Union City; thence northeast on the A. & W. P. excluding points thereon from Union City to East Point, including East Point and Atlanta; thence northeast including points on the Southern R. R., Atlanta to Lula, inclusive; thence southeast on an airline to and excluding Elberton; thence southeast on an airline running east of Campania, including Lovelace; thence south on a line west of Wrens; thence west of Wrens and east of Midville but west of Stevens Crossing; thence south including points on the G. & F., Stevens Crossing to Wesley; thence east excluding points on the C. of G. Wesley to Statesboro and Dover, excluding Statesboro and Dover; thence southeast excluding points on the C. of G., Dover to Meldrim; thence continuing, and excluding points on the S. A. L., Meldrim to Savannah; thence south excluding points on the A. C. L. and S. A. L., Savannah to Ludowici, including Ludowici; thence southeast including points on the G. C. & P. from Ludowici to Warsaw, excluding Warsaw; thence south excluding points on the S. A. L., Warsaw to Everett, including Everett; thence east on an airline to the Atlantic Ocean.

*Market Area No. 45.*—Beginning at the Atlantic Ocean and running west on an airline south of Jacksonville; thence north on a line running west of Jacksonville on the A. C. L. to Callahan excluding points on the A. C. L. from Callahan to Waycross, excluding Waycross; thence northeast excluding points on the A. C. L., Waycross to Jesup; thence northwest excluding points on the Southern R. R., Jesup to Hazelhurst; thence northwest to the Ocmulgee River following the south and west banks of said river to and including Abbeville; thence continuing up said river to a point north of and excluding Hawkinsville; thence northwest to and including points on the O. S. R. R. to Grovania, including Grovania, crossing the C. of G. west of Grovania; thence west on an airline to a point just south of Montezuma, excluding Montezuma; thence southeast including points on the A. B. & C., Montezuma to Vienna; thence south including points on the G. S. & F. from Vienna to Tifton, Ga.; thence south including points on the A. B. & C., Tifton to and excluding Kingwood; thence southeast on an airline to a point west of Morven; thence south including points on the S. & G. R. R. from Morven, Ga., to Perry, Fla.; thence west and south to the Gulf of Mexico, including Loughridge; thence following the Gulf of Mexico to a point just west of Cedar Key; thence north on an airline to a point south of Live Oak, including Live Oak; thence east including points on the S. A. L. from Live Oak to the starting point of this area.

*Market Area No. 46.*—Includes all the state of Florida except Market Areas Nos. 45, 47, 48, and 49.

*Market Area No. 47.*—Points in the state of Florida. Beginning at the state line immediately west of the S. & G. R. R.; thence south excluding points on the S. & G. from Greenville to Perry; thence to the Gulf of Mexico excluding Loughridge; thence west along the Gulf of Mexico to a point just east of St. Marks, Fla.; thence north and excluding points on the S. A. L., St. Marks to Tallahassee, exclusive; thence north excluding points on the G. F. & L. to the state line; thence following the Georgia-Florida state line to the starting point of this area.

*Market Area No. 48.*—Points in western part of Florida. Beginning at a point directly west of and excluding St. Marks; thence north excluding points on the S. A. L. from St. Marks to Tallahassee; thence northwest excluding points on the S. A. L. and G. F. A. from Tallahassee to Quincy, excluding Quincy; thence north on an airline to the Florida-Georgia state line; thence west following the Florida-Georgia state line to the Apalachicola River; thence south following said river to the Gulf of Mexico, excluding Apalachicola; thence to the starting point of this area.

*Market Area No. 49.*—Points in Florida and southern Georgia. Beginning at a point east of St. Marks, Florida, running northwest to the Georgia-Florida state line and including all points on the S. A. L. and G. F. & A. to Tallahassee and Havana; thence east on the Florida-Georgia state line to a point just west of the S. & G. R. R.; thence north on the S. & G. R. R. excluding points thereon to Quitman and Morven; thence northwest on an airline to a point south of Kingwood, excluding Kingwood; thence west excluding points on the G. & F. R. R., Kingwood to Moultrie, excluding Moultrie; thence south excluding points on the A. B. & C. from Moultrie to Thomasville, excluding Thomasville; thence west excluding points on the A. C. L., Thomasville to Climax; thence southwest and including points on the A. C. L., Climax to the Georgia-Florida state line; thence southeast excluding points on the S. A. L. to and including Quincy; thence south including points on the S. A. L. and G. F. & A. from Quincy to St. Marks, Florida, inclusive.

*Market Area No. 50.*—Includes all points on the A. B. & C. R. R. between Thomasville and Moultrie, excluding both Thomasville and Moultrie.

*Market Area No. 51.*—Points in Georgia. Beginning at the Georgia-Florida-Alabama state line running north to a point just south of the C. of G. R. R.; thence east excluding points on the C. of G. to Albany, excluding Albany; thence south excluding points on the A. C. L. from Albany to Thomasville, including Thomasville; thence west including points on the A. C. L., Thomasville to Climax, including Climax; thence southwest to the starting point of this area excluding points on the A. C. L. from Climax to River Junction, Florida, excluding River Junction.

*Market Area No. 52.*—Beginning at a point north of Thomasville including points on the A. C. L., Thomasville to Albany, excluding both Thomasville and Albany; thence east including points on the A. C. L. and H. & F. S. from Albany to Ashburn, excluding Ashburn; thence south excluding points on the G. S. & F. from Ashburn to Tifton, excluding Tifton; thence south excluding points on the A. B. & C. Tifton to Kingwood, including Kingwood; thence

west including points on the G. & F. R. R. from Kingwood to Moultrie, including Moultrie; thence south excluding points on the A. B. & C. from Moultrie to the starting point of this area.

*Market Area No. 53.*—Beginning at a point where the C. of G. R. R. crosses the Chattahoochee River running north following the west bank of the river to Columbus, excluding Columbus; thence northeast on an airline excluding points on the Southern R. R. from Columbus to Warm Springs, Ga., excluding Warm Springs; thence southeast excluding points on the A. B. & C. Warm Springs to Oglethorpe, excluding Oglethorpe; thence southeast excluding points on the A. B. & C. from Oglethorpe to Cordele, excluding Cordele; thence south excluding points on the G. S. & F. from Cordele to a point west of Ashburn excluding Ashburn; thence west including all points on the G. S. W. & G. R. R. from Ashburn to Albany, including Albany; thence south including points on the C. of G. from Albany to the starting point of this area.

*Market Area No. 54.*—Includes all points on the A. B. & C. R. R. from Manchester to Oglethorpe, excluding Manchester but including Oglethorpe and Montezuma; points on the C. of G. from Montezuma to Fort Valley, excluding Fort Valley.

*Market Area No. 55.*—Includes all points on the C. of G. between Fort Valley and Macon, Georgia, excluding both Fort Valley and Macon.

*Market Area No. 56.*—Includes all points on the C. of G. from Paschal to Grovania excluding Fort Valley, Paschal, and Grovania.

*Market Area No. 57.*—Includes all points on the Southern R. R. from Warm Springs to Columbus, excluding both Columbus and Warm Springs.

*Market Area No. 58.*—Columbus, Ga.

*Market Area No. 59.*—Includes all points on the C. of G. between Durand, excluding Durand, to and excluding Columbus.

*Market Area No. 60.*—Beginning just north of Columbus, Ga., excluding Columbus; thence north along the Chattahoochee River to West Point, Ga., including West Point; thence northeast including points on the A. & W. P. from W. Point to LaGrange, excluding LaGrange; thence southeast excluding points on the A. B. & C. from LaGrange to Durand, excluding Durand; thence south excluding points on the C. of G. to the starting point of this area.

*Market Area No. 61.*—Includes all points on the A. B. & C. from Manchester to LaGrange, including both Manchester and LaGrange; thence west including all points on the A. B. & C. from LaGrange to the Alabama-Georgia state line; thence north on the Alabama-Georgia state line to a point just south of Bowden; thence east on an airline to a point just west of Newnan; thence south excluding points on the A. & W. P. from Newnan to LaGrange; thence southeast to the starting point of this area.

*Market Area No. 62.*—Includes all points on the C. of G. from Durand, excluding Durand, to and including Raymond; thence crossing the A. & W. P. south of Newnan and including all points on the A. & W. P. from Newnan to LaGrange, excluding both Newnan and LaGrange; thence southeast excluding points on the A. B. & C. from LaGrange to the starting point of this area.

*Market Area No. 63.*—Beginning at a point just west of Newnan and excluding points on the A. & W. P. from Newnan to Union City, including Union City; thence northeast including points on the A. & W. P., Union City to Atlanta, excluding East Point and Atlanta; thence northwest running south of the Southern R. R. to Austell, excluding Austell; thence northwest excluding points on the S. A. L. and Southern R. R., Austell to Rockmart, excluding Rockmart; thence northwest excluding points on the Southern R. R., Rockmart to Rome, Ga., excluding Rome; thence west on an airline to the Alabama-Georgia state line; thence south on the Alabama-Georgia state line to a point where the Southern R. R. crosses the Alabama-Georgia state line; thence east circumscribing Bremen, excluding Bremen, and returning to the state line; thence south along the state line to a point south of Bowden; thence east on an airline to the starting point of this area.

*Market Area No. 64.*—Bremen, Georgia.

*Market Area No. 65.*—Beginning at a point just west of Atlanta, excluding Atlanta, running northwest and including all points on the S. A. L. and Southern R. R.s from Atlanta to Rome, Georgia; thence west to the Alabama-Georgia state line; thence north along the Alabama-Georgia state line to the Alabama-Georgia-Tennessee state line; thence east along the Georgia-Tennessee-N. Carolina state line to the S. Carolina state line, including Franklin, N. Carolina; thence south on an airline to a point north of Cornelia, excluding Cornelia; thence southwest excluding points on the Southern R. R. from Cornelia to the starting point of this area just west of Atlanta.

*Market Area No. 66.*—Beginning at a point south of Columbus, excluding Columbus, and including all points on the C. of G. to Troy, including Troy; thence southeast including all points on the A. C. L. to a point just west of Grimes, excluding Grimes; thence northeast to a point just west of Eufaula, excluding Eufaula; thence north following the Chattahoochee River to the starting point of this area.

*Market Area No. 67.*—Eufaula, Alabama.

*Market Area No. 68.*—Beginning at and excluding Eufaula, continuing on an airline southwest to a point just west of Grimes; thence southeast including points on the A. C. L. R. R. from Grimes to the Chattahoochee River; thence up the river to the starting point of this area.

*Market Area No. 69.*—All of Alabama excluding Market Areas Nos. 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 & 82.

*Market Area No. 70.*—Includes all points on the Southern R. R. from and excluding Anniston to Talladega, including Talladega.

*Market Area No. 71.*—Beginning at the Alabama-Tennessee-Georgia state line running southwest and north excluding points on the N. C. & St. L. and Southern R. R. from Bridgeport, excluding Bridgeport, to and excluding Huntsville; thence south excluding points on the N. C. & St. L. from Huntsville to Attalla, excluding Attalla; thence east to and excluding Gadsden; thence south including points on the L. & N. from Gadsden to Anniston, including Anniston; thence south to Oxford, including Oxford; thence east including all points on the Southern R. R. from Oxford to the Georgia-Alabama state line; thence north along the state line to the starting point of this area.

*Market Area No. 72.*—Gadsden, Alabama.

*Market Area No. 73.*—Includes points on the N. C. & St. L. from but not including Boaz to but excluding Gadsden, including Attalla.

*Market Area No. 74.*—Includes all points on the N. C. & St. L. from Boaz to Guntersville, inclusive.

*Market Area No. 75.*—Includes all points on the N. C. & St. L. from but excluding Guntersville to Huntsville, excluding Huntsville, and including the branch line of the N. C. & St. L. from Hobbs Island to Huntsville.

*Market Area No. 76.*—All points on the Southern R. R. from and excluding Decatur Junction to but excluding Paint Rock, excluding Huntsville.

*Market Area No. 77.*—Huntsville, Alabama.

*Market Area No. 78.*—Beginning at a point east of Decatur Junction excluding points on the L. & N. from Decatur Junction to the Alabama-Tennessee state line; thence east following the Alabama-Tennessee state line to a point west of the N. C. & St. L., excluding points on the N. C. & St. L. from the state line to but excluding Stevenson; thence southwest excluding all points on the Southern R. R. to the starting point of this area.

*Market Area No. 79.*—Includes all points on the Southern R. R. from and including Paint Rock to but excluding Stevenson.

*Market Area No. 80.*—Beginning at the Alabama-Georgia-Tennessee state line, including all points on the N. C. & St. L. to and including Stevenson; thence northwest including points on the N. C. & St. L. from Stevenson to the Alabama-Tennessee state line; thence east to the starting point of this area.

*Market Area No. 81.*—Includes all points on the Southern R. R. from and including Decatur to but excluding N. Alabama Junction; thence north excluding South Florence and Florence; thence southwest of Sheffield excluding Sheffield, to but excluding Tuscumbia; thence northwest including points on the Southern R. R. from Tuscumbia, excluding Tuscumbia, to Corinth, including Corinth; thence northwest including points on the Southern R. R. from Corinth to the Mississippi state line; thence east on the Tennessee-Mississippi-Alabama state line to a point east of the L. & N. R. R.; thence south including points on the L. & N. from the state line to and including Decatur Junction; thence southwest to the starting point of this area.

*Market Area No. 82.*—Includes Florence, Sheffield, Tuscumbia, and N. Alabama Junction.

*Market Area No. 83.*—Chattanooga, Tennessee.

*Market Area No. 84.*—Starting at a point just north of Chattanooga, Tenn., running north on an airline east of Pikeville to and including Ravenscroft; thence southwest to a point south of DeRossette; thence south on an airline crossing the N. C. & St. L. continuing to Tracy City, including Tracy City; thence south on an airline to and including Orme; thence to the Alabama-Tennessee state line; thence east to the starting point of this area including Wauhatchie.

*Market Area No. 85.*—Points in Tennessee. Beginning at a point on the Alabama-Tennessee state line east of the L. & N. R. R. running north to but excluding Lewisburg; thence north excluding points on the L. & N. from Lewisburg to Nashville; excluding Nashville; thence northeast, excluding points on the L. & N. from Nashville to and excluding the Hartsville branch line of the L. & N.; thence to the Kentucky-Tennessee state line; thence east to a point north of Holton, Tenn.; thence southwest excluding points on the Southern R. R. to, but excluding, Chattanooga; thence on Alabama-Georgia-Tennessee state line to the starting point of this area but excluding Market Areas Nos. 84 and 86.

*Market Area No. 86.*—Cities of Columbia, Lewisburg, Shelbyville, and Murfreesboro, Tennessee.

*Market Area No. 87.*—Nashville, Tennessee.

*Market Area No. 88.*—Franklin, Tennessee.

*Market Area No. 89.*—Beginning at a point on the Mississippi River at the Mississippi-Tennessee state line; thence east along the Mississippi-Tennessee-Alabama state line to a point east of the Lewisburg branch of the L. & N.; thence north including points on the L. & N. to but excluding Lewisburg; thence northwest including points on the N. C. & St. L. from Lewisburg to but excluding Columbia; thence west on an airline to but excluding points on Allens Creek Branch of N. C. & St. L. and excluding Perryville; thence west excluding all points on the N. C. & St. L. from Perryville to but excluding Jackson; thence southwest excluding points on the N. C. & St. L. from Jackson to but excluding Memphis; thence south along the Mississippi River to the starting point of this area.

*Market Area No. 90.*—Memphis, Tennessee.

*Market Area No. 91.*—To points in North Carolina and Tennessee beginning at the North Carolina-South Carolina state line, and running north on an airline to a point west of Hendersonville, N. C., on the Southern R. R., north of Hendersonville and on an airline running northeast to a point east of Old Fort on the Southern R. R., west and north and including points on the Southern R. R., Old Fort, N. C., to Asheville, N. C.; thence north and west and including points on the Southern R. R., Asheville, N. C., to Morristown, Tennessee, excluding Morristown, returning to Paint Rock, N. C., on the Southern R. R.; thence south along the North Carolina-Tennessee state line to a point just east of Murphy, N. C.; thence south to the Tennessee-Georgia state line; thence east along the N. Carolina-Georgia state line to the starting point of this area on the N. Carolina-S. Carolina state line, excluding the line of the Tallulah Falls R. R. running to Franklin, N. C.

*Market Area No. 92.*—Beginning at a point just east of Morristown, including Morristown; thence north passing east of Holston; thence southwest on a line running north of Knoxville, Tennessee, including Knoxville, continuing to but excluding Chattanooga; thence to the Tennessee-Georgia state line; thence east on the Tennessee-Georgia state line to the conjunction of the Tennessee-N. Carolina-Georgia state line; thence east on the N. Carolina-Georgia state line to a point south of Murphy, N. C.; thence north to the N. Carolina-Tennessee state line, including Murphy, N. C.; thence north and east following the Tennessee-N. Carolina state line to a point just west of the T. & N. C. R. R.; thence north on an airline to DeWitt, Tenn., including DeWitt; thence north to the starting point of this area just east of Morristown, Tennessee.

*Market Area No. 93.*—Beginning at a point just east of the I. C. R. R. on the Mississippi-Tennessee state line, thence south including all points on the I. C. R. R. to Holly Springs, excluding Holly Springs; thence northwest excluding all points on the St. L.-S. F. R. R. to the Tennessee-Mississippi state line; thence east on the Tennessee-Mississippi state line to the starting point of this area.

*Market Area No. 94.*—Beginning at a point north of Holly Springs, excluding Holly Springs; thence southeast excluding points on the St. L.-S. F. R. R. to a point just east of the G. M. & N. R. R. excluding New Albany; thence north including all points on the G. M. & N. R. R. to the Tennessee-Mississippi state line; thence west on the state line to a point just east of the I. C. R. R.; thence southwest excluding all points on the I. C. R. R. to the starting point of this area.

*Market Area No. 95.*—Beginning at the Mississippi-Tennessee state line just east of the G. M. & N. R. R.; thence south excluding all points to a point north of New Albany; thence northwest including points on the St. L.-S. F. R. R. from New Albany to Holly Springs, excluding Holly Springs but including New Albany; thence south excluding all points on the G. M. & N. R. R. to Beaumont, excluding Beaumont; thence continuing southeast to the west bank of the Pascagoula River; thence crossing the G. M. & N. R. R. continuing south along the west bank of said river to the Gulf of Mexico; thence east along the Gulf of Mexico to the Alabama-Mississippi state line; thence north along the state line to a point south of the Southern R. R. just west of Riverton Junction, Alabama; thence northwest excluding points on the Southern R. R. to the Tennessee-Mississippi state line; thence west along the state line to the starting point of this area.

*Market Area No. 96.*—Includes all points on the St. L.-S. F. R. R. from the Tennessee-Mississippi state line to but excluding Holly Springs, Miss.

*Market Area No. 97.*—Beginning at the Mississippi River at the junction of the Tennessee-Mississippi state line; thence east on the state line to a point just west of the St. L.-S. F. R. R.; thence southwest excluding points on the St. L.-S. F. R. R., crossing the I. C. R. R. south of Holly Springs, excluding Holly Springs; thence south including all points on the I. C. R. R. to but excluding Winona, including the Bruce branch line; thence west excluding points on the Southern R. R. from Winona to Greenville, exclusive; thence west to the Mississippi River; thence north up the Mississippi River to the starting point of this area.

*Market Area No. 98.*—All of the state of Mississippi except Market Areas Nos. 93, 94, 95, 96, and 97, and that part of Louisiana east of the Mississippi River except New Orleans, Louisiana.

*Market Area No. 99.*—Beginning at Slinger, Wisconsin, excluding Slinger, running northwest including points on the C. & N. W. to and excluding Beaver Dam; thence north excluding points on the C. M. St. P. & P. from Beaver Dam to but excluding Winneconne, excluding the Markesan and Berlin branch lines; thence northeast to and excluding Appleton; thence northwest excluding points on the C. & N. W. from Appleton to New London, excluding New London;

thence north excluding points on the C. & N. W. from New London to Clintonville, excluding Clintonville; thence northeast excluding points on the C. & N. W. to but excluding Stiles Junction; thence north excluding points on the C. M. St. P. & P. from Stiles Junction to but excluding Pembine; thence north excluding points on the C. M. St. P. & P. R. R. to but excluding Channing, Michigan; thence northwest excluding points on the C. M. St. P. & P. to but excluding Ontonagon; thence northwest to Lake Superior; thence following the boundary lines of Lake Superior to the Minnesota-Wisconsin state line; thence south along the Minnesota-Wisconsin state line to the Mississippi River; thence southeast along the Mississippi River to a point north of LaCrosse, Wis.; thence east and southeast including all points on the C. & N. W. via Wyeville, Necedah, Buffalo, to and excluding Slinger, the point of beginning of this area.

*Market Area No. 100.*—All points in northern Minnesota north and west of the following described line. Beginning at a point on the state line south of Elkton, South Dakota, and including all points on the C. & N. W. to and excluding Mankato; thence northeast excluding points on the C. M. St. P. & P. R. R. from Mankato to Montgomery, excluding Montgomery, Kasota, and Mankato; thence north excluding points on the Minneapolis & St. Louis R. R. to and excluding Carver and Chaska; thence northeast on an airline to a point north of Minneapolis; thence northeast excluding points on the M. St. P. & S. S. M. R. R. to the Wisconsin-Minnesota state line.

*Market Area No. 101.*—Beginning at the South Dakota-Minnesota-Iowa state line running east on the Minnesota-Iowa state line to a point just west of the C. R. I. & P. R. R. just southeast of Glenville, Minnesota; thence northwest, excluding points on the C. R. I. & P. R. R. to and including Albert Lea; thence northwest excluding points on the C. M. St. P. & P. R. R. to and excluding Wells; thence west and north excluding points on the C. M. St. P. & P. R. R. to and excluding Mankato; thence west excluding points on the main line of the C. & N. W. R. R. to the point of beginning.

*Market Area No. 102.*—Points east of a line beginning at a point west of Keokuk, Iowa, on the south bank of the Des Moines River; thence south including points on the C. B. & Q. R. R., passing just east of Maywood, continuing south crossing the C. B. & Q. R. R. east of Palmyra; thence south crossing the Wabash R. R. west of Oakwood; thence southwest including points on the St. L. & H. R. R., crossing the Alton R. R. west of Bowling Green; thence southeast crossing the C. B. & Q. R. R. west of Old Monroe; thence east running between the Wabash and the C. B. & Q. Railroads and continuing to the boundary of Market Area No. 26.

*Market Area No. 104.*—Beginning at a point southeast of Sioux City, excluding Sioux City, running southeast on an airline to a point immediately north of Minden; thence east excluding points on the C. R. I. & P. R. R. to and excluding Atlantic; thence crossing the C. R. I. & P. R. R. east of Atlantic including points thereon, to and including Des Moines; thence crossing the railroad continuing east excluding points on the C. R. I. & P. R. R. to but excluding Grinnell; thence north excluding points on the Minneapolis and St. Louis R. R. to, but including Marshalltown; thence west excluding Minerva Junction; thence north excluding points on the Minneapolis & St. Louis R. R. to and excluding Eldora; thence northwest excluding points on the C. & N. W. R. R., excluding Iowa Falls, Alden, Dows, and Clarion; thence northeast excluding points on the Chicago, Great Western R. R. to and excluding Mason City; thence north excluding points on the C. R. I. & P. R. R. to the Minnesota-Iowa state line; thence west following the state line to the South Dakota-Iowa-Minnesota state line; thence south following the Iowa-South Dakota state line to the point of beginning, excluding Sioux City.

*Market Area No. 105.*—Beginning at a point just northwest from Eldora; thence north excluding points on the Minneapolis and St. Louis R. R. to and excluding Hampton; thence north including points on the C. R. I. & P. R. R. to but excluding Mason City; thence southwest including points on the C. G. W. R. R. to and including Clarion; thence southeast on an airline to the point of beginning, including Clarion, Dows, and Alden.

*Market Area No. 106.*—Points in eastern Iowa. Beginning at the northeast corner of Iowa on the Mississippi River; thence south down the river, excluding points on the C. M. St. P. & P. R. R. from Clinton to Davenport, both excluded; thence west following the river to a point south of Muscatine; thence west including points on the C. R. I. & P. R. R. to and including Thornburg; thence west on an airline to a point southwest of New Sharon, including New Sharon; thence north including points on the Minneapolis & St. Louis R. R. to but excluding Marshalltown; thence west including Minerva Junction; thence north including points on the Minneapolis & St. Louis R. R. to and including Hampton; thence north excluding points on the C. R. I. & P. R. R. to Mason City but including Mason City; thence north to the Minnesota-Iowa state line, including points on the C. R. I. & P. R. R.; thence east following the Minnesota-Iowa state line to the point of beginning.

*Market Area No. 107.*—Beginning at a point just south of Muscatine, Iowa; thence west excluding points on the C. R. I. & P. R. R. to and excluding Thornburg; thence west to a point just south of New Sharon, Iowa; thence south including points on the Minneapolis & St. Louis R. R. to and including Oskaloosa; thence southeast excluding points on the C. R. I. & P. R. R. to and excluding Ottumwa; thence east including points on the C. B. & Q. R. R. to and including Burlington, Iowa; thence north up the Mississippi River to the point of beginning.

*Market Area No. 108.*—Beginning at a point on the Missouri-Iowa state line due south of Bloomfield, Iowa, running north excluding points on the Wabash to and excluding Ottumwa; thence east excluding points on the C. B. & Q. R. R. to the Mississippi River; thence south down the River to the Iowa-Illinois-Missouri state line; thence northwest and west on the Missouri-Iowa state line to the point of beginning.

*Market Area No. 109.*—Beginning at a point south of Sioux City, Iowa, running on an airline southeast to a point just north of Minden; thence east including points on the C. R. I. & P. R. R. to and including Atlantic; thence crossing the railroad east of Atlantic and excluding points on the C. R. I. & P. R. R. to and excluding Des Moines; thence continuing east including points on the C. R. I. & P. R. R. to a point just west of Grinnell; thence south excluding points on the Minneapolis and St. Louis R. R. to and excluding Oskaloosa; thence southeast including points on the C. R. I. & P. R. R. to and including Ottumwa; thence northwest including points on the C. B. & Q. R. R. to but excluding Frederic; thence west excluding points on the C. B. & Q. R. R. to the Missouri River; thence north up the Missouri River to the starting point of this area, excluding Council Bluffs, Omaha, and Sioux City.

*Market Area No. 110.*—Beginning at the Missouri-Iowa state line south of Bloomfield, Iowa; thence north including points on the Wabash R. R. to but excluding Ottumwa; thence northwest excluding points to but including Frederic; thence west including points on the C. B. & Q. R. R. to the Missouri River; thence south following the Missouri River to the Nebraska-Iowa-Missouri state line; thence east on the Iowa-Missouri state line to the point of beginning.

*Market Area No. 111.*—Omaha and Council Bluffs. Switching limits of Omaha, Nebraska, and Council Bluffs, Iowa.

*Market Area No. 112.*—Sioux City. Greater Sioux City.

*Market Area No. 113.*—Northwest Missouri. The counties of Andres, Atchison, Buchanan except St. Joseph, Clinton, De Kalb, Gentry, Holt, Nodaway, Platte, and Worth in the state of Missouri.

*Market Area No. 114.*—St. Joseph, Switching limits of St. Joseph, Missouri.



*Market Area No. 115.*—North Missouri. Bounded on the north by the Iowa-Missouri state line; bounded on the east by the territory west of but not including towns on the main line of the C. B. & Q. Railroad, St. Louis north to the Iowa state line; on the west by the western county lines of Harrison, Daviess, Caldwell, and Clay Counties; and on the south by the south boundary lines of Clay, Ray, Saline, Howard, Boone, Callaway, Montgomery, Warren, and St. Charles Counties, and including the cities of Boonville, Missouri, and Jefferson City, Missouri, located on the south bank of the Missouri River.

*Market Area No. 116.*—Greater Kansas City. In Wyandotte and Johnson Counties, Kansas; Missouri Pacific River Route to a point approximately even with the Western University Annex on the West; thence to Welborn on the Leavenworth Electric Line; thence to Muncie on the Union Pacific and K. S. K. V. & W.; thence to Turner on the A. T. & S. F.; thence through Shawnee to Merriam on the Frisco; thence to Overland Park on the Missouri & Kansas Railroad. In Jackson County, Missouri; Martin City on the Missouri Pacific to the south; Grand View on the K. C. S. and Frisco; Raytown on the C. R. I. & P.; Independence on the Alton and Missouri Pacific.

*Market Area No. 117.*—The west boundary line to include the towns east of but not including Independence and Lees Summit in Jackson County, Missouri and the counties of Lafayette, Pettis, Cooper, but not including the town of Boonville; including Moniteau and Cole Counties but not including the town of Jefferson City; including Osage, Gasconade, and Franklin Counties, Missouri. The west boundary line to include towns on the line of the Missouri Pacific Railroad, Pleasant Hill to Lamar, and on the south the towns on the main line of the Frisco Railroad, Lamar to Cape Girardeau through Springfield, Missouri, but not extending beyond Franklin County, Missouri.

*Market Area No. 118.*—South Missouri. Towns on and west of the Missouri Pacific Railroad; Lees Summit to Lamar, both inclusive; and all towns on and south of Frisco Railroad, Lamar to Cape Girardeau, through Springfield and Willow Springs in Missouri; and all towns in Cherokee County, Kansas.

*Market Area No. 119.*—Arkansas. All of the state of Arkansas.

*Market Area No. 123.*—Louisiana; west of the Mississippi River and, in addition thereto, the City of New Orleans, Louisiana.

*Market Area No. 124.*—States of Oklahoma and Texas except that portion described in Market Areas Nos. 125 and 128.

*Market Area No. 125—General description.*—Clovis, New Mexico to Amarillo, Brownwood, Spofford and west to El Paso, including the Pecos Valley Lines; Clovis, New Mexico to Pecos, Texas, and Southern Pacific Lines, Torrance to El Paso.

*Specific description.*—Following the eastern boundary of Market Area No. 129 from a point just southeast of Belen Junction at the convergence of Market Areas Nos. 126 and 129 to El Paso, crossing the S. P. between El Paso and Fort Bliss, and crossing the S. P. just west of Alfalfa; thence running in a southeasterly direction south of the T. & N. O. (S. P.) crossing the P. & S. F. just south of Paisano continuing south along the S. P. to and including Spofford; thence running in a northerly direction just west of Eden, excluding Eden; thence northeast crossing the P. S. & F. east of Brownwood; thence continuing northwest, north of the P. S. & F. to Sweetwater Junction; thence in a northwesterly direction just east of Crosbyton, continuing north on an airline to a point immediately east of Silverton; thence northwesterly on an airline to a point east of Amarillo; thence curving around Amarillo, including Amarillo, and crossing the C. R. I & G. west of Amarillo; thence running in a southwesterly direction north of the P. & S. F. and Santa Fe to the boundary of No. 126 at a point near Melrose; thence continuing on the southern boundary of No. 126 to the point of beginning.

*Market Area No. 126—General description.*—Points east of Belen Junction, New Mexico, to and including Melrose and including Estancia Valley.

*Specific description.*—Beginning at a point southeast of Belen Junction at the point of beginning of No. 129, not including Belen Junction; thence running in an easterly direction south of the A. T. & S. F. crossing the S. P. at Torrance, thus continuing in an easterly direction to and including Melrose, rounding Melrose, and returning in a westerly direction north of the A. T. & S. F., crossing the S. P. just north of Vaughn; thence running to a point northeast of Willard; thence running north (east of the A. T. & S. F.) to a point south of Kennedy, excluding Kennedy, returning in a southwesterly direction crossing the A. T. & S. F. line from Willard to Kennedy just south of Kennedy to the starting point of this area near Belen Junction.

*Market Area No. 127.—General description.*—Belen Junction, New Mexico to Santa Fe, New Mexico, inclusive.

*Sepecific description.*—Beginning at a point immediately south of Belen Junction, (at the conjunction of Nos. 125, 126, and 129) running north on the west boundary line of No. 126 to a point just southeast of Kennedy; thence crossing the A. T. & S. F. just east of Lamy; thence northwest running east of Santa Fe to a point northeast of Santa Fe; thence southwest, including Santa Fe but excluding Rio Grande, crossing the Denver and Rio Grande midway between Santa Fe and Rio Grande, continuing in a southwesterly direction in a curved line so as to include points on the Santa Fe, crossing both lines of the Santa Fe just east of Dalies where it joins Market Area No. 129; thence following No. 129 to the point of beginning.

*Market Area No. 128.—General description.*—Points east of Lamy.

*Specific description.*—Beginning at the tip of Market Area No. 127 just northeast of Santa Fe; thence running north (east of the D. & R. G. W.) to the New Mexico-Colorado state line; thence east on the Colorado-New Mexico state line to the New Mexico-Oklahoma state line; thence south on the Oklahoma-New Mexico state line to the Texas-New Mexico-Oklahoma state line; thence east on the Oklahoma-Texas state line to a point on the state line just east of Stratford; thence south on the east side of the P. & S. F. to its convergence with Market Area No. 125 at Amarillo, not including Amarillo; thence following the boundary of No. 125 in a southwesterly direction to the boundary line of No. 126 near Melrose; thence following the northern boundary of No. 126 to the boundary of No. 127 just southeast of Kennedy; thence following the boundary line of No. 127 to the point of beginning.

*Market Area No. 129.—General description.*—Points on the Santa Fe Railroad south of but not including Belen Junction, New Mexico, to El Paso, Texas, inclusive, and west thereof, except as described in Market Area No. 130.

*Specific description.*—Beginning at a point just southeast of Belen Junction east of the A. T. & S. F. and running south crossing the S. P. between Fort Bliss and El Paso, curving around and including El Paso; thence west on the New Mexico state line to the Arizona state line; thence west to the Colorado River; thence north following the Colorado River to a point just south of Parker Cut-off; thence southeast on an airline to a point just south of Matthie and west of Griggs, but keeping south of the A. T. & S. F.; thence on an airline to a point southwest of Hassayampa but northwest of the S. P.; thence in a general easterly direction excluding points on the S. P. (W. Chandler, Florence, Winkelman, Christmas Sta.) but running north of the S. P. line from Yuma to Tucson via Maricopa; thence curving around Christmas Sta. crossing the Gila River just east of Christmas Sta.; thence in a northwesterly direction between Superior and Miami; thence curving gently to the northeast crossing Salt River; thence on an airline running just south of McNary to a

point immediately south of Dalies and immediately west of Belen Junction; thence to the point of beginning.

*Market Area No. 130.—General description.*—Santa Fe Lines, Dalies, New Mexico, to Needles, California, inclusive, including the Phoenix Branch and the Parker Cut-off.

*Specific description.*—That remaining innermost portion of Arizona and western New Mexico bounded on the north, east and south by Areas Nos. 126, 127, 129, and 131, and on the west by a line joining Areas Nos. 129 and 130, running north and south (west of the Colorado River) and including Needles, California.

*Market Area No. 131.—General description.*—Points north of but not including Santa Fe, New Mexico.

*Specific description.*—Beginning at a point just northeast of Santa Fe on the boundary line of No. 128; thence following the boundary line of No. 128 north to the Colorado-New Mexico state line; thence west on the New Mexico-Colorado state line to a point just east of where the D. & R. G. W. crosses the Colorado-New Mexico state line just south of Antonito, Colorado, not including Antonito, where it joins Market Area No. 132; thence following the boundary line of Market Area No. 132 to the Colorado-Utah state line; thence following the Utah-Arizona state line to the Nevada-Arizona state line; thence south to the Colorado River; thence following the Colorado River to a point north of Needles, California at the vertex of the Colorado River and Nevada state line; thence in a northeasterly direction excluding all points on the Santa Fe to a point just north of Grand Canyon, Arizona; thence running in a gradual southeasterly direction excluding all points on the A. T. & S. F. to the boundary of No. 127 west of Isleta; thence following the western boundary of No. 127 to the point of beginning.

*Market Area No. 132.—General description.*—Tennessee Pass and west.

*Specific description.*—To points in western Colorado and eastern Utah beginning at a point on the Colorado-Wyoming state line at the boundary line of Market Area No. 133 and running west on the Wyoming-Colorado state line to the Colorado-Utah state line; thence south on the Colorado-Utah state line to and including Watson, Rainbow Junction, Rainbow, and Dragon, Utah, to the Utah-Colorado state line; thence south to the junction of Colorado, New Mexico, Arizona and Utah; thence east to a point west of the Farmington branch line, dropping south including said branch line and returning to the state line; thence following the D. & R. G. W. (south of the D. & R. G. W.) to the vertex of Market Area No. 133 south of Antonito, Colorado; thence continuing on the boundary of No. 133 to the point of beginning.

*Market Area No. 133.—General description.*—Colorado east of Tennessee Pass.

*Specific description.*—To points in Colorado not included in Market Areas 135 and 134 east of a line beginning at the Wyoming-Colorado state line just west of Slater, Colorado; thence on an air-line south to a point just southwest of Craig; thence east to a point just west of Steamboat Springs; thence south crossing the D. & R. G. W. just southwest of Orested; thence southeasterly running north of Watts; thence south crossing the D. & R. G. W. just south of Deen; thence running south just west of the D. & R. G. W., crossing the D. & R. G. W. between Poncha Junction and Salida, again crossing the D. & R. G. W. west of Mears junction; thence south to and including Center, Colorado; thence west to and including Creede; thence southeast to the state line where it converges with the boundary of Market Area No. 131 on the Colorado-New Mexico state line immediately south of Antonito, including Antonito; thence east to the Colorado-Kansas state line; thence north on the Colorado-Kansas state line to the Colorado-Nebraska state line; thence west on the Colorado-Nebraska state line to the starting point of this area.

*Market Area No. 134.*—Pueblo.

*Market Area No. 135.*—Denver and environs including Clear Creek Valley to and including Silver Plume.

*Market Area No. 136.*—Points south of the main line of the Union Pacific Railroad, west of Market Area No. 139 in Kansas.

*Market Area No. 137.*—Kansas points on and north of the main line of the Union Pacific excluding Salina and points in Market Area No. 138.

*Market Area No. 138.*—Salina, Kansas.

*Market Area No. 139.*—Points on and east of a line from Marysville, Irving, Garrison, Manhattan, Salina (excluding Salina), McPherson, Newton, Wichita, and South Haven, Kansas, to the Kansas State Line.

*Market Area No. 140.*—Nebraska points on and east of a line from the Missouri River at Running Water through, but not including Bloomfield, Randolph, to and including Norfolk, thence southeast to and including Scribner, Fremont, and thence through Linwood to Wahoo, Valparaiso, Lincoln, Crete, De Witt, Beatrice, and Wymore to the Kansas state line, excluding Lincoln and Omaha.

*Market Area No. 141.*—Lincoln, Nebraska; switching limits of Lincoln.

*Market Area No. 142.*—Western Nebraska C. & N. W. Wyoming line to, but not including Eli, Nebraska; C. B. & Q. Wyoming line to, but not including Grand Island, Nebraska.

*Market Area No. 143.*—Remainder of Nebraska.

*Market Area No. 144.*—That part of South Dakota west of and including Rapid City and known as the Black Hills District and south of Market Area No. 147.

*Market Area No. 145.*—That portion of South Dakota east of Rapid City to and west of the Missouri River not included in Market Areas Nos. 144 and 147.

*Market Area No. 146.*—That portion of South Dakota east of the Missouri River not included in Market Area No. 147.

*Market Area No. 147.*—All of North Dakota and that part of South Dakota north of a line drawn east and west one mile south of Watertown.

*Market Area No. 148.*—All points in the state of Montana except that portion described in Market Area No. 149.

*Market Area No. 149.*—All points on the main line of the C. B. & Q. Railroad from the Wyoming-Montana state line to and including Billings via Toluca, Montana.

*Market Area No. 150.*—State of Wyoming.

*Market Area No. 151.*—To points in Utah south of a line running east and west through Ogden except that portion in Utah described in Market Area No. 132.

*Market Area No. 152—General description.*—States of Nevada, California, and to points in extreme southeastern Idaho.

*Specific description.*—Beginning at a point on the northern boundary of No. 151 near Wahsatch, Utah, continuing westward on this boundary to the Nevada-Utah state line; thence south following the state lines of California and Nevada, following the western boundary of Nos. 130, 131, where possible, thus excluding Needles, returning northward via the Pacific Coast to the northwest corner of California; thence east on the state lines of California, Oregon, Nevada, and Idaho to a point just west of the "Ogden-Malad Line" of the O. S. L.; thence due north, excluding Malad, to a point just southwest of McCammon, Idaho; thence due east to the Idaho-Wyoming state line, excluding McCammon and Grace; thence south on the Wyoming state line to the point of beginning.

*Market Area No. 153.*—Oregon, Washington, and Idaho, except that area described in Market Areas Nos. 152, 154, 155, and 156.

*Market Area No. 154.*—City of Spokane, Washington, and adjacent points where freight rates on coal from Producing Areas on the Canadian Pacific and Spokane & International R. R. are as low or lower than the rates on the Northern Pacific R. R. from Roslyn and Bayne rate groups.



*Market Area No. 155.*—Points in Washington on the Great Northern R. R. east of the Cascade Tunnel to Wenatchee and north thereof.

*Market Area No. 156.*—City of Seattle, Washington.

*Market Area No. 157.*—Territory of Alaska.

[F. R. Doc. 37-3473; Filed, December 1, 1937; 12:22 p. m.]

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[Order No. 90]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TWO IN CONFORMITY WITH SECTION 4, PART II, SUBSECTION (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 62 the weighted average of the total costs of the tonnage for Minimum Price Area One in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 74 determined and established the initial classifications of coals of code members within said District Two; the District Board for District Number Two having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Two, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices, (*a*) be just and equitable as between producers within each district (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Two, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Two or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Two, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Two, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Two and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals and Code Members Produced within District Number Two to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area One and to code members within District Number Two, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all

interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE NO. 1—DISTRICT NO. 2

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 2, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 16, 1937.

Issued November 30, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups—For Market Areas Nos. 1, 1A, 2, 3, 4, 5, 6, (13), 7, 8, 9, 10, and 12; for All Other Market Areas Base Size Groups Shown in Second Table Below May Be Used*

| Base size group | Lump, maximum screen size [1] | Double screened sizes: Maximum top size [1] | Double screened sizes: Maximum bottom size [1] |
|---|---|---|---|
| | INCLUDES | | |
| 1 | All lump over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 3". |
| 3 | 3" | 6" | 2". |
| 4 | 2" | 6" | 2". |
| 5 | 1¼" | 5" | 2". |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| | Mine run | | |
| 9 | | 2" NPS | 0". |
| 12 | | 1¼" Slk | 0". |
| 13 | | ¾" Slk | 0". |
| 14 | | | |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

*Size Groups—For Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Group No. | Sizes | Group No. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block | | 2" x 4½" Egg. |
| | | | 2" x 4" Egg. |
| | | | 1½" x 6" Egg. |
| 2 | 4" and 5" Block. | | ¾" & under. |
| | 5" x 10" Chunks. | | Screened R. O. M. |
| | 5" x 8" " | | |
| | 4" x 10" " | 6 | 3" and under Stove. |
| | 4" x 8" " | | |
| | 4" x 6" " | 7 | 2" and under top size and ½" and over bottom size Nut. |
| | 4" x 5" " | | |
| 3 | 2¼" to 3" Lump. | 9 | Straight mine run. 8" Resultant. |
| | 3" x 8" Egg. | | |
| | 3" x 6" Egg. | 12 | 2" Minus—nut—slack with top size not exceeding 2". No fines removed. |
| | 2½" x 8" Egg. | | |
| | 2" x 8" Egg. | 13 | 1¼" Minus—nut—slack with top size not exceeding 1¼". No fines removed. |
| 4 | ¾" to 2" Lump. | | |
| | 2½" x 6" Egg. | 14 | ¾" Minus—pea—slack with top size not exceeding ¾". No fines removed. |
| | 3" x 5" Egg. | | |
| | 2¾" x 5" Egg. | | |
| | 2½" x 5" Egg. | | |
| | 2" x 6" Egg. | | |
| | 3" x 4" Egg. | | |
| 5 | 2" x 5" Egg. | | |
| | 2½" x 4" Egg. | | |

*Price Index*

| Butler—Mercer District: Company | Mine | Seam | Size group numbers: 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Boydstown Coal Co | Oneida | | E | E | E | E | E | E | D | D | D | D | D |
| Bradys Bend Coal Co | Snowhill | L. Kitt | E | E | E | E | E | E | D | D | D | D | D |
| Brier Hill Coal Co., Inc | Brier Hill #2 | Mid. Kitt | E | E | G | G | G | G | D | D | D | D | D |
| Butler Cons. Coal Co | Kincaid | U. Freeport | G | G | E | E | E | E | F | E | F | F | F |
| Carbon Gas Coal Co | Sun | L. Freeport | E | E | E | E | E | E | D | D | D | D | D |
| Coal Run Coal & Coke Co | Coal Run | | G | G | G | G | G | G | F | E | F | F | F |
| Cosco Gas Coal Co | Cosco #1 | U. Kitt | E | E | E | E | E | E | D | D | D | D | D |
| Cosco Gas Coal Co | Cosco #2 | U. Kitt | E | E | G | G | G | G | D | E | F | F | F |
| Domestic Fuel Co | McCurdy | Brookville | G | G | G | G | G | G | F | E | F | F | F |
| Freeport Brick Co | Freeport Brick | | G | G | G | G | G | G | F | E | F | F | F |
| Freeport Coal Co | Freeport #1 | U. Freeport | G | G | G | G | G | G | F | E | F | F | F |
| Hilliard Coal Co | Esco | L. Kitt | G | G | G | G | G | G | F | E | F | F | F |
| Hillsvale Coal Co | Hillsvale | | G | G | G | G | G | G | F | E | F | F | F |
| Iron Bridge Coal Co | Winfield | U. Freeport | G | G | E | E | E | E | D | D | D | D | D |
| Ivywood Coal Co | Ivywood | | E | | | | | | | | | | |
| Jackson, F. L | Mahood & Black Block | L. Freeport | G | G | G | G | G | G | F | E | F | F | F |
| McCalmont Est., S. P | Maple Grove | | G | G | E | E | E | E | D | D | D | D | D |
| Murrinsville Cannel Coal Co | Murrinsville | | E | E | E | E | E | E | D | D | D | D | D |
| Pittsburgh & Erie Coal Co | Grant #1 | M. Kitt | E | E | E | E | E | E | D | D | D | D | D |
| Sharon Coal & Limestone Co | Sharon #2 | Brookville | E | E | E | E | E | E | D | D | D | D | D |
| Sharon Coal & Limestone Co | Sharon #5 | Brookville | E | E | E | E | E | E | D | D | D | D | D |
| Shirley Gas Coal Corp | Shirley | Brookville | G | G | G | G | G | G | F | E | F | F | F |
| Spring Valley Coal Co | Spring Valley | Brookville | G | G | G | G | G | G | F | E | F | F | F |
| Zenith Coal Co | Zenith #1 | U. Kitt | E | E | E | E | E | E | D | D | D | D | D |



*Price Index*—Continued

| Conemaugh District: Company | Mine | Seam | Size group numbers: 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Avonmore C. & C. Co | Gilpin | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Avonmore C. & C. Co | Pine Run | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Ben Franklin Coal Co | Braeburn | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Bowman Coal Co | Bowman | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Butler Jct. Coal Co | Butler Jct | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Cochran Coal Co | Cochran #1 | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Kerr Coal Co | Kerr #2 | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Keystone Coal Co | Mooween | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Kiski Valley Coal Co | Kiski Valley #3 | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Maher Coal & Coke Co | Maher #4 | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Park Coal Co., The | Park | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Paulton Coal Mining Co | Paulton | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Pennsalt Coal Co | Natrona | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Pine Run Co | Lewis | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Saltsburg Coal Mining Co | Alladin | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Saltsburg Coal Mining Co | Apollo | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Saltsburg Coal Mining Co | Foster #1, 2, 3 | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Saltsburg Coal Mining Co | Foster #4, 5, 6 | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Saltsburg Coal Mining Co | Foster #7 | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Saltsburg Coal Mining Co | Armstrong | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Valley Coal Co | Valley | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |
| Westmoreland Mining Co | Roaring Run (W) | U. Freeport | | | | | C | D | F | B | E | E | C |
| Westmoreland Mining Co | Roaring Run (R) | U. Freeport | D | D | D | D | C | D | F | D | E | E | E |
| Westmoreland Mining Co | Watson | U. Freeport | D | D | D | D | E | F | F | D | E | E | E |

W—Washed or mechanically cleaned, either wholly or in part.
R—Raw.

| Connellsville Pt. Marion: Company | Mine | Seam | Size group numbers: 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Abruzzi Coal Co | Abruzzi | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Abruzzi Coal Co | Winsted | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Ainsley Coal Co | Geneva | Pittsburgh | F | F | C | C | C | D | F | C | D | D | D |
| Bitner Coal Co | Bitner | Pittsburgh | C | D | D | D | D | D | C | D | E | E | E |
| Bortz Coal Co | Central | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Bortz Coal Co | Stambaugh | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Brennen, Geo. K | Myers | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Cardiff Coal Co | Greensburg #4 | Freeport | J | J | J | J | J | J | J | G | J | J | J |
| Commodore C & C Co | Oliver #2 | Pittsburgh | C | C | C | C | C | C | C | C | D | D | D |
| Commodore C & C Co | Oliver #4 | Pittsburgh | C | C | C | C | C | C | C | C | D | D | D |
| Crawford C & C Co | Crawford #1 | Pittsburgh | C | D | D | D | D | D | C | D | E | E | E |
| Crawford C & C Co | Donald #2 | Pittsburgh | D | F | F | F | F | F | F | E | F | F | F |
| Davidson-Conn'yl. C & C Co | Frederick #1 | Pittsburgh | F | F | C | C | D | F | C | C | D | D | D |
| Fancy Hill Coal Co | Eagle | Pittsburgh | F | C | C | C | C | C | C | C | D | D | D |
| Faywest Coal Co | Crawford #2 | Pittsburgh | C | C | C | C | C | C | C | C | D | D | D |
| Faywest Coal Co | Crawford #3 | Pittsburgh | C | C | C | C | C | C | C | C | D | D | D |
| Faywest Coal Co | Crawford #4 | Pittsburgh | C | C | C | C | C | C | C | C | D | D | D |
| Fredericktown C & C Co | Sandy Run | Sewickley | J | J | J | J | J | J | J | J | J | J | J |
| Frick Coke Co. H. C | Bridgeport | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co. H. C | Colonial #1 | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Colonial #3 | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Colonial #4 | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Crossland | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Dearth | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Edenborn | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Filbert | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Footedale | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Gates | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Kyle | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Lambert | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Leckrone | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Maxwell | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Palmer | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Phillips | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Ralph | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Frick Coke Co., H. C | Ronco | Pittsburgh | D | F | F | F | F | F | F | F | F | F | F |
| Gould, Kenneth | Gould | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Hays, J. M. Coal Co | Mammoth | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Hecla Coal & Coke Co | Griffin #2 | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Hillman Coal & Coke Co | Pike | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Humphreys C. & C. Co.: | | | | | | | | | | | | | |
| (W) | Humphreys | Pittsburgh | — | — | C | C | C | D | F | C | D | D | D |
| (R) | | | D | D | D | D | D | D | F | D | E | E | E |
| Irwin Gas Coal Co | Irwin #1 | Sewickley | J | D | D | J | D | D | F | D | J | J | J |
| Jamison C. & C. Co | Jamison #20 | Pittsburgh | D | D | D | D | D | D | F | D | E | E | E |
| Kendall Coal Co | Kendall #1 | Pittsburgh | D | D | D | D | D | D | F | D | E | E | E |
| Kendall Coal Co | Kendall #2-4 | Pittsburgh | C | D | D | C | D | D | F | D | E | E | E |
| Kendall Coal Co | Puritan #1 & #2 | Pittsburgh | C | D | D | C | D | D | F | D | E | E | E |
| King Coal Co | Chambers | Pittsburgh | D | D | D | D | D | D | F | D | E | E | E |
| King Coal Co | King | Pittsburgh | D | D | D | D | D | D | F | D | E | E | E |
| Klondike Fuel Co | G. B | Sewickley | J | C | C | J | C | C | F | C | J | J | J |
| Lemont C & C Co., Inc | Lemont #2 | Pittsburgh | C | C | C | C | C | C | F | C | D | D | D |
| Lemont C & C Co., Inc | Continental #1 | Pittsburgh | C | C | C | C | C | C | F | C | D | D | D |
| Lincoln C & C Co | Lincoln | Pittsburgh | C | C | C | C | C | C | F | C | D | D | D |
| Lytle Bros. Coal Co | Trovins | Sewickley | J | F | F | J | F | F | F | G | J | J | J |
| McManis & Sons Coal Co | Powell | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Martin Mining Co | Martin | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Mapel-Sterling Coal Co | Mapel St. #1 | Sewickley | J | F | J | J | F | F | F | J | J | J | J |
| Mapel-Sterling Coal Co | Mapel St. #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Old Home Fuel Co | Griffin #1 | Pittsburgh | F | F | C | C | D | F | C | C | D | D | D |
| Old Home Fuel Co | Snider #2 | Pittsburgh | C | D | D | C | D | D | F | C | D | D | D |
| Old Basin By-Prod. C. Co | Mutual | Pittsburgh | D | D | D | D | D | D | F | D | E | E | E |
| Penn Coal, Inc | Brownsville Jct | Pittsburgh | D | D | D | D | D | D | F | D | E | E | E |
| Pittsburgh & Erie Coal Co | Sumner #4 | Pittsburgh | D | D | D | D | D | D | F | D | E | E | E |

See notes at end of table.

*Price Index*—Continued

| Connellsville Pt. Marion—Continued | | | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Poland Coal Co | Poland #3 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Rainey, Inc., W. J | Allison | Pittsburgh | D | D | D | D | D | D | D | D | E | E | E |
| Rainey, Inc., W. J | Royal | Pittsburgh | D | F | D | D | D | F | D | E | E | E | E |
| Reliance C. Mining Co | Crystal | Pittsburgh | F | D | D | F | F | D | D | D | E | D | E |
| Republic Steel Corp | Brownsville Jct | Pittsburgh | D | C | C | D | D | C | C | D | D | D | D |
| Republic Steel Corp | Davidson | Pittsburgh | C | D | D | C | C | D | D | E | E | E | E |
| Republic Steel Corp | Republic | Pittsburgh | C | C | C | C | C | C | C | E | E | E | E |
| Republic Steel Corp | Trotter | Pittsburgh | C | C | C | C | C | C | C | E | E | E | E |
| Shannopin Coal Co | Shannopin | Pittsburgh | C | C | C | C | C | C | C | E | E | E | E |
| South Fayette Coal Co | Melrose | Pittsburgh | C | C | C | C | C | C | C | E | E | E | E |
| South Union Coal Co | South Union #1-2 | Pittsburgh | C | C | C | C | C | C | C | E | E | E | E |
| Stannis, John | Freeport, #2 | Pittsburgh | J | J | J | J | J | J | J | D | D | D | D |
| Weirton Coal Co | Isabella | Pittsburgh | C | C | C | F | F | F | F | E | E | E | E |
| West Point Marion C. Co | Walnut Hill | Pittsburgh | D | D | D | D | D | D | D | D | F | F | F |
| Yough-C'ville C & C Co | Lemont #1 | Pittsburgh | D | F | D | D | D | F | D | D | E | E | E |

W—Washed or mechanically cleaned, either wholly or in part.
R—Raw.

| Greensburg District | | | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Jamison C & C Co.: | | | | | | | | | | | | | |
| (W) | Jamison | Pittsburgh | — | — | — | — | — | — | B | — | B | B | B |
| (R) | #2-3 | | D | D | D | D | E | D | D | C | D | D | C |
| Keystone C & C Co | Crows Nest | Pittsburgh | D | D | D | D | E | D | D | C | D | D | C |
| Keystone C & C Co | | | | | | | | | | | | | |
| (W) | Salem | Pittsburgh | — | — | — | — | — | — | C | — | B | B | B |
| (R) | | | D | D | D | D | E | D | D | C | D | D | C |

W—Washed or mechanically cleaned, either wholly or in part.
R—Raw.

| Latrobe District | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Atlantic Crushed Coke Co | Atlantic #2 | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |
| Saxman Coal & Coke Co., Inc | Saxman #2 | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |
| Seger Bros. Coal Co., Inc | Seger #1 | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |
| Superior Coke Co | Superior #2 | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |
| Westmoreland Mng. Co | Graff #1-2 | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |

| Ligonier District | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Baton Coal Co | Wilpen | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |
| Hazelburg Coal Co | Hazelburg #1 | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |
| St. Clair Fuel Co., Inc | St. Clair | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |
| Seger Bros. Co., Inc | Vogele | Pittsburgh | G | G | G | G | G | G | G | E | G | G | G |

| Panhandle—Avella District | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| American Zinc & Chem. Co | Langeloth | Pittsburgh | J | J | J | J | J | J | J | G | J | J | J |
| Bulger Block Coal Co | Bulger | Pittsburgh | J | J | J | J | J | J | J | G | J | J | J |
| Canonsburg Coal Co.: | | | | | | | | | | | | | |
| (W) | Hazel | Pittsburgh | — | — | — | — | D | C | E | — | — | — | — |
| (R) | | | E | E | E | E | F | F | F | E | F | F | F |
| Carnegie Coal Co | Atlas | Pittsburgh | J | J | J | J | J | J | J | G | J | J | J |
| Carnegie Coal Co | Cedar Grove | Pittsburgh | C | C | C | C | F | F | F | E | F | G | F |
| Carnegie Coal Co | McDonald | Pittsburgh | E | E | E | E | F | F | F | E | F | F | F |
| Chartiers Gas Coal Co | Magnolia | Pittsburgh | F | F | F | F | F | F | F | E | E | F | F |
| Clinton Block Coal Co | Clinton #1 | Pittsburgh | | | | | | | | | | | |
| Daugherty Coal Co | Riverview | Pittsburgh | | | | | | | | | | | |
| Dhayer & Co., James: | | | | | | | | | | | | | |
| (W) | Paxton | Pittsburgh | J | J | J | H | G | F | F | E | F | F | F |
| (R) | | | J | J | J | J | J | J | J | G | J | J | J |
| Greensburg-Connellsville Coal & Coke Co | Francis | Pittsburgh | L | L | L | L | L | L | L | J | L | L | L |
| Harmon Creek Coal Corp | Florence | Pittsburgh | L | E | E | E | F | F | F | E | F | F | F |
| Henderson Coal Co | Henderson #1 | Pittsburgh | E | | | | | | | | | | |
| Jefferson C. & C. Co.: | | | | | | | | | | | | | |
| (W) | Jefferson | Pittsburgh | J | J | J | H | G | F | F | E | F | F | F |
| (R) | | | | | | J | J | J | J | G | J | J | J |
| Lincoln Gas Coal Co.: | | | | | | | | | | | | | |
| (W) | Lincoln | Pittsburgh | — | — | — | E | D | C | C | — | C | C | C |
| (R) | | | E | E | E | F | F | F | F | E | F | F | F |

See notes at end of table.



*Price Index*—Continued

| Panhandle—Avella District—Continued | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| McClane Mng. Co | Rich Hill | Pittsburgh | E | E | E | E | F | F | F | E | F | F | F |
| McLean Coal Co | Vulcan | Pittsburgh | E | E | E | E | F | F | F | E | F | F | F |
| National Mng. Co | National #1 | Pittsburgh | E | E | E | E | F | F | F | E | F | F | F |
| National Mng. Co | National #3 | Pittsburgh | E | E | E | E | F | F | F | E | F | F | F |
| Pittsburgh Coal Co | Champion #1 | Pittsburgh | E | E | E | E | F | F | F | E | F | F | F |
| Pittsburgh Coal Co | Midland | Pittsburgh | C | C | C | C | C | C | C | E | F | F | F |
| Pittsburgh Coal Co | Montour #10 | Pittsburgh | C | C | C | C | C | C | C | E | F | F | F |
| Pittsburgh Coal Co | Lindley | Pittsburgh | C | C | C | C | C | C | C | E | F | F | F |
| Pittsburgh Coal Co | Moon Run | Pittsburgh | C | C | C | C | C | C | C | E | F | F | F |
| Pittsburgh Terminal C. Corp | Terminal #2 | Pittsburgh | C | C | C | C | E | E | F | E | F | F | F |
| Pittsburgh Terminal C. Corp | Terminal #3 | Pittsburgh | | | | | | | | | | | |
| Pittsburgh Terminal C. Corp | Terminal #4 | Pittsburgh | | | | | | | | | | | |
| Pittsburgh Terminal C. Corp | Terminal #8 | Pittsburgh | | | | | | | | | | | |
| (W) | | | | | | | E | E | F | E | F | F | F |
| (R) | | | C | C | C | C | E | E | F | E | F | F | F |
| Pittsburgh Terminal C. Corp | Terminal #9 | Pittsburgh | | | | | | | | | | | |
| (W) | | | | | | | H | G | G | E | G | G | G |
| (R) | | | J | J | J | J | F | J | J | E | J | J | J |
| Rea Coal Corp | Rea | Pittsburgh | F | H | H | F | H | F | F | E | F | F | F |
| Solar Coal Company | Solar #1 | Pittsburgh | E | E | E | E | E | E | F | E | F | F | F |
| Washington Gas Coal Corp | Tyler | Pittsburgh | E | E | E | E | E | E | F | E | F | F | F |
| Weise, Paul H | Morris | Pittsburgh | E | E | E | E | E | E | F | E | F | F | F |
| Weise, Paul H | Piney Fork | Pittsburgh | E | E | E | E | E | E | F | E | F | F | F |
| Youghlogheny & Ohio C. Co | Enterprise | Pittsburgh | E | E | E | E | E | E | F | E | F | F | F |

W—Washed or mechanically cleaned, either wholly or in part.
R—Raw.

| Thick Freeport | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Allegheny Coal & Coke Co | Avenue #2 | U. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| Allegheny-Pgh. Coal Co | Springdale | T. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| Butler Cons. Coal Co | Wildwood | T. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| Consumers Mining Co | Harmar | T. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| Creighton Fuel Co | Creighton | U. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| Culmerville Fuel Co | Mutual #3 | Freeport | D | D | D | D | D | C | C | D | D | D | D |
| Ford Collieries Co | Berry #3 | T. Freeport | D | D | D | D | C | C | D | D | D | D | D |
| Ford Collieries Co | Francis #2 | T. Freeport | D | D | D | D | C | D | D | D | D | D | D |
| Hillman Coal & Coke Co | Oakmont | T. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| McFetridge Bros | McFetridge | Freeport | D | | | | | | | | | | |
| McKeesport Coal & C. Co.: | | | | | | | | | | | | | |
| (W) | Hubbard | T. Freeport | | | | | B | B | C | | B | B | B |
| (R) | Hubbard | T. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| Republic Steel Co | Indianola | | D | D | D | D | C | C | C | D | C | C | C |
| Republic Steel Co | Russellton | T. Freeport | | | | | B | B | C | | B | B | B |
| Union Collieries Co.: | | | | | | | | | | | | | |
| (W) | Renton #3 | T. Freeport | | | | | B | B | C | | B | B | B |
| (R) | Renton #3 | T. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| Union Collieries Co | Renton #6 | T. Freeport | D | D | D | D | D | D | D | D | D | D | D |
| Union Collieries Co | Renton #8 | T. Freeport | D | D | D | D | D | D | D | D | D | D | D |

W—Washed or mechanically cleaned, either wholly or in part.
R—Raw.

| Youghlogheny—Westmoreland | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Bickerton, Mark C | Blaine | Pittsburgh | F | F | F | F | E | E | F | E | D | D | D |
| Buckeye Coal Company | Nemacolin | Pittsburgh | C | B | B | B | C | C | D | D | D | D | D |
| Cardiff Coal Company | Keystone Shaft | Pittsburgh | C | C | C | C | C | E | E | D | D | D | D |
| Carr Coal Co., John | Edna #1 | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Charmon Coal Company | Johnson | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Crucible Fuel Co | Crucible | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Elizabeth Coal Company | Patterson | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Emerald Coal Company | Emerald | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Hillman C. & C. Co | Edna #2 | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Hillman C. & C. Co | Gibson | Pittsburgh | C | B | B | B | C | C | E | D | C | C | D |
| Hillman C. & C. Co.: | | | | | | | | | | | | | |
| (W) | Naomi | Pittsburgh | | | | A | A | A | B | C | B | B | B |
| (R) | | | C | B | B | E | E | E | F | E | E | E | E |
| Howard Gas Coal Co | Louise #1-2 | Pittsburgh | E | E | E | E | E | E | F | E | E | E | E |
| Irwin Gas Coal Co | Irwin #3 | Pittsburgh | E | E | E | B | E | C | C | D | E | E | C |
| Irwin Gas Coal Co | Irwin #4 | Pittsburgh | E | E | E | B | E | C | C | D | E | E | C |
| Lilley Mining Co | Lilley | Pittsburgh | C | C | C | B | C | C | C | D | C | C | C |
| Lowber Gas Coal Co | Fayette | Pittsburgh | C | B | B | C | C | C | C | D | C | C | C |
| Lyons Run Coal Co | Lyons Run | Pittsburgh | C | C | C | C | F | E | E | D | C | C | C |
| Mather Collieries | Mather | Pittsburgh | F | F | F | F | F | C | C | D | F | F | D |
| Montour Collieries Co | Montour #1 | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Montour Collieries Co | White Valley | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Ocean Fuel Co | Ocean | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Ontario Gas Coal Co | Ontario | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Pittsburgh Coal Co | Arnold | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Pittsburgh Coal Co. (W) | Banning #1 | Pittsburgh | C | C | C | C | B | B | B | D | C | C | C |
| Pittsburgh Coal Co. (W) | Banning #2 | Pittsburgh | C | C | C | C | B | B | B | D | C | C | C |
| Pittsburgh Coal Co. (W) | Champion #6 | Pittsburgh | C | B | B | B | B | B | B | D | C | C | C |
| Pittsburgh Coal Co | Crescent #1 | Pittsburgh | | | | | | | B | | | | |
| Pittsburgh Coal Co | Crescent #2 | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Pittsburgh Coal Co | Euclid | Pittsburgh | C | B | C | B | C | C | C | D | C | C | C |
| Pittsburgh Coal Co | Eureka | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |

See notes at end of table.

*Price Index*—Continued

| Youghiogheny—Westmoreland—Continued | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Pittsburgh Coal Co | Ocean | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Pittsburgh Coal Co | Somers | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Pittsburgh Coal Co | Warden | Pittsburgh | C | B | B | A | A | A | A [1] | B | B | B | B |
| Pittsburgh Coal Co | Monguh | Pittsburgh | | | | | | | | D | | | |
| Rainey, Inc., W. J | Clyde #1 | Pittsburgh | | | | | | | | C | | | |
| Rainey, Inc., W. J | Clyde #2 | Pittsburgh | | | | | | | | C | | | |
| Rainey, Inc., W. J | Clyde #3 | Pittsburgh | C | B | B | A | A | A | A | B | B | B | B |
| Scott Haven Coal Co | Spring Run | | | | | | | | | F | | | |
| Seehart Coal Co | Seehart | Pittsburgh | E | E | E | E | E | E | F | E | E | E | E |
| Spring Run Coal Co | Ruth | Pittsburgh | | | | | | | | D | | | |
| Tomajko, Edward | Adamsburg | Redstone | F | F | F | H | H | H | H | F | H | H | H |
| Tremont Coal Co | Tremont | | C | C | C | C | C | C | C | D | C | C | C |
| Valley Camp Coal Co | Soudan | Pittsburgh | C | C | C | C | D | D | D | D | C | C | C |
| Vesta Coal Co | Vesta #4 | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Vesta Coal Co | Vesta #5 | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Vesta Coal Co | Vesta #6 | Pittsburgh | C | B | C | B | C | C | C | D | C | C | C |
| Westmoreland Coal Co | Adams | Pittsburgh | C | C | C | C | C | C | C | D | D | D | D |
| Westmoreland Coal Co | Biddle | Pittsburgh | C | C | C | C | C | C | C | D | D | D | D |
| Westmoreland Coal Co | Export #1-2 | Pittsburgh | C | C | C | C | C | C | C | D | D | D | D |
| Westmoreland Coal Co. (W) | Hutchison | Pittsburgh | | | | B | B | B | C | D | B | B | B |
| Westmoreland Coal Co | Magee | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Westmoreland Coal Co | Marchand | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Westmoreland Coal Co | McCullough | Pittsburgh | C | C | C | C | C | C | C | D | D | D | D |
| Westmoreland Coal Co | Riley | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Wilson Gas Coal Co | Wilson | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Youghiogheny & Ohio Coal Co | Charleroi | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Youghiogheny & Ohio Coal Co | Osborne #1-2 | Pittsburgh | C | B | B | B | B | B | C | C | C | C | C |

[1] Middlings in Size 7 from Warden and Banning mines take "F" classification.

W—Washed or mechanically cleaned, either wholly or in part.
R—Raw.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1, 1A, 3, 5, 7, 9, 10*

*Designated base rate.*—Pittsburgh District.

*Rates higher than base.*—On Shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 2*

*Designated base rate.*—Clearfield Meyersdale

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield Meyersdale base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield Meyersdale base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 4*

*Designated base rate.*—Reynoldsville.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Reynoldsville base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Reynoldsville base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 8*

*Designated base rate.*—Ohio Number 8 Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Ohio #8 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Ohio #8 base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31 and 32*

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On Shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 and 1A*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 263 | 263 | 263 | 263 | 253 | 248 | 238 | 238 | 223 | 215 | 204 |
| B | 258 | 258 | 258 | 258 | 248 | 243 | 233 | 233 | 218 | 210 | 199 |
| C | 253 | 253 | 253 | 253 | 243 | 238 | 228 | 228 | 213 | 205 | 194 |
| D | 248 | 248 | 248 | 248 | 238 | 233 | 223 | 223 | 208 | 200 | 189 |
| E | 243 | 243 | 243 | 243 | 233 | 228 | 218 | 218 | 203 | 195 | 184 |
| F | 238 | 238 | 238 | 238 | 228 | 223 | 213 | 213 | 198 | 190 | 179 |
| G | 233 | 233 | 233 | 233 | 223 | 218 | 208 | 208 | 193 | 185 | 174 |
| H | 228 | 228 | 228 | 228 | 218 | 213 | 203 | 203 | 188 | 180 | 169 |
| J | 223 | 223 | 223 | 223 | 213 | 208 | 198 | 198 | 183 | 175 | 164 |
| K | 218 | 218 | 218 | 218 | 208 | 203 | 193 | ----- | 178 | 170 | 159 |
| L | 213 | 213 | 213 | 213 | 203 | 198 | 188 | ----- | 173 | 165 | 154 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 14.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 2*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 290 | 285 | 280 | 275 | 270 | 260 | 260 | 245 | 237 | 226 |
| B | 295 | 285 | 280 | 275 | 270 | 265 | 255 | 255 | 240 | 232 | 221 |
| C | 290 | 280 | 275 | 270 | 265 | 260 | 250 | 250 | 235 | 227 | 216 |
| D | 285 | 275 | 270 | 265 | 260 | 255 | 245 | 245 | 230 | 222 | 211 |
| E | 280 | 270 | 265 | 260 | 255 | 250 | 240 | 240 | 225 | 217 | 206 |
| F | 275 | 265 | 260 | 255 | 250 | 245 | 235 | 235 | 220 | 212 | 201 |
| G | 270 | 260 | 255 | 250 | 245 | 240 | 230 | 230 | 215 | 207 | 196 |
| H | 265 | 255 | 250 | 245 | 240 | 235 | 225 | 225 | 210 | 202 | 191 |
| J | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 205 | 197 | 186 |
| K | 255 | 245 | 240 | 235 | 230 | 225 | 215 | 215 | 200 | 192 | 181 |
| L | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 195 | 187 | 176 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 3*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 278 | 278 | 278 | 278 | 278 | 278 | 258 | 253 | 223 | 215 | 204 |
| B | 273 | 273 | 273 | 273 | 273 | 273 | 253 | 248 | 218 | 210 | 199 |
| C | 268 | 268 | 268 | 268 | 268 | 268 | 248 | 243 | 213 | 205 | 194 |
| D | 263 | 263 | 263 | 263 | 263 | 263 | 243 | 238 | 208 | 200 | 189 |
| E | 258 | 258 | 258 | 258 | 258 | 258 | 238 | 233 | 203 | 195 | 184 |
| F | 253 | 253 | 253 | 253 | 253 | 253 | 233 | 228 | 198 | 190 | 179 |
| G | 248 | 248 | 248 | 248 | 248 | 248 | 228 | 223 | 193 | 185 | 174 |
| H | 243 | 243 | 243 | 243 | 243 | 243 | 223 | 218 | 188 | 180 | 169 |
| J | 238 | 238 | 238 | 238 | 238 | 238 | 218 | 213 | 183 | 175 | 164 |
| K | 233 | 233 | 233 | 233 | 233 | 233 | 213 | ----- | 178 | 170 | 159 |
| L | 228 | 228 | 228 | 228 | 228 | 228 | 208 | ----- | 173 | 165 | 154 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 4*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 290 | 285 | 280 | 275 | 270 | 260 | 260 | 245 | 237 | 226 |
| B | 295 | 285 | 280 | 275 | 270 | 265 | 255 | 255 | 240 | 232 | 221 |
| C | 290 | 280 | 275 | 270 | 265 | 260 | 250 | 250 | 235 | 227 | 216 |
| D | 285 | 275 | 270 | 265 | 260 | 255 | 245 | 245 | 230 | 222 | 211 |
| E | 280 | 270 | 265 | 260 | 255 | 250 | 240 | 240 | 225 | 217 | 206 |
| F | 275 | 265 | 260 | 255 | 250 | 245 | 235 | 235 | 220 | 212 | 201 |
| G | 270 | 260 | 255 | 250 | 245 | 240 | 230 | 230 | 215 | 207 | 196 |
| H | 265 | 255 | 250 | 245 | 240 | 235 | 225 | 225 | 210 | 202 | 191 |
| J | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 205 | 197 | 186 |
| K | 255 | 245 | 240 | 235 | 230 | 225 | 215 | 215 | 200 | 192 | 181 |
| L | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 195 | 187 | 176 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 5, 6, 7, 9, 10, 12, and 13*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| B | 265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| C | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 225 | 205 | 197 | 186 |
| D | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 200 | 192 | 181 |
| E | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 215 | 195 | 187 | 176 |
| F | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 190 | 182 | 171 |
| G | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 205 | 185 | 177 | 166 |
| H | 235 | 225 | 215 | 215 | 210 | 205 | 200 | 200 | 180 | 172 | 161 |
| J | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 195 | 175 | 167 | 156 |
| K | 225 | 215 | 205 | 205 | 200 | 195 | 190 | ----- | 170 | 162 | 151 |
| L | 220 | 210 | 200 | 200 | 195 | 190 | 185 | ----- | 165 | 157 | 146 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 14

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 8*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 270 | 260 | 260 | 255 | 250 | 245 | 245 | 225 | 217 | 206 |
| B | 275 | 265 | 255 | 255 | 250 | 245 | 240 | 240 | 220 | 212 | 201 |
| C | 270 | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| D | 265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| E | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 225 | 205 | 197 | 186 |
| F | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 200 | 192 | 181 |
| G | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 220 | 195 | 187 | 176 |
| H | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 215 | 190 | 182 | 171 |
| J | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 210 | 185 | 177 | 166 |
| K | 235 | 225 | 215 | 215 | 210 | 205 | 200 | ----- | 180 | 172 | 161 |
| L | 230 | 220 | 210 | 210 | 205 | 200 | 195 | ----- | 175 | 167 | 156 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31 and 32*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 200 | 192 | 181 |
| B | 265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 195 | 187 | 176 |
| C | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 225 | 190 | 182 | 171 |
| D | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 185 | 177 | 166 |
| E | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 215 | 180 | 172 | 161 |
| F | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 175 | 167 | 156 |
| G | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 205 | 170 | 162 | 151 |
| H | 235 | 225 | 215 | 215 | 210 | 205 | 200 | 200 | 165 | 157 | 146 |
| J | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 195 | 160 | 152 | 141 |
| K | 225 | 215 | 205 | 205 | 200 | 195 | 190 | ----- | 155 | 147 | 136 |
| L | 220 | 210 | 200 | 200 | 195 | 190 | 185 | ----- | 150 | 142 | 131 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price index | Size group prices | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 280 | 270 | 265 | 255 | 245 | 230 | 225 | 235 | 200 | 192 | 181 |
| B | 275 | 265 | 260 | 250 | 240 | 225 | 220 | 230 | 195 | 187 | 176 |
| C | 270 | 260 | 255 | 245 | 235 | 220 | 215 | 225 | 190 | 182 | 171 |
| D | 265 | 255 | 250 | 240 | 230 | 215 | 210 | 220 | 185 | 177 | 166 |
| E | 260 | 250 | 245 | 235 | 225 | 210 | 205 | 215 | 180 | 172 | 161 |
| F | 255 | 245 | 240 | 230 | 220 | 205 | 200 | 210 | 175 | 167 | 156 |
| G | 250 | 240 | 235 | 225 | 215 | 200 | 195 | 205 | 170 | 162 | 151 |
| H | 245 | 235 | 230 | 220 | 210 | 195 | 190 | 200 | 165 | 157 | 146 |
| J | 240 | 230 | 225 | 215 | 205 | 190 | 185 | 195 | 160 | 152 | 141 |
| K | 235 | 225 | 220 | 210 | 200 | 185 | 180 | 190 | 155 | 147 | 136 |
| L | 230 | 220 | 215 | 205 | 195 | 180 | 175 | 185 | 150 | 142 | 131 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 14.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

STEAMSHIP BUNKER COAL PRICES

1. Steamship bunker coal shall be defined as coal that is furnished for a vessel's own consumption, to steamers ordinarily carrying cargo or passengers and engaged in foreign or coastwise trade.

2. Minimum prices for such bunker coal for the Ports of New York, Philadelphia, and Baltimore shall be as follows:

| Bunker classification | Price index | Price port of New York (per gross ton) | Price port of Philadelphia (per gross ton) | Price port of Baltimore (per gross ton) |
|---|---|---|---|---|
| A | Coals in mine run index B and C. | $5.87 FAS [1] | $5.22 F. O. B. cars at piers. | $5.15 F. O. B. cars at piers. |
| B | Coals in mine run index D, E, and F. | 5.77 FAS [1] | 5.12 F. O. B. cars at piers. | 5.05 F. O. B. cars at piers. |
| C | Coals in mine run index G and under. | 5.67 FAS [1] | 5.02 F. O. B. cars at piers. | 4.95 F. O. B. cars at piers. |

[1] Price includes 30¢ per ton for towing or lightering.

3. The mine index letters shown are those for mine run coal. Sizes other than mine run may be supplied at the same prices from the mines included in the mine run index shown.

4. "Steamship Bunker" coal furnished ex lighter at Port of New York to vessels requiring 249 gross tons or less, prices f. o. b. piers plus all charges for delivery shall apply.

5. The above prices are not subject to any freight rate adjustments.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3474; Filed, December 1, 1937; 12: 22 p. m.]

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[Order No. 91]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THREE IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 62 the weighted average of the total costs of the tonnage for Minimum Price Area One in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with labor adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 75 determined and established the initial classifications of coals of code members within said District 3; the District Board for District Number 3 having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number 3, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number 3, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number 3 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:



1. That the minimum prices of coals of code members produced within District Number 3, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 3, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number 3 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 3 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area One and to code members within District Number 3, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

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PRICE SCHEDULE NO. 1—DISTRICT NO. 3

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 3, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 16, 1937.

Issued: November 30, 1937.

F. W. MCCULLOUGH,
*Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups—For Market Areas Nos. 1, 1A, 2, 3, 4, 5, 6, (13), 7, 8, 9, 10, and 12; for All Other Market Areas Base Size Groups Shown in Second Table Below May Be Used*

INCLUDES

| Base size group | Lump, maximum screen size [1] | Double screened sizes | |
|---|---|---|---|
| | | Maximum top size [1] | Maximum bottom size [1] |
| 1 | All lump over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 4". |
| 3 | 3" | 6" | 3". |
| 4 | 2" | 6" | 2". |
| 5 | 1¼" | 5" | 2". |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| 9 | Mine run | | |
| 12 | | 2" NPS | 0". |
| 13 | | 1¼" Slk | 0". |
| 14 | | ¾" Slk | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

*Size Groups—For Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Group No. | Sizes | Group No. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block. | 5 | 2" x 4½" Egg.<br>2" x 4" Egg.<br>1½" x 6" Egg.<br>⅝" & under. Screened R. O. M. |
| 2 | 4" and 5" Block.<br>5" x 10" Chunks.<br>5" x 8" "<br>4" x 10" "<br>4" x 8" "<br>4" x 6" "<br>4" x 5" " | 6 | 3" and under Stove. |
| | | 7 | 2" and under top size and ½" and over bottom size Nut. |
| 3 | 2¼" to 3" Lump.<br>3" x 8" Egg.<br>3" x 6" Egg.<br>2½" x 8" Egg.<br>2" x 8" Egg. | 9 | Straight mine run. 8" Resultant. |
| | | 12 | 2" Minus—nut—slack with top size not exceeding 2". No fines removed. |
| 4 | ¾" to 2" Lump.<br>2½" x 6" Egg.<br>3" x 5" Egg.<br>2½" x 5" Egg.<br>2½" x 5" Egg.<br>2" x 6" Egg.<br>3" x 4" Egg. | 13 | 1¼" Minus—nut—slack with top size not exceeding 1¼". No fines removed. |
| | | 14 | ¾" Minus—pea—slack with top size not exceeding ¾". No fines removed. |
| | 2" x 5" Egg.<br>2½" x 4" Egg. | | |

*Price Index*

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Adrian Fuel Co. | Adrian | Freeport | F | F | F | F | F | F | F | E | F | F | F |
| Alpha Coal Corp. | Alpha | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Arkwright Coal Co. | Mona | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Atlas Coal Mining Corp. | Atlas | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Bailey Coal Co. | Bailey #3 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Berry Fuel Co. | Bingamon | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Bethlehem-Fairmont Coal Co. | Scott | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Bethlehem-Fairmont Coal Co. | Peora | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Blake Coal Co., Inc., The | Blake | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Borgman, L. H. & J. W., Inc. | Monitor #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Borgman Coal Co. | Borgman #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Borgman Coal Co. | Borgman #9 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Brown Coal Co. | Brown #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Brown Fuel Co. | Henshaw | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Canyon Coal & Coke Co. | Canyon | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Century Coal Co., The | Century | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| Christopher Mining Co. | Robinson Run | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Consolidation Coal Co. | Consol. #25 | Pittsburgh | F | D | D | D | D | D | D | E | D | D | D |
| Consolidation Coal Co. | Consol. #26 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Consolidation Coal Co. | Consol. #32 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Consolidation Coal Co. | Consol. #38 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Consolidation Coal Co. | Consol. #63 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Consolidation Coal Co. | Consol. #86 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Consolidation Coal Co. | Consol. #93 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Consolidation Coal Co. | Consol. #97 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Continental Coal Co. | Continental #4 | Sewickley | F | K | K | F | K | K | K | G | F | K | K |
| Continental Coal Co. | Continental #5 | Sewickley | K | F | F | K | F | F | F | E | K | F | F |
| Corrado Coal & Coke Corp. | Corrado #3 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Courtney Coal Co. | Helen | Pittsburgh | F | K | K | F | K | K | K | G | F | K | K |
| Davis Wilson Coal Co. | Bunker | Sewickley | K | F | F | K | F | F | F | E | K | F | F |
| Dawson Coal Co. | Dawson | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Edna Gas Coal Co | Edna | Pittsburgh | F | A | A | F | A | A | A | E | F | A | A |
| Elk Coal Mining Co., Inc. | Baldwin | Sewell | A | F | F | A | F | F | F | E | A | F | F |
| Fairmont & Baltimore Coal & Coke Company | Willard | Pittsburgh | F | D | D | F | D | D | D | E | F | D | D |
| Four States Coal Co. | Annabelle | Pittsburgh | D | F | F | D | F | F | F | E | D | F | F |
| Frances Fuel Co. | Frances | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| George Annese Coal Co. | Barbour | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Getty Coal Co. | Eagle | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Gilmer Fuel Co., Inc. | Gilmer | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Gilmer Fuel Co. | Hefner | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Glenwood Smokeless Coal Co. | Glenwood | Bakerstown | G | A | A | G | A | A | A | E | G | A | A |
| Green Smokeless Coal Co. | Shaver | Sewell | A | F | F | A | F | F | F | E | A | F | F |
| Green Valley Coal Co. | Rosemont | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Greer Gas Coal Co. | Hartley | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Hickman Miller Coal Co. | Tropf | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Hillman Coal & Coke Co. | Tunnelton | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Houck Reidler Bros. Coal Mng. Co. | Louis | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Houck & Reidler Smokeless C. Co. | Louis #2 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Howard Coal Co. | Bonsor | Sewell | A | F | F | A | F | F | F | E | A | F | F |
| Huskin Coal Co. | Riverside | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Hutchinson Coal Co. | Laura Lee | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Hutchinson Coal Co. | McCandlish | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| H & G Coal Co., The | Loubert #2 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| H & G Coal Co., The | Loubert #3 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Jamison Coal & Coke Co. | Jamison #8 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Jamison Coal & Coke Co. | Jamison #9 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Jones Collieries, Inc. | Rachel | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Katherine Coal Mining Co. | Katherine | Pittsburgh | F | D | D | F | D | D | D | E | F | D | D |
| Koppers Coal Co., The | Federal #1 | Pittsburgh | D | F | F | D | F | F | F | E | D | F | F |
| Koppers Coal Co., The | Federal #3 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Kelly's Creek Colliery Co. | Malden | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Long Fuel Co. | Arthur | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| Long Fuel Co. | Righter | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| Long Fuel Co. | Ronay | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Lynch Coal Co. | Reynold | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Maryland Coal Co. of W. Va. | Wendel #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Maureen Coal Co. | Cliff | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Miller Todd Coal Co., Inc. | Ella | Freeport | F | A | A | F | A | A | A | E | F | A | A |
| Minds Coal Mining Corp., The | Golden Ridge #6 | Sewell | A | F | F | A | F | F | F | E | A | F | F |
| Monongahela Rail & River Coal Corp. | Emily | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Monongah Fuel Co., The | Gallihue #3 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Mountain Fuel Co. | Glen Cambria | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| McDermott, B. J. | Miller #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| McDermott, B. J. | Miller #3 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| McKenna Coal Co. | Mary | Sewickley | K | F | F | K | F | F | F | E | K | F | F |
| National Fuel Co. | National #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Nora Coal Co. | Nora | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| New Byrne Coal Co. | Byrne | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Pardee & Curtin Lumber Co. | Bergoo #1 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Pardee & Curtin Lumber Co. | Bergoo #2 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Pardee & Curtain Lumber Co. | Bergoo #3 & 3A | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Pardee & Curtain Lumber Co. | Bergoo #4 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Pecks Run Coal Co. | Kano | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| Pioneer Coal Mining Co. | Osage #1 | Pittsburgh | F | K | K | F | K | K | K | G | F | K | K |
| Pioneer Coal Mining Co. | Osage #2 | Sewickley | K | F | F | K | F | F | F | E | K | F | F |
| Pioneer Coal Mining Co. | Osage #1 & 2 (Mixed) | Pittsburgh & Sewickley. | F | F | F | F | F | F | F | E | F | F | F |
| Premier Block Coal Co. | Louise | Sewickley | K | J | J | K | J | J | J | H | K | J | J |
| Preston County Coke Co. | Cascade | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Preston County Coke Co. | Hawley #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Pursglove Coal Mng. Co., The | Pursglove #1 | Pittsburgh | F | K | K | F | K | K | K | G | F | K | K |
| Pursglove Coal Mng. Co., The | Pursglove #2 | Sewickley | K | F | F | K | F | F | F | E | K | F | F |
| Pursglove Gas Coal Corp. | Pursglove #5 | Pittsburgh | F | A | A | F | A | A | A | E | F | A | A |
| Red Oak Smokless Coal Co. | Red Oak #1 | Sewell | A | K | K | A | K | K | K | G | A | K | K |
| Reilly McArdle Coal Co. | Randall | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| River Seam Coal Co. | Booth | Pittsburgh | F | A | A | F | A | A | A | E | F | A | A |
| Rosedale Coal Co. | Rosedale | Pittsburgh | A | J | J | A | J | J | J | H | A | J | J |
| Saxman Coal & Coke Co., The | Saxman #3 & 4 | Sewell | A | K | K | A | K | K | K | G | A | K | K |
| Shay Coal Co., Inc. | Shay #1 | Freeport | J | F | F | J | F | F | F | E | J | F | F |
| Shriver Coal Co. | Shriver | Sewickley | K | F | F | K | F | F | F | E | K | F | F |
| Simpson Creek Collieries Co., The | Galloway #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |



*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Simpson Creek Collieries Co., The | Galloway #3 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Standard Coal Co. | Nancy | Pittsburgh | F | G | G | G | G | G | G | E | G | G | G |
| Stanley Coal Co., Inc., The | Banner #1 | Kittanning | F | F | F | F | F | F | F | E | F | F | F |
| Stanley Coal Co., Inc., The | Banner #2 | Kittanning | F | F | F | F | F | F | F | E | F | F | F |
| Starford Gas Coal Co. | Harrison | Pittsburgh | F | A | A | A | A | A | A | E | A | A | A |
| Stoetzer Coal Co. | Robert | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Taggert Coal Co. | Taggert | Pittsburgh | F | J | J | J | J | J | J | H | J | J | J |
| Three Fork Coal Co. | Cassily | Sewell | A | D | D | F | F | F | F | E | F | F | F |
| Tressler Coal Mining Co. | Barry | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Upper Elk & Potomac Coal Corp. | Kenna | Freeport | J | F | F | A | A | A | A | E | A | A | A |
| Virginia & Pittsburgh Coal & Coke Co. | Kingmont | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Virginia & Pittsburgh Coal & Coke Co. | Morgan | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Waddell Fuel Co. | Delmar #1 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Waddell Fuel Co. | Delmar #4 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Walker Coal Mining Co. | Big Sewell #1 | Sewell | A | F | F | A | F | F | F | E | A | F | F |
| Webster Sewell Coal Co., The | Paulcille | Sewell | A | F | F | A | F | F | F | E | A | F | F |
| West Virginia Coal & Coke Corp. | Bower | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| West Virginia Coal & Coke Corp. | Junior | Kittanning | F | F | F | F | F | F | F | E | F | F | F |
| West Virginia Coal & Coke Corp. | Norton | Kittanning | F | F | F | F | F | F | F | E | F | F | F |
| West Virginia Smokeless Coal Co. | Glenwood #2 | Bakerstown | G | A | A | G | A | A | A | E | G | A | A |
| Williams Coal Co., Phil. | Williams | Kittanning | F | F | F | F | F | F | F | E | F | F | F |

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1, 1A, 3, 12*

*Designated base rate.*—Fairmont District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Fairmont District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Fairmont District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate; provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 2*

*Designated base rate.*—Clearfield Meyersdale Rate.

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield Meyersdale base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield Meyersdale base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 4*

*Designated base rate.*—Reynoldsville Base Rate.

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Reynoldsville base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Reynoldsville base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 5, 6, 7, 9, 10 & 13*

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 8*

*Designated base rate.*—Ohio Number 8 Rate.

*Rates higher than base.*—On Shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Ohio #8 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Ohio #8 base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31 and 32*

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 and 1A*

| Price index | Size groups | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 268 | 268 | 268 | 268 | 258 | 253 | 243 | 238 | 228 | 220 | 209 |
| B | 263 | 263 | 263 | 263 | 253 | 248 | 238 | 233 | 223 | 215 | 204 |
| C | 258 | 258 | 258 | 258 | 248 | 243 | 233 | 228 | 218 | 210 | 199 |
| D | 253 | 253 | 253 | 253 | 243 | 238 | 228 | 223 | 213 | 205 | 194 |
| E | 248 | 248 | 248 | 248 | 238 | 233 | 223 | 218 | 208 | 200 | 189 |
| F | 243 | 243 | 243 | 243 | 233 | 228 | 218 | 213 | 203 | 195 | 184 |
| G | 238 | 238 | 238 | 238 | 228 | 223 | 213 | 208 | 198 | 190 | 179 |
| H | 233 | 233 | 233 | 233 | 223 | 218 | 208 | 213 | 193 | 185 | 174 |
| J | 228 | 228 | 228 | 228 | 218 | 213 | 203 | ..... | 188 | 180 | 169 |
| K | 223 | 223 | 223 | 223 | 213 | 208 | 198 | ..... | 183 | 175 | 164 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 2*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 305 | 295 | 290 | 285 | 280 | 275 | 265 | 260 | 250 | 240 | 230 |
| B | 300 | 290 | 285 | 280 | 275 | 270 | 260 | 255 | 245 | 235 | 225 |
| C | 295 | 285 | 280 | 275 | 270 | 265 | 255 | 250 | 240 | 232 | 221 |
| D | 290 | 280 | 275 | 270 | 265 | 260 | 250 | 245 | 235 | 227 | 216 |
| E | 285 | 275 | 270 | 265 | 260 | 255 | 245 | 240 | 230 | 222 | 211 |
| F | 280 | 270 | 265 | 260 | 255 | 250 | 240 | 235 | 225 | 217 | 206 |
| G | 275 | 265 | 260 | 255 | 250 | 245 | 235 | 230 | 220 | 212 | 201 |
| H | 270 | 260 | 255 | 250 | 245 | 240 | 230 | 235 | 215 | 207 | 196 |
| J | 265 | 255 | 250 | 245 | 240 | 235 | 225 | ----- | 210 | 202 | 191 |
| K | 260 | 250 | 245 | 240 | 235 | 230 | 220 | ----- | 205 | 197 | 186 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 3*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 288 | 288 | 288 | 288 | 288 | 263 | 263 | 228 | 220 | 209 |
| B | ----- | 278 | 278 | 278 | 278 | 278 | 258 | 253 | 223 | 215 | 205 |
| C | ----- | 273 | 273 | 273 | 273 | 273 | 253 | 248 | 218 | 210 | 199 |
| D | 268 | 268 | 268 | 268 | 268 | 268 | 248 | 243 | 213 | 205 | 194 |
| E | 263 | 263 | 263 | 263 | 263 | 263 | 243 | 238 | 208 | 200 | 189 |
| F | 258 | 258 | 258 | 258 | 258 | 258 | 238 | 233 | 203 | 195 | 184 |
| G | 253 | 253 | 253 | 253 | 253 | 253 | 233 | 223 | 198 | 190 | 179 |
| H | 248 | 248 | 248 | 248 | 248 | 248 | 228 | 233 | 193 | 185 | 174 |
| J | 243 | 243 | 243 | 243 | 243 | 243 | 223 | ----- | 188 | 180 | 169 |
| K | 238 | 238 | 238 | 238 | 238 | 238 | 218 | ----- | 183 | 175 | 164 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 4*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 305 | 295 | 290 | 285 | 280 | 275 | 265 | 260 | 250 | 240 | 230 |
| B | 300 | 290 | 285 | 280 | 275 | 270 | 260 | 255 | 245 | 235 | 225 |
| C | 295 | 285 | 280 | 275 | 270 | 265 | 255 | 250 | 240 | 232 | 221 |
| D | 290 | 280 | 275 | 270 | 265 | 260 | 250 | 245 | 235 | 227 | 216 |
| E | 285 | 275 | 270 | 265 | 260 | 255 | 245 | 240 | 230 | 222 | 211 |
| F | 280 | 270 | 265 | 260 | 255 | 250 | 240 | 235 | 225 | 217 | 206 |
| G | 275 | 265 | 260 | 255 | 250 | 245 | 235 | 230 | 220 | 212 | 201 |
| H | 270 | 260 | 255 | 250 | 245 | 240 | 230 | 235 | 215 | 207 | 196 |
| J | 265 | 255 | 250 | 245 | 240 | 235 | 225 | ----- | 210 | 202 | 191 |
| K | 260 | 250 | 245 | 240 | 235 | 230 | 220 | ----- | 205 | 197 | 186 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 5, 6, 13, 7, 9 and 10*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 265 | 255 | 255 | 250 | 245 | 240 | 240 | 220 | 212 | 201 |
| B | ----- | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| C | ----- | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| D | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 220 | 205 | 197 | 186 |
| E | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 200 | 192 | 181 |
| F | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 215 | 195 | 187 | 176 |
| G | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 190 | 182 | 171 |
| H | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 215 | 185 | 177 | 166 |
| J | 235 | 225 | 215 | 215 | 210 | 205 | 200 | ----- | 180 | 172 | 161 |
| K | 230 | 220 | 210 | 210 | 205 | 200 | 195 | ----- | 175 | 167 | 156 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack Coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 8*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 275 | 265 | 265 | 260 | 255 | 250 | 250 | 230 | 222 | 211 |
| B | ----- | 270 | 260 | 260 | 255 | 250 | 245 | 245 | 225 | 217 | 206 |
| C | ----- | 265 | 255 | 255 | 250 | 245 | 240 | 240 | 220 | 212 | 201 |
| D | 270 | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| E | 265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| F | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 225 | 205 | 197 | 186 |
| G | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 200 | 192 | 181 |
| H | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 225 | 195 | 187 | 176 |
| J | 245 | 235 | 225 | 225 | 220 | 215 | 210 | ----- | 190 | 182 | 171 |
| K | 240 | 230 | 220 | 220 | 215 | 210 | 205 | ----- | 185 | 177 | 166 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 12*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 265 | 255 | 255 | 250 | 245 | 240 | 240 | 220 | 212 | 201 |
| B | ----- | 260 | 250 | ----- | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| C | ----- | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| D | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 220 | 205 | 197 | 186 |
| E | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 200 | 192 | 181 |
| F | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 215 | 195 | 187 | 176 |
| G | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 190 | 182 | 171 |
| H | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 215 | 185 | 177 | 166 |
| J | 235 | 225 | 215 | 215 | 210 | 205 | 200 | ----- | 180 | 172 | 161 |
| K | 230 | 220 | 210 | 210 | 205 | 200 | 195 | ----- | 175 | 167 | 156 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 265 | 255 | 250 | 250 | 250 | 230 | 225 | 200 | 195 | 185 |
| B | ----- | 260 | 250 | 250 | 245 | 240 | 230 | 225 | ----- | ----- | ----- |
| C | ----- | 255 | 245 | 245 | 240 | 235 | 230 | 225 | 195 | 187 | 176 |
| D | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 220 | 190 | 182 | 171 |
| E | 255 | 245 | 235 | 235 | 230 | 225 | 230 | 220 | 185 | 177 | 166 |
| F | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 215 | 180 | 172 | 161 |
| G | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 175 | 167 | 156 |
| H | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 215 | 170 | 162 | 151 |
| J | 235 | 225 | 215 | 215 | 210 | 205 | 200 | ----- | 165 | 157 | 146 |
| K | 230 | 220 | 210 | 210 | 205 | 200 | 195 | ----- | 160 | 152 | 141 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ----- | 275 | 270 | 255 | 250 | 235 | 230 | 235 | 205 | 197 | 186 |
| B | ----- | 270 | 265 | 255 | 245 | 240 | 225 | 230 | 200 | 192 | 181 |
| C | ----- | 265 | 260 | 250 | 240 | 225 | 220 | 225 | 195 | 187 | 176 |
| D | 270 | 260 | 255 | 245 | 235 | 220 | 215 | 220 | 190 | 182 | 171 |
| E | 265 | 255 | 250 | 240 | 230 | 215 | 210 | 215 | 185 | 177 | 166 |
| F | 260 | 250 | 245 | 235 | 225 | 210 | 205 | 210 | 180 | 172 | 161 |
| G | 255 | 245 | 240 | 230 | 220 | 205 | 200 | 205 | 175 | 167 | 156 |
| H | 250 | 240 | 235 | 225 | 215 | 200 | 195 | 200 | 170 | 162 | 151 |
| J | 245 | 235 | 230 | 220 | 210 | 195 | 190 | 195 | 165 | 157 | 146 |
| K | 240 | 230 | 225 | 215 | 205 | 190 | 185 | 190 | 160 | 152 | 141 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.



RAILROAD LOCOMOTIVE FUEL PRICES

*On Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

*Off Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $1.95 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.10 per net ton of 2,000 lbs. F. O. B. mines.

*On and Off Line*

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

STEAMSHIP BUNKER COAL PRICES

1. Steamship bunker coal shall be defined as coal that is furnished for a vessel's own consumption, to steamers ordinarily carrying cargo or passengers and engaged in foreign or coastwise trade.

2. Minimum prices for such bunker coal for the Ports of New York, Philadelphia, and Baltimore shall be as follows:

| Bunker Classification | Price index | Price port of New York (per gross ton) | Price port of Philadelphia (per gross ton) | Price port of Baltimore (per gross ton) |
|---|---|---|---|---|
| A | Mine run index A. | $5.87 FAS [1] | $5.22 F. O. B. cars at piers. | $5.15 F. O. B. cars at piers. |
| B | Mine run index D. | 5.77 FAS [1] | 5.22 F. O. B. cars at piers. | 5.05 F. O. B. cars at piers. |
| C | Mine run index E, and 11. | 5.67 FAS [1] | 5.02 F. O. B. cars at piers. | 4.95 F. O. B. cars at piers. |

[1] Price includes 30¢ per ton for towing or lightering.

3. The mine index letters shown are those for mine run coal. Sizes other than mine run may be supplied at the same prices from the mines included in the mine run index shown.

4. "Steamship Bunker" coal furnished ex lighter at Port of New York to vessels requiring 249 gross tons or less, prices f. o. b. piers plus all charges for delivery shall apply.

5. The above prices are not subject to any freight rate adjustments.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3475; Filed, December 1, 1937, 12:22 p. m.]

[Order No. 92]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER FOUR IN CONFORMITY WITH SECTION 4, PART II, SUBSECTION (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 62 the weighted average of the total costs of the tonnage for Minimum Price Area One in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 76 determined and established the initial classifications of coals of code members within said District Four; the District Board for District Number Four having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Four, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Four, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not,

as to District Number Four or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Four, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Four, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Four and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Four to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area One and to code members within District Number Four, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

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PRICE SCHEDULE NO. 1—DISTRICT NO. 4

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 4, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 16, 1937.

Issued: November 30, 1937.

F. W. MCCULLOUGH,
*Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in District No. 4.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to a chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups—For Market Areas Nos. 1, 1A, 2, 3, 4, 5, 6, (13), 7, 8, 9, 10, and 12; for All Other Market Areas Base Size Groups Shown in Second Table Below May Be Used*

INCLUDES

| Base size group | Lump, maximum screen size [1] | Double screened sizes | |
|---|---|---|---|
| | | Maximum top size [1] | Maximum bottom size [1] |
| 1 | All lump over 4" | Over 6" | 4" |
| 2 | 4" | 6" | 4" |
| 3 | 3" | 6" | 3" |
| 4 | 2" | 6" | 2" |
| 5 | 1¼" | 5" | 2" |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| 9 | Mine run | | |
| 12 | | 2" NPS | 0" |
| 13 | | 1¼" Slk | 0" |
| 14 | | ¾" Slk | 0" |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

*Size Groups—For Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Group no. | Sizes | Group no. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block. | 5 | 2" x 4½" Egg.<br>2" x 4" Egg.<br>1¼" x 6" Egg.<br>⅝" & under. Screened R. O. M. |
| 2 | 4" and 5" Block.<br>5" x 10" Chunks.<br>5" x 8" "<br>4" x 10" "<br>4" x 8" "<br>4" x 6" "<br>4" x 5" " | 6 | 3" and under Stove. |
| 3 | 2¼" to 3" Lump.<br>3" x 8" Egg.<br>3" x 6" Egg.<br>2¼" x 8" Egg.<br>2" x 8" Egg. | 7 | 2" and under top size and ½" and over bottom size Nut. |
| 4 | ¾" to 2" Lump.<br>2½" x 6" Egg.<br>3" x 5" Egg.<br>2¼" x 5" Egg.<br>2½" x 5" Egg.<br>2" x 6" Egg.<br>3" x 4" Egg. | 9 | Straight mine run. 8" resultant. |
| 5 | 2" x 5" Egg.<br>2½" x 4" Egg. | 12 | 2" Minus—nut—slack with top size not exceeding 2". No fines removed. |
| | | 13 | 1¼" Minus—nut—slack with top size not exceeding 1¼". No fines removed. |
| | | 14 | ¾" Minus—pea—slack with top size not exceeding ¾". No fines removed. |



*Price Index*

| Bergholz—Origin mine—Group #3 | | | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Deep Basin Coal Co. | Goat Hill | #5 | C | C | C | C | C | C | C | C | C | C | C |
| Industrial Coal & Iron Co. | Apex | #8 | E | E | E | E | E | E | E | C | C | C | C |
| Ohio & Penn. Coal Co. | Rice | #5 | C | C | C | C | C | C | C | C | C | C | C |
| Poole & Smith | P. & S. | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Warner Collieries Co. | Wolf Run | #6 | C | C | C | C | C | C | C | C | C | C | C |
| Youghlogheny & Ohio Coal Co. | Amsterdam | #6 | C | C | C | C | C | C | C | C | C | C | C |

| Cambridge—Origin mine—Group #2 | | | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Akron Coal Co. | Rigby | No. 7 | F | F | D | C | C | C | C | C | C | C | C |
| Byesville Coal Co. | Mount Zion | No. 7 | F | F | D | C | C | C | C | C | C | C | C |
| Cambridge Collieries Co. | Caldwell | No. 7 | F | F | D | C | C | C | C | C | C | C | C |
| Cambridge Collieries Co. | Walhonding #2 | No. 7 | F | F | D | C | C | C | C | C | C | C | C |
| Cambridge Collieries Co. | Walhonding #3 | No. 7 | F | F | D | C | C | C | C | C | C | C | C |
| Guernsey Coal Co. | | No. 7 | F | F | D | C | C | C | C | C | C | C | C |
| Harry Kahn | Norman K. | | F | F | D | C | C | C | C | C | C | C | C |
| New Forsythe Coal Co. | Imperial #2 | No. 6 | C | C | C | C | C | C | C | C | C | C | C |

| Crooksville—Origin mine—Group #6 | | | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Advance Mining Co. | Cable #1 | No. 6 | C | C | C | C | C | C | C | C | E | E | E |
| Dixie Coal & Mining Co. | Pike | No. 6 | C | C | C | C | C | C | C | C | E | E | E |
| Ellis Coal Company | Ellis | No. 6 | C | C | C | C | C | C | C | C | E | E | E |
| Manhattan Coal Company | 51-52 | No. 6 | C | C | C | C | C | C | C | C | E | E | E |
| Mount Perry Coal Company | Mt. Perry | No. 5 | C | C | C | C | C | C | C | C | E | E | E |
| Muskingum Coal Company | No. 3 Jones | | C | C | C | C | C | C | C | C | E | E | E |
| Muskingum Coal Co. | No. 4 Blocks | | C | C | C | C | C | C | C | C | E | E | E |
| Snell & Shumacher | Shumacher | | C | C | C | C | C | C | C | C | E | E | E |
| Sunday Creek Coal Co. | No. 9 | No. 6 | C | C | C | C | C | C | C | C | E | E | E |
| Sunday Creek Coal Co. | No. 90 | No. 6 | C | C | C | C | C | C | C | C | E | E | E |
| Thorn Hill Coal Company | Thorn Hill | No. 6 | C | C | C | C | C | C | C | C | E | E | E |

| Hocking—Origin mine—Group #5 | | | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Abram Coal Company | Abram | No. 6 | AA | AA | A | A | C | C | C | C | E | E | E |
| Black Diamond Coal Company | Black Diamond | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Bowers Bros. Coal Co. | Riddle | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Buckingham Coal Company | #219 | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| G. M. S. Coal Co. | G. M. S. #141 | | AA | AA | A | A | C | C | C | C | C | C | C |
| Hanna-Essex Coal Co. | Hanna-Essex #15 | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Head Coal Company | Doanville | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Hocking & Athens Coal Co. | Lick Run | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Hocking Valley Mining Co. | Eclipse | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Jones, Geo. M. Co. | No. 255 | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Jones, Geo. M. Co. | No. 267 | No. 6 | C | C | C | C | C | C | C | C | E | E | E |
| Lemoine Coal Company | Lemoine #24 | No. 7 | AA | AA | A | A | C | C | C | C | C | C | C |
| Manhattan Coal Co. | No. 25 | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Paskell Coal Co. | Paskell | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Poston Consolidated Coal Co. | No. 6 | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Starr-Jackson Mining Co. | Starr | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Sunday Creek Coal Co. | No. 2 | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Sunday Creek Coal Co. | No. 5 | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Sunday Creek Coal Co. | No. 25 | No. 7 | C | C | C | C | C | C | C | C | E | E | E |
| Valley Mining Inc. | Kimberly | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Western Fuel Co. | 10-X | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |
| Wohrle Bros. | Little Bonn | No. 6 | AA | AA | A | A | C | C | C | C | C | C | C |

| Jackson—Origin mine—Group #7 | | | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Globe Iron Company | | No. 1 | C | C | C | C | C | C | C | C | E | E | E |
| Jackson Iron & Steel Co. | Jisco | No. 1 | C | C | C | C | C | C | C | C | E | E | E |
| Larson, Leslie | Wellston #2 | No 2 | A | A | A | A | A | A | A | C | A | A | A |
| Stonewall Jackson Coal Co. | Jackson #2 | No. 7 | C | C | C | C | C | C | C | C | E | E | E |

*Price Index*—Continued

| Middle—Origin mine—Group #4 | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Barnes Coal & Mining Co | Barnes #7 | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Blue Shaft Coal Co | Blue Shaft | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Crown Coal Co | Edgefield | No. 4 | E | E | E | E | E | E | E | C | F | F | F |
| Dunn Coal Co | Dunn | | E | E | E | E | E | E | E | C | F | F | F |
| Edwards Bros. Coal Co | Edwards Bros | No. 7 | E | E | E | E | E | E | E | C | F | F | F |
| Edwards Coal Co | Edwards | | E | E | E | E | E | E | E | C | F | F | F |
| Hirst, John M. & Co | Sterling | No. 7 | E | E | E | E | E | E | E | C | F | F | F |
| Industrial Mining Co | Black Oak #2 | No. 4 | E | E | E | E | E | E | E | C | F | F | F |
| James Bros. Coal Co | James | | E | E | E | E | E | E | E | C | F | F | F |
| M. C. S. Coal Mining Co | Meechan | No. 7 | E | E | E | E | E | E | E | C | F | F | F |
| Marshall Mining Co | Marshall | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Massillon-Tuscarawas Coal Co | Central Valley | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Midvale Coal Co | Midvale #4 | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Negley Coal Co | Negley | Nos. 6 & 7 | E | E | E | E | E | E | E | C | F | F | F |
| Negley Coal Co | Woodworth | No. 5 | C | E | E | E | E | E | E | C | F | F | F |
| Ohio Block Coal Co | Wainwright | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Reeves Mfg. Co | Reeves | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Stark Coal Co | Stark | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Tyrone Coal Co | Dickey | No. 6 | E | E | E | E | E | E | E | C | F | F | F |
| Wolford Coal Co | Walnut Grove | No. 6 | E | E | E | E | E | E | E | C | F | F | F |

| Ohio #8—Origin mine—Group #1 | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Bellevue Coal Co | Bellevue | No. 8 | C | C | C | C | C | C | C | C | D | D | D |
| Belmont Coal Co | Pando | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Bretiell Coal Co | Bretiell | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Cambria Collieries Co | Webb | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Carnegie Illinois Steel Corp | Laughlin | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Dye Coal Co | Dyco | No. 8 | E | E | E | E | E | E | E | C | G | G | G |
| Florence Coal Co | Florence | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Hanna Coal Co. of Ohio | Lafferty #6 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Hanna Coal Co. of Ohio | Willow Grove 10 | No. 8 | C | C | C | A | C | C | C | C | C | C | C |
| Hanna Coal Co. of Ohio (pt. washed) | Willow Grove #10 | No. 8 | A | A | A | A | A | A | A | C | A[1] | A[1] | A[1] |
| Hanna Coal Co. of Ohio (all washed) | Willow Gr. #10 | No. 8 | | | | | A | C | A | C | C | C | C |
| Hanna Coal of Ohio | Dun Glen #11 | No. 8 | C | C | C | C | A | C | A | C | A[1] | A[1] | A[1] |
| Hanna Coal " " (pt. washed) | " " " | No. 8 | A | A | A | A | A | A | A | C | C | C | C |
| " " " " (all washed) | " " " | No. 8 | | | | | A | A | A | C | | | |
| Harmon Creek Coal Corp | Rexford | No. 8 | E | E | E | E | E | E | E | C | G | G | G |
| The Jefferson Company | Betsy | No. 8 | E | E | E | E | E | E | E | C | G | G | G |
| Jefferson Coal Company | Piney #1 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Kasley, W. H | Laughlin | No 8 | C | C | C | C | C | C | C | C | C | C | C |
| Lafferty Coal Company | Virginia #44 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Lorain Coal & Dock Co | Blaine | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Lorain Coal & Dock Co | Stanley | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Manbelah Coal Co | Manbelah | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Monaco Coal Mining Co | Theresa | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Morelli Sons Coal & Mng. Co | Roberta | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Nicholson Coal Co. P. R | Nicholson #2 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Nicholson Coal Co., P. R | Nicholson #3 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Ohio & Penn Coal Co | Nelms | No. 5 | C | C | C | C | C | C | C | C | C | C | C |
| Pioneer Fuel Corp | Schick | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| The Powhatan Mining Co | Powhatan | No. 8 | C | C | C | C | A | A | A | C | C | C | C |
| Powhatan Mining Co. (washed) | Powhatan | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Rail & River Coal Co | No. 3 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Rail & River Coal Co | No. 4 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Rail & River Coal Co | No. 6 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Sauters Coal Co | Gaylord | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Somers Coal Company | Somers #6 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Tasa Coal Company | Marion | No. 8 | C | C | C | C | C | C | C | C | E | E | E |
| Terra Co., Inc | Terra #1 | No. 8A | C | C | C | C | C | C | C | C | C | C | C |
| United States Coal Co | Crow Hollow #1 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| United States Coal Co | Crow Hollow #2 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Warner Collieries | Camel Run | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Warner Fuel Supply Co | Castner | No. 6 | C | C | C | C | C | C | C | C | C | C | C |
| Wheeling Twp Coal Mng. Co | No. 2 | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Youghiogheny & Ohio Coal Co | Barton | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Youghiogheny & Ohio Coal Co | Florence | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Youghiogheny & Ohio Coal Co | Dorothy | No. 8 | C | C | C | C | C | C | C | C | C | C | C |

[1] Washed Slack Coals from which the minus 28 mesh size has been removed shall be priced 5¢ per ton higher than price index A—group 12.

| Pomeroy—Origin mine—Group #8 | | | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Addis & Son, Joe | Addis & Son | No. 5 | AA | AA | A | A | C | C | C | C | C | C | C |
| Big Nine Coal Co | | No. 5 | AA | AA | A | A | C | C | C | C | C | C | C |
| Dark Hollow Coal Company | Dark Hollow | No. 8 A | AA | AA | A | A | C | C | C | C | C | C | C |



BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Area No. 4*

*Designated base rate.*—Reynoldsville.

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Reynoldsville base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Reynoldsville base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 5, 6, 7, 9, 10 and 13*

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 8*

*Designated base rate.*—Ohio Number 8 Rate.

*Rates higher than base.*—On Shipments destined within the above named Market area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Ohio #8 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Ohio #8 base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31 and 32*

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 4*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| AA | 280 | 270 | 265 | 260 | 255 | 250 | 240 | 250 | 225 | 217 | 206 |
| A | 270 | 260 | 255 | 250 | 245 | 240 | 230 | 240 | 215 | 207 | 196 |
| B | 265 | 255 | 250 | 245 | 240 | 235 | 225 | 235 | 210 | 202 | 191 |
| C | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 230 | 205 | 197 | 186 |
| D | 255 | 245 | 240 | 235 | 230 | 225 | 215 | 225 | 200 | 192 | 181 |
| E | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 220 | 195 | 187 | 176 |
| F | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 215 | 190 | 182 | 171 |
| G | | | | | | | | | 185 | 177 | 166 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 5, 6, (13) 7, 9, 10, and 12*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| AA | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 230 | 195 | 187 | 176 |
| A | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 220 | 185 | 177 | 166 |
| B | 235 | 225 | 215 | 215 | 210 | 205 | 200 | 215 | 180 | 172 | 161 |
| C | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 210 | 175 | 167 | 156 |
| D | 225 | 215 | 205 | 205 | 200 | 195 | 190 | 205 | 170 | 162 | 151 |
| E | 220 | 210 | 200 | 200 | 195 | 190 | 185 | 200 | 165 | 157 | 146 |
| F | 215 | 205 | 195 | 195 | 190 | 185 | 180 | 195 | 160 | 152 | 141 |
| G | | | | | | | | | 155 | 147 | 136 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 8*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| AA | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 240 | 205 | 197 | 186 |
| A | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 230 | 195 | 187 | 176 |
| B | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 225 | 190 | 182 | 171 |
| C | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 220 | 185 | 177 | 166 |
| D | 235 | 225 | 215 | 215 | 210 | 205 | 200 | 215 | 180 | 172 | 161 |
| E | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 210 | 175 | 167 | 156 |
| F | 225 | 215 | 205 | 205 | 200 | 195 | 190 | 205 | 170 | 162 | 151 |
| G | 220 | 210 | 200 | 200 | 195 | 190 | 185 | 200 | 165 | 157 | 146 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31 and 32*

| Price index | Size group | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| AA | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 230 | 180 | 172 | 161 |
| A | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 220 | 170 | 162 | 151 |
| B | 235 | 225 | 215 | 215 | 210 | 205 | 200 | 215 | 165 | 157 | 146 |
| C | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 210 | 160 | 152 | 141 |
| D | 225 | 215 | 205 | 205 | 200 | 195 | 190 | 205 | 155 | 147 | 136 |
| E | 220 | 210 | 200 | 200 | 195 | 190 | 185 | 200 | 150 | 142 | 131 |
| F | 215 | 205 | 195 | 195 | 190 | 185 | 180 | 195 | 145 | 137 | 126 |
| G | | | | | | | | | 140 | 132 | 121 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price index | Size group prices | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| AA | 260 | 250 | 245 | 245 | 240 | 230 | 230 | 230 | 180 | 172 | 161 |
| A | 250 | 240 | 235 | 235 | 230 | 220 | 220 | 220 | 170 | 162 | 151 |
| B | 245 | 235 | 230 | 230 | 225 | 215 | 215 | 215 | 165 | 157 | 146 |
| C | 240 | 230 | 225 | 225 | 220 | 210 | 210 | 210 | 160 | 152 | 141 |
| D | 235 | 225 | 220 | 220 | 215 | 205 | 205 | 205 | 155 | 147 | 136 |
| E | 230 | 220 | 215 | 215 | 210 | 200 | 200 | 200 | 150 | 142 | 131 |
| F | 225 | 215 | 210 | 210 | 205 | 195 | 195 | 195 | 145 | 137 | 126 |
| G | | | | | | | | | 140 | 132 | 121 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3476; Filed, December 1, 1937; 12:24 p. m.]

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[Order No. 93]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER FIVE IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (a) AND (b) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 62 the weighted average of the total costs of the tonnage for Minimum Price Area One in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 77 determined and established the initial classifications of coals of code members within said District Five; the District Board for District Number Five having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Five, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Five, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Five or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Five set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Five, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Five and such minimum prices shall be and become effective at 12: 01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.



3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Five to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area One and to code members within District Number Five, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE NO. 1—DISTRICT NO. 5

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 5, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937".

Effective: 12:01 a. m., December 16, 1937.

Issued: November 30, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed, the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

8. Producers may absorb switching charges not to exceed seven dollars per car from one railroad to another in the cities of Saginaw and Bay City.

9. Washed and/or mechanically cleaned coal, all sizes from all mines shall be priced 25 cents per net ton higher than raw coal from the same mine, except that Nut (1" x 2") from mines numbered 3 and 4 in the Mine Index and Rejects (¼" or less by 0) from mines numbered 2, 3, 4 and 8 in the Mine Index may be sold at the raw coal price indicated in the price schedule which follows.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

MINE INDEX

| Mine Index No. | Name of code member | Mine | Shipped via[1] | Seam |
|---|---|---|---|---|
| 1 | Aurora Coal Co. | Aurora | T | Michigan. |
| 2 | Chippawa Coal Co. | Chippawa | T | Michigan. |
| 3 | Consolidated Coal Co. | Wolverine | R | Michigan. |
| 4 | Consolidated Coal Co. | Crapo | T | Michigan. |
| 5 | Hodd Coal Co. | Hodd | T | Michigan. |
| 6 | Monitor Coal Co. | Monitor | T | Michigan. |
| 7 | New Michigan Coal Co. | New Michigan | T | Michigan. |
| 8 | Robert Gage Coal Co. | Big Chief | R | Michigan. |
| 9 | Saginaw Mining Co. | James Street | T | Michigan. |
| 10 | St. Charles-Chesaning Coal Co. | Chesaning | T | Michigan. |
| 11 | St. Charles-Garfield Coal Co. | Garfield | R | Michigan. |
| 12 | Tri-Party Coal Co. | Tri-Party | T | Michigan. |

[1] T—Truck. R—Rail and truck.

MARKET AREA DESCRIPTIONS

*Market Area No. 27.*—All territory in the state of Michigan on and south of the line of the Grand Trunk Railroad from Port Huron to Owosso, and on and east of the line of the Michigan Central Railroad, Owosso to Lansing, and on and south of the line of the Pere Marquette Railroad, Lansing to Waverly, and on and west of the line of the Pere Marquette Railroad, Waverly to Pentwater, Michigan, (and in addition thereto that part of the province of Ontario west of Goderich, Clinton, St. Marys, London, St. Thomas and Port Stanley, Ontario.)

*Market Area No. 28.*—All territory in the Lower Peninsula of Michigan north of the line of the Grand Trunk Railroad, Port Huron to Owosso, and west of the line of the Michigan Central Railroad, Owosso to Lansing, and north of the line of the Pere Marquette Railroad, Lansing to Waverly, and east and north of the line of the Pere Marquette Railroad, Waverly to Pentwater.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 28*

| Mine Index No. | 3" L | 3" L | 4" L | 3" L | 2" L, 1¼ L | 6 x 3, Egg | 6 x 2, Egg | Egg, 5 x 2, 1¼ x 3 | 2 x 4, Egg | 2 x 3, Egg | 3 x 1¼, Stove | 2 x 1¼, Stove | 2 x 1, Nut | 2 x 0, N & S | 1¼ x 0, Slk. | 1 x 0, Slk. | ¼" to 0, Rejects | 4", R/M | R/M | 1¼" x ⅛", ¼ x 1", Stoker |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 2 R | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 2 W | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 385 | ----- | 325 | 315 | ----- | 150 | ----- | ----- | 335 |
| 3 R | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | 360 | 300 | 290 | 280 | 150 | 330 | 355 | 310 |
| 3 W | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 430 | ----- | ----- | 360 | 360 | 325 | 315 | 305 | 150 | ----- | ----- | 335 |
| 4 R | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | 360 | 300 | 290 | 280 | 150 | 330 | 355 | 310 |
| 4 W | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 430 | ----- | ----- | 360 | 360 | 325 | 315 | 305 | 150 | ----- | ----- | 335 |
| 5 | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 6 | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 7 | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 8 R | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 8 W | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 325 | 315 | 305 | 150 | ----- | ----- | ----- |
| 9 | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 10 | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 11 | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |
| 12 | 465 | 460 | 455 | 450 | 430 | 420 | 415 | 410 | 405 | 400 | 385 | 360 | ----- | 300 | 290 | 280 | 150 | 330 | 355 | ----- |

R—Raw. W—Washed.

Exceptions shown on the following pages are a part of these prices and must be complied with: Prices for Market Area No. 27 may be reduced thirty-five cents (35¢) per net ton under the above schedule.

RAILROAD LOCOMOTIVE FUEL PRICES (ON LINE AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive Fuel shall take a minimum price at $3.60 per net ton of 2,000 lbs. f. o. b. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $3.75 per net ton of 2,000 lbs. f. o. b. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the Market Area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3477; Filed, December 1, 1937; 12:24 p. m.]

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[Order No. 94]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER SIX IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statisical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based, the Commission having thereupon determined by its Order Number 62 the weighted average of the total costs of the tonnage for Minimum Price Area One in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number Six determined and established the initial classifications of coals of code members within said District Six; the District Board for District Number Six having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Six, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, as points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Six, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Six or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Six, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Six, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Six and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Six to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area One and to code members within District Number Six, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE NO. 1, DISTRICT NO. 6

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 6, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 16, 1937.

Issued: November 30, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups—For Market Areas Nos. 1, 1A, 2, 3, 4, 5, 6, (13), 7, 8, 9, 10, and 12. For All Other Market Areas Base Size Groups Shown in Second Table Below May Be Used*

INCLUDES

| Base size group | Lump, maximum screen size [1] | Double screened sizes | |
|---|---|---|---|
| | | Maximum top size [1] | Maximum bottom size [1] |
| 1 | All lump over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 4". |
| 3 | 3" | 6" | 3". |
| 4 | 2" | 6" | 2". |
| 5 | 1¾" | 3" | 2". |
| 6 | | 4" | 1¾". |
| 7 | | 2" | 1¾". |
| 9 | Mine run | | |
| 12 | | 2" Nuts | 0". |
| 13 | | 1¼" Slk | 0". |
| 14 | | ¾" Slk | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

*Size Groups—For Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Group no. | Sizes | Group no. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block. | | 2" x 4½" Egg. |
| | | | 2" x 4" Egg. |
| 2 | 4" and 5" Block. | | 1⅝" x 6" Egg. |
| | 5" x 10" Chunks. | | ⅝" & under. |
| | 5" x 8" " | | Screened R. O. M. |
| | 4" x 10" " | | |
| | 4" x 8" " | 6 | 3" and under Stove. |
| | 4" x 6" " | | |
| | 4" x 5" " | 7 | 2" and under top size and 1½" and over bottom size Nut. |
| 3 | 2½" to 3" Lump. | | |
| | 3" x 8" Egg. | 9 | Straight mine run. |
| | 3" x 6" Egg. | | 8" Resultant. |
| | 2½" x 8" Egg. | | |
| | 2" x 8" Egg. | 12 | 2" Minus—nut—slack with top size not exceeding 2". No fines removed. |
| 4 | ¾" to 2" Lump. | | |
| | 2½" x 6" Egg. | 13 | 1¼" Minus—nut—slack with top size not exceeding 1¼". No fines removed. |
| | 3" x 5" Egg. | | |
| | 2½" x 5" Egg. | | |
| | 2½" x 5" Egg. | 14 | ¾" Minus—pea—slack with top size not exceeding ¾". No fines removed. |
| | 2" x 6" Egg. | | |
| | 3" x 4" Egg. | | |
| 5 | 2" x 5" Egg. | | |
| | 2½" x 4" Egg. | | |

*Price Index*

| Panhandle producing district | | | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Anderson Coal Mine, Jerome | Anderson | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Arnold Company, Inc., J. J. | Arnold | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Buffalo Coal & Coke Co | Brady | #8 | C | C | C | C | C | C | C | C | C | C | C |
| City Coal Co | Glenwood | #8 | C | C | C | C | C | C | C | C | C | C | C |
| City Coal Co | Warwood | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Clean Coal Co | Edgewood | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Elm Grove Mng. Co | Mobley | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Elm Grove Mng. Co | Dartnell | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Glendale Gas C. Co | Alexander | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Hall Bros. C. Co., Inc | Three Springs | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Hitchman C. & Coke Co | Hitchman | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Louise Coal Corp | Louise | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Northern Coal Co | Northern Coal | #8 | C | C | C | C | C | C | C | C | C | C | C |
| P. V. & K. Coal Co | Bethany | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Reliable Coal Co | Reliable | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Standard C. Mng. Co | Standard | #8 | C | C | C | C | C | C | C | C | C | C | C |
| W. Va.-Pitts Coal Co | Gilchrist | #8 | C | C | C | C | C | C | C | C | C | C | C |
| W. Va.-Pitts Coal Co | Locust Grove | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Wheeling Coal Co | Costanzo | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Wheeling Steel Corp | Carter | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Wheeling Steel Corp | Beech Bottom | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Wheeling Valley C. Corp | Richland | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Williams Coal Co | Boggs Run | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Windsor Power House C. Co | Beech Bottom | #8 | C | C | C | C | C | C | C | C | C | C | C |
| Woodsdale Fuel Co | Echo | #8 | C | C | C | C | C | C | C | C | C | C | C |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 and 1A*

| Price index[1] | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 223 | 223 | 223 | 223 | 213 | 208 | 198 | 208 | 183 | 175 | 164 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Pittsburgh District.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 2*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 230 | 205 | 197 | 186 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Clearfield Meyersdale Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield Meyersdale base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield Meyersdale base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 3*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 238 | 238 | 228 | 238 | 238 | 238 | 218 | 223 | 183 | 175 | 164 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Pittsburgh District.

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 4*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 230 | 205 | 197 | 186 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Reynoldsville.

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Reynoldsville base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Reynoldsville base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 5, 6, 7, 9, 10, 12, and 13*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 210 | 175 | 167 | 156 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 8*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 220 | 185 | 177 | 166 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Ohio Number 8 Rate.

*Rates higher than base.*—On Shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Ohio #8 base rate indicated above.



*Rates lower than base.*—Where the applying freight rate is less than the Ohio #8 base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31 and 32*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 210 | 160 | 152 | 141 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 240 | 230 | 225 | 225 | 220 | 210 | 210 | 210 | 160 | 152 | 141 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

STEAMSHIP BUNKER COAL PRICES

1. Steamship bunker coal shall be defined as coal that is furnished for a vessel's own consumption, to steamers ordinarily carrying cargo or passengers and engaged in foreign or coastwise trade.

2. Minimum prices for such bunker coal for the Ports of New York, Philadelphia, and Baltimore shall be as follows:

| Bunker classification | Price index | Price, port of New York (per gross ton) | Price, port of Philadelphia (per gross ton) | Price, port of Baltimore (per gross ton) |
|---|---|---|---|---|
| A | Mine run index C. | $5.67 FAS [1] | $5.02 F. O. B. cars at piers. | $4.95 F. O. B. cars at piers. |

[1] Price includes 30¢ per ton for towing or lightering.

3. The mine index letters shown are those for mine run coal. Sizes other than mine run may be supplied at the same prices from the mines included in the mine run index shown.

4. "Steamship Bunker" coal furnished ex lighter at Port of New York to vessels requiring 249 gross tons or less, prices f. o. b. piers plus all charges for delivery shall apply.

5. The above prices are not subject to any freight rate adjustments.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3478; Filed, December 1, 1937; 12:24 p. m.]

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[Order No. 95]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER SEVEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determination and the computations upon which they were based; the Commission having thereupon determined by its Order Number 62 the weighted average of the total costs of the tonnage for Minimum Price Area One in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection

(a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs. the Commission having by its Order Number 82 determined and established the initial classifications of coals of code members within said District 7; the District Board for District Number 7 having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number 7, hereinafter referred to: and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number 7, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number 7 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number 7, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 7, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number 7 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 7 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area One and to code members within District Number 7, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

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PRICE SCHEDULE NO. 1—DISTRICT NO. 7

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 7, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937".

Effective: 12:01 a. m., December 16, 1937.

Issued: November 30, 1937.

F. W. MCCULLOUGH,
*Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

LOW VOLATILE COALS

*Size specifications and base size groups*

*Base size group number*

No. 1 Lump—Includes all lump coal having a minimum bottom size of ¾" or more.

No. 2 Egg—Includes all sizes of coal having a maximum top size of 8" or less, but more than 3", and a minimum bottom size of ⅜" or more.

No. 3 Stove—Includes all sizes of coal having a maximum top size of 3" or less, but more than 1¼", and a minimum bottom size of ¼" or more.



LOW VOLATILE COALS—continued

*Size specifications and base size groups*—Continued

*Base size group number:*

No. 4. Nut—Includes all sizes of coal having a maximum top size of 1¼" or less, but more than ¼", and a minimum bottom size of ¼" or more.

No. 5 Pea—Includes all sizes of pea coal having a maximum top size of ¾" and a minimum bottom size of ¼" or more. Includes all sizes of screenings from 1¼" x 0" to ¾" x 0" from which any size less than ¼" has been eliminated.

No 6 Domestic Mine Run.[1] Includes all mine run coal, either straight or modified, that has a maximum coarse coal content for base ("A") coals (except where otherwise stated) of 60% or less and that has a minimum coarse coal content of more than 40%.

No. 7 Standard Mine Run.[1] Includes all mine run coal, either straight or modified, that has a maximum coarse coal content for base ("A") coals of 40% or less and a minimum coarse coal content that exceeds the size tolerance of 3% on 2" screenings.

LOW VOLATILE COALS—continued

*Size specifications and base size groups*—Continued

*Base size group number*

No. 8 1¼" Screenings—Includes all sizes of screenings with a maximum top size of 1¼" and a minimum top size of ⅜" from which no elimination of any intermediate size from ¼" to 0" has been made.

No. 9 ¾" Screenings—Includes all sizes of screenings with a maximum top size of ¾" or less from which no elimination of any intermediate size from ¼" to 0" has been made.

*Coarse Coal Content.*—Coarse coal content is defined as such sizes of coal as would pass over a ¾" round-hole screen at the time it leaves the loading boom or chute at the tipple to enter the railroad car or truck.

[1] The definition of Domestic and Standard Run of Mine Coal and Prices thereon as designated herein, will remain in effect for a period not exceeding sixty (60) days, after their effective date, subject to the District Board substantiating the necessity for such designation for these grades.

Any size larger than the maximum top and/or bottom size shown in a group shall be included in the next higher price group.

*Price Index*

| Greenbrier district | | | Size group numbers | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Bellwood Coal Company | Bellwood | Sewell | C | C | C | C | C | B | B | A | A |
| Clear Creek Coal Co | Brooke | Sewell | C | C | C | C | C | B | B | A | A |
| Greenbrier Fire Cr. Coal Co | Midland | Fire Creek | C | C | C | C | C | B | B | C | C |
| Greenbrier Smokeless Coal Co | Crichton #2 | Sewell | C | C | C | C | C | B | B | C | C |
| Imperial Smokeless Coal Co | Quinwood | Sewell | C | C | C | C | C | B | B | C | C |
| Johnstown Coal & Coke Co | Crichton #1 | Sewell | C | C | C | C | C | B | B | A | A |
| Leckie Smokeless Coal Co | Anjean | Sewell | C | C | C | C | C | B | B | C | C |
| Low Ash Smo. Fuel Co | Green Siding | Fire Creek | C | C | C | C | C | B | B | A | A |
| Margarette Coal Co | Margarette | Sewell | C | C | C | C | C | B | B | A | A |
| Meadow River Fuel Co | Lincoln | Fire Creek | C | C | C | C | C | B | B | C | C |
| New River & Poca. C. C. Co | Leslie | Sewell | C | C | C | C | C | B | B | G | G |
| Raine Lumber & Coal Co | Duo | Sewell | C | C | C | C | C | B | B | G | G |

| New River district | | | Size group numbers | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Babcock Coal & Coke Co | Babcock #7 | Sewell | A | A | A | A | A | A | A | B | B |
| Branch Coal & Coke Co | Elverton | Sewell | A | A | A | A | A | A | A | B | B |
| Brockman, C. A., Inc | Stone Cliff #1 | Fire Creek | A | A | A | A | A | A | A | B | B |
| Brockman, C. A., Inc | Terry | Fire Creek | A | A | A | A | A | A | A | C | C |
| Callaway Coal Co., C. P | Cejsece | Sewell | A | A | A | A | A | A | A | B | B |
| Cedar Branch Coal Co | Cedar Branch | Sewell | A | A | A | A | A | A | A | B | B |
| Coal Run Coal Co | Coal Run | Sewell | A | A | A | A | A | A | A | B | B |
| Dunedin Coal Co | Dunedin #1 | Fire Creek | A | A | A | A | A | A | A | B | B |
| Ell Smokeless Coal Co | Ell | Sewell | A | A | A | A | A | A | A | B | B |
| Fire Creek Coal & Coke Co | Fire Creek | Fire Creek | A | A | A | A | A | A | A | B | B |
| Greenwood Coal Co | Greenwood | Fire Creek | A | A | A | A | A | A | A | B | B |
| Imperial New River Coal Co | Thurken | Sewell | A | A | A | A | A | A | A | A | A |
| Koppers Coal Co | Stanaford #1 | Beckley | A | A | A | A | A | A | A | B | B |
| Koppers Coal Co | Stanaford #6 | Sewell | A | A | A | A | A | A | A | B | B |
| Lanark Smokeless Coal Co | Lanark | Fire Creek | A | A | A | A | A | A | A | B | B |
| Laurel Creek Coal Co | Laurel | Fire Creek | A | A | A | A | A | A | A | D | D |
| Laurel Smokeless Coal Co | Hemlock Hollow | Fire Creek | A | A | A | A | A | A | A | B | B |
| Lookout Smokeless Coal Co | Lookout | Sewell | A | A | A | A | A | A | A | B | B |
| Low Volatile Coal Co | Erskine | Fire Creek | A | A | A | A | A | A | A | B | B |
| Low Volatile Coal Co | Rock Lick #1 | Sewell | A | A | A | A | A | A | A | B | B |
| Maryland New River Coal Co | Dubree #1 | Sewell | A | A | A | A | A | A | A | B | B |
| Maryland New River Coal Co | Dubree #2 | Sewell | A | A | A | A | A | A | A | B | B |
| Maryland New River Coal Co | Dubree #3 | Sewell | A | A | A | A | A | A | A | B | B |
| Maryland New River Coal Co | Dubree #4 | Sewell | A | A | A | A | A | A | A | B | B |
| Mason Coal Co | Mason #1 | Fire Creek | A | A | A | A | A | A | A | B | B |
| McKell Coal & Coke Co | Kilsyth | Sewell | A | A | A | A | A | A | A | B | B |
| McKell Coal & Coke Co | Oswald | Sewell | A | A | A | A | A | A | A | B | B |
| McKell Coal & Coke Co | Siltix | Sewell | A | A | A | A | A | A | A | B | B |
| McKell Coal & Coke Co | Tamroy | Sewell | A | A | A | A | A | A | A | B | B |
| Mill Creek Colliery Co | Mill Cr. #1 | Sewell | A | A | A | A | A | A | A | B | B |
| Newlyn Coal Company | Newlyn | Fire Creek | A | A | A | A | A | A | A | B | B |
| New River & Poca. C. C. Co | Kaymoor | Sewell | A | A | A | A | A | A | A | B | B |
| New River & Poca. C. C. Co | Layland | Fire Creek | A | A | A | A | A | A | A | B | B |
| New River & Poca. C. C. Co | Minden | Sewell | A | A | A | A | A | A | A | B | B |
| New River Company, The | Cranberry #1 | Sewell | A | A | A | A | A | A | A | B | B |
| New River Company, The | Cranberry #2 | Sewell | B | B | B | B | B | B | B | B | B |
| New River Company, The | Cranberry #3 | Sewell | A | A | A | A | A | A | A | B | B |
| New River Co., The | Harvey-Prudence | Sewell | A | A | A | A | A | A | A | B | B |
| New River Co., The | Lochgelly | Sewell | B | B | B | B | B | B | B | B | B |
| New River Co., The | Mabscott | Sewell | A | A | A | A | A | A | A | B | B |
| New River Co., The | Oakwood | Sewell | A | A | A | A | A | A | A | B | B |
| New River Co., The | Summerlee | Sewell | A | A | A | A | A | A | A | B | B |
| New River Co., The | Whipple | Sewell | A | A | A | A | A | A | A | A | A |
| Price Hill Coll. Co | Price Hill | Sewell | A | A | A | A | A | A | A | B | B |
| Raleigh Coal & Coke Co | Black Knight #3 | Beckley | B | B | A | A | B | B | A | A | B |
| Raleigh Coal & Coke Co | Black Knight #6 | Beckley | A | A | A | A | A | A | A | B | B |
| Royal Mining Co | Royal | Fire Creek | A | A | A | A | A | A | A | B | B |
| Scotia Coal & Coke Co | Brooklyn | Sewell | A | A | A | A | A | A | A | B | B |
| Sked Coal Company | Sked | Fire Creek | A | A | A | A | A | B | B | B | B |
| South Side Company | South Side | Sewell | A | A | A | A | A | A | A | B | B |
| Star Coal & Coke Company | Star | Sewell | A | A | A | A | A | A | A | B | B |

*Price Index*—Continued

| Pocahontas district | | | Size group numbers | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Algoma Coal & Coke Co | Algoma | Poca. #3 | B | B | B | B | B | B | B | C | C |
| American Coal Co | Crane Creek | Poca. #3 | B | B | B | B | B | B | B | C | C |
| American Coal Co | Piedmont | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Arlington Coal & Coke Co | Arlington | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Ashland Coal & Coke Co | Ashland #3 | Poca. #3 | B | B | B | B | B | B | B | C | C |
| Ashland Coal & Coke Co | Ashland #6 | Poca. #6 | C | C | C | C | C | D | C | D | C |
| Ashland Coal & Coke Co | Ashland #9 | Poca. #9 | D | D | D | D | D | D | D | G | G |
| Ashland Coal & Coke Co | Ashland 3, 6 & 9 | Poca. 3, 6, 9 | B | B | B | B | B | B | B | D | D |
| Ashland Coal & Coke Co | Ashland 6 & 9 | Poca. 6 & 9 | B | B | B | B | B | B | B | D | D |
| Booth-Bowen Coal & Coke Co | Booth-Bowen | Poca. #3 | B | B | B | B | B | B | B | C | C |
| Buckeye Coal & Coke Co | Buckeye #1 | Poca. #3 | B | B | B | B | B | B | B | C | C |
| Buckeye Coal & Coke Co | Buckeye #2 | Poca. #6 | B | B | B | B | B | B | B | C | C |
| Central Pocahontas Coal Co | No. 2 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Crozer Coal & Coke Co | Crozer | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Crystal Coal & Coke Co | Crystal | Poca. #3 | C | C | C | C | C | B | B | C | D |
| Empire Coal & Coke Co | Empire | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Gilliam Coal & Coke Co | Gilliam | Poca. #3 | B | B | B | B | B | B | B | D | C |
| Indian Pocahontas Coal Co | Indiana Poca | Poca. #3 | B | B | B | B | B | B | B | C | B |
| Kingston Pocahontas Coal Co | Springton | Poca. #3 | C | C | C | C | C | B | B | B | D |
| Koppers Coal Co., The | Carswell | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Koppers Coal Co., The | Keystone | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Koppers Coal Co., The | Maitland | Poca. #4 | B | B | B | B | B | B | B | D | D |
| Lake Superior Coal Co | Superior #1 | Poca. #3 | D | B | B | B | B | B | B | D | D |
| Lake Superior Coal Co | Superior #2 | Poca. #4 | B | B | B | B | B | B | B | E | E |
| Lamar Colliery Co | Lamar | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Lynchburg Coal & Coke Co | Lynchburg | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Mill Creek Coal & Coke Co | Elkhorn | Poca. #3 | B | B | B | B | B | B | B | C | C |
| New River & Poca. C. C. Co | No. 9 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Page Coal & Coke Co | Page | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Peerless Coal & Coke Co | Peerless | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Corporation, The | Bottom Creek | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Boissevain | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Delta | Poca. #3 | B | B | B | B | B | B | B | D | C |
| Pocahontas Fuel Co., Inc | Lick Branch | Poca. #3 | B | B | B | B | B | B | B | C | C |
| Pocahontas Fule Co., Inc | Nor.-Angle | Poca. #3 | B | B | B | B | B | B | B | C | D |
| Pocahontas Fuel Co., Inc | Poca. #1 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Poca. #7 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Rolfe | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Sagamore | Poca. #3 | B | B | B | B | B | B | B | C | D |
| Pulaski Iron Company | Pulaski | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Red Jacket Jr. Coal Co | Wyoming | Davy-Sewell | B | B | B | B | B | B | B | D | D |
| Thomas Coal Co | No. 1 | Poca. #3 | C | C | C | C | C | B | B | B | C |
| Turkey Gap Coal & Coke Co | Wenonah | Poca. #3 | B | B | B | B | B | B | B | C | C |
| United Pocahontas Coal Co | Indian Ridge | Poca. #3 | C | C | C | C | C | B | B | B | C |
| Upland Coal & Coke Co | Upland | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Weyanoke Coal & Coke Co | Arista | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Weyanoke Coal & Coke Co | Hiawatha | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Winding Gulf Colliery Co | Louisville | Poca. #3 | B | B | B | B | B | B | B | C | C |

| Tug River district | | | Size group numbers | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Atlantic Smokeless Coal Co | Asco | Davy-Sewell | C | C | C | C | C | B | B | C | C |
| Beamer Pocahontas Coal Co | Beamer | Davy-Sewell | B | B | B | B | B | B | B | C | C |
| Beamer Pocahontas Coal Co | Della | Red Ash | B | B | B | B | B | B | B | C | D |
| Beamer Pocahontas Coal Co | Jack | Red Ash | C | C | C | C | C | B | B | C | D |
| Bradshaw Coal Co | Bradshaw | Bradshaw | A | A | A | A | A | A | A | D | D |
| Cardiff Pocahontas Coal Co | Cardiff | Bradshaw | A | A | A | A | A | A | A | D | L |
| Carter Coal Co | Caretta #5 | War Creek | D | D | D | D | D | D | D | L | L |
| Carter Coal Co | Olga #1 | Poca. #4 | B | B | B | B | B | B | B | D | D |
| Carter Coal Co | Olga #2 | Poca. #4 | B | B | B | B | B | B | B | D | D |
| Carter Coal Co | Thelma | Davy-Sewell | C | C | C | C | C | B | B | C | C |
| Cash Pocahontas Coal Co | Excelsior #1 | War Creek | D | D | D | D | D | D | D | | |
| Jacobs Fork Poca. Coal Co | Jacobs Fork | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Jewell Ridge Coal Corp | Jewell Ridge | Jewell | A | A | A | A | A | A | A | D | D |
| Jewell Ridge Coal Corp | Jewell Valley | Jewell | A | A | A | A | A | A | A | D | D |
| Kingston Pocahontas Coal Co | Exeter | Poca. 3 & 4 | B | B | B | B | B | B | B | D | D |
| Kingston Pocahontas Coal Co | Warwick | Welch | B | B | B | B | B | B | B | D | D |
| Legato Trent Coal Co | Trent | Red Ash | B | B | B | B | B | B | B | C | C |
| New River & Poca. C. C. Co | No. 1 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| New River & Poca. C. C. Co | No. 5 | Poca. #5 | A | A | A | A | A | A | A | E | E |
| New River & Poca. C. C. Co | No. 11 | Poca. 3 & 4 | B | B | B | B | B | B | B | D | D |
| Pocahontas Corporation | No. 31 | Poca. #5 | A | A | A | A | A | A | A | D | D |
| Pocahontas Corporation | No. 32 | Poca. #5 | A | A | A | A | A | A | A | D | D |
| Pocahontas Corporation | No. 33 | Poca. #3 | A | A | A | A | A | A | A | D | D |
| Pocahontas Red Bird Mng. Co | Red Bird | Red Ash | B | B | B | B | B | B | B | C | C |
| Pond Creek Pocahontas Co | No. 1 | Poca. #1 | C | C | C | C | C | B | B | D | D |
| Pond Creek Pocahontas Co | No. 3 | Beckley | D | D | D | D | D | D | D | G | G |
| Pond Creek Pocahontas Co | No. 4 | Beckley | D | D | D | D | D | D | D | G | G |
| Premier Poc. Colliery Co | Premier | Welch | B | B | B | B | B | B | B | C | C |
| U. S. Coal & Coke Co | All Mines | Poca. 3 & 4 | | | | | | C | | | |
| Warrier Coal Company | Warrior | War Creek | D | D | D | D | D | D | D | L | L |
| Yukon Poca. Coal Co | Yukon | War Creek | D | D | D | D | D | D | D | L | L |



*Price Index*—Continued

| Winding Gulf district | | | Size group numbers | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Amigo Coal Co | Amigo | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Black Eagle Smokeless Coal Co | Black Eagle | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Brule Smokeless Coal Co | Erin | Poca. #3 | B | B | C | B | C | B | B | B | B |
| Buckeye Coal & Coke Co | Buckeye #3 | Poca. #3 | C | C | C | C | C | B | B | B | A |
| Crab Orchard, Impr. Co | Eccles #5 | Beckley | B | B | B | B | B | B | B | B | B |
| Crab Orchard, Impr. Co | Eccles #6 | Beckley | B | B | B | B | B | B | B | B | B |
| Douglas Coal Co | Douglas | Fire Creek | C | C | C | C | C | B | B | B | B |
| Fire Creek Fuel Co | Hunter | Fire Creek | C | C | C | C | C | B | B | B | B |
| Gaston Coal Co | Alpha Beckley | Beckley | B | B | A | A | A | B | B | A | A |
| Gulf Smokeless Coal Co | Tams #1 | Beckley | A | A | A | A | A | A | A | A | A |
| Gulf Smokeless Coal Co | Tams #2 | Beckley | A | A | A | A | A | B | B | A | A |
| Gulf Smokeless Coal Co | Wyco | Poco. #3 | C | C | C | C | C | A | A | A | A |
| Koppers Coal Co., The | Glen White | Beckley | A | A | B | B | B | B | B | A | B |
| Koppers Coal Co., The | Helen #5 | Beckley | B | B | C | C | C | B | B | B | B |
| Koppers Coal Co., The | Helen #9 | Poco. #3 | C | C | | | | | | | |
| Koppers Coal Co., The | Stotesbury #5 | Poco. #4 | A | A | A | A | A | A | A | A | A |
| Koppers Coal Co., The | Stotesbury #8 | Poco. #4 | C | C | C | C | C | B | B | B | B |
| Lecceny Smokeless Coal Co | Besoco | Beck. Poco. 3 | C | C | B | B | B | B | B | B | B |
| Leckie Fire Creek Coal Co | Leckie | Beckley | B | B | B | B | B | B | B | B | B |
| Lilly & Hornbrook, Inc | Crab Orchard | Beckley | B | B | C | C | C | B | B | B | B |
| Lillybrook Coal Co | Killarney #3 | Poco. #3 | C | C | C | C | C | A | A | B | B |
| Lillybrook Coal Co | Lillybrook #3 | Poco. #4 | C | C | C | C | C | B | B | B | B |
| MacAlpin Coal Co | MacAlpin | Beckley | A | A | A | A | A | B | B | A | A |
| Mead Coal Co., C. H | Mead #2 | Poco. #3 | C | C | C | C | C | B | B | B | B |
| Mead Coal Co., C. H | Mead #4 | Poco. #3 | C | C | C | C | C | B | B | B | B |
| Meadows Coal Co., E. W | Meadows | Beckley | C | C | C | C | C | B | B | B | A |
| Minter Coal Co., E. C | Minter | Beckley Poca 3 | B | B | B | B | B | B | B | A | A |
| Morrison Coal Co | Morrison | Sewell | B | B | B | B | B | B | B | B | A |
| Nuriva Smo. Coal Co | Nuriva #2 | Poca. #3 | C | C | C | C | C | B | B | B | A |
| Pemberton C. & C. Co | Affinity | Beckley | B | B | A | A | A | A | A | A | A |
| Pemberton C. & C. Co | Big Stick | Beckley | C | C | C | C | C | B | B | B | A |
| Porterfield Coal Co | Myrtle | Poca. #6 | C | C | C | C | C | B | B | B | A |
| Raleigh-Wyoming Mng. Co | Glen Rogers | Beckley | B | B | A | A | A | A | A | A | A |
| Sewell Smo. Coal Co | Semoco | Sewell | C | C | C | C | C | B | B | B | A |
| Slab Fork Coal Co | Slab Fork | Beckley | B | B | A | A | A | A | A | A | A |
| Sterling Smo. Coal Co | Sterling | Fire Creek | C | C | C | C | C | B | B | B | A |
| Wacomah Coal Co | Wacomah | Poca. #3 | C | C | C | C | C | B | B | B | A |
| Winding Gulf Coll. Co | Wind. Gulf 1 | Beckley | A | A | A | A | A | A | A | A | A |
| Winding Gulf Coll. Co | Wind. Gulf 2 | Beckley | A | A | A | A | A | A | A | A | A |

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1 and 1A (via Tidewater)*

*Designated base rate.*—Pocahontas, New River Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pocahontas, New River base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pocahontas, New River base rate designated above the minimum f. o. b. mine price shall be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 5, 7, 9 and 10*

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net tone sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 8*

*Designated base rate.*—Ohio Number 8 Rate.

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Ohio #8 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Ohio #8 base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

LOW VOLATILE MINES—BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112*

*Designated base rate.*—Logan, Kanawha, Kenova-Thacker (Inner Crescent) Rate.

*Rates Higher Than Base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate indicated above.

*Rates Lower Than Base.*—Where the applying freight rate is less than the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 43*

*Designated base rate.*—Virginia District Southern Railroad Group 14.

*Rates Higher Than Base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Virginia District Southern Railroad Group 14 base rate indicated above.

*Rates Lower Than Base.*—Where the applying freight rate is less than the Virginia District Southern Railroad Group 14 base rate designated above, the minimum f. o. b. mine

price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 (all rail), 2, 3, 4, 5, 6 and 13*

| Price Index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 320 | 330 | 295 | 225 | 225 | 255 | 235 | 215 | 205 |
| B | 305 | 315 | 295 | 225 | 225 | 255 | 235 | 210 | 200 |
| C | 285 | 285 | 285 | 225 | 225 | 245 | 225 | 205 | 195 |
| D | 280 | 290 | 275 | 210 | 210 | 235 | 225 | 200 | 190 |
| E | | | | | | | | 195 | 185 |
| F | | | | | | | | | |
| G | | | | | | | | 185 | 175 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | 165 | 155 |
| L | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 1 Via Tidewater From Hampton Roads for Delivery East of Port Chester, N. Y., and to All Coastal Ports in New England*

| Price Index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 280 | 290 | 255 | 218 | 218 | 255 | 218 | 205 | 195 |
| B | 265 | 275 | 255 | 218 | 218 | 255 | 218 | 200 | 190 |
| C | 245 | 245 | 245 | 208 | 208 | 245 | 208 | 195 | 185 |
| D | 240 | 250 | 235 | 203 | 203 | 235 | 208 | 190 | 180 |
| E | | | | | | | | 185 | 175 |
| F | | | | | | | | | |
| G | | | | | | | | 175 | 165 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | 155 | 145 |
| L | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 1–A Via Tidewater From Hampton Roads for Delivery to Points in Philadelphia Harbor*

| Price Index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 280 | 290 | 255 | 216 | 216 | 255 | 216 | 216 | 206 |
| B | 265 | 275 | 255 | 216 | 216 | 255 | 216 | 211 | 201 |
| C | 245 | 245 | 245 | 206 | 206 | 245 | 206 | 206 | 196 |
| D | 240 | 250 | 235 | 201 | 201 | 235 | 206 | 201 | 191 |
| E | | | | | | | | 196 | 186 |
| F | | | | | | | | | |
| G | | | | | | | | 186 | 176 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 166 | 156 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas No. 1–A Via Tidewater From Hampton Roads for Delivery to Points in the Port of New York Including Port Chester, N. Y., and Baltimore, Md., Harbor*

| Price Index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 280 | 290 | 255 | 218 | 218 | 255 | 218 | 218 | 208 |
| B | 265 | 275 | 255 | 218 | 218 | 255 | 218 | 213 | 203 |
| C | 245 | 245 | 245 | 208 | 208 | 245 | 208 | 208 | 198 |
| D | 240 | 250 | 235 | 203 | 203 | 235 | 208 | 203 | 193 |
| E | | | | | | | | 198 | 188 |
| F | | | | | | | | | |
| G | | | | | | | | 188 | 178 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 168 | 158 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 87, 88, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112*

| Price Index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 320 | 330 | 295 | 255 | 225 | 255 | 235 | 215 | 205 |
| B | 305 | 315 | 295 | 255 | 225 | 255 | 235 | 210 | 200 |
| C | 285 | 285 | 285 | 255 | 225 | 245 | 225 | 205 | 195 |
| D | 280 | 290 | 275 | 245 | 210 | 235 | 225 | 200 | 190 |
| E | | | | | | | | 195 | 185 |
| F | | | | | | | | | |
| G | | | | | | | | 185 | 175 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | 165 | 155 |
| L | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price Index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 330 | 345 | 305 | 265 | 235 | 255 | 235 | 215 | 205 |
| B | 315 | 330 | 305 | 265 | 235 | 255 | 235 | 210 | 200 |
| C | 295 | 300 | 295 | 265 | 235 | 245 | 225 | 205 | 195 |
| D | 290 | 305 | 285 | 255 | 220 | 235 | 225 | 200 | 190 |
| E | | | | | | | | 195 | 185 |
| F | | | | | | | | | |
| G | | | | | | | | 185 | 175 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 165 | 155 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 97*

| Price Index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 320 | 330 | 295 | 225 | 225 | 255 | 235 | 215 | 205 |
| B | 305 | 315 | 295 | 225 | 225 | 255 | 235 | 210 | 200 |
| C | 285 | 285 | 285 | 225 | 225 | 245 | 225 | 205 | 195 |
| D | 280 | 290 | 275 | 210 | 210 | 235 | 225 | 200 | 190 |
| E | | | | | | | | 195 | 185 |
| F | | | | | | | | | |
| G | | | | | | | | 185 | 175 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | 165 | 155 |
| L | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.35 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.50 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

*District No. 7 (High Volatile)*

*Size Groups*

ALL MARKET AREAS

| Group No. | Sizes | Group No. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block. | 8 | 1¼" and under top size. Double screened stoker. |
| 2 | 4" and 5" Block.<br>5" x 10" Chunks.<br>5" x 8" "<br>4" x 10" "<br>4" x 8" "<br>4" x 6" "<br>4" x 5" " | 9 | Straight mine run. 5" Resultant. |
| | | 10 | 6" Resultant.<br>5" Resultant.<br>4" Resultant. |
| 3 | 2½" to 3" Lump.<br>3" x 8" Egg.<br>3" x 6" Egg.<br>2½" x 8" Egg.<br>2" x 8" Egg. | 11 | 2¾" Minus—nut—slack with top size not exceeding 2¾". No fines removed. |
| | | 12 | 2" Minus—nut—slack with top size not exceeding 2". No fines removed. |
| 4 | ¾" to 2" Lump.<br>2⅛" x 6" Egg.<br>3" x 5" Egg.<br>2⅛" x 5" Egg.<br>2½" x 5" Egg.<br>2" x 6" Egg.<br>3" x 4" Egg. | 13 | 1¼" Minus—nut—slack with top size not exceeding 1¼". No fines removed. |
| | | 14 | ¾" Minus—pea & slack with top size not exceeding ¾". No fines removed. |
| 5 | 2" x 5" Egg.<br>2½" x 4" Egg.<br>2" x 4⅛" Egg.<br>2" x 4" Egg.<br>1½" x 6" Egg.<br>⅝" & under. Screened R. O. M. | 15 | ⅜" Minus—slack with top size not exceeding ⅜". No fines removed. |
| | | 16 | Low grade reject coal separated at tipple or loaded separately in the mine. |
| 6 | 3" and under Stove. | | |
| 7 | 2" and under top size and 1½" and over bottom size Nut. | | |

Any size larger than the maximum top and/or bottom size shown in a group shall be included in the next higher price group.

*Price Index*

| Company | Mine | Seam | Size group numbers | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Carter Coal Co. | Seaboard | Lower Seaboard | O | M | M | J | G | K | K | K | B | ---- | ---- | ---- | L | L | ---- | E |
| Gauley Mountain Coal Co. | Anstead | #2 Gas | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Gauley Mountain Coal Co. | Rich Creek | Coalburg | O | M | O | N | G | K | K | K | G | G | J | J | J | J | ---- | ---- |
| Koppers Coal Co. | Beards Fork | #2 Gas | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Koppers Coal Co. | Ingram Branch | Eagle | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Koppers Coal Co. | Long Branch | Eagle | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Koppers Coal Co. | Midvale | #2 Gas | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Koppers Coal Co. | Loup Creek | Eagle | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Loup Creek Coll. Co. | Mill Creek #2 | Eagle | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Mill Creek Coll. Co. | Vera #1 | Sewell | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Vera, Pocahontas Coal Co. | | Big Eagle | O | M | | | | | | | | | A | A | A | E | ---- | ---- |

Group 15 price may be reduced 10¢ under Group 14 price.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1 and 1–A; via Tidewater (Hampton Roads, Va.)*

*Designated base rate.*—Kanawha, Logan and Kenova-Thacker rates.

*Rates higher than base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Kanawha, Logan and Kenova-Thacker base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Kanawha, Logan and Kenova-Thacker base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 2, 3, 40, 41 and 42*

*Designated base rate.*—The Pocahontas-New River rate.

*Rates higher than base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with The Pocahontas-New River base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than The Pocahontas-New River base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112*

*Designated base rate.*—Logan, Kanawha, Kenova-Thacker (inner crescent) rate.

*Rates higher than base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Logan, Kanawha, Kenova-Thacker (Inner

Crescent) base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 43*

*Designated base rate.*—Virginia District Southern Railroad Group 14.

*Rates Higher Than Base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Virginia District Southern Railroad Group 14 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Virginia District Southern Railroad Group 14 base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 and 1–A for Movement via Tidewater (Hampton Roads, Va.)*

| Groups | Size group prices | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [1] | | | | | | | | | | | | | | | | | | | | |
| 2 [1] | | | | | | | | | | | | | | | | | | | | |
| 3 [1] | | | | | | | | | | | | | | | | | | | | |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 9 | 200 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | | | | | | | | | | | | | | | | | | | | |
| 12 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 13 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | | | | | | | |
| 14 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | | | | | | | |
| 15 | | | | | | | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | | | | | | | |

[1] Prices for this group are the same as those for group #4.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.
All mines taking price classification below "P" in Size Groups 1 to 8, inclusive, shall take a "P" classification.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112*

| Size groups | Price Index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Size groups | Price Index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 335 | 330 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 |
| 4 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | | | |
| 5 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | | | |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 7 | | | | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | |
| 8 | | | | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

*Important.*—Exception shown on the following pages are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 40, 41, 42, 43*

| Size groups | Price Index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [1] | | | | | | | | | | | | | | | | | | | | |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 4 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | |
| 5 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 7 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 8 | | | | 255 | 250 | 245 | 240 | 235 | | | | | | | | | | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Prices for this group are the same as those for group 2.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES

*On Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

*Off Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $1.95 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.10 per net ton of 2,000 lbs. F. O. B. mines.

*On and Off Line*

When coal, other than Locomotive Fuel is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

STEAMSHIP BUNKER COAL PRICES

*High Volatile Mines*

1. Steamship bunker coal shall be defined as coal that is furnished for a vessel's own consumption to steamers ordinarily carrying cargo or passengers and engaging in foreign or coastwise trade.

2. The minimum prices for Bunker fuel for the Ports of Hampton Roads based on nut slack index shall be as follows:

| Price Index | Price |
|---|---|
| A & B | $5.15 Per Gross Ton F. O. B. Cars at Piers. |
| C & D | $5.05 Per Gross Ton F. O. B. Cars at Piers. |
| E and Under | $4.95 Per Gross Ton F. O. B. Cars at Piers. |
| LOW VOLATILE MINES | |
| A, B, C, and D | $5.15 Per Gross Ton F. O. B. Cars at Piers. |

3. Charleston, S. C. The minimum price for Bunker fuel F. O. B. cars at piers shall be $5.15 per gross ton when delivered to vessels destined to points beyond the harbor limits of Charleston.

4. The above prices are not subject to any freight rate adjustments.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3479; Filed, December 1, 1937; 12:26 p. m.]

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[Order No. 96]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER EIGHT IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 62 the weighted average of the total costs of the tonnage for Minimum Price Area One in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 83 determined and established the initial classifi-

cations of coals of code members within said District Eight; the District Board for District Number Eight having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Eight, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Eight, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Eight or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Eight, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Eight, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Eight and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Eight to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area One and to code members within District Number Eight, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE NO. 1—DISTRICT NO. 8

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 8, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 16, 1937.

Issued: November 30, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is submitted to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

8. *Modified 2" Nut and Slack.*—2" Nut and Slack from which a portion of the 3/8", or smaller, top size by 0" has been removed, shall be sold at the following prices:

(*a*) When removing a portion of 3/8 to 1/8 (inclusive) by 0" slack, not exceeding 40%, the price at the modified nut and slack shall be not less than 5¢ per nut ton higher than the 2" nut and slack price.

(*b*) When removing a portion of 3/8 to 1/8 (inclusive) by 0" slack, exceeding 40 percent and not exceeding 80 percent, the price of the modified nut and slack shall be not less than 10¢ per net ton higher than the 2" nut and slack price.

(*c*) When intermediate sizes, double screened, exceeding 30% and not exceeding 40%, are removed from 2" Nut and Slack, the remaining product, when re-assembled shall take Group 13 price.

(*d*) When intermediate sizes, double screened, exceeding 40% and not exceeding 80%, are removed from 2" Nut and Slack, the remaining product, when re-assembled, shall take a price 10 cents below Group 12 price.

(*e*) When intermediate sizes, double screened, exceeding 80%, are removed from 2" Nut and Slack, the remaining product, when re-assembled, shall take Group 14 price.

The above price basis for modified 2" Nut and Slack will remain in effect for a period not exceeding sixty (60) days, after their effective date, subject to the District Board substantiating the necessity for such modification and prices.

9. *Cannel Coal Prices.*—

| | |
|---|---|
| Block, Chunks, and Lumps | 4.00 |
| Egg | 3.25 |
| Ships | 2.50 |
| Machine Cuttings | 1.60 |

10. *Domestic Mine Run.*—Includes all mine run coal either straight or modified that has a maximum coarse coal content of 60% or less and that has a minimum coarse coal content of more than 40%.

Coarse Coal Content is defined as such sizes of coal as would pass over a 3/4" round hole screen at the time it leaves the loading boom or chute at the tipple to enter the rail road car or truck.

The definition of Domestic Run of Mine Coal and Prices thereon as designated herein, will remain in effect for a period not exceeding sixty (60) days, after their effective date, subject to the District Board substantiating the necessity for and the legality of such designation for these grades.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.



*Size Groups*

ALL MARKET AREAS

| Group No. | Sizes | Group No. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block. | 8 | 1¼" and under top size. Double screened stoker. |
| 2 | 4" and 5" Block.<br>5" x 10" Chunks.<br>5" x 8" "<br>4" x 10" "<br>4" x 8" "<br>4" x 6" "<br>4" x 5" " | 9 | Straight mine run.<br>8" Resultant. |
| | | 10 | 6" Resultant.<br>5" Resultant.<br>4" Resultant. |
| 3 | 2½" to 3" Lump.<br>3" x 8" Egg.<br>3" x 6" Egg.<br>2½ x 8" Egg.<br>2" x 8" Egg. | 11 | 2¾" Minus—nut—slack with top size not exceeding 2¾". No fines removed. |
| | | 12 | 2" Minus—nut—slack with top size not exceeding 2". No fines removed. |
| 4 | ¾" to 2" Lump.<br>2½" x 6" Egg.<br>3" x 5" Egg.<br>2¾" x 5" Egg.<br>2½" x 5" Egg.<br>2" x 6" Egg.<br>3" x 4" Egg. | 13 | 1¼" Minus—nut—slack with top size not exceeding 1¼". No fines removed. |
| | | 14 | ¾" Minus—pea & slack with top size not exceeding ¾". No fines removed. |
| 5 | 2" x 5" Egg.<br>2½" x 4" Egg.<br>2" x 4½" Egg.<br>2" x 4" Egg.<br>1½" x 6" Egg.<br>¾" & under. Screened R. O. M. | 15 | ⅜ Minus—slack with top size not exceeding ⅜". No fines removed. |
| | | 16 | Low grade reject coal separated at tipple or loaded separately in the mine. |
| 6 | 3" and under Stove. | | |
| 7 | 2" and under top size and 1½" and over bottom size Nut. | | |

Any size larger than the maximum top and/or bottom size in a group shall be included in the next higher price group.

*Price Index*

| Big Sandy—Elkhorn district | | | Size group numbers | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Barrowman Coal Company | #1 | Clintwood | N | N | N | K | K | K | K | K | B | B | B | B | B | B | --- | --- |
| Beaver C. & Mining Company | Beaver | Elkhorn #2 | K | K | K | K | K | K | K | K | C | C | C | C | C | C | --- | --- |
| Buchanan Coal Company, Inc | Tip Top | Millers Crk | K | K | K | K | K | K | K | K | F | F | H | H | H | H | --- | --- |
| Cameo Elkhorn Coal Company | Big Shoal | Elkhorn #1 | O | O | O | M | M | M | M | M | D | D | E | E | E | E | --- | --- |
| Carol Mining Company | Carol #1 | Ky. #7 | K | K | K | K | K | K | K | K | F | F | J | J | J | J | --- | --- |
| Central Elkhorn C. Company | #4 | Elkhorn #1 | H | H | H | H | H | H | K | K | H | H | E | E | E | E | --- | --- |
| Central Elkhorn C. Company | #6 | Elkhorn #1 | O | O | O | H | H | H | K | K | K | K | D | D | D | D | --- | --- |
| Central Elkhorn C. Company | #5 | Elkhorn #1 | H | H | H | H | H | H | K | K | K | K | J | J | J | J | --- | --- |
| Clear Branch Mining Company | Clear Branch | Elkhorn #3 | O | O | O | H | H | H | K | K | K | K | C | C | C | C | --- | --- |
| Consolidation Coal Company | #155 | Millers Crk | H | H | H | C | C | C | K | K | K | K | B | B | B | B | D | D |
| Consolidation Coal Company | #204, 206, 214 | Elkhorn #3 | I | I | I | H | H | H | K | K | K | K | B | B | B | B | --- | --- |
| Consolidation Coal Company | Edgemont | Elkhorn #2 | A | A | A | K | K | K | K | K | K | K | B | B | B | B | D | E |
| Edgemont Fuel Company | Kona #2 | Elkhorn | I | I | I | H | H | H | K | K | K | K | B | B | B | B | --- | --- |
| Elkhorn Coal Company | #1-7, 2, 3-4, 5 | Elkhorn | O | O | O | H | H | H | K | K | K | K | B | B | B | B | D | E |
| Elkhorn Coal Corp | #27, 28, 31, 32 | Elkhorn #1 | K | K | K | H | H | H | K | K | K | K | B | B | B | B | --- | --- |
| Elkhorn Coll. Corporation | Winters | Elkhorn #3 | H | H | H | M | M | M | K | K | K | K | B | B | B | B | --- | --- |
| Elkhorn Junior C. Company | Lorraine | Elkhorn | M | M | M | M | M | M | K | K | K | K | B | B | B | B | --- | --- |
| Elswick Coal Company | Federal | Elswick | M | M | M | K | K | K | K | K | K | K | B | B | B | B | --- | --- |
| Glogora Coal Company | Glo | Elkhorn | K | K | K | K | K | K | K | K | K | K | B | B | B | B | --- | --- |
| Goose Creek Mining Company | Goose Creek | Elkhorn #1 | M | M | M | E | E | E | K | K | K | K | B | B | B | B | --- | --- |
| Greenough Coal Company | Greenough | Up. Elkhorn | E | E | E | K | K | K | K | K | K | K | B | B | B | B | --- | --- |
| Inland Steel Company | Wheelwright | Elkhorn #3 | K | K | K | G | G | G | K | K | K | K | B | B | B | B | --- | --- |
| Koppers Coal Company, The | Weeksbury #1 | Elkhorn #3 | G | G | G | B | B | B | K | K | K | K | B | B | B | B | --- | --- |
| New Elkhorn Coal Corporation | Dorton | Elkhorn #2 | A | A | A | M | M | M | K | K | K | K | B | B | B | B | --- | --- |
| North East Coal Company | Thealka #3 | Millers Crk | O | O | O | H | H | H | K | K | K | K | B | B | B | B | --- | --- |
| North East Coal Company | Auxier #7 | Millers Crk | H | H | H | K | K | K | K | K | K | K | B | B | B | B | --- | --- |
| Paragon Elkhorn Coll. Co | Utilities #22 | Elkhorn | K | K | K | G | G | G | K | K | K | K | B | B | B | B | --- | --- |
| Payne Baber Coal Co. of Ky | Block & Clear Crk | Elkhorn #3 | G | G | G | K | K | K | K | K | K | K | B | B | B | B | --- | --- |
| Pivot Elkhorn Mining Co | Osborne | Elkhorn #1 | K | K | K | K | K | K | K | K | K | K | B | B | B | B | --- | --- |
| Royal Coal Company | Royal #1 | Millers Crk | K | K | K | M | M | M | K | K | K | K | B | B | B | B | --- | --- |
| Ruth-Elkhorn Coals, Inc | Harold | Elkhorn | M | M | M | M | M | M | K | K | K | K | B | B | B | B | --- | --- |
| Sandy Valley Coal Company | Alley | Elkhorn #1 | M | M | M | M | M | M | K | K | K | K | B | B | B | B | --- | --- |
| Shelby Steam Coal Company | Big Sandy (Seco #1) | Elkhorn #1 | M | M | M | M | M | M | K | K | K | K | B | B | B | B | --- | --- |
| South East Coal Company, Inc | Lavlers #2 | Elkhorn | M | M | M | M | M | M | M | M | E | E | G | G | G | G | J | --- |
| Stephens Elkhorn Fuel Corp | Stephens | Elkhorn #2 | H | H | H | K | K | K | K | K | C | C | C | C | C | C | --- | E |
| Superior Mining Company | Superior | Elkhorn #3 | H | H | H | H | H | H | K | K | B | B | B | B | B | B | --- | --- |
| Turner Elkhorn Mining Co | Turner | Elkhorn #2 | K | K | K | K | K | K | K | K | C | C | C | C | C | C | --- | --- |
| Twinseam Elkhorn Mining Co | Turner #2 | Elkhorn #1 | K | K | K | M | K | K | K | K | D | D | D | D | D | D | G | --- |
| United Elkhorn Coal Company | United #21 | Elkhorn | O | O | O | K | K | K | K | K | D | D | E | E | E | E | --- | --- |
| Utilities Elkhorn Coal Co | Boldman #5-E | Elkhorn | K | K | K | K | K | K | K | K | D | D | D | D | D | D | --- | --- |
| Utilities Elkhorn Coal Co | Virgie 6-E | Elkhorn | M | M | M | K | H | H | K | K | B | B | B | B | B | B | --- | --- |
| Utilities Elkhorn Coal Co | Martin 8-E | Elkhorn | K | K | K | K | K | K | M | M | E | E | G | G | G | G | J | --- |

*Price Index*—Continued

| Harlan district | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Bardo Coal Mining Co., Inc. | Bardo | Harlan | P | P | N | L | K | L | L | L | E | E | F | F | F | F | | |
| Benito Harlan Corporation | Benito | Harlan | S | S | R | P | G | N | L | L | C | A | C | C | C | C | | |
| Berger Coal Mining Company | Silver Star | #5 | F | A | F | C | D | J | H | F | A | C | D | D | D | C | | |
| Black Mountain Corp., The | Black Mtn. #36 and #31 | #5 | A | M | B | K | K | L | L | L | D | D | H | H | H | C | E | |
| Black Star Coal Co | Black Star | Harlan | M | O | M | M | K | N | L | L | C | B | C | C | C | D | | |
| Black Star Coal Company | Dixie Star | Kelloka | O | O | O | O | C | K | L | L | D | C | D | D | D | D | | |
| Blue Diamond Coal Company | Crown | Harlan | M | M | M | M | G | M | L | L | C | B | C | C | C | D | | |
| Clover Fork Coal Company | Clover Fork | Harlan | O | O | O | O | C | K | L | L | D | C | D | D | D | D | | |
| Clover Splint Coal Company | Clover Splint | High Splint | M | M | M | M | K | M | L | L | C | B | C | C | C | D | | |
| Cook & Sharpe Coal Company | Upper Harlan | #5 | G | G | G | G | K | K | L | L | D | C | D | D | E | D | | |
| Cornett-Lewis Coal Company | Corlew | High Splint | K | Q | Q | M | K | K | L | L | D | C | D | E | D | D | H | |
| Cornett-Lewis Coal Company | Cornett | Harlan | Q | O | O | M | K | K | L | L | D | C | D | E | D | D | | |
| Creech Coal Company | Creech | Wallins | O | M | M | O | K | K | L | L | D | C | D | E | D | C | F | |
| Crummies Creek Coal Company | Crummies #1 | Harlan | M | M | M | O | K | K | L | L | D | C | D | E | D | D | | |
| Crummies Creek Coal Company | Crummies #2 & 3 | #5 | A | A | Q | P | K | K | L | L | D | C | D | E | D | C | E | |
| Diamond Ashless Coal Company | R. L. Brown | Kelloka | S | S | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Elcomb Coal Company | Elcomb | Mason | R | R | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Good Coal Company, The | Kentucky King | Wallins | L | L | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Green-Silvers Coal Corp | Malcomson | Wal., Spl., #6 | O | O | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Harlan Central Coal Company, Inc | Harlan Central | Harlan | O | O | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Harlan Collieries Company | Brookside | Harlan | Q | Q | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Harlan Crown Mining Company | Draper | Harlan | Q | Q | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Harlan Fuel Company, Inc | Yancey | Harlan | Q | Q | M | P | K | K | L | L | D | C | D | E | D | D | | |
| Harlan-Wallins Coal Corp | Bear Branch | Harlan | O | O | O | O | K | K | L | L | D | C | D | E | D | D | | |
| Harlan-Wallins Coal Corp | Darby & Dixie | #5 | O | O | F | O | K | K | L | L | D | C | D | E | D | D | | |
| Harlan-Wallins Coal Corp | Marathon | #5 | A | A | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Harlan-Wallins Coal Corp | Molus | Harlan | A | Q | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| High Splint Coal Company | Hi-Lo | High & Low Spl | Q | Q | Q | P | K | K | L | L | D | C | D | E | D | D | K | |
| Kentucky Cardinal Coal Corp | #1 | Harlan | Q | Q | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Mahan Ellison Coal Corp | Mahan Ellison #1 | Harlan | O | O | O | M | K | K | L | L | D | C | D | E | D | D | H | |
| Mahan Ellison Coal Corp | Mahan Ellison #2 | Kelloka | O | N | O | M | K | K | L | L | D | C | D | E | D | D | K | |
| Mary Helen Coal Corp | Mary Helen | Harlan | O | O | S | M | K | K | L | L | D | C | D | E | D | D | | |
| Perkins-Harlan Coal Co | Liggett | Harlan | S | Q | Q | M | K | K | L | L | D | C | D | E | D | D | | |
| P. V. & K. Coal Co | Glover Gap | Harlan | Q | P | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Rex Mining Company | Rex | Harlan | O | O | O | O | K | K | L | L | D | C | D | E | D | D | | |
| Ridgeway Coal Corp., Inc | Ridgeway | Harlan | K | K | Q | P | K | K | L | L | D | C | D | E | D | D | | |
| Southern Harlan Coal Co | Southern Harlan | Harlan | O | O | O | O | K | K | L | L | D | C | D | E | D | D | | |
| Southern Mining Company | Insull | Creech | O | O | O | O | K | K | L | L | D | C | D | E | D | D | | |
| Splint Coal Corporation | Splint | High Splint | M | M | M | M | K | K | L | L | D | C | D | E | D | D | | |
| Three Point Coal Corporation | Three Point | Harlan | M | M | M | M | K | K | L | L | D | C | D | E | D | D | F | |
| Tway Coal Company, R. C | Tway | Harlan | M | M | M | M | K | K | L | L | D | C | D | E | D | D | | |
| U. S. Coal & Coke Company | Lynch #30 & 31 | "C" | G | G | G | G | F | F | H | H | G | C | C | C | C | C | | |
| Wisconsin Steel Company | #1 | "C" & "B" | G | G | G | G | F | F | H | H | B | B | B | B | B | B | | |

| Hazard district | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Ajax Coal Company | Ajax | Hazard #4 | M | M | M | L | L | M | M | M | F | F | J | J | J | J | | |
| Algoma Block Coal Company | Algoma #7 | Hazard #7 | O | O | O | K | K | O | L | P | E | G | F | E | K | F | | |
| Algoma Block Coal Company | Black Watch #4 | Hazard #4 | M | M | O | O | P | L | M | L | G | F | G | H | H | E | | |
| Barwick Coal Company | Barwick | #4 Rider | O | O | O | O | M | O | L | P | F | E | F | H | H | K | | |
| Black Fox C. Mining Company | Elko | Hazard #4 | O | O | M | M | K | O | M | L | E | E | G | G | G | H | | |
| Black Gold Mining Company | Black Gold | Hazard #4 | M | M | O | K | K | O | M | P | E | E | G | G | G | G | | |
| Blue Diamond Coal Company | Blue Diamond #1 | Hazard #6 | O | O | Q | K | K | O | M | P | E | E | G | F | G | K | | |
| Blue Grass Mining Company | Blue Grass | Haz. #4 & #7 | R | K | Q | Q | K | O | M | P | E | E | G | K | H | E | | |
| Buchanan Coal Company, Inc | Rytip | Hazard #5-A | Q | Q | O | M | K | K | M | P | E | E | G | K | H | E | | |
| Carbon Glow Mining Co | Carbon Glow | Hazard #4 | O | O | M | M | K | K | M | P | E | E | G | K | H | E | | |
| Carrs Fork Coal Co., Inc | Allock | Hazard #4 | M | M | M | O | K | K | M | P | E | E | G | K | H | E | | |
| Carrs Fork Coal Company, Inc | Perrone | Hazard #7 | O | O | O | O | P | K | O | P | E | E | G | K | H | E | | |
| Chavies Coal Company | Chavies | Hazard #5-A | Q | Q | Q | M | P | K | O | P | E | E | G | K | H | E | | |
| Columbus Mining Company | #3 | Hazard #4 | M | M | M | M | K | K | O | P | E | E | G | K | H | E | | |
| Columbus Mining Company | #4 and #6 | Hazard #4 | M | M | O | K | K | K | O | P | E | E | G | K | H | E | | |
| Columbus Mining Company | #5 | Hazard 5-A & #7 | O | O | O | K | K | K | O | P | E | E | G | K | H | E | | |
| Columbus Mining Company | #9 | Hazard #4 | K | K | K | K | K | K | O | P | E | E | G | K | H | E | | |
| Columbus Mining Company | #10 | Hazard #4 | M | M | M | K | K | L | O | P | E | E | G | K | H | E | | |
| Darb Fork Coal Company | Darb Fork | Hazard #4 | M | M | M | M | L | M | O | P | E | E | G | K | H | E | | |
| Davis Coal Co. Inc. R. T. | Davis | Hazard #1 | | | | | | | | | | | | | | | | |
| Dixie Diamond Coll., Inc | Dixie Diamond | Hazard #4 | O | O | M | K | K | L | L | L | F | F | H | H | H | H | | |
| Elkhorn & Jellico Coal Co | Wolfram | Haz. 4 & Wg | O | O | O | K | K | L | O | L | G | G | K | E | K | K | | |
| Fourseam Coal Corp | Fourseam | Hazard # 4 | M | M | M | K | K | M | L | L | D | D | F | E | E | E | G | |
| German Coal Sales Company | Hot Spot #2 | Hazard #4 | O | O | O | M | K | M | L | M | E | F | H | G | H | G | | |
| Happy Coal Company | Happy | Hazard #4 | M | M | O | M | K | K | L | L | D | E | F | E | G | G | | |
| Happy Coal Corporation | Scuddy | Hazard #1 | O | O | M | K | O | L | O | O | E | E | G | F | G | G | | |
| Hardy-Burlingham Mining Co | Hardburly | Hazard #7 | O | O | O | O | O | O | O | M | E | E | G | H | H | H | | |
| Harvey Coal Corporation | Harveyton | Hazard #6 | O | O | O | O | O | O | O | M | E | F | H | F | F | F | | |
| Hatfield-Camp Crk Coal Co | Glomawr | Hazard #7 | O | O | O | M | O | L | O | M | E | F | J | J | J | J | | |
| Indian Head Mining Co. Inc | Indian Head | Hazard #4 | M | M | M | M | L | L | M | M | F | F | F | F | J | J | | |
| Kenmont Coal Company | Kenmont | Hazard #7 | O | O | O | O | P | O | O | O | E | G | G | K | F | K | | |
| Kentucky Hayslen Coal Co | Hayslen | Hazard #6 | O | O | O | O | P | O | O | N | O | G | E | F | E | K | K | |
| Knott Coal Corporation | Knott | Hindman | O | O | O | M | M | K | K | L | O | E | D | E | E | F | | |
| Marlow Coal Company | Defiance | Haz #4 & #7 | M | M | M | M | K | K | L | L | O | E | D | E | E | E | | |
| Meem-Haskins Coal Corp | Meem-Haskins 2 | Hazard #4 | M | M | M | M | K | K | L | L | O | E | D | E | E | E | | |
| New Solar Coal Company | Butterfly | Hazard #6 | O | O | O | O | P | O | O | O | G | F | E | K | H | K | | |
| Old King Mining Company | Midland | Hazard #7 | Q | Q | O | Q | O | O | O | O | E | E | G | F | F | H | | |
| Perkins-Bowling Coal Corp | Agnes | Hazard #7 | O | O | O | O | K | K | O | O | E | E | G | G | G | K | | |
| Raccoon Coal Corporation | Raccoon | Hazard #4 | M | M | M | M | K | N | L | L | E | E | G | K | K | K | | |
| Sandlick Coal Company | Beleraft | Haz. 4 & Wg | O | O | O | O | N | N | O | O | E | D | E | E | F | F | | |
| Starling Coal Compay, Inc | Starling | Elkhorn | K | K | K | K | K | K | K | K | F | E | F | F | H | H | | |
| Sunfire Coal Company | Sunfire | Sunfire | K | K | K | K | M | M | N | N | E | D | E | E | E | F | | |
| Wisconsin Coal Corporation | Wiscoal | Haz. #4-#7 | M | M | M | M | | | | | | | | | | | | |



*Price Index*—Continued

| Kanawha district | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Ace Black Band Coal Company | Dorothy Dale | Black Band | M | M | M | N | N | N | N | N | E | E | E | G | G | G | | |
| American Eagle Colliery | Ameagle #70 | Eagle | O | M | M | J | G | K | K | K | B | B | B | A | A | A | | |
| Anchor Coal Company | Anchor #1 & #3 | Dorothy | G | G | G | N | L | L | L | L | C | C | C | C | C | C | | |
| Armco Coal Mining Corporation | Martins | Campbells Cr | P | P | M | M | M | M | M | M | D | D | D | D | D | D | | |
| Birchton Coal Company | Birchton | Hernshaw | M | M | M | M | P | K | K | K | E | E | E | E | E | E | L | |
| Black Band Coal Company | Reynolds | Black band | M | M | M | M | P | K | K | K | E | E | E | E | E | E | | |
| Boone County Coal Corporation | Boone No. 2 | Chilton | M | O | O | M | P | K | K | K | E | E | E | E | E | E | | |
| Cameo Splint Coal Company | Cameo | No. 5 Block | O | O | O | M | P | K | K | K | E | E | E | E | E | E | | |
| Cannelton C. & C. Company | #5 | Eagle | O | O | O | M | P | K | K | K | E | E | E | E | E | E | | |
| Cannelton C. & C. Company | #5 | #2 Gas | P | M | M | M | N | K | K | K | E | E | E | E | E | E | | |
| Cannelton C. & C. Company | #6 | #5 Block | M | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Carbon Fuel Company, The | #5 and #10 | Dorothy | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Carbon Fuel Company, The | #9 | Powellton | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Carbon Fuel Company, The | #11 | Dorothy | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Cedar Grove Colli., Inc | Cedar Grove | Cedar Grove | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| C. & O. Fuel Mine Operators | Dorothy Eagle | Dorothy | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Christian Colliery Company | #1 | Eagle | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Christian Colliery Company | #2 | Powellton | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Colcord Coal Company | Monteoal #1 | Dorothy | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Colcord Coal Company | Monteoal #2 | Dorothy | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Colcord Coal Company | Monteoal #4 | Hernshaw | G | G | G | G | G | K | K | K | E | E | E | E | E | E | | |
| Detroit Mining Company | #1 and #2 | Coalburg | G | G | M | L | J | K | K | K | E | E | E | E | E | E | | |
| Disport Coal Company | Star Slope | Berryville | M | J | J | J | J | K | K | K | E | E | E | E | E | E | E | |
| Dorothy Glenn C. Mining Co | Dorothy Glenn | Coalburg | M | Q | Q | P | P | K | K | K | E | E | E | E | E | E | | |
| Dry Branch Coal Company | Dry Branch | #5 Block | O | M | M | M | M | K | K | K | E | E | E | E | E | E | | |
| Elk River Coal & Lbr. Co | Rich Run | #5 Block | M | M | M | M | M | K | K | K | E | E | E | E | E | E | | |
| Eureka Coal Company | #5 | Coalburg | M | M | M | S | S | K | K | K | E | E | E | E | E | E | | |
| Glogora Coal Company | Pine Pennant | Pittsburgh #8 | S | S | S | S | S | K | K | K | E | E | E | E | E | E | | |
| Hartford Coal Company, Inc | Sliding Hill | Pittsburgh #8 | S | S | S | S | S | K | K | K | E | E | E | E | E | E | | |
| Hatfield Campbell Cr. Coal Co., The | Plymouth | Pittsburgh #8 | S | S | S | S | S | K | K | K | E | E | E | E | E | E | | |
| Harman, Wm. S | Hallwood #1 & 2 | Pittsburgh #8 | S | S | S | J | S | K | K | K | E | E | E | E | E | E | | |
| Hatfield Campbell Cr. Coal Co., The | Putney #1 & #3 | #5 Block | J | O | G | S | O | K | K | K | E | E | E | E | E | E | | |
| Hatfield Campbell Cr. Coal Co., The | #1 | #2 Gas | S | O | G | O | O | K | K | K | E | E | E | E | E | E | | |
| Imperial Colliery Company | #2 | #2 Gas | S | O | G | O | O | K | K | K | E | E | E | E | E | E | | |
| Imperial Colliery Company | #5 | Dorothy | S | O | G | O | O | K | K | K | E | E | E | E | E | E | | |
| Jackson Coal & Mining Co | Jackson | Pittsburgh #8 | S | O | G | O | O | K | K | K | E | E | E | E | E | E | | |
| Kanawha By-Prod. Coal Co | Monarch | Cedar Grove | S | O | G | O | O | K | K | K | E | E | E | E | E | E | | |
| Kanawha Coals, Inc | Highestone | #2 Gas | S | O | G | O | O | K | K | K | E | E | E | E | E | E | | |
| Kan. & Hocking C & C Company | #109 | #5 B l. & Coalbg | S | P | S | P | S | O | R | M | E | E | L | C | L | C | | |
| Kan. & Hocking C & C Company | #114 and #116 | #2 Gas & Eagle | S | P | S | P | S | O | R | M | E | E | L | C | L | C | | |
| K & N River Bge. & R. C. Ms. Inc | Winifrede #1 | Winifrede | | | | | | | | | | | | | | | | |
| Keith Coal Mining Co., Inc | Darby | Cedar Grove | O | R | O | O | P | O | N | N | N | N | E | E | E | E | L | |
| Kelley's Cr. Coll. Company | #2 and #6 | Lewiston | O | O | R | M | M | G | N | N | N | K | A | A | A | A | | |
| Kelley's Cr. Coll. Company | #4 | Cedar Grove | O | O | O | M | G | J | G | G | K | K | A | A | A | A | | |
| Kingston-Pocahontas Coal Co | Kingston | Eagle & Powl | | | | | | | | | | | | | | | | |
| Koppers Coal Company, The | Powellton 2, 3, 5 | Powellton | | | | | | | | | | | | | | | | |
| Koppers Coal Company, The | Powellton #4 | #2 Gas | | | | | | | | | | | | | | | | |
| Koppers Coal Company, The | Powellton #1 | Pearless | | | | | | L | J | J | K | K | C | C | C | C | | |
| Koppers Coal Company, The | Wharton | Hernshaw | M | M | L | L | J | J | R | N | K | K | C | C | C | C | | |
| Leevale Collieries, Inc | Leevale | Dorothy | M | G | S | O | M | M | G | S | K | K | C | D | D | D | | |
| LeMoyne Coal Company | LeMoyne | #5 Block | S | O | M | M | J | M | G | S | K | K | C | D | D | D | | |
| Marmet Coal Company | Cedar Grove #1 | Cedar Grove | O | M | M | M | J | M | G | S | K | K | C | D | D | D | | |
| Milburn By-Prod Coal Company | Milburn #1 & #2 | Eagle & Powlt | M | G | S | O | M | M | J | M | K | K | C | D | D | D | | |
| Nellis Coal Corporation | Nellis | Campbells Cr | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Orlandi Coal Company | Orlandi #2 | #2 Gas | M | M | O | M | M | M | J | M | K | K | C | D | D | D | | |
| Princess Dorothy C. Company | Princess Doro | #5 Block | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Raleigh Wyoming Mining Co | Edwight #1 & #3 | Eagle | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Raleigh Wyoming Mining Co | #4 | Dorothy | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Raymond City C. & T. Corp | Raymond City | #5 Bl & Lewisun | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Red Parrot Coal Company | Red Parrot | #2 Gas | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Ridgeview Coal Company | Ridgeview | Belmont | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Riverton Coal Company | Riverton | Cedar Grove | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Riverton Coal Company | Riverton | Stockton-Lewiston | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Riverview Coal Mining Co | Coalburg | Alma | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Spruce River Coal Company | Spruce River #4 | Dorothy | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Truax-Traer Coal Company | Acme, Raccoon and United | | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Truax-Traer Coal Company | Rose | Dorothy | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Upper Elk & Potomac Coal Co | Middle Creek | #5 Block | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Webb Coal Mining Company | Webb | Dorothy | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Whitesville Mining Company | Whitesville #2 | Powellton | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Winifrede Collieries | #1 | Winifrede | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Winifrede Collieries | #2 | Winifrede | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Wyatt Coal Company | Laing #1 and #2 | Dorothy | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Wyatt Coal Company | Wymar | Belmont | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |
| Youghiogheny & Ohio C. Co. | Van | Coalburg | M | M | O | M | M | M | G | S | K | K | C | D | D | D | | |

| Logan district | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Alma Eagle Coal Co | Aracoma | Eagle | U | T | R | P | N | N | N | N | E | E | F | F | F | F | | |
| Amherst Coal Co | Amherst #1 | Chilton | Q | Q | P | P | N | N | M | M | C | C | C | C | C | C | | |
| Amherst Coal Co | Amherst #2 | Eagle | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Amherst Coal Co | Amherst #3 | Cedar Grove | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Avis Eagle Coal Co | Avis Eagle | Eagle | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Bertland Coal Co | Bertland | Eagle | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Buffalo Chilton Coal Co | Buffalo #1 | Chilton #1 | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Big Creek Coal Co | Stone Branch | Alma | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Buffalo Eagle Mines, Inc | Riley #2 | Island Crk | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Buffalo Eagle Mines, Inc | Riley #3 | Chilton | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Chafin-Jones-Heatherman Coal Co | #3 | Chilton | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Chilton Block Coal Co | Ethel #2 | Chilton | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Chilton Eagle Coal Co | Chilton Eagle | Alma-I. C.-Chilton | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Clean Eagle Coal Co | Clean Eagle | Eagle | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Crystal Block C & C Co | #4 | Island Crk | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Fort Branch Coal Corp | Fort Branch | Chilton | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Gay Coal & Coke Co., The | Gay #1 | Island Crk | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |
| Gay Coal & Coke Co., The | Gay #2 | Eagle | S | S | Q | Q | O | N | M | M | C | C | C | C | C | C | | |

*Price Index*—Continued

| Logan district—Continued | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Georges Creek Coal Co | Georges Crk | Chilton | Q | Q | P | N | N | M | M | N | C | D | C | E | C | C | E | |
| Guyan Eagle Coal Co | Guyan #1 | Island Crk | S | S | Q | O | N | N | M | N | C | D | C | E | C | C | E | |
| Guyan Eagle Coal Co | Guyan #3 | Chilton | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | C | |
| Hutchinson Coal Co | Argyle | Chilton | Q | Q | P | O | N | M | M | M | C | C | C | C | C | C | C | |
| Hutchinson Coal Co | Dabney & MacBeth | Eagle | S | S | Q | O | N | M | M | M | C | C | C | C | C | C | C | |
| Island Creek Coal Co | #1 & 20 | Island Crk | O | O | O | N | N | N | N | N | E | E | F | F | F | F | F | C |
| Island Creek Coal Co | #7 | Island Crk | Q | Q | P | P | N | N | N | N | D | D | E | E | E | E | E | C |
| Island Creek Coal Co | #11, 14 & 22 | Island Crk | Q | Q | P | P | N | N | N | N | D | D | E | E | E | E | E | C |
| Island Creek Coal Co | #21 | Island Crk | Q | Q | P | Q | N | N | N | N | D | D | E | E | E | E | E | C |
| Logan By-Products Coal Co | Shamrock | Eagle | S | S | Q | Q | N | N | N | N | C | C | C | C | C | C | C | |
| Logan Chilton Coal Co | Rita | Chilton | S | S | Q | Q | N | N | M | M | C | C | C | C | C | C | C | |
| Logan County Coal Corp | Lundale | Chilton | S | S | Q | Q | N | N | M | M | C | C | C | C | C | C | C | |
| Logan County Coal Corp | MacGregor | Chilton | Q | Q | P | N | N | N | N | N | D | E | E | E | E | E | E | |
| Logan County Coal Corp | Paragon | #2 Gas | S | S | Q | Q | N | N | N | N | D | D | E | E | E | E | E | |
| Lorado Coal Mining Co., The | Lorado #1 | Chilton | S | S | Q | P | Q | O | N | N | C | C | D | C | D | D | D | |
| Lorado Coal Mining Co., The | Lorado #2 | Chilton | Q | S | Q | P | Q | O | N | N | C | D | D | E | D | E | D | |
| Mallory Coal Co | #1 | Island Crk | S | S | Q | Q | Q | O | N | N | C | D | D | E | D | E | D | |
| Mallory Coal Co | #2, 3, 4, & 5 | Eagle & Powellton | S | S | Q | Q | O | N | N | M | B | B | B | B | B | B | B | |
| McCall Coal Co | McCall #2 | Powellton | S | S | Q | Q | P | R | P | N | B | E | D | E | G | G | G | |
| Merrill Coal Mines, Inc | Merrill | Island Crk | Q | U | Q | P | O | P | N | N | C | D | E | G | E | E | E | |
| Monitor C. & Coke Co | Monitor & Eagle #1 | Eagle | U | U | T | Q | P | P | N | N | G | G | G | G | G | G | G | |
| Norfolk & Chesapeake Coal Co | Wilson #3 | Eagle | U | Q | Q | Q | N | N | O | O | G | G | G | G | G | G | G | |
| Seaboard Air Line Railway Co., L. P. Powell & H. W. Anderson, Rec. | Chilton Blk #1 | Chilton | Q | S | Q | O | N | M | M | M | C | C | C | C | C | C | C | |
| Utilities Coal Co | #61 | Eagle | S | S | Q | O | N | M | M | M | C | C | C | C | C | C | C | |
| W. Va. Cannel Coals* | Switzer | Cannel | | | | | | | | | | | | | | | E | |
| West Va. C. & C. Corp | Earling | Eagle | S | S | Q | O | N | N | M | M | C | D | E | C | E | F | F | C |
| West Va. C. & C. Corp | Mieco #3 & Rossmore | Island Crk | O | O | Q | O | N | N | N | N | E | E | C | E | F | C | H | C |
| West Va. C. & C. Corp | Omar #1 | Island Crk | Q | O | Q | O | N | N | M | M | C | C | C | F | C | C | | C |
| West Va. C. & C. Corp | Omar #5 | Island Crk | Q | O | Q | P | N | N | M | M | C | C | C | F | C | C | | C |
| West Va. C. & C. Corp | #19 | Island Crk | Q | O | Q | P | N | N | M | M | C | C | C | F | C | C | | C |
| Winisle Coal Corp | Winisle #1 | Winifrede | Q | Q | Q | P | N | N | M | M | C | C | C | F | C | C | | C |
| Wood Coal Co | Freeze Fork | Chilton | Q | Q | P | N | N | M | M | M | C | C | C | F | C | C | | C |
| Youngstown Mines Corp., The | Dehue | Eagle | | | | | | | | | B | | | | | | | |

*See Cannel Coal price schedule.

| Southern Appalachian district—Continued | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Atlas Coal Company | Capito | Lower Hignite | K | K | J | G | G | H | K | K | E | E | F | F | F | F | | |
| Barker Str. Crk. Coal Mng. Co | Barker | Straight Crk | P | P | O | M | M | M | M | K | G | G | K | K | K | K | | |
| Bell Coal Company | Bell | Straight Crk | | | | | | | | | G | | | | | | | |
| Bertha Jellico Coal Co | Bertha | Jellico | Q | Q | O | P | L | M | M | R | H | H | L | N | N | N | | |
| Bessemer C. Iron & Land Co | Wind Rock | Upper Dean | T | T | R | F | O | P | Q | K | D | H | E | E | E | E | | |
| Black Diamond Coal Mng. Co | Marion | Jellico | G | G | G | F | F | H | K | K | H | H | H | E | E | E | | |
| Block Coal & Coke Co | Block No. 1 | Dean | | | | | | | | | H | | | | | | | |
| Block Coal & Coke Co | Turley | Dean | T | T | R | P | O | P | Q | R | D | D | N | N | N | N | | |
| Blue Diamond Coal Co | Eagan & Westbourne | Jellico | G | G | G | F | F | H | K | K | H | H | E | E | E | E | | |
| Bon Jellico Coal Co | Bon Jellico | Jellico | K | K | K | K | H | K | K | K | H | H | D | E | E | E | | |
| Brimestone Coal Company | Brimestone | Glenmary | | | | | | | | | H | | | | | | | |
| Broyles Jellico Coal Co | Rich Mtn | Dean | G | M | G | M | F | F | H | K | H | H | D | E | E | E | | |
| Brush Creek Coal Co | Rock Cliff | Blue Gem | A | A | B | L | C | J | F | H | H | H | E | E | E | E | | |
| Burk Hollow Coal Co | Burk Hollow | Mason | N | N | L | O | M | M | K | M | D | D | D | E | E | E | | |
| Cairnes Coal Mining Co | Cairnes | Coal Crk | Q | Q | Q | O | M | M | K | M | D | D | E | E | E | E | | |
| Cambria Coal Company | Cross Mountain | Lower Dean | Q | Q | Q | O | M | M | K | M | D | D | E | E | E | E | | |
| Cambria Coal Company | Royal | Jellico | G | G | N | N | F | L | M | M | E | E | F | F | F | F | | |
| Cleage-Wills Coal Co., Inc | Cleage Wills | Sterling | N | N | M | M | L | L | M | M | E | E | F | F | F | F | | |
| Clear Fork Coal Company | Clear Fork #3 | Mason | | | | | | | | | F | | | | | | | |
| Clear Fork Coal Company | Clear Fork | Pee Wee | A | A | B | L | C | J | F | H | B | B | E | E | E | E | J | |
| Clinchmore Coal Mining Co | Clinchmore | Red Bird | A | L | B | B | J | D | K | K | H | H | H | E | E | E | | |
| Coleman Fuel Company | Red Bird | Blue Gem | A | A | R | L | O | O | F | H | I | I | F | N | N | N | | |
| Dixie | Highland | Bon Air #2 | R | T | R | Q | P | Q | P | Q | R | R | H | N | N | N | N | |
| Davidson Mining Co | | Dean | T | T | T | R | P | P | M | M | H | H | F | J | J | J | | |
| Dean Coals, Inc | | Dean | T | P | P | G | R | Q | M | K | M | M | E | F | F | F | N | |
| Diamond Coal Mining Co | Diamond #1 & #2 | Dean | T | P | T | L | N | R | K | K | K | K | F | H | H | H | J | |
| Dixie Bell Coal Company | Dixie Bell | Hance | G | G | G | L | G | L | F | H | H | H | F | N | N | N | | |
| Engine Coal Company, Inc | Pineville | Str. Crk | L | L | R | L | K | Q | H | O | K | K | R | H | H | H | | |
| Fayette-Jellico Coal Co | Fayette-Jellico | Dean | L | R | | | | | | | Q | P | | N | N | N | | |
| Fentress Coal & Coke Co | Wilder No. 3 | Bon Air #2 | R | | | | | | | | R | | | | | | | |
| Fork Mountain Coal Company | Fork Mountain | Dean | | | | | | | | | H | | | | | | | |
| Fork Mountain Coal Company | Regal | Pee Wee | K | K | K | K | H | H | K | K | E | E | G | G | G | G | | |
| Fork Ridge C. & C. Company | Fork Ridge | Mason | L | G | K | G | H | F | K | K | D | D | E | E | E | E | | |
| Fox Ridge C. & C. Company | Fox Ridge & Hanby | Straight Crk | G | E | E | F | F | F | K | K | F | F | F | F | F | F | J | |
| Gatliff Coal Company | Gatliff | Jellico | E | L | L | E | H | H | K | K | B | B | H | H | H | H | | |
| Harlan Industrial Coll. Co | Commodore | Dean | L | C | C | K | D | D | E | K | E | E | E | E | E | E | | |
| High Point Coal Company | No. 1 | Pee Wee | C | P | P | D | N | L | G | G | D | D | F | G | G | G | | |
| High Point Coal Company | No. 2 | Red Ash | P | K | K | J | J | O | C | O | H | H | B | F | F | F | | |
| Hignite Coal Company | Hignite | Lower Hignite | K | R | R | Q | B | K | L | K | J | J | F | N | N | N | | |
| Isoline Coal Company | Isoline | Isoline | R | A | A | K | K | L | H | K | H | H | B | H | H | H | | |
| Jellico Coal Mining Company | Mt. Ash | Blue Gem | A | K | K | L | H | L | K | M | F | F | F | J | J | J | | |
| Kentucky Jellico Coal Co | Kay Jay | Dean | K | L | L | H | L | J | K | K | H | H | F | E | E | E | | |
| Kentucky Ridge Coal Co | Crockett | Crockett | L | H | H | E | H | G | H | K | E | E | D | H | H | H | | |
| Ky. Straight Crk. Coal Co | Adalia & Belva | Straight Crk | H | L | L | L | L | J | M | M | D | D | H | J | J | J | | |
| Lilly Coal Co | Herron | Horse Crk | L | L | E | E | F | F | H | K | H | H | F | E | E | E | H | |
| Mahan Jellico Coal Company | Mahan Jellico | Jellico | E | E | | | | | | | F | | | | | | | |
| Meadow Creek Coal Company | Solon | Bon Air No. 2 | T | T | R | P | O | P | Q | R | H | H | H | N | N | N | | |
| Moore Coal Company | Moore | Dean | L | L | K | H | H | J | K | K | F | F | F | J | J | J | | |
| New Anchor Block Coal Co | Anchor Block | Dean | L | L | L | L | J | J | M | M | F | F | F | J | J | J | | |
| New Horse Creek Coal Co | Velma | Horse Crk | | | | | | | | | | | | | | | | |



*Price Index*—Continued

| Southern Appalachian district—Continued | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| New Jellico Coal Company | Blue Rose | Jellico | G | G | G | F | F | H | K | K | D | D | E | E | E | E | | |
| New Mary Francis Coal Co | New Mary Francis | Horse Crk | L | L | L | L | J | M | M | M | F | F | J | J | J | J | | |
| New Morning Glow Coal Co | Morning Glow | Horse Crk | G | L | G | L | F | H | K | K | E | E | G | G | G | G | | |
| Pioneer Coal Company | Pioneer | Str. Creek | K | G | K | G | G | K | K | K | D | D | E | E | E | E | | |
| Poplar Lick Coal Company | Poplar Lick | Poplar Lick | N | K | N | J | J | K | K | K | F | F | E | E | E | E | | |
| Premier Coal Company | Premier | Turner | H | N | H | H | F | M | M | M | E | E | F | F | F | F | | |
| Pruden Coal & Coke Co | Back Crk. #2 | Mason | H | H | H | N | G | J | K | K | D | D | E | E | E | E | L | |
| Pruden Coal & Coke Co | Valley Crk. #4 | Jellico | N | H | N | H | G | M | M | M | D | D | E | E | E | E | | |
| Rennebaum Coal Company | Rennebaum | Sterling | H | A | A | B | L | K | K | K | D | D | E | E | E | E | | |
| Rex LaFollette C. Company | Rex #2 | Rex | A | M | M | M | K | K | H | M | M | M | D | D | D | D | | |
| Southern Coll., Inc | So. Collieries | Pee Wee | | | | | | | | | G | | | | | | | |
| Southern Mining Company | Balkan | Creech | | | | | | | | | E | | | | | | | |
| Southern Mining Company | Colmar | Mason | | | | | | | | | G | | | | | | | |
| Southland Coal Corporation | Southland | Str. Creek | J | J | J | G | G | H | K | K | E | E | F | F | F | F | | |
| Stearns Coal & Lbr. Co | "A" | No. 1 | J | R | P | | | | | | F | | | | | | | |
| Stearns Coal & Lbr. Co | Cooperative | No. 1 | R | P | P | N | L | K | M | M | F | F | H | H | H | H | | |
| Stearns Coal & Lbr. Co | No. 1 | No. 2 | P | | | | | | | | F | | | | | | | |
| Stearns Coal & Lbr. Co | No. 4 & No. 11 | #1½ | L | L | L | K | H | H | M | M | K | K | E | F | F | F | F | |
| Stearns Coal & Lbr. Co | No. 15 | #12 | | | | | | | | | G | | | | | | | |
| Straight Crk. Coal, Inc | Cary | Str. Creek | G | T | G | R | F | F | H | K | E | E | F | F | F | F | | |
| Straight Fork Coal Co | Straight Fork | Upper Dean | T | A | T | B | P | O | P | Q | B | B | N | N | N | N | | |
| Sun Coal Company | Sun | Pee Wee | A | G | A | G | C | D | F | H | H | H | E | E | E | E | | |
| Tenn-Jellico Coal Company | Anthras | Jellico | G | A | G | R | F | J | F | K | B | B | J | J | J | J | | |
| Vermillion, C. C | Wister | Blue Gem | A | G | A | B | C | G | D | F | B | B | K | K | K | K | | |
| Virginia Jellico C. Co | King Mountain | Jellico | J | I | J | G | J | D | F | K | B | B | G | G | G | G | | |
| White Coal Company | Baker | Horse Creek | J | H | H | J | C | D | F | K | B | B | G | G | G | G | | |
| Williams Coal Mining Co | Nurex | Rex | A | A | A | B | H | H | K | K | E | E | F | F | F | F | | |
| Wooldridge Blue Gem Coal Mining Co | Powhatan & Washington | Blue Gem | A | L | L | K | C | D | F | K | E | E | G | F | F | F | | |
| Zecchini Blue Gem C. Co | Blue Gem | Blue Gem | A | L | L | K | H | H | K | K | E | E | F | G | G | G | | |
| Zenith Coal Company | Zenith | White Oak | | | | | | | | | | | | | | | | |

| Virginia district | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Banner Fuel Corporation | Black Banner | Up. Banner | O | O | O | M | M | M | L | K | D | D | D | D | D | D | | C |
| Benedict Coal Corporation | Benedict #7 | No. 7 | O | A | O | M | C | D | M | E | B | B | F | F | F | F | L | |
| Benedict Coal Corporation | Virglow | No. 12 | A | O | A | O | M | M | F | H | E | B | B | J | H | H | | |
| Blackwood C & C Co., Inc | Calvin | Low Splint | O | F | O | F | O | D | M | K | B | F | J | F | J | J | | |
| Blackwood C & C Co., Inc | Pardee | High Splint | O | O | A | O | B | M | F | H | E | F | B | B | H | H | | |
| Blue Diamond Coal Co | Bonny Blue | #9 & #10 | A | A | A | B | C | D | F | H | B | B | B | J | J | J | | |
| Blue Diamond Coal Co | Maydlower | H. & L. Splint | | | | | | | | | G | | | | | | | |
| Christie Coal Company | Christie | Blair | O | O | O | M | M | M | L | K | B | E | F | F | F | F | J | |
| Clinchfield Coal Corp | No. 2, 3 & 52 | U. & L. Banner | O | O | M | J | M | D | K | K | E | B | B | B | B | D | | |
| Clinchfield Coal Corp | No. 7 & 9 | Up. Banner | L | M | J | F | D | M | E | K | B | E | F | F | F | F | | |
| Consumers Mining Corporation | Premier | Red Ash | O | J | O | M | D | D | L | K | E | E | F | F | F | F | | |
| Dixie Beaver Coal Co., Inc | Carne's Nest | J-Bone & Red Ash | L | O | J | F | M | M | E | K | E | E | F | F | F | F | | |
| Eagle Red Ash Coal Co | Oldfld & Scott | U. & L. Ban'r | O | O | O | J | F | M | L | K | B | E | E | F | F | F | | |
| Fleming & Co., Rep't | Fleming | Edwards | | | | | | | | | E | | | | | | | |
| Hawthorne Coal Corporation | Hawthorne #1 | No. 5 | G | G | G | G | G | J | K | K | E | E | F | F | F | F | | |
| Kemmerer Gem Coal Co | Kem Gem | | | | | | | | | | | | | | | | | |
| Norton Coal Co., W. S. Willits & G. C. McCall, Receivers | Norton #11 | Norton | Q | Q | P | N | M | M | L | K | D | D | E | E | E | E | | |
| Penn Lee Corporation | Penn Lee | Penn Lee #1 | O | Q | J | O | F | D | M | K | F | B | H | H | H | H | | |
| Raven Red Ash Coal Co | No. 1 & 2 | Raven | L | O | J | K | J | M | E | F | B | B | B | B | D | D | | |
| Ruth-Elkhorn Coals, Inc | Steinman | Up. Banner | K | K | K | | J | J | J | K | B | B | B | B | B | B | | |
| Seaboard Airline Ry. Co | | Glamorgan | | | | | | | | | D | | | | | | | |
| L. R. Powell & H. W. Anderson, Rec | Glamorgan #4 | Splashdam | M | M | M | K | K | J | K | K | D | D | D | D | D | D | | |
| Splash Dam Coal Corp | Splashdam | Splashdam | M | M | M | K | K | J | K | K | D | D | D | D | D | D | | |
| Splash Dam Smo. Coal Corp | Lonesome Br | U. Banner | O | O | O | M | M | L | K | K | E | E | C | C | C | C | | |
| Standard Banner Coal Corp | Honey Creek | Splashdam | O | Q | E | E | F | J | K | K | C | B | B | B | B | B | | |
| Stonega Coke & Coal Company | Arno | Marker | Q | E | M | M | F | J | K | K | B | B | B | B | B | B | | |
| Stonega Coke & Coal Co | Derby | Marker | E | M | | | K | J | K | K | B | B | B | B | B | B | | |
| Stonega Coke & Coal Co | Dunbar | Taggart | M | | | | | | | | B | | | | | | | |
| Stonega Coke & Coal Co | Derby | Imboden | | | | | | | | | F | | | | | | | |
| Stonega Coke & Coal Co | Genco | Imboden | | | | | | | | | C | | | | | | | |
| Stonega Coke & Coal Co | Imboden | Imboden | Q | Q | O | M | M | L | K | K | C | C | C | C | C | C | | |
| Stonega Coke & Coal Co | Premix Mod | Marker-Imb | | | | | | | | | B | | | | | | | |
| Stonega Coke & Coal Co | Roda | Taggart | M | M | M | K | K | J | L | K | B | C | B | C | B | C | | |
| Stonega Coke & Coal Co | Stonega | Imboden | Q | Q | N | M | M | L | K | K | C | E | C | F | C | F | | |
| Stonega Coke & Coal Co | Swords Creek | L. Banner | N | N | G | M | M | L | K | K | E | E | F | F | F | F | | |
| Swords Cr. Mine Corp | Dominion | No. 5 | G | O | G | O | M | M | K | K | D | D | D | D | D | D | | |
| United Collieries, Inc | Imperial | No. 6 & 7 | O | O | O | O | G | M | K | K | E | E | E | E | E | E | | |
| Va. Iron, C & C Company | Linden | Imboden | Q | Q | Q | O | M | M | K | K | D | D | F | F | F | F | | |
| Va. Iron, C & C Company | Monarch | No. 5 | G | G | G | O | G | M | K | K | E | E | D | D | D | D | | |
| Va. Iron, C & C Company | Royal Banner | U. Banner | O | O | O | O | M | M | K | K | D | D | D | D | D | D | | |
| Va. Lee Co., Inc | Va-Lee | No. 5 | G | G | G | O | G | M | K | K | E | E | F | F | F | F | | |
| Wise Coal & Coke Co | Dorchester | Blair-Dorch | Q | Q | Q | O | M | M | K | K | D | D | D | D | D | D | | |

[1] Domestic Mine run shall be priced 10 cents per ton above group #9 price.

*Price Index*—Continued

| Williamson district | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Allburn Collieries Co | Allburn | Alma | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Alma Fuel Co | Alma | Alma | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Armor Coal Co | Katona | Cedar Grove | | | | O | | | | | H | | | K | | | ---- | ---- |
| Big Creek Winifrede Coal Co | Big Creek | Winifrede | J | J | J | J | J | M | M | M | H | H | M | M | M | M | ---- | ---- |
| Borderland Coll. Co | Borderland | Winifrede | J | J | J | J | J | M | M | M | H | F | G | G | G | G | ---- | ---- |
| Buchanan By-Prod. C. Corp | Clintwood | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Buchanan County Coal Corp | Buchanan #1 | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Buchanan County Coal Corp | Buchanan #2 | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Buchanan Sink. C. Co., Inc | Buchanan Smk | Clintwood | Q | Q | O | M | K | L | M | L | B | B | B | B | B | B | ---- | ---- |
| Buffalo Winifrede C. Co | Buffalo | Winifrede | J | J | J | J | J | M | M | L | G | G | L | L | L | L | ---- | ---- |
| Conoway Coal Corp | Conoway | Clintwood | Q | Q | O | M | K | L | M | L | B | B | B | B | B | B | ---- | ---- |
| Crystal Blk. C. & C. Co | #1 | Winifrede | J | J | J | J | J | M | M | M | E | E | G | H | G | G | ---- | ---- |
| Crystal Blk. Mining Co | Gates | Winifrede | J | J | J | J | J | M | M | M | E | D | G | H | H | H | ---- | ---- |
| Dayton Coal Corp | New Howard | Cedar Grove | O | O | S | N | N | N | N | N | D | D | E | E | E | E | ---- | ---- |
| Earlston Coal Co | Earlston | Warfield | S | S | S | Q | Q | Q | Q | Q | D | G | L | L | L | L | ---- | ---- |
| Eastern Coal Corp | Hardy #1 & #11 & McVeigh #7. | Pond Crk | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Eastern Coal Corp | Stone #3 | Pond Creek | Q | Q | P | N | N | N | N | M | E | E | F | F | F | F | ---- | ---- |
| Emperor Coal Co | Freeburn | Freeb'n-Alma | Q | Q | P | N | N | N | M | M | C | C | D | C | D | C | ---- | ---- |
| Glen Alum Coal Co | Glen Alum | Glen Alum | Q | Q | P | N | N | N | N | M | C | D | N | D | D | D | ---- | ---- |
| Harman Coal Corp., H. E | Harman | Bull Creek | Q | Q | O | M | K | K | L | K | B | B | A | B | A | A | ---- | ---- |
| Home Crk. Smk. C. Co., Inc | Home Creek | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Huddleston C. Co., J. S | Mohawk | Big Eagle | | | | M | | | | | | | | F | | | ---- | ---- |
| Isaban Coal Co | Hardy | Pond Creek | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Leckie Collieries Co | Aflex | Freeburn | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Little War Creek C. Co | Litwar | Big Eagle | O | M | M | J | G | K | K | K | B | B | E | B | E | B | ---- | ---- |
| Lynn Camp Coal Co | Lynn Camp | Clintwood | Q | Q | O | M | K | L | L | M | B | C | E | B | B | B | ---- | ---- |
| Majestic Collieries Co | Majestic | Pond Creek | Q | Q | P | Q | N | N | M | M | C | D | C | C | C | C | ---- | ---- |
| Merrimac Coal Co | White Star | Pond Creek | Q | Q | P | Q | N | N | N | N | C | D | E | E | E | E | ---- | ---- |
| Mingo Mining Co | #2 & 18 | Thacker | Q | Q | O | N | N | N | N | N | C | E | C | E | C | E | ---- | ---- |
| New Alma Coal Co | New Alma | Alma | Q | Q | P | S | N | N | M | M | C | F | C | H | C | H | ---- | ---- |
| New Century Coal Co | New Century | Thacker | S | S | S | Q | Q | Q | Q | Q | F | H | H | H | H | H | ---- | ---- |
| New Marietta Coal Co | New Marietta | Pond Creek | | | | | | | | | F | | | | | | ---- | ---- |
| Octavia Coal Mining Corp | Octavia | Pond Creek | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Octavia Coal Mining Corp | Octavia | Pond Creek, Top Strata | | | | N | | | | | F | | | F | | | ---- | ---- |
| Panther Coal Co., Inc | Roseann | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Pike Fuel Co | Pike Fuel | Pond Creek | | | | | | | | | F | | | | | | ---- | ---- |
| Puritan Coal Corp | Puritan #1 | Thacker | S | S | S | Q | Q | Q | Q | Q | G | G | K | G | K | K | ---- | ---- |
| Puritan Coal Corp | Puritan #2 | Winifrede | M | M | M | M | M | M | M | M | E | E | G | G | G | G | ---- | ---- |
| Red Ash Smk. Coal Co | Red Ash | Douglas | L | J | J | F | D | E | F | H | B | C | F | F | F | D | ---- | ---- |
| Red Jacket Coal Corp | #5 | Thacker | S | S | R | P | P | P | M | P | M | G | K | K | K | K | ---- | ---- |
| Red Jacket Coal Corp | #6 | Alma | Q | Q | P | Q | N | O | O | O | M | C | H | H | H | H | ---- | ---- |
| Red Jacket Coal Corp | #32 Top | Thacker | Q | Q | O | Q | O | N | N | N | O | F | E | E | E | E | ---- | ---- |
| Red Jacket Coal Corp | #32 Bottom | Cedar Grove | Q | Q | O | Q | O | N | N | N | O | D | K | K | K | K | ---- | ---- |
| Red Jacket Coal Corp | Junior | Ced. Grove & Thack | O | O | O | O | N | N | N | N | N | E | H | H | H | H | ---- | ---- |
| Red Jacket Coal Corp | Mitchell Br | Cedar Grove | O | O | S | N | N | N | N | N | D | D | E | E | F | F | ---- | ---- |
| Seaboard Air Line Ry. Co. L. R. Powell & H. W. Anderson, Rec. | William Ang | Thacker | S | S | S | Q | Q | Q | Q | Q | G | G | G | K | K | K | ---- | ---- |
| Standard Block Coal Co | High Steam | Warfield | S | S | S | Q | Q | Q | Q | Q | G | E | G | L | L | L | ---- | ---- |
| Sycamore Coal Co | Cinderella | Winifrede | J | J | J | Q | J | N | M | M | M | G | G | G | G | G | ---- | ---- |
| Sycamore Coal Co | Mingo Chief | Mingo | O | O | O | N | N | N | N | N | N | C | L | L | L | L | ---- | ---- |
| Tierney Mining Co | Tierney | Pond Creek | Q | Q | O | N | N | K | M | M | M | C | G | G | G | G | ---- | ---- |
| Va. Lee Coal Corp | Virginia Lee | Clintwood | Q | Q | O | O | M | L | N | L | N | B | B | B | B | B | ---- | ---- |
| War Eagle Coal Co | War Eagle | Thack & #2 Gas | O | O | O | O | M | M | M | L | M | D | D | D | D | D | ---- | ---- |
| Winco Block Coal Co | Winco Block | Winifrede | O | O | O | O | N | N | M | M | M | H | H | M | M | M | ---- | ---- |

[1] Domestic Mine Run shall be priced 10¢ per ton above group #9 price.

| Upper Buchanan County—Williamson district | | | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Crystal Block C & C Co | No. 5 | Cary | J | G | C | ---- | ---- | A | D | H | B [1] | ---- | ---- | ---- | B | B | ---- | ---- |
| Oakwood Smo. C. Corp | Oakwood | Cary | J | G | C | ---- | ---- | A | D | H | B [1] | ---- | ---- | ---- | D | D | ---- | ---- |
| Page Pocahontas C. Corp | Page | Cary | J | G | C | ---- | ---- | A | D | H | B [1] | ---- | ---- | ---- | B | B | ---- | ---- |
| Red Jacket Coal Corp | Keen Mt | Cary | J | G | C | ---- | ---- | A | D | H | B [1] | ---- | ---- | ---- | B | B | ---- | ---- |
| Sycamore Coal Corporation | Buccaneer | Cary | J | G | C | ---- | ---- | A | D | H | B [1] | ---- | ---- | ---- | B | B | ---- | ---- |

[1] Domestic Mine Run shall be Priced 10¢ per ton above Group #9 Price.

BASIS FOR FREIGHT RATE ADJUSTMENT ALL PRODUCING DISTRICTS EXCEPT UPPER BUCHANAN COUNTY OF WILLIAMSON DISTRICT

*Market Areas Nos. 1 and 1–A; via Tidewater (Hampton Roads, Va.)*

*Designated base rate.*—Kanawha, Logan and Kenova-Thacker rates.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Kanawha, Logan and Kenova-Thacker base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Kanawha, Logan and Kenova-Thacker base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 2, 3, 40, 41, and 42*

*Designated base rate.*—The Pocahontas New River rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with The Pocahontas-New River base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than The Pocahontas-New River base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.



*Market Areas Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 140, 141, 142, 143*

*Designated base rate.*—Kanawha, Logan, Kenova-Thacker (Inner Crescent).

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Kanawha, Logan, Kenova-Thacker (Inner Crescent) base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Kanawha, Logan, Kenova-Thacker (Inner Crescent) base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 39 and 43*

*Designated base rate.*—Virginia district southern railroad group 14 except to those destinations on the C. C. & O. R. R. between Speers Ferry, Virginia, and Johnson City, Tennessee (both exclusive) to which points the designated base rate shall be C. C. & O. R. R. group one rates.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 18, 19, 26, 35, 36, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 83, 84, 85, 86, 88, 89, 90, and 91*

*Designated base rate.*—Jellico, Middlesboro rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Jellico, Middlesboro base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Jellico, Middlesboro base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 87, 93, 94, 95, 96, 97, and 98*

*Designated base rate.*—Harlan rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Harlan base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Harlan base rate designated above, the minimum f. o. b. price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

UPPER BUCHANAN COUNTY OF WILLIAMSON DISTRICT (CARY SEAM), BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1 and 1a*

*Designated base rate.*—Pocahontas, New River rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pocahontas, New River base rate indicated above.

*Rate lower than base.*—Where the applying freight rate is less than the Pocahontas, New River base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 5, 7, 9 and 10*

*Designated base rate.*—Pittsburgh District Rate

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 8*

*Designated base rate.*—Ohio Number 8 Rate

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Ohio #8 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Ohio #8 base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢

*Market Areas Nos. 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112*

*Designated base rate.*—Logan, Kanawha, Kenova-Thacker (Inner Crescent) Rate.

*Rates higher than base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight is less than the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 43*

*Designated base rate.*—Virginia District Southern Railroad Group 14.

*Rates higher than base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton

(not in excess of 35¢) sufficient to equalize the actual freight rate with the Virginia District Southern Railroad Group 14 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Virginia District Southern Railroad Group 14 base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 and 1–A for Movement via Tidewater (Hampton Roads, Va.)*

| Size groups | Price index | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [1] | | | | | | | | | | | | | | | | | | | | |
| 2 [1] | | | | | | | | | | | | | | | | | | | | |
| 3 [1] | | | | | | | | | | | | | | | | | | | | |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | | | | | | | | | | |
| 9 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 12 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | | | | | | | |
| 13 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | | | | | | | |
| 14 | | | | | | | | | | | | | | | | | | | | |
| 15 | | | | | | | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | | | | | | | |

[1] Price for this group are the same as those for group # 4.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 140, 141, 142, 143*

| Size groups | Price index | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | | | | | | | | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Size groups | Price index | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 335 | 330 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 |
| 4 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | |
| 5 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | |
| 7 | | | | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | |
| 8 | | | | 260 | 255 | 250 | 245 | 240 | 235 | | | | | | | | | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92*

| Size groups | Price index | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [1] | | | | | | | | | | | | | | | | | | | | |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 4 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | |
| 5 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 7 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 8 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Prices for this group are the same as those for Group #2.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 93, 94, 95, 96, 97 and 98*

| Size groups | Price index | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [1] | | | | | | | | | | | | | | | | | | | | |
| 2 | 340 | 335 | 330 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 |
| 3 | 330 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 |
| 4 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | | | |
| 5 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | | | |
| 6 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | | | |
| 7 | | | | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | | | |
| 8 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Prices for this group are the same as those for group 2.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES—ALL DISTRICTS EXCEPT UPPER BUCHANAN COUNTY OF WILLIAMSON DISTRICT

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

*Off Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $1.95 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.10 per net ton of 2,000 lbs. F. O. B. mines.

*On and Off Line*

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

For Railway Locomotive Fuel prices applicable to mines in Upper Buchanan County (Cary Seam) of Williamson District see below.

RAILROAD LOCOMOTIVE FUEL FOR UPPER BUCHANAN COUNTY (CARY SEAM) OF WILLIAMSON DISTRICT

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.35 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.50 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

When any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

STEAMSHIP BUNKER COAL PRICES

1. Steamship bunker coal shall be defined as coal that is furnished for a vessel's own consumption to steamers ordinarily carrying cargo or passengers and engaging in foreign or coastwise trade.

2. The minimum prices for Bunker fuel for the Ports of Hampton Roads based on nut slack index shall be as follows:

| Price Index | Price |
|---|---|
| A & B | $5.15 Per Gross Ton F. O. B. Cars at Piers. |
| C & D | 5.05 Per Gross Ton F. O. B. Cars at Piers. |
| E and Under | 4.95 Per Gross Ton F. O. B. Cars at Piers. |
| Cary & Raven Red Ash | 5.15 Per Gross Ton F. O. B. Cars at Piers. |

3. Charleston, S. C. The minimum price for Bunker fuel f. o. b. cars at piers shall be $5.15 per gross ton when delivered to vessels destined to points beyond the harbor limits of Charleston.

4. The above prices are not subject to any freight rate adjustments.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3480; Filed, December 1, 1937; 12:26 p. m.]

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[Order No. 97]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER NINE IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 63 the weighted average of the total costs of the tonnage for Minimum Price Area Two in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 79 determined and established the initial classifications of coals of code members within said District Nine; the District Board for District Number Nine having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Nine, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Nine, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Nine or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Nine, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Nine, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Nine and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established,



may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Nine to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area Two and to code members within District Number Nine, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE NO. 1—DISTRICT NO. 9

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 9, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 16, 1937.

Issued: November 30, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

6. *Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

7. All washed coal in size groups 2, 3, 4, 5, 6, 7 and 8 shall be priced 10 cents per net ton higher than unwashed coal of the same size in all Market Areas.

PRICE EXCEPTIONS

1. From the f. o. b. mine prices listed on Page 3054 a deduction as set forth below will be permitted account of freight adjustment to the following stations in the state of Illinois.

| | | | |
|---|---|---|---|
| Alton | $0.16 | Nameoka | $0.16 |
| Alton Summit | .16 | Roxana | .16 |
| East Alton | .16 | South Wood River | .16 |
| Edwardsville | .16 | Upper Alton | .16 |
| Federal | .16 | Wann | .16 |
| Hartford | .16 | Wood River | .16 |

2. Applies to points on the M. & I. R. R. only.

From the f. o. b. mine prices listed on Page 3054 a deduction as set forth below will be permitted account of freight adjustment to the following stations:

| On Sizes Over 2": | | Sizes 2" Down: | |
|---|---|---|---|
| Crystal City | $0.35 | New Offenberg | $0.05 |
| Crystal Jct | .35 | Zell | .14 |
| Festus | .35 | Crystal City | .18 |
| Herculaneum | .35 | Festus | .18 |
| Zell | .32 | Herculaneum | .18 |
| New Offenberg | .23 | Crystal Jct | .18 |
| Weingarten | .14 | | |
| Mosher | .10 | | |
| Millers | .05 | | |
| Spratt | .05 | | |

No deduction permitted on size groups 14 and 15.

To above schedule of prices on sizes 2" and under, add to the following stations: Mosher, 8¢ per ton; St. Genevieve, 18¢ per ton; Thumure; 18¢ per ton.

3. Applies only to points in Arkansas, north of but not on the Chicago Rock Island and Pacific Railroad from Memphis, Tennessee to Little Rock, Arkansas. All points in Western Arkansas, west of a line drawn through Little Rock, Arkansas north and south including Little Rock, Arkansas.

4. From the f. o. b. mine prices listed on Page 3056 a deduction as set forth below will be permitted account of freight adjustment to the following stations:

| | | | |
|---|---|---|---|
| Brickeys | $0.14 | McCraken | $0.35 |
| Cassidy | .30½ | Oldfield | .35 |
| Chadwick | .35 | Ozark | .30½ |
| Farmington | .35 | Rush Tower | .14 |
| Kissick | .30½ | Sparta | .35 |
| McCoy | .14 | | |

Missouri—Coke Station Spur, Fruto, Jefferson Barracks, Koch, LaMay, Quarry Spur and Whitehouse; also that territory bounded by the Missouri-Arkansas state line; the line of the Frisco Railroad starting immediately south of Seligman and running north and east through Springfield to the St. Louis county line, excepting points on the Frisco and on the branch line of the Frisco, south of Cuba, the St. Louis county line to the Frisco north of Ten Brook, north along the west side of the Frisco to the M. P. R. R., and east along the south side of the M. P. R. R. to the Mississippi River to exclude the town of Ivory; the Mississippi River south to the Arkansas state line, excepting points on the M. & I. Railroad.

5. From the f. o. b. mine prices listed on Page 3056 a deduction as set forth below will be permitted account of freight adjustment to the following stations:

| | | | |
|---|---|---|---|
| Bangert | $0.22½ | Hitch | $0.22½ |
| Boscobel | .22½ | Hawes | .22½ |
| Boyd | .22½ | Keysville | .22½ |
| Cherry Valley | .22½ | McKenzie | .22½ |
| Cooks | .22½ | Roswell | .22½ |
| Crooked Creek | .22½ | Salem | .22½ |
| Earls | .22½ | Sankey | .22½ |
| Elever | .22½ | School | .22½ |
| Elma | .22½ | Sligo | .22½ |
| Faulkner | .22½ | Steeleville | .22½ |
| Halbert | .22½ | Wesco | .22½ |
| Highway | .22½ | | |

Apply only to points on the Alton Railroad from Curryville, west to Francis; points on the Wabash Railroad from Rensselaer, west to Evansville; points on the Wabash Railroad from Ferguson, west to Benton City, inclusive; points

on the M. K. T. from St. Charles, north to Black Walnut; points on the Burlington Railroad from Old Monroe, west to Francis, from Bissell north to McIntosh and from Lamb, north to Alexandria; points on the St. Louis & Troy Railroad.

Points on the Frisco Railroad from the St. Louis county line, southwest to Mulroy, including points on the branch line of the Frisco, south of Cuba; points east of the line of the Frisco Railroad from Springfield to North Clinton, through Bolivar and Osceola; points east of the line of the M. K. T. Railroad North Clinton to Windsor; points south of the line of the C. R. I. & P. Ry., Windsor to Eldon, except points on the M. P. Railroad, south of this line to and including Warsaw; points east of the line of the M. P. Railroad, Bagnell to Jefferson City; points east of the line of the Alton Railroad, Jefferson City to Mexico, points south of the line of the Wabash Railway Mexico to St. Louis county line; points west of the St. Louis county line running south to the Frisco Railroad; points on the Missouri Pacific, Barrets, Valley Park, Mountain Ridge, Boyd, Jedburg, Yeatman, Glencoe, Eureka, Allenton, Dozier, Glencoe Jct., Lime Kilns, Emerson, Chapman, Benbush, Creve Coeur; points on the Frisco Railroad, Windsor Springs, Osage Hills, Valley Park, Ranken, Ryson, Mincke, Crescent, Eureka, Allenton, Woods, Bowes; and points on the C. R. I. & P. Ry., Maryland Heights, Vigus, Hine, Chesterfield, Gumbo, Monarch and Centaur.

6. If any size of coal is made for which a price is not designated herein, such coal of such size shall be sold at the price applicable to the next larger size.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups*

| All sizes of coal over 2" and 2 x 1½" to 1" Nut | | All sizes of coal 2" and under, except 2 x 1½" to 1" Nut | |
|---|---|---|---|
| Group No. | Sizes of coal | Group No. | Sizes of coal |
| 1 | 6" Lump and larger.<br>5" Lump.<br>4" Lump.<br>3" Lump.<br>2" Lump.<br>8 x 4" Egg.<br>8 x 3" Egg.<br>7 x 4" Egg.<br>7 x 3" Egg. | 6 | 1½ x 1" Nut.<br>1¼ x 1" Nut.<br>1½ x ¾" Nut.<br>1¼ x ¾" Nut.<br>1¼ x ½" Nut. |
| | | 7 | 1½ x ⅜" to 6 Mesh Nut.<br>1¼ x ⅜" to 6 Mesh Nut. |
| 2 | 6 x 4" Egg.<br>6 x 3½" Egg.<br>6 x 3" Egg.<br>5 x 4" Egg.<br>5 x 3" Egg.<br>4 x 3" Egg. | 8 | 1 x ¾" to 6 Mesh Nut.<br>¾ x ⅜" to 6 Mesh Nut.<br>1 x 10 Mesh Washed and Dustless Treated. |
| | | 9 | 1½" Washed Screenings.<br>1¼" Washed Screenings.<br>1" Washed Screenings.<br>¾" Washed Screenings. |
| 3 | 1½" Lump<br>1¼" Lump.<br>6 x 2½" Egg.<br>6 x 2" Egg.<br>6 x 1¼" Egg.<br>6 x 1¼" Egg.<br>6 x ¾" Egg.<br>5 x 2" Egg. | 10 | 1½" Modified Screenings.<br>1¼" Modified Screenings.<br>1" Modified Screenings.<br>¾" Modified Screenings. |
| | | 11 | 1½" Screenings (Raw).<br>1¼" Screenings (Raw). |
| 4 | 5 x 1½" Egg.<br>4 x 2" Egg.<br>4 x 1½" Egg.<br>4 x 1¼" Egg.<br>3 x 2" Nut. | 12 | 1" Screenings (Raw).<br>¾" Screenings (Raw). |
| | | 13 | 5/16" x 10 Mesh (Raw).<br>⅜" x 10 Mesh (Raw). |
| 5 | 3 x 1½" Nut.<br>3 x 1¼" Nut.<br>3 x 1" Nut.<br>3 x ¾" Nut.<br>2 x 1½" Nut<br>2 x 1¼" Nut.<br>2 x 1" Nut.<br>2 x ¾" Nut.<br>2 x ½" Nut. | 14 | Carbon 7/16" or less x 0.<br>Carbon ¾" or less x 0.<br>Carbon ½" or less x 0.<br>Carbon ⅜" or less x 0. |
| | | 15 | Dust 10 Mesh or smaller x 0. |
| | | 16 | Run of Mine. |

*Mine Index*

| Company | Mine | Seam | Size groups | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Beaver Dam Coal Co | Beaver Dam #1 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Beaver Dam Coal Co | Beaver Dam #2 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Beech Creek Coal Co | Beech Creek #1 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Beech Creek Coal Co | Beech Creek #2 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Blue Grass Coal Products Corp | Waco | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| Blue Valley Coal Co | Blue Valley | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Bridges, W. W., Receiver | Black Diamond #2 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Bridges, W. W., Receiver | Black Diamond #3 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Charleston Collieries | Charleston Collieries | No. 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |
| Crescent Coal Co | Crescent | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Dawson Collieries | Dawson | No. 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |
| Dawson Daylight Coal Co | Daylight #9 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Dawson Daylight Coal Co | Daylight #6 | No. 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |
| Diamond Coal Co | Diamond #1 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Diamond Coal Co | Diamond #2 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Empire Mining Co | Empire | No. 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |
| Flat Creek Coal Co | Flat Creek | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Ft. Hartford Coal Co | Ft. Hartford | No. 14 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Gem Mining Company | Gem | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Grapevine Coal Co | Grapevine | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Green Valley Coal Co | Green Valley | No. 14 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Greenville Coal Co | Martwick | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Hall Luton Coal & Mng. Co | Kentucky Derby | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| Hart Coal Company | Moss Hill | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Hart Coal Company | Victoria #11 | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| Highland Creek Coal Co | Hamilton #2 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Holt Brothers Coal Co | Holt | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Kirk Coal Mng. Co | Kirk | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Lick Creek Coal Co | Morris #1 | No. 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |
| Louisville Gas & Elec. Co | Echols | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Low Vein Coal Co | Low Vein | No. 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |
| Luzerne Graham Mng. Corp | Graham & Luzerne | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Maple Greek Coal Co | Maple Creek | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| Meador Young & Holt of Ky | Luton | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Nelson Creek Coal Co | Nelson Creek | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Newcoal Corporation | Newcoal | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| Norton Coal Corp | Nortonville | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Norton Coal Corp | Western | No. 11 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Pacific Coal Mng. Co | Pacific | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Providence Coal Mng. Co | Providence #3 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Reineeke Coal Mng. Co | Reineeke | No. 11 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Richland Coal Co | Richland | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Rogers Bros. Coal Co | Rogers | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Ruckman Coal Co | Ruckman | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Sentry Coal Co | Sentry | Stray | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Shearn Coal Co | Shearn | No 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |
| Sixth Vein Coal Corp | Sixth Vein | No. 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |
| Southland Coal Co | Southland | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |



*Mine Index*—Continued

| Company | Mine | Seam | Size groups | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Stirling Coal Co | Daniel Boone #9 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Trio Coal Co | Trio | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| W. A. Wickliffe Coal Co | Wickliffe | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Wevirco Coal Co | Wevirco | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| West Kentucky Coal Co | Coil | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| West Kentucky Coal Co | Sunset | No. 11 | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B |
| West Kentucky Coal Co | North Diamond | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| West Kentucky Coal Co | Fox Run | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| West Kentucky Coal Co | No. 2 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| West Kentucky Coal Co | No. 3 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| West Kentucky Coal Co | No. 6 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| West Kentucky Coal Co | No. 8 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| West Kentucky Coal Co | No. 10 | No. 9 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Williams Coal Co | Williams | No. 6 | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA | AA |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipments Into Market Areas Nos. 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 54, 55, 99, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 145, 146, 147*

| Size groups | AA | A | B | Size groups | AA | A | B |
|---|---|---|---|---|---|---|---|
| 1 | 190 | 190 | 175 | 9 | [1] 185 | [1] 135 | [1] 135 |
| 2 | 180 | 180 | 165 | 10 | [1] 170 | [1] 120 | [1] 120 |
| 3 | 170 | 170 | 170 | 11 | [1] 160 | [1] 110 | 110 |
| 4 | 160 | 160 | 145 | 12 | 150 | 100 | 100 |
| 5 | 150 | 150 | 150 | 13 | 175 | 125 | 125 |
| 6 | 195 | 145 | 145 | 14 | 100 | 60 | 60 |
| 7 | 200 | 150 | 150 | 15 | | | |
| 8 | 205 | 155 | 155 | 16 | 165 | 165 | 165 |

[1] 2" Screenings shall be priced at 10¢ per net ton higher.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 25*

| Size groups | AA | A | B | Size groups | AA | A | B |
|---|---|---|---|---|---|---|---|
| 1 | 185 | 185 | 170 | 9 | [1] 180 | [1] 125 | [1] 125 |
| 2 | 175 | 175 | 160 | 10 | [1] 165 | [1] 115 | [1] 115 |
| 3 | 165 | 165 | 165 | 11 | [1] 155 | [1] 105 | [1] 105 |
| 4 | 155 | 155 | 145 | 12 | 145 | 95 | 95 |
| 5 | 145 | 145 | 145 | 13 | 170 | 120 | 120 |
| 6 | 190 | 140 | 140 | 14 | 95 | 50 | 50 |
| 7 | 195 | 145 | 145 | 15 | | | |
| 8 | 200 | 150 | 150 | 16 | 165 | 165 | 165 |

[1] 2" Screenings shall be priced 10¢ per net ton higher.

*Prices in Cents Per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 26* [1]

| Size groups | AA | A | B | Size groups | AA | A | B |
|---|---|---|---|---|---|---|---|
| 1 | 181 | 181 | 166 | 9 | [2] 177 | [2] 127 | [2] 127 |
| 2 | 171 | 171 | 156 | 10 | [2] 162 | [2] 112 | [2] 112 |
| 3 | 161 | 161 | 161 | 11 | [2] 152 | [2] 102 | [2] 102 |
| 4 | 151 | 151 | 141 | 12 | 142 | 92 | 92 |
| 5 | 141 | 141 | 141 | 13 | 167 | 117 | 117 |
| 6 | 187 | 137 | 137 | 14 | 92 | 50 | 50 |
| 7 | 192 | 142 | 142 | 15 | | | |
| 8 | 197 | 147 | 147 | 16 | 165 | 165 | 165 |

[1] See Price Exception No. 1 on Page 2627.
[2] 2" Screenings shall be priced 10¢ per net ton higher.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 115, 117, 118* [1]

| Size groups | AA | A | B | Size groups | AA | A | B |
|---|---|---|---|---|---|---|---|
| 1 | 185 | 185 | 170 | 9 | [2] 163 | [2] 130 | [2] 130 |
| 2 | 175 | 175 | 172 | 10 | [2] 150 | [2] 120 | [2] 120 |
| 3 | 165 | 165 | 155 | 11 | [2] 145 | [2] 110 | [2] 110 |
| 4 | 155 | 155 | 155 | 12 | 145 | 100 | 100 |
| 5 | 175 | 145 | 145 | 13 | 148 | 113 | 113 |
| 6 | 158 | 123 | 123 | 14 | 95 | 70 | 70 |
| 7 | 158 | 118 | 118 | 15 | | | |
| 8 | 173 | 133 | 133 | 16 | 165 | 165 | 165 |

[1] See Price Exception No. 2, Page No. 2627.
[2] 2" Screenings shall be priced 10¢ per net ton higher.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 113, 114, 115, 116, 136, 137, 138, 139, 140, 141, 142, 143, 144*

| Size groups | AA | A | B | Size groups | AA | A | B |
|---|---|---|---|---|---|---|---|
| 1 | 175 | 175 | 160 | 9 | [1] 150 | [1] 120 | [1] 120 |
| 2 | 165 | 165 | 155 | 10 | [1] 145 | [1] 115 | [1] 115 |
| 3 | 155 | 155 | 155 | 11 | [1] 135 | [1] 110 | [1] 110 |
| 4 | 155 | 145 | 135 | 12 | 125 | 70 | 100 |
| 5 | 165 | 135 | 135 | 13 | 145 | 115 | 115 |
| 6 | 150 | 115 | 115 | 14 | 95 | 70 | 70 |
| 7 | 145 | 110 | 110 | 15 | | | |
| 8 | 155 | 125 | 125 | 16 | 165 | 165 | 165 |

[1] 2" Screenings shall be priced 10¢ per net ton higher.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 35, 89, 90, 91, 93, 96, 119*

| Description of size | AA | A | B |
|---|---|---|---|
| 6" Lump | 225 | 225 | 205 |
| 3" Lump | 205 | 205 | 190 |
| 2" Lump | 200 | 190 | 190 |
| 1¼" Lump | 200 | 185 | 185 |
| 6 x 3 Egg | 205 | 205 | 190 |
| 6 x 2 Egg | 200 | 190 | 190 |
| 6 x 1¼ Egg | 200 | 185 | 185 |
| 3 x 2 Small Egg | 175 | 175 | 160 |
| 3 x 1¼" Nut | 190 | 160 | 160 |
| 2 x 1¼" Nut | 190 | 160 | 160 |
| 2 x ¾" Nut | 190 | 160 | 160 |
| 1¼ x ⅜" Chestnut | 185 | 150 | 150 |
| ¾ x ⅜" Pea | 175 | 140 | 140 |
| 1¼ x 7/16" Chestnut & Pea | 175 | 140 | 140 |
| 1¼ x ⅜" Chestnut & Pea | 175 | 140 | 140 |
| 1¼ x ⅜" Chestnut & Pea | 175 | 140 | 140 |
| 1¼ x ⅜" Chestnut & Pea | 175 | 140 | 140 |
| 3" Screenings | 170 | 135 | 135 |
| 2" Screenings | 165 | 125 | 125 |
| 1¼ Screenings | 155 | 115 | 115 |
| ¾" Screenings | 135 | 100 | 100 |
| 7/16 Screenings | 115 | 80 | 80 |
| ⅜" Screenings | 115 | 80 | 80 |
| ⅛" Screenings | 115 | 80 | 80 |
| ½" Screenings | 115 | 80 | 80 |
| Mine Run | 165 | 165 | 165 |

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 87*

| Description of size | AA | A | B |
|---|---|---|---|
| 6" Lump | 225 | 205 | 225 |
| 3" Lump | 205 | 185 | 205 |
| 2" Lump | 200 | 190 | 190 |
| 1¼" Lump | 200 | 185 | 185 |
| 6 x 3 Egg | 205 | 185 | 205 |
| 6 x 2 Egg | 200 | 190 | 190 |
| 6 x 1¼ Egg | 200 | 185 | 185 |
| 3 x 2 Small Egg | 175 | 160 | 175 |
| 3 x 1¼" Nut | 175 | 160 | 160 |
| 2 x 1¼" Nut | 190 | 160 | 160 |
| 2 x ¾" Nut | 190 | 160 | 160 |
| 1¼ x ¾" Chestnut | 185 | 150 | 150 |
| ¾ x ⅜" Pea | 175 | 140 | 140 |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 87*—Continued

| Description of size | AA | A | B |
|---|---|---|---|
| 1¼ x 7/16 Chestnut & Pea | 175 | 140 | 140 |
| 1¼ x ⅜ Chestnut & Pea | 175 | 140 | 140 |
| 1¼ x ¼ Chestnut & Pea | 175 | 140 | 140 |
| 1¼ x 3/16 Chestnut & Pea | 175 | 135 | 135 |
| 3″ Screenings | 165 | 125 | 125 |
| 2″ Screenings | 155 | 115 | 115 |
| 1¼″ Screenings | 135 | 100 | 100 |
| ¾″ Screenings | 115 | 80 | 80 |
| 7/16″ Screenings | 115 | 80 | 80 |
| ⅜″ Screenings | 115 | 80 | 80 |
| ¼″ Screenings | 115 | 80 | 80 |
| 3/16″ Screenings | 165 | 165 | 165 |
| Mine Run | | | |

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 119* [1]

| Description of size | AA | A | B |
|---|---|---|---|
| 6″ Lump | 215 | 215 | 195 |
| 3″ Lump | 195 | 195 | 180 |
| 2″ Lump | 190 | 180 | 180 |
| 1¼″ Lump | 190 | 175 | 175 |
| 6″ x 3″ Egg | 195 | 195 | 180 |
| 6″ x 2″ Egg | 190 | 180 | 180 |
| 6″ x 1¼″ Egg | 190 | 175 | 175 |
| 3″ x 2″ Small Egg | 165 | 165 | 150 |
| 3″ x 1¼″ Nut | 180 | 150 | 150 |
| 2″ x 1¼″ Nut | 180 | 150 | 150 |
| 2″ x ¾″ Nut | 180 | 150 | 150 |
| 1¼″ x ¾″ Chestnut | 175 | 135 | 135 |
| ¾″ x ⅜″ Pea | 165 | 130 | 130 |
| 1¼″ x 7/16″ Chestnut & Pea | 165 | 130 | 130 |
| 1¼″ x ⅜″ Chestnut & Pea | 165 | 130 | 130 |
| 1¼″ x ¼″ Chestnut & Pea | 165 | 130 | 130 |
| 1¼″ x ⅛″ Chestnut & Pea | 165 | 130 | 130 |
| 3″ Screenings | 160 | 125 | 125 |
| 2″ Screenings | 155 | 115 | 115 |
| 1¼″ Screenings | 125 | 90 | 90 |
| ¾″ Screenings | 105 | 70 | 70 |
| 7/16″ Screenings | 105 | 70 | 70 |
| ⅜″ Screenings | 105 | 70 | 70 |
| ¼″ Screenings | 105 | 70 | 70 |
| 3/16″ Screenings | 165 | 165 | 165 |
| Mine Run | | | |

[1] See Price Exception No. 3—Page No. 2627.

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 93, 94, 97, 98, 123*

| Description of size | AA | A | B |
|---|---|---|---|
| 6″ Lump | 205 | 205 | 185 |
| 3″ Lump | 185 | 185 | 170 |
| 2″ Lump | 180 | 170 | 170 |
| 1¼″ Lump | 185 | 185 | 170 |
| 6″ x 3″ Egg | 180 | 170 | 170 |
| 6″ x 2″ Egg | 185 | 170 | 170 |
| 6″ x 1¼″ Egg | 160 | 160 | 145 |
| 3″ x 2″ Small Egg | 165 | 140 | 140 |
| 3″ x 1¼″ Nut | 165 | 135 | 135 |
| 2″ x 1¼″ Nut | 165 | 135 | 135 |
| 2″ x ¾″ Nut | 165 | 130 | 130 |
| 1¼″ x ¾″ Chestnut | 160 | 125 | 125 |
| ¾″ x ⅜″ Pea | 160 | 125 | 125 |
| 1¼″ x 7/16″ Chestnut & Pea | 160 | 125 | 125 |
| 1¼″ x ¾″ Chestnut & Pea | 160 | 125 | 125 |
| 1¼″ x ¼″ Chestnut & Pea | 160 | 125 | 125 |
| 1¼″ x ⅛″ Chestnut & Pea | 160 | 125 | 125 |
| 3″ Screenings | 150 | 110 | 110 |
| 2″ Screenings | 130 | 95 | 95 |
| 1¼″ Screenings | 115 | 80 | 80 |
| ¾″ Screenings | 115 | 80 | 80 |
| 7/16″ Screenings | 115 | 80 | 80 |
| ⅜″ Screenings | 115 | 80 | 80 |
| ¼″ Screenings | 115 | 80 | 80 |
| 3/16″ Screenings | 165 | 165 | 165 |
| Mine Run | | | |

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 92, 95, 96*

| Description | AA | A | B |
|---|---|---|---|
| 6″ Lump | 205 | 205 | 185 |
| 3″ Lump | 185 | 185 | 165 |
| 2″ Lump | 180 | 170 | 170 |
| 1¼″ Lump | 185 | 170 | 170 |
| 6″ x 3″ Egg | 185 | 185 | 165 |
| 6″ x 2″ Egg | 180 | 170 | 150 |
| 6″ x 1¼″ Egg | 185 | 170 | 170 |
| 3″ x 2″ Small Egg | 160 | 170 | 170 |
| 3″ x 1¼″ Nut | 165 | 150 | 150 |
| 2″ x 1¼″ Nut | 160 | 140 | 140 |
| 2″ x ¾″ Nut | 170 | 140 | 130 |
| 1¼″ x ¾″ Chestnut | 170 | 135 | 135 |
| ¾″ x ⅜″ Pea | 165 | 130 | 130 |
| 1¼″ x 7/16″ Chestnut and Pea | 165 | 130 | 130 |
| 1¼″ x ⅜″ Chestnut and Pea | 165 | 130 | 130 |
| 1¼″ x ¼″ Chestnut and Pea | 165 | 130 | 130 |
| 1¼″ x ⅛″ Chestnut and Pea | 165 | 130 | 130 |
| 3″ Screenings | 165 | 125 | 125 |
| 2″ Screenings | 140 | 110 | 110 |
| 1¼″ Screenings | 125 | 95 | 95 |
| ¾″ Screenings | 110 | 85 | 85 |
| 7/16″ Screenings | 100 | 65 | 75 |
| ⅜″ Screenings | 100 | 65 | 75 |
| ¼″ Screenings | 100 | 65 | 75 |
| 3/16″ Screenings | 100 | 65 | 75 |
| Mine Run | 165 | 165 | 165 |

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 19, 36*

| Description | AA | A | B |
|---|---|---|---|
| 6″ Lump | 215 | 215 | 195 |
| 3″ Lump | 185 | 185 | 175 |
| 2″ Lump | 175 | 175 | 175 |
| 1¼″ Lump | 175 | 175 | 175 |
| 6 x 3 Egg | 185 | 185 | 175 |
| 6 x 2 Egg | 175 | 175 | 175 |
| 6 x 1¼″ Egg | 175 | 175 | 175 |
| 3 x 2 Small Egg | 175 | 175 | 160 |
| 3 x 1¼″ Nut | 190 | 160 | 160 |
| 2 x 1¼″ Nut | 190 | 160 | 160 |
| 2 x ¾″ Nut | 190 | 160 | 160 |
| 1¼ x ¾″ Chestnut | 190 | 155 | 155 |
| ¾ x ¾″ Pea | 185 | 150 | 150 |
| 1¼ x 7/16″ Chestnut & Pea | 185 | 150 | 150 |
| 1¼ x ¼ Chestnut & Pea | 185 | 150 | 150 |
| 1¼ x ⅛ Chestnut & Pea | 185 | 150 | 150 |
| ¼″ Screenings | 185 | 145 | 145 |
| 2″ Screenings | 180 | 140 | 140 |
| 1¼″ Screenings | 165 | 125 | 125 |
| ¾″ Screenings | 145 | 110 | 110 |
| 7/16″ Screenings | 125 | 90 | 90 |
| ⅜″ Screenings | 125 | 90 | 90 |
| ¼″ Screenings | 125 | 90 | 90 |
| 3/16″ Screenings | 125 | 90 | 90 |
| Mine Run | 165 | 165 | 165 |

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 18*

| Description | AA | A | B |
|---|---|---|---|
| 6″ Lump | 215 | 215 | 195 |
| 3″ Lump | 200 | 200 | 190 |
| 2″ Lump | 190 | 190 | 190 |
| 1¼″ Lump | 190 | 190 | 190 |
| 6″ x 3″ Egg | 200 | 200 | 190 |
| 6″ x 2″ Egg | 190 | 190 | 190 |
| 6″ x 1¼″ Egg | 190 | 190 | 190 |
| 3″ x 2″ Small Egg | 175 | 175 | 160 |
| 3″ x 1¼″ Nut | 190 | 160 | 160 |
| 2″ x 1¼″ Nut | 190 | 160 | 150 |
| 2″ x ¾″ Nut | 190 | 160 | 150 |
| 1¼″ x ¾″ Chestnut | 190 | 140 | 140 |
| ¾″ x ¾″ Pea | 185 | 135 | 135 |
| 1¼″ x 7/16″ Chestnut and Pea | 185 | 135 | 135 |
| 1¼″ x ⅜″ Chestnut and Pea | 185 | 135 | 135 |
| 1¼″ x ¼″ Chestnut and Pea | 185 | 135 | 135 |
| 1¼″ x ⅛″ Chestnut and Pea | 185 | 135 | 135 |
| 3″ Screenings | 175 | 135 | 135 |
| 2″ Screenings | 165 | 125 | 125 |



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 18*—Continued

| Description | AA | A | B |
|---|---|---|---|
| 1¼″ Screenings | 155 | 115 | 115 |
| ¾″ Screenings | 140 | 100 | 100 |
| 7/16″ Screenings | 125 | 90 | 90 |
| ⅜″ Screenings | 125 | 90 | 90 |
| ¼″ Screenings | 125 | 90 | 90 |
| 3/16″ Screenings | 125 | 90 | 90 |
| Mine Run | 165 | 165 | 165 |

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents Per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 124*

| Description of size | AA | A | B |
|---|---|---|---|
| 6″ Lump | 220 | 220 | 200 |
| 3″ Lump | 200 | 200 | 180 |
| 2″ Lump | 200 | 190 | 190 |
| 1¼″ Lump | 190 | 175 | 175 |
| 6″ x 3 Egg | 200 | 200 | 180 |
| 6″ x 2 Egg | 200 | 190 | 190 |
| 6″ x 1¼″ Egg | 190 | 175 | 175 |
| 3″ x 2 Small Egg | 175 | 175 | 160 |
| 3″ x 1¼″ Nut | 175 | 150 | 150 |
| 2″ x 1¼″ Nut | 175 | 145 | 145 |
| 2″ x ¾″ Nut | 175 | 145 | 145 |
| 1¼″ x ¾″ Chestnut | 175 | 140 | 140 |
| ¾″ x ¾″ Pea | 175 | 140 | 140 |
| 1¼″ x 7/16″ Chestnut & Pea | 175 | 140 | 140 |
| 1¼″ x ⅜″ Chestnut & Pea | 170 | 135 | 135 |
| 1¼″ x ¼″ Chestnut & Pea | 170 | 135 | 135 |
| 1¼″ x ⅛″ Chestnut & Pea | 170 | 135 | 135 |
| 3″ Screenings | 170 | 130 | 130 |
| 2″ Screenings | 165 | 125 | 125 |
| 1¼″ Screenings | 155 | 115 | 115 |
| ¾″ Screenings | 135 | 100 | 100 |
| ⅜″ Screenings | 115 | 80 | 80 |
| 7/16″ Screenings | 115 | 80 | 80 |
| ¼″ Screenings | 115 | 80 | 80 |
| 3/16″ Screenings | 115 | 80 | 80 |
| Mine Run | 165 | 165 | 165 |

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 117, 118* [1]

| Description of size | AA | A | B |
|---|---|---|---|
| 6″ Lump | 200 | 200 | 185 |
| 3″ Lump | 185 | 185 | 170 |
| 2″ Lump | 180 | 175 | 175 |
| 1¼″ Lump | 180 | 175 | 175 |
| 6 x 3 Egg | 185 | 185 | 170 |
| 6 x 2 Egg | 180 | 175 | 175 |
| 6 x 1¼″ Egg | 180 | 175 | 175 |
| 3 x 2 Small Egg | 175 | 175 | 160 |
| 3 x 1¼″ Nut | 190 | 160 | 160 |
| 2 x 1¼″ Nut | 190 | 160 | 160 |
| 2 x ¾″ Nut | 190 | 160 | 160 |
| 1¼ x ¾″ Chestnut | 190 | 155 | 155 |
| ¾ x ¾″ Pea | 190 | 155 | 155 |
| 1¼ x 7/16″ Chestnut & Pea | 190 | 155 | 155 |
| 1¼ x ⅜ Chestnut & Pea | 190 | 155 | 155 |
| 1¼ x ¼ Chestnut & Pea | 190 | 155 | 165 |
| 1¼ x ⅛ Chestnut & Pea | 190 | 155 | 155 |
| 3″ Screenings | 185 | 150 | 150 |
| 2″ Screenings | 175 | 135 | 135 |
| 1¼″ Screenings | 160 | 120 | 120 |
| ¾″ Screenings | 135 | 100 | 100 |
| 7/16″ Screenings | 95 | 60 | 60 |
| ⅜″ Screenings | 95 | 60 | 60 |
| ¼″ Screenings | 95 | 60 | 60 |
| 3/16″ Screenings | 95 | 60 | 60 |
| Mine Run | 165 | 165 | 165 |

[1] See Price Exception No. 5, Page No. 2627.

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 115, 117* [1]

| Description of size | AA | A | B |
|---|---|---|---|
| 6″ Lump | 185 | 185 | 170 |
| 3″ Lump | 185 | 185 | 170 |
| 2″ Lump | 185 | 185 | 185 |
| 1¼″ Lump | 175 | 165 | 165 |
| 6″ x 3″ Egg | 185 | 185 | 170 |
| 6″ x 2″ Egg | 185 | 185 | 185 |
| 6″ x 1¼″ Egg | 175 | 165 | 165 |
| 3″ x 2″ Small Egg | 155 | 155 | 145 |
| 3″ x 1¼″ Nut | 175 | 145 | 145 |
| 2″ x 1¼″ Nut | 175 | 145 | 145 |
| 2″ x ¾″ Nut | 175 | 145 | 145 |
| 1¼″ x ¾″ Chestnut | 175 | 140 | 140 |
| ¾″ x ¾″ Pea | 175 | 140 | 140 |
| 1¼″ x 7/16″ Chestnut & Pea | 175 | 140 | 140 |
| 1¼″ x ⅜″ Chestnut & Pea | 175 | 140 | 140 |
| 1¼″ x ¼″ Chestnut & Pea | 175 | 140 | 140 |
| 1¼″ x ⅛″ Chestnut & Pea | 175 | 140 | 140 |
| 3″ Screenings | 165 | 125 | 125 |
| 2″ Screenings | 160 | 120 | 120 |
| 1¼″ Screenings | 150 | 110 | 110 |
| ¾″ Screenings | 135 | 100 | 100 |
| 7/16″ Screenings | 90 | 60 | 60 |
| ⅜″ Screenings | 90 | 60 | 60 |
| ¼″ Screenings | 90 | 60 | 60 |
| 3/16″ Screenings | 90 | 60 | 60 |
| Mine Run | 165 | 165 | 165 |

[1] See Exception No. 5, Page No. 2627.

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

Any coal sold for Railroad Locomotive Fuel shall take a minimum price of $1.95 per net ton.

When any coal is crushed, the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3481; Filed, December 1, 1937; 12:26 p. m.]

[Order No. 98]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 63 the weighted average of the total costs of the tonnage for Minimum Price Area Two in the calendar year 1936, ad-

justed as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 80 determined and established the initial classifications of coals of code members within said District Ten; the District Board for District Number Ten having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Ten, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Ten, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Ten or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (*a*), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Ten, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Ten, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Ten and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Ten to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area Two and to code members within District Number Ten, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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PRICE SCHEDULE NO. 1—DISTRICT NO. 10

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 10, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937".

Effective 12:01 a. m., December 16, 1937.

Issued November 30, 1937.

F. W. MCCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

*Applicable to All Schedules of Minimum Prices Contained Herein*

Item No. 1.—The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

Item No. 2.—All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

Item No. 3.—All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

Item No. 4.—In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

Item No. 5.—All prices herein are per net ton of 2,000 pounds f. o. b. transportation facilities at the mines unless otherwise designated.

Item No. 6.—When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than 10 cents per net ton shall be made.



Item No. 7.—*Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

Item No. 8.—All delivered price differentials under Southern Illinois mines included in Mine Price Group "A" are based on the published and effective West Frankfort or Harrisburg freight rates, whichever is the lower.

Item No. 9.—*Washed nut and stoker coals.*—For application in all market areas, except Market Areas Nos. 17, 18, 19, 20, 21, 22 and 36, the amounts indicated below will be added to the raw coal prices when the following sizes are washed:

Size Group No. 6, 10 cents per net ton.
" " " 7, 10 cents " " "
" " " 8, 10 cents " " "

Item No. 10.—*Two inch screenings.*—The price in all market areas of 2" screenings of their respective preparation (raw, washed, deducted and modified) shall be 10 cents per ton higher than the prices of the corresponding preparation of 1½" and 1¼" screenings.

Item No. 11.—*Special sizes ⅜", or smaller, top size.*—Washed or air-cleaned carbon ⅜", or smaller, top size, shall be forty-five cents per ton higher than the price for size group 14.

Prices for ⅜" or 5/16" x 48 mesh (Raw) shall be 30 cents per ton more than the price for size group 14.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups*

| All sizes of coal over 2" and 2 x 1½" to 1" Nut | | All sizes of coal 2" and under, except 2 x 1½" to 1" Nut | |
|---|---|---|---|
| Group No. | Sizes of coal | Group No. | Sizes of coal |
| 1 | 6" Lump and larger.<br>5" Lump.<br>4" Lump.<br>3" Lump.<br>2" Lump.<br>8 x 4" Egg.<br>8 x 3" Egg.<br>7 x 4" Egg.<br>7 x 3" Egg. | 7 | 1½ x ⅜" to 6 Mesh Nut.<br>1¼ x ⅜" to 6 Mesh Nut. |
| 2 | 6 x 4" Egg.<br>6 x 3½" Egg.<br>6 x 3" Egg.<br>5 x 4" Egg.<br>5 x 3" Egg.<br>4 x 3" Egg. | 8 | 1 x ⅜" to 6 Mesh Nut.<br>¾ x ⅜" to 6 Mesh Nut.<br>1 x 10 Mesh Washed and Dustless Treated. |
| 3 | 1½" Lump.<br>1¼" Lump.<br>6 x 2½" Egg.<br>6 x 2" Egg.<br>6 x 1¼" Egg.<br>6 x 1¼" Egg.<br>6 x ¾" Egg.<br>5 x 2" Egg. | 9 | (See Specification C).<br>1½" Washed Screenings.<br>1¼" Washed Screenings.<br>1" Washed Screenings.<br>¾" Washed Screenings. |
| 4 | 5 x 1½" Egg.<br>4 x 2" Egg.<br>4 x 1½" Egg.<br>4 x 1¼" Egg.<br>3 x 2" Nut. | 10 | (See Specification B).<br>1½" Modified Screenings.<br>1¼" Modified Screenings.<br>1" Modified Screenings.<br>¾" Modified Screenings. |
| 5 | 3 x 1½" Nut.<br>3 x 1¼" Nut.<br>3 x 1" Nut.<br>3 x ¾" Nut.<br>2 x 1½" Nut.<br>2 x 1¼" Nut.<br>2 x 1" Nut. | 11 | (See Specification A).<br>1½" Screenings (Raw).<br>1¼" Screenings (Raw). |
| 6 | 1½ x 1" Nut.<br>1¼ x 1" Nut.<br>1½ x ¾" Nut.<br>1¼ x ¾" Nut. | 12 | (See Specification A).<br>1" Screenings (Raw).<br>¾" Screenings (Raw). |
| | | 13 | 5/16" x 10 Mesh (Raw).<br>⅜" x 10 Mesh (Raw). |
| | | 14 | Carbon ⅜" or less x 0. |
| | | 15 | Dust 10 Mesh or smaller x 0. |
| | | 16 | Run of Mine. |

SIZE SPECIFICATIONS

*A. Raw screenings* is coal passing through round hole screens 2", 1½", 1¼", 1" or ¾" in diameter or the equivalent, to which nothing has been added and nothing removed; except that 1½" or 1¼" screenings which have been separated and reassembled shall contain not less than the following percentages of sizes, with a tolerance of 1½%:

5/16" x 0 ..... 40%
10 Mesh x 0 ..... 15%
48 Mesh x 0 ..... 6%

Percentages for the sizes of screenings, other than 1½" or 1¼", which have been separated and reassembled, shall be coordinated hereto mathematically.

Gob, pickings or other tipple reject coal crushed 2" or smaller, and washed, containing an ash content not less than raw screenings from the same mine, may be sold at not less than the minimum prices established for raw screenings of similar top size.

*B. Modified screenings* shall contain not less than 23.5% of coal which will pass through screens with openings 5/16" in diameter or other shaped openings equivalent in area. This size may be produced either by passing 1½" or 1¼" screenings over screens with perforations 5/16" in diameter or other shaped openings equivalent in area, to remove 5/16" x 0 coal or by the standard mechanical dedusters with the use of a 10 mesh screen for Southern Illinois and 8 mesh for other districts or its equivalent. The 23.5% mentioned applies only to this size; percentage for the other sizes to be correlated thereto mathematically.

*C.* The differentials in the prices for *Washed screenings* over those for raw screenings shall apply on screenings 2" and under when washed, if the ash content (on a dry basis) for the various classifications is not less than the following schedule:

Belleville ..... 10% Ash-Dry Basis.
Central ..... 10% Ash-Dry Basis.
Northern ..... 6% Ash-Dry Basis.
Peoria-Fulton ..... 10% Ash-Dry Basis.
Southern ..... 8% Ash-Dry Basis.

For each 1% decrease in the ash content from the above schedule an increase of 3¢ per ton shall be made in the price differential over raw coal prices. A tolerance of .9% in ash content is allowable without an increase in the differential.

Maximum fines to be removed when 100% wet washed, that material which will pass through standard one-half millimeter screens; when coal ⅜" or under is air cleaned, maximum fines to be removed to be the equivalent of 100% wet washed.

*Mine Price Group "A"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Bell & Zoller Coal & Mng. Co. | Zeigler #1 | 6 | |
| Bell & Zoller Coal & Mng. Co. | Zeigler #2 | 6 | |
| Blue Bird Coal Co. | Blue Bird | 5 | |
| Carterville Mng. & Exp. Co. | Normandie | 6 | |
| Chicago, Wilmington & Franklin Coal Co. | Orient #1 | 6 | |
| Chicago, Wilmington & Franklin Coal Co. | New Orient | 6 | |
| Consolidated Coal Co. | Herrin #7 | 6 | |
| Delta Coal Mining Co. | Delta | 5 | #1 |
| Forsythe Carterville Coal Co. | Forsythe Carterville | 6 | |
| Franco Mining Corp. | #1 | 6 | |
| Franklin County Coal Corp. | Energy #5 | 6 | |
| Franklin County Coal Corp. | Royalton #7 | 6 | |
| Freeman Coal Mining Co. | Freeman | 6 | |
| McLaren Coal Co. | McLaren | 6 | |
| Old Ben Coal Corp. | #8 | 6 | |
| Old Ben Coal Corp. | #13 | 6 | |
| Old Ben Coal Corp. | #14 | 6 | |
| Old Ben Coal Corp. | #15 | 6 | |
| Peabody Coal Co. | #14 Majestic | 6 | #2 |
| Peabody Coal Co. | #18 Black Arrow | 6 | |
| Peabody Coal Co. | #43 Premium | 5 | |
| Peabody Coal Co. | #47 Harco | 5 | |
| Perfection Coal Co. | Perfection | 6 | #2 |
| Rex Coal Co. | Rex | 5 | |
| Sahara Coal Co. | #1 | 5 | |
| Sahara Coal Co. | #3 | 5 | |
| Sahara Coal Co. | #10 | 5 | |
| Sahara Coal Co. | #12 | 5 | |
| Seymour Coal Mining Co. | Freeman Spar | 6 | |
| Southern Illinois Coal Co. | Old Settler | 6 | |
| Southern Jewel Coal Co. (H. L. Wilson, Trop.). | Southern Jewel #1 | 5 | |
| United States Fuel Co. | Middle Fork | 6 | |
| Valier Coal Co. | #1 | 6 | |
| Wasson Coal Co. | #1 | 5 | |
| Wasson Coal Co. | "A" | 5 | |

### *Mine Price Group "B"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Blue Hill Coal Co | Blue Hill | 6 | |
| Norris City Coal Co | #1 | 6 | |
| Sahara Coal Co | Bankston Creek #6 | 6 | #3 |
| Wallace Coal Co | Wallace | 6 | |

*Exception No. 1.*—The prices for all sizes of coal included in size group 1 for shipment into all market areas shall be 25¢ per ton less than price shown.

*Exception No. 2.*—The prices for all sizes of coal in all size groups shall be increased or decreased to the exact amount required to maintain the same delivered prices at all destinations in all Market Areas applying to other mines in Mine Price Group "A", based on the West Frankfort, Ill. or Harrisburg, Ill., freight rate published and in effect at time of shipment.

*Exception No. 13.*—The prices of all sizes of coal included in Size Groups 1 and 2 for shipment to all market areas shall be 10¢ per ton less than prices shown.

### *Mine Price Group "C"*

| Producing company | Mine | Seam |
|---|---|---|
| Union Colliery Co | Kathleen | 6 |

### *Mine Price Group "D"*

| Producing company | Mine | Seam |
|---|---|---|
| Beaucoup Coal Co | Pinckneyville | 6 |
| Beckemeyer Coal Co | Beckemeyer | 6 |
| Bois Coal Co | Bois | 6 |
| Bullock Mining Co | Bullock | 6 |
| Chicopee Coal Co | Troy | 6 |
| Citizens Coal Co | East Mine | 6 |
| Clarkston Coal & Mining Co | Nashville | 6 |
| Conant Coal Co | Conant | 6 |
| Coulterville Coal Co | Perco | 6 |
| Crain Coal Co | Crain | 6 |
| Cutler Coal Co | New Wilson | 6 |
| Illinois Pocahontas Coal Co | Pocahontas | 6 |
| Illinois-Missouri Coal Co. (H. A. Bradbury, Prop.) | Illinois-Missouri | 6 |
| Jones Bros. Coal Mining Co | Eureka #2 | 6 |
| Lumaghi Coal Co | Cantine #2 | 6 |
| Lumaghi Coal Co | Cantine #3 | 6 |
| Madison County Coal & Mng. Co | Thermal | 6 |
| Moffat Coal Co | Moffat | 6 |
| Trustees for Employees of New Galum Coal Corp | New Galum | 6 |
| Pyramid Coal Corp | Pyramid | 6 |
| St. Louis Coal Co | Florida | 6 |
| St. Louis & O'Fallon Coal Co | Black Eagle #2 | 6 |
| Southern Coal & Coke Mng. Co | #9 New Baden | 6 |
| Southwestern Ill. Coal Corp | Streamline | 6 |
| Truax-Traer Coal Co | Forsyth #1 | 6 |
| United Electric Coal Companies | Fidelity | 6 |
| Whip-Poor-Will Coal Co | Whip-Poor-Will | 6 |

### *Mine Price Group "E"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Gill Coal Corp | Lyle | 6 | |
| Golden Rule Coal Co | Golden Rule | 6 | |
| Groom Coal Co | Richland | 6 | |
| Gundlach Coal Co | Gundlach | 6 | |
| Lenzburg Coal Co | Lenzburg | 6 | |
| Marrisss Coal Co | O. K | 6 | |
| Morgan Coal Co. F. C., Ray Morgan, Prop. | (Millstadt), Morgan | 6 | |
| Mulberry Hill Coal Co | Mulberry Hill | 6 | |
| New National Coal Co | New National | 6 | |
| Perry Coal Co | Carbon | 6 | |
| Perry Coal Co | St. Ellen | 6 | |
| Prairie Coal Co | Prairie | 6 | |
| Quality Coal & Mining Co | Quality | 6 | |
| Service Coal Co | Service | 6 | |
| Southern Coal & Coke Mng. Co | #1 Avery | 6 | |
| Southern Coal & Coke Mng. Co | #6 Muren | 6 | |
| Southern Coal & Coke Mng. Co | #7 Little Oak | 6 | |
| Southern Coal & Coke Mng. Co | Shiloh | 6 | |
| United Electric Coal Co | Red Ray | 6 | |
| Vinegar Hill Coal Co | Vinegar Hill | 6 | |
| White Coal Co | White | 6 | |

### *Mine Price Group "F"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Central Illinois Coal Mfg. Co | "A" | 5 | |
| Centralia Coal Co | Centralia #5 | 6 | |
| Consolidated Coal Co | Mt. Olive #15 | 6 | |
| Consolidated Coal Co | Staunton #7 | 6 | |
| Gillespie Coal Co | Gillespie | 6 | |
| Hillsboro Mining Co | Hillsboro | 6 | |
| Indiana & Illinois Coal Corp | #10 Nokomis | 6 | |
| Jefferson Mine Co-operative organization | Jefferson | 5 | |
| Livingston-Mt. Olive Coal Co | #1 Livingston | 6 | |
| Macon County Coal Co | Macon | 5 | |
| Marion County Coal Corp | Glenridge | 6 | |
| Mine "B" Coal Co | "B" | 5 | |
| Mt. Olive Coal Co | Hoosier | 6 | |
| Mt. Olive & Staunton Coal Co | #2 | 6 | |
| Nokomis Coal Co | Reliance | 6 | |
| Pana Coal Co | #1 | 6 | |
| Panther Creek Mines, Inc | #1 | 6 | |
| Panther Creek Mines, Inc | #2 | 5 | |
| Panther Creek Mines, Inc | #3 | 6 | |
| Panther Creek Mines, Inc | #4 | 5 | |
| Panther Creek Mines, Inc | #5 | 5 | |
| Peabody Coal Co | Carter Process Plant | 6 | |
| Peabody Coal Co | #7 Hawthorn | 6 | |
| Peabody Coal Co | #8 Hawthorn | 6 | |
| Peabody Coal Co | #9 Hawthorn | 6 | |
| Peabody Coal Co | #53 Woodside | 5 | |
| Peabody Coal Co | #57 Capitol | 5 | |
| Peabody Coal Co | #58 Hawthorn | 6 | |
| Peabody Coal Co | #59 Peerless | 5 | |
| Penwell Coal Mining Co | Penwell | 6 | |
| Superior Coal Co | #1 | 6 | |
| Superior Coal Co | #2 | 6 | |
| Superior Coal Co | #3 | 6 | |
| Superior Coal Co | #4 | 6 | |
| Verden Coal Co. (Joe Dubinick, Prop.) | Verden | 6 | |

### *Mine Price Group "G"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Morgan Coal Company, F. C. (Ray Morgan, Prop.). | (Oakwood) Morgan | 7 | |
| Oakwood Coal Co | Oakwood | 7 | |
| Peabody Coal Co | #24 Westville | 6 | |
| Skelton Coal Co., J. C | Skelton | 7 | |
| Tilton Mining Co | Tilton | 7 | |
| United States Fuel Co | Vermillion | 6 | |
| United States Fuel Co | Bun | 6 | |

### *Mine Price Group "H"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Blakley Coal Co | Blakley | 5 | |
| Central States Collieries Inc | Little Sister | 5 | |
| Central West Coal Co | Glenwood | 5 | |
| Cresent Mining Co | #1 La Marsh | 5 | |
| Cresent Mining Co | #6 La Marsh | 5 | |
| Dorthel Coal Co | #1 | 5 | |
| Dorthel Coal Co | #3 | 5 | |
| Galesburg Mining Co | #1 | 1 | |
| Illinois Colliery Co | Illinois Colliery | 5 | |
| Lake Erie Mining Co | Lake Erie | 5 | |
| Little John Coal Co | Little John | 6 | |
| Midland Electric Corp | Middle Grove | 6 | |
| Pschirrer & Sons Coal Co | Kildee #3 | 5 | |
| Sunnyside Coal Co | Sunnyside | 5 | |
| Truax Traer Coal Co | St. David | 5 | |
| Truax Traer Coal Co | Flatt | 5 | |
| Ubben Coal Co | Ubben | 5 | |
| United Electric Companies | Cuba | 6 | |

### *Mine Price Group "J"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Midland Electric Coal Corp | Mecco | 2 | |
| Shuler Coal Mining Co | Alpha | 1 | |



### *Mine Price Group "K"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Buffalo Rock Coal Co | Buffalo Rock | 2 | 4 |
| Illinois Zinc Co | #3 | 2 | |
| Osage Coal Co | #1 | 2 | 4 |
| Roanoke Coal & Tile Co | Roanoke | 3 | |
| Spring Valley Coal Mining Co | #3 | 2 | |
| Sutton Coal Co. W. G | Minonk | 2 | |
| Union Coal Co | Union | 2 | |
| Wilmington Coal Mines, Inc | Wilmington Mines, Inc | 2 | 4 |

*Exception 4.*—The prices for all sizes of coal included in size groups 6 to 15, inclusive, or shipment into all Market Areas shall be 25¢ per ton less than prices shown.

### *Mine Price Group "L"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Northern Illinois Coal Corp | #10 Wilmington | 2 | |

### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 17, 18, 19, 20, 21, 22 and 36*

| Size groups | F. O. B. mine prices for mine price groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L |
| 1 | 275 | 260 | 255 | 220 | 220 | 240 | 270 | 240 | ..... | 305 | 305 |
| 2 | 265 | 250 | 245 | 210 | 210 | 230 | 260 | 230 | ..... | 295 | 295 |
| 3 | 255 | 240 | 235 | 200 | 200 | 220 | 250 | 220 | ..... | 285 | 285 |
| 4 | 245 | 230 | 225 | 190 | 190 | 210 | 240 | 210 | ..... | 275 | 275 |
| 5 | 235 | 220 | 215 | 180 | 180 | 200 | 230 | 200 | ..... | 265 | 265 |
| 6 | 220 | 210 | 215 | 175 | 175 | 195 | 225 | 195 | ..... | 250 | 220 |
| 7 | 235 | 215 | 220 | 170 | 170 | 190 | 220 | 190 | ..... | 245 | 215 |
| 8 | 230 | 220 | 225 | 185 | 185 | 205 | 235 | 205 | ..... | 260 | 230 |
| 9 | 210 | 200 | 205 | 165 | 165 | 185 | 215 | 185 | ..... | 240 | 210 |
| 10 | 195 | 185 | 190 | 150 | 150 | 170 | 200 | 170 | ..... | 225 | 195 |
| 11 | 185 | 175 | 180 | 140 | 140 | 160 | 190 | 160 | ..... | 215 | 185 |
| 12 | 175 | 165 | 170 | 130 | 130 | 150 | 180 | 150 | ..... | 205 | 175 |
| 13 | 200 | 190 | 195 | 155 | 155 | 175 | 205 | 175 | ..... | 230 | 200 |
| 14 | 125 | 115 | 120 | 80 | 80 | 100 | 130 | 100 | ..... | 155 | 125 |
| 15 | 105 | 95 | 100 | 60 | 60 | 80 | 110 | 80 | ..... | 135 | 105 |
| 16 | 215 | 215 | 215 | 195 | 195 | 195 | 195 | 195 | ..... | 240 | 240 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 23, 27, 28, 29, 30, 31, 33, 34, 99, 100, 101, 104, 105, 106, 107, 108, 109, 111, 112, 140, 141, 142, 143, 145, 146, 147*

| Size groups | F. O. B. mine prices for mine price groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L |
| 1 | 275 | 260 | 255 | 220 | 220 | 240 | 270 | 240 | 250 | 305 | 305 |
| 2 | 265 | 250 | 245 | 210 | 210 | 230 | 260 | 230 | 240 | 295 | 295 |
| 3 | 255 | 240 | 235 | 200 | 200 | 220 | 250 | 220 | 230 | 285 | 285 |
| 4 | 245 | 230 | 225 | 190 | 190 | 210 | 240 | 210 | 220 | 275 | 275 |
| 5 | 235 | 220 | 215 | 180 | 180 | 200 | 230 | 200 | 210 | 265 | 265 |
| 6 | 220 | 210 | 215 | 175 | 175 | 195 | 225 | 195 | 205 | 250 | 220 |
| 7 | 225 | 215 | 220 | 170 | 170 | 190 | 220 | 190 | 200 | 245 | 215 |
| 8 | 230 | 220 | 225 | 185 | 185 | 205 | 235 | 205 | 215 | 260 | 230 |
| 9 | 210 | 200 | 205 | 165 | 165 | 185 | 215 | 185 | 195 | 240 | 210 |
| 10 | 195 | 185 | 190 | 150 | 150 | 170 | 200 | 170 | 180 | 225 | 195 |
| 11 | 185 | 175 | 180 | 140 | 140 | 160 | 190 | 160 | 170 | 215 | 185 |
| 12 | 175 | 165 | 170 | 130 | 130 | 150 | 180 | 150 | 160 | 205 | 175 |
| 13 | 200 | 190 | 195 | 155 | 155 | 175 | 205 | 175 | 185 | 230 | 200 |
| 14 | 125 | 115 | 120 | 80 | 80 | 100 | 130 | 100 | 110 | 155 | 125 |
| 15 | 105 | 95 | 100 | 60 | 60 | 80 | 110 | 80 | 90 | 135 | 105 |
| 16 | 215 | 215 | 215 | 195 | 195 | 195 | 195 | 195 | 195 | 240 | 240 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.



#### FREIGHT RATE ADJUSTMENTS

*Market Areas Nos. 23, 27, 28, 29, 30, 31, 33, 34, 99, 100, 101, 104, 105, 106, 107, 108, 109, 111, 112, 140, 141, 142, 143, 145, 146, and 147*

The established Minimum Mine Prices for coal from mines in Mine Price Group "A" for delivery in Consuming Market Areas Nos. 23, 27, 28, 29, 30, 31, 33, 34, 99, 100, 101, 104, 105, 106, 107, 108, 109, 111, 112, 140, 141, 142, 143, 145, 146, and 147 are those shown under heading "Mine Price Group 'A'."

The established Minimum Mine Prices for coals from mines in Mine Price Groups other than Mine Price Group "A", are predicated on differentials at points of delivery in Consuming Market Areas Nos. 23, 27, 28, 29, 30, 31, 33, 34, 99, 100, 101, 104, 105, 106, 107, 108, 109, 111, 112, 140, 141, 142, 143, 145, 146, and 147, under the Minimum Mine Prices (plus transportation charges) for coal from mines in Mine Price Group "A" of the amounts shown below under heading "Consuming Market Area Differentials."

*Consuming Market Area Differentials*

| Mine price group | Size groups | |
|---|---|---|
| | 1 to 5 | 6 to 15 |
| B | 15¢ per ton | 10¢ per ton. |
| C | 30¢ " " | 15¢ " " |
| D | 65¢ " " | 55¢ " " |
| E | 65¢ " " | 55¢ " " |
| F | 65¢ " " | 55¢ " " |
| G | 65¢ " " | 55¢ " " |
| H | 75¢ " " | 65¢ " " |
| J | 65¢ " " | 55¢ " " |
| K | 85¢ " " | 45¢ " " |
| L | 55¢ " " | 85¢ " " |

The established Minimum Mine Prices for coals from mines in Mine Price Groups other than Mine Price Group "A" for delivery in Consuming Market Areas Nos. 23, 27, 28, 29, 30, 31, 33, 34, 99, 100, 101, 104, 105, 106, 107, 108, 109, 111, 112, 140, 141, 142, 143, 145, 146, and 147 are based on the transportation charges from such mines being the amounts shown, under those from West Frankfort, Ill., or Harrisburg, Ill., whichever is lower, and as listed under heading "Transportation Charge Difference."

The Minimum Mine Prices for coal from mines in Mine Price Groups, other than Mine Price Group "A", for delivery at points in Consuming Market Areas Nos. 23, 27, 28, 29, 30, 31, 33, 34, 99, 100, 101, 104, 105, 106, 107, 108, 109, 111, 112, 140, 141, 142, 143, 145, 146, and 147 to which the transportation charges are not the same amounts under those from mines in Mine Price Group "A" as shown under heading "Transportation Charge Difference" will be Minimum Mine Prices determined in the following manner:

By adding 1¢ per ton to Minimum Mine Prices (with maximum addition of 35¢ per ton), for each 1¢ per ton which transportation charge difference exceeds amount shown under "Transportation Charge Difference." By deducting 1¢ per ton from Minimum Mine Prices (with maximum deduction of 35¢ per ton), for each 1¢ per ton which transportation charge difference is less than amount shown under "Transportation Charge Difference."

*Transportation Charge Difference*

| | |
|---|---|
| B | 00¢ per ton. |
| C | 10¢ " " |
| D | 10¢ " " |
| E | 10¢ " " |
| F | 30¢ " " |
| G | 60¢ " " |
| H | 40¢ " " |
| J | 70¢ " " |
| K | 75¢ " " |
| L | 85¢ " " |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 24*

| Size groups | F. O. B. mine prices for mine price groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L |
| 1 | 275 | 260 | 255 | 230 | 220 | 240 | 260 | 240 | ..... | 305 | 305 |
| 2 | 265 | 250 | 245 | 210 | 210 | 230 | 250 | 230 | ..... | 295 | 295 |
| 3 | 255 | 240 | 235 | 200 | 200 | 220 | 240 | 220 | ..... | 285 | 285 |
| 4 | 245 | 230 | 225 | 190 | 190 | 210 | 230 | 210 | ..... | 275 | 275 |
| 5 | 235 | 220 | 215 | 180 | 180 | 200 | 220 | 200 | ..... | 265 | 265 |
| 6 | 230 | 210 | 215 | 175 | 175 | 195 | 215 | 195 | ..... | 250 | 220 |
| 7 | 225 | 215 | 225 | 170 | 170 | 190 | 210 | 190 | ..... | 245 | 215 |
| 8 | 230 | 220 | 235 | 185 | 185 | 205 | 225 | 205 | ..... | 260 | 230 |
| 9 | 210 | 200 | 205 | 165 | 165 | 185 | 205 | 185 | ..... | 240 | 210 |
| 10 | 195 | 185 | 190 | 150 | 150 | 170 | 190 | 170 | ..... | 225 | 195 |
| 11 | 185 | 175 | 180 | 140 | 140 | 160 | 180 | 160 | ..... | 215 | 185 |
| 12 | 175 | 165 | 170 | 130 | 130 | 150 | 170 | 150 | ..... | 205 | 175 |
| 13 | 200 | 190 | 195 | 155 | 155 | 175 | 195 | 175 | ..... | 230 | 200 |
| 14 | 125 | 115 | 120 | 80 | 80 | 100 | 120 | 100 | ..... | 155 | 125 |
| 15 | 105 | 95 | 100 | 60 | 60 | 80 | 100 | 80 | ..... | 135 | 105 |
| 16 | 215 | 215 | 215 | 195 | 195 | 195 | 195 | 195 | ..... | 240 | 240 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 25*

| Size groups | F. O. B. mine prices for mine price groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L |
| 1 | 275 | 260 | 260 | 233 | 218 | 240 | ..... | ..... | ..... | ..... | ..... |
| 2 | 265 | 250 | 250 | 223 | 208 | 230 | ..... | ..... | ..... | ..... | ..... |
| 3 | 255 | 240 | 240 | 213 | 198 | 220 | ..... | ..... | ..... | ..... | ..... |
| 4 | 245 | 230 | 230 | 203 | 188 | 210 | ..... | ..... | ..... | ..... | ..... |
| 5 | 235 | 220 | 220 | 193 | 178 | 200 | ..... | ..... | ..... | ..... | ..... |
| 6 | 220 | 210 | 215 | 193 | 183 | 195 | ..... | ..... | ..... | ..... | ..... |
| 7 | 225 | 215 | 220 | 188 | 178 | 190 | ..... | ..... | ..... | ..... | ..... |
| 8 | 230 | 220 | 225 | 203 | 193 | 205 | ..... | ..... | ..... | ..... | ..... |
| 9 | 210 | 200 | 205 | 183 | 173 | 185 | ..... | ..... | ..... | ..... | ..... |
| 10 | 195 | 185 | 190 | 168 | 158 | 170 | ..... | ..... | ..... | ..... | ..... |
| 11 | 185 | 175 | 180 | 158 | 148 | 160 | ..... | ..... | ..... | ..... | ..... |
| 12 | 175 | 165 | 170 | 148 | 138 | 150 | ..... | ..... | ..... | ..... | ..... |
| 13 | 200 | 190 | 195 | 173 | 163 | 175 | ..... | ..... | ..... | ..... | ..... |
| 14 | 125 | 115 | 120 | 98 | 88 | 100 | ..... | ..... | ..... | ..... | ..... |
| 15 | 105 | 95 | 100 | 78 | 68 | 80 | ..... | ..... | ..... | ..... | ..... |
| 16 | 215 | 215 | 215 | 195 | 195 | 195 | ..... | ..... | ..... | ..... | ..... |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 26*

| Size groups | F. O. B. mine prices for mine price groups | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D, Washed | D, Raw | E, Washed | E, Raw | F, Washed | F, Raw |
| 1 | 275 | 260 | 260 | ..... | 225 | ..... | 210 | ..... | 210 |
| 2 | 265 | 250 | 250 | ..... | 215 | ..... | 200 | ..... | 200 |
| 3 | 255 | 240 | 240 | ..... | 205 | ..... | 190 | ..... | 190 |
| 4 | 245 | 230 | 230 | ..... | 195 | ..... | 180 | ..... | 180 |
| 5 | 235 | 220 | 220 | ..... | 185 | ..... | 170 | ..... | 170 |
| 6 | 220 | 210 | 215 | 200 W | 180 R | 200 W | 170 R | 200 W | 180 R |
| 7 | 225 | 215 | 220 | 200 W | 175 R | 200 W | 165 R | 200 W | 175 R |
| 8 | 230 | 220 | 225 | 200 W | 190 R | 200 W | 180 R | 200 W | 190 R |
| 9 | 210 | 200 | 205 | 180 W | ..... | 180 W | ..... | 180 W | ..... |
| 10 | 195 | 185 | 190 | ..... | 155 | ..... | 145 | ..... | 155 |
| 11 | 185 | 175 | 180 | ..... | 145 | ..... | 135 | ..... | 145 |
| 12 | 175 | 165 | 170 | ..... | 135 | ..... | 125 | ..... | 135 |
| 13 | 200 | 190 | 195 | ..... | 160 | ..... | 150 | ..... | 160 |
| 14 | 125 | 115 | 120 | 130 W | 85 R | 130 W | 75 R | 130 W | 85 R |
| 15 | 105 | 95 | 100 | ..... | 65 | ..... | 55 | ..... | 65 |
| 16 | 215 | 215 | 215 | ..... | 195 | ..... | 195 | ..... | 195 |

W—Washed or Aircleaned. R—Raw.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

FREIGHT RATE ADJUSTMENTS

*Market Area No. 26*

The established Minimum Mine Prices for coal from mines in Mine Price Group "A" for delivery in Consuming Market Area No. 26 are those shown under heading "Mine Price Group 'A'."

The established Minimum Mine Prices for coals from mines in Mine Price Groups other than Mine Price Group "A", are predicated on differentials at points of delivery in Consuming Market Area No. 26, under the Minimum Mine Prices (plus transportation charges) for coal from mines in Mine Price Group "A" of the amounts shown below under heading "Consuming Market Area Differentials."

*Consuming Market Area Differentials*

| Mine price group | Size groups | |
|---|---|---|
| | 1 to 5 | 6 to 15 |
| B | 15¢ per ton | 10¢ per ton. |
| C | 30¢ " " | 20¢ " " (Raw). |
| D | 75¢ " " | 65¢ " " (Washed). |
| | | 55¢ " " (Raw). |
| E | 90¢ " " | 75¢ " " (Washed). |
| | | 55¢ " " (Raw). |
| F | 75¢ " " | 65¢ " " (Washed) |
| | | 35¢ " " |

The established Minimum Mine Prices for coals from mines in Mine Price Groups other than Mine Price Group "A" for delivery in Consuming Market Area No. 26 are based on the transportation charges from such mines being the amounts shown, under those from West Frankfort, Ill., or Harrisburg, Ill., whichever is lower, and as listed under heading "Transportation Charge Difference."

The Minimum Mine Prices for coal from mines in Mine Price Groups, other than Mine Price Group "A", for delivery at points in Consuming Market Area No. 26 to which the transportation charges are not the same amounts under those from mines in Mine Price Group "A" as shown under heading "Transportation Charge Difference" will be Minimum Mine Prices determined in the following manner:

By adding 1¢ per ton to Minimum Mine Prices (with maximum addition of 35¢ per ton), for each 1¢ per ton which transportation charge difference exceeds amount shown under "Transportation Charge Difference." By deducing 1¢ per ton from Minimum Mine Prices (with maximum deduction of 35¢ per ton), for each 1¢ per ton which transportation charge difference is less than amount shown under "Transportation Charge Difference."

*Transportation Charge Difference*

| | |
|---|---|
| B | 00¢ per ton. |
| C | 15¢ " " |
| D | 25¢ " " |
| E | 25¢ " " |
| F | 25¢ " " |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 32*

| Size groups | F. O. B. mine prices for mine price groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L |
| 1 | 275 | 260 | 245 | 230 | 230 | 250 | ..... | 250 | 260 | 305 | 305 |
| 2 | 265 | 250 | 235 | 220 | 220 | 240 | ..... | 240 | 250 | 295 | 295 |
| 3 | 255 | 240 | 225 | 210 | 210 | 230 | ..... | 230 | 240 | 285 | 285 |
| 4 | 245 | 230 | 215 | 200 | 200 | 220 | ..... | 220 | 230 | 275 | 275 |
| 5 | 235 | 220 | 205 | 190 | 190 | 210 | ..... | 210 | 220 | 265 | 265 |
| 6 | 220 | 210 | 205 | 185 | 185 | 205 | ..... | 205 | 215 | 250 | 220 |
| 7 | 225 | 215 | 210 | 180 | 180 | 200 | ..... | 200 | 210 | 245 | 215 |
| 8 | 230 | 220 | 215 | 195 | 195 | 215 | ..... | 215 | 225 | 260 | 230 |
| 9 | 210 | 200 | 195 | 175 | 175 | 195 | ..... | 195 | 205 | 240 | 210 |
| 10 | 195 | 185 | 180 | 160 | 160 | 180 | ..... | 180 | 190 | 225 | 195 |
| 11 | 185 | 175 | 170 | 150 | 150 | 170 | ..... | 170 | 180 | 215 | 185 |
| 12 | 175 | 165 | 160 | 140 | 140 | 160 | ..... | 160 | 170 | 205 | 175 |
| 13 | 200 | 190 | 185 | 165 | 165 | 185 | ..... | 185 | 195 | 230 | 200 |
| 14 | 125 | 115 | 110 | 90 | 90 | 110 | ..... | 110 | 120 | 155 | 125 |
| 15 | 105 | 95 | 90 | 70 | 70 | 90 | ..... | 90 | 100 | 135 | 105 |
| 16 | 215 | 215 | 215 | 195 | 195 | 195 | ..... | 195 | 195 | 240 | 240 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 35, 89, 90, 93, 94, 95, 96, 97, 98, 119, 123, 124, 143*

| Size groups | F. O. B. mine prices for mine price groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L |
| 1 | 275 | 260 | 245 | 210 | 210 | 210 | ..... | ..... | ..... | ..... | ..... |
| 2 | 265 | 250 | 235 | 200 | 200 | 200 | ..... | ..... | ..... | ..... | ..... |
| 3 | 255 | 240 | 225 | 190 | 190 | 190 | ..... | ..... | ..... | ..... | ..... |
| 4 | 245 | 230 | 215 | 180 | 180 | 180 | ..... | ..... | ..... | ..... | ..... |
| 5 | 235 | 220 | 205 | 170 | 170 | 170 | ..... | ..... | ..... | ..... | ..... |
| 6 | 220 | 210 | 205 | 165 | 165 | 165 | ..... | ..... | ..... | ..... | ..... |
| 7 | 225 | 215 | 210 | 160 | 160 | 160 | ..... | ..... | ..... | ..... | ..... |
| 8 | 230 | 220 | 215 | 175 | 175 | 175 | ..... | ..... | ..... | ..... | ..... |
| 9 | 210 | 200 | 195 | 155 | 155 | 155 | ..... | ..... | ..... | ..... | ..... |
| 10 | 195 | 185 | 180 | 140 | 140 | 140 | ..... | ..... | ..... | ..... | ..... |
| 11 | 185 | 175 | 170 | 130 | 130 | 130 | ..... | ..... | ..... | ..... | ..... |
| 12 | 175 | 165 | 160 | 120 | 120 | 120 | ..... | ..... | ..... | ..... | ..... |
| 13 | 200 | 190 | 185 | 145 | 145 | 145 | ..... | ..... | ..... | ..... | ..... |
| 14 | 125 | 115 | 110 | 70 | 70 | 70 | ..... | ..... | ..... | ..... | ..... |
| 15 | 105 | 95 | 90 | 50 | 50 | 50 | ..... | ..... | ..... | ..... | ..... |
| 16 | 215 | 215 | 215 | 195 | 195 | 195 | ..... | ..... | ..... | ..... | ..... |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 102, 110, 113, 114, 115, 116, 117, 118, 136, 137, 138, 139*

| Size groups | F. O. B. mine prices for mine price groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L |
| 1 | 275 | 260 | 260 | 233 | 218 | 250 | ..... | 260 | ..... | ..... | ..... |
| 2 | 265 | 250 | 250 | 223 | 208 | 240 | ..... | 250 | ..... | ..... | ..... |
| 3 | 255 | 240 | 240 | 213 | 198 | 230 | ..... | 240 | ..... | ..... | ..... |
| 4 | 245 | 230 | 230 | 203 | 188 | 220 | ..... | 230 | ..... | ..... | ..... |
| 5 | 235 | 220 | 220 | 193 | 183 | 210 | ..... | 220 | ..... | ..... | ..... |
| 6 | 220 | 210 | 220 | 201 | 191 | 201 | ..... | 225 | ..... | ..... | ..... |
| 7 | 225 | 215 | 225 | 196 | 186 | 196 | ..... | 230 | ..... | ..... | ..... |
| 8 | 230 | 220 | 230 | 211 | 201 | 211 | ..... | 235 | ..... | ..... | ..... |
| 9 | 210 | 200 | 210 | 191 | 181 | 191 | ..... | 215 | ..... | ..... | ..... |
| 10 | 195 | 185 | 195 | 176 | 166 | 176 | ..... | 200 | ..... | ..... | ..... |
| 11 | 185 | 175 | 185 | 166 | 156 | 166 | ..... | 190 | ..... | ..... | ..... |
| 12 | 175 | 165 | 175 | 156 | 146 | 156 | ..... | 180 | ..... | ..... | ..... |
| 13 | 200 | 190 | 200 | 181 | 171 | 181 | ..... | 205 | ..... | ..... | ..... |
| 14 | 125 | 115 | 125 | 106 | 96 | 106 | ..... | 130 | ..... | ..... | ..... |
| 15 | 105 | 95 | 105 | 86 | 76 | 86 | ..... | 110 | ..... | ..... | ..... |
| 16 | 215 | 215 | 215 | 195 | 195 | 195 | ..... | 195 | ..... | ..... | ..... |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

FREIGHT RATE ADJUSTMENTS

*Market Areas Nos. 102, 110, 113, 114, 115, 116, 117, 118, 136, 137, 138, 139*

The established Minimum Mine Prices for coal from mines in Mine Price Group "A" for delivery in Consuming Market Areas Nos. 102, 110, 113, 114, 115, 116, 117, 118, 136, 137, 138, and 139 are those shown under heading "Mine Price Group 'A'".

The established Minimum Mine Prices for coals from mines in Mine Price Groups other than Mines Price Group "A", are predicated on differentials at points of delivery in Consuming Market Areas Nos. 102, 110, 113, 114, 115, 116, 117, 118, 136, 137, 138, and 139, under the Minimum Mine Prices (plus transportation charges) for coal from mines in Mine Price Group "A" of the amounts shown below, under heading "Consuming Market Area Differentials."

*Consuming Market Area Differentials*

| Mine price group | Size groups | |
|---|---|---|
| | 1 to 5 | 6 to 15 |
| B | 15¢ per ton | 10¢ per ton. |
| C | 30¢ " " | 15¢ " " |
| D | 65¢ " " | 55¢ " " |
| E | 80¢ " " | 65¢ " " |
| F | 65¢ " " | 55¢ " " |
| G | ..... | ..... |
| H | 75¢ " " | 65¢ " " |
| J | ..... | ..... |
| K | ..... | ..... |
| L | ..... | ..... |

The established Minimum Mine Prices for coals from mines in Mine Price Groups other than Mine Price Group "A" for delivery in Consuming Market Areas Nos. 102, 110, 113, 114, 115, 116, 117, 118, 136, 137, 138, and 139 are based on the transportation charges from such mines being the amounts shown, under those from West Frankfort, Ill., or Harrisburg, Ill., whichever is lower, and as listed under heading "Transportation Charge Difference."

The Minimum Mine Prices for coal from mines in Mine Price Groups, other than Mine Price Group "A", for delivery at points in Consuming Market Areas Nos. 102, 110, 113, 114, 115, 116, 117, 118, 136, 137, 138, and 139 to which the transportation charges are not the same amounts under those from mines in Mine Price Group "A" as shown under heading "Transportation Charge Difference" will be Minimum Mine Prices determined in the following manner:

By adding 1¢ per ton to Minimum Mine Prices (with maximum addition of 35¢ per ton), for each 1¢ per ton which transportation charge difference exceeds amount shown under "Transportation Charge Difference." By deducting 1¢ per ton from Minimum Mine Prices (with maximum deduction of 35¢ per ton), for each 1¢ per ton which transportation charge difference is less than amount shown under "Transportation Charge Difference."

*Transportation Charge Difference*

| | |
|---|---|
| B | 00¢ per ton. |
| C | 15¢ " " |
| D | 22¢ " " |
| E | 22¢ " " |
| F | 40¢ (Lump)—30¢ (Fine). |
| G | ..... |
| H | 60¢ (Lump)—55¢ (Fine). |

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

Any coal sold for Railroad Locomotive Fuel shall take a minimum price of $2.15 per net ton.

When any coal is crushed, the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3482; Filed, December 1, 1937; 12:28 p. m.]

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[Order No. 99]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ELEVEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 63 the weighted average of the total costs of the tonnage for Minimum Price Area Two in the calendar year 1936, adjusted as aforesaid, and

having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 84 determined and established the initial classifications of coals of code members within said District Eleven; the District Board for District Number Eleven having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Eleven, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Eleven, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Eleven or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Eleven, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Eleven, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Eleven and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Eleven to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area Two and to code members within District Number Eleven, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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## PRICE SCHEDULE NO. 1—DISTRICT NO. 11

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 11, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 16, 1937.

Issued: November 30, 1937.

F. W. MCCULLOUGH, *Secretary*.

### PRICE INSTRUCTIONS AND EXCEPTIONS

Item No. 1.—The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

Item No. 2.—All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

Item No. 3.—All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

Item No. 4.—In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

Item No. 5.—All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

Item No. 6.—When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

Item No. 7.—*Crushed coal.*—Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.



Item No. 8.—*Picking-table reject coal.*—The price of unwashed picking-table reject coal, 1½" top sizes or less, commonly known as breaker screenings, for delivery in all market areas, shall be 25¢ per ton less than the price of 1½" or 1¼" screenings of the same classification, except that the price of such coal produced at Class F mines shall be the same as the price of such coal produced at Class E mines.

Picking-table reject coal crushed 1½" or smaller, and washed or air-cleaned, containing an ash content of not less than raw screenings from the same mine, may be sold at not less than the minimum price established for raw screenings of similar top size. (See Definition in Item No. 16.)

Item No. 9.—*Mechanically cleaned and/or washed nut and stoker coals.*—All mechanically cleaned and/or washed nut and stoker coals shall be priced a minimum of ten cents (10¢) per net ton higher than raw coal of the same size.

Item No. 10.—*⅜" minus coals.*—For application in all Market Areas, the prices of the sizes of coal indicated below will be determined by deducting from the prices of 1¼" raw screenings (Size Group No. 11), the amounts per ton shown opposite each size:

⅜" Minus (washed), 15 cents per ton.
¾" Minus (air-cleaned), 15 cents per ton.
⅜" x 10 Mesh (raw), 15 cents per ton.
⅜" x 10 Mesh (water dedusted), 20 cents per ton.
⅜" x 28 Mesh (water dedusted), 25 cents per ton.
10 Mesh x 28 Mesh (water dedusted), 60 cents per ton.

Item No. 11.—*Brazil block 2" and 2½" lump.*—The prices of 2 inch and 2½ inch Brazil Block lump coal, for delivery in all Market Areas, will be 10 cents per ton less than the prices published for those sizes of coal in Size Group No. 1.

Item No. 12.—*Two inch screenings.*—The prices in all Market Areas of 2" screenings of their respective preparation (raw, washed, dedusted and modified) shall be ten (10) cents per ton higher than the prices of the corresponding preparation of 1½" and 1¼" screenings.

Item No. 13.—*Over-size block screenings.*—The price of 2½ inch Brazil Block raw screenings for delivery in all Market Areas will be the same as the price of 2 inch Brazil Block modified screenings.

Item No. 14.—*Explanation of letter references.*—

(*a*) Applies to coal that has been dedusted over vibrating screens under high pressure water sprays.

(*b*) Applies to coal delivered on the C&EI and Pennsylvania Railroads.

(*c*) Applies to coal delivered on the CCC&StL and CMStP&P Railroads.

Item No. 15.—*Explanation of exemptions.*—

Exception Number 1.—The prices of all sizes of dedusted screenings will be the same as the price of the corresponding sizes of un-dedusted screenings.

Exception Number 2.—The prices of all sizes of coal included in Size Groups 6, 7, 8, 10, 11, 12, 13, and 14 will be the following amounts less than the Class C prices applicable to the same sizes of coal in the following Market Areas:

Market Areas Nos. 17, 18, 19, 20, 21, 22, and 36—5 cents per ton.
All other Market Areas—10 cents per ton.

Exception Number 3.—The prices of all sizes of coal included in Size Groups 11 and 12, in all Market Areas, will be ten (10¢) cents per ton less than Class F prices for those sizes of coal.

Exception Number 4.—The price of modified screenings, in all Market Areas, will be the same as the price of 1½" and 1¼" raw screenings.

Exception Number 5.—The prices of all sizes of coal included in Size Groups 10, 11, and 12, in all Market Areas, will be ten (10¢) cents per ton less than Class F prices for these sizes of coal.

### SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups for Shipment Into all Market Areas*

| Size group | Sizes | Size group | Sizes |
|---|---|---|---|
| 1 | 6" and larger Lump.<br>5" Lump.<br>4" Lump.<br>3" Lump.<br>2" Lump.<br>8 x 4" Egg.<br>8 x 3" Egg.<br>7 x 4" Egg.<br>7 x 3" Egg. | 6 | 1½ x 1" Nut.<br>1¼ x 1" Nut.<br>1½ x ¾" Nut.<br>1¼ x ¾" Nut. |
| | | 7 | 1½ x ¾" to 6 Mesh Nut.<br>1¼ x ¾" to 6 Mesh Nut. |
| | | 8 | 1 x ¾" to 6 Mesh Nut.<br>¾ x ¾" to 6 Mesh Nut. |
| 2 | 6 x 4" Egg.<br>6 x 3¼" Egg.<br>6 x 3" Egg.<br>5 x 4" Egg.<br>5 x 3" Egg.<br>4 x 3" Egg. | 9 | 1½" Washed Screenings.<br>1¼" Washed Screenings.<br>1" Washed Screenings.<br>¾" Washed Screenings. |
| 3 | 1¾" Lump.<br>1¼" Lump.<br>6 x 2½" Egg.<br>6 x 2" Egg. | 10 | 1½" Modified Screenings.<br>1¼" Modified Screenings.<br>1" Modified Screenings.<br>¾" Modified Screenings. |
| | | 11 | 1½" Screenings (Raw).<br>1¼" Screenings (Raw). |
| | | 12 | 1" Screenings (Raw).<br>¾" Screenings (Raw). |
| 4 | 6 x 1½" Egg.<br>5 x 2" Egg.<br>4 x 1½" Egg.<br>4 x 1¼" Egg.<br>3 x 2" Nut. | 13 | ⅝s" x 10 Mesh (Raw).<br>⅜" x 10 Mesh (Raw). |
| | | 14 | Carbon ⅜" or less x 0. |
| 5 | 3 x 1¼" Nut.<br>3 x 1½" Nut.<br>3 x 1" Nut.<br>3 x ¾" Nut.<br>2 x 1½" Nut.<br>2 x 1¼" Nut.<br>2 x 1" Nut. | 15 | Mine Run. |

*Price Index of Code Members*

| Booneville—Evansville district | | | Size groups | | | | | | | | | | | | | | Exception |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | |
| Operating company | Name or number of mine | Seam | Price index | | | | | | | | | | | | | | | |
| Binkley Mining Company | Lucky Strike | V | B | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | ---- |
| Booneville Coal Sales Corporation | Star Hill 2 | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | ---- |
| Crescent Coal Company | Crescent | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | ---- |
| Horton Coal Company | Horton | V | E | E | C | C | E | E | E | C | ---- | D | C | C | ---- | F | C | ---- |
| Mariah Hill Super Block Coal Corp | Mariah Hill | B | A | C | C | E | E | E | E | E | ---- | E | C | E | ---- | F | C | ---- |
| Sternberg Coal Corporation | Star Hill 1 | V | E | E | E | E | E | E | E | E | ---- | E | ---- | ---- | ---- | ---- | E | ---- |
| Sunlight Coal Company | Sunlight 11 | V | E | E | E | E | E | E | E | E | E | ---- | ---- | ---- | ---- | ---- | E | ---- |

B=Brazil Block Vein.

*Price Index of Code Members*—Continued

| Brazil—Clinton district | | | Size groups | | | | | | | | | | | | | | | | Exception |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | | |
| Operating company | Name or number of mine | Seam | Price index | | | | | | | | | | | | | | | | |
| Big Bend Coal & Clay Company | Big Bend | B | A | E | C | A | F | F | A | E | A | D | F | C | F | C | C | | |
| Binkley Mining Company | Bobolink | IV | E | C | E | C | F | C | E | E | C | D | D | C | C | C | E | | |
| Binkley Mining Company | Miami 10 | B | C | E | C | C | F | C | E | E | C | F | D | C | C | C | C | | |
| Birch Creek Coal Company | Birch Creek | V | E | C | C | F | C | C | F | C | C | F | F | C | C | C | C | | |
| Bledsoe, Walter & Company | Dresser | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Brazil Block Coal & Clay Co., Inc | Brazil Block | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Briggs, Lemuel | Briggs | V | E | C | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Clinton Coal Company | Crown Hill 6 | IV | E | C | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Clinton Coal Company | Submarine 2 | VII | E | C | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Collieries Coal & Coke Company | 7 | B | E | C | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Durkin, J. F | Durkin | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Edgewood Coal Corporation | Edgewood | V | E | C | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Electric Shovel Coal Corporation | Staunton | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Ferndale Coal Corporation | Vermillion 1 | III | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| G & F Coal Company | Staunton | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| G & F Coal Company | Stearley | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| G & F Coal Company | Carbon | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Grafe Coal Company | Hoosierville | V | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Jackson Hill Coal & Coke Company | 6 | VI | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Lincoln City Coal Company | Lone Eagle | III | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Lone Star Coal Company, Inc | Lone Star | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Morgan, Ray | Morgan-Asherville | III | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Rio Coal Company | Demand No. 2 | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Rockhill Coal & Clay Company | Rockhill | IV | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Saxton Coal Mining Company | Saxton 1 | III | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Snow Hill Coal Corporation | Talleydale | B | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| Superior Products, Incorporated | Superior | IV | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| United States Fuel Company | Universal | V | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |
| West Clinton Coal Company | Interstate 2 | V | C | E | C | F | C | C | E | E | C | F | D | C | C | C | C | | |

| Linton—Sullivan district | | | Size groups | | | | | | | | | | | | | | | | Exception |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | | |
| Operating company | Name or number of mine | Seam | Price index | | | | | | | | | | | | | | | | |
| Bicknell Coal Company | 2 | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| Black Hawk Coal Corporation | Black Hawk | Y | E | C | C | D | E | C | E | C | ---- | E | C | C | ---- | E | C | | |
| Bonnie Brook Mines, Incorporated | Bonnie Brook | B | A | C | C | D | A | D | E | C | ---- | D | C | C | ---- | F | C | | |
| Central Block Coal Mining Co., Inc | Old Brazil | B | C | E | C | C | E | E | C | C | ---- | D | F | C | ---- | F | C | | 12 |
| Central City Mining Company | Central City | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Central Indiana Coal Company | Allendale | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Dixie Bee Mining Corporation | Dixie Bee | V | E | C | C | F | C | C | E | E | E | E | C | C | ---- | E | C | | |
| Dixon Block Coal Company, Inc | 2 | B | C | E | C | F | C | C | E | E | ---- | D | F | C | ---- | F | C | | |
| Dugger-Domestic Coal Company | 1 | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 13 |
| Dugger-Domestic Coal Company | 2 | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 13 |
| Fougerousse Brothers | Fouger | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 12 |
| Glenburnie Coal Company | Glenburnie | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 13 |
| Glendora Coal Company | 28 | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Hamilton Coal Mining Company | Mohawk | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Haywood & Courter | Haywood & Courter | III | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Hickory Grove Coal Mining Corp | Lone Tree | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 13 |
| Hickory Grove Coal Mining Corp | Minnehaha | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Jackson Hill Coal & Coke Company | 7 | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 12 |
| Keystone Coal Company | Central City | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Knox Consolidated Coal Corporation | 1 | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Knox Consolidated Coal Corporation | 2 | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Knox County Fourth Vein Coal Company | Knox 4th Vein | IV | E | C | C | F | C | C | E | E | E | E | C | C | ---- | E | C | | 12 |
| Linton-Summit Coal Co., Inc | Templeton 4 | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 12 |
| Linton-Summit Coal Co., Inc | New Hope | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 12 |
| Little Betty Mining Corporation | Little Betty | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 12 |
| Lohr-Young Coal Company | Lohr-Young | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Maumee Collieries Company | Old Glory 17 | B | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Maumee Collieries Company | Antioch 18 | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Maumee Collieries Company | Linton Supreme | IV | E | C | C | F | C | C | E | E | E | E | C | C | F | E | C | | 12 |
| Maumee Collieries Company | Chieftain 20 | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 12 |
| Maumee Collieries Company | 23 | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Maumee Collieries Company | 24 | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Mid-Continent Mining Corporation | Continental #6 | IV | C | D | F | F | C | C | F | F | ---- | F | C | C | ---- | F | C | | 12 |
| Mid-States Coal Company | Mid-States | B | A | C | C | D | A | D | E | C | ---- | D | F | C | ---- | F | C | | |
| Monarch Coal Company | Monarch | B | C | E | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Morgan, Ray | Linton | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 12 |
| Peabody Coal Company | 48 | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Possum Hollow Coal Company, Inc | Queen | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Sherwood-Templeton Coal Company | Friar Tuck | VI | E | C | C | F | C | C | E | E | E | E | C | C | ---- | E | C | | |
| Sherwood-Templeton Coal Company | Robin Hood | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Siepman, H. A. Coal Company | Clipper Block | B | C | E | C | C | E | E | C | C | ---- | D | F | C | ---- | F | C | | 15 |
| Siepman, H. A. Coal Company | Ebony | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Siepman, H. A. Coal Company | Kingkol | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Siepman, H. A. Coal Company | Oak Leaf | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Spencer Coal Company | Spencer | VI | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 13 |
| Standard Brazil Block Coal Company | Stan. Brazil Block | B | C | E | C | C | E | E | C | C | ---- | D | F | C | ---- | F | C | | 12 |
| Strietelmeier, Henry W | Strietelmeier | IV | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | 12 |
| Superior Fourth Vein Coal Company | Little Daisy | V | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |
| Templeton Coal Company | Glendora 27 | | E | C | C | F | C | C | E | E | ---- | E | C | C | ---- | E | C | | |

[1] See explanation of exceptions.



*Price Index of Code Members*—Continued

| Princeton—Ayrshire district | | | Size groups | | | | | | | | | | | | | | | | Exception |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | | |
| Operating company | Name or number of mine | Seam | Price index | | | | | | | | | | | | | | | | |
| Blackfoot Coal Corporation | Blackfoot | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| Buckskin Coal Corporation | Buckskin | V | E | E | E | E | E | E | E | E | E | E | F | E | ---- | F | E | | 1 |
| Canal Coal Corporation | Canal | V | E | E | E | E | E | E | E | E | ---- | E | F | E | ---- | F | E | | |
| Donihue Creek Coal Company, Inc | Donihue Creek | V | E | E | E | E | E | E | E | E | ---- | E | E | E | E | E | E | | |
| Electric Shovel Coal Corporation | Ayrshire | V | E | E | E | E | E | E | E | E | F | E | E | E | ---- | E | E | | |
| Enos Coal Mining Company | Enos | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| Hayes, Richard—Trustee | Gladstone | V | E | E | E | E | E | E | E | E | E | E | E | E | ---- | E | E | | |
| Ingle Coal Company | Wick | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| New Liberty Coal Company | New Liberty | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| Patoka Coal Company | Globe | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| Princeton Mining Company | King Station | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| Standard Coal Company | Standard | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| 20th Century Coal Corporation | 20th Century | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| Warfeld Coal Company | Elberfeld | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |
| Winslow Coal Corporation | Winslow | V | E | E | E | E | E | E | E | E | ---- | E | E | E | ---- | E | E | | |

[1] See explanation of exceptions.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Absorption of freight differentials.*—The prices published in this schedule are based upon: (a) the freight rates in effect from the Brazil-Clinton District (base group) to destinations where the freight rates from the other origin groups are related by fixed differentials, or (b) the lowest freight rate from any group to destinations where the freight rates from the various Indiana origin groups are not related by fixed differentials.

For the purpose of effecting the same delivered price, in the same market area, of all Indiana coals of the same classification, the f. o. b. mine prices published in this schedule may be reduced by the amounts in cents per net ton indicated for each producing district in connection with each of the market areas shown below:

*Market Area No. 29.*—

Coals produced in—
- Linton-Sullivan Group—10 cents per ton.
- Princeton-Ayrshire Group—22 cents per ton.
- Boonville Group—25 cents per ton.
- Evansville Group—30 cents per ton.

*Market Areas Nos. 27, 28, 30, 31, 33, 34, 99, 100, 102; 104 to 112, inclusive; 136 to 147, inclusive; and that part of the State of Kansas in Market Area No. 118.*—

Coals produced in—
- Linton-Sullivan Group—10 cents per ton.
- Princeton-Ayrshire Group—17 cents per ton.
- Boonville Group—20 cents per ton.
- Evansville Group—30 cents per ton.

*Market Areas Nos. 17, 18, 19, 20, 21, 23, and 36.*—Any producer may shrink the f. o. b. mine prices published for his or its coal for delivery in the above market areas sufficiently to absorb the difference between the published freight rate from his or its mine and the lowest published freight rate from any Indiana mine to the same destination; provided, that in no instance shall the absorption of freight differences exceed 35 cents per net ton.

*Exception.*—The absorption of freight rate differences between Indiana mines shall not be predicated on the obsolete rates published from Cates and Cayuga on the NYC&StL, and Owensburg on the CI&L, to points on those roads and connecting lines.

*Market Area No. 22.*—Any producer may shrink the f. o. b. mine prices published for his or its coal for delivery in the above Market Area sufficiently to absorb the difference between the published rate from his or its mine and a rate of 50 cents per ton.

*Market Areas Nos. 24, 25, 26, 32; 113 to 117, inclusive; and that Part of Missouri in Market Area No. 118.*—The prices published in this schedule for application to coal for delivery in the above market areas, shall not be reduced to equalize any differences in the freight rates from the producing districts in Indiana to points in the aforesaid Market Areas.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 23*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 260 | ---- | 250 | ---- | 230 | 220 |
| 2 | 250 | 245 | 240 | 230 | 220 | 210 |
| 3 | ---- | 235 | 230 | 220 | 210 | 200 |
| 4 | ---- | 225 | 220 | 210 | 200 | 190 |
| 5 | ---- | ---- | 210 | 200 | 190 | 180 |
| 6 | ---- | ---- | 205 | 200 | 190 | 175 |
| 7 | ---- | ---- | 200 | 195 | 185 | 170 |
| 8 | ---- | ---- | 215 | 210 | 200 | 185 |
| 9 | ---- | ---- | ---- | ---- | 175 | a-170 |
| 10 | ---- | ---- | 180 | 175 | 165 | 150 |
| 11 | ---- | ---- | 170 | 165 | 155 | 140 |
| 12 | ---- | ---- | 160 | 155 | 145 | 130 |
| 13 | ---- | ---- | ---- | ---- | 170 | 155 |
| 14 | ---- | ---- | 110 | 105 | 95 | 80 |
| 15 | ---- | ---- | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 23*

| Destination | Size group No. 1, price index | | | | | | Size group No. 11, price index | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | C | D | E | F |
| Amboy, Ill | 2.56 | 2.51 | 2.46 | 2.36 | 2.26 | 2.16 | 1.66 | 1.61 | 1.51 | 1.36 |
| Aurora, Ill | 2.75 | 2.70 | 2.65 | 2.55 | 2.45 | 2.35 | 1.85 | 1.80 | 1.70 | 1.55 |
| Barrington, Ill | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |
| Belvidere, Ill | 2.53 | 2.48 | 2.43 | 2.33 | 2.23 | 2.13 | 1.63 | 1.58 | 1.48 | 1.33 |
| Bettendorf, Iowa | 2.50 | 2.45 | 2.40 | 2.30 | 2.20 | 2.10 | 1.60 | 1.55 | 1.45 | 1.30 |
| Byron, Ill | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |
| Clinton, Iowa | 2.50 | 2.45 | 2.40 | 2.30 | 2.20 | 2.10 | 1.60 | 1.55 | 1.45 | 1.30 |
| Crystal Lake, Ill | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |
| Davenport, Iowa | 2.50 | 2.45 | 2.40 | 2.30 | 2.20 | 2.10 | 1.60 | 1.55 | 1.45 | 1.30 |
| DeKalb, Ill | 2.56 | 2.51 | 2.46 | 2.36 | 2.26 | 2.16 | 1.66 | 1.61 | 1.51 | 1.36 |
| Depue, Ill | 2.60 | 2.55 | 2.50 | 2.40 | 2.30 | 2.20 | 1.70 | 1.65 | 1.55 | 1.40 |
| Dixon, Ill | 2.56 | 2.51 | 2.46 | 2.36 | 2.26 | 2.16 | 1.66 | 1.61 | 1.51 | 1.36 |
| East Moline, Ill | 2.50 | 2.45 | 2.40 | 2.30 | 2.20 | 2.10 | 1.60 | 1.55 | 1.45 | 1.30 |
| Elgin, Ill | 2.80 | 2.75 | 2.70 | 2.60 | 2.50 | 2.40 | 1.90 | 1.85 | 1.75 | 1.60 |
| Forreston, Ill | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 23*—Continued

| Destination | Size group No. 1, price index | | | | | | Size group No. 11, price index | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | C | D | E | F |
| Freeport, Ill. | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |
| Galena, Ill. | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.75 | 1.70 | 1.60 | 1.45 |
| Geneva, Ill. | 2.76 | 2.71 | 2.66 | 2.56 | 2.46 | 2.36 | 1.66 | 1.61 | 1.51 | 1.36 |
| Genoa, Ill. | 2.80 | 2.75 | 2.70 | 2.60 | 2.50 | 2.40 | 1.90 | 1.85 | 1.75 | 1.60 |
| Harvard, Ill. | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |
| Holcomb, Ill. | 2.53 | 2.48 | 2.43 | 2.33 | 2.23 | 2.13 | 1.63 | 1.58 | 1.48 | 1.33 |
| Kirkland, Ill. | 2.80 | 2.75 | 2.70 | 2.60 | 2.50 | 2.40 | 1.90 | 1.85 | 1.75 | 1.60 |
| La Salle, Ill. | 2.60 | 2.55 | 2.50 | 2.40 | 2.30 | 2.20 | 1.70 | 1.65 | 1.55 | 1.40 |
| Mendota, Ill. | 2.60 | 2.55 | 2.50 | 2.40 | 2.30 | 2.20 | 1.70 | 1.65 | 1.55 | 1.40 |
| Moline, Ill. | 2.50 | 2.45 | 2.40 | 2.30 | 2.20 | 2.10 | 1.60 | 1.55 | 1.45 | 1.30 |
| North Chicago, Ill. | 2.75 | 2.70 | 2.65 | 2.55 | 2.45 | 2.35 | 1.85 | 1.80 | 1.70 | 1.55 |
| Ottawa, Ill. | 2.60 | 2.55 | 2.50 | 2.40 | 2.30 | 2.20 | 1.70 | 1.65 | 1.55 | 1.40 |
| Rochelle, Ill. | 2.56 | 2.51 | 2.46 | 2.36 | 2.26 | 2.16 | 1.66 | 1.61 | 1.51 | 1.36 |
| Rock Island, Ill. | 2.50 | 2.45 | 2.40 | 2.30 | 2.20 | 2.10 | 1.60 | 1.55 | 1.45 | 1.30 |
| Rockford, Ill. | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |
| Rockton, Ill. | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |
| Savanna, Ill. | 2.70 | 2.65 | 2.60 | 2.50 | 2.40 | 2.30 | 1.80 | 1.75 | 1.65 | 1.50 |
| Sterling, Ill. | 2.56 | 2.51 | 2.46 | 2.36 | 2.26 | 2.16 | 1.66 | 1.61 | 1.51 | 1.36 |
| Sycamore, Ill. | 2.56 | 2.51 | 2.46 | 2.36 | 2.26 | 2.16 | 1.66 | 1.61 | 1.51 | 1.36 |
| Utica, Ill. | 2.60 | 2.55 | 2.50 | 2.40 | 2.30 | 2.20 | 1.70 | 1.65 | 1.55 | 1.40 |
| Waukegan, Ill. | 2.75 | 2.70 | 2.65 | 2.55 | 2.45 | 2.35 | 1.85 | 1.80 | 1.70 | 1.55 |

*Exceptions.*—The F. O. B. mine prices enumerated above for Size Groups Nos. 1 and 11 will apply to the following points in Market Area No. 23. The prices for all other size groups will be determined by subtracting from, or adding to (as the case may be), the base prices the differentials shown in the table following this tabulation.

*Price Exceptions Market Area No. 23—Differentials To Be Used in Determining Prices for Size Groups Other Than Groups Nos. 1 and 11, for Delivery to Points in Market Area No. 23, Listed in Next Preceding Tabulation*

| Size group | Differential | Size group | Differential |
|---|---|---|---|
| 1 | Base. | 10 | Plus 10. |
| 2 | Minus 10. | 11 | Base. |
| 3 | Minus 20. | 12 | Minus 10. |
| 4 | Minus 30. | 13 | Plus 15. |
| 5 | Minus 40. | 14 | Minus 60. |
| 6 | Plus 35. | 15 | Class C, Plus 40. |
| 7 | Plus 30. | | Class D, Plus 45. |
| 8 | Plus 45. | | Class E, Plus 45. |
| 9 | Class E, Plus 20. | | Class F, Plus 50. |
| | Class F, Plus 30. | | |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 29*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 280 | | 270 | | 250 | 240 |
| 2 | 270 | 265 | 260 | 250 | 240 | 230 |
| 3 | | 255 | 250 | 240 | 230 | 220 |
| 4 | | 245 | 240 | 230 | 220 | 210 |
| 5 | | | 230 | 220 | 210 | 200 |
| 6 | | | 225 | 220 | 210 | 195 |
| 7 | | | 220 | 215 | 205 | 190 |
| 8 | | | 235 | 230 | 220 | 205 |
| 9 | | | | | 195 | a-190 |
| 10 | | | 200 | 195 | 185 | 170 |
| 11 | | | 190 | 185 | 175 | 160 |
| 12 | | | 180 | 175 | 165 | 150 |
| 13 | | | | | 190 | 175 |
| 14 | | | 130 | 125 | 115 | 100 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 17, 24, 25, 26, 32, 102, 113, 114, 115, 116 & 117 and That Part of the State of Missouri in Market Area No. 118*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 275 | | 265 | | 240 | 230 |
| 2 | 265 | 260 | 255 | 240 | 230 | 220 |
| 3 | | 250 | 245 | 235 | 230 | 210 |
| 4 | | 240 | 235 | 225 | 210 | 200 |
| 5 | | | 225 | 215 | 200 | 190 |
| 6 | | | 215 | 210 | 200 | 185 |
| 7 | | | 215 | 210 | 200 | 185 |
| 8 | | | 215 | 210 | 200 | 185 |
| 9 | | | | | 190 | a-185 |
| 10 | | | 195 | 190 | 180 | 165 |
| 11 | | | 185 | 180 | 170 | 155 |
| 12 | | | 175 | 170 | 160 | 145 |
| 13 | | | | | 170 | 155 |
| 14 | | | 115 | 110 | 100 | 85 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 18—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 255 | | 245 | | 220 | 210 |
| 2 | 245 | 240 | 235 | 220 | 210 | 200 |
| 3 | | 230 | 225 | 215 | 200 | 190 |
| 4 | | 220 | 215 | 205 | 190 | 180 |
| 5 | | | 205 | 195 | 180 | 170 |
| 6 | | | 195 | 180 | 170 | 160 |
| 7 | | | 185 | 180 | 170 | 155 |
| 8 | | | 185 | 180 | 170 | 155 |
| 9 | | | | | 160 | a-155 |
| 10 | | | 165 | 160 | 150 | 135 |
| 11 | | | 155 | 150 | 140 | 125 |
| 12 | | | 145 | 140 | 130 | 115 |
| 13 | | | | | 140 | 125 |
| 14 | | | 85 | 80 | 70 | 55 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 19—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 260 | | 250 | | 225 | 215 |
| 2 | 250 | 225 | 220 | 205 | 195 | 185 |
| 3 | | 215 | 210 | 200 | 185 | 175 |
| 4 | | 215 | 210 | 200 | 185 | 175 |
| 5 | | | 195 | 185 | 170 | 160 |
| 6 | | | 180 | 175 | 165 | 150 |
| 7 | | | 175 | 170 | 160 | 145 |
| 8 | | | 175 | 170 | 160 | 145 |
| 9 | | | | | 155 | a-150 |
| 10 | | | 160 | 155 | 145 | 130 |
| 11 | | | 150 | 145 | 135 | 120 |
| 12 | | | 135 | 130 | 120 | 105 |
| 13 | | | | | 130 | 115 |
| 14 | | | 90 | 85 | 75 | 60 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 20*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 255 | | 245 | | 220 | 210 |
| 2 | 245 | 240 | 235 | 220 | 210 | 200 |
| 3 | | 230 | 225 | 215 | 200 | 190 |
| 4 | | 225 | 220 | 210 | 195 | 185 |
| 5 | | | 215 | 205 | 190 | 180 |
| 6 | | | 210 | 205 | 190 | 180 |
| 7 | | | 205 | 200 | 190 | 175 |
| 8 | | | 205 | 200 | 190 | 175 |
| 9 | | | | | 190 | a-185 |
| 10 | | | 195 | 190 | 180 | 165 |
| 11 | | | 185 | 180 | 170 | 155 |
| 12 | | | 175 | 170 | 160 | 145 |
| 13 | | | | | 170 | 155 |
| 14 | | | 115 | 110 | 100 | 85 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 21—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 260 | | 250 | | 225 | 215 |
| 2 | 250 | 245 | 240 | 225 | 215 | 205 |
| 3 | | 240 | 235 | 225 | 210 | 200 |
| 4 | | 235 | 230 | 220 | 205 | 195 |
| 5 | | | 225 | 215 | 200 | 190 |
| 6 | | | 210 | 205 | 195 | 180 |
| 7 | | | 205 | 200 | 190 | 175 |
| 8 | | | 200 | 195 | 185 | 170 |
| 9 | | | | | 190 | a-185 |
| 10 | | | 195 | 190 | 180 | 165 |
| 11 | | | 185 | 180 | 170 | 155 |
| 12 | | | 175 | 170 | 160 | 145 |
| 13 | | | | | 170 | 155 |
| 14 | | | 115 | 110 | 100 | 85 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 22—Price Index*

| Size groups | A | B | C | D | E | F | Saxton, B | Mine, C |
|---|---|---|---|---|---|---|---|---|
| 1 | 255 | | 245 | | 220 | 210 | 285 | 275 |
| 2 | 245 | 240 | 235 | 220 | 210 | 200 | 275 | 265 |
| 3 | | 230 | 225 | 215 | 200 | 190 | 265 | 255 |
| 4 | | 220 | 215 | 205 | 190 | 180 | 255 | 245 |
| 5 | | | 205 | 195 | 180 | 170 | 245 | 235 |
| 6 | | | 185 | 180 | 170 | 155 | 225 | 215 |
| 7 | | | 185 | 180 | 170 | 155 | 225 | 215 |
| 8 | | | 185 | 180 | 170 | 155 | 225 | 215 |
| 9 | | | | | 160 | a-155 | | |
| 10 | | | 165 | 160 | 150 | 135 | | |
| 11 | | | 155 | 150 | 140 | 125 | 190 | 180 |
| 12 | | | 145 | 140 | 130 | 115 | 175 | 165 |
| 13 | | | | | 140 | 125 | | |
| 14 | | | 85 | 80 | 70 | 55 | | |
| 15 | | | 210 | 210 | 200 | 190 | | 210 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 36—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 250 | | 240 | | 215 | 205 |
| 2 | 220 | 215 | 210 | 195 | 185 | 175 |
| 3 | | 205 | 200 | 195 | 175 | 165 |
| 4 | | 205 | 200 | 195 | 175 | 165 |
| 5 | | | 185 | 175 | 160 | 150 |
| 6 | | | 170 | 165 | 155 | 140 |
| 7 | | | 165 | 160 | 150 | 135 |
| 8 | | | 165 | 160 | 150 | 135 |
| 9 | | | | | 145 | a-140 |
| 10 | | | 150 | 145 | 135 | 120 |
| 11 | | | 140 | 135 | 125 | 110 |
| 12 | | | 125 | 120 | 110 | 95 |
| 13 | | | | | 120 | 105 |
| 14 | | | 80 | 75 | 65 | 50 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 27, 28 and 30—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 275 | | 265 | | 245 | 235 |
| 2 | 265 | 260 | 255 | 245 | 235 | 225 |
| 3 | | 250 | 245 | 235 | 225 | 215 |
| 4 | | 240 | 235 | 225 | 215 | 205 |
| 5 | | | 225 | 215 | 205 | 195 |
| 6 | | | 215 | 210 | 200 | 185 |
| 7 | | | 210 | 205 | 195 | 180 |
| 8 | | | 225 | 220 | 210 | 195 |
| 9 | | | | | 185 | a-180 |
| 10 | | | 190 | 185 | 175 | 160 |
| 11 | | | 180 | 175 | 165 | 150 |
| 12 | | | 170 | 165 | 155 | 140 |
| 13 | | | | | 180 | 165 |
| 14 | | | 120 | 115 | 105 | 85 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 31, 33, 34, 99, 105, and 106—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 270 | | 260 | | 240 | 230 |
| 2 | 260 | 255 | 250 | 240 | 230 | 220 |
| 3 | | 245 | 240 | 230 | 220 | 210 |
| 4 | | 235 | 230 | 220 | 210 | 200 |
| 5 | | | 220 | 210 | 200 | 190 |
| 6 | | | 210 | 205 | 195 | 180 |
| 7 | | | 205 | 200 | 190 | 175 |
| 8 | | | 220 | 215 | 205 | 190 |
| 9 | | | | | 180 | a-175 |
| 10 | | | 185 | 180 | 170 | 155 |
| 11 | | | 175 | 170 | 160 | 145 |
| 12 | | | 165 | 160 | 150 | 135 |
| 13 | | | | | 175 | 160 |
| 14 | | | 115 | 110 | 100 | 80 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 100, 101, 104, 107, 108, 109, 110, 111, 112, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145 and 147 and That Part of the State of Kansas in Market Area No. 118—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 250 | | 240 | | 220 | 210 |
| 2 | 240 | 235 | 230 | 220 | 210 | 200 |
| 3 | | 225 | 220 | 210 | 200 | 190 |
| 4 | | 215 | 210 | 200 | 190 | 180 |
| 5 | | | 200 | 190 | 180 | 170 |
| 6 | | | 190 | 185 | 175 | 160 |
| 7 | | | 185 | 180 | 170 | 155 |
| 8 | | | 200 | 195 | 185 | 170 |
| 9 | | | | | 160 | a-155 |
| 10 | | | 165 | 160 | 150 | 135 |
| 11 | | | 155 | 150 | 140 | 125 |
| 12 | | | 145 | 140 | 130 | 115 |
| 13 | | | | | 155 | 140 |
| 14 | | | 95 | 90 | 80 | 65 |
| 15 | | | 210 | 210 | 200 | 190 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

Any coal sold for Railroad Locomotive Fuel shall take a minimum price of $2.10 per net ton.

When any coal is crushed, the minimum price therefore shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

*The original document as filed with the Division of the* FEDERAL REGISTER, *the National Archives, has appended a "Description of Market Areas" for the text of which see page 2574.*

[F. R. Doc. 37-3483; Filed, December 1, 1937; 12:28 p. m.]

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[Order No. 100]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TWELVE IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 Producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I, (a), of the Act and such district boards having, from cost data submitted by the statistical bureaus for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective dis-

tricts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 63 the weighted average of the total costs of the tonnage for Minimum Price Area Two in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilites at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 85 determined and established the initial classifications of coals of code members within said District Twelve; the District Board for District Number Twelve having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 60, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Twelve, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Twelve, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Twelve or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Twelve, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Twelve, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Twelve and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Twelve to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Board for the districts within Minimum Price Area Two and to code members within District Number Twelve, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE NO. 1, DISTRICT NO. 12

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 12, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 a. m., December 16, 1937.

Issued November 30, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by code members in the district shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. If any size is made for which a minimum price is not designated herein, such shall be sold at not less than the minimum price applicable to the next larger size.



4. All size designations herein are for round hole screens. When other types of screens are used, the round hole equivalent shall control the sizes.

5. Coal that has been washed and dedusted shall take a minimum price ten cents (10¢) per net ton higher than the price established for raw coal.

6. When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than ten cents (10¢) per net ton shall be made.

7. The cost of transporting coal from the ordinary loading facilities at the mine to the loading facilities of any carrier shall be added to the established minimum price f. o. b. transportation facilities at the mine.

8. Minimum delivered prices provided for herein do not include switching charges.

9. On all shipments of interstate coal the Centerville, Iowa, proper, freight rate to apply.

10. On all shipments of intrastate movements of coal, prices are based on existing freight rates as of December 1, 1937, such prices to be increased or reduced, as the case may be, with any change in the freight rates subsequent to December 1, 1937.

11. Crushed Coal: Where any coal is crushed, the price therefor shall be the minimum price established for the original size before crushing, plus five cents (5¢) per net ton.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Schedule of Subdistricts for the Purpose of Establishing Minimum Prices, the District Is Divided Into the Following Sub-Districts*

| Subdistrict | Name of county | Subdistrict | Name of county |
|---|---|---|---|
| 1 | Appanoose.<br>Wayne. | 3 | Boone.<br>Dallas.<br>Greene.<br>Guthrie.<br>Jasper.<br>Polk.<br>Webster.<br>Warren (for mine prices only). |
| 2 | Davis.<br>Jefferson.<br>Keokuk.<br>Lucas.<br>Mahaska.<br>Marion.<br>Monroe.<br>Van Buren.<br>Wapello.<br>Warren (for delivered prices only). | 4 | Page.<br>Adams.<br>Taylor. |

*Subdistrict No. 1—Code Member Index*

| Name of operating company | Mine | County |
|---|---|---|
| Empire Fuel Company | Centerville | Appanoose. |
| Enterprise Coal Company | Rathbun | Appanoose. |
| Exline Coal Company | Exline | Appanoose. |
| Garfield Coal Company | Garfield | Appanoose. |
| Liberty Coal Company | Mystic | Appanoose. |
| McConville Coal Company | Dennis | Appanoose. |
| McConville Coal Company | Midway | Appanoose. |
| New Block Company | New Block | Appanoose. |
| Numa Coal Company | Numa | Appanoose. |
| Old King Coal Company | Old King | Appanoose. |
| Rathbun Coal Company | No. 3 | Appanoose. |
| Sunshine Coal Company | 1, 2, 3 | Appanoose. |

*Subdistrict No. 2—Code Member Index*

| Name of Operating Company | Mine | County |
|---|---|---|
| Atlas Coal Co | Atlas | Mahaska. |
| Central Iowa Coal Co | No. 4 | Lucas. |
| Cons-Indiana Coal Co | No. 3 | Lucas. |
| Eldon-Star Coal Co | Eldon Star | Wapello. |
| Ot. Western Coal Co | Orillia<br>Rension | Warren. |
| Graham Coal Co | No. 2 | Monroe. |
| Level Coal Co | Nos. 2 and 3 | Marion. |
| Miller-Creek Coa lCo | Miller Creek | Monroe. |
| Oskaloosa Coal Co | No. 2 | Mahaska. |
| Pershing Fuel Co | No. 12 | Marion. |
| Rigsen Coal Co | No. 3 | Marion. |
| Smoky-Hollow Coal Co | No. 12 | Monroe. |

*Subdistrict Number 3—Code Member Index*

| Name of operating company | Mine | County |
|---|---|---|
| Benson Coal Company | Number 2 | Boone. |
| Boone Coal Company | Number 4 | Boone. |
| Dallas Fuel Company | Dallas | Dallas. |
| Norwood-White Coal Co | Number 7 | Dallas. |
| Norwood-White Coal Co | Number 8 | Polk. |
| Rider Co.-O. R. Coal Co | Rider | Polk. |
| Scandia Coal Co | No. 4 and 6 | Boone. |
| Shuler Coal Co | Shuler | Dallas. |

*Subdistrict No. 4—Code Member Index*

| Name of operating company | Mine | County |
|---|---|---|
| New Market Coal Company | No. 2 | Taylor. |

*Schedule for Determining Minimum Delivered Prices—Iowa Destinations*

| Size | Consuming marketing area | Minimum delivered prices |
|---|---|---|
| Chunk<br>Std. Lump or Furnace<br>Egg<br>Small Egg<br>Mine Run | 104<br><br>105 | The Minimum Mine Price for Sub-District No. 3, plus lowest freight rate from any rail mine in Sub-District No. 3, except those at Boone and Ogden and Des Moines, Iowa. |
| Screenings<br>Nut<br>Industrial Stoker<br>Domestic Stoker | <br>104<br><br>105 | |
| Chunk<br>Std. Lump or Furnace<br>Egg<br>Small Egg<br>Nut | <br>109<br><br>111–112<br> | The Minimum Mine Price for Sub-District No. 1 plus freight rate from Centerville proper, except Council Bluffs, Sioux City, Leeds and Morningside. |
| Screenings<br>Industrial Stoker<br>Domestic Stoker<br>Mine Run | <br>109<br>111–112<br> | The Minimum Mine Price for Sub-District No. 2 plus freight rate from whichever is lowest, Centerville, proper, Halpin or Orillia, except Council Bluffs, Sioux City, Leeds and Morningside. |
| Chunk<br>Std. Lump or Furnace<br>Egg<br>Small Egg<br>Nut<br>Screenings<br>Industrial Stoker<br>Domestic Stoker | <br><br><br>110<br><br><br><br> | The Minimum Mine Price for Sub-District No. 1 plus freight rate from Centerville proper. |
| Mine Run | 110 | The Minimum Mine Price for Sub-District No. 2 plus freight rate from whichever is lowest, Halpin or Orillia. |
| Chunk<br>Std. Lump or Furnace<br>Egg<br>Small Egg<br>Nut | <br>106<br>107<br>108<br> | The Minimum Mine Price for Sub-District No. 1 plus freight rate from Centerville Proper. |
| Screenings<br>Mine Run<br>Industrial Stoker<br>Domestic Stoker | <br>106<br>107<br>108 | The Minimum Mine Price for Sub-District No. 2 plus lowest freight rate from any rail mine in the State. |

*Minimum Prices F. O. B. Mines*

| Size group No. | Size | Subdist. 1 | Subdist. 2 | Subdist. 3 | Subdist. 4 |
|---|---|---|---|---|---|
| 1 | 6" Chunk & Larger | $2.95 | $3.10 | $3.90 | $3.80 |
| 2 | Std. Lump & Furnace<br>2" Lump<br>8" x 4"<br>6" x 4"<br>6" x 3" | 2.85 | 3.00 | 3.80 | 3.70 |
| 3 | Egg or Range<br>8" x 2"<br>6" x 2" | 2.75 | 2.90 | 3.70 | 3.60 |
| 4 | Small Egg<br>4" x 2"<br>3" x 1½" | 2.70 | 2.80 | 3.60 | 3.50 |

*Minimum Prices F. O. B. Mines*—Continued

| Size group No. | Size | Subdist. 1 | Subdist. 2 | Subdist. 3 | Subdist. 4 |
|---|---|---|---|---|---|
| 5 | Run of Mine | 2.85 | 2.70 | 3.00 | 3.70 |
| 6 | Nut<br>2" x 1½"<br>1¼" x ¾" | 2.75 | 2.75 | 3.25 | 3.50 |
| 7 | Stoker<br>1¼" to 1" x 10 Mesh | 2.75 | 2.80 | 3.25 | 3.50 |
| 8 | Screenings<br>2"-1½"-1¼"-1"-¾"-¼"-0" | 2.05 | 2.05 | 2.20 | 2.50 |
| 9 | Stoker<br>2" x 0" (crushed) | 2.65 | 2.60 | 2.80 | 3.50 |
| 10 | R. R. Locomotive Fuel | 2.70 | 2.70 | 3.55 | ---------- |

*F. O. B. Mine Prices Into Areas Nos. 33, 34, 100, 101, 111, 113, 114, 115, 116, 117, 139, 140, 141, 142, 145, 146*

| Size group No. | Size | Missouri and Kansas | Nebraska | South Dakota | Minnesota |
|---|---|---|---|---|---|
| 1 | 6" Chunk & Larger | $2.65 | $2.75 | $2.80 | $2.90 |
| 2 | Std. Lump & Furnace<br>2" Lump<br>3" x 4"<br>6" x 4"<br>6" x 3" | 2.65 | 2.75 | 2.80 | 2.90 |
| 3 | Egg or Range<br>3" x 2"<br>6" x 2" | 2.65 | 2.65 | 2.70 | 2.80 |
| 4 | Small Egg<br>4" x 2"<br>3" x 1½" | 2.65 | [1] 2.55<br>[2] 2.40 | 2.60 | 2.70 |
| 5 | Run of Mine | 2.65 | 2.75 | 2.80 | 2.90 |
| 6 | Nut<br>2" x 1½"<br>1¼" x ¾" | 2.65 | 2.44 | 2.60 | 2.70 |
| 7 | Domestic Stoker<br>1¼" x 1"—10 mesh | 2.60 | 2.60 | 2.60 | 2.70 |
| 8 | Screenings<br>2"-1½"-1¼"-1"-¾" x 0" | 2.00 | 2.00 | 2.00 | 2.00 |
| 9 | Industrial Stoker<br>2" x 0" (crushed) | 2.60 | 2.60 | 2.60 | 2.60 |

[1] 4" x 2" Egg.
[2] 3" x 1½" Egg.

To determine the Minimum Delivered Price in Interstate Markets; use above mine basis plus freight rate from Centerville, Iowa, proper.

The prices shown in the tables immediately following for coal f. o. b. transportation facilities at the mines are expressed in terms of prices at destination subject to such deductions therefrom as are required to express the costs of transportation from the mines to the destination point.

*Prices in Cents per Net Ton of 2,000 Pounds*

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Abbott | 454 | 444 | 434 | 429 | 386 | 418 | 384 | 300 | 364 |
| Abbott King | 454 | 444 | 434 | 429 | 386 | 418 | 396 | 321 | 376 |
| Ackley | 457 | 447 | 437 | 432 | 386 | 421 | 384 | 309 | 364 |
| Ackworth | 419 | 409 | 399 | 394 | 354 | 387 | 356 | 281 | 336 |
| Acme (Howard County) | 493 | 483 | 473 | 468 | 444 | 453 | 437 | 362 | 417 |
| Acme (Polk Co.) | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| Adair | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Adams | 439 | 429 | 419 | 414 | 386 | 405 | 384 | 309 | 364 |
| Adaza | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Adel | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Afton | 433 | 423 | 413 | 408 | 388 | 399 | 399 | 329 | 389 |
| Agency City | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Ainsworth | 419 | 409 | 399 | 394 | 366 | 387 | 366 | 291 | 346 |
| Akron | 584 | 574 | 564 | 554 | 494 | 500 | 500 | 395 | 455 |
| Aladdin | 473 | 463 | 453 | 448 | 402 | 435 | 399 | 324 | 379 |
| Albert City | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Albia | 370 | 360 | 350 | 340 | 330 | 329 | 329 | 259 | 319 |
| Albion | 436 | 426 | 416 | 411 | 370 | 402 | 370 | 295 | 350 |
| Alburnett | 454 | 444 | 434 | 429 | 414 | 418 | 410 | 335 | 390 |
| Alden | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Alexander | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Algona | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Allerman | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Allendorf | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Allerton | 370 | 360 | 350 | 345 | 390 | 343 | 343 | 273 | 333 |
| Allison | 473 | 463 | 453 | 448 | 405 | 435 | 402 | 327 | 382 |
| Almont | 477 | 467 | 457 | 452 | 436 | 439 | 429 | 354 | 409 |
| Almoral | 477 | 467 | 457 | 452 | 436 | 439 | 429 | 354 | 409 |
| Alta | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Alta Vista | 480 | 479 | 469 | 464 | 440 | 450 | 433 | 358 | 413 |
| Alton | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Altoona | 427 | 417 | 407 | 402 | 335 | 394 | 344 | 264 | 319 |
| Amana | 584 | 574 | 564 | 554 | 494 | 500 | 500 | 395 | 455 |
| Amber | 433 | 423 | 413 | 408 | 390 | 399 | 388 | 313 | 368 |
| Ames | 461 | 451 | 441 | 436 | 420 | 424 | 424 | 418 | 343 |
| Anamosa | 455 | 445 | 435 | 425 | 365 | 434 | 434 | 279 | 339 |
| Anderson | 477 | 467 | 457 | 452 | 436 | 439 | 439 | 369 | 429 |
| Andover | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Angus | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Anita | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Ankeny | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Anthon | 461 | 451 | 441 | 436 | 394 | 424 | 392 | 317 | 372 |
| Aplington | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Appanoose | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Arcadia | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Archer | 433 | 423 | 413 | 408 | 382 | 399 | 381 | 306 | 361 |
| Ardon | 485 | 475 | 465 | 460 | 426 | 445 | 420 | 345 | 400 |
| Aredale | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Argon | 433 | 423 | 413 | 408 | 382 | 399 | 381 | 306 | 361 |
| Argyle | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Arion | 430 | 420 | 410 | 405 | 366 | 397 | 397 | 327 | 387 |
| Arispe | 485 | 475 | 465 | 460 | 444 | 446 | 437 | 362 | 417 |
| Arlington | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Armstrong | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Arnold | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Arnolds Park | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Arthur | 419 | 409 | 399 | 394 | 358 | 387 | 359 | 284 | 339 |
| Ascalon | 485 | 475 | 465 | 460 | 440 | 446 | 433 | 358 | 413 |
| Ascot | 430 | 420 | 410 | 405 | 360 | 379 | 379 | 274 | 334 |
| Ashawa | 564 | 554 | 544 | 534 | 474 | 482 | 482 | 377 | 437 |
| Ashton | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 367 |
| Aspinwall | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Astor | 445 | 435 | 425 | 420 | 394 | 410 | 392 | 317 | 372 |
| Atalissa | 457 | 447 | 437 | 432 | 405 | 421 | 402 | 327 | 382 |
| Atkins | 469 | 459 | 449 | 444 | 394 | 432 | 392 | 317 | 372 |
| Atlantic | 399 | 389 | 379 | 374 | 335 | 369 | 339 | 264 | 319 |
| Atwood | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Auburn | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Audubon | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Aurelia | 473 | 463 | 453 | 448 | 429 | 435 | 423 | 348 | 403 |
| Aurora | 619 | 609 | 599 | 589 | 529 | 554 | 554 | 449 | 509 |
| Austin | 461 | 451 | 441 | 436 | 390 | 424 | 388 | 313 | 368 |
| Austinville | 370 | 360 | 350 | 340 | 330 | 329 | 329 | 259 | 319 |
| Avery | 477 | 467 | 457 | 452 | 408 | 439 | 404 | 329 | 384 |
| Avoca | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Avon | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Ayrshire | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Badger | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Bagley | 497 | 487 | 477 | 472 | 452 | 457 | 444 | 369 | 424 |
| Bailey | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Baker's | 469 | 459 | 449 | 444 | 436 | 432 | 429 | 354 | 409 |
| Baldwin | 473 | 463 | 453 | 448 | 432 | 435 | 435 | 365 | 425 |
| Balfour | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| Bancroft | 430 | 420 | 410 | 405 | 378 | 397 | 377 | 302 | 357 |
| Bard | 419 | 409 | 399 | 394 | 378 | 387 | 377 | 302 | 357 |
| Barnes City | 442 | 432 | 422 | 417 | 390 | 407 | 352 | 277 | 332 |
| Barney | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Barnum | 481 | 471 | 461 | 456 | 440 | 442 | 442 | 372 | 432 |
| Barlett | 481 | 471 | 461 | 456 | 414 | 442 | 410 | 335 | 390 |
| Baskins | 489 | 479 | 469 | 464 | 432 | 450 | 428 | 351 | 406 |
| Bassett | 391 | 381 | 371 | 366 | 335 | 361 | 339 | 264 | 319 |
| Batavia | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Battle Creek | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Baxter | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Bayard | 442 | 432 | 422 | 417 | 390 | 407 | 388 | 313 | 368 |
| Bayfield | 370 | 360 | 350 | 340 | 330 | 329 | 329 | 259 | 314 |
| Beacon | 407 | 397 | 387 | 382 | 386 | 376 | 376 | 306 | 366 |
| Beaconsfield | 454 | 444 | 434 | 429 | 382 | 418 | 381 | 306 | 361 |
| Beaman | 375 | 365 | 355 | 350 | 354 | 347 | 347 | 277 | 337 |
| Bear Creek | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Beaver | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Beaver Park | 419 | 409 | 399 | 394 | 366 | 387 | 366 | 291 | 346 |
| Beck | 399 | 389 | 379 | 374 | 340 | 369 | 343 | 268 | 323 |
| Beckwith | 439 | 429 | 419 | 414 | 394 | 405 | 405 | 335 | 395 |
| Bedford | 415 | 405 | 395 | 390 | 350 | 393 | 352 | 277 | 368 |
| Beech | 411 | 401 | 391 | 386 | 358 | 379 | 359 | 284 | 339 |
| Belfast | 370 | 360 | 350 | 345 | 358 | 343 | 343 | 273 | 333 |
| Belknap | 451 | 441 | 431 | 426 | 382 | 315 | 341 | 306 | 361 |
| Belle Plaine | 485 | 475 | 465 | 460 | 444 | 446 | 437 | 362 | 417 |
| Bellevue | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Belmond | 619 | 609 | 599 | 589 | 529 | 554 | 554 | 449 | 509 |
| Beloit | 473 | 463 | 453 | 448 | 408 | 435 | 404 | 329 | 384 |



*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Bennett | 461 | 451 | 441 | 436 | 414 | 424 | 410 | 335 | 390 |
| Benson | 469 | 459 | 449 | 444 | 405 | 432 | 402 | 327 | 382 |
| Bentley | 489 | 479 | 469 | 464 | 432 | 350 | 426 | 351 | 406 |
| Benton | 427 | 417 | 407 | 402 | 382 | 394 | 394 | 324 | 384 |
| Bentonsport | 403 | 393 | 383 | 378 | 340 | 372 | 343 | 268 | 323 |
| Berges Siding | 454 | 444 | 434 | 429 | 405 | 418 | 402 | 327 | 382 |
| Berkeley | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Berne | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| Bernhart | 395 | 385 | 375 | 370 | 340 | 365 | 343 | 268 | 323 |
| Bertram | 451 | 441 | 431 | 426 | 411 | 415 | 407 | 332 | 387 |
| Berwick | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Beltendorf | 457 | 447 | 437 | 432 | 411 | 421 | 407 | 332 | 387 |
| Benlah | 509 | 499 | 489 | 484 | 456 | 468 | 447 | 372 | 427 |
| Bevington | 436 | 426 | 416 | 411 | 354 | 402 | 356 | 281 | 336 |
| Bidwell | 375 | 365 | 355 | 350 | 358 | 347 | 347 | 277 | 337 |
| Big Rock | 469 | 459 | 449 | 444 | 429 | 432 | 415 | 340 | 395 |
| Bingham | 473 | 463 | 453 | 448 | 436 | 435 | 435 | 365 | 425 |
| Birmingham | 399 | 389 | 379 | 374 | 356 | 369 | 339 | 264 | 319 |
| Blackhawk | 457 | 447 | 437 | 432 | 402 | 421 | 399 | 324 | 379 |
| Blairsburg | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Blairstown | 457 | 447 | 437 | 432 | 390 | 421 | 388 | 313 | 368 |
| Blakesburg | 365 | 355 | 345 | 340 | 358 | 338 | 338 | 268 | 328 |
| Blanchard | 477 | 467 | 457 | 452 | 444 | 439 | 439 | 369 | 429 |
| Blanden | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Bleacoe | 501 | 491 | 481 | 476 | 448 | 460 | 440 | 365 | 420 |
| Blockley | 403 | 393 | 383 | 378 | 378 | 372 | 372 | 302 | 362 |
| Blockton | 433 | 423 | 413 | 408 | 390 | 399 | 399 | 329 | 389 |
| Bloomfield | 370 | 360 | 350 | 340 | 362 | 335 | 335 | 265 | 325 |
| Blue Grass | 451 | 441 | 431 | 426 | 402 | 415 | 399 | 324 | 379 |
| Bluff Springs | 517 | 507 | 497 | 492 | 464 | 475 | 455 | 380 | 435 |
| Bode | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Bolan | 481 | 471 | 461 | 456 | 420 | 442 | 415 | 340 | 395 |
| Bonair | 513 | 503 | 493 | 488 | 456 | 471 | 447 | 372 | 427 |
| Bonaparte | 403 | 393 | 383 | 378 | 345 | 372 | 348 | 273 | 328 |
| Bondurant | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Boone | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Booneville | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Border Plains | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Botna | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Bouton | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Bowsher | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Boxholm | 470 | 460 | 450 | 440 | 390 | 397 | 397 | 292 | 352 |
| Boyd | 481 | 471 | 461 | 456 | 436 | 442 | 429 | 354 | 409 |
| Boyden | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Boyer | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Braddyville | 454 | 444 | 434 | 429 | 414 | 418 | 418 | 348 | 408 |
| Bradford | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Bradgate | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Brainard | 481 | 471 | 461 | 456 | 436 | 442 | 429 | 354 | 409 |
| Braydon | 461 | 451 | 441 | 436 | 420 | 424 | 415 | 340 | 395 |
| Brayton | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Brazil | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Breda | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Bremer | 485 | 475 | 465 | 460 | 420 | 446 | 415 | 340 | 395 |
| Bricker | 430 | 420 | 410 | 405 | 378 | 397 | 377 | 302 | 357 |
| Bridgewater | 461 | 451 | 441 | 436 | 417 | 424 | 417 | 337 | 392 |
| Brighton | 407 | 397 | 387 | 382 | 355 | 376 | 352 | 277 | 332 |
| Bristow | 473 | 463 | 453 | 448 | 402 | 435 | 399 | 324 | 379 |
| Britt | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Broadmoor | 415 | 405 | 395 | 385 | 360 | 379 | 359 | 284 | 339 |
| Brogan | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Bromley | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Brompton | 355 | 346 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Bronson | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Brooklyn | 427 | 417 | 407 | 402 | 394 | 383 | 383 | 288 | 343 |
| Brooks | 454 | 444 | 434 | 429 | 408 | 418 | 418 | 348 | 408 |
| Browns | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Brunsville | 568 | 558 | 548 | 538 | 478 | 485 | 485 | 380 | 440 |
| Brushy | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Bryant | 477 | 467 | 457 | 452 | 435 | 439 | 429 | 354 | 409 |
| Bryantsburg | 469 | 459 | 449 | 444 | 423 | 432 | 418 | 343 | 398 |
| Buchanan | 454 | 444 | 434 | 429 | 408 | 418 | 404 | 329 | 384 |
| Buckeye | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Buck Grove | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Buckingham | 465 | 455 | 445 | 440 | 405 | 426 | 402 | 327 | 382 |
| Bucknam | 501 | 491 | 481 | 476 | 444 | 460 | 437 | 362 | 417 |
| Buffalo | 451 | 441 | 431 | 426 | 402 | 415 | 399 | 324 | 379 |
| Buffalo Center | 552 | 542 | 532 | 522 | 462 | 471 | 471 | 366 | 426 |
| Bullard | 419 | 409 | 399 | 394 | 366 | 387 | 366 | 291 | 346 |
| Burch | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| Burchinal | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Burdette | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Burk | 469 | 459 | 449 | 444 | 411 | 432 | 407 | 332 | 387 |
| Burlington | 433 | 423 | 413 | 408 | 373 | 399 | 377 | 302 | 357 |
| Burt | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Bussey | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Butler | 391 | 381 | 371 | 366 | 335 | 361 | 339 | 264 | 319 |
| Calamus | 469 | 459 | 449 | 444 | 429 | 432 | 423 | 348 | 403 |
| Caldwell's | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| California Jct | 493 | 483 | 473 | 468 | 440 | 453 | 433 | 358 | 413 |
| Callender | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Calmar | 505 | 495 | 485 | 480 | 448 | 464 | 440 | 365 | 420 |
| Calumet | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Camanche | 469 | 459 | 449 | 444 | 429 | 432 | 420 | 345 | 400 |
| Cambria | 379 | 369 | 359 | 354 | 362 | 351 | 351 | 281 | 341 |
| Cambridge | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Cameron | 473 | 463 | 453 | 448 | 408 | 435 | 404 | 329 | 384 |
| Campbell | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Camp Dodge | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Campus | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Cantril | 387 | 377 | 367 | 362 | 362 | 358 | 363 | 288 | 343 |
| Carbon | 375 | 365 | 355 | 350 | 354 | 347 | 347 | 277 | 337 |
| Carlisle | 423 | 413 | 403 | 398 | 335 | 390 | 339 | 264 | 319 |
| Carlson | 469 | 459 | 449 | 444 | 426 | 432 | 420 | 345 | 400 |
| Carnarvon | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Carnes | 564 | 554 | 544 | 534 | 474 | 482 | 482 | 377 | 437 |
| Carnforth | 430 | 420 | 410 | 405 | 370 | 397 | 370 | 295 | 350 |
| Carnforth Xing | 430 | 420 | 410 | 405 | 370 | 397 | 370 | 295 | 350 |
| Carpenter | 485 | 475 | 465 | 460 | 423 | 446 | 418 | 343 | 398 |
| Carroll | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Carrville | 485 | 475 | 465 | 460 | 426 | 446 | 420 | 345 | 400 |
| Carson | 477 | 467 | 457 | 452 | 420 | 439 | 415 | 340 | 395 |
| Cartersville | 481 | 471 | 461 | 456 | 417 | 442 | 412 | 337 | 392 |
| Casey | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Castalia | 489 | 479 | 469 | 464 | 448 | 450 | 440 | 365 | 420 |
| Castana | 543 | 533 | 523 | 513 | 453 | 453 | 453 | 358 | 418 |
| Cattle Siding | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Cedar Falls | 485 | 475 | 465 | 460 | 405 | 446 | 402 | 327 | 382 |
| Cedar Falls Jct | 471 | 471 | 461 | 456 | 395 | 442 | 395 | 320 | 375 |
| Cedar Heights | 477 | 467 | 457 | 452 | 405 | 439 | 402 | 327 | 382 |
| Cedar Rapids | 445 | 435 | 425 | 420 | 402 | 410 | 399 | 324 | 379 |
| Centerdale | 445 | 435 | 425 | 420 | 394 | 410 | 392 | 317 | 372 |
| Center Jct | 465 | 455 | 445 | 440 | 426 | 428 | 420 | 345 | 400 |
| Center Point | 454 | 444 | 434 | 429 | 417 | 418 | 412 | 337 | 392 |
| Centerville | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Central City | 457 | 447 | 437 | 432 | 417 | 421 | 412 | 337 | 392 |
| Chamberlain | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Chapin | 469 | 459 | 449 | 444 | 394 | 432 | 392 | 317 | 372 |
| Charlton | 370 | 360 | 350 | 340 | 330 | 329 | 348 | 273 | 328 |
| Charles City | 489 | 479 | 469 | 464 | 426 | 450 | 420 | 345 | 400 |
| Charlotte | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Charter Oak | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Chatsworth | 580 | 570 | 560 | 550 | 490 | 496 | 496 | 391 | 451 |
| Chautauqua | 485 | 475 | 465 | 460 | 429 | 446 | 423 | 348 | 403 |
| Chelsea | 448 | 438 | 428 | 423 | 386 | 413 | 384 | 309 | 364 |
| Cheney | 461 | 451 | 441 | 436 | 420 | 424 | 415 | 340 | 395 |
| Cherokee | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Chester | 517 | 507 | 497 | 492 | 460 | 475 | 451 | 376 | 431 |
| Chillicothe | 370 | 360 | 350 | 340 | 330 | 329 | 329 | 259 | 319 |
| Churchville | 436 | 426 | 416 | 411 | 330 | 402 | 334 | 259 | 314 |
| Churdan | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Cincinnati | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Clara | 485 | 475 | 465 | 460 | 436 | 446 | 429 | 354 | 409 |
| Clare | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Clarence | 465 | 455 | 445 | 440 | 426 | 428 | 420 | 345 | 400 |
| Clarinda | 440 | 430 | 420 | 410 | 430 | 404 | 413 | 343 | 403 |
| Clarion | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Clark | 473 | 463 | 453 | 448 | 429 | 435 | 435 | 365 | 425 |
| Clarkson | 415 | 405 | 395 | 390 | 335 | 483 | 339 | 264 | 319 |
| Clarksville | 477 | 462 | 387 | 452 | 411 | 439 | 407 | 332 | 387 |
| Clayton | 513 | 503 | 493 | 488 | 460 | 471 | 451 | 376 | 431 |
| Clearfield | 427 | 417 | 407 | 402 | 382 | 394 | 394 | 324 | 384 |
| Clear Lake | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| Clear Lake Jct | 528 | 518 | 508 | 498 | 438 | 439 | 439 | 344 | 404 |
| Cleghorn | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Clemons Grove | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Clermont | 485 | 475 | 465 | 460 | 440 | 460 | 433 | 358 | 413 |
| Cleves | 457 | 447 | 437 | 432 | 386 | 421 | 384 | 309 | 364 |
| Clifland | 383 | 373 | 363 | 358 | 330 | 354 | 334 | 259 | 314 |
| Clinton | 473 | 463 | 453 | 448 | 420 | 435 | 423 | 348 | 403 |
| Clio | 379 | 369 | 359 | 354 | 396 | 351 | 351 | 281 | 341 |
| Clive | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Cloverdale | 552 | 542 | 532 | 522 | 462 | 471 | 471 | 366 | 426 |
| Clutier | 461 | 451 | 441 | 436 | 391 | 424 | 392 | 317 | 372 |
| Coalfield | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Coburg | 455 | 445 | 445 | 440 | 420 | 428 | 428 | 358 | 418 |
| Cogron | 461 | 451 | 441 | 436 | 420 | 424 | 415 | 340 | 395 |
| Coin | 457 | 447 | 437 | 432 | 414 | 421 | 421 | 351 | 411 |
| Colfax | 433 | 423 | 413 | 408 | 350 | 399 | 352 | 277 | 332 |
| Collett | 395 | 385 | 375 | 370 | 330 | 365 | 334 | 259 | 314 |
| Collins | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Colo | 470 | 460 | 450 | 440 | 380 | 392 | 392 | 292 | 352 |
| Colonial | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Columbus Jct | 427 | 417 | 407 | 402 | 374 | 394 | 374 | 299 | 354 |
| Colwell | 509 | 499 | 489 | 484 | 440 | 468 | 433 | 458 | 413 |
| Commerce | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Conn | 427 | 417 | 407 | 402 | 374 | 394 | 374 | 299 | 354 |
| Conger | 436 | 426 | 416 | 411 | 330 | 402 | 334 | 259 | 314 |
| Conover | 505 | 495 | 485 | 480 | 448 | 464 | 440 | 365 | 420 |
| Conrad | 451 | 441 | 431 | 426 | 386 | 415 | 384 | 309 | 364 |
| Conroy | 427 | 417 | 407 | 402 | 382 | 394 | 381 | 306 | 361 |
| Consumers Switch | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| Conway | 433 | 423 | 413 | 408 | 390 | 397 | 397 | 327 | 387 |
| Coon Rapids | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Cooper | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Coppock | 411 | 401 | 391 | 386 | 354 | 379 | 356 | 281 | 336 |
| Cora | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Coralville | 442 | 432 | 422 | 417 | 402 | 407 | 399 | 324 | 379 |
| Cordova | 469 | 389 | 379 | 374 | 354 | 364 | 356 | 281 | 336 |
| Corley | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Cornelia | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Corning | 451 | 441 | 431 | 426 | 408 | 415 | 415 | 345 | 405 |
| Correctionville | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Corwith | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Corydon | 370 | 360 | 350 | 345 | 370 | 343 | 343 | 273 | 333 |
| Cotter | 423 | 413 | 403 | 398 | 370 | 390 | 370 | 295 | 350 |
| Cottonwood | 315 | 405 | 395 | 390 | 354 | 383 | 356 | 281 | 736 |
| Cou Falls | 451 | 441 | 431 | 426 | 411 | 415 | 407 | 332 | 387 |
| Coulter | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Council Bluffs | 496 | 486 | 476 | 466 | 432 | 437 | 421 | 346 | 406 |
| County | 477 | 467 | 457 | 452 | 405 | 421 | 402 | 327 | 382 |
| County Line | 387 | 377 | 367 | 362 | 330 | 358 | 334 | 259 | 314 |
| Covington | 454 | 444 | 434 | 429 | 408 | 418 | 404 | 329 | 384 |
| Craig | 572 | 562 | 552 | 542 | 482 | 489 | 489 | 384 | 444 |
| Cram's Sand Pit | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Crandic | 445 | 435 | 425 | 420 | 405 | 410 | 402 | 327 | 382 |
| Cranston | 430 | 420 | 410 | 405 | 378 | 397 | 377 | 302 | 357 |
| Crawfordsville | 423 | 413 | 403 | 398 | 366 | 390 | 366 | 291 | 346 |
| Crescent | 485 | 475 | 465 | 460 | 436 | 446 | 429 | 354 | 409 |
| Cresco | 509 | 499 | 489 | 484 | 456 | 468 | 447 | 372 | 427 |
| Creston | 439 | 429 | 419 | 414 | 390 | 405 | 405 | 335 | 395 |
| Crippen | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Crocker | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Cromwell | 442 | 432 | 422 | 417 | 398 | 407 | 407 | 337 | 397 |
| Crosby | 485 | 475 | 465 | 460 | 444 | 446 | 446 | 376 | 436 |
| Croton | 407 | 397 | 387 | 382 | 354 | 376 | 356 | 281 | 336 |
| Crown | 395 | 385 | 375 | 370 | 370 | 365 | 365 | 295 | 355 |
| Crystal Lake | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Cumberland | 465 | 455 | 445 | 440 | 423 | 428 | 418 | 343 | 398 |
| Cumming | 430 | 420 | 410 | 405 | 330 | 397 | 334 | 259 | 314 |
| Curlow | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Cushing | 543 | 533 | 523 | 513 | 453 | 453 | 453 | 358 | 418 |
| Custodial Farm | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Cylinder | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Dailey's | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Dakota City | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Dallas Center | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Dallas Mine | - | - | - | - | - | - | - | - | - |
| Dana | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Danbury | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| Danville | 427 | 417 | 407 | 402 | 366 | 394 | 366 | 291 | 346 |
| Davenport | 454 | 444 | 434 | 429 | 408 | 418 | 404 | 329 | 384 |
| David | 497 | 487 | 477 | 472 | 448 | 457 | 440 | 365 | 420 |
| Davis City | 403 | 393 | 383 | 378 | 382 | 372 | 372 | 302 | 362 |
| Dawson | 455 | 445 | 435 | 435 | 365 | 384 | 384 | 279 | 339 |
| Dayton | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Dean | 355 | 345 | 335 | 330 | 330 | 329 | 329 | 259 | 319 |
| Dean's Spur | 433 | 423 | 413 | 408 | 382 | 399 | 381 | 306 | 361 |
| Decatur City | 403 | 393 | 383 | 378 | 378 | 372 | 372 | 302 | 362 |
| Decorah | 497 | 487 | 477 | 472 | 448 | 457 | 440 | 365 | 420 |
| Dedham | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Deep River | 465 | 455 | 445 | 440 | 378 | 428 | 377 | 302 | 357 |
| Defiance | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| De Kalb | 399 | 389 | 379 | 374 | 374 | 369 | 369 | 299 | 359 |
| Delaware | 469 | 459 | 449 | 444 | 436 | 432 | 429 | 354 | 409 |
| Delhi | 473 | 463 | 453 | 448 | 436 | 435 | 429 | 354 | 409 |
| Delmar | 473 | 463 | 453 | 448 | 436 | 435 | 429 | 354 | 409 |
| Deloit | - | - | - | - | - | - | - | - | - |
| Delphos | 430 | 420 | 410 | 405 | 408 | 397 | 397 | 327 | 387 |
| Delray | 399 | 389 | 379 | 374 | 378 | 369 | 369 | 299 | 359 |
| Delta | 399 | 389 | 379 | 374 | 335 | 369 | 339 | 264 | 319 |
| Denhart | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Denison | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Dennis | 355 | 345 | 335 | 330 | 330 | 329 | 329 | 259 | 319 |
| Denver | 477 | 467 | 457 | 452 | 411 | 439 | 407 | 332 | 387 |
| Derby | 387 | 377 | 367 | 362 | 354 | 358 | 358 | 288 | 348 |
| Des Moines | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| De Sota | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Devon | 485 | 475 | 465 | 460 | 440 | 446 | 433 | 358 | 413 |
| De War | 461 | 451 | 441 | 436 | 408 | 424 | 404 | 329 | 384 |
| De Witt | 473 | 463 | 453 | 448 | 436 | 435 | 429 | 354 | 409 |
| Dexter | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Diagonal | 423 | 413 | 403 | 398 | 378 | 390 | 390 | 320 | 380 |
| Dickens | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Dike | 473 | 463 | 453 | 448 | 414 | 435 | 410 | 335 | 390 |
| Dillon | 427 | 417 | 407 | 402 | 366 | 394 | 366 | 291 | 346 |
| Dinsdale | 469 | 459 | 449 | 444 | 394 | 432 | 392 | 317 | 372 |
| Divide Spur | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Dixon | 465 | 455 | 445 | 440 | 420 | 428 | 415 | 340 | 395 |
| Dolliver | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Donahue | 465 | 455 | 445 | 440 | 417 | 428 | 412 | 337 | 392 |
| Donnan | 477 | 467 | 457 | 452 | 429 | 439 | 423 | 348 | 402 |
| Donnellson | 411 | 401 | 391 | 386 | 358 | 379 | 359 | 284 | 339 |
| Donnelly | 399 | 389 | 379 | 374 | 338 | 369 | 340 | 265 | 320 |
| Doon | 584 | 574 | 564 | 554 | 494 | 500 | 500 | 395 | 455 |
| Doris | 473 | 463 | 453 | 448 | 420 | 435 | 415 | 340 | 395 |
| Dotson | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Doubleday | 489 | 479 | 469 | 464 | 429 | 450 | 423 | 348 | 403 |
| Douds | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Dougherty | 485 | 475 | 465 | 460 | 420 | 446 | 415 | 340 | 395 |
| Dow City | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Downey | 445 | 435 | 425 | 420 | 394 | 410 | 392 | 317 | 372 |
| Dows | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Drakesville | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Dubuque | 497 | 487 | 477 | 472 | 452 | 457 | 444 | 369 | 424 |
| Dubuque Shops | 493 | 483 | 473 | 468 | 452 | 453 | 444 | 369 | 424 |
| Dudley | 370 | 360 | 350 | 340 | 330 | 329 | 329 | 259 | 319 |
| Dumfries | 477 | 467 | 457 | 452 | 436 | 439 | 429 | 354 | 409 |
| Dumont | 469 | 459 | 449 | 444 | 398 | 432 | 395 | 320 | 375 |
| Dunbar | 427 | 417 | 407 | 402 | 366 | 394 | 366 | 291 | 346 |
| Duncan | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Duncombe | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Dundee | 477 | 467 | 457 | 452 | 432 | 439 | 426 | 351 | 406 |
| Dunkerton | 465 | 455 | 445 | 440 | 411 | 428 | 407 | 332 | 387 |
| Dunlap | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Dunreath | 399 | 389 | 379 | 374 | 354 | 369 | 356 | 281 | 336 |
| Durango | 489 | 479 | 469 | 464 | 452 | 456 | 444 | 369 | 424 |
| Durant | 451 | 441 | 431 | 426 | 405 | 415 | 402 | 327 | 382 |
| Dyersville | 473 | 463 | 453 | 448 | 440 | 435 | 433 | 358 | 413 |
| Dysart | 465 | 455 | 445 | 440 | 405 | 428 | 402 | 327 | 382 |
| Eagle Grove | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Earlham | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| Earling | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| Earlville | 469 | 459 | 449 | 444 | 436 | 432 | 429 | 354 | 409 |
| Early | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Easley | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| East Pleasant Plain | 407 | 397 | 387 | 382 | 345 | 376 | 348 | 273 | 328 |
| East Switch | 481 | 471 | 461 | 456 | 436 | 442 | 429 | 354 | 409 |
| Eddyville | 370 | 360 | 350 | 340 | 330 | 329 | 339 | 264 | 319 |
| Edgewood | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Edna | 568 | 558 | 548 | 538 | 478 | 485 | 485 | 380 | 440 |
| Ehler | 461 | 451 | 441 | 436 | 423 | 424 | 418 | 343 | 398 |
| Elberon | 442 | 432 | 422 | 417 | 386 | 407 | 384 | 309 | 364 |
| Eldon | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Eldora | 448 | 438 | 428 | 423 | 382 | 413 | 381 | 306 | 361 |
| Eldridge Jct | - | - | - | - | - | - | - | - | - |
| Eleanor | 481 | 471 | 461 | 456 | 417 | 442 | 426 | 351 | 406 |
| Electra Mine | - | - | - | - | - | - | - | - | - |
| Elgin | 485 | 475 | 465 | 460 | 436 | 446 | 429 | 354 | 409 |
| Elkader | 517 | 507 | 497 | 492 | 464 | 475 | 455 | 380 | 435 |
| Elkhart | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Elk River Jct | 477 | 467 | 457 | 452 | 436 | 439 | 429 | 354 | 409 |
| Elliott | 469 | 459 | 449 | 444 | 411 | 432 | 407 | 332 | 387 |
| Ells | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Ellston | 411 | 401 | 391 | 386 | 386 | 379 | 379 | 309 | 309 |
| Ellsworth | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Elma | 489 | 479 | 469 | 464 | 444 | 450 | 437 | 362 | 417 |
| Elmira | 448 | 438 | 428 | 423 | 402 | 413 | 399 | 324 | 379 |
| Elm Springs | 619 | 609 | 599 | 589 | 529 | 554 | 554 | 449 | 509 |
| Elrick Jct | 436 | 426 | 416 | 411 | 382 | 402 | 381 | 306 | 361 |
| Elwell | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Elwood | 469 | 459 | 449 | 444 | 436 | 432 | 429 | 354 | 409 |
| Ely | 448 | 438 | 428 | 423 | 411 | 413 | 407 | 332 | 387 |
| Emerson | 465 | 455 | 445 | 440 | 423 | 428 | 428 | 358 | 418 |
| Emery | 534 | 524 | 514 | 504 | 444 | 450 | 450 | 350 | 410 |
| Emmetsburg | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Emmons | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Enterprise | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Epworth | 477 | 467 | 457 | 452 | 444 | 439 | 437 | 362 | 417 |
| Ericson | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Essex | 469 | 459 | 449 | 444 | 426 | 432 | 432 | 362 | 422 |
| Estherville | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Etta | 473 | 463 | 453 | 448 | 426 | 435 | 420 | 345 | 400 |
| Euclid | 489 | 479 | 469 | 464 | 436 | 450 | 429 | 354 | 409 |
| Evander | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Evans | 370 | 360 | 350 | 340 | 330 | 329 | 348 | 273 | 328 |
| Evanston | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Everly | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Exira | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Exline | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Fairbank | 469 | 459 | 449 | 444 | 414 | 432 | 410 | 335 | 390 |
| Fairfax | 439 | 429 | 419 | 414 | 398 | 405 | 395 | 320 | 375 |
| Fairfield | 395 | 385 | 375 | 370 | 335 | 365 | 339 | 264 | 319 |
| Fairmount | 411 | 401 | 391 | 386 | 354 | 379 | 356 | 281 | 336 |
| Fairport | 411 | 401 | 391 | 386 | 350 | 379 | 352 | 277 | 332 |
| Farley | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Farlin | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 209 | 359 |
| Farmer | 477 | 467 | 457 | 452 | 408 | 439 | 404 | 329 | 384 |
| Farmersburg | 513 | 503 | 493 | 488 | 456 | 471 | 447 | 372 | 427 |
| Farmington | 403 | 393 | 383 | 378 | 350 | 372 | 352 | 277 | 332 |
| Farnhamville | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Farragut | 473 | 463 | 453 | 448 | 432 | 435 | 435 | 365 | 425 |
| Farson | 387 | 377 | 367 | 362 | 345 | 358 | 348 | 273 | 328 |
| Faulkner | 461 | 451 | 441 | 436 | 390 | 424 | 388 | 313 | 368 |
| Fayette | 489 | 479 | 469 | 464 | 440 | 450 | 433 | 358 | 413 |
| Fenton | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Ferguson | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Fernald | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Fifield | 395 | 385 | 375 | 370 | 354 | 365 | 356 | 281 | 336 |
| Findley | 489 | 479 | 469 | 464 | 440 | 450 | 433 | 358 | 413 |
| Flagler | 370 | 360 | 350 | 340 | 330 | 329 | 340 | 265 | 320 |
| Flanders | 409 | 399 | 389 | 384 | 448 | 468 | 440 | 365 | 420 |
| Fleming | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Flint | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Flint Jct | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Florence | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Floris | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Floyd | 489 | 479 | 469 | 464 | 432 | 450 | 426 | 351 | 406 |
| Floyd Xing | 485 | 475 | 465 | 460 | 423 | 446 | 418 | 343 | 398 |
| Flugstad | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Folsom | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Fonda | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Fontanelle | 454 | 444 | 434 | 429 | 411 | 418 | 407 | 332 | 387 |
| Ford | 411 | 401 | 391 | 386 | 340 | 379 | 343 | 268 | 323 |
| Forest City | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Fort Atkinson | 473 | 463 | 453 | 448 | 370 | 435 | 370 | 295 | 350 |
| Ft. Des Moines | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| Fort Dodge | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |



*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Fort Madison | 423 | 413 | 403 | 398 | 394 | 390 | 392 | 317 | 372 |
| Fosselman | 477 | 467 | 457 | 452 | 405 | 439 | 402 | 327 | 382 |
| Fosterdale | 391 | 381 | 371 | 366 | 345 | 361 | 348 | 273 | 328 |
| Fostoria | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Franklin | 415 | 405 | 395 | 390 | 362 | 383 | 363 | 288 | 343 |
| Fraser | 460 | 450 | 440 | 430 | 370 | 383 | 383 | 283 | 343 |
| Frederic | 355 | 345 | 335 | 330 | 330 | 329 | 329 | 259 | 319 |
| Fredericksburg | 481 | 471 | 461 | 456 | 436 | 442 | 429 | 354 | 409 |
| Fredonia | 430 | 420 | 410 | 405 | 374 | 397 | 374 | 299 | 354 |
| Freeman | 477 | 467 | 457 | 452 | 411 | 439 | 407 | 332 | 387 |
| Fremont | 395 | 385 | 375 | 370 | 335 | 365 | 339 | 264 | 319 |
| Froelich | 509 | 499 | 489 | 484 | 456 | 468 | 447 | 372 | 427 |
| Fruitland | 430 | 420 | 410 | 405 | 378 | 397 | 377 | 302 | 357 |
| Galbraith | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Galt | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Galva | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Garber | 509 | 499 | 489 | 484 | 456 | 468 | 447 | 372 | 427 |
| Garden City | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Garden Grove | 387 | 377 | 367 | 362 | 362 | 358 | 358 | 288 | 348 |
| Gardiner | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Garfield | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Garland | 433 | 423 | 413 | 408 | 378 | 399 | 377 | 302 | 357 |
| Garner | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Garrison | 461 | 451 | 441 | 436 | 411 | 424 | 407 | 332 | 387 |
| Garwin | 448 | 438 | 428 | 423 | 386 | 413 | 384 | 309 | 364 |
| Gaza | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Gehlen | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Geneva | 461 | 451 | 441 | 436 | 394 | 424 | 392 | 317 | 372 |
| George | 564 | 554 | 544 | 534 | 474 | 482 | 482 | 377 | 437 |
| Gibson | 419 | 409 | 399 | 394 | 374 | 387 | 374 | 299 | 354 |
| Gifford | 445 | 435 | 425 | 420 | 378 | 410 | 377 | 302 | 357 |
| Gilbert | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Gilbertville | 469 | 459 | 449 | 444 | 411 | 432 | 407 | 332 | 387 |
| Gilleas Pit | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Gillett Grove | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Gilliat | 485 | 475 | 465 | 460 | 436 | 446 | 429 | 354 | 409 |
| Gilman | 423 | 413 | 403 | 398 | 362 | 390 | 363 | 288 | 343 |
| Gilmore City | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Givin | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Gladbrook | 442 | 432 | 422 | 417 | 378 | 407 | 377 | 302 | 357 |
| Gladstone | 436 | 426 | 416 | 411 | 378 | 402 | 377 | 302 | 357 |
| Gladwin | 427 | 417 | 407 | 402 | 370 | 394 | 370 | 295 | 350 |
| Glendale | 403 | 393 | 383 | 378 | 345 | 372 | 348 | 273 | 328 |
| Glendon | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Glen Ellen | 509 | 499 | 489 | 484 | 448 | 468 | 440 | 365 | 420 |
| Glenwood | 473 | 463 | 453 | 448 | 436 | 435 | 435 | 365 | 425 |
| Glidden | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Golden | 465 | 455 | 445 | 440 | 426 | 428 | 420 | 345 | 400 |
| Goldfield | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Goodell | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Goose Lake | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Glory | 465 | 455 | 445 | 440 | 417 | 428 | 412 | 337 | 392 |
| Gordon's Ferry | 489 | 479 | 469 | 464 | 448 | 450 | 440 | 365 | 420 |
| Gowrie | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Grable | 489 | 479 | 469 | 464 | 440 | 450 | 433 | 358 | 413 |
| Graettinger | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Graf | 485 | 475 | 465 | 460 | 348 | 446 | 440 | 365 | 420 |
| Grafton | 481 | 471 | 461 | 456 | 420 | 442 | 415 | 340 | 395 |
| Grand | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Grand Jct | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Grand Mound | 473 | 463 | 453 | 448 | 432 | 435 | 426 | 351 | 406 |
| Grand River | 403 | 393 | 383 | 378 | 382 | 372 | 372 | 302 | 362 |
| Granger | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Granite | 580 | 570 | 560 | 550 | 490 | 496 | 496 | 391 | 451 |
| Grant Center | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Granville | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Gravity | 440 | 430 | 420 | 410 | 430 | 404 | 399 | 329 | 389 |
| Gray | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Grayson | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Greeley | 477 | 467 | 457 | 452 | 436 | 439 | 429 | 354 | 409 |
| Greene | 485 | 475 | 465 | 460 | 423 | 446 | 418 | 343 | 398 |
| Greenfield | 451 | 441 | 431 | 426 | 408 | 415 | 404 | 329 | 384 |
| Green Island | 481 | 471 | 461 | 456 | 440 | 442 | 433 | 358 | 413 |
| Green Mountain | 436 | 426 | 416 | 411 | 370 | 402 | 370 | 295 | 350 |
| Greenville | - | - | - | - | - | - | - | - | - |
| Gridley | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Grimes | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Grinell | 441 | 401 | 391 | 386 | 350 | 379 | 352 | 277 | 332 |
| Griswold | 469 | 459 | 449 | 444 | 405 | 432 | 402 | 327 | 382 |
| Grundy Center | 465 | 455 | 445 | 440 | 394 | 428 | 392 | 317 | 372 |
| Gruver | 552 | 542 | 532 | 522 | 462 | 471 | 471 | 366 | 426 |
| Guernsey | 461 | 451 | 441 | 436 | 374 | 424 | 374 | 299 | 354 |
| Guthrie Center | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Guttenburg | 509 | 499 | 489 | 484 | 464 | 468 | 455 | 380 | 435 |
| Gypsum | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Hadden Hill | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Halbur | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Hale | 465 | 455 | 445 | 440 | 423 | 428 | 418 | 343 | 398 |
| Halfa | 543 | 533 | 522 | 513 | 453 | 463 | 463 | 358 | 418 |
| Halpin | - | - | - | - | - | - | - | - | - |
| Hamburg | 477 | 467 | 457 | 452 | 440 | 439 | 439 | 369 | 429 |
| Hamill | 415 | 405 | 395 | 390 | 358 | 483 | 359 | 284 | 339 |
| Hamilton | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Hamlin | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Hamm | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Hampton | 465 | 455 | 445 | 440 | 390 | 428 | 388 | 313 | 368 |
| Hancock | 477 | 467 | 457 | 452 | 414 | 434 | 410 | 335 | 390 |
| Hanford | 477 | 467 | 457 | 452 | 414 | 439 | 410 | 335 | 390 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Hanley | 442 | 432 | 422 | 417 | 335 | 407 | 339 | 364 | 319 |
| Hanlontown | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Hanna | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Hansell | 465 | 455 | 445 | 440 | 394 | 428 | 392 | 317 | 372 |
| Harcourt | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| Hardy | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Harl | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Harlan | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Harmons | 469 | 459 | 449 | 444 | 426 | 432 | 420 | 345 | 400 |
| Harber | 415 | 405 | 395 | 390 | 354 | 383 | 356 | 281 | 336 |
| Harper's Ferry | 517 | 507 | 497 | 492 | 464 | 475 | 455 | 380 | 435 |
| Harris | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Hartford | 419 | 409 | 399 | 394 | 340 | 387 | 343 | 268 | 323 |
| Hartley | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Hartwick | 457 | 447 | 437 | 432 | 374 | 421 | 374 | 299 | 354 |
| Harvard | 365 | 355 | 345 | 340 | 394 | 338 | 338 | 268 | 328 |
| Harvey | 370 | 360 | 350 | 340 | 330 | 329 | 348 | 273 | 328 |
| Haskins | 423 | 413 | 403 | 398 | 366 | 390 | 366 | 291 | 346 |
| Hastie | 415 | 405 | 395 | 390 | 335 | 383 | 339 | 264 | 319 |
| Hastings | 469 | 459 | 449 | 444 | 426 | 432 | 432 | 362 | 422 |
| Haugendale | 505 | 495 | 485 | 480 | 460 | 464 | 451 | 376 | 431 |
| Havelock | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Haverhill | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Havre | 419 | 409 | 399 | 394 | 362 | 387 | 363 | 288 | 343 |
| Hawarden | 572 | 562 | 552 | 542 | 482 | 489 | 489 | 384 | 444 |
| Hawkeye | 493 | 483 | 473 | 468 | 440 | 453 | 433 | 358 | 413 |
| Hawkeye Portland Cement Quarry | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Hawley | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| Hayesville | 395 | 385 | 375 | 370 | 350 | 365 | 352 | 277 | 332 |
| Hayfield | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Hazzelton | 469 | 459 | 449 | 444 | 420 | 432 | 415 | 340 | 395 |
| Hedrick | 387 | 377 | 367 | 362 | 340 | 358 | 343 | 268 | 323 |
| Henderson | 473 | 463 | 453 | 448 | 423 | 435 | 418 | 343 | 398 |
| Hepburn | 440 | 430 | 420 | 410 | 430 | 404 | 418 | 348 | 408 |
| Herndon | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Herring | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Herrold | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Hetzel | 454 | 444 | 434 | 429 | 405 | 418 | 402 | 327 | 382 |
| Hiattsville | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| High Bridge | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Highland | 387 | 377 | 367 | 362 | 340 | 358 | 343 | 268 | 323 |
| Highland Park | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| Highley | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Highview | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Hills | 436 | 426 | 416 | 411 | 394 | 402 | 392 | 317 | 372 |
| Hillsboro | 407 | 397 | 387 | 382 | 350 | 376 | 352 | 277 | 332 |
| Hilton | 370 | 360 | 350 | 340 | 330 | 329 | 329 | 259 | 319 |
| Hinton | 564 | 554 | 544 | 534 | 474 | 482 | 482 | 377 | 437 |
| Hobarton | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Holland | 461 | 451 | 441 | 436 | 398 | 424 | 395 | 320 | 375 |
| Holmes | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Holstein | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Homestead | 445 | 435 | 425 | 420 | 411 | 410 | 407 | 332 | 387 |
| Honey Creek | 485 | 475 | 465 | 460 | 340 | 446 | 433 | 358 | 413 |
| Hope | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Hopkinton | 469 | 459 | 449 | 444 | 436 | 432 | 429 | 354 | 409 |
| Hopley | 469 | 459 | 449 | 444 | 402 | 432 | 399 | 324 | 379 |
| Hornick | 501 | 491 | 481 | 476 | 440 | 460 | 433 | 358 | 413 |
| Hospers | 564 | 554 | 544 | 534 | 474 | 482 | 482 | 377 | 437 |
| Houghton | 415 | 405 | 395 | 390 | 354 | 383 | 356 | 281 | 336 |
| Howell | 391 | 381 | 371 | 366 | 350 | 361 | 352 | 277 | 332 |
| Hubbard | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Hudson | 454 | 444 | 434 | 429 | 394 | 418 | 392 | 317 | 372 |
| Hughes | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Hull | 564 | 554 | 544 | 534 | 474 | 382 | 382 | 377 | 437 |
| Humboldt | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Humeston | 383 | 373 | 363 | 358 | 358 | 354 | 354 | 284 | 344 |
| Huntington | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Hurley | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Hurst Mill Spur | 481 | 471 | 461 | 456 | 444 | 442 | 437 | 362 | 417 |
| Hutchins | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Huxley | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Hyperion | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Ida Grove | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Imogene | 473 | 463 | 453 | 448 | 440 | 435 | 435 | 365 | 425 |
| Independence | 465 | 455 | 445 | 440 | 417 | 428 | 412 | 337 | 392 |
| Indian Creek | 448 | 438 | 428 | 423 | 408 | 413 | 404 | 329 | 384 |
| Indianola | 423 | 413 | 403 | 398 | 350 | 390 | 352 | 277 | 332 |
| Industry | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Ingersoll | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Inwood | 572 | 562 | 552 | 542 | 482 | 489 | 489 | 384 | 444 |
| Ionia | 493 | 483 | 473 | 468 | 436 | 453 | 429 | 354 | 409 |
| Iowa City | 439 | 429 | 419 | 414 | 398 | 405 | 395 | 320 | 375 |
| Iowa Falls | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Iowana | 461 | 451 | 441 | 436 | 411 | 424 | 407 | 332 | 387 |
| Ira | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Ireton | 568 | 558 | 548 | 538 | 478 | 485 | 485 | 380 | 440 |
| Irma | 477 | 467 | 457 | 452 | 414 | 439 | 410 | 335 | 390 |
| Irving | 454 | 444 | 434 | 429 | 386 | 418 | 384 | 309 | 364 |
| Irvington | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Irwin | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Island Park | 481 | 471 | 461 | 456 | 436 | 442 | 429 | 354 | 409 |
| Jackson Jct | 497 | 487 | 477 | 472 | 444 | 457 | 437 | 362 | 417 |
| Jamaica | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| James | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Jamison | 419 | 409 | 399 | 394 | 370 | 387 | 370 | 295 | 350 |
| Janesville | 473 | 463 | 453 | 448 | 408 | 435 | 404 | 329 | 384 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Jefferson | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Jerome | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Jesup | 481 | 471 | 461 | 456 | 411 | 442 | 407 | 332 | 387 |
| Jewell | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| Johnson | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Joyce | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Jowley | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Jordan | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 259 | 339 |
| Judd | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 414 | 374 |
| Julian | 481 | 471 | 461 | 456 | 448 | 442 | 440 | 365 | 420 |
| Juniata | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Juvenile | 477 | 467 | 457 | 452 | 378 | 439 | 377 | 302 | 357 |
| Kalo | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Kalona | 427 | 417 | 407 | 402 | 382 | 394 | 381 | 306 | 361 |
| Kamrar | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Kanawha | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Keller | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Kellerton | 419 | 409 | 399 | 394 | 394 | 387 | 387 | 317 | 377 |
| Kelley | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Kellogg | 423 | 413 | 403 | 398 | 366 | 390 | 371 | 291 | 346 |
| Kennebec | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Kennedy | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Kensett | 481 | 471 | 461 | 456 | 417 | 442 | 412 | 337 | 392 |
| Kent | 442 | 432 | 422 | 417 | 398 | 407 | 407 | 337 | 397 |
| Kenwood | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Kenwood Park | 485 | 475 | 465 | 460 | 398 | 446 | 395 | 320 | 375 |
| Keokuk | 427 | 417 | 407 | 402 | 374 | 394 | 374 | 299 | 354 |
| Keosauqua | 399 | 389 | 379 | 374 | 340 | 369 | 343 | 268 | 323 |
| Keota | 419 | 409 | 399 | 394 | 358 | 387 | 359 | 284 | 339 |
| Kesley | 481 | 471 | 461 | 456 | 320 | 442 | 415 | 340 | 395 |
| Keswick | 411 | 401 | 391 | 386 | 366 | 379 | 366 | 291 | 346 |
| Keystone | 445 | 435 | 425 | 420 | 390 | 410 | 388 | 313 | 368 |
| Kidder | 485 | 475 | 465 | 460 | 444 | 446 | 437 | 362 | 417 |
| Kilbourne | 395 | 385 | 375 | 370 | 335 | 365 | 339 | 264 | 319 |
| Killduff | 411 | 401 | 391 | 386 | 378 | 379 | 377 | 302 | 357 |
| Kimball | 411 | 401 | 391 | 386 | 354 | 379 | 356 | 281 | 336 |
| Kingsley | 552 | 542 | 532 | 522 | 462 | 471 | 471 | 366 | 426 |
| Kinross | 415 | 405 | 395 | 390 | 370 | 383 | 370 | 295 | 350 |
| Kirkman | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Kirkville | 370 | 360 | 350 | 340 | 330 | 329 | 343 | 268 | 323 |
| Kiron | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Klemme | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Knierim | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Knitlin | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Knoke | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Knowles | 477 | 467 | 457 | 452 | 408 | 439 | 404 | 329 | 384 |
| Knoxville | 370 | 360 | 350 | 340 | 330 | 329 | 340 | 265 | 320 |
| Konigsmark | 448 | 438 | 428 | 423 | 408 | 413 | 404 | 329 | 384 |
| Lacey | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Lacona | 407 | 397 | 387 | 382 | 366 | 376 | 366 | 291 | 346 |
| Laddsdale | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Ladoga | 440 | 430 | 420 | 410 | 430 | 404 | 405 | 335 | 395 |
| Ladora | 433 | 423 | 413 | 408 | 374 | 399 | 374 | 299 | 354 |
| La Fayette | 451 | 441 | 431 | 426 | 411 | 415 | 407 | 332 | 387 |
| Lake City | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Lake Mills | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Lake Park | 564 | 554 | 544 | 534 | 474 | 482 | 482 | 377 | 437 |
| Lake Side | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Lake View | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Lakota | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Lamb | 465 | 455 | 445 | 440 | 417 | 428 | 412 | 337 | 392 |
| La Moille | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Lamoni | 411 | 401 | 391 | 386 | 386 | 379 | 379 | 309 | 369 |
| Lamont | 477 | 467 | 457 | 452 | 429 | 439 | 423 | 348 | 403 |
| Lanedale | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Lanesboro | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Langdon | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Langworthy | 465 | 455 | 445 | 440 | 423 | 428 | 418 | 343 | 398 |
| Lansing | 525 | 515 | 505 | 500 | 468 | 482 | 458 | 383 | 438 |
| Lanyon | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| La Porte City | 465 | 455 | 445 | 440 | 411 | 428 | 407 | 332 | 387 |
| Larchwood | 576 | 566 | 556 | 546 | 486 | 492 | 492 | 387 | 447 |
| Larrabee | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Latimer | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Latty | 439 | 429 | 419 | 414 | 386 | 405 | 384 | 309 | 364 |
| Laurel | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Laurens | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Lavinia | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Lawler | 497 | 487 | 477 | 472 | 440 | 457 | 433 | 358 | 413 |
| Lawn Hill | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Lawton | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Le Claire | 461 | 451 | 441 | 436 | 417 | 424 | 412 | 337 | 392 |
| Ledyard | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Leeds | 528 | 518 | 508 | 494 / 479 | 452 | 464 | 430 | 364 | 424 |
| Le Grand | 436 | 426 | 516 | 411 | 370 | 402 | 370 | 295 | 350 |
| Lehigh | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Leighton | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Leland | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Le Mars | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Lena | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| Lenox | 436 | 426 | 416 | 411 | 394 | 402 | 402 | 332 | 492 |
| Leon | 399 | 389 | 379 | 374 | 374 | 369 | 369 | 299 | 359 |
| Le Roy | 387 | 377 | 367 | 362 | 362 | 358 | 358 | 288 | 348 |
| Lester | 576 | 566 | 556 | 546 | 486 | 492 | 492 | 387 | 447 |
| Letts | 433 | 423 | 413 | 408 | 378 | 399 | 377 | 302 | 357 |
| Leverett | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 390 |
| Levey | 419 | 409 | 399 | 394 | 330 | 387 | 334 | 259 | 314 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Lone Tree | 436 | 426 | 416 | 411 | 390 | 402 | 388 | 313 | 368 |
| Long Grove | 461 | 451 | 441 | 436 | 417 | 424 | 412 | 337 | 392 |
| Long Point | 445 | 435 | 425 | 420 | 382 | 410 | 381 | 306 | 361 |
| Longview | 399 | 389 | 379 | 374 | 340 | 369 | 343 | 268 | 323 |
| Lorah | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Lorimar | 439 | 429 | 419 | 414 | 354 | 405 | 356 | 281 | 336 |
| Lost Nation | 469 | 459 | 449 | 444 | 432 | 432 | 426 | 351 | 406 |
| Louisa | 451 | 441 | 431 | 426 | 408 | 415 | 404 | 329 | 384 |
| Loveland | 489 | 479 | 469 | 464 | 440 | 450 | 433 | 358 | 413 |
| Lovilia | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Lovington | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Lowden | 469 | 459 | 449 | 444 | 429 | 432 | 423 | 348 | 403 |
| Low Moor | 477 | 467 | 457 | 452 | 429 | 449 | 423 | 348 | 403 |
| Luana | 505 | 495 | 485 | 480 | 452 | 464 | 444 | 369 | 424 |
| Lucas | 370 | 360 | 350 | 340 | 330 | 329 | 347 | 277 | 337 |
| Lundgren | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Luray | 478 | 468 | 458 | 448 | 388 | 404 | 401 | 299 | 359 |
| Luther | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Luton | 505 | 495 | 485 | 480 | 444 | 464 | 437 | 362 | 417 |
| Luverne | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Luzerne | 454 | 444 | 434 | 429 | 386 | 418 | 384 | 309 | 364 |
| Lynnville | 407 | 397 | 387 | 382 | 374 | 376 | 374 | 299 | 354 |
| Lynville Jct | 407 | 397 | 387 | 382 | 370 | 376 | 370 | 295 | 350 |
| Lyons | 473 | 463 | 453 | 448 | 429 | 435 | 423 | 348 | 403 |
| Lewis | 473 | 463 | 453 | 448 | 402 | 435 | 399 | 324 | 379 |
| Libertyville | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Lida | 433 | 423 | 413 | 408 | 310 | 399 | 334 | 259 | 314 |
| Lidderdale | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Lima | 497 | 487 | 477 | 472 | 440 | 457 | 433 | 358 | 413 |
| Lime Springs | 517 | 507 | 497 | 492 | 460 | 475 | 451 | 376 | 431 |
| Linby | 395 | 385 | 375 | 370 | 350 | 365 | 352 | 277 | 332 |
| Lincoln | 445 | 435 | 425 | 420 | 382 | 410 | 381 | 306 | 361 |
| Linden | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Lineville | 383 | 373 | 363 | 358 | 402 | 354 | 354 | 284 | 344 |
| Linn | 448 | 438 | 428 | 423 | 408 | 413 | 404 | 329 | 384 |
| Linn Grove | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Linwood | 451 | 441 | 431 | 426 | 402 | 415 | 399 | 324 | 379 |
| Lisbon | 454 | 444 | 434 | 429 | 414 | 418 | 410 | 335 | 390 |
| Liscomb | 439 | 429 | 419 | 414 | 374 | 407 | 374 | 299 | 354 |
| Little Cedar | 501 | 491 | 481 | 476 | 448 | 460 | 440 | 365 | 420 |
| Littleport | 509 | 499 | 489 | 484 | 452 | 468 | 444 | 369 | 424 |
| Little Rock | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Livermore | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Lockman | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Lockridge | 407 | 397 | 387 | 382 | 345 | 376 | 348 | 273 | 328 |
| Logan | 493 | 483 | 473 | 468 | 444 | 453 | 437 | 362 | 417 |
| Lohrville | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Lone Rock | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| Lytton | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| McCallsburg | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| McCausland | 473 | 463 | 453 | 448 | 432 | 435 | 440 | 365 | 406 |
| McChane | 465 | 455 | 445 | 440 | 417 | 428 | 412 | 337 | 392 |
| McClelland | 485 | 475 | 465 | 460 | 436 | 446 | 429 | 354 | 409 |
| McCoy | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| McGregor | 513 | 503 | 493 | 488 | 460 | 471 | 451 | 376 | 431 |
| McIntyre | 497 | 487 | 477 | 472 | 448 | 457 | 440 | 365 | 420 |
| McNally | 572 | 562 | 552 | 542 | 482 | 489 | 489 | 384 | 444 |
| McPaul | 481 | 471 | 461 | 456 | 440 | 442 | 442 | 372 | 432 |
| McPherson | 465 | 455 | 445 | 440 | 420 | 428 | 428 | 358 | 418 |
| McVeigh | 403 | 393 | 383 | 378 | 345 | 372 | 348 | 273 | 328 |
| Macedonia | 473 | 463 | 453 | 448 | 420 | 435 | 415 | 340 | 395 |
| Maclay | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Macy | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Madrid | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Magill | 493 | 483 | 473 | 468 | 440 | 453 | 433 | 358 | 413 |
| Maine | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Malcom | 419 | 409 | 399 | 394 | 358 | 387 | 359 | 284 | 339 |
| Mallard | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Malone | 477 | 467 | 457 | 452 | 432 | 439 | 426 | 351 | 406 |
| Maloy | 430 | 420 | 410 | 405 | 386 | 397 | 397 | 327 | 387 |
| Malvern | 469 | 459 | 449 | 444 | 429 | 432 | 432 | 362 | 422 |
| Manchester | 465 | 455 | 445 | 440 | 429 | 428 | 423 | 348 | 403 |
| Manilla | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Manly | 481 | 471 | 461 | 456 | 414 | 442 | 410 | 335 | 390 |
| Manning | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Manson | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 214 | 374 |
| Maple Hill | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Maple River | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Mapleton | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Maquoketa | 473 | 463 | 453 | 448 | 440 | 435 | 433 | 358 | 413 |
| Marathon | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Marble Rock | 489 | 479 | 469 | 464 | 426 | 450 | 420 | 345 | 400 |
| Marcus | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Marengo | 439 | 429 | 419 | 414 | 382 | 405 | 381 | 306 | 361 |
| Marietta | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Marion | 448 | 438 | 428 | 423 | 408 | 413 | 404 | 329 | 384 |
| Marne | 469 | 459 | 449 | 444 | 402 | 432 | 399 | 324 | 379 |
| Marquette | 513 | 503 | 493 | 488 | 456 | 471 | 447 | 372 | 427 |
| Marsh | 427 | 417 | 407 | 402 | 370 | 394 | 370 | 295 | 350 |
| Marshalltown | 430 | 420 | 410 | 405 | 366 | 397 | 366 | 391 | 346 |
| Martelle | 457 | 447 | 437 | 432 | 414 | 421 | 410 | 335 | 390 |
| Martensdale | 433 | 423 | 413 | 408 | 330 | 399 | 334 | 259 | 314 |
| Martins | 469 | 459 | 449 | 444 | 429 | 432 | 423 | 348 | 403 |
| Martinsburg | 391 | 381 | 371 | 366 | 345 | 361 | 348 | 273 | 328 |
| Mason City | 477 | 467 | 457 | 452 | 411 | 439 | 407 | 332 | 387 |
| Mason City Jct | 477 | 467 | 457 | 452 | 415 | 439 | 407 | 332 | 387 |
| Masonville | 469 | 459 | 449 | 444 | 426 | 432 | 420 | 345 | 400 |
| Massena | 461 | 451 | 441 | 436 | 420 | 424 | 415 | 340 | 395 |



*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Massillon | 469 | 459 | 449 | 444 | 432 | 432 | 426 | 351 | 406 |
| Matlock | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Maurice | 564 | 554 | 544 | 534 | 474 | 432 | 482 | 377 | 437 |
| Max | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Maxon | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Maxwell | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Maynard | 473 | 463 | 453 | 448 | 423 | 435 | 418 | 343 | 398 |
| Meadows | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Mechanicsville | 461 | 451 | 441 | 436 | 420 | 424 | 415 | 340 | 395 |
| Mederville | 505 | 495 | 485 | 480 | 452 | 464 | 444 | 369 | 424 |
| Mediapolis | 436 | 426 | 416 | 411 | 382 | 402 | 381 | 306 | 361 |
| Melbourne | 474 | 464 | 454 | 444 | 484 | 401 | 401 | 296 | 356 |
| Melcher | 370 | 360 | 350 | 340 | 330 | 329 | 359 | 284 | 339 |
| Melrose | 370 | 360 | 350 | 340 | 330 | 329 | 329 | 259 | 319 |
| Meltonville | 485 | 475 | 465 | 460 | 423 | 446 | 418 | 343 | 398 |
| Melvin | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Menlo | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Meriden | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Merle Junction | 433 | 423 | 413 | 408 | 386 | 399 | 399 | 329 | 389 |
| Merrill | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Mertensville | 415 | 405 | 395 | 390 | 354 | 383 | 356 | 281 | 336 |
| Meservey | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Metz | 433 | 423 | 413 | 408 | 354 | 399 | 356 | 281 | 336 |
| Middle Amana | 433 | 423 | 413 | 408 | 386 | 399 | 384 | 309 | 364 |
| Middletown | 427 | 417 | 407 | 402 | 370 | 394 | 370 | 295 | 350 |
| Midland | 572 | 562 | 552 | 542 | 482 | 489 | 489 | 384 | 444 |
| Midland Jct | 473 | 463 | 453 | 448 | 332 | 435 | 426 | 351 | 406 |
| Mid River | 454 | 444 | 434 | 429 | 408 | 418 | 404 | 329 | 384 |
| Midvale | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Miles | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Milford | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 413 |
| Miller (Hancock County) | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Miller (Polk County) | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Millerton | 379 | 369 | 359 | 354 | 382 | 351 | 351 | 281 | 341 |
| Millman | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Millville | 505 | 495 | 485 | 480 | 460 | 464 | 451 | 376 | 431 |
| Milo | 411 | 401 | 391 | 386 | 358 | 379 | 359 | 284 | 339 |
| Milton | 383 | 373 | 363 | 358 | 358 | 354 | 359 | 284 | 339 |
| Minburn | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Minden | 481 | 471 | 461 | 456 | 417 | 442 | 412 | 337 | 392 |
| Mineola | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Minerva | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Minerva Jct | 433 | 423 | 413 | 408 | 370 | 399 | 370 | 295 | 350 |
| Mingo | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| Missouri Vly | 489 | 479 | 469 | 464 | 444 | 450 | 437 | 362 | 417 |
| Mitchell | 497 | 487 | 477 | 472 | 440 | 457 | 433 | 358 | 413 |
| Mitchellville | 430 | 420 | 410 | 405 | 345 | 397 | 348 | 273 | 328 |
| Modale | 493 | 483 | 473 | 468 | 444 | 453 | 437 | 362 | 417 |
| Mona | 501 | 491 | 481 | 476 | 444 | 460 | 437 | 362 | 417 |
| Mondamin | 497 | 487 | 477 | 472 | 448 | 457 | 440 | 365 | 420 |
| Moneta | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Monette | 439 | 429 | 419 | 414 | 358 | 405 | 359 | 284 | 339 |
| Monmouth | 469 | 459 | 449 | 444 | 436 | 432 | 429 | 354 | 409 |
| Monona | 505 | 495 | 485 | 480 | 452 | 464 | 444 | 369 | 424 |
| Monroe | 407 | 397 | 387 | 382 | 358 | 376 | 359 | 284 | 339 |
| Montieth | 494 | 484 | 474 | 464 | 401 | 419 | 419 | 314 | 374 |
| Montezuma | 427 | 417 | 407 | 402 | 382 | 394 | 381 | 306 | 361 |
| Montgomery | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 390 | 450 |
| Monticello | 465 | 455 | 445 | 440 | 426 | 428 | 420 | 345 | 400 |
| Montour | 439 | 429 | 419 | 414 | 374 | 405 | 374 | 299 | 354 |
| Montpelier | 448 | 438 | 428 | 423 | 396 | 413 | 395 | 320 | 375 |
| Montrose | 423 | 413 | 403 | 398 | 370 | 390 | 370 | 295 | 350 |
| Mooar | 430 | 420 | 410 | 405 | 378 | 397 | 377 | 302 | 357 |
| Moore | 399 | 389 | 379 | 374 | 335 | 369 | 339 | 264 | 319 |
| Moorhead | 501 | 491 | 481 | 476 | 440 | 460 | 433 | 358 | 413 |
| Moorland | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Moran | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Moravia | 355 | 345 | 335 | 330 | 345 | 329 | 229 | 259 | 319 |
| Morek | 477 | 467 | 457 | 452 | 378 | 439 | 439 | 302 | 357 |
| Morgan Valley | 407 | 397 | 387 | 382 | 345 | 376 | 348 | 273 | 328 |
| Morley | 461 | 451 | 441 | 436 | 417 | 424 | 412 | 337 | 392 |
| Morningside | 528 | 518 | 508 | 494 / 479 | 448 | 464 | 439 | 364 | 419 |
| Morning Sun | 433 | 423 | 413 | 408 | 374 | 399 | 374 | 299 | 354 |
| Morrison | 465 | 455 | 445 | 440 | 390 | 428 | 388 | 313 | 368 |
| Morse | 451 | 441 | 431 | 426 | 402 | 415 | 399 | 324 | 379 |
| Moscow | 448 | 438 | 428 | 423 | 398 | 413 | 395 | 315 | 375 |
| Moulton | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Mt. Auburn | 461 | 451 | 441 | 436 | 417 | 424 | 412 | 337 | 392 |
| Mt. Ayr | 427 | 417 | 407 | 402 | 402 | 394 | 394 | 324 | 384 |
| Mt. Pleasant | 415 | 405 | 395 | 390 | 354 | 383 | 356 | 281 | 336 |
| Mt. Sterling | 395 | 385 | 375 | 370 | 358 | 365 | 359 | 284 | 334 |
| Mt. Union | 433 | 423 | 413 | 408 | 378 | 399 | 377 | 302 | 357 |
| Mt. Vernon | 454 | 444 | 434 | 429 | 414 | 418 | 410 | 335 | 390 |
| Mt. Zion | 395 | 385 | 375 | 370 | 335 | 365 | 334 | 259 | 314 |
| Moville | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Murphy | 415 | 405 | 395 | 390 | 382 | 383 | 381 | 306 | 361 |
| Murray | 423 | 413 | 403 | 398 | 374 | 390 | 390 | 320 | 380 |
| Muscatine | 439 | 429 | 419 | 414 | 386 | 405 | 384 | 309 | 364 |
| Mystic | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Napier | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Nashua | 485 | 475 | 465 | 460 | 423 | 446 | 418 | 343 | 398 |
| Nashville | 473 | 463 | 453 | 448 | 436 | 435 | 429 | 354 | 409 |
| Neils | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Nemaha | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 352 | 392 |
| Neoga | 481 | 471 | 461 | 456 | 426 | 442 | 429 | 354 | 409 |
| Neola | 485 | 475 | 465 | 460 | 420 | 446 | 415 | 340 | 395 |
| Nepas | 370 | 360 | 350 | 340 | 330 | 329 | 359 | 284 | 339 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Nevada | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| New Albin | 529 | 519 | 509 | 504 | 472 | 486 | 462 | 387 | 442 |
| New Boston | 430 | 420 | 410 | 405 | 378 | 397 | 377 | 302 | 357 |
| Newburg | 419 | 409 | 399 | 394 | 358 | 387 | 359 | 284 | 339 |
| Newell | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Newhall | 454 | 444 | 434 | 429 | 402 | 418 | 399 | 324 | 379 |
| New Hampton | 485 | 475 | 465 | 460 | 436 | 446 | 429 | 354 | 409 |
| New Hartford | 469 | 459 | 449 | 444 | 402 | 432 | 399 | 324 | 379 |
| New Liberty | 465 | 455 | 445 | 440 | 417 | 428 | 412 | 337 | 392 |
| New London | 423 | 413 | 403 | 398 | 362 | 390 | 363 | 288 | 343 |
| New Market | 440 | 430 | 420 | 410 | 430 | 404 | 407 | 337 | 397 |
| Newport | 433 | 423 | 413 | 408 | 378 | 399 | 377 | 302 | 357 |
| New Sharon | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Newton | 419 | 409 | 399 | 394 | 358 | 387 | 359 | 284 | 339 |
| New Virginia | 423 | 413 | 403 | 398 | 366 | 390 | 366 | 291 | 346 |
| Nichols | 436 | 426 | 416 | 411 | 386 | 402 | 384 | 309 | 364 |
| Niles | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Nilesville | 505 | 495 | 485 | 480 | 440 | 464 | 433 | 358 | 413 |
| Nira | 415 | 405 | 395 | 390 | 370 | 383 | 370 | 295 | 350 |
| Nobelton | 423 | 413 | 403 | 398 | 345 | 390 | 348 | 273 | 328 |
| Nodaway | 457 | 447 | 437 | 432 | 411 | 421 | 421 | 351 | 411 |
| Noel | 469 | 459 | 449 | 444 | 426 | 432 | 420 | 345 | 400 |
| Nora Springs | 481 | 471 | 461 | 456 | 417 | 442 | 412 | 337 | 392 |
| Nora Sprgs. Jct | 481 | 471 | 461 | 456 | 417 | 442 | 412 | 337 | 392 |
| Nordness | 493 | 483 | 473 | 468 | 448 | 453 | 440 | 365 | 420 |
| Normal | 477 | 467 | 457 | 452 | 405 | 439 | 402 | 327 | 382 |
| Norris | 473 | 463 | 453 | 448 | 405 | 435 | 402 | 327 | 382 |
| Northboro | 461 | 451 | 441 | 436 | 417 | 424 | 424 | 354 | 414 |
| N. Buena Vista | 505 | 495 | 485 | 480 | 464 | 464 | 455 | 380 | 435 |
| North English | 415 | 405 | 395 | 390 | 366 | 383 | 366 | 291 | 346 |
| North Liberty | 457 | 447 | 437 | 432 | 408 | 421 | 404 | 329 | 384 |
| North Muscatine | 442 | 432 | 422 | 417 | 390 | 407 | 388 | 313 | 368 |
| North Ogden | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Northwestern Gravel Co. Pit | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Northwood | 485 | 475 | 465 | 460 | 423 | 446 | 418 | 343 | 398 |
| Norwalk | 430 | 420 | 410 | 405 | 335 | 397 | 339 | 264 | 319 |
| Norway | 454 | 444 | 434 | 429 | 398 | 418 | 395 | 320 | 375 |
| Norwich | 473 | 463 | 453 | 448 | 432 | 435 | 435 | 365 | 425 |
| Norwoodville | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Nuel | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Numa | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Oakdale | 457 | 447 | 437 | 432 | 405 | 421 | 402 | 327 | 382 |
| Oak Grove | 415 | 405 | 395 | 390 | 345 | 383 | 348 | 273 | 328 |
| Oakland | 477 | 467 | 457 | 452 | 414 | 439 | 410 | 335 | 390 |
| Oakley | 399 | 389 | 379 | 374 | 350 | 369 | 352 | 277 | 332 |
| Oak Springs | 517 | 507 | 497 | 492 | 464 | 475 | 455 | 380 | 435 |
| Oakton | 457 | 447 | 437 | 432 | 408 | 421 | 404 | 329 | 384 |
| Oakville | 439 | 429 | 419 | 414 | 386 | 405 | 384 | 309 | 364 |
| Oakwood | 505 | 495 | 485 | 480 | 436 | 464 | 429 | 354 | 409 |
| Oasis | 448 | 438 | 428 | 423 | 398 | 413 | 395 | 320 | 375 |
| Ocheyedan | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Odebolt | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Oelwein | 469 | 459 | 449 | 444 | 420 | 432 | 415 | 340 | 395 |
| Ogden | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Okoboji | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Olaj | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Olds | 419 | 409 | 399 | 394 | 362 | 387 | 363 | 288 | 343 |
| Olin | 461 | 451 | 441 | 436 | 323 | 424 | 418 | 343 | 398 |
| Onawa | 505 | 495 | 485 | 480 | 444 | 464 | 437 | 362 | 427 |
| Oneida | 473 | 463 | 453 | 448 | 436 | 435 | 429 | 354 | 409 |
| Onslow | 465 | 455 | 445 | 440 | 429 | 428 | 423 | 348 | 403 |
| Ontario | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Oralabor | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Oran | 473 | 463 | 453 | 448 | 423 | 435 | 418 | 343 | 398 |
| Orange City | 564 | 554 | 544 | 534 | 474 | 482 | 482 | 377 | 437 |
| Orchard | 493 | 483 | 473 | 468 | 436 | 453 | 429 | 354 | 409 |
| Orient | 445 | 435 | 425 | 420 | 402 | 410 | 399 | 324 | 379 |
| Orillia | 430 | 420 | 410 | 405 | 330 | 397 | 334 | 259 | 314 |
| Orson | 497 | 487 | 477 | 472 | 452 | 457 | 444 | 369 | 424 |
| Ortonville | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Osage | 493 | 483 | 473 | 468 | 436 | 453 | 429 | 354 | 409 |
| Osborne | 505 | 495 | 485 | 480 | 448 | 464 | 440 | 365 | 420 |
| Osceola | 415 | 405 | 395 | 390 | 366 | 383 | 383 | 313 | 373 |
| Osgood | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Oskaloosa | 370 | 360 | 350 | 340 | 330 | 329 | 348 | 273 | 328 |
| Ossian | 493 | 483 | 473 | 468 | 444 | 453 | 437 | 362 | 417 |
| Osterdock | 509 | 499 | 489 | 484 | 460 | 468 | 451 | 376 | 431 |
| Otho | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Otley | 403 | 393 | 383 | 378 | 362 | 372 | 363 | 288 | 343 |
| Oto | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Otranto | 485 | 475 | 465 | 460 | 426 | 446 | 420 | 345 | 400 |
| Ottosen | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Ottumwa | 363 | 353 | 343 | 338 | 330 | 335 | 335 | 265 | 325 |
| Owasa | 402 | 392 | 382 | 372 | 412 | 426 | 426 | 321 | 381 |
| Oswego | 505 | 495 | 485 | 480 | 444 | 464 | 437 | 362 | 417 |
| Oxford | 448 | 438 | 428 | 423 | 394 | 413 | 392 | 317 | 372 |
| Oxford Jct | 465 | 455 | 445 | 440 | 429 | 428 | 423 | 348 | 403 |
| Oyens | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Pacific Jct | 477 | 467 | 457 | 452 | 436 | 439 | 439 | 369 | 429 |
| Packard | 485 | 475 | 465 | 460 | 420 | 446 | 415 | 340 | 395 |
| Packwood | 399 | 389 | 379 | 374 | 354 | 369 | 356 | 281 | 336 |
| Page Centre | 440 | 430 | 420 | 410 | 430 | 404 | 415 | 345 | 405 |
| Palmer | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Palm Grove | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Palo | 451 | 441 | 431 | 426 | 411 | 415 | 407 | 332 | 387 |
| Palsville | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Panama | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Panora | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Paralta | 454 | 444 | 434 | 429 | 411 | 418 | 407 | 332 | 387 |
| Paris | 360 | 350 | 340 | 335 | 366 | 334 | 334 | 264 | 324 |
| Parkersburg | 465 | 455 | 445 | 440 | 398 | 428 | 395 | 320 | 375 |
| Parnell | 419 | 409 | 399 | 394 | 370 | 387 | 370 | 295 | 350 |
| Paton | 474 | 464 | 454 | 444 | 384 | 401 | 401 | 296 | 356 |
| Patterson | 439 | 429 | 419 | 414 | 358 | 405 | 359 | 284 | 339 |
| Paullina | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Payne | 481 | 471 | 461 | 456 | 440 | 442 | 442 | 372 | 432 |
| Pekay | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Pekin | 395 | 385 | 375 | 370 | 350 | 365 | 352 | 277 | 332 |
| Pella | 399 | 389 | 379 | 374 | 366 | 369 | 366 | 291 | 346 |
| Peosta | 481 | 471 | 461 | 456 | 444 | 442 | 437 | 362 | 417 |
| Percival | 485 | 475 | 465 | 460 | 444 | 446 | 446 | 376 | 436 |
| Percy | 403 | 393 | 383 | 378 | 350 | 372 | 352 | 277 | 332 |
| Perkins | 580 | 570 | 560 | 550 | 490 | 496 | 496 | 391 | 451 |
| Perlee | 403 | 393 | 383 | 378 | 340 | 372 | 343 | 268 | 323 |
| Perry | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 434 |
| Persia | 489 | 479 | 469 | 464 | 423 | 450 | 418 | 343 | 398 |
| Peru | 445 | 435 | 425 | 420 | 345 | 410 | 348 | 273 | 328 |
| Petersburg | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Peterson | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Petersville | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Pickering | 427 | 417 | 407 | 402 | 366 | 394 | 366 | 291 | 346 |
| Pierson | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Pilot Grove | 415 | 405 | 395 | 390 | 358 | 383 | 359 | 284 | 339 |
| Pinney | 448 | 438 | 428 | 423 | 408 | 413 | 404 | 329 | 384 |
| Pioneer | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Piper | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Pisgah | 501 | 491 | 481 | 476 | 448 | 460 | 440 | 365 | 420 |
| Plainfield | 481 | 471 | 461 | 456 | 417 | 442 | 412 | 337 | 392 |
| Plano | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Plato | 451 | 441 | 431 | 426 | 405 | 415 | 402 | 327 | 382 |
| Pleasant Creek | 485 | 475 | 465 | 460 | 444 | 446 | 437 | 362 | 417 |
| Pleasant Prairie | 448 | 438 | 428 | 423 | 402 | 413 | 399 | 324 | 379 |
| Pleasonton | 407 | 397 | 387 | 382 | 386 | 376 | 376 | 306 | 366 |
| Pleasant Valley | 461 | 451 | 441 | 436 | 414 | 424 | 410 | 335 | 390 |
| Pleasantville | 403 | 393 | 383 | 378 | 350 | 372 | 352 | 277 | 332 |
| Plessis | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Plover | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Plum Creek | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Plymouth | 481 | 471 | 461 | 456 | 414 | 442 | 410 | 335 | 390 |
| Plymouth Jct | 481 | 471 | 461 | 456 | 414 | 442 | 410 | 335 | 390 |
| Pocahontas | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Polk City | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Pomeroy | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Popejoy | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Portland | 477 | 467 | 457 | 452 | 411 | 439 | 407 | 332 | 387 |
| Portsmouth | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Poston | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Postville | 489 | 479 | 469 | 464 | 444 | 450 | 437 | 362 | 417 |
| Potter | 430 | 420 | 410 | 405 | 370 | 397 | 370 | 295 | 350 |
| Potters Siding | 481 | 471 | 461 | 456 | 423 | 442 | 418 | 343 | 398 |
| Prairie City | 415 | 405 | 395 | 390 | 350 | 383 | 352 | 277 | 332 |
| Preparation | 501 | 491 | 481 | 476 | 448 | 460 | 440 | 365 | 420 |
| Prescott | 445 | 435 | 425 | 420 | 402 | 410 | 410 | 340 | 400 |
| Preston | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Primghar | 552 | 542 | 532 | 522 | 462 | 471 | 471 | 366 | 426 |
| Princeton | 465 | 455 | 445 | 440 | 420 | 428 | 415 | 340 | 395 |
| Prole | 433 | 423 | 413 | 408 | 345 | 399 | 348 | 273 | 328 |
| Promise City | 355 | 345 | 335 | 330 | 330 | 329 | 329 | 359 | 319 |
| Pulaski | 379 | 369 | 359 | 354 | 354 | 351 | 356 | 281 | 336 |
| Purdy | 370 | 360 | 350 | 340 | 330 | 329 | 363 | 288 | 343 |
| Quarry | 436 | 426 | 416 | 411 | 370 | 402 | 370 | 295 | 350 |
| Quimby | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Racine | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Radcliffe | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Radcliffe King | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Radium | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| Rainbow | 445 | 435 | 425 | 420 | 394 | 410 | 392 | 317 | 272 |
| Rake | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Raleigh | 552 | 542 | 532 | 522 | 462 | 471 | 471 | 366 | 426 |
| Ralston | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Randalia | 477 | 467 | 457 | 452 | 426 | 439 | 420 | 345 | 400 |
| Randall | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Randolph | 473 | 463 | 453 | 448 | 432 | 435 | 435 | 365 | 425 |
| Rands | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Rathbun | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Raymond | 477 | 467 | 457 | 452 | 408 | 439 | 404 | 329 | 384 |
| Readlyn | 477 | 467 | 457 | 452 | 429 | 439 | 423 | 348 | 403 |
| Rector | 370 | 360 | 350 | 340 | 330 | 329 | 352 | 277 | 332 |
| Redding | 433 | 423 | 413 | 408 | 411 | 399 | 399 | 329 | 389 |
| Redfield | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Red Oak | 465 | 455 | 445 | 440 | 417 | 428 | 428 | 358 | 418 |
| Reeve | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Reinbeck | 448 | 438 | 428 | 423 | 390 | 413 | 388 | 313 | 368 |
| Reinecker | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Rembrandt | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Remsen | 552 | 542 | 532 | 522 | 462 | 471 | 471 | 366 | 426 |
| Renwick | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Rhodes | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Riceville | 493 | 483 | 473 | 468 | 448 | 453 | 440 | 365 | 420 |
| Richards | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Richland | 399 | 389 | 379 | 374 | 354 | 369 | 356 | 281 | 336 |
| Ricketts | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Rider | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Ridgeway | 509 | 499 | 489 | 484 | 452 | 468 | 444 | 369 | 424 |
| Riggs | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Rinard | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 306 |
| Ringsted | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Rippey | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 239 |
| Ritter | 560 | 550 | 540 | 530 | 470 | 478 | 484 | 373 | 433 |
| River Jct | 433 | 423 | 413 | 408 | 390 | 394 | 388 | 313 | 368 |
| Riverside | 430 | 420 | 410 | 405 | 386 | 397 | 381 | 309 | 364 |
| River Sioux | 497 | 487 | 477 | 472 | 448 | 457 | 440 | 365 | 420 |
| Riverton | 477 | 467 | 457 | 452 | 436 | 439 | 439 | 369 | 429 |
| Roberts | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Robertson | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Robins | 448 | 438 | 428 | 423 | 408 | 413 | 404 | 329 | 384 |
| Rock Falls | 485 | 475 | 465 | 460 | 420 | 446 | 415 | 340 | 395 |
| Rockford | 489 | 479 | 469 | 464 | 429 | 450 | 423 | 348 | 403 |
| Rock Rapids | 568 | 558 | 548 | 538 | 478 | 485 | 485 | 380 | 440 |
| Rock Valley | 568 | 558 | 548 | 538 | 478 | 485 | 485 | 380 | 440 |
| Rockwell | 473 | 463 | 453 | 448 | 374 | 435 | 374 | 299 | 354 |
| Rockwell City | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Rodman | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Rodney | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Roelyn | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Rogers | 454 | 444 | 434 | 429 | 414 | 418 | 410 | 335 | 390 |
| Roland | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Rolfe | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Rome | 407 | 397 | 387 | 382 | 350 | 376 | 352 | 277 | 332 |
| Roscoe | 436 | 426 | 416 | 411 | 386 | 402 | 384 | 309 | 364 |
| Rosebrook | 355 | 345 | 335 | 330 | 330 | 329 | 329 | 259 | 319 |
| Rose Hill | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Ross | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Rossie | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Rossville | 521 | 511 | 501 | 496 | 468 | 478 | 458 | 383 | 438 |
| Rowen | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Rowley | 461 | 451 | 441 | 436 | 423 | 421 | 418 | 343 | 398 |
| Royal | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| Rubio | 403 | 393 | 383 | 378 | 358 | 372 | 359 | 284 | 339 |
| Rudd | 481 | 471 | 461 | 456 | 420 | 442 | 415 | 340 | 395 |
| Runnells | 411 | 401 | 391 | 386 | 340 | 379 | 343 | 268 | 323 |
| Russell | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Rust | 481 | 471 | 461 | 456 | 414 | 442 | 410 | 335 | 390 |
| Ruthven | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Rutland | 518 | 508 | 498 | 488 | 428 | 440 | 440 | 335 | 395 |
| Rutledge | 379 | 369 | 359 | 354 | 335 | 351 | 339 | 264 | 319 |
| Ryan | 461 | 451 | 441 | 436 | 426 | 424 | 420 | 345 | 400 |
| Sabula | 477 | 467 | 457 | 452 | 436 | 439 | 429 | 354 | 409 |
| Sac City | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Sacton | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| St. Ansgar | 497 | 487 | 477 | 472 | 440 | 457 | 433 | 358 | 413 |
| St. Anthony | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| St. Benedict | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| St. Charles | 436 | 426 | 416 | 411 | 354 | 402 | 356 | 281 | 336 |
| St. Mary's | 439 | 429 | 419 | 414 | 350 | 405 | 352 | 277 | 332 |
| St. Olaf | 513 | 503 | 493 | 488 | 460 | 471 | 451 | 376 | 431 |
| Salem | 419 | 409 | 399 | 394 | 358 | 387 | 359 | 284 | 339 |
| Salix | 513 | 503 | 493 | 488 | 460 | 471 | 451 | 376 | 431 |
| Sanborn | 552 | 542 | 532 | 522 | 462 | 471 | 471 | 366 | 426 |
| Sand Prairie | 415 | 405 | 395 | 390 | 362 | 383 | 363 | 288 | 343 |
| Sand Springs | 469 | 259 | 449 | 444 | 429 | 432 | 423 | 348 | 403 |
| Sandusky | 427 | 417 | 407 | 402 | 374 | 394 | 374 | 299 | 354 |
| Santiago | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Sawyer | 427 | 417 | 407 | 402 | 366 | 394 | 366 | 291 | 346 |
| Saylor | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Scarville | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Schaller | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Schleswig | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Scotch Grove | 469 | 459 | 449 | 444 | 429 | 432 | 423 | 384 | 403 |
| Scranton | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Searsboro | 403 | 393 | 383 | 378 | 340 | 372 | 343 | 268 | 323 |
| Secor | 445 | 435 | 425 | 420 | 382 | 410 | 381 | 306 | 361 |
| Sedan | 355 | 345 | 335 | 330 | 330 | 329 | 329 | 259 | 319 |
| Selection | 370 | 360 | 350 | 340 | 330 | 329 | 329 | 259 | 319 |
| Selma | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Seney | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Sergeant Bluffs | 517 | 507 | 497 | 492 | 456 | 475 | 447 | 372 | 327 |
| Sewall | 365 | 355 | 345 | 340 | 394 | 338 | 338 | 268 | 328 |
| Sexton | 543 | 533 | 523 | 513 | 453 | 463 | 463 | 358 | 418 |
| Seymour | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Shaffton | 465 | 455 | 455 | 440 | 423 | 428 | 418 | 343 | 398 |
| Shambaugh | 440 | 430 | 420 | 410 | 430 | 404 | 415 | 345 | 405 |
| Shannon City | 427 | 417 | 407 | 402 | 370 | 394 | 394 | 324 | 381 |
| Sharpsburg | 433 | 423 | 413 | 408 | 390 | 399 | 399 | 329 | 389 |
| Shaver | 445 | 435 | 425 | 420 | 405 | 410 | 402 | 327 | 382 |
| Sheffield | 469 | 459 | 449 | 444 | 398 | 432 | 395 | 320 | 375 |
| Shehan Siding | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Shelby | 481 | 471 | 461 | 456 | 414 | 442 | 410 | 335 | 390 |
| Sheldahl | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Sheldon | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Shell Rock | 477 | 467 | 457 | 452 | 414 | 439 | 410 | 335 | 390 |
| Shellsburgh | 454 | 444 | 434 | 429 | 414 | 418 | 410 | 335 | 390 |
| Shenandoah | 469 | 459 | 449 | 444 | 429 | 432 | 432 | 362 | 422 |
| Shepard | 436 | 426 | 416 | 411 | 362 | 399 | 399 | 329 | 389 |
| Sherman | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Sherwood | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Shipley | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Shopton | 423 | 413 | 403 | 398 | 374 | 390 | 374 | 299 | 354 |
| Shuler Mine | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Sibley | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Siding A | 505 | 495 | 485 | 480 | 436 | 464 | 429 | 354 | 409 |
| Sidney | 477 | 467 | 457 | 452 | 436 | 439 | 439 | 369 | 429 |
| Sigourney | 399 | 389 | 379 | 374 | 345 | 369 | 348 | 273 | 328 |



*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Silver City | 473 | 463 | 453 | 448 | 440 | 435 | 433 | 358 | 413 |
| Sinclair | 465 | 455 | 445 | 410 | 398 | 428 | 395 | 320 | 375 |
| Sioux Center | 576 | 566 | 556 | 546 | 486 | 492 | 492 | 387 | 447 |
| Sioux City | 528 | 518 | 508 | 494 / 479 | 447 | 464 | 439 | 364 | 424 |
| Sioux Rapids | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| Slater | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Slifer | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Sloan | 513 | 503 | 493 | 488 | 452 | 471 | 444 | 369 | 424 |
| Smithland | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Smith's Siding | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Snodgrass | 379 | 369 | 359 | 354 | 354 | 351 | 356 | 281 | 336 |
| Sny Magill | 513 | 503 | 493 | 489 | 460 | 471 | 451 | 376 | 431 |
| Solberg | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Soldier | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Solomon | 477 | 467 | 457 | 452 | 440 | 439 | 439 | 369 | 429 |
| Solon | 454 | 444 | 434 | 429 | 405 | 418 | 402 | 327 | 382 |
| Somers | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| South Amana | 430 | 420 | 410 | 405 | 382 | 397 | 381 | 306 | 361 |
| South English | 411 | 401 | 391 | 386 | 366 | 379 | 366 | 291 | 346 |
| South Ottumwa | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Spaulding | 442 | 432 | 422 | 417 | 398 | 407 | 395 | 320 | 375 |
| Specht's Ferry | 501 | 491 | 481 | 476 | 460 | 460 | 451 | 376 | 431 |
| Spencer | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Sperry | 439 | 429 | 419 | 414 | 382 | 405 | 381 | 306 | 361 |
| Sprit Lake | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Spragueville | 477 | 467 | 457 | 452 | 444 | 439 | 437 | 362 | 417 |
| Spring Fountain | 477 | 467 | 457 | 452 | 429 | 439 | 423 | 348 | 403 |
| Spring Grove | 430 | 420 | 410 | 405 | 382 | 397 | 381 | 306 | 361 |
| Springhill | 430 | 420 | 410 | 405 | 350 | 397 | 352 | 277 | 332 |
| Springville | 454 | 444 | 434 | 429 | 414 | 418 | 410 | 335 | 390 |
| Stacyville | 505 | 495 | 485 | 480 | 444 | 464 | 437 | 362 | 417 |
| Stanhope | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Stanley | 473 | 463 | 453 | 448 | 423 | 435 | 418 | 343 | 398 |
| Stanton | 461 | 451 | 441 | 436 | 420 | 424 | 424 | 354 | 414 |
| Stanwood | 461 | 451 | 441 | 436 | 423 | 424 | 418 | 343 | 398 |
| State Center | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Steamboat Rock | 451 | 441 | 431 | 426 | 386 | 415 | 384 | 309 | 364 |
| Stennett | 465 | 455 | 445 | 440 | 414 | 428 | 410 | 335 | 390 |
| Steuben | 370 | 360 | 350 | 345 | 345 | 343 | 348 | 273 | 328 |
| Stevens | 556 | 546 | 536 | 526 | 466 | 574 | 574 | 369 | 429 |
| Stilson | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Stockport | 403 | 393 | 383 | 378 | 340 | 372 | 343 | 268 | 323 |
| Stockton | 454 | 444 | 434 | 429 | 405 | 418 | 402 | 327 | 382 |
| Stone City | 457 | 447 | 437 | 432 | 417 | 421 | 412 | 337 | 392 |
| Stonega | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Storm Lake | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Story City | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Stout | 477 | 467 | 457 | 452 | 420 | 439 | 415 | 340 | 395 |
| Stowe's Ranch | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Strahan | 473 | 463 | 453 | 448 | 440 | 435 | 435 | 365 | 425 |
| Stratford | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Strawberry Point | 481 | 471 | 461 | 456 | 448 | 442 | 440 | 365 | 420 |
| Struble | 572 | 562 | 552 | 542 | 482 | 489 | 489 | 384 | 444 |
| Stuart | 482 | 472 | 462 | 452 | 392 | 408 | 408 | 303 | 363 |
| Sugar Creek | 419 | 409 | 399 | 394 | 370 | 387 | 370 | 295 | 350 |
| Sully | 407 | 397 | 387 | 382 | 374 | 376 | 374 | 299 | 354 |
| Sulphur Springs | 522 | 512 | 502 | 492 | 432 | 444 | 444 | 339 | 399 |
| Summerset | 427 | 417 | 407 | 402 | 345 | 394 | 348 | 273 | 328 |
| Summit (Fremont County) | 473 | 463 | 453 | 448 | 423 | 435 | 435 | 365 | 425 |
| Summit (Guthrie County) | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Sumner | 477 | 467 | 457 | 452 | 429 | 439 | 423 | 348 | 403 |
| Sunbury | 457 | 447 | 437 | 432 | 411 | 421 | 407 | 332 | 387 |
| Sunshine | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Superior | 556 | 546 | 536 | 526 | 466 | 474 | 474 | 369 | 429 |
| Sutherland | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Swaledale | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Swan | 407 | 397 | 387 | 382 | 345 | 376 | 348 | 273 | 328 |
| Swank | 399 | 389 | 379 | 374 | 354 | 309 | 356 | 281 | 336 |
| Swanwood | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Swea City | 560 | 550 | 540 | 530 | 470 | 478 | 478 | 373 | 433 |
| Sweetland | 442 | 432 | 422 | 417 | 394 | 407 | 392 | 317 | 372 |
| Swisher | 451 | 441 | 431 | 426 | 411 | 415 | 407 | 332 | 387 |
| Taintor | 403 | 393 | 383 | 378 | 366 | 372 | 366 | 291 | 346 |
| Talmage | 436 | 426 | 416 | 411 | 358 | 402 | 359 | 284 | 339 |
| Tama | 433 | 423 | 413 | 408 | 378 | 399 | 377 | 302 | 357 |
| Tara | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Teed's Grove | 477 | 467 | 457 | 452 | 436 | 439 | 429 | 354 | 409 |
| Templeton | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Tennant | 531 | 521 | 511 | 501 | 441 | 452 | 452 | 347 | 407 |
| Terrill | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Thayer | 427 | 417 | 407 | 402 | 378 | 394 | 394 | 324 | 384 |
| The Meadows | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Thompson | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Thor | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Thornburg | 415 | 405 | 395 | 390 | 370 | 383 | 370 | 295 | 350 |
| Thornton | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Thorpe | 477 | 467 | 457 | 452 | 436 | 439 | 429 | 354 | 409 |
| Thrall | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Ticonic | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| Tiffin | 445 | 435 | 425 | 420 | 398 | 410 | 395 | 320 | 375 |
| Tile Works | 461 | 451 | 441 | 436 | 414 | 424 | 410 | 335 | 390 |
| Tilton | 465 | 455 | 445 | 440 | 382 | 428 | 381 | 306 | 361 |
| Tingley | 415 | 405 | 395 | 390 | 382 | 383 | 383 | 313 | 373 |
| Tipton | 461 | 451 | 441 | 436 | 411 | 424 | 407 | 332 | 387 |
| Titonka | 549 | 539 | 529 | 519 | 459 | 468 | 468 | 363 | 423 |
| Titus | 411 | 401 | 391 | 386 | 362 | 379 | 363 | 288 | 343 |
| Toddville | 451 | 441 | 431 | 426 | 411 | 415 | 407 | 332 | 387 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Toeterville | 501 | 491 | 481 | 476 | 444 | 460 | 437 | 362 | 417 |
| Togo | 407 | 397 | 387 | 382 | 386 | 376 | 376 | 306 | 366 |
| Toledo | 445 | 435 | 425 | 420 | 378 | 410 | 377 | 302 | 357 |
| Toronto | 469 | 459 | 449 | 444 | 429 | 432 | 423 | 348 | 403 |
| Tracy | 370 | 360 | 350 | 340 | 330 | 329 | 340 | 265 | 320 |
| Traer | 465 | 455 | 445 | 440 | 402 | 428 | 399 | 324 | 379 |
| Trask | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Tripoli | 481 | 471 | 461 | 456 | 426 | 442 | 420 | 345 | 400 |
| Truesdale | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| Truro | 430 | 420 | 410 | 405 | 358 | 397 | 359 | 284 | 339 |
| Tucker's | 460 | 450 | 440 | 430 | 370 | 388 | 388 | 283 | 343 |
| Turin | 505 | 495 | 485 | 480 | 448 | 464 | 440 | 365 | 320 |
| Turkey River | 505 | 495 | 485 | 480 | 460 | 464 | 451 | 376 | 431 |
| Turner | 419 | 409 | 399 | 394 | 370 | 387 | 370 | 295 | 350 |
| Tuskego | 415 | 405 | 395 | 390 | 390 | 383 | 383 | 313 | 373 |
| Udell | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Vincent | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Vining | 439 | 429 | 419 | 414 | 382 | 405 | 381 | 306 | 361 |
| Vinton | 461 | 451 | 441 | 436 | 414 | 424 | 410 | 335 | 390 |
| Viola | 457 | 447 | 437 | 432 | 414 | 421 | 410 | 335 | 390 |
| Volga City | 501 | 491 | 481 | 476 | 448 | 460 | 440 | 365 | 420 |
| Voorhies | 469 | 459 | 449 | 444 | 408 | 432 | 404 | 329 | 384 |
| Waconia | 448 | 438 | 428 | 23 | 408 | 413 | 404 | 329 | 384 |
| Wadena | 497 | 487 | 477 | 472 | 444 | 457 | 467 | 362 | 417 |
| Wadleigh | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Wagner | 455 | 445 | 435 | 425 | 365 | 384 | 384 | 279 | 339 |
| Walcott | 457 | 447 | 437 | 432 | 408 | 421 | 409 | 329 | 384 |
| Wald | 465 | 455 | 445 | 440 | 426 | 428 | 420 | 345 | 400 |
| Walford | 436 | 426 | 416 | 411 | 394 | 402 | 392 | 317 | 372 |
| Walker | 461 | 451 | 441 | 436 | 420 | 424 | 415 | 340 | 395 |
| Waller | 505 | 495 | 485 | 480 | 440 | 464 | 433 | 358 | 413 |
| Wallingford | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Wall Lake | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Walnut | 473 | 463 | 453 | 448 | 405 | 435 | 402 | 327 | 382 |
| Wapello | 436 | 426 | 416 | 411 | 382 | 402 | 381 | 306 | 361 |
| Wardville | 454 | 444 | 434 | 429 | 414 | 418 | 410 | 335 | 390 |
| Ware | 514 | 504 | 494 | 484 | 424 | 437 | 437 | 332 | 392 |
| Warren | 407 | 397 | 387 | 382 | 358 | 376 | 359 | 284 | 339 |
| Washburn | 469 | 459 | 449 | 444 | 408 | 432 | 404 | 329 | 384 |
| Washington | 415 | 405 | 395 | 390 | 358 | 383 | 359 | 284 | 339 |
| Washta | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Waterloo | 461 | 451 | 441 | 436 | 402 | 424 | 399 | 324 | 379 |
| Waterville | 521 | 511 | 501 | 496 | 464 | 478 | 455 | 380 | 435 |
| Watkins | 457 | 447 | 437 | 432 | 394 | 421 | 392 | 317 | 372 |
| Wauckma | 497 | 487 | 477 | 472 | 444 | 457 | 437 | 362 | 417 |
| Waukee | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Waukon | 525 | 515 | 505 | 500 | 472 | 482 | 462 | 387 | 442 |
| Waukon Jct | 517 | 507 | 497 | 492 | 460 | 475 | 451 | 376 | 431 |
| Waupeton | 501 | 491 | 481 | 476 | 460 | 460 | 451 | 376 | 431 |
| Waverly | 467 | 457 | 447 | 442 | 411 | 439 | 407 | 332 | 387 |
| Wayland | 415 | 405 | 395 | 390 | 358 | 383 | 359 | 284 | 339 |
| Wayside | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| Webb | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 342 | 402 |
| Webster | 407 | 397 | 387 | 382 | 362 | 386 | 363 | 288 | 343 |
| Webster City | 486 | 476 | 466 | 456 | 396 | 411 | 411 | 306 | 366 |
| Weldon | 391 | 381 | 371 | 366 | 370 | 361 | 361 | 291 | 351 |
| Wellman | 419 | 409 | 399 | 394 | 378 | 387 | 377 | 302 | 357 |
| Wellsburg | 461 | 451 | 441 | 436 | 390 | 424 | 388 | 313 | 368 |
| Wellston | 407 | 397 | 387 | 382 | 362 | 376 | 363 | 288 | 343 |
| Welton | 477 | 467 | 457 | 452 | 440 | 439 | 433 | 358 | 413 |
| Wesley | 540 | 530 | 520 | 510 | 450 | 460 | 460 | 355 | 415 |
| West Bend | 528 | 518 | 508 | 498 | 438 | 449 | 449 | 344 | 404 |
| West Branch | 445 | 435 | 425 | 420 | 398 | 410 | 395 | 320 | 375 |
| West Burlington | 433 | 423 | 413 | 408 | 374 | 399 | 374 | 299 | 354 |
| West Charles City | 505 | 495 | 485 | 480 | 440 | 464 | 433 | 358 | 413 |
| Westchester | 419 | 409 | 399 | 394 | 362 | 387 | 363 | 288 | 343 |
| West Clinton | 473 | 463 | 453 | 448 | 426 | 435 | 420 | 345 | 400 |
| Westfield | 584 | 574 | 564 | 554 | 494 | 500 | 500 | 395 | 455 |
| W. Fort Dodge | 490 | 480 | 470 | 460 | 400 | 415 | 415 | 310 | 370 |
| Westgate | 473 | 463 | 453 | 448 | 423 | 435 | 418 | 343 | 398 |
| West Grove | 360 | 350 | 340 | 335 | 358 | 334 | 334 | 264 | 324 |
| W. Keithsburg | 442 | 432 | 422 | 417 | 386 | 407 | 384 | 309 | 364 |
| West Le Mars | 568 | 558 | 548 | 538 | 478 | 485 | 485 | 380 | 440 |
| West Liberty | 442 | 432 | 422 | 417 | 390 | 407 | 388 | 313 | 368 |
| Weston | 485 | 475 | 465 | 460 | 426 | 446 | 420 | 345 | 400 |
| West Point | 423 | 413 | 403 | 398 | 362 | 390 | 363 | 288 | 343 |
| West Side | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| West Union | 481 | 471 | 461 | 456 | 432 | 442 | 426 | 351 | 406 |
| Westview | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Wever | 427 | 417 | 407 | 402 | 378 | 394 | 377 | 302 | 357 |
| What Cheer | 419 | 409 | 399 | 394 | 374 | 387 | 374 | 299 | 354 |
| Wheatland | 469 | 459 | 449 | 444 | 426 | 432 | 420 | 345 | 400 |
| Wheelerwood | 534 | 524 | 514 | 504 | 444 | 455 | 455 | 350 | 410 |
| White Cloud | 473 | 463 | 453 | 448 | 436 | 435 | 435 | 365 | 425 |
| Whiting | 509 | 499 | 489 | 484 | 448 | 468 | 440 | 365 | 420 |
| Whittemore | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Whitten | 448 | 438 | 428 | 423 | 382 | 413 | 381 | 306 | 361 |
| Wick | 436 | 426 | 416 | 411 | 350 | 402 | 352 | 277 | 332 |
| Wieston | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Wightman | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Wilke | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Williams | 498 | 488 | 478 | 468 | 408 | 422 | 422 | 317 | 377 |
| Williamsburg | 423 | 413 | 403 | 398 | 378 | 390 | 377 | 302 | 357 |
| Williamson | 355 | 345 | 335 | 330 | 330 | 329 | 340 | 265 | 320 |
| Willitt | 399 | 389 | 379 | 374 | 358 | 369 | 359 | 284 | 339 |
| Wilton | 448 | 438 | 428 | 423 | 402 | 413 | 399 | 324 | 379 |
| Winfield | 423 | 413 | 403 | 398 | 366 | 390 | 366 | 291 | 346 |
| Winkelmans | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |

*Prices in Cents per Net Ton of 2,000 Pounds*—Continued

| Markets (Iowa) | 6" chunk and larger | Standard lump and furnace | Egg | Small egg | Run of mine | Nut | Domestic stoker | Screenings | Industrial stoker |
|---|---|---|---|---|---|---|---|---|---|
| Winslow | 477 | 467 | 457 | 452 | 408 | 439 | 404 | 329 | 384 |
| Winterset | 442 | 432 | 422 | 417 | 366 | 407 | 386 | 291 | 346 |
| Winthrop | 473 | 463 | 453 | 448 | 423 | 435 | 418 | 343 | 398 |
| Wiota | 465 | 455 | 445 | 440 | 390 | 428 | 388 | 313 | 368 |
| Witmer | 461 | 451 | 441 | 436 | 414 | 424 | 410 | 335 | 390 |
| Woden | 546 | 536 | 526 | 516 | 456 | 465 | 465 | 360 | 420 |
| Wolf | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Woodbine | 493 | 483 | 473 | 468 | 429 | 453 | 423 | 348 | 403 |
| Woodburn | 407 | 397 | 387 | 382 | 358 | 376 | 376 | 306 | 366 |
| Woodward | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Woolson | 403 | 393 | 383 | 378 | 358 | 372 | 359 | 284 | 339 |
| Woolstock | 494 | 484 | 474 | 464 | 404 | 419 | 419 | 314 | 374 |
| Worthington | 469 | 459 | 449 | 444 | 432 | 432 | 426 | 351 | 406 |
| Wright | 370 | 360 | 350 | 340 | 330 | 329 | 334 | 259 | 314 |
| Ulmer | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Underwood | 483 | 473 | 463 | 460 | 423 | 446 | 418 | 343 | 398 |
| Union | 445 | 435 | 425 | 420 | 378 | 407 | 377 | 302 | 357 |
| Unionville | 355 | 345 | 335 | 330 | 345 | 329 | 329 | 259 | 319 |
| University | 454 | 444 | 434 | 429 | 402 | 418 | 399 | 324 | 379 |
| Urbana | 461 | 451 | 441 | 436 | 420 | 424 | 415 | 340 | 395 |
| Urbandale | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| Ute | 525 | 515 | 505 | 495 | 435 | 447 | 447 | 312 | 402 |
| Vail | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Valdora | 509 | 499 | 489 | 484 | 452 | 468 | 444 | 369 | 424 |
| Valeria | 470 | 460 | 450 | 440 | 380 | 397 | 397 | 292 | 352 |
| Valley Jct | 415 | 405 | 395 | 385 | 360 | 379 | 379 | 259 | 319 |
| Van Cleve | 506 | 496 | 486 | 476 | 416 | 429 | 429 | 324 | 384 |
| Van Horne | 451 | 441 | 431 | 426 | 394 | 415 | 392 | 317 | 372 |
| Van Meter | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 288 | 348 |
| Van Wert | 395 | 385 | 375 | 370 | 370 | 365 | 365 | 295 | 355 |
| Varina | 510 | 500 | 490 | 480 | 420 | 433 | 433 | 328 | 388 |
| Ventura | 537 | 527 | 517 | 507 | 447 | 457 | 457 | 352 | 412 |
| Veo | 407 | 397 | 387 | 382 | 354 | 376 | 356 | 281 | 336 |
| Vera | 445 | 435 | 425 | 420 | 402 | 410 | 399 | 324 | 379 |
| Verdi | 411 | 401 | 391 | 386 | 354 | 379 | 356 | 281 | 336 |
| Victor | 430 | 420 | 410 | 405 | 370 | 397 | 370 | 295 | 350 |
| Viele | 419 | 409 | 399 | 394 | 366 | 387 | 366 | 291 | 346 |
| Villisca | 457 | 447 | 437 | 432 | 414 | 421 | 421 | 351 | 411 |
| Wyman | 427 | 417 | 407 | 402 | 370 | 394 | 370 | 295 | 350 |
| Wyoming | 469 | 459 | 449 | 444 | 432 | 432 | 426 | 351 | 406 |
| Yale | 465 | 455 | 445 | 435 | 375 | 393 | 393 | 388 | 448 |
| Yanktown | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |
| Yarmouth | 436 | 426 | 416 | 411 | 382 | 402 | 381 | 306 | 361 |
| Yetter | 502 | 492 | 482 | 472 | 412 | 426 | 426 | 321 | 381 |
| Yorkshire | 489 | 479 | 469 | 464 | 423 | 450 | 418 | 343 | 398 |
| Young | 454 | 444 | 434 | 429 | 408 | 418 | 404 | 329 | 384 |
| Zachary's | 419 | 409 | 399 | 394 | 345 | 387 | 348 | 273 | 328 |
| Zaneta | 469 | 459 | 449 | 444 | 411 | 432 | 407 | 332 | 387 |
| Zearing | 478 | 468 | 458 | 448 | 388 | 404 | 404 | 299 | 359 |
| Zumwalt | 450 | 440 | 430 | 420 | 360 | 379 | 379 | 274 | 334 |

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see Page 2574.*

[F. R. Doc. 37-3484; Filed, December 1, 1937; 12:28 p.m.]

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[Order No. 101]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THIRTEEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a statistical bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district boards having been organized pursuant to Section 4, Part I (a), of the Act, and such district boards having, from cost data submitted by the statistical bureau for their respective districts, determined, pursuant to Order Number 55 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 65 the weighted average of the total costs of the tonnage for Minimum Price Area Three in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several district boards in such minimum price area; each district board in a minimum price area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 81 determined and established the initial classifications of coals of code members within said District Number Thirteen; the District Board for District Number Thirteen having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission having accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number Thirteen, hereinafter referred to; the said District Board Number Thirteen in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number Thirteen or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Thirteen, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Thirteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Thirteen, excluding Van Buren, Warren, and McMinn Counties in Tennessee, and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That any code member or district board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Thirteen to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Boards for the districts within Minimum Price Area Three and to code members within District Number Thirteen, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE NO. 1, DISTRICT NO. 13

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 13, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937".

Effective 12:01 a. m., December 16, 1937.

Issued November 30, 1937.

F. W. MCCULLOUGH, *Secretary.*

DISTRICT NO. 13 (ALABAMA MINES)

PRICE INSTRUCTIONS AND EXCEPTIONS—GENERAL

1. Schedule of prices shown herein, applies f. o. b. transportation facilities at mines on all coal produced by Code Members in district No. 13.

2. All prices are subject to the uniform marketing rules and regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used, the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10¢ per net ton shall be made.

7. *Crushed coal.*—Where any coal is crushed, the minimum price therefor shall be the minimum price established for the original size before crushing, plus 5¢ per net ton.

8. Mines having published freight rate differentials applying against them in connection with other Alabama mines may absorb from minimum prices such differentials not in excess of 25¢ per net ton, except that this permission to absorb differentials does not apply to References 201 to 249, inclusive.

9. *Coking coal, freight exceptions.*—Prices are based on lowest line haul coking-in-transit or lowest line haul furnace raw material rates, whichever properly applies. Mines having lower respective transportation charges, either line haul or switching, must plus their mine prices the amount of their transportation advantage. Mines having higher than such base rates may absorb up to 25 cents per ton of such disadvantage. This applies to Alabama destinations only. There shall be no adjustment of furnace material transportation charges to equalize with coking-in-transit transportation charges.

10. When top sizes of Egg does not exceed 5", the schedule prices for same may be reduced 5¢ per net ton, Reference 250 to 266, inclusive.

11. Reference 255, 4" x 1½", is classified as Nut coal and takes Nut coal prices shown on schedules.

12. Prices for shipment to Columbus or West Point, Georgia may be reduced 25¢ per net ton from the schedule of prices shown for Market Areas 58 and 60 for References 251 to 266, inclusive.

PRICE INSTRUCTIONS AND EXCEPTIONS SIZE GROUPS 4, 5, 6, 7, 8, 9, 10, 11

1. *Market Areas Nos. 93, 94, 97, 98, 113, 114, 115, 116, 117, 118, 119, 123, and 124.*—The price of 1½" x 0" and smaller, Column t–1, may be reduced 30¢ per net ton on References 101 to 124, inclusive.

2. *Market Areas Nos. 95, 98 and 123.*—For shipment into that part of the market areas named above lying in the state of Mississippi on and south of the Columbus & Greenville Railroad and in the state of Louisiana, prices of 1½" x 0" and smaller, Column t–1, may be reduced 30¢ per net ton on References 101 to 166, inclusive.

3. *Market Areas Nos. 58, 60 and 61.*—The price of 1½" x 0" and smaller, Column t–1, and 1½" x ½" and smaller, Column t–7, may be reduced 25¢ per net ton on References 101 to 166, inclusive.

4. *Market Areas Nos. 45, 50, 57 and 63.*—Prices may be reduced 35¢ per net ton on References 101 to 166, inclusive.

5. *Market Areas Nos. 47, 49, 51, 52, 53, 54, 55, 56, 59, 62 and 64.*—Prices may be reduced 20¢ per net ton on References 101 to 166, inclusive.

6. *Market Areas Nos. 42, 43, 44, 48, 65, 91 and 92.*—Prices may be reduced 40¢ per net ton on References 101 to 166, inclusive.

7. *Market Area No. 46.*—Prices may be reduced 40¢ per net ton on References 101 to 166, inclusive.

8. *Market Areas Nos. 35, 83, 84, 85, 86, 87, 88, 89 and 90.*—Price of 1½" x 0" and smaller, Column t–1, may be reduced 30¢ per net ton on References 101 to 124, inclusive.

9. *Market Areas Nos. 76, 77, 79 and 80.—Prices may be* reduced 10¢ per net ton on References 101 to 166, inclusive.

10. *Market Area No. 69.*—For shipment only to Tuscaloosa, Alabama, within this area, price of 1½" x 0 and smaller, Column t–1, may be reduced 15¢ per net ton, References 101 to 166, inclusive.

11. *Panama City, Florida and East Moss Point, Mississippi.*—For shipment to these two points price of 1½" x 0 and smaller, Column t–1, may be reduced 45¢ per net ton, References 101 to 166, inclusive.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

| Group numbers | Size groups | Group numbers | Size groups |
|---|---|---|---|
| 1 | Lump—No size limitation. | 5 | 3 x 0". |
| 2 | Egg—Maximum top size 6". | 6 | 4 x 0". |
| | | 7 | 5 x 0". |
| 3 | Nut—Maximum top size 3", bottom size 1½" to 1". | 8 | 6 x 0". |
| | | 9 | Mine Run. |
| | | 10 | 1½ x ½" and smaller. |
| 4 | 1½ x 0" and smaller. | 11 | 3 x ½" and smaller. |

*Rail-Connected Producers, Alabama Area, Listed Alphabetically According to Companies*

| Reference numbers: Size groups 4, 5, 6, 7, 8, 9, 10, and 11 | Reference numbers: Size groups 1, 2, and 3 | Producing company | Mine | Seam |
|---|---|---|---|---|
| 113 | 202 | Alabama By-Products Corporation | Barney | Mary Lee. |
| 165 | 244 | ....do | Bradford | Black Creek. |
| 119 | 205 | ....do | Colta | Mary Lee. |
| 124 | 215 | ....do | Praco | Mary Lee. |
| 108 | 216 | ....do | Samoset | Mary Lee. |
| 112 | 219 | Alabama Fuel & Iron Company | Acmar | Henry Ellen. |
| 152 | 258 | ....do | Acton | Helena. |
| 130 | 239 | ....do | Brookston | Harkness. |
| 133 | 242 | ....do | Margaret | Harkness. |
| 164 | 263 | Alta Coal Company | Summit | Black Creek. |
| 129 | 250 | Bessemer Coal, Iron & Land Company | Belle Ellen #5 | Woodstock. |
| 166 | 247 | Black Creek Coal & Coke Company | Thermal | Black Creek. |
| 146 | 209 | Black Diamond Coal Mining Company | Johns | Blue Creek. |
| 126 | 260 | Blocton Cahaba Coal Company | Coleanor | Thompson. |
| 147 | 252 | Blocton Mining Company | Klondyke | Woodstock. |
| 160 | 259 | Brilliant Coal Company | Brilliant | Black Creek. |
| 103 | 204 | ....do | Calumet | Mary Lee. |
| 153 | 228 | Brookside-Pratt Mining Company | Blossburg "E" | Pratt. |
| 157 | 234 | ....do | Lindbergh | Pratt. |
| 162 | 261 | ....do | New River | Black Creek. |
| 110 | 226 | ....do | Warrior River | Mary Lee. |
| 105 | 201 | Cane Creek Coal Mining Company | Bankhead | Mary Lee. |
| 143 | 237 | Colonial Coal & Coke Company | Pratt Slope #1 | Pratt. |
| 159 | 243 | Crane, W. H. | Beltona | Black Creek. |
| 131 | 241 | DeBardeleben Coal Corporation | Corona #11 | Corona. |
| 163 | 262 | ....do | Empire | Black Creek. |
| 115 | 208 | ....do | Hull | Mary Lee. |
| 116 | 225 | ....do | Townley | Jagger. |
| 150 | 253 | Deepwater Black Creek Coal Company | Deepwater #7 | Black Creek. |
| 137 | 229 | East Pratt Coal Company | Cliff | Pratt. |
| 123 | 213 | Franklin Coal Mining Company | Powhatan | Mary Lee. |
| 104 | 221 | Galloway Coal Company | Holly Grove | Jagger. |
| 107 | 224 | ....do | Mill Creek | Mary Lee. |
| 122 | 210 | Hammond Iron Company | Labuco | Mary Lee. |
| 145 | 256 | Hills Creek Coal Company | Hills Creek | Woodstock. |
| 106 | 223 | Kershaw Mining Company | Kershaw | Mary Lee. |
| 156 | 246 | Lehigh Coal Company | Lehigh | Black Creek. |
| 128 | 264 | Little Cahaba Coal Company | Piper | Thompson. |
| 132 | 265 | Little Gem Coal Company | Dogwood | Montevallo. |
| 135 | 266 | Montevallo Coal Mining Company | Montevallo | Montevallo. |
| 161 | 245 | Moss & McCormack | Carbon | Black Creek. |
| 114 | 222 | ....do | Howard | Jagger. |
| 151 | 254 | Nauvoo Black Creek Coal Company | Radiant | Black Creek. |
| 118 | 212 | Newcastle Coal Company | Newcastle #2 | Newcastle. |
| 136 | 249 | Paramount Coal Company | Paramount #4 | Helena. |
| 148 | 227 | Porter Coal Company | Porter | Mary Lee. |
| 149 | 248 | Red Diamond Mining Company | Red Diamond | Acmar-Middle Bench. |
| 158 | 235 | Republic-Pratt Coal Company | Warner | Pratt. |
| 109 | 217 | Republic Steel Company | Sayreton | Mary Lee. |
| 134 | 257 | Roden Coal Company | Marvel | Clark. |
| 120 | 206 | Sloss-Sheffield Steel & Iron Co. | Flat Top | Mary Lee. |
| 117 | 211 | ....do | Lewisburg | Mary Lee. |
| 155 | 255 | Southern Coal & Coke Company | Boothton | Clark & Gholson. |
| 101 | 203 | Stephenson Brick Company | Stephenson | America. |
| 102 | 218 | Stith Coal Company | Aldridge Shaft | Mary Lee. |
| 138 | 231 | Sunlight Coal Company | Sunlight | Jefferson. |
| 139 | 231 | Tennessee Coal, Iron & RR Co. | Docena | Pratt. |
| 141 | 233 | ....do | Edgewater | Pratt-America. |
| 121 | 267 | ....do | Hamilton | Mary Lee. |
| 144 | 238 | ....do | Wylam #8 | Pratt-America. |
| 140 | 232 | Woodward Iron Company | Dolomite | Pratt. |
| 142 | 236 | ....do | Mulga | Pratt. |



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into the Market Areas Shown Below for Size Groups 1, 2 and 3*

| Market areas | 93–97, 113, 114, 115, 116, 117, 118, 119 | | | 94–98, 123, 124 | | | 69 95, 96 | | | 81 | | | 48–71, 72, 73–75–78 | | | 74 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| Reference | a–1 | a–2 | a–3 | b–1 | b–2 | b–3 | c–1 | c–2 | c–3 | d–1 | d–2 | d–3 | e–1 | e–2 | e–3 | f–1 | f–2 | f–3 |
| MINE | | | | | | | | | | | | | | | | | | |
| 201. Bankhead | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 202. Barney | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 203. Stephenson | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 204. Calumet | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 205. Colta | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 206. Flat Top | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 207. Hamilton | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 208. Hull | 250 | 250 | 250 | 270 | 270 | 270 | 280 | 280 | 280 | 280 | 280 | 280 | 260 | 260 | 260 | 260 | 260 | 260 |
| 209. Johns | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 210. Labuco | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 211. Lewisburg | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 212. Newcastle #2 | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 213. Powhatan | | | | | | | | | | | | | | | | | | |
| 214. | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 215. Praco | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 216. Samoset | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 217. Sayreton | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 218. Aldridge Shaft | 235 | 235 | 235 | 255 | 255 | 255 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 219. Acmar | 240 | 240 | 235 | 260 | 260 | 255 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 220. | | | | | | | | | | | | | | | | | | |
| 221. Holly Grove | 240 | 240 | 235 | 260 | 260 | 255 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 222. Howard | 240 | 240 | 235 | 260 | 260 | 255 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 223. Kershaw | 240 | 240 | 235 | 260 | 260 | 255 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 224. Mill Creek | 240 | 240 | 235 | 260 | 260 | 255 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 225. Townley | 240 | 240 | 235 | 260 | 260 | 255 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 226. Warrior River | 250 | 250 | 250 | 270 | 270 | 270 | 280 | 280 | 280 | 280 | 280 | 280 | 260 | 260 | 260 | 260 | 260 | 260 |
| 227. Porter | 2 0 | 260 | 260 | 280 | 280 | 280 | 290 | 290 | 290 | 290 | 90 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 228. Blossburg "E" | 260 | 260 | 260 | 280 | 280 | 280 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | .70 | 270 | 270 | 270 |
| 229. Cliff | | | | | | | | | | | | | | | | | | |
| 230. | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 231. Docena | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 232. Dolomite | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 233. Edgewater | | | | | | | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 234. Lindbergh | 260 | 260 | 260 | 280 | 280 | 280 | 290 | 290 | 2 0 | 290 | 290 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 235. Warner | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 236. Mulga | | | | | | | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 237. Pratt #1 Slope | 260 | 260 | 260 | 280 | 280 | 280 | 290 | 290 | 290 | | | | | | | | | |
| 238. Wylan #8 | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 239. Brookston | 275 | 275 | 260 | 295 | 295 | 280 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 | 285 | 285 | 270 |
| 240. | | | | | | | | | | | | | | | | | | |
| 241. Corona #11 | 275 | 275 | 260 | 295 | 295 | 280 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 | 285 | 285 | 270 |
| 242. Margaret | 275 | 275 | 260 | 295 | 295 | 280 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 | 285 | 285 | 270 |
| 243. Beltona | 280 | 280 | 280 | 300 | 300 | 300 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 244. Bradford | 280 | 280 | 280 | 300 | 300 | 300 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 245. Carbon | 280 | 280 | 280 | 300 | 300 | 300 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 246. Lehigh | 280 | 280 | 280 | 300 | 300 | 300 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 247. Thermal | 305 | 305 | 290 | 325 | 325 | 310 | 335 | 335 | 320 | 335 | 315 | 310 | 315 | 295 | 290 | 315 | 295 | 290 |
| 248. Red Diamond | 305 | 305 | 290 | 325 | 325 | 310 | 335 | 335 | 320 | 335 | 315 | 310 | 315 | 295 | 290 | 315 | 295 | 290 |
| 249. Paramount | 385 | | | 385 | | | 385 | | | | | | | | | | | |
| 250. Belle Ellen #8 | 395 | 395 | 365 | 395 | 395 | 365 | 395 | 395 | 3.65 | 345 | 330 | 305 | 350 | 340 | 310 | 375 | 365 | 335 |
| 251. Sunlight | 390 | | | 390 | | | 390 | | | 340 | | | 345 | | | 370 | | |
| 252. Klondyke | 410 | 410 | 390 | 410 | 410 | 390 | 410 | 410 | 390 | 360 | 350 | 330 | 365 | 355 | 335 | 390 | 380 | 360 |
| 253. Deepwater | 410 | 410 | 390 | 410 | 410 | 390 | 410 | 410 | 390 | 360 | 350 | 330 | 365 | 355 | 335 | 390 | 380 | 360 |
| 254. Radiant | 415 | 415 | 405 | 415 | 415 | 405 | 415 | 415 | 405 | 365 | 355 | 340 | 370 | 360 | 345 | 395 | 385 | 370 |
| 255. Boothton | 415 | 415 | 390 | 415 | 415 | 390 | 415 | 415 | 390 | 365 | 355 | 330 | 370 | 360 | 335 | 395 | 385 | 360 |
| 256. Hills Creek | 415 | 415 | 390 | 415 | 415 | 390 | 415 | 415 | 390 | 365 | 355 | 330 | 370 | 360 | 335 | 395 | 385 | 360 |
| 257. Marvel | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 385 | 345 | 390 | 390 | 350 | 415 | 415 | 375 |
| 258. Acton | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 259. Brilliant | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 445 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 260. Coleanor | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 261. New River | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 262. Empire | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 263. Summit | 450 | 450 | 405 | 450 | 450 | 405 | 450 | 450 | 405 | 400 | 390 | 345 | 405 | 395 | 350 | 430 | 420 | 375 |
| 264. Piper | 485 | 485 | 430 | 485 | 485 | 430 | 485 | 485 | 430 | 435 | 435 | 345 | 440 | 440 | 350 | 465 | 465 | 375 |
| 265. Dogwood | 485 | 485 | 415 | 485 | 485 | 415 | 485 | 485 | 415 | 435 | 435 | 345 | 440 | 440 | 350 | 465 | 465 | 375 |
| 266. Montevallo | | | | | | | | | | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

| Market areas | 70 | | | 58, 60, 67 | | | 68 | | | 66 | | | 61 | | | {42, 43, 44, 45, 47, 47, 49, 50, 52, 54, 55, 57, 59, 62, 63, 64, 65, 91, 92 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| Reference | g–1 | g–2 | g–3 | h–1 | h–2 | h–3 | j–1 | j–2 | j–3 | k–1 | k–2 | k–3 | l–1 | l–2 | l–3 | m–1 | m–2 | m–3 |
| MINE | | | | | | | | | | | | | | | | | | |
| 201. Bankhead | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 202. Barney | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 203. Stephenson | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 204. Calumet | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 246 | 245 |
| 205. Colta | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 246 | 245 |
| 206. Flat Top | | | | | | | | | | | | | | | | | | |
| 207. Hamilton | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 208. Hull | 260 | 260 | 260 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 260 | 260 | 260 |
| 209. Johns | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 210. Labuco | | | | | | | | | | | | | | | | | | |
| 211. Lewisburg | | | | | | | | | | | | | | | | | | |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into the Market Areas Shown Below for Size Groups 1, 2 and 3—Continued*

| Market areas | 70 | | | 58, 60, 67 | | | 68 | | | 66 | | | 61 | | | 42, 43, 44, 45, 46, 47, 49, 50, 52, 54, 55, 57, 59, 62, 63, 64, 65, 91, 92 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| Reference | g-1 | g-2 | g-3 | h-1 | h-2 | h-3 | j-1 | j-2 | j-3 | k-1 | k-2 | k-3 | l-1 | l-2 | l-3 | m-1 | m-2 | m-3 |
| 212. Newcastle #2 | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 213. Powhatan | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 214. | | | | | | | | | | | | | | | | | | |
| 215. Praco | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 216. Samoset | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 217. Sayreton | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 |
| 218. Aldridge Shaft | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 |
| 219. Acmar | | | | | | | | | | | | | | | | | | |
| 220. | | | | | | | | | | | | | | | | | | |
| 221. Holly Grove | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 |
| 222. Howard | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 |
| 223. Kershaw | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 |
| 224. Mill Creek | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 |
| 225. Townley | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 |
| 226. Warrior River | 260 | 260 | 260 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 260 | 260 | 260 |
| 227. Porter | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 |
| 228. Blossburg "E" | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 |
| 229. Clift | | | | | | | | | | | | | | | | | | |
| 230. | | | | | | | | | | | | | | | | | | |
| 231. Docena | | | | | | | | | | | | | | | | | | |
| 232. Dolomite | | | | | | | | | | | | | | | | | | |
| 233. Edgewater | | | | | | | | | | | | | | | | | | |
| 234. Lindbergh | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 |
| 235. Warner | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 |
| 236. Mulga | | | | | | | | | | | | | | | | | | |
| 237. Pratt #1 Slope | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 |
| 238. Wylam #8 | | | | | | | | | | | | | | | | | | |
| 239. Brookston | 285 | 285 | 270 | 305 | 305 | 290 | 305 | 305 | 290 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 |
| 240. | | | | | | | | | | | | | | | | | | |
| 241. Corona #11 | 285 | 285 | 270 | 305 | 305 | 290 | 305 | 305 | 290 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 |
| 242. Margaret | 285 | 285 | 270 | 305 | 305 | 290 | 305 | 305 | 290 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 |
| 243. Beltona | 290 | 290 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 |
| 244. Bradford | 290 | 290 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 |
| 245. Carbon | 290 | 290 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 |
| 246. Lehigh | 290 | 290 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 |
| 247. Thermal | 315 | 295 | 290 | 335 | 315 | 310 | 335 | 315 | 310 | 335 | 315 | 310 | 335 | 315 | 310 | 300 | 300 | 290 |
| 248. Red Diamond | 315 | 295 | 290 | 335 | 315 | 310 | 335 | 315 | 310 | 335 | 315 | 310 | 335 | 315 | 310 | 300 | 300 | 290 |
| 249. Paramount #4 | | | | | | | | | | | | | | | | | | |
| 250. Belle Ellen #5 | 385 | 375 | 345 | 350 | 340 | 310 | 360 | 350 | 320 | 385 | 375 | 345 | 315 | 305 | 275 | 290 | 280 | 260 |
| 251. Sunlight | 380 | | | 345 | | | 355 | | | 380 | | | 310 | | | 285 | | |
| 252. Klondike | 400 | 390 | 370 | 365 | 355 | 335 | 375 | 365 | 345 | 400 | 390 | 370 | 330 | 320 | 300 | 305 | 295 | 275 |
| 253. Deepwater | 400 | 390 | 370 | 365 | 355 | 335 | 375 | 365 | 345 | 400 | 390 | 370 | 330 | 320 | 300 | 305 | 295 | 275 |
| 254. Radiant | 405 | 395 | 380 | 370 | 360 | 345 | 380 | 370 | 355 | 405 | 395 | 380 | 335 | 325 | 310 | 310 | 300 | 275 |
| 255. Boothton | 405 | 395 | 370 | 370 | 360 | 335 | 380 | 370 | 345 | 405 | 395 | 370 | 335 | 325 | 300 | 310 | 300 | 275 |
| 256. Hills Creek | 405 | 395 | 370 | 370 | 360 | 335 | 380 | 370 | 345 | 405 | 395 | 370 | 335 | 325 | 300 | 310 | 300 | 275 |
| 257. Marvel | 425 | 425 | 385 | 390 | 390 | 350 | 400 | 400 | 360 | 425 | 425 | 385 | 355 | 355 | 315 | 330 | 330 | 290 |
| 258. Acton | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 425 | 415 | 385 | 355 | 345 | 315 | 330 | 320 | 290 |
| 259. Brilliant | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 425 | 415 | 385 | 355 | 345 | 315 | 330 | 320 | 290 |
| 260. Coleanor | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 425 | 415 | 385 | 355 | 345 | 315 | 330 | 320 | 290 |
| 261. New River | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 425 | 415 | 385 | 355 | 345 | 315 | 330 | 320 | 290 |
| 262. Empire | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 425 | 415 | 385 | 355 | 345 | 315 | 330 | 320 | 290 |
| 263. Summit | 440 | 430 | 385 | 405 | 395 | 350 | 415 | 405 | 360 | 440 | 430 | 385 | 370 | 360 | 315 | 345 | 335 | 290 |
| 264. Piper | 475 | 475 | 385 | 440 | 440 | 350 | 450 | 450 | 360 | 475 | 475 | 385 | 405 | 405 | 315 | 380 | 380 | 290 |
| 265. Dogwood | 475 | 475 | 385 | 440 | 440 | 350 | 450 | 450 | 360 | 475 | 475 | 385 | 405 | 405 | 315 | 380 | 380 | 290 |
| 266. Montevallo | | | | | | | | | | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

| Market areas | 53-56 | | | 51 | | | 35, 36, 83, 84, 85, 86, 88, 89 | | | 87, 90 | | | 76, 77, 79, 80 | | | 82 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| References | n-1 | n-2 | n-3 | o-1 | o-2 | o-3 | p-1 | p-2 | p-3 | q-1 | q-2 | q-3 | r-1 | r-2 | r-3 | s-1 | s-2 | s-3 |
| MINE | | | | | | | | | | | | | | | | | | |
| 201. Bankhead | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 202. Barney | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 203. Stephenson | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 204. Calumet | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 205. Colta | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 206. Flat Top | | | | | | | | | | | | | | | | | | |
| 207. Hamilton | | | | | | | | | | | | | | | | | | |
| 208. Hull | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 209. Johns | 260 | 260 | 260 | 260 | 260 | 260 | 250 | 250 | 250 | 250 | 250 | 250 | 260 | 260 | 260 | 280 | 280 | 280 |
| 210. Labuco | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 211. Lewisburg | | | | | | | | | | | | | | | | | | |
| 212. Newcastle #2 | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 213. Powhatan | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 245 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 214. | | | | | | | | | | | | | | | | | | |
| 215. Praco | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 216. Samoset | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 217. Sayreton | | | | | | | | | | | | | | | | | | |
| 218. Aldridge Shaft | 245 | 245 | 245 | 245 | 245 | 245 | 235 | 235 | 235 | 235 | 235 | 235 | 245 | 245 | 245 | 265 | 265 | 265 |
| 219. Acmar | 250 | 250 | 245 | 250 | 250 | 245 | 240 | 240 | 235 | 240 | 240 | 235 | 250 | 250 | 245 | 270 | 270 | 265 |
| 220. | | | | | | | | | | | | | | | | | | |



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into the Market Areas Shown Below for Size Groups 1, 2 and 3—Continued*

| Market areas | 53-56 | | | 51 | | | 35, 36, 83, 84, 85, 86, 88, 89 | | | 87, 90 | | | 76, 77, 79, 80 | | | 82 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| References | n-1 | n-2 | n-3 | o-1 | o-2 | o-3 | p-1 | p-2 | p-3 | q-1 | q-2 | q-3 | r-1 | r-2 | r-3 | s-1 | s-2 | s-3 |
| 221. Holly Grove | 250 | 250 | 245 | 240 | 250 | 245 | 240 | 240 | 235 | 240 | 240 | 235 | 250 | 250 | 245 | 270 | 270 | 265 |
| 222. Howard | 250 | 250 | 245 | 250 | 250 | 245 | 240 | 240 | 235 | 240 | 240 | 235 | 250 | 250 | 245 | 270 | 270 | 265 |
| 223. Kershaw | 250 | 250 | 245 | 250 | 250 | 245 | 240 | 240 | 235 | 240 | 240 | 235 | 250 | 250 | 245 | 270 | 270 | 265 |
| 224. Mill Creek | 250 | 250 | 245 | 250 | 250 | 245 | 240 | 240 | 235 | 240 | 240 | 235 | 250 | 250 | 245 | 270 | 270 | 265 |
| 225. Townley | 250 | 250 | 245 | 250 | 250 | 245 | 240 | 240 | 235 | 240 | 240 | 235 | 250 | 250 | 245 | 270 | 270 | 265 |
| 226. Warrior River | 260 | 260 | 260 | 260 | 260 | 260 | 250 | 250 | 250 | 250 | 250 | 250 | 260 | 260 | 260 | 280 | 280 | 280 |
| 227. Porter | 270 | 270 | 270 | 270 | 270 | 270 | 260 | 260 | 260 | 260 | 260 | 260 | 270 | 270 | 270 | 290 | 290 | 290 |
| 228. Blossburg "E" | 270 | 270 | 270 | 270 | 270 | 270 | 260 | 260 | 260 | 260 | 260 | 260 | 270 | 270 | 270 | 290 | 290 | 290 |
| 229. Clift | | | | | | | | | | | | | | | | | | |
| 230. | | | | | | | | | | | | | | | | | | |
| 231. Docena | | | | | | | | | | | | | | | | | | |
| 232. Dolomite | | | | | | | | | | | | | | | | | | |
| 233. Edgewater | | | | | | | | | | | | | | | | | | |
| 234. Lindbergh | 270 | 270 | 270 | 270 | 270 | 270 | 260 | 260 | 260 | 260 | 260 | 260 | 270 | 270 | 270 | 290 | 290 | 290 |
| 235. Warner | 270 | 270 | 270 | 270 | 270 | 270 | 260 | 260 | 260 | 260 | 260 | 260 | 270 | 270 | 270 | 290 | 290 | 290 |
| 236. Mulga | | | | | | | | | | | | | | | | | | |
| 237. Pratt #1 Slope | 270 | 270 | 270 | 270 | 270 | 270 | 260 | 260 | 260 | 260 | 260 | 260 | 270 | 270 | 270 | 290 | 290 | 290 |
| 238. Wylam #8 | | | | | | | | | | | | | | | | | | |
| 239. Brookston | 285 | 285 | 270 | 285 | 285 | 270 | 275 | 275 | 260 | 275 | 275 | 260 | 285 | 285 | 270 | 305 | 305 | 290 |
| 240. | | | | | | | | | | | | | | | | | | |
| 241. Corona #11 | 285 | 285 | 270 | 285 | 285 | 270 | 275 | 275 | 260 | 275 | 275 | 260 | 285 | 285 | 270 | 305 | 305 | 290 |
| 242. Margaret | 285 | 285 | 270 | 285 | 285 | 270 | 275 | 275 | 260 | 275 | 275 | 260 | 285 | 285 | 270 | 305 | 305 | 290 |
| 243. Beltona | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 280 | 280 | 280 | 290 | 290 | 290 | 310 | 310 | 310 |
| 244. Bradford | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 280 | 280 | 280 | 290 | 290 | 290 | 310 | 310 | 310 |
| 245. Carbon | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 280 | 280 | 280 | 290 | 290 | 290 | 310 | 310 | 310 |
| 246. Lehigh | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 280 | 280 | 290 | 290 | 290 | 290 | 310 | 310 | 310 |
| 247. Thermal | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 280 | 280 | 280 | 290 | 290 | 290 | 310 | 310 | 310 |
| 248. Red Diamond | 300 | 300 | 290 | 300 | 300 | 290 | 290 | 290 | 280 | 290 | 290 | 280 | 300 | 300 | 290 | 335 | 335 | 320 |
| 249. Paramount #4 | 300 | 300 | 290 | 300 | 300 | 290 | 290 | 290 | 280 | 290 | 290 | 280 | 300 | 300 | 290 | 335 | 335 | 320 |
| 250. Belle Ellen #5 | | | | | | | | | | | | | | | | | | |
| 251. Sunlight | 295 | 285 | 265 | 300 | 290 | 270 | 320 | 310 | 290 | 290 | 280 | 260 | 315 | 305 | 285 | 375 | 365 | 335 |
| 252. Klondike | 290 | | | 295 | | | 315 | | | 285 | | | 310 | | | 370 | | |
| 253. Deepwater | 310 | 300 | 280 | 315 | 305 | 285 | 335 | 325 | 305 | 305 | 295 | 275 | 330 | 320 | 300 | 390 | 380 | 360 |
| 254. Radiant | 310 | 300 | 280 | 315 | 305 | 285 | 335 | 325 | 305 | 305 | 295 | 275 | 330 | 320 | 300 | 390 | 380 | 360 |
| 255. Boothton | 315 | 305 | 280 | 320 | 310 | 285 | 340 | 330 | 305 | 310 | 300 | 275 | 335 | 325 | 300 | 395 | 385 | 360 |
| 256. Hills Creek | 315 | 305 | 280 | 320 | 310 | 285 | 340 | 330 | 305 | 310 | 300 | 275 | 335 | 325 | 300 | 395 | 385 | 360 |
| 257. Marvel | 315 | 305 | 280 | 320 | 310 | 285 | 340 | 330 | 305 | 310 | 300 | 275 | 335 | 325 | 300 | 395 | 385 | 360 |
| 258. Acton | 335 | 325 | 295 | 340 | 330 | 300 | 360 | 350 | 320 | 330 | 320 | 290 | 355 | 345 | 315 | 415 | 405 | 375 |
| 259. Brilliant | 335 | 325 | 295 | 340 | 330 | 300 | 360 | 350 | 320 | 330 | 320 | 290 | 355 | 345 | 315 | 415 | 405 | 375 |
| 260. Coleanor | 335 | 325 | 295 | 340 | 330 | 300 | 360 | 350 | 320 | 330 | 320 | 290 | 355 | 345 | 315 | 415 | 405 | 375 |
| 261. New River | 335 | 325 | 295 | 340 | 330 | 300 | 360 | 350 | 320 | 330 | 320 | 290 | 355 | 345 | 315 | 415 | 405 | 375 |
| 262. Empire | 335 | 325 | 295 | 340 | 330 | 300 | 360 | 350 | 320 | 330 | 320 | 290 | 355 | 345 | 315 | 415 | 405 | 375 |
| 263. Summit | 335 | 325 | 295 | 340 | 330 | 300 | 360 | 350 | 320 | 330 | 320 | 290 | 355 | 345 | 315 | 415 | 405 | 375 |
| 264. Piper | 350 | 340 | 295 | 355 | 345 | 300 | 375 | 365 | 320 | 345 | 335 | 290 | 370 | 360 | 315 | 430 | 420 | 375 |
| 265. Dogwood | 385 | 385 | 295 | 390 | 390 | 300 | 410 | 410 | 320 | 380 | 380 | 290 | 405 | 405 | 315 | 465 | 465 | 375 |
| 266. Montevallo | 385 | 385 | 295 | 390 | 390 | 300 | 410 | 410 | 320 | 380 | 380 | 290 | 405 | 405 | 315 | 465 | 465 | 375 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas for Size Groups as Shown Below*

WASHED, EXCEPT AS NOTED

| | Size group numbers | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| Reference | t-1 | t-2 | t-3 | t-4 | t-5 | t-6 | t-7 | t-8 |
| MINE | | | | | | | | |
| 101. Stephenson | x210 | x220 | x225 | x225 | x225 | x225 | | |
| 102. Aldridge Shaft | 215 | 230 | 235 | 235 | 235 | 235 | | |
| 103. Calumet | 215 | 230 | 235 | 235 | 235 | 235 | | |
| 104. Holly Grove | 220 | 230 | 235 | 235 | 235 | 235 | | |
| 105. Bankhead | 220 | 230 | 235 | 235 | 235 | 235 | | |
| 106. Kershaw | 220 | 230 | 235 | 235 | 235 | 235 | | 235 |
| 107. Mill Creek | 220 | 230 | 235 | 235 | 235 | 235 | | |
| 108. Samoset | 220 | 230 | 235 | 235 | 235 | 235 | | |
| 109. Sayreton | | | | | | | | |
| 110. Warrior River | 220 | 230 | 235 | 235 | 235 | 235 | | |
| 111. | | | | | | | | |
| 112. Acmar | 225 | 230 | 235 | 235 | 235 | 235 | | |
| 113. Barney | 220 | 230 | 235 | 235 | 235 | 235 | 235 | |
| 114. Howard | 220 | 230 | 235 | 235 | 235 | 235 | | |
| 115. Hull | 220 | | 235 | 235 | 235 | 235 | | |
| 116. Townley | 220 | 230 | 235 | 235 | 235 | 235 | | |
| 117. Lewisburg | 230 | 235 | 240 | 240 | 240 | 240 | | |
| 118. Newcastle | 230 | 235 | 240 | 240 | 240 | 240 | | |
| 119. Colta | 235 | 240 | 245 | 245 | 245 | 245 | | |
| 120. Flat Top | | | | | | | | |
| 121. Hamilton | | | | | | | | |
| 122. Labuco | 235 | 240 | 245 | 245 | 245 | 245 | | |
| 123. Powhatan | 235 | 240 | 245 | 245 | 245 | 245 | | |
| 124. Prnce | 235 | 240 | 245 | 245 | 245 | 245 | | |
| 125. Sunlight | x230 | | | | | | | |
| 126. Coleanor | 245 | 255 | 265 | | | x305 | | 290 |
| 127. | | | | | | | | |
| 128. Piper | 245 | 255 | 270 | | x275 | x305 | 285 | 290 |
| 129. Belle Ellen #5 | x255 | x260 | x260 | | x265 | x270 | | |
| 130. Brookston | 250 | 255 | 260 | 260 | 260 | 260 | | |
| 131. Corona #11 | 250 | 255 | 260 | 260 | 260 | 260 | | |
| 132. Dogwood | 250 | 260 | | | | | | |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas for Size Groups as Shown Below*—Continued

WASHED, EXCEPT AS NOTED—Continued

| Reference | Size group numbers 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|
| | t-1 | t-2 | t-3 | t-4 | t-5 | t-6 | t-7 | t-8 |
| 133. Margaret | 250 | 255 | 260 | 260 | 260 | 260 | | |
| 134. Marvel | 250 | 260 | 270 | | | | 285 | |
| 135. Montevallo | 250 | 260 | | | | | | |
| 136. Paramount #4 | 250 | 260 | | 270 | 270 | 285 | | |
| 137. Clint | | | | | | x265 | | |
| 138. | | | | | | | | |
| 139. Docena | | | | | | | | |
| 140. Dolomite | | | | | | | | |
| 141. Edgewater | | | | | | | | |
| 142. Mulga | | | | | | x265 | | |
| 143. Pratt #1 Slope | | | | | | | | |
| 144. Wylam #8 | 255 | 265 | | | x275 | x290 | | |
| 145. Hills Creek | 250 | 260 | | | | | 265 | 265 |
| 146. Johns | x255 | | | | x275 | x290 | | |
| 147. Klondyke | 250 | 260 | 260 | 260 | 260 | 260 | | |
| 148. Porter | 255 | 265 | 275 | | | | 275 | k285 |
| 149. Red Diamond | 260 | 270 | | | | x290 | 290 | 300 |
| 150. Deepwater #7 | 260 | 270 | | | x275 | x290 | 290 | |
| 151. Radiant | 265 | 275 | | | | | | |
| 152. Acton | ]265 | 270 | 275 | 275 | 275 | ]275 | | |
| 153. Blossburg "E" | | | | | | | | |
| 154. | 265 | 275 | 285 | | | | | n305 |
| 155. Boothton | | | | | | x275 | | |
| 156. Lehigh | ]265 | 270 | 275 | 275 | 275 | ]275 | | |
| 157. Lindbergh | ]265 | ]270 | ]275 | ]275 | ]275 | ]275 | | |
| 158. Warner | x270 | x280 | | | | x275 | | |
| 159. Beltona | 270 | 280 | | | | | | |
| 160. Brilliant | 270 | 280 | | | | 290 | | 305 |
| 161. Carbon | 270 | 280 | | | | | 295 | 305 |
| 162. New River | 275 | 285 | | | | | 295 | |
| 163. Empire | 275 | 285 | | | | | | |
| 164. Summit | 285 | 295 | | | | 300 | | 305 |
| 165. Bradford | 285 | 295 | | | | s 300 | | 305 |
| 166. Thermal | | | | | | | | |

x—Unwashed only.
]—Unwashed 10 cents less.
k—2x¾".
n—4x½".
s—Unwashed 25 cents less

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into the States Shown Below—Special Blacksmith Coals*

| Mine | Ref. | For shipment to points in— | |
|---|---|---|---|
| Bradford | 165 | Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Tennessee, Texas | 4.50 |
| Thermal | 166 | | |
| Boothton | 155 | | |
| Porter | 148 | | |
| Carbon | 161 | Colorado, Kansas, Kentucky, Missouri, North Carolina, South Carolina, Oklahoma | 3.75 |
| Johns | 146 | | |

*Prices in Cents per Net Ton of 2,000 Pounds Applicable to All Coal Moving on Bunker Coal Freight Rates*

| Kind and reference | Size groups 4-8, incl., washed | Mine run size group: Washed | Mine run size group: Unwashed |
|---|---|---|---|
| Black Creek, References 125, 150, 151, 156, 159, and 160 to 166, inclusive | [1] 2.85 | 2.85 | |
| Acton, Reference 152 | 2.85 | | |
| Pratt, References 137, 143, 153, 157, and 158 | 2.75 | 2.75 | 2.70 |
| Cahaba, Boothton, Reference 155 | 2.75 | | |
| Cahaba, Hills Creek, Reference 145 | 2.75 | | |
| Cahaba, References 126, 128, 129, 132, 134, 135, 136, 147, 149 | 2.65 | | |
| Blue Creek, Reference 146 | 2.65 | 2.65 | 2.60 |
| Corona Group, References 131, 130, 133 | 2.65 | | |
| Carbon Hill and Big Seam, References 101 to 124, inclusive, and 148 | 2.45 | | |

[1] References 125, 150, and 151 prices 10 cents per ton less to other than lines buying through foreign agents.

RAILROAD LOCOMOTIVE FUEL (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.40 per net ton of 2,000 lbs. f. o. b. mines.

Lump or any doube screened coal ordered or sold for Locomotive fuel, shall take a minimum price of $2.55 per net ton of 2,000 lbs. f. o. b. mines.

When coal, other than Locomotive fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the Market Area in which the mine is located.

Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five (5¢) cents per net ton.

No commission shall be paid or discount allowed by a Code Member on any coal sold for locomotive fuel purposes.

DISTRICT NO. 13 (TENNESSEE, GEORGIA MINES)

PRICE INSTRUCTIONS AND EXCEPTIONS

1. Schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the district shown on the title page hereof.

2. All prices are subject to the uniform marketing rules and regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used, the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge not less than 10¢ per net ton shall be made.



7. *Crushed coal.*—Where any coal is crushed, the minimum price therefor shall be the minimum price established for the original size before crushing, plus 5¢ per net ton.

8. Washed coal shall be ten cents per ton higher than unwashed coal.

9. Prices shown in size group 7 cover regular 2" x 0 and 1½" x 0 nut and slack. Where mines make a specially prepared 2" nut and slack coal with part of the fines removed, each car of such specially prepared 2" nut and slack coal must contain not less than 40% of slack coal including intermediate coal from washer which will pass through a ¾" screen.

10. Mines having published freight rate differential applying against them in connection with other Southern Tennessee Railroad mines may absorb such differentials provided the maximum absorption does not exceed 35¢ per ton, subject to exception below.

11. *Market Area 83.*—Where the applying freight rate is less than the 1.30 base rate, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢ per net ton.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

| Group Nos. | Size groups | Group Nos. | Size groups |
|---|---|---|---|
| 1 | Lump, bottom size over 2". | 6 | Pea, top size ½"; bottom size ¼" or less. |
| 2 | Lump, bottom size 2" and under. | 7 | 2 x 0", 1¼ x 0". |
| 3 | Egg, bottom size 2" and smaller; top size 5". | 8 | 1¼ x 0", 1 x 0". |
| 4 | Nut, top size 2"; bottom size 1" and smaller. | 9 | ¾ x 0", ½ x 0", ½ x 0". |
| 5 | Chestnut, top size 1¼", bottom size ½" and smaller. | 10 | ½ x 0" and smaller. |
| | | 11 | Straight mine run. |
| | | 12 | 4 x 0", 5 x 0". |

*Mine Index—Listed Alphabetically According to Companies*

| Ref. | Producing company | Mine | Seam |
|---|---|---|---|
| 301 | Battle Creek Coal Company | Battle Creek | Battle Creek. |
| 302 | Durham Land Company | Durham | #4 and #5. |
| 303 | Pikeville Coal Mining Company | College | Sewanee. |
| 304 | Sewanee Fuel & Iron Company | Coalmont | Sewanee. |
| 305 | do | Nlack | Sewanee. |
| 306 | Tennessee Consolidated Coal Co | Palmer | Sewanee. |
| 307 | Whitwell Coal Corporation | Daus | Sewanee. |
| 308 | Whitwell Smokeless Fuel Company | Whitwell | Sewanee. |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 42–43–44–45–46–47–48–49–50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 76, 78, 81, 82, 91, 92*

| Ref. | Price index | Size groups 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 301 | Battle Creek | 280 | 270 | 270 | 210 | 185 | 180 | 160 | 150 | 130 | 125 | 215 | 195 |
| 302 | Durham | | 245 | | | | | 180 | | | | 215 | 195 |
| 303 | College | 245 | 240 | 235 | 205 | 185 | 180 | 165 | 155 | 145 | 140 | 215 | 195 |
| 304 | Coalmont | 245 | 240 | 235 | 205 | 185 | 180 | 170 | 160 | 155 | 150 | 215 | 195 |
| 305 | Nlack | 255 | 245 | 245 | 210 | 185 | 180 | 170 | 160 | 155 | 150 | 215 | 195 |
| 306 | Palmer | 255 | 245 | 245 | 210 | 185 | 180 | 170 | 160 | 155 | 150 | 215 | 195 |
| 307 | Daus | 245 | 240 | 235 | 205 | 185 | 180 | 165 | 155 | 145 | 140 | 215 | 195 |
| 308 | Whitwell | 255 | 245 | 245 | 210 | 185 | 180 | 170 | 160 | 155 | 150 | 215 | 195 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 60 and 61*

| Ref. | Price index | Size groups 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 301 | Battle Creek | 295 | 280 | 280 | 220 | 185 | 210 | 175 | 165 | 145 | 140 | 240 | 220 |
| 302 | Durham | | 255 | | | | | 195 | | | | 240 | 220 |
| 303 | College | 260 | 250 | 245 | 215 | 185 | 210 | 180 | 170 | 160 | 155 | 240 | 220 |
| 304 | Coalmont | 260 | 250 | 245 | 215 | 185 | 210 | 185 | 175 | 170 | 165 | 240 | 220 |
| 305 | Nlack | 270 | 255 | 255 | 220 | 185 | 210 | 185 | 175 | 170 | 165 | 240 | 220 |
| 306 | Palmer | 270 | 255 | 255 | 220 | 185 | 210 | 185 | 175 | 170 | 165 | 240 | 220 |
| 307 | Daus | 260 | 250 | 245 | 215 | 185 | 210 | 180 | 170 | 160 | 155 | 240 | 220 |
| 308 | Whitwell | 270 | 255 | 255 | 220 | 185 | 210 | 185 | 175 | 170 | 165 | 240 | 220 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 72*

| Ref. | Price index | Size groups 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 301 | Battle Creek | 295 | 270 | 270 | 225 | 190 | 185 | 195 | 185 | 165 | 160 | 225 | 205 |
| 302 | Durham | | 245 | | | | | 215 | | | | 225 | 205 |
| 303 | College | 260 | 240 | 235 | 220 | 190 | 185 | 200 | 190 | 180 | 175 | 225 | 205 |
| 304 | Coalmont | 260 | 240 | 235 | 220 | 190 | 185 | 205 | 195 | 190 | 185 | 225 | 205 |
| 305 | Nlack | 270 | 245 | 245 | 225 | 190 | 185 | 205 | 195 | 190 | 185 | 225 | 205 |
| 306 | Palmer | 270 | 245 | 245 | 225 | 190 | 185 | 205 | 195 | 190 | 185 | 225 | 205 |
| 307 | Daus | 260 | 240 | 235 | 220 | 190 | 185 | 200 | 190 | 180 | 175 | 225 | 205 |
| 308 | Whitwell | 270 | 245 | 245 | 225 | 190 | 185 | 205 | 195 | 190 | 185 | 225 | 205 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 73, 74, 75, 77, 79, and 86*

| Ref. | Price index | Size groups 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 301 | Battle Creek | 320 | 310 | 320 | 250 | 215 | 210 | 195 | 185 | 165 | 160 | 225 | 205 |
| 302 | Durham | | 285 | | | | | 215 | | | | 225 | 205 |
| 303 | College | 285 | 280 | 285 | 245 | 215 | 210 | 200 | 190 | 180 | 175 | 225 | 205 |
| 304 | Coalmont | 285 | 280 | 285 | 245 | 215 | 210 | 205 | 195 | 190 | 185 | 225 | 205 |
| 305 | Nlack | 295 | 285 | 295 | 250 | 215 | 210 | 205 | 195 | 190 | 185 | 225 | 205 |
| 306 | Palmer | 295 | 285 | 295 | 250 | 215 | 210 | 205 | 195 | 190 | 185 | 225 | 205 |
| 307 | Daus | 285 | 280 | 285 | 245 | 215 | 210 | 200 | 190 | 180 | 175 | 225 | 205 |
| 308 | Whitwell | 295 | 285 | 295 | 250 | 215 | 210 | 205 | 195 | 190 | 185 | 225 | 205 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 80, 84, 85, 91, and 92*

| Ref. | Price index | Size groups 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 301 | Battle Creek | 345 | 335 | 345 | 265 | 230 | 225 | 215 | 205 | 185 | 180 | 245 | 225 |
| 302 | Durham | | 310 | | | | | 235 | | | | 245 | 225 |
| 303 | College | 310 | 305 | 310 | 260 | 230 | 225 | 220 | 210 | 200 | 195 | 245 | 225 |
| 304 | Coalmont | 310 | 305 | 310 | 260 | 230 | 225 | 225 | 215 | 210 | 205 | 245 | 225 |
| 305 | Nlack | 320 | 310 | 320 | 265 | 230 | 225 | 225 | 215 | 210 | 205 | 245 | 225 |
| 306 | Palmer | 320 | 310 | 320 | 265 | 230 | 225 | 225 | 215 | 210 | 205 | 245 | 225 |
| 307 | Daus | 310 | 305 | 310 | 260 | 230 | 225 | 220 | 210 | 200 | 195 | 245 | 225 |
| 308 | Whitwell | 320 | 310 | 320 | 265 | 230 | 225 | 225 | 215 | 210 | 205 | 245 | 225 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 83*

| Ref. | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 285 | 275 | 275 | 205 | 170 | 165 | 155 | 150 | 125 | 120 | 230 | 200 |
| 302 | Durham | ... | 250 | ... | ... | ... | ... | 175 | ... | ... | ... | 220 | 200 |
| 303 | College | 250 | 245 | 240 | 200 | 170 | 165 | 160 | 155 | 140 | 135 | 230 | 200 |
| 304 | Coalmont | 250 | 245 | 240 | 200 | 170 | 165 | 165 | 160 | 150 | 145 | 200 | 200 |
| 305 | Niack | 260 | 250 | 250 | 205 | 170 | 165 | 165 | 160 | 150 | 145 | 220 | 200 |
| 306 | Palmer | 260 | 250 | 250 | 205 | 170 | 165 | 165 | 160 | 150 | 145 | 220 | 200 |
| 307 | Daus | 250 | 245 | 240 | 200 | 170 | 165 | 160 | 155 | 140 | 135 | 220 | 200 |
| 308 | Whitwell | 260 | 250 | 250 | 205 | 170 | 165 | 165 | 160 | 150 | 145 | 230 | 200 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 87, 88, 35, 36, 89, 90, 93, 94, 95, 96, 97, 98, 118, 119, and 123*

| Ref. | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 295 | 285 | 285 | 195 | 155 | 150 | 145 | 135 | 105 | 85 | 220 | 200 |
| 302 | Durham | ... | 260 | ... | ... | ... | ... | 165 | ... | ... | ... | 220 | 200 |
| 303 | College | 260 | 255 | 250 | 190 | 155 | 150 | 150 | 140 | 120 | 100 | 220 | 200 |
| 304 | Coalmont | 260 | 255 | 250 | 190 | 155 | 150 | 155 | 145 | 130 | 110 | 220 | 200 |
| 305 | Niack | 270 | 260 | 260 | 195 | 155 | 150 | 155 | 145 | 130 | 110 | 220 | 200 |
| 306 | Palmer | 270 | 260 | 260 | 195 | 155 | 150 | 155 | 145 | 130 | 110 | 220 | 200 |
| 307 | Daus | 260 | 255 | 250 | 190 | 155 | 150 | 150 | 140 | 120 | 100 | 220 | 200 |
| 308 | Whitwell | 270 | 260 | 260 | 195 | 155 | 150 | 155 | 145 | 130 | 110 | 220 | 200 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Special Blacksmith Coals*

| Mine | Ref. | For shipment to points in— | |
|---|---|---|---|
| | | Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Tennessee, Texas | 4.25 |
| Coalmont | 304 | | |
| Niack | 305 | | |
| Palmer | 306 | | |
| Whitwell | 308 | Colorado, Kansas, Kentucky, Missouri, North Carolina, South Carolina, Oklahoma | 3.50 |

RAILROAD LOCOMOTIVE FUEL (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.40 per net ton of 2,000 lbs. f. o. b. mines.

Lump or any double screened coal ordered or sold for Locomotive fuel, shall take a minimum price of $2.55 per net ton of 2,000 lbs. f. o. b. mines.

When coal, other than Locomotive fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the Market Area in which the mine is located.

Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing plus five (5¢) cents per net ton.

No commission shall be paid or discount allowed by a Code Member on any coal sold for locomotive fuel purposes.

*The original document as filed with the Division of the* FEDERAL REGISTER, *The National Archives, has appended a "Description of Market Areas" for the text of which see page 2574.*

[F. R. Doc. 37-3485; Filed, December 1, 1937; 12:28 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

[Department Circular No. 302 Second Edition [1]]

DESIGNATION AND APPROVAL OF NAUTICAL SCHOOL SHIPS

NOVEMBER 30, 1937.

*To United States Supervising Inspectors, Local Inspectors and Others Concerned:*

Under the provisions of section 13 of the act of March 4, 1915 (38 Stat. 1169; 46 U. S. C. 672), as amended by section 1 of the act of June 25, 1936 (Public No. 808—74th Cong. 49 Stat. 1930), and the act of May 22, 1937 (Public No. 100—75th Cong.), graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen or qualified members of the engine department.

It has been made to appear to the satisfaction of the Secretary of Commerce that the school ships operated by the States in which they are located; namely, California Nautical School, Massachusetts Nautical School, New York Merchant Marine Academy, Pennsylvania State Nautical School; and also the United States Naval Academy, and the United States Coast Guard Academy; have adopted a course of study for their students complying with the rules prescribed by the Secretary of Commerce, and a system of regulations adequate to equip the deck and engineering students theoretically and practically in the rudiments of seamanship and navigation necessary to qualify the graduates for the rating of able seamen, and in all the branches of marine engineering necessary to qualify the graduates for the rating of qualified members of the engine department, respectively.

The school ships conducted by the State organizations above named, and also the Federal academies, are hereby approved and their graduates, if meeting the other qualifications required by law and regulations promulgated thereunder, are entitled to the rating of able seamen or qualified members of the engine department and to be certificated as such.

[SEAL] ERNEST G. DRAPER,
*Acting Secretary of Commerce.*

RULES FOR THE CONDUCT OF SCHOOL SHIPS

Section 13 of the act of March 4, 1915 (38 Stat. 1169; 46 U. S. C. 672), as amended by section 1 of the act of June 25, 1936 (Public No. 808—74th Cong. 49 Stat. 1930), and the act of May 22, 1937 (Public No. 100—75th Cong.), provides that graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen, or qualified members of the engine department, if meeting the other qualifications required by law and regulations promulgated thereunder.

Pursuant to the above cited provisions, the following rules are hereby prescribed for the conduct of such school ships:

1. The course of study for deck students shall include (*a*) all the instruction in the rudiments of seamanship and navigation necessary to equip the student fully with the theoretical knowledge required for the proper discharge of the duties devolving upon able seamen; (*b*) a thorough practical training in the mechanics of all operations incident to the sailing and management of a vessel insofar as such operations form a part of the duties of able seamen.

2. The course of study for engineering students shall include (*a*) all the instruction necessary to fully equip the student with the theoretical knowledge required for the proper discharge of the duties devolving upon qualified members of the engine department; (*b*) a thorough practical training in the mechanics of all operations incident to the sailing and management of a vessel insofar as such operations form a part of the duties of qualified members of the engine department.

3. All students shall be trained to obey all lawful orders emanating from their superior officers and schooled in the rules of conduct to be observed in order that proper discipline may be maintained on shipboard. They shall also be instructed in the fundamentals of ship sanitation as prescribed by law and regulations, and shall be given intensive instruction and practical training in all the operations incident to fire and lifeboat drills, both in port and at sea.

4. Applicants for certificates as able seamen will be eligible for examination after they have completed a course of study as outlined in sections 1 and 3, and applicants for certificates as qualified members of the engine department after they have completed a course of study as outlined in sections 2 and 3.

Approved.

[SEAL] ERNEST G. DRAPER,
*Acting Secretary of Commerce.*

[F. R. Doc. 37-3490; Filed, December 2, 1937; 11:03 a. m.]

[1] The first edition of this Circular was approved January 7, 1937. This edition supersedes the first which appears at 2 F. R. 49.



## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

EXTENDING AUTHORITY TO STATE MANAGERS, UNDER CERTAIN CONDITIONS, TO ACCEPT DEEDS IN LIEU OF FORECLOSURE

AMENDMENT OF LEGAL CHAPTER OF THE MANUAL

*Be it resolved,* That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, Section 605 (j) of the Manual is hereby amended to read as follows:

SEC. 605 (j). **Deeds in lieu of foreclosure** may be accepted from owners of mortgaged properties in settlement of the indebtedness owing to the Corporation, and in connection with such acceptance each Regional or State Manager is authorized, in his discretion and with the approval of the Regional or State Counsel, to expend funds to satisfy, remove, release or acquire intervening liens or rights. No sum shall be paid to any owner of the property, but as a part of the consideration for such deed an owner may be permitted to continue in possession of the premises for a limited time within the discretion of the Regional or State Manager under advice of the Regional or State Counsel. The authority herein granted shall be exercised under procedure and limitations promulgated by the General Counsel with the approval of the General Manager.

Adopted by the Federal Home Loan Bank Board on December 1, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3495; Filed, December 2, 1937; 12:18 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1937.

[File No. 43-70]

IN THE MATTER OF MOBEETIE GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An amended declaration having been duly filed with this Commission, by Mobeetie Gas Company, a subsidiary of Public Service Corporation of Texas, a registered holding company pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue of a secured ten year note for not more than $52,945.84 in exchange for declarant's outstanding past due note on which said amount is unpaid.

*It is ordered,* That a hearing on such matter be held on December 13, 1937, at 11 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 8, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3496; Filed, December 2, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1937.

[File No. 43-94, 46-79]

IN THE MATTER OF SOUTH CAROLINA UTILITIES COMPANY, STATES ELECTRIC & GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by South Carolina Utilities Company, a subsidiary of a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, for the issue and sale of a 6% promissory note in the principal amount of $20,000; and an application having been duly filed with this Commission by States Electric & Gas Company, a registered holding company, pursuant to Section 10 (a) (1), for the approval of the acquisition by such applicant of the 6% promissory note to be issued by South Carolina Utilities Company;

*It is ordered,* That a hearing on such matter be held on December 20, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

*It is further ordered,* That Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence,

and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3498; Filed, December 2, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of December, A. D., 1937.

[File No. 47-16]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

ORDER APPROVING THE ACQUISITION OF BUSINESS INTERESTS OTHER THAN SECURITIES OR UTILITY ASSETS

Public Service Company of New Hampshire, a subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to Section 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of all the assets and franchises of Manchester Street Railway, a New Hampshire corporation, all of the outstanding securities of which are owned by Public Service Company of New Hampshire, such acquisition to be by the transfer and distribution of said assets and franchises to Public Service Company of New Hampshire as the sole stockholder of Manchester Street Railway upon and pursuant to the liquidation of Manchester Street Railway and the order of the Public Service Commission of New Hampshire dated November 29, 1937, authorizing such acquisition; a hearing on said application, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered,* That such acquisition be, and the same is hereby, approved on condition that such acquisition be made in substantial compliance with the terms and conditions set forth in the application and amendments thereto, and in compliance with such order of the Public Service Commission of New Hampshire;

*It is further ordered,* That upon effecting such acquisition the applicant shall notify the Commission that it has effected such acquisition in accordance with the terms and conditions of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3497; Filed, December 2, 1937; 12:43 p. m.]

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***Saturday, December 4, 1937*** ***No. 235***

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

DELEGATING TO THE SECRETARY OF THE INTERIOR CERTAIN POWERS AND FUNCTIONS VESTED IN THE PRESIDENT BY THE ACT OF FEBRUARY 22, 1935, CH. 18, 49 STAT. 30, AS AMENDED, AND AUTHORIZING THE ESTABLISHMENT OF A PETROLEUM CONSERVATION DIVISION

By virtue of and pursuant to the authority vested in me by section 11 of the act entitled "AN ACT To regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935 (49 Stat. 30), as amended by the act of June 14, 1937, Public, No. 145, 75th Congress, I hereby designate and appoint the Secretary of the Interior as the agent of the President to execute all of the powers and functions vested in the President by the said act except those vested in him by section 4 thereof: *Provided,* that no regulation prescribed by the Secretary of the Interior under section 5 (a) of the said act the violation of which is punishable by fine or imprisonment shall be effective unless and until approved by the President; and I hereby expressly authorize the Secretary of the Interior to establish a Petroleum Conservation Division in the Department of the Interior, the functions and duties of which shall be: (1) to assist, in such manner as may be prescribed by the Secretary of the Interior, in administering the said act, (2) to cooperate with the oil- and gas-producing States in the prevention of waste in oil and gas production and in the adoption of uniform oil- and gas-conservation laws and regulations, and (3) to keep informed currently as to facts which may be required for the exercise of the responsibility of the President under section 4 of the said act.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 1, 1937.*

[No. 7756]

[F. R. Doc. 37-3506; Filed, December 2, 1937; 1:50 p. m.]

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EXECUTIVE ORDER

REGULATIONS UNDER THE ACT OF FEBRUARY 22, 1935 AS AMENDED BY THE ACT OF JUNE 14, 1937

WHEREAS, by virtue of and pursuant to the authority vested in me by the Act of Congress entitled "An Act To regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, (49 Stat. 30), as amended by the Act of June 14, 1937 (Public No. 145, 75th Congress, 1st Session), hereinafter referred to as said Act, and the Executive Order of the President of the United States No. 6979 (February 28, 1935), and the Executive Order of the President of the United States No. 7756 (Dec. 1, 1937), I am authorized to prescribe such regulations as I may find necessary or appropriate for the enforcement of the provisions of said Act, and to require certificates of clearance for petroleum and petroleum products, moving or to be moved in interstate commerce from any particular area, whenever I find it necessary or appropriate for the enforcement of the provisions of said Act.

The following regulations are hereby adopted for the administration and enforcement of the provisions of said Act:

*Regulation I*

When used in this Order or in subsequent Orders and regulations prescribed pursuant to said Act and Executive Orders, or in any forms prescribed thereunder:

SECTION 1. The term "person" shall include any individual, partnership, corporation or joint stock company.

SECTION 2. The term "producer" shall include every person having any part in the control or management of any operation by which petroleum is produced from any property. Every person in possession of crude petroleum who refuses to identify the prior owner thereof, from whom he acquired the same, shall be deemed the producer of such petroleum within the meaning of this Order.

SECTION 3. The term "refiner" shall include every person who has any part in the control or management of any operation by which the physical or chemical characteristics of petroleum or petroleum products are changed, but exclusive of the operations of passing petroleum through separators



to remove gas, placing petroleum in settling tanks to remove basic sediment and water, dehydrating petroleum and generally cleaning and purifying petroleum. Within the term shall be included every person who blends petroleum with any product of petroleum.

SECTION 4. The term "reclamation plant" shall include every plant operated in the process of reclaiming, treating or washing waste petroleum, wash oil, pit oil, fugitive oil, basic sediment, or tank bottoms.

SECTION 5. The term "Casinghead gasoline plant" shall include every plant or device by the use of which gasoline or natural gasoline or casinghead gasoline (as those terms are commonly understood in the industry), or any of them, is extracted by any process or method from natural gas or casinghead gas, or from any gas liberated from petroleum in the process of refining.

SECTION 6. The term "pipe line" shall include every line of pipe, however constructed and regardless of length, and all receiving, storage and delivery tanks and facilities used in the operation thereof, by which petroleum or any petroleum product is transported, regardless of whether or not such line of pipe is owned, in whole or in part, by the person producing, refining, processing, manufacturing, purchasing, cleansing, or marketing such petroleum or such petroleum product, or by any or all such persons jointly, or by any other person or combination of persons, except that the term "pipe line" shall not include any line from a well to lease storage, or any line used in actual plant operations, and not used in the receipt or delivery of petroleum or petroleum products. The terms "pine line system" and "gathering system" are included within the term "pipe line."

SECTION 7. The term "transporting agency" shall include railroads, pipe lines, gathering systems, tankers, barges, trucks, or any other means of conveyance used for transporting petroleum or petroleum products.

SECTION 8. The term "storer" shall include every person who places petroleum or any petroleum product in any receptacle and keeps the same in any such receptacle for any period of time longer than is usually required in the ordinary conduct of business to move the same currently into the channels of trade and commerce; but excluding the ordinary working stocks of refiners and transporters by pipe line.

SECTION 9. The term "petroleum" when used singly and separate and apart from "product" shall include petroleum in its crude form, and the terms "product (or products) of petroleum" or "petroleum product (or products)" shall include any article produced or derived in whole or in part from petroleum or any product thereof by refining, processing, manufacturing or otherwise. Whenever natural gas is produced in conjunction or coincidentally with petroleum, such natural gas and all products derived therefrom shall be considered petroleum products. The terms "oil", "crude oil", and "crude petroleum" shall be considered synonymous with petroleum in these regulations.

SECTION 10. The term "barrel of petroleum" means 42 United States gallons of petroleum measured and calculated to net or gross quantities in accordance with the regulations of the State authorities in force at the point of production, or in the absence of such regulations, measured and calculated in the manner generally in use in the industry at such point of production. The term "barrel" as used otherwise in these regulations shall mean 42 United States gallons of the article referred to.

SECTION 11. The term "contraband oil" means petroleum which, or any constituent part of which, was produced, transported, or withdrawn from storage in excess of the amounts permitted to be produced, transported, or withdrawn from storage under the laws of a State or under any regulation or order prescribed thereunder by any board, commission, officer, or other duly authorized agency of such State, or any of the products of such petroleum.

SECTION 12. The term "interstate commerce" means commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof, or from any place in the United States to a foreign country, but only in so far as such commerce takes place within the United States.

*Regulation II*

The Secretary of the Interior shall, whenever the facts in any area render it necessary or appropriate for the enforcement of the provisions of said Act, designate such area (hereinafter sometimes referred to as "designated area") and shall establish a Board or Boards to issue certificates of clearance in accordance with the provisions of said Act. He shall establish such further regulations as may be necessary or appropriate in order to enforce the provisions of the said Act in any such area.

*Regulation III*

No person shall ship or transport in interstate commerce from any designated area petroleum or petroleum products unless a certificate of clearance covering such petroleum or petroleum products has been issued in conformity with the provisions of this Order.

No person shall ship or transport from any designated area petroleum or petroleum products not covered by a certificate of clearance if such petroleum or petroleum products are commingled with petroleum or petroleum products all or part of which are to be shipped or transported in interstate commerce.

Whenever petroleum or petroleum products shall be shipped or transported from any designated area without a certificate of clearance first having been issued therefor, no person shall ship, reship or transport in or divert into interstate commerce such petroleum or petroleum products, in whole or in part, or any petroleum or petroleum products commingled therewith unless a certificate of clearance covering such petroleum or petroleum products has been issued therefor.

The provisions of this Order shall apply to petroleum and petroleum products transported in interstate commerce in railroad engine tenders, in fuel or other tanks of automotive vehicles, or in vessels of all kinds whether as part of the cargoes or for consumption.

The certificates of clearance hereinabove referred to shall be known as "Tenders".

*Regulation IV*

Each Board established in accordance with Regulation II, hereinafter referred to as "Boards", shall consist of one or more persons who shall be appointed from time to time by the Secretary of the Interior and who shall serve at his pleasure. Whenever any Board consists of more than one person, such Board may designate one or more of its members to act for the Board. Each Board is charged with the duty of hearing and investigating all applications for Tenders prescribed by this Order and of determining as a matter of fact whether the petroleum and petroleum products for which a Tender is requested do or do not constitute contraband oil. In the case of applications for Tenders covering petroleum or petroleum products not produced, refined, processed or manufactured on the date application is made, each Board is charged with the duty of determining whether or not facts have been presented showing that the petroleum or petroleum products to be transported will or will not constitute contraband oil as above defined if the terms of the application are fulfilled. Each Board is further charged with the duty of approving such applications for Tenders if it finds that the petroleum or petroleum products are not or will not constitute contraband oil. No Tender shall be approved until application for approval has been presented on a form approved by the Secretary of the Interior, nor unless the reports hereinafter required have been made and are in order, nor until complete information has been furnished by the applicant enabling the Board to calculate and ascertain the true facts concerning the petroleum or petroleum products covered by the application. Denial of any such Tender shall be by order of the Board, and only after reasonable opportunity for hearing.

Production of books and records of the applicant relative to an application for a Tender may be required by any Board for inspection before approval thereof, and any Board may require the submission of specific information relative to an application in the form of sworn statements or otherwise, and may itself or through its agents examine any properties and facilities which it deems may afford information necessary to pass upon an application.

Each Board is authorized to make regulations governing its procedure. The members of each Board shall have power to administer oaths or affirmations. No Tender shall be approved except after hearing held not less than twelve hours subsequent to the filing of the application therefor and after notice has been given by posting a brief description of the application on a bulletin board at or near the place of hearing. Each Board is authorized, in cases of emergency, to waive any of the formal requirements of this Order, provided that the substance thereof is maintained, and provided that public notice of such waiver be given and be recorded at the next succeeding hearing held by the Board.

*Regulation V*

An application for approval of a Tender may be made to a Board where the ultimate destination of the movement of petroleum or petroleum products is unknown at the time of application, and application for approval of a Tender may further be made, at the option of the applicant, even though the immediate movement of the petroleum or petroleum products is intrastate, if the applicant contemplates that in the future such petroleum or petroleum products, or products derived from such petroleum or petroleum products will be moved in interstate or foreign commerce.

*Regulation VI*

Where application is made for approval of a Tender covering petroleum commingled with petroleum which is not shown to have been produced, transported or withdrawn from storage within the amounts permitted by State law, or regulations or orders prescribed thereunder, such Tender shall not be approved, nor shall a Tender covering any product of such commingled petroleum be approved; and where application is made for approval of a Tender covering any petroleum product commingled with a petroleum product derived from petroleum which is not shown to have been produced, transported or withdrawn from storage within the amounts permitted by State law, or regulations or orders prescribed thereunder, or commingled with petroleum which is not shown to have been so produced, transported or withdrawn from storage, such Tender shall not be approved.

*Regulation VII*

Any person transporting petroleum or any petroleum product covered by a Tender shall endorse on the back of such Tender a sworn return showing the quantity of petroleum or petroleum products actually transported, using the form on the reverse side of the copies designated "Tender Original" and "Tender Return" for this purpose and shall deliver in person or by mail the copy designated "Tender Return" to the Board issuing the Tender. Said delivery in the case of pipe lines shall be made within ten days, and in the case of other transporting agencies, within two days after the date of the last shipment made under said Tender, or within the same periods of time after the expiration of the Tender, whichever event first occurs. Said return shall be signed and sworn to by a duly authorized agent of the pipe line or other transporting agency.

*Regulation VIII*

The first transporting agency, other than a pipe line, transporting petroleum or petroleum products from any designated area in interstate commerce shall stamp on the shipping papers the following: "This shipment is covered by Tender No. ____, issued by _____ on the ____ day of _____, 19__", (the number, the title of the Board and the date shall be filled in to identify the Tender). Pipe lines shall, in lieu of such stamp on the shipping papers, notify the consignee in writing within three days after the date of delivery to such consignee of the date, the title of the Board, the number of the Tender and the amount and kind of petroleum or petroleum products delivered thereunder. No person transporting petroleum or any petroleum product shall receive any more of the commodity than is covered by the Tender, and no such person shall receive any different commodity than is described therein.

*Regulation IX*

Every transporting agency, other than a pipe line, transporting petroleum or any petroleum product from any designated area to a destination within the same State, which petroleum or petroleum product is not covered by a Tender, shall stamp on the shipping papers a notation that the petroleum or petroleum product was transported from the designated area and that said petroleum or petroleum product and any petroleum or petroleum product commingled therewith may not be shipped, reshipped or transported in or diverted into interstate commerce unless an approved Tender shall first be obtained. Such notation shall appear on the shipping papers covering every subsequent shipment of such petroleum or petroleum product within the State. Every pipe line transporting petroleum or any petroleum product from any designated area to a destination within the same State, which petroleum or petroleum product is not covered by a Tender, shall notify in writing the consignee at or before the time of delivery to him that said petroleum or petroleum product was transported from the designated area, and that said petroleum or petroleum product and any petroleum or petroleum product commingled therewith may not be shipped, reshipped or transported in or diverted into interstate commerce unless an approved Tender shall first be obtained.

*Regulation X*

All persons producing, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or any petroleum product in any designated area shall permit any person or persons authorized by me or by any Board to enter upon their properties, plants and facilities, and to examine all the books and records kept or required to be kept in accordance with this Order, and all other books, papers, records, vouchers, run-tickets, bills of lading, way bills, charges, memoranda or other documents which are used by them in connection with producing, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or any petroleum product, and to inspect such plants, facilities and properties, and to gauge tanks, and to examine wells, pipe lines, gathering systems, flow lines, pipe connections, storage tanks, loading racks, separators, pumps, meters or other measuring devices, and any other equipment or instruments.

*Regulation XI*

Every producer and refiner in any designated area shall accurately gauge and measure all petroleum and petroleum products before any part thereof leaves his possession or control. No means or device which prevents or hinders such accurate measurement shall be used. Complete and accurate records of all such measurements shall be kept up to date and preserved, and shall be open to the inspection of any person authorized by me or by any Board.

*Regulation XII*

From the effective date of this Order the following records shall be made and preserved accurately and completely showing the following facts with respect to production, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or petroleum products in any designated area:

A. By Producers:

(1) The location of the producing properties, the number and location of wells thereon, and the allowable production for each property and well as prescribed by the proper State agency.

(2) The names and addresses of all persons having any interest in or title to the petroleum at the time of its production, including those owning royalty or overriding royalty interests.

(3) An opening and closing inventory of the crude petroleum on hand each 24 hour day.

(4) The daily production in barrels of petroleum produced from each lease and well (estimated as to wells which are produced into common tankage and of which no separate gauge is made) with a notation of the allowance made for basic sediment and water, and the tanks, identified by number and location into which the petroleum is run.

(5) The amount of petroleum consumed upon each property daily.

(6) A daily record of all deliveries of petroleum or petroleum products, showing the names and places of business of all persons to whom such petroleum or petroleum products are delivered, whether purchasers, consignees or transporting agencies, the quantity involved in each delivery, transportation or other disposition, the identity of the means of transportation by which the petroleum or products are removed, and the identifying numbers of State and Federal Tenders.

(7) Gauge tickets, and run tickets, as made by the employees actually performing or observing the operations to which such records relate.

(8) True and complete copies of all reports, communications and diagrams filed or required to be filed under this Order.

(9) Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the production of petroleum.

B. By every purchaser, refiner, storer, shipper or consignor of petroleum or petroleum products, by every casinghead gasoline plant, and by every person dealing in petroleum or petroleum products as a factor, broker, buyer or seller:

(1) An opening and closing inventory of petroleum and petroleum products on hand each 24 hour day.

(2) The daily receipts of petroleum and the petroleum products showing the amount received, the place and date of each receipt, the tanks identified by location and number into which received, the names and addresses of all producers or other persons from whom the crude petroleum and the petroleum products were received, a description identifying the transporting agency by which received, and the identifying numbers of State and Federal Tenders under which received.

(3) The amount of petroleum and petroleum products used or otherwise disposed of daily showing the amount run to stills and to cracking units and the amount and type of petroleum products refined, processed or manufactured.

(4) A daily record of all deliveries of petroleum and petroleum products including the names and addresses of purchasers and a description identifying the transporting agency delivering the same, and the identifying numbers of State and Federal Tenders under which delivered.

(5) Crude, pumping, still, transfer, and yield reports as made by the employees actually performing or observing the operations to which such records relate.

(6) True and complete copies of all reports, communications, and diagrams filed or required to be filed under this Order.

(7) Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the purchasing, refining, storing, shipping or consigning or otherwise dealing in as a factor, broker, buyer or seller of petroleum and petroleum products.





C. By every person operating a reclamation plant:

(1) An opening and closing inventory of all petroleum and petroleum products on hand each 24 hour day.

(2) The number of barrels of each kind of petroleum and petroleum products which came into the possession of such plant daily, the name and address of each person from whom possession was acquired, the location from which the petroleum and petroleum products were acquired, the quantities acquired from each prior possessor and from each location, a description identifying the transporting agency by which such petroleum and petroleum products were acquired, and the numbers identifying the State and Federal Tenders under which acquired. In case any petroleum or petroleum product is picked up or reclaimed by such plant from any creek, river, stream or the bed thereof, such record shall also contain information as to the apparent source of the petroleum or petroleum product before it went into such creek, river, stream or the bed thereof.

(3) The number of barrels reclaimed by such plant daily and the disposition thereof showing the names and addresses of purchasers, a description identifying the transporting agency used in making delivery, and the identifying numbers of State and Federal Tenders.

(4) The original records made by the employees actually performing or observing the operations to which such records relate as required by items (1) (2) and (3) above.

(5) True and complete copies of all reports, communications and diagrams filed or required to be filed under this Order.

(6) Such other records as may now be required under the rules and regulations of all other governmental agencies, State or Federal, which supervise, regulate or tax the reclaiming or handling of petroleum or petroleum products.

D. By Pipe Lines:

(1) An opening and closing inventory including overages of crude petroleum and petroleum products on hand each 24 hour day.

(2) The daily receipts of all petroleum and petroleum products showing the kind, grade and quantity received, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination, and the identifying numbers of State and Federal Tenders covering the same.

(3) In case of the first transporting pipe line, and where possible in cases of subsequent transporting pipe lines, the location of the properties where the petroleum or petroleum products were produced, refined, processed or manufactured, the names and addresses of persons removing the petroleum or petroleum products from the properties where produced, refined, processed or manufactured, and a description identifying the transporting agency used in making delivery from such properties.

(4) A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination or stopped in the course of transportation, showing the disposition thereof.

(5) Copies of all run-tickets, way bills, division and transfer orders and other documents used in the transportation of petroleum or petroleum products.

(6) True and complete copies of all reports, communications and diagrams filed or required to be filed under this order.

(7) Such other records as may now be required under the rules or regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the transportation of petroleum or petroleum products.

E. By transporting agencies, other than pipe lines:

(1) The daily shipments of all petroleum and petroleum products showing the kind, grade and quantity transported, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination, the identifying numbers of State and Federal

Tenders, and in the case of railroads the car initials and numbers identifying the various shipments.

(2) A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination, or stopped in the course of transportation, showing the disposition thereof.

(3) Copies of all way bills, bills of lading and other documents used in the transportation of petroleum or petroleum products.

(4) True and complete copies of all reports and communications filed or required to be filed under this Order.

(5) Such other records as may now be required under the rules or regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the transportation of petroleum or petroleum products.

The records required by this Regulation to be made and preserved shall be made currently as the transactions involved occur. Such records prescribed in sub-paragraphs (1), (3), (4), (5), and (6) of sub-division A of this Regulation shall be kept on the lease or property to which they relate, or shall be kept in the field office or field headquarters from which the operations on such properties are conducted. Such records prescribed under sub-paragraphs (1), (2), (3), and (4) of sub-division B, (1), (2) and (3) of sub-division C, and (1), (2), (3) and (5) of sub-division D of this Regulation shall be kept at the field office or field headquarters from which the operations involved are conducted. Such records prescribed under sub-paragraphs (1) and (3) of subdivision E of this Regulation shall be kept at the freight office where the shipping papers for any shipment originate.

*Regulation XIII*

No transporting agency transporting petroleum or petroleum products from any designated area in interstate commerce shall accept for shipment any petroleum or any petroleum product unless the billing and other records of transportation covering such shipment truly and accurately describe by its proper and generally accepted name the commodity so shipped. Every transporting agency shall be held responsible for the truth of its records, way bills, bills of lading, division or transfer orders and other papers relating to such shipment, and shall be answerable as for a violation of these Regulations for each false billing of any such petroleum or petroleum product.

*Regulation XIV*

Each producer, refiner, reclamation plant, casinghead gasoline plant, pipe line, and storer of petroleum or petroleum products in any designated area shall file with the Board for said area monthly reports on forms approved by the Secretary of the Interior. Each report on such forms shall be subscribed and sworn to by the person required to file the same, using the form of affidavit therein contained, and the person required to file the report must make therein a full, truthful and complete disclosure of all the information required on the form and necessary to the full use thereof.

*Regulation XV*

Each transporting agency, other than pipe lines, transporting petroleum or petroleum products in or from any designated area shall make available daily to the Board for said area for inspection copies of all way bills, or other papers fulfilling the functions thereof, covering the movement during the preceding day of petroleum or petroleum products in or from said area, both interstate and intrastate. Upon request of the Board such way bills or other papers shall be attached to an affidavit executed by a duly authorized agent of the transporting agency stating that the way bills or other papers cover all shipments of petroleum or petroleum products moved by the transporting agency during the period named therein.

*Regulation XVI*

Every producer, refiner, pipe line, gathering system, reclamation plant and casinghead gasoline plant within any designated area shall keep and maintain in the office of the Board for said area a diagram or diagrams which shall accurately and completely show to scale, so far as is applicable to that particular business, the location of each lease, the location and identifying number of each well, the location, capacity and identifying number of all tanks, the location and size of all pipe lines, flow lines and gathering systems operated by it, and the location and sizes of all pipe lines, flow lines, gathering systems and other outlets attached to its properties, and every method by which oil is delivered to and from its properties. Such diagrams shall be brought up to date at least semi-annually or otherwise as the Board may require in order to show any change taking place in the information shown thereon, either by the filing of a new diagram or by corrections made upon the diagram on file.

*Regulation XVII*

When any affidavit or other sworn statement is required by this Order, or by Orders promulgated pursuant hereto or to said Act or Executive Orders, to be made or filed by any person, such affidavit or sworn statement must be made or filed by any real person in interest owning, producing, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or petroleum products involved in the transaction or transactions which are the subject of such affidavit or sworn statement; provided, however, that such affidavit or sworn statement may be made or filed by a duly authorized agent of such real party in interest when proof of his authorization has been filed with the Board or other agency with which the affidavit or sworn statement is to be filed on or before the date of filing said affidavit or sworn statement.

*Regulation XVIII*

The shipper, or duly authorized agent of the shipper, a copy of whose authorization has been filed with the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., of a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas or Louisiana for shipment by tanker, barge, or other vessel, in whole or in part in interstate or foreign commerce, including the intermediate shipment to any point from which shipments of petroleum or petroleum products in interstate or foreign commerce customarily are made, shall transmit by mail to the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., with full postage paid, not later than twenty-four (24) hours after the date of sailing, a report and affidavit in duplicate on form designated OCR–1, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

The master, owner, charterer, or duly authorized agent of the owner or charterer of any tanker, barge, or other vessel, a copy of whose authorization has been filed with the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., upon discharging at any port in the United States a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas or Louisiana for shipment in interstate or foreign commerce, shall transmit by mail, with full postage paid, to the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., within twenty-four (24) hours of completion of each discharge operation, partial or complete, a report in duplicate on form designated OCR–2, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

*Regulation XIX*

The Petroleum Conservation Division, and any Board established under Regulation II hereof, when authorized by the Secretary of the Interior, shall make necessary investigations, within or outside of any designated area, to carry out and accomplish the purposes of said Act.



*Regulation XX*

If any provision of this Order or any clause, sentence or part hereof is held unauthorized or invalid for any reason, or the application thereof to any person, circumstance, commodity or class of transactions with respect to any commodity be held unauthorized or invalid for any reason, the validity of the remainder of this Order and the application of such provisions to other persons, circumstances, commodities and classes of transactions shall not be affected thereby.

The Executive Order of the President of the United States (No. 6980–B), dated March 1, 1935, except in so far as it applies to or affects any violation thereof or any action which has been or may hereafter be taken because of such violation, is hereby revoked.

The operation of this Order shall be immediately effective.

Approved, prescribed and promulgated this 6th day of October, 1937.

HAROLD L. ICKES
*Secretary of the Interior.*

Approved
FRANKLIN D ROOSEVELT
*Dec. 1, 1937*

[No. 7757]

[F. R. Doc. 37–3507; Filed, December 2, 1937; 1:53 p. m.]

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EXECUTIVE ORDER

CONSTITUTING DESIGNATED AREA, AND ESTABLISHING FEDERAL TENDER BOARD NO. 1

By virtue of and pursuant to the authority vested in me by the Act of Congress entitled "An Act To regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935, (49 Stat. 30), as amended by the Act of June 14, 1937, (Public No. 145, 75th Congress, 1st Session), hereinafter referred to as said Act, and the Executive Order of the President of the United States, No. 6979, of February 28, 1935, and Executive Order No. 7756, this date promulgated; and

WHEREAS, when, By Executive Order No. 6980–C approved March 1, 1935, I designated the area known as the East Texas Field and appointed Federal Tender Board No. 1 for the purpose of issuing certificates of clearance for said Field and administering the regulations prescribed under said Act, I found that large quantities of contraband oil were originating in and being shipped and transported in interstate commerce from said Field; that actual production of petroleum in said Field was in excess of the amounts permitted to be produced under the Laws of the State of Texas and under the regulations and orders prescribed thereunder by the Railroad Commission of Texas, a substantial part of which moved in interstate commerce; that large quantities of contraband oil, a substantial part of which was available immediately for interstate transportation, were actually situated in said Field; and that various devices and operations had been and were being used in said Field to obstruct the enforcement of the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas, all of which resulted in conditions which were wasteful and conducive to a decreased ultimate recovery of oil from said Field; and

WHEREAS, I find the operations of said Board in said Field have assisted materially in the enforcement of the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas, have prevented the movement of contraband oil from said Field in interstate commerce, and have aided materially in the establishment of conditions which will result in a material increase in the ultimate recovery of petroleum from said Field, the benefit of which will accrue to the interest of the public, the State of Texas, and the United States of America; and

WHEREAS, I find that the potential production of petroleum in said East Texas Field continues to be and is at this time greatly in excess of the production currently permitted by the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas; that the actual production of petroleum in said East Texas Field is approximately fourteen per cent of the total actual production of petroleum in the United States and is equal approximately to the aggregate production of the States of Kansas, Louisiana and New Mexico; that the estimated reserve of recoverable petroleum in said Field comprises approximately one-fourth of the estimated reserves of recoverable petroleum from all of the presently known fields of the United States; that there are in said Field more than 22,000 oil wells, a substantial proportion of which are capable of producing at this time quantities of petroleum greatly in excess of the amounts currently allowed to be produced by the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas; that there is in said Field equipment, including numerous refineries, reclamation plants, casinghead gasoline plants, gathering systems, storage facilities, field and trunk pipe lines, loading racks, railroads, and tank trucks, which would make possible the immediate shipment in interstate commerce of quantities of petroleum and petroleum products greatly in excess of the quantity of petroleum currently allowed to be produced by the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas; that such production in violation of said State Laws and orders would result in a material loss and wasteful use of the reservoir energy in said Field and in a substantial decrease in the amount of petroleum ultimately to be recovered from said Field, to the detriment of the public, the State of Texas and the United States of America; that there is actually situated in said Field at this time large quantities of contraband oil, a substantial part of which is available immediately for transportation in interstate and foreign commerce; and that bypasses and other devices and operations that have been used to obstruct the enforcement of the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas could again be used immediately in the violation of said State Laws and Orders; and

WHEREAS, I found that it was necessary and appropriate for the enforcement of the provisions of said Act to require certificates of clearance for petroleum and petroleum products moving or to be moved in interstate commerce from said East Texas Field and to establish a Board for the issuance of such certificates. I now find that it is necessary and appropriate to continue to require certificates of clearance for petroleum and petroleum products moving or to be moved in interstate commerce from said East Texas Field and to continue to maintain a Board for the issuance of such certificates;

NOW, THEREFORE, it is ordered:

*Article I*

That part of the State of Texas included within the Counties of Gregg, Upshur, Smith, Rusk, and that part of Cherokee County covered by the Miguel de los Santos Coy, Pratt and Wesley Dikes Surveys (to be known as the East Texas Field) is hereby constituted a designated area within the meaning of Regulation II of Executive Order No. 7757, and the regulations prescribed by said Order shall apply to all petroleum and petroleum products in or from said area and to all persons producing, refining, processing, manufacturing, storing, shipping or transporting petroleum or petroleum products in or from said area.

*Article II*

I hereby establish a Board to be known as Federal Tender Board No. 1, for the purpose of issuing certificates of clear-

ance for such area under said Act and administering the regulations prescribed under said Act. Such Board shall consist of one or more persons who shall be appointed by the Secretary of the Interior and shall serve at his pleasure. The principal office of Federal Tender Board No. 1 shall be located at Kilgore, Texas.

*Article III*

Applications to Federal Tender Board No. 1 for certificates of clearance, supporting affidavits for said applications, and returns relative thereto shall be made on forms in accordance wit hinstructions prescribed and approved by the Secretary of the Interior and appearing thereon.

*Article IV*

Monthly reports by refineries, reclamation plants, casinghead gasoline plants, pipe lines and producers operating in the East Texas Field shall be made on forms in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

*Article V*

The operation of this order shall be immediately effective.

Approved, prescribed and promulgated this 6th day of October, 1937.

HAROLD L. ICKES
*Secretary of the Interior.*

Approved
FRANKLIN D ROOSEVELT
*Dec. 1, 1937*

[No. 7758]

[F. R. Doc. 37-3508; Filed, December 2, 1937; 1.54 p. m.]

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EXECUTIVE ORDER

REVOKING EXECUTIVE ORDERS NOS. 7024-B AND 7129-A

WHEREAS, by Executive Order No. 7024-B, of April 25, 1935, pursuant to the authority vested in me by the Act of Congress entitled "An Act To regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935 (49 Stat. 30), and the Executive Order of the President of the United States No. 6979, of February 28, 1935, I created and designated an Agency to be known as the "Federal Petroleum Agency No. 1", as an administrative and investigative agency in connection with tenders presented to the Federal Tender Board No. 1, appointed by Executive Order No. 6980-C, of March 1, 1935; and

WHEREAS, by Executive Order No. 7129-A, of August 6, 1935, pursuant to the authority vested in me by the Act of Congress approved February 22, 1935, supra, I required reports of loadings and discharges of petroleum and petroleum products moved in interstate commerce;

NOW, THEREFORE, it is hereby ordered that said Executive Orders No. 7024-B and No. 7129-A are hereby revoked and superseded by Executive Order No. 7757 (Regulations Under the Act of February 22, 1935 As Amended by the Act of June 14, 1937) and Executive Order No. 7758 (Constituting Designated Area, and Establishing Federal Tender Board No. 1).

HAROLD L ICKES
*Secretary of the Interior*

Approved
FRANKLIN D ROOSEVELT
*Dec. 1, 1937*

[No. 7759]

[F. R. Doc. 37-3509; Filed, December 2, 1937; 1:54 p. m.]

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DEPARTMENT OF THE INTERIOR.

**National Bituminous Coal Commission.**

[Order No. 102]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 14 AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38[1] and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Fourteen having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number Fourteen having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Fourteen and to other evidence and pertinent data relating to the classifications of coals for District Number Fourteen:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Fourteen, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Fourteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Fourteen and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Fourteen or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Fourteen to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Fourteen and to code members within said district, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3491; Filed, December 2, 1937; 11:04 a. m.]

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[Order No. 103]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 16 AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number 16 having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number 16 having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number 16 and to other evidence and pertinent data relating to the classifications of coals for District Number 16:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number 16, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number 16, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number 16 and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 16 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number 16 to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number 16 and to code members within said district, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3492; Filed, December 2, 1937; 11:04 a. m.]

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[Order No. 104]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF ARKANSAS AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT FORT SMITH, ARKANSAS, ON DECEMBER 16, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Arkansas directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Arkansas on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Arkansas would be desirable, and upon investigation hereby orders:

1. That on December 16, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Goldman Hotel, Fort Smith, Arkansas, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Arkansas, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Arkansas in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Fort Smith, Arkansas, on December 16, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Arkansas, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Arkansas in which bituminous coal is produced.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3493; Filed, December 2, 1937; 11:04 a. m.]

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[Order No. 105]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF OKLAHOMA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT MUSKOGEE, OKLAHOMA, ON DECEMBER 21, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Oklahoma directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Oklahoma on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate

transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Oklahoma would be desirable, and upon investigation hereby orders:

1. That on December 21, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Hotel Severs, Muskogee, Oklahoma, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Oklahoma, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Oklahoma in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Muskogee, Oklahoma, on December 21, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Oklahoma, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Oklahoma in which bituminous coal is produced.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3494; Filed, December 2, 1937; 11:05 a. m.]

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[Order No. 106]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 17 AS PROVIDED BY COMMISSION'S ORDER NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number 17 having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number 17 having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by The Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number 17 and to other evidence and pertinent data relating to the classifications of coals for District Number 17:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number 17, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number 17, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number 17 and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 17 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number 17 to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number 17 and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 2nd day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3510; Filed, December 3, 1937; 11:00 a. m.]

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[Order No. 107]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 18 AS PROVIDED BY COMMISSION'S ORDER NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number 18 having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number 18 having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number 18 and to other evidence and pertinent data relating to the classifications of coals for District Number 18:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number 18, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number 18, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number 18 and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 18 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number 18 to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number 18 and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 2nd day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3511; Filed, December 3, 1937; 11:00 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

WR—B-101—New Mexico, Supplement 6. Issued December 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 6

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—New Mexico, as amended by Supplement 1, Supplement 2, Supplement 3, Supplement 4, and Supplement 5, is further amended by this supplement as follows:

Part VI, Section 4, Subsection A, is amended to read as follows:

"A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, Part II; *Provided, however,* That if the general soil-depleting base on any non-diversion farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres."

Part XI, Section 2, is amended to read as follows:

"SEC. 2. *Deduction for insufficient acreage of soil-conserving crops.*—Where a net Class I payment for diversion from the cotton soil-depleting base has been computed for the applicant in accordance with the applicable provisions of the foregoing Section I, the deduction for failure to have sufficient soil-conserving acreage on the farms with respect to which cotton soil-depleting bases have been established will be determined as follows:

"A. Determine the applicant's share[1] of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

"1. To the sum of the applicant's share of the net decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

"B. For each farm with a cotton soil-depleting base, compute the applicant's share of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

"C. If the apipcant's share of the 1937 acres of soil-conserving crops obtained under Subsection B of this Section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under Subsection A of this Section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of $3.00 for each deficit acre."

Done at Washington, D. C., this 2nd day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of Part V governing the applicant's share of payment.



[F. R. Doc. 37-3502; Filed, December 2, 1937; 12:47 p. m.]

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WR—B-101—Kansas, Supplement 6 Issued December 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—KANSAS, SUPPLEMENT 6

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101, Kansas, as amended by Supplement 1, Supplement 2, Supplement 3, Supplement 4, and Supplement 5, is further amended by this supplement as follows:

Part XI, Section 2 is amended to read as follows:

"SEC. 2. *Deduction for insufficient acreage of soil-conserving crops.*—Where a net Class I Payment for Diversion from the cotton or tobacco soil-depleting base has been computed for the applicant in accordance with the applicable provisions of the foregoing Section I, the deduction for failure to have sufficient soil-conserving acreage on the farms with respect to which cotton and tobacco soil-depleting bases have been established will be determined as follows:

"A. Determine the applicant's share of the acreage of soil-conserving crops with respect to the cotton and tobacco soil-depleting bases as follows:

"1. To the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton or tobacco soil-depleting base add—

"*a.* The sum of the applicant's share of net decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever is smaller, and

"*b.* The sum of the applicant's share of net decrease from the tobacco soil-depleting bases or the sum of the applicant's share of maximum diversion from the tobacco soil-depleting bases, whichever is smaller.

"B. For each farm with a cotton or tobacco soil-depleting base, compute the applicant's share[1] of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

"C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this Section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton and tobacco depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of $3.00 for each deficit acre."

Done at Washington, D. C. this 2nd day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3503; Filed, December 2, 1937; 12:48 p. m.]

WR—B-101—California, Supplement 4 Issued December 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—CALIFORNIA, SUPPLEMENT 4

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin 101, California, as amended by Supplement 1, Supplement 2, and Supplement 3, is further amended by this supplement as follows:

Part XI, Section 2 is amended to read as follows:

"SEC. 2. *Deduction for insufficient acreage of soil-conserving crops.*—Where a net Class I Payment for diversion from the cotton soil-depleting base has been computed for the applicant in accordance with the applicable provisions of the foregoing Section I, the deduction for failure to have sufficient soil-conserving acreage on the farms with respect to which cotton soil-depleting bases have been established will be determined as follows:

"A. Determine the applicant's share[1] of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

"1. To the sum of the applicant's share of the net decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

"B. For each farm with a cotton soil-depleting base, compute the applicant's share[1] of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

"C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of $3.00 for each deficit acre."

Done at Washington, D. C. this 2nd day of December 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3504; Filed, December 2, 1937; 12:48 p. m.]

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WR-B-101—Arizona, Supplement 4 Issued December 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—ARIZONA, SUPPLEMENT 4

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Arizona, as amended by Supplement 1, Supplement 2 and Supplement 3, is further amended by this supplement as follows:

Part XI, Section 2, is amended to read as follows:

"SEC. 2. *Deduction for insufficient acreage of soil-conserving crops.*—Where a net Class I Payment for diversion from the cotton soil-depleting base has been computed for the applicant in accordance with the applicable provisions of the foregoing Section I, the deduction for failure to have sufficient soil-conserving acreage on the farms with respect to which cotton soil-depleting bases have been established will be determined as follows:

"A. Determine the applicant's share[1] of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

"1. To the sum of the applicant's share of the net decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

"B. For each farm with a cotton soil-depleting base, compute the applicant's share[1] of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

"C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of $3.00 for each deficit acre."

Done at Washington, D. C., this 2nd day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3505; Filed, December 2, 1937; 12:48 p. m.]

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[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of Part V governing the applicant's share of payment.

**Bureau of Agricultural Economics.**

ORDER OF DESIGNATION OF TOBACCO MARKETS

KENTUCKY

Whereas, the Act of Congress approved August 23, 1935 (49 Stat., 731) entitled "The Tobacco Inspection Act" contains the following provisions:

SEC. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determination occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein.

SEC. 5. That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: *Provided*, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market."



and

Whereas pursuant to said Act a referendum has been held among the growers of Burley tobacco, Type 31, who sold tobacco at auction on the Danville, Kentucky tobacco market during the last marketing season, in which referendum said growers were given an opportunity to vote for or against the designation of said market as provided in Section 5 of said Act; and

Whereas more than two-thirds of the growers voting in said referendum and who sold tobacco at auction on said market during the last marketing season voted in favor of said designation,

Now, therefore, by virtue of the authority conferred upon me by Section 5 of The Tobacco Inspection Act and the affirmative results of the referendum conducted thereunder, the city of Danville, Kentucky is designated as a market where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce.

*It is hereby ordered*, That, effective 30 days from this date no tobacco shall be offered for sale at auction on the above-named market until it shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under the Act; provided, however, that the requirement of inspection and certification may be suspended at such times as it is found impracticable to provide inspectors or when the quantity of tobacco available for inspection is insufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated herein.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 3rd day of December 1937.

[SEAL] H. A. WALLACE.
*Secretary of Agriculture.*

[F. R. Doc. 37-3512; Filed, December 3, 1937; 12:41 p. m.]

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**Bureau of Animal Industry.**

NOTICE

DECEMBER 2, 1937.

TO GREAT FALLS LIVESTOCK MARKETING ASSOCIATION, INC.,
*Great Falls, Montana.*

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition.

And, whereas, the stockyard of the Great Falls Livestock Marketing Association, Inc. (Great Falls Meat Company Stockyards), north and east of Great Falls, Montana, was posted on the 14th day of December, 1936, as coming within the foregoing definition;

And, whereas, after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that this stockyard is no longer operated as a public market:

Now, therefore, notice is hereby given that the stockyard of the Great Falls Livestock Marketing Association, Inc. (Great Falls Meat Company Stockyards), north and east of Great Falls, Montana, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3499; Filed, December 2, 1937; 12:47 p. m.]

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NOTICE

DECEMBER 2, 1937.

TO DEAN SULLIVAN AND JOHN W. SMEED,
*Doing business as O. K. Sale Yard, Caldwell, Idaho.*

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as O. K. Sale Yard, at Caldwell, State of Idaho, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3500; Filed, December 2, 1937; 12:47 p. m.]

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NOTICE

DECEMBER 2, 1937.

TO NATIONAL STOCK YARDS,
*Jacksonville, Florida.*

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce

in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

And whereas, the National Stock Yards, Jacksonville, Florida, was posted on the 1st day of November, 1921, as coming within the foregoing definition;

And whereas, after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the area of the National Stock Yards now used for stockyard purposes is less than 20,000 square feet:

Now, therefore, notice is hereby given that the National Stock Yards, Jacksonville, Florida, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3501; Filed December 2, 1937; 12:47 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 164]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 29, 1937.

I hereby amend Administrative Order No. 142 in the following manner:

"The Wisconsin 8016B Douglas allotment of $54,000 shall be expended as follows: $4,000 to be used for operation expenses, $15,000 to complete construction of lines in Wisconsin 16 Douglas, and $35,000 to construct 43 miles of line to serve 160 customers in Douglas County, Wisconsin."

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3488; Filed, December 2, 1937; 9:35 a. m.]

[Administrative Order No. 165]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 29, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation:* | *Amount* |
|---|---|
| Iowa 8038W Pocahontas | $10,000 |
| Minnesota 8056W Crow Wing | 13,000 |
| North Dakota 8011W Cass | 10,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3489; Filed, December 2, 1937; 9:35 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D., 1937.

[File No. 50-3]

IN THE MATTER OF CENTRAL MASSACHUSETTS LIGHT & POWER COMPANY AND MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

Various applications and declarations having been filed pursuant to Sections 7, 11, 12 and 15 of the Public Utility Holding Company Act of 1935, by Central Massachusetts Light & Power Company and Massachusetts Utilities Associates, subsidiary companies of New England Power Association, a registered holding company, as follows:

Massachusetts Utilities Associates and Central Massachusetts Light & Power Company have submitted a plan of liquidation of said Central Massachusetts Light & Power Company, pursuant to Section 11 (e) of the Act, and have applied for an order approving said plan;

Central Massachusetts Light & Power Company has applied for a report on said plan pursuant to Section 11 (g) of the Act and Rule 12E;

Central Massachusetts Light & Power Company has applied for approval of the payment of a liquidating dividend, pursuant to Rule 12C-2;

Central Massachusetts Light & Power Company has applied for approval of the retirement by it of its preferred and common shares, pursuant to Rule 12C-1;

Central Massachusetts Light & Power Company has filed a declaration as to solicitation of consents to said plan, pursuant to Rule 12E;

Central Massachusetts Light & Power Company has filed a declaration, pursuant to Section 7 of said Act, regarding an amendment to its Declaration of Trust, for the purpose of effecting the consummation of the plan;

Massachusetts Utilities Associates has applied for approval of certain accounting entries, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies.

It is stated, in effect, that said plan of liquidation provides that upon liquidation of Central Massachusetts Light & Power Company, a voluntary trust, the public holders of the 6% preferred shares of Central Massachusetts Light & Power Company will become entitled to cash equal to the full amount to which such preferred shares are entitled in liquidation ($125 and accrued dividends) and that the public holders of the common shares of Central Massachusetts Light & Power Company will be given three options: (*a*) to receive in cash the fair value of their common shares as determined by a committee of disinterested persons selected by and from the Trustees of Central Massachusetts Light & Power Company; (*b*) to receive, in lieu of cash, such amount of outstanding preferred shares of Massachusetts Utilities Associates and such amount of outstanding Massachusetts Utilities Associates voting trust certificates as shall have been determined by a majority of the trustees of Central Massachusetts Light & Power Company, or a committee of such Trustees; (c) or any holder of common shares not voting in favor of the plan, shall be entitled to receive in cash the value of his shares as redetermined by arbitration, such right of arbitration and appraisal to be conditional upon demand for arbitration made within thirty days after the vote upon such plan.

*It is ordered,* That a hearing on such matters be held on December 20, 1937, at eleven o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.



*It is further ordered,* That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3516; Filed, December 3, 1937; 12:58 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D., 1937.

[File No. 50-4]

IN THE MATTER OF COMMONWEALTH GAS & ELECTRIC COMPANIES AND MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

Various applications and declarations having been filed pursuant to Sections 7, 11, 12, and 15 of the Public Utility Holding Company Act of 1935, by Commonwealth Gas & Electric Companies and Massachusetts Utilities Associates, subsidiary companies of New England Power Association, a registered holding company, as follows:

Massachusetts Utilities Associates and Commonwealth Gas & Electric Companies have submitted a plan of liquidation of said Commonwealth Gas & Electric Companies, pursuant to Section 11 (e) of the Act, and have applied for an order approving said plan;

Commonwealth Gas & Electric Companies has applied for a report on said plan pursuant to Section 11 (g) of the Act and Rule 12E;

Commonwealth Gas & Electric Companies has applied for approval of the payment of a liquidating dividend, pursuant to Rule 12C-2;

Commonwealth Gas & Electric Companies has applied for approval of the retirement by it of its preferred and common shares, pursuant to Rule 12C-1;

Commonwealth Gas & Electric Companies has filed a declaration as to solicitation of consents to said plan, pursuant to Rule 12E;

Commonwealth Gas & Electric Companies has filed a declaration, pursuant to Section 7 of said Act, regarding an amendment to its Declaration of Trust, for the purpose of effecting the consummation of the plan;

Massachusetts Utilities Associates has applied for approval of certain accounting entries, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies.

It is stated, in effect, that said plan of liquidation provides that upon liquidation of Commonwealth Gas & Electric Companies, a voluntary trust, the public holders of the preferred and common shares of Commonwealth Gas & Electric Companies will become entitled to: (*a*) To receive in cash the fair value of their shares as determined by a committee of disinterested persons selected by and from the Trustees of Commonwealth Gas & Electric Companies; (*b*) to receive, in lieu of cash, such amount of outstanding preferred shares of Massachusetts Utilities Associates and such amount of outstanding Massachusetts Utilities Associates voting trust certificates as shall have been determined by a majority of the trustees of Commonwealth Gas & Electric Companies, or a committee of such Trustees; (c) or any holder of common shares not voting in favor of the plan, shall be entitled to receive in cash the value of his shares as redetermined by arbitration, such right of arbitration and appraisal to be conditional upon demand for arbitration made within thirty days after the vote upon such plan.

*It is ordered,* That a hearing on such matter be held on December 20, 1937, at eleven o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered,* That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3517; Filed, December 3, 1937; 12:58 p. m.]

*United States of America—Before the Securities And Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D., 1937.

[File No. 50-2]

IN THE MATTER OF MASSACHUSETTS LIGHTING COMPANIES AND MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

Various applications and declarations having been filed pursuant to Sections 7, 11, 12, and 15 of the Public Utility Holding Company Act of 1935, by Massachusetts Lighting Companies and Massachusetts Utilities Associates, subsidiary companies of New England Power Association, a registered holding company, as follows:

Massachusetts Utilities Associates and Massachusetts Lighting Companies have submitted a plan of liquidation of said Massachusetts Lighting Companies, pursuant to Section 11 (e) of the Act, and have applied for an order approving said plan;

Massachusetts Lighting Companies has applied for a report on said plan pursuant to Section 11 (g) of the Act and Rule 12E;

Massachusetts Lighting Companies has applied for approval of the payment of a liquidating dividend, pursuant to Rule 12C-2;

Massachusetts Lighting Companies has applied for approval of the retirement by it of its preferred and common shares, pursuant to Rule 12C-1;

Massachusetts Lighting Companies has filed a declaration as to solicitation of consents to said plan, pursuant to Rule 12E;

Massachusetts Lighting Companies has filed a declaration, pursuant to Section 7 of said Act, regarding an

amendment to its Declaration of Trust, for the purpose of effecting the consummation of the plan;

Massachusetts Utilities Associates has applied for approval of certain accounting entries, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies.

It is stated, in effect, that said plan of liquidation provides that upon liquidation of Massachusetts Lighting Companies, a voluntary trust, the public holders of the 8% preferred shares and the 6% preferred shares of Massachusetts Lighting Companies will become entitled to cash equal to the full amount to which such preferred shares are entitled in liquidation ($125 and accrued dividends) and that the public holders of the common shares of Massachusetts Lighting Companies will be given three options: (a) To receive in cash the fair value of their common shares as determined by a committee of disinterested persons selected by and from the Trustees of Massachusetts Lighting Companies; (b) to receive, in lieu of cash, such amount of outstanding preferred shares of Massachusetts Utilities Associates and such amount of outstanding Massachusetts Utilities Associates voting trust certificates as shall have been determined by a majority of the trustees of Massachusetts Lighting Companies, or a committee of such Trustees; (c) or any holder of common shares not voting in favor of the plan, shall be entitled to receive in cash the value of his shares as redetermined by arbitration, such right of arbitration and appraisal to be conditional upon demand for arbitration made within thirty days after the vote upon such plan.

*It is ordered*, That a hearing on such matter be held on December 20, 1937, at eleven o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3515; Filed, December 3, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D. 1937.

[File No. 43-95, 46-81]

IN THE MATTER OF LOUIS R. GATES, R. W. SAMUELSON, IRA C. SNYDER, DONALD L. PETTIS, A. Z. PATTERSON REORGANIZATION MANAGERS OF THE UNITED TELEPHONE AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Louis R. Gates, Commercial Bank Building, Kansas City, Kansas, R. W. Samuelson, Salina, Kansas, Ira C. Snyder, Manhattan, Kansas, Donald L. Pettis, 540 Omaha National Bank Building, Omaha, Nebr., and A. Z. Patterson, 1313 Dierks Building, Kansas City, Mo., on behalf of a new company to be formed in the reorganization of United Telephone and Electric Company pursuant to a 77B Bankruptcy Proceeding before the United States District Court, District of Delaware, for the acquisition of the securities and certain current assets held by the trustee of said United Telephone and Electric Company; and a declaration pursuant to section 7 of said Act having been filed with the Commission by the same persons for the issue by said new company of 4½% Sinking Fund Debentures in a principal amount of $1,398,096.68, 49,413¾ shares of Convertible Preferred Stock 5% Non-cumulative, with a par value of $4,941,375, 104,982¾ shares of no-par common stock and non-interest bearing evidences of indebtedness, one-half payable June 30, 1938, and the remainder on June 30, 1939, in a principal amount of $51,084.86;

*It is ordered*, That a hearing on such matter be held on December 20, 1937, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BBASSOR, *Secretary.*

[F. R. Doc. 37-3514; Filed, December 3, 1937; 12:57 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, 1937.

IN THE MATTER OF ALBERT A. HALL, DOING BUSINESS AS A. A. HALL COMPANY, 60 BROAD STREET, NEW YORK, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Albert A. Hall, doing business as A. A. Hall Company, a sole proprietorship, hereinafter called the registrant, having filed with the Commission on July 2, 1935 an application for registration on Form 1-M pursuant to Rule MA2 of the rules then governing the over-the-counter markets; and the said registration having become effective on January 1, 1936, in accordance with the Commission's rules and regulations; and the said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission having reasonable grounds to believe that the said registrant during the period from March 8, 1936, up to and including April 25, 1936, has willfully violated the Securities Act of 1933, as amended, in the sale of certain securities; and



The Commission having further reasonable grounds to believe that it is in the public interest to revoke the said registration; and

The said registrant, on November 26, 1937, having consented in writing to the revocation of the said registration, and the Commission having duly considered the matter and being fully advised in the premises;

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Albert A. Hall, doing business as A. A. Hall Company, as a broker or dealer transacting business on the over-the-counter markets be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3518; Filed, December 3, 1937; 12:58 p. m.]

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*United States of America—Before the Securities And Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of December, A. D., 1937.

[File No. 2-2324]

IN THE MATTER OF PETERSEN ENGINE CO., INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Petersen Engine Co., Inc., a New York corporation, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Item 54 and the prospectus, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Petersen Engine Co., Inc., a New York corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3513; Filed, December 3, 1937; 12:57 p. m.]

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*Tuesday, December 7, 1937* *No. 236*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*Nebraska*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6964 of February 5, 1935, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked in so far as it affects any public lands within the following-described area in Nebraska:

SIXTH PRINCIPAL MERIDIAN

T. 31 N., R. 48 W., secs. 2 to 11, and 14 to 19, inclusive;
T. 32 N., R. 48 W., secs. 2 to 11, 14 to 23, and 26 to 35, inclusive;
T. 33 N., R. 48 W., secs. 25 to 29, and 32 to 36, inclusive;
T. 31 N., R. 49 W., secs. 1 to 4, and 7 to 24, inclusive;
T. 32 N., R. 49 W., secs. 13 to 15, 22 to 27, and 33 to 36, inclusive;
T. 30 N., R. 50 W., secs. 3 to 6, inclusive;
T. 31 N., R. 50 W., secs. 13 to 36, inclusive;
T. 30 N., R. 51 W., secs. 1 to 11, inclusive;
T. 31 N., R. 51 W., secs. 13 to 36, inclusive;
T. 30 N., R. 52 W., secs. 1 to 12, 14 to 23, and 26 to 30, inclusive;
Tps. 33 to 35 N., R. 52 W., all;
T. 30 N., R. 53 W., secs. 1 to 12, inclusive;
T. 31 N., R. 53 W., secs. 1 to 5, 8 to 11, and 14 to 23 exclusive of Fort Robinson Military Reservation and Fort Robinson Wood and Timber Reservation, and secs. 28 to 33, inclusive;
T. 32 N., R. 53 W., that part outside of Fort Robinson Wood and Timber Reservation;
Tps. 33 to 35 N., R. 53 W., all;
T. 30 N., R. 54 W., secs. 1 to 12, inclusive;
Tps. 31 and 32 N., R. 54 W., those parts outside of Fort Robinson Wood and Timber Reservation;
T. 33 N., R. 54 W., sec. 6;
T. 34 N., R. 54 W., secs. 1 to 31, inclusive;
T. 35 N., R. 54 W., all;
T. 32 N., R. 55 W., secs. 7 to 36, inclusive;
T. 33 N., R. 55 W., secs. 1 to 5, inclusive;
T. 34 N., R. 55 W., secs. 1 to 29, and 32 to 36, inclusive;
T. 35 N., R. 55 W., all;
T. 32 N., R. 56 W., secs. 7 to 26, inclusive, and secs. 35 and 36;
T. 34 N., R. 56 W., secs. 1 to 24, inclusive;
T. 35 N., R. 56 W., all;
T. 34 N., R. 57 W., secs. 1 to 4, and 9 to 13, inclusive, and sec. 24;
T. 35 N., R. 57 W., all.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from settlement, location, sale, or entry and reserved and set apart for use and development by the Department of Agriculture for forestation, soil erosion, and flood control, and other land-utilization activities in connection with the Pine Ridge Project, LA-NB 1: *Provided*, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless otherwise expressly provided in the order of revocation.

SECTION 4. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 3, 1937.*

[No. 7760]

[F. R. Doc. 37-3523; Filed, December 4, 1937; 11:51 a. m.]

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### EXECUTIVE ORDER

EXTENDING LIMITS OF CUSTOMS PORT OF ENTRY OF WILMINGTON, NORTH CAROLINA

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), the limits of the customs port of entry of Wilmington, North Carolina, in Customs Collection District No. 15 (North Carolina), are hereby extended to include the Township of Northwest, and those portions of the Townships of Wilmington and Cape Fear which are not included within the corporate limits of the city of Wilmington.

This order shall become effective thirty days from this date.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 3, 1937.*

[No. 7761]

[F. R. Doc. 37-3524; Filed, December 4, 1937; 11:51 a. m.]

TREASURY DEPARTMENT.

**Public Debt Service.**

[1937 Department Circular No. 579]

UNITED STATES OF AMERICA 2½ PERCENT TREASURY BONDS OF 1945

DATED AND BEARING INTEREST FROM DECEMBER 15, 1937; DUE DECEMBER 15, 1945; INTEREST PAYABLE JUNE 15 AND DECEMBER 15

*I. Offering of Bonds*

DECEMBER 6, 1937.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 2½ percent bonds of the United States, designated Treasury Bonds of 1945. The amount of the offering is $250,000,000, or thereabouts, with the right reserved to the Secretary of the Treasury to increase the offering by an amount sufficient to accept all subscriptions for which Treasury Notes of Series A–1938, maturing February 1, 1938, are tendered in payment and accepted.

*II. Description of Bonds*

1. The bonds will be dated December 15, 1937, and will bear interest from that date at the rate of 2½ percent per annum, payable semiannually on June 15 and December 15 in each year. They will mature December 15, 1945, and will not be subject to call for redemption prior to maturity.

2. The bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (*a*) estate or inheritance taxes, or gift taxes, and (*b*) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of bonds authorized by the Second Liberty Bond Act, approved September 24, 1917, as amended, the principal of which does not exceed in the aggregate $5,000, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes provided for in clause (*b*) above.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

*III. Subscription and Allotment*

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Cash subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Cash subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, subscriptions in payment of which Treasury Notes of Series A–1938 are tendered will be allotted in full. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

*IV. Payment*

1. Payment at par and accrued interest, if any, for bonds allotted on cash subscriptions must be made or completed on or before December 15, 1937, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve bank of its district. Treasury Notes of Series A–1938, maturing February 1, 1938, with coupon dated February 1, 1938, attached, will be accepted at par in payment for any bonds subscribed for and allotted, and accrued interest on the maturing notes from August 1, 1937, to December 15, 1937 ($9.701087 per $1,000), will be paid following acceptance of the notes. Payment through surrender of Treasury Notes of Series A–1938 should be made when the subscription is tendered.

*V. General Provisions*

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 37–3526; Filed, December 6, 1937; 12:22 p. m.]

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[1937 Department Circular No. 580]

UNITED STATES OF AMERICA 1¾ PERCENT TREASURY NOTES OF SERIES C–1942

DATED AND BEARING INTEREST FROM DECEMBER 15, 1937; DUE DECEMBER 15, 1942; INTEREST PAYABLE JUNE 15 AND DECEMBER 15

*I. Offering of Notes*

DECEMBER 6, 1937.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 1¾ percent notes of the United States, designated Treasury Notes of Series C–1942. The amount of the offering is $200,000,000, or thereabouts, with the right reserved to the Secretary of the Treasury to increase the offering by an amount sufficient to accept all subscriptions for which Treasury Notes of Series A–1938, maturing February 1, 1938, are tendered in payment and accepted.



*II. Description of Notes*

1. The notes will be dated December 15, 1937, and will bear interest from that date at the rate of 1¾ percent per annum, payable semiannually on June 15 and December 15 in each year. They will mature December 15, 1942, and will not be subject to call for redemption prior to maturity.

2. The notes shall be exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes, or gift taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.

*III. Subscription and Allotment*

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Cash subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Cash subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, subscriptions in payment of which Treasury Notes of Series A–1938 are tendered will be allotted in full. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

*IV. Payment*

1. Payment at par and accrued interest, if any, for notes allotted on cash subscriptions must be made or completed on or before December 15, 1937, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve bank of its district. Treasury Notes of Series A–1938, maturing February 1, 1938, with coupon dated February 1, 1938, attached, will be accepted at par in payment for any notes subscribed for and allotted, and accrued interest on the maturing notes from August 1, 1937, to December 15, 1937 ($9.701087 per $1,000), will be paid following acceptance of the notes. Payment through surrender of Treasury Notes of Series A–1938 should be made when the subscription is tendered.

*V. General Provisions*

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 37–3527; Filed, December 6, 1937; 12:22 p. m.]

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UNITED STATES DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

NCR—B–101, as Amended, Supplement 6 Issued December 3, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM

NORTH CENTRAL REGION BULLETIN 101, AS AMENDED

*Supplement No. 6*

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin 101, as Amended, is further amended as follows:

1. Part III, Section 2, first paragraph, the parenthetical expression appearing therein is amended to read as follows:

(This Section 2 does not exclude any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in this Section 2 or a first cultivation which meets the requirements pertaining to the type of such cultivation set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except: (1) in Nebraska such seeding or first cultivation must be completed by May 15, 1937; (2) in Missouri and Illinois such seeding may be made after June 30, 1937, if any of the crops listed in item (1) of Section 1 (b) of this Part III were planted on such acreage in the fall of 1936 and were pastured in the fall of 1936 and were pastured in 1937 until growth of such crop ceased or until such land was first cultivated in 1937.)

2. Part III, Section 2 (a), item (4) is amended to read as follows:

(4) Annual sweet clover, lespedeza, and crotalaria.

3. Part III, Section 2 (b), item (2) is amended to read as follows:

(2) Planted to lespedeza in the spring of 1937, provided: that on the date as of which final inspection of the farm is made for the purpose of determining performance there is evidence that there was a good stand of lespedeza on such acreage in 1937 which had been permitted to mature sufficiently to reseed itself; that such acreage is not plowed before September 1, 1937, after the seeding in the spring of 1937 of such lespedeza; and that if such acreage is seeded in the fall of 1937 to any of the crops listed in item (1) of Section 1 (b) of this Part III, such seeding operation is commenced after such lepedeza has been permitted to mature sufficiently to reseed itself.

4. Part III, Section 2 (b) is amended by the addition of the following new item (3):

(3) Planted to annual sweet clover or crotalaria in the spring of 1937, provided: that on the date as of which final inspection of the farm is made for the purpose of determining performance there is evidence that there was a good stand of annual sweet clover or crotalaria on such acreage in 1937 and such acreage is not plowed before September 1, 1937, after the seeding in the spring of 1937 of such crop.

5. Part III, Section 3 (a), item (3) is amended by the addition of the following new sub-item:

c. Seeded in the spring of 1937 to annual sweet clover or crotalaria in accordance with good farming practices and upon which, due to uncontrollable natural causes, there was not a good stand of annual sweet clover or crotalaria on such acreage in 1937, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay.

6. Part III, Section 3 (a), item 3, the parenthetical expression appearing therein is amended to read as follows:

(This item (3) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in Section 2 (a) of this Part III or the crop listed in item (2) of Section 2 (b) of this Part III or a first cultivation which meets the requirements pertaining to the type of such cultivation set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except: (1) in Nebraska such seeding or first cultivation must be completed by May 15, 1937; (2) in Missouri and Illinois such seeding may be made after June 30, 1937, if any of the crops listed in item (1) of Section 1 (b) of this Part III were planted on such acreage in the fall of 1936 and were pastured in 1937 until growth of such crop ceased or until such land was first cultivated in 1937.)

7. Part IV, Section 2 (j) is amended to read as follows:

(j) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's percentage of any deduction computed with respect to such farm shall be the percentage that the sum of all payments computed for such person with respect to such farm is of the sum of all payments computed for such farm, or if there is no payment computed with respect to such farm, such person's percentage of such deduction shall be such person's percentage of the principal soil-depleting crop on such farm.

8. Part IV, Section 10 (b) is amended to read as follows:

(b) If such farm is a diversion farm in Area "A" and if the 1937 corn acreage on such farm exceeds the larger of (1), the corn limit for such farm, or (2), 15 acres, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage.

9. Part V, Section 1 (f) is amended to read as follows:

(f) If the major portion of the cropland operated as all or part of one farming unit by an operator is rented on shares from a landlord and the remaining portion of the land rented from such landlord and operated by such operator is rented for cash, such share-rented and cash-rented land shall be regarded as one farm and such landlord shall be regarded as having furnished all of the land in such farm.

10. Part V, Section 5, second paragraph is amended to read as follows:

For the purpose of determining the county in which the operator shall make application for payment where he is operating a farming unit consisting of two or more farms, one or more of which are located in different counties, all such farms shall be deemed to be located in the county in which the farming unit is deemed to be located. The operator in such cases shall include in such application for payment all farms in such farming unit. The owner in such cases shall make application for payment in the county in which the farm owned by him is deemed to be located. In all such cases payment with respect to any such farm shall be computed at the rates of payment for the county in which such farm is deemed to be located.

11. Part V, Section 4 is amended by adding thereto the following new subsection (h):

(h) If a person is eligible to execute an application for payment with respect to one or more farms which he owns or operates in the same capacity in a county on June 30, 1937, and becomes entitled to execute an application for payment as owner or operator of one or more other farms in the same county in the same capacity on or after July 1, 1937, pursuant to the provisions of Section 6 of this Part V, such farms shall be regarded as owned by the same person. All such farms shall be included in the same application for payment if acquired before the application for payment is executed and forwarded by the county committee to the State committee. However, farms acquired after the application for payment is executed and forwarded by the county committee to the State committee shall be included in a separate application for payment.

12. Part IV, Section 18 is amended to read as follows:

SEC. 18. *Association expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any farms or ranches in a county, all of such person's pro rata share of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act, or 10 percent of the gross payment computed for such person, whichever is smaller. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to any farms or ranches in such county by the percentage that the estimated total of administrative expenses of the Association for such county as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farms and ranches in such county in 1937. There shall be credited for the payment of administrative expenses of each county association in which special surveys or programs designated by the North Central Division are carried out such amounts as are estimated by the North Central Division to have been incurred by such Association in carrying out such designated special surveys or programs. There shall also be credited for the payment of administrative expenses of each county association the sum of $2.00 for each application for payment under which, prior to the deduction of any administrative expenses and as estimated by the North Central Division, the total payment will be $20.00 or less or under which there will be no payment. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his farms or ranches are located shall become a member thereof by his signing an application for payment with respect to such farms or ranches.

13. Part VI, Section 8 is amended to read as follows:

SEC. 8. *Association expenses.*—In determining the amount of payments due ranch operators under the 1937 Agricultural Conservation Program, deductions shall be made for the administrative expenses of the county association in the amount and in the manner set forth in Part IV, Section 18 of this Bulletin.

The provisions of this Supplement No. 6 to NCR—B–101, as Amended, shall be effective as of October 14, 1937, so as to be included within the conditions mentioned in the "Order Increasing the Allowances, Deductions, and Rates of Payment under the 1937 Agricultural Conservation Program in the East Central, Northeast, North Central, Southern, and Western Regions" issued October 14, 1937.

Done at Washington, D. C., this 3rd day of December 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3522; Filed, December 4, 1937; 11:45 a. m.]



**Bureau of Animal Industry.**

NOTICE

DECEMBER 4, 1937.

TO UNION STOCK YARDS, INC.,
*Albany, Georgia.*

Whereas section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Union Stock Yards, at Albany, State of Georgia, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3525; Filed, December 4, 1937; 12:19 p. m.]

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[Amendment 11 to B. A. I. Order 353]

AMENDMENT OF ORDER TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OF RINDERPEST AND FOOT-AND-MOUTH DISEASE

DECEMBER 6, 1937.

Under authority conferred by law upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930 (46 Stat. 590, 689), the order to prevent the introduction into the United States of rinderpest and foot-and-mouth disease (B. A. I. Order 353), dated June 1, 1935, and effective August 1, 1935, as amended, is hereby further amended by restoring the name "Denmark" to the list of countries in said order, as I have determined that foot-and-mouth disease again exists in said country of Denmark and I have so officially notified the Secretary of the Treasury.

Amendment 8 to B. A. I. Order 353, effective May 29, 1937, is hereby revoked.

This amendment, which for purpose of identification is designated Amendment 11 to B. A. I. Order 353, shall be effective on and after December 7, 1937.

Done at Washington this 6th day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3533; Filed, December 6, 1937; 12:46 p. m.]

**Farm Security Administration.**

DESIGNATION OF COUNTIES

GEORGIA

DECEMBER 6, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Georgia State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Baldwin, Bartow, Berrien, Brooks, Bulloch, Burke, Chattooga, Cherokee, Cobb, Coffee, Cook, Coweta, Dooly, Dodge, Emanuel, Fulton, Gordon, Greene, Gwinnett, Hall, Hancock, Hart, Henry, Jackson, Jenkins, Meriwether, Mitchell, Morgan, Pike, Sumter, Telfair, Terrell, Washington, Wilkes, Worth.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3540; Filed, December 6, 1937; 12:48 p. m.]

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DESIGNATION OF COUNTIES

IOWA

DECEMBER 6, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of the Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Iowa State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title I, shall be made for the fiscal year ending June 30, 1938:

Clarke, Emmet, Fayette, Ida, Iowa, Harrison.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3534; Filed, December 6, 1937; 12:46 p. m.]

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DESIGNATION OF COUNTIES

KANSAS

DECEMBER 6, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Kansas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Harvey, Marshall, Neosho, Ottawa, Rooks.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3538; Filed, December 6, 1937; 12:47 p. m.]

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DESIGNATION OF COUNTIES

MISSISSIPPI

DECEMBER 6, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Mississippi State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Attala, Coahoma, Covington, Forrest, Franklin, Grenada, Holmes, Humphreys, Itawamba, Jefferson, Kemper, Lawrence, Lee, Leflore, Marion, Marshall, Montgomery, Neshoba,

Oktibbeha, Panola, Pontotoc, Prentiss, Rankin, Simpson, Smith, Tate, Union, Walthall.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3537; Filed, December 6, 1937; 12:47 p. m.]

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DESIGNATION OF COUNTIES

NEBRASKA

DECEMBER 6, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Nebraska State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Cedar, Dawson, Gage, Morrill, Polk.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3535; Filed, December 6, 1937; 12:46 p. m.]

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DESIGNATION OF COUNTIES

OHIO

DECEMBER 6, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Ohio State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Darke, Greene, Henry, Holmes, Washington.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3539; Filed, December 6, 1937; 12:47 p. m.]

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DESIGNATION OF COUNTIES

WEST VIRGINIA

DECEMBER 6, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the West Virginia State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Berkeley, Gilmer, Jackson, Marshall.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3536; Filed, December 6, 1937; 12:47 p m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 166]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 1, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| North Carolina 8029 Dare | $81,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3519; Filed, December 4, 1937; 9:43 a. m.]

[Administrative Order No. 167]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 1, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 8007B Catoosa | $28,000 |
| Tennessee 8001C Meigs | 35,300 |
| Tennessee 8019C Rutherford | 24,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3520; Filed, December 4, 1937; 9:43 a. m.]

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[Administrative Order No. 168]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 1, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Pennsylvania 8013B Tioga | $73,000 |
| Pennsylvania 8015B Bradford | 52,000 |
| Texas 8011A Kaufman | 100,000 |
| Wisconsin 8045G Chippewa | 55,000 |
| Wisconsin 8049B Dunn | 105,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3521; Filed, December 4, 1937; 9:43 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of December, A. D. 1937.

[File No. 47-9]

IN THE MATTER OF LONE STAR GAS CORPORATION, LONE STAR GAS COMPANY, AND COMMUNITY NATURAL GAS COMPANY

ORDER APPROVING THE ACQUISITION OF ASSETS

Lone Star Gas Corporation, a registered holding company, and two of its subsidiaries, Lone Star Gas Company and Community Natural Gas Company, having filed with this Commission a joint application pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by Lone Star Gas Company and Community Natural Gas Company of the natural gas production, transportation and distribution properties owned by Texas Public Service Company, West Coast Power Company, and Texas Public Service Production Corporation, subsidiaries of Peoples Light and Power Corporation, in what is known as the "San Angelo area" in Texas, including all leases, gas purchase and sales contracts, and other contracts, franchises and appurtenances belonging thereto, as well as all cash and other asests in connection therewith;

Such application having been amended; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That such acquisition in the manner and for the purposes set forth in such application as amended be and the same hereby is approved.

*It is further ordered*, That, promptly upon such acquisition, the applicants shall notify the Commission that such acquisition was made in the manner and for the purposes set forth in said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3532; Filed, December 6, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, 1937.

[File No. 1-2091]

IN THE MATTER OF ADAMS EXPRESS COMPANY UNSTAMPED 10-YEAR 4¼% DEBENTURES, DUE AUGUST 1, 1946

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Unstamped 10-Year 4¼% Debentures, due August 1, 1946, of the Adams Express Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 o'clock a. m. on December 21, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3530; Filed, December 6, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of December, 1937.

[File No. 1-1648]

IN THE MATTER OF THE ANNAPOLIS DAIRY PRODUCTS COMPANY 1ST MORTGAGE 15-YEAR 6% GOLD BONDS, DUE 1943

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Annapolis Dairy Products Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its 1st Mortgage 15-Year 6% Gold Bonds, due 1943, from listing and registration on the Baltimore Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10:00 o'clock A. M., on Tuesday, January 4, 1938, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3531; Filed, December 6, 1937; 12:43 p. m.]



**Wednesday, December 8, 1937** **No. 237**

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

EXCUSING FEDERAL EMPLOYEES FROM DUTY ON DECEMBER 24, 1937

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered as follows:

1. The several executive departments, independent establishments, and other governmental agencies in the District of Columbia, including the Government Printing Office and the Navy Yard and Naval Stations, shall be closed all day on Friday, December 24, 1937, the day preceding Christmas Day; and all employees in the Federal service in the District of Columbia, and in the field service of the executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty on that day.

2. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 6, 1937.*

[No. 7763]

[F. R. Doc. 37-3554; Filed, December 7, 1937; 2:12 p. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49277]

CONVERSION OF BRAZILIAN MILREIS

CONVERSION OF BRAZILIAN MILREIS FOR THE PURPOSE OF THE ASSESSMENT OF DUTIES ON MERCHANDISE IMPORTED INTO THE UNITED STATES

DECEMBER 6, 1937.

*To Collectors of Customs and Others Concerned:*

Reference is made to the instructions published in Treasury Decisions 48467 of August 8, 1936, and 48553 of October 5, 1936, regarding the collection of duties in cases involving the conversion of Brazilian milreis.

In the case of merchandise exported to the United States on or after November 18, 1937, and until further notice, if it is necessary to convert Brazilian milreis into currency of the United States for the purpose of assessing and collecting duties on such merchandise, collectors of customs are hereby directed to suspend liquidation of the involved entries. In all other respects, the instructions set forth in T. D. 48467, as modified by T. D. 48553, shall be followed.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3552; Filed, December 7, 1937; 12:51 p. m.]

[T. D. 49278]

CONVERSION OF CURRENCY—CHILEAN PESO

CONVERSION OF CHILEAN PESO FOR THE PURPOSE OF THE ASSESSMENT OF DUTIES ON MERCHANDISE IMPORTED INTO THE UNITED STATES

DECEMBER 6, 1937.

*To Collectors of Customs and Others Concerned:*

Reference is made to the certification of the daily buying rates for foreign currencies by the Federal Reserve Bank of New York to the Secretary of the Treasury, as provided by section 522 (c) of the Tariff Act of 1930 (U. S. C., title 31, sec. 372 (c)). Beginning on November 30, 1937, the Federal Reserve Bank of New York has included in each list of buying rates, forwarded to the Secretary of the Treasury, two rates for the Chilean peso, designated respectively "official" and "export."

If, for the purpose of the assessment and collection of duties on merchandise imported into the United States, it is necessary to convert Chilean pesos into currency of the United States, collectors of customs are hereby directed, in connection with entries of merchandise exported on or after November 30, 1937, and pending the receipt of further instructions from the Department, to require the deposit of estimated duties in an amount determined by the use of the value appearing opposite the word "official" in the list of rates above referred to, and to suspend liquidation of all such entries.

Appraising officers shall report promptly and in full to the Bureau of Customs the facts in regard to the appraisement of any merchandise exported on or after November 30, 1937, in connection with which the conversion of Chilean pesos into United States currency may be necessary or appropriate.

For the present only that rate for the Chilean peso which is to be used in estimating duties in accordance with these instructions will appear in the weekly pamphlets and bound volumes of the Treasury Decisions.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3553; Filed, December 7, 1937; 12:51 p. m.]

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**Bureau of Internal Revenue.**

[T. D. 4780]

WEIGHTS FOR TESTING SCALES

*To District Supervisors and Others Concerned:*

Pursuant to authority conferred by Section 3249 Revised Statutes (U. S. C., 1934 ed., title 26, sec. 1157), the following regulations are prescribed:

1. Proprietors of distilleries; fruit distilleries; internal revenue bonded warehouses; industrial alcohol plants; alcohol bonded warehouses; denaturing plants; rectifying plants which taxpay rectified products in packages; and bonded wineries which receive brandy in packages for fortification and/or taxpay wine by weight, will provide, at their own expense, a set of ten 50-pound cast iron test weights, which shall be certified by the National Bureau of Standards or State Departments of Weights and Measures as conforming with Class "C" requirements of the National Bureau of Standards. If the proprietor operates one or more of the enumerated establishments on the same or contiguous premises, only one set of test weights need be provided.

2. Test weights now in the possesion of proprietors which conform to the requirements of this regulation, may be continued in use provided that such weights are certified by the National Bureau of Standards or State Departments of Weights and Measures as accurate.

3. The test weights shall be placed under the control and in the custody of the storekeeper-gaugers in charge, and will be used frequently by such officers to check all scales used in the plant or warehouse.

GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved December 3, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3551; Filed, December 7, 1937; 12:51 p. m.]

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**DEPARTMENT OF THE INTERIOR.**

**National Bituminous Coal Commission.**

[Order No. 108]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER NINETEEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Nineteen having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers for District Number Nineteen having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Nineteen and to other evidence and pertinent data relating to the classifications of coals for District Number Nineteen:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Nineteen, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Nineteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Nineteen and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Nineteen or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Nineteen to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Nineteen and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 6th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3548; Filed, December 7, 1937; 10:47 a. m.]



[Order No. 109]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER TWENTY AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Twenty having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number Twenty having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Twenty and to other evidence and pertinent data relating to the classifications of coals for District Number Twenty:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Twenty, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Twenty, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Twenty and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Twenty or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Twenty to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Twenty and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 6th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3549; Filed, December 7, 1937; 10:47 a. m.]

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[Order No. 110]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER TWENTY-THREE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Twenty-three having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number Twenty-three having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Twenty-three and to other evidence and pertinent data relating to the classifications of coals for District Number Twenty-three:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Twenty-three, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Twenty-three, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Twenty-three and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Twenty-three or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Twenty-three to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Twenty-three and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 6th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3550; Filed, December 7, 1937; 10:47 a. m.]

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**BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

REGULATION T, EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

AMENDMENT NO. 11 OF REGULATION T—EFFECTIVE DECEMBER 6, 1937

On December 3, 1937, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Be it resolved,* That, effective December 6, 1937, Regulation T, as amended, is further amended by adding at the end thereof after section 12 a new section reading as follows:

*"Section 13. Special Commodity Account*

"Notwithstanding any other provision of this regulation:

"*(a)* In a special commodity account recorded separately, a creditor may effect and carry for any customer transactions in commodities, and such a special account when so

recorded shall be excluded from all calculations involving any combined account or any other special account; and

"(*b*) On or before December 31, 1937, the creditor shall transfer to the special commodity account of a customer from the combined account and from any other special account of such customer (1) all open trades or contracts in commodities carried in such combined account or such other special account, together with (2) funds in an amount equal to the amount of margin customarily required by the creditor on all such open trades or contracts so transferred *plus* any net loss on such open trades or contracts OR *minus* any net profit (not exceeding such margin) on such open trades or contracts.

"A special commodity account established pursuant to this section shall not be used in any way for the purpose of evading or circumventing any of the provisions of this regulation. If a customer has with a creditor both a combined account and such a special commodity account, the creditor shall treat the special commodity account as if the customer had with the creditor no combined account."

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-3542; Filed, December 7, 1937; 9:35 a. m.]

## FEDERAL HOME LOAN BANK BOARD.

### AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME LOAN BANKS

#### EXAMINATIONS AND APPRAISALS OF MEMBER INSTITUTIONS WHICH A BANK OR THE BOARD MAY CONSIDER NECESSARY FROM TIME TO TIME

*Be it resolved*, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), the paragraph numbered (5) of Exhibit "E" of the Rules and Regulations for Federal Home Loan Banks is hereby amended to read as follows:

"(5) If admitted to membership, it will submit to such examinations and appraisals as the said bank and/or Federal Home Loan Bank Board may consider necessary from time to time, and will pay the cost thereof, as computed by said Board, including overhead, per diem, and travel expense."

Adopted by the Federal Home Loan Bank Board on December 6, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3546; Filed, December 7, 1937; 10:26 a. m.]

## Home Owners' Loan Corporation.

### AMENDING SECTION 602 (c) OF THE LEGAL CHAPTER (CHAPTER VI) OF THE MANUAL

#### CHANGING THE PROCEDURE FOR THE REQUIRING OF RECEIPTS

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by Sections 4–a and 4–k of said Act as amended, Section 602 (c) of the Manual is hereby amended as follows:

"SEC. 602 (c). Where the payment of any such fees or expenses is made by a salaried attorney, fee attorney, title company or trustee, an itemized statement covering such disbursements, certified to by any such attorney, title company or trustee, shall, when approved by the General Counsel, be accepted by the Auditor as sufficient evidence of the disbursement for the purpose of reimbursing the attorney, title company or trustee by whom the monies were paid or as settlement for funds advanced. Where the payment of any such fees or expenses is made by other than an attorney, title company or trustee, a properly certified voucher, or approval by the General Counsel, supported by receipts for all funds actually expended shall be accepted by the Auditor either as sufficient evidence of the disbursement for the purpose of reimbursing the individual payer or as settlement for funds advanced. The statement of the General Counsel as to the reason for the absence of any receipts, exclusive of tax receipts, shall be accepted by the Auditor in lieu thereof."

Adopted by the Federal Home Loan Bank Board on December 6, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3547; Filed, December 7, 1937; 10:26 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. DI-131]

### IN RE DECLARATION OF INTENTION OF PLATTE VALLEY PUBLIC POWER AND IRRIGATION DISTRICT

#### ALLOWING INTERVENTION AND POSTPONING AND CHANGING PLACE OF HEARING

Upon joint petition filed December 2, 1937, by Platte Valley Water Users Association, Cozad Ditch Company, and South Side Irrigation District (hereinafter referred to as the "Petitioners"), for leave to intervene in the proceedings with respect to the Declaration of Intention filed January 5, 1934, and supplemented July 6, 1936, by Platte Valley Public Power and Irrigation District, and answering the petition of intervention heretofore filed May 14, 1937, by The Central Nebraska Public Power and Irrigation District;

The Commission, having considered said joint petition and the record of proceedings had with reference to said Declaration of Intention, finds:

Said Petitioners have made a prima facie showing of such an interest as entitles them to intervene and be heard in the proceedings in said Declaration of Intention;

And the Commission orders:

(1) That the intervention of said Petitioners be and it hereby is allowed;

(2) That the public hearing on the above matter heretofore ordered to be held on December 8, 1937, at 10 a. m. in the Hurley-Wright Building, 1800 Pennsylvania Avenue N. W., Washington, D. C., by the Commission's order of November 9, 1937, be and the same hereby is postponed and the same shall be held on February 7, 1938, at 10 a. m. in the Court Room, Post Office Building, Grand Island, Nebraska, for the purposes specified in said order of November 9, 1937, and for the further purpose of permitting the introduction of evidence with respect to said joint petition of intervention.

Adopted by the Commission on December 3, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3544; Filed, December 7, 1937; 9:45 a. m.]

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 708]

### APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY FOR AMENDMENT OF LICENSE

#### ORDER POSTPONING HEARING ON ANNUAL CHARGES

Upon request filed by Pacific Gas and Electric Company for postponement of the hearing scheduled to begin at 10 a. m. on December 7, 1937, upon the matter of the fixing of the power capacity of Project No. 708, license for which is held by Pacific Gas and Electric Company, the annual charges due under said license and upon a recomputation of such annual charges;

It is ordered:

That said hearing be postponed to February 14, 1938, at such place as shall be hereafter designated by the Commission.

Adopted by the Commission on December 6, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3545; Filed, December 7, 1937; 9:45 a. m.]



## INTERSTATE COMMERCE COMMISSION.

### ACCOUNTING SYSTEMS FOR MOTOR CARRIERS

#### NOTICE

DECEMBER 3, 1937.

*To all concerned:*

The Commission has adopted orders prescribing for Class I motor carriers, both bus and truck, accounting systems to be put into effect on January 1, 1938. Class I carriers are those having average gross revenues of $100,000 or over annually for the 3 years preceding the effective date. The Commission regards it as unwise to impose accounting systems on the smaller Class II and III carriers until it has funds which will permit it to appoint and locate in the field offices of the Bureau of Motor Carriers accountants who can advise and help the carriers put such systems into effect, and until it is satisfied that the system which it contemplates for the Class III carriers is sufficiently simple to be practicable. It is believed, however, that the larger Class I carriers can comply without much difficulty with the requirements proposed, and it is known that many of them now have very similar systems in effect.

The accounting classifications prescribed differ in the treatment of some matters from the railroad classifications which the Commission has prescribed. It is deemed desirable to find out how these differences will work out in actual practice, and it is realized that experience may show need for changes as to these and other matters. The results will be watched as carefully as possible. The *unit* instead of the *group* plan of depreciation has been temporarily adopted for certain classes of property for practical reasons, but this is not to be regarded as an abandonment of the *group* principle which the Commission has followed in prescribing depreciation accounting for other carriers. It is probable that in time the group plan will be adopted for motor carriers as well.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3541; Filed, December 6, 1937; 12:38 p. m.]

### UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

#### ISSUE OF 1937—EFFECTIVE JANUARY 1, 1938

Carroll Miller, Chairman; Balthasar H. Meyer, Clyde B. Aitchison, Joseph B. Eastman, Frank McManamy, Claude R. Porter, William E. Lee, Charles D. Mahaffie, Walter M. W. Splawn, Marion M. Caskie, John L. Rogers; W. P. Bartel, Secretary.

#### ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of November, A. D. 1937.

The subject of a Uniform System of Accounts to be prescribed for Class I common or contract motor carriers of passengers, subject to the Motor Carrier Act, 1935, being under consideration:

*It is ordered*, That the Uniform System of Accounts and the text pertaining thereto, hereafter known as Issue of 1937, a copy of which is now before the Commission, be, and is hereby approved; that a copy thereof duly authenticated by the Secretary of the Commission be filed in its archives, and a second copy thereof, in like manner authenticated, be filed in the office of the Bureau of Motor Carriers; and that each file of said copies so authenticated and filed shall be deemed an original record thereof.

*It is further ordered*, That the said Uniform System of Accounts be, and is hereby, prescribed for the use of Class I common or contract motor carriers of passengers, subject to the provisions of the Motor Carrier Act, 1935, in the keeping and recording of their accounts; that each and every such carrier and each and every receiver, trustee, executor, administrator or assignee of such motor carrier be required to keep all accounts in conformity therewith; and that a copy of said Issue of 1937, be sent to each and every such motor carrier and to each and every receiver, trustee, executor, administrator or asignee of such motor carrier.

*It is further ordered*, That for the purpose of applying the system of accounts for motor carriers subject to the Motor Carrier Act, 1935, Class I carriers shall include each carrier having average gross revenues of $100,000 or over annually from its motor carrier operations; and that such average revenues shall be determined by the average of its annual gross revenues from motor carrier operations for the three years immediately preceding the effective date of this system of accounts.

*It is further ordered*, That the date on which the said Issue of 1937 of the Uniform System of Accounts shall become effective be, and is hereby, fixed on January 1, 1938.

Dated at Washington, D. C., this 29th day of November, A. D. 1937.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

### UNIFORM SYSTEM OF ACCOUNTS FOR MOTOR CARRIERS

This uniform system of accounts for motor carriers is issued and prescribed under the following provisions of the Motor Carrier Act, 1935:

Sec. 204. (a) It shall be the duty of the Commission—

(1) To regulate common carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

(2) To regulate contract carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

(4) To regulate brokers as provided in this part, and to that end the Commission may establish reasonable requirements with respect to licensing, financial responsibility, accounts, records, reports, operations, and practices of any such person or persons.

(c) The Commission may from time to time establish such just and reasonable classifications of brokers or of groups of carriers included in the term "common carrier by motor vehicle", or "contract carrier by motor vehicle", as the special nature of the services performed by such carriers or brokers shall require; and such just and reasonable rules, regulations, and requirements, consistent with the provisions of this part, to be observed by the carriers or brokers so classified or grouped, as the Commission deems necessary or desirable in the public interest.

SEC. 220. (a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, to prescribe the manner and form in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may deem information to be necessary. Such reports shall be under oath whenever the Commission so requires. The Commission may also require any motor carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this part, to which he or it may be a party.

Sec. 222 (g) Any motor carrier, or broker, or any officer, agent, employee, or representative thereof who shall willfully fail or refuse to make a report to the Commission as required by this part, or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not less than $100 and not more than $5,000.

#### DEFINITIONS

When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued", as applied to securities, means those which have been sold to *bona fide* purchasers for a valuable consideration (including those issued in exchange for other securities or other property) so that the purchasers secured them free from control by the issuing carrier, also securities

issued as dividends on stock, and those which have been issued in accordance with contractual requirements direct to trustees of sinking and other funds.

3. "Actually outstanding", as applied to securities issued or assumed by the carrier, means those which have been actually issued and are neither retired nor held by or for the carrier; provided, however, that securities held by trustees shall be considered as actually outstanding.

4. "Addition" means structures, facilities, or equipment added to those in service and not taking the place of anything previously existing.

5. "Amortization" means the gradual extinguishment of an amount in an account by prorating such amount over either a fixed period dependent on the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

6. (a) "Associated companies" means companies or persons that directly or indirectly, through one or more intermediaries, control or are controlled by, or are under common control with the accounting carrier.

(b) "Control" (including the terms "controlling", "controlled by", and "under common control") as used herein, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, firm or corporation, whether through the ownership of voting securities, by contract or otherwise. If in any instance the existence of control is or may be open to reasonable doubt, the carrier shall report to the Commission all of the material facts pertinent to the possible existence of control.

7. "Betterment" means the enlargement or improvement of existing structures, facilities, and equipment.

8. "Book cost" means the amount at which property is recorded on the books of the carrier without deduction of related reserves.

9. "Carrier" or "motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle, subject to the Motor Carrier Act, 1935.

10. "Carrier operating property" means the property which is used (see definition 40) by the carrier in the conduct of its motor carrier operations or leased to others for such operations, and which has an expectation of life in service of more than one year from date of installation. This includes land, structures, equipment, and facilities necessary for such operations and services incidental thereto.

11. "Company" means any individual, firm, copartnership, corporation, association, or joint-stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

12. "Commission" or "the Commission" means the Interstate Commerce Commission.

13. "Contingent Assets" means a possible source of value to the carrier dependent upon the fulfillment of conditions regarded as uncertain.

14. "Contingent Liabilities" means items which may under certain conditions become obligations of the carrier but which are neither direct nor assumed liabilities at the date of the balance sheet.

15. "Cost" means the amount of money actually paid for property or services, or the cash value at the time of the transaction of any consideration other than money.

16. "Cost of removal" means the cost of demolishing, dismantling, tearing down, or otherwise removing operating property, including the cost of transportation and handling incident thereto.

17. "Current Assets" means cash as well as those assets that are readily convertible into cash or are held for current use in operations or construction; current claims against others, payment of which is reasonably assured; and other amounts accruing to the carrier which are subject to settlement within one year from the date of the balance sheet.

18. "Current Liabilities" means those obligations the amount of which is definitely determined or closely estimated which are either matured at the date of the balance sheet or become due within one year from date of issuance or assumption or upon demand, except bonds, equipment and other long-term obligations, receivers' or trustees' certificates, which shall be classed as long-term obligations (see definition 26) regardless of the period for which they are to run.

19. "Date of retirement", as applied to operating property, means the date at which such property is permanently withdrawn from service.

20. "Debt expense" means all expense in connection with the issuance and sale of evidences of long-term debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other evidences of debt; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing evidences of debt; fees and expenses of listing on exchanges; and other like costs.

21. "Delayed items" means items relating to transactions which occurred before the current calendar year. It includes adjustments of errors in the income, operating revenue, and operating expense accounts of prior years.

22. "Depreciation", as applied to depreciable operating property, means the loss in service value (see definition 37) not restored by current maintenance, incurred in connection with the consumption or prospective retirement of property in the course of service from causes against which the carrier is not protected by insurance, which are known to be in current operation. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, changes in the art, inadequacy, changes in demand, and requirements of public authority.

NOTE A.—*Unit Plan* means the plan under which depreciation charges are computed and the records maintained so that the total amount of depreciation accrued applicable to each unit can be determined.

NOTE B.—*Group Plan* means the plan under which depreciation charges are accrued upon the basis of the sum total of the book cost balances at the close of each month (or four-week period) of all property included in each account or sub-division thereof, at rates determined from the average service life of the property included therein, and upon the retirement of any such property its full service value is charged to the depreciation reserve whether or not the particular item has attained the average service life.

23. "Discount", as applied to securities issued or assumed by the carrier, means the excess of the par or face value of the securities, plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from the sale.

24. "District Operating Unit" means all or any portion of a route or routes covered by a certificate of convenience and necessity or a permit and operated as a separate entity, including the physical property used in the operation thereof.

25. "Joint facility" means any property occupied or used jointly by the carrier and one or more other carriers under a definite arrangement whereby the costs are shared between the parties to the joint agreement. Portions of a structure or other property used exclusively by each of two or more carriers are not joint facilities.

26. "Long-term obligations" means obligations having a life of more than one year from date of creation or assumption, and all unmatured bonds and receivers' or trustees' certificates.

27. "Mileage method", as applied to depreciation of vehicles, means the plan under which the service value is charged to depreciation expenses and credited to depreciation reserves at a fixed rate per mile run.

28. "Minor items", as applied to carrier operating property (see definition 10), means the associated parts or elements of which units of property (see definition 39) are composed. (See instruction 21 C.)

29. "Net book cost", when applied to property, means the book cost (see definition 8) less related depreciation and amortization reserves.



30. "Net salvage value" means the salvage value (see definition 35) of property retired after deducting the cost of removal.

31. "Nominally issued", as applied to securities issued or assumed by the carrier, means those which have been signed, certified, or otherwise executed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the carrier, but which have not been sold or issued direct to trustees of sinking funds in accordance with contractual requirements.

32. "Premium", as applied to securities issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face value of the securities plus interest or dividends accrued at the date of sale.

33. "Property retired", as applied to operating property, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been permanently withdrawn from service.

34. "Replacing" or "replacement", when not otherwise indicated in the context, means the acquisition, construction, or installation of property in place of property of like purpose retired, together with the removal of the property retired.

35. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recovered is chargeable to account 1180, Material and Supplies, or other appropriate account.

36. "Service life" means the period between the date when carrier operating property (see definition 10) is placed in service and the date of its retirement. (See definition 33.)

37. "Service value" means the difference between the book cost (see definition 8) and the net salvage value (see definition 30) of carrier operating property.

38. "Straight-line method", as applied to depreciation accounting, means the plan under which the service value (see definition 37) of property is charged to depreciation expenses or other appropriate accounts and credited to the depreciation reserves through equal periodic charges as nearly as may be during its service life.

39. "Unit of Property", for the purpose of this system of accounts, means any item of property which on sale, abandonment, disposal or replacement is written out of the property accounts as provided for in instruction 21.

40. "Used", as applied to operating property, means actually and necessarily in current service or ready for and reasonably required to be currently held for future service.

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1. *Classification of carriers.*—A. For the purpose of prescribing Uniform Systems of Accounts for common or contract motor carriers subject to the Motor Carrier Act, 1935, carriers are grouped into the following three classes:

Class I. Carriers having average gross operating revenues (including interstate and intrastate) of $100,000 or over annually, from motor carrier operations.

Class II. Carriers having average gross operating revenues (including interstate and intrastate) of $25,000 or over, but under $100,000 annually, from motor carrier operations.

Class III. Carriers having average gross operating revenues (including interstate and intrastate) of less than $25,000 annually, from motor carrier operations.

B. Class I carriers shall keep all the accounts prescribed herein, where applicable. Separate systems of accounts will be prescribed for Class II and Class III carriers.

C. In order that frequent changes may be avoided, the class to which any carrier belongs may be determined by the average of its annual gross operating revenues for the three years immediately preceding the effective date of this system of accounts. If, at the end of any calendar year following, the average of its annual gross operating revenues for the three preceding years is greater than the maximum for the class in which the carrier has been grouped, it shall automatically be grouped in the higher class in which it falls because of such increased annual revenues. Any carrier engaged in new undertakings, the annual revenue from which is not known in advance, shall be classed in accordance with a reasonable estimate of its prospective revenues.

D. Any carrier may, at its option, place itself in any group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the Commission.

2. *Records.*—A. All the accounts defined in this system of accounts must be kept by the double entry method. Each carrier shall keep its general accounting books and all other books, records and memoranda which support in any way the entries to such accounting books and analyses of general ledger account balances so that it can furnish at any time full information as to any account. Moreover, it shall support each entry to each account with such detailed information as will provide a ready analysis and verification of the facts recorded therein. All expenditures must be definitely supported by vouchers, pay rolls, receipted bills, cancelled checks, receipts for petty cash payments, or other evidences of the expenditures incurred.

B. The books referred to herein include not only books of account in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.

C. Carriers shall not destroy any books, records, memoranda, etc., which support entries to its accounts unless the destruction thereof is specifically provided for in the Regulations to Govern the Preservation of Records of Motor Carriers and Brokers.

D. Subdivisions of any account in this system of accounts may be kept, provided that such subdivisions do not impair the integrity of the accounts prescribed. The Commission reserves the right to order any carrier to subdivide any account in this system of accounts. The title of each such subdivision shall clearly indicate the account of which it is a part. When an account is subdivided in the general ledger, an account need not be maintained for the total of the subdivisions. When such subdivisions are carried in

subsidiary ledgers, however, the general ledger shall contain the controlling accounts therefor so that a complete general ledger trial balance may be obtained.

3. *Accounting period.*—Each carrier shall keep its books on a calendar year basis and for each month (or four-week period) all transactions applicable thereto, as nearly as can be ascertained (see instruction 8) shall be written up, posted to the general ledger and balanced. The final entries for any month (or four-week period) shall be made in the general ledger not later than 60 days after the last day of the accounting period for which the accounts are stated, unless otherwise authorized by the Commission, except that the period within which the final entries for the last period in the calendar year shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual reports as required by paragraph (a) of section 220 of the Motor Carrier Act, 1935.

4. *Submission of questions.*—To maintain uniformity of accounting, carriers shall submit all questions of doubtful interpretation to the Commission for consideration and decision.

5. *Item lists, interpretation of.*—Lists of items appearing in the texts of the several accounts are given for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all items includible in the several accounts, but merely as representative of them. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

6. *Opening entries.*—As of the effective date of this system of accounts, the accounts prescribed herein shall be opened by appropriately transferring thereto the balances carried in the accounts previously maintained by the carrier. The carrier is authorized to make such subdivisions, reclassifications, consolidations of or additions to such balances as are necessary to meet the requirements of this system of accounts.

7. *Delayed items.*—A. Delayed items (see definition 21) shall be charged or credited to the same accounts which should have been charged or credited if the items had been taken up or adjusted in the period to which they pertain. When the amount of a delayed item is relatively so large that its inclusion in the accounts for a single period would seriously distort those accounts, it may be distributed in equal amounts to the accounts for the current and remaining periods of the calendar year.

B. If the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort those accounts, the amount shall be distributed to the appropriate surplus account.

8. *Unaudited items.*—A. When the amount of any item affecting these accounts can not be accurately determined in time for inclusion in the accounts of the calendar year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is audited the necessary adjustments shall be made through the accounts in which the estimate was recorded. If, during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The carrier is not required to anticipate small items which would not appreciably affect these accounts.

B. If, owing to exceptional conditions, a carrier finds a modification of the instructions in paragraph A necessary, it shall furnish a statement of its proposed plans to the Commission for approval before adoption.

9. *Spreading of unusual income, revenue and expense items.*—When the amount of any unusual item includible in an income, operating revenue, or operating expense account for a single period is relatively so large that its inclusion in the accounts for that period would seriously distort those accounts it may be included in account 1890—Other Deferred Debits, or account 2450—Other Deferred Credits, as appropriate, and distributed in equal amounts to the accounts for the current and remaining periods of the year. No such item shall be spread beyond the accounts of the current year without authority of the Commission.

10. *Current assets.*—A. In the group of accounts designated as Current Assets (accounts 1000 to 1190, inclusive) there shall not be included any item the amount or collectibility of which is not reasonably assured or for which provision has not been made in a reserve. Items of current character but of doubtful value may be carried in these accounts at a nominal value or included in account 1890—Other Deferred Debits, at book cost or nominal value, or written off, as may be appropriate.

B. Adjustments to accomplish the writing down of items of doubtful value not covered by reserves shall be made through account 4680—Uncollectible Revenues, account 7500—Other Deductions, account 2946—Other Debits to Surplus, or other appropriate income or surplus account.

11. *Discount or premium on securities of other companies.*—See instruction 15.

12. *Discount, expense and premium on capital stock.*—A. This system of accounts provides accounts for discounts, commissions and expenses on capital stock and another account for premium on capital stock. These accounts shall be subdivided for each class and series of capital stock issued by the carrier. Commission and expenses applicable to capital stock issues shall be included in the commission and expense account and shall not be deducted from premium on capital stock.

B. In stating the balance sheet, discount on capital stock shall not be netted against premiums.

C. General levies or assessments against stockholders of par or stated value shares shall be credited to the premium account for the particular class and series of capital stock so assessed.

D. Discounts and expenses on capital stock may be amortized by charges to account 2900—Unearned Surplus. However, in no event shall net debits exceed the accumulated net credits in unearned surplus. Any excess of debits may be retained in account 1900—Discount on Capital Stock, or account 1910—Commission and Expense on Capital Stock, as appropriate, until the stock is reacquired or retired, or the excess debits may be charged to account 2946—Other Debits to Surplus.

E. Discount and expenses on capital stock reacquired or retired shall be accounted for in accordance with instruction 14.

13. *Discount, expense and premium on long-term obligations.*—A. A separate subdivision shall be maintained in account 1880—Unamortized Debt Discount and Expense, for the excess of discount and debt expense over any premium related to each class of long-term debt issued or assumed by the carrier. (See definitions 20, 23 and 32.)

B. Corresponding subdivisions shall be maintained in account 2400—'Unamortized Premium on Debt', for the excess of the premium over any discount and debt expense related to each class of long-term debt issued or assumed by the carrier.

C. Each period there shall be credited to each subdivision of account 1880—Unamortized Debt Discount and Expense, the amount applicable to such period under a plan of amortization, the application of which will equitably distribute the balance therein over the life of the security. Amounts thus credited shall be concurrently charged to account 7300—Amortization of Debt Discount and Expense.

D. Correspondingly, each period there shall be charged to each subdivision of account 2400—Unamortized Premium on Debt, the portion of such credit balance which is applicable to that period. Amounts thus charged shall be concurrently credited to account 7400—Amortization of Premium on Debt—Credit.



E. Except as provided in paragraphs C and D of this instruction, the balances in each of these accounts or subdivisions thereof shall be carried until the reacquisition of the securities to which it relates. At that time (unless otherwise ordered by the Commission in the case of an exchange of securities) a portion of the balances in these accounts, or subdivision for the particular class of long-term debt reacquired, shall be transferred to account 2933—Other Credits to Surplus, or account 2946—Other Debits to Surplus, as may be appropriate. Such portion shall be based on the relation of the amount of the particular issue of long-term debt reacquired to the total outstanding before the reacquisition. This provision shall also apply to securities held alive in sinking or other funds under instruction 14.

F. Except for such discount or expense as may be applicable to the construction period, no discount or expense on long-term debt shall be included in any account as a part of the cost of acquiring any property or as a part of the cost of operation.

14. *Company securities owned.*—A. *Capital stock.*—

1. Capital stock actually issued or assumed by the carrier which has been reacquired, shall be retired or carried in account 1920—Reacquired Securities, at the par or stated value, or the pro-rata proportion of the total of no-par stock without stated value at which it is carried in account 2700—Preferred Capital Stock, or account 2710—Common Capital Stock, unless it is required by provision of a mortgage or decision of a trustee not subject to the control of the accounting carrier that it be retained alive in sinking or other funds. The difference between the amount paid for the reacquired stock and the amount includible in account 1920, plus the premium and less the discount and expense entered in respect to the reacquired stock and not written off, shall be debited or credited as appropriate to account 2900—Unearned Surplus. In no event, however, shall net debits exceed the accumulated credits in Unearned Surplus. Any excess of debits resulting from reacquisition of capital stock over such accumulated credits in Unearned Surplus shall be charged to account 2946—Other Debits to Surplus.

2. When reacquired capital stock is resold by the carrier, the amount included in account 1920—Reacquired Securities, shall be credited thereto and the accounting for premiums realized, discounts, commissions or expenses incurred, shall be the same as provided for in connection with original sales of capital stock.

B. *Equipment and long-term obligations.*—

1. Equipment and other long-term obligations reacquired by the carrier shall be entered in account 1920—Reacquired Securities, at face value. The difference between the face value and the amounts actually paid for the reacquired obligations shall be debited or credited as appropriate to account 2946—Other Debits to Surplus, or account 2933—Other Credits to Surplus. Likewise, any unamortized debt discount, expense or premium, applicable to the reacquired obligations, shall be adjusted through accounts 2946 or 2933, as appropriate.

2. When reacquired equipment and other long-term obligations are resold by the carrier, the amount included in account 1920—Reacquired Securities, shall be credited thereto and the accounting for any premiums realized, discounts, commissions or expenses incurred shall be the same as provided for in connection with original sales of such obligations.

15. *Book cost of securities owned.*—A. Securities of others acquired by the carrier shall be recorded in these accounts at cost at the time of acquisition. Cost does not include any amount paid for accrued interest or dividends.

B. The carrier may write down the book cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded, but a permanent impairment in the value of the securities shall be recognized in the accounts. A reserve may be provided against such declines in value by charges to account 2946—Other Debits to Surplus.

C. When securities with a fixed maturity date are purchased at a discount (that is when the total cost including brokerage fees, taxes, commissions, etc., is less than par), such discount may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which the interest revenue is credited. No debits shall be made in respect to discount upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity.

D. When securities with a fixed maturity date are purchased at a premium (that is when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premiums may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same account in which the interest revenue is recorded.

16. *Clearing accounts, purpose of.*—A. Clearing accounts, designed to facilitate the distribution of certain expenditures which may affect both construction and operations or which may affect transportation and other operations, may be kept when necessary in making the proper distribution of items to the appropriate accounts.

B. Balances in clearing accounts shall be fully cleared not later than the end of the calendar year unless items held therein unquestionably relate to future periods. Items carried over shall be included in account 1890—Other Deferred Debits, or account 2450—Other Deferred Credits.

17. *Deduction of reserves.*—In stating the balance sheet, reserves shall be shown separately and shall be deducted from the specific assets to which they apply. Reserves not applicable to specific assets shall be shown on the liability side. (See form of balance sheet following balance sheet accounts.)

18. *Contingent assets and liabilities.*—The balance sheet of a carrier shall clearly state by adequate notes contingent assets or liabilities not reflected in the balance sheet accounts, including any arrears in cumulative dividends, stating the amount per share of each class of stock and in total and the facts and amounts with respect to any default in principal, interest, or sinking fund provisions if not shown in the balance sheet accounts.

19. *Operating property to be recorded at cost.*—A. Amounts chargeable to the accounts numbered 1200 and 1300, designated as Carrier Operating Property accounts, shall be the actual cost to the carrier of the items properly includible therein, also including the excess cost of improvements over the estimated cost at current prices of property removed and replaced, and shall be exclusive of any cost for intangible items includible in any of the subdivisions of account 1500—Organization, Franchises and Permits, or account 1550—Other Intangible Property. (See, however, instruction 20.)

B. The book cost of the construction or acquisition of property chargeable to the carrier operating property accounts 1200 and 1300 shall include the cost of direct labor, indirect labor, materials, transportation, contract work, rent of construction facilities, taxes, and simple interest during construction; also such portion of engineering, supervision, law expenditures, injuries and damages, compensation and other insurance, as is applicable to the construction period; and other analogous elements applicable to the construction and acquisition of property.

C. Any unit of property, including additions to or betterments of existing property, having a cost not in excess of $50.00, or having a life of one year or less, may be charged to the appropriate operation and maintenance expense, or

clearing account and not to the property account, except that if small tools, portable equipment and similar items are consumed directly in construction work, the cost may be included as part of the cost of the constructed unit. This is not to be construed as authorizing the parceling of expenditures to bring them within this limit, or the inconsistent application of any rule or practice adopted by the carrier hereunder to the same item or class of property. If a carrier adopts a rule hereunder, changes in the rule shall be reported to the Commission.

D. When operating property is purchased under any plan involving deferred payments, no charges shall be made to operating property accounts for interest, insurance, or other expenditures occasioned by such form of payment.

E. When the consideration given for property is anything other than cash, the cash value of such consideration shall be used, except that where physical property is received in exchange for physical property, such property shall be recorded at the net book cost of the property given in exchange. In the journal entry recording such a transaction the actual consideration shall be described with sufficient particularly to identify it. The carrier shall be prepared to furnish to the Commission the particulars of its determination of the cash value of the consideration if other than cash.

20. *Property purchased.*—A. When any transportation system or portion thereof constituting a distinct operating unit (see definition 24) is purchased, the constituent elements thereof that are chargeable to carrier operating property accounts 1200 and 1300 and to any subdivision of account 1500—Organization, Franchises and Permits, may be recorded in these accounts at their book cost as reflected by the records of the vendor (see definition 8) with concurrent credits to the depreciation and amortization reserves for accrued depreciation and amortization to date of purchase, otherwise such purchases shall be recorded in the books of the accounting carrier at cost. If the costs of the various elements of property are not separable in the purchase agreement, estimated values shall be used in charging the accounts appropriate for the property. In no event shall the amounts charged to accounts 1200 and 1300 exceed the actual amount paid therefor, or the current cost new of similar property.

B. The journal entry allocating the property purchased to the operating property accounts and setting up the accrued depreciation and amortization thereon should also cover any additional assets acquired or liabilities assumed and any incidental expenses incurred in connection with the transaction. Full supporting details, showing the purchase price, the principal from whom it was acquired, the agents who represented such principal, the basis of determining the book cost of constituent elements in the property purchased and when recorded at book cost as reflected by the records of the vendor, the accrued depreciation and amortization thereon at date of purchase shall be stated in the journal entry recording the purchased property.

C. Any distributed portion of the purchase cost not includible in specific accounts provided for assets acquired or liabilities assumed shall be charged to account 1550—"Other Intangible Property."

D. In a transaction involving the acquisition of any transportation system or portion thereof constituting a distinct operating unit (see definition 24) from another carrier, the purchaser shall obtain from the vendor all available records and other evidence (or certified copies thereof) relating to the acquisition, construction and improvement of the property acquired.

21. *Operating property retired.*—When carrier operating property (see definition 10) ceases to be used (see definition 40) it shall be retired. If not dismantled or otherwise disposed of, it shall be transferred to account 1400—Non-Carrier Operating Property, or account 1450—Non-Operating Property, as appropriate. (See instruction 23.)

A. *Property under "Unit plan" of depreciation.*—When a unit of property on which depreciation charges were accrued under the unit plan, (see definition 22) is retired from service, the book cost of such property shall be credited to the appropriate property account and concurrently charged, together with the cost of removal, to the depreciation reserve account. Any salvage or insurance recovered, including amounts provided for in any insurance or other reserve with respect to the retired property when such reserve covers the cause of retirement shall be credited to the depreciation reserve. Any difference remaining in the depreciation reserve after the above entries, shall be charged or credited as appropriate to account 5091—Depreciation Adjustment.

B. *Property under "Group plan" of depreciation.*—When a unit of property, on which depreciation charges were accrued under the group plan (see definition 22), is retired from service, the book cost thereof shall be credited to the appropriate property account and concurrently charged, together with the cost of removal, to the depreciation reserve account. Any salvage or insurance recovered, including amounts provided for in any insurance or other reserve with respect to the retired property, when such reserve covers the cause of retirement, shall be credited to the depreciation reserve account.

C. *Minor items.*—When the property retired constitutes a minor item (see definition 28), the book cost of which has been or will be accounted for by its inclusion in the unit of property of which it is a part when such unit of property is retired, no adjustment of the operating property account or depreciation reserve is required therefor. When a minor item is retired and replaced, with property of like purpose, the entire cost of replacement shall be charged to the account appropriate for the cost of repairs of the property retired, except that if the replacement effects a betterment (see definition 7), there shall be charged to the property account, the excess cost of the replacement over the estimated cost at current prices of the items retired (see instruction 19 C), provided that property bettered shall not be carried in excess of the current cost new of equivalent property.

D. *Land.*—When land is sold, the book cost shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses, on the sale shall be adjusted through account 2933—Other Credits to Surplus, or account 2946—Other Debits to Surplus, as appropriate. (See instruction 19 E.)

E. *Determination of book cost.*—The book cost of operating property retired shall be the amount at which such property is included in the operating property accounts including all items set forth in instruction 19. Such costs shall be determined from the carrier's records when this can be done, as in the case of land, structures, revenue automotive equipment, service equipment, furniture, and other items of operating property for which individual cost records are available. When the actual book cost cannot be determined from the records, it shall be estimated. When it is impracticable to determine the book cost of each item due to the relatively large number and/or small cost of such items, the average book costs of all the items, with due allowance for differences in size or character, shall be used as the book cost of the items retired. The latter method may be applied in retirement of such items as spare parts, tools, etc.

F. *Intangibles.*—The accounting for the retirement of items included in account 1511—Franchises, account 1541—Patents, and intangible elements with limited terms included in account 1201—Land and Land Rights, shall be as provided in the texts of account 2600—Reserve for Amortization—Carrier Operating Property, and account 5110—Amortization of Carrier Operating Property.

G. *Sale of property.*—When operating property used in transportation operations is sold together with the transportation business associated therewith, the book cost of the property shall be credited to the appropriate operating property accounts and the amounts carried with respect thereto in the depreciation and amortization reserve accounts, estimated if necessary, shall be charged to such reserves. The difference, if any, between (1) the net amount of such debit and credit items, and (2) the consideration received for the property, shall be included in account 2946—Other Debits to Surplus, or account 2933—Other Credits to Surplus, as appropriate.

H. *Extraordinary losses.*—If the cause of retirement of depreciable operating property is one for which provision has not been made in the depreciation reserve and the loss is not covered by insurance, the accounting for the necessary adjustment shall be made in accordance with instructions under account 1890—Other Deferred Debits.

22. *Leased property, expenditures on.*—A. Except as provided in paragraph B following, the cost of initial improvements, including rearrangements, additions and betterments, to property leased from others made in the course of preparing the property for motor carrier operations and the cost of any subsequent additions to and betterments of such leased property, not including replacements, shall be charged to the operating property account 1271—Improvements to Leasehold Property. Amortization and depreciation on such expenditures shall be provided for in the manner set forth in instruction 25.

B. When the cost of alterations to leased transportation property otherwise chargeable to account 1271—Improvements to Leasehold Property, is not in excess of $50.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property.

23. *Transfer of property.*—Property transferred between accounts 1200—Carrier Operating Property, 1300—Carrier Operating Property Leased to Others, and accounts 1400—Non-Carrier Operating Property, 1450—Non-Operating Property, shall be charged or credited, as appropriate, to the carrier operating property accounts 1200 and 1300 at its book cost with the debits or credits to the appropriate accounts for the accrued depreciation and amortization to date of transfer.

24. *Common property.*—A. If the carrier is engaged in forms of enterprise other than motor carrier operations and any of its carrier operating property is used in common for two or more purposes to such an extent and in such manner that it is otherwise impracticable to segregate it in the accounts, an allocation of the book cost thereof shall be made and the portion so ascertained to be assignable to motor carrier operations shall be recorded in the carrier operating property accounts 1200 and 1300. The remainder shall be recorded in accounts 1400 or 1450 as appropriate. It is not contemplated that minor or temporary changes in conditions shall necessitate frequent reallocations of common property.

B. The carrier shall be prepared to show at any time and to report to the Commission when required, and by carrier operating property accounts 1200 and 1300 the following:

1. The book cost of common property,
2. The allocation of such cost to carrier operations and other purposes for which the jointly operated property is used, and
3. The basis of the allocation.

C. The expenses of operation, maintenance, depreciation and amortization of common property shall be recorded in the accounts prescribed herein and the allocation of such expenses to the carrier operations shall be supported in the same manner as the allocation of the cost of such property.

25. *Depreciation accounting.*—A. There shall be charged each month (or four-week period) to account 5000—Depreciation Expense, and credited to account 2500—Reserve for Depreciation—Carrier Operating Property, during the service life of depreciable property included in account 1200—Carrier Operating Property, amounts which will approximate the loss in service value not restored by current maintenance or covered by insurance, the effect of which can be forecast with a reasonable approach to accuracy. The straight-line method of computing depreciation (see definition 38) shall be used and the current depreciation charge shall be obtained by applying the applicable portion of the annual percentage rate to the book cost balances, except that the mileage method (see definition 27) may be used on automotive equipment, in which event the rate per mile shall be applied to the number of miles traveled each period. In no event, however, shall the charges based on such mileage method be less during any calendar year than would result from the application of rates based on the straight-line method.

Carriers engaged in seasonal operations may apportion the estimated annual depreciation charge over the months in which operations are actually conducted.

B. Depreciation charges on property included in accounts

1211. Structures.
1221. Revenue Equipment.
1231. Service Cars and Equipment.

shall be computed on the unit plan (see definition 22) under the straight-line method. Depreciation charges on any unit of property which is depreciated under the unit plan shall cease when the estimated service value shall have been credited to the depreciation reserve.

C. Depreciation charges on property included in accounts

1241. Shop and Garage Equipment.
1251. Furniture and Office Equipment.
1261. Miscellaneous Equipment.

shall be computed under either the unit plan or the group plan. (See definition 22.) If the group plan is used the current depreciation charge shall be determined by applying the applicable portion of the annual percentage rate to the sum total of the book cost balances of the property included in each account, or subdivisions thereof, at the rates determined from weighted averages of service lives of the property included therein.

D. Depreciation charges upon property included in account 1271—Improvements to Leasehold Property, shall be made upon the same basis as for owned depreciable property. Such depreciation charges shall be charged to account 5071—Depreciation of Improvements to Leasehold Property. Any additional reserve required to meet losses expected to be incurred through reversion of such property to the lessor prior to the expiration of its service life shall be provided through charges to account 5110—Amortization of Carrier Operating Property, and credits to account 2600—Reserve for Amortization—Carrier Operating Property.

E. Depreciation charges upon operating property constituting a distinct operating unit (see definition 24) leased from others under terms whereby the carrier has exclusive possession, shall be made on the same basis as for owned depreciable property. (See instruction 30.) Records shall be maintained similar to those for owned property showing the cost, service life and salvage value for each unit of depreciable operating property leased from others.

F. Depreciation charges on operating property constituting a distinct operating unit (see definition 24) leased to others for transportation operations, when the lessee has exclusive possession, shall be charged to account 5500—Income from Lease of Carrier Property—Credit, with concurrent credits to account 2500—Reserve for Depreciation—Carrier Operating Property.

G. Depreciation expense on non-carrier operating property and non-operating property shall be charged to the appropriate Other Income account and credited to account 2610—Reserve for Depreciation and Amortization—Other Property.

26. *Repairs, cost of.*—A. The cost of repairs chargeable to the various operation and maintenance expense accounts includes labor employed, materials used, and expenses incurred in all current maintenance (not including depreciation and amortization), such as:

(1) Inspecting, testing, and reporting on the condition of operating property specifically to determine the need for repairs, minor replacements, rearrangements, and changes.
(2) Testing for, locating, and clearing trouble.
(3) Routine work to prevent trouble, such as general overhauling, removing carbon, grinding valves, adjusting

and relining brakes, adjusting shock absorbers, cleaning and adjusting engines, etc.

(4) Replacing minor items of operating property. (See also instruction 21 C.)

(5) Rearranging and changing the location of property not retired.

(6) Restoring the condition of property damaged by wear and tear, storms, breakage, floods, fire, accident, or other casualties. (See also paragraph B.)

(7) Training employees for repair work.

(8) Inspecting and testing after repairs have been made.

B. Materials recovered in connection with repairs to property shall be credited to the same account to which the repair cost was charged.

C. If employees engaged in transportation, station or terminal service are also required to make repairs, an equitable proportion of their pay and expenses shall be charged to the account appropriate for the cost of such repairs. (See instruction 28.)

D. If the book cost of any property is carried in account 1281—Undistributed Property, the repairs to such property shall be charged to the accounts provided for repairs to property of the same nature and use, the book cost of which is carried in other operating property accounts. Repairs to property leased from others shall be treated in like manner.

27. *Insurance.*—A. Provision has been made under Operation and Maintenance Expenses for recording amounts of premiums paid outside insurance companies in accounts as follows:

4520. Public Liability and Property Damage Insurance.
4541. Workmen's Compensation—Insurance.
4550. Baggage and Express Insurance.
4570. Fire and Theft Insurance.
4580. Other Insurance.

Premiums paid in advance shall be charged to account 1800—Prepayments, and equitably distributed to the appropriate accounts over the period for which the premiums have been paid, except minor premiums which may be charged direct and premiums chargeable to construction.

B. Carriers authorized by the Commission to self-insure for automobile bodily injury liability, property damage liability or other liability shall record periodic charges to the appropriate expense accounts in amounts sufficient to cover estimated losses based on the carrier's experience.

C. The following accounts have been provided under Operation and Maintenance Expenses for the purpose of creating reserves for losses not covered by outside insurance and for losses incurred in excess of outside insurance coverage:

4530. Injuries and Damages.
4546. Workmen's Compensation—Self Insurer.
4560. Baggage and Express Loss and Damage.
4570. Fire and Theft Insurance.
4580. Other Insurance.

Reserves created for self-insurance of injuries and damages, workmen's compensation and baggage and express loss and damage shall be included in account 2680—Injuries, Loss and Damage Reserves. Reserves created for self-insurance of all other risks shall be included in account 2660—Insurance Reserves.

Periodic charges to expense accounts for the purpose of creating reserves for self-insurance liability shall be determined currently by the carrier from its best source of information and the rates used may be based on percentage of revenue, mileage of busses, amount of payrolls or other equitable basis.

28. *Distribution of pay and expenses of employees.*—The charges to investments, operation and maintenance expenses, and other accounts for services and expenses of employees engaged in activities chargeable to various accounts, shall be based upon the actual time engaged in the respective classes of work, or in case that method is impracticable, upon the basis of a study of the time actually engaged during a representative period. The pay and expenses of an employee of one department who occasionally performs incidental services involving but small expense for another department may be included in the expense of the department in which the employee is regularly employed.

29. *Joint expenses.*—Where the carrier owns the joint facility, any amounts received as reimbursement of operation and maintenance costs shall be credited to the appropriate joint facilities—credit account under maintenance and garage expenses; station and terminal expenses; or administrative and general expenses. Any amounts received for depreciation, taxes and return on the joint facility, shall be credited to account 5390—Joint Facility Rents—Credit. Similarly, any amounts paid by the carrier under joint facility arrangements for operating and maintenance costs shall be charged to the appropriate joint facilities—debit account in the operation and maintenance expense group of accounts and any amounts paid for depreciation, taxes and return on the joint facility, shall be charged to account 5340—Joint Facility Rents—Debit.

30. *Rent and lease of carrier property.*—A. Provision is made in the several sub-divisions of account 5300—Operating Rents—Net, for rents receivable and payable for use of property other than that constituting a distinct operating unit or system. (See definition 24.)

B. Taxes payable by the lessee upon property rented or leased shall be included in account 5200—Operating Taxes and Licenses, by the lessee.

C. Other expenses payable by the lessee shall be included in the appropriate accounts on the books of the lessee.

D. Amounts payable for use of operating property constituting a distinct operating unit (see definition 24) leased from others under terms whereby the carrier has exclusive possession shall be apportioned between rent and depreciation. The portion covering rent shall be included in account 5400—Rent for Lease of Carrier Property—Debit, and the portion covering depreciation shall be included in account 5000—Depreciation Expense. (See instruction 25.)

E. The lessor shall credit the amount receivable for use of the property leased to account 5500—Income from Lease of Carrier Property—Credit. The lessor shall charge the estimated depreciation accrual to account 5500 and credit account 2500—Reserve for Depreciation—Carrier Operating Property.

F. If settlement for either rent or depreciation is not made currently the amounts thereof shall be accrued by both lessor and lessee in harmony with the instructions in paragraphs C and D. The amounts accrued receivable, and payable, should be included in appropriate accounts classified under accounts 1890—Other Deferred Debits, and 2450—Other Deferred Credits, by the lessor and lessee, respectively.

*Balance Sheet Accounts*

ASSET SIDE

*I. Current Assets*

1000. Cash.
1020. Working Funds.
1040. Special Deposits.
1041. Interest Special Deposits.
1042. Dividend Special Deposits.
1043. Miscellaneous Special Deposits.
1060. Temporary Cash Investments.
1080. Notes Receivable.
1100. Receivables from Associated Companies.
1120. Accounts Receivable.
1140. Subscribers to Capital Stock.
1160. Interest and Dividends Receivable.
1180. Material and Supplies.
1190. Other Current Assets.

*II. Tangible Property*

1200. Carrier Operating Property.
1201. Land and Land Rights.
1211. Structures.
1221. Revenue Equipment.
1231. Service Cars and Equipment.
1241. Shop and Garage Equipment.
1251. Furniture and Office Equipment.
1261. Miscellaneous Equipment.
1271. Improvements to Leasehold Property.
1281. Undistributed Property.
1291. Unfinished Construction.



1300. Carrier Operating Property Leased to Others.
1400. Non-Carrier Operating Property.
1450. Non-Operating Property.

*III. Intangible Property*

1500. Organization, Franchises and Permits.
1501. Organization.
1511. Franchises.
1541. Patents.
1550. Other Intangible Property.

*IV. Investment Securities and Advances*

1600. Investments and Advances—Associated Companies.
1650. Other Investments and Advances.

*V. Special Funds*

1701. Sinking Funds.
1751. Depreciation funds.
1781. Miscellaneous Special Funds.

*VI. Deferred Debits*

1800. Prepayments.
1880. Unamortized Debt Discount and Expense.
1890. Other Deferred Debits.

*VII. Miscellaneous Debit Items*

1900. Discount on Capital Stock.
1910. Commission and Expense on Capital Stock.
1920. Reacquired Securities.
1990. Nominally Issued Securities.

LIABILITY SIDE

*VIII. Current Liabilities*

2000. Notes Payable.
2020. Matured Equipment and Long-Term Obligations.
2030. Payables to Associated Companies.
2050. Accounts Payable.
2070. Wages Payable.
2080. Unredeemed Tickets.
2090. C. O. D.'s Unremitted.
2100. Dividends Declared.
2120. Taxes Accrued.
2150. Interest Accrued.
2160. Matured Interest.
2190. Other Current Liabilities.

*IX. Advances Payable*

2200. Advances Payable—Associated Companies.
2250. Other Advances Payable.

*X. Equipment and Other Long-Term Obligations*

2300. Equipment Obligations.
2330. Bonds.
2360. Other Long-Term Obligations.

*XI. Deferred Credits*

2400. Unamortized Premium on Debt.
2450. Other Deferred Credit.

*XII. Reserves*

2500. Reserve for Depreciation—Carrier Operating Property.
2600. Reserve for Amortization—Carrier Operating Property.
2610. Reserve for Depreciation and Amortization—Other Property.
2650. Reserve for Uncollectible Accounts.
2660. Insurance Reserves.
2680. Injuries, Loss and Damage Reserves.
2690. Other Reserves.

*XIII. Capital Stock*

2700. Preferred Capital Stock.
2710. Common Capital Stock.
2720. Premiums and Assessments on Capital Stock.
2730. Capital Stock Subscribed.

*XIV. Non-Corporate Capital*

2800. Sole Proprietorship Capital.
2810. Partnership Capital.

*XV. Unappropriated Surplus*

2900. Unearned Surplus.
2930. Earned Surplus.

ASSET SIDE

I. CURRENT ASSETS

1000. *Cash.*—This account shall include the amount of current funds available for use on demand in the hands of financial officers and deposits in banks or trust companies; also cash in transit for which agents or drivers have received credit.

NOTE A.—This account shall be credited with the amount of checks or drafts transmitted to payees.

NOTE B.—*Funds subject to withdrawal restrictions.*—Funds subject to such restrictions and deposits in closed banks shall not be included in this account. Such funds definitely known to be available within one year shall be included in account 1190—Other Current Assets. Deposits in closed banks which are not available within one year shall be included in account 1690—Other Deferred Debits.

1020. *Working funds.*—This account shall include amounts advanced to officers, agents, employees, and others as petty cash or working funds from which certain expenditures are to be made and accounted for.

1040. *Special deposits.*—This account shall include the balance of the amounts included in accounts 1041, 1042, and 1043, for short-term deposits.

1041. *Interest special deposits.*—This account shall include moneys and bank credits specially deposited in the hands of fiscal agents or others for the payment of interest on behalf of the carrier. When interest is paid from such deposits, it shall be credited to this account and charged to the appropriate accrued or matured interest account. Payments to trustees or other agents of the holders of bonds or other securities of the interest accrued thereon which operate under the terms of the securities or of mortgages supporting such securities as a release of the paying company from further liability for such interest, shall be charged to the appropriate interest accrual account.

1042. *Dividend special deposits.*—This account shall include moneys and bank credits in the hands of fiscal agents or others for the payment of dividends on behalf of the carrier. When dividends are paid from such deposits, they shall be credited to this account and charged to the appropriate dividend account.

1043. *Miscellaneous special deposits.*—This account shall include moneys and bank credits in the hands of fiscal agents or others for special purposes other than the payment of interest or dividends. This includes cash or securities deposited with Federal, state, or municipal authorities, public utilities, or others, as a guaranty for the fulfillment of obligations. Entries to this account shall specify the purpose for which the deposit is made. When such purposes are satisfied and the deposit is released, this account shall be credited with the amount deposited.

NOTE.—This account shall not include any assets available for general company purposes.

1060. *Temporary cash investments.*—A. This account shall include the book cost (see instruction 15) of investments such as time drafts receivable and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments acquired for the purpose of temporarily investing cash. Any securities included in this account must be of such a nature as to be readily convertible into cash at substantially the book value.

B. This account shall be sub-divided to reflect separately:

(1) Temporary Cash Investments—Associated Companies.

(2) Temporary Cash Investments—Other.

NOTE A.—Amounts carried in this account as pledged shall be shown separately from amounts unpledged.

NOTE B.—There shall not be included in this account amounts properly includible in accounts 1600—Investments and Advances—Associated Companies, or 1650—Other Investments and Advances.

1080. *Notes receivable.*—A. This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable, contracts receivable, and similar evidences (except interest coupons) of money receivable on demand or within a time not exceeding one year from date of issue.

NOTE A.—Notes receivable from associated companies shall be included in account 1100—Receivables from Associated Companies.

NOTE B.—The amount of notes receivable discounted, sold or transferred, unless transferred without recourse, shall be credited to account 2000—Notes Payable.

B. This account shall be sub-divided to reflect separately:

(1) Notes Receivable—Officers, Stockholders and Employees.

(2) Notes Receivable—Other.

1100. *Receivables from associated companies.*—A. This account shall include the total of amounts receivable from associated companies (see definition 6A) which are subject to current settlement (see definition 17), such as balances in open accounts for services rendered, material furnished, traffic or interline accounts, claims, rent for use of property and similar items; interest and dividends due from associated companies; and loans, notes and drafts for which associated companies are liable.

B. This account shall be sub-divided to reflect separately:

(1) Loans and Notes Receivable—Associated Companies.
(2) Interest and Dividends Receivable—Associated Companies.
(3) Accounts Receivable—Associated Companies.

NOTE A.—On the balance sheet, accounts receivable from associated companies shall be set off against accounts payable to the same companies.

NOTE B.—No amount representing dividends receivable shall be included in this account unless they have been declared or guaranteed.

NOTE C.—Items which are not subject to current settlement shall be included in account 1600—Investment and Advances—Associated Companies.

1120. *Accounts receivable.*—A. This account shall include amounts due from others (except associated companies) for material and supplies furnished and services rendered, including transportation and storage charges, use of property, other matured rents, amounts owing by public authorities, amounts of collectible judgments, current accounts with officers and employees, and other accounts and claims upon which responsibility is acknowledged by solvent concerns or individuals.

B. This account shall also include the balances due from other carriers, (except associated companies) against each of which there is a net debit balance representing traffic or interline accounts; also the net balance in current accounts due from agents, drivers, and other employees and representatives charged with the collection or custody of current revenues.

C. This account shall be sub-divided to reflect separately:

(1) Accounts Receivable—Officers, Stockholders and Employees.
(2) Traffic or Interline Account Balances.
(3) Accounts Receivable—Others.

NOTE A.—Amounts advanced to officers, employees, or others as working funds, shall be included in account 1020—Working Funds.

NOTE B.—Accounts with other carriers representing traffic and interline accounts which contain net credit balances shall be included in account 2050—Accounts Payable.

1140. *Subscribers to capital stock.*—A. This account shall include the balance due from subscribers upon legally enforceable subscriptions to capital stock.

B. The amount of each subscription shall be charged to this account at the time the subscription is accepted. Concurrently there shall be credited to account 2730—Capital Stock Subscribed, the par or stated value of the stock subscribed or the agreed purchase price in the case of non-par stock without a stated value. Appropriate entries shall likewise be recorded with respect to any discount or premium on par value stocks or non-par value stocks with a stated value.

NOTE.—The records supporting the entries to this account shall be kept so that the corporation can furnish the name and address of each subscriber, the amount and kind of capital stock subscribed, the date of subscription, the date that each payment is due and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.

1160. *Interest and dividends receivable.*—This account shall include the amount of current interest accrued to the date of the balance sheet on bonds, mortgages, notes, and other commercial paper owned; on loans made; open accounts; bank deposits, etc.; and the amount of dividends receivable on stocks owned. (See instruction 10.)

NOTE A.—Interest and dividends receivable from associated companies shall be included in account 1100—Receivables from Associated Companies.

NOTE B.—Interest which is not subject to current settlement shall be included in the account in which is carried the principal on which the interest is accrued.

NOTE C.—No amount representing dividends receivable shall be included in this account unless they have been declared or guaranteed.

NOTE D.—No interest or dividends on securities or obligations issued or assumed by the carrier shall be included in this account.

1180. *Material and supplies.*—A. This account shall include the cost (less cash or other discounts when they can be determined) of all unapplied materials and supplies, including tools, repair parts, fuel, tires and tubes, etc. The cost shall include all specifically assignable transportation charges incurred in obtaining the delivery of such materials and supplies upon the premises of the carrier including loading and unloading, and at the option of the carrier, it may include a suitable proportion of purchasing and store expenses in which case corresponding credits shall be made to the appropriate account. The cost shall also include sales taxes on material purchases other than gasoline, other motor fuels and motor oil.

B. When any materials or supplies, the cost of which has been charged to this account, are issued for use, the amount at which they stand charged herein shall be credited to this account and charged to the appropriate construction, operation and maintenance expense, or other account. Such amount may be based upon the average cost of all items of a given type included in this account at the beginning of the period.

C. Materials recovered in connection with construction, maintenance, or the retirement of property shall be charged to this account as follows:

(1) Reusable materials shall be included in this account at amounts not to exceed cost, estimated if not known.
(2) Scrap and non-usable materials shall be carried at the estimated salvage value. So far as practicable, the difference between the amounts realized from sale or disposal and the amounts at which the materials are carried in this account shall be adjusted in the depreciation reserves, repair accounts, or other accounts which were credited when the materials were charged to this account.

NOTE A.—Interest charged on material bills, the payment of which is delayed, shall be charged to account 7100—Other Interest Deductions.

NOTE B.—Inventories of materials and supplies shall be taken at intervals of one year or less, and the necessary adjustment shall be made to bring this account into harmony with the actual physical inventory. In effecting this adjustment, differences which may practicably be assigned to important classes of materials shall be equitably distributed among the accounts to which such classes of materials are ordinarily chargeable. Other differences shall be equitably apportioned among the operation and maintenance accounts to which materials have been charged since the last inventory. Such differences that cannot be allocated to the operation and maintenance accounts shall be included in account 4655—Purchasing and Store Expenses.

NOTE C.—Sales taxes on gasoline, other motor fuels and motor oil and personal property taxes assessed on material and supplies, shall be included in account 5200—Operating Taxes and Licenses.

1190. *Other current assets.*—This account shall include the amount of all assets of a current nature not includible in any of the foregoing current asset accounts. (See definition 17.)

### II. TANGIBLE PROPERTY

1200. *Carrier operating property.*—A. This account shall include the total of the amounts representing the cost (see instruction 19) of the carrier operating property, included in accounts 1201 to 1291, inclusive, owned and used by the carrier in its motor carrier operations, and which has an expected life in service of more than one year, including such property owned by the carrier but held by nominees.

B. When property normally having a service life of more than one year is installed for temporary use in motor carrier operations, it shall be accounted for in the same manner as property installed for permanent use.

C. Records shall be kept so as to reflect separately the cost and date of acquisition of property jointly owned and property operated under a joint agreement; also the cost and date of acquisition of each structure, unit of equipment, or other major item of property (or at the option of the carrier of each body, chassis or other major part). When a major part of a unit of property, such as a body or chassis of equipment or portion of a structure has been replaced by either a new or rebuilt one, details shall appear in the supporting records showing also the cost of the property removed, the cost of the replacement, and the date of removal or replacement. If property such as a structure or unit of equipment is constructed new, or rebuilt by the carrier to increase its capacity or otherwise add to its usefulness for motor carrier service, or if parts are purchased and assembled by the carrier, the cost records for construction and assembly shall be maintained in a sufficiently complete manner to show the cost of labor, materials and other expenses incurred in such work.

D. When a structure, unit of equipment, or other property is so rebuilt or remodeled as to create an expectation of service life fairly comparable with new property, the old property shall be retired. (See instruction 21.) Charges to this account for the rebuilt or remodeled property shall be based upon the appraised value of the reused parts, or the net book cost at time of retirement of the retired unit, whichever is lower, plus the cost of rebuilding or remodeling, provided, however, that in no event shall the total amount charged exceed the cost of similar new property.

E. The cost of removing old appliances and replacing them with new appliances shall be charged to the proper account under operation and maintenance expenses.

F. The cost of additions to and betterments of property leased from others shall be recorded in account 1271—Improvements to Leasehold Property. (See instruction 22.)

1201. *Land and land rights.*—A. This account shall include the cost (see instruction 19) including the amount of mortgages or other liens assumed, of land or interest in land, having a life of more than one year, for use directly in connection with the motor carrier operations of the carrier for such purposes as general office buildings, shops, garages, stations, terminals, waiting rooms, shelters, loading platforms, warehouses, and the like. This includes the first cost of acquiring leaseholds of land, easements, and rights-of-way, but not rents payable periodically in consideration of rights so obtained.

B. The cost of buildings and other improvements (other than public improvements) shall not be included in the land accounts. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to carrier operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in carrier operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

C. Carriers shall keep their records so as to show separately the cost of each parcel of land or interest therein and the purpose or purposes for which used in motor carrier operations.

*Items*

Clearing land of brush, trees, and debris (First cost of).
Condemnation proceedings, including court costs and special counsel fees.
Consents and abutting damages, payment for.
Conveyancers' and notaries' fees.
Easements and rights-of-way, cost of, and expenses of acquisition.
Fees and commissions to brokers and agents.
Grading.
Land, cost of.
Leases having a life of more than one year, costs of and expenses incidental to acquiring.
Leases, voiding, to secure possession of land.
Relocating property of others.
Rights-of-way, including costs of locating.
Sidewalks on public streets abutting carrier's property.
Special assessments on the basis of benefits for new roads, new bridges, new pavements, new sewers, and other public improvements (but not any taxes levied to provide for maintenance of such improvements).
Surveys.
Taxes assumed, accrued prior to date of transfer of title.
Title, examining, registering, clearing, insuring and defending against claims relating to period prior to purchase.

NOTE A.—When land is acquired in excess of that required for motor carrier operations, or for which there is not a definite plan for its use in such service within one year, the cost of such land shall be charged to account 1400—Non-Carrier Operating Property, or to account 1450—Non-Operating Property, as appropriate. If land originally charged to either of these accounts is later used for motor carrier operations, it shall be charged to Carrier Operating Property in service at its cost when acquired. (See instruction 23.)

NOTE B.—Assessments for public improvements upon which payments are deferred shall be charged to this account in full and the unpaid balance carried in the appropriate liability account. Interest on unpaid balances shall be charged to the appropriate income deduction account.

1211. *Structures.*—A. This account shall include the cost in place (see instruction 19) of structures used in motor carrier operations. This includes buildings or constructions to house, support, or safeguard property or persons, with all appurtenant fixtures permanently attached thereto, and improvements to land, and other structures or constructions.

B. Carriers shall keep their records so as to show separately the cost of each structure included in this account and the purpose or purposes for which used in motor carrier operations.

*Items*

Architect's plans.
Ash pits.
Awnings.
Boilers, furnaces, piping, wiring, fixtures and machinery for heating, lighting, signaling, ventilating and plumbing.
Bridges and culverts.
Chimneys.
Commissions and fees to brokers, agents, architects, and others.
Conduits (not to be removed).
Damages to abutting property during construction.
Door checks and door stops.
Drainage and sewerage systems.
Elevators, cranes, hoists, etc., and the machinery for operating them.
Excavation, including shoring, bracing, bridging, refill and disposal of excess excavated material.
Fences and hedges.
Fire protection systems.
Floor covering (permanently attached).
Foundations and piers for machinery constructed as a permanent part of a building or other unit listed herein.
Grading and preparing grounds for buildings, including landscaping of grounds after construction.
Leases, voiding, to secure possession of structures.
Oil pits and drainage systems.
Outside lighting systems.
Partitions, including movable.
Painting, first.
Permits and privileges, building.
Platforms, railings and gratings, when constructed as part of structure.
Power boards for service to a building.
Refrigerating systems.
Retaining walls.
Scales, connected to and forming part of the structure.
Screens.
Sidewalks, pavements and driveways on building grounds.
Sprinkling systems.
Storage facilities constituting part of building.
Storage tanks.
Storm doors and windows.
Structures, cost of.

Subways, areaways, and tunnels, directly connected to and forming part of the structure.

Vaults, constructed as part of the building.

Water supply system for building or general company purposes.

Window shades and ventilators.

NOTE A.—The cost of specially provided foundations not expected to outlast the machinery or apparatus for which they are provided, and the cost of angle irons, castings, etc., installed at the base of an item of equipment shall be charged to the same account as the cost of the machinery or equipment.

NOTE B.—When part of a structure is removed in order to build an extension thereto, the accounting therefor shall be in accordance with instruction 21.

1221. *Revenue equipment.*—A. This account shall include the cost (see instruction 19) of all units of revenue passenger equipment, and the cost of the first set of accessory equipment necessary to fit them for service, excluding tires and tubes (see account 4160—Tires and Tubes—Revenue Equipment). The term "revenue passenger equipment" includes body and chassis and all fixtures and appliances inside of or attached to the body or chassis.

B. If revenue passenger equipment is purchased in a condition ready for service, the cost shall include the invoice or contract price, (excluding tires and tubes) less discount, if any, plus freight, excise taxes, insurance in transit, unloading costs and other expenses incurred in obtaining delivery of these vehicles upon the premises of the carrier such as drive-away charges, and the cost of any additions or attachments made after delivery.

C. This account may also include the cost of spare engines and other major units carried on hand for the purpose of temporarily replacing such units taken into the shop for overhauling, repairing, or any other reason.

*Items*

Automobiles.
Busses.
Combination busses.
Horses and mules.
Stages.

1231. *Service cars and equipment.*—This account shall include the cost (see instruction 19) of automotive vehicles used in connection with keeping revenue vehicles in operation, including cars and trucks used as trouble wagons for servicing revenue vehicles on the road. This account shall also include the cost of the first set of appliances or accessory equipment, including tires and tubes, necessary to fit such vehicles for service, such as cranes, hoists and other appliances, devices and tools forming the equipment of service cars.

*Items*

Emergency repair vehicles and appliances.
Refueling cars.
Sand and salt cars.
Snow-fighting vehicles and equipment.
Spare units for service vehicles, on hand in shop (optional).
Tow cars and appliances.
Vehicles used by officials, starters and inspectors.

1241. *Shop and garage equipment.*—A. This account shall include the cost installed (see instruction 19) of machinery and equipment used in shops and garages when such machinery and equipment is not an integral part of the housing structure, together with specially provided foundations and settings not expected to outlast the machinery mounted thereon. Records shall be kept so as to show separately the cost of each major item of equipment.

B. If the carrier has shops or garages at more than one location, the records shall be maintained to reflect the carrier's investment at each location.

*Items*

Air compressors and hose, gauges and tanks.
Anvils.
Arbor presses.
Battery charging outfits.
Belts, shafts and countershafts.
Boring or reaming machines.
Car washing equipment.
Cranes and hoists (portable).
Creepers.
Drill presses.
Electric equipment.
Engines and boilers.
Forges.
Gasoline and oil pumps and portable tanks.
Greasing racks and pumps.
Grinders.
Jacks.
Lathes.
Lockers.
Machine tools.
Motor driven hand tools.
Motor starters.
Oil reclaiming machines.
Paint sprayers.
Pneumatic tools.
Storage bins and shelving (movable).
Store room equipment (except office equipment).
Stoves.
Testing apparatus.
Tire changing equipment.
Tool racks.
Vises.
Vulcanizing equipment.
Weighing devices.
Welding apparatus.
Wheel pullers.
Work benches.

NOTE A.—The cost of small portable tools and implements of slight value or short life shall be charged to the appropriate expense account.

NOTE B.—The cost of cranes, hoists and other appliances, devices and tools forming the equipment of service cars and trucks shall be charged to account 1231—Service Cars and Equipment.

1251. *Furniture and office equipment.*—A. This account shall include the cost (see instruction 19), installed of furniture and appliances used in general offices, garage offices, stations, terminals, warehouses, and waiting rooms, when such equipment is not an integral part of the housing structure.

B. If the carrier has equipment included in this account at more than one location, the records shall be maintained to reflect the carrier's investment at each location.

C. If the carrier operates or owns auxiliary station facilities such as restaurants and news stands, the cost of equipment therein shall be charged to this account and carried under a special subdivision entitled "Furniture and Office Equipment—Special Facilities."

*Items*

Book cases.
Cash registers.
Chair, stools and benches.
Clocks.
Counters.
Desks.
Equipment in rest, dining recreation and medical rooms.
Fans, electric.
Filing cabinets.
Fire extinguisher equipment.
Floor coverings.
Heaters and lamps (movable).
Kitchen equipment.
Lighting fixtures (movable).
Lockers.
Loud speaker systems.
News stand equipment.
Office equipment (mechanical).
Parcel room equipment.
Partitions and railings.



Restaurant equipment.
Safes (movable).
Show cases and shelves.
Tables and counters.
Teletypewriters.
Ticket cases.
Ticket machines.
Time clocks.
Time-table racks.
Typewriters.
Vacuum cleaners.
Water coolers.

NOTE.—Small articles of slight value or of short life shall be charged to the appropriate expense accounts.

1261. *Miscellaneous equipment.*—This account shall include the cost (see instruction 19) of other motor carrier equipment such as miscellaneous wheeled equipment used at warehouses, stations, terminals, and loading platforms in connection with handling traffic.

*Items*

Blocks and falls.
Canvas covers (tarpaulins).
Carts.
Chain hoists.
Dollies (platform).
Electric motor trucks.
Hamper trucks.
Platform trucks.
Rollers.
Scales.
Signal equipment.
Signs (electric and portable).
Skidboards.
Warehouse trucks.
Weighing devices.

1271. *Improvements to leasehold property.*—A. This account shall include, except as provided in paragraph B following, the cost of initial improvements (including rearrangements, additions, and betterments) to property used for motor carrier operations and held under lease or through control of the carrier owning the property, and in existence at the date of the balance sheet; and the cost of any subsequent additions to and betterments of such leased or controlled property but not including replacements of other than the carrier's own improvements. Amortization and depreciation on such expenditures shall be provided for in the manner set forth in instruction 25.

B. When the cost of alterations to leased property used in motor carrier operations otherwise chargeable to this account is not in excess of $50.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property.

1281. *Undistributed property.*—A. When a carrier purchases or sells any property constituting a distinct operating unit (see definition 24) or otherwise finds it necessary because of incomplete financial records to make a general readjustment of operating property records, temporary charges or credits to this account may be made with approval of the Commission, and the distribution of the amounts involved shall be made promptly to the appropriate accounts after authorization by the Commission.

B. Balances in accounts previously carried representing property owned as of the effective date of this system of accounts may be carried temporarily in this account. Journal entries distributing such balances to the appropriate property accounts prescribed herein shall be made and filed with the Commission not later than one year after the effective date of this system of accounts.

1291. *Unfinished construction.*—This account shall include the cost of construction projects not ready for service at the date of the balance sheet. It shall include all elements of cost as set forth in instruction 19.

NOTE.—This account is intended to include only charges for new construction not involving any replacement. If, however, at the beginning of a job involving the replacement or retirement of any operating property, the accounting carrier makes full credits therefor to the appropriate property accounts, the cost of installing new property in substitution or replacement may be carried in this account pending completion of the work. (See also account 1890—Other Deferred Debits.)

1300. *Carrier operating property leased to others.*—A. This account shall include the cost (see instruction 19) of carrier operating property owned by the carrier but leased to others as distinct operating units (see definition 24) or systems for use in motor carrier operations, where the lessee has exclusive possession.

B. This account shall be sub-divided so as to reflect separately the investment in each class of property as provided for under account 1200—Carrier Operating Property.

1400. *Non-carrier operating property.*—This account shall include the book cost of land, structures and equipment owned by the carrier and used in other than motor carrier operations and not provided for in account 1200—Carrier Operating Property, and account 1300—Carrier Operating Property Leased to Others.

1450. *Non-operating property.*—This account shall include the book cost of land, structures and equipment owned by the carrier, but not used in any of its operating activities.

III. INTANGIBLE PROPERTY

1500. *Organization, franchises and permits.*—This account shall include the balance of the amounts included in accounts 1501 to 1541, inclusive.

1501. *Organization.*—This account shall include fees paid to state or other governmental authority for the privilege of incorporation, and expenditures incident to organizing the corporation, partnership, or other enterprise, and putting it into readiness to do business.

*Items*

Fees and expenses for incorporation.
Fees and expenses for mergers or consolidations.
Office expenses incident to organizing the company.
Stock and minute books and corporate seal.

NOTE A.—This account shall not include any discounts upon securities issued or assumed; nor shall it include any costs incident to negotiating loans, selling bonds or other evidences of debt, or expenses in connection with the authorization, issuance or sale of stock. (See instructions 12 and 13, and accounts 1900—Discount on Capital Stock, and 1910—Commission and Expense on Capital Stock.)

NOTE B.—Exclude from this account, and include in account 4620—Law Expenses, the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off.

NOTE C.—When charges are made to this account for expenses incurred in mergers, consolidations, acquisitions or reorganizations, amounts previously included herein on the books of the retiring companies shall not be carried over. If such items represent part of the assets acquired they shall be included in account 1550—Other Intangible Property. (See instruction 20.)

1511. *Franchises.*—A. This account shall include amounts actually paid to a state or political subdivision thereof or to other governmental authority in consideration of franchises, permits, consents, or certificates running in perpetuity or for a specified term of more than one year, together with the necessary reasonable expenses incident to procuring such franchises, consents, or certificates of convenience and necessity.

B. When a franchise, permit, consent or certificate is acquired by assignment, the charge to this account shall not exceed the actual cost to the original holder thereof. Payments in excess of the cost to the original holder, together with any expenses incurred by the acquiring carrier shall be charged to account 1550—Other Intangible Property. (See instruction 20.)

C. When any franchises, permits, or consents have expired, and are not immediately renewed, are sold or otherwise disposed of, credits to this account shall be made representing the amounts at which such items (including expenses of acquisition) are carried herein, concurrent charges shall be made to account 2600—Reserve for Amortization—Carrier Operating Property, or to surplus as appropriate.

Expenses incurred in connection with renewals shall be charged to the appropriate operation and maintenance expense account.

D. This account shall be sub-divided to reflect separately amounts pertaining to:

(1) Perpetual Franchises.
(2) Fixed-Term Franchises.

NOTE.—Regularly recurring payments made to any political subdivision for the right to operate within its boundaries shall be charged to account 5200—Operating Taxes and Licenses.

1541. *Patents.*—A. This account shall include the cost (see instruction 19) of patent rights, licenses, and privileges necessary or valuable to the economical conduct of motor carrier operations, and which have a life of more than one year from the date they become effective.

B. When any right or license included herein expires or is canceled and is not immediately renewed, is sold, or otherwise disposed of, credit to this account shall be made representing the amount at which such right or license is included herein. Concurrent charge shall be made to account 2600—Reserve for Amortization—Carrier Operating Property, or to surplus as appropriate. Expenses incurred in connection with renewals shall be charged to the appropriate operation and maintenance expense account.

1550. *Other intangible property.*—A. This account shall include any intangibles not provided for elsewhere, including any undistributed portion of the purchase cost of a transportation system or portion thereof, constituting a distinct operating unit (see definition 24) not includible in specific accounts provided for assets acquired or liabilities assumed. (See instruction 20.)

B. The carrier may amortize the balance carried in this account by credits hereto and concurrent charges to account 7500—Other Deductions, or the amount carried herein for any item may be written off to account 2946—Other Debits to Surplus.

### IV. INVESTMENT SECURITIES AND ADVANCES

1600. *Investments and advances—Associated companies.*—A. This account shall include the book cost (see insruction 15) of the carrier's investments in securities issued or assumed by associated companies; notes of associated companies maturing later than one year from date of issue; and the amount of advances to associated companies not subject to current settlement, including accrued interest on such advances when not subject to current settlement. Exclude from this account securities held in special funds or as temporary cash investments. (See definitions 6 and 8, account 1060—Temporary Cash Investments, and instruction 15.)

B. This account shall be subdivided to reflect separately:

(1) Common Stocks.
(2) Preferred Stocks.
(3) Bonds.
(4) Notes.
(5) Other Investments.
(6) Advances.

NOTE A.—Balances in open accounts with associated companies which are subject to current settlement shall be included in account 1100—Receivables from Associated Companies.

NOTE B.—Securities pledged shall be shown separately from securities unpledged.

NOTE C.—Securities borrowed by the carrier and pledged shall not be included in this account. A memorandum record shall be kept.

1650. *Other investments and advances.*—A. This account shall include the book cost (see instruction 15) of the carrier's investments in securities issued or assumed by other than associated companies; notes of other companies and persons, maturing later than one year from date of issue; the cash surrender values of insurance policies carried on the lives of officers and employees when the carrier is beneficiary of such policies; advances to other companies and individuals not subject to current settlement, including any accrued interest on such advances when not subject to current settlement.

B. This account shall be subdivided to reflect separately:

(1) Common Stocks.
(2) Preferred Stocks.
(3) Bonds.
(4) Notes.
(5) Other Investments.
(6) Advances.

NOTE A.—Balances in open accounts with other companies and individuals which are subject to current settlement shall be included in account 1120—Accounts Receivable.

NOTE B.—Securities pledged shall be shown separately from securities unpledged.

NOTE C.—Securities borrowed by the carrier and pledged shall not be included in this account. A memorandum record shall be kept.

### V. SPECIAL FUNDS

1701. *Sinking funds.*—A. This account shall include the amount of cash or other items when held by trustees or other fiscal agents in charge of sinking funds, or by the carrier itself when they are segregated in a distinct fund, for the purpose of redeeming outstanding obligations. (See instruction 15.)

*Items*

Cash.

Securities of other companies or other assets, at cost except as otherwise provided herein.

Live securities, issued or assumed by the carrier, at face value. (For conditions under which such securities may be kept alive, see instruction 14.)

Amounts deposited with trustees or other fiscal agents on account of mortgaged property sold, when held for the redemption of securities.

Securities of the carrier issued to trustees without intervening sale, at face value.

B. A separate subdivision shall be kept for each fund, the title of which shall designate the obligation in support of which the fund was created.

1751. *Depreciation funds.*—This account shall include the amount of cash and the cost (see instruction 15) of securities of other companies and other assets which have been specifically set aside for the purpose of providing a fund for the replacement of units of depreciable property.

1781. *Miscellaneous special funds.*—This account shall include the amount of cash and the cost (see instruction 15) of securities of other companies and other assets in insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for purposes not provided for elsewhere; and the face value of securities issued or assumed by the carrier which may be held alive in such funds under instruction 14. Also include in this account deposits in lieu of mortgaged property sold and other trust deposits, pending their refund when equivalent property is acquired or pending their transfer under mortgage provisions to account 1701—Sinking Funds. A separate subdivision shall be provided for each fund.

### VI. DEFERRED DEBITS

1800. *Prepayments.*—This account shall include the balances representing payment of items in advance of their accrual, the benefit of which is to be realized subsequent to the time of such payment. Entries shall be made each period transferring from this account to the appropriate account the portion of each prepayment which is applicable to that period. The account shall be kept so that there can be determined readily the amounts applicable to the following:

(1) Taxes and Licenses.
(2) Insurance.
(3) Interest.
(4) Rents.
(5) Tires and tubes. (See account 4160—Tires and Tubes—Revenue Equipment.)
(6) Miscellaneous.

NOTE.—Prepayments of minor items applicable to the current year may be charged directly to the appropriate operation and maintenance expense or other accounts.



1880. *Unamortized debt discount and expense.*—This account shall include the total of the net debit balances representing the excess of the discount and expense over the premium in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained in respect of each issue of such obligations. (See instruction 13.)

1890. *Other deferred debits.*—A. This account shall include all debit balances in suspense accounts that cannot be entirely cleared and disposed of until further information is received; also items of a deferred nature (except items chargeable to account 1800—Prepayments, or account 1880—Unamortized Debt Discount and Expense) which are subsequently to be amortized to the appropriate operation and maintenance expense or other accounts. This includes amounts on deposit with banks which have failed, pending determination of loss; amounts paid for options pending final disposition which are not recoverable; expenditures for plans and investigations made for determining the feasibility of projects under contemplation, pending further disposition; and expenditures for valuations, inventories, and appraisals made in connection with the contemplated purchase or sale of property. (See instruction 19.) If projects in connection with which such preliminary costs were incurred are abandoned, the expense shall be charged to account 2946—Other Debits to Surplus.

B. This account may also include losses in service value of property retired for causes for which provision has not been made in the depreciation reserve and losses from retirements which could not reasonably have been foreseen and provided for. (See instruction 21 and account 5120—Property Loss Chargeable to Operations.) The carrier shall make application to the Commission for permission to make such use of this account for the foregoing purpose, and in the application the carrier shall give full particulars concerning the property retired or abandoned, the reason for which it is retired or abandoned, the amounts provided in respect thereto in the depreciation and amortization reserves, the amount chargeable to this account, and the period over which, in its judgment, such amount should be distributed.

C. This account shall also include other debit items which are subject to amortization by order of the Commission.

D. This account shall also include the balances in clearing accounts maintained to carry temporarily the cost of operating and maintaining such facilities as office buildings, storehouses, etc.; and such overhead costs as it is desirable to apportion to the construction, operating, and other accounts involved. (See instruction 16.)

### VII. MISCELLANEOUS DEBIT ITEMS

1900. *Discount on capital stock.*—This account shall include the discounts suffered in the sale of capital stock. (See instructions 12 and 14.)

1910. *Commission and expense on capital stock.*—This account shall include all expenses incurred in connection with the issuance and sale of capital stock. (See instructions 12 and 14.)

*Items*

Fees and expenses in obtaining permission from regulatory bodies for the issuance of stock and in filing papers of notification thereunder.

Fees paid to promoters.

Listing stock on exchanges.

Preparation and distribution of prospectuses.

Preparation and issuance of certificates of stock.

Soliciting subscriptions for stock, including fees, commissions, advertising and printing.

Taxes paid on stock issues.

1920. *Reacquired securities.*—This account shall include in subdivisions for each class, the face, par, or stated value of capital stock, bonds, and other forms of securities which have been actually issued or assumed by the carrier, and reacquired and are neither retired nor properly includible in sinking or other funds.

NOTE A.—The accounting for the reacquisition of securities and resales thereof shall be in accordance with instruction 14.

NOTE B.—This account shall be maintained so as to reflect separately securities pledged and unpledged.

NOTE C.—In reports to the Commission the balance in this account shall be deducted from the securities accounts on the liability side, thereby extending into the money column the amounts to reflect the actually outstanding securities.

1990. *Nominally issued securities.*—A. This account shall include in subdivisions for each class, the face value of capital stock, bonds, and other forms of securities which have been nominally but not actually issued by the carrier. (See definitions 2 and 30.)

B. When stock without par value is nominally issued, a memorandum entry shall be made to this account showing the number of shares thus issued.

NOTE A.—This account shall be maintained so as to reflect separately securities pledged and unpledged.

NOTE B.—In reports to the Commission, the balance in this account shall be deducted from the securities accounts on the liability side, thereby extending into the money column the amounts to reflect the actually outstanding securities.

## LIABILITY SIDE

### VIII. CURRENT LIABILITIES

2000. *Notes payable.*—A. This account shall include the face value of outstanding obligations in the form of notes, drafts, acceptances, and other similar evidences of indebtedness which by their terms do not run for a period in excess of one year, including the face value of notes receivable discounted or sold without releasing the carrier from liability as endorser thereon.

B. Subdivisions shall be maintained to show separately obligations maturing upon demand from obligations bearing a specified date of maturity.

NOTE A.—Notes payable to associated companies shall be included in account 2030—Payables to Associated Companies.

NOTE B.—Unmatured equipment obligations irrespective of maturity shall be included in account 2300—Equipment Obligations.

2020. *Matured equipment and long-term obligations.*—This account shall include the amount (including obligations for premiums) of equipment obligations, long-term obligations and receivers' certificates matured and unpaid without any specific agreement for extension of maturity, including unpresented bonds called for redemption.

2030. *Payables to associated companies.*—A. This account shall include the total of amounts payable to associated companies (see definition 6) which are subject to current settlement (see definition 17), such as credit balances in open accounts for services rendered, material furnished, traffic or interline accounts, claims, rent for use of property and similar items; interest and dividends due to associated companies; and loans, notes and drafts which are payable to associated companies.

B. This account shall be sub-divided to reflect separately:

(1) Loans and Notes Payable—Associated Companies.
(2) Interest and Dividends Payable—Associated Companies.
(3) Accounts Payable—Associated Companies.

NOTE A.—On the balance sheet accounts payable to associated companies shall be set off against accounts receivable from the same companies.

NOTE B.—No amount representing dividends payable shall be included in this account unless they have been declared or guaranteed.

NOTE C.—Items which are not subject to current settlement shall be included in account 2200—Advances Payable—Associated Companies.

2050. *Accounts payable.*—A. This account shall include amounts payable to others (except associated companies) for materials and supplies and services received, including use of property, other matured rents, amounts due to public authorities, amounts of payable judgments, current accounts with officers and employees, personal injury and property damage claims, and other similar items.

B. This account shall also include the balances due to other carriers (except associated companies) in favor of

each of which there is a net credit balance representing traffic or interline accounts.

C. This account shall be sub-divided to reflect separately:

(1) Accounts Payable—Officers, Stockholders and Employees.
(2) Traffic or Interline Account Balances.
(3) Accounts Payable—Others.

NOTE.—Accounts with other carriers representing traffic or interline accounts which contain net debit balances shall be included in account 1120—Accounts Receivable.

2070. *Wages payable.*—This account shall include the amount of wages payable or accrued pay rolls at the date of the balance sheet. Unclaimed wages should be transferred to account 2190—Other Current Liabilities.

2080. *Unredeemed tickets.*—Carriers using the "ticket lift basis" in recording revenues shall credit this account with the amounts received from the sale of mileage books, scrip books, tokens, strip or coupon tickets, commutation or other forms of tickets which are valid for transportation. This account shall be charged and the appropriate revenue account credited as tickets, tokens, or coupons are honored for transportation. This account shall also be charged with unused portions of tickets, tokens, or coupons with concurrent credits to cash or other appropriate account for the amount redeemed and to the appropriate revenue account for the portion not so redeemed or redeemable.

NOTE.—Carriers using the "ticket sales basis" in recording revenues shall credit account 3200—Passenger Revenue, with their proportion received from the sale of tickets, etc.

2090. *C. O. D.'s unremitted.*—This account shall be credited with amounts of C. O. D.'s collected from consignees for shippers on express delivered.

This account shall be charged when remittances of amounts of C. O. D.'s are made to shippers.

NOTE.—Fees for handling C. O. D.'s shall be credited to the express revenue account.

2100. *Dividends declared.*—This account shall include the amount of dividends declared but not paid on any issue of capital stock of the carrier. Dividends shall be credited to this account as of the day upon which they become a liability of the carrier.

NOTE.—Dividends declared and payable to associated companies shall be included in account 2030—Payables to Associated Companies.

2120. *Taxes accrued.*—A. This account shall be credited each period with the amount of taxes accrued during the period, with concurrent debits to the appropriate accounts for tax charges. As credits to this account will necessarily be based upon estimates, they shall be adjusted from time to time during the year so that the tax charge accounts may show as nearly as possible, the taxes applicable to the year. Payments of taxes for which accruals have been made shall be debited to this account. Amounts representing prepayment of taxes applicable to the period subsequent to the date of the balance sheet shall be included in account 1800—Prepayments.

B. The records supporting the entries to this account shall be kept so that the carrier can furnish information as to the amount and basis for each tax accrual, the kinds of taxes paid, the amount of each and the accounts charged with the tax accruals.

2150. *Interest accrued.*—A. This account shall include the amount of interest accrued to the date of the balance sheet, but not payable until after that date, on all indebtedness of the carrier except interest which is added to the principal.

B. When interest matures without being paid it shall be charged to this account and credited to account 2030—Payables to Associated Companies or account 2160—Matured Interest, as appropriate. Payments to trustees or other agents of the holders of bonds or other securities, of the interest accrued thereon, which operate under the terms of the securities (or of mortgages supporting such securities) as a release of the carrier from further liability for such interest, shall be accounted for in the same manner as payments of interest made directly to bondholders.

NOTE.—Interest accrued upon any judgment against the carrier shall be credited to the account to which such judgment stands credited.

2160. *Matured interest.*—This account shall include the amount of matured and unpaid interest on obligations of the accounting carrier whether the cause of the failure to pay the interest is on the part of the creditor or for other reasons except where such interest is added to the principal of the obligation.

NOTE.—Interest payable to associated companies shall be included in account 2030—Payables to Associated Companies.

2190. *Other current liabilities.*—This account shall include all current and accrued liabilities not includible in any of the foregoing accounts. This includes unmatured rents accrued, and unclaimed wages.

### IX. ADVANCES PAYABLE

2200. *Advances payable—Associated companies.*—A. This account shall include the amount of advances from associated companies, whether evidenced by notes or open accounts which are not subject to current settlement, including interest accrued thereon, when such interest is not subject to current settlement.

B. This account shall be subdivided so as to show for each creditor:

(1) Notes Payable.
(2) Open accounts not subject to current settlement.
(3) Interest accrued on amounts included in this account when not subject to current settlement.

NOTE.—Amounts of temporary advances which are subject to current settlement such as charges for materials and supplies currently furnished, charges for repairs to equipment, etc., shall be included in account 2030—Payables to Associated Companies.

2250. *Other advances payable.*—A. This account shall include the amount of advances from individuals and companies other than associated companies, whether evidenced by notes or open accounts, which are not subject to current settlement, including interest accrued thereon when such interest is not subject to current settlement.

B. This account shall be subdivided so as to show for each creditor:

(1) Notes Payable.
(2) Open accounts not subject to current settlement.
(3) Interest accrued on amounts included in this account when not subject to current settlement.

NOTE.—Amounts of temporary advances which are subject to current settlement such as charges for materials and supplies currently furnished, charges for repairs to equipment, etc., shall be included in account 2050—Accounts Payable.

### X. EQUIPMENT AND OTHER LONG-TERM OBLIGATIONS

2300. *Equipment obligations.*—A. This account shall include the face value of unmatured equipment obligations, issued by the carrier and not retired and canceled. This includes equipment bonds, equipment notes, chattel mortgages, and other obligations for which equipment is pledged as security or is held under a conditional sales agreement; also the face value of equipment obligations issued by others, the payment of which has been assumed by the carrier; and of equipment obligations so issued or assumed, the maturity of which has been extended by specific agreement.

B. This account shall be kept so as to show the face value of equipment obligations (1) nominally issued, and (2) actually outstanding. (See definitions 3 and 31.)

C. A separate subdivision shall be maintained for each class of equipment obligation and no issues shall be considered to be of the same class unless identical as to liability and nature of property covered.

NOTE A.—Equipment obligations matured and unpaid without specific agreement for extension as to time of payment, including unpresented equipment obligations called for redemption shall be included in account 2020—Matured Equipment and Long-Term Obligations.

NOTE B.—On the balance sheet, obligations maturing within one year shall be shown separately from those maturing later than one year from the date of the balance sheet.



2330. *Bonds.*—A. This account shall not include the face value of the unmatured bonds which have not been retired or canceled (except equipment bonds—see account 2300—Equipment Obligations); also the face value of such bonds issued by others, the payment of which has been assumed by the carrier.

B. This account shall be kept so as to show the face value of bonds (1) nominally issued, and (2) actually outstanding. (See definitions 3 and 31.)

C. A separate subdivision shall be maintained for each class and series of bonds, and no issue shall be considered to be of the same class unless identical as to liability and nature of property covered.

NOTE A.—Bonds matured and unpaid without specific agreement for extension as to time of payment, including unpresented bonds called for redemption, shall be included in account 2020—Matured Equipment and Long-Term Obligations.

NOTE B.—On the balance sheet, obligations maturing within one year shall be shown separately from those maturing later than one year from the date of the balance sheet.

2360. *Other long-term obligations.*—A. This account shall include all long-term obligations not otherwise provided for. This covers such items, executed or assumed, as real estate mortgages; assessments for public improvement; receipts outstanding for long-term obligations; and other obligations maturing more than one year from date of issue.

B. This account shall also include the face value of certificates of indebtedness issued upon the property by receivers in possession of the property acting under the orders of a court.

NOTE A.—Separate subdivisions shall be maintained for each class of obligation included herein, and records shall be maintained to show separately for each issue all details as to date of issue, date of maturity, interest dates and rates, security for obligations, etc.

NOTE B.—On the balance sheet, obligations maturing within one year shall be shown separately from those maturing later than one year from the date of the balance sheet.

NOTE C.—Matured obligations which are unpaid shall be included in account 2020—Matured Equipment and Long-Term Obligations.

### XI. DEFERRED CREDITS

2400. *Unamortized premium on debt.*—This account shall include the total of all credit balances representing the excess of the premium over the discount and expense in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained in respect of each issue of obligations. (See instruction 13.)

2450. *Other deferred credits.*—This account shall include the credit balances in suspense accounts that can not be entirely cleared and disposed of until additional information is received, and other items of a deferred nature. (See instruction 16.)

### XII. RESERVES

2500. *Reserve for depreciation—carrier operating property.*—A. This account shall be credited with the following:

(1) Amounts charged to account 5000—Depreciation Expense, account 5500—Income from Lease of Carrier Property—Credit, or other accounts for currently accruing depreciation (see definition 22) of carrier operating property as provided in instruction 25.

(2) Amounts which the carrier may charge to account 2946—Other Debits to Surplus, or transfer to this account for depreciation accrued but not provided for prior to the effective date of this system of accounts.

(3) The amount of depreciation accrued to date of transfer applicable to carrier operating property acquired as distinct operating units when the carrier elects to set up the book cost of such property as provided in instruction 20.

(4) The amount of depreciation accrued to date of transfer, applicable to property transferred from accounts 1400—Non-Carrier Operating Property, or 1450—Non-Operating Property, to accounts 1200—Carrier Operating Property, or 1300—Carrier Operating Property Leased to Others. (See instruction 23.)

B. Charges to this account in connection with carrier operating property retired shall be made in accordance with instruction 21. This account shall also be charged with the amount of depreciation accrued to date of transfer applicable to property transferred from accounts 1200—Carrier Operating Property, or 1300—Carrier Operating Property Leased to Others, to accounts 1400 or 1450.

C. This account shall be sub-divided to reflect the balance applicable to each class of property as follows:

2511. Structures.
2521. Revenue Equipment.
2531. Service Cars and Equipment.
2541. Shop and Garage Equipment.
2551. Furniture and Office Equipment.
2561. Miscellaneous Equipment.
2571. Improvements to Leasehold Property.
2581. Undistributed Property.
2591. Carrier Operating Property Leased to Others.

2600. *Reserve for amortization—Carrier operating property.*—A. This account shall be credited with amounts charged to account 5110—Amortization of Carrier Operating Property, or other appropriate account, for the amortization of leaseholds, franchises, consents, privileges, patents, and other intangible property having a fixed-term life, and for losses expected to be incurred through the reversion of improvements on leased property prior to the expiration of their service lives. (See instruction 25.)

B. When any leasehold, franchise, permit, consent, privilege or patent expires, is sold or relinquished, or is otherwise retired from service, this account shall be charged with the amount previously credited hereto in respect of such property. The difference between the proceeds realized and the net book cost (see definition 29 and instruction 25) of the property retired shall be included in account 5110—Amortization of Carrier Operating Property.

C. Records shall be maintained so as to show separately the balances applicable to each item of intangible property which is being amortized.

D. This account shall be credited with such amounts as are necessary to reflect, as of the effective date of this system of accounts, the expired portion of the life of franchises, permits, consents, patent rights, leaseholds, easements, rights-of-way, other interest in land, or other intangible property which has a fixed term life, the cost of which is included in operating property accounts 1200 and 1300 and intangible property accounts 1500 and 1550. To the extent that provision has not previously been made the amounts credited to this reserve shall be concurrently debited to account 2946—Other Debits to Surplus.

2610. *Reserve for depreciation and amortization—Other property.*—This account shall include amounts provided for depreciation and amortization of properties carried in accounts 1400—Non-Carrier Operating Property, and 1450—Non-Operating Property.

2650. *Reserve for uncollectible accounts.*—This account shall be credited each period with amounts reserved for receivables which may become uncollectible.

NOTE A.—Charges applicable to receivables for carrier operating revenues shall be included in account 4680—Uncollectible Revenues.

NOTE B.—Charges applicable to other than carrier operating revenues shall be included in account 7500—Other Deductions.

NOTE C.—Charges for items not applicable to motor carrier operations shall be included in accounts 6000—Net Income from Non-Carrier Operations, or 6100—Net Income from Non-Operating Property, as appropriate.

2660. *Insurance reserves.*—A. This account shall be credited with amounts charged to account 4570—Fire and Theft Insurance, account 4580—Other Insurance, or other appropriate accounts to provide a reserve for losses through collision, accident, fire, flood, or other hazards to the carrier's own property or to property leased from others which are not covered by outside insurance. (See instruction 27.) A schedule of risks covered by this reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

B. The cost to the carrier of repairing damaged property owned or leased from others and of replacing damaged or

destroyed property leased from others shall first be charged to the account appropriate for the cost of repairs or replacement. When the risk is specifically provided for in the schedule applicable to this account, the cost of repairs or restoration of the property damaged shall be charged to this account and credited to the account previously charged. Such charges shall not exceed the amount of the risk provided for in the schedule. When carrier operating property is destroyed or so badly damaged as to require retirement, the amount provided therefor in the schedule of risks applicable to this account shall be charged hereto and credited to account 2500—Reserve for Depreciation—Carrier Operating Property.

2680. *Injuries, loss and damage reserves.*—A. This account shall be credited with amounts charged to accounts 4530—Injuries and Damages, 4546—Workmen's Compensation—Self Insurer, 4560—Baggage and Express Loss and Damage, or other appropriate accounts to provide a reserve against claims for deaths of or injuries to employees and others; for damages to property not owned or held under lease by the carrier; and for loss, destruction, damage, or delays to property intrusted to the carrier for transportation or storage, which are not covered by outside insurance. (See instruction 27.) A schedule of risks covered by this reserve shall be maintained in sufficient detail to indicate the character of the risks covered and the rates used.

B. This account shall be charged with claims payable for injuries and damages when the risk is specifically provided for in the schedule applicable to this account.

C. When liability for any injury or damage is admitted by the carrier either voluntarily or because of the decision of a court or other lawful authority such as a workmen's compensation board, industrial commission, etc., the amount shall be charged to this account. The amount of such a liability shall be credited to account 2030—Payables to Associated Companies, account 2050—Accounts Payable, or account 2450—Other Deferred Credits, as appropriate, until paid or liquidated.

D. This account shall be subdivided to reflect:

(1) Reserve for Personal Injuries and Property Damage.
(2) Reserve for Baggage and Express Loss and Damage.

NOTE.—The accounting for repairs and replacements of property owned, or leased from others, shall be as provided in paragraph B of account 2660—Insurance Reserves.

2690. *Other reserves.*—A. This account shall include amounts reserved by the carrier for purposes which are not provided for in any of the preceding reserves. There shall be reported hereunder such accounts as sinking fund reserves, contingency reserves and other reserves created by charges to income or surplus.

B. This account shall be maintained in such manner as to show the amount of each separate reserve and the nature and the amounts of the debits and credits thereto.

XIII. CAPITAL STOCK

2700. *Preferred capital stock.*—

2710. *Common capital stock.*—A. These accounts shall include the par value of stocks with par value; the stated value of non-par stocks having a stated value; and the cash value of the consideration received, including assessments, for non-par stocks without stated value, which have been nominally or actually issued.

B. Separate accounts shall be provided for each class of stock, and the title of each account shall clearly identify the class of stock covered. Issues of stock shall not be considered as of the same class unless identical in all provisions, nor shall there be carried any undivided item in respect of more than one class of stock.

C. When stock is issued for cash, that fact shall be stated; if for any consideration other than cash, the person to whom it is issued shall be designated and the consideration for which it is issued shall be described with sufficient particularity to identify it. If such issuance is to the treasurer or other agent of the corporation for purpose of sale, that fact and the name of such agent shall be shown; and such agent shall show like details concerning the consideration realized therefor in his account of the disposition thereof, which when accepted by the corporation, shall be preserved as a corporate record.

D. When capital stock is retired and canceled, these accounts shall be charged with the amount at which such stock is carried in these accounts.

NOTE A.—For each class of stock the records shall show the number of shares nominally issued, actually outstanding, and nominally outstanding. (See definitions 3 and 31.) When non-par stock (without stated value) is nominally issued a memorandum entry shall be made showing only the number of shares so issued.

NOTE B.—When non-par stock is issued in exchange for par stock, or non-par stock with stated value, amounts included in account 2720—Premiums and Assessments on Capital Stock, for the retired stock, shall be treated as part of the consideration received for non-par stock.

NOTE C.—No entries recording changes in the par value of stocks with par value; the stated value of non-parstocks having a stated value; or the recorded value of non-par stocks without stated value shall be made in any account for capital stock without approval of the Commission.

2720. *Premiums and assessments on capital stock.*—A. This account shall include the excess of the actual cash value (at the time of sale of the stock) of the consideration received over the par or stated value of the stock issued, plus accrued dividends, if any; and subsequent assessments against stockholders representing payments required in excess of par or stated value.

B. A separate subdivision shall be maintained for premiums on each class and series of stock.

C. When capital stock is retired and canceled, the amount in this account with respect to the shares retired and canceled shall be debited hereto in accordance with instruction 14.

2730. *Capital stock subscribed.*—This account shall include the amount of legally enforceable subscriptions to capital stock of the carrier. It shall be credited with the par or stated value, or with the subscription price in the case of stock without par or stated value, exclusive of accrued dividends, if any. Concurrently a debit shall be made to account 1140—Subscribers to Capital Stock, for the agreed purchase price and any discount or premium debited or credited to the appropriate discount or premium account. When properly executed stock certificates have been issued representing the stocks subscribed, this account shall be debited and the appropriate capital stock account credited with the par or stated value (or the consideration received in the case of non-par stock without a stated value) of the stock.

XIV. NON-CORPORATE CAPITAL

2800. *Sole proprietorship capital.*—This account shall include the investment in an unincorporated carrier by the proprietor thereof and shall be charged with all withdrawals from the business by its proprietor. At the end of each calendar year the net income for the year as developed in the income account shall be transferred to this account. There shall also be entered in this account such items as in corporate organizations are handled through earned surplus accounts 2930 to 2946. (See optional accounting procedure provided in note B, hereunder.)

NOTE A.—Amounts payable to the proprietor as fair and reasonable compensation for services performed, shall be charged to the appropriate operation and maintenance expense or other accounts.

NOTE B.—This account may be restricted to the amount considered by the proprietor to be the permanent investment in the business, subject to change only by additional investment by the proprietor or the withdrawals of portions thereof not representing net income. When this option is taken the surplus accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

2810. *Partnership capital.*—This account shall be credited, where the business is conducted by an unincorporated firm, co-partnership or under any style other than that of an incorporated company or sole proprietorship, with the respective amounts paid into the business by the partners therein, and shall be charged with all withdrawals from the business by each partner. At the end of each calendar year the net income for the year as developed in the income account shall be transferred to this account. There shall also be entered in this account such items as in corporate organizations are handled through earned surplus accounts 2930 to 2946. (See optional accounting procedure provided in note C hereunder.)



NOTE A.—Amounts payable to the partners as fair and reasonable compensation for services performed, shall be charged to the appropriate operation and maintenance expense or other accounts.

NOTE B.—Separate accounts shall be kept to show the net equity of each member of the co-partnership and the transactions affecting the interest of each such partner. The total of the balances in such accounts shall be shown as one amount in the balance sheet.

NOTE C.—This account may be restricted to the amount considered by the members of the co-partnership to be their permanent investment in the business, subject to change only by additional investments by the co-partners or the withdrawals of portions thereof not representing net income. When this option is taken the surplus accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

XV. UNAPPROPRIATED SURPLUS

2900. *Unearned surplus.*—A. This account shall include all surplus not classified herein as earned surplus. It shall include such items as surplus arising from the donations by stockholders of the carrier's capital stock; surplus recorded at reorganization or in connection with recapitalization; net credits resulting from reacquisition or resales of carrier's capital stock (see instruction 14); amortization of discount and expense on capital stock (see instruction 12); and from a reduction of the par or stated value of the carrier's capital stock where allowed by statute.

B. No entry shall be made in this account to create unearned surplus arising out of the revaluation of carrier operating property except upon written order of the Commission.

C. This account shall be subdivided into accounts to show each source of unearned surplus.

2930. *Earned surplus.*—A. This account shall include the balance of the amounts included in accounts 2931 to 2946, inclusive, either debit or credit, of unappropriated surplus arising from earnings. It shall not include surplus property includible under accounts 2800—Sole Proprietorship Capital, 2810—Partnership Capital, or 2900—Unearned Surplus.

B. The balances of all earned surplus accounts (2931 to 2946, inclusive) shall be closed to this account at the end of each calendar year.

*Earned Surplus Accounts*

*I. Credits*

2930. Earned Surplus (or Deficit) at Beginning of Period.
2931. Surplus Credits Applicable to Prior Years.
2932. Credit Balance Transferred from Income Account.
2933. Other Credits to Surplus.
Total Credits.

*II. Debits*

2941. Surplus Debits Applicable to Prior Years.
2942. Debit Balance Transferred from Income Account.
2943. Dividend Appropriations.
2944. Appropriations to Reserves.
2945. Other Appropriations.
2946. Other Debits to Surplus.
Total Debits.
2930. Earned Surplus (or Deficit) at End of Period.

I. CREDITS

2931. *Surplus credits applicable to prior years.*—This account shall include major items which are directly applicable to prior years' operations and which, if credited to the income, operating revenue, or operating expense accounts of the current year, would seriously distort those accounts. (See instruction 7.)

2932. *Credit balance transferred from income accounts.*—This account shall include the net credit balance brought forward from the income account for the current calendar year.

2933. *Other credits to surplus.*—This account shall include all credits affecting the carrier's surplus or deficit and not elsewhere provided for, such as:

(1) Cancellation of balance sheet accounts representing unclaimed wages or other liabilities written off because of inability to locate the creditor.
(2) Profit derived from the sale of investments or property not provided for elsewhere.
(3) Credits resulting from difference between the cost of debt obligations reacquired and the amount chargeable to account 1920—Reacquired Securities.
(4) Credits not provided for elsewhere.

II. DEBITS

2941. *Surplus debits applicable to prior years.*—This account shall include major items which are directly applicable to prior years' operations and which, if charged to the income, operating revenue, or operating expense accounts of the current year, would seriously distort those accounts. (See instruction 7.)

2942. *Debit balance transferred from income account.*—This account shall include the net debit balance brought forward from the income account for the current calendar year.

2943. *Dividend appropriations.*—A. This account shall include amounts declared as dividends on capital stock actually outstanding.

B. This account shall be subdivided to show separately the dividends on each class of stock. If a dividend is not payable in cash, the consideration shall be described in the entry with sufficient particularity to identify it.

NOTE.—Dividend charges shall be restricted to actually outstanding stock and this account shall not include charges for dividends on capital stock issued by the carrier and owned by it.

2944. *Appropriations to reserves.*—This account shall include appropriations from surplus for sinking fund and other reserves and allotments of surplus, or transfers of definite amounts from surplus into sinking fund and other reserves under the terms of mortgages, deeds of trust, or under contracts, and such other appropriations of surplus to be set aside in special reserve accounts as the accounting carrier may make.

2945. *Other appropriations.*—This account shall include appropriations of surplus not includible elsewhere.

2946. *Other debits to surplus.*—This account shall include all debits affecting the carrier's surplus or deficit not elsewhere provided for, such as:

(1) Losses resulting from the sale of investments or property, including any provision made for declines in values of investments, not provided for elsewhere. (See instruction 15.)
(2) Net debits resulting from the difference between the cost of capital stock reacquired and the amount chargeable to account 1920—Reacquired Securities. (See instructions 12 and 14.)
(3) Debits resulting from difference between the cost of debt obligations reacquired and the amount chargeable to account 1920—Reacquired Securities. (See instructions 13 and 14.)
(4) Adjustment and cancellation of balance sheet accounts representing assets other than uncollectible revenues and other receivables for services rendered and material and supplies furnished.
(5) Debits not provided for elsewhere.

*Form of Balance Sheet Statement (See Instructions 17 and 18)*

ASSET SIDE

| | | | |
|---|---|---|---|
| Current Assets: | | | |
| 1000. Cash | | | $------ |
| 1020. Working Funds | | | ------ |
| 1040. Special Deposits | | | ------ |
| 1060. Temporary Cash Investments: | | | |
| (a) Pledged | | $------ | XXX |
| (b) Unpledged | | ------ | XXX |
| 1080. Notes Receivable | $------ | | |
| 1100. Receivables from Associated Companies | ------ | | |
| 1120. Accounts Receivable | ------ | ------ | |
| Less: Reserve for Uncollectible Accounts | | ------ | ------ |
| 1140. Subscribers to Capital Stock | | | ------ |
| 1160. Interest and Dividends Receivable | | | ------ |

*Form of Balance Sheet Statement (See Instructions 17 and 18)*—Continued

ASSET SIDE—Continued

| | | |
|---|---|---|
| Current Assets—Continued. | | |
| 1180. Material and Supplies | | |
| 1190. Other Current Assets | | |
| Total Current Assets | | |
| Tangible Property: | | |
| 1200. Carrier Operating Property | | |
| Less: Reserve for Depreciation and Amortization | | |
| 1300. Carrier Operating Property Leased to Others | | |
| Less: Reserve for Depreciation and Amortization | | |
| 1400. Non-Carrier Operating Property | | |
| Less: Reserve for depreciation and Amortization | | |
| 1450. Non-Operating Property | | |
| Less: Reserve for Depreciation and Amortization | | |
| Total Tangible Property | | |
| Intangible Property: | | |
| 1500. Organization, Franchises and Permits | | |
| Less: Reserve for Amortization | | |
| 1550. Other Intangible Property | | |
| Less: Reserve for Amortization | | |
| Total Intangible Property | | |
| Investment Securities and Advances: | | |
| 1600. Investments and Advances—Associated Companies | | |
| (*a*) Pledged | | XXX |
| (*b*) Unpledged | | XXX |
| 1650. Other Investments and Advances | | |
| (*a*) Pledged | | XXX |
| (*b*) Unpledged | | XXX |
| Total Investment Securities and Advances | | |
| Special Funds: | | |
| 1701. Sinking Funds | | |
| Less: Reserve | | |
| 1751. Depreciation Funds | | |
| 1781. Miscellaneous Special Funds | | |
| Less: Reserve | | |
| Total Special Funds | | |
| Deferred Debits: | | |
| 1800. Prepayments | | |
| 1880. Unamortized Debt Discount and Expense | | |
| 1890. Other Deferred Debits | | |
| Total Deferred Debits | | |
| Miscellaneous Debit Items: | | |
| 1900. Discount on Capital Stock | | |
| 1910. Commission and Expense on Capital Stock | | |
| 1920. Reacquired Securities | | XXX |
| (*a*) Pledged | | XXX |
| (*b*) Unpledged | | XXX |
| 1990. Nominally Issued Securities | | XXX |
| (*a*) Pledged | | XXX |
| (*b*) Unpledged | | XXX |
| Total Miscellaneous Debits | | |
| Total Assets | | |
| Contingent Assets (not included above) | | |

LIABILITY SIDE

| | | |
|---|---|---|
| Current liabilities: | | |
| 2000. Notes Payable | | |
| 2020. Matured Equipment and Long-Term Obligations | | |
| 2030. Payables to Associated Companies | | |
| 2050. Accounts Payable | | |
| 2070. Wages Payable | | |
| 2080. Unredeemed Tickets | | |
| 2090. C. O. D's Unremitted | | |
| 2100. Dividends Declared | | |
| 2120. Taxes Accrued | | |
| 2150. Interest Accrued | | |
| 2160. Matured Interest | | |
| 2190. Other Current Liabilities | | |
| Total Current Liabilities | | |

*Form of Balance Sheet Statement (See Instructions 17 and 18)*—Continued

LIABILITY SIDE—Continued

| | | |
|---|---|---|
| Advances payable: | | |
| 2200. Advances Payable—Associated Companies | | |
| 2250. Other Advances Payable | | |
| Total Advances Payable | | |
| Equipment and Other Long-Term Obligations: | | |
| 2300. Equipment Obligations | | |
| Less: Reacquired and Nominally Issued | | |
| (*a*) Due within one year | | XXX |
| (*b*) Not due within one year | | XXX |
| 2330. Bonds | | |
| Less: Reacquired and Nominally Issued | | |
| (*a*) Due within one year | | XXX |
| (*b*) Not due within one year | | XXX |
| 2360. Other Long-Term Obligations | | |
| Less: Reacquired and Nominally Issued | | |
| (*a*) Due within one year | | XXX |
| (*b*) Not due within one year | | XXX |
| Total Equipment and Long-Term Obligations | | |
| Deferred Credits: | | |
| 2400. Unamortized Premium on Debt | | |
| 2450. Other Deferred Credits | | |
| Total Deferred Credits | | |
| Reserves: | | |
| 2660. Insurance Reserves | | |
| 2680. Injuries, Loss and Damage Reserves | | |
| 2690. Other Reserves | | |
| Total Reserves | | |
| Capital Stock: | | |
| 2700. Preferred Capital Stock | $ | |
| Less: Reacquired and Nominally Issued | | |
| 2710. Common Capital Stock | | |
| Less: Reacquired and Nominally Issued | | |
| 2720. Premiums and Assessments on Capital Stock | | |
| 2730. Capital Stock Subscribed | | |
| Total Capital Stock | | |
| Non-Corporate Capital: | | |
| 2800. Sole Proprietorship Capital | | |
| 2810. Partnership Capital | | |
| Total Non-Corporate Capital | | |
| Unappropriated Surplus: | | |
| 2900. Unearned Surplus | | |
| 2930. Earned Surplus (Deficit in red) | | |
| Total Unappropriated Surplus | | |
| Total Liabilities | | |
| Contingent Liabilities (not included above) | | |

3000. Operating Revenues.
4000. Operation and Maintenance Expenses.
5000. Depreciation Expense.
5100. Amortization Chargeable to Operations.
  5110. Amortization of Carrier Operating Property.
  5120. Property Loss Chargeable to Operations.
5200. Operating Taxes and Licenses.
5300. Operating Rents—Net.
  5310. Equipment Rents—Debit.
  5320. Other Operating Rents—Debit.
  5340. Joint Facility Rents—Debit.
  5350. Equipment Rents—Credit.
  5360. Rent from Owned Land and Structures.
  5370. Sub-Lease Rental Income.
  5390. Joint Facility Rents—Credit.
5400. Rent for Lease of Carrier Property—Debit.
5500. Income from Lease of Carrier Property—Credit.
6000. Net Income from Non-Carrier Operations.
6100. Net Income from Non-Operating Property.
6200. Interest Income.
6300. Dividend Income.
6400. Income from Sinking and Other Funds.
6500. Other Non-Operating Income.
7000. Interest on Long-term Obligations.
7100. Other Interest Deductions.
7200. Taxes Assumed on Interest.



7300. Amortization of Debt Discount and Expense.
7400. Amortization of Premium on Debt—Credit.
7500. Other Deductions.
8000. Provision for Income Taxes.
  8010. Federal Income Tax.
  8020. Federal Excess Profits Tax.
  8030. Federal Surtax on Undistributed Profits.
  8040. Other Federal Income Taxes.
  8050. State Income Taxes.
  8060. Other Income Taxes.

OPERATING REVENUES

3000. *Operating revenues.*—This account shall include the total operating revenues as provided in the primary operating revenue accounts, derived by the carrier from its motor carrier operations during the period covered by the income account.

*Operating Revenue Accounts*

3200. Passenger Revenue.
3210. Special Bus Revenue.
3220. Baggage Revenue.
3300. Mail Revenue.
3400. Express Revenue.
3500. Newspaper Revenue.
3600. Miscellaneous Station Revenue.
3900. Other Operating Revenue.

3200. *Passenger revenue.*—A. This account shall include all revenue accrued from the transportation of passengers over regularly operated routes. This includes:

(1) Revenues upon the basis of local tariff fares.
(2) The carrier's proportion of revenue from joint-tariff fares.

B. This account shall be charged with:

(1) Redemptions of unused or partially used local passenger tickets.
(2) The carrier's proportion of redemption of unused and partially used through or interline passenger tickets.
(3) The carrier's proportion of overcharges resulting from the application, in error, of fares in excess of tariffs.
(4) The carrier's proportion of refunds of tickets issued in lieu of passes under regulations of the Commission and Section 217 (b) of the Motor Carrier Act, 1935.

NOTE A.—The foregoing is based upon the practice of accounting on a "ticket sales basis" and not on a "ticket lift basis." Carriers using the "ticket lift basis" shall credit this account with the revenue earned from the transportation of passengers as determined by the "ticket lift" concurrently charging account 2080—Unredeemed Ticket.

NOTE B.—By "regularly operated routes" is meant routes or portions thereof over which uniform service is maintained at intervals of one week or less.

NOTE C.—Revenue from transportation of passengers on special busses at fares based on special rates shall be credited to account 3210—Special Bus Revenue.

NOTE D.—Payments to other carriers for transportation of passengers, their baggage and personal effects to complete any portion of the reporting carrier's haul, shall be charged to account 4250—Purchased Transportation, or account 4370—Purchased Collection and Delivery as appropriate.

NOTE E.—Divisions of tariff rates due other carriers shall be included in the appropriate accounts payable account.

NOTE F.—Revenue derived from sleeping accommodations furnished passengers shall be included in account 3900—Other Operating Revenue.

3210. *Special bus revenue.*—A. This account shall include the amounts earned by the carrier from busses chartered for special passenger and other special contract service.

B. This account shall be charged with the amounts of all special bus refunds.

3220. *Baggage revenue.*—A. This account shall include the revenues earned from the transportation of baggage in excess of free authorized allowances and for the transportation of packages, articles, dogs, etc., as baggage.

B. This account shall be charged with the amounts of all baggage refunds.

3300. *Mail revenue.*—A. This account shall include revenue earned from the transportation of United States and other mails, and from bonuses for special mail transportation.

B. This account shall be charged with fines and penalties imposed by the government in connection with the transportation of mail which are not collectible from agents or employees.

3400. *Express revenue.*—A. This account shall include the amounts earned by the carrier from the transportation of express matter (including milk and cream) at specified tariff rates and the fees for handling express C. O. D.'s.

B. This account shall be charged with:

(1) The carrier's proportion of overcharges resulting from use of erroneous rates, weights, classifications or computations.
(2) Uncollected earnings on express destroyed in transit and on short and lost express.

3500. *Newspaper revenue.*—A. This account shall include the revenue earned from the transportation of newspapers at specified tariff rates.

B. This account shall be charged with the amounts of all refunds on newspaper revenue billing resulting from overcharges, etc.

3600. *Miscellaneous station revenue.*—This account shall include the revenue earned by the carrier from:

(1) Weighing, vending and other automatic machines located at stations.
(2) Advertising cards at stations.
(3) Companies or others for the privilege of operating news stands, lunch counters, soda fountains, etc., at stations, and selling papers, periodicals, pillows or pillow service, tobaccos, etc., on busses.
(4) Telephone companies for the privilege of installing and operating commercial telephones and coinbox telephones at stations.
(5) Taxicab companies for the privilege of operating taxicab stands at stations.
(6) Operation of parcel rooms.
(7) Parcel room privileges in stations and terminals of the carrier and leased to others.
(8) Storage of baggage.
(9) Operation of restaurants, cafes, lunch rooms, lunch counters, cafeterias and soda fountains.
(10) Operation of all other miscellaneous station concessions, not provided for elsewhere.

3900. *Other operating revenue.*—This account shall include revenues not provided for in accounts 3200 to 3600, inclusive, derived from the operation of property, the investment in which is included in account 1200—Carrier Operating Property, including amounts received from sleeping accommodations on busses, snowplow work and revenue from display of advertising in and on revenue automotive equipment, and the excess of guaranteed route revenue over tariff revenues.

OPERATION AND MAINTENANCE EXPENSES

4000. *Operation and maintenance expenses.*—This account shall include the total of operation and maintenance expenses, as provided in the primary accounts, incurred by the carrier in its motor carrier operations during the period covered by the income account.

OPERATION AND MAINTENANCE EXPENSE ACCOUNTS

4100. Equipment Maintenance and Garage Expense.
  4110. Supervision of Shop and Garage.
  4121. Repairs to Shop and Garage Equipment.
  4122. Operation and Maintenance of Service Equipment.
  4128. Repairs to Shop and Garage Building and Grounds.
  4131. Light, Heat, Power, and Water for Shops and Garages.
  4132. Other Shop and Garage Expenses.
  4140. Repairs to Revenue Equipment.
  4150. Servicing of Revenue Equipment
  4160. Tires and Tubes—Revenue Equipment.
  4191. Joint Garage Expense—Debit.
  4196. Joint Garage Expense—Credit.
4200. Transportation Expense.
  4210. Supervision of Transportation.
  4220. Drivers' Wages, and Bonuses.
  4230. Fuel for Revenue Equipment.
  4240. Oil for Revenue Equipment.
  4250. Purchased Transportation.
  4261. Road Expense.
  4262. Bridge, Tunnel, and Ferry Tolls.
  4263. Wages of Miscellaneous Transportation Employees.
  4264. Other Transportation Expenses.

4300. Station Expense.
- 4311. Salaries and Commissions.
- 4314. Supplies and Expenses.
- 4319. Repairs to Station Buildings and Equipment.
- 4331. Commissions Paid.
- 4332. Other Expenses Allowed.
- 4340. Interline Commissions Paid.
- 4350. Interline Commissions Earned—Credit.
- 4360. Collection and Delivery.
- 4370. Purchased Collection and Delivery.
- 4391. Joint Station Facilities—Debit.
- 4396. Joint Station Facilities—Credit.

4400. Traffic, Solicitation and Advertising Expense.
- 4410. Salaries and Expenses.
- 4430. Tariffs and Schedules.
- 4440. Tickets and Baggage Checks.
- 4450. Other Traffic Expenses.
- 4470. Advertising.

4500. Insurance and Safety Expense.
- 4510. Salaries and Expenses—Insurance and Safety.
- 4520. Public Liability and Property Damage Insurance.
- 4530. Injuries and Damages.
- 4541. Workmen's Compensation—Insurance.
- 4546. Workmen's Compensation—Self Insurer.
- 4550. Baggage and Express Insurance.
- 4560. Baggage and Express Loss and Damage.
- 4570. Fire and Theft Insurance.
- 4580. Other Insurance.

4600. Administrative and General Expense.
- 4611. Salaries of General Officers.
- 4612. Expenses of General Officers.
- 4613. Salaries of General Office Employees.
- 4616. Expenses of General Office Employees.
- 4620. Law Expenses.
- 4630. General Office Supplies and Expenses.
- 4640. Communication Service.
- 4651. Outside Auditing Expenses.
- 4652. Employees' Welfare Expenses.
- 4655. Purchasing and Store Expenses.
- 4656. Other General Expenses.
- 4660. Management and Supervision Fees and Expenses.
- 4671. Franchise Requirements—Debit.
- 4672. Franchise Requirements—Credit.
- 4673. Other Regulatory Commission Expenses.
- 4680. Uncollectible Revenues.
- 4691. Joint Operating Expense—Debit.
- 4696. Joint Operating Expense—Credit.

4100. *Equipment maintenance and garage expense.*—This account shall include the total of amounts included in accounts 4110 to 4196, inclusive.

4110. *Supervision of shop and garage.*—This account shall include the pay and expenses (including cost of operating automobiles) of officials and employees engaged in supervising and directing the repairs to revenue automotive equipment and shop and garage property used in providing motor carrier service, including superintendents, foremen, (except working foremen), inspectors, shop and garage clerks, and timekeepers. (See instruction 28.)

4121. *Repairs to shop and garage equipment.*—This account shall include the cost of repairs (see instructions 26 and 28) to tools, equipment and permanently located machinery used in shops and garages. (For list of equipment, see account 1241—Shop and Garage Equipment.)

NOTE A.—The cost of repairs to portable tools shall be included in account 4132—Other Shop and Garage Expenses.

NOTE B.—Amounts recovered from insurance companies or others and losses provided for in account 2660—Insurance Reserves, for damages to shop and garage equipment shall be credited to this account in such manner as to be readily identifiable.

4122. *Operation and maintenance of service equipment.*—This account shall include the cost of labor, fuel, tires and supplies for the operation and the cost of repairs to service equipment, such as trouble cars and wagons, wreckers, repair trucks, snowplows, sweepers, scrapers, refueling cars, automobiles, motorcycles, or other equipment included under account 1231—Service Cars and Equipment. (See instructions 26 and 28.)

NOTE A.—The pay of employees and expenses incurred in operating snowplows, sand and salt cars, and other service equipment used in cleaning and safeguarding roads, shall be charged to account 4261—Road Expense.

NOTE B.—Amounts recovered from insurance companies or others and losses provided for in account 2660—Insurance Reserves, for damage to service equipment shall be credited to this account in such manner as to be readily identifiable.

NOTE C.—When any service equipment is used in a particular operation other than maintenance, such as automobiles or motorcycles used in connection with advertising, the cost of operation of such service equipment shall be charged to the account provided for expenses of that character.

4128. *Repairs to shop and garage buildings and grounds.*—This account shall include the cost of repairs to shop and garage structures used in motor carrier operations such as shops, garages, and service stations, together with fixtures, grounds and approaches. (See instructions 26 and 28.)

*Items*

Changing location of partitions. (See also note A hereunder.)

Maintaining public improvements, including assessments covering such work.

Maintaining yards and grounds, including fences, shrubbery, driveways, sidewalks, platforms, and sewers.

Minor improvements to leased buildings and grounds. (See also instruction 22.)

Repainting buildings, including redecorating interiors of buildings.

Repairing building machinery, fixtures, appurtenances, and appliances, such as elevators, plumbing, and equipment for heating, lighting, and ventilating.

Repairing rented buildings and grounds.

Replacing and repairing awnings, screens, window shades and ventilators, storm doors, storm windows, movable partitions, and similar movable minor items of buildings. (See also note A hereunder.)

Replacing minor items of buildings including labor and material used and the cost of removal and recovery of the items retired less salvage recovered. (See also instruction 21 and note B hereunder.)

Restoring condition of buildings or grounds damaged or otherwise altered in the course of repairs, replacements, additions, or betterments. (See also account 2660—Insurance Reserves.)

NOTE A.—The cost of any substantial increase or decrease in partitions shall be charged or credited, as appropriate, to account 1211—Structures. When partitions of a movable type are replaced by partitions of a permanent type or vice versa, the costs involved shall be accounted for through the operating property and the depreciation reserve accounts.

NOTE B.—The cost of initial improvements (including repairs and rearrangements in the preparation for service of purchased buildings or grounds) shall be charged to account 1201—Land and Land Rights, or account 1211—Structures, as appropriate. The accounting for expenditures on property leased from others shall be as provided in instruction 22.

NOTE C.—Amounts recovered from insurance companies or others and losses provided for in account 2660—Insurance Reserves, for damages to buildings and grounds shall be credited to this account in such manner as to be readily identifiable.

4131. *Light, heat, power and water for shops and garages.*—This account shall include the cost of light, heat, power and water used at each shop and garage; the cost of fuel used for heating, lighting or power; also include pay and expenses of employees engaged in producing light, heat, and power. (See instruction 28.)

*Items*

Fuel for heating, lighting, or power used in shops and garages.

Heat purchased for shops and garages.

Light for shops and garages.

Power for battery charging or for other uses than repairs.

Wages and expenses of employees engaged in producing light, heat, and power for shops and garages.

Water.

4132. *Other shop and garage expenses.*—This account shall include the cost of miscellaneous shop and garage expenses, including the replacement cost (see instruction 21) of small tools, such as reamers, taps, files, hammers and all small tools of like nature; labor and material used in the repair of small tools; pay of employees engaged in receiving, issuing and distributing parts and supplies; pay of gas and oil attendants; transportation, loading and unloading charges on parts and supplies, handled in shops and garages, when not specifically assignable to such parts and supplies; and other miscellaneous labor and expenses not provided for elsewhere. (See instruction 16.)



*Items*

Ice and other refrigerants.

Lubricants for shop and garage machinery.

Portable hand tools of short life.

Small tools used in repairs or for general shop and garage purposes.

Snow and dust removal—shop and garage yards.

Supplies used in cleaning and for general shop and garage purposes, such as lamps, grease, oil, waste, brushes, brooms, etc.

Other expenses in shops and garages.

4140. *Repairs to revenue equipment.*—This account shall include cost of repairs to revenue automotive equipment used in transportation service. (For list of equipment see account 1221—Revenue Equipment.) This account shall be maintained so as to reflect separately the cost of repairs to revenue automotive equipment involved in accidents. (See instructions 26 and 28.)

NOTE A.—An accident for the purpose of this account is damage caused through the collision of a vehicle with either a stationary or moving object, or through tire failure or fire.

NOTE B.—The accounting for expenditures on motor vehicles leased from others shall be as provided in instruction 22.

NOTE C.—Amounts recovered from insurance companies or others and losses provided for in account 2660—Insurance Reserves, for repairs to motor vehicles shall be credited to this account in such manner as to be readily identifiable.

NOTE D.—The cost of repairs to equipment used in collection and delivery service if determinable shall be included in account 4360—Collection and Delivery.

4150. *Servicing of revenue equipment.*—This account shall include the pay of employees (see instruction 28) engaged in preparing revenue automotive equipment for service and of garage and shop employees other than those engaged in making repairs; the cost of supplies used and miscellaneous expenses incurred in washing, cleaning, greasing and otherwise keeping equipment ready for service; and amounts paid to public garages for storage or servicing (including towing) of revenue automotive equipment.

*Items*

Garage Employees:
- Cleaners.
- Oilers and Greasers.
- Washers.

Garage Expenses:
- Battery charging (labor and distilled water).
- Cleaning supplies, such as soap, sponges, brooms, brushes, cloths, rubber clothing, etc.
- Graphite.
- Grease.
- Public garage storage charges.
- Public garage servicing charges, including washing, greasing, cleaning, etc., but not repairs.
- Washing vehicles.

4160. *Tires and tubes—Revenue equipment.*—A. This account shall include the cost of labor and material used in repairing and renewing (setting up or mounting) tires on revenue automotive equipment, including shoes, inner tubes, valves, flaps, and caps. (See instruction 28.)

B. The entire cost of tires and tubes for revenue automotive equipment purchased outright may be charged to this account at the time applied to vehicles or charged to account 1800—Prepayments, and a prorated portion charged to this account each period based on mileage or other equitable basis. If the latter method is used, adjustments of over or under charges at time of replacement shall be made through this account.

C. Credit to this account any revenues derived from the sale of used tires and tubes and any adjustments on defective tires and tubes, the cost of which has previously been debited hereto.

D. When the carrier contracts to use tires at a flat sum per period or on a basis of miles run or upon some similar basis, the charges for such tire service, including the cost of abused tires, shall be included each period in this account.

NOTE A.—The cost of tires and tubes used by service cars shall be charged to account 4122—Operation and Maintenance of Service Equipment.

NOTE B.—The cost of tires and tubes for collection and delivery equipment if determinable shall be included in account 4360—Collection and Delivery.

4191. *Joint garage expense—Debit.*—This account shall include the carrier's proportion of costs incurred by others in maintaining and operating joint shop and garage equipment and facilities, including overhead costs, except items chargeable to account 5340—Joint Facility Rents—Debit. (See definition 25 and instruction 29.)

4196. *Joint garage expense—Credit.*—This account shall include the amounts chargeable to others as their proportion of the costs incurred by the carrier in maintaining and operating joint shop and garage equipment and facilities, including overhead costs, except items creditable to account 5390—Joint Facility Rents—Credit. (See definition 25 and instruction 29.)

4200. *Transportation expense.*—This account shall include the total of amounts included in accounts 4210 to 4264, inclusive.

4210. *Supervision of transportation.*—This account shall include the pay and expenses (including cost of operating automobiles) of officials and employees engaged in supervising and directing transportation service, including superintendents, dispatchers, starters, inspectors, and employees engaged in furnishing tickets and supplies to drivers of passenger vehicles, or to receiving remittances, etc.; cost of light, heat, water, and refrigeration for the transportation department; and the cost of schedule or service checks. (See instruction 28.)

4220. *Drivers' wages and bonuses.*—This account shall include the wages and bonuses of drivers of passenger vehicles engaged in passenger transportation service, including wages paid for time during which they are required to be on duty in readiness for active service. The wages of drivers on special trips for hire should also be charged to this account.

NOTE.—Charge to account 4360—Collection and Delivery, the wages of employees engaged in collecting express from consignors and delivering express to consignees, and local pick-up and delivery service provided for inter-city passengers, when such wages can be separated from those applicable to regular operation between terminals. (See instruction 28.)

4230. *Fuel for revenue equipment.*—This account shall include the cost of gasoline, other fuel and enriching materials used by passenger equipment. Include in this account the cost of storing and handling fuel and amounts payable to others for the cost of transportation.

NOTE A.—Taxes on fuel shall be charged to account 5200—Operating Taxes and Licenses.

NOTE B.—Fuel used by service cars shall be charged to account 4122—Operation and Maintenance of Service Equipment.

NOTE C.—The cost of fuel used by equipment in collection and delivery service if determinable shall be included in account 4360—Collection and Delivery.

4240. *Oil for revenue equipment.*—This account shall include the cost of lubricating oils used in lubricating passenger equipment. Include in this account the cost of storing and handling lubricating oil and amounts payable to others for the cost of transportation.

NOTE A.—Taxes on lubricating oil shall be charged to account 5200—Operating Taxes and Licenses.

NOTE B.—The cost of lubricating oil used by service cars shall be charged to account 4122—Operation and Maintenance of Service Equipment.

NOTE C.—The cost of lubricating oil used by equipment in collection and delivery service if determinable shall be included in account 4360—Collection and Delivery.

4250. *Purchased transportation.*—This account shall include amounts payable to others for performing any portion of the carrier's inter-city tariff haul under contractual arrangements whereby the agreement for the compensation is based on other than actual division of tariff rates, and under arrangements whereby the expenses of the operation are borne by the hired carrier.

4261. *Road expense.*—This account shall include the cost to the carrier of labor and material use in sanding roadways, spreading ashes or the removal of snow and ice, and otherwise cleaning and safeguarding roads, whether done by the carrier or otherwise. This includes the cost of tools and materials used in this work, including the cost of delivering such materials; wages of men operating snowplows, sweepers, tractors, scrapers, etc.; amounts paid to others for removing snow and ice; and other supplies and expenses, such as meals for crews engaged in removing snow and ice. (See instruction 28.)

NOTE.—The cost of repairs to equipment used in snow removal shall be included in account 4122—Operation and Maintenance of Service Equipment.

4262. *Bridge, tunnel and ferry tolls.*—This account shall include tolls at rates per passenger, per ton, per vehicle, or other basis for the use of bridges, tunnels and ferries by revenue passenger equipment in transportation service.

4263. *Wages of miscellaneous transportation employees.*—This account shall include the wages of co-operators (conductors), hostesses (conductorettes), lecturers and guides on busses, porters and stewards on busses, secret service inspectors, and other employees performing similar service.

4264. *Other transportation expenses.*—This account shall include carrier transportation expenses not provided for in other accounts in the transportation group.

*Items*

Alcohol and other non-freeze preparations.
All expenses incidental to the comfort of passengers in connection with breakdowns on the road.
Badges for employees.
Conductors' books, punches, etc.
Fines for traffic violations.
Fire extinguisher supplies (for passenger equipment).
Hat checks.
Head rest covers including laundry.
Ice and other refrigerants (for passenger equipment).
Lamps, bulbs and carbon (for passenger equipment).
Lodging for drivers and miscellaneous transportation employees.
Meals for drivers and miscellaneous transportation employees.
Notices.
Secret service inspections by other than employees.
Signs (paper and cardboard).
Tire chains.
Uniforms, including their care.

4300. *Station expense.*—This account shall include the total of amounts included in accounts 4311 to 4396, inclusive.

4311. *Salaries and commissions.*—This account shall include the wages and salaries of station employees; amounts paid to station or ticket agents in commissions or bonuses in lieu of salary; and the wages of express and mail handlers and clerks in passenger stations. (See instruction 28.)

*Items*

Announcers.
Baggage agents.
Baggagemen.
Clerks.
Commissions or bonuses to employees in lieu of wages.
Express agents.
Express handlers.
Janitors.
Mail handlers.
Platform men.
Porters.
Station agents.
Station gatemen.
Station masters.
Telephone and information operators.
Ticket agents.

NOTE.—Commissions paid to other than the accounting carrier's employees for the sale of tickets, handling of express, baggage, newspapers, etc., shall be included in account 4331—Commissions Paid.

4314. *Supplies and expenses.*—This account shall include the expenses incurred (exclusive of salaries and wages of station employees) in the operation of passenger terminals, waiting rooms, shelter sheds, and other similar property used by the transportation department in connection with passenger traffic, such as the cost of light, heat, water, and ice; cost of uniforms and badges for station employees; cost of hand tools and implements used in handling express and mail; cost of operation and maintenance or upkeep of permanent signs designating a station, depot or passenger terminal; and the cost of supplies used and amounts of other expenses incurred in operating passenger stations.

*Items*

Ash removal.
Badges for employees.
Cleaning supplies.
Heating or cooling, including supplies.
Laundry service, including supplies.
Lighting.
Mail, baggage and express handling costs, including baggage room expenses (exclusive of labor).
Power costs for station machinery.
Snow and dust removal on station grounds.
Sprinkling station grounds.
Tools and supplies for station use.

4319. *Repairs to station buildings and equipment.*—This account shall include the cost of repairs to company stations, passenger terminals, waiting rooms, platforms, and other structures, together with fixtures, grounds and approaches, used in passenger transportation service; also include the cost of repairs to station furniture and equipment (but not equipment used in general offices) and carts, electric motor trucks, platform trucks, scales, and loading platforms, in connection with revenue baggage, mail and express.

4331. *Commissions paid.*—This account shall include the amounts paid to others (except to the carrier's employees and to interline carriers) on a commission or guaranteed basis for the sale of tickets, handling of express, baggage, newspapers, etc.

4332. *Other expenses allowed.*—This account shall include the amounts allowed to the operators of commission stations and passenger terminals for expenses such as advertising, rent, light, heat, power and water, telephone, telegraph and messenger service, etc.

4340. *Interline commissions paid.*—This account shall include all commissions paid to interline carriers.

4350. *Interline commissions earned—credit.*—This account shall include all commissions earned on interline tickets sold.

4360. *Collection and delivery.*—A. This account shall include the wages of drivers and helpers and other expenses of equipment used in collecting express from consignors and delivering express to consignees and local pick-up and delivery service provided for inter-city passengers when such local service is included in the inter-city tariff rate. (See instruction 28.)

B. This account is intended to be used only when the expenses incurred in such local service can be separated from those incurred in regular operation between terminals.

C. This account shall be subdivided to reflect separately:

(1) Wages of drivers and helpers.
(2) Gasoline and oil expense (not including taxes).
(3) Tires and tubes.
(4) Repairs and servicing of equipment.
(5) Other assignable operations and maintenance expenses.

4370. *Purchased collection and delivery.*—This account shall include amounts payable for collection, delivery and transfer service performed by others under contractual arrangements, whereby the agreement for the amount payable is based on other than actual division of tariff rates.



4391. *Joint station facilities—Debit.*—This account shall include the carrier's proportion of costs incurred by others in maintaining and operating joint station equipment and facilities, including overhead costs, except items chargeable to account 5340—Joint Facility Rents—Debit. (See definition 25 and instruction 29.)

4396. *Joint station facilities—Credit.*—This account shall include the amounts chargeable to others as their proportion of the costs incurred by the carrier in maintaining and operating joint station equipment and facilities, including overhead costs, except items creditable to account 5390—Joint Facility Rents—Credit. (See definition 25 and instruction 29.)

4400. *Traffic, solicitation and advertising expense.*—This account shall include the total of amounts included in accounts 4410 to 4470, inclusive.

4410. *Salaries and expenses.*—A. This account shall include all salaries and expenses in connection with the promotion and solicitation of traffic. This includes the salaries of officers and their assistants who are directly in charge of traffic promotion and solicitation, including salaries of the traffic manager, general express and passenger agents; general commercial, city, general district and excursion agents, and their clerks and assistants.

B. This account shall also include the cost of supplies used and the amounts of expenses incurred and cost of operating automobiles by officers and their assistants who are directly in charge of traffic promotion and solicitation.

NOTE.—When officers and employees whose pay is chargeable to this account are engaged in work not chargeable to traffic promotion, or have jurisdiction over this and other departments, their salaries and expenses shall be allocated to the accounts appropriate. (See instruction 28.)

4430. *Tariffs and schedules.*—This account shall include the salaries and expenses of officers and employees engaged in the preparation of tariffs, schedules and time tables, the cost of printing and other expenses incurred in the preparation of tariffs, schedules and time tables, including postage and transportation charges. (See instruction 28.)

4440. *Tickets and baggage checks.*—This account shall include the salaries and expenses of employees engaged in receiving and distributing tickets, baggage checks, etc., together with the cost of manufacturing tokens and of printing tickets, baggage checks, milk checks, cash fare receipts, prepaid orders, identification checks, passes and other items of a similar nature, including transportation charges in connection therewith. (See instruction 28.)

4450. *Other traffic expenses.*—This account shall include the carrier's proportion of expenses of traffic associations, including membership fees, and all other traffic expenses not provided for elsewhere.

4470. *Advertising.*—A. This account shall include the salaries and expenses in connection with advertising for the purpose of securing traffic, such as may be incurred in the preparation, printing and distribution of strictly advertising matter (not time tables).

B. This account shall also include the salaries and expenses of employees preparing advertising copy; the commissions paid outside advertising agents; cost of printing, publishing, and other advertising matter; the cost of advertising space in newspapers and periodicals; expenses incurred in connection with radio broadcasting for the purpose of securing traffic; electric, neon and display signs, (permanent or portable) for attracting traffic, bulletin boards, cards, cases, display cards and photographs; postage and express charges on advertising matter; cost of bill posting and similar expenses. (See instruction 28.)

NOTE.—Cost of operation and maintenance of permanent signs designating a station or terminal shall be included in account 4314—Supplies and Expenses.

4500. *Insurance and safety expense.*—This account shall include the total of amounts included in accounts 4510 to 4580, inclusive.

4510. *Salaries and expenses—insurance and safety.*—A. This account shall include the following items:

(1) Salaries and wages, traveling and office expenses of officers, clerks and other employees of the insurance department, and special costs incurred in procuring insurance, such as brokerage fees (not included in premiums), notarial fees, and insurance inspection service.

(2) Salaries and expenses of safety department, cost of safety-first and other campaigns among employees or the public for the purpose of preventing accidents and damages.

(23) Salaries and expenses of officers and employees engaged regularly in claim department work; payments for the service of employees and others called in consultation in relation to claim adjustments; pay and expenses of employees while engaged as witnesses at inquests and law suits.

(4) Salaries and expenses of officers and employees of the law department when specifically assigned to and engaged in injury and damage cases, and expenses of such officers and employees incurred on such cases when incidentally so engaged.

(5) Payment to attorneys, investigators, adjusters, etc., who are not regular employees of the carrier for services and expenses in connection with injury and damage cases.

(6) Cost of operating automobiles used by employees whose pay is charged to this account.

B. Reimbursements from insurance companies or others for expenses charged to this account on account of injuries and damages shall be credited to this account.

NOTE.—No part of the salaries of officers and employees of the law department shall be included in this account for merely incidental service in connection with injury and damage claims.

4520. *Public liability and property damage insurance.*—This account shall include premiums payable to outside insurance companies for protection against liability to the public for injuries to persons and damages to the property of others, resulting from the operation of owned and leased vehicles in motor carrier service. (See instruction 27.)

NOTE A.—Premiums for insurance on property intrusted to the carrier for transportation or storage shall be included in account 4550—Baggage and Express Insurance.

NOTE B.—Amounts payable in settlement of claims for bodily injury or property damage which are not recoverable from insurance companies and for which the carrier has not provided self-insurance shall be charged to account 4530—Injuries and Damages.

4530. *Injuries and damages.*—This account shall be charged each period with amounts sufficient to meet the probable liability, not covered by outside insurance, for deaths of or injuries to persons (other than employees—see account 4546—Workmen's Compensation—Self Insurer) and damages to the property of others (except property intrusted to the carrier for transportation or storage—see account 4560—Baggage and Express Loss and Damage) resulting from operation of owned and leased vehicles in motor carrier service. (See instruction 27.) This account shall also be charged with amounts payable in settlement of claims for injuries to persons and damage to property of others which are not recoverable from insurance companies or for which self-insurance has not been provided.

NOTE.—Payments to or on behalf of employees other than those covered by Workmen's Compensation insurance, including accident and death benefits; salaries; hospital expenses; medical supplies; also salaries, fees, and expenses of surgeons, doctors, nurses, etc., when provided for through a plan for employees' benefits, shall be charged to account 4652—Employees' Welfare Expenses.

4541. *Workmen's compensation—Insurance.*—This account shall include premiums payable to outside insurance companies for protection against liability for injuries to or deaths of employees payable under the provisions of Workmen's Compensation Acts. (See instruction 27.)

NOTE.—Amounts payable in settlement of claims under the provisions of Workmen's Compensation Acts which are not recoverable from insurance companies shall be charged to account 4546—Workmen's Compensation—Self Insurer.

4546. *Workmen's compensation—Self insurer.*—This account shall be charged each period with amounts sufficient to meet the probable liability not covered by outside insurance, on account of claims for injuries to and deaths of employees arising under the Workmen's Compensation Acts. (See instruction 27.) This account shall also be charged with amounts payable in settlement of claims which are not recoverable from insurance companies or for which self insurance has not been provided.

NOTE.—Payments to or on behalf of employees other than those covered by Workmen's Compensation insurance, including accident and death benefits; salaries; hospital expenses; medical supplies; also salaries, fees, and expenses of surgeons, doctors, nurses, etc., when provided for through a plan for employees' benefits, shall be charged to account 4652—Employees' Welfare Expenses.

4550. *Baggage and express insurance.*—This account shall include premiums payable to outside insurance companies to indemnify the carrier against costs and expenses incurred through loss of and damage to express matter and baggage intrusted to the carrier for transportation or storage. (See instruction 27.)

NOTE.—Amounts payable in settlement of claims for loss of or damage to property intrusted to the carrier for transportation or storage which are not recoverable from insurance companies and for which the carrier has not provided self-insurance shall be included in account 4560—Baggage and Express Loss and Damage.

4560. *Baggage and express loss and damage.*—This account shall be charged each period with amounts sufficient to meet the probable liability, not covered by outside insurance, on account of loss, destruction, damage, or delay to express matter, baggage, parcels, etc., intrusted to the carrier for transportation or storage. (See instruction 27.) This account shall also be charged with amounts payable in settlement of claims which are not recoverable from insurance companies or for which self insurance has not been provided.

NOTE.—Any provision or amounts payable for injuries or damages to employees and others, or amounts payable on account of damages to the property of others not intrusted to the carrier for transportion or storage shall be included in account 4530—Injuries and Damages.

4570. *Fire and theft insurance.*—A. This account shall include premiums payable to outside insurance companies for fire and theft insurance on owned and leased vehicles and for fire insurance on structures, machinery, and equipment used in motor carrier operations. (See instruction 27.)

B. In case a carrier shall carry its own fire and theft insurance risks, it shall charge to this account each period an amount sufficient to meet the probable loss, and shall credit the amount so charged to account 2660—Insurance Reserves.

C. This account shall be charged with losses arising under the classes of risks enumerated in paragraph A above, which are not recoverable from insurance companies and for which the carrier has not provided self-insurance.

NOTE.—Recoveries from insurance companies or others for damages to the carrier's owned or leased property shall be accounted for as provided in paragraph B of account 2660—Insurance Reserves.

4580. *Other insurance.*—A. This account shall include premiums paid to outside insurance companies for boiler; burglar; fidelity; holdup; lightning; plate glass; owners, landlords and tenants liability; and other forms of insurance coverage not elsewhere provided for. (See instruction 27.)

B. In case a carrier shall carry its own insurance risks for the classes of coverage enumerated in paragraph A above, it shall charge to this account each period an amount sufficient to meet the probable loss and shall credit the amount so charged to account 2660—Insurance Reserves.

C. This account shall be charged with losses arising under the classes of risks enumerated in paragraph A above, which are not recoverable from insurance companies and for which the carrier has not provided self-insurance.

NOTE.—The cost of life insurance on the lives of officers and other employees of the carrier whereunder the carrier is the beneficiary shall be charged to account 7500—Other Deductions. Cash surrender values of such policies shall be carried in account 1650—Other Investments and Advances.

4600. *Administrative and general expense.*—This account shall include the total of amounts included in accounts 4611 to 4696, inclusive.

4611. *Salaries and general officers.*—This account shall include the salaries, bonuses and other forms of consideration for services of general officers whose jurisdiction extends over the entire transportation system of the carrier; and fees payable to receivers. As here used, the term "General Officers" would ordinarily include the following:

Chairman of the Board.
President.
Vice-President.
Treasurer.
Secretary.
Comptroller.
General Auditor.
General Manager.

NOTE A.—Do not include in this account amounts payable to organizations for services chargeable to account 4660—Management and Supervision Fees and Expenses.

NOTE B.—If officers and assistants supervise particular departments of carrier operations, or other operations, or are engaged in specific work other than supervision of the entire transportation system, their pay and expenses shall be apportioned to the appropriate accounts for carrier operations or other operations. (See instruction 28.)

4612. *Expenses of general officers.*—This account shall include expenses incurred, including cost of operating automobiles, for the benefit of motor carrier operations by administrative officers (as defined in account 4611) such as traveling, and other incidental expenses.

*Items*

Hotel.
Meals.
Membership fees and dues in trade, technical and professional associations.
Traveling expenses.

NOTE.—Expenses in connection with operating the general offices of the carrier shall be included in account 4630—General Office Supplies and Expenses.

4613. *Salaries of general office employees.*—This account shall include the salaries (see instruction 28), bonuses and other forms of consideration for services of employees who are engaged in the general administrative offices of the carrier and whose services are not chargeable to any other department or to other operations, including the following:

Accountants.
Bookkeepers.
Cashiers.
Clerks.
Engineers.
Janitors.
Messengers.
Paymasters.
Statisticians.
Stenographers.
Traveling Auditors.

4616. *Expenses of general office employees.*—This account shall include the expenses incurred, including cost of operating automobiles, for the benefit of motor carrier operations by employees whose salaries are included in account 4613—Salaries of General Office Employees.

*Items*

Hotel.
Meals, including payment therefor on account of overtime work.
Membership fees and dues in trade, technical and professional associations.
Traveling expenses.

4620. *Law expenses.*—This account shall include, except as provided for elsewhere, the pay and expenses of officers, assistants, office forces, and other employees of the law department; fees and retainers, supplies, and expenses of attorneys not regularly employed; court costs; and supplies and expenses of the law office.

*Items*

Salaries:
Attorneys and assistants.
Clerks.
Counsel.
Law clerks.
Special counsel.
Other employees of law department.
Expenses:
Building service.
Cost of law suits.
Cost of operating automobiles.
Cost of preparing and printing agreements, briefs, reports, etc.
Court costs.
Court fees.
Law books, periodicals and subscriptions to special services.
Law expenses of receivers.
Legal forms, and law office supplies, postage and stationery.
Meals, including payment therefor on account of overtime work.
Payments to attorneys who are not regular employees.
Premiums on court and other bonds.
Printing.
Tax reports, claims, etc., when handled by legal staff.
Transcripts of testimony, copies of exhibits, etc.
Traveling expenses of attorneys, witnesses, etc.
Witness fees.

NOTE A.—The pay of law department officers and employees engaged in formal cases before regulatory commissions, or in cases in which such a commission is a party, or when specifically assigned to injury and damage cases, shall be charged to account 4673—Other Regulatory Commission Expenses, account 4510—Salaries and Expenses—Insurance and Safety, or other appropriate account. (See instruction 28.)

NOTE B.—Law expenses incident to the purchase and construction of carrier operating property or the acquisition of certificates from Federal or State Commissions or securing from local authorities franchises or consents with a life of more than one year shall be charged to the appropriate subdivision of account 1500—Organization, Franchises and Permits. Law expenses incident to the issuance of long-term debt or capital stock shall be charged to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, or account 1910—Commission and Expense on Capital Stock, as appropriate.

4630. *General office supplies and expenses.*—This account shall include the cost of office supplies and the office expense in connection with the general administrative functions of the carrier's motor carrier operations.

*Items*

Books.
Cleaning office.
Drinking water and refrigeration.
Heat and light.
Janitor service.
Letterheads and envelopes.
Paper.
Pens, pencils, ink, fasteners and office supplies.
Postage.
Printing forms for office use.
Repairs to general office buildings, furniture, fixtures and equipment.
Stationery and office supplies.
Subscriptions to newspapers, periodicals and clipping bureaus.
Towels.
Typewriter supplies.
Waste baskets.

4640. *Communication service.*—This account shall include the cost of all communication service payable to outside companies, such as telephone, teletypewriter, telegraph, radio, etc.

NOTE.—Taxes on telegrams and telephone tolls shall be charged to account 5200—Operating Taxes and Licenses.

4651. *Outside auditing expenses.*—This account shall include amounts paid as fees for auditing and accounting services rendered by individuals or firms other than carrier's employees.

NOTE.—The fees of independent auditors and accountants in preparing financial and other statements incident to the issuance of long-term debt or capital stock shall be charged to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, or account 1910—Commission and Expense on Capital Stock, as appropriate.

4652. *Employees' welfare expense.*—A. This account shall include pensions or other benefits paid to active and retired employees, their representatives or beneficiaries, and salaries and expenses incurred in conducting relief, benefit and general medical departments. It shall include payments to or on behalf of employees on account of injuries or accidental death when such payments come within the scope of a carrier's general provision for employees' benefits.

B. If the carrier has definitely undertaken by contract to pay pensions to employees when regularly retired for superannuation or disability and has established a fund to be held in trust for such pension purposes, the carrier shall charge to this account periodic amounts determined through the application of equitable actuarial factors to the current payrolls, which, together with interest accruals on trust funds, will, as nearly as may be practicable, provide for the payment of such pensions, or for the purchase of annuities corresponding thereto. The amounts so charged shall be concurrently credited to a separate subdivision of account 2690—Other Reserves. The total of actual payments and accruals for future payments charged to this account for pensions, shall not exceed the amounts determined as hereinbefore prescribed. The carrier shall maintain a complete record of the actuarial computations through which the accrual each period of its pension liabilities is established.

C. Upon the adoption of the accrual plan of accounting, pension payments to employees retired before the adoption of such plan shall be charged to an existing pension reserve or to account 2946—Other Debits to Surplus. If a carrier pays into its pension trust fund the amount of its existing pension reserve, any such amounts in excess of provision for pensions granted prior to the adoption of the accrual plan may be applied in whole or in part to the adjustment of future accrual charges.

D. Before adopting the accrual plan of accounting for pensions, the carrier shall inform the Commission of the details of its pension plan, giving full statement of the facts which in its judgment establish a contractual obligation for pension payments, together with the actuarial formula under which it proposes to create its pension trust fund, and also a copy of the declaration of trust under which the fund is to be established.

E. No charges shall be made to this account in anticipation of discretionary pension payments in the future.

4691. *Joint operating expense—Debit.*—This account shall include amounts payable to others representing the cost of operation and maintenance of joint facilities used for general purposes, such as a general office, or where amounts payable can not be segregated between the functional groups of expense accounts provided herein. (See instruction 29.)

4696. *Joint operating expense—Credit.*—This account shall include amounts received by the accounting carrier as reimbursement for operating and maintenance costs incurred by it in connection with a joint facility used for general purposes such as a general office, or when the amounts received can not be segregated between the functional groups of expense accounts provided herein. (See instruction 29.)

DEPRECIATION EXPENSE

5000. *Depreciation expense.*—A. This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable carrier operating property, including improvements to leased property, if any, as provided in instruction 25. The amounts charged to this account shall be concurrently credited to account 2500—Reserve for Depreciation—Carrier Operating Property.

B. The following subdivisions of this account shall be maintained to reflect the amount of depreciation charges on each class of property and the necessary depreciation adjustment on carrier operating property at the time it is retired from service as provided in instruction 21 (see definition 33):

5011. Depreciation of Structures.
5021. Depreciation of Revenue Equipment.
5031. Depreciation of Service Cars and Equipment.
5041. Depreciation of Shop and Garage Equipment.
5051. Depreciation of Furniture and Office Equipment.
5061. Depreciation of Miscellaneous Equipment.
5071. Depreciation of Improvements to Leasehold Property.
5081. Depreciation of Undistributed Property.
5091. Depreciation Adjustment.

AMORTIZATION EXPENSE

5100. *Amortization chargeable to operations.*—This account shall include the total of the amounts included in accounts 5110 and 5120:

5110. *Amortization of carrier operating property.*—This account shall include the amount of the amortization charges applicable to the accounting period for amounts carried in account 1501—Organization, account 1511—Franchises, and account 1541—Patents, for fixed-term franchises, licenses, and patent rights; for fixed-term interest in land and land rights (account 1201), for losses incurred or expected to be incurred through the reversion of improvements on leased property to the lessor prior to the expiration of their service lives (account 1271), and for losses expected to be incurred through reversion of property to a state, municipality, or other governmental body, or otherwise, at no compensation to the carrier, before the expiration of the service lives of such property. Such charges shall be computed so as to distribute the book cost of each item evenly throughout its service life to the carrier. (See also account 2600—Reserve for Amortization—Carrier Operating Property.)

5120. *Property loss chargeable to operations.*—This account shall be concurrently charged with amounts credited to account 1890—Other Deferred Debits, for the amortization of property abandoned or for extraordinary property losses carried in that account, when such amounts are authorized to be amortized from that account by charges to operations. This account shall also be charged with losses on abandoned property and extraordinary property losses from carrier operations which are charged off at the time of their occurrence.

NOTE.—The carrier shall not make any charges to this account except upon approval by the Commission.

TAXES AND LICENSES

5200. *Operating taxes and licenses.*—A. This account shall include the amount of Federal, state, county, municipal and other taxing-district taxes (except as provided for in account 8000—Provision for Income Taxes) which relate to carrier property, operation and privileges for the period covered by the income account.

B. When it is not possible to determine the actual taxes, suitable estimates shall be made and the proportion of the amount estimated, which is applicable to the accounting period, shall be charged to this account and concurrently credited to account 2120—Taxes Accrued, or account 1800—Prepayments, as appropriate. When the actual tax levies become known the amounts included in this account on an estimated basis shall be adjusted.

C. Taxes on property leased from others for use in motor carrier operations, when the lessee is obligated under the terms of the lease to pay such taxes in addition to stipulated rent, shall be included in this account.

D. The records shall be kept so as to show separately the amount of each class of tax included in this account, and the basis on which it is levied, as follows:

(1) Gasoline, Other Fuel and Oil Taxes.
(2) Public Utility Taxes and Licenses.
(3) Other Licenses.
(4) Corporation Taxes.
(5) Real Estate and Personal Property Taxes (or Gross Receipt Taxes).
(6) Social Security Taxes.
(7) Federal and State Capital Stock Taxes and Stock Transfer Taxes.
(8) Federal Excise Taxes.
(9) Other Taxes.

NOTE A.—Filing fees accompanying applications to regulatory bodies for certificates shall be charged to the appropriate subdivision of account 1500—Organization, Franchises and Permits. (See also account 4656.)

NOTE B.—Special assessments for street or other improvements and fees or charges, sometimes called taxes, such as water taxes, street sprinkling and sidewalk repairs, which are payments for some specific service rendered by the government, should be charged to the appropriate property investment or maintenance accounts. (See note B, account 1201—Land and Land Rights.)

NOTE C.—Taxes on non-operating property shall be charged to the account to which the revenue of such property is credited.

NOTE D.—Taxes on property leased to others shall be charged to the account to which the rent revenue is credited.

NOTE E.—Taxes assumed by the carrier on bond and note interest shall be changed to account 7200—Taxes Assumed on Interest.

NOTE F.—Taxes received on the sale of gasoline and oil shall be credited to this account.

NOTE G.—Taxes paid on original issues of capital stock shall be included in account 1910—Commission and Expense on Capital Stock.

NOTE H.—Amounts received by the carrier in reimbursement of taxes on property operated as a joint facility (see definition 25) shall be credited to account 5390—Joint Facility Rents—Credit. Payments to other carriers for a portion of taxes on joint facilities shall be charged to account 5340—Joint Facility Rents—Debit.

NOTE I.—Sales taxes on material purchases, except gasoline, other motor fuel and motor oil, shall be included in the cost of material.

OPERATING RENTS

5300. *Operating rents—Net.*—This account shall include the net total of amounts included in accounts 5310 to 5390, inclusive. (See instruction 30.)

5310. *Equipment rents—Debit.*—This account shall include the amounts payable for use of automotive equipment on whatever basis such rent may be determined. All expenses incurred in connection with the operation of leased equipment which the lessee is obligated to assume in addition to the amount stipulated as rent, shall be included in the operation and maintenance or other accounts as appropriate.

NOTE.—Amounts payable for rental of equipment included in the lease of a distinct operating unit shall be charged to account 5400—Rent for Lease of Carrier Property—Debit.

5320. *Other operating rents—Debit.*—This account shall include all rental payments for the use of property employed in motor carrier operations not provided for elsewhere, such as:

(1) Rent for shop and garage space.
(2) Rents paid for use of property by the transportation department.

*Items*

Accident, sickness, death, and other disability benefits to employees, their representatives or beneficiaries.
Employees of relief, benefit, and general medical departments, pay and expenses of.
Expenses in connection with employees' disability cases, such as hospital, nursing, and medical attendance.
Fees and retainers for medical and similar services incurred by relief, benefit, and general medical departments.
Medical service.



Office supplies.
Postage, printing and stationery.
Premiums paid for group insurance for the benefit of employees or their beneficiaries.
Traveling expenses.

NOTE.—The cost of life or other insurance whereunder the carrier is the beneficiary shall be charged to account 7500—Other Deductions. Cash surrender values of such policies shall be carried in account 1650—Other Investments and Advances.

4655. *Purchasing and store expenses.*—A. This account shall include salaries and expenses of purchasing agents, and their assistants, whose jurisdiction extends over all purchases such as parts, gasoline and other fuel, stationery supplies, etc.

B. This account shall include credits for cash and other discounts when it is not practicable to apply such discounts directly to the cost of materials to which they relate.

C. This account shall include such differences from inventory adjustments which have not been otherwise apportioned in accordance with note B under account 1180—Material and Supplies.

NOTE A.—Suitable proportions of items included in this account may be allocated to the cost of materials and supplies. (See instruction 19.)

NOTE B.—See also instruction 16 with reference to clearing accounts which may be maintained.

4656. *Other general expenses.*—A. This account shall include all general expenses connected with motor carrier operations not provided for elsewhere including fees and expenses payable to directors and trustees; expenses in connection with publishing and mailing reports and notices to stockholders, etc.; cash overages and shortages and fees for filing annual reports and other documents not specifically related to certificates or applications for issuance of securities.

B. This account shall also include contributions for charitable, social or community welfare purposes which have a direct or intimate relation to the protection of the property of the carrier or the development of its business or the welfare of its employees. (See account 7500—Other Deductions.)

NOTE.—Direct contributions to employees' welfare associations shall be included in account 4652—Employees' Welfare Expenses.

4660. *Management and supervision fees and expenses.*—A. This account shall include fees and expenses payable to any corporation, firm or individual, other than officers and employees of the carrier, for continuously rendered supervision and management.

B. This account shall be subdivided to reflect:

(1) Management and Supervision Fees and Expenses of Associated Companies.
(2) Management and Supervision Fees and Expenses of Other Companies.

C. Records supporting this account shall be kept so as to show (1) the basis of the fees, i. e., the gross or net earnings of the carrier, if such is the basis, (2) the percentage applied in determining the fee, (3) the amount of the fee, and (4) the amount of the expenses.

4671. *Franchise requirements—Debit.*—A. This account shall include the total cost to the carrier in connection with payments to governmental authorities in compliance with franchises, ordinances or similar requirements, except taxes and license fees, provided, however, that the carrier may charge this account with the amounts based on regular tariff rates of intrastate transportation furnished without charge under provisions of franchises.

B. When no direct outlay is involved concurrent credit for such charges shall be to account 4672—Franchise Requirements—Credit.

4672. *Franchise requirements—Credit.*—This account shall include concurrent credits for charges which are made to account 4671—Franchise Requirements—Debit, to the extent that such charges do not represent direct outlays.

4673. *Other regulatory commission expenses.*—A. This account shall include expenses incurred by the carrier in connection with formal cases before Federal or State regulatory bodies or cases in which such a body is a party; also include payments made to a regulatory commission for fees or amounts assessed against the accounting carrier for pay and expenses of the regulatory commission, its officers, agents and employees, other than those incurred in securing certificates of convenience and necessity and authority for the issuance of securities.

B. Amounts includible in this account which by approval or direction of the Commission are to be spread over future periods shall be charged to account 1890—Other Deferred Debits, and amortized by charges to this account.

*Items*

Fees, retainers, and expenses of counsel, solicitors, attorneys, clerks, attendants, witnesses, and others whose services are secured for the defense or prosecution of petitions or complaints presented to regulatory bodies.
The pay of officers and employees specifically assigned to or engaged in the valuation of property owned or used by the carrier, in connection with such cases, and the cost of similar work performed by others.
Amounts assessed by Federal and State regulatory commissions for pay and expenses of their officers, agents, and employees; office and traveling expenses; stationery, printing and engineering supplies; and other expenses and supplies including expenses of officers and employees upon matters covered by this account even though no portion of their pay is assignable hereto.

NOTE A.—Expenses incurred for the improvement of service, for additional inspection, or rendering reports which are made necessary by the rules and regulations, or orders, of regulatory bodies, shall be charged to the appropriate operation and maintenance expense accounts.

NOTE B.—Expenses incident to securing certificates of convenience and necessity shall be charged to the appropriate subdivision of account 1500—Organization, Franchises and Permits. Expenditures incident to securing authorization for issuance of long-term debt or capital stock shall be charged to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, or account 1910—Commission and Expense on Capital Stock, as appropriate.

4680. *Uncollectible revenues.*—A. This account shall include charges for receivables for carrier operating revenues which, after a reasonably diligent effort to collect, have proved impracticable of collection. If accounts which have been so written off are afterwards collected, the amount received shall be credited to this account, provided, however, that such recoveries are from accounts charged off against this account.

B. Charges to this account may be made on the basis of the estimated average loss due to uncollectible accounts in which case the concurrent credit shall be to account 2650—Reserve for Uncollectible Accounts. To the reserve thus established shall be charged such amounts as are determined to be uncollectible; amounts written off and subsequently collected shall be credited to the reserve. When charges to such accounts are thus made by estimate, the estimate shall be adjusted at the end of each calendar year to conform to the experience of the accounting carrier as determined by analysis of its accounts receivable.

NOTE.—Losses on receivables for other than operating revenues, and losses on notes or claims, shall be included in account 7500—Other Deductions.

(3) Rents paid for use of terminals and stations.
(4) Rents paid for use of property by the traffic and solicitation department.
(5) Rents paid for use of the general office.

NOTE.—Rental payments for property not used in transportation operations shall be charged to the appropriate Other Income account.

5340. *Joint facility rents—Debit.*—This account shall include amounts payable to other carriers as their proportion of rent, including taxes and depreciation, for the use of prop-

erty under a joint facility arrangement. (See definition 25 and instruction 29.)

5350. *Equipment rents—Credit.*—This account shall include amounts receivable for use of automotive equipment on whatever basis such rent may be determined.

NOTE.—Amounts receivable for rental of equipment included in the lease of a distinct operating unit shall be credited to account 5500—Income from Lease of Carrier Property—Credit.

5360. *Rent from owned land and structures.*—This account shall include the rent from land and structures, the cost of which is included in accounts 1200—Carrier Operating Property, and 1300—Carrier Operating Property Leased to Others, except joint facilities.

NOTE.—Rent from subleases of property rented from others shall be included in account 5370—Sublease Rental Income.

5370. *Sublease rental income.*—This account shall include rents receivable from subleases of carrier operating property rented from others.

5390. *Joint facility rents—Credit.*—This account shall include amounts receivable from other carriers as their proportion of rent, including taxes and depreciation, for the use of property under a joint facility arrangement. (See definition 25 and instruction 29.)

LEASE OF CARRIER PROPERTY

5400. *Rent for lease of carrier property—Debit.*—This account shall include amounts payable, for rent of property constituting a distinct operating unit (see definition 24 and instruction 30) or system leased from others for use in motor carrier operations when the carrier has exclusive possession.

NOTE.—Taxes payable upon leased property, assumed by the lessee, shall be included in account 5200—Operating Taxes and Licenses.

5500. *Income from lease of carrier property—Credit.*—A. This account shall include amounts receivable for rent of property constituting a distinct operating unit (see definition 24 and instruction 30) or system leased by the carrier to others for motor carrier operations where the lessee has exclusive possession.

B. This account shall include as a deduction from rent revenue, expenses such as repairs, depreciation, insurance, and taxes assumed by the lessor; uncollectible rents, etc., in connection with the property leased.

C. This account shall be divided to show separately for each lease the following:

(1) Rent Revenue.
(2) Expenses.
(3) Depreciation and Amortization.
(4) Taxes.
(5) Uncollectible Rents.

OTHER INCOME

6000. *Net income from non-carrier operations.*—A. This account shall include the revenues from and expenses incurred in the operation of property, the investment in which is carried in account 1400—Non-Carrier Operating Property.

B. This account shall be subdivided to reflect:

(1) The total revenues derived from non-carrier operating property operations.
(2) The total expenses incurred in non-carrier operating property operations.

NOTE A.—The expenses referred to include every element of cost incurred in such operations including depreciation, rents, taxes and insurance.

NOTE B.—Each carrier may adopt its own classification of revenue and expenses for this account. The classification shall be such, however, as to permit ready analysis of the revenue and expense.

6100. *Net income from non-operating property.*—A. This account shall include all rent revenues from land, buildings, and other property not devoted to transportation operations, the book cost of which is included in account 1450—Non-Operating Property.

B. This account shall include as a deduction from rent revenue, expenses such as repairs, depreciation, amortization, taxes, uncollectible rents, insurance, etc., in connection with the property leased.

C. This account shall be subdivided to show separately for each lease the following:

(1) Rent revenue.
(2) Expenses.
(3) Depreciation and amortization.
(4) Taxes.
(5) Uncollectible rents.

6200. *Interest income.*—A. This account shall include interest accruing to the accounting carrier upon securities of other companies and Federal, state, or municipal governments, on loans, notes, and advances; special deposits and all other interest bearing assets, including simple interest charged to property during its construction.

Interest accrued shall not be credited to this account unless its payment is reasonably assured; in other cases, credits to this account shall be based upon the interest actually collected.

B. This account shall be kept so as to show separately the interest income from each investment and from each associated company.

NOTE A.—No interest upon reacquired securities issued or assumed by the accounting carrier shall be credited to this account.

NOTE B.—Interest accrued on securities of other companies held in sinking or other special funds shall be credited to account 6400—Income from Sinking and Other Funds.

6300. *Dividend income.*—A. This account shall include revenue derived by the accounting carrier from the dividends on stocks of other companies held by it. Accruals of guaranteed dividends may be included in this account if the payment is reasonably assured.

B. This account shall be kept so as to show separately the dividend income from each investment and from each associated company.

NOTE.—No dividends on reacquired securities issued by the carrier shall be credited to this account.

6400. *Income from sinking and other funds.*—This account shall include all revenues (whether interest or dividends) accrued on cash, securities (not issued or assumed by the accounting carrier) or other assets held in sinking fund and other special funds.

NOTE.—This account covers all income from investments of special funds, whether required to be retained in the fund or not. If such income is required to be retained in the fund and the fund required to be represented by a reserve, the amount of such accretions to the fund shall be concurrently credited to the appropriate reserve account and charged to account 2944—Appropriations to Reserves.

6500. *Other non-operating income.*—This account shall include all income accrued to the accounting carrier in accordance with the terms of any contract by which the carrier is entitled to participate in the profits from the operations of others and all other non-operating income not provided for in any of the foregoing accounts.

NOTE.—"Profits from the operations of others" does not include any dividends on stock. Revenues from dividends shall be credited to account 6300—Dividend Income, or to account 6400—Income from Sinking and Other Funds, as appropriate.

INCOME DEDUCTIONS

7000. *Interest on long-term obligations.*—A. This account shall include all interest accrued on unmatured outstanding long-term obligations issued or assumed by the accounting carrier; also interest accrued on debentures and on receivers' certificates which mature more than one year after date of issue. This account does not include interest on securities held by the accounting carrier in its treasury, in sinking or other special funds, or pledged as collateral.

B. This account shall be kept so as to show the interest expense (accrual) on each of the following classes or subdivisions of long-term obligations:

(1) Equipment Obligations.
(2) Advances.
(3) Bonds.
(4) Other Long-Term Obligations.



7100. *Other interest deductions.*—This account shall include interest on all short-term obligations of the accounting carrier, such as notes or loans for terms of less than one year, unpaid taxes, or other accounts payable, etc., and also interest on matured long-term obligations.

7200. *Taxes assumed on interest.*—This account shall include amounts paid to holders of the bonds or other indebtedness of the carrier in reimbursement of income and other taxes levied against income from such obligation or levied as a tax for ownership of the obligation, where the mortgage, indenture, or other instrument provides for payment of such taxes by the carrier.

7300. *Amortization of debt discount and expense.*—This account shall include for any period that proportion of the unamortized discount and expense on outstanding long-term debt which is applicable to the period. This proportion shall be determined according to a rule, the uniform application of which during the interval between the issue and maturity of any debt will completely amortize the discount at which such debt was issued and the debt expense connected therewith. Amounts charged to this account shall be concurrently credited to account 1880—Unamortized Debt Discount and Expense. (See also instruction 13.)

7400. *Amortization of premium on debt—Credit.*—This account shall include the proportion of the premium at which outstanding long-term debt was issued which is applicable to each period. This proportion shall be determined according to a rule the uniform application of which during the interval between the issuance and the maturity of any debt will completely amortize the premium at which such debt was issued. Amounts credited to this account shall be concurrently charged to account 2400—Unamortized Premium on Debt. (See instruction 13.)

7500. *Other deductions.*—This account shall include all deductions from gross income not provided for in any of the foregoing accounts such as:

(1) Unsecured accruals on obligations arising under contracts whereby the accounting carrier has guaranteed the annual or more frequent periodic payment of money or performance of other obligation on the part of another corporation or person, and because of the default of such other corporation or person, the liability of the accounting carrier has become actual.

(2) Losses resulting from the operations of others, whenever, in accordance with the terms of any contract, the accounting carrier is bound to contribute toward reimbursement of such losses.

(3) Losses on receivables, notes or claims, which are not includible in account 4680—Uncollectible Revenues.

(4) Amortization charges of the book value of property included in account 1550—Other Intangible Property, and other items carried among its assets.

(5) Contributions for charitable, social or community welfare purposes which do not have a direct or intimate relation to the protection of the property, development of the business or welfare of employees. (See account 4656—Other General Expenses.)

(6) Penalties and fines for violations of law not provided for in account 4264—Other Transportation Expenses.

(7) Premiums for life insurance carried on the lives of officers and employees when the carrier is the beneficiary.

INCOME TAXES

8000. *Provision for income taxes.*—This account shall include charges for the year classifiable in accounts 8010 to 8060, inclusive.

8010. *Federal income tax.*—Charge this account each period on an estimated basis with the amount accrued for Federal Income Tax, concurrently crediting account 2120—Taxes Accrued.

8020. *Federal excess profits tax.*—Charge this account each period on an estimated basis with the amount accrued for Federal Excess Profits Tax, concurrently crediting account 2120—Taxes Accrued.

8030. *Federal surtax on undistributed profits.*—Charge this account on an estimated basis with the amount accrued for Federal Surtax on Undistributed Profits, concurrently crediting account 2120—Taxes Accrued.

8040. *Other Federal income taxes.*—Charge this account each period on an estimated basis with the amount accrued for other Federal Income Taxes, concurrently crediting account 2120—Taxes Accrued.

8050. *State income taxes.*—Charge this account each period on an estimated basis with the amount accrued for State Income Taxes, concurrently crediting account 2120—Taxes Accrued.

8060. *Other income taxes.*—Charge this account each period on an estimated basis with the amounts accrued for all other income taxes, not provided for in the foregoing accounts, concurrently crediting account 2120—Taxes Accrued.

*Form of Income Statement*

I. Carrier Operating Income:
  Revenues:
    3000. Operating Revenues
  Expenses:
    4000. Operation and Maintenance Expenses
    5000. Depreciation Expense
    5100. Amortization Chargeable to Operations
    5200. Operating Taxes and Licenses
    5300. Operating Rents—Net
    Total Expenses
    Net Operating Revenue
    5400. Rent for Lease of Carrier Property—Debit
    5500. Income from Lease of Carrier Property—Credit
    Net Carrier Operating Income

II. Other Income:
    6000. Net Income from Non-Carrier Operations
    6100. Net Income from Non-Operating Property
    6200. Interest Income
    6300. Dividend Income
    6400. Income from Sinking and Other Funds
    6500. Other Non-Operating Income
    Total Other Income
    Gross Income

III. Income Deductions:
    7000. Interest on Long-Term Obligations
    7100. Other Interest Deductions
    7200. Taxes Assumed on Interest
    7300. Amortization of Debt Discount and Expense
    7400. Amortization of Premium on Debt—Credit
    7500. Other Deductions
    Total Income Deductions
    Net Income before Income Taxes
    8000. Provisions for Income Taxes
    Net Income (or Loss) Transferred to Earned Surplus

[F. R. Doc. 37—3528; Filed, December 6, 1937; 12:37 p. m.]

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UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

ISSUE OF 1937—EFFECTIVE JANUARY 1, 1938

Carroll Miller, Chairman; Balthasar H. Meyer, Clyde B. Aitchison, Joseph B. Eastman, Frank McManamy, Claude R. Porter, William E. Lee, Charles D. Mahaffie, Walter M. W. Splawn, Marion M. Caskie, John L. Rogers; W. P. Bartel, Secretary.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of November A. D. 1937.

The subject of a Uniform System of Accounts to be prescribed for Class I common or contract motor carriers of

property, subject to the Motor Carrier Act, 1935, being under consideration:

*It is ordered*, That the Uniform System of Accounts and the text pertaining thereto, hereafter known as Issue of 1937, a copy of which is now before the Commission, be, and is hereby approved; that a copy thereof duly authenticated by the Secretary of the Commission be filed in its archives, and a second copy thereof, in like manner authenticated, be filed in the office of the Bureau of Motor Carriers; and that each file of the said copies so authenticated and filed shall be deemed an original record thereof.

*It is further ordered*, That the said Uniform System of Accounts be, and is hereby, prescribed for the use of Class I common or contract motor carriers of property, subject to the provisions of the Motor Carrier Act, 1935, in the keeping and recording of their accounts; that each and every such carrier and each and every receiver, trustee, executor, administrator or assignee of such motor carrier be required to keep all accounts in conformity therewith; and that a copy of said Issue of 1937, be sent to each and every such motor carrier and to each and every receiver, trustee, executor, administrator or assignee of such motor carrier.

*It is further ordered*, That for the purpose of applying the system of accounts for motor carriers subject to the Motor Carrier Act, 1935, Class I carriers shall include each carrier having average gross revenues of $100,000 or over annually from its motor carrier operations; and that such average revenues shall be determined by the average of its annual gross revenues from motor carrier operations for the three years immediately preceding the effective date of this system of accounts.

*It is further ordered*, That the date on which the said Issue of 1937 of the Uniform System of Accounts shall become effective be, and is hereby, fixed on January 1, 1938.

Dated at Washington, D. C., this 29th day of November, A. D. 1937.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary*.

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## UNIFORM SYSTEM OF ACCOUNTS FOR MOTOR CARRIERS

This uniform system of accounts for motor carriers is issued and prescribed under the following provisions of the Motor Carrier Act, 1935:

SEC. 204. (a) It shall be the duty of the Commission—

(1) To regulate common carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

(2) To regulate contract carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

(4) To regulate brokers as provided in this part, and to that end the Commission may establish reasonable requirements with respect to licensing, financial responsibility, accounts, records, reports, operations, and practices of any such person or persons.

(c) The Commission may from time to time establish such just and reasonable classifications of brokers or of groups of carriers included in the term "common carrier by motor vehicle", or "contract carrier by motor vehicle", as the special nature of the services performed by such carriers or brokers shall require; and such just and reasonable rules, regulations, and requirements, consistent with the provisions of this part, to be observed by the carriers or brokers so classified or grouped, as the Commission deems necessary or desirable in the public interest.

SEC. 220. (a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, to prescribe the manner and form in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may deem information to be necessary. Such reports shall be under oath whenever the Commission so requires. The Commission may also require any motor carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this part, to which he or it may be a party.

SEC. 222. (g) Any motor carrier, or broker, or any officer, agent, employee, or representative thereof who shall willfully fail or refuse to make a report to the Commission as required by this part, or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not less than $100 and not more than $5,000.

### DEFINITIONS

When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued", as applied to securities, means those which have been sold to *bona fide* purchasers for a valuable consideration (including those issued in exchange for other securities or other property) so that the purchasers secured them free from control by the issuing carrier, also securities issued as dividends on stock, and those which have been issued in accordance with contractual requirements direct to trustees of sinking and other funds.

3. "Actually outstanding", as applied to securities issued or assumed by the carrier, means those which have been actually issued and are neither retired nor held by or for the carrier; provided, however, that securities held by trustees shall be considered as actually outstanding.

4. "Additional" means structures, facilities, or equipment added to those in service and not taking the place of anything previously existing.

5. "Amortization" means the gradual extinguishment of an amount in an account by prorating such amount over either a fixed period dependent on the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

6. (*a*) "Associated companies" means companies or persons that directly or indirectly, through one or more intermediaries, control or are controlled by, or are under common control with the accounting carrier.

(*b*) "Control" (including the terms "controlling", "controlled by", and "under common control") as used herein, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, firm or corporation, whether through the ownership of voting securities, by contract or otherwise. If in any instance the existence of control is or may be open to reasonable doubt, the carrier shall report to the Commission all of the material facts pertinent to the possible existence of control.

7. "Betterment" means the enlargement or improvement of existing structures, facilities, and equipment.

8. "Book cost" means the amount at which property is recorded on the books of the carrier without deduction of related reserves.

9. "Carrier" or "motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle subject to the Motor Carrier Act, 1935.

10. "Carrier operating property" means the property which is used (see definition 40) by the carrier in the conduct of its motor carrier operations or leased to others for such operations, and which has an expectation of life in service of more than one year from date of installation. This includes land, structures, equipment, and facilities necessary for such operations and services incidental thereto.

11. "Company" means any individual, firm, copartnership, corporation, association, or joint-stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

12. "Commission" or "the Commission" means the Interstate Commerce Commission.

13. "Contingent Assets" means a possible source of value to the carrier dependent upon the fulfillment of conditions regarded as uncertain.

14. "Contingent Liabilities" means items which may under certain conditions become obligations of the carrier but



which are neither direct nor assumed liabilities at the date of the balance sheet.

15. "Cost" means the amount of money actually paid for property or services, or the cash value at the time of the transaction of any consideration other than money.

16. "Cost of removal" means the cost of demolishing, dismantling, tearing down, or otherwise removing operating property, including the cost of transportation and handling incident thereto.

17. "Current Assets" means cash as well as those assets that are readily convertible into cash or are held for current use in operations or construction; current claims against others, payment of which is reasonably assured; and other amounts accruing to the carrier which are subject to settlement within one year from the date of the balance sheet.

18. "Current Liabilities" means those obligations the amount of which is definitely determined or closely estimated which are either matured at the date of the balance sheet or become due within one year from date of issuance or assumption or upon demand, except bonds, equipment and other long-term obligations, receivers' or trustees' certificates, which shall be classed as long-term obligations (see definition 26) regardless of the period for which they are to run.

19. "Date of retirement", as applied to operating property, means the date at which such property is permanently withdrawn from service.

20. "Debt expense" means all expense in connection with the issuance and sale of evidences of long-term debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other evidences of debt; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing evidences of debt; fees and expenses of listing on exchanges; and other like costs.

21. "Delayed items" means items relating to transactions which occurred before the current calendar year. It includes adjustments of errors in the income, operating revenue, and operating expense accounts of prior years.

22. "Depreciation", as applied to depreciable operating property, means the loss in service value (see definition 37) not restored by current maintenance, incurred in connection with the consumption or prospective retirement of property in the course of service from causes against which the carrier is not protected by insurance, which are known to be in current operation. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, changes in the art, inadequacy, changes in demand, and requirements of public authority.

NOTE A.—*Unit Plan* means the plan under which depreciation charges are computed and the records maintained so that the total amount of depreciation accrued applicable to each unit can be determined.

NOTE B.—*Group Plan* means the plan under which depreciation charges are accrued upon the basis of the sum total of the book cost balances at the close of each month (or four-week period) of all property included in each account or sub-division thereof, at rates determined from the average service life of the property included therein, and upon the retirement of any such property its full service value is charged to the depreciation reserve whether or not the particular item has attained the average service life.

23. "Discount", as applied to securities issued or assumed by the carrier, means the excess of the par or face value of the securities, plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from the sale.

24. "Distinct Operating Unit" means all or any portion of a route or routes covered by a certificate of convenience and necessity or a permit and operated as a separate entity, including the physical property used in the operation thereof.

25. "Joint facility" means any property occupied or used jointly by the carrier and one or more other carriers under a definite arrangement whereby the costs are shared between the parties to the joint agreement. Portions of a structure or other property used exclusively by each of two or more carriers are not joint facilities.

26. "Long-term obligations" means obligations having a life of more than one year from date of creation or assumption, and all unmatured bonds and receivers' or trustees' certificates.

27. "Mileage method", as applied to depreciation of vehicles, means the plan under which the service value is charged to depreciation expenses and credited to depreciation reserves at a fixed rate per mile run.

28. "Minor items", as applied to carrier operating property (see definition 10), means the associated parts or elements of which units of property (see definition 39) are composed. (See instruction 21C.)

29. "Net book cost", when applied to property, means the book cost (see definition 8) less related depreciation and amortization reserves.

30. "Net salvage value" means the salvage value (see definition 35) of property retired after deducting the cost of removal.

31. "Nominally issued," as applied to securities issued or assumed by the carrier, means those which have been signed, certified, or otherwise executed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the carrier, but which have not been sold or issued direct to trustees of sinking funds in accordance with contractual requirements.

32. "Premium", as applied to securities issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face value of the securities plus interest or dividends accrued at the date of sale.

33. "Property retired", as applied to operating property, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been permanently withdrawn from service.

34. "Replacing" or "replacement", when not otherwise indicated in the context, means the acquisition, construction, or installation of property in place of property of like purpose retired, together with the removal of the property retired.

35. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recovered is chargeable to account 1180—Material and Supplies, or other appropriate account.

36. "Service life" means the period between the date when carrier operating property (see definition 10) is placed in service and the date of its retirement. (See definition 33.)

37. "Service value" means the difference between the book cost (see definition 8) and the net salvage value (see definition 30) of carrier operating property.

38. "Straight-line method", as applied to depreciation accounting, means the plan under which the service value (see definition 37) of property is charged to depreciation expenses or other appropriate accounts and credited to the depreciation reserves through equal periodic charges as nearly as may be during its service life.

39. "Unit of Property", for the purpose of this system of accounts, means any item of property which on sale, abandonment, disposal or replacement is written out of the property accounts as provided for in instruction 21.

40. "Used", as applied to operating property, means actually and necessarily in current service or ready for and reasonably required to be currently held for future service.

### INSTRUCTIONS

1. Classification of Carriers.
2. Records.
3. Accounting Period.
4. Submission of Questions.
5. Item Lists, Interpretation of.
6. Opening Entries.
7. Delayed Items.

8. Unaudited Items.
9. Spreading of Unusual Income, Revenue, and Expense Items.
10. Current Assets.
11. Discount or Premium on Securities of Other Companies.
12. Discount, expense and Premium on Capital Stock.
13. Discount, Expense and Premium on Long-Term Obligations.
14. Company Securities Owned:
    A. Capital Stock.
    B. Equipment and Long-Term Obligations.
15. Book Cost of Securities Owned.
16. Clearing Accounts, Purpose of.
17. Deduction of Reserves.
18. Contingent Assets and Liabilities.
19. Operating Property to be Recorded at Cost.
20. Property Purchased.
21. Operating Property Retired:
    A. Property under Unit Plan of Depreciation.
    B. Property under Group Plan of Depreciation.
    C. Minor Items.
    D. Land.
    E. Determination of Book Cost.
    F. Intangibles.
    G. Sale of Property.
    H. Extraordinary Losses.
22. Leased Property, Expenditures on.
23. Transfer of Property.
24. Common Property.
25. Depreciation Accounting.
26. Repairs, Cost of.
27. Insurance.
28. Distribution of Pay and Expenses of Employees.
29. Joint Expenses.
30. Rent and Lease of Carrier Property.

1. *Classification of carriers.*—A. For the purpose of prescribing Uniform Systems of Accounts for common or contract motor carriers subject to the Motor Carrier Act, 1935, carriers are grouped into the following three classes:

Class I. Carriers having average gross operating revenues (including interstate and intrastate) of $100,000 or over annually, from motor carrier operations.

Class II. Carriers having average gross operating revenues (including interstate and intrastate) of $25,000 or over, but under $100,000 annually, from motor carrier operations.

Class III. Carriers having average gross operating revenues (including interstate and intrastate) of less than $25,000 annually, from motor carrier operations.

B. Class I carriers shall keep all the accounts prescribed herein, where applicable. Separate systems of accounts will be prescribed for Class II and Class III carriers.

C. In order that frequent changes may be avoided, the class to which any carrier belongs may be determined by the average of its annual gross operating revenues for the three years immediately preceding the effective date of this system of accounts. If, at the end of any calendar year following, the average of its annual gross operating revenues for the three preceding years is greater than the maximum for the class in which the carrier has been grouped, it shall automatically be grouped in the higher class in which it falls because of such increased annual revenues. Any carrier engaged in new undertakings, the annual revenue from which is not known in advance, shall be classed in accordance with a reasonable estimate of its prospective revenues.

D. Any carrier may, at its option, place itself in any group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the Commission.

2. *Records.*—A. All the accounts defined in this system of accounts must be kept by the double entry method. Each carrier shall keep its general accounting books and all other books, records and memoranda which support in any way the entries to such accounting books and analyses of general ledger account balances so that it can furnish at any time full information as to any account. Moreover, it shall support each entry to each account with such detailed information as will provide a ready analysis and verification of the facts recorded therein. All expenditures must be definitely supported by vouchers, pay rolls, receipted bills, cancelled checks, receipts for petty cash payments, or other evidences of the expenditures incurred.

B. The books referred to herein include not only books of account in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.

C. Carriers shall not destroy any books, records, memoranda, etc., which support entries to its accounts unless the destruction thereof is specifically provided for in the Regulations to Govern the Preservation of Records of Motor Carriers and Brokers.

D. Subdivisions of any account in this system of accounts may be kept, provided that such subdivisions do not impair the integrity of the accounts prescribed. The Commission reserves the right to order any carrier to subdivide any account in this system of accounts. The title of each such subdivision shall clearly indicate the account of which it is a part. When an account is subdivided in the general ledger, an account need not be maintained for the total of the subdivisions. When such subdivisions are carried in subsidiary ledgers, however, the general ledger shall contain the controlling accounts therefor so that a complete general ledger trial balance may be obtained.

3. *Accounting period.*—Each carrier shall keep its books on a calendar year basis and for each month (or four-week period) all transactions applicable thereto, as nearly as can be ascertained (see instruction 8) shall be written up, posted to the general ledger and balanced. The final entries for any month (or four-week period) shall be made in the general ledger not later than 60 days after the last day of the accounting period for which the accounts are stated, unless otherwise authorized by the Commission, except that the period within which the final entries for the last period in the calendar year shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual reports as required by paragraph (a) of section 220 of the Motor Carrier Act, 1935.

4. *Submission of questions.*—To maintain uniformity of accounting, carriers shall submit all questions of doubtful interpretation to the Commission for consideration and decision.

5. *Item lists, interpretation of.*—Lists of items appearing in the texts of the several accounts are given for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all items includible in the several accounts, but merely as representative of them. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

6. *Opening entries.*—As of the effective date of this system of accounts the accounts prescribed herein shall be opened by appropriately transferring thereto the balances carried in the accounts previously maintained by the carrier. The carrier is authorized to make such subdivisions, reclassifications, consolidations of or additions to such balances as are necessary to meet the requirements of this system of accounts.

7. *Delayed items.*—A. Delayed items (see definition 21) shall be charged or credited to the same accounts which should have been charged or credited if the items had been taken up or adjusted in the period to which they pertain. When the amount of a delayed item is relatively so large that its inclusion in the accounts for a single period would seriously distort those accounts, it may be distributed in equal amounts to the accounts for the current and remaining periods of the calendar year.

B. If the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort those accounts, the amount shall be distributed to the appropriate surplus account.



8. *Unaudited items.*—A. When the amount of any item affecting these accounts can not be accurately determined in time for inclusion in the accounts of the calendar year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is audited the necessary adjustments shall be made through the accounts in which the estimate was recorded. If, during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The carrier is not required to anticipate small items which would not appreciably affect these accounts.

B. If, owing to exceptional conditions, a carrier finds a modification of the instructions in paragraph A necessary, it shall furnish a statement of its proposed plans to the Commission for approval before adoption.

9. *Spreading of unusual income, revenue and expense items.*—When the amount of any unusual item includible in an income, operating revenue, or operating expense account for a single period is relatively so large that its inclusion in the accounts for that period would seriously distort those accounts it may be included in account 1890—Other Deferred Debits, or account 2450—Other Deferred Credits, as appropriate, and distributed in equal amounts to the accounts for the current and remaining periods of the year. No such item shall be spread beyond the accounts of the current year without authority of the Commission.

10. *Current assets.*—A. In the group of accounts designated as Current Assets (accounts 1000 to 1190, inclusive) there shall not be included any item the amount or collectibility of which is not reasonably assured or for which provision has not been made in a reserve. Items of current character but of doubtful value may be carried in these accounts at a nominal value or included in account 1890—Other Deferred Debits, at book cost or nominal value, or written off, as may be appropriate.

B. Adjustments to accomplish the writing down of items of doubtful value not covered by reserves shall be made through account 4680—Uncollectible Revenues, account 7500—Other Deductions, account 2946—Other Debits to Surplus, or other appropriate income or surplus account.

11. *Discount or premium on securities of other companies.* (See instruction 15.)

12. *Discount, expense and premium on capital stock.*—A. This system of accounts provides accounts for discounts, commissions and expenses on capital stock and another account for premium on capital stock. These accounts shall be subdivided for each class and series of capital stock issued by the carrier. Commission and expenses applicable to capital stock issues shall be included in the commission and expense account and shall not be deducted from premium on capital stock.

B. In stating the balance sheet, discount on capital stock shall not be netted against premiums.

C. General levies or assessments against stockholders of par or stated value shares shall be credited to the premium account for the particular class and series of capital stock so assessed.

D. Discounts and expenses on capital stock may be amortized by charges to account 2900—Unearned Surplus. However, in no event shall net debits exceed the accumulated net credits in unearned surplus. Any excess of debits may be retained in account 1900—Discount on Capital Stock or account 1910—Commission and Expense on Capital Stock, as appropriate, until the stock is reacquired or retired, or the excess debits may be charged to account 2946—Other Debits to Surplus.

E. Discount and expenses on capital stock reacquired or retired shall be accounted for in accordance with instruction 14.

13. *Discount, expense and premium on long-term obligations.*—A. A separate subdivision shall be maintained in account 1880—Unamortized Debt Discount and Expense, for the excess of discount and debt expense over any premium related to each class of long-term debt issued or assumed by the carrier. (See definitions 20, 23 and 32.)

B. Corresponding subdivisions shall be maintained in account 2400—Unamortized Premium on Debt, for the excess of the premium over any discount and debt expense related to each class of long-term debt issued or assumed by the carrier.

C. Each period there shall be credited to each subdivision of account 1880—Unamortized Debt Discount and Expense, the amount applicable to such period under a plan of amortization, the application of which will equitably distribute the balance therein over the life of the security. Amounts thus credited shall be concurrently charged to account 7300—Amortization of Debt Discount and Expense.

D. Correspondingly, each period there shall be charged to each subdivision of account 2400—Unamortized Premium on Debt, the portion of such credit balance which is applicable to that period. Amounts thus charged shall be concurrently credited to account 7400—Amortization of Premium on Debt—Credit.

E. Except as provided in paragraphs C and D of this instruction, the balances in each of these accounts or subdivisions thereof shall be carried until the reacquisition of the securities to which it relates. At that time (unless otherwise ordered by the Commission in the case of an exchange of securities) a portion of the balances in these accounts, or subdivision for the particular class of long-term debt reacquired, shall be transferred to account 2933—Other Credits to Surplus, or account 2946—Other Debits to Surplus, as may be appropriate. Such portion shall be based on the relation of the amount of the particular issue of long-term debt reacquired to the total outstanding before the reacquisition. This provision shall also apply to securities held alive in sinking or other funds under instruction 14.

F. Except for such discount or expense as may be applicable to the construction period, no discount or expense on long-term debt shall be included in any account as a part of the cost of acquiring any property or as a part of the cost of operation.

14. *Company securities owned.*—A. *Capital stock.*—

1. Capital stock actually issued or assumed by the carrier which has been reacquired, shall be retired or carried in account 1920—Reacquired Securities, at the par or stated value, or the pro-rata proportion of the total of no-par stock without stated value at which it is carried in account 2700—Preferred Capital Stock, or account 2710—Common Capital Stock, unless it is required by provision of a mortgage or decision of a trustee not subject to the control of the accounting carrier that it be retained alive in sinking or other funds. The difference between the amount paid for the reacquired stock and the amount includible in account 1920, plus the premium and less the discount and expense entered in respect to the reacquired stock and not written off, shall be debited or credited as appropriate to account 2900—Unearned Surplus. In no event, however, shall net debits exceed the accumulated credits in Unearned Surplus. Any excess of debits resulting from reacquisition of capital stock over such accumulated credits in Unearned Surplus shall be charged to account 2946—Other Debits to Surplus.

2. When reacquired capital stock is resold by the carrier, the amount included in account 1920—Reacquired Securities, shall be credited thereto and the accounting for premiums realized, discounts, commissions or expenses incurred, shall be the same as provided for in connection with original sales of capital stock.

B. *Equipment and long-term obligations.*—

1. Equipment and other long-term obligations reacquired by the carrier shall be entered in account 1920—Reacquired Securities, at face value. The difference between the face value and the amounts actually paid for the reacquired obligations shall be debited or credited as appropriate to

account 2946—Other Debits to Surplus, or account 2933—Other Credits to Surplus. Likewise, any unamortized debt discount, expense or premium, applicable to the reacquired obligations, shall be adjusted through accounts 2946 or 2933, as appropriate.

2. When reacquired equipment and other long-term obligations are resold by the carrier, the amount included in account 1920—Reacquired Securities, shall be credited thereto and the accounting for any premiums realized, discounts, commissions or expenses incurred shall be the same as provided for in connection with original sales of such obligations.

15. *Book cost of securities owned.*—A. Securities of others acquired by the carrier shall be recorded in these accounts at cost at the time of acquisition. Cost does not include any amount paid for accrued interest or dividends.

B. The carrier may write down the book cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded, but a permanent impairment in the value of the securities shall be recognized in the accounts. A reserve may be provided against such declines in value by charges to account 2946—Other Debits to Surplus.

C. When securities with a fixed maturity date are purchased at a discount (that is when the total cost including brokerage fees, taxes, commissions, etc., is less than par), such discount may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which the interest revenue is credited. No debits shall be made in respect to discount upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity.

D. When securities with a fixed maturity date are purchased at a premium (that is when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premiums may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same account in which the interest revenue is recorded.

16. *Clearing accounts, purpose of.*—A. Clearing accounts, designed to facilitate the distribution of certain expenditures which may affect both construction and operations or which may affect transportation and other operations, may be kept when necessary in making the proper distribution of items to the appropriate accounts.

B. Balances in clearing accounts shall be fully cleared not later than the end of the calendar year unless items held therein unquestionably relate to future periods. Items carried over shall be included in account 1890—Other Deferred Debits, or account 2450—Other Deferred Credits.

17. *Deduction of reserves.*—In stating the balance sheet, reserves shall be shown separately and shall be deducted from the specific assets to which they apply. Reserves not applicable to specific assets shall be shown on the liability side. (See form of balance sheet following balance sheet accounts.)

18. *Contingent assets and liabilities.*—The balance sheet of a carrier shall clearly state by adequate notes contingent assets or liabilities not reflected in the balance sheet accounts, including any arrears in cumulative dividends, stating the amount per share of each class of stock and in total and the facts and amounts with respect to any default in principal, interest, or sinking fund provisions if not shown in the balance sheet accounts.

19. *Operating property to be recorded at cost.*—A. Amounts chargeable to the accounts numbered 1200 and 1300, designated as Carrier Operating Property accounts, shall be the actual cost to the carrier of the items properly includible therein, also including the excess cost of improvements over the estimated cost at current prices of property removed and replaced, and shall be exclusive of any cost for intangible items includible in any of the subdivisions of account 1500—Organization, Franchises and Permits, or account 1550—Other Intangible Property. (See, however, instruction 20.)

B. The book cost of the construction or acquisition of property chargeable to the carrier operating property accounts 1200 and 1300 shall include the cost of direct labor, indirect labor, materials, transportation, contract work, rent of construction facilities, taxes and simple interest during construction; also such portion of engineering, supervision, law expenditures, injuries and damages, compensation and other insurance, as is applicable to the construction period; and other analogous elements applicable to the construction and acquisition of property.

C. Any unit of property, including additions to or betterments of existing property, having a cost not in excess of $50.00, or having a life of one year or less, may be charged to the appropriate operation and maintenance expense, or clearing account and not to the property account, except that if small tools, portable equipment and similar items are consumed directly in construction work, the cost may be included as part of the cost of the constructed unit. This is not to be construed as authorizing the parceling of expenditures to bring them within this limit, or the inconsistent application of any rule or practice adopted by the carrier hereunder to the same item or class of property. If a carrier adopts a rule hereunder, changes in the rule shall be reported to the Commission.

D. When operating property is purchased under any plan involving deferred payments, no charges shall be made to operating property accounts for interest, insurance, or other expenditures occasioned by such form of payment.

E. When the consideration given for property is anything other than cash, the cash value of such consideration shall be used, except that where physical property is received in exchange for physical property, such property shall be recorded at the net book cost of the property given in exchange. In the journal entry recording such a transaction the actual consideration shall be described with sufficient particularity to identify it. The carrier shall be prepared to furnish to the Commission the particulars of its determination of the cash value of the consideration if other than cash.

20. *Property purchased.*—A. When any transportation system or portion thereof constituting a distinct operating unit (see definition 24) is purchased, the constituent elements thereof that are chargeable to carrier operating property accounts 1200 and 1300 and to any subdivision of account 1500—Organization, Franchises and Permits, may be recorded in these accounts at their book cost as reflected by the records of the vendor (see definition 8) with concurrent credits to the depreciation and amortization reserves for accrued depreciation and amortization to date of purchase. otherwise such purchases shall be recorded in the books of the accounting carrier at cost. If the costs of the various elements of property are not separable in the purchase agreement, estimated values shall be used in charging the accounts appropriate for the property. In no event shall the amounts charged to accounts 1200 and 1300 exceed the actual amount paid therefor, or the current cost new of similar property.

B. The journal entry allocating the property purchased to the operating property accounts and setting up the accrued depreciation and amortization thereon should also cover any additional assets acquired or liabilities assumed and any incidental expenses incurred in connection with the transaction. Full supporting details, showing the purchase price, the principal from whom it was acquired, the agents who represented such principal, the basis of determining the book cost of constituent elements in the property purchased and when recorded at book cost as reflected by the records of the vendor, the accrued depreciation and amortization thereon at date of purchase shall be stated in the journal entry recording the purchased property.

C. Any undistributed portion of the purchase cost not includible in specific accounts provided for assets acquired or liabilities assumed shall be charged to account 1550—Other Intangible Property.

D. In a transaction involving the acquisition of any transportation system or portion thereof constituting a distinct operating unit (see definition 24) from another carrier, the purchaser shall obtain from the vendor all available records and other evidence (or certified copies thereof) relating to the acquisition, construction and improvement of the property acquired.

21. *Operating property retired.*—When carrier operating property (see definition 10) ceases to be used (see definition 40) it shall be retired. If not dismantled or otherwise disposed of, it shall be transferred to account 1400—Non-Carrier Operating Property, or account 1450—Non-Operating Property, as appropriate. (See instruction 23.)

A. *Property under "Unit plan" of depreciation.*—When a unit of property on which depreciation charges were accrued under the unit plan, (see definition 22) is retired from service, the book cost of such property shall be credited to the appropriate property account and concurrently charged. together with the cost of removal, to the depreciation reserve account. Any salvage or insurance recovered, including amounts provided for in any insurance or other reserve with respect to the retired property when such reserve covers the cause of retirement shall be credited to the depreciation reserve. Any difference remaining in the depreciation reserve after the above entries, shall be charged or credited as appropriate to account 5091—Depreciation Adjustment.

B. *Property under "Group plan" of depreciation.*—When a unit of property, on which depreciation charges were accrued under the group plan (see definition 22), is retired from service, the book cost thereof shall be credited to the appropriate property account and concurrently charged, together with the cost of removal, to the depreciation reserve account. Any salvage or insurance recovered, including amounts provided for in any insurance or other reserve with respect to the retired property, when such reserve covers the cause of retirement, shall be credited to the depreciation reserve account.

C. *Minor items.*—When the property retired constitutes a minor item (see definition 28), the book cost of which has been or will be accounted for by its inclusion in the unit of property of which it is a part when such unit of property is retired, no adjustment of the operating property account or depreciation reserve is required therefor. When a minor item is retired and replaced, with property of like purpose, the entire cost of replacement shall be charged to the account appropriate for the cost of repairs of the property retired, except that if the replacement effects a betterment (see definition 7), there shall be charged to the property account, the excess cost of the replacement over the estimated cost at current prices of the items retired (see instruction 19 C), provided that property bettered shall not be carried in excess of the current cost new of equivalent property.

D. *Land.*—When land is sold, the book cost shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses, on the sale shall be adjusted through account 2933—Other Credits to Surplus, or account 2946—Other Debits to Surplus, as appropriate. (See instruction 19 E.)

E. *Determination of book cost.*—The book cost of operating property retired shall be the amount at which such property is included in the operating property accounts including all items set forth in instruction 19. Such costs shall be determined from the carrier's records when this can be done, as in the case of land, structures, revenue automotive equipment, service equipment, furniture, and other items of operating property for which individual cost records are available. When the actual book cost cannot be determined from the records, it shall be estimated. When it is impracticable to determine the book cost of each item due to the relatively large number and/or small cost of such items, the average book costs of all the items, with due allowance for differences in size or character, shall be used as the book cost of the items retired. The latter method may be applied in retirement of such items as spare parts, tools, etc.

F. *Intangibles.*—The accounting for the retirement of items included in account 1511—Franchises, account 1541—Patents, and intangible elements with limited terms included in account 1201—Land and Land Rights, shall be as provided in the texts of account 2600—Reserve for Amortization—Carrier Operating Property, and account 5110—Amortization of Carrier Operating Property.

G. *Sale of property.*—When operating property used in transportation operations is sold together with the transportation business associated therewith, the book cost of the property shall be credited to the appropriate operating property accounts and the amounts carried with respect thereto in the depreciation and amortization reserve accounts, estimated if necessary, shall be charged to such reserves. The difference, if any, between (1) the net amount of such debit and credit items, and (2) the consideration received for the property, shall be included in account 2946—Other Debits to Surplus, or account 2933—Other Credits to Surplus, as appropriate.

H. *Extraordinary losses.*—If the cause of retirement of depreciable operating property is one for which provision has not been made in the depreciation reserve and the loss is not covered by insurance, the accounting for the necessary adjustment shall be made in accordance with instructions under account 1890—Other Deferred Debits.

22. *Leased property, expenditures on.*—A. Except as provided in paragraph B following, the cost of initial improvements, including rearrangements, additions and betterments, to property leased from others made in the course of preparing the property for motor carrier operations and the cost of any subsequent additions to and betterments of such leased property, not including replacements, shall be charged to the operating property account 1271—Improvements to Leasehold Property. Amortization and depreciation on such expenditures shall be provided for in the manner set forth in instruction 25.

B. When the cost of alterations to leased transportation property otherwise chargeable to account 1271—Improvements to Leasehold Property, is not in excess of $50.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property.

23. *Transfer of property.*—Property transferred between accounts 1200—Carrier Operating Property, 1300—Carrier Operating Property Leased to Others, and accounts 1400—Non-Carrier Operating Property, 1450—Non-Operating Property, shall be charged or credited, as appropriate, to the carrier operating property accounts 1200 and 1300 at its book cost with the debits or credits to the appropriate accounts for the accrued depreciation and amortization to date of transfer.

24. *Common property.*—A. If the carrier is engaged in forms of enterprise other than motor carrier operations and any of its carrier operating property is used in common for two or more purposes to such an extent and in such manner that it is otherwise impracticable to segregate it in the accounts, an allocation of the book cost thereof shall be made and the portion so ascertained to be assignable to motor carrier operations shall be recorded in the carrier operating property accounts 1200 and 1300. The remainder shall be recorded in accounts 1400 or 1450 as appropriate. It is not contemplated that minor or temporary changes in conditions shall necessitate frequent reallocations of common property.

B. The carrier shall be prepared to show at any time and to report to the Commission when required, and by carrier operating property accounts 1200 and 1300 the following:

1. The book cost of common property,
2. The allocation of such cost to carrier operations and other purposes for which the jointly operated property is used, and
3. The basis of the allocation.

C. The expenses of operation, maintenance, depreciation and amortization of common property shall be recorded in the accounts prescribed herein and the allocation of such

expenses to the carrier operations shall be supported in the same manner as the allocation of the cost of such property.

25. *Depreciation accounting.*—A. There shall be charged each month (or four-week period) to account 5000—Depreciation Expense, and credited to account 2500—Reserve for Depreciation—Carrier Operating Property, during the service life of depreciable property included in account 1200—Carrier Operating Property, amounts which will approximate the loss in service value not restored by current maintenance or covered by insurance, the effect of which can be forecast with a reasonable approach to accuracy. The straightline method of computing depreciation (see definition 38) shall be used and the current depreciation charge shall be obtained by applying the applicable portion of the annual percentage rate to the book cost balances, except that the mileage method (see definition 27) may be used on automotive equipment, in which event the rate per mile shall be applied to the number of miles traveled each period. In no event, however, shall the charges based on such mileage method be less during any calendar year than would result from the application of rates based on the straight-line method.

Carriers engaged in seasonal operations may apportion the estimated annual depreciation charge over the months in which operations are actually conducted.

B. Depreciation charges on property included in accounts:

1211. Structures.
1221. Revenue Equipment.
1231. Service Cars and Equipment.

shall be computed on the unit plan (see definition 22) under the straight-line method. Depreciation charges on any unit of property which is depreciated under the unit plan shall cease when the estimated service value shall have been credited to the depreciation reserve.

C. Depreciation charges on property included in accounts:

1241. Shop and Garage Equipment.
1251. Furniture and Office Equipment.
1261. Miscellaneous Equipment.

shall be computed under either the unit plan or the group plan. (See definition 22.) If the group plan is used the current depreciation charge shall be determined by applying the applicable portion of the annual percentage rate to the sum total of the book cost balances of the property included in each account, or subdivisions thereof, at the rates determined from weighted averages of service lives of the property included therein.

D. Depreciation charges upon property included in account 1271—Improvements to Leasehold Property, shall be made upon the same basis as for owned depreciable property. Such depreciation charges shall be charged to account 5071—Depreciation of Improvements to Leasehold Property. Any additional reserve required to meet losses expected to be incurred through reversion of such property to the lessor prior to the expiration of its service life shall be provided through charges to account 5110—Amortization of Carrier Operating Property, and credits to account 2600—Reserve for Amortization—Carrier Operating Property.

E. Depreciation charges upon operating property constituting a distinct operating unit (see definition 24) leased from others under terms whereby the carrier has exclusive possession, shall be made on the same basis as for owned depreciable property. (See instruction 30.) Records shall be maintained similar to those for owned property showing the cost, service life and salvage value for each unit of depreciable operating property leased from others.

F. Depreciation charges on operating property constituting a distinct operating unit (see definition 24) leased to others for transportation operations, when the lessee has exclusive possession, shall be charged to account 5500—Income from Lease of Carrier Property—Credit, with concurrent credits to account 2500—Reserve for Depreciation—Carrier Operating Property.

G. Depreciation expense on non-carrier operating property and non-operating property shall be charged to the appropriate Other Income account and credited to account 2610—Reserve for Depreciation and Amortization—Other Property.

26. *Repairs, cost of.*—A. The cost of repairs chargeable to the various operation and maintenance expense accounts includes labor employed, materials used, and expenses incurred in all current maintenance (not including depreciation and amortization), such as:

(1) Inspecting, testing, and reporting on the condition of operating property specifically to determine the need for repairs, minor replacements, rearrangements, and changes.
(2) Testing for, locating, and clearing trouble.
(3) Routine work to prevent trouble, such as general overhauling, removing carbon, grinding valves, adjusting and relining brakes, adjusting shock absorbers, cleaning and adjusting engines, etc.
(4) Replacing minor items of operating property. (See also instruction 21 C.)
(5) Rearranging and changing the location of property not retired.
(6) Restoring the condition of property damaged by wear and tear, storms, breakage, floods, fire, accident, or other casualties. (See also paragraph B.)
(7) Training employees for repair work.
(8) Inspecting and testing after repairs have been made.

B. Materials recovered in connection with repairs to property shall be credited to the same account to which the repair cost was charged.

C. If employees engaged in transportation, station or terminal service are also required to make repairs, an equitable proportion of their pay and expenses shall be charged to the account appropriate for the cost of such repairs. (See instruction 28.)

D. If the book cost of any property is carried in account 1281—Undistributed Property, the repairs to such property shall be charged to the accounts provided for repairs to property of the same nature and use, the book cost of which is carried in other operating property accounts. Repairs to property leased from others shall be treated in like manner.

27. *Insurance.*—A. Provision has been made under Operation and Maintenance Expenses for recording amounts of premiums paid outside insurance companies in accounts as follows:

4520. Public Liability and Property Damage Insurance.
4541. Workmen's Compensation—Insurance.
4550. Cargo Insurance.
4570. Fire and Theft Insurance.
4580. Other Insurance.

Premiums paid in advance shall be charged to account 1800—Prepayments, and equitably distributed to the appropriate accounts over the period for which the premiums have been paid, except minor premiums which may be charged direct and premiums chargeable to construction.

B. Carriers authorized by the Commission to self-insure for automobile bodily injury liability, property damage liability or cargo liability shall record periodic charges to the appropriate expense accounts in amounts sufficient to cover estimated losses based on the carrier's experience.

C. The following accounts have been provided under Operation and Maintenance Expenses for the purpose of creating reserves for losses not covered by outside insurance and for losses incurred in excess of outside insurance coverage:

4530. Injuries and Damages.
4546. Workmen's Compensation—Self Insurer.
4560. Cargo Loss and Damage.
4570. Fire and Theft Insurance.
4580. Other Insurance.

Reserves created for self-insurance of injuries and damages, workmen's compensation and cargo loss and damage shall be included in account 2680—Injuries, Loss and Damage Reserves. Reserves created for self-insurance of all other risks shall be included in account 2660—Insurance Reserves.

Periodic charges to expense accounts for the purpose of creating reserves for self-insurance liability shall be determined currently by the carrier from its best source of information and the rates used may be based on percentage of revenue, mileage of trucks, amount of pay rolls or other equitable basis.

28. *Distribution of pay and expenses of employees.*—The charges to investments, operation and maintenance expenses, and other accounts for services and expenses of employees engaged in activities chargeable to various accounts, shall be based upon the actual time engaged in the respective classes of work, or in case that method is impracticable, upon the basis of a study of the time actually engaged during a representative period. The pay and expenses of an employee of one department who occasionally performs incidental services involving but small expense for another department may be included in the expense of the department in which the employee is regularly employed.

29. *Joint expenses.*—Where the carrier owns the joint facility, any amounts received as reimbursement of operation and maintenance costs shall be credited to the appropriate joint facilities—credit account under maintenance and garage expenses; station and terminal expenses; or administrative and general expenses. Any amounts received for depreciation, taxes and return on the joint facility, shall be credited to account 5390—Joint Facility Rents—Credit. Similarly, any amounts paid by the carrier under joint facility arrangements for operating and maintenance costs shall be charged to the appropriate joint facilities—debit account in the operation and maintenance expense group of accounts and any amounts paid for depreciation, taxes and return on the joint facility, shall be charged to account 5340—Joint Facility Rents—Debit.

30. *Rent and lease of carrier property.*—A. Provision is made in the several sub-divisions of account 5300—Operating Rents—Net, for rents receivable and payable for use of property other than that constituting a distinct operating unit or system. (See definition 24.)

B. Taxes payable by the lessee upon property rented or leased shall be included in account 5200—Operating Taxes and Licenses, by the lessee.

C. Other expenses payable by the lessee shall be included in the appropriate accounts on the books of the lessee.

D. Amounts payable for use of operating property constituting a distinct operating unit (see definition 24) leased from others under terms whereby the carrier has exclusive possession shall be apportioned between rent and depreciation. The portion covering rent shall be included in account 5400—Rent for Lease of Carrier Property—Debit, and the portion covering depreciation shall be included in account 5000—Depreciation Expense. (See instruction 25.)

E. The lessor shall credit the amount receivable for use of the property leased to account 5500—Income from Lease of Carrier Property—Credit. The lessor shall charge the estimated depreciation accrual to account 5500 and credit account 2500—Reserve for Repreciation—Carrier Operating Property.

F. If settlement for either rent or depreciation is not made currently the amounts thereof shall be accrued by both lessor and lessee in harmony with the instructions in paragraphs C and D. The amounts accrued receivable, and payable, should be included in appropriate accounts classified under accounts 1890—Other Deferred Debits, and 2450—Other Deferred Credits, by the lessor and lessee, respectively.

*Balance sheet accounts*

ASSET SIDE

*I. Current Assets*

1000. Cash.
1020. Working Funds.
1040. Special Deposits.
1041. Interest Special Deposits.
1042. Dividend Special Deposits.
1043. Miscellaneous Special Deposits.
1060. Temporary Cash Investments.
1080. Notes Receivable.
1100. Receivables from Associated Companies.
1120. Accounts Receivable.
1140. Subscribers to Capital Stock.
1160. Interest and Dividends Receivable.
1180. Material and Supplies.
1190. Other Current Assets.

*II. Tangible Property*

1200. Carrier Operating Property.
1201. Land and Land Rights.
1211. Structures.
1221. Revenue Equipment.
1231. Service Cars and Equipment.
1241. Shop and Garage Equipment.
1251. Furniture and Office Equipment.
1261. Miscellaneous Equipment.
1271. Improvements to Leasehold Property.
1281. Undistributed Property.
1291. Unfinished Construction.
1300. Carrier Operating Property Leased to Others.
1400. Non-Carrier Operating Property.
1450. Non-Operating Property.

*III. Intangible Property*

1500. Organization, Franchises and Permits.
1501. Organization.
1511. Franchises.
1541. Patents.
1550. Other Intangible Property.

*IV. Investment Securities and Advances*

1600. Investments and Advances—Associated Companies.
1650. Other Investments and Advances.

*V. Special Funds*

1701. Sinking Funds.
1751. Depreciation Funds.
1781. Miscellaneous Special Funds.

*VI. Deferred Debits*

1800. Prepayments.
1880. Unamortized Debt Discount and Expense.
1890. Other Deferred Debits.

*VII. Miscellaneous Debit Items*

1900. Discount on Capital Stock.
1910. Commission and Expense on Capital Stock.
1920. Reacquired Securities.
1990. Nominally Issued Securities.

LIABILITY SIDE

*VIII. Current Liabilities*

2000. Notes Payable.
2020. Matured Equipment and Long-Term Obligations.
2030. Payables to Associated Companies.
2050. Accounts Payable.
2070. Wages Payable.
2090. C. O. D.'s Unremitted.
2100. Dividends Declared.
2120. Taxes Accrued.
2150. Interest Accrued.
2160. Matured Interest.
2190. Other Current Liabilities.

*IX. Advances Payable*

2200. Advances Payable—Associated Companies.
2250. Other Advances Payable.

*X. Equipment and Other Long-Term Obligations*

2300. Equipment Obligations.
2330. Bonds.
2360. Other Long-Term Obligations.

*XI. Deferred Credits*

2400. Unamortized Premium on Debt.
2450. Other Deferred Credits.

*XII. Reserves*

2500. Reserve for Depreciation—Carrier Operating Property.
2600. Reserve for Amortization—Carrier Operating Property.
2610. Reserve for Depreciation and Amortization—Other Property.
2650. Reserve for Uncollectible Accounts.
2660. Insurance Reserves.
2680. Injuries, Loss and Damage Reserves.
2690. Other Reserves.

*XIII. Capital Stock*

2700. Preferred Capital Stock.
2710. Common Capital Stock.
2720. Premiums and Assessments on Capital Stock.
2730. Capital Stock Subscribed.

*XIV. Non-Corporate Capital*

2800. Sole Proprietorship Capital.
2810. Partnership Capital.

*XV. Unappropriated Surplus*

2900. Unearned Surplus.
2930. Earned Surplus.

ASSET SIDE

I. CURRENT ASSETS

1000. *Cash.*—This account shall include the amount of current funds available for use on demand in the hands of financial officers and deposits in banks or trust companies; also cash in transit for which agents or drivers have received credit.

NOTE A.—This account shall be credited with the amount of checks or drafts transmitted to payees.

NOTE B.—*Funds subject to withdrawal restrictions.*—Funds subject to such restrictions and deposits in closed banks shall not be included in this account. Such funds definitely known to be available within one year shall be included in account 1190—Other Current Assets. Deposits in closed banks which are not available within one year shall be included in account 1890—Other Deferred Debits.

1020. *Working funds.*—This account shall include amounts advanced to officers, agents, employees, and others as petty cash or working funds from which certain expenditures are to be made and accounted for.

1040. *Special deposits.*—This account shall include the balance of the amounts included in accounts 1041, 1042, and 1043, for short-term deposits.

1041. *Interest special deposits.*—This account shall include moneys and bank credits specially deposited in the hands of fiscal agents or others for the payment of interest on behalf of the carrier. When interest is paid from such deposits, it shall be credited to this account and charged to the appropriate accrued or matured interest account. Payments to trustees or other agents of the holders of bonds or other securities of the interest accrued thereon which operate under the terms of the securities or of mortgages supporting such securities as a release of the paying company from further liability for such interest, shall be charged to the appropriate interest accrual account.

1042. *Dividend special deposits.*—This account shall include moneys and bank credits in the hands of fiscal agents or others for the payment of dividends on behalf of the carrier. When dividends are paid from such deposits, they shall be credited to this account and charged to the appropriate dividend account.

1043. *Miscellaneous special deposits*—This account shall include moneys and bank credits in the hands of fiscal agents or others for special purposes other than the payment of interest or dividends. This includes cash or securities deposited with Federal, state, or municipal authorities, public utilities, or others, as a guaranty for the fulfillment of obligations. Entries to this account shall specify the purpose for which the deposit is made. When such purposes are satisfied and the deposit is released, this account shall be credited with the amount deposited.

NOTE.—This account shall not include any assets available for general company purposes.

1060. *Temporary cash investments.*—A. This account shall include the book cost (see instruction 15) of investments such as time drafts receivable and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments acquired for the purpose of temporarily investing cash. Any securities included in this account must be of such a nature as to be readily convertible into cash at substantially the book value.

B. This account shall be sub-divided to reflect separately:

(1) Temporary Cash Investments—Associated Companies.

(2) Temporary Cash Investments—Other.

NOTE A.—Amounts carried in this account as pledged shall be shown separately from amounts unpledged.

NOTE B.—There shall not be included in this account amounts properly includible in accounts 1600—Investments and Advances—Associated Companies, or 1650—Other Investments and Advances.

1080. *Notes receivable.*—A. This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable, contracts receivable, and similar evidences (except interest coupons) of money receivable on demand or within a time not exceeding one year from date of issue.

NOTE A.—Notes receivable from associated companies shall be included in account 1100—Receivables from Associated Companies.

NOTE B.—The amount of notes receivable discounted, sold or transferred, unless transferred without recourse, shall be credited to account 2000—Notes Payable.

B. This account shall be sub-divided to reflect separately:

(1) Notes Receivable—Officers, Stockholders, and Employees.

(2) Notes Receivable—Other.

1100. *Receivables from associated companies.*—A. This account shall include the total of amounts receivable from associated companies (see definition 6 A) which are subject to current settlement (see definition 17), such as balances in open accounts for services rendered, material furnished, traffic or interline accounts, claims, rent for use of property and similar items; interest and dividends due from associated companies; and loans, notes and drafts for which associated companies are liable.

B. This account shall be sub-divided to reflect separately:

(1) Loans and Notes Receivable—Associated Companies.

(2) Interest and Dividends Receivable—Associated Companies.

(3) Accounts Receivable—Associated Companies.

NOTE A.—On the balance sheet, accounts receivable from associated companies shall be set off against accounts payable to the same companies.

NOTE B.—No amount representing dividends receivable shall be included in this account unless they have been declared or guaranteed.

NOTE C.—Items which are not subject to current settlement shall be included in account 1600—Investment and Advances—Associated Companies.

1120. *Accounts receivable.*—A. This account shall include amounts due from others (except associated companies) for material and supplies furnished and services rendered, including transportation and storage charges, use of property, other matured rents, amounts owing by public authorities, amounts of collectible judgments, current accounts with officers and employees, and other accounts and claims upon which responsibility is acknowledged by solvent concerns or individuals.

B. This account shall also include the balances due from other carriers (except associated companies), against each of which there is a net debit balance representing traffic or interline accounts; also the net balance in current accounts due from agents, drivers, and other employees and representatives charged with the collection or custody of current revenues.

C. This account shall be sub-divided to reflect separately:

(1) Accounts Receivable—Officers, Stockholders and Employees.

(2) Traffic or Interline Account Balances.

(3) Accounts Receivable—Others.

NOTE A.—Amounts advanced to officers, employees, or others as working funds, shall be included in account 1020—Working Funds.

NOTE B.—Accounts with other carriers representing traffic and interline accounts which contain net credit balances shall be included in account 2050—Accounts Payable.

1140. *Subscribers to capital stock.*—A. This account shall include the balance due from subscribers upon legally enforceable subscriptions to capital stock.

B. The amount of each subscription shall be charged to this account at the time the subscription is accepted. Concurrently there shall be credited to account 2730—Capital Stock Subscribed, the par or stated value of the stock subscribed or the agreed purchase price in the case of non-par stock without a stated value. Appropriate entries shall likewise be recorded with respect to any discount or premium on par value stocks or non-par value stocks with a stated value.

NOTE.—The records supporting the entries to this account shall be kept so that the corporation can furnish the name and address of each subscriber, the amount and kind of capital stock subscribed, the date of subscription, the date that each payment is due and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.



1160. *Interest and dividends receivable.*—This account shall include the amount of current interest accrued to the date of the balance sheet on bonds, mortgages, notes, and other commercial paper owned; on loans made; open accounts; bank deposits, etc.; and the amount of dividends receivable on stocks owned. (See instruction 10.)

NOTE A.—Interest and dividends receivable from associated companies shall be included in account 1100—Receivables from Associated Companies.

NOTE B.—Interest which is not subject to current settlement shall be included in the account in which is carried the principal on which the interest is accrued.

NOTE C.—No amount representing dividends receivable shall be included in this account unless they have been declared or guaranteed.

NOTE D.—No interest or dividends on securities or obligations issued or assumed by the carrier shall be included in this account.

1180. *Material and supplies.*—A. This account shall include the cost (less cash or other discounts when they can be determined) of all unapplied materials and supplies, including tools, repair parts, fuel, tires and tubes, etc. The cost shall include all specifically assignable transportation charges incurred in obtaining the delivery of such materials and supplies upon the premises of the carrier including loading and unloading, and at the option of the carrier, it may include a suitable proportion of purchasing and store expenses in which case corresponding credits shall be made to the appropriate account. The cost shall also include sales taxes on material purchases other than gasoline, other motor fuels and motor oil.

B. When any materials or supplies, the cost of which has been charged to this account, are issued for use, the amount at which they stand charged herein shall be credited to this account and charged to the appropriate construction, operation and maintenance expense, or other account. Such amount may be based upon the average cost of all items of a given type included in this account at the beginning of the period.

C. Materials recovered in connection with construction, maintenance, or the retirement of property shall be charged to this account as follows:

(1) Reusable materials shall be included in this account at amounts not to exceed cost, estimated if not known.

(2) Scrap and non-usable materials shall be carried at the estimated salvage value. So far as practicable, the difference between the amounts realized from sale or disposal and the amounts at which the materials are carried in this account shall be adjusted in the depreciation reserves, repair accounts, or other accounts which were credited when the materials were charged to this account.

NOTE A.—Interest charged on material bills, the payment of which is delayed, shall be charged to account 7100—Other Interest Deductions.

NOTE B.—Inventories of materials and supplies shall be taken at intervals of one year or less, and the necessary adjustment shall be made to bring this account into harmony with the actual physical inventory. In effecting this adjustment, differences which may practicably be assigned to important classes of materials shall be equitably distributed among the accounts to which such classes of materials are ordinarily chargeable. Other differences shall be equitably apportioned among the operation and maintenance accounts to which materials have been charged since the last inventory. Such differences that cannot be allocated to the operation and maintenance accounts shall be included in account 4655—Purchasing and Store Expenses.

NOTE C.—Sales taxes on gasoline, other motor fuels and motor oil and personal property taxes assessed on material and supplies, shall be included in account 5200—Operating Taxes and Licenses.

1190. *Other current assets.*—This account shall include the amount of all assets of a current nature not includible in any of the foregoing current asset accounts. (See definition 17.)

II. TANGIBLE PROPERTY

1200. *Carrier operating property.*—A. This account shall include the total of the amounts representing the cost (see instruction 19) of carrier operating property, included in accounts 1201 to 1291, inclusive, owned and used by the carrier in its motor carrier operations, and which has an expected life in service of more than one year, including such property owned by the carrier but held by nominees.

B. When property normally having a service life of more than one year is installed for temporary use in motor carrier operations, it shall be accounted for in the same manner as property installed for permanent use.

C. Records shall be kept so as to reflect separately the cost and date of acquisition of property jointly owned and property operated under a joint agreement; also the cost and date of acquisition of each structure, unit of equipment, or other major item of property (or at the option of the carrier of each body, chassis or other major part). When a major part of a unit of property, such as a body or chassis of equipment or portion of a structure has been replaced by either a new or rebuilt one, details shall appear in the supporting records showing also the cost of the property removed, the cost of the replacement, and the date of removal or replacement. If property such as a structure or unit of equipment is constructed new, or rebuilt by the carrier to increase its capacity or otherwise add to its usefulness for motor carrier service, or if parts are purchased and assembled by the carrier, the cost records for construction and assembly shall be maintained in a sufficiently complete manner to show the cost of labor, materials and other expenses incurred in such work.

D. When a structure, unit of equipment, or other property is so rebuilt or remodeled as to create an expectation of service life fairly comparable with new property, the old property shall be retired. (See instruction 21.) Charges to this account for the rebuilt or remodeled property shall be based upon the appraised value of the reused parts, or the net book cost at time of retirement of the retired unit, whichever is lower, plus the cost of rebuilding or remodeling, provided, however, that in no event shall the total amount charged exceed the cost of similar new property.

E. The cost of removing old appliances and replacing them with new appliances shall be charged to the proper account under operation and maintenance expenses.

F. The cost of additions to and betterments of property leased from others shall be recorded in account 1271—Improvements to Leasehold Property. (See instruction 22.)

1201. *Land and land rights.*—A. This account shall include the cost (see instruction 19) including the amount of mortgages or other liens assumed, of land or interest in land, having a life of more than one year, for use directly in connection with the motor carrier operations of the carrier for such purposes as general office buildings, shops, garages, stations, terminals, waiting rooms, shelters, loading platforms, warehouses, and the like. This includes the first cost of acquiring leaseholds of land, easements, and rights-of-way, but not rents payable periodically in consideration of rights so obtained.

B. The cost of buildings and other improvements (other than public improvements) shall not be included in the land accounts. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to carrier operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in carrier operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

C. Carriers shall keep their records so as to show separately the cost of each parcel of land or interest therein and the purpose or purposes for which used in motor carrier operations.

*Items*

Clearing land of brush, trees, and debris. (First cost of.)

Condemnation proceedings, including court costs and special counsel fees.

Consents and abutting damages, payment for.
Conveyancers' and notaries' fees.
Easements and rights-of-way, cost of, and expenses of acquisition.
Fees and commissions to brokers and agents.
Grading.
Land, cost of.
Leases having a life of more than one year, costs of and expenses incidental to acquiring.
Leases, voiding, to secure possession of land.
Relocating property of others.
Rights-of-way, including costs of locating.
Sidewalks on public streets abutting carrier's property.
Special assessments on the basis of benefits for new roads, new bridges, new pavements, new sewers, and other public improvements (but not any taxes levied to provide for maintenance of such improvements).
Surveys.
Taxes assumed, accrued prior to date of transfer of title.
Title, examining, registering, clearing, insuring and defending against claims relating to period prior to purchase.

NOTE A.—When land is acquired in excess of that required for motor carrier operations, or for which there is not a definite plan for its use in such service within one year, the cost of such land shall be charged to account 1400—Non-Carrier Operating Property, or to account 1450—Non-Operating Property, as appropriate. If land originally charged to either of these accounts is later used for motor carrier operations, it shall be charged to Carrier Operating Property in service at its cost when acquired. (See instruction 23.)

NOTE B.—Assessments for public improvements upon which payments are deferred shall be charged to this account in full and the unpaid balance carried in the appropriate liability account. Interest on unpaid balances shall be charged to the appropriate income deduction account.

1211. *Structures.*—A. This account shall include the cost in place (see instruction 19) of structures used in motor carrier operations. This includes buildings or constructions to house, support, or safeguard property or persons, with all appurtenant fixtures permanently attached thereto, and improvements to land, and other structures or constructions.

B. Carriers shall keep their records so as to show separately the cost of each structure included in this account and the purpose or purposes for which used in motor carrier operations.

*Items*

Architect's plans.
Ash pits.
Awnings.
Boilers, furnaces, piping, wiring, fixtures and machinery for heating, lighting, signaling, ventilating and plumbing.
Bridges and culverts.
Chimneys.
Commissions and fees to brokers, agents, architects, and others.
Conduits (not to be removed).
Damages to abutting property during construction.
Door checks and door stops.
Drainage and sewerage systems.
Elevators, cranes, hoists, etc., and the machinery for operating them.
Excavation, including shoring, bracing, bridging, refill and disposal of excess excavated material.
Fences and hedges.
Fire protection systems.
Floor covering (permanently attached).
Foundations and piers for machinery constructed as a permanent part of a building or other unit listed herein.
Grading and preparing grounds for buildings, including landscaping of grounds after construction.
Leases, voiding, to secure possession of structures.
Oil pits and drainage systems.
Outside lighting systems.
Partitions, including movable.
Painting, first.
Permits and privileges, building.
Platforms, railings and gratings, when constructed as part of structure.
Power boards for service to a building.
Refrigerating systems.
Retaining walls.
Scales, connected to and forming part of the structure.
Screens.
Sidewalks, pavements and driveways on building grounds.
Sprinkling systems.
Storage facilities constituting part of building.
Storage tanks.
Storm doors and windows.
Structures, cost of.
Subways, areaways, and tunnels, directly connected to and forming part of the structure.
Vaults, constructed as part of the building.
Water supply system for building or general company purposes.
Window shades and ventilators.

NOTE A.—The cost of specially provided foundations not expected to outlast the machinery or apparatus for which they are provided, and the cost of angle irons, castings, etc., installed at the base of an item of equipment shall be charged to the same account as the cost of the machinery or equipment.

NOTE B.—When part of a structure is removed in order to build an extension thereto, the accounting therefor shall be in accordance with instruction 21.

1221. *Revenue equipment.*—A. This account shall include the cost (see instruction 19) of all units of revenue freight equipment, and the cost of the first set of accessory equipment necessary to fit them for service, excluding tires and tubes (see account 4160—Tires and Tubes—Revenue Equipment). The term "revenue freight equipment" includes body and chassis and all fixtures and appliances inside of or attached to the body or chassis.

B. If revenue freight equipment is purchased in a condition ready for service, the cost shall include the invoice or contract price, (excluding tires and tubes) less discount, if any, plus freight, excise taxes, insurance in transit, unloading costs and other expenses incurred in obtaining delivery of these vehicles upon the premises of the carrier such as drive-away charges, and the cost of any additions or attachments made after delivery.

C. This account may also include the cost of spare engines and other major units carried on hand for the purpose of temporarily replacing such units taken into the shop for overhauling, repairing, or any other reason.

*Items*

Automobiles (used in freight service).
Containers and Lift Vans.
Horses and Mules.
Road Dollies.
Semi-trailers.
Tractors.
Trailers.
Trucks (freight).
Wagons.

1231. *Service cars and equipment.*—This account shall include the cost (see instruction 19) of automotive vehicles used in connection with keeping revenue vehicles in operation, including cars and trucks used as trouble wagons for servicing revenue vehicles on the road. This account shall also include the cost of the first set of appliances or accessory equipment, including tires and tubes, necessary to fit such vehicles for service, such as cranes, hoists and other appliances, devices and tools forming the equipment of service cars.

*Items*

Emergency repair vehicles and appliances.
Refueling cars.
Sand and salt cars.
Snow-fighting vehicles and equipment.
Spare units for service vehicles, on hand in shop (optional).



Tow cars and appliances.
Vehicles used by officials, starters and inspectors.

1241. *Shop and garage equipment.*—A. This account shall include the cost installed (see instruction 19) of machinery and equipment used in shops and garages when such machinery and equipment is not an integral part of the housing structure, together with specially provided foundations and settings not expected to outlast the machinery mounted thereon. Records shall be kept so as to show separately the cost of each major item of equipment.

B. If the carrier has shops or garages at more than one location, the records shall be maintained to reflect the carrier's investment at each location.

*Items*

Air compressors and hose, gauges and tanks.
Anvils.
Arbor presses.
Battery charging outfits.
Belts, shafts and countershafts.
Boring or reaming machines.
Car washing equipment.
Cranes and hoists (portable).
Creepers.
Drill presses.
Electric equipment.
Engines and boilers.
Forges.
Gasoline and oil pumps and portable tanks.
Greasing racks and pumps.
Grinders.
Jacks.
Lathes.
Lockers.
Machine tools.
Motor driven hand tools.
Motor starters.
Oil reclaiming machines.
Paint sprayers.
Pneumatic tools.
Storage bins and shelving (movable).
Store room equipment (except office equipment).
Stoves.
Testing apparatus.
Tire changing equipment.
Tool racks.
Vises.
Vulcanizing equipment.
Weighing devices.
Welding apparatus.
Wheel pullers.
Work benches.

NOTE A.—The cost of small portable tools and implements of slight value or short life shall be charged to the appropriate expense account.

NOTE B.—The cost of cranes, hoists and other appliances, devices and tools forming the equipment of service cars and trucks shall be charged to account 1231—Service Cars and Equipment.

1251. *Furniture and office equipment.*—A. This account shall include the cost (see instruction 19) installed of furniture and appliances used in general offices, garage offices, stations, terminals, warehouses, and waiting rooms, when such equipment is not an integral part of the housing structure.

B. If the carrier has equipment included in this account at more than one location, the records shall be maintained to reflect the carrier's investment at each location.

C. If the carrier operates or owns auxiliary station facilities such as restaurants and newsstands, the cost of equipment therein shall be charged to this account and carried under a special subdivision entitled "Furniture and Office Equipment—Special Facilities".

*Items*

Book cases.
Cash registers.
Chair, stools and benches.
Clocks.
Counters.
Desks.
Equipment in rest, dining, recreation and medical rooms.
Fans, electric.
Filing cabinets.
Fire extinguisher equipment.
Floor coverings.
Heaters and lamps (movable).
Kitchen equipment.
Lighting fixtures (movable).
Lockers.
Loud speaker systems.
News stand equipment.
Office equipment (mechanical).
Parcel room equipment.
Partitions and railings.
Restaurant equipment.
Safes (movable).
Show cases and shelves.
Tables and counters.
Teletypewriters.
Ticket cases.
Ticket machines.
Time clocks.
Time-table racks.
Typewriters.
Vacuum cleaners.
Water coolers.

NOTE.—Small articles of slight value or of short life shall be charged to the appropriate expense accounts.

1261. *Miscellaneous equipment.*—This account shall include the cost (see instruction 19) of other motor carrier equipment such as miscellaneous wheeled equipment used at warehouses, stations, terminals, and loading platforms in connection with handling traffic, including van and rigging equipment.

*Items*

Blocks and falls.
Canvas covers (tarpaulins).
Carts.
Chain hoists.
Dollies (platform).
Electric motor trucks.
Hamper trucks.
Platform trucks.
Rigging equipment.
Rollers.
Ropes and cables.
Scales.
Signal equipment.
Signs (electric and portable).
Skidboards.
Van equipment.
Warehouse trucks.
Weighing devices.

1271. *Improvements to leasehold property.*—A. This account shall include, except as provided in paragraph B following, the cost of initial improvements (including rearrangements, additions, and betterments) to property used for motor carrier operations and held under lease or through control of the carrier owning the property, and in existence at the date of the balance sheet; and the cost of any subsequent additions to and betterments of such leased or controlled property but not including replacements of other than the carrier's own improvements. Amortization and depreciation on such expenditures shall be provided for in the manner set forth in instruction 25.

B. When the cost of alterations to leased property used in motor carrier operations otherwise chargeable to this account is not in excess of $50.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property.

1281. *Undistributed property.*—A. When a carrier purchases or sells any property constituting a distinct operating

unit (see definition 24) or otherwise finds it necessary because of incomplete financial records to make a general readjustment of operating property records, temporary charges or credits to this account may be made with approval of the Commission, and the distribution of the amounts involved shall be made promptly to the appropriate accounts after authorization by the Commission.

B. Balances in accounts previously carried representing property owned as of the effective date of this system of accounts may be carried temporarily in this account. Journal entries distributing such balances to the appropriate property accounts prescribed herein shall be made and filed with the Commission not later than one year after the effective date of this system of accounts.

1291. *Unfinished construction.*—This account shall include the cost of construction projects not ready for service at the date of the balance sheet. It shall include all elements of cost as set forth in instruction 19.

NOTE.—This account is intended to include only charges for new construction not involving any replacement. If, however, at the beginning of a job involving the replacement or retirement of any operating property, the accounting carrier makes full credits therefor to the appropriate property accounts, the cost of installing new property in substitution or replacement may be carried in this account pending completion of the work. (See also account 1890—Other Deferred Debits.)

1300. *Carrier operating property leased to others.*—A. This account shall include the cost (see instruction 19) of carrier operating property owned by the carrier but leased to others as distinct operating units (see definition 24) or systems for use in motor carrier operations, where the lessee has exclusive possession.

B. This account shall be subdivided so as to reflect separately the investment in each class of property as provided for under account 1200—Carrier Operating Property.

1400. *Non-carrier operating property.*—This account shall include the book cost of land, structures and equipment owned by the carrier and used in other than motor carrier operations and not provided for in account 1200—Carrier Operating Property, and account 1300—Carrier Operating Property Leased to Others.

1450. *Non-operating property.*—This account shall include the book cost of land, structures and equipment owned by the carrier, but not used in any of its operating activities.

### III. INTANGIBLE PROPERTY

1500. *Organization, franchises and permits.*—This account shall include the balance of the amounts included in accounts 1501 to 1541, inclusive.

1501. *Organization.*—This account shall include fees paid to state or other governmental authority for the privilege of incorporation, and expenditures incident to organizing the corporation, partnership, or other enterprise, and putting it into readiness to do business.

*Items*

Fees and expenses for incorporation.
Fees and expenses for mergers or consolidations.
Office expenses incident to organizing the company.
Stock and minute books and corporate seal.

NOTE A.—This account shall not include any discounts upon securities issued or assumed; nor shall it include any costs incident to negotiating loans, selling bonds or other evidences of debt, or expenses in connection with the authorization, issuance or sale of stock. (See instructions 12 and 13, and accounts 1900—Discount on Capital Stock, and 1910—Commission and Expense on Capital Stock.)

NOTE B.—Exclude from this account, and include in account 4620—Law Expenses, the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off.

NOTE C.—When charges are made to this account for expenses incurred in mergers, consolidations, acquisitions or reorganizations, amounts previously included herein on the books of the retiring companies shall not be carried over. If such items represent part of the assets acquired, they shall be included in account 1500—Other Intangible Property. (See instruction 20.)

1511. *Franchises.*—A. This account shall include amounts actually paid to a state or political subdivision thereof or to other governmental authority in consideration of franchises, permits, consents, or certificates running in perpetuity or for a specified term of more than one year, together with the necessary reasonable expenses incident to procuring such franchises, consents, or certificates of approval of convenience and necessity.

B. When a franchise, permit, consent or certificate is acquired by assignment, the charge to this account shall not exceed the actual cost to the original holder thereof. Payments in excess of the cost to the original holder, together with any expenses incurred by the acquiring carrier shall be charged to account 1550—Other Intangible Property. (See instruction 20.)

C. When any franchises, permits, or consents have expired, and are not immediately renewed, are sold or otherwise disposed of, credits to this account shall be made representing the amounts at which such items (including expenses of acquisition) are carried herein, concurrent charges shall be made to account 2600—Reserve for Amortization—Carrier Operating Property, or to surplus as appropriate. Expenses incurred in connection with renewals shall be charged to the appropriate operation and maintenance expense account.

D. This account shall be sub-divided to reflect separately amounts pertaining to:

(1) Perpetual Franchises.
(2) Fixed-Term Franchises.

NOTE.—Regularly recurring payments made to any political subdivision for the right to operate within its boundaries shall be charged to account 5200—Operating Taxes and Licenses.

1541. *Patents.*—A. This account shall include the cost (see instruction 19) of patent rights, licenses, and privileges necessary or valuable to the economical conduct of motor carrier operations, and which have a life of more than one year from the date they become effective.

B. When any right or license included herein expires or is canceled and is not immediately renewed, is sold, or otherwise disposed of, credit to this account shall be made representing the amount at which such right or license is included herein. Concurrent charge shall be made to account 2600—Reserve for Amortization—Carrier Operating Property, or to surplus as appropriate. Expenses incurred in connection with renewals shall be charged to the appropriate operation and maintenance expense account.

1550. *Other intangible property.*—A. This account shall include any intangibles not provided for elsewhere, including any undistributed portion of the purchase cost of a transportation system or portion thereof, constituting a distinct operating unit (see definition 24) not includible in specific accounts provided for assets acquired or liabilities assumed. (See instruction 20.)

B. The carrier may amortize the balance carried in this account by credits hereto and concurrent charges to account 7500—Other Deductions, or the amount carried herein for any item may be written off to account 2946—Other Debits to Surplus.

### IV. INVESTMENT SECURITIES AND ADVANCES

1600. *Investments and advances—associated companies.*—A. This account shall include the book cost (see instruction 15) of the carrier's investments in securities issued or assumed by associated companies; notes of associated companies maturing later than one year from date of issue; and the amount of advances to associated companies not subject to current settlement, including accrued interest on such advances when not subject to current settlement. Exclude from this account securities held in special funds or as temporary cash investments. (See definitions 6 and 8, account 1060—Temporary Cash Investments, and instructions 15.)

B. This account shall be subdivided to reflect separately:

(1) Common Stocks.
(2) Preferred Stocks.
(3) Bonds.



(4) Notes.
(5) Other Investments.
(6) Advances.

NOTE A.—Balances in open accounts with associated companies which are subject to current settlement shall be included in account 1100—Receivables from Associated Companies.

NOTE B.—Securities pledged shall be shown separately from securities unpledged.

NOTE C.—Securities borrowed by the carrier and pledged shall not be included in this account. A memorandum record shall be kept.

1650. *Other investments and advances.*—A. This account shall include the book cost (see instruction 15) of the carrier's investments in securities issued or assumed by other than associated companies; notes of other companies and persons, maturing later than one year from date of issue; the cash surrender values of insurance policies carried on the lives of officers and employees when the carrier is beneficiary of such policies; advances to other companies and individuals not subject to current settlement, including any accrued interest on such advances when not subject to current settlement.

B. This account shall be subdivided to reflect separately:

(1) Common Stocks.
(2) Preferred Stocks.
(3) Bonds.
(4) Notes.
(5) Other Investments.
(6) Advances.

NOTE A.—Balances in open accounts with other companies and individuals which are subject to current settlement shall be included in account 1120—Accounts Receivable.

NOTE B.—Securities pledged shall be shown separately from securities unpledged.

NOTE C.—Securities borrowed by the carrier and pledged shall not be included in this account. A memorandum record shall be kept.

### V. SPECIAL FUNDS

1701. *Sinking Funds.*—A. This account shall include the amount of cash or other items when held by trustees or other fiscal agents in charge of sinking funds, or by the carrier itself when they are segregated in a distinct fund, for the purpose of redeeming outstanding obligations. (See instruction 15.)

*Items*

Cash.

Securities of other companies or other assets, at cost except as otherwise provided herein.

Live securities, issued or assumed by the carrier, at face value. (For conditions under which such securities may be kept alive, see instruction 14.)

Amounts deposited with trustees or other fiscal agents on account of mortgaged property sold, when held for the redemption of securities.

Securities of the carrier issued to trustees without intervening sale, at face value.

B. A separate subdivision shall be kept for each fund, the title of which shall designate the obligation in support of which the fund was created.

1751. *Depreciation funds.*—This account shall include the amount of cash and the cost (see instruction 15) of securities of other companies and other assets which have been specifically set aside for the purpose of providing a fund for the replacement of units of depreciable property.

1781. *Miscellaneous special funds.*—This account shall include the amount of cash and the cost (see instruction 15) of securities of other companies and other assets in insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for purposes not provided for elsewhere; and the face value of securities issued or assumed by the carrier which may be held alive in such funds under instruction 14. Also include in this account deposits in lieu of mortgaged property sold and other trust deposits, pending their refund when equivalent property is acquired or pending their transfer under mortgage provisions to account 1701—Sinking Funds. A separate subdivision shall be provided for each fund.

### VI. DEFERRED DEBITS

1800. *Prepayments.*—This account shall include the balances representing payment of items in advance of their accrual, the benefit of which is to be realized subsequent to the time of such payment. Entries shall be made each period transferring from this account to the appropriate account the portion of each prepayment which is applicable to that period. The account shall be kept so that there can be determined readily the amounts applicable to the following:

(1) Taxes and Licenses.
(2) Insurance.
(3) Interest.
(4) Rents.
(5) Tires and tubes (see account 4160—Tires and Tubes—Revenue Equipment).
(6) Miscellaneous.

NOTE.—Prepayments of minor items applicable to the current year may be charged directly to the appropriate operation and maintenance expense or other accounts.

1880. *Unamortized debt discount and expense.*—This account shall include the total of the net debit balances representing the excess of the discount and expense over the premium in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained in respect of each issue of such obligations. (See instruction 13.)

1890. *Other deferred debits.*—A. This account shall include all debit balances in suspense accounts that cannot be entirely cleared and disposed of until further information is received; also items of a deferred nature (except items chargeable to account 1800—Prepayments, on account 1880—Unamortized Debt Discount and Expense) which are subsequently to be amortized to the appropriate operation and maintenance expense or other accounts. This includes amounts on deposit with banks which have failed, pending determination of loss; amounts paid for options pending final disposition which are not recoverable; expenditures for plans and investigations made for determining the feasibility of projects under contemplation, pending further disposition; and expenditures for valuations, inventories, and appraisals made in connection with the contemplated purchase or sale of property. (See instruction 19.) If projects in connection with which such preliminary costs were incurred are abandoned, the expense shall be charged to account 2946—Other Debits to Surplus.

B. This account may also include losses in service value of property retired for causes for which provision has not been made in the depreciation reserve and losses from retirements which could not reasonably have been foreseen and provided for. (See instruction 21 and account 5120—Property Loss Chargeable to Operations.) The carrier shall make application to the Commission for permission to make such use of this account for the foregoing purpose, and in the application the carrier shall give full particulars concerning the property retired or abandoned, the reason for which it is retired or abandoned, the amounts provided in respect thereto in the depreciation and amortization reserves, the amount chargeable to this account, and the period over which, in its judgment, such amount should be distributed.

C. This account shall also include other debit items which are subject to amortization by order of the Commission.

D. This account shall also include the balances in clearing accounts maintained to carry temporarily the cost of operating and maintaining such facilities as office buildings, storehouses, etc.; and such overhead costs as it is desirable to apportion to the construction, operating, and other accounts involved. (See instruction 16.)

### VII. MISCELLANEOUS DEBIT ITEMS

1900. *Discount on capital stock.*—This account shall include the discounts suffered in the sale of capital stock. (See instructions 12 and 14.)

1910. *Commission and expense on capital stock.*—This account shall include all expenses incurred in connection with

the issuance and sale of capital stock. (See instructions 12 and 14.)

*Items*

Fees and expenses in obtaining permission from regulatory bodies for the issuance of stock and in filing papers of notification thereunder.

Fees paid to promoters.

Listing stock on exchanges.

Preparation and distribution of prospectuses.

Preparation and issuance of certificates of stock.

Soliciting subscriptions for stock, including fees, commissions, advertising and printing.

Taxes paid on stock issues.

1920. *Reacquired securities.*—This account shall include in subdivisions for each class, the face, par, or stated value of capital stock, bonds, and other forms of securities which have been actually issued or assumed by the carrier, and reacquired and are neither retired nor properly includible in sinking or other funds.

NOTE A.—The accounting for the reacquisition of securities and resales thereof shall be inaccordance with instruction 14.

NOTE B.—This account shall be maintained so as to reflect separately securities pledged and unpledged.

NOTE C.—In reports to the Commission the balance in this account shall be deducted from the securities accounts on the liability side, thereby extending into the money column the amounts to reflect the actually outstanding securities.

1990. *Nominally issued securities.*—A. This account shall include in subdivisions for each class, the face value of capital stock, bonds, and other forms of securities which have been nominally but not actually issued by the carrier. (See definitions 2 and 30.)

B. When stock without par value is nominally issued, a memorandum entry shall be made to this account showing the number of shares thus issued.

NOTE A.—This account shall be maintained so as to reflect separately securities pledged and unpledged.

NOTE B.—In reports to the Commission, the balance in this account shall be deducted from the securities accounts on the liability side, thereby extending into the money column the amounts to reflect the actually outstanding securities.

## LIABILITY SIDE

### VIII. CURRENT LIABILITIES

2000. *Notes payable.*—A. This account shall include the face value of outstanding obligations in the form of notes, drafts, acceptances, and other similar evidences of indebtedness which by their terms do not run for a period in excess of one year, including the face value of notes receivable discounted or sold without releasing the carrier from liability as endorser thereon.

B. Subdivisions shall be maintained to show separately obligations maturing upon demand from obligations bearing a specified date of maturity.

NOTE A.—Notes payable to associated companies shall be included in account 2030—Payables to Associated Companies.

NOTE B.—Unmatured equipment obligations irrespective of maturity shall be included in account 2300—Equipment Obligations.

2020. *Matured equipment and long-term obligations.*—This account shall include the amount (including obligations for premiums) of equipment obligations, long-term obligations and receivers' certificates matured and unpaid without any specific agreement for extension of maturity, including unpresented bonds called for redemption.

2030. *Payables to associated companies.*—A. This account shall include the total of amounts payable to associated companies (see definition 6) which are subject to current settlement (see definition 17), such as credit balances in open accounts for services rendered, material furnished, traffic or interline accounts, claims, rent for use of property and similar items; interest and dividends due to associated companies; and loans, notes and drafts which are payable to associated companies.

B. This account shall be sub-divided to reflect separately:

(1) Loans and Notes Payable—Associated Companies.

(2) Interest and Dividends Payable—Associated Companies.

(3) Accounts Payable—Associated Companies.

NOTE A.—On the balance sheet accounts payable to associated companies shall be set off against accounts receivable from the same companies.

NOTE B.—No amount representing dividends payable shall be included in this account unless they have been declared or guaranteed.

NOTE C.—Items which are not subject to current settlement shall be included in account 2200—Advances Payable—Associated Companies.

2050. *Accounts payable.*—A. This account shall include amounts payable to others (except associated companies) for materials and supplies and services received, including use of property, other matured rents, amounts due to public authorities, amounts of payable judgments, current accounts with officers and employees, personal injury and property damage claims, and other similar items.

B. This account shall also include the balances due to other carriers (except associated companies) in favor of each of which there is a net credit balance representing traffic or interline accounts.

C. This account shall be sub-divided to reflect separately:

(1) Accounts Payable—Officers, Stockholders and Employees.

(2) Traffic or Interline Account Balances.

(3) Accounts Payable—Others.

NOTE.—Accounts with other carriers representing traffic or interline accounts which contain net debit balances shall be included in account 1120—Accounts Receivable.

2070. *Wages payable.*—This account shall include the amount of wages payable or accrued pay rolls at the date of the balance sheet. Unclaimed wages should be transferred to account 2190—Other Current Liabilities.

2090. *C. O. D.'s unremitted.*—This account shall be credited with amounts of C. O. D.'s collected from consignees for shippers on freight delivered.

This account shall be charged when remittances of amounts of C. O. D.'s are made to shippers.

NOTE.—Fees for handling C. O. D.'s shall be credited to the same account to which the transportation revenue is credited.

2100. *Dividends declared.*—This account shall include the amount of dividends declared but not paid on any issue of capital stock of the carrier. Dividends shall be credited to this account as of the day upon which they became a liability of the carrier.

NOTE.—Dividends declared and payable to associated companies shall be included in account 2030—Payable to Associated Companies.

2120. *Taxes accrued.*—A. This account shall be credited each period with the amount of taxes accrued during the period, with concurrent debits to the appropriate accounts for tax charges. As credits to this account will necessarily be based upon estimates, they shall be adjusted from time to time during the year so that the tax charge accounts may show as nearly as possible the taxes applicable to the year. Payments of taxes for which accruals have been made shall be debited to this account. Amounts representing prepayment of taxes applicable to the period subsequent to the date of the balance sheet shall be included in account 1800—Prepayments.

B. The records supporting the entries to this account shall be kept so that the carrier can furnish information as to the amount and basis for each tax accrual, the kinds of taxes paid, the amount of each and the accounts charged with the tax accruals.

2150. *Interest accrued.*—A. This account shall include the amount of interest accrued to the date of the balance sheet, but not payable until after that date, on all indebtedness of the carrier except interest which is added to the principal.

B. When interest matures without being paid, it shall be charged to this account and credited to account 2030—Payables to Associated Companies, or account 2160—Matured Interest, as appropriate. Payments to trustees or other agents of the holders of bonds or other securities, of the interest accrued thereon, which operate under the terms of the securities (or of mortgages supporting such securities) as a release of the carrier from further liability for such interest, shall be accounted for in the same manner as payments of interest made directly to bondholders.

NOTE.—Interest accrued upon any judgment against the carrier shall be credited to the account to which such judgment stands credited.

2160. *Matured interest.*—This account shall include the amount of matured and unpaid interest on obligations of the accounting carrier whether the cause of the failure to pay the interest is on the part of the creditor or for other reasons, except where such interest is added to the principal of the obligation.

NOTE.—Interest payable to associated companies shall be included in account 2030—Payables to Associated Companies.

2190. *Other current liabilities.*—This account shall include all current and accrued liabilities not includible in any of the foregoing accounts. This includes unmatured rents accrued, and unclaimed wages.

### IX. ADVANCES PAYABLE

2200. *Advances payable—Associated companies.*—A. This account shall include the amount of advances from associated companies, whether evidenced by notes or open accounts which are not subject to current settlement, including interest accrued thereon, when such interest is not subject to current settlement.

B. This account shall be subdivided so as to show for each creditor:

(1) Notes Payable.

(2) Open accounts not subject to current settlement.

(3) Interest accrued on amounts included in this account when not subject to current settlement.

NOTE.—Amounts of temporary advances which are subject to current settlement such as charges for materials and supplies currently furnished, charges for repairs to equipment, etc., shall be included in account 2030—Payables to Associated Companies.

2250. *Other advances payable.*—A. This account shall include the amount of advances from individuals and companies other than associated companies, whether evidenced by notes or open accounts, which are not subject to current settlement, including interest accrued thereon when such interest is not subject to current settlement.

B. This account shall be subdivided so as to show for each creditor:

(1) Notes Payable.

(2) Open accounts not subject to current settlement.

(3) Interest accrued on amounts included in this account when not subject to current settlement.

NOTE.—Amounts of temporary advances which are subject to current settlement such as charges for materials and supplies currently furnished, charges for repairs to equipment, etc., shall be included in account 2050—Accounts Payable.

### X. EQUIPMENT AND OTHER LONG-TERM OBLIGATIONS

2300. *Equipment obligations.*—A. This account shall include the face value of unmatured equipment obligations, issued by the carrier and not retired and canceled. This includes equipment bonds, equipment notes, chattel mortgages, and other obligations for which equipment is pledged as security or is held under a conditional sales agreement; also the face value of equipment obligations issued by others, the payment of which has been assumed by the carrier; and of equipment obligations so issued or assumed, the maturity of which has been extended by specific agreement.

B. This account shall be kept so as to show the face value of equipment obligations (1) nominally issued, and (2) actually outstanding. (See definitions 3 and 31.)

C. A separate subdivision shall be maintained for each class of equipment obligation and no issues shall be considered to be of the same class unless identical as to liability and nature of property covered.

NOTE A.—Equipment obligations matured and unpaid without specific agreement for extension as to time of payment, including unpresented equipment obligations called for redemption shall be included in account 2020—Matured Equipment and Long-Term Obligations.

NOTE B.—On the balance sheet, obligations maturing within one year shall be shown separately from those maturing later than one year from the date of the balance sheet.

2330. *Bonds.*—A. This account shall include the face value of the unmatured bonds which have not been retired or canceled (except equipment bonds—see account 2300—Equipment Obligations); also the face value of such bonds issued by others, the payment of which has been assumed by the carrier.

B. This account shall be kept so as to show the face value of bonds (1) nominally issued, and (2) actually outstanding. (See definitions 3 and 31.)

C. A separate subdivision shall be maintained for each class and series of bonds, and no issue shall be considered to be of the same class unless identical as to liability and nature of property covered.

NOTE A.—Bonds matured and unpaid without specific agreement for extension as to time of payment, including unpresented bonds called for redemption, shall be included in account 2020—Matured Equipment and Long-Term Obligations.

NOTE B.—On the balance sheet, obligations maturing within one year shall be shown separately from those maturing later than one year from the date of the balance sheet.

2360. *Other long-term obligations.*—A. This account shall include all long-term obligations not otherwise provided for. This covers such items, executed or assumed, as real estate mortgages; assessments for public improvements; receipts outstanding for long-term obligations; and other obligations maturing more than one year from date of issue.

B. This account shall also include the face value of certificates of indebtedness issued upon the property by receivers in possession of the property acting under the orders of a court.

NOTE A.—Separate subdivisions shall be maintained for each class of obligation included herein, and records shall be maintained to show separately for each issue all details as to date of issue, date of maturity, interest dates and rates, security for obligations, etc.

NOTE B.—On the balance sheet, obligations maturing within one year shall be shown separately from those maturing later than one year from the date of the balance sheet.

NOTE C.—Matured obligations which are unpaid shall be included in account 2020—Matured Equipment and Long-Term Obligations.

### XI. DEFERRED CREDITS

2400. *Unamortized premium on debt.*—This account shall include the total of all credit balances representing the excess of the premium over the discount and expense in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained in respect of each issue of obligations. (See instruction 13.)

2450. *Other deferred credits.*—This account shall include the credit balances in suspense accounts that can not be entirely cleared and disposed of until additional information is received, and other items of a deferred nature. (See instruction 16.)

### XII. RESERVES

2500. *Reserve for depreciation—Carrier operating property.*—A. This account shall be credited with the following:

(1) Amounts charged to account 5000—Depreciation Expense, account 5500—Income from Lease of Carrier's Property—Credit, or other accounts for currently accruing depreciation (see definition 22) of carrier operating property as provided in instruction 25.

(2) Amounts which the carrier may charge to account 2946—Other Debits to Surplus, or transfer to this account

for depreciation accrued but not provided for prior to the effective date of this system of accounts.

(3) The amount of depreciation accrued to date of transfer applicable to carrier operating property acquired as distinct operating units when the carrier elects to set up the book cost of such property as provided in instruction 20.

(4) The amount of depreciation accrued to date of transfer, applicable to property transferred from accounts 1400—Non-Carrier Operating Property, or 1450—Non-Operating Property, to accounts 1200—Carrier Operating Property, or 1300—Carrier Operating Property Leased to Others. (See instruction 23.)

B. Charges to this account in connection with carrier operating property retired shall be made in accordance with instruction 21. This account shall also be charged with the amount of depreciation accrued to date of transfer applicable to property transferred from accounts 1200—Carrier Operating Property, or 1300—Carrier Operating Property Leased to Others, to accounts 1400 or 1450.

C. This account shall be sub-divided to reflect the balance applicable to each class of property as follows:

2511. Structures.
2521. Revenue Equipment.
2531. Service Cars and Equipment.
2541. Shop and Garage Equipment.
2551. Furniture and Office Equipment.
2561. Miscellaneous Equipment.
2571. Improvements to Leasehold Property.
2581. Undistributed Property.
2591. Carrier Operating Property Leased to Others.

2600. *Reserve for amortization—Carrier operating property.*—A. This account shall be credited with amounts charged to account 5110—Amortization of Carrier Operating Property, or other appropriate account, for the amortization of leaseholds, franchises, consents, privileges, patents, and other intangible property having a fixed term life, and for losses expected to be incurred through the reversion of improvements on leased property prior to the expiration of their service lives. (See instruction 25.)

B. When any leasehold, franchise, permit, consent, privilege or patent expires, is sold or relinquished, or is otherwise retired from service, this account shall be charged with the amount previously credited hereto in respect of such property. The difference between the proceeds realized and the net book cost (see definition 29 and instruction 25) of the property retired shall be included in account 5110—Amortization of Carrier Operating Property.

C. Records shall be maintained so as to show separately the balances applicable to each item of intangible property which is being amortized.

D. This account shall be credited with such amounts as are necessary to reflect, as of the effective date of this system of accounts, the expired portion of the life of franchises, permits, consents, patent rights, leaseholds, easements, rights of way, other interest in land, or other intangible property which has a fixed term life, the cost of which is included in operating property accounts 1200 and 1300 and intangible property accounts 1500 and 1550. To the extent that provision has not previously been made the amounts credited to this reserve shall be concurrently debited to account 2946—Other Debits to Surplus.

2610. *Reserve for depreciation and amortization—Other property.*—This account shall include amounts provided for depreciation and amortization of properties carried in accounts 1400—Non-Carrier Operating Property, and 1450—Non-Operating Property.

2650. *Reserve for uncollectible accounts.*—This account shall be credited each period with amounts reserved for receivables which may become uncollectible.

NOTE A.—Charges applicable to receivables for carrier operating revenues shall be included in account 4680—Uncollectible Revenues.

NOTE B.—Charges applicable to other than carrier operating revenues shall be included in account 7500—Other Deductions.

NOTE C.—Charges for items not applicable to motor carrier operations shall be included in accounts 6000—Net Income from Non-Carrier Operations, or 6100—Net Income from Non-Operating Property, as appropriate.

2660. *Insurance Reserves.*—A. This account shall be credited with amounts charged to account 4570—Fire and Theft Insurance, account 4580—Other Insurance, or other appropriate accounts to provide a reserve for losses through collision, accident, fire, flood, or other hazards to the carrier's own property or to property leased from others, which are not covered by outside insurance. (See instruction 27.) A schedule of risks covered by this reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

B. The cost to the carrier of repairing damaged property owned or leased from others and of replacing damaged or destroyed property leased from others, shall first be charged to the account appropriate for the cost of repairs or replacement. When the risk is specifically provided for in the schedule applicable to this account, the cost of repairs or restoration of the property damaged shall be charged to this account and credited to the account previously charged. Such charges shall not exceed the amount of the risk provided for in the schedule. When carrier operating property is destroyed or so badly damaged as to require retirement, the amount provided therefor in the schedule of risks applicable to this account shall be charged hereto and credited to account 2500—Reserve for Depreciation—Carrier Operating Property.

2680. *Injuries, loss and damage reserves.*—A. This account shall be credited with amounts charged to accounts 4530—Injuries and Damages, 4546—Workmen's Compensation—Self Insurer, 4560—Cargo Loss and Damage, or other appropriate accounts to provide a reserve against claims for deaths of or injuries to employees and others; for damages to property not owned or held under lease by the carrier; and for loss, destruction, damage, or delays to property intrusted to the carrier for transportation or storage, which are not covered by outside insurance. (See instruction 27.) A schedule of risks covered by this reserve shall be maintained in sufficient detail to indicate the character of the risks covered and the rates used.

B. This account shall be charged with claims payable for injuries and damages when the risk is specifically provided for in the schedule applicable to this account.

C. When liability for any injury or damage is admitted by the carrier either voluntarily or because of the decision of a court or other lawful authority such as a workmen's compensation board, industrial commission, etc., the amount shall be charged to this account. The amount of such a liability shall be credited to account 2030—Payables to Associated Companies, account 2050—Accounts Payable, or account 2450—Other Deferred Credits, as appropriate, until paid or liquidated.

D. This account shall be subdivided to reflect:

(1) Reserve for Personal Injuries and Property Damage.
(2) Reserve for Cargo Loss and Damage.

NOTE.—The accounting for repairs and replacements of property owned, or leased from others, shall be as provided in paragraph B of account 2660—Insurance Reserves.

2690. *Other reserves.*—A. This account shall include amounts reserved by the carrier for purposes which are not provided for in any of the preceding reserves. There shall be reported hereunder such accounts as sinking fund reserves, contingency reserves and other reserves created by charges to income or surplus.

B. This account shall be maintained in such manner as to show the amount of each separate reserve and the nature and the amounts of the debits and credits thereto.

XIII. CAPITAL STOCK

2700. *Preferred capital stock.*—

2710. *Common capital stock.*—A. These accounts shall include the par value of stocks with par value; the stated value of non-par stocks having a stated value; and the cash value of the consideration received, including assessments, for non-par stocks without stated value, which have been nominally or actually issued.



B. Separate accounts shall be provided for each class of stock, and the title of each account shall clearly identify the class of stock covered. Issues of stock shall not be considered as of the same class unless identical in all provisions, nor shall there be carried any undivided item in respect of more than one class of stock.

C. When stock is issued for cash, that fact shall be stated; if for any consideration other than cash, the person to whom it is issued shall be designated and the consideration for which it is issued shall be described with sufficient particularity to identify it. If such issuance is to the treasurer or other agent of the corporation for purpose of sale, that fact and the name of such agent shall be shown; and such agent shall show like details concerning the consideration realized therefor in his account of the disposition thereof, which when accepted by the corporation, shall be preserved as a corporate record.

D. When capital stock is retired and canceled, these accounts shall be charged with the amount at which such stock is carried in these accounts.

NOTE A.—For each class of stock the records shall show the number of shares nominally issued, actually outstanding, and nominally outstanding (see definitions 3 and 31). When non-par stock (without stated value) is nominally issued a memorandum entry shall be made showing only the number of shares so issued.

NOTE B.—When non-par stock is issued in exchange for par stock, or non-par stock with stated value, amounts included in account 2720—Premiums and Assessments on Capital Stock, for the retired stock, shall be treated as part of the consideration received for non-par stock.

NOTE C.—No entries recording changes in the par value of stocks with par value; the stated value of non-par stocks having a stated value; or the recorded value of non-par stocks without stated value shall be made in any account for capital stock without approval of the Commission.

2720. *Premiums and assessments on capital stock.*—A. This account shall include the excess of the actual cash value (at the time of sale of the stock) of the consideration received over the par or stated value of the stock issued, plus accrued dividends, if any; and subsequent assessments against stockholders representing payments required in excess of par or stated value.

B. A separate subdivision shall be maintained for premiums on each class and series of stock.

C. When capital stock is retired and canceled, the amount in this account with respect to the shares retired and canceled shall be debited hereto in accordance with instruction 14.

2730. *Capital stock subscribed.*—This account shall include the amount of legally enforceable subscriptions to capital stock of the carrier. It shall be credited with the par or stated value, or with the subscription price in the case of stock without par or stated value, exclusive of accrued dividends, if any. Concurrently a debit shall be made to account 1140—Subscribers to Capital Stock, for the agreed purchase price and any discount or premium debited or credited to the appropriate discount or premium account. When properly executed stock certificates have been issued representing the stocks subscribed, this account shall be debited and the appropriate capital stock account credited with the par or stated value (or the consideration received in the case of non-par stock without a stated value) of the stock.

XIV. NON-CORPORATE CAPITAL

2800. *Sole proprietorship capital.*—This account shall include the investment in an unincorporated carrier by the proprietor thereof and shall be charged with all withdrawals from the business by its proprietor. At the end of each calendar year the net income for the year as developed in the income account shall be transferred to this account. There shall also be entered in this account such items as in corporate organizations are handled through earned surplus accounts 2930 to 2946. (See optional accounting procedure provided in note B, hereunder.)

NOTE A.—Amounts payable to the proprietor as fair and reasonable compensation for services performed, shall be charged to the appropriate operation and maintenance expense or other accounts.

NOTE B.—This account may be restricted to the amount considered by the proprietor to be the permanent investment in the business, subject to change only by additional investment by the proprietor or the withdrawals of portions thereof not representing net income. When this option is taken the surplus accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

2810. *Partnership capital.*—This account shall be credited, where the business is conducted by an unincorporated firm, co-partnership or under any style other than that of an incorporated company or sole proprietorship, with the respective amounts paid into the business by the partners therein, and shall be charged with all withdrawals from the business by each partner. At the end of each calendar year the net income for the year as developed in the income account shall be transferred to this account. There shall also be entered in this account such items as in corporate organizations are handled through earned surplus accounts 2930 to 2946. (See optional accounting procedure provided in note C hereunder.)

NOTE A.—Amounts payable to the partners as fair and reasonable compensation for services performed, shall be charged to the appropriate operation and maintenance expense or other accounts.

NOTE B.—Separate accounts shall be kept to show the net equity of each member of the co-partnership and the transactions affecting the interest of each such partner. The total of the balances in such accounts shall be shown as one amount in the balance sheet.

NOTE C.—This account may be restricted to the amount considered by the members of the co-partnership to be their permanent investment in the business, subject to change only by additional investments by the co-partners or the withdrawals of portions thereof not representing net income. When this option is taken the surplus accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

XV. UNAPPROPRIATED SURPLUS

2900. *Unearned surplus.*—A. This account shall include all surplus not classified herein as earned surplus. It shall include such items as surplus arising from the donations by stockholders of the carrier's capital stock; surplus recorded at reorganization or in connection with recapitalization; net credits resulting from reacquisition or resales of carrier's capital stock (see instruction 14); amortization of discount and expense on capital stock (see instruction 12); and from a reduction of the par or stated value of the carrier's capital stock were allowed by statute.

B. No entry shall be made in this account to create capital surplus arising out of the revaluation of carrier operating property except upon written order of the Commission.

C. This account shall be subdivided into accounts to show each source of unearned surplus.

2930. *Earned surplus.*—A. This account shall include the balance of the amounts included in accounts 2931 to 2946, inclusive, either debit or credit, of unappropriated surplus arising from earnings. It shall not include surplus properly includible under accounts 2800—Sole Proprietorship Capital, 2810—Partnership Capital, or 2900—Unearned Surplus.

B. The balances of all earned surplus accounts (2931 to 2946, inclusive) shall be closed to this account at the end of each calendar year.

*Earned Surplus Accounts*

*I. Credits*

2930. Earned Surplus (or Deficit) at Beginning of Period.
2931. Surplus Credits Applicable to Prior Years.
2932. Credit Balance Transferred from Income Account.
2933. Other Credits to Surplus.
Total Credits.

*II. Debits*

2941. Surplus Debits Applicable to Prior Years.
2942. Debit Balance Transferred from Income Account.
2943. Dividend Appropriations.
2944. Appropriations to Reserves.
2945. Other Appropriations.
2946. Other Debits to Surplus.
Total Debits.
2930. Earned Surplus (or Deficit) at End of Period.

I. CREDITS

2931. *Surplus credits applicable to prior years.*—This account shall include major items which are directly applicable to prior years' operations and which, if credited to the income, operating revenue, or operating expense accounts of the current year would seriously distort those accounts. (See instruction 7.)

2932. *Credit balance transferred from income account.*—This account shall include the net credit balance brought forward from the income account for the current calendar year.

2933. *Other credits to surplus.*—This account shall include all credits affecting the carrier's surplus or deficit and not elsewhere provided for, such as:

(1) Cancellation of balance sheet accounts representing unclaimed wages or other liabilities written off because of inability to locate the creditor.

(2) Profit derived from the sale of investments or property, not provided for elsewhere.

(3) Credits resulting from difference between the cost of debt obligations reacquired and the amount chargeable to account 1920—Reacquired Securities.

(4) Credits not provided for elsewhere.

II. DEBITS

2941. *Surplus debits applicable to prior years.*—This account shall include major items which are directly applicable to prior years' operations, and which, if charged to the income, operating revenue, or operating expense accounts of the current year, would seriously distort those accounts. (See instruction 7.)

2942. *Debit balance transferred from income account.*—This account shall include the net debit balance brought forward from the income account for the current calendar year.

2943. *Dividend appropriations.*—A. This account shall include amounts declared as dividends on capital stock actually outstanding.

B. This account shall be subdivided to show separately the dividends on each class of stock. If a dividend is not payable in cash, the consideration shall be described in the entry with sufficient particularity to identify it.

NOTE.—Dividend charges shall be restricted to actually outstanding stock and this account shall not include charges for dividends on capital stock issued by the carrier and owned by it.

2944. *Appropriations to reserves.*—This account shall include appropriations from surplus for sinking fund and other reserves and allotments of surplus, or transfers of definite amounts from surplus into sinking fund and other reserves under the terms of mortgages, deeds of trust, or under contracts, and such other appropriations of surplus to be set aside in special reserve accounts as the accounting carrier may make.

2945. *Other appropriations.*—This account shall include appropriations of surplus not includible elsewhere.

2946. *Other debits to surplus.*—This account shall include all debits affecting the carrier's surplus or deficit not elsewhere provided for, such as:

(1) Losses resulting from the sale of investments or property, including any provision made for declines in values of investments, not provided for elsewhere. (See instruction 15.)

(2) Net debits resulting from the difference between the cost of capital stock reacquired and the amount chargeable to account 1920—Reacquired Securities. (See instructions 12 and 14.)

(3) Debits resulting from difference between the cost of debt obligations reacquired and the amount chargeable to account 1920—Reacquired Securities. (See instructions 13 and 14.)

(4) Adjustment and cancellation of balance sheet accounts representing assets other than uncollectible revenues and other receivables for services rendered and materials and supplies furnished.

(5) Debits not provided for elsewhere.

*Form of Balance Sheet Statement (See Instructions 17 and 18)*

ASSET SIDE

| | | | |
|---|---|---|---|
| Current Assets: | | | |
| 1000. Cash | | | $ |
| 1020. Working Funds | | | |
| 1040. Special Deposits | | | |
| 1060. Temporary Cash Investments | | | |
| (a) Pledged | | $ | XXX |
| (b) Unpledged | | | XXX |
| 1080. Notes Receivable | $ | | |
| 1100. Receivables from Associated Companies | | | |
| 1120. Accounts Receivable | | | |
| Less: Reserve for Uncollectible Accounts | | | |
| 1140. Subscribers to Capital Stock | | | |
| 1160. Interest and Dividends Receivable | | | |
| 1180. Material and Supplies | | | |
| 1190. Other Current Assets | | | |
| Total Current Assets | | | |
| Tangible Property: | | | |
| 1300. Carrier Operating Property | | | |
| Less: Reserve for Depreciation and Amortization | | | |
| 1300. Carrier Operating Property Leased to Others | | | |
| Less: Reserve for Depreciation and Amortization | | | |
| 1400. Non-Carrier Operating Property | | | |
| Less: Reserve for Depreciation and Amortization | | | |
| 1450. Non-Operating Property | | | |
| Less: Reserve for Depreciation and Amortization | | | |
| Total Tangible Property | | | |
| Intangible Property: | | | |
| 1500. Organization, Franchises and Permits | | | |
| Less: Reserve for Amortization | | | |
| 1550. Other Intangible Property | | | |
| Less: Reserve for Amortization | | | |
| Total Intangible Property | | | |
| Investment Securities and Advances: | | | |
| 1600. Investments and Advances—Associated Companies | | | |
| (a) Pledged | | | XXX |
| (b) Unpledged | | | XXX |
| 16050. Other Investments and Advances | | | |
| (a) Pledged | | | XXX |
| (b) Unpledged | | | XXX |
| Total Investment Securities and Advances | | | |
| Special Funds: | | | |
| 1701. Sinking Funds | | | |
| Less: Reserve | | | |
| 1751. Depreciation Funds | | | |
| 1781. Miscellaneous Special Funds | | | |
| Less: Reserve | | | |
| Total Special Funds | | | |
| Deferred Debits: | | | |
| 1800. Prepayments | | | |
| 1880. Unamortized Debt Discount and Expenses | | | |
| 1890. Other Deferred Debits | | | |
| Total Deferred Debits | | | |
| Miscellaneous Debit Items: | | | |
| 1900. Discount on Capital Stock | | | |
| 1910. Commission and Expense on Capital Stock | | | |
| 1920. Reacquired securities | | | XXX |
| (a) Pledged | | | XXX |
| (b) Unpledged | | | XXX |
| 1990. Nominally Issued Securities | | | XXX |
| (a) Pledged | | | XXX |
| (b) Unpledged | | | XXX |
| Total Miscellaneous Debits | | | |
| Total Assets | | | |

Contingent Assets (not included above): $———



*Form of Balance Sheet Statement (See Instructions 17 and 18)*—Continued

LIABILITY SIDE

| | | | |
|---|---|---|---|
| Current Liabilities: | | | |
| 2000. Notes Payable | | | $ |
| 2020. Matured Equipment and Long-Term Obligations | | | |
| 2030. Payables to Associated Companies | | | |
| 2050. Accounts Payable | | | |
| 2070. Wages Payable | | | |
| 2090. C. O. D.'s Unremitted | | | |
| 2100. Dividends Declared | | | |
| 2120. Taxes Accrued | | | |
| 2150. Interest Accrued | | | |
| 2160. Matured Interest | | | |
| 2190. Other Current Liabilities | | | |
| Total Current Liabilities | | | |
| Advances Payable: | | | |
| 2200. Advances Payable—Associated Companies | | | |
| 2250. Other Advances Payable | | | |
| Total Advances Payable | | | |
| Equipment and Other Long-Term Obligations: | | | |
| 2300. Equipment Obligations | | $ | |
| Less: Reacquired and Nominally Issued | | | |
| (a) Due within one year | | | XXX |
| (b) Not due within one year | | | XXX |
| 2330. Bonds | | | |
| Less: Reacquired and Nominally Issued | | | |
| (a) Due within one year | | | XXX |
| (b) Not due within one year | | | XXX |
| 2360. Other Long-Term Obligations | | | |
| Less: Reacquired and Nominally Issued | | | |
| (a) Due within one year | | | XXX |
| (b) Not due within one year | | | XXX |
| Total Equipment and Other Long-Term Obligations | | | |
| Deferred Credits: | | | |
| 2400. Unamortized Premium on Debt | | | |
| 2450. Other Deferred Credits | | | |
| Total Deferred Credits | | | |
| Reserves: | | | |
| 2660. Insurance Reserves | | | |
| 2680. Injuries, Loss and Damage Reserves | | | |
| 2690. Other Reserves | | | |
| Total Reserves | | | |
| Capital Stock: | | | |
| 2700. Preferred Capital Stock | | | |
| Less: Reacquired and Nominally Issued | | | |
| 2710. Common Capital Stock | | | |
| Less: Reacquired and Nominally Issued | | | |
| 2720. Premiums and Assessments on Capital Stock | | | |
| 2730. Capital Stock Subscribed | | | |
| Total Capital Stock | | | |
| Non-Corporate Capital: | | | |
| 2800. Sole Proprietorship Capital | | | |
| 2810. Partnership Capital | | | |
| Total Non-Corporate Capital | | | |
| Unappropriated Surplus: | | | |
| 2000. Unearned Surplus | | | |
| 2930. Earned Surplus (Deficit in red) | | | |
| Total Unappropriated Surplus | | | |
| Total Liabilities | | | |

Contingent Liabilities (not included above)

*Income Accounts*

3000. Operating Revenues.
4000. Operation and Maintenance Expenses.
5000. Depreciation Expense.
5100. Amortization Chargeable to Operations.
  5110. Amortization of Carrier Operating Property.
  5120. Property Loss Chargeable to Operations.
5200. Operating Taxes and Licenses.
5300. Operating Rents—Net.
  5310. Equipment Rents—Debit.
  5320. Other Operating Rents—Debit
  5340. Joint Facility Rents—Debit.
  5300. Operating Rents—Net.—Continued.
  5350. Equipment Rents—Credit.
  5360. Rent from Owned Land and Structures.
  5370. Sub-lease Rental Income.
  5390. Joint Facility Rents—Credit.
5400. Rent for Lease of Carrier Property—Debit.
5500. Income from Lease of Carrier Property—Credit.
6000. Net Income from Non-Carrier Operations.
6100. Net Income from Non-Operating Property.
6200. Interest Income.
6300. Dividend Income.
6400. Income from Sinking and Other Funds.
6500. Other Non-Operating Income.
7000. Interest on Long-Term Obligations.
7100. Other Interest Deductions.
7200. Taxes Assumed on Interest.
7300. Amortization of Debt Discount and Expense.
7400. Amortization of Premium on Debt—Credit.
7500. Other Deductions.
8000. Provisions for Income Taxes.
  8010. Federal Income Tax.
  8020. Federal Excess Profits Tax.
  8030. Federal Surtax on Undistributed Profits.
  8040. Other Federal Income Taxes.
  8050. State Income Taxes.
  8060. Other Income Taxes.

OPERATING REVENUES

3000. *Operating revenues.*—This account shall include the total operating revenues, as provided in the primary operating revenue accounts, derived by the carrier from its motor carrier operations during the period covered by the income account.

*Operating Revenue Accounts*

3100. Freight Revenue—Common Carrier.
3110. Freight Revenue—Contract Carrier.
3700. Miscellaneous Terminal Revenue.
3900. Other Operating Revenue.

3100. *Freight revenue—Common carrier.*—A. This account shall include revenue earned by the carrier from the transportation of freight, when operating as a common carrier as defined in Section 203 (a) (14) of the Motor Carrier Act, 1935. This includes:

(1) Revenues upon the basis of local freight tariff rates.

(2) Carrier's proportion of revenue from joint-tariff rates.

(3) Fees for handling C. O. D.'s.

B. This account shall be charged with:

(1) The carrier's proportion of overcharges resulting from use of erroneous rates, weights, classifications or computations.

(2) Uncollected earnings on freight destroyed in transit and on short and lost freight.

(3) The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

NOTE A.—When a common carrier employs vehicles and services of others on a commission or other basis for hauling loads, and the expenses incurred in their operation are borne, and disbursed by the owners, the common carrier shall record in this account the freight revenue from such hauls in the same manner as if the vehicles were owned by the common carrier. Amounts paid by the common carrier to the owners of the vehicles, as compensation for the hauls, shall be charged to account 4250—Purchased Transportation.

NOTE B.—Divisions of tariff rates due other carriers shall be included in the appropriate accounts payable account.

3110. *Freight revenue—Contract carrier.*—A. This account shall include all revenue earned by the carrier from the transportation of freight when operating as a contract carrier as defined in section 203 (a) (15) of the Motor Carrier Act, 1935.

B. This account shall be subdivided to reflect separately the carriers' revenue from:

(1) "Motor Carriers" as defined in the Motor Carrier Act, 1935.

(2) Other Transportation Agencies.

(3) Other.

3700. *Miscellaneous terminal revenue.*—This account shall include revenue earned by the carrier from:

(1) Weighing, vending, and other automatic machines located at terminals.
(2) Advertising at terminals.
(3) The privilege of operating news stands, lunch rooms, etc., at terminals.
(4) Telephone companies for the privilege of installing and operating commercial telephones and coin box telephones at terminals.
(5) The storage of freight.
(6) Other miscellaneous operations at terminals and not includible elsewhere.

3900. *Other operating revenue.*—This account shall include revenues not provided for in accounts 3100 to 3700, inclusive, derived from the operation of property, the investment in which is included in account 1200—Carrier Operating Property, including amounts received from snowplow work, revenue from display of advertising on revenue automotive equipment, demurrage, and guaranteed route revenue.

*Operation and Maintenance Expenses*

4000. *Operation and maintenance expenses.*—This account shall include the total of operation and maintenance expenses, as provided in the primary accounts, incurred by the carrier in its motor carrier operations during the period covered by the income account.

*Operation and Maintenance Expense Accounts*

4100. Equipment Maintenance and Garage Expense.
- 4110. Supervision of Shop and Garage.
- 4121. Repairs to Shop and Garage Equipment.
- 4122. Operation and Maintenance of Service Equipment.
- 4128. Repairs to Shop and Garage Buildings and Grounds.
- 4131. Light, Heat, Power and Water for Shops and Garages.
- 4132. Other Shop and Garage Expenses.
- 4140. Repairs to Revenue Equipment.
- 4150. Servicing of Revenue Equipment.
- 4160. Tires and Tubes—Revenue Equipment.
- 4191. Joint Garage Expense—Debit.
- 4196. Joint Garage Expense—Credit.

4200. Transportation Expense.
- 4210. Supervision of Transportation.
- 4220. Drivers' and Helpers' Wages and Bonuses.
- 4230. Fuel for Revenue Equipment.
- 4240. Oil for Revenue Equipment.
- 4250. Purchased Transportation.
- 4261. Road Expense.
- 4262. Bridge, Tunnel and Ferry Tolls.
- 4264. Other Transportation Expenses.

4300. Terminal Expense.
- 4311. Terminal Employees.
- 4314. Supplies and Expenses.
- 4319. Repairs to Terminals and Equipment.
- 4330. Commission Agents and Connecting Lines.
- 4360. Collection and Delivery.
- 4370. Local Cartage.
- 4391. Joint Terminal Facilities—Debit.
- 4396. Joint Terminal Facilities—Credit.

4400. Sales, Tariff and Advertising Expense.
- 4410. Salaries and Expenses.
- 4430. Tariffs and Schedules.
- 4450. Other Sales Expenses.
- 4470. Advertising.

4500. Insurance and Safety Expense.
- 4510. Salaries and Expenses—Insurance and Safety.
- 4520. Public Liability and Property Damage Insurance.
- 4530. Injuries and Damages.
- 4541. Workmen's Compensation—Insurance.
- 4546. Workmen's Compensation—Self Insurer.
- 4550. Cargo Insurance.
- 4560. Cargo Loss and Damage.
- 4570. Fire and Theft Insurance.
- 4580. Other Insurance.

4600. Administrative and General Expense.
- 4611. Salaries of General Officers.
- 4612. Expenses of General Officers.
- 4613. Salaries of General Office Employees.
- 4616. Expenses of General Office Employees.
- 4620. Law Expenses.
- 4630. General Office Supplies and Expenses.
- 4640. Communication Service.
- 4651. Outside Auditing Expenses.
- 4652. Employees' Welfare Expenses.
- 4655. Purchasing and Store Expenses.
- 4656. Other General Expenses.
- 4660. Management and Supervision Fees and Expenses.
- 4671. Franchise Requirements—Debit.
- 4672. Franchise Requirements—Credit.
- 4673. Other Regulatory Commission Expenses.
- 4680. Uncollectible Revenue.
- 4691. Joint Operating Expense—Debit.
- 4696. Joint Operating Expense—Credit.

4100. *Equipment maintenance and garage expense.*—This account shall include the total of amounts included in accounts 4110 to 4196, inclusive.

4110. *Supervision of shop and garage.*—This account shall include the pay and expenses (including cost of operating automobiles) of officials and employees engaged in supervising and directing the repairs to revenue automotive equipment and shop and garage property used in providing motor carrier service, including superintendents, foremen (except working foremen), inspectors, shop and garage clerks, and time keepers. (See instruction 28.)

4121. *Repairs to shop and garage equipment.*—This account shall include the cost of repairs (see instructions 26 and 28) to tools, equipment and permanently located machinery used in shops and garages. (For list of equipment, see account 1241—Shop and Garage Equipment.)

NOTE A.—The cost of repairs to portable tools shall be included in account 4132—Other Shop and Garage Expenses.
NOTE B.—Amounts recovered from insurance companies or others and losses provided for in account 2660—Insurance Reserves, for damages to shop and garage equipment shall be credited to this account in such manner as to be readily identifiable.

4122. *Operation and maintenance of service equipment.*—This account shall include the cost of labor, fuel, tires and supplies for the operation and the cost of repairs to service equipment, such as trouble cars and wagons, wreckers, repair trucks, snowplows, sweepers, scrapers, refueling cars, automobiles, motorcycles, or other equipment included under account 1231—Service Cars and Equipment. (See instructions 26 and 28.)

NOTE A.—The pay of employees and expenses incurred in operating snowplows, sand and salt cars, and other service equipment used in cleaning and safeguarding roads, shall be charged to account 4261—Road Expense.
NOTE B.—Amounts recovered from insurance companies or others and losses provided for in account 2660—Insurance Reserves, for damage to service equipment shall be credited to this account in such manner as to be readily identifiable.
NOTE C.—When any service equipment is used in a particular operation other than maintenance, such as automobiles or motorcycles used in connection with advertising, the cost of operation of such service equipment shall be charged to the account provided for expenses of that character.

4128. *Repairs to shop and garage buildings and grounds.*—This account shall include the cost of repairs to shop and garage structures used in motor carrier operations such as shops, garages, and service stations, together with fixtures, grounds and approaches. (See instructions 26 and 28.)

*Items*

Changing location of partititons. (See also note A hereunder.)
Maintaining public improvements, including assessments covering such work.
Maintaining yards and grounds, including fences, shrubbery, driveways, sidewalks, platforms, and sewers.
Minor improvements to leased buildings and grounds. (See also instruction 22.)
Repainting buildings, including redecorating interiors of buildings.
Repairing building machinery, fixtures, appurtenances, and appliances, such as elevators, plumbing, and equipment for heating, lighting, and ventilating.
Repairing rented buildings and grounds.
Replacing and repairing awnings, screens, window shades and ventilators, storm doors, storm windows, movable partitions, and similar movable minor items of buildings. (See also note A hereunder.)
Replacing minor items of buildings including labor and material used and the cost of removal and recovery of the items retired less salvage recovered. (See also instruction 21 and note B hereunder.)
Restoring condition of buildings or grounds damaged or otherwise altered in the course of repairs, replacements, additions, or betterments. (See also account 2660—Insurance Reserves.)

NOTE A.—The cost of any substantial increase or decrease in partitions shall be charged or credited, as appropriate, to account 1211—Structures. When partitions of a movable type are replaced by partitions of a permanent type or vice versa, the costs involved shall be accounted for through the operating property and the depreciation reserve accounts.
NOTE B.—The cost of initial impovements (including repairs and rearrangements in the preparation for service of purchased buildings or grounds) shall be charged to account 1201—Land and Land Rights, or account 1211—Structures, as appropriate. The accounting for expenditures on property leased from others shall be as provided in instruction 22.
NOTE C.—Amounts recovered from insurance companies or others and losses provided for in account 2660—Insurance Reserves, for damages to buildings and grounds shall be credited to this account in such manner as to be readily identifiable.

4131. *Light, heat, power and water for shops and garages.*—This account shall include the cost of light, heat, power and water used at each shop and garage; the cost of fuel used for heating, lighting or power; also include pay and expenses of employees engaged in producing light, heat, and power. (See instruction 28.)

*Items*

Fuel for heating, lighting, or power used in shops and garages.
Heat purchased for shops and garages.
Light for shops and garages.
Power for battery charging or for other uses than repairs.
Wages and expenses of employees engaged in producing light, heat, and power for shops and garages.
Water.

4132. *Other shop and garage expenses.*—This account shall include the cost of miscellaneous shop and garage expenses, including the replacement cost (see instruction 21) of small tools, such as reamers, taps, files, hammers and all small tools of like nature; labor and material used in the repair of small tools; pay of employees engaged in receiving, issuing and distributing parts and supplies; pay of gas and oil attendants; transportation, loading and unloading charges on parts and supplies, handled in shops and garages, when not specifically assignable to such parts and supplies; and other miscellaneous labor and expenses not provided for elsewhere. (See instruction 16.)

*Items*

Ice and other refrigerants.
Lubricants for shop and garage machinery.
Portable hand tools of short life.
Small tools used in repairs or for general shop and garage purposes.
Snow and dust removal—Shop and garage yards.
Supplies used in cleaning and for general shop and garage purposes, such as lamps, grease, oil, waste, brushes, brooms, etc.
Other expenses in shops and garages.

4140. *Repairs to revenue equipment.*—This account shall include cost of repairs to revenue automotive equipment used in transportation service (for list of equipment see account 1221—Revenue Equipment.) This account shall be maintained so as to reflect separately the cost of repairs to revenue automotive equipment involved in accidents. (See instructions 26 and 28.)

NOTE A.—An accident for the purpose of this account is damage caused through the collision of a vehicle with either a stationary or moving object, or through tire failure or fire.
NOTE. B.—The accounting for expenditures on motor vehicles leased from others shall be as provided in instruction 22.
NOTE. C.—Amounts recovered from insurance companies or others and losses provided for in account 2660—Insurance Reserves, for repairs to motor vehicles shall be credited to this account in such manner as to be readily identifiable.
NOTE D.—The cost of repairs to equipment used in collection and delivery service if determinable shall be included in account 4360—Collection and Delivery.

4150. *Servicing of revenue equipment.*—This account shall include the pay of employees (see instruction 28) engaged in preparing revenue automotive equipment for service and of garage and shop employees other than those engaged in making repairs; the cost of supplies used and miscellaneous expenses incurred in washing, cleaning, greasing, and otherwise keeping equipment ready for service; and amounts paid to public garages for storage or servicing (including towing) of revenue automotive equipment.

*Items*

Garage Employees:
- Cleaners.
- Oilers and Greasers.
- Washers.

Garage Expenses:
- Battery charging (labor and distilled water).
- Cleaning supplies, such as soap, sponges, brooms, brushes, cloths, rubber clothing, etc.
- Graphite.
- Grease.
- Public garage storage charges.
- Public garage servicing charges, including washing, greasing, cleaning, etc., but not repairs.
- Washing vehicles.

4160. *Tires and tubes—Revenue equipment.*—A. This account shall include the cost of labor and material used in repairing and renewing (setting up or mounting) tires on revenue automotive equipment, including shoes, inner tubes, valves, flaps, and caps. (See instruction 28.)

B. The entire cost of tires and tubes for revenue automotive equipment purchased outright may be charged to this account at the time applied to vehicles or charged to account 1800—Prepayments, and a prorated portion charged to this account each period based on mileage or other equitable basis. If the latter method is used, adjustments of over or under charges at time of replacement shall be made through this account.

C. Credit to this account any revenues derived from the sale of used tires and tubes and any adjustments on defective tires and tubes, the cost of which has previously been debited hereto.

D. When the carrier contracts to use tires at a flat sum per period or on a basis of miles run or upon some similar basis, the charges for such tire service, including the cost of abused tires, shall be included each period in this account.

NOTE A.—The cost of tires and tubes used by service cars should be charged to account 4122—Operation and Maintenance of Service Equipment.
NOTE B.—The cost of tires and tubes for collection and delivery equipment if determinable shall be included in account 4360—Collection and Delivery.

4191. *Joint garage expense—Debit.*—This account shall include the carrier's proportion of costs, incurred by others in maintaining and operating joint shop and garage equipment and facilities, including overhead costs, except items chargeable to account 5340—Joint facility rents—Debit. (See definition 25 and instruction 29.)

4196. *Joint garage expense—Credit.*—This account shall include the amounts chargeable to others as their proportion of the costs incurred by the carrier in maintaining and operating joint shop and garage equipment and facilities, including overhead costs, except items creditable to account 5390—Joint Facility Rents—Credit. (See definition 25 and instruction 29.)

4200. *Transportation expense.*—This account shall include the total of amounts included in accounts 4210 to 4264, inclusive.

4210. *Supervision of transportation.*—This account shall include the pay and expenses (including cost of operating automobiles) of officials and employees engaged in supervising and directing transportation service, including superintendents, dispatchers, starters, inspectors, and employees engaged in furnishing supplies to drivers of freight vehicles, or to receiving remittances, etc.; cost of light, heat, water,

and refrigeration for the transportation department; and the cost of schedule or service checks. (See instruction 28.)

4220. *Drivers' and helpers' wages and bonuses.*—This account shall include the wages and bonuses of drivers of freight vehicles and helpers engaged in freight transportation service, including wages for time during which they are required to be on duty in readiness for active service. (See instruction 28.)

NOTE.—Charge to account 4360—Collection and Delivery, the wages of employees engaged in collecting freight from consignors and delivering freight to consignees when such wages can be separated from those applicable to regular inter-city operation between terminals. (See instruction 28.)

4230. *Fuel for revenue equipment.*—This account shall include the cost of gasoline, other fuel, and enriching materials used by freight equipment. Include in this account the cost of storing and handling fuel and amounts payable to others for cost of transportation.

NOTE A.—Taxes on fuel shall be charged to account 5200—Operating Taxes and Licenses.

NOTE B.—Fuel used by service cars shall be charged to account 4122—Operation and Maintenance of Service Equipment.

NOTE C.—The cost of fuel used by equipment in collection and delivery service if determinable shall be included in account 4360—Collection and Delivery.

4240. *Oil for revenue equipment.*—This account shall include the cost of lubricating oils used in lubricating freight equipment. Include in this account the cost of storing and handling lubricating oil and amounts payable to others for the cost of transportation.

NOTE A.—Taxes on lubricating oil shall be charged to account 5200—Operating Taxes and Licenses.

NOTE B.—The cost of lubricating oil used by service cars shall be charged to account 4122—Operation and Maintenance of Service Equipment.

NOTE C.—The cost of lubricating oil used by equipment in collection and delivery service if determinable shall be included in account 4360—Collection and Delivery.

4250. *Purchased transportation.*—A. This account shall include amounts payable to others for performing any portion of the carrier's inter-city tariff haul under contractual arrangements whereby the agreement for the compensation is based on other than actual division of tariff rates, and under arrangements whereby the expenses of the operation are borne by the hired carrier.

B. Include also payments to other carriers for transportation charges on trailers or other revenue automotive equipment either loaded or empty or for transportation of freight when such transportation is purchased by the reporting carrier to complete any portion of its inter-city tariff haul. Subdivisions of this account shall be kept so as to reflect separately:

(1) Purchased Transportation—Motor Carrier.
(2) Other Purchased Transportation.

4261. *Road expense.*—This account shall include the cost to the carrier of labor and material used in sanding roadways, spreading ashes or the removal of snow and ice, and otherwise cleaning and safeguarding roads, whether done by the carrier or otherwise. This includes the cost of tools and materials used in this work, including the cost of delivering such materials; wages of men operating snowplows, sweepers, tractors, scrapers, etc.; amounts paid to others for removing snow and ice; and other supplies and expenses, such as meals for crews engaged in removing snow and ice. (See instruction 28.)

NOTE.—The cost of repairs to equipment used in snow removal shall be included in account 4122—Operation and Maintenance of Service Equipment.

4262. *Bridge, tunnel and ferry tolls.*—This account shall include tolls at rates per ton, per vehicle, or other basis for the use of bridges, tunnels and ferries by revenue automotive equipment in transportation service.

4264. *Other transportation expenses.*—This account shall include carrier transportation expenses not provided for in other accounts in the transportation group.

*Items*

Alcohol and other non-freezing preparations.
Badges for employees.
Fines for traffic violations.
Fire extinguisher supplies (for freight equipment).
Ice and other refrigerants (for freight equipment).
Lamps, bulbs and carbon (for freight equipment).
Lodging for drivers and miscellaneous transportation employees.
Meals for drivers and miscellaneous transportation employees.
Pads.
Poles.
Ropes.
Secret service inspections.
Skids.
Stakes.
Tarpaulins.
Tire chains.

4300. *Terminal expense.*—This account shall include the total of amounts included in accounts 4311 to 4396, inclusive.

4311. *Terminal employees.*—This account shall include the pay and expenses of employees engaged in terminal operations.

*Items*

Checkers.
Clerks.
Janitors.
Platform laborers.
Supervisors.
Telephone and information operators.
Watchmen.
Yardmen.

4314. *Supplies and expenses.*—This account shall include the expenses incurred (exclusive of pay and expenses of terminal employees) in the operation of terminals, freight sheds, freight warehouses and other similar property used by the transportation department in connection with freight traffic, such as the cost of light, heat, power and water, ice; cost of uniforms and badges for terminal employees; cost of hand tools and implements used in handling freight matter; cost of operation or maintenance or upkeep of permanent signs designating terminals; and the cost of supplies used and amounts of other expenses incurred in operating freight terminals.

*Items*

Ash removal.
Badges for employees.
Cleaning supplies.
Heating or cooling, including supplies.
Laundry service, including supplies.
Lighting.
Power costs for terminals and equipment.
Snow and dust removal on terminal grounds.
Sprinkling terminal grounds.
Tools and supplies for terminal use.

4319. *Repairs to terminals and equipment.*—This account shall include the cost of repairs to company terminals, freight sheds, freight warehouses and other structures used in freight transportation service; also include the cost of repairs to terminal furniture and fixtures (but not equipment used in general offices) and carts, electric motor trucks, platform trucks, scales and loading platforms and other items of a similar character used in terminals in conducting freight transportation service.

4330. *Commission agents and connecting lines.*—This account shall include the amounts paid to others on a commission or guaranteed basis for the solicitation and handling of freight. Include also the amounts allowed to the operators of commission terminals, or to connecting lines for expenses such as advertising, rent, light, heat, power and water, telephone and telegraph service and items of a similar nature. This account shall be subdivided to reflect:

(1) Commission Agents.
(2) Connecting Lines.



4360. *Collection and delivery.*—A. This account shall include the wages of drivers and helpers of trucks used in collecting freight from consignors and delivering freight to consignees, and other expenses incurred in the collection and delivery of freight. (See instruction 28.)

B. This account is intended to be used only when the expenses incurred in collection and delivery can be separated from those incurred in regular operation between terminals.

C. This account shall be subdivided to reflect separately:

(1) Wages of drivers and helpers.
(2) Gasoline and oil expense (not including taxes).
(3) Tires and tubes.
(4) Repairs and servicing of equipment.
(5) Other assignable operation and maintenance expenses.

4370. *Local cartage.*—This account shall include amounts payable for collection, delivery and transfer service performed by others under contractual arrangements, whereby the agreement for the amount payable is based on other than actual division of tariff rates.

4391. *Joint terminal facilities—Debit.*—This account shall include the carrier's proportion of costs, incurred by others in maintaining and operating joint terminal equipment and facilities, including overhead costs, except items chargeable to account 5340—Joint Facility Rents—Debit. (See definition 25 and instruction 29.)

4396. *Joint terminal facilities—Credit.*—This account shall include the amounts chargeable to others as their proportion of the costs, incurred by the carrier in maintaining and operating joint terminal facilities, including overhead costs, except items creditable to account 5390—Joint Facility Rents—Credit. (See definition 25 and instruction 29.)

4400. *Sales, tariff and advertising expense.*—This account shall include the total of amounts included in accounts 4410 to 4470, inclusive.

4410. *Salaries and expenses.*—A. This account shall include all salaries and expenses in connection with the promotion and solicitation of traffic. This includes the salaries of officers and their assistants who are directly in charge of sales, including salaries of the sales managers; commercial, city and district agents, and their clerks and assistants.

B. This account shall also include the cost of supplies used and the amounts of expenses incurred and cost of operating automobiles by officers and their assistants who are directly in charge of sales.

NOTE.—When officers and employees whose pay is chargeable to this account are engaged in work not chargeable to sales, or have jurisdiction over this and other departments, their salaries and expenses shall be allocated to the accounts appropriate. (See instruction 28.)

4430. *Tariffs and schedules.*—This account shall include the salaries and expenses of officers and employees engaged in the preparation of tariffs and schedules, the cost of printing and other expenses incurred in the preparation of tariffs and schedules, including postage and transportation charges. (See instruction 28.)

4450. *Other sales expenses.*—This account shall include the carrier's proportion of expenses of traffic associations, including membership fees, and all other traffic and sales expenses not provided for elsewhere.

4470. *Advertising.*—A. This account shall include the salaries and expenses in connection with advertising for the purpose of securing traffic, such as may be incurred in the preparation, printing and distribution of advertising matter.

B. This account shall also include the salaries and expenses of employees preparing advertising copy; the commissions paid outside advertising agents; cost of printing, publishing, and other advertising matter; the cost of advertising space in newspapers and periodicals; expenses incurred in connection with radio broadcasting for the purpose of securing traffic; electric, neon and display signs, (permanent or portable), for attracting traffic, bulletin boards, cards, cases, display cards and photographs; postage and express charges on advertising matter; cost of bill posting and similar expenses. (See instruction 28.)

NOTE.—Cost of operation and maintenance of permanent signs designating a station or terminal shall be included in account 4314—Supplies and Expenses.

4500. *Insurance and safety expense.*—This account shall include the total of amounts included in accounts 4510 to 4580, inclusive.

4510. *Salaries and expenses—Insurance and safety.*—A. This account shall include the following items:

(1) Salaries and wages, traveling and office expenses of officers, clerks and other employees of the insurance department, and special costs incurred in procuring insurance, such as brokerage fees (not included in premiums), notarial fees, and insurance inspection service.

(2) Salaries and expenses of safety department, cost of safety-first and other campaigns among employees or the public for the purpose of preventing accidents and damages.

(3) Salaries and expenses of officers and employees engaged regularly in claim department work; payments for the service of employees and others called in consultation in relation to claim adjustments; pay and expenses of employees while engaged as witnesses at inquests and law suits.

(4) Salaries and expenses of officers and employees of the law department when specifically assigned to and engaged in injury and damage cases, and expenses of such officers and employees incurred on such cases when incidentally so engaged.

(5) Payment to attorneys, investigators, adjusters, etc., who are not regular employees of the carrier for services and expenses in connection with injury and damage cases.

(6) Cost of operating automobiles used by employees whose pay is charged to this account.

B. Reimbursements from insurance companies or others for expenses charged to this account on account of injuries and damages shall be credited to this account.

NOTE.—No part of the salaries of officers and employees of the law department shall be included in this account for merely incidental service in connection with injury and damage claims.

4520. *Public liability and property damage insurance.*—This account shall include premiums payable to outside insurance companies for protection against liability to the public for injuries to persons and damages to the property of others, resulting from its operation of owned and leased vehicles in motor carrier service. (See instruction 27.)

NOTE A.—Premiums for insurance on property intrusted to the carrier for transportation or storage shall be included in account 4550—Cargo Insurance.

NOTE B.—Amounts payable in settlement of claims for bodily injury or property damage which are not recoverable from insurance companies and for which the carrier has not provided self-insurance shall be charged to account 4530—Injuries and Damages.

4530. *Injuries and damages.*—This account shall be charged each period with amounts sufficient to meet the probable liability, not covered by outside insurance, for deaths of or injuries to persons (other than employees—see account 4546—Workmen's Compensation—Self Insurer) and damages to the property of others (except property intrusted to the carrier for transportation or storage—see account 4560—Cargo Loss and Damage) resulting from the operation of owned and leased vehicles in motor carrier service. (See instruction 27.) This account shall also be charged with amounts payable in settlement of claims for injuries to persons and damage to property of others which are not recoverable from insurance companies or for which self-insurance has not been provided.

NOTE.—Payments to or on behalf of employees other than those covered by Workmen's Compensation insurance, including accident and death benefits; salaries; hospital expenses; medical supplies; also salaries, fees, and expenses of surgeons, doctors, nurses,

etc., when provided for through a plan for employees' benefits, shall be charged to account 4652—Employees' Welfare Expenses.

4541.—*Workmen's compensation — Insurance.* — This account shall include premiums payable to outside insurance companies for protection against liability for injuries to or deaths of employees payable under the provisions of Workmen's Compensation Acts. (See instruction 27.)

NOTE.—Amounts payable in settlement of claims under the provisions of Workmen's Compensation Acts which are not recoverable from insurance companies shall be charged to account 4546—Workmen's Compensation—Self Insurer.

4546. *Workmen's compensation—Self insurer.*—This account shall be charged each period with amounts sufficient to meet the probable liability not covered by outside insurance, on account of claims for injuries to and deaths of employees arising under the Workmen's Compensation Acts. (See instruction 27.) This account shall also be charged with amounts payable in settlement of claims which are not recoverable from insurance companies or for which self insurance has not been provided.

NOTE.—Payments to or on behalf of employees other than those covered by Workmen's Compensation insurance, including accident and death benefits; salaries; hospital expenses; medical supplies; also salaries, fees, and expenses of surgeons, doctors, nurses, etc., when provided for through a plan for employees' benefits, shall be charged to account 4652—Employees' Welfare Expenses.

4550. *Cargo insurance.*—This account shall include premiums payable to outside insurance companies to indemnify the carrier against costs and expenses incurred through loss of and damage to freight intrusted to the carrier for transportation or storage. (See instruction 27.)

NOTE.—Amounts payable in settlement of claims for loss of or damage to property intrusted to the carrier for transportation or storage which are not recoverable from insurance companies and for which the carrier has not provided self-insurance shall be included in account 4560—Cargo Loss and Damage.

4560. *Cargo loss and damage.*—This account shall be charged each period with amounts sufficient to meet the probable liability, not covered by outside insurance, on account of loss, destruction, damage, or delay to property intrusted to the carrier for transportation or storage. (See instruction 27.) This account shall also be charged with amounts payable in settlement of claims which are not recoverable from insurance companies or for which self-insurance has not been provided.

NOTE.—Any provision or amounts payable for injuries or damages to employees and others, or amounts payable on account of damages to the property of others not intrusted to the carrier for transportation or storage shall be included in account 4530—Injuries and Damages.

4570. *Fire and theft insurance.*—A. This account shall include premiums payable to outside insurance companies for fire and theft insurance in owned and leased vehicles and for fire insurance on structures, machinery, and equipment used in motor carrier operations. (See instruction 27.)

B. In case a carrier shall carry its own fire and theft insurance risks, it shall charge to this account each period an amount sufficient to meet the probable loss, and shall credit the amount so charged to account 2660—Insurance Reserves.

C. This account shall be charged with losses arising under the classes of risks enumerated in paragraph A above, which are not recoverable from insurance companies and for which the carrier has not provided self-insurance.

NOTE.—Recoveries from insurance companies or others for damages to the carrier's owned or leased property shall be accounted for as provided in paragraph B of account 2660—Insurance Reserves.

4580. *Other insurance.*—A. This account shall include premiums paid to outside insurance companies for boiler; burglar; fidelity; holdup; lightning; plate glass; owners, landlords and tenants liability; and other forms of insurance coverage not elsewhere provided for. (See instruction 27.)

B. In case a carrier shall carry its own insurance risks for the classes of coverage enumerated in paragraph A above, it shall charge to this account each period an amount sufficient to meet the probable loss and shall credit the amount so charged to account 2600—Insurance Reserves.

C. This account shall be charged with losses arising under the classes of risks enumerated in paragraph A above, which are not recoverable from insurance companies and for which the carrier has not provided self-insurance.

NOTE.—The cost of life insurance on the lives of officers and other employees of the carrier whereunder the carrier is the beneficiary shall be charged to account 7500—Other Deductions. Cash surrender values of such policies shall be carried in account 1650—Other Investments and Advances.

4600. *Administrative and general expense.*—This account shall include the total of amounts included in accounts 4611 to 4696, inclusive.

4611. *Salaries of general officers.*—This account shall include the salaries, bonuses and other forms of consideration for services of general officers whose jurisdiction extends over the entire transportation system of the carrier; and fees payable to receivers. As here used, the term "General Officers" would ordinarily include the following:

Chairman of the Board.
President.
Vice-President.
Treasurer.
Secretary.
Comptroller.
General Auditor.
General Manager.

NOTE A.—Do not include in this account amounts payable to organizations for services chargeable to account 4660—Management and Supervision Fees and Expenses.

NOTE B.—If officers and assistants supervise particular departments of carrier operations, or other operations, or are engaged in specific work other than supervision of the entire transportation system, their pay and expenses shall be apportioned to the appropriate accounts for carrier operations or other operations (See instruction 28.)

4612. *Expenses of general officers.*—This account shall include expenses incurred, including cost of operating automobiles, for the benefit of motor carrier operations by administrative officers (as defined in account 4611) such as traveling, and other incidental expenses.

*Items*

Hotel.
Meals.
Membership fees and dues in trade, technical and professional associations.
Traveling expenses.

NOTE.—Expenses in connection with operating the general offices of the carrier shall be included in account 4630—General Office Supplies and Expenses.

4613. *Salaries of general office employees.*—This account shall include the salaries (see instruction 28), bonuses and other forms of consideration for services of employees who are engaged in the general administrative offices of the carrier and whose services are not chargeable to any other department or to other operations, including the following:

Accountants.
Bookkeepers.
Cashiers.
Clerks.
Engineers.
Janitors.
Messengers.
Paymasters.
Statisticians.
Stenographers.
Traveling Auditors.

4616. *Expenses of general office employees.*—This account shall include the expenses incurred, including cost of operating automobiles, for the benefit of motor carrier operations by employees whose salaries are included in account 4613—Salaries of General Office Employees.

*Items*

Hotel.
Meals, including payment therefor on account of overtime work.



Membership fees and dues in trade, technical and professional associations.
Traveling expenses.

4620. *Law expenses.*—This account shall include, except as provided for elsewhere, the pay and expenses of officers, assistants, office forces, and other employees of the law department; fees and retainers, supplies, and expenses of attorneys not regularly employed; court costs; and supplies and expenses of the law office.

*Items*

Salaries:
Attorneys and assistants.
Clerks.
Counsel.
Law clerks.
Special counsel.
Other employees of law department.
Expenses:
Building service.
Cost of law suits.
Cost of operating automobiles.
Cost of preparing and printing agreements, briefs, reports, etc.
Court costs.
Court fees.
Law books, periodicals and subscriptions to special services.
Law expenses of receivers.
Legal forms, and law office supplies, postage and stationery.
Meals, including payment therefor on account of overtime work.
Payments to attorneys who are not regular employees.
Premiums on court and other bonds.
Printing.
Tax reports, claims, etc., when handled by legal staff.
Transcripts of testimony, copies of exhibits, etc.
Traveling expenses of attorneys, witnesses, etc.
Witness fees.

NOTE A.—The pay of law department officers and employees engaged in formal cases before regulatory commissions, or in cases in which such a commission is a party, or when specifically assigned to injury and damage cases, shall be charged to account 4673—Other Regulatory Commission Expenses, account 4510—Salaries and Expenses—Insurance and Safety, or other appropriate account. (See instruction 28.)

NOTE B.—Law expenses incident to the purchase and construction of carrier operating property or the acquisition of certificates from Federal or State Commissions or securing from local authorities franchises or consents with a life of more than one year shall be charged to the appropriate subdivision of account 1500—Organization, Franchises and Permits. Law expenses incident to the issuance of long-term debt or capital stock shall be charged to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, or account 2910—Commission and Expense on Capital Stock, as appropriate.

4630. *General office supplies and expenses.*—This account shall include the cost of office supplies and the office expense in connection with the general administrative functions of the carrier's motor carrier operations.

*Items*

Books.
Cleaning office.
Drinking water and refrigeration.
Heat and light.
Janitor service.
Letterheads and envelopes.
Paper.
Pens, pencils, ink, fasteners and office supplies.
Postage.
Printing forms for office use.
Repairs to general office buildings, furniture, fixtures and equipment.
Stationery and office supplies.
Subscriptions to newspapers, periodicals and clipping bureaus.
Towels.
Typewriter supplies.
Waste baskets.

4640. *Communication service.*—This account shall include the cost of all communication service payable to outside companies, such as telephone, teletypewriter, telegraph, radio, etc.

NOTE.—Taxes on telegrams and telephone tolls shall be charged to account 5200—Operating Taxes and Licenses.

4651. *Outside auditing expenses.*—This account shall include amounts paid as fees for auditing and accounting services rendered by individuals or firms other than carrier's employees.

NOTE.—The fees of independent auditors and accountants in preparing financial and other statements incident to the issuance of long-term debt or capital stock shall be charged to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, or account 1910—Commission and Expense on Capital Stock, as appropriate.

4652. *Employees' welfare expenses.*—A. This account shall include pensions or other benefits paid to active and retired employees, their representatives or beneficiaries, and salaries and expenses incurred in conducting relief, benefit and general medical departments. It shall include payments to or on behalf of employees on account of injuries or accidental death when such payments come within the scope of a carrier's general provision for employees' benefits.

B. If the carrier has definitely undertaken by contract to pay pensions to employees when regularly retired for superannuation or disability and has established a fund to be held in trust for such pension purposes, the carrier shall charge to this account periodic amounts determined through the application of equitable actuarial factors to the current payrolls, which, together with interest accruals on trust funds, will, as nearly as may be practicable, provide for the payment of such pensions, or for the purchase of annuities corresponding thereto. The amounts so charged shall be concurrently credited to a separate subdivision of account 2690—Other Reserves. The total of actual payments and accruals for future payments charged to this account for pensions, shall not exceed the amounts determined as hereinbefore prescribed. The carrier shall maintain a complete record of the actuarial computations through which the accrual each period of its pension liabilities is established.

C. Upon the adoption of the accrual plan of accounting, pension payments to employees retired before the adoption of such plan shall be charged to an existing pension reserve or to account 2946—Other Debits to Surplus. If a carrier pays into its pension trust fund the amount of its existing pension reserve, any such amounts in excess of provision for pensions granted prior to the adoption of the accrual plan may be applied in whole or in part to the adjustment of future accrual charges.

D. Before adopting the accrual plan of accounting for pensions, the carrier shall inform the Commission of the details of its pension plan, giving full statement of the facts which in its judgment establish a contractual obligation for pension payments, together with the actuarial formula under which it proposes to create its pension trust fund, and also a copy of the declaration of trust under which the fund is to be established.

E. No charges shall be made to this account in anticipation of discretionary pension payments in the future.

*Items*

Accident, sickness, death, and other disability benefits to employees, their representatives or beneficiaries.
Employees of relief, benefit, and general medical departments, pay and expenses of.
Expenses in connection with employees' disability cases, such as hospital, nursing, and medical attendance.
Fees and retainers for medical and similar services incurred by relief, benefit, and general medical departments.
Medical service.
Office supplies.
Postage, printing and stationery.

Premiums paid for group insurance for the benefit of employees or their beneficiaries.

Traveling expenses.

NOTE.—The cost of life or other insurance whereunder the carrier is the beneficiary shall be charged to account 7500—Other Deductions. Cash surrender values of such policies shall be carried in account 1650—Other Investments and Advances.

4655. *Purchasing and store expenses.*—A. This account shall include salaries and expenses of purchasing agents, and their assistants, whose jurisdiction extends over all purchases such as parts, gasoline and other fuel, stationery supplies, etc.

B. This account shall include credits for cash and other discounts when it is not practicable to apply such discounts directly to the cost of materials to which they relate.

C. This account shall include such differences from inventory adjustments which have not been otherwise apportioned in accordance with note B under account 1180—Material and Supplies.

NOTE A.—Suitable proportions of items included in this account may be allocated to the cost of materials and supplies. (See instruction 19.)

NOTE B.—See also instruction 16 with reference to Clearing Accounts which may be maintained.

4656. *Other general expenses.*—A. This account shall include all general expenses connected with motor carrier operations not provided for elsewhere including fees and expenses payable to directors and trustees; expenses in connection with publishing and mailing reports and notices to stockholders, etc.; cash overages and shortages and fees for filing annual reports and other documents not specifically related to certificates or applications for issuance of securities.

B. This account shall include contributions for charitable, social or community welfare purposes which have a direct or intimate relation to the protection of the property of the carrier or the development of its business or the welfare of its employees. (See account 7500—Other Deductions.)

NOTE.—Direct contributions to employees' welfare associations shall be included in account 4652—Employees' Welfare Expenses.

4660. *Management and supervision fees and expenses.*—A. This account shall include fees and expenses payable to any corporation, firm or individual, other than officers and employees of the carrier, for continuously rendered supervision and management.

B. This account shall be subdivided to reflect:

(1) Management and Supervision Fees and Expenses of Associated Companies.

(2) Management and Supervision Fees and Expenses of Other Companies.

C. Records supporting this account shall be kept so as to show (1) the basis of the fees, i. e., the gross or net earnings of the carrier, if such is the basis, (2) the percentage applied in determining the fees, (3) the amount of the fee, and (4) the amount of the expenses.

4671. *Franchise requirements—Debit.*—A. This account shall include the total cost to the carrier in connection with payments to governmental authorities in compliance with franchises, ordinances or similar requirements, except taxes and license fees, provided, however, that the carrier may charge this account with the amounts based on regular tariff rates, of intrastate transportation furnished without charge under provisions of franchises.

B. When no direct outlay is involved concurrent credit for such charges shall be to account 4672—Franchise Requirements—Credit.

4672. *Franchise requirements—Credit.*—This account shall include concurrent credits for charges which are made to account 4671—Franchise Requirements—Debit, to the extent that such charges do not represent direct outlays.

4673. *Other regulatory commission expenses.*—A. This account shall include expenses incurred by the carrier in connection with formal cases before Federal or State regulatory bodies or cases in which such a body is a party also, include payments made to a regulatory commission for fees or amounts assessed against the accounting carrier for pay and expenses of the regulatory commission, its officers, agents and employees, other than those incurred in securing certificates of convenience and necessity and authority for the issuance of securities.

B. Amounts includible in this account which by approval or direction of the Commission are to be spread over future periods shall be charged to account 1890—Other Deferred Debits, and amortized by charges to this account.

*Items*

Fees, retainers, and expenses of counsel, solicitors, attorneys, clerks, attendants, witnesses, and others whose services are secured for the defense or prosecution of petitions or complaints presented to regulatory bodies.

The pay of officers and employees specifically assigned to or engaged in the valuation of property owned or used by the carrier, in connection with such cases, and the cost of similar work performed by others.

Amounts assessed by Federal and State regulatory commissions for pay and expenses of their officers, agents, and employees; office and traveling expenses; stationery, printing and engineering supplies; and other expenses and supplies including expenses of officers and employees upon matters covered by this account even though no portion of their pay is assignable hereto.

NOTE A.—Expenses incurred for the improvement of service, for additional inspection, or rendering reports which are made necessary by the rules and regulations, or orders, of regulatory bodies, shall be charged to the appropriate operation and maintenance expense accounts.

NOTE B.—Expenses incident to securing certificates of convenience and necessity shall be charged to the appropriate subdivision of account 1500—Organization, Franchises and Permits. Expenditures incident to securing authorization for issuance of long-term debt or capital stock shall be charged to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, or account 1910—Commission and Expense on Capital Stock, as appropriate.

4680. *Uncollectible revenues.*—A. This account shall include charges for receivables for carrier operating revenues which, after a reasonably diligent effort to collect, have proved impracticable of collection. If accounts which have been so written off are afterwards collected, the amount received shall be credited to this account, provided, however, that such recoveries are from accounts charged off against this account.

B. Charges to this account may be made on the basis of the estimated average loss due to uncollectible accounts in which case the concurrent credit shall be to account 2650—Reserve for Uncollectible Accounts. To the reserve thus established shall be charged such amounts as are determined to be uncollectible; amounts written off and subsequently collected shall be credited to the reserve. When charges to such accounts are thus made by estimate, the estimate shall be adjusted at the end of each calendar year to conform to the experience of the accounting carrier as determined by analysis of its accounts receivable.

NOTE.—Losses on receivables for other than operating revenues, and losses on notes or claims, shall be included in account 7500—Other Deductions.

4691. *Joint operating expense—Debit.*—This account shall include amounts payable to others representing the cost of operation and maintenance of joint facilities used for general purposes, such as a general office, or where amounts payable can not be segregated between the functional groups of expense accounts provided herein. (See instruction 29.)

4696. *Joint operating expense—Credit.*—This account shall include amounts received by the accounting carrier as reimbursement for operating and maintenance costs incurred by it in connection with a joint facility used for general purposes such as a general office or when the amounts received can not be segregated between the functional groups of expense accounts provided herein. (See instruction 29.)

DEPRECIATION EXPENSE

5000. *Depreciation expense.*—A. This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable carrier operating property, including improvements to leased property, if any, as provided in instruction 25. The amounts charged to this account shall be concurrently credited to account 2500—Reserve for Depreciation—Carrier Operating Property.

B. The following subdivisions of this account shall be maintained to reflect the amount of depreciation charges on each class of property and the necessary depreciation adjustment on carrier operating property at the time it is retired from service as provided in instruction 21 (see definition 33):

5011. Depreciation of Structures.
5021. Depreciation of Revenue Equipment.
5031. Depreciation of Service Cars and Equipment.
5041. Depreciation of Shop and Garage Equipment.
5051. Depreciation of Furniture and Office Equipment.
5061. Depreciation of Miscellaneous Equipment.
5071. Depreciation of Improvements to Leasehold Property.
5081. Depreciation of Undistributed Property.
5091. Depreciation Adjustment.

AMORTIZATION EXPENSE

5100. *Amortization chargeable to operations.*—This account shall include the total of the amounts included in accounts 5110 and 5120:

5110. *Amortization of carrier operating property.*—This account shall include the amount of the amortization charges applicable to the accounting period for amounts carried in account 1501—Organization, account 1511—Franchises, and account 1541—Patents, for fixed-term franchises, licenses, and patent rights; for fixed-term interest in land and land rights (account 1201), for losses incurred or expected to be incurred through the reversion of improvements on leased property to the lessor prior to the expiration of their service lives (account 1271), and for losses expected to be incurred through reversion of property to a state, municipality, or other governmental body, or otherwise, at no compensation to the carrier, before the expiration of the service lives of such property. Such charges shall be computed so as to distribute the book cost of each item evenly throughout its service life to the carrier. (See also account 2600—Reserve for Amortization—Carrier Operating Property.)

5120. *Property loss chargeable to operations.*—This account shall be concurrently charged with amounts credited to account 1890—Other Deferred Debits, for the amortization of property abandoned or for extraordinary property losses carried in that account, when such amounts are authorized to be amortized from that account by charges to operations. This account shall also be charged with losses on abandoned property and extraordinary property losses from carrier operations which are charged off at the time of their occurrence.

NOTE.—The carrier shall not make any charges to this account except upon approval by the Commission.

TAXES AND LICENSES

5200. *Operating taxes and licenses.*—A. This account shall include the amount of Federal, state, county, municipal and other taxing-district taxes (except as provided for in account 5000—Provision for Income Taxes), which relate to carrier property, operation and privileges for the period covered by the income account.

B. When it is not possible to determine the actual taxes, suitable estimates shall be made and the proportion of the amount estimated, which is applicable to the accounting period, shall be charged to this account and concurrently credited to account 2120—Taxes Accrued, or account 1800—Prepayments, as appropriate. When the actual tax levies become known the amounts included in this account on an estimated basis shall be adjusted.

C. Taxes on property leased from others for use in motor carrier operations, when the lessee is obligated under the terms of the lease to pay such taxes in addition to stipulated rent, shall be included in this account.

D. The records shall be kept so as to show separately the amount of each class of tax included in this account, and the basis on which it is levied, as follows:

(1) Gasoline, Other Fuel, and Oil Taxes.
(2) Public Utility Taxes and Licenses.
(3) Other Licenses.
(4) Corporation Taxes.
(5) Real Estate and Personal Property Taxes (or Gross Receipt Taxes).
(6) Social Security Taxes.
(7) Federal and State Capital Stock Taxes and Stock Transfer Taxes.
(8) Federal Excise Taxes.
(9) Other Taxes.

NOTE A.—Filing fees accompanying applications to regulatory bodies for certificates shall be charged to the appropriate subdivision of account 1500—Organization, Franchises and Permits. (See also account 4656.)

NOTE B.—Special assessments for street or other improvements and fees or charges, sometimes called taxes, such as water taxes, street sprinkling and sidewalk repairs, which are payments for some specific service rendered by the government, should be charged to the appropriate property investment or maintenance accounts. (See note B, account 1201—Land and Land Rights.)

NOTE C.—Taxes on non-operating property shall be charged to the account to which the revenue of such property is credited.

NOTE D.—Taxes on property leased to others shall be charged to the account to which the rent revenue is credited.

NOTE E.—Taxes assumed by the carrier on bond and note interest shall be charged to account 7200—Taxes Assumed on Interest.

NOTE F.—Taxes received in the sale of gasoline and oil shall be credited to this account.

NOTE G.—Taxes paid on original issues of capital stock shall be included in account 1910—Commission and Expense on Capital Stock.

NOTE H.—Amounts received by the carrier in reimbursement of taxes on property operated as a joint facility (see definition 25) shall be credited to account 5390—Joint Facility Rents—Credit. Payments to other carriers for a portion of taxes on joint facilities shall be charged to account 5340—Joint Facility Rents—Debit.

NOTE I.—Sales taxes on material purchases, except gasoline, other motor fuel and motor oil, shall be included in the cost of material.

OPERATING RENTS

5300.—*Operating rents—Net.*—This account shall include the net total of amounts included in accounts 5310 to 5390, inclusive. (See instruction 30.)

5310. *Equipment rents—Debit.*—This account shall include the amounts payable for use of automotive equipment on whatever basis such rent may be determined. All expenses incurred in connection with the operation of leased equipment which the lessee is obligated to assume in addition to the amount stipulated as rent, shall be included in the operation and maintenance or other accounts as appropriate.

NOTE.—Amounts payable for rental of equipment included in the lease of a distinct operating unit shall be charged to account 5400—Rent for Lease of Carrier Property—Debit.

5320. *Other operating rents—Debits.*—This account shall include all rental payments for the use of property employed in motor carrier operations not provided for elsewhere, such as:

(1) Rent for shop and garage space
(2) Rents paid for use of property by the transportation department
(3) Rents paid for use of terminals and stations
(4) Rents paid for use of property by the traffic and solicitation department
(5) Rents paid for use of the general office

NOTE.—Rental payments for property not used in transportation operations shall be charged to the appropriate Other Income account.

5340. *Joint facility rents—Debit.*—This account shall include amounts payable to other carriers as their proportion of rent, including taxes and depreciation, for the use of property under a joint facility arrangement. (See definition 25 and instruction 29.)

5350. *Equipment rents—Credit.*—This account shall include amounts receivable for use of automotive equipment on whatever basis such rent may be determined.

NOTE.—Amounts receivable for rental of equipment included in the lease of a distinct operating unit shall be credited to account 5500—Income from Lease of Carrier Property—Credit.

5360. *Rent from owned land and structures.*—This account shall include the rent from land and structures, the cost of which is included in accounts 1200—Carrier Operating Property, and 1300—Carrier Operating Property Leased to Others, except joint facilities.

NOTE.—Rent from subleases of property rented from others shall be included in account 5370—Sublease Rental Income.

5370. *Sublease rental income.*—This account shall include rents receivable from subleases of carrier operating property rented from others.

5390. *Joint facility rents—Credit.*—This account shall include amounts receivable from other carriers as their proportion of rent, including taxes and depreciation, for the use of property under a joint facility arrangement. (See definition 25 and instruction 29.)

LEASE OF CARRIER PROPERTY

5400. *Rent for lease of carrier property—Debit.*—This account shall include amounts payable, for rent of property constituting a distinct operating unit (see definition 24 and instruction 30) or system leased from others for use in motor carrier operations when the carrier has exclusive possession.

NOTE.—Taxes payable upon leased property, assumed by the lessee, shall be included in account 5200—Operating Taxes and Licenses.

5500. *Income from lease of carrier property—Credit.*—A. This account shall include amounts receivable for rent of property constituting a distinct operating unit (see definition 24 and instruction 30) or system leased by the carrier to others for motor carrier operations where the lessee has exclusive possession.

B. This account shall include as a deduction from rent revenue, expenses such as repairs, depreciation, insurance, and taxes assumed by the lessor; uncollectible rents, etc., in connection with the property leased.

C. This account shall be divided to show separately for each lease the following:

(1) Rent Revenue.
(2) Expenses.
(3) Depreciation and Amortization.
(4) Taxes.
(5) Uncollectible Rents.

OTHER INCOME

6000. *Net income from non-carrier operations.*—A. This account shall include the revenues from and expenses incurred in the operation of property, the investment in which is carried in account 1400—Non-Carrier Operating Property.

B. This account shall be subdivided to reflect separately:

(1) The total revenues derived from non-carrier operating property operations.
(2) The total expenses incurred in non-carrier operating property operations.

NOTE A.—The expenses referred to include every element of cost incurred in such operations including depreciation, rents, taxes, and insurance.

NOTE B.—Each carrier may adopt its own classification of revenue and expenses for this account. The classification shall be such, however, as to permit ready analysis of the revenue and expense.

6100. *Net income from non-operating property.*—A. This account shall include all rent revenues from land, buildings, and other property not devoted to transportation operations, the book cost of which is included in account 1450—Non-Operating Property.

B. This account shall include as a deduction from rent revenue, expenses such as repairs, depreciation, amortization, taxes, uncollectible rents, insurance, etc., in connection with the property leased.

C. This account shall be subdivided to show separately for each lease the following:

(1) Rent revenue.
(2) Expenses.
(3) Depreciation and amortization.
(4) Taxes.
(5) Uncollectible rents.

6200. *Interest income.*—A. This account shall include interest accruing to the accounting carrier upon securities of other companies and Federal, State, or municipal governments, on loans, notes, and advances; special deposits and all other interest bearing assets, including simple interest charged to property during its construction. Interest accrued shall not be credited to this account unless its payment is reasonably assured; in other cases, credits to this account shall be based upon the interest actually collected.

B. This account shall be kept so as to show separately the interest income from each investment and from each associated company.

NOTE A.—No interest upon reacquired securities issued or assumed by the accounting carrier shall be credited to this account.

NOTE B.—Interest accrued on securities of other companies held in sinking or other special funds shall be credited to account 6400—Income from Sinking and Other Funds.

6300. *Dividend income.*—A. This account shall include revenue derived by the accounting carrier from the dividends on stocks of other companies held by it. Accruals of guaranteed dividends may be included in this account if the payment is reasonably assured.

B. This account shall be kept so as to show separately the dividend income from each investment and from each associated company.

NOTE.—No dividends on reacquired securities issued by the carrier shall be credited to this account.

6400. *Income from sinking and other funds.*—This account shall include all revenues (whether interest or dividends) accrued on cash, securities (not issued or assumed by the accounting carrier) or other assets held in sinking fund and other special funds.

NOTE.—This account covers all income from investments of special funds, whether required to be retained in the fund or not. If such income is required to be retained in the fund and the fund required to be represented by a reserve, the amount of such accretions to the fund shall be concurrently credited to the appropriate reserve account and charged to account 2944—Appropriations to Reserves.

6500. *Other non-operating income.*—This account shall include all income accrued to the accounting carrier in accordance with the terms of any contract by which the carrier is entitled to participate in the profits from the operations of others and all other non-operating income not provided for in any of the foregoing accounts.

NOTE.—"Profits from the operations of others" does not include any dividends on stock. Revenues from dividends shall be credited to account 6300—Dividend Income, or to account 6400—Income from Sinking and Other Funds, as appropriate.

INCOME DEDUCTIONS

7000. *Interest on long-term obligations.*—A. This account shall include all interest accrued on unmatured outstanding long-term obligations issued or assumed by the accounting carrier; also interest accrued on debentures and on receivers' certificates which mature more than one year after date of issue. This account does not include interest on securities held by the accounting carrier in its treasury, in sinking or other special funds, or pledged as collateral.

B. This account shall be kept so as to show the interest expense (accrual) on each of the following classes or subdivisions of long-term obligations:

(1) Equipment Obligations.
(2) Advances.
(3) Bonds.
(4) Other Long-Term Obligations.



7100. *Other interest deductions.*—This account shall include interest on all short-term obligations of the accounting carrier, such as notes or loans for terms of less than one year, unpaid taxes, or other accounts payable, etc., and also interest on matured long-term obligations.

7200. *Taxes assumed on interest.*—This account shall include amounts paid to holders of the bonds or other indebtedness of the carrier in reimbursement of income and other taxes levied against income from such obligation or levied as a tax for ownership of the obligation, where the mortgage, indenture, or other instrument provides for payment of such taxes by the carrier.

7300. *Amortization of debt discount and expense.*—This account shall include for any period that proportion of the unamortized discount and expense on outstanding long-term debt which is applicable to the period. This proportion shall be determined according to a rule, the uniform application of which during the interval between the issue and maturity of any debt will completely amortize the discount at which such debt was issued and the debt expense connected therewith. Amounts charged to this account shall be concurrently credited to account 1880—Unamortized Debt Discount and Expense. (See also instruction 13.)

7400. *Amortization of premium on debt—Credit.*—This account shall include the proportion of the premium at which outstanding long-term debt was issued which is applicable to each period. This proportion shall be determined according to a rule the uniform application of which during the interval between the issuance and the maturity of any debt will completely amortize the premium at which such debt was issued. Amounts credited to this account shall be concurrently charged to account 2400—Unamortized Premium on Debt. (See instruction 13.)

7500. *Other deductions.*—This account shall include all deductions from gross income not provided for in any of the foregoing accounts, such as:

(1) Unsecured accruals on obligations arising under contracts whereby the accounting carrier has guaranteed the annual or more frequent periodic payment of money or performance of other obligation on the yart of another corporation or person, and because of the default of such other corporation or person, the liability of the accounting carrier has become actual.

(2) Losses resulting from the operations of others, whenever, in accordance with the terms of any contract, the accounting carrier is bound to contribute toward reimbursement of such losses.

(3) Losses on receivables, notes or claims which are not includible in account 4680—Uncollectible Revenues.

(4) Amortization charges of the book value of property included in account 1550—Other Intangible Property, and other items carried among its assets.

(5) Contributions for charitable, social or community welfare purposes which do not have a direct or intimate relation to the protection of the property, development of the business or welfare of employees. (See account 4656—Other General Expenses.)

(6) Penalties and fines for violations of law not provided for in account 4264—Other Transportation Expenses.

(7) Premiums for life insurance carried on the lives of officers and employees when the carrier is the beneficiary.

INCOME TAXES

8000. *Provision for income taxes.*—This account shall include charges for the year classifiable in accounts 8010 to 8060, inclusive.

8010. *Federal income tax.*—Charge this account each period on an estimated basis with the amount accrued for Federal Income Tax, concurrently crediting account 2120—Taxes Accrued.

8020. *Federal excess profits tax.*—Charge this account each period on an estimated basis with the amount accrued for Federal Excess Profits Tax, concurrently crediting account 2120—Taxes Accrued.

8030. *Federal surtax on undistributed profits.*—Charge this account on an estimated basis with the amount accrued for Federal Surtax on Undistributed Profits, concurrently crediting account 2120—Taxes Accrued.

8040. *Other Federal income taxes.*—Charge this account each period on an estimated basis with the amount accrued for other Federal Income Taxes, concurrently crediting account 2120—Taxes Accrued.

8050. *State income taxes.*—Charge this account each period on an estimated basis with the amount accrued for State Income Taxes, concurrently crediting account 2120—Taxes Accrued.

8060. *Other income taxes.*—Charge this account each period on an estimated basis with the amount accrued for all other income taxes, not provided for in the foregoing accounts, concurrently crediting account 2120—Taxes Accrued.

*Form of Income Statement*

I. Carrier Operating Income:
Revenues:
3000. Operating Revenues

Expenses:
4000. Operation and Maintenance Expenses
5000. Depreciation Expense
5100. Amortization Chargeable to Operations
5200. Operating Taxes and Licenses
5300. Operating Rents—Net

Total Expenses

Net Operating Revenue

5400. Rent for Lease of Carrier Property—Debit
5500. Income from Lease of Carrier Property—Credit

Net Carrier Operating Income

II. Other Income:
6000. Net Income from Non-Carrier Operations
6100. Net Income from Non-Operating Property
6200. Interest Income
6300. Dividend Income
6400. Income from Sinking and Other Funds
6500. Other Non-Operating Income

Total Other Income

Gross Income

III. Income Deductions:
7000. Interest on Long-Term Obligations
7100. Other Interest Deductions
7200. Taxes Assumed on Interest
7300. Amortization of Debt Discount and Expense
7400. Amortization of Premium on Debt—Credit
7500. Other Deductions

Total Income Deductions

Net Income before Income Taxes

8000. Provision for Income Taxes

Net Income (or Loss) Transferred to Earned Surplus

[F. R. Doc. 37-3529; Filed, December 6, 1937; 12:37 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[ADMINISTRATIVE ORDER No. 169]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 2, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Ohio 8083 Huron | $100,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3543; Filed, December 7, 1937; 9:45 a. m.]

*Thursday, December 9, 1937* *No. 238*

## PRESIDENT OF THE UNITED STATES.

DOMESTIC ANIMALS, TOGETHER WITH THEIR OFFSPRING, RETURNED TO THE UNITED STATES

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696; U. S. C., title 19, sec. 1318) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS subparagraph (c) of paragraph 1606 of section 201 of the said act (46 Stat. 673; U. S. C., title 19, sec. 1201, par. 1606) provides:

"Horses, mules, asses, cattle, sheep, and other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, shall be dutiable unless brought back to the United States within eight months, in which case they shall be free of duty, under regulations to be prescribed by the Secretary of the Treasury."

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury, under such regulations as he may prescribe, to extend the time in which horses, mules, asses, cattle, sheep, and other domestic animals, straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back into the United States free of duty, from eight months, as provided in subparagraph (c) of paragraph 1606 of the said act, to twelve months, if such animals are brought back on or before June 30, 1938.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 6th day of December in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2262]

[F. R. Doc. 37-3558; Filed, December 8, 1937; 11:36 a. m.]

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EXECUTIVE ORDER

ESTABLISHING THE SABINE MIGRATORY WATERFOWL REFUGE

*Louisiana*

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands acquired or to be acquired by the United States within the following-described areas, comprising 143,110 acres, more or less, in Cameron Parish, Louisiana, surveyed or unsurveyed, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the areas described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

LOUISIANA MERIDIAN

T. 14 S., R. 8 W.,
secs. 2 to 11, inclusive;
sec. 14, N½;
sec. 15, all;
secs. 17, 18, and 19;
sec. 20, N½NE¼, SW¼NE¼, W½, and W½SE¼.
T. 13 S., R. 9 W.,
secs. 18 and 19.
T. 14 S., R. 9 W.,
sec. 1, all;
secs. 11 to 17, inclusive;
sec. 19, E½;
sec. 20, N½, SW¼, and N½SE¼;
secs. 21 to 24, inclusive, N½, and N½S½.
T. 13 S., R. 10 W.,
sec. 5, W½NE¼, W½, and W½SE¼;
secs. 6 and 7;
sec. 8, W½NE¼, W½, and SE¼;
sec. 9, NW¼SW¼ and S½SW¼;
sec. 15, SW¼;
secs. 17 to 21, inclusive;
sec. 22, S½NE¼, W½, and SE¼;
sec. 23, S½N½ and S½;
secs. 24 to 35, inclusive.
T. 14 S., R. 10 W.,
sec. 6, all.
T. 13 S., R. 11 W., all.
T. 14 S., R. 11 W.,
secs. 1 to 15, inclusive, and secs. 17 and 18.
T. 13 S., R. 12 W.,
secs. 1 to 15, inclusive, and secs. 17 to 36, inclusive.
T. 14 S., R. 12 W.,
secs. 1 to 15, inclusive, and secs. 17 and 18.
T. 13 S., R. 13 W.,
secs. 1 to 15, inclusive, and secs. 17 to 36, inclusive.
T. 14 S., R. 13 W.,
secs. 1 to 15, inclusive, and secs. 17 and 18.
T. 13 S., R. 14 W.,
sec. 1, N½NE¼, SW¼NE¼, W½, and SW¼SE¼;
secs. 2 to 5, inclusive;
secs. 7 to 17, inclusive;
secs. 20 to 29, inclusive;
secs. 32 to 36, inclusive;
T. 14 S., R. 14 W.,
secs. 1 to 15, inclusive;
sec. 17, all;
sec. 18, NE¼ and NE¼NW¼.
T. 14 S., R. 15 W.,
sec. 12, E½NE¼.

This reservation shall be known as the Sabine Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 6, 1937.*

[No. 7764]

[F. R. Doc. 37-3555; Filed, December 7, 1937; 2:12 p. m.]

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EXECUTIVE ORDER

RESTORING CERTAIN LANDS TO THE CONTROL OF THE SECRETARY OF THE INTERIOR

*Washington*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. The following-described lands, which were transferred by Executive Order of August 13, 1923, to the Department of the Interior for disposition under the act of July 5, 1884, ch. 214, 23 Stat. 103, and which were withdrawn by Executive Order No. 4104 of November 20, 1924, for the use of the Navy Department, are hereby restored to the control of the Secretary of the Interior for disposition as provided by the said act of July 5, 1884, or as may be otherwise provided by law:

WILLIAMETTE MERIDIAN

T. 31 N., R. 4 W., lot 1 sec. 22, lots 1, 2 and 3 sec. 23, lots 5, 6 and 7 sec. 27, 45 acres.

SECTION 2. The said Executive Order No. 4104 of November 20, 1924, is hereby revoked as to the above-described lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Dec. 6, 1937.*

[No. 7765]

[F. R. Doc. 37-3556; Filed, December 8, 1937; 9:54 a. m.]

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## DEPARTMENT OF STATE.

### National Munitions Control Board.

RULES OF PROCEDURE GOVERNING THE ISSUANCE OF LICENSES FOR THE EXPORTATION OF TIN-PLATE SCRAP

DECEMBER 6, 1937.

In furtherance of the purposes of the Act of Congress approved February 15, 1936, which, as stated therein, are:

to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin,

and in order to assure in the public interest the fair and equitable consideration referred to in Section 2 of the Act which reads as follows:

There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

The Secretary of State, acting under and by virtue of the authority vested in him by Executive Order No. 7297 of February 16, 1936, hereby prescribes, by and with the advice and consent of the National Munitions Control Board, the following rules of procedure to govern the issuance of licenses for the exportation of tin-plate scrap between January 1 and December 31, 1938, under the regulations governing the export of that commodity prescribed on December 7, 1936:

(1) *Requests for allotments.*—Each producer of tin-plate scrap who desires to export that commodity during the calendar year 1938, as well as every producer whose scrap is sold to and ultimately exported by third parties, should submit to the Secretary of State *not later than December 20, 1937*, a request for an allotment, specifying in long tons the quantity of tin-plate scrap which he desires to export or to sell for export between January 1 and December 31, 1938.

(2) *Original allotments.*—Allotments will be granted to producers of tin-plate scrap only and will be assigned on January 1, 1938, to producers whose applications have been submitted in accordance with the provisions of paragraph (1). Allotments will be based on the individual producer's request therefor with the provision that no allotment of more than 25 long tons shall exceed in amount 25 percent of the quantity of tin-plate scrap produced by him during the calendar year 1936. Requests for allotments of 25 long tons or less may be granted in full, without reference to the quantity of tin-plate scrap produced during the calendar year 1936, provided the producer concerned presents convincing evidence, in the form of a sworn statement, establishing that he will, during the calendar year 1938, produce at least the equivalent of the allotment which he requests.

(3) *Sworn statement of 1936 production.*—No producer shall be eligible to receive an allotment under the provisions of paragraph (2) until the Secretary of State has received from him a sworn statement setting forth the quantity of tin-plate scrap, in long tons, produced by him during the calendar year 1936. Sworn statements submitted under the provisions of this paragraph shall include the name and address of the producer, the name and location of each factory, and the quantity of tin-plate scrap produced at each factory.

(4) *Apportionment of total allotments.*—In the event that it shall be necessary, in order that the quantity of tin-plate scrap to be exported during the calendar year 1938 shall not exceed the total figure to be agreed upon by the National Munitions Control Board, such total shall be apportioned among the applicants for allotments on the basis of 1936 production, with the provision that no allotment shall exceed the quantity specified in the individual producer's request therefor. If an apportionment is unnecessary, further allotments may be granted after January 1 in the order of the receipt of requests therefor until the total figure referred to has been exhausted.

(5) *Additional allotments.*—Provided the total of the allotments assigned prior to July 1, 1938, does not equal the total figure referred to in paragraph (4), additional allotments may be assigned after that date to any producer whose production of tin-plate scrap during the calendar year 1937 exceeded the quantity produced by him in 1936, provided that no allotment assigned under the provisions of this paragraph shall exceed 25 percent of the difference between the individual producer's 1936 production and the quantity produced by him in 1937, and provided further that the total allotments assigned shall not exceed the maximum authorized exports referred to under paragraph (4). Allotments granted under the provisions of this paragraph will be assigned in the order of the receipt of requests therefor.

(6) *Sworn statement of 1937 production.*—No producer shall be eligible to receive an allotment under the provisions of paragraph (5) until the Secretary of State has received from him a sworn statement setting forth the quantity of tin-plate scrap, in long tons, produced by him during the calendar year 1937. Sworn statements submitted under the provisions of this paragraph shall include the name and address of the producer, the name and location of each factory, and the quantity of tin-plate scrap produced at each factory.

(7) *Further additional allotments.*—In the event that conditions then existing shall warrant such action, further additional allotments may be granted after July 1, 1938, upon such conditions as may be agreed upon by the National Munitions Control Board and announced by the Secretary of State.

(8) *Fair and equitable consideration.*—An allotment may be granted at any time during the calendar year 1938, without regard to previous assignments of allotments, to any producer of tin-plate scrap who presents to the National Munitions Control Board, through the Secretary of State, convincing evidence that he is not receiving the fair and equitable consideration referred to in Section 2 of the Act approved February 15, 1936. Allotments assigned under the provisions of this paragraph shall be granted in such quantities as will assure in the public interest fair and equitable consideration to the producer concerned. All applications for allotments under the provisions of this paragraph shall be accompanied by sworn statements, in quintuplicate, setting forth complete and detailed information in support thereof.

(9) *Licenses.*—No tin-plate scrap may be exported unless a license authorizing such export shall have been issued by the Secretary of State. Licenses may be issued to any producer who has been assigned an allotment or to any other person or persons authorized by such producer to export tin-plate scrap under his allotment.

(10) *Licenses issued to persons other than producers of tin-plate scrap.*—Any producer who has received an allotment may, if he so desires, authorize any other person or persons to apply for license to export under his allotment tin-plate scrap produced at his factory or factories. The Department of State should be informed promptly of such authorizations

when made. Persons other than producers should, in submitting applications for license, assure themselves that an allotment has been assigned covering the particular tin-plate scrap which they desire to export and they should include, either in the application or in the transmitting letter, a statement setting forth the name and address of the factory or factories at which the tin-plate scrap was produced and the quantity produced at each factory.

As stated in paragraph (3) of the regulations governing the exportation of tin-plate scrap, the Secretary of State will issue export licenses to cover proposed shipments of tin-plate scrap when, in the opinion of the National Munitions Control Board, the issuance of such licenses may be consistent with the purposes of the Act approved February 15, 1936. The National Munitions Control Board may revoke, cancel, or modify at any time allotments or licenses granted under the procedure herein announced and may modify this procedure whenever, in its opinion, such action as required in order to carry out the purposes of the Act.

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 37-3557; Filed, December 8, 1937; 10:01 a. m.]

## TREASURY DEPARTMENT.

### Public Debt Service.

[1937—Department Circular No. 571, Second Amendment]

SALE OF UNITED STATES SAVINGS BONDS, SERIES C

DECEMBER 1, 1937.

United States Savings Bonds of Series C will continue on sale indefinitely after December 31, 1937, without interruption. Paragraph 13 of Department Circular No. 571, dated December 16, 1936, is hereby amended to read as follows:

"13. United States Savings Bonds of Series C, issued during the calendar year 1937, as evidenced by the issue date inscribed thereon at the time of issue, will form a separate series hereby designated Series C–1937, and those issued during the calendar year 1938, will similarly form a separate series designated Series C–1938. Savings bonds of Series A, issued during the calendar year 1935 are hereby designated Series A–1935, and those of Series B issued during the calendar year 1936 are hereby designated Series B–1936."

The right is reserved at any time to terminate the sale of savings bonds of Series C by notice given by the Secretary of the Treasury to the Postmaster General and to others concerned as designated sales agencies.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 37-3560; Filed, December 8, 1937; 12:38 p.m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 111]

AN ORDER PRESCRIBING RULES OF PROCEDURE UNDER SECTION 4, PART II, SUBSECTION (D), OF THE BITUMINOUS COAL ACT OF 1937

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, and particularly Section 4, Part II, Subsection (d) of said Act, the National Bituminous Coal Commission, notwithstanding any other general rules of practice and procedure heretofore issued, has adopted and hereby orders that the following Rules of Practice and Procedure before the Commission be applicable to proceedings under and pursuant to the provisions of Section 4, Part II, Subsection (d) of the Act.

1. When a petition, filed pursuant to the provisions of Section 4, Part II, Subsection (d) of the Act, is assigned for hearing:

(a) The Secretary of the Commission shall forthwith cause a copy of such petition to be placed on file and made available for inspection to interested parties at each of the Statistical Bureaus of the Commission, at the Office of each District Board, and at the office of the Secretary of the Commission:

(b) The Secretary of the Commission shall forthwith mail a copy of the notice of hearing to the petitioner, to each code member within the District in which the petitioner is a code member, and to the Consumers' Counsel; and shall cause a copy thereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission and at the office of each District Board; and shall cause a copy thereof to be published in the Federal Register, and if the petition directs a specific complaint against any other code member a copy of the notice of hearing shall be mailed by the Secretary to such code member.

2. Any interested party desiring to be heard at such hearing shall on or before the day preceding the date thereof file with the Commission a notice and request to that effect.

3. In any proceeding instituted by such petition, any minimum price or Marketing Rule and Regulation complained of, shall be presumed to have been established and prescribed in conformity with the provisions of the Act, and the burden of proof shall be upon the party so complaining.

4. Any application for a preliminary or temporary order, pending final disposition of the petition, may be made in such petition or by amendment thereto, in conformity with the provisions of Subsection (d) of Part II, Section 4, of the Act.

The Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to all code members within the several districts, and to the Secretaries of all District Boards; and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 7th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3559; Filed, December 8, 1937; 12:21 p. m.]

[Docket No. 75-FD]

IN THE MATTER OF DE BARDELEBEN COAL CORPORATION

NOTICE OF HEARING

A petition having been filed with this Commission by De Bardeleben Coal Corporation, pursuant to Section 4–II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, and in competition with District No. 8, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District Nos. 13 and 8, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3571; Filed, December 8, 1937; 1:33 p. m.]



[Docket No. 76-FD]

IN THE MATTER OF DURHAM LAND COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by Durham Land Company, pursuant to Section 4–11 (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it and in competition with District No. 8, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District Nos. 13 and 8 the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C. when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3572; Filed, December 8, 1937; 1:33 p. m.]

[Docket No. 77-FD]

IN THE MATTER OF STITH COAL COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by Stith Coal Company, pursuant to Section 4–II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 8, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3573; Filed, December 8, 1937; 1:34 p. m.]

[Docket No. 78-FD]

IN THE MATTER OF ALABAMA BY-PRODUCTS CORPORATION

NOTICE OF HEARING

A petition having been filed with this Commission by Alabama By-Products Corporation, pursuant to Section 4–II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, in competition with District No. 8, described in the Schedules of Minimum Prices for Coals of Code Members Produced within District Nos. 13 and 8, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3574; Filed, December 8, 1937; 1:34 p. m.]

[Docket No. 79-FD]

IN THE MATTER OF ALABAMA BY-PRODUCTS CORPORATION

NOTICE OF HEARING

A petition having been filed with this Commission by Alabama By-Products Corporation, pursuant to Section 4–II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 13, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3575; Filed, December 8, 1937; 1:34 p. m.]

[Docket No. 80-FD]

IN THE MATTER OF TENNESSEE CONSOLIDATION COAL COMPANY, SEWANEE FUEL & IRON COMPANY, WHITWELL SMOKELESS FUEL COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by Tennessee Consolidation Coal Company, Sewanee Fuel and Iron Company and Whitewell Smokeless Fuel Company, pursuant to Section 4–II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by them and in competition with District No. 8, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District Nos. 13 and 8, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3576; Filed, December 8, 1937; 1:34 p. m.]

[Docket No. 81-FD]

IN THE MATTER OF NEWCASTLE COAL COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by Newcastle Coal Company, pursuant to Section 4–II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it and in competition with District #8, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 13, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C. when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3577; Filed, December 8, 1937; 1:35 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

DETERMINATION OF PRACTICES WHICH TEND TO DEFEAT THE PURPOSES OF THE 1937 AGRICULTURAL CONSERVATION PROGRAM, PURSUANT TO SECTION THREE, PART VI OF WESTERN REGION BULLETINS 101, AS AMENDED

Whereas Section 3, Part VI of Western Region Bulletins 101, as amended, provides that the Secretary may determine whether any practice adopted by a person participating in the 1937 Agricultural Conservation Program tended to defeat any of the purposes of the 1937 Program, and

Whereas in areas subject to wind or water erosion in the Western Region, certain persons who wish to participate in the benefits of the 1937 Agricultural Conservation Program in the Western Region have failed to perform necessary wind erosion control practices or otherwise attempt to control the soil blowing or other form of damage to the productivity of the land in one or more farms owned or operated by them or in one or more adjacent or nearby farms:

Now, Therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby determine (1) that, subject to the conditions hereinafter set forth, failure to perform necessary erosion control practices or otherwise attempt to control the soil blowing or other form of damage to the productivity of the land in the farm or in one or more nearby or adjacent farms shall constitute a practice, within the meaning of Section 3, Part VI of Western Region Bulletin 101, as amended, which tends to defeat the purposes of the 1937 Agricultural Conservation Program, (2) that, where any person owns or operates more than one farm in a county and the county committee determines that, notwithstanding failure on the part of such person to attempt to control the wind or water erosion or other damage to the productivity of the land in one or more farms owned or operated by such person in the county, taking into account the effect that such erosion or damage has upon the land in nearby or adjacent farms, the performance on all farms owned or operated by such person in the county tends in the aggregate to effectuate the purposes of the 1937 Agricultural Conservation Program from the standpoint of soil conservation accomplished, such person shall be entitled to receive his share of any payments which otherwise could be made: *Provided, however,* That no payments shall be made with respect to those farms upon which such person has failed to perform erosion control practices or otherwise attempt to control the soil blowing or other damage to the productivity of the land.

Done at Washington, D. C., this 8th day of December 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3561; Filed, December 8, 1937; 12:42 p. m.]

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### Bureau of Animal Industry.

[Amendment 14 to Declaration No. 12]

DECLARING NAMES OF COUNTRIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

DECEMBER 1, 1937.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Colusa, December 1, 1940; Contra Costa, December 1, 1940; Glenn, December 1, 1940; Inyo, December 1, 1940; Mono, December 1, 1940; Napa, December 1, 1940; Placer, December 1, 1940; San Diego, December 1, 1940; San Francisco, December 1, 1940; Santa Barbara, December 1, 1940.

South Dakota: Davison, December 1, 1940; Douglas, December 1, 1940; Kingsbury, December 1, 1940.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Colorado: Archuleta, December 1, 1940; Park, December 1, 1940; Routt, December 1, 1940; Summit, December 1, 1940.

Florida: Flagler, December 1, 1940.

Idaho: Lewis, December 1, 1940.

Illinois: Massac, December 1, 1943; Pulaski, December 1, 1943.

Kansas: Miami, December 1, 1940.

Kentucky: Jackson, December 1, 1940.

Maryland: Queen Anne, December 1, 1940.

Michigan: Antrim, December 1, 1940; Kalkaska, December 1, 1940.

Minnesota: Aitkin, December 1, 1943; Jackson, December 1, 1943; Martin, December 1, 1943; Ottertail, December 1, 1943; Sibley, December 1, 1943; Lyon, December 1, 1940; Murray, December 1, 1940; Nobles, December 1, 1940; Rock, December 1, 1940.

Mississippi: Yazoo, December 1, 1940.

Missouri: Barton, December 1, 1940; Clinton, December 1, 1940; Johnson, December 1, 1940.

Montana: Prairie, December 1, 1940.

Nebraska: Polk, December 1, 1940.

North Carolina: Henderson, December 1, 1940; Rutherford, December 1, 1940; Transylvania, December 1, 1940; Yancey, December 1, 1940.

North Dakota: Traill, December 1, 1943.

Ohio: Wood, December 1, 1940.

Tennessee: Decatur, December 1, 1940; Grainger, December 1, 1940.

Texas: Archer, December 1, 1940; Baylor, December 1, 1940; Brown, December 1, 1940; Caldwell, December 1, 1940; Cooke, December 1, 1940; Gray, December 1, 1940; Howard, December 1, 1940; Irion, December 1, 1940; Lampasas, December 1, 1940; Mitchell, December 1, 1940; Parmer, December 1, 1940; Rockwall, December 1, 1940; Schleicher, December 1, 1940; Sutton, December 1, 1940.

Virginia: Clarke, December 1, 1940; Dickenson, December 1, 1940.

West Virginia: Gilmer, December 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL] W. M. MACKELLAR,
*Acting Chief of Bureau.*

[F. R. Doc. 37-3563; Filed, December 8, 1937; 12:42 p. m.]

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### Bureau of Biological Survey.

ORDER PERMITTING TRAPPING ON THE UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Pursuant to Section (*a*) of Regulation 1-A and to Regulation 2-A of the Regulations for the Administration of the Upper Mississippi River Wild Life and Fish Refuge, public trapping of muskrats and minks under permits of the Superintendent of said Refuge, in the States of Wisconsin and Iowa, in accordance with the laws of said States, and in accordance with the regulations governing the said Refuge, as well as with the restrictions and conditions hereinafter provided, is hereby permitted within said Refuge in the States named, except on the areas specifically scheduled below; between November 20 to December 15, 1937, both dates inclusive:

WISCONSIN

*Buffalo County*

*Area Number 1.*—All of the lands and waters lying and being in Sections 1, 2, 3, 4, 10, 11, 12, 13, Township 22 N, Range 14 W., 4th P. M., and Sections 33, 34, 35, 36, Township 23 N., Range 14 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the point of intersection of the Wabasha-Nelson road with the tracks of the Chicago, Burlington and Quincy Railroad in the NW¼, Section 6, Township 22 N., Range 13 W.; thence southwesterly along the said road to the Mississippi River in the NW¼ of Section 13, Township 22 N., Range 14 W.; thence northwesterly along the Mississippi River to the Chippewa River; thence northerly along the Chippewa River to the Chicago, Burlington and Quincy Railroad tracks in the SE¼ of Section 33, Township 23 N., Range 14 W.; thence southeasterly along the said railroad tracks to the point of beginning; excepting therefrom the following described lands: S½ of NE¼, W½ of SE¼, Section 1; SW¼NW¼, N½ of SW¼, Section 2, Township 22N., Range 14 W., 4th P. M., NW¼SW¼, Section 34, Township 23 N., Range 14 W.

*Vernon County*

*Area Number 2.*—E½NE¼ and Lots 1, 2, and 3, Section 29, and Lot 5, Section 32, all in Township 14 N., Range 7 W., 4th P. M.; Lot 7, Section 32, Township 14 N., Range 7 W., 4th P. M., excepting therefrom a narrow strip of land along the east side described as follows: *Beginning* at a point on the north line of said Lot 7, 4.00 chains west of the west bank of the Mississippi River, a 3" x 3" x 36" Willow Post above ground scribed U. S. Cor. 1; thence east on said north line of Lot 7, 2.78 chains to a ¾" x 18" Galvanized Iron Pipe above ground, placed on a high ridge; thence still east 1.22 chains to Corner 2, a 5" x 5" x 30" Maple Post above ground scribed R. U. Cor. 2 on west bank of Mississippi River; thence S 21°48' E, with the west bank of Mississippi River, 21.54 chains to Corner 3, a 4" x 4" x 24" Willow Post above ground scribed R. U. Cor. 3, being the southeast corner of said Lot 7; thence west with the south line of said Lot 7, 4.00 chains to Corner 4, a ¾" x 18" Galvanized Iron Pipe above ground; thence N 21°48' W, parallel with the west bank of Mississippi River, 21.54 chains to Corner 1, the Place of BEGINNING, this exception containing 8.00 acres, more or less.

*Crawford County*

*Area Number 3.*—Lots 7, 8, and 9, Section 35, Township 10 N., Range 6 W., 4th P. M.

*Area Number 4.*—Lot 11, Section 2; Lot 1, Section 3, Township 9 N., Range 6 W.; Lot 10, Section 34; Lot 5, Section 35, Township 10 N., Range 6 W.; SE¼, Section 3; N½NE¼, Section 10, Township 10 N., Range 7 W., 4th P. M.

*Area Number 5.*—All of the lands and waters lying in Townships 6 and 7 N., Range 7 W., which are enclosed by the following definite boundaries: Starting at the point where the north line of Section 35, Township 7 N., Range 7 W., intersects the westerly bank of East Channel, thence along East Channel in a northwesterly direction to the point where the easterly boundary of Lot 4, Section 26, Township 7 N., Range 7 W is intersected by the southerly boundary of the right of way of the toll bridge highway operated by the Prairie du Chien Bridge Company, thence along the southeasterly boundary of said highway right of way in a southwesterly direction across Lots 4 and 5, Section 26, Township 7 N., Range 7 W., to the point where said southerly boundary of said right of way intersects the westerly boundary of said Lot 5, thence in a southerly direction along the westerly boundaries of said Lot 5, of Lots 3, 4, 5 and 6 of Section 35, Township 7 N., Range 7 W., and of Lot 1, Section 2, Township 6 N., Range 7 W., to the extreme southerly point of said Lot 1, thence in an easterly direction to the extreme southerly point of Lot 3 of said Section 2, thence along East Channel in a northeasterly direction where it forms the southeasterly boundaries of Lot 3 of said Section 2, and Lot 2, Section 1, Township 6 N., Range 7 W., and the easterly and northeasterly boundaries of Lots 3 and 4, Section 36, Lot 9, Section 35, and Lot 4, Section 26, Township 7 N., Range 7 W., to the place of BEGINNING.



*Grant County*

*Area Number 6.*—Lots 7, 8, Section 6; N½NW¼, N½NE¼, SE¼NE¼, Section 7, Township 2 N., Range 3 W., and Lot 4, Section 1; Lot 8, Section 12, Township 2 N., Range 4 W., all in the 4th P. M.

IOWA

*Allamakee County*

*Area Number 7.*—All of the lands and waters lying in Township 100 N., Ranges 3 and 4 W., 5th P. M., which are enclosed by the following definite boundaries: Starting at the point where the north boundary line of the State of Iowa intersects the westerly bank of the Mississippi River, thence west along the northerly boundary of the State of Iowa to the point where the said northerly boundary of the State of Iowa intersects Minnesota Slough in Lot 2, Section 6, Township 100 N., Range 3 W., 5th P. M.; thence following said Minnesota Slough in southeasterly and southerly directions through Sections 6, 7 and 18, Township 100 N., Range 3 W., to the point where the south line of Lot 2, Section 18, Township 100 N., Range 3 W. intersects the easterly bank of said Minnesota Slough; thence east along said south line to the southeast corner of said Lot 2; thence south along the west line of Lot 1 of said Section 18 to a slough sometimes referred to as Ferry Slough, thence northeasterly and southeasterly along said Ferry Slough where the same forms the southerly boundaries of said Lot 1, Section 18 and Lots 3, 5 and 6, Section 17 to the junction of said slough with the Mississippi River; thence northerly and northwesterly along the Mississippi River where it forms the easterly boundaries of fractional Sections 17, 8 and 5, Township 100 N., Range 3 W., to the place of beginning.

*Jackson County*

*Area Number 8.*—All of the lands and waters in Township 85 N., Range 5 E., 5th P. M. which are described as follows: That part of the E½NW¼ of Section 10 and that part of the E½ of Section 10 which lie northerly and easterly of the right of way of the C. M. St. P. R. R. as it is at present maintained and operated; the N½ of Section 11 and the N½SW¼ of Section 11; and the W½NW¼, SE¼NW¼, NW¼SE¼, and Lots 1 and 2 of Section 12.

*Area Number 9.*—All of the lands and waters lying in Township 85 N., Range 6 E., 5th P. M., locally known as Railroad Island, and described as follows: Lots 1 and 2, Section 15; Lots 1, 2, and 3 and NE¼NE¼, Section 22; Lots 1, 2, 3, 4 and 5, SW¼NW¼, NW¼SW¼, E½SW¼, and W½SE¼, Section 23; Fractional Section 24, Lots 1 and 2, Section 25; Lots 1, 2, and 3, Section 26.

PERMITS—RESTRICTIONS ON TRAPPING, ETC.

Permits for the public trapping of muskrats and minks herein authorized, may be issued without charge by the Superintendent of the Upper Mississippi River Wild Life and Fish Refuge to any qualified person. The issuance of such permits and the privileges conferred thereby shall be further subject to the following restrictions:

1. In the issuance of permits hereunder, preference will be given to persons who have been bona fide residents for a period of six months last past within or near the Refuge.

2. Not more than one permit will be issued to the same individual.

3. Before any permit may be issued, the applicant shall exhibit to the said Superintendent or his representative a valid trapping license from the State in which such trapping is to be conducted, and the applicant shall, in his application for permit, make a sworn statement as to his period of residence in the civil township, village, or city in which he claims such residence.

4. Permits will be valid and authorize public trapping only on the dates specified in the permit.

5. Muskrats and minks may be taken on the Refuge only with traps for capturing the animals alive, or with ordinary spring steel or other traps the use of which is approved by the Superintendent or his authorized representative. The

possession or use within the boundaries of the Refuge of a muskrat spear, or of any similar device by means of which muskrats may be speared, or of any trap or device that does not comply with the requirements of these regulations is prohibited. Prohibited traps and devices found on the Refuge, if not removed therefrom by the owner thereof upon the direction of the Superintendent, will be seized by the Superintendent or his representative.

6. No person shall hunt muskrats or minks with a gun or the aid of a dog, disturb or molest any mink den or disturb or molest any muskrat house, or muskrat feeding house.

7. To run a trap line or to visit traps between sunset and one-half hour before sunrise is prohibited, but each permittee shall visit and inspect each of his traps within the Refuge at least once each day, and at the close of the trapping season each trap shall be taken up and removed from the Refuge.

8. Birds and mammals, other than muskrats and minks, found alive in such traps shall be immediately liberated. Birds or mammals, other than muskrats and minks, found dead or mortally injured, shall be immediately turned over to the Superintendent or his representative.

9. Trappers may not cut any growth on the Refuge except willows for use as trap stakes or drags.

10. Whenever it shall appear advisable for the proper administration of the Refuge, the Superintendent may, in his discretion, terminate trapping on the entire Refuge or any portion thereof, within three days after giving notice to that effect. Thereupon all outstanding permits for trapping muskrats and minks on the area or areas affected shall become null and void.

11. Each permittee not later than December 31, 1937, shall submit to the Superintendent of the Upper Mississippi River Wild Life and Fish Refuge, Winona, Minnesota, a report correctly stating the total number of muskrats and/or minks taken on the Refuge under the permit during the season, together with the name and address of each person or firm to whom such pelts thereof were disposed of and the number disposed of to each such person or firm.

Failure of a permittee to comply with any of the above provisions, or the violation by him of any of the regulations issued under authority of the Act of June 7, 1924 (43 Stat. 650), establishing said Refuge, or of any State laws or regulations applicable to trapping on said Refuge, shall not only render the offender subject to prosecution under said laws or regulations, but shall be sufficient ground for refusal of a permit to such offender during the Federal muskrat and/or mink trapping season next following on said Refuge, or of any other use or privilege on the Refuge for which a permit may be required by regulations.

This Order shall become effective on December 7, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, December 7, 1937.

[F. R. Doc. 37-3562; Filed, December 8, 1937; 12:42 p. m.]

## Farm Security Administration.

[Administrative Order 176, Supplement 3 [1]]

### TEMPORARY GRAZING AGREEMENTS, TEMPORARY CROPPING AGREEMENTS, AND TEMPORARY BUILDING OCCUPANCY AGREEMENTS

1. Effective immediately, regional directors are hereby authorized to exercise all powers (which are exercisable either by the terms of the Agreements themselves or by operation of law) to revoke, modify, or alter Temporary Grazing Agreements, Temporary Cropping Agreements, and Temporary Building Occupancy Agreements for land or buildings acquired in connection with rural resettlement type projects under their jurisdictions. This authority may not be redelegated.

2. When it is found necessary to modify standard FSA forms, approved for use in the making of these Agreements for rural resettlement type projects, regional directors will obtain the approval of the Solicitor through the regional attorney.

[SEAL] WILL W. ALEXANDER, *Administrator.*

Approved, December 7, 1937.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3564; Filed, December 8, 1937; 12:42 p. m.]

[1] Modifies paragraphs 2, 3, and 4 of AO 176 (Suppl. 1) (Rev. 1), 7/6/37.

## SECURITIES AND EXCHANGE COMMISSION.

### SECURITIES ACT OF 1933

#### AMENDMENTS TO RULES 830 AND 835

The Securities and Exchange Commission has amended Rules 830 and 835 of the General Rules and Regulations under the Securities Act. These rules relate to material required in prospectuses for securities registered on Forms A–1 and E–1. The amendment provides that the financial statements of issuers engaged primarily in the business of investing or trading in securities, required to be furnished in the prospectus, be supplemented by information with respect to security holdings, including, among other things, the cost, ledger value and market value. The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly subsections (2), (3) and (4) of Section 10 (b) and Section 19 (a) of the Act, and finding that the requirements as hereinbelow amended regarding information to be contained in prospectuses for the classes of securities and issuers to which such requirements are applicable are necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted under the requirements as hereinbelow amended to be omitted from prospectuses are not necessary or appropriate in the public interest or for the protection of investors for the class of prospectuses and issuers to which such requirements are applicable, hereby amends Rules 830 and 835 as follows:

1. Rule 830 is hereby amended by changing the phrase "all supporting schedules to balance sheets and profit and loss statements" to read as follows:

"all supporting schedules to financial statements, except that if such statements are for a person engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control, the schedules called for by instructions 6 and 11 pertaining to balance sheets shall be included in the prospectus;"

The text of Rule 830, as amended, reads as follows:

"In the case of a security registered on form A–1, information in respect of the following, contained in the registration statement, may be omitted from any prospectus: Items 9; 17; 18; 23, except as to the issue or issues for which the registration statement is filed; 28; 29, except information as of a date within twenty days concerning persons owning more than 10 percent of any class of voting stock of the issuer; 31, except as to principal underwriters; 36; 37; 38; 46; 48; 49; 52, except that the number of subsidiaries and affiliates shall be stated; all supporting schedules to financial statements, except that if such statements are for a person engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control, the schedules called for by instructions 6 and 11 pertaining to balance sheets shall be included in the prospectus; all financial statements and schedules of any unconsolidated subsidiary the total assets of which, as shown by its latest balance sheet filed with the registration statement, amount to less than 15 percent of the total assets of the registrant and its consolidated subsidiaries as shown by the latest consolidated balance sheet filed with the registration statement; and all exhibits."

2. Rule 835 is amended by adding, in subparagraph (a) (5), immediately following the words "all supplemental schedules" and before the semicolon, a comma and the following:

"except that if the financial statements are for a person engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control, the schedules called for by instructions Nos. 3 and 7 of financial statement instructions set No. 1 shall be included in the prospectus;"

The text of subparagraph (a) (5) of Rule 835, as amended, reads as follows:

"(5) Exhibits A to K, inclusive; the supplementary, earlier balance sheets required under exhibits L, N, P, R, T, and W; exhibits M, O, Q, U, and X, including all statements of predecessors who are such under paragraph (2) of definition number 19 in the form (except the most recent profit-and-loss statement of the predecessor most recently owner of each item or group of property), but excepting the profit-and-loss statements for the latest fiscal year and any subsequent period of the registrant, all guarantors, and all predecessors who are such under paragraph (1) of definition number 19 in the form; the unconsolidated financial statements of the registrant and the financial statements of subsidiaries required under exhibit V; all supplemental schedules, except that if the financial statements are for a person engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control, the schedules called for by instructions Nos. 3 and 7 of financial statement instructions set No. 1 shall be included in the prospectus; any schedules or statements submitted in lieu of any of the balance sheets or profit-and-loss statements which may be omitted from the prospectus under this rule."

The foregoing action shall be effective January 3, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3568; Filed, December 8, 1937; 12:47 p. m.]

### SECURITIES ACT OF 1933

#### AMENDMENT NO. 31 TO FORM A–2

The Securities and Exchange Commission has amended the Instructions for Form A–2 with respect to the prospectus. The amendment requires that there be included in the prospectus with respect to persons engaged primarily in the business of investing or trading in securities, a schedule showing the complete list of securities held in the portfolio, the market value of each such security, and the amount at which carried in the balance sheet.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly subsections (2), (3) and (4) of Section 10 (b) and Section 19 (a) of the Act, and finding that the requirements as hereinbelow amended regarding information to be contained in prospectuses for the classes of securities and issuers to which such requirements are applicable are necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted under the requirements as hereinbelow amended to be omitted from prospectuses are not necessary or appropriate in the public interest or for the protection of investors for the class of prospectuses and issuers to which such requirements are applicable, hereby amends the Instruction Book for Form A–2 as follows:

In paragraph 6 (f) under the heading "Instructions as to Prospectuses Other than Newspaper Prospectuses", the word "and" at the end of subparagraph (2) is stricken; at the end of subparagraph (3) there is inserted, in lieu of the period, a semicolon and the word "and"; and immediately following subparagraph (3) a new subparagraph is added as follows:

"(4) Schedule IA if the registrant is engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control."

Paragraph 6 (f) as amended reads as follows:

"(f) All schedules to the respective financial statements other than:

"(1) Schedule VII, which schedule, however, may be expressed in condensed or summarized form if containing numerous items;

"(2) The information required by Columns B and C of Items 1, 2 and 5 of Schedule VIII, and that required by footnote (2) of Schedule VIII, which information shall be set forth by an apposite note to the respective Profit and Loss Statement;

"(3) The information required by Note (1) (c) of Schedule III and Note (1) (b) of Schedule V; and

"(4) Schedule IA if the registrant is engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control."

The foregoing action shall be effective January 3, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3569; Filed, December 8, 1937; 12:47 p. m.]

### SECURITIES ACT OF 1933

#### AMENDMENT TO FORM C–1

The Securities and Exchange Commission has amended Form C–1. The amendment clarifies the requirement calling for the cost of portfolio securities so as clearly to require the cost of each issue to be given.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and deeming that such information or documents as Form C–1, as hereby amended, requires to be set forth, but which are not specified in Schedule A of the Securities Act of 1933, are necessary and appropriate in the public interest and for the protection of investors, and that adoption of this amendment is necessary to carry out the provisions of said Act, hereby amends Form C–1 as follows:

By adding to Note 1 of Exhibit O, immediately following the words "each company", the following, ", the cost thereof,".

Note 1 of Exhibit O as amended reads as follows:

"Furnish also a complete list of the companies whose securities compose the trust property, showing the number and kind of the securities of each company, the cost thereof, and the market price as of the date of the balance sheet."

The foregoing action shall be effective January 3, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3570; Filed, December 8, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1937.

[File Nos. 32-75, 46-82, 46-83]

IN THE MATTER OF KEOKUK ELECTRIC COMPANY, DALLAS CITY LIGHT COMPANY, FORT MADISON ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Keokuk Electric Company, a subsidiary of The North American Company, which is a registered holding company, for exemption of the issuance of its no par value common stock in an aggregate amount equal, at an issue price of $45 per share, to the book value of the property and assets (less liabilities to be assumed) of Fort Madison Electric Company and Dallas City Light Company, which said Keokuk Electric Company proposes to acquire; Fort Madison Electric Company and Dallas City Light Company, affiliate companies of Keokuk Electric Company, having filed applications, pursuant to Section 10 of said Act, for approval of the acquisition by each of said no par common stock, to be issued by Keokuk Electric Company, in aggregate amounts equal, at an issue price of $45 per share, to the property and assets (less liabilities to be assumed) of each company to be acquired by said Keokuk Electric Company; all of the applicants being subsidiaries of Central Mississippi Valley Electric Properties which in turn is a subsidiary of Union Electric Company of Missouri; and said applications having been filed as a part of a plan of reorganization and liquidation by which Dallas City Light Company and Fort Madison Electric Company, upon transfer of their assets to said Keokuk Electric Company, will be liquidated and dissolved and will distribute the stock of said Keokuk Electric Company, to be received by them in exchange for their assets, to Central Mississippi Valley Electric Properties, which company thereupon will be liquidated and dissolved and will distribute such stock to Union Electric Company of Missouri;

*It is ordered*, That a hearing on such matter be held on December 22, 1937, at 2:00 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 18, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3565; Filed, December 8, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D., 1937.

[File No. 43-89]

IN THE MATTER OF NEBRASKA NATURAL GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

Nebraska Natural Gas Company, a subsidiary of North American Light & Power Company, a registered holding company, having filed with this Commission a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of (a) 6,700 shares of its Common Stock having a par value of $100 per share and (b) its 6% ten-year Promissory Note in the principal amount of $850,000; a hearing on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That said declaration be and become effective subject to and in accordance with the terms and conditions and for the purposes represented by said declaration as soon as but not until all action required by all laws of the State of Nebraska or otherwise shall have been taken to make effective the amendment of the declarant's Articles of Incorporation authorizing changes in its capital structure and authorized capital stocks in accordance with the terms and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3566; Filed, December 8, 1937; 12:46 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D., 1937.

[File No. 51-7]

IN THE MATTER OF NEBRASKA NATURAL GAS COMPANY

ORDER PURSUANT TO RULE 12C-2 ADOPTED UNDER SECTION 12 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Nebraska Natural Gas Company, a subsidiary of North American Light & Power Company, a registered holding company, having filed with this Commission an application pursuant to Rule 12C-2 for approval of the declaration and payment of dividends on its common stock out of capital or unearned surplus to the extent of a portion of its net income subsequent to January 1, 1937 as set forth in said application; a hearing on said application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That the declaration and payment by the applicant of such dividends be and the same hereby is approved, subject to the following conditions:

That the declaration and payment of dividends pursuant to this order shall be made in substantial compliance with and for the purposes represented by said application and in accordance with the laws of the State of Nebraska.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3567; Filed, December 8, 1937; 12:46 p. m.]

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***Friday, December 10, 1937*** ***No. 239***

## PRESIDENT OF THE UNITED STATES.

CHATTAHOOCHEE NATIONAL FOREST—GEORGIA

By the President of The United States of America

A PROCLAMATION

WHEREAS it appears that certain lands within the State of Georgia, acquired by the United States, under the authority of the National Industrial Recovery Act, approved July 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), are suitable for forest purposes; and

WHEREAS it appears that it will be in the public interest to reserve such lands for national-forest purposes, and that they can be effectively and economically administered as part of the Chattahoochee National Forest, Georgia, established by Proclamation of July 9, 1936 (1 F. R. 776):

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (16 U. S. C., sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C., sec. 473), the said National Industrial Recovery Act, and the said Emergency Relief Appropriation Act of 1935, do proclaim that the following-described lands are hereby included in and reserved as part of the said Chattahoochee National Forest:



Tracts Nos. 490a, 360, 360a, 861, 332, 131c, and 215d, of the Piedmont Project (LA-GA-3), Georgia, as shown on the accompanying diagram which is made a part hereof.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this seventh day of December in the year of our Lord nineteen hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2263]

[F. R. Doc. 37-3581; Filed, December 9, 1937; 11:19 a. m.]

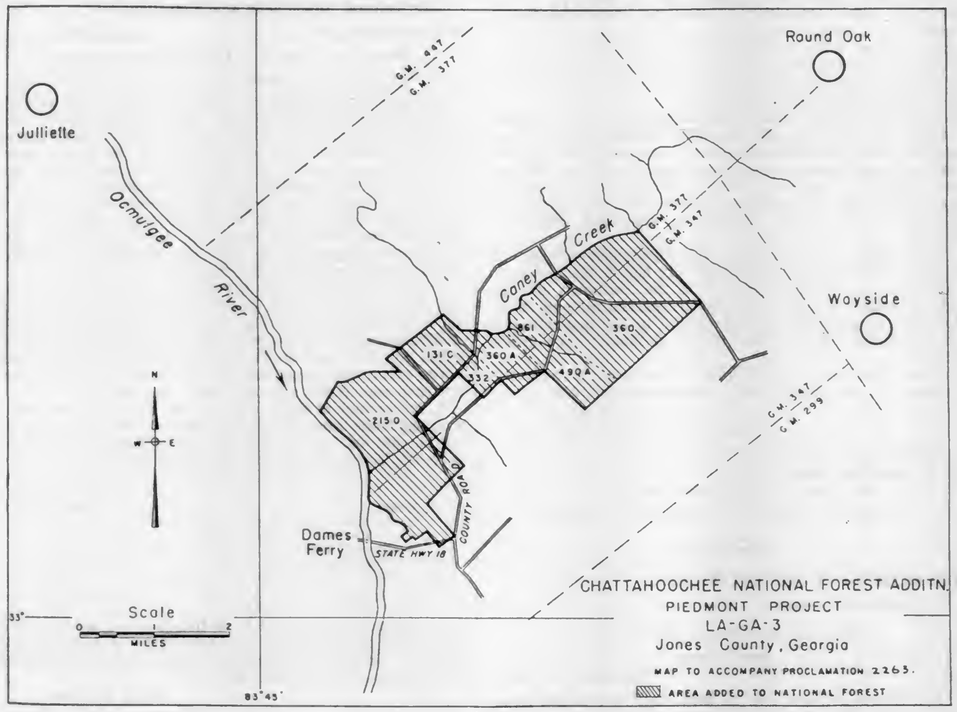


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## TREASURY DEPARTMENT.

**Bureau of Internal Revenue.**

[T. D. 4781]

SUBDIVISION PACKAGES FOR CIGARS AND CIGARETTES

REGULATIONS NO. 8, RELATING TO THE TAXES ON TOBACCO, SNUFF, CIGARS, AND CIGARETTES, ALSO ON CIGARETTE PAPERS AND TUBES AND PURCHASE AND SALE OF LEAF TOBACCO, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Article 76, Regulations No. 8, as revised and approved November 12, 1934, as amended by T. D. 4668, approved July 22, 1936, is further amended to read as follows:

"ART. 76. *Subdivision packages.*—The statutory number of cigars and cigarettes contained in the box or package may be subdivided by the use of paper or ribbon bands. The statutory number of cigars and cigarettes contained in the box or package may be subdivided, also, into parcels as follows:

"(a) Cigars weighing more than three pounds per thousand may be separated into parcels containing not more than ten cigars each. The subdivision parcels may be made of foil, foil paper, wax paper, cellophane, or other unsubstantial material upon which it would be impracticable to print the required factory brand or affix an internal revenue stamp. The subdivision parcels may be made also of lightweight cardboard or other substantial material upon which it is practicable to print the factory brand or to affix an internal revenue stamp, provided the lightweight cardboard or other substantial parcels have cut-out windows or are open at one end.

"(b) Cigarettes (including small cigars weighing not more than three pounds per thousand) may be subdivided into parcels containing a statutory number, i. e., five, eight, ten, twelve, fifteen, sixteen, twenty, twenty-four, forty, fifty, eighty, or one hundred cigarettes or small cigars, provided such subdivision parcels are made of foil, foil paper, wax paper, cellophane, or other unsubstantial material upon which it would be impracticable to print the required factory brand or to affix an internal revenue stamp. Subdivision parcels which do not contain a statutory number of cigarettes or small cigars as enumerated above may be made of the same unsubstantial material as mentioned in the preceding sentence, or the subdivision parcels may be made of lightweight cardboard or other substantial material provided the lightweight cardboard or other substantial subdivisions have cut-out windows, or are open at one end. The above provisions relating to the use of subdivision parcels in packing cigarettes or small cigars do not apply to subdivision parcels containing not more than four cigarettes or small cigars each, when such parcels are prepared by the manufacturer solely for delivery to his agents or representatives and to be distributed exclusively by them directly from the original stamped statutory packages to prospective customers for advertising purposes only.

"(c) The caution notice label (article 84), factory brand (article 85), and classification label (article 86), must not appear on any subdivision parcel of a statutory box or package, but must appear only on the statutory box or package on which the requisite stamp is affixed. No subdivision parcel shall bear any statement which indicates that the tax has been paid on the contents of any such subdivision parcel.

"(d) Cigars and cigarettes when subdivided into parcels must remain in the stamped statutory box or package until they are sold or delivered direct to the consumer, and the whole number of cigars or cigarettes packed in each statutory box or package must correspond to the denomination of the stamp affixed to the box or package. (See article 151.)"

This Treasury Decision is promulgated under the authority contained in section 1101 of the Revenue Act of 1926.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 7, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3591; Filed, December 9, 1937; 1:01 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

IDAHO GRAZING DISTRICT NOS. 2 AND 3

MODIFICATION

DECEMBER 3, 1937.

It is hereby ordered that the modifications of Idaho Grazing Districts Nos. 2 and 3 approved September 22, 1937, be revoked insofar as they affect the following-described land:

IDAHO

BOISE MERIDIAN

*Idaho Grazing District No. 2*

T. 2 S., R. 15 E.,
sec. 13, N½NW¼;
sec. 24, N½NW¼;
T. 4 S., R. 19 E.,
sec. 29, S½NW¼, S½SW¼;
sec. 30, SE¼NE¼, SE¼SE¼;
sec. 31, E½NE¼;
sec. 32, SW¼NW¼;
T. 6 S., R. 19 E.,
sec. 8, SE¼SE¼;
sec. 17, NE¼NE¼;
T. 12 S., R. 32 E.,
sec. 24, SE¼SE¼;
T. 13 S., R. 35 E.,
sec. 28, S½SW¼;
sec. 33, N½NW¼;
T. 8 S., R. 37 E.,
sec. 29, N½NW¼, SE¼NW¼, NE¼SW¼;
T. 8 S., R. 38 E.,
sec. 13, W½E½.

*Idaho Grazing District No. 3*

T. 7 N., R. 36 E.,
sec. 25, W½NW¼;
sec. 26, E½NE¼.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37-3578; Filed, December 9, 1937; 9:31 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

G. S. Q. R., Series 4, No. 8 Issued December 8, 1937

PRORATION OF THE 1937 HAWAIIAN SUGAR DEFICIT

[General Sugar Quota Regulations, Series 4, No. 2, Supplement 4]

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations (constituting a supplement to General Sugar Quota Regulations, Series 4, No. 2, issued September 2, 1937), which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

1. It is hereby determined, pursuant to Section 204 (a) of the said act, that for the calendar year 1937 the Hawaiian sugar producing area will be unable by an amount of 54,123 short tons of sugar, raw value, to market the quota established for that area in General Sugar Quota Regulations, Series 4, No. 2, approved September 2, 1937, and Supplement 3 to such regulations, approved September 16, 1937.

2. An amount of sugar equal to the deficit determined in paragraph one is hereby prorated, pursuant to Section 204 (a) of the said act, to the Mainland Cane Sugar Area, Puerto Rico, the Virgin Islands and Cuba as follows:

| Areas: | *Additional quotas (short tons, raw value)* |
|---|---|
| Mainland Cane Sugar Area (Louisiana and Florida) | 7,245 |
| Puerto Rico | 13,760 |
| Virgin Islands | 154 |
| Cuba | 32,964 |
| Total | 54,123 |

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington this 8th day of December, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3585; Filed, December 9, 1937; 12:44 p. m.]

### Farm Security Administration.

DESIGNATION OF COUNTIES

ILLINOIS

DECEMBER 9, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Illinois State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Fulton, Lee, McLean, St. Clair, Saline, Shelby.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3588; Filed, December 9, 1937; 12:45 p. m.]

DESIGNATION OF COUNTIES

INDIANA

DECEMBER 9, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Indiana State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Fayette, Gibson, White, Whitley.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3586; Filed, December 9, 1937; 12:44 p. m.]

DESIGNATION OF COUNTIES

NEW YORK

DECEMBER 9, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the New York State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Jefferson, Seneca.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3590; Filed, December 9, 1937; 12:45 p. m.]

DESIGNATION OF COUNTIES

OKLAHOMA

DECEMBER 9, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Oklahoma State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Atoka, Caddo, Cleveland, Le Flore, Lincoln, Major, Mayes, McCurtain, Okmulgee, Okfuskee, Washita.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3587; Filed, December 9, 1937; 12:44 p. m.]

DESIGNATION OF COUNTIES

REGION XII

DECEMBER 9, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Farm Security Advisory Committee for Region XII, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Colorado: Bent.
Kansas: Wallace.
Oklahoma: Texas County.
Texas: Floyd, Randall, Wheeler.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3589; Filed, December 9, 1937; 12:45 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 170]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 6, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Maryland 8004W St. Mary | $10,000 |
| Montana 8011C Sanders | 9,000 |
| Nebraska 8025W Saline | 6,000 |
| New Mexico 8009 Curry | 100,000 |
| Pennsylvania 8004C Crawford | 35,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3579; Filed, December 9, 1937; 9:31 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of December, A. D., 1937.

[File No. 43-92]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

ORDER FIXING EFFECTIVE DATE FOR DECLARATION REGARDING ISSUANCE OF SECURITIES

Southern Natural Gas Company, a registered holding company, having filed with this Commission a declaration, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it to a single purchaser of $650,000 aggregate principal amount of its First Mortgage Pipe Line Sinking Fund Bonds, 4½% Series due 1952 at a price of 97¾% of the principal amount thereof; a hearing on said declaration, as amended, having been held after appropriate notice; the record in this matter having been considered; and the Commission having made and filed its findings herein:

*It is ordered*, That said declaration be and become effective forthwith subject to the terms and for the purposes represented by such declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3584; Filed, December 9, 1937; 12:43 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December A. D. 1937.

[File No. 43-90]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY

ORDER PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Southwestern Development Company, a registered holding company, having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue of $2,040,300 of its own 4% unsecured notes in the payment of a proposed dividend on its presently outstanding common stock;

Hearings thereon having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith on the condition, however, that the issue and sale of the aforesaid unsecured notes shall be effected in substantial compliance with the terms and conditions set forth in and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3583; Filed, December 9, 1937; 12:43 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of December, 1937.

[File No. 1-742]

IN THE MATTER OF THE NEW YORK, CHICAGO & ST. LOUIS RAILROAD COMPANY, FIRST MORTGAGE 4% BONDS, DUE OCTOBER 1, 1937

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the First Mortgage 4% Bonds, due October 1, 1937, of The New York, Chicago & St. Louis Railroad Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 o'clock A. M. on January 12, 1938, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3582; Filed, December 9, 1937; 12:48 p. m.]

## UNITED STATES TARIFF COMMISSION.

RULES OF PRACTICE AND PROCEDURE AND LAWS RELATING TO THE TARIFF COMMISSION

RULES OF GENERAL APPLICATION

The Tariff Commission's rules of general application apply (except for a few details, which are indicated) to investigations under the provisions of sections 332, 336, and 337 of title III, part II, of the Tariff Act of 1930. In addition to the rules of general application, rules having specific application to investigations under sections 336 and 337 appear separately hereinafter. It is not feasible to promulgate rules for investigations under section 338. Attention is called to the fact that the law does not require hearings in general investigations under section 332; however, when it is decided to hold hearings in such investigations, notice will be given and the hearings conducted so far as feasible in the same manner as under section 336.

The principal office of the Commission, at Washington, D. C., is open each business day from 9 a. m. to 4:30 p. m., except on Saturday, when the office hours are 9 a. m. to 1 p. m. The Commission may meet and exercise all its powers at any place and may designate one or more of its members or any duly authorized agent or agents to hold hearings or to prosecute any inquiry necessary to its duties. A majority of the Commissioners in office shall constitute a quorum.

*Suspension of Rules*

In an emergency or when in the judgment of the Commission the public interest requires it, the Commission may modify or suspend any of its rules of practice and procedure except such details of procedure as are expressly required by law. Whenever feasible, public notice of such suspension will be given.

*United States Publications as Evidence*

Publications of the United States Government, particularly reports of the Tariff Commission, need not be offered in evidence because the Commission will notice them as public documents. Reference may be made to a document by its title and particular page.

*Confidential Information Not To Be Disclosed*

Trade secrets and processes within the meaning of section 335 of the Tariff Act of 1930 will not be made public.

Furthermore, individual business data which the Commission considers to be of a confidential nature will be withheld from disclosure. All data which persons wish to have considered confidential should be submitted on separate pages, clearly marked "Confidential." The acceptance of any particular information in confidence is within the discretion of the Commission.

*Action Upon Receipt of Application or Complaint*

Receipt of an application for investigation under section 336 or of a complaint under section 337 will be acknowledged by the Secretary of the Commission, and public notice of such receipt will be posted at least 10 days at the principal office of the Commission in Washington, D. C., and at its office in New York City, and published in Treasury Decisions of the Treasury Department, and in Commerce Reports of the Department of Commerce. This public notice will set forth the name or description of the commodity concerned, the date of receipt and the purpose of the application or complaint, and the name of the applicant or complainant. Similar public notice will be given of applications or complaints withdrawn or dismissed. Copies of notices referred to in this paragraph will be mailed to all persons named in the application or complaint concerned.

At the time of posting notice of the receipt of an application or of a complaint, such application or complaint, except for confidential material, will be made available for public inspection at the office of the Commission in Washington, D. C., where it may be read and copied by persons interested.

Applications and complaints may be withdrawn as a matter of course at any time before an investigation pursuant thereto has been ordered by the Commission, but, whether or not an application or complaint shall have been withdrawn, the Commission may order an investigation in any case if in its judgment the public interest so requires. The Commission may also in special cases and for adequate cause allow the withdrawal of an application or complaint after an investigation has been ordered, but the investigation may be continued if deemed by the Commission to be in the public interest. Investigations may be terminated short of formal completion when, in the judgment of the Commission, the public interest so requires.

The Commission will notify the applicant or complainant of its decision to order or not to order the investigation requested. In reaching its decision, the Commission will take into consideration the informaton furnished by the applicant or complaint, the information assembled by its staff, and the information furnished by other persons either in favor of or opposed to the institution of an investigation.

*Scope of Investigations*

In ordering an investigation the Commission will not be confined to the issues presented in an application or a complaint but may broaden, limit, or modify the scope of the investigation.

*Appearances*

Any person showing to the satisfaction of the Commission an interest in the subject matter of an investigation may enter an appearance in such investigation, either in person or by representative at any time before the close of the public hearing relating to the matter involved. Persons participating as witnesses only are not expected to enter appearances.

Requests to enter an appearance shall be filed in writing with the Secretary of the Commission at its office in Washington, D. C., or at any other place where a hearing is held. A written notice of an appearance on behalf of a particular person or persons in a proceeding should be submitted by attorneys or agents desiring to appear for such person or persons.

No register of attorneys or agents who may practice before the Commission is maintained. No application for admission to practice is required. Any person desiring to appear as attorney or agent before the Commission may be required to show to the satisfaction of the Commission his acceptability in that capacity. Any attorney or agent practicing before the Commission, or desiring so to practice, may for good cause shown be suspended or disbarred from practicing before the Commission, but only after he has been accorded an opportunity to be heard in the matter.

No former officer or employee of the Commission who has, as such officer or employee, given personal consideration to an investigation (including preliminary inquiries prior to the institution of an investigation) shall be eligible to appear as attorney or agent before the Commission in such investigation. No former officer or employee of the Commission shall be eligible to appear as attorney or agent before the Commission within 2 years after the termination of such employment unless he has first obtained written consent from the Commission.

*Rehearings, Postponements, Continuances, and Extensions of Time*

The Commission may in its discretion for good cause shown grant rehearings, postponements, or continuances of hearings, or extend the time for doing any act fixed in or pursuant to these rules. Motions or requests for postponements or extensions of time must be filed at least 10 days in advance of the time previously prescribed. Motions for rehearing must be filed within a reasonable time after the Commission's decision in the particular matter.





*Conduct of Public Hearings*

Parties interested may appear at public hearings, either in person or by representative, and produce under oath, evidence relevant and material to the matter or matters with which the investigation is concerned.

After offering evidence, witnesses may be questioned under the direction of the Commission by any member of the Commission, or by any agent designated by the Commission, or by any person who has entered an appearance, for the purpose of assisting the Commission in obtaining the material facts with respect to the subject matter of the investigation.

Evidence, oral or written, submitted at hearings, shall upon the order of the Commission be subject to verification from the books, papers, and records of the parties interested and from any other available sources.

All hearings shall be stenographically reported. The Commission does not have available for distribution transcripts of the records of such hearings. Parties interested may see them at the Commission's office in Washington, D. C., or purchase them from the official reporter.

The Commission may continue any hearing or order such rehearing as it may deem necessary for a full presentation of the facts in any investigation.

*Witnesses and Subpenas*

Unless otherwise ordered by the Commission, witnesses shall be examined orally.

The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

Any member of the Commission may sign subpenas, and members and agents of the Commission, when authorized by the Commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

*Witness Fees and Mileage*

Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking them, except employees of the Commission, shall severally be entitled to the same fees and mileage as are paid for like service in the courts of the United States.

When witnesses are summoned or depositions are taken at the request of a party interested, such party must bear all expenses involved.

*Depositions*

The Commisison may order testimony to be taken by deposition at any stage of an investigation. Depositions may be taken before any person having power to administer oaths and designated by the Commisison. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent and certified in the usual manner by the person taking the deposition. After the deposition has been so certified it shall, together with a copy thereof made by such person or under his direction, be forwarded under seal to the Secretary of the Commission, Washington, D. C., and shall constitute a part of the record in such investigation. A sufficient number of additional copies of depositions must be furnished so that testimony so produced will be available to parties interested.

Briefs of the evidence given by deposition and arguments thereon may be filed in the same manner as briefs of testimony given at a public hearing.

Any person may be compelled to appear and depose and to produce documentary evidence in the same manner that witnesses may be compelled to appear and testify and produce documentary evidence before the Commission.

(See last paragraph under *Witness Fees and Mileage* for provision regarding expenses.)

*Oral Argument*

Oral argument may, in the discretion of the Commission, be heard upon the conclusion of the testimony in a hearing.

The Commission will determine in each instance the time to be allowed for argument and the allocation thereof to the parties interested.

*Commissioners Sitting at Hearings*

Hearings may be conducted by one or more Commissioners or by any duly authorized agent or agents of the Commission, and the record shall be presented for the consideration of the Commission.

*Service*

Except when service by other methods shall be specifically ordered by the Commission, processes of the Commission, service of which is required by law or by the Commission's rules, shall be served by the Secretary of the Commission by registered mail, by registering and mailing a copy thereof addressed to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served. Complaints and findings under section 337 shall be similarly served.

When service cannot be accomplished by registered mail or whenever the Commission shall so direct, processes of the Commission may be served by anyone duly authorized by a Commissioner (a) by delivering a copy of the document to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office of such person, partnership, or corporation. The return post office receipt for such processes, registered and mailed as aforesaid, or the verified return by the person serving such processes, setting forth the manner of said service shall be proof of the service of the document.

RULES APPLYING SPECIFICALLY TO SECTION 336—EQUALIZATION OF COSTS OF PRODUCTION

The following rules are specifically applicable to investigations for the purposes of section 336 of title III, part II, of the Tariff Act of 1930, and apply in addition to the pertinent rules of general application set forth hereinbefore.

*Applications*

Applications for an investigation for the purposes of section 336 may be made by any person, partnership, association, or corporation.

Applications for investigation should be typewritten or printed and must be submitted in duplicate but need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

Applications must clearly state that they are requests for investigation and must name or describe the commodity concerning which an investigation is sought. They should also refer to the tariff provision or provisions applicable to such commodity and should state whether an increase or a decrease in the rate of duty is sought.

*Nature of information to accompany application.*—The applicant must file with his application all supporting information available to him. The filing of such information is required to aid the Commission and does not render unnecessary the investigation which the law requires the Commission to make. As far as practicable information of the character indicated below should be furnished.

1. Comparability of the domestic and foreign articles and the degree of competition between them.
2. Trend of domestic production and sales and of imports.
3. Trend of cost of production and prices in recent years.
4. Evidence of difference between domestic and foreign costs of production of the articles involved. (When considered with reference to sec. 336, the term "cost of production" includes transportation costs and other costs incident to the delivery of the articles to the principal market or markets of the United States.)
5. Areas of greatest competition between the imported and domestic products and the principal market or markets in the United States.
6. Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

NOTE.—See rule dealing with confidential information.

*Public Notice of Investigation*

Public notice shall be given of every investigation ordered by the Commission, and subsequent notices relating thereto, by posting, for not less than 30 days, a copy of the order, at the principal office of the Commission in Washington, D. C., and at its office in New York City, and by publishing the text thereof in "Treasury Decisions," and by announcement thereof in "Commerce Reports."

*Public Hearing*

Reasonable public notice will be given of the time and place set for all hearings in the same manner that notice is given of an order instituting an investigation. In addition, notice of public hearing will be published in the FEDERAL REGISTER. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

Without excluding other factors and with a view to assisting parties interested in preparing for the hearing, the Commission will expect attention to be concentrated upon—

Facts which should be considered in appraising the competitive strength in the markets of the United States of the foreign and domestic articles.

Facts bearing upon the degree of likeness or similarity between grades, classes, and price groups of the American product and the imported article.

Facts bearing on costs of production and importation. Statements of average cost of production may be submitted subject to verification and review in the Commission's investigation. Such statements should include not only the direct costs for materials and labor, commonly termed prime cost, but also indirect costs such as indirect labor, variable factory expenses, fixed expenses, the portion of general and administrative expense chargeable to manufacture, interest on investment, and transportation to market. For the foreign product the expenses incident to importation will also be of interest. Any information which may be available bearing on the general levels of domestic and foreign costs of production, the differential between specific domestic and foreign costs of production, and the extent to which invoice or wholesale prices are reliable evidence of foreign costs, will be pertinent.

The Commission also seeks information to determine—

Principal competing country.
Principal American market or markets.
Representative period of time for cost inquiry.
Other significant advantages or disadvantages in competition.

Finally, parties interested appearing at public hearings are expected to present definite and affirmative information rather than generalities and conjectures.

*Briefs*

Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, 10 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission within 10 days after the close of the hearing.

Briefs not filed with the Commission on or before the date fixed therefor will not be accepted. (See also provisions for briefs under *Depositions.*)

RULES APPLYING SPECIFICALLY TO SECTION 337—UNFAIR PRACTICES IN IMPORT TRADE

The following rules are specifically applicable to investigations for the purposes of section 337 of title III, part II, of the Tariff Act of 1930, and apply in addition to the pertinent rules of general application set forth hereinbefore.



*Complaints*

Complaint and petition for investigation for the purposes of section 337 may be made by any person, partnership, association, or corporation.

Complaints must be made under oath but need not be drawn in any particular form. They must be signed by or on behalf of the complainant and must contain the name, address, and nature of business of the complainant and of the person or persons alleged to violate the law. The location of manufacturing plant or plants should also be stated. Complaints must contain a short and simple statement of the facts constituting the alleged unfair methods of competition or unfair acts. Specific instances of alleged unlawful importations or sales should be given.

To the extent possible, complaints must also contain economic data concerning domestic production and distribution, imports and their distribution, and other pertinent facts such as will indicate: (a) That the domestic industry concerned is efficiently and economically operated and that it is being or is likely to be destroyed or substantially injured by the importations or sales in question; (b) that the alleged unlawful acts are preventing the establishment of an efficiently and economically operated domestic industry; or (c) that the alleged unlawful acts are having the effect or tendency to restrain or monopolize trade and commerce in the United States.

NOTE.—See the rule dealing with confidential information.

The complaint may be amended or further evidence submitted, in the discretion of the Commission, for good cause shown.

Complainants must submit a clear copy of any complaint or amendment thereto for each person alleged to have violated the provisions of section 337, and the Commission may require the supplying of additional copies to be served on persons whose alleged violation of section 337 is called to its attention subsequent to the filing of the complaint. In addition, three copies must be submitted for the official use of the Commission.

*Preliminary Inquiry*

The Commission will make such preliminary inquiry as it shall deem necessary to determine (1) whether the institution of an investigation is warranted and (2) whether the issuance of a temporary order of exclusion from entry (if requested) under section 337 (f) is warranted.

*Answers to Complaints*

After an investigation shall have been ordered, and not before, a copy of the complaint shall be served by the Commission upon any owner, importer, consignee, or agent of either, alleged to violate the provisions of section 337, and such owner, importer, consignee, or agent of either, shall have 30 days, unless otherwise ordered, in which to make written answer under oath and to show cause, if any there be, why the provisions of section 337 should not be applied in respect of the alleged unfair methods of competition and unfair acts set forth in the complaint.

Copies of all answers shall be served by the Commission upon complainants or upon their attorneys.

The Commission reserves the right to determine whether to send copies of complaints to respondents in foreign countries.

*Public Notice of Investigation*

Public notice of the institution of an investigation and of the date set for a hearing shall be given in the same manner as in investigations for the purposes of section 336.

*Briefs*

The Commission will fix a date on or before which briefs may be submitted, which date will be announced at the close of the hearing. Unless otherwise ordered, 20 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission.

Briefs not filed with the Commission on or before the date fixed therefor will not be accepted.

Application for extension of time for submitting briefs shall be filed in writing with the Secretary of the Commission at least 10 days before the date set for submitting briefs and shall set forth fully the reasons for such application.

Copies of all briefs shall be served by the Commission upon all interested parties who have entered appearances or upon their representatives of record.

*Record*

A transcript of the testimony in an investigation, together with the findings and recommendations of the Commission, shall be the official record of the proceedings and findings in the investigation.

Confidential material accompanying a complaint or an answer and exhibits presented at a hearing, but accepted by the Commission as confidential and so marked, will not be considered a part of the record sent to the court in the case of an appeal. (See also Confidential Information.)

*Findings*

Upon the conclusion of an investigation, the Commission shall formulate findings based thereon. When the findings show a violation of the statute, a copy of the findings certified by the Secretary under the seal of the Commission shall be delivered or sent by registered mail promptly to the owner, importer, consignee, or agent of either, found to be guilty of such violation.

Attention is directed to the provision of section 337 (c) authorizing rehearings by the Commission and appeals by the importer or consignee within 60 days to the United States Court of Customs and Patent Appeals upon a question or questions of law only. If no appeal is filed within the time prescribed and no rehearing granted, or if appeal is filed or rehearing granted and the Commission's findings are ultimately affirmed, the findings are then considered final.

*Transmittal to the President*

The final findings of the Commission shall be transmitted with the record to the President for consideration and for action under the statute.

Approved by the Commission and ordered to be printed in the FEDERAL REGISTER, effective as of the date of such publication.

By order of the United States Tariff Commission.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 37-3580; Filed, December 9, 1937; 9:58 a. m.]

*Saturday, December 11, 1937* *No. 240*

## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES [1]

OCTOBER 29, 1937.

1. *Annual operation and maintenance charges.*—The annual operation and maintenance charge for the irrigation season of 1938, and thereafter until further notice, against all lands of the Orland project, California, under public notice, shall be a minimum charge of one dollar and eighty cents ($1.80) per irrigable acre whether water is used thereon or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per acre; and additional water, up to the amount of the surplus natural flow water used prior to the time it becomes necessary to draw upon any storage water, will be furnished at the rate of ten (10) cents per acre-foot and further additional water at the rate of forty (40) cents per acre-foot.

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

2. *Time of payment.*—The minimum charge announced above will be due and payable on or before December 31, 1937, and no water will be delivered until it is paid. Charges for additional water will become due and payable on December 31 following the irrigation season. All charges are subject to the penalties prescribed by subsection H of section 4 of the act of December 5, 1924 (43 Stat. 701) if not paid on or before the due dates stated above. The same terms of payment will apply to further irrigation seasons unless subsequently modified.

3. *Method of billing and payment.*—All charges will be billed direct to the water users and will be payable by them to the Bureau of Reclamation, Orland, California.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 37-3592; Filed, December 10, 1937; 9:34 a. m.]

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## National Bituminous Coal Commission.

[Order No. 112]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 15 AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number 15 having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number 15 having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number 15 and to other evidence and pertinent data relating to the classifications of coals for District Number 15:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number 15, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number 15, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number 15 and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 15 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number 15 to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number 15 and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 9th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3594; Filed, December 10, 1937; 10:01 a. m.]

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[Order No. 113]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER FOURTEEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a), of the Act, and such District Boards having, from cost data submitted by the Statistical Bureau for their respective districts, determined, pursuant to Order Number 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commisison such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 66 the weighted average of the total costs of the tonnage for Minimum Price Area Four in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4, of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 102 determined and established the initial classifications of coals of code members within said District Number Fourteen; the District Board for District Number Fourteen having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission having accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number Fourteen, hereinafter referred to; the said District Board Number Fourteen in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number Fourteen or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4, of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the Minimum Price Area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such Minimum Price Area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Fourteen, set opposite the names of code members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Fourteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Fourteen, and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 27th day of December, 1937.

2. That any code member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced Within District Number Fourteen to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Boards for the districts within Minimum Price Area Four and to code members within District Number Fourteen, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 9th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*



PRICE SCHEDULE NO. 1—DISTRICT NO. 14

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 14, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 a. m., December 27, 1937.

Issued December 10, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 15 cents per net ton shall be made.

6. *Crushed coal.*—Where any coal is crushed the minimum price therefore shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

7. Twenty-five cents per net ton extra shall be charged for all coal hand loaded into box cars.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups—For Shipment Into All Market Areas*

| Size group number | Designation | Sizes | |
|---|---|---|---|
| | | Through [1] | Over [1] |
| 1 | Lump | | 8" |
| 2 | Lump | | 2½". |
| 3 | Grate | 8½" | 4" |
| 4 | Furnace | 8½" | 2" |
| 5 | Egg | 6" | 2" |
| 6 | Stove | 4" | 1¼" |
| 7 | No. 4 Nut | 2½" | 1¼" |
| 8 | No. 1 Nut | 1½" | ¾". |
| 9 | Pea | 1" | ½". |
| 10 | Nut Run (Slack) | 2½" | 0" |
| 11 | Slack | 1¼" | 0" |
| 12 | Slack | ⅞" | 0" |
| 13 | Mine Run | | |
| 14 | Shelly Lump (8 only) | | |
| 15 | Smithing Coal | | |
| 16 | Smithing Coal Sacked | | |

[1] All maximum screened sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the higher size group and priced accordingly.

*Price Index*

GROUP 1

| Name of code member | Coal seam | Location of mine |
|---|---|---|
| Bernice Anthracite Coal Co. | Lower Hartshorne | Russellville, Arkansas. |
| Keeton & Anderson Coal Company. | Lower Hartshorne | Russellville, Arkansas. |
| New Deal Coal Company | Lower Hartshorne | Russellville, Arkansas. |
| Arkansas Anthracite Coal Co. | Lower Hartshorne | Russellville, Arkansas. |

GROUP 2

| | | |
|---|---|---|
| Blue Blaze Coal Company | Lower Hartshorne | Clarksville, Arkansas. |
| Collier Dunlap Coal Company | Lower Hartshorne | Clarksville, Arkansas. |
| Fernwood Coal Mining Company. | Lower Hartshorne | Clarksville, Arkansas. |
| Ra-Ja-Da Anthracite Company | Lower Hartshorne | Clarksville, Arkansas. |
| Smokeless Coal Company, Inc. | Lower Hartshorne | Clarksville, Arkansas. |
| Harding Coal Company | Lower Hartshorne | Clarksville, Arkansas. |
| Diamond Anthracite Coal Co. | Lower Hartshorne | Clarksville, Arkansas. |
| Jamestown Mining Company | Lower Hartshorne | Clarksville, Arkansas. |
| Sterling Coal Company | Lower Hartshorne | Clarksville, Arkansas. |
| D. A. McKinney Coal Company | Lower Hartshorne | Clarksville, Arkansas. |

*Price Index*—Continued

GROUP 3-A

| Name of code member | Coal seam | Location of mine |
|---|---|---|
| Eureka Coal Company | McAlester | Paris, Arkansas. |
| Jewel Mining Company | McAlester | Paris, Arkansas. |
| Paris Purity Coal Company | McAlester | Paris, Arkansas. |
| New Superfuel Coal Company | McAlester | Paris, Arkansas. |
| Dixie Fuel Company | McAlester | Paris, Arkansas. |
| New Union Coal Company | McAlester | Paris, Arkansas. |
| New Shockley Coal Company | McAlester | Paris, Arkansas. |
| Sullivan Coal Company | McAlester | Paris, Arkansas. |
| Mack Coal Company | McAlester | Paris, Arkansas. |
| Watson Coal Company | McAlester | Paris, Arkansas. |
| Carbon Coal Company #1 | McAlester | Paris, Arkansas. |
| Johnson & Green Coal Company | McAlester | Paris, Arkansas. |
| Quality Coal Company (Altus) | Lower Hartshorne | Altus, Arkansas. |

GROUP 3-B

| | | |
|---|---|---|
| Carbon Coal Company #2 | McAlester | Paris, Arkansas. |
| K. & S. Coal Co.—less 2% | Lower Hartshorne | Prairie View, Arkansas. |
| Liberty Coal Company | Lower Hartshorne | Altus, Arkansas. |
| A. & M. Coal Company | McAlester | Paris, Arkansas. |
| Ideal Coal Company | McAlester | Paris, Arkansas. |
| Blue Star Coal Company | Lower Hartshorne | Altx, Arkansas. |
| R. H. Smith Coal Company | Lower Hartshorne | Altus, Arkansas. |
| Black Diamond Coal Company [1] | Lower Hartshorne | Altus, Arkansas. |
| Stewart Coal Company (L. S.) [1] | Lower Hartshorne | Altus, Arkansas. |

[1] Stewart Coal Company, Group 3-B—(L. S.) indicates lower seam.

GROUP 3-C

| | | |
|---|---|---|
| Victor Coal Company | McAlester | Paris, Arkansas. |
| Economy Coal Company | McAlester | Paris, Arkansas. |

GROUP 3-D

| | | |
|---|---|---|
| O. C. Pickartz Coal Company | McAlester | Ozark, Arkansas. |
| Robert Thompson Coal Company | McAlester | Ozark, Arkansas. |
| Green Coal Company | McAlester | Ozark, Arkansas. |
| Jeff Grigg Coal Company | McAlester | Ozark, Arkansas. |
| S. W. Smith Coal Company | McAlester | Ozark, Arkansas. |

GROUP 4-A

| | | |
|---|---|---|
| Excelsior Mining Corporation | Upper Hartshorne | Excelsior, Arkansas. |
| Excelsior Smokeless Coal Co. | Upper Hartshorne | Excelsior, Arkansas. |
| Eastern Excelsior Coal Company | Upper Hartshorne | Excelsior, Arkansas. |

GROUP 4-B

| | | |
|---|---|---|
| Sun Smokeless Coal Company | Upper Hartshorne | Excelsior, Arkansas. |
| Boyd Excelsior Operating Co. | Upper Hartshorne | Excelsior, Arkansas. |
| Quality Coal Company #2 | Upper Hartshorne | Excelsior, Arkansas. |

GROUP 4-C

| | | |
|---|---|---|
| Boyd-Sicard Coal Company | Upper Hartshorne | Excelsior, Arkansas. |
| Hackett Excelsior Coal Co. | Upper Hartshorne | Excelsior, Arkansas. |

GROUP 4-D

| | | |
|---|---|---|
| Arkansas Excelsior Coal Co. | Upper Hartshorne | Excelsior, Arkansas. |
| Excelsior Thin Vein Coal Co. | Upper Hartshorne | Excelsior, Arkansas. |

GROUP 4-E

| | | |
|---|---|---|
| Suhlett Coal Company | Upper Hartshorne | Excelsior, Arkansas. |
| Mellmier Mining Company | Upper Hartshorne | Excelsior, Arkansas. |
| Oliver-McQuire Coal Company | Upper Hartshorne | Excelsior, Arkansas. |
| Excelsior Valley Coal Corp. | Upper Hartshorne | Excelsior, Arkansas. |
| New Excelsior Coal Company | Upper Hartshorne | Excelsior, Arkansas. |

GROUP 5-A

| | | |
|---|---|---|
| Bates Mining Company | Lower Hartshorne | Bates, Arkansas. |
| Acme Semi Anth. Coal Company | Lower Hartshorne | Bates, Arkansas. |
| Lefore Potean Coal Company | Panama | Potean, Oklahoma. |
| Royal Smokeless Coal Company | Panama | Poteau, Oklahoma. |
| Quality Coal Company | Panama | Poteau, Oklahoma. |
| J. F. Turnipseed Coal Co's., Nos. 1, 2, and 3. | Panama | Poteau, Oklahoma. |
| Dane Coal Company | Panama | Poteau, Oklahoma. |
| Black Diamond Coal Company | Panama | Poteau, Oklahoma. |
| Pioneer Coal Company | Panama | Poteau, Oklahoma. |
| A. D. Clark Coal Company | Upper Hartshorne | Panama, Oklahoma. |
| Buck Creek Coal Mining Co. | Upper Hartshorne | Panama, Oklahoma. |
| Keener Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| Gillis Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |

*Price Index*—Continued

GROUP 5-B

| Name of code member | Coal seam | Location of mine |
|---|---|---|
| Little Ben Coal Company | Lower Hartshorne | Midland, Arkansas. |
| Midland Coal Mining Company | Lower Hartshorne | Midland, Arkansas. |
| Great Western Coal Company | Lower Hartshorne | Bonanza, Arkansas. |
| R. A. Young & Son Coal Co. | Lower Hartshorne | Jenny Lind, Arkansas. |

GROUP 6-A

| | | |
|---|---|---|
| Premium Smokeless Coal Co. | Lower Hartshorne | Bokoshe, Oklahoma. |
| Banner Mining Company | Lower Hartshorne | Bokoshe, Oklahoma. |

GROUP 6-B

| | | |
|---|---|---|
| Sans Bois Coal Company | Lower Hartshorne | McCurtain, Oklahoma. |
| Jackson Coal Company | Upper Hartshorne | Midland, Arkansas. |

GROUP 7-A

| | | |
|---|---|---|
| Sam Harlan Coal Company | McAlester | Paris, Arkansas. |
| Coaldale Smokeless Coal Co. | Lower Hartshorne | Coaldale, Arkansas. |
| Fort Smith-Bonanza Coal Co. #135. | Lower Hartshorne | Bonanza, Arkansas. |
| Pete Martindale Coal Company | McAlester | Paris, Arkansas. |
| Royal Superior Coal Mining Company (solid shot). | Lower Hartshorne | Heavener, Oklahoma. |
| Russell-Grayston Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| Braun & Son Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| Eastern Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| S. A. R. Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| Bell Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| Lewis Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| Meyers Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| Acme Coal Company | Lower Hartshorne | Coal Hill, Arkansas. |
| Stewart Coal Company (U. S.) [1] | Upper Hartshorne | Denning, Arkansas. |
| C. W. Bevel Coal Company | Lower Hartshorne | Bokoshe, Oklahoma. |
| R. J. Moore Coal Company | McAlester | Paris, Arkansas. |
| R. B. Turner Coal Company | McAlester | Paris, Arkansas. |
| Blake Timmons Coal Company | McAlester | Paris, Arkansas. |
| Bill Koch Coal Company | McAlester | Paris, Arkansas. |
| J. H. Canady Coal Company | McAlester | Paris, Arkansas. |
| Robert Cooper Coal Company | McAlester | Paris, Arkansas. |
| R. B. Scott Coal Company | McAlester | Paris, Arkansas. |
| A. D. Clark Coal Company #2 | Lower Hartshorne | Tahona, Oklahoma. |

[1] Stewart Coal Company, Group 7-A—(U. S.) indicates upper seam.

GROUP 7-B

| | | |
|---|---|---|
| Lee Elder Coal Company | Lower Hartshorne | Heavener, Oklahoma. |
| Dawes Bros. Coal Company | Lower Hartshorne | Howe, Oklahoma. |
| North Milton Coal Company | Lower Hartshorne | Milton, Oklahoma. |
| Sugar Creek Coal Company | Panama | Heavener, Oklahoma. |

GROUP 7-C

| | | |
|---|---|---|
| Spessard & Henry Coal Company | Lower Hartshorne | Huntington, Arkansas. |
| John Turner Coal Company | Lower Hartshorne | Huntington, Arkansas. |
| Jink Jones Coal Company | Lower Hartshorne | Huntington, Arkansas. |
| Penny Freeman Coal Company | Lower Hartshorne | Huntington, Arkansas. |
| White-Bates Coal Company | Lower Hartshorne | Hartford, Arkansas. |
| Couch Coal Company | Lower Hartshorne | Hartford, Arkansas. |
| Thompson & Dupont Coal Company. | Lower Hartshorne | Hartford, Arkansas. |
| A. M. Hobbs Coal Company | Lower Hartshorne | Hartford, Arkansas. |
| M. J. Hobbs & Son Coal Company. | Lower Hartshorne | Midland, Arkansas. |
| Hunter Coal Company | Lower Hartshorne | Hartford, Arkansas. |
| Lewis & Rush Coal Company | Lower Hartshorne | Hartford, Arkansas. |
| Leo Bach Coal Company | Lower Hartshorne | Midland, Arkansas. |
| W. H. Mellmier Coal Company | Lower Hartshorne | Hartford, Arkansas. |
| Bill Burch Coal Company | Lower Hartshorne | Montreal, Arkansas. |
| Petty & McClain Coal Company | Lower Hartshorne | Jenny Lind, Arkansas. |
| J. B. McKnown Coal Company | Lower Hartshorne | Midland, Arkansas. |
| Looper Coal Company | Lower Hartshorne | Huntington, Arkansas. |
| Weaver & Knauls Coal Company | Lower Hartshorne | Huntington, Arkansas. |
| F. P. Bennight Coal Company | Lower Hartshorne | Jenny Lind, Arkansas. |
| Fort Smith-Bonanza Coal Co. #1 | Lower Hartshorne | Bonanza, Arkansas. |
| Fort Smith-Bonanza Coal Co. #2 | Lower Hartshorne | Bonanza, Arkansas. |
| Clay Coal Company | Lower Hartshorne | Jenny Lind, Arkansas. |
| John B. Murney Coal Company | Lower Hartshorne | Jenny Lind, Arkansas. |
| Little Three Coal Company | Lower Hartshorne | Jenny Lind, Arkansas. |
| S. A. McAdoo Coal Company | Lower Hartshorne | Barling, Arkansas |

GROUP 8

| | | |
|---|---|---|
| Charleston Coal Company | Charleston | Charleston, Arkansas. |

GROUP 9

| | | |
|---|---|---|
| Geo. McAlpine Coal Company | McAlester | Stigler, Oklahoma. |
| Kanima Smithing Company | McAlester | Stigler, Oklahoma. |
| Midway Coal Company | McAlester | Stigler, Oklahoma. |



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas, Size Group*

| Mine | Group | Over 3" lump | 2½" lump | Grate | Furnace | Egg | Stove | Nut no. 4 | Nut no. 1 | Buckwheat—Pea | Nut—Run | Slack | Slack | Mine—Run |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) |
| 1 | R [1] | | | | | | | | | | | | | |
| 2 | R-T | | | 470 | 485 | 495 | | 520 | 460 | | | | 200 | |
| 3-A | R-T | 475 | 475 | 485 | 485 | 485 | 375 | 390 | 290 | 185 | 135 | 95 | 80 | |
| 3-B | R-T | 455 | 455 | 465 | 465 | 465 | | 370 | 250 | 185 | 135 | 95 | 80 | |
| 3-C | R-T | 440 | 440 | 450 | 450 | 450 | | 360 | 250 | 185 | 135 | 95 | 80 | |
| 4-A | R | 440 | 440 | 440 | 440 | 440 | | 365 | 235 | 185 | 135 | 115 | 105 | |
| 4-D | R | 420 | 420 | 420 | 420 | 420 | | 355 | 235 | 185 | 135 | 115 | 105 | |
| 4-C | R-T | 380 | 380 | 380 | 380 | 380 | | | | | 135 | 115 | 105 | |
| 5-A | R | 425 | 425 | 425 | 425 | 425 | | 365 | 235 | 185 | 135 | 115 | 105 | |
| 5-B | R | 415 | 415 | 415 | 415 | 415 | | 355 | 235 | 185 | 135 | 115 | 105 | |
| 6-A | R | 400 | 400 | 400 | 400 | 400 | | 345 | 235 | 185 | 135 | 115 | 105 | |
| 6-B | R | 385 | 385 | 385 | 385 | 385 | | 330 | 235 | 185 | 135 | 115 | 105 | |
| 7-A | R-T | 370 | 350 | 360 | 360 | 360 | | 310 | 235 | 185 | 135 | 115 | 105 | 270 |
| 7-B | R-T | 360 | 340 | | | | | | | | 135 | 115 | 105 | 270 |
| 7-C | R-T | 350 | 330 | | | | | | | | 135 | 115 | 105 | |
| 8 | R | | 355 | | | | | | | | | | | 390 |
| 9 | R-T | | 435 | | | | | | | | | | | |

[1] Prices for this group same as group 2 R-T.

Group 14, Shelly Coal, 330 (8 only).
Group 15, Smithing Coal—Carloads, 500.
Group 16, Smithing Coal—Carloads, 650 (if sacked).

[F. R. Doc. 37-3595; Filed, December 10, 1937; 10:01 a. m.]

[Order No. 114]

AN ORDER MODIFYING ORDER NO. 101, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 13 IN RESPECT TO RAILROAD LOCOMOTIVE FUEL

The National Bituminous Coal Commission having by its Order No. 101 established the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 13 incorporated therein by reference, and the Commission having upon its own motion reviewed the Railroad Locomotive fuel prices described on pages number 28 and 41 [1] of such Schedule of Minimum Prices for Coals of Code Members Produced within District Number 13, and the Commission having determined that to more effectively carry out the provisions of subsections (a) and (b) of Part II of Section 4 of the Act, minimum prices for said Railroad Locomotive fuel should be revised as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 13 be and the same hereby is revised and amended by striking therefrom at pages number 28 and 41 the following provisions as to minimum prices of Railroad Locomotive fuel (Alabama mines), at page number 28,[2] and identical provisions for the Minimum prices of Railroad Locomotive fuel (Tennessee-Georgia mines), at page number 41,[3] to-wit:

"All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.40 per net ton of 2,000 lbs. f. o. b. mines.

"Lump or any double screened coal ordered or sold for Locomotive fuel, shall take a minimum price of $2.55 per net ton of 2,000 lbs. f. o. b. mines."

and inserting in lieu thereof the following provisions, to-wit:

"All coal, except lump or double screened sizes, sold for on-line Railroad Locomotive fuel shall take a minimum price of $2.35 per net ton of 2,000 lbs. f. o. b. mines, and such coal sold for off-line Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. f. o. b. mines.

"Lump or any double screened coal ordered or sold for on-line Locomotive fuel shall take a minimum price of $2.50 per net ton of 2,000 lbs. f. o. b. mines, and such coal ordered or sold for off-line Locomotive fuel shall take a minimum price of $2.30 per net ton of 2,000 lbs. f. o. b. mines."

2. That the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to the Secretaries of the Bituminous Coal Producers Boards for the Districts within Minimum Price Areas Number One, Two and Three, and to all Code Members within District Number 13; shall cause copies of this order to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 9th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[1] Pages 2660, 2662, in the FEDERAL REGISTER.
[2] 2 F. R. 2660.
[3] 2 F. R. 2662.

[F. R. Doc. 37-3596; Filed, December 10, 1937; 10:02 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Docket No. DI-134]

DECLARATION OF INTENTION OF THE WISCONSIN PUBLIC SERVICE CORPORATION

ORDERING REOPENING HEARING

The Commission having before it a petition filed on behalf of the State of Wisconsin on December 8, 1937, for reopening the hearing on the declaration of intention filed May 27, 1937, by the Wisconsin Public Service Corporation of Milwaukee, Wisconsin, under Section 23 (b) of the Federal Power Act, for the reconstruction of an existing timber and rock-fill dam at Tomahawk, in Lincoln County, Wisconsin, and the construction of a new power house, substation and accessories, said dam to be in and across the Wisconsin River;

It is ordered:

That the hearing on said declaration of intention and all matters pertinent thereto be reopened beginning at 10 a. m. on January 10, 1938, in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., for the presentation of further evidence.

Adopted by the Commission on December 8, 1937.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 37-3593; Filed, December 10, 1937; 9:34 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2576]

IN THE MATTER OF PENNSYLVANIA WHISKEY DISTRIBUTING CORPORATION

ORDER APPOINTING EXAMINER AND SETTING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, December 13, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3598; Filed, December 10, 1937; 10:14 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washing, D. C., on the 7th day of December A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3220]

IN THE MATTER OF GUS STEPHENS, TRADING UNDER THE FIRM NAME AND STYLE OF TESTED SPECIALTIES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, December 16, 1937, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3600; Filed, December 10, 1937; 10:15 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of December A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 1612]

IN THE MATTER OF J. A. STRANSKY AND L. G. STRANSKY, COPARTNERS, TRADING UNDER THE FIRM NAME AND STYLE OF J. A. STRANSKY MANUFACTURING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, December 21, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 921, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3597; Filed, December 10, 1937; 10:14 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3093]

IN THE MATTER OF UNITED CORPORATION, A CORPORATION TRADING AS THE VIRGINIA PRODUCTS COMPANY, AND GEORGE M. CRUMP, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, December 17, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3599; Filed, December 10, 1937; 10:14 a. m.]



## INTERSTATE COMMERCE COMMISSION.

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

DECEMBER 4, 1937.

It appearing that by petitions received from interested parties certain new and amended regulations are proposed for our approval pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), covering the packing, marking, loading, handling while in transit, and to determine whether the proposed changes are in accord with the best known means for securing safety in transit,—

The above entitled proceeding is assigned for hearing on January 6, 1938, at 10 o'clock a. m. (standard time), at the office of the Interstate Commerce Commission, Washington, D. C., before Commissioner McManamy and Special Examiner King.

Under provision of the Explosives Act, the Commission may utilize the services of the Bureau of Explosives, Association of American Railroads. In the interest of expediency and in order that the time of the Commission may be reasonably conserved, the Bureau of Explosives will be prepared to confer with interested shippers and others at the office of the Commission, Washington, D. C., at 10:00 a. m. (standard time) on January 5, 1938, when opportunity will be afforded all interested parties to discuss, and if possible agree upon, the amendments proposed.

Attached is copy of proposed new and amended regulations.[1] Further copies may be secured upon application to the Commission or the Bureau of Explosives, 30 Vesey Street, New York City.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3602; Filed, December 10, 1937; 12:14 p. m.]

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At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3rd day of November A. D. 1937.

ORDER IN THE MATTER OF BLOCK-SIGNAL, TRAIN-CONTROL, AND TRAIN-ORDER STATISTICS

The order of September 20, 1929, In the Matter of Block-Signal, Train-Control, and Train-Order Statistics, being under consideration;

*It is ordered*, That said order of September 20, 1929, be, and it is hereby, amended to read as follows:

*It is ordered*, That the information called for below be furnished the Commission by all carriers by rail subject to the Interstate Commerce Act not later than January 15 of each year, namely:

A statement as of January 1, of each year, of railroad lines or parts of lines operated under the block system, interlocking and automatic train-stop, train-control, and cab-signal systems; also a statement of railroad lines and parts of lines on which orders regulating the movement of trains, commonly called "train orders", are transmitted by telegraph or telephone, as set forth in the instructions and report forms accompanying this order.[2]

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3603; Filed, December 10, 1937; 12:14 p. m.]

[1] The proposed new and amended regulations were a part of the original document filed with the Division of the Federal Register, The National Archives.

[2] Instructions and report forms were a part of the original document filed with the Division of the Federal Register, The National Archives; copies available upon application to the Interstate Commerce Commission.



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[Ex Parte No. 125]

NOTICE REGARDING PULLMAN FARES AND CHARGES, 1937

DECEMBER 8, 1937.

The above-entitled proceeding is assigned for hearing on the dates and at the places hereinafter designated:

Washington, D. C., before Division 7, December 20, 1937, at the offices of the Commission.

NOTE.—It is expected that at this hearing only testimony in chief, on behalf of the applicant Pullman Company, will be received, without cross-examination at this time. Testimony in opposition should be reserved for later hearings; cross-examination of witnesses for the applicant Pullman Company will be held at Chicago, as hereinafter specified.

Los Angeles, Calif., before Commissioner Aitchison, January 11, 1938, at the offices of the Railway Commission of the State of California, State Building, North Broadway, near Front Street.

Portland, Oregon, before Commissioner Porter, January 15, 1938, at the Multnomah County Court House.

Salt Lake City, Utah, before Commissioners Aitchison and Porter, January 18, 1938, at Hotel Utah.

New Orleans, Louisiana, before Commissioner Caskie, January 21, 1938, at Hotel Jung.

Chicago, Illinois, before Division 7, January 24, 1938, at Hotel Morrison.

Washington, D. C., before Division 7, February 7, 1938, at the offices of the Commission.

All hearings scheduled to begin at 10:00 o'clock A. M. (Standard Time).

It is expected that oral argument before the Commission will follow the conclusion of testimony at once, or as soon as the oral argument in Docket Ex Parte No. 123, *Fifteen Percent Case, 1937*, is concluded; briefs (or memoranda) conforming to the rules of practice may be filed within ten days after oral argument.

Attention is directed to the appendix annexed, containing instructions to parties who may appear herein.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

*Exhibits.*—In the preparation of exhibits Rule XIII of the rules of practice should be followed. A copy of that rule is attached. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory, in order to minimize the amount of time required for explanation by oral testimony.

*Prepared statements.*—Witnesses who expect in the course of their testimony to read a written statement should have sufficient copies thereof for the use of counsel, the Commissioners on the bench, and the official reporter.

*Verified statements (affidavits).*—Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will also be received by consent of counsel. As soon as practicable parties desiring to offer such statements shall send 10 copies to the Commission and 75 copies to Mr. L. M. Greenlaw, counsel for the applicant, Pullman Bldg., Chicago, Ill. Within 10 days from receipt, Mr. Greenlaw will advise the party submitting the statement and the Commission whether there is objection to the receipt of such statement in evidence. Copies must also be furnished to other interested parties who request them. Such statements should conform to Rule XIII of the rules of practice in respect of style, mimeographing, printing, etc. *They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded.*—The Commission on its own motion or on objection may exclude a

verified statement or any portion thereof which is not material or relevant to the questions presented in this proceeding, is obviously incompetent, or is argumentative in character. The consent to introduction of such a verified statement will make it unnecessary for the affiant to appear personally at the hearing.

*Notice of intention to produce testimony.*—Persons who desire to be heard at any of these hearings will facilitate the arrangements necessary by sending notice of their intention, the number of witnesses, and the approximate amount of time necessary for presentation of direct testimony.

*Correspondence.*—Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, Ex Parte No. 125.

RULE XIII, RULES OF PRACTICE (IN PART)

(c) 1. *Tariffs; offer of matter contained in schedules.*—In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff schedules so on file.

2. *Reference in exhibits to tariff authority, routes, and distances.*—All exhibits showing rates, fares, charges, or other tariff provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff authority therefor, and if distances are shown must also show the authority therefor and, by lines and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff schedule lawfully on file with the Commission, or are definitely ascertainable from a tariff schedule on file with the Commission showing rates prescribed by the Commission and based on short line distances, provided the exhibit makes specific reference to such tariff schedules as provided by this rule.

(d) *Copies of exhibits furnished opposing counsel.*—When exhibits of a documentary character are to be offered in evidence copies must be furnished to opposing counsel, unless the presiding Commissioner or Examiner otherwise directs. Whenever practicable, the parties should interchange copies of exhibits before or at the commencement of the hearing.

(e) *Size, form, and identification of exhibits; relevancy, materiality; not argumentative.*—All exhibits of a documentary character received in evidence are bound with the rest of the record in covers of uniform size. Whenever practicable they should be on one side only of sheets not exceeding 12½ inches from top to bottom by 22 inches in width, and a sufficient margin for binding, preferably 1½ inches, must be left blank on the left side of each sheet. They must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten. If typewritten they must in other respects conform to the requirements of Rule XXI (b). Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered, and, if the exhibit consists of five or more sheets, the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit and should bear an identifying number, letter, or short title which will readily distinguish the exhibit from the other exhibits of the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should be limited to statements of fact relevant and material to the issue, which can be shown in that form better than by oral testimony. They should not be argumentative.

[F. R. Doc. 37-3604; Filed, December 10, 1937; 12:14 p. m.]

## RAILROAD RETIREMENT BOARD.

REGULATIONS GOVERNING ELECTIONS OF JOINT AND SURVIVOR ANNUITIES PURSUANT TO SECTION 4 OF THE RAILROAD RETIREMENT ACT OF 1937

The Railroad Retirement Act of 1937 provides in part as follows:

JOINT AND SURVIVOR ANNUITY

SEC. 4. An individual whose annuity shall not have begun to accrue may elect prior to January 1, 1938, or at least five years before the date on which his annuity begins to accrue, or upon furnishing proof of health satisfactory to the Board, to have the value of his annuity apply to the payment of a reduced annuity to him during life and an annuity after his death to his spouse during life equal to, or 75 per centum of, or 50 per centum of such reduced annuity. The amounts of the two annuities shall be such that their combined actuarial value as determined by the Board shall be the same as the actuarial value of the single-life annuity to which the individual would otherwise be entitled. Such election shall be irrevocable, except that it shall become inoperative if the individual or the spouse dies before the annuity begins to accrue or if the individual's marriage is dissolved or if the individual shall be granted an annuity under subdivision 3 of section 2 (a); Provided, however, That the individual may, if his marriage is dissolved before the date his annuity begins to accrue, or if his annuity under subdivision 3 of section 2 (a) ceases because of failure to make the required proof of disability, make a new election under the conditions stated in the first sentence of this subsection. The annuity of a spouse under this subsection shall begin to accrue on the first day of the calendar month in which the death of the individual occurs.

Pursuant to the authority conferred by such Section 4 and by Section 10 of the Railroad Retirement Act of 1937, the Railroad Retirement Board hereby prescribes the following rules and regulations to govern elections of joint and survivor annuities under the Railroad Retirement Act of 1937:

1. *Definition of election.*—An election of a joint and survivor annuity shall have been made when the individual entitled thereto (*a*) shall have made a choice to have the value of his annuity at accrual applied to the payment of a reduced annuity to him during life and an annuity after his death to his spouse during life; (*b*) shall have made a choice whether the value of his annuity at accrual shall be applied to the payment of an annuity to him during life so reduced as to provide for an annuity after his death to his spouse equal to such reduced annuity, or 75 per centum of such reduced annuity, or 50 per centum of such reduced annuity; (*c*) shall have made such choice with knowledge of the essence of the transaction; (*d*) and shall have communicated such choice in writing, clearly and unambiguously, to the Railroad Retirement Board; (*e*) all within the time provided in section 4 of the Railroad Retirement Act of 1937.

2. *Communication to the Railroad Retirement Board.*—Communication of the choice as hereinabove set forth may be made by signature in the appropriate space provided on Railroad Retirement Board Form AA–1 (as adopted February 4, 1936, or as thereafter from time to time revised), or by the due execution of Railroad Retirement Board Form AA–10, or by the execution of any legible writing clearly and unambiguously stating that the choice has been made; any such communication shall become effective as a communication upon its receipt by the Railroad Retirement Board. In the event that the communication takes a form other than the execution of the AA–1 or the AA–10 form referred to above, the individual will be required, where possible, to verify the communication by the execution of Railroad Retirement Board Form AA–10.

3. *Prima facie evidence of further elements of election.*—Receipt of a communication as set forth above shall constitute *prima facie* evidence of the existence of all the elements of an election as defined in paragraph 1 hereof. Whenever such *prima facie* evidence becomes conclusive or is confirmed as hereinafter provided, an election shall have been made on the date on which the communication containing such *prima facie* evidence is received by the Railroad Retirement Board.

4. *Confirmation of prima facie evidence.*—Upon receipt of a communication as hereinbefore described, the Railroad Retirement Board will advise the individual of the nature of the transaction and will solicit his confirmation of the existence of all the elements of an election. Upon receipt of such confirmation by the Railroad Retirement Board, an election shall be conclusively established to have been made on the date the original communication as hereinabove described was received by the Railroad Retirement Board.

5. *Prima facie evidence to become conclusive under certain circumstances.*—The *prima facie* evidence of the existence of the elements of an election contained in a communication as hereinabove set forth shall become conclusive without confirmation in any of the following circumstances:

(*a*) If the individual dies before confirmation or rebuttal is received by the Railroad Retirement Board.

(*b*) If an intervening right of the spouse to a survivor annuity is asserted on the basis of such *prima facie* evidence. In any case in which the individual seeks to rebut the *prima facie* evidence and to claim an annuity less favorable to the spouse, he shall be required to furnish evidence that no intervening right is asserted by obtaining the signature of the spouse upon Railroad Retirement Board Form LD–1 attached to these regulations; except that no such evidence shall be required in the event that any election which might be asserted to have been made becomes inoperative by law through the award of an annuity under subdivision 3 of section 2 (a) of the Railroad Retirement Act of 1937.

(*c*) If no confirmation or rebuttal is received by the Railroad Retirement Board within thirty days from the date on which a solicitation of confirmation is mailed to the individual at the address furnished by him, except upon a conclusive showing of special and unusual circumstances depriving the individual of an opportunity to indicate rebuttal within such thirty days.

6. *Rebuttal of prima facie evidence.*—In order to rebut the *prima facie* evidence of the existence of all the elements of an election contained in a communication as hereinabove described, the individual will be required to furnish evidence convincing to the Railroad Retirement Board that some element or elements of an election, as defined in paragraph 1 of these regulations, did not exist. If the elements of an election were present, a mere change of judgment upon reconsideration is not sufficient.

7. *Further communication after rebuttal of prima facie evidence.*—If *prima facie* evidence of the existence of all the elements of an election contained in a communication as hereinabove described is rebutted, any further communication in writing from the individual received by the Railroad Retirement Board expressing clearly and unambiguously a choice as set forth in paragraph 1 of these regulations shall constitute conclusive evidence of the existence of all the elements of an election, and such communication, in order to be effective, shall be received within the limitations of time set forth in section 4 of the Railroad Retirement Act of 1937.

8. *Application of regulations to communications received prior to promulgation of regulations.*—These regulations shall apply to all elections under the Railroad Retirement Act of 1937, irrespective of whether communications with respect thereto are received by the Railroad Retirement Board before or after the promulgation of these regulations; except that in the case of any individual from whom such communication has been received before the date of promulgation of these regulations and who has not theretofore been advised of the nature of the transaction, and to whom no annuity has been awarded, advice of the nature of the transaction and solicitation of confirmation will be transmitted as promptly as possible after the promulgation of these regulations, and confirmation or rebuttal shall thereafter proceed as provided in paragraphs 4, 5 and 6 of these regulations; and except that in the case of individuals who have theretofore been advised of the nature of the transaction and individuals to whom annuities have theretofore been awarded, the original communication shall be conclusive evidence of the existence of all the elements of an election unless rebuttal evidence is received within thirty days from the promulgation of these regulations.

By direction of the Board.

[SEAL] R. B. BRONSON, *Secretary.*

DECEMBER 10, 1937.

[Form LD–1]

To the RAILROAD RETIREMENT BOARD,
*Washington, D. C.*

Re: Application of _____
RRB No. A _____

GENTLEMEN:

My husband (wife) has heretofore communicated to the Railroad Retirement Board an indication of the election of a joint and survivor annuity under Option _____, by which indication, if accepted as evidencing an election, my husband (wife) would receive (if and when certified) during life a *reduced* instead of a *full* annuity, and I would receive after his (her) death, during my life (if I survive), an annuity

equal to _____

75% of _____
(strike out inapplicable lines)

50% of _____
(strike out inapplicable lines)

the annuity that (s)he would receive during life.

At the time such communication was made, my husband (wife) and I had no understanding of the foregoing, so that the election was never completed and was never made.

I therefore, request that the Railroad Retirement Board should not give any effect to the indication of an election of a joint and survivor annuity previously communicated. I fully understand that the effect of the execution of this instrument by me is such that I will not be entitled to receive, and that I will not receive, any annuity whatsoever after the death of my husband (wife) unless a different election is hereafter perfected, and I do so intend; and, as consideration of the Board's disregarding the communication previously received, I release and forever discharge the Railroad Retirement Board for any and all obligations to me arising therefrom.

(Signature) _____

NOTE.—This signature should be made in the presence of two disinterested witnesses, who can write their names and addresses, and should further be acknowledged before a Notary Public.

Witnesses:
(Signature) _____
(Address) _____
_____
(Signature) _____
(Address) _____
_____

Sworn to and subscribed before me this ___ day of _____ 19__.

[Notarial Seal] _____
Notary Public in and for _____ County, State of _____
_____

[F. R. Doc. 37-3601; Filed, December 10, 1937; 10:49 a. m.]



*Tuesday, December 14, 1937* *No. 241*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

EXTENDING THE LIMITS OF THE CUSTOMS PORT OF ENTRY OF BUFFALO, NEW YORK

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), the limits of the customs port of entry of Buffalo, New York, in Customs Collection District No. 9 (Buffalo), are hereby extended to include (1) the city of Lackawanna, New York, (2) the east bank of the Niagara River between Buffalo and Tonawanda, New York, and (3) the cities of Tonawanda and North Tonawanda, New York.

This order shall become effective thirty days from this date.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 11, 1937.*

[No. 7767]

[F. R. Doc. 37-3633; Filed, December 13, 1937; 10:53 a. m.]

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EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6124 OF MAY 2, 1933, WITHDRAWING PUBLIC LANDS

*Colorado*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6124 of May 2, 1933, withdrawing public lands in Colorado pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 11, 1937.*

[No. 7768]

[F. R. Doc. 37-3634; Filed, December 13, 1937; 10:53 a. m.]

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## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49280]

COUNTERVAILING DUTIES—DRIED OR CANDIED FRUITS FROM AUSTRALIA

*To Collectors of Customs and Others Concerned:*

Treasury Decision 33726, dated September 8, 1913, declaring, pursuant to the provisions of section 6 of the Tariff Act of 1909, the payment of export bounties by the Government of Australia on fruits, dried (except currants and raisins), or candied, and on combed wool and tops, as modified by Treasury Decision 37264, dated July 14, 1917, is hereby revoked for the reason that the Department is officially advised that the laws of the Commonwealth of Australia, under which the export bounties in question were paid, are no longer in effect.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, December 7, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3609; Filed, December 10, 1937; 3:58 p. m.]

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### Bureau of Internal Revenue.

[T. D. 4782]

INCOME TAX

REGULATIONS 94 AMENDED TO ACCORD WITH TITLE II OF THE REVENUE ACT OF 1937, RELATING TO FOREIGN PERSONAL HOLDING COMPANIES

*To Collectors of Internal Revenue and Others Concerned:*

Pursuant to the provisions of section 62 of the Revenue Act of 1936 and Supplement P, added to that Act by section 201 of Title II of the Revenue Act of 1937, approved August 26, 1937 (Public, No. 377, Seventy-fifth Congress, Chapter 815, first session), Regulations 94 are amended by adding a new chapter after Chapter XXXIII, designated Chapter XXXIV[1] and providing as follows:

[1] T. D. 4777 approved November 19, 1937 (2 F. R. 2535) amended Regulations 94 by renumbering existing Chapters XXXIV and XXXV as Chapters XXXV and XXXVI.

"CHAPTER XXXIV

*"Foreign Personal Holding Companies*

SUPPLEMENT P—FOREIGN PERSONAL HOLDING COMPANIES

SEC. 202 (Revenue Act of 1937). *Effective date.*—Supplement P of Title I of the Revenue Act of 1936, added to such Act by section 201 of this Act, shall not apply to a taxable year (either of a shareholder or of a foreign corporation) ending on or before the date of the enactment of this Act; and in no case shall the stock ownership requirement provided in section 331 (a) (2) of such Supplement be satisfied unless a United States group (as therein defined) existed with respect to the corporation after the date of the enactment of this Act. If under section 338 or 339 of such Supplement the date on which a return is required to be filed occurs prior to November 1, 1937, the return shall be considered as filed on time if filed prior to December 1, 1937.

SEC. 201 (Revenue Act of 1937). *Inclusion in income of United States shareholders of income of foreign personal holding companies.*—The Revenue Act of 1936 is amended by adding after Supplement O of Title I a new Supplement to read as follows:

SUPPLEMENT P—FOREIGN PERSONAL HOLDING COMPANIES

SEC. 331. *Definition of foreign personal holding company.*—(a) *General Rule.*—For the purposes of this title and of Title IA the term "foreign personal holding company" means any foreign corporation if—

(1) *Gross income requirement.*—At least 60 per centum of its gross income (as defined in section 334 (a)) for the taxable year is foreign personal holding company income as defined in section 332; but if the corporation is a foreign personal holding company with respect to any taxable year, then, for each subsequent taxable year, the minimum percentage shall be 50 per centum in lieu of 60 per centum, until a taxable year during the whole of which the stock ownership required by paragraph (2) does not exist, or until the expiration of three consecutive taxable years in each of which less than 50 per centum of the gross income is foreign personal holding company income. For the purposes of this paragraph there shall be included in the gross income the amount includible therein as a dividend by reason of the application of section 334 (c) (2); and

(2) *Stock ownership requirement.*—At any time during the taxable year more than 50 per centum in value of its outstanding stock is owned, directly or indirectly, by or for not more than five individuals who are citizens or residents of the United States, hereinafter called "United States group."

(b) *Exceptions.*—The term "foreign personal holding company" does not include a corporation exempt from taxation under section 101.

"ART. 331-1. *Definition of foreign personal holding company.*—A foreign personal holding company is any foreign corporation (other than a corporation exempt from taxation under section 101) which for the taxable year meets (a) the gross income requirement specified in article 331-2, and (b) the stock ownership requirement specified in article 331-3. Both requirements must be satisfied and both must be met with respect to each taxable year.

"A foreign corporation which comes within the classification of a foreign personal holding company for any taxable year ending after the date of the enactment of the Revenue Act of 1937, namely, August 26, 1937, is not subject to taxation for such taxable year either under section 102 or section 351 of Title IA, as amended, but may be subject to taxation under either of those sections for other taxable years. The fact that a foreign corporation is a foreign personal holding company does not relieve the corporation from liability for the taxes imposed generally under section 231 upon foreign corporations, since such taxes apply regardless of the classification of the foreign corporation as a foreign personal holding company.

"ART. 331-2. *Gross income requirement.*—To meet the gross income requirement, it is necessary that either of the following percentages of gross income of the corporation for the taxable year (including the additions to gross income provided in section 334 (b)) be foreign personal holding company income as defined in section 332:

"(a) 60 percent or more; or

"(b) 50 percent or more if the foreign corporation has been classified as a foreign personal holding company for any taxable year ending after August 26, 1937, unless—

"(1) a taxable year has intervened since the last taxable year for which it was so classified, during no part of which the stock ownership requirement specified in section 331 (a) (2) exists; or

"(2) three consecutive years have intervened since the last taxable year for which it was so classified, during each



of which its foreign personal holding company income was less than 50 percent of its gross income.

"In determining whether the foreign personal holding company income is equal to the required percentage of the total gross income, the determination must not be made upon the basis of gross receipts, since gross income is not synonymous with gross receipts. For a further discussion of what constitutes 'gross income,' see section 22 (a) and the regulations prescribed under that section.

"ART. 331-3. *Stock ownership requirement.*—To meet the stock ownership requirement, it is necessary that at some time in the taxable year and after August 26, 1937 more than 50 percent in value of the outstanding stock of the foreign corporation be owned, directly or indirectly, by or for not more than five individuals who are citizens or residents of the United States, hereinafter referred to as 'United States group.' For such purpose, the ownership of the stock must be determined as provided in section 333 and articles 333 (a)-1 to 333 (a)-7 and article 333 (b)-1.

"In the event of any change in the stock outstanding during the taxable year, whether in the number of shares or classes of stock, or whether in the ownership thereof, the conditions existing immediately prior and subsequent to each change must be taken into consideration, since a corporation comes within the classification if the statutory conditions with respect to stock ownership are present *at any time* during the taxable year and after August 26, 1937.

"In determining whether the statutory conditions with respect to stock ownership are present at any time during the taxable year, the phrase 'in value' shall, in the light of all the circumstances, be deemed the value of the corporate stock outstanding at such time (not including treasury stock). This value may be determined upon the basis of the company's net worth, earning and dividend paying capacity, appreciation of assets, together with such other factors as have a bearing upon the value of the stock. If a value of stock is used which is greatly at variance with that reflected by the corporate books, the evidence upon which such valuation is based should be filed with the return. In any case where there are two or more classes of stock outstanding, the total value of all the stock should be allocated among the different classes according to the relative value of each class therein.

SEC. 332. *Foreign personal holding company income.*—For the purposes of this title the term "foreign personal holding company income" means the portion, of the gross income determined for the purposes of section 331 (a) (1), which consists of:

(a) Dividends, interest, royalties, annuities.

(b) *Stock and Securities Transactions.*—Except in the case of regular dealers in stock or securities, gains from the sale or exchange of stock or securities.

(c) *Commodities transactions.*—Gains from futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange. This subsection shall not apply to gains by a producer, processor, merchant, or handler of the commodity which arise out of bona fide hedging transactions reasonably necessary to the conduct of its business in the manner in which such business is customarily and usually conducted by others.

(d) *Estates and trusts.*—Amounts includible in computing the net income of the corporation under Supplement E; and gains from the sale or other disposition of any interest in an estate or trust.

(e) *Personal service contracts.*—(1) Amounts received under a contract under which the corporation is to furnish personal services; if some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract; and (2) amounts received from the sale or other disposition of such a contract. This subsection shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year 25 per centum or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for an individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services.

(f) *Use of corporation property by shareholder.*—Amounts received as compensation (however designated and from whomsoever received) for the use of, or right to use, property of the corporation in any case where, at any time during the taxable year, 25 per centum or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual entitled to the use of the property; whether such right is obtained directly from the corporation or by means of a sublease or other arrangement.

(g) *Rents.*—Rents, unless constituting 50 per centum or more of the gross income. For the purposes of this subsection the term "rents" means compensation, however designated, for the use of, or right to use, property; but does not include amounts constituting foreign personal holding company income under subsection (f).

"ART. 332-1. *Foreign personal holding company income.*—For the purposes of Supplement P and these regulations the term 'foreign personal holding company income' means the portion of the gross income determined for the purposes of section 331 (a) (1) and article 331-2 which consists of the following:

"(1) *Dividends.*—The term 'dividends' means dividends as defined in section 115 (a) of the Revenue Act of 1936 and includes amounts required to be included in gross income under section 334 (b). It does not include stock dividends (to the extent they do not constitute income to the shareholders within the meaning of the Sixteenth Amendment to the Constitution), liquidating dividends, or other capital distributions referred to in section 115 (c), as amended, and section 115 (d).

"(2) *Interest.*—The terms 'interest' means any amounts, includible in gross income, received for the use of money loaned.

"(3) *Royalties.*—The term 'royalties' includes amounts, received for the privilege of using patents, copyrights, secret processes and formulas, good will, trade marks, trade brands, franchises, and other like property. It does not include rents, nor overriding royalties received by an operating company. As used in this paragraph the term 'overriding royalties' means amounts received from the sublessee by the operating company which originally leased and developed the natural resource property in respect of which such overriding royalties are paid.

"(4) *Annuities.*—The term 'annuities' refers only to annuities to the extent includible in the computation of gross income. (See section 22 (b) (2).)

"(5) *Gains from the sale or exchange of stock or securities.*—The term 'gains from the sale or exchange of stock or securities' as used in section 332 (b) and these regulations applies to all gains (including gains from liquidating dividends and other distributions from capital) from the sale or exchange of stock or securities includible in gross income. The term 'stock or securities' includes shares or certificates of stock, or interest in any corporation (including any joint-stock company, insurance company, association, or other organization classified as a corporation by the Act), certificates of interest or participation in any profit-sharing agreement, or in any oil, gas, or other mineral royalty, or lease, collateral trust certificates, voting trust certificates, stock rights or warrants, bonds, debentures, certificates of indebtedness, notes, car trust certificates, bills of exchange, obligations issued by or on behalf of a Government, State, territory, or political subdivision thereof, etc. In the case of 'regular dealers in stock or securities' the term does not include gains derived from the sale or exchange of stock or securities made in the normal course of business. The term 'regular dealer in stock or securities' means corporations with an established place of business regularly engaged in the purchase of stock or securities and their resale to customers, but such corporations are not dealers with respect to stock or securities held for speculation or investment.

"(6) *Gains from futures transactions in commodities.*—Gains from futures transactions in commodities include gains from futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange, but do not include gains from cash transactions or gains by a producer, processor, merchant, or handler of the commodity, which arise out of bona fide hedging transactions reasonably necessary to the conduct of its business in the manner in which such business is customarily and usually conducted by others. In general, foreign personal holding company income includes gains on futures contracts which are speculative. Futures contracts representing true hedges against

price fluctuations in spot goods are not speculative transactions, though not concurrent with spot transactions. Futures contracts which are not hedges against spot transactions are speculative unless they are hedges against concurrent futures or forward sales or purchases.

"(7) *Income from estates and trusts.*—The income from estates and trusts which is to be included in foreign personal holding company income consists of the income from estates and trusts which is required to be included in the gross income of a corporation under sections 161 to 169, together with the gains derived by the corporation from the sale or other disposition of any interest in an estate or trust.

"(8) *Amounts received under personal service contracts.*—Amounts includible in foreign personal holding company income as amounts received under personal service contracts consist of amounts received pursuant to a contract under which the corporation is to furnish personal services, and amounts received from a sale or other disposition of such a contract, if—

"(*a*) some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description in the contract); and

"(*b*) at some time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description), as the one to perform such services. For this purpose the stock ownership must be determined as provided in section 333 and articles 333 (a)–1 to 333 (a)–7 and article 333 (b)–1.

The application of section 332 (e) may be illustrated by the following examples:

"*Example* (*1*).—A, whose profession is that of an actor, owns all of the outstanding capital stock of the M Corporation. The M Corporation entered into a contract with A under which A was to perform personal services for the person or persons which the M Corporation might designate, in consideration of which A was to receive $10,000 a year from the M Corporation. The M Corporation entered into a contract with the O Corporation in which A was designated to perform personal services for the O Corporation in consideration of which the O Corporation was to pay the M Corporation $500,000 a year. The $500,000 received by the M Corporation from the O Corporation constitutes foreign personal holding company income.

"*Example* (*2*).—The N Corporation, the entire outstanding capital stock of which is owned by four individuals, is engaged in engineering. The N Corporation entered into a contract with the O Corporation to perform engineering services for the O Corporation, in consideration of which the O Corporation was to pay the N Corporation $50,000. The individual who was to perform the services was not designated (by name or by description) in the contract and no one but the N Corporation had the right to designate (by name or by description) such individual. The $50,000 received by the N Corporation from the O Corporation does not constitute foreign personal holding company income.

"(9) *Compensation for use of property.*—The compensation for the use of, or the right to use, property of the corporation which is to be included in foreign personal holding company income consists of amounts received as compensation (however designated and from whomsoever received) for the use of, or the right to use, property of the corporation in any case in which, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual entitled to the use of the property, whether such right is obtained directly from the corporation or by means of a sublease or other arrangement. The property may consist of a yacht, a city residence, a country house, or any other kind of property. See sections 331 (a) (2) and 333 and articles 333 (a)–1 to 333 (a)–7 and article 333 (b)–1.

"(10) *Rents.*—The rents which are to be included in foreign personal holding company income consist of compensation, however designated, including charter fees, etc., for the use of, or the right to use, real property, or any other kind of property, but do not include amounts constituting foreign personal holding company income under section 332 (f) and paragraph (9) of this article. However, rents do not constitute foreign personal holding company income if constituting 50 percent or more of the gross income of the corporation.

SEC. 333. *Stock ownership.*—(a) *Constructive Ownership*—For the purpose of determining whether a foreign corporation is a foreign personal holding company, insofar as such determination is based on stock ownership under section 331 (a) (2), section 332 (e), or section 332 (f)—

(1) *Stock not owned by individual.*—Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

(2) *Family and partnership ownership.*—An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family or by or for his partner. For the purposes of this paragraph the family of an individual includes only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(3) *Options.*—If any person has an option to acquire stock such stock shall be considered as owned by such person. For the purposes of this paragraph an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(4) *Application of family-partnership and option rules.*—Paragraphs (2) and (3) shall be applied—

(A) For the purposes of the stock ownership requirement provided in section 331 (a) (2), if, but only if, the effect is to make the corporation a foreign personal holding company;

(B) For the purposes of section 332 (e) (relating to personal service contracts), or of section 332 (f) (relating to the use of property by shareholders), if, but only if, the effect is to make the amounts therein referred to includible under such subsection as foreign personal holding company income.

(5) *Constructive ownership as actual ownership.*—Stock constructively owned by a person by reason of the application of paragraph (1) or (3) shall, for the purpose of applying paragraph (1) or (2), be treated as actually owned by such person; but stock constructively owned by an individual by reason of the application of paragraph (2) shall not be treated as owned by him for the purpose of again applying such paragraph in order to make another the constructive owner of such stock.

(6) *Option rule in lieu of family and partnership rule.*—If stock may be considered as owned by an individual under either paragraph (2) or (3) it shall be considered as owned by him under paragraph (3).

"ART. 333 (a)–1. *Stock ownership.*—For the purpose of determining whether—

"(*a*) a foreign corporation is a foreign personal holding company, insofar as such determination is based on the stock ownership requirement specified in section 331 (a) (2) and article 331–3, or

"(b) amounts received under a personal service contract or from the sale of such a contract constitute foreign personal holding company income insofar as such determination is based on the stock ownership requirement specified in section 332 (e) and paragraph (8) of article 332–1, or

"(c) compensation for the use of property constitutes foreign personal holding company income insofar as such determination is based on the stock ownership requirement specified in section 332 (f) and paragraph (9) of article 332–1,

stock owned by an individual includes stock constructively owned by him as provided in section 333. For such purpose constructive ownership of stock shall be determined and applied in accordance with the rules provided in section 333 and articles 333 (a)–2 to 333 (a)–7 and article 333 (b)–1. All forms and classes of stock, however denominated, which represent the interests of shareholders, members, or beneficiaries in the corporation shall be taken into consideration.

"ART. 333 (a)–2. *Stock not owned by individual.*—In determining the ownership of stock for any of the purposes set forth in article 333 (a)–1, stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. For example, if A and B, two individuals, are the exclusive and equal beneficiaries of a trust or estate, and if such trust or estate owns the entire capital stock of the M Corporation, and if the M Corporation in turn owns the entire capital stock of the N Corporation, then the stock of both the M Corporation and the N Corporation shall be considered as being owned equally by A and B as the individuals owning the beneficial interest therein. See also article 333 (a)–6.



"ART. 333 (a)–3. *Family and partnership ownership.*—In determining the ownership of stock for any of the purposes set forth in article 333 (a)–1, an individual shall be considered as owning the stock owned, directly or indirectly, by or for his family or by or for his partner. For the purposes of such determination the family of an individual includes only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"The application of the family and partnership rule in determining the ownership of stock for the purpose set forth in (a) of article 333 (a)–1 is illustrated by the following example:

"*Example.*—The M Corporation at some time during the taxable year had 1,800 shares of outstanding stock, 450 of which were held by various individuals having no relationship to one another and none of whom were partners, and the remaining 1,350 were held by 51 shareholders as follows:

| Relationships | Shares | Shares | Shares | Shares | Shares |
|---|---|---|---|---|---|
| An individual | A 100 | B 20 | C 20 | D 20 | E 20 |
| His father | AF 10 | BF 10 | CF 10 | DF 10 | EF 10 |
| His wife | AW 10 | BW 40 | CW 40 | DW 40 | EW 40 |
| His brother | AB 10 | BB 10 | CB 10 | DB 10 | EB 10 |
| His son | AS 10 | BS 40 | CS 40 | DS 40 | ES 40 |
| His daughter by former marriage (son's half-sister) | ASHS 10 | BSHS 40 | CSHS 40 | DSHS 40 | ESHS 40 |
| His brother's wife | ABW 10 | BBW 10 | CBW 10 | DBW 160 | EBW 10 |
| His wife's father | AWF 10 | BWF 10 | CWF 110 | DWF 10 | EWF 10 |
| His wife's brother | AWB 10 | BWB 10 | CWB 10 | DWB 10 | EWB 10 |
| His wife's brother's wife | AWBW 10 | BWBW 10 | CWBW 10 | DWBW 10 | EWBW 110 |
| Individual's partner | AP 10 | | | | |

By applying the statutory rule provided in section 333 (a) (2) five individuals own more than 50 percent of the outstanding stock as follows:

| | |
|---|---|
| A (including AF, AW, AB, AS, ASHS, AP) | 160 |
| B (including BF, BW, BB, BS, BSHS) | 160 |
| CW (including C, CS, CWF, CWB) | 220 |
| DB (including D, DF, DBW) | 200 |
| EWB (including EW, EWF, EWBW) | 170 |
| Total, or more than 50 percent | 910 |

Individual A represents the obvious case where the head of the family owns the bulk of the family stock and naturally is the head of the group. A's partner owns 10 shares of the stock. Individual B represents the case where he is still head of the group because of the ownership of stock by his immediate family. Individuals C and D represent cases where the individuals fall in groups headed in C's case by his wife and in D's case by his brother because of the preponderance of holdings on the part of relatives by marriage. Individual E represents the case where the preponderant holdings of others eliminate that individual from the group.

"The method of applying the family and partnership rule as illustrated in the foregoing example also applies in determining the ownership of stock for the purposes stated in (b) and (c) of article 333 (a)–1.

"ART. 333 (a)–4. *Options.*—In determining the ownership of stock for any of the purposes set forth in article 333 (a)–1, if any person has an option to acquire stock, such stock may be considered as owned by such person. The term 'option' as used in this article includes an option to acquire such an option and each one of a series of such options, so that the person who has an option on an option to acquire stock may be considered as the owner of the stock.

"ART. 333 (a)–5. *Application of family-partnership and option rules.*—The family and partnership rule provided in section 333 (a) (2) and article 333 (a)–3 and the option rule provided in section 333 (a) (3) and article 333 (a)–4 shall be applied—

"(*a*) for the purpose stated in (a) of article 333 (a)–1, if, but only if, the effect of such application is to make the foreign corporation a foreign personal holding company, or

"(*b*) for the purpose stated in (b) of article 333 (a)–1, if, but only if, the effect of such application is to make the amounts received under a personal service contract or from the sale of such a contract foreign personal holding company income, or

"(*c*) for the purpose stated in (c) of article 333 (a)–1, if, but only if, the effect of such application is to make the compensation for the use of property foreign personal holding company income.

The family and partnership rule and the option rule must be applied independently for each of the purposes stated in article 333 (a)–1.

"ART. 333 (a)–6. *Constructive ownership as actual ownership.*—In determining the ownership of stock for any of the purposes set forth in article 333 (a)–1—

"(*a*) stock constructively owned by a person by reason of the application of the rule provided in section 333 (a) (1) relating to stock not owned by an individual (see article 333 (a)–2) shall be considered as actually owned by such person for the purpose of again applying such rule or of applying the family and partnership rule provided in section 333 (a) (2) (see article 333 (a)–3) in order to make another person the constructive owner of such stock, and

"(*b*) stock constructively owned by a person by reason of the application of the option rule provided in section 333 (a) (3) (see article 333 (a)–4) shall be considered as actually owned by such person for the purpose of applying either the rule provided in section 333 (a) (1), relating to stock not owned by an individual, or the family and partnership rule provided in section 333 (a) (2) in order to make another person the constructive owner of such stock, but

"(*c*) stock constructively owned by an individual by reason of the application of the family and partnership rule provided in section 333 (a) (2) shall not be considered as actually owned by such individual for the purpose of again applying such rule in order to make another individual the constructive owner of such stock.

"The application of this article may be illustrated by the following examples:

"*Example* (*1*).—A is a United States citizen, whose wife, AW, owns all of the stock of the M Corporation, which in turn owns all the stock of the O Corporation. The O Corporation in turn owns all the stock in the P Corporation.

"Under the rule provided in section 333 (a) (1), relating to stock not owned by an individual, the stock in the P Corporation owned by the O Corporation is considered to be owned constructively by the M Corporation, the sole shareholder of the O Corporation. Such constructive ownership of the stock by the M Corporation is considered as actual ownership for the purpose of again applying such rule in order to make AW, the sole shareholder of the M Corporation, the constructive owner of the stock of the P Corporation. Similarly, the constructive ownership of the stock by AW is considered as actual ownership for the purpose of applying the family and partnership rule provided in section 333 (a) (2) in order to make A the constructive owner of the stock of the P Corporation, if such application is necessary for any of the purposes set forth in article 333 (a)–1. But the stock thus constructively owned by A may not be considered as actual ownership for the purpose of again applying the family and partnership rule in order to make another member of A's family, for example A's father, the constructive owner of the stock of the P Corporation.

"*Example* (*2*).—B is a United States citizen who owns all the stock of the R Corporation which has an option to acquire all the stock of the S Corporation, a foreign corporation, owned by C, an individual, who is not related to B.

"Under the option rule provided in section 333 (a) (3) the R Corporation may be considered as owning constructively the stock of the S Corporation owned by C. Such constructive ownership of the stock by the R Corporation is considered as actual ownership for the purpose of applying the rule provided in section 333 (a) (1), relating to stock not owned by an individual, in order to make B, the sole shareholder of the R Corporation, the constructive owner of the stock of the S Corporation. The stock thus constructively owned by B by reason of the application of the rule provided in section 333 (a) (1) likewise is considered as actual ownership for the purpose, if necessary, of applying the family and partnership rule provided in section 333 (a) (2), in order

to make another member of B's family, for example, B's wife, BW, the constructive owner of the stock of the S Corporation. However, the family and partnership rule could not again be applied so as to make still another individual the constructive owner of the stock of the S Corporation, that is, the stock constructively owned by BW could not be considered as actually owned by her in order to make BW's father the constructive owner of such stock by a second application of the family and partnership rule.

"ART. 333 (a)–7. *Option rule in lieu of family and partnership rule.*—If, in determining the ownership of stock for any of the purposes set forth in article 333 (a)–1, stock may be considered as constructively owned by an individual by an application of both the family-partnership rule provided in section 333 (a) (2) (see article 333 (a)–3) and the option rule provided in section 333 (a) (3) (see article 333 (a)–4) such stock shall be considered as owned constructively by the individual by reason of the application of the option rule.

"The application of this article may be illustrated by the following example:

"*Example.*—Two brothers, A and B, each own 10 percent of the stock of the M Corporation, a foreign corporation, and A's wife, AW, also owns 10 percent of the stock of such corporation. AW's husband, A, has an option to acquire the stock owned by her at any time. It becomes necessary, for one of the purposes stated in article 333 (a)–1, to determine the stock ownership of B in the M Corporation.

"If the family and partnership rule were the only rule that applied in the case, B would be considered, under that rule, as owning 20 percent of the stock of the M Corporation namely, his own stock plus the stock owned by his brother. In that event, B could not be considered as owning the stock held by AW since (1) AW is not a member of B's family and (2) the constructive ownership of such stock by A through the application of the family and partnership rule in his case is not considered as actual ownership so as to make B the constructive owner by a second application of the same rule with respect to the ownership of the stock. (See article 333 (a)–6.)

"However, there is more than the family and partnership rule involved in this example. As the holder of an option upon the stock, A may be considered the constructive owner of his wife's stock by the application of the option rule and without reference to the family relationship between A and AW. If A is considered as owning the stock of his wife by application of the option rule, then under article 333 (a)–6, such constructive ownership by A is regarded as actual ownership for the purpose of applying the family and partnership rule so as to make another member of A's family, for example, B, the constructive owner of the stock. Hence, since A may be considered as owning his wife's stock by applying both the family-partnership rule and the option rule, the provisions of section 333 (a) (6) apply and accordingly A must be considered the constructive owner of his wife's stock under the option rule rather than the family-partnership rule. B thus becomes the constructive owner of 30 percent of the stock of the M Corporation, namely, his own 10 percent, A's 10 percent, and AW's 10 percent constructively owned by A as the holder of an option on the stock.

[SEC. 333. *Stock ownership.*]

(b) Convertible Securities.—Outstanding securities convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock—

(1) For the purpose of the stock ownership requirement provided in section 331 (a) (2), but only if the effect of the inclusion of all such securities is to make the corporation a foreign personal holding company;

(2) For the purpose of section 332 (c) (relating to personal service contracts), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such subsection as foreign personal holding company income; and

(3) For the purpose of section 332 (f) (relating to the use of property by shareholders), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such subsection as foreign personal holding company income.

The requirement in paragraphs (1), (2), and (3) that all convertible securities must be included if any are to be included shall be subject to the exception that, where some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be included although the others are not included, but no convertible securities shall be included unless all outstanding securities having a prior conversion date are also included.

"ART. 333 (b)–1. *Convertible securities.*—Under section 333 (b), outstanding securities of a foreign corporation, such as bonds, debentures or other corporate obligations, convertible into stock of the corporation (whether or not convertible during the taxable year) shall be considered as outstanding stock of the corporation for the purpose of the stock ownership requirement provided in section 331 (a) (2), but only if the effect of such consideration is to make the corporation a foreign personal holding company. Such convertible securities shall be considered as outstanding stock for the purpose of section 332 (e), relating to amounts received under personal service contracts, or of section 332 (f), relating to compensation for the use of property, but only if the effect of such consideration is to make the amounts therein referred to includible under such sections as foreign personal holding company income. The consideration of convertible securities as outstanding stock is subject to the exception that, if some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be considered as outstanding stock although the others are not so considered, but no convertible securities shall be considered as outstanding stock unless all outstanding securities having a prior conversion date are also so considered. For example, if outstanding securities are convertible in 1937, 1938, and 1939, those convertible in 1937 can be properly considered as outstanding stock without so considering those convertible in 1938 or 1939, and those convertible in 1937 and 1938 can be properly considered as outstanding stock without so considering those convertible in 1939. However, the securities convertible in 1938 could not be properly considered as outstanding stock without so considering those convertible in 1937 and the securities convertible in 1939 could not be properly considered as outstanding stock without so considering those convertible in 1937 and 1938.

SEC. 334. *Gross income of foreign personal holding companies.*—(a) *General rule.*—As used in this Supplement with respect to a foreign corporation the term "gross income" means gross income computed (without regard to the provisions of Supplement I) as if the foreign corporation were a domestic corporation.

(b) *Additions to gross income.*—In the case of a foreign personal holding company (whether or not a United States group, as defined in section 331 (a) (2), existed with respect to such company on the last day of its taxable year) which was a shareholder in another foreign personal holding company on the day in the taxable year of the second company which was the last day on which a United States group existed with respect to the second company, there shall be included, as a dividend, in the gross income of the first company, for the taxable year in which or with which the taxable year of the second company ends, the amount the first company would have received as a dividend if on such last day there had been distributed by the second company, and received by the shareholders, an amount which bears the same ratio to the undistributed Supplement P net income of the second company for its taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year.

(c) *Application of subsection* (b).—The rule provided in subsection (b)—

(1) shall be applied in the case of a foreign personal holding company for the purpose of determining its undistributed Supplement P net income which, or a part of which, is to be included in the gross income of its shareholders, whether United States shareholders or other foreign personal holding companies;

(2) shall be applied in the case of every foreign corporation with respect to which a United States group exists on some day of its taxable year, for the purpose of determining whether such corporation meets the gross income requirements of section 331 (a) (1).

"ART. 334–1. *Gross income in general for purposes of Supplement P.*—For all purposes of Supplement P and Chapter XXXIV of these regulations, the gross income of a foreign corporation shall be computed as if the corporation were a domestic corporation and without regard to the provisions of Supplement I and Chapter XXVII of these regulations, relating to the taxation of foreign corporations generally. Hence, for such purposes, the gross income includes income from all sources, whether within or without the United States, which is not excluded from gross income by section 22 (b) and the regulations pertaining to that section. The gross income thus includes the interest on bonds, notes, and certificates of indebtedness of the United States, even though owned beneficially by a foreign corporation not engaged in trade or business in the United States, and even though such interest otherwise would come within the exemption provided for in section 3 of the Fourth Liberty Bond Act of July 9, 1918, as amended by section 4 of the Victory Liberty Loan Act of March 3, 1919.

"ART. 334–2. *Additions to gross income for purposes of Supplement P.*—If, for any taxable year—

"(*a*) a foreign corporation meets the stock ownership requirement specified in article 331–3, regardless of whatever day in its taxable year is the last day on which the required United States group exists, and

"(*b*) such foreign corporation is a shareholder in a foreign personal holding company on any day of a taxable year of the second company which ends with or within the taxable year of the first company and such day is the last day in the taxable year of the second company on which the United States group exists with respect to the second company,

then for the purpose of—

"(*c*) determining whether the first company meets the gross income requirement specified in article 331–2, so as to come within the classification of a foreign personal holding company, and

"(*d*) determining the undistributed Supplement P net income of the first company which (in the event the first company is a foreign personal holding company) is to be included, in whole or in part, in the gross income of its shareholders, whether United States shareholders or other foreign personal holding companies,

there shall be included as a dividend in the gross income of the first company for the taxable year in which or with which the taxable year of the second company ends, the amount the first company would have received as a dividend, if on the last day referred to in (*b*) there had been distributed by the second company, and received by the shareholders, an amount which bears the same ratio to the undistributed Supplement P net income of the second company for its taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year. The foregoing rules apply to any chain of foreign corporations regardless of the number of corporations included in the chain.

"The application of this article may be illustrated by the following examples:

"*Example* (1).—The X Corporation is a foreign corporation whose stock is owned by A, a United States citizen. The X Corporation owns the entire stock of the Y Corporation, another foreign corporation. The taxable year of the X Corporation is the calendar year and the taxable year of the Y Corporation is the fiscal year ending June 30. For the fiscal year ending June 30, 1938, more than the required percentage of the Y Corporation's gross income consists of foreign personal holding company income and no part of the earnings for such year is distributed as dividends. On the basis of these facts the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1938. The X Corporation meets the stock ownership requirement and constitutes a foreign personal holding company for 1938, if it also meets the gross income requirement.

"For the purpose of determining whether the X Corporation meets the gross income requirement, the entire undistributed Supplement P net income of the Y Corporation for the fiscal year ending June 30, 1938, must be included as a dividend in the gross income of the X Corporation for 1938, since—

"(*a*) the X Corporation is a shareholder in the Y Corporation on a day (June 30, 1938) in the taxable year of the Y Corporation ending with or within the taxable year of the X Corporation, which day is the last day in the taxable year of the Y Corporation on which the United States group required with respect to the Y Corporation exists,

"(*b*) such last day is also the end of the Y Corporation's taxable year so that the portion of the taxable year of the Y Corporation up to and including such last day is equal to 100 percent of the taxable year of the Y Corporation, and, therefore, the portion of the undistributed Supplement P net income of the Y Corporation includible in the gross income of its shareholders is likewise equal to 100 percent, and

"(*c*) the X Corporation being the sole shareholder of the Y Corporation must include such portion in its gross income for 1938, the taxable year in which or with which the taxable year of the Y Corporation ends.

"If, after the inclusion of the presumptive dividend in its gross income, the X Corporation is a foreign personal holding company for 1938, then the undistributed Supplement P net income of the Y Corporation must also be included as a dividend in the gross income of the X Corporation in determining its undistributed Supplement P net income which is to be included in the gross income of A, the sole shareholder in the X Corporation. On the other hand, if, after including such presumptive dividend, the X Corporation does not constitute a foreign personal holding company, the undistributed Supplement P net income of the Y Corporation is not includible in the gross income of the X Corporation for any purpose other than determining whether the X Corporation is a foreign personal holding company.

"*Example* (2).—The X Corporation referred to in Example (1) sells the stock in the Y Corporation to other interests on September 30, 1938, so that after that date no United States group exists with respect to the Y Corporation. For the fiscal year ending June 30, 1939, more than the required percentage of the gross income of the Y Corporation consists of foreign personal holding company income. The net income of the Y Corporation for such fiscal year amounts to $1,000,000.00 of which $900,000.00 is distributed in dividends, after September 30, 1938. The undistributed Supplement P net income of the Y Corporation for such fiscal year amounts to $100,000.00. Upon the basis of these facts the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1939, since at one time in such fiscal year, or from July 1, to and including September 30, 1938, it meets the stock ownership requirement, and the gross income requirement is also satisfied.

"In determining whether the X Corporation constitutes a foreign personal holding company for 1939, a portion of the undistributed Supplement P net income of the Y Corporation for the fiscal year ending June 30, 1939 (3/12 of $100,000.00, or $25,000.00), must be included as a dividend in the gross income of the X Corporation, since—

"(*a*) the X Corporation is a shareholder in the Y Corporation on September 30, 1938, or on a day in the taxable year of the Y Corporation ending with or within the taxable year of the X Corporation, which day is the last day in the Y Corporation's taxable year on which the United States group required with respect to the Y Corporation exists,

"(*b*) the portion of the taxable year of the Y Corporation up to and including such day is 3/12 of the entire taxable year of the Y Corporation and, therefore, the portion of the undistributed Supplement P net income of the Y Corporation includible in the gross income of its shareholders also is equal to 3/12, and

"(*c*) the X Corporation, being the sole shareholder of the Y Corporation at the time the United States group with respect to the Y Corporation last exists, must include all of such portion in its gross income for 1939, the taxable year of the X Corporation in which or with which the taxable year of the Y Corporation ends.

"It is to be observed that 3/12 of the undistributed Supplement P net income of the Y Corporation for the entire taxable year and not the earnings realized by the Y Corporation up to and including September 30, 1938, the last day

on which the United States group with respect to the Y Corporation exists, must be included in the gross income of the X Corporation.

"*Example* (3).—The X Corporation referred to in Example (1) sells the stock in the Y Corporation to other interests on September 30, 1938, so that after that date a different United States group exists with respect to the Y Corporation. Assuming that the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1939, no part of the undistributed Supplement P net income of the Y Corporation for such fiscal year would, in this instance, be includible in the gross income of the X Corporation for the year 1939, in determining whether the X Corporation is a foreign personal holding company for that year. In such case, the undistributed Supplement P net income of the Y Corporation is includible in the gross income of the other foreign personal holding companies, if any, and of the United States shareholders who are shareholders in the Y Corporation the day after September 30, 1938, which is the last day in the taxable year of the Y Corporation on which the United States group with respect to the Y Corporation exists.

"If, however, the X Corporation sells 90 percent of its stock in the Y Corporation and thus is a minority shareholder in the Y Corporation on the last day of the taxable year of the Y Corporation on which the United States group with respect to the Y Corporation exists, the portion of the undistributed Supplement P net income allocable to the minority interest of the X Corporation would be includible in the gross income of the X Corporation, even though on such last day the United States group is not the same with respect to both corporations.

"*Example* (4).—If the Y Corporation in Example (1) owns all of the stock of the Z Corporation, another foreign corporation, there would be a chain of three foreign corporations. In such case, assuming that the Z Corporation is a foreign personal holding company for a taxable year ending with or within the taxable year of the Y Corporation, the undistributed Supplement P net income of the Z Corporation would be included in the gross income of the Y Corporation for the purpose of determining whether the Y Corporation comes within the classification of a foreign personal holding company. If, after the inclusion of such presumptive dividend, the Y Corporation is a foreign personal holding company, the undistributed Supplement P net income of the Z Corporation would be included in the gross income of the Y Corporation in determining the undistributed Supplement P net income of the Y Corporation which is includible in the gross income of its shareholder, the X Corporation. The same process would be repeated with respect to determining whether the X Corporation is a foreign personal holding company and in determining its undistributed Supplement P net income. If all three corporations are foreign personal holding companies, the undistributed Supplement P net income of each would, in this manner, be reflected as a dividend in the gross income of A, the ultimate beneficial shareholder of the chain.

"In the event that after the inclusion of the undistributed Supplement P net income of the Z Corporation in the gross income of the Y Corporation, the Y Corporation is not a foreign personal holding company, then no part of the income of either the Z Corporation or the Y Corporation would be includible in the gross income of the X Corporation. In that event, whether the X Corporation is a foreign personal holding company, and its undistributed Supplement P net income, would be determined independently of the income of the Y Corporation and the Z Corporation.

SEC. 335. *Undistributed supplement P net income.*—For the purposes of this title the term "undistributed Supplement P net income" means the Supplement P net income (as defined in section 336) minus the amount of the dividends paid credit provided in section 27, computed without the benefit of subsection (b) thereof (relating to the dividend carry-over).

SEC. 336. *Supplement P net income.*—For the purposes of this title the term "Supplement P net income" means the net income with the following adjustments:

(a) Additional Deductions.—There shall be allowed as deductions—

(1) Federal income, war-profits, and excess-profits taxes paid or accrued during the taxable year to the extent not allowed as a deduction under section 23; but not including the tax imposed by section 102, section 351 (either before or after its amendment by the Revenue Act of 1937), or a section of a prior income-tax law corresponding to either of such sections.

(2) In lieu of the deduction allowed by section 23 (q), contributions or gifts made within the taxable year to or for the use of donees described in section 23 (q) for the purposes therein specified, to an amount which does not exceed 15 per centum of the company's net income, computed without the benefit of this paragraph and section 23 (q), and without the deduction of the amount disallowed under subsection (b) of this section and without the inclusion in gross income of the amounts includible therein as dividends by reason of the application of the provisions of section 334 (b) (relating to the inclusion in the gross income of a foreign personal holding company of its distributive share of the undistributed Supplement P net income of another foreign personal holding company in which it is a shareholder).

(b) *Deductions not allowed.*—

(1) *Taxes and pension trusts.*—The deductions provided in section 23 (d), relating to taxes of a shareholder paid by the corporation, and in section 23 (p), relating to pension trusts shall not be allowed.

(2) *Expenses and depreciation.*—The aggregate of the deductions allowed under section 23 (a), relating to expenses, and section 23 (l), relating to depreciation, which are allocable to the operation and maintenance of property owned or operated by the company, shall be allowed only in an amount equal to the rent or other compensation received for the use or right to use the property, unless it is established (under regulations prescribed by the Commissioner with the approval of the Secretary) to the satisfaction of the Commissioner:

(A) That the rent or other compensation received was the highest obtainable, or, if none was received, that none was obtainable;

(B) That the property was held in the course of a business carried on bona fide for profit; and

(C) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

"ART. 336–1. *Supplement P net income.*—The term 'Supplement P net income' means the gross income as defined in section 334 less the deductions provided in section 23 of the Revenue Act of 1936 (computed without regard to the provisions of Supplement I of the Revenue Act of 1936), subject to the qualifications, limitations, and exceptions provided in section 336. In addition to the qualifications, limitations, and exceptions provided in section 336 (a) and section 336 (b) (1), under section 336 (b) (2) the aggregate of the deductions allowed under section 23 (a) of the Revenue Act of 1936, relating to expenses, and section 23 (l) of the Revenue Act of 1936, relating to depreciation, which are allocable to the operation and maintenance of property owned or operated by the company shall be allowed only in an amount equal to the rent or other compensation received for the use of, or right to use, the property, unless it is established to the satisfaction of the Commissioner:

"(1) That the rent or other compensation received was the highest obtainable, or if none was received, that none was obtainable;

"(2) That the property was held in the course of a business carried on bona fide for profit; and

"(3) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

"The burden of proof will rest upon the taxpayer to sustain the deduction claimed. If a United States shareholder, in computing his distributive share of the undistributed Supplement P net income of a foreign personal holding company to be included in gross income in his individual return (see section 337 and article 337–1), claims deductions for expenses and depreciation allocable to the operation and maintenance of property owned or operated by the company, in an aggregate amount in excess of the rent or other compensation received for the use of, or the right to use, the property, he shall attach to his income tax return a statement setting forth his claim for allowance of the additional deductions together with a complete statement of the facts, circumstances and arguments on which he relies in support of his claim. Such statement shall set forth:

"(*a*) A description of the property;

"(*b*) The cost or other basis to the corporation and the nature and value of the consideration paid for the property;

"(*c*) The name and address of the person from whom acquired and the date thereof;

"(*d*) The name and address of the person to whom leased or rented, or the person permitted to use the property, and the number of shares of stock, if any, held by such person and the members of his family;

"(*e*) The nature and gross amount of the rent or other compensation received for the use of, or the right to use, the property during the taxable year and for each of the five preceding years and the amount of the expenses incurred with respect to, and the depreciation sustained on, the property for such years;

"(*f*) Evidence that the rent or other compensation was the highest obtainable and, if none was received, a statement of the reasons therefor;

"(*g*) A copy of the contract, lease or rental agreement;

"(*h*) The purpose for which the property was used;

"(*i*) The business carried on by the corporation with respect to which the property was held and the gross income, expenses and net income derived from the conduct of such business for the taxable year and for each of the five preceding years;

"(*j*) A statement of any reasons which existed for expectation that the operation of the property would be profitable, or a statement of the necessity for the use of the property in the business of the corporation, and the reasons why the property was acquired; and

"(*k*) Any other information on which the taxpayer relies.

"ART. 336–2. *Illustration of computation of Supplement P net income and undistributed Supplement P net income.*—The method of computation of the Supplement P net income and undistributed Supplement P net income may be illustrated as follows:

"The following facts exist with respect to the M Corporation, a foreign personal holding company, for the calendar year 1937:

"The gross income of the corporation as defined in section 334 amounts to $300,000, of which $85,000 represents its distributive share of the undistributed Supplement P net income of another foreign personal holding company in which it is a shareholder, $200,000 consists of dividends, $10,000 consists of interest, and the remainder ($5,000) consists of rent received from the principal shareholder of the corporation for the use of property owned by the corporation.

"The expenses of the corporation amount to $83,000, of which $75,000 is allocable to the maintenance and operation of the property used by the principal shareholder, and $8,000 consists of ordinary and necessary office expenses allowable as a deduction. The claim for deduction for the expenses of, and depreciation on, the rented property in excess of the rent received for its use is not established as provided in section 336 (b) (2). The yearly depreciation on the rented property amounts to $30,000.

"Federal income tax withheld at the source on the income of the corporation from sources within the United States amounts to $30,000.

"No gain from the sale or exchange of stock or securities is realized during the taxable year, but losses in the amount of $10,000 are sustained from the sale of stock or securities which constitute capital assets.

"Contributions made to or for the use of donees described in section 23 (q) of the Revenue Act of 1936, for the purposes therein specified, amount to $15,000, of which $5,000 is deductible in computing net income under section 21.

"Dividends paid by the corporation to its shareholders during the taxable year amount to $50,000.

"The net income for the purposes of computing the Supplement P net income of the corporation (including the distributive share of the undistributed Supplement P net income of the other foreign personal holding company) is $180,000, computed as follows (assuming for the purposes of this example only that the expenses of, and depreciation on, the rented property are deductible under section 23):

*Income (section 22)*

| | | |
|---|---|---|
| Dividends | | $200,000 |
| Interest | | 10,000 |
| Rent | | 5,000 |
| Gross income as defined in section 22 | | 215,000 |
| Add: Distributive share of undistributed Supplement P net income of the other foreign personal holding company (considered as a dividend) | | 85,000 |
| Gross income as defined in section 334 | | 300,000 |

*Deductions (section 23)*

| | | |
|---|---|---|
| Expenses allocable to operation of the rented property | $75,000 | |
| Depreciation of the rented property | 30,000 | |
| Ordinary and necessary expenses (office) | 8,000 | |
| Losses (limited as provided in section 117) | 2,000 | |
| Contributions (within the 5 percent limitation specified in section 23 (q)) | 5,000 | |
| | | $120,000 |
| Net income for purposes of computing Supplement P net income | | 180,000 |

"The Supplement P net income and the undistributed Supplement P net income of the corporation are $240,000 and $190,000, respectively, computed as follows:

| | | |
|---|---|---|
| Net income for purposes of computing Supplement P net income | | $180,000 |
| Add: | | |
| Contributions deductible in computing net income under section 21 | $5,000 | |
| Excess property expenses and depreciation over amount of rent received for use of property ($105,000 — $5,000) | 100,000 | |
| | 105,000 | |
| Deduct: | | |
| Federal income taxes | $30,000 | |
| Contributions (within the 15 percent limitation specified in section 336 (a) (2)) | 15,000 | |
| | 45,000 | |
| Net additions under section 336 | | 60,000 |
| Supplement P net income | | 240,000 |
| Less: Dividends paid credit | | 50,000 |
| Undistributed Supplement P net income | | 190,000 |

SEC. 337. *Corporation income taxed to United States shareholders.*—(a) *General rule.*—The undistributed Supplement P net income of a foreign personal holding company shall be included in the gross income of the citizens or residents of the United States, domestic corporations, domestic partnerships, and estates or trusts (other than estates or trusts the gross income of which under this title includes only income from sources within the United States), who are shareholders in such foreign personal holding company (hereinafter called "United States shareholders") in the manner and to the extent set forth in this Supplement.

(b) *Amount included in gross income.*—Each United States shareholder, who was a shareholder on the day in the taxable year of the company which was the last day on which a United States group (as defined in section 331 (a) (2)) existed with respect to the company, shall include in his gross income, as a dividend, for the taxable year in which or with which the taxable year of the company ends, the amount he would have received as a dividend if on such last day there had been distributed by the company, and received by the shareholders, an amount which bears the same ratio to the undistributed Supplement P net income of the company for the taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year.

(c) *Credit for obligations of U. S. and its instrumentalities.*—Each United States shareholder shall be allowed a credit against net income, for the purpose of the tax imposed by section 11, 13, 14, 201, or 204, of his proportionate share of the interest specified in section 25 (a) (1) or (2) which is included in the gross income of the company otherwise than by the application of the provisions of section 334 (b) (relating to the inclusion in the gross income of a foreign personal holding company of its distributive share of the undistributed Supplement P net income of another foreign personal holding company in which it is a shareholder).

(d) *Information in return.*—Every United States shareholder who is required under subsection (b) to include in his gross income

any amount with respect to the undistributed Supplement P net income of a foreign personal holding company and who, on the last day on which a United States group existed with respect to the company, owned 5 per centum or more in value of the outstanding stock of such company, shall set forth in his return in complete detail the gross income, deductions and credits, net income, Supplement P net income, and undistributed Supplement P net income of such company.

(e) *Effect on capital account of foreign personal holding company.*—An amount which bears the same ratio to the undistributed Supplement P net income of the foreign personal holding company for its taxable year as the portion of such taxable year up to and including the last day on which a United States group existed with respect to the company bears to the entire taxable year, shall, for the purpose of determining the effect of distributions in subsequent taxable years by the corporation, be considered as a contribution to capital.

(f) *Basis of stock in hands of shareholders.*—The amount required to be included in the gross income of a United States shareholder under subsection (b) shall, for the purpose of adjusting the basis of his stock with respect to which the distribution would have been made (if it had been made), be treated as having been reinvested by the shareholder as a contribution to the capital of the corporation; but only to the extent to which such amount is included in his gross income in his return, increased or decreased by any adjustment of such amount in the last determination of the shareholder's tax liability, made before the expiration of seven years after the date prescribed by law for filing the return.

(g) *Basis of stock in case of death.*—For basis of stock or securities in a foreign personal holding company acquired from a decedent, see section 113 (a) (5).

(h) *Liquidation.*—For amount of gain taken into account on liquidation of foreign personal holding company, see section 115 (c).

(i) *Period of limitation on assessment and collection.*—For period of limitation on assessment and collection without assessment, in case of failure to include in gross income the amount properly includible therein under subsection (b), see section 275 (d).

"ART. 337–1. *Income of foreign personal holding companies taxed to United States shareholders.*—

"(a) *General rule.*—Supplement P does not impose a tax on foreign personal holding companies. The undistributed Supplement P net income of such companies, however, must be included in the manner and to the extent set forth in this article, in the gross income of their 'United States shareholders', that is, the shareholders who are individual citizens or residents of the United States, domestic corporations, domestic partnerships (see section 1001 (a)), and estates or trusts other than estates or trusts the gross income of which under Title I includes only income from sources within the United States.

"(b) *Amount includible in gross income.*—Each United States shareholder, who was a shareholder on the day in the taxable year of the foreign personal holding company which was the last day on which a United States group (see section 331 (a) (2) and article 331–3) existed with respect to the company, shall include in his gross income, as a dividend, for the taxable year in which or with which the taxable year of the company ends, the amount he would have received as a dividend if on such last day there had been distributed by the company and received by the shareholders an amount which bears the same ratio to the undistributed Supplement P net income of the company for the taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year.

"The undistributed Supplement P net income of the foreign personal holding company is includible only in the gross income of the United States shareholders who were shareholders in the company on the last day of its taxable year on which the United States group existed with respect to the company. Such United States shareholders, accordingly, are determined by the stockholdings as of such specified time. This rule applies to every United States shareholder who was a shareholder in the company at the specified time regardless of whether the United States shareholder is included within the United States group. For example, a domestic corporation which is a United States shareholder at the specified time must return its distributive share in the undistributed Supplement P net income even though the domestic corporation cannot be included within the United States group since, under section 333 (a) (1) and article 333 (a)–2, the stock it owns in the foreign corporation is considered as being owned proportionately by its shareholders for the purpose of determining whether the foreign corporation is a foreign personal holding company.

The United States shareholders must include in their gross income their distributive shares of that proportion of the undistributed Supplement P net income for the taxable year of the company which is equal in ratio to that which the portion of the taxable year up to and including the last day on which the United States group with respect to the company existed bears to the entire taxable year. Thus, if the last day in the taxable year on which the required United States group existed was also the end of the taxable year, the portion of the taxable year up to and including such last day would be equal to 100 percent and in such case, the United States shareholders would be required to return their distributive shares in the entire undistributed Supplement P net income. But if the last day on which the required United States group existed was September 30, and the taxable year was a calendar year, the portion of the taxable year up to and including such last day would be equal to $^9/_{12}$ and in that case, the United States shareholders would be required to return their distributive shares in only $^9/_{12}$ of the undistributed Supplement P net income.

"The amount which each United States shareholder must return is that amount which he would have received as a dividend if the above specified portion of the undistributed Supplement P net income had in fact been distributed by the foreign personal holding company as a dividend on the last day of its taxable year on which the required United States group existed. Such amount is determined, therefore, by the interest of the United States shareholder in the foreign personal holding company, that is, by the number of shares of stock owned by the United States shareholder and the relative rights of his class of stock, if there are several classes of stock outstanding. Thus, if a foreign personal holding company has both common and preferred stock outstanding and the preferred shareholders are entitled to a specified dividend before any distribution may be made to the common shareholders, then the assumed distribution of the stated portion of the undistributed Supplement P net income must first be treated as a payment of the specified dividend on the preferred stock before any part may be allocated as a dividend on the common stock.

"The assumed distribution of the required portion of the undistributed Supplement P net income must be returned as dividend income by the United States shareholders for their respective taxable years in which or with which the taxable year of the foreign personal holding company ends. For example, if the M Corporation whose taxable year is the calendar year is a foreign personal holding company for 1937, and if A, one of its United States shareholders makes returns on a calendar year basis, while B, another United States shareholder, makes returns on the basis of a fiscal year ending November 30, A must return his assumed dividend as income for the taxable year 1937, and B must return his distributive share as income for the fiscal year ending November 30, 1938. In applying this rule, the date as of which the United States group last existed with respect to the company is immaterial. Thus, in the foregoing example, if September 30, 1937, was the last day on which the United States group with respect to the M Corporation existed, B would still be required to return his assumed dividend as income for the fiscal year ending November 30, 1938, even though September 30, 1937, the date as of which the distribution is assumed to have been made, does not fall within such fiscal year.

"ART. 337–2. *Credit for obligations of the United States.*—Each United States shareholder required to return his distributive share in the undistributed Supplement P net income of a foreign personal holding company for any taxable year is allowed, for purposes of the tax imposed by section 11, 13, 14, 201, or 204, a credit against his net income for his proportionate share of whatever interest on obligations of the United States or its instrumentalities (as specified in section 25 (a) (1) and (2)) may be included in the gross income of the company for such taxable year with the exception of any such interest as may be so included by reason of the application of the provisions of section 334 (b) and article 334–2.

"For example, the M Corporation is a foreign personal holding company which owns all the stock of the N Corporation, another foreign personal holding company. Both companies receive interest on obligations of the United States or its instrumentalities as specified in section 25 (a) (1) and (2). In applying the credit allowable under section 337 (c), the United States shareholders of the M Corporation would be entitled to a credit only for their proportionate shares of the interest received by that company and not for any part of the interest received by the N Corporation, regardless of whether the interest received by the N Corporation is included in the gross income of the M Corporation, as an actual dividend or as a constructive dividend under section 334 (b).

"ART. 337–3. *Information in return.*—The information required by section 337 (d) in the returns of certain United States shareholders relates only to the taxable year of a foreign personal holding company for which is computed such corporation's undistributed Supplement P net income, all or part of which must be included in gross income by the United States shareholder of whom the information is required. The information shall be submitted as a part of the income tax returns required by the Act of such persons, in the form of a statement attached to the return.

"ART. 337–4. *Effect on capital account of foreign personal holding company and basis of stock in hands of shareholders.*—Sections 337 (e) and 337 (f) are designed to prevent double taxation with respect to the undistributed Supplement P net income of foreign personal holding companies. The application of these sections may be illustrated by the following examples:

"*Example 1.*—The M Corporation is a foreign personal holding company. Seventy-five percent in value of its capital stock is owned by A, a citizen of the United States, and the remainder, or 25 percent, of its stock is owned by B, a nonresident alien individual. For the calendar year 1937 the M Corporation has an undistributed Supplement P net income of $100,000. A is required to include $75,000 of such income in gross income in his return for the calendar year 1937. The $100,000 is treated as a contribution to the capital of the M Corporation. If for the calendar year 1938, the M Corporation had no income and no accumulated earnings and profits, but distributed $100,000 as dividends, the dividends so distributed would be tax-free in the hands of both A and B. If, however, the M Corporation had accumulated earnings and profits of $100,000 at the beginning of 1937, the facts otherwise being the same, the distibutions in 1938 would be taxable to A, and the taxability of such distributions to B would depend upon the application of section 119 (a) (2) (B), relating to the treatment of dividends from a foreign corporation as income from sources within or without the United States.

"*Example 2.*—In Example 1 assume the basis of A's stock to be $300,000. If A includes in gross income in his return for the calendar year 1937, $75,000 of such income as a constructive dividend, the basis of his stock would be $375,000. When the $75,000 is distributed by the M Corporation tax-free the basis of A's stock, assuming no other changes, would again be $300,000. If A failed to include the $75,000 in gross income in his return as required by the Act and his failure was not discovered until after the seven-year period of limitations had expired, the application of the rule would not increase the basis of A's stock. The subsequent tax-free distribution of $75,000 would reduce his basis to $225,000, thus tending to compensate for his failure to include the amount of $75,000 in his gross income. If the undistributed Supplement P net income of the M Corporation is readjusted within the statutory period of limitations, thus increasing or decreasing the amount A would have to include in his gross income, proper adjustment is required to be made to the basis of A's stock on account of such readjustment.

SEC. 338. *Information returns by officers and directors.*—(a) *Monthly returns.*—On the fifteenth day of each month each individual who on such day is an officer or a director of a foreign corporation which, with respect to its taxable year (if not beginning more than twelve months before the date of the enactment of the Revenue Act of 1937) preceding the taxable year in which such month occurs, was a foreign personal holding company, shall file with the Commissioner a return setting forth with respect to the preceding calendar month the name and address of each shareholder, the class and number of shares held by each, together with any changes in stockholdings during such period, the name and address of any holder of securities convertible into stock of such corporation, and such other information with respect to the stock and securities of the corporation as the Commissioner with the approval of the Secretary shall by regulations prescribe as necessary for carrying out the provisions of this Act. The Commissioner, with the approval of the Secretary, may by regulations prescribe, as the period with respect to which returns shall be filed, a longer period than a month. In such case the return shall be due on the fifteenth day of the succeeding period, and shall be filed by the individuals who on such day are officers and directors of the corporation.

(b) *Annual returns.*—On the sixtieth day after the close of the taxable year of a foreign personal holding company each individual who on such sixtieth day is an officer or director of the corporation shall file with the Commissioner a return setting forth—

(1) In complete detail the gross income, deductions and credits, net income, Supplement P net income, and undistributed Supplement P net income of such foreign personal holding company for such taxable year; and

(2) The same information with respect to such preceding taxable year as is required in subsection (a); except that if all the required reports with respect to such year have been filed under subsection (a) no information under this paragraph need be set forth in the annual report.

"ART. 338–1. *Information returns by officers and directors of certain foreign corporations.*—(a) *Requirement for filing returns.*—

"(1) *General.*—Under section 338 (a), on the fifteenth day of *each* month each individual who on such day is an officer or a director of a foreign corporation which, with respect to its taxable year (if not beginning more than twelve months before August 26, 1937) preceding the taxable year in which such month occurs, was a foreign personal holding company, is required to file with the Commissioner a monthly information return as provided in that section and this article.

"(2) *Returns for a period exceeding one month.*—In the case of a foreign personal holding company which before the close of its taxable year specified in paragraph (a) (1) of this article, distributed to its shareholders 90 percent or more of its Supplement P net income, the following periods are prescribed with respect to which information returns on Form 957 shall be filed during the following year:

"The return required under section 338 (a) for the last month of the preceding taxable year shall be filed on the fifteenth day of the first month following the close of such taxable year. Subsequent returns shall be filed for each six-month period following the close of such taxable year and shall be filed on the fifteenth day of the first month following such period. If any change in the stockholdings or in the holdings of securities convertible into stock of the corporation occurs during such periods, a monthly information return must also be filed on the fifteenth day of the month following each month in which the change occurs. In any case under this paragraph where the date for filing a monthly return coincides with the date for filing the return for a six-month period only the return for the six-month period need be filed.

"(3) *Returns jointly made.*—If two or more officers or directors of a foreign corporation are required to file information returns for any period under section 338 (a) and this article, any two or more of such officers or directors may, in lieu of filing separate returns for such period, jointly execute and file one return.

"(b) *Form of return.*—The returns under section 338 (a) and this article shall be made on Form 957. Such forms may, upon request, be procured from any collector. Each officer or director should carefully prepare his return so as to set forth fully and clearly the information called for therein and by the applicable regulations. Returns which

have not been so prepared will not be considered as meeting the requirements of the Act.

"(c) *Contents of return.*—The return on Form 957 shall, in accordance with the provisions of this article and the instructions on the form, set forth with respect to the preceding period the following information:

"(1) Name and address of corporation;

"(2) Kind of business in which the corporation is engaged;

"(3) Date of incorporation;

"(4) The country under the laws of which the corporation is incorporated;

"(5) Number of shares and par value of common stock of the corporation outstanding as of the beginning and end of the period;

"(6) Number of shares and par value of preferred stock of the corporation outstanding as of the beginning and end of the period, the rate of dividend on such stock and whether such dividend is cumulative or noncumulative;

"(7) A description of the convertible securities issued by the corporation, including a statement of the face value of, and rate of interest on, such securities;

"(8) The name and address of each shareholder, the class and number of shares held by each, together with any changes in sockholdings during such period;

"(9) The name and address of each holder of securities convertible into stock of the corporation, the class, number and face value of the securities held by each, together with any changes in the holdings of such securities during the period; and

"(10) Such other information as may be required by the return form.

"If a person is required to file a return under section 338 (a) and this article with respect to more than one foreign corporation, a separate return must be filed with respect to each foreign corporation.

"(d) *Verification of returns.*—All returns required by section 338 (a) and this article shall be verified under oath or affirmation in the same manner as prescribed in article 51–4.

"(e) *Penalties.*—For criminal penalties for failure to file the returns required by section 338 (a) and this article, see section 341.

"ART. 338–2. *Annual information returns by officers and directors of certain foreign corporations.*—(a) *Requirement for filing returns.*—

"(1) *General.*—Under section 338 (b), on the sixtieth day after the close of the taxable year of a foreign personal holding company each individual who on such sixtieth day is an officer or director of the corporation shall file with the Commissioner an annual information return as provided in that section and this article.

"(2) *Returns jointly made.*—If two or more officers or directors of a foreign corporation are required to file annual information returns under section 338 (b) and this article for any taxable year of the corporation, any two or more of such officers or directors may in lieu of filing separate annual returns for such taxable year, jointly execute and file one annual return.

"(b) *Form of return.*—The returns under section 338 (b) and this article shall be made on Form 958 and should be carefully prepared by each officer or director so as to set forth fully and clearly the information called for therein and by the applicable regulations. Returns which have not been so prepared will not be considered as meeting the requirements of the Act. Copies of Form 958 may, upon request, be procured from any collector.

"(c) *Contents of return.*—The return on Form 958 shall, in accordance with the provisions of this article and the instructions on the form, set forth with respect to the taxable year of the foreign personal holding company the following information:

"(1) In complete detail the gross income, deductions and credits, net income, Supplement P net income, and undistributed Supplement P net income of the foreign personal holding company for such taxable year;

"(2) The same information with respect to such taxable year which is required by section 338 (a) and paragraph (c) of article 338–1, except that if all the required returns with respect to such year have been filed under section 338 (a) and article 338–1, no information under section 338 (b) (2) and this paragraph need be set forth in such annual return; and

"(3) Such other information as may be required by the return form.

"(d) *Verification of returns.*—All returns required by section 338 (b) and this article shall be verified under oath or affirmation as prescribed in article 51–4.

"(e) *Penalties.*—For criminal penalties for failure to file the returns required by section 338 (b) and this article, see section 341.

"ART. 338–3. *Time and place of filing returns.*—Returns required by section 338 and the regulations thereunder shall be filed with the Commissioner of Internal Revenue, Washington, D. C., attention Records Division, and will be considered filed within the time or times required by law if, within such time or times, such returns are made and placed in the mails in due course, properly addressed and postage paid, provided they are actually received in the office of the Commissioner of Internal Revenue, Washington, D. C., even though received after such time or times.

SEC. 339. *Information returns by shareholders.*—(a) *Monthly returns.*—On the fifteenth day of each month each United States shareholder, by or for whom 50 per centum or more in value of the outstanding stock of a foreign corporation is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 333 (a) (2)), if such foreign corporation with respect to its taxable year (if not beginning more than twelve months before the date of the enactment of the Revenue Act of 1937) preceding the taxable year in which such month occurs was a foreign personal holding company, shall file with the Commissioner a return setting forth with respect to the preceding calendar month the name and address of each shareholder, the class and number of shares held by each, together with any changes in stockholdings during such period, the name and address of any holder of securities convertible into stock of such corporation, and such other information with respect to the stock and securities of the corporation as the Commissioner with the approval of the Secretary shall by regulations prescribe as necessary for carrying out the provisions of this Act. The Commissioner, with the approval of the Secretary, may by regulations prescribe, as the period with respect to which returns shall be filed, a longer period than a month. In such case the return shall be due on the fifteenth day of the succeeding period, and shall be filed by the persons who on such day are United States shareholders.

(b) *Annual returns.*—On the sixtieth day after the close of the taxable year of a foreign personal holding company each United States shareholder by or for whom on such sixtieth day more than 50 per centum of the outstanding stock of such company is owned directly or indirectly (including in the case of an individual, stock owned by members of his family as defined in section 333 (a) (2)), shall file with the Commissioner a return setting forth the same information with respect to such preceding taxable year as is required in subsection (a); except that if all the required reports with respect to such year have been filed under subsection (a) no information under this subsection need be set forth in the annual report.

"ART. 339–1. *Information returns by shareholders of certain foreign corporations.*—(a) *Requirement for filing returns.*—

"(1) *General.*—On the fifteenth day of each month each United States shareholder, by or for whom 50 percent or more in value of the outstanding stock of a foreign corporation is owned, directly or indirectly (including in the case of an individual, stock owned by members of his family as defined in section 333 (a) (2)), if such foreign corporation with respect to its taxable year (if not beginning more than twelve months before August 26, 1937) preceding the taxable year in which such month occurs was a foreign personal holding company, shall file with the Commissioner an information return as provided in section 339 (a) and this article.

"(2) *Returns for a period exceeding one month.*—In the case of a foreign personal holding company which before the close of its taxable year specified in paragraph (a) (1) of this article, distributed to its shareholders 90 percent or more of its Supplement P net income, the periods with respect to which information returns under section 339 (a) shall be filed shall be the same as the periods prescribed in paragraph (a) (2) of article 338–1.

"(3) *Duplicate returns.*—If a shareholder in a foreign corporation files, as an officer or director in such corporation, the returns required by section 338 (a) and article 338–1 such returns shall be considered as returns filed under section 339 (a).

"(b) *Form of return.*—The return under section 339 (a) and this article shall be on Form 957, copies of which, upon request, may be secured from any collector. Each shareholder should carefully prepare his return so as to set forth fully and clearly the information called for therein and by the applicable regulations. Returns which have not been so prepared will not be considered as meeting the requirements of the Act.

"(c) *Contents of return.*—The return on Form 957 shall, in accordance with the provisions of this article and the instructions on the form, set forth with respect to the preceding period the same information as required to be shown on that form by section 338 (a) and paragraph (c) of article 338–1.

"If a person is required to file a return under section 339 (a) and this article with respect to more than one foreign corporation, a separate return must be filed with respect to each foreign corporation.

"(d) *Verification of returns.*—All returns required by section 339 (a) and this article shall be verified under oath or affirmation as prescribed in article 51–4.

"(e) *Penalties.*—For criminal penalties for failure to file the returns required by section 339 (a) and this article, see section 341.

"ART. 339–2. *Annual information returns by shareholders of certain foreign corporations.*—(a) *Requirement for filing returns.*—

"(1) *General.*—Under section 339 (b), on the sixtieth day after the close of the taxable year of a foreign personal holding company, each United States shareholder, by or for whom on such sixtieth day more than 50 percent in value of the outstanding stock of the company is owned directly or indirectly (including in the case of an individual stock owned by members of his family as defined in section 333 (a) (2)), shall file with the Commissioner an information return as provided in that section and this article.

"(2) *Duplicate returns.*—If a shareholder in a foreign corporation files, as an officer or director in such corporation, the returns required by section 338 (b) and article 338–2 such returns shall be considered as returns filed under section 339 (b).

"(b) *Form of return.*—The returns under section 339 (b) and this article shall be made on Form 957 and should be carefully prepared by each shareholder so as to set forth fully and clearly the information called for therein and by the applicable regulations. Returns which have not been so prepared will not be considered as meeting the requirements of the Act. Copies of Form 957 may, upon request, be procured from any collector.

"(c) *Contents of return.*—The return on Form 957 shall, in accordance with the provisions of this article and the instructions on the form, set forth with respect to the taxable year of the foreign personal holding company the same information which is required under section 339 (a), paragraph (c) of article 338–1 and paragraph (c) of article 339–1, except that if all the required returns with respect to such year have been filed under section 339 (a) and article 339–1, no information under section 339 (b) and this article need be set forth in such annual return.

"If a person is required to file an annual return under section 339 (b) and this article with respect to more than one foreign personal holding company, a separate return must be filed with respect to each foreign personal holding company.

"(d) *Verification of returns.*—All returns required by section 339 (b) and this article shall be verified under oath or affirmation as prescribed in article 51–4.

"(e) *Penalties.*—For criminal penalties for failure to file the returns required by section 339 (b) and this article see section 341.

"ART. 339–3. *Time and place of filing returns.*—Returns required by section 339 and the regulations thereunder shall be filed with the Commissioner of Internal Revenue, Washington, D. C., attention Records Division, and will be considered filed within the time or times required by law if, within such time or times, such returns are made and placed in the mails in due course, properly addressed and postage paid, provided they are actually received in the office of the Commissioner of Internal Revenue, Washington, D. C., even though received after such time or times.

SEC. 340. *Returns as to formation, etc., of foreign corporations.*—(a) *Requirement.*—Under regulations prescribed by the Commissioner with the approval of the Secretary, any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person—

(1) Who, on or after the date of the enactment of the Revenue Act of 1937, aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation, shall, within 30 days thereafter, file with the Commissioner a return; or

(2) Who, since December 31, 1933, and prior to 90 days after the date of the enactment of the Revenue Act of 1937, has aided, assisted, counseled, or advised in the formation, organization, or reorganization of any foreign corporation shall, within 90 days after the date of the enactment of such Act, file with the Commissioner a return.

(b) *Form and contents of return.*—Such return shall be in such form, and shall set forth, under oath, in respect of each such corporation, to the full extent of the information within the possession or knowledge or under the control of the person required to file the return, such information as the Commissioner with the approval of the Secretary prescribes by regulations as necessary for carrying out the provisions of this Act. Nothing in this section shall be construed to require the divulging of privileged communications between attorney and client.

"ART. 340–1. *Returns of information with respect to foreign corporations by attorneys, accountants, or other persons.*—(a) *Return under section 340 (a) (1).*—Any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who, on or after August 26, 1937, aids, assists, counsels, or advises in, *or with respect to,* the formation, organization, or reorganization of any foreign corporation shall file with the Commissioner, within 30 days after giving such aid, assistance, counsel, or advice, an information return as provided in section 340 (a) (1) and this article. The return must be filed in every such case (1) regardless of the nature of the counsel or advice given, whether for or against the formation, organization, or reorganization of the foreign corporation, or the nature of the aid or assistance rendered and (2) regardless of the action taken upon the advice or counsel, that is, whether the foreign corporation is actually formed, organized, or reorganized.

"If, in a particular case, the aid, assistance, counsel or advice given by any person extends over a period of more than one day and not for more than 30 days, such person, to avoid the multiple filing of returns, may file a single return for the entire period. In such case, the return shall be filed within 30 days from the first day of such period. If, in a particular case, the aid, assistance, counsel or advice given by any person extends over a period of more than 30 days, such person may file a return at the end of each 30 days included within such period and at the end of the fractional part of a 30 day period, if any, extending beyond the last full 30 days. In each such case, the return must disclose all the required information which was not reported on a prior return.

"(b) *Return under section 340 (a) (2).*—Any attorney, accountant, fiduciary, bank, trust company, financial institu-

tion, or other person, who, since December 31, 1933, and prior to November 24, 1937 (the ninetieth day after the enactment of the Revenue Act of 1937), has aided, assisted, counseled, or advised in the formation, organization, or reorganization of any foreign corporation, shall file with the Commissioner, on or before November 24, 1937, an information return as provided in section 340 (a) (2) and this article. The return must be filed in every such case regardless of the nature of the counsel or advice given, whether for or against the formation, organization, or reorganization of the foreign corporation, or of the nature of the aid or assistance rendered, if such formation, organization, or reorganization occurs subsequent to the giving of such aid, assistance, counsel, or advice and prior to the expiration of ninety days after the date of enactment of the Act.

"(c) *Requirements common to returns under section 340 (a) (1) and section 340 (a) (2).*—

"(1) *Employers.*—In the case of aid, assistance, counsel, or advice, in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by a person in whole or in part through the medium of subordinates or employees (including in the case of a corporation the officers thereof) the return of the employer must set forth to the full extent all information prescribed by this article including that which, as an incident to such employment, is within the possession or knowledge or under the control of such subordinates or employees.

"(2) *Employees.*—The obligation of a subordinate or employee (including in the case of a corporation the officers thereof) to file a return with respect to any aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation, given as an incident to his employment, will be satisfied if a complete and accurate return as prescribed by section 340 and this article is duly filed by the employer setting forth all of the information within the possession or knowledge or under the control of such subordinate or employee.

"Clerks, stenographers, and other subordinates or employees, rendering aid or assistance solely of a clerical or mechanical character in, or with respect to, the formation, organization, or reorganization of a foreign corporation are not required to file returns by reason of such services.

"(3) *Partners.*—In the case of aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by one or more members of a partnership in the course of its business, the obligation of each such individual member to file a return will be satisfied if a complete and accurate return, as prescribed by this article, is duly filed by the partnership, executed by all the members of the firm who gave any such aid, assistance, counsel, or advice. If, however, the partnership has been dissolved at the time the return is due, individual returns must be filed by each member of the former partnership who gave any such aid, assistance, counsel or advice.

"(4) *Returns jointly made.*—If two or more persons aid, assist, counsel or advise in, or with respect to, the formation, organization, or reorganization of a particular foreign corporation, any two or more of such persons may, in lieu of filing several returns, jointly execute and file one return.

"(d) *Form of return.*—The returns under this article shall be made on Form 959. Such forms may, upon request, be procured from any collector. Each person should carefully prepare the return so as to set forth fully and clearly the information called for therein and by the applicable regulations. Returns which have not been so prepared will not be considered as meeting the requirements of the Act.

"(e) *Contents of return.*—The return on Form 959 shall, in accordance with the provisions of this article and the instructions on the form, set forth the following information to the full extent such information is within the knowledge or possession or under the control of the person required to file the return:

"(1) The name and address of the person (or persons) to whom and the person (or persons) for whom or on whose behalf the aid, assistance, counsel or advice was given;

"(2) A complete statement of the aid, assistance, counsel or advice given;

"(3) Name and address of the foreign corporation and the country under the laws of which it was formed, organized, or reorganized;

"(4) The month and year when the foreign corporation was formed, organized, or reorganized;

"(5) A statement of how the formation, organization, or reorganization of the foreign corporation was effected;

"(6) A complete statement of the reasons for, and the purposes sought to be accomplished by, the formation, organization, or reorganization of the foreign corporation;

"(7) A statement showing the classes and kinds of assets, transferred to the foreign corporation in connection with its formation, organization, or reorganization, including a detailed list of any stock or securities included in such assets, and a statement showing the names and addresses of the persons who were the owners of such assets immediately prior to the transfer;

"(8) The names and addresses of the shareholders of the foreign corporation at the time of the completion of its formation, organization, or reorganization, showing the classes of stock and number of shares held by each;

"(9) The name and address of the person (or persons) having custody of the books of account and records of the foreign corporation;

"(10) Such other information as may be required by the return form; and

"(11) Where any of the information required to be furnished is withheld because its character is claimed to be privileged as a communication between attorney and client within the meaning of section 340 (b), the return must so state and must contain a complete statement of the nature and the circumstances of the communication on which a decision as to the propriety of the claim of privilege may be reached.

"If a person aids, assists, counsels or advises in, or with respect to, the formation, organization, or reorganization of more than one foreign corporation, a separate return must be filed with respect to each foreign corporation.

"(f) *Verification of returns.*—All returns required by section 340 and this article shall be verified under oath or affirmation as prescribed in article 51–4.

"(g) *Penalties.*—For criminal penalties for failure to file the returns required by section 340 and this article, see section 341.

"ART. 340–2. *Place of filing returns.*—Returns required by section 340 and the regulations thereunder shall be filed with the Commissioner of Internal Revenue, Washington, D. C., attention Records Division.

SEC. 341. *Penalties.*—Any person required under sections 338, 339, or 340 to file a return, or to supply any information, who willfully fails to file such return, or supply such information, at the time or times required by law or regulations, shall, in lieu of the penalties provided in section 145 (a) for such offense, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $2,000, or imprisoned for not more than one year, or both.

Treasury Decision 4773, approved November 9, 1937 (Int. Rev. Bull. XVI–46, 4 (1937)), relating to returns of information with respect to foreign corporations, is hereby superseded.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 7, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3610; Filed, December 10, 1937; 3:59 p. m.]



## Federal Alcohol Administration Division.

### ADVERTISING ALCOHOLIC BEVERAGES AS APPETIZERS AND APERITIFS

DECEMBER 10, 1937.

*To All Permittees:*

The industry is familiar with the Administration's often expressed opinion that any advertisement which creates the impression that the consumption of alcoholic beverages will contribute to the mental or physical well-being of the consumer, or that such beverages can be consumed without detrimental effects, is prohibited under the Federal Alcohol Administration Act. Consistent with this opinion objection has been voiced to advertisements referring to the absence of "hangovers" on mornings following drinking, to the relaxing or soothing effects of alcoholic beverages on tired nerves, to improvements in appetite or digestion, to unaffected efficiency, and to many other similar effects.

In this connection representations have recently been made to the Administration by producers of distilled spirits, wines and malt beverages to the effect that the words "aperitif" and "appetizer" might properly be employed in the labeling and advertising of alcoholic beverages, without such use constituting a curative or therapeutic claim likely to mislead the consumer. Such representations have been predicated upon the fact that an "appetizer" is regarded by the average person as a small portion of food or drink taken before a meal, or as the first course of a meal, and that the word in its commonly accepted sense, as applied to the advertising of alcoholic beverages, would not be regarded as a representation with respect to the therapeutic benefits or the physiological effects of the product.

With these representations, the Administration is inclined to agree and takes this occasion to advise the industry that objection will not be voiced to the use, under the following conditions, of the words "aperitif" and "appetizer" in the advertising of alcoholic beverages:

(1) The words "aperitif" and "appetizer", when used in an advertisement, should be relatively inconspicuous in relation to the advertisement as a whole and should be incorporated as a part of an explanatory statement which makes it perfectly clear that such words refer solely to the time and method of consumption of the advertised product, as a beverage, and not to any possible therapeutic benefits or physiological effects

(2) The words "aperitif" and "appetizer" should not be used as a part of the class, type or other designation of any alcoholic beverage, other than medicated wines marketed under an approved label which describes the product as an "aperitif wine".

In line with the views above expressed it would be regarded as permissible under the regulations to state in respect to dry sherry, cocktails, vermouth, etc, that "it may be used at any time of day but is particularly appropriate as an appetizer before meals or at the cocktail hour", or that "it is especially suitable as an aperitif before dinner."

On the other hand, any statement which would tend to give the words "aperitif" and "appetizer" a meaning broader than that which indicates merely the appropriate time or method of consumption, would be prohibited. For example, it would be improper to state that any particular brand of distilled spirits, wine or malt beverages, or mixtures of the same, will "stimulate the appetite", or "promote the flow of gastric juices", or to make any other similar statement which tends to give the impression that the product has medicinal value, or that its consumption will have a beneficial effect upon the human system.

[SEAL] W. S. ALEXANDER, *Administrator.*

[F. R. Doc 37-3607; Filed, December 10, 1937; 3:58 p. m.]

### ELIMINATION FROM WINE LABELS OF SUPERVISORY DISTRICT NUMBER AND TAX PAYMENT REFERENCES

DECEMBER 10, 1937.

*To All Bottlers and Packers of Wine:*

The Administration has heretofore issued the bottlers and packers of wine numerous certificates of label approval covering labels which bear the phrase "Tax Paid by Stamps Affixed to Case" and which bear a statement of the Internal Revenue supervisory district number.

In view of Article XXIII of Regulations No. 7 of the Bureau of Internal Revenue, approved October 6, 1937, it is no longer required that the supervisory district number or the phrase "Tax Paid by Stamps Affixed to Case" appear on containers or labels of wine.

Accordingly, all bottlers and packers of wine having in their possession certificates of label approval issued by this Administration, covering labels which bear a statement of supervisory district number or the phrase "Tax Paid by Stamps Affixed to Case", are hereby authorized to revise such labels by eliminating therefrom the statement of supervisory district number and the phrase "Tax Paid by Stamps Affixed to Case". This circular letter will constitute a certificate of label approval for all labels so revised, provided such labels in all other respects are identical with labels heretofore covered by individual certificates of label approval on Form L–14.

[SEAL] W. S. ALEXANDER, *Administrator.*

[F. R. Doc. 37-3608; Filed, December 10, 1937; 3:58 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Bureau of Reclamation.

### FIRST FORM WITHDRAWAL BUFFALO RAPIDS PROJECT, MONTANA

NOVEMBER 26, 1937.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat., 1976) it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

BUFFALO RAPIDS PROJECT, MONTANA

T. 13 N., R. 52 E.,
Section 24, NE¼SW¼ and Lot 4;
T. 13 N., R. 53 E.,
Section 8, E½NE¼;
Section 31, Lot 7;
Section 32, Lot 1;
T. 13 N., R. 54 E.,
Section 4, Lot 1;
T. 14 N., R. 55 E.,
Section 8, Lot 8;
T. 15 N., R. 55 E.,
Section 32, Lots 2 and 3.

Respectfully,

JOHN C. PAGE, *Commissioner.*

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

December 2, 1937.

[F. R. Doc. 37-3629; Filed, December 13, 1937; 9:55 a. m.]

### FIRST FORM RECLAMATION WITHDRAWAL COLORADO RIVER STORAGE PROJECT

NOVEMBER 23, 1937.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat., 1976), it is recommended that Departmental Order of November 3, 1936 establishing

Grazing District No. 5, Nevada, under and pursuant to the provisions of the Act of June 28, 1934, (48 Stat., 1269), be revoked in so far as the following described lands are affected, and the said lands be withdrawn from public entry under the first form withdrawal, as provided in Sec. 3, Act of June 17, 1902 (32 Stat., 388).

COLORADO RIVER STORAGE PROJECT

*Mount Diablo Meridian, Nevada*

T. 16 S., R. 67 E.,
Sec. 36, SE¼NE¼ and E½SE¼;
T. 17 S., R. 67 E.,
Sec. 1, NE¼ and S½;
Sec. 12, N½NW¼, NE¼, and NE¼SE¼;
T. 17 S., R. 68 E.,
Sec. 6, all;
Sec. 7, all

Respectfully,

JOHN C. PAGE, *Commissioner.*

I concur:

F. R. CARPENTER,
*Director, Division of Grazing.*

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

December 6, 1937.

[F. R. Doc. 37-3630; Filed, December 13, 1937; 9:55 a. m.]

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**General Land Office.**

STOCK DRIVEWAY WITHDRAWAL NO. 11, MONTANA NO. 1, ENLARGED

DECEMBER 2, 1937.

It appearing from examination that the following-described public lands should be included in Stock Driveway Withdrawal No. 11, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and of section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

PRINCIPAL MERIDIAN

T. 14 S., R. 10 W.
sec. 15, SE¼;
sec. 22, NE¼, E½SE¼;
aggregating 400 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-3632; Filed, December 13, 1937; 9:56 a. m.]

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AIR NAVIGATION SITE WITHDRAWAL NO. 114, WYOMING

DECEMBER 6, 1937.

It appearing that the following-described tract of public land in Wyoming is necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section four of the act of May 24, 1928, 45 Stat. 728, that such land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for use by the Department of Commerce in the maintenance of air navigation facilities, effective December 30, 1937, upon the expiration of an existing one-year lease under section 15 of the above-mentioned act of June 28, 1934, as amended:

SIXTH PRINCIPAL MERIDIAN

T. 16 N., R. 74 W., sec. 28, E½NE¼NE¼, E½ of lot 1, 42.90 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-3631; Filed, December 13, 1937; 9:55 a. m.]

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**National Bituminous Coal Commission.**

[Docket No. 82-FD]

IN THE MATTER OF CONTINENTAL COAL COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by Continental Coal Company, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, described in the Schedule of Minimum Prices for Coals of Code Members produced within District No. 3, the above entitled proceeding is assigned for hearing on December 20th, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission.
December 10, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3617; Filed, December 11, 1937; 11:59 a. m.]

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[Docket No. 83-FD]

IN THE MATTER OF PENNCOAL, INC.

NOTICE OF HEARING

A petition having been filed with this Commission by Penncoal, Inc., pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it and in competition with District No. 3, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 2, the above entitled proceeding is assigned for hearing on December 20, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission.
December 10, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3618; Filed, December 11, 1937; 11:59 a. m.]

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[Docket 84-FD]

IN THE MATTER OF PURSGLOVE COAL MINING COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by Pursglove Coal Mining Company, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 3, the above entitled proceeding is assigned for hearing on December 20, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission.
December 10, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3619; Filed, December 11, 1937; 12:00 m.]

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[Docket No. 85-FD]

IN THE MATTER OF CONSUMERS' COUNSEL

NOTICE OF HEARING

A petition having been filed with this Commission by Consumers' Counsel, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with coordination of minimum prices of coals produced in Districts No. 1 to No. 13, inclusive, the above entitled proceeding is assigned for hearing on December 21st, 1937, at 9:30 A. M., at the hearing room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard, pursuant to Section VIII of the Rules of Practice and Procedure before the Commission and Order No. 111 of the Commission.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the COMMISSION.
December 10, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3615; Filed, December 11, 1937; 11:57 a. m.]

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[Docket No. 86-FD]

IN THE MATTER OF SOMERSET COUNTY COAL OPERATORS' ASSOCIATION

NOTICE OF HEARING

A petition having been filed with this Commission by Somerset County Coal Operators' Association, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 1, the above entitled proceeding is assigned for hearing on December 20, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission.
December 10, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3616; Filed, December 11, 1937; 11:57 a. m.]

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[Order No. 115]

AN ORDER DECLARING THAT BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NUMBER 15 HAS FAILED TO TAKE ACTION REQUIRED BY THE COMMISSION'S ORDER NUMBER 42 AND THE BITUMINOUS COAL ACT OF 1937; PROVIDING FOR COMMISSION ACTION PURSUANT TO THE AUTHORITY OF SECTION 6 (A) OF SAID ACT, AND DIRECTING THAT SAID DISTRICT BOARD FILE WITH THE COMMISSION CERTAIN DATA

The Commission having by its Order No. 42 directed all District Boards within Minimum Price Areas Numbers 3, 4, 5, 6, 7, 9 and 10 to propose minimum prices for all kinds, qualities and sizes of coal produced by code members in their respective districts, in conformity with the provisions of Section 4, Part II—Marketing, subsection (a) of the Act, and having further provided for the coordination of such proposed minimum prices as required under subsection (b) of Section 4, Part II of the Act, and having provided for the completion of such coordination and the submission of such coordinated minimum prices to the Commission not later than the 2nd day of October, 1937; and

It appearing that minimum prices were proposed in conformity with such order by the several District Boards, and it further appearing that District Board Number 15 failed to complete coordination with other Districts on or before the date prescribed by the Commission; and

It now appearing that after continued efforts by District Board Number 15, such Board has not at this time completed a voluntary coordination of proposed minimum prices as required under said Act and order of the Commission, and the Commission having concluded that voluntary coordination will not be accomplished within any reasonable period of time.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby declares, directs and orders:

1. That District Board Number 15 has failed to complete coordination with other Districts in accordance with the provisions of subsection (b), Part II, Section 4 of the Act and as directed by the Commission's Order Number 42.

2. That the Commission, pursuant to the authority of Section 6 (a) of said Act, will now proceed in lieu of said District Board Number 15 to coordinate in conformity with the provisions of Section 4, Part II, of said Act, the proposed minimum prices in such markets as are determined to be common consuming market areas and in such coordination to make such modifications of proposed minimum prices as may be required to give full effect to the differences, if any, between the tentative and actual weighted average of the total cost per net ton of the tonnage of Minimum Price Area Number 5 as previously required in Order No. 42 of the Commission.

3. That District Board Number 15, shall, on or before the 14th day of December, 1937, at twelve o'clock noon, transmit to and place in the hands of the Commission, all statistical data secured by it from code members within such District, together with all compilations made therefrom relative to the distribution and use of coals produced within said District, and all data upon which the minimum prices proposed by said District Board were computed, as well as all data utilized by said Board in proceeding with the work of coordination, all of which data and reports shall be available to the Commission for its use in proposing coordinated minimum prices.

4. That the Commission may from time to time require the appearance, formally or informally, of any District Board member, officer, or employee thereof, for the purpose of further informing the Commission as to facts concerning the production and distribution of coals produced in District Number 15.

The Secretary shall give notice of this order by mailing a copy thereof to the Secretary of District Board Number

15 and by mailing a copy to each member of said Board.

By order of the Commission.

Dated this 10th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3620; Filed, December 11, 1937; 12:01 p. m.]

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[Order No. 116]

AN ORDER DECLARING THAT BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NUMBER SIXTEEN HAS FAILED TO TAKE ACTION REQUIRED BY THE COMMISSION'S ORDER NUMBER FORTY-TWO AND THE BITUMINOUS COAL ACT OF 1937; PROVIDING FOR COMMISSION ACTION PURSUANT TO THE AUTHORITY OF SECTION 6 (A) OF SAID ACT, AND DIRECTING THAT SAID DISTRICT BOARD FILE WITH THE COMMISSION CERTAIN DATA

The Commission having by its Order No. 42 directed all District Boards within Minimum Price Areas Numbers 3, 4, 5, 6, 7, 9 and 10 to propose minimum prices for all kinds, qualities and sizes of coal produced by code members in their respective districts, in conformity with the provisions of Section 4, Part II—Marketing, subsection (a) of the Act, and having further provided for the coordination of such proposed minimum prices as required under subsection (b) of Section 4, Part II of the Act, and having provided for the completion of such coordination and the submission of such coordinated minimum prices to the Commission not later than the 2nd day of October, 1937; and

It appearing that minimum prices were proposed in conformity with such order by the several District Boards, and it further appearing that District Board Number Sixteen failed to complete coordination with other Districts on or before the date prescribed by the Commission; and

It now appearing that after continued efforts by District Board Number Sixteen, such Board has not at this time completed a voluntary coordination of proposed minimum prices as required under said Act and order of the Commission, and the Commission having concluded that voluntary coordination will not be accomplished within any reasonable period of time.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby declares, directs and orders:

1. That District Board Number Sixteen has failed to complete coordination with other Districts in accordance with the provisions of subsection (b), Part II, Section 4 of the Act and as directed by the Commission's Order Number Forty-two.

2. That the Commission, pursuant to the authority of Section 6 (a) of said Act, will now proceed in lieu of said District Board Number Sixteen to coordinate in conformity with the provisions of Section 4, Part II, of said Act, the proposed minimum prices in such markets as are determined to be common consuming market areas and in such coordination to make such modifications of proposed minimum prices as may be required to give full effect to the differences, if any, between the tentative and actual weighted average of the total cost per net ton of the tonnage of Minimum Price Area Number 6 as previously required in Order No. 42 of the Commission.

3. That District Board Number Sixteen shall, on or before the 14th day of December, 1937, at twelve o'clock noon, transmit to and place in the hands of the Commission, all statistical data secured by it from code members within such District, together with all compilations made therefrom relative to the distribution and use of coals produced within said District, and all data upon which the minimum prices proposed by said District Board were computed, as well as all data utilized by said Board in proceeding with the work of coordination, all of which data and reports shall be available to the Commission for its use in proposing coordinated minimum prices.

4. That the Commission may from time to time require the appearance, formally or informally, of any District Board member, officer, or employee thereof, for the purpose of further informing the Commission as to facts concerning the production and distribution of coals produced in District Number Sixteen.

The Secretary shall give notice of this order by mailing a copy thereof to the Secretary of District Board Number Sixteen and by mailing a copy to each member of said Board.

By order of the Commission.

Dated this 10th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3621; Filed, December 11, 1937; 12:01 p. m.]

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[Order No. 117]

AN ORDER DECLARING THAT BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NUMBER SEVENTEEN HAS FAILED TO TAKE ACTION REQUIRED BY THE COMMISSION'S ORDER NUMBER 42 AND THE BITUMINOUS COAL ACT OF 1937; PROVIDING FOR COMMISSION ACTION PURSUANT TO THE AUTHORITY OF SECTION 6 (A) OF SAID ACT, AND DIRECTING THAT SAID DISTRICT BOARD FILE WITH THE COMMISSION CERTAIN DATA

The Commission having by its Order No. 42 directed all District Boards within Minimum Price Areas Numbers 3, 4, 5, 6, 7, 9 and 10 to propose minimum prices for all kinds, qualities and sizes of coal produced by code members in their respective districts, in conformity with the provisions of Section 4, Part II—Marketing, subsection (a) of the Act, and having further provided for the coordination of such proposed minimum prices as required under subsection (b) of Section 4, Part II of the Act, and having provided for the completion of such coordination and the submission of such coordinated minimum prices to the Commission not later than the 2nd day of October, 1937; and

It appearing that minimum prices were proposed in conformity with such order by the several District Boards, and it further appearing that District Board Number Seventeen failed to complete coordination with other Districts on or before the date prescribed by the Commission; and

It now appearing that after continued efforts by District Board Number Seventeen, such Board has not at this time completed a voluntary coordination of proposed minimum prices as required under said Act and order of the Commission, and the Commission having concluded that voluntary coordination will not be accomplished within any reasonable period of time.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby declares, directs and orders:

1. That District Board Number Seventeen has failed to complete coordination with other Districts in accordance with the provisions of subsection (b), Part II, Section 4 of the Act and as directed by the Commission's Order Number 42.

2. That the Commission, pursuant to the authority of Section 6 (a) of said Act, will now proceed in lieu of said District Board Number Seventeen to coordinate in conformity with the provisions of Section 4, Part II, of said Act, the proposed minimum prices in such markets as are determined to be common consuming market areas and in such coordination to make such modifications of proposed minimum prices as may be required to give full effect to the differences, if any, between the tentative and actual weighted average of the total cost per net ton of the tonnage of Minimum Price Area Number 6 as previously required in Order No. 42 of the Commission.

3. That District Board Number Seventeen shall, on or before the 14th day of December, 1937, at twelve o'clock noon, transmit to and place in the hands of the Commission, all statistical data secured by it from code members within such District, together with all compilations made therefrom relative to the distribution and use of coals produced within said District, and all data upon which the minimum prices proposed by said District Board were computed, as well as all data utilized by said Board in proceeding with the work of coordination, all of which data and reports shall be available to the Commission for its use in proposing coordinated minimum prices.

4. That the Commission may from time to time require the appearance, formally or informally, of any District Board member, officer, or employee thereof, for the purpose of further informing the Commission as to facts concerning the production and distribution of coals produced in District Number Seventeen.

The Secretary shall give notice of this order by mailing a copy thereof to the Secretary of District Board Number Seventeen and by mailing a copy to each member of said Board.

By order of the Commission.

Dated this 10th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3622; Filed, December 11, 1937; 12:03 p. m.]

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[Order No. 118]

AN ORDER DECLARING THAT BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NUMBER 18 HAS FAILED TO TAKE ACTION REQUIRED BY THE COMMISSION'S ORDER NUMBER 42 AND THE BITUMINOUS COAL ACT OF 1937; PROVIDING FOR COMMISSION ACTION PURSUANT TO THE AUTHORITY OF SECTION 6 (A) OF SAID ACT, AND DIRECTING THAT SAID DISTRICT BOARD FILE WITH THE COMMISSION CERTAIN DATA

The Commission having by its Order No. 42 directed all District Boards within Minimum Price Areas Numbers 3, 4, 5, 6, 7, 9 and 10 to propose minimum prices for all kinds, qualities and sizes of coal produced by code members in their respective districts, in conformity with the provisions of Section 4, Part II—Marketing, subsection (a) of the Act, and having further provided for the coordination of such proposed minimum prices as required under subsection (b) of Section 4, Part II of the Act, and having provided for the completion of such coordination and the submission of such coordinated minimum prices to the Commission not later than the 2nd day of October, 1937 and

It appearing that minimum prices were proposed in conformity with such order by the several District Boards, and it further appearing that District Board Number 18 failed to complete coordination with other Districts on or before the date prescribed by the Commission; and

It now appearing that after continued efforts by District Board Number 18, such Board has not at this time completed a voluntary coordination of proposed minimum prices as required under said Act and order of the Commission, and the Commission having concluded that voluntary coordination will not be accomplished within any reasonable period of time.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby declares, directs and orders:

1. That District Board Number 18 has failed to complete coordination with other Districts in accordance with the provisions of subsection (b), Part II, Section 4 of the Act and as directed by the Commission's Order Number 42.

2. That the Commission, pursuant to the authority of Section 6 (a) and said Act, will now proceed in lieu of said District Board Number 18 to coordinate in conformity with the provisions of Section 4, Part II, of said Act, the proposed minimum prices in such markets as are determined to be common consuming market areas and in such coordination to make such modifications of proposed minimum prices as may be required to give full effect to the differences, if any, between the tentative and actual weighted average of the total cost per net ton of the tonnage of Minimum Price Area Number 6 as previously required in Order No 42 of the Commission

3. That District Board Number 18, shall, on or before the 14th day of December, 1937, at twelve o'clock noon, transmit to and place in the hands of the Commission, all statistical data secured by it from code members within such District, together with all compilations made therefrom relative to the distribution and use of coals produced within said district, and all data upon which the minimum prices proposed by said District Board were computed, as well as all data utilized by said Board in proceeding with the work of coordination, all of which data and reports shall be available to the Commission for its use in proposing coordinated minimum prices

That the Commission may from time to time require the appearance, formally or informally, of any District Board member, officer, or employee thereof, for the purpose of further informing the Commission as to facts concerning the production and distribution of coals produced in District Number 18.

The Secretary shall give notice of this order by mailing a copy thereof to the Secretary of District Board Number 18 and by mailing a copy to each member of said Board.

By order of the Commission.

Dated this 10th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3623; Filed, December 11, 1937; 12:03 p. m.]

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[Order No. 119]

AN ORDER PRESCRIBING AND ESTABLISHING MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER FOURTEEN, PURSUANT TO SECTION 4, PART II, OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 9 and 25 directed all District Boards to propose reasonable rules and regulations incidental to the sale and distribution of coals of code members produced within their respective districts, and to coordinate such marketing rules and regulations in the manner therein provided, and submit same to the Commission; and the said District Boards having proposed such rules and regulations, as directed, and the District Boards having coordinated the rules and regulations as proposed by them with certain exceptions, which exceptions were submitted to the Commission, together with coordination agreements, and statements of the reasons therefor having been submitted to the Commission at a hearing; the Commission having given due consideration to the marketing rules and regulations as proposed and coordinated by the District Boards, as well as to the exceptions made thereto, and all, other evidence and pertinent data submitted to it, and having conformed said marketing rules and regulations to the standards as set forth in Section 4, Part II of the Bituminous Coal Act of 1937,

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Marketing Rules and Regulations, incidental to the sale and distribution of coals of Code Members within District Number Fourteen as set forth in the document so captioned, and filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are established and prescribed as the Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members in said District Number Fourteen, and said Market-

ing Rules and Regulations shall be and become effective at 12:01 A. M. on the 27th day of December, 1937.

2. That any Code Member or the District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the Marketing Rules and Regulations may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II, (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and the Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members of District Number Fourteen, to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Fourteen, and to all Code Members within said District, shall cause copies of this order and said Marketing Rules and Regulations and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission, and shall cause a copy of this order to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 10th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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MARKETING RULES AND REGULATIONS, INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 14

Marketing Rules and Regulations, Incidental to the Sale and Distribution of Coals of Code Members within District Number 14, as set forth herein have been prescribed and established by Order of the Commission, subject to such modification and revision as the Commission may establish by further Orders.

F. WITCHER MCCULLOUGH, *Secretary.*

Dated, December 10, 1937.

SECTION I—DEFINITIONS

1. The term "person" as used herein, includes individuals, firms, associations, partnerships, corporations, trusts, trustees, co-operatives, receivers and trustees in bankruptcy and in other legal proceedings, and any other recognized forms of business organizations.

2. A "Sales Agent" is a person who as agent, in law or in fact, sells coal for or on behalf of a code member.

3. A "commission" is the total of all compensations and allowances for services received by a sales agent from a code member for the sale of coal.

4. A "Wholesaler" is a person who purchases coal for resale and who resells such coal in lots of not less than a cargo or railroad carload, without physically handling such coal.

5. A "Farmers' Cooperative Organization" is a bona fide and legitimate cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States, and composed of local farmers' cooperative organizations, and which purchases coal for resale and resells it in lots of not less than a cargo or railroad carload to its member farmers' organizations, without physically handling such coal.

6. A "wholesale discount" is the total of all allowances or reductions from minimum or other prices allowed to a wholesaler or farmers' cooperative organization by a code member or his sales agent.

7. "Retailing" is the selling of coal in lots of less than a cargo or railroad carload.

8. A "spot order" is a legal obligation for the sale and purchase of coal, the delivery of which is stipulated to be made within not more than thirty (30) days from the date upon which the order was accepted.

9. A "contract" is a legal obligation for the sale and purchase of coal, the deliveries of which are stipulated to be made during a period longer than that specified for a spot order.

10. A "commitment" is a contract or spot order after a quotation is accepted or an option is exercised and not reduced to writing.

11. A "quotation" is an offer for the sale of coal at a price which the offeror may withdraw prior to its being acted upon by the offeree.

12. An "option" is an offer for the sale of coal at a price to be accepted within a time certain, during which time the offeror may not withdraw the offer without consent of the offeree.

13. "Coal Commission" as used herein, shall mean the National Bituminous Coal Commission established under the provisions of the Bituminous Coal Act of 1937.

14. "Act" as used herein, shall mean the Bituminous Coal Act of 1937.

15. "District Board" as used herein, shall mean any District Board established under the provisions of Section 4, Part I (a) of the Act.

16. "Statistical Bureau" shall mean, unless otherwise specifically stated, the statistical bureau of the Commission for the district in which the coal involved in any transaction is produced, or the district in which is located a mine of a code member affected by any order or regulation.

17. "Minimum Price" shall mean a minimum price established and made effective by the Coal Commission.

18. "Maximum Price" shall mean a maximum price established and made effective by the Coal Commission.

19. Registration and Register" as used herein, shall refer to registration with the Coal Commission pursuant to rules and regulations prescribed by the Commission for the administration of Section 4 of the Act.

SECTION II.—SALES AGENTS

1. All appointments of sales agents by code members or their agents or authorized representatives, and the terms and conditions of such appointments shall be subject to the Marketing Rules and Regulations from time to time established by the Coal Commission.

2. Each code member shall be responsible for the compliance by all his sales agents and agents and employees of sales agents with the provisions of the Bituminous Coal Code and of all rules and regulations, promulgations and determinations of the Coal Commission.

3. All contracts for the appointment of sales agents by code members or by agents or authorized representatives of code members shall be in writing. Certified copies of all such agency contracts entered into and in effect prior to the effective date of these rules and regulations shall be filed by the code member with the statistical bureau or bureaus for the district in which the code member produces coal, on or before January 31, 1938.

Certified copies of all contracts appointing sales agents made subsequent to the effective date of these rules and regulations, shall be similarly filed by the code member within ten (10) days after the date upon which such contracts have been entered into.

4. As to all coal sold by a code member otherwise than through a sales agent or through sales representatives regularly employed as salesmen by the code member, such code member shall, not later than the tenth day of each calendar month, file with the statistical bureau, a list of all his sales representatives and all wholesalers through whom, directly or indirectly, any such coal was sold, with a statement (as to sales representatives) of the duration and character of their employment, the tonnage sold by each such sales representative and wholesaler, and the amount of compensation or discounts paid to and allowed by them.

Each code member shall file monthly similar information obtained from his sales agents with the statistical bureau, concerning sales of coal made by the sales agents' representatives other than salesmen regularly employed.

5. A list showing the names and addresses of sales agents and the code members for whom such agents act shall be published by the Coal Commission from time to time.

6. All agency contracts and other information filed by code members in conformity with the foregoing regulations, other than the names and addresses of sales agents, shall be held by the Coal Commission as the confidential records of said parties and shall not be made public without the consent of the code member from whom the same shall have been obtained, except where such disclosure is required in any proceeding before the Coal Commission by way of enforcement of the Act or upon the order of any court of competent jurisdiction.

7. On and after February 1, 1938, no code member shall pay any commission or make any allowance to any sales agent unless the contract of agency shall have been filed with the Coal Commission as hereinbefore required and unless the sales agent shall have agreed in writing with the code member to conform to and observe the minimum prices and Marketing Rules and Regulations established by the Coal Commission and shall have conformed to the Fair Trade Practice provisions of the Code, as well as to these Marketing Rules and Regulations and all other proper orders of the Coal Commission.

SECTION III—REGISTRATION OF WHOLESALERS

I. From and after the date hereinafter provided no code member or sales agent of a code member shall pay or allow any discount from minimum or other prices to any wholesaler as herein defined unless such wholesaler shall be registered with the Coal Commission at the time of the sale.

II. Wholesalers of coal desiring to qualify themselves so as to be entitled to receive from code members or their sales agents discounts from minimum prices established by the Coal Commission shall make application to be designated as Registered Wholesalers.

III. The form of application to be filed for approval as a Registered Wholesaler shall among other things set forth:

(*a*) The name of the applicant.

(*b*) The address of his principal place of business together with the address of each branch office maintained.

(*c*) The form of organization of applicant's business, whether corporate, partnership, individual or any other form.

(*d*) The names and addresses of all officers, directors, managers and other parties in interest, including in the case of a corporation, the names of all stockholders, bondholders and other persons having a substantial interest.

(*e*) The total tonnage of bituminous coal handled by the applicant in the years 1934; 1935; 1936 and the first six (6) months of 1937, together with a schedule of tonnage handled in 1936 and in the first six (6) months of 1937 for each code member.

Also a list showing the names and addresses of any person to whom the wholesaler sold more than ten percent of the coal of any code member handled by applicant in the year 1936.

(*f*) A statement of the applicant's affiliation, if any, with any coal producer, whether or not a code member, or any transporter, processor, distributor or consumer of coal.

(*g*) Each application must be accompanied by duplicate copies of the "Terms of Registration" hereinafter set forth, each properly signed and acknowledged.

A. On behalf of corporations, by a principal officer or officers of the corporation duly authorized to act.

B. On behalf of a partnership, by one or more of the partners duly authorized for that purpose.

C. On behalf of an individual, by the applicant or his attorney duly empowered for that purpose.

D. In the case of any other form of business organization, by a person or persons legally authorized to execute an application on behalf of the applicant."

IV. Each such application shall be accompanied by the following agreement, executed in duplicate and properly signed and acknowledged on behalf of applicant.

*Terms of Registration*

The undersigned wholesaler agrees upon being registered as a "Registered Wholesaler" by the Coal Commission and thereby becoming entitled to discounts authorized by the Coal Commission:

(1) Not to sell, deliver, resell or offer for sale any coal at a price less than the minimum price nor greater than the maximum price established by the Coal Commission for such coal and in effect on the date of delivery, and to sell coal produced only by code members.

(2) To comply with the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 relating to unfair methods of competition.

(3) To accept no discount on coal unless such coal is purchased for bona fide resale in conformity with these rules and regulations and the orders of the Coal Commission.

(4) To abide by the Marketing Rules and Regulations from time to time established by the Coal Commission governing the sale and distribution of coal.

(5) To furnish or cause to be furnished to the Coal Commission at any time upon its direction, a copy of every resale contract or order; a copy of each invoice to wholesaler's vendee, together with copies of each credit memorandum and such other information concerning the sale and distribution of coal as the Coal Commission may require.

(6) To include in every spot order and contract made or entered into by the Registered Wholesaler, the following provision:

This contract (or order) is made and accepted subject to the Marketing Rules and Regulations established by the National Bituminous Coal Commission and now in effect, and particularly to the terms of registration of wholesalers as set forth herein.

V. After receipt of any such application, the Coal Commission upon a determination that the applicant is a bona fide wholesaler agreeing to conform to its Marketing Rules and Regulations, shall register such person as a Registered Wholesaler and shall issue to the applicant a certificate of registration accordingly. The Coal Commission shall promptly notify each District Board of such registration and shall publish from time to time for the information of code members, a list of Registered Wholesalers, which list shall be amended from time to time as the Coal Commission may direct, to show additions, withdrawals or removals.

VI. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a Registered Wholesaler has violated the rules and regulations prescribed by the Coal Commission governing the resale of coal by such Registered Wholesaler.

The registration of any such wholesaler, may be suspended by the Coal Commission after hearing, held upon twenty (20) days' written notice by mail to the wholesaler, and upon proof of failure or refusal to comply with any duty or requirement imposed upon the wholesaler by reason of his registration with the Coal Commission, the registration of the offending wholesaler may be suspended for such period of time as the Coal Commission in its discretion may deem proper. Each District Board and all code members in the districts in which the Registered Wholesaler has been purchasing coal for resale shall be duly notified by the Coal Commission of any suspension, including the effective date and the period thereof.

SECTION IV—FARMERS' COOPERATIVE ORGANIZATIONS

I. Farmers' Cooperative Organizations as hereinbefore defined shall, in order to obtain the privileges granted by

the second paragraph of Number 13, subsection (i) of Part II—Marketing—of Section 4 of the Act, be registered with the Coal Commission as herein required and no code member or his sales agent shall pay or allow any discount from minimum prices to any farmers' cooperative organization on or after the first day of February 1938, unless such farmers' cooperative organization shall be so registered at the time of the sale.

II. Each such farmers' cooperative organization desiring to obtain such privileges and discounts shall make application to the Coal Commission for registration as bona fide and legitimate farmers' cooperative organization. Such application shall among other things set forth:

(1) The name and Post Office address of the applicant, date of organization and the names and addresses of the officers and directors, if any.

(2) The names of the local farmers' cooperatives which are members of applicant organization.

(3) The form of organization of applicant's business, with a reference to the law or laws under which such organization was formed.

(4) A statement of the purpose for which such organization is formed, as set forth in its Charter or Articles of Association.

(5) A statement of the qualifications for membership in such organization, as set forth in its Charter or Articles of Association, together with a specific statement as to whether membership is actually limited to bona fide local farmers' cooperatives.

(6) A statement of the terms and conditions under such organization grants rebates, discounts, patronage dividends or other similar benefits to its members and the amount of rate thereof.

(7) A statement setting forth the territories in which applicant operates or proposes to operate.

(8) A statement showing the tonnages of bituminous coal purchased and resold by applicant in the calendar years 1934; 1935; 1936 and the first six (6) months of 1937.

III. Each such application shall have attached thereto duplicate copies of the following agreement, duly authorized, executed and acknowledged on behalf of applicant:

The undersigned Farmers' Cooperative Organization agrees, upon being registered as a Farmers' Cooperative Organization by the Coal Commission and thereby becoming entitled to discounts authorized by the Commission:

(1) Not to sell, deliver, resell or offer for sale any coal at a price less than the minimum price nor greater than the maximum price established by the Coal Commission for such coal and in effect on the date of delivery.

(2) To comply with the provisions of Section 4, Part II (i) of the Bituminous Coal Act of 1937 relating to Unfair Methods of Competition.

(3) To accept no discount on coal from a code member unless such coal is purchased for bona fide resale in conformity with the rules and regulations and orders of the Coal Commission.

(4) To abide by the Marketing Rules and Regulations from time to time established by the Coal Commission governing the sale and distribution of coal.

(5) To furnish or cause to be furnished to the Coal Commission at any time upon its direction, such information as to sales of coal made by applicant as the Coal Commission may require.

IV. After receipt of any such application the Coal Commission, upon a determination that the applicant is a bona fide and legitimate farmers' cooperative organization as defined in said Act and in these regulations, shall register such applicant as a Registered Farmers' Cooperative Organization and shall issue to the applicant a certificate of Registration accordingly. The Commission shall promptly notify each District Board of such registration and shall publish from time to time for the information of code members, a list of Registered Farmers' Cooperative Organizations, which list shall be amended from time to time as the Coal Commission may direct in order to show additions, withdrawals or removals.

V. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a Registered Farmers' Cooperative Organization has violated the rules and regulations prescribed by the Coal Commission governing the resale of coal by such Registered Farmers' Cooperative Organization.

The registration of any such Registered Farmers' Cooperative Organization may be revoked by the Coal Commission after hearing, held upon twenty (20) days written notice by mail, upon proof that such Registered Farmers' Cooperative Organization no longer complies with the requirements of the Act and of the Coal Commission, and in case of failure or refusal to comply with any duty or requirement imposed upon the Registered Farmers' Cooperative Organization by reason of its Registration with the Coal Commission having been established, the Coal Commission may suspend the Registration for such period of time as the Coal Commission in its discretion may deem proper. Each District Board and all code members in which the Registered Farmers' Cooperative Organization has been purchasing coal for resale shall be notified by the Coal Commission of any revocation or suspension, including the effective date and the period of any suspension.

SECTION V—DISCOUNTS AND ALLOWANCES

Section 4, Part II, subsection (i) of the Act provides:

(i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of the code:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: Provided, however, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona-fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.



9. The unauthorized use, whether in written or oral form, of trade-marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of any organization of retailers or industrial consumers, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this Act.

13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal.

1. Effective February 1, 1938, no code member or sales agent of a code member shall allow or pay, directly or indirectly, any compensation for the selling of coal, whether by way of commission or allowance, to any sales agent whose contract of agency shall not have been filed with the Coal Commission.

2. Effective January 15, 1938, no code member or sales agent of a code member shall pay or allow any discount to any wholesaler or farmers' cooperative organization who shall not have filed an application for registration with the Coal Commission in the manner provided in Sections III and IV of these Marketing Rules and Regulations.

3. Effective February 1, 1938, no code member or sales agent of a code member shall pay or allow any discount to any wholesaler or farmers' cooperative organization which shall not be registered with the Coal Commission in the manner provided in Sections III and IV of these Marketing Rules and Regulations.

4. No commission shall be paid or discount allowed by a code member on any coal sold for locomotive fuel purposes.

5. No discount from minimum on other prices shall be paid or allowed on coal sold to any person for retailing by him.

6. Subject to further order of the Coal Commission, the amount of commission to be paid by the code member to his sales agent and the amount of the discount to be allowed to a Registered Wholesaler or Registered Farmers' Cooperative Organization by a code member or his sales agent shall be fixed by agreement of the parties subject, however, to review as to the reasonableness of such commission or discount by the Coal Commission upon complaint or upon its own motion. In every case reviewed by the Coal Commission, the code member, sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall have the burden of establishing that the commission paid or discount allowed was a reasonable charge commensurate with the service actually rendered and did not exceed the fair cost of the service plus a reasonable profit on the transaction involved, and that the commission or discount so allowed was in conformity with the provisions of the Bituminous Coal Code and the Marketing Rules and Regulations of the Coal Commission.

7. No commission shall be paid to a sales agent or discount allowed to a wholesaler by a code member, where the coal is delivered or resold to any person who controls in whole or in part the sales agent or wholesaler.



SECTION VI—LIMITATIONS OF ORDERS, AGREEMENTS, AND QUOTATIONS

1. Until further order of the Coal Commission no code member or sales agent of a code member and no wholesaler or farmers' cooperative organization, registered or proposing to register shall enter into any agreement or order for the sale or delivery of coal for a period in excess of thirty (30) days from the date of such agreement or order, and no prices shall be less than the minimum prices in effect at the time of delivery; Provided, however; that contracts for periods not exceeding one (1) year at prices not less than the minimum prices established by the Coal Commission, in effect at the time of delivery, may be made with agencies of the Federal Government or with such agencies of State or local governments as are required by law to purchase coal for periods in excess of thirty (30) days. In the case of governmental agencies options may be given for a period not exceeding forty-five (45) days. No option for the sale of coal may be given, except as herein specifically provided.

2. All quotations shall be made or confirmed in writing, and shall, without notice, become null and void immediately upon the establishment by the Coal Commission of a revised minimum price for the coal covered by the quotation.

SECTION VII—SPOT ORDERS

1. Spot orders shall be acknowledged or accepted in writing within five (5) business days from the date of their receipt.

2. Every acceptance of a spot order shall contain the following clauses:

(*a*) "If the price herein named is f. o. b. any point other than the originating mine, such price shall be increased or decreased by the amount and at the time of any change in the published freight rate included in such price and becoming effective during the period of the order.

(*b*) "No shipment consigned to any destination point may be reconsigned en route or otherwise without the consent of the seller. In case of any reconsignment the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery to the destination to which such shipment is actually delivered.

(*c*) "The coal shipped pursuant to this order is sold and purchased upon the condition that it shall be used in the plant or plants and at the destination named herein and for the use stated herein and is not to be sold or diverted by the buyer to other destinations or uses without the consent of the seller. In case of diversion the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery at such other destinations and for the use to which actually applied.

(*d*) "If shipments called for by this order are not completed within thirty (30) days from the date of this order, the unfilled portion of the order shall be cancelled and no delivery of such tonnage shall be made."

3. In any case where a sale is made by a sales agent of a code member or by a Registered Wholesaler or Registered Farmers' Cooperative Organization, such sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall not exercise the rights of the seller as defined in items 2 (b) and 2 (c) of this section without first securing the consent in writing of the code member producing such coal.

4. All terms and conditions of a sale of coal must be fully and expressly set forth either in the order or in the acceptance. Any modification must be made in writing and filed in the same manner as an order.

SECTION VIII—USE OF COAL ANALYSES

1. No analysis of coal shall be utilized by a code member, sales agent, sales representative of wholesaler, or farmers' cooperative organization making a resale, in selling or offering for sale any coal produced by the code member, unless such code member shall have previously filed with the Statistical Bureau of the Coal Commission and the District

Board for the district in which the coal is produced, copies of such analysis, together with a certificate setting forth the time and manner of obtaining the sample analyzed, the name and address of the person or firm making the analysis and stating that such analysis is truly representative of the grade and size of coal as regularly produced by the code member. Each such analysis shall be not less than a proximate analysis showing ash, volatile matter, fixed carbon, sulphur and British Thermal Units and ash softening temperature. Each analysis shall further show whether made on an "as received" or moisture "free" basis and if on an "as received" basis, the analysis shall include moisture content.

2. All analyses so filed shall be subject to inspection at the office of the Statistical Bureau at any time during office hours by any interested person, and may be used by the District Board and the Coal Commission in determining from time to time proper classifications of the coals produced by the code member.

3. Any analysis of the coal of a code member made by or on behalf of a consumer and accepted by the code member as the basis for an adjustment of price under any contract or order shall be filed by the code member with the proper Statistical Bureau and District Board, within ten (10) days after such adjustment is made and shall be subject to the provisions of Rule No. 2 herein.

4. No agreement or order for the sale of coal produced by a code member, made upon a premium and penalty basis, shall be entered into or accepted by a code member or wholesaler unless the analysis upon which the premium and penalty clause is based has been previously filed as required in Rule No. 1. Such analysis shall be accompanied by a statement setting forth in full the terms of the premium and penalty provisions of the proposed contract or order.

5. In the case of premium and penalty agreements entered into prior to the effective date of these regulations, and claimed to be continuing in effect, the code member, sales agent or wholesaler, party to the agreement, shall file a statement containing the information required under Rule No. 4, within fifteen (15) days from such effective date.

SECTION IX—TERMS OF PAYMENT

The price and fair trade practice provisions of the Act shall not be evaded or violated by a code member, his sales agent or any Registered Wholesaler or Registered Farmers' Cooperative Organization through the use of terms of payment, and in no instance shall terms of payment be more favorable than the following:

1. On rail shipments the date of payment of invoices for coal sold shall be on or before the 20th day of the month following shipment.

2. On railroad locomotive fuel, the date of payment shall be on or before the 25th of the month following the date of shipment.

3. Payment shall be made in full and on a net cash basis. No portion of the invoice price may be withheld by agreement by reason of any unadjusted claim of the buyer nor shall any portion be withheld or deposited in escrow by reason of any alleged agreement relating to the constitutionality of any provision of the Act or the validity of any order of the Coal Commission.

4. Where payment is made by note, trade acceptance or other form of indebtedness, the seller shall charge and the buyer shall pay interest at the current market rate.

5. Freight on rail shipments shall not be paid by a code member, his sales agent or a Registered Wholesaler or Registered Farmers' Cooperative Organization, except to prepay stations as published in current railway tariffs or to the United States Government, States or political subdivisions thereof. Where freight is thus prepaid, the amount thereof shall immediately upon receipt of freight bill or notice of sight draft payment, be invoiced to the buyer for immediate payment.

SECTION X—CRUSHING AND PULVERIZING COAL

1. Each code member who maintains and operates at his mine or at any facility used in preparing coals for market, any crushing or pulverizing device, shall register such device with the Statistical Bureau of the Coal Commission, on or before the Twentieth (20th) day of January, 1938, on forms submitted by the Coal Commission.

2. Such forms shall include the following:

1. Name and address of code member.
2. Name of mine or facility at which device is located.
3. Name and style or type of crushing or pulverizing device.
4. Hourly capacity of device.
5. Sizes of coal which device can crush or pulverize.
6. Sizes of coal resulting from crushing or pulverizing.
7. Number of tons crushed in 1936 and in each month of 1937.
8. Cost per ton of crushing or pulverizing in 1936.

3. Beginning with the month of January 1938, each code member shall on or before the tenth (10th) day of each succeeding month, file with the Statistical Bureau on forms to be provided by the Coal Commission, a statement verified by affidavit, setting forth the following information for the preceding calendar month:

(*a*) Number of tons of each size crushed or pulverized.
(*b*) Number of tons of each size resulting from crushing or pulverizing.

4. No code member shall sell any coal crushed or pulverized at a price less than the minimum price established for the grade and size of coal before the crushing or pulverizing process plus five cents (5¢) per net ton.

SECTION XI—MISCELLANEOUS

1. No deduction or allowance shall be granted from invoice prices by any code member or sales agent, wholesaler or farmers' cooperative organization to any purchaser for advertising.

2. The price and fair trade practice provisions of the Act shall not be evaded by any payment or allowance by a code member to any purchaser or purchaser's representative covering advertising and the amount of expenditures for advertising shall be subject to review by the Coal Commission as to the good faith of the transaction.

3. Where coal is refused by a consignee in transit or at destination, the code member may, and in the case where the coal was sold by a Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization of the code member, such Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization with the approval of the code member may sell the same at the best obtainable price; provided, that in each case the code member, the Sales Agent, the Registered Wholesaler or the Registered Farmers' Cooperative Organization shall before making such resale first notify the statistical bureau and afford a reasonable opportunity to make inspection of such coal before the resale; and provided further, that in each case the code member shall file with the statistical bureau, within five (5) days from the date of such resale a statement giving the name and address of the consignee and the reasons for the refusal, the name and address of the purchaser upon resale and the price received by the seller upon resale, a copy of the carrier's notice of refusal or notice of reconsignment and such other pertinent facts as may be offered in proof of the necessity of such resale and that in making such resale, the provisions of the Code and the Marketing Rules and Regulations of the Coal Commission other than as to price have not been violated or evaded.

4. All code members and all Registered Wholesalers and Registered Farmers' Cooperative Organizations shall promptly furnish to the statistical bureau of the Coal Commission for the District in which the coal originated, full reports of all reconsignments and shall authorize the carrier making such reconsignments to furnish complete information thereon to such statistical bureau.

5. No allowance shall be made for any shipment of coal of substandard preparation or quality unless formal claim duly executed by or on behalf of the buyer and verified by affidavit, setting forth the amount claimed by way of allowance and reasons for the claim is filed with the code member or Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization within five (5) days after the receipt of the coal and unless, before the coal on which such allowance is claimed is used or disposed of, reasonable opportunity is afforded the Coal Commission through its duly designated representative to make inspection of such coal.

The code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization with whom such claim for allowance is filed shall immediately notify the statistical bureau and the District Board, furnishing an authentic copy of the buyer's claim together with a statement of the producers views as to the validity of the claim.

No allowance or adjustment for such inferior coal shall be made or deducted from the sales price by the code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization without first receiving authorization therefor from the duly designated representative of the Coal Commission.

Within five (5) days from the date of granting any such allowance as approved by the representative of the Commission the code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization shall file formal report with the statistical bureau setting forth:

A. The name and address of the consignee and the reason for the allowance.
B. The amount of allowance or adjustment made.
C. A statement that the adjustment has not been made with the purpose or intent of evading the price or fair trade practice provisions of the Act.

6. The screening of mine run or re-screening of other grades of coal sold and billed as such for the buyer's account for the purpose of keeping the resultant products separate in the shipment thereof is prohibited. All coal must be sold and invoiced under the designation shown therefor in the price schedule published by the Coal Commission.

7. All coal confiscated or lost in transit shall be invoiced to the carrier at the market value of the coal but in no event at less than the minimum price therefor, established by the Coal Commission.

8. Failure to file information required by the within Marketing Rules and Regulations or the filing of false information, wilfully made, will subject the party failing to file the information required or the party so filing, to the penalties of the Act and other penalties imposed by law.

9. These Marketing Rules and Regulations are subject to revision and amendment by further order of the Coal Commission.

[F. R. Doc. 37-3625; Filed, December 11, 1937; 12:29 p. m.]

[Order No. 120]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 22 AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number 22 having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number 22 having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number 22 and to other evidence and pertinent data relating to the classifications of coals for District Number 22:

Now, therefore, pursuant to Act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number 22, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number 22, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number 22 and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 22 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number 22 to the Consumers' Council, the Secretary of Bituminous Coal Producers Board for District Number 22 and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3637; Filed, December 13, 1937; 12:47 p. m.]

[Order No. 121]

AN ORDER SUSPENDING, UNTIL FURTHER ORDER OF THE COMMISSION, THE OPERATION OF RULE 4 OF SECTION TEN OF MARKETING RULES AND REGULATIONS RELATING TO THE SALE OF CRUSHED AND PULVERIZED COAL BY CODE MEMBERS WITHIN DISTRICTS NUMBERS ONE TO FOURTEEN INCLUSIVE, AND PROVIDING FOR A HEARING BY THE COMMISSION FOR THE PURPOSE OF RECEIVING FURTHER EVIDENCE TO ASSIST THE COMMISSION IN DETERMINING WHETHER OR NOT SAID RULES SHOULD BE MODIFIED OR ABROGATED

The National Bituminous Coal Commission having by its Orders Nos. 88 and 119, established marketing Rules and Regulations, incidental to the sale and distribution of coals of Code Members within Districts Nos. 1 to 14, inclusive, and the Commission having determined that Rule 4 of Section Ten, relating to the sale of crushed and pulverized coal by Code Members within Districts Numbers 1 to 14, inclusive, should be suspended until further order of the Commission,

Now therefore, the National Bituminous Coal Commission, pursuant to the provisions of the Bituminous Coal Act of 1937, hereby orders:

1. That Rule 4 of Section Ten of the Marketing Rules and Regulations, incidental to the sale and distribution of coals of Code Members within Districts Nos. 1 to 14, inclusive, relating to the crushing and pulverizing of coal, be and the same is hereby suspended and declared to be inoperative until further order of the Commission.

2. That a hearing shall be held by the Commission on the 17th day of January, 1938, commencing at 10:00 o'clock A. M., in the Hearing Room of the Commission in Washington, D. C., for the purpose of receiving further evidence to assist the Commission in determining whether or not Rule 4 of Section Ten of Marketing Rules and Regulations

relating to the sale and distribution of crushed and pulverized coal by code members within Districts Nos. 1 to 14, inclusive, should be modified or abrogated.

3. That the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, the Secretaries of Bituminous Coal Producers' Boards for Districts Nos. 1 to 14, inclusive, and to all Code Members within said Districts ,and shall cause a copy to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3638; Filed, December 13, 1937; 12:47 p. m.]

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[Order No. 122]

AN ORDER SUSPENDING UNTIL FURTHER ORDER OF THE COMMISSION THE OPERATION OF RULE 4 OF SECTION FIVE PERTAINING TO COMMISSIONS OR DISCOUNTS ON LOCOMOTIVE FUEL AND PROVIDING FOR A HEARING FOR THE PURPOSE OF RECEIVING FURTHER EVIDENCE TO ASSIST THE COMMISSION IN DETERMINING WHETHER SAID RULE SHOULD BE MODIFIED OR ABROGATED

The National Bituminous Coal Commission having by its Orders Nos. 88 and 119 established Marketing Rules and Regulations, incidental to the sale and distribution of coals of Code Members within Districts Nos. 1 to 14, inclusive, and the Commission having determined that Rule 4 of Section Five should be suspended until further order of the Commission,

Now, therefore, the National Bituminous Coal Commission, pursuant to the provisions of the Bituminous Coal Act of 1937, hereby orders:

1. That Rule 4 of Section Five of Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members within Districts Nos. 1 to 14, inclusive, and reading as follows:

> "No commission shall be paid or discount allowed by a Code Member on any coal sold for locomotive fuel purposes,"

be and the same is hereby suspended and declared to be inoperative until further order of the Commission.

2. That a hearing shall be held by the Commission on the 20th day of January, 1938, commencing at 10:00 o'clock A. M., in the Hearing Room of the Commission in Washington, D. C., for the purpose of receiving further evidence to assist the Commission in determining whether or not Rule 4 of Section Five of Marketing Rules and Regulations relating to discounts to be allowed on coal sold for locomotive fuel purposes by code members within Districts Nos. 1 to 14, inclusive, should be modified or abrogated.

3. That the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, the Secretaries of Bituminous Coal Producers' Boards for Districts Nos. 1 to 14, inclusive, and to all Code Members within said Districts, and shall cause a copy to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3639; Filed, December 13, 1937; 12:48 p. m.]

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[Order No. 123]

AN ORDER PROVIDING FOR A HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE TO ASSIST THE COMMISSION IN ESTABLISHING REGULATIONS GOVERNING THE BUSINESS AND OPERATIONS OF MARKETING AGENCIES AND PRESENTING TERMS FOR THE APPROVAL OF SUCH AGENCIES BY THE COMMISSION PURSUANT TO THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, hereby orders and directs:

1. That on January 17, 1938, commencing at the hour of ten o'clock A. M., in the Hearing Room of the Commission in the City of Washington, D. C., a hearing will be held for the purpose of receiving evidence to assist the Commission in prescribing reasonable regulations for the protection of the public interest governing the business and operations of marketing agencies and prescribing the terms and conditions upon which the Commission will thereafter grant its approval of such agencies, as authorized and provided in Section 12 of said Act.

2. The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to each marketing agency which the Commission has heretofore provisionally approved, and to the Secretary of each District Board, and shall likewise cause to be published a copy of this order in a newspaper of general circulation in each of the Districts Numbers One to Twenty-three, both inclusive, publication to be for one day in said newspapers and at least fifteen (15) days prior to the date of said hearing; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3640; Filed, December 13, 1937; 12:48 p. m.]

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[Order No. 124]

AN ORDER RELATING TO PURCHASES OF COAL FOR HOUSEHOLD CONSUMPTION BY MINE EMPLOYEES

The National Bituminous Coal Commission having ascertained, after investigation, that the mine workers employed by coal companies under collective bargaining contracts covering wages, hours of labor and working conditions have agreements with employers as to the price they shall pay for household coal used in their homes; and that such agreements are in fact a part of their working agreements and the price so agreed upon a part of the consideration going to the employee for his labor;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby declares, directs and orders:

1. That the minimum prices of coals established by the Commission shall not be applicable to sales of coal made by a coal producer employer to his or its mine worker employees for household consumption, where such sale is made pursuant to any arrangement by which the reduction to such employee in the prices of coal below the minimum prices, constitutes part of the employees compensation for his labor.

2. That the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to the Secretary of all the Bituminous Coal Producers Boards and to all code members, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3641; Filed, December 13, 1937; 12:49 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Bureau of Entomology and Plant Quarantine.

Revision of Regulation 2. Effective December 11, 1937.

MODIFICATION OF COTTON REGULATIONS

AMENDMENT NO. 3 OF RULES AND REGULATIONS GOVERNING THE IMPORTATION OF COTTON AND COTTON WRAPPINGS INTO THE UNITED STATES

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, it is ordered that regulation 2 of the Rules and Regulations Governing the Importation of Cotton and Cotton Wrappings into the United States, as revised February 24, 1923, be, and the same is hereby, amended to read as follows:

*Regulation 2. Applications for Permits*

Persons contemplating the importation of cotton into the United States shall make application for a permit to the Secretary of Agriculture, Washington, D. C., in advance of shipment, on forms provided for that purpose.

Permits will authorize the entry of cotton at the ports of Boston, Providence, New York, Seattle, Portland, Oreg., San Francisco, and Los Angeles, and at such other ports of entry as may be approved by the Bureau of Entomology and Plant Quarantine: [1] *Provided*, That for cotton of the types not requiring disinfection as a condition of entry under the *proviso to Regulation 6*, as modified effective May 1, 1924, and under the two *provisos to Regulation 9*, and for second-hand burlap and other fabric of the kinds ordinarily used for wrapping cotton for which disinfection or approved equivalent treatment is not required under the *second proviso to Regulation 11*, permits will be issued for entry at the following additional ports: Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Mobile, Gulfport, Miss., New Orleans, Houston, Galveston, Beaumont, Port Arthur, Niagara Falls, Buffalo, Port Huron, Detroit, Chicago, and Sumas, Blaine, and Bellingham, Wash.: *Provided further*, That for second-hand burlap or other fabric of the kinds ordinarily used for wrapping cotton which is to be treated under conditions prescribed by the Bureau of Entomology and Plant Quarantine in a manner equivalent to disinfection under the *first proviso to Regulation 11*, permits will be issued for entry at the additional ports of Philadelphia, Baltimore, Niagara Falls, Buffalo, Port Huron, Detroit, and Chicago.

Permits to authorize the entry of cotton via the United States for shipment to a foreign country will be issued under the provisions of the Plant Safeguard Regulations for immediate exportation or for immediate transportation and exportation in bond as prescribed in the permit: *Provided*, That cotton which has been entered in bond for subsequent disinfection may be exported from the United States upon prior approval of, and under conditions to be prescribed by, the Bureau of Entomology and Plant Quarantine.

(*a*) If cotton falling under these regulations is offered for entry at a port where the entry requirements cannot be met, provision must be made either for its prompt transfer to a port where the requirements of entry can be met, or for its removal forthwith from the port and the territorial waters of the United States. Transfers to other ports for compliance with the regulations, and the routing thereto, must be authorized by the Bureau of Entomology and Plant Quarantine.

(*b*) Under postal restrictions, the importation is authorized by samples, small packets, and parcel post of samples of raw or unmanufactured ginned cotton, including all forms of cotton-mill waste, when the parcels are securely wrapped to prevent leakage, and are conspicuously addressed to the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, at Washington, D. C., San Francisco, Calif., or Seattle, Wash., and, if from Mexico, at Nogales, Ariz., El Paso, Laredo, or Brownsville, Tex., with the name and address of the ultimate addressee indicated in the lower left-hand corner of the wrapper of the parcel. Upon receipt of the parcels at the designated inspection offices of the Bureau of Entomology and Plant Quarantine, they will be examined and disinfected, and forwarded to the ultimate addressee.

This amendment shall be effective on and after December 11, 1937.

Done at the city of Washington this 11th day of December 1937.

[1] The Bureau of Entomology and Plant Quarantine has assumed the functions of the Federal Horticultural Board.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3624; Filed, December 11, 1937; 12:07 p. m.]

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### Farm Security Administration.

DESIGNATION OF COUNTIES

NORTH DAKOTA

DECEMBER 11, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the North Dakota State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Barnes, Bowman, Ramsey.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3627; Filed, December 11, 1937; 12:44 p. m.]

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DESIGNATION OF COUNTIES

TEXAS

DECEMBER 11, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Texas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Baylor, Bexar, Bowie, Cherokee, Dallas, DeWitt, Falls, Fayette, Haskell, Hidalgo, Houston, Hunt, Johnson, Jones, Lamar, Navarro, Nueces, Reeves, San Augustine, Tom Green, Van Zandt, Wharton.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3626; Filed, December 11, 1937; 12:44 p. m.]

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DESIGNATION OF COUNTIES

MISSOURI

DECEMBER 11, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Missouri State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Bates, De Kalb, Howard, Newton, Pemiscot, St. Charles, Shelby, Texas.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3636; Filed, December 13, 1937; 12:40 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTION FROM RADIO REQUIREMENT FOR SMALL PASSENGER VESSELS ENGAGED IN FISHING IN THE VICINITY OF MIAMI, FLORIDA

The Commission en banc, at a meeting held on November 27, 1937, adopted the following Order:

Whereas there are pending before the Commission certain applications for exemption from the provisions of Title III, Part II, of the Communications Act of 1934, as amended by Public No. 97, which applications were filed on behalf of various passenger vessels of less than 100 gross tons operating in the vicinity of Miami, Florida; and

Whereas the Commission on September 28, 1937, granted temporary exemption from the said requirements to this class of vessels for a period ending November 28, 1937, pending further determination in the matter; and

Whereas, after further investigation, it now appears that the route and conditions of the voyages and other circumstances are such as to render a radio installation unreasonable or unnecessary for the purpose of Part II, Title III of the Communications Act of 1934, as amended;

*It is ordered*, That the passenger vessels *Camrade II, Edith, Alice B, Seven Seas, Beatrice* and *Captain Bill;* when navigated not more than five miles from the Florida seacoast in waters lying between Hillsboro Light and Triumph Reef Beacon are exempt from compliance with Title III, Part II of the Communications Act, as amended, for a period of one year from the date of this Order; and

*It is further ordered*, That any other passenger vessels of less than 100 gross tons, when navigated not more than five miles from the Florida seacoast in waters lying between Hillsboro Light and Triumph Reef Beacon, shall be exempt from compliance with Title III, Part II of the Communications Act for a period ending one year from the date of this Order, the said period to begin with the date of filing of a written request for said exemption, under oath and in triplicate, with the Inspector in Charge, Room 312, New Federal Building, (Post Office Box 150) Miami, Florida, which request shall include the following information:

Name of owner or applicant.
Name of vessel.
Official number.
Gross tonnage.
Required crew.
Permitted number of passengers.
Trade.
Maximum distance navigated from land.
Route the vessel normally follows and the number of passengers normally carried on this (these) route(s).
Period of day in which vessel is operated.
Reason in detail for requesting exemption.

*Provided, however*, That the foregoing exemptions shall be specifically subject to such rules and regulations as the Commission may hereafter adopt with regard to the granting of applications without hearing and, with respect to any ship or ships not specifically named herein, shall furthermore be subject to suspension or cancellation without notice or hearing within sixty days from the date of filing request for exemption as specified above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3611; Filed, December 11, 1937; 10:21 a. m.]

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[Order No. 21]

COMMISSIONER WALKER ASSIGNED TO SUPERVISE COMPLETION OF REPORT ON INVESTIGATION AUTHORIZED BY CONGRESS

The Commission en banc, at a meeting held on October 13, 1937, adopted the following Order:

Effective upon the dissolution of the Telephone Division pursuant to Commission Order No. 20, Commissioner Walker is hereby directed to supervise the completion of the proposed report on the investigation authorized by Public Joint Resolution No. 8, 74th Congress, approved March 15, 1935, and to submit such reports with a recommendation to the Commission at the earliest possible date.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3612; Filed, December 11, 1937; 10:21 a. m.]

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[Order No. 28]

ASSIGNMENT OF COMMISSIONERS AND CERTAIN STAFF MEMBERS TO ACT ON VARIOUS CLASSES OF APPLICATIONS

The Commission en banc, at a meeting held on November 29, 1937, adopted the following Order:

Under the authority of the Communications Act of 1934, as amended, particularly Sections 5 (e) and 409 thereof,

It is ordered:

(1) That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

(*a*) all applications for operator licenses, and
(*b*) all applications for amateur and ship stations;

(2) That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

(*a*) operation without an approved frequency monitor;
(*b*) operation without an approved modulation monitor;
(*c*) operation without thermometer in automatic temperature control chamber;
(*d*) operation without antenna ammeter, plate voltmeter or plate ammeter;
(*e*) operation with substitute ammeter, plate voltmeter or plate ammeter;
(*f*) operation with temporary antenna system;
(*g*) operation with auxiliary transmitter as main transmitter;
(*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
(*i*) where formal application is not required, application for new or modified equipment or antenna system;
(*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers;
(*k*) operation to determine power by direct method during program test periods;
(*l*) relocation of transmitter in the same building;
(*m*) operation with reduced power or time under Rules 142 and 151;
(*n*) approval of types of equipment;
(*o*) where it appears that terms of construction permit construction permit have not been met;
have been compiled with, authorization for equipment and program tests or extensions thereof;
(*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met;
(*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the

(3) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities;

(4) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations;

(5) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska;

(6) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;

(7) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to determine and act upon all matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs; and

(8) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

This Order shall become effective December 1, 1937.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3613; Filed, December 11, 1937; 10:21 a. m.]

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[Order No. 29]

ASSIGNMENT OF INDIVIDUAL COMMISSIONERS TO CARRY OUT PROVISIONS OF GENERAL ORDER NO. 28

The Commission en banc, at a meeting held on November 29, 1937, adopted the following Order:

(1) Order No. 27 assigning to Commissioners Sykes and Brown authority to act upon certain emergency applications is hereby revoked.

(2) For the month of December, 1937, the work, business and functions of the Commission specified and described in Paragraphs (3) through (8), both inclusive, of Order No. 28, are hereby assigned and referred as follows:

(*a*) That in Paragraph (3) to Commissioner Payne;
(*b*) That in Paragraph (4) to Commissioner Craven;
(*c*) That in Paragraph (5) to Commisisoner Sykes;
(*d*) That in Paragraph (6) to Commissioner Brown;
(*e*) That in Paragraph (7) to Commissioner Walker;
(*f*) That in Paragraph (8) to Commissioner Case.

This Order shall become effective December 1, 1937.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3614; Filed, December 11, 1937; 10:22 a. m.]



## INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 123]

NOTICE: FIFTEEN PER CENT CASE, 1937

DECEMBER 9, 1937.

The above-entitled proceeding is assigned for hearing on the dates and at the places hereinafter designated:

At Washington, D. C., before Commissioner Porter, January 4, 1938, at the offices of the Commission, as to Eastern passenger fares in coaches.

At Atlanta, Georgia, before Commissioner Caskie, January 10, 1938, at the Atlanta-Biltmore Hotel.

At Los Angeles, California, before Commissioner Aitchison, January 11, 1938, at the offices of the Railway Commission of the State of California, State Building, North Broadway, near Front Street.

At Portland, Oregon, before Commissioner Porter, January 11, 1938, at the Multnomah County Court House.

At Salt Lake City, Utah, before Commissioners Aitchison and Porter, January 17, 1938, at the Hotel Utah.

At New Orleans, Louisiana, before Commissioner Caskie, January 17, 1938, at the Hotel Jung.

At El Paso, Texas, before Commissioner Splawn, January 25, 1938, at the Hotel Paso del Norte.

At Chicago, Illinois, before Commissioners Aitchison and Porter, January 25, 1938, at the Hotel Morrison.

At Washington, D. C., before Commissioner Caskie, January 25, 1938, at the offices of the Commission.

At Washington, D. C., before Division 7, February 7, 1938, at the offices of the Commission.

All hearings scheduled to begin at 10:00 o'clock A. M. (Standard Time).

It is expected that oral argument before the Commission will follow the conclusion of testimony, *at once;* briefs (or memoranda) conforming to the rules of practice may be filed within 10 days after oral argument.

Attention is directed to the appendix annexed, containing instructions to parties who may appear herein.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

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APPENDIX

*Exhibits.*—In the preparation of exhibits Rule XIII of the rules of practice should be followed. A copy of that rule is attached. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

*Prepared statements.*—Witnesses who expect in the course of their testimony to read a written statement should have sufficient copies thereof for the use of counsel, the Commissioners on the bench, and the official reporter.

*Verified statements (affidavits).*—Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will also be received by consent of counsel. As soon as practicable parties desiring to offer such statements shall send 10 copies to the Commission and 75 copies to Mr. R. V. Fletcher, counsel for the applicants, Transportation Bldg., Washington, D. C. Within 10 days from receipt, Mr. Fletcher will advise the party submitting the statement and the Commission whether there is objection to the receipt of such statement in evidence. Copies must also be furnished to other interested parties who request them. Such statements should conform to Rule XIII of the rules of practice in respect of style, mimeographing, printing, etc. *They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded.* The Commission on its own motion or on objection may exclude a verified statement or any portion

thereof which is not material or relevant to the questions presented in this proceeding, is obviously incompetent, or is argumentative in character. The consent to introduction of such a verified statement will make it unnecessary for the affiant to appear personally at the hearing.

*Notice of intention to produce testimony.*—Persons who desire to be heard at any of these hearings will facilitate the arrangements necessary by sending notice of their intention, the number of witnesses, and the approximate amount of time necessary for presentation of direct testimony.

*Correspondence.*—Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, Ex Parte No. 123.

RULE XIII, RULES OF PRACTICE (IN PART)

(c) 1. [*Tariffs; offer of matter contained in schedules.*]—In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff schedules so on file.

2. [*Reference in exhibits to tariff authority, routes, and distances.*]—All exhibits showing rates, fares, charges, or other tariff provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff authority therefor, and if distances are shown must also show the authority therefor and, by lines and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff schedule lawfully on file with the Commission, or are definitely ascertainable from a tariff schedule on file with the Commission showing rates prescribed by the Commission and based on short line distances, provided the exhibit makes specific reference to such tariff schedules as provided by this rule.

(d) [*Copies of exhibits furnished opposing counsel.*]—When exhibits of a documentary character are to be offered in evidence copies must be furnished to opposing counsel, unless the presiding Commissioner or Examiner otherwise directs. Whenever practicable, the parties should interchange copies of exhibits before or at the commencement of the hearing.

(e) [*Size, form, and identification of exhibits; relevancy, materiality; not argumentative.*]—All exhibits of a documentary character received in evidence are bound with the rest of the record in covers of uniform size. Whenever practicable they should be on one side only of sheets not exceeding 12½ inches from top to bottom by 22 inches in width, and a sufficient margin for binding, preferably 1½ inches, must be left blank on the left side of each sheet. They must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten. If typewritten they must in other respects conform to the requirements of Rule XXI (b). Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered, and, if the exhibit consists of five or more sheets, the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit and should bear an identifying number, letter, or short title which will readily distinguish the exhibit from the other exhibits of the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should be limited to statements of fact relevant and material to the issue, which can be shown in that form better than by oral testimony. They should not be argumentative.

[F. R. Doc. 37-3635; Filed, December 13, 1937; 12:39 p. m.]

[Ex Parte No. 123]

FIFTEEN PERCENT CASE, 1937

REVISED SCHEDULE—SUPERSEDING PREVIOUS NOTICES

DECEMBER 11, 1937.

The above-entitled proceeding is assigned for hearing on the dates and at the places hereinafter designated:

At Washington, D. C., before Commissioner Porter, December 23, 1937, at the offices of the Commission, as to Eastern passenger fares in coaches.

At Atlanta, Georgia, before Commissioner Caskie, January 6, 1938, at the Atlanta-Biltmore Hotel.

At El Paso, Texas, before Commissioner Splawn, January 6, 1938, at the Hotel Paso Del Norte.

At New Orleans, Louisiana, before Commissioner Caskie, January 10, 1938, at the Hotel Jung.

At Los Angeles, California, before Commissioner Aitchison, January 10, 1938, at the offices of the Railroad Commission of the State of California, State Building, North Broadway, near Front Street.

At Chicago, Illinois, before Commissioner Porter, January 10, 1938, at the Hotel Morrison.

At Salt Lake City, Utah, before Commissioner Lee, January 10, 1938, at the Hotel Utah.

At Portland, Oregon, before Commissioner Lee, January 17, 1938, at the Multnomah County Court House.

At Washington, D. C., before Division 7, January 17, 1938, at the offices of the Commission.

All hearings scheduled to begin at 10:00 o'clock A. M. (Standard Time).

The hearing last scheduled to continue until the taking of testimony is closed, whereupon oral argument before the Commission will commence immediately. Briefs (or memoranda), if any, to be served and filed by the conclusion of oral argument.

Rules announced in the appendix attached to former notice should be observed.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3645; Filed, December 13, 1937; 12:54 p. m.]

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At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 7th day of December, A. D. 1937.

ORDER IN THE MATTER OF ANNUAL REPORTS FROM EXPRESS COMPANIES

The subject of the requirement of annual reports from express companies being under consideration:

*It is ordered:*

1. That the order of this Commission dated December 12, 1936, In the Matter of Annual Reports from Express Companies, is hereby annulled.

2. That all express companies subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ending December 31, 1937, and for each succeeding year until further order, in accordance with Annual Report Form H (Express), which is hereby approved and made a part of this order.

*It is further ordered,* That the annual report shall be filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3644; Filed, December 13, 1937; 12:53 p. m.]



At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 6th day of December, A. D. 1937.

ORDER IN THE MATTER OF ANNUAL REPORTS FROM SWITCHING AND TERMINAL COMPANIES OF CLASS III

The subject of the requirement of annual reports from switching and terminal companies being under consideration:

*It is ordered:*

1. That the order of this Commission dated November 19, 1936, In the Matter of Annual Reports from Switching and Terminal Companies of Class III, is hereby annulled.

2. That all switching and terminal companies of Class III subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ending December 31, 1937, and for each succeeding year until further order, in accordance with Annual Report Form D (Small Switching and Terminal Companies), which is hereby approved and made a part of this order.

*It is further ordered,* That the annual report shall be filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3643; Filed, December 13, 1937; 12:53 p. m.]

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At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 7th day of December, A. D. 1937.

ORDER IN THE MATTER OF ANNUAL REPORTS FROM SLEEPING CAR COMPANIES

The subject of the requirement of annual reports from sleeping car companies being under consideration:

*It is ordered:*

1. That the order of this Commission dated November 10, 1936, In the Matter of Annual Reports from Sleeping Car Companies, is hereby annulled.

2. That all carriers by sleeping car companies subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ending December 31, 1937, and for each succeeding year until further order, in accordance with Annual Report Form I (Sleeping Car Companies), which is hereby approved and made a part of this order.

*It is further ordered:* That the annual report shall be filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3642; Filed, December 13, 1937; 12:52 p. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 171]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 10, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Mississippi 8029 Oktibbeha | $326,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3628; Filed, December 13, 1937; 9:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1937.

[File No. 32-76]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Central Ohio Light & Power Company, a subsidiary of a registered holding company pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and sale of 6% promissory notes in a total face amount of $93,215.60, which issuance and sale has been approved by the Ohio Public Utilities Commission;

*It is ordered,* That a hearing on such matter be held on December 28, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 23, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3648; Filed, December 13, 1937; 12:56 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1937.

[File No. 46-84]

IN THE MATTER OF CUMBERLAND COUNTY POWER AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Cumberland County Power and Light Company, a subsidiary of New England Public Service Company, which is a registered holding company, for approval of the acquisition from The Twin State Gas and Electric Company, a registered holding company and likewise a subsidiary of New England Public Service Company, of all the outstanding common capital stock, being 9,770 shares of $25 par value stock, and of $224,000 principal amount of First and Refunding Mortgage 5% Gold Bonds, of Berwick & Salmon

Falls Electric Company, a subsidiary of The Twin State Gas and Electric Company, for an aggregate consideration of $499,000; said acquisition being a preliminary step in a plan by which Cumberland County Power and Light Company proposes to acquire all the property and assets of Berwick & Salmon Falls Electric Company;

*It is ordered*, That a hearing on such matter be held on December 30, 1937, at 2:00 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 27, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3646; Filed, December 13, 1937; 12:55 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, 1937.

[File No. 43-93]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

ORDER PERMITTING DECLARATION FOR ISSUANCE AND SALE OF NOTES

Northern States Power Company, organized under the laws of Minnesota, having filed a declaration and amendment thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it to a number of banks, in accordance with the terms of a bank agreement, of not to exceed $4,000,000 of 3% unsecured notes due October 1, 1939; a hearing on such declaration having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith on condition that the issuance and sale of such notes shall be effected in compliance with the terms and conditions set forth in, and for the purposes represented by, such declaration.

*It is further ordered*, That, within ten days after the issue and sale of any of such notes, the declarant shall file with this Commission a Certificate of Notification showing that such issue and sale has been effected in accordance with the conditions of this Order, and incorporating a true copy of the notes with respect to which the Certificate is filed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3647; Filed, December 13, 1937; 12:55 p. m.]

## VETERANS ADMINISTRATION.

[Supplement No. 1 to Instructions of September 7, 1937]

INSTRUCTIONS GOVERNING THE SELECTION OF VETERANS TO COMPOSE THE VETERANS' CONTINGENT OF THE CIVILIAN CONSERVATION CORPS

STATE AND CORPS AREA QUOTAS FOR THE VETERANS' CONTINGENT OF THE CIVILIAN CONSERVATION CORPS

DECEMBER 6, 1937.

Effective as of January 1, 1938, the first sentence of Paragraph 1 (A) (b) of Instructions Governing the Selection of Veterans to Compose the Veterans' Contingent of the Civilian Conservation Corps released September 7, 1937, is hereby amended to read as follows:

"Based upon the provisions of the Act quoted above the Director of the Corps has established the number of war veterans which may be enrolled at any one time in the Corps at 25,000."

Pursuant to this authority the following State and Corps Area quotas for the veterans' contingent of the Civilian Conservation Corps effective January 1, 1938, and to remain effective thereafter until subsequently modified, are hereby established, and all other such quotas previously announced are hereby cancelled.

| Army Corps Area and Selecting Office | Territory from which selections are to be made | Basic quota |
|---|---|---|
| FIRST | | |
| Newington, Conn. | Connecticut | 250 |
| Togus, Maine | Maine | 120 |
| Boston, Mass. | Massachusetts | 805 |
| Manchester, N. H. | New Hampshire | 65 |
| Providence, R. I. | Rhode Island | 115 |
| Burlington, Vt. | Vermont | 45 |
| | | 1,400 |
| SECOND | | |
| Philadelphia, Pa. | Delaware | 30 |
| Lyons, N. J. | New Jersey | 670 |
| New York City | Eastern New York | 1,575 |
| Batavia, N. Y. | Western New York | 525 |
| | | 2,800 |
| THIRD | | |
| Washington, D. C. | District of Columbia | 100 |
| Baltimore, Md. | Maryland | 240 |
| Philadelphia, Pa. | Eastern Pennsylvania | 1,060 |
| Pittsburgh, Pa. | Western Pennsylvania | 700 |
| Roanoke, Va. | Virginia | 300 |
| | | 2,400 |
| FOURTH | | |
| Tuscaloosa, Ala. | Alabama | 560 |
| Bay Pines, Fla. | Florida | 470 |
| Atlanta, Ga. | Georgia | 635 |
| New Orleans, La. | Louisiana | 390 |
| Jackson, Miss. | Mississippi | 440 |
| Charlotte, N. C. | North Carolina | 575 |
| Columbia, S. C. | South Carolina | 440 |
| Nashville, Tenn. | Tennessee | 490 |
| | | 4,000 |
| FIFTH | | |
| Indianapolis, Ind. | Indiana | 535 |
| Louisville, Ky. | Kentucky | 450 |
| Cleveland, Ohio | Northern Ohio | 760 |
| Dayton, Ohio | Southern Ohio | 505 |
| Huntington, W. Va. | West Virginia | 350 |
| | | 2,600 |
| SIXTH | | |
| Hines, Ill. | Illinois | 1,600 |
| Detroit, Mich. | Michigan | 1,030 |
| Wood, Wisc. | Wisconsin | 570 |
| | | 3,200 |
| SEVENTH | | |
| Little Rock, Ark. | Arkansas | 490 |
| Des Moines, Iowa | Iowa | 500 |
| Wichita, Kansas | Kansas | 490 |
| Minneapolis, Minn. | Minnesota | 730 |
| Jefferson Barracks, Mo. | Eastern Missouri | 525 |
| Kansas City, Mo. | Western Missouri | 425 |
| Lincoln, Nebr. | Nebraska | 325 |
| Fargo, N. D. | North Dakota | 220 |
| Sioux Falls, S. D. | South Dakota | 295 |
| | | 4,000 |
| EIGHTH | | |
| Tucson, Ariz. | Arizona | 130 |
| Denver, Colo. | Colorado | 300 |
| Albuquerque, N. M. | New Mexico | 130 |
| Oklahoma City, Okla. | Oklahoma | 730 |
| Dallas, Texas | Northern Texas | 800 |
| San Antonio, Texas | Southern Texas | 660 |
| Cheyenne, Wyo. | Wyoming | 50 |
| | | 2,800 |
| NINTH | | |
| San Francisco, Cal. | Northern California | 455 |
| Los Angeles, Cal. | Southern California | 560 |
| Boise, Idaho | Idaho | 90 |
| Ft. Harrison, Mont. | Montana | 110 |
| Reno, Nev. | Nevada | 25 |
| Portland, Ore. | Oregon | 165 |
| Salt Lake City, Utah | Utah | 115 |
| Seattle, Wash. | Washington | 280 |
| | | 1,800 |
| Grand total | | 25,000 |

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 37-3605; Filed, December 10, 1937; 3:41 p. m.]

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## REVISION OF REGULATIONS

APPORTIONMENT OF DEATH PENSION OR COMPENSATION

*Prior Apportionment Not To Be Disturbed*

R-2591. (A) When apportioning death pension or death compensation the provisions of R. & P. R-2592 will be applicable to all cases coming within its purview in which payments of pension or compensation have not been made to dependents, for all periods affected both prior and subsequent to its effective date. If payments have been made pursuant to a prior apportionment regulation, such payments will not be disturbed retroactively, except as provided in subparagraph (B) hereof, but any adjustment made necessary by reason of R. & P. R-2592 will be made effective as of the first day of the month next succeeding that in which the changed award is approved. In those instances where apportioned awards have been made, but no payment to the dependents has been issued thereunder, pension or compensation will be apportioned under R. & P. R-2592 for all periods affected.

(B) If by reason of a retroactive increase in the total amount of pension or compensation payable, no overpayment would result from a retroactive apportionment under R. & P. R-2592, such apportionment will be made effective as of the commencement date of the prior apportionment or the date of the increase in the total amount payable, whichever is the later. (August 16, 1937.) (V. R. No. 6 (c)).

*Widow and Children*

R-2592. For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), Public No. 141, 73d Congress (Act of March 28, 1934), and Public No. 484, 73d Congress (Act of June 28, 1934) as amended, and Public No. 304, 75th Congress (Act of August 16, 1937), where the child or children of a deceased veteran are not in custody of the widow, apportionment of pension or death compensation will be as follows:

(A) (1) Where benefits are payable at the war-time rates under Veterans' Regulation No. 1 (g).

| Amount payable to widow when— | | | | | | |
|---|---|---|---|---|---|---|
| Age of widow is— | Age of oldest child is— | | Amount for oldest child—When child is— | | Amount for each additional child—When child is— | |
| | Under 10 | 10 or over | Under 10 | 10 or over | Under 10 | 10 or over |
| Under 50 | $22.50 | $25.00 | $17.50 | $20.00 | $8.00 | $13.00 |
| 50 but not 65 | 27.50 | 30.00 | 17.50 | 20.00 | 8.00 | 13.00 |
| 65 or over | 32.50 | 35.00 | 17.50 | 20.00 | 8.00 | 13.00 |

(2) Where the full amount payable under Section 3 of Public No. 304, 75th Congress (Act of August 16, 1937) is awarded:

| Amount payable to widow when— | | | | | | |
|---|---|---|---|---|---|---|
| Age of widow is— | Age of oldest child is— | | Amount for oldest child—When child is— | | Amount for each additional child—When child is— | |
| | Under 10 | 10 or over | Under 10 | 10 or over | Under 10 | 10 or over |
| Under 50 | $22.50 | $25.00 | $17.50 | $20.00 | $8.00 | $13.00 |
| 50 but not 65 | 30.00 | 32.50 | 17.50 | 20.00 | 8.00 | 13.00 |
| 65 or over | 37.50 | 40.00 | 17.50 | 20.00 | 8.00 | 13.00 |

(3) Where compensation is payable at the variable rates provided under R. & P. R-2582 (C) (2), the difference between the total amount of compensation payable thereunder and the total amount otherwise payable at war-time rates under Veterans Regulation No. 1 (g) will be added to the amount payable to the widow under the table prescribed in subparagraph (A) (1) of this paragraph with no change in the amounts provided in such table for the child or children.

(4) The maximum amount payable to the widow and children in a war-time case is $75 of which not more than $52.50 may be paid to the children; and in a peace-time case $56 of which not more than $39.50 may be paid to the children. The total amount for all children will be equally divided when all are under 10 or all are over 10. When there are children under 10 and over 10, apportionment will be made in conformity with the following tables:

*War-time Rates—Veterans' Regulation No. 1 (g), Paragraph 1, and Section 3, Public No. 304, 75th Congress*

| Widow under 50—$22.50 children | 2 children amt. to each | | 3 children amt. to each | | 4 children amt. to each | | 5 children amt. to each | | 6 children amt. to each | | 7 children amt. to each | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under 10 | Over 10 | Under 10 | Over 10 | Under 10 | Over 10 | Under 10 | Over 10 | Under 10 | Over 10 | Under 10 | Over 10 |
| 1 over 10 | 12.75 | 17.75 | 11.17 | 16.16 | 10.38 | 15.36 | 9.53 | 14.38 | 8.05 | 12.25 | 6.97 | 10.68 |
| 2 over 10 | | | 11.16 | 16.17 | 10.38 | 15.37 | 8.74 | 13.14 | 7.45 | 11.35 | 6.50 | 10.00 |
| 3 over 10 | | | | | 9.66 | 14.28 | 8.05 | 12.13 | 6.94 | 10.56 | 6.10 | 9.36 |
| 4 over 10 | | | | | | | 7.46 | 11.26 | 6.49 | 9.88 | 5.74 | 8.82 |
| 5 over 10 | | | | | | | | | 6.10 | 9.28 | 5.42 | 8.33 |
| 6 over 10 | | | | | | | | | | | 5.15 | 7.89 |

(B) (1) Where benefits are payable at the peace-time rates under Veterans Regulation No 1 (g).

| Amount payable to widow when— | | | | | | |
|---|---|---|---|---|---|---|
| Age of widow is— | Age of oldest child is— | | Amount for oldest child—When child is— | | Amount for each additional child—When child is— | |
| | Under 10 | 10 or over | Under 10 | 10 or over | Under 10 | 10 or over |
| Under 50 | $16.50 | $18.00 | $12.50 | $15.00 | $6.00 | $9.00 |
| 50 but not 65 | 20.50 | 22.00 | 12.50 | 15.00 | 6.00 | 9.00 |
| 65 or over | 24.50 | 26.00 | 12.50 | 15.00 | 6.00 | 9.00 |

*Peace-Time Rates—Veterans Regulation No. 1 (g), Paragraph 2*

| Widow under 50—$16.50 children | 2 children amt. to each | | 3 children amt. to each | | 4 children amt. to each | | 5 children amt. to each | | 6 children amt. to each | | 7 children amt. to each | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under 10 | Over 10 | Under 10 | Over 10 | Under 10 | Over 10 | Under 10 | Over 10 | Under 10 | Over 10 | Under 10 | Over 10 |
| 1 over 10 | 9.25 | 13.25 | 8.17 | 12.16 | 7.62 | 11.64 | 7.12 | 11.02 | 6.02 | 9.40 | 5.21 | 8.24 |
| 2 over 10 | | | 8.17 | [1]12.17 | 7.62 | [1]11.63 | 6.63 | [1]10.26 | 5.65 | [1]8.85 | 4.93 | [1]7.78 |
| 3 over 10 | | | | 11.16 | | 10.63 | | 9.35 | | 8.05 | | 7.07 |
| 4 over 10 | | | | | 7.43 | [1]11.35 | 6.20 | [1]9.60 | 5.33 | [1]8.35 | 4.68 | [1]7.38 |
| 5 over 10 | | | | | | 10.36 | | 8.75 | | 7.58 | | 6.70 |
| 6 over 10 | | | | | | | 5.82 | [1]9.02 | 5.04 | [1]7.88 | 4.45 | [1]7.01 |
| | | | | | | | | 8.22 | | 7.18 | | 6.38 |
| | | | | | | | | | 4.78 | [1]7.48 | 4.24 | [1]6.70 |
| | | | | | | | | | | 6.81 | | 6.08 |
| | | | | | | | | | | | 4.05 | [1]6.40 |
| | | | | | | | | | | | | 5.81 |

[1] Amount for oldest child.

(C) The additional amounts payable to a war-time or peace-time widow at ages 50 and 65, under Veterans Regulation No. 1 (g) or Section 3, Public No. 304, 75th Congress, will be added to the amount apportioned to a widow under age 50.

(D) In those cases where there are no dependent parents and the amount payable by reason of the widow and children exceeds the maximum of $75 or $56, respectively, under subparagraphs (A) or (B), deductions necessary to bring the amount payable within the limitation of the regulation involved will be made first by reducing the amount to be paid to the widow to the rate shown where the oldest child is under ten, and then by reductions pro rata from the amount payable to the children.

(E) In apportioning pension or compensation for any period under Veterans Regulation No. 1 (g) where a widow and child or children and dependent parents, or children and dependent parents are involved, where the aggregate amount payable exceeds $75 or $56 under subparagraphs (A) (1) or (B), reduction necessary to bring the amount within the limitation will be made pro rata from the amount otherwise payable to the parents; provided, however, that the reduction in the award to each parent shall be effected only as of the last day of the month in which the reduction or discontinuance is approved; provided, further, that the limitations of $75 or $56 may be exceeded in any case where protection in the rate payable is afforded by Section 20, Public No. 78, or Section 28, Public No. 141, 73d Congress (A. D. 243).

(F) When compensation is awarded to any person at the full rates provided in Section 3, Public No. 304, 75th Congress, or a portion thereof pursuant to R. & P. R–2582 (C) (2), and another person in the case is entitled to compensation at the rates provided in Veterans Regulation No. 1 (g), the amount of compensation awarded under Veterans Regulation No. 1 (g) will be that which would be authorized if the compensation paid to all persons in the case were awarded at the rates and under the limitations provided in Veterans Regulation No. 1 (g).

(G) Where benefits are payable under V. R. No. 1 (a), Part III, because of death not the result of service.

| | |
|---|---|
| Widow | $11.00 |
| Child | 9.00 |
| Each additional child | [1] 3.00 |

(H) Where benefits are payable under Public No. 484, 73d Congress (Act of June 28, 1934) as amended.

| | |
|---|---|
| Widow | $17.00 |
| Child | 13.00 |
| Each additional child | [1] 4.00 |

(I) Where benefits are payable under the Act of May 1, 1926, as reenacted by Section 30, Title III, Public No. 141, 73d Congress (Act of March 28, 1934).

| | |
|---|---|
| Widow | $15.50 |
| Child under 16 | 11.50 |
| Each additional child | [1] 4.50 |

(J) Where benefits are payable under the General Law as reenacted by Section 30, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), to the widow of a lieutenant colonel or officer of higher rank in the Army, or a captain or officer of higher rank in the Navy.

| | |
|---|---|
| Widow | $14.00 |
| Child under 16 | 10.00 |
| Each additional child | [1] 1.50 |

(K) Where benefits are payable under the General Law as amended by Section 314 of the Act of October 6, 1917, reenacted by Section 30, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), to the widows of officers of lesser rank, and of noncommissioned or warrant officers and enlisted men.

| | |
|---|---|
| Widow | $11.75 |
| Child under 16 | 8.50 |
| Each additional child | [1] 1.50 |

(L) The apportionment provided for in subparagraphs (I), (J) and (K) will not be applicable in any case in which the widow's title is shown to be forfeited to the veteran's child or children by reason of their abandonment by her or because of her having been shown to be an unsuitable person to have them in her custody. Section 4706, Revised Statutes.

(M) *Effective dates of apportionment.*—The effective date of the apportionment will be the first day of the month next succeeding that in which notice is received in the Veterans Administration that the child or children are not in the care and custody of the widow, provided that where prior to the initial award to the widow the lack of custody in the widow is shown, the compensation or pension will be apportioned in accordance with the facts found for all periods affected.

(N) *Special apportionments.*—In any case wherein it is clearly shown by competent evidence that the application of the foregoing provisions of these regulations or the fact that no apportionment is authorized under the provisions thereof will result in undue hardship upon the widow, children or dependent parents, and relief can be afforded without undue hardship to the other persons at interest, the complete case file will be forwarded through the director, dependents claims service, to the assistant administrator in charge of compensation and pensions, who will determine without regard to the foregoing provisions of these regulations the death pension or compensation which will be apportioned and the exact amount to be apportioned to each individual in interest. (V. R. No. 6 (c)). (September 16, 1936.)

(O) There can be no apportionment of a widow's pension under the laws reenacted by Public No. 269, 74th Congress (Act of August 13, 1935), except that the additional allowance for a child by a former marriage not in care and custody of the widow may be paid to the fiduciary of the child.

(P) *Discontinuance of apportionments, effective dates.*—In those cases where death pension or compensation is apportioned between the widow and child or children and payments have been or are being made to such dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the child or children shall be the date of last payment, and the award to the widow will be adjusted accordingly; except that in the event of death, the date of death; or the date preceding the sixteenth, eighteenth, or twenty-first birthday; or the date preceding the date of marriage; or in case of a child who discontinues a course of instruction, the last day of attendance; will be the effective date. (V. R. No. 6 (c)). (August 16, 1937.)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 37–3606; Filed, December 10, 1937; 3:41 p. m.]

[1] Total amount for children equally divided.

*Wednesday, December 15, 1937* *No. 242*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49282]

AIRCRAFT INSPECTION CHARGES

CUSTOMS REGULATIONS OF 1937 AMENDED TO ELIMINATE REQUIREMENT FOR REIMBURSEMENT OF CUSTOMS CHARGES IN CERTAIN CASES

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority conferred in section 251 of the Revised Statutes (U. S. C., title 19, sec. 66), sections 624 and 644 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1624 and 1644), article 247 of the Customs Regulations of 1937 is hereby amended to read as follows:

"ART. 247. *Landing at airports of entry—Requirements.*—All civil aircraft arriving in the United States from any place outside thereof shall make the first landing at an airport of entry, except in the case of forced landings or unless permission to land elsewhere is obtained in advance from the Commissioner of Customs, Washington, D. C. When such permission is granted, the owner or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft and the merchandise, passengers, and baggage carried thereon, plus the usual overtime compensation payable to customs officers if the inspection is performed at night or on Sunday or a holiday, unless the permission is granted to a commercial airline to land its aircraft regularly elsewhere than at an airport of entry, in which case no inspection charge shall be made except for overtime service."

[SEAL] JAMES H. MOYLE, *Commissioner of Customs.*

Approved December 9, 1937.

STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 37–3649; Filed, December 14, 1937; 10:15 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

ECR—B–101—Kent County, Maryland, Supplement (b)

November 30, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—KENT COUNTY, MARYLAND, SUPPLEMENT (B)

*(a) Rate per Acre for Calculating Payment, and (b) Specified Acreage of Soil-Building Practices*

Section 1 of part I of East Central Region Bulletin 101, Kent County, Maryland, is amended by striking out the last sentence in the first paragraph of said section 1 and inserting in lieu thereof the following:

"The weighted average rate per acre for all farms which participate in the program shall not exceed the county average rate unless it is determined by the East Central Division that the farms which participate in the program are not representative of all farms in the county."

Section 2 of part I of East Central Region Bulletin 101, Kent County, Maryland, is amended by striking out the last paragraph therein and inserting in lieu thereof the following:

"The soil-building practices specified for each farm shall consist of a total acreage of the practices named in section 4 of part II below which will tend to meet the needs of the farm for soil restoration and conservation and result in economic use of the land in such farm; provided that at least one-third of the acreage of such practices shall consist of practices other than the seeding of red clover."

Done at Washington, D. C., this 13th day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 37–3651; Filed, December 14, 1937; 12:41 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME LOAN BANKS

BONUSES OR GRATUITIES TO OFFICERS AND EMPLOYEES OF MORE THAN TEN DOLLARS PER OFFICER OF EMPLOYEE PER YEAR ARE NOT APPROVED

*Be it resolved,* That, pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), Paragraph (2) of subsection (b) of Section 19 of the Rules and Regulations for Federal Home Loan Banks is hereby amended to read as follows:

"(2) *Regulations.*—Annual salaries set forth in an approved budget shall represent the total compensation of officers and employees, except that bonuses or gratuities of not more than ten dollars per officer or employee per year may be granted."

Adopted by the Federal Home Loan Bank Board on December 13, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37–3654; Filed, December 14, 1937; 12:53 p. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of December, A. D. 1937.

[File No. 43–96]

IN THE MATTER OF AMERICAN WATER WORKS AND ELECTRIC COMPANY, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by American Water Works and Electric Company, Incorporated, a registered holding company, regarding the issue and sale of $6,000,000 aggregate principal of its promissory notes, the same to be due December 31, 1939, to bear interest at the rate of 3½% per annum, and to be used solely for the purpose of renewing, at their respective maturities, an equivalent amount of its promissory notes presently outstanding;

*It is ordered,* That a hearing on such matter be held on January 4, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held;

*It is further ordered,* That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 29, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3653; Filed, December 14, 1937; 12:51 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of December, A. D. 1937.

[File No. 46–85]

IN THE MATTER OF KENTUCKY SECURITIES COMPANY AND LEXINGTON UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Kentucky Securities Company and Lexington Utilities Company, subsidiaries of a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for the approval of the acquisition by Kentucky Securities Company of 22,633 shares of 6% Convertible Preferred Stock and 95,368 shares of Common Stock at $10 par value to be issued by Southeastern Greyhound Lines in payment of a note in the face amount of $1,406,340 now held by Kentucky Securities Company; and for the approval of the acquisition by Lexington Utilities Company of 5,488 shares of 6% Convertible Preferred Stock and 23,124 shares of Common Stock at $10 par value to be issued by Southeastern Greyhound Lines in payment of a

note in the face amount of $341,000 now held by Lexington Utilities Company;

*It is ordered* That a hearing on such matter be held on December 27, 1937, at 2:00 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 22, 1937;

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3652; Filed, December 14, 1937; 12:51 p. m.]

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***Thursday, December 16, 1937*** ***No. 243***

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## PRESIDENT OF THE UNITED STATES.

### CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT

### FLORIDA

### BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the Acting Secretary of Agriculture has submitted to me for approval the following amendatory regulation adopted by him under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755):

*Amended Regulation Designating the St. Marks Migratory Bird Refuge, Florida, and Lands and Waters Adjacent Thereto a Closed Area Under the Migratory Bird Treaty Act*

I, M. L. Wilson, Acting Secretary of Agriculture, by virtue of authority vested in me by the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755–757; U. S. Code, title 16, secs. 703–711), and in extension of Regulation 4 of the Migratory Bird Treaty Act Regulations, do hereby amend the "Regulation Designating the St. Marks Migratory Bird Refuge, Fla., and Lands and Waters Adjacent Thereto a Closed Area under the Migratory Bird Treaty Act" proclaimed by the President December 24, 1931, to read as follows: "There is designated as a closed area, in or on which hunting, taking, capturing, or killing, or attempting to hunt, take, capture, or kill, migratory birds is not permitted, all that area of land and water in Jefferson, Taylor, and Wakulla Counties, Fla., comprising the St. Marks Migratory Bird Refuge, established under the provisions of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222–1226; U. S. Code, title 16, ch. 7a), and all lands and waters adjacent thereto, embraced within the following boundary:

*Tallahassee Meridian*

Beginning at the corner of secs. 1, 2, 11, and 12, in T. 4 S., R. 1 E.;

Thence from said initial point,

Southerly between secs. 11 and 12, and secs. 13 and 14 to the corner of secs. 13, 14, 23, and 24;

Easterly between secs. 13 and 24 to the corner of secs. 13 and 24, T. 4 S., R. 1 E., and secs. 18 and 19, T. 4 S., R. 2 E.;

Thence between sec. 13, T. 4 S., R. 1 E., and sec. 18, T. 4 S., R. 2 E., northerly to the north one-sixteenth corner of said secs. 13 and 18;

Thence in T. 4 S., R. 2 E.,

Easterly with the north one-sixteenth line of sec. 18 to the north one-sixteenth corner of secs. 17 and 18;

Northerly with the line between secs. 17 and 18 and secs. 7 and 8 to the north one-sixteenth corner of secs. 7 and 8;

Easterly with the north one-sixteenth line of sec. 8 to the northwest one-sixteenth corner thereof;

Northerly with the west one-sixteenth line of sec. 8 to the west one-sixteenth corner of secs. 5 and 8;

Easterly between secs. 5 and 8 to the corner of secs. 4, 5, 8, and 9;

Northerly between secs. 4 and 5 to the south one-sixteenth corner thereof;

Easterly with the south one-sixteenth line of sec. 4 to the south one-sixteenth corner of secs. 3 and 4;

Southerly between secs. 3 and 4 and secs. 9 and 10 to the corner of secs. 9, 10, 15, and 16;

Easterly between secs. 10 and 15, and secs. 11 and 14 to the corner of secs. 11, 12, 13, and 14;

Southerly between secs. 13 and 14 to the one-quarter corner thereof;

Easterly with the east-west center line of sec. 13 to the center one-quarter corner thereof;

Southerly with the north-south center line of sec. 13 to the one-quarter corner of secs. 13 and 24;

Easterly between secs. 13 and 24 to the corner of secs. 13 and 24, T. 4 S., R. 2 E., and secs. 18 and 19, T. 4 S., R. 3 E.;

Thence in T. 4 S., R. 3 E.,

Easterly between secs. 18 and 19, 17 and 20, 16 and 21, and 15 and 22 to the one-quarter corner of said secs. 15 and 22;

Northerly with the north-south center line of sec. 15 to the center one-quarter corner thereof;

Easterly with the east-west center line of sec. 15 to the center east one-sixteenth corner thereof;

Northerly with the east one-sixteenth line of sec. 15 to the northeast one-sixteenth corner thereof;

Easterly with the north one-sixteenth line through secs. 15 and 14 to the north one-sixteenth corner of secs. 13 and 14;

Southerly between secs. 13 and 14 to the one-quarter corner thereof;

Easterly with the east-west center line of sec. 13 to the center one-quarter corner thereof;

Southerly with the north-south center line of sec. 13 to the center south one-sixteenth corner thereof;

Easterly with the south one-sixteenth line of sec. 13 to the south one-sixteenth corner of sec. 13, T. 4 S., R. 3 E., and sec. 18, T. 4 S., R. 4 E.;

Thence between sec. 13, T. 4 S., R. 3 E., and sec. 18, T. 4 S., R. 4 E., southerly to the corner of secs. 13 and 24, T. 4 S., R. 3 E., and secs. 18 and 19, T. 4 S., R. 4 E.;

Thence in T. 4 S., R. 4 E.,

Easterly between secs. 18 and 19 to the center of the Aucilla River channel;

Southwesterly in sec. 19 downstream with the center of the Aucilla River channel to the line between sec. 24, T. 4 S., R. 3 E., and sec. 19, T. 4 S., R. 4 E.;

Thence in T. 4 S., R. 3 E.,

Southwesterly in secs. 24 and 25 downstream with the center of the Aucilla River channel to the line between secs. 25 and 36;

Easterly between secs. 25 and 36 to the corner of secs. 25 and 36, T. 4 S., R. 3 E., and secs. 30 and 31, T. 4 S., R. 4 E.;

Thence between sec. 36, T. 4 S., R. 3 E., and sec. 31, T. 4 S., R. 4 E.; and sec. 1, T. 5 S., R. 3 E., and sec. 6, T. 5 S., R. 4 E., southerly to the shore of the Gulf of Mexico;

Thence across the Gulf of Mexico,

S. 75°44′ W., 35.92 chains, to a point on East Cut-off Island;

S. 77°14′ W., 3.77 chains, along the south side of East Cut-off Island to Green Point, the southernmost extremity thereof;

S. 75° W., 5.2 miles (approximately), to a point on the south side of Peters Rock;

S. 82° W., 6.7 miles (approximately), to the Front Range Beacon, approximately 2.35 miles southerly from St. Marks Lighthouse;

S. 76° W., 1 mile (approximately), to the south side of a shoal;

West, 1 mile, to a point;

North, 3.6 miles (approximately), to the westernmost point of Sprague Island, which point is marked with a U. S. Biological Survey standard concrete post;

Thence crossing Indian Pass, N. 6°08′ W., 22.95 chains, to a point at the southernmost extremity of the Hartsfield Corner Survey;

Thence southwesterly with the meanders of the north shore of Apalachee Bay along the southerly boundaries of the U. S. Biological Survey Tracts 11, 16, and 19a, and the easterly boundaries of Tracts 19 and 20, to a point in the east boundary of Hartsfield Survey, Lot 121, on the east side of Live Oak Point, from which a U. S. B. S. standard concrete post set for a witness corner bears N. 65°45′ W., 1.35 chains distant;

Thence in the Hartsfield Survey, Lot 121,

S. 72°51′ W., 59.21 chains, across Live Oak Point and Walker Creek;

S. 80°03′ W., 60.76 chains;

N. 17°09′ W., 60.00 chains to the corner of Hartsfield Survey, Lots 116 and 117, in the north boundary of Lot 121;

Thence continuing in Hartsfield Survey,

Northwesterly between Lots 116 and 117 and Lots 106 and 107;

Northeasterly between Lots 97 and 107 and Lots 98 and 108;

Northwesterly between Lots 98 and 99 and Lots 30 and 47;

Northeasterly between Lots 30 and 31, 28 and 29, 14 and 15, and 7 and 8;

Thence northwesterly between Hartsfield Survey Lot 7, and Hartsfield River Survey, Lot 7;

Thence in Hartsfield River Survey,

Northeasterly between Lots 6 and 7 to the corner of said Lots 6 and 7 on the right bank of the Wakulla River;

Northeasterly in the Wakulla River to the center of its channel;

Thence downstream with the center of the Wakulla River channel southeasterly to its confluence with the St. Marks River;

Thence upstream with the center of the St. Marks River channel to a point in the line between secs. 2 and 11, T. 4 S., R. 1 E.;

Thence between secs. 2 and 11, in T. 4 S., R. 1 E., easterly to the place of beginning.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendatory regulation of the Acting Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 13" day of December in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2264]

[F. R. Doc. 37–3671; Filed, December 15, 1937; 12:51 p. m.]

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## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4783]

### PLATS AND PLANS OF INDUSTRIAL ALCOHOL PLANTS, BONDED WAREHOUSES AND DENATURING PLANTS; DISTILLERIES OTHER THAN FRUIT; DISTILLERY DENATURING BONDED WAREHOUSES; FRUIT DISTILLERIES; INTERNAL REVENUE BONDED WAREHOUSES; RECTIFYING PLANTS AND BREWERIES

*To District Supervisors and Others Concerned:*

Pursuant to authority conferred by Section 3263 Revised Statutes (U. S. C., 1934 ed., title 26, sec. 1167); Section 13, Title III of the National Prohibition Act (U. S. C., 1934 ed., title 27, sec. 83); Section 1309 of the Act of February 24, 1919 (U. S. C., 1934 ed., title 26, sec. 1350); and Section 405 of the Act of June 26, 1936 (U. S. C., 1934 ed., Supp. II, title 26, sec. 1265), the following regulations are prescribed:

#### SIZE AND MATERIALS

PAR. 1. Plats and plans of the premises of industrial alcohol plants, bonded warehouses and denaturing plants; distilleries other than fruit; distillery denaturing bonded warehouses; fruit distilleries; internal revenue bonded warehouses; rectifying plants and breweries, hereafter filed, shall be in triplicate, on sheets of tracing cloth or sensitized linen, 15 x 20 inches outside measurement, with a clear margin of at least one inch on each side of the drawing, lettering and writing. Plats and plans may be original drawings or reproductions made by the ditto process, or blue line lithoprint, or brown line lithoprint, if clear and distinct.

#### DESCRIPTION OF PREMISES ON PLAT

PAR. 2. Plats must show the outer boundaries of the premises by courses and distances in feet and inches, and the point of beginning with respect to its distance and bearings, from some near and well known land mark, and contain an accurate description of the building or buildings comprising the premises. Provided, that plats or rectifying plants need show only the distances in feet and inches. If two or more buildings are to be used, they must be shown in their relative positions and the designation by name of each such building must be shown. Where two or more buildings are used for the same purpose, each building will be designated consecutively by letter, beginning with "A", and shall be so shown on the plat. The surrounding buildings, driveways, streets and railroad sidings, and the purposes for which such buildings are used, will be indicated on the plat. All first floor openings of each building will be shown on the plat.

#### PROCESS FLOW SHEET

PAR. 3. Proprietors of industrial alcohol plants, distilleries other than fruit and fruit distilleries must file a diagrammatic or isometric process flow sheet showing the receipt of fermenting or distilling material on the premises, and the flow thereof through the mash tubs, fermenters, beer wells, stills, doublers, try boxes, high and low wine tanks, receiving cisterns, etc., and deposit of the finished spirits in the warehouse.

VERTICAL, SECTIONAL, ELEVATIONAL AND FLOOR PLANS

PAR. 4. Vertical, sectional or elevational plans, as well as floor plans of apparatus and equipment, must be filed. Vertical, sectional or elevational plans of the distilling apparatus must be so drawn that all fixed pipelines may be traced from beginning to end. Rectifiers will not be required to file elevational plans of apparatus and equipment with the exception of stills, bottling tanks and storage tanks. The provisions of this paragraph shall not apply to breweries.

LOCATION OF VALVES, FLANGES, ETC.

PAR. 5. All valves and connections in pipelines must be properly indicated on the plans. The location of all Government locks used to secure the apparatus or equipment, or on doors, must be indicated on the plans at the points where the locks are attached, by the symbols "G. L." If flanges, unions, or other connections in pipelines are brazed, welded or otherwise permanently secured in such a manner as to constitute a continuous single pipeline, the location of such flanges, unions, etc., which are welded or brazed, and the manner of securing same, need not be indicated on the plans.

SUFFICIENT SHEETS REQUIRED

PAR. 6. Sufficient sheets of plans will in every case be prepared so that the Bureau will be able to ascertain accurately whether the establishment is constructed in conformity with the requirements of the law and regulations.

COLORS PRESCRIBED FOR PIPELINES

PAR. 7. The following colors are prescribed for the painting of pipelines in industrial alcohol plants, bonded warehouses and denaturing plants; distilleries other than fruit; distillery denaturing bonded warehouses; fruit distilleries and internal revenue bonded warehouses located on distillery premises, and must be so painted and shall be shown on the plans by their respective designated colors:

| | |
|---|---|
| Black | Brandy, whiskey, gin, rum, alcohol, or other finished spirits. |
| Blue | Vapor, singlings, high wines and low wines, or other unfinished spirits. |
| Red | Mash, beer, or other distilling material. |
| Gray | Molasses, or other fermenting material. |
| Brown | Spent beer or slop. |
| Dark Green | Denatured alcohol and denatured rum. |
| Light Green | Denaturants. |
| Yellow | Fusel oil. |
| White | Water. |
| Aluminum | Steam. |
| Orange | Air. |

These colors are intended for such pipelines only, and are for the purpose of distinguishing such pipelines from each other and from other lines for which colors are not prescribed. The painting of other pipelines in one of the prescribed colors, or colors similar thereto, is prohibited.

PIPELINES EXEMPTED

PAR. 8. City or public utility service lines, such as sewers, electric or gas conduits or pipes, need not be shown on the plans. Sprinkler, refrigeration or heating systems which have no connection with the distilling equipment or any apparatus or pipeline connected therewith, need not be shown on the plans, provided that where such apparatus originates outside of the bonded premises the point of entry to the bonded premises shall be indicated on the plans.

CERTIFICATE OF ACCURACY

PAR. 9. Every plat and plan shall be drawn by a competent draftsman. Each sheet of every plat and plan, both original, supplemental or superseding, shall bear a certificate of accuracy, dated and signed by the draftsman, proprietor and District Supervisor. The certificate shall be placed in the lower right corner of each sheet and shall be in the following form:

---- District, ----------, 19----

It is hereby certified that this is an accurate ("*Original*"), ("*Supplemental*") or ("*Superseding*") ("*Plat*") or ("*Plan*") of the
(Omit words not applicable)

---

(State whether internal revenue bonded warehouse, distillery, etc.)

Registry No. ---------- Premises of ----------
(Name of proprietor)

---
(Street and number) (City and State)

in this district.

---
(Draftsman)

---
(Proprietor)

---
(District Supervisor)

Date of District Supervisor's approval.

----------, 19----
(Date)

ADDITIONAL INFORMATION MAY BE REQUIRED

PAR. 10. Plats and plans will show such other information as may be specifically required by the Commissioner of Internal Revenue for the purpose of determining conformity with the construction requirements of the law and regulations.

REGULATIONS REVOKED

PAR. 11. The provisions of Regulations 3, 7, 8, 15, 18, 30 and Treasury Decision 4651, and all amendments and modifications thereof, which are inconsistent with these regulations are hereby revoked.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 11, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3655; Filed, December 15, 1937; 10:26 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Docket No. 105-FD]

IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 7

NOTICE OF ORDER OF HEARING

The above named petitioner having filed with the Commission on the 14th day of December, 1937, a petition alleging dissatisfaction with certain Marketing Rules and Regulations, established by the Commission by its Order No. 38, and with Minimum Prices for the coals of Code Members Produced in District No. 7, established by Order No. 95 of the Commission, a copy of said petition being on file and available for inspection by interested parties in each of the Statistical Bureaus of the Commission within Districts Nos. 1 to 13, inclusive, and at the office of each District Board within said Districts,

*It is ordered*, That a hearing on said petition be held before the Commission on the 28th day of December, 1937, at the hour of 10:00 A. M., at the Hearing Room of the Commission in Washington, D. C., at which time all interested parties shall be afforded an opportunity to be heard.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to the Bituminous Coal Producers Board for District No. 7, the petitioner, to the secretary of each District Board of Districts Nos. 1 to 13, inclusive, to each Code Member within District No. 7 and to the Consumers' Counsel, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission for Districts 1 to 13, inclusive, and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3656; Filed, December 15, 1937; 11:26 a. m.]



[Docket No. FD 90]

IN THE MATTER OF THE PETITION OF THE CARTER COAL COMPANY

NOTICE OF ORDER OF HEARING

The above named petitioner having filed with the Commission on the 11th day of December, 1937, a petition alleging dissatisfaction with the Minimum Prices for the Coals of Code Members produced in District No. 7, established by Order No. 95 of the Commission, a copy of said petition being on file and available for inspection by interested parties in each of the Statistical Bureaus of the Commission within Districts 1 to 13, inclusive, and at the office of each District Board within said Districts,

*It is ordered*, That a hearing on said petition be held before the Commission, on the 28th day of December, 1937, at the hour of 10:00 A. M., at the Hearing Room of the Commission in Washington, D. C., at which time all interested parties shall be afforded opportunity to be heard.

The Secretary of the Commission is directed forthwith to mail a copy of this order and notice to Carter Coal Company, the petitioner, to the secretary of each District Board of Districts Nos. 1 to 13, inclusive, to each Code Member within District No. 7 and to the Consumers' Counsel, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission for Districts 1 to 13, inclusive, and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3657; Filed, December 15, 1937; 11:26 a. m.]

[Order No. 125]

AN ORDER MODIFYING ORDER NO. 73, AND REVISING THE SCHEDULE OF INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ONE

The National Bituminous Coal Commission having by its Order No. 73 established the Schedule of Initial Classifications of Coals of Code Members Produced within District Number One, incorporated therein by reference, and the Commission having upon its own motion reviewed said Schedule of Initial Classifications of Coals of Code Members Produced within District Number One, and the Commission having determined that to more effectively carry out the provisions of the Act, the Schedule of Initial Classifications of Coals of Code Members produced in District Number One should be revised as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Schedule of Initial Classifications of Coals of Code Members Produced within District Number One be and the same hereby is revised and amended as set forth in the "Revised Classification Schedule One—District Number One", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and the classifications in said "Revised Classification Schedule One—District Number One" shall be and are determined and established as the classifications of coals of code members produced within the said District Number One.

2. That the Secretary of the Commission shall forthwith mail copies of this order and "Revised Classification Schedule One—District Number One" to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards for the districts within Minimum Price Area One; and to code members within District Number One; shall cause copies of this order and said Schedule to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December 1937

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3659; Filed, December 15, 1937; 11:27 a. m.]

[Order No. 127]

AN ORDER TEMPORARILY AMENDING THE RULE RELATING TO SUBSTITUTION AND PROVIDING FOR GIVING NOTICE OF A HEARING BY THE COMMISSION FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO APPROVE, DISAPPROVE OR MODIFY THE RULE RELATING TO SUBSTITUTION

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, pending final disposition of the matters hereinafter set forth and until further order of the Commission, hereby orders and directs:

That no substitution may be made upon any spot order or contract, of any grade or size of coal taking a minimum price higher than the price specified in such order or contract, except upon the following conditions:

1. The proposed substitution shall not be an express or implied condition of the order or contract.

2. The coal substituted must be coal which the code member has already produced and loaded into transportation facilities and which cannot be sold promptly by the exercise of the usual sales effort, such substitution to be limited to a specific tonnage for shipment on a specific order and from a specific mine.

3. The substitution must be reasonably necessary as an emergency measure in order to continue operation of the mine of the code member.

4. The substitution shall be acceptable to the purchaser of the coal, and shall not be made with the purpose or effect of conferring any advantage on the purchaser or securing any preference or advantage for the code member over his competitors.

5. Such substitution may be made only with the approval of a duly designated representative of the Commission and in each instance formal application therefor shall be made upon forms provided by the Commission and permits shall be issued prescribing the conditions of substitution in each case approved.

The producer may make request and receive approval for substitution by telephone or telegraph from the duly designated representative of the statistical bureau of the Coal Commission for the district in which coal originates, provided the representative of the Coal Commission is satisfied that an immediate emergency exists. In such a case, the producer shall immediately confirm the request in writing on the prescribed form, and the designated agent of the Commission shall immediately upon receipt of such written request confirm his approval by issuing the permit prescribed by the Commission.

6. Substitution will be allowed by producers on orders for railroad locomotive fuel without prior approval of the Commission; provided, however, the producer immediately shall file the form prescribed by the Commission with the statistical bureau of the district in which the coal originates. No substitution for lump or double screen coal ordered by the railroads for locomotive fuel shall be made without the prior approval in the manner heretofore provided, from the duly designated representatives of the Commission.

7. Copies of substitution permits shall be mailed daily to the office of the District Board and weekly summaries of

substitution permits shall be mailed to all District Boards within the Price Area. The Commission may from time to time publish the essential facts as to all substitution permits granted.

8. In each case of coal shipped under a substitution permit each invoice shall specifically show the permit number and the size and grade of coal substituted.

9. A hearing shall be held by the Commission on the 14th day of February, 1938, commencing at 10 o'clock A. M. in the Hearing Room of the Commission in the Walker Building, 734 15th Street, N. W., Washington, D. C., for the purpose of receiving evidence to assist the Commission in determining a proper rule to be adopted relating to substitution.

10. That the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, the Secretaries of Bituminous Coal Producers' Boards for Districts One to Fourteen, inclusive, and to all Code Members within said Districts, and shall cause a copy to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3658; Filed, December 15, 1937; 11:27 a. m.]

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[Order No. 129]

AN ORDER MODIFYING ORDER NO. 92, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER FOUR

The National Bituminous Coal Commission having by its Order No. 92 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Four as set forth in Price Schedule Number One—District Number Four, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Four, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Four, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Four, established in Price Schedule Number One—District Number Four, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Four, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Four, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 92, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Four to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Four; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 4

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 4, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. December 16, 1937.

Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to a chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

*Price Index*

HOCKING-ORIGIN MINE—GROUP #5

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Abram Coal Company | Abram | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Black Diamond Coal Company | Black Diamond | No. 8 | C | C | C | C | C | C | C | C | C | C | C |
| Bowers Bros. Coal Co | Riddle | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Buckingham Coal Company | #219 | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| G. M. S. Coal Co | G. M. S. #141 | | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Hanna-Essex Coal Co | Hanna-Essex #15 | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Head Coal Company | Doanville | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Hocking & Athens Coal Co | Lick Run | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Hocking Valley Mining Co | Eclipse | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Jones, Geo. M. Co | No. 255 | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Jones, Geo. M. Co | No. 267 | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Lemoine Coal Company | Lemoine #24 | No. 7 | C | C | C | C | C | C | C | C | C | C | C |
| Manhattan Coal Co | No. 25 | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Paskell Coal Co | Paskell | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Poston Consolidated Coal Co | No. 6 | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Starr-Jackson Mining Co | Starr | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Sunday Creek Coal Co | No. 2 | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Sunday Creek Coal Co | No. 5 | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Sunday Creek Coal Co | No. 28 | No. 7 | C | C | C | C | C | C | C | C | C | C | C |
| Valley Mining Inc | Kimberly | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Western Fuel Co | 10 X | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Wohrle Bros | Little Bonn | No. 6 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |

POMEROY-ORIGIN MINE—GROUP #8

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Addis & Son, Joe | Addis & Son | No. 5 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Big Nine Coal Co | | No. 5 | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |
| Dark Hollow Coal Company | Dark Hollow | No. 8A | AA | AA | C[1] | C[1] | C | C | C | C | C | C | C |

[1] Correction.



BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 5, 7, 9, and 10*

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate; provided that the amount of such increase may be limited to a maximum of

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

Above prices are not subject to freight rate adjustment.[1]

[F. R. Doc. 37-3664; Filed, December 15, 1937; 11:29 a. m.]

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[Order No. 130]

AN ORDER MODIFYING ORDER NO. 94, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER SIX

The National Bituminous Coal Commission having by its Order No. 94 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Six as set forth in Price Schedule Number One—District Number Six, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Six, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Six, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Six, established in Price Schedule Number One—District Number Six, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Six, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Six, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 94, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Six to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Six; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 6

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 6, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. December 16, 1937.

Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

ADJUSTMENT CLAUSE COVERING TIDEWATER SHIPMENTS

Coal transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations in New York Harbor, including mainland destinations on Long Island Sound as far east as and including Port Chester, New York, and all destinations on Long Island may take 14¢ per net ton less than the price indicated for Market Areas 1 and 1–A.

Coal in Size Groups 12, 13, 14 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 27¢ per net ton less than the prices indicated for Market Areas 1 and 1–A.

Coal in Size Group 9 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 14¢ per net ton less than the prices indicated for Market Areas 1 and 1–A.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 2*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 230 | 205 | 197 | 186 |

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Clearfield Rate.[1]

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield[1] base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield[1] base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

[1] Correction.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 5, 6, 7, 9, 10, 12, and 13*

| Price Index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 210 | 175 | 167 | 165 |

BASIS FOR FREIGHT RATE ADJUSTMENT FOR ABOVE MARKET AREAS, EXCEPT—6-12-13 [1]

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided,* That the amount of such increase may be limited to a maximum of 35¢.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Price Index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 210 | 160 | 152 | 141 |

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided,* That the amount of such increase may be limited to a maximum of 35¢.

NOTE.—Slack coal having a maximum top size of ⅜'' may be priced at 10¢ per net ton lower than size group 14.[1]

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20 and 21*

| Price Index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| C | 240 | 230 | 225 | 225 | 220 | 210 | 210 | 210 | 160 | 152 | 141 |

BASIS FOR FREIGHT RATE ADJUSTMENT

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided,* That the amount of such increase may be limited to a maximum of 35¢.

NOTE.—Slack coal having a maximum top size of ⅜'' may be priced at 10¢ per net ton lower than size group 14.[1]

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

Above prices are not subject to freight rate adjustment.[1]

[F. R. Doc. 37-3663; Filed, December 15, 1937; 11:29 a. m.]

[Order No. 133]

AN ORDER MODIFYING ORDER NO. 98, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TEN

The National Bituminous Coal Commission having by its Order No. 98 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Ten as set forth in Price Schedule No. 1—District Number Ten, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule No. 1—District Number Ten, and determined that the provisions of Subsection (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule No. 1—District Number Ten, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Ten, established in Price Schedule No. 1—District Number Ten, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule No. 1—District Number Ten, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Ten and such minimum prices as shown in said Supplement No. 1 shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 98, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule No. 1—District Number Ten to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers Boards for the Districts within Minimum Price Area Two; to code members within District Number Ten; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[1] Correction.



SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 10 [1]

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 10, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 A. M., 12/16/37.

Issued: 12/13/37.

F. W. MCCULLOUGH, *Secretary.*

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

PRICE INSTRUCTIONS

Applicable to all Schedules of Minimum Prices contained herein.

Item No. 1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

Item No. 2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

Item No. 3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

Item No. 4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

Item No. 5. All prices herein are per net ton of 2,000 pounds f. o. b. transportation facilities at the mines unless otherwise designated.

Item No. 6. When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

Item No. 7. The F. O. B. mine prices on shipments of coal from the Fulton-Peoria mining district to the Peoria-Pekin switching district shall be increased or decreased in an amount in cents per net ton sufficient to equalize the actual freight rate with the St. David-Peoria base rate.

*Size Groups*

| All sizes of coal over 2'' and 2 x 1½'' to 1'' Nut | | All sizes of coal over 2'' and 2 x 1½'' to 1'' Nut | |
|---|---|---|---|
| Group No. | Sizes of coal | Group No. | Sizes of coal |
| 1 | 6'' Lump and larger.<br>5'' Lump.<br>4'' Lump.<br>3'' Lump.<br>2½'' Lump.<br>8 x 4'' Egg.<br>8 x 3'' Egg.<br>7 x 4'' Egg.<br>7 x 3'' Egg. | 6 (A) | 1½ x 1'' Nut.<br>1¼ x 1'' Nut.<br>1½ x ¾'' Nut.<br>1¼ x ¾'' Nut. |
| | | 7 (A) | 1½ x ⅝'' to 6 Mesh Nut.<br>1¼ x ⅝'' to 6 Mesh Nut. |
| | | 8 (A) | 1 x ⅝'' to 6 Mesh Nut.<br>¾ x ⅝'' to 6 Mesh Nut.<br>1 x 10 Mesh Washed and Dustless Treated. |
| 2 | 6 x 4'' Egg.<br>6 x 3½'' Egg<br>6 x 3'' Egg.<br>5 x 4'' Egg.<br>5 x 3'' Egg.<br>4 x 3'' Egg | 9 (B) | 1½'' Washed Screenings.<br>1¼'' Washed Screenings.<br>1'' Washed Screenings.<br>¾'' Washed Screenings. |
| 3 | 1½'' Lump<br>1¼'' Lump.<br>6 x 2¼'' Egg<br>6 x 2'' Egg.<br>6 x 1¼'' Egg.<br>6 x 1¼'' Egg.<br>6 x ¾'' Egg.<br>5 x 2'' Egg. | 10 (B) | (See Specification B).<br>1¼'' Modified Screenings.<br>1½'' Modified Screenings.<br>1'' Modified Screenings.<br>¾'' Modified Screenings. |
| | | 11 (B) | (See Specification A).<br>1¼'' Screenings (Raw).<br>1¼'' Screenings (Raw). |
| 4 | 5 x 1¼'' Egg.<br>4 x 2'' Egg.<br>4 x 1¼'' Egg.<br>4 x 1¼'' Egg.<br>3 x 2'' Nut. | 12 | (See Specification A).<br>1'' Screenings (Raw).<br>¾'' Screenings (Raw).<br>½'' Screenings (Washed). |
| | 3 x 1½'' Nut.<br>3 x 1¼'' Nut.<br>3 x 1'' Nut.<br>3 x ¾'' Nut.<br>2 x 1¼'' Nut.<br>2 x 1¼'' Nut.<br>2 x 1'' Nut. | 13 (C) | ⅜'' x 10 Mesh (Raw).<br>⅜'' x 10 Mesh (Raw). |
| | | 14 (D) | Carbon ⅜'' or less x 0. |
| | | 15 | Dust 10 Mesh or smaller x 0. |
| | | 16 | Run of Mine. |

[1] This price schedule corrects, cancels, and supersedes Price Schedule No. 1.

PRICE EXCEPTIONS AND DEFINITIONS

*Price Exceptions*

(*a*) Washed or air cleaned coal in these Size Groups shall be priced 10¢ per ton additional; except 1'' x 10 mesh Washed and Dustless Treated in Size Group No. 8.

(*b*) 2'' Top size in these Size Groups shall be priced 10¢ per ton additional.

(*c*) ⅜'' or ⅛'' x 48 mesh (Raw) may be priced 45¢ per ton less.

(*d*) Washed or air cleaned in this Size Group shall be priced 45¢ per ton additional.

*Definitions*

A. *Raw Screenings* is coal passing through round hole screens 2'', 1½'', 1¼'', 1'' or ¾'' in diameter or the equivalent, to which nothing has been added and nothing removed.

B. *Modified Screenings* shall contain not less than 23.5% of coal which will pass through screens with openings ⅛'' in diameter or other shaped opening equivalent in area. This size may be produced either by passing 1½'' or 1¼'' screenings over screens with perforations ⅛'' in diameter or other shaped openings equivalent in area, to remove ⅛'' x 0'' coal or by the standard mechanical dedusters with the use of a 10 mesh screen for coal in Mine Price Groups A, B, and C, and 8 mesh, or its equivalent, for coal from other Mine Price Groups.

*Mine Price Group "A"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Bell & Zoller Coal & Mng. Co. | Zeigler #1 | 6 | |
| Bell & Zoller Coal & Mng. Co. | Zeigler #2 | 6 | |
| Blue Bird Coal Co. | Blue Bird | 5 | |
| Carterville Mng. & Eng. Co. | Normandie | 6 | |
| Chicago, Wilmington & Franklin Coal Co. | Orient #1 | 6 | |
| Chicago, Wilmington & Franklin Coal Co. | New Orient | 6 | |
| Consolidated Coal Co. | Herrin #7 | 6 | |
| Delta Coal Mining Co. | Delta | 5 | #1 |
| Forsythe Carterville Coal Co. | Forsythe Carterville | 6 | |
| Franco Mining Corp. | #1 | 6 | |
| Franklin County Coal Corp. | Energy #5 | 6 | |
| Franklin County Coal Corp. | Royalton #7 | 6 | |
| Freeman Coal Mining Co. | Freeman | 6 | |
| McLaren Coal Co. | McLaren | 6 | |
| Old Ben Coal Corp. | #8 | 6 | |
| Old Ben Coal Corp. | #11 | 6 | |
| Old Ben Coal Corp. | #14 | 6 | |
| Old Ben Coal Corp. | #15 | 6 | |
| Peabody Coal Co. | #14 Majestic | 6 | #2 |
| Peabody Coal Co. | #18 Black Arrow | 6 | |
| Peabody Coal Co. | #43 Premium | 5 | |
| Peabody Coal Co. | #47 Harco | 5 | |
| Perfection Coal Co. | Perfection | 6 | #2 |
| Rex Coal Co. | Rex | 5 | |
| Sahara Coal Co. | #1 | 5 | |
| Sahara Coal Co. | #3 | 5 | |
| Sahara Coal Co. | #10 | 5 | |
| Sahara Coal Co. | #12 | 5 | |
| Seymour Coal Mining Co. | Freeman Spur | 6 | |
| Southern Illinois Coal Co. | Old Settler | 6 | |
| Southern Jewel Coal Co. (H. L. Wilson, Prop.). | Southern Jewel #1 | 5 | |
| United States Fuel Co. | Middle Fork | 6 | |
| Valier Coal Co. | #1 | 6 | |
| Wasson Coal Co. | #1 | 5 | |
| Wasson Coal Co. | "A" | 5 | |

*Mine Price Group "B"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Blue Hill Coal Co. | Blue Hill | 6 | |
| Norris City Coal Co. | #1 | 6 | |
| Sahara Coal Co. | Bankston Creek #6 | 6 | #3. |
| Wallace Coal Co. | Wallace | 6 | |

*Exception No. 1.*—The prices for all sizes of lump coal, carrying exception #1, included in Size Group No. 1 for shipment into all market areas shall be 25 cents per ton less than prices shown under Mine Price Group A.

*Exception No. 2.*—The prices for all sizes for shipment into all Market Areas, except Nos. 24, 25, and 32, shall be increased or decreased the exact amount required to maintain the same prices at points of delivery, including railroad transportation charges, as apply on coals from Bell & Zoller Coal & Mining Co., Zeigler No. 1 Mine.

*Exception No. 3.*—The prices of all sizes of coal carrying exception #3, included in Size Groups 1 and 2 for shipment to all market areas shall be 10¢ per ton less than prices shown.

### *Mine Price Group "C"*

| Producing company | Mine | Seam |
|---|---|---|
| Union Colliery Co | Kathleen | 6 |

### *Mine Price Group "D"*

| Producing company | Mine | Seam |
|---|---|---|
| Beaucoup Coal Co | Pinckneyville | 6 |
| Beckemeyer Coal Co | Beckemeyer | 6 |
| Bois Coal Co | Bois | 6 |
| Bullock Mining Co | Bullock | 6 |
| Chicopee Coal Co | Troy | 6 |
| Citizens Coal Co | East Mine | 6 |
| Clarkson Coal & Mining Co | Nashville | 6 |
| Conant Coal Co | Conant | 6 |
| Coulterville Coal Co | Perco | 6 |
| Crain Coal Co | Crain | 6 |
| Cutler Coal Co | New Wilson | 6 |
| Illinois Pocahontas Coal Co | Pocahontas | 6 |
| Ill.-Mo. Coal Co. (H. A. Bradbury, Prop.) | Ill.-Mo | 6 |
| Jones Bros. Coal Mining Co | Eureka #2 | 6 |
| Lumaghi Coal Co | Cantine #2 | 6 |
| Lumaghi Coal Co | Cantine #3 | 6 |
| Madison County Coal & Mining Co | Thermal | 6 |
| Moffat Coal Co | Moffat | 6 |
| Trustees for Employees of New Galum Coal Corp | New Galum | 6 |
| Pyramid Coal Corp | Pyramid | 6 |
| St. Louis Coal Co | Florida | 6 |
| St. Louis & O'Fallon Coal Co | Black Eagle #2 | 6 |
| Southern Coal, Coke & Mining Co | #9 New Baden | 6 |
| Southwestern Ill. Coal Corp | Streamline | 6 |
| Truax-Traer Coal Co | Forsyth #1 | 6 |
| United Electric Coal Companies | Fidelity | 6 |
| Whip-Poor-Will Coal Co | Whip-Poor-Will | 6 |

### *Mine Price Group "E"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Gill Coal Corp | Lyle | 6 | |
| Golden Rule Coal Co | Golden Rule | 6 | |
| Groom Coal Co | Richland | 6 | |
| Gundlach Coal Co | Gundlach | 6 | |
| Lenzburg Coal Co | Lenzburg | 6 | |
| Marissa Coal Co | O. K. | 6 | |
| Morgan Coal Co., F. C., Ray Morgan, Prop. | Morgan (Millstadt) | 6 | |
| Mulberry Hill Coal Co | Mulberry Hill | 6 | |
| New National Coal & Mining Co | New National | 6 | |
| Perry Coal Co | Carbon | 6 | |
| Perry Coal Co | St. Ellen | 6 | |
| Prairie Coal Co | Prairie | 6 | |
| Quality Coal & Mining Co | Quality | 6 | |
| Service Coal Co | Service | 6 | |
| Southern Coal, Coke & Mining Co | #1 Avery | 6 | |
| Southern Coal, Coke & Mining Co | #6 Muren | 6 | |
| Southern Coal, Coke & Mining Co | #7 Little Oak | 6 | |
| Southern Coal, Coke & Mining Co | Shiloh | 6 | |
| United Electric Coal Companies | Red Ray | 6 | |
| Vinegar Hill Coal Co | Vinegar Hill | 6 | |
| White Coal Co | White | 6 | |

### *Mine Price Group "F"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Central Illinois Coal Mining Co | "A" | 5 | |
| Centralia Coal Co | Centralia #5 | 6 | |
| Consolidated Coal Co | Mt. Olive #15 | 6 | |
| Consolidated Coal Co | Stauton #7 | 6 | |
| Gillespie Coal Co | Gillespie | 6 | |
| Hillsboro Mining Co | Hillsboro | 6 | |
| Indiana & Illinois Coal Corp | #10 Nokomis | 6 | |
| Jefferson Mine Co-operative Organization | Jefferson | 5 | |
| Livingston-Mt. Olive Coal Co | #1 Livingston | 6 | |
| Macon County Coal Co | Macon | 5 | |
| Marion County Coal Co | Glenridge | 6 | |
| Mine "B" Coal Co | "B" | 5 | |
| Mt. Olive Coal Co | Hoosier | 6 | |
| Mt. Olive & Staunton Coal Co | #2 | 6 | |
| Nokomis Coal Co | Reliance | 6 | |
| Penn Coal Co | #1 | 6 | |
| Panther Creek Mines, Inc | #1 | 6 | |
| Panther Creek Mines, Inc | #2 | 5 | |
| Panther Creek Mines, Inc | #3 | 5 | |
| Panther Creek Mines, Inc | #4 | 5 | |
| Panther Creek Mines, Inc | #5 | 5 | |
| Peabody Coal Co | Carter Process Plant | 6 | |
| Peabody Coal Co | #7 Hawthorn | 6 | |
| Peabody Coal Co | #8 Hawthorn | 6 | |
| Peabody Coal Co | #9 Hawthorn | 6 | |
| Peabody Coal Co | #53 Woodside | 5 | |
| Peabody Coal Co | #57 Capitol | 5 | |
| Peabody Coal Co | #58 Hawthorn | 6 | |

### *Mine Price Group "F"*—Continued

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Peabody Coal Co | #59 Peerless | 5 | |
| Penwell Coal Mining Co | Penwell | 6 | |
| Superior Coal Co | #1 | 6 | |
| Superior Coal Co | #2 | 6 | |
| Superior Coal Co | #3 | 6 | |
| Superior Coal Co | #4 | 6 | |
| Virden Coal Co. (Joe Dubinick, Prop.) | Virden | 6 | |

### *Mine Price Group "G"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Morgan Coal Company, F. C. (Ray Morgan, Prop.) | Morgan (Oakwood) | 7 | |
| Oakwood Coal Co | Oakwood | 7 | |
| Peabody Coal Co | #24 Westville | 6 | |
| Skelton Coal Co., J. G. | Skelton | 7 | |
| Tilton Mining Co | Tilton | 7 | |
| United States Fuel Co | Vermillion | 6 | |
| United States Fuel Co | Run | 6 | |

### *Mine Price Group "H"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Blakley Coal Co | Blakley | 5 | |
| Central States Collieries Inc | Little Sister | 5 | |
| Central West Coal Co | Glenwood | 5 | |
| Crescent Mining Co | #1 La Marsh | 5 | |
| Crescent Mining Co | #6 La Marsh | 5 | |
| Dorthel Coal Co | #1 | 5 | |
| Dorthel Coal Co | #3 | 5 | |
| Galesburg Mining Co | #1 | 1 | |
| Illinois Colliery Co | Illinois Colliery | 5 | |
| Lake Erie Mining Co | Lake Erie | 5 | |
| Little John Coal Co | Little John | 6 | |
| Midland Electric Coal Corp | Middle Grove | 6 | |
| Pschirrer & Sons Coal Co | Kildee #3 | 5 | |
| Sunnyside Coal Co | Sunnyside | 5 | |
| Truax Traer Coal Co | St. David | 5 | |
| Truax Traer Coal Co | Fiatt | 5 | |
| Ubben Coal Co | Ubben | 5 | |
| United Electric Coal Companies | Cuba | 5 | |
| United Electric Coal Companies | Buckheart | 5 | |

### *Mine Price Group "J"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Midland Electric Coal Corp | Mecco | 2 | |
| Shuler Coal Mining Co | Alpha | 1 | |

### *Mine Price Group "K"*

| Producing company | Mine | Seam | Exception |
|---|---|---|---|
| Buffalo Rock Coal Co | Buffalo Rock | 2 | |
| Illinois Zinc Co | #3 | 2 | |
| Northern Illinois Coal Corp | #10 Wilmington | 2 | |
| Osage Coal Co | #1 | 2 | |
| Roanoke Coal & Tile Co | Roanoke | 3 | |
| Spring Valley Coal Mining Co | #3 | 2 | |
| Sutton Coal Co., W. G | Minonk | 2 | |
| Union Coal Co | Union | 2 | |
| Wilmington Coal Mines, Inc | Wilmington Mines, Inc | 2 | |

### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 17, 18, 19, 20, 21, 22, and 36*

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 275 | 260 | 255 | 220 | 220 | 240 | 240 | 240 | ..... | 290 |
| 2 | 265 | 250 | 245 | 210 | 210 | 230 | 230 | 230 | ..... | 280 |
| 3 | 255 | 240 | 235 | 200 | 200 | 220 | 220 | 220 | ..... | 270 |
| 4 | 245 | 230 | 225 | 190 | 190 | 210 | 210 | 210 | ..... | 260 |
| 5 | 235 | 220 | 215 | 180 | 180 | 200 | 200 | 200 | ..... | 250 |
| 6 (A) | 220 | 210 | 215 | 175 | 175 | 195 | 195 | 195 | ..... | 205 |
| 7 (A) | 225 | 215 | 220 | 170 | 170 | 190 | 190 | 190 | ..... | 215 |
| 8 (A) | 230 | 220 | 225 | 185 | 185 | 205 | 205 | 205 | ..... | 195 |
| 9 (B) | 210 | 200 | 205 | 165 | 165 | 185 | 205 | 185 | ..... | 180 |
| 10 (B) | 195 | 185 | 190 | 150 | 150 | 170 | 190 | 170 | ..... | 180 |
| 11 (B) | 185 | 175 | 180 | 140 | 140 | 160 | 180 | 160 | ..... | 170 |
| 12 | 175 | 165 | 170 | 130 | 130 | 150 | 170 | 150 | ..... | 160 |
| 13 (C) | 200 | 190 | 195 | 155 | 155 | 175 | 195 | 175 | ..... | 185 |
| 14 (D) | 125 | 115 | 120 | 80 | 80 | 100 | 120 | 100 | ..... | 110 |
| 15 | 105 | 95 | 100 | 60 | 60 | 80 | 100 | 80 | ..... | 95 |
| 16 | 215 | 205 | 210 | 170 | 170 | 195 | 220 | 190 | ..... | 235 |



### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 17, 18, 19, 20, 21, 22, and 36*—Con.

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 11 (B) | 185 | 175 | 180 | 140 | 140 | 160 | 160 | 160 | ..... | 170 |
| 12 | 175 | 165 | 170 | 130 | 130 | 150 | 150 | 150 | ..... | 160 |
| 13 (C) | 200 | 190 | 195 | 155 | 155 | 145 | 145 | 175 | ..... | 185 |
| 14 (D) | 125 | 115 | 120 | 80 | 80 | 100 | 100 | 100 | ..... | 110 |
| 15 | 105 | 95 | 100 | 60 | 60 | 80 | 80 | 80 | ..... | 95 |
| 16 | 215 | 205 | 210 | 170 | 170 | 195 | 195 | 195 | ..... | 235 |

*Important.*—Exceptions are a part of these prices and must be complied with.

### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos 23, 27 28, 29, 30, 31, 33, 34, 99 100, 101, 104, 105, 106, 107, 109, 111, 112 140, 141, 142, 143, 144, 145, 146, 147*

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 275 | 260 | 255 | 220 | 220 | 240 | 270 | 240 | 240 | 290 |
| 2 | 265 | 250 | 245 | 210 | 210 | 230 | 260 | 230 | 230 | 280 |
| 3 | 255 | 240 | 235 | 200 | 200 | 220 | 250 | 220 | 220 | 270 |
| 4 | 245 | 230 | 225 | 190 | 190 | 210 | 240 | 210 | 210 | 260 |
| 5 | 235 | 220 | 215 | 180 | 180 | 200 | 230 | 200 | 200 | 250 |
| 6 (A) | 220 | 210 | 215 | 175 | 175 | 195 | 225 | 195 | 195 | 205 |
| 7 (A) | 225 | 215 | 220 | 170 | 170 | 190 | 220 | 190 | 190 | 200 |
| 8 (A) | 230 | 220 | 225 | 185 | 185 | 205 | 235 | 205 | 205 | 215 |
| 9 (B) | 210 | 200 | 205 | 165 | 165 | 185 | 215 | 185 | 185 | 195 |
| 10 (B) | 195 | 185 | 190 | 150 | 150 | 170 | 200 | 170 | 170 | 180 |
| 11 (B) | 185 | 175 | 180 | 140 | 140 | 160 | 190 | 160 | 160 | 170 |
| 12 | 175 | 165 | 170 | 130 | 130 | 150 | 180 | 150 | 150 | 160 |
| 13 (C) | 200 | 190 | 195 | 155 | 155 | 175 | 205 | 175 | 175 | 185 |
| 14 (D) | 125 | 115 | 120 | 80 | 80 | 100 | 130 | 100 | 100 | 110 |
| 15 | 105 | 95 | 100 | 60 | 60 | 80 | 110 | 80 | 80 | 95 |
| 16 | 215 | 205 | 210 | 170 | 170 | 190 | 220 | 190 | 200 | 235 |

*Important.*—Exceptions are a part of these prices, and must be complied with.

### *Prices in Cents per Ton of 2,000 Pounds for Shipment Into Market Area No. 24*

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 275 | 260 | 255 | 220 | 220 | 240 | 260 | 240 | 240 | 290 |
| 2 | 265 | 250 | 245 | 210 | 210 | 230 | 250 | 230 | 230 | 280 |
| 3 | 255 | 240 | 235 | 200 | 200 | 220 | 240 | 220 | 220 | 270 |
| 4 | 245 | 230 | 225 | 190 | 190 | 210 | 230 | 210 | 210 | 260 |
| 5 | 235 | 220 | 215 | 180 | 180 | 200 | 220 | 200 | 200 | 250 |
| 6 (A) | 220 | 210 | 215 | 175 | 175 | 195 | 215 | 195 | 195 | 205 |
| 7 (A) | 225 | 215 | 225 | 170 | 170 | 190 | 210 | 190 | 190 | 200 |
| 8 (A) | 230 | 220 | 225 | 185 | 185 | 205 | 225 | 205 | 205 | 215 |
| 9 (B) | 210 | 200 | 205 | 165 | 165 | 185 | 205 | 185 | 185 | 195 |
| 10 (B) | 195 | 185 | 190 | 150 | 150 | 170 | 190 | 170 | 170 | 180 |
| 11 (B) | 185 | 175 | 180 | 140 | 140 | 160 | 180 | 160 | 160 | 170 |
| 12 | 175 | 165 | 170 | 130 | 130 | 150 | 170 | 150 | 150 | 160 |
| 13 (C) | 200 | 190 | 195 | 155 | 155 | 175 | 195 | 175 | 175 | 185 |
| 14 (D) | 125 | 115 | 120 | 80 | 80 | 100 | 120 | 100 | 100 | 110 |
| 15 | 105 | 95 | 100 | 60 | 60 | 80 | 100 | 80 | 80 | 95 |
| 16 | 215 | 205 | 210 | 170 | 170 | 195 | 220 | 190 | 200 | 235 |

*Important.*—Exceptions are a part of these prices and must be complied with.

### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 25*

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 275 | 260 | 260 | 233 | 218 | 240 | ..... | ..... | ..... | ..... |
| 2 | 265 | 250 | 250 | 223 | 208 | 230 | ..... | ..... | ..... | ..... |
| 3 | 255 | 240 | 240 | 213 | 198 | 220 | ..... | ..... | ..... | ..... |
| 4 | 245 | 230 | 230 | 203 | 188 | 210 | ..... | ..... | ..... | ..... |
| 5 | 235 | 220 | 220 | 193 | 178 | 200 | ..... | ..... | ..... | ..... |
| 6 (A) | 220 | 210 | 215 | 193 | 183 | 195 | ..... | ..... | ..... | ..... |
| 7 (A) | 225 | 215 | 220 | 188 | 178 | 190 | ..... | ..... | ..... | ..... |
| 8 (A) | 230 | 220 | 225 | 203 | 193 | 205 | ..... | ..... | ..... | ..... |
| 9 (B) | 210 | 200 | 205 | 183 | 173 | 185 | ..... | ..... | ..... | ..... |
| 10 (B) | 195 | 185 | 190 | 168 | 158 | 170 | ..... | ..... | ..... | ..... |
| 11 (B) | 185 | 175 | 180 | 158 | 148 | 160 | ..... | ..... | ..... | ..... |
| 12 | 175 | 165 | 170 | 148 | 138 | 150 | ..... | ..... | ..... | ..... |
| 13 (C) | 200 | 190 | 195 | 173 | 163 | 175 | ..... | ..... | ..... | ..... |
| 14 (D) | 125 | 115 | 120 | 98 | 88 | 100 | ..... | ..... | ..... | ..... |
| 15 | 105 | 95 | 100 | 78 | 68 | 80 | ..... | ..... | ..... | ..... |
| 16 | 215 | 205 | 210 | 190 | 190 | 190 | ..... | ..... | ..... | ..... |

*Important.*—Exceptions are part of these prices and must be complied with.

### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 26*

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 275 | 260 | 260 | 225 | 210 | 225 | ..... | ..... | ..... | ..... |
| 2 | 265 | 250 | 250 | 215 | 200 | 215 | ..... | ..... | ..... | ..... |
| 3 | 255 | 240 | 240 | 205 | 190 | 205 | ..... | ..... | ..... | ..... |
| 4 | 245 | 230 | 230 | 195 | 180 | 195 | ..... | ..... | ..... | ..... |
| 5 | 235 | 220 | 220 | 185 | 170 | 185 | ..... | ..... | ..... | ..... |
| 6 (A) | 220 | 210 | 215 | 180 | 170 | 180 | ..... | ..... | ..... | ..... |
| 7 (A) | 225 | 215 | 220 | 175 | 165 | 175 | ..... | ..... | ..... | ..... |
| 8 (A) | 230 | 220 | 225 | 190 | 180 | 190 | ..... | ..... | ..... | ..... |
| 9 (B) | 210 | 200 | 205 | 170 | 170 | 170 | ..... | ..... | ..... | ..... |
| 10 (B) | 195 | 185 | 190 | 155 | 145 | 155 | ..... | ..... | ..... | ..... |
| 11 (B) | 185 | 175 | 180 | 145 | 135 | 145 | ..... | ..... | ..... | ..... |
| 12 | 175 | 165 | 170 | 135 | 125 | 135 | ..... | ..... | ..... | ..... |
| 13 (C) | 200 | 190 | 195 | 160 | 150 | 160 | ..... | ..... | ..... | ..... |
| 14 (D) | 125 | 115 | 120 | 85 | 75 | 85 | ..... | ..... | ..... | ..... |
| 15 | 105 | 95 | 100 | 65 | 55 | 65 | ..... | ..... | ..... | ..... |
| 16 | 215 | 205 | 210 | 190 | 190 | 190 | ..... | ..... | ..... | ..... |

*Important.*—Exceptions are a part of these prices, and must be complied with.

### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 32*

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 275 | 260 | 245 | 220 | 220 | 240 | ..... | 240 | 240 | 290 |
| 2 | 265 | 250 | 235 | 210 | 210 | 230 | ..... | 230 | 240 | 280 |
| 3 | 255 | 240 | 225 | 200 | 200 | 220 | ..... | 220 | 220 | 270 |
| 4 | 245 | 230 | 215 | 190 | 190 | 210 | ..... | 210 | 210 | 260 |
| 5 | 235 | 220 | 205 | 180 | 180 | 200 | ..... | 200 | 200 | 250 |
| 6 (A) | 220 | 210 | 205 | 175 | 175 | 195 | ..... | 195 | 195 | 205 |
| 7 (A) | 225 | 215 | 210 | 170 | 170 | 190 | ..... | 190 | 190 | 200 |
| 8 (A) | 230 | 220 | 215 | 185 | 185 | 205 | ..... | 205 | 205 | 215 |
| 9 (B) | 210 | 200 | 195 | 165 | 165 | 185 | ..... | 185 | 185 | 195 |
| 10 (B) | 195 | 185 | 180 | 150 | 150 | 170 | ..... | 170 | 170 | 180 |
| 11 (B) | 185 | 175 | 170 | 140 | 140 | 160 | ..... | 160 | 160 | 170 |
| 12 | 175 | 165 | 160 | 130 | 130 | 150 | ..... | 150 | 150 | 160 |
| 13 (C) | 200 | 190 | 185 | 155 | 155 | 175 | ..... | 175 | 175 | 185 |
| 14 (D) | 125 | 115 | 110 | 80 | 80 | 100 | ..... | 100 | 100 | 110 |
| 15 | 105 | 95 | 90 | 60 | 60 | 80 | ..... | 80 | 80 | 95 |
| 16 | 215 | 205 | 210 | 170 | 170 | 190 | ..... | 190 | 200 | 235 |

*Important.*—Exceptions are a part of these prices, and must be complied with.

### *Prices in Cents per Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 35, 89, 90, 93, 94, 95, 96, 97, 98, 119, 123, 124*

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 275 | 260 | 245 | 210 | 210 | 210 | ..... | ..... | ..... | ..... |
| 2 | 265 | 250 | 235 | 200 | 200 | 200 | ..... | ..... | ..... | ..... |
| 3 | 255 | 240 | 225 | 190 | 190 | 190 | ..... | ..... | ..... | ..... |
| 4 | 245 | 230 | 215 | 180 | 180 | 180 | ..... | ..... | ..... | ..... |
| 5 | 235 | 220 | 205 | 170 | 170 | 170 | ..... | ..... | ..... | ..... |
| 6 (A) | 220 | 210 | 205 | 165 | 165 | 165 | ..... | ..... | ..... | ..... |
| 7 (A) | 225 | 215 | 210 | 160 | 160 | 160 | ..... | ..... | ..... | ..... |
| 8 (A) | 230 | 220 | 215 | 175 | 175 | 175 | ..... | ..... | ..... | ..... |
| 9 (B) | 210 | 200 | 195 | 155 | 155 | 155 | ..... | ..... | ..... | ..... |
| 10 (B) | 195 | 185 | 180 | 140 | 140 | 140 | ..... | ..... | ..... | ..... |
| 11 (B) | 185 | 175 | 170 | 130 | 130 | 130 | ..... | ..... | ..... | ..... |
| 12 | 175 | 165 | 160 | 120 | 120 | 120 | ..... | ..... | ..... | ..... |
| 13 (C) | 200 | 190 | 185 | 145 | 145 | 145 | ..... | ..... | ..... | ..... |
| 14 (D) | 125 | 115 | 110 | 70 | 70 | 70 | ..... | ..... | ..... | ..... |
| 15 | 105 | 95 | 90 | 50 | 50 | 50 | ..... | ..... | ..... | ..... |
| 16 | 215 | 205 | 200 | 190 | 190 | 190 | ..... | ..... | ..... | ..... |

*Important.*—Exceptions are a part of these prices, and must be complied with.

### *Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 102, 108, 110, 113, 114, 115, 116, 117, 118, 136, 137, 138, 139*

| Size groups | A | B | C | D | E | F | G | H | J | K |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 275 | 260 | 260 | 232 | 217 | 240 | ..... | 240 | ..... | ..... |
| 2 | 265 | 250 | 250 | 222 | 207 | 230 | ..... | 230 | ..... | ..... |
| 3 | 255 | 240 | 240 | 212 | 197 | 220 | ..... | 220 | ..... | ..... |
| 4 | 245 | 230 | 230 | 202 | 187 | 210 | ..... | 210 | ..... | ..... |
| 5 | 235 | 220 | 220 | 192 | 177 | 200 | ..... | 200 | ..... | ..... |
| 6 (A) | 220 | 210 | 220 | 187 | 177 | 195 | ..... | 195 | ..... | ..... |
| 7 (A) | 225 | 215 | 225 | 182 | 172 | 190 | ..... | 190 | ..... | ..... |
| 8 (A) | 230 | 220 | 230 | 197 | 187 | 205 | ..... | 205 | ..... | ..... |
| 9 (B) | 210 | 200 | 210 | 177 | 167 | 185 | ..... | 185 | ..... | ..... |
| 10 (B) | 195 | 185 | 195 | 162 | 152 | 170 | ..... | 170 | ..... | ..... |
| 11 (B) | 185 | 175 | 185 | 152 | 142 | 160 | ..... | 160 | ..... | ..... |
| 12 | 175 | 165 | 175 | 142 | 132 | 150 | ..... | 150 | ..... | ..... |
| 13 (C) | 200 | 190 | 200 | 167 | 157 | 145 | ..... | 145 | ..... | ..... |
| 14 (D) | 125 | 115 | 125 | 92 | 82 | 100 | ..... | 100 | ..... | ..... |
| 15 | 105 | 95 | 105 | 72 | 62 | 80 | ..... | 80 | ..... | ..... |
| 16 | 215 | 205 | 215 | 190 | 190 | 190 | ..... | 190 | ..... | ..... |

*Important.*—Exceptions are a part of these prices and must be complied with.

TRANSPORTATION ADJUSTMENTS

On shipments of coal to points within the market areas named in the following schedules the f. o. b. mine price shall be increased or decreased by an amount in cents per net ton sufficient to equalize the actual freight rate with the transportation differentials specified; provided, however, that any such increase or decrease shall not exceed 35¢ per net ton.

*Schedule A—Market Areas Nos. 23, 27, 28, 29, 30, 31, 33, 34, 99, 100, 101, 104, 105, 106, 107, 109, 111, 112, 140, 141, 142, 143, 144, 145, 146, and 147*

TRANSPORTATION DIFFERENTIALS

| Mine price groups: | *Differential under West Frankfort, Ill. or Harrisburg, Ill. rate (whichever is lower)* |
|---|---|
| B | 00¢ per ton. |
| C | 10¢ " " |
| D | 10¢ " " |
| E | 10¢ " " |
| F | 30¢ " " |
| G | 60¢ " " |

*Schedule B—Market Area No. 26*

TRANSPORTATION DIFFERENTIAL

| Mine price groups: | *Differential under West Frankfort, Ill. or Harrisburg, Ill. rate (whichever is lower)* |
|---|---|
| B | 00¢ per ton. |
| C | 15¢ " " |
| D | 25¢ " " |
| E | 25¢ " " |
| F | 25¢ " " |

*Schedule C—Market Areas Nos. 102, 108, 110, 113, 114, 115, 116, 117, 118, 136, 137, 138, and 139*

TRANSPORTATION DIFFERENTIALS

| Mine price groups: | *Differential under West Frankfort, Ill. or Harrisburg, Ill. rate (whichever is lower)* |
|---|---|
| B | 00¢ per ton. |
| C | 15¢ " " |
| D | 22¢ " " |
| E | 22¢ " " |
| F | 40¢ " " [1] |
| F | 36¢ " " [2] |

[1] Size Groups 1 to 5 inclusive and 16.
[2] Size Groups 6 to 15 inclusive.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

Any coal sold for Railroad Locomotive Fuel shall take a minimum price of $2.15, per net ton, f. o. b. transportation facilities.

[F. R. Doc. 37-3657; Filed, December 15, 1937; 11:26 a. m.]

[Order No. 134]

AN ORDER MODIFYING ORDER NO. 100, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TWELVE

The National Bituminous Coal Commission having by its Order No. 100 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Twelve as set forth in Price Schedule Number One—District Number Twelve, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Twelve, and determined that the provisions of Subsections (a) and (b) of Part II of Section Four of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Twelve, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Twelve, established in Price Schedule Number One—District Number Twelve, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Twelve, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Twelve, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 100, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Twelve to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Twelve; shall cause copies of this order and said Supplement No. 1 to be made available for inspection to all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 12

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 12, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937".

Effective 12:01 A. M. December 16, 1937.
Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary.*

*Price Corrections*

| Markets (Iowa) | 6" Chunk and larger | Standard Lump and Furnace | Egg | Small Egg | Run of Mine | Nut | Domestic Stoker | Screenings | Industrial Stoker |
|---|---|---|---|---|---|---|---|---|---|
| Ackworth | | 400 | | | | | | 281 | |
| Allendorf | | | | 526 | | | | | |
| Alton | | | | 530 | | | | | |
| Ames | | | | | | 384 | 384 | | |
| Ascalon | | | | | | | | 284 | |
| Aspinwall | | | | | | | | | 377 |
| Battle Creek | | | | | | | | 344 | 342 |
| Beech | | | | | | 415 | | | |
| Belle Plaine | | | | | | 450 | | | |
| Bentley | | | | | | | | | |
| Big Rock | | | | | 420 | | | | |
| Bloomfield | | | | 345 | | | | | |
| Boxholm | | | | | 380 | | | | |
| Burdette | | | | | | 426 | 426 | | |
| Castana | | | | | | 463 | 463 | | |
| Chelsea | | 438 | | | | | | | |
| Clarkson | | | | | | 383 | | | |
| Clermont | | | | | | 446 | | | |
| Clutier | | | | | 394 | | | | |
| Colo | | | | | | 397 | 397 | | |
| Colwell | | | | | | | | 388 | |
| Cordova | | | | | | 369 | | | |
| Cottonwood | 415 | | | | | | | | |
| Cumberland | | | | | | 428 | | | |
| Cushing | | | | | | 463 | 463 | | |
| Dana | | | | | 380 | | | | |
| Delhi | | | | 448 | | | | | |
| Deloit | Station Abandoned—No Prices. | | | | | | | | |
| Delphos | Name Correction. | | | | | | | | |
| Delta | | | | | | 369 | | 264 | |
| Devon | | | | 460 | | | | | |
| De War | | | | 436 | | | | | |
| Dinsdale | 469 | | | | | | | | |
| Divide Spur | | 546 | 536 | 526 | | | | 369 | |
| Dixon | 465 | | | | | 428 | | | |



*Price Corrections*—Continued

| Markets (Iowa) | 6" Chunk and larger | Standard Lump and Furnace | Egg | Small Egg | Run of Mine | Nut | Domestic Stoker | Screenings | Industrial Stoker |
|---|---|---|---|---|---|---|---|---|---|
| Emery | | | | | | 455 | 455 | | |
| Evader | | | | 526 | 466 | 474 | 474 | 369 | |
| Evans | | | | | | 329 | | | |
| Exline | | | | | | 329 | | | |
| Fairmount | | | | | | 329 | 356 | | |
| Farley | | | | | 440 | | | | |
| Farlin | | | | | | | | 299 | |
| Flanders | 509 | 409 | 489 | 484 | | | | | |
| Fraser | | | | | | 388 | 388 | | |
| Hamill | | | | | | 383 | | | |
| Hawkeye Portland Cement Quarry | 470 | | | | | | | | |
| Hull | | | | | | 482 | 482 | | |
| Jowley | | | | 468 | 408 | | | | |
| Judd | | | | 464 | | | | | |
| Jordan | | | | | 365 | | | | |
| Julian | | | | 456 | | | | 365 | |
| Kalona | | | | | | | | | 361 |
| Kennedy | | | | | 360 | | | | |
| Kelley | | | | | 360 | | | | |
| Kellogg | | | | | 366 | | | | |
| Kennebec | | | | | | 463 | | | |
| Kensett | | | 491 | | | | | | |
| Kesley | | | | | 420 | 442 | | | |
| Keystone | | | | | | | 388 | | |
| Klemme | | | | | | | | 344 | |
| Knierim | 498 | 488 | 478 | 466 | 408 | | | | |
| Knifin | | 345 | 335 | 330 | | 329 | 329 | | |
| Knoke | | | 482 | | | | | | |
| Knoles | | | | | | | | 329 | |
| Lenox | | | | | | | | | 392 |
| Lida | | | | | 330 | | | | |
| Lineville | | | | 358 | | | | | |
| Little Rock | | | | 526 | 466 | | | | |
| Little Cedar | | | | | | | | | 420 |
| Logan | | | | | | | 437 | | |
| McCoy | | | | | | | | | 314 |
| McIntyr | | | | | 448 | | | | |
| Maclay | | | | | 438 | | | | |
| Manchester | | | | | | | 423 | | |
| Marshalltown | | | | | | | | 291 | |
| Mason City Jct | | | | | 411 | | | | |
| Melbourne | | | | | 384 | | | | |
| Midland Jct | | | | | 432 | | | | |
| Monmouth | | | | | | | | | 409 |
| Monona | | | | | | 464 | | | |
| Montgomery | | | | | | | | 373 | 433 |
| Mt. Sterling | | | | | | | | | 339 |
| Nemaha | | | | | | | | 332 | |
| Neola | | | | | | | | 340 | |
| Newhall | Name correction. | | | | | | | | |
| Nobleton | Name correction. | | | | | | | | |
| Olaf | Name correction. | | | | | | | | |
| Olin | | | | | 423 | | | | |
| Onawa | | | | | | | | | 417 |
| Oto | | | | | 450 | | | | |
| Owasa | 502 | 422 | 482 | 472 | | | | | |
| Palm Grove | | 468 | | | | | | | |
| Palo | 451 | | | | | | | | |
| Perry | | | | | | | | | 334 |
| Pierson | | | | | | | 468 | | |
| Preparation | | | 481 | | | | | | |
| Promise City | | | | | | | | 259 | |
| Racine | Name correction. | | | | | | | | |
| Radcliffe King | Name correction. | | | | | | | | |
| Rembrandt | | | | | 441 | | | | |
| Rainbow | | | | | | | | | 372 |
| Ridgeway | | 409 | 480 | 484 | | | | | |
| Rinard | | | | | | | | | 366 |
| Rippey | | | | | | | | | 339 |
| Ritter | | | | | | | 475 | | |
| River Jct | | | | 408 | | 399 | | | |
| River Sioux | | 487 | | | 448 | | | | |
| Robins | 448 | 438 | | | 408 | | | | |
| Rock Rapids | 568 | | 548 | 538 | 478 | 485 | | | |
| Roelyn | | 480 | | | | | | | |
| Rogers | | 444 | 434 | 420 | | | | | |
| Roland | | | | 448 | 388 | | | | |
| Rolfe | | | | 480 | | | | | |
| Roscoe | | 426 | | | | | | | |
| Ross | | | 494 | 484 | | | | | |
| Ruthven | | | | | 441 | | | | |
| Rutland | | | | 488 | 428 | | | | |
| St. Charles | | | | | | | 356 | | |
| Sand Springs | | 459 | | | | | | | |
| Sergeant Bluffs | | | | | | | | | 427 |
| Shafton | | | 445 | | | | | | |
| Shepard | 433 | 423 | 413 | 408 | | | | | |
| Sny Magill | | | | 488 | | | | | |
| Springville | | | | | | | 410 | | |
| Stevens | | | | | | 474 | 474 | | |
| Toronto | | | | | | | | 348 | |
| Tracy | | | | | | | 340 | 285 | |
| Traer | | | | | | 428 | 399 | 324 | |
| Trask | | | | | | | 329 | 259 | |
| Tripoli | | | | | | 442 | 420 | 345 | |
| Truesdale | | | | | | 449 | 449 | 344 | 404 |
| Truro | | | | | | 397 | 359 | | |
| Voorhies | | | 449 | | | | | | |

[F. R. Doc. 37-3660; Filed, December 15, 1937; 11:28 a. m.]

[Order No. 135]

AN ORDER MODIFYING ORDER NO. 101, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THIRTEEN

The National Bituminous Coal Commission having by its Order No. 101 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Thirteen as set forth in Price Schedule Number One—District Number Thirteen, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Thirteen, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Thirteen, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Thirteen, established in Price Schedule Number One—District Number Thirteen, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Thirteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Thirteen, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 101, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Thirteen to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Three; to code members within District Number Thirteen; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

*Price Corrections*—Continued

| Markets (Iowa) | 6" Chunk and larger | Standard Lump and Furnace | Egg | Small Egg | Run of Mine | Nut | Domestic Stoker | Screenings | Industrial Stoker |
|---|---|---|---|---|---|---|---|---|---|
| Walford | | | | | | 402 | | | |
| Wall Lake | | | | | | 433 | | | |
| Waucoma | Name correction. | | | | | | | | |
| Waupeton | | | 481 | | | | | | |
| Waverly | 477 | 467 | 457 | 432 | | | | | |
| Webster | | | 387 | | | 376 | | | |
| Unionville | | | | | | 329 | | | |
| Yale | | | | | | | | 288 | 348 |

SUPPLEMENT No. 1 TO PRICE SCHEDULE No. 1 FOR DISTRICT No. 13

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 13, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937".

Effective 12:01 A. M. December 16, 1937.

Issued December 14, 1937.

F. W. McCULLOUGH, *Secretary.*

ALABAMA MINES

*Price Instructions and Exceptions—General*

1. Schedule of prices shown herein, applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the district shown on the title page hereof.

2. All prices are subject to the uniform marketing rules and regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screen. When other types of screens are used, the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10¢ per net ton shall be made.

7. Mines having published freight rate differentials applying against them in connection with other Alabama mines may absorb from minimum prices such differentials not in excess of 25¢ per net ton, except that this permission to absorb differentials does not apply to References 201 to 249, inclusive.

8. *Coking coal, freight exceptions.*—Prices are based on lowest line haul coking-in-transit or lowest line haul furnace raw material rates, whichever properly applies. Mines having lower respective transportation charges, either line haul or switching, must plus their mine prices the amount of their transportation advantage. Mines having higher than such base rates may absorb up to 25 cents per ton of such disadvantage. This applies to Alabama destinations only. There shall be no adjustment of furnace material transportation charges to equalize with coking-in-transit transportation charges.

9. When top sizes of Egg does not exceed 5", the schedule prices for same may be reduced 5¢ per net ton, Reference 250 to 266, inclusive.

10. Reference 255, 4" x 1½", is classified as Nut coal and takes Nut coal prices shown on schedules.

*Price Instructions and Exceptions—Size Groups 4, 5, 6, 7, 8, 9, 10, 11*

1. *Market Areas 93, 97, 113, 114, 115, 116, 117, 118, 119 and 124.*—The price of 1½" x 0" and smaller, Column t–1, may be reduced 30¢ per net ton on Reference 101 to 124, inclusive.

1½. *Market Areas 94, 98 and 123.*—The price of 1½" x 0" and smaller, Column t–1, may be reduced 20¢ per net ton on References 101 to 124, inclusive.

2. *Market Areas 95, 98 and 123.*—For shipment into that part of the market areas named above lying in the state of Mississippi on and south of the Columbus & Greenville Railroad and in the state of Louisiana, prices of 1½" x 0" and smaller, Column t–1, may be reduced 20¢ per net ton on References 101 to 166, inclusive.

3. *Market Areas 58, 60 and 61.*—The price of 1½" x 0" and smaller, Column t–1, and 1½" x ½" and smaller, Column t–7, may be reduced 25¢ per net ton on References 101 to 166, inclusive.

4. *Market Areas 45, 50, 57 and 63.*—Prices of all sizes, Columns t–1 to t–8, inclusive, may be reduced 35¢ per net ton on References 101 to 166, inclusive.

5. *Market Areas 47, 49, 51, 52, 53, 54, 55, 56, 59, 62 and 64.*—Prices of all sizes, Columns t–1 to t–8, inclusive may be reduced 20¢ per net ton on References 101 to 166, inclusive.

6. *Market Areas 42, 43, 44, 65, 91 and 92.*—Prices of all sizes, Columns t–1 to t–8, inclusive, may be reduced 45¢ per net ton on References 101 to 166, inclusive.

7. *Market Areas 46 and 48.*—Prices of all sizes, Columns t–1 to t–8, inclusive, may be reduced 40¢ per net ton on References 101 to 166, inclusive.

8. *Market Areas 35, 83, 84, 85, 86, 87, 88, 89 and 90.*—Prices of 1½" x 0" and smaller, Column t–1, may be reduced 30¢ per net ton on References 101 to 124, inclusive.

9. *Market Areas 76, 77, 79 and 80.*—Prices of all sizes Columns t–1 to t–8, inclusive, may be reduced 10¢ per net ton on References 101 to 166, inclusive.

10. *Market Area 69.*—For shipment only to Tuscaloosa, Alabama, within this area, price of 1½" x 0" and smaller, Column t–1, may be reduced 15¢ per net ton, References 101 to 166, inclusive.

For shipment only to Panama City, Florida, within this area, price of 1½" x 0" and smaller, Column t–1 may be reduced 45¢ per net ton, References 101 to 166, inclusive.

11. *Market Area 95.*—For shipment only to East Moss Point, Mississippi, within this area, price of 1½" x 0" and smaller, Column t–1, may be reduced 45¢ per net ton, References 101 to 166, inclusive.

12. *Market Area 73.*—For shipment only to Alabama City, Alabama, price of 1½" x 0" and smaller, Column t–1, may be reduced 35¢ per net ton, References 101 to 166, inclusive.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into the Market Areas Shown Below for Size Groups 1, 2, and 3*

| Market areas | 93–97, 113, 114, 115, 116, 117, 118, 119 | | | 94–98, 123 | | | 69–95, 96 | | | 81 | | | 48–71, 72, 73, 75, 78 | | | 74 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| Reference | a–1 | a–2 | a–3 | b–1 | b–2 | b–3 | c–1 | c–2 | c–3 | d–1 | d–2 | d–3 | e–1 | e–2 | e–3 | f–1 | f–2 | f–3 |
| MINE | | | | | | | | | | | | | | | | | | |
| 201. Bankhead | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 202. Barney | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 203. Stephenson | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 204. Calumet | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 205. Colta | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 206. Flat Top | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 207. Hamilton | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 208. Hull | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 209. Johns | 250 | 250 | 250 | 280 | 260 | 250 | 280 | 280 | 280 | 280 | 280 | 280 | 260 | 260 | 260 | 260 | 260 | 260 |
| 210. Labuco | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 211. Lewisburg | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 212. Newcastle #2 | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 213. Powhatan | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 214. | | | | | | | | | | | | | | | | | | |
| 215. Praco | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into the Market Areas Shown Below for Size Groups 1, 2, and 3*—Continued

| Market areas | 93–97, 113, 114, 115, 116, 117, 118, 119 | | | 94–98, 123 | | | 69–95, 96 | | | 81 | | | 48–71, 72, 73, 75, 78 | | | 74 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| References | a–1 | a–2 | a–3 | b–1 | b–2 | b–3 | c–1 | c–2 | c–3 | d–1 | d–2 | d–3 | e–1 | e–2 | e–3 | f–1 | f–2 | f–3 |
| MINE—continued | | | | | | | | | | | | | | | | | | |
| 216. Samoset | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 217. Sayreton | | | | | | | 265 | 265 | 265 | | | | | | | | | |
| 218. Aldridge Shaft | 235 | 235 | 235 | 265 | 245 | 235 | 265 | 265 | 265 | 265 | 265 | 265 | 245 | 245 | 245 | 245 | 245 | 245 |
| 219. Acmar | 240 | 240 | 235 | 270 | 250 | 235 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 220. | | | | | | | | | | | | | | | | | | |
| 221. Holly Grove | 240 | 240 | 235 | 270 | 250 | 235 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 222. Howard | 240 | 240 | 235 | 270 | 250 | 235 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 223. Kershaw | 240 | 240 | 235 | 270 | 250 | 235 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 224. Mill Creek | 240 | 240 | 235 | 270 | 250 | 235 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 225. Townley | 240 | 240 | 235 | 270 | 250 | 235 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 226. Warrior River | 240 | 240 | 235 | 270 | 250 | 235 | 270 | 270 | 265 | 270 | 270 | 265 | 250 | 250 | 245 | 250 | 250 | 245 |
| 227. Porter | 250 | 250 | 250 | 280 | 260 | 250 | 280 | 280 | 280 | 280 | 280 | 280 | 260 | 260 | 260 | 260 | 260 | 260 |
| 228. Hloesburg "E" | 260 | 260 | 260 | 290 | 270 | 260 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 229. Cliff | 260 | 260 | 260 | 290 | 270 | 260 | 290 | 290 | 290 | 299 | 290 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 230. | | | | | | | | | | | | | | | | | | |
| 231. Docena | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 232. Dolomite | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 233. Edgewater | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 234. Lindberg | 260 | 260 | 260 | 290 | 270 | 260 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 235. Warner | 260 | 260 | 260 | 290 | 270 | 260 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 236. Mulga | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 237. Pratt #1 Slope | 260 | 260 | 260 | 290 | 270 | 260 | 290 | 290 | 290 | 290 | 290 | 290 | 270 | 270 | 270 | 270 | 270 | 270 |
| 238. Wylam #8 | | | | | | | 290 | 290 | 290 | | | | | | | | | |
| 239. Brookston | 275 | 275 | 260 | 305 | 285 | 260 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 | 285 | 285 | 270 |
| 240. | | | | | | | | | | | | | | | | | | |
| 241. Corona #11 | 275 | 275 | 260 | 305 | 285 | 260 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 | 285 | 285 | 270 |
| 242. Margaret | 275 | 275 | 260 | 305 | 285 | 260 | 305 | 305 | 290 | 305 | 305 | 290 | 285 | 285 | 270 | 285 | 285 | 270 |
| 243. Beltona | 280 | 280 | 280 | 310 | 290 | 280 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 244. Bradford | 280 | 280 | 280 | 310 | 290 | 280 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 245. Carbon | 280 | 280 | 280 | 310 | 290 | 280 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 246. Lehigh | 280 | 280 | 280 | 310 | 290 | 280 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 247. Thermal | 280 | 280 | 280 | 310 | 290 | 280 | 310 | 310 | 310 | 310 | 310 | 310 | 290 | 290 | 290 | 290 | 290 | 290 |
| 248. Red Diamond | 305 | 305 | 290 | 335 | 315 | 290 | 335 | 335 | 320 | 335 | 315 | 310 | 315 | 295 | 290 | 315 | 295 | 290 |
| 249. Paramount | 305 | 305 | 290 | 335 | 315 | 290 | 335 | 335 | 320 | 335 | 315 | 310 | 315 | 295 | 290 | 315 | 295 | 290 |
| 250. Belle Ellen #5 | 385 | | | 385 | | | 385 | | | | | | | | | | | |
| 251. Sunlight | 395 | 395 | 365 | 395 | 395 | 365 | 395 | 395 | 365 | 345 | 330 | 305 | 350 | 340 | 310 | 375 | 365 | 335 |
| 252. Klondyke | 390 | | | 390 | | | 390 | | | 340 | | | 345 | | | 370 | | |
| 253. Deepwater | 410 | 410 | 390 | 410 | 410 | 390 | 410 | 410 | 390 | 360 | 350 | 330 | 365 | 355 | 335 | 390 | 380 | 360 |
| 254. Radiant | 410 | 410 | 390 | 410 | 410 | 390 | 410 | 410 | 390 | 360 | 350 | 330 | 365 | 355 | 335 | 390 | 380 | 360 |
| 255. Boothton | 415 | 415 | 465 | 415 | 415 | 405 | 415 | 415 | 405 | 365 | 355 | 340 | 370 | 360 | 345 | 395 | 385 | 370 |
| 256. Hills Creek | 415 | 415 | 390 | 415 | 415 | 390 | 415 | 415 | 390 | 365 | 355 | 330 | 370 | 360 | 335 | 395 | 385 | 360 |
| 257. Marvel | 415 | 415 | 390 | 415 | 415 | 390 | 415 | 415 | 390 | 365 | 355 | 330 | 370 | 360 | 335 | 395 | 385 | 360 |
| 258. Acton | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 385 | 345 | 390 | 390 | 350 | 415 | 415 | 375 |
| 259. Brilliant | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 260. Coleanor | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 261. New River | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 262. Empire | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 263. Summit | 435 | 435 | 405 | 435 | 435 | 405 | 435 | 435 | 405 | 385 | 375 | 345 | 390 | 380 | 350 | 415 | 405 | 375 |
| 264. Piper | 450 | 450 | 405 | 450 | 450 | 405 | 450 | 450 | 405 | 400 | 390 | 345 | 405 | 395 | 350 | 430 | 420 | 375 |
| 265. Dogwood | 485 | 485 | 430 | 485 | 485 | 430 | 485 | 485 | 430 | 435 | 435 | 345 | 440 | 440 | 350 | 465 | 465 | 375 |
| 266. Montevallo | 485 | 485 | 415 | 485 | 485 | 415 | 485 | 485 | 415 | 435 | 435 | 345 | 440 | 440 | 350 | 465 | 465 | 375 |

| Market areas | 70 | | | 58–60–67 | | | 66–68 | | | 124 | | | 61 | | | 42, 43, 44, 45, 46, 47–49, 50–52–54, 55–57–59–62, 63, 64, 65–91, 92 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| References | g–1 | g–2 | g–3 | h–1 | h–2 | h–3 | j–1 | j–2 | j–3 | k–1 | k–2 | k–3 | l–1 | l–2 | l–3 | m–1 | m–2 | m–3 |
| MINE | | | | | | | | | | | | | | | | | | |
| 201. Bankhead | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 202. Barney | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 203. Stephenson | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 204. Calumet | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 205. Colta | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 206. Flat Top | | | | | | | | | | | | | | | | | | |
| 207. Hamilton | | | | | | | | | | | | | | | | | | |
| 208. Hull | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 209. Johns | 260 | 260 | 260 | 280 | 280 | 280 | 280 | 280 | 280 | 270 | 270 | 270 | 280 | 280 | 280 | 260 | 260 | 260 |
| 210. Labuco | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 211. Lewisburg | | | | | | | | | | | | | | | | | | |
| 212. Newcastle #2 | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 213. Powhatan | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 214. | | | | | | | | | | | | | | | | | | |
| 215. Praco | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 216. Samoset | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 4245 |
| 217. Sayreton | | | | | | | | | | | | | | | | | | |
| 218. Aldridge Shaft | 245 | 245 | 245 | 265 | 265 | 265 | 265 | 265 | 265 | 255 | 255 | 255 | 265 | 265 | 265 | 245 | 245 | 245 |
| 219. Acmar | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 260 | 260 | 255 | 270 | 270 | 265 | 250 | 250 | 245 |
| 220 | | | | | | | | | | | | | | | | | | |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into the Market Areas Shown Below for Size Groups 1, 2, and 3—Continued*

| Market areas | 70 | | | 58–60–67 | | | 66–68 | | | 124 | | | 61 | | | 42, 43, 44, 45, 46, 47–49, 50–52–54, 55–57–59–62, 63, 64, 65–91, 92 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Size groups | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 |
| References | g-1 | g-2 | g-3 | h-1 | h-2 | h-3 | j-1 | j-2 | j-3 | k-1 | k-2 | k-3 | l-1 | l-2 | l-3 | m-1 | m-2 | m-3 |
| MINE—continued | | | | | | | | | | | | | | | | | | |
| 221. Holly Grove | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 260 | 260 | 255 | 270 | 270 | 265 | 250 | 250 | 245 |
| 222. Howard | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 260 | 260 | 255 | 270 | 270 | 265 | 250 | 250 | 245 |
| 223. Kershaw | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 260 | 260 | 255 | 270 | 270 | 265 | 250 | 250 | 245 |
| 224. Mill Creek | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 260 | 260 | 255 | 270 | 270 | 265 | 250 | 250 | 245 |
| 225. Townley | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 260 | 260 | 255 | 270 | 270 | 265 | 250 | 250 | 245 |
| 226. Warrior River | 250 | 250 | 245 | 270 | 270 | 265 | 270 | 270 | 265 | 260 | 260 | 255 | 270 | 270 | 265 | 250 | 250 | 245 |
| 227. Porter | 260 | 260 | 260 | 280 | 280 | 280 | 280 | 280 | 280 | 270 | 270 | 270 | 280 | 280 | 280 | 260 | 260 | 260 |
| 228. Blossburg "E" | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 290 | 290 | 290 | 270 | 270 | 270 |
| 229. Clift | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 290 | 290 | 290 | 270 | 270 | 270 |
| 230. | | | | | | | | | | | | | | | | | | |
| 231. Docena | | | | | | | | | | | | | | | | | | |
| 232. Dolomite | | | | | | | | | | | | | | | | | | |
| 233. Edgewater | | | | | | | | | | | | | | | | | | |
| 234. Lindbergh | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 290 | 290 | 290 | 270 | 270 | 270 |
| 235. Warner | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 290 | 290 | 290 | 270 | 270 | 270 |
| 236. Mulga | | | | | | | | | | | | | | | | | | |
| 237. Pratt #1 Slope | 270 | 270 | 270 | 290 | 290 | 290 | 290 | 290 | 290 | 280 | 280 | 280 | 290 | 290 | 290 | 270 | 270 | 270 |
| 238. Wylam #8 | | | | | | | | | | | | | | | | | | |
| 239. Brookston | 285 | 285 | 270 | 305 | 305 | 290 | 305 | 305 | 290 | 295 | 295 | 280 | 305 | 305 | 290 | 285 | 285 | 270 |
| 240. | | | | | | | | | | | | | | | | | | |
| 241. Corona #11 | 285 | 285 | 270 | 305 | 305 | 290 | 305 | 305 | 290 | 295 | 295 | 280 | 305 | 305 | 290 | 285 | 285 | 270 |
| 242. Margaret | 285 | 285 | 270 | 305 | 305 | 290 | 305 | 305 | 290 | 295 | 295 | 280 | 305 | 305 | 290 | 285 | 285 | 270 |
| 243. Belcona | 290 | 290 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 300 | 300 | 300 | 310 | 310 | 310 | 290 | 290 | 290 |
| 244. Bradford | 290 | 290 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 300 | 300 | 300 | 310 | 310 | 310 | 290 | 290 | 290 |
| 245. Carbon | 290 | 490 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 300 | 300 | 300 | 310 | 310 | 310 | 290 | 290 | 290 |
| 246. Lehigh | 290 | 290 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 300 | 300 | 300 | 310 | 310 | 310 | 290 | 290 | 290 |
| 247. Thermal | 290 | 290 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 300 | 300 | 300 | 310 | 310 | 310 | 290 | 290 | 290 |
| 248. Red Diamond | 315 | 295 | 290 | 335 | 315 | 310 | 335 | 315 | 310 | 325 | 325 | 310 | 335 | 315 | 310 | 300 | 300 | 290 |
| 249. Paramount #4 | 315 | 295 | 290 | 335 | 315 | 310 | 335 | 315 | 310 | 325 | 325 | 310 | 335 | 315 | 310 | 300 | 300 | 290 |
| 250. Belle Ellen #5 | | | | | | | | | | 385 | | | | | | | | |
| 251. Sunlight | 385 | 375 | 345 | 350 | 340 | 310 | 360 | 350 | 320 | 395 | 395 | 365 | 315 | 305 | 275 | 290 | 280 | 260 |
| 252. Klondike | 380 | | | 345 | | | 355 | | | 390 | | | 310 | | | 285 | | |
| 253. Deepwater | 400 | 390 | 370 | 365 | 355 | 335 | 375 | 365 | 345 | 410 | 410 | 390 | 330 | 320 | 300 | 305 | 295 | 275 |
| 254. Radiant | 400 | 390 | 370 | 365 | 355 | 335 | 375 | 365 | 345 | 410 | 410 | 390 | 330 | 320 | 300 | 305 | 295 | 275 |
| 255. Boothton | 405 | 395 | 380 | 370 | 360 | 345 | 380 | 370 | 355 | 415 | 415 | 405 | 335 | 325 | 310 | 310 | 300 | 275 |
| 256. Hills Creek | 405 | 395 | 370 | 370 | 360 | 335 | 380 | 370 | 345 | 415 | 415 | 390 | 335 | 325 | 300 | 310 | 300 | 275 |
| 257. Marvel | 405 | 395 | 370 | 370 | 360 | 335 | 380 | 370 | 345 | 415 | 415 | 390 | 335 | 325 | 300 | 310 | 300 | 275 |
| 258. Acton | 425 | 425 | 385 | 390 | 390 | 350 | 400 | 400 | 360 | 435 | 435 | 405 | 355 | 345 | 315 | 330 | 320 | 290 |
| 259. Brilliant | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 435 | 435 | 405 | 355 | 345 | 315 | 330 | 320 | 290 |
| 260. Coleanor | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 435 | 435 | 405 | 355 | 345 | 315 | 330 | 320 | 290 |
| 261. New River | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 435 | 435 | 405 | 355 | 345 | 315 | 330 | 320 | 290 |
| 262. Empire | 425 | 415 | 385 | 390 | 380 | 350 | 400 | 390 | 360 | 435 | 435 | 405 | 355 | 345 | 315 | 330 | 320 | 290 |
| 263. Summit | 440 | 430 | 385 | 405 | 395 | 350 | 415 | 405 | 360 | 450 | 450 | 405 | 370 | 360 | 315 | 345 | 335 | 290 |
| 264. Piper | 475 | 475 | 385 | 440 | 440 | 350 | 450 | 450 | 360 | 485 | 485 | 430 | 405 | 405 | 315 | 380 | 380 | 290 |
| 265. Dogwood | 475 | 475 | 385 | 440 | 440 | 350 | 450 | 450 | 360 | 485 | 485 | 415 | 405 | 405 | 315 | 380 | 380 | 290 |
| 266. Montevallo | | | | | | | | | | | | | | | | | | |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds Applicable to All Coal Moving on Bunker Coal Freight Rates*

| Kind and reference | Size groups 4–8, incl., washed | Mine run size group | |
|---|---|---|---|
| | | Washed | Unwashed |
| Black Creek—References 125, 150, 151, 156, 159, and 160 to 166, inclusive | [1] 285 | 285 | |
| Acton—Reference 152 | 285 | | |
| Pratt—References 137, 143, 153, 157, and 158 | 275 | 275 | 270 |
| Cahaba—Boothton, Reference 155 | 275 | | |
| Cahaba—Hills Creek, Reference 145 | 275 | | |
| Cahaba—References 126, 128, 129, 132, 134, 135, 136, 147, 149 | 265 | | 270 |
| Blue Creek—Reference 146 | 265 | 265 | 260 |
| Corona Group—References 131, 130, 133 | 265 | | |
| Carbon Hill and Big Seam—References 101 to 124, inclusive, and 148 | 245 | | |

[1] References 125, 150, and 151 prices 10 cents per ton less to other than lines buying through foreign agents.

RAILROAD LOCOMOTIVE FUEL (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for on-line Railroad Locomotive fuel shall take a minimum price of $2.35 per net ton of 2,000 lbs. f. o. b. mines, and such coal sold for off-line Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. f. o. b. mines.

Lump or any double screened coal ordered or sold for on-line Locomotive fuel shall take a minimum price of $2.50 per net ton of 2,000 lbs. f. o. b. mines, and such coal ordered or sold for off-line Locomotive fuel shall take a minimum price of $2.30 per net ton of 2,000 lbs. f. o. b. mines.

When coal, other than Locomotive fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the Market Area in which the mine is located.

TENNESSEE, GEORGIA MINES

*Price Instructions and Exceptions*

1. Schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the district shown on the title page hereof.

2. All prices are subject to the uniform marketing rules and regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used, the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge not less than 10¢ per net ton shall be made.



7. Washed coal shall be ten cents per ton higher than unwashed coal.

8. Prices shown in size group 7 cover regular 2" x 0 and 1½" x 0 Nut and Slack. Where mines make a specially prepared 2" Nut and Slack coal with part of the fines removed, each car of such specially prepared 2" Nut and Slack coal must contain not less than 40% of Slack coal including intermediate coal from washer which will pass through a ¾" screen. This coal shall take the washed coal price of 2" x 0".

9. Mines having published freight rate differential applying against them in connection with other Southern Tennessee Railroad mines may absorb such differentials provided the maximum absorption does not exceed 35¢ per ton, subject to exception below.

10. *Market Area 83.*—Where the applying freight rate is less than the $1.30 base rate, the minimum f. o. b. mines price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided, that the amount of such increase may be limited to a maximum of 35¢ per net ton.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 76, 78, 81, 82, 91, 92*

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 280 | 270 | 270 | 210 | 210 | 205 | 160 | 150 | 130 | 125 | 215 | 195 |
| 302 | Durham | | 245 | | | | | 180 | | | | 215 | 195 |
| 303 | College | 245 | 240 | 235 | 205 | 210 | 205 | 165 | 155 | 145 | 140 | 215 | 195 |
| 304 | Coalmont | 245 | 240 | 235 | 205 | 210 | 205 | 170 | 160 | 155 | 150 | 215 | 195 |
| 305 | Niack | 255 | 245 | 245 | 210 | 210 | 205 | 170 | 160 | 155 | 150 | 215 | 195 |
| 306 | Palmer | 255 | 245 | 245 | 210 | 210 | 205 | 170 | 160 | 155 | 150 | 215 | 195 |
| 307 | Daus | 245 | 240 | 235 | 205 | 210 | 205 | 165 | 155 | 145 | 140 | 215 | 195 |
| 308 | Whitwell | 255 | 245 | 245 | 210 | 210 | 205 | 170 | 160 | 155 | 150 | 215 | 195 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 60 and 61*

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 295 | 280 | 280 | 220 | 210 | 205 | 175 | 165 | 145 | 140 | 245 | 225 |
| 302 | Durham | | 255 | | | | | 195 | | | | 245 | 225 |
| 303 | College | 260 | 250 | 245 | 215 | 210 | 205 | 180 | 170 | 160 | 155 | 245 | 225 |
| 304 | Coalmont | 260 | 250 | 245 | 215 | 210 | 205 | 185 | 175 | 170 | 165 | 245 | 225 |
| 305 | Niack | 270 | 255 | 255 | 220 | 210 | 205 | 185 | 175 | 170 | 165 | 245 | 225 |
| 306 | Palmer | 270 | 255 | 255 | 220 | 210 | 205 | 185 | 175 | 170 | 165 | 245 | 225 |
| 307 | Daus | 260 | 250 | 245 | 215 | 210 | 205 | 180 | 170 | 160 | 155 | 245 | 225 |
| 308 | Whitwell | 270 | 255 | 255 | 220 | 210 | 205 | 185 | 175 | 170 | 165 | 245 | 225 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 72–73*

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 295 | 270 | 270 | 225 | 215 | 210 | 195 | 185 | 165 | 160 | 225 | 205 |
| 302 | Durham | | 245 | | | | | 215 | | | | 225 | 205 |
| 303 | College | 260 | 240 | 235 | 220 | 215 | 210 | 200 | 190 | 180 | 175 | 225 | 205 |
| 304 | Coalmont | 260 | 240 | 235 | 220 | 215 | 210 | 205 | 195 | 190 | 185 | 225 | 205 |
| 305 | Niack | 270 | 245 | 245 | 225 | 215 | 210 | 205 | 195 | 190 | 185 | 225 | 205 |
| 306 | Palmer | 270 | 245 | 245 | 225 | 215 | 210 | 205 | 195 | 190 | 185 | 225 | 205 |
| 307 | Daus | 260 | 240 | 235 | 220 | 215 | 210 | 200 | 190 | 180 | 175 | 225 | 205 |
| 308 | Whitwell | 270 | 245 | 245 | 225 | 215 | 210 | 205 | 195 | 190 | 185 | 225 | 205 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 86*

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 320 | 310 | 320 | 250 | 240 | 235 | 195 | 185 | 165 | 160 | 225 | 205 |
| 302 | Durham | | 285 | | | | | 215 | | | | 225 | 205 |
| 303 | College | 285 | 280 | 285 | 245 | 240 | 235 | 200 | 190 | 180 | 175 | 225 | 205 |
| 304 | Coalmont | 285 | 280 | 285 | 245 | 240 | 235 | 205 | 195 | 190 | 185 | 225 | 205 |
| 305 | Niack | 295 | 285 | 295 | 250 | 240 | 235 | 205 | 195 | 190 | 185 | 225 | 205 |
| 306 | Palmer | 295 | 285 | 295 | 250 | 240 | 235 | 205 | 195 | 190 | 185 | 225 | 205 |
| 307 | Daus | 285 | 280 | 285 | 245 | 240 | 235 | 200 | 190 | 180 | 175 | 225 | 205 |
| 308 | Whitwell | 295 | 285 | 295 | 250 | 240 | 235 | 205 | 195 | 190 | 185 | 225 | 205 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 74, 75, 77, 79*

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 325 | 315 | 325 | 285 | 265 | 260 | 215 | 185 | 165 | 160 | 225 | 205 |
| 302 | Durham | | 290 | | | | | 235 | | | | 225 | 205 |
| 303 | College | 290 | 285 | 290 | 280 | 265 | 260 | 220 | 190 | 180 | 175 | 225 | 205 |
| 304 | Coalmont | 290 | 285 | 290 | 280 | 265 | 260 | 225 | 195 | 190 | 185 | 225 | 205 |
| 305 | Niack | 300 | 290 | 300 | 285 | 265 | 260 | 225 | 195 | 190 | 185 | 225 | 205 |
| 306 | Palmer | 300 | 290 | 300 | 285 | 265 | 260 | 225 | 195 | 190 | 185 | 225 | 205 |
| 307 | Daus | 290 | 285 | 290 | 280 | 265 | 260 | 220 | 190 | 180 | 175 | 225 | 205 |
| 308 | Whitwell | 300 | 290 | 300 | 285 | 265 | 260 | 225 | 195 | 190 | 185 | 225 | 205 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 80, 84, 85, 91, 92*

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 345 | 335 | 345 | 265 | 255 | 250 | 210 | 200 | 180 | 175 | 250 | 240 |
| 302 | Durham | | 310 | | | | | 230 | | | | 250 | 240 |
| 303 | College | 310 | 305 | 310 | 260 | 255 | 250 | 215 | 205 | 195 | 190 | 250 | 240 |
| 304 | Coalmont | 310 | 305 | 310 | 260 | 255 | 250 | 220 | 210 | 205 | 200 | 250 | 240 |
| 305 | Niack | 320 | 310 | 320 | 265 | 255 | 250 | 220 | 210 | 205 | 200 | 250 | 240 |
| 306 | Palmer | 320 | 310 | 320 | 265 | 255 | 250 | 220 | 210 | 205 | 200 | 250 | 240 |
| 307 | Daus | 310 | 305 | 310 | 260 | 255 | 250 | 215 | 205 | 195 | 190 | 250 | 240 |
| 308 | Whitwell | 320 | 310 | 320 | 265 | 255 | 250 | 220 | 210 | 205 | 200 | 250 | 240 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 83*

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 295 | 290 | 285 | 220 | 210 | 210 | 155 | 150 | 125 | 120 | 215 | 205 |
| 302 | Durham | | 265 | | | | | 175 | | | | 215 | 205 |
| 303 | College | 260 | 260 | 250 | 215 | 210 | 210 | 160 | 155 | 140 | 135 | 215 | 205 |
| 304 | Coalmont | 260 | 260 | 250 | 215 | 210 | 210 | 165 | 160 | 150 | 145 | 215 | 205 |
| 305 | Niack | 270 | 265 | 270 | 220 | 210 | 210 | 165 | 160 | 150 | 145 | 215 | 205 |
| 306 | Palmer | 270 | 265 | 270 | 220 | 210 | 210 | 165 | 160 | 150 | 145 | 215 | 205 |
| 307 | Daus | 260 | 260 | 250 | 215 | 210 | 210 | 160 | 155 | 140 | 135 | 215 | 205 |
| 308 | Whitwell | 270 | 265 | 260 | 220 | 210 | 210 | 165 | 160 | 150 | 145 | 215 | 205 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 35, 36, 87, 88, 89, 90, 93, 94, 95, 96, 97, 98, 118, 119, 123*

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 301 | Battle Creek | 300 | 265 | 265 | 205 | 190 | 185 | 140 | 130 | 100 | 80 | 220 | 200 |
| 302 | Durham | | 240 | | | | | 160 | | | | 220 | 200 |
| 303 | College | 265 | 235 | 230 | 200 | 190 | 185 | 145 | 135 | 115 | 95 | 220 | 200 |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 35, 36, 87, 88, 89, 90, 93, 94, 95, 96, 97, 98, 118, 119, 123*—Continued

| Reference | Price index | Size groups | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 304 | Coalmont | 265 | 235 | 230 | 200 | 190 | 185 | 150 | 140 | 125 | 105 | 220 | 200 |
| 305 | Niack | 275 | 240 | 240 | 205 | 190 | 185 | 150 | 140 | 125 | 105 | 220 | 200 |
| 306 | Palmer | 275 | 240 | 240 | 205 | 190 | 185 | 150 | 140 | 125 | 105 | 220 | 200 |
| 307 | Daus | 265 | 235 | 230 | 200 | 190 | 185 | 145 | 135 | 115 | 95 | 220 | 200 |
| 308 | Whitwell | 275 | 240 | 240 | 205 | 190 | 185 | 150 | 140 | 125 | 105 | 220 | 200 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL (ON AND OFF LINE)

[5] All coal, except lump or double screened sizes, sold for on-line Railroad Locomotive fuel shall take a minimum price of $2.35 per net ton of 2,000 lbs. f. o. b. mines, and such coal sold for off-line Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. f. o. b. mines.

Lump or any double screened coal ordered or sold for on-line Locomotive fuel shall take a minimum price of $2.50 per net ton of 2,000 lbs. f. o. b. mines, and such coal ordered or sold for off-line Locomotive fuel shall take a minimum price of $2.30 per net ton of 2,000 lbs. f. o. b. mines.

When coal other than Locomotive fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the Market Area in which the mine is located.

[F. R. Doc. 37-3661; Filed, December 15, 1937; 11:28 a. m.]

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[Order No. 136]

AN ORDER MODIFYING ORDER NO. 97, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER NINE

The National Bituminous Coal Commission having by its Order No. 97 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Nine as set forth in Price Schedule Number One—District Number Nine, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Nine, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Nine, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Nine, established in Price Schedule Number One—District Number Nine, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Nine, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Nine, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 97, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Nine to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Nine; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 9

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 9, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937".

Effective 12:01 A. M. December 16, 1937.

Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

6. All washed coal in size groups 2, 3, 4, 5, 6, 7 and 8 shall be priced 10 cents per net ton higher than unwashed coal of the same size in all Market Areas.

PRICE EXCEPTIONS

7. *Market Area No. 17.*[1]—When shipped to Speeds, Indiana size groups 11, 12, 13, 14 and 15 *shall* be increased 18 cents per net ton of 2,000 pounds.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipments Into Market Areas Nos. 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 54, 55, 99, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 145, 146, 147*

| Size groups | AA | A | B | Size groups | AA | A | B |
|---|---|---|---|---|---|---|---|
| 1 | 190 | 190 | 175 | 9 | [1] 185 | [1] 135 | [1] 135 |
| 2 | 180 | 180 | 165 | 10 | [1] 170 | [1] 120 | [1] 120 |
| 3 | 170 | 170 | 170 | 11 | [1] 160 | [1] 110 | [1] [3] 110 |
| 4 | 160 | 160 | 145 | 12 | 150 | 100 | [3] 100 |
| 5 | 150 | 150 | 150 | 13 | 175 | 125 | [2] 125 |
| 6 | 195 | 145 | 145 | 14 | 100 | 60 | [3] 160 |
| 7 | 200 | 150 | 150 | 15 | | | (11) |
| 8 | 205 | 155 | 155 | 16 | 165 | 165 | 165 |

[1] 2" Screenings shall be priced at 10¢ per net ton higher.
[2] See Price Exception No. 7.
[3] Correction.

[1] Correction.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 35, 89, 90, 91, 93, 97,[1] and 119*

| Description of size | AA | A | B |
|---|---|---|---|
| 6" Lump | 225 | 225 | 205 |
| 3" Lump | 205 | 205 | 190 |
| 2" Lump | 200 | 190 | 190 |
| 1¼" Lump | 200 | 185 | 185 |
| 6 x 3 Egg | 205 | 205 | 190 |
| 6 x 2 Egg | 200 | 190 | 190 |
| 6 x 1¼ Egg | 200 | 185 | 185 |
| 3 x 2 Small Egg | 175 | 175 | 160 |
| 3 x 1¼" Nut | 190 | 160 | 160 |
| 2 x 1¼" Nut | 190 | 160 | 160 |
| 2 x ¾" Nut | 190 | 160 | 160 |
| 1¼ x ¾" Chestnut | 185 | 150 | 150 |
| ¾ x ⅜" Pea | 175 | 140 | 140 |
| 1¼ x 7/16" Chestnut and Pea | 175 | 140 | 140 |
| 1¼ x ⅜" Chestnut | 175 | 140 | 140 |
| 1¼ x ¼" Chestnut and Pea | 175 | 140 | 140 |
| 3" Screenings | 165 | 125 | 125 |
| 2" Screenings | 155 | 115 | 115 |
| 1¼" Screenings | 135 | 100 | 100 |
| 7/16" Screenings | 115 | 80 | 80 |
| ⅜" Screenings | 115 | 80 | 80 |
| ¼" Screenings | 115 | 80 | 80 |
| ⅛" Screenings | 115 | 80 | 80 |
| Mine Run | 165 | 165 | 165 |

[1] Correction.

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 87 and 88*

| Description of size | AA | A | B |
|---|---|---|---|
| 6" Lump | 225 | [1] 225 | [1] 205 |
| 3" Lump | 205 | [1] 205 | [1] 190 |
| 2" Lump | 200 | 190 | 190 |
| 2¼" Lump | 200 | 185 | 185 |
| 6 x 3" Egg | 205 | [1] 205 | [1] 190 |
| 6 x 2" Egg | 200 | 190 | 190 |
| 6 x 1¼" Egg | 200 | 185 | 185 |
| 3 x 2" Small Egg | 175 | [1] 175 | [1] 160 |
| 3 x 1¼" Nut | 175 | 160 | 160 |
| 2 x 1¼" Nut | 190 | 160 | 160 |
| 2 x ¾" Nut | 190 | 160 | 160 |
| 1¼ x ¾" Chestnut | 185 | 150 | 150 |
| ¾ x ⅜" Pea | 175 | 140 | 140 |
| 1¼ x 7/16" Chestnut and Pea | 175 | 140 | 140 |
| 1¼ x ⅜" Chestnut | 175 | 140 | 140 |
| 1¼ x ¼" Chestnut and Pea | 175 | 140 | 140 |
| 3" Screenings | 175 | 135 | 135 |
| 2" Screenings | 165 | 125 | 125 |
| 1¼" Screenings | 155 | 115 | 115 |
| ¾" Screenings | 135 | 100 | 100 |
| 7/16" Screenings | 115 | 80 | 80 |
| ⅜" Screenings | 115 | 80 | 80 |
| ¼" Screenings | 115 | 80 | 80 |
| ⅛" Screenings | 115 | 80 | 80 |
| Mine Run | 165 | 165 | 165 |

[1] Correction.

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 94, 98 and 123*

| Description | AA | A | B |
|---|---|---|---|
| 6" Lump | [1] 215 | [1] 215 | [1] 195 |
| 3" Lump | [1] 195 | [1] 195 | [1] 180 |
| 2" Lump | [1] 190 | [1] 180 | [1] 180 |
| 1¼" Lump | [1] 195 | [1] 180 | [1] 180 |
| 6" x 3" Egg | [1] 195 | [1] 195 | [1] 180 |
| 6" x 2" Egg | [1] 190 | [1] 180 | [1] 180 |
| 6" x 1¼" Egg | [1] 195 | [1] 180 | [1] 180 |
| 3" x 2" Small Egg | [1] 175 | [1] 175 | [1] 160 |
| 3" x 1¼" Nut | [1] 180 | [1] 155 | [1] 155 |
| 2" x 1¼" Nut | [1] 175 | [1] 145 | [1] 145 |
| 2" x ¾" Nut | [1] 175 | [1] 145 | [1] 145 |
| 1¼" x ¾" Chestnut | [1] 175 | [1] 140 | [1] 140 |
| ¾" x ⅜" Pea | 160 | 125 | 125 |
| 1¼" x 7/16" Chestnut and Pea | 160 | 125 | 125 |
| 1¼" x ⅜" Chestnut and Pea | 160 | 125 | 125 |
| 1¼" x ¼" Chestnut and Pea | 160 | 125 | 125 |
| 1¼" x ⅛" Chestnut and Pea | 160 | 125 | 125 |

[1] Correction.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 94, 98 and 123*—Continued

| Description | AA | A | B |
|---|---|---|---|
| 3" Screenings | 165 | 125 | 120 |
| 2" Screenings | 160 | 120 | 120 |
| 1¼" Screenings | 150 | 110 | 110 |
| ¾" Screenings | 130 | 95 | 95 |
| 7/16" Screenings | 115 | 80 | 80 |
| ⅜" Screenings | 115 | 80 | 80 |
| ¼" Screenings | 115 | 80 | 80 |
| ⅛" Screenings | 115 | 80 | 80 |
| Mine Run | 165 | 165 | 165 |

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84,[1] 85,[1] 86,[1] 92, 95, and 96*

| Description | AA | A | B |
|---|---|---|---|
| 6" Lump | 205 | 205 | 185 |
| 3" Lump | 185 | 185 | 165 |
| 2" Lump | 180 | 170 | 170 |
| 1¼" Lump | 185 | 170 | 170 |
| 6" x 3" Egg | 185 | 185 | 165 |
| 6" x 2" Egg | 180 | 170 | 150 |
| 6" x 1¼" Egg | 185 | 170 | 170 |
| 3" x 2" Small Egg | 160 | 170 | 170 |
| 3" x 1¼" Nut | 165 | 150 | 150 |
| 2" x 1¼" Nut | 160 | 140 | 140 |
| 2" x ¾" Nut | 170 | 140 | 130 |
| 1¼" x ¾" Chestnut | 170 | 135 | 135 |
| ¾" x ⅜" Pea | [1] 170 | [1] 135 | [1] 135 |
| 1¼" x 7/16" Chestnut and Pea | [1] 170 | [1] 135 | [1] 135 |
| 1¼" x ⅜" Chestnut and Pea | [1] 170 | [1] 135 | [1] 135 |
| 1¼" x ¼" Chestnut and Pea | [1] 170 | [1] 135 | [1] 135 |
| 1¼" x ⅛" Chestnut and Pea | [1] 170 | [1] 135 | [1] 135 |
| 3" Screenings | 165 | 125 | 125 |
| 2" Screenings | 140 | 110 | 110 |
| 1¼" Screenings | 125 | 95 | 95 |
| ¾" Screenings | 110 | 85 | 85 |
| 7/16" Screenings | 100 | 65 | 75 |
| ⅜" Screenings | 100 | 65 | 75 |
| ¼" Screenings | 100 | 65 | 75 |
| ⅛" Screenings | 100 | 65 | 75 |
| Mine Run | 165 | 165 | 165 |

[1] Correction.

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 18*

| Description | AA | A | B |
|---|---|---|---|
| 6" Lump | [1] 235 | [1] 235 | [1] 215 |
| 3" Lump | [1] 220 | [1] 220 | [1] 210 |
| 2" Lump | [1] 210 | [1] 210 | [1] 210 |
| 1¼" Lump | [1] 210 | [1] 210 | [1] 210 |
| 6" x 3" Egg | [1] 220 | [1] 220 | [1] 210 |
| 6" x 2" Egg | [1] 210 | [1] 210 | [1] 210 |
| 6" x 1¼" Egg | [1] 210 | [1] 210 | [1] 210 |
| 3" x 2" Small Egg | [1] 195 | [1] 195 | [1] 180 |
| 3" by 1¼" Nut | [1] 210 | [1] 180 | [1] 180 |
| 2" x 1¼" Nut | [1] 210 | [1] 170 | [1] 170 |
| 2" x ¾" Nut | [1] 210 | [1] 170 | [1] 170 |
| 1¼" x ¾" Chestnut | [1] 210 | [1] 160 | [1] 160 |
| ¾" x ⅜" Pea | [1] 205 | [1] 155 | [1] 155 |
| 1¼" x 7/16" Chestnut and Pea | [1] 205 | [1] 155 | [1] 155 |
| 1¼" x ⅜" Chestnut and Pea | [1] 205 | [1] 155 | [1] 155 |
| 1¼" x ¼" Chestnut and Pea | [1] 205 | [1] 155 | [1] 155 |
| 1¼" x ⅛" Chestnut and Pea | [1] 205 | [1] 155 | [1] 155 |
| 3" Screenings | [1] 195 | [1] 155 | [1] 155 |
| 2" Screenings | [1] 185 | [1] 145 | [1] 145 |
| 1¼" Screenings | [1] 175 | [1] 135 | [1] 135 |
| ¾" Screenings | [1] 160 | [1] 120 | [1] 120 |
| 7/16" Screenings | [1] 145 | [1] 110 | [1] 110 |
| ⅜" Screenings | [1] 145 | [1] 110 | [1] 110 |
| ¼" Screenings | [1] 145 | [1] 110 | [1] 110 |
| ⅛" Screenings | [1] 145 | [1] 110 | [1] 110 |
| Mine Run | [1] 185 | [1] 185 | [1] 185 |

[1] Correction.

All washed screenings shall be priced 25c per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10c per ton higher than unwashed double screened coals of the same size.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 117 and 118* [1]

| Description of size | AA | A | B |
|---|---|---|---|
| 6" Lump | 200 | 200 | 185 |
| 3" Lump | 185 | 185 | 170 |
| 2" Lump | 180 | 175 | 175 |
| 1¼" Lump | 180 | 175 | 175 |
| 6 x 3 Egg | 185 | 185 | 170 |
| 6 x 2 Egg | 180 | 175 | 175 |
| 6 x 1¼" Egg | 180 | 175 | 175 |
| 3 x 2 Small Egg | 175 | 175 | 160 |
| 3 x ¼" Nut | 190 | 160 | 160 |
| 2 x 1¼" Nut | 190 | 160 | 160 |
| 2 x ¼" Nut | 190 | 160 | 160 |
| 1¼ x ¾" Chestnut | 190 | 155 | 155 |
| ¾ x ⅜" Pea | 190 | 155 | 155 |
| 1¼ x ¾" Chestnut and Pea | 190 | 155 | 155 |
| 1¼ x ⅜" Chestnut and Pea | 190 | 155 | 155 |
| 1¼ x ¾" Chestnut and Pea | 190 | 155 | 155 |
| 1¼ x ⅜" Chestnut and Pea | 190 | 155 | 155 |
| 3" Screenings | 185 | 150 | 150 |
| 2" Screenings | 175 | 135 | 135 |
| 1¼" Screenings | 160 | 120 | 120 |
| ¾" Screenings | 135 | 100 | 100 |
| ⅜" Screenings | 95 | 60 | 60 |
| ¾" Screenings | 95 | 60 | 60 |
| ¼" Screenings | 95 | 60 | 60 |
| ¼" Screenings | 95 | 60 | 60 |
| Mine Run | 165 | 165 | 165 |

[1] See Price Exception No. 5.

All washed screenings shall be priced 25¢ per net ton higher than unwashed screenings of the same size.

All washed double screened coals shall be priced 10¢ per ton higher than unwashed double screened coals of the same size.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

Any coal sold for Railroad Locomotive Fuel shall take a minimum price of $1.95 per net ton.

Above prices are not subject to freight rate adjustment.[1]

[F. R. Doc. 37-3662; Filed, December 15, 1937; 11:28 a. m.]

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[Order No. 138]

AN ORDER MODIFYING ORDER NO. 90, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TWO

The National Bituminous Coal Commission having by its Order No. 90 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Two as set forth in Price Schedule Number One—District Number Two, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Two, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Two, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Two, established in Price Schedule Number One—District Number Two, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Two, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Two, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 90, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Two to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Two; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 2

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 2, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 a. m. December 16, 1937.

Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.[1]

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. Straight mine run coal containing more than 45% of minus ¾" Slack may be modified by removing that portion of ¾" Slack in excess of 45%.[1]

[1] Corrections.

[1] Correction.



*Price Index*

CONNELLSVILLE PT. MARION

| Company | Mine | Seam | Size group numbers 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Abruzzi Coal Co | Abruzzi | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| Abruzzi Coal Co | Winsted | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| Ainsley Coal Co | Geneva | Pittsburgh | F | F | C | C | C | C | C | D | D[1] | D[1] | C[1] |
| Bitner Coal Co | Bitner | Pittsburgh | C | C | C | C | C | C | C | D | D[1] | C[1] | C[1] |
| Bortz Coal Co | Central | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Bortz Coal Co | Stambaugh | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Brennen, Geo. K | Myers | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Cardiff Coal Co | Greensburg #4 | Freeport | J | J | J | J | J | J | J | G | J | J | J |
| Commodore C & C Co | Oliver #2 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Commodore C & C Co | Oliver #4 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Crawford C & C Co | Crawford #1 | Pittsburgh | C | D | C | D | C | D | C | E | C[1] | C[1] | C[1] |
| Crawford C & C Co | Donald #2 | Pittsburgh | D | D | D | D | D | F | D | E | D[1] | D[1] | D[1] |
| Davidson-Connyl. C & C Co | Frederick #1 | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| Duncan-Runne Coal Co.[1] | Jeffries #1[1] | Pittsburgh[1] | J[1] | J[1] | J[1] | J[1] | J[1] | J[1] | J[1] | G[1] | J[1] | J[1] | J[1] |
| Duncan-Runne Coal Co.[1] | Jeffries #2[1] | Pittsburgh[1] | J[1] | J[1] | J[1] | J[1] | J[1] | J[1] | J[1] | G[1] | J[1] | J[1] | J[1] |
| Fancy Hill Coal Co | Eagle | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| Faywest Coal Co | Crawford #2 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Faywest Coal Co | Crawford #3 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Faywest Coal Co | Crawford #4 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Fredericktown C & C Co | Sandy Run | Sewickley | J | J | J | J | J | J | J | G | J | J | J |
| Frick Coke Co., H. C | Bridgeport | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Colonial #1 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Colonial #3 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Colonial #4 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Crossland | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Dearth | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Edenborn | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Filbert | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Footedale | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Gates | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Kyle | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Lambert | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Leckrone | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Maxwell | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Palmer | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Phillips | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Ralph | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Frick Coke Co., H. C | Ronco | Pittsburgh | D | D | F | F | D | F | F | E | D[1] | D[1] | D[1] |
| Gould, Kenneth | Gould | Pittsburgh | F | F | F | F | F | D | D | E | E[1] | E[1] | E[1] |
| Hays, J. M. Coal Co | Mammoth | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Heela Coal & Coke Co | Griffin #2 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Hillman Coal & Coke Co | Pike | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Humphreys C. & C. Co.: (W) | Humphreys | Pittsburgh | | | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| (R) | | | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Irwin Gas Coal Co | Irwin #11 | Sewickley | J | J | J | J | J | J | J | G | J | J | J |
| Jamison C & C Co | Jamison #20 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Kendall Coal Co | Kendall #1 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Kendall Coal Co | Kendall #2-4 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Kendall Coal Co | Puritan #1 & #2 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| King Coal Co | Chambers | Pittsburgh | C | D | C | D | C | D | D | D | D[1] | D[1] | D[1] |
| King Coal Co | King | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Klondike Fuel Co | G. B | Sewickley | J | J | J | J | J | J | J | G | J | J | J |
| Lemont C & C Co., Inc | Lemont #2 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Lemont C & C Co., Inc | Continental #1 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Lincoln C & C Co | Lincoln | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Lytle Bros. Coal Co | Trovins | Sewickley | J | J | F | J | F | F | F | G | E | J | J |
| McManis & Sons Coal Co | Powell | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| Martin Mining Co | Martin | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| Mapel-Sterling Coal Co | Mapel St. #1 | Sewickley | J | J | J | J | J | J | J | G | J | J | J |
| Mapel-Sterling Coal Co | Mapel St. #2 | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| Old Home Fuel Co | Griffin #1 | Pittsburgh | F | F | F | F | F | C | D | E | C[1] | E[1] | E[1] |
| Old Home Fuel Co | Snider #2 | Pittsburgh | C | D | C | D | C | D | D | E | C[1] | C[1] | C[1] |
| Old Basin By-Prod. C. Co | Mutual | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Penn Coal, Inc | Brownsville Jct | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Pittsburgh & Erie Coal Co | Sumner #4 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Polan Coal Co | Polan #3 | Pittsburgh | F | D | F | D | F | F | F | E | E[1] | E[1] | E[1] |
| Rainey, Inc., W. J | Allison | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Rainey, Inc., W. J | Royal | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Reliance C. Mining Co | Crystal | Pittsburgh | F | F | E | F | D | F | F | E | E[1] | E[1] | E[1] |
| Republic Steel Corp | Brownsville Jct | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |
| Republic Steel Corp | Davidson | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Republic Steel Corp | Republic | Pittsburgh | D | C | D | C | D | C | D | D | D[1] | C[1] | D[1] |
| Republic Steel Corp | Trotter | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Shannopin Coal Co | Shannopin | Pittsburgh | D | F | D | F | D | F | D | D | D[1] | D[1] | D[1] |
| South Fayette Coal Co | Melrose | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| South Union Coal Co | South Union #1-2 | Pittsburgh | C | C | C | C | C | C | C | C | C[1] | C[1] | C[1] |
| Stannis, John | Freeport, #2 | Pittsburgh | J | C | J | C | J | C | J | G | J | J | J |
| Weirton Coal Co | Isabella | Pittsburgh | C | F | C | F | C | F | C | E | C[1] | C[1] | C[1] |
| West Point Marion C. Co | Walnut Hill | Pittsburgh | F | F | F | F | F | F | F | E | E[1] | E[1] | E[1] |
| Whyel Coke Co.[1] | Sharpnack[1] | Pittsburgh[1] | D[1] | D[1] | D[1] | D[1] | D[1] | D[1] | D[1] | E | D[1] | D[1] | D[1] |
| Yough-C'ville C. & C. Co | Lemont #1 | Pittsburgh | D | D | D | D | D | D | D | D | D[1] | D[1] | D[1] |

GREENSBURG DISTRICT

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Jamison C & C Co.: (W) | Jamison | Pittsburgh | | | | | | | B | | B | B | B |
| (R) | #2-3 | | D | D | D | D | E | D | D | D[1] | D | D | C |
| Keystone C & C Co | Crows Nest | Pittsburgh | D | D | D | D | E | D | D | D[1] | D | D | C |
| Keystone C & C Co.: (W) | Salem | Pittsburgh | | | | | | | C | | B | B | B |
| (R) | | | D | D | D | D | E | D | D | D[1] | B | B | C |
| Atlantic Crushed Coke Co | Atlantic #2 | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |
| Saxman Coal & Coke Co., Inc | Saxman #2 | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |
| Seger Bros. Coal Co., Inc | Seger #1 | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |
| Superior Coke Co | Superior #2 | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |
| Westmoreland Mng. Co | Graff #1-2 | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |

[1] Corrections.

W—Washed or mechanically cleaned, either wholly or in part.
R—Raw.

*Price Index*—Continued

LIGONIER DISTRICT

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Baton Coal Co | Wilpen | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |
| Hazelburg Coal Co | Hazelburg #1 | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |
| St. Clair Fuel Co., Inc | St. Clair | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |
| Seger Bros. Co., Inc | Vogele | Pittsburgh | G | G | G | G | G | G | G | F[1] | G | G | G |
| YOUGHIOGHENY-WESTMORELAND | | | | | | | | | | | | | |
| Tomajko, Edward | Adamsburg | Redstone | F | F | F | H | H | H | H | F | H | H | H |
| Tremont Coal Co | Tremont | | C | C | C | C | C | C | C | D | C | C | C |
| Valley Camp Coal Co | Soudan | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Vesta Coal Co | Vesta #4 | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Vesta Coal Co | Vesta #5 | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Vesta Coal Co | Vesta #6 | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Westmoreland Coal Co | Adams | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Westmoreland Coal Co | Biddle | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Westmoreland Coal Co | Export #1-2 | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Westmoreland Coal Co. (W) | Hutchinson | Pittsburgh | C[1] | B[1] | B[1] | B[1] | C[1] | C | C | D[1] | C[1] | C | C |
| Westmoreland Coal Co. (R)[1] | Hutchinson[1] | Pittsburgh[1] | C | B | B | B | C | C | C | D | C | C | C |
| Westmoreland Coal Co | Magee | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Westmoreland Coal Co | Marchand | Pittsburgh | C | C | B | B | C | C | C | D | C | C | C |
| Westmoreland Coal Co | McCullough | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Westmoreland Coal Co | Riley | Pittsburgh | C | B | B | B | C | C | C | D | C | C | C |
| Wilson Gas Coal Co | Wilson | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Youghiogheny & Ohio Coal Co | Charlerol | Pittsburgh | C | C | C | C | C | C | C | D | C | C | C |
| Youghiogheny & Ohio Coal Co | Osborne #1-2 | Pittsburgh | C | C | B | B | B | B | B | C | C | C | C |

[1] Corrections.

NOTE.—Middlings in Size 7 from Warden and Banning Mines take "F" classification.[1]

W=Washed or mechanically cleaned, either wholly or in part.
R=Raw.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Area No. 2*

*Designated base rate.*—Clearfield.[1]

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield [1] base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield [1] base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cent. per net ton sufficient to equalize the actual freight rate with such base rates: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 and 1A*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 263 | 263 | 263 | 263 | 253 | 248 | 238 | 238 | 223 | 215 | 204 |
| B | 258 | 258 | 258 | 258 | 248 | 243 | 233 | 233 | 218 | 210 | 199 |
| C | 253 | 253 | 253 | 253 | 243 | 238 | 228 | 228 | 213 | 205 | 194 |
| D | 248 | 248 | 248 | 248 | 238 | 233 | 223 | 223 | 208 | 200 | 189 |
| E | 243 | 243 | 243 | 243 | 233 | 228 | 218 | 218 | 203 | 195 | 184 |
| F | 238 | 238 | 238 | 238 | 228 | 223 | 213 | 213 | 198 | 190 | 179 |
| G | 233 | 233 | 233 | 233 | 223 | 218 | 208 | 208 | 193 | 185 | 174 |
| H | 228 | 228 | 228 | 228 | 218 | 213 | 203 | 203 | 188 | 180 | 169 |
| J | 223 | 223 | 223 | 223 | 213 | 208 | 198 | 198 | 183 | 175 | 164 |
| K | 218 | 218 | 218 | 218 | 208 | 203 | 193 | ------ | 178 | 170 | 159 |
| L | 213 | 213 | 213 | 213 | 203 | 198 | 188 | ------ | 173 | 165 | 154 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

ADJUSTMENT CLAUSE COVERING TIDEWATER SHIPMENTS [2]

Coal transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations in New York Harbor, including mainland destinations on Long Island Sound as far east as and including Port Chester, New York, and all destinations on Long Island may take 14¢ per net ton less than the prices indicated for Market Areas 1 and 1-A.[2]

Coal in Size Groups 12, 13, 14 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 27¢ per net ton less than the prices indicated for Market Areas 1 and 1-A.[1]

Coal in Size Group 9 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 14¢ per net ton less than the prices indicated for Market Areas 1 and 1-A.[1]

*Prices in Cents Per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 2*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ------ | 290 | 285 | 280 | 275 | 270 | 260 | 260 | 245 | 237 | 226 |
| B | 295 | 285 | 280 | 275 | 270 | 265 | 255 | 255 | 240 | 232 | 221 |
| C | 290 | 280 | 275 | 270 | 265 | 260 | 250 | 250 | 235 | 227 | 216 |
| D | 285 | 275 | 270 | 265 | 260 | 255 | 245 | 245 | 230 | 222 | 211 |
| E | 280 | 270 | 265 | 260 | 255 | 250 | 240 | 240 | 225 | 217 | 206 |
| F | 275 | 265 | 260 | 255 | 250 | 245 | 235 | 235 | 220 | 212 | 201 |
| G | 270 | 260 | 255 | 250 | 245 | 240 | 230 | 230 | 215 | 207 | 196 |
| H | 265 | 255 | 250 | 245 | 240 | 235 | 225 | 225 | 210 | 202 | 191 |
| J | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 205 | 197 | 186 |
| K | 255 | 245 | 240 | 235 | 230 | 225 | 215 | 215 | 200 | 192 | 181 |
| L | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 195 | 187 | 176 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 3*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 278 | 278 | 278 | 278 | 278 | 278 | 258 | 253 | 223 | 215 | 204 |
| B | 273 | 273 | 273 | 273 | 273 | 273 | 253 | 248 | 218 | 210 | 199 |
| C | 268 | 268 | 268 | 268 | 268 | 268 | 248 | 243 | 213 | 205 | 194 |
| D | 263 | 263 | 263 | 263 | 263 | 263 | 243 | 238 | 208 | 200 | 189 |
| E | 258 | 258 | 258 | 258 | 258 | 258 | 238 | 233 | 203 | 195 | 184 |
| F | 253 | 253 | 253 | 253 | 253 | 253 | 233 | 228 | 198 | 190 | 179 |
| G | 248 | 248 | 248 | 248 | 248 | 248 | 228 | 223 | 193 | 185 | 174 |
| H | 243 | 243 | 243 | 243 | 243 | 243 | 223 | 218 | 188 | 180 | 169 |
| J | 238 | 238 | 238 | 238 | 238 | 238 | 218 | 213 | 183 | 175 | 164 |
| K | 233 | 233 | 233 | 233 | 233 | 233 | 213 | ------ | 178 | 170 | 159 |
| L | 228 | 228 | 228 | 228 | 228 | 228 | 208 | ------ | 173 | 165 | 154 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

[1] Addition.

[1] Corrections
[2] Addition



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 4*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ------ | 290 | 285 | 280 | 275 | 270 | 260 | 260 | 245 | 237 | 226 |
| B | 295 | 285 | 280 | 275 | 270 | 265 | 255 | 255 | 240 | 232 | 221 |
| C | 290 | 280 | 275 | 270 | 265 | 260 | 250 | 250 | 235 | 227 | 216 |
| D | 285 | 275 | 270 | 265 | 260 | 255 | 245 | 245 | 230 | 222 | 211 |
| E | 280 | 270 | 265 | 260 | 255 | 250 | 240 | 240 | 225 | 217 | 206 |
| F | 275 | 265 | 260 | 255 | 250 | 245 | 235 | 235 | 220 | 212 | 201 |
| G | 270 | 260 | 255 | 250 | 245 | 240 | 230 | 230 | 215 | 207 | 196 |
| H | 265 | 255 | 250 | 245 | 240 | 235 | 225 | 225 | 210 | 202 | 191 |
| J | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 205 | 197 | 186 |
| K | 255 | 245 | 240 | 235 | 230 | 225 | 215 | 215 | 200 | 192 | 181 |
| L | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 195 | 187 | 176 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 5, 6, 7, 9, 10, 12, and 13*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 0 | 12 | 13 | 14 |
| A | ------ | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| B | 265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| C | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 225 | 205 | 197 | 186 |
| D | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 200 | 192 | 181 |
| E | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 215 | 195 | 187 | 176 |
| F | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 190 | 182 | 171 |
| G | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 210 | 185 | 177 | 166 |
| H | 235 | 225 | 215 | 215 | 210 | 205 | 200 | 205 | 180 | 172 | 161 |
| J | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 200 | 175 | 167 | 156 |
| K | 225 | 215 | 205 | 205 | 200 | 195 | 190 | ------ | 170 | 162 | 151 |
| L | 220 | 210 | 200 | 200 | 195 | 190 | 185 | ------ | 165 | 157 | 146 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—For shipment into Market Area #12 only, slack coal having a maximum top size of 3⅛" may be priced at 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 8*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ------ | 270 | 260 | 260 | 255 | 250 | 245 | 245 | 225 | 217 | 206 |
| B | 275 | 265 | 255 | 255 | 250 | 245 | 240 | 240 | 220 | 212 | 201 |
| C | 270 | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| D | 265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| E | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 225 | 205 | 197 | 186 |
| F | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 200 | 192 | 181 |
| G | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 220 | 195 | 187 | 176 |
| H | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 215 | 190 | 182 | 171 |
| J | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 210 | 185 | 177 | 166 |
| K | 235 | 225 | 215 | 215 | 210 | 205 | 200 | ------ | 180 | 172 | 161 |
| L | 230 | 220 | 210 | 210 | 205 | 200 | 195 | ------ | 175 | 167 | 156 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | ------ | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 200 | 192 | 181 |
| B | 265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 195 | 187 | 176 |
| C | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 225 | 190 | 182 | 171 |
| D | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 185 | 177 | 166 |
| E | 250 | 240 | 230 | 230 | 225 | 220 | 215 | 215 | 180 | 172 | 161 |
| F | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 175 | 167 | 156 |
| G | 240 | 230 | 220 | 220 | 215 | 210 | 205 | 205 | 170 | 162 | 151 |
| H | 235 | 225 | 215 | 215 | 210 | 205 | 200 | 200 | 165 | 157 | 146 |
| J | 230 | 220 | 210 | 210 | 205 | 200 | 195 | 195 | 160 | 152 | 141 |
| K | 225 | 215 | 205 | 205 | 200 | 195 | 190 | ------ | 155 | 147 | 136 |
| L | 220 | 210 | 200 | 200 | 195 | 190 | 185 | ------ | 150 | 142 | 131 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced at 10¢ per net ton lower than size group 14

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price index | Size group prices | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 280 | 270 | 265 | 255 | 245 | 230 | 225 | [1]235 | 200 | 192 | 181 |
| B | 275 | 265 | 260 | 250 | 240 | 225 | 220 | 230 | 195 | 187 | 176 |
| C | 270 | 260 | 255 | 245 | 235 | 220 | 215 | 225 | 190 | 182 | 171 |
| D | 265 | 255 | 250 | 240 | 230 | 215 | 210 | 220 | 185 | 177 | 166 |
| E | 260 | 250 | 245 | 235 | 225 | 210 | 205 | 215 | 180 | 172 | 161 |
| F | 255 | 245 | 240 | 230 | 220 | 205 | 200 | 210 | 175 | 167 | 156 |
| G | 250 | 240 | 235 | 225 | 215 | 200 | 195 | 205 | 170 | 162 | 151 |
| H | 245 | 235 | 230 | 220 | 210 | 195 | 190 | 200 | 165 | 157 | 146 |
| J | 240 | 230 | 225 | 215 | 205 | 190 | 185 | 195 | 160 | 152 | 141 |
| K | 235 | 225 | 220 | 210 | 200 | 185 | 180 | 190 | 155 | 147 | 136 |
| L | 230 | 220 | 215 | 205 | 195 | 180 | 175 | 185 | 150 | 142 | 131 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3⅛" may be priced at 10¢ per net ton lower than size group 14.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

*Off-Line*

*Exception.*—All coals, except lump or double screened sizes sold for railroad locomotive fuel, when shipped from mines on the Monongahela Railroad in the Connellsville-Point Marion District shall take a minimum price of $1.95 per net ton of 2,000 pounds f. o. b. mines.

Lump or any double screen coal ordered or sold for locomotive fuel, when shipped from mines on the Monongahela railroad in the Connellsville-Point Marion District, shall take a minimum price of $2.10 per net ton of 2,000 pounds f. o. b. mines.

Above prices are not subject to freight rate adjustment.

[F. R. Doc. 37-3665; Filed, December 15, 1937; 12:33 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of December A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-281]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE POPULAR MUSIC PUBLISHING INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Popular Music Publishing Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than January 4, 1938.

Opportunity for oral hearing will be afforded at 10 a. m., January 4, 1938, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C., to such persons as may desire to appear, and who shall have made prior written or telegraphic requests to be heard orally. After giving due consideration to such views, suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered December 14, 1937.

[F. R. Doc. 37-3650; Filed, December 15, 1937; 9:35 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

RULES UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, particularly section 3 (a) (5) thereof, and finding such action not detrimental to the public interest or the interest of investors or consumers, the Securities and Exchange Commission hereby amends rule 3A5–1, adopted November 25, 1935, to read as follows:

RULE 3A5–1. *Exemption of certain extra-territorial holding companies.*—(a) As used in this rule, "domestic utility assets" means any utility assets located within a State of the United States or the District of Columbia; "domestic utility company" means any company which owns or operates any domestic utility assets; "domestic holding company" means any holding company which is itself, or has any subsidiary which is, a domestic utility company; "extra-territorial holding company" means any holding company which is not organized under the laws of any State of the United States or of the District of Columbia and is not itself, and has no subsidiary which is, a domestic utility company.

(b) Every extra-territorial holding company shall be exempt from any obligation, duty, or liability imposed upon such company as a holding company: *Provided*, That such exemption shall not be applicable to any transaction by which such extra-territorial holding company shall, directly or indirectly, by use of the mails or any means or instrumentality of interstate commerce, (1) acquire or negotiate for the acquisition of any domestic utility assets, or (2) acquire or negotiate for the acquisition of any security of any domestic public utility company or domestic holding company, if the acquiring company is, or by virtue of such acquisition will become, an affiliate of the issuer of the security so acquired, except any acquisition which is exempt from the provisions of section 9 (a) (2) by virtue of the provisions of paragraph (b) of Rule 9A2–3.

The Securities and Exchange Commission, acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, particularly section 3 (d) thereof, and, finding such action necessary and appropriate in the public interest and for the protection of investors and consumers and not contrary to the purposes of said Act, hereby amends Rule 9A2–3, as amended April 28, 1936, to read as follows:

RULE 9A2–3. *Exemptions from section 9 (a) (2).*—(a) Subject to the provisions of paragraph (d) of this rule, any company shall be exempt from any obligation, duty, or liability imposed on such company as an affiliate by section 9 (a) (2) with respect to the acquisition of any security of a public-utility company: *Provided*, That the acquiring company and the company which is the issuer of the security acquired are organized under the laws of the same State and that the following conditions are satisfied with respect to the acquiring company and the issuing company:

(1) Of the aggregate utility assets owned, controlled or operated by such company and by all subsidiary companies thereof, not more than 5 percent in value are located outside the State under the laws of which such company is organized, and not more than 5 percent in value are owned, controlled, or operated by any subsidiary company or companies organized under the laws of any other State; and

(2) The total revenues from sales of electric energy by such company and its subsidiary public-utility companies, if any, to purchasers outside of such State of organization or sold at the State line (exclusive of intercompany sales) together with the total cost of electric energy bought by such company and such subsidiaries from sellers outside of such State or bought at the State line for transmission into the State (exclusive of intercompany purchases) have not, during any one of the last 3 fiscal years, exceeded 5 percent of the total revenues of such company and such subsidiaries, on a consolidated basis, from sales of electric energy during such fiscal year.

(b) Subject to the provisions of paragraph (c) of this rule, any person, including a company not exempt under paragraph (a) of this rule, shall be exempt from any obligation, duty or liability imposed on such person as an affiliate by section 9 (a) (2) with respect to the acquisition of any security of any public utility company, either directly, or indirectly through the acquisition of securities of any holding company, or otherwise, if the conditions of any one of the following subparagraphs is satisfied:

(1) The issuer of the security so acquired does not own or operate, and has no subsidiary which owns or operates, any utility assets located in the United States;

(2) The issuer of the security so acquired is a holding company which has been exempted from the registration requirements of the Act by rule or order pursuant to clause (3), (4), or (5) of section 3 (a), or as to which there is pending an application for such exemption pursuant to such provisions of the Act which has not been acted upon by the Commission and the person making such acquisition has reasonable cause to believe that such application was made in good faith;

(3) The issuer of the security is a majority-owned subsidiary (as defined in paragraph (a) of rule 9C–2) of the person acquiring the same;

(4) Such security is not a voting security and, upon the completion of such acquisition, neither the person acquiring the same nor any company of which such person is a subsidiary will, directly or indirectly, own or have an interest in, 5 percent or more of the class of securities so acquired: *Provided*, That, in the case of a security by its terms convertible into, or exchangeable for, a voting security, the provisions of this subparagraph shall not extend to the conversion of such security into, or exchange thereof for, a voting security;

(5) The security and the conditions under which it is required are such that if the acquiring person were a registered holding company or a subsidiary of such a company, it would be permitted to acquire such security under the provisions of clause (3), (4), (5), (7), or (12) of rule 9C–3.

(c) This rule shall not be construed as providing any exemption from section 4, section 9 (a) (1), or any provision of the Act other than section 9 (a) (2). The exemption provided by this rule shall not be applicable to any unregistered holding company other than a company which has been declared not to be a holding company or is exempted as such by order or rule under section 2 (a) (7) or section 3 (a) or by virtue of the filing in good faith of an application for such order; and shall not be applicable to any subsidiary company thereof other than a company which has applied in good faith for an order declaring it not to be subsidiary thereof.

(d) Within 30 days after any acquisition with respect to which the acquiring person is exempt under paragraph (a) or paragraph (b) of this rule, such person shall file with the Commission a statement identifying the security or securities acquired and the person from whom they have been acquired, stating the amount acquired and the amount of all securities of the issuer which the acquiring person, directly or indirectly, owned, controlled, or held with power to vote, upon completion of the acquisition, and briefly explaining the facts relied upon to bring the acquisition within the exemption provided by this rule. Such report need not be filed with respect to any acquisition with respect to which the acquiring person is exempt under subparagraph (1) of paragraph (b) of this rule. No form is prescribed for such statement. One original only need be filed. If acknowledgment is desired, a duplicate should also be filed.

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly section 3 (d) thereof, and finding such action necessary or appropriate in the public interest and for the protection of investors and consumers and not contrary to the purposes of said Act, the Securities and Exchange Commission hereby adopts the following rules:

RULE 3D–9. *Exempting certain securities issued in connection with installment sales.*—(a) For the purposes of this rule, "installment paper" shall mean any note, contract or other evidence of indebtedness which a public utility company or a subsidiary thereof shall have received to evidence an obligation to pay part or all of the purchase price not to exceed $1,000 of standard electrical or gas appliances sold by such public utility company or subsidiary or by any other company or dealer to a person to whom such public utility sells or distributes gas or electricity.

(b) Every public utility company or any subsidiary thereof shall be exempt from every obligation, duty, and liability that would otherwise be imposed on it as a subsidiary of a registered holding company by the provisions of section 6 (a), with respect to the issue or sale by such public utility company or subsidiary thereof of any note or draft: *Provided*, That the conditions set forth in subparagraphs (1) and (2) of this paragraph are satisfied:

(1) At the time of its issue, such note or draft is secured, and at all times thereafter is to continue to be secured, by a pledge of installment paper owned by such public utility company or subsidiary having a principal amount still unpaid that equals or exceeds the principal amount of such note or draft then remaining unpaid; and

(2) Such note or draft is issued to a bank, insurance company or other lender commonly recognized as a financial institution, or to a company that is regularly engaged in the business of refinancing installment paper, and is not issued to any associate company or affiliate of such public utility company except an associate company which renders it such financial service on a cost or non-profit basis.

(c) Every public utility company or subsidiary thereof shall also be exempt from every obligation, duty, and liability that would otherwise be imposed on it as a subsidiary of a registered holding company by the provisions of section 6 (a) with respect to any endorsement or guarantee by it of any installment paper held by such public utility company or subsidiary, which endorsement or guarantee is made in connection with selling, discounting, pledging or otherwise disposing of such paper to a bank, insurance company or other lender commonly recognized as a financial institution, or to a company that is regularly engaged in the business of refinancing installment paper but not to any associate company or affiliate of such public utility company except an associate company which renders it such financial service on a cost or non-profit basis.

RULE 3D–10. *Issue of note for purchase price of equipment.*—Any public utility company which is a subsidiary of a registered holding company shall be exempt from the provisions of section 6 (a) of the Act with respect to the issue of renewal of any note or draft which is issued to the vendor of equipment or materials purchased by such company for use in its business: *Provided*, That such vendor is not an associate or an affiliate of such public utility company and that such note aggregates (together with all other then outstanding notes and drafts issued pursuant to the provisions of this rule) not more than $50,000.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3670; Filed, December 15, 1937; 12:47 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of December A. D. 1937.

[File No. 51–8]

IN THE MATTER OF COMMONWEALTH GAS & ELECTRIC COMPANIES

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) and rule 12C–2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Commonwealth Gas & Electric Companies, a subsidiary company of New England Power Association, a registered holding company, for approval of the payment of a dividend of $2.50 per share of preferred stock out of capital surplus;

*It is ordered*, That a hearing on such matter be held on December 23, 1937, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held;

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 22, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3669; Filed, December 15, 1937; 12:47 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of December A. D. 1937.

[File No. 2-2992]

IN THE MATTER OF KANE-AMERICA CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant, Kane-America Corporation of Fort Worth, Texas, filed March 26, 1937, after confirmed telegraphic notice by the Commission to said registrant, that it appears that said registration statement includes untrue statements and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading in Item 27, Balance Sheet of Crystolax Corporation, Balance Sheet of registrant, Accountants' Certificate, Profit and Loss Statement of Crystolax Corporation, Profit and Loss Statement of Kane Laboratories, and the Prospectus, and the Commission having duly considered the matter and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in the particulars set forth above and the Commission being now fully advised in the premises,

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the regis-

tration statement filed by Kane-America Corporation of Fort Worth, Texas, be and the same is hereby suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3668; Filed, December 15, 1937; 12:47 p. m.]

*Friday, December 17, 1937* *No. 244*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

ESTABLISHING HAZEN BAY MIGRATORY WATERFOWL REFUGE

*Alaska*

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that Nunivakchak and Krigegak Islands, lying in Hazen Bay, north of Nelson Island near the north entrance to Baird Inlet, off the west coast of Alaska (the approximate geographic position of which islands is in latitude 60°51′ N., and longitude 164°42′ W., from Greenwich), be, and they are hereby, withdrawn from settlement, location, sale, or entry, and reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife.

This refuge shall be known as the Hazen Bay Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Dec. 14, 1937.*

[No. 7770]

[F. R. Doc. 37-3672; Filed, December 15, 1937; 2:56 p. m.]

### EXECUTIVE ORDER

EXCLUDING CERTAIN TRACTS OF LAND FROM TONGASS NATIONAL FOREST AND RESTORING THEM TO ENTRY

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tracts of land in Alaska, occupied as homesites and identified by elimination surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., be, and they are hereby, excluded from the Tongass National Forest and restored to entry under the applicable public-land laws:

Homesite No. 28, Mitkof Island, East Shore of Wrangell Narrows, 4.81 acres; approximate latitude 56°38′25″ N., longitude 132°54′30″ W.;

Homesite No. 152, Admiralty Island, West Shore of Favorite Bay, 4.84 acres; within lots 2 and 5 sec. 31, T. 50 S., R. 68 E., C. R. M.;

Homesite No. 324, lot "P", Wrangell Group, Wrangell Island, 4.46 acres; approximate latitude 56°30′ N., longitude 132°30′ W.;

Homesite No. 334, lot "J", Mud Bay Group, Revillagigedo Island, 4.96 acres; approximate latitude 55°25′ N., longitude 131°46′ W.;

Homesite No. 408, lot 11 sec. 25 and lot 6 sec. 36, T. 50 S., R. 67 E., C. R. M., 4.57 acres;

Homesite No. 420, lot "K", Auke Lake Group, Glacier Highway, 4.90 acres; approximate latitude 58°22′31″ N., longitude 134°37′34″ W.;

Homesite No. 439, lot "I", Triangle Group, Glacier Highway, 4.81 acres; approximate latitude 58°23′ N., longitude 134°38′ W.;

Homesite No. 481, lot "H", Clover Pass Group, Revillagigedo Island, 4.47 acres; approximate latitude 55°28′35″ N., longitude 131°47′15″ W.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Dec. 14, 1937.*

[No. 7771]

[F. R. Doc. 37-3673; Filed, December 15, 1937; 2:56 p. m.]

### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5711 OF SEPTEMBER 14, 1931, WITHDRAWING LAND FOR CLASSIFICATION AND IN AID OF LEGISLATION

*Montana*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5711 of September 14, 1931, temporarily withdrawing and reserving certain land for classification and in aid of legislation, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 14, 1937.*

[No. 7772]

[F. R. Doc. 37-3678; Filed, December 15, 1937; 2:56 p. m.]

## TREASURY DEPARTMENT.

### Bureau of Internal Revenue.

[T. D. 4784]

INCOME TAX—LIQUIDATION OF FOREIGN PERSONAL HOLDING COMPANIES

REGULATIONS 94 AMENDED TO ACCORD WITH SECTION 205 OF TITLE II OF THE REVENUE ACT OF 1937

*To Collectors of Internal Revenue and Others Concerned:*

Pursuant to the provisions of section 62 of the Revenue Act of 1936 and section 205 of Title II of the Revenue Act of 1937, approved August 26, 1937 (Public, No. 377, Seventy-fifth Congress, Chapter 815, first session), Regulations 94 are amended as follows:

The following is inserted immediately before article 115–1, relating to dividends:

"Section 205 of Title II of the Revenue Act of 1937, relating to foreign personal holding companies, provides:

SEC. 205. *Liquidation of foreign personal holding companies.*—Section 115 (c) of the Revenue Act of 1936 is amended by adding at the end thereof a new sentence to read as follows:

"If any distribution in complete liquidation (including any one of a series of distributions made by the corporation in complete cancellation or redemption of all its stock) is made by a foreign corporation which with respect to any taxable year beginning on or before, and ending after, the date of the enactment of the Revenue Act of 1937, was a foreign personal holding company, and with respect to which a United States group (as defined in section 331 (a) (2)) existed after the date of the enactment of the Revenue Act of 1937 and before January 1, 1938, then, despite the foregoing provisions of this subsection, 100 per centum of the gain recognized resulting from such distribution shall be taken into account in computing net income—

"(1) Unless such liquidation is completed before January 1, 1938; or

"(2) Unless (if it is established to the satisfaction of the Commissioner by evidence submitted before January 1, 1938, that due to the laws of the foreign country in which such corporation is incorporated, or for other reason, it is or will be impossible to complete the liquidation of such company before such date) the liquidation is completed on or before such date as the Commissioner may find reasonable, but not later than June 30, 1938."

The following sentence is substituted for the first sentence of the second paragraph of article 115–5, relating to distributions in liquidation:

"In the case of amounts distributed in complete liquidation of a corporation, the amount of gain or loss so recognized is subject in general to the limitations contained in section 117."

Article 115–5 is further amended by inserting after the second paragraph thereof the two following paragraphs:



"In any case coming within the purview of section 115 (c) of the Revenue Act of 1936, as amended by section 205 of the Revenue Act of 1937, in which it is or will be impossible to complete the liquidation of the corporation before January 1, 1938, and in which it is desired that the shareholders obtain the benefit of section 117 (a) with respect to the amount of gain from the distribution in liquidation to be taken into account in computing net income, the corporation shall submit to the Commissioner before January 1, 1938, a complete statement of the facts, circumstances, and reasons why it is impossible to complete the liquidation before January 1, 1938, and the earliest reasonable date after January 1, 1938, on which such liquidation will be completed.

"For the purposes of section 115 (c), as amended, a liquidation may be completed prior to the actual dissolution of the liquidating corporation but no liquidation is completed until the liquidating corporation and the receiver or trustees in liquidation are finally divested of all the property (both tangible and intangible)."

The first sentence of the third paragraph of article 115–5, as that article existed prior to its amendment by this Treasury Decision, is amended by striking therefrom the word "so" wherever appearing therein.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 15, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3687; Filed, December 16, 1937; 12:46 p. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Docket No. 93–FD]

IN THE MATTER OF DISTRICT BOARD NO. 11, ENOS COAL MINING COMPANY AND THE BINKLEY MINING COMPANY

TEMPORARY ORDER

The petitioners above named having filed with the Commission on the 13th day of December, 1937, pursuant to the provisions of paragraph 2 of Order No. 99 and Section 4, Part II, (d), of the Bituminous Coal Act of 1937, a petition alleging dissatisfaction with the minimum prices applicable to the sale of coal to trunk line railroads by Code Members in District No. 11, operating mines on short line connections of such trunk line railroads and established by the Commission by its Order No. 99 and praying for a temporary order pending final disposition of such petition; and the Commission having noticed an ex parte hearing upon such petition for the 14th day of December, 1937, at the Hearing Room of the Commission at Washington, D. C.; and pursuant to said notice an ex parte hearing having been held thereon; and it appearing to the Commission that the petitioners have made a reasonable showing of the necessity for a temporary order pending final disposition of the petition; the Commission, pursuant to the provisions of Section 4, Part II, (d), of the Act, orders as follows:

1. That pending final disposition of the aforesaid petition and until further order of the Commission, that the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 11, filed in the office of the Secretary of the Commission on the 30th day of November, 1937, is hereby modified by adding to such price schedule the following proviso:

"That Code Members in District No. 11 whose mines are located on the A. W. & W. Railroad may absorb, on sales of coal from such mines to the C. C. C. & St. L. Railroad, an amount not exceeding twenty (20) cents per net ton from the minimum price now established for railroad locomotive fuel, and that Code Members whose mines are located on the Indiana Railroad may absorb on sales of coal from such mines to the C. M. St. P. & P. Railway, an amount not exceeding ten (10) cents per net ton from the minimum price now established for railroad locomotive fuel."

2. That the Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards for the districts within Minimum Price Area Two; and to the petitioners; shall cause copies of this order to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3666; Filed, December 15, 1937; 12:43 p. m.]

[Order No. 132]

AN ORDER MODIFYING ORDER NO. 96, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER EIGHT

The National Bituminous Coal Commission having by its Order No. 96 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Eight as set forth in Price Schedule Number One—District Number Eight, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Eight, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Eight, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Eight, established in Price Schedule Number One—District Number Eight, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Eight, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Eight, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 96, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Eight to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Eight; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 8

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 8, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. December 16, 1937.

Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary.*

SUPPLEMENTAL SCHEDULE OF MINIMUM PRICES FOR BUCHANAN COUNTY LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

*Price Instructions and Exceptions*

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is submitted to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

8. *Modified 2" Nut and Slack.*—2" Nut and Slack from which a portion of the 3/8", or smaller, top size by 0" has been removed, shall be sold at the following prices:

(*a*) When removing a portion of 3/8 to 1/8 (inclusive) by 0" slack, not exceeding 40%, the price of the modified nut and slack shall be not less than 5¢ per net ton higher than the 2" nut and slack price.

(*b*) When removing a portion of 3/8 to 1/8 (inclusive) by 0" slack, exceeding 40 percent and not exceeding 80 percent, the price of the modified nut and slack shall be not less than 10¢ per net ton higher than the 2" nut and slack price.

(*c*) When intermediate sizes, double screened, exceeding 30% and not exceeding 40%, are removed from 2" Nut and Slack, the remaining product, when re-assembled shall take Group 13 price.

(*d*) When intermediate sizes, double screened, exceeding 40% and not exceeding 80%, are removed from 2" Nut and Slack, the remaining product, when re-assembled, shall take a price 10 cents below Group 12 price.

(*e*) When intermediate sizes, double screened, exceeding 80%, are removed from 2" Nut and Slack, the remaining product, when re-assembled, shall take Group 14 price.

The above price basis for modified 2" Nut and Slack will remain in effect for a period not exceeding sixty (60) days, after their effective date, subject to the District Board substantiating the necessity for such modification and prices.

9. *Cannel coal prices.*—

| | |
|---|---|
| Block, Chunks, and Lumps | 4.00 |
| Egg | 3.25 |
| Chips | 2.50 |
| Machine Cuttings | 1.60 |

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups.—Except Buchanan County Low Volatile Mines and Red Ash Mines in Virginia and Williamson Districts* [1]

ALL MARKET AREAS

| Group no. | Sizes | Group no. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block. | 5 | 1¼" and under top size Double Screened Stoker. |
| 2 | 4" and 5" Block.<br>5" x 10" Chunks.<br>5" x 8" Chunks.<br>4" x 10" Chunks.<br>4" x 8" Chunks.<br>4" x 8" Chunks.<br>4" x 5" Chunks. | 9 | Straight Mine Run.<br>8" Resultant. |
| 3 | 2¼" to 3" Lump.<br>3" x 8" Egg.<br>3" x 6" Egg.<br>2½" x 8" Egg.<br>2" x 8" Egg. | 10 | 6" Resultant.<br>5" Resultant.<br>4" Resultant. |
| 4 | ¾" to 2" Lump.<br>2½" x 6" Egg.<br>3" x 5" Egg.<br>2¾" x 5" Egg.<br>2½" x 5" Egg.<br>2" x 6" Egg.<br>3" x 4" Egg. | 11 | 2¼" Minus-Nut-Slack with top size not exceeding 2¾". No fines removed. |
| 5 | 2" x 5" Egg.<br>2¼" x 4" Egg.<br>2" x 4½" Egg.<br>2" x 4" Egg.<br>1½" x 6" Egg.<br>¾" and under. Screened R. O. M. | 12 | 2" Minus-Nut-Slack with top size not exceeding 2". No fines removed. |
| 6 | 3" and under Stove. | 13 | 1¼" Minus-Nut-Slack with top size not exceeding 1¼". No fines removed. |
| 7 | 2" and under top size and ½" and over bottom size. Nut. | 14 | ¾" Minus-Pea and Slack with top size not exceeding ¾". No fines removed. |
| | | 15 | ⅜" Minus-Slack with top size not exceeding ⅜". No fines removed. |
| | | 16 | Low-Grade Reject Coal separated at tipple or loaded separately in the mine. |

[1] Correction.

Any size larger than the maximum top and/or bottom size in a group shall be included in the next higher price group.

***Price Index***

BIG SANDY—ELKHORN DISTRICT

| Company | Mine | Seam | Size Group Numbers 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Barrowman Coal Company | Barrowman [1] | Clintwood | N | N | N | K | K | K | K | K | B | B | B | B | B | B | --- | --- |
| Beaver C. & Mining Company | Beaver | Elkhorn #2 | K | K | K | K | K | K | K | K | C | C | C | C | C | C | E [1] | --- |
| Buchanan Coal Company, Inc | Tip Top | Millers Crk | K | K | K | K | K | K | K | K | F | H | H | H | H | H | --- | --- |
| Cameo Elkhorn Coal Company | Big Shoal | Elkhorn #1 | M [1] | M [1] | M [1] | K | K | K | K | K | D | D | Q [1] | Q [1] | Q [1] | G [1] | J [1] | --- |
| Carol Mining Company | Carol #1 | Ky. #7 | O | O | O | M | M | M | M | M | F | D | J | E | D | J | E | --- |
| Central Elkhorn C. Company | #4 | Elkhorn #1 | K | K | K | H | H | K | K | K | K | D | D | D | D | J | D | --- |
| Central Elkhorn C. Company | #6 | Elkhorn #1 | H | H | H | H | H | K | K | K | K | F | D | J | D | J | H | --- |
| Central Elkhorn C. Company | #5 | Elkhorn #1 | O | O | O | H | O | N | N | N | C | F | D | J | C | J | --- | --- |
| Clear Branch Mining Company | Clear Branch | Elkhorn #3 | H | H | H | H | H | K | K | K | C | C | C | C | C | C | D | --- |
| Consolidation Coal Company | #155 | Millers Crk | A | A | B | C | D | F | H | F | A | B | B | B | B | B | D | X |
| Consolidation Coal Company | #204, 206, 214 | Elkhorn #3 | H | H | H | H | H | K | K | K | H | B | C | C | C | C | C | --- |
| Edgemont Fuel Company | Edgemont | Elkhorn #1 [1] | O | O | M | K | K | K | K | K | C | C | B | C | C | C | --- | --- |
| Elkhorn Coal Company | Kona #2 | Elkhorn | K | K | K | K | K | K | K | K | C | B | B | B | B | B | D | --- |
| Elkhorn Coal Corp | #1-7, 2, 3-4, 5 | Elkhorn | K | K | K | H [1] | H [1] | K | K | H | B | B | B | B [1] | B [1] | B [1] | E | --- |
| Elkhorn Coal Corp | #27, 28-31, 32 | Elkhorn #1 | H | H | H | H | H | K | K | H | B | B | B [1] | B [1] | B [1] | B [1] | J | --- |
| Elkhorn Coll. Corporation | Winters | Elkhorn #3 | M | M | M | M | M | M | M | M | E | E | G | G | G | G | J | --- |
| Elkhorn Junior C. Company | Lorraine | Elkhorn | M | M | M | M | M | M | M | M | E | D | G | D | E | G [1] | J [1] | --- |
| Elswick Coal Company | Federal | Elswick | M | M | M | L | L | L | L | L | D | D | D | E | D | D | G | --- |
| Glogora Coal Company | Olo | Elkhorn | K | K | K | K | K | K | L | L | D | D | E | E | E | E | --- | --- |
| Goose Creek Mining Company | Goose Creek | Elkhorn #1 | K | K | K | K | K | K | K | K | C | D | E | E | E | E | E | --- |
| Greenough Coal Company | Greenough | Up. Elkhorn | M | M | M | K | K | K | K | K | C | B | C | C | C | C | --- | --- |
| Inland Steel Company | Wheelwright | Elkhorn #3 | E | E | E | E | F | K | K | K | B | B | B | B | B | B | D | --- |
| Koppers Coal Company, The | Weeksbury #1 | Elkhorn #3 | E | E | E | F | F | K | K | K | H | B | B | B | B | B | --- | --- |
| New Elkhorn Coal Corporation | Dorton | Elkhorn #2 | K | K | K | K | K | K | K | K | H | C | C | D | D | D | D | --- |
| North East Coal Company | Thealka #3 | Millers Crk | G | G | G | G | H | K | K | K | H | C | C | D | D | D | --- | --- |
| North East Coal Company | Auxier #7 | Millers Crk | A | A | B | C | D | F | H | F | A | B | B | B | B | B | D | --- |
| Paragon Elkhorn Coll. Co | Utilities #22 | Elkhorn | O | O | M | K | K | K | K | K | B | B | B | B | B | B | --- | --- |
| Payne Baber Coal Co. of Ky | Block & Clear Crk | Elkhorn #3 | H | H | H | H | H | K | K | K | H | B | E | B | B | B | --- | --- |
| Pivot Elkhorn Mining Co | Osborne | Elkhorn #1 | K | K | K | K | K | K | K | K | D | E | C | D | B | G | --- | --- |
| Royal Coal Company | Royal #1 | Millers Crk | G | G | G | G | G | H | K | K | K | D | G | E | D | E | --- | --- |
| Ruth-Elkhorn Coals, Inc | Harold | Elkhorn | K | K | K | K | K | K | K | K | K | D | E | D | D | D | --- | --- |
| Sandy Valley Coal Company | Ailey | Elkhorn #1 | K | K | K | K | K | K | K | K | K | E | F | F | F | F | --- | --- |
| Shelby Steam Coal Company | Big Sandy | Elkhorn #1 | M | M | M | K | K | M | K | M | K | D | E | E | E | E | --- | --- |
| South East Coal Company, Inc | Seco #1 LaViers #2 | Elkhorn | M | M | M | M | M | K | M | K | K | E | G | G | G | G | J | --- |
| Stephens Elkhorn Fuel Corp | Stephens | Elkhorn #2 | H | H | H | K | K | K | K | K | C | C | C | C | C | C | E | --- |

[1] Correction.



*Price Index*—Continued

BIG SANDY—ELKHORN DISTRICT—Continued

| Company | Mine | Seam | Size Group Numbers 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Superior Mining Company | Superior | Elkhorn #3 | H | H | H | H | H | K | K | K | B | C | D | D | D | D | --- | --- |
| Turner Elkhorn Mining Co | Turner | Elkhorn #2 | K | K | K | K | K | K | K | K | D | D | E | D | E | D | F [1] | --- |
| Twinseam Elkhorn Mining Co | Turner #2 | Elkhorn #1 | K | K | K | K | K | K | K | K | D | D | E | D | E | D | F | G |
| United Elkhorn Coal Company | United #21 | Elkhorn | O | O | M | K | K | K | K | K | D | D | D | D | D | D | --- | --- |
| Utilities Elkhorn Coal Co | Boldman #5-E | Elkhorn | K | M | K | H | K | K | K | K | B | B | B | B | B | B | --- | --- |
| Utilities Elkhorn Coal Co | Virgie 6-F | Elkhorn | M | M | K | K | H | K | [1]M | M | M | E | G | G | G | G | --- | --- |
| Utilities Elkhorn Coal Co | Martin 8-H | Elkhorn | K | K | K | K | K | K | K | M | E | E | E | E | G | G | J | --- |

HARLAN DISTRICT

| Company | Mine | Seam | Size Group Numbers 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bardo Coal Mining Co., Inc | Bardo | Harlan | P | S | F | A | M | O | O | Q | M | O | O | Q | M | O | H | --- |
| Benito Harlan Corporation | Benito | Harlan | S | S | A | M | O | O | O | Q | O | O | O | Q | O | O | --- | --- |
| Berger Coal Mining Company | Silver Star | #5 | F | A | M | O | O | O | O | Q | M | O | O | Q | M | O | E | --- |
| Black Mountain Corp., The | #30 and # 31 [1] | #5 | A | M | O | B | O | O | O | Q | O | O | O | Q | O | O | --- | --- |
| Black Star Coal Co | Black Star | Harlan | M | O | M | M | O | O | O | Q | M | O | O | Q | M | O | --- | --- |
| Black Star Coal Company | Dixie Star | Kellioka | N | O | M | O | O | O | O | Q | O | O | O | Q | O | O | --- | --- |
| Blue Diamond Coal Company | Crown | Harlan | M | M | M | M | K | K | K | K | D | D | D | D | D | D | --- | --- |
| Clover Fork Coal Company | Clover Fork | Harlan | M | M | A | B | C | C | C | C | D | D | D | D | D | D | --- | --- |
| Clover Splint Coal Company | Clover Splint | High Splint | A | A | A | B | C | C | C | C | D | D | D | D | D | D | H | --- |
| Cook & Sharpe Coal Company | Upper Harlan | #5 | G | G | Q | B | N | K | K | K | D | D | D | E | D | D | --- | --- |
| Cornett-Lewis Coal Company | Corlew | High Splint | A | A | Q | P | K | K | K | K | D | D | D | E | D | D | --- | --- |
| Cornett-Lewis Coal Company | Cornett | Harlan | Q | Q | Q | P | K | K | K | K | D | D | D | E [1] | D | D | --- | --- |
| Creech Coal Company | Creech | Wallins | L [1] | M | L [1] | M | K | K | K | K | D | D | D | D | D | D | F | --- |
| Crummies Creek Coal Company | Crummies #1 | Harlan | M | M | A | B | C | N | N | N | D | D | D | D | D | D | --- | --- |
| Crummies Creek Coal Company | Crummies #2 & 3 | #5 | A | S | S | Q | K | K | K | K | D | D | D | D | D | D | E | --- |
| Diamond Ashless Coal Company | R. L. Brown | Kellioka | S | S | E | P | O | N | K | K | D | D | D | D | D | D | --- | --- |
| Elcomb Coal Company | Keeman [1] | Mason | R | R | M | O | O | O | O | Q | O | O | O | Q | O | O | --- | --- |
| Good Coal Company, The | Kentucky King | Wallins | M | O | [1]M | O | [1]K | K | L | L | D | D | D | D | D | D | F [1] | --- |
| Green-Silvers Coal Corp | Malcomson | Wal., Spl., #6 | O | O | O | O | K | L | L | L | D | D | D | D | D | D | --- | --- |
| Harlan Central Coal Company, Inc | Harlan Central | Harlan | O | O | O | N | P | N | N | N | D | D | D | D | D | D | E [1] | --- |
| Harlan Collieries Company | Brookside | Harlan | Q | Q | Q | P | M | K | K | K | D | D | D | D | D | D | --- | --- |
| Harlan Crown Mining Company | Draper | Harlan | Q | Q | Q | P | M | K | K | K | D | D | D | D | D | D | --- | --- |
| Harlan Fuel Company, Inc | Yancey | Harlan | M | O | O | O | F | M | K | K | D | D | D | D | D | D | F [1] | --- |
| Harlan-Wallins Coal Corp | Bear Branch | Harlan | O | O | F | A | O | O | O | Q | O | O | O | Q | O | O | --- | --- |
| Harlan-Wallins Coal Corp | Darby & Dixie | #5 | O | F | A | B | O | O | O | Q | O | O | O | Q | O | O | F [1] | --- |
| Harlan-Wallins Coal Corp | Marathon | #5 | A | Q | A | B | O | O | O | Q | O | O | O | Q | O | O | E [1] | --- |
| Harlan-Wallins Coal Corp | Molus | Harlan | A | Q | A | B | O | O | O | Q | O | O | O | Q | O | O | --- | --- |
| High Splint Coal Company | Hi-Lo | High & Low Spl | A | Q | A | B | O | O | O | Q | O | O | O | Q | O | O | --- | --- |
| Kentucky Cardinal Coal Corp | #1 | Harlan | A | Q | Q | Q | O | O | O | Q | O | O | O | Q | O | O | F [1] | --- |
| Mahan Ellison Coal Corp | Mahan Ellison #1 | Harlan | Q | O | Q | O | M | K | K | K | P | M | M | P | M | M | H | --- |
| Mahan Ellison Coal Corp | Mahan Ellison #2 | Kellioka | Q | O | Q | O | M | K | K | K | P | M | M | P | M | M | K | --- |
| Mary Helen Coal Corp | Mary Helen | Harlan | N | O | N | O | R | Q | O | N | L | K | K | L | K | K | F [1] | --- |
| Perkins-Harlan Coal Co | Liggett | Harlan | S | O | S | O | R | Q | O | N | L | K | K | L | K | K | --- | --- |
| P. V. & K. Coal Co | Glover Gap | Harlan | S | Q | S | Q | P | O | M | L | K | K | K | L | K | K | --- | --- |
| Rex Mining Company | Rex | Harlan | S | Q | P | O | M | L | K | K | K | K | K | L | K | K | --- | --- |
| Ridgeway Coal Corp., Inc | Ridgeway | Harlan | P | O | L | [1] | K | K | K | K | K | K | K | L | K | K | --- | --- |
| Southern Harlan Coal Co | Southern Harlan | Harlan | P | O | L | [1] | K | K | K | K | K | K | K | L | K | K | --- | --- |
| Southern Mining Company | Insull | Creech | L [1] | L [1] | L [1] | E | K | K | K | K | K | K | K | L | K | K | --- | --- |
| Splint Coal Corporation | Splint | High Splint | D | M | M | G | K | K | K | K | K | K | K | L | K | K | --- | --- |
| Three Point Coal Corporation | Three Point | Harlan | M | M | M | G | K | K | K | K | K | K | K | L | K | K | F | --- |
| Tway Coal Company, R. C | Tway | Harlan | M | G | M | G | K | K | K | K | K | K | K | L | K | K | --- | --- |
| U. S. Coal & Coke Company | #30 & 31 [1] | "C" | G | G | G | G | F | K | K | K | K | K | K | L | K | K | --- | --- |
| Wisconsin Steel Company | #1 | "C" & "B" | G | G | G | G | F | F | K | K | K | K | K | L | K | K | --- | --- |

HAZARD DISTRICT

| Company | Mine | Seam | Size Group Numbers 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ajax Coal Company | Ajax | Hazard #4 | M | M | M | L | L | M | M | M | F | E | F | J | J | J | --- | --- |
| Algoma Block Coal Company | Algoma [1] | Hazard #7 | O | O | O | K | K | O | O | O | E | D | E | E | E | F | --- | --- |
| Algoma Block Coal Company | #4 [1] | Hazard #4 | M | M | O | P | P | L | L | L | D | G | K | K | K | E | --- | --- |
| Barwick Coal Company | Barwick | Rider #4 | O | O | O | M | M | O | O | O | F | F | H | H | H | H | --- | --- |
| Black Fox C. Mining Company | Elko | Hazard #4 | O | O | O | M | K | O | O | O | F | F | H | H | H | H | --- | --- |
| Black Gold Mining Company | Black Gold | Hazard #4 | M | M | O | M | K | O | M | O | F | E | G | G | G | G | --- | --- |
| Blue Diamond Coal Company | Blue Diamond #1 | Hazard #6 | O | O | O | M | K | O | M | O | F | E | G | G | G | G | --- | --- |
| Blue Grass Mining Company | Blue Grass | Haz. #4 & #7 | K | K | K | P | K | O | P | L | F | E | G | K | K | K | --- | --- |
| Buchanan Coal Company, Inc | Rytip | Hazard #5-A | Q | Q | Q | P | K | O | P | L | F | D | E | H | E | F | --- | --- |
| Carbon Glow Mining Co | Carbon Glow | Hazard #4 | Q | Q | O | M | K | O | P | L | F | D | E | H | E | F | K [1] | --- |
| Carrs Fork Coal Co., Inc | Allock | Hazard #4 | M | M | O | M | K | O | O | L | F | D | E | J | E | F | --- | --- |
| Carrs Fork Coal Co., Inc | Perrone | Hazard #7 | O | O | O | Q | K | O | P | L | F | D | E | J | E | F | --- | --- |
| Chavies Coal Company | Chavies | Hazard #5-A | Q | Q | M | O | K | O | P | L | F | D | E | J | E | F | --- | --- |
| Columbus Mining Company | #3 | Hazard #4 | M | M | M | O | K | O | P | L | F | D | E | J | E | G | --- | --- |
| Columbus Mining Company | #4 and #6 | Hazard #4 | M | M | M | O | K | O | P | L | F | D | E | J | E | G | --- | --- |
| Columbus Mining Company | #5 | Hazard 5-A & #7 | O | K | O | K | K | O | P | L | F | D | E | J | E | G | --- | --- |
| Columbus Mining Company | #9 | Hazard #4 | K | K | K | K | K | K | L | L | F | D | F | J | E | H | --- | --- |
| Columbus Mining Company | #10 | Hazard #4 | M | M | M | M | K | K | L | M | F | D | F | J | E | H | --- | --- |
| Darb Fork Coal Company | Darb Fork | Hazard #4 | M | M | M | M | K | K | L | M | F | D | F | J | E | H | --- | --- |
| Davis Coal Co. Inc. R. T | Davis | Hazard #4 | | | | | | | | | | | | | | | --- | --- |
| Dixie Diamond Coll. Inc | Dixie Diamond | Hazard #4 | O | O | O | M | K | N | K | K | L | L | O | O | L | L | --- | --- |
| Elkhorn & Jellico Coal Co | Wolran | Haz. 4 & Wg. | O | O | O | O | K | N | K | M | L | L | O | M | L | L | --- | --- |
| Fourseam Coal Corp | Fourseam | Hazard #4 | M | M | O | M | K | N | K | M | L | L | O | M | L | L | G | --- |
| Gorman Coal Sales Company | Hot Spot #2 | Hazard #4 | O | O | O | M | K | K | K | M | L | L | O | M | L | L | --- | --- |
| Happy Coal Company | Happy | Hazard #4 | M | M | M | O | K | K | K | K | D | D | D | D | D | D | --- | --- |
| Happy Coal Corporation | Scuddy | Hazard #4 | O | O | O | [1]M | [1]M | K | K | K | D | D | D | D | D | D | --- | --- |
| Hardy-Burlingham Mining Co | Hardburly | Hazard #7 | O | O | O | O | O | O | O | O | F | E | F | F | F | F | --- | --- |
| Harvey Coal Corporation | Harveyton | Hazard #6 | O | O | O | O | O | O | O | O | F | E | F | F | F | F | --- | --- |
| Hatfield-Camp Crk Coal Co | Glomawr | Hazard #7 | O | O | O | O | O | O | O | O | F | E | F | F | F | F | --- | --- |
| Indian Head Mining Co. Inc | Indian Head | Hazard#4 | M | M | M | O | O | L | O | O | M | O | O | M | O | O | --- | --- |
| Kenmont Coal Company | Kenmont | Hazard #7 | O | O | O | O | O | O | O | O | F | E | F | F | F | F | --- | --- |
| Kentucky Hayslen Coal Co | Hayslen | Hazard #6 | O | O | O | M | K | O | O | O | F | E | G | G | G | G | --- | --- |
| Knott Coal Corporation | Knott | Hindman | O | O | M | O | M | K | P | O | M | K | P | O | M | K | --- | --- |
| Marlowe Coal Company | Defiance | Haz. #4 & #7 | M | M | M | O | M | K | P | O | M | K | P | O | M | K | --- | --- |
| Meem-Haskins Coal Corp | Meem-Haskins 2 | Hazard #4 | M | M | M | O | K | P | O | O | K | K | L | O | O | L | --- | --- |
| New Solar Coal Company | Butterfly | Hazard #6 | O | O | O | O | K | P | O | O | K | K | L | O | O | L | --- | --- |
| Old King Mining Company | Midland | Hazard #7 | O | Q | Q | O | K | P | O | O | K | K | L | O | O | L | --- | --- |
| Perkins-Bowling Coal Corp | Agnes | Hazard #7 | O | O | M | O | K | N | K | K | K | K | L | O | O | L | --- | --- |
| Raccoon Coal Corporation | Raccoon | Hazard #4 | M | M | O | M | K | K | K | K | K | K | L | O | O | L | --- | --- |
| Sandlick Coal Company | Belcraft | Haz. #4 & Wg. | O | K | M | O | K | N | K | K | K | K | L | O | O | L | --- | --- |
| Starling Coal Company, Inc | Gray Goose* | Elkhorn | K | K | K | K | K | K | K | K | K | K | L | O | O | L | --- | --- |
| Sunfire Coal Company | Sunfire | Sunfire | K | K | K | K | K | K | K | K | K | K | L | O | O | L | --- | --- |
| Wisconsin Coal Corporation | Wiscoal | Haz. #4-#7 | M | M | M | M | K | U | N | N | N | K | L | O | O | L | --- | --- |

[1] Corrections.

*Price Index*—Continued

KANAWHA DISTRICT

| Company | Mine | Seam | Size Group Numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Ace Black Band Coal Company | Dorothy Dale | Black Band | M | M | M | N | N | N | N | N | E | E | G | G | G | G | | |
| American Eagle Colliery | #70 [1] | Eagle | O | M | M | J | G | K | K | K | B | B | A | A | A | A | | |
| Anchor Coal Company | Anchor #1 & #3 | Dorothy | G | G | G | L | L | L | L | L | C | C | C | D | D | D | | |
| Armco Coal Mining Corporation | Marting | Campbells Cr | P | P | P | M | J | M | M | M | D | D | D | C | C | C | | |
| Birchton Coal Company | Birchton | Hernshaw | M | M | M | N | N | N | N | N | E | E | G | E | E | E | | |
| Black Band Coal Company | Reynolds | Black Band | M | M | M | N | N | N | N | N | E | E | G | E | E | E | | |
| Boone County Coal Corporation | Boone No. 2 | Chilton | Q | Q | Q | N | N | N | N | N | E | E | G | E | E | E | | |
| Cameo Splint Coal Company | Cameo | No. 5 Block | M | M | M | N | N | N | N | N | E | E | G | E | E | E | | |
| Cannelton C. & C. Company | #3 | Eagle | O | P | P | M | L | M | M | M | C | C | C | C | C | C | | |
| Cannelton C. & C. Company | #5 | #2 Gas | M | M | M | N | N | N | N | N | E | E | G | E | E | E | | |
| Cannelton C. & C. Company | #6 | #5 Block | M | M | M | N | N | N | N | N | E | E | G | E | E | E | | |
| Carbon Fuel Company, The | #8 and #10 | Dorothy | G | G | G | G | G | G | G | G | D | D | D | D | D | D | | A |
| Carbon Fuel Company, The | #9 | Powellton | G | G | G | G | G | G | G | G | D | D | D | D | D | D | | A |
| Carbon Fuel Company, The | #11 | Dorothy | G | G | G | G | G | G | G | G | D | D | D | D | D | D | | |
| Cedar Grove Coll., Inc | Cedar Grove | Cedar Grove | O | O | O | G | G | G | G | G | C | C | C | C | C | C | | |
| C & O Fuel Mine Operators | Dorothy Eagle | Eagle [1] | G | M | M | G | G | G | G | G | C | C | C | C | C | C | | |
| Christian Colliery Company | #1 | Eagle | O | M | M | G | G | G | G | G | C | C | C | C | C | C | | |
| Christian Colliery Company | #2 | Powellton | G | G | G | G | G | G | G | G | C | C | C | C | C | C | | |
| Colcord Coal Company | Monteoal #1 | Dorothy | G | G | M | L | J | L | L | L | C | C | C | C | C | C | | |
| Colcord Coal Company | Monteoal #2 | Dorothy | M | J | J | J | K | J | J | J | C | C | C | C | C | C | | |
| Colcord Coal Company | Monteoal #4 | Hershaw | M | J | J | M | P | K | K | K | C | C | C | C | C | C | | |
| Detroit Mining Company | #1 and #2 | Coalburg | J | J | J | J | K | J | J | J | C | C | C | C | C | C | | |
| Dixport Coal Company | Star Slope | Perryville | J | J | J | M | P | K | K | K | C | C | C | C | C | C | | |
| Dorothy Glenn C. Mining Co | Dorothy Glenn | Coalbg & #5 Bl. | M | M | M | N | N | N | N | N | E | E | G | E | E | E | | |
| Dry Branch Coal Company | Dry Branch | Coalburg | Q | Q | Q | N | N | N | N | N | E | E | G | E | E | E | | |
| Deep Hollow Coal Co. [1] | Deep Hollow | Peerless | | | | | | | | | | | | | | | | |
| Elk River Coal & Lbr. Co. [1] | Rich Run | #5 Block | M | M | M | K | M | K | M | M | D | D | G | E | E | E | J | |
| Eureka Coal Company | #5 | #5 Block | M | M | M | K | M | K | M | M | D | D | G | E | E | E | | |
| Glogora Coal Company | Blue Pennant | Coalburg | M | M | M | K | M | K | M | M | D | D | G | E | E | E | | |
| Hartford Coal Company, Inc | Sliding Hill | Pittsburgh #8 | S | S | S | R | R | R | R | R | H | H | J | F | F | F | | |
| Hatfield Campbell Ct. Coal Co., The | Plymouth | Pittsburgh #8 | S | S | S | R | R | R | R | R | H | H | J | F | F | F | | |
| Harman, Wm. S | Hallwood #1 & #2 | Pittsburgh #8 | S | S | S | R | R | R | R | R | H | H | J | F | F | F | | |
| Hatfield Campbell Cr. Coal Co., The | Putney #1 & #3 | #5 Block | S | S | S | J | J | J | K | K | C | C | G | C | C | C | E [1] | |
| Hatfield Campbell Cr. Coal Co., The | #4 | #2 Gas | J | J | J | M | M | M | R | R | H | H | J | F | F | F | | |
| Imperial Colliery Company | #2 | #2 Gas | O | G | G | G | G | G | J | J | C | C | G | C | C | C | | |
| Imperial Colliery Company | #5 | Dorothy | O | S | S | O | O | O | R | R | H | H | J | F | F | F | | |
| Jackson Coal & Mining Co | Jackson | Pittsburgh #8 | S | O | O | O | O | O | N | N | D | D | G | C | C | C | | |
| Kanawha By-Product Coal Co | Monarch | Cedar Grove | | | | | | | | | | | | | | | | |
| Kanawha Coals, Inc | Hugheston | #2 Gas | S | S | S | R | R | R | R | R | H | H | J | F | F | F | | |
| Kan. & Hocking C & C Company | #109 | #5Bl. & Coalbg | S | P | S | O | M | M | M | M | D | D | G | C | C | C | | |
| Kan. & Hocking C & C Company | #114 and #116 | #2 Gas & Eagle | | | | | | | | | | | | | | | | |
| K&N River Bge. & R. C. Ms. Inc | Winifrede #1 | Winifrede | | | | | | | | | | | | | | | | |
| Keith Coal Mining Co., Inc | Darby | Cedar Grove | O | O | O | N | N | N | N | N | D | D | G | E | E | E | | |
| Kelley's Cr. Coll. Company | #2 and #6 | Lewiston | O | O | O | M | M | M | M | M | D | D | G | E | E | E | | |
| Kelley's Cr. Coll. Company | #4 | Cedar Grove | O | O | O | M | J | K | K | K | B | B | A | A | A | A | | |
| Kingston-Pocahontas Coal Co | Kingston | Eagle & Pow'l | O | G | G | G | G | G | G | G | B | B | A | A | A | A | | |
| Koppers Coal Company, The | Powellton 2, 3, 5 | Powellton | | | | | | | | | | | | | | | | |
| Koppers Coal Company, The | Powellton #4 | #2 Gas | | | | | | | | | | | | | | | | |
| Koppers Coal Company, The | Powellton #4 | Peerless | | | | | | | | | | | | | | | | |
| Koppers Coal Company, The | Wharton | Hernshaw | M | M | M | L | L | J | J | K | C | D | E | E | E | E | D | C |
| Leevale Collieries, Inc | Leevale | Dorothy | G | G | G | O | O | G | G | M | D | D | D | D | D | D | C | C |
| Leevale Collieries, Inc. [1] | Leevale [1] | Powellton-B [1] | M | M | M | L | L | J | J | K | C | D | D | D | D | D | C | C |
| LeMoyne Coal Company [1] | LeMoyne | #5 Block | S | S | S | O | O | M | M | M | D | D | D | D | D | D | C | C |
| Marmet Coal Company | Cedar Grove #1 | Cedar Grove | O | O | O | M | M | N | N | N | D | D | D | D | D | D | C | C |
| Milburn By-Prod. Coal Company | Milburn #1 & #2 | Eagle & Powlt | O | O | O | M | M | N | N | N | D | D | D | D | D | D | C | C |
| Nellis Coal Corporation | Nellis | Campbells Cr | M | M | M | L | J | K | K | K | C | D | E | E | E | E | D | C |
| Orlandi Coal Company | Orlandi #2 | #2 Gas | M | J | J | M | P | K | K | K | C | C | E | E | E | E | D | C |
| Princess Dorothy C. Company | Princess Doro | #5 Block | J | J | J | M | P | K | K | K | C | C | E | E | E | E | D | C |
| Raleigh Wyoming Mining Co | Edwight #1 & #3 | Eagle | O | G | S | G | G | G | J | K | C | C | E | E | E | E | D | C |
| Raleigh Wyoming Mining Co | #4 | Dorothy | G | S | M | G | S | M | R | K | C | C | E | E | E | E | D | C |
| Raymond City C. & T. Corp | Raymond City | Pitts. #8 | S | M | M | O | M | M | K | K | C | D | E | E | E | E | D | C |
| Red Parrot Coal Company | Red Parrot | #5 Bl & Lewistn | M | O | O | M | M | M | K | K | C | D | E | E | E | E | D | C |
| Ridgeview Coal Company | Ridgeview | #2 Gas | O | M | M | M | M | M | K | K | C | D | E | E | E | E | D | C |
| Riverton Coal Company | Riverton | Belmont | M | M | M | M | M | M | K | K | C | D | E | E | E | E | D | C |
| Riverton Coal Company | Riverton | Cedar Grove | | | | | | | | | | | | | | | | |
| Riverview Coal Mining Co | Coalburg | Stockton-Lewiston | M | M | M | K | O | G | K | N | E | E | F | F | F | F | E | C |
| Spruce River Coal Company | Spruce River #4 | Alma | S | G | S | G | G | G | K | K | D | G | H | E | E | E | | A |
| Truax-Traer Coal Company | Acme, Raccoon and United. | Dorothy | G | G | S | G | G | G | K | K | D | G | H | E | E | E | | A |
| Truax-Traer Coal Company | | Dorothy | G | S | G | G | R | G | K | K | D | G | H | E | E | E | | A |
| Upper Elk & Potomac Coal Co. [1] | Middle Creek | #5 Block | S | S | G | G | G | G | K | K | D | G | H | E | E | E | | A |
| Webb Coal Mining Company | Webb | Dorothy | G | G | G | G | G | G | K | K | D | G | H | E | E | E | | A |
| Whitesville Mining Company | Whitesville [1] | Powellton | G | J | J | M | J | J | K | K | C | E | E | E | E | E | | |
| Winifrede Collieries | #1 | Winifrede | J | J | J | M | P | K | K | K | C | C | E | E | E | E | | |
| Winifrede Collieries | #2 | Winifrede | M | M | M | M | J | K | K | K | C | C | E | E | E | E | | |
| Wyatt Coal Company | Laing #1 and #2 | Dorothy | G | G | M | M | J | K | K | K | C | C | E | E | E | E | | |
| Wyatt Coal Company | Wymar | Belmont | M | M | M | M | J | K | K | K | C | C | E | E | E | E | | |
| Youghlogheny & Ohio C. Co | Van | Coalburg | M | M | M | M | J | K | K | K | C | C | E | E | E | E | | |

LOGAN DISTRICT

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Alma Eagle Coal Co | Aracoma | Alma [1] | U | T | R | P | N | N | N | M | M | M | E | E | C | C | C | C |
| Amherst Coal Co | Amherst #1 | Island Creek [1] | Q | Q | P | Q | O | N | N | M | M | M | D | C | C | C | C | C |
| Amherst Coal Co | Amherst #2 | Eagle | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Amherst Coal Co | Amherst #3 | Island Creek [1] | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Avis Eagle Coal Co | Avis Eagle | Eagle | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Bertland Coal Co | Bertland | Eagle | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Buffalo Chilton Coal Co | Buffalo #1 | Chilton | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Big Creek Coal Co | Stone Branch | Alma | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Buffalo Eagle Mines, Inc | Riley #2 | #2 Gas [1] | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Buffalo Eagle Mines, Inc | Riley #3 | Chilton | Q | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Chafin-Jones-Heatherman Coal Co | #3 | Chilton | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Chilton Block Coal Co | Ethel #2 | Chilton | S | S | Q | Q | O | N | N | M | M | M | C | C | C | C | C | C |
| Chilton Eagle Coal Co | Draper [1] | Alma-L. C. [1] | U | T | R | P | N | N | N | M | M | M | E | E | C | C | C | C |
| | | Chilton & Eagle [1] | S | S | Q | Q | O | N | N | M | M | M | E | E | C | C | C | C |
| Clean Eagle Coal Co | Clean Eagle | Eagle | S | S | Q | Q | O | N | N | M | M | M | E | E | C | C | C | C |
| Crystal Block C & C Co | #4 | Island Creek | Q | Q | Q | P | O | N | N | M | M | M | D | C | C | C | C | C |
| Fort Branch Coal Corp | Fort Branch | Chilton | Q | Q | Q | P | O | N | N | M | M | M | D | C | C | C | C | C |
| Gay Coal & Coke Co., The | Gay #1 | Island Creek | Q | Q | Q | P | O | N | N | M | M | M | D | C | C | C | C | C |
| Gay Coal & Coke Co., The | Gay #2 | Eagle | Q | Q | Q | P | O | N | N | M | M | M | D | C | C | C | C | C |
| Georgas Creek Coal Co | Georgas Creek | Chilton | Q | Q | Q | P | O | N | N | M | M | M | D | C | C | C | C | C |
| Guyan Eagle Coal Co | Guyan #1 | Island Creek | Q | S | Q | P | O | N | N | M | M | M | D | C | C | C | C | C |

[1] Corrections.

[2] See Prices Applicable Into Market Areas 1, 1A 2, 3, 4, 5, 6, 7, 8, 9, 10, 13.



*Price Index*—Continued

LOGAN DISTRICT—Continued

| Company | Mine | Seam | Size Group Numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Guyan Eagle Coal Co | Guyan #3 | Chilton | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | | |
| Hutchinson Coal Co | Argyle | Chilton | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | | |
| Hutchinson Coal Co | Dabney & MacBeth | Eagle | S | Q | Q | N | N | M | M | M | C | C | C | C | C | C | | |
| Island Creek Coal Co | #1 & 20 | Island Creek | O | Q | O | N | N | M | M | M | C | C | C | C | C | C | | |
| Island Creek Coal Co | #7 | Island Creek | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | | |
| Island Creek Coal Co | #11, 14 & 22 | Island Creek | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | | |
| Island Creek Coal Co | #21 | Island Creek | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | | |
| Logan Eagle Coal Co. [1] | Shamrock | Eagle | U | T | R | P | N | N | M | M | C | C | C | C | C | C | | |
| Logan Chilton Coal Co | Rita | Chilton | S | S | Q | Q | O | N | N | M | D | D | E | E | E | E | | |
| Logan County Coal Corp | Lundale | Chilton | S | S | Q | S | O | N | N | M | D | D | E | E | E | E | | |
| Logan County Coal Corp | MacGregor | Chilton | S | S | Q | S | O | N | N | M | D | D | E | E | E | E | | |
| Logan County Coal Corp | Paragon | Island Creek [1] | S | S | Q | S | O | N | N | M | D | F [1] | E | G | E | E | | |
| Lorado Coal Mining Co., The | Lorado #1 | Chilton | S | S | Q | S | O | N | N | M | D | D | D | D | D | D | | |
| Lorado Coal Mining Co., The | Lorado #2 | Chilton | S | S | Q | Q | O | N | N | M | D | D | D | D | D | D | | |
| Mallory Coal Co | #1 | Island Creek | S | S | Q | Q | O | N | N | M | D | D | D | D | D | D | | |
| Mallory Coal Co | #2, 3, 4 & 5 | Eagle & Powellton | S | S | Q | Q | O | N | N | M | D | D | D | D | D | D | | |
| McCall Coal Co | McCall #2 | Powellton | S | S | Q | Q | O | N | N | M | D | D | D | D | D | D | | |
| Merrill Coal Mines, Inc | Merrill | Island Creek | S | Q | Q | P | R | N | N | M | D | D | D | D | D | D | | |
| Monitor C. & Coke Co | Monitor, Eagle #1 | Eagle | U | Q | T | Q | S | N | N | M | D | D | D | D | D | D | | |
| Norfolk & Chesapeake Coal Co | Wilson #3 | Eagle | S | Q | T | Q | S | N | N | M | D | D | D | D | D | D | | |
| Pritchard, D. H. Contractor [1] | Chilton Block #1 | Chilton | | | | | | | | | | | | | | | | |
| Utilities Coal Co | #61 | Eagle | | | | | | | | | | | | | | | | |
| W. Va. Cannel Coals, Inc. [1] | Switzer | Cannel | | | | | | | | | | | | | | | | |
| W. Va. C. & C. Corp | Earling | Eagle | S | O | Q | O | N | N | N | M | M | M | C | D | E | E | E | |
| W. Va. C. & C. Corp | Mieco #3 & Rossmor | Island Creek | Q | Q | Q | O | N | N | N | M | M | M | D | E | E | E | | |
| W. Va. C. & C. Corp | Omar #4 | Island Creek | Q [1] | Q [1] | Q [1] | O [1] | N | N | N | M | M | M | E | F | E | E | H | |
| W. Va. C. & C. Corp | Omar #5 | Island Creek | Q [1] | Q [1] | Q [1] | O [1] | N | N | N | M | M | M | E | F | E | E | | |
| W. Va. C. & C. Corp | #19 | Island Creek | Q | Q | O | O | N | N | N | M | M | M | E | F | E | E | | |
| Winisle Coal Corp | Winisle #1 | Alma [1] | Q | Q | Q | P | P | N | N | M | N | M | E | F | E | E | | |
| Wood Coal Co | Freeze Fork | Chilton | Q | Q | Q | P | P | N | N | M | M | M | E | F | E | E | | |
| Youngstown Mines Corp., The | Dehue | Eagle | | | | | | | | | | | | | | | | |

SOUTHERN APPALACHIAN DISTRICT

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Atlas Coal Company | Capito | Lower Hignite | K | K | J | H [1] | H [1] | H | K | K | E | E | E [1] | E [1] | E [1] | E [1] | | |
| Barker Str. Crk. Coal Mng. Co | Barker | Straight Crk | P | P | O | M | M | M | M | M | G | G | K | K | K | K | | |
| Bell Coal Company | Bell | Straight Crk | | | | | | | | | | | | | | | | |
| Bertha Jellico Coal Co | Bertha | Jellico | Q | Q | O | M | L | M | M | K | G | H | L | L | L | L | | |
| Bessemer C. Iron & Land Co | Wind Rock | Dean [1] | T | G | S [1] | P | O | P | Q | K | H | D | E | N | N | N | | |
| Black Diamond Coal Mng. Co | Marion | Jellico | T | G | G | F | F | H | K | K | D | D | E | E | E | E | J [1] | |
| Block Coal & Coke Co | Block No. 1 | Dean | | | | | | | | | | H | | | | | | |
| Block Coal & Coke Co | Turley | Dean | R [1] | R [1] | Q [1] | P | O | P | Q | R | H | D | E | N | N | N | | |
| Blue Diamond Coal Co | Eagan & Westbourne | Jellico | G | K | G | K | F | H | K | K | D | D | E | E | E | E | | |
| Bon Jellico Coal Co | Bon Jellico | Jellico | K | K | K | K | H | K | K | K | D | D | E | E | E | E | | |
| Brimestone Coal Company | Brimestone | Gleminary | | | | | | | | | | H | | | | | | |
| Broyles Jellico Coal Co | Broyles Jellico [1] | Jellico [1] | G | G | G | F | F | H | K | K | D | D | E | E | E | E | | |
| Brush Creek Coal Co | Rock Cliff | Dean | U [1] | U [1] | | | | | | | | | | | | | | |
| Burk Hollow Coal Co | Burk Hollow | Blue Gem | A | A | B | C | D | F | H | K | B | B | E | E | E | E | | |
| Cairnes Coal Mining Co | Cairnes | Mason | Q [1] | Q [1] | P [1] | M | M | M | M | M | D | D | E | E | E | E | | |
| Cambria Coal Company | Cross Mountain | Coal Crk | Q | Q | O | M | K | M | M | M | D | D | E | E | E | E | | |
| Cambria Coal Company | Royal | Lower Dean | Q | Q | O | M | K | M | M | M | D | D | E | E | E | E | | |
| Cleage-Wills Coal Co., Inc | Cleage Wills | Jellico | Q | G | G | F | F | H | K | K | D | D | E | E | E | E | | |
| Clear Fork Coal Company, Inc. [1] | Clear Splint #3 [1] | Sterling | R [1] | R [1] | Q [1] | P [1] | D [1] | P [1] | P [1] | P [1] | G [1] | G [1] | L [1] | L [1] | L [1] | L [1] | | |
| Clear Fork Coal Company, Inc. [1] | Clear Fork | Mason | | | | | | | | | F | F | | | | | | |
| Clinchmore Coal Mining Co | Pee Wee | Pee Wee | A | A | B | C | D | F | H | K | B | B | E | E | E | E | J | |
| Coleman Fuel Company | Red Bird | Red Bird | L | L | L | J | K | K | K | K | F | F | H | E | E | E | | |
| Croley, Ben | Dixie | Blue Gem | A | A | B | C | F | H | K | K | B | B | E | E | E | E | | |
| Dean Coals, Inc | Dean Coals | Dean | U [1] | U [1] | S [1] | P | O | P | Q | K | H | H | H | N | N | N | | |
| Diamond Coal Mining Co | Diamond #1 & #2 | Big Mary | T | T | P | L | O | P | Q | K | H | H | F | N | N | N | M | |
| Dixie Bell Coal Company | Dixie Bell | Hance | P | G | N | L | F | P | M | K | H | F | E | N | J | F | | |
| Engine Coal Company, Inc | Pineville | Str. Crk | G | G | G | F | F | H | K | K | E | E | E | N | N | F | | |
| Fayette-Jellico Coal Co | Fayette-Jellico | Dean | M [1] | M [1] | M [1] | K [1] | K [1] | P | P [1] | K | E | E | K | K | K | K | | |
| Fentress Coal & Coke Co | Wilder No. 3 | Iron Air #2 | R | T [1] | R | P [1] | O [1] | H | K | R | H | H | E | N | N | N | | |
| Fork Mountain Coal Company | Fork Mountain | Dean | T [1] | T [1] | Q | S [1] | P [1] | H | H | K | H | H | E | N | N | N | | |
| Fork Mountain Coal Company | Regal | Pee Wee | K | K | K | K | P | H | H | K | H | H | E | N | N | N | | |
| Fork Ridge C. & C. Company | Fork Ridge | Mason | L | L | G | K | P | F | K | K | E | E | D | E | E | E | J [1] | |
| Fox Ridge C. & C. Company | Fox Ridge & Hanby | Straight Crk | L | G | G | G | F | F | K | K | E | E | D | E | E | E | | |
| Gatliff Coal Company | Gatliff | Jellico | G | E | R [1] | E | Q [1] | F | P [1] | K | H | D | E | N | N | N | J | |
| Harlan Industrial Coll. Co | Commodore | Dean | R [1] | R [1] | Q [1] | P [1] | O [1] | E | P [1] | K | H | H | B | N | N | N | | |
| Highland Mining Co. [1] | Highland | Bon Air #2 | R | R | Q | D | P [1] | D | P | G | H | H | B | E | E | E | | |
| High Point Coal Company | No. 1 | Pee Wee | L | C | L | D | J [1] | E | P | K | H | H | E | N | N | N | | |
| High Point Coal Company | No. 2 | Red Ash | L [1] | L [1] | L [1] | J [1] | H [1] | O [1] | P [1] | K [1] | H [1] | H [1] | E [1] | N [1] | N [1] | N [1] | | |
| Hignite Coal Company | Hignite | Lower Hignite | K | K | J | H [1] | H [1] | O | J [1] | K | H | H | E | G | H | H | L [1] | |
| Isoline Coal Company | Isoline | Isoline | R | R | Q | P [1] | P | F | K | K | H | H | B | N | G | H | | |
| Jellico Coal Mining Company | Mt. Ash | Blue Gem | A | K | B | C | H | O | H | K | B | B | E | N | G | H | | |
| Kentucky Jellico Coal Co | Kay Jay | Dean | K | K | L | H | J | O | H | K | E | E | F | N | G | H | | |
| Kentucky Ridge Coal Co | Crockett | Crockett | L | L | L | J | G | G | J | M | H | H | F | F | F | F | | |
| Ky. Straight Crk. Coal Co | Adalia & Belva | Straight Crk | H | H | H | G | G | G | J | K | H | H | F | F | F | F | | |
| LaFollette, Rex C. Company [1] | Rex #2 | Rex | H | H | H | L | K | K | K | K | G | G | K | K | K | K | | |
| Lilly Coal Co | Herron | Horse Crk | L | E | E | L | E | G | J | F | F | D | E | K | J | E | J [1] | |
| Mahan Jellico Coal Company | Mahan Jellico | Jellico | L | E | E | F | F | H | K | K | D | D | E | E | E | E | | |
| Meadow Creek Coal Company | Solon | Bon Air No. 2 | | | | | | | | | | H | | | | | | |
| Moore Coal Company | Moore | Dean | T | T | S [1] | P | O | H | P | Q | H | H | N | N | N | N | | |
| New Anchor Block Coal Co., Inc. [1] | Anchor Block | Dean | L | L | K | L | B [1] | C [1] | J | K | F | F | H | J | E | E | | |
| New Horse Creek Coal Co | Velma | Horse Crk | L | L | A | K | B | J | C [1] | F | J | M | H | K | M | M | F | B |
| Nevisdale Coal Co. [1] | Nevisdale [1] | Blue Gem [1] | A [1] | A [1] | A [1] | B [1] | C [1] | D [1] | F [1] | J | H | M | H | K | M | M | D | F |
| New Jellico Coal Company | Blue Rose | Jellico | G | L | G | L | G | L | J | K | D | D | E | E | E | E | B | D |
| New Mary Francis Coal Co | New Mary Francis | Horse Crk | L | L | J | J | J | J | K | K | H | H | J | J | J | J | E | F |
| New Morning Glow Coal Co | Morning Glow | Horse Crk | R [1] | R [1] | Q [1] | P [1] | O [1] | P | Q | K | H | H | N | N | N | N | J | N |
| Pioneer Coal Company | Pioneer | Str. Creek | G | K | G | K | F | H | K | K | D | D | G | G | G | G | N | N |
| Poplar Lick Coal Company | Poplar Lick | Poplar Lick | K | K | G | J | F | G | K | K | D | D | E | E | E | E | N | N |
| Premier Coal Company | Premier | Turner | N | N | | | | | | | | | | | | | | |
| Pruden Coal & Coke Co | Pruden Coal & Coke Co | Mason | H | H | H | F [1] | F [1] | J | K | K | E | E | E | E | E | E | L | |
| Pruden Coal & Coke Co | Valley Crk. #1 | Jellico | H | H | H | G | G | J | K | K | D | D | E | E | E | E | | |
| Rennebaum Coal Company | Rennebaum | Sterling | R [1] | R [1] | Q [1] | P [1] | O [1] | P [1] | P [1] | P [1] | G [1] | G [1] | L [1] | L [1] | L [1] | L [1] | | |

[1] Correction.

[2] Formerly Davidson Mining Co.

NOTE.—See Cannel Coal price schedule.

*Price Index*—Continued

SOUTHERN APPALACHIAN DISTRICT—Continued

| Company | Mine | Seam | Size Group Numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Southern Coll., Inc. | So. Collieries | Pee Wee | A | A | B | C | D | F | H | H | B | B | E | D | E | E | ---- | ---- |
| Southern Mining Company | Balkan | Creech | M | M | M | K | K | M | M | M | D | D | D | C | C | C | ---- | ---- |
| Southern Mining Company | Colmar | Mason | | | | | | | | | | | | | | H | ---- | ---- |
| Southland Coal Corporation | Southland | Str. Creek | J | J | J | G | G | H | K | K | E | E | F | F | F | F | ---- | ---- |
| Stearns Coal & Lbr. Co. | "A" | No. 1 | R | R | | | | | | | G | G | | | | | ---- | ---- |
| Stearns Coal & Lbr. Co.[1] | No. 11 | No. 1 and 1½ | P[1] | P[1] | O[1] | L[1] | K[1] | M[1] | M[1] | M[1] | F[1] | F[1] | H[1] | H[1] | H[1] | H[1] | ---- | ---- |
| Stearns Coal & Lbr. Co. | Cooperative | No. 1 | P | P | O | L | K | M | M | M | F | F | H | H | H | H | ---- | ---- |
| Stearns Coal & Lbr. Co. | No. 1 | No. 2 | | | | | | | | | G | | | | | | ---- | ---- |
| Stearns Coal & Lbr. Co. | No. 4 | #1½ | L | L | K | H | H | M | M | K | E | E | F | F | F | F | ---- | ---- |
| Stearns Coal & Lbr. Co. | No. 15 | #1½ | | | | | | | | | G | | | | | | ---- | ---- |
| Straight Crk. Coal, Inc. | Cary | Str. Creek | G | G | G | F | F | H | K | K | E | H | F | F | F | F | ---- | ---- |
| Straight Fork Coal Co. | Straight Fork | Upper Dean | T | T | S[1] | P | O | P | Q | R | H | H | N | N | N | N | ---- | ---- |
| Sun Coal Company | Sun | Pee Wee | A | A | B | C | D | F | H | H | B | B | E | E | E | E | ---- | ---- |
| Tenn-Jellico Coal Company | Anthras | Jellico | G | G | G | F | F | H | K | K | D | D | E | E | E | E | ---- | ---- |
| Vermillion, C. C. | Wister | Blue Gem | A | A | B | C | D | F | H | K | B | B | G | G | G | G | ---- | ---- |
| Virginia Jellico C. Co., Inc. | King Mountain | Jellico | G | G | G | F | J | F | H | K | M | K | D | F | E | E | ---- | ---- |
| White Coal Company | Baker | Horse Creek | J | J | J | J | J | M | M | M | F | F | E | E | J | J | ---- | ---- |
| Williams Coal Mining Co. | Nurex | Rex | H | H | H | G | G | D | M | K | K | K | G | B | G | K | ---- | ---- |
| Woolridge Blue Gem Coal Mining Co. | Powhatan & Washington | Blue Gem | A | A | B | C | D | F | H | H | B | B | G | G | G | G | ---- | ---- |
| Zecchini Blue Gem C. Co. | Blue Gem | Blue Gem | A | A | B | C | D | F | H | H | B | B | G | F | G | G | ---- | ---- |
| Zenith Coal Company | Zenith | White Oak | L | L | K | H | H | K | K | K | E | E | F | F | F | F | ---- | ---- |

VIRGINIA DISTRICT

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Banner Fuel Corporation | Black Banner | Up. Banner | O | O | O | M | M | L | K | K | D | D | D | D | D | D | ---- | ---- |
| Benedict Coal Corporation | Benedict #7 | No. 7 | O | O | O | M | M | M | M | M | E | E | F | F | F | F | ---- | C |
| Benedict Coal Corporation | Virglow | No. 12 | A | A | B | C | D | F | H | H | B | B | J | J | J | L | ---- | ---- |
| Blackwood C & C Co., Inc. | Calvin | Low Splint | A | O | O | M | M | M | M | H | E | B | F | J | F | F | ---- | ---- |
| Blackwood C & C Co., Inc. | Pardee | High Splint | F | F | F | D | D | F | H | H | B | B | B | B | B | B | ---- | ---- |
| Blue Diamond Coal Co. | Bonny Blue | #9 & #10 | O | O | O | M | M | M | M | H | F | B | H | H | H | H | ---- | ---- |
| Blue Diamond Coal Co. | Mayflower | H. & L. Splint | A | A | B | C | D | F | H | H | B | B | J | J | J | J | ---- | ---- |
| Christie Coal Company | Christie | Blair | | | | | | | | | G | | | | | | ---- | ---- |
| Clinchfield Coal Corp. | No. 2, 3 & 32 | U & L Banner | O | O | O | M | M | L | K | K | E | E | F | F | F | F | J | ---- |
| Clinchfield Coal Corp. | No. 7 & 9 | Up. Banner | O | M | M | J | G | K | K | K | B | E | B | B | B | B | ---- | ---- |
| Dixie Beaver Coal Co., Inc. | Crane's Nest | Up. Banner | O | O | O | M | M | L | K | K | E | F | F | F | F | | ---- | ---- |
| Fleming & Co., Rob't. | Fleming | U. & L. Ban't. | O | O | O | M | M | L | K | K | E | E | F | F | F | F | ---- | ---- |
| Glamorgan Coals, Inc.[1] | Glamorgan #4 | Glamorgan | | | | | | | | | G | | | | | | ---- | ---- |
| Hawthorne Coal Corporation | Hawthorne #1 | Edwards | | | | | | | | | G | | | | | | ---- | ---- |
| Kenmerer Gem Coal Co. | Kem Gem | No. 5 | G | G | G | G | G | J | K | K | E | E | F | F | F | F | ---- | ---- |
| Norton Coal Co., W. S. Willits & G. C. McCall, Receivers. | Norton #11 | Norton | Q | Q | P | N | M | L | K | K | D | D | E | E | E | E | ---- | ---- |
| Penn Lee Corporation | Penn Lee | Penn Lee #1 | O | O | O | M | M | M | M | M | F | F | H | H | H | H | ---- | ---- |
| Ruth-Elkhorn Coals, Inc. | Steinman | Up. Banner | K | K | K | J | J | K | K | K | B | D | D | D | D | D | ---- | ---- |
| Splash Dam Coal Corp. | Splashdam | Splashdam | M | M | M | K | K | J | K | K | D | D | D | D | D | D | ---- | ---- |
| Splash Dam Smo. Coal Corp. | Lonesome Br. | Splashdam | M | M | M | K | K | J | K | K | D | E | D | D | D | D | ---- | ---- |
| Standard Banner Coal Corp. | Honey Creek | U. Banner | O | O | O | M | M | M | M | K | E | E | F | F | F | F | ---- | ---- |
| Stonega Coke & Coal Company | Arno | Imboden | Q | Q | O | M | M | L | K | K | C | C | C | C | B | C | ---- | ---- |
| Stonega Coke & Coal Co. | Derby | Market | E | E | E | F | F | J | K | K | B | B | B | B | B | B | ---- | ---- |
| Stonega Coke & Coal Co. | Dunbar | Market | F | E | E | E | F | F | J | K | K | B | B | B | B | B | ---- | ---- |
| Stonega Coke & Coal Co. | Derby | Taggart | M | M | M | K | K | J | K | K | B | B | B | B | B | B | ---- | ---- |
| Stonega Coke & Coal Co. | Genco | Imboden | | | | | | | | | | | | F | | | ---- | ---- |
| Stonega Coke & Coal Co. | Imboden | Imboden | Q | Q | O | M | M | L | K | K | C | C | C | C | C | C | ---- | ---- |
| Stonega Coke & Coal Co. | Premix Mod. | Marker-Imb. | | | | | | | | | | | | B | | | ---- | ---- |
| Stonega Coke & Coal Co. | Roda | Taggart | M | M | M | K | K | J | K | K | B | B | B | B | B | B | ---- | ---- |
| Stonega Coke & Coal Co. | Stonega | Imboden | Q | Q | O | M | M | L | K | K | C | C | C | C | C | C | ---- | ---- |
| Swords Cr. Mining Corp. | L. Banner | Swords Creek | N | N | N | M | M | L | K | K | E | E | F | F | F | F | ---- | ---- |
| United Collieries, Inc. | Dominion | No. 5 | G | G | G | G | G | J | K | K | E | E | F | F | F | F | ---- | ---- |
| Va. Iron, C & C Company | Imperial | No. 6 & 7 | O | O | O | M | M | M | K | K | E | E | F | F | F | F | ---- | ---- |
| Va. Iron, C & C Company | Linden | Imboden | Q | Q | O | M | M | L | K | K | D | D | D | D | D | D | ---- | ---- |
| Va. Iron, C & C Company | Monarch | No. 5 | G | G | G | G | G | J | K | K | E | E | E | E | E | E | ---- | ---- |
| Va. Iron, C & C Company | Royal Banner | U. Banner | O | O | O | M | M | L | K | K | E | E | F | F | F | F | ---- | ---- |
| Va. Lee Co., Inc. | Va.-Lee | No. 5 | G | G | G | G | G | J | K | K | E | E | F | F | F | F | ---- | ---- |
| Wise Coal & Coke Co. | Dorchester | Blair-Dorch | Q | Q | O | M | M | L | K | K | D | D | D | D | D | D | ---- | ---- |

WILLIAMSON DISTRICT

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Allburn Collieries Co. | Allburn | Alma | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Alma Fuel Co. | Alma | Alma | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Armor Coal Co. | Katona | Cedar Grove | | | | O | | | | | H | | | K | | | ---- | ---- |
| Big Creek Winifrede Coal Co. | Big Creek | Winifrede | J | J | J | J | J | M | M | M | H | H | M | M | M | M | ---- | ---- |
| Borderland Coll. Co. | Borderland #1[1] | Winifrede | J | J | J | J | J | M | M | M | E | B | G | B | G | G | ---- | ---- |
| Buchanan By-Prod. C. Corp. | Clintwood | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Buchanan County Coal Corp. | Buchanan #1 | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Buchanan County Coal Corp. | Buchanan #2 | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Buchanan Smk. C. Co., Inc. | Buchanan Smk. | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Buffalo Winifrede C. Co. | Buffalo | Winifrede | J | J | J | J | J | M | M | M | G | G | L | L | L | L | ---- | ---- |
| Conoway Coal Corp. | Conoway | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Crystal Blk. C. & C. Co. | #1 | Winifrede | J | J | J | J | J | M | M | M | E | E | G | G | G | G | ---- | ---- |
| Crystal Blk. Mining Co. | Gates | Winifrede | J | J | J | J | J | M | M | M | E | E | H | H | H | H | ---- | ---- |
| Dayton Coal Corp. | New Howard | Cedar Grove | O | O | O | S | N | N | N | N | N | D | G | E | L | E | ---- | ---- |
| Earlston Coal Co. | Earlston | Warfield | S | S | S | S | Q | Q | Q | Q | G | G | L | L | L | L | ---- | ---- |
| Eastern Coal Corp. | Hardy #1 & #11 & McVeigh #7. | Pond Crk. | Q | Q | P | N | N | M | M | M | C | C | L | C | C | C | ---- | ---- |
| Eastern Coal Corp. | Stone #3 | Pond Creek | Q | Q | P | N | N | N | N | N | E | E | F | F | F | F | ---- | ---- |
| Emperor Coal Co. | Freeburn | Freeb'n-Alma | Q | Q | P | N | N | N | M | M | N | C | D | C | D | C | ---- | ---- |
| Glen Alum Coal Co. | Glen Alum | Glen Alum | Q | Q | P | N | N | N | N | N | D | D | D | D | D | D | ---- | ---- |
| Harman Coal Corp., H. E. | Harman | Bull Creek | Q | Q | O | M | K | K | K | K | B | B | B | A | B | A | ---- | ---- |
| Home Crk. Smk. C. Co., Inc. | Home Creek | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Huddleston C. Co., J. S. | Mohawk | Big Eagle | | | | N[1] | | | | | P[1] | | | H[1] | | | ---- | ---- |
| Isaban Coal Co. | Hardy | Pond Creek | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| Leckie Collieries Co. | Aflex | Freeburn | Q | Q | P | N | N | N | M | M | C | C | C | C | C | C | ---- | ---- |
| Little War Creek C. Co. | Litwar | Big Eagle | O | M | M | J | G | K | K | K | B | B | E | B | E | E | ---- | ---- |
| Lynn Camp Coal Co. | Lynn Camp | Clintwood | Q | Q | O | N | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Majestic Collieries Co. | Majestic | Pond Creek | Q | Q | P | N | N | M | M | M | B | C | C | C | O | C | ---- | ---- |

[1] Correction.



*Price Index*—Continued

WILLIAMSON DISTRICT—Continued

| Company | Mine | Seam | Size Group Numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Merrimac Coal Co. | White Star | Pond Creek | Q | Q | Q | O | O | N | N | N | D | D | E | E | E | E | ---- | ---- |
| Mingo Mining Co. | T-11 | Thacker | Q | Q | Q | N | N | N | M | M | C | C | C | C | C | C | ---- | ---- |
| New Alma Coal Co. | New Alma | Alma | Q | Q | P | N | N | M | M | M | C | C | C | C | C | C | ---- | ---- |
| New Century Coal Co. | New Century | Thacker | S | S | S | N | Q | Q | M | Q | F | F | F | H | H | H | ---- | ---- |
| New Marietta Coal Co. | New Marietta | Pond Creek | | | | | | | | | | | | | | | ---- | ---- |
| Octavia Coal Mining Corp. | Octavia | Pond Creek | Q | Q | P | N | N | M | M | M | C | C | C | F | C | C | ---- | ---- |
| Octavia Coal Mining Corp. | Octavia | Pond Creek Top Strata. | | | | N | N | | | | F | F | | | | | ---- | ---- |
| Panther Coal Co., Inc. | Roseann | Clintwood | Q | Q | O | M | K | L | L | L | B | B | B | B | B | B | ---- | ---- |
| Pike Fuel Co. | Pike Fuel | Pond Creek | | | | | | | | | F | | | | | | ---- | ---- |
| Pritchard, D. H., Contractor | William Ann | Thacker | S | S | S | S | Q | Q | Q | Q | G | G | G | K | K | K | ---- | ---- |
| Puritan Coal Corp. | Puritan #1 | Thacker | S | S | S | S | Q | Q | Q | Q | E | G | G | K | K | K | ---- | ---- |
| Puritan Coal Corp. | Puritan #2 | Winifrede | M | M | M | P | M | M | M | M | B | B | B | K | K | K | ---- | ---- |
| Red Jacket Coal Corp. | #5 | Thacker | S | S | S | R | P | Q | Q | Q | G | G | G | K | K | K | ---- | ---- |
| Red Jacket Coal Corp. | #6 | Alma | Q | Q | P | N | O | O | N | N | C | C | C | H | E | E | ---- | ---- |
| Red Jacket Coal Corp. | #32 Upper Mine[1] | Cedar Grove[1] | Q | Q | Q | Q | O | N | N | N | F | D | E | F | E | E | ---- | ---- |
| Red Jacket Coal Corp. | #32 Lower Mine[1] | Thacker[1] | Q | Q | Q | Q | O | N | N | N | D | D | E | L | L | E | ---- | ---- |
| Red Jacket Coal Corp. | Junior | Ced. Grove & Thack. | O | O | O | S | N | N | N | N | G | E | G | L | L | L | ---- | ---- |
| Red Jacket Coal Corp. | Mitchell Br. | Cedar Grove | O | O | O | S | N | N | N | N | G | E | G | L | L | L | ---- | ---- |
| Standard Block Coal Co. | High Steam | Warfield | S | S | S | S | Q | Q | Q | Q | G | G | L | L | L | L | ---- | ---- |
| Sycamore Coal Co. | Cinderella | Winifrede | S | J | O | S | J | O | M | M | G | C | B | B | B | B | ---- | ---- |
| Sycamore Coal Co. | Mingo Chief | Mingo | O | O | Q | Q | J | O | N | N | C | B | D | D | D | D | ---- | ---- |
| Tierney Mining Co. | Tierney | Pond Creek | Q | Q | Q | Q | O | P | N | N | C | B | D | D | D | D | ---- | ---- |
| Va. Lee Coal Corp. | Virginia Lee | Clintwood | Q | Q | O | O | O | O | M | M | L | N | L | L | L | L | ---- | ---- |
| War Eagle Coal Co. | War Eagle | Thack. & #2 Gas | O | O | O | O | O | O | N | N | L | N | L | L | L | L | ---- | ---- |
| Winco Block Coal Co. | Winco Block | Winifrede | O | O | O | O | O | O | N | M | M | M | M | D | M | M | ---- | ---- |

[1] Correction.

BASIS FOR FREIGHT RATE ADJUSTMENT ALL PRODUCING DISTRICTS EXCEPT BUCHANAN COUNTY LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

*Market Areas Nos. 1 and 1–A; via Tidewater (Hampton Roads, Va.)—Designated Base Rate—Kanawha, Logan and Kenova-Thacker Rates*

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Kanawha, Logan and Kenova-Thacker base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Kanawha, Logan and Kenova-Thacker base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 87—Designated Base Rate—Tennessee Central Railroad Rate*

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Tennessee Central Railroad Rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Tennessee Central Railroad Rate designated above, the minimum f. o. b. mine price shall be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 2,[1] 3,[1] 4, 6, 10, 11, 12, 13, 17, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 140, 141, 142, 143—Designated Base Rate—Kanawha, Logan, Kenova-Thacker (Inner Crescent)*

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Kanawha, Logan, Kenova-Thacker (Inner Crescent) base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Kanawha, Logan, Kenova-Thacker (Inner Crescent) base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 5,[1] 7[1] and 9[1]—Designated Base Rate—Pittsburgh District Base Rate (for size groups 1, 2, 3, 4, 5, 6, and 9) Kanawha, Logan, Kenova-Thacker (Inner Crescent) Rate (for all other sizes)*

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 8[1]—Designated Base Rate—Ohio #8 Base Rate (for Size Groups 1, 2, 3, 4, 5, 6 and 9); Kanawha, Logan, Kenova-Thacker (Inner Crescent) Base Rate (for All Other Sizes)*

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

[1] Correction.

*Market Areas Nos. 39 [1] and 43—Designated Base Rate—Virginia District Southern Railroad Group 14 Except to Those Destinations on the C. C. & O. R. R. Between Speers Ferry, Virginia, and Johnson City, Tennessee (Both Exclusive) to Which Points the Designated Base Rate Shall Be C. C. & O. R. R. Group One Rates*

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Areas [1] Nos. 18, 19, 26, 35, 36, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 83, 84, 85, 86, 88, 89, 90, and 91—Designated Base Rate—Jellico, Middleboro Rate*

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Jellico, Middlesboro base rate indicated above.

*Exception.*—Apply Jellico, Southern Railway base rate for Market Area No. 83.

*Rates lower than base.*—Where the applying freight rate is less than the Jellico, Middlesboro base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢

*Market Areas [1] Nos. 58, 60, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 93, 94, 95, 96, 97, and 98—Designated Base Rate—Harlan Rate*

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Harlan base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Harlan base rate designated above, the minimum f. o. b. price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 1–A (N. Y. Harbor, Port Chester and Baltimore) Except Buchanan County Low Volatile Mines and Red Ash Mines in Virginia and Williamson Districts*

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [2] | | | | | | | | | | | | | | | | | | | | |
| 2 [2] | | | | | | | | | | | | | | | | | | | | |
| 3 [2] | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | | | |
| 4 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | | | |
| 5 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | | | |
| 6 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 8 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 9 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | | | | | | | | | |
| 11 | [1] 213 | [1] 208 | [1] 203 | [1] 198 | [1] 193 | [1] 188 | [1] 183 | [1] 178 | [1] 173 | [1] 168 | [1] 163 | [1] 158 | [1] 153 | | | | | | | |
| 12 | [1] 208 | [1] 203 | [1] 198 | [1] 193 | [1] 188 | [1] 183 | [1] 178 | [1] 173 | [1] 168 | [1] 163 | [1] 158 | [1] 153 | [1] 148 | | | | | | | |
| 13 | [1] 198 | [1] 193 | [1] 188 | [1] 183 | [1] 178 | [1] 173 | [1] 168 | [1] 163 | [1] 158 | [1] 153 | [1] 148 | [1] 143 | [1] 138 | | | | | | | |
| 14 | | | | | | | | | | | | | | | | | | | | |
| 15 | | | | | | | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | | | | | | | |

[1] Correction.
[2] Prices for this group are the same as those for group #4.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Any size or grade priced below "P", shall take "P" price.

*District No. 8—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 and 1–A (Philadelphia Harbor Only) [1] Except Buchanan County Low Volatile Mines and Red Ash Mines in Virginia and Williamson Districts*

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [2] | | | | | | | | | | | | | | | | | | | | |
| 2 [2] | | | | | | | | | | | | | | | | | | | | |
| 3 [2] | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | | | |
| 4 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | | | |
| 5 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | | | |
| 6 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 8 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 9 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | | | | | | | | | |
| 11 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 12 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | | | | | | | |
| 13 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | | | | | | | |
| 14 | | | | | | | | | | | | | | | | | | | | |
| 15 | | | | | | | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | | | | | | | |

[1] Correction.
[2] Prices for this group are the same as those for group #4.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Any size or grade priced below "P", shall take "P" price.

[1] Correction.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 2 and 3 [1]*

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 215 | [1] 210 | [1] 205 | [1] 200 | 195 | 190 | [1] 185 | [1] 180 | [1] 175 | [1] 170 | [1] 165 | [1] 160 | [1] 155 | | | | | | | |
| 12 | [1] 210 | [1] 205 | [1] 200 | [1] 195 | [1] 190 | [1] 185 | [1] 180 | [1] 175 | [1] 170 | [1] 165 | [1] 160 | [1] 155 | [1] 150 | | | | | | | |
| 13 | [1] 205 | [1] 200 | [1] 195 | [1] 190 | [1] 185 | [1] 180 | [1] 175 | [1] 170 | [1] 165 | [1] 160 | [1] 155 | [1] 150 | [1] 145 | | | | | | | |
| 14 | [1] 195 | [1] 190 | [1] 185 | [1] 180 | [1] 175 | [1] 170 | [1] 165 | [1] 160 | [1] 155 | [1] 150 | [1] 145 | [1] 140 | [1] 135 | | | | | | | |
| 15 | | | | | | | | | | | | | | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Correction.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 4, 5, 6, 7, 8, 9, 10 and 13 [1]*

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | | | | | | | | | | | | | | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Correction.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 12, [1] 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 140, 141, 142, 143 [1]*

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Correction.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 17, 20, 21 Except Buchanan County, Low Volatile Mines and Red Ash Mines in Virginia and Williamson Districts* [1]

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 335 | 330 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 |
| 4 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | | | |
| 5 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | | | |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 7 | | | | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | |
| 8 | | | | | | | | | | | | | | | | | | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Correction.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 40, 41, 42* [1]

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [2] | | | | | | | | | | | | | | | | | | | | |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 4 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | |
| 5 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 7 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 8 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 [2] | | | | | | | | | | | | | | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Correction.

[2] Prices for this group are the same as those for group #2.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 38, 39, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92* [1]

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [2] | | | | | | | | | | | | | | | | | | | | |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 4 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | |
| 5 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 7 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 8 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Correction.

[2] Prices for this group are the same as those for group #2.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

EXCEPTIONS TO PRICE SCHEDULE FOR MARKET AREA NO. 87

All mines shall plus prices 20¢ per ton for Groups 1, 2, 3. Mines on the Tennessee Central Railroad and in the Glen Mary District on the H. & N. E. R. R. may reduce their prices as follows:

Size Groups 4 and 5 ---------- 20¢ per net ton.
Size Groups 6, 7, and 8 ---------- 35¢ per net ton.
Size Groups 9 and 10 ---------- 30¢ per net ton.
Size Groups 11 and 12 ---------- 20¢ per net ton.
Size Group 13 ---------- 25¢ per net ton.
Size Groups 14 and 15 ---------- 30¢ per net ton.

Above prices are subject to Freight Exceptions shown in this schedule.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 58, 60, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 93, 94, 95, 96, 97 and 98—Except Buchanan County Low Volatile Mines and Red Ash Mines in Virginia and Williamson Districts* [1]

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [2] | | | | | | | | | | | | | | | | | | | | |
| 2 | 340 | 335 | 330 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 |
| 3 | 330 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 |
| 4 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | | | |
| 5 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | | | |
| 6 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | | | |
| 7 | | | | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | | | |
| 8 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

[1] Correction.

[2] Prices for this group are the same as those for group 2.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices Applicable Into Market Areas Nos. 1, 1-A (All Rail), 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 for the Mines Shown Below—Without Freight Absorption—Elk River Coal & Lumber Co., Lemoyne Coal Company, Upper Elk and Potomac Coal Co.*

| Market areas | Company | Size groups | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 1 and 1-A, all rail | Elk River Coal & Lbr. Co. | 250 | 250 | 250 | 240 | 230 | 225 | 215 | 215 | 210 | 210 | 210 | 200 | 192 | 181 | |
| | Lemoyne Coal Company | 220 | 220 | 220 | 205 | 195 | 200 | 190 | 190 | 195 | 195 | 185 | 175 | 167 | 156 | |
| | Upper Elk & Potomac Coal Company | 220 | 220 | 220 | 205 | 195 | 200 | 190 | 190 | 195 | 195 | 185 | 175 | 167 | 156 | |
| 2 | Elk River Coal & Lbr. Co. | 265 | 255 | 250 | 235 | 230 | 225 | 215 | 215 | 210 | 210 | 210 | 200 | 192 | 181 | |
| 2 | Lemoyne Coal Company | 235 | 225 | 220 | 200 | 195 | 200 | 190 | 190 | 195 | 195 | 185 | 175 | 167 | 156 | |
| | Upper Elk & Potomac Coal Company | 235 | 225 | 220 | 200 | 195 | 200 | 190 | 190 | 195 | 195 | 185 | 175 | 167 | 156 | |
| 3 | Elk River Coal & Lbr. Co. | 265 | 265 | 265 | 255 | 255 | 255 | 235 | 235 | 230 | 230 | 230 | 200 | 192 | 181 | |
| 3 | Lemoyne Coal Company | 235 | 235 | 235 | 220 | 220 | 230 | 210 | 210 | 215 | 215 | 205 | 175 | 167 | 156 | |
| | Upper Elk & Potomac Coal Company | 235 | 235 | 235 | 220 | 220 | 230 | 210 | 210 | 215 | 215 | 205 | 175 | 167 | 156 | |
| 4 | Elk River Coal & Lbr. Co. | 260 | 250 | 240 | 225 | 220 | 215 | 205 | 205 | 200 | 200 | 200 | 190 | 182 | 171 | |
| 4 | Lemoyne Coal Company | 230 | 220 | 210 | 190 | 185 | 190 | 180 | 180 | 185 | 185 | 175 | 165 | 157 | 146 | |
| | Upper Elk & Potomac Coal Company | 230 | 220 | 210 | 190 | 185 | 190 | 180 | 180 | 185 | 185 | 175 | 165 | 157 | 146 | |
| 5, 6, 7, 9, 10 and 13 | Elk River Coal & Lbr. Co. | 245 | 235 | 225 | 210 | 205 | 200 | 195 | 195 | 190 | 190 | 190 | 175 | 167 | 156 | |
| | Lemoyne Coal Company | 215 | 205 | 195 | 175 | 170 | 175 | 170 | 170 | 175 | 175 | 165 | 150 | 142 | 131 | |
| | Upper Elk & Potomac Coal Company | 215 | 205 | 195 | 175 | 170 | 175 | 170 | 170 | 175 | 175 | 165 | 150 | 142 | 131 | |
| 8 | Elk River Coal & Lbr. Co. | 245 | 235 | 225 | 210 | 205 | 200 | 195 | 195 | 190 | 190 | 190 | 175 | 167 | 156 | |
| | Lemoyne Coal Company | 215 | 205 | 195 | 175 | 170 | 175 | 170 | 170 | 175 | 175 | 165 | 150 | 142 | 131 | |
| | Upper Elk & Potomac Coal Company | 215 | 205 | 195 | 175 | 170 | 175 | 170 | 170 | 175 | 175 | 165 | 150 | 142 | 131 | |
| 12 | Elk River Coal & Lbr. Co. | 260 | 250 | 240 | 225 | 220 | 215 | 210 | 210 | 205 | 205 | 205 | 190 | 182 | 171 | |
| | Lemoyne Coal Company | 230 | 220 | 210 | 190 | 185 | 190 | 185 | 185 | 190 | 190 | 180 | 165 | 157 | 146 | |
| | Upper Elk & Potomac Coal Company | 230 | 220 | 210 | 190 | 185 | 190 | 185 | 185 | 190 | 190 | 180 | 165 | 157 | 146 | |

All other Areas same as indicated in present Price List.

Coal transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, N. Y., and to all coastal ports in New England may be reduced 14 cents per net ton for Size Group 9 and 27 cents per net ton for Size Groups 12, 13 and 14.

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES—ALL PRODUCING DISTRICTS EXCEPT BUCHANAN COUNTY LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

All Coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

*Off Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $1.95 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.10 per net ton of 2,000 lbs. F. O. B. mines.

*On and Off Line*

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

Above prices are not subject to any freight rate adjustment.

TIDEWATER RAILROAD FUEL PRICES EXCEPT BUCHANAN COUNTY LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

All coal, except lump or double screened sizes, sold for railroad locomotive fuel, when shipped via Hampton Roads, Virginia, destined to points beyond the Capes of Virginia, shall take a minimum price of four dollars and seventy cents ($4.70) per gross ton of 2,240 pounds, f. o. b. vessel, Hampton Roads Piers.

Lump or any double screened coal ordered or sold for railroad locomotive fuel, when shipped via Hampton Roads, Virginia, destined to points beyond the Capes of Virginia, shall take a minimum price of four dollars and eighty-seven cents ($4.87) per gross ton of 2,240 pounds, f. o. b. vessel, Hampton Roads Piers.

The above prices are not subject to any freight rate adjustments.

STEAMSHIP BUNKER COAL PRICES EXCEPT BUCHANAN COUNTY LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

1. Steamship Bunker Coal shall be defined as coal that is furnished for a vessel's own consumption to steamers ordinarily carrying cargo or passengers and engaging in foreign or coastwise trade.

2. The minimum prices for Bunker fuel for the Ports of Hampton Roads based on nut slack index shall be as follows:[1]

| Price Index: | *Price* |
|---|---|
| A & B | $5.15 Per Gross Ton F. O. B. Cars at Piers |
| C & D | 5.05 Per Gross Ton F. O. B. Cars at Piers |
| E and Under | 4.95 Per Gross Ton F. O. B. Cars at Piers |

3. Charleston, S. C. The minimum price for Bunker fuel f. o. b. cars at piers shall be $5.15 per gross ton when delivered to vessels destined to points beyond the harbor limits of Charleston.

4. The above prices are not subject to any freight rate adjustments.

BUCHANAN COUNTY LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

*Size Specifications and Base Size Groups*

| *Base size group number* | |
|---|---|
| No. 1 Lump | Includes all lump coal having a minimum bottom size of ¾" or more. |
| No. 2 Egg | Includes all sizes of coal having a maximum top size of 8" or less, but more than 3", and a minimum bottom size of ¾" or more. |
| No. 3 Stove | Includes all sizes of coal having a maximum top size of 3" or less, but more than 1¼", and a minimum bottom size of ¼" or more. |
| No. 4 Nut | Includes all sizes of coal having a maximum top size of 1¼" or less, but more than ¼", and a minimum bottom size of ¼" or more. |
| No. 5 Pea | Includes all sizes of pea coal having a maximum top size of ¾" and a minimum bottom size of ¾" x 0" from which any size of screenings from 1¼" x 0" to ¾" x 0" from which any size less than ¼" has been eliminated. |
| No. 6 Domestic Mine Run [1] | Includes all mine run coal, either straight or modified, that has a maximum coarse coal content for base ("A") coals (except where otherwise stated) of 60% or less and that has a minimum coarse coal content of more than 40%. |
| No. 7 Standard | Includes all mine run coal, either straight or modified, that has a maximum coarse coal content for base ("A") coals of 40% or less and a minimum coarse coal content that exceeds the size tolerance of 3% on 2" screenings. |
| No. 8 1¼" Screenings | Includes all sizes of screenings with a maximum top size of 1¼" and a minimum top size of ⅞" from which no elimination of any intermediate size from ¼" to 0" has been made. |
| No. 9 ¾" Screenings | Includes all sizes of screenings with a maximum top size of ¾" or less from which no elimination of any intermediate size from ¼" to 0" has been made. |

Coarse Coal Content—Coarse coal content is defined as such sizes of coal as would pass over a ¾" round-hole screen at the time it leaves the loading boom or chute at the tipple to enter the railroad car or truck.

*Price Index*

| Buchanan County [1]—Low Volatile and Red Ash Mines in Virginia and Williamson Districts | | | Size group numbers | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Company | Mine | Seam | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| BUCHANAN [1]—LOW VOLATILE | | | | | | | | | | | |
| Crystal Block C & C Co | No. 5 | Cary | A | A | A | A | A | A | A | C | C |
| Oakwood Smo. C. Corp | Oakwood | Cary | A | A | A | A | A | A | A | C | C |
| Page Pocahontas C. Corp | Page | Cary | A | A | A | A | A | A | A | A | A |
| Red Jacket Coal Corp | Keen Mt | Cary | A | A | A | A | A | A | A | A | A |
| Sycamore Coal Corporation | Buccaneer | Cary | A | A | A | A | A | A | A | A | A |
| VIRGINIA AND WILLIAMSON—RED ASH | | | | | | | | | | | |
| Consumers Mining Corp | Premier | Red Ash | B | B | B | B | B | B | B | C | C |
| Eagle Red Ash Coal Co | Oldfield & Scott | J-Bone, Red Ash #4 & Alum Springs | B | B | B | B | B | B | B | C | C |
| Raven Red Ash Coal Co | No. 1 & No. 2 | Raven | B | B | B | B | B | B | B | C | C |
| Red Ash Smokeless Coal Co | Red Ash | Douglas | B | B | B | B | B | B | B | C | C |

[1] Correction.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1 and 1A (Via Tidewater)* [1]

*Designated base rate.*—Pocahontas, New River Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pocahontas, New River base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pocahontas, New River base rate designated above the minimum f. o. b. mine price shall be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 4, 6, 7, 8, 9, 10 and 12* [1]

*Designated base rate.*[1]—Clearfield Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield base rate designated above the minimum f. o. b. mine price shall be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market areas* [2] *Nos. 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112—Designated Base Rate—Logan, Kanawha, Kenova-Thacker (Inner Crescent) Rate*

*Rates higher than base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 13—Designated Base Rate—Virginia District Southern Railroad Group 14*

*Rates higher than base.*—On shipments destined within the above-named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Virginia District Southern Railroad Group 14 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Virginia District Southern Railroad Group 14 base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

[1] The definition of Domestic and Standard Run of Mine Coal and Prices thereon as designated herein, will remain in effect for a period not exceeding sixty (60) days, after their effective date, subject to the District Board substantiating the necessity for such designation for these grades.

Any size larger than the maximum top and/or bottom size shown in a group shall be included in the next higher price group.

[2] Correction.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 (All Rail), 2, 3, 4, 5, 6 and 13*

UCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 285 | 295 | 275 | 210 | 210 | 235 | 225 | 193 | 183 |
| B | 275 | 265 | 250 | 200 | 225 | 235 | 225 | 188 | 178 |
| C | | | | | | | | 183 | 173 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 1–A via Tidewater From Hampton Roads for Delivery to Points in Philadelphia Harbor*

BUCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 245 | 255 | 235 | 201 | 201 | 235 | 206 | 196 | 186 |
| B | 235 | 225 | 210 | 191 | 216 | 235 | 206 | 191 | 181 |
| C | | | | | | | | 186 | 176 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1–A via Tidewater From Hampton Roads for Delivery to Points in Port of New York, Including Port Chester, New York, and Baltimore, Maryland, Harbor*

BUCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 245 | 255 | 235 | 203 | 203 | 235 | 208 | 198 | 188 |
| B | 235 | 225 | 210 | 193 | 218 | 235 | 208 | 193 | 183 |
| C | | | | | | | | 188 | 178 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 1 via Tidewater from Hampton Roads for Delivery East of Port Chester, New York, and to All Coastal Ports in New England*

BUCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 245 | 255 | 235 | 203 | 203 | 235 | 208 | 185 | 175 |
| B | 235 | 225 | 210 | 193 | 218 | 235 | 208 | 180 | 170 |
| C | | | | | | | | 175 | 165 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents for Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 7, 8, 9, 10, 11, 12*

BUCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 285 | 295 | 275 | 245 | 210 | 235 | 225 | 195 | 185 |
| B | 275 | 265 | 250 | 235 | 225 | 235 | 225 | 190 | 180 |
| C | | | | | | | | 185 | 175 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 87, 88, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, and 112*

BUCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 285 | 295 | 275 | 245 | 210 | 235 | 225 | 195 | 185 |
| B | 275 | 265 | 250 | 235 | 225 | 235 | 225 | 190 | 180 |
| C | | | | | | | | 185 | 175 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced at 10¢ per net ton lower than size group 9.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 17, 20, and 21*

BUCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 295 | 310 | 285 | 255 | 220 | 235 | 225 | 195 | 185 |
| B | 285 | 280 | 260 | 245 | 235 | 235 | 225 | 190 | 180 |
| C | | | | | | | | 185 | 175 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ⅜" may be priced at 10¢ per net ton lower than size group 9.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 37, 38, 39*

BUCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 285 | 295 | 275 | 210 | 210 | 235 | 225 | 195 | 185 |
| B | 275 | 265 | 250 | 200 | 225 | 235 | 225 | 190 | 180 |
| C | | | | | | | | 185 | 175 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ⅜" may be priced at 10¢ per net on lower than size group 9.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 40, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 90, 94, 95, 96, 97*

BUCHANAN COUNTY—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 285 | 295 | 275 | 210 | 210 | 235 | 225 | 190 | 180 |
| B | 275 | 265 | 250 | 200 | 225 | 235 | 225 | 185 | 175 |
| C | | | | | | | | 180 | 170 |

*Important.*—Exceptions shown on the following pages are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced at 10¢ per net ton lower than size group 9.

RAILROAD LOCOMOTIVE FUEL FOR BUCHANAN COUNTY [1]—LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

All coal, except lump or double screened sizes sold for Railroad Locomotive fuel shall take a minimum price of $2.35 per net ton of 2,000 lbs. f. o. b. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.50 per net ton of 2,000 lbs. f. o. b. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

Above prices are not subject to freight rate adjustment.

STEAMSHIP BUNKER COAL PRICES—BUCHANAN COUNTY [1] LOW VOLATILE MINES AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS

1. Steamship Bunker Coal shall be defined as coal that is furnished for a vessel's own consumption to steamers ordinarily carrying cargo or passengers and engaging in foreign or coastwise trade.

2. The minimum prices for Bunker fuel for the Ports of Hampton Roads shall be $5.15 per gross ton f. o. b. cars at piers.

3. Charleston, S. C. The minimum price for Bunker fuel F. O. B. cars at piers shall be $5.15 per gross ton when delivered to vessels destined to points beyond the harbor limits of Charleston.

4. The above prices are not subject to any freight rate adjustments.

[F. R. Doc. 37-3667; Filed, December 15, 1937; 12:43 p. m.]

[Docket No. 2-FD]

IN THE MATTER OF THE APPLICATION OF: ALABAMA COALS, INCORPORATED

ORDER

The Commission having the 22nd day of September, 1937, granted the application of Alabama Coals, Incorporated, for provisional approval as a marketing agency, such provisional approval to terminate within fifteen (15) days after the order of the Commission approving marketing rules and regulations, and such order establishing marketing rules and regulations having been issued on November 29, 1937.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

That the provisional approval of Alabama Coals, Incorporated, as a marketing agency be and the same hereby is extended to continue in force to and until the 30th day of January, 1938.

By order of the Commission.

Dated this 9th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3688; Filed, December 16, 1937; 12:46 p.m.]

[Docket No. 3-FD]

IN THE MATTER OF THE APPLICATION OF: APPALACHIAN COALS, INCORPORATED

ORDER

The Commission having the 22nd day of September, 1937, granted the application of Appalachian Coals, Incorporated, for provisional approval as a marketing agency, such provisional approval to terminate within fifteen (15) days after the order of the Commission approving marketing rules and regulations, and such order establishing marketing rules and regulations having been issued on November 29, 1937.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

That the provisional approval of Appalachian Coals, Incorporated, as a marketing agency be and the same hereby is extended to continue in force to and until the 30th day of January, 1938.

By order of the Commission.

Dated this 9th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3689; Filed, December 16, 1937; 12:47 p. m.]

[Docket No. 4-FD]

IN THE MATTER OF THE APPLICATION OF SMOKELESS COAL CORPORATION

ORDER

The Commission having the 22nd day of September, 1937, granted the application of Smokeless Coal Corporation for provisional approval as a marketing agency, such provisional approval to terminate within fifteen (15) days after the order of the Commission approving marketing rules and regulations, and such order establishing marketing rules and regulations having been issued on November 29, 1937.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

That the provisional approval of Smokeless Coal Corporation as a marketing agency be and the same hereby is extended to continue in force to and until the 30th day of January, 1938.

By order of the Commission.

Dated this 9th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3690; Filed, December 16, 1937; 12:47 p. m.]

National Park Service.

SHENANDOAH NATIONAL PARK, VIRGINIA

POLICE JURISDICTION

DECEMBER 2, 1937.

Hon. GEORGE C. PEERY,
*Governor of Virginia, Richmond, Virginia.*

MY DEAR GOVERNOR PEERY: Pursuant to the authority conferred by the act of Congress approved May 22, 1926 (44 Stat. 616), as amended by the acts of February 16, 1928 (45 Stat. 109), and February 4, 1932 (47 Stat. 37), this Department accepted the following deeds tendered by the State of Virginia, conveying to the United States certain lands for the Shenandoah National Park, Virginia, which was established on December 26, 1935:

| Nos.: | *Accepted* |
|---|---|
| 1, 2, 3 | December 26, 1935 |
| 4 | January 12, 1937 |
| 5, 6, 7 | January 13, 1937 |
| 8 | January 27, 1937 |

The aforesaid deeds were executed in the names of the State of Virginia and of the State Commission on Conservation and Development, by the Governor of Virginia and the Chairman of the said Commission, under and pursuant to the authority of the act of the General Assembly of Virginia, approved March 22, 1928 (Title 10 A, Chapter 31 F, Code of Virginia, 1936). Subject to certain reservations, section 7 of this act ceded to the United States exclusive jurisdiction over and within all the territory in the State of Virginia included within the Shenandoah National Park conveyed to the United States pursuant to the said act, and provided that such jurisdiction shall not vest in the United States of America unless and until it, through the proper officer or officers, notifies the Governor and through him the State of Virginia, that the United States assumes police jurisdiction over the lands thus conveyed.

The act of Congress approved August 19, 1937 (Public No. 322—75th Congress), directs me to give notice to the State of Virginia through its Governor, as contemplated by the act of the General Assembly of Virginia, approved March 28, 1928, *supra*, that the United States assumes police jurisdiction over lands lying in the State of Virginia and included within the Shenandoah National Park, which have been conveyed and ceded under and by authority of the said act of March 28, 1928, *supra*. Accordingly, notice is hereby given to the State of Virginia, through you, that, effective as of the date of the receipt hereof, the United States assumes police jurisdiction over the lands herctofore conveyed to the United States by the State of Virginia for the Shenandoah National Park, which lands are described in the eight deeds hereinabove mentioned.

It is requested that you acknowledge receipt hereof, advising the date on which received, whereupon the effective date of the assumption of police jurisdiction by the United States over the park lands in question will be published in the FEDERAL REGISTER.

Sincerely yours,

CHARLES WEST,
*Acting Secretary of the Interior.*

[Receipt of notice acknowledged by the Governor of Virginia on December 3, 1937.]

[F. R. Doc. 37-3677; Filed, December 16, 1937; 10:17 a. m.]

FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of December A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2598]

IN THE MATTER OF MCCURRACH ORGANIZATION, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Edward J. Hornibrook, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, January 5, 1938, at ten o'clock in the forenoon of that day (eastern standard time). in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3676; Filed, December 16, 1937; 9:44 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of December A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3198]

IN THE MATTER OF MATTHEW A. WILLIS, TRADING AS ROGERS REDEMPTION BUREAU, AND THE THOMPSON POTTERY COMPANY, ADVERTISING DEPARTMENT

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, December 17, 1937, at ten o'clock in the forenoon of that day (central standard time) in room 208, United States Court House, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3675; Filed, December 16, 1937; 9:44 a. m.]

INTERSTATE COMMERCE COMMISSION.

APPLICATIONS FOR APPROVAL OF CHANGES IN INSTALLATIONS OF BLOCK SIGNAL SYSTEMS, INTERLOCKING, AUTOMATIC TRAIN STOP, TRAIN CONTROL AND CAB SIGNAL DEVICES

DECEMBER 1, 1937.

*To all Common Carriers by Railroad Subject to the Interstate Commerce Act:*

Section 26 of the Interstate Commerce Act as amended (1937) contains the following proviso:

That block signal systems, interlocking, automatic train stop, train control and cab signal devices in use on the date of the enactment of this amendatory provision or such systems or devices hereinafter installed may not be discontinued or materially modified by carriers without the approval of the Commission. • • •

In filing applications for approval under the foregoing proviso, the procedure outlined herein should be followed and the information indicated below should be furnished:

1. Applications for approval of proposed changes in existing installations may be submitted by the President, Vice

[1] Correction.

President, General Manager, Receiver, Trustee or Chief Operating Officer of any railroad company subject to this section of the Act.

2. A separate application must be filed for each project.

3. Applications for approval should be submitted to cover the following:

(*a*) To discontinue, in whole or in part, the use of block signal systems, interlocking, automatic train stop, train control or cab signal devices.

(*b*) Change in block signal systems or interlocking which involves change in type of system or appliances, or alters the functional operation of apparatus, the location of signals, the number of signals, the aspects displayed by signals, the location of block offices or interlocking stations, or the number of block offices or interlocking stations, or which involves or results from change in track arrangement.

(*c*) Change in automatic train stop, train control or cab signal devices which alters the functional operation of apparatus or signal aspects displayed.

4. Applications for approval are not required to cover replacement of apparatus in kind.

5. An application may be submitted in the form of a letter, accompanied by print, sketch, or other descriptive matter, setting forth the following information:

(*a*) Corporate name of railroad making application.

(*b*) A succinct statement of discontinuance, change or modification which the application covers.

(*c*) If more than one railroad is concerned, the name of each railroad company should be given, together with a statement showing in what manner each is involved.

(*d*) Location of project.

(*e*) Track or tracks involved.

(*f*) Sketch or print showing arrangement of tracks, existing equipment and proposed change, size 8" x 10½" or folded to 8" x 10½".

(*g*) Brief description of existing equipment and proposed change.

(*h*) Reason for proposed change.

(*i*) Estimated cost and statement showing whether expenditure has been authorized.

(*j*) Action, if any, by state authorities and by other railroads involved.

(*k*) Approximate date of beginning and completion of project.

(*l*) Change in operating conditions and practices, temporary or permanent.

6. Detail plans and circuits are not required unless specifically requested.

7. Upon receipt of application, public notice will be posted by the Commission, giving interested parties opportunity to indicate desire to be heard.

8. The Commission may investigate and determine the matters involved in each application with or without formal hearing.

9. Correspondence in reference to applications for approval and matters involved therein should be addressed to W. J. Patterson, Director, Bureau of Safety, Interstate Commerce Commission, Washington, D. C.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3680; Filed, December 16, 1937; 11:32 a. m.]

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At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of November, A. D. 1937.

ORDER IN THE MATTER OF REPORTS OF FAILURES OF BLOCK SIGNAL SYSTEMS, INTERLOCKING, AUTOMATIC TRAIN STOP, TRAIN CONTROL AND CAB SIGNAL DEVICES, AND OTHER SIMILAR APPLIANCES, METHODS AND SYSTEMS, TO INDICATE OR FUNCTION AS INTENDED

The form of reports to be filed by carriers pursuant to the provisions of paragraph (f), Section 26 of the Interstate Commerce Act as amended (1937), (U. S. C., title 49, sec. 26) having been considered by the Commission:

*It is ordered,* That all carriers subject to Section 26 of the Interstate Commerce Act shall report monthly, within 30 days after the end of each month, all failures of block signal systems, interlocking, automatic train stop, train control and cab signal devices, and other similar appliances, methods and systems to indicate or function as intended.

*It is further ordered,* That the accompanying forms entitled "Signal Failure Report" and the method embodied in the instructions therein set forth[1] be, and the same are hereby, adopted and prescribed; and all carriers subject to said section of said act are hereby notified to use and follow the said prescribed forms and method in making the reports herein prescribed, commencing with and making the first report for the month of January, 1938.

*It is further ordered,* That in case of accident resulting from failure of any of said systems, devices or appliances to indicate or function as intended, which accident is reportable under the rules of the Commission, report of such accident and of such failure shall be made forthwith by telegraph by the general manager, superintendent or other proper officer of the carrier on whose line said accident occurred, to the Interstate Commerce Commisison, Washington, D. C.

*And it is further ordered,* That copies of said forms and instructions, together with a copy of this order, be forthwith served upon all common carriers subject to said section of said act.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3681; Filed, December 16, 1937; 11:32 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of December A. D. 1937.

[File No. 46-86]

IN THE MATTER OF THE APPLICATION OF SIOUX CITY GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Sioux City Gas and Electric Company, a subsidiary of a registered holding company, covering the proposed acquisition of all the outstanding capital stock and notes of Yankton Gas Company, a public-utility company, organized in and doing business in South Dakota, for a consideration of approximately $18,000,

*It is ordered,* That a hearing on such matter be held on January 11, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered,* That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 6, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3686; Filed, December 16, 1937; 12:44 p. m.]

[1] Filed with the Division of the Federal Register, The National Archives; copies available upon application to the Interstate Commerce Commission.

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## VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

*Death of Veteran Due to Peace-time Service: Public No. 2, 73d Congress*

R–2532. For the purposes of Public No. 2 (Act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service subsequent to April 20, 1898, other than in a period of war service, as provided for in Veterans Regulation No. 1 (a), Part II, Paragraph I, as amended by Public No. 159, 75th Congress (Act of June 23, 1937) shall be entitled to receive pension at the monthly rates specified in R. & P. R–2622 (C) and/or (D).

(A) If death resulted from an injury received in line of duty in actual combat in a military expedition or military occupation, the dependents shall be entitled to the war time rates specified in R. & P. R–2622 (A) and/or ( B). (V. R. 1 (a), Part II, Paragraph 1 (c)). See also R. & P. R–1067.

(B) Pension may not be allowed by virtue of death resulting from Coast Guard service during peace time unless death or the disability causing such death occurred subsequent to July 2, 1930. (A. D. 200). (December 15, 1937.)

*Concurrent Payment of Two Benefits to the Same Person*

R–2551 Under the provisions of Public No. 2, 73d Congress (Act of March 20, 1933) not more than one pension or award of compensation shall be payable to any one individual, except the receipt of pension or compensation by a widow, child, or parent on account of the death of any person shall not bar the payment of pension or compensation on account of the death of any other person. (V. R. No. 10, Paragraph XIII).

(A) For the purposes of Veterans Regulation No. 1 (a), Part II, paragraph I as amended by Public No. 159, 75th Congress (Act of June 23, 1937) pension shall not be paid concurrently with active duty pay or United States Employees' Compensation. Where a person who is eligible for pension is also eligible for the benefits of United States Employees' Compensation Act, he shall elect which benefit he shall receive.

(B) Pension and/or compensation benefits shall not be paid concurrently to a claimant as widow of one veteran and as the remarried widow of another veteran. (A. D. 361 and 381).

(C) As to circumstances under which both disability and death pension or compensation may be paid to the same person, see R. & P. R–1296 to 1302, R–2170, 2171, 2175, 2176 and 2177. (December 15, 1937.)

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

*Public No. 2 and Sections 28 and 31, Title III, Public No. 141, 73d Congress*

R–2574. Original awards of death pension or compensation under Public No. 2, 73d Congress, (Act of March 20, 1933), and Sections 28 and 31, Title III, Public No. 141, 73d Congress, (Act of March 28, 1934), shall commence as follows:

(A) (1) For the purposes of Public No. 2, 73d Congress, and Sections 28 and 31, Title III, Public No. 141, 73d Congress, the effective date of an award of death pension or compensation shall be fixed in accordance with the facts found, except that no award of death pension or compensation shall be effective prior to the date of the veteran's death, date of the happening of the contingency upon which death pension or compensation is allowed, or *the date of receipt of application therefor,* whichever is the later date; provided that in World War cases, if application is filed on or after August 16, 1937, and within one year from the date of death, the effective date shall be August 16, 1937, or the day following the date of death, whichever is the later, except that the increased rates of death compensation authorized solely under Public No. 304, 75th Congress, shall not be awarded from a date earlier than September 1, 1937. (See R. & P. R–2576)

(2) For the purposes of Sections 4 and 5 of Public No. 304, 75th Congress (Act of August 16, 1937) any claim filed, subsequent to March 19, 1933, and prior to August 16, 1937, under any law granting pension or compensation to dependents of World War veterans disallowed or abandoned prior to August 16, 1937, may, upon written notice from the claimant or his representative to the Veterans Administration be revived at any time prior to August 16, 1938, and when title is otherwise established, payments under Public No. 304, 75th Congress (Act of August 16, 1937) shall commence August 16, 1937, provided that any claim filed subsequent to March 19, 1933, and prior to August 16, 1937, in which the claimant or his representative has not been notified of the disallowance thereof or if a claim was pending on August 16, 1937, it shall be considered an application under Public No. 304, 75th Congress, without the written notice required herein and if allowable only under that Act payments shall commence August 16, 1937, except that the increased rates of death compensation authorized solely under Section 3 of Public No. 304, 75th Congress, shall not be awarded from a date earlier than September 1, 1937. (See also R. & P. R–2582 (E).)

(B) For the purposes of Veterans Regulation No. 1 (a), Part II, Paragraph 1, as amended by Public No. 159, 75th Congress (Act of June 23, 1937) granting pension to the surviving dependents of reserve officers and members of the enlisted reserves of the United States Army, Navy and Marine Corps, pension payments shall commence:

(1) Dependents of reservists whose deaths resulted from injury or disease incurred in or aggravated while in service *other than for training purposes:* the date of filing application or the date following the date of last payment of United States Employees' Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension.

(2) Dependents of reservists whose deaths resulted from injury or disease incurred in or aggravated while in service *for training purposes:*

(*a*) If the Army reservist (Naval reservists not entitled from July 1, 1925 to June 15, 1933) died as a result of injury or disease acquired in service prior to June 15, 1933, from the date of filing claim.

(*b*) If the reservist (Army or Navy) died as a result of injury or disease acquired on or after June 15, 1933, from the date of filing claim, the date following the date of last payment of United States Employees' Compensation where such benefits have been awarded and the claimant has elected to receive pension under Public No. 159, 75th Congress, or June 23, 1937, whichever is the later.

(C) Awards pursuant to claims allowed upon new and material evidence relating to the same factual basis as that of a finally disallowed claim shall commence from the date of receipt of such evidence or accompanying communication when such evidence or accompanying communication meets the requirements as to what constitutes an informal claim under current precedents and instructions. (V. R. No. 2 (d)). See also R. & P. R–1201 and 1205.

(D) Awards to *children* for whom a widow is in receipt of pension or compensation, when her pension or compensation is terminated upon the happening of the contingency upon which it is limited, shall commence from the date following the termination of the widow's award, without the necessity of filing an application. (13 Sol. 689.)

(E) Any claim filed prior to March 19, 1935, *by a dependent mother and/or father* which was pending on that date

and which would have been disallowed for the reason that dependency did not exist within ten years subsequent to the death of the veteran, shall be allowed effective March 19, 1935, provided entitlement is otherwise established. Any claim filed subsequent to March 19, 1933, under Public No. 2, 73d Congress, and disallowed for the reason that dependency was not established within the required period of time, may, upon written notice from the claimant or his representative to the Veterans Administration, be revived at any time prior to March 19, 1936, and when entitlement is otherwise established payments shall commence March 19, 1935. (V. R. 2 (d).) (December 15, 1937.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 37-3674; Filed, December 15, 1937; 3:19 p. m.]

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*Saturday, December 18, 1937* *No. 245*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49295]

CUSTOMS REGULATIONS AMENDED—MANIPULATION OF IMPORTED MERCHANDISE

APPLICATION TO MANIPULATE SHALL CONTAIN DETAILED DESCRIPTION OF CONTEMPLATED MANIPULATION; WHEN MANIPULATION PRODUCES TWO OR MORE PARTS OF AN ARTICLE CONSTITUTING AN ENTIRETY, DUTY SHALL BE ASSESSED ON THE ENTIRETY AS SUCH

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in sections 562 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1562 and 1624) paragraph (a) of article 944 of the Customs Regulations of 1937 is hereby amended to read as follows:

"(a) The application to manipulate, which shall be filed in duplicate on customs Form 3499 with the collector having jurisdiction of the warehouse, shall describe the contemplated manipulation in sufficient detail to enable the collector to determine whether the imported merchandise is to be cleaned, sorted, repacked, or otherwise changed in condition, but not manufactured, within the meaning of section 562. If the collector is satisfied that the merchandise is to be so manipulated, he may issue a permit on customs Form 3499, making any necessary modification in such form. Manipulation resulting in a change in condition of the merchandise which will make it subject to a lower rate of duty or free of duty upon withdrawal for consumption is not precluded by the provisions of section 562; but if the manipulation produces two or more parts of an article constituting an entirety, the parts shall not be classified separately and duty shall be assessed on the entirety as such."

T. D. 48648 (5) should be noted as a marginal reference opposite article 944 (a), supra, in addition to T. D. 44835 (11).

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, December 13, 1937.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3692; Filed, December 17, 1937; 11:03 a. m.]

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### Bureau of Internal Revenue.

[T. D. 4785]

SALE OF ETHYL ACETATE AND LACQUER THINNERS

*To District Supervisors and Others Concerned:*

Treasury Decision 4745, approved June 24, 1937, is hereby modified to read as follows:

Paragraph (6), of Section 2, Title I, of the "Liquor Law Repeal and Enforcement Act," reads as follows:

(6) The term "regulation" shall mean any regulation prescribed by The Commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this title or of Title III of the National Prohibition Act, and the Commissioner is authorized to make such regulations.

Pursuant to authority conferred by the statute above quoted, the last paragraph of Article 136, Regulations 3, is hereby revoked and the following substituted in lieu thereof:

"Ethyl acetate and lacquer thinners may be sold by producers thereof to (1) legitimate users for solvent or other manufacturing purposes and (2) reputable wholesale and retail dealers engaged in a bona fide paint or chemical trade for resale to legitimate users either in manufacturers' original packages or in smaller containers not exceeding five gallons in capacity filled by such dealers.

"Sales by producers to wholesale and retail dealers shall be in containers of a capacity of not more than 55 gallons, and shall not exceed a total of 550 gallons to any wholesale or retail dealer during any calendar month. Sales by any wholesale or retail dealer shall not exceed 550 gallons during a calendar month, and not more than 55 gallons shall be sold by them to a customer at any one time: Provided, that such sales to wholesale and retail dealers and by such dealers may exceed the above maximum sales limitations of 550 gallons, and 550 gallons and 55 gallons, respectively, upon the production of evidence satisfactory to the District Supervisor that there is a need for ethyl acetate and lacquer thinners by such dealers and their customers in greater quantities to supply their legitimate needs.

"Tank car shipments of ethyl acetate and lacquer thinners may be made by the producer direct to a legitimate user, provided authorization therefor is obtained by the user from the District Supervisor in whose district he is located.

"Producers and wholesale dealers will be responsible for delivery of the product direct to their customers and must satisfy themselves that the purchaser is engaged in a lawful business, and that the quantity purchased is intended for legitimate purposes. Retail dealers must not sell ethyl acetate and lacquer thinners under circumstances from which they might reasonably deduce that it is the intention of the purchaser to procure the same for diversion to illegal purposes.

"Containers of ethyl acetate and lacquer thinners, irrespective of size, must have marked thereon the name of the product, the quantity, and the name and address of the producer, or, in lieu thereof, the name and address of the wholesale or retail dealer and the permit number and state of the producer.

"Producers of ethyl acetate shall continue to file daily reports of shipments of ethyl acetate."

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 15, 1937.

ROSWELL MAGILL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3693; Filed, December 17, 1937; 11:03 a. m.]

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## WAR DEPARTMENT.

REVOCATION OF RULES AND REGULATIONS TO GOVERN THE FLOATING OF LOOSE LOGS AND OTHER METHODS OF NAVIGATION ON LITTLE RIVER, ARKANSAS AND MISSOURI

DECEMBER 8, 1937.

To the SECRETARY OF WAR.

1. In pursuance of the authority conferred by Act of Congress approved May 9, 1900, entitled "An Act authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams", the Acting Secretary of War on June 27, 1905, approved regulations governing the floating of loose timber on Little River, Arkansas and Missouri, between its confluence with the Saint Francis River near Marked Tree, Arkansas, and the town of Hornersville, Missouri.

2. Since Congress by Act approved March 2, 1919, declared the Little River from Marked Tree to Big Lake in Mississippi County, Arkansas, to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the protection of such waterways, the regulations are virtually of no force and effect, and I recommend that they be revoked.

[SEAL] J. L. SCHLEY,
*Major General, Chief of Engineers.*

Approved, December 10, 1937.

HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 37-3691; Filed, December 17, 1937; 9:41 a. m.]

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## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 126]

AN ORDER MODIFYING ORDER NO. 89, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ONE

The National Bituminous Coal Commission having by its Order No. 89 determined and established the Minimum Prices of Coals of Code Members Produced within District Number One as set forth in Price Schedule Number One—District Number One, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number One, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number One, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number One, established in Price Schedule Number One—District Number One, are hereby corrected and revised as set forth in Supplement Number One to Price Schedule Number One—District Number One, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement Number One, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number One, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 89, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement Number One to Price Schedule Number One—District Number One to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number One; shall cause copies of this order and said Supplement Number One to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 1

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 1 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. December 16, 1937.

Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7.[1] Straight mine run coal containing more than 45% of minus ¾" Slack may be modified by removing that portion of ¾" Slack in excess of 45%.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

*Size Groups for Market Areas Nos. 1, 1A, 2, 3, 4, 5, 6, (13), 7, 8, 9, 10 and 12. For All Other Market Areas Base Size Groups Shown on Page 4 May Be Used*

| Base size group | Includes— Lump, maximum screen size[1] | Double screened sizes: Maximum top size[1] | Double screened sizes: Maximum bottom size[1] |
|---|---|---|---|
| 1 | All lump over 4" | Over 6" | 4" |
| 2 | 4" | 6" | 4" |
| 3 | 3" | 6" | 3" |
| 4 | 2" | 6" | 2" |
| 5 | 1¼" | 5" | 2" |
| 6 | | 4" | 1¼" |
| 7 | | 2" | 1¼" |
| 8 | | Mine run. | |
| 12 | | 2" NRS | 0" |
| 13 | | 1¼" Slk | 0" |
| 14 | | ¾" Slk | 0" |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group, and priced accordingly.

*Size Groups for Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Group No. | Sizes | Group No. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Block. | 5 | 2" x 4½" Egg.<br>2" x 4" Egg.<br>1½" x 6" Egg.<br>⅝" and under. Screened R. O. M. |
| 2 | 4" and 5" Block.<br>5" x 10" Chunks.<br>5" x 8" Chunks.<br>4" x 10" Chunks.<br>4" x 8" Chunks.<br>4" by 6" Chunks.<br>4" x 5" Chunks. | 6 | 3" and under Stove. |
| 3 | 2¾" to 3" Lump.<br>3" x 8" Egg.<br>3" x 6" Egg.<br>2¾" x 8" Egg.<br>2" x 8" Egg. | 7 | 2" and under top size and ½" and over bottom size Nut. |
| 4 | ¾" to 2" Lump.<br>2½" x 6" Egg.<br>3" x 5" Egg.<br>2¾" x 5" Egg.<br>2½" x 5" Egg.<br>2" x 6" Egg.<br>3" x 4" Egg. | 9 | Straight Mine Run, 8" Resultant. |
| 5 | 2" x 5" Egg.<br>2½" x 4" Egg. | 12 | 2" Minus—Nut—Slack with top size not exceeding 2" No fines removed. |
| | | 13 | 1¼" Minus — Nut — Slack with top size not exceeding 1¼". No fines removed. |
| | | 14 | ¾" Minus—Pea—Slack with top size not exceeding ¾" No fines removed. |

[1] Correction.

*Price Index*

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A. G. & S. Mining Co | Brilliant | Lower Kit | G | G | G | G | G | G | G | G | G | G | G |
| Ajax Coal Co., Inc | Ajax No. 2 | | G | G | G | G | G | G | G | G | G | G | G |
| Alder Run Coal Co | No. 1 & 2 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Allegheny River Mining Co | Cadogan | Lower Kit | G | G | G | G | G | G | G | G | G | G | G |
| Allegheny River Mining Co | Chickasaw | Lower Kit | G | G | G | G | G | G | G | G | G | G | G |
| Allegheny River Mining Co | Mohican | Upper Freeport | G | G | G | G | G | G | G | G | G | G | G |
| Anita Coal Co | Coolspring | | G | E | G | E | E | E | E | E | E | E | E |
| Anita Coal Mng. Co | Anita No. 1 | Lower Freeport | E | F | E | F | F | F | F | F | F | F | F |
| Appalacha Coal Co | Appalacha | "D" Freeport | F | F | F | F | F | F | F | F | F | F | F |
| Apple Coal Co | Apple No. 1 & 2 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Argyle Coal Co | Argyle No. 2 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Argyle Coal Co | Bennington "B" | "B" | C | E | C | E | E | E | E | E | E | E | E |
| Argyle Coal Co | Tunnel No. 1 | Upper Freeport | E | C | E | C | C | C | C | C | C | C | C |
| Arrow Coal Corp | Arrow No. 5 | "B" | C | F | C | F | F | F | F | F | F | F | F |
| Arrow Coal Corp | Arrow No. 6 | "C" Prime | C | F | C | F | F | F | F | F | F | F | F |
| Atlantic Mng. Co | Atlantic No. 1 | Upper Freeport | F | B | F | B | B | B | B | B | B | B | B |
| "B" Quality Coal Co | "B" Quality 2 & 3 | | B | F | B | F | F | F | F | F | F | F | F |
| Baker-Whiteley Coal Co | Elma No. 1 & 2 | "B" | D | E | D | E | E | E | E | E | E | E | E |
| Baker-Whiteley Coal Co | Elma No. 3 | "C" Prime | E | C | E | C | C | C | C | C | C | C | C |
| Bambling Coal Co | Cambria No. 2 | | C | C | C | C | C | C | C | C | C | C | C |
| Banner Coal Mining Co | Banner* | | C | C | C | C | C | C | C | C | C | C | C |
| Barnes Coal Co | Lancashire 14 & 15 | Lower Kit | C | C | C | F* | F* | F* | F* | F* | F* | F* | F* |
| Barnes & Tucker Co | Lancashire #10 | "E" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Barnes & Tucker Co | Lancashire #12 | "D" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Barnes & Tucker Co | Lancashire #10 & 12 Mixed | "D-E" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Beacon Coal Co | Peerless #5 | "C" Prime & "E" | E | E | E | E | E | E | E | E | E | E | E |
| Beadle & McCauley Coal Co | Beadle & McCauley | Lower Kit; Lower Freeport. | F | F | F | F | F | F | F | F | F | F | F |
| Bear Rock Mining Co | Miller Run #3 | Lower Freeport | E | E | E | E | E | E | E | E | E | E | E |
| Beaver Run Coal Co | Cortright #1 | Lower Freeport | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Beccaria Coal Mining Co | Leland #8 | "D" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Bellfield Coal & Coke Co | Dean #10 | | G | D | G | D | D | D | D | D | D | D | D |
| Berkey Bros. Coal Co | Berkey | "E" | D | A | D | A | A | A | A | A | A | A | A |
| Berwind-White Coal Mng. Co | Eureka #35 | Lower Kit | A | A | A | A | A | A | A | A | A | A | C* |
| Berwind-White Coal Mng. Co | Eureka #36 | Lower Kit | A | A | A | A | A | A | A | A | A | A | C* |
| Berwind-White Coal Mng. Co | Eureka #37 | Lower Kit | A | A | A | A | A | A | A | A | A | A | C* |
| Berwind-White Coal Mng. Co | Eureka #40 | Lower Kit | A | A | A | A | A | A | A | A | A | A | C* |
| Berwind-White Coal Mng. Co | Eureka #42 | Lower Kit | A | A | A | A | A | A | A | A | A | A | C* |
| Berwind-White Coal Mng. Co | Maryland Shaft | Lower Kit | A | D | A | D | D | D | D | D | D | D | C* |
| Berwind-White Coal Mng. Co | No. 35 C | "C" Prime | D | E | D | E | E | E | E | E | E | E | E |
| Berwind-White Coal Mng. Co | No. 37 C | "C" Prime | D | E | D | E | E | E | E | E | E | E | E |
| Berwind-White Coal Mng. Co | No. 40 C | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Beunler Coal Mng. Co | Miller Run #6 | Lower Kit | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Big Bend Coal Mng. Co | Irvons #6 | Lower Kit | C | C | C | C | C | C | C | C | C | C | C |
| Big Vein Coal Co. of Lonaconing, Md., Inc | Castle | Tyson | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Big Vein Coal Co. of Lonaconing, Md., Inc | Pekin | Big Vein | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Bird Coal Co | Bird #1, 2, & 5 | "C" Prime | D2* | D2* | D2* | D2* | D2* | D2* | D2* | D* | D* | D* | D* |
| Bird Coal Co | Bird #4 | "B" | E* | F* | E* | E* | E* | E* | E* | E* | E* | E* | E |
| Black Oak Coal Mng. Co | Black Oak #5 | "D" | C | E | C | E | C | E | C | E | B* | E | C |
| Blackwater Coal Co | Cooper | Kittanning | E | B | E | B* | B* | B* | B* | B* | B* | B* | B* |
| Blair Engineering & Supply Co | Hickory Hill | | B* | E | B* | E | E | E | E | E | E | E | E |
| Bland Bros. Coal Co | Bland #4 | "C" Prime | E | F* | E | F* | F* | F* | F* | F* | F* | F* | F* |
| Bland Bros. Coal Co | Bland #5 | | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Bland, Fred. Jr | Bland #1, 2, 3 & 4 | | D | E | D | E | E | E | E | E | E | E | E |
| Boron Bros. Coal Co | Mt. Vernon #1 | "E" | E | F* | E | F* | F* | F* | F* | F* | F* | F* | F* |
| Boron Bros. Coal Co | Woodward #2 | "E" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Bowman Coal Co., George G | Chapman #1 | Redstone | G | G | G | G | G | G | G | G | G | G | G |
| Bowman Coal Co., George G | Fuel #3 | Redstone | G | G | G | G | G | G | G | G | G | G | G |
| Bradford Coal Co | Bradford #1 | | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Bradford Coal Co | Bradford #2 | | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* |
| Brighton Coal Mng. Co | Brighton #1, 2 | Mid.-Kit | G | G | G | G | G | G | G | G | G | G | G |
| Brothers Valley Coal Co | Pen-Mar #5 | Lower Kit | G | G | G | G | G | G | G | G | G | G | G |
| Brothers Valley Coal Co | Pen-Mar #6 | | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | C* |
| Buffalo Coal Co | Pine Hill #2 | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G |
| Buffalo & Susquehanna C&C Co | Sagamore | "E" | G | D | D | G | D | D | G | D | G | G1* | D |
| Buffalo & Susquehanna C&C Co | Sykesville | Lower Freeport | D | D | G | D | G | D | G | G | G | C | D |
| Butler Consolidated Coal Co | Plumville | Upper Freeport | G | C | G | C | D | G | G | G | G | C | D |
| Butterworth Bros. Coal Mng. Co | Keystone #1, 2, 3 & 4 | Lower Freeport | C | D | F | D | D | D | D | D | D | D | F |
| Butterworth Coal Co | Butterworth #1 | Lower Freeport | D | F | D | F | D | F | D | F | D | F | D |
| Cambria Fuel Co | Cambria #1 | Lower Kit | F | D | F | D | D | D | D | D | D | D | D |
| Cambria Fuel Co | Cambria #2 | Upper Kit | D | G | D | G | G | G | D | G | D | G2* | G2* |
| Campbell Coal Co | Hampshire | Bakerstown | G | A | G | A | A | A | G | A | G | A | C* |
| Carnegie-Illinois Steel Corp | Ingleside | Lower Kit | A | F | A | F | F | F | A | F | A | F | F |
| Carroll Coal Co., E. J | Lutz | Clarion | F | F | F | F | F | F | F | F | F | F | F |
| Carroll Gatesman Coal Co | Carroll | Clarion | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Carrolltown Coal Co | Victor #9 | "D" | D | D | D | D | D | D | D | D | D | D | F |
| Cassler Coal Sales Agency | Imperial #11, 12 | "B" | F | F | F | F | F | F | F | F | F | F | E |
| Central Moshannon C. Mng. Co | Can. Moshannon #2 | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Chambers Coal Co., R. A | Clarence #1 | Brookville | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Cherry Run Coal Mng. Co | Cherry Run #1 | Brookville | D | D | D | D | D | D | D | D | D | D | D |
| Cherry Tree Coal Co | Victor #17 | "D" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Chestnut Hill Coal Co | Chestnut Hill #1 | "E" | G | G | G | G | G | G | G | G | G | G | G |
| Christy, Harry J | Baxter | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Christy, Harry J | McNeese-Reese | "B" | F | D | D | D | D | D | D | D | D | D | D |
| Clay Coal Mng. Co., The Henry | Deep Run | | D | D | D | D | D | D | D | D | D | D | C |
| Clearfield Bit. Coal Corp | Cooper | "B" | D | D | D | D | D | D | D | D | D | D | F |
| Clearfield Bit. Coal Corp | Clymer #1 | "D" | D | D | D | D | D | D | D | D | D | D | F |
| Clearfield Bit. Coal Corp | Commodore | "E" | D | C | D | C | C | C | C | C | C | C | F |
| Clearfield Bit. Coal Corp | Rossiter | "E" | C | C | C | C | C | C | C | C | C | C | C |
| Clyde Coal Company | Clyde #28 | "B" | F | E | F | E | E | E | E | F | E | E | E |
| Coal Mining Co. of Graceton | Graceton #3 | "E" | C | C | C | C | C | C | C | C | C | C | C |
| Colonial Iron Company | Brown | Kelly | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Commercial Coal Mining Co | Commercial #5 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Consolidation Coal Co | Consolidation #1 | Pittsburgh | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Consolidation Coal Co | Consolidation #3 | Pittsburgh | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Consolidation Coal Co | Consolidation #4 | Pittsburgh | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* |
| Consolidation Coal Co | Consolidation #10 | Tyson | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* |
| Consolidation Coal Co | Consolidation #17 | Tyson | E | E | E | E | E | E | E | E | E | E | E |
| Consolidation Coal Co | Consolidation #119 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Consolidation Coal Co | Consolidation #120 | "C" Prime & E | | | | | | | | | | | |

• Correction.



*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Consolidation Coal Co | Consolidation #123 and #121 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Coral Coal & Coke Co | Potter #1 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Couser-Moshannon Coal Mng. Co | Sterling #3 | "D" | G | G | G | G | G | G | G | G | G | G | G |
| Crago, Harry F | Chester | | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* |
| Cree Coal Co., W. Herman | Cree | | D | D | D | D | D | D | D | D | D | D | D |
| Cumberland Coal Co | Douglas #1 | "B" | F* | E* | E* | E* | E* | E* | E* | E* | E* | E* | E* |
| Dahlin & Company | Sunnyside | | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* |
| Dahlin, Roy | Mt. Branch | | E | E | E | E | E | E | E | E | E | E | E |
| Davis Coal & Coke Company | Orenda | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Davis Coal & Coke Company | #37 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Davis Coal & Coke Company | #38 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Davis Coal & Coke Company | #39 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Davis Coal & Coke Company | #40 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Davis Coal & Coke Company | #42 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Davis Coal & Coke Company | Pendleton #23 | Bakertown | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Deringer Fuel Company | Woodland #2 | Moshannon | D | D | D | D | D | D | D | D | D | D | D |
| Dora Coal Company | Dora | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Duncan-Spangler Coal Co | Delta #2 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| DuShan Coal Mining Co | DuShan #1 | "B" | D* | F* | F* | F* | F* | F* | F* | F* | F* | F* | D* |
| Eastment, S. H | Coaldale | "E" | F* | E | E | E | E | E | E | E | E | E | F* |
| Eastment, S. H | Reading #3 | "E" | E | D | D | D | D | D | D | D | D | D | E |
| East Windber Coal Co | E. Windber #5 | "C" Prime | D | C | C | C | C | C | C | C | C | C | C |
| Ebensburg Coal Company | Ebensburg #1 | "B" | G | G | G | G | G | G | G | G | G | G | F |
| Echo Mining Company | Lumsted #3 | "D" & "E" | G* | G* | G* | G* | G* | G* | G* | G* | G* | G1* | G1* |
| Eddy Coal Co | Eddy #1 | | B* | B* | B* | B* | G2* | G2* | G2* | G2* | G2* | G2* | C* |
| Eichelberger & Company, E | Bacon #4 | Barnet | E | E | E | E | E | E | E | E | E | E | E |
| Enterprise Coal Mining Co | Ponfeigh #1 & 7A | "C" Prime | G | G | G | G | G | G | G | G | G | G | G |
| Enterprise Coal Mining Co | Ponfeigh #2 & 7 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Fair Oak Coal Co., Inc | Fair Oak* | "C" Prime | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* |
| Feeney Coal Co | McIntyre | "B", "D", "E" | G | D | D | D | D | D | D | D | D | D | D |
| Ferncliff Coal Corporation | Thayerton | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Flenner Coal Co | Flenner #1 | "E" | D | E | F | F | F | F | F | F | F | F | F |
| Fogle Coal Co., Inc | Fogle | "A" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Forks Coal Mining Co | Hughes #3 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Forks Coal Mining Co | Hughes #11 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Frostburg Coal Company | No. 2 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Gallagher & Brother, W. R | Black Oak #1 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Georges Creek Coal Co., Inc | No. 2 | B. V. & Tyson | D | D | D | D | D | D | D | D | D | D | D |
| Georges Creek Coal Co., Inc | No. 3 & 4 | Waynesburg-Tyson | E | E | E | E | E | E | E | E | E | E | E |
| Georgian Coal Mining Co | Georgian | Freeport | G | G | G | G | G | G | G | G | G | G | G |
| Glen Ridge Coal Co., Inc | Miller Run #4 | "E" | A | A | A | A | A | A | A | A | A | A | A |
| Glen White Coal & Lumber Co | Glen White #1 | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Glen White Coal & Lumber Co | Glen White #2 | "E" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Globe Coal Co | Virginian #14 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Globe Coal Co.* | Virginian #15* | | G | G | G | G | G | G | G | G | G | G | G |
| Good Clay & Coal Co | Good A-22 | "D" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Goshen Coal Co | Goshen #1, 5, 6 | "B" & "E" | D | G | G | G | G | G | G | G | G | G | G |
| Gould, Thomas V | Gould #1 | "B" | C | F | C | F | F | F | F | F | F | F | F |
| Gould, Thomas V | Superior #1 | "D" & "E" | D | G | G | G | G | G | G | G | G | G | G |
| Grasso Coal Mng. Co | Liberty #1, 2 | "B" | G | F | G | F | F | F | F | F | F | F | F |
| Guernsey Coal Co | Henrietta #1 | "E" | C | D | C | D | D | D | D | D | D | D | D |
| Gulbranson, W. O | Imperial #2 | "B" | C | E | C | E | E | E | E | E | E | E | E |
| Gulbranson, W. O | Imperial #3 | "C" | C | G | C | G | G | G | G | G | G | G | G |
| Gulbranson, W. O | Imperial #4 | "B" | C | F | C | F | F | F | F | F | F | F | F |
| Hale Coal Co | Brookwood Shaft | "B" | C | G | C | G | G | G | G | G | G | G | G |
| Hamill Coal & Coke Co | Hamill #1 | "B" | G* | F | G* | F | F | F | F | F | F | F | F |
| Hamler Coal Mng. Co.* | Hamler* | | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Harrington, F. R. & H. L | Harrington #1 | "B" | G | D | G | D | D | D | D | D | D | D | D |
| Harve-Mack Coal Co | Harve-Mack #1, 2 | "B" | F | A | F | A | A | A | A | A | A | A | A |
| Hastings Fuel Co | Hastings #1 | "A" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Hawk Run Coal Mng. Co | Coaldale #26 | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Hegarty's Sons, S | Oakland #2 | "B" Miller | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Helsley Coal Co | Helsley #3 | "C" | F | F | F | F | F | F | F | F | F | F | F |
| Helvetia Coal Mining Co | Yatesboro #5 | "B" | F | D | F | D | D | D | D | D | D | D | D |
| Helvetia Coal Mining Co | Waterman #2 | "E" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Henrietta Coal Co., Inc | Henrietta #6 | "B" | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* |
| Henriette Coal Mng. Co | Henriette #2 | Pittsburgh | A | A | A | A | A | A | A | A | A | A | A |
| Heshbon Coal Co | Heshbon #2 | Blossburg | F | F | F | F | F | F | F | F | F | F | F |
| Hi-Grade Coal Co | No. 1 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Hill Bros. Coal Co | Ashman #4 | "C" Prime | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Hillman Coal & Coke Co | Jerome #1 | "E" | F | F | F | F | F | F | F | F | F | F | F |
| Hillman Coal & Coke Co | Jerome #3 | "B" | F* | D | D | D | D | D | D | D | D | D | D |
| Hillside Coal Co | Moshannon #1 | Pittsburgh | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Hilwitz, Joseph | Moore #1 | Blossburg | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* |
| Hoffa Coal Co., A. P | Hoffa #2 | "B" | A | A | A | A | A | A | A | A | A | A | A |
| Howell & Sill | Anna S | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Hughes & Co., C. A | Hughes #2 | "C" Prime "B" | C | F | C | F | F | F | F | F | F | F | F |
| Hughes & Co., C. A | Lilly #3 | "B" | G* | G* | G* | G* | G* | G* | G* | G* | G* | G* | G* |
| Huskin Coal Co | Huskin 3, 4, 6 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Imperial Coal Corp | Cambria Smokeless | "B" | G1 | C | D | F | F | F | F | F | F | G1 | C |
| Imperial Coal Corp | Cardiff | "B" | C | D | F | F | F | F | F | F | F | G2* | E |
| Imperial Coal Corp | Diamond Smokeless | "B" | F | F | F | F | F | F | F | F | F | G2* | F |
| Indian Creek Coal & Coke Co | Sparks* | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Jackson Big Vein Georges Cr. C. Co | Caledonia | Pittsburgh | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| James Coal Mng. Co | McGregor & Orpha | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Johnstown Coal & Coke Co | Porgate #2 | "C" Prime | C | C | C | C | C | C | C | C | C | G1 | C |
| Johnstown Coal & Coke Co | Portage #6 | "D" | D | D | D | D | D | D | D | D | D | C | D |
| Johnstown Smokeless Coal Co | #7 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Johnstown Smokeless Coal Co | Shaft | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Jones Coal Co., E. A | Markleton #1 | "E" | G | G | G | G | G | G | G | G | G | G | G |
| Jones Coal Co., Roy | Sutton #9, 10 | "A" "B" | G | G | G | G | G | G | G | G | G | G | G |
| Jones, W. J | Mt. Airie | "D" | B | B | B | B | B | B | B | B | B | B | C* |
| Kato Coal Co | Kato #3* | "B" | B* | B | B* | B | B | B | B | B | B | B | E |
| Kay Coal Mng. Co | Shanil | | B | B | B | B | B | B | B | B | B | B | C* |
| Kay Coal Mng. Co | Tussey #1 | Kelly | B* | B | B* | B | B | B | B | B | B | B | C* |
| Kearney Coal Co | Tussey #2 | "B" | B | B | B | B | B | B | B | B | B | B | F |
| Kenrock Coal Co | Kearney-Barnett | Barnett | B* | B | B* | B | B | B | B | B | B | B | C* |
| | Franklin #2 | Barnett | B | B | B | B | B | B | B | B | B | B | C |

• Correction.

*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Kent Coal Mng. Co. | Kent #3, 4 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Keystone Coal Co. | Keystone #1 | "B" | B | B | B | B | B | B | B | B | B | B | C* |
| Keystone Mng. Co. | Keystone #5 | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Keystone Mng. Co. | Sarah Furnace | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Kimmell Coal Co. | Ralphton #14 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| King Coal Co. (Punxsutawney) | Mark | "B" | F | F | F | F | F | F | F | F | F | F | D |
| King Coal Co. (Ramey) | King #1 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Koontz Coal Co. | Swanton | Big Vein | G* | G* | G* | G* | G* | G* | G* | G* | G2* | G2* | G2* |
| Koontz Coal Co. | Swanton | Bakerton | F | F | F | F | F | F | F | F | F | F | F |
| Koppers Coal Co. | Indian Creek #4 | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Kristianson & Johnson Coal Co. | Kristianson 1, 2 | "C" Prime | F* | F* | F* | F* | F* | F* | F* | F* | E* | E* | E* |
| Kristianson & Johnson Coal Co. | Guiwal | "C" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Kristianson & Johnson Coal Co. | Alder Run | | C | C | C | C | C | C | C | C | C | C | C |
| Lanark Coal Co. (Hastings) | Lanark #1 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Lanark Coal Co. | Mahaffey #1 | | C | C | C | C | C | C | C | C | C | C | C |
| Langdon Coal Co. | Glendale #4 | Barnett | D | D | D | D | D | D | D | D | D | D | D |
| Laurel Run Coal Mng. Co. | Laurel Run #2 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Lehigh Valley Coal Co. | Lehigh Valley 28 | "A" | C | C | C | C | C | C | C | C | C | C | C |
| Lehman & Estep Coal Co. | Lehman & Estep | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Leland Coal Co. | Leland #10 | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Lenox Coal Co. | Thermal #3 | "C" Prime | F | F | F | F | F | F | F | F | F | F | F |
| Lenox Coal Co. | Thermal #8 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Lenox Coal Co. | Thermal #9 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Lenox Coal Co. | Thermal #10 | "C" Prime | G | G | G | G | G | G | G | G | G | G | G |
| Lenox Coal Co. | Thermal #11 | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Lenox Coal Co. | Thermal #15 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Lenox Coal Co. | Thermal #9, 10 Mixed | "C" Prime "D" | F | F | F | F | F | F | F | F | F | F | F |
| Light, A. L. Special | Frances | "E" | C | C | C | C | C | C | C | C | C | C | C |
| Lincoln Coal Co. | Lincoln | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Lindsey Coal Mng. Co. | Lindsey #8 | "D" | A | A | A | A | A | A | A | A | A | A | C* |
| Logan Coal Co. | Logan #4 | "B" | E* | E* | E* | E* | E* | E* | E* | E* | E* | E* | E* |
| Logan Coal Co. | Logan #4½ | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Logan Coal Co. | Logan #6 | "D" | C | C | C | C | C | C | C | C | C | C | C |
| Long & Little | Lanark #1 | Brookville | G* | G* | G* | G* | G* | G* | G* | G* | G* | G* | G* |
| Loyal Hanna Coal & Coke Co. | #3 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Loyal Hanna Coal & Coke Co. | #6 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Loyal Hanna Coal & Coke Co. | #7 | "C" Prime | F | F | F | F | F | F | F | F | F | F | F |
| Lytle Bros. | Universal #2* | "B" | D | E | D | D | D | D | D | E | E | E | D |
| McCartney, T. V. | Merritt #3 | | E | E | E | E | E | E | E | E | E | E | E |
| McClure Mining Co. | McClure | "E" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| McCombie Coal Mng. Co. | Bakerton #3, 4, 5* | "B" | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* |
| McCombie Coal Mng. Co. | Bakerton #6 | | F | F | F | F | F | F | F | F | F | F | F |
| McCombie Coal Mng. Co. | Miller Run #3 | "D" | C | C | C | C | C | C | C | C | C | C | C |
| McCombie, Frank C. | McCombie #2 | "B" | G | G | G | G | G | G | G | G | G | G | G |
| McCord, Charles | Bradley #1 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| McCullough Coal Corp. | McCullough #1 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| McDonald Coal Co. | McDonald | Bakerton | B | B | B | B | B | B | B | B | B | B | B |
| McGarey Coal Mng. Co. | McGarey #1 | "B" | E | E | E | E | E | E | E | E | E | E | E |
| McIntyre & Co., James M. | Shreeve Run #1 | Kelly | G | G | G | G | G | G | G | G | G | G | G |
| McIntyre & Co., James M. | Shreeve Run #2 | Barnett | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* |
| McNitt Coal Co., The | McNitt #2* | Tyson | F | F | F | F | F | F | F | F | F | F | F |
| Manor Coal Co. | Manor | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Markton Coal Co. | Oliver | "B" | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* |
| Mack Coal Co. | Mack | | F | F | F | F | F | F | F | F | F | F | F |
| Maria Coal Mng. Co. | Benscreek, Miller #1 | "B" | D | G | G | G | G | G | G | G | G | G | G |
| Martin Wilcox Coal Co. | Wilford | | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Maryland Coal Co. | Kingsland | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G |
| Mastellar Coal Co. | Hampshire #9 | Bakerstown | C | C | C | C | C | C | C | C | G2* | G2* | G2* |
| Mastellar Coal Co. | New Creek | "B" | G* | G* | G* | G* | G* | G* | G* | G* | C | C | C |
| Middle Pennsylvania Coal Corp. | Cammos #1 | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Middle Pennsylvania Coal Corp. | Mid-Pen. #4 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Milbar Coal Co. | Glenside #6 | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Mineral Point Coal Co. | Smokeless #4 | "C" Prime | G | G | G | G | G | G | G | G | G | G | G |
| Miners Big Vein Coal Co. | Bivecol | Pittsburgh | E | E | E | E | E | E | E | E | E | E | E |
| Mohawk Coal Mng. Co. | Mohawk | "E" | C | C | C | C | C | C | C | C | C | C | C |
| Mohawk Mng. Co. | Mohawk | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Monroe Coal Mng. Co. | Revloe | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Moravian Coal Co. | Moravian #1 | | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Morgart Corp., The | Morgart #1 | "B" | E* | E* | E* | E* | E* | E* | E* | E* | E* | E* | E* |
| Morrisdale Coal Mng. Co. | Cunard Slope | #1 | G | G | G | G | G | G | G | G | G | G | G |
| Morrisdale Coal Mng. Co. | Morrisdale Shaft #1 | | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* | C1* |
| Morrisdale Coal Mng. Co. | Morrisdale Shaft #3 | | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Morrison Coal & Coke Co. | Bakerstown | Bakerstown | B* | B* | B* | B* | B* | B* | B* | B* | B* | B* | B* |
| Morris Run Coal Mng. Co. | Morris Run | Blossburg | A | A | A | A | A | A | A | A | A | A | A |
| Moshannon Coal Co. | Moshannon #10 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Moshannon Smithing Coal Co. | Glenmar #1 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Mountain Coal Co. | Yellow Run Shaft | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Mountain Top Coal Co. | Mountain Top #1 | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Mountain Top Coal Co. | Scalp Level #2 | "B2" | D | D | D | D | D | D | D | D | D | D | D |
| Mountz & Co., S. J. | Viola #1 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Mountz & Co., S. J. | Viola #3 | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Mountz & Co., S. J. | Waverly | "E" | D | D | D | D | D | D | D | D | D | D | D |
| New Castle Coal Co. | Lobb #1 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| New Castle Coal Co. | New Castle #1 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Northwestern Mining & Exch. Co. | Kramer | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Northwestern Mining & Exch. Co. | Kyler | "C" Prime | G | G | G | G | G | G | G | G | G | G | G |
| Northwestern Mining & Exch. Co. | Oyster | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Northwestern Mining & Exch. Co. | Toby | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Oak Ridge Fuel Co. | Oak Ridge #1 | "C" | D | D | D | D | D | D | D | D | D | D | D |
| Oak Ridge Fuel Co. | Oak Ridge #6 | | A | A | A | A | A | A | A | A | A | A | A |
| O'Neill & Co., H. | O'Neill #2 | "E" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Patchin Coal Mng. Co. | Patchin #1 | | G | G | G | G | G | G | G | G | G | G | G |
| Patchin Coal Mng. Co. | Superior #1 | "C" Prime | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* |
| Patton Clay Mfg. Co. | Patton Clay #1 | "D" | | | | | | | | | | | |
| Patton Coal Mng. Co. | Cymbria | "D" | | | | | | | | | | | |
| Peale, Peacock & Kerr, Inc. | A-18-D | "B" | | | | | | | | | | | |
| Peerless Coal Co. | Peerage #1 | "B" | | | | | | | | | | | |
| Pennington, C. E. | Pennington #6 | "C" Prime | | | | | | | | | | | |
| Pen Run Coal Corp. | Victor #15 | "B" | | | | | | | | | | | |
| Penn Smokeless Fuel Co. | Hlysasota | "C" "E" | | | | | | | | | | | |
| Pennsylvania Coal & Coke Corp. | Penna #3 | "B" | | | | | | | | | | | |

*Correction.



*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Pennsylvania Coal & Coke Corp. | Penna #8 | "D" | G | G | G | G | G | G | G | G | G | G | G |
| Pennsylvania Coal & Coke Corp. | Penna #9-B | "B" "E" | A | A | A | A | A | A | A | A | A | A | C |
| Pennsylvania Coal & Coke Corp. | Penna #9-E | "E" | E | E | E | E | E | E | E | E | E | E | E |
| Pennsylvania Coal & Coke Corp. | Penna. #10 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp. | Penna. #17-E | "D" | G | G | G | G | G | G | G | G | G | G | G |
| Pennsylvania Coal & Coke Corp. | Penna. #21 & 22 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Pennsylvania Coal & Coke Corp. | Penna. #42 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Pennsylvania Coal & Coke Corp. | Penna. #46 | "D" | G | G | G | G | G | G | G | G | G | G | G |
| Pennsylvania Coal & Coke Corp. | Penna. #55 | | C | C | C | C | C | C | C | C | C | C | C |
| Pilkington & Snyder Coal Co. | Ladysmith #5 | | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Pine Hill Smokeless Coal Co. | Ponleigh #6 | Berlin #2 | E | E | E | E | E | E | E | E | E | E | E |
| Piper & Co., W. H. | Sonman #2 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Portage Fuel Co. | Portage #4 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Potomac Big Vein Geo. Cr. C. Co. | Elkhart #2 | Bakerstown | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Potomac Big Vein Geo. Cr. C. Co. | Potomac | Pittsburgh | E | E | E | E | E | E | E | E | E | E | E |
| Potomac Big Vein Geo. Cr. C. Co. | Union #1 | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G |
| Potomac Big Vein Geo. Cr. C. Co. | Union #4 | Tyson | E | E | E | E | E | E | E | E | E | E | E |
| Potomac Fuel Co., Inc. | Franklin #4 | Bakerstown | G | G | G | G | G | G | G | G | G | G | G |
| Quality Coal Co., Inc., The | Quality Pine Hill #1, 2 | Sewickley | E | E | E | E | E | E | E | E | E | E | E |
| Quality Smokeless Coal Co. | Kimberly | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G |
| Quemahoning Valley Coal Co. | Roy #7 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Ralphton Coal Co. | Ralphton #1 | | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* |
| Rattlesnake Coal Co. | Rattlesnake | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reading Iron Co. | Reading #3 | "C" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Reading Iron Co. | Reading #5 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Red Top Coal Co. | Red Top | "B" | B* | B* | B* | B* | B* | B* | B* | B* | B* | B* | C* |
| Reed Coal Mining Co. (Elmora) | Reed #1 | "D" | G | G | G | G | G | G | G | G | G | G | G |
| Reed Coal Co., W. W. | Midlothian | Fulton | F | F | F | F | F | F | F | F | F | F | F |
| Reed-Rudolph Coal Co., Inc. | Reed #2 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Reid Coal Co. | Reid #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reilly Coal Co., Joseph H. | Reilly #1 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Reitz Coal Co. | Reitz #2 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Reitz Coal Co. | Reitz #3 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Reitz Coal Co. | Reitz #3 Upper | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Reitz Coal Co. | Reitz #4 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Reitz Coal Co. | Reitz #5 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Reitz Coal Co. | Reitz #8 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Rich Hill Coal Co. | Rich Hill #1, 2 | "D" "E" | C | C | C | C | C | C | C | C | C | C | C |
| Ringgold Coal Co., Inc. | Ringgold #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Riverside Fuel Corp. | Riverside #2 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Rochester & Pittsburgh C. Co. | Ernest | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Rochester & Pittsburgh C. Co. | Helvetia | "D" | F | F | F | F | F | F | F | F | F | F | F |
| Rochester & Pittsburgh C. Co. | Kent #1, 2 | "D" "E" | C | C | C | C | C | C | C | C | C | C | C |
| Rochester & Pittsburgh C. Co. | Lucerne #2, 3 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Rochester & Pittsburgh, C. Co. | Adrian | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Rockhill Coal & Iron Co. | Rockhill #1, 5, 6, 7, 8, 9 | Fulton & Barnett | D | D | D | D | D | D | D | D | D | D | D |
| Rowe & Schweitzer Coal Co. | Silver Valley | Bakerstown | E | E | E | E | E | E | E | E | E | E | E |
| Royal Quemahoning Coal Mng. Co. | Blue Lick | | D | D | D | D | D | D | D | D | D | D | D |
| Royal Quemahoning Coal Cmg. Co. | Royal #1 | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Roy's Smithing Coal Co. | Royal #2 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Sandy Hollow Coal Co. | Roy #1 | "D" | E | E | E | E | E | E | E | E | E | E | E |
| Saxman Coal & Coke Co. | Sandy Hollow #1 | "E" | D | D | D | D | D | D | D | D | D | D | D |
| Schill-Staab Coal Co. | Harrison | "C" Prime | E | E | E | E | E | E | E | E | E | E | E |
| Schnars Coal Co., R. R. | Ess-Ess-See | "A" | G | G | G | G | G | G | G | G | G | G | G |
| Seaboard Coal Mng. Co. | Belfast No. 14 | "A" | B* | B* | B* | B* | B* | B* | B* | B* | B* | B* | B* |
| Shallmar Mining Co. | Seaboard #1 | Barnett | G | G | G | G | G | G | G | G | G | G | G |
| Shallmar Mining Co. | Maple Ridge #2 | "C" Prime | G | G | G | G | G | G | G | G | G | G | G |
| Shallmar Mining Co. | Bethel #3 | "C" Prime | G | G | G | G | G | G | G | G | G | G | G |
| Shannon Co., The | Wolf Den | "B" | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Shaw Big Vein Coal Co. | Ocean #5 | Barnett | E | E | E | E | E | E | E | E | E | E | E |
| Shaw Big Vein Coal Co. | Shaw #1 | Pgh. & Redstone | F | F | F | F | F | F | F | F | F | F | F |
| Shawmut Mining Co. | Shaw #2 | Pgh. & Redstone | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* | F* |
| Shawmut Mining Co. | No. 8 C. | "C" | A | A | A | A | A | A | A | A | A | A | A |
| Shawmut Mining Co. | Proctor #1 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Shawmut Mining Co. | Proctor #2 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Shawmut Mining Co. | Shawmut #5 | "B" | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* |
| Shawmut Mining Co. | Brown Run #42 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Sheets Coal Co., E. E. | Greenhill | | A | A | A | A | A | A | A | A | A | A | A |
| Simon, J. H. | Buffalo | Kelly | D | D | D | D | D | D | D | D | D | D | D |
| Smokeless Quemahoning Coal Co. | Alex #1 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Snow Shoe Coal Co. | Redding #1 | "A" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Sonman Run Mining Co. | Sonman Run | | A | A | A | A | A | A | A | A | A | A | A |
| Sonman Shaft Coal Co. | Sonman Shaft | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Sonman Shaft Coal Co. | Sonman Shaft | "E" | C | C | C | C | C | C | C | C | C | C | C |
| Sprankles Mills Coal Co. | Maurer | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Springfield Coal Corp. | Springfield #1 | "B" | A | A | A | A | A | A | A | A | A | A | A |
| Standard Moshannon Coal Co. | Standard #4 | | D | D | D | D | D | D | D | D | D | D | D |
| Sterling Coal Co. | Sterling #1, 6 | "B" | C | C | C | C | C | C | C | C | C | C | C |
| Sterling Moshannon Coal Co. | Penn #4 | | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Stineman Coal & Coke Co. | Stineman #2 | | A | A | A | A | A | A | A | A | A | A | A |
| Stineman Coal & Coke Co. | Stineman #4 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Stineman Coal Mng. Co. | Stineman #1 | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Stony River Coal Co. | Stony River | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Superior Cherry Rum C. Corp. | Cherry Run | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Taylor & McCoy Coal & Coke Co. | Gallitzin Shaft | "E" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | G2* | E | D |
| Thomson-Lea Coal Mng. Co. | Elton Colliery #1 | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Trojan Coal Mng. Co. | Trojan #3 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Trumble, George | Colorado #3 | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Tuscarora Smokeless C. Co. | Pretoria | "C" Prime | D | D | D | D | D | D | D | D | D | D | D |
| Vartiel Coal Co. | Heshbon #2 | "D" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Viaduct Coal Co. | Viaduct | "A" | G | G | G | G | G | G | G | G | G | G | G |
| Vinton Colliery Co. | Vinton Colliery #1 | "B" | D | D | D | D | D | D | D | D | D | D | D |
| Vinton Colliery Co. | Vinton Colliery #6 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Victor Hill Coal Co. | Victor Hill #1 | | G | G | G | G | G | G | G | G | G | G | G |
| Vulcan Smithing Coal Co. | Vulcan Slope | "D" | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* |
| Wabash Coal Co. | Bernard | | G | G | G | G | G | G | G | G | G | G | G |
| Waddell, Douglas | Waddell | Big Vein | D | D | D | D | D | D | D | D | D | D | D |
| Walker & Bros. W. D. | Bradford | | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* |
| Wallwork Coal Co. | Hawthorne | "E" | G | G | G | G | G | G | G | G | G | G | G |

*Corrections.

*Price Index*—Continued

| Company | Mine | Seam | Size group numbers | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Webster Coal & Coke Co. | Webster #14 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Wells Creek Smithing Coal Co. | Adams | "D" | C | C | C | C | C | C | C | C | C | C | C |
| Westover & Minds Coal Mng. Co. | Cortland #1 | | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Wilbur Coal Mining Co. | Knickerbocker #2 | "B" | F | F | F | F | F | F | F | F | F | F | F |
| Wilbur Coal Mng. Co. | Knickerbocker #4 | "B" | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* | D* |
| Wiley Coal Co., Inc. | Wiley #1 | "D" | D | D | D | D | D | D | D | D | D | D | D |
| Williams Coal Co. | Mary Henry | "B" | G | G | G | G | G | G | G | G | G | G | G |
| Wilmore Fuel Co. | Mack #1 | "B" | E | E | E | E | E | E | E | E | E | E | E |
| Wilmore Fuel Co. | Mack #2 | "D" | F | F | F | F | F | F | F | F | F | F | F |
| Windber High Grade Coal Co. | Windber #5 | "B" | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | C* |
| Windber Knob Coal Co. | Windber Knob #2 | | G | G | G | G | G | G | G | G | G | G | G |
| Winslow Bros. | Winslow #3 | "B" | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Wood Coal Mng. Co., F. B. | Miller Run #7 | "B" "C" | F | F | F | F | F | F | F | F | F | F | F |
| Woolridge Coal Co. | Woolridge #1, 2, 3 | | G* | G* | G* | G* | G* | G* | G* | G* | G* | G* | G* |
| Wyoming Valley Eng. Co. | Wyoming Valley Eng. Co. | | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* | C2* |
| Yorkshire Coal Co., Inc. | Homestead | "D" | G | G | G | G | G | G | G | G | G | G | G |
| Yorkshire Coal Co., Inc. | Yorkshire | "B" | | | | | | | | | | | |

*Correction.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1, 1A, 2 and 3*

*Designated base rate.*—Clearfield.[1]

*Rates higher than base.*—On shipments destined within the above named Market Areas, the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield [1] base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield [1] base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate; *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 4*

*Designated base rate.*—Reynoldsville.

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Reynoldsville base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Reynoldsville base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

FOR SHIPMENT FROM MINES INDEXED D, E, F, G, G1 OR G2 ONLY [1]

*Market Areas Nos. 5, 7, 9, and 10* [1]

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 8*

*Designated base rate.*—Ohio Number 8 Rate.

*Rates higher than base.*—On Shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Ohio #8 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Ohio #8 base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the Minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 1 and 1–A—Prices in Cents per Net Ton of 2,000 Pounds*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 290 | 290 | 290 | 290 | 280 | 275 | 260 | 260 | 255 | 250 | 240 |
| B | 285 | 285 | 285 | 285 | 275 | 270 | 255 | 255 | 250 | 245 | 235 |
| C and C1* | *280 | *280 | *280 | *280 | *270 | *265 | *250 | *250 | *245 | *240 | *230 |
| C 2* | 275 | *275 | *275 | *275 | *265 | *260 | *245 | *240 | *235 | *230 | *220 |
| D* | *270 | *270 | *270 | *270 | *260 | *255 | *240 | *240 | *235 | *230 | *220 |
| E* | *265 | *265 | *265 | *265 | *255 | *250 | *235 | *235 | *230 | *225 | *215 |
| F* | *260 | *260 | *260 | *260 | *250 | *245 | *230 | *230 | *225 | *220 | *210 |
| G* | *255 | *255 | *255 | *255 | *245 | *240 | *225 | *225 | *220 | *215 | *205 |
| G 1* | | | | | | | | | *215 | *210 | *200 |
| G 2* | | | | | | | | | *210 | *205 | *195 |

*Corrections.

*Important.*—Exceptions are a part of these prices and must be complied with.

Coal transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations in New York Harbor, including mainland destinations on Long Island Sound as far east as and including Port Chester, New York, and all destinations on Long Island may take 14¢ per net ton less than the prices indicated for Market Areas 1 and 1-A.

Coal in Size Groups 12, 13, 14 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 27¢ per net ton less than the prices indicated for Market Areas 1 and 1-A.

Coal in Size Group 9 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 14¢ per net ton less than the prices indicated for Market Areas 1 and 1-A.

[1] Correction.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 2*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | | | 290 | 285 | 280 | 275 | 260 | 260 | 255 | 250 | 240 |
| B | | | 285 | 280 | 275 | 270 | 255 | 255 | 250 | 245 | 235 |
| C and C1* | | | *280 | *275 | *270 | *265 | *250 | *250 | *245 | *240 | *230 |
| C 2* | | | *275 | *270 | *265 | *260 | *245 | *240 | *235 | *235 | *225 |
| D* | | | *270 | *265 | *260 | *255 | *240 | *240 | *235 | *230 | *220 |
| E* | | | *265 | *260 | *255 | *250 | *235 | *235 | *230 | *225 | *215 |
| F* | | | *260 | *255 | *250 | *245 | *230 | *230 | *225 | *220 | *210 |
| G* | | | *255 | *250 | *245 | *240 | *225 | *225 | *220 | *215 | *205 |
| G 1* | | | | | | | | | *215 | *210 | *200 |
| G 2* | | | | | | | | | *210 | *205 | *195 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 12* and 13**

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A* | | | *290 | *285 | *280 | *275 | *260 | *260 | *255 | *250 | *240 |
| B* | | | *285 | *280 | *275 | *270 | *255 | *255 | *250 | *245 | *235 |
| C and C1* | | | *280 | *275 | *270 | *265 | *250 | *250 | *245 | *240 | *230 |
| C 2* | | | *275 | *270 | *265 | *260 | *245 | *240 | *235 | *235 | *225 |
| D* | | | *270 | *265 | *260 | *255 | *240 | *240 | *235 | *230 | *220 |
| E* | | | *265 | *260 | *255 | *250 | *235 | *235 | *230 | *225 | *215 |
| F* | | | *260 | *255 | *250 | *245 | *230 | *230 | *225 | *220 | *210 |
| G* | | | *255 | *250 | *245 | *240 | *225 | *225 | *220 | *215 | *205 |
| G 1* | | | | | | | | | *215 | *210 | *200 |
| G 2* | | | | | | | | | *210 | *205 | *195 |

* Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 3*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | 305 | 305 | 305 | 305 | 305 | 305 | 280 | 280 | 255 | 250 | 240 |
| B | 300 | 300 | 300 | 300 | 300 | 300 | 275 | 275 | 250 | 245 | 235 |
| C and C1* | *295 | *295 | *295 | *295 | *295 | *295 | *270 | *270 | *245 | *240 | *230 |
| C2* | *290 | *290 | *290 | *290 | *290 | *290 | *265 | *265 | *240 | *235 | *225 |
| D* | *285 | *285 | *285 | *285 | *285 | *285 | *260 | *260 | *235 | *230 | *220 |
| E* | *280 | *280 | *280 | *280 | *280 | *280 | *255 | *255 | *230 | *225 | *215 |
| F* | *275 | *275 | *275 | *275 | *275 | *275 | *250 | *250 | *225 | *220 | *210 |
| G* | *270 | *270 | *270 | *270 | *270 | *270 | *245 | *245 | *220 | *215 | *205 |
| G 1* | | | | | | | | | *215 | *210 | *200 |
| G 2* | | | | | | | | | *210 | *205 | *195 |

*Corrections.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 4, 5* and 10**

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | | | 290 | 285 | 280 | 275 | 260 | 260 | 255 | 250 | 240 |
| B | | | 285 | 280 | 275 | 270 | 255 | 255 | 250 | 245 | 235 |
| C and C1* | | | *280 | *275 | *270 | *265 | *250 | *250 | *245 | *240 | *230 |
| C2* | | | *275 | *270 | *265 | *260 | *245 | *240 | *235 | *235 | *225 |
| D* | | | *270 | *265 | *260 | *255 | *240 | *240 | *235 | *230 | *220 |
| E* | | | *265 | *260 | *255 | *250 | *235 | *235 | *230 | *225 | *215 |
| F* | | | *260 | *255 | *250 | *245 | *230 | *230 | *225 | *220 | *210 |
| G* | | | *255 | *250 | *245 | *240 | *225 | *225 | *220 | *215 | *205 |
| G 1* | | | | | | | | | *215 | *210 | *200 |
| G 2* | | | | | | | | | *210 | *205 | *195 |

*Corrections.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 6, 7**

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A* | | | *290 | *290 | *285 | *280 | *275 | *260 | *260 | *255 | *250 | *240 |
| B* | | | *285 | *285 | *280 | *275 | *270 | *255 | *255 | *250 | *245 | *235 |
| C and C1* | | | *280 | *280 | *275 | *270 | *265 | *250 | *250 | *245 | *240 | *230 |
| C 2* | | | *275 | *275 | *270 | *265 | *260 | *245 | *245 | *240 | *235 | *225 |
| D* | | | *245 | *240 | *235 | *230 | *225 | *215 | *215 | *205 | *200 | *190 |
| E* | | | *240 | *235 | *230 | *225 | *220 | *210 | *210 | *200 | *195 | *185 |
| F* | | | *235 | *230 | *225 | *220 | *215 | *205 | *205 | *195 | *190 | *180 |
| G* | | | | | | | | | *200 | *195 | *190 | *175 |
| G 1* | | | | | | | | | | *185 | *180 | *170 |
| G 2* | | | | | | | | | | *180 | *175 | *165 |

* Corrections.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 8* and 9**

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A* | | *290 | *290 | *290 | *280 | *275 | *260 | *260 | *210 | *205 | *195 |
| B* | | *285 | *285 | *285 | *275 | *270 | *255 | *255 | *205 | *200 | *190 |
| C and C1* | | *280 | *280 | *280 | *270 | *265 | *250 | *250 | *200 | *195 | *185 |
| C 2* | | *275 | *275 | *275 | *265 | *260 | *245 | *245 | *195 | *190 | *180 |
| D* | | *255 | *250 | *245 | *240 | *235 | *225 | *225 | *215 | *210 | *200 |
| E* | | *247 | *245 | *240 | *235 | *230 | *220 | *220 | *210 | *205 | *195 |
| F* | | *245 | *240 | *235 | *230 | *225 | *215 | *215 | *205 | *200 | *190 |
| G* | | | | | | | | *210 | *200 | *195 | *185 |
| G 1* | | | | | | | | | *195 | *190 | *180 |
| G 2* | | | | | | | | | *190 | *185 | *175 |

*Corrections.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents Per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31, and 32*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 [1] |
| A* | *290 | *290 | *290 | *290 | *280 | *275 | *245 | *245 | *220 | 215 | 205 |
| B* | *285 | *285 | *285 | *285 | *275 | *270 | *240 | *240 | *215 | 210 | 200 |
| C and C1* | *280 | *280 | *280 | *280 | *270 | *265 | *235 | *235 | *210 | *205 | *195 |
| C 2* | *275 | *275 | *275 | *275 | *265 | *260 | *230 | *230 | *205 | *200 | *190 |
| D* | *255 | *255 | *255 | *255 | *245 | *245 | *210 | *220 | *195 | *195 | *185 |
| E* | *250 | *250 | *250 | *250 | *240 | *240 | *205 | *215 | *190 | *190 | *180 |
| F* | *245 | *245 | *245 | *245 | *235 | *235 | *200 | *210 | *185 | *185 | *175 |
| G* | | | | | | | | *205 | *180 | *180 | *170 |
| G 1* | | | | | | | | | *175 | *175 | *165 |
| G 2* | | | | | | | | | *170 | *170 | *160 |

*Corrections.

[1] NOTE.—Slack coal having a maximum top size of 3/8" may be priced 10¢ per net ton lower than Size Group 14.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 [1] |
| A | | | | 290 | 280 | 275 | *245 | *245 | *220 | 215 | 205 |
| B | | | | 285 | 275 | 270 | *240 | *240 | *215 | 210 | 200 |
| C and C1* | | | | *280 | *270 | 265 | *235 | *235 | *210 | *205 | *195 |
| C 2* | | | | *275 | *265 | *260 | *230 | *230 | *205 | *200 | *190 |
| D* | | | | *270 | *260 | *255 | *220 | *220 | *195 | *195 | *185 |
| E* | | | | *265 | *255 | *250 | *215 | *215 | *190 | *190 | *180 |
| F* | | | | *260 | *250 | *245 | *210 | *210 | *185 | *185 | *175 |
| G* | | | | | | | | *205 | *180 | *180 | *170 |
| G 1* | | | | | | | | | *175 | *175 | *165 |
| G 2* | | | | | | | | | *170 | *170 | *160 |

*Corrections.

[1] NOTE.—Slack coal having a maximum top size of 3/8" may be priced 10¢ per net ton lower than Size Group 14.

*Important.*—Exceptions are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive Fuel shall take a minimum price of $2.15 per net ton of 2,000 pounds f. o. b. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 pounds f. o. b. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

Above prices are not subject to freight rate adjustment.[1]

STEAMSHIP BUNKER COAL PRICES

1. Steamship Bunker Coal shall be defined as coal that is furnished for a vessel's own consumption, to steamers ordinarily carrying cargo or passengers and engaged in foreign or coastwise trade.

2. Minimum prices for such bunker coal for the ports of New York, Philadelphia, and Baltimore shall be as follows:

| Bunker classification | Price index | Price port of New York (per gross ton) | Price port of Philadelphia (per gross ton) | Price port of Baltimore (per gross ton) |
|---|---|---|---|---|
| A* | Mine Run Index A, B, C, C1* and C2*. | $5.37 FAS (Note 1). | $5.22 F. O. B. cars at piers. | $5.15 F. O. B. cars at piers. |
| B | Mine Run Index D, and E. | $5.77 FAS (Note 1). | $5.12 F. O. B. cars at piers. | $5.05 F. O. B. cars at piers. |
| C | Mine Run Index F, and G. | $5.67 FAS (Note 1). | $5.02 F. O. B. cars at piers. | $4.95 F. O. B. cars at piers. |

*Correction.

3. The mine index letters shown are those for mine run coal. Sizes other than mine run may be supplied at the same prices from the mines included in the mine run index shown.

4. "Steamship Bunker" coal furnished ex lighter at Port of New York to vessels requiring 249 gross tons or less, prices f. o. b. piers plus all charges for delivery shall apply.

5. The above prices are not subject to any freight rate adjustments.

NOTE 1.—Price includes 30¢ per ton for towing or lightering.

[F. R. Doc. 37-3682; Filed, December 16, 1937; 11:51 a. m.]

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[Order No. 128]

AN ORDER MODIFYING ORDER NO. 91, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THREE

The National Bituminous Coal Commission having by its Order No. 91 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Three as set forth in Price Schedule Number One—District Number Three, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Three, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Three, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Three, established in Price Schedule Number One—District Number Three, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Three, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Three, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 91, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Three to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Three; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 3

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 3 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. December 16, 1937.
Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. Funds.

5. All prices herein are per net ton of 2,000 pounds f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7.[1] The following mines, which are classified and priced herein as producers of the Pittsburgh Seam Low Sulphur (under 1.35 Sulphur) Coal, also produce what is recognized as Pittsburgh Seam High Sulphur Coal. Pittsburgh Seam, High Sulphur Coal produced and sold by these mines may take the Price Index as shown below:

| Company: | Mine |
|---|---|
| Consolidation Coal Company | Consolidation #32. |
| Consolidation Coal Company | Consolidation #63. |
| Consolidation Coal Company | Consolidation #86. |
| Four States Coal Company | Annabelle. |
| Jamison Coal & Coke Company | Jamison #8. |
| Jamison Coal & Coke Company | Jamison #9. |
| Jones Collieries, Inc | Rachel. |
| Koppers Coal Company, The | Federal #1. |
| Virginia & Pgh. Coal & Coke Company | Kingmont. |

[1] Correction.



SIZE GROUPS NUMBERS

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|
| F | F | F | F | F | F | F | E | F | F | F |

8.[1] Cannel Coal produced by the Pardee & Curtin Lumber Company at Bergoo #3 Mines, shall take the minimum price of $1.85 per net ton of 2,000 pounds, f. o. b. transportation facilities at the mines.

*Price Index*

| Company | Mine | Seam | Size group numbers | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| Adrian Fuel Co | Adrian | Freeport | F | F | F | F | F | F | F | E | F | F | F |
| Alpha Coal Corp | Alpha | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Arkwright Coal Co | Mona | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Atlas Coal Mining Corp | Atlas | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Bailey Coal Co | Bailey #3 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Berry Fuel Co | Bingamon | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Bethlehem-Fairmont Coal Co | Scott | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Bethlehem-Fairmont Coal Co | Peoria | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Blake Coal Co., Inc., The | Blake | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Borgman, L. H. & J. W., Inc | Monitor #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Borgman Coal Co | Borgman #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Borgman Coal Co | Borgman #6 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Brady, A. Spates* | Brady | Kittanning | K | K | K | K | K | K | K | G | K | K | K |
| Brown Coal Co | Brown #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Brown Fuel Co | Henshaw | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Canyon Coal & Coke Co | Canyon | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Century Coal Co., The | Century | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| Christopher Mining Co | Robinson Run | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Consolidation Coal Co | Consol. #25 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Consolidation Coal Co | Consol. #26 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Consolidation Coal Co | Consol. #32 | Pittsburgh | D | D | D | D | D | D | D | E | D | D | D |
| Kelley's Creek Colliery Co | Maiden | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Lilly Coal Co.* | Lilly | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Long Fuel Co | Arthur | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| Long Fuel Co | Righter | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| Long Fuel Co | Ronay | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Lynch Coal Co | Reynold | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Maryland Coal Co. of W. Va | Wendel #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Maureen Coal Co | Cliff | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Miller Todd Coal Co., Inc | Ella | Freeport | F | F | F | F | F | F | F | E | F | F | F |
| Minds Coal Mining Corp., The | Golden Ridge #6 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Monongahela Rail & River Coal Corp | Emily | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Monongah Fuel Co., The | Gallihue #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Mountain Fuel Co | Glen Cambria | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| McDermott, B. J | Miller #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| McDermott, B. J | Miller #3 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| McKenna Coal Co | Mary | Sewickley | K | K | K | K | K | K | K | G | K | K | K |
| National Fuel Co | National #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Nora Coal Co | Nora | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| New Byrne Coal Co | Byrne | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Pardee & Curtin Lumber Co | Bergoo #1 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Pardee & Curtin Lumber Co | Bergoo #2 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Pardee & Curtin Lumber Co | Bergoo #3 & 3A | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Pardee & Curtin Lumber Co | Bergoo #4 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Peeks Run Coal Co | Kano | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| Pioneer Coal Mining Co | Osage #1 | Pittsburgh | K | K | K | K | K | K | K | G | K | K | K |
| Pioneer Coal Mining Co | Osage #2 | Sewickley | J | J | J | J | J | J | J | H | J | J | J |
| Pioneer Coal Mining Co | Osage #1 & 2(Mixed) | Pittsburgh & Sewickley | F | F | F | F | F | F | F | E | F | F | F |
| Premier Block Coal Co | Louise | Sewickley | K | K | K | K | K | K | K | G | K | K | K |
| Preston County Coke Co | Cascade | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Preston County Coke Co | Hawley #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Pursglove Coal Mng. Co., The | Pursglove #1 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Pursglove Coal Mng. Co., The | Pursglove #2 | Sewickley | K | K | K | K | K | K | K | G | K | K | K |
| Pursglove Gas Coal Corp | Pursglove #5 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Red Oak Smokeless Coal Co | Red Oak #1 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Reilly McArdle Coal Co | Randall | Redstone | F | F | F | F | F | F | F | E | F | F | F |
| River Seam Coal Co | Booth | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Renwick Fuel Co.* | Renwick | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Rosedale Coal Co | Rosedale | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |
| Saxman Coal & Coke Co., The | Saxman #3 & 4 | Sewell | A | A | A | A | A | A | A | E | A | A | A |
| Shay Coal Co., Inc | Shay #1 | Freeport | J | J | J | J | J | J | J | H | J | J | J |
| Shriver Coal Co | Shriver | Sewickley | K | K | K | K | K | K | K | G | K | K | K |
| Simpson Creek Collieries Co., The | Galloway #2 | Pittsburgh | F | F | F | F | F | F | F | E | F | F | F |

* Correction.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 1, 1A, 3* [1]

*Designated base rate.*—Fairmont District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Fairmont District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Fairmont District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

(Area No. 12 Eliminated.)

*Market Area No. 2*

*Designated base rate.*—Clearfield Rate.[1]

*Rates higher than base.*—On shipments destined within the above named Market Area the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount

[1] Correction.

in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 5, 7, 9, and 10* [1]

*Designated base rate.*—Pittsburgh District Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Designated base rate.*—Inner Crescent Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Inner Crescent base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Inner Crescent base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 and 1A*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14* |
| A | *278 | 268 | 268 | 268 | 258 | 253 | 243 | 238 | 228 | 220 | 209 |
| B | *273 | 263 | 263 | 263 | 253 | 248 | 238 | 233 | 223 | 215 | 204 |
| C | *268 | 258 | 258 | 258 | 248 | 243 | 233 | 228 | 218 | 210 | 199 |
| D | 253 | 253 | 253 | 253 | 243 | 238 | 228 | 223 | 213 | 205 | 194 |
| E | 248 | 248 | 248 | 248 | 238 | 233 | 223 | *213 | 208 | 200 | 189 |
| F | 243 | 243 | 243 | 243 | 233 | 228 | 218 | *208 | 203 | 195 | 184 |
| G | 238 | 238 | 238 | 238 | 228 | 223 | 213 | 208 | 198 | 190 | 179 |
| H | 233 | 233 | 233 | 233 | 223 | 218 | 208 | *203 | 193 | 185 | 174 |
| J | 228 | 228 | 228 | 228 | 218 | 213 | 203 | ----- | 188 | 180 | 169 |
| K | 223 | 223 | 223 | 223 | 213 | 208 | 198 | ----- | 183 | 175 | 164 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

ADJUSTMENT CLAUSE COVERING TIDEWATER SHIPMENTS [1]

Coal transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations in New York Harbor, including mainland destinations on Long Island Sound as far east as and including Port Chester, New York, and all destinations on Long Island may take 14¢ per net ton less than the prices indicated for Market Areas 1 and 1–A.

Coal in Size Groups 12, 13, 14 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 27¢ per net ton less than the prices indicated for Market Areas 1 and 1–A.

Coal in Size Group 9 transshipped by vessel from the ports of Philadelphia and Baltimore for delivery at destinations on the mainland along Long Island Sound east of Port Chester, New York, and to all coastal ports in New England may take 14¢ per net ton less than the prices indicated for Market Areas 1 and 1–A.

[1] Correction.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 2*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14* |
| A | 305 | 295 | 290 | 285 | 280 | 275 | 265 | 260 | 250 | 240 | 230 |
| B | 300 | 290 | 285 | 280 | 275 | 270 | 260 | 255 | 245 | 235 | 225 |
| C | 295 | 285 | 280 | 275 | 270 | 265 | 255 | 250 | 240 | 232 | 221 |
| D | 290 | 280 | 275 | 270 | 265 | 260 | 250 | 245 | 235 | 227 | 216 |
| E | 285 | 275 | 270 | 265 | 260 | 255 | 245 | *235 | 230 | 222 | 211 |
| F | 280 | 270 | 265 | 260 | 255 | 250 | 240 | *230 | 225 | 217 | 206 |
| G | 275 | 265 | 260 | 255 | 250 | 245 | 235 | 230 | 220 | 212 | 201 |
| H | 270 | 260 | 255 | 250 | 245 | 240 | 230 | *225 | 215 | 207 | 196 |
| J | 265 | 255 | 250 | 245 | 240 | 235 | 225 | ----- | 210 | 202 | 191 |
| K | 260 | 250 | 245 | 240 | 235 | 230 | 220 | ----- | 205 | 197 | 186 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 3*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14* |
| A | ----- | 288 | 288 | 288 | 288 | 288 | 263 | 263 | 228 | 220 | 209 |
| B | ----- | 278 | 278 | 278 | 278 | 278 | 258 | 253 | 223 | 215 | 205 |
| C | ----- | 273 | 273 | 273 | 273 | 273 | 253 | 248 | 218 | 210 | 199 |
| D | 268 | 268 | 268 | 268 | 268 | 268 | 248 | 243 | 213 | 205 | 194 |
| E | 263 | 263 | 263 | 263 | 263 | 263 | 243 | *233 | 208 | 200 | 189 |
| F | 258 | 258 | 258 | 258 | 258 | 258 | 238 | *228 | 203 | 195 | 184 |
| G | 253 | 253 | 253 | 253 | 253 | 253 | 233 | 223 | 198 | 190 | 179 |
| H | 248 | 248 | 248 | 248 | 248 | 248 | 228 | *223 | 193 | 185 | 174 |
| J | 243 | 243 | 243 | 243 | 243 | 243 | 223 | ----- | 188 | 180 | 169 |
| K | 238 | 238 | 238 | 238 | 238 | 238 | 218 | ----- | 183 | 175 | 164 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 4*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14* |
| A | 305 | 295 | 290 | 285 | 280 | 275 | 265 | 260 | 250 | 240 | 230 |
| B | 300 | 290 | 285 | 280 | 275 | 270 | 260 | 255 | 245 | 235 | 225 |
| C | 295 | 285 | 280 | 275 | 270 | 265 | 255 | 250 | 240 | 232 | 221 |
| D | 290 | 280 | 275 | 270 | 265 | 260 | 250 | 245 | 235 | 227 | 216 |
| E | 285 | 275 | 270 | 265 | 260 | 255 | 245 | *235 | 230 | 222 | 211 |
| F | 280 | 270 | 265 | 260 | 255 | 250 | 240 | *230 | 225 | 217 | 206 |
| G | 275 | 265 | 260 | 255 | 250 | 245 | 235 | 230 | 220 | 212 | 201 |
| H | 270 | 260 | 255 | 250 | 245 | 240 | 230 | *225 | 215 | 207 | 196 |
| J | 265 | 255 | 250 | 245 | 240 | 235 | 225 | ----- | 210 | 202 | 191 |
| K | 260 | 250 | 245 | 240 | 235 | 230 | 220 | ----- | 205 | 197 | 186 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 5, 6, 13, 7, 9 and 10*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14* |
| A | *275 | 265 | 255 | 255 | 250 | 245 | 240 | 240 | 220 | 212 | 201 |
| B | *270 | 260 | 250 | 250 | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| C | *265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| D | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 220 | 205 | 197 | 186 |
| E | 255 | 245 | 235 | 235 | 230 | 225 | 220 | *210 | 200 | 192 | 181 |
| F | 250 | 240 | 230 | 230 | 225 | 220 | 215 | *210 | 195 | 187 | 176 |
| G | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 190 | 182 | 171 |
| H | 240 | 230 | 220 | 220 | 215 | 210 | 205 | *205 | 185 | 177 | 166 |
| J | 235 | 225 | 215 | 215 | 210 | 205 | 200 | ----- | 180 | 172 | 161 |
| K | 230 | 220 | 210 | 210 | 205 | 200 | 195 | ----- | 175 | 167 | 156 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 8*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14* |
| A | *285 | 275 | 265 | 265 | 260 | 255 | 250 | 250 | 230 | 222 | 211 |
| B | *280 | 270 | 260 | 260 | 255 | 250 | 245 | 245 | 225 | 217 | 206 |
| C | *275 | 265 | 255 | 255 | 250 | 245 | 240 | 240 | 220 | 212 | 201 |
| D | 270 | 260 | 250 | 250 | 245 | 240 | 235 | 230 | 215 | 207 | 196 |
| E | 265 | 255 | 245 | 245 | 240 | 235 | 230 | *220 | 210 | 202 | 191 |
| F | 260 | 250 | 240 | 240 | 235 | 230 | 225 | *220 | 205 | 197 | 186 |
| G | 255 | 245 | 235 | 235 | 230 | 225 | 220 | 220 | 200 | 192 | 181 |
| H | 250 | 240 | 230 | 230 | 225 | 220 | 215 | *215 | 195 | 187 | 176 |
| J | 245 | 235 | 225 | 225 | 220 | 215 | 210 | ----- | 190 | 182 | 171 |
| K | 240 | 230 | 220 | 220 | 215 | 210 | 205 | ----- | 185 | 177 | 166 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 12*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14* |
| A | *275 | 265 | 255 | 255 | 250 | 245 | 240 | 240 | 220 | 212 | 201 |
| B | *270 | 260 | 250 | ----- | 245 | 240 | 235 | 235 | 215 | 207 | 196 |
| C | *265 | 255 | 245 | 245 | 240 | 235 | 230 | 230 | 210 | 202 | 191 |
| D | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 220 | 205 | 197 | 186 |
| E | 255 | 245 | 235 | 235 | 230 | 225 | 220 | *210 | 200 | 192 | 181 |
| F | 250 | 240 | 230 | 230 | 225 | 220 | 215 | *210 | 195 | 187 | 176 |
| G | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 190 | 182 | 171 |
| H | 240 | 230 | 220 | 220 | 215 | 210 | 205 | *205 | 185 | 177 | 166 |
| J | 235 | 225 | 215 | 215 | 210 | 205 | 200 | ----- | 180 | 172 | 161 |
| K | 230 | 220 | 210 | 210 | 205 | 200 | 195 | ----- | 175 | 167 | 156 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices* in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 17, 22, 23, 24, 27, 28, 29, 30, 31, 32, 34,* 37,* 104,* 105,* 106,* 107,* 109* and 110**

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | *275 | 265 | 255 | 250 | 250 | 250 | 230 | 225 | 200 | 195 | 185 |
| B | *270 | 260 | 250 | 250 | 245 | 240 | 230 | 225 | ----- | ----- | ----- |
| C | *265 | 255 | 245 | 245 | 240 | 235 | 230 | 225 | 195 | 187 | 176 |
| D | 260 | 250 | 240 | 240 | 235 | 230 | 225 | 220 | 190 | 182 | 171 |
| E | 255 | 245 | 235 | 235 | 230 | 225 | 220 | *210 | 185 | 177 | 166 |
| F | 250 | 240 | 230 | 230 | 225 | 220 | 215 | *210 | 180 | 172 | 161 |
| G | 245 | 235 | 225 | 225 | 220 | 215 | 210 | 210 | 175 | 167 | 156 |
| H | 240 | 230 | 220 | 220 | 215 | 210 | 205 | *205 | 170 | 162 | 151 |
| J | 235 | 225 | 215 | 215 | 210 | 205 | 200 | ----- | 165 | 157 | 146 |
| K | 230 | 220 | 210 | 210 | 205 | 200 | 195 | ----- | 160 | 152 | 141 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price index | Size groups | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 9 | 12 | 13 | 14 |
| A | *285 | 275 | 270 | 255 | 250 | 235 | 230 | 235 | 205 | 197 | 186 |
| B | *280 | 270 | 265 | 255 | 245 | 230 | 225 | 230 | 200 | 192 | 181 |
| C | *275 | 265 | 260 | 250 | 240 | 225 | 220 | 225 | 195 | 187 | 176 |
| D | 270 | 260 | 255 | 245 | 235 | 220 | 215 | 220 | 190 | 182 | 171 |
| E | 265 | 255 | 250 | 240 | 230 | 215 | 210 | *210 | 185 | 177 | 166 |
| F | 260 | 250 | 245 | 235 | 225 | 210 | 205 | *205 | 180 | 172 | 161 |
| G | 255 | 245 | 240 | 230 | 220 | 205 | 200 | 205 | 175 | 167 | 156 |
| H | 250 | 240 | 235 | 225 | 215 | 200 | 195 | *190 | 170 | 162 | 151 |
| J | 245 | 235 | 230 | 220 | 210 | 195 | 190 | 195 | 165 | 157 | 146 |
| K | 240 | 230 | 225 | 215 | 205 | 190 | 185 | 190 | 160 | 152 | 141 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced 10¢ per net ton lower than size group 14.

RAILROAD LOCOMOTIVE FUEL PRICES

*On Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive Fuel shall take a minimum price of $2.15 per net ton of 2,000 lbs. F. O. B. Mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. Mines.

*Off Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive Fuel shall take a minimum price of $1.95 per net ton of 2,000 lbs. F. O. B. Mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.10 per net ton of 2,000 lbs. F. O. B. Mines.

*On and Off Line*

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the Market Area in which the mine is located.

Above prices are not subject to freight rate adjustment.

TIDEWATER RAILROAD FUEL PRICES

All coal, except lump or double screened sizes, sold for railroad locomotive fuel, when shipped via Port of Baltimore, Maryland, destined to points outside the Capes of Virginia, shall take a minimum price of $4.53 per gross ton of 2,240 lbs. F. O. B. vessel, Baltimore Piers.

Lump or any double screened coal ordered or sold for railroad locomotive fuel, when shipped via Port of Baltimore, Maryland, destined to points outside the Capes of Virginia, shall take a minimum price of $4.70 per gross ton of 2,240 lbs. F. O. B. vessel, Baltimore Piers.

All coal, except lump or double screened sizes, sold for railroad locomotive fuel, when shipped via Port of Philadelphia, Pennsylvania, destined to points outside the Capes of Virginia, shall take a minimum price of $4.63 per gross ton of 2,240 lbs. F. O. B. vessel, Philadelphia Piers.

Lump or any double screened coal ordered or sold for railroad locomotive fuel, when shipped via Port of Philadelphia, Pennsylvania, destined to points outside the Capes of Virginia, shall take a minimum price of $4.80 per gross ton of 2,240 lbs. F. O. B. vessel, Philadelphia Piers.

Above prices are not subject to freight rate adjustment.

[F. R. Doc. 37-3683; Filed, December 16, 1937; 11:51 a. m.]

[Order No. 131]

AN ORDER MODIFYING ORDER NO. 95, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER SEVEN

The National Bituminous Coal Commission having by its Order No. 95 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Seven as set forth in Price Schedule Number One—District Number Seven, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Seven, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Seven, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and

for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Seven, established in Price Schedule Number One—District Number Seven, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Seven, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Seven, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 95, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Seven to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One, to code members within District Number Seven; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH *Secretary.*

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SUPPLEMENT No. 1 TO PRICE SCHEDULE No. 1 FOR DISTRICT No. 7

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 7, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. December 16, 1937.

Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. Limitations of Coarse Coal content applicable to Domestic and Standard Mine Run, Low Volatile Coals:

*For Shipment to All Market Areas*

| | A | B | C | D |
|---|---|---|---|---|
| Domestic Mine Run: Coarse Coal Content | 60% | 75% | 60% | 60% |
| Standard Mine Run: Coarse Coal Content | 40% | 45% | 40% | 40% |

DEFINITION OF "COARSE COAL CONTENT"

Coarse coal content is defined as such sizes of coal as would pass over a ¾" round hole screen at the time it leaves the loading boom or chute at the tipple to enter the railroad car or truck.

*Low Volatile Coals—Size Specifications and Base Size Groups*

| Base size group number | |
|---|---|
| No. 1, Lump | Includes all lump coal having a minimum bottom size of ¾" or more. |
| No. 2, Egg | Includes all sizes of coal having a maximum top size of 8" or less, but more than 3", and a minimum bottom size of ¾" or more. |
| No. 3, Stove | Includes all sizes of coal having a maximum top size of 3" or less, but more than 1¼", and a minimum bottom size of ¼" or more. |
| No. 4, Nut | Includes all sizes of coal having a maximum top size of 1¼" or less, but more than ¼", and a minimum bottom size of ¼" or more. |
| No. 5, Pea | Includes all sizes of pea coal having a maximum top size of ¾" and a minimum bottom size of ¼" or more. Includes all sizes of screenings from 1¼" x 0" to ¾" x 0" from which any size less than ¼" has been eliminated. |
| No. 6, Domestic Mine Run [1] | Includes all mine run coal, either straight or modified, that has a maximum coarse coal content for base ("A") coals (except where otherwise stated) of 60% or less and that has a minimum coarse coal content of more than 40%. |
| No. 7, Standard Mine Run [1] | Includes all mine run coal, either straight or modified, that has a maximum coarse coal content for base ("A") coals of 40% or less and a minimum coarse coal content that exceeds the size tolerance of 3% on 2¼" screenings.[1] |
| No. 8, 1¼" Screenings | Includes all sizes of screenings with a maximum top size of 1¼" and a minimum top size of ⅞" from which no elimination of any intermediate size from ¼" to 0" has been made. |
| No. 9, ¾" Screenings | Includes all sizes of screenings with a maximum top size of ¾" or less from which no elimination of any intermediate size from ¼" to 0" has been made. |
| Coarse Coal Content | Coarse coal content is defined as such sizes of coal as would pass over a ¾" round-hole screen at the time it leaves the loading boom or chute at the tipple to enter the railroad car or truck. |

The definition of Domestic and Standard Run of Mine Coal and Prices thereon as designated herein, will remain in effect for a period not exceeding sixty (60) days, after their effective date, subject to the District Board substantiating the necessity for such designation for these grades.[1]

Any size larger than the maximum top and/or bottom size shown in a group shall be included in the next higher price group.

[1] Correction.



*Low Volatile—Price Index*

GREENBRIER DISTRICT

| Company | Mine | Seam | Size group numbers 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Bellwood Coal Company | Bellwood | Poca. #6* | C | C | C | C | C | B | B | A | A |
| Clear Creek Coal Co | Brooke | Sewell | C | C | C | C | C | B | B | A | A |
| Greenbrier Fire Cr. Coal Co | Midland | Fire Creek | C | C | C | C | C | B | B | A | A |
| Greenbrier Smokeless Coal Co | Crichton #2 | Sewell | C | C | C | C | C | B | B | C | C |
| Imperial Smokeless Coal Co | Quinwood | Sewell | C | C | C | C | C | B | B | C | C |
| Johnstown Coal & Coke Co | Crichton #1 | Sewell | C | C | C | C | C | B | B | C | C |
| Leckie Smokeless Coal Co | Anjean | Sewell | C | C | C | C | C | B | B | C | C |
| Low Ash Smo. Fuel Co | Green Siding | Fire Creek | C | C | C | C | C | B | B | A | A |
| Margarette Coal Co | Margarette | Sewell | C | C | C | C | C | B | B | A | A |
| Meadow River Fuel Co | Lincoln | Fire Creek | C | C | C | C | C | B | B | A | A |
| New River & Poca. C. C. Co | Leslie | Sewell | C | C | C | C | C | B | B | C | C |
| Raine Lumber & Coal Co | Duo | Sewell | C | C | C | C | C | B | B | C | C |

NEW RIVER DISTRICT

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| New River Co., The | Oakwood | Sewell | A | A | A | A | A | A | A | B | B |
| New River Co., The | Summerlee | Sewell | A | A | A | A | A | A | A | B | B |
| New River Co., The | Whipple | Sewell | A | A | A | A | A | A | B | B | B |
| Premium Smokeless Coal Co.* | Caperton* | Sewell* | A* | A* | A* | A* | A* | A* | A* | B* | B* |
| Price Hill Coal Co | Price Hill | Sewell | A | A | A | A | A | A | A | B | B |
| Raleigh Coal & Coke Co | Black Knight #3 | Beckley | A | A | A | A | A | A | A | A | A |
| Raleigh Coal & Coke Co | Black Knight #6 | Beckley | B | B | B | B | B | B | A | A | B |
| Royal Mining Co | Royal | Fire Creek | A | A | A | A | A | A | B | B | B |
| Scotia Coal & Coke Co | Brooklyn | Sewell | A | A | A | A | A | A | A | B | B |
| Sked Company | Sked | Fire Creek | A | A | A | A | A | A | B | B | B |
| South Side Company | South Side | Sewell | A | A | A | A | A | B | B | B | B |
| Star Coal & Coke Company | Star | Sewell | A | A | A | A | A | A | B | B | B |

POCAHONTAS DISTRICT

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Koppers Coal Co., The | Keystone | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Koppers Coal Co., The | Maitland | Poca. #4 | B | B | B | B | B | B | B | D | D |
| Lake Superior Coal Co | Superior #1 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Lake Superior Coal Co | Superior #2 | Poca. #4 | B | B | B | B | B | B | E | E | E |
| Lamar Colliery Co | Lamar | Poca. #3 | C | C | C | C | B | B | B | B | D |
| Lynchburg Coal & Coke Co | Lynchburg | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Mill Creek Coal & Coke Co | Elkhorn | Poca. #3 | B | B | B | B | B | B | B | C | C |
| New River & Poca. C. C. Co | No. 9 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Page Coal & Coke Co | Page | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Peerless Coal & Coke Co | Peerless | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Corporation, The | Bottom Creek | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Boissevain | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Delta | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Lick Branch | Poca. #3 | B | B | B | B | B | B | B | C | C |
| Pocahontas Fuel Co., Inc | Nor-Angle | Poca. #3 | B | B | B | B | B | B | B | C | C |
| Pocahontas Fuel Co., Inc | Poca. #1 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc | Poca. #7 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Pocahontas Fuel Co., Inc.* | Rolfe | Poca. #3 | | | | | | B | B | | |
| Pocahontas Fuel Co., Inc | Sagamore | Poca. #3 | B | B | B | B | B | B | B | C | C |
| Pulaski Iron Company | Pulaski | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Thomas Coal Co | No. 1 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Turkey Gap Coal & Coke Co | Wenonah | Poca. #3 | C | C | C | C | B | B | B | B | C |
| United Pocahontas Coal Co | Indian Ridge | Poca. #3 | B | B | B | B | B | B | B | C | D |
| Upland Coal & Coke Co | Upland | Poca. #3 | B | B | B | B | B | B | B | D | D |
| Weyanoke Coal & Coke Co | Arista | Poca. #3 | C | C | C | C | B | B | B | B | B |
| Weyanoke Coal & Coke Co | Hiawatha | Poca. #3 | C | C | C | C | C | B | B | B | C |
| Winding Gulf Colliery Co | Louisville | Poca. #3 | B | B | B | B | B | B | B | C | C |

TUG RIVER DISTRICT

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Atlantic Smokeless Coal Co | Asc | Davy-Sewell | C | C | C | C | C | B | B | C | C |
| Beamer Pocahontas Coal Co | Beamer | Davy-Sewell | B | B | B | B | B | B | B | C | C |
| Beamer Pocahontas Coal Co | Della | Red Ash | B | B | B | B | B | B | B | C | C |
| Beamer Pocahontas Coal Co | Jack | Red Ash | C | C | C | C | B | B | B | C | C |
| Bradshaw Coal Co | Bradshaw | Bradshaw | A | A | A | A | A | A | A | D | D |
| Cardiff Pocahontas Coal Co | Cardiff | Bradshaw | A | A | A | A | A | A | A | D | D |
| Carter Coal Co | Caretta #5 | War Creek | D | D | D | D | D | B | B | L | L |
| Carter Coal Co | Olga #1 | Poca. #4 | B | B | B | B | B | B | B | D | D |
| Carter Coal Co | Olga #2 | Poca. #4 | B | B | B | B | B | B | B | D | D |
| Carter Coal Co | Thelma | Davy-Sewell | C | C | C | C | C | B | B | C | C |
| Cash Pocahontas Coal Co | Excelsior #1 | War Creek | (*) | (*) | (*) | (*) | (*) | D | B | | |
| Jacobs Fork Poca. Coal Co | Jacobs Fork | Poca. #3 | B | B | B | A | B | B | B | D | D |
| Jewell Ridge Coal Corp | Jewell Ridge | Jewell | A | A | A | A | A | A | A | D | D |
| Jewell Ridge Coal Corp | Jewell Valley | Jewell | A | A | A | A | A | A | A | D | D |
| Kingston Pocahontas Coal Co | Exeter | Poca. 3 & 4 | B | B | B | B | B | B | B | D | D |
| Kingston Pocahontas Coal Co | Warwick | Welch | B | B | B | B | B | B | B | C* | C* |
| Logan Trent Coal Co | Trent | Red Ash | B | B | B | B | B | B | B | C | C |
| New River & Poca. C. C. Co | No. 1 | Poca. #3 | B | B | B | B | B | B | B | D | D |
| New River & Poca. C. C. Co | No. 5 | Poca. #5 | A | A | A | A | A | A | A | E | E |
| New River & Poca. C. C. Co | No. 11 | Poca. 3 & 4 | B | B | B | B | B | B | B | D | D |
| Pocahontas Corporation | No. 31 | Poca. #5 | A | A | A | A | A | A | A | D | D |
| Pocahontas Corporation | No. 32 | Poca. #5 | A | A | A | A | A | A | A | D | D |
| Pocahontas Corporation | No. 33 | Poca. #3 | A | A | A | A | A | A | A | D | D |
| Pocahontas Red Bird Mng. Co | Red Bird | Red Ash | B | B | B | B | B | B | B | C | C |
| Pond Creek Pocahontas Co | No. 1 | Poca. #4 | C | C | C | C | C | B | B | D | D |
| Pond Creek Pocahontas Co | No. 3 | Beckley | D | D | D | D | D | D | D | G | G |
| Pond Creek Pocahontas Co | No. 4 | Beckley | D | D | D | D | D | D | D | G | G |
| Premier Poc. Colliery Co | Premier | Welch | B | B | B | B | B | B | B | C | C |
| Susanna Pocahontas Coal Co | Susanna | Fire Creek | | | | | | C* | C* | E* | E* |
| U. S. Coal & Coke Co | All Mines | Poca. 3 & 4 | | | | | | | C* | | |
| Warrior Coal Company | Warrior | War Creek | D | D | D | D | D | D | D | L | L |
| Yukon Poca. Coal Co | Yukon | War Creek | D | D | D | D | D | D | D | L | L |

*Correction.

*Low Volatile—Price Index*—Continued

WINDING GULF DISTRICT

| Company | Mine | Seam | Size group numbers | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Amigo Coal Co | Amigo | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Black Eagle Smokeless Coal Co | Black Eagle | Poca. #3 | C | C | C | C | C | B | B | C | C |
| Brule Smokeless Coal Co.* | Brule | Poca. #3 | B | A | A | A | C | B | B | B | B |
| Buckeye Coal & Coke Co | Buckeye #3 | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Crab Orchard, Impr. Co | Eccles #5 | Beckley | B | B | B | B | B | B | B | A | A |
| Crab Orchard, Impr. Co | Eccles #6 | Beckley | B | B | B | B | B | B | B | B | B |
| Douglas Coal Co | Douglas | Fire Creek | C | C | C | C | C | C | B | H | B |
| Fire Creek Fuel Co.* | Hunter No. 1 | Fire Creek | C | C | C | C | C | C | C | B | B |
| Fire Creek Fuel Co.* | Hunter No. 2 | Fire Creek | | | | | | | C* | | |
| Gaston Coal Co | Alpha Beckley | Beckley | B | A | A | A | A | B | B | A | A |
| Gulf Smokeless Coal Co | Tams #1 | Beckley | A | A | A | A | A | A | A | A | A |
| Gulf Smokeless Coal Co | Tams #2 | Beckley | A | A | A | A | A | A | A | A | A |
| Gulf Smokeless Coal Co | Wyco | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Koppers Coal Co., The | Glen White | Beckley | A | A | A | A | B | B | A | A | A |
| Koppers Coal Co., The | Helen #3 | Beckley | B | B | B | B | B | B | B | A | B |
| Koppers Coal Co., The | Helen #9 | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Koppers Coal Co., The* | Pemberton No. 2 | Beckley | | | | | | | C* | | |
| Koppers Coal Co., The* | Stotesbury #5 | Beckley | A | A | A | A | A | A | A | A | A |
| Koppers Coal Co., The* | Stotesbury #8 | Poca. #4 | C | C | C | C | C | B | B | B | B |
| Koppers Coal Co., The | Besoco | Beck. Poca. 3 | C | C | C | C | C | B | B | B | B |
| Leconey Smokeless Coal Co | Willabet #9 | Beckley | B | B | B | B | B | B | B | B | B |
| Leckie Fire Creek Coal Co.* | Crab Orchard | Beckley | B | B | B | B | B | B | B | B | B |
| Lilly & Hornbrook, Inc | Killarney #3 | Beckley | C | C | C | C | C | B | B | B | B |
| Lillybrook Coal Co | Lillybrook #3 | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Lillybrook Coal Co | MacAlpin | Poca. #4 | C | C | C | C | C | B | B | B | B |
| MacAlpin Coal Co | MacAlpin #2* | Beckley | A | A | A | A | A | A | A | A | A |
| MacAlpin Coal Co.* | Mead #2 | Poca. #4 | C* | C* | C* | C* | C* | B* | B* | B* | B* |
| Mead Coal Co., C. H | Mead #4 | Poca. #3 | C | C | C | C | C | B | B | B | B |
| Mead Coal Co., C. H | Meadows | Beckley | C | C | C | C | C | B | B | C | C |
| Meadows Coal Co., E. W | Minter | Beckley Poca. #3 | C | C | C | C | C | B | B | B | B |
| Minter Coal Co., E. C | Morrison | Sewell | B | B | B | C | B | B | B | B | B |
| Morrison Coal Co | Nuriva #2 | Poca. #3 | C | C | B | C | B | C | B | C | B |
| Nuriva Smo. Coal Co | Affinity | Beckley | B | B | A | B | B | B | B | A | A |
| Pemberton C. & C. Co | Big Stick | Beckley | A | A | A | A | A | A | A | A | A |
| Pemberton C. & C. Co | Myrtle | Poca. #6 | C | C | C | C | C | B | B | B | B |
| Porterfield Coal Co | Glen Rogers | Beckley | A | A | A | A | A | A | A | C | C |
| Raleigh-Wyoming Mng. Co | Wyoming* | Sewell* | B* | B* | B* | B* | B* | B* | B* | B* | B* |
| Red Jacket Coal Corp.* | Semoco | Sewell | B | B | B | B | B | B | B | B | B |
| Sewell Smo. Coal Co | Slab Fork | Beckley | A | A | A | A | A | A | B* | B* | A |
| Slab Fork Coal Co | Sterling | Fire Creek | C | C | C | C | C | C | B | B | B |
| Sterling Smo. Coal Co | Wacomah | Poca. #3 | C | C | C | C | C | C | B | B | B |
| Wacomah Coal Co | Wind. Gulf 1 | Beckley | A | A | A | A | A | A | A | A | A |
| Winding Gulf Coll. Co | Wind. Gulf 2 | Beckley | A | A | | | | | | | |
| Winding Gulf Coll. Co | | | | | | | | | | | |

*Correction.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Market Areas Nos. 4, 6, 7, 8, 9, 10, and 12* [1]

*Designated base rate.*—Clearfield Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Clearfield District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Clearfield District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Areas Nos. 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112* [1]

*Designated base rate.*—Logan, Kanawha, Kenova-Thacker (Inner Crescent) Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Logan, Kanawha, Kenova-Thacker (Inner Crescent) base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

[1] Correction.

*Market Area No. 43*

*Designated base rate.*—Virginia District Southern Railroad Group 14.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Virginia District Southern Railroad Group 14 base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Virginia District Southern Railroad Group 14 base rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

*Market Area No. 69* [1]

*Designated base rate.*—Alabama Mines Southern Group 1 Rate.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Alabama Mines Southern Group 1 rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Alabama Mines Southern Group 1 rate designated above, the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: *Provided*, That the amount of such increase may be limited to a maximum of 35¢.

[1] Correction.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 1 (All Rail), 2, 3, 4, 5, 6, and 13*

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 320 | 330 | 295 | 225 | 225 | 255 | 235 | *213 | *203 |
| B | 305 | 315 | 295 | 225 | 225 | 255 | 235 | *208 | *198 |
| C | 285 | 285 | 285 | *225 | 225 | 245 | 225 | *203 | *193 |
| D | 280 | 290 | 275 | 210 | 210 | 235 | 225 | *198 | *188 |
| E | | | | | | | | *193 | *183 |
| F | | | | | | | | | |
| G | | | | | | | | *183 | *173 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | *163 | *153 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 1 via Tidewater From Hampton Roads for Delivery East of Port Chester, N. Y., and to All Coastal Ports in New England*

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 280 | 290 | 255 | 218 | 218 | 255 | 218 | 205 | 195 |
| B | 265 | 275 | 255 | 218 | 218 | 255 | 218 | 200 | 190 |
| C | *255 | *265 | 245 | *218 | *218 | 245 | 208 | 195 | 185 |
| D | 240 | 250 | 235 | 203 | 203 | 235 | 208 | 190 | 180 |
| E | | | | | | | | 185 | 175 |
| F | | | | | | | | | |
| G | | | | | | | | 175 | 165 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 155 | 145 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 1-A via Tidewater From Hampton Roads for Delivery to Points in Philadelphia Harbor*

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 280 | 290 | 255 | 216 | 216 | 255 | 216 | 216 | 206 |
| B | 265 | 275 | 255 | 216 | 216 | 255 | 216 | 211 | 201 |
| C | *255 | *265 | 245 | *216 | *216 | 245 | 206 | 206 | 196 |
| D | 240 | 250 | 235 | 201 | 201 | 235 | 206 | 201 | 191 |
| E | | | | | | | | 196 | 186 |
| F | | | | | | | | | |
| G | | | | | | | | 186 | 176 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 166 | 156 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 1-A via Tidewater From Hampton Roads for Delivery to Points in the Port of New York Including Port Chester, N. Y., and Baltimore, Md., Harbor*

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 280 | 290 | 255 | 218 | 218 | 255 | 218 | 218 | 208 |
| B | 265 | 275 | 255 | 218 | 218 | 255 | 218 | 213 | 203 |
| C | *255 | *265 | 245 | *218 | *218 | 245 | 208 | 208 | 198 |
| D | 240 | 250 | 235 | 203 | 203 | 235 | 208 | 203 | 193 |
| E | | | | | | | | 198 | 188 |
| F | | | | | | | | | |
| G | | | | | | | | 188 | 178 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 168 | 158 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 12, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 88, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 146**

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 320 | 330 | 295 | 255 | 225 | 255 | 235 | 215 | 205 |
| B | 305 | 315 | 295 | 255 | 225 | 255 | 235 | 210 | 200 |
| C | 285 | 285 | 285 | 255 | 225 | 245 | 225 | 205 | 195 |
| D | 280 | 290 | *270 | *240 | 210 | 235 | 225 | 200 | 190 |
| E | | | | | | | | 195 | 185 |
| F | | | | | | | | | |
| G | | | | | | | | 185 | 175 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 165 | 155 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than the size group 9, except for shipment into Market Area 12.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 7, 8, 9, 10*

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 320 | 330 | 295 | 255 | 225 | 255 | 235 | 215 | 205 |
| B | 305 | 315 | 295 | 255 | 225 | 255 | 235 | 210 | 200 |
| C | 285 | 285 | 285 | 255 | 225 | 245 | 225 | 205 | 195 |
| D | 280 | 290 | *270 | *240 | 210 | 235 | 225 | 200 | 190 |
| E | | | | | | | | 195 | 185 |
| F | | | | | | | | | |
| G | | | | | | | | 185 | 175 |
| H | | | | | | | | | |
| I | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 165 | 155 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 330 | *340 | 305 | 265 | 235 | 255 | 235 | 215 | 205 |
| B | 315 | *325 | 305 | 265 | 235 | 255 | 235 | 210 | 200 |
| C | 295 | *295 | 295 | 265 | 235 | 245 | 225 | 205 | 195 |
| D | 290 | *300 | *280 | *250 | 220 | 235 | 225 | 200 | 190 |
| E | | | | | | | | 195 | 185 |
| F | | | | | | | | | |
| G | | | | | | | | 185 | 175 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | 165 | 155 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 9.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 37, 38, 39, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 97**

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 320 | 330 | 295 | 225 | 225 | 255 | 235 | *210 | *200 |
| B | 305 | 315 | 295 | 225 | 225 | 255 | 235 | *205 | *195 |
| C | 285 | 285 | 285 | 225 | 225 | 245 | 225 | *200 | *190 |
| D | 280 | 290 | 275 | 210 | 210 | 235 | 225 | *195 | *185 |
| E | | | | | | | | *190 | *180 |
| F | | | | | | | | | |
| G | | | | | | | | *180 | *170 |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | | |
| L | | | | | | | | *160 | *150 |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of 3/4" may be priced at 10¢ per net ton lower than size group 9.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 40, 41, 42*

| Price index | Size groups | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 320 | 330 | 295 | 225 | 225 | 255 | 235 | *210 | *200 |
| B | 305 | 315 | 295 | 225 | 225 | 255 | 235 | *205 | *195 |
| C | 285 | 285 | 285 | 225 | 225 | 245 | 225 | *200 | *190 |
| D | 280 | 290 | 275 | 210 | 210 | 235 | 225 | *195 | *185 |
| E | | | | | | | | *190 | *180 |
| F | | | | | | | | *180 | *170 |
| G | | | | | | | | | |
| H | | | | | | | | | |
| J | | | | | | | | | |
| K | | | | | | | | *160 | *150 |
| L | | | | | | | | | |

* Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.35 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.50 per net ton of 2,000 lbs. F. O. B. mines.

When coal, other than Locomotive Fuel, is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

*High Volatile—Price Index*

| Company | Mine | Seam | Size group numbers | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Carter Coal Co | Seaboard | Lower Seaboard | O | M | M | J | G | K | K | K | B | ---- | ---- | ---- | L | L | ---- | ---- |
| Gauley Mountain Coal Co | Anstead | #2 Gas | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | E |
| Gauley Mountain Coal Co | Rich Creek | Coalburg | O | O | O | N | N | N | N | N | G | G | J | J | J | J | ---- | ---- |
| Koppers Coal Co | Beards Fork | #2 Gas | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Koppers Coal Co | Ingram Branch | Eagle | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Koppers Coal Co | Long Branch | Eagle | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Koppers Coal Co | Midvale | #2 Gas | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Koppers Coal Co | Loup Creek | Eagle | O | M | M | J | G | K | K | K | B | B | A | A | A | A | ---- | ---- |
| Loup Creek Coll. Co | Mill Creek #2 | No. 2 Gas.* | O | M | M | J | G | K | K | K | B | ---- | E | E | E | E | ---- | ---- |
| Mill Creek Coll. Co | Vera #1 | Big Eagle | O | M | M | J | G | K | K | K | B | ---- | E | E | E | E | ---- | ---- |
| Vera, Pocahontas Coal Co | | | | | | | | | | | | | | | | | | |

*Correction.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment In to Market Areas Nos. 1 and 1–A for Movement Via Tidewater (Hampton Roads, Va.)*

| Groups | Size group prices | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1[1] | | | | | | | | | | | | | | | | | | | | |
| 2[1] | | | | | | | | | | | | | | | | | | | | |
| 3[1] | | | | | | | | | | | | | | | | | | | | |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | | | |
| 9* | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 12 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | | | | | | | |
| 13 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | | | | | | | |
| 14 | | | | | | | | | | | | | | | | | | | | |
| 15 | | | | | | | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | | | | | | | |

[1] Prices for this group are the same as those for group #4.

*Corrections.

*Important.*—Exceptions are a part of these prices and must be complied with.

All mines taking price classification below "P" in Size Groups 1 to 8, inclusive, shall take a "P" classification.

Shipments via Tidewater through Hampton Roads for delivery to points in the Port of New York, including Port Chester, N. Y., and Baltimore, Md., shall, for Size Groups Nos. 11, 12, 13 and 14, be priced 13¢ per net ton higher than above prices.

*Prices in Cents per Net Ton of 2,000 Pounds for Ship ment Into Market Areas Nos. 4, 5, 6, 7, 8, 9, 10, 13**

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15* | | | | | | | | | | | | | | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 11, 12, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112**

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11* | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | | | | | | | |
| 12* | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 13* | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 14* | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | | | | | | | |
| 15* | | | | | | | | | | | | | | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced at 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 2, 3*

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 6 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 7 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 8 | | | | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11* | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | | | | | | | |
| 12* | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 13* | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 14* | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | | | | | | | |
| 15* | | | | | | | | | | | | | | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

*Correction.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 20, 21*

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 | 335 | 330 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 |
| 4 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | |
| 5 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | |
| 7 | | | | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 |
| 8 | | | | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | 180 |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 185 | 170 | 165 | | | | | | | | | | |

*Important.*—Exceptions are a part of these prices and must be complied with.

NOTE.—Slack coal having a maximum top size of ¾" may be priced at 10¢ per net ton lower than size group 14.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 40, 41, 42**

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1[1] | | | | | | | | | | | | | | | | | | | | |
| 2 | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 3 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 4 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | | | |
| 5 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | | | |
| 6 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | | | |
| 7 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 8 | | | | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | | | |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | | | | | | | | | | | | |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | | | | | | | | | | | | |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | | | | | | | |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | | | | | | | |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | | | | | | | |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | | | | | | | |
| 15* | | | | | | | | | | | | | | | | | | | | |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | | | | | | | | | | |

*Correction.

[1] Prices for this group are the same as those for group 2.

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 43**

| Size groups | Price index | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H | J | K | L | M | N | O | P | Q | R | S | T | U |
| 1 [1] | 325 | 320 | 315 | 310 | 305 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 |
| 2 | 315 | 310 | 305 | 300 | 195 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 |
| 3 | 300 | 295 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | ---- | ---- | ---- |
| 4 | 290 | 285 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | ---- | ---- | ---- |
| 5 | 280 | 275 | 270 | 265 | 260 | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | ---- | ---- | ---- |
| 6 | ---- | ---- | ---- | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | ---- | ---- | ---- |
| 7 | ---- | ---- | ---- | 255 | 250 | 245 | 240 | 235 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | ---- | ---- | ---- |
| 8 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| 9 | 230 | 225 | 220 | 215 | 210 | 205 | 200 | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| 10 | 220 | 215 | 210 | 205 | 200 | 195 | 190 | 185 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| 11 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| 12 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | ---- | ---- | ---- | ---- | ---- | ---- |
| 13 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | ---- | ---- | ---- | ---- | ---- |
| 14 | 190 | 185 | 180 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | ---- | ---- | ---- | ---- | ---- |
| 15 | 185 | 175 | 170 | 165 | 160 | 155 | 150 | 145 | 140 | 135 | 130 | 125 | 120 | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| 16 | 210 | 205 | 200 | 195 | 190 | 185 | 180 | 175 | 170 | 165 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

*Correction.

[1] Prices for this group are the same as those for group 2.

*Important.*—Exceptions are a part of these prices and must be complied with.
NOTE.—Slack coal having a maximum top size of 3/8" may be priced at 10¢ per net ton lower than size group 14.

### RAILROAD LOCOMOTIVE FUEL PRICES

*On Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $2.15 pet net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.30 per net ton of 2,000 lbs. F. O. B. mines.

*Off Line*

All coal, except lump or double screened sizes, sold for Railroad Locomotive fuel shall take a minimum price of $1.95 per net ton of 2,000 lbs. F. O. B. mines.

Lump or any double screened coal ordered or sold for Locomotive Fuel, shall take a minimum price of $2.10 per net ton of 2,000 lbs. F. O. B. mines.

*On and Off Line*

When coal, other than Locomotive Fuel is sold to a railroad the price shall be not less than the minimum established for the grade and size sold, applicable to the market area in which the mine is located.

[F. R. Doc. 37-3684; Filed, December 16, 1937; 11:51 a. m.]

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[Order No. 137]

### AN ORDER MODIFYING ORDER NO. 99, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ELEVEN

The National Bituminous Coal Commission having by its Order No. 99 determined and established the Minimum Prices of Coals of Code Members Produced within District Number Eleven as set forth in Price Schedule Number One—District Number Eleven, which together with an appendage entitled, "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule Number One—District Number Eleven, and determined that the provisions of Subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule Number One—District Number Eleven, as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District Number Eleven, established in Price Schedule Number One—District Number Eleven, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule Number One—District Number Eleven, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District Number Eleven, shall be and become effective at 12:01 o'clock A. M. on the 16th day of December, 1937.

2. That said Order No. 99, as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 1 to Price Schedule Number One—District Number Eleven to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Eleven; shall cause copies of this order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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### SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 11

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 11, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., December 16, 1937.

Issued December 14, 1937.

F. W. MCCULLOUGH, *Secretary.*

*Price Instructions and Exceptions*

Item No. 1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

Item No. 2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.



Item No. 3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

Item No. 4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

Item No. 5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

Item No. 6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

Item No. 7. *Picking-table reject coal.*—The price of unwashed picking-table reject coal, 1¾"[1] top sizes or less, commonly known as breaker screenings, for delivery in all market areas, shall be 25¢ per ton less than the price of 1½" or 1¼" screenings of the same classification, except that the price of such coal produced at Class F mines shall be the same as the price of such coal produced at Class E mines.

Picking-table reject coal crushed 1¾"[1] or smaller, and washed or air-cleaned, containing an ash content of not less than raw screenings from the same mine, may be sold at not less than the minimum price established for raw screenings of similar top size.

Item No. 9. *Mechanical cleaned and/or washed nut and stoker coals.*—All mechanically cleaned and/or washed nut and stoker coals in size groups 6, 7 and 8[1] shall be priced a minimum of ten cents (10¢) per net ton higher than raw coal of the same size.

*Definitions*

*Raw screenings.*—Raw screenings is coal which has passed through round hole screens 2 inch, 1½ inch, 1¼ inch, 1 inch, or ¾ inch in diameter, or the equivalent thereof, to which nothing has been added and from which nothing has been removed.

*Washed screenings.*—Washed screenings as referred to in this schedule of minimum prices shall consist of 2 inch, 1½ inch, 1¼ inch, 1 inch, and ¾ inch screenings from which no fines greater than ½ millimeter have been removed before or after washing.

*Modified screenings.*—Modified screenings are screenings from which a portion of the fines have been removed through screens with openings smaller than No. 6 mesh; or, screenings from which sufficient 3/8" x 0" fines have been removed to leave not less than 23.5 percent of 3/8" x 0" fines in the modified screenings.

*Picking-table reject coal.*—Picking-table reject coal, commonly known as breaker screenings, are screenings made by crushing or breaking, in a Bradford or similar type of breaker, reject coal from picking tables which contains an excessive amount of impurities.

Item No. 10. 3/8" *minus coals.*—For application in all Market Areas, the prices of the sizes of coal indicated below will be determined by deducting from the prices of 1¼" raw screenings (Size Group No. 11), the amounts per ton shown opposite each size.

| | | |
|---|---|---|
| 3/8" Minus (washed) | 15 | cents per ton. |
| 3/8" Minus (air-cleaned) | 15 | cents per ton. |
| 3/8" x 10 Mesh (raw) | 15 | cents per ton. |
| 3/8" x 10 Mesh (water dedusted) | 20 | cents per ton. |
| 3/8" x 28 Mesh (water dedusted) | 25 | cents per ton. |
| 10 Mesh x 28 Mesh (water dedusted) | 80[1] | cents per ton. |

11. *Brazil Block 2" and 2½" Lump.*—The prices of 2 inch and 2½ inch Brazil Block lump coal, for delivery in all Market Areas, will be 10 cents per ton less than the prices published for those sizes of coal in Size Group No. 1.

12. *Two inch screenings.*—The prices in all Market Areas of 2" screenings of their respective preparation (raw, washed, dedusted and modified) shall be ten (10) cents per ton higher than the prices of the corresponding preparation of 1½" and 1¼" screenings.

13. *Over-size block screenings.*—The price of 2½ inch Brazil Block raw screenings for delivery in all Market Areas, will be the same as the price of 2 inch Brazil Block modified screenings.

*Size Groups for Shipment Into All Market Areas*

| Group No. | Sizes | Group No. | Sizes |
|---|---|---|---|
| 1 | 6" and larger Lump. | 6 | 1½" x 1" Nut. |
| | 5" Lump. | | 1¼" x 1" Nut. |
| | 4" Lump. | | 1½" x ¾" Nut. |
| | 3" Lump. | | 1¼" x ¾" Nut. |
| | 2" Lump. | | |
| | 8 x 4" Egg. | 7 | 1½ x 3/8" to 6 Mesh Nut. |
| | 8 x 3" Egg. | | 1¼ x 3/8" to 6 Mesh Nut. |
| | 7 x 4" Egg. | | |
| | 7 x 3" Egg. | 8 | 1 x 3/8" to 6 Mesh Nut. |
| | | | ¾ x 3/8" to 6 Mesh Nut. |
| 2 | 6 x 4" Egg. | | |
| | 6 x 3½" Egg | 9 | 1½" Washed Screenings. |
| | 6 x 3" Egg. | | 1¼" Washed Screenings. |
| | 5 x 4" Egg. | | 1" Washed Screenings. |
| | 5 x 3" Egg. | | ¾" Washed Screenings. |
| | 4 x 3" Egg. | | |
| 3 | 1½" Lump. | 10 | 1½" Modified Screenings. |
| | 1¼" Lump. | | 1¼" Modified Screenings. |
| | 6 x 2½" Egg. | | 1" Modified Screenings. |
| | 6 x 2" Egg. | | ¾" Modified Screenings. |
| | 6 x 1½" Egg. | 11 | 1½" Screenings (Raw). |
| | 6 x 1¼" Egg. | | 1¼" Screenings (Raw). |
| | 6 x 3/4" Egg. | | |
| | 5 x 2" Egg. | 12 | 1" Screenings (Raw). |
| | | | ¾" Screenings (Raw). |
| 4 | 5 x 1½" Egg. | | |
| | 4 x 2" Egg. | 13 | 5/16" x 10 Mesh (Raw) |
| | 4 x 1½" Egg. | | 3/8" x 10 Mesh (Raw). |
| | 4 x 1¼" Egg. | | |
| | 3 x 2" Nut. | 14 | Carbon 3/8" or less x 0. |
| 5 | 3 x 1½" Nut. | 15 | Mine Run. |
| | 3 x 1¼" Nut. | | |
| | 3 x 1" Nut. | | |
| | 3 x ¾" Nut. | | |
| | 2 x 1½" Nut. | | |
| | 2 x 1¼ Nut. | | |
| | 2 x 1" Nut. | | |

Any size not provided for above shall be included in the group provided for the next larger size of the same grade and classification.

[1] Correction.

*Price Index of Code Members*

BRAZIL-CLINTON DISTRICT

| Operating company | Name or number of mine | Seam | Size groups | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Lone Star Coal Company, Inc. | Lone Star | III | F | F | F | F | F | F | F | F | ---- | F | F | F | ---- | F | F |
| Morgan, Ray | Morgan-Asherville | B | A | C | ---- | C | C | C | C | C | ---- | D | C | C | ---- | F | C |
| Rio Coal Company | Demand No. 2 | III | F | F | F | F | F | F | F | F | ---- | F | C | F | ---- | F | F |
| Rockhill Coal & Clay Company | Rockhill | B | A | C | C | C | C | C | C | C | ---- | D | C | C | ---- | C | C |
| Saxton Coal Mining Company | Saxton 1 | IV | C | C | C | C | C | C | C | C | ---- | C | C | C | ---- | C | C |
| Snow Hill Coal Corporation | Talleydale | III | E | E | E | E | E | E | E | E | F | ---- | ---- | ---- | ---- | ---- | F |
| Superior Products, Incorporated | Superior | B | A | C | C | C | C | C | C | C | ---- | D | C | C | ---- | F | C |
| United States Fuel Company | Universal | IV | C | C | C | F* | F* | F | F | F | ---- | F | F | F | ---- | F | F |
| West Clinton Coal Company | Interstate 2 | V | F | F | F* | F* | F | F | F | F | ---- | F | F | F | ---- | F | F |

*Corrections.

BASIS FOR FREIGHT RATE ADJUSTMENT

*Absorption of freight differentials.*—The prices published in this schedule are based upon: (*a*)[a] the freight rates in effect from the Brazil-Clinton District (base group) to destinations where the freight rates from the other origin groups are related by fixed differentials, or (*b*) the lowest freight rate from any group to destinations where the freight rates from the various Indiana origin groups are not related by fixed differentials.

For the purpose of effecting the same delivered price, in the same market area, of all Indiana coals of the same classification, the f. o. b. mine prices published in this schedule may be reduced by the amounts in cents per net ton indicated for each producing district in connection with each of the market areas shown below:

*Market Area No. 29*

Coals produced in—
Linton-Sullivan Group---------- 10 cents per ton.
Princeton-Ayrshire Group------- 22 cents per ton.
Boonville Group ---------- 25 cents per ton.
Evansville Group ---------- 30 cents per ton.

*Market Areas Nos. 27, 28, 30, 31, 33, 34, 99, 100, 101,[1] 102, 104, to 112, inclusive; 136 to 147, inclusive; and that part of the State of Kansas in Market Area No. 118*

Coals produced in—
Linton-Sullivan Group---------- 10 cents per ton.
Princeton-Ayrshire Group ------- 17 cents per ton.
Boonville Group ---------- 20 cents per ton.
Evansville Group ---------- 30 cents per ton.

*Market Areas Nos. 17, 18, 19, 20, 21, 23, and 36*

Any producer may shrink the f. o. b. mine prices published for his or its coal for delivery in the above market areas sufficiently to absorb the difference between the published freight rate from his or its mine and the lowest published freight rate from any Indiana mine to the same destination; *Provided*, That in no instance shall the absorption of freight differences exceed 35 cents per net ton.

*Exception.*—The absorption of freight rate differences between Indiana mines shall not be predicated on the obsolete rates published from Cates and Cayuga on the N. Y. C. & St. L., and Owensburg on the C. I. & L., to points on those roads and connecting lines.

*Market Area No. 22*

Any producer may shrink the f. o. b. mine prices published for his or its coal for delivery in the above Market Area sufficiently to absorb the difference between the published rate from his or its mine and a rate of 50 cents per ton.

*Market Areas Nos. 24, 25, 26, 32; 113 to 117, Inclusive; and That Part of Missouri in Market Area No. 118*

The prices published in this schedule for application to coal for delivery in the above market areas, shall not be reduced to equalize any differences in the freight rates from the producing districts in Indiana to points in the aforesaid Market Areas.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 23*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | *250 | | *240 | | *220 | *210 |
| 2 | *240 | *235 | *230 | *220 | *210 | *200 |
| 3 | | *225 | *220 | *210 | *200 | *190 |
| 4 | | *215 | *210 | *200 | *190 | *180 |
| 5 | | | *200 | *190 | *180 | *170 |
| 6 | | | *195 | *190 | *180 | *165 |
| 7 | | | *190 | *185 | *175 | *160 |
| 8 | | | *205 | *200 | *190 | *175 |
| 9 | | | | | *165 | *A160 |
| 10 | | | *170 | *165 | *155 | *140 |
| 11 | | | *160 | *155 | *145 | *130 |
| 12 | | | *150 | *145 | *135 | *120 |
| 13 | | | | | *160 | *145 |
| 14 | | | *100 | *95 | *85 | *70 |
| 15 | | | 210 | 210 | 200 | 190 |

*Corrections.
*Important.*—Exceptions are a part of these prices and must be complied with.

[1] Correction.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 23*

| Destination | Size group No. 1—Price index | | | | | | Size group No. 11 price index | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | C | D | E | F |
| Amboy, Ill. | 246 | 241 | 236 | 226 | 216 | 206 | 156 | 151 | 141 | 126 |
| Aurora, Ill. | 265 | 260 | 255 | 245 | 235 | 225 | 175 | 170 | 160 | 145 |
| Barrington, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Belvidere, Ill. | 243 | 238 | 233 | 223 | 213 | 203 | 153 | 148 | 128 | 123 |
| Bettendorf, Iowa | 240 | 235 | 230 | 220 | 210 | 200 | 150 | 145 | 135 | 120 |
| Byron, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Clinton, Ill. | 240 | 235 | 230 | 220 | 210 | 200 | 150 | 145 | 135 | 120 |
| Crystal Lake, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Davenport, Iowa | 240 | 235 | 230 | 220 | 210 | 200 | 150 | 145 | 135 | 120 |
| DeKalb, Ill. | 246 | 241 | 236 | 226 | 216 | 206 | 156 | 151 | 141 | 126 |
| Depue, Ill. | 250 | 245 | 240 | 230 | 220 | 210 | 160 | 155 | 145 | 130 |
| Dixon, Ill. | 246 | 241 | 236 | 226 | 216 | 206 | 156 | 151 | 141 | 126 |
| East Moline, Ill. | 240 | 235 | 230 | 220 | 210 | 200 | 150 | 145 | 135 | 120 |
| Elgin, Ill. | 270 | 265 | 260 | 250 | 240 | 230 | 180 | 175 | 165 | 150 |
| Forreston, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Freeport, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Galena, Ill. | 280 | 255 | 250 | 240 | 230 | 220 | 165 | 160 | 150 | 135 |
| Geneva, Ill. | 266 | 261 | 256 | 246 | 236 | 226 | 156 | 151 | 141 | 126 |
| Genoa, Ill. | 270 | 265 | 260 | 250 | 240 | 230 | 180 | 175 | 165 | 150 |
| Harvard, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Holcomb, Ill. | 243 | 238 | 233 | 222 | 213 | 203 | 153 | 148 | 138 | 125 |
| Iowana, Iowa | 240 | 235 | 230 | 220 | 210 | 200 | 150 | 145 | 135 | 120 |
| Kirkland, Ill. | 270 | 265 | 260 | 250 | 240 | 230 | 180 | 175 | 165 | 150 |
| LaSalle, Ill. | 250 | 245 | 240 | 230 | 220 | 210 | 160 | 155 | 145 | 130 |
| Mendota, Ill. | 250 | 245 | 240 | 230 | 220 | 210 | 160 | 155 | 145 | 130 |
| Moline, Ill. | 240 | 235 | 230 | 220 | 210 | 200 | 150 | 145 | 135 | 120 |
| North Chicago, Ill. | 265 | 260 | 255 | 245 | 235 | 225 | 175 | 170 | 160 | 145 |
| Ottawa, Ill. | 250 | 245 | 240 | 230 | 220 | 210 | 160 | 155 | 145 | 130 |
| Rochelle, Ill. | 246 | 241 | 236 | 226 | 216 | 206 | 156 | 151 | 141 | 126 |
| Rock Island, Ill. | 240 | 235 | 230 | 220 | 210 | 200 | 150 | 145 | 135 | 120 |
| Rockford, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Rockton, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Savanna, Ill. | 260 | 255 | 250 | 240 | 230 | 220 | 170 | 165 | 155 | 140 |
| Sterling, Ill. | 246 | 241 | 236 | 226 | 216 | 206 | 156 | 151 | 141 | 126 |
| Sycamore, Ill. | 246 | 241 | 236 | 226 | 216 | 206 | 156 | 151 | 141 | 126 |
| Utica, Ill. | 250 | 245 | 240 | 230 | 220 | 210 | 160 | 155 | 145 | 130 |
| Waukegan, Ill. | 265 | 260 | 255 | 245 | 235 | 225 | 175 | 170 | 160 | 145 |

*Exceptions.*—The F. O. B. mine prices enumerated above for Size Groups Nos. 1 and 11 will apply to the above points in Market Area No. 23. The prices for all other size groups will be determined by subtracting from, or adding to (as the case may be), the base prices the differentials shown in the table following this tabulation.

NOTE.—Prices in above columns changed.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 29*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | *270 | | *260 | | *240 | *230 |
| 2 | *260 | *255 | *250 | *240 | *230 | *220 |
| 3 | | *245 | *240 | *230 | *220 | *210 |
| 4 | | *235 | *230 | *220 | *210 | *200 |
| 5 | | | *220 | *210 | *200 | *190 |
| 6 | | | *215 | *210 | *200 | *185 |
| 7 | | | *210 | *205 | *195 | *180 |
| 8 | | | *225 | *220 | *210 | *195 |
| 9 | | | | | *185 | *A180 |
| 10 | | | *190 | *185 | *175 | *160 |
| 11 | | | *180 | *175 | *165 | *150 |
| 12 | | | *170 | *165 | *155 | *140 |
| 13 | | | | | *180 | *165 |
| 14 | | | *120 | *115 | *105 | *90 |
| 15 | | | 210 | 210 | 200 | 190 |

* Corrections.
*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 18—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | *275 | | *265 | | *240 | *230 |
| 2 | *265 | *260 | *255 | *240 | *230 | *220 |
| 3 | | *250 | *245 | *235 | *220 | *210 |
| 4 | | *240 | *235 | *225 | *210 | *200 |
| 5 | | | *225 | *215 | *200 | *190 |
| 6 | | | *215 | *210 | *200 | *185 |
| 7 | | | *215 | *210 | *200 | *185 |
| 8 | | | *215 | *210 | *200 | *185 |
| 9 | | | | | *190 | *A185 |
| 10 | | | *195 | *190 | *180 | *165 |
| 11 | | | *185 | *180 | *170 | *155 |
| 12 | | | *175 | *170 | *160 | *145 |
| 13 | | | | | *170 | *155 |
| 14 | | | *115 | *110 | *100 | *85 |
| 15 | | | 210 | 210 | 200 | 190 |

*Corrections.
*Important.*—Exceptions are a part of these prices and must be complied with



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 31 and 99—Price Index*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | *260 | | *250 | | *230 | *220 |
| 2 | *250 | *245 | *240 | *230 | *220 | *210 |
| 3 | | *235 | *230 | *220 | *210 | *200 |
| 4 | | *225 | *220 | *210 | *200 | *190 |
| 5 | | | *210 | *200 | *190 | *180 |
| 6 | | | *200 | *195 | *185 | *170 |
| 7 | | | *195 | *190 | *180 | *165 |
| 8 | | | *210 | *205 | *195 | *180 |
| 9 | | | | | *170 | *A165 |
| 10 | | | *175 | *170 | *160 | *145 |
| 11 | | | *165 | *160 | *150 | *135 |
| 12 | | | *155 | *150 | *140 | *125 |
| 13 | | | | | *165 | *150 |
| 14 | | | *105 | *100 | *90 | *70 |
| 15 | | | 210 | 210 | 200 | 190 |

*Corrections.
*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 100, 101, 104, 107, 108, 109, 110, 111, 112, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146,* 147 and that part of the State of Kansas in Market Area No. 118—Price Index*

| Size Groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 250 | | 240 | | 220 | 210 |
| 2 | 240 | 235 | 230 | 220 | 210 | 200 |
| 3 | | 225 | 220 | 210 | 200 | 190 |
| 4 | | 215 | 210 | 200 | 190 | 180 |
| 5 | | | 200 | 190 | 180 | 170 |
| 6 | | | 190 | 185 | 175 | 160 |
| 7 | | | 185 | 180 | 170 | 155 |
| 8 | | | 200 | 195 | 185 | 170 |
| 9 | | | | | 160 | a-155 |
| 10 | | | 165 | 160 | 150 | 135 |
| 11 | | | 155 | 150 | 140 | 125 |
| 12 | | | 145 | 140 | 130 | 115 |
| 13 | | | | | 155 | 140 |
| 14 | | | 95 | 90 | 80 | 65 |
| 15 | | | 210 | 210 | 200 | 190 |

*Corrections.
*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 33, 34, 105, and 106*

| Size groups | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | *250 | | *240 | | *220 | *210 |
| 2 | *240 | *235 | *230 | *220 | *200 | *200 |
| 3 | | *225 | *220 | *210 | *200 | *190 |
| 4 | | *215 | *210 | *200 | *190 | *180 |
| 5 | | | *200 | *190 | *180 | *170 |
| 6 | | | *190 | *185 | *175 | *160 |
| 7 | | | *185 | *180 | *170 | *155 |
| 8 | | | *200 | *195 | *185 | *170 |
| 9 | | | | | *160 | **155 |
| 10 | | | *165 | *160 | *150 | *135 |
| 11 | | | *155 | *150 | *140 | *125 |
| 12 | | | *145 | *140 | *130 | *115 |
| 13 | | | | | *155 | *140 |
| 14 | | | *95 | *90 | *80 | *60 |
| 15 | | | 210 | 210 | 200 | 190 |

*Correction.

RAILROAD LOCOMOTIVE FUEL PRICES (ON AND OFF LINE)

Any coal sold for Railroad Locomotive Fuel shall take a minimum price of $2.10 per net ton.

Mines located on the A. W. & W. R. R. may absorb not in excess of 20¢ per net ton of 2,000 pounds on Railroad Locomotive fuel sold for consumption by the C. C. C. & St. L. R. R. Co.[1]

Mines located on the Indiana R. R. may absorb not in excess of 10¢ per net ton of 2,000 pounds on Railroad Locomotive fuel when sold for consumption by the C. M. St. P. & P. R. R. Co.[1]

[F. R. Doc. 37-3685; Filed, December 16, 1937; 11:52 a. m.]

[1] Correction.

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-62 O-62]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF ONION SETS GROWN IN THE LOWER LAKE MICHIGAN AREA

Whereas under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of onion sets grown in the counties of Kenosha and Racine in the State of Wisconsin, the counties of Cook, Will, DuPage, Lake and Kankakee in the State of Illinois, and the counties of Lake and Porter in the State of Indiana, herein referred to as the Lower Lake Michigan Area;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of onion sets grown in the Lower Lake Michigan Area in the public school building, South Holland, Illinois, on December 28, 1937, at 10:00 a. m., c. s. t.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of onion sets grown in the Lower Lake Michigan Area. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Committee, (b) grade and size regulation of shipments, (c) expenses of administration, and other matters relating to the handling of onion sets grown in the Lower Lake Michigan Area.

It is hereby declared that an emergency exists in the handling of onion sets in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, December 16, 1937.

[F. R. Doc. 37-3694; Filed, December 17, 1937; 11:06 a. m.]

## Forest Service.

OCCUPANCY, USE, PROTECTION AND ADMINISTRATION OF NATIONAL FORESTS

MODIFICATION OF REGULATION S-24

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the Act of June 4, 1897 (30 Stat., 11, 35), I, H. A. Wallace, Secretary of Agriculture, do hereby amend

Regulation S–24 of the rules and regulations governing the occupancy, use, protection, and administration of the National Forests to read as follows:

"REG. S–24. The Chief, Forest Service, may authorize the cutting or use of national-forest timber for the construction, maintenance, or repair of roads, bridges, trails, telephone lines, drift fences, or other improvements of value for the protection or administration of the national forests; for investigations; for use in relief work conducted by public agencies; or to meet the needs, for building, fuel, and similar uses but not for resale, of nonprofit organizations of unrestricted membership and furnishing services to the general public without distinctions between individuals, such as local governmental bodies including school districts, churches, and community organizations for community betterment."

In testimony whereof, I have hereunto set my hand and official seal at the city of Washington this 17th day of December, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37–3695; Filed, December 17, 1937; 12:26 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of December, A. D., 1937.

[File No. 47–17]

IN THE MATTER OF BELLOWS FALLS HYDRO-ELECTRIC CORPORATION

ORDER APPROVING ACQUISITION OF ASSETS

Bellows Falls Hydro-Electric Corporation, a registered holding company, having filed an application with this Commission pursuant to Section 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for the acquisition of certain substation equipment; a hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered,* That the acquisition by applicant of such substation equipment in the manner and subject to the terms set forth in such application, be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3696; Filed, December 17, 1937; 12:41 p. m.]

*Tuesday, December 21, 1937* *No. 246*

## DEPARTMENT OF THE INTERIOR.

### Division of Grazing.

IDAHO GRAZING DISTRICT NO. 2

MODIFICATION

DECEMBER 13, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of November 3, 1936,[1] establishing Idaho Grazing District No. 2 is hereby revoked as far as it affects the following-described lands:

BOISE MERIDIAN

T. 4 N., R. 17 E.,
sec. 1, lots 1, 2, and 3, SW¼NE¼;
T. 4 N., R. 18 E.,
sec. 6, lots 2, 3, 4, 5, and 6, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
sec. 7, NW¼NE¼, NE¼NW¼.

CHARLES WEST,
*Acting Secretary of the Interior.*

[F. R. Doc. 37–3699; Filed, December 18, 1937; 9:47 a. m.]

[1] 1 F. R. 1743.

### National Bituminous Coal Commission.

At a Regular Session of the National Bituminous Coal Commission Held at its offices in Washington, D. C., on the 16th day of December, 1937.

[Docket No. 19–FD.]

INVESTIGATION OF THE NATURE AND EXTENT OF TRANSACTIONS IN INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF IOWA AND THE EFFECT OF SUCH TRANSACTIONS ON INTERSTATE COMMERCE IN SUCH COAL

It appearing that by Orders No. 2 and 26, the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4–A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Iowa and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 16th day of December, 1937, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof;

Now, therefore, it is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Iowa directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Iowa in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasoable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Therefore, *It is further ordered:*

1. That on and after the 3rd day of January, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Iowa, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Iowa.

2. That any producer of bituminous coal in intrastate commerce within the State of Iowa, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Sections 4 and 4–A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4–A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Iowa, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Iowa known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–3706; Filed, December 18, 1937; 12:26 p. m.]



[Order No. 139]

AN ORDER PRESCRIBING AND ESTABLISHING MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NUMBERS 15, 16, 17, 18, 19, 20, 22 AND 23, PURSUANT TO SECTION 4, PART II, OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders Nos. 9 and 25 directed all District Boards to propose reasonable rules and regulations incidental to the sale and distribution of coal of code members produced within their respective districts, and to coordinate such marketing rules and regulations in the manner therein provided, and submit same to the Commission; and the said District Boards having proposed such rules and regulations, as directed, and the District Boards having coordinated the rules and regulations as proposed by them, with certain exceptions, which exceptions were submitted to the Commission, together with coordination agreements, and statements of the reasons therefor having been submitted to the Commission at a hearing; the Commission having given due consideration to the marketing rules and regulations as proposed and coordinated by the District Boards, as well as to the exceptions made thereto, and all other evidence and pertinent data submitted to it, and having conformed said marketing rules and regulations to the standards as set forth in Section 4, Part II of the Bituminous Coal Act of 1937,

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Marketing Rules and Regulations, incidental to the sale and distribution of coals of Code Members within Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, as set forth in the document so captioned, and filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are established and prescribed as the Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members in said Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, and said Marketing Rules and Regulations shall be and become effective at 12:01 A. M. on the 3d day of January, 1938.

2. That any Code Member or District Board or Member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the Marketing Rules and Regulations may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and the Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members of Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, to the Consumers' Counsel, the Secretaries of Bituminous Coal Producers' Boards for Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, and to all Code Members within said Districts, shall cause copies of this order and said Marketing Rules and Regulations and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause a copy of this order to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

MARKETING RULES AND REGULATIONS, INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NUMBERS 15, 16, 17, 18, 19, 20, 22 AND 23

Marketing Rules and Regulations, Incidental to the Sale and Distribution of Coals of Code Members within Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, as set forth herein have been prescribed and established by Order of the Commission, subject to such modification and revision as the Commission may establish by further Orders.

F. WITCHER MCCULLOUGH, *Secretary.*

Dated December 16, 1937

SECTION 1—DEFINITIONS

1. The term "person" as used herein, includes individuals, firms, associations, partnerships, corporations, trusts, trustees, co-operatives, receivers and trustees in bankruptcy and in other legal proceedings, and any other recognized forms of business organizations.

2. A "Sales Agent" is a person who as agent, in law or in fact, sells coal for or on behalf of a code member.

3. A "commission" is the total of all compensations and allowances for services received by a sales agent from a code member for the sale of coal.

4. A "Wholesaler" is a person who purchases coal for resale and who resells such coal in lots of not less than a cargo or railroad carload, without physically handling such coal.

5. A "Farmers' Cooperative Organization" is a bona fide and legitimate cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States, and composed of local farmers' cooperative organizations, and which purchases coal for resale and resells it in lots of not less than a cargo or railroad carload to its member farmers' organizations, without physically handling such coal.

6. A "wholesale discount" is the total of all allowances or reductions from minimum or other prices allowed to a wholesaler or farmers' organization by a code member or his sales agent.

7. "Retailing" is the selling of coal in lots of less than a cargo or railroad carload.

8. A "spot order" is a legal obligation for the sale and purchase of coal, the delivery of which is stipulated to be made within not more than thirty (30) days from the date upon which the order was accepted.

9. A "contract" is a legal obligation for the sale and purchase of coal, the deliveries of which are stipulated to be made during a period longer than that specified for a spot order.

10. A "commitment" is a contract or spot order after a quotation is accepted or an option is exercised and not reduced to writing.

11. A "quotation" is an offer for the sale of coal at a price which the offerer may withdraw prior to its being acted upon by the offeree.

12. An "option" is an offer for the sale of coal at a price to be accepted within a time certain, during which time the offerer may not withdraw the offer without consent of the offeree.

13. "Coal Commission" as used herein, shall mean the National Bituminous Coal Commission established under the provisions of the Bituminous Coal Act of 1937.

14. "Act" as used herein, shall mean the Bituminous Coal Act of 1937.

15. "District Board" as used herein, shall mean any District Board established under the provisions of Section 4, Part I (a) of the Act.

16. "Statistical Bureau" shall mean, unless otherwise specifically stated, the statistical bureau of the Commission for the district in which the coal involved in any transaction is produced, or the district in which is located a mine of a code member affected by any order or regulation.

17. "Minimum Price" shall mean a minimum price established and made effective by the Coal Commission.

18. "Maximum Price" shall mean a maximum price established and made effective by the Coal Commission.

19. "Registration and Register" as used herein, shall refer to registration with the Coal Commission pursuant to rules and regulations prescribed by the Commission for the administration of Section 4 of the Act.

SECTION II—SALES AGENTS

1. All appointments of sales agents by code members or their agents or authorized representatives, and the terms and conditions of such appointments shall be subject to the Marketing Rules and Regulations from time to time established by the Coal Commission.

2. Each code member shall be responsible for the compliance by all his sales agents and agents and employees of sales agents with the provisions of the Bituminous Coal Code and of all rules and regulations, promulgations and determinations of the Coal Commission.

3. All contracts for the appointment of sales agents by code members or by agents or authorized representatives of code members shall be in writing. Certified copies of all such agency contracts entered into and in effect prior to the effective date of these rules and regulations shall be filed by the code member with the statistical bureau or bureaus for the district in which the code member produces coal, on or before January 31, 1938.

Certified copies of all contracts appointing sales agents made subsequent to the effective date of these rules and regulations, shall be similarly filed by the code member within ten (10) days after the date upon which such contracts have been entered into.

4. As to all coal sold by a code member otherwise than through a sales agent or through sales representatives regularly employed as salesmen by the code member, such code member shall, not later than the tenth day of each calendar month, file with the statistical bureau, a list of all his sales representatives and all wholesalers through whom, directly or indirectly, any such coal was sold, with a statement (as to sales representatives) of the duration and character of their employment, the tonnage sold by each such sales representative and wholesaler, and the amount of compensation or discounts paid to and allowed by them.

Each code member shall file monthly similar information obtained from his sales agents with the statistical bureau, concerning sales of coal made by the sales agents' representatives other than salesmen regularly employed.

5. A list showing the names and addresses of sales agents and the code members for whom such agents act shall be published by the Coal Commission from time to time.

6. All agency contracts and other information filed by code members in conformity with the foregoing regulations, other than the names and addresses of sales agents, shall be held by the Coal Commission as the confidential records of said parties and shall not be made public without the consent of the code member from whom the same shall have been obtained, except where such disclosure is required in any proceeding before the Coal Commission by way of enforcement of the Act or upon the order of any court of competent jurisdiction.

7. On and after February 1, 1938, no code member shall pay any commission or make any allowance to any sales agent unless the contract of agency shall have been filed with the Coal Commission as hereinbefore required and unless the sales agent shall have agreed in writing with the code member to conform to and observe the minimum prices and Marketing Rules and Regulations established by the Coal Commission and shall have conformed to the Fair Trade Practice provisions of the Code, as well as to these Marketing Rules and Regulations and all other proper orders of the Coal Commission.

SECTION III—REGISTRATION OF WHOLESALERS

I. From and after the date hereinafter provided no code member or sales agent of a code member shall pay or allow any discount from minimum or other prices to any wholesaler as herein defined unless such wholesaler shall be registered with the Coal Commission at the time of the sale.

II. Wholesalers of coal desiring to qualify themselves so as to be entitled to receive from code members or their sales agents discounts from minimum prices established by the Coal Commission shall make application to be designated as Registered Wholesalers.

III. The form of application to be filed for approval as a Registered Wholesaler shall among other things set forth:

(*a*) The name of the applicant.

(*b*) The address of his principal place of business together with the address of each branch office maintained.

(*c*) The form of organization of applicant's business, whether corporate, partnership, individual or any other form.

(*d*) The names and addresses of all officers, directors, managers and other parties in interest, including in the case of a corporation, the names of all stockholders, bondholders and other persons having a substantial interest.

(*e*) The total tonnage of bituminous coal handled by the applicant in the years 1934; 1935; 1936 and the first six (6) months of 1937, together with a schedule of tonnage handled in 1936 and in the first six (6) months of 1937 for each code member.

Also a list showing the names and addresses of any person to whom the wholesaler sold more than ten percent of the coal of any code member handled by applicant in the year 1936.

(*f*) A statement of the applicant's affiliation, if any, with any coal producer, whether or not a code member, or any transporter, processor, distributor or consumer of coal.

(*g*) Each application must be accompanied by duplicate copies of the "Terms of Registration" hereinafter set forth, each properly signed and acknowledged.

A. On behalf of corporations, by a principal officer or officers of the corporation duly authorized to act.

B. On behalf of a partnership, by one or more of the partners duly authorized for that purpose.

C. On behalf of an individual, by the applicant or his attorney duly empowered for that purpose.

D. In the case of any other form of business organization, by a person or persons legally authorized to execute an application on behalf of the applicant."

IV. Each such application shall be accompanied by the following agreement, executed in duplicate and properly signed and acknowledged on behalf of applicant.

*Terms of Registration*

The undersigned wholesaler agrees upon being registered as a "Registered Wholesaler" by the Coal Commission and thereby becoming entitled to discounts authorized by the Coal Commission:

(1) Not to sell, deliver, resell or offer for sale any coal at a price less than the minimum price nor greater than the maximum price established by the Coal Commission for such coal and in effect on the date of delivery, and to sell coal produced only by code members.

(2) To comply with the provisions of Section 4, Part II (i) of the Bituminous Coal Act of 1937 relating to unfair methods of competition.

(3) To accept no discount on coal unless such coal is purchased for bona fide resale in conformity with these rules and regulations and the orders of the Coal Commission.

(4) To abide by the Marketing Rules and Regulations from time to time established by the Coal Commission governing the sale and distribution of coal.

(5) To furnish or cause to be furnished to the Coal Commission at any time upon its direction, a copy of every resale contract or order; a copy of each invoice to wholesaler's vendee, together with copies of each credit memorandum and such other information concerning the sale and distribution of coal as the Coal Commission may require.

(6) To include in every spot order and contract made or entered into by the Registered Wholesaler, the following provision:

This contract (or order) is made and accepted subject to the Marketing Rules and Regulations established by the National Bituminous Coal Commission and now in effect, and particularly to the terms of registration of wholesalers as set forth herein.

V. After receipt of any such application, the Coal Commission upon a determination that the applicant is a bona fide wholesaler agreeing to conform to its Marketing Rules and Regulations, shall register such person as a Registered Wholesaler and shall issue to the applicant a certificate of registration accordingly. The Coal Commisison shall promptly notify each District Board of such registration and shall publish from time to time for the information of code members, a list of Registered Wholesalers, which list shall be amended from time to time as the Coal Commission may direct, to show additions, withdrawals or removals.

VI. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a Registered Wholesaler has violated the rules and regulations prescribed by the Coal Commission governing the resale of coal by such Registered Wholesaler.

The registration of any such wholesaler, may be suspended by the Coal Commission after hearing, held upon twenty (20) days written notice by mail to the wholesaler, and upon proof of failure or refusal to comply with any duty or requirement imposed upon the wholesaler by reason of his registration with the Coal Commission, the registration of the offending wholesaler may be suspended for such period of time as the Coal Commission in its discretion may deem proper. Each District Board and all code members in the districts in which the Registered Wholesaler has been purchasing coal for resale shall be duly notified by the Coal Commission of any suspension, including the effective date and the period thereof.

SECTION IV—FARMERS' COOPERATIVE ORGANIZATIONS

I. Farmers' Cooperative Organizations as hereinbefore defined shall, in order to obtain the privileges granted by the second paragraph of Number 13, subsection (i) of Part II—Marketing—of Section 4 of the Act, be registered with the Coal Commission as herein required and no code member or his sales agent shall pay or allow any discount from minimum prices to any farmers' cooperative organization on or after the first day of February 1938, unless such farmers' cooperative organization shall be so registered at the time of the sale.

II. Each such farmers' cooperative organization desiring to obtain such privileges and discounts shall make application to the Coal Commission for registration as bona fide and legitimate farmers' cooperative organization. Such application shall among other things set forth:

(1) The name and Post Office address of the applicant, date of organization and the names and addresses of the officers and directors, if any.

(2) The names of the local farmers' cooperatives which are members of applicant organization.

(3) The form of organization of applicant's business, with a reference to the law or laws under which such organization was formed.

(4) A statement of the purpose for which such organization is formed, as set forth in its Charter or Articles of Association.

(5) A statement of the qualifications for membership in such organization, as set forth in its Charter or Articles of Association, together with a specific statement as to whether membership is actually limited to bona fide local farmers' cooperatives.

(6) A statement of the terms and conditions under which such organization grants rebates, discounts, patronage dividends or other similar benefits to its members and the amount of rate thereof.

(7) A statement setting forth the territories in which applicant operates or proposes to operate.

(8) A statement showing the tonnages of bituminous coal purchased and resold by applicant in the calendar years 1934; 1935; 1936 and the first six (6) months of 1937.

III. Each such application shall have attached thereto duplicate copies of the following agreement, duly authorized, executed and acknowledged on behalf of applicant:

The undersigned Farmers' Cooperative Organization agrees, upon being registered as a Farmers' Cooperative Organization by the Coal Commission and thereby becoming entitled to discounts authorized by the Commission:

(1) Not to sell, deliver, resell or offer for sale any coal at a price less than the minimum price nor greater than the maximum price established by the Coal Commission for such coal and in effect on the date of delivery.

(2) To comply with the provisions of Section 4, Part II (i) of the Bituminous Coal Act of 1937 relating to Unfair Methods of Competition.

(3) To accept no discount on coal from a code member unless such coal is purchased for bona fide resale in conformity with the rules and regulations and orders of the Coal Commission.

(4) To abide by the Marketing Rules and Regulations from time to time established by the Coal Commission governing the sale and distribution of coal.

(5) To furnish or cause to be furnished to the Coal Commission at any time upon its direction, such information as to sales of coal made by applicant as the Coal Commission may require.

IV. After receipt of any such application the Coal Commission, upon a determination that the applicant is a bona fide and legitimate farmers' cooperative organization as defined in said Act and in these regulations, shall register such applicant as a Registered Farmers' Cooperative Organization and shall issue to the applicant a certificate of Registration accordingly. The Commission shall promptly notify each District Board of such registration and shall publish from time to time for the information of code members, a list of Registered Farmers' Cooperative Organizations, which list shall be amended from time to time as the Coal Commission may direct in order to show additions, withdrawals or removals.

V. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a Registered Farmers' Cooperative Organization has violated the rules and regulations prescribed by the Coal Commission governing the resale of coal by such Registered Farmers' Cooperative Organization.

The registration of any such Registered Farmers' Cooperative Organization may be revoked by the Coal Commission after hearing, held upon twenty (20) days written notice by mail, upon proof that such Registered Farmers' Cooperative Organization no longer complies with the requirements of the Act and of the Coal Commission, and in case of failure or refusal to comply with any duty or requirement imposed upon the Registered Farmers' Cooperative Organization by reason of its Registration with the Coal Commission having been established, the Coal Commission

may suspend the Registration for such period of time as the Coal Commission in its discretion may deem proper. Each District Board and all code members in which the Registered Farmers' Cooperative Organization has been purchasing coal for resale shall be notified by the Coal Commission of any revocation or suspension, including the effective date and the period of any suspension.

SECTION V—DISCOUNTS AND ALLOWANCES

Section 4, Part II, subsection (i) of the Act provides:

(i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of the code:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: Provided, however, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

9. The unauthorized use, whether in written or oral form, of trade-marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of any organization of retailers or industrial consumers, whereby they or any of them secure either directly or indirectly, a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this Act.

13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal.

1. Effective February 1, 1938, no code member or sales agent of a code member shall allow or pay, directly or indirectly, any compensation for the selling of coal, whether by way of commission or allowance, to any sales agent whose contract of agency shall not have been filed with the Coal Commission.

2. Effective January 15, 1938, no code member or sales agent of a code member shall pay or allow any discount to any wholesaler or farmers' cooperative organization who shall not have filed an application for registration with the Coal Commission in the manner provided in Sections III and IV of these Marketing Rules and Regulations.

3. Effective February 1, 1938, no code member or sales agent of a code member shall pay or allow any discount to any wholesaler or farmers' cooperative organization which shall not be registered with the Coal Commission in the manner provided in Sections III and IV of these Marketing Rules and Regulations.

4. No discount from minimum or other prices shall be paid or allowed on coal sold to any person for retailing by him.

5. Subject to further order of the Coal Commission, the amount of commission to be paid by the code member to his sales agent and the amount of the discount to be allowed to a Registered Wholesaler or Registered Farmers' Cooperative Organization by a code member or his sales agent shall be fixed by agreement of the parties subject, however, to review as to the reasonableness of such commission or discount by the Coal Commission upon complaint or upon its own motion. In every case reviewed by the Coal Commission, the code member, sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall have the burden of establishing that the commission paid or discount allowed was a reasonable charge commensurate with the service actually rendered and did not exceed the fair cost of the service plus a reasonable profit on the transaction involved, and that the commission or discount so allowed was in conformity with the provisions of the Bituminous Coal Code and the Marketing Rules and Regulations of the Coal Commission.

6. No commission shall be paid to a sales agent or discount allowed to a wholesaler by a code member, where the coal is delivered or resold to any person who controls in whole or in part the sales agent or wholesaler.

SECTION VI—QUOTATIONS, OPTIONS AND CONTRACTS

I. No code member or sales agent of a code member and no wholesaler or farmers' cooperative organization, registered or proposing to register, shall at any time prior to the first day of February, 1938, enter into any agreement or order for the sale or delivery of coal for a period in excess of thirty (30) days from the date of such agreement or order, and no coal shall be sold for delivery at prices less than the minimum prices in effect at the time of delivery: Provided, however, that contracts for periods not exceeding one (1) year at prices not less than the minimum prices established by the Coal Commission, in effect at the time of delivery, may be made with agencies of the Federal Government or with such agencies of State or local Governments as are required by law to purchase coal for periods in excess of thirty (30) days. In the case of governmental agencies options may be given for a period not exceeding forty-five (45) days. Prior to February 1, 1938, no option for the sale of coal may be given, except as herein specifically provided.

II. On and after the first day of February, 1938, code members or sales agents of code members and wholesalers or farmers' cooperative organizations registered with the Commission may enter into contracts for the sale or delivery of coal at prices not less than the minimum price in effect at the time of the making of the contract, upon the following conditions:

A. No contract for the sale of coal shall provide for delivery over a period in excess of twelve (12) months except by special permission from the Coal Commission upon a showing of the necessity of meeting long term contract competition of oil, gas or other fuels or forms of power, or for such other reasons as the Commission may deem sufficient.

B. No contract for the sale of coal shall provide for shipments to commence at a date later than ninety (90) days from the date upon which such contract was entered into.

C. All contracts shall be in writing, shall specify the date of execution, the effective date and expiration date, and shall further specify the number of cars or tonnage to be shipped thereunder. Contracts may also be made either (*a*) calling for a buyer's entire requirements or a stated percentage of his requirements, showing the maximum tonnage to be shipped thereunder, or (*b*) covering a buyer's requirements and specifying the tonnage to be shipped with an allowable overshipment or undershipment of not exceeding ten (10) percent of the tonnage specified.

D. Every contract shall express the entire agreement between the parties and no modification thereof shall be made except by a written agreement which shall conform to all the requirements set forth in these Rules and Regulations.

E. No contract shall be made for the delivery of coal for retailing at less than minimum prices in effect at the time of shipment.

F. Each contract shall contain the following provisions, the meaning and effect of which shall not be changed or altered by any other provision of the contract:

1. This contract and the performance of all provisions thereof are expressly subject to the Bituminous Coal Act of 1937 and the lawful orders and regulations issued thereunder by the National Bituminous Coal Commission.

2. If the price herein named is f. o. b. any point other than the originating mine, such price shall be increased or decreased by the amount and at the time of any change in the published freight rate included in such price and becoming effective during the period of the contract.

3. No shipment consigned to any destination point may be reconsigned en route or otherwise without the consent of the seller. In case of any reconsignment the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery to the destination to which such shipment is actually delivered.

4. The coal shipped pursuant to this contract is sold and purchased upon the condition that it shall be used in the plant or plants and at the destination named herein and for the use stated herein and is not to be sold or diverted by the buyer to other destinations or uses without the consent of the seller. In case of diversion the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery at such other destinations and for the use to which actually applied.

5. In event the cost of producing coal is increased or decreased in any district or minimum price area because of any change in wage rates or working conditions by reason of general agreements between the coal producers and mine employees of the district or area, or by State or Federal governmental taxes or regulations directly affecting costs of production, in such event the contract price herein named shall be increased or decreased by the amount determined and established by the Coal Commission as the weighted average increase or reduction in the cost of producing coal in the district or price area and which the Coal Commission shall by appropriate order direct to be added to or deducted from the prices named in all contracts for coals produced by code members within the district or area.

III. In any case where a contract is made by a sales agent of a code member or by a Registered Wholesaler or Registered Farmers' Cooperative Organization, such sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall not exercise the rights of the seller as defined in items F 3 and F 4 of Rule II of this section VI without first securing the consent in writing of the code member producing such coal.

IV. On and after February 1, 1938, quotations and options for the sale of coal may be given for a period not exceeding fourteen (14) days. If the minimum price is increased beyond the quoted price within such fourteen (14) days any quotation or option not accepted or exercised prior to the effective date of the price change shall, without notice, be considered withdrawn and no longer effective. Every quotation or option shall contain a provision to the foregoing effect and shall further stipulate that any contract or spot order entered into thereunder shall be subject to these Marketing Rules and Regulations.

The provisions of this Rule IV shall not apply to sealed bids on business of the United States Government or States or Political subdivisions thereof where coal is purchased for the performance of governmental functions, in which cases quotations and options at not less than the minimum price in effect at the time the bid is filed may be given for a period not exceeding forty-five (45) days from the final filing date of bids.

SECTION VII—SPOT ORDERS

1. Spot orders shall be acknowledged or accepted in writing within five (5) business days from the date of their receipt.

2. Every acceptance of a spot order shall contain the following clauses:

(*a*) "If the price herein named is f. o. b. any point other than the originating mine, such price shall be increased or decreased by the amount and at the time of any change in the published freight rate included in such price and becoming effective during the period of the order.

(*b*) "No shipment consigned to any destination point may be reconsigned en route or otherwise without the consent of the seller. In case of any reconsignment the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery to the destination to which such shipment is actually delivered.

(*c*) "The coal shipped pursuant to this order is sold and purchased upon the condition that it shall be used in the plant or plants and at the destination named herein and for the use stated herein and is not to be sold or diverted by the buyer to other destinations or uses without the consent of the seller. In case of diversion the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery at such other destinations and for the use to which actually applied.

(*d*) "If shipments called for by this order are not completed within thirty (30) days from the date of this order, the unfilled portion of the order shall be cancelled and no delivery of such tonnage shall be made."

3. In any case where a sale is made by a sales agent of a code member or by a Registered Wholesaler or Registered Farmers' Cooperative Organization, such sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall not exercise the rights of the seller as defined in items 2 (b) and 2 (c) of this section without first securing the consent in writing of the code member producing such coal.

4. All terms and conditions of a sale of coal must be fully and expressly set forth either in the order or in the acceptance. Any modification must be made in writing and filed in the same manner as an order.

SECTION VIII—USE OF COAL ANALYSES

1. No analysis of coal shall be utilized by a code member, sales agent, sales representative or wholesaler, or farmers' cooperative organization making a resale, in selling or offering for sale any coal produced by the code member, unless such code member shall have previously filed with the Statistical Bureau of the Coal Commission and the District Board for the district in which the coal is produced, copies of such analysis, together with a certificate setting forth the time and manner of obtaining the sample analyzed, the name and address of the person or firm making the analysis and stating that such analysis is truly representative of the grade and size of coal as regularly produced by the code member. Each such analysis shall be not less than a proximate analysis showing ash, volatile matter, fixed carbon, sulphur and British Thermal Units and ash softening temperature. Each analysis shall further show whether made on an "as received" or moisture "free" basis and if on an "as received" basis, the analysis shall include moisture content.

2. All analyses so filed shall be subject to inspection at the office of the Statistical Bureau at any time during office hours by any interested person, and may be used by the District Board and the Coal Commission in determining from time to time proper classifications of the coals produced by the code member.

3. Any analysis of the coal of a code member made by or on behalf of a consumer and accepted by the code member as the basis for an adjustment of price under any contract or order shall be filed by the code member with the proper Statistical Bureau and District Board, within ten (10) days after such adjustment is made and shall be subject to the provisions of Rule No. 2 herein.

4. No agreement or order for the sale of coal produced by a code member, made upon a premium and penalty basis, shall be entered into or accepted by a code member or wholesaler unless the analysis upon which the premium and penalty clause is based has been previously filed as required in Rule No. 1. Such analysis shall be accompanied by a statement setting forth in full the terms of the premium and penalty provisions of the proposed contract or order.

5. In the case of premium and penalty agreements entered into prior to the effective date of these regulations, and claimed to be continuing in effect, the code member, sales agent or wholesaler, party to the agreement, shall file a statement containing the information required under Rule No. 4, within fifteen (15) days from such effective date.

SECTION IX—TERMS OF PAYMENT

The price and fair trade practice provisions of the Act shall not be evaded or violated by a code member, his sales agent or any Registered Wholesaler or Registered Farmers' Cooperative Organization through the use of terms of payment, and in no instance shall terms of payment be more favorable than the following:

1. On rail shipments the date of payment of invoices for coal sold shall be on or before the 20th day of the month following shipment.

2. On railroad locomotive fuel, the date of payment shall be on or before the 25th of the month following the date of shipment.

3. Payment shall be made in full and on a net cash basis. No portion of the invoice price may be withheld by agreement by reason of any unadjusted claim of the buyer nor shall any portion be withheld or deposited in escrow by reason of any alleged agreement relating to the constitutionality of any provision of the Act or the validity of any order of the Coal Commission.

4. Where payment is made by note, trade acceptance or other form of indebtedness, the seller shall charge and the buyer shall pay interest at the current market rate.

5. Freight on rail shipments shall not be paid by a code member, his sales agent or a Registered Wholesaler or Registered Farmers' Cooperative Organization, except to prepay stations as published in current railway tariffs or to the United States Government, States or political subdivisions thereof. Where freight is thus prepaid, the amount thereof shall immediately upon receipt of freight bill or notice of sight draft payment, be invoiced to the buyer for immediate payment.

SECTION X—CRUSHING AND PULVERIZING COAL

1. Each code member who maintains and operates at his mine or at any facility used in preparing coals for market, any crushing or pulverizing device, shall register such device with the Statistical Bureau of the Coal Commission, on or before the Twentieth (20th) day of January, 1938, on forms submitted by the Coal Commission.

2. Such forms shall include the following:

1. Name and address of code member.
2. Name of mine or facility at which device is located.
3. Name and style or type of crushing or pulverizing device.
4. Hourly capacity of device.
5. Sizes of coal which device can crush or pulverize.
6. Sizes of coal resulting from crushing or pulverizing.
7. Number of tons crushed in 1936 and in each month of 1937.
8. Cost per ton of crushing or pulverizing in 1936.

3. Beginning with the month of January 1938, each code member shall on or before the tenth (10th) day of each succeeding month, file with the Statistical Bureau on forms to be provided by the Coal Commission, a statement verified by affidavit, setting forth the following information for the preceding calendar month:

(*a*) Number of tons of each size crushed or pulverized.
(*b*) Number of tons of each size resulting from crushing or pulverizing.

SECTION XI—MISCELLANEOUS

1. No deduction or allowance shall be granted from invoice prices by any code member or sales agent, wholesaler or farmers' cooperative organization to any purchaser for advertising.

2. The price and fair trade practice provisions of the Act shall not be evaded by any payment or allowance by a code member to any purchaser or purchaser's representative covering advertising and the amount of expenditures for advertising shall be subject to review by the Coal Commission as to the good faith of the transaction.

3. Where coal is refused by a consignee in transit or at destination, the code member may, and in the case where the coal was sold by a Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization of the code member, such Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization with the approval of the code member may sell the same at the best obtainable price; provided, that in each case the code member, the Sales Agent, the Registered Wholesaler or the Registered Farmers' Cooperative Organization shall before making such resale first notify the statistical bureau and afford a reasonable opportunity to make inspection of such coal before the resale; and provided further, that in each case the code member shall file with the statistical bureau, within five (5) days from the date of such resale a statement giving the name and address of the consignee and the reasons for the refusal, the name and address of the purchaser upon resale and the price received by the seller upon resale, a copy of the carrier's notice of refusal or notice of reconsignment and such other pertinent facts as may be offered in proof of the necessity of such resale and that in making such resale, the provisions of the Code and the Marketing Rules and Regulations of the Coal Commission other than as to price have not been violated or evaded.

4. All code members and all Registered Wholesalers and Registered Farmers' Cooperative Organizations shall promptly furnish to the statistical bureau of the Coal Commission for the District in which the coal originated, full reports of all reconsignments and shall authorize the carrier making such reconsignments to furnish complete information thereon to such statistical bureau.

5. No allowance shall be made for any shipment of coal of substandard preparation or quality unless formal claim duly executed by or on behalf of the buyer and verified by affidavit, setting forth the amount claimed by way of allowance and reasons for the claim is filed with the code member or Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization within five (5) days after the receipt of the coal and unless, before the coal on which such allowance is claimed is used or disposed of, reasonable opportunity is afforded the Coal Commission through its duly designated representative to make inspection of such coal.

The code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization with whom such claim for allowance is filed shall immediately notify the statistical bureau and the District Board, furnishing an authentic copy of the buyer's claim together with a statement of the producers views as to the validity of the claim.

No allowance or adjustment for such inferior coal shall be made or deducted from the sales price by the code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization without first receiving authorization therefor from the duly designated representative of the Coal Commission.

Within five (5) days from the date of granting any such allowance as approved by the representative of the Commission the code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization shall file formal report with the statistical bureau setting forth:

A. The name and address of the consignee and the reason for the allowance.
B. The amount of allowance or adjustment made.
C. A statement that the adjustment has not been made with the purpose or intent of evading the price or fair trade practice provisions of the Act.

6. The screening of mine run or re-screening of other grades of coal sold and billed as such for the buyer's account for the purpose of keeping the resultant products separate in the shipment thereof is prohibited. All coal must be sold and invoiced under the designation shown therefor in the price schedule published by the Coal Commission.

7. All coal confiscated or lost in transit shall be invoiced to the carrier at the market value of the coal but in no event at less than the minimum price therefor, established by the Coal Commission.

8. No substitution may be made upon any spot order or contract, of any grade or size of coal taking a minimum price higher than the price specified in such order or contract, except upon the following conditions:

(*a*) The proposed substitution shall not be an express or implied condition of the order or contract.
(*b*) The coal substituted must be coal which the code member has already produced and loaded into transportation facilities and which cannot be sold promptly by the exercise of the usual sales effort, such substitution to be limited to a specific tonnage for shipment on a specific order and from a specific mine.
(*c*) The substitution must be reasonably necessary as an emergency measure in order to continue operation of the mine of the code member.
(*d*) The substitution shall be acceptable to the purchaser of the coal, and shall not be made with the purpose or effect of conferring any advantage on the purchaser or securing any preference or advantage for the code member over his competitors.
(*e*) Such substitution may be made only with the approval of a duly designated representative of the Commission and in each instance formal application therefor shall be made upon forms provided by the Commission and permits shall be issued prescribing the conditions of substitution in each case approved.

The producer may make request and receive approval for substitution by telephone or telegraph from the duly designated representative of the statistical bureau of the Coal Commission for the district in which coal originates, provided the representative of the Coal Commission is satisfied that an immediate emergency exists. In such a case, the producer shall immediately confirm the request in writing on the prescribed form, and the designated agent of the Commission shall immediately upon receipt of such written request confirm his approval by issuing the permit prescribed by the Commission.

(*f*) Substitution will be allowed by producers on orders for railroad locomotive fuel without prior approval of the Commission; provided, however, the producer immediately shall file the form prescribed by the Commission with the statistical bureau of the district in which the coal originates. No substitution for lump or double screen coal ordered by the railroads for locomotive fuel shall be made without the prior approval in the manner heretofore provided, from the duly designated representative of the Commission.

(*g*) Copies of substitution permits shall be mailed daily to the office of the District Board and weekly summaries of substitution permits shall be mailed to all District Boards within the Price Area. The Commission may from time to time publish the essential facts as to all substitution permits granted.

(*h*) In each case of coal shipped under a substitution permit each invoice shall specifically show the permit number and the size and grade of coal substituted.

9. Failure to file information required by the within Marketing Rules and Regulations or the filing of false information, wilfully made, will subject the party failing to file the information required or the party so filing, to the penalties of the Act and other penalties imposed by law.

10. These Marketing Rules and Regulations are subject to revision and amendment by further order of the Coal Commission.

[F. R. Doc. 37-3707; Filed, December 18, 1937; 12:27 p. m.]

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[Order No. 140]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 15 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 67 the weighted average of the total costs of the tonnage for Minimum Price Area 5 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the District Board in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district; equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of

the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 112 determined and established the initial classifications of coals of Code Members within said District Number 15; the District Board for District Number 15 having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 115, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number 15, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number 15, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number 15 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 15, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 15, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 15 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 15 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 5 and to Code Members within District Number 15, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE 1—DISTRICT NO. 15

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 15, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective, January 3, 1938.

Issued, December 16, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies F. O. B. transportation facilities at mines, on all coal produced by Code Members in the District shown on the title page hereof.

2. All Prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. If any size is made for which a price is not designated herein, such shall be sold at the price applicable to the next larger size.

4. All size designations herein are for round hole screen. When other types of screens are used the round hole equivalent shall control the size.

5. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in United States funds.

6. All Prices herein are per net ton of 2,000 pounds F. O. B. transportation facilities at the mines unless otherwise designated.

7. When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than 10¢ per net ton shall be made.

8. The term "delivered cost" as used herein shall be construed to mean the authorized minimum price F. O. B. railroad transportation facilities at the mine plus the effective railroad freight rate.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

PRICE INDEX OF CODE MEMBER MINES

Minimum prices as published in the following schedules apply to all grades of coal sold or otherwise disposed of except as to such permitted reductions as are indicated in this price index.

Any Code Member mine not listed in this index shall observe the schedule of prices applicable on all sizes to the Production Group in which the mine is located.

NOTE.—Reductions permitted are indicated by minus the amount under the size coal on which the reduction from schedule may be made. Where no amount appears schedule price applies.

See following List of Code Member Mines.



*Price Index of Code Member Mines*

| Name | Producing Group No. | Name of mine | Lump | Nut 3″ x 2″ | Nut 3″ x 1¼″ | Nut 2″ x 1¼″ | Chestnut 1¼″ x ¾″ | Mine Run | 3″ x 0″ and 2″ x 0″ | Special Stoker 1″ x 5/16″ | Scrgs. 1¼″ x ¼″ 1¼″ x 1/8″ | Scrgs. 1¼″ x 0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Alston Coal Company | 1 | Alston [1] | | | | | | | | | | |
| Apex Coal Company | 1 | Apex [1] | | | | | | | | | | |
| Arma Coal Company | 1 | Sheridan #21 [1] | | | | | | | | | | |
| Atkinson Coal Co | 1 | Atkinson #4 [1] | | | | | | | | | | |
| The Ben Hur Coal Co | 1 | Peerless [1] | | | | | | | | | | |
| Brennan Coal Co | 1 | Brennan [1] | | | | | | | | | | |
| Clemens Coal Co | 1 | No. 22 [1] | | | | | | | | | | |
| Clemens Coal Co | 1 | No. 23 [1] | | | | | | | | | | |
| Commercial Fuel Co | 1 | No. 11 [1] | | | | | | | | | | |
| Commercial Fuel Co | 1 | No. 21 [1] | | | | | | | | | | |
| Cornell Coal Co | 1 | Cornell [1] | | | | | | | | | | |
| Crescent Coal Co | 1 | Crescent [1] | | | | | | | | | | |
| DeGasperi Coal Co | 1 | DeGasperi [1] | | | | | | | | | | |
| Diamond Coal Co | 1 | Mulberry #2 [1] | | | | | | | | | | |
| Dittman-Wachter Coal Co | 1 | No. 2 [1] | | | | | | | | | | |
| Eagle-Cherokee Coal Mng. Co | 1 | Eagle [1] | | | | | | | | | | |
| Gubbio Coal Co | 1 | Guffo [1] | | | | | | | | | | |
| H. & H. Coal Mining Co | 1 | H. & H. [1] | | | | | | | | | | |
| Robert Holt | 1 | Holt No 1 [1] | | | | | | | | | | |
| Imperial Fuel Co | 1 | Imperial [1] | | | | | | | | | | |

| Name | Producing Group No. | Name of mine | Lump | Nut 3″ x 2″ | Nut 3″ x 1¼″ | Nut 2″ x 1¼″ | Chestnut 1¼″ x ¾″ | Mine Run | 3″ x 0″ and 2″ x 0″ | Special Stoker 1″ x 5/16″ | 1¼″ x ¼″ 1¼″ x 1/8″ | Scrgs. 1¼″ x 0″ | Washed Scrgs. 1¼″ x 0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Kelly-Carter Coal Co | 1 | Kelly-Carter [1] | | | | | | | | | | | |
| Herman Kruger | 1 | | | | | | | | | | | | |
| Lone Star Coal Co | 1 | Lone Star [1] | | | | | | | | | | | |
| Machine Coal Co | 1 | Machine [1] | | | | | | | | | | | |
| Menghini Coal Co | 1 | Menghini [1] | | | | | | | | | | | |
| Mineral Products Co | 1 | Plant No. 1 [1] | | | | | | | | | | | |
| Mulberry-Cherokee Coal Co | 1 | Mulberry-Cherokee [1] | | | | | | | | | | | |
| Paterson Coal Co | 1 | No. 1 [1] | | | | | | | | | | | |
| Pioneer Coal Co | 1 | Pioneer [1] | | | | | | | | | | | |
| Pittsburg & Midway Coal Mining Company. | 1 | No. 15 [1] | | | | | | | | | | | |
| Pittsburg & Midway Coal Mining Company. | 1 | No. 17 [1] | | | | | | | | | | | |
| Royal-Cherokee Coal Co | 1 | Mulberry #2 [1] | | | | | | | | | | | |
| South Radley Coal Company | 1 | Newland & Haynie [1] | | | | | | | | | | | |
| Umbria Coal Company | 1 | Umbria [1] | | | | | | | | | | | |
| United Coal Co | 1 | Mackie J. [1] | | | | | | | | | | | |
| Victor Fuel Coal Company | 1 | Victor [1] | | | | | | | | | | | |
| Western Coal & Mining Co | 1 | No. 22 [1] | | | | | | | | | | | |
| Western Coal & Mining Co | 1 | No. 24 [1] | | | | | | | | | | | |
| West Union Coal Company | 1 | West Union [1] | | | | | | | | | | | |

| Name | Producing Group No. | Name of mine | Lump | Nut 3″ x 2″ | Nut 3″ x 1¼″ | Nut 2″ x 1¼″ | Chestnut 1¼″ x ¾″ | Mine Run | 3″ x 0″ and 2″ x 0″ | Special Stoker 1″ x 5/16″ | Scrgs. 1¼″ x ¼″ 1¼″ x 1/8″ | Scrgs. 1¼″ x 0″ | Scrgs. 1¼″ x0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Crowe Coal Co | 2 | Reliance [1] | | −10¢ | −10¢ | −10¢ | | | | | | | |
| Crowe-Brady Coal Company | 2 | Crowe-Brady | | −10¢ | −10¢ | −10¢ | | | | | | | |
| Crowe-Fulton-Spangler Coal Company | 2 | Crowe-Fulton Spangler. | | −10¢ | −10¢ | −10¢ | | | | | | | |
| Hamilton Coal Co | 2 | Foster | | −10¢ | −10¢ | −10¢ | | | | | | | |
| Hume-Sinclair Coal Mng. Co | 2 | Tiger [1] | | | | | | | | | | | |
| Mound City Coal Co | 2 | No. 1 | | −10¢ | −10¢ | −10¢ | | | | | | | |
| Panther Creek Coal Co | 2 | Panther Creek [1] | | | | | | | | | | | |
| The Robinson Coal Co | 2 | Mohawk | | −10¢ | −10¢ | −10¢ | | | | | | | |
| Tebo Coal Co | 2 | Tebo | | −10¢ | −10¢ | −10¢ | | | | | | | |
| Windsor Coal Co., Inc | 2 | Windsor | | −10¢ | −10¢ | −10¢ | | | | | | | |
| Balotto Coal & Mining Co | 3 | Balotto | −5¢ | | | | | | | | | | |
| Binkley Mining Co. of Mo | 3 | Bee-Veer [1] | | | | | | | | | | | |
| Bradley Coal Co | 3 | Bradley [1] | | | | | | | | | | | |
| Bucklin Coal Co | 3 | Bucklin [1] | | | | | | | | | | | |
| Chariton River Coal Co | 3 | Chariton River | −5¢ | | | | | | | | | | |
| Hill Coal Company | 3 | Hill [1] | | | | | | | | | | | |
| Home Coal Co. of Macon | 3 | No. 1 [1] | | | | | | | | | | | |
| Huntsville-Sinclair Mng. Co | 3 | Mark Twain [1] | | | | | | | | | | | |
| K. C. Midland Coal & Mng. Co | 3 | Midland #8 | −5¢ | | | | | | | | | | |
| Lovell Coal Co | 3 | Busy Bee [1] | | | | | | | | | | | |

| Name | Producing Group No. | Name of mine | Lump | Nut 3″ x 2″ | Nut 3″ x 1¼″ | Nut 2″ x 1¼″ | Chestnut 1¼″ x ¾″ | Mine Run | 3″ x 0″ and 2″ x 0″ | Special Stoker 1″ x 5/16″ | Scrgs. 1¼″ x ¼″ 1¼″ x 1/8″ | Scrgs. 1¼″ x 0″ | Washed Scrgs. 1¼″ x 0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Marriott-Reed Coal Co | 3 | Marriott-Reed [1] | | | | | | | | | | | |
| Montesu Coal Co | 3 | No. 11 [1] | | | | | | | | | | | |
| Ol' Elliott Producers Assn | 3 | Ol' Elliott [1] | | | | | | | | | | | |
| Riverside Coal Co | 3 | Riverside | −5¢ | | | | | | | | | | |
| Dee J. Vanlaningham | 3 | Ewing & Vanlaningham. [1] | | | | | | | | | | | |
| Camden Coal Co | 4 | No. 2 | −5¢ | −5¢ | −5¢ | −5¢ | | −5¢ | | | | | |
| Crescent Coal Co | 4 | Crescent Lake [1] | | | | | | | | | | | |
| Elmira Coal Co | 4 | Elmira | | | | | | | | | | | |
| Hubell-Hamilton Coal Co | 4 | No. 14 | −5¢ | −5¢ | −5¢ | −5¢ | | −5¢ | | | | | |
| Mercantile Coal & Mng. Co | 4 | No. 17 | −5¢ | −5¢ | −5¢ | −5¢ | | −5¢ | | | | | |
| Mosby Coal & Mining Co | 4 | Mosby [1] | | | | | | | | | | | |
| Pickering Coal Co | 4 | No. 12 | −5¢ | −5¢ | −5¢ | −5¢ | | −5¢ | | | | | |
| Geo. Pickering Dev. Co | 4 | No. 11 | −5¢ | −5¢ | −5¢ | −5¢ | | −5¢ | | | | | |
| Ray County Coal Co | 4 | No. 23 | −5¢ | −5¢ | −5¢ | −5¢ | | −5¢ | | | | | |
| Rayville Coal Co | 4 | Rayville | −5¢ | −5¢ | −5¢ | −5¢ | | −5¢ | | | | | |
| Rice Coal Co | 4 | Rice [1] | | | | | | | | | | | |
| Vibbard Mining Co | 4 | Vibbard | −5¢ | −5¢ | −5¢ | −5¢ | | −5¢ | | | | | |
| Domestic Coal Co | 5 | Imperial [1] | | | | | | | | | | | |
| Farmers Coal Mining Co | 5 | No. 7 [1] | | | | | | | | | | | |
| Farmers Coal Mining Co | 5 | No. 10 [1] | | | | | | | | | | | |

[1] Schedule applies on all sizes.

*Price Index of Code Member Mines*—Continued

| Name | Producing Group No. | Name of mine | Lump | Nut 3″ x 2″ | Nut 3″ x 1¼″ | Nut 2″ x 1¼″ | Chestnut 1¼″ x ¾″ | Mine Run | 3″ x 0″ and 2″ x 0″ | Special Stoker 1″ x 5/16″ | Scrgs. 1¼″ x ¼″ 1¼″ x ⅜″ | Scrgs. 1¼″ x 0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Jelicic & Hotmer Coal Co., Inc. | 5 | No. 1 or Daisy [1] | | | | | | | | | | |
| Jelicic & Hotmer Coal Co., Inc. | 5 | No. 2 or Hartman [1] | | | | | | | | | | |
| Jelicic & Hotmer Coal Co., Inc. | 5 | No. 3 [1] | | | | | | | | | | |
| Western Coal & Mining Co. | 5 | West [1] | | | | | | | | | | |
| Western Coal & Mining Co. | 5 | Woodrow [1] | | | | | | | | | | |
| Wilson Mining Co. | 5 | Wilson [1] | | | | | | | | | | |
| Central Coal Co. | 6 | Central [1] | | | | | | | | | | |
| Kansas Coal Co. | 6 | No. 6 [1] | | | | | | | | | | |
| Miners Fuel Co. | 6 | Miners Fuel Co. [1] | | | | | | | | | | |
| Osage City Coal Co. | 6 | No. 30 [1] | | | | | | | | | | |

| Name | Producing Group No. | Name of mine | Fancy Lump Over 6″ | Domestic Lump Over 2½″ | Egg 6″ x 2½″ | Egg-Nut 2½″ x 1¼″ | Chestnut 1¼″ x ¾″ | Mine Run | Nut-Run 2½″ x 0″ | Special Stoker 1″ x 5/8″ | Scrgs. 1¼″ x 0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Blanco Mining Co. | 7 | No. 3 [1] | | | | | | | | | |
| Dow Pioneer Coal Co. | 7 | No. 10 [1] | | | | | | | | | |
| McAlester Coal Mining Co. | 7 | Banner [1] | | | | | | | | | |
| Mullen Coal Co. | 7 | Julian [1] | | | | | | | | | |
| Samples Coal Mining Co. | 7 | No. 4 [1] | | | | | | | | | |
| A. L. Sukenis | 7 | Adamson #7 [1] | | | | | | | | | |
| Victor Coal Co. | 8 | Flener [1] | | | | | | | | | |
| L. C. Flener | 8 | No. 1 [1] | | | | | | | | | |
| Hartshorne Coal Co. | 8 | Hartshorne Valley [1] | | | | | | | | | |
| Hartshorne Valley Coal Corp. | 8 | Mud Creek [1] | | | | | | | | | |
| Mud Creek Coal Co. | 8 | Pocahontas [1] | | | | | | | | | |
| Pocahontas Producers Coal Co. | 8 | Kala-Inla #1 [1] | | | | | | | | | |
| Jerry Riedt | 8 | Kala-Inla #4 [1] | | | | | | | | | |
| Jerry Riedt | 10 | Acme [1] | | | | | | | | | |
| Acme Coal & Mining Co. | 10 | Atlas [1] | | | | | | | | | |
| Atlas Coal Corp. | 10 | Sun [1] | | | | | | | | | |
| Ben Hur Coal Co. | 10 | Blackstone [1] | | | | | | | | | |
| Ben Hur Coal Co. | 10 | Coalton [1] | | | | | | | | | |
| The Coalton Coal Co. | | | | | | | | | | | |

| Name | Producing Group No. | Name of mine | Fancy Lump Over 6″ | Domestic Lump Over 2½″ | Egg 6″ x 2½″ | Egg-Nut 2½″ x 1¼″ | Chestnut 1¼″ x ¾″ | Mine Run | Nut-Run 2½″ x 0″ | Special Stoker 1″ x ¾″ | Scrgs. 1¼″ x 0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|
| McGennis Coal Company | 10 | McGennis [1] | | | | | | | | | |
| Purity Mining Company | 10 | P. & M. [1] | | | | | | | | | |
| The Starr Coal Co. | 10 | Starr [1] | | | | | | | | | |
| Warden-Pullen Coal Co. | 10 | Warden [1] | | | | | | | | | |
| Acme Coal Co. | 11 | Acme [1] | | | | | | | | | |
| Adamson Coal Mining Co. | 11 | Adamson [1] | | | | | | | | | |
| Claremore Coal & Coke Co. | 11 | Sequoyah [1] | | | | | | | | | |
| Hickory Coal Co. | 11 | Old Hickory [1] | | | | | | | | | |
| Independent Coal Co. | 11 | Independent [1] | | | | | | | | | |
| Jenks Coal Co. | 11 | Jenks [1] | | | | | | | | | |
| Seneca Coal & Coke Co. | 11 | No. 2 [1] | | | | | | | | | |
| Seneca Coal & Coke Co. | 11 | No. 4 [1] | | | | | | | | | |
| Geo. McAlpine | 12 | McAlpine [1] | | | | | | | | | |
| Frank C. Perry & Bruma Perry | 12 | Perry [1] | | | | | | | | | |
| The Home Riverside Coal Mines | 13 | No. 1 [1] | | | | | | | | | |

[1] Schedule applies on all sizes.

PRODUCING GROUPS DEFINED

*Group No. 1.*—All mines located in Cherokee, Crawford, Bourbon, Neosho, Labette, and Wilson Counties, Kansas; and Barton, Jasper, Dade, and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri.

*Group No. 2.*—All mines located in Linn County, Kansas; and Bates, Henry, St. Clair and Johnson Counties; and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri.

*Group No. 3.*—All mines located in Boone, Callaway, Audrain, Randolph, Macon, Linn, Grundy, Harrison, Adair, Chariton, Schuyler, Putnam, and Ralls Counties, in Missouri.

*Group No. 4.*—All mines located in Ray, Clay, Caldwell, Daviess, Clinton, and Carroll Counties in Missouri.

*Group No. 5.*—All mines located in Lafayette County, Missouri.

*Group No. 6.*—All mines located in Osage, Franklin, and Coffey Counties, Kansas.

*Group No. 7.*—All mines operating in the genuine McAlester seam in Pittsburg, and Latimer Counties, Oklahoma.

*Group No. 8.*—All mines operating in the Wilburton-Hartshorne seams in Pittsburg and Latimer Counties, Oklahoma.

*Group No. 9.*—All mines located in Coal County, Oklahoma.

*Group No. 10.*—All mines located in Okmulgee County, Oklahoma.

*Group No. 11.*—All mines located in Tulsa, Wagoner, Rogers, Nowata and Craig Counties, Oklahoma.

*Group No. 12.*—All mines located in Muskogee County, Oklahoma.

*Group No. 13.*—All mines located in Johnson, Leavenworth, and Wyandotte Counties, Kansas.

*Part I—Domestic and Commercial Coal Price Schedule*

Prices apply:

(*a*) On all sales in retailing of coal.

(*b*) On all sales of coal to consumers using coal principally for space heating.

(*c*) On all other sales except as provided for in Part II and Railroad Locomotive Fuel Schedule.



*Production Group No. 1.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Lump | Nut 3″ x 2″ | Nut 3″ x 1¼″ | Nut 2″ x 1¼″ | Chestnut 1¼″ x ¾″ | Mine Run | 2″ x 0″ and 3″ x 0″ | Special Stoker 1″ x 5/16″ | Scrgs. 1¼″ x ¼″ 1¼″ x ⅜″ | Scrgs. 1¼″ x 0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 33, 34, 100, 101 | (a) | 235 | 250 | 235 | 220 | 195 | 215 | 185 | 200 | (c) | 110 |
| 104, 105, 109, 110 | (a–2) | 250 | 265 | 245 | 220 | 205 | 215 | 195 | 210 | (c) | 125 |
| 106, 107, 108 | (a–2) | 265 | 280 | 265 | 235 | 210 | 215 | 200 | 215 | (c) | 130 |
| 111 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) 178 | 140 |
| 112 | (a–2) | 240 | 255 | 240 | 220 | 200 | 215 | 190 | 205 | (c) 156 | 120 |
| 113 | (a–2) | 245 | 245 | 230 | 215 | 190 | 215 | 195 | 200 | (c) | 140 |
| 114 | | 230 | 245 | 230 | 215 | 190 | 215 | 180 | 200 | (c) 149 | 120 |
| 115 | (a) | 215 | 230 | 215 | 210 | 185 | 215 | 175 | 215 | (c) | 125 |
| 116 | | 255 | 270 | 255 | 240 | 215 | 215 | 205 | 200 | (c) 168 | 140 |
| 117 | (b) | 215 | 230 | 215 | 210 | 185 | 215 | 175 | 215 | (c) | 125 |
| 118 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) | 140 |
| 119 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) | 140 |
| 124, 125, 128 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) | 140 |
| 136, 139 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) | 140 |
| 137, 138 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) | 140 |
| 140 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) | 140 |
| 141 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) 178 | 140 |
| 143 | | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) | 140 |
| 145, 146 | (a–2) | 260 | 275 | 260 | 245 | 220 | 215 | 210 | 200 | (c) | 150 |

Prices are for unwashed coals. For prices on washed coals see below.

NOTE.—See following for explanation of Flag notes and other references.

*Production Group No. 1*

All prices shown above are for unwashed coals. F. O. B. mine prices for washed coals shall be determined as follows:

Lump—3″ x 2″ Nut—3″ x 1¼″ Nut—2″ x 1¼″ Nut—1¼″ x ¾″ Chestnut—3″ x 0″ Nut Run—2″ x 0″ Nut Run—, add 7 cents per ton to the F. O. B. mine price as shown when delivering to Consuming Market Areas Nos. 116, and 114. When delivering to all other Consuming Market Areas, add 15 cents to the F. O. B. mine prices as shown.

The F. O. B. mine price for 1¼″ x 0″ Washed Screenings shall be 110% of the F. O. B. mine price for 1¼″ x 0″ Raw Screenings shown above plus 10% of the rail freight rate from mine to destination.

*Explanation of Flag Notes*

Note (a). The f. o. b. mine prices of all sizes shown from 2″ x 0″ to and including lump may be adjusted so the delivered cost in this Consuming Area will be 35 cents per ton over the same size from Production Group No. 3 mines having the lowest freight rate. The f. o. b. mine price of 1¼″ x 0″ screenings may be adjusted to deliver at the same cost as washed 1¼″ x 0″ screenings from Production Group No. 3 with the lowest freight rate. Provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (a–2). The f. o. b. mine prices may be adjusted so the delivered cost in this Consuming Area over the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate will be as follows: All sizes of lump 45 cents per ton; all sizes of nut 40 cents per ton and 2″ x 0″, 3″ x 0″ and chestnut 35 cents per ton. The f. o. b. mine price of 1¼″ x 0″ screenings may be adjusted to deliver at the same cost as washed 1¼″ x 0″ screenings from Production Group No. 3 with the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (b). The f. o. b. mine prices of all sizes shown from 2″ x 0″ to and including lump may be adjusted so the delivered cost in this consuming area will be 35 cents per ton over the same size from Production Group No. 2 mines having the lowest freight rate. The f. o. b. mine price of 1¼ ″ x 0″ screenings may be adjusted to deliver at the same cost as washed 1¼″ x 0″ screenings from Production Group No. 2 mines with the lowest freight rate. Provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (c). The f. o. b. mine price for 1¼ x ¼ or 1¼ x ⅛ prepared raw screenings shall be 110% of the f. o. b. mine price for 1¼ x 0 raw screenings shown on page 13 plus 10% of the rail freight rate from mine to destination.

*Production Group No. 2.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Lump | Nut 3″ x 2″ | Nut 3″ x 1¼″ | Nut 2″ x 2¼″ | Chestnut 1¼″ x ¾″ | Mine Run | 2″ x 0″ and 3″ x 0″ | Scrgs. 1¼″ x ¼″ 1¼″ x ⅜″ | Scrgs. 1¼″ x 0″ | Washed Scrgs. 1¼″ x 0″ |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 33, 34, 100, 101 | (e) | 245 | 255 | 240 | 225 | 200 | 215 | 190 | 130 | 110 | 130 |
| 104, 105, 109, 110 | (e–2) | 260 | 270 | 250 | 225 | 210 | 215 | 200 | 180 | 160 | 180 |
| 106, 107, 108 | (e–2) | 275 | 285 | 270 | 240 | 215 | 215 | 205 | 185 | 165 | 185 |
| 111 | | 245 | 260 | 245 | 230 | 205 | 215 | 195 | 160 | 140 | 160 |
| 112 | | 222 | 224 | 209 | 189 | 169 | 215 | 159 | 139 | 119 | 139 |
| 113 | (f) | 260 | 260 | 245 | 230 | 205 | 215 | 210 | 170 | 150 | 170 |
| 114 | (e–2) | 215 | 230 | 215 | 200 | 175 | 215 | 165 | 137 | 132 | 152 |
| 115 | (e) | 230 | 220 | 205 | 200 | 175 | 215 | 165 | 180 | 160 | 180 |
| 116 | (d) | 263 | 255 | 240 | 225 | 200 | 215 | 190 | 180 | 160 | 180 |
| 117 | (g) | 255 | 260 | 245 | 240 | 215 | 215 | 205 | 195 | 175 | 195 |
| 118 | (h) | 260 | 265 | 250 | 235 | 210 | 215 | 200 | 165 | 145 | 165 |
| 136, 139 | (h) | 245 | 260 | 245 | 230 | 205 | 215 | 195 | 160 | 140 | 160 |
| 137, 138 | (h) | 245 | 260 | 245 | 230 | 205 | 215 | 195 | 160 | 140 | 160 |
| 140 | (h) | 245 | 260 | 245 | 230 | 205 | 215 | 195 | 160 | 140 | 160 |
| 141 | | 245 | 260 | 245 | 230 | 205 | 215 | 195 | 160 | 140 | 160 |
| 143 | (h) | 245 | 260 | 245 | 230 | 205 | 215 | 195 | 160 | 140 | 160 |
| 145, 146 | (e–2) | 245 | 255 | 240 | 225 | 200 | 215 | 190 | 170 | 150 | 170 |

NOTE.—See following for explanation of flag notes and other references.

*Production Group No. 2*

Note (d). The f. o. b. mine prices for all sizes shown from 2″ x 0″ up to and including Lump may be adjusted so the delivered cost will be 35 cents per ton less than the same size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price of washed 1¼″ x 0″ Screenings and 1¼″ x ¼″ or 1¼″ x ⅛″ prepared Screenings from Pro-

duction Group No. 2 may deliver at an equal delivered cost with 1¼'' x 0'' Screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 15 cents per ton.

Note (e). The f. o. b. mine prices for all sizes shown except 1¼'' x 0'' Screenings may be adjusted so the delivered cost equals the delivered cost of the same size from Production Group No. 3. Provided, however, the maximum reduction shall not exceed 35 cents per ton. The f. o. b. mine price of 1¼'' x 0'' Screenings shall be 20 cents per ton less than the f. o. b. mine price of 1¼'' x 0'' washed Screenings from Production Group No. 2.

Note (e–2). The f. o. b. mine prices may be adjusted so as to deliver in this consuming area as follows: Lump 10 cents over; all sizes of nut 5 cents over; 2'' x 0'', 3'' x 0'' and chestnut to deliver equal with the same size from Production Group No. 3. Provided, however, the maximum reduction shall not exceed 50 cents per ton. The f. o. b. mine price of 1¼'' x 0'' Screenings may be 20 cents per ton less than the price of 1¼'' x 0'' washed screenings from Production Group No. 2.

Note (f). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area will be as follows: Lump 10 cents over; all sizes of nut 5 cents over: 2'' x 0'', 3'' x 0'' and chestnut to deliver equal with the same size from mines at Bevier, Missouri. Provided, however, the maximum reduction shall not exceed 35 cents per ton. The f. o. b. mine price of 1¼'' x 0'' screenings shall be 20 cents per ton less than 1¼'' x 0'' washed screenings.

Note (g). The f. o. b. mine price for all grades from any mine in Production Group No. 2 may be adjusted so the delivered cost will be equal with the mine in Production Group No. 2 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (h). The f. o. b. mine prices for all sizes from 2'' x 0'' up to and including lump may be adjusted so the delivered cost will be 35 cents per ton less than the same size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price of 1¼'' x 0'' washed screenings and 1¼'' x ¼'' or ⅛'' prepared screenings may be adjusted so the delivered cost will be the same as 1¼'' x 0'' screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price on 1¼'' x 0'' screenings may be 20 cents per ton less than the price of 1¼'' x 0'' washed screenings from Production Group No. 2.

*Production Group No. 3.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Lump | Nut 3'' x 2'' | Nut 3'' x 1¼'' | Nut 2'' x 1¼'' | Chestnut 1¼'' x ¾'' | Mine Run | 2'' x 0'' and 3'' x 0'' | Scrgs. 1¼'' x ¼'', 1¼'' x ⅛'' | Scrgs. 1¼'' x 0'' | Washed Scrgs. 1¼'' x 0'' |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 33, 34, 100, 101 | | 245 | 255 | 240 | 225 | 200 | 215 | 190 | 130 | | 130 |
| 102 | | 220 | 225 | 210 | 195 | 170 | 215 | 160 | 145 | 85 | 145 |
| 104, 105, 109, 110 | (l–3) | 250 | 265 | 245 | 220 | 210 | 215 | 200 | 180 | 150 | 180 |
| 106, 107, 108 | | 265 | 280 | 265 | 235 | 215 | 215 | 205 | 185 | 140 | 185 |
| 111 | | 255 | 264 | 249 | 234 | 214 | 215 | 204 | 169 | 105 | 169 |
| 112 | | 240 | 255 | 240 | 220 | 205 | 215 | 195 | 175 | 145 | 175 |
| 113 | (j) | 250 | 255 | 240 | 225 | 205 | 215 | 210 | 170 | 105 | 170 |
| 114 | (l) | 258 | 258 | 243 | 228 | 208 | 215 | 198 | 170 | 105 | 170 |
| 115 | | 230 | 220 | 205 | 200 | 175 | 215 | 165 | 180 | 120 | 180 |
| 116 | | 253 | 253 | 238 | 223 | 203 | 215 | 193 | 163 | 105 | 163 |
| 117 | (k) | 230 | 240 | 220 | 215 | 205 | 215 | 195 | 185 | 110 | 185 |
| 136, 139 | (l) | 245 | 260 | 245 | 230 | 205 | 215 | 195 | 160 | 105 | 160 |
| 137, 138 | (l–2) | 235 | 255 | 240 | 225 | 205 | 215 | 195 | 160 | 105 | 160 |
| 140 | (l–2) | 235 | 255 | 240 | 225 | 205 | 215 | 195 | 160 | 105 | 160 |
| 141 | | 237 | 255 | 240 | 225 | 205 | 215 | 195 | 160 | 105 | 160 |
| 143 | (l–2) | 235 | 255 | 240 | 225 | 205 | 215 | 195 | 160 | 105 | 160 |
| 145, 146 | | 235 | 250 | 235 | 220 | 200 | 215 | 190 | 170 | 150 | 170 |

NOTE.—See following for explanation of flag notes and other references.

*Explanation of Flag Notes*

Note (i). The f. o. b. mine prices for all grades from any mine may be adjusted so the delivered cost will equal the delivered cost of the mine in Production Group No. 3 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (j). The f. o. b. mine prices for all sizes from mines in Production Group No. 3 may be adjusted so the delivered cost will equal the delivered cost of the same size coal from mines at Bevier, Missouri. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (k). The f. o. b. mine prices for all sizes except 1¼'' x 0'' Screenings from mines in Production Group No. 3 may be adjusted so the delivered cost will equal the delivered cost of the same size from mines in Production Group No. 2 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (l). The f. o. b. mine prices for all sizes from 2'' x 0'' up to and including Lump may be adjusted so the delivered cost will be 35 cents per ton less than the delivered cost of the same size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price for washed 1¼'' x 0'' Screenings may be adjusted so as to deliver at the same cost as 1¼'' x 0'' Screenings from Production Group No. 1.

Note (l–2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area will be under the delivered cost of the same size from Production Group No. 1 as follows: lump 45 cents per ton, all sizes of nut 40 cents per ton and 2'' x 0'', 3'' x 0'' and chestnut 35 cents per ton. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price for washed 1¼'' x 0'' screenings may be adjusted so as to deliver at the same delivered cost as 1¼'' x 0'' screenings from Production Group No. 1.

Note (l–3). Page No. 18 prices for Market Area No. 109 on shipments destined to points in Iowa on and west of the C. & N. W. Railroad but not including the switching limit of Council Bluffs to, but not including the switching limit of Sioux City may be reduced 10 cents per ton on lump and 3 x 2 Nut; and 5 cents per ton on all other sizes except 2 x 1¼ Nut and Mine Run.



*Production Group No. 4.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Lump | Nut 3'' x 2'' | Nut 3'' x 1¼'' | Nut 2'' x 1¼'' | Mine Run | 2'' x 0'' and 3'' x 0'' | Scrgs. 1¼'' x 0'' |
|---|---|---|---|---|---|---|---|---|
| 111 | (m) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 113 | (n–1, n–2) | 295 | 270 | 255 | 240 | 295 | 215 | 105 |
| 114 | | 280 | 275 | 260 | 245 | 280 | 200 | 110 |
| 115 | (n) | 290 | 280 | 265 | 260 | 290 | 220 | 120 |
| 116 | | 295 | 280 | 265 | 250 | 295 | 215 | 110 |
| 117 | (n) | 290 | 280 | 265 | 260 | 290 | 220 | 120 |
| 118 | (m) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 137, 138 | (m) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 140 | (m) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 141 | (m) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 143 | (m) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |

NOTE.—See following for explanation of Flag notes and other references.

*Explanation of Flag Notes*

Note (m). The f. o. b. mine price on all sizes shown except 1¼'' x 0'' Screenings may be adjusted so the delivered cost will be 50¢ per ton less than the same size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 35 cents.

Note (n). The f. o. b. mine price on all sizes shown except 1¼'' x 0'' Screenings may be adjusted so the delivered cost will be 15¢ per ton less than the same size from either Production Group No. 2 or No. 3, having the lowest freight rate. Provided, however the maximum reduction shall not exceed 35¢ per ton.

Note (n–1). The f. o. b. mine price on all sizes shown except 1¼'' x 0'' Screenings may be adjusted so the delivered cost will be 15 cents per ton less than the same size from Production Group No. 2 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (n–2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate as follows: all sizes of lump 5 cents per ton; all sizes of nut 10 cents per ton and all other sizes except 1¼'' x 0'' screenings 15 cents per ton. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

*Production Group No. 5.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Lump | Nut 3'' x 2'' | Nut 3'' x 1¼'' | Nut 2'' x 1¼'' | Mine Run | 2'' x 0'' and 3'' x 0'' | Scrgs. 1¼'' x 0'' |
|---|---|---|---|---|---|---|---|---|
| 111 | (o) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 113 | (p–1, p–2) | 295 | 270 | 255 | 240 | 295 | 215 | 105 |
| 114 | | 280 | 275 | 260 | 245 | 280 | 200 | 110 |
| 115 | (p) | 290 | 280 | 265 | 260 | 290 | 220 | 120 |
| 116 | | 295 | 280 | 265 | 250 | 295 | 215 | 110 |
| 117 | (p) | 290 | 280 | 265 | 260 | 290 | 220 | 120 |
| 118 | (o) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 137, 138 | (o) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 140 | (o) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 141 | (o) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |
| 143 | (o) | 270 | 265 | 250 | 235 | 270 | 200 | 105 |

NOTE.—See following for explanation of Flag notes and other references.

*Explanation of Flag Notes*

Note (o). The f. o. b. mine price on all sizes shown except 1¼'' x 0'' Screenings may be adjusted so the delivered cost will be 50¢ per ton less than the same size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 35¢ per ton.

Note (p). The f. o. b. mine price on all sizes shown except 1¼'' x 0'' Screenings may be adjusted so the delivered cost will be 15¢ per ton less than the same size from either Production Group No. 2 or No. 3, having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35¢ per ton.

Note (p–1). The f. o. b. mine price on all sizes shown except 1¼'' x 0'' screenings may be adjusted so the delivered cost will be 15 cents per ton less than the same size from Production Group No. 2 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35¢ per ton.

Note (p–2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate will be as follows: lump 5 cents per ton; all sizes of nut 10 cents per ton and all other sizes except 1¼'' x 0'' screenings 15 cents per ton. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

*Production Group No. 6.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*

*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Lump | Mine run |
|---|---|---|---|
| 136, 139 | | 345 | 345 |
| 137, 138 | | 345 | 345 |

*Production Group No. 7.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Fancy Lump Over 6" | Domestic Lump Over 2½" | Egg 6" x 2½" | Egg-Nut 6" x 1¼" | Nut 2½" x 1¼" | Chestnut 1¼" x ¾" | Mine Run | Nut-Run 2½" x 0" | Scregs. 1¼" x 0" |
|---|---|---|---|---|---|---|---|---|---|---|
| 111 | | 400 | 400 | 400 | 365 | 330 | 220 | 300 | 180 | 135 |
| 112 | | 400 | 400 | 400 | 365 | 330 | 220 | 300 | 180 | 135 |
| 113 | | 400 | 400 | 400 | 365 | 315 | 205 | 300 | 180 | 135 |
| 114 | | 395 | 395 | 395 | 360 | 325 | 215 | 300 | 175 | 135 |
| 116 | | 395 | 395 | 395 | 360 | 325 | 215 | 300 | 175 | 135 |
| 117 | | 395 | 395 | 395 | 360 | 325 | 225 | 300 | 185 | 150 |
| 118 | | 400 | 400 | 400 | 365 | 330 | 220 | 300 | 200 | 135 |
| 119 | | 415 | 415 | 415 | 395 | 375 | 220 | 300 | 180 | 135 |
| 124, 125, 128 | (g-1) | 495 | 495 | 495 | 445 | 395 | 220 | 300 | 180 | 135 |
| 136, 139 | | 410 | 410 | 410 | 375 | 345 | 245 | 300 | 235 | 180 |
| 137, 138 | | 400 | 400 | 400 | 365 | 330 | 220 | 300 | 200 | 135 |
| 140 | | 400 | 400 | 400 | 365 | 330 | 220 | 300 | 200 | 135 |
| 141 | | 400 | 400 | 400 | 365 | 330 | 220 | 300 | 180 | 135 |
| 143 | | 400 | 400 | 400 | 365 | 330 | 220 | 300 | 200 | 135 |

Explanation of flag notes.—Note (g-1). The F. O. B. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 65¢ per ton.

*Production Group No. 8.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Fancy Lump Over 6" | Domestic Lump Over 2½" | Egg 6" x 2½" | Egg Nut 6" x 1¼" | Nut 2½" x 1¼" | Chestnut 1¼" x ⅞" | Mine Run | Nut Run 2½" x 0" | Scregs. 1¼" x 0" |
|---|---|---|---|---|---|---|---|---|---|---|
| 111 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 180 | 135 |
| 112 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 180 | 135 |
| 113 | | 350 | 350 | 350 | 325 | 265 | 205 | 300 | 180 | 135 |
| 114 | | 345 | 345 | 345 | 320 | 275 | 215 | 300 | 175 | 135 |
| 116 | | 345 | 345 | 345 | 320 | 275 | 215 | 300 | 180 | 150 |
| 117 | | 345 | 345 | 345 | 320 | 275 | 225 | 300 | 185 | 150 |
| 118 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 200 | 135 |
| 119 | | 365 | 365 | 365 | 345 | 325 | 220 | 300 | 180 | 135 |
| 124-125-128 | (h-1) | 445 | 445 | 445 | 395 | 345 | 220 | 300 | 180 | 135 |
| 136-139 | | 360 | 360 | 360 | 325 | 295 | 245 | 300 | 235 | 180 |
| 137-138 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 200 | 135 |
| 140 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 200 | 135 |
| 141 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 180 | 135 |
| 143 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 200 | 135 |

Note.—(h-1) The F. O. B. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 65 cents per ton.

*Production Group No. 9.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Fancy Lump Over 6" | Domestic Lump Over 2½" | Egg 6" x 2½" | Egg-Nut 6" x 1¼" | Nut 2½" x 1¼" | Chestnut 1¼" x ¾" | Mine Run | Nut-Run 2½" x 0" | Scregs. 1¼" x 0" |
|---|---|---|---|---|---|---|---|---|---|---|
| 104, 105, 109, 110 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 180 | 135 |
| 106, 107, 108 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 180 | 135 |
| 111 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 180 | 135 |
| 112 | | 350 | 350 | 350 | 325 | 265 | 205 | 300 | 180 | 135 |
| 113 | | 315 | 345 | 345 | 320 | 275 | 215 | 300 | 175 | 135 |
| 114 | | 345 | 345 | 345 | 320 | 275 | 215 | 300 | 175 | 135 |
| 116 | | 345 | 345 | 315 | 320 | 275 | 225 | 300 | 185 | 150 |
| 117 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 200 | 135 |
| 118 | | 365 | 365 | 365 | 345 | 325 | 220 | 300 | 180 | 135 |
| 119 | | 445 | 445 | 445 | 395 | 345 | 220 | 300 | 180 | 135 |
| 124, 125, 128 | (i-1) | 360 | 360 | 360 | 325 | 295 | 245 | 300 | 235 | 180 |
| 136, 139 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 200 | 135 |
| 137, 138 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 200 | 135 |
| 140 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 180 | 135 |
| 141 | | 350 | 350 | 350 | 325 | 280 | 220 | 300 | 200 | 135 |
| 143 | | | | | | | | | | |

Note.—(i-1) The F. O. B. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 65 cents per ton.

*Production Group No. 10.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market area | Flag | Fancy Lump Over 6" | Domestic Lump Over 2½" | Egg 6" x 2½" | Egg-Nut 6" x 1¼" | Nut 2½" x 1¼" | Chestnut 1¼" x ¾" | Mine Run | Nut-Run 2½" x 0" | Special Stoker 1" x ⅜" | Scregs 1¼" x 0" |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 104, 105, 109, 110 | | 290 | 275 | 265 | 255 | 240 | 170 | 240 | 155 | | 110 |
| 106, 107, 108 | | 290 | 275 | 265 | 255 | 240 | 170 | 240 | 155 | | 110 |
| 111 | | 290 | 275 | 265 | 255 | 240 | 170 | 240 | 155 | | 110 |
| 112 | | 290 | 275 | 265 | 255 | 225 | 155 | 240 | 155 | | 110 |
| 113 | | 290 | 275 | 265 | 255 | 225 | 155 | 240 | 150 | | 110 |
| 114 | | 285 | 270 | 260 | 250 | 235 | 165 | 240 | 150 | | 110 |
| 116 | | 285 | 270 | 260 | 250 | 235 | 165 | 240 | 160 | | 125 |
| 117 | | 285 | 270 | 260 | 250 | 235 | 175 | 240 | 175 | | 110 |
| 118 | | 290 | 275 | 265 | 255 | 240 | 170 | 240 | 155 | | 110 |
| 119 | | 290 | 290 | 290 | 275 | 265 | 170 | 240 | 155 | | 110 |
| 124, 125, 128 | (j-1) | 370 | 370 | 370 | 325 | 280 | 220 | 240 | 210 | | 155 |
| 136, 139 | | 290 | 285 | 275 | 265 | 260 | 220 | 240 | 210 | | 110 |
| 137, 138 | | 290 | 275 | 265 | 255 | 240 | 195 | 240 | 175 | | 110 |
| 140 | | 290 | 275 | 265 | 255 | 240 | 170 | 240 | 175 | | 110 |
| 141 | | 290 | 275 | 265 | 255 | 240 | 170 | 240 | 155 | | 110 |
| 143 | | 290 | 275 | 265 | 255 | 240 | 170 | 240 | 175 | | 110 |

Explanation of flag note.—Note (j-1)—The f. o. b. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 40 cents per ton.



*Production Group No. 11.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Fancy Lump Over 6" | Domestic Lump Over 2½" | Egg 6" x 2½" | Egg-Nut 6" x 1¼" | Nut 2½" x 1¼" | Chestnut 1¼" x ¾" | Mine Run | Nut-Run 2½" x 0" | Special Stoker 1" x ⅜" | Scregs. 1¼" x 0" |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 104, 105, 109, 110 | | 210 | 210 | 210 | 210 | 210 | 130 | 200 | 155 | 145 | 95 |
| 106, 107, 108 | | 225 | 225 | 225 | 225 | 215 | 135 | 200 | 160 | 150 | 100 |
| 111 | | 225 | 225 | 225 | 225 | 145 | 200 | 145 | 125 | 85 | |
| 112 | | 200 | 200 | 200 | 200 | 205 | 125 | 200 | 150 | 115 | 90 |
| 113 | | 210 | 210 | 210 | 210 | 195 | 105 | 200 | 145 | 135 | 85 |
| 114 | | 210 | 210 | 210 | 210 | 195 | 140 | 200 | 140 | 110 | 85 |
| 116 | | 205 | 205 | 205 | 205 | 220 | 140 | 200 | 140 | 110 | 85 |
| 117 | | 190 | 190 | 190 | 190 | 180 | 175 | 200 | 150 | 150 | 100 |
| 118 | (d-1) | 225 | 225 | 225 | 225 | 225 | 170 | 200 | 175 | 135 | 90 |
| 119 | | 265 | 265 | 265 | 265 | 265 | 170 | 225 | 155 | 135 | 110 |
| 124, 125, 128 | (e-1) (f-1) | 345 | 345 | 345 | 310 | 280 | 170 | 225 | 155 | 135 | 110 |
| 136, 139 | (d-1) (d-3) | 275 | 275 | 275 | 265 | 260 | 235 | 225 | 210 | 200 | 155 |
| 137, 138 | (d-1) | 225 | 225 | 225 | 225 | 225 | 195 | 225 | 175 | 165 | 110 |
| 140 | | 225 | 225 | 225 | 225 | 225 | 170 | 200 | 175 | 135 | 85 |
| 141 | (d-1) | 225 | 225 | 225 | 225 | 225 | 145 | 200 | 145 | 125 | 85 |
| 143 | (d-1) | 225 | 225 | 225 | 225 | 225 | 170 | 200 | 175 | 135 | 85 |

Note.—See following for explanation of flag notes and other references.

*Explanation of Flag Notes*

Note (d-1). The f. o. b. mine price on Fancy Lump over 6", Domestic Lump over 2½", Egg 6" x 2½", Egg Nut 6" x 1¼", Chestnut 1¼" x ¾", Mine Run and Screenings 1¼" x 0" may be adjusted so the delivered cost will be 15 cents per ton over the delivered cost of the same size from Production Group No. 1: The f. o. b. mine prices on special stoker 1" x ⅜" may be adjusted so the delivered cost will be equal with washed special stoker from Production Group No. 1: Provided, however, the maximum reduction shall not exceed 50 cents per ton.

Note (d-3). The f. o. b. mine prices on Nut 2½" x 1¼" may be adjusted so as to deliver at equal delivered cost with Nut 3" x 1¼" from Production Group No. 1: Provided, however, the maximum reduction shall not exceed 50 cents per ton.

Note (e-1). The f. o. b. mine prices on all sizes may be adjusted so as to deliver at equal delivered cost with the same size from Production Group No. 10 to destinations in the State of Texas: Provided, however, the maximum reduction shall not exceed 50 cents per ton.

Note (f-1). The f. o. b. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 40 cents per ton.

*Production Group No. 12.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below—Domestic and Commercial Coal Schedule—Part I—Oklahoma "Smithing Coal" From Production Group No. 12 to All Market Areas*

Crushed Mine Run, Bulk ..... $5.32 per ton.
Crushed Mine Run, Sacked ..... $7.27 per ton.[1]
Lump, Over 2½" ..... $5.82 per ton.

*Production Group No. 13.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below—Domestic and Commercial Coal Schedule—Part I*

| Market areas | Flag | Lump | Mine Run |
|---|---|---|---|
| 114 | | 345 | 345 |
| 116 | | 345 | 345 |
| 136, 139 | | 345 | 345 |
| 137, 138 | | 345 | 345 |

PART II—INDUSTRIAL COAL PRICE SCHEDULE

Prices apply only on sales where the coal moves direct from the mine of the producer to consumers using fuel principally for:

(*a*) The purpose of driving steam engines or turbines

(*b*) The purpose of manufacturing or processing if fuel is required each day of the year products of the consumer are produced.

[1] From this price of $7.27 per ton may be deducted $1.75 per ton when buyer furnishes the sacks.

*Production Group No. 1.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Industrial Coal Schedule—Part II*

| Market areas | Flag | Nut 3" x 1¼" | Nut 2" x 1¼" | Chestnut 1¼" x ¾" | Mine Run | 2" x 0" and 3" x 0" | Scregs. 1¼" x ¼" or ½" | Scregs 1¼" x 0" | Washed Carbon ½" x 0" |
|---|---|---|---|---|---|---|---|---|---|
| 33, 34, 100, 101 | (q) | 235 | 220 | 195 | 215 | 185 | (s) | 110 | 140 |
| 101, 105, 109, 110 | (q-1) | 235 | 220 | 195 | 215 | 185 | (s) | 115 | 140 |
| 106, 107, 108 | (q-1) | 235 | 220 | 195 | 215 | 185 | (s) | 115 | 140 |
| 111 | | 260 | 245 | 220 | 215 | 210 | 156 | 120 | 140 |
| 112 | | 235 | 220 | 195 | 215 | 185 | 156 | 115 | 140 |
| 113 | (q-1) | 230 | 215 | 190 | 215 | 195 | (s) | 135 | 140 |
| 114 | | 230 | 215 | 190 | 215 | 180 | 149 | 120 | 140 |
| 116 | (q) | 215 | 210 | 185 | 215 | 175 | (s) | 125 | 140 |
| 116 | | 240 | 225 | 200 | 210 | 190 | 146 | 120 | 140 |
| 117 | (r) | 215 | 210 | 185 | 215 | 175 | (s) | 125 | 140 |
| 118 | | 245 | 230 | 205 | 210 | 195 | (s) | 130 | 140 |
| 119 | | 245 | 230 | 205 | 210 | 195 | (s) | 130 | 140 |
| 124, 125, 128 | | 245 | 230 | 205 | 210 | 195 | (s) | 110 | 140 |
| 136, 139 | (t) | 245 | 230 | 205 | 210 | 195 | (s) | 110 | 140 |
| 137, 138 | | 245 | 230 | 205 | 210 | 195 | (s) | 120 | 140 |
| 140 | | 245 | 230 | 205 | 210 | 195 | (s) | 120 | 140 |
| 141 | | 260 | 245 | 220 | 215 | 210 | (s) | 120 | 140 |
| 143 | | 260 | 245 | 220 | 215 | 210 | 156 | 120 | 140 |
| 118 | | 245 | 230 | 205 | 210 | 195 | (s) | 120 | 140 |
| 145, 146 | (q-1) | 260 | 245 | 220 | 215 | 210 | (s) | 120 | 140 |

Note.—See following for explanation of Flag notes and other references.

PRODUCTION GROUP NO. 1

All prices shown above are for unwashed coals. F. o. b. mine prices for washed coals shall be determined as follows: Nut—3'' x 1¼'', Nut—2'' x 1¼'', Nut—1¼'' x ¾'', Chestnut—3'' x 0'', Nut Run—2'' x 0'', add 7 cents per ton to the f. o. b. mine price as shown when delivering to consuming market areas 116 and 114. When delivering to all other consuming market areas add 15 cents to the f. o. b. mine prices as shown.

The f. o. b. mine price for 1¼'' x 0'' washed screenings shall be 110% of the f. o. b. mine price for 1¼'' x 0'' raw screenings shown above plus 10% of the rail freight rate from mine to destination.

The f. o. b. mine price on ¼'' x 0'' refuse to all consuming market areas shall be 30 cents per ton.

*Explanation of Flag Notes*

Note (q). The f. o. b. mine prices on all sizes shown from 2'' x 0'' to and including 3'' x 1¼'' Nut may be adjusted so the delivered cost in this consuming area will be 35 cents per ton over the same size from Production Group No. 3 mines having the lowest freight rate. The f. o. b. mine price of 1¼'' x 0'' screenings may be adjusted to deliver 5 cents per ton over the delivered cost of washed 1¼'' x 0'' screenings from Production Group No. 3 mines having the lowest freight rate, provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (q–1). The f. o. b. mine price may be adjusted so the delivered cost in this consuming area over the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate will be as follows: 3'' x 1¼'' and 2'' x 1¼'' Nut 40 cents per ton and 2'' x 0'', 3'' x 0'' and Chestnut 35 cents per ton. The f. o. b. mine price of 1¼'' x 0'' screenings may be adjusted to deliver at 5 cents per ton over washed 1¼'' x 0'' screenings from Production Group No. 3 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (r). The f. o. b. mine prices on all sizes shown from 2'' x 0'' to and including 3'' x 1¼'' Nut may be adjusted so the delivered cost in this consuming area shall be 35 cents per ton over the same size from Production Group No. 2 having the lowest freight rate. The f. o. b. mine price of 1¼'' x 0'' screenings may be adjusted to deliver at 5 cents per ton over washed 1¼'' x 0'' screenings from Production Group No. 2 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price on 1¼'' x 0'' screenings for delivery on the A. T. S. F. Railroad Rock Creek Junction and East to the Missouri River may be reduced 10 cents per ton.

Note (s). The f. o. b. mine price for 1¼'' x ¼'' or 1¼'' x ⅛'' prepared raw screenings shall be 110% of the f. o. b. mine price for 1¼'' x 0'' raw screenings shown on page No. 34 plus 10% of the rail freight rate from mine to destination.

Note (t). The f. o. b. mine price for 1¼'' x 0'' screenings for delivery at the spur of the Kansas Gas and Electric Company shall be one dollar per ton.

*Production Group No. 2.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Industrial Coal Schedule—Part II*

| Market areas | Flag | Nut 3'' x 1¼'' | Nut 2'' x 1¼'' | Chestnut 1¼'' x ¾'' | Mine Run | 2'' x 0'' and 3'' x 0'' | Scrgs. 1¼'' x ¼'' or ⅛'' | Scrgs. 1¼'' x 0'' | Washed Scrgs. 1¼'' x 0'' |
|---|---|---|---|---|---|---|---|---|---|
| 33, 34, 100, 101 | (v) | 240 | 225 | 200 | 215 | 190 | 130 | 110 | 130 |
| 104, 105, 109, 110 | (v–2) | 240 | 225 | 200 | 215 | 190 | 170 | 150 | 170 |
| 106, 107, 108 | (v–2) | 240 | 225 | 200 | 215 | 190 | 170 | 150 | 170 |
| 111 | | 245 | 220 | 205 | 215 | 195 | 135 | 115 | 135 |
| 112 | | 204 | 189 | 164 | 215 | 154 | 134 | 114 | 134 |
| 113 | (v–2) | 245 | 230 | 205 | 215 | 210 | 135 | 115 | 135 |
| 114 | (u) | 215 | 200 | 175 | 215 | 165 | 137 | 130 | 150 |
| 115 | (v) | 205 | 200 | 175 | 215 | 165 | 175 | 155 | 175 |
| 116 | (u) | 225 | 210 | 185 | 205 | 190 | 155 | 135 | 155 |
| 117 | (w) | 245 | 240 | 215 | 215 | 205 | 175 | 155 | 175 |
| 118 | (x) | 220 | 205 | 195 | 205 | 180 | 135 | 115 | 135 |
| 136, 139 | (x) | 230 | 215 | 190 | 205 | 195 | 135 | 115 | 135 |
| 137, 138 | (x) | 230 | 215 | 190 | 205 | 195 | 135 | 115 | 135 |
| 140 | (x) | 250 | 230 | 205 | 215 | 195 | 160 | 140 | 160 |
| 141 | | 245 | 230 | 205 | 215 | 195 | 135 | 115 | 135 |
| 143 | (x) | 230 | 215 | 190 | 205 | 195 | 135 | 115 | 135 |
| 145, 146 | (v–2) | 240 | 225 | 200 | 215 | 190 | 170 | 150 | 170 |

NOTE.—See following for explanation of Flag notes and other references.

PRODUCTION GROUP NO. 2

The f. o. b. mine price on ¼'' x 0'' refuse to all consuming market areas shall be 40 cents per ton.

*Explanation of Flag Notes*

Note (u). The f. o. b. mine prices on all sizes shown from 2'' x 0'' to and including 3'' x 1¼'' nut may be adjusted so the delivered cost will be 35 cents per ton less than the same size from Production Group No. 1. The f. o. b. mine price of 1¼'' x 0'' screenings may be adjusted to deliver 25 cents per ton less than the delivered cost of 1¼'' minus screenings from Production Group No. 1. Except, however, the maximum reduction shall not exceed 25 cents per ton.

Note (v). The f. o. b. mine prices on all sizes except 1¼'' x 0'' screenings may be adjusted to deliver at the same delivered cost at the same size from mines in Production Group No. 3 having the lowest freight rate. The f. o. b. mine price on 1¼'' x 0'' screenings may be adjusted to deliver 20 cents per ton under the delivered cost of washed 1¼'' x 0'' screenings from Production Group No. 2. Except, however, the maximum reduction shall not exceed 35 cents per ton.

Note (v–2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area will be as follows: 3'' x 1¼'' and 2'' x 1¼'' nut 5 cents over the delivered cost of the same size from mines in Production Group No. 3 having the lowest freight rate; 2'' x 0'', 3'' x 0'' and chestnut to deliver at an equal delivered cost with the same size from mines in Production Group No. 3 having the lowest freight rate. The f. o. b. mine price on 1¼'' x 0'' screenings may be adjusted to deliver 20 cents per ton under the delivered cost of washed 1¼'' x 0'' screenings from Production Group No. 2. Except, however, the maximum reduction shall not exceed 35 cents per ton.

Note (w). The f. o. b. mine prices on all sizes may be adjusted to deliver at the same delivered cost as the mines in Production Group No. 2 having the lowest freight rate. Except, however, the maximum reduction shall not exceed 25 cents per ton.

Note (x). The f. o. b. mine prices on all sizes shown from 2'' x 0'' to and including 3'' x 1¼'' nut may be adjusted so as to deliver at a delivered cost 35 cents per ton under the same size from Production Group No. 1. The f. o. b. mine prices on washed 1¼'' x 0'' screenings and raw 1¼'' x ¼'' or ⅛'' screenings may be adjusted so as to deliver 5 cents per ton under the delivered cost of 1¼'' x 0'' screenings from Production Group No. 1. The f. o. b. mine price on 1¼'' x 0'' screenings may be adjusted so as to deliver at a delivered cost of 25 cents per ton under 1¼'' minus screenings from Production Group No. 1. Except, however, the maximum reduction shall not exceed 25 cents per ton.



*Production Group No. 3.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Industrial Coal Schedule—Part II*

| Market areas | Flag | Nut 3'' x 1¼'' | Nut 2'' x 1¼'' | Chestnut 1¼'' x ¾'' | Mine Run | 2'' x 0'' and 3'' x 0'' | Scrgs. 1¼'' x ¼'' or ⅛'' | Scrgs. 1¼'' x 0'' | Washed Scrgs. 1¼'' x 0'' |
|---|---|---|---|---|---|---|---|---|---|
| 33, 34, 100, 101 | | 240 | 225 | 200 | 215 | 190 | 130 | 70 | 130 |
| 102 | | 210 | 195 | 170 | 215 | 160 | 100 | 85 | 130 |
| 104, 105, 109, 110 | | 235 | 220 | 200 | 215 | 190 | 170 | 95 | 170 |
| 106, 107, 108 | | 235 | 220 | 200 | 215 | 190 | 170 | 95 | 170 |
| 111 | | 249 | 234 | 214 | 215 | | 141 | 95 | 144 |
| 112 | | 235 | 220 | 200 | 215 | 190 | 170 | 95 | 170 |
| 113 | | 240 | 225 | 205 | 215 | 210 | 135 | 95 | 165 |
| 114 | (y) | 243 | 228 | 208 | 215 | | 165 | 95 | 168 |
| 115 | | 205 | 200 | 175 | 215 | 165 | 150 | 120 | 180 |
| 116 | | 228 | 213 | 160 | 200 | 193 | 135 | 95 | 135 |
| 117 | (a–1) | 220 | 215 | 205 | 215 | 195 | 150 | 110 | 150 |
| 136, 139 | (z) | 230 | 215 | 165 | 200 | 175 | 135 | 95 | 160 |
| 137, 138 | (z–2) | 230 | 215 | 165 | 200 | 175 | 135 | 95 | 160 |
| 140 | (z–3) | 240 | 225 | 205 | 215 | 195 | 160 | 105 | 160 |
| 141 | | 240 | 225 | 205 | 215 | | 132 | 95 | 135 |
| 143 | (z–2) | 230 | 215 | 165 | 200 | 175 | 135 | 95 | 160 |
| 145, 146 | | 235 | 220 | 200 | 215 | 190 | 170 | 95 | 170 |

NOTE.—See following for explanation of Flag notes and other references.

PRODUCTION GROUP NO. 3

The f. o. b. mine price on ¼'' x 0'' refuse to all consuming market areas shall be 40 cents per ton.

*Explanation of Flag Notes*

Note (y). The f. o. b. mine prices may be adjusted to deliver at an equal delivered cost of the same size from mines having a freight rate on nut and screenings of $1.02 per ton.

Note (z). The f. o. b. mine prices on all sizes shown from 2'' x 0'' to and including 3'' x 1¼'' Nut may be adjusted so the delivered cost will be 35 cents per ton under the delivered cost of the same size from Production Group No. 1. The f. o. b. mine price of washed 1¼'' minus Screenings and raw 1¼'' x ¼'' or ⅛'' may be adjusted so the delivered cost shall be 05 cents per ton under 1¼'' minus screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 35 cents per ton on the sized coal or 25 cents per ton on screenings.

Note (z–2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 1 will be as follows: All sizes of nut 40 cents per ton and 2'' x 0'', 3'' x 0'' and chestnut 35 cents per ton. The f. o. b. mine price of washed 1¼'' x 0'' screenings and raw 1¼'' x ¼'' or ⅛'' may be adjusted so the delivered cost shall be 05 cents per ton under 1¼'' minus screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 35 cents per ton on screenings.

Note (z–3). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 1 shall be as follows: All sizes of nut 40 cents per ton and 2'' x 0'', 3'' x 0'' and chestnut 35 cents per ton. The f. o. b. mine price of washed 1¼'' minus screenings and raw 1¼'' x ¼'' or ⅛'' may be adjusted so the delivered cost shall be 05 cents per ton under 1¼'' minus screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (a–1.) The f. o. b. mine prices on all sizes may be adjusted so the delivered cost shall equal the delivered cost of the same size coal from Production Group No. 2. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

*Production Group No. 4.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*
*Industrial Coal Schedule—Part II*

| Market areas | Flag | Nut 3'' x 1¼'' | Chestnut 1¼'' x ¾'' | Mine Run | 2'' x 0'' and 3'' x 0'' | Scrgs. 1¼'' x ¼'' or ⅛'' | Scrgs. 1¼'' x 0'' | Washed Scrgs. 1¼'' x 0'' |
|---|---|---|---|---|---|---|---|---|
| 113 | (b–2, b–3) | 255 | | | | | 105 | |
| 114 | | 260 | | | | | 100 | |
| 115 | (b–1) | 265 | | | | | 105 | |
| 116 | | 265 | | | | | 100 | |
| 117 | (b–2) | 265 | | | | | 105 | |

NOTE.—See following for explanation of Flag notes and other references.

PRODUCTION GROUP NO. 4

*Explanation of Flag Notes*

Note (b–1). The f. o. b. mine price on all sizes shown except 1¼'' x 0'' screenings may be adjusted so the delivered cost shall be 15 cents per ton less than the same size from mines in either Production Group No. 2 or No. 3 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (b–2). The f. o. b. mine price on all sizes shown except 1¼'' x 0'' screenings may be adjusted so the delivered cost shall be 15 cents per ton less than the same size from Production Group No. 2 mines having the lowest freight rate. Provided, however, that the maximum reduction shall not exceed 35 cents per ton.

Note (b–3). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate as follows: All sizes of nut 10 cents per ton and all other sizes except 1¼'' x 0'' screenings 15 cents per ton. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

*Production Group No. 5.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*

*Industrial Coal Schedule—Part II*

| Market areas | Flag | Nut 3" x 1¼" | Sergs. 1¼" x 0" |
|---|---|---|---|
| 113 | (c-2 c-3) | 255 | 105 |
| 114 | | 260 | 100 |
| 115 | (c-1) | 265 | 105 |
| 116 | | 265 | 100 |
| 117 | (c-1) | 265 | 105 |

NOTE.—See the following for explanation of Flag Notes and other references.

*Explanation of Flag Notes*

Note (c-1). The f. o. b mine price on all sizes shown except 1¼" x 0" screenings may be adjusted so the delivered cost will be 15 cents per ton less than the same size from mines in either Production Group No. 2 or No. 3 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (c-2). The f. o. b. mine price on all sizes shown except 1¼" x 0" screenings may be adjusted so the delivered cost will be 15 cents per ton less than the same size from Production Group No. 2 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (c-3). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate will be as follows: All sizes of nut 10 cents per ton and all other sizes except 1¼" x 0" screenings 15 cents per ton. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

*Production Groups Nos. 6, 7, 8, 9, 10, 11, 12, 13—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas Industrial Coal Schedule—Part II*

Prices Same as Shown in Domestic and Commercial Coal Schedule—Part I

*Prices in Cents per Net Ton of 2,000 Pounds Railroad Locomotive Fuel Schedule*

| | |
|---|---|
| Locomotive Fuel from Production Groups 1, 2, 3, 7, 8, 9, 10, 11, 12 | $2.10 |
| Locomotive Fuel from Production Group 4 | 2.65 |
| Locomotive Fuel from Production Group 5 | 2.50 |
| Exceptions: | |
| Group 1. Locomotive Fuel loaded on Missouri Pacific and its connections for use west in Fuel Oil competing territory | 1.70 |
| Group 2. 2" x 0" Stoker Screenings with ½ of fines removed | 1.95 |
| Group 3. 2" x 0" Screenings for locomotive use | 1.70 |

[F. R. Doc. 37-3708; Filed, December 18, 1937; 12:27 p. m.]

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[Order No. 141]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 16 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average cost so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 68 the weighted average of the total costs of the tonnage for Minimum Price Area 6 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 103 determined and established the initial classifications of coals of Code Members within said District Number 16; the District Board for District Number 16 having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 116, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number 16, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly projudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number 16, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number 16 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount



greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate intertsate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commisison hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 16, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 16, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 16 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 16 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 6 and to Code Members within District Number 16, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By Order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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PRICE SCHEDULE NO. 1—DISTRICT NO. 16

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 16, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 A. M. January 3, 1938.

Issued: December 16, 1937.

F. W. MCCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

6. Industries having storage facilities accommodating 30% of their annual coal requirements, and who place those facilities at the sole disposal of the producers permitting said producers to make shipments at their convenience during the year may be granted a price of 15¢ per net ton below the standard list price on 1½" or 1¼" Pea and Slack Coal.

7. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

*Price Index*

| Name of code member | Address | Mine | Mine location |
|---|---|---|---|
| EL PASO COUNTY SUB-DISTRICT | | | |
| Altitude Fuel Co. | Colorado Springs, Colorado | Altitude | El Paso County. |
| Busy Bee Coal Co. | Colorado Springs, Colorado | Busy Bee | El Paso County. |
| Colorado Springs Co. | Colorado Springs, Colorado | City | El Paso County. |
| Clara Belle Coal Co. | Colorado Springs, Colorado | Clara Belle | El Paso County. |
| Danville Coal Co. | Colorado Springs, Colorado | Climax | El Paso County. |
| Corley Coal Co. | Colorado Springs, Colorado | Corley #3 | El Paso County. |
| Jimmy Camp Auld Reckie Fuel Co. | Colorado Springs, Colorado | Jimmy Camp | El Paso County. |
| John Steenan | Colorado Springs, Colorado | New Keystone | El Paso County. |
| Pikes Peak Fuel Div. of The Golden Cycle Corp. | Colorado Springs, Colorado | Pike View | El Paso County. |
| LA SALLE SUB-DISTRICT NO. 1 | | | |
| Bohlender Coal Co. | La Salle, Colorado | Bohlender | Weld County. |
| Buddy Coal Co. | Greeley, Colorado | Buddy | Weld County. |
| Comet Coal Co. | Eaton, Colorado | Comet | Weld County. |
| Fred Mayer & Anton Schwaerzler | La Salle, Colorado | Diamond | Weld County. |
| Galeton Coal Co. | Galeton, Colorado | Galeton | Weld County. |
| La Salle Coal Co. | Greeley, Colorado | La Salle | Weld County. |
| White Ash Coal Co. | La Salle, Colorado | White Ash | Weld County. |
| Keota Coal Co. | Keota, Colorado | Keota | Weld County. |
| LOUISVILLE SUB-DISTRICT | | | |
| Rocky Mountain Fuel Co. | Denver, Colorado | Industrial | Boulder County. |
| National Fuel Co. | Denver, Colorado | Monarch | Boulder County. |
| LAFAYETTE-MARSHALL #1 SUB-DISTRICT | | | |
| Black Diamond Fuel Co. | Boulder, Colorado | Black Diamond | Boulder County. |
| Boulder Valley Coal Co. | Denver, Colorado | Centennial | Boulder County. |
| Crackerjack Coal Co. | Boulder, Colorado | Crackerjack | Boulder County. |
| Eldorado Coal Co. | Broomfield, Colorado | Eldorado | Boulder County. |
| Ko-Z Coal Co. | Louisville, Colorado | Fireside (Ko-Z) | Boulder County. |

*Price Index*—Continued

| Name of code member | Address | Mine | Mine location |
|---|---|---|---|
| Domestic Coal Co. | Boulder, Colorado | Gorham | Boulder County. |
| High View Coal Co. | Gorham, Colorado | High View | Boulder County. |
| Louisville-Lafayette Co. | Louisville, Colorado | Hi-Way | Boulder County. |
| Peerless Coal Co. | Gorham, Colorado | Lewis #2 (Peerless) | Jackson County. |
| George M. Barnell | Walden, Colorado | Marr | Jackson County. |
| North Park Coal Co. | Ft. Collins, Colorado | Moore | Boulder County. |
| Paramount Coal Co. | Lafayette, Colorado | Paramount | Boulder County. |
| Pine Cliff Coal Co. | Boulder, Colorado | Pine Cliff | Boulder County. |
| Pluto Coal Mining Co. | Boulder, Colorado | Pluto | Boulder County. |
| Regal Coal Co. | Lafayette, Colorado | Regal | Boulder County. |
| Rocky Mountain Fuel Co. | Denver, Colorado | Standard | Boulder County. |
| **ERIE-MARSHALL #2 SUB-DISTRICT** | | | |
| Boulder Valley Coal Co. | Denver, Colorado | Boulder Valley | Weld County. |
| Cactus Coal Co. | (abandoned) | Cactus | Weld County. |
| Clayton Coal Co. | Denver, Colorado | Clayton | Weld County. |
| Rocky Mountain Fuel Co. | Denver, Colorado | Columbine | Weld County. |
| Imperial Coal Co. | Denver, Colorado | Imperial | Boulder County. |
| New Ross Coal Co. | Gorham, Colorado | New Ross | Weld County. |
| Monroe Coal Co., (Now Park Coal Co.) | Longmont | Park | Weld County. |
| Premier Coal Co. | Boulder, Colorado | Premier | Boulder County. |
| Pittsburgh Coal Co. | Boulder, Colorado | Red Ash (No. 2 Pittsburgh) | Boulder County. |
| **FREDERICK SUB-DISTRICT** | | | |
| Consolidated Coal & Coke | Denver, Colorado | Baum | Weld County. |
| Evans Coal Mining Co. | Frederick, Colorado | Evans (Liley) | Weld County. |
| Graden Coal Co. | Denver, Colorado | Graden | Weld County. |
| Rocky Mountain Fuel Co. | Denver, Colorado | Grant | Weld County. |
| Rocky Mountain Fuel Co. | Denver, Colorado | Grant | Weld County. |
| Clayton Coal Co. | Denver, Colorado | Morrison | Weld County. |
| National Fuel Co. | Denver, Colorado | Puritan | Weld County. |
| Wm. E. Russell Coal Co. | Denver, Colorado | Russell | Weld County. |
| Shamrock Coal Co. | Erie, Colorado | Shamrock | Weld County. |
| McNeil Coal Corporation | Denver, Colorado | Sterling | Weld County. |
| **JEFFERSON SUB-DISTRICT** | | | |
| Caprock Fuel Co. | Walsenburg, Colorado | Caprock | Jefferson County. |
| Leyden-Lignite Co. | Denver, Colorado | Leyden | Jefferson County. |
| Van Winkle Coal Co. | Golden, Colorado | Van Winkle | Jefferson County. |
| Jefferson Coal Co. | Littleton, Colorado | Virginia | Jefferson County. |

*Size Groups—For Shipment Into All Market Areas*

| Size group number | Designation | Sizes | |
|---|---|---|---|
| | | Through [1] | Over [1] |
| 1 | Lump [2] | | 3" |
| 2 | Lump | 6" | 2½" |
| 3 | Egg | 4" | 2½" |
| 4 | Nut | 3" | 1½" |
| 5 | Nut | 2½" | 1½" |
| 6 | Pea | 1½" | ¾" |
| 7 | Modified Pea | 1¼" | ¾" |

[1] All maximum screened sizes mentioned herein are based on round hole or the equivalent thereof.
[2] Six inch round hole, shaker screens will be maximum bottom size allowed.

*Size Groups—For Shipment Into All Market Areas*—Con.

| Size group number | Designation | Sizes | |
|---|---|---|---|
| | | Through [1] | Over [1] |
| 8 | Slack | 2½" | 0. |
| 9 | Slack | 1½" | 0 |
| 10 | Straight Run of Mine. | | |
| 11 | Modified Run of Mine. | | |
| 12 | Egg Run. | | |

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the higher size group and priced accordingly.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 132, 133, 133–A, 133–B, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, and 150*

| Producing districts | Size group prices | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | Rail shipments | | | | | | | | | |
| Louisville | 460 | 440 | 410 | 385 | ------ | 315 | 265 | 190 | 180 | 345 |
| Lafayette & Marshall #1 | 435 | 415 | 385 | 360 | 335 | 315 | 265 | 190 | 180 | 325 |
| Erie & Marshall #2 | 385 | 365 | 365 | 335 | ------ | 290 | 240 | 190 | 180 | 305 |
| Frederick [1] | 375 | 355 | 355 | 335 | ------ | 290 | 240 | 190 | 180 | 295 |
| Jefferson | 340 | 320 | 320 | ------ | ------ | 265 | 215 | 190 | 180 | 270 |
| El Paso | 375 | 355 | 355 | 335 | ------ | 290 | 240 | 190 | 180 | 295 |
| Truck shipments—Market area 133–A (only) | | | | | | | | | | |
| Louisville | 500 | 480 | 450 | 425 | ------ | 355 | 285 | 210 | 200 | 380 |
| Lafayette & Marshall #1 | 475 | 455 | 425 | 400 | 375 | 355 | 285 | 210 | 200 | 360 |
| Erie & Marshall #2 | 425 | 405 | 405 | 375 | ------ | 330 | 260 | 210 | 200 | 345 |
| Frederick | 415 | 395 | 395 | 375 | ------ | 330 | 260 | 210 | 200 | 335 |
| Jefferson | 380 | 360 | 360 | ------ | ------ | 305 | 235 | 210 | 200 | 310 |
| El Paso | 415 | 395 | 395 | 375 | ------ | 330 | 260 | 210 | 200 | 335 |
| La Salle | ------ | 330 | 310 | ------ | 265 | 240 | 170 | 155 | ------ | ------ |

[1] On Size Group #2 (2½" Lump) from Grant Mine prices may be reduced 10¢ per ton into all Market Areas. On Size Group #2 (2½" Lump) and Size Group #3 (Egg) from Morrison Mine prices may be reduced 7½¢ per ton into all Market Areas.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 132, 133, 133–A, 133–B, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, and 150*—Continued

Truck shipments—Market areas 133–B, 134, 135, 137, 143, 150 (only)

| Producing districts | Size group prices | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | Rail shipments | | | | | | | | | |
| Louisville | 510 | 490 | 460 | 435 | ------ | 365 | 290 | 215 | 285 | 395 |
| Lafayette & Marshall #1 | 485 | 465 | 435 | 410 | 385 | 365 | 290 | 215 | 205 | 370 |
| Erie & Marshall #2 | 435 | 415 | 415 | 385 | ------ | 340 | 265 | 215 | 205 | 355 |
| Frederick | 425 | 405 | 405 | 385 | ------ | 340 | 265 | 215 | 205 | 345 |
| Jefferson | 390 | 370 | 370 | ------ | ------ | 315 | 240 | 215 | 205 | 320 |
| El Paso | 425 | 405 | 405 | 385 | ------ | 340 | 265 | 215 | 205 | 345 |
| La Salle | ------ | 340 | 320 | ------ | 275 | 250 | 175 | 160 | ------ | ------ |

SUB-MARKET AREAS

*Area 133 A.*—All points in Area 133 within a 5 mile radius of any producing mine in Boulder and Weld Counties.
*Area 133 B.*—All of Area 133 not included in Area 133 A.

[F. R. Doc. 37–3709; Filed, December 18, 1937; 12:28 p. m.]

[Order No. 142]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER SEVENTEEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal charges, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 68 the weighted average of the total costs of the tonnage for Minimum Price Area 6 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 106 determined and established the initial classifications of coals of Code Members within said District Number Seventeen; the District Board for District Number Seventeen having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 117, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Seventeen, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (*a*) be just and equitable as between producers within each District, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Seventeen, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Seventeen or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to the Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number Seventeen, set opposite the names of Code Members and their respective mines, as the

same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Seventeen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number Seventeen and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Seventeen to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 6 and to Code Members within District Number Seventeen, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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PRICE SCHEDULE NO. 1—DISTRICT NO. 17

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 17, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective, 12:01 A. M. January 3, 1938.

Issued, December 16, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All sizes are predicated on screen descriptions as published in Railroad Tariffs. All sizes are predicated on perforated plates and when bar screens are used, the space between bars must conform to the standard equivalent.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

7. Price on Washed Nut, Stoker, or Pea shall be a minimum of ten cents per net ton more than price of raw coal from the same mine.

8. Price of $2.00 applies on Bone coal from Colorado and $1.34 from New Mexico.

9. Industries having storage facilities accommodating 30% of their annual coal requirements, and who place those facilities at the sole disposal of the producers permitting said producers to make shipments at their convenience during the year may be granted a price of 15¢ per net ton below the standard list price on 1½" or 1¼" Pea and Slack Coal.

11. The following exceptions are made to the standard price schedules on Bituminous Coal moving to the following market areas:

*Market Area No. 124*

All mines must add 25 cents per net ton to standard list price on Lump, Grate and Nut sizes.

*Market Areas Nos. 125, 126, 127, 128, 129, 130, 131*

All mines must add 25 cents per net ton to standard list price on Lump, Grate and Nut sizes.

*Market Area No. 135*

All mines may deduct from standard list price:

| | |
|---|---|
| Lump and Grate | 35¢ |
| Nut | 25¢ |
| Slack | 10¢ |
| Pea or Stoker (except Slack) | 10¢ |

*Market Area No. 136*

All mines must add 25 cents per net ton to standard list price on Lump, Grate and Nut sizes.

*Market Areas Nos. 151, 152, 153, 154, 155, 156*

Western Slope mines may equalize, but in no case reduce, the delivered prices of Utah (District No. 20) coals moving into Utah and points West thereof.

PRICE INSTRUCTIONS AND EXCEPTIONS APPLYING TO INDIVIDUAL PRODUCING DISTRICTS

*Walsenburg District*

1. Walsenburg District may equalize delivered price of oil treated Pea, Stoker, or Slack coal with Routt County to points on and North of the Union Pacific Kansas Line.

*Trinidad-New Mexico*

2. Where a freight differential between Northern New Mexico and Trinidad District exists, such differential may be absorbed.

3. Mines grouped herein for the purpose of establishing minimum prices under Districts "Trinidad-New Mexico" may equalize delivered price on screened sizes only with the Los Cerrillos (District No. 18) Coal for similar sizes on shipments into Market Areas 125, 126, 128, 129, but not into Market Areas 127, 130, and 131.

4. Coal from Sugarite Mine, New Mexico, has the right to absorb a maximum of 40¢ per net ton to points north and east to equalize Brodhead delivered prices.

*Western Slope*

5. Western Slope mines may absorb the freight differential over Walsen or Canon City to points Eastbound except in the territory on and North of Union Pacific Kansas Line, to which territory they may absorb the Oak Hills-Routt County freight differential.

6. Mines in Oliver-Bowie-Somerset and Routt County Districts may equalize Crested Butte District delivered prices at Leadville, Salida and Climax.



7. Mines in Crested Butte-Baldwin District may equalize the Walsenburg freight rates to points in San Luis Valley of Colorado, (South of Mears Junction to the New Mexico State Line including Creede Branch) and in Northern New Mexico on the D. & R. G. W. narrow gauge railroad from Colorado State Line south to and including Santa Fe, New Mexico. The delivered price to be a minimum of 25 cents per net ton over Walsenburg delivered prices.

8. Crested Butte-Baldwin-Routt County Districts may equalize the delivered prices in Area 132 with Bowie-Oliver-Somerset District.

9. Into Market Areas 151, 152, 153, 154, 155, and 156, Western Slope Mines may equalize, but in no case reduce, the delivered prices of Utah (District No. 20) coals moving into Utah and points West thereof.

10. On shipments east through Denver and Pueblo gateways, Cameo Mine may equalize the delivered prices from the Aguilar District.

*Routt County*

11. Mines in Bowie-Oliver-Somerset and Routt County Districts may equalize Crested Butte District delivered prices at Leadville, Salida and Climax.

12. Crested Butte-Baldwin District and Routt County may equalize the delivered prices in Area 132 with Bowie-Oliver-Somerset District.

13. Mines in Moffatt County are placed on Mt. Harris basis with privilege of absorbing 25-cent differential per net ton to equalize Mt. Harris price on rail shipments eastbound.

SUBSTITUTION

Rules covering substitution are included in Marketing Rules and Regulations.

*Code Member Price Index*

WALSENBURG

| Company | Location | Mine |
|---|---|---|
| Huerfano (Excluding Aguilar District): | | |
| Aztec Coal Mining Company | Toltec | Toltec. |
| Balardeta, Sam & George | Walsenburg | C. O. D. Faultless #1. |
| Big Six Coal Company | Walsenburg | Big Six. |
| Black Hawk Coal Company | Walsenburg | Black Hawk. |
| Black Hills Coal Company | Walsenburg | Black Hills. |
| Blue Blaze Coal Mining Co | P. O. Box 53 Pryor | Delcarbo. |
| Butte Valley Coal Company | Walsenburg | Butte Valley. |
| Caddell Coal Company | Walsenburg | Caddell #3. |
| Caliente Fuel Company | Ravenwood | Ravenwood. |
| Caliente Fuel Company | Ravenwood | Maitland. |
| Calumet Fuel Company | Judge Bldg. Salt Lake City, Utah. | Calumet #2. |
| Colorado Fuel & Iron Corp | Cont. Oil Building Denver. | Robinson #4. |
| Colorado Fuel & Iron Corp | Cont. Oil Building, Denver. | Kebler, #2. |
| Gordon Coal Company | Walsenburg | Gordon. |
| Hatcher, J. F. (Shamrock Coal Company). | Tioga | Shamrock. |
| Klikus Coal Company | La Veta | C. O. D. Faultless #2. |
| Major Coal Company | 116 W. 7th Walsenburg | Major. |
| Minnequa Fuel Company | Walsenburg | Morning Glory. |
| Midnight Coal Company | Walsenburg | Midnight. |
| Murrell, James | La Veta | Murrell. |
| Peachey Coal Company | La Veta | Ojo Canon. |
| Peachey Coal Company | | Niggerhead. |
| Peachey Coal Company | | Occidental. |
| Peachey Coal Company | | Thompkin. |
| Premium Coal Company | | |
| Ream Coal Company, W. A. | Louisville | Spanish Peaks. |
| Sneddon, Geo. & Roy | La Veta | Sun. |
| Spring Canon Coal Company | Walsenburg | Spring Canon. |
| Tompkins & Sons | La Veta | George. |

CANON CITY NO. 1

| | | |
|---|---|---|
| American Independent Co | Florence | American Independent #3. |
| Bald Coal Co | Florence | Bald. |
| Beer, William J | Florence | Canon Majestic. |
| Bluff Springs Leasing Co | Florence | Bluff Spgs. (Am. Ind. #2). |
| Brewster Mining Co | R. R. #1 Wetmore | Brewster. |
| Brookside Coal Co | Florence | Brookside. |
| Canon Blue Ribbon Coal Co | Florence | Horse Shoe. |
| Canon Coal Creek Coal Co. (Paul Carestia). | Coal Creek | Canon Coal Creek. |
| Canon Imperial Coal Co | 204 W. 2d Florence | Canon Imperial #3. |

*Code Member Price Index*—Continued

CANON CITY, NO. 1—Continued

| Company | Location | Mine |
|---|---|---|
| Canon Monarch Coal Co | Box 32, Florence | Canon Monarch, #1-2. |
| Canon Reliance Coal Co | Canon City | Wolf Park. |
| Colorado Fuel & Iron Corp | Cont. Oil Bldg., Denver | Rockvale #3. |
| Creager, L. W | Florence | Bassick #2. |
| Cuckoo Coal Mining Co | Canon City, Colo | Cuckoo. |
| Dutch Oven Coal Co | Box 704, Canon City | Dutch Oven. |
| Evans Coal Co | Florence | Bluff Springs #1. |
| Grand Prize Coal Co | Canon City | Grand Prize. |
| Griffiths Coal Co | Canon City | Griffiths. |
| James Brothers | R. R. #1 Florence | Willie #2. |
| Katnig, Martin | Rockvale | White Ash. |
| Moschetti, Dom | R. R. Bx. 275 Canon City | Canon Chief. |
| Nushaft Canon Coal Co | Florence | Nushaft. |
| Perino, James | Florence | Perino. |
| Pine Gulch Coal Co | Florence | Pine Gulch. |
| Rocchio, Frank | 207 E. 2nd St., Florence | Majestic. |
| Royal Gorge Coal Co | Canon City | Royal Gorge. |
| Sellers, O. G | Florence, P. O. Box 255 | Sellers. |
| Victor American Fuel Co | E. & C. Bldg., Denver | Chandler. |

CANON CITY NO. 2

| | | |
|---|---|---|
| Caldirola Coal Co. C. T | Florence | Caldirola. |
| Canon Black Diamond | Florence | Canon Black Diamond. |
| Canon Black Hawk Coal Co | R. R. #1, Canon City | Canon Black Hawk. |
| Canon Liberty Coal Co | Canon City | Canon Liberty. |
| Canon Peacock Coal Co | 508 W 1st Street, Florence | Canon Peacock. |
| Canon Red Arrow Coal Co | Florence | Canon Red Arrow. |
| Canon Zenith Coal Co | Canon City | Canon Zenith. |
| Double Dick Coal Co | Florence | Double Dick. |
| Guilliano-Carpine Coal Co | Florence | Cedar Canon. |
| Hiland Coal Mining Co | 301 Plum St. Pueblo | Canon Tiger. |
| Little Johnny Coal Co | 323 Lobek, Florence | Little Johnny. |
| Manley Coal Co | Canon City | Manley. |
| Moschetti, Tony | 823 E. 3rd St. Florence | Old Slope. |
| Nushaft Canon Coal (E. R. Cribbs). | Florence | Rex Carbon. |

ROUTT COUNTY

| | | |
|---|---|---|
| Oak Hills: | | |
| Hayden Coal Co | 1st National Bank Bldg., Denver, Colo. | Hayden #3. |
| Keystone Coal Co | Central Sav. Bldg., Denver, Colo. | Keystone. |
| Moffat Coal Co | G. & E. Bldg., Denver, Colo. | Moffat 1 & 2, Crawford & Arrowhead. |
| Victor-American Fuel Company. | E. & C. Bldg., Denver, Colo. | Pinnacle. |
| Mt. Harris: | | |
| Babson Coal Company | Hayden | Babson. |
| Bear River Coal Co | Central Sav. Bldg., Denver, Colo. | Bear River. |
| Black Cat Coal Co | Bear River | Black Cat. |
| Burchfield & Clark | Bear River | Tow Creek. |
| Colorado & Utah Coal Company. | Boston Bldg., Denver, Colo. | Harris. |
| Domestic Coal Company | Boulder | Mt. Streeter. |
| Gwynn, E | Phippsburg | Seven Points. |
| Neish, W. K. (McNeil Coal Co.) | Equitable Bldg., Denver, Colo. | McGregor. |
| Pasch, Chris | Oak Creek, Colo | Edna. |
| Phelan, C. G | Axial | Mt. Streeter. |
| Pollo, John, Jr | Steam Boat Springs | Morgan. |
| Rolfes, Geo. T | Oak Creek | Argo Gulch. |
| Victor-American Fuel Company. | E. & C. Bldg., Denver, Colo. | Wadge. |
| Brodhead-Sugarite-Denton: | | |
| Colangelo, Pete | Raton, N. M | Denton. |
| Lojek, Wm. & Domeheck | Sugarite | Lojeck & Domeheck. |
| St. L. R. M. & Pac. Co | Raton, N. M | Sugarite. |
| Temple Fuel Co | Trinidad, Colo | Brodhead. |
| Yankee: | | |
| Maschio, Valentino | Yankee | Yankee #1. |
| Newton, Luther | Raton, N. M | Newton. |
| Turner, John | Raton, N. M | Turner. |
| Western Slope: | | |
| Baldwin Fuel Co | Baldwin | Baldwin Star. |
| Carbon Creek Coal Co. (John W. Smith). | Gunnison | Carbon Creek. |
| Colorado Fuel & Iron Corp | Cont. Oil Bldg., Denver | Crested Butte. |
| Crested Butte Coal Co | Equit. Bldg., Denver | Bulkley # 2. |
| Edwards Coal Mining Co | Somerset, Colo | Edwards Mine. |
| Hedley, Wm | Gunnison | Hinkle. |
| Rocky Mountain Fuel Co | Flatiron Bldg., Denver | Alpine & New Baldwin. |
| Staples, S. L | Gunnison | K. D. Mine. |

WESTERN SLOPE—SUB-DISTRICTS

| | | |
|---|---|---|
| North Fork-Cedaredge District No. 1: | | |
| Delta County: | | |
| Green Valley Coal Co | | Green Valley. |
| Juanita Coal & Coke Co | | King. |
| Red Canon Coal Co | | Red Canon. |

*Code Member Price Index*—Continued

WESTERN SLOPE—SUB-DISTRICTS—Continued

| Company | Location | Mine |
|---|---|---|
| North Fork-Cedaredge District No. 1—Continued. | | |
| Gunnison County: | | |
| Bear Coal & Coke Co | | Bear. |
| Calumet Fuel Co | | Somerset. |
| Hawks Nest Coal Co | | Hawks Nest. |
| Oliver Coal Co | | Oliver. |
| North Fork-Cedaredge, District No. 2: | | |
| Delta County: | | |
| Green Valley Coal Co | | Western Star. |
| Independent Coal Co | | Independent. |
| States Hall Coal Co | | States Red Mountain. |
| Grand Junction, District No. 1: | | |
| Mesa County: | | |
| Anchor Coal Co | | Anchor. |
| Craig & Turner | | Peacock. |
| Farmers Mutual Coal Co | | Farmers Mutual. |
| Fennel, Ed & Raymond | | Williams. |
| Gearheart, Ballard | | Mt. Garfield. |
| Koyne, Martin | | Hidden Treasure. |
| McMillian, George | | Nearing. |
| Marinelli, Mike | | Marinelli. |
| Midwest Red Arrow Coal Co. | | Midwest. |
| Mundell, J. W | | Black Diamond. |
| Palisade Clean Heat Co | | Palisade. |
| Thomas Coal Company | | Thomas. |
| Stove Canon Coal Co | | Stove Canon. |
| Garfield County: | | |
| Barber Coal Company | | Carbonera. |
| Grand Junction, District No. 2: | | |
| Mesa County: | | |
| Clarke Coal Company | | Winger. |
| Frodsham, Vincent | | Hunter. |
| Hicks, Ernest | | McGinley. |
| Kerr Coal Company | | Cameo. |
| Martin Coal Company | | Blue Flame. |
| Riverview Coal Company | | Riverview. |
| Montrose County: | | |
| William J. Oberding | | Independence. |
| Rifle-New Castle, District No. 1: | | |
| Garfield County: | | |
| Coles, W. E | | New Castle. |
| De Boy, Frank | | Ohkraut. |
| Diamond Fuel Co | | Diamond. |
| LeDonne, Jas. & Dean | | Harvey Gap. |
| So. Canon Mine Leasing Co | | So. Canon. |
| Wingle, Ralph | | I. H. I. |
| Ziesenis, Hy | | Ziesenis. |
| Rifle-New Castle, District No. 1: | | |
| Rio Blanca County: | | |
| Coats, Milo | | Coats. |
| Crawford, Boyd | | Johnny Boy. |
| Pollard, C. F | | New Pollard. |
| Rector, Rosa M | | Rector. |
| Rineau, R. C | | Rineau. |
| Staley, M. E | | White River. |
| Rifle-New Castle, District No. 2: | | |
| Garfield County: | | |
| Estes Brothers | | Estes. |
| Llewellyn Coal Co | | Llewellyn. |
| South Western, District No. 1: | | |
| La Plata County: | | |
| Black Diamond Coal Co | | Black Diamond. |
| Castle Coal M. Co | | Castle. |
| Henry & Coon | | Fire Glow. |
| O. K. Coal Co | | O. K. |
| Pierce, Thomas | | Peerless. |
| Richardson, E. D | | Excelsior. |
| Valley View Coal Co | | Valley View. |
| Montezuma County: | | |
| Freeman, Ray | | Mancos. |
| Mesa Verde Mine | | Mesa Verde. |
| South Western, District No. 2: | | |
| La Plata County: | | |
| Barnes, S. E | | Peacock. |
| Tipotsch, Frank | | Tipotsch. |
| South Western, District No. 3: | | |
| Keck, W. R | | Klondyke. |

*Code Member Price Index*—Continued

AGUILAR

| Company | Location | Mine |
|---|---|---|
| Aguilar Black Diamond Coal Co. | 1317 N. Denver St., Trinidad, Colorado. | Aguilar Black Diamond. |
| Jewell Collieries Corp | Walsenburg, Colo | Creston. |
| Joe Maloney | Rugby | Nugget. |
| Pio Michell | Rugby, Colorado | Rapson. |
| Pryor Coal Mining Co | Cont. Oil Bldg., Denver | Pryor. |
| Red Ash Coal Co | Walsenburg | Leader. |
| Rouse Coal Mining Co | Walsenburg | Rouse. |
| Torrid Coal Mining Co | Rugby, Colorado | Torrid. |
| Vickers Coal Co | Trinidad | Kenneth. |

TRINIDAD-NEW MEXICO

| | | |
|---|---|---|
| Alex Abeyta | R. F. D. 1, Box 8A, Trinidad. | Frisco. |
| American Smelting & Refining Co. | Cokedale, Colo | Bon Carbo. |
| American Smelting & Refining Co. | Cokedale, Colo | Cokedale. |
| Colorado Fuel & Iron Corp | Cont. Oil Bldg., Denver | Frederick. |
| Colorado Fuel & Iron Corp | Cont. Oil Bldg., Denver | Morley. |
| Dan Scappucci | 441 Short St., Trinidad | Highway. |
| Deldosso Coal Co | Box 45, Trinidad, Colo | Sopris #1. |
| Demetrio Sanchez | Bon Carbo, Colo | Sanchez. |
| Dick Coal Company | Walsenburg, Colo | Dix. |
| Giordano Coal Co | Walsenburg, Colo | Gem. |
| Huerfano Coal Co | Equitable Bldg., Denver, Colo. | Ludlow. |
| Home Fuel & Supply Co | Trinidad, Colo | Bowen. |
| Joe Morasky | Trinidad, Colo | Morasky. |
| John Guadagnoli | 1217 San Pedro, Trinidad | Lake View. |
| John Kezele | 116 North Spruce, Trinidad. | Forbes. |
| Louis Fabec | Trinidad, Colo | Sunrise. |
| Phelps Dodge Corp | Dawson, New Mexico | Dawson. |
| Ruiz & Lucero | Trinidad, Colo | Starkville. |
| Santa Fe Coal Co | Trinidad, Colo | Santa Fe. |
| St. Louis, Rky. Mt. & Pac. Co | Raton, New Mexico | Van Houten. |
| St. Louis, Rky. Mt. & Pac. Co | Raton, New Mexico | Gardiner. |
| St. Louis, Rky. Mt. & Pac. Co | Raton, New Mexico | Swastika. |
| Thor Fuel Company | Trinidad, Colo | Thor. |
| Victor-American Fuel Co | E. & C. Bldg., Denver | Delagua. |
| W. A. Ream Coal Co | Louisville, Colo | Anchor. |

*Size Groups*

1. Lump, 8".
2. Lump, 6".
3. Lump, 3".
4. Lump, 2".
5. Lump, 1½".
6. Grate, 8" x 3".
7. Grate, 6" x 3".
8. Grate Nut, 6" x 1½" or 1¼".
9. Nut, 3" x 2¼".
10. Nut, 3" x 2".
11. Nut, 3" x 1½" or 1¼".
12. Nut, 2" x 1¼".
13. Pea or Chestnut, 1¼ x ¾", 1½" x 1" or ¾".
14. Stoker, 1¼" x ⅜".
15. Slack, 1½" or 1¼" x 0".
16. Slack, ¾" x 0".
17. Slack, 1" x 0".
18. Slack, ⅜" x 0".
19. Mine Run.
20. Modified Mine Run, 8" to 2¼".
21. Modified Mine Run, 12".
22. Nut Run thru 4" Screen.

*Price in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156*

| From districts | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Walsenburg | 475 | 465 | 450 | ------ | 425 | 450 | 430 | 385 | ------ | ------ | 335 | ------ | 300 | ------ | 170 | 115 | 170 | 85 | 325 | 280 | ------ |
| Canon #1 | 475 | 465 | 450 | ------ | 425 | 450 | 430 | 385 | ------ | ------ | 335 | ------ | 300 | ------ | 170 | 115 | 170 | 85 | 325 | 280 | ------ |
| Canon #2 | 450 | 440 | 425 | ------ | 400 | 425 | 405 | 365 | ------ | ------ | 315 | ------ | 300 | ------ | 170 | 115 | 160 | 85 | 325 | 280 | ------ |
| Routt County Oak Hills | 500 | 490 | 475 | 460 | 450 | 475 | 455 | 395 | ------ | 355 | 335 | 315 | 285 | 260 | 160 | 115 | 160 | 85 | 325 | 280 | ------ |
| Mt. Harris western slope | 475 | 465 | 450 | 435 | 425 | 450 | 430 | 370 | ------ | 335 | 315 | 300 | 285 | 260 | 160 | 115 | 160 | 85 | 325 | 280 | ------ |
| Crested Butte | 500 | 490 | 475 | ------ | 450 | 475 | 455 | 395 | ------ | ------ | 335 | ------ | 300 | ------ | 195 | 165 | 175 | 100 | 325 | 275 | ------ |
| Bowie-Oliver Somerset | 500 | 490 | 475 | ------ | 450 | 475 | 455 | 395 | ------ | ------ | 335 | ------ | 300 | ------ | 185 | 165 | 175 | 100 | 325 | 250 | ------ |



*Price in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156*—Continued

| From districts | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cameo | 500 | 490 | 475 | ------ | 450 | 475 | 455 | 395 | ------ | ------ | 335 | ------ | 300 | ------ | 175 | 155 | 165 | 90 | 325 | 240 | ------ |
| Baldwin | 500 | 490 | 475 | ------ | 450 | 475 | 455 | 395 | ------ | ------ | 335 | ------ | 300 | ------ | 175 | 145 | 155 | 85 | 325 | 275 | ------ |
| Brodhead-Sugarite-Denton | 450 | 440 | 425 | ------ | 400 | 425 | 405 | 365 | ------ | ------ | 315 | ------ | 300 | ------ | 200 | 170 | 175 | 100 | 325 | 280 | ------ |
| Yankee Dist. (except Denton) | 425 | 415 | 400 | ------ | 375 | 400 | 380 | 350 | ------ | ------ | 315 | ------ | 300 | ------ | 200 | 170 | 175 | 100 | 325 | 280 | ------ |
| Aguilar | 425 | 415 | 400 | ------ | 375 | 400 | 380 | 350 | ------ | ------ | 315 | ------ | 300 | ------ | 175 | ------ | 175 | ------ | 325 | 280 | ------ |
| Trinidad | 400 | 390 | 375 | ------ | 350 | 375 | 355 | 340 | 325 | ------ | 315 | ------ | 300 | ------ | 200 | 170 | 175 | 100 | 325 | 280 | 235 |
| New Mexico | 400 | 390 | 375 | ------ | 350 | 375 | 355 | 340 | 325 | ------ | 315 | ------ | 300 | [1] 250 | 200 | 170 | 175 | 100 | 285 | 280 | ------ |
| Ludlow [2] | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 175 | 150 | ------ | ------ | ------ | ------ | ------ |

[1] 1" x ¼".
[2] To Market Area No. 135 only.

*Important.*—Exceptions are important and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 132*

| Producing group | For sale as shown below | Size group prices | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 6 | 7 | 8 | 11 | 13 | 15 | 16 | 22 |
| Grand Junction—District No. 1 | At mine bins | 500 | 490 | 475 | 475 | 465 | 465 | 450 | 300 | 235 | ------ | ------ |
| Grand Junction—District No. 1 | Rail shipments | 390 | 355 | 340 | 340 | 330 | 330 | 305 | 275 | 210 | ------ | ------ |
| Grand Junction—District No. 2 | At mine bins | 465 | 455 | 440 | 440 | 430 | 430 | 415 | 300 | 325 | ------ | ------ |
| Grand Junction—District No. 2 | Rail shipments | 330 | 320 | 305 | 305 | 295 | 295 | 280 | 275 | 210 | ------ | ------ |
| Montrose, San Miquel and Ouray Cos | All shipments | 475 | 465 | 450 | 450 | 440 | 440 | 390 | 300 | 225 | ------ | ------ |
| Rifle, New Castle—District No. 1 | At mine bins | 500 | 490 | 475 | 475 | 465 | 465 | 425 | ------ | 170 | ------ | ------ |
| Rifle, New Castle—District No. 2 | At mine bins | 450 | 440 | 425 | 425 | 415 | 415 | 375 | ------ | 170 | ------ | ------ |
| North Fork, Cedaredge—District No. 1 | At mine bins | 425 | 415 | 400 | 400 | 390 | 370 | 350 | 300 | 210 | ------ | ------ |
| North Fork, Cedaredge—District No. 2 | At mine bins | 390 | 380 | 365 | 365 | 355 | 335 | 315 | 210 | 210 | ------ | ------ |
| South Western—District No. 1 | All shipments | 375 | 375 | 375 | 375 | 375 | 376 | 375 | 295 | 160 | 325 | 220 |
| South Western—District No. 2 | All shipments | 325 | 325 | 325 | 325 | 325 | 325 | 325 | 215 | 110 | 275 | 170 |
| South Western—District No. 3 | All shipments | 350 | 350 | 350 | 350 | 350 | 350 | 350 | 240 | 135 | 300 | 220 |

*Important.*—Exceptions are important and must be complied with.

[F. R. Doc. 37-3704; Filed, December 18, 1937; 12:26 p. m.]

[Order No. 143]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER EIGHTEEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACTS OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order No. 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order No. 68 the weighted average of the total costs of the tonnage for Minimum Price Area Six in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order No. 107 determined and established the initial classifications of coals of Code Members within said District Number Eighteen; the District Board for District Number Eighteen having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 118, and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Eighteen, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the

various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Eighteen, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Eighteen or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number Eighteen, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Eighteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number Eighteen and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Eighteen to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area Six and to Code Members within District Number Eighteen, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

PRICE SCHEDULE NO. 1—DISTRICT NO. 18

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 18, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 16, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

6. For shipments made to California destinations, two sizes of coal will not be loaded in one railroad car unless a service charge of 25¢ per net ton of 2,000 lbs. is made therefor.

7. All sizes are predicated on screen description as published in railroad tariffs.

8. Gallup District and Corrillos District may equalize their delivered prices on Government business in Market Areas Nos. 125, 126, 129.

9. Corrillos District may equalize the delivered price of District 17 mines in Market Areas 125, 126, 128, 129.

10. Corrillos and Gallup Districts may equalize delivered prices of District 17 on Government business in Market Areas 125, 126, 128, 129.

11. In the sale of coal to destined points outside the boundary of the United States, the prices stipulated herein are for payment in United States funds.

12. When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled, then such coal must be included in the higher size group and priced accordingly.

*Price Index*

| Name of code member | Name of mine | Location of mine |
|---|---|---|
| GROUP NO. 1. SUB-BITUMINOUS, FREE BURNING, NON-COKING | | |
| *Gallup sub-district* | | |
| Blava Coal Co | Blava | Gallup, New Mexico. |
| Black Star Coal Co | Black Star | Gallup, New Mexico. |
| Chlaramonte Coal Co | Chlaramonte | Gallup, New Mexico. |
| Defiance Coal Co | Mentmore | Gallup, New Mexico. |
| Gallup American Coal Co | No. 5 | Gallup, New Mexico. |
| George Coal Company | George | Gallup, New Mexico. |
| Gallup Southwestern Coal Co | Atherton | Gallup, New Mexico. |
| Grenke Coal Co | Grenke | Gallup, New Mexico. |
| Juliana Coal Co | Juliana | Gallup, New Mexico. |
| Mutual Coal, Light and Power Co | Mutual | Gallup, New Mexico. |
| Higham and Clark | (No Name) | Winslow, Arizona. |
| GROUP NO. 2. BITUMINOUS, SEMICOKING, FRIABLE | | |
| *Cerrillos sub-district* | | |
| Albuquerque & Cerrillos Coal Co. | Jones | Madrid, New Mexico. |
| GROUP NO. 3. BITUMINOUS, COKING | | |
| *White Oaks sub-district* | | |
| New Mexico Light and Power Co | White Oaks | White Oaks, N. Mex. |
| *Rio Arriba sub-district* | | |
| Caranta, Barney | Caranta | Monero, New Mexico. |
| Erier, Andy & Sons | Erier | Monero, New Mexico. |
| Kutz, Dan | Mesa Verde | Lumberton, New Mexico. |
| Navajo Mercantile Co | Garcia | Lumberton, New Mexico. |
| Peisker, Edward F | Peisker | Lumberton, New Mexico. |
| *Carthage sub-district* | | |
| Gilmore, J. E | Kinney No. 2 | Carthage, New Mexico. |
| Hart, John | Hart | Carthage, New Mexico. |



*Size Groups.—Cerrillos Sub-District for Shipment Into All Market Areas*

| Size, group number | Designation | Sizes | |
|---|---|---|---|
| | | Through | Over |
| 1 | Lump | | 4" and over. |
| 2 | Lump | | 3". |
| 3 | Lump | | 1½". |
| 4 | Grate | 8" | 3". |
| 5 | Stove | 8" | 1½". |
| 6 | Stove | 6" | 1½". |
| 7 | Stove | 4" | 1½". |
| 8 | Nut | 3" | 2½". |
| 9 | Nut | 3" | 1½". |
| 10 | Nut | 2½" | 1½". |
| 11 | Walnut | 1¼" | ¾". |
| 12 | Pea | 1½" | ⅜". |
| 13 | Slack | 1½" | 0". |
| 14 | Slack | ⅜" | 0". |
| 15 | Mine Run Over ⅜" | | |
| 16 | Straight Mine Run | | |

*Size Groups.—Gallup Sub-District for Shipment Into All Market Areas*

| Size, group number | Designation | Sizes | |
|---|---|---|---|
| | | Through | Over |
| 1 | Lump | | 4" and over. |
| 2 | Lump | | 2". |
| 3 | Lump | | 1". |
| 4 | Grate | 6" | 3". |
| 5 | Stove | 8" | 1". |

*Size Groups.—Gallup Sub-District for Shipment Into All Market Areas*—Continued

| Size, group number | Designation | Sizes | |
|---|---|---|---|
| | | Through | Over |
| 6 | Stove | 6" | 1". |
| 7 | Stove | 4" | 1". |
| 8 | Nut | 3" | 1½". |
| 9 | Nut | 2" | 1". |
| 10 | Pea | 1½" | ½". |
| 11 | Slack | 1½" | 0". |
| 12 | Slack | 1" | 0". |
| 13 | Railroad Engine Fuel | 8" | ½". |

*Size Groups*

LAVENTANA SUB-DISTRICT, RIO ARRIBA SUB-DISTRICT, WHITE OAKS SUB-DISTRICT, CARTHAGE SUB-DISTRICT

| Size, group number | Designation | Sizes | |
|---|---|---|---|
| | | Through | Over |
| 1 | Lump | | 4" and over. |
| 2 | Lump | | 1½". |
| 3 | Lump | | 1". |
| 4 | Stove | 4" | 1¼". |
| 5 | Nut | 1¼" | 1". |
| 6 | Pea | 1½" | ¾". |
| 7 | Slack | 1½" | 0". |
| 8 | Slack | 1" | 0". |
| 9 | Modified Mine Run | 8" or 4" | |
| 10 | Straight Mine Run | | |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown*

GALLUP SUB-DISTRICT

| Market areas | Size group prices | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 125 | 450 | ..... | 370 | 400 | 360 | 360 | 360 | 350 | 325 | 300 | 190 | 170 | 350 |
| 126 | 450 | ..... | 370 | 400 | 360 | 360 | 360 | 350 | 325 | 300 | 190 | 170 | 350 |
| 127 | 450 | ..... | 370 | 400 | 360 | 360 | 360 | 350 | 325 | 300 | 190 | 170 | 350 |
| 128 | 450 | ..... | 370 | 400 | 360 | 360 | 360 | 350 | 325 | 300 | 190 | 170 | 350 |
| 129 | 450 | ..... | 425 | 425 | 400 | 400 | 400 | 350 | 325 | 300 | 190 | 170 | 350 |
| 130 | 500 | ..... | 450 | 450 | 400 | 400 | 400 | 350 | 325 | 300 | 190 | 170 | 350 |
| 131 | 450 | ..... | 370 | 400 | 360 | 360 | 360 | 350 | 325 | 300 | 190 | 170 | ..... |
| 152 (California) | 425 | 400 | ..... | ..... | 375 | 375 | 375 | ..... | ..... | ..... | ..... | ..... | ..... |

*Important.*—Exceptions are a part of these prices and must be complied with.

*Cerrillos Sub-District Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown*

CERRILLOS SUB-DISTRICT

| Market areas | Size group prices | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5-6-7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 125 | 475 | 475 | 465 | 450 | 420 | 375 | 350 | 325 | 300 | 215 | 170 | 130 | 325 | 300 |
| 126 | 475 | 475 | 465 | 450 | 420 | 375 | 350 | 325 | 300 | 215 | 170 | 130 | 325 | 300 |
| 127 | 385 | 385 | 375 | 375 | 370 | 350 | 350 | 325 | 300 | 175 | 170 | 130 | 325 | 300 |
| 128 | 385 | 385 | 375 | 375 | 370 | 350 | 350 | 325 | 300 | 175 | 170 | 130 | 325 | 300 |
| 129 | 475 | 475 | 465 | 450 | 420 | 375 | 350 | 325 | 300 | 215 | 170 | 130 | 325 | 300 |
| 130 | 475 | 475 | 465 | 450 | 420 | 375 | 350 | 325 | 300 | 215 | 170 | 130 | 325 | 300 |
| 131 | 385 | 385 | 375 | 375 | 370 | 350 | 350 | 325 | 300 | 175 | 170 | 130 | 325 | 300 |
| 152 (Cal.) | ..... | 375 | ..... | ..... | ..... | ..... | 325 | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

*Important.*—Exceptions are a part of these prices and must be complied with.

*Truck Mines—Prices in Cents per Net Ton of 2,000 Pounds—F. O. B. Mines for Shipment Into Market Areas Nos. 125, 126, 127, 128, 129, 130, 131, and 152 (California)*

| Mine group | Size group prices | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| LaVentana | 375 | 325 | 325 | 325 | ..... | 175 | 150 | ..... | ..... | 265 |
| Rio Arriba | 450 | 400 | 375 | ..... | ..... | ..... | 160 | 125 | 250 | 275 |
| White Oaks | ..... | 500 | ..... | ..... | 450 | 400 | 300 | 200 | ..... | 400 |
| Carthage | ..... | 500 | ..... | ..... | 450 | 400 | 300 | 200 | ..... | 400 |

*Important.*—Exceptions are a part of these prices and must be complied with.

NOTE.—Prices apply F. O. B. mines, on coal loaded into railroad cars of the D & RG R. R. (Narrow Gauge) destined points on that line.

[F. R. Doc. 37-3705; Filed, December 18, 1937; 12:26 p. m.]

[Order No. 144]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 19 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part 1 (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 69 the weighted average of the total costs of the tonnage for Minimum Price Area 7 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 108 determined and established the initial classifications of coals of Code Members within said District Number 19; the District Board for District Number 19 having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission having accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number 19, hereinafter referred to; the said District Board Number 19, in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number 19 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 19, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 19, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 19 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 19 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 7 and to Code Members within District Number 19, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's Office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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PRICE SCHEDULE NO. 1—DISTRICT NO. 19

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 19, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 A. M. January 3, 1938.

Issued: December 16, 1937.

F. W. MCCULLOUGH, *Secretary*.



PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

6. Industries having storage facilities accommodating 30% of their annual coal requirements, and who place those facilities at the sole disposal of the producers permitting said producers to make shipments at their convenience during the year may be granted a price of 15¢ per net ton below the standard list price on 1½" or 1¼" Pea and Slack Coal.

7. The Slack price for public institutions and industrial consumers on contracts necessary to meet the competition of substitute fuels may be $1.60 per ton from the Rock Springs and Kemmerer Districts to destinations Laramie, Wyoming, and east thereof, and $1.25 per ton from the Hanna, Elk Mountain, and Savery Districts, all contracts taking this price to be approved by District Board No. 19.

8. For shipment to Devil's Slide, Utah, the price of Size Groups 16 (1⅝" Slack) or 17 (1" Slack), at the option of the shipper, may be $1.30 per ton.

9. Prices from the Gebo-Kirby Sub-District to Wyoming points on the C. B. & Q., Powder River and North, prices of Size Group 1 (Fancy Lump) and Size Group 3 (Standard Lump), Size Group 7 (Egg) and Size Group 9 (Egg Nut) may be forty cents (40¢) per ton lower; and Size Group 11 (Nut) may be thirty cents (30¢) per ton lower; Size Group 13 (Pea) may be fifty cents (50¢) per ton lower; and Size Group 16 (Slack) may be fifteen cents (15¢) per ton lower; and Size Group 4 (Domestic Lump) may be eighty cents (80¢) per ton lower.

10. Prices from Gebo-Kirby Sub-District to Wyoming points on the C. & N. W., Powder River and West, prices of Size Group 1 (Fancy Lump) and Size Group 3 (Standard Lump) may be sixty-five cents (65¢) per ton lower; Size Group 4 (Domestic Lump) and Size Group 7 (Egg) may be eighty cents (80¢) per ton lower; Size Group 9 (Egg-Nut) may be seventy cents (70¢) per ton lower; Size Group 13 (Pea) may be fifty cents (50¢) per ton lower; Size Group 16 (Slack) may be fifteen cents (15¢) per ton lower.

11. Prices for Market Area 147 shall apply only to destinations in North Dakota and points on the M. St. P. and S. S. M. Railroad in South Dakota to all other destinations in South Dakota and Market Area 147, prices for Market Areas 144, 145, 146 shall apply.

12. Coal consigned to the cities of Omaha and Lincoln from the Sheridan Sub-District shall take prices applicable to Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116.

13. Prices from the Sheridan Sub-District to stations on the C. B. & Q., Wyoming State Line to, but not including Alliance, the prices of Market Areas 140, 141, 143 shall apply.

14. Prices from the Hudson Sub-District to stations on the C. B. & Q., Wyoming State Line to, but not including Alliance, the prices of Market Areas 140, 141, 143 shall apply.

15. Prices from the Hudson Sub-District to destinations Shoshoni east to, but not including Douglas, the price shall be Size Group 1 (Lump) $2.75, and Size Group 7 (Egg) $2.50, Size Group 9 (Egg-Nut) $2.25, Size Group 13 (Pea) $1.25.

16. Prices from the Hudson Sub-District to destinations Douglas and east to State Line shall be Size Group 1 (Lump) $2.50, Size Group 9 (Egg-Nut) $2.25 and Size Group 13 (Pea) $1.25.

17. If any size is made for which a price is not designated herein, such shall be sold at the price applicable to the next larger size.

18. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in United States funds.

SUBSTITUTION

Rules covering substitution are included in Marketing Rules and Regulations.

*Price Index*

ROCK SPRINGS SUB-DISTRICT

| Name of code member | Name of mine |
|---|---|
| Colony Coal Company | Dines, Megeath and Peacock. |
| Gunn-Quealy Coal Co | Sweetwater & Gunn. |
| Lion Coal Corp | Star and No. 5. |
| Rock Springs Fuel Co | Kleenfire and Premier. |
| Union Pacific Coal Co | 4, 8, Reliance, Winton & Superior. |
| Louis Songster | |

KEMMERER SUB-DISTRICT—NORTHERN LINCOLN COUNTY, WYOMING AND TETON COUNTY, IDAHO

| | |
|---|---|
| Blind Bull Coal Co | Blind Bull. |
| Cumberland Coal Co | #1. |
| Diamond Coal & Coke Co | Oakley No. 2. |
| Isaac Kampman | Kampman. |
| Kemmerer Coal Co | Susie, #5-A and Gomer. |
| Lincoln-Star Coal Co | Lincoln-Star. |
| Vail Coal Co | Vail. |

ELKOL SUB-DISTRICT

| | |
|---|---|
| Kemmerer Coal Co | Elkol. |

HANNA, ELK MOUNTAIN, AND SAVERY SUB-DISTRICTS

| | |
|---|---|
| Carbon County Coal Co | Carbon Coal. |
| Elk Mountain Valley Coal Co | Elk Mountain. |
| J. L. Johnson | Johnson. |
| H. B. Northrop | Gary. |
| Nuggett Coal Co | Nuggett. |
| Pioneer Coal Co | Pioneer. |
| O. E. Siltamaki | Elmo-Peacock. |
| Union Pacific Coal Co | Hanna No. 4. |

EVANSTON SUB-DISTRICT

| | |
|---|---|
| J. H. Martin | Bear River Mine. |
| Jess Nice | Junction. |
| Spring Valley Fuel Company | Spring Valley. |

RAWLINS, BAGGS, AND ROCK RIVER SUB-DISTRICTS

| | |
|---|---|
| H. Larsen | Nebraska. |

GEBO-KIRBY SUB-DISTRICT

| | |
|---|---|
| Owl Creek Coal Company | Gebo No. 2. |

BIG HORN COUNTY

| | |
|---|---|
| Manderson Coal Company | |

ALL MINES IN HOT SPRINGS COUNTY NOT LISTED

| | |
|---|---|
| Fliz, Krivetz & Nagoda | |
| Halbert & Malleky | |
| Hutchinson Coal Company | |
| A. C. Miller | |
| William Osborn | |

HUDSON SUB-DISTRICT

| | |
|---|---|
| James Barquin | Hudson. |
| Sheridan Coal Company | |
| J. R. Williams | |
| O. F. Wise | |

*Price Index*—Continued

SHERIDAN SUB-DISTRICT

| Name of code member | Name of mine |
|---|---|
| Hotchkiss Coal Company | Dietz. |
| Sheridan-Wyoming Coal Co. | Acme 2, 42. |
| Sheridan-Wyoming Coal Co. | Monarch No. 45. |
| Storm King Coal Company | |
| Star Coal Company | |

FROM: MINES IN CAMPBELL, CONVERSE, CROOK, JOHNSON, NATRONA, PARK, SHERIDAN, AND TETON COUNTIES, WYOMING EXCEPT WYODAK C & M MFG MINE TO: DELIVERY TO TRUCKS

| | |
|---|---|
| H. P. Burns | |
| Buffalo-Wyoming Coal Company | Buffalo. |
| H. J. Bunning | |
| R. Burd | |
| Joe Christopherson | |
| Custer Coal Company | |
| Fred M. Domselin | |
| B. E. Garretson | |
| Hotchkiss Coal Company | Dietz. |
| Henry McGowen | |
| W. F. Milner | |
| Felix Niemeyk | |
| Owen Shearer | |
| Sheridan-Wyoming Coal Company | Acme, 2, 42. |
| Sheridan-Wyoming Coal Company | Monarch No. 45. |
| Star Coal Company | |
| Storm King Coal Company | |
| Ross A. Swigart | |
| Ware & Howell | |
| George F. Washut | |
| G. W. Whitam | |
| D. C. Wilhelm | |
| Henry York | |

*Size Groups—for Shipment Into All Market Areas*

| Size group number | Designation [1] | Size group number | Designation [1] |
|---|---|---|---|
| 1 | Lump 6", 7", 8". Picked Lump.[2] | 12 | Nut 2½" x ¾". |
| 2 | Lump 9" x 14". Lump 5" x 10". | 13 | Pea 1⅝" x 1". Pea 1½" x 1". Pea 1½" x ¾". |
| 3 | Lump 3"—4"—5". | 14 | Pea 1⅝" x ¼". Pea 1½" x ⅝". Pea ¾" x ½". |
| 4 | Lump 2½". Lump 1½". | 15 | Slack 2½" x 0". |
| 5 | Lump 2½" x 10" or 9". | 16 | Slack 1⅝" x 0". Slack 1½" x 0". |
| 6 | Lump ¼" to 3".[3] | 17 | Slack 1" x 0". |
| 7 | Stove 3" x 6", 7" or 8". Egg 2½" or 3" x 8". Egg 2½" x 6". Forked Egg. Grate 3" x 7". | 18 | Dust ¼" x 0". |
| 8 | Fancy Nut 3" x 5". | 19 | Mine Run over ¼". |
| 9 | Grate 1⅝" x 6" or 8". Egg Nut 1½" x 8". Egg Nut 1½" x 7". Egg Nut 1½" x 6". Egg Nut 2¼" x 5". | 20 | Mine Run. |
| 10 | Egg Nut 1⅝" x 5". Egg Nut 1¼" x 4". | 21 | 8" or 7" Modified Mine Run. |
| 11 | Standard Nut 1⅝" x 3". Nut 2½" or 3" x 1¼". Nut 1" x 3". | 22 | 6" Modified Mine Run. |
| | | 23 | 3" Modified Mine Run (Nut Run). |

[1] All maximum screened sizes mentioned herein are based on round hole or the equivalent thereof.

[2] Applies only to Price Schedule for Carey, Forelli, and Wright Mines; Spring Gulch Coal Co., Big Horn and Hot Springs Counties.

[3] Applies only on Truck Sale Price Schedule Mines in Campbell, Converse, Crook Johnson, Natrona Park, Sheridan and Teton Counties, Wyoming, Except Wyodak Coal and Mfg. Co.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the higher size group and priced accordingly.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown*

ROCK SPRINGS SUB-DISTRICT

| | Size group prices | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 16 | 17 | 18 | 20 | 21 | 22 |
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices | 375 | 350 | ..... | 335 | 285 | 285 | 275 | 275 | 260 | ..... | 185 | 185 | 185 | 240 | 240 | 210 |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices | 325 | 300 | ..... | 285 | 260 | 260 | 250 | 250 | 260 | ..... | 185 | 185 | 185 | 240 | 240 | 210 |
| Market Areas 144, 145, 147: Prices | 350 | 325 | ..... | 310 | 260 | 260 | 250 | 250 | 260 | ..... | 185 | 185 | 185 | 240 | 240 | 210 |
| Market Areas 148, 149, 153, 154, 155, 156: Prices | 400 | 375 | ..... | 370 | 310 | 310 | 275 | 275 | 225 | ..... | 200 | 200 | 200 | 240 | 240 | 210 |
| Market Areas 151, 152: Prices | 400 | 375 | ..... | 370 | 310 | 310 | 275 | 275 | 225 | ..... | 185 | 170 | 170 | 240 | 240 | 210 |
| Market Area 157: Prices | 325 | 315 | ..... | 300 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

*Important.*—Exceptions are a part of these prices and must be complied with.

KEMMERER SUB-DISTRICT NORTHERN LINCOLN COUNTY, WYOMING AND TETON COUNTY, IDAHO

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices | 490 | 475 | ..... | 450 | ..... | 385 | ..... | 335 | 285 | ..... | 185 | 185 | 170 | 275 | ..... | ..... |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices | 440 | 425 | ..... | 400 | ..... | 360 | ..... | 310 | 285 | ..... | 185 | 185 | 170 | 275 | ..... | ..... |
| Market Areas 144, 145, 147: Prices | 465 | 450 | ..... | 425 | ..... | 360 | ..... | 310 | 285 | ..... | 185 | 185 | 170 | 275 | ..... | ..... |
| Market Areas 148, 149, 153, 154, 155, 156: Prices | 400 | 385 | ..... | 370 | ..... | 310 | ..... | 275 | 225 | ..... | 185 | 170 | 170 | 275 | ..... | ..... |
| Market Areas 151, 152: Prices | 400 | 385 | ..... | 370 | ..... | 310 | ..... | 275 | 225 | ..... | 185 | 170 | 170 | 275 | ..... | ..... |
| Market Area 157: Prices | 325 | 315 | ..... | 300 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

*Important.*—Exceptions are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown*—Continued

ELKOL SUB-DISTRICT

| | Size group prices | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 16 | 17 | 18 | 20 | 21 | 22 |
| Market Area 150: Prices | 325 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 160 | ..... | ..... |
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143: Prices | 275 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices | 275 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Market Areas 144, 145, 147: Prices | 275 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Market Areas 148, 149, 153, 154, 155, 156: Prices | 275 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Market Areas 151, 152, 157: Prices | 275 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

HANNA, ELK MOUNTAIN AND SAVERY SUB-DISTRICTS

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices | 275 | 275 | ..... | ..... | ..... | 250 | ..... | 250 | 225 | 175 | 150 | 150 | 100 | 250 | 250 | 250 |
| Market Areas, 144, 145, 147: Prices | 300 | 300 | ..... | ..... | ..... | 250 | ..... | 250 | 225 | 175 | 150 | 150 | 100 | 250 | 250 | 250 |
| Market Areas, 148, 149, 153, 154, 155, 156: Prices | 325 | 325 | ..... | ..... | ..... | 275 | ..... | 275 | 225 | 175 | 150 | 150 | 100 | 250 | 250 | 250 |
| Market Areas 151, 152: Prices | 325 | 325 | ..... | ..... | ..... | 275 | ..... | 275 | 225 | 175 | 150 | 150 | 100 | 250 | 250 | 250 |
| Market Area 157: Prices | 325 | 325 | ..... | ..... | ..... | 275 | ..... | 275 | 225 | 175 | 150 | 150 | 100 | 250 | 250 | 250 |
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices | 325 | 325 | ..... | ..... | ..... | 275 | ..... | 275 | 225 | 175 | 150 | 150 | 100 | 250 | 250 | 250 |

EVANSON SUB-DISTRICT

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices | ..... | 300 | ..... | ..... | ..... | ..... | ..... | 250 | ..... | ..... | 125 | ..... | ..... | ..... | ..... | ..... |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices | ..... | 300 | ..... | ..... | ..... | ..... | ..... | 250 | ..... | ..... | 125 | ..... | ..... | ..... | ..... | ..... |
| Market Areas 144, 145, 147: Prices | ..... | 300 | ..... | ..... | ..... | ..... | ..... | 250 | ..... | ..... | 125 | ..... | ..... | ..... | ..... | ..... |
| Market Areas 148, 149, 153, 154, 155, 156: Prices | ..... | 300 | ..... | ..... | ..... | ..... | ..... | 250 | ..... | ..... | 125 | ..... | ..... | ..... | ..... | ..... |
| Market Areas 151, 152: Prices | ..... | 300 | ..... | ..... | ..... | ..... | ..... | 250 | ..... | ..... | 125 | ..... | ..... | ..... | ..... | ..... |
| Market Area 175: Prices | ..... | 300 | ..... | ..... | ..... | ..... | ..... | 250 | ..... | ..... | 125 | ..... | ..... | ..... | ..... | ..... |

RAWLINGS, BAGGS AND ROCK: RIVER SUB-DISTRICTS

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices | 275 | 250 | ..... | 250 | ..... | ..... | ..... | 225 | ..... | ..... | 100 | ..... | ..... | ..... | ..... | ..... |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices | 275 | 250 | ..... | 250 | ..... | ..... | ..... | 225 | ..... | ..... | 100 | ..... | ..... | ..... | ..... | ..... |
| Market Areas 144, 145, 147: Prices | 275 | 250 | ..... | 250 | ..... | ..... | ..... | 225 | ..... | ..... | 100 | ..... | ..... | ..... | ..... | ..... |
| Market Areas 148, 149, 153, 154, 155, 156: Prices | 275 | 250 | ..... | 250 | ..... | ..... | ..... | 225 | ..... | ..... | 100 | ..... | ..... | ..... | ..... | ..... |
| Market Areas 151, 152: Prices | 275 | 250 | ..... | 250 | ..... | ..... | ..... | 225 | ..... | ..... | 100 | ..... | ..... | ..... | ..... | ..... |
| Market Area 157: Prices | 275 | 250 | ..... | 250 | ..... | ..... | ..... | 225 | ..... | ..... | 100 | ..... | ..... | ..... | ..... | ..... |

GEBO-KIRBY SUB-DISTRICT

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 136, 137, 138, 142, 143: Prices | 480 | 475 | 465 | 465 | ..... | 440 | ..... | 330 | 275 | ..... | 175 | 125 | ..... | ..... | ..... | ..... |
| Market Areas 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141: Prices | 430 | 425 | 415 | 415 | ..... | 415 | ..... | 305 | 275 | ..... | 175 | 125 | ..... | ..... | ..... | ..... |
| Market Areas 33, 34, 101: Prices | 390 | 375 | 355 | 355 | ..... | 360 | ..... | 300 | 225 | ..... | 160 | 125 | ..... | ..... | ..... | ..... |

*Important.*—Exceptions are a part of these prices and must be complied with.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown*—Continued

GEDO-KIRBY SUB-DISTRICT—Continued

| | Size group prices | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 16 | 17 | 18 | 20 | 21 | 22 |
| Market Area 147: Prices | 415 | 400 | 380 | 380 | | 360 | | 300 | 225 | | 160 | 125 | | | | |
| Market Areas 144, 145: Prices | 455 | 450 | 440 | 440 | | 415 | | 305 | 225 | | 160 | 125 | | | | |
| Market Area 146: Prices | 430 | 425 | 415 | 415 | | 415 | | 305 | 225 | | 160 | 125 | | | | |
| Market Areas 148, 149: Prices | 460 | 445 | 430 | 430 | | 400 | | 335 | 250 | | 160 | 125 | | | | |
| Market Areas 153, 154, 155, 156: Prices | 460 | 445 | 430 | 430 | | 400 | | 335 | 250 | | 200 | 175 | | | 270 | |
| Market Area 157: Prices | 385 | 375 | 360 | 360 | | | | | | | | | | | | |
| Market Area 150 Rail Movement: Prices | 480 | 475 | 465 | 465 | | 440 | | 330 | 275 | | 175 | 125 | | 270 | 270 | 185 |
| Market Area 150 Sale to Trucks: Prices | 501 | 495 | 490 | 490 | | 450 | | 365 | 275 | | 175 | 125 | | | | |

HUDSON SUB-DISTRICT

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 140 and 143: Prices | 200 | | | 175 | | 150 | | | 125 | 110 | 100 | 75 | | | | |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 141: Prices | 190 | | | 170 | | 150 | | | 125 | 110 | 100 | 75 | | | | |
| Market Area 142: Prices | 270 | | | 240 | | 220 | | | 175 | 125 | 115 | 100 | | | | |
| Market Areas 145, 146, 147: Prices | 210 | | | 190 | | 160 | | | 140 | 110 | 100 | 75 | | | | |
| Market Area 144: Prices | 200 | | | 260 | | 240 | | | 175 | 125 | 115 | 100 | | | | |
| Market Area 150: Prices | 325 | | | 300 | | 275 | | | 175 | 125 | 110 | 90 | | 240 | | |

SHERIDAN SUB-DISTRICT

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 140 and 143: Prices | 200 | | | 175 | | 150 | | 140 | 140 | 125 | 110 | 100 | | | | |
| Market Area 142: Prices | 270 | | | 240 | | 220 | | 200 | 190 | 175 | 125 | 115 | | | | |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 141: Prices | 190 | | | 170 | | 150 | | 150 | 150 | 125 | 110 | 100 | | | | |
| Market Areas 145, 146, 147: Prices | 210 | | | 190 | | 160 | | 150 | 150 | 140 | 110 | 100 | | | | |
| Market Area 144: Prices | 290 | | | 260 | | 240 | | 210 | 190 | 175 | 125 | 115 | | | | |
| Market Area 150: Prices | 180 | | | 160 | | 150 | | 140 | 140 | 125 | 100 | 90 | | 170 | 145 | 140 |
| Market Area 149: Prices | | 200 | | | 175 | | 150 | | 140 | 140 | 125 | 100 | 90 | | 175 | |
| Market Area 148: Prices | | 240 | | | 210 | | 190 | | 175 | 160 | 150 | 115 | 100 | | | |
| Market Areas 153, 154, 155, 156: Prices | | 200 | | | 175 | | | | 140 | 140 | 125 | 100 | 90 | | | |

YODAK COAL & MFG. COMPANY'S MINES

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 140, 141, 142, 143: Prices | | 175 | | 150 | | | 130 | 130 | 140 | | 90 | | | | | |
| Market Areas 144, 145, 146, 147: Prices | | 200 | | 175 | | | | 130 | 130 | | 90 | | | | | |
| Market Area 150—Rail Movement: Prices | | 175 | | 150 | | | 130 | 130 | 140 | | 90 | | | 130 | | |
| Market Area 150—Truck Movement: Prices | | 200 | | 200 | | | | 130 | 130 | | 100 | | | | | |

CAREY, FERELLI AND WRIGHT MINES: AND SPRING GULCH COAL COMPANY

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices | | | | 400 | | | | | | | | 300 | 150 | | | 350 |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices | | | | 400 | | | | | | | | 300 | 150 | | | 350 |
| Market Areas 144, 145, 147: Prices | | | | 400 | | | | | | | | 300 | 150 | | | 350 |
| Market Areas 148, 149, 153, 154, 155, 156: Prices | | | | 400 | | | | | | | | 300 | 150 | | | 350 |
| Market Areas 151, 152: Prices | | | | 400 | | | | | | | | 300 | 150 | | | 350 |
| Market Area 157: Prices | | | | 400 | | | | | | | | 300 | 150 | | | 350 |

*Important.*—Exceptions are a part of these prices and must be complied with.



*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown*—Continued

BIG HORN COUNTY

| | Size group prices | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 16 | 17 | 18 | 20 | 21 | 22 |
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices | 450 | | | | | | 400 | | | | | | 200 | | | 375 |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices | 450 | | | | | | 400 | | | | | | 200 | | | 375 |
| Market Areas 144, 145, 147: Prices | 450 | | | | | | 400 | | | | | | 200 | | | 375 |
| Market Areas 148, 149, 153, 154, 155, 156: Prices | 450 | | | | | | 400 | | | | | | 200 | | | 375 |
| Market Areas 151, 152: Prices | 450 | | | | | | 400 | | | | | | 200 | | | 375 |
| Market Area 157: Prices | 450 | | | | | | 400 | | | | | | 200 | | | 375 |

ALL MINES IN HOT SPRINGS COUNTY NOT LISTED

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices | | | | 450 | | | | | | | | 300 | | 150 | | 375 |
| Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 139, 140, 141, 146: Prices | | | | 450 | | | | | | | | 300 | | 150 | | 375 |
| Market Areas 144, 145, 147: Prices | | | | 450 | | | | | | | | 300 | | 150 | | 375 |
| Market Areas 148, 149, 153, 154, 155, 156: Prices | | | | 450 | | | | | | | | 300 | | 150 | | 375 |
| Market Areas 151, 152: Prices | | | | 450 | | | | | | | | 300 | | 150 | | 375 |
| Market Area 157: Prices | | | | 450 | | | | | | | | 300 | | 150 | | 375 |
| Rail mines in Campbell, Converse, Crook, Johnson, Natrona Park, Sheridan, and Teton Counties, Wyoming—Except Wyodak Coal & Mfg. Co., for sale to trucks: Prices | 260 | 260 | | | 250 | | 240 | | 240 | 220 | 200 | 180 | 150 | 125 | 125 | 90 |
| Truck movement from mines in counties shown immediately above: Prices | 260 | 260 | | | 250 | 220 | 240 | | 240 | 220 | 200 | 180 | | 125 | 125 | 90 |

*Important.*—Exceptions are a part of these prices and must be complied with.

[F. R. Doc. 37-3701; Filed, December 18, 1937; 12:25 p. m.]

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[Order No. 145]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 20 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 69 the weighted average of the total costs of the tonnage for Minimum Price Area 7 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 109 determined and established the initial classifications of coals of Code Members within said District Number 20; the District Board for District Number 20 having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission hav-

ing accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number 20, hereinafter referred to; the said District Board Number 20, in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number 20 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 20, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 20, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 20 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 20 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 7 and to Code Members within District Number 20, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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PRICE SCHEDULE NO. 1—DISTRICT NO. 20

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 20, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 16, 1937.

F. W. MCCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled, then such coal must be included in the higher size group and priced accordingly.

*Price Index*

PRICE GROUP A

| Name code member | Location | Name of mine | Seam |
|---|---|---|---|
| Allen, Edgar | Huntington, Utah. | Comfort | Hiawatha (T). |
| Arronco, John | Kenilworth, Utah. | Arronco | Castlegate D (T). |
| Bailey Coal Co | Clear Creek, Utah | Black Diamond | Castlegate C (T). |
| Baker, M. J | Huntington, Utah | Farrell | Hiawatha (T). |
| Bell Bros. Coal Mine | Castle Dale, Utah | Bell Bros | (T). (Castlegate A (R). |
| Blue Blaze Coal Co | Salt Lake City, Utah | Blue Blaze | Hiawatha (R). |
| Chesterfield Coal Co.* | Salt Lake City, Utah | Chesterfield No. 1 | Chesterfield (R). |
| Christensen, Albert | Fairview, Utah | Christensen Nos. 1 and 3 | Castlegate A (T). |

See footnote at end of table.



*Price Index*—Continued

PRICE GROUP A

| Name code member | Location | Name of mine | Seam |
|---|---|---|---|
| Christensen, L. Earl | Fairview, Utah | Edgewood | Castlegate A (T). |
| Christopherson, M. W | Spanish Fork, Utah | Metcalf | Castlegate E (T). |
| Costa, John | Salina, Utah | Clear Creek (Sevier Co.) | Ivie (T). |
| Cowboy Coal Mine (Geo. W. Whipple) | Provo, Utah | Cowboy | Ferron L (T). |
| Dalrymple, R. H. & Co | Rains, Utah | Dals | (T). |
| Deer Creek Mine (Byron A. Howard) | Huntington, Utah | Deer Creek | Blind Canyon (T). |
| Dods, Jack | Price, Utah | Chidester No. 2 | Gilson (T). |
| Durett, E. H | Emery, Utah | Browning | I Bed (T). |
| Edwards, Geo. Q | Castle Dale, Utah | Otteson | Emery (T). |
| Gibson, Emmett | Rains, Utah | Martin No. 3 | (T). |
| Grundvig, L. A | Wellington, Utah | Grundvig | Rock Canyon (T). |
| Hanson, L. R | Salina, Utah | Willow Spring | Ferron A (T). |
| Hardscrabble Coal Co | Helper, Utah | Hardscrabble | Castlegate A (T). |
| Hi-Heat Coal Co | Salt Lake City, Utah | Rains No. 2 | Gordon Creek (R). |
| Huntington Coal Ass'n | Huntington, Utah | Community | Blind Canyon (T). |
| Independent Coal Coke Co | Salt Lake City, Utah | Aberdeen | Castlegate D (R). Aberdeen (R). |
| Johnson, J. B | Huntington, Utah | Blue J | Hiawatha (T). |
| Killian, J. Frank | Orangeville, Utah | Oliphant No. 2 | Hiawatha (T). |
| Larson & Rigby | Fairview, Utah | Larson & Rigby | Castlegate A (T). |
| Leamaster, Martin | Huntington, Utah | Mill Fork | Black Canyon (T). |
| Liberty Fuel Co | Salt Lake City, Utah | Liberty | Gordon Creek (R). |
| Lion Coal Corp | Ogden, Utah | Wattis | Hiawatha (R). |
| MacLean Coal Co | Salt Lake City, Utah | MacLean | Gordon Creek (R) |
| Martin Coal Co | Helper, Utah | Martin No. 1 | (T). |
| McKinnon, Malcolm N | Salt Lake City, Utah | American Fuel | (T). |
| Munk, Leo D | Salt Lake City, Utah | Stump Flat | Blind Canyon (T). |
| Mutual Coal Co | Salt Lake City, Utah | Mutual | Gordon Creek (R). |
| National Coal Co | Salt Lake City, Utah | National | Hiawatha (R). |
| Peerless Sales Company | Salt Lake City, Utah | Peerless | Gordon Creek (R). |
| Rio Grande Coal Co | Price, Utah | Rio Grande | Gilson (T). |
| Royal Coal Company | Salt Lake City, Utah | Royal | Castlegate D (R). |
| Sanders, John P | Fairview, Utah | Arrowhead | Castlegate A (T). |
| Sitterud* | Orangeville, Utah | Oliphant | Hiawatha (T). |
| Snow, Orrin L | Wellington, Utah | Pace Canyon | Gilson (T). |
| Soldier Canyon Coal Co | Price, Utah | Soldier Canyon | Rock Canyon (T). |
| Spring Canyon Coal Co | Salt Lake City, Utah | Spring Canyon | Castlegate A (R). Hiawatha (R). |
| Standard Coal Co | Salt Lake City, Utah | Standard | Hiawatha (R). |
| Straight Canyon Coal Co | Castle Dale, Utah | Straight Canyon | Hiawatha (T). |
| Sweet Coal Co | Salt Lake City, Utah | Sweet Mine | Hiawatha (R). |
| Twin Cities Cooperative | Castle Dale, Utah | Twin Cities Cooperative | Hiawatha (T). |
| United States Fuel Co | Salt Lake City, Utah | King Mine No. 1 | Hiawatha (R). |
| | | King Mine No. 2 | Hiawatha (R). |
| Utah Fuel Co | Salt Lake City, Utah (see note 1) | Panther | Castlegate B (R). |
| | | Castlegate | Castlegate D (R). |
| | | Clear Creek | Castlegate A (R). |
| | | Sunnyside** | Upper Sunnyside. |

PRICE GROUP B

| | | | |
|---|---|---|---|
| Carroll, Rulon | Orderville, Utah | Nielson-Carroll | Upper Carmel (T). |
| Levanger, Chris | Glendale, Utah | O. K. Mine | Upper Carmel (T). |
| Little Water Coal Mine | LaPoint, Utah | Little Water | Not named (T). |
| Norgard, H. H | Vernal, Utah | H. H. Norgard | Not named (T). |
| Webster, Ernest & Nelson, Albert U | Cedar City, Utah | Webster & Nelson | Lower Coal Creek (T). |

NOTE 1.—Price Group A prices for Marketing Areas Nos. 148, 149, 150, 151, 152, 154, 155, 156, and 157 apply to all mines in Price Group A, except to the following:

* Chesterfield Mine of Chesterfield Coal Co. at Thompsons, Utah.

** Sunnyside Mine of Utah Fuel Co. at Sunnyside, Utah.

From the above mines prices may be 10¢ per ton lower on all sizes to equalize higher freight rates.

"T"—Truck Mine.

"R"—Rail Mine.

*Prices in Cents per Net Ton of 2,000 Pounds into Marketing Areas Shown Below*

MARKETING AREA NO. 133 (COLORADO)

| | |
|---|---|
| 8" Lump | [1] 275 |
| 3" Lump | [1] 350 |
| 3" x 8" Stove | [1] 350 |
| 8" Lump | [2] 350 |
| 3" Lump | [2] 325 |
| 3" x 8" Stove | [2] 325 |

MARKETING AREAS NOS. 136, 137 AND 138

| | |
|---|---|
| 8" Lump | 350 |
| 3" Lump | 325 |
| 3" x 8" Stove | 325 |

MARKETING AREAS NOS. 104, 105, 106, 107, 108, 109, 110, 111, 112, 140, 141, 142, 143, 144 AND 145

| | |
|---|---|
| 8" Lump | 375 |
| 3" Lump | 350 |
| 3" x 8" Stove | 350 |

[1] Prices apply to points in Eastern Colorado on and north of main line C. B. & Q. Rr. Denver to Sanborn, Woodruff to Norton on C. B. & Q. Rr.

[2] Prices apply to main line U. P. points in Eastern Colorado Denver to Chemung.

NOTE.—Applies to shipments into Market Areas Nos. 133, 136, 137, 138, 104, 105, 106, 107, 108, 109, 110, 111, 112, 140, 141, 142, 143, 144, 145: District No. 20 coals moving to points in these Market Areas may equalize the delivered prices of District 17 coals from Western Slope and Oak Hills producing districts.

See exceptions.

*Prices in Cents per Net Ton of 2,000 Pounds Into Marketing Areas Shown Below*

MARKETING AREAS NOS. 148, 149, 150, 151, 152, 153, 154, 155, 156

| | *Price group A* [1] | *Price group B* |
|---|---|---|
| 8" Lump | 400 | 330 |
| 3" Lump | 385 | 320 |
| 3" x 8" Stove | 370 | 310 |
| 8" x 11" Lump | 440 | 365 |
| 1⅝" Lump | 325 | 270 |
| 1⅝" x 8" Egg | 310 | 255 |
| 1⅜" x 3" Nut | 275 | 230 |
| 1⅝" x 1" Pea | 225 | 185 |
| 1⅝" Slack | 185 | 150 |
| 1" Slack | 170 | 140 |
| 1" x 3/16" Slack | 210 | 175 |
| Dust | 170 | 140 |
| St. Mine Run | 270 | 225 |
| 8" Mine Run | 240 | 200 |
| 3" Mine Run | 220 | 185 |

MARKETING AREA NO. 157

| | Price Group A [1] |
|---|---|
| 8" Lump | 325 |
| 3" Lump | 315 |
| 3" x 8" Stove | 300 |
| 1⅝" x 3" Nut | 275 |

[1] Price Group A prices for Marketing Areas Nos. 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157 apply to all mines except to the following:

Chesterfield Mine of Chesterfield Coal Co. at Thompsons, Utah.
Sunnyside Mine of Utah Fuel Co. at Sunnyside, Utah.

From the above mines, prices may be 10 cents per ton lower on all sizes to equalize higher freight rates.

See exceptions.

[F. R. Doc. 37-3711; Filed, December 20, 1937; 11:31 a. m.]

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[Order No. 146]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TWENTY-TWO IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 70 the weighted average of the total costs of the tonnage for Minimum Price Area 9 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the District Board in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 120 determined and established the initial classifications of coals of Code Members within said District Number Twenty-two; the District Board for District Number Twenty-two having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission having accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number Twenty-two, hereinafter referred to; the said District Board Number Twenty-two in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number Twenty-two or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number Twenty-two, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Twenty-two, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number Twenty-two and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board of member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Twenty-two to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the Districts within Minimum Price Area 9 and to Code Members within District Number Twenty-two, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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PRICE SCHEDULE NO. 1—DISTRICT NO. 22

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 22, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective, 12:01 A. M. January 3, 1938.
Issued: December 16, 1937.

F. W. MCCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

SUBSTITUTION

Rules covering substitution are included in Marketing Rules and Regulations.

*Price Index*

JUDITH BASIN COUNTY

| Name of code member | Mine |
|---|---|
| Arthur Forest | Nollar. |

GALLATIN AND PARK COUNTIES

| | |
|---|---|
| Mike Diluio | |
| Miller Brothers | |

CUSTER, ROSEBUD, BIG HORN AND GARFIELD COUNTIES

| | |
|---|---|
| A. W. Kubica | Miller Coulee. |
| Northwestern Improvement Co | Rosebud. |
| J. A. Weaver | Weaver. |
| R. H. Draper | Horse Creek. |
| Edward Pavek | |

FERGUS COUNTY

| | |
|---|---|
| Fred Carlson | Lewistown Fuel Co. |
| Frank DeYoe | Black Diamond. |
| Skaggs Brothers | |
| C. R. Smith | Smith. |
| William Swanson | |



*Price Index*—Continued

CASCADE, CHAUTEAU AND FLATHEAD COUNTIES EXCEPT BIRD TAIL DISTRICT

| Name of code member | Mine |
|---|---|
| William Anderson | Anderson Coal Co. |
| J. W. Brodie | Brodie Coal Co. |
| Calone & Johnson | |
| Cottonwood Coal Co | Giffen. |
| Silvie Erbetta | Economy Coal Co. |
| Erickson Brothers | |
| Tony Francetich | Francetich Coal Co. |
| William Navin | Gerber Coal Co. |
| A. A. Markiss | Independent Coal Co. |
| Edward Latham | |
| Thomas Latham | Lakeside. |
| Charles Leskinen | Bickett. |
| Maurer Bros | |
| William Surmi | Surmi Coal Co. |
| George Thompson | Thompson. |
| John Zupan | Zupan. |
| Campbell & Lebfeldt | Maekton. |
| J. E. Nygard | Nygard. |
| Oscar Nygard | Oscar Nygard. |
| A. C. Elder | North Fork Coal Co. |

BIRD TAIL DISTRICT IN LEWIS, CLARK AND CASCADE COUNTIES

None to list.

BLAINE, HILL AND PHILLIPS COUNTIES

| | |
|---|---|
| Spencer Perkins | Chinook. |
| Clarence Sargent | Milk River. |

BULL MOUNTAIN DISTRICT ALL OF MUSSELSHELL, YELLOWSTONE, AND GOLDEN VALLEY COUNTIES EXCEPT THE ROUNDUP DISTRICT

| | |
|---|---|
| W. C. Anderson | Silvertip. |
| Lucas Ganter | Ganter. |
| R. J. Gildroy | Gildroy. |
| Paul Meged | P. M. |
| Arthur Mills | Mills. |
| Fred Nies | Nies. |
| Orville Poe | Antelope. |
| G. J. Jeffries | Cow Creek Coal Co. |
| E. A. Johnson | Deep Vein Coal Co. |

OPHEIM DISTRICT (VALLEY COUNTY), GLENTANA DISTRICT (VALLEY COUNTY), WOLF POINT DISTRICT (ROOSEVELT COUNTY), SCOBEY DISTRICT (DANIELS COUNTY)

| | |
|---|---|
| Walter Anno | Anno. |
| Loring Cooper | Cooper. |
| Gustave Hippe | Hippe. |

DAWSON, WIBAUX, PRAIRIE, VALLEY, SHERIDAN, RICHLAND, ROOSEVELT, AND DANIELS COUNTIES, EXCEPT OPHEIM AND GLENTANA DISTRICTS IN VALLEY COUNTY, WOLF POINT DISTRICT IN ROOSEVELT COUNTY AND SCOBEY DISTRICT IN DANIELS COUNTY

| | |
|---|---|
| Clyde Clapp | Clapp. |
| Gustave A. Lagerquist | Lagerquist. |
| A. B. Alton | Alton Coal Co. |
| Lare Inn | Acme Coal Co. |
| Vincent Bergh | Bergh. |
| Peter Sehweind | Griff Creek. |
| Virgil Weidner | RedTail. |
| Otto Pust | Pust. |
| Mike Undem | Undem. |
| Warren Jennison | Fairview Coal Co. |
| Caroline Lochen | Lochen. |

ROUNDUP DISTRICT (MUSSELSHELL COUNTY)

| | |
|---|---|
| Bair Collins Coal Co | Prescott. |
| Carl H. Carlson | Divide. |
| John E. Carlson | |
| G. J. Jeffries | Jeffries Coal Co. |
| Republic Coal Co | Klein #2. |
| Roundup Coal Mining Co | No. 3. |
| David J. Williams | Williams Coal Co. |

CARBON COUNTY

| | |
|---|---|
| C. R. Emmett | Framberg Bit. Coal. |
| Albert Kohler | Kohler. |
| R. A. Evans | Beartooth Coal Co. |
| George Wallis | |
| Robert Burns | Burns. |
| Eagle Coal Co | |
| Montana Coal & Iron Co | |

*Size Groups—For All Market Areas Applying to Price Schedule "A"*

INCLUDES—

| Base size group | Lump—Maximum screen size[1] | Double screened sizes | |
|---|---|---|---|
| | | Maximum—Top size[1] | Maximum—Bottom size[1] |
| 1 | All Lump over 9" | | |
| 2 | Standard Lump 2" | | |
| 3 | Furnace | 6" | 6" |
| 4 | Stove | 2" | 2" |
| 5 | Egg | 6" | 2" |
| 6 | No. 1 Nut | 3" | 2" |
| 7 | Nut | 2" | 1¼". |
| 8 | Chestnut | 1¼" | ¾". |
| 9 | Nut Run | 0" | 0". |
| 10 | Stoker | 0" | 0". |
| 11 | Slack | ¾" | 0". |
| 12 | Mine Run | | |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

*Size Groups—For All Market Areas Applying to Price Schedule "B"*

INCLUDES—

| Base size group | Lump—Maximum screen size | Double screened sizes | |
|---|---|---|---|
| | | Maximum—top size[1] | Maximum—bottom size[1] |
| 1 | Fancy Lump 9" | | |
| 2 | Standard Lump 2" | | |
| 3 | Furnace | 6" | 6" |
| 4 | Stove | 6" | 2" |
| 5 | Nut | 2" | 1¼". |
| 6 | Chestnut | 1¼" | ¾". |
| 7 | Stoker | 1¼" | ¾". |
| 8 | Slack | 1¼" | 0". |
| 9 | Slack | ¾" | 0". |
| 10 | Slack | ¾" | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 153, 154, 155, 156 Applying to Schedule "A"*

| Mine group | Size group prices | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Judith Basin County | 425 | 425 | 425 | 375 | | | 300 | 250 | 200 | 150 | 100 | |
| Gallatin County, Park County | 475 | 475 | 475 | 425 | | | 275 | 225 | | 150 | | |
| Custer, Rosebud, Big Horn, Powder River and Garfield Counties | 250 | 250 | 250 | 250 | | | 200 | 175 | | 100 | 75 | |
| Fergus County | 475 | 475 | 475 | 425 | | | 350 | 250 | 200 | 175 | 125 | |
| Cascade, Chouteau, Flathead Counties (Except Bird Tail District) | 400 | 350 | 350 | | 325 | 300 | 275 | 200 | 135 | | 80 | |
| Blaine, Hill, and Phillips Counties | 375 | 375 | 375 | 325 | | | 225 | | | 175 | | |
| *Bull Mountain District:* | | | | | | | | | | | | |
| Musselshell, Yellowstone, Golden Valley Counties (except Roundup District) | 350 | 350 | | 300 | | | 200 | | | 100 | 75 | |
| *Orpheim District* (Valley County), *Glentana District* (Valley County), *Wolf Point District* (Roosevelt County), *Scobey District* (Daniels County) | 250 | 250 | 250 | 250 | | | 175 | 125 | | 100 | 75 | |
| Dawson, Wibaux, Prarie, Valley, Sheridan, Richland, Roosevelt, and Daniels Counties (except Opheim and Glentana Dists. in Valley County, Wolf Point District in Roosevelt County and Scobey District in Daniels County | 225 | 225 | 225 | 225 | | | 200 | 150 | | 100 | 75 | |
| Teton County, Glacier County, Pondera and Toole Counties | 600 | | | | | | | | | | | 400 |

*Prices in Cents per Net Ton of 2,000 Pounds for Market Areas as Shown Applying to Schedule "B"*

| | Size groups | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| ROUNDUP SUB-DISTRICT MUSSELSHELL COUNTY, MINE GROUP NORTH OF ELEIN, WEST OF DELPHIA | | | | | | | | | | |
| Market areas: | | | | | | | | | | |
| 148, 149 | 400 | 375 | 400 | 375 | 275 | 225 | 135 | 100 | 90 | 75 |
| 153, 154, 155, 156 | 350 | 325 | 350 | 325 | 275 | 225 | 135 | 100 | 90 | 75 |
| 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 144, 145, 146, 147 | 350 | 325 | 350 | 325 | 275 | 225 | 135 | 100 | 90 | 75 |
| CARBON COUNTY SUB-DISTRICT | | | | | | | | | | |
| Market areas: | | | | | | | | | | |
| 148 | 400 | 375 | 400 | 350 | 250 | 200 | 135 | 100 | 90 | 75 |
| 153, 154, 155, 156 | 350 | 325 | 350 | 325 | 250 | 200 | 135 | 100 | 90 | 75 |
| 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 144, 145, 146, 147, 140, 141, 156 | 350 | 325 | 350 | 325 | 250 | 200 | 135 | 100 | 90 | 75 |
| 149 | | | 325 | 275 | 200 | | | | | |

[F. R. Doc. 37-3702; Filed, December 18, 1937; 12:25 p. m.]

[Order No. 147]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 23 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15 producers of bituminous coal to file therewith cost data for the calendar year 1936; the district Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56 of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 71 the weighted average of the total costs of the tonnage for Minimum Price Area 10 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the District Board in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the Mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 110 determined and established the initial classifications of coals of Code Members within said District Number 23; the District Board for District Number 23 having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission having accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number 23, hereinafter referred to; the said District Board Number 23 in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (*a*) be just and equitable as between producers within each district, (*b*) do not permit dumping, (*c*) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (*d*) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (*e*) preserve, as nearly as may be, existing fair competitive opportunities, and (*f*) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number 23 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 23, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 23, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 23 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 23 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 10 and to Code Members within District Number 23, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

PRICE SCHEDULE NO. 1—DISTRICT NO. 23

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 23, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 16, 1937.

F. W. MCCULLOUGH, *Secretary.*

PRICE INSTRUCTIONS AND EXCEPTIONS FOR ALL RAIL SHIPMENTS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Reference.*—(w) Prices apply on washed coal. Raw or unwashed coal may be sold at a price 25 cents per net ton lower for Buckwheat (Size Group 16–a) and 10 cents less on all other sizes.

8. *Reference.*—(r) Raw coal only.

9. *Reference.*—(g) The price from the Palmer Mine will be 25¢ more per net ton of 2,000 lbs. f. o. b. mine.

10. *Reference.*—(b) 50¢ less to points in Oregon *excluding Portland* (Market Area 153).

11. *Reference.*—(i) These coals may be shipped to Pullman, Washington (Market Area 153) at a price of $2.35 per net ton of 2,000 lbs. f. o. b. shipping mines.

12. All sizes in Columns E and F 50¢ less than above prices to points in Oregon south of Columbia River. All coal from all groups 2½'' and over when for shipment to Alaska may be 70¢ per ton less.

PRICE INSTRUCTIONS AND EXCEPTIONS FOR TRUCK COAL

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. From rail mines only in Group A prices will be 50¢ per ton more on coal shipped by truck into market areas described on Page No. 13.

8. Prices of Strain Coal Company in Group F, when sold at Renton Tipple, shall be 25¢ per ton above minimum truck prices except on east-bound coal.

9. *Reference.*—(g) The price from the Palmer mine will be 25¢ more per net ton of 2,000 pounds f. o. b. mine.

10. A discount of 25 cents per ton will be allowed in Mine Groups B, E, F, and G on all sizes to Retail Yard Dealers, when for re-sale; and to public institutions and industrial consumers.

SUB-MARKET AREAS

*No. 153–A.*—All of the State of Washington and State of Oregon, north of a line drawn east and west through the City of Salem, Oregon, excepting Market Areas Nos. 154, 155, and 156.

*Price Index*

GROUP A—ROSLYN-CLE ELUM

| Name of code member | Name of mine | Address |
|---|---|---|
| Blue Flame Coal Company | Blue Flame | Ronald, Washington. |
| Cle Elum Coal Company | No. 1 | Cle Elum, Washington. |
| Jonesville Coal Company | Nos. 1, 2, 3 | Roslyn, Washington. |
| Lake Coal Company | No. 1 | Ronald, Washington. |
| Northwestern Improvement Co. | Nos. 3, 5, 9 | Seattle, Washington. |
| Roslyn-Cascade Coal Company | Nos. 1, 3, 4 | South Bellingham, Wash. |

*Price Index*—Continued

GROUP B—PIERCE COUNTY

| Name of code member | Name of mine | Address |
|---|---|---|
| Acme-Gem Coal Company | Acme | Wilkeson, Washington. |
| Apex Coal Company | Apex | Wilkeson, Washington. |
| Bonato Coal Company | Miller | Wilkeson, Washington. |
| Carbonado Coal Company | Carbonado | Carbonado, Washington. |
| Commercial Coal Company | Wilkeson, No. 5 | Wilkeson, Washington. |
| Dependable-Wingate Coal Co. | Dependable | Wilkeson, Washington. |
| Domestic Gem Coal Company | Gem | Wilkeson, Washington. |
| Gale Creek Coal Company | Gale Creek | Wilkeson, Washington. |
| Queen Coal Company | Queen | Wilkeson, Washington. |
| Spiketon Coal Company | Pittsburgh | Wilkeson, Washington. |
| Strain Coal Company | Carbonado | Renton, Washington. |
| Wilkeson-Wingate Coal Co. | Wingate | Wilkeson, Washington. |

GROUP C—SOUTHWEST WASHINGTON

| | | |
|---|---|---|
| Black Prince Coal Company | No. 1 | Centralia, Washington. |
| Bucodo Coal Mining Company | Tono No. 1 | Centralia, Washington. |
| Domestic Coal Company | Smith | Centralia, Washington. |
| Hi-Way Coal Company | Hi-Way | Castle Rock, Washington. |
| Monarch Coal Mining Company | Monarch | Centralia, Washington. |
| Peoples Coal Mining Company | Nonpariel | Centralia, Washington. |
| Reliance Coal Company | Reliance | Chehalis, Washington. |
| Royal Coal Company | Royal | Centralia, Washington. |
| Stoker Coal Mining Company | Stoker | Centralia, Washington. |

GROUP D—BELLINGHAM

| | | |
|---|---|---|
| Bellingham Coal Mines | Bellingham | Seattle, Washington. |
| Glen Echo Coal Company | Glen Echo | Bellingham, Washington. |

GROUP E—McKAY-LAWSON

| | | |
|---|---|---|
| Dale Coal Company | McKay | Seattle, Washington. |
| Pacific Coast Coal Company | Old Lawson, Sec. 6 | Seattle, Washington. |
| Strain Coal Company | Black Diamond | Renton, Washington. |

GROUP F—RENTON

| | | |
|---|---|---|
| B. & R. Coal Company | Newcastle, Grand Ridge. | Renton, Washington. |
| Blanco Coal Mines | Queen No. 1 | Seattle, Washington. |
| Black Nugget Coal Company | Black Nugget | Issaquah, Washington. |
| Cedar Mountain Mines | Cedar Mountain | Renton, Washington. |
| Gem Coal Company | Gem | Auburn, Washington. |
| Harris Coal Company | Superior | Issaquah, Washington. |
| Newcastle-King Coal Company | King | Seattle, Washington. |
| New Lake Young Coal Company. | Lake Young | Renton, Washington. |
| Pacific Coast Coal Company | New Black Diamond | Seattle, Washington. |
| Reynolds Coal Company | Reynolds | Issaquah, Washington. |
| Springbrook Mining Company | Springbrook | Renton, Washington. |
| Strain Coal Company | Newcastle | Renton, Washington. |
| Tiger Mountain Coal Company | Tiger Mountain | Seattle, Washington. |

GROUP G—CUMBERLAND

| | | |
|---|---|---|
| Big 4 Coal Company | Elk | Palmer, Washington. |
| Black Beauty Coal Company | Black Beauty | Cumberland, Washington. |
| Carbon Fuel Company | Bayne No. 3 | Cumberland, Washington. |
| Green River Gorge Coal Co. | O'Kay | Cumberland, Washington. |
| Hi-Heat Coal Company | Hi-Heat | Cumberland, Washington. |
| Morris Bros. Coal Mining Co. | Occidental | Palmer, Washington. |
| Palmer Coking Coal Company | Durham | Palmer, Washington. |
| Pocahontas Coking Coal Co. | Pocahontas | Palmer, Washington. |
| Wonder Coal Mines | Wonder No. 1 | Seattle, Washington. |

GROUP H—STATE OF OREGON

| | | |
|---|---|---|
| Alpine Coal Company | Alpine | Riverton, Oregon. |
| Southport Coal Company | Southport | Marshfield, Oregon. |
| Overland Coal Company | Overland | Marshfield, Oregon. |

GROUP I—ALASKA

| | | |
|---|---|---|
| Healy River Coal Corp. | Healy (Sub-bit.) | Anchorage, Alaska. |
| New Black Diamond Coal Co. | New Black Diamond (Sub-bituminous). | Premier, Alaska. |
| Houston Fuel Company | Houston (Sub-bituminous). | Anchorage, Alaska. |
| Evan Jones Coal Company | Jonesville (Bituminous). | Anchorage, Alaska. |



*Size Groups for Market Areas Nos. 153, 154, 155, 156, and 157*

| Base size group | INCLUDES— Lump—Maximum screen size [1] | Double screened sizes: Maximum top size [1] | Double screened sizes: Maximum bottom size [1] |
|---|---|---|---|
| 1 | All lump over 4'' | | |
| 2 | Lump 2'' | | |
| 3 | Egg | 4'' | 1¾''. |
| 4 | Egg Nut | 4'' | 1¼''. |
| 5 | Egg Nut Pea | 4'' | ¾''. |
| 6 | Nut | 2¼'' | ¾''. |
| 7 | Nut Chestnut | 2¼'' | ¾''. |
| 8 | Nut Pea | 1¾'' | ¾''. |
| 9 | Chestnut | 1'' | ¾''. |
| 10 | Pea Chestnut | 1'' | ¾''. |
| 11 | Pea | ¾'' | ¼''. |
| 12 | Steam | 3¼'' | 0''. |
| 13 | Steam | 2'' | 0''. |
| 14 | Steam | 1'' | 0''. |
| 15 | Modified Mine Run over ¼'' | | |
| 16 | Buckwheat | | |
| 17 | Mine Run | | |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 153 and 157*

| Size group | Size | Mine groups A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|---|---|
| 1. Lump | Lump | 500 | 650 | 400b | 460 | 600 | 465 | 465 |
| 2. Lump | a. Over 2¼'' | | | | | | 465 | 440 |
| | b. Over 1¾'' | 490 | 525 | 375b | 425 | | 465 | 440 |
| 3. Egg | a. 3¾'' x 1¾'' | | | | 440 | | 450 | |
| | b. 3¼'' x 2¼'' | | | 385 | | 585 | 450 | |
| | c. 3¼'' x 1¾'' | | 500 | | 400 | | 450 | |
| | d. 2¾'' x 1⅝'' | 490 | | 350b | | 550 | | 400 |
| 4. Egg, Nut | a. 3¼'' x ¾'' | | | | | | 425 | |
| | b. 3¼'' x 1'' | | | | | 560 | 425 | 425 |
| | c. 2¾'' x ⅞'' | 460 | | | | 500 | 400 | 375 |
| 5. Egg, Nut, Pea | 3¼'' x ¼'' | 410 | | | | | | |
| 6. Nut | a. 2¼'' x 1'' | | | | 360 | | 400 | |
| | b. 1¾'' x ¾'' | 410 | | 250 | | 500 | 375 | 350 |
| 7. Nut, Chestnut | 2¼'' x ¾'' | | | | | | 375 | 375 |
| 8. Nut, Pea | a. 1¾'' x ¾'' | 380 | | 235w | | | | |
| | b. 1¾'' x ⅞'' | | | | | 475 | | 350 |
| 9. Chestnut | 1'' x ¾'' | | | | 325 | | 335 | 335 |
| 10. Pea, Chestnut | 1'' x ¼'' | | | 210w | | | 335 | |
| 11. Pea | ¾'' x ¼'' | 340 | | 210w | 300 | 490 | 325 | 325 |
| 12. Steam | a. 3¼'' x 0'' | 370 | | 250 | | | | |
| 13. | b. 1¾'' x 0'' | 325w | 390 | 210w | | 375 | | 300g |
| 14. | c. ⅞'' x 0'' | 300w | | 150r | | 350 | | 290g |
| 15. Mod. Mine Run | Over ¼'' | 425 | 450 | 325 | 370 | | 425 | 425 |
| 16. Buckwheat | a. ¼'' x 0'' | 275 | 335w | 100 | 150 | 245 | 150 | 175 |
| | b. 3/32'' x 0'' | | | | | 160 | | |
| 17. Mine Run | Mine Run | 400 | 410 | 275, 225b | | | | 350 |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 153*

| Size | Oregon mines—H: Riverton Group | Marshfield Group |
|---|---|---|
| 1. Lump—2½'' | 450 | 450 |
| 2. Nut—2½'' x 1¼'' | 300 | 350 |
| 3. Pea—1¼'' x ¾'' | 150 | 250 |
| 4. Stoker—¼'' x 0'' | | 200 |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 157*

| Size | Alaska Mines—I: Except Evans-Jones C. C. | Evans-Jones C. C. |
|---|---|---|
| 1. Lump over 4'' bar | 425 | |
| 2. Nut 4'' bar 1½'' round | 415 | |
| 3. Chestnut 1⅜'' & ½'' round | 295 | |
| 4. Screen Mine Run | 325 | |
| 5. Mine Run | 295 | |
| 1. Lump 3'' | | 600 |
| 2. Nut 3'' x 1'' | | 500 |
| 3. Steam 1'' x ¼'' | | 365 |
| 4. Mine Run | | 425 |

*Prices in Cents per Net Ton of 2,000 Pounds All Rail Coal for Shipment Into Market Area No. 156*

| Size group | Size | Mine group prices A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|---|---|
| 1. Lump | Lump | 500 | 650 | 375 | 460 | 600 | 465 | 465 |
| 2. Lump | a. Over 2¼'' | | | | | | 465 | 440 |
| | b. Over 1¾'' | 490 | 525 | 350 | 425 | | 465 | 440 |
| 3. Egg | a. 3¾'' x 1¾'' | | | | 440 | | 450 | |
| | b. 3¼'' x 2¼'' | | | 385 | | 585 | 450 | |
| | c. 3¼'' x 1¾'' | | 500 | | 400 | | 450 | |
| | d. 2¾'' x 1⅝'' | 490 | | 325 | | 550 | | 400 |
| 4. Egg, Nut | a. 3¼'' x ¾'' | | | | | | 425 | |
| | b. 3¼'' x 1'' | | | | | 560 | 425 | 425 |
| | c. 2¾'' x ⅞'' | 460 | | | | 500 | 400 | 375 |
| 5. Egg, Nut, Pea | 3¼'' x ¼'' | 410 | | | | | | |
| 6. Nut | a. 2¼'' x 1'' | | | | 360 | | 400 | |
| | b. 1¾'' x ¾'' | 410 | | 250 | | 500 | 375 | 350 |
| 7. Nut, Chestnut | 2¼'' x ¾'' | | | | | | 375 | 375 |
| 8. Nut, Pea | a. 1¾'' x ¾'' | 380 | | 235w | | | | |
| | b. 1¾'' x ⅞'' | | | | | 475 | | 350 |
| 9. Chestnut | 1'' x ¾'' | | | | 325 | | 335 | 335 |
| 10. Pea, Chestnut | 1'' x ¼'' | | | 210w | | | 335 | |
| 11. Pea | ¾'' x ¼'' | 340 | | 210w | 300 | 490 | 325 | 325 |
| 12. Steam | 3¼'' x 0'' | 370 | | 250 | | | | |
| 13. Steam | 1¾'' x 0'' | 325 | 390 | 210w | | 375 | | g300 |
| 14. Steam | ⅞'' x 0'' | 300 | | 150r | | 350 | | g290 |
| 15. Mod. Mine Run. | Over ¼'' | 425 | 450 | 300 | 370 | | 425 | 425 |
| 16. Buckwheat | a. ¼'' x 0'' | 275 | w335 | 100 | 150 | 245 | 150 | 175 |
| | b. 3/32'' x 0'' | | | | | 160 | | |
| 17. Mine Run | Mine Run | 400 | 410 | 275 | | | | 350 |

*Prices in Cents per Net Ton of 2,000 pounds on All Rail Coal for Shipment Into Market Area No. 155*

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1. Lump | Lump | 465 | 615 | 365 | 425 | 565 | 430 | 430 |
| 2. Lump | a. Over 2¼'' | | | | | | 430 | 440 |
| | b. Over 1¾'' | 490 | 525 | 375 | 425 | | 465 | 440 |
| 3. Egg | a. 3¾'' x 1¾'' | | | | 440 | | 450 | |
| | b. 3¼'' x 2¼'' | | | 385 | | 585 | 450 | |
| | c. 3¼'' x 1¾'' | | 500 | | 400 | | 450 | |
| | d. 2¾'' x 1⅝'' | 490 | | 350 | | 550 | | 400 |
| 4. Egg | a. 3¼'' x ¾'' | | | | | | 425 | |
| | b. 3¼'' x 1'' | | | | | 560 | 425 | 425 |
| | c. 2¾'' x ⅞'' | 460 | | | | 500 | 400 | 375 |
| 5. Egg, Nut, Pea. | 3¼'' x ¼'' | 410 | | | | | | |
| 6. Nut | a. 2¼'' x 1'' | | | | 360 | | 400 | |
| | b. 1¾'' x ¾'' | 410 | | 250 | | 500 | 375 | 350 |
| 7. Nut, Chestnut. | 2¼'' x ¾'' | | | | | | 375 | 375 |

*Prices in Cents per Net Ton of 2,000 Pounds on All Rail Coal for Shipment Into Market Area No. 155*—Continued

| Size group | Size | Mine group prices | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | A | B | C | D | E | F | G[1] |
| 8. Nut | a. 1¾″ x ¾″ | 380 | | 235w | | | | |
| Pea | b. 1¾″ x 7/8″ | | | | | 475 | | 350 |
| 9. Chestnut | 1″ x ¾″ | | | | 325 | | 335 | 335 |
| 10. Pea, Chestnut. | 1″ x ¼″ | | | 210w | | | 335 | |
| 11. Pea | ¾″ x ¼″ | 340 | | 210w | 300 | 490 | 325 | 325 |
| 12. Steam | a. 3¼″ x 0″ | 370 | | 250 | | | | |
| 13. | b. 1¾″ x 0″ | 325w | 390 | 210w | | 375 | | 300g |
| 14. | c. 7/16″ x 0″ | 300w | | 150r | | 350 | | 290g |
| 15. Mod-Mine Run. | Over ¾″ | 425 | 450 | 325 | 370 | | 425 | 425 |
| 16. Buckwheat | a. ¼″ x 0″ | 275 | 335w | 100 | 150 | 245 | 150 | 175 |
| | b. 3/32″ x 0″ | | | | | | | |
| 17. Mine Run | Mine Run | 400 | 410 | 275 | | | | 350 |

*Prices in Cents per Net Ton of 2,000 Pounds on All Rail Coal for Shipment Into Market Area No. 154*

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1. Lump | Lump | 450 | 650 | 400 | 460 | 550 | 465 | 465 |
| 2. Lump | a. Over 2¼″ | | | | | | 465 | 440 |
| | b. Over 1¾″ | 490 | 525 | 375 | 425 | | 465 | 440 |
| 3. Egg | a. 3¾″ x 1¾ | | | | 440 | | 450 | |
| | b. 3¼ x 2¼″ | | | 385 | | 585 | 450 | |
| | c. 3¼ x 1¾ | | 500 | | 400 | | 450 | |
| | d. 2¾ x 1⅝ | 440 | | 350 | | 500 | | 400 |
| 4. Egg, Nut | a. 3¼ x ¾ | | | | | | 425 | |
| | b. 3¼ x 1″ | | | | | 560 | 425 | 425 |
| | c. 2¾ x 1⅛ | 460 | | | | 500 | 400 | 375 |
| 5. Egg, Nut, Pea | 3¼″ x 1¼″ | 410 | | | | | | |
| 6. Nut | a. 2¼ x 1″ | | | | 360 | | 400 | |
| | b. 1¾ x ¾ | 390 | | 250 | | 480 | 375 | 350 |
| 7. Nut, Chestnut. | 2¼ x ¾″ | | | | | | 375 | 375 |
| 8. Nut, Pea | a. 1¾″ x ½″ | 380 | | 235w | | | | |
| | b. 1⅝″ x ⅞″ | | | | | 475 | | 350 |
| 9. Chestnut | 1″ x ¾″ | | | | 325 | | 335 | 335 |
| 10. Pea, Chestnut. | 1″ x ¼″ | | | 210w | | | 335 | |
| 11. Pea | ¾″ x ¼″ | 325 | | 210w | 300 | 475 | 325 | 325 |
| 12. Steam | a. 3¼″ x 0″ | 345 | | 250 | | | | |
| 13. | b. 1¾″ x 0″ | 290w | 390 | 210w | | 340 | | g300 |
| 14. | c. 7/16″ x 0″ | 275w | | 150r | | 325 | | g290 |
| 15. Mod. mine run. | Over ¾″ | 425 | 450 | 325 | 370 | | 425 | 425 |
| 16. Buckwheat | a. ¼″ x 0″ | 275 | w335 | 100 | 150 | 245 | 150 | 175 |
| | b. 3/32″ x 0″ | | | | | | | |
| 17. Mine run | Mine run | 375 | 410 | 275 | | | | 350 |

TRUCK SHIPMENT ONLY

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 153A, 154, 155, 156*

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1. Lump | Lump | 500 | 675 | 425 | 510 | 650 | 515 | 490 |
| 2. Lump | a. Over 2¼″ | | | | | | 515 | 465 |
| | b. Over 1¾″ | 490 | 550 | 400 | 475 | | 515 | 465 |
| 3. Egg | a. 3¾″ x 1¾ | | | | 490 | | 500 | |
| | b. 3¼″ x 2¼″ | | | 410 | | 635 | 500 | |
| | c. 3¼″ x 1¾″ | | 525 | | 450 | | 500 | |
| | d. 2¾″ x 1⅝″ | 490 | | 375 | | 600 | | 425 |
| 4. Egg | a. 3¼″ x ¾″ | | | | | | 475 | |
| | b. 3¼″ x 1″ | | | | | 610 | 475 | 450 |
| | c. 2¾″ x 1⅛″ | 460 | | | | 550 | 450 | 400 |
| 5. Egg, Nut, Pea. | 3¼″ x ¾″ | 410 | | | | | | |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 153A, 154, 155, 156*—Continued

| Size group | Size | Mine group prices | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | A | B | C | D | E | F | G |
| 6. Nut | a. 2¼″ x 1″ | | | | 410 | | 450 | |
| | b. 1¾″ x ¾″ | 410 | | 275 | | 550 | 425 | 375 |
| 7. Nut, chestnut. | 2¼″ x ¾″ | | | | | | 425 | 400 |
| 8. Nut, pea | a. 1¾″ x ½″ | 380 | | 260w | | | | |
| | b. 1¾″ x ⅞″ | | | | | 525 | | 375 |
| 9. Chestnut | 1″ x ¾″ | | | | 375 | | 385 | 360 |
| 10. Pea, chestnut. | 1″ x ¼″ | | | 235w | | | 385 | |
| 11. Pea | ¾″ x ¼″ | 340 | | 235w | 350 | 540 | a375 | 350 |
| 12. Steam | a. 3¼″ x 0″ | 370 | | 275 | | | | |
| 13. | b. 1¾″ x 0″ | i325 | 415 | 235w | | 425 | | g325 |
| 14. | c. 7/16″ x 0″ | i300 | | 175r | | 400 | | g315 |
| 15. Mod. Mine Run. | Over ¾″ | 425 | 475 | 350 | 420 | | 475 | 450 |
| 16. Buckwheat | a. ¼″ x 0″ | 275 | w360 | 125 | 200 | 295 | 200 | 200 |
| | b. 3/32″ x 0″ | | | | | | | |
| 17. Mine Run | Mine Run | 400 | 435 | 300 | | | | 375 |

[F. R. Doc. 37-3703; Filed, December 18, 1937; 12:25 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

Issued December 18, 1937

[Puerto Rico Sugar Order No. 8]

ALLOTMENT OF THE QUOTA FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by The Sugar Act of 1937, approved September 1, 1937, I, M. L. Wilson, Acting Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, issue, publish and give public notice of this order (constituting a revision of and superseding Puerto Rico Sugar Order No. 7), which shall have the force and effect of law and shall continue in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

Whereas, General Sugar Quota Regulations, Series 4, No. 2, as amended by Supplement 3 and Supplement 4, establishes for Puerto Rico for the calendar year 1937 a quota of 897,063 short tons of sugar, raw value, and

Whereas, I hereby find that the total surplus stocks of Puerto Rican sugar in excess of the aforesaid quota and the quota for local consumption in Puerto Rico for the calendar year 1937, established pursuant to General Sugar Quota Regulations, Series 4, No. 3, amount to approximately 151,000 tons of sugar, raw value, and

Whereas, I hereby find that the allotment of the sugar quota established for Puerto Rico for consumption in continental United States for the calendar year 1937 is necessary in order to prevent disorderly marketing of sugar from such area.

II

Now, therefore, upon the basis of the foregoing findings and pursuant to the foregoing authority, it is hereby ordered:

1. That the aforesaid quota of 897,063 short tons of sugar, raw value, shall be allotted to the following processors in the amounts which appear opposite their respective names:



| Name of processor | Allotment from processing | Allotment from surplus stocks | Marketing allotment |
|---|---|---|---|
| (1) Aguirre | 95,413 | 13,939 | 109,352 |
| (2) Cambalache | 34,637 | 3,438 | 38,075 |
| (3) Canovanas | 29,817 | 3,526 | 33,343 |
| (4) Carmen | 13,902 | 1,476 | 15,378 |
| (5) Coloso | 31,655 | 3,163 | 34,818 |
| (6) Constancia-Toa | 19,704 | 1,655 | 21,359 |
| (7) El Ejemplo | 11,734 | 1,125 | 12,859 |
| (8) Eureka | 11,272 | 950 | 12,222 |
| (9) Fajardo | 58,112 | 7,084 | 65,196 |
| (10) Guanica | 90,844 | 11,788 | 102,632 |
| (11) Guamani | 10,964 | 1,174 | 12,138 |
| (12) Herminia | 1,778 | 115 | 1,893 |
| (13) Igualdad | 11,955 | 1,298 | 13,253 |
| (14) Juanita | 15,562 | 1,008 | 16,570 |
| (15) Lafayette | 28,391 | 3,228 | 31,622 |
| (16) Plazuela-Los Canos | 34,773 | 2,985 | 37,758 |
| (17) Monserrate | 11,012 | 1,251 | 12,263 |
| (18) Pellejas | 1,393 | 88 | 1,441 |
| (19) Plata | 9,902 | 831 | 10,733 |
| (20) Playa Grande | 7,312 | 762 | 8,074 |
| (21) Rochelaise | 8,230 | 1,008 | 9,238 |
| (22) Roig | 26,391 | 2,436 | 28,797 |
| (23) Rufina | 26,360 | 3,802 | 30,162 |
| (24) San Vicente | 29,364 | 3,014 | 32,378 |
| (25) Santa Barbara | 2,721 | 265 | 2,786 |
| (26) Soller | 5,008 | 324 | 5,332 |
| (27) Vannina | 13,195 | 1,108 | 14,303 |
| (28) Victoria | 15,875 | 1,213 | 17,088 |
| (29) Eastern Sugar Associates | 81,343 | 11,504 | 92,847 |
| (30) San Francisco | 5,612 | 620 | 6,232 |
| (31) Caribe | 6,309 | 530 | 6,839 |
| (32) Constancia-Lutrice | 8,633 | 927 | 8,960 |
| (33) Mercedita | 31,988 | 2,681 | 34,669 |
| (34) Boca Chica | 14,287 | 2,166 | 16,453 |
| Total | 804,581 | 92,482 | 897,063 |

2. That the above-named processors are hereby prohibited from bringing into the continental United States, for consumption during the calendar year 1937, any sugar from Puerto Rico in excess of the marketing allotments set forth in paragraph 1 hereof.

3. That the allotments fixed herein shall not be assigned or transferred without the approval of the Secretary or his duly appointed agent.

4. That where surplus stocks of sugar have been processed from growers' surplus sugarcane and settlement with growers has been made in terms of sugar, such growers' surplus sugar shall share in the allotment herein made to the processor on a pro rata basis.

In testimony whereof, M. L. Wilson Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of December, 1937.

[SEAL]

M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3700; Filed, December 18, 1937; 11:59 a. m.]

G. S. Q. R. Series 5, No. 1 Issued December 20, 1937

[General Sugar Quota Regulations, Series 5, No. 1]

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1938

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations,[1] which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

1. It is hereby determined, pursuant to section 201 of the said act, that the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1938 is 6,861,761 short tons of sugar, raw value.

II

1. There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1938, the following quotas:

| Area: | *Quotas in terms of short tons, raw value* |
|---|---|
| Domestic beet sugar | 1,591,390 |
| Mainland cane sugar | 431,415 |
| Hawaii | 963,149 |
| Puerto Rico | 819,344 |
| Virgin Islands | 9,155 |

2. There are hereby established, pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1938, the following quotas:

| Area: | *Quotas in terms of short tons, raw value* |
|---|---|
| Commonwealth of the Philippine Islands | 1,057,416 |
| Cuba | 1,962,771 |
| Foreign countries other than Cuba | 27,121 |

3. The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries as follows:

| Country: | *Quotas in pounds* |
|---|---|
| Argentine | 15,840 |
| Australia | 222 |
| Belgium | 319,815 |
| Brazil | 1,301 |
| British Malaya | 28 |
| Canada | 613,102 |
| China and Hong Kong | 313,084 |
| Colombia | 290 |
| Costa Rica | 22,382 |
| Czechoslovakia | 286,121 |
| Dominican Republic | 7,246,410 |
| Dutch East Indies | 229,704 |
| Dutch West Indies | 7 |
| France | 190 |
| Germany | 127 |
| Guatemala | 363,927 |
| Haiti, Republic of | 1,001,487 |
| Honduras | 3,730,055 |
| Italy | 1,903 |
| Japan | 4,356 |
| Mexico | 6,554,635 |
| Netherlands | 236,747 |
| Nicaragua | 11,106,817 |
| Peru | 12,077,314 |
| Salvador | 8,919,943 |
| United Kingdom | 381,058 |
| Venezuela | 315,135 |
| Sub-total | 53,742,000 |
| Unallotted reserve | 500,000 |
| Total | 54,242,000 |

III

1. The quotas established in paragraph 1 of section II hereof for the following listed areas may be filled by direct consumption sugar not in excess of the following amount for each such area:

| Area: | *Amounts of direct consumption sugar in terms of short tons, raw value* |
|---|---|
| Hawaii | 29,616 |
| Puerto Rico | 126,033 |
| Virgin Islands | 0 |

2. The quotas established in paragraph 2 of section II hereof for the following listed areas may be filled by direct

[1] These regulations shall not apply to (1) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (2) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (3) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of one and one-tenth gallons each; or (4) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol or for livestock feed, or for the production of livestock feed.

consumption sugar not in excess of the following amount for each such area:

| Area: | *Amounts of direct consumption sugar in terms of short tons, raw value* |
|---|---|
| Commonwealth of the Philippine Islands | 80,214 |
| Cuba | 375,000 |

IV

There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1938, quotas for liquid sugar as follows:

| Country: | *In terms of wine gallons of 72% total sugar content* |
|---|---|
| Cuba | 7,970,558 |
| Dominican Republic | 830,894 |
| Other foreign countries | 0 |

V

1. For the calendar year 1938, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

2. For the calendar year 1938, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, City of Washington, this 20th day of December, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3720; Filed, December 20, 1937; 12:40 p. m.]

## Farm Security Administration.

DESIGNATION OF COUNTIES

LOUISIANA

DECEMBER 17, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Louisiana State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Avoyelles, Bossier, Caddo, East Baton Rouge, Evangeline, Jefferson Davis, Lafayette, Lincoln, Pointe Coupee, Rapides, Richland, St. John, St. Martin, Vermillion, West Feliciana.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3697; Filed, December 17, 1937; 3:18 p. m.]

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

REGULATION T [1]

*Inquiries Regarding This Regulation*

Any inquiry relating to this regulation should be addressed to a national securities exchange of which the person making the inquiry is a member or the facilities of which are used for his transactions, or, if this be not practicable, the inquiry should be adressed to the Federal Reserve bank of the district in which the inquiry arises. In the event that an official of an exchange desires information as to any such question, he should make inquiry of the Federal Reserve bank of the district in which the exchange is located.

[1] This regulation as printed herewith is in the form as revised effective January 1, 1938

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[Revised Effective January 1, 1938]

SECTION 1. SCOPE OF REGULATION

This regulation [1] is issued by the Board of Governors of the Federal Reserve System (hereinafter called the Board") pursuant to the Securities Exchange Act of 1934 [2] (hereinafter called the "Act"), particularly sections 7 and 8 (a) thereof, and applies to every member of a national securities exchange and to every broker or dealer who transacts a business in securities through the medium of any such member.

SECTION 2. DEFINITIONS

For the purposes of this regulation, unless the context otherwise requires:

(a) The terms "person", "member", "broker", "dealer", "buy", "purchase", "sale", "sell", "security", and "bank" have the meanings given them in section 3 (a) of the Act, pertinent parts of which are printed in the appendix to this regulation.

(b) The term "creditor" means any member of a national securities exchange or any broker or dealer who transacts a business in securities through the medium of any such member.

(c) The term "customer" includes any person, or any group of persons acting jointly, (1) to or for whom a creditor is extending or maintaining any credit, or (2) who, in accordance with the ordinary usage of the trade, would be considered a customer of the creditor.

It includes, in case the creditor is a firm, any partner in the firm who would be considered a customer of the firm if he were not a partner, and includes any joint adventure in which a creditor participates and which would be considered a customer of the creditor if the creditor were not a participant.

(d) The term "registered security" means any security which (1) is registered on a national securities exchange; or (2) in consequence of its having unlisted trading privileges on a national securities exchange is deemed, under the provisions of section 12 (f) of the Act, to be registered on a national securities exchange; or (3) is exempted by the Securities and Exchange Commission from the operation of section (c) (2) of the Act only to the extent necessary to render lawful any direct or indirect extension or maintenance of credit on such security or any direct or indirect arrangement therefor which would not have been unlawful if such security had been a security (other than an exempted security) registered on a national securities exchange.

(e) The term "exempted security" has the meaning given it in section 3 (a) of the Act except that the term does not include a security which is exempted by the Securities and Exchange Commission from the operation of section 7 (c) (2) of the Act only to the extent described in subdivision (3) of section 2 (d) of this regulation.

SECTION 3. GENERAL ACCOUNTS

(a) *Contents of general account.*—All financial relations between a creditor and a customer, whether recorded in one record or in more than one record, shall be included in and be deemed to be parts of the customer's general account with the creditor, except that the relations which section 4 permits to be included in any special account provided for by that section may be included in the appropriate special account, and all transactions in commodities for or with any customer shall be included in the special commodity account provided for by sections 4 (a) and 4 (e).

(b) *General rule.*—A creditor shall not effect for or with any customer in a general account any transaction which, in combination with the other transactions effected in the account on the same day, creates an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account, or increases any such excess, unless in connection therewith the creditor obtains, as promptly as possible and in any event before the expiration of three full business days following the date of such transaction, the deposit into the account of cash or securities in such amount that the cash deposited plus the maximum loan value of the securities deposited equals or exceeds the excess so created or the increase so caused.

A transaction consisting of a withdrawal of cash or registered or exempted securities from a general account shall be permissible only on condition that no cash or securities need be deposited in the account in connection with a transaction on a previous day and that, in addition, the transactions (including such withdrawal) on the day of such withdrawal would not create an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account or increase any such excess.

Rules for computing the maximum loan value of the securities in a general account and the adjusted debit balance of such an account are provided in section 3 (c) and 3 (d), and certain modifications of and exceptions to the general rule stated above are provided in the subsequent subsections of this section and in section 6.

(c) *Maximum loan value and current market value.*—The maximum loan value of the securities in a general account is the sum of the maximum loan values of the individual securities in the account, including securities (other than unissued securities) bought for the account but not yet debited thereto, but excluding securities sold for the account whether or not payment has been credited thereto.

Except as otherwise provided in this section 3 (c), the maximum loan value of a registered security (other than an exempted security) in a general account shall be such maximum loan value as the Board shall prescribe for general accounts from time to time in the supplement to this regulation, and the maximum loan value of an exempted security shall be as determined by the creditor in good faith. No collateral other than registered securities or exempted securities shall have any loan value in a general account.

A warrant or certificate which evidences only a right to subscribe to or otherwise acquire any security and which expires within ninety days of issuance shall have no loan value in a general account; but, if the account contains, in addition to such warrant or certificate, the security to the holder of which such warrant or certificate has been issued, the current market value of such security (if the security be a registered security) shall, for the purpose of calculating its maximum loan value, be increased by the current market value of such warrant or certificate.

For the *current market value* of a security throughout the day of its purchase or sale, the creditor shall use its total cost or the net proceeds of its sale, as the case may be, and at any other time shall use the closing sale price of the security on the preceding business day as shown by any regularly published reporting or quotation service. In the absence of any such closing sale price, the creditor may use any reasonable estimate of the market value of such security as of the close of business on such preceding business day.

(d) *Adjusted debit balance.*—For the purposes of this regulation, the adjusted debit balance of a general account shall be calculated by taking the sum of the following items:

(1) the net debit balance, if any, of the account;

(2) the total cost of any securities (other than unissued securities) bought for the account but not yet debited thereto;

(3) the current market value of any securities (other than unissued securities) sold short in the account *plus*, for each such security (other than an exempted security), such amount as the Board shall prescribe from time to time in the supplement to this regulation as the margin required for such short sales, except that such amount so prescribed in the supplement need not be included when there are held in the account securities exchangeable or convertible within a reasonable time, without restriction other than the payment of money, into such securities sold short;

(4) the amount of margin specified by section 3 (h) for every net commitment in the account in unissued securities, *plus* all unrealized losses on each commitment in unissued securities and *minus* all unrealized gains (not exceeding the required margin) on each commitment in unissued securities; and

(5) the amount of any margin customarily required by the creditor in connection with his endorsement or guarantee of any put, call or other option;

and deducting therefrom the sum of the following items:

(6) the net credit balance, if any, of the account; and

(7) the net proceeds of sale of any securities (other than unissued securities) sold for the account but for which payment has not yet been credited thereto.

In case the general account is the account of a partner of the creditor, the account of a joint adventure in which the creditor participates, a guaranteed account, or the account of a customer who has guaranteed the account of another customer, the adjusted debit balance shall be computed according to the foregoing rule and the supplementary rules prescribed in sections 6 (a), 6 (b), and 6 (c).

(e) *Liquidation in lieu of deposit.*[1]—In any case in which the deposit required by section 3 (b), or any portion thereof,

[1] Forms F. R. T-1, T-2, and T-3 (Revised) were attached to the original document as filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Board of Governors of the Federal Reserve System.

[2] 48 Stat. 881.

[1] This requirement relates to the action to be taken when a customer fails to make the deposit required by section 3 (b), and it is not intended to countenance on the part of customers the practice commonly known as "free-riding" or "three-day riding," to prevent which the principal national securities exchanges have adopted certain rules. See the rules of such exchanges and section 7 (e) of this regulation.

is not obtained by the creditor within the three-day period specified in that section, securities shall be sold or covering or other liquidating transactions shall be effected in the account, prior to the expiration of such three-day period, in such amount that the resulting decrease in the adjusted debit balance of the account exceeds, by an amount at least as great as such required deposit or the undeposited portion thereof, any resulting decrease in the maximum loan value of the securities in the account.

(*f*) *Extensions of time.*—In exceptional cases, the three-day period specified in section 3 (b) may, on application of the creditor, be extended for one or more limited periods commensurate with the circumstances by any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which exchange the creditor is a member or through which his transactions are effected, provided such committee is satisfied that the creditor is acting in good faith in making the application and that the circumstances are in fact exceptional and warrant such action.

(*g*) *Transactions on given day.*—For the purposes of section 3 (b), the question of whether or not an excess of the adjusted debit balance of a general account over the maximum loan value of the securities in the account is created or increased on a given day shall be determined on the basis of all the transactions in the account on that day exclusive of any deposit of cash, deposit of securities, covering transaction or other liquidation that has been effected on the given day, pursuant to the requirements of section 3 (b) or 3 (e), in connection with a transaction on a previous day.

(*h*) *Unissued securities.*—The amount to be included in the adjusted debit balance of a general account as the margin required for a net long commitment in unissued securities shall be the current market value of the net amount of unissued securities long *minus* the maximum loan value which such net amount of securities would have if they were issued registered securities held in the account; and the amount to be so included as the margin required for a net short commitment in unissued securities shall be the amount which would be required as margin for the net amount of unissued securities short if such securities were issued securities and were sold short in the account: *Provided,* That no amount need be included as margin for a net short commitment in unissued securities when there are held in the account securities in respect of which the unissued securities are to be issued, nor for any net position in unissued securities that are exempted securities.

Whenever a creditor, pursuant to a purchase of an unissued security for a customer, receives an issued security which is not a registered or exempted security, the creditor shall treat any payment by him for such issued security as a transaction (other than a withdrawal) which increases the adjusted debit balance of the account by the amount of the payment *minus* the amount required to be included in the adjusted debit balance of the account, at the time of and in connection with the purchase of the unissued security, as the margin required for such purchase.

SECTION 4. SPECIAL ACCOUNTS

(*a*) *General rule.*—Pursuant to this section 4, a creditor may establish for any customer one or more special accounts.

Each such special account shall be recorded separately and shall be confined to the transactions and relations specifically authorized for such account by the appropriate subsection of this section and to transactions and relations incidental to those specifically authorized. An adequate record shall be maintained showing for each such account the full details of all transactions in the account.

A special account established pursuant to this section shall not be used in any way for the purpose of evading or circumventing any of the provisions of this regulation. If a customer has with a creditor both a general account and one or more such special accounts, the creditor shall treat each such special account as if the customer had with the creditor no general account.

The only other conditions to which transactions in such special accounts shall be subject under the provisions of this regulation shall be such conditions as are specified in the appropriate subsection of this section and in sections 2, 6 and 7.

(*b*) *Special omnibus account.*—In a special omnibus account, a member of a national securities exchange may effect for a customer transactions which are effected in reliance upon a signed statement which the member has accepted from the customer in good faith, and a duplicate original of which has been filed by the member with the secertary of a national securities exchange of which he is a member, that the customer is a broker or dealer who is subject to the provisions of this regulation or has places of business only in foreign countries; and such a special omnibus account shall be subject to all the conditions to which it would be subject if it were a general account except that—

(1) In such a special omnibus account, no securities shall have loan value and no short sales of securities shall be carried, except securities and short sales as to which the member shall have accepted in good faith a signed statement of the customer that he is in turn carrying such securities and such short sales for the account of his customers other than his partners;

(2) The maximum loan value of a registered security (other than an exempted security) having loan value in such a special omnibus account shall be such special maximum loan value, and the amount to be included in the adjusted debit balance of such an account as the margin required for short sales shall be such special amount, as the Board shall prescribe from time to time for special omnibus accounts in the supplement to this regulation; and

(3) If the maximum loan value of the securities in the account shall have equalled or exceeded the adjusted debit balance of the account after all the transactions in the account on any day within the period specified in section 3 (b), the liquidating or covering transactions required by section 3 (e) need not be effected.

(*c*) *Special cash account.*—In a special cash account, a creditor may effect for or with any customer *bona fide* cash transactions in securities in which the creditor may—

(1) purchase any security for, or sell any security to, any customer, provided funds sufficient for the purpose are already held in the account or the purchase or sale is in reliance upon an agreement accepted by the creditor in good faith that the customer will promptly make full cash payment for such security; or

(2) sell any security for, or purchase any security from, any customer, provided the security is held in the account or the purchase or sale is in reliance upon an agreement accepted by the creditor in good faith that the security is to be promptly deposited in the account.

Except as otherwise provided in this section 4 (c), in case a customer does not make full cash payment for a security purchased by him in the account, or does not deposit in the account a security sold by him in the account, within seven days after date on which the security was purchased or sold, the creditor shall promptly cancel, cover, or otherwise liquidate, the transaction or the unsettled portion thereof.

If the security was purchased for the customer subject to a customary "seller's option" as to the time of delivery, or if the security was purchased for, or sold to, the customer and the creditor "failed to receive" the security at the usual time of delivery, the period referred to in the preceding paragraph shall be five days from the day on which the creditor acting in good faith was able to obtain the security. If the security was sold for the customer subject to a customary "seller's option" as to the time of delivery, such period shall end with the day on which the option expires. If the security when purchased or sold was an unissued security, such period shall be seven days from the day on which the security was made available by the issuer for delivery to purchasers of the security.

If any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which exchange the creditor is a member or through which his transactions are effected, is satisfied that the creditor is acting in good faith in making the application, that the application relates to a *bona fide* cash transaction, and that exceptional circumstances warrant such action, such committee, on application of the creditor, may (A) extend any period specified in the two preceding paragraphs for one or more limited periods commensurate with the circumstances, or (B) in the case of the purchase of a registered or exempted security which has been effected by the customer in the account, authorize the transfer of the transaction to a general account or special omnibus account and the completion of the transaction pursuant to the provisions of this regulation relating to such accounts.

The days specified in this section 4 (c) are calendar days, but if the last day of any period specified herein is a Saturday, Sunday, or holiday, such period shall be considered to end on the next full business day. For the purposes of this section 4 (c), a creditor may, at his option, disregard any sum due by the customer not exceeding $50.

(*d*) *Special arbitrage account.*—In a special arbitrage account, a member of a national securities exchange may effect and finance for any customer *bona fide* arbitrage transactions in securities. For the purposes of this subsection, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within a reasonable time into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities.

(*e*) *Special commodity account.*—In a special commodity account, a creditor may effect and carry for any customer transactions in commodities.

(*f*) *Special miscellaneous account.*—In a special miscellaneous account, a creditor may—

(1) With the approval of any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, make and maintain loans to meet the emergency needs of any creditor;

(2) Effect and finance, for any joint adventure in which the sole participants are the creditor and one or more members of a national securities exchange who are registered on such exchange as odd-lot dealers and acting as such, any transactions in securities with respect to which all participants, or all participants other than the creditor, are so registered and so act;

(3) Effect transactions for and finance any joint adventure or group in which the creditor participates and in which all participants are dealers (whether such participants be acting jointly or severally), or any member thereof or participant therein, for the purpose of facilitating the underwriting or distributing of all or part of an issue of securities (A) not through the medium of a national securities exchange, or (B) the distribution of which has been approved by the appropriate committee of a national securities exchange;

(4) Effect for any customer the collection or exchange (other than by sale or purchase) of securities deposited by the customer specifically for such purposes, and (subject to any other applicable provisions of law) receive from or for any customer, and pay out or deliver to or for any customer, any money or securities;

(5) Effect and carry for any customer transactions in foreign exchange; and

(6) Extend and maintain credit to or for any customer without collateral or on any collateral whatever for any purpose other than purchasing or carrying or trading in securities.



SECTION 5. BORROWINGS BY MEMBERS, BROKERS, AND DEALERS

(*a*) *General rule.*—It is unlawful for any creditor, directly or indirectly, to borrow in the ordinary course of business as a broker or dealer on any registered security (other than an exempted security) except

(1) from or through a member bank of the Federal Reserve System; or

(2) from any nonmember bank which shall have filed with the Board an agreement which is still in force and which is in the form prescribed by this regulation; or

(3) to the extent to which, under the provisions of this regulation, loans are permitted between members of a national securities exchange and/or brokers and/or dealers, or loans are permitted to meet emergency needs.

(*b*) *Agreements of nonmember banks.*—An agreement filed pursuant to section 8 (a) of the Act by a bank not a member of the Federal Reserve System shall be substantially in the form contained in Form F. R. T–2 if the bank has its principal place of business in a territory or insular possession of the United States, or if it has an office or agency in the United States and its principal place of business outside the United States. The agreement filed by any other nonmember bank shall be in substantially the form contained in Form F. R. T–1. Any nonmember bank which has executed any such agreement may terminate the agreement if it obtains the written consent of the Board. Blank forms of such agreements, information regarding their filing or termination, and information regarding the names of nonmember banks for which such agreements are in force, may be obtained from any Federal Reserve bank.

(*c*) *Borrowing from other creditors.*—A creditor may borrow from another creditor in the ordinary course of business as a broker or dealer on any registered security to the extent and subject to the terms upon which the latter may extend credit to him in accordance with the provisions of this regulation, and subject to any other applicable provisions of law.

SECTION 6. CERTAIN TECHNICAL DETAILS

(*a*) *Accounts of partners.*—In case a general account is the account of a partner of the creditor, the creditor, in calculating the adjusted debit balance of such account and the maximum loan value of the securities therein, shall disregard the partner's financial relations with the firm as reflected in his capital and ordinary drawing accounts.

(*b*) *Contribution to joint adventure.*—In case a general account is the account of a joint adventure in which the creditor participates, the adjusted debit balance of the account shall include, in addition to the items specified in section 3 (d) any amount by which the creditor's contribution to the joint adventure exceeds the contribution which he would have made if he had contributed merely in proportion to his right to share in the profits of the joint adventure.

(*c*) *Guaranteed accounts.*—In case a general account maintained by a creditor for one customer is guaranteed in writing by another customer for whom the creditor maintains a general account, the adjusted debit balance of the guaranteed account may, at the option of the creditor, be computed by deducting from the sum of the items specified in section 3 (d) an amount not greater than the excess of the maximum loan value of the securities in the guarantor's general account over the adjusted debit balance of such guarantor's account calculated without the addition thereto prescribed by the following paragraph, provided (1) the guarantor is not a creditor, (2) a duplicate original of the guarantee has been filed with the secretary of a national securities exchange of which the creditor is a member or through which his transactions are effected, and (3) the guarantee permits the creditor to use funds and securities in the guarantor's account to carry the guaranteed account without restriction, except that the guarantee may be limited to a specified amount and in that event the deduction shall not exceed such amount.

In case a guarantee has served to permit in the guaranteed account any transaction which could not otherwise have been effected in accordance with this regulation: (A) the adjusted debit balance of the guarantor's account shall be computed by adding to the sum of the items specified in section 3 (d) an amount equal to the deduction made pursuant to the preceding paragraph; (B) the creditor shall not subsequently decrease the amount of such deduction, or the amount of the consequent addition to the adjusted debit balance of the guarantor's account, unless the adjusted debit balance of the guaranteed account, after such decrease and after all transactions in such guaranteed account on the date of such decrease, does not exceed the maximum loan value of the securities in such guaranteed account; and (C) if the guarantee is terminated or the amount thereof reduced, the creditor shall require that, after all the transactions (including such termination or reduction) on the date of such termination or reduction, the adjusted debit balance of the guaranteed account shall not exceed the maximum loan value of the securities in the account.

(*d*) *Transfer of accounts.*—In the event of the transfer of a general account from one creditor to another, such account may be treated for the purposes of this regulation as if it had been maintained by the transferee from the date of its origin: *Provided,* That the transferee accepts in good faith the signed statement of the transferor that no cash or securities need be deposited in the account in connection with any transaction that has been effected in the account or, in case he finds that it is not practicable to obtain such a statement from the transferor, accepts in good faith such a signed statement from the customer.

In the event of the transfer of a general account from one customer to another, such account may be treated by the creditor for the purposes of this regulation as if it had been maintained for the transferee from the date of its origin.

(*e*) *Reorganizations.*—A creditor may, without regard to the other provisions of this regulation, effect for a customer the exchange of any registered or exempted security in a general account for the purpose of participating in a reorganization or recapitalization in which the security is involved: *Provided,* That if an unregistered non-exempted security is acquired in exchange, the creditor shall not, for a period of sixty days following such acquisition, permit the withdrawal of such security or the proceeds of its sale from the customer's account except to the extent that such security or proceeds could be withdrawn if the security were a registered security.

(*f*) *Time of receipt of funds or securities.*—For the purposes of this regulation, a creditor may, at his option (1) treat the receipt in good faith of any check or draft drawn on a bank which in the ordinary course of business is payable on presentation, or any order on a savings bank with passbook attached which is so payable, as receipt of payment of the amount of such check, draft or order; (2) treat the shipment of securities in good faith with sight draft attached as receipt of payment of the amount of such sight draft; and (3) in the case of the receipt in good faith of written or telegraphic notice in connection with a special omnibus account of a customer not located in the same city that a specified security or a check or draft has been dispatched to the creditor, treat the receipt of such notice as receipt of such security, check or draft: *Provided, however,* That if the creditor receives notice that such check, draft, order, or sight draft described in clause (1), (2) or (3) is not paid on the day of presentation, or if such security, check or draft described in clause (3) is not received by the creditor within a reasonable time, the creditor shall promptly take such action as he would have been required to take by the appropriate provisions of this regulation if the provisions of this subsection had not been utilized.

(*g*) *Interest, service charges, etc.*—Interest on credit maintained in a general account, communication charges with respect to transactions in the account, shipping charges, premiums on securities borrowed in connection with short sales or to effect delivery, dividends or other distributions due on borrowed securities, and any service charges (other than commissions) which the creditor may impose, may be debited to the account in accordance with the usual practice and without regard to the other provisions of this regulation, but such items so debited shall be taken into consideration in calculating the net credit or net debit balance of the account.

A creditor may, without regard to the other provisions of this regulation, pay to or for a customer from a general account interest or cash dividends collected by the creditor for such account, if such payment is made within 35 days after the day on which, in accordance with the creditor's usual practice, such interest or dividends are credited to the account, and if the crediting thereof has not served in the meantime to permit in the account any purchase of securities or other transactions which could not otherwise have been effected in accordance with this regulation.

(*h*) *Borrowing and lending securities.*—Without regard to the other provisions of this regulation, a creditor (1) may make a *bona fide* deposit of cash in order to borrow securities (whether registered or unregistered) for the purpose of making delivery of such securities in the case of short sales, failure to receive securities he is required to deliver, or other similar cases, and (2) may lend securities for such purpose against such a deposit.

(*i*) *Credit for clearance of securities.*—The extension or maintenance of any credit which is maintained for only a fraction of a day (that is, for only part of the time between the beginning of business and midnight on the same day) shall be disregarded for the purposes of this regulation, if it is incidental to the clearance of transactions in securities directly between members or through an agency organized or employed by the members of a national securities exchange for the purpose of effecting such clearance.

(*j*) *Foreign currency.*—If foreign currency is capable of being converted without restriction into United States currency, a creditor acting in good faith may treat any such foreign currency in an account as a credit to the account in an amount determined in accordance with customary practice.

(*k*) *Innocent mistakes.*—If any failure to comply with this regulation results from a mistake made in good faith in executing a transaction, recording, determining, or calculating any loan, balance, market price or loan value, or other similar matter, the creditor shall not be deemed guilty of a violation of this regulation if promptly after the discovery of the mistake he takes whatever action may be practicable in the circumstances to remedy the mistake.

SECTION 7. MISCELLANEOUS PROVISIONS

(*a*) *Arranging for loans by others.*—A creditor may arrange for the extension or maintenance of credit to or for any customer of such creditor by any person upon the same terms and conditions as those upon which the creditor, under the provisions of this regulation, may himself extend or maintain such credit to such customer, but only upon such terms and conditions, except that this limitation shall not apply with respect to the arranging by a creditor for a bank subject to Regulation U to extend or maintain credit on registered securities or exempted securities.

(*b*) *Maintenance of credit.*—Except as otherwise specifically forbidden by this regulation, any credit initially extended without violation of this regulation may be maintained regardless of (1) reductions in the customer's equity resulting from changes in market prices, (2) the fact that any security in an account ceases to be registered or exempted, and (3) any change in the maximum loan values or margin requirements prescribed by the Board under this regulation. In maintaining any such credit, the creditor may accept or retain for his own protection additional collateral of any description, including unregistered securities.

(*c*) *Declaration as to purpose of loan.*—Every extension of credit on a registered security (other than an exempted security shall be deemed to be for the purpose of purchasing or carrying or trading in securities, unless the customer shall file with the creditor a written declaration signed by the customer which shall state the use to be made of such credit and which shall state specifically that such credit is neither for the purpose of purchasing or carrying or trading in securities nor for the purpose of evading or circumventing the provisions of this regulation. In connection with any extension of credit, a creditor may rely upon such a written declaration unless he knows the statement to be false or has information which would put a prudent man upon inquiry and if investigated with reasonable diligence would lead to the discovery of the falsity of the statement.

(*d*) *Reports.*—Every creditor shall make such reports as the Board may require to enable the Board to perform the functions conferred upon it by the Act.

(*e*) *Additional requirements by exchanges and creditors.*—Nothing in this regulation shall (1) prevent any exchange from adopting and enforcing any rule or regulation further restricting the time or manner in which its members must obtain initial or additional margin in customers' accounts because of transactions effected in such accounts, or requiring such members to secure or maintain higher margins, or further restricting the amount of credit which may be extended or maintained by them, or (2) modify or restrict the right of any creditor to require additional security for the maintenance of any credit, to refuse to extend credit, or to sell any securities or property held as collateral for any loan or credit extended by him.

SUPPLEMENT TO REGULATION T

*Issued by the Board of Governors of the Federal Reserve System*

[Effective January 1, 1938]

*Maximum loan value for general accounts.*—The maximum loan value of a registered security (other than an exempted security) in a general account, subject to section 3 of Regulation T, shall be 60 percent of its current market value.

*Maximum loan value for special omnibus accounts.*—The maximum loan value of a registered security (other than an exempted security) in a special omnibus account, subject to section 4 of Regulation T, shall be 75 percent of its current market value.

*Margin required for short sales.*—The amount to be included in the adjusted debit balance of a general account pursuant to section 3 (d) (3) of Regulation T, as margin required for short sales of securities (other than exempted securities) shall be 50 percent of the current market value of each such security, and in the case of a special omnibus account with another member, broker or dealer, such amount shall be 35 percent of such current market value.

Approved by the Board of Governors of the Federal Reserve System on December 3, 1937, to become effective January 1, 1938.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-3698; Filed, December 18, 1937; 9:38 a. m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION.

RESOLUTION APPROVING CERTIFIED STATEMENT FORMS

Paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, provides in part:

> The certified statements required to be filed with the Corporation under paragraphs (2), (3), and (4) of this subsection shall be in such form and set forth such supporting information as the board of directors shall prescribe.

*Resolved,* That pursuant to the provisions of paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, the following described certified statement forms[1] be approved:

[1] Filed as a part of the original document with the Division of the Federal Register; copies available upon application to the Federal Deposit Insurance Corporation.



(1) *Certified statement.*—Part One, Based on Deposits for the Six Months Ending December 31, 1937, Form 545E, in quadruplicate.

(2) *Recapitulation of the monthly totals of certified statement.*—Part Two, for the Six Months Ending December 31, 1937, Form 555E, in triplicate.

Adopted on October 6, 1937.

[SEAL] AGNES C. MURPHY,
*Acting Secretary.*

[F. R. Doc. 37-3710; Filed, December 18, 1937; 12:42 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December A. D. 1937.

[File No. 43-94]

IN THE MATTER OF SOUTH CAROLINA UTILITIES COMPANY

ORDER PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

South Carolina Utilities Company, a subsidiary of States Electric & Gas Corporation, a registered holding company, having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of a 6% unsecured promissory note in the face amount of $20,000, maturing April 27, 1938, in order to reimburse its treasury for expenditures for plant and equipment;

A hearing on such declaration having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered,* That such declaration be and become effective forthwith on the condition, however, that the issue and sale of the aforesaid unsecured note shall be effected in substantial compliance with the terms and conditions set forth in and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3721; Filed, December 20, 1937; 12:41 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, 1937.

[File No. 1-1429]

IN THE MATTER OF MOTHER LODE COALITION MINES COMPANY CAPITAL STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Capital Stock, No Par Value, of Mother Lode Coalition Mines Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10 o'clock A. M. on January 18, 1938, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3723; Filed, December 20, 1937; 12:41 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December A. D. 1937.

[File No. 2-2349]

IN THE MATTER OF KINNER AIRPLANE AND MOTOR CORPORATION, LTD.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Kinner Airplane and Motor Corporation, Ltd., a California corporation, after confirmed telegraphic notice by the Commission to said registrant, that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Item 46 and the prospectus, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Kinner Airplane and Motor Corporation, Ltd., a California corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3722; Filed, December 20, 1937; 12:41 p. m.]

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***Wednesday, December 22, 1937*** ***No. 247***

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 148]

AN ORDER MODIFYING ORDER NO. 89, AS MODIFIED BY ORDER NO. 126, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ONE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 89, as modified by Order No. 126, determined and established the minimum prices of coals of code members produced within District Number One, as set forth in "Price Schedule No. 1—District No. 1", and "Supplement No. 1 to Price Schedule No. 1—District No. 1", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number One, established in "Price Schedule No. 1—District No. 1", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 1", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 1", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number One, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 89 as modified by Order No. 126, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 1 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number One; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 1

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 1 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 18, 1937.

F. W. MCCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

*Size Groups*

| Base size group | Includes— | | |
|---|---|---|---|
| | *Lump*—Maximum screen sizes | Double screened sizes | |
| | | Maximum top sizes [1] | Maximum bottom sizes [1] |
| 1 | All lump over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 4". |
| 3 | 3" | 6" | 3". |
| 4 | 2" | 6" | 2". |
| 5 | 1¼" | 5" | 2". |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| 9 | Mine run. | | |
| 12 | | 2" N-S | 0". |
| 13 | | 1¼" Slk | 0". |
| 14 | | ¾" Slk | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.



TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons at the mines of Code Members in District No. 1.

| Size group: | *Price per net ton of 2,000 lbs.* |
|---|---|
| 1 | |
| 2 | $2.50 |
| 3 | 2.45 |
| 4 | 2.40 |
| 5 | 2.35 |
| 6 | 2.30 |
| 7 | 2.20 |
| 9 | 2.20 |
| 12 | 1.85 |
| 13 | 1.77 |
| 14 | 1.66 |

[F. R. Doc. 37-3712; Filed, December 20, 1937; 11:31 a. m.]

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[Order No. 149]

AN ORDER MODIFYING ORDER NO. 90, AS MODIFIED BY ORDER NO. 138, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. TWO, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 90, as modified by Order No. 138, determined and established the minimum prices of coals of code members produced within District No. 2, as set forth in "Price Schedule No. 1—District No. 2", and "Supplement No. 1 to Price Schedule No. 1—District No. 2", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 2, established in "Price Schedule No. 1—District No. 2", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 2", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 2", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District No. 2, and shall be effective at 12:01 o'clock A. M., on the 3rd day of January, 1938.

2. That said Order No. 90 as modified by Order No. 138, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 2 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District No. 2; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission: and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 2

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 2 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., Jan. 3, 1938.

Issued Dec. 18, 1937.

F. W. MCCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

*Size Groups*

| Base size group | Includes— | | |
|---|---|---|---|
| | Lump—Maximum screen sizes | Double screened sizes | |
| | | Maximum top sizes [1] | Maximum bottom sizes [1] |
| 1 | All Lump over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 4". |
| 3 | 3" | 6" | 3". |
| 4 | 2" | 6" | 2". |
| 5 | 1¼" | 5" | 2". |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| 9 | Mine run. | | |
| 12 | | 2" N-S | 0". |
| 13 | | 1¼" Slk | 0". |
| 14 | | ¾" Slk | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons, at the mines of Code Members in District No. 2.

| Size group: | *Price per net ton of 2,000 lbs.* |
|---|---|
| 1 | $2.60 |
| 2 | 2.50 |
| 3 | 2.40 |
| 4 | 2.40 |
| 5 | 2.20 |
| 6 | 2.15 |
| 7 | 2.10 |
| 9 | 2.20 |
| 12 | 1.85 |
| 13 | 1.77 |
| 14 | 1.66 |

[F. R. Doc. 37-3713; Filed, December 20, 1937; 11:32 a. m.]

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[Order No. 150]

AN ORDER MODIFYING ORDER NO. 91, AS MODIFIED BY ORDER NO. 128, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THREE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES.

The National Bituminous Coal Commission having by its Order No. 91, as modified by Order No. 128, determined and established the minimum prices of coals of code members produced within District Number Three, as set forth in "Price Schedule No. 1—District No. 3", and "Supplement No. 1 to Price Schedule No. 1—District No. 3", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.),

known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Three, established in "Price Schedule No. 1—District No. 3", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 3", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 3", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Three, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 91 as modified by Order No. 128, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 3 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Three; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 3

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 3 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 18, 1937.

F. W. MCCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

*Size Groups*

| Base size group | Includes— | | |
|---|---|---|---|
| | Lump—Maximum screen sizes | Double screened sizes | |
| | | Maximum top sizes [1] | Maximum bottom sizes [1] |
| 1 | All Lump Over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 4". |
| 3 | 3" | 6" | 3". |
| 4 | 2" | 6" | 2". |
| 5 | 1¼" | 5" | 2". |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| 9 | Mine run. | | |
| 12 | | 2" N-S | 0". |
| 13 | | 1¼" Slk | 0". |
| 14 | | ¾" Slk | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded in trucks or wagons at the mines of Code Members in District No. 3.

| Size group: | Price per net ton of 2,000 lbs. |
|---|---|
| 1 | $2.40 |
| 2 | 2.30 |
| 3 | 2.20 |
| 4 | 2.20 |
| 5 | 2.15 |
| 6 | 2.10 |
| 7 | 2.05 |
| 9 | 2.15 |
| 12 | 1.85 |
| 13 | 1.77 |
| 14 | 1.66 |

[F. R. Doc. 37-3714; Filed, December 20, 1937; 11:32 a. m.]

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[Order No. 151]

AN ORDER MODIFYING ORDER NO. 92, AS MODIFIED BY ORDER NO. 129, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. FOUR, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 92, as modified by Order No. 129, determined and established the minimum prices of coals of code members produced within District Number Four, as set forth in "Price Schedule No. 1—District No. 4", and "Supplement No. 1 to Price Schedule No. 1—District No. 4", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Four, established in "Price Schedule No. 1—District No. 4," as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 4," are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 4," filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Four, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 92 as modified by Order No. 129, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 4 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Four; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 4

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 4 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. Jan. 3, 1938.

Issued Dec. 18, 1937.

F. W. MCCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

*Size Groups*

| Base size group | Includes— | | |
|---|---|---|---|
| | *Lump*—Maximum screen sizes | Double screened sizes | |
| | | Maximum top sizes [1] | Maximum bottom sizes [1] |
| 1 | All Lump Over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 4". |
| 3 | 3" | 6" | 3". |
| 4 | 2" | 6" | 2". |
| 5 | 1¼" | 5" | 2". |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| 9 | Mine run. | | |
| 12 | | 2" N-S | 0". |
| 13 | | 1¼" Slk | 0". |
| 14 | | ¾" Slk | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons at the mines of Code Members in District No. 4.

| Size group: | Price per net ton of 2,000 lbs. |
|---|---|
| 1 | $2.40 |
| 2 | 2.30 |
| 3 | 2.20 |
| 4 | 2.20 |
| 5 | 2.15 |
| 6 | 2.10 |
| 7 | 2.05 |
| 9 | 2.20 |
| 12 | 1.85 |
| 13 | 1.77 |
| 14 | 1.66 |

[F. R. Doc. 37-3715; Filed, December 20, 1937; 11:32 a. m.]

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[Order No. 152]

AN ORDER MODIFYING ORDER NO. 94, AS MODIFIED BY ORDER NO. 130, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. SIX, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 94, as modified by Order No. 130, determined and established the minimum prices of coals of code members produced within District Number Six, as set forth in "Price Schedule No. 1—District No. 6", and "Supplement No. 1 to Price Schedule No. 1—District No. 6", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Six, established in "Price Schedule No. 1—District No. 6", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 6", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 6", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Six, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 94 as modified by Order No. 130, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 6 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Six; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

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SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 6

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 6 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued Dec. 18, 1937.

F. W. MCCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

*Size Groups*

| Base size group | Includes— | | |
|---|---|---|---|
| | Lump—Maximum screen sizes | Double screened sizes | |
| | | Maximum top sizes [1] | Maximum bottom sizes [1] |
| 1 | All lump Over 4" | Over 6" | 4". |
| 2 | 4" | 6" | 4". |
| 3 | 3" | 6" | 3". |
| 4 | 2" | 6" | 2". |
| 5 | 1¼" | 5" | 2". |
| 6 | | 4" | 1¼". |
| 7 | | 2" | 1¼". |
| 9 | Mine run. | | |
| 12 | | 2" N-S | 0". |
| 13 | | 1¼" Slk | 0". |
| 14 | | ¾" Slk | 0". |

[1] All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons, at the mines of Code Members in District No. 6.

| Size group: | *Price per net ton of 2,000 lbs.* |
|---|---|
| 1 | $2.40 |
| 2 | 2.30 |
| 3 | 2.20 |
| 4 | 2.20 |
| 5 | 2.15 |
| 6 | 2.10 |
| 7 | 2.05 |
| 9 | 2.20 |
| 12 | 1.85 |
| 13 | 1.77 |
| 14 | 1.66 |

[F. R. Doc. 37-3716; Filed, December 20, 1937; 11:33 a. m.]

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[Order No. 153]

AN ORDER MODIFYING ORDER NO. 98, AS MODIFIED BY ORDER NO. 133, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. TEN, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 98, as modified by Order No. 133, determined and established the minimum prices of coals of code members produced within District Number Ten, as set forth in "Price Schedule No. 1—District No. 10," and "Supplement No. 1 to Price Schedule No. 1—District No. 10," and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Ten, established in "Price Schedule No. 1—District No. 10", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 10", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 10", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Ten, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 98 as modified by Order No. 133, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 10 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Ten; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 10

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 10 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 3, 1938.

Issued December 18, 1937.

F. W. MCCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission, shall apply.

*Size Groups*

| Group No. | All sizes of coal over 2" and 2 x 1½" to 1" Nut—Sizes of coal | Group No. | All sizes of Coal 2" and under, except 2 x 1½" to 1" Nut—Sizes of coal |
|---|---|---|---|
| 1 | 6" Lump and lsrger.<br>5" Lump.<br>4" Lump.<br>3" Lump.<br>2" Lump.<br>8 x 4" Egg.<br>8 x 3" Egg.<br>7 x 4" Egg.<br>7 x 3" Egg. | 6 | 1½ x 1" Nut.<br>1¼" x 1" Nut.<br>1½ x ¾" Nut.<br>1¼ x ¾" Nut. |
| | | 7 | 1½ x ¾" to 6 Mesh Nut.<br>1¼ x ⅜" to 6 Mesh Nut. |
| | | 8 | 1 x ⅜" to 6 Mesh Nut.<br>¾ x ⅜" to 6 Mesh Nut.<br>1 x 10 Mesh Washed and Dustless Treated. |
| 2 | 6 x 4" Egg.<br>6 x 3½" Egg.<br>6 x 3" Egg.<br>5 x 4" Egg.<br>5 x 3" Egg.<br>4 x 3" Egg. | 9 | (See Specifications C.)<br>1½" Washed Screenings.<br>1¼" Washed Screenings.<br>1" Washed Screenings.<br>¾" Washed Screenings. |
| 3 | 1½" Lump.<br>1¼" Lump.<br>6 x 2½" Egg.<br>6 x 2" Egg.<br>6 x 1½" Egg.<br>6 x 1¼" Egg.<br>6 x ¾" Egg.<br>6 x 2" Egg. | 10 | (See Specifications B.)<br>1½" Modified Screenings.<br>1¼" Modified Screenings.<br>1" Modified Screenings.<br>¾" Modified Screenings. |
| | | 11 | (See Specifications A.)<br>1½" Screenings (Raw).<br>1¼" Screenings (Raw). |
| | | 12 | (See Specifications A.)<br>1" Screenings (Raw).<br>¾" Screenings (Raw). |
| 4 | 5 x 1½" Egg.<br>4 x 2" Egg.<br>4 x 1½" Egg.<br>4 x 1¼" Egg.<br>3 x 2" Nut. | 13 | 5/16" x 10 Mesh (Raw).<br>⅜" x 10 Mesh (Raw). |
| | | 14 | Carbon ⅜" or less x 0. |
| | | 15 | Dust 10 Mesh or Smaller x 0. |
| 5 | 3 x 1½" Nut.<br>3 x 1¼" Nut.<br>3 x 1" Nut.<br>3 x ¾" Nut.<br>2 x 1½" Nut.<br>2 x 1¼" Nut.<br>2 x 1" Nut. | 16 | Run of Mine. |

TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons at the mines of Code Members in District No. 10.

| Size group: | *Price per net ton of 2,000 lbs.* |
|---|---|
| 1 | $2.20 |
| 2 | 2.10 |
| 3 | 2.00 |
| 4 | 1.90 |
| 5 | 1.80 |
| 6 | 1.75 |
| 7 | 1.70 |
| 8 | 1.85 |
| 9 | 1.65 |
| 10 | 1.50 |
| 11 | 1.40 |
| 12 | 1.30 |
| 13 | 1.55 |
| 14 | .80 |
| 15 | .60 |
| 16 | 1.95 |

[F. R. Doc. 37-3717; Filed, December 20, 1937; 11:33 a. m.]



[Order No. 154]

AN ORDER MODIFYING ORDER NO. 99, AS MODIFIED BY ORDER NO. 137, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ELEVEN, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 99, as modified by Order No. 137, determined and established the minimum prices of coals of code members produced within District Number Eleven, as set forth in "Price Schedule No. 1—District No. 11", and "Supplement No. 1 to Price Schedule No. 1—District No. 11", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Eleven, established in "Price Schedule No. 1—District No. 11", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 11", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 11", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Eleven, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 99 as modified by Order No. 137, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 11 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Eleven; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 11

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 11 Established Pursuant to the Provision of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 3, 1938.

Issued December 18, 1937.

F. W. MCCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

*Size Groups*

| Group No. | All sizes of coal over 2" and 2 x 1½" to 1" Nut—Sizes of coal | Group No. | All sizes of Coal 2" and under, except 2 x 1½" to 1" Nut—Sizes of coal |
|---|---|---|---|
| 1 | 6" Lump and larger.<br>5" Lump.<br>4" Lump.<br>3" Lump.<br>2" Lump.<br>8" x 4" Egg.<br>8" x 3" Egg.<br>7" x 4" Egg.<br>7" x 3" Egg. | 6 | 1½" x 1" Nut.<br>1¼" x 1" Nut.<br>1½" x ¾" Nut.<br>1¼" x ¾" Nut. |
| | | 7 | 1½" x ⅜" to 6 Mesh Nut.<br>1¼" x ⅜" to 6 Mesh Nut. |
| | | 8 | 1" x ⅜" to 6 Mesh Nut.<br>¾" x ⅜" to 6 Mesh Nut. |
| 2 | 6" x 4" Egg.<br>6" x 3½" Egg.<br>6" x 3" Egg.<br>5" x 4" Egg.<br>5" x 3" Egg.<br>4" x 3" Egg. | 9 | 1½" Washed Screenings.<br>1¼" Washed Screenings.<br>1" Washed Screenings.<br>¾" Washed Screenings. |
| 3 | 1½" Lump.<br>1¼" Lump.<br>6" x 2½" Egg.<br>6" x 2" Egg.<br>6" x 1½" Egg.<br>6" x 1¼" Egg.<br>6" x ¾" Egg.<br>5" x 2" Egg. | 10 | 1½" Modified Screenings.<br>1¼" Modified Screenings.<br>1" Modified Screenings.<br>¾" Modified Screenings. |
| | | 11 | 1½" Screenings (Raw).<br>1¼" Screenings (Raw). |
| | | 12 | 1" Screenings (Raw).<br>¾" Screenings (Raw). |
| 4 | 5" x 1½" Egg.<br>4" x 2" Egg.<br>4" x 1½" Egg.<br>4" x 1¼" Egg.<br>3" x 2" Nut. | 13 | 5/16" x 10 Mesh (Raw).<br>⅜" x 10 Mesh (Raw). |
| | | 14 | Carbon ⅜" or less x 0. |
| | | 15 | Mine Run. |
| 5 | 3" x 1½" Nut.<br>3" x 1¼" Nut.<br>3" x 1" Nut.<br>3" x ¾" Nut.<br>2" x 1½" Nut.<br>2" x 1¼" Nut.<br>2" x 1" Nut. | | |

TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks, or wagons, at the mines of Code Members in District No. 11, except those of Brazil Block Coals.

| Size group: | *Price per net ton of 2,000 lbs.* |
|---|---|
| 1 | $2.40 |
| 2 | 2.30 |
| 3 | 2.20 |
| 4 | 2.10 |
| 5 | 2.00 |
| 6 | 2.00 |
| 7 | 2.00 |
| 8 | 2.00 |
| 9 | 1.90 |
| 10 | 1.80 |
| 11 | 1.70 |
| 12 | 1.60 |
| 13 | 1.70 |
| 14 | 1.00 |
| 15 | 2.00 |

TRUCK MINE PRICES

Minimum f. o. b. mine prices for Brazil Block Coals loaded into trucks or wagons at the mines of Code Members in District No. 11.

| Size group: | *Price per net ton of 2,000 lbs.* |
|---|---|
| 1 | $2.65 |
| 2 | 2.55 |
| 3 | 2.45 |
| 4 | 2.35 |
| 5 | 2.25 |
| 6 | 2.15 |
| 7 | 2.15 |
| 8 | 2.15 |
| 9 | |
| 10 | 1.95 |
| 11 | 1.85 |
| 12 | 1.75 |
| 13 | |
| 14 | 1.15 |
| 15 | 2.10 |

[F. R. Doc. 37-3718; Filed, December 20, 1937; 11:33 a. m.]

[Order No. 155]

AN ORDER MODIFYING ORDER NO. 100, AS MODIFIED BY ORDER NO. 134, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TWELVE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 100, as modified by Order No. 134, determined and established the minimum prices of coals of code members produced within District Number Twelve, as set forth in "Price Schedule No. 1—District No. 12", and "Supplement No. 1 to Price Schedule No. 1—District No. 12", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Twelve, established in "Price Schedule No. 1—District No. 12", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 12", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 12", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Twelve, and shall be effective at 12: 01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 100 as modified by Order No. 134, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 12 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Twelve; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 12

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 12, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 18, 1937.

F. W. MCCULLOUGH, *Secretary.*

Until further order of the Commission prices shown herein are Minimum Prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

*Size Groups*

| Size group number: | Size |
|---|---|
| 1 | 6" Chunk and Larger. |
| 2 | Std. Lump and Furnace. |
| | 2" Lump. |
| | 8" x 4". |
| | 6" x 4". |
| | 6" x 3". |
| 3 | Egg or Range. |
| | 8" x 2". |
| | 6" x 2". |
| 4 | Small Egg. |
| | 4" x 2". |
| | 3" x 1½". |
| 5 | Run of Mine. |
| 6 | Nut. |
| | 2" x 1½". |
| | 1¼" x ¾". |
| 7 | Stoker. |
| | 1¼" to 1" x 10 Mesh. |
| 8 | Screenings. |
| | 2"–1½"–1¼"–1". |
| | ¾"–0". |

SCHEDULE OF SUB-DISTRICTS FOR THE PURPOSE OF ESTABLISHING MINIMUM PRICES, THE DISTRICT IS DIVIDED INTO THE FOLLOWING SUB-DISTRICTS

| Sub-district: | *Name of county* |
|---|---|
| 1 | Appanoose. |
| | Wayne. |
| | Davis. |
| | Jefferson. |
| | Keokuk. |
| | Lucas. |
| 2 | Mahaska. |
| | Marion. |
| | Monroe. |
| | Van Buren. |
| | Wapello. |
| | Boone. |
| | Dallas. |
| | Greene. |
| 3 | Guthrie. |
| | Jasper. |
| | Polk. |
| | Webster. |
| | Warren. |
| | Page. |
| 4 | Adams. |
| | Taylor. |

TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons at the mines of code members in District No. 12.

*Price per Net Ton of 2,000 Pounds*

| | Sub-district 1 | Sub-district 2 | Sub-district 3 | Sub-district 4 |
|---|---|---|---|---|
| 1 | $2.95 | $3.10 | $3.90 | $3.80 |
| 2 | 2.85 | 3.00 | 3.80 | 3.70 |
| 3 | 2.75 | 2.90 | 3.70 | 3.60 |
| 4 | 2.70 | 2.80 | 3.60 | 3.50 |
| 5 | 2.85 | 2.70 | 3.00 | 3.70 |
| 6 | 2.75 | 2.75 | 3.25 | 3.50 |
| 7 | 2.75 | 2.80 | 3.25 | 3.50 |
| 8 | 2.05 | 2.05 | 2.20 | 2.50 |

[F. R. Doc 37–3719; Filed, December 20, 1937; 11:34 a. m.]

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[Order No. 157]

AN ORDER TEMPORARILY REVISING THE SCHEDULE OF PRICES ESTABLISHED FOR DISTRICTS NOS. 7 AND 8, IN SO FAR AS THE SAME RELATE TO HIGH VOLATILE COALS PRODUCED BY CERTAIN MINES WITHIN SAID DISTRICTS HAVING A FREIGHT RATE INTO MARKET AREAS 40, 41 AND 42 EQUAL TO THE POCAHONTAS FREIGHT RATE INTO SAID MARKET AREAS FOR OFF-LINE RAILROAD LOCOMOTIVE FUEL

Chafin-Jones Heatherman Coal Company, et al., having on the 17th day of December, 1937, filed a petition with the National Bituminous Coal Commission, pursuant to the provisions of Section 4, Part II (d) of the Act, alleging dissatisfaction with certain of the minimum prices established for coals of code members within Districts No. 7 and No. 8, and praying for immediate and temporary relief as therein set forth by preliminary or temporary order pending final disposition of such petition, and it appearing to the Commission that petitioners have made reasonable showing of necessity for the granting of the temporary relief prayed for therein.

Now, therefore, the National Bituminous Coal Commission pursuant to the provisions of subsection (d) of Part II of Section 4 of the Bituminous Coal Act of 1937 hereby orders:

1. That pending final disposition of the aforesaid petition, and until further order of the Commission, the schedules of minimum prices for coals of code members produced within Districts No. 7 and No. 8, and any and all supplements thereto, established for said districts, be and the same hereby are modified and revised to contain the following provision as if the same were fully set forth therein:

"High volatile mines in District No. 7 and District No. 8 taking the New River Pocahontas Freight rate, or rate equal thereto, for shipments to destinations in Market Areas 40, 41 or 42, shall increase the established minimum off-line locomotive fuel prices by ten cents (10¢) per ton when for consignment to off-line railroads in Market Areas 40, 41 or 42. The foregoing provision shall supersede any other provision contained herein to the contrary notwithstanding."

2. That except as herein temporarily revised, the minimum price schedules and supplements thereto, established for Districts No. 7 and No. 8, shall remain in full force and effect.

3. That the Secretary of the Commission shall, forthwith, mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards for the districts within Minimum Price Area No. 1 and to code members within Districts No. 7 and No. 8; shall cause a copy of this order to be made available for inspection by all interested parties at the office of the Secretary of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–3736; Filed, December 21, 1937; 11:39 a. m.]

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[Order No. 158]

AN ORDER AMENDING AND CORRECTING ORDER NO. 100 BY STRIKING THEREFROM THE PHRASE "SET OPPOSITE THE NAMES OF CODE MEMBERS AND THEIR RESPECTIVE MINES"

DISTRICT NO. 12

The National Bituminous Coal Commission having by its Order No. 100, as modified by its Orders Nos. 134 and 155, determined and established the minimum prices for coals of code members produced within District No. 12, and it appearing that the phrase "set opposite the names of code members and their respective mines" contained in said Order No. 100 might be misleading and that it should therefore be deleted from said order.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the said Order No. 100 be and the same hereby is modified by striking therefrom the phrase "set opposite the names of code members and their respective mines" in the second and third lines of paragraph numbered 1 on page 3 thereof.

2. That the said Order No. 100, as modified by Orders No. 134 and No. 155 and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall, forthwith, mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area Two and to code members within District Number Twelve; shall cause copies of this order to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–3728; Filed, December 21, 1937; 11:36 a. m.]

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[Order No. 159]

AN ORDER MODIFYING ORDER NO. 89, AS MODIFIED BY ORDERS NOS. 126 AND 148, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ONE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES, TO BE KNOWN AS "SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 1"

The National Bituminous Coal Commission having by its Order No. 89, as modified by Orders Nos. 126 and 148, determined and established the minimum prices of coals of code members produced within District Number One, as set forth in "Price Schedule No. 1—District No. 1", as supplemented by Supplements No. 1 and No. 2, and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid schedule and supplements by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st. sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number One, established in "Price Schedule No. 1—District No. 1", as supplemented by "Supplements No. 1 and No. 2 to Price Schedule No. 1—District No. 1", are hereby further supplemented as set forth in "Supplement No. 3 to Price Schedule No. 1—District No. 1", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 3, shall be and hereby are determined and established as the minimum prices of coals of code members within District Number One, and shall be effective at 12:01 o'clock A. M., on the fifth day of January, 1938.

2. That said Order No. 89 as modified by Orders Nos. 126 and 148, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 3 to Price Schedule No. 1—District No. 1 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number One; shall cause copies of this order and said Supplement No. 3 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 1

Supplemental Schedule of Minimum Prices for By-Product Coals of Code Members Produced within District No. 1, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. MCCULLOUGH, *Secretary.*

*By-Product Prices (All Sizes)—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*

MARKET AREAS (LISTED BELOW)

| Index | 1-A outside capes | 1-A inside capes | 1 | 2 | 4 | 6 | 7 | 8 | 9 | 10 | 11 and west [1] | 12 and 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| A | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 205 | 235 |
| B | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 205 | 235 |
| C | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 205 | 235 |
| C1 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 205 | 235 |
| C2 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 235 | 205 | 235 |
| D | 222 | 222 | 237 | 237 | 230 | 220 | 215 | 215 | 225 | 215 | 205 | 215 |
| E | 222 | 222 | 237 | 237 | 230 | 220 | 215 | 215 | 225 | 215 | 205 | 215 |
| F | 222 | 222 | 237 | 237 | 230 | 220 | 215 | 215 | 225 | 215 | 205 | 215 |

[1] Includes Areas Nos. 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

NOTE.—The prices in these areas are net F. O. B. mines with no freight rate adjustment to be made.

[F. R. Doc. 37-3730; Filed, December 21, 1937; 11:38 a. m.]

[Order No. 160]

AN ORDER MODIFYING ORDER NO. 90, AS MODIFIED BY ORDERS NOS. 138 AND 149, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 2, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES, TO BE KNOWN AS "SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 2"

The National Bituminous Coal Commission having by its Order No. 90, as modified by Orders Nos. 138 and 149, determined and established the minimum prices of coals of code members produced within District No. 2, as set forth in "Price Schedule No. 1—District No. 2", as supplemented by "Supplements No. 1 and No. 2", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid schedule and supplements by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 2, established in "Price Schedule No. 1—District No. 2", as supplemented by "Supplements No. 1 and No. 2 to Price Schedule No. 1—District No. 2", are hereby further supplemented as set forth in "Supplement No. 3 to Price Schedule No. 1—District No. 2", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 3, shall be and hereby are determined and established as the minimum prices of coals of code members within District No. 2, and shall be effective at 12:01 o'clock A. M., on the 5th day of January, 1938.

2. That said order No. 90 as modified by Orders Nos. 138 and 149, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and "Supplement No. 3 to Price Schedule No. 1—District No. 2" to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District No. 2; shall cause copies of this order and said Supplement No. 3 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 2

Supplemental Schedule of Minimum Prices for By-Product, Retort and Water Gas Coals of Code Members Produced within District No. 2, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. MCCULLOUGH, *Secretary*.

*By-Product, Retort and Water Gas—Price Index*

CONNELLSVILLE PT. MARION DISTRICT

| Company | Mine | Seam | Size group numbers 17 | 18 | 19 | 20 |
|---|---|---|---|---|---|---|
| Abruzzi Coal Company | Abruzzi | Pittsburgh | | | | E |
| Abruzzi Coal Company | Winsted | Pittsburgh | | | | E |
| Ainsley Coal Company | Geneva | Pittsburgh | C | C | C | E |
| Bitner Coal Company | Bitner | Pittsburgh | C | C | C | E |
| Brennen, Geo. K | Myers | Pittsburgh | C | C | C | E |
| Bortz Coal Company | Central | Pittsburgh | C | C | C | C |
| Bortz Coal Co | Stambaugh | Pittsburgh | C | C | C | C |
| Commodore C & C Co | Oliver #2 | Pittsburgh | C | C | C | C |
| Commodore C & C Co | Oliver #4 | Pittsburgh | C | C | C | E |
| Crawford C & C Co | Crawford #1 | Pittsburgh | C | C | C | E |
| Crawford C & C Co | Donald #2 | Pittsburgh | | | | E |
| Davidson-Conn'vl. C & C Co | Frederick #1 | Pittsburgh | | | | E |
| Fancy Hill Coal Co | Eagle | Pittsburgh | C | C | C | C |
| Faywest Coal Co | Crawford #2 | Pittsburgh | C | C | C | C |
| Faywest Coal Co | Crawford #3 | Pittsburgh | C | C | C | C |
| Faywest Coal Co | Crawford #4 | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Bridgeport | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Colonial #1 | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Colonial #3 | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Colonial #4 | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Crossland | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Dearth | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Edenborn | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Filbert | Pittsburgh | C | C | C | C |

W—Washed or mechanically cleaned, either wholly or in part.



*By-Product, Retort and Water Gas—Price Index*—Continued

CONNELLSVILLE PT. MARION DISTRICT—Continued

| Company | Mine | Seam | Size group numbers 17 | 18 | 19 | 20 |
|---|---|---|---|---|---|---|
| Frick Coke Co., H. C | Footdale | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Gates | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Kyle | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Lambert | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Leckrone | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Maxwell | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Palmer | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Phillips | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Ralph | Pittsburgh | C | C | C | C |
| Frick Coke Co., H. C | Renco | Pittsburgh | C | C | C | C |
| Hays, J. M. Coal Co | Mammoth | Pittsburgh | C | C | C | E |
| Hecla Coal & Coke Co | Griffin #2 | Pittsburgh | C | C | C | E |
| Hillman Coal & Coke Co | Pike | Pittsburgh | C | C | A | D |
| Humphreys C & C Co. (W) | Humphreys | Pittsburgh | C | A | C | C |
| Jamison C & C Co | Jamison #20 | Pittsburgh | C | C | C | C |
| Kendall Coal Co | Kendall #1 | Pittsburgh | C | C | C | C |
| Kendall Coal Co | Kendall #2-4 | Pittsburgh | C | C | C | D |
| Kendall Coal Co | Puritan #2 | Pittsburgh | C | C | C | D |
| King Coal Co | Chambers | Pittsburgh | C | C | C | C |
| King Coal Co | King | Pittsburgh | C | C | C | D |
| Lemont C & C Co., Inc | Lemont #2 | Pittsburgh | C | C | C | D |
| Lemont C & C Co., Inc | Continental #1 | Pittsburgh | C | C | C | C |
| Lincoln C & C Co | Lincoln | Pittsburgh | C | C | C | D |
| Martin Mining Co | Martin | Pittsburgh | | | | E |
| Old Home Fuel Co | Snider #2 | Pittsburgh | C | C | | E |
| Old Basin By-Prod. C Co | Mutual | Pittsburgh | C | C | | E |
| Penn Coal, Inc | Brownsville Jct | Pittsburgh | C | C | C | E |
| Pittsburgh & Erie Coal Co | Sumner #1 | Pittsburgh | C | C | C | E |
| Rainey, Inc. W. J | Allison | Pittsburgh | C | C | C | D |
| Rainey, Inc., W. J | Royal | Pittsburgh | C | C | C | C |
| Republic Steel Corp | Brownsville Jct | Pittsburgh | C | C | C | C |
| Republic Steel Corp | Davidson | Pittsburgh | C | C | C | C |
| Republic Steel Corp | Republic | Pittsburgh | C | C | C | C |
| Republic Steel Corp | Trotter | Pittsburgh | C | C | C | E |
| Shannopin Coal Co | Shannopin | Pittsburgh | C | C | C | E |
| South Fayette Coal Co | Melrose | Pittsburgh | | | | E |
| South Union Coal Co | South Union #1-2 | Pittsburgh | C | C | C | C |
| Weirton Coal Co | Isabella | Pittsburgh | C | C | C | C |
| Yough-C'ville C & C Co | Lemont #1 | Pittsburgh | C | C | C | C |

GREENSBURG

| | | | | | | |
|---|---|---|---|---|---|---|
| Jamison C & C Co. (W) | Jamison | Pittsburgh | | | | C |

PANHANDLE—AVELLA DISTRICT

| | | | | | | |
|---|---|---|---|---|---|---|
| Canonsburg Coal Co. (W) | Hazel | Pittsburgh | C | A | A | |
| Carnegie Coal Co | McDonald | Pittsburgh | C | C | C | |
| Chartiers Gas Coal Co | Magnolia | Pittsburgh | C | A | A | |
| Clinton Block Coal Co | Clinton #1 | Pittsburgh | C | C | C | |
| Henderson Coal Co | Henderson #1 | Pittsburgh | C | A | A | |
| Lincoln Gas Coal Co. (W) | Lincoln | Pittsburgh | C | C | C | |
| McClane Mng. Co | Rich Hill | Pittsburgh | C | A | A | |
| McLean Coal Co | Vulcan | Pittsburgh | C | C | C | |
| National Mng. Co | National #1 | Pittsburgh | C | C | C | |
| National Mng. Co | National #3 | Pittsburgh | C | A | A | |
| Pittsburgh Coal Co | Champion #1 | Pittsburgh | C | C | C | |
| Pittsburgh Coal Co | Midland | Pittsburgh | C | A | A | |
| Pittsburgh Coal Co | Montour #10 | Pittsburgh | B | B | B | A [1] |
| Pittsburgh Coal Co | Lindley | Pittsburgh | C | A | A | |
| Pittsburgh Coal Co | Moon Run | Pittsburgh | C | C | C | |
| Pittsburgh Terminal C. Corp | Terminal #2 | Pittsburgh | C | C | C | |
| Pittsburgh Terminal C. Corp | Terminal #3 | Pittsburgh | C | A | A | |
| Pittsburgh Terminal C. Corp | Terminal #4 | Pittsburgh | C | C | C | |
| Pittsburgh Terminal C. Corp. (W) | Terminal #8 | Pittsburgh | B | A | A | A [1] |
| Res Coal Corp | Rea | Pittsburgh | C | C | C | |
| Weise, Paul H | Morris | Pittsburgh | C | C | C | |
| Weise, Paul H | Piney Fork | Pittsburgh | C | C | C | |
| Washington Gas Coal Corp | Tyler | Pittsburgh | C | C | C | |
| Youghiogheny & Ohio C. Co | Enterprise | Pittsburgh | C | C | C | |

THICK FREEPORT

| | | | | | | |
|---|---|---|---|---|---|---|
| Consumers Mining Co | Harmar | D. Freeport | | | | E |
| Ford Collieries Co | Berry #3 | T. Freeport | | | | E |
| Ford Collieries Co | Francis #2 | T. Freeport | | | | E |
| Hillman Coal & Coke Co | Oakmont | T. Freeport | | | | E |
| McKeesport Coal & C. Co. (W) | Hubbard | T. Freeport | | A | A | E |
| Republic Steel Co | Indianola | | | | | E |
| Republic Steel Co | Russellton | T. Freeport | | | | E |
| Union Collieries Co. (W) | Renton #3 | T. Freeport | | A | A | E |

YOUGHIOGHENY-WESTMORELAND

| | | | | | | |
|---|---|---|---|---|---|---|
| Bickerton, Mark C | Blaine | Pittsburgh | C | C | C | |
| Buckeye Coal Company | Nemacolin | Pittsburgh | C | C | C | E |
| Cardiff Coal Company | Keystone Shaft | Pittsburgh | C | C | C | E |
| Carr Coal Co., John | Edna #1 | Pittsburgh | C | C | C | E |
| Charmon Coal Company | Johnson | Pittsburgh | C | C | C | E |
| Crucible Fuel Co | Crucible | Pittsburgh | C | C | C | E |
| Elizabeth Coal Company | Patterson | Pittsburgh | C | C | C | C |
| Emerald Coal Company | Emerald | Pittsburgh | B | B | B | C |

W—Washed or mechanically cleaned, either wholly or in part.

[1] 2" Lump.

[2] Egg and Nut.

*By-Product, Retort and Water Gas—Price Index*—Continued

YOUGHIOGHENY-WESTMORELAND—Continued

| Company | Mine | Seam | Size group numbers 17 | 18 | 19 | 20 |
|---|---|---|---|---|---|---|
| Hillman C. & C. Co | Edna #2 | Pittsburgh | C | C | C | E |
| Hillman C. & C. Co | Gibson | Pittsburgh | B | H | B | C |
| Hillman C. & C. Co. (W) | Naomi | Pittsburgh | | A | A | D |
| Howard Gas Coal Co | Louise #1-2 | Pittsburgh | C | C | C | |
| Irwin Gas Coal Co | Irwin #3 | Pittsburgh | C | C | C | |
| Irwin Gas Coal Co | Irwin #4 | Pittsburgh | C | C | C | |
| Lilley Mining Co | Lilley | Pittsburgh | B | B | B | D |
| Lowber Gas Coal Co | Fayette | Pittsburgh | C | C | C | D |
| Lyons Run Coal Co | Lyons Run | Pittsburgh | C | C | C | E |
| Mather Collieries | Mather | Pittsburgh | C | C | C | D |
| Montour Collieries Co | Montour #1 | Pittsburgh | C | C | C | |
| Montour Collieries Co | White Valley | Pittsburgh | C | C | C | |
| Ocean Fuel Co | Ocean | Pittsburgh | C | B | B | E |
| Ontario Gas Coal Co | Ontario | Pittsburgh | B | C | C | D |
| Pittsburgh Coal Co | Arnold | Pittsburgh | C | A | A | E |
| Pittsburgh Coal Co | Banning #1 | Pittsburgh | | A | A | B |
| Pittsburgh Coal Co | Banning #2 | Pittsburgh | | A | A | B |
| Pittsburgh Coal Co | Champion #6 | Pittsburgh | | A | A | B |
| Pittsburgh Coal Co | Crescent #1 | Pittsburgh | B | B | B | D |
| Pittsburgh Coal Co | Crescent #2 | Pittsburgh | C | C | C | E |
| Pittsburgh Coal Co | Euclid | Pittsburgh | C | C | C | E |
| Pittsburgh Coal Co | Eureka | Pittsburgh | B | B | B | D |
| Pittsburgh Coal Co | Ocean | Pittsburgh | C | C | C | E |
| Pittsburgh Coal Co | Somers | Pittsburgh | B | B | B | A[1] |
| Pittsburgh Coal Co | Warden | Pittsburgh | C | A | A | E |
| Pittsburgh Coal Co | Mongah | Pittsburgh | B | B | B | C |
| Rainey, Inc., W. J | Clyde #1 | Pittsburgh | B | B | B | C |
| Rainey, Inc., W. J | Clyde #2 | Pittsburgh | B | B | B | A |
| Rainey, Inc., W. J | Clyde #3 | Pittsburgh | C | C | C | E |
| Seehart Coal Co | Seehart | | C | C | C | D |
| Tremont Coal Co | Tremont | | B | B | B | E |
| Valley Camp Coal Co | Soudan | Pittsburgh | C | C | C | C |
| Vesta Coal Co | Vesta #4 | Pittsburgh | C | C | C | C |
| Vesta Coal Co | Vesta #5 | Pittsburgh | C | C | C | C |
| Vesta Coal Co | Vesta #6 | Pittsburgh | B | C | B | D |
| Wilson Gas Coal Co | Wilson | Pittsburgh | C | C | C | E |
| Westmoreland Coal Co | Adams | Pittsburgh | C | C | C | E |
| Westmoreland Coal Co | Biddle | Pittsburgh | C | B | A | E |
| Westmoreland Coal Co | Export #1-2 | Pittsburgh | B | A | A | B |
| Westmoreland Coal Co. (W) | Hutchison | Pittsburgh | | A | A | D |
| Westmoreland Coal Co | Magee | Pittsburgh | C | C | C | E |
| Westmoreland Coal Co | Marchand | Pittsburgh | B | B | B | E |
| Westmoreland Coal Co | McCullough | Pittsburgh | C | C | C | E |
| Westmoreland Coal Co | Riley | Pittsburgh | B | B | B | D |
| Youghiogheny & Ohio Coal Co | Charleroi | Pittsburgh | B | B | B | F |
| Youghiogheny & Ohio Coal Co | Osborne #1-2 | Pittsburgh | C | C | C | C |

W—Washed or mechanically cleaned, either wholly or in part.

[1] Minus 2" coal takes "C" classification.

[4] Minus 2" coal takes "D" classification.

SIZE GROUPS

*For Retort and Water Gas*

17. Lump larger than 2" and Egg 3" x 5" and over, either top or bottom size.

18. 2" Lump and Egg 5" and under top size and 2" or under bottom size.

19. 1¼" Lump or under.

*For By-Product*

20. Mine Run (unless otherwise indicated on mine index page).

*By-Product Prices—Run of Mine Coal (Unless Otherwise Indicated in Price Index) Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*

| Index | 1-A outside capes | 1-A inside capes | 1 | 2 | 4 | 6 | 7 | 8 | 9 | 10 | 11 and west [1] | 12 and 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| A | 205 | 220 | 220 | 220 | 220 | 220 | 220 | 230 | 230 | 220 | 205 | 220 |
| B | 200 | 215 | 215 | 215 | 215 | 220 | 215 | 215 | 225 | 215 | 200 | 215 |
| C | 195 | 210 | 210 | 210 | 210 | 215 | 210 | 210 | 220 | 210 | 195 | 210 |
| D | 190 | 205 | 205 | 205 | 205 | 210 | 205 | 205 | 215 | 205 | 190 | 205 |
| E | 185 | 200 | 200 | 200 | 200 | 205 | 200 | 200 | 210 | 200 | 185 | 200 |

[1] Includes: 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

*Basis for Freight Rate Adjustment for By-Product*

*Designated base rate.*—Pittsburgh District.

*Rates higher than base.*—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

*Rates lower than base.*—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price *shall* be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate: provided that the amount of such increase may be limited to a maximum of 35¢.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas—Coal for Vertical and Horizontal Retort Plants and Water Gas Plants*

| Mines Indexed | Size groups #17—4" Lump, 4" x 6", 3" x 6" | #18—2" Lump, 2" x 4", 1⅜" x 4" | #19—1⅜" Lump |
|---|---|---|---|
| A | 235 | [1] 230 | 220 |
| B | 235 | 225 | 215 |
| C | 230 | 220 | 210 |

[1] "A" Classification 2" Lp. takes "B" Classification Price.

NOTE 1.—Mine Run and 4" and under resultant coal for retort gas use shall take Index schedule and prices for by-product coal.

NOTE 2.—Above prices are per net ton f. o. b. mines based on Pittsburgh District freight rate.

[F. R. Doc. 37-3729; Filed, December 21, 1937; 11:37 a. m.]



[Order No. 161]

AN ORDER MODIFYING ORDER NO. 91, AS MODIFIED BY ORDERS NOS. 128 AND 150, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THREE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES, TO BE KNOWN AS "SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 3"

The National Bituminous Coal Commission having by its Order No. 91, as modified by Orders Nos. 128 and 150, determined and established the minimum prices of coals of code members produced within District Number Three, as set forth in "Price Schedule No. 1—District No. 3", as supplemented by "Supplements No. 1 and No. 2", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid schedule and supplements by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Three, established in "Price Schedule No. 1—District No. 3", as supplemented by "Supplements No. 1 and No. 2 to Price Schedule No. 1—District No. 3", are hereby further supplemented as set forth in "Supplement No. 3 to Price Schedule No. 1—District No. 3", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 3, shall be and hereby are determined and established as the minimum prices of coals of code members within District Number Three, and shall be effective at 12:01 o'clock A. M., on the fifth day of January, 1938.

2. That said order No. 91 as modified by Orders Nos. 128 and 150, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and "Supplement No. 3 to Price Schedule No. 1—District No. 3" to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Three; shall cause copies of this order and said Supplement No. 3 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 3

Supplemental Schedule of Minimum Prices for By-Product, Retort and Water Gas Coals of Code Members Produced within District No. 3, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. MCCULLOUGH, *Secretary.*

SIZE GROUPS

*For Retort and Water Gas*

17. Lump larger than 2" and Egg 3" x 5" and over, either top or bottom size.

18. 2" Lump and Egg 5" and under top size and 2" or under bottom size.

19. 1¼" Lump or under.

*For By-Product*

20. Mine Run (unless otherwise indicated on mine index page).

*By-Product Prices (All Sizes)—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*

| Index | 1-A outside capes | 1-A inside capes | 1 | 2 | 4 | 6 | 7 | 8 | 9 | 10 | 11 and west [1] | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| A (Sewell) | 210 | 225 | 225 | 225 | 225 | 225 | 225 | 210 | 220 | 210 | 210 | 225 |
| D (Low Sulphur) | 195 | 210 | 210 | 210 | 195 | 215 | 210 | 195 | 205 | 195 | 195 | 210 |

[1] Includes: Market Areas 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

NOTE.—The prices in these areas are net, F. O. B. mines with no freight rate adjustments to be made.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas—Coal for Vertical and Horizontal Retort Plants and Water Gas Plants*

| Mines Indexed | Size groups #17—4" Lump, 4" x 6", 3" x 6" | #18—2" Lump, 2" x 4", 1⅜" x 4" | #19—1⅜" Lump |
|---|---|---|---|
| A | 245 | 240 | 230 |
| D | 230 | 220 | 210 |

NOTE 1.—Mine Run and 4" and under resultant coal for retort gas use shall take index schedule and prices for by-product coal.

NOTE 2.—Above prices are per net ton f. o. b. mines based on Fairmont District freight rate.

[F. R. Doc. 37-3734; Filed, December 21, 1937; 11:39 a. m.]

[Order No. 163]

AN ORDER MODIFYING ORDER NO. 95, AS MODIFIED BY ORDER NO. 131, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 7, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 95, as modified by Order No. 131, determined and established the minimum prices of coals of code members produced within District No. 7, as set forth in "Price Schedule No. 1—District No. 7", and "Supplement No. 1 to Price Schedule No. 1—District No. 7", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 7, established in "Price Schedule No. 1—District No. 7", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 7", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 7", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District No. 7, and shall be effective at 12:01 o'clock A. M., on the 5th day of January, 1938.

2. That said Order No. 95 as modified by Order No. 131, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 7 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District No. 7; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 7

Supplemental Schedule of Minimum Prices for By-Product, Retort and Water Gas Coals of Code Members Produced within District No. 7, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. MCCULLOUGH, *Secretary.*

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*High Volatile Mines—By-Product, Retort and Water Gas—Base Size Groups*

*Sizes*

Group No. 17. All Lump in excess of 2" bottom size.
All chunks, and any egg 3" x 5" and over either top or bottom size.

Group No. 18. All 2" Lump; and Egg 5" and under top size and 2¾" and under bottom size.

Group No. 19. All Lump under 2" bottom size, including screened mine run.
All Stove and Nut sizes less than 3" top size.

Group No. 20. Straight mine run; Resultants; Nut and Slack; and Screenings.

*By-Product, Retort and Water Gas—Price Index*

| Company | Mine | Seam | Size group numbers | | | |
|---|---|---|---|---|---|---|
| | | | 17 | 18 | 19 | 20 |
| Carter Coal Co. | Seaboard | Lower Seaboard | A | A | A | |
| Gauley Mountain Coal Co. | Anstead | #2 Gas | A | A | A | A |
| Gauley Mountain Coal Co. | Rich Creek | Coalburg | A | A | A | |
| Koppers Coal Co. | Beards Fork | #2 Gas | A | A | A | A |
| Koppers Coal Co. | Ingram Branch | Eagle | A | A | A | A |
| Koppers Coal Co. | Long Branch | Eagle | A | A | A | A |
| Koppers Coal Co. | Midvale | #2 Gas | A | A | A | A |
| Loup Creek Coal Co. | Loup Creek | Eagle | A | A | A | A |
| Mill Creek Coal Co. | Mill Creek #2 | No. 2 Gas | A | A | A | A |
| Vera, Pocahontas Coal Co. | Vera #1 | Big Eagle | A | A | A | C |

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas Subject to Exceptions Stated Below*

| Size groups | Price index | | | | |
|---|---|---|---|---|---|
| | A | B | C | D | E |
| 17 | 245 | 240 | 235 | 230 | 225 |
| 18 | 235 | 230 | 225 | 220 | 215 |
| 19 | 225 | 220 | 215 | 210 | 205 |
| 20 | 215 | 210 | 205 | 200 | 195 |

*Exceptions*

Mines having freight rates applying for shipment into the market areas shown below, which are lower or higher as the case may be than the base rate indicated for such areas, must increase or may reduce the price applicable to the size and grade of coal shipped by an amount equal to such differential but in no case in excess of twenty (20¢) per net ton. No absorption is permitted into areas not specifically excepted.

Market Areas Nos. 1, 1A, 2, 40, 41, 42: Use Kanawha, Logan, Kenova-Thacker Base Rate.

Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111 112: Use (Inner Crescent) Kanawha, Logan, Kenova-Thacker.

Market Areas Nos. 39, 43: Use Virginia District (Group 14) Base Rate.

*Low Volatile By-Product Prices (All Sizes)—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*

MARKET AREAS (LISTED BELOW)

| Index | 1 All rail and tidewater | 1-A | 2 | 4 | 6 | 7 | 8 | 9 | 10 | 11 and West [1] | 12 | 69 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| A | 215 | 215 | 215 | 175 | 175 | 175 | 215 | 215 | 175 | 215 | 175 | 190 |
| B | 210 | 210 | 210 | 170 | 170 | 170 | 210 | 210 | 170 | 210 | 170 | 185 |
| C | 205 | 205 | 205 | 165 | 165 | 165 | 205 | 205 | 165 | 205 | 165 | 180 |
| D | 200 | 200 | 200 | 160 | 160 | 160 | 200 | 200 | 160 | 200 | 160 | 175 |

[1] Includes: 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 101, 105, 106, 107, 108, 109, 110, 111, and 112

NOTE.—The prices in these areas are net f. o. b. mines with no freight rate adjustments to be made.

[F. R. Doc. 37-3735; Filed, December 21, 1937; 11:39 a. m.]

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[Order No. 164]

AN ORDER MODIFYING ORDER NO. 96, AS MODIFIED BY ORDER NO. 132, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 8, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 96, as modified by Order No. 132, determined and established the minimum prices of coals of code members produced within District No. 8, as set forth in "Price Schedule No. 1—District No. 8", and "Supplement No. 1 to Price Schedule No. 1—District No. 8", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided.



Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 8, established in "Price Schedule No. 1—District No. 8", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 8", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 8", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District No. 8, and shall be effective at 12:01 o'clock A. M., on the 5th day of January, 1938.

2. That said Order No. 96 as modified by Order No. 132, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 8 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District No. 8; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

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SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 8

Supplemental Schedule of Minimum Prices for By-Product, Retort and Water Gas Coals of Code Members Produced in District No. 8 Established Pursuant to the Provisions of the Bituminous Coal Act of 1937.

Effective 12:01 A. M. January 5, 1938.

Issued December 20, 1937.

F. W. MCCULLOUGH, *Secretary.*

*By-Product, Retort, and Water Gas—Base Size Groups*

Group No. 17. All Lump in excess of 2" bottom size.
All Chunks and any Egg 3" x 5" and over, either top or bottom size.

Group No. 18. All 2" Lump and Egg 5" and under top size and 2¾" and under bottom size.

Group No. 19. All Lump under 2" bottom size including screened Mine Run.
All Stove and Nut sizes less than 3" top size.

Group No. 20. Straight Mine Run; Resultants, Nut and Slack; and Screenings.

*By-Product, Retort and Water Gas (Size Groups 17, 18, 19, 20 only)—Prices in Cents Per Net Ton of 2,000 Pounds for Shipment Into All Market Areas, Subject to Exceptions Stated Below*

| Size groups | Price index | | | | |
|---|---|---|---|---|---|
| | A | B | C | D | E |
| 17 | 245 | 240 | 235 | 230 | 225 |
| 18 | 235 | 230 | 225 | 220 | 215 |
| 19 | 225 | 220 | 215 | 210 | 205 |
| 20 | 215 | 210 | 205 | 200 | 195 |

*Exceptions*

Mines having freight rates applying for shipment into the market areas shown below, which are higher than the base rate indicated for such areas may reduce the price applicable to the size and grade of coal shipped by an amount equal to such differential but in no case in excess of twenty (20¢) cents per net ton. No absorption is permitted into areas not specifically excepted.

Market Areas Nos. 1, 1A, 2, 40, 41, 42: Use Kanawha, Logan, Kenova-Thacker Base Rate.

Market Areas Nos. 11, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, 112: Use (Inner Crescent) Kanawha, Logan, Kenova-Thacker Base Rate.

Market Areas Nos. 39, 43: Use Virginia District (Southern Ry., Group 14) Base Rate.

Market Areas Nos. 44, 45, 46, 55, 56, 65: Use Harlan District Base Rate.

Market Areas Nos. 1, 1A, 2 and 3 [1]: Elk River Coal and Lumber Co. may apply the following prices per net ton without freight absorption: Group 17, 232; Group 18, 222; Group 19, 212; Group 20, 197.

*By-Product, Retort and Water Gas—Price Index*

BIG SANDY ELKHORN DISTRICT

| Company | Mine | Seam | Size group numbers | | | |
|---|---|---|---|---|---|---|
| | | | 17 | 18 | 19 | 20 |
| Barrowman Coal Co. | Barrowman | Clintwood | A | A | A | A |
| Beaver Coal Mining Co. | Beaver | Elkhorn #2 | B | B | B | |
| Cameo Elkhorn Coal Co. | Big Shoal | Elkhorn #1 | A | B | C | D |
| Central Elkhorn Coal Co. | #4 | Elkhorn #1 | A | A | C | C |
| Central Elkhorn Coal Co. | #6 | Elkhorn #1 | A | A | C | C |
| Clear Branch Mining Co. | Clear Branch | Elkhorn #3 | A | A | A | A |
| Consolidation Coal Co. | #155 | Millers Crk | A | A | A | |
| Consolidation Coal Co. | #204 and 206 | Elkhorn #3 | A | A | A | A |
| Consolidation Coal Co. | #214 | Elkhorn #3 | A | A | A | A |
| Edgement Fuel Co. | Edgement | Elkhorn #1 | A | A | A | A |
| Elkhorn Coal Co. | Kona #2 | Elkhorn | A | A | A | A |
| Elkhorn Coal Corp. | #1-7 | Elkhorn | A | A | A | A |
| Elkhorn Coal Corp. | #2 | Elkhorn | A | A | A | A |
| Elkhorn Coal Corp. | #3-4 | Elkhorn | A | A | A | A |
| Elkhorn Coal Corp. | #5 | Elkhorn | A | A | A | A |
| Elkhorn Coal Corp. | #27 | Elkhorn #1 | A | A | A | A |
| Elkhorn Coal Corp. | #28-31 | Elkhorn #1 | A | A | A | A |
| Elkhorn Coal Corp. | #32 | Elkhorn #1 | A | A | A | A |
| Greenough Coal Co. | Greenough | Up. Elkhorn | A | A | A | A |
| Inland Steel Co. | Wheelwright | Elkhorn #3 | A | A | A | A |
| Koppers Coal Co. | Weeksbury #1 | Elkhorn #3 | A | A | A | A |
| New Elkhorn Coal Corp. | Dorton | Elkhorn #2 | C | A | A | A |
| Paragon Elkhorn Coll. Co. | Utilities #22 | Elkhorn | A | A | A | A |
| Payne Baber Coal Co. of Ky. | Block & Clear Crk | Elkhorn #3 | A | A | A | A |
| Stephens Elkhorn Fuel Corp. | Stephens | Elkhorn #2 | A | A | A | A |
| Superior Mining Co. | Superior | Elkhorn #3 | B | A | A | A |
| Turner Elkhorn Mng. Co. | Turner | Elkhorn #2 | A | A | A | A |
| Twinsean Elkhorn Mng. Co. | Turner #2 | Elkhorn #1 | A | B | C | D |
| United Elkhorn Coal Co. | United #21 | Elkhorn | B | B | C | D |
| Utilities Elkhorn Coal Co. | Virgie 6-F | Elkhorn | A | A | B | B |
| Utilities Elkhorn Coal Co. | Martin 8-H | Elkhorn | A | B | C | C |

[1] Correction

*By-Product, Retort and Water Gas—Price Index*—Continued

HARLAN DISTRICT

| Company | Mine | Seam | Size group numbers | | | |
|---|---|---|---|---|---|---|
| | | | 17 | 18 | 19 | 20 |
| Bardo Coal Mining Company | Bardo | Harlan | A | B | C | C |
| Berger Coal Mining Company | Silver Star | #5 | A | A | A | A |
| Black Mountain Corp | Black Mountain #30 | #5 | A | A | A | A |
| Black Mountain Corp | Black Mountain #31 | #5 | A | B | C | C |
| Black Star Coal Company | Black Star | Harlan | A | B | B | B |
| Blue Diamond Coal Company | Crown | Harlan | A | B | B | B |
| Clover Fork Coal Company | Clover Fork | Harlan | A | A | A | A |
| Clover Splint Coal Company | Clover Splint | High Splint | A | A | A | A |
| Cook & Sharpe Coal Company | Upper Harlan | #5 | A | A | A | A |
| Cornett-Lewis Coal Company | Corlew | High Splint | A | A | C | B |
| Cornett-Lewis Coal Company | Cornett | Harlan | A | A | C | D |
| Creech Coal Company | Creech | Wallins | A | B | B | C |
| Crummies Creek Coal Company | Crummies #1 | Harlan | A | B | B | B |
| Crummies Creek Coal Company | Crummies #2 & #3 | #5 | A | A | A | A |
| Good Coal Company | Kentucky King | Wallins | A | B | B | C |
| Harlan Central Coal Company, Inc | Harlan Central | Harlan | A | B | B | B |
| Harlan Collieries Company | Brookside | Harlan | A | B | C | C |
| Harlan Crown Mng. Company | Draper | Harlan | A | A | C | D |
| Harlan Fuel Company | Yancey | Harlan | A | B | B | C |
| Harlan-Wallins Coal Corporation | Bear Branch | Harlan | A | A | A | A |
| Harlan-Wallins Coal Corporation | Darby | #5 | A | A | A | A |
| Harlan-Wallins Coal Corporation | Dixie | #5 | A | A | A | A |
| Harlan-Wallins Coal Corporation | Marathon | #5 | A | A | B | B |
| Harlan-Wallins Coal Corporation | Molus | Harlan | A | B | B | C |
| High Splint Coal Company | Hi-Lo | High Splint | A | A | A | A |
| Kentucky Cardinal Coal Corp | #1 | Harlan | A | B | B | B |
| Mahan Ellison Coal Corp | Mahan Ellison #1 | Harlan | A | B | C | C |
| Mary Helen Coal Corporation | Mary Helen | Harlan | A | B | B | C |
| Perkins Harlan Coal Company | Liggett | Harlan | A | B | C | C |
| Ridgeway Coal Corp., Inc | Ridgeway | Harlan | A | B | C | C |
| Southern Harlan Coal Company | Southern Harlan | Harlan | A | B | B | B |
| Southern Mining Company | Insull | Creech | A | A | A | A |
| Splint Coal Corporation | Splint | High Splint | A | B | B | B |
| Three Point Coal Corporation | Three Point | Harlan | A | B | B | C |
| Tway Coal Company, R. C | Tway | Harlan | A | A | A | A |
| U. S. Coal & Coke Company | #30 | "C" | A | A | A | A |
| U. S. Coal & Coke Company | #31 | "C" & "B" | A | A | A | A |
| Wisconsin Steel Company | #1 | | | | | |

HAZARD DISTRICT

| | | | | | | |
|---|---|---|---|---|---|---|
| Algoma Block Coal Co | Algoma #7 | Hazard #7 | C | C | C | |
| Blue Diamond Coal Co | Blue Diamond #1 | " #6 | C | C | C | |
| Carrs Fork Coal Co., Inc | Perrine | " #7 | C | C | C | |
| Hardy-Burlingham Mng. Co | Hardburly | " #7 | C | C | C | |
| Harvey Coal Corp | Harveyton | " #6 | C | C | C | |
| Hatfield-Camp. Crk. C. Co | Glomawr | " #7 | C | C | C | |
| Kenmont Coal Co | Kenmont | " #7 | C | C | C | |
| Ky. Hayslen C. Co | Hayslen | " #6 | C | C | C | |
| New Solar C. Co | Butterfly | " #6 | C | C | C | |
| Old King Mng. Co | Midland | " #7 | C | C | C | |
| Perkins-Bowling C. Corp | Agnes | " #7 | C | C | C | |

KANAWHA DISTRICT

| | | | | | | |
|---|---|---|---|---|---|---|
| American Eagle Coll | #70 | Eagle | A | A | A | [1] A |
| Anchor C. Company | Anchor #1 & #3 | Dorothy | A | A | A | |
| Armco Coal Mining Corporation | Marting | Campbells Crk | | | C | C |
| Black Band C. Company | Reynolds | Black Band | A | A | A | |
| Boone County Coal Corporation | Boone #2 | Chilton | A | B | C | D |
| Cannelton C & C Company | #3 | Eagle | A | A | A | A |
| Cannelton C & C Company | #5 | #2 Gas | | | C | C |
| Carbon Fuel Co., The | #5 & #10 | Dorothy | A | A | A | |
| Carbon Fuel Co., The | #9 | Powellton | | | | A |
| Carbon Fuel Co., The | #11 | Dorothy | A | A | A | |
| Christian Coll. Co | #1 | Eagle | A | A | A | A |
| Christian Coll. Co | #2 | Rowellton | A | A | A | A |
| Colcord Coal Co | Montcoal #1 | Dorothy | A | A | A | |
| Colcord Coal Co | Montcoal #2 | Dorothy | A | A | A | |
| Elk River Coal & Lumber Co | Rich Run | #5 Block | A | B | C | D |
| Hatfield-Campbell Crk. C. Co | #1 | #2 Gas | A | A | A | B |
| Imperial Coll. Co | #2 | #2 Gas | A | A | A | A |
| Imperial Coll. Co | #5 | Dorothy | A | A | A | |
| Kan. & Hocking C & C Company | #11 | #2 Gas | | | C | C |
| Kan. & Hocking C & C Company | #116 | Eagle | | | C | C |
| Kingston-Poca. C. Company | Kingston | Eagle & Pow'l | A | A | A | A |
| Koppers Coal Company | Powellton #2 | Powellton | A | A | A | A |
| Koppers Coal Company | Powellton #3 | Powellton | A | A | A | A |
| Koppers Coal Company | Powellton #5 | Powellton | A | A | A | A |
| Koppers Coal Company | Wharton | Hernshaw | A | A | A | A |
| Koppers Coal Company | Milburn #1 & #2 | Eagle & Pow'l | A | A | A | A |
| Milburn By-Prod. C. Company | Nellis | Campbells Crk | A | B | B | B |
| Nellis Coal Corporation | Princess Dorothy | #5 Block | A | A | A | |
| Princess Dorothy Coal Co | #4 | Dorothy | A | A | A | A |
| Raleigh Wyoming Mng. Company | Edwight #1 | Eagle | A | A | A | A |
| Raleigh Wyoming Mng. Company | #3 | Eagle | A | A | A | A |
| Raleigh Wyoming Mng. Company | Ridgeview | #2 Gas | A | B | C | C |
| Ridgeview Coal Company | Riverton | Belmont | A | C | C | |
| Riverton Coal Company | Riverton | Cedar Grove | | | | B |
| Riverton Coal Company | Conburg | Stockton-Lowiston | C | C | C | |
| Riverview C. Mng. Company | Acme | Dorothy | A | A | A | |
| Truax-Traer Coal Company | Raccoon | Dorothy | A | A | A | |
| Truax-Traer Coal Company | Rose | Dorothy | A | A | A | |
| Truax-Traer Coal Company | | | | | | |

[1] For shipment into Market Areas 1, 1A, 2 and 3 only, Elk River Coal and Lumber Company may apply special schedule shown under exceptions to By-Product, Retort and Water Gas schedule.



*By-Product, Retort and Water Gas—Price Index*—Continued

KANAWHA DISTRICT—Continued

| Company | Mine | Seam | Size group numbers | | | |
|---|---|---|---|---|---|---|
| | | | 17 | 18 | 19 | 20 |
| Truax-Traer Coal Company | United | Dorothy | A | A | A | |
| Webb Coal Mining Company | Webb | Dorothy | A | A | A | |
| Whitesville Mining Company | Whiteville | Powellton | A | A | A | A |
| Winifrede Coll | #1 | Winifrede | A | A | A | |
| Winifrede Coll | #2 | Winifrede | A | A | A | |
| Wyatt Coal Company | Laing #1 | Dorothy | A | A | A | |
| Wyatt Coal Company | Laing #2 | Dorothy | A | A | A | |

LOGAN DISTRICT

| | | | | | | |
|---|---|---|---|---|---|---|
| Amherst Coal Company | Amherst #1 | Chilton | C | C | C | E |
| Amherst Coal Company | Amherst #2 | Eagle | C | C | C | E |
| Amherst Coal Company | Amherst #3 | Cedar Grove | C | C | C | E |
| Avis Eagle Coal Co | Avis Eagle | Eagle | B | B | B | A |
| Bertland Coal Co | Bertland | Eagle | B | B | B | A |
| Buffalo Chilton Coal Co | Buffalo #1 | Chilton | C | C | C | E |
| Clean Eagle C. Company | Clean Eagle | Eagle | B | B | B | A |
| Georges Creek Coal Company | Georges Creek | Chilton | A | B | B | D |
| Hutchinson Coal Company | Argyle | Chilton | B | B | B | C |
| Hutchinson Coal Company | Dabney | Eagle | B | B | B | C |
| Hutchinson Coal Company | MacBeth | Eagle | B | B | B | C |
| Logan County Coal Corporation | Lundale | Chilton | C | C | C | E |
| Logan County Coal Corporation | Mac Gregor | Chilton | A | B | C | E |
| Lorado Coal Mining Co., The | Lorado #1 | Chilton | C | C | C | E |
| Lorado Coal Mining Co., The | Lorado #2 | Chilton | C | C | C | E |
| McCall Coal Company | McCall #2 | Powellton | | | | A |
| Mallory Coal Company | Mallory #2 | Eagle | | | | A |
| Mallory Coal Company | Mallory #3 | Eagle | | | | A |
| Mallory Coal Company | Mallory #4 | Powellton | | | | A |
| Mallory Coal Company | Mallory #5 | Powellton | | | | A |
| Monitor C. & Coke Company | Monitor | Eagle | | | | E |
| Utilities Coal Company | #61 | Eagle | | | | A |
| West Virginia C. & C. Company | Earling | Eagle | | | | B |
| West Virginia C. & C. Company | #19 | Island Creek | C | C | C | E |
| Wood Coal Company | Freeze Fork | Chilton | A | B | C | D |
| Youngstown Mines Corp., The | Debue | Eagle | | | | A |

SOUTHERN APPALACHIAN DISTRICT

| | | | | | | |
|---|---|---|---|---|---|---|
| Barker Str. Creek Coal Mng. Co | Barker | Str. Creek | A | A | B | |
| Black Diamond Coal Mng. Co | Marion | Jellico | A | A | B | |
| Blue Diamond Coal Co | Eagan | Jellico | A | A | B | |
| Blue Diamond Coal Co | Westbourne | Jellico | A | A | B | |
| Bon Jellico Coal Co | Bon Jellico | Jellico | A | A | B | |
| Broyles Jellico Coal Co | Broyles Jellico | Jellico | A | A | B | |
| Clesge-Wills Coal Co., Inc | Clesge-Wills | Jellico | A | A | B | |
| Clinchmore Coal Mng. Co | Clinchmore | Pee Wee | A | A | A | |
| Engine Coal Co., Inc | Pineville | Str. Creek | A | A | B | |
| Fork Mt. Coal Co | Regal | Pee Wee | A | A | B | |
| Fox Ridge Coal & Coke Co | Fox Ridge | Str. Creek | A | A | B | |
| Fox Ridge Coal & Coke Co | Hanby | Str. Creek | A | A | B | |
| Gatliff Coal Co | Gatliff | Jellico | A | A | A | |
| High Point Coal Co | No. 1 | Pee Wee | A | A | A | |
| Ky. Str. Creek Coal Co | Adalia | Str. Creek | A | A | B | |
| Ky. Str. Creek Coal Co | Belva | Str. Creek | A | A | B | |
| Mahan Jellico Coal Co | Mahan Jellico | Jellico | A | A | A | |
| New Jellico Coal Co | Blue Rose | Jellico | A | A | B | |
| Pioneer Coal Co | Pioneer | Str. Creek | A | A | B | |
| Pruden Coal & Coke Co | Valley Creek #1 | Jellico | A | A | B | |
| Southern Coll. Inc | Southern Coll | Pee Wee | A | A | A | |
| Southern Mining Co | Balkan | Creech | A | B | B | C |
| South Land Coal Corp | South Land | Str. Creek | A | A | B | |
| Straight Creek Coal, Inc | Cary | Str. Creek | A | A | B | |
| Sun Coal Co | Sun | Pee Wee | A | A | A | |
| Tennessee-Jellico Coal Co | Anthras | Jellico | A | A | B | |
| Virginia-Jellico Coal Co., Inc | King Mountain | Jellico | A | A | B | |

VIRGINIA DISTRICT

| | | | | | | |
|---|---|---|---|---|---|---|
| Benedict Coal Corp | Benedict #7 | #7 | A | C | C | |
| Benedict Coal Corp | Virglow | #12 | A | A | A | |
| Blackwood Coal & Coke Co., Inc | Pardee | High Splint | A | A | A | |
| Blue Diamond Coal Co | Bonny Blue | #9 and #10 | A | C | C | |
| Blue Diamond Coal Co | Mayflower | H. & L. Splint | A | A | A | |
| Clinchfield Coal Corp | #7 | Upper Banner | | | | A |
| Clinchfield Coal Corp | #9 | Upper Banner | | | | A |
| Kemmerer Gem Coal Co | Kem Gem | #5 | A | B | B | B |
| Spash Dam Coal Corp | Splashdam | Splashdam | A | A | A | A |
| Splash Dam Smokeless Coal Corp | Lonesome Branch | Splashdam | A | A | A | A |
| Stonega Coal & Coke Co | Derby | Taggart | A | A | A | A |
| Stonega Coal & Coke Co | Derby | Marker | A | A | A | A |
| Stonega Coal & Coke Co | Dunbar | Marker | A | A | A | A |
| Stonega Coal & Coke Co | Roda | Taggart | A | A | A | A |
| United Coll., Inc | Dominion | #5 | A | B | B | B |
| Va. Iron Coal & Coke Co | Imperial | #6 and #7 | A | C | C | |
| Va. Iron Coal & Coke Co | Monarch | #5 | A | B | B | B |
| Va. Lee Co., Inc., The | Va-Lee | #5 | A | B | B | B |
| Wise Coal & Coke Co | Dorchester | Blair & Dorch | | | | A |

*By-Product, Retort and Water Gas—Price Index*—Continued

WILLIAMSON DISTRICT

| Company | Mine | Seam | Size group numbers | | | |
|---|---|---|---|---|---|---|
| | | | 17 | 18 | 19 | 20 |
| Allburn Collieries Company | Allburn | Alma | C | C | C | E |
| Alma Fuel Company | Alma | Alma | C | C | C | E |
| Big Creek-Winifrede Coal Co | Big Creek | Winifrede | A | A | A | |
| Borderland Collieries Co | Borderland #1 | Winifrede | A | A | A | |
| Buchanan By-Product Coal Corp | Clintwood | Clintwood | | | | A |
| Buchanan County Coal Corp | Buchanan #1 | Clintwood | | | | A |
| Buchanan County Coal Corp | Buchanan #2 | Clintwood | | | | A |
| Buchanan Smk. C. Co., Inc | Buchanan Smk | Clintwood | | | | A |
| Buffalo Winifrede C. Co | Buffalo | Winifrede | A | B | C | |
| Conoway Coal Corp | Conoway | Clintwood | | | | A |
| Crystal Block Coal & Coke Co | #1 | Winifrede | A | A | A | |
| Crystal Block Mining Co | Gates | Winifrede | A | A | A | |
| Eastern Coal Corporation | Hardy #1 and #11 | Pond Creek | C | C | C | E |
| Eastern Coal Corporation | Stone #3 | Pond Creek | C | C | C | C |
| Eastern Coal Corporation | MacVeigh #7 | Pond Creek | C | C | C | C |
| Emperor Coal Company | Freeburn | Freeburn-Alma | C | C | C | |
| Glen Alum Coal Company | Glen Alum | Glen Alum | C | C | C | |
| Harman Coal Corp., H. E | Harman | Bull Creek | | | | A |
| Home Creek Smk. C. Co., Inc | Home Creek | Clintwood | | | | A |
| Isaban Coal Company | Hardy | Pond Creek | C | C | C | C |
| Leckie Collieries Company | Afex | Freeburn | C | C | C | A |
| Lynn Camp Coal Company | Lynn Camp | Clintwood | | | | C |
| Majestic Collieries Company | Majestic | Pond Creek | C | C | C | B |
| New Alma Coal Company | New Alma | Alma | C | C | C | O |
| Octavia Coal Mining Corp | Octavia | Pond Creek | C | C | O | A |
| Panther Coal Company, Inc | Roseann | Clintwood | | | | |
| Puritan Coal Corporation | Puritan #2 | Winifrede | A | A | A | B |
| Red Jacket Coal Corporation | #6 | Alma | C | C | C | |
| Sycamore Coal Company | Cinderella | Winifrede | A | A | A | C |
| Tierney Mining Company | Tierney | Pond Creek | C | C | C | A |
| Virginia Lee Coal Corporation | Virginia Lee | Clintwood | | | | |

[F. R. Doc. 37-3732; Filed, December 21, 1937; 11:38 a. m.]

[Order No. 165]

AN ORDER MODIFYING ORDER NO. 101, AS MODIFIED BY ORDER NO. 114, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THIRTEEN, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES, TO BE KNOWN AS "SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 13"

The National Bituminous Coal Commisison having by its Order No. 101, as modified by Order No. 114, determined and established the minimum prices of coals of code members produced within District Number Thirteen, as set forth in "Price Schedule No. 1—District No. 13", as supplemented by "Supplement No. 1," and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Thirteen, established in "Price Schedule No. 1—District No. 13", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 13", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 13", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within District Number Thirteen, and shall be effective at 12:01 o'clock A. M., on the fifth day of January, 1938.

2. That said order No. 101 as modified by Order No. 114, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and "Supplement No. 2 to Price Schedule No. 1—District No. 13" to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Thirteen; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 13

Supplemental Schedule of Minimum Prices for By-Product Coals of Code Members Produced within District No. 13, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. MCCULLOUGH, *Secretary*.

*Alabama Mines—Prices in Cents per Net Ton of 2,000 Pounds For Shipment Into All Market Areas—Special By-Product Coals*

SIZE GROUPS—4 TO 9, INCLUSIVE

| Ref. | Mine | Price |
|---|---|---|
| 165 | Bradford | 290 |
| 166 | Thermal | 290 |
| 163 | Empire | 280 |
| 164 | Summit | 280 |
| 155 | Boothton | 270 |
| 161 | Carbon | 265 |
| 153 | Bloossburg "E" | 255 |
| 146 | Johns | 255 |
| 148 | Porter | 240 |
| 124 | Praco | 235 |
| 119 | Colta | 235 |
| 123 | Powhatan | 225 |
| 122 | Labuco | 225 |
| 117 | Lewisburg | 225 |
| 115 | Hull | 215 |

[F. R. Doc. 37-3733; Filed, December 21, 1937; 11:38 a. m.]



[Docket No. 57-FD]

At a Regular Session of the National Bituminous Coal Commission Held at its offices in Washington, D. C., on the 20th day of December, 1937.

INVESTIGATION OF THE NATURE AND EXTENT OF TRANSACTIONS IN INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF KENTUCKY AND THE EFFECT OF SUCH TRANSACTIONS ON INTERSTATE COMMERCE IN SUCH COAL

It appearing that by Orders Nos. 2 and 40, the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Kentucky and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 20th day of December, 1937, adopted the Examiner's report and recommendations as its own, which said report is hereby referred to and made a part hereof;

Now, therefore, It is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Kentucky directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Kentucky in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

*Therefore, it is further ordered:*

1. That on and after the 3rd day of January, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Kentucky, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Kentucky.

2. That any producer of bituminous coal in intrastate commerce within the State of Kentucky, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Sections 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Kentucky, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Kentucky known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

[F. R. Doc. 37-3727; Filed, December 21, 1937; 11:36 a. m.]

[Docket No. 103-FD]

IN THE MATTER OF PETITION OF ASSOCIATION OF AMERICAN RAILROADS, THE AMERICAN SHORT LINE RAILROAD ASSOCIATION, FOR THEIR MEMBERS, AND CONSUMERS' COUNSEL OF THE NATIONAL BITUMINOUS COAL COMMISSION, FOR AND ON BEHALF OF SAID ASSOCIATIONS, AND THEIR MEMBERS

ORDER AND NOTICE FOR HEARING

The petitioners above named having filed with the commission on the 13th day of December, 1937, a petition complaining against the minimum prices for railroad locomotive fuel coals of code members produced within Districts Nos. 1 to 13, inclusive, as established by the Commission by Orders Nos. 89 to 101, inclusive, as amended and revised by subsequent orders, a copy of said petition being on file and available for inspection by interested parties in each of the Statistical Bureaus of the Commission within Districts 1 to 13, inclusive, and at the office of each District Board within said districts:

It is ordered that a hearing on said petition be held before the Commission, on the 10th day of January, 1938, at the hour of 10:00 A. M., at the Hearing Room of the Commission in Washington, D. C., at which time all interested parties shall be afforded opportunity to be heard.

The Secretary of the Commission is directed, forthwith, to mail a copy of this order and notice to each petitioner; to the Secretary of each District Board of Districts Nos. 1 to 13, inclusive; and to each code member in Districts Nos. 1 to 13, inclusive; and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission for Districts Nos. 1 to 13, inclusive, and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

[F. R. Doc. 37-3731; Filed, December 21, 1937; 11:38 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NCR—B-101—Tama County, Supplement No. 2

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION, TAMA COUNTY, IOWA

TAMA COUNTY BULLETIN NO. 101—SUPPLEMENT NO. 2

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Tama County Bulletin No. 101 is hereby amended as follows:

1. Part IV, Section 5, paragraph (b) is amended to read as follows:

(b) If the acreage of any noncropland planted to a crop other than a crop listed in Section 2 of Part III on any farm with respect to which a person is owner or operator, is in excess of the total conserving acreage on such farm, a deduction will be made from any payment which would otherwise be made to such person with respect to any farms in Tama County in an amount computed by multiplying each acre of such excess by $3.70 (multiplied by the productivity index for the farm) and then by multiplying the result so obtained by the percentage determined for such person for such farm under Section 4 of this Part IV.

2. Part IV, Section 9 is amended to read as follows:

SEC. 9. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any farm in Tama County, all of such person's pro rata share of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act, or 10 percent of the gross payment computed for such person, whichever is smaller. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to any farms in Tama County by the percentage that the estimated total of administrative expenses of the Association for Tama County as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farms in Tama County in 1937. There shall be credited for the payment of administrative expenses of the Tama County Agricultural Conservation Association the amount of administrative expenses estimated by the North Central Division to have been incurred by the Tama County Association during the period January 1, 1937, to March 15, 1937, inclusive, in planning the 1937 Agricultural Conservation Program for Tama County provided, however, that no credit shall be allowed for expenses incurred after the referendum in Tama County. There shall also be credited to the Tama County Agricultural Conservation Association the amount obtained by multiplying $2.00 by the number of applications for payment estimated by the North Central Division under which the gross payment prior to the deduction of any administrative expenses, will be $20.00 or less or under which there will be no payment. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Tama County Agricultural Conservation Association shall become a member thereof by his signing an application for payment with respect to his farms in Tama County.

The provisions of this Supplement No. 2 to North Central Region Bulletin No. 101, Tama County shall be effective as of October 14, 1937, so as to be included within the conditions mentioned in the "Order Increasing the Allowances, Deductions, and Rates of Payment under the 1937 Agricultural Conservation Program in the East Central, Northeast, North Central, Southern, and Western Regions" issued October 14, 1937.

In testimony whereof H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 20th day of December, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3738; Filed, December 21, 1937; 12:39 p. m.]

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Issued December 20, 1937.

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGAR BEETS AND SUGARCANE DURING THE CROP YEAR 1937

Whereas Section 301 of the Sugar Act of 1937 authorizes the Secretary of Agriculture to make payments upon certain conditions with respect to sugar or liquid sugar commercially recoverable from the sugar beets or sugarcane grown on a farm for the extraction of sugar or liquid sugar, and

Whereas subsection (e) of section 301 of the said act provides, as one of the conditions for payment, as follows:

> That there shall be carried out on the farm such farming practices in connection with the production of sugar beets and sugarcane during the year in which the crop was harvested with respect to which a payment is applied for, as the Secretary may determine, pursuant to this subsection, for preserving and improving fertility of the soil and for preventing soil erosion, such practices to be consistent with the reasonable standards of the farming community in which the farm is situated.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby determine:

1. That the condition prescribed in subsection (e) of section 301 of the said act shall be deemed to have been fulfilled with respect to the production of the 1937 crop of sugar beets and sugarcane for sugar on any farm on which there have been carried out such farming practices prescribed under the 1937 Agricultural Conservation Program as would have qualified such farm for at least one-half of the maximum payment which could have been made with respect to sugar beets or sugarcane for sugar under such program; provided, however, that for any farm that did not have in 1937 an acreage of soil conserving crops on land customarily used in rotation with sugar beets equal to at least 20% of the acreage of sugar beets planted for harvest in 1937, the following acreages of the following practices shall be deemed to be equal to an acre of soil conserving crops and the number of acres so obtained shall, in computing the total, be added to the 1937 acreage of soil conserving crops:

(*a*) Five acres of sugar beets grown on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936;

(*b*) Two acres of green manure or cover crops turned under immediately preceding the planting of the sugar beets or planted immediately following the harvest of sugar beets and turned under after ninety days unpastured growth, in states where such practice is prescribed in the 1937 Agricultural Conservation Program; or

(*c*) Two and one-half acres of sugar beets grown in 1937 on land devoted to perennial or biennial legumes in 1936, in states where such practice is prescribed in the 1937 Agricultural Conservation Program.

2. That the condition prescribed in subsection (e) of section 301 of the said act shall be deemed to have been fulfilled with respect to the production of the 1937 crop of sugar beets for sugar on any farm on which an amount of superphosphate is applied during 1937 to not less than thirty-three and one-third percent of the acreage planted to sugar beets for harvest in 1937 at a rate per acre of not less than 50 pounds of available $P_2O_5$.

This determination supersedes the determination entitled "Determination of a Farm Pursuant to Subsection (b) of Section 304 of the Sugar Act of 1937, and Determination of Farming Practices to be Carried Out in Connection With the Production of Sugar Beets and Sugarcane During the Crop Year 1937, Pursuant to Subsection (e) of Section 301 of the Sugar Act of 1937," dated September 20, 1937, insofar as that determination relates to farming practices carried out in connection with the production of sugar beets and sugarcane for sugar during the crop year 1937.

Done at Washington, D. C., this 20th day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary.*

[F. R. Doc. 37-3739; Filed, December 21, 1937; 12:39 p. m.]

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**Bureau of Entomology and Plant Quarantine.**

B. P. Q.—359 (Supplement No. 3) December 20, 1937

SUPPLEMENT NO. 3 TO INSTRUCTIONS TO INSPECTORS ON THE TREATMENT OF NURSERY PRODUCTS, FRUITS, VEGETABLES, AND SOIL, FOR THE JAPANESE BEETLE, PURSUANT TO NOTICE OF QUARANTINE NO. 48

Section II of Circular B. P. Q.—359 entitled, "Instructions to Inspectors on the Treatment of Nursery Products, Fruits, Vegetables, and Soil, for the Japanese Beetle," is further supplemented as follows:

II. TREATMENT OF SOIL ABOUT THE ROOTS OF PLANTS

*G. Fumigation of Strawberry Plants for Japanese Beetle Larvae*

The treatment outlined herein may be employed as a basis for certification of strawberry plants under regulation 6 of Quarantine No. 48 (twelfth revision).



Fumigation with methyl bromide at a dosage of 3 pounds per 1,000 cubic feet, including the space occupied by the strawberry plants, for a period of 4 hours, the plants and room to be at a temperature of not less than 60° F. during the fumigation period. The treatment is to be applied in a tight room with gas-tight doors, and the strawberry plants shall be piled loosely in open crates or baskets and stacked in the room so that the gas mixture can have access to all sides of the container. After the room is loaded and closed the dosage of methyl bromide shall be volatilized within the room. The air-gas mixture shall be circulated by means of a fan or blower throughout the entire 4-hour fumigation period, and the treatment is to be applied in a fumigation chamber of approved design and under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

In authorizing the movement of strawberry plants fumigated according to the requirements stated above, it is to be understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury resulting to the strawberry plants.

*Caution.*—Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of strawberry plants. It is a poison, and the operator should use an approved gas mask when exposed to the gas at concentrations used in fumigation. The strawberry plants in the fumigation chamber should be well aerated by blowing air through them and by ventilating the house before it is entered and the plants removed.

[SEAL] AVERY S. HOYT,
*Acting Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 37-3737; Filed, December 21, 1937; 12:39 p. m.]

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RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 173]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|---|---|
| Wisconsin 8014B Oconto | $17,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3724; Filed, December 21, 1937; 9:54 a. m.]

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[Administrative Order No. 174]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1937.

I hereby amend Administrative Order No. 100 by transferring the $35,000 allotted Virginia 28G Lancaster to Virginia 28B Lancaster inasmuch as the funds will be used to construct distribution lines in place of a generating plant.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3725; Filed, December 21, 1937; 9:54 a. m.]

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[Administrative Order No. 175]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1937.

I hereby amend Administrative Order No. 116 by rescinding the $200,000 allotted to Minnesota 70G Hennepin inasmuch as the funds will not be needed to construct a generating plant.

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3726; Filed, December 21, 1937; 9:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE LA7

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 14 (a) and 23 (a) thereof, hereby takes the following action:

Rule LA7 is amended to read as follows:

RULE LA7. *Effect of Violation.*—Subject to the proviso below, nothing in the rules or regulations promulgated by the Commission pursuant to Section 14 of the Securities Exchange Act shall be construed to prescribe or limit the authority of the holder or holders of any proxy, consent or authorization, and failure to comply with such rules and regulations shall not invalidate any action taken pursuant to a proxy, consent or authorization: Provided, however, that this rule shall not be construed to prevent the granting of injunctions in any proper proceedings, or to exempt any person from any of the penalties or prohibitions provided by the Act in respect of violations of the Act or any rules or regulations thereunder.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3740; Filed, December 21, 1937; 12:48 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of December, A. D. 1937.

[File No. 31-174]

IN THE MATTER OF THE APPLICATION OF GENERAL ELECTRIC COMPANY, ELECTRICAL SECURITIES CORPORATION, G. E. EMPLOYEES SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation for exemption as holding companies from the provisions of this Act,

*It is ordered,* That a hearing on such matter be held on January 6, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered,* That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 3, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3742; Filed, December 21, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of December A. D., 1937.

[File No. 30-63]

IN THE MATTER OF THE APPLICATION OF ALBERT D. BROKAW, A. FAISON DIXON, AND H. HARPER MCKEE, A PARTNERSHIP DOING BUSINESS UNDER THE NAME OF BROKAW, DIXON AND MCKEE

ORDER OF THE COMMISSION

Albert D. Brokaw, A. Faison Dixon, and H. Harper McKee, a partnership doing business under the name of Brokaw, Dixon and McKee, a registered holding company, having made application, pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935, for an order declaring that it has ceased to be a holding company; notice and opportunity for hearing on said application having been duly given; the record in this matter having been duly considered; and the Commission having thereupon entered its findings and opinion on such application;

*It is ordered*, That Albert D. Brokaw, A. Faison Dixon and H. Harper McKee, a partnership doing business under the name of Brokaw, Dixon and McKee, has ceased to be and, at this time, is not a holding company. This order shall be effective as of the 18th day of December 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3741; Filed, December 21, 1937; 12:48 p. m.]

*Thursday, December 23, 1937* *No. 248*

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

STOCK DRIVEWAY WITHDRAWALS NOS. 4 AND 52 REVOKED, AND NOS. 7 AND 9 REDUCED

NEW MEXICO

DECEMBER 14, 1937.

Departmental orders of November 12 and December 15, 1917, February 28, June 3, and December 9, 1918, August 28, 1919, September 21, 1920, December 22, 1921, November 21, 1922, and April 1, 1924, withdrawing certain lands in New Mexico for stock driveway purposes under section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, are hereby revoked so far as they affect the following-described lands within New Mexico Grazing Districts Nos. 3, 4, 5, and 6, established April 8 and July 11, 1935:

NEW MEXICO PRINCIPAL MERIDIAN

T. 2 N., R. 19 E.,
secs. 3, 10, and 15, E½ and E½W½;
sec. 22, NE¼, E½NW¼, E½SE¼;
sec. 23, NW¼ and S½;
sec. 25, S½N½ and S½;
sec. 26, E½, E½W½, NW¼NW¼;
sec. 27, NE¼NE¼;
T. 3 N., R. 19 E.,
sec. 22, W½SW¼;
secs. 26, 27, 34, and 35;
T. 1 N., R. 20 E.,
sec. 5, N½, N½SW¼, SE¼SW¼, SE¼;
sec. 6, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
secs. 8, 17, and 20, E½ and E½W½;
sec. 28, S½N½ and S½;
secs. 29 and 33, E½ and E½W½;
T. 2 N., R. 20 E.,
sec. 30, S½N½ and S½;
sec. 31, E½ and E½W½;
T. 12 S., R. 4 W.,
secs. 30 and 31;
T. 11 S., R. 5 W.,
sec. 6, S½NE¼;
T. 30 S., R. 14 W.,
sec. 19, SW¼NE¼, NW¼NW¼, S½NW¼, N½SE¼, SE¼SE¼;
sec. 30, SE¼NE¼, E½SE¼;
sec. 31, E½E½;
T. 31 S., R. 14 W.,
sec. 3, S½NE¼, lots 3, 4, 5, 6, and 11, E½SE¼;
secs. 4 and 5, lots 1 to 8, inclusive;
sec. 6, lots 1 and 8;
sec. 10, NE¼NE¼;
sec. 11, N½N½;
sec. 12, N½NW¼, SE¼NW¼, E½SW¼;
sec. 13, E½NW¼, NE¼SW¼, W½SE¼;
sec. 24, W½E½;
sec. 25, W½E½, S½SW¼;
sec. 26, SE¼SE¼;
sec. 35, E½E½;
T. 32 S., R. 14 W.,
sec. 1, lots 1 to 7, inclusive;
secs. 12 and 13, lots 1, 2, 3, 4;
sec. 23, SE¼SW¼, S½SE¼;
sec. 24, lots 1, 2, 3, 4, S½SW¼, SW¼SE¼;
T. 30 S., R. 15 W.,
secs. 1 and 12, W½;
sec. 6, NE¼, W½ and N½SE¼;
sec. 7, SW¼;
sec. 13, NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
sec. 18, N½NW¼;
sec. 24, N½NE¼;
T. 4 S., R. 8 E.,
sec. 12, S½;
T. 19 S., R. 17 E.,
sec. 25, S½;
sec. 26, SE¼;
sec. 34, E½SW¼, SE¼;
sec. 35, NE¼ and S½;
T. 20 S., R. 17 E.,
sec. 3, W½NE¼, NE¼NW¼, S½NW¼, NW¼SE¼, N½SW¼;
sec. 4, S½NE¼, SE¼;
T. 15 S., R. 18 E.,
sec. 12, NE¼NE¼;
T. 19 S., R. 18 E.,
sec. 9, SE¼;
sec. 10, NE¼, E½NW¼, S½;
sec. 11, N½ and N½S½;
sec. 12, S½N½ and N½S½;
sec. 16, E½;
sec. 20, S½SE¼;
sec. 21, NE¼NE¼, W½E½, E½NW¼, SW¼;
sec. 28, NW¼;
sec. 29, N½;
sec. 30, NE¼ and S½;
T. 15 S., R. 19 E.,
sec. 7, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
sec. 8, SW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼;
sec. 9, SW¼SW¼;
sec. 13, SW¼, S½SE¼;
sec. 14, S½;
sec. 15, SW¼NW¼, S½;
sec. 16, N½, NE¼SE¼;
sec. 17, N½NE¼, NE¼NW¼;
sec. 24, NE¼, N½NW¼, N½SE¼;
T. 19 S., R. 19 E.,
secs. 7 to 12, inclusive, S½N½ and N½S½;
T. 21 S., R. 19 E.,
sec. 1, S½NE¼, N½SW¼, NW¼SE¼;
sec. 2, S½SW¼, N½SE¼, SW¼SE¼;
T. 1 S., R. 20 E.,
sec. 4;
sec. 9, N½ and N½S½;
secs. 10 and 15;
sec. 22, N½;
secs. 23 and 26, W½;
sec. 27, E½E½;
sec. 34, E½NE¼, SE¼;
sec. 35, W½;
T. 2 S., R. 20 E.,
secs. 3, 10, and 15, E½ and E½W½;
secs. 13 and 14, S½N½ and S½;
sec. 24, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
T. 5 S., R. 20 E.,
sec. 6, S½;
sec. 7, NE¼;
secs. 8, 9, and 10, N½;
sec. 11, N½ and SE¼;
sec. 12, S½;
T. 15 S., R. 20 E.,
sec. 19, S½NW¼, SW¼, S½SE¼;
sec. 20, S½S½;
secs. 25 and 26, S½;
sec. 27;
sec. 28, N½, N½SW¼, SE¼SW¼, SE¼;



T. 15 S., R. 20 E.—Continued.
sec. 29, N½;
sec. 30, N½N½;
T. 19 S., R. 20 E.,
secs. 7 to 12, inclusive, S½N½ and N½S½;
T. 20 S., R. 20 E.,
secs. 12 and 13, E½E½;
sec. 23, SE¼SE¼;
sec. 24, NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
sec. 26, NE¼NE¼, S½N½, NW¼SW¼;
sec. 27, N½S½;
sec. 28, N½S½, SW¼SW¼;
sec. 29, SE¼SE¼;
sec. 31, SE¼SW¼, N½SE¼, SW¼SE¼;
sec. 32, NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼;
T. 20½ S., R. 20 E.,
sec. 31, lot 1, SE¼SE¼;
T. 21 S., R. 20 E.,
sec. 6, NE¼NE¼, S½N½;
T. 11 S., R. 20½ E.,
sec. 12, S½;
secs. 13, 24, 25, 36;
T. 2 S., R. 21 E.,
sec. 19, N½ and N½S½;
secs. 20 to 24, inclusive, N½;
T. 5 S., R. 21 E.,
secs. 7 to 12, inclusive, S½;
T. 15 S., R. 21 E.,
sec. 13, SE¼SE¼;
sec. 24, E½NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
secs. 25 and 26;
sec. 27, S½S½;
sec. 29, S½SW¼, SW¼SE¼;
sec. 30, S½;
sec. 32, N½N½;
sec. 33, N½;
sec. 34, N½NE¼, SW¼NE¼, NW¼;
sec. 35, NW¼NW¼;
T. 19 S., R. 21 E.,
sec. 1, S½;
secs. 7 to 11, inclusive, S½N½ and N½S½;
sec. 12;
sec. 13, W½NE¼ and NW¼;
sec. 14, NE¼NE¼, S½NE¼, E½SW¼, N½SE¼, SW¼SE¼;
sec. 22, E½SE¼;
sec. 23, NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
sec. 26, NW¼NW¼;
sec. 27, NE¼, S½NW¼, N½SW¼, SW¼SW¼;
sec. 28, NE¼SE¼, S½SE¼;
sec. 31, E½SE¼;
sec. 32, NE¼, NE¼NW¼, S½NW¼, N½SW¼, SW¼SW¼;
sec. 33, N½N½;
T. 20 S., R. 21 E.,
sec. 6, NE¼, SE¼NW¼, SW¼, NW¼SE¼;
sec. 7, NE¼NW¼, W½W½;
sec. 18, W½W½;
sec. 19, NW¼NW¼;
T. 2 S., R. 22 E.,
sec. 19, N½;
secs. 20 and 28, NW¼ and S½;
sec. 20, NE¼;
sec. 33, E½;
sec. 34, W½;
T. 5 S., R. 22 E.
sec. 3, S½SE¼;
sec. 7, S½;
sec. 8, N½ and SW¼;
sec. 9, N½;
sec. 10, NW¼, NE¼, NW¼;
T. 13 S., R. 22 E.,
sec. 20, W½E½;
sec. 28, SW¼SW¼;
sec. 29, W½E½, SE¼SE¼;
sec. 33, W½W½;
T. 14 S., R. 22 E.,
sec. 3, S½SW¼, SW¼SE¼;
sec. 4, W½W½, SE¼SW¼, S½SE¼;
sec. 10, W½E½, SE¼SE¼;
sec. 11, S½S½;
secs. 14 and 23, E½E½;
sec. 25, N½N½;
sec. 26, E½NE¼, S½S½, NE¼SE¼;
sec. 27, SE¼SE¼;
sec. 34, E½E½;
T. 15 S., R. 22 E.,
secs. 3 and 8, E½E½;
secs. 9 and 10, N½N½;
sec. 17, NE¼NE¼, S½N½;
sec. 18, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼;
secs. 25 to 29, inclusive, S½N½ and S½;
sec. 30;
T. 23 S., R. 22 E.,
sec. 20, NW¼SW¼, S½S½;
sec. 21, SW¼SW¼;
sec. 23, SE¼SW¼, SE¼;
sec. 24, S½;
sec. 26, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, SW¼, W½SE¼;
sec. 27, SE¼NE¼, S½NW¼, S½;
sec. 28, S½NE¼, NW¼, S½;
T. 24 S., R. 22 E.,
sec. 1, S½SE¼;
sec. 12, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, N½SW¼;
T. 3 S., R. 23 E.,
secs. 13, 14, and 15, S½;
T. 5 S., R. 23 E.,
secs. 7, 8, and 9, N½;
sec. 10, W½NE¼, NW¼, NE¼SW¼, SE¼;
sec. 15, E½;
sec. 22, NE¼;
sec. 23, N½ and SE¼;
sec. 25, N½;
sec. 26, NE¼;
T. 14 S., R. 23 E.,
secs. 25, 26, 27, and 28, N½;
sec. 29, NE¼, N½NW¼;
sec. 30, N½N½;
T. 15 S., R. 23 E.,
sec. 26, S½N½ and S½;
secs. 27 and 28, S½N½ and N½S½;
sec. 29, S½N½, SW¼, N½SE¼;
sec. 30, S½N½, S½;
sec. 35, NE¼, W½SE¼;
T. 19 S., R. 23 E.,
secs. 1, 2, and 3, S½;
sec. 4, SE¼;
T. 3 S., R. 24 E.,
secs. 18 and 20, S½;
secs. 19 and 29, E½;
sec. 28, SW¼;
sec. 33, W½;
T. 4 S., R. 24 E.,
sec. 4, SE¼NW¼, NE¼SW¼, SE¼;
sec. 9, NE¼;
secs. 10, 15, 22, 27, and 34, W½E½ and W½;
T. 5 S., R. 24 E.,
sec. 3, NW¼NE¼, N½NW¼, SE¼NW¼, NW¼SW¼, S½SW¼;
sec. 10, W½, W½SE¼;
sec. 15, W½NE¼, NW¼, N½S½, SE¼SE¼;
sec. 22, NE¼NE¼, S½NE¼, S½;
secs. 23, and 24, N½N½;
secs. 28, 29, and 30, N½;
secs. 27 and 34;
T. 16 S., R. 24 E.,
sec. 5, lots 3, 4, 5, 6, 11, 12, 13, 14, and S½;
sec. 6, lots 1, 2, 7, 8, 9, 10, 15, and 16;
sec. 8, N½;
sec. 9, S½N½;
sec. 10, SW¼NW¼, W½SW¼;
sec. 14, SW¼;
sec. 15, NW¼ and S½;
secs. 23 and 24;
T. 19 S., R. 24 E.,
secs. 1, 3, 4, 5, and 6, S½;
secs. 11 and 12, N½;
T. 5 S., R. 25 E.,
secs. 19 to 22, inclusive, N½N½;
sec. 23, NW¼NW¼;
T. 6 S., R. 25 E.
sec. 4, S½;
sec. 9, N½;
secs. 10, 15, and 22, W½;
secs. 21 and 28, E½ and E½W½;
sec. 33, W½NE¼, NW¼, S½;
T. 7 S., R. 25 E.,
sec. 4, N½;
secs. 3, 10, 15, 22, and 34;
sec. 27, N½, SW¼, W½SE¼;
T. 8 S., R. 25 E.,
secs. 3 and 10;
sec. 15, N½;
T. 9 S., R. 25 E.,
sec. 4, W½E½;
sec. 9, W½NE¼;
T. 16 S., R. 25 E.,
sec. 19, W½;
sec. 26, W½, NW¼, S½;
sec. 27, N½, SW¼, W½SE¼;
sec. 28, S½SE¼;
sec. 29, NW¼SW¼, S½SW¼;
sec. 30, E½NW¼, NE¼SW¼, N½SE¼;
sec. 35, NE¼NE¼;

T. 19 S., R. 25 E.,
sec. 5, SW¼;
sec. 6, SW¼, N½SE¼;
sec. 8, N½N½;
sec. 9, S½;
sec. 10, NE¼ and S½;
sec. 11, SW¼NE¼, S½NW¼, S½;
sec. 14, N½NW¼;
sec. 15, N½N½;
T. 5 S., R. 26 E.,
secs. 23 and 24, S½S½;
T. 15 S., R. 26 E.,
sec. 25, S½;
sec. 26, SE¼SW¼, S½SE¼;
sec. 27, W½SE¼;
sec. 34, N½NE¼;
sec. 35, N½NW¼;
T. 5 S., R. 27 E.,
secs. 19 to 23, inclusive, S½S½;
sec. 24, SW¼SW¼;
sec. 25;
T. 15 S., R. 27 E.
secs. 20, 21, 23, and 24, S½;
secs. 25 and 26;
sec. 27, W½NW¼, S½;
sec. 28, N½ and SW¼;
sec. 29, N½, N½SW¼, SE¼;
sec. 30, N½, N½SW¼, SE¼SW¼, SE¼;
T. 5 S., R. 28 E.,
secs. 25 to 29, inclusive, N½S½;
sec. 30, S½;
sec. 31, N½, and E½SW¼;
T. 6 S., R. 28 E.,
secs. 1, 12, 13, and 24, E½W½;
sec. 25, N½NW¼, SW¼NW¼;
sec. 26, SE¼NE¼, E½SE¼;
sec. 35, E½E½;
T. 7 S., R. 28 E.,
sec. 1, W½W½;
T. 15 S., R. 28 E.,
secs. 19 and 22;
sec. 20, NW¼SW¼, S½SW¼, SE¼;
sec. 21, SE¼;
sec. 23, N½, SW¼, N½SE¼;
sec. 24, N½, N½SW¼, SE¼SW¼, SE¼;
sec. 25, NE¼, E½NW¼;
secs. 26 and 29, NW¼;
sec. 27, N½ and SE¼;
sec. 30, N½;
sec. 34, E½;
T. 25 S., R. 28 E.,
sec. 25, S½;
T. 5 S., R. 29 E.,
sec. 27, N½SW¼;
secs. 28, 29, and 30, N½S½;
T. 15 S., R. 29 E.,
sec. 19, and secs. 25 to 29, inclusive.
sec. 20, NW¼ and S½;
sec. 21, S½;
sec. 30, E½;
T. 16 S., R. 29 E.,
secs. 5, 8, and 17;
sec. 6, N½;
sec. 20, N½ and SE¼;
sec. 21, W½;
sec. 28, N½, E½SW¼, SE¼;
sec. 29, E½NE¼;
sec. 33, E½, E½W½;
sec. 34, S½;
T. 17 S., R. 29 E.,
secs. 3, 10, 27, and 34, E½, E½W½;
sec. 15, E½;
sec. 22, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
aggregating approximately 134,734.70 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 37-3744; Filed, December 22, 1937; 10:08 a. m.]

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**National Bituminous Coal Commission.**

At a Regular Session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 21st day of December, 1937.

[Docket No. 20-FD]

ORDER IN THE MATTER OF AN INVESTIGATION AND HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF INDIANA AND THE EFFECT OF SUCH COMMERCE ON INTERSTATE COMMERCE IN SUCH COAL

It appearing that by Orders No. 2 and No. 30, the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Indiana and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 21st day of December, 1937, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof;

Now, therefore, It is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Indiana directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Indiana in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

*Therefore, it is further ordered:*

1. That on and after the 3rd day of January, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Indiana shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Indiana.

2. That any producer of bituminous coal in intrastate commerce within the State of Indiana, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Sections 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Indiana, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Indiana known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3750; Filed, December 22, 1937; 11:12 a. m.]



At a Regular Session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 21st day of December, 1937.

[Docket No. 50-FD]

ORDER IN THE MATTER OF AN INVESTIGATION AND HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF ILLINOIS AND THE EFFECT OF SUCH COMMERCE ON INTERSTATE COMMERCE IN SUCH COAL

It appearing, that by Orders No. 2 and No. 36, the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Illinois and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 21st day of December, 1937, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof;

Now, therefore, It is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Illinois directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Illinois in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

*Therefore, it is further ordered:*

1. That on and after the third day of January, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Illinois shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Illinois.

2. That any producer of bituminous coal in intrastate commerce within the State of Illinois, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Section 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Illinois, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Illinois known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3749; Filed, December 22, 1937; 11:12 a. m.]

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At a Regular Session of the National Bituminous Coal Commission Held at its offices in Washington, D. C., on the 21st day of December, 1937.

[Docket No. 54-FD]

ORDER IN THE MATTER OF AN INVESTIGATION OF THE NATURE AND EXTENT OF TRANSACTIONS IN INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF MARYLAND AND THE EFFECT OF SUCH TRANSACTIONS ON INTERSTATE COMMERCE IN SUCH COAL

It appearing that by Orders No. 2 and 36, the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Maryland and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 21st day of December, 1937, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof:

Now, therefore, It is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Maryland directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Maryland in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

*Therefore, it is further ordered:*

1. That on and after the 3rd day of January, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Maryland, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Maryland.

2. That any producer of bituminous coal in intrastate commerce within the State of Maryland, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Sections 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Maryland, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptances and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Maryland known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3747; Filed, December 22, 1937; 11:11 a. m.]

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[Docket No. 124-FD]

IN THE MATTER OF LITTLE JOHN COAL CO., INC.

TEMPORARY ORDER

The petitioner above named having filed with the Commission on the 15th day of December, 1937, pursuant to the provisions of paragraph 2 of Order No. 98 and Section 4, Part II (d), of the Bituminous Coal Act of 1937, a petition alleging dissatisfaction with the minimum prices applicable to the sale of coal to the Chicago, Burlington & Quincy Railroad in District No. 10, by petitioner, operating a mine on short line connection of the aforesaid railroad, and established by the Commission by its Orders Nos. 98 and 133, and praying for a temporary order pending final disposition of such petition; and the Commission having noticed an ex parte hearing upon such petition for the 21st day of December, 1937, at the Hearing Room of the Commission at Washington, D. C.; and pursuant to said notice an ex parte hearing having been held thereon; and it appearing to the Commission that the petitioner has made a reasonable showing of the necessity for a temporary order pending final disposition of the petition; the Commission, pursuant to the provisions of Section 4, Part II (d), of the Act, orders as follows:

1. That pending final disposition of the aforesaid petition and until further order of the Commission, the Schedule of Minimum Prices for coals of code members produced within District No. 10, filed in the office of the Secretary of the Commission on the 30th day of November, 1937, and as supplemented by Order No. 133, dated December 14, 1937, is hereby modified by adding to such price schedule, as amended, the following proviso:

"That code members in District No. 10, whose mines are located on the Galesburg and Great Eastern Railroad, may absorb, on sales of coals from such mines to the Chicago, Burlington and Quincy Railroad, an amount not exceeding eleven (11) cents per net ton from the minimum price now established for railroad locomotive fuel."

2. That the Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards for the districts within Minimum Price Area Two; and to the petitioner; and to Code Members within District No. 10; and shall cause copies of this order to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3748; Filed, December 22, 1937; 11:11 a. m.]

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[Docket No. 110-FD]

IN THE MATTER OF ALLBURN COLLIERIES COMPANY, ET AL.

NOTICE OF HEARING

A petition having been filed with this Commission by Allburn Collieries Company, et al., pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by Allburn Collieries Company, et al., described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 8, the above entitled proceeding is assigned for hearing on January 12, 1938, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission.

December 21st, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3746; Filed, December 22, 1937, 11:11 a. m.]

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[Docket No. 177-FD]

IN THE MATTER OF HILLS CREEK COAL COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by Hills Creek Coal Company, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 13, the above entitled proceeding is assigned for hearing on January 4, 1938, at 10:00 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; and at the office of each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission.

December 21, 1937

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3745; Filed, December 22, 1937; 11:11 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-59-1 O-59-1]

NOTICE OF RE-OPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

Whereas pursuant to Public No. 10, 73rd Congress, as amended and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture held a public hearing at Cincinnati, Ohio, on the 29th day of November 1937, in connection with a proposed marketing agreement and proposed order regulating the handling of milk in the Cincinnati, Ohio, marketing area, which public hearing was adjourned by the presiding officer subject to being re-opened by the Secretary; and

Whereas the Secretary has determined to re-open said hearing for the purpose of receiving additional evidence as to general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain:

Now, therefore, notice is hereby given that the aforesaid hearing will be re-opened on January 4, 1938 at 9:30 a. m., eastern standard time, in the Ball Room of the Alms Hotel, McMillan and Victory Parkway, Cincinnati, Ohio, for the purpose of receiving additional evidence as to general economic conditions in the marketing area and as to the specific provisions which a marketing agreement and order should contain.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area, and it is hereby determined that the period of notice of the reopening of said hearing hereby given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected or procured from the Hearing Clerk, Office of the Solicitor, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

DECEMBER 22, 1937.

[F. R. Doc. 37-3755; Filed, December 22, 1937; 12:38 p. m.]

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### Bureau of Animal Industry.

DECEMBER 22, 1937.

NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

TO FARMERS' LIVE STOCK MARKET, INC.,
*Bristol, Va.*

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which comes within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Farmers' Livestock Market, at Bristol, State of Virginia, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3756; Filed, December 22, 1937; 12:38 p. m.]



## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

AMENDMENT TO CHAPTER IV AND CHAPTER V OF THE MANUAL

CHANGE IN TITLE OF OFFICIAL HEADS OF THE APPRAISAL AND RECONDITIONING SECTIONS

Whereas the former Appraisal Division and Reconditioning Division are now operating as Sections of the "Appraisal and Reconditioning Division" as set forth in the new Consolidated Manual, and it has therefore become desirable to effect a change in the titles of the heads of these two Sections: Therefore,

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, the title of Chief Appraiser as used in the Manual be changed to Chief, Appraisal Section, and the title of Director of Reconditioning as used in the Manual be changed to Chief, Reconditioning Section, and the Appraisal and Reconditioning Chapters of the Manual be amended by inserting said new titles in lieu of the former titles in all places where they now appear; such insertion to be at such times as the pages involved are reprinted for the insertion of other matter; and

*Be it further resolved*, That all duties, responsibilities and authority incident to the offices under their former titles be hereby transferred, respectively, to the offices having the new titles herein provided.

Adopted by the Federal Home Loan Bank Board on December 21, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3752; Filed, December 22, 1937; 11:25 a. m.]

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REPEALING CHAPTERS XIX AND XX OF THE STATE MANUAL AND CHAPTERS IV AND V OF THE REGIONAL MANUAL

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, effective November 1, 1937 Chapters XIX and XX of the Manual, designated State Manual by a resolution adopted January 6, 1936, and Chapters IV and V of the Manual of Rules and Regulations for Regional Offices, designated Regional Manual by said resolution of January 6, 1936, are hereby repealed. This resolution shall not be construed so as to invalidate any transaction commenced prior to November 1, 1937 and conducted under and in compliance with the provisions of the State and Regional Manuals, and the Auditor is authorized to certify for payment vouchers in connection with any such transactions.

Adopted by the Federal Home Loan Bank Board on December 21, 1937.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 37-3751; Filed, December 22, 1937; 11:25 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 125]

INCREASED PULLMAN FARES AND CHARGES, 1937

DECEMBER 22, 1937.

All hearings scheduled in the above entitled proceeding by the Commission's notice dated December 8, 1937, are cancelled.

This proceeding is assigned for further hearing before Commissioner Porter, January 10, 1938, 10 a. m., Standard Time, at the Hotel Morrison, Chicago, Illinois.

Rules announced in the appendix attached to the former notice should be observed.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-3753; Filed, December 22, 1937; 12:18 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### RULES UNDER SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

### REVISED RULES GOVERNING REGISTRATION OF CERTAIN UNISSUED SECURITIES FOR "WHEN ISSUED" TRADING ON EXCHANGES AND EXEMPTION OF CERTAIN WARRANTS FROM SECTION 12 (A) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

These rules were adopted pursuant to authority conferred upon the Securities and Exchange Commission by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12), 10 (b), 12 (d) and 23 (a) thereof. Rule JD4 applies to the registration of certain unissued securities for "when issued" trading on an exchange and takes the place of Rules JD4 to JD12, inclusive, which are repealed. Rule AN15 applies to the exemption of certain issued warrants from the operation of Section 12 (a) of the Securities Exchange Act of 1934, as amended, and takes the place of Rules AN15 to AN17, inclusive, which are repealed. New forms have been adopted to replace Forms 1–J to 5–J, inclusive, which are repealed. The new Form 1–J is an application to register certain unissued warrants for "when issued" dealing on an exchange; the new Form 2–J is an application to register unissued securities other than warrants for "when issued" dealing on an exchange; and Form 15–AN is a statement of exemption of an issued warrant to be filed pursuant to Rule AN15.

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12), 10 (b), 12 (d) and 23 (a) thereof, and deeming the following action to be necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors, hereby takes the following action:

I. The following rules and forms, as presently in effect, are repealed:

Rules AN15 to AN17, inclusive.
Rules JD4 to JD12, inclusive.
Forms 1–J to 5–J, inclusive.

II. The following new rule, designated Rule JD4, is hereby adopted:

III. Form 1–J, as set forth in the copies of such form marked "Revision of January 3, 1938", is hereby adopted for applications for registration of an unissued warrant for "when issued" dealing on a national securities exchange.

IV. Form 2–J, as set forth in the copies of such form marked "Revision of January 3, 1938", is hereby adopted for applications for registration of an unissued security other than a warrant for "when issued" dealing on a national securities exchange.

V. The following new rule, designated Rule AN15, is hereby adopted:

VI. Form 15–AN, as set forth in copies of such form marked "Adopted as of January 3, 1938", is hereby adopted as the form for statements to be filed in respect of an issued warrant exempted pursuant to Rule AN15.

The foregoing action shall be effective at the opening of business January 3, 1938.

*Rule JD4. Rule for Registration of Certain Unissued Warrants and Other Unissued Securities for "When Issued" Dealing on National Securities Exchanges*

SECTION 1. *Definitions.*—When used in this rule or in the forms prescribed pursuant thereto unless the context otherwise requires—

(*a*) The term "warrant" means any warrant or certificate evidencing a right to subscribe to or otherwise acquire an unissued security.

(*b*) The term "beneficiary security" means a security to the holders of which a warrant or right to subscribe to or otherwise acquire an unissued security is granted.

(*c*) The term "subject security" means an unissued security which is the subject of a warrant or right to subscribe to or otherwise acquire such security.

(*d*) The term "in the process of admission to dealing", in respect of a specified security means that (1) an application has been filed pursuant to Section 12 (b) and (c) of the Act for the registration of such security on a national securities exchange upon notice of issuance; or (2) the Commission has granted an application made pursuant to Section 12 (f) of the Act to continue or extend unlisted trading privileges to such security on a national securities exchange; or (3) written notice has been filed with the Commission by a national securities exchange to the effect that such security has been approved for admission to dealing as a security exempted from the operation of Section 12 (a) of the Act.

(*e*) The term "certifying exchange" means the exchange which has certified and approved the unissued warrant or other unissued security for registration for dealing on a "when issued" basis.

(*f*) The term "Notice of Deficiency" means a notice to the applicant by mail or telegraph setting forth any ground which appears to exist for denial of registration pursuant to Section 8 hereof.

SEC. 2. *Registration of an unissued warrant.*—An unissued warrant may be registered for "when issued" dealing on a national securities exchange, provided that—

(*a*) Such warrant is to expire by its terms within ninety days after the issuance thereof.

(*b*) Such warrant is granted to the holders of a security which is admitted to dealing on a national securities exchange.

(*c*) In respect of such warrant (1) an application has been filed pursuant to Section 12 (b) and (c) of the Act for registration, upon notice of issuance, on the certifying exchange or on another national securities exchange in the same city, or (2) a statement on Form 15–AN complying with the provisions of Rule AN15 has been filed and such warrant has been approved by the certifying exchange or by another national securities exchange in the same city for admission to dealing as a security exempted from the operation of Section 12 (a) of the Act.

(*d*) Each subject security is in the process of admission to dealing on a national securities exchange.

(*e*) A registration statement under the Securities Act of 1933 as amended is in effect as to such warrant and as to each subject security, if such registration is required.

(*f*) Formal and official announcement has been made by the issuer specifying (1) the terms of the plan or offer pursuant to which such warrant and each subject security is to be issued, and (2) the date, if any, as of which holders of record of the beneficiary security will be determined to be entitled to acquire such warrant, and (3) the approximate date of the issuance of such warrant, and (4) the approximate date of the issuance of each subject security.

(*g*) The members of the certifying exchange are subject to rules which provide substantially that the performance of a contract to purchase or to sell an unissued warrant shall be conditioned upon the issuance of such warrant.

(*h*) Notwithstanding the other provisions of this Rule an unissued warrant may not be registered for "when issued" dealing on an exchange on which such warrant is not in the process of admission to dealing, if application has been made for "when issued" dealing in such warrant on another exchange in the same city on which other exchange such warrant is in the process of admission to dealing.

SEC. 3. *Application for registration of an unissued warrant.*—An unissued warrant may be registered for "when issued" dealing on a national securities exchange—

(*a*) By the issuer filing Form 1–J with such exchange and with the Commission and by such exchange filing with the Commission the certification required by Form 1–J; or

(*b*) By such exchange filing Form 1–J with the Commission.



SEC. 4. *Registration of an unissued security other than a warrant.*—An unissued security other than a warrant may be registered for "when issued" dealing on a national securities exchange, provided that—

(*a*) Such unissued security is in the process of admission to dealing on such exchange or on another national securities exchange in the same city.

(*b*) Such unissued security is the subject of a right to subscribe to or otherwise acquire such unissued security granted to the holders of a security which is admitted to dealing on a national securities exchange.

(*c*) A registration statement under the Securities Act of 1933 as amended is in effect as to such unissued security, if such registration is required.

(*d*) If such unissued security is the subject of a warrant which is to expire by its terms in not more than 90 days, such warrant shall expire within 120 days after the record date for determining the holders of the beneficiary security entitled to acquire such warrant.

(*e*) Formal and official announcement has been made by the issuer specifying (1) the terms of the plan or offer pursuant to which such unissued security is to be issued, and (2) the date, if any, as of which holders of record of the beneficiary security will be determined to be entitled to subscribe to or otherwise acquire such unissued security, and (3) the approximate date of the issuance of such unissued security.

(*f*) The members of the certifying exchange are subject to rules which provide substantially that the performance of a contract to purchase or sell an unissued security shall be conditioned upon the issuance of such security.

(*g*) Notwithstanding the other provisions of this Rule an unissued security may not be registered for "when issued" dealing on an exchange on which such security is not in the process of admission to dealing, if application has been made for "when issued" dealing on another exchange in the same city on which other exchange such security is in the process of admission to dealing.

SEC. 5. *Application for Registration of an Unissued Security Other than a Warrant.*—An unissued security other than a warrant may be registered for "when issued" dealing on a national securities exchange—

(*a*) By the issuer filing Form 2–J with such exchange and with the Commission and by such exchange filing with the Commission the certification required by Form 2–J; or

(*b*) By such exchange filing Form 2–J with the Commission.

SEC. 6. *Effective and expiration dates.*—(*a*) Registration of an unissued warrant or other unissued security for "when issued" dealing on a national securities exchange, shall become effective on the latest of the following dates:

(1) The opening of business on the sixth day after the date of filing with the Commission of the application for registration, or

(2) The opening of business on the second day after the date of filing with the Commission of the certification by such exchange to the application for registration, or

(3) If the Commission has sent a Notice of Deficiency, the date when the Commission sends notice to the applicant and to the exchange that all Notices of Deficiency have been withdrawn.

(*b*) If, in respect of an unissued warrant, any of the provisions of Section 2 hereof have not been satisfied, or if, in respect of an unissued security other than a warrant, any of the provisions of Section 4 hereof have not been satisfied, and if the Commission has failed to send a Notice of Deficiency or has notified the exchange that all Notices of Deficiency have been withdrawn, registration of such unissued warrant or other unissued security shall nevertheless become effective on the date specified in Paragraph (a) of this section as though no such deficiency existed, but the Commission shall, not thereby be precluded from thereafter revoking such registration pursuant to Section 9 hereof for such deficiency.

(*c*) The Commission may accelerate the date upon which registration shall become effective upon a showing of unusual circumstances by written petition.

(*d*) Registration of an unissued warrant or other unissued security for "when issued" dealing shall expire at the close of business on the forty-fifth day after the effective date of such registration or at the close of business on the fifth full business day after the issuance of such warrant or other unissued security, whichever date is earlier, unless the Commission shall order an extension of the effective period of such registration.

SEC. 7. *Amendments—Withdrawal of certification.*—(*a*) Promptly after the discovery of any inaccuracy, omission or other deficiency in an application for registration pursuant to this Rule, or in the certification thereto, or in any amendment thereto, or after the occurrence of any event which renders no longer accurate any portion of such application, certification or amendment, an amendment shall be filed correcting such inaccuracy, omission or other deficiency or setting forth the occurrence of such event. An amendment filed prior to the effective date of the application shall be deemed to have been filed at the same time and as a part of the original application. Amendments to the application for registration shall be filed on Form 8.

(*b*) In the event that, prior to the time registration becomes effective, an amendment to the application for registration is filed by the issuer with an exchange and the Commission, the certification by the exchange, unless withdrawn, shall be deemed made to the application as amended.

(*c*) An exchange may by notice to the Commission withdraw its certification as to all or any part of the warrants or other securities covered thereby prior to the time that registration becomes effective.

SEC. 8. *Denial of registration.*—(*a*) The Commission may deny registration of an unissued warrant or other unissued security for "when issued" dealing if, after notice and opportunity for hearing, it finds that—

(1) The application for registration or the certification thereof or any amendment thereto is deficient; or

(2) In respect of an unissued warrant, the provisions of Section 2 hereof have not been satisfied; or

(3) In respect of an unissued security other than an unissued warrant, the provisions of Section 4 hereof have not been satisfied; or

(4) Any other facts exist which make denial of registration necessary or appropriate in the public interest or for the protection of investors.

(*b*) If it appears necessary or appropriate in the public interest or for the protection of investors, the Commission may postpone the effective date of any registration for any period of time.

(*c*) If 40 days have elapsed since the sending of any Notice of Deficiency, other than one which has been withdrawn, and neither the issuer nor the exchange has made a written request to the Commission for a hearing to determine whether registration shall become effective, such application shall be deemed withdrawn unless the Commission extends the time within which such request may be made. If such request is made, the Commission shall, within five days after receipt thereof, send notice by mail or telegraph of the date, hour and place fixed for the hearing. If such notice of hearing is not sent within the time specified, registration shall become effective upon the opening of business on the sixth business day after the date of receipt of the request for a hearing. Any hearing pursuant to this rule may be continued from time to time for cause. After hearing, the Commission may deny registration or grant registration conditionally or unconditionally and fix the date when registration shall become effective.

SEC. 9. *Suspension and revocation of registration.*—(*a*) The Commission may revoke the registration of an unissued warrant or other unissued security for "when issued" dealing on a national securities exchange, if, after appropriate notice

and opportunity for hearing to the issuer of such warrant or other unissued security and to such exchange, it finds that—

(1) Any cause existed or has arisen since the effective date of such registration which would be grounds for denial of registration; or

(2) Any amendment required by Section 7 has not been filed; or

(3) Subsequent to the effective date of such registration, transactions have been effected on such exchange which, with respect to such unissued warrant or other unissued security (i) create or induce a false, misleading or artificial appearance of activity, (ii) unduly or improperly influence the market price, or (iii) make a price which does not reflect the true state of the market; or

(4) Any other facts exist which make such revocation necessary or appropriate in the public interest or for the protection of investors.

(b) If it shall appear necessary or appropriate in the public interest or for the protection of investors, the Commission may suspend such registration summarily pending final determination as to whether such registration shall be revoked.

*Rule AN15. Exemption of Certain Warrants From Section 12 (a)*

(a) When used in this rule or in the forms prescribed pursuant thereto, unless the context otherwise requires—

(1) The term "warrant" means any warrant or certificate evidencing a right to subscribe to or otherwise acquire another security, issued or unissued.

(2) The term "beneficiary security" means a security to the holders of which a warrant or right to subscribe to or otherwise acquire another security is granted.

(3) The term "subject security" means a security which is the subject of a warrant or right to subscribe to or otherwise acquire such security.

(4) The term "in the process of admission to dealing", in respect of a specified security means that (A) an application has been filed pursuant to Section 12 (b) and (c) for the registration of such security on a national securities exchange; or (B) the Commission has granted an application made pursuant to Section 12 (f) to continue or extend unlisted trading privileges to such security on a national securities exchange; or (C) written notice has been filed with the Commission by a national securities exchange to the effect that such security has been approved for admission to dealing as a security exempted from the operation of Section 12 (a).

(b) An issued warrant granted to the holders of a security which is admitted to dealing on a national securities exchange shall be exempt from the operation of Section 12 (a) to the extent necessary to render lawful the effecting of transactions therein on any national securities exchange (1) upon which the beneficiary security is admitted to dealing or (2) upon which the subject security is admitted to dealing or is in the process of admission to dealing, provided that—

(A) Such warrant expires by its terms within ninety days after the issuance thereof;

(B) At least six days prior to the commencement of dealing in such warrant as an exempted security on any such exchange, a statement on Form 15–AN has been filed (i) with the Commission and with such exchange by the issuer of such warrant or (ii) with the Commission by such exchange; except that such statement need be filed only two business days prior to such commencement of dealing if, at the time of such commencement of dealing, another statement on Form 15–AN complying with the requirements of this rule in respect of exemption of such warrant on another exchange, has been on file at least six days.

(C) A certification has been filed with the Commission by such exchange to the effect that such warrant has been approved for admission to dealing as an exempted security.

(D) At the time of the issuance of the warrant, a security of the issuer of the subject security is admitted to dealing on a national securities exchange.

(E) Each subject security is admitted to dealing or is in the process of admission to dealing on a national securities exchange.

(F) Prior to the commencement of dealing in such warrant on any such exchange, the Commission has not notified the exchange that in the opinion of the Commission registration of such warrant or any security which is the subject of such warrant is required under the Securities Act of 1933, as amended, and is not in effect.

(c) Promptly after the discovery of any inaccuracy, omission or other deficiency in a statement filed pursuant to this rule, or after the occurrence of any event which renders no longer accurate any portion of such statement, an amendment on Form 8 correcting such inaccuracy, omission, or other deficiency or setting forth the occurrence of such event shall be filed by the issuer or exchange which filed such statement.

(d) The Commission may by order revoke the exemption of a warrant exempted under this rule, if, after appropriate notice and opportunity for hearing to the issuer of such warrant and to the exchange or exchanges on which such warrant is admitted to dealing as an exempted security, it finds that—

(1) Any cause has existed at any time during the period of such exemption which would have prevented such exemption from being effective including the failure to file any amendment required by paragraph (c); or

(2) At any time during the period of such exemption, transactions have been effected on any such exchange in such warrant which (A) create or induce a false, misleading or artificial appearance of activity, (B) unduly or improperly influence the market price, or (C) make a price which does not reflect the true state of the market; or

(3) Any other facts exist which make such revocation necessary or appropriate in the public interest or for the protection of investors.

(e) If it appears necessary or appropriate in the public interest or for the protection of investors, the Commission may summarily suspend the exemption of such warrant pending the determination by the Commission whether such exemption shall be revoked.

(f) Rule GB1 shall be applicable to any warrant exempted from the operation of Section 12 (a) by paragraph (b) of this rule.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–3754; Filed, December 22, 1937; 12:38 p. m.]

## UNITED STATES BOARD OF TAX APPEALS.

### RULES OF PRACTICE BEFORE THE UNITED STATES BOARD OF TAX APPEALS

[Revised to January 1, 1938]

INTRODUCTION

These revised rules are promulgated pursuant to authority of section 907 (a) of the Revenue Act of 1924, as amended by section 601 of the Revenue Act of 1928, which provides in part that "The proceedings of the Board and its divisions shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Board may prescribe and in accordance with the rules of evidence applicable in courts of equity of the District of Columbia."

Congress in the revenue acts has enacted provisions relating to the organization, jurisdiction, and procedure of the Board of Tax Appeals, and to the action of the Bureau of Internal Revenue with respect to the assessment and collection of deficiencies when a petition has been filed with the Board. Reference is made to those statutory provisions in the revenue acts for procedural requirements other than those relating to the conduct of proceedings before the Board and its divisions to which these Rules of Practice are limited. Attention is called to title 26 of the United States Code Annotated for convenient reference to the revenue acts as amended and particularly to sections 271, 272, 273, 600, and 645 of title 26.

This edition of the Rules of Practice is the twelfth revision. It becomes effective on January 1, 1938, and takes the place of the last revision which became effective on July 1, 1935. Further revisions will be made from time to time, as circumstances justify, and practitioners should keep themselves current. The Board will furnish copies upon request. The revised rules are published in the first succeeding bound volume of the Board reports as well as in the tax services. The Board appreciates the assistance and cooperation which it received in the preparation of these revised rules from attorneys in the Treasury Department, from members of the committee on taxation of the American Bar Association, and from others.

Attention is called to the following: Many petitions filed with this Board are dismissed for lack of jurisdiction and for failure to comply with the Rules of Practice. It is therefore of great importance to petitioners that petitions be prepared and filed properly in accordance with statutory requirements and the provisions of the Rules of Practice.

*Rule 1—Business Hours*

The office of the Board at Washington, D. C., will be open each business day from 9 o'clock a. m. to 4:30 o'clock p. m.

*Rule 2—Admission to Practice*

Persons of the following classes who are found by the Board, upon consideration of their applications, to be citizens of the United States, of good moral character, and to possess the requisite qualifications to represent others, may be admitted to practice before the Board:

(a) Attorneys at law who are admitted to practice before the Supreme Court of the United States or the highest court of any State or Territory or of the District of Columbia.

(b) Certified public accountants duly qualified under the laws of any State or Territory or of the District of Columbia.

Corporations and firms will not be admitted or recognized.

An applicant for admission must file his application with the Board on the form provided. Forms will be furnished upon request to the secretary of the Board. Such application shall be accompanied by a current certificate of the clerk of the court in which the applicant is admitted to practice to the effect that he has been so admitted and is in good standing; or a current certificate by the proper State, Territorial, or District authority to the effect that the applicant is a certified public accountant in good standing, duly qualified and entitled to practice in such State or Territory or the District of Columbia.

The Board may deny admission to, suspend, or disbar any person who in its judgment does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct. No person shall be suspended for more than 60 days or disbarred until he has been afforded an opportunity to be heard. A Division may immediately suspend any person for not more than 60 days for contempt or misconduct during the course of any proceeding.

The Board may require any practitioner before it to furnish a statement under oath of the terms and circumstances of his employment in any proceeding.

*Rule 3—Personal Representation in Lieu of Counsel*

Any individual taxpayer or member of a taxpayer partnership may appear for himself or such partnership upon adequate identification to the Board. A taxpayer corporation may be represented by a bona fide officer of the corporation upon permission granted, in its discretion, by the Board or the Division sitting.



*Rule 4—Form and Style of Papers*

All papers filed with the Board shall be either printed or typewritten, and if typewritten, shall be on only one side of plain white paper. This paper shall be not more than 8½ inches wide and 11 inches long, and shall weigh not less than 16 pounds to the ream. The papers shall be fastened on the left side and at no other place. They shall not be bound with stiff covers or backs. Copies shall be legible but may be on any weight paper. If printed, they shall be in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1 inch wide, and with double-leaded text and single-leaded quotations. Citations shall be in italics when printed, and underscored when typewritten.

The proper caption shall be placed upon all papers filed. If the petitioner is an individual, the full given name and surname shall be set forth in the caption. If the petitioner is a married woman, her given name shall be used, not the name of her husband preceded by "Mrs." If the petitioner is a fiduciary, the name of the estate, trust, or other person for whom he acts, shall be given first, followed by the name of the fiduciary. (See Rules 5 and 6 (a), and Appendix I, Form No. 2.)

Except as otherwise provided in these rules, a signed original and four conformed copies of all papers shall be filed. Whenever any paper is filed in more than one proceeding (as a motion to consolidate proceedings or in proceedings already consolidated), one additional copy shall be filed for each additional proceeding.

The written signature, whether of counsel or of the petitioner, shall be in individual and not in firm name, except that where the petitioner is a corporation the written signature shall be by an active officer of the corporation. The name and mailing address of the petitioner or of counsel shall be typed or printed immediately following the written signature.

*Rule 5—Proper Parties*

The proceeding shall be brought by and in the name of the person against whom the Commissioner determined the deficiency [or liability, as the case may be], or by and in the full descriptive name of the fiduciary legally entitled to institute a proceeding on behalf of such person.

In the event of a variance between the name set forth in the notice of deficiency or liability and the correct name, a statement of the reasons for such variance shall be set forth in the petition. (See Rules 4, 6, and 23.)

*Rule 6—Initiation of a Proceeding—Petition*

A proceeding shall be initiated by filing with the Board a petition, as provided in Rules 4, 5, and 8, and substantially in accordance with Form 2, shown in Appendix I. The petition shall be complete in itself so as fully to state the issues. It shall contain:

(a) A caption in the following form:

United States Board of Tax Appeals

Docket No. —

----------, PETITIONER

*v.*

COMMISSIONER OF INTERNAL REVENUE, RESPONDENT

*Petition*

(b) Proper allegations showing jurisdiction in the Board.

(c) A statement of the amount of the deficiency [or liability, as the case may be], determined by the Commissioner, the nature of the tax, the period for which determined, and the amount thereof (as nearly as may be computed) in controversy.

(d) Clear and concise assignments of each and every error which the petitioner alleges to have been committed by the Commissioner in the determination of the deficiency. Issues in respect of which the burden of proof is by statute placed upon the Commissioner will not be deemed to be raised by the

petitioner in the absence of assignments of error in respect thereof. Each assignment of error shall be numbered.

(*e*) Clear and concise numbered statements of the facts upon which the petitioner relies as sustaining the assignments of error, except those assignments of error in respect of which the burden of proof is by statute placed upon the Commissioner.

(*f*) A prayer, setting forth relief sought by the petitioner.

(*g*) The signature of the petitioner or that of his counsel. (See Rule 4.)

(*h*) A verification by the petitioner; provided that where the petitioner is sojourning outside the United States or is a nonresident alien, the petition may be verified by a duly appointed attorney in fact, who shall attach to the petition a copy of the power of attorney under which he acts and who shall state in his verification that he acts pursuant to such power, that such power has not been revoked; that petitioner is absent from the United States, and the grounds of his knowledge of the facts alleged in the petition. As used herein the term "United States" includes only the States and the District of Columbia. A notary public is not authorized to administer oaths, etc., in matters in which he is employed as counsel. (See title 4, ch. 2, D. C. Code, and 26 Op. A. G. 236.)

In the case of estates, trusts, or other fiduciaries, the petition shall be signed by counsel or by one or more of the fiduciaries and shall be verified by one or more of the fiduciaries. A majority of the fiduciaries shall either sign or verify the petition.

The signature and the verification to the petition shall be considered the certificate of those performing these acts that there is good ground for the petition, the proceeding has not been instituted merely for delay, and it is not frivolous.

(*i*) A copy of the notice of deficiency (or liability, as the case may be), shall be appended to the petition. If a statement has accompanied the notice of deficiency, so much thereof as is material to the issues set out in the assignments of error likewise shall be appended. If the notice of deficiency refers to prior notices from the Bureau, which are necessary to elucidate the determination, such parts thereof as are material to the issues set out in the assignments of error shall likewise be appended. (See Appendix I, Form No. 2.)

*Rule 7—Filing of Petition*

An original and four clear copies of the petition, either printed or typewritten as provided in Rule 4, shall be filed with the Board at Washington, D. C. The copies of the petition shall be conformed to the original by the petitioner.

Failure to file a sufficient number of copies, as provided in this rule, or to conform to the requirements of Rules 4, 5, and 8, shall be ground for dismissal of the proceeding.

*Rule 8—Fee for Filing Petition*

The fee for filing a petition with the Board shall be $10, payable at the time of filing.

*Rule 11—Docket*

Upon receipt of the petition, the proceeding will be docketed and assigned a number and the parties notified thereof. This number shall be placed by the parties on all papers thereafter filed in the proceeding.

*Rule 12—Service of the Petition*

Upon filing of a petition and the copies, as prescribed in Rule 7, the clerk will serve a copy upon the Commissioner.

*Rule 14—Answer*

After service upon him of a copy of the petition, the Commissioner shall have 60 days within which to file an answer or 45 days within which to move in respect of the petition. The answer shall be so drawn as fully and completely to advise the petitioner and the Board of the nature of the defense. It shall contain a specific admission or denial of each material allegation of fact contained in the petition and a statement of any facts upon which the Commissioner relies for defense or for affirmative relief or to sustain any issue raised in the petition in respect of which issue the burden of proof is, by statute, placed upon the Commissioner. Each paragraph contained in the answer shall be numbered to correspond with the paragraphs of the petition. An original and four copies of the answer shall be filed, of which the original shall be signed by the Commissioner or his counsel and the copies conformed by him.

The clerk will serve one copy of the answer upon the petitioner or his counsel of record by registered mail.

*Rule 15—Reply*

If the answer of the Commissioner sets forth facts upon which he relies for affirmative relief, or contains a statement of the facts upon which he relies to sustain an issue in respect of which the burden of proof is placed upon him by statute, the petitioner shall, within 45 days after a copy of such answer is mailed to him or his counsel of record by registered mail, file a reply which shall contain a specific admission or denial of each material allegation of fact contained in the answer and shall set forth any facts upon which he relies for defense. Each paragraph contained in the reply shall be numbered to correspond with the paragraphs of the answer. An original and four copies of the reply shall be filed, of which the original shall be signed by the petitioner or his counsel and the copies conformed by him.

The Board upon motion of the respondent in which good cause is shown, or upon its own motion, may require the verification of any reply.

The clerk will serve one copy of the reply upon the Commissioner.

*Rule 16—Joinder of Issue*

A proceeding shall be deemed at issue upon the filing of the answer unless a reply is required under Rule 15, in which event the proceeding shall be deemed at issue upon the filing of the reply.

*Rule 17—Amended and Supplemental Pleadings*

The petitioner may, as of course, amend his petition at any time before answer is filed. After answer is filed, a petition may be amended only by consent of the Commissioner or on leave of the Board.

All motions to amend, made prior to the hearing, must be accompanied by the proposed amendments or amended pleading.

Upon motion made, the Board may, in its discretion, at any time before the conclusion of the hearing, permit a party to a proceeding to amend the pleadings to conform to the proof.

When motions to amend are granted at the hearing, the amendment or amended pleading shall be filed at the hearing or with the Board within such time as the member presiding may fix.

See Rules 4 and 19.

*Rule 18—Pleadings—General*

The Board, upon motion of either party in which good cause is shown, or upon its own motion, may order a further and better statement of the nature of the claim or defense, or of any matter stated in any pleading. Such a motion filed by a party shall point out the defects complained of and the details desired. If such order of the Board is not obeyed within 15 days or within such other time as the Board may fix, the Board may strike the pleading to which the motion was directed or may make such other order as it deems just.

If no reply is required by these rules, each and every material allegation of fact set out in the answer shall be deemed to be denied. Any new or affirmative matter contained in the reply shall be deemed to be denied.

Where an answer has been filed, each and every material allegation of fact set out in the petition and not expressly admitted or denied in the answer, shall be deemed to be admitted. Where a reply is required by these rules and a reply has been filed, each and every material allegation of fact set out in the answer and not expressly admitted or denied in the reply shall be deemed to be admitted.

Where no answer is filed or where a reply is required by these rules, but no reply is filed, the adverse party, within 45 days after the expiration of the time fixed by these rules for filing the answer or the reply, as the case may be, or within 45 days after the promulgation of these rules, whichever shall allow the greater time, may file a motion with the Board calling attention to the fact that the pleading has not been filed within the specified time and certain material allegations of fact have not been denied, and requesting the Board to enter its order that those particular undenied allegations shall be deemed to be admitted. The Board will serve a copy of this motion upon the other party and issue an order to show cause, returnable on or before a day certain. If the above described motion is not filed within the prescribed time, the allegations of the pleading to which there was no response shall be deemed to be denied.

*Rule 19—Motions*

Motions must be timely. If a motion, other than one relating to the receipt of evidence during trial, is made orally during trial, the maker thereof shall promptly reduce it to writing and file it with the Board unless the member presiding directs otherwise. Motions shall be prepared in the form and style prescribed by Rule 4. The clerk will serve a copy of each motion upon the opposite party. Motions will be acted upon as justice may require and may, in the discretion of the Board, be placed upon the calendar for argument. (See also Rule 30 (b).) The filing of a motion shall not constitute cause for postponement of a hearing from the date set.

Motions for rehearing, reconsideration, further hearing, and the like, to be considered timely, shall be made within 30 days after promulgation or entry of the report.

Motions to vacate, correct, or revise a decision of the Board, to be considered timely, shall be made within 30 days after entry of the decision.

*Rule 20—Extensions of time*

Continuances, extensions of time (except for the filing of the petition and except as otherwise provided in these rules), and adjournments may be ordered by the Board on its own motion or may be granted by it in its discretion on motion of either party filed in writing and showing good and sufficient cause therefor.

*Rule 21—Dismissal*

A proceeding may be dismissed for cause upon motion of either party or of the Board.

*Rule 22—Service*

When at any time there are two or more counsel of record for a petitioner, service will be made upon the one whose appearance was first entered of record, unless he has otherwise requested by writing filed with the Board, in which event service will be upon such other counsel of record as may be designated by him. However, service upon any counsel of record shall be deemed service upon the party. If there is no counsel of record, service will be made upon the petitioner.

Service may be made upon the Commissioner in person, upon deputies designated by him for the purpose of accepting service, or upon counsel appearing for the respondent in the proceeding. (See Rules 12, 14, and 15.)

*Rule 23—Substitution of Parties*

In the event of the death of a petitioner or for other cause, the Board may order the substitution of the proper parties. In the event of mistake in the name or title of a proper party, the Board may order substitution of the proper name or title. (See Rule 5.)

Motions for substitution should be accompanied by a proper certificate of the court or official having custody of the record showing the interest of the party substituted. In the event of a change in the name of a corporation or other party petitioner, a motion to amend the pleadings to show such change should be filed, accompanied by a copy of the certificate, decree, or other document, effecting such change, certified by the official having custody of such document, unless the parties have agreed to the change and have so indicated in the record.

*Rule 24—Substitution or Withdrawal of Counsel—Notice of Appearance*

Counsel of record in any proceeding desiring to withdraw must give prompt notice of his withdrawal to the Board and to his client. The Board may, in its discretion, withhold permission to counsel of record to withdraw.

Where the petition is not subscribed by counsel, or counsel of record has withdrawn, counsel subsequently appearing for the petitioner shall immediately file a notice of appearance, which shall include statements of his admission to practice before the Board and of his mailing address.

Notice of a change in the mailing address of counsel or petitioner shall be filed promptly with the Board, and a separate notice shall be filed for each docket number involved.

*Rule 25—Calendars*

(*a*) *Washington and circuit calendars.*—Each proceeding when at issue will be placed either upon the Washington calendar or upon a circuit calendar, in accordance with Rule 26. (See Appendix II.)

(*b*) *Hearing calendars.*—The clerk, as directed from time to time by the chairman, will prepare hearing calendars.

(*c*) *Reserve calendar.*—A proceeding which is at issue may be placed upon the reserve calendar for good cause shown, as, for example, to await the decision of the Supreme Court in a pending case.

*Rule 26—Place of Hearing—Requests and Designation*

The petitioner at the time of filing the petition shall also file a request showing the name of the place where he would prefer the hearing on the merits to be held. A copy of this request will be served upon the Commissioner by the clerk of the Board.

If the petitioner has filed no request, or if the respondent desires that the hearing on the merits be held at some place other than the place requested by the petitioner, the respondent shall file at the time he files his answer, a request showing the name of the place preferred by him. A copy will be served upon the petitioner by the clerk of the Board.

These requests shall not be bound as a part of the petition or answer but shall be separate therefrom and shall consist of an original and four copies.

The Board will determine the place of hearing, with due regard to any request properly filed in the proceeding and in accordance with the statutory provision that the time and place of trial shall be fixed "with as little inconvenience and expense to taxpayers as is practicable," and, in all cases, will notify the parties of the place at which or in the vicinity of which the hearing on the merits will be held.

Motions for change in designation of the place of hearing, made after the notice of the time of the hearing has been mailed, will not be deemed to have been timely filed.

In case it is necessary for the Board to hear the parties on matters other than the merits, such hearing will be held in Washington unless good cause is shown for holding it elsewhere.

(See Appendix II for further information to assist in making requests as to place of hearing.)

*Rule 27—Notice of Hearing*

When a proceeding has been placed upon the hearing calendar the clerk will, not less than 15 days in advance, notify the parties of the place where and the date when it will be called.

*Rule 28—Call of Calendar and Assignment for Hearing*

The hearing calendar of proceedings to be heard at Washington will be called at 9:30 a. m. The hearing calendar of proceedings to be heard elsewhere will be called at the time indicated in the notice of hearing. Proceedings will be assigned therefrom for hearing in due course.

*Rule 29—Failure to Appear*

The unexcused absence of a party or his counsel on the day set for the hearing of any proceeding, will not be the occasion for delay. The hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

The Board may require appearance for argument or it may accept briefs in lieu of personal appearance.

*Rule 30—Submission Without Hearing or Appearance*

(*a*) *Submission of cases without hearing where facts are uncontested.*—Any case not requiring a hearing for the submission of evidence (as, for example, where sufficient facts have been admitted, stipulated, or included in the record in some other way), may be submitted at any time by notice of the parties filed with the Board. The parties need not wait for the proceeding to be calendared and need not appear in person. The Chairman will then assign the proceeding to a Division for report, which division, upon request of the parties, will fix a time for filing briefs or for oral argument.

(*b*) A contested motion, not predicated upon an issue of fact, may be submitted in the same way.

See, however, Rule 31.

*Rule 31—Evidence and the Submission of Evidence*

(*a*) *Rules applicable.*—The rules of evidence applicable in courts of equity of the District of Columbia shall govern the admission or exclusion of evidence.

(*b*) *Stipulations.*—The parties by stipulation in writing filed with the Board or presented at the hearing, may agree upon any facts involved in a proceeding. A complete duplicate of the stipulation, including all exhibits, shall be filed at the same time. Stipulations filed need not be formally offered to be considered in evidence.

(*c*) *Depositions must be offered.*—Testimony taken by deposition will not be considered until offered and received in evidence.

(*d*) *Documentary evidence.*

(1) When books, records, papers, or documents have been received in evidence, a copy thereof or of so much thereof as may be material or relevant may, in the discretion of the Division holding the hearing, be substituted therefor.

(2) After the decision of the Board in any proceeding has become final, the Board may, upon motion, permit the withdrawal by the party entitled thereto of original exhibits, or the Board may, on its own motion, make such other disposition thereof as it deems advisable.

(*e*) *Not evidence.*—Statements in the petition, ex parte affidavits and briefs do not constitute evidence.

(*f*) *Failure of proof.*—Failure to adduce evidence in support of the material facts alleged in the petition and denied by the Commissioner in his answer will be ground for dismissal. Where there is a joinder of issue on questions of fact, the provisions of Rule 30 do not relieve the party upon whom rests the burden of proof from properly producing evidence to support the issues.

*Rule 35—Briefs*

The parties should be prepared to make oral arguments at the conclusion of the hearing or to file written citations of authorities at that time if the case is one in which the presiding Member might reasonably call for such. The filing of briefs and the making of oral arguments shall be in accordance with the directions of the Member presiding at the hearing. If the Member does not direct otherwise, each party shall have 30 days after the day on which the hearing was concluded within which to file a brief on all of the issues as to which he has the burden of proof; the opposite party shall have 60 days after the day on which the hearing was concluded within which to file a brief on all such issues; and the first party shall have 75 days after the day on which the hearing was concluded within which to file a brief for the purpose of replying to that of his opponent. Should either party desire to file a brief after the expiration of the prescribed period, that party shall prepare and attach the original and requisite number of copies of his proposed brief to a motion asking leave of the Board to file the brief and setting forth reasons for the request. The granting of any such motion will effect a corresponding extension of the time for filing any subsequent brief provided for in this rule. After a brief has been filed, the clerk will serve a copy upon the opposite party.

If briefs are typewritten, an original and four copies shall be filed; if printed, 20 copies. Each brief shall contain on its front flyleaf a table of contents with page references, supplemented by a list of all citations, alphabetically arranged as to cases cited, together with references to pages. Citations shall be in italics, when printed, and underscored, when typewritten.

The form of all briefs shall be as follows:

(*a*) A statement of the nature of the tax and how the proceeding comes before the Board.

(*b*) The party having the burden of proof shall set forth complete statements of the facts based upon the evidence. Each statement shall be numbered, shall be complete in itself, and shall consist of a concise statement of the essential fact and not a discussion or argument relating to the evidence or the law. Reference to the pages of the transcript or the exhibits relied upon in support thereof shall be inserted after each separate statement.

If the other party disagrees with any or all of the statements of fact, he shall set forth each correction which he believes the evidence requires and shall give the same numbers to his statement of fact as appear in his opponent's brief. His statement of fact shall be set forth in accordance with the requirements above designated.

(*c*) A concise statement of the points upon which the party relies.

(*d*) *The argument.*—The argument shall set forth the points of law relied upon and any discussion of the evidence deemed necessary to support the statement of fact.

*Rule 40—Transcripts of Proceedings*

Hearings before the Board or its divisions shall be stenographically reported and a transcript thereof shall be made if, in the opinion of the Board or of the Division holding the hearing, a permanent record of the hearing is deemed necessary. Transcripts shall be supplied to the parties and to the public by the official reporter at such rates as may be fixed by contract between the Board and the reporter.

*Rule 44—Subpenas*

(*a*) *How issued.*—The party desiring a subpena must make a timely application therefor, in writing.

(*b*) *Application for.*—The application shall state the name and address of each witness required, the time and place at which and the officer before whom he is to appear, and whether he may designate some one to appear in his place. An original and two conformed copies shall be filed. (See Appendix I, Form No. 3.)

(*c*) *For production of documents.*—If evidence other than oral testimony is required, such as documents or written data, the application shall set forth the specific matter to be produced and sufficient facts to indicate that such matter is reasonably necessary to establish the cause of action or defense of the applicant.

(*d*) *Service and proof.*—The Board will not serve subpenas, but will leave service to be procured by the party making the application. Service may be made by any citizen of the United States over the age of 21 years and competent to be a witness, and not a party to or in any way interested in the proceeding. Proof of service may be made by affidavit.



*Rule 45—Depositions*

(*a*) *Application to take.*—When either party desires to take a deposition, he shall file with the Board a verified application and two conformed copies, together with an additional copy for each additional docket number involved. The Board upon request will furnish forms for this purpose. If the space in the form furnished by the Board is inadequate for setting forth the reasons in support of the application in any particular case, a substitute form may be used, but the substitute must contain all of the information called for on the Board's form. (See Appendix I, Form No. 5.)

(*b*) *Limitation on time for application to take.*—Applications to take depositions must be filed at least 30 days prior to the date set for the hearing of the proceeding, and such depositions must be completed and filed with the Board at least 10 days prior to the hearing: *Provided*, Such applications will not be regarded as sufficient ground for the granting of a continuance from the date or place of the hearing theretofore set, unless the proceeding shall have been at issue less than 60 days and the motion for continuance shall have been filed not less than 20 days prior to said date of hearing: *Provided further*, That under special circumstances, and for good cause shown, the Board may otherwise order.

(*c*) *Qualification of officer.*—The officer before whom depositions are taken must be one authorized to administer oaths under the Revenue Act of 1924. See section 908 of the Revenue Act of 1924, as amended by section 1000 of the Revenue Act of 1926; section 1002 (d), Revenue Act of 1924; and section 1102 (d), Revenue Act of 1926. In no case shall a deposition be taken before any person who has any office connection or business employment with either party or his counsel except by consent of the parties and when no other officer is available, and in his certificate of return to such deposition such officer shall so certify.

(*d*) *Order for taking.*—Upon receipt of such application, the clerk will serve a copy thereof on the opposite party, and allow a reasonable time for objection thereto. Thereafter, the Board will, in its discretion, make an order, a copy of which will be mailed or delivered to the parties or their counsel, wherein the Board will name the witness whose deposition is to be taken and specify the time when, the place where, and the officer before whom the witness is to testify, but such time, place, and officer specified in the Board's order may or may not be the same as set forth in the application. The applicant shall thereupon make all necessary arrangements for the taking of each deposition and shall furnish the officer before whom it is to be taken with a copy of the order above mentioned.

(*e*) *By stipulation.*—At any time after issue is joined, the parties or their counsel may, by stipulation duly signed and filed, take depositions. In such cases, the stipulation shall state the name and address of each witness, the time when and the place where such depositions will be taken, and the name, address, and official title of the officer before whom it is proposed to take the depositions. In such cases, no order to take depositions will be issued, but they shall be taken and returned by the officer in accordance with the rules of the Board.

(*f*) *Manner of taking.*—Each witness must first take the oath or affirm. The questions propounded to him and his answers must be recorded verbatim.

Objections to questions or answers shall be explicitly but briefly and concisely stated, but no comment, explanation, or argument of any kind shall be recorded; neither shall there be recorded any comment, explanation, or argument by examining counsel. Any matter reported in violation of this rule may be sufficient cause for the suppression of the deposition.

(*g*) *Other witnesses to be excluded.*—At the request of either party, a person whom either expects or intends to call as a witness in the same or any related proceeding shall be excluded from the room where the testimony of a witness is being taken. If such person remains in the room or within hearing of the examination after such request has been made, he shall not thereafter be permitted to testify except by the consent of the party who requested his exclusion.

(*h*) *Depositions to be signed.*—The testimony of the witness when transcribed shall be read to or by him and shall be signed by him. (See Appendix I, Form No. 6.)

(*i*) *Form in which depositions must be returned to the Board.*—When a deposition is returned to the Board it must show the docket number and the caption (the names of the parties) of the proceeding as appears in the Board's records, the place and date of taking, the name of the witness, the party by whom called, the names of counsel present, indicating which party each counsel represents, and (in the body of the deposition) the name of counsel examining or cross-examining the witness.

The officer must so fasten the sheets of the deposition that they cannot be tampered with. He must spare no pains to return to the Board the exact testimony he has taken. All exhibits must be carefully marked so as to be capable of identification, and when practicable must be attached to the deposition.

The officer must properly execute and attach to the deposition a certificate of return in the form prescribed. (See Appendix I, Form No. 6.)

(*j*) *Return of.*—The officer must enclose the original depositions and exhibits, together with two copies of the depositions, in a sealed packet, with postage or other transportation charges prepaid, and direct and forward the same to the United States Board of Tax Appeals, Washington, D. C. In each case, the original of the depositions must be directed and forwarded to the Board. The officer may, however, upon written request, deliver a copy of the depositions to either or to both of the parties, or to their representatives, in lieu of sending such copies to the Board as above provided. If one or both of the required copies are delivered by the officer taking the depositions, he shall attach to his return the written request of the party or parties, or of their counsel to whom such copy or copies were delivered, and shall state in his certificate of return the fact of delivery by him of such copy or copies. If copies of the depositions are delivered by the officer taking the same, no service of copies of such depositions upon the party or his counsel of record will be made by the Board.

(*k*) The deposition of any witness shall not constitute a part of the record until received in evidence. (See Rule 31.)

*Rule 46—Depositions Upon Written Interrogatories*

Depositions may be taken in the discretion of the Board upon written interrogatories in substantially the same manner as provided in Rule 45 for depositions upon oral examination. An original and five copies of the interrogatories must be filed with the application. The clerk will serve one copy of the application and of the interrogatories upon the opposite party. If the opposite party desires to file objections or cross-interrogatories, he must do so within 10 days after the application and interrogatories have been served upon him. Cross-interrogatories must consist of an original and five copies. The clerk will serve one copy thereof upon the opposite party who, if he has any objection thereto, must file his objections within 10 days thereafter. No objections to the interrogatories or cross-interrogatories will be considered at the hearing unless timely filed in accordance with this rule.

No person other than the witness, a stenographic reporter, and the officer taking the deposition upon written interrogatories and cross-interrogatories shall be present at the examination of the witness. This fact shall be certified by the officer taking the deposition. That officer shall propound the interrogatories and cross-interrogatories to the witness in their order and cause the testimony to be reduced to writing in the witness' own words.

Depositions obtained in foreign countries must be taken upon written interrogatories, except as otherwise directed by the Board for cause shown.

*Rule 50—Computations by Parties for Entry of Decision*

Where the Board has promulgated or entered its opinion determining the issues in a proceeding, it may withhold entry of its decision for the purpose of permitting the parties to submit computations pursuant to the Board's determination of the issues, showing the correct amount of the deficiency or overpayment to be entered as the decision. If the parties are in agreement as to the amount of the deficiency or overpayment to be entered as the decision pursuant to the report of the Board, they or either of them shall file promptly with the Board an original and two copies of a computation showing the amount of the deficiency or overpayment and that there is no disagreement that the figures shown are in accordance with the decision of the Board. The Board will then enter its decision. If, however, the parties are not in agreement as to the amount of the deficiency or overpayment to be entered as the decision, in accordance with the report of the Board, either of them may file with the Board a computation of the deficiency or overpayment believed by him to be in accordance with the report of the Board. The clerk will serve a copy thereof upon the opposite party, will place the matter upon the calendar for argument in due course, and will serve notice of the argument upon both parties. If the opposite party fails to file objection, accompanied by an alternative computation, at least five days prior to the date of such argument, or any continuance thereof, the Board may enter decision in accordance with the computation already submitted. If in accordance with this rule computations are submitted by the parties which differ as to the amount to be entered as the decision of the Board, the parties will be afforded an opportunity to be heard in argument thereon on the date fixed, and the Board will determine the correct deficiency or overpayment and enter its decision.

Any argument under this rule wil be confined strictly to the consideration of the correct computation of the deficiency or overpayment resulting from the report already made, and no argument will be heard upon or consideration given to the issues or matters already disposed of by such report or of any new issues. This rule is not to be regarded as affording an opportunity for rehearing or reconsideration.

*Rule 51—Costs—Preparation of Record on Review*

Immediately after the contents of a record on review have been settled or agreed to, the clerk will notify the petitioner of the costs and charges for the preparation, comparison, and certification of said records; such charges to be determined in accordance with the provisions of an act of Congress entitled "An Act to provide fees to be charged by clerks of the district courts of the United States," approved February 11, 1925, 43 Stat. 857–8; U. S. C. A., Title 28, secs. 548–54.

No transcript will be certified and transmitted to the appellate court until the costs and charges therefor have been paid.

A petitioner for review who requests the clerk to certify but not to prepare documents for transmission to a United States Circuit Court of Appeals or to the United States Court of Appeals for the District of Columbia shall furnish the clerk with the copies of the documents to be certified.

*Rule 52—Costs—Printing of Record on Review*

In each proceeding for review of a decision of the Board by the United States Circuit Court of Appeals for the Second Circuit when review is sought by the Commissioner of Internal Revenue, the clerk of the Board shall, immediately after the contents of the record on review, as required by Rule 35 of the Court, have been settled or agreed upon, make available to the Commissioner, or his counsel, the record of the Board in the proceeding. The Commissioner shall cause the record to be printed. Twenty-five copies of the printed record shall be delivered to the clerk of this Board for certification and for filing with the clerk of the Circuit Court of Appeals. The clerk of the Board will serve three copies of the printed record upon counsel for the taxpayer.

*Rule 53—Copies of Board Records—Fees for Furnishing*

A plain or a certified copy of any document, record, entry, or other paper may be had upon application to the Board, the fee to be charged and collected therefor to be determined in accordance with the provisions of the act of Congress entitled "An Act to provide fees to be charged by clerks of the district courts of the United States," approved February 11, 1925, 43 Stat. 857–8; U. S. C. A., Title 28, secs. 548–54.

*Rule 60—Fees and Mileage*

Title X of the Revenue Act of 1926 provides in part:

SEC. 909. (a) Any witness summoned or whose deposition is taken under section 908 shall receive the same fees and mileage as witnesses in courts of the United States. Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(1) In the case of witnesses for the Commissioner, such payments shall be made by the Secretary out of any moneys appropriated for the collection of internal-revenue taxes, and may be made in advance.

(2) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Board, by the party at whose instance the witness appears or the deposition is taken.

No witness, other than one for the Commissioner, shall be required to testify in any proceeding before the Board until he shall have been tendered the fees and mileage to which he is entitled in accordance with the above provision of law.

*Rule 61—Computation of Time—Sundays and Holidays*

Whenever these rules prescribe a time for the performance of any act, Sundays and legal holidays in the District of Columbia shall count just as any other days, except that when the time prescribed for the performance of an act expires on a Sunday or a legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or such a legal holiday: *Provided*, That when the time for performing any act is prescribed by statute nothing in these rules shall be deemed to be a limitation or extension of the statutory time period.

The following-named days are legal holidays within the District of Columbia:

New Year's Day, January 1 (U. S. C. A., Title 5, sec. 87).

Washington's Birthday, February 22 (U. S. C. A., Title 5, sec. 87).

Inauguration Day, every fourth year (48 Stat. 879; D. C. Code, Title 22, sec. 126).

Decoration Day, May 30 (U. S. C. A., Title 5, sec. 87).

Fourth of July (U. S. C. A., Title 5, sec. 87).

Labor Day, first Monday in September (U. S. C. A., Title 5, sec. 87).

Thanksgiving Day, day proclaimed by the President (sec. 993, R. S., relating to D. C.; D. C. Code, Title 22, sec. 126).

Christmas Day, December 25 (U. S. C. A., Title 5, sec. 87).

When legal holidays fall on Sunday the next day shall be a holiday (22 Stat. 1; D. C. Code, Title 22, sec. 126).

*Rule 62—Special Assessment*

(*a*) If some of the issues raised by the petition involve section 327 or section 328 of the Revenue Act of 1918 or of 1921 [or section 210 of the Revenue Act of 1917, as the case may be], and some do not involve such sections, the hearing may, in the discretion of the Board, on motion, be limited in the first instance to trial of the issues which do not involve such sections.

(*b*) A hearing may be had in the discretion of the Board, on motion, limited to the trial of the issue whether the petitioner is entitled to have its tax determined as provided in section 328 [or section 210, as the case may be].

(*c*) If the Board decides that the petitioner is entitled to have its tax determined as provided in section 328 [or section 210, as the case may be], the respondent shall within 60 days after such decision file with the Board an original and two copies of a proposed redetermination showing the method of the computation. If, within 20 days after service by the clerk upon the petitioner of a copy of such proposed redetermination, the parties are unable to agree upon the amount of tax, either party may move, or the Board may upon its own motion order, that the proceeding be placed upon the calendar for further hearing, at which either party may submit proof of the correct amount of tax and deficiency or overpayment.

(*d*) If from the pleadings or otherwise it appears of record before the Board that the parties agree that petitioner is entitled to have its tax determined as provided in section 328 [or section 210, as the case may be], and the only issue is as to the correct amount of the tax so determined, the proceeding will be placed upon the calendar in due course for hearing, at which either party may submit proof of the correct amount of the tax and deficiency or overpayment.



*Rule 70—Effective Date*

These rules shall become effective January 1, 1938, superseding prior editions and amendments.

APPENDIX

*I. Forms*

These forms are subject to amendment as circumstances may render necessary.

No. 2. Petition.
No. 3. Application for subpena.
No. 5. Application for order to take depositions.
No. 6. Certificate on return of depositions.

(NOTE.—Read Rule 4 of the Rules of Practice of the Board and carefully observe the requirements thereof as to form, size, and style of papers.)

No. 2—PETITION (SEE RULES 4, 5, 6, 7, AND 8)

United States Board of Tax Appeals

Docket No. —

----------, PETITIONER

*v.*

COMMISSIONER OF INTERNAL REVENUE, RESPONDENT

*Petition*

The above-named petitioner hereby petitions for a redetermination of the deficiency set forth by the Commissioner of Internal Revenue in his notice of deficiency (bureau symbols) dated ----------, 19---, and as a basis of his proceeding alleges as follows:

1. The petitioner is (set forth whether individual, corporation, fiduciary, etc., as provided in rule 6) with principal office (or residence) at ---------- ----------, (Street) (City) ---------- The return for the period here involved (State) was filed with the collector for the ------ district of ----------.

2. The notice of deficiency (a copy of which is attached and marked Exhibit A) was mailed to the petitioner on ---------- ----------, 19---.

3. The taxes in controversy are (income, profits, estate, or gift) taxes for the (calendar or fiscal year) year 19--- and in the amount of ------ dollars (state as exactly as possible the amount in dispute).

4. The determination of tax set forth in the said notice of deficiency is based upon the following errors: (Enumerate specifically the assignments of error in a concise manner and avoid pleading facts which properly belong in the succeeding paragraph.)

5. The facts upon which the petitioner relies as the basis of this proceeding are as follows: (Here set forth allegations of the facts relied upon—but not the evidence—in orderly and logical sequence, with subparagraphs lettered, so as fully to inform the Board of the issues to be presented and to enable the Commissioner to admit or deny each specific allegation.)

Wherefore, the petitioner prays that this Board may hear the proceeding and (Here state the relief desired).

(Signed) ----------
(Petitioner or counsel)

----------
(Post-office address)

STATE OF ----------

*County of* ----------, *ss:*

----------, being duly sworn, says that he is the petitioner (if a corporation, or fiduciary, state title of office or trust of person verifying and that he is duly authorized to verify the foregoing petition) above named; that he has read the foregoing petition, or had the same read to him, and is familiar with the statements contained therein, and that the statements contained therein are true, except those stated to be upon information and belief, and that those he believes to be true.

(Signed) ----------

Subscribed and sworn to before me this ---------- day of ----------, 19---.

(Signed) ----------
(Official title)

[SEAL]

No. 3—APPLICATION FOR SUBPENA

Docket No. —

----------, PETITIONER

*v.*

COMMISSIONER OF INTERNAL REVENUE, RESPONDENT

*To the United States Board of Tax Appeals:*

Application is hereby made for the issuance of a subpena for the attendance before ----------
(The United States Board of Tax Appeals or the name and official title of the person authorized to take depositions)
at ---------- on ----------
at ---------- o'clock ------ m. of the following persons whose oral testimony is desired on behalf of the ----------
(Petitioner or respondent)
in the above-entitled proceeding:

| NAME | ADDRESS |
|---|---|
| ---------- | ---------- |
| ---------- | ---------- |
| ---------- | ---------- |

Dated ----------, 19---.

(Signed) ----------
(Post-office address) ----------
----------

No. 5—APPLICATION FOR ORDER TO TAKE DEPOSITIONS (SEE RULES 45 AND 46)

United States Board of Tax Appeals

Docket No. —

----------, PETITIONER

*v.*

COMMISSIONER OF INTERNAL REVENUE, RESPONDENT

*Application for Order to Take Depositions*

*To the United States Board of Tax Appeals:*

1. Application is hereby made by the above-named ----------
(Petitioner or respondent)
for an order to take the deposition-- of the following-named person--:

| NAME OF WITNESS | POST-OFFICE ADDRESS |
|---|---|
| (a) ---------- | ---------- |
| (b) ---------- | ---------- |
| (c) ---------- | ---------- |
| (d) ---------- | ---------- |

2. It is desired to take the depositions of the persons above named and each of them for the following reasons:

(a) ---------- will testify to the following material matters:
----------
(Set forth briefly the matter upon which said witness will be called to testify)

(b) ---------- will testify to the following material matters:
----------

(c) ---------- will testify to the following material matters:
----------

(d) ---------- will testify to the following material matters:
----------

3. The reasons why ---------- desires to take the
(Petitioner or respondent)
testimony of the above-named persons rather than have them appear personally and testify before the Board are as follows:
(State specifically reasons for each witness.)

4. It is desired to take the testimony of ----------
(Names of witnesses)
---------- on the ---------- day of ----------, 19---, at the hour of ------ o'clock ---- m.
(A date sufficiently in advance of the day set for hearing of the proceedings to enable the deposition to be completed and filed with the Board at least 10 days prior to the hearing)
before ---------- in the City of ----------
(State name and title of official)

State of _____ at room _____
(Give number of room, street number, and name of building)

5. That _____
(Name of official before whom depositions are to be taken)
is a _____, who has no office connection or business
(Give official title)
employment with the petitioner or his counsel.

Dated _____, 19____.

(Signed) _____
(Petitioner or Counsel)
_____
(Post-office address)

STATE OF _____
*County of* _____, *ss:*

_____, being duly sworn, says that the
(Petitioner or counsel)
foregoing application for order to take depositions is made in good faith and for the reasons therein stated and that the same is not made for purposes of delay.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Signed) _____
(Official Title)

[SEAL]

No. 6—CERTIFICATE ON RETURN

*To the United States Board of Tax Appeals:*

I, _____, the person named in the foregoing order to take depositions, hereby certify:

1. That I proceeded, on the _____ day of _____, A. D. 19____, at the office of _____, in the City of _____, State of _____, at _____ o'clock, ____ m., under the said order and in the presence of _____ and _____ the counsel of the respective parties, to take the following depositions, viz:

_____, a witness produced on behalf of the _____;
(Petitioner or respondent)
_____, a witness produced on behalf of the _____;
(Petitioner or respondent)
_____, a witness produced on behalf of the _____.
(Petitioner or respondent)

2. That each witness was examined under oath at such times and places as conditions of adjournment required, and that the testimony of each witness (or his answers to the interrogatories filed) was taken stenographically and reduced to typewriting by me or under my direction.

3. That after the testimony of each witness had been reduced to writing the transcript of that testimony was read and signed by the witness in my presence, and that each witness acknowledged before me that his testimony was in all respects truly and correctly transcribed.

4. That, after the signing of the deposition in my presence, no alterations or changes were made therein.

5. That I have no office connection or business employment with the petitioner or his attorney except that of _____,
(State connection)
objection to which was waived by both parties to the proceeding.

[SEAL] _____
(Signature of person taking deposition)
_____
(Official title)
_____
(Post-office address)

NOTE.—This form when properly executed should be attached to and bound with the transcript preceding the first page thereof. It should then be enclosed in a sealed envelope and addressed to United States Board of Tax Appeals, Washington, D. C.

*II. Requests for Place of Hearing*

The Board will fix the times and places for its hearings in order to secure reasonable opportunity to taxpayers to be heard with as little inconvenience and expense to taxpayers as is practicable. Section 1000, Revenue Act of 1926, amending section 907 (e), Revenue Act of 1924. Hearings may be held at any place requested if suitable accommodations are available and a sufficient number of cases are ready for hearing there. A partial list of cities where a combination of these circumstances has justified a calendar of hearings in the past appears below. It is published here merely to assist parties in making requests under Rule 26. The grouping of certain cities in the list indicates that if one of those cities is requested, it may be necessary to hold the hearing at the other city in order to make up a sufficient calendar of hearings. Likewise, if sufficient cases are not ready for hearing in any particular city requested by taxpayers, or if suitable quarters are not available there, the Board may find it necessary to combine the hearings requested for that city and hold them along with the hearings requested for some other city in the vicinity.

LIST

Alabama:
Birmingham.
Mobile.
Arkansas: Little Rock (alternative, Memphis, Tenn.).
California:
Los Angeles.
San Francisco.
Colorado: Denver.
District of Columbia: Washington.
Florida:
Jacksonville.
Miami.
Tampa (alternative, Miami).
Georgia: Atlanta.
Hawaii: Honolulu (alternative, Los Angeles or San Francisco, Calif.).
Illinois: Chicago.
Indiana: Indianapolis.
Iowa: Des Moines.
Kentucky: Louisville.
Louisiana:
New Orleans.
Shreveport.
Maine: Portland (alternative, Boston, Mass.).
Massachusetts: Boston.
Michigan:
Detroit.
Grand Rapids.
Minnesota: St. Paul.
Missouri:
Kansas City.
St. Louis.
Montana: Helena.
Nebraska: Omaha.
New York: New York.
Ohio:
Cincinnati (alternative, Columbus).
Columbus (alternative, Cincinnati).
Oklahoma:
Oklahoma City (alternative, Tulsa).
Tulsa (alternative, Oklahoma City).
Oregon: Portland.
Pennsylvania:
Philadelphia (alternative, Washington, D. C., or New York, N. Y.).
Pittsburgh.
Tennessee:
Knoxville (alternative, Atlanta, Ga.).
Memphis.
Nashville.
Texas:
Dallas.
Houston.
Utah: Salt Lake City.
Washington:
Seattle.
Spokane.
West Virginia: Charleston.
Wisconsin:
Madison (alternative, Milwaukee).
Milwaukee.

[SEAL] C. ROGERS ARUNDELL, *Chairman.*

[F. R. Doc. 37-3743; Filed, December 21, 1937; 1:51 p. m.]

*Friday, December 24, 1937* *No. 249*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 6957 OF FEBRUARY 4, 1935, WITHDRAWING CERTAIN PUBLIC LANDS

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6957 of February 4, 1935, withdrawing certain lands in Alaska for classification purposes to conserve the public interests, is hereby modified to the extent of authorizing the Secretary of the Interior to issue a coal prospecting permit to Frank Colobuffalo under the leasing act of October 20, 1914, ch. 330, 38 Stat. 741, as amended by the act of March 4, 1921, ch. 152, 41 Stat. 1363, for the following-described lands:

*Seward Meridian*

T. 19 N., R. 2 E.,
sec. 23, W½NE¼, NE¼NW¼, S½;
sec. 26, N½.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 21, 1937.*

[No. 7773]

[F. R. Doc. 37-3757; Filed, December 22, 1937; 1:38 p. m.]



## WAR DEPARTMENT.

REGULATIONS TO GOVERN USE AND NAVIGATION OF WATERS OF ATLANTIC OCEAN ADJOINING HILTON HEAD AND ST. HELENA ISLANDS, SOUTH CAROLINA, COMPRISING THE FIRING RANGE OF THE UNITED STATES MARINE CORPS AT THE LOCALITY

In pursuance of Chapter XIX of the Army Act approved July 9, 1918 (40 Stat. 892), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Atlantic Ocean, adjoining Hilton Head and St. Helena Islands, South Carolina, comprising the firing range of the United States Marine Corps at the locality.

1. The firing range includes the water within two sectors, the center of each sector being at the abandoned rear range light tower on land located at Lat. 32°9'59" north and Long. 80°44'23" west. The first sector extends over a width of 103° and is bounded by two limiting lines bearing N. 54° E., and S. 23° E. from said old light tower, both lines having a length of 23,000 yards. The southwesterly corner of the first sector is N. 11°45' E. 2.9 miles from the Savannah light ship. The northeasterly corner of this sector is on the shore of Capers Island 1.8 miles northeast of Bull Point, and the easterly edge of the sector passes 1.5 miles east of Port Royal entrance lighted whistle buoy PR. The second sector is adjacent to and westward of the first, extending over a width of 31° and is bounded on the west by a line S. 8° W., from the said old range tower, the line having a length of 15,000 yards. The southwest corner of this sector is 2.8 miles northeasterly from the center of the improved channel in Tybee Roads.

2. Sailing vessels or any water craft having a speed of less than five miles per hour will keep clear of these sectors at all times after notices of firing have been given. Any vessel or other water craft propelled by mechanical power at a speed greater than five miles per hour may enter the firing sectors without restriction except when the signals enumerated in paragraphs 5, 6 and 7, below, are being displayed. When the above signals are displayed, all vessels in the sectors will clear immediately and no vessel will enter the sectors until the signals indicate that firing has ceased.

3. Firing over the range will take place during both daylight and night time hours, at irregular periods throughout the year.

4. The headquarters of the Savannah Bar Pilots will be advised at least two days in advance of the day when firing in the sectors is scheduled to begin, in order that the directing heads of local shipping agencies may be notified. On the same day of notification, notices of the day when firing is to begin in the sectors will be posted at the headquarters of the shrimp industries at Thunderbolt, Georgia, Jenkins Island, and Beaufort, South Carolina, and published in local newspapers.

5. On days when there is firing in the sectors, a red flag will be displayed from a tower near the shore on the former lighthouse reservation on Hilton Head Island. The flag will be displayed not later than 7:00 A. M., and will be removed when firing ceases for the day.

6. During night firing, a searchlight will be in operation on Hilton Head Island near the apex of the firing sector and the beam of this light will be a warning that firing is in progress.

7. During either day or night firing, the firing sector will be patrolled by boats and by low flying aircraft, and all craft in or near the danger area warned and given the necessary instructions and orders to insure safety. During the day, the patrol boats will display a square red flag. At night the patrol boats will fire red rockets at half-hourly intervals while firing is in progress and a green rocket when firing ceases. During day or night firing, the low flying aircraft will discharge red flares at frequent intervals while firing is in progress and green flares when firing has ceased.

8. These regulations shall be enforced by the Commanding General, Marine Barracks, Parris Island, South Carolina, or such responsible agent as he may designate.

Approved December 16, 1937.

[SEAL] HARRY H. WOODRING,
*Secretary of War.*

E. T. CONLEY,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 37-3761; Filed, December 23, 1937; 10:02 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

SR—B-101, Amendment 17

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101—AMENDMENT 17

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Southern Region Bulletin 101, as amended, is hereby further amended by adding at the end of section 62 the following new subsection:

(*g*) Notwithstanding any other provision of this bulletin, all adjacent or nearby farm land to which one person holds legal title, all or part of which is field-rented to and operated by other persons, may be covered by one work sheet and one application for payment with the consent (indicated by signatures on the application for payment) of all persons who have an interest in the crops (or the proceeds thereof) grown in 1937 on such land.

The provisions of this Amendment 17 and of Amendment 16 shall be effective as of October 14, 1937, so as to be covered by the provisions of the "Order Increasing the Allowances, Deductions, and Rates of Payment Under the 1937 Agricultural Conservation Program in the East Central, Northeast, North Central, Southern, and Western Regions" issued by the Secretary of Agriculture on October 14, 1937.

Done at Washington, D. C., this 23rd day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3762; Filed, December 23, 1937; 12:41 p. m.]

### Bureau of Biological Survey.

AMENDMENT OF ORDER PERMITTING TRAPPING ON THE UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

DECEMBER 17, 1937.

Order of the Secretary of Agriculture of December 7, 1937, (2 F. R. 3188), "Permitting Trapping on the Upper Mississippi River Wild Life and Fish Refuge", is hereby amended so as to extend the season for trapping muskrats and minks on permitted areas in said Refuge in Buffalo County, Wisconsin, to the period from December 20, 1937 to January 15, 1938, as provided by State law, and so as to extend to January 31, 1938, the time within which persons so trapping them are required to file reports.

This Order shall become effective on December 20, 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3760; Filed, December 22, 1937; 3:56 p. m.]

**Farm Security Administration.**

DESIGNATION OF COUNTIES

KENTUCKY

DECEMBER 22, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section 113 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Kentucky State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Ballard, Barren, Calloway, Daviess, Fleming, Johnson, Logan, Madison, Pendleton, Pulaski, Shelby.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3763; Filed, December 23, 1937; 12:41 p. m.]

## DEPARTMENT OF LABOR.

**Office of the Secretary.**

DECISION OF THE SECRETARY IN THE MATTER OF DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE MEN'S WELT SHOE INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936, 49 Stat. 2036, entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes". At my direction the Public Contracts Board created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a public hearing on April 29, 1937 on the prevailing minimum wages in the men's welt shoe industry.

Invitations to attend this hearing were sent to the trade associations and labor unions and to the manufacturers listed in the directories of the industry and were extended, through the national press, to all employers and employees interested. Testimony was presented by the Women's Bureau and the Bureau of Labor Statistics of the Department of Labor, by the National Boot and Shoe Manufacturers Association, by the Southern States Industrial Council, by the Mississippi Valley Association, by the Brotherhood of Shoe and Allied Craftsmen, by the United Shoe Workers of America, and by other representatives of employers and employees and the public. This testimony was duly considered by the members of the Board and their successors subsequently appointed and upon the facts in the record, the Board submitted its findings of fact and recommendations on the prevailing minimum wage in this industry.

After an examination of the record of the hearing and of the findings and recommendations of the Board, I am of the opinion that such findings and recommendations of the Board are correct and adopt them as my own.

Therefore, I hereby determine—

That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, 49 Stat. 2036, for the manufacture or supply of men's welt shoes shall be 40 cents per hour or $16.00 per week for a week of 40 hours, to be arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wage hereby established shall apply to all such contracts awarded on or after 15 days from the date hereof.

Dated this 21st day of December, 1937.

[SEAL] FRANCES PERKINS.

[F. R. Doc. 37-3766; Filed, December 23, 1937; 12:55 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 176]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 8031AW Upson | $10,000 |
| Georgia 8065 Irwin | 7,000 |
| Georgia 8069W Washington | 20,000 |
| Georgia 8074W Jefferson | 10,000 |
| Illinois 8018GB Pike | 67,000 |
| Indiana 8006B Boone | 25,000 |
| Minnesota 8001B Kanabec | 4,000 |
| Mississippi 8028W Hancock | 4,500 |
| Ohio 8065B Fairfield | 100,000 |
| Tennessee 8021B Franklin | 36,400 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-3759; Filed, December 22, 1937; 3:21 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1937.

[File Nos. 47-15 and 43-70]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF TEXAS, AND MOBEETIE GAS COMPANY

ORDER APPROVING ACQUISITION OF ASSETS AND MAKING EFFECTIVE A DECLARATION FOR ISSUE AND SALE OF SECURITIES

Public Service Corporation of Texas, a registered holding company, having filed an application, and amendments thereto, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of the assets of Mobeetie Gas Company, a subsidiary of Public Service Corporation of Texas; and Mobeetie Gas Company, having filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of said Act, for the issue of a ten-year 6 percent note for not more than $52,945.84; hearings having been held after appropriate notice on said application and declaration and the amendments thereto; the records in these matters having been duly considered, and the Commission having filed its findings herein;

*It is ordered*, (1) That the acquisition of the assets of Mobeetie Gas Company by Public Service Corporation of Texas in accordance with the terms and conditions set forth in, and for the purposes represented by, said application, as amended, be and the same hereby is approved; (2) that said declaration of Mobeetie Gas Company, as amended, in accordance with the terms and conditions set forth therein, be and become effective forthwith; (3) that within ten days after the completion of said transaction applicant and declarant shall file with the Commission a statement showing said transaction to have been effected in accordance with the terms of this Order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3765; Filed, December 23, 1937; 12:50 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1937.



[File No. 30-25]

IN THE MATTER OF GREAT LAKES UTILITIES CORPORATION

ORDER PURSUANT TO SECTION 5 (D) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Great Lakes Utilities Corporation, a Delaware corporation, having filed on November 30, 1935, a notification of registration pursuant to Section 5 (a) of the Public Utility Holding Company Act of 1935, and having filed on November 18, 1937, an application verified November 17, 1937, pursuant to Section 5 (d) of said Act for an order declaring that such applicant has ceased to be a holding company; opportunity for hearing on said application having been given after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That said Great Lakes Utilities Corporation, a Delaware corporation, has ceased to be a holding company, that this order is effective immediately and that accordingly the registration of the applicant pursuant to Section 5 (a) of the Public Utility Holding Company Act of 1935 hereby ceases to be in effect. This order shall not be deemed to relieve applicant from any obligation to register under the Public Utility Holding Company Act if and whenever the status of such applicant so differs from that shown in the record in this proceeding that such applicant is a holding company as defined in Section 2 (a) (7) of said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3764; Filed, December 23, 1937; 12:50 p.m.]

## UNITED STATES MARITIME COMMISSION.

[General Order No. 20]

REGULATIONS AND INSPECTIONS GOVERNING REPAIRS ON OPERATING-DIFFERENTIAL SUBSIDY AGREEMENT VESSELS

1. For the purpose of insuring compliance with Title VI of the Merchant Marine Act, 1936, this Order is issued for the guidance of all concerned with the requirements of the Sections of the Act involving all Operators receiving the benefits of operating-differential subsidies.

2. A representative of the Technical Division, United States Maritime Commission, when available, shall be present at all vessel dry-dockings, damage and special surveys, Bureau of Marine Inspection and Navigation inspections, and the opening and closing of main machinery and at all major repairs, and the Operator is to permit access to all parts of the vessel, its log books and official records at reasonable hours. The presence of such representatives, however, shall not relieve the Operator from strict performance of any of the obligations assumed under the Operating-Differential Subsidy Agreement.

3. *Repair inspection* and responsibility as to the quality of materials, workmanship and satisfactory completion of all repairs is the entire responsibility of the Operator. The Operator shall secure completion certificates signed by the Master or Chief Officer, Chief Engineer and the Port Superintendent Engineer, certifying that each and every item of work in the specification has been satisfactorily completed within the time specified (or otherwise). Cancelled items are to be noted on this certificate. This completion report will also be certified by representatives of the United States Maritime Commission, if available, at time of completion of repairs. Wherever possible, surveyors of the Technical Division will inspect repairs and will certify on the completion certificate that the work was necessary, has been satisfactorily completed, and the cost thereof is fair and reasonable. In cases where it is impracticable for the surveyors to certify completion certificates when repairs are completed, it is planned that our auditor will discuss with one of the surveyors such features of the repair invoice as he may consider necessary.

4. *Repair specifications* are to be prepared by the Operator in sufficient detail to permit intelligent bidding, and are to include all items as may be necessary for maintaining the vessels in a seaworthy condition and a thoroughly efficient state of repair. Specifications shall contain the low bidder's price on required items, and be segregated under the following captions. If repairs are effected on other than competitive basis the same segregation is required:

Maintenance: Segregated as to Hull, Engine, Steward.
Other Vessel Expense: Segregated as to Hull, Engine, Steward.
Marine Losses: Segregated as to Hull, Engine, Steward.

Wherever practicable, the item numbers used in the condition surveys taken at the beginning of the temporary operating-differential subsidy agreement period shall be indicated in the repair specifications or requisitions, to facilitate identification of items, particularly those considered to be deferred repairs.

5. *Classification of repairs.*—For purposes of classification in repair specifications, summaries, etc., only, the following descriptions will apply:

(*a*) *Maintenance* shall include only those repairs directly attributed to the replacement, by duplication or restoration to satisfactory condition, of damaged or worn parts of the vessels and equipment, or relocation of equipment, piping, etc., which are not properly chargeable to other accounts. Transfer should not be permitted from one vessel to another of useable spare parts and/or equipment without issuing a property removal notice, which should clearly outline the entire transaction and name the vessel to which credit is given and the vessel to be charged with the transferred materials. Proper accounting shall be made for the parts transferred in the books of the Operator.

(*b*) *Other vessel expense pertaining to upkeep.*—(Commonly termed O. V. E. items.) This shall include the cost of all work properly belonging to the vessel's crew that for any reason is performed either in part or in its entirety by outside labor; such as, internal and external boiler cleaning; bilge cleaning, painting of vessels and preparatory work thereto (other than bottoms); testing of boilers, condensers, coolers, etc.; opening of main and auxiliary machinery for examination; making minor adjustments to machinery, renewing gaskets, pump packing, making joints tight, grinding in valves, and minor rebricking of boiler furnaces; obtaining seaworthy certificates; testing and preparing tackle for foreign requirements; inspection and repairs to special fire fighting and detection apparatus, such as Lux Rich and Foamite systems, etc.

(*c*) *Marine losses* shall include all repairs, material, survey charges (Insurance Underwriters and Classification Societies) as are properly chargeable to the casualty.

6. *Repair bids.*—The Operator is obligated to use due diligence to minimize expense, and it is contemplated that wherever practicable major repairs and replacements will be made only after competitive bidding on written specifications. In determining whether or not competitive bidding is practically possible or advantageous, the Operator must necessarily give consideration to all the surrounding circumstances. To assist the Commission in formulating regulations to be promulgated hereafter, a prompt report, including a statement of all relevant circumstances, should be made to this office in each case where the Operator did not obtain competitive bids and a surveyor or other representative of the Commission is of opinion that the Operator should have done so.

7. *Repairs performed by operator or subsidiary.*—If an Operator or one or more of its wholly owned subsidiaries is specifically authorized by the Commission, pursuant to Section 803 of the Merchant Marine Act, 1936, to make repairs to subsidized vessels with its own equipment and with employees carried upon its own pay rolls and supervised by employees likewise in its direct employ, specifications or job order forms, completion certificates and other repair documents should be prepared in form similar to those used for contract repairs.

8. *Drydocking.*—The nearest District Office of the United States Maritime Commission must be notified when and where it is contemplated drydocking a vessel, sufficiently in advance of such drydocking to permit of a representative of the Technical Division being present at the docking.

9. *Damage surveys.*—The Operator must promptly notify the nearest District Representative of the Maritime Commission of all damage surveys.

10. *Condition surveys* will be held on vessels to determine if the vessels are being properly maintained and operated. These survey reports will be made by a representative of the Technical Division and forwarded to the Washington office semi-annually. These surveys will be reported on T. D. Form R–100–B.

11. *Forms to be submitted by operators (in accordance with paragraphs 9 and 27 of operating-differential subsidy agreement).*—The following forms, for use in connection with the work of the Technical Division, must be prepared and submitted to the nearest District Office by the Operator for transmittal to the Washington Office of the Maritime Commission. The Forms listed are pro forma only and the Operator is required to submit the information sought on the forms in line with the attachments:

(*a*) *Form No. 2.*—Certificate for completion of all requisitioned work or material, including cancellation, if any, shall be attached to Form No. 11 (Summary Report).

(*b*) *Form No. 3.*—Drydock Report—on all vessels whenever drydocked.

(*c*) *Form No. 11.*—Summary Report on Voyage Repairs. This form is to be submitted in duplicate upon completion of all repairs charged to the terminating voyage, and within a period of *not in excess of ten (10) days* after each vessel has sailed from her last American port of call on the next outward voyage. These "summaries" must be carefully prepared to cover the following information: Voyage numbers, dates of beginning and ending of voyages, dates of starting and completing repairs; contractors' names; contract numbers and a breakdown of such contract into its component parts. The "summaries" must include all expenditures made on requisitions for repairs, materials, and/or other services, which are properly chargeable to the various repair accounts. After examination by the Technical Division to determine the propriety of charges to be considered for participation in subsidy payments, one copy of these "summaries" will be returned to the Operator, where it is to be held available for examination when audit is made.

12. *Other reports to be submitted by operators* to the nearest District Office for transmittal to the Washington Office of the United States Maritime Commission:

(*a*) Signed copies of all reports of accidents to hull, machinery and/or equipment.

(*b*) Signed copies of all survey reports and/or requirements of the U. S. Salvage Association or other underwriters.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr., *Secretary.*

DECEMBER 20, 1937.

[F. R. Doc. 37–3758; Filed, December 22, 1937; 1:56 p. m.]

*Tuesday, December 28, 1937* *No. 250*

## PRESIDENT OF THE UNITED STATES.

APPLICATION OF DUTIES PROCLAIMED IN CERTAIN TRADE AGREEMENTS TO PRODUCTS OF ITALY

THE WHITE HOUSE,
*Washington, December 18, 1937.*

THE HONORABLE HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

MY DEAR MR. SECRETARY: With reference to my letter addressed to you on July 3, 1937, concerning the application of duties proclaimed in connection with the trade agreement signed on November 28, 1936, with Costa Rica and all other duties theretofore proclaimed in connection with trade agreements concluded under the authority of the Act to Amend the Tariff Act of 1930, approved June 12, 1934 (48 Stat. 943), as extended by the Joint Resolution approved March 1, 1937 (Public Resolution No. 10, 75th Congress), I hereby direct that the aforesaid duties (with the exception of the duties proclaimed in connection with the trade agreement signed on August 24, 1934, with Cuba) shall continue to be applied to the products of Italy so long as such duties remain in effect, and this direction is not modified.

The above mentioned letter of July 3, 1937, is modified accordingly, and you will please cause notice of this modification to be published in an early issue of the weekly *Treasury Decisions.*

Very sincerely yours,

[SEAL] FRANKLIN D ROOSEVELT

[F. R. Doc. 37–3770; Filed, December 27, 1937; 9:56 a. m.]

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49297]

CONVERSION OF BRAZILIAN MILREIS FOR THE PURPOSE OF THE ASSESSMENT OF DUTIES ON MERCHANDISE INTO THE UNITED STATES

DECEMBER 20, 1937.

*To Collectors of Customs and Others Concerned:*

Reference is made to the instructions published in T. D. 48467 of August 8, 1936, T. D. 48553 of October 5, 1936, and T. D. 49277 of December 6, 1937, concerning the collection of duties in cases involving the conversion of Brazilian milreis.

T. D. 49277 is hereby revoked, and collectors of customs are hereby directed not to apply the instructions set forth in T. D. 48467, as modified by T. D. 48553, with respect to merchandise exported to the United States on or after November 18, 1937.

The rates stated below should be used when it is necessary to convert the Brazilian milreis into currency of the United States for the purpose of assessing and collecting duties on merchandise exported to the United States on the dates indicated. It will be noted that the value of the Brazilian milreis proclaimed by the Secretary of the Treasury for the quarter beginning October 1, 1937 (T. D. 49175), varies by more than 5 per centum from each of the values measured by the rates published below. Rates for the milreis for dates subsequent to those stated below will be regularly published in the weekly Treasury Decisions.

| 1937: | *Dollars* | 1937: | *Dollars* |
|---|---|---|---|
| Nov. 18 | 0.058625 | Dec. 3 | .055787 |
| Nov. 19 | .058500 | Dec. 4 | .055785 |
| Nov. 20 | .058975 | Dec. 6 | .055900 |
| Nov. 22 | .059357 | Dec. 7 | .055357 |
| Nov. 23 | .059312 | Dec. 8 | .055500 |
| Nov. 24 | .058416 | Dec. 9 | .055423 |
| Nov. 26 | .057428 | Dec. 10 | .054525 |
| Nov. 27 | .057162 | Dec. 11 | .054300 |
| Nov. 29 | .056166 | Dec. 13 | .054312 |
| Nov. 30 | .054937 | Dec. 14 | .054428 |
| Dec. 1 | .054957 | Dec. 15 | .054357 |
| Dec. 2 | .055614 | Dec. 16 | .054714 |

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 37–3769; Filed, December 27, 1937; 9:56 a. m.]

## POST OFFICE DEPARTMENT.

### CORRECTION OF MAILING LISTS

AMENDMENT TO PARAGRAPH 6, SECTION 702 OF THE POSTAL LAWS AND REGULATIONS

NOVEMBER 22, 1937.

Paragraph 6, section 702 of the Postal Laws and Regulations is amended to read as follows:

"6. Mailing lists submitted by State departments, municipalities, religious, fraternal, and recognized charitable organizations, and mailing lists used by the concerns submitting them for correction for the solicitation of business by mail in connection with sales work, shall be corrected as frequently as requested at the expense of the owners, including return postage."

[SEAL] JAMES A. FARLEY,
*Postmaster General.*

[F. R. Doc. 37–3782; Filed, December 27, 1937; 11:56 a. m.]



## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

At a Regular Session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 21st day of December, 1937.

[Docket No. 55–FD]

ORDER IN THE MATTER OF AN INVESTIGATION AND HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF PENNSYLVANIA AND THE EFFECT OF SUCH COMMERCE ON INTERSTATE COMMERCE IN SUCH COAL.

It appearing that by Orders No. 2 and No. 37, the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Pennsylvania and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commissioner having on the 21st day of December, 1937, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof;

Now, therefore it is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Pennsylvania directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Pennsylvania in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

*Therefore, it is further ordered:*

1. That on and after the 7th day of January, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Pennsylvania shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Pennsylvania.

2. That any producer of bituminous coal in intrastate commerce within the State of Pennsylvania, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Sections 4 and 4–A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4–A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Pennsylvania, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Pennsylvania known to produce bituminous coal, publication thereof to be made three (3) times within ten (10) days from the date of this Order.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–3781; Filed, December 27, 1937; 11:36 a. m.]

[Docket No. 128–FD]

IN THE MATTER OF THE PETITION OF VIRGINIA COAL OPERATORS' ASSOCIATION, INC., ET AL.

ORDER AND NOTICE FOR HEARING

The petitioner above named, Virginia Coal Operators' Association, Inc., and others, having filed with the Commission on the 20th day of December, 1937, a petition alleging dissatisfaction with certain of the minimum prices for coals of code members produced within Districts Nos. 7 and 8, established by the Commission by Orders Nos. 95 and 131 for District No. 7, and Orders Nos. 96, 132 and 169 for District No. 8, a copy of said petition being on file and available for inspection by interested parties in each of the Statistical Bureaus of the Commission within Districts Nos. 1 to 13, inclusive, and at the office of each District Board in each of said districts.

It is ordered that a hearing on said petition be held before the Commission, or duly designated Examiners, on the 5th day of January, 1938, at the hour of 10:00 o'clock A. M., in the hearing room of the Commission, Washington, D. C., at which time all interested parties shall be afforded an opportunity to be heard.

The Secretary of the Commission is directed, forthwith, to mail a copy of this order and notice to each petitioner, to the Secretary of each District Board of Districts Nos. 1 to 13, inclusive, and to each code member in Districts Nos. 7 and 8, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission for Districts Nos. 1 to 13, inclusive, and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By the Commission.

Dated this 23rd day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37–3780; Filed, December 27, 1937; 11:36 a. m.]

[Order No. 167]

AN ORDER TEMPORARILY REVISING THE SCHEDULE OF PRICES ESTABLISHED FOR DISTRICT NO. 10, IN RESPECT TO MINIMUM PRICE GROUP "G"

Peabody Coal Company, having on the 20th day of December, 1937, filed a petition with the National Bituminous Coal Commission, pursuant to the provisions of Section 4, Part II (d) of the Act, alleging dissatisfaction with certain of the minimum prices established for coals of code members within District No. 10, and praying for immediate and temporary relief as therein set forth by preliminary or tem-

porary order pending final disposition of such petition, and it appearing to the Commission that petitioner has made reasonable showing of necessity for the granting of the temporary relief prayed for therein,

Now, therefore, the National Bituminous Coal Commission, pursuant to the provisions of subsection (d) of Part II of Section 4 of the Bituminous Coal Act of 1937, hereby orders;

1. That pending final disposition of the aforesaid petition and until further order of the Commission, the Schedule of Minimum Prices for Coals of Code Members Produced Within District No. 10 and Supplement thereto be and the same are hereby revised by changing the mines indexed under "Mine Price Group 'G' " from said price group "G" to include them among the mines indexed under "Mine Price Group 'H'", and by striking from Supplement No. 1 to Price Schedule No. 1—District No. 10, under the heading "Transportation Differentials", the symbol and figure following: "G------ 60¢ per ton."

2. That except as herein temporarily revised, the minimum price schedule and supplements thereto, established for District No. 10, shall remain in full force and effect.

3. That the Secretary of the Commission, shall, forthwith, mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the district within Minimum Price Area No. 2 and to code members within District No. 10; shall cause a copy of this order to be made available for inspection by all interested parties at the office of the Secretary of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3777; Filed, December 27, 1937; 11:35 a. m.]

[Order No. 168]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF NEW MEXICO AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT ALBUQUERQUE, NEW MEXICO, ON JANUARY 6, 1938, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of New Mexico directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in New Mexico on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of New Mexico would be desirable, and upon investigation hereby orders:

1. That on January 6, 1938, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Hotel El Fidel, Albuquerque, New Mexico, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of New Mexico, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in New Mexico in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Albuquerque, New Mexico, on January 6, 1938, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of New Mexico, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of New Mexico in which bituminous coal is produced.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3778; Filed, December 27, 1937; 11:36 a. m.]

[Order No. 169]

AN ORDER TEMPORARILY REVISING THE SCHEDULE OF PRICES ESTABLISHED FOR DISTRICT NO. 8, INSOFAR AS THE SAME RELATE TO COALS USING NEW RIVER POCAHONTAS GROUP FREIGHT RATES AS BASE INTO MARKET AREAS 40, 41 AND 42

Virginia Coal Operators' Association, Incorporated, a corporation, comprised of code members within District No. 8, having on the 20th day of December, 1937, filed a petition with the National Bituminous Coal Commission, pursuant to the provisions of Section 4, Part II (d) of the Act, (Docket No. 128-FD), alleging dissatisfaction with certain of the minimum prices established for coals of code members within District No. 8, and praying for immediate and temporary relief as therein set forth by preliminary or temporary order pending final disposition of such petition, and it appearing to the Commission that petitioners have made reasonable showing of necessity for the granting of a temporary order.

Now, therefore, the National Bituminous Coal Commission pursuant to the provisions of subsection (d) of Part II of Section 4 of the Bituminous Coal Act of 1937 hereby orders:

1. That pending final disposition of the aforesaid petition, and/or until further order of the Commission, the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 8, and any and all supplements thereto, established for said district, be and the same hereby are modified and revised to contain the following provision as if the same were fully set out therein:

"Code member mines in District No. 8 having freight rates in excess of the New River Pocahontas group rates may absorb the exact amount of the differential not exceeding 35¢ per ton into Market Areas 40, 41 and 42. The foregoing provision shall supersede any other provision contained herein to the contrary notwithstanding."

2. That except as herein temporarily revised, the minimum price schedules and supplements thereto, established for District No. 8, shall remain in full force and effect.



3. That the Secretary of the Commission, shall, forthwith, mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards for the districts within Minimum Price Area No. 1 and to code members within District No. 8; shall cause a copy of this order to be made available for inspection by all interested parties at the office of the Secretary of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 22nd day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3779; Filed, December 27, 1937; 11:36 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Farm Security Administration.

DESIGNATION OF COUNTIES

NEW MEXICO

DECEMBER 22, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the New Mexico State Farm Security Advisory Committee, the following county is hereby designated as that in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Roosevelt

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3768; Filed, December 23, 1937; 1:55 p.m.]

DESIGNATION OF COUNTIES

VIRGINIA

DECEMBER 22, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Virginia State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Accomack, Bedford, Carolina, Halifax, Mecklenburg, Nelson, Scott, Southampton.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 37-3767; Filed, December 23, 1937; 1:55 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

MEASUREMENT OF AN ENGINE ROOM IN THE AFTER END OF THE HOLD OF A POWERED VESSEL

Pursuant to the authority contained in the Act of March 2, 1895, 28 Stat. 741, 743; U. S. C. Title 46, Sec. 79, Paragraph (b) article 39, "Measurement of Vessels," 1925, be and hereby is amended to read as follows:

When the propelling machinery space in the after end of the hold of a vessel extends from side to side of the same and has a continuous bottom line, divide its length into such an even number of parts as will give a common interval most nearly equal to that used in finding the tonnage of the hold in that part of the vessel; then proceed to find its contents by the use of areas of transverse sections taken at each end and at each point of division of its length. In other words, measure it by the same method as was used for finding the tonnage of that part of the hold in which it lies.

[SEAL] R. S. FIELD, *Director.*

Approved, December 23, 1937.

DANIEL C. ROPER,
*Secretary of Commerce.*

[F. R. Doc. 37-3785; Filed, December 27, 1937; 12:08 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

ANNUAL REPORT FORM FOR TELEGRAPH, CABLE AND RADIOTELEGRAPH CARRIERS FOR 1937

The Commission, Telegraph Division, at a meeting held September 7, 1937, adopted the following Report Form:

ANNUAL REPORT FORM O

The Telegraph Division adopted the revised Annual Report Form "O"[1] for telegraph, cable and radiotelegraph carriers for the calendar year 1937, with revisions made in accordance with suggestions received by the Accounting, Statistical, and Tariff Department, and approved a press release thereon.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3771; Filed, December 27, 1937; 10:28 a. m.]

ANNUAL REPORT FORM FOR USE OF HOLDING COMPANIES FOR 1937

The Commission, at a general session held September 22, 1937, adopted the following report form:

ANNUAL REPORT FORM H

The Commission approved Annual Report Form H and Statistical Circular No. 1 for 1937,[1] and issued a press release in connection therewith.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3772; Filed, December 27, 1937; 10:28 a. m.]

[Docket No. 4557]

IN RE APPLICATION OF HOWTON RADIO ALARM COMPANY, SEATTLE, WASHINGTON, FOR SPECIAL EXPERIMENTAL STATION

The Commission, at a meeting held on December 14, 1937, adopted the following Order:

The Commission having under consideration the petition of Howton Radio Alarm Company, applicant in the above-entitled matter, to permit further experimentation in connection with the operation under actual service conditions of a certain radio alarm device, and the opposition and supplemental opposition thereto of American District Telegraph Company, intervener, and

It appearing that in order to more fully determine the facts in this matter bearing upon the final decision of the Commission in this case such further experimental authority is necessary.

And it appearing on the basis of tests heretofore made by the applicant in this matter which have been thus far reported to the Commission that these devices can be developed to a point where they may be operated so as not to interfere with the regular use of police radio facilities,

And it further appearing that while the tests heretofore made by the applicant and the evidence thus far adduced of record in this case have not demonstrated that these devices can be developed to a point where they will render a service not now adequately rendered through other communication facilities or that they can be made to operate so as not to

[1] The annual report forms were a part of the original documents filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Federal Communications Commission.

interfere with the protection offered by a properly organized and administered police department or that they are capable of rendering such efficient service as would justify the authorization of the use of such devices on a regular basis;

Nevertheless it appearing to the Commission that the applicant should be accorded every opportunity to demonstrate the practicability of such devices.

It is by the Commission this 14th day of December, 1937, ordered:

1. That the Commission will receive a limited number of applications from holders of licenses for police radio stations in the State of Washington for special experimental authorization to operate portable radio transmitting apparatus described as Howton Radio Alarm Model 7-A for a limited term not to extend in any case beyond June 30, 1938;

2. Any applications filed hereunder shall be accompanied with evidence in writing of the consent of other police licensees operating upon the frequency applied for, in contiguous areas, whose service might be interfered with by the granting of such applications;

3. Any licenses which may be issued under such applications shall provide for observation and inspection in connection with any operation thereunder by representatives of the Federal Communications Commission;

4. Such licenses shall further provide for submission by the licensee of reports containing data showing the results and effects of any operation thereunder;

5. Any such licenses shall be issued on a special temporary basis, only, and upon the express condition that they may be terminated by the Commission at any time, without advance notice or hearing; if in the discretion of the Commission need for such action should arise;

6. No such license shall authorize the use of an amount of power in the excess of 50 watts;

7. Licensees shall accept responsibility for the maintenance of complete log records showing all actual operations of the device and including, as far as possible, information as to the cause of operation, such as an actual criminal act or fire, defects in equipment, defects in installation, or carelessness on the part of the occupant of the premises protected;

8. A properly qualified operator, or operators, shall be kept on duty at a central point within the receiving range of the station, and a continuous watch shall be maintained by such operator, or operators, to observe the operation of the transmitter at all times;

9. The Howton Radio Alarm Company shall be permitted to install, inspect, and maintain such devices, and shall be permitted to make a charge for same, which charge, however, shall not exceed the amount of actual expense for the construction, operation, and maintenance of the station;

10. The installation of these devices shall be pursuant to written agreements between the Howton Radio Alarm Company and the licensee, which such agreements shall be submitted to the Commission, accompanying the application for approval;

*Provided, however,* That nothing contained in this order shall constitute a determination that the operation of any such devices on a regular basis will serve public interest, convenience and necessity.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 37-3773; Filed, December 27, 1937; 10:28 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December A. D., 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-313]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE METAL CLAD DOOR AND ACCESSORIES MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Metal Clad Door and Accessories Manufacturing Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than January 11, 1938. Opportunity for oral hearing will be afforded at 10 a. m., January 11, 1938, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C., to such persons as may desire to appear, and who shall have made prior written or telegraphic requests to be heard orally. After giving due consideration to such views, suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3774; Filed, December 27, 1937; 10:45 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3005]

IN THE MATTER OF FORD MOTOR COMPANY, A CORPORATION, AND UNIVERSAL CREDIT CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717, 15 U. S. C. A., Section 41),

*It is ordered,* That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

*It is further ordered,* That the taking of testimony in this proceeding begin on Wednesday, January 12, 1938, at ten o'clock in the forenoon of that day (eastern standard time), room 921, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3784; Filed, December 27, 1937; 12:05 p. m.]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3001]

IN THE MATTER OF GENERAL MOTORS CORPORATION; CHEVROLET MOTOR COMPANY, A CORPORATION; OLDS MOTOR WORKS, A CORPORATION; PONTIAC MOTOR COMPANY, A CORPORATION; BUICK MOTOR COMPANY, A CORPORATION; AND GENERAL MOTORS ACCEPTANCE CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, January 18, 1938, at ten o'clock in the forenoon of that day (eastern standard time), in room 921, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3783; Filed, December 27, 1937; 12:05 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

RULES UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT TO RULE 17C-3

The Securities and Exchange Commission, acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, particularly section 17 (c) thereof, and finding that, in the cases specified in the following rule, and subject to the conditions and limitations therein prescribed, it will not adversely affect the public interest or the interest of investors or consumers for a registered holding company or subsidiary company thereof to have as on officer or director thereof, a person who has a financial connection (as defined in rule 17C-1), hereby amends rule 17C-3 so that the same shall read as follows:

RULE 17C-3. *Officers and directors approved by a federal court.*—(*a*) Subject to the limitations as to time prescribed in paragraph (b), a registered holding company or subsidiary company thereof may have as an officer or director, or both, a person who has a financial connection (as defined in rule 17C-1), if a court of the United States in connection with a reorganization proceeding (whether in equity or pursuant to section 77B of the Bankruptcy Act) has specifically directed or approved of the election or appointment of such person in the capacity of director or officer of such company or as a director or officer or voting trustee of any company (including a voting trust) of which it is a subsidiary.

(*b*) The provisions of paragraph (a) of this rule shall cease to be applicable upon whichever of the following dates is the earliest:

(1) At the expiration of any specific term for which such person shall have been appointed or designated by the court; or

(2) Five years after such appointment or designation; or

(3) On December 31, 1939.

AMENDMENT TO RULE 7A-1

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly Sections 7 and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and to carry out the provisions of said Act, the Securities and Exchange Commission hereby amends Rule 7A-1 to read as follows:

RULE 7A-1. *Form of declarations.*—(*a*) Declarations pursuant to Section 7 in respect of the issue or sale of any security of a registered holding company or subsidiary company thereof, or of the exercise by any such company of any privilege or right to alter the priorities, preferences, voting power or other rights of the holders of an outstanding security of any such company shall comply with Form U-7 and Instructions for Form U-7, dated April 9, 1936, and shall contain the information therein specified.

(*b*) Such a declaration shall become effective only at such time as the Commission shall fix by order. Every order for hearing on a declaration shall include an order to declarant to show cause why such declaration shall become effective.

AMENDMENT TO RULE 3

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Section 20 (a) thereof, and finding it necessary and appropriate to carry out the provisions of said Act, hereby amends Rule 3 under said Act to read as follows:

RULE 3. *General requirements of application and declarations.*— (*a*) For the purposes of this rule, the word "application" includes any application for an order of the Commission or any declaration filed pursuant to any requirement of the Act or any rule thereunder.

(*b*) Every application shall comply with the provisions of rule 2, and with the requirements of any rule, form, or instructions specifically applicable thereto. If, however, any information to be given is not available without unreasonable effort or delay, or is deemed by the applicant to be irrelevant to the question presented, the applicant may omit such information, briefly indicating the reasons for such omission, and submitting instead such other information, if any, as it may deem relevant. In any case involving a question of control an applicant may admit control in whole or in part and, to such extent, omit the information bearing on this question. If any applicant is in doubt as to the interpretation of any requirement of any rule or instruction, it should, in making its application, adopt the interpretation which seems to it most reasonable, and expressly explain the interpretation adopted. All applications shall be subject to the right of the Commission to require additional information, whether specified by any rule or instruction or not. The applicant may at its option include any additional information not required by the Commission. Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the Rules and Regulations under which application is made.

(*c*) Any application may incorporate by reference any information contained in any other application previously or concurrently filed, whether by the same or by a different applicant. Any one applicant may file a combined application for different orders or file separate applications, but, if separate, each such application should include an express reference to the other. Any two or more applicants may file joint applications where substantially the same questions of fact are involved. Orders may be requested in the alternative, but in such case the applicant's preference should be indicated.

(*d*) Any application may state that the applicant offers the application in evidence pursuant to this paragraph of this rule at any hearing on such application. If such offer is made, the application shall be received in evidence at the

hearing as proof in support of the allegations therein without the necessity of the applicant appearing and introducing further evidence, unless

(A) counsel for the Commission objects; or

(B) objection is made on behalf of any interested State commission, State securities commission, municipality, or any political subdivision of a State; or any person having a bona fide interest in such proceeding appears and objects.

If counsel for the Commission intends to object to the admission in evidence of the application or in advance of the hearing date is apprised of the intention of any person having a bona fide interest in the proceeding to appear in opposition to the application, he shall promptly advise the applicant thereof. If such objection or opposition is first made at such time that seasonable notice thereof cannot be given to the applicant, and the applicant does not appear, the hearing shall be continued to permit the applicant to appear and support its application at the adjourned date thereof. Unless the Commission otherwise directs, the application shall be dismissed if the applicant fails to appear and support its application after it has been notified by counsel for the Commission of such objection or opposition. Nothing in this paragraph shall be construed as preventing the receipt in evidence of any document or other evidence duly tendered at any hearing for a purpose for which it would be appropriate and competent apart from the provisions of this paragraph.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3792; Filed, December 27, 1937; 1:00 p. m.]

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SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE AN21

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12), 10 (b) and 23 (a) thereof, hereby amends paragraph (a) of Rule AN21 by deleting the words "five hundred and ninetieth" and inserting in lieu thereof the words "six hundred and eightieth".

Paragraph (a), as amended, reads as follows:

(*a*) Evidences of indebtedness (i) which have been issued by any foreign state that is presently governed by an interim government which is holding office temporarily and which is to continue to hold such office only until the assumption thereof by a regular government which has been elected and (ii) as to which temporary exemption from the operation of Section 12 (a) shall expire pursuant to the terms of Rule AN7 on May 15, 1936, and as to which registration shall not be effective on that date, shall be exempt from the operation of said Section 12 (a) to and including the six hundred and eightieth day following the assumption of office by such elected regular government.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3787; Filed, December 27, 1937; 12:59 p. m.]

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RULES OF PRACTICE OF THE SECURITIES AND EXCHANGE COMMISSION

AMENDMENTS TO RULE VIII OF RULES OF PRACTICE

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 19 (a) thereof, the Securities Act of 1934, particularly Section 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly Section 20 (a) thereof, and finding that it is necessary to carry out the provisions of the Securities Act of 1933, as amended, and the Public Utility Holding Company Act of 1935, and that it is necessary for the execution of the functions vested in the Commission by the Securities Exchange Act of 1934, hereby amends Rule VIII of the Rules of Practice of the Commission by altering paragraphs (b) and (f) of said Rule to read as follows, and by adding thereto the following paragraph (g):

(*b*) Following any hearing before a trial examiner relating to any matter other than the question of postponement of the effective date of registration of a broker or dealer under Section 15 (b) of the Securities Exchange Act of 1934, as amended, pending final determination whether such registration shall be denied, the trial examiner shall, within 10 days after receipt of the transcript of the testimony, file with the Secretary of the Commission his report containing his findings of fact (except as otherwise provided in paragraphs (f) and (g) hereof).

(*f*) The provisions of this rule and of Rules IX, X and XI shall not be applicable to hearings pursuant to Clause 30 of Schedule A of the Securities Act of 1933, as amended, or hearings pursuant to Section 24 (b) of the Securities Exchange Act of 1934, as amended.

(*g*) The provisions of this rule, Rule IX paragraph (a) of Rule X, and paragraphs (a), (b) and (c) of Rule XI shall not be applicable to a proceeding pursuant to any provision of the Public Utility Holding Company Act of 1935 unless the Commission shall specifically order the filing of a Trial Examiner's report. Unless specific request is made in each case, it will be assumed that neither oral argument nor the privilege of submitting briefs to the Commission is requested.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3791; Filed, December 27, 1937; 1:00 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of December, A. D. 1937.

[File Nos. 32-75, 46-83 and 46-82]

IN THE MATTER OF KEOKUK ELECTRIC COMPANY, FORT MADISON ELECTRIC COMPANY, DALLAS CITY LIGHT COMPANY

ORDER FIXING EFFECTIVE DATE OF DECLARATION REGARDING ISSUE AND SALE OF STOCK AND APPROVING ACQUISITION OF SECURITIES AND ASSETS

Keokuk Electric Company, a subsidiary of a registered holding company, having filed a declaration, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and sale of 12,207 shares of its no par value common stock in exchange for the properties and assets of Fort Madison Electric Company and Dallas City Light Company; said Keokuk Electric Company having filed an application, pursuant to Section 10 of the Act, for approval of the acquisition by it of the properties and assets of Fort Madison Electric Company; and Dallas City Light Company and Fort Madison Electric Company, also subsidiaries of a registered holding company, having each filed applications, pursuant to Section 10 of the Act, for approval of the acquisition by each of 1,574 shares and 10,633 shares, respectively, of the aforesaid common stock to be issued by Keokuk Electric Company in exchange for the properties and assets of such companies;

Hearings on said declaration and applications, as amended, having been held after appropriate notice; the record in these matters having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That such declaration of Keokuk Electric Company be and become effective forthwith, on condition, however, that the issue and sale of the aforesaid stock shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration;

*It is further ordered*, That such acquisition by Keokuk Electric Company of all the properties and assets of Fort Madison Electric Company in accordance with the terms and conditions set forth in, and for the purposes represented by said application, as amended, be and the same hereby is approved; and

*It is further ordered*, That such acquisitions by Dallas City Light Company and by Fort Madison Electric Company of the aforesaid stock in accordance with the terms and conditions set forth in, and for the purposes represented by, said applications, be and the same hereby are approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3789; Filed, December 27, 1937; 12:59 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, 1937.

[File No. 1-1659]

IN THE MATTER OF TASTYEAST, INC. CLASS A STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Board of Trade of the City of Chicago, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Class A Stock of Tastyeast, Inc.; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on January 3, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3786; Filed, December 27, 1937; 12:59 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 23rd day of December, 1937.

[File No. 1-237]

IN THE MATTER OF UNITED CHEMICALS, INC. $3 CUMULATIVE PARTICIPATING PREFERRED STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the $3 Cumulative Participating Preferred Stock, No Par Value, of United Chemicals, Inc.; and

After appropriate notice, a hearing having been held in this matter; and



The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on January 3, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3790; Filed, December 27, 1937; 1:00 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1937.

[File No. 51-8]

IN THE MATTER OF COMMONWEALTH GAS & ELECTRIC COMPANIES

ORDER PURSUANT TO RULE 12C-2 AND SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Commonwealth Gas & Electric Companies, a subsidiary company of New England Power Association, a registered holding company, having applied pursuant to Rule 12C-2 for approval of the payment of a dividend of $2.50 per share on its preferred shares, out of capital or unearned surplus, and by amendment having requested that such application be considered also as a declaration regarding an alteration in the aggregate expressed value of its preferred and common shares; a hearing on the application and declaration, as amended, having been held after appropriate notice; and the Commission having made and filed its findings herein;

*It is ordered*, That the payment of such dividend be and the same hereby is approved, and that such declaration be and become effective, subject to the terms and representations contained in said application and declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3788; Filed, December 27, 1937; 12:59 p. m.]

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*Wednesday, December 29, 1937* *No. 251*

## PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

TRANSFERRING CERTAIN LANDS FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF COMMERCE AND RESERVING THEM AS THE MC KINNEY LAKE FISH HATCHERY

*North Carolina*

By virtue of and pursuant to the authority vested in me under Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), it is ordered that the following-described lands in Richmond County, North Carolina, acquired by the United States through the Farm Security Administration, be, and they are hereby transferred from the Department of Agriculture to the Department of Commerce and reserved and set apart for the use of the Department of Commerce, Bureau of Fisheries, subject to valid existing rights, as a fish hatchery:

Beginning at the intersection of two lines cut in the top of a granite monument, 7 in. by 5 in. standing 4 in. above the ground, the geographic position of which is in latitude 35°00'21" N. and longitude 79°38'19" W. from Greenwich, from which the azimuth (measured clockwise from true South) and distance to the U. S. Coast and Geodetic Survey Triangulation station Cognac is 137°18'47", 15,304.7 feet;

Thence by true azimuth (measured clockwise from true South at said triangulation station Cognac) 106°29'26",

1111.92 ft. to and through a concrete monument, which is 6 in. square and set 4 in. above the ground and upon which is a 3 in. bronze disk marked U. S., offset 30 ft. from the center line of the old Rockingham Road, to the center line of said road;

Thence along the center line of said road 200°23'26", 563.34 ft. to a slight curve in the road;

Thence along the center line of said road 200°50'26", 1209.60 ft. crossing Hitchcock Creek to a slight curve in said road;

Thence along center line of said road 187°29'56", 201.75 ft. to the intersection with a line of the W. B. Cole property;

Thence along said line of the W. B. Cole property 276°01'56", 521.26 ft. to and through a concrete monument which is offset 30 ft. from the center line of the old Rockingham Road, to a concrete monument;

Thence 190°07'56", 1011.42 ft. along another line of the W. B. Cole property to and through a concrete monument, which is offset 60 ft. along the line to a point in the north edge of the old Rockingham Road;

Thence to and along the center line of the old Rockingham Road 248°06'56", 2164.54 ft. to a point opposite the east edge of the Hatchery Road;

Thence 339°17'56", 735.27 ft. to and through a concrete monument, which is offset 30 ft. from the center line of the old Rockingham Road, to a point by the east side of the Hatchery Road;

Thence 334°17'56", 607.63 ft. to a point near the east side of the Hatchery Road;

Thence 352°57'56", 291.75 ft. to a point by the east side of the Hatchery Road;

Thence 351°21'56", 759.33 ft. to a 2 in. iron pipe which is by the east side of the Hatchery Road;

Thence leaving Hatchery Road, 320°50'26", 231.96 ft. to a concrete monument;

Thence 269°13'56", 5748.45 ft. to a concrete monument;

Thence 269°15'26", 1968.98 ft. to a concrete monument;

Thence 90°02'56", 5184.03 ft. to and through a pine tree and two 2 in. iron pipes, which are offset 5 ft. from the pine tree on the line, to a concrete monument across Hatchery Road;

Thence 117°11'42", 1193.14 ft. to and through a concrete monument, which is offset 30 ft. along the line, to a point in the fire lane;

Thence 96°47'56", 418.48 ft. along the center line of the fire lane to a point;

Thence 117°53'26", 490.66 ft. along the center line of the fire lane to a point;

Thence 95°12'56", 366.18 ft. along the center line of the fire lane to a point;

Thence 70°41'56", 564.13 ft. along the center line of the fire lane to a point;

Thence 70°41'26", 600.40 ft. along the center line of the fire lane to a point;

Thence leaving the fire lane, 81°52'26", 331.63 ft. to and through a 2 in. pipe, which is offset 30 ft. along the line, to a granite monument, the place of beginning. The tract contains 503.27 acres, inclusive of a 15-acre exception.

There is expressly excepted and excluded from the above-described tract of land a tract containing 15 acres, more or less, and embraced in the boundaries above described, together with a perpetual easement, the same being expressly reserved, excepted and excluded from a conveyance to the United States by the deed of the Guaranty Trust Company of New York and John R. McKinney, Executors and Trustees of the estate of Glenn Ford McKinney, deceased, dated September 3, 1935, and recorded among the land records of Richmond County, North Carolina, in Liber 223, folio 580, which is more particularly described and defined as follows:

Beginning at a stake in the southerly end of the dam impounding the waters of the South Pond Lake, said stake being driven on the easterly side thereof and at the estimated low-water mark of said lake;

Thence S. 15°50' E., 16.10 chs. on the line of said dam to a stake near the crest of the hill;

Thence S. 87°20' E., 9.81 chs. to a large lone leaf pine;

Thence N. 11°45' E. 9.39 chs., passing a poplar tree near the water's edge, to a stake driven at the estimated low-water mark of said lake;

Thence, along the low-water level of said lake with its various inlets and jettying points, to the place of beginning.

The low-water level has approximately the following calls and distances, to-wit:

| | |
|---|---|
| N. 47°10' W. 1.70 chs. | N. 19°45' W. 2.41 chs. |
| S. 78°00' W. 1.91 chs. | N. 46°10' W. 1.65 chs. |
| N. 66°00' W. 2.88 chs. | N. 77°45' W. 2.76 chs. |
| N. 88°45' W. 3.82 chs. | N. 71°10' W. 1.91 chs. |

The low-water mark of the lake shall govern the closing boundaries of the tract regardless of the magnetic calls thereof.

The perpetual easement described in the deed, above referred to, from the Guaranty Trust Company of New York and John R. McKinney to the United States, is for the use and benefit of the present and future owners of the 15-acre tract above described, their assigns, successors, and guests as a means of ingress and egress over a roadway, which shall be kept open for that purpose, and which leads from the Hoffman-Rockingham sand clay road to the Glenn Ford McKinney cabin. The roadway is 80 ft. wide, measured 40 ft. on either side of a line following the center of the present roadway.

This reservation shall be known as the McKinney Lake Fish Hatchery.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Dec. 27 1937*

[No. 7775]

[F. R. Doc. 37-3794; Filed, December 28, 1937; 9:54 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Docket No. 69-FD]

IN THE MATTER OF WATSON COAL COMPANY

ORDER FOR AND NOTICE OF HEARING

The above named petitioner, having filed with the Commission its petition appealing the classification of its coals proposed by District No. 14, and the Commission having duly considered the same, the National Bituminous Coal Commission hereby orders and directs:

1. That a hearing on such petition be held before an Examiner designated by the Commission on the 5th day of January, 1938, at 10:00 o'clock A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C.

2. It is further ordered that District Board No. 14, shall, forthwith, file with the Commission the record of all proceedings on the protest of the Watson Coal Company filed with the District Board on September 28, and decided by the Board on or about October 7, 1937.

3. The Secretary of the Commission, shall, forthwith, mail copies of this order to the Petitioner, the Consumers' Counsel, the Secretary of Bituminous Coal Producers' Board for District No. 14, and to code members within said district and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 28th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3796; Filed, December 28, 1937; 11:07 a. m.]



[Docket No. 127-FD]

IN THE MATTER OF WILBUR COAL MINING COMPANY

TEMPORARY ORDER

The Wilbur Coal Mining Company having filed with the Commission a petition alleging dissatisfaction with the classification of the coals of its Knickerbocker No. 4 Mine as set forth in the Revised Classification Schedule 1—District No. 1, established by the Commission by its Order No. 125; and the Commission having directed that an ex parte hearing be held upon such petition on the 21st day of December, 1937; and it appearing to the Commission at such hearing that the petitioner had proceeded in conformity with Orders No. 38 and No. 43 by filing with District Board No. 1 a petition protesting the initial classification of its coals of Knickerbocker No. 4 Mine, and that the District Board had set the matter down for hearing on the 23rd day of December, 1937; and the Commission having continued the ex parte hearing held December 21, 1937 until ten o'clock A. M., December 27, 1937, at which time District Board No. 1 was directed to render a report as to the outcome of the protest of the petitioner to District Board No. 1 as to the initial classification of the coals of the aforesaid mine; and the Commission having duly designated an examiner to hold the continued hearing; and it appearing to the Commission that petitioner should be granted a temporary order, the Commission hereby orders as follows:

1. That Revised Classification Schedule 1—District No. 1 of the Schedule of Initial Classifications of coals of Code Members produced within District No. 1 be and the same hereby is temporarily revised and amended until further order of the Commission, by striking therefrom, at page No. 10 opposite the name of the Wilbur Coal Mining Company, Knickerbocker #4 Mine, the symbol "D" and inserting in lieu thereof the symbol "E".

2. That the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; and to code members within District Number 1; shall cause copies of this order to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 27th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3795; Filed, December 28, 1937; 11:07 a. m.]

[Order No. 156]

AN ORDER DIRECTING CODE MEMBERS AND WHOLESALERS AND FARMERS' COOPERATIVE ORGANIZATIONS SUBJECT TO MARKETING RULES AND REGULATIONS OF THE COMMISSION TO FILE WITH THE STATISTICAL BUREAUS DESIGNATED BY THE COMMISSION COPIES OF CERTAIN INVOICES, CREDIT MEMORANDA AND OTHER STATISTICAL INFORMATION

Pursuant to Section 4, Part II, Subsection (a) of an act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937 and pursuant to Section III, Subsection 4, paragraph 5 and Section IV, Subsection 3, paragraph 5 of the Marketing Rules and Regulations of the Commission, the National Bituminous Coal Commission hereby orders and directs:

1. That beginning with January 1, 1938, all code members or their authorized sales agents shall file with the statistical bureau of the Commission for the district in which any of their mines are located copies of all invoices rendered for coal produced at such mines. Such copies of invoices are to be filed currently as rendered, and unless otherwise permitted, are to be carbon copies of the originals with such added applicable information shown thereon as is hereinafter set forth.

2. That invoices for coal shipped in carload or cargo lots shall show on their face the following information:

a. Invoice number and date of invoice.
b. Name of the code member producer.
c. Address of code member.
d. Name of originating mine.
e. Date of shipment.
f. Name of wholesaler or farmers' cooperative organization, if any.
g. Name of consignee.
h. Final destination of all rail, river or ex-river shipments, and in the case of coal for a wholesaler's account trans-shipped to vessel, the port of trans-shipment.
i. Name of originating carrier.
j. Name of delivering carrier.
k. Actual size shipped.
l. Actual size billed or Permit Number if substitution permitted.
m. Car number and initial or barge number and name.
n. Contract or order number on which shipment applies.
o. Total selling price per ton.
p. Total weight of lading.
q. Total amount. (Dollars and cents.)
r. Freight differential added or deducted.
s. Rate and amount of wholesale discount.
t. Transportation charges prepaid by shipper.
u. Terms of payment.
v. Description of preparation of coal if treated or mechanically cleaned.
w. Specific use for which ordered if coal for such use is specially priced on the price schedule.
x. The statistical bureau copy must show, by number, which one of the following consumer uses under which the shipment should be classified:

(1) Locomotive Fuel.
(2) Lake Vessel Fuel.
(3) Steamship Bunker Coal.
(4) Public Utilities for Electric Power Generation.
(5) General Steam Uses.
(6) Cement and Lime Burning.
(7) Retort and Water Gas.
(8) Other Gas-Making Plants.
(9) By-Product Coke Plants and Metallurgical Uses.
(10) Domestic Coal and Retail Coal Yards.
(11) Industrial General (Not otherwise classified).
(12) Export Except to Canada and Car Ferry Shipments to Cuba.
(13) Lake Cargo—Consumer Class Not Known.
(14) Tidewater Coastwise Shipments—Consumer Class Not Known.

3. In addition to invoices, all code members and their authorized sales agents, beginning January 1, 1938, shall file with the proper statistical bureau of the Commission the following sales memoranda:

a. Credit or debit memoranda showing all adjustments, either credit or debit, made with buyers of coal; such memoranda to show, by invoice number or otherwise, the particular transaction to which the credit or debit applies.
b. Memoranda of all changes in specifications, so made out that reference to the order or contract to which such changes apply will cause no difficulty in identification.
c. A statement in the following form which will accompany copy of the last invoice rendered for coal shipped during any month.

(Address)

----------, 193--

National Bituminous Coal Commission
Statistical Bureau No. ----

Attached hereto is a copy of the last invoice rendered for coal shipped from ---------- mine during the month of ----------, 193--.

(Code Member)

4. In lieu of filing individual invoices, a code member may file a monthly report of all sales of coal in less than carload or cargo lots, to be made on standard form N. B. C. C. No. 225–S prescribed and provided by the Commission and filed within five days after the close of the calendar month.[1] A supply of these forms will be furnished upon application to the appropriate Statistical Bureau.

5. Each code member shipping by rail shall deliver to the statistical bureau for the district in which any of his mines are located an order authorizing the railroads serving such mines to furnish the statistical bureau with copies of all waybills for coal shipped from such mines.

6. All wholesalers and farmers' cooperative organizations subject to the Marketing Rules and Regulations of the Commission and to whom a code member or his authorized agent may allow a wholesalers' discount shall file currently, beginning January 1, 1938, with the statistical bureau of the Commission for the district in which coal purchased for resale originates the following information:

a. Copies of all invoices rendered showing thereon the date of acceptance and number of vendee's contract or order, the name of the code member from whom the coal was purchased, the total tonnage, the total selling price per ton, the place at which the price applies and, when possible, the name of the mine.

7. All records filed by code members, wholesalers and farmers' cooperative organizations in conformity with this order shall be held by the Commission and its statistical bureaus as the confidential records of the person filing such information as provided in the provisions of the Act.

8. Failure of any code member to comply with the requirements of this order shall be deemed a violation of the Bituminous Coal Code and the Act, and shall subject the delinquent producer to the penalties therein provided; failure of any wholesaler or farmers' cooperative organization to comply with the requirements of this order shall subject such delinquent distributor to loss of registration.

9. The provisions of this order are not intended to modify or revoke the provisions of Order No. 14 concerning the filing of contracts and spot orders as required therein, but such order remains in full force and effect.

10. The Secretary of the Commission shall forthwith mail a copy of this order to the Secretary of each district board, to each code member in the several districts, and to all wholesalers and farmers' cooperative organizations affected by this order.

11. Code members, wholesalers and farmers' cooperative organizations may mail copies of the required documents, postage prepaid, in envelopes marked "Confidential", to the appropriate statistical bureau of the National Bituminous Coal Commission.

For the information of code members, wholesalers and farmers' cooperative organizations, there is attached hereto a list showing the addresses of the respective statistical bureaus.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

[1] Form 225–S was a part of the original document filed with the Division of the Federal Register, The National Archives.

*Statistical Bureaus*

| District No. | City | Building and street |
|---|---|---|
| 1 | Altoona, Pa. | 12th Ave. and 12th Street. |
| 2 | Pittsburgh, Pa. | Empire Building, 507 Liberty St. |
| 3 | Fairmont, West Va. | Jacobs Building, Monroe & Meredith. |
| 4 | Cleveland, Ohio | 501 Bulkley Building, Euclid Ave. |
| 5 | Saginaw, Michigan | Golf Building, Franklin Street. |
| 6 | Wheeling, West Va. | Register Building, 14th and Market. |
| 7 | Bluefield, West Va. | Law & Commerce Building, Federal St. |
| 8 | Ashland, Kentucky | Josselson Building. |
| 9 | Louisville, Kentucky | Starks Building. |
| 10 | Chicago, Illinois | Merchandise Mart. |
| 11 | Indianapolis, Ind. | Chamber of Commerce Building. |
| 12 | Des Moines, Iowa | Walnut Building. |
| 13 | Birmingham, Alabama | Education Building. |
| 14 | Fort Smith, Arkansas | First National Bank Building. |
| 15 | Kansas City, Missouri | 12th and Oak Building. |
| 16 | Denver, Colorado | Central Savings Bank Building. |
| 17 | Denver, Colorado | Central Savings Bank Building. |
| 18 | Albuquerque, N. Mex. | Korber Building. |
| 19 | Cheyenne, Wyoming | Post Office Building. |
| 20 | Salt Lake City, Utah | Union Pacific Building. |
| 21 | Bismarck, North Dakota | |
| 22 | Billings, Montana | Empire Building. |
| 23 | Tacoma, Washington | Puget Sound Bank Building. |

Address your communication as follows:

National Bituminous Coal Commission,
Statistical Bureau No. ------

(City) (State)

[F. R. Doc. 37–3775; Filed, December 27, 1937; 11:35 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A–63 O–63]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF CITRUS FRUIT GROWN IN FLORIDA

Whereas under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of citrus fruit grown in the State of Florida;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of citrus fruit grown in the State of Florida in the City Auditorium, Lakeland, Florida, on January 17, 1938 at 10:00 a. m., e. s. t.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of citrus fruit grown in the State of Florida. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Committee, (b) weekly regulation of quantities to be shipped, (c) grade regulation of shipments, (d) expenses of administration, and other matters relating to the handling of citrus fruit grown in the State of Florida.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the Hearing Clerk, Office of the Solicitor, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture*.

Dated December 27, 1937.

[F. R. Doc. 37–3793; Filed, December 27, 1937; 3:38 p. m.]



## INTERSTATE COMMERCE COMMISSION.

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 18th day of December, A. D. 1937.

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 108½, "Protective service revenue—Perishable freight," for electric railways, and the order of July 31, 1937, changing the effective date to January 1, 1938.

*It is ordered*, That the effective date be changed to January 1, 1939.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37–3798; Filed, December 28, 1937; 12:17 p. m.]

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 18th day of December, A. D. 1937.

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 117, "Protective service—Perishable freight," for steam roads, and the order of July 31, 1937, changing the effective date to January 1, 1938.

*It is ordered*, That the effective date be changed to January 1, 1939.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37–3797; Filed, December 28, 1937; 12:17 p. m.]

*Thursday, December 30, 1937* *No. 252*

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 7709–A OF SEPTEMBER 16, 1937, ABOLISHING THE NATIONAL EMERGENCY COUNCIL

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the Emergency Relief Appropriation Act of 1937, approved June 29, 1937 (Public Resolution No. 47, 75th Cong.), and otherwise, Executive Order No. 7709–A of September 16, 1937, abolishing, effective December 31, 1937, the National Emergency Council, is hereby modified so as to extend the date for the abolishment of the said National Emergency Council and for the transfer of its funds, records and property, to June 30, 1938, unless the said Council shall be sooner abolished by action of the President.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 27, 1937*.

[No. 7776]

[F. R. Doc. 37–3800; Filed, December 28, 1937; 3:02 p. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 166]

AN ORDER REVISING AND SUPPLEMENTING THE DESCRIPTION OF MARKET AREAS AND IN THIS RESPECT FURTHER MODIFYING ORDERS NUMBERS 89 TO 101 INCLUSIVE

The National Bituminous Coal Commission having by its Orders Nos. 89 to 101 as modified, determined and established the minimum prices of coals of code members produced in Districts Nos. 1 to 13 inclusive as set forth in "Price Schedule No. 1" for each of said Districts which respective Schedules, together with an appendate entitled "Description of the Market Areas", were incorporated in said Orders Nos. 89 to 101 inclusive by reference, and the Commission having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by revising and amending the said "Description of Market Areas", as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the "Description of Market Areas" annexed to and made a part of each of said Orders Nos. 89 to 101, inclusive, shall be, and the same is, hereby supplemented as set forth in "Supplement No. 1 to Description of Market Areas", filed in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and that said Orders Nos. 89 to 101, inclusive, be and the same hereby are in this respect modified and amended.

2. That said Orders Nos. 89 to 101, inclusive, as modified by orders previous hereto and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this Order and "Supplement No. 1 to Description of Market Areas" to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers Boards for Districts Nos. 1 to 13, inclusive; to code members within Districts Nos. 1 to 13, inclusive; shall cause copies of this order and said "Supplement No. 1, to Description of Market Areas" be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary*.

MARKET AREA NO. 6

[Corrections Market Area No. 6—FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2575]

A. In the first line insert the word "at" immediately after the word "beginning."

B. In the tenth and twelfth lines:

1. Delete the word "Newcastle"
2. Insert the words "New Castle"

C. In the fourteenth line change the word "Wampun" to the word "Wampum".

D. In the thirty-third line change the initials "B. S. & N." to "P. S. & N."

MARKET AREA No. 13

[Correction Market Area No. 13—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2576]

In the thirty-fourth line change the initials "W & M" to "W. M."

MARKET AREA No. 14

[Correction Market Area No. 14—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2576]

In the third line change the word "Maniwake" to read "Maniwaki".

MARKET AREA No. 17

[Correction Market Area No. 17—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2576]

On the twenty-first and twenty-second lines change the word "Jefferson" to read "Jeffersonville".

MARKET AREA No. 19

[Correction Market Area No. 19—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2576]

Change the word "Jefferson" to "Jeffersonville."

MARKET AREA No. 23

[Correction Market Area No. 23—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2576]

In the tenth line change the initials "M. St. P. & P." to read "C. M. St. P. & P."

MARKET AREA No. 46

[Correction Market Area No. 46—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2579]

In line two change the figures "45, 47, 48, and 49." to read "44, 45, 47, 48, 49 and 69."

MARKET AREA No. 54

[Correction Market Area No. 54—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2580]

Line 5—add the following sentence: "Includes all points on Talbotton R. R."

MARKET AREA No. 58

[Correction Market Area No. 58—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2580]

After "Columbus, Ga." add a comma and insert the following words: "Phenix City, and Girard, Ala."

MARKET AREA No. 60

[Correction Market Area No. 60—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2580]

In line three after the words "including West Point;" insert the words "Lanett, Alabama and local points on Chattahoochee Valley R. R."

MARKET AREA No. 63

[Correction Market Area No. 63—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2580]

A. Beginning with the twelfth line, strike out the words "to a point where the Southern R. R. crosses the Alabama-Georgia state line; thence east circumscribing Bremen, excluding Bremen, and returning to the state line; thence south along the state line."

B. Line number seventeen—add the following sentence: "Excluding Bremen, Ga., which is in Market Area No. 64."

MARKET AREA No. 69

[Correction Market Area No. 69—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2580]

Delete the words and figures "All of Alabama excluding Market Areas Nos. 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82." and insert in lieu thereof the following: "All of Alabama excluding Market Areas Nos. 58, 60, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82, and that portion of Florida lying west of the Appalachicola River."

MARKET AREA No. 70

[Correction Market Area No. 70—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2580]

Delete the words "Includes all points on the Southern R. R. from and excluding Anniston to Talladega, including Talladega." and insert in lieu thereof the following: "Includes all points on the Southern R. R. and L. & N. R. R. from and excluding Anniston to Talladega, including Talladega, excluding Oxford."

MARKET AREA No. 83

[Correction Market Area No. 83—Published in FEDERAL REGISTER, December 3, 1937, Volume 2, No. 234, Page 2581]

After the words "Chattanooga, Tennessee." insert a comma and add the following: "and switching limits thereof, and Rossville, Ga., and switching limits thereof."

[F. R. Doc. 37-3776; Filed, December 27, 1937; 11:35 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[General Sugar Quota Regulations Series 5, No. 2]

SUGAR CONSUMPTION REQUIREMENTS FOR THE CALENDAR YEAR 1938 FOR THE TERRITORY OF HAWAII AND FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

(1) It is hereby determined, pursuant to section 203 of the said act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1938 is 29,285 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1938 is 73,851 short tons of sugar, raw value.

(2) There are hereby established, pursuant to section 203 of the said act, quotas for local consumption in the Territory of Hawaii and in Puerto Rico equal to the amounts hereinbefore determined.

II

For the calendar year 1938, all persons are hereby forbidden, pursuant to section 209 of the said act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area has been filled.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, City of Washington, this 28th day of December 1937.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3801; Filed, December 29, 1937; 9:48 a. m.]

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### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—MASSACHUSETTS, SUPPLEMENT (9)

*Change in Classification of Soil-Conserving Crops*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Massachusetts, as amended by Supplements (1) to (8), inclusive, is hereby further amended as follows:



The matter in paragraph (b) under subdivision (2) of the definition of "Soil-Conserving Land Use and Crops", in Part VI, "Definitions", which reads as follows:

"(b) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least a 12 inch or 2 months' growth shall be classified as soil-conserving.",

is stricken out and the following inserted in lieu thereof:

(b) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green manure or left on the land, after having attained at least a 12-inch or 2 months' growth, shall be classified as soil-conserving.

Done at Washington, D. C., this 29th day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3811; Filed, December 29, 1937; 12:39 p. m.]

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### Bureau of Entomology and Plant Quarantine.

B. E. P. Q.—Q. 52 Rev. of Reg. 3

MODIFICATION OF PINK BOLLWORM QUARANTINE REGULATIONS

INTRODUCTORY NOTE

The following revision adds Santa Cruz County in Arizona and portions of Pima and Pinal Counties in the same State hereinafter described to the lightly infested areas, on account of the recent discovery of the light pink bollworm infestation. No other changes are made in the regulations.

LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

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AMENDMENT NO. 4 TO REVISED RULES AND REGULATIONS

SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 52

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 3 of the revised rules and regulations supplemental to Notice of Quarantine No. 52, on account of the pink bollworm of cotton, which were promulgated on October 13, 1936, as amended effective December 1, 1936, further amended effective April 6, 1937, and further amended effective October 28, 1937, be and the same is hereby still further amended to read as follows:

*Regulation 3. Regulated Areas: Heavily and Lightly Infested Areas*

REGULATED AREAS

In accordance with the provisos to Notice of Quarantine No. 52 (revised), the Secretary of Agriculture designates as regulated areas, for the purpose of these regulations, the following counties in Arizona, New Mexico, and Texas, including all cities, districts, towns, townships, and other political subdivisions within their limits:

*Arizona area.*—Counties of Cochise, Graham, Greenlee, and Santa Cruz, all of *Pima County* except that part lying west of the western boundary line of Range 8 east, and all of *Pinal County* except that part lying north of the northern boundary line of township 5 south, and west of State highways 87 and 187.

*New Mexico area.*—Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

*Texas area.*—Counties of Andrews, Brewster, Cameron, Cochran, Crane, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Hudspeth, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reeves, Starr, Terrell, Terry, Upton, Ward, Willacy, Winkler, and Yoakum; that part of *Bailey County* lying south of the following-described boundary line: beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of Block A of the M. B. & B. survey to the western boundary of said county; that part of *Lamb County* lying south of the following-described boundary line: beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county.

HEAVILY INFESTED AREAS

Of the regulated areas, the following counties and parts of counties are hereby designated as heavily infested within the meaning of these regulations:

Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, in the State of Texas, and all of *Hudspeth County* in the same State except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

LIGHTLY INFESTED AREAS

The following areas are designated as lightly infested:

The counties of Cochise, Graham, Greenlee, and Santa Cruz, and the regulated parts of Pima and Pinal Counties in Arizona;[1] the counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia in New Mexico; the entire counties of Andrews, Cameron, Cochran, Crane, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Loving, Martin, Midland, Pecos, Reeves, Starr, Terry, Upton, Ward, Willacy, Winkler, and Yoakum, the regulated parts of Bailey and Lamb Counties in Texas, and that part of the northwest corner of Hudspeth County, Texas, lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

This amendment shall be effective on and after January 3, 1938, and shall on that date supersede amendment No. 3 which became effective October 28, 1937.

Done at the city of Washington this 29th day of December 1937.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 37-3812; Filed, December 29, 1937; 12:39 p. m.]

[1] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under quarantine No. 61, and shipments therefrom must comply with the requirements of that quarantine.

## DEPARTMENT OF LABOR.

### Office of the Secretary.

DECISION OF THE SECRETARY IN THE MATTER OF DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE DIMENSION GRANITE INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public Act No. 846, 74th Congress), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes". At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order, dated October 6, 1936, has been engaged in the consideration of the wages paid in the dimension granite industry, and on November 4, 1937, it held a public hearing on the prevailing minimum wages in this industry.

Invitations to attend this hearing were sent to trade associations and labor unions and to the manufacturers listed in directories of the industry and were extended, through the national press, to all other employers and employees interested. Testimony was presented by representatives of of the Granite Cutters International Association of America, as well as by individual employers and members of the public. A special study by the Bureau of Labor Statistics of the Department of Labor was also presented. On the basis of all this evidence, the Board has submitted findings of fact and recommendations on the prevailing minimum wage in this industry.

I have examined these findings and recommendations and the record of the hearing and I am of the opinion that such findings and recommendations are correct and adopt them as my own.

*Therefore, I Hereby Determine*

That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of dimension granite, including monumental stone, building stone, paving blocks, curbing, riprap, and rubble, but not crushed stone, shall be as follows:

(1) In Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York: 57.5 cents per hour or $23 per week, based on a 40 hour week, arrived at either on a time or piece work basis.

(2) In Pennsylvania, Maryland, Wisconsin, Minnesota, South Dakota and all other states not included in paragraph (1) above or paragraph (3) below: 42.5 cents per hour or $17.00 per week based on a 40 hour week arrived at either on a time or piece work basis.

(3) In North Carolina, Virginia, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas and Texas: 32.5 cents per hour or $13.00 per week based on a 40 hour week arrived at either on a time or piece work basis.

This determination shall be effective and the minimum wages hereby established shall apply to all such contracts awarded on or after January 15, 1938.

Dated this 22nd day of December, 1937.

[SEAL] FRANCES PERKINS.

[F. R. Doc. 37-3799; Filed, December 28, 1937; 1:32 p. m.]

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## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

[Regulation F]

TRUST POWERS OF NATIONAL BANKS

On December 21, 1937, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Resolved*, That effective December 31, 1937, the Board approve and adopt the following amendments to Regulation F:

*Amend Regulation F by amending subsection* (c) *of section 10 and adding a new section 17.*

SECTION 10. INVESTMENT OF TRUST FUNDS

* * * * * * *

(c) *Collective investment of trust*[1] *funds.*—Funds received or held by a national bank as fiduciary shall not be invested collectively[2] except as permitted in section 17 of this regulation.

* * * * * * *

SECTION 17. COMMON TRUST FUNDS

(*a*) *In general.*—Funds received or held by a national bank as fiduciary may be invested collectively in any Common Trust Fund established and maintained in accordance with the provisions of this section whenever the laws of the State in which the national bank is located authorize or permit such investments by State banks, trust companies, or other corporations which compete with national banks.

As used in this regulation the term "Common Trust Fund" means a fund maintained by a national bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian.[3]

The purpose of this section is to permit the use of Common Trust Funds, as defined in section 169 of the Revenue Act of 1936,[4] for the investment of funds held for true fiduciary purposes; and the operation of such Common Trust Funds as investment trusts for other than strictly fiduciary purposes is hereby prohibited. No bank administering a Common Trust Fund shall issue any document evidencing a direct or indirect interest in such Common Trust Fund in any form which purports to be negotiable or assignable. The trust investment committee of a bank operating a Common Trust Fund shall not permit any funds of any trust to be invested in a Common Trust Fund if it has reason to believe that such trust was not created or is not being used for bona fide fiduciary purposes.

Common Trust Funds administered under this section shall be subject to the following requirements:

(1) Assets in a Common Trust Fund shall be considered as assets held by the bank as fiduciary;

(2) A bank administering a Common Trust Fund shall not invest any of its own funds in such Common Trust Fund and if a bank, because of a creditor relationship or any other reason, acquires any interest in a participation in a Common Trust Fund under its administration the participation shall be withdrawn on the first date on which such withdrawal can be effected in accordance with the provisions of this section;

(3) A bank administering a Common Trust Fund shall not have any interest[5] in the assets held in such Common Trust Fund, other than in its capacity as fiduciary, except to the extent permitted for a temporary period as provided in the immediately preceding paragraph.

(*b*) *Common trust funds for investment of small amounts.*—Subject to all other provisions of this regulation except subsection (c) of this section, cash balances received or held by a bank in its capacity as trustee, executor, administrator, or guardian, which the bank considers to be individually too small to be invested separately to advantage may be invested, with the approval of the trust investment committee, in participations in a Common Trust Fund, provided the total investment of the funds of any one trust in one or more such Common Trust Funds shall not exceed $1,200.

(*c*) *Common trust funds for general investment.*—Subject to all other provisions of this regulation except subsection (*b*) of this section, funds received or held by a bank in its capacity as trustee, executor, administrator, or guardian may be invested in participations in a Common Trust Fund. All participations in such a Common Trust Fund shall be on the basis of a proportionate interest in all of the assets of the Common Trust Fund.

(1) *Common Trust Fund to be operated under written plan.*—Each Common Trust Fund administered by a bank shall be established and maintained in accordance with a written plan (referred to herein as the Plan) approved by a resolution of the bank's board of directors and approved in writing by competent legal counsel. The Plan shall provide that the Common Trust Fund shall be administered in conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds by national banks, and shall contain full and detailed provisions not inconsistent with the provisions of such rules and regulations as to the manner in which the Common Trust Fund is to be operated, including provisions relating to the investment powers of the bank with respect to the Common Trust Fund, the allocation of income, profits and losses, the terms and conditions governing the admission or withdrawal of participations in the Common Trust Fund, the auditing and settlement of accounts of the bank with respect to the Common Trust Fund, the basis and method of valuing assets in the Common Trust Fund, the basis upon which the Common Trust Fund may be terminated, and such other matters as may be necessary to define clearly the rights of participants in the Common Trust Fund. A copy of the Plan shall be available at the principal office of the bank for inspection, during all banking hours, to any person having an interest in a trust any funds of which are invested in a participation in the Common Trust Fund; and upon reasonable request a copy of the Plan shall be furnished to such person.

(2) *Trust investment committee to approve participation.*—No funds of a trust shall be invested in a participation in a Common Trust Fund without the approval of the trust investment committee. Before permitting any funds of any trust to be invested in a participation in a Common Trust Fund, the trust investment committee shall review the investments comprising the Common Trust Fund; and, if it finds that any such investment is one in which funds of such trust might not lawfully be invested at that time, funds of such trust shall not be invested in a participation in such Common Trust Fund.

At the time of making the first investment of funds of a trust in a participation in any Common Trust Fund, the bank shall send a notice of such investment to each person to whom an accounting ordinarily would be rendered.

(3) *Common Trust Fund to be audited annually.*—A bank administering a Common Trust Fund shall, at least once during each period of twelve months, cause an audit to be made of the Common Trust Fund by auditors responsible only to the board of directors of the bank. The report of such audit shall include a list of the investments comprising the Common Trust Fund at the time of the audit which shall show the valuation placed on each item on such list by the trust investment committee of the bank as of the date of the audit, a statement of purchases, sales and any other investment changes and of income and disbursements since the last audit, and appropriate comments as to any investments in default as to payment of principal or interest. The reasonable expenses of any such audit made by independent public accountants may be charged to the Common Trust Fund.

The bank shall, without charge, send a copy of the latest report of such audit annually to each person to whom an accounting of the trusts participating in the Common Trust Fund ordinarily would be rendered or shall send advice to each such person annually that the report is available and that a copy will be furnished without charge upon request.

(4) *Value of assets to be determined periodically.*—Not less frequently than once during each period of three months the trust investment committee of a bank administering a Common Trust Fund shall determine the value of the assets in the Common Trust Fund. No participation shall be admitted to or withdrawn from the Common Trust Fund except on the basis of such valuation and on the date of the determination of such valuation or, if permitted by the Plan, within two business days subsequent to the date of such determination. No participation shall be admitted or withdrawn unless, in accordance with provisions of the Plan, prior to the date of the determination of such valuation, notice of intention to participate or to make such withdrawal shall have been given in writing to the bank administering the Common Trust Fund, or a written notation of the contemplated participation or withdrawal shall have been made in the records of the bank.

(5) *Miscellaneous limitations.*—No funds of any trust shall be invested in a participation in a Common Trust Fund if such investment would result in such trust having an interest in the Common Trust Fund in excess of 10 per cent of the value of the assets of the Common Trust Fund, as determined by the trust investment committee, or the sum of $25,000, whichever is less at the time of investment. If the bank administers more than one Common Trust Fund, no investment shall be made which would cause the aggregate investment of funds of any one trust in all such Common Trust Funds to exceed such limitations. In applying the limitations contained in this paragraph, if two or more trusts are created by the same settlor or settlors and as much as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons, such trusts shall be considered as one.

No investment for a Common Trust Fund shall be made in stocks, or bonds or other obligations of any one person, firm, or corporation which would cause the total amount of investment in stocks, or bonds or other obligations issued or guaranteed by such person, firm, or corporation to exceed 10 per cent of the value of the Common Trust Fund, as determined by the trust investment committee, provided that this limitation shall not apply to investments in obligations of the United States or for the payment of the principal and interest of which the faith and credit of the United States shall be pledged.

No investment for a Common Trust Fund shall be made in any one class of shares of stock of any one corporation which would cause the total number of such shares held by the Common Trust Fund to exceed 5 per cent of the number of such shares outstanding. If the bank administers more than one Common Trust Fund no investment shall be made which would cause the aggregate investment for all such Common Trust Funds in shares of stock of any one corporation to exceed such limitation.

Any bank administering a Common Trust Fund shall have the responsibility of maintaining in cash and readily marketable securities[1] such part of the assets of the Common Trust Fund as shall be deemed by the bank to be necessary to provide adequately for the needs of participat-

[1] Unless the context otherwise indicates, the term "trust", as used in this section or in any other part of this regulation, refers to any fiduciary relationship which a national bank is authorized to enter into under the provisions of section 11 (k) of the Federal Reserve Act.

[2] This does not prevent the bank from investing the funds of several trusts in a single real estate loan of the kind which could be made by the bank under the provisions of section 24 of the Federal Reserve Act, as amended, if the bank owns no participation in the loan and has no interest therein except in its capacity as fiduciary.

[3] As used in this regulation the term "guardian" means guardian or committee of the estate of an infant, incompetent, or absentee, by whatever name known in the State in which a particular national bank is located.

[4] For applicable provisions of the Revenue Act of 1936, see Appendix.

[5] A bank shall not be deemed to have an interest in assets in which collective investments are made merely because of the fact that the bank owns in its own right other stocks, or bonds or other obligations of a person, firm, or corporation, the stocks, or bonds or other obligations of which are among the assets of a Common Trust Fund.

[1] A readily marketable security within the meaning of this section means a security which is the subject of frequent dealings in ready markets with such frequent quotations of price as to make (a) the price easily and definitely ascertainable and (b) the security itself easy to realize upon by sale at any time.

ing trusts and to prevent inequities between such trusts. In any event, prior to any admissions to or withdrawals from a Common Trust Fund, the trust investment committee shall determine what percentage of the value of the assets of a Common Trust Fund is composed of cash and readily marketable securities; and if such committee determines that, after effecting the admissions and withdrawals which are to be made pursuant to notice given as required in subdivision (4) of this subsection, less than 40 per cent of the value of the remaining assets of the Common Trust Fund would be composed of cash and readily marketable securities, no admissions to or withdrawals from the Common Trust Fund shall be permitted as of the valuation date upon which such determination is made, except that ratable distribution upon all participations is not prohibited.

(6) *Distribution upon withdrawal of participation.*—When participations are withdrawn from a Common Trust Fund, distributions may be made in cash or ratably in kind, or partly in cash and partly ratably in kind, provided that all distributions as of any one valuation date shall be made on the same basis. Before any distribution in cash is made, the trust investment committee shall determine whether any investment remaining in the Common Trust Fund would be unlawful for one or more participating trusts if funds of such trusts were being invested at that time; and no distribution shall be made in cash until any such unlawful investment shall have been eliminated from the Common Trust Fund either through sale, distribution in kind, or segregation as provided in the subdivision immediately following hereafter.

(7) *Segregation of investments.*—If for any reason an investment is withdrawn in kind from a Common Trust Fund for the benefit of all trusts participating in the Common Trust Fund at the time of such withdrawal and such investments not distributed ratably in kind it shall be segregated and administered or realized upon for the benefit ratably of all trusts participating in the Common Trust Fund at the time of withdrawal.

(8) *Management of common trust fund and fees.*—A national bank administering a Common Trust Fund shall have the exclusive management thereof and shall not charge a fee for the management of the Common Trust Fund, or receive, either from the Common Trust Fund or from any trusts the funds of which are invested in participations therein, any additional fees, commissions, or compensations of any kind by reason of such participation. The bank shall not pay a fee, commission, or compensation out of the Common Trust Fund for management. Nothing in this paragraph shall be construed as prohibiting a bank from reimbursing itself out of a Common Trust Fund for such reasonable expenses incurred by it in the administration thereof as would have been chargeable to the respective participating trusts if incurred in the separate administration of such participating trusts.

(9) *Effect of mistakes.*—No mistake made in good faith and in the exercise of due care in connection with the administration of a Common Trust Fund shall be deemed to be a violation of this regulation if promptly after the discovery of the mistake the bank takes whatever action may be practicable in the circumstances to remedy the mistake.

NOTE.—The reference in section 12 of Regulation F to "subsection (c) of section 10" shall be changed appropriately, footnotes to the proposed amendments to the regulation and subsequent footnotes in the regulation shall be numbered appropriately, and the present section 17 shall be renumbered 18.

Amend the second sentence of subsection (b) of section 6 of Regulation F to read as follows:

"The acceptance of all trusts shall be approved by the board of directors or a committee appointed by such board, and the closing out or relinquishment of all trusts shall be approved or ratified by the board of directors or a committee appointed by such board; and such committee or committees shall be composed of capable and experienced officers or directors of the bank."

Amend the first sentence of subsection (c) of section 6 of Regulation F by a footnote thereto reading as follows:

"It is contemplated that there shall be a committee the members of which shall have a continuity of responsibility for the discharge of the duties of the committee. However, alternates appointed by the board of directors may serve in place of regular members of the committee who are unable to serve on account of vacations, illness, or other good and sufficient reasons if the minutes of the committee show the reason for the service of such alternate in place of the regular member."

APPENDIX

The following shall be included in the Appendix to Regulation F under the following description:

There are printed below certain provisions of the Revenue Act of 1936 which are pertinent to some of the subject matter of this regulation.

SEC. 169. *Common trust funds.*—(a) *Definitions.*—The term "common trust fund" means a fund maintained by a bank (as defined in section 104)—

(1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as a trustee, executor, administrator, or guardian; and

(2) in conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds by national banks.

(b) *Taxation of common trust funds.*—A common trust fund shall not be subject to taxation under this title, Title IA, or section 105 or 106 of the Revenue Act of 1935, and for the purposes of such titles and sections shall not be considered a corporation.

(c) *Income of participants in fund.*—Each participant in the common trust fund shall include in computing its net income its proportionate share, whether or not distributed and whether or not distributable, of the net income of the common trust fund. The net income of the common trust fund shall be computed in the same manner and on the same basis as in the case of an individual. The proportionate share of each participant in the amount of interest specified in section 25 (a) received by the common trust fund shall for the purposes of this Supplement be considered as having been received by such participant as such interest.

(d) *Admission and withdrawal.*—No gain or loss shall be realized by the common trust fund by the admission or withdrawal of a participant. The withdrawal of any participating interest by a participant shall be treated as a sale or exchange of such interest by the participant.

(e) *Returns by bank.*—Every bank (as defined in section 104) maintaining a common trust fund shall make a return under oath for each taxable year, stating specifically, with respect to such fund, the items of gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the participants who would be entitled to share in the net income if distributed and the amount of the proportionate share of each participant. The return shall be sworn to as in the case of a return filed by the bank under section 52.

(f) *Different taxable years of common trust fund and participant.*—If the taxable year of the common trust fund is different from that of a participant, the proportionate share of the net income of the common trust fund to be included in computing the net income of the participant for its taxable year shall be based upon the net income of the common trust fund for any taxable year of the common trust fund (whether beginning on, before, or after January 1, 1936) ending within the taxable year of the participant.

SEC. 104. *Banks and trust companies.*—(a) *Definition.*—As used in this section the term "bank" means a bank or trust company incorporated and doing business under the laws of the United States (including laws relating to the District of Columbia), of any State, or of any Territory, a substantial part of the business of which consists of receiving deposits and making loans and discounts, or of exercising fiduciary powers similar to those permitted to national banks under section 11 (k) of the Federal Reserve Act, as amended, and which is subject by law to supervision and examination by State or Federal authority having supervision over banking institutions.

Adopted by the Board of Governors of the Federal Reserve System on December 21, 1937.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 37-3802; Filed, December 29, 1937; 11:52 a. m.]



## FARM CREDIT ADMINISTRATION.

[FCA 67]

FEDERAL LAND BANK OF WICHITA

FEES TO BE CHARGED MORTGAGORS FOR INVESTIGATION AND APPRAISAL OF PROPERTY RECONSTRUCTED ON MORTGAGED PREMISES WITH INSURANCE PROCEEDS

Pursuant to paragraph 9, Section 12, of the Federal Farm Loan Act, as amended, and the Rules and Regulations prescribed by the Land Bank Commissioner thereunder, (Chapter II, section 5, subsection (e), paragraph 7, Federal Register Compilation) and by action of the Executive Committee of the Federal Land Bank of Wichita, on November 24, 1937, the following schedule of fees was prescribed to cover the cost of investigation and appraisal of property replaced with insurance proceeds on mortgaged premises:

| Amount of loss covered: | *Fees to be charged Mortgagor for investigation and appraisal* |
|---|---|
| Loss of less than $100.00 | No charge. |
| Loss of $100.00 or more but $499.00 or less. | $3.00 plus .05 per mile (one trip only). |
| Loss of more than $499.00 | $10.00. |

The fees provided in the foregoing schedule shall be deducted from the insurance proceeds received by the Bank as mortgagee unless otherwise paid.

[SEAL] FEDERAL LAND BANK OF WICHITA.
By RAY S. JOHNSON, *President.*

[F. R. Doc. 37-3803; Filed, December 29, 1937; 11:59 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

RULE ADOPTING FORM 24-K AMENDMENT TO RULE KA2

The Securities and Exchange Commission, finding

(1) that the requirements of Form 24-K for annual reports of any person which is engaged, either directly or through subsidiaries, primarily in the business of owning securities of banks, for the purpose or with the effect of exercising control, as more specifically defined in the Instruction Book for Form 24-K, are necessary and appropriate for the proper protection of investors and to insure fair dealing in such securities as are registered on national securities exchanges and as to which Form 24-K is to be used; and,

(2) that the information called for by such Form and the exhibits specified in such Instruction Book are required to keep reasonably current the information and documents filed pursuant to Section 12 of the Securities Exchange Act of 1934,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, hereby adopts Form 24-K and the Instruction Book for Form 24-k.[1]

The Securities and Exchange Commission, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, hereby amends Rule KA2 by adding after the paragraph under the caption "Form 21-K for Foreign Private Issuers Registering Bonds" the following new paragraph:

*Form 24-K for Bank Holding Companies.*—This form is to be used for the annual reports of any person which is engaged, either directly or through subsidiaries, primarily in the business of owning securities of banks, for the purpose or with the effect of exercising control.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3804; Filed, December 29, 1937; 12:30 p. m.]

[1] Filed as a part of the original document with the Division of the FEDERAL REGISTER, The National Archives; copies available upon application to the Securities and Exchange Commission.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1937.

[File No. 43-97]

IN THE MATTER OF THE MISSION OIL COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by The Mission Oil Company, a registered holding company, regarding the issue and sale by declarant of $911,865 aggregate principal amount of trustee certificates of beneficial interest in and to certain unsecured 4% promissory notes of Southwestern Development Company maturing July 1, 1943 and aggregating $911,865; such trustees certificates to be issued and delivered pro rata to the stockholders of such declarant in payment of a common stock dividend;

*It is ordered,* That a hearing on such matter be held on January 17, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered,* That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 11, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3805; Filed, December 29, 1937; 12:30 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1937.

[File No. 32-77]

IN THE MATTER OF PEOPLES SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An Application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Peoples Service Company, a subsidiary of United Public Utilities Company, a registered holding company, for an order by the Commission exempting the issuance and sale of two unsecured 6% promissory notes payable on or before January 1, 1945, one in the face amount of $66,900.12, to be issued to United Public Utilities Corporation in the payment of presently outstanding demand notes of like face amount, and the other, in the face amount of $11,569.98, to be issued and sold for not less than face amount, plus interest, from the provisions of section 6 (a) as the issue and sale of both notes has been approved by Indiana Public Service Commission;

*It is ordered,* That a hearing on such matter be held on January 14, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsyl-

vania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 8, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3806; Filed, December 29, 1937; 12:30 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, 1937.

[File No. 7-208]

IN THE MATTER OF ATLAS CORPORATION COMMON STOCK, $5 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Philadelphia Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $5 Par Value, of Atlas Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, January 20, 1938, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

*It is further ordered*, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3809; Filed, December 29, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, 1937.

[File No. 7-209]

IN THE MATTER OF NIAGARA HUDSON POWER CORPORATION COMMON STOCK, $10 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Philadelphia Stock Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the Common Stock, $10 Par Value, of Niagara Hudson Power Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given:

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, January 20, 1938, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

*It is further ordered*, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3808; Filed, December 29, 1937; 12:31 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of December, 1937.

[File No. 1-429]

IN THE MATTER OF STUTZ MOTOR CAR COMPANY OF AMERICA, INC., COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, no par value, of Stutz Motor Car Company of America, Inc.; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on January 7, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3810; Filed, December 29, 1937; 12:31 p. m.]

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*United States of America—Before Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of December, A. D., 1937.



IN THE MATTER OF CHOLLAR EXTENSION MINING COMPANY COMMON STOCK, 10 CENTS PAR VALUE

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, Chollar Extension Mining Company, a corporation, is the issuer of Common Stock, 10 Cents Par Value; and

Whereas, said Chollar Extension Mining Company registered such securities on the San Francisco Mining Exchange, a national securities exchange, by filing on or about November 23, 1935, and on or about April 1, 1937, applications with the said Exchange and with the Commission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule JB1, as amended, promulgated by the Commission thereunder; and

Whereas Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security registered on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas said Chollar Extension Mining Company has failed to comply with Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and with Rules KA1 and KA2 promulgated by the Commission thereunder, in that as issuer of said Common Stock, 10 Cents Par Value, it has failed to file the information and documents required by Rule KA1, adopted by the Commission pursuant to said Section 13 (a), and has failed to file its annual report for the year ended December 31, 1936 on Form 10-K, as required by Rule KA2, adopted by the Commission pursuant to said Section 13 (b);

*It is ordered*, That pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said Chollar Extension Mining Company has so failed to comply with said provisions of said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with either provision of said Section, or of any Rule or Regulation promulgated by the Commission under said Section, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Common Stock, 10 Cents Par Value, on said San Francisco Mining Exchange; and

*It is further ordered*, That said Chollar Extension Mining Company appear before an officer of the Commission and show cause why the registration of said Common Stock, 10 Cents Par Value, on said San Francisco Mining Exchange should not be suspended for a period not exceeding twelve months or withdrawn, as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

*It is further ordered*, That for the purpose of such proceeding, Howard A. Judy, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That a public hearing for the taking of testimony begin on the 18th day of January, 1938, at 10:00 A. M., at the regional office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3807; Filed, December 29, 1937; 12:31 p. m.]

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*Friday, December 31, 1937* *No. 253*

## PRESIDENT OF THE UNITED STATES.

MERCHANDISE IN BONDED WAREHOUSE

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696; U. S. C. title 19, sec. 1318) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS section 557 of the said act (46 Stat. 744; U. S. C. title 19, sec. 1557) provides:

"Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within three years (or ten months in the case of grain) from the date of importation, for consumption upon payment of the duties and charges accruing thereon at the rate of duty imposed by law upon such merchandise at the date of withdrawal * * * *Provided*, That the total period of time for which such merchandise may remain in bonded warehouse shall not exceed three years (or ten months in the case of grain) from the date of importation * * *";

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury, until further notice:

(1) In the case of merchandise (except grain) imported during the calendar year 1934 and entered for warehousing under section 557 of the Tariff Act of 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930, as extended for one year under the authority of Proclamation No. 2214,[1] dated December 29, 1936.

(2) In the case of merchandise (except grain) imported during the calendar year 1935 and entered for warehousing under section 557 of the Tariff Act of 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930.

*Provided, however*, That in each and every case the Secretary of the Treasury shall require that the principal on the warehouse-entry bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the merchandise is warehoused the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension: *And provided further*, That the extensions of one year herein authorized shall not apply to any merchandise imported during the year 1934 as to which the period of extension authorized by Proclamation No. 2214, dated December 29, 1936, has expired, or to any merchandise imported during the calendar year 1935 as to which the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930 has expired.

[1] 2 F. R. 1.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29'' day of December in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2265]

[F. R. Doc. 37-3814; Filed, December 30, 1937; 11:58 a. m.]

## EXTENDING THE PERIOD FOR EXPORTATION OF MERCHANDISE FOR DRAWBACK PURPOSES

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696; U. S. C. title 19, sec. 1318) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS section 313 (h) of the said act (46 Stat. 694; U. S. C. title 19, sec. 1313 (h)) provides:

"No drawback shall be allowed under the provisions of this section or of section 6 of the Act entitled 'An Act temporarily to provide revenue for the Philippine Islands, and for other purposes,' approved March 8, 1902 (relating to drawback on shipments to the Philippine Islands), unless the completed article is exported, or shipped to the Philippine Islands, within three years after importation of the imported merchandise.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury:

(1) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported during the calendar year 1934, to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h), as extended for one year under the authority of Proclamation No. 2215,[1] dated December 29, 1936.

(2) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported during the calendar year 1935, to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h).

*Provided, however*, That the extensions of one year herein authorized shall not apply in any case involving merchandise imported in 1934 where the one-year period of extension authorized in the said proclamation of December 29, 1936, has expired, or in any case involving merchandise imported in 1935 where the one-year period prescribed in the said section 313 (h) has expired.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29 day of December in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2266]

[F. R. Doc. 37-3816; Filed, December 30, 1937; 11:58 a. m.]

## EXTENDING THE PERIOD FOR FURNISHING PROOF OF USE IN MANUFACTURE OF BONDED WOOL AND CAMEL HAIR

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 695; U. S. C. title 19, sec. 1318) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS paragraph 1101 of the said act (46 Stat. 646; U. S. C. title 19, sec. 1001, par. 1101) provides that wools of certain kinds and hair of the camel

"* * * may be imported under bond in an amount to be fixed by the Secretary of the Treasury and under such regulations as he shall prescribe; and if within three years from the date of importation or withdrawal from bonded warehouse satisfactory proof is furnished that the wools or hair have been used in the manufacture of yarns which have been used in the manufacture of press cloth, camel's hair belting, rugs, carpets, or any other floor covering, or in the manufacture of knit or felt boots or heavy fulled lumbermen's socks, the duties shall be remitted or refunded * * *";

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury, until further notice:

(1) In the case of wools or hair of the camel imported or withdrawn from bonded warehouse during the calendar year 1934, under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than one year from and after the expiration of the three-year period prescribed in the said paragraph as extended for one year under the authority of Proclamation No. 2217,[1] dated December 30, 1936.

(2) In the case of wools or hair of the camel imported or withdrawn ffom bonded warehouse during the calendar year 1935, under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than one year from and after the expiration of the three-year period prescribed in the said paragaph.

*Provided, however*, That in each and every case the Secretary of the Treasury shall require that the principal on the bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the bond was given the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension:

[1] 2 F. R. 2.

[1] 2 F. R. 22.



*And provided further*, That the extensions of one year herein authorized shall not apply to any wools or hair of the camel imported or withdrawn from bonded warehouse under bond during the calendar year 1934 on which the one-year period of extension authorized in the aforesaid proclamation of December 30, 1936, has expired, or to any wools or hair of the camel imported or withdrawn from bonded warehouse under bond during the calendar year 1935 on which the three-year period prescribed in paragraph 1101 of the Tariff Act of 1930 has expired.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29'' day of December in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2267]

[F. R. Doc. 37—3815: Filed, December 30, 1937; 11: 58 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 162]

ORDER PROVIDING FOR HEARING TO DETERMINE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN STATE OF COLORADO AND EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT DENVER, COLORADO, ON JANUARY 13, 1938, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for othe purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Colorado directly affect interstate commerce in such coal and will cause undue and unreasonable advantage preference or prejudice as between such commerce in Colorado, on the one hand, and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Colorado would be desirable, and upon investigation hereby orders:

1. That on January 13, 1938, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Shirley-Savoy Hotel, Denver, Colorado, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Colorado, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Colorado in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4–A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4–A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Denver, Colorado, on January 13, 1938, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Colorado, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Colorado in which bituminous coal is produced.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL]

F. W. MCCULLOUGH, *Secretary.*

[F. R. Doc. 37-3817; Filed, December 30, 1937; 12:03 p. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 68]

### FEDERAL LAND BANK OF NEW ORLEANS

CHARGES FOR APPRAISAL OF LAND AND DETERMINATION OF TITLE

Pursuant to Paragraph "Ninth" Section 13 of the Federal Farm Loan Act, as amended (12 U. S. C. 781 "Ninth"), and the "Association and Bank Fee Regulations" prescribed by the Land Bank Commissioner thereunder, effective January 1, 1936 (FLB 1001, LB EXAM 548, NFLA EXAM 238; December 14, 1935; Chapter II, Section 6 "b," FEDERAL REGISTER Compilation); and by action of the Executive Committee of The Federal Land Bank of New Orleans, with the approval of the Land Bank Commissioner, the following fees shall be charged to cover costs of appraisal, and remittance for such charges shall accompany each application:

| | |
|---|---|
| Applications for loans of $0 to $999 | $10.00 |
| Applications for loans of $1,000 to $2,999 | 12.50 |
| Applications for loans of $3,000 to $4,999 | 17.50 |
| Applications for loans of $5,000 to $6,999 | 25.00 |
| Applications for loans of $7,000 to $8,999 | 32.50 |
| Applications for loans of $9,000 to $10,999 | 40.00 |
| Applications for loans of $11,000 to $24,999 | 50.00 |
| Applications for loans of $25,000 and over | 75.00 |

An additional appraisal fee of $7.50 will be charged and shall accompany each application where the applicant resides outside the Fifth Farm Credit District.

Additional charges to apply on cost of determination of title will be deducted from the proceeds of the loan as follows:

| | |
|---|---|
| Loans of $0 to $999 | $10.00 |
| Loans of $1,000 to $2,999 | 12.50 |
| Loans of $3,000 to $4,999 | 17.50 |
| Loans of $5,000 to $6,999 | 25.00 |
| Loans of $7,000 to $8,999 | 32.50 |
| Loans of $9,000 to $10,999 | 40.00 |
| Loans of $11,000 to $24,999 | 50.00 |
| Loans of $25,000 and over | 75.00 |

The total title determination fee for joint Federal Land Bank and Land Bank Commissioner loans is to be computed on the basis of the aggregate amount of the loans, with the addition of $5.00 as an additional closing or title determination fee.

The foregoing schedule of fees becomes effective on January 1, 1938.

[SEAL]

THE FEDERAL LAND BANK OF NEW ORLEANS.
By JNO. L. RYAN, *Vice-President.*

[F. R. Doc. 37-3813; Filed, December 30, 1937; 11:58 a. m.]

## INTERSTATE COMMERCE COMMISSION.

At a General Session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 27th day of December, A. D. 1937.

[No. 24049]

ORDER IN THE MATTER OF A. JOHNSTON, GRAND CHIEF ENGINEER OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, ET AL., *v.* THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY ET AL.

This case being at issue upon complaint and answers on file, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof: [1]

*It is ordered*, That the rules and instructions for the inspection and testing of steam locomotives and tenders and their appurtenances, approved and established in accordance with the act of February 17, 1911, as amended, be, and they are hereby, amended by the addition of a rule to be numbered 118 (c) which shall provide as follows:

118 (c) *Mechanical Stokers.*—All coal-burning steam locomotives which weigh on driving wheels 160,000 pounds or more to be used in fast or heavy passenger service, built on or after July 1, 1938, shall be equipped with a suitable type of mechanical stoker, and all coal-burning steam locomotives which weight on driving wheels 175,000 pounds or more to be used in fast or heavy freight service, built on or after July 1, 1938, shall be equipped with a suitable type of mechanical stoker and such stokers shall be properly maintained.

Each railroad which operates coal-burning locomotives of the above weights shall file with the Chief Inspector of the Bureau of Locomotive Inspection as of July 1, 1938, a list of all hand-fired coal-burning locomotives of the above weights built prior to July 1, 1938, which will in the future be used in fast or heavy service on its line, and mechanical stokers will be applied each twelve-month period to not less than 20 percent of the total number so listed, and all locomotives included in said list shall be so equipped before July 1, 1943, and such stokers shall be properly maintained.

*And it is further ordered*, That for the present this order shall not apply to deckless locomotives equipped with two cabs, which are generally known as the "Mother Hubbard type," built prior to July 1, 1938.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-3818; Filed, December 30, 1937; 12:21 p. m.]

[1] Report filed as a part of the original document with the Division of the Federal Register, The National Archives.

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1937.

[File No. 46-85]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY AND KENTUCKY SECURITIES COMPANY

ORDER PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Lexington Utilities Company and Kentucky Securities Company, both subsidiaries of The Middle West Corporation, having filed with this Commission a joint application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by Lexington Utilities Company of 5,488 shares of 6% Convertible Preferred Stocks, $20 par value, and 23,124 shares of Common Stock, $10 par value, and for the approval of the acquisition by Kentucky Securities Company of 22,633 shares of 6% Convertible Preferred Stock, $20 par value, and 95,368 shares of Common Stock, $10 par value;

A hearing having been held on such application after appropriate notice; the record in the matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That the acquisition of the aforesaid securities in the manner set forth in the application be and the same hereby is approved; provided, that the issuance and sale by Southeastern Greyhound Lines of the securities to be acquired is permitted by an order of the Interstate Commerce Commission, and further provided that such acquisition be effected by the applicants within thirty days from the date of this order, but, if not so effected, without prejudice to the right of the applicants to request an extension of time;

*It is further ordered*, That within ten days after the acquisition of the securities referred to above, the applicants shall file with this Commission a Certificate of Notification showing that such acquisition was effected in accordance with the terms and conditions of and for the purposes represented by such application; and within such period of ten days the applicants shall file with this Commission a copy of the order of the Interstate Commerce Commission permitting the issuance of the securities which were acquired.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3819; Filed, December 30, 1937; 12:34 p.m.]

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| June 22 | Promulgating the effective date of the Bituminous Coal Code. | No. 7640 | 37-1858 | 1057 | | |
| June 24 | Transferring to the Secretary of Treasury certain functions. | No. 7641 | 37-1885 | 1083 | | |
| June 25 | Establishing Bombay Hook Migratory Waterfowl Refuge, Delaware. | No. 7643 | 37-1894 | 1092 | | |
| July 1 | Public land withdrawal for War Department. | No. 7647 | 37-1981 | 1130 | 37-2074 | 1162 |
| July 2 | Certain Executive orders, rules, etc., made applicable to Emergency Relief Appropriation Act of 1937. | No. 7649 | 37-2002 | 1136 | 37-495<br>37-2676<br>37-2692 | 338<br>1800<br>1811 |
| July 7 | Establishing Moosehorn Migratory Bird Refuge, Maine. | No. 7650 | 37-2044 | 1150 | | |
| July 7 | Modification 404, Reservoir Site Reserve No. 17, Pacific Slope Basins, California. | No. 7651 | 37-2045 | 1151 | | |
| July 7 | Withdrawal of public lands, California. | No. 7652 | 37-2048 | 1151 | | |
| July 13 | Withdrawal of public lands, Wyoming. | No. 7653 | 37-2131 | 1182 | | |
| July 15 | Establishing Deer Flat Migratory Waterfowl Refuge, Idaho. | No. 7655 | 37-2159 | 1213 | | |
| July 16 | Modification of Potash Reserve No. 7, New Mexico. | No. 7656 | 37-2473 | 1220 | | |
| July 17 | Modification of Fort De Russy Military Reservation, Hawaii. | No. 7658 | 37-2203 | 1232 | | |
| July 21 | Exempting certain positions from salary classifications. | No. 7660 | 37-2253 | 1250 | | |
| July 21 | Amendment of civil service rules. | No. 7661 | 37-2254 | 1251 | | |
| July 21 | Withdrawal of public lands for Department of Agriculture, Arkansas. | No. 7662 | 37-2255 | 1251 | | |
| July 21 | Enlarging Uinta National Forest, Utah. | No. 7663 | 37-2256 | 1251 | 1758 | 1-1125 |
| July 21 | Modifying Seney Migratory Waterfowl Refuge, Michigan. | No. 7664 | 37-2257 | 1252 | | |
| July 21 | Correcting boundary description, Kawaihee Lighthouse Reservation, Hawaii. | No. 7665 | 37-2258 | 1252 | | |
| July 22 | Public land withdrawal, Colorado. | No. 7669 | 37-2270 | 1261 | | |
| July 22 | Public land withdrawal, Arkansas. | No. 7670 | 37-2271 | 1262 | | |
| July 22 | Public land withdrawal, South Dakota. | No. 7671 | 37-2272 | 1262 | | |
| July 22 | Public land withdrawal, Oregon. | No. 7672 | 37-2273 | 1263 | | |
| July 22 | Public land withdrawal, North Dakota. | No. 7673 | 37-2274 | 1264 | | |
| July 22 | Public land withdrawal, North Dakota. | No. 7674 | 37-2275 | 1264 | | |
| July 24 | Public land withdrawal, New Mexico. | No. 7675 | 37-2302 | 1283 | | |
| July 29 | Canal Zone Judiciary | No. 7676 | 37-2387 | 1323 | | |
| July 29 | Public land withdrawal, Colorado. | No. 7677 | 37-2391 | 1324 | | |
| July 29 | Establishing Apache Migratory Bird Refuge, Arizona. | No. 7678 | 37-2392 | 1325 | | |
| July 31 | Army, etc., reserve officers for service with Civilian Conservation Corps. | No. 7677-A | 37-2419 | 1346 | 37-2950 | 2087 |
| Aug. 3 | Civil service rules, amendment. | No. 7679 | 37-2441 | 1360 | | |
| Aug. 3 | Enlarging the Elk Refuge, Wyoming. | No. 7680 | 37-2442 | 1360 | 3385 | 1-1866 |
| Aug. 3 | Establishing Turnbull Migratory Waterfowl Refuge, Washington. | No. 7681 | 37-2443 | 1361 | | |
| Aug. 7 | Revocation of Executive Order No. 6192. | No. 7683 | 37-2476 | 1374 | | |
| Aug. 7 | Revocation of Executive Order No. 6283. | No. 7684 | 37-2477 | 1374 | | |
| Aug. 7 | Revocation of Executive Order No. 4699. | No. 7685 | 37-2478 | 1374 | | |
| Aug. 7 | Amendment of Executive Order No. 7502 transferring certain lands in Virgin Islands to control, etc., of Secretary of the Navy. | No. 7686 | 37-2479 | 1374 | | |
| Aug. 13 | Extending provisions of Civil Service Retirement Act. | No. 7687 | 37-2515 | 1391 | | |
| Aug. 13 | Amendment to Executive Order No. 3206 as amended. | No. 7688 | 37-2516 | 1392 | | |
| Aug. 17 | Appointment of Secretary of the Interior as Administrator of the Puerto Rico Reconstruction Administration. | No. 7689 | 37-2548 | 1403 | 3398 | 1-1867 |
| Aug. 20 | Establishing Snake River Migratory Waterfowl Refuge, Idaho. | No. 7691 | 37-2571 | 1422 | | |
| Aug. 24 | Withdrawal of public lands for the use of the Department of Agriculture. | No. 7693 | 37-2586 | 1430 | | |
| Aug. 25 | Revocation of Executive Order No. 5687. | No. 7694 | 37-2599 | 1442 | | |
| Aug. 25 | Withdrawal of public lands, Wyoming. | No. 7695 | 37-2600 | 1442 | | |
| Aug. 25 | Regulations, enlisted men of the regular Army. | No. 7696 | 37-2601 | 1442 | | |
| Aug. 25 | Interchange of land between the Army and the Navy, Bolling Field. | No. 7697 | 37-2604 | 1443 | | |
| Aug. 28 | Excluding certain lands from the Carson National Forest, New Mexico. | No. 7698 | 37-2647 | 1771 | 589 | 1-343 |
| Sept. 1 | Abolishing Nome, Alaska, as port of entry. | No. 7699 | 37-2662 | 1792 | | |
| Sept. 3 | Excusing federal employees from duty on September 17, 1937. | No. 7700 | 37-2675 | 1799 | | |
| Sept. 8 | Limiting importation of red cedar shingles from Canada. | No. 7701 | 37-2691 | 1806 | 37-734 | 531 |
| Sept. 11 | Amendment, paragraph 6, Civil Service Rules, office of Secretary of Agriculture. | No. 7702 | 37-2741 | 1826 | | |
| Sept. 14 | Designation of Jeanne Cavanaugh to sign land patents. | No. 7703 | 37-2727 | 1832 | | |
| Sept. 16 | Public water reserve, No. 159, California, withdrawal. | No. 7705 | 37-2753 | 1848 | | |
| Sept. 16 | Extending the limits of customs port of entry of Chester, Pennsylvania. | No. 7706 | 37-2754 | 1848 | | |
| Sept. 16 | Withdrawal of public land, California, for the use of War Department. | No. 7707 | 37-2755 | 1849 | | |
| Sept. 16 | Roger John Traynore exempted from Executive order of January 17, 1873. | No. 7708 | 37-2756 | 1849 | | |
| Sept. 21 | Abolishing the National Emergency Council. | No. 7709-A | 37-2792 | 1870 | 37-3800 | 2973 |
| Sept. 21 | Appointment of Superintendent, St. Elizabeth's Hospital; Dr. Winfred Overholser. | No. 7710 | 37-2786 | 1870 | | |
| Sept. 23 | Inspection of income, etc., by the Committee on Interstate Commerce, United States Senate. | No. 7700-A | 37-2812 | 1887 | | |
| Sept. 24 | Designation as Administrator, unemployment census, John D. Biggers. | No. 7711 | 37-2823 | 1891 | | |
| Sept. 28 | Amending tariff of United States Consular fees. | No. 7712 | 37-2847 | 1947 | 37-1037 | 673 |

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| **PRESIDENT OF THE UNITED STATES—Continued** | | | | | | |
| **Executive Offices—Continued** | | | | | | |
| *1937* | | | | | | |
| Sept. 28 | Establishing Lake Thibadeau Migratory Waterfowl Refuge, Montana. | No. 7713 | 37-2845 | 1947 | | |
| Sept. 30 | Regulations, Marihuana Tax Act, in Virgin Islands. | No. 7715 | 37-2903 | 2008 | 37-2694 | 1808 |
| Oct. 2 | Extension of trust periods, Indian lands. | No. 7716 | 37-2929 | 2075 | | |
| Oct. 6 | Civilian Conservation Corps, amending Executive Order No. 7677-A. | No. 7717 | 37-2950 | 2087 | 37-2419 | 1346 |
| Oct. 6 | Authorizing inspection of certain income tax returns by Department of National Revenue, Canada. | No. 7718 | 37-2949 | 2088 | | |
| Oct. 12 | Enlarging Ouachita National Forest, Arkansas. | No. 7719 | 37-2996 | 2110 | 37-1714 | 998 |
| Oct. 12 | Establishing Camas Migratory Waterfowl Refuge, Idaho. | No. 7720 | 37-2997 | 2110 | | |
| Oct. 12 | Enlarging Willapa Harbor Migratory Bird Refuge. | No. 7721 | 37-2998 | 2110 | 37-221 | 133 |
| Oct. 12 | Withdrawal of public land, use of T. V. A., Alabama. | No. 7722 | 37-2999 | 2111 | | |
| Oct. 12 | Withdrawal of public land for classification, New Mexico. | No. 7723 | 37-3001 | 2111 | | |
| Oct. 12 | Establishing Bitter Lake Migratory Waterfowl Refuge, New Mexico. | No. 7724 | 37-3002 | 2111 | | |
| Oct. 20 | Amending instructions to diplomatic officers, etc., shipment of seamen. | No. 7729 | 37-3066 | 2237 | | |
| Oct. 26 | Designating Hon. Martin Travieso, Acting Judge, Puerto Rico District Court. | No. 7731 | 37-3104 | 2262 | | |
| Oct. 29 | Transferring to U. S. Housing Authority, federal housing projects, etc. | No. 7732 | 37-3159 | 2324 | | |
| Nov. 4 | Withdrawal of public lands, use of Department of Agriculture. | No. 7734 | 37-3222 | 2415 | | |
| Nov. 9 | Appointment of Immigration Inspectors, Virgin Islands. | No. 7736 | 37-3259 | 2425 | | |
| Nov. 13 | Civil service rules, amendment. | No. 7738 | 37-3307 | 2466 | | |
| Nov. 18 | Revocation of Executive Order No. 6752. | No. 7739 | 37-3338 | 2488 | | |
| Nov. 18 | Withdrawal of public land, California, use of War Department. | No. 7740 | 37-3339 | 2488 | | |
| Nov. 18 | Reservoir site restoration No. 17, California. | No. 7741 | 37-3340 | 2488 | | |
| Nov. 23 | Enlarging Tongass National Forest, Alaska. | No. 7742 | 37-3390 | 2524 | 37-508 | 338 |
| Nov. 23 | Transferring control etc. over certain lands in Dona Ana County, New Mexico to Interior Department. | No. 7743 | 37-3391 | 2524 | | |
| Nov. 23 | Authorizing the Solicitor of the Department of Labor to act as Secretary of Labor. | No. 7744 | 37-3392 | 2524 | | |
| Nov. 24 | Amendment, civil service rules, paragraph 7, subdiv. I, schedule A. | No. 7746 | 37-3405 | 2533 | | |
| Nov. 24 | Establishing defensive sea area off the coast of San Clemente Island, California. | No. 7747 | 37-3406 | 2534 | | |
| Nov. 24 | Withdrawal of area for use of Navy Department, Alaska. | No. 7748 | 37-3407 | 2534 | | |
| Nov. 24 | Enlarging St. Marks Migratory Bird Refuge, Florida. | No. 7749 | 37-3411 | 2534 | 37-3671 | 2808 |
| Nov. 27 | Transferring certain lands from Department of Agriculture to Department of Commerce, Arcadia Fish Hatchery, Rhode Island. | No. 7752 | 37-3419 | 2540 | | |
| Dec. 4 | Delegating certain powers etc., to the Secretary of Interior, authorizing establishment of a Petroleum Conservation Division. | No. 7756 | 37-3506 | 2664 | | |
| Dec. 4 | Regulations, shipment of petroleum in interstate commerce. | No. 7757 | 37-3507 | 2664 | | |
| Dec. 4 | Establishment of Federal Tender Board No. 1, designation of area, shipment of petroleum. | No. 7758 | 37-3508 | 2669 | | |
| Dec. 4 | Revoking Executive Orders Nos. 7024-B and 7129-A. | No. 7759 | 37-3509 | 2670 | | |
| Dec. 7 | Withdrawal of public lands, Nebraska, use of Department of Agriculture. | No. 7760 | 37-3523 | 2679 | | |
| Dec. 7 | Extending limits of customs port of entry, Wilmington, North Carolina. | No. 7761 | 37-3524 | 2679 | | |
| Dec. 8 | Excusing federal employees from duty on December 24, 1937. | No. 7763 | 37-3554 | 2685 | | |
| Dec. 9 | Establishing the Sabine Migratory Waterfowl Refuge, Louisiana. | No. 7764 | 37-3555 | 2750 | | |
| Dec. 9 | Restoring certain lands to the control of the Secretary of the Interior, Wash. | No. 7765 | 37-3556 | 2750 | | |
| Dec. 14 | Extending limits of the customs port of entry, Buffalo, New York. | No. 7767 | 37-3633 | 2773 | | |
| Dec. 14 | Revocation of Executive Order No. 6124, withdrawing public lands, Colorado. | No. 7768 | 37-3634 | 2774 | | |
| Dec. 17 | Establishing Hazen Bay Migratory Waterfowl Refuge, Alaska. | No. 7770 | 37-3672 | 2832 | | |
| Dec. 17 | Excluding certain tracts of land from Tongass National Forest and restoring them to entry. | No. 7771 | 37-3673 | 2832 | 37-508 | 338 |
| Dec. 17 | Revocation of Executive Order No. 5711. | No. 7772 | 37-3678 | 2832 | | |
| Dec. 24 | Modification of Executive Order No. 6957. | No. 7773 | 37-3757 | 2958 | | |
| Dec. 29 | Transferring lands from Department of Agriculture to Department of Commerce, reserving them as the McKinney Lake Fish Hatchery, North Carolina. | No. 7775 | 37-3794 | 2969 | | |
| Dec. 30 | Modification of Executive Order No. 7709-A, abolishing National Emergency Council. | No. 7776 | 37-3800 | 2973 | 37-2792 | 1870 |
| **Letters** | | | | | | |
| Mar. 11 | Importation, etc., of cigar lighters. | Feb. 20, 1937 | 37-697 | 518 | 3425<br>37-168 | 1-1979<br>105 |
| May 5 | Application of duties applied to certain countries. | May 1, 1937 | 37-1258 | 779 | 2774 | 1-1536 |
| July 14 | Application of duties proclaimed in certain trade agreements. | July 3, 1937 | 37-2147 | 1209 | 37-3770 | 2962 |
| July 31 | Termination of order of exclusion, cigar lighters. | July 22, 1937 | 37-2422 | 1346 | 37-168 | 105 |
| Dec. 28 | Application of duties proclaimed in certain trade agreements to products of Italy. | Dec. 18, 1937 | 37-3770 | 2962 | 37-2147 | 1209 |
| **DEPARTMENT OF STATE** | | | | | | |
| Apr. 6 | Trade agreement negotiations with Ecuador. | | 39-971 | 645 | 37-2528 | 1396 |
| May 8 | Carriage of arms and ammunition on American vessels engaged in commerce with Spain. | | 37-1297 | 794 | 37-1259 | 776 |
| May 8 | Rules and regulations, soliciting and receiving of contributions for use in Spain. | | 37-1298 | 795 | 37-1340 | 810 |
| May 12 | Rules and regulations, soliciting and receiving of contributions for use in Spain. | | 37-1340 | 810 | 37-1298 | 795 |
| May 21 | Negotiation of trade agreement with Czechoslovakia contemplated. | | 37-1474 | 865 | 37-2663 | 1793 |
| June 3 | International traffic in arms, ammunition, etc. | | 37-1619 | 939 | 37-1259<br>37-2684 | 77<br>180 |



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| *1937* | | | | | | |
| Sept. 1 | Trade agreement negotiations with Czechoslovakia, notice of intention. | | 37-2663 | 1793 | 37-1474<br>37-2714 | 865<br>1826 |
| Sept. 8 | Exportation of helium, regulations, supplement to pamphlet International Traffic in Arms. | | 37-2684 | 1807 | 37-1619 | 939 |
| Sept. 11 | List of products on which United States will consider granting concessions to Czechoslovakia, supplement. | | 37-2714 | 1826 | 37-2663 | 1793 |
| Oct. 27 | Negotiation of trade agreement with Venezuela contemplated. | | 37-3137 | 2298 | | |
| Nov. 5 | Negotiation of trade agreement with Turkey contemplated. | | 37-3226 | 2416 | | |
| Nov. 20 | Negotiation of trade agreement with the United Kingdom contemplated. | | 37-3368 | 2518 | | |
| Nov. 23 | Negotiation of trade agreement with Canada contemplated. | | 37-3389 | 2524 | | |
| Dec. 9 | Issuance of licenses, exportation of tinplate scrap, rules of procedure. | | 37-3557 | 2751 | 3755 | 1-2123 |
| **TREASURY DEPARTMENT** | | | | | | |
| **Accounts and Deposits** | | | | | | |
| Jan. 5 | Post Offices designated as places of redemption for Adjusted Compensation Bonds. | 1st Supp. to Dept. Circular 564. | 37-24 | 7 | 855 | 1-559 |
| Apr. 20 | Surety bonds | Dept. Circular No. 570, Revised. | 37-1135 | 709 | 2695 | 1-1514 |
| July 17 | Regulations, shipment of valuables under Government Losses in Shipment Act. | Circular No. 576. | 37-2202 | 1233 | | |
| Aug. 14 | Exemption order, Government Losses in Shipment Act, gold and silver coin or bullion. | | 37-2538 | 1396 | | |
| Aug. 17 | Regulations, claims for replacement of valuables, etc. shipped pursuant to the Government Losses in Shipment Act. | 1937—Department Circular No. 577. | 37-2559 | 1403 | 37-2597 | 1431 |
| Aug. 24 | Regulations, claims for replacement of valuables, etc. shipped pursuant to Government Losses in Shipment Act. | 1937—First Supp. to Dept. Circular No. 577. | 37-2597 | 1431 | 37-2559 | 1403 |
| Aug. 26 | Special deposits of public moneys. | 1937—7th Supp. Dept. Circular No. 92 (Rev.). | 37-2619 | 1561 | | |
| Oct. 14 | Acceptable sureties on federal bonds. | 1937—Dept. Circular No. 570 (Rev.). | 37-3019 | 2177 | | |
| Oct. 20 | Regulations, etc., governing issue of duplicates of checks of the United States. | 1937—Dept. Circular No. 327 (Rev.). | 37-3073 | 2240 | | |
| **Bureau of Customs** | | | | | | |
| Jan. 7 | Countervailing duty on butter from Denmark. | T. D. 48734 | 37-48 | 26 | | |
| Jan. 13 | Customs regulations amended, continuous custody. | T. D. 48739 | 37-102 | 56 | 1592<br>37-1581 | 1-966<br>926 |
| Jan. 15 | Customs regulations amended, dispositions of law violations, etc. | T. D. 48757 | 37-144 | 72 | | |
| Jan. 20 | Merchandise in bonded warehouse. | T. D. 48759 | 37-171 | 105 | 37-6 | 1 |
| Jan. 20 | Calexico, California, municipal airport, redesignated as an airport of entry. | T. D. 48772 | 37-189 | 106 | | |
| Jan. 27 | Drawback merchandise, extension of period for exportation. | T. D. 48773 | 37-266 | 145 | 37-7 | 2 |
| Jan. 27 | Further extension of three-year period, bonded wool and camel hair. | T. D. 48774 | 37-267 | 146 | 37-47 | 22 |
| **TREASURY DEPARTMENT—Continued** | | | | | | |
| **Bureau of Customs—Continued** | | | | | | |
| *1937* | | | | | | |
| Jan. 29 | Customs regulations amended, imported meats. | T. D. 48781 | 37-296 | 191 | | |
| Jan. 30 | Customs regulations amended, summary forfeiture and disposition of seized property. | T. D. 48782 | 37-300 | 216 | | |
| Jan. 30 | Protest filed, forks, hoes, and rakes. | T. D. 48783 | 37-301 | 216 | | |
| Feb. 2 | Customs regulations amended, warehouse and rewarehouse withdrawals for transportation. | T. D. 48784 | 37-322 | 225 | 2079 | 1-1289 |
| Feb. 2 | Customs regulations amended, temporary free importation, mail and other informal entries. | T. D. 48785 | 37-323 | 225 | 2100 | 1-1313 |
| Feb. 2 | Customs regulations amended, transfers of right to withdraw merchandise in bonded warehouses. | T. D. 48786 | 37-325 | 225 | | |
| Feb. 3 | Customs regulations amended, trade-marks and trade names. | T. D. 48787 | 37-332 | 229 | | |
| Feb. 3 | Customs regulations amended, vessel supplies. | T. D. 48788 | 37-333 | 229 | 278<br>1962<br>37-1352 | 1-149<br>1-1299<br>816 |
| Feb. 10 | Fort Pembina Airport, North Dakota, designated as an airport of entry. | T. D. 48796 | 37-396 | 271 | | |
| Feb. 11 | Emergency due to flood conditions, free importation of food, etc. | T. D. 48798 | 37-416 | 285 | 37-336 | 228 |
| Feb. 18 | Protest, computing board measure for assessment of duty on imported lumber. | T. D. 48806 | 37-475 | 333 | | |
| Feb. 18 | Examination of merchandise, special regulation. | T. D. 48807 | 37-476 | 333 | | |
| Feb. 18 | Regulations, licensing of certain vessels engaged in foreign trade. | T. D. 48813 | 37-478 | 334 | | |
| Feb. 18 | Customs regulations amended, diversion of cargo. | T. D. 48808 | 37-479 | 333 | | |
| Feb. 18 | Customs regulations amended, plant quarantine transmission, etc. | T. D. 48810 | 37-480 | 333 | | |
| Feb. 18 | Customs regulations amended, disposition of forfeited property. | T. D. 48811 | 37-481 | 334 | | |
| Feb. 18 | Customs regulations amended, proof of liquors, etc. | T. D. 48809 | 37-482 | 333 | | |
| Feb. 24 | Customs regulations amended, country of origin. | T. D. 48821 | 37-511 | 344 | | |
| Mar. 6 | Regulations for importation of petroleum products in bulk. | T. D. 48840 | 37-645 | 501 | | |
| Mar. 6 | Customs regulations amended, exemption of certain merchandise from the requirement of a consular invoice. | T. D. 48842 | 37-646 | 501 | 2639 | 1-1492 |
| Mar. 10 | Extension of the limits of customs port of entry of St. Paul, Minn. | T. D. 48841 | 37-688 | 515 | | |
| Mar. 10 | Ogdensburg Harbor, New York, designated as an airport of entry. | T. D. 48844 | 37-689 | 515 | | |
| Mar. 12 | Refusal of entry of gold from Mexico under certain conditions. | | 37-714 | 520 | | |
| Mar. 16 | Customs regulations amended, certified duplicate manifest. | T. D. 48858 | 37-735 | 531 | | |
| Mar. 16 | Certain airports designated as airports of entry. | T. D. 48859 | 37-736 | 531 | | |
| Mar. 16 | Agreement United States and France, suppression of customs frauds. | T. D. 48861 | 37-737 | 532 | | |
| Mar. 20 | Powers of attorney, protests, amendment. | T. D. 48863 | 37-783 | 552 | 3913<br>37-1163<br>37-1729 | 1-2178<br>721<br>1003 |
| Mar. 30 | Customs regulations amended, special permits for immediate delivery. | T. D. 48889 | 37-881 | 607 | 2100<br>37-2148 | 1-1313<br>1210 |
| Mar. 30 | Duty on manufacture of wool, etc. | | 37-882 | 606 | | |
| Apr. 1 | Designation of Ajo, Arizona, as a customs port of entry. | T. D. 48891 | 37-916 | 621 | 37-857 | 584 |

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| *1937* | | | | | | |
| Apr. 3 | Weeks Municipal Airfield, Fairbanks, Alaska, designated airport of entry. | T. D. 48903 | 37-954 | 633 | | |
| Apr. 7 | Customs regulations amended, declaration of consignee on entry. | T. D. 48904 | 37-998 | 656 | | |
| Apr. 10 | Countervailing duty, rye grain from the Republic of Poland. | T. D. 48914 | 37-1038 | 674 | 37-1243 | 769 |
| Apr. 17 | Customs regulations amended, marking to indicate country of origin, etc. | T. D. 48921 | 37-1125 | 707 | | |
| Apr. 20 | Examination of certain merchandise. | T. D. 48923 | 37-1138 | 710 | | |
| Apr. 21 | Customs regulations amended, powers of attorney to file protests. | T. D. 48922 | 37-1163 | 721 | 37-783 | 552 |
| Apr. 30 | Certain airports redesignated as airports of entry. | T. D. 48942 | 37-1227 | 766 | | |
| May 1 | Countervailing duty, rye flour from the Republic of Poland. | T. D. 48944 | 37-1243 | 769 | 37-1038 | 769 |
| May 8 | Customs regulations amended, invoicing. | T. D. 48953 | 37-1301 | 795 | | |
| May 11 | Entry of articles for Greater Texas and Pan-American Exposition, Dallas, Texas, 1937. | T. D. 48955 | 37-1319 | 802 | 2079 | 1-1289 |
| May 13 | Customs regulations amended, vessel supplies. | T. D. 48964 | 37-1352 | 816 | 37-333 | 229 |
| May 18 | Customs regulations amended, tobacco invoices. | T. D. 48966 | 37-1399 | 835 | | |
| May 26 | Abolition of Vineyard Haven, Massachusetts, as a customs port of entry. | T. D. 48980 | 37-1518 | 898 | 37-1447 | 855 |
| June 2 | Customs regulations amended, bond examination of merchandise. | T. D. 48995 | 37-1581 | 926 | 37-102 | 56 |
| June 5 | Sandusky Municipal Airport, Ohio, designated as an airport of entry. | T. D. 49004 | 37-1652 | 957 | | |
| June 5 | Certain airports redesignated as airports of entry. | T. D. 49005 | 37-1653 | 957 | | |
| June 11 | Customs regulations amended, enrollment and license of vessels, etc. | T. D. 48916 | 37-1716 | 999 | | |
| June 12 | Customs regulations amended, powers of attorney, protests. | T. D. 49018 | 37-1729 | 1003 | 37-783 | 552 |
| June 15 | Customs regulations amended, post entry. | T. D. 49019 | 37-1756 | 1014 | | |
| June 16 | Extension of certain airports of entry without time limit. | T. D. 49017 | 37-1789 | 1033 | | |
| June 22 | Certain airports designated as airports of entry. | T. D. 49028 | 37-1854 | 1057 | | |
| June 30 | Rate of duty on gym sets; complaint of domestic manufacturer. | T. D. 49044 | 37-1965 | 1118 | | |
| June 30 | Customs regulations amended, information as to values on request by importer. | T. D. 49046 | 37-1966 | 1119 | 170 | 1-109 |
| June 30 | Entry of articles for Great Lakes Exhibition, Cleveland, Ohio, 1937. | T. D. 49048 | 37-1968 | 1119 | | |
| July 1 | Redesignating airports of entry. | T. D. 49068 | 37-1983 | 1130 | | |
| July 8 | Revocation of drawback authorizations, imported piece goods, when processed. | T. D. 49069 | 37-2073 | 1161 | | |
| July 14 | Special permits for immediate delivery of articles. | T. D. 49080 | 37-2148 | 1210 | 37-881 | 607 |
| July 17 | Rouses Point, New York, designated airport of entry. | T. D. 49087 | 37-2192 | 1233 | | |
| July 21 | Sec. 629, Revenue Act of 1932, extended until June 30, 1939. | T. D. 49089 | 37-2262 | 1253 | | |
| July 23 | Amendment, customs regulations of 1931, merchandise in transit between United States ports through contiguous foreign territory. | T. D. 49095 | 37-2291 | 1271 | | |
| July 27 | Designating certain airports of entry. | T. D. 49096 | 37-2332 | 1296 | | |
| July 27 | Testimony of customs officials. | T. D. 49098 | 37-2333 | 1296 | | |
| July 31 | Wild animals and birds, importation of beaver from Canada. | T. D. 49103 | 37-2423 | 1347 | | |
| *1937* | | | | | | |
| Aug. 5 | Free entry authorized for participants, etc., of the World Association of Girl Guides and Girl Scouts, Silver Jubilee Camp. | T. D. 49106 | 37-2458 | 1368 | | |
| Aug. 12 | Coal, etc., from the Soviet Union. | T. D. 49118 | 37-2511 | 1386 | | |
| Aug. 12 | Vessels; report arrival, etc., on board thereof. | T. D. 49117 | 37-2512 | 1385 | | |
| Aug. 12 | Countervailing duties on dried green peas including split peas from the Netherlands. | T. D. 49114 | 37-2513 | 1385 | | |
| Aug. 12 | List of customs districts, etc. | T. D. 49121 | 37-2514 | 1386 | | |
| Aug. 14 | Countervailing duties on butter from Lithuania. | T. D. 49122 | 37-2529 | 1397 | | |
| Aug. 14 | Notice, foreign trade agreement, Ecuador. | T. D. 49109 | 37-2528 | 1396 | 37-971 | 645 |
| Aug. 25 | Customs regulations 1937 | | 37-2602 | 1444 | 37-3095 | 2255 |
| Aug. 26 | | | | 1562 | 37-3341 | 2488 |
| Aug. 27 | | | | 1643 | 37-3337 | 2488 |
| | | | | | 37-3649 | 2886 |
| | | | | | 37-3692 | 2890 |
| Aug. 25 | Steamer rugs, etc. | | 37-2603 | 1560 | | |
| Aug. 31 | Airport of entry, Fort Yukon Airfield, Alaska. | T. D. 49135 | 37-2651 | 1782 | 37-3136 | 2299 |
| Sept. 8 | Airports of entry, without time limit. | T. D. 49141 | 37-2695 | 1808 | | |
| Sept. 9 | Airport of entry, Warroad, Minn. | T. D. 49144 | 37-2700 | 1813 | 37-2646 | 1781 |
| Sept. 11 | Findings of dumping vacated, ammonium sulphate from Poland, Germany and Belgium. | T. D. 49153 | 37-2723 | 1826 | | |
| Sept. 22 | Countervailing duties on sugar from Australia. | T. D. 49157 | 37-2796 | 1873 | | |
| Sept. 23 | Airport of entry, Chalks Flying Service Airport, Miami, Fla. | T. D. 49159 | 37-2813 | 1888 | 37-2781 | 1867 |
| Sept. 23 | Regulations pursuant to Sugar Act, import compensation tax. | T. D. 49160 | 37-2814 | 1888 | | |
| Sept. 30 | Rate of duty on imported dates, fresh or dried. | T. D. 49166 | 37-2898 | 2008 | | |
| Sept. 30 | Regulations, entry of articles for exhibition, Oil World Exposition. | T. D. 49167 | 37-2899 | 2009 | | |
| Oct. 2 | Findings regarding use of convict labor in production of railroad ties, etc., Dominican Republic, revoked. | T. D. 49172 | 37-2926 | 2075 | 3546 | 1-2089 |
| Oct. 19 | Countervailing duties on dried salt fish from Nova Scotia, instructions to collectors of customs. | T. D. 49196 | 37-3054 | 2231 | 37-3464 | 2563 |
| Oct. 23 | Outside examination of merchandise, conditions to be added to bonds. | T. D. 49206 | 37-3095 | 2255 | 37-2602 | 1444 |
| Oct. 27 | Fort Yukon Airfield, Alaska, airport of entry. | T. D. 49208 | 37-3136 | 2299 | 37-2651 | 1782 |
| Nov. 6 | Custom forms abolished, etc. | T. D. 49227 | 37-3244 | 2421 | | |
| Nov. 11 | Airport of entry, Rochester, N. Y. | T. D. 49246 | 37-3278 | 2442 | | |
| Nov. 18 | Ports of documentation, Cordova, Alaska; Seward, Alaska, revoked. | T. D. 49250 | 37-3337 | 2488 | 37-2602 | 1444 |
| Nov. 18 | Administration of oaths by customs patrol inspectors. | T. D. 49249 | 37-3341 | 2488 | 37-2602 | 1444 |
| Nov. 18 | International Petroleum Exhibition, Tulsa, Oklahoma, entry of articles for exhibition. | T. D. 49252 | 37-3342 | 2489 | | |
| Dec. 2 | Countervailing duties, dried salt fish from Nova Scotia. | T. D. 49269 | 37-3464 | 2563 | 37-3054 | 2231 |
| Dec. 8 | Conversion of Brazilian milreis. | T. D. 49277 | 37-3552 | 2685 | 1679 | 1-1057 |
| | | | | | 37-3769 | 2962 |
| Dec. 8 | Conversion of currency, Chilean peso. | T. D. 49278 | 37-3553 | 2686 | | |
| Dec. 14 | Countervailing duties, dried or candied fruits from Australia. | T. D. 49280 | 37-3609 | 2774 | | |
| Dec. 15 | Aircraft inspection charges, customs regulations amended. | T. D. 49282 | 37-3649 | 2806 | 37-2602 | 1444 |
| Dec. 18 | Manipulation of imported merchandise, customs regulations amended. | T. D. 49295 | 37-3692 | 2850 | 37-2602 | 1444 |
| Dec. 28 | Conversion of Brazilian milreis, assessment of duties. | T. D. 49297 | 37-3769 | 2962 | 37-3552 | 2685 |



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| **TREASURY DEPARTMENT—Continued** | | | | | | |
| **Bureau of Internal Revenue** | | | | | | |
| *1937* | | | | | | |
| Jan. 7 | Bottling distilled spirits in bond. | T. D. 4722 | 37-49 | 26 | 37-1493 | 872 |
| Jan. 9 | Excess profits on Navy contracts. | T. D. 4723 | 37-76 | 43 | 37-1669 | 977 |
| Jan. 23 | Income tax regulations 94, 86, 77. | T. D. 4724 | 37-206 | 124 | 218 | 1-122 |
| | | | | | 274 | 1-150 |
| | | | | | 3378 | 1-1802 |
| | | | | | 37-2709 | 1823 |
| | | | | | 37-2713 | 1827 |
| | | | | | 37-2994 | 2160 |
| | | | | | 37-3408 | 2535 |
| | | | | | 37-3610 | 2774 |
| | | | | | 37-3687 | 2832 |
| Jan. 23 | Removal of distilled water from distillery premises. | T. D. 4725 | 37-209 | 124 | | |
| Jan. 23 | Extension of time for filing returns and paying of tax by employers. | T. D. 4726 | 37-210 | 124 | | |
| Mar. 10 | Revoking specially denatured alcohol formulae. | T. D. 4727 | 37-690 | 515 | | |
| Mar. 10 | Purchase and use of strip stamps in Puerto Rico. | T. D. 4728 | 37-691 | 515 | | |
| Mar. 24 | Estate tax, regulations 80, amended. | T. D. 4729 | 37-818 | 573 | 2610 | 1-1478 |
| Mar. 26 | Effective period of Carriers Taxing Act extended regulations 93, amended. | T. D. 4730 | 37-844 | 584 | 18 | 1-16 |
| Apr. 2 | Labeling and advertising of distilled spirits. | T. D. 4731 | 37-934 | 629 | 150 | 1-92 |
| Apr. 6 | Authorizing inspection by State officials of original returns for certain taxes. | T. D. 4732 | 37-972 | 646 | 37-1205<br>3378 | 750<br>1-1802 |
| Apr. 20 | Method of payment of Internal Revenue tax on distilled spirits for shipment in tank cars. | T. D. 4733 | 37-1136 | 711 | | |
| Apr. 20 | Approval of bonds. | T. D. 4734 | 37-1137 | 711 | | |
| Apr. 27 | Marking packages of whiskey, etc. | T. D. 4735 | 37-1196 | 749 | | |
| Apr. 27 | Labeling and advertising of distilled spirits. | T. D. 4736 | 37-1205 | 750 | 37-934 | 629 |
| Apr. 30 | Disposition of substances used in the manufacture of distilled spirits. | Regulations No. 17, amended. | 37-1230 | 766 | | |
| Apr. 30 | Regulations, Liquor Law Repeal and Enforcement Act. | Regulations No. 92, amended. | 37-1231 | 767 | | |
| May 19 | Transfer of tax-paid rectified spirits by pipe line, etc. | T. D. 4737 | 37-1429 | 848 | | |
| May 22 | Bottling distilled spirits in bond; marks and brands on cases. | T. D. 4738 | 37-1493 | 872 | 37-49 | 26 |
| May 26 | Inspection of returns under Social Security Act. | T. D. 4739 | 37-1521 | 898 | | |
| May 26 | Traffic in containers of distilled spirits. | Regulations No. 13. | 37-1522 | 898 | 629 | 1-373 |
| | | | | | 37-3215 | 2410 |
| | | | | | 37-3461 | 2556 |
| June 8 | Exemption from Stamp Tax on passage tickets to the Boy Scout World Jamboree in the Netherlands. | T. D. 4740 | 37-1661 | 976 | | |
| June 8 | Excess profits on Navy contracts, etc. | T. D. 4741 | 37-1669 | 977 | 37-76 | 43 |
| June 23 | Taxes on the sale or other disposal of bituminous coal. | Regulations 98. | 37-1872 | 1072 | 37-1884 | 1078 |
| June 23 | Amending regulations 98, taxes on sale, etc., of bituminous coal. | T. D. 4742 | 37-1884 | 1078 | 37-1872 | 1072 |
| June 29 | Specially denatured alcohol Formula No. 23-G. | T. D. 4743 | 37-1927 | 1105 | | |
| June 29 | Restamping packages of distilled spirits, tobacco, etc. | T. D. 4744 | 37-1928 | 1105 | 37-3336 | 2486 |
| June 29 | Sale of ethyl acetate and lacquer thinners. | T. D. 4745 | 37-1939 | 1107 | 37-3693 | 2850 |
| July 13 | Regulations, taxation of French citizens as affected by Double Taxation Convention, United States and France. | T. D. 4746 | 37-2132 | 1183 | | |
| July 14 | Distilled spirits bottled in bond. | T. D. 4747 | 37-2149 | 1210 | | |
| July 16 | Denaturation of ethyl acetate. | T. D. 4748 | 37-2175 | 1220 | | |
| July 20 | Tax on admissions. | T. D. 4749 | 37-2225 | 1242 | | |
| July 21 | Sales of denatured alcohol, rum and articles. | T. D. 4750 | 37-2263 | 1253 | | |
| July 24 | Tax on telegraph, etc., facilities; transportation of oil by pipeline; electrical energy. | T. D. 4751 | 37-2305 | 1284 | | |
| July 24 | Stamp taxes on issues and transfers of stocks and bonds, sales of produce for future delivery, and deeds of conveyance. | T. D. 4752 | 37-2306 | 1284 | | |
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| July 24 | Tax on admissions. | T. D. 4753 | 37-2307 | 1285 | | |
| July 24 | Excise taxes on sales by the manufacturer. | T. D. 4754 | 37-2308 | 1285 | | |
| July 24 | Excise taxes on sales by the manufacturer. | T. D. 4755 | 37-2309 | 1285 | | |
| July 27 | Monthly tax returns under Title VIII of the Social Security Act, regulations 91. | T. D. 4756 | 37-2335 | 1296 | 3319 | 1-1764 |
| | | | | | 37-3065 | 2242 |
| | | | | | 37-3196 | 2404 |
| | | | | | 37-3437 | 2548 |
| July 27 | Manufacture and tax-payment of fermented malt liquors. | T. D. 4757 | 37-2337 | 1297 | | |
| Sept. 10 | Drawback on distilled spirits for export, regulations. | T. D. 4758 | 37-2708 | 1818 | | |
| Sept. 10 | Income tax, amendments of regulations 94 and 86. | T. D. 4759 | 37-2709 | 1823 | 37-206 | 124 |
| Sept. 11 | Income tax, amendment | T. D. 4760 | 37-2713 | 1827 | 37-206 | 124 |
| Sept. 15 | Vending machines for tobacco products. | T. D. 4761 | 37-2740 | 1842 | | |
| Sept. 29 | Exemption of passage tickets between continental United States and Puerto Rico, stamp tax. | T. D. 4763 | 37-2890 | 1962 | | |
| Sept. 29 | Records, etc., of wholesale liquor dealers. | T. D. 4764 | 37-2892 | 1963 | | |
| Oct. 12 | Production, fortification, tax payments, etc., of wine. | Regulations, No. 7. | 37-2993 | 2111 | | |
| Oct. 12 | Regulations, taxation of non-resident aliens, etc., income. | T. D. 4766 | 37-2994 | 2160 | 37-206 | 124 |
| Oct. 14 | Transfer of, or succession to, special tax stamps pertaining to alcoholic liquors. | T. D. 4767 | 37-3017 | 2178 | | |
| Oct. 14 | Revoking specially denatured alcohol formulae. | T. D. 4768 | 37-3018 | 2179 | | |
| Oct. 15 | Employers' tax, etc., under Carriers' Taxing Act. | Regulations 100. | 37-3030 | 2198 | | |
| Oct. 20 | Quarterly returns for July 1 through Dec. 31, 1937 abolished; Social Security Act. | T. D. 4769, regulation 91, amended. | 37-3065 | 2242 | 37-2336 | 1295 |
| Oct. 27 | Tax on the manufacture of manufactured sugar. | Regulations 99. | 37-3139 | 2299 | | |
| Oct. 29 | Estate tax, regulations under Revenue Act of 1926, as amended, etc. | Regulations 80 (1937 edition). | 37-3149 | 2324 | | |
| Oct. 29 | Collection of tax on intoxicating liquors etc., from Philippine Islands, Virgin Islands and Puerto Rico. | T. D. 4770 | 37-3150 | 2336 | | |
| Nov. 2 | Monthly tax returns, amendment. | T. D. 4771 | 37-3196 | 2404 | 37-2336 | 1295 |
| Nov. 3 | Statement of "age" and "kind" on spirits withdrawn from cisterns prior to April 1, 1937. | T. D. 4772 | 37-3215 | 2410 | 37-1522 | 898 |
| Nov. 10 | Income tax, regulations relating to returns of information, foreign corporations. | T. D. 4773 | 37-3268 | 2432 | | |
| Nov. 13 | Cases and bottles for packaging industrial alcohol. | T. D. 4774 | 37-3305 | 2466 | | |
| Nov. 13 | Sale and shipment of proprietary solvents. | T. D. 4775 | 37-3306 | 2466 | | |
| Nov. 17 | Mutilated or missing strip stamps. | T. D. 4776 | 37-3336 | 2486 | 37-1928 | 1105 |
| Nov. 24 | Income tax, regulations 86 and 94, amended. | T. D. 4777 | 37-3408 | 2535 | 37-206 | 124 |
| Nov. 30 | Quarterly tax returns, etc. | T. D. 4778, regulation 91 amended. | 37-3437 | 2548 | 37-2336 | 1296 |
| Dec. 1 | Regulations 13, amendment, traffic in containers of distilled spirits. | T. D. 4779 | 37-3461 | 2556 | 37-1522 | 898 |
| Dec. 8 | Weights for testing scales | T. D. 4780 | 37-3551 | 2686 | | |
| Dec. 10 | Subdivision packages for cigars and cigarettes, regulations No. 8, amended. | T. D. 4781 | 37-3591 | 2759 | 1422 | 1-878 |
| Dec. 14 | Income tax, regulations 94, amended. | T. D. 4782 | 37-3610 | 2774 | 37-206 | 124 |
| Dec. 16 | Plats and plans for industrial alcohol plants, etc. | T. D. 4783 | 37-3655 | 2809 | | |
| Dec. 17 | Liquidation of foreign personal holding companies, regulations 94, amended. | T. D. 4784 | 37-3687 | 2832 | 37-206 | 124 |
| Dec. 18 | Sale of ethyl acetate and lacqner thinners. | T. D. 4785 | 37-3693 | 2850 | 37-1939 | 1107 |

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| **TREASURY DEPARTMENT—Continued** | | | | | | |
| **Bureau of Narcotics** | | | | | | |
| *1937* Feb. 24 | Amendment to regulations, importation of coca leaves. | T. D. 24 | 37-510 | 344 | | |
| Mar. 6 | Amendment to regulations, cooperation with state and municipal prosecuting officers, etc. | T. D. 25 | 37-647 | 501 | | |
| May 6 | Amendment to regulations, keeping of records of dispositions of exempt preparation. | T. D. 26 | 37-1268 | 781 | | |
| July 27 | Amending Article 103 of Narcotics Regulations No. 5. | T. D. 27 | 37-2334 | 1297 | | |
| Sept. 8 | Order, enforcement of the Marihuana Tax Act of 1937. | T. D. 28 | 37-2694 | 1808 | 37-2903<br>37-2914 | 2008<br>2054 |
| Oct. 1 | Laws and regulations, importation, etc., of marihuana. | | 37-2914 | 2054 | 37-2694 | 1808 |
| **Committee on Enrollment and Disbarment** | | | | | | |
| Sept. 15 | Regulations, recognition of agents, attorneys, etc. | Dept. Circular No. 230 of 1936 (rev.). | 37-2747 | 1842 | 361 | 1-218 |
| **Federal Alcohol Administration** | | | | | | |
| June 17 | Notice of hearing, labels on products stored in reused cooperage. | Amendment to regulations No. 5. | 37-1806 | 1040 | 150<br>37-2934 | 1-92<br>2079 |
| July 31 | Report on reused cooperaged whiskey. | | 37-2434 | 1347 | | |
| Aug. 17 | Declaration of domestic vintage wine stocks. | F. A.—116 | 37-2552 | 1405 | | |
| Oct. 5 | Notice of hearing, amendments to Regulations No. 5, labeling, etc., of distilled spirits, etc. | | 37-2933 | 2080 | 37-2995<br>37-3074 | 2164<br>2243 |
| Oct. 5 | Decision on reused cooperage hearing. | | 37-2934 | 2079 | 37-1806 | 1040 |
| Oct. 12 | Hearing; labeling and advertising of distilled spirits, supplement notice. | | 37-2995 | 2164 | 37-2933 | 2080 |
| Oct. 20 | Proposed amendments, Regulations No. 5, labeling, etc., of distilled spirits, second supplemental notice of hearing. | | 37-3074 | 2243 | 37-2933 | 2080 |
| Dec. 14 | Advertising alcoholic beverages as appetizers and aperitifs. | | 37-3607 | 2787 | | |
| Dec. 14 | Elimination from wine labels of supervisory district number, etc. | | 37-3608 | 2787 | | |
| **Office of the Secretary** | | | | | | |
| Jan. 22 | Values of foreign money | 1937 Dept. circular No. 1. | 37-190 | 111 | 37-1015<br>37-2077<br>37-2957 | 661<br>1162<br>2088 |
| Apr. 7 | Designation of consolidated Federal Home Loan Bank debentures for exemption, etc. | Misc. T. D. 2. | 37-1003 | 657 | | |
| Apr. 8 | Values of foreign moneys | 1937 Dept. Circular No. 1. | 37-1015 | 661 | 37-190 | 111 |
| July 8 | Values of foreign moneys | 1937 Dept. Circular No. 1. | 37-2077 | 1162 | 37-190 | 111 |
| Sept. 13 | Newly mined domestic silver, acceptance by mints. | | 37-2780 | 1866 | | |
| Oct. 6 | Values of foreign moneys | 1937 Dept. Circular No. 1. | 37-2957 | 2088 | 37-190 | 111 |
| **Public Debt Service** | | | | | | |
| Jan. 5 | Regulations governing Adjusted Service Bonds of 1945. | Dept. Circular 560 Revised; 1st Amdt. | 37-25 | 7 | 3118 | 1-1681 |
| Mar. 9 | United States of America 2½% Treasury bonds of 1949–53. | 1937 Dept. Circular No. 574. | 37-675 | 506 | | |
| *1937* May 11 | United States savings bonds, Series C, payment at, or redemption prior to maturity. | Dept. Circular No. 571, 1st Amdt. | 37-1321 | 804 | 3882<br>37-3560 | 1-2165<br>2752 |
| May 11 | Amendment of regulations, United States savings bonds. | Dept. Circular No. 530, 1st Amdt. | 37-1322 | 804 | 3960 | 1-2212 |
| June 8 | Offering of United States Treasury notes. | Dept. Circular No. 575. | 37-1670 | 977 | | |
| Aug. 21 | 1937 Dept. Circular No. 368, first amendment. | | 37-2580 | 1429 | | |
| Aug. 21 | 1937 second supplement to Dept. Circular No. 300. | | 37-2581 | 1428 | | |
| Sept. 8 | United States of America Treasury notes offering. | 1937 Dept. Circular No. 578. | 37-2697 | 1809 | | |
| Dec. 7 | United States of America 2½% Treasury bonds of 1945. | 1937 Dept. Circular No. 579. | 37-3526 | 2680 | | |
| Dec. 7 | United States of America 1¾% Treasury notes of Series C—1942. | 1937 Dept. Circular No. 580. | 37-3527 | 2680 | | |
| Dec. 9 | Sale of United States savings bonds, Series C. | 1937 Dept. Circular No. 571, 2nd Amdt. | 37-3560 | 2752 | 37-1321 | 804 |
| **Public Health Service** | | | | | | |
| Feb. 18 | Boarding of vessels by persons other than the quarantine officer, etc. | Amdt. No. 14 to quarantine regulations. | 37-477 | 335 | | |
| Apr. 2 | Bills of health and quarantine inspection of certain vessels. | Amdt. No. 15 to quarantine regulations. | 37-933 | 629 | 37-1349 | 816 |
| May 13 | Bills of health and quarantine inspection of certain vessels. | Amdt. No. 16 to quarantine regulations. | 37-1349 | 816 | 37-933 | 629 |
| July 7 | Allotments to states from funds appropriated under Social Security Act. | | 37-2049 | 1152 | | |
| **Treasurer of the United States** | | | | | | |
| Oct. 28 | Exchange of paper currency and coin. | 1937 Dept. Circular No. 55 revised. | 37-3147 | 2319 | 27 | 1-20 |
| **WAR DEPARTMENT** | | | | | | |
| Feb. 9 | Rules and regulations to govern the opening of drawbridges across Manasquan River, etc. | | 37-385 | 258 | | |
| Mar. 5 | Relief of unemployment, Civilian Conservation Corps, regulations amended. | Changes No. 63. | 37-641 | 499 | 37-2668 | 1797 |
| Mar. 20 | Emergency rules and regulations, navigation through the reach of the Atchafalaya River, etc. | | 37-784 | 552 | 37-2530 | 1397 |
| May 8 | Regulations, opening of the Washington Street highway bridge, etc., Norwalk, Conn. | | 37-1296 | 796 | | |
| June 8 | Regulations, erection and maintenance of duck blinds in Maryland and Virginia waters. | | 37-1659 | 978 | | |
| June 8 | Rules and regulations, anchorage grounds in New Bedford outer harbor, etc., Massachusetts. | | 37-1665 | 978 | | |
| June 15 | Rules and regulations for national rifle and pistol matches, 1937. | Bulletin No. 4. | 37-1764 | 1014 | | |
| June 26 | Regulations, opening of drawbridges across navigable streams flowing into Raritan Bay, etc. | | 37-1903 | 1096 | | |
| July 7 | Regulations concerning navigation of area between Portsmouth Harbor, N. H. and Isle of Shoals. | | 37-2050 | 1153 | | |
| July 27 | Navigation of San Joaquin River Deep Water Channel, Calif. | | 37-2341 | 1297 | | |



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| **WAR DEPARTMENT—Continued** | | | | | | |
| *1937* July 30 | Operation of drawbridge across Peckskill Creek, N. Y. | | 37-2406 | 1330 | | |
| Aug. 14 | Rules and regulations, navigation through the reach of the Atchafalaya River. | | 37-2530 | 1397 | 37-784 | 552 |
| Aug. 14 | Regulations, opening of drawbridges at New Haven, Conn. | | 37-2531 | 1398 | | |
| Sept. 2 | Regulations amended, relief of unemployment, Civilian Conservation Corps. | Changes No. 75. | 37-2668 | 1797 | 37-641 | 499 |
| Sept. 16 | Regulations to govern use, etc., of South River, Md. | | 37-2748 | 1849 | | |
| Oct. 2 | Rules, etc., governing operation of drawbridges, Los Angeles and Long Beach harbors, Calif. | | 37-2922 | 2075 | | |
| Oct. 6 | Modification of regulations governing use, etc., of Ohio and Mississippi Rivers above Cairo, Ill. | | 37-2953 | 2089 | | |
| Oct. 6 | Mississippi River and tributaries, drawbridge regulations, Illinois River; Pekin, Peoria and Joliet, Ill. | | 37-2954 | 2089 | | |
| Oct. 12 | Rules, etc., governing operation of bridge Umpqua River, Ore. | | 37-2988 | 2164 | | |
| Oct. 12 | Rules, etc., governing operation of bridge, Siuslaw River, Ore. | | 37-3000 | 2164 | | |
| Oct. 13 | Rules, etc., governing use, etc., of Bayou Teche, La. | | 37-3008 | 2173 | | |
| Oct. 26 | Anchorage grounds, San Francisco Bay, etc., regulations governing navigation. | | 37-3111 | 2262 | | |
| Oct. 30 | Drawbridge regulations, Mississippi River and tributaries, certain bridges in Illinois. | | 37-3175 | 2391 | | |
| Nov. 3 | Logging regulations, Mississippi River, between mouth of Chippewa River, Wisconsin, and head of West Newton Slough. | | 37-3210 | 2411 | | |
| Nov. 3 | Revocation of regulations for Monroe Harbor, Mich. | | 37-3211 | 2410 | | |
| Nov. 3 | Regulations governing entrance to Port Alexander, Alaska, during improvement operations. | | 37-3212 | 2410 | | |
| Nov. 3 | Revocation of regulations for St. Clair Flats ship canal, Mich. | | 37-3213 | 2410 | | |
| Nov. 6 | Regulations, operation of bridges over Santee and Congaree Rivers, S. C. | | 37-3236 | 2422 | | |
| Nov. 6 | Revocation, regulations for Pere Marquette bridge, Black River, Mich. | 2d, Indorsement. | 37-3237 | 2421 | | |
| Nov. 6 | Regulations, operation of bridge across Yazoo River, Miss. | | 37-3238 | 2422 | | |
| Nov. 20 | Drawbridge regulations, Kissimmee River, Seaboard Air Line Railway drawbridge, Fort Basenger, Fla. | | 37-3370 | 2519 | | |
| Nov. 24 | Revocation, rules, etc., governing operation of drawbridges crossing the St. Joe River, Idaho. | | 37-3410 | 2536 | | |
| Nov. 27 | Use, etc., of Cape Cod Canal, Mass., regulations. | | 37-3423 | 2542 | | |
| Dec. 18 | Revocation of rules governing floating of loose logs, etc., on Little River, Ark. and Mo. | | 37-3691 | 2850 | | |
| Dec. 24 | Regulations, use etc., of waters adjoining Hilton Head, etc., Islands, S. C. | | 37-3761 | 2959 | | |
| **POST OFFICE DEPARTMENT** | | | | | | |
| Jan. 15 | Prepayment of customs duty on merchandise for the Union of Soviet Socialist Republics. | | 37-148 | 72 | | |
| Mar. 23 | Purloining, stealing, injuring, etc., personal property of the U. S. | | 37-807 | 562 | | |
| Apr. 1 | Indemnity not ordinarily payable on account of damage to neon signs. | | 37-923 | 622 | | |
| **POST OFFICE DEPARTMENT—Continued** | | | | | | |
| *1937* Apr. 20 | Montana State plant quarantines, cherry fruit fly and black locust borer. | | 37-1148 | 713 | | |
| Apr. 20 | Mississippi State plant quarantine sweet potato weevil. | | 37-1149 | 712 | | |
| Apr. 20 | California State plant quarantine. | | 37-1150 | 711 | | |
| May 7 | Pension letters, delivery | | 37-1285 | 792 | | |
| May 7 | Intoxicating liquor in the mails from abroad. | | 37-1286 | 792 | | |
| May 18 | Postage stamps not to be covered with mucilage or paste. | | 37-1414 | 835 | | |
| May 18 | Adjusted Service Bonds, one year's interest payable beginning June 15, 1937. | | 37-1415 | 835 | | |
| June 2 | Special packing requirements for certain international parcel-post packages. | | 37-1580 | 927 | | |
| June 4 | Letters attached to parcels | | 37-1632 | 953 | | |
| June 19 | Classification of bills of account, etc., produced by photographic or mechanical process. | Order No. 10459. | 37-1839 | 1054 | | |
| June 22 | Letters or samples of merchandise for China. | | 37-1852 | 1057 | | |
| June 22 | Customs duty on postage stamps for Newfoundland. | | 37-1853 | 1057 | | |
| July 13 | Continuation of 3-cent postage. | Order No. 10576. | 37-2130 | 1188 | | |
| July 17 | Regulations, shipment of valuables under Government Losses in Shipment Act. | P. O. Dept. Reg. 1. | 37-2202 | 1233 | | |
| Oct. 1 | Withdrawal of postal savings deposits by mail. | Order No. 10744. | 37-2912 | 2066 | | |
| Oct. 1 | Withdrawal of postal savings deposits. | Order No. 10745. | 37-2913 | 2066 | | |
| Oct. 5 | Publication forwarded to new address, notification to sender. | | 37-2943 | 2081 | | |
| Dec. 28 | Correction of mailing lists, postal laws amendment. | | 37-3782 | 2962 | | |
| **NAVY DEPARTMENT** | | | | | | |
| July 24 | Photographs of Naval subjects. | | 37-2303 | 1285 | | |
| **INTERIOR DEPARTMENT** | | | | | | |
| **Bureau of Reclamation** | | | | | | |
| Feb. 10 | Lower Yellowstone irrigation project, Mont.-N. Dak. | Public Notice No. 19. | 37-399 | 271 | | |
| Mar. 9 | Annual water charges, Boise irrigation project, Idaho-Oregon. | No. 24 | 37-673 | 507 | | |
| Mar. 18 | Public notice of annual operation and maintenance charges, Sunnyside Division, Yakima project, Wash. | No. 36 | 37-755 | 541 | | |
| Mar. 23 | Annual water charges, Yuma irrigation project, Ariz.-Calif. | No. 47 | 37-804 | 562 | | |
| Mar. 26 | Annual water rental charges, Owyhee project, Oregon-Idaho. | No. 5 | 37-853 | 585 | | |
| Apr. 6 | Annual water charges, Klamath irrigation project. | No. 34 | 37-974 | 646 | | |
| Apr. 10 | Owyhee irrigation project, Oregon-Idaho, public lands opened to entry, etc. | No. 6 | 37-1039 | 674 | | |
| May 11 | Annual water charges, Milk River irrigation project, Mont. | No. 6 | 37-1324 | 804 | | |
| Sept. 4 | Colorado grazing district No. 2 partially revoked, reclamation withdrawal, Big Thompson project. | | 37-2682 | 1802 | | |
| Sept. 8 | First form reclamation withdrawal Colorado-Big Thompson project. | | 37-2686 | 1810 | | |
| Sept. 9 | Notice of annual water charges, Riverton irrigation project. | No. 17 | 37-2702 | 1813 | 2780 | 1-1543 |
| Sept. 30 | Order opening public lands to entry, Klamath irrigation project, Tule Lake Division. | | 37-2900 | 2011 | | |

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| **Bureau of Reclamation—Continued** | | | | | | |
| *1937* | | | | | | |
| Sept. 30 | Reclamation withdrawal, Central Valley project, Calif. | | 37-2901 | 2010 | | |
| Oct. 2 | First form reclamation withdrawal, Boise project, Idaho. | | 37-2923 | 2075 | | |
| Oct. 2 | First form reclamation withdrawal, Colorado-Big Thompson project, Colo. | | 37-2924 | 2076 | | |
| Oct. 5 | Public notice of annual water charges, Orland irrigation project, Calif. | | 37-2937 | 2081 | | |
| Oct. 14 | Reclamation withdrawal for Colorado-Big Thompson project. | | 37-3014 | 2179 | | |
| Nov. 9 | Reclamation withdrawal, Central Valley project, Calif. | | 37-3253 | 2425 | | |
| Nov. 19 | First form reclamation withdrawal, Boise project, Idaho. | | 37-3356 | 2502 | | |
| Nov. 20 | Public notice (private land only) Yuma irrigation project, Arizona Valley division. | | 37-3372 | 2519 | | |
| Nov. 30 | First form reclamation withdrawal, Central Valley project, Calif. | | 37-3440 | 2549 | | |
| Dec. 11 | Public notice of annual water charges, Orland Irrigation project, Calif. | | 37-3592 | 2765 | | |
| Dec. 14 | First form withdrawal, Buffalo Rapids project, Mont. | | 37-3629 | 2787 | | |
| Dec. 14 | First form reclamation withdrawal, Colorado River storage project. | | 37-3630 | 2787 | | |
| **Division of Grazing** | | | | | | |
| Jan. 8 | Modification of California grazing district No. 2. | | 37-62 | 36 | 37-456 | 325 |
| Jan. 14 | Modification of New Mexico grazing district No. 3. | | 37-117 | 65 | | |
| Jan. 14 | Modification of Colorado grazing district No. 3. | | 37-118 | 65 | | |
| Jan. 22 | Modification of New Mexico grazing district No. 4. | | 37-192 | 111 | | |
| Jan. 26 | Modification of Oregon grazing district No. 2. | | 37-219 | 134 | | |
| Jan. 26 | Modification of Idaho grazing district No. 1. | | 37-224 | 134 | | |
| Jan. 26 | Modification of Montana grazing district No. 3. | | 37-225 | 134 | | |
| Jan. 26 | Modification of Nevada grazing district No. 2. | | 37-226 | 134 | | |
| Jan. 26 | Modification of Wyoming grazing district No. 1. | | 37-227 | 134 | | |
| Jan. 26 | Modification of Montana grazing district No. 2. | | 37-228 | 134 | | |
| Jan. 30 | Modification of Montana grazing district No. 1. | | 37-303 | 216 | | |
| Feb. 2 | Withdrawal of proposed Taos grazing district vacated, N. M. | | 37-324 | 225 | | |
| Feb. 6 | Rules for administration of grazing districts amended. | | 37-371 | 241 | 1324<br>37-1143<br>37-1144<br>37-1145<br>37-1200<br>37-1210<br>37-1430<br>37-1555 | 1-843<br>713<br>713<br>713<br>750<br>752<br>848<br>918 |
| Feb. 16 | Modification of California grazing district No. 2 and Oregon grazing district No. 2. | | 37-456 | 325 | 37-62 | 36 |
| Feb. 27 | Modification of New Mexico grazing district No. 2. | | 37-589 | 401 | | |
| Mar. 3 | Grazing district notice, Arizona, Yavapai County. | | 37-609 | 462 | 37-2787 | 1870 |
| Mar. 3 | Modification of California grazing district No. 1. | | 37-610 | 463 | | |
| Mar. 9 | Protection and administration of game ranges or wildlife refuges. | | 37-672 | 507 | 704 | 1-427 |
| Mar. 9 | Modification of Montana grazing district No. 5. | | 37-674 | 509 | | |
| Mar. 18 | Modification of Montana grazing district No. 1. | | 37-757 | 541 | | |
| Mar. 25 | Modification of Montana grazing districts Nos. 2 and 3. | | 37-828 | 579 | | |
| Apr. 20 | Modification of New Mexico grazing district No. 5. | | 37-1142 | 714 | | |
| Apr. 20 | Special rule for Colorado grazing district No. 3. | | 37-1143 | 713 | 37-371 | 241 |
| Apr. 20 | Special rule for Colorado grazing district No. 4. | | 37-1144 | 713 | 37-371 | 241 |
| Apr. 20 | Special rule for Colorado grazing district No. 6. | | 37-1145 | 713 | 37-371 | 241 |
| Apr. 20 | Withdrawal for proposed Colorado grazing district No. 5 vacated in part. | | 37-1146 | 714 | 3490 | 1-2023 |
| Apr. 27 | Special rule for Idaho grazing district No. 1. | | 37-1200 | 750 | 37-371 | 241 |
| Apr. 28 | Special rule for Colorado grazing district No. 1. | | 37-1210 | 752 | 37-371 | 241 |
| May 19 | Rules for applications, hearings, and appeals; administration rules amended. | | 37-1430 | 848 | 37-371 | 241 |
| May 26 | Modification of Montana grazing district No. 5. | | 37-1519 | 901 | | |
| May 28 | Amendment of rules for administration of grazing districts. | | 37-1555 | 918 | 37-371 | 241 |
| June 8 | Modification of Colorado grazing district No. 3. | | 37-1658 | 978 | | |
| June 29 | Withdrawal for proposed Montana grazing district No. 5 vacated in part. | | 37-1932 | 1107 | 3275 | 1-1747 |
| July 8 | Modification of Idaho grazing district No. 1. | | 37-2074 | 1162 | 37-1981 | 1130 |
| July 28 | Modification of Utah grazing district No. 2. | | 37-2373 | 1319 | | |
| Aug. 5 | Modification, Arizona grazing district No. 4. | | 37-2460 | 1369 | 3997 | 1-2252 |
| Aug. 14 | Modification, Wyoming grazing district No. 1. | | 37-2532 | 1399 | 3293 | 1-1760 |
| Aug. 14 | Modification, Utah grazing district No. 5. | | 37-2533 | 1399 | 1882 | 1-1206 |
| Aug. 14 | Modification, Idaho grazing district No. 1. | | 37-2534 | 1398 | | |
| Aug. 17 | Modification, Colorado grazing district No. 2. | | 37-2553 | 1406 | | |
| Aug. 21 | Modification, Montana grazing district No. 5. | | 37-2582 | 1429 | 3275 | 1-1747 |
| Aug. 21 | Modification, Wyoming grazing district No. 1. | | 37-2583 | 1429 | | |
| Sept. 11 | Modification, Wyoming grazing district No. 1. | | 37-2716 | 1827 | | |
| Sept. 21 | Withdrawal vacated, Yavapai County, Ariz. | | 37-2787 | 1870 | 37-509 | 462 |
| Sept. 29 | Modification, New Mexico grazing district No. 6. | | 37-2816 | 1965 | | |
| Sept. 29 | Modification, Idaho grazing district No. 2. | | 37-2888 | 1965 | 3269<br>37-3578 | 1-1743<br>2760 |
| Sept. 29 | Modification, Idaho grazing district No. 3. | | 37-2889 | 1965 | 3270<br>37-3578 | 1-1745<br>2760 |
| Oct. 9 | Modification, Montana grazing district No. 4. | | 37-2981 | 2108 | | |
| Oct. 26 | Grazing district notice of hearing, Ariz. | | 37-3109 | 2268 | | |
| Nov. 2 | Modification, New Mexico grazing district No. 6. | | 37-3191 | 2405 | | |
| Nov. 9 | Modification, Arizona grazing district No. 2. | | 37-3250 | 2425 | | |
| Nov. 9 | Withdrawal of proposed Milk River grazing district, vacated, Mont. | | 37-3251 | 2426 | | |
| Nov. 18 | Grazing district notice, Nevada. | | 37-3345 | 2490 | | |
| Dec. 1 | Grazing district notice, Nev. | | 37-3458 | 2556 | | |
| Dec. 10 | Modification, Idaho grazing district Nos. 2 and 3. | | 37-3578 | 2760 | 37-2888<br>37-2889 | 1965<br>1965 |
| Dec. 21 | Modification, Idaho grazing district No. 2. | | 37-3699 | 2872 | | |
| **Division of Territories and Island Possessions** | | | | | | |
| Jan. 13 | Alaska Railroad, annual passes for 1937. | General Circular No. 372. | 37-101 | 56 | | |
| Mar. 6 | Alaska Railroad, passenger train service. | Bulletin No. 995. | 37-648 | 501 | 37-802 | 563 |
| Mar. 6 | Alaska Railroad, local freight train service. | Bulletin No. 996. | 37-649 | 502 | 37-803 | 563 |
| Mar. 16 | Alaska Railroad, local passenger tariff No. 195. | I. C. C. No. 230. | 37-724 | 532 | | |
| Mar. 20 | Alaska Railroad, Tanana and Yukon River service, schedules. | Passenger Circular No. 127-G; Freight Circular 69-G. | 37-780 | 552 | | |



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| *1937* | | | | | | |
| Mar 23 | Alaska Railroad, passenger train service. | Passenger Circular No. 154-A. | 37-802 | 563 | 37-648 | 501 |
| Mar. 23 | Alaska Railroad, local freight train service. | Freight Circular No. 84-E. | 37-803 | 563 | 37-649 | 502 |
| Apr. 20 | Alaska Railroad, joint freight tariff No. 5-D. | I. C. C. No. 121. | 37-1151 | 714 | 37-1664 | 979 |
| May 8 | Alaska Railroad, appointment of railroad surgeon at Seward. | General Circular No. 379. | 37-1209 | 797 | | |
| May 8 | Alaska Railroad, class and commodity rates. | Division Sheet No. 1. | 37-1300 | 797 | | |
| May 13 | Alaska Railroad, joint freight tariff No. 36-C, commodity rates. | I. C. C. No. 122. | 37-1350 | 817 | | |
| May 13 | Alaska Railroad, local freight tariff No. 8-R, commodity rates on petroleum, etc. | I. C. C. No. 123. | 37-1351 | 818 | | |
| May 20 | Alaska Railroad, rates on coal from certain points. | I. C. C. No. 124. | 37-1445 | 855 | 37-1446<br>37-1660 | 857<br>950 |
| May 20 | Alaska Railroad, rates on coal from certain points. | I. C. C. No. 126. | 37-1446 | 857 | 37-1445 | 855 |
| June 2 | Alaska Railroad, charges for wharfage, etc. | Supp. No. 3 to I. C. C. No. 80. | 37-1584 | 927 | | |
| June 2 | Alaska Railroad, charges for handling, loading, etc. | I. C. C. No. 129. | 37-1585 | 927 | | |
| June 3 | Alaska Railroad, commodity rates on fuel oil. | I. C. C. No. 125. | 37-1599 | 951 | | |
| June 3 | Alaska Railroad, rates on coal from certain points. | I. C. C. No. 127. | 37-1600 | 950 | 37-1445 | 855 |
| June 3 | Alaska Railroad, hospital rate for children. | | 37-1601 | 951 | | |
| June 8 | Alaska Railroad, joint freight tariff, class and commodity rates. | I. C. C. No. 128; Joint freight tariff No. 5-E. | 37-1663 | 979 | 37-2640<br>37-3373 | 1775<br>2520 |
| June 8 | Alaska Railroad, freight and passenger series, etc. | I. C. C. No. 130 and No. 232. | 37-1664 | 979 | 37-1151 | 714 |
| June 15 | Alaska Railroad, local passenger fares. | I. C. C. No. 233. | 37-1757 | 1022 | 37-1934 | 1108 |
| June 22 | Alaska Railroad, time table No. 29 made effective. | Bulletin No. 1004. | 37-1851 | 1057 | | |
| June 29 | Alaska Railroad, time tables corrected. | Passenger Circular No. 154-C. | 37-1933 | 1108 | | |
| June 29 | Alaska Railroad, local passenger fares. | Supp. No. 1 to I. C. C. No. 233. | 37-1934 | 1108 | 37-1757 | 1022 |
| June 29 | Alaska Railroad, local freight service. | Freight Circular No. 84-G. | 37-1935 | 1108 | | |
| July 20 | Steamer rates | Passenger Circular No. 92-F. | 37-2228 | 1242 | | |
| July 20 | Exhibits of Tanana Valley Fair. | Passenger Circular No. 125-F. | 37-2229 | 1243 | | |
| July 20 | Local passenger tariff No. 183-B. | I. C. C. No. 235. | 37-2231 | 1242 | | |
| July 28 | Local tariffs | I. C. C. No. 131. | 37-2374 | 1319 | | |
| Aug. 28 | Alaska Railroad, round trip special fares, etc., local passenger tariff No. 189-B. | I. C. C. No. 237. | 37-2639 | 1774 | | |
| Aug. 28 | Alaska Railroad, freight tariffs. | Supp. No. 1 to joint freight tariff No. 5-E. | 37-2640 | 1775 | 37-1663 | 979 |
| Aug. 28 | Alaska Railroad, freight rates, live stock. | Freight Circular No. 85-C. | 37-2641 | 1775 | | |
| Aug. 28 | Alaska Railroad, instructions for checking baggage, etc. | Passenger Circular No. 140-C. | 37-2642 | 1775 | 1030 | 1-685 |
| Sept. 11 | Alaska Railroad, passenger train service. | Passenger Circular No. 154-C. | 37-2717 | 1826 | | |
| Sept. 11 | Alaska Railroad, round trip excursion fares, local passenger tariff No. 194-B. | I. C. C. No. 239. | 37-2721 | 1827 | | |
| Sept. 11 | Passenger trains discontinued, Alaska Railroad. | Passenger Circular No. 153-B. | 37-2722 | 1828 | | |
| Oct. 26 | Charges assessed, operation of motor cars in passenger service, Alaska. | Passenger Circular No. 114-C. | 37-3100 | 2269 | | |
| Nov. 2 | Alaska Railroad, commodity rates from Seattle and Tacoma, Washington to Anchorage, Alaska. | Supp. No. 1 to joint freight tariff No. 36-C. | 37-3197 | 2405 | | |
| Nov. 20 | The Alaska Railroad | Supp. No. 2 to joint tariff No. 5-E. | 37-3373 | 2520 | 37-1663 | 979 |
| **General Land Office** | | | | | | |
| Jan. 6 | Regulations governing mining. | Circular No. 1415. | 37-31 | 19 | | |
| Jan. 6 | Stock driveway withdrawals adjusted, Wyo. | | 37-32 | 20 | | |
| Jan. 23 | Stock driveway withdrawals reduced and revoked, Wyo. | | 37-207 | 125 | | |
| Jan. 28 | Stock driveway withdrawal No. 249, California No. 18. | | 37-274 | 168 | | |
| Jan. 30 | Stock driveway revocation order amended. | | 37-302 | 216 | 3582 | 1-2054 |
| Feb. 2 | Certain stock driveway withdrawals, Nos. 156, etc. | | 37-249 | 226 | 37-1141<br>37-2990 | 717<br>2167 |
| Feb. 3 | Air navigation site withdrawal No. 108, Mont. | | 37-334 | 230 | 3275 | 1-1747 |
| Feb. 11 | Stock driveway withdrawal No. 128, Wyoming No. 13, enlarged. | | 37-417 | 286 | | |
| Mar. 10 | Stock driveway withdrawal No. 69, Nevada No. 15, reduced. | | 37-682 | 516 | | |
| Mar. 18 | Air navigation site withdrawal No. 109, Mont. | | 37-756 | 541 | | |
| Mar. 26 | Stock driveway withdrawals Nos. 9 and 52, reduced, N. M. | | 37-854 | 586 | | |
| Mar. 26 | Air navigation site withdrawal No. 3, reduced, Nevada. | | 37-855 | 586 | | |
| Mar. 31 | Stock driveway withdrawal No. 250, California No. 19. | | 37-906 | 613 | | |
| Apr. 6 | Boundaries adjusted in Rio Grande National Forest. | | 37-973 | 647 | | |
| Apr. 20 | Stock driveway withdrawal No. 209, Oregon No. 25, enlarged. | | 37-1141 | 717 | 37-249 | 226 |
| May 4 | Stock driveway withdrawal No. 9 reduced, N. M. | | 37-1247 | 771 | | |
| May 18 | Regulations, leasing of public lands, exclusive of Alaska, for grazing of livestock. | Circular No. 1401 Revised. | 37-1400 | 836 | 1599 | 1-1000 |
| May 18 | New Mexico, stock driveway withdrawals Nos. 9 and 47 reduced. | | 37-1401 | 839 | | |
| June 2 | Amendment of regulations governing exchange of State lands. | Circular No. 1428. | 37-1583 | 929 | 1525 | 1-927 |
| June 16 | Stock driveway withdrawal No. 251, California No. 20. | | 37-1788 | 1033 | | |
| July 8 | Instructions for selection of lands in California. | | 37-2075 | 1162 | | |
| July 8 | Regulations for filing of applications for entry, selection or location. | Circular No. 1353 Revised. | 37-2076 | 1164 | 3207 | 1-1712 |
| July 21 | Air navigation site withdrawal No. 110, Mont. | | 37-2261 | 1253 | | |
| July 27 | Supplemental regulations, oil and gas leases, Alaska. | Circular No. 1431. | 37-2340 | 1296 | | |
| Aug. 3 | Suspending annual assessment work on mining claims. | Circular No. 1434. | 37-2437 | 1361 | | |
| Aug. 7 | Stock driveway withdrawal No. 127, Utah No. 6, reduced. | | 37-2474 | 1374 | 37-2471 | 1371 |
| Aug. 7 | Recreational withdrawal No. 32, reduced. | | 37-2475 | 1374 | 37-2471 | 1371 |
| Aug. 10 | Notice of offer of lands for grazing lease. | | 37-2489 | 1380 | | |
| Sept. 18 | Air navigation site withdrawal No. 111, Calif. | | 37-2775 | 1866 | | |

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| **INTERIOR DEPARTMENT—Continued** | | | | | | |
| **General Land Office—Continued** | | | | | | |
| *1937* Sept. 25 | Addition of certain lands to the Columbia National Forest, Wash., instructions. | | 37-2825 | 1942 | | |
| Oct. 2 | Regulations governing exchanges of state lands, amendment. | | 37-2925 | 2076 | | |
| Oct. 12 | Instructions; selection of lands in Calif. for use of Calif. state park system. | | 37-2989 | 2166 | | |
| Oct. 12 | Stock driveway withdrawals Nos. 156, 209, 238; Oregon Nos. 14, 26, 36, modified. | | 37-2990 | 2167 | 37-249 | 226 |
| Oct. 12 | Revised instructions; exchange of lands granted to Calif. for lands in private ownership. | | 37-2991 | 2165 | 1524 | 1-926 |
| Oct. 20 | Air navigation site withdrawal No. 112, California. | | 37-3067 | 2243 | | |
| Oct. 26 | Stock driveway withdrawals reduced, Idaho. | | 37-3110 | 2269 | | |
| Nov. 2 | Stock driveway withdrawals reduced, California. | | 37-3192 | 2405 | | |
| Nov. 2 | Stock driveway withdrawal No. 3, Wyoming No. 1, reduced. | | 37-3193 | 2405 | | |
| Nov. 2 | Stock driveway withdrawal No. 137, Montana No. 5, revoked. | | 37-3194 | 2405 | | |
| Nov. 9 | Stock driveway withdrawal No. 11, Montana No. 1, enlarged. | | 37-3252 | 2426 | | |
| Nov. 9 | Stock driveway withdrawal No. 64, New Mexico No. 11, reduced. | | 37-3254 | 2426 | | |
| Nov. 11 | Stock driveway withdrawal No. 9, New Mexico No. 3, reduced. | | 37-3275 | 2442 | | |
| Nov. 16 | Issuance of patents to states under exchange provisions subject to prior leases. | Circular No. 1438. | 37-3313 | 2469 | | |
| Nov. 20 | Stock driveway withdrawal No. 56, Arizona No. 2, reduced. | | 37-3371 | 2520 | | |
| Nov. 30 | Locating, etc., mining claims in the Papago Indian Reservation. | | 37-3441 | 2549 | | |
| Dec. 14 | Stock driveway withdrawal No. 11, Montana No. 1, enlarged. | | 37-3632 | 2788 | | |
| Dec. 14 | Air navigation site withdrawal No. 114, Wyoming. | | 37-3631 | 2788 | | |
| Dec. 23 | Stock driveway withdrawals Nos. 4 to 52 revoked, Nos. 7 and 9 reduced, New Mexico. | | 37-3744 | 2942 | | |
| **National Bituminous Coal Commission** | | | | | | |
| May 25 | Promulgation of form of acceptance for membership in the Bituminous Coal Code. | | 37-1505 | 880 | | |
| May 25 | Notice of intention to promulgate the Bituminous Coal Code. | | 37-1506 | 875 | | |
| May 28 | Providing for the organization of district boards. | Order No. 1. | 37-1569 | 918 | | |
| June 22 | Order for hearing, bituminous coal in intrastate commerce affecting interstate. | Order No. 2. | 37-1855 | 1058 | | |
| June 22 | Extending time for producers in the Territory of Alaska to file acceptances of Bituminous Coal Code. | Order No. 3. | 37-1856 | 1058 | | |
| June 22 | Promulgating the Bituminous Coal Code. | Order No. 4. | 37-1857 | 1059 | | |
| June 22 | Designating the employees' member of the respective district boards. | Order No. 5. | 37-1859 | 1063 | | |
| June 23 | Provisional approval of marketing agencies and reports required. | Order No. 6. | 37-1873 | | | |
| June 23 | Rule for qualification of members and employees of district boards. | Order No. 7. | 37-1874 | 1079 | | |
| June 26 | District board directed to propose standards of coal classification. | Order No. 8. | 37-1911 | 1097 | 37-2026 | 1142 |
| June 26 | Order for hearing to determine persons referred to as "distributors," etc. | Order No. 9. | 37-1926 | 1098 | 37-2161<br>37-2523 | 1216<br>1393 |
| June 29 | Assessments by district boards on code members and submission of budgets. | Order No. 10. | 37-1943 | 1109 | 37-2524 | 1393 |
| June 30 | Rules of practice and procedure before the Commission. | | 37-1969 | 1121 | | |
| July 3 | Extending time to file standards of classification of coal, etc. | Order No. 11. | 37-2026 | 1142 | 37-1911 | 1097 |
| July 15 | Hearing continued | Order No. 12. | 37-2161 | 1216 | 37-1926<br>37-2523<br>37-2524 | 1098<br>1393<br>1393 |
| July 16 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Ohio. | Order No. 13. | 37-2177 | 1221 | 37-2371<br>37-2372<br>37-3347 | 1319<br>1320<br>2490 |
| July 17 | Filing copies of certain contracts and spot orders. | Order No. 14. | 37-2216 | 1233 | | |
| July 17 | Requiring reports under Sec. 10 (a). | Order No. 15. | 37-2217 | 1234 | | |
| July 20 | Order for hearing, Appalachian Coals, Inc. | Order No. 16. | 37-2233 | 1243 | 37-2877<br>36-3689 | 1951<br>2846 |
| July 20 | Order for hearing, Alabama Coals, Inc. | Order No. 17. | 37-2234 | 1243 | 37-2876<br>37-3688 | 1951<br>2846 |
| July 20 | Order for hearing, Smokeless Coal Corp. | Order No. 18. | 37-2225 | 1243 | 37-2878<br>37-3690 | 1952<br>2846 |
| July 20 | Order for hearing, Iowa Coals, Inc. | Order No. 19. | 37-2236 | 1244 | | |
| July 20 | Order for hearing, J. H. Weaver & Co. | Order No. 20. | 37-2237 | 1244 | | |
| July 20 | Order for hearing, Raleigh Smokeless Fuel Company. | Order No. 21. | 37-2238 | 1244 | 37-2879 | 1952 |
| July 20 | Order for hearing, Peale, Peacock, and Kerr, Inc. | Order No. 22. | 37-2239 | 1244 | 37-2880 | 1952 |
| July 20 | Order for hearing, Rochester and Pittsburgh Coal Company. | Order No. 23. | 37-2240 | 1245 | 37-2881 | 1953 |
| July 20 | Order for hearing, Minter Fuel Company. | Order No. 24. | 37-2241 | 1245 | 37-2882 | 1953 |
| July 20 | Order for hearing, Progressive Miners of America v. R. Edmundson et al. | Docket No. 1-F. D. | 37-2242 | 1245 | 37-3010 | 2176 |
| July 23 | Directing submission of proposed rules governing sale, etc., of coal; notice of hearing, etc. | Order No. 25. | 37-2298 | 1272 | 37-2522 | 1392 |
| July 24 | Order for hearing, extent of intrastate commerce in bituminous coal and effect on interstate, Iowa. | Order No. 26. | 37-2310 | 1288 | 37-3706 | 2872 |
| July 28 | Authority of examiner at hearings, held at Columbus, Ohio. | Order No. 13-A. | 37-2371 | 1319 | 37-2177 | 1221 |
| July 28 | Modification of orders Nos. 2 and 13. | Order No. 27. | 37-2372 | 1320 | 37-1855<br>37-2177 | 1068<br>1221 |
| July 29 | Providing for the determination of the character of any coal; issuance of certificates of exemption, etc. | Order No. 28. | 37-2393 | 1325 | | |
| July 31 | Reports from producers of cost and realization data. | Order No. 29. | 37-2432 | 1347 | | |
| Aug. 3 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Indiana. | Order No. 30. | 37-2445 | 1362 | 37-3750 | 2944 |
| Aug. 13 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Illinois. | Order No. 31. | 37-2521 | 1392 | 37-3749 | 2945 |
| Aug. 13 | Order for hearing, Denver, Colo. modifying Order No. 25. | Order No. 32. | 37-2522 | 1392 | 37-2298 | 1272 |
| Aug. 13 | Order for supplemental hearing, Denver, Colo. | Order No. 33. | 37-2523 | 1393 | 37-1926<br>37-2161 | 1068<br>1216 |
| Aug. 13 | Order for supplemental hearing, Kansas City, Missouri. | Order No. 34. | 37-2524 | 1393 | 37-1926<br>37-2161 | 1068<br>1216 |
| Aug. 14 | Order for hearing, concerning coal and the producers thereof in North and South Dakota. | Order No. 35. | 37-2536 | 1399 | 37-2607 | 1560 |
| Aug. 18 | Order for hearing, extent of intrastate commerce in bituminous coal and effect on interstate, Maryland. | Order No. 36. | 37-2561 | 1410 | 37-3747 | 2945 |



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| *1937* Aug. 18 | Order for hearing, extent of intrastate commerce in bituminous coal and effect on interstate, Pennsylvania. | Order No. 37. | 37-2562 | 1411 | 37-3781 | 2963 |
| Aug. 18 | Approving standards of classification of coals, methods of application, etc. | Order No. 38. | 37-2563 | 1411 | 37-2738 | 1833 |
| Aug. 19 | Concerning proposal of minimum prices, areas No. 1 and No. 2 and order for hearing. | Order No. 39. | 37-2569 | 1413 | | |
| Aug. 25 | Order for hearing, concerning coal and the producers thereof North and South Dakota. | Order No. 35 as corrected. | 37-2607 | 1560 | 37-2536 | 1399 |
| Aug. 28 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Kentucky. | Order No. 40. | 37-2648 | 1776 | 37-3727 | 2939 |
| Sept. 14 | Order to show cause for failure to comply with Order No. 39. | Order No. 41. | 37-2728 | 1832 | | |
| Sept. 14 | To propose minimum prices for coal produced by code members in certain areas. | Order No. 42. | 37-2737 | 1832 | | |
| Sept. 14 | Modifying and amending Order No. 38. | Order No. 43. | 37-2738 | 1833 | 37-2563 | 1411 |
| Sept. 16 | Limiting the term of contracts, etc., code members. | Order No. 44. | 37-2757 | 1849 | | |
| Sept. 17 | Order for hearing, division of price area No. 2, etc. | Order No. 45. | 37-2769 | 1863 | | |
| Sept. 24 | Order to convene, district boards in areas No. 1 and No. 2. | Order No. 46. | 37-2822 | 1942 | | |
| Sept. 28 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Tennessee. | Order No. 47. | 37-2869 | 1947 | | |
| Sept. 28 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Tennessee. | Order No. 52. | 37-2870 | 1950 | | |
| Sept. 28 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Alabama. | Order No. 51. | 37-2871 | 1949 | | |
| Sept. 28 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Michigan. | Order No. 48. | 37-2872 | 1948 | | |
| Sept. 28 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, North Carolina. | Order No. 49. | 37-2873 | 1948 | | |
| Sept. 28 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, West Virginia. | Order No. 50. | 37-2874 | 1949 | | |
| Sept. 28 | Order for hearing, extent of intrastate commerce in bituminous coal, and effect on interstate, Virginia. | Order No. 53. | 37-2875 | 1950 | | |
| Sept. 28 | Order for hearing, determination of status of coals produced in Arkansas, etc. | | | | | |
| Sept. 28 | Order, provisional approval as marketing agency, Alabama Coals, Inc. | Docket No. 2-F. D. | 37-2876 | 1951 | 37-2234 | 1243 |
| Sept. 28 | Order, provisional approval as marketing agency, Appalachian Coals, Inc. | Docket No. 3-F. D. | 37-2877 | 1951 | 37-2233 | 1243 |
| Sept. 28 | Order, provisional approval as marketing agency, Smokeless Coal Corp. | Docket No. 4-F. D. | 37-2878 | 1952 | 37-2235 | 1243 |
| Sept. 28 | Order, dismissing application, Raleigh Smokeless Fuel Co. | Docket No. 6-F. D. | 37-2879 | 1952 | 37-2238 | 1244 |
| Sept. 28 | Order, dismissing application, Peale, Peacock and Kerr, Inc. | Docket No. 8-F. D. | 37-2880 | 1952 | 37-2239 | 1244 |
| Sept. 28 | Order, dismissing application Rochester and Pittsburgh Coal Company. | Docket No. 9-F. D. | 37-2881 | 1953 | 37-2240 | 1245 |
| Sept. 28 | Order, dismissing application, Minter Fuel Company. | Docket No. 10-F. D. | 37-2882 | 1953 | 37-2241 | 1245 |
| Oct. 2 | Requiring district board No. 15 to convene, in Washington, D. C. | Order No. 54. | 37-2927 | 2077 | | |
| Oct. 5 | District boards in areas No. 1 and No. 2 to determine weighted average costs of tonnage. | Order No. 55. | 37-2938 | 2081 | | |
| Oct. 13 | Order for reopening of hearing, **Progressive Miners of America v. R. Edmundson et al.** | Docket No. 1-F. D. | 37-3010 | 2176 | 37-2242 | 1245 |
| Oct. 16 | District boards, weighted average costs of ascertainable tonnage, etc. | Order No. 56. | 37-3037 | 2214 | | |
| Oct. 16 | Order for hearing, classification of coals, etc., District No. 10. | Order No. 57. | 37-3038 | 2214 | | |
| Oct. 22 | Order for hearing, to classify coals of all code members in District No. 10. | Order No. 58. | 37-3084 | 2248 | | |
| Oct. 22 | Requiring board for District No. 10 to deliver data pertaining to classification of coals. | Order No. 59. | 37-3085 | 2249 | | |
| Oct. 26 | Declaring Districts 1-8, inclusive, have failed to take action under order No. 39; and providing for Commission action. | Order No. 60. | 37-3103 | 2270 | | |
| Oct. 30 | Findings of fact, etc., Wheeling Steel Corp. | D53-F. D. | 37-3154 | 2393 | | |
| Oct. 30 | Findings of fact, etc., Consumers Mining Co. | D30-F. D. | 37-3155 | 2395 | | |
| Oct. 30 | Findings of fact, etc., Emperor Coal Co. | D31-F. D. | 37-3156 | 2394 | | |
| Oct. 30 | Contracts for sale of coal to governmental agencies; ruling. | | 37-3157 | 2396 | | |
| Oct. 30 | Applications of Wheeling Steel Corp., et al., for exemption from provisions of sec. 4 of Act. | D53-F. D.; D31-F. D.; D30-F. D. | 37-3158 | 2392 | | |
| Nov. 4 | Order for hearing, determination of status of coals produced in Texas, etc. | Order No. 61. | 37-3223 | 2415 | | |
| Nov. 13 | Determining weighted average of total costs of tonnage, area No. 1. | Order No. 62. | 37-3308 | 2466 | | |
| Nov. 13 | Determining weighted average of total costs of tonnage, area No. 2. | Order No. 63. | 37-3309 | 2467 | | |
| Nov. 16 | Order for hearing, extent of intrastate commerce in bituminous coal and effect on interstate, Missouri. | Order No. 64. | 37-3322 | 2469 | | |
| Nov. 16 | Determining weighted average, total cost of tonnage, area No. 3. | Order No. 65. | 37-3323 | 2470 | | |
| Nov. 16 | Determining weighted average, total cost of tonnage. area No. 4. | Order No. 66. | 37-3324 | 2470 | | |
| Nov. 16 | Determining weighted average, total cost of tonnage, area No. 5. | Order No. 67. | 37-3325 | 2470 | | |
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| Nov. 16 | Determining weighted average, total cost of tonnage, area No. 9. | Order No. 70. | 37-3328 | 2471 | | |
| Nov. 16 | Determining weighted average, total cost of tonnage, area No. 10. | Order No. 71. | 37-3329 | 2471 | | |
| Nov. 18 | Investigation of extent of intrastate commerce in bituminous coal and effect on interstate, Ohio. | Docket No. 18-F. D. | 37-3347 | 2490 | 37-2177 | 1221 |
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| Nov. 27 | Determining, etc., classifications of coals in District No. 1. | Order No. 73. | 37-3425 | 2542 | 37-3659 | 2811 |
| Nov. 27 | Determining, etc., classification of coals in District No. 2. | Order No. 74. | 37-3426 | 2543 | | |
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| Nov. 27 | Determining, etc., classification of coals in District No. 5. | Order No. 77. | 37-3429 | 2544 | | |
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| Nov. 30 | Determining, etc., classifications of coals in District No. 7. | Order No. 82. | 37-3477 | 2551 | | |
| Nov. 30 | Determining, etc., classifications of coals in District No. 8. | Order No. 83. | 37-3488 | 2551 | | |
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| Nov. 30 | Determining, etc., classifications of coals in District No. 12. | Order No. 85. | 37-3450 | 2552 | | |
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| Dec. 1 | Closing proceedings under Order No. 42. | Order No. 87. | 37-3459 | 2557 | | |
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| Dec. 3 | Minimum prices for coals, District No. 1. | Order No. 89. | 37-3473 | 2566 | 37-3682<br>37-3712<br>37-3730 | 2851<br>2922<br>2929 |
| Dec. 3 | Minimum prices for coals, District No. 2. | Order No. 90. | 37-3474 | 2585 | 37-3665<br>37-3713<br>37-3729 | 2826<br>2923<br>2930 |
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| Dec. 3 | Minimum prices for coals, District No. 4. | Order No. 92. | 37-3476 | 2597 | 37-3664<br>37-3715 | 2812<br>2924 |
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| Dec. 3 | Minimum prices for coals, District No. 8. | Order No. 96. | 37-3480 | 2615 | 37-3732<br>37-3662 | 2934<br>2824 |
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| Dec. 3 | Minimum prices for coals, District No. 10. | Order No. 98. | 37-3482 | 2631 | 37-3685<br>37-3718<br>37-3660 | 2868<br>2927<br>2818 |
| Dec. 3 | Minimum prices for coals, District No. 11. | Order No. 99. | 37-3483 | 2637 | 37-3719<br>37-3728<br>37-3596 | 2928<br>2929<br>2769 |
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| Dec. 4 | Determining, etc., classifications of coals in District No. 14. | Order No. 102. | 37-3491 | 2670 | | |
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| Dec. 4 | Order for hearing, extent of intrastate commerce in bituminous coal and effect on interstate, Arkansas. | Order No. 104. | 37-3493 | 2671 | | |
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| Dec. 4 | Determining, etc., classifications of coals in District No. 17. | Order No. 106. | 37-3510 | 2672 | | |
| Dec. 4 | Determining, etc., classifications of coals in District No. 18. | Order No. 107. | 37-3511 | 2672 | | |
| Dec. 8 | Determining, etc., classifications of coals, in District No. 19. | Order No. 108. | 37-3548 | 2686 | | |
| Dec. 8 | Determining, etc., classifications of coals in District No. 20. | Order No. 109. | 37-3549 | 2687 | | |
| Dec. 8 | Determining, etc., classifications of coals in District No. 23. | Order No. 110. | 37-3550 | 2687 | | |
| Dec. 9 | Prescribing rules of procedure, Sec. 4, Part II, sub-sec. (D). | Order No. 111. | 37-3559 | 2752 | | |
| Dec. 9 | Notice of hearing, De Bardeiben Coal Corp. | Docket No. 75-F. D. | 37-3571 | 2752 | | |
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| Dec. 9 | Notice of hearing, Alabama By-Products Corp. | Docket No. 79-F. D. | 37-3575 | 2753 | | |
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| Dec. 14 | Declaring that board has failed to take action, providing for Commission action, District No. 15. | Order No. 115. | 37-3620 | 2789 | | |
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| Dec. 14 | Declaring that board has failed to take action, providing for Commission action, District No. 18. | Order No. 118. | 37-3623 | 2791 | | |
| Dec. 14 | Prescribing marketing rules incidental to sale, etc., of coals, District No. 14. | Order No. 119. | 37-3625 | 2791 | | |
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| Dec. 14 | Suspension of the operation of rule 4, section 5, marketing rules, etc. | Order No. 122. | 37-3639 | 2798 | | |
| Dec. 14 | Order for hearing, regulations governing the business, etc., of marketing agencies. | Order No. 123. | 37-3640 | 2798 | | |
| Dec. 14 | Purchases of coal for household consumption by mine employees. | Order No. 124. | 37-3641 | 2798 | | |
| Dec. 16 | Order for hearing, petition of board of District No. 7. | Docket No. 105-F. D. | 37-3656 | 2810 | | |
| Dec. 16 | Order for hearing, Carter Coal Co. | Docket No. F. D. 90. | 37-3657 | 2811 | | |
| Dec. 16 | Temporarily amending the rule relating to substitution, notice of hearing, etc. | Order No. 127. | 37-3658 | 2811 | | |
| Dec. 16 | Modifying order No. 73 and revising schedule of prices for coals, District No. 1. | Order No. 125. | 37-3659 | 2811 | 37-3425 | 284- |



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| Dec. 16 | Modifying order No. 97 and revising schedule of prices for coals, District No. 9. | Order No. 136. | 37-3662 | 2824 | 37-3481 | 2626 |
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| Dec. 16 | Modifying order No. 92 and revising schedule of prices for coals, District No. 4. | Order No. 129. | 37-3664 | 2812 | 37-3476 | 2597 |
| Dec. 16 | Modifying order No. 90 and revising schedule of prices for coals, District No. 2. | Order No. 138. | 37-3665 | 2826 | 37-3474 | 2585 |
| Dec. 16 | Modifying order No. 98 and revising schedule of prices for coals, District No. 10. | Order No. 133. | 37-3679 | 2814 | 37-3482 | 2631 |
| Dec. 17 | Temporary order, District board No. 11, Enos Coal Mining Co., et al. | Docket No. 93-F. D. | 37-3666 | 2833 | | |
| Dec. 17 | Modifying order No. 96 and revising schedule of prices for coals, District No. 3. | Order No. 132. | 37-3667 | 2833 | 37-3480 | 2615 |
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| Dec. 18 | Modifying order No. 95 and revising the schedule of prices for coals, District No. 7. | Order No. 131. | 37-3684 | 2861 | 37-3479 | 2607 |
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| Dec. 21 | Establishing prices for coals in District No. 18. | Order No. 143. | 37-3705 | 2897 | | |
| Dec. 21 | Investigation of the extent of intrastate commerce in bituminous coal and effect on interstate, Iowa. | Docket No. 19-F. D. | 37-3706 | 2872 | 37-2310 | 1288 |
| Dec. 21 | Prescribing, etc., marketing rules, sale of coals in Districts Nos. 15, 16, 17, 18, 19, 20, 22 and 23. | Order No. 139. | 37-3707 | 2873 | | |
| Dec. 21 | Establishing prices for coals in District No. 15. | Order No. 140. | 37-3708 | 2879 | | |
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| Dec. 21 | Establishing prices for coals in District No. 20. | Order No. 145. | 37-3711 | 2905 | | |
| Dec. 22 | Modifying order No. 89 as modified by order No. 126, supplementing schedule of prices for coals, District No. 1. | Order No. 148. | 37-3712 | 2922 | 37-3473 | 2566 |
| Dec. 22 | Modifying order No. 90 as modified by order No. 138, supplementing schedule of prices for coals, District No. 2. | Order No. 149. | 37-3713 | 2923 | 37-3474 | 2585 |
| Dec. 22 | Modifying order No. 91 as modified by order No. 128, supplementing schedule of prices for coals, District No 3. | Order No. 150. | 37-3711 | 2923 | 37-3475 | 2592 |
| Dec. 22 | Modifying order No. 92 as modified by order No. 129, supplementing schedule of prices for District No. 4. | Order No. 151. | 37-3715 | 2924 | 37-3476 | 2597 |
| Dec. 22 | Modifying order No. 94 as modified by order No. 130, supplementing schedule of prices for coals, District No. 6. | Order No. 152. | 37-3716 | 2925 | 37-3478 | 2604 |
| Dec. 22 | Modifying order No. 98 as modified by order No. 133, supplementing schedule of prices for coals, District No. 10. | Order No. 153. | 37-3717 | 2926 | 37-3482 | 2631 |
| Dec. 22 | Modifying order No. 99 as modified by order No. 137, supplementing schedule of prices for coals, District No. 11. | Order No. 154. | 37-3718 | 2927 | 37-3483 | 2637 |
| Dec. 22 | Modifying order No. 100 as modified by order No. 134, supplementing schedule of prices for coals, District No. 12. | Order No. 155. | 37-3719 | 2928 | 37-3484 | 2643 |
| Dec. 22 | Investigation, extent of intrastate commerce in bituminous coal and effect on interstate, Kentucky. | Docket No. 57-F. D. | 37-3727 | 2939 | 37-2648 | 1776 |
| Dec. 22 | Amending, etc., order No. 100, District No. 12. | Order No. 158. | 37-3728 | 2929 | 37-3484 | 2643 |
| Dec. 22 | Modifying order No. 90 as modified by orders Nos. 138 and 149, supplementing schedule of prices for coals, District No. 2. | Order No. 160. | 37-3729 | 2930 | 37-3474 | 2585 |
| Dec. 22 | Modifying order No. 89 as modified by orders Nos. 126 to 148, supplementing schedule of prices for coals, District No. 1. | Order No. 159. | 37-3730 | 2929 | 37-3473 | 2566 |
| Dec. 22 | Order for hearing, Association of American Railroads, et al. | Docket No. 103-F. D. | 37-3731 | 2939 | | |
| Dec. 22 | Modifying order No. 96 as modified by order No. 132, supplementing schedule of prices for coals, District No. 3. | Order No. 164. | 37-3732 | 2934 | 37-3480 | 2615 |
| Dec. 22 | Modifying order No. 101 as modified by order No. 114, supplementing schedule of prices for coals, District No. 13. | Order No. 165. | 37-3733 | 2935 | 37-3485 | 2654 |
| Dec. 22 | Modifying order No. 91 as modified by orders Nos. 128 and 150, supplementing schedule of prices for coals, District No. 3. | Order No. 161. | 37-3734 | 2933 | 37-3475 | 2592 |
| Dec. 22 | Modifying order No. 95 as modified by order No. 131, supplementing schedule of prices for coals, District No. 7. | Order No. 163. | 37-3735 | 2933 | 37-3479 | 2607 |
| Dec. 22 | Temporarily revising schedule of prices, Districts Nos. 7 and 8, high volatile coals, etc. | Order No. 157. | 37-3736 | 2928 | | |
| Dec. 23 | Notice of hearing, Hills Creek Coal Company. | Docket No. 177-F. D. | 37-3745 | 2946 | | |
| Dec. 23 | Notice of hearing, Allburn Collieries Co., et al. | Docket No. 110-F. D. | 37-3746 | 2946 | | |
| Dec. 23 | Investigation, extent of intrastate commerce in bituminous coal and effect on interstate, Maryland. | Docket No. 54-F. D. | 37-3747 | 2945 | 37-2561 | 1410 |
| Dec. 23 | Temporary order, Little John Coal Co., Inc. | Docket No. 124-F. D. | 37-3748 | 2946 | | |
| Dec. 23 | Investigation, extent of intrastate commerce in bituminous coal and effect on interstate, Illinois. | Docket No. 50-F. D. | 37-3749 | 2945 | 37-2521 | 1392 |
| Dec. 23 | Investigation, extent of intrastate commerce in bituminous coal and effect on interstate, Indiana. | Docket No. 20-F. D. | 37-3750 | 2944 | 37-2445 | 1362 |
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| Apr. 29 | Rules and regulations for Recreational Demonstration Areas. | | 37-1217 | 754 | 3378 | 1-1947 |
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| June 29 | Reservation for use of Pomo and affiliated Indians of Lake County, California. | | 37-1936 | 1109 | | |
| June 29 | Rules and regulations, Flathead, Mission, and Jocko Valley Irrigation Districts. | Irrigation—9090-36-F. | 37-1937 | 1109 | | |
| July 31 | Order of restoration, southern Ute Indian Reservation, Colo. | | 37-2424 | 1348 | | |
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| Aug. 3 | Regulations for disbursement of pension money paid to Superintendent. | 12-10 | 37-2444 | 1362 | | |
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| Jan. 1 | ACP — Southern region, Bulletin No. 1, Revised. Supplement (i), second revision. | SR — B - 1, Rev., Supp. (i). | 37-10 | 5 | 402-A | 1-239 |
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| Jan. 7 | Notice of hearing, handling of onions grown in the State of Texas. | Docket No. A-410-41. | 37-52 | 27 | 37-668 | 509 |
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| Mar. 2 | ACP—Southern region, Bulletin No. 101, Amendment 4. | SR—B-101—Amdt. 4. | 37-587 | 452 | 37-26 | 8 |
| Mar. 2 | Notice of hearing, handling of milk, St. Louis, Missouri, Marketing Area. | Docket No. A-44 O-44. | 37-596 | 433 | 5<br>324<br>37-902<br>37-901 | 1-13<br>1-185<br>615<br>616 |
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| Mar. 9 | Proclamation, handling of onions grown in Texas. | ---------- | 37-668 | 509 | 37-32 | 27 |
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| Mar. 9 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement (2). | NER—B-101—Pa.—Supp.(2). | 37-670 | 510 | 37-386 | 292 |
| Mar. 9 | ACP—Northeast region, Bulletin No. 101, Rhode Island, Supplement (1). | NER—B-101—R. I.—Supp. (1). | 37-671 | 510 | 37-231 | 200 |
| Mar. 12 | ACP—East central region, Bulletin No. 101—Guilford County, North Carolina. | ECR—B-101—Guilford County, N. C. | 37-713 | 520 | ---------- | ---------- |
| Mar. 13 | Notice of hearing, handling of tomatoes grown in certain counties in Texas. | Docket No. A-45 O-45. | 37-722 | 528 | ---------- | ---------- |
| Mar. 19 | Naval stores conservation program, Bulletin No. 1, Supplement No. 2. | NSCP—B-1, Supp. 2. | 37-773 | 549 | 37-106 | 69 |
| Mar. 19 | ACP—Northeast region, Bulletin No. 101, Rhode Island—Supplement (2). | NER—B-101—R. I.—Supp. (2). | 37-774 | 549 | 37-231 | 200 |
| Mar. 19 | ACP—North central region, order with respect to alfalfa and red clover seed. | ---------- | 37-775 | 543 | ---------- | ---------- |
| Mar. 19 | ACP—East central region, Bulletin No. 101, White County, Tennessee. | ECR—B-101—White County, Tenn. | 37-776 | 544 | ---------- | ---------- |
| Mar. 19 | Insular region, Bulletin No. 1, Supplement C, field experiments with respect to pineapples. | IR—B-1—Supp. C. | 37-777 | 549 | 1226<br>37-1001 | 1-787<br>657 |
| Mar. 20 | ACP—Northeast region, Bulletin No. 101, Maine, Supplement (2). | NER—B-101—Maine—Supp. (2). | 37-786 | 553 | 37-193 | 126 |
| Mar. 20 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement, (3) | NER—B-101—Pa.—Supp. (3). | 37-787 | 553 | 37-386 | 292 |



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| Mar. 20 | ACP—Southern region, Bulletin No. 101, Kemper County, Mississippi. | RS—B-101—Kemper County, Miss. | 37-788 | 553 | 37-2136<br>37-2135<br>37-3230 | 1195<br>1197<br>2116 |
| Mar. 24 | Allotment of sugar quota for Puerto Rico. | PRSO No. 6 | 37-820 | 575 | 37-2894 | 1966 |
| Mar. 25 | ACP—Southern region, Bulletin No. 101, Amendment 7. | SR—B-101—Amdt. 7. | 37-843 | 579 | 37-26 | 8 |
| Mar. 26 | ACP—East central region, Bulletin No. 101, Johnson County, Tennessee. | ECR—B-101—Johnson County, Tenn. | 37-858 | 586 | ... | ... |
| Mar. 27 | ACP—East central region, Bulletin No. 101, Kent County, Maryland. | ECR—B-101—Kent County, Md. | 37-879 | 595 | 37-1915<br>37-3651 | 1069<br>2807 |
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| Mar. 31 | Determination of the Secretary, handling of milk, St. Louis, Missouri, Marketing Area. | ---------- | 37-902 | 615 | 37-596 | 433 |
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| Apr. 1 | ACP—Southern region, Bulletin No. 101, Amendment 8. | SR—B-101—Amdt. 8. | 37-918 | 622 | 37-26 | 8 |
| Apr. 1 | ACP—Western region, Bulletin No. 101, California, Part X. | WR—B-101—Calif.—Pt. X. | 37-919 | 622 | 37-543 | 370 |
| Apr. 1 | ACP—Western region, Bulletin No. 101, Colorado, Part X. | WR—B-101—Colo., Pt. X. | 37-920 | 623 | 37-541 | 377 |
| Apr. 1 | ACP—Western region, Bulletin No. 101, Washington, Part X. | WR—B-101—Wash., Pt. X | 37-921 | 624 | 37-553 | 439 |
| Apr. 3 | ACP—East central region, Bulletin No. 101, Virginia, Supplement (c), application and eligibility for payment. | ECR—B-101—Va.—Supp. (c) | 37-947 | 634 | 37-238 | 181 |
| Apr. 3 | ACP—Northeast region, Bulletin No. 101, New Hampshire, Supplement (2); New Jersey, Supplement (2); Vermont, Supplement (2). | NER—B-101—N. H., Supp. (2); NER—B-101—N. J., Supp. (2); NER—B-101—Vt., Supp. (2) | 37-948 | 634 | 37-105<br>37-230<br>37-288 | 56<br>197<br>209 |
| Apr. 3 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement (4). | NER—B-101—Pa., Supp. (4) | 37-949 | 635 | 37-389 | 262 |
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| Apr. 3 | ACP—Western region, Bulletin No. 101, North Dakota, Part XI. | WR—B-101—N. Dak. Pt. XI | 37-962 | 641 | 37-550 | 418 |
| Apr. 3 | ACP—Western region, Bulletin No. 101, Arizona, Part XI. | WR—B-101—Ariz., Pt. XI | 37-963 | 635 | 37-542 | 364 |
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| Apr. 6 | ACP—Western region, Bulletin No. 101, Colorado, Supplement. | WR—B-101—Colo., Supp. 2 | 37-993 | 648 | 37-544 | 377 |
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| Apr. 6 | ACP—Northeast region, Bulletin No. 101, New York, Supplement (2). | NER—B-101—N. Y., Supp. (2). | 37-996 | 647 | 37-387 | 259 |
| Apr. 6 | ACP—Southern region, Bulletin No. 101, Amendment 5. | SR—B-101—Amdt. 5. | 37-997 | 648 | 37-26 | 8 |
| Apr. 7 | ACP—Insular region, Bulletin No. 1, Supplement D, filing of application for grant. | IR—B-1—Supp. D. | 37-1001 | 657 | 37-777 | 549 |
| Apr. 9 | ACP—Southern region, Bulletin No. 101, Pulaski County, Arkansas. | SR—B-101—Pulaski County, Ark. | 37-1027 | 664 | 37-2138<br>37-2137 | 1197<br>1197 |
| Apr. 13 | ACP—Northeast region, Bulletin No. 101, Rhode Island, Supplement (3). | NER—B-101—R. I.—Supp. (3). | 37-1057 | 681 | 37-231 | 200 |
| Apr. 21 | ACP—North central region, Bulletin No. 1-L. | NCR—B-1-L | 37-1161 | 721 | 37-33 | 20 |
| Apr. 21 | ACP—North central region, Bulletin No. 101, Tama County, Iowa. | NCR—B-101—Tama County, Iowa. | 37-1171 | 723 | 37-2290<br>37-3738 | 1258<br>2938 |
| Apr. 21 | ACP—Western region, Bulletin No. 101, Weber and Davies Counties, Utah. | WR—B-101—Weber and Davies Counties, Utah. | 37-1172 | 729 | 37-1892<br>37-2346<br>37-3134 | 1089<br>1313<br>2313 |
| Apr. 22 | ACP—Northeast region, Bulletin No. 101, Rhode Island, Supplement (4). | NER—B-101—R. I.—Supp. (4). | 37-1182 | 737 | 37-231 | 200 |
| Apr. 23 | Order regulating handling of onions grown in Utah. | ---------- | 37-1184 | 740 | 3280 | 1-1749 |
| Apr. 27 | Allotment of sugar for foreign countries other than Cuba. | GSQR Series 4, No. 1, Supp. 1. | 37-1206 | 750 | ---------- | ---------- |
| May 4 | ACP—Southern region, Bulletin No. 101, Amendment 10. | SR—B-101—Amdt. 10. | 37-1256 | 772 | 37-26 | 8 |
| May 4 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement (5). | NER—B-101—Pa.—Supp. (5). | 37-1257 | 771 | 37-386 | 292 |
| May 6 | ACP—Insular region, Bulletin No. 101, Puerto Rico. | IR—B-101—Puerto Rico. | 37-1280 | 786 | 37-2099<br>37-3178 | 1811<br>2996 |
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| May 7 | ACP—Northeast region, Bulletin No. 101, New York, Supplement (3). | NER—B-101—N. Y., Supp. (3). | 37-1288 | 792 | 37-387 | 259 |
| May 11 | ACP—East central region, Bulletin No. 101, Delaware, Supplement (2), 1937 acreage of soil-conserving crops. | ECR—B-101, Del., Supp. (a). | 37-1312 | 805 | 37-233 | 147 |
| May 11 | ACP—East central region, Bulletin No. 101, Maryland, Supplement (a), 1937 acreage of soil-conserving crops. | ECR—B-101, Md., Supp. (a). | 37-1313 | 805 | 37-235 | 157 |
| May 11 | ACP—East central region, Bulletin No. 101, North Carolina, Supplement (a), 1937 acreage of soil conserving crops. | ECR—B-101—N. C., Supp. (a). | 37-1314 | 806 | 37-236 | 169 |
| May 11 | ACP—East central region, Bulletin No. 101, West Virginia, Supplement (a), 1937 acreage of soil-conserving crops. | ECR—B-101—W. Va., Supp. (a). | 37-1315 | 806 | 37-239 | 192 |

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| May 11 | ACP—East central region, Bulletin No. 101, Tennessee, Supplement (b), 1937 acreage of soil-conserving crops. | E C R—B-101—Tenn., Supp. (b). | 37-1316 | 806 | 37-237 | 175 |
| May 11 | ACP—East central region, Bulletin No. 101, Kentucky, Supplement (b), 1937 acreage of soil-conserving crops. | E C R—B-101—Ky., Supp. (b). | 37-1317 | 805 | 37-234 | 152 |
| May 11 | ACP—East central region, Bulletin No. 101, Virginia, Supplement (b), 1937 acreage of soil-conserving crops. | E C R—B-101—Va., Supp. (b). | 37-1318 | 806 | 37-238 | 181 |
| May 11 | ACP—Western region, Bulletin No. 101, Oregon, Part X, county average rates. | W R—B-101—Oreg., Pt. X | 37-1327 | 807 | 37-551 | 421 |
| May 11 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement (6). | N E R—B-101—Pa., Supp. (6). | 37-1328 | 809 | 37-386 | 262 |
| May 19 | ACP—Western region, Bulletin No. 101, Colorado, Supplement 3. | W R—B-101—Colo., Supp. 3. | 37-1435 | 849 | 37-544 | 377 |
| May 19 | ACP—Western region, Bulletin No. 101, Kansas, Supplement 3. | W R—B-101—Kans., Supp. 3. | 37-1436 | 850 | 37-546 | 389 |
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| May 19 | ACP—Northeast region, Bulletin No. 101, New York, Supplement (4). | N E R—B-101—N. Y., Supp. (4). | 37-1438 | 849 | 37-387 | 259 |
| May 20 | ACP—Western region, Bulletin No. 101, Idaho, Part X, county average rates. | W R—B-101—Idaho, Pt. X. | 37-1471 | 858 | 37-545 | 383 |
| May 20 | ACP—East central region, Bulletin No. 101, West Virginia, Supplement (b), growing green manure crops. | E C R—B-101—W. Va., Supp. (b). | 37-1472 | 857 | 37-239 | 192 |
| May 26 | ACP—Western region, Bulletin No. 101, Montana, Part X. | W R—B-101—Mont., Pt. X. | 37-1526 | 902 | 37-547 | 401 |
| May 28 | ACP—Southern region, Bulletin No.101, Amendment 9. | SR—B-101—Amdt. 9. | 37-1556 | 919 | 37-26 | 8 |
| June 2 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement(5). | N E R—B-101—Pa., Supp. (7). | 37-1616 | 929 | 37-386 | 262 |
| June 2 | ACP—Northeast region, Bulletin No. 101, Rhode Island Supplement (5). | N E R—B-101—R. I., supp. (5). | 37-1617 | 930 | 37-231 | 200 |
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| June 5 | ACP—Western region, Bulletin No. 101, Colorado, Supplement 1. | W R—B-101—Colo., Supp. 1. | 37-1649 | 961 | 37-544 | 377 |
| June 5 | ACP—Western region, Bulletin No. 101, California, Supplment 1. | W R—B-101—Calif., Supp. 1. | 37-1650 | 959 | 37-543 | 370 |
| June 5 | ACP—Western region, Bulletin No. 101, Arizona, Supplement 1 | W R—B-101—Ariz., Supp. 1. | 37-1651 | 957 | 37-542 | 364 |
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| June 10 | Notice of hearing, handling of celery grown in Florida. | Docket No. A-46 O-46. | 37-1703 | 995 | 37-3270 | 2434 |
| June 12 | ACP—Northeast region, Bulletin No. 101, Maine, Supplement (4). | N E R—B-101—Maine, Supp. (4) | 37-1740 | 1004 | 37-193 | 126 |
| June 12 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement (9). | N E R—B-101—Pa., Supp. (9). | 37-1741 | 1006 | 37-386 | 262 |
| June 12 | ACP—Southern region, Bulletin No. 101, Amendment 12. | S R—B-101—Amdt. 12. | 37-1742 | 1004 | 37-26 | 8 |
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| June 12 | ACP—Northeast region, Bulletin No. 101, Rhode Island, Supplement (6). | N E R—B-101—R. I., Supp. (6). | 37-1744 | 1007 | 37-231 | 200 |
| June 12 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement (8). | N E R—B-101—Pa., Supp. (8). | 37-1745 | 1006 | 37-386 | 262 |
| June 12 | ACP—Northeast region, Bulletin No. 110, New York, Supplement (5). | N E R—B-101—N.Y., Supp. (5). | 37-1746 | 1005 | 37-387 | 259 |
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| June 12 | ACP—Northeast region, Bulletin No. 101, Massachusetts, Supplement (3). | N E R—B-101—Mass., Supp. (3). | 37-1748 | 1005 | 37-287 | 206 |
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| June 12 | ACP—Northeast region, Bulletin No. 101, Connecticut, Supplement (3). | N E R—B-101—Conn., Supp. (3). | 37-1750 | 1005 | 37-285 | 202 |
| June 12 | Notice of hearing, handling of milk, La Porte County, Indiana. | Docket No. A-47 O-47 | 37-1751 | 1007 | 37-2650<br>37-2835<br>37-3285<br>37-3286 | 1777<br>1943<br>2443<br>2443 |
| June 15 | Notice of hearing, handling of milk, Louisville, Kentucky, Marketing Area. | Docket No. A-48 O-48. | 37-1765 | 1026 | ..... | ..... |
| June 15 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement (10). | N E R—B-101—Pa., Supp. (10). | 37-1766 | 27 | 37-386 | 262 |
| June 15 | ACP—Northeast region, Bulletin No. 101, Massachusetts, Supplement (4). | N E R—B-101—Mass., Supp. (4). | 37-1767 | 1026 | 37-287 | 206 |
| June 15 | ACP—Northeast region, Bulletin No. 101, New York, Supplement (6) | N E R—B-101—N. Y., Supp. (6) | 37-1768 | 1027 | 37-387 | 259 |
| June 15 | ACP—Northeast region, Bulletin No. 101, Maine, Supplement (5). | N E R—B-101—Maine, Supp. (5) | 37-1769 | 1026 | 37-193 | 126 |
| June 15 | ACP—Northeast region, Bulletin No. 101, Connecticut, Supplement (4). | N E R—B-101—Conn., Supp. (4). | 37-1770 | 1026 | 37-285 | 202 |
| June 22 | ACP—Western region, Bulletin No. 1 Revised, Supplement (J). | W R—B-101—Rev. Supp. (J). | 37-1847 | 1095 | 37-96 | 38 |
| June 22 | ACP—Southern region, Bulletin No 1. Revised, supplement (y). | S R—B-1—Rev. Supp. (y). | 37-1848 | 1065 | 37-10 | 5 |
| June 22 | Notice of hearing, handling of milk, Fall River, Mass., Marketing Area. | Docket No A-49 O-49. | 37-1860 | 1064 | 37-373 | 242 |
| June 22 | Notice of hearing, handling of milk, Greater Boston, Massachusetts Marketing Area. | Docket No. A-50 O-50 | 37-1861 | 1064 | 566<br>1378<br>37-1913<br>37-1912<br>37-1914<br>37-2401<br>37-2402<br>37-2658 | 1-328<br>1-968<br>1098<br>1099<br>1099<br>1330<br>1331<br>1782 |
| June 24 | ACP—North central region, Bulletin No. 101, as amended, Supplement No. 2 | N C R—B-101—as amended—Supp. 2. | 37-1891 | 1083 | 37-375 | 242 |
| June 24 | ACP—Western region, Bulletin No. 101, Weber and Davis Counties, Utah, Supplement 1. | W R—B-101—Weber and Davis Counties, Utah, Supp. 1. | 37-1892 | 1089 | 37-1172 | 729 |
| June 25 | ACP—Southern region, Bulletin No. 101, Amendment 14, Part IX amended. | SR—B-101, Amdt. 14. | 37-1895 | 1093 | 37-26 | 8 |



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| June 26 | Hearing cancelled, handling of milk, Greater Boston, Mass., Marketing Area. | Docket No. A-50 O-50. | 37-1912 | 1099 | 37-1861 | 1064 |
| June 26 | Notice of hearing, handling of milk, Greater Boston, Mass., Marketing Area. | Docket No. A-51 O-51. | 37-1913 | 1098 | 37-1861 | 1064 |
| June 26 | Handling of milk, Greater Boston, Mass., Marketing Area. | Order No. 4, made effective. | 37-1914 | 1099 | 37-1861 | 1064 |
| June 26 | ACP—East central region, Bulletin No. 101, Kent County, Maryland, Supplement (a). | E C R—B-101—Kent Co., Md. | 37-1915 | 1099 | 37-879 | 595 |
| July 1 | ACP—Southern region, payments in connection with soil depleting base. | SR—B-101—Amdt. 15. | 37-1980 | 1130 | 37-26 | 8 |
| July 2 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement 11. | N E R—B-101—Pa., Supp. (11). | 37-2004 | 1136 | 37-499 | 340 |
| July 2 | ACP—Southern Region, Bulletin No. 101, Amendment 11. | SR—B-101—Amdt. 11. | 37-2005 | 1136 | 37-26 | 8 |
| July 3 | ACP—Western region, Bulletin No. 101—North Dakota, Supplement 2. | WR—B-101—N. Dak., Supp. 2. | 37-2028 | 1143 | 37-550 | 418 |
| July 3 | ACP—Western region, Bulletin No. 101, Montana, Supplement 2. | WR—B-101—Mont., Supp. 2 | 37-2029 | 1142 | 37-547 | 401 |
| July 8 | ACP—Northeast region, Bulletin No. 101, Supplement 12, Pennsylvania. | N E R—B-101—Pa.—Supp. 12. | 37-2084 | 1168 | 37-386 | 262 |
| July 8 | ACP—Northeast region, Bulletin No. 101, New Hampshire, New Jersey, New York, Rhode Island, Vermont. | N E R—B-101—N.H.-N. J.-N.Y.-R. I.-Vt. | 37-2085 | 1167 | 37-288<br>37-230<br>37-387<br>37-231<br>37-105 | 209<br>197<br>259<br>200<br>56 |
| July 8 | ACP—Northeast region, Bulletin No. 101, Maine, Supplement 6. | N E R—B-101—Maine, Supp. 6. | 37-2086 | 1167 | 37-193 | 126 |
| July 8 | ACP—Northeast region, Bulletin No. 101, Pennsylvania, Supplement (13). | N E R—B-101—Pa—Supp. (13). | 37-2087 | 1168 | 37-386 | 262 |
| July 8 | ACP—Northeast region, Bulletin No. 101, Connecticut, Supplement 5, Northeast region, Bulletin No. 101, Massachusetts, Supplement 5. | N E R—B-101—Conn—Supp. 5, N E R—B-101—Mass—Supp. 5. | 37-2088 | 1167 | 37-285<br>37-287 | 202<br>206 |
| July 13 | Order respecting handling of grapefruit and oranges grown in certain counties of Texas. | ..... | 37-2119 | 1188 | 37-284 | 169 |
| July 13 | Proclamation respecting handling of grapefruit and oranges grown in certain counties of Texas. | ..... | 37-2120 | 1188 | 37-284 | 169 |
| July 13 | ACP—Southern region, Bulletin No. 101, Mississippi, Amendment (2).. | SR—B-101—Miss.—Amdt. (2). | 37-2135 | 1197 | 37-788 | 553 |
| July 13 | ACP—Southern region, Mississippi, Amendment (1). | SR—B-101—Miss.—Amdt. (1). | 37-2136 | 1195 | 37-788 | 553 |
| July 13 | ACP—Southern region, Bulletin No. 101, Arkansas, Amendment (2). | SR—B-101—Ark.—Amdt. (2). | 37-2137 | 1197 | 37-1027 | 664 |
| July 13 | ACP—Southern region, Bulletin No. 101, Arkansas, Amendment (1). | SR—B-101—Ark.—Amdt. (1). | 37-2138 | 1197 | 37-1027 | 664 |
| July 15 | Termination of license, shippers of fresh peas and cauliflower, Colorado. | ..... | 37-2158 | 1216 | ..... | ..... |
| July 21 | Order concerning cauliflower grown in Oregon. | ..... | 37-2259 | 1233 | 37-621 | 465 |
| July 21 | ACP—North central region, Bulletin No. 101, Taina County, No. 1. | NCR—B-101—Taina County No. 1 | 37-2260 | 1238 | 37-1171 | 723 |
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| July 27 | ACP—Western region, Bulletin No. 101, Weber and Davis counties, Utah, Supplement 2. | WR—B-101—Weber and Davis Counties, Utah, Supp. 2. | 37-2346 | 1313 | 37-1172 | 729 |
| July 27 | ACP—Western region, Bulletin No. 101, Arizona, Supplement 2. | WR—B-101—Ariz.—Supp. 2. | 37-2347 | 1300 | 37-542 | 364 |
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| July 27 | ACP—Western region, Bulletin No. 101, Idaho, Supplement 2. | WR—B-101—Idaho—Supp. 2. | 37-2349 | 1302 | 37-545 | 383 |
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| July 27 | ACP—Western region, Bulletin No. 101, New Mexico, Supplement 4. | WR—B-101—N. Mex.—Supp. 4. | 37-2357 | 1311 | 37-549 | 412 |
| July 27 | ACP—Northeast region, Bulletin No. 101, New Hampshire, Supplement (4). | NER—B-101—N. Hamp.—Supp. (4). | 37-2358 | 1299 | 37-288 | 209 |
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| July 27 | ACP—Western region, Bulletin No. 101, Pondera County, Montana. | WR—B-101—Pondera County, Mont | 37-2361 | 1304 | 37-3133 | 2309 |
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| July 30 | Order concerning handling of milk in Greater Boston, Massachusetts, Marketing Area. | ..... | 37-2402 | 1331 | 37-1861 | 1064 |
| July 31 | Notice of hearing, milk in the Fort Wayne, Indiana, Marketing Area. | Docket No. A-52 O-52 | 37-2433 | 1348 | 37-311 | 216 |
| Aug. 3 | Termination of order regulating handling of citrus fruit grown in Florida. | ..... | 37-2438 | 1363 | 567 | 1-334 |
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| Aug. 7 | ACP—Southern region, Bulletin No. 101, Amendment 13. | SR—B-101—Amdt. 13. | 37-2486 | 1375 | 37-26<br>37-2588 | 8<br>1432 |
| Aug. 17 | Notice of hearing, handling of potatoes grown in certain counties in Maine. | Docket No. A-53 O-53. | 37-2554 | 1407 | ..... | ..... |
| Aug. 17 | Notice of hearing, handling of potatoes grown in certain counties in Idaho. | Docket No. A-54 O-54. | 37-2555 | 1407 | 37-3052 | 2218 |
| Aug. 17 | Notice of hearing, handling of potatoes grown in certain counties in Colorado, Nebraska and Wyoming. | Docket No. A-56 O-56. | 37-2556 | 1406 | 37-3051 | 2215 |
| Aug. 17 | Notice of hearing, handling of potatoes grown in Michigan, Wisconsin, Minnesota and in certain counties in North Dakota. | Docket No. A-55 O-55. | 37-2557 | 1408 | 37-3049 | 2222 |
| Aug. 18 | Notice of hearing concerning proposed amendments to marketing agreement No. 62 and Order No. 1, handling of walnuts. | Docket No. A-57 O-57. | 37-2560 | 1413 | 37-2861 | 1953 |
| Aug. 20 | Regulations governing mediation and arbitration, Agricultural Marketing Agreement Act. | G. R.-AAA-Series G, No. 1. | 37-2579 | 1423 | 37-2698<br>37-2944 | 1810<br>2082 |

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| Aug. 24 | ACP—Initial order respecting payments, Northeast region. | | 37-2587 | 1432 | 37-105<br>37-193<br>37-230<br>37-231<br>37-285<br>37-287<br>37-288<br>37-386<br>37-387 | 56<br>126<br>197<br>200<br>202<br>206<br>209<br>262<br>259 |
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| Aug. 26 | ACP—Northeast region, Bulletin No. 101, Connecticut, Supplement (6). | NER—B-101—Conn., Supp. (6). | 37-2611 | 1630 | 37-285 | 202 |
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| Aug. 26 | ACP—Northeast region, Bulletin No. 101, New York, Supplement (9). | NER—B-101—N. Y., Supp. (9). | 37-2616 | 1632 | 37-387 | 259 |
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| Aug. 28 | Notice of reopening of hearing, handling of milk, La Porte County, Indiana. | Docket No. A-47-1 O-47-1. | 37-2650 | 1777 | 37-1754 | 1007 |
| Aug. 31 | Notice of hearing, handling of milk, Boston. | Docket No. A-58 O-58. | 37-2658 | 1782 | 37-1861 | 1064 |
| Sept. 3 | Sugar consumption requirements and quotas, 1937. | G. S. Q. R.—Series 4, No. 3. | 37-2679 | 1800 | 37-1206<br>37-2715<br>37-2724<br>37-2779<br>37-2864<br>37-3585<br>37-2579 | 750<br>1828<br>1828<br>1806<br>1906<br>2760<br>1423 |
| Sept. 8 | Regulations governing mediation, etc., Agricultural Marketing Agreement Act, Amendment. | G.R.-AAA—Series G, No. 1, Amend. 1. | 37-2698 | 1810 | 37-2044 | 1682 |
| Sept. 8 | ACP—Insular region, Amendment 1. | IR—B-101—Hawaii, etc., Amdt. 1. | 37-2699 | 1811 | 37-1281<br>37-1282<br>37-1280 | 782<br>783<br>786 |
| Sept. 9 | ACP—North central region, Bulletin No. 101, as amended, Supplement No. 3. | NCR—B-101—as amended, Supp. 3. | 37-2706 | 1813 | 37-375 | 242 |
| Sept. 10 | 1937 cotton price adjustment payment plan announcement, Southern division. | CAP-100 | 37-2710 | 1824 | 37-3011 | 2176 |
| Sept. 11 | Revision of prorations of sugar quota for foreign countries other than Cuba. | G. S. Q. R.—Series 4—No. 2—Supp. 1. | 37-2715 | 1828 | 37-2679 | 1800 |
| Sept. 11 | Proration of 1937 deficit for Philippine Islands. | G. S. Q. R.—Series 4, No. 2, Supp. 2. | 37-2724 | 1828 | 37-2679 | 1800 |
| Sept. 16 | ACP—Northeast region, Bulletin No. 101, Connecticut, Supplement 7; Maine, Supplement 8; Massachusetts, Supplement 8; New Hampshire, Supplement 6; New Jersey, Supplement 10; Pennsylvania, Supplement 16; Rhode Island, Supplement 9; Vermont, Supplement 5. | NER—B-101—Conn.—Supp. 7; Maine, Supp. 8; Mass.—Supp. 8; N. H., Supp. 6; N. J., Supp., 6; N. Y., Supp., 10; Pa., Supp., 16; R. I., Supp. 9; Vt., Supp. 5. | 37-2762 | 1850 | 37-105<br>37-193<br>37-230<br>37-231<br>37-285<br>37-287<br>37-288<br>37-386<br>37-387 | 56<br>126<br>197<br>200<br>202<br>206<br>209<br>262<br>259 |

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| Sept. 17 | General sugar regulations, entry of sugar into United States. | G. S. R. Series 2, No. 1. | 37-2770 | 1864 | 37-2803<br>37-2916 | 1873<br>2068 |
| Sept. 18 | Proration of the 1937 United States beet deficit. | G.S.Q.R. Series 4, No. 2, Supp. 3. | 37-2779 | 1866 | 37-2679 | 1800 |
| Sept. 21 | Farming practices, etc., sugar beets and sugarcane. | | 37-2794 | 1870 | 37-3739 | 2940 |
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| Sept. 25 | Handling of milk, La Porte County, Indiana, proclamation. | | 37-2835 | 1943 | 37-1754 | 1007 |
| Sept. 28 | Order, handling of walnuts, California, Oregon and Washington. | | 37-2861 | 1953 | 37-2560 | 1173 |
| Sept. 28 | Notice of hearing, wage rates, etc., of sugar cane, Baton Rouge, Louisiana. | | 37-2865 | 1955 | 37-3075<br>37-3310 | 2240<br>2467 |
| Sept. 29 | Allotment of quota for Puerto Rico, sugar. | P. R. S. O. No. 7. | 37-2894 | 1966 | 37-2679<br>37-3700 | 1800<br>2914 |
| Sept. 29 | Definition of date of sale, cotton. | | 37-2895 | 1966 | | |
| Sept. 29 | ACP—1937 North central region. | Supp. 4 | 37-2896 | 1966 | 37-375 | 242 |
| Oct. 1 | Determination of proportionate shares, farms in the mainland cane sugar area. | | 37-2915 | 2067 | | |
| Oct. 1 | Entry of sugar into United States for re-export. | G. S. R. Series 2, No. 3. | 37-2916 | 2068 | 37-2770 | 1864 |
| Oct. 5 | Mediation and arbitration amendment, under Section 3 of Marketing Agreement Act, 1937. | G. R.-AAA-Series G, No. 1, Amdt. 2. | 37-2944 | 2082 | 37-2579 | 1423 |
| Oct. 6 | ACP—North central region, Bulletin No. 101 amended, Supplement 5. | NCR—B-101—amended, Supp. No. 5. | 37-2958 | 2090 | 37-375 | 242 |
| Oct. 7 | Notice of hearings, etc., under Sugar Act. | | 37-2966 | 2097 | | |
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| Oct. 9 | Farm and farming practices, production of sugar-cane, 1937, Puerto Rico. | | 37-2984 | 2109 | | |
| Oct. 13 | Time limit for filing cotton sale certificates, etc. | C A P-100, Amdt. 1 | 37-3011 | 2176 | 37-2710 | 1824 |
| Oct. 16 | Order, increasing allowances, etc., East central, etc., regions; 1937, ACP. | | 37-3047 | 2214 | 37-3522<br>37-3738<br>37-3762 | 2681<br>2889<br>2959 |
| Oct. 16 | Order, handling of potatoes in interstate commerce, etc., Michigan, Wisconsin, Minnesota, and North Dakota. | | 37-3048 | 2222 | | |
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| Oct. 16 | Order, handling of potatoes in interstate commerce, etc., Colorado, Nebraska, Wyoming. | | 37-3050 | 2215 | | |
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| Oct. 19 | 1938 Naval Stores Conservation Program, information to producers. | Bulletin, NSCP-201. | 37-3062 | 2231 | | |
| Oct. 21 | Determination of fair prices for the 1937 crop of Louisiana sugar-cane. | | 37-3075 | 2246 | 37-2865 | 1955 |
| Oct. 21 | Sugar consumption requirements, Hawaii and Puerto Rico, 1937. | G. S. Q. R. Series 4, No. 3. | 37-3081 | 2246 | | |



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| Oct. 27 | ACP—Western region, Bulletin No. 101, Arizona, Supplement 3. | WR—B-101—Ariz.-Supp. 3. | 37-3120 | 2304 | 37-542 | 364 |
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| Oct. 27 | ACP—Western region, Bulletin No. 101, Montana, Supplement 4. | WR—B-101—Mont.-Supp. 4. | 37-3125 | 2308 | 37-547 | 401 |
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| Oct. 28 | Order suspending license for milk, Richmond, Virginia, sales area. | | 37-3142 | 2321 | | |
| Oct. 30 | Order of termination of license for gum-turpentine, etc., processors. | | 37-3177 | 2396 | | |
| Oct. 30 | ACP—Insular region, Bulletin No 101, Puerto Rico, Amendment 2. | IR—B-101—Puerto Rico—Amdt. 2. | 37-3178 | 2396 | 37-1280 | 786 |
| Nov. 5 | ACP—Southern region, Bulletin No. 101, Kemper County, Mississippi. | SR—B-101—Kemper Co.—Miss. | 37-3230 | 2416 | 37-788 | 553 |
| Nov. 9 | Range conservation program bulletin, 1938. | | 37-3256 | 2427 | | |
| Nov. 9 | ACP—Northeast region. Bulletin No. 101, Pennsylvania, Supplement 17. | NER—B-101—Pa.—Supp. 17. | 37-3257 | 2430 | 37-386 | 262 |
| Nov. 9 | Notice of hearing, etc., wage rates for persons harvesting sugarcane, Hawaii. | | 37-3258 | 2427 | | |
| Nov. 10 | Order regulating handling of Florida-grown celery in interstate commerce, etc. | | 37-3270 | 2434 | 37-1703 | 995 |
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| Nov. 11 | Regulating handling of milk of La Porte County, Indiana, in interstate commerce, etc., order of Secretary of Agriculture. | | 37-3286 | 2443 | 37-1754 | 1007 |
| Nov. 13 | Determination of wage rates for harvesting of Louisiana sugarcane, 1937. | | 37-3310 | 2467 | 37-2865 | 1955 |
| Nov. 13 | Notice of hearing; Marketing Agreement and handling of milk, Cincinnati, Ohio. | Docket No. A-59 O-59. | 37-3311 | 2467 | 37-3755 | 2946 |
| Nov. 19 | Notice of hearing, prices for sugarcane, wage rates, Puerto Rico. | | 37-3354 | 2503 | | |

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| Nov. 19 | Determination shares for sugarcane producers in Puerto Rico, 1938–1939. | | 37-3362 | 2503 | 3549 | 1-2699 |
| Nov. 20 | Notice of hearing, handling of package honey bees, etc. | Docket No. A-60 O-60. | 37-3375 | 2521 | | |
| Nov. 20 | County average rates of soil conserving payments, etc., 1937 ACP | SR-B-101-Amdt. 16. | 37-3376 | 2521 | 37-26 | 8 |
| Nov. 23 | Notice of hearing, handling of milk, St. Louis, Missouri, Marketing Area. | Docket No. A-61 O-61. | 37-3402 | 2525 | | |
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| Dec. 4 | ACP—Western region, Bulletin No. 101, Kansas, Supplement 6. | WR—B-101—Kans.—Supp. 6. | 37-3503 | 2673 | 37-546 | 389 |
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| Dec. 4 | ACP—Western region, Bulletin No. 101, Arizona, Supplement 4. | WR—B-101—Ariz.—Supp. 4. | 37-3505 | 2674 | 37-542 | 364 |
| Dec. 7 | ACP—North Central region, Bulletin No. 101, as amended, Supplement 6. | NCR—B-101—as amended, Supp. 6. | 37-3522 | 2681 | 37-375<br>37-3047 | 242<br>2214 |
| Dec. 9 | Determination of practices which tend to defeat purposes of program, Western region. | | 37-3561 | 2754 | | |
| Dec. 10 | Proration of the 1937 Hawaiian sugar deficit. | G. S. Q. R. Series 4—No. 2—Supp. 4. | 37-3585 | 2760 | 37-2679 | 1800 |
| Dec. 15 | ACP—East Central region, Bulletin No. 101, Kent County, Maryland, Supplement b. | ECR—B-101—Kent, Co., Md.—Supp. b. | 37-3651 | 2807 | 37-879 | 595 |
| Dec. 18 | Notice of hearing, proposed marketing agreement, handling of onion sets, lower Lake Michigan Area. | Docket No. A-62 O-62. | 37-3694 | 2871 | | |
| Dec. 21 | Allotment of the quota for Puerto Rico. | P. R. S. O. No. 8, G.S.Q.R. Series 5, No. 1. | 37-3700 | 2914 | 37-2894 | 1966 |
| Dec. 21 | Sugar consumption requirements and quotas for 1938. | | 37-3720 | 2915 | 37-3801 | 2974 |
| Dec. 22 | ACP—North Central region, Bulletin No. 101, Taina County, Supplement 2, Iowa. | NCR—B-101—Taina County, Iowa—Supp. 2. | 37-3738 | 2939 | 37-1171<br>37-3047 | 723<br>2214 |
| Dec. 22 | Determination of farming practices, production of sugar beets, etc., 1937. | | 37-3739 | 2940 | 37-2794 | 1870 |
| Dec. 23 | Notice of re-opening of hearing, handling of milk, etc., Cincinnati, Ohio. | Docket No. A59-1 059-1. | 37-3755 | 2946 | 37-3311 | 2467 |
| Dec. 24 | ACP—Southern region, Bulletin No. 101, Amendment 17. | SR-B-101—Amend. 17. | 37-3762 | 2959 | 37-26<br>37-3047 | 8<br>2214 |
| Dec. 29 | Notice of hearing, handling of citrus fruit, Florida. | Docket No. A-63 O-63. | 37-3793 | 2972 | | |
| Dec. 30 | Sugar consumption requirements, Hawaii and Puerto Rico, 1938. | G. S. Q. R. Series 5, No. 2. | 37-3801 | 2974 | 37-3720 | 2914 |
| Dec. 30 | ACP—Northeast region, Bulletin No. 101, Massachusetts, Supplement 9. | NER-B-101—Mass.—9. | 37-3811 | 2974 | 37-287 | 206 |
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| June 16 | Regulations, guides, poisons, and resident trapping licenses. | | 37-1791 | 1034 | 913 | 1-599 |
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| Jan. 14 | Official standard grades for green river tobacco. | | 37-123 | 66 | | |
| Jan. 27 | Amendment No. 2 to Service and Regulatory Announcements No. 131. | S. R. A. No. 131, Amdt. | 37-255 | 162 | | |
| Feb. 24 | Rules and regulations, grading and certification of meats, etc. | Amdt. to S. R. A. No. 98. | 37-517 | 347 | 3757 | 1-2126 |

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| Mar. 19 | Order amending the official grain standards for barley. | | 37-771 | 550 | | |
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| Apr. 13 | Order amending the official grain standards for wheat. | | 37-1052 | 681 | 37-772 | 550 |
| Apr. 21 | Amendment to service and regulatory announcements No. 121, revised. | S. R. A. No. 121, Amdt. | 37-1102 | 734 | | |
| July 16 | Official standards for dry peas. | | 37-2174 | 1221 | | |
| July 28 | Regulations for warehousemen storing canned foods. | Amdt. No. 2 | 37-2376 | 1320 | | |
| July 28 | Amendments, official standards for dry edible beans. | | 37-2377 | 1320 | | |
| July 30 | Regulations concerning Export Apple and Pear Act. | Amdt. No. 4 to S. and R. No. 143. | 37-2403 | 1333 | 1382 | 1-863 |
| July 31 | Standards for grades of cottonseed sold, etc., for crushing purposes. | | 37-2430 | 1352 | | |
| July 31 | Rules governing inspection, etc., cottonseed sold, etc., for crushing purposes. | | 37-2431 | 1249 | 37-2547 | 1400 |
| Aug. 10 | Official U. S. standards of quality and condition for split-peas. | | 37-2488 | 1380 | | |
| Aug. 14 | Rules and regulations governing inspection, etc., of cottonseed. | Amdt. No. 1. | 37-2547 | 1400 | 37-2431 | 1349 |
| Aug. 19 | Rules and regulations governing inspection, etc., live poultry, etc. | S. R. A.—B. A. E. 103—Revision. | 37-2564 | 1414 | | |
| Aug. 19 | Rules and regulations governing inspection, etc., dressed poultry, etc. | S. R. A.—B. A. E. 131—Revision. | 37-2565 | 1417 | | |
| Aug. 24 | Revision of U. S. standards for milled rice. | | 37-2589 | 1434 | | |
| Aug. 24 | Revision of U. S. standards for brown rice. | | 37-2590 | 1438 | | |
| Aug. 24 | Amendment; regulations governing inspection, etc., of rice. | | 37-2591 | 1440 | | |
| Aug. 28 | U. S. standards for apples. | | 37-2633 | 1777 | | |
| Sept. 16 | Order of designation of tobacco markets, North Carolina. | | 37-2761 | 1850 | | |
| Nov. 6 | Rules, etc., under tobacco inspection act, amendments. | | 37-3245 | 2423 | | |
| Dec. 4 | Order of designation of tobacco markets, Kentucky. | | 37-3512 | 2674 | | |
| **Bureau of Animal Industry** | | | | | | |
| Jan. 12 | Counties placed in modified tuberculosis-free accredited areas. | Amdt. 3 to Declaration No. 12. | 37-95 | 54 | 3492<br>37-462<br>37-723<br>37-1026<br>37-1348<br>37-1717<br>37-2252<br>37-2510<br>37-2732<br>37-3022<br>37-3287<br>37-3563 | 1-2024<br>325<br>528<br>668<br>811<br>999<br>1246<br>1388<br>1834<br>2181<br>2447<br>2754 |
| Feb. 13 | Regulations, recognition of breeds and purebred animals. | Amdt. 10 to B. A. I. Order 350. | 37-447 | 322 | 37-1326<br>37-1386<br>37-1404 | 807<br>829<br>840 |
| Feb. 16 | Counties placed in modified tuberculosis-free accredited areas. | Amdt. 4 to Declaration No. 12. | 37-462 | 325 | 37-95 | 54 |
| Mar. 13 | Counties placed in modified tuberculosis-free accredited areas. | Amdt. 5 to Declaration No. 12. | 37-723 | 528 | 37-95 | 54 |
| Apr. 9 | Counties placed in modified tuberculosis-free accredited areas. | Amdt. 6 to Declaration No. 12. | 37-1026 | 668 | 37-95 | 54 |
| May 4 | Order to prevent introduction of rinderpest and foot-and-mouth disease. | Amdt. 7 to B. A. I. Order 353. | 37-1246 | 772 | 37-1249 | 772 |

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| **DEPARTMENT OF AGRICULTURE—Continued** | | | | | | |
| **Bureau of Animal Industry—Continued** | | | | | | |
| 1937 May 4 | Order to prevent introduction of rinderpest and foot-and-mouth disease. | Amdt. 6 to B. A. I. Order 353. | 37-1249 | 772 | 445<br>1813<br>37-1246<br>37-1562<br>37-1755<br>37-3046<br>37-3533 | 1-286<br>1-1153<br>772<br>920<br>1027<br>2226<br>2680 |
| May 11 | Regulations, recognition of breeds and purebred animals. | Amdt. 11 to B. A. I. Order 350. | 37-1326 | 807 | 37-447 | 322 |
| May 12 | Counties placed in modified tuberculosis-free accredited areas. | Amdt. 7 to Declaration No. 12. | 37-1348 | 811 | 37-95 | 54 |
| May 15 | Regulations, recognition of breeds and purebred animals. | Amdt. 12 to B. A. I. Order 350. | 37-1386 | 829 | 37-447 | 322 |
| May 18 | Regulations, recognition of breeds and purebred animals. | Amdt. 13 to B. A. I. Order 350. | 37-1404 | 840 | 37-447 | 322 |
| May 19 | Stockyard owners, etc., registration and applications for licenses. | Amdt. 3 to B. A. I. Order 357. | 37-1434 | 850 | 37-1527 | 902 |
| May 26 | Stockyard owners, etc., registration and applications for licenses. | Amdt. 3 to B. A. I. Order 357, Rev. | 37-1527 | 902 | 37-1434 | 850 |
| May 28 | Order to prevent introduction of rinderpest and foot-and-mouth disease. | Amdt. 8 to B. A. I. Order 353. | 37-1562 | 920 | 37-1249 | 772 |
| June 11 | Counties placed in modified tuberculosis-free accredited areas. | Amdt. 8 to Declaration No. 12. | 37-1717 | 999 | 37-95 | 54 |
| June 15 | Order to prevent introduction of rinderpest and foot-and-mouth disease. | Amdt. 9 to B. A. I. Order 353. | 37-1755 | 1027 | 37-1249 | 772 |
| July 20 | Counties added to modified tuberculosis-free areas. | Amdt. 9 to Declaration No. 12. | 37-2252 | 1246 | 37-95 | 54 |
| July 24 | Splenetic fever: Jim Hogg County, Texas, released from quarantine. | Amdt. 1 to B. A. I. Order 360. | 37-2311 | 1289 | 3389 | 1-1969 |
| July 28 | Regulations, importation of domestic livestock, etc. | Amdt. No. 2 to B. A. I. Order 352. | 37-2375 | 1321 | | |
| Aug. 12 | Counties placed in modified tuberculosis-free accredited areas. | Amdt. No. 10 to Declaration No. 12. | 37-2510 | 1388 | 37-95 | 54 |
| Sept. 14 | Counties placed in modified tuberculosis-free accredited areas. | Amdt. 11 to Declaration No. 12 | 37-2732 | 1834 | 37-95 | 54 |
| Oct. 7 | Handling of live poultry, St. Louis, Missouri, order of designation. | | 37-2967 | 2097 | | |
| Oct. 14 | Declaring names of counties placed in modified tuberculosis-free accredited areas. | Amdt. 12 to Declaration No. 12 | 37-3022 | 2181 | 37-95 | 54 |
| Oct. 16 | Order to prevent introduction of rinderpest, etc., into U. S., amendment. | Amdt. 10 to B. A. I. Order 353. | 37-3046 | 2226 | 37-1249 | 772 |
| Oct. 26 | Notice under Act regulating interstate Commerce in livestock, etc., Montevideo Livestock Sales, Inc. | | 37-3101 | 2278 | | |
| Oct. 26 | Notice under Act regulating interstate commerce in livestock, etc., South Greeley Sales Yards. | | 37-3102 | 2278 | | |
| Oct. 30 | Notice of hearing, designation of Cincinnati, Ohio, as a market subject to live poultry, amendment. | | 37-3176 | 2396 | | |
| Oct. 30 | Notice under Act; designation as stockyard owner, The Hocking Valley Livestock Sales Company. | | 37-3170 | 2397 | | |
| Oct. 30 | Notice under Act, designation as stockyard owner, Twin Falls Commission Company. | | 37-3171 | 2397 | | |
| Oct. 30 | Notice under Act; designation as stockyard owner, E. C. Stickelman. | | 37-3172 | 2397 | | |
| Nov. 11 | Names of counties placed in modified tuberculosis-free accredited areas. | Amdt. 13 to Declaration No. 12. | 37-3287 | 2447 | 37-95 | 54 |
| Nov. 12 | Notice under Act, designation as stockyard owner, H. L. Anderson. | | 37-3291 | 2460 | | |
| Nov. 16 | Notice under Act to regulate interstate commerce in livestock, Muskingum Livestock Market, Inc. | | 37-3316 | 2471 | | |



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| **DEPARTMENT OF AGRICULTURE—Continued** | | | | | | |
| **Bureau of Animal Industry—Continued** | | | | | | |
| 1937 Nov. 19 | Rule, to prevent spread of splenetic or tick fever in cattle, Florida, Puerto Rico, and Texas. | B. A. I. Order 363. | 37-3361 | 2504 | | |
| Nov. 25 | Regulation of interstate and foreign commerce in livestock, C. W. Poore et al. | | 37-3416 | 2537 | | |
| Nov. 27 | Stockyard owners, market agencies, etc. rules, etc. | Amdt. 4 to B. A. I. Order 357. | 37-3424 | 2546 | | |
| Nov. 30 | Notice, regulation of interstate, etc. commerce in livestock, C. V. & E. H. Owens. | | 37-3438 | 2553 | | |
| Dec. 4 | Notice, Great Falls Livestock Marketing Association, Inc. | | 37-3499 | 2675 | | |
| Dec. 4 | Notice, Dean Sullivan and John W. Sneed. | | 37-3500 | 2675 | | |
| Dec. 4 | Notice, National Stock Yards, Florida. | | 37-3501 | 2675 | | |
| Dec. 7 | Notice, Union Stock Yards, Georgia. | | 37-3525 | 2683 | | |
| Dec. 7 | Prevention of introduction of rinderpest disease. | Amdt. 11 to B. A. I. Order 353. | 37-3533 | 2683 | 37-1249 | 772 |
| Dec. 9 | Declaring names of counties placed in modified tuberculosis-free accredited areas. | Amdt. 14 to Declaration No. 12. | 37-3563 | 2754 | 37-95 | 54 |
| Dec. 23 | Notice under act to regulate interstate commerce in livestock, etc., Farmers' Livestock Market, Inc. | | 37-3756 | 2947 | | |
| **Bureau of Biological Survey** | | | | | | |
| Jan. 29 | Amendment to regulations, administration of Wichita Mountains Wildlife Refuge, Oklahoma. | | 37-188 | 106 | 3933 | 1-2080 |
| Mar. 4 | Trapping permitted on the Upper Mississippi River Wildlife and Fish Refuge. | | 37-623 | 487 | | |
| Apr. 20 | Amending regulations, birds, etc., Alaska. | | 37-1225 | 757 | | |
| June 29 | Order permitting the shooting of certain blackbirds. | | 37-1942 | 1111 | 37-3355 | 2505 |
| Aug. 17 | Supplementary regulations, entry upon Okefenokee Wildlife Refuge, Georgia. | | 37-2550 | 1408 | 37-930 | 627 |
| Sept. 29 | Order permitting hunting, upper Mississippi River Wildlife and Fish Refuge. | | 37-2893 | 1969 | | |
| Oct. 5 | Order permitting hunting of migratory waterfowl, Red Rock Lakes Refuge, amendment. | | 37-2661 | 2082 | 2806 | 1-1560 |
| Oct. 5 | Order permitting hunting of migratory waterfowl, Lake Bowdoin Refuge, Amendment. | | 37-2932 | 2082 | 2815 | 1-1558 |
| Oct. 26 | Schedule of prices, sale of surplus big-game animals on preserves. | | 37-3119 | 2279 | 2893 | 1-1584 |
| Nov. 2 | Order permitting hunting of certain migratory birds, Lake Mattamuskeet Refuge, North Carolina, amendment. | | 37-3195 | 2406 | 3298 | 1-1760 |
| Nov. 2 | Order permitting hunting of certain game birds, Tule Lake Refuge, California, amendment. | | 37-3200 | 2406 | 3092 | 1-1671 |
| Nov. 19 | Order permitting shooting of certain blackbirds, etc., injurious to agricultural interests, amendment. | | 37-3355 | 2505 | 17-1942 | 1111 |
| Nov. 25 | Administration of National wildlife refuges. | | 37-3417 | 2537 | | |
| Dec. 9 | Order permitting trapping on the Upper Mississippi wildlife and fish refuge. | | 37-3562 | 2754 | 37-3760 | 2959 |
| Dec. 24 | Trapping on Upper Mississippi River refuge, amendment of order. | | 37-3760 | 2959 | 37-3562 | 2754 |

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| **DEPARTMENT OF AGRICULTURE—Continued** | | | | | | |
| **Bureau of Entomology and Plant Quarantine** | | | | | | |
| 1937 Feb. 17 | White-pine blister-rust quarantine regulations revised. | B E P Q—Q-63. | 37-470 | 328 | | |
| Mar. 2 | Japanese beetle quarantine regulations. | B E P Q—Q-48. | 37-598 | 453 | 37-1336 | 811 |
| Mar. 4 | Articles exempt from certification requirements, gypsy moth and brown-tail moth quarantine. | B E P Q-386—Rev. | 37-622 | 490 | 37-2793<br>240<br>37-2765 | 1871<br>1-137<br>1851 |
| Apr. 3 | Interstate movements of certain cottonseed. | B E P Q-436 | 37-946 | 643 | | |
| Apr. 7 | Modification of pink bollworm quarantine regulations, Amendment No. 2. | B E P Q—Q-52 Rev. Reg. 3. | 37-1002 | 657 | 2897<br>37-3173<br>37-3812 | 1-1585<br>2398<br>2975 |
| May 12 | Modification Japanese beetle quarantine regulations. | B E P Q—Q-48. | 37-1336 | 811 | 37-598 | 454 |
| May 28 | Interstate movement of certain baled cotton linters. | B E P Q-450 | 37-1560 | 926 | | |
| May 28 | Interstate shipment of certain baled lint and linters, New Mexico and Texas. | B E P Q-414—Rev. | 37-1561 | 929 | | |
| July 29 | Alternate treatments for cottonseed as a condition for interstate movement; area regulated under quarantine 61. | B E P Q—Order No. 436 (Rev.). | 37-2388 | 1426 | | |
| July 29 | Alternate treatments for cottonseed for interstate movement; areas lightly infested with pink bollworm. | B E P Q—Order No. 459. | 37-2389 | 1326 | | |
| Aug. 7 | Black stem rust quarantine, general revision. | Quarantine No. 38. | 37-2473 | 1376 | | |
| Aug. 28 | Classification of barberry and mahonia plants. | B E P Q-385 (2nd Rev.) Quarantine No. 38. | 37-2632 | 1780 | | |
| Sept. 16 | Sterilization of imported vinifera grapes by refrigeration. | B E P Q-463 | 37-2763 | 1851 | 3393 | 1-1970 |
| Sept. 16 | Importation of vinifera grapes, sterilization in transit authorized. | B E P Q-464 | 37-2764 | 1852 | | |
| Sept. 16 | Gypsy moth and brown-tail moth quarantine, list of articles exempt from certification requirements. | B E P Q-386 (4th Rev.). | 37-2765 | 1851 | 37-622 | 490 |
| Sept. 17 | Restrictions affecting importation and interstate movement of frozen-pack fruits. | B E P Q-462 | 37-2768 | 1864 | 3393 | 1-1970 |
| Sept. 21 | Termination date on fruit, etc., under Quarantine No. 48, Japanese beetle. | | 37-2793 | 1871 | 37-598 | 453 |
| Oct. 16 | Mexican fruit fly quarantine. | B E P Q-Q64 | 37-3045 | 2226 | 3394 | 1-1972 |
| Oct. 27 | Japanese beetle, treatment of soil about the roots of plants, instructions to inspectors. | B E P Q-359—Supp. No. 2. | 37-3118 | 2316 | 37-3737 | 2940 |
| Oct. 30 | Modification of pink bollworm quarantine regulations, Amendment No. 3. | B E P Q—Q-52—Rev. Reg. 3. | 37-3173 | 2398 | 37-1002 | 657 |
| Nov. 10 | Regulations, modification of Dutch Elm disease quarantine. | B E P Q—Q-71—Rev. of Reg. 3. | 37-3299 | 2440 | 110 | 1-75 |
| Dec. 14 | Rules, etc., governing importation of cotton, etc., Amendment No. 3. | Revision of regulation 2. | 37-3624 | 2798 | | |
| Dec. 22 | Instructions to Inspectors, treatment of nursery products, etc., for Japanese beetle. | B P Q-359—Supp. No. 3. | 37-3737 | 2940 | 37-3118 | 2316 |
| Dec. 30 | Modification of pink bollworm quarantine regulations, Amendment No. 4. | B E P Q—Q-52—Rev. reg. 3. | 37-3812 | 2975 | 37-1002 | 657 |
| **Bureau of Plant Industry** | | | | | | |
| June 25 | Federal Seed Act, regulations for stained imported red clover seed. | No. 6 | 37-1893 | 1066 | | |
| **Bureau of Public Roads** | | | | | | |
| Feb. 10 | Elimination of hazards to life at railroad grade crossings. | | 37-415 | 277 | | |
| Feb. 11 | Improvement of secondary or feeder roads. | | 37-419 | 288 | | |

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| **DEPARTMENT OF AGRICULTURE—Continued** | | | | | | |
| **Commodity Exchange Administration** | | | | | | |
| 1937 | | | | | | |
| June 10 | Order revoking registration as futures commission merchant, etc., Daniel A. De Lattre. | Docket No. 1 CEA. | 37-1706 | 995 | | |
| June 11 | Order revoking registration as futures commission merchant, etc., Henry J. Novotny. | Docket No. 2 CEA. | 37-1718 | 1000 | | |
| June 11 | Order revoking registration as futures commission merchant, etc., Fred J. Holzapfel. | Docket No. 3 CEA. | 37-1719 | 1000 | | |
| June 11 | Order revoking registration as futures commission merchant, etc., Abraham Arthur Bank. | Docket No. 4 CEA. | 37-1720 | 1001 | | |
| June 11 | Order revoking registration as futures commission merchant, etc., Le Mark Lewis. | Docket No. 5 CEA. | 37-1721 | 1001 | | |
| July 16 | Rules and regulations | | 37-2172 | 1223 | 37-3394 | 2526 |
| Aug. 31 | Rules and regulations | | 37-2657 | 1782 | | |
| Nov. 12 | Designation of presiding officers at hearing, Nov. 30. | | 37-3292 | 2461 | | |
| Nov. 12 | Notice of hearing, to contract markets for grain, etc. | | 37-3293 | 2461 | | |
| Nov. 12 | Designation of presiding officers at hearing, December 1. | | 37-3294 | 2460 | | |
| Nov. 12 | Notice of hearing, to contract markets, etc. | | 37-3295 | 2460 | | |
| Nov. 23 | Registration as futures commission merchant, etc., amendment to rules. | | 37-3394 | 2526 | 37-2172 | 1223 |
| **Farm Security Administration** [1] | | | | | | |
| Sept. 3 | Change of official name of Resettlement Administration to Farm Security Administration. | Memo No. 732. | 37-2676 | 1800 | 37-23; 37-2002 | 7; 1136 |
| Sept. 8 | Delegating authority to the Administrator of Puerto Rico Reconstruction Administration. | Memo No. 734. | 37-2692 | 1811 | 37-23; 37-2002 | 7; 1136 |
| Sept. 28 | Releases of chattel mortgages, loans on Rural Resettlement type projects. | Adm. order 219, Supp. 4. | 37-2843 | 1955 | | |
| Sept. 29 | Loans to individuals for rural rehabilitation. | Adm. order 41 (Rev. 1), (Supp. 8). | 37-2885 | 1971 | | |
| Sept. 30 | Approval of loans to individuals. | Memo No. 737 (Amdt. to Memo No. 710). | 37-2904 | 2014 | | |
| Oct. 2 | Appointment, board of directors, Farmers' Home Corporation and delegation of authorities to Administrator of Farm Security Administration. | Memo No. 738. | 37-2930 | 2077 | | |
| Oct. 6 | Plan of organization, etc., under Bankhead-Jones Farm Tenant Act. | Administration order. | 37-2959 | 2091 | | |
| Oct. 12 | Release of property subject to a lien. | Adm. order 161 (Rev. 1). | 37-2986 | 2168 | | |
| Oct. 12 | Determination of the equitable distribution of funds, Farm Tenant Act. | Adm. order 231. | 37-2987 | 2169 | | |
| Oct. 21 | Conditions of employment for non-appointive workers, rules, etc. | Adm. order 217 Supp. | 37-3082 | 2247 | 37-50 | 32 |
| Nov. 27 | Designation of counties, Alabama. | | 37-3420 | 2547 | | |
| Nov. 30 | Designation of counties, North Carolina. | | 37-3439 | 2554 | | |
| Nov. 30 | Designation of counties, Florida. | | 37-3442 | 2554 | | |
| Nov. 30 | Designation of counties, Tennessee. | | 37-3443 | 2554 | | |
| Nov. 30 | Designation of counties, South Carolina. | | 37-3444 | 2554 | | |
| Nov. 30 | Designation of counties, Arkansas. | | 37-3445 | 2553 | | |
| Dec. 7 | Designation of counties, Iowa. | | 37-3534 | 2683 | | |
| Dec. 7 | Designation of counties, Nebraska. | | 37-3535 | 2684 | | |
| **DEPARTMENT OF AGRICULTURE—Continued** | | | | | | |
| **Farm Security Administration—Continued** | | | | | | |
| 1937 | | | | | | |
| Dec. 7 | Designation of counties, West Virginia. | | 37-3536 | 2684 | | |
| Dec. 7 | Designation of counties, Mississippi. | | 37-3537 | 2683 | | |
| Dec. 7 | Designation of counties, Kansas. | | 37-3538 | 2683 | | |
| Dec. 7 | Designation of counties, Ohio. | | 37-3539 | 2684 | | |
| Dec. 7 | Designation of counties, Georgia. | | 37-3540 | 2683 | | |
| Dec. 9 | Temporary grazing agreements, etc. | Adm. order 176, Supp. 3. | 37-3564 | 2756 | 3466 | 1-2020 |
| Dec. 10 | Designation of counties, Indiana. | | 37-3586 | 2761 | | |
| Dec. 10 | Designation of counties, Oklahoma. | | 37-3587 | 2761 | | |
| Dec. 10 | Designation of counties, Illinois. | | 37-3588 | 2760 | | |
| Dec. 10 | Designation of counties, Region XII. | | 37-3589 | 2761 | | |
| Dec. 10 | Designation of counties, New York. | | 37-3590 | 2761 | | |
| Dec. 14 | Designation of counties, Texas. | | 37-3626 | 2799 | | |
| Dec. 14 | Designation of counties, North Dakota. | | 37-3627 | 2799 | | |
| Dec. 14 | Designation of counties, Missouri. | | 37-3636 | 2799 | | |
| Dec. 21 | Designation of counties, Louisiana | | 37-3697 | 2916 | | |
| Dec. 24 | Designation of counties, Kentucky. | | 37-3763 | 2969 | | |
| Dec. 28 | Designation of counties, Virginia. | | 37-3767 | 2965 | | |
| Dec. 28 | Designation of counties, New Mexico. | | 37-3768 | 2965 | | |
| **Food and Drug Administration** | | | | | | |
| Jan. 19 | Amendment to revised regulations for inspection of canned shrimp. | | 37-169 | 80 | 922 | 1-302 |
| Feb. 25 | Standards under the Tea Act. | SRAT No. 11 | 37-555 | 355 | 185 | 1-116 |
| Apr. 29 | Standards for cherries | S. R. A. No. 4, 3rd Rev., Supp. No. 4. | 37-1226 | 762 | 37-2139 | 1198 |
| June 9 | Regulations for the inspection of canned shrimp. | | 37-1702 | 987 | 37-3271 | 2440 |
| July 13 | Standards for canned peaches, pears, apricots, cherries, tomatoes and peas. | S. R. A. No. 4, 4th Rev. | 37-2139 | 1198 | 37-1226 | 762 |
| Nov. 10 | Inspection of canned shrimp, regulations amendment. | | 37-3271 | 2440 | 37-1702 | 987 |
| **Forest Service** | | | | | | |
| Jan. 14 | Regulations relating to protection, occupancy, etc., of National forests. | Amdt. to Regulation T-9. | 37-124 | 68 | 1721 | 1-1102 |
| Jan. 26 | Regulations, exercise of mineral rights reserved in conveyances to the United States. | | 37-240 | 135 | 37-1387 | 829 |
| May 14 | Rules and regulations, exercise of timber rights reserved in conveyances to the United States. | | 37-1369 | 824 | | |
| May 15 | Rules and regulations, exercises of mineral rights reserved in conveyances to the United States. | | 37-1387 | 829 | 37-240 | 135 |
| June 8 | Designating certain lands as a part of the Hiawatha National Forest, Michigan. | | 37-1671 | 979 | | |
| July 2 | Ocala National Forest, enlargement. | Administrative order. | 37-2063 | 1136 | | |
| Dec. 18 | Occupancy, use, etc., National forests. | Modification of reg. S-24. | 37-3095 | 2871 | 1721 | 1-1099 |

[1] *See also* Resettlement Administration.



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| **DEPARTMENT OF COMMERCE** | | | | | | |
| **Bureau of Air Commerce** | | | | | | |
| 1937 | | | | | | |
| Jan. 20 | Special air traffic rules | | 37-172 | 106 | | |
| Feb. 24 | Airworthiness requirements for aircraft. | Aeronautics Bulletin No. 7-A, Amdt. No. 6. | 37-509 | 348 | | |
| Feb. 24 | Radio antenna system requirement. | Aeronautics Bulletin No. 7-E, Amdt. No. 13. | 37-528 | 348 | 37-529; 37-2693 | 348; 1811 |
| Feb. 24 | Radio direction finder requirement. | Aeronautics Bulletin No. 7-E, Amdt. No. 14. | 37-529 | 348 | 37-528 | 348 |
| Mar. 3 | Designation of the federal airways system as civil airways of the United States. | | 37-614 | 482 | | |
| May 7 | Regulations, air traffic rule | | 37-1287 | 792 | | |
| May 19 | Navigation of aircraft manufactured in United States for delivery to a foreign purchaser. | Aeronautics Bulletin No. 7, Amdt. No. 8. | 37-1433 | 851 | 730; 1155; 1461; 37-2123 | 1458; 1761; 1897; 1205 |
| June 29 | Special air traffic rule | | 37-1941 | 1112 | | |
| July 13 | Navigation of aircraft manufactured for delivery to foreign purchaser. | Aeronautics Bulletin No. 7, Amdt. No. 8. | 37-2123 | 1205 | 37-1433 | 851 |
| July 29 | Designation of federal airways system as civil airways of the United States | | 37-2399 | 1326 | | |
| July 29 | Special air traffic rule | | 37-2400 | 1326 | 37-2439 | 1364 |
| Aug. 3 | Special air traffic rule | | 37-2439 | 1364 | 37-2400 | 1326 |
| Aug. 6 | Special accident investigation regulation. | | 37-2470 | 1372 | | |
| Aug. 31 | Special air traffic rule | | 37-2656 | 1791 | | |
| Sept. 8 | Air commerce regulations, interstate air lines. | Aeronautics Bulletin No. 7-E, Amdt. No. 15. | 37-2693 | 1811 | 37-528 | 348 |
| Sept. 24 | Civil air regulations, chapters 00.—18., incl. | | 37-2821 | 1891 | 37-2897; 37-3020 | 2014; 2181 |
| Sept. 30 | Civil air regulations, chapters 20.—52., 61. | | 37-2897 | 2014 | 37-2821 | 1891 |
| Oct. 14 | Civil air regulations, chapters 60., 90.—99., incl. | | 37-3020 | 2181 | 37-2821 | 1891 |
| Nov. 10 | Civil air regulations, Washington airport. | Amdt. No. 1. | 37-3266 | 2440 | | |
| **Bureau of Fisheries** | | | | | | |
| Feb. 12 | Alaska fishery regulations | No. 251-23. | 37-418 | 291 | 98; 37-2160; 37-2440; 37-2693; 37-2643 | 1-69; 1216; 1364; 1561; 1781 |
| July 3 | Regulations No. 286-8 for protection of walruses and sea lions, Alaska. | | 37-2041 | 1144 | | |
| July 15 | Alaska fishery regulations, amendment. | No. 251-23-1 | 37-2160 | 1216 | 37-418 | 291 |
| Aug. 3 | Alaska fishery regulations, amendment. | No. 251-23-2 | 37-2440 | 1364 | 37-418 | 291 |
| Aug. 25 | Alaska fishery regulations, amendment. | No. 251-23-3 | 37-2693 | 1561 | 37-418 | 291 |
| Aug. 28 | Alaska fishery regulations, amendment. | No. 251-23-4 | 37-2643 | 1781 | 37-418 | 291 |
| Nov. 16 | Order closing certain areas in Upper Mississippi fish refuge to fishing. | | 37-3311 | 2472 | | |
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| Mar. 13 | Regulations for lighting bridges over navigable waters, etc. | | 37-719 | 528 | | |
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| Jan. 9 | Designation and approval of nautical school ships | | 37-77 | 49 | 37-3490 | 2662 |
| Jan. 9 | Rules for conduct of school ships. | | 37-75 | 49 | | |
| Jan. 15 | Order extending time for furnishing certificates of service and efficiency to seamen. | | 37-145 | 74 | 3955; 37-448 | 1-2217; 322 |
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| Feb. 4 | Change in location of supervising inspector's office. | Resolution No. 4054. | 37-346 | 232 | | |
| Feb. 4 | Boilers on barges | Resolution No. 4083. | 37-347 | 232 | | |
| Feb. 4 | Examination of stop valves and mountings | Resolution No. 4084. | 37-348 | 233 | | |
| Feb. 4 | Manning of lifeboats | Resolution No. 4005-1. | 37-349 | 232 | | |
| Feb. 4 | Proceeding to another port for repairs. | Resolution No. 4073. | 37-350 | 232 | | |
| Feb. 10 | Designation of United States Shipping Commissioners as enforcement officers, etc. | | 37-409 | 280 | | |
| Feb. 13 | Order extending time for furnishing certificates of service and efficiency to seamen. | | 37-448 | 322 | 37-145 | 74 |
| Mar. 18 | Amendment of general rules and regulations. | | 37-759 | 542 | | |
| Mar. 27 | Rules and regulations, certificates of service and efficiency, continuous discharge books, etc. | | 37-880 | 598 | | |
| May 18 | Regulations to promote safety of life during the Intercollegiate Regatta, Poughkeepsie, New York. | | 37-1428 | 840 | | |
| May 26 | Approval of miscellaneous items of equipment. | | 37-1525 | 903 | | |
| June 8 | Change of names of vessels | | 37-1660 | 980 | | |
| Sept. 23 | Notice of hearing, rules, etc., tank vessels. | | 37-2819 | 1889 | | |
| Sept. 23 | Method of accounting, sale of duplicate continuous discharge books, etc. | | 37-2820 | 1890 | | |
| Sept. 29 | Establishment of subdivision load lines on passenger vessels, amendments to regulations. | | 37-2887 | 1972 | | |
| Nov. 19 | General rules, etc., governing tank vessels, amendments. | Resolution No. 4235. | 37-3360 | 2506 | 3362 | 1-1792 |
| Dec. 2 | Custom ports authorized to issue marine documents. | | 37-3463 | 2563 | | |
| Dec. 3 | Designation and approval of nautical school ships. | Dept. Cir. No. 302, 2nd Edit. | 37-3490 | 2662 | 37-77 | 49 |
| Dec. 28 | Measurement of an engine room in the after end of a hold of a powered vessel | | 37-3785 | 2965 | | |
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| **Division of Public Contracts** | | | | | | |
| Aug. 26 | Regulations, etc. | Bulletin RI-1. | 37-2606 | 1634 | | |
| **Immigration and Naturalization Service** | | | | | | |
| Jan. 19 | Immigration rules of Jan. 1, 1930, amended; head tax, admissions. | Order No. 240. | 37-159 | 80 | 37-1354; 37-1355 | 820; 820 |
| Jan. 27 | Immigration rules amended, nonimmigrant bonds. | Order No. 241. | 37-253 | 163 | | |
| Jan. 27 | Immigration rules amended, registry of aliens. | G. O. No. 242. | 37-254 | 163 | | |
| Jan. 30 | Port of Pembina, North Dakota, designated airport of entry for aliens. | 8th Amdt. to G. O. No. 229. | 37-305 | 217 | | |
| Feb. 4 | Immigration rules amended, arrival in the United States. | G. O. No. 243. | 37-342 | 233 | | |
| Feb. 26 | Immigration rules amended, application by a Japanese regarding Section 3 (6) status. | G. O. No. 244. | 37-570 | 397 | | |
| Mar. 6 | Amendment of rule 28, attorneys, etc., representing aliens. | G. O. No. 245. | 37-644 | 502 | | |
| Mar. 9 | Port of Ogdensburg, New York, added as port of entry for aliens. | 9th Amdt. of G. O. No. 229. | 37-665 | 512 | | |
| Mar. 9 | Changing name of port of entry from Franklin to Morses Line, Vermont. | 5th Amdt. to G. O. No. 228. | 37-666 | 512 | | |
| Mar. 16 | Ports of Put-in-Bay, Ohio, and West Palm Beach, Florida, added as airports of entry for aliens. | 10th Amdt. of G. O. No. 229. | 37-733 | 532 | | |

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| May 13 | Amendment of rule 1, head tax; aliens subject thereto, etc. | G. O. No. 246. | 37-1354 | 820 | 37- 159<br>37-2782 | 30<br>1867 |
| May 13 | Amendment of rule 6, aliens in transit, examination, etc. | G. O No. 247. | 37-1355 | 820 | 1379<br>37-159 | 1-863<br>30 |
| June 8 | Port of Sandusky, Ohio, designated airport of entry for aliens. | 11th Amdt. of G. O. No. 229. | 37-1666 | 980 | ..... | ..... |
| June 8 | Amendment of paragraph 1, subdivision k, of rule 19, removal by consent. | G. O. No. 248. | 37-1667 | 980 | ..... | ..... |
| June 8 | Amendment of rule 6, declaration of intention and rule 7, petition for citizenship, naturalization regulations. | G. O. No. 249 | 37-1668 | 980 | ..... | ..... |
| July 14 | Rules of admission amended, Chinese aliens in transit, time extended. | Chinese General Order 23. | 37-2146 | 1210 | ..... | ..... |
| July 20 | Immigration rules amended, Rouses Point, New York, port of entry. | Amdt. 12 to General Order 229. | 37-2232 | 1246 | ..... | ..... |
| July 24 | Regulations, presumed lawful entry of certain aliens from Canada or Mexico. | General Order 250. | 37-2304 | 1289 | ..... | ..... |
| Aug. 24 | Designating Beebe Plain, Vt. port of entry for aliens. | 6th Amdt. to Gen. Order No. 228. | 37-2596 | 1440 | ..... | ..... |
| Aug. 28 | Entry ports, aircraft, Minnesota. | 13th Amdt. General Order No. 229. | 37-2646 | 1781 | 37-2700 | 1813 |
| Sept. 18 | Entry port by aircraft, Chalt's Flying Service airport, Miami, Florida. | 14th Amdt. Gen. Order No. 229. | 37-2781 | 1867 | 37-2813 | 1888 |
| Sept. 18 | Immigration rules amended, exemption from payment of head tax. | Gen. Order No. 252. | 37-2782 | 1867 | 37-1354 | 820 |
| Oct. 1 | Notice to substitute witnesses to petition for naturalization, amendment of regulations. | G. O. No. 251. | 37-2909 | 2069 | ..... | ..... |
| Oct. 1 | Certification of naturalization records, amendment of regulations. | G. O. No. 253 | 37-2910 | 2069 | ..... | ..... |
| Oct. 1 | Extension of time for the naturalization of alien veterans of the World War, amendment of regulations. | G. O. No. 254. | 37-2911 | 2070 | ..... | ..... |
| Oct. 2 | Ports of entry, Morehead City, North Carolina. | 7th Amdt to G. O. No. 228. | 37-2928 | 2077 | ..... | ..... |
| Nov. 24 | Discontinuing Boundary Cottage, Maine, as port of entry. | 8th Amdt. to G. O. No. 228. | 37-3412 | 2536 | ..... | ..... |
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| Feb. 4 | Decision of the Secretary of Labor determining prevailing minimum wages in the: | | | | | |
| | Men's work clothing industry. | | 37-344 | 233 | 3417 | 1-1972 |
| July 30 | Work glove industry | | 37-2411 | 1339 | ..... | ..... |
| July 30 | Cotton garment and allied industries. | | 37-2412 | 1333 | ..... | ..... |
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| June 9 | Rules and regulations, establishment of a national employment system, etc. | | 37-1701 | 986 | ..... | ..... |
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| Nov. 12 | Regulations for the codification of executive and administrative documents. | | 37-3289 | 2450 | ..... | ..... |
| **BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM** | | | | | | |
| Jan. 16 | Effective date of subsection (F) of Section 1, Revised Regulation Q. | Amdt. to Regulation Q. | 37-151 | 77 | 37-326<br>37-433 | 226<br>316 |
| Feb. 2 | Effective date of subsection (F) of Section 1, Revised Regulation Q. | Amdt. to Regulation Q. | 37-326 | 226 | 37-151 | 77 |
| Feb. 12 | Payment of interest on deposits. | Amdt. to Regulation Q. | 37-433 | 316 | 37-151 | 77 |
| Feb. 12 | Increase of reserve requirements. | Supp. to Regulation D. | 37-434 | 316 | 1388 | 1-968 |
| Apr. 20 | Change of date in regulations. | Amdt. to Regulation T. | 37-1132 | 718 | 37-3098 | 2916 |
| Aug. 12 | Loans made prior to May 1, 1936, stock purchases. | Amdt. No. 3 Regulation U. | 37-2505 | 1388 | 208 | 1-126 |
| Aug. 12 | Requiring reserves in same percentages as are required of member banks in central reserve cities. | Amdt., Regulation K. | 37-2506 | 1388 | ..... | ..... |
| Aug. 17 | Regulation of foreign branches of national banks and corporations. | Regulation M. | 37-2551 | 1409 | ..... | ..... |
| Sept. 29 | Discounts for and advances to member banks by Federal Reserve banks. | Regulation A. | 37-2884 | 1994 | ..... | ..... |
| Oct. 30 | Extension and maintenance of credit by brokers, dealers and members of national security exchanges. | Amdt. 10, Regulation T. | 37-3187 | 2398 | 37-3698 | 2916 |
| Oct. 30 | Maximum loan values of registered securities. | Amdt. to supp. to Regulation T. | 37-3188 | 2399 | 133<br>37-3698 | 1-90<br>2916 |
| Oct. 30 | Loans to brokers and dealers; stock purchases. | Amdt. to supp. to Regulation U. | 37-3189 | 2399 | 209 | 1-127 |
| Dec. 8 | Special commodity account; maintenance. | Amdt. 11 of Regulation T. | 37-3542 | 2687 | 37-3698 | 2916 |
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| Feb. 4 | 1934-35 CCC cotton form P. | ..... | 37-343 | 234 | ..... | ..... |
| Nov. 18 | Instructions, loans to cotton producers. | CCC cotton form 1. | 37-3344 | 2495 | 37-3357<br>37-3358<br>37-3359 | 2516<br>2516<br>2517 |
| Nov. 19 | Instructions amended | 1937 cotton circular letter No. 1. | 37-3357 | 2516 | 37-3344 | 2495 |
| Nov. 19 | Instructions amended | 1937 cotton circular letter No. 2. | 37-3358 | 2516 | 37-3344 | 2495 |
| Nov. 19 | Instructions supplemented. | 1937 cotton circular letter No. 3. | 37-3359 | 2517 | 37-3344 | 2495 |
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| Feb. 6 | Regulations, emergency crop and feed loans, United States. | FCA 23 | 37-372 | 253 | 128<br>37-538<br>37-539<br>37-540<br>37-709 | 1-35<br>355<br>356<br>356<br>524 |
| Feb. 24 | Retirement of capital stock of production credit corporations. | FCA 24 | 37-521 | 348 | ..... | ..... |
| Feb. 24 | Regulations, emergency crop and feed loans, Hawaii. | FCA 25 | 37-522 | 349 | 176 | 1-113 |
| Feb. 24 | Regulations, emergency crop and feed loans, Puerto Rico. | FCA 26 | 37-523 | 350 | 175 | 1-114 |
| Feb. 25 | Amendatory regulations, emergency crop and feed loans, United States. | FCA 27 | 37-538 | 355 | 37-372 | 253 |



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| Feb. 25 | Amendatory regulations, emergency crop and feed loans, United States. | FCA 29 | 37-540 | 356 | 37-372 | 253 |
| Mar. 4 | Voluntary liquidation by sale of assets and assumption of liabilities, production credit associations. | FCA 30 | 37-627 | 490 | ..... | ..... |
| Mar. 11 | Loans to directors, etc., regulations. | FCA 31 | 37-698 | 518 | 37-3039 | 2229 |
| Mar. 12 | Amendatory regulations, emergency crop and feed loans, United States. | FCA 32 | 37-706 | 524 | 37- 372 | 253 |
| Mar. 24 | Participation of the holders of impaired Class B stock in the proceeds of liquidation of a production credit association. | FCA 33 | 37-821 | 576 | ..... | ..... |
| Mar. 30 | Retirement of Class A stock of production credit associations. | FCA 34 | 37-883 | 608 | ..... | ..... |
| Apr. 6 | Method of calling farm loan bonds for payment. | FCA 35 | 37-977 | 650 | ..... | ..... |
| May 8 | Production Credit Corp. of St. Paul, conversion of Class A stock. | FCA 36 | 37-1302 | 798 | ..... | ..... |
| May 11 | Production Credit Corp. of Houston, transfer and conversion of Class A stock. | FCA 38 | 37-1323 | 807 | ..... | ..... |
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| May 29 | Production Credit Corp. of Columbia, transfer and conversion of Class A stock. | FCA 43 | 37-1579 | 924 | ..... | ..... |
| June 30 | Production Credit Corp. of Louisville, Class A stock conversions and transfers. | FCA 44; PCA Bulletin #218. | 37-1978 | 1126 | ..... | ..... |
| June 30 | Production Credit Corp. of Baltimore, capital stock, Class A. | FCA 45 | 37-1979 | 1126 | ..... | ..... |
| July 3 | Fee schedules, Federal Land Bank of Berkeley. | FCA 46 | 37-2027 | 1144 | ..... | ..... |
| July 8 | Conversion of Class B stocks. | FCA 47 | 37-2079 | 1168 | ..... | ..... |
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| July 27 | Authority to authorize cash and security transactions. | FCA 52 | 37-2343 | 1315 | ..... | ..... |
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| Aug. 10 | Eligibility of individuals to serve as directors. Amendment of section 102-D of rules, etc., for production credit associations. | FCA 57 | 37-2490 | 1381 | ..... | ..... |
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| Sept. 1 | Authority etc., Deputy Governors to act as Governors. | FCA 59 | 37-2667 | 1795 | 37-2342 | 1315 |
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| Sept. 15 | Regulation governing consolidation of national farm loan associations. | FCA 61 | 37-2741 | 1843 | ..... | ..... |
| Oct. 16 | Loans to directors etc., FCA, etc. | FCA 62 | 37-3039 | 2229 | 37-698 | 518 |
| Oct. 26 | Charges for determination of title, the Federal Land Bank of Baltimore. | FCA 63 | 37-3113 | 2279 | ..... | ..... |
| Nov. 11 | Rules etc., for production credit associations, amendment. | FCA 64 | 37-3280 | 2447 | ..... | ..... |
| Nov. 17 | Changes in installment maturity, dates of land bank loans, amendment of regulations. | FCA 65 | 37-3334 | 2487 | ..... | ..... |
| Nov. 25 | Voting rights of class B stock owned by two or more persons jointly, production credit associations, amendment to rules. | FCA 66 | 37-3415 | 2539 | ..... | ..... |
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| Dec. 31 | Federal Land Bank of New Orleans, charges for appraisal of land, etc. | FCA 68 | 37-3813 | 2893 | ..... | ..... |
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| Jan. 19 | Amendments of uniform system of accounts for telephone companies. | Order No. 7-D. | 37-166 | 81 | 37-1846 | 1066 |
| Jan. 19 | Amendment to Rule 262 a, B, b. | ..... | 37-167 | 81 | 868<br>1568<br>2066<br>3566<br>37- 292<br>37-1380<br>37-1931<br>37-1940<br>37-3058 | 1- 581<br>1- 998<br>1-1568<br>1-2049<br>212<br>830<br>1112<br>1112<br>2234 |
| Jan. 29 | Amdt. Rule 262 a, B, b | ..... | 37-292 | 212 | 37- 167 | 81 |
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| Feb. 3 | Adoption of annual report form O. | ..... | 37-335 | 230 | ..... | ..... |
| Feb. 5 | Order of hearing, approval or disapproval of certain automatic alarm devices. | Docket No. 4409. | 37-359 | 238 | 37- 907 | 616 |
| Feb. 5 | Continuous radio watch on cargo ships. | ..... | 37-360 | 238 | ..... | ..... |
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| Mar. 20 | Amendment of rules governing issuance of telegraph franks. | ..... | 37-778 | 559 | ..... | ..... |
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| Mar. 23 | Practice by attorneys after separation from service of Commission. | Amendment of Rule 101.7. | 37-800 | 564 | ..... | ..... |
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| Mar. 26 | Monthly reports of revenues, etc., of telephone carriers. | ..... | 37-848 | 590 | ..... | ..... |
| Mar. 31 | Approval or disapproval of certain automatic alarm devices, identified as Model A and Model B. | Docket No. 4409. | 37-907 | 616 | 2891<br>37-359 | 1-1589<br>238 |

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| Apr. 22 | Amendment of Rule 442 | | 37-1173 | 737 | | |
| Apr. 22 | Amendment of Rule 411 | | 37-1174 | 737 | | |
| May 8 | Amendment of Rule 229.5 | | 37-1293 | 798 | 37-1940 | 1112 |
| May 15 | Aeronautical, etc., stations; frequencies. | Amdt. of Rules 253 and 262 a, B, b. | 37-1380 | 830 | 37-167 | 81 |
| May 15 | Aviation service, Alaska; frequencies available. | Amdt. of Rule 419. | 37-1381 | 829 | | |
| May 15 | Spare parts considered indispensable for maintenance of certain auto-alarms. | | 37-1382 | 829 | 2891 | 1-1589 |
| May 15 | Aeronautical and aeronautical point-to-point stations in Alaska. | | 37-1383 | 830 | | |
| May 25 | Ship radiotelegraph safety rules; ship service rules. | Order No. 29 | 37-1503 | 881 | 2891<br>37-2469 | 1-1589<br>1372 |
| June 3 | Resumption of hearings in telephone investigation. | Special Investigation Docket No. 1. | 37-1625 | 952 | | |
| June 4 | Rates of pay for Government communications by telegraph. | Telegraph Division Order No. 15-C. | 37-1631 | 954 | 976<br>1569 | 1-658<br>1-995 |
| June 15 | Exemption from compliance with radiotelegraph installation requirement; Puget Sound Navigation Co. | | 37-1702 | 1027 | 37-718 | 529 |
| June 18 | Notice of hearing Western Union Telegraph Co. | Docket No. 4015. | 37-1826 | 1042 | | |
| June 22 | Uniform system of accounts for telephone companies. | Order No. 7-E. | 37-1846 | 1096 | 37-166 | 81 |
| June 29 | Deletion of Rule 1002, amendment of rules 1001 (F) and 1004. | | 37-1929 | 1112 | | |
| June 29 | Modification of Rule 229 | | 37-1930 | 1112 | 37-1293 | 798 |
| June 29 | Amendment of Rule 262a, B, b. | | 37-1931 | 1112 | 37-167 | 81 |
| June 29 | Amendment of Rule 262, a, B, b. | | 37-1940 | 1112 | 37-167 | 81 |
| July 23 | Exemptions from compliance with radiotelegraph installations; Puget Sound Navigation Co. | | 37-2290 | 1272 | 37-718 | 529 |
| July 29 | Exemption from requirements of radio installation; Lloyd C. Hooks, etc. | | 37-2390 | 1327 | 37-2567 | 1421 |
| Aug. 6 | Ship radiotelegraph safety rules. | Order No. 29-A. | 37-2469 | 1372 | 37-1503 | 881 |
| Aug. 10 | Exemption from radiotelegraph requirements; Puget Sound Navigation Co. | | 37-2487 | 1382 | 37-718 | 529 |
| Aug. 13 | Reports required to be filed by common carriers. | Order No. 23-A. | 37-2517 | 1393 | 1105 | 1-730 |
| Aug. 13 | Amendment to Order No. 28. | Order No. 28-A. | 37-2518 | 1394 | 37-799<br>37-2677 | 564<br>1801 |
| Aug. 19 | Exemption from requirement of a radio installation extended, Lloyd C. Hooks, etc. | | 37-2567 | 1421 | 37-2390 | 1327 |
| Aug. 27 | Order for hearing A. H. Bull & Co., vessel "Catherine". | Docket No. 4743. | 37-2629 | 1760 | | |
| Aug. 28 | Order amending rule 376 | | 37-2630 | 1781 | | |
| Aug. 28 | Extension of working date of rule 981. | | 37-2631 | 1781 | 1990 | 1-1258 |
| Sept. 3 | Amendment to Order No. 23-A. | Order No. 23-B. | 37-2677 | 1801 | 37-2518 | 1394 |
| Sept. 16 | Telephone carriers, monthly reports of selected income & balance sheet items. | Order No. 15. | 37-2749 | 1853 | | |
| Sept. 16 | Exemptions from compliance with radiotelegraph installation requirements; Puget Sound Navigation Co. | | 37-2750 | 1853 | 37-718 | 529 |
| Sept. 18 | Order, exemption of vessels of Puget Sound Navigation Co. | File No. I... | 37-2773 | 1867 | 37-718 | 529 |
| Sept. 18 | Order for hearing, exemption of certain vessels from radiotelegraph requirements. | Docket Nos. 4773 - 4807 incl. | 37-2774 | 1868 | | |
| Sept. 21 | Use of 550 kilocycles near the coasts of the United States. | | 37-2785 | 1871 | | |
| Sept. 28 | Modification of Rule 229 | | 37-2844 | 1956 | | |
| Sept. 28 | Modification of Rule 229 | | 37-2845 | 1956 | | |
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| Oct. 8 | Regulations to govern destruction of records of telephone companies, etc. | Commission Order No. 17-A. | 37-2970 | 2101 | 719 | 1-459 |
| Oct. 8 | Order; exemption of certain vessels from radio installation requirements, Miami, Fla. | | 37-2971 | 2101 | | |
| Oct. 19 | Amendment to rule 8 (b) of tariff circular No. 1. | Commission Order No. 12-C. | 37-3056 | 2233 | | |
| Oct. 19 | Notice of hearing, radio installations, Merchants & Miners Transportation Co., et al. | Docket Nos. 4853 - 4857 incl. | 37-3057 | 2234 | | |
| Oct. 19 | Modification of rule 262 a, B, b. | | 37-3058 | 2234 | 37-167 | 81 |
| Oct. 19 | Amendment to rule 375 & rule 403, Class B. | | 37-3059 | 2235 | | |
| Oct. 26 | Frequency allocation, services in the frequency bands from 10 kc to 30,000 kc. | Docket No. 3929—Com. Order No. 18. | 37-3106 | 2279 | | |
| Oct. 26 | Frequency allocation, services in the frequency bands from 30,000 kc to 300,000 kc. | Docket No. 3929—Com. Order No. 19. | 37-3107 | 2291 | | |
| Oct. 26 | Divisions abolished; powers etc. to be exercised by Commission. | Order No. 20. | 37-3108 | 2296 | 37-3384 | 2527 |
| Nov. 11 | Order, temporary exemption, Western Transport Co., et al. | Docket Nos. 4774 - 4777 incl. 4780-4782, incl., 4786 - 4791 incl., 4794, 4797, 4799, 4800 - 4803 incl., 4806. | 37-3273 | 2448 | | |
| Nov. 11 | Order, temporary exemption, Kingsley Co., et al. | Docket Nos. 1783, 4784, 4795, 4793, 4798, 4807. | 37-3274 | 2448 | | |
| Nov. 23 | Application for exemption, Philadelphia & Norfolk Steamship Co. | Docket No. 4833. | 37-3374 | 2830 | | |
| Nov. 23 | Application for exemption, Atlantic Refining Co., et al. | Docket Nos. 4855, 4857, 4887. | 37-3382 | 2530 | | |
| Nov. 23 | Rules etc. governing radio stations in Alaska, amendment. | | 37-3383 | 2528 | | |
| Nov. 23 | Continuance of orders etc., granted by abolished divisions. | Order No. 23 | 37-3384 | 2527 | 37-3108 | 2296 |
| Nov. 23 | Rules and regulations, part I, practice & procedure, amended. | Order No. 24 | 37-3385 | 2527 | | |
| Nov. 23 | Communications relative to applications pending before commission. | Order No. 25 | 37-3386 | 2528 | | |
| Nov. 23 | Weekly report on applications filed, etc. | Order No. 26 | 37-3387 | 2528 | | |
| Dec. 14 | Exemption from radio requirement, small passenger vessels fishing near Miami, Fla. | | 37-3611 | 2800 | | |
| Dec. 11 | Commissioner Walker assigned to supervise completion of report on investigation authorized by Congress. | Order No. 21 | 37-3612 | 2800 | | |
| Dec. 11 | Assignment of commissioners, etc., to act on various classes of applications. | Order No. 28 | 37-3613 | 2800 | | |
| Dec. 14 | Assignment of commissioners to carry out provisions of Order No. 28. | Order No. 29 | 37-3614 | 2801 | | |
| Dec. 28 | Annual report form for telegraph etc. carriers 1937, form O. | | 37-3771 | 2965 | | |
| Dec. 28 | Annual report form for use of holding companies 1937, form H. | | 37-3772 | 2965 | | |
| Dec. 28 | Application of Howton Radio Alarm Co. for special experimental station. | Docket No. 4557. | 37-3773 | 2965 | | |
| **FEDERAL DEPOSIT INSURANCE CORPORATION** | | | | | | |
| Jan. 5 | Approval of forms S-14, S-14A and 73. | | 37-21 | 16 | | |
| Jan. 5 | Approval of forms 555' and 555C. | Resolution... | 37-22 | 16 | 37-2001 | 1137 |



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| Feb. 12 | Payment of deposits and interest thereon by insured nonmember banks. | | 37-446 | 316 | | |
| July 2 | Approval of certified statement forms 5451) and 5551). | Resolution... | 37-2001 | 1137 | 37-22 | 16 |
| July 13 | Order directing report of condition by insured nonmember banks. | | 37-2129 | 1205 | | |
| July 27 | Order directing report of condition. | | 37-2335 | 1316 | | |
| Aug. 6 | Agents—service of process | | 37-2466 | 1373 | | |
| Oct. 15 | Replacement of service of process agent. | | 37-3029 | 2211 | | |
| Dec. 21 | Resolution approving certified statement forms. | | 37-3710 | 2921 | | |
| **FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS** | | | | | | |
| Jan. 1 | Amendment, rules and regulations, convict labor. | | 37-1 | 5 | | |
| **FEDERAL HOME LOAN BANK BOARD** | | | | | | |
| Feb. 19 | Bank rules and regulations amended, advances to members. | | 37-487 | 337 | | |
| Feb. 19 | Bank rules and regulations amended, repayment of advances. | | 37-488 | 337 | | |
| Feb. 19 | Bank rules and regulations amended. | | 37-489 | 337 | | |
| Feb. 19 | Bank rules and regulations amended, definition of investments. | | 37-490 | 337 | | |
| Feb. 26 | Amendment of rules and regulations, signing of papers. | | 37-571 | 397 | | |
| Mar. 11 | Amendment to bank rules and regulations. | | 37-693 | 518 | | |
| Mar. 25 | Issuance of consolidated Federal Home Loan bank debentures. | | 37-827 | 570 | | |
| Apr. 1 | Inter-bank deposits, Federal Home Loan Banks. | | 37-926 | 625 | | |
| May 14 | Amendment to rules and regulations for Federal Savings and Loan Associations. | | 37-1364 | 825 | 3708 | 1-2101 |
| May 14 | Amendment to bank rules and regulations. | | 37-1365 | 824 | | |
| May 14 | Amendment to rules and regulations for Federal Savings and Loan Associations. | | 37-1367 | 826 | 3708 | 1-2101 |
| May 14 | Amendment to rules and regulations for Federal Savings and Loan Associations. | | 37-1368 | 826 | 3708 | 1-2101 |
| May 15 | Applications for membership and stock subscription. | | 37-1384 | 831 | | |
| May 15 | Bond of proposed association; Federal Savings and Loan Associations rules amended. | | 37-1385 | 831 | | |
| May 18 | Ex-officio members of any standing committee of the board. | | 37-1416 | 840 | | |
| June 9 | Increase or decrease of Federal Home Loan Bank stock held by member institutions. | | 37-1692 | 991 | | |
| July 17 | Repayment of long term advances by bank members. | | 37-2193 | 1235 | | |
| July 17 | Amendment of procedure for election of directors of banks. | | 37-2194 | 1235 | | |
| July 17 | Loans upon homes and combination home and business. | | 37-2195 | 1236 | | |
| July 17 | Notice for retirement of excess bank stock. | | 37-2199 | 1235 | | |
| Aug. 7 | Amendment to rules and regulations for Federal Savings and Loan Associations. | | 37-2483 | 1378 | 3708 | 1-2101 |
| Aug. 7 | Amendment to rules and regulations for Federal Savings and Loan Associations. | | 37-2484 | 1378 | 3708 | 1-2101 |

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| Sept. 17 | Definition of the term "paid-in value", amendment to rules, etc. | | 37-2767 | 1865 | | |
| Sept. 17 | Computation of dividends, payment to stockholders. | | 37-2766 | 1865 | | |
| Oct. 21 | Investment in securities of Savings and Loan Associations, regulations. | | 37-3093 | 2255 | | |
| Oct. 23 | Retiring investments held by Secretary of the Treasury, amendment, regulations for Federal Savings and Loan Associations. | | 37-3098 | 2255 | | |
| Nov. 6 | Rules, etc., for Federal Savings and Loan Associations, fidelity bonds amendment. | | 37-3243 | 2423 | | |
| Nov. 17 | Transportation expenses, members of Advisory Council, rules amendment. | | 37-3333 | 2487 | | |
| Dec. 8 | Examinations, etc., of member institutions, amendment to rules. | | 37-3546 | 2688 | | |
| Dec. 15 | Bonuses to officers, etc., of more than ten dollars per officer, etc., per year, not approved, regulations amended. | | 37-3654 | 2807 | | |
| **Federal Savings and Loan Insurance Corporation** | | | | | | |
| Jan. 27 | Membership certificate form. | | 37-252 | 163 | | |
| Jan. 29 | Amendment to rules and regulations for certificate forms. | | 37-291 | 212 | | |
| Feb. 10 | Amendment to rules and regulations, annual reports of members. | | 37-400 | 280 | | |
| May 14 | Amendment to rules, insurance of accounts, etc. | | 37-1366 | 826 | 37-1557 | 920 |
| May 28 | Amendment to rules, insurance of accounts, etc. | | 37-1557 | 920 | 37-1366 | 826 |
| June 18 | Elimination of requirement for filing of semi-annual reports. | | 37-1813 | 1043 | | |
| July 17 | Insurance of accounts | | 37-2200 | 1236 | 37-1366 | 826 |
| Aug. 27 | Rules and regulations, amendment, limiting borrowing power of insured institutions. | | 37-2621 | 1761 | | |
| Aug. 27 | Rules and regulations, amendment, prohibiting insured institutions from occupying joint quarters with uninsured, etc. | | 37-2623 | 1761 | | |
| Nov. 6 | Rules, etc., for insurance of accounts, fidelity bonds, amendment. | | 37-3242 | 2423 | | |
| **Home Owners Loan Corporation** | | | | | | |
| Jan. 9 | Method of relief of owners of lost, stolen, or destroyed bonds. | | 37-79 | 49 | 1299 | 1-832 |
| Jan. 22 | Expenses in loan service operations. | | 37-191 | 111 | | |
| Jan. 27 | Charge-off of rents. | | 37-250 | 163 | | |
| Jan. 27 | Separation notice to employees. | | 37-251 | 163 | | |
| Jan. 29 | Expenses in loan service operations. | | 37-290 | 213 | | |
| Feb. 4 | Separation notice, etc | | 37-345 | 236 | | |
| Feb. 25 | Investment of bond retirement fund. | | 37-336 | 356 | | |
| Feb. 25 | Bond retirement fund | | 37-537 | 356 | | |
| Mar. 4 | Reconditioning chapter amended. | | 37-624 | 491 | 37-1218 | 763 |
| Mar. 4 | Property management chapter amended. | | 37-625 | 493 | 37-1050<br>37-1242<br>37-1837<br>37-2494<br>37-2956 | 682<br>770<br>1056<br>1282<br>2101 |
| Mar. 4 | Bidding at foreclosure sales, etc. | | 37-626 | 496 | 37-738 | 533 |
| Mar. 9 | Appointment of notaries public. | | 37-663 | 512 | | |
| Mar. 11 | Interest after default on judgments, etc. | | 37-694 | 518 | | |
| Mar. 16 | Bidding at foreclosure sales, etc. | | 37-738 | 533 | 37-626 | 496 |

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| **Home Owners Loan Corporation—Continued** | | | | | | |
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| Mar. 24 | Authorizing regional accountant to use Corporation's seal. | | 37-819 | 576 | | |
| Mar. 25 | Endorsement of insurance loss drafts. | | 37-829 | 580 | | |
| Mar. 27 | Partial release proceeds, etc., reamortization of accounts. | | 37-868 | 603 | 37-1657 | 974 |
| Apr. 1 | Appointment of "nonexecutive" employees. | | 37-925 | 625 | | |
| Apr. 2 | Incidental expense accounts. | | 37-936 | 629 | | |
| Apr. 13 | Amendments to by-laws | | 37-1049 | 681 | | |
| Apr. 13 | Property management chapter amended. | | 37-1050 | 682 | 37-625 | 493 |
| Apr. 27 | Insurance loss settlements | | 37-1201 | 750 | | |
| Apr. 28 | Transmittal of documents in property sales. | | 37-1211 | 753 | | |
| Apr. 28 | Substitution of trustee, North Carolina. | | 37-1212 | 752 | | |
| Apr. 29 | Authorization of advances for repairs, etc. | | 37-1218 | 763 | 37-624 | 491 |
| May 1 | Property management chapter amended. | | 37-1242 | 770 | 37-625 | 493 |
| May 12 | Substitution of trustee, Texas. | | 37-1337 | 812 | | |
| May 19 | Mortgaged, etc., property purchases by officers or employees of Corporation. | | 37-1431 | 851 | | |
| May 26 | Sale or rental to employee or spouse of employee. | | 37-1520 | 903 | | |
| May 28 | State manager's escrow account, etc. | | 37-1556 | 921 | | |
| June 3 | Comptrollers Division, petty cash fund. | | 37-1618 | 952 | 1707 | 1-1058 |
| June 5 | Partial release and other proceeds and reamortization of accounts. | | 37-1657 | 974 | 37-868 | 603 |
| June 9 | Consummation of agreements for the sale of acquired real estate. | | 37-1693 | 991 | | |
| June 19 | Property management chapter amended. | | 37-1837 | 1056 | 37-625 | 493 |
| July 1 | Arrangements upon suspension or withdrawal of foreclosure. | Manual amdt. | 37-1982 | 1131 | | |
| July 17 | Authority to incur expense on Corporation owned property. | | 37-2196 | 1237 | | |
| July 17 | Procedure amendments | | 37-2197 | 1237 | | |
| July 17 | Approval of vouchers | | 37-2198 | 1236 | | |
| Aug. 7 | Amendment of regulations on extension of time for payments. | | 37-2481 | 1379 | 2669 | 1-1509 |
| Aug. 7 | Extension of time for payments. | | 37-2482 | 1379 | 2669 | 1-1509 |
| Aug. 10 | Property management chapter, effective date of manual amendment. | | 37-2494 | 1382 | 37-625 | 493 |
| Aug. 19 | Amendment to manual, Treasury chapter, funds deposited in special deposits accounts. | | 37-2566 | 1421 | | |
| Aug. 27 | Redesignating functions of brokers, etc., consolidated state and regional manuals, amendments. | | 37-2620 | 1761 | | |
| Aug. 27 | Amendment, settlement of claims, etc., affecting the Corporation. | Amdt. of Ch. VI, Sec. 603 (c), consolidated manual. | 37-2622 | 1761 | 134 | 1-91 |
| Aug. 27 | Manuals, property management chapter, amendment; acquired properties, plans of sale, etc. | | 37-2624 | 1762 | | |
| Sept. 14 | Employees acting in fiduciary capacity, regulations amended. | | 37-2729 | 1835 | | |
| Sept. 29 | Payment of delinquent water bills, adding new section to the manual. | | 37-2891 | 2002 | | |
| Oct. 5 | State incidental expense accounts, etc. | | 37-2939 | 2083 | | |
| Oct. 5 | Changing procedure for payment of fees and legal expenses. | | 37-2940 | 2082 | | |
| Oct. 5 | Regional working fund maintained as disbursing account, disbursements authorized. | | 37-2941 | 2083 | | |
| Oct. 5 | Changing petty cash fund to imprest cash fund, administrative purposes. | | 37-2942 | 2083 | | |
| Oct. 8 | Property management division regulations, revised. | | 37-2973 | 2101 | 37-625 | 493 |
| Oct. 14 | Disposition of checks outstanding more than one fiscal year. | | 37-3016 | 2197 | | |
| Oct. 23 | Authorizing General Counsel to designate attorney to act as regional or state counsel. | | 37-3092 | 2256 | | |
| Nov. 3 | Amending insurance chapter (IX) of the manual. | | 37-3216 | 2411 | | |
| Nov. 12 | Accounting procedure etc. of overpayments of less than fifty cents on paid in full loans. | | 37-3290 | 2461 | | |
| Dec. 3 | Extending authority to state managers to accept deeds in lieu of foreclosure. | Amdt. of legal Ch. of manual. | 37-3495 | 2663 | | |
| Dec. 8 | Changing procedure for the requiring of receipts, manual amendment. | | 37-3547 | 2688 | | |
| Dec. 23 | Repealing certain chapters of the State and Regional manuals. | | 37-3751 | 2947 | | |
| Dec. 23 | Change in title of the official heads of the appraisal and reconditioning sections. | | 37-3752 | 2947 | | |
| **FEDERAL HOUSING ADMINISTRATION** | | | | | | |
| June 29 | Amendment to regulations of Sept. 1, 1936. | | 37-1964 | 1112 | | |
| Sept. 29 | Administrative rules and regulations, mutual mortgage insurance. | | 37-2883 | 2002 | 37-2974 | 2105 |
| Oct. 8 | Administrative rules for mutual mortgage insurance, amendment. | | 37-2971 | 2105 | 37-2883 | 2002 |
| Nov. 16 | Rental housing, insurance of mortgages, administrative rules, etc. | Circular No. 3 | 37-3315 | 2472 | | |
| **FEDERAL POWER COMMISSION** | | | | | | |
| Jan. 16 | Amending uniform system of accounts and adding an appendix. | Order No. 43. | 37-155 | 77 | | |
| Jan. 19 | Rules of practice and regulations prescribed. | Order No. 44. | 37-163 | 82 | | |
| Jan. 26 | Prescribing a list of units of property, uniform system of accounts. | Order No. 45. | 37-217 | 136 | 37-155 | 77 |
| Jan. 29 | Order for hearing, Metropolitan Edison Co., et al. | Docket No. IT-5015. | 37-295 | 213 | 37-586<br>37-851<br>37-2652 | 430<br>591<br>1791 |
| Feb. 12 | Order directing investigation and rehearing, The Niagara Falls Power Co. | Project No. 16. | 37-430 | 319 | 917<br>37-705<br>37-1320<br>37-1624<br>37-1704 | 1-696<br>524<br>868<br>952<br>996 |
| Feb. 27 | Order postponing hearing, Metropolitan Edison Co., et al. | Docket No. IT-5015. | 37-586 | 430 | 37-295 | 213 |
| Mar. 9 | Order setting hearing, Montana-Dakota Utilities Co. | Docket No. IT-5463-S. | 37-664 | 513 | | |
| Mar. 10 | Order granting rehearing, Kansas Gas and Electric Co. | Docket No. IT-5023. | 37-683 | 516 | 875 | 1-582 |
| Mar. 12 | Order postponing rehearing, the Niagara Falls Power Co. | Project No. 16. | 37-705 | 524 | 37-430 | 319 |
| Mar. 26 | Notice of hearing, Minnesota Power & Light Co. | Project No. 346. | 37-849 | 591 | 37-1106<br>37-1444 | 702<br>858 |
| Mar. 26 | Notice of hearing, Platte Valley Public Power and Irrigation District. | DI 131 | 37-850 | 591 | 37-3312<br>37-3544 | 2481<br>2688 |
| Mar. 26 | Petition for rehearing granted, Metropolitan Edison Co., et al. | Docket No. IT-5015. | 37-851 | 591 | 37-295 | 213 |
| Apr. 8 | Order setting hearing, Public Service Electric and Gas Co., et al. | Docket No. IT-5465-M. | 37-1012 | 661 | 37-1107<br>37-1228 | 702<br>767 |
| Apr. 16 | Order postponing hearing, Minnesota Power and Light Co. | Project No. 346. | 37-1106 | 702 | 37-849 | 591 |
| Apr. 16 | Order postponing hearing, Public Service Electric and Gas Co., et al. | Docket No. IT-5465-M. | 37-1107 | 702 | 37-1012 | 661 |
| Apr. 30 | Order postponing hearing, Public Service Electric and Gas Co., et al. | Docket No. IT-5465. | 37-1228 | 767 | 37-1012 | 661 |



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| May 6 | Notice of hearing, Union Electric Light and Power Co., et al. | Docket No. IT-5467. | 37-1266 | 788 | | |
| May 8 | Order setting hearing, Pennsylvania Electric Co., et al. | Docket No. IT-5466. | 37-1294 | 798 | 37-1370 | 924 |
| May 8 | Order to show cause, etc., Woodhouse Mining Co. | Project No. 874. | 37-1295 | 798 | | |
| May 11 | Postponement of hearing, The Niagara Falls Power Co. | Project No. 16. | 37-1320 | 808 | 37-430 | 319 |
| May 18 | Notice of hearing, Chelan Electric Co., et al. | Docket No. IT-5468. | 37-1402 | 841 | | |
| May 20 | Postponement of hearing, Minnesota Power and Light Co. | Project No. 346. | 37-1444 | 858 | 37-849 | 591 |
| May 27 | Order for hearing, Pacific Gas and Electric Co. | Project No. 184. | 37-1538 | 912 | 37-1726<br>37-2094 | 1007<br>1169 |
| May 28 | Notice of hearing, Gascnade River Power Co. | Project No. 934. | 37-1552 | 921 | | |
| May 28 | Notice of hearing, William Lefroy Chandler, et al. | ID Nos. 817, 818, 819, 822. | 37-1553 | 921 | | |
| May 29 | Continuance of date of hearing, The Clarion River Power Co., et al. | IT 5466 | 37-1570 | 924 | 37-1294 | 798 |
| June 3 | Continuance of hearing denied, The Niagara Falls Power Co. | Project No. 16. | 37-1624 | 952 | 37-430 | 319 |
| June 10 | Postponement of hearings, The Niagara Falls Power Co. | Project No. 16. | 37-1704 | 996 | 37-430 | 319 |
| June 12 | Order continuing rehearing, Pacific Gas and Electric Co. | Project No. 184. | 37-1726 | 1007 | 37-1538 | 912 |
| June 18 | Order setting date of hearing, Inland Power and Light Co., et al. | IT-5469 | 37-1825 | 1043 | | |
| July 7 | Petition of Portland General Electric Co., for rehearing. | Project No. 135. | 37-2051 | 1154 | 37-2776 | 1869 |
| July 9 | Order for hearing, Pacific Gas and Electric Co. | Project No. 184. | 37-2094 | 1169 | 37-1538 | 912 |
| July 9 | Order setting hearing, Sierra Pacific Power Co. | Docket No. IT 5470. | 37-2095 | 1169 | 37-3055 | 2235 |
| July 13 | Declaration of intention, Carolina Aluminum Co., hearing. | Docket No. DI-135. | 37-2122 | 1205 | 37-2685 | 1811 |
| July 17 | Order setting hearing, St. Louis Gas and Coke Corp. | Docket No. IT-5472. | 37-2201 | 1237 | 37-2287<br>37-2467 | 1273<br>1373 |
| July 23 | Order postponing hearing, St. Louis Gas and Coke Corp. | Docket No. IT-5472. | 37-2287 | 1273 | 37-2201 | 1237 |
| July 23 | Order setting hearing, Penna. Electric Co. and Penna. Edison Co. | Docket No. IT 5473. | 37-2288 | 1273 | 37-2593 | 1441 |
| July 23 | Order setting hearing, Martin J. O'Connell. | Docket No. IT-838. | 37-2289 | 1273 | 37-2594 | 1440 |
| July 27 | Order setting hearing Tennessee Electric Power Co. | Docket No. IT 5474. | 37-2338 | 1316 | | |
| July 27 | Order setting hearing, H. Jerome Jaspan. | Docket No. IT 5461. | 37-2339 | 1316 | 37-2436 | 1364 |
| July 30 | Order for hearing, Newport Electric Corp. Citizens Utilities Co. | Docket No. IT-5475. | 37-2405 | 1340 | | |
| Aug. 3 | Order postponing hearing, H. Jerome Jaspen. | Docket No. IT-5461. | 37-2436 | 1364 | 37-2339 | 1316 |
| Aug. 6 | Enlargement of hearing, application of George B. Evans, trustee in bankruptcy of and for St. Louis Gas and Coke Corp. and Granite City Generating Company. | Docket Nos. IT-5472 and IT-5476. | 37-2467 | 1373 | 37-2201 | 1237 |
| Aug. 13 | Order for hearing, Missouri General Utilities Co. and Twin City Light & Power Co. | Docket No. IT-5477. | 37-2520 | 1394 | | |
| Aug. 13 | Order to show cause, etc., T. H. Blodgett, et al. | Docket Nos. ID-257, 288, 331, 343, 445. | 37-2519 | 1395 | | |
| Aug. 24 | Order to show cause, etc., Thomas W. Moffat. | Docket No. ID-808. | 37-2592 | 1441 | | |
| Aug. 24 | Order postponing hearing, Pennsylvania Electric Co., and Pennsylvania Edison Co. | Docket No. IT-5473. | 37-2593 | 1441 | 37-2288 | 1273 |
| Aug. 24 | Order postponing hearing, Martin J. O'Connell. | Docket No. ID-838. | 37-2594 | 1440 | 37-2289 | 1273 |
| Aug. 24 | Order to show cause, etc., Ralph D. Jennison. | Docket No. ID-485. | 37-2595 | 1441 | | |
| Aug. 31 | Notice of resumption of hearing, Metropolitan Edison Co., et al. | Docket No. IT-5015. | 37-2652 | 1791 | 37-295 | 213 |
| Sept. 8 | Order reopening hearing, Carolina Aluminum Co. | Docket No. DI-135. | 37-2685 | 1811 | 37-2122 | 1205 |
| Sept. 8 | Order setting hearing, Idaho Power Co. | Docket No. IT-5478. | 37-2696 | 1811 | | |
| Sept. 11 | Hearing on declaration of intention, the Wisconsin Public Service Corp. | Docket No. DI-134. | 37-2712 | 1829 | 37-3593 | 2769 |
| Sept. 18 | Order continuing hearing, Portland General Electric Co. | Project No. 135. | 37-2776 | 1869 | 37-295 | 1154 |
| Sept. 18 | Order setting hearing, Public Service Electric and Gas Co. | Docket Nos. IT-5479; 5480; 5481; 5482; 5483. | 37-2777 | 1869 | 37-3035 | 2229 |
| Oct. 6 | Order for rehearing, Southern California Edison Co., Ltd. | Projects Nos. 67, 96 and 120. | 37-2952 | 2093 | 37-3179<br>37-3436 | 2400<br>2554 |
| Oct. 9 | Order setting hearing, Pacific Gas & Electric Company. | Project No. 1391. | 37-2980 | 2109 | | |
| Oct. 16 | Notice of hearing, Guy Rocco. | Project No. 1406. | 37-3034 | 2229 | | |
| Oct. 16 | Order continuing date of hearing, Public Service Electric and Gas Company. | Docket Nos. IT 5479; 5480; 5481; 5482; 5483. | 37-3035 | 2229 | 37-2777 | 1869 |
| Oct. 16 | Order setting hearing, The Acme Engineering, Inc | Project No. 1442. | 37-3036 | 2229 | 37-3249 | 2430 |
| Oct. 19 | Reopening proceedings, etc., Sierra Pacific Power Co. | Docket No. IT 5470. | 37-3055 | 2235 | 37-2095 | 1169 |
| Oct. 20 | Transfers of securities by public utilities. | Order No. 46. | 37-3068 | 2243 | 37-3160 | 2387 |
| Oct. 22 | Order setting date of hearing, Ripley Utilities Co. | Docket No. IT 5488. | 37-3083 | 2249 | | |
| Oct. 29 | Information and data to be supplied by public utilities pursuant to Order No. 46. | Order No. 46-A. | 37-3160 | 2387 | 37-3068 | 2243 |
| Oct. 30 | Order setting hearing, Public Service Electric and Gas Co. | Docket Nos. 5489, 5490, 5491. | 37-3174 | 2399 | | |
| Oct. 30 | Order postponing rehearing, Southern California Edison Co., Ltd., et al. | Project Nos. 67, 120, 96. | 37-3179 | 2400 | 37-2952 | 2093 |
| Nov. 5 | Order setting hearing, Mountain States Power Co. | Docket No. IT 5492. | 37-3227 | 2418 | | |
| Nov. 5 | Notice of hearing, The Montana Power Co., et al. | Project No. 5. | 37-3228 | 2417 | | |
| Nov. 9 | Order setting hearing, Acme Engineering Service Inc. | Project No. 1442. | 37-3249 | 2430 | 37-3036 | 2229 |
| Nov. 16 | Order setting date for further hearing, declaration of intention, Platte Valley power, etc., district. | Docket No. DI 131. | 37-3312 | 2481 | 37-850 | 591 |
| Nov. 20 | Order setting hearing, Pacific Gas and Electric Co. | Project No. 708. | 37-3369 | 2522 | 37-3545 | 2688 |
| Nov. 23 | Order fixing date of hearing, The California Oregon Power Co. | Docket No. IT-5493. | 37-3388 | 2531 | | |
| Nov. 27 | Order fixing date of hearing, Wisconsin Michigan Power Co. | Docket No. IT 5497. | 37-3421 | 2548 | | |
| Nov. 27 | Order setting hearing, Mississippi River Power Co., et al. | Docket Nos. IT-5495, IT-5496. | 37-3422 | 2548 | | |
| Nov. 30 | Order postponing hearing, Southern California Edison Co. Ltd., et al. | Projects Nos. 67, 120, 96. | 37-3436 | 2554 | 37-2952 | 2093 |
| Dec. 8 | Allowing intervention etc., Platte Valley Public Power and Irrigation District. | Docket No. DI-131. | 37-3544 | 2688 | 37-850 | 591 |
| Dec. 8 | Order postponing hearing, etc., Pacific Gas & Electric Co. | Project No. 708. | 37-3545 | 2688 | 37-3369 | 2522 |
| Dec. 11 | Order, reopening hearing, Wisconsin Public Service Corp. | Docket No. DI-134. | 37-3593 | 2769 | 37-2712 | 1829 |
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| Jan. 13 | Substitute order appointing examiner, etc., Robert Holmes, Inc., et al. | Docket No. 2983. | 37-103 | 59 | | |
| Jan. 13 | Substitute order appointing examiner, etc., Joseph Lewin. | Docket No. 2924. | 37-104 | 59 | | |
| Jan. 16 | Order appointing examiner, etc., Bernard Licht. | Docket No. 2787. | 37-152 | 78 | | |
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| Jan. 20 | Order appointing examiner, etc., The Grove Laboratories, Inc. | Docket No. 2771. | 37-186 | 106 | | |
| Jan. 23 | Opportunity to be heard, proposed trade practice rules, covered button and buckle manufacturing industry. | File No. 21-208. | 37-208 | 130 | 37-1040 | 677 |
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| Jan. 30 | Opportunity to be heard, proposed trade practice rules, wholesale jewelry industry. | File No. 21-289. | 37-304 | 217 | | |
| Feb. 5 | Order appointing examiner, etc., Hollywood Hat Co., Inc. | Docket No. 3029. | 37-337 | 230 | | |
| Feb. 5 | Order appointing examiner, etc., Berenice Cohn, etc. | Docket No. 2744. | 37-361 | 238 | | |
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| Feb. 5 | Order appointing examiner, etc., Lewyn Drug Inc. | Docket No. 2934. | 37-364 | 239 | | |
| Feb. 5 | Order appointing examiner, etc., Wain's Laboratory, Inc. | Docket No. 3009. | 37-365 | 239 | 37-1473 | 896 |
| Feb. 5 | Order appointing examiner, etc., Nelson E. Woolman, etc. | Docket No. 3014. | 37-366 | 239 | | |
| Feb. 9 | Order for hearing, proposed trade practice rules, petrolenm and petroleum products industry. | File No. 21-94. | 37-383 | 268 | 37-154 | 77 |
| Feb. 10 | Order appointing examiner, etc., I. S. U. Rank and File Group, et al. | Docket No. 2694. | 37-398 | 289 | | |
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| Mar. 5 | Opportunity to offer suggestions, proposed trade practice rules, perfume and cosmetic manufacturing industry. | File No. 21-286. | 37-639 | 500 | | |
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| Mar. 16 | Order appointing examiner, etc., Pro-Ker Laboratories, Inc. | Docket No. 2894. | 37-726 | 533 | | |
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| Mar. 23 | Order appointing examiner, etc., W. H. Bonifield, etc. | Docket No. 2740. | 37-796 | 565 | | |
| Mar. 23 | Order appointing examiner, etc., Hartz Mountain Products, Inc. | Docket No. 2867. | 37-797 | 565 | | |
| Mar. 23 | Order appointing examiner, etc., Pedodyne Co., Inc., et al. | Docket No. 3048. | 37-798 | 566 | | |
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| May 21 | Substitute order appointing examiner, etc., Wain's Laboratory, Inc. | Docket No. 3009. | 37-1473 | 866 | 37-365 | 239 |
| May 27 | Opportunity to offer suggestions, proposed trade practice, concrete burial vault manufacturing industry. | File No. 21-301. | 37-1539 | 912 | 37-2106 | 1175 |
| June 2 | Order appointing examiner, etc., National Candy Co., Inc., etc. | Docket No. 1802. | 37-1587 | 931 | | |
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| Aug. 20 | Order appointing examiner, etc., Covered Button and Buckle Creators, Inc., Max Pearlstein, et al. | Docket No. 3186. | 37-2577 | 1421 | | |
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| Sept. 25 | Order appointing examiner, etc., Deran Confectionery Co. | Docket No. 3111. | 37-2849 | 1956 | | |
| Sept. 28 | Order appointing examiner, etc., Marvo Beauty Laboratories, Inc. | Docket No. 3012. | 37-2850 | 1956 | | |
| Sept. 28 | Order appointing examiner, etc., Robert Morris. | Docket No. 3131. | 37-2851 | 1957 | | |
| Sept. 28 | Order appointing examiner, etc., Ira W. Minter, et al. | Docket No. 3138. | 37-2852 | 1957 | | |
| Sept. 28 | Order appointing examiner, etc., Les Parfums d'Isabey, Inc. | Docket No. 3149. | | | | |



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| Sept. 28 | Order appointing examiner, etc., Floret Sales Co., Inc., et al. | Docket No. 3164. | 37-2853 | 1957 | | |
| Sept. 28 | Order appointing examiner, etc., Dietz Gum Co. | Docket No. 3189. | 37-2854 | 1958 | | |
| Sept. 28 | Order appointing examiner, etc., Confectioners Trading Corp. | Docket No. 3195. | 37-2855 | 1958 | | |
| Sept. 28 | Order appointing examiner, etc., Joy Package Co., Inc. | Docket No. 3203. | 37-2856 | 1958 | | |
| Sept. 28 | Order appointing examiner, etc., Wm. M. Hardie Co. | Docket No. 3209. | 37-2857 | 1958 | | |
| Sept. 28 | Order appointing examiner, etc., J. W. Pincus, et al. | Docket No. 3216. | 37-2858 | 1959 | | |
| Sept. 28 | Opportunity to present views, proposed trade practice rules, rayon industry. | File No. 21-322 | 37-2862 | 1956 | 37-3138 | 2317 |
| Sept. 28 | Order appointing examiner, etc., Elite Glove Co., Inc. | Docket No. 3187. | 37-2863 | 1957 | | |
| Sept. 29 | Order appointing examiner, etc., Justin Haynes & Co., Inc. | Docket No. 2743. | 37-2886 | 2008 | | |
| Oct. 2 | Reports of compliance with orders, amendments to rules of practice. | | 37-2919 | 2077 | | |
| Oct. 5 | Complaint and notice of hearing, American Optical Co., et al. | Docket No. 3232. | 37-2935 | 2083 | | |
| Oct. 5 | Complaint and notice of hearing, Bausch & Lomb Optical Co., et al. | Docket No. 3233. | 37-2936 | 2085 | | |
| Oct. 6 | Findings as to the facts and conclusions, order to cease, etc., Christmas Club. | Docket No. 3050. | 37-2951 | 2093 | 37-2789 | 1871 |
| Oct. 6 | Order appointing examiner, etc., Abraham & Straus, Inc. | Docket No. 3159. | 37-2955 | 2096 | | |
| Oct. 6 | Order appointing examiner, etc., Bloomingdale Bros., Inc. | Docket No. 3176. | 37-2956 | 2096 | | |
| Oct. 7 | Order appointing examiner, etc., Lord and Taylor, et al. | Docket No. 3141. | 37-2962 | 2098 | | |
| Oct. 7 | Order appointing examiner, etc., Walley Frank Ltd. | Docket No. 3148. | 37-2963 | 2098 | | |
| Oct. 7 | Order appointing examiner, etc., Franklin Knitting Mills, Inc. | Docket No. 3194. | 37-2964 | 2098 | | |
| Oct. 7 | Order appointing examiner, H. Kluger Inc. | Docket No. 3206. | 37-2965 | 2099 | | |
| Oct. 15 | Order appointing examiner, The Ross Roy Service, Inc. | Docket No. 3125. | 37-3027 | 2212 | | |
| Oct. 15 | Order appointing examiner, Louis J. Whitmarsh. | Docket No. 3170. | 37-3028 | 2212 | | |
| Oct. 19 | Order appointing examiner, etc., Cement Institute, et al. | Docket No. 3167. | 37-3060 | 2235 | | |
| Oct. 19 | Order appointing examiner, etc., Quality Bakers of America. | Docket No. 3218. | 37-3061 | 2236 | | |
| Oct. 23 | Order appointing examiner, etc., Lavoptik Co., Inc. | Docket No. 3188. | 37-3094 | 2255 | | |
| Oct. 27 | Promulgation of trade practice rules, rayon industry. | File No. 21-322. | 37-3138 | 2317 | 37-2862 | 1956 |
| Oct. 28 | Order appointing examiner, etc., Samuel Stores, Inc. | Docket No. 3210. | 37-3143 | 2321 | | |
| Nov. 3 | Order appointing examiner, etc., Oliver Brothers, Inc., et al. | Docket No. 3088. | 37-3214 | 2411 | | |
| Nov. 5 | Order appointing examiner, etc., E. B. Muller & Co., et al. | Docket No. 3224. | 37-3225 | 2418 | 37-2801 | 1875 |
| Nov. 9 | Order appointing examiner, etc., Ralph Dewberry. | Docket No. 3135. | 37-3255 | 2430 | | |
| Nov. 10 | Opportunity to present views, proposed trade practice rules for house dress, etc., industry. | File No. 21-288. | 37-3267 | 2441 | | |
| Nov. 13 | Order appointing examiner, etc., Benjamin D. Ritholz, et al. | Docket No. 3143. | 37-3302 | 2468 | | |
| Nov. 13 | Order appointing examiner, etc., J. E. Miller. | Docket No. 3217. | 37-3303 | 2468 | | |
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| Nov. 13 | Order appointing examiner, etc., Askin's Retail Stores, Inc. | Docket No. 3225. | 37-3304 | 2468 | | |
| Nov. 18 | Order appointing examiner, etc., The Webb Crawford Co., et al. | Docket No. 3214. | 37-3346 | 2497 | | |
| Nov. 23 | Order appointing examiner, etc., J. A. Boos. | Docket No. 3137. | 37-3395 | 2531 | | |
| Nov. 23 | Order appointing examiner, etc., Hay & Peabody Cement Vault Co., Inc. | Docket No. 3157. | 37-3396 | 2531 | | |
| Nov. 23 | Order appointing examiner, etc., Earl C. Noyes. | Docket No. 3235. | 37-3397 | 2532 | | |
| Nov. 23 | Opportunity to present views, proposed trade practice rules, radio receiving set manufacturing industry. | File No. 21-260 | 37-3398 | 2531 | | |
| Dec. 2 | Order appointing examiner, etc., Warner's Renowned Remedies Co. | Docket No. 3084. | 37-3471 | 2561 | | |
| Dec. 11 | Order appointing examiner, etc., J. A. Stransky, et al. | Docket No. 1612. | 37-3597 | 2770 | | |
| Dec. 11 | Order appointing examiner, etc., Pennsylvania Whiskey Distributing Corp. | Docket No. 2576. | 37-3598 | 2770 | | |
| Dec. 11 | Order appointing examiner, etc., United Corp. | Docket No. 3093. | 37-3599 | 2770 | | |
| Dec. 11 | Order appointing examiner, etc., Gus Stephens. | Docket No. 3220. | 37-3600 | 2770 | | |
| Dec. 16 | Opportunity to present views, proposed trade practice rules, popular music publishing industry. | File No. 21-281. | 37-3650 | 2829 | | |
| Dec. 17 | Order appointing examiner, etc., Matthew A. Willis, et al. | Docket No. 3198. | 37-3675 | 2847 | | |
| Dec. 17 | Order appointing examiner, etc., McCurrach Organization, Inc. | Docket No. 2598. | 37-3676 | 2847 | | |
| Dec. 28 | Opportunity to present views, proposed trade practice rules, metal clad door, etc., manufacturing industry. | File No. 21-313. | 37-3774 | 2966 | | |
| Dec. 28 | Order appointing examiner, etc., General Motors Corp., et al. | Docket No. 3001. | 37-3783 | 2967 | | |
| Dec. 28 | Order appointing examiner, etc., Ford Motor Co., et al. | Docket No. 3005. | 37-3784 | 2966 | | |
| **FOREIGN TRADE ZONES BOARD** | | | | | | |
| Apr. 16 | Public notice of hearing, Examiners Committee, San Francisco. | Public Notice No. 2 (S. F.). | 37-1104 | 702 | | |
| May 12 | Public notice of hearing, Examiners Committee, Mobile, Alabama. | Public Notice No. 3 (Mobile). | 37-1339 | 813 | 37-2972 | 2105 |
| Oct. 8 | Alabama State Docks Commission authorized to establish foreign-trade zone at Mobile; order etc. | | 37-2972 | 2105 | 37-1339 | 813 |
| Oct. 30 | Order; handling of gold and silver. | Order No. 4 | 37-3182 | 2490 | | |
| **INTERNATIONAL FISHERIES COMMISSION** | | | | | | |
| May 25 | Regulations pursuant to the Pacific Halibut Fishery Convention between Canada and United States. | | 37-1500 | 893 | 37-2572 | 1425 |
| Aug. 20 | Pacific Halibut Fishery Convention, regulations. | | 37-2572 | 1425 | 37-1500 | 893 |
| **INTERSTATE COMMERCE COMMISSION** | | | | | | |
| Jan. 7 | Regulations for the transportation of explosives, etc. | No. 3666 | 37-53 | 28 | 60<br>37-785<br>37-1970<br>37-2507<br>37-3087<br>37-3297<br>37-3602 | 1-46<br>569<br>1127<br>1389<br>2249<br>2462<br>2771 |
| Jan. 7 | Order regarding security for the protection of the public, etc. | Ex Parte No. MC-5. | 37-54 | 32 | 1779<br>37-461<br>37-471 | 1-1156<br>325<br>331 |

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| Jan. 13 | Annual reports from lessors to steam railway companies. | | 37-100 | 59 | 37-3319 | 2483 |
| Jan. 22 | Safety regulations, qualifications of employees and safety of operation, etc., by motor vehicle carriers. | Ex Parte No. MC-1. | 37-187 | 113 | 1885<br>37-1752 | 1-1209<br>1009 |
| Jan. 22 | Filing of contracts by contract carriers by motor vehicle. | | 37-196 | 121 | 1345<br>37-310<br>37-435<br>37-436<br>37-1403<br>37-1753 | 1-850<br>217<br>320<br>320<br>841<br>1008 |
| Jan. 26 | Monthly reports of revenues and expenses. | | 37-220 | 142 | | |
| Jan. 26 | Rules governing meetings and procedure of joint boards. | | 37-241 | 142 | | |
| Jan. 27 | Free or reduced rates | | 37-257 | 165 | | |
| Jan. 27 | Emergency routing of freight traffic. | S. O. No. 61 | 37-278 | 166 | | |
| Jan. 30 | Periodical reports of operating statistics from carriers by steam railway. | | 37-308 | 218 | 37-1504 | 895 |
| Jan. 30 | Filing of contracts by contract carriers by motor vehicle. | | 37-310 | 217 | 37-196 | 121 |
| Feb. 2 | Annual reports from steam railway companies, etc. | | 37-309 | 226 | | |
| Feb. 10 | Increases in freight rates and charges. | Ex Parte No. 115. | 37-401 | 281 | | |
| Feb. 12 | Filing of contracts by contract carriers by motor vehicle. | Ex parte No. MC-9. | 37-435 | 320 | 37-196 | 121 |
| Feb. 12 | Filing of contracts by contract carriers by motor vehicle. | Ex Parte No. MC-9 | 37-436 | 320 | 37-196 | 121 |
| Feb. 16 | Order regarding security for the protection of the public, etc. | Ex Parte No. MC-5. | 37-461 | 325 | 37-54 | 32 |
| Feb. 17 | Order regarding security for the protection of the public, etc. | Ex Parte No. MC-5. | 37-471 | 351 | 37-54 | 32 |
| Feb. 18 | Southern class rates | No. 27655 | 37-483 | 335 | | |
| Feb. 18 | Investigation of class rates to, from, and within southern territory. | | 37-484 | 335 | 3504 | 1-2025 |
| Feb. 25 | Application for authority to transfer certificates of public convenience and necessity. | | 37-541 | 358 | 591<br>37-1810 | 1- 348<br>1046 |
| Mar. 13 | Postings of tariffs, schedules of minimum charges, and contracts. | | 37-721 | 530 | | |
| Mar. 20 | Regulations for the transportation of explosives and other dangerous articles. | | 37-785 | 560 | 37-53 | 28 |
| Apr. 3 | Classification of operating carriers by steam railway. | | 37-953 | 644 | | |
| Apr. 13 | Increase in freight rates and charges, etc. | | 37-1051 | 686 | | |
| Apr. 20 | Order regarding uniform system of accounts to be kept by steam roads. | | 37-1152 | 718 | 4009<br>37-2046<br>37-2264<br>37-2491<br>37-2578<br>37-3797 | 1-2264<br>1154<br>1259<br>1382<br>1427<br>2973 |
| Apr. 20 | Order regarding uniform system of accounts to be kept by electric railways. | | 37-1153 | 718 | 37-2265<br>37-2492<br>37-3798 | 1259<br>1382<br>2973 |
| Apr. 27 | Contracts or agreements of contract carriers by motor vehicles. | | 37-1197 | 751 | | |
| Apr. 27 | Standard time zone investigation. | | 37-1198 | 751 | 1933 | 1-1232 |
| May 18 | Filing of contracts by contract carriers by motor vehicle. | Ex Parte No. MC-9. | 37-1405 | 841 | 37-196 | 121 |
| May 18 | St. Louis, Mo.-East St. Louis, Ill., commercial zone, defined, etc. | No. MC-C-1. | 37-1406 | 841 | 37-1407<br>37-1596<br>37-2133 | 842<br>932<br>1207 |
| May 18 | St. Louis, Mo., commercial zone defined, etc. | No. MC C-1 | 37-1407 | 842 | 37-1406 | 841 |
| May 18 | New York, N. Y., commercial zone, defined, etc. | No. MC C-2 | 37-1408 | 842 | 37-1409<br>37-1597 | 842<br>932 |
| May 18 | New York, N. Y., commercial zone defined, etc. | No. MC C-2 | 37-1409 | 842 | 37-1408 | 842 |
| May 18 | Chicago, Ill., commercial zone defined, etc. | No. MC C-3 | 37-1410 | 842 | 37-1411<br>37-1598 | 843<br>932 |
| May 18 | Chicago, Ill., commercial zone defined, etc. | No. MC C-3 | 37-1411 | 843 | 37-1410 | 842 |
| May 19 | Instructions governing proceedings under the Motor Carrier Act, 1935 | | 37-1432 | 851 | | |

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| May 25 | Periodic reports of operating statistics from carriers by steam railway of Class I. | | 37-1504 | 895 | 37-308 | 218 |
| May 29 | Application for change of authorized route. | | 37-1571 | 924 | | |
| May 29 | Petition of carriers for authority to waive certain demurrage charges. | | 37-1572 | 924 | | |
| June 2 | Notice of minimum rates, charges, and tariffs. | | 37-1595 | 931 | | |
| June 2 | St. Louis, Mo., commercial zone defined, etc. | No. MC C-1 | 37-1596 | 932 | 37-1406 | 841 |
| June 2 | New York, N. Y., commercial zone, defined, etc. | No. MC C-2 | 37-1597 | 932 | 37-1408 | 842 |
| June 2 | Chicago, Ill., commercial zone defined, etc. | No. MC C-3 | 37-1598 | 932 | 37-1410 | 842 |
| June 12 | Qualifications of drivers | | 37-1751 | 1008 | | |
| June 12 | Safety regulations, qualifications of employees and safety of operation by motor vehicle carriers. | Ex Parte No. MC-4. | 37-1752 | 1009 | 37-187 | 113 |
| June 12 | Filing of contracts by contract carriers by motor vehicle. | Ex Parte No. MC-9. | 37-1753 | 1008 | 37-196 | 121 |
| June 17 | Order amending rule on reverse gear, etc., steam locomotives and tenders. | | 37-1805 | 1040 | | |
| June 18 | Applications for certificates of public convenience and necessity. | | 37-1810 | 1046 | 37-541 | 358 |
| June 22 | Rules and regulations, display of identification plates by motor carriers. | | 37-1845 | 1066 | | |
| June 29 | Postponement of effective date of Rule 27 of Tariff Circular 20. | | 37-1938 | 1112 | 929 | 1-608 |
| June 30 | Transportation of explosives, etc., by motor vehicle. | Ex Parte No. MC 13. | 37-1970 | 1127 | 37-53 | 28 |
| July 7 | Order regarding uniform system of accounts to be kept by steam roads. | | 37-2046 | 1154 | 37-1152 | 718 |
| July 9 | Notice concerning filing of contracts and schedules of minimum charges. | | 37-2097 | 1172 | | |
| July 9 | Order governing construction and filing of common carrier freight rates and classification publication; carriers by motor vehicles. | Tariff Cir. M. F. 1, Supp. 2. | 37-2098 | 1170 | | |
| July 13 | St. Louis, Mo.-East St. Louis, Ill., commercial zone. | No. MC C-1 | 37-2133 | 1207 | 37-1406 | 841 |
| July 16 | Hearing on applications for certificates, permits and change of route. | | 37-2179 | 1230 | | |
| July 21 | Order regarding uniform system of accounts, steam roads. | | 37-2264 | 1259 | 37-1152 | 718 |
| July 21 | Order regarding uniform system of accounts, electric railways. | | 37-2265 | 1259 | 37-1153 | 718 |
| July 22 | Filing of common carrier passenger fare publications, etc. | Tariff Cir. M. P. No. 3. | 37-2281 | 1266 | | |
| Aug. 5 | Payment of rates and charges of motor vehicles. | Ex Parte No. MC-1 | 37-2405 | 1369 | | |
| Aug. 7 | Matter of amendment of motor carrier bodily injury liability, etc., bond form B. M. C. 37 etc. | | 37-2485 | 1380 | | |
| Aug. 10 | Order regarding uniform system of accounts to be kept by steam roads. | | 37-2491 | 1382 | 37-1152 | 718 |
| Aug. 10 | Order regarding uniform system of accounts to be kept by electric railways. | | 37-2492 | 1382 | 37-1153 | 718 |
| Aug. 12 | Regulations for transportation of explosives etc. | Order No. 3666. | 37-2507 | 1399 | 37-53 | 28 |
| Aug. 14 | Order; investigation of the Alleghany Corp. and the Chesapeake Corp. | Order No. 27825. | 37-2537 | 1400 | | |
| Aug. 20 | Order regarding uniform system of accounts to be kept by steam roads. | | 37-2578 | 1427 | 37-1152 | 718 |
| Sept. 15 | Classification of brokers and motor carriers of property. | Ex parte No. MC 10. | 37-2746 | 1843 | | |
| Sept. 28 | Installation etc. of certain appliances, safety on railroads. | | 37-2864 | 1959 | 37-3680 | 2847 |
| Oct. 22 | Notice of hearing, regulations for transportation of explosives, etc. | No. 3666 | 37-3087 | 2249 | 37-53 | 28 |



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| Oct. 28 | System consolidated reports for steam railways, class. | Statistical series Cir. No. 24. | 37-3148 | 2321 | | |
| Oct. 30 | Order, regulations concerning class of employees etc. to be included within term "employee", Railway Labor Act. | Ex parte 72 (Sub. No. 1). | 37-3169 | 2400 | | |
| Oct. 30 | Order concerning motor carrier rates in Middle Atlantic States. | Ex parte No. MC 14. | 37-3180 | 2402 | 37-3224 | 2415 |
| Oct. 30 | Notice of hearing, investigation and suspension docket No. M-205 etc. | Ex parte No. MC 14. | 37-3181 | 2402 | | |
| Nov. 2 | Order, qualifications of employees etc., of common carriers, etc. | | 37-3198 | 2406 | | |
| Nov. 2 | Notice of hearing, qualifications of employees, etc., of common carriers, etc. | Ex parte No. MC 4. | 37-3199 | 2406 | | |
| Nov. 4 | Motor carrier rates in Middle Atlantic States, corrected order. | Ex parte No. MC 14. | 37-3224 | 2415 | 37-3180 | 2402 |
| Nov. 5 | Order of exemption, etc., Washington, D. C., commercial zone. | Ex parte No. MC 7. | 37-3229 | 2418 | | |
| Nov. 11 | Destruction of records of sleeping car companies, supplement to regulations. | | 37-3281 | 2419 | | |
| Nov. 12 | Order, Fifteen Percent Case, 1937. | Ex parte No. 123. | 37-3296 | 2461 | 37-3635<br>37-3645 | 2801<br>2802 |
| Nov. 12 | Transportation of explosives etc., regulations order, tank car committee, etc. | Docket No. 3666. | 37-3297 | 2462 | 37-53 | 28 |
| Nov. 16 | Order, annual reports from carriers by pipe line. | | 37-3317 | 2482 | 3451 | 1-2009 |
| Nov. 16 | Order, annual reports from carriers by water. | | 37-3318 | 2482 | 3554 | 1-2041 |
| Nov. 16 | Order, annual reports from lessors to steam railway companies. | | 37-3319 | 2483 | 37-100 | 59 |
| Nov. 16 | Order, annual reports from electric railways. | | 37-3320 | 2483 | 3555 | 1-2044 |
| Nov. 16 | Order, cost finding in transportation service | Ex parte No. 122. | 37-3321 | 2483 | | |
| Nov. 18 | Investigation ordered, sizes and weight of motor vehicles in interstate commerce. | Ex parte No. MC 15. | 37-3349 | 2497 | | |
| Nov. 18 | Los Angeles, California, commercial zone, report and order. | No. MC-C-4 | 37-3350 | 2498 | | |
| Nov. 24 | Rules, construction and filing of freight-rate publications. | Supp. No. 5 to Tariff Cir. No. 20. | 37-3381 | 2532 | | |
| Nov. 23 | Order, annual reports from steam railway companies. | | 37-3401 | 2532 | 3456 | 1-2009 |
| Nov. 30 | Depreciation charges of carriers by water | No. 15780 | 37-3446 | 2554 | | |
| Dec. 2 | Order concerning increased Pullman fares, etc., 1937 | | 37-3472 | 2565 | | |
| Dec. 8 | Uniform system of accounts, class I, common and contract motor carriers of passengers. | | 37-3528 | 2689 | | |
| Dec. 8 | Uniform system of accounts, class I, common and contract motor carriers of property. | | 37-3529 | 2710 | | |
| Dec. 8 | Notice; accounting systems for motor carriers. | | 37-3541 | 2689 | | |
| Dec. 11 | Regulations for transportation of explosives, etc., hearing. | No. 3666 | 37-3602 | 2771 | 37-53 | 28 |
| Dec. 11 | Order; block-signal, train-control, etc. | | 37-3603 | 2771 | | |
| Dec. 11 | Notice regarding Pullman fares and charges, 1937, hearing. | Ex parte No. 125. | 37-3604 | 2771 | 37-3753 | 2947 |
| Dec. 14 | Notice, Fifteen Percent Case, 1937. | Ex parte No. 123. | 37-3635 | 2801 | 37-3296 | 2461 |
| Dec. 14 | Order; annual reports from sleeping car companies. | | 37-3642 | 2803 | 3455 | 1-2009 |
| Dec. 14 | Order; annual reports from switching and terminal companies of class III. | | 37-3643 | 2803 | 3553 | 1-2044 |
| Dec. 14 | Order; annual reports from express companies. | | 37-3644 | 2802 | 3852 | 1-2155 |
| Dec. 14 | Revised schedule, Fifteen Percent Case, superseding previous notices. | Ex parte No. 123. | 37-3645 | 2802 | 37-3296 | 2461 |
| Dec. 17 | Applications for approval of changes in installations of block signal systems, etc. | | 37-3680 | 2847 | 37-2864 | 1959 |
| Dec. 17 | Order; reports of failures of block signal systems etc. to function. | | 37-3681 | 2848 | | |

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| Dec. 23 | Increased Pullman fares and charges, 1937. | Ex parte No. 125. | 37-3753 | 2947 | 37-3604 | 2771 |
| Dec. 29 | Order regarding uniform system of accounts to be kept by steam roads. | | 37-3797 | 2973 | 37-1152 | 718 |
| Dec. 29 | Order regarding uniform system of accounts to be kept by electric railways. | | 37-3798 | 2973 | 37-1153 | 718 |
| Dec. 31 | Order; A. Johnston v. Atchison, T. and S. F. Railway Company. | No. 24049 | 37-3818 | 2934 | | |
| **NATIONAL LABOR RELATIONS BOARD** | | | | | | |
| Jan. 1 | Notice of hearing, Globe Mail Service, Inc. and Bookkeepers Union Local No. 12,646. | Case No. C-148. | 37-9 | 5 | | |
| Mar. 19 | Notice of hearing, New York and Cuba Mail Steamship Co., et al. | Case No. R-122. | 37-766 | 551 | | |
| Apr. 28 | Notice of hearing, Sanoset Cotton Mills, et al. | Case No. C-166. | 37-1216 | 753 | | |
| May 19 | Order adjourning hearing, Pacific Mills, et al. | Case No. C-110 | 37-1443 | 853 | | |
| June 2 | Notice of hearing, U. S Steel Corp., et al. | Case No. C-142 | 37-1594 | 932 | | |
| June 4 | Notice of hearing, J. Freezer & Son, Inc, et al. | Case No. C-105. | 37-1630 | 955 | | |
| June 15 | Notice of hearing, Industrial Rayon Corp., et al. | Case No. R-156. | 37-1761 | 1028 | | |
| **RAILROAD RETIREMENT BOARD** | | | | | | |
| July 3 | Rules governing employers' reports of monthly compensation of employees. | | 37-2043 | 1145 | | |
| July 10 | Rules governing direct assignment of account numbers by employers. | | 37-2105 | 1177 | | |
| Nov. 23 | Employee representative reports, regulations. | | 37-3399 | 2532 | | |
| Dec. 11 | Regulations, elections of joint and survivor annuities. | | 37-3601 | 2772 | | |
| **RECONSTRUCTION FINANCE CORPORATION** | | | | | | |
| Oct. 1 | Information regarding loans to industry. | Circular No. 13 (rev.). | 37-2903 | 2070 | | |
| **RESETTLEMENT ADMINISTRATION**[1] | | | | | | |
| Jan. 5 | Inspection of construction on certain projects. | A. O. No. 40 (Rev. 2). (Supp. 2.) | 37-19 | 16 | 3736<br>37-130 | 1-2116<br>78 |
| Jan. 5 | Delegation of authority to grant easements and rights-of-way on land use projects. | A. O. No. 188. (Supp. 1.) | 37-20 | 17 | 2171 | 1-1348 |
| Jan. 7 | Rules and regulations relating to conditions of employment for nonappointive workers. | A. O. No. 217. | 37-50 | 32 | 37-3082 | 2247 |
| Jan. 16 | Loans to community and cooperative associations and to certain individuals. | A. O. No. 40 (Rev. 2) (Supp. 3). | 37-150 | 78 | 37-19 | 16 |
| **RURAL ELECTRIFICATION ADMINISTRATION** | | | | | | |
| Jan. 7 | Allocation of funds for loans. | A. O. No. 41. | 37-51 | 33 | | |
| Jan. 15 | Allocation of funds for loans. | A. O. No. 46. | 37-146 | 74 | 37-1014 | 661 |
| Jan. 15 | Allocation of funds for loans. | A. O. No. 47. | 37-147 | 74 | 2721 | 1-1528 |
| Jan. 19 | Allocation of funds for loans. | A. O. No. 45 | 37-165 | 104 | | |
| Jan. 26 | Allocation of funds for projects rescinded. | A. O. No. 48. | 37-218 | 143 | 2668<br>3384 | 1-1511<br>1-1945 |
| Jan. 29 | Allocation of funds for loans. | A. O. No. 49. | 37-294 | 214 | | |
| Jan. 30 | Allocation of funds for loans. | A. O. No. 50. | 37-306 | 218 | | |
| Jan. 30 | Rescission of funds for loans. | A. O. No. 51. | 37-307 | 218 | 1674 | 1-1055 |

[1] *See also* Department of Agriculture, Farm Security Administration.

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| Feb. 2 | Allocation of funds for loans. | A. O. No. 52 | 37-318 | 226 | | |
| Feb. 2 | Allocation of funds for loans. | A. O. No. 53 | 37-319 | 227 | | |
| Feb. 4 | Allocation of funds for loans. | A. O. No. 54 | 37-341 | 236 | | |
| Feb. 6 | Allocation of funds for loans. | A. O. No. 55 | 37-370 | 254 | 37-1087 | 696 |
| Feb. 10 | Allocation of funds for loans. | A. O. No. 56 | 37-408 | 282 | | |
| Feb. 12 | Allocation of funds for loans. | A. O. No. 57 | 37-429 | 320 | | |
| Feb. 16 | Allocation of funds for loans. | A. O. No. 59 | 37-457 | 325 | | |
| Feb. 16 | Allocation of funds for loans. | A. O. No. 60 | 37-458 | 325 | | |
| Feb. 27 | Allocation of funds for loans. | A. O. No. 62 | 37-585 | 430 | | |
| Mar. 10 | Allocation of funds for loans. | A. O. No. 64 | 37-684 | 517 | | |
| Mar. 10 | Allocation of funds for loans. | A. O. No. 65 | 37-685 | 517 | | |
| Mar. 10 | Rescission of allocation of funds for loans. | A. O. No. 66 | 37-686 | 517 | | |
| Mar. 10 | Allocation of funds for loans. | A. O. No. 67 | 37-687 | 517 | | |
| Mar. 11 | Allocation of funds for loans. | A. O. No. 68 | 37-695 | 518 | | |
| Mar. 11 | Allocation of funds for loans. | A. O. Mo. 69 | 37-696 | 519 | 37-1140<br>37-1728 | 718<br>1009 |
| Mar. 16 | Allocation of funds for loans. | A. O. No. 70 | 37-730 | 535 | | |
| Mar. 19 | Allocation of funds for loans. | A. O. No. 71 | 37-764 | 551 | | |
| Mar. 20 | Allocation of funds for loans. | A. O. No. 73 | 37-781 | 561 | 37-1053<br>37-1379<br>37-3276 | 687<br>831<br>2449 |
| Mar. 23 | Allocation of funds for loans. | A. O. No. 74 | 37-793 | 566 | | |
| Mar. 26 | Allocation of funds for loans. | A. O. No. 75 | 37-852 | 591 | | |
| Apr. 1 | Allocation of funds for loans. | A. O. No. 77 | 37-922 | 625 | | |
| Apr. 3 | Allocation of funds for loans. | A. O. No. 78 | 37-951 | 644 | | |
| Apr. 6 | Amendment of previous allocations of funds for loans. | A. O. No. 79 | 37-976 | 651 | 3380<br>2942<br>3183<br>37-585<br>37-1705 | 1-1945<br>1-1621<br>1-1709<br>430<br>996 |
| Apr. 7 | Allocation of funds for loans. | A. O. No. 80 | 37-999 | 688 | 37-1728 | 1009 |
| Apr. 8 | Amendment of allocation of funds for loans. | A. O. No. 81 | 37-1013 | 661 | 1674<br>1909 | 1-1055<br>1-1219 |
| Apr. 8 | Rescission of allocation of funds for loans. | A. O. No. 82 | 37-1014 | 661 | 37-146 | 74 |
| Apr. 13 | Allocation of funds for loans. | A. O. No. 83 | 37-1053 | 687 | 37-781 | 561 |
| Apr. 13 | Allocation of funds for loans. | A. O. No. 84 | 37-1054 | 688 | | |
| Apr. 15 | Amendment of allocation of funds for loans. | A. O. No. 85-3 | 7-1087 | 696 | 37-370 | 254 |
| Apr. 16 | Allocation of funds for loans. | A. O. No. 86 | 37-1105 | 703 | 37-1728 | 1009 |
| Apr. 20 | Allocation of funds for loans. | A. O. No. 87 | 37-1139 | 718 | | |
| Apr. 20 | Rescission of allocation of funds for project. | A. O. No. 88 | 37-1140 | 718 | 37-696 | 519 |
| May 4 | Allocation of funds for loans. | A. O. No. 90 | 37-1248 | 774 | | |
| May 6 | Allocation of funds for loans. | A. O. No. 91 | 37-1267 | 789 | | |
| May 7 | Amendment of allocation of funds for loans. | A. O. No. 92 | 37-1283 | 793 | 3736 | 1-2116 |
| May 7 | Allocation of funds for loans. | A. O. No. 93 | 37-1284 | 793 | | |
| May 15 | Allocation of funds for loans. | A. O. No. 95 | 37-1378 | 831 | | |
| May 15 | Rescission of allocation of funds for loans. | A. O. No. 96 | 37-1379 | 831 | 37-781 | 561 |
| May 18 | Allocation of funds for loans. | A. O. No. 97 | 37-1403 | 843 | | |
| May 18 | Allocation of funds for loans. | A. O. No. 98 | 37-1413 | 843 | | |
| May 22 | Allocation of funds for loans. | A. O. No. 99 | 37-1492 | 872 | | |
| May 25 | Allocation of funds for loans. | A. O. No. 100 | 37-1501 | 895 | 37-3725 | 2941 |
| May 25 | Amendments of allocation of funds for loans. | A. O. No. 101 | 37-1502 | 895 | 1672<br>2031<br>2528 | 1-1055<br>1-1267<br>1-1464 |
| May 28 | Rescission of allocation of funds for loans. | A. O. No. 102 | 37-1554 | 921 | 3384<br>37-370 | 1-1945<br>254 |
| June 9 | Allocation of funds for loans. | A. O. No. 103 | 37-1586 | 932 | | |
| June 9 | Allocation of funds for loans. | A. O. No. 104 | 37-1600 | 992 | 37-1728 | 1009 |
| June 9 | Allocation of funds for loans. | A. O. No. 105 | 37-1601 | 992 | | |
| **RURAL ELECTRIFICATION ADMINISTRATION—Continued** | | | | | | |
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| June 10 | Amendments of allocations of funds for loans. | A. O. No. 106 | 37-1705 | 996 | 1684<br>37-976 | 1-1063<br>651 |
| June 12 | Allocation of funds for loans. | A. O. No. 107 | 37-1727 | 1009 | 37-1786<br>37-2093 | 1035<br>1172 |
| June 12 | Rescission of allocations of funds for loans. | A. O. No. 108 | 37-1728 | 1009 | 2721<br>3182<br>37-696<br>37-999<br>37-1105<br>37-1690 | 1-1528<br>1-1709<br>519<br>658<br>703<br>992 |
| June 16 | Allocation of funds for loans. | A. O. No. 109 | 37-1785 | 1035 | | |
| June 16 | Rescission of allocation of funds for loans. of | A. O. No. 110 | 37-1786 | 1035 | 37-1727 | 1009 |
| June 22 | Rescission of allocation of funds for loan. | A. O No. 111 | 37-1849 | 1067 | 2721 | 1-1528 |
| June 22 | Allocation of funds for loans. | A. O. No. 112 | 37-1850 | 1067 | | |
| July 9 | Allocation of funds for loans. | A. O. No. 113 | 37-2092 | 1172 | | |
| July 9 | Rescission of allocation of funds for loan. | A. O. No. 114 | 37-2093 | 1172 | 37-1727 | 1172 |
| July 13 | Allocation of funds for loans. | A. O. No. 115 | 37-2121 | 1207 | | |
| July 20 | Allocation of funds for loans. | A. O. No. 116 | 37-2226 | 1248 | 37-3726 | 2941 |
| July 20 | Allocation of funds for loans. | A. O. No. 117 | 37-2227 | 1248 | | |
| July 22 | Allocation of funds for loans. | A. O. No. 118 | 37-2276 | 1270 | | |
| July 31 | Allocation of funds for loans. | A. O. No. 119 | 37-2420 | 1353 | 37-2739 | 1847 |
| July 31 | Allocation of funds for loans. | A. O. No. 120 | 37-2421 | 1353 | | |
| Aug. 6 | Allocation of funds for loans. | A. O. No. 121 | 37-2468 | 1373 | | |
| Aug. 14 | Allocation of funds for loans. | A. O. No. 122 | 37-2535 | 1400 | | |
| Aug. 20 | Allocation of funds for loans. | A. O. No. 125 | 37-2573 | 1428 | | |
| Aug. 20 | Allocation of funds for loans. | A. O. No. 126 | 37-2574 | 1428 | | |
| Aug. 20 | Allocation of funds for loans. | A. O. No. 123 | 37-2575 | 1428 | | |
| Aug. 20 | Allocation of funds for loans. | A. O. No. 124 | 37-2576 | 1428 | | |
| Aug. 31 | Allocation of funds for loans. | A. O. No. 127 | 37-2653 | 1791 | | |
| Aug. 31 | Allocation of funds for loans. | A. O. No. 128 | 37-2654 | 1791 | | |
| Sept. 8 | Allocation of funds for loans. | A. O. No. 129 | 37-2687 | 1812 | | |
| Sept. 8 | Allocation of funds for loans. | A. O. No. 130 | 37-2688 | 1812 | | |
| Sept. 8 | Allocation of funds for loans. | A. O. No. 131 | 37-2689 | 1812 | | |
| Sept. 8 | Allocation of funds for loans. | A. O. No. 132 | 37-2690 | 1812 | | |
| Sept. 10 | Allotments for loans, farm without control station electric service. | A. O. No. 133 | 37-2707 | 1825 | | |
| Sept. 11 | Allocation of funds for loans. | A. O. No. 134 | 37-2719 | 1831 | | |
| Sept. 11 | Allocation of funds for loans. | A. O. No. 135 | 37-2720 | 1831 | | |
| Sept. 14 | Allocation of funds for loans. | A. O. No. 136 | 37-2730 | 1835 | | |
| Sept. 15 | Rescission of allocation of funds for loans. | A. O. No. 137 | 37-2739 | 1847 | 2119<br>37-2420 | 1-1321<br>1353 |
| Sept. 22 | Allocation of funds for loans. | A. O. No. 138 | 37-2802 | 1877 | | |
| Sept. 25 | Allocation of funds for loans. | A. O. No. 140 | 37-2824 | 1945 | | |
| Sept. 30 | Allocation of funds for loans. | A. O. No. 141 | 37-2902 | 2053 | | |
| Oct. 2 | Allocation of funds for loans. | A. O. No. 142 | 37-2918 | 2078 | 37-3488 | 2676 |
| Oct. 9 | Allocation of funds for loans. | A. O. No. 143 | 37-2982 | 2109 | | |
| Oct. 13 | Allocation of funds for loans. | A. O. No. 144 | 37-3009 | 2176 | | |
| Oct. 14 | Rescission of allocation of funds for loans. | A. O. No. 145 | 37-3015 | 2197 | 1673 | 1-1055 |
| Oct. 21 | Allocation of funds for loans. | A. O. No. 146 | 37-3076 | 2247 | | |
| Oct. 21 | Allocation of funds for loans. | A. O. No. 147 | 37-3077 | 2247 | 37-3276 | 2449 |
| Oct. 26 | Allocation of funds for loans. | A. O. No. 148 | 37-3105 | 2296 | | |
| Oct. 29 | Allocation of funds for loans. | A. O. No. 149 | 37-3151 | 2389 | | |
| Oct. 29 | Allocation of funds for loans. | A. O. No. 150 | 37-3152 | 2389 | | |
| Oct. 29 | Allocation of funds for loans. | A. O. No. 151 | 37-3153 | 2389 | | |
| Nov. 2 | Allocation of funds for loans. | A. O. No. 152 | 37-3190 | 2408 | | |
| Nov. 6 | Allocation of funds for loans. | A. O. No. 154 | 37-3239 | 2424 | | |



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| Nov. 6 | Allocation of funds for loans. | A. O. No. 155 | 37-3240 | 2424 | | |
| Nov. 6 | Allocation of funds for loans. | A. O. No. 156 | 37-3241 | 2424 | | |
| Nov. 11 | Allocation of funds for loans, amendment. | A. O. No. 158 | 37-3276 | 2449 | 37-3077<br>37-781 | 2247<br>561 |
| Nov. 11 | Allocation of funds for loans. | A. O. No. 159 | 37-3277 | 2449 | | |
| Nov. 18 | Allocation of funds for loans. | A. O. No. 160 | 37-3343 | 2501 | 3736 | 1-2116 |
| Nov. 24 | Allocation of funds for loans. | A. O. No. 161 | 37-3409 | 2536 | | |
| Dec. 2 | Allocation of funds for loans. | A. O. No. 162 | 37-3465 | 2565 | | |
| Dec. 2 | Allocation of funds for loans. | A. O. No. 163 | 37-3466 | 2565 | | |
| Dec. 4 | Amendment of allocation of funds for loans. | A. O. No. 164 | 37-3488 | 2676 | 37-2918 | 2078 |
| Dec. 4 | Allocation of funds for loans. | A. O. No. 165 | 37-3489 | 2676 | | |
| Dec. 7 | Allocation of funds for loans. | A. O. No. 166 | 37-3519 | 2684 | | |
| Dec. 7 | Allocation of funds for loans. | A. O. No. 167 | 37-3520 | 2684 | | |
| Dec. 7 | Allocation of funds for loans. | A. O. No. 168 | 37-3521 | 2684 | | |
| Dec. 8 | Allocation of funds for loans. | A. O. No. 169 | 37-3543 | 2749 | | |
| Dec. 10 | Allocation of funds for loans. | A. O. No. 170 | 37-3579 | 2761 | | |
| Dec. 14 | Allocation of funds for loans. | A. O. No. 171 | 37-3628 | 2803 | | |
| Dec. 22 | Allocation of funds for loans. | A. O. No. 173 | 37-3724 | 2941 | | |
| Dec. 22 | Amendment of allocation of funds for loans. | A. O. No. 174 | 37-3725 | 2941 | 37-1501 | 895 |
| Dec. 22 | Amendment of allocation of funds for loans. | A. O. No. 175 | 37-3726 | 2941 | 37-2226 | 1248 |
| Dec. 24 | Allocation of funds for loans. | A. O. No. 176 | 37-3759 | 2960 | | |
| **SECURITIES AND EXCHANGE COMMISSION** | | | | | | |
| *1937* | | | | | | |
| Jan. 1 | Order fixing effective date for declaration, Iowa Public Service Co. | File No. 43-22. | 37-14 | 6 | 3870 | 1-2162 |
| Jan. 1 | Order approving acquisition of securities, Utility Service Co. | File No. 46-22. | 37-15 | 6 | 3821 | 1-2147 |
| Jan. 1 | Order terminating proceeding, George C. Creager, Inc. (Hutchison-Republic-Wendell farm). | | 37-16 | 7 | 3907 | 1-2178 |
| Jan. 1 | Order for hearing, Insurance Investors Fund, Inc. | File No. 2-2621. | 37-17 | 6 | | |
| Jan. 1 | Order fixing effective date for declaration, Washington and Suburban Cos. | File No. 4321 | 37-18 | 6 | 3841 | 1-2152 |
| Jan. 5 | Order granting withdrawal from listing, General Paint Corp. | File 1-1433 | 37-28 | 19 | | |
| Jan. 5 | Order consenting to withdrawal of registration statement, etc., South Umpqua Mining Co. | File No. 2-2561. | 37-29 | 18 | 3413 | 1-1977 |
| Jan. 5 | Order regarding conduct of business of subsidiary company, Republic Service Management Co. | File No. 27-16. | 37-30 | 19 | 3868 | 1-2162 |
| Jan. 6 | Order terminating proceedings, R. E. Pitts (Larkins and Warr-Frisco Farm). | | 37-34 | 21 | 3926 | 1-2182 |
| Jan. 6 | Suspension order; order for hearing, W. R. Curry (Sinclair-Prairie-Holmes Farm). | | 37-35 | 21 | 37-184<br>37-442 | 109<br>321 |
| Jan. 6 | Order consenting to withdrawal of registration statement, Edwin Carewe Productions, Inc. | File No. 2-1974. | 37-37 | 20 | | |
| Jan. 6 | Order consenting to withdrawal of registration statement, Consumers Credit Corp. | File No. 2-2599. | 37-38 | 20 | | |
| Jan. 6 | Order consenting to withdrawal of registration statement, Oil Payment Purchase Corp. | File No. 2-1873. | 37-39 | 21 | | |
| Jan. 7 | Amendment No. 2 to Form 12A-K. | | 37-36 | 34 | 113 | 1-77 |
| Jan. 7 | Amendment No. 2 to Form 12-K. | | 37-40 | 35 | 112 | 1-77 |
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| Jan. 7 | Amendment of Rules AN12 and AN13. | | 37-41 | 35 | | |
| Jan. 7 | Amendment of Rule AN11. | | 37-42 | 35 | | |
| Jan. 7 | Adoption of rules MD1 and MD2. | | 37-43 | 33 | | |
| Jan. 7 | Rule adopting Form 1-MD. | | 37-44 | 34 | | |
| Jan. 8 | Order for hearing, American District Telegraph Co. of N. J. | File No. 7-71 | 37-55 | 40 | 37-2063 | 1156 |
| Jan. 8 | Order for hearing, American District Telegraph Co. of N. J., common stock. | File 7-81 | 37-56 | 40 | 37-2064 | 1156 |
| Jan. 8 | Order for continuance, James M. Johnson (Slick - Urschel - Owen Farm). | | 37-57 | 41 | 3978<br>37-453 | 1-2227<br>324 |
| Jan. 8 | Order terminating proceedings, R. J. Caraway, (Rathke - Lawson - Wadley Hill Farm). | | 37-58 | 42 | 3977 | 1-2227 |
| Jan. 8 | Order terminating proceedings, Seth Winner (Winkler-Koch Phillips-Bermis Farm). | | 37-59 | 42 | 3954 | 1-2211 |
| Jan. 8 | Order for continuance, American States Oil Co. (Skelly-Dittmers Farm). | | 37-60 | 41 | 3952<br>37-701<br>37-1988 | 1-2210<br>520<br>1135 |
| Jan. 8 | Order terminating proceedings, Alex Macdonald (Western States-Haddock Farm). | | 37-61 | 42 | 3953 | 1-2211 |
| Jan. 8 | Order consenting to withdrawal of registration statement, Summit Gold Mining Corp. | File 2-1576 | 37-69 | 41 | 37-445<br>37-527 | 321<br>352 |
| Jan. 8 | Order terminating proceedings, W. R. Curry (Stanolind - Amerada - Bierschenk Farm). | | 37-70 | 42 | 3794 | 1-2139 |
| Jan. 8 | Order terminating proceedings, W. E. Housel, (Housel-Posey Farm). | | 37-71 | 42 | 3763 | 1-2131 |
| Jan. 8 | Order for hearing, Missouri Gas & Electric Service Co. | File 32-48 | 37-73 | 41 | | |
| Jan. 8 | Order for hearing, Middle West Corp. | File 46-28 | 37-74 | 40 | 37-314 | 219 |
| Jan. 9 | Suspension order, order for hearing, G. E. Fisher (British - American - McNabb Park Farm). | | 37-72 | 43 | 37-182<br>37-394 | 109<br>270 |
| Jan. 9 | Order for hearing, North American Gas & Electric Co. | File 43-23 | 37-80 | 51 | | |
| Jan. 9 | Suspension order, order for hearing, Woodfin & Co. (Leona McCluskey Farm). | | 37-81 | 53 | 37-183<br>37-297 | 109<br>215 |
| Jan. 9 | Order for hearing, Berkey & Gay Furniture Co., stock purchase warrants. | File 7-91 | 37-82 | 50 | 37-2493 | 1382 |
| Jan. 9 | Order for hearing, Berkey & Gay Co., common stock. | File No. 7-90 | 37-83 | 50 | 37-2493 | 1382 |
| Jan. 9 | Order for hearing, Studebaker Corp., common stock. | File 7-92 | 37-84 | 52 | 37-2493 | 1382 |
| Jan. 9 | Order for hearing, Atlas Corp., preferred stock. | File 7-126 | 37-85 | 50 | 37-2493 | 1382 |
| Jan. 9 | Order for hearing, Atlas Corp., common stock. | File 7-126 | 37-86 | 50 | 37-2493 | 1382 |
| Jan. 9 | Order for hearing, Utah-Idaho Sugar Co., common stock. | File 7-94 | 37-87 | 51 | 37-2493 | 1382 |
| Jan. 9 | Order for hearing, United Aircraft Corp., capital stock. | File 7-93 | 37-88 | 51 | 37-2493 | 1382 |
| Jan. 9 | Order consenting to withdrawal of registration statement, Mount Baker Chromium Corp. | File 2-2719 | 37-89 | 52 | | |
| Jan. 9 | Order consenting to withdrawal of registration statement, Oliver Farm Equipment Co. | File 2-2617 | 37-90 | 52 | | |
| Jan. 9 | Order consenting to withdrawal of registration, U. S. Casualty Co. | File 2-1988 | 37-91 | 52 | | |
| Jan. 9 | Stop order, John L. Etheridge. | File 2-843 | 37-92 | 53 | 3411 | 1-1976 |
| Jan. 9 | Order denying application to terminate unlisted trading privileges, City & Suburban Homes Co. | File 7-51 | 37-93 | 52 | | |
| Jan. 12 | Order for hearing, New England Gas & Electric Co., et al. | File No. 46-26 and 46-27. | 37-96 | 55 | 37-822<br>37-823 | 577<br>577 |

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| Jan. 12 | Order for hearing, Republic Service Corp. | File 43-21 | 37-97 | 55 | | |
| Jan. 12 | Order terminating proceeding, P. H. Lowrie (Ohio-Kyle Farm). | | 37-98 | 55 | 3339 | 1-2037 |
| Jan. 12 | Holding Company Act, Amendment to Rule 13-60. | Amdt. to 13-60. | 37-99 | 54 | | |
| Jan. 13 | Order directing hearing, Bethleheu Steel Corp. | File 7-99 | 37-107 | 60 | 37-130 | 76 |
| Jan. 13 | Order directing hearing, Studebaker Corp. | File 7-100 | 7-108 | 60 | 37-133 | 77 |
| Jan. 13 | Order directing hearing, Walworth Co. | File 7-133 | 37-109 | 60 | 37-2189 | 1232 |
| Jan. 13 | Order directing hearing, Edward G. Budd Mfg. Co. | File 7-129 | 37-110 | 60 | 37-2212 | 1238 |
| Jan. 13 | Suspension order, order for hearing, L. H. Witwer (Shell-Phillips-Egermier Farm). | | 37-111 | 62 | 37-204 | 123 |
| Jan. 13 | Order terminating proceeding First Dependable Oil Corp. (Ozark Portman Farm). | | 37-112 | 61 | 3835 | 1-2154 |
| Jan. 13 | Suspension order, order for hearing, Crude Oil Producers, Inc. | | 37-113 | 62 | 37-263<br>37-313 | 167<br>219 |
| Jan. 13 | Suspension order, order for hearing, Louis Berastein (British-American et al.-McNabb Farm). | | 37-114 | 61 | 37-265<br>37-1495 | 167<br>874 |
| Jan. 13 | Suspension order, order for hearing, General Industries Corp. Ltd. (Phillips "L" Community Lease). | | 37-115 | 62 | 37-262<br>37-356 | 167<br>238 |
| Jan. 13 | Order fixing effective date for declaration, Missouri Public Service Corp. | File 43-20 | 37-116 | 61 | | |
| Jan. 14 | Order for hearing, Oklahoma-Texas Trust. | File 2-1808 | 37-134 | 69 | 37-136<br>37-2838 | 75<br>1947 |
| Jan. 14 | Order for hearing, Consolidated Mines Syndicate. | File No. 2-127 | 37-135 | 68 | 37-199 | 122 |
| Jan. 14 | Order for continuance, Royalty Investments Corp. (Ohio-Dahl Farm). | | 37-137 | 69 | 4007<br>37-181 | 1-2266<br>109 |
| Jan. 14 | Suspension order, order for hearing, Second Dependable Oil Corp. (Superior-Sibley Farm). | | 37-138 | 71 | 37-246 | 144 |
| Jan. 14 | Suspension order, order for hearings, Grimes Bros. Royalty Co. (Skelly-Humble-Adkins Farm). | | 37-139 | 70 | 37-203 | 123 |
| Jan. 14 | Order for continuance, E. M. Thomasson Producing Co. (Thomasson-Durham et al. Farm). | | 37-140 | 70 | 4066<br>37-1422 | 1-2266<br>846 |
| Jan. 11 | Order for hearing, Alex Macdonald (Western States-Haddock Farm). | | 37-141 | 69 | 37-142 | 70 |
| Jan. 14 | Order terminating proceeding, Alex Macdonald (Western States Haddock Farm). | | 37-142 | 70 | 37-141 | 69 |
| Jan. 14 | Order for hearing, suspension order, W. E. Housel (Housel-Driscoll Farm). | | 37-143 | 71 | 37-283<br>37-473 | 191<br>332 |
| Jan. 15 | Order for hearing, Swift International Ltd. | File No. 7-141 | 37-125 | 75 | 37-2187 | 1231 |
| Jan. 15 | Order for hearing, Swift and Co. | File No. 7-143 | 37-126 | 75 | 37-2186 | 1231 |
| Jan. 15 | Order for hearing, Simmons Co., common stock. | File No. 7-132 | 37-127 | 75 | 37-2181 | 1231 |
| Jan. 15 | Order consenting to withdrawal of registration statement, Westgate-Greenland Oil Co. | File No. 2-2709. | 37-128 | 76 | | |
| Jan. 15 | Order for hearing, International Paper and Power Co. | File No. 7-131 | 37-129 | 74 | 37-2183 | 1230 |
| Jan. 15 | Order postponing hearing, Bethlehem Steel Corp. | | 37-130 | 76 | 37-107 | 60 |
| Jan. 15 | Order consenting to withdrawal of registration statement, Tips Glass Co. | File No. 2-2530. | 37-131 | 76 | | |
| Jan. 15 | Order consenting to withdrawal of registration statement, The Gage County Electric Co. | File No. 2-2533. | 37-132 | 76 | | |
| Jan. 15 | Order postponing hearing, The Studebaker Corp. | | 37-133 | 77 | 37-108 | 60 |
| Jan. 15 | Order for hearing, Oklahoma-Texas Trust. | File No. 2-1808. | 37-136 | 75 | 37-134 | 69 |
| Jan. 16 | Order for hearing, Southwest Royalties Co. (Shell-Myers Farm). | | 37-156 | 78 | 37-157 | 79 |

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| Mar. 9 | Suspension order, order for hearing, Costadon Oil and Gas Co., Inc. (Costadon-Hill Farm). | | 37-679 | 514 | 37-744 | 537 |
| Mar. 9 | Order for continuance, R. H. Manning & Co., (Manning-Bryson-York et al. Farm). | | 37-680 | 514 | 37-380 | 256 |
| Mar. 9 | Order pursuant to Rule 13-22, American Service Co. | File No. 37-17. | 37-681 | 513 | | |
| Mar. 10 | Consent to withdrawal of offering sheet, James W. Tait Co. (British-American-McNabb Park Community Farm). | | 37-692 | 517 | 37-657 | 506 |
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| Mar. 11 | Consent to withdrawal of offering sheet, James W. Tait Co. Inc. (Transwestern et al.-Suneram Farm). | | 37-700 | 519 | 37-582 | 399 |
| Mar. 11 | Order for continuance, American States Oil Co. (Skelly-Dittmers Farm). | | 37-701 | 520 | 37-60 | 41 |
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| Mar. 12 | Suspension order, order for hearing, James H. Hilt (Phillips-Hauch Farm). | | 37-707 | 524 | 37-892<br>37-1070 | 609<br>689 |
| Mar. 12 | Suspension order, order for hearing, James H. Hilt (Wamhoff-Muse (80-acre tract) Farm). | | 37-708 | 526 | 37-890<br>37-1067 | 609<br>690 |
| Mar. 12 | Suspension order, order for hearing, James H. Hilt (Wamhoff - Muse (160-acre tract) Farm). | | 37-709 | 527 | 37-891<br>37-1068 | 609<br>690 |
| Mar. 12 | Suspension order, order for hearing, James H. Hilt (Phillips-Rawson Farm). | | 37-710 | 526 | 37-894<br>37-1071 | 610<br>689 |
| Mar. 12 | Suspension order, order for hearing, James H. Hilt (Phillips-Nelson Farm). | | 37-711 | 525 | 37-893<br>37-1069 | 609<br>689 |
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| Mar. 16 | Order terminating proceeding, James R. Haynes (Shell-Mardis Farm). | | 37-743 | 538 | 37-628 | 497 |
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| Mar. 16 | Consent to withdrawal of offering sheet, R. H. Manning & Co. (Manning-Bryson-York et al. Farm). | | 37-747 | 537 | 37-380 | 256 |
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| Mar. 16 | Order for continuance, Oceanview Oil Co. (Oceanview-Anglo No. 2 Farm). | | 37-751 | 537 | 37-691 | 461 |
| Mar. 17 | Order for hearing, S. Leroy Estes (Stanolind-Amerada-Bierschenk Farm). | | 37-753 | 540 | 37-895 | 610 |
| Mar. 17 | Suspension order, order for hearing, R. L. Williams (Sinclair-Prairie-Skelly-Mary Graham Farm). | | 37-754 | 540 | 37-914<br>37-1157 | 621<br>719 |
| Mar. 18 | Order terminating proceeding, Royal Petroleum Co. (Royal-Schendel (40-acre tract) Farm). | | 37-760 | 542 | 37-655 | 504 |
| Mar. 18 | Order terminating proceeding, Royal Petroleum Co. (Royal-Schendel (844.28-acre tract) Farm). | | 37-761 | 542 | 37-658 | 505 |
| Mar. 19 | Order terminating proceeding, Royal Petroleum Co. (Royal-Schendel (1483.77-acre tract) Farm). | | 37-762 | 543 | 37-656 | 505 |
| Mar. 19 | Suspension order, order for hearing, Supreme Oil Inc. (Eagle Rock-Darling-Engstrom-Hultberg-Sword et al. Farm). | | 37-763 | 542 | 37-944 | 630 |
| Mar. 19 | Order terminating proceeding, General Industries Corp. Ltd. (Gulf-Carter-Walker Farm). | | 37-767 | 551 | 37-631 | 498 |
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| Mar. 23 | Order for hearing, Eastern Shore Gas Co. | File No. 31-386. | 37-810 | 566 | 37-1028 | 671 |
| Mar. 23 | Order for hearing, Illinois Power and Light Corp. | File No. 51-1 | 37-811 | 567 | | |
| Mar. 23 | Consent to withdrawal of offering sheet, S. Leroy Estes, (Amerada-Transwestern-Suenram Farm). | | 37-812 | 567 | 37-750 | 536 |
| Mar. 23 | Suspension order, order for hearing, R. E. Pitts (British-American-McNabb Park Block No. 9, Farm). | | 37-813 | 568 | 37-887 | 611 |
| Mar. 23 | Suspension order, order for hearing, H. L. Williams (Williams-Santa Fe-Pacific R. R. Farm). | | 37-814 | 568 | 37-969<br>37-1010 | 644<br>660 |
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| Mar. 24 | Suspension order, order for hearing, John G. Ellinghausen (Texas-Black Farm). | | 37-825 | 577 | 37-875 | 605 |
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| Mar. 26 | Order for hearing, Alex MacDonald (Jones-Lucas Farm). | | 37-860 | 591 | 37-1045<br>37-1207 | 680<br>751 |
| Mar. 26 | Suspension order, order for hearing, P. R. Kniekebocker (Pure-York No. 3 Farm). | | 37-861 | 594 | 37-1044<br>37-1158 | 679<br>719 |
| Mar. 26 | Order approving acquisition of securities, Public Service Co. of New Hampshire. | File No. 46-19. | 37-862 | 592 | 3724 | 1-2119 |
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| Mar. 26 | Order postponing hearing, Teck-Hughes Gold Mines. | File No. 1-1530. | 37-864 | 592 | 37-999 | 519 |
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| Mar. 27 | Order granting application to withdraw from listing and registration, Crane Co. | File No. 1-1657. | 37-872 | 604 | 37-277 | 190 |
| Mar. 27 | Order for hearing, Industrial Investment Corp. (Stanolind-Amerada et al.-Gassoway Farm). | | 37-873 | 604 | 37-888 | 609 |
| Mar. 27 | Suspension order, order for hearing, S. Leroy Estes (British-American-McNabb Farm). | | 37-874 | 605 | 37-1007 | 660 |
| Mar. 27 | Order terminating proceeding, John G. Ellinghausen (Texas-Black Farm). | | 37-875 | 605 | 37-825 | 577 |
| Mar. 27 | Suspension order, order for hearing, Alex MacDonald (Western States-Haddock Farm). | | 37-876 | 606 | 37-989 | 652 |
| Mar. 27 | Order terminating proceeding, James M. Johnson (Transwestern-Hannum Farm). | | 37-877 | 605 | 37-824 | 578 |



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| Mar. 30 | Stop order, Metropolitan Personal Loan Co. | File No. 2-2847. | 37-884 | 611 | 37-603 | 460 |
| Mar. 30 | Order for hearing, Petroleum Corp. of America. | File No. 31-392. | 37-885 | 608 | | |
| Mar. 30 | Suspension order, order for hearing, V. E. Helvie (Skelly-Mary Graham Farm) | | 37-886 | 611 | 37-986 | 654 |
| Mar. 30 | Order terminating proceeding, R. E. Pitts (British-McNabb Park, Block No. 9 Farm). | | 37-887 | 611 | 37-813 | 568 |
| Mar. 30 | Consent to withdrawal of offering sheet, Industrial Investment Corp. (Stanolind-Amerada et al.-Gassoway Farm). | | 37-888 | 609 | 37-873 | 604 |
| Mar. 30 | Order terminating proceeding, R. A. Cook (Stanolind-Bradley-Mitchell Farm.) | | 37-889 | 610 | 37-878 | 605 |
| Mar. 30 | Order for continuance, James H. Hilt (Wamhoff-Muse (80-acre tract) Farm). | | 37-890 | 609 | 37-708 | 526 |
| Mar. 30 | Order for continuance, James H. Hilt (Wamhoff - Muse (160 - acre tract) Farm). | | 37-891 | 609 | 37-709 | 527 |
| Mar. 30 | Order for continuance, James H. Hilt (Phillips-Hauch Farm). | | 37-892 | 609 | 37-707 | 525 |
| Mar. 30 | Order for continuance, James H. Hilt (Phillips-Nelson Farm). | | 37-893 | 609 | 37-711 | 525 |
| Mar. 30 | Order for continuance, James H. Hilt (Phillips-Rawson Farm). | | 37-894 | 610 | 37-710 | 526 |
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| Mar. 31 | Order consenting to withdrawal of application, Washington Gas and Electric Co. | File No. 46-35. | 37-911 | 620 | 37-720 | 530 |
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| Mar. 31 | Consent to withdrawal of offering sheet, S. Leroy Estes (Gulf-Carter-Miller Farm). | | 37-913 | 620 | 37-859 | 593 |
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| Apr. 1 | Permanent suspension order, L. D. Greenfield (Windsor-Culbertson No. 1 Farm). | File No. 20-37A1-1. | 37-927 | 625 | 2111 | 1-1326 |
| Apr. 1 | Suspension order, order for hearing, P. R. Kniekerbocker (Pure-Tunnell No. 59 Farm). | | 37-928 | 626 | 37-1103<br>37-1306 | 697<br>800 |
| Apr. 1 | Suspension order, order for hearing, Leo A. McGrail & Co. (Margay-Bemis "A" Farm). | | 37-929 | 626 | 37-1046 | 679 |
| Apr. 2 | Order for hearing, Water Works Department, Inc. | File No. 37-18. | 37-940 | 629 | | |
| Apr. 2 | Suspension order, order for hearing, James R. Haynes (Morris-Seibel-Clayton Farm). | | 37-941 | 630 | 37-1032 | 671 |
| Apr. 2 | Suspension order, order for hearing, R. H. Manning & Co. (Manning-Bryson No. 1 Farm). | | 37-942 | 631 | 37-984 | 652 |
| Apr. 2 | Suspension order, order for hearing, Stuart L. Vance & Co. (Gulf-Campion Farm). | | 37-943 | 631 | 37-1043 | 680 |
| Apr. 2 | Consent to withdrawal of offering sheet, Supreme Oil Inc. (Eagle Rock-Darling-Engstrom-Hultberg-Sword et al. Farm). | | 37-944 | 630 | 37-763 | 543 |
| Apr. 2 | Order terminating proceeding, Powder River Basin Royalty Co. (Powder River-Strey-Lewis et al. Farm). | | 37-945 | 630 | 37-629 | 498 |
| Apr. 3 | Order for continuance, H. L. Williams (Williams-Santa Fe-Pacific R. R. Farm). | | 37-969 | 644 | 37-814 | 568 |
| Apr. 3 | Consent to withdrawal of offering sheet, T. G. Wylie & Co. Inc. (Ohio-Hahl Farm). | | 37-970 | 644 | 37-790 | 562 |
| Apr. 6 | Order for hearing, Southern United Gas Co. | File No. 39-42. | 37-979 | 652 | | |
| Apr. 6 | Order approving acquisition of securities, Great Lakes Utilities Co. | File No. 46-33. | 37-980 | 653 | | |
| Apr. 6 | Order approving acquisition of securities, Great Lakes Utilities Co. | File No. 46-34. | 37-981 | 653 | | |
| Apr. 6 | Order fixing effective date for declaration, Great Lakes Utilities Co. | File No. 43-34. | 37-982 | 654 | | |
| Apr. 6 | Order fixing effective date for declaration, Great Lakes Utilities Co. | File No. 43-35. | 37-983 | 654 | | |
| Apr. 6 | Consent to withdrawal of offering sheet, R. H. Manning & Co. (Manning-Bryson No. 1 Farm) | | 37-984 | 652 | 37-942 | 631 |
| Apr. 6 | Order terminating proceeding, T. G. Wylie & Co., Inc. (Ohio-Dahl Farm). | | 37-985 | 654 | 37-915 | 621 |
| Apr. 6 | Order terminating proceeding, V. E. Helvie (Skelly-Mary Graham Farm). | | 37-986 | 654 | 37-886 | 611 |
| Apr. 6 | Suspension order, order for hearing, W. E. Cook (British-McNabb Park Community Farm). | | 37-987 | 655 | 37-1042 | 680 |
| Apr. 6 | Suspension order, order for hearing, Royalty Investments Corp (Continente)-Young Farm). | | 37-988 | 655 | 37-1066 | 690 |
| Apr. 6 | Consent to withdrawal of offering sheet, Alex MacDonald (Western States-Haddock Farm). | | 37-989 | 652 | 37-876 | 606 |
| Apr. 6 | Order for hearing, Nepsco Appliance Finance Corp. | File No. 43-38. | 37-990 | 651 | 37-1423 | 845 |
| Apr. 6 | Order for hearing, Nepsco Services, Inc. | File No. 43-39. | 37-991 | 651 | 37-1418 | 845 |
| Apr. 6 | Permanent suspension order, Guy C. McBride (Carter-Smith Lease). | File No. 20-467A2. | 37-992 | 655 | 1798 | 1-1147 |
| Apr. 7 | Order for hearing, States Electric & Gas Corp. | File Nos. 46-38, 43-41. | 37-1004 | 659 | 37-1882 | 1079 |
| Apr. 7 | Permanent suspension order, Guy C. McBride (Magnolia-Smith Lease). | File No. 20-467A2. | 37-1005 | 660 | 1799 | 1-1148 |
| Apr. 7 | Order for hearing, Washington Gas Light Co. | File Nos. 32-50, 32-51, 46-37. | 37-1006 | 659 | 37-3004<br>37-3005 | 2170<br>2171 |
| Apr. 7 | Order terminating proceeding, S. Leroy Estes (British-American-McNabb Park Farm). | | 37-1007 | 660 | 37-874 | 605 |
| Apr. 7 | Order setting hearing, North American Securities Co. | File No. 1-2064. | 37-1008 | 658 | 37-2116 | 1180 |
| Apr. 7 | Order for hearing, Caprock Oil Co. (Caprock-Parks No. 1 Farm). | | 37-1009 | 658 | 37-1118<br>37-1119 | 706<br>706 |
| Apr. 7 | Order terminating proceeding, H. L. Williams (Williams-Santa Fe-Pacific R. R. Farm). | | 37-1010 | 660 | 37-814 | 568 |
| Apr. 7 | Suspension order, order for hearing, T. G. Wylie & Co. Inc. (Ohio-Dahl Farm). | | 37-1011 | 660 | 37-915 | 621 |
| Apr. 8 | Amendment of Rule JBI, amendments to the instruction books for Form S-A and Form 23. | | 37-1016 | 661 | 37-2069 | 661 |
| Apr. 8 | Order for hearing, Minnesota Utilities Co. | File No. 43-40. | 37-1017 | 662 | 37-2733<br>37-3012 | 1835<br>2176 |
| Apr. 8 | Order for hearing, Abington Electric Co. | File No. 32-52. | 37-1018 | 662 | | |

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| Apr. 8 | Order for hearing, Northwestern Wisconsin Electric Co. | File No. 32-53. | 37-1019 | 664 | | |
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| Apr. 9 | Order rescinding order for hearing, etc., Eastern Shore Gas Co. | File No. 31-386. | 37-1028 | 671 | 37-810 | 566 |
| Apr. 9 | Order rescinding order for hearing, etc., Eastern Shore Gas Co. of Va., Inc. | File No. 31-387. | 37-1029 | 671 | 37-809 | 566 |
| Apr. 9 | Suspension order, order for hearing, Geo. C. Creager, Inc. (Stanolind-Amerada-Transwestern-Suenram Farm). | | 37-1030 | 672 | 37-1031 | 671 |
| Apr. 9 | Order terminating proceeding, Geo. C. Creager, Inc. (Stanolind-Amerada-Transwestern-Suenram Farm). | | 37-1031 | 671 | 37-1030 | 672 |
| Apr. 9 | Order terminating proceeding, James R. Haynes (Morris-Seibel-Clayton Farm). | | 37-1032 | 671 | 37-941 | 630 |
| Apr. 9 | Suspension order, order for hearing, P. R. Knickerbocker (Pure-Maxfield Farm). | | 37-1033 | 672 | 37-1187 | 745 |
| Apr. 9 | Suspension order, order for hearing, J. H. Lieberman, Inc. (British-American-Kirsch-Winders Farm). | | 37-1034 | 673 | 37-1177 | 738 |
| Apr. 9 | Stop order, The Livingston Mining Co. | File No. 2-1711. | 37-1035 | 672 | 2684 | 1-1512 |
| Apr. 10 | Order terminating proceeding, W. E. Cook (British-American-McNabb Park Community Farm). | | 37-1042 | 680 | 37-987 | 655 |
| Apr. 10 | Order terminating proceeding, Stuart L. Vance & Co. (Gulf-Campion Farm). | | 37-1043 | 680 | 37-943 | 631 |
| Apr. 10 | Order for continuance, P. R. Knickerbocker (Pure-York No. 13 Farm). | | 37-1044 | 679 | 37-861 | 594 |
| Apr. 10 | Order for continuance, Alex MacDonald (Jones-Lucas Farm). | | 37-1045 | 680 | 37-860 | 591 |
| Apr. 10 | Consent to withdrawal of offering sheet, etc., Leo A. McGrail & Co. (Margay-Bemis "A" Farm). | | 37-1046 | 679 | 37-929 | 626 |
| Apr. 10 | Order for hearing, Boise Gas Light and Coke Co. | File No. 31-395. | 37-1047 | 679 | | |
| Apr. 10 | Order for hearing, Central Ohio Light & Power Co. | File No. 32-54. | 37-1048 | 679 | | |
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| Apr. 13 | Permanent suspension order, John Wight (O'Donnell Farm). | File No. 20-501A1-1. | 37-1061 | 691 | 3573 | 1-2053 |
| Apr. 13 | Suspension order, order for hearing, James R. Haynes (Morris et al.-Hollenbeck Farm). | | 37-1062 | 691 | 37-1126 | 708 |
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| Apr. 13 | Suspension order, order for hearing, W. R. Brown & Co., Inc. (Carter-Tate Farm). | | 37-1064 | 690 | 37-1178 | 738 |
| Apr. 13 | Order for hearing, Arthur Sory (Continental-Janssen Farm). | | 37-1065 | 689 | 37-1186 | 746 |
| Apr. 13 | Consent to withdrawal of offering sheet, etc., Royalty Investments Corp. (Continental-Young Farm). | | 37-1066 | 690 | 37-988 | 655 |
| Apr. 13 | Order terminating proceeding, James H. Hilt (Wamhoff-Muse (80-acre tract) Farm). | | 37-1067 | 690 | 37-708 | 526 |
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| Apr. 13 | Order terminating proceeding, James H. Hilt (Wamhoff-Muse(160-acre tract) Farm). | | 37-1068 | 690 | 37-709 | 527 |
| Apr. 13 | Order terminating proceeding, James H. Hilt (Phillips-Nelson Farm). | | 37-1069 | 689 | 37-711 | 525 |
| Apr. 13 | Order terminating proceeding, James H. Hilt (Phillips-Hauch Farm). | | 37-1070 | 689 | 37-707 | 524 |
| Apr. 13 | Order terminating proceeding, James H. Hilt (Phillips-Rawson Farm). | | 37-1071 | 689 | 37-710 | 526 |
| Apr. 14 | Order revoking registration, Anton R. Fink. | | 37-1082 | 694 | | |
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| Apr. 14 | Order revoking registration, North American Bond & Share Corp. | | 37-1084 | 695 | | |
| Apr. 14 | Order revoking registration, Winton L. Googins. | | 37-1085 | 695 | | |
| Apr. 14 | Permanent suspension order, A. D. Beck (Smith-Fleet-Hell-Beaver Block Farms). | File No. 20-495A1-1. | 37-1086 | 695 | 3129 | 1-1689 |
| Apr. 15 | Order denying application to extend unlisted trading privileges, West Penn Power Co. | File No. 7-58. | 37-1089 | 697 | 2709 | 1-1517 |
| Apr. 15 | Order denying application to extend unlisted trading privileges, G. C. Murphy Co. | File No. 7-76. | 37-1090 | 697 | 2740 | 1-1531 |
| Apr. 15 | Order denying application to extend unlisted trading privileges, G. C. Murphy Co. | File No. 7-57. | 37-1091 | 697 | 2741 | 1-1531 |
| Apr. 15 | Order denying application to extend unlisted trading privileges, McKeesport Tin Plate Co. | File No. 7-65. | 37-1092 | 696 | 2742 | 1-1530 |
| Apr. 15 | Order granting application to extend unlisted trading privileges, Kaufmann Department Stores, Inc. | File No. 7-64. | 37-1093 | 698 | 2737 | 1-1529 |
| Apr. 15 | Order granting application to extend unlisted trading privileges, National Steel Corp. | File No. 7-66. | 37-1094 | 698 | 2739 | 1-1530 |
| Apr. 15 | Order granting application to extend unlisted trading privileges, Rustless Iron & Steel Corp. | File No. 7-68. | 37-1095 | 699 | 2713 | 1-1518 |
| Apr. 15 | Order granting application to extend unlisted trading privileges, Republic Steel Corp. | File No. 7-67. | 37-1096 | 698 | 2744 | 1-1531 |
| Apr. 15 | Order granting application to extend unlisted privileges, The West Penn Electric Co. | File No. 7-79. | 37-1097 | 699 | 2690 | 1-1513 |
| Apr. 15 | Order granting application to extend unlisted trading privileges, The West Penn Electric Co. | File No. 7-78. | 37-1098 | 699 | 2689 | 1-1513 |
| Apr. 15 | Order granting application to extend unlisted trading privileges, Wheeling Steel Corp. | File No. 7-80. | 37-1099 | 700 | 2692 | 1-1514 |
| Apr. 15 | Order granting application to extend unlisted trading privileges, Wheeling Steel Corp. | File No. 7-60. | 37-1100 | 700 | 2691 | 1-1514 |
| Apr. 15 | Order granting application to extend unlisted trading privileges, West Penn Power Co. | File No. 7-77. | 37-1101 | 700 | 2688 | 1-1513 |
| Apr. 15 | Amendment to order granting temporary exemption, Citizens Utilities Co. | File No. 37-14. | 37-1102 | 696 | 1662 | 1-1050 |
| Apr. 15 | Order for continuance, P. R. Knickerbocker (Pure-Tunnell No. 59 Farm). | | 37-1103 | 697 | 37-928 | 626 |
| Apr. 16 | Order granting application to extend unlisted trading privileges, Columbia Gas & Electric Corp. | File No. 7-74. | 37-1108 | 706 | 2735 | 1-1529 |
| Apr. 16 | Order denying application to extend unlisted trading privileges, Columbia Gas & Electric Corp. | File No. 7-73. | 37-1109 | 704 | 2736 | 1-1529 |



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| *1937* | | | | | | |
| Apr. 16 | Order denying application to extend unlisted trading privileges, Columbia Gas & Electric Corp. | File No. 7-72. | 37-1110 | 704 | 2634 | 1-1505 |
| Apr. 16 | Order denying application to extend unlisted trading privileges, Columbia Gas & Electric Corp. | File No. 7-55. | 37-1111 | 704 | 2638 | 1-1505 |
| Apr. 16 | Order denying application to extend unlisted trading privileges, Bell Telephone Co. of Pennsylvania. | File No. 7-63. | 37-1112 | 704 | 2635 | 1-1505 |
| Apr. 16 | Order denying application to extend unlisted trading privileges, Beech Creek Railroad Co. | File No. 7-62. | 37-1113 | 703 | 2657 | 1-1505 |
| Apr. 16 | Order denying application to extend unlisted trading privileges, Armstrong Cork Co. | File No. 7-54. | 37-1114 | 703 | | |
| Apr. 16 | Order denying application to extend unlisted trading privileges, West Penn Electric Co. | File No. 7-59. | 37-1115 | 705 | 2710 | 1-1518 |
| Apr. 16 | Order denying application to extend unlisted trading privileges, Texon Oil and Land Co. of Delaware. | File No. 7-70. | 37-1116 | 705 | 2712 | 1-1518 |
| Apr. 16 | Order denying application to extend unlisted trading privileges, Superior Steel Corp. | File No. 7-69. | 37-1117 | 705 | 2711 | 1-1518 |
| Apr. 16 | Order terminating proceeding, Caprock Oil Co. (Caprock-Parks No. 1 Farm). | | 37-1118 | 706 | 37-1009 | 658 |
| Apr. 16 | Order terminating proceeding, Caprock Oil Co. (Caprock-Parks No. 1 Farm). | | 37-1119 | 706 | 37-1009 | 658 |
| Apr. 17 | Order terminating proceeding, James R. Haynes (Morris et al. Hollenbeck Farm). | | 37-1126 | 708 | 37-1062 | 691 |
| Apr. 17 | Order for hearing, South American Utilities Corp. | File No. 31-381. | 37-1127 | 707 | | |
| Apr. 17 | Suspension order, order for hearing, Supreme Oil Inc. (Eagle-Darling-Engstrom et al. Farm). | | 37-1128 | 709 | 37-1255<br>37-1346 | 775<br>814 |
| Apr. 17 | Suspension order, order for hearing, A. Ben Chadwell (Phillips-General "L" Community Lease). | | 37-1129 | 708 | 37-1254<br>37-1335 | 775<br>810 |
| Apr. 17 | Suspension order, order for hearing, Hugh McClellan (Margay-Bemis "A" Farm). | | 37-1130 | 708 | 37-1236 | 768 |
| Apr. 17 | Order revoking registration, Lewis S. Parsons (L. S. Parsons & Co.). | | 37-1131 | 707 | | |
| Apr. 20 | Amendment No. 17 to the instruction book for Form 10. | | 37-1154 | 719 | | |
| Apr. 20 | Amendment to Part II of Form D-1. | | 37-1155 | 718 | | |
| Apr. 20 | Amendment to Rules 202 and 203 of the General Rules and Regulations under the Securities Act of 1933. | | 37-1156 | 719 | | |
| Apr. 20 | Order terminating proceeding, R. L. Williams (Sinclair-Prairie-Skelly-Mary Graham Farm). | | 37-1157 | 719 | 37-754 | 540 |
| Apr. 20 | Order terminating proceeding, P. R. Knickerbocker (Pure-York No. 13 Farm). | | 37-1158 | 719 | 37-861 | 594 |
| Apr. 20 | Suspension order, order for hearing, T. G. Thompson (Sinclair-Skelly-Mary Graham Farm). | | 37-1159 | 719 | 37-1235 | 769 |
| Apr. 20 | Suspension order, order for hearing, L. H. Witwer (Shell-Phillips-McCaughtry Farm). | | 37-1160 | 720 | 37-1234 | 769 |
| Apr. 21 | Stop order, Bagdad Copper Corp. | File No. 2-2090. | 37-1165 | 736 | 3974 | 1-2225 |
| Apr. 21 | Stop order, Treasure Hill Extension Mines Co. | File No. 2-1357. | 37-1166 | 736 | 2516 | 1-1436 |
| Apr. 21 | Order for hearing, The Middle West Corp. | File No. 46-40. | 37-1167 | 735 | | |
| Apr. 21 | Order for hearing, American-United Fiscal Agency, Inc. | File No. 37-19. | 37-1168 | 735 | | |
| Apr. 21 | Suspension order, order for hearing, Supreme Oil Inc. (Hyland-Campbell Farm). | | 37-1169 | 736 | 37-1279<br>37-1347 | 790<br>815 |
| Apr. 21 | Suspension order, order for hearing, H. J. Cox (Cox-McCluskey Farm). | | 37-1170 | 736 | 37-1238 | 768 |
| Apr. 22 | Order amending order and caption, Dart & Company, et al. | | 37-1175 | 737 | 37-1449 | 863 |
| Apr. 22 | Permanent suspension order, G. E. Fisher (Anderson-Prichard Oil Corp.-Swisher Lease). | File No. 20-464A8-1. | 37-1176 | 738 | 3572 | 1-2051 |
| Apr. 22 | Order terminating proceeding, J. H. Lieberman, Inc. (British-American Kirsch-Winders Farm). | | 37-1177 | 738 | 37-1034 | 673 |
| Apr. 22 | Order terminating Brown & Co., Inc. (Carter-Tate Farm). | | 37-1178 | 738 | 37-1064 | 690 |
| Apr. 22 | Suspension order, order for hearing, George C. Creager, Inc. (Blackstock-Texas Pacific-Tegtmeyer Farm). | | 37-1179 | 739 | 37-1290<br>37-1419 | 703<br>845 |
| Apr. 22 | Suspension order, order for hearing, R. A. Cook (Margay-Bemis "A" Farm). | | 37-1180 | 739 | 37-1237 | 768 |
| Apr. 22 | Suspension order, order for hearing, S. Leroy Estes (Amerada-Transwestern-Suenram Farm). | | 37-1181 | 738 | 37-1273 | 791 |
| Apr. 23 | Order terminating proceeding, F. George Goelz (Goelz-Wilkinson Farm). | | 37-1185 | 745 | 37-1063 | 691 |
| Apr. 23 | Order terminating proceeding, Arthur Sory (Continental-Janssen Farm). | | 37-1186 | 746 | 37-1065 | 689 |
| Apr. 23 | Order for continuance, P. R. Knickerbocker (Pure-Maxfield Farm). | | 37-1187 | 745 | 37-1033 | 672 |
| Apr. 24 | Order fixing effective date for declaration, North American Gas and Electric Co. | File No. 43-23 | 37-1190 | 747 | | |
| Apr. 24 | Suspension order, order for hearing, E. T. Chase (Phillips "L" Community Lease). | | 37-1191 | 747 | 37-1277 | 790 |
| Apr. 24 | Suspension order, order for hearing, Paul J. McKenna (Stanolind-Debord "A" Farm). | | 37-1192 | 748 | 37-1232 | 768 |
| Apr. 24 | Suspension order, order for hearing, H. B. Sears (Capitol-Mansion-State et al. Farm). | | 37-1193 | 748 | 37-1276 | 791 |
| Apr. 24 | Suspension order, order for hearing, Industrial Investment Corp. (Stanolind et al.-Gassoway Farm). | | 37-1194 | 747 | 37-1208 | 751 |
| Apr. 24 | Order for hearing, George C. Creager, Inc. (Sinclair-Prairie-Peaches Farm). | | 37-1195 | 746 | 37-1307<br>37-1376 | 800<br>827 |
| Apr. 27 | Consent to withdrawal of offering sheet, etc., Alex MacDonald (Jones-Lucas Farm). | | 37-1207 | 751 | 37-860 | 591 |
| Apr. 27 | Consent to withdrawal of offering sheet, etc., Industrial Investment Corp. (Stanolind et al.-Gassoway Farm). | | 37-1208 | 751 | 37-1194 | 747 |
| Apr. 27 | Stop order, Emporia Gold Mines, Inc. | File No. 2-1045. | 37-1209 | 752 | 3358 | 1-1791 |
| Apr. 28 | Order for hearing, National Gas & Electric Corp. | File No. 43-42. | 37-1214 | 753 | 37-1425 | 844 |
| Apr. 28 | Order approving acquisition of security, Republic Service Corp. | File No. 46-39. | 37-1215 | 754 | 37-1058 | 688 |
| Apr. 29 | Stop order, Gage Protective Committee, etc. | File No. 2-1407. | 37-1219 | 763 | | |
| Apr. 29 | Suspension order, order for hearing, Andrew J. Barrett (Hyland-Campbell Farm). | | 37-1220 | 763 | 37-1276 | 790 |
| Apr. 29 | Suspension order, order for hearing, Virgil O. King, Inc. (Simpson-Fell-Westheimer-Bates Farm). | | 37-1221 | 764 | 37-1233 | 768 |
| Apr. 29 | Suspension order, order for hearing, Southwest Royalties Company (Shell-Moelling Farm). | | 37-1222 | 765 | 37-1274 | 791 |

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| **SECURITIES AND EXCHANGE COMMISSION—Continued** | | | | | | |
| *1937* Apr. 29 | Suspension order, order for hearing, Power River Basin Royalty Co. (Powder River-Lewis-Rhoades-Cooper-Elliott Farms). | | 37-1223 | 765 | 37-1373<br>37-1629 | 827<br>953 |
| Apr. 29 | Suspension order, order for hearing, Andrew J. Barrett (Wilcox-Nuefeld Farm). | | 37-1224 | 764 | 37-1272 | 790 |
| Apr. 30 | Consent to withdrawal of offering sheet, etc., Paul J. McKenna (Stanolind-Debord "A" Farm). | | 37-1232 | 768 | 37-1192 | 748 |
| Apr. 30 | Consent to withdrawal of offering sheet, etc., Virgil O. King, Inc. (Simpson-Fell-Westheimer-Bates Farm). | | 37-1233 | 768 | 37-1221 | 764 |
| Apr. 30 | Order terminating proceeding, L. H. Witwer (Shell-Phillips-McCaughtry Farm). | | 37-1234 | 769 | 37-1160 | 720 |
| Apr. 30 | Order terminating proceeding, T. G. Thompson (Sinclair-Skelly-Mary Graham Farm). | | 37-1235 | 769 | 37-1159 | 719 |
| Apr. 30 | Order terminating proceeding, Hugh McClellan (Margay-Bemis "A" Farm). | | 37-1236 | 768 | 37-1130 | 708 |
| Apr. 30 | Order terminating proceeding, R. A. Cook (Margay-Bemis "A" Farm). | | 37-1237 | 768 | 37-1180 | 739 |
| Apr. 30 | Order terminating proceeding, H. J. Cox (Cox-McCluskey Farm). | | 37-1238 | 768 | 37-1170 | 736 |
| May 1 | Stop order, National Boston Montana Mines Corp. | File No. 2-108. | 37-1244 | 770 | | |
| May 4 | Order for hearing, Citizens Utilities Co. | File No. 47-8. | 37-1250 | 774 | 37-2055 | 1155 |
| May 4 | Suspension order, order for hearing, W. H. Carraher (Magnolia-Clyde Harris Farm). | | 37-1251 | 776 | 37-1420 | 845 |
| May 4 | Order fixing effective date for declaration, Illinois Power & Light Corp. | File No. 43-33. | 37-1252 | 775 | 37-615 | 483 |
| May 4 | Suspension order, order for hearing, Andrew J. Barrett (Shell-Moelling Farm.) | | 37-1253 | 775 | 37-1334 | 810 |
| May 4 | Order for continuance, A. Ben Chadwell (Phillips-General "L" Community Lease). | | 37-1254 | 775 | 37-1129 | 708 |
| May 4 | Order for continuance, Supreme Oil Inc. (Eagle Rock-Darling-Engstrom et al. Farm). | | 37-1255 | 775 | 37-1128 | 709 |
| May 5 | Order for hearing, Union Electric Light and Power Co. | File No. 46-43. | 37-1261 | 781 | 37-1578 | 925 |
| May 5 | Order for hearing, Southern Natural Gas Co. | File No. 46-41. | 37-1262 | 781 | | |
| May 5 | Order for hearing, East St Louis Light and Power Co. | File No 32-56. | 37-1263 | 779 | | |
| May 5 | Order for hearing, East St. Louis Light and Power Co. | File No 43-43. | 37-1264 | 780 | 37-1575 | 926 |
| May 5 | Order for hearing, East St. Louis Light and Power Co. | File No. 46-42. | 37-1265 | 780 | 37-1577 | 925 |
| May 6 | Notice that Southern United Gas Co. is no longer a holding company. | File No 30-12. | 37-1269 | 790 | | |
| May 6 | Order for hearing, Northern Berkshire Gas Co. | File No. 32-55. | 37-1270 | 789 | | |
| May 6 | Order for hearing, Union Electric Light and Power Co. of Illinois. | File No. 41-5. | 37-1271 | 789 | 37-1388 | 832 |
| May 6 | Order terminating proceeding, Andrew J. Barrett (Wilcox-Neufeld Farm). | | 37-1272 | 790 | 37-1224 | 764 |
| May 6 | Order terminating proceeding, S. Leroy Estes (Amerada-Transwestern-Suenram Farm). | | 37-1273 | 791 | 37-1181 | 738 |
| May 6 | Order terminating proceeding, Southwest Royalties Co. (Shell-Moelling Farm). | | 37-1274 | 791 | 37-1222 | 765 |
| May 6 | Order terminating proceeding, H. B. Sears (Capitol-Manslon-State et al. Farm). | | 37-1275 | 791 | 37-1193 | 748 |
| *1937* May 6 | Order terminating proceeding, Andrew J. Barrett (Hyland-Campbell Farm). | | 37-1276 | 790 | 37-1220 | 763 |
| May 6 | Order terminating proceeding, E. T. Chase (Phillips "L" Community Lease). | | 37-1277 | 790 | 37-1191 | 747 |
| May 6 | Suspension order, order for hearing, G. D. Terrien (Continental-Reed Lease). | | 37-1278 | 791 | 37-1374 | 827 |
| May 6 | Order for continuance, Supreme Oil Inc. (Huland-Campbell Farm). | | 37-1279 | 790 | 37-1169 | 737 |
| May 7 | Order for hearing, Phelps-Dodge Corp. | File No. 31-397. | 37-1289 | 793 | | |
| May 7 | Order for continuance, George C. Creager, Inc. (Blackstock-Texas Pacific-Tegtmeyer Farm). | | 37-1290 | 793 | 37-1179 | 739 |
| May 7 | Suspension order, order for hearing, Harry W. Haynes (Continental et al.-Bornholdt Farm) | | 37-1291 | 794 | 37-1494<br>37-1678 | 874<br>983 |
| May 7 | Suspension order, order for hearing, First Dependable Oil Corp. (Continental-Young Lease) | | 37-1292 | 793 | 37-1375 | 827 |
| May 8 | Order for hearing, Middle West Corp. | File No. 46-44. | 37-1303 | 799 | 37-1835 | 1049 |
| May 8 | Order for hearing, Phelps Dodge Corp. | File No. 31-397. | 37-1304 | 799 | | |
| May 8 | Order for hearing, San Antonio Public Service Co | File No. 43-44. | 37-1305 | 799 | 37-1613 | 932 |
| May 8 | Order terminating proceeding, P. R. Knickerboeker (Pure-Tunnell No. 59 Farm). | | 37-1306 | 800 | 37-928 | 625 |
| May 8 | Order for continuance, George C. Creager, Inc. (Sinclair-Prairie-Peaches Farm). | | 37-1307 | 800 | 37-1195 | 746 |
| May 8 | Suspension order, order for hearing, Industrial Investment Corp. (Stanolind-Amerada-Gassoway Farm). | | 37-1308 | 801 | 37-1361 | 821 |
| May 8 | Suspension order, order for hearing, Robert L. Kinkaid, Inc. (Stanolind-Debord "A" Farm). | | 37-1309 | 801 | 37-1333 | 809 |
| May 8 | Suspension order, order for hearing, L. H. Witwer (Sinclair et al.-Smith Farm). | | 37-1310 | 802 | 37-1515 | 910 |
| May 8 | Suspension order, order for hearing, W. E. Cook (Wamhoff-Muse Farm). | | 37-1311 | 800 | 37-1467 | 861 |
| May 11 | Order for hearing, Dresser Power Corp. | File No. 32-57. | 37-1329 | 809 | 37-2114 | 1179 |
| May 11 | Order for hearing, Public Service Co. of Indiana | File No. 46-45. | 37-1330 | 809 | 37-2113 | 1179 |
| May 11 | Rule adopting Forms 2-MD and 4-MD. | | 37-1331 | 808 | | |
| May 11 | Order revoking registration, etc., Hull, Chipman & Co. | | 37-1332 | 810 | | |
| May 11 | Consent to withdrawal of offering sheet, etc., Robert L. Kinkaid, Inc. (Stanolind-Debord "A" Farm). | | 37-1333 | 809 | 37-1309 | 801 |
| May 11 | Order terminating proceeding, Andrew J. Barrett (Shell-Moelling Farm). | | 37-1334 | 810 | 37-1253 | 775 |
| May 11 | Order terminating proceeding, A. Ben Chadwell (Phillips-General "L" Community Lease). | | 37-1335 | 810 | 37-1129 | 708 |
| May 12 | Order denying unlisted trading privileges, Boston Parcel Post Station. | | 37-1341 | 814 | | |
| May 12 | Notice of hearing, Peoples Light and Power Co., et al. | File Nos. 43-45, 43-46, 46-46, 46-47. | 37-1342 | 814 | 37-2598 | 1441 |
| May 12 | Suspension order, order for hearing, L. H. Witwer (Amerada-Weir Farm). | | 37-1343 | 816 | 37-1478 | 872 |
| May 12 | Suspension order, order for hearing, R. E. Pitts (Barnsdall-Sunrise Farm). | | 37-1344 | 815 | 37-1546<br>37-1614 | 916<br>933 |
| May 12 | Suspension order, order for hearing, R. E. Pitts (Phillips-Glen Ellyn Farm). | | 37-1345 | 815 | 37-1548<br>37-1615 | 916<br>933 |



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| *1937* May 12 | Order terminating proceeding, Supreme Oil Inc. (Eagle Rock-Darling-Engstrom et al. Farm). | | 37-1346 | 814 | 37-1128 | 709 |
| May 12 | Order terminating proceeding, Supreme Oil Inc. (Hyland-Campbell Farm). | | 37-1347 | 815 | 37-1169 | 736 |
| May 13 | Suspension order, order for hearing, First Dependable Oil Corp. (British-American-McNabb Park Community Lease). | | 37-1357 | 822 | 37-1466 | 864 |
| May 13 | Suspension order, order for hearing, J. M. Morris (Shawver-Erker Farm). | | 37-1358 | 823 | 37-1547<br>37-1888 | 915<br>1091 |
| May 13 | Suspension order, order for hearing, T. S. Hose (General-Babcock-L. Graves Farm). | | 37-1359 | 822 | 37-1512 | 910 |
| May 13 | Suspension order, order for hearing, T. S. Hose (Arcadia-Anderson Farm). | | 37-1360 | 822 | 37-1513 | 909 |
| May 13 | Consent to withdrawal of offering sheet, Industrial Investment Corp. (Stanolind-Amerada-Gassoway Farm). | | 37-1361 | 821 | 37-1308 | 801 |
| May 13 | Notice of hearing, Arkansas-Missouri Power Corp. | File No. 43-47. | 37-1362 | 821 | 37-1953 | 1114 |
| May 14 | Order denying unlisted trading privileges, Lefcourt State Building (N. Y. C.). | | 37-1370 | 826 | | |
| May 14 | Suspension order, order for hearing, T. G. Wylie & Co., Inc. (Continental-Young Farm). | | 37-1371 | 828 | 37-1514 | 910 |
| May 14 | Suspension order, order for hearing, James W. Tait Co., Inc. (Shell et al.-Isensee-Flato Farm). | | 37-1372 | 827 | 37-1479<br>37-1990 | 872<br>1133 |
| May 14 | Order for continuance, Powder River Basin Royalty Co. (Powder River-Lewis-Rhoades-Cooper-Elliott Farms). | | 37-1373 | 827 | 37-1223 | 765 |
| May 14 | Order terminating proceeding, G. D. Terrien (Continental-Reed Lease). | | 37-1374 | 827 | 37-1278 | 791 |
| May 14 | Order terminating proceeding, First Dependable Oil Corp. (Continental-Young Lease). | | 37-1375 | 827 | 37-1292 | 793 |
| May 14 | Order terminating proceeding, George C. Creager, Inc. (Sinclair-Prairie-Peaches Farm). | | 37-1376 | 827 | 37-1195 | 746 |
| May 15 | Supplemental order for hearing, Union Electric Light and Power Co. of Illinois. | File No. 41-5. | 37-1388 | 832 | 37-1271 | 789 |
| May 15 | Order for hearing, East St. Louis Light and Power Co. | File No. 43-49. | 37-1389 | 832 | | |
| May 15 | Order for hearing, Union Electric Light and Power Co. of Illinois. | File No. 43-48. | 37-1390 | 832 | 37-1576 | 926 |
| May 15 | Suspension order, order for hearing, Louis Bernstein (Mid-Continent-McKay Farm). | | 37-1391 | 833 | 37-1549 | 916 |
| May 15 | Suspension order, order for hearing, Schappert-Teden-Blumer, Inc. (Gulf-L. Daugherty Farm). | | 37-1392 | 833 | 37-1465 | 864 |
| May 15 | Suspension order, order for hearing, Roy M. Smith (Barnsdall-Bracht No. 6 Farm). | | 37-1393 | 834 | 37-1608<br>37-1680 | 933<br>984 |
| May 15 | Bank holding companies, application for registration. | Rule adopting Form 24; Amdt. to Rule JB1. | 37-1394 | 831 | | |
| May 18 | Order for hearing, Middle West Service Co. | File No. 42-1. | 37-1417 | 844 | | |
| May 18 | Order fixing effective date for declaration, Nepsco Services, Inc. | File No. 43-39. | 37-1418 | 845 | 37-991 | 651 |
| *1937* May 18 | Order terminating proceeding, George C. Creager, Inc. (Blackstock-Texas Pacific-Tegtmeyer Farm). | | 37-1419 | 845 | 37-1179 | 739 |
| May 18 | Order for continuance, W. H. Carraher (Magnolia-Clyde Harris Farm). | | 37-1420 | 845 | 37-1251 | 776 |
| May 18 | Permanent suspension order, Frederick Falkin & Co. (Loual-Carter-Craddock Farm). | File No. 20-460A1-1. | 37-1421 | 846 | 1535 | 1-934 |
| May 18 | Permanent suspension order, E. M. Thomasson Producing Co. (Thomasson-Durham et al, Community Farm). | File No. 20-509A1-1. | 37-1422 | 846 | 37-140 | 70 |
| May 18 | Order fixing effective date for declaration, Nepsco Appliance Finance Corp. | File No. 43-38. | 37-1423 | 845 | 37-990 | 651 |
| May 18 | Order denying unlisted trading privileges, McKeesport Tin Plate Corp., common stock $10 par value. | | 37-1424 | 844 | | |
| May 18 | Supplemental order for hearing, National Gas & Electric Corp. | File No. 43-42. | 37-1425 | 844 | 37-1214 | 733 |
| May 18 | First annual or interim report. | Amdt. of Rule KA4. | 37-1426 | 843 | | |
| May 18 | Undertaking to file periodic reports. | Amdts. to Forms C-1, C-2, D-1, D-1A, E-1, F-1, G-1, and G-2. | 37-1427 | 843 | | |
| May 19 | Order for hearing, Mississippi Public Service Co., et al. | File Nos. 43-50, 43-51, 43-52, 43-53, 43-54. | 37-1439 | 854 | 37-2598 | 1441 |
| May 19 | Order for hearing, The Middle West Corp. | File No. 46-48. | 37-1440 | 853 | 37-1947 | 1116 |
| May 19 | Order for hearing, Lone Star Gas Corp. et al. | File No. 47-9. | 37-1441 | 853 | 37-3532 | 2684 |
| May 19 | Stop order, Condor Pictures, Inc. | File No. 2-2763. | 37-1442 | 855 | | |
| May 20 | Order for hearing, Citizens Utilities Co. | File No. 43-56. | 37-1448 | 859 | 37-2056 | 1155 |
| May 20 | Order discontinuing proceeding, Dart & Co. | | 37-1449 | 863 | 37-1175 | 737 |
| May 20 | Order revoking registration, B. W. Sargent. | | 37-1450 | 863 | | |
| May 20 | Order revoking registration, Louis Grow. | | 37-1451 | 863 | | |
| May 20 | Order directing hearing, Associated Gas & Electric Corp., 3½% debentures due March 15, 1978. | File No. 7-184. | 37-1452 | 860 | 37-1563 | 921 |
| May 20 | Order directing hearing, Associated Gas & Electric Corp. 5% debentures due June 1, 1973. | File No. 7-183. | 37-1453 | 860 | 37-1563 | 921 |
| May 20 | Order directing hearing, Associated Gas & Electric Corp. 4½% debentures due June 1, 1973. | File No. 7-182. | 37-1454 | 859 | 37-1563 | 921 |
| May 20 | Order directing hearing, The Cudahy Packing Co., convertible sinking fund 4% debentures due Sept. 1, 1950. | File No. 7-161. | 37-1455 | 862 | 37-1563 | 921 |
| May 20 | Order directing hearing, Cities Service Co., 5% gold debentures due April 1, 1958. | File No. 7-186. | 37-1456 | 861 | 37-1563 | 921 |
| May 20 | Order directing hearing, Cities Service Co., 5% gold debentures due March 1, 1969. | File No. 7-188. | 37-1457 | 862 | 37-1563 | 921 |
| May 20 | Order directing hearing, Cities Service Co. 5% gold debentures due Nov. 1, 1963. | File No. 7-187. | 37-1458 | 862 | 37-1563 | 921 |
| May 20 | Order directing hearing, Central Maine Power Co., first and general mortgage bonds, series "H", 3¼% due Aug. 1, 1966. | File No. 7-160. | 37-1459 | 861 | 37-1563 | 921 |
| May 20 | Order directing hearing, California Water Service Co., first mortgage 4% bonds, series "B", due May 1, 1961. | File No. 7-172. | 37-1460 | 861 | 37-1563 | 921 |

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| 1937 May 20 | Order directing hearing, Atlantic City Electric Co., general mortgage bonds, 3¼% series due Jan. 15, 1964. | File No. 7-171. | 37-1461 | 860 | 37-1563 | 921 |
| May 20 | Order directing hearing, Associated Gas & Electric Corp. 4½% debentures due Feb. 1, 1978. | File No. 7-185. | 37-1462 | 860 | 37-1563 | 921 |
| May 20 | Order directing hearing, Utah-Idaho Sugar Co., common stock, par value $5. | File No. 7-180. | 37-1463 | 863 | 37-1563 | 921 |
| May 20 | Order directing hearing, The Peoples Gas Light and Coke Co., first and refunding mortgage 4% bonds, series "D", due June 1, 1961. | File No. 7-167. | 37-1461 | 862 | 37-1563 | 921 |
| May 20 | Order terminating proceeding, Schappert-Teden-Blumer, Inc. (Gulf-L. Daugherty Farm). | ---------- | 37-1465 | 864 | 37-1392 | 833 |
| May 20 | Order terminating proceeding, First Dependable Oil Corp. (British-American-McNabb Park Community Lease). | ---------- | 37-1466 | 864 | 37-1357 | 822 |
| May 20 | Order terminating proceeding, W. E. Cook (Wamhoff-Muse Farm). | ---------- | 37-1467 | 864 | 37-1311 | 800 |
| May 20 | Suspension order, order for hearing, Leigh J. Sessions Corp. (Tidewater-Shaffer Farm). | ---------- | 37-1468 | 864 | 37-1550 | 916 |
| May 20 | Suspension order, order for hearing, Supreme Oil Inc. (Rathke-Wadley-Hill Farm). | ---------- | 37-1469 | 865 | 37-1634<br>37-1843<br>37-2145 | 956<br>1056<br>1209 |
| May 20 | Order for hearing, Central and South West Utilities Co. | File No. 51-2. | 37-1470 | 858 | 37-2022 | 1139 |
| May 21 | Order for hearing, California Public Service Co., et al. | File Nos. 43-55; 44-1; 44-2; 44-3; 44-4; 44-5; 44-6; 44-49; 47-10. | 37-1476 | 867 | 37-2598<br>37-3353 | 1441<br>2501 |
| May 21 | Order for hearing, The Buckeye Light & Power Co., et al. | File Nos. 32-59; 32-63; 32-61; 32-64; 32-60; 32-62; 32-58. | 37-1477 | 866 | 37-2636 | 1764 |
| May 21 | Consent to withdrawal of offering sheet, L. H. Witeer (Amerada-Weir Farm). | ---------- | 37-1478 | 872 | 37-1343 | 816 |
| May 21 | Consent to withdrawal of offering sheet, James W. Tait, Co., Inc. (Shell et al.-Isensee-Flato Farm). | ---------- | 37-1479 | 872 | 37-1372 | 827 |
| May 21 | Order directing hearing, Pacific Lighting Corp., 4½% sinking fund debentures due Oct. 1, 1945. | File No. 7-176. | 37-1480 | 871 | ---------- | ---------- |
| May 21 | Order directing hearing, Oklahoma Gas and Electric Co., first mortgage bonds, 3¼% series due Dec. 1, 1966. | File No. 7-166. | 37-1481 | 871 | ---------- | ---------- |
| May 21 | Order directing hearing, Oklahoma Gas and Electric Co. 4% debentures due Dec. 1, 1946. | File No. 7-165. | 37-1482 | 871 | ---------- | ---------- |
| May 21 | Order directing hearing, Northern States Power Co., first and refunding mortgage bonds, 3½% series due Feb. 1, 1967. | File No. 7-190. | 37-1483 | 871 | ---------- | ---------- |
| May 21 | Order directing hearing, New England Power Co., first mortgage bonds, series "A", 3½% due Nov. 15, 1961. | File No. 7-164. | 37-1484 | 870 | ---------- | ---------- |
| May 21 | Order directing hearing, National Tunnel & Mines Co., capital stock, without par value. | File No. 7-191. | 37-1485 | 870 | 37-2759 | 1854 |
| May 21 | Order directing hearing, Missouri Power & Light Co., first mortgage bonds 3¼% series due Dec. 1, 1966. | File No. 7-175. | 37-1486 | 870 | ---------- | ---------- |
| May 21 | Order directing hearing, Metropolitan Edison Co., first mortgage bonds, series "G" 4%, due May 1, 1965. | File No. 7-174 | 37-1487 | 869 | ---------- | ---------- |
| 1937 May 21 | Order directing hearing, Houston Lighting & Power Co., first mortgage bonds, 3½% series due Dec. 1, 1966. | File No. 7-189. | 37-1488 | 869 | ---------- | ---------- |
| May 21 | Order directing hearing, Florida Power Corp., first mortgage 4% bonds, series "C", due Dec. 1, 1966. | File No. 7-173. | 37-1489 | 869 | ---------- | ---------- |
| May 21 | Order directing hearing, Cumberland County Power and Light Co., first mortgage bonds, 3½% series due Oct. 1, 1966. | File No. 7-163. | 37-1490 | 869 | ---------- | ---------- |
| May 21 | Order directing hearing, The Cudahy Packing Co., first mortgage sinking fund bonds, series "A", 3¼% due Sept. 1, 1955. | File No. 7-162. | 37-1491 | 868 | ---------- | ---------- |
| May 22 | Order for continuance, Harry W. Haynes (Continental et al.-Bornholdt F Farm). | ---------- | 37-1494 | 874 | 37-1291 | 794 |
| May 22 | Permanent suspension order, Louis Bernstein (British-American et al.-McNabb Farm). | File No. 20-485A1-1. | 37-1495 | 874 | 37-114 | 61 |
| May 22 | Order for hearing, Polk Electric Light Co. | File No. 46-53. | 37-1496 | 873 | 37-2010 | 1139 |
| May 22 | Order for hearing, Clam River Electric Co. | File No. 46-52. | 37-1497 | 872 | 37-1842<br>37-2099 | 1056<br>1138 |
| May 22 | Order for hearing, Western States Utilities Co., et al. | File Nos. 43-57; 44-7; 46-58; 46-51. | 37-1498 | 873 | 37-2598 | 1441 |
| May 22 | Permanent suspension order, E. M. Thomasson Producing Co. (Thomasson-Durham et al. Community Farm). | File No. 20-509A2-1. | 37-1499 | 875 | 37-245 | 145 |
| May 25 | Suspension order, order for hearing, James M. Johnson (Phillips-Glen Ellyn Farm). | ---------- | 37-1507 | 897 | 37-1682 | 981 |
| May 25 | Suspension order, order for hearing, Hutchinson & Co. (Mid-Continent-Harjoge Farm). | ---------- | 37-1508 | 896 | 37-1676<br>37-1711 | 982<br>998 |
| May 25 | Order for hearing, Arkansas-Missouri Power Corp. | File Nos. 46-54; 47-11. | 37-1509 | 896 | 37-1952<br>37-1954 | 1116<br>1116 |
| May 25 | Suspension order, order for hearing, General Industries Corp., Ltd. (Phillips-Harrell-Francis Community Lease). | ---------- | 37-1510 | 896 | 37-1687 | 983 |
| May 25 | Suspension order, order for hearing, James M. Johnson (Barnsdall-Mariposa Farm). | ---------- | 37-1511 | 897 | 37-1677 | 983 |
| May 26 | Consent to withdrawal of offering sheet, T. S. Ilose (General-Babcock-L. Graves Farm). | ---------- | 37-1512 | 910 | 37-1359 | 822 |
| May 26 | Consent to withdrawal of offering sheet, T. S. Ilose (Arcadia-Anderson Farm). | ---------- | 37-1513 | 909 | 37-1360 | 822 |
| May 26 | Order terminating proceeding, T. G. Wylie & Co. (Continental-Young Farm). | ---------- | 37-1514 | 910 | 37-1371 | 828 |
| May 26 | Order terminating proceeding, L. H. Witwer (Sinclair et al.-Smith Farm). | ---------- | 37-1515 | 910 | 37-1310 | 801 |
| May 26 | Adoption of printed compilation of general rules and regulations under the Securities Act of 1933. | ---------- | 37-1516 | 904 | ---------- | ---------- |
| May 26 | Exemption of fractional undivided interests in oil or gas rights. | ---------- | 37-1517 | 904 | ---------- | ---------- |
| May 26 | Order for hearing, Kentucky Utilities Co. | File No. 46-56. | 37-1528 | 908 | 37-1955 | 1116 |
| May 26 | Order for hearing, New England Power Association. | ---------- | 37-1529 | 908 | 37-1951 | 1117 |
| May 26 | Order for hearing, Deerfield River Electric Co. | File No. 43-58 | 37-1530 | 908 | 37-1950 | 1114 |
| May 26 | Suspension order, order for hearing, L. H. Witwer (Repollo-Byrd Farm). | ---------- | 37-1531 | 911 | 37-1681 | 984 |
| May 26 | Suspension order, order for hearing, J. E. Grattan (Transwestern-Moran Farm). | ---------- | 37-1532 | 911 | 37-1688 | 983 |



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| 1937 May 26 | Suspension order, order for hearing, Louis Bernstein (Sunray-Phillips-Stato Community Lease). | ---------- | 37-1533 | 910 | 37-1679 | 983 |
| May 26 | Order permitting declaration to become effective, East St. Louis Light and Power Co. | File No. 43-49. | 37-1534 | 909 | ---------- | ---------- |
| May 26 | Permanent suspension order, Kent K. Kimball (Central Petroleum Co.-Benso "A" Farm). | ---------- | 37-1535 | 911 | 37-212 | 131 |
| May 26 | Rescission of existing forms 1-G and 2-G and adoption of wholly new forms 1-G and 2-G referred to in regulation B. | ---------- | 37-1536 | 907 | ---------- | ---------- |
| May 26 | Order authorizing increase of percentage of short-term Indebtedness, Union Electric Light and Power Co. of Illinois. | File No. 41-5. | 37-1537 | 909 | ---------- | ---------- |
| May 27 | Adoption of rules, etc., Public Utility Holding Company Act of 1935. | ---------- | 37-1541 | 912 | ---------- | ---------- |
| May 27 | Order for hearing, Eastern Shore Gas Co. | File No. 46-57. | 37-1542 | 915 | 37-2380 | 1322 |
| May 27 | Order for hearing, Citizens Utilities Co. | File No. 47-12. | 37-1543 | 915 | 37-2084 | 1155 |
| May 27 | Suspension order, order for hearing, Industrial Investment Corp. (Phillips-Rickard Lease). | ---------- | 37-1544 | 916 | 37-1567 | 923 |
| May 27 | Suspension order, order for hearing, Supreme Oil Inc. (Inland-Howes-Capitol Farm). | ---------- | 37-1545 | 917 | 37-1725<br>37-1997 | 1002<br>1135 |
| May 27 | Order for continuance, R. E. Pitts (Barnsdall-Sunrise Farm). | ---------- | 37-1546 | 916 | 37-1344 | 815 |
| May 27 | Order for continuance, J. M. Morris (Shawver-Erker Farm). | ---------- | 37-1547 | 915 | 37-1358 | 823 |
| May 27 | Order for continuance, R. E. Pitts (Phillips-Glen Ellyn Farm). | ---------- | 37-1548 | 916 | 37-1345 | 815 |
| May 27 | Order terminating proceeding, Louis Bernstein (Mid-Continent-McKoy Farm). | ---------- | 37-1549 | 916 | 37-1391 | 833 |
| May 27 | Order terminating proceeding, Leigh J. Sessions Corporation (Tidewater-Shaffer Farm). | ---------- | 37-1550 | 916 | 37-1468 | 864 |
| May 27 | Amendments to rules, Public Utility Holding Company Act of 1935. | Release No. 673. | 37-1551 | 913 | ---------- | ---------- |
| May 28 | Postponement of hearing, New York Curb Exchange, certain securities. | ---------- | 37-1563 | 921 | 37-1452<br>37-1453<br>37-1454<br>37-1455<br>37-1456<br>37-1457<br>37-1458<br>37-1459<br>37-1460<br>34-1461<br>37-1462<br>37-1463<br>37-1464 | 860<br>860<br>859<br>862<br>861<br>862<br>861<br>861<br>861<br>860<br>860<br>862<br>863 |
| May 28 | Order suspending registration, H. Owen Jones. | ---------- | 37-1564 | 922 | ---------- | ---------- |
| May 28 | Order approving acquisition of securities, Southern Natural Gas Co. | File No. 46-41. | 37-1565 | 922 | ---------- | ---------- |
| May 28 | Order revoking registration, Thomas J. Lawson. | ---------- | 37-1566 | 923 | ---------- | ---------- |
| May 28 | Consent to withdrawal of offering sheet, Industrial Investment Corp. (Phillips-Rickard Lease). | ---------- | 37-1567 | 923 | 37-1544 | 916 |
| May 28 | Order appointing examiner, etc., Peoples Light and Power Co., et al. | ---------- | 37-1568 | 923 | 37-2598 | 1441 |
| May 29 | Order for hearing, The Middle West Corp. | File No. 46-40. | 37-1574 | 925 | ---------- | ---------- |
| May 29 | Order permitting declaration to become effective, East St. Louis Light and Power Co. | File No. 43-43. | 37-1575 | 926 | 37-1264 | 780 |
| May 29 | Order permitting declaration to become effective, Union Electric Light and Power Co. of Illinois. | File No. 43-48. | 37-1576 | 926 | 37-1390 | 832 |
| May 29 | Order approving acquisition, East St. Louis Light & Power Co. | File No. 46-42. | 37-1577 | 925 | 37-1265 | 780 |
| 1937 May 29 | Order approving acquisition, Union Electric Light and Power Co. | File No. 46-43. | 37-1578 | 925 | 37-1261 | 781 |
| June 2 | Suspension order, order for hearing, General Industries Corp. Ltd. (Gulf-Wise-Vinson Farm). | ---------- | 37-1602 | 935 | 37-1739<br>37-1781<br>37-1963<br>37-2083 | 1014<br>1032<br>1118<br>1169 |
| June 2 | Suspension order, order for hearing George C. Creager, Inc. (Continental-Young Farm). | ---------- | 37-1603 | 934 | 37-1709 | 997 |
| June 2 | Suspension order, order for hearing, Standard Dealers Co., Inc. (Phillips-Stiles Community Farm). | ---------- | 37-1604 | 937 | 37-1781<br>37-1887 | 1032<br>1092 |
| June 2 | Suspension order, order for hearing, Southwest Royalties Company (Barnsdall-Westfall Farm). | ---------- | 37-1605 | 937 | 37-1689 | 984 |
| June 2 | Suspension order, order for hearing, George C. Creager, Inc. (Mid-Continent-Young Farm). | ---------- | 37-1606 | 934 | 37-1710 | 997 |
| June 2 | Suspension order, order for hearing, Louis Bernstein (Simpson-Fell-Westheimer-Bates Farm). | ---------- | 37-1607 | 933 | 37-1724 | 1002 |
| June 2 | Order for continuance, Roy M. Smith (Barnsdall-Bracht No. 6 Farm). | ---------- | 37-1608 | 933 | 37-1393 | 834 |
| June 2 | Suspension order, order for hearing, Elmer J. Cousino (Continental-Janssen Farm). | ---------- | 37-1609 | 934 | 37-1783<br>37-1962<br>37-2206 | 1032<br>1117<br>1237 |
| June 2 | Suspension order, order for hearing, S. Leroy Estes (Phillips-Stiles Community Farm). | ---------- | 37-1610 | 935 | 37-1723 | 1002 |
| June 2 | Suspension order, order for hearing, Industrial Investment Corp. (Continental-Risse Farm). | ---------- | 37-1611 | 936 | 37-1635 | 956 |
| June 2 | Suspension order, order for hearing, Harry A. George (Inland-Howes-Capital Farm). | ---------- | 37-1612 | 936 | 37-1782<br>37-1924 | 1032<br>1102 |
| June 2 | Order fixing effective date for declaration, San Antonio Public Service Co. | File No. 43-44. | 37-1613 | 932 | 37-1305 | 799 |
| June 2 | Order terminating proceeding, R. E. Pitts (Barnsdall-Sunrise Farm). | ---------- | 37-1614 | 933 | 37-1344 | 815 |
| June 2 | Order terminating proceeding, R. E. Pitts (Phillips-Glen Ellyn Farm). | ---------- | 37-1615 | 933 | 37-1345 | 815 |
| June 3 | Consent to withdrawal of offering sheet, Powder River Basin Royalty Co. (Powder River-Lewis-Rhoades-Cooper-Elliott Farms). | ---------- | 37-1629 | 953 | 37-1223 | 765 |
| June 4 | Order for hearing, Washington and Suburban Cos. | File No. 46-58. | 37-1633 | 955 | 37-3114 | 2297 |
| June 4 | Order for continuance, Supreme Oil Inc. (Rathke-Wadley-Hill Farm). | ---------- | 37-1634 | 956 | 37-1469 | 865 |
| June 4 | Consent to withdrawal of offering sheet, Industrial Investment Corp. (Continental-Risse Farm). | ---------- | 37-1635 | 956 | 37-1611 | 936 |
| June 4 | Temporary suspension order, notice of opportunity for hearing Supreme Oil Inc. (Eagle Rock-Darling-Engstrom-Huitberg-Sword et al., Lease). | ---------- | 37-1636 | 956 | 37-2069 | 1157 |
| June 5 | Order for hearing, Union Electric Co. of Missouri. | File No. 43-59. | 37-1654 | 975 | 37-1949 | 1115 |
| June 5 | Order for hearing, Genesee Valley Gas Co., Inc. | File No. 52-1. | 37-1655 | 975 | 37-2674<br>37-2772 | 1708<br>1865 |
| June 5 | Order for hearing, Union Electric Co. of Missouri. | File No. 46-59. | 37-1656 | 975 | 37-1948 | 1117 |
| June 8 | Order for hearing, Morris E. Feiwell, et al. | File No. 43-60. | 37-1672 | 981 | 37-2023 | 1140 |
| June 8 | Order for hearing, Granite City Generating Co. | File No. 43-61. | 37-1673 | 982 | 37-2024 | 1140 |
| June 8 | Order for hearing, Granite City Generating Co. | File No. 47-13. | 37-1674 | 981 | ---------- | ---------- |
| June 8 | Order for hearing, Morris E. Feiwell, et al. | File No. 46-60. | 37-1675 | 981 | ---------- | ---------- |

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| June 8 | Order for continuance, Hutchison & Co. (Mid-Continent-Harjoge Farm). | | 37-1676 | 982 | 37-1508 | 896 |
| June 8 | Order terminating proceeding, James M. Johnson (Barnsdall-Maniposa Farm). | | 37-1677 | 983 | 37-1511 | 897 |
| June 8 | Order terminating proceeding, Harry W. Haynes (Continental et al.-Bornholdt Farm). | | 37-1678 | 983 | 37-1291 | 794 |
| June 8 | Order terminating proceeding, Louis Bernstein (Sunray-Phillips-State Community Lease). | | 37-1679 | 983 | 37-1533 | 910 4 |
| June 8 | Order terminating proceeding, Roy M. Smith (Barnsdall-Bracht No. 6 Farm). | | 37-1680 | 984 | 37-1393 | 834 |
| June 8 | Order terminating proceeding, L. H. Witwer (Repollo-Byrd Farm). | | 37-1681 | 984 | 37-1531 | 911 |
| June 8 | Order terminating proceeding, James M. Johnson (Phillips-Glen Ellyn Farm). | | 37-1682 | 984 | 37-1507 | 897 |
| June 8 | Temporary suspension order, notice of opportunity for hearing, D. F. Bernheimer & Co., Inc. (Shell-Mary Whipple Lease). | | 37-1683 | 984 | 37-1780 | 1032 |
| June 8 | Temporary suspension order, notice of opportunity for hearing, Arthur Sory (Westgate-Cary No. 14 Lease). | | 37-1684 | 985 | 37-2014 | 1141 |
| June 8 | Temporary suspension order, notice of opportunity for hearing, S. Leroy Estes (Mid-Continent-Continental-Young Farm). | | 37-1685 | 985 | 37-1922 | 1101 |
| June 8 | Order consenting to withdrawal of declaration, Iowa Water Service Co. | File No. 43-51. | 37-1686 | 982 | ------ | ------ |
| June 8 | Order terminating proceeding, General Industries Corp., Ltd. (Phillips-Francis Community Lease). | | 37-1687 | 983 | 37-1510 | 896 |
| June 8 | Order terminating proceeding, J. E. Grattan, (Transwestern - Moran Farm). | | 37-1688 | 983 | 37-1532 | 911 |
| June 8 | Order terminating proceeding, Southwest Royalties Co. (Barnsdall-Westfahl Farm). | | 37-1689 | 984 | 37-1605 | 937 |
| June 9 | Temporary suspension order, notice of opportunity for hearing, Royal Petroleum Corporation (Magnolia-Harris Tract). | | 37-1694 | 993 | 37-2000 | 1134 |
| June 9 | Temporary suspension order, notice of opportunity for hearing, Harry A. Medley (Phillips "L" Community Tract). | | 37-1695 | 993 | 37-2208 | 1240 |
| June 9 | Temporary suspension order, notice of opportunity for hearing, Royalty Group Corp. (Union Mahoney Tract). | | 37-1696 | 994 | 37-1809 | 1041 |
| June 9 | Temporary suspension order, notice of opportunity for hearing, R. L. Williams (Ucan-Phillips-Bemis Tract). | | 37-1697 | 994 | 37-1886 | 1091 |
| June 9 | Temporary suspension order, notice of opportunity for hearing, T. G. Thompson (Continental-Young Tract). | | 37-1698 | 994 | 37-1703 | 1037 |
| June 9 | Temporary suspension order, notice of opportunity for hearing, W. E. Cook (Transwestern et al.-Belle McGraw Tract). | | 37-1699 | 992 | 37-1999 | 1133 |
| June 9 | Temporary suspension order, notice of opportunity for hearing, Raymond F. Kelly (Phillips-"1" Community Tract). | | 37-1700 | 992 | 37-1923 | 1102 |
| June 10 | Order to show cause and for hearing, Kinner Airplane and Motor Corp. | | 37-1707 | 997 | 37-1883 | 1081 |
| June 10 | Temporary suspension order, notice of opportunity for hearing, T. S. Hose (General-Babcock-Graves Tract). | | 37-1708 | 998 | 37-1803 | 1037 |
| June 10 | Consent to withdrawal of offering sheet, George C. Creager, Inc. (Continental-Young Farm). | | 37-1709 | 997 | 37-1603 | 934 |
| June 10 | Consent to withdrawal of offering sheet, George C. Creager, Inc. (Mid-Continent-Young Farm). | | 37-1710 | 997 | 37-1606 | 934 |
| June 10 | Consent to withdrawal of offering sheet, Hutchison & Co. (Mid-Continent-Harjoge Farm). | | 37-1711 | 998 | 37-1508 | 896 |
| June 10 | Order for hearing, W. M. Johnson (Gulf-W. M. Johnson Tract). | | 37-1712 | 996 | ------ | ------ |
| June 11 | Order for hearing, Iowa Public Service Co. | File No. 43-62. | 37-1722 | 1002 | 37-1987 | 1133 |
| June 11 | Order terminating proceeding, S. Leroy Estes (Phillips-Stiles Community Farm). | | 37-1723 | 1002 | 37-1610 | 935 |
| June 11 | Order terminating proceeding, Louis Bernstein (Simpson-Fell-Westhelmer-Bates Farm). | | 37-1724 | 1002 | 37-1607 | 933 |
| June 11 | Order for continuance, Supreme Oil Inc. (Inland-Howes-Capitol Farm). | | 37-1725 | 1002 | 37-1545 | 917 |
| June 12 | Temporary suspension order, notice of opportunity for hearing, General Industries Corp. (Carter-Mabee-Magnolia-Smith Tract). | | 37-1730 | 1010 | 37-2251 | 1249 |
| June 12 | Temporary suspension order, notice of opportunity for hearing, L. H. Witwer (Repollo-Ameranda-Texas-Phillips Tract). | | 37-1731 | 1013 | 37-2103 | 1174 |
| June 12 | Temporary suspension order, notice of opportunity for hearing, Industrial Investment Corp. (Phillips "L" Community Tract). | | 37-1732 | 1010 | 37-1889 | 1092 |
| June 12 | Temporary suspension order, notice of opportunity for hearing, Alex MacDonald (Hollenback et al.-Normal Tract). | | 37-1733 | 1011 | 37-1977 | 1128 |
| June 12 | Temporary suspension order, notice of opportunity for hearing, Royal Petroleum Corporation (Skelly-Metropolitan Life Insurance Tract). | | 37-1734 | 1012 | 37-1995 | 1135 |
| June 12 | Temporary suspension order, notice of opportunity for hearing, J. H. Lieberman, Inc. (Phillips "L" Community Tract). | | 37-1735 | 1011 | 37-1992 | 1134 |
| June 12 | Temporary suspension order, notice of opportunity for hearing, G. D. Terrien (Sinclair-Prairie-Franklin Tract). | | 37-1736 | 1012 | 37-1960 | 1118 |
| June 12 | Temporary suspension order, notice of opportunity for hearing, G. D. Terrien (Sinclair-Prairie-Marvel Tract). | | 37-1737 | 1013 | 37-1959 | 1118 |
| June 12 | Order for hearing, W. E. Cook (Continental et al.-Janssen "B" Tract). | | 37-1738 | 1009 | 37-1961 | 1117 |
| June 12 | Suspension order, order for hearing, General Industries Corp. Ltd. (Gulf-Wise-Vinson Farm) (Corrected Order). | | 37-1739 | 1014 | 37-1602<br>37-2247 | 935<br>1249 |
| June 15 | Order for hearing, International Hydro-Electric System. | File No. 46-61. | 37-1771 | 1029 | 37-2266 | 1259 |
| June 15 | Order for hearing, Granite State Electric Co. | File No. 32-65. | 37-1772 | 1029 | 37-2009<br>37-2008 | 1138<br>1138 |
| June 15 | Order setting hearing, Merchants Petroleum Co. | File No. 1-1813. | 37-1773 | 1031 | 37-1956 | 1115 |
| June 15 | Order setting hearing, Keystone Divide Mining Co. | File No. 1-2586. | 37-1774 | 1030 | 37-2497 | 1384 |
| June 15 | Order setting hearing, The Mengel Co. | File No. 1-572. | 37-1775 | 1031 | 37-2502 | 1384 |



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| June 15 | Order setting hearing, Gulf States Steel Co. | File No. 1-487. | 37-1776 | 1030 | 37-2495 | 1383 |
| June 15 | Order setting hearing, Square D Co. | File No. 1-2183. | 37-1777 | 1031 | 37-2496 | 1384 |
| June 15 | Order setting hearing, Distillers and Brewers Corp. of America. | File No. 1-113. | 37-1778 | 1030 | 37-1902<br>37-2020 | 1094<br>1137 |
| June 15 | Order setting hearing, Cooper Bessemer Corp. | File No. 1-1175. | 37-1779 | 1030 | 37-2282<br>37-2501 | 2449<br>1383 |
| June 15 | Order terminating proceeding, D. F. Bernheimer & Co. (Shell-Mary Whipple Lease). | | 37-1780 | 1032 | 37-1683 | 984 |
| June 15 | Order for continuance, General Industries Corp. Ltd. (Gulf-Wise-Vinson Farm). | | 37-1781 | 1032 | 37-1602 | 935 |
| June 15 | Order for continuance, Harry A. George (Inland - Howes - Capitol Farm). | | 37-1782 | 1032 | 37-1612 | 936 |
| June 15 | Order for continuance, Elmer J. Cousino (Continental-Janssen Farm). | | 37-1783 | 1032 | 37-1609 | 934 |
| June 15 | Order for continuance, Standard Dealers Co., Inc. (Phillips-Stiles Community Farm). | | 37-1784 | 1032 | 37-1604 | 937 |
| June 16 | Order setting hearing, Pierce Petroleum Corp. | File No. 1-1292. | 37-1792 | 1036 | 37-2500 | 1384 |
| June 16 | Order terminating proceeding, T. G. Thompson (Continental-Young Farm). | | 37-1793 | 1037 | 37-1698 | 994 |
| June 16 | Temporary suspension order, notice of opportunity for hearing, Landowners Royalties Co. (Mahile-G. Van Note Tract). | | 37-1794 | 1038 | 37-2163 | 1217 |
| June 16 | Temporary suspension order, notice of opportunity for hearing, Norris Gilbert & Co. (Lake-Fair Park Lease). | | 37-1795 | 1039 | 37-1991 | 1134 |
| June 16 | Temporary suspension order, notice of opportunity for hearing, Royal Petroleum Corp. (Shell-Herbert - Hendricks Tract). | | 37-1796 | 1039 | 37-1994 | 1134 |
| June 16 | Temporary suspension or der, notice of opportunity for hearing, Landowners Royalties Co. (Marshall-G. Van Note Tract). | | 37-1797 | 1038 | 37-2165 | 1217 |
| June 16 | Temporary suspension order, notice of opportunity for hearing, Landowners Royalties Co. (Frazier-Smith-G. Van Note Tract). | | 37-1798 | 1037 | 37-2156 | 1212 |
| June 16 | Order setting hearing, Third National Investors Corp. | File No. 1-2040. | 37-1799 | 1037 | 37-2495 | 1385 |
| June 16 | Order setting hearing, Illinois Art Industries, Inc. | File No. 1-2141. | 37-1800 | 1036 | 37-2021<br>37-2609 | 1137<br>1561 |
| June 16 | Order setting hearing, Fourth National Investors Corp. | File No. 1-2046. | 37-1801 | 1035 | 37-2499 | 1383 |
| June 16 | Stop order, Campana Gold Mines, Inc. | File No. 2-1852. | 37-1802 | 1037 | ------ | ------ |
| June 16 | Order consenting to withdrawal of offering sheet, T. S. Hose (General-Babcock-Graves Tract). | | 37-1803 | 1037 | 37-1708 | 998 |
| June 16 | Order setting hearing, General Gas and Electric Corp. | File No. 1-388. | 37-1804 | 1036 | 37-2503 | 1383 |
| June 17 | Order for hearing, Detroit City Gas Co. | File No. 32-66. | 37-1807 | 1041 | ------ | ------ |
| June 17 | Order for hearing, Middle West Utilities Co. of Canada, Ltd. | File Nos. 44-8, 43-63. | 37-1808 | 1041 | ------ | ------ |
| June 17 | Order consenting to withdrawal of offering sheet, Royalty Group Corp. (Union-Mahoney Tract). | | 37-1809 | 1041 | 37-1696 | 994 |
| June 18 | Temporary suspension order, notice of opportunity for hearing, Schappert-Teden-Bluiner, Inc. (Amerada-Repollo-Texas-Phillips Tract). | | 37-1827 | 1051 | 37-1996 | 1135 |
| June 18 | Temporary suspension order, notice of opportunity for hearing, James M. Johnson (Wofford-Milltary No. 2 Tract). | | 37-1828 | 1050 | 37-1998 | 1134 |
| June 18 | Temporary suspension order, notice of opportunity for hearing, A. Ben Chadwell (Phillips D. Harrell Tract). | | 37-1829 | 1050 | 37-2425 | 1354 |
| June 18 | Temporary suspension order, notice of opportunity for hearing, Stuart L. Vance & Co. (Sunray-Knox Garvin-Howe's Capitol Community Tract). | | 37-1830 | 1052 | 37-2141 | 1209 |
| June 18 | Temporary suspension order, notice of opportunity for hearing, Louis Bernstein (Phillips "L" Community Tract). | | 37-1831 | 1049 | 37-1993 | 1133 |
| June 18 | Temporary suspension order, notice of opportunity for hearing, Stuart L. Vance & Company (British-American-Russell Tract). | | 37-1832 | 1052 | 37-2142 | 1209 |
| June 18 | Temporary suspension order notice of opportunity for hearing, James W. Tait Co., Inc. (Shell et al.-Isensee-Flato Tract). | | 37-1833 | 1051 | ------ | ------ |
| June 18 | Order approving acquisition of securities, The Middle West Corp. | File No. 46-23. | 37-1834 | 1049 | 37-3928 | 1-2181 |
| June 18 | Order approving acquisition of securities, The Middle West Corp. | File No. 46-44. | 37-1835 | 1049 | 37-1303 | 799 |
| June 18 | Order approving acquisition of securities, The Middle West Corp. | File No. 46-24. | 37-1836 | 1049 | 37-3975 | 1-2226 |
| June 19 | Order for hearing, Polk Electric Light Co. | File No. 51-4. | 37-1841 | 1056 | ------ | ------ |
| June 19 | Order for hearing, Clam River Electric Co. | File No. 51-3. | 37-1842 | 1056 | 37-1497 | 872 |
| June 19 | Order for continuance, Supreme Oil Inc. (Rathke-Wadely-Hill Farm). | | 37-1843 | 1055 | 37-1469 | 865 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, L. E. Moreney (Shaffer-Hauschild Tract). | | 37-1862 | 1071 | 37-2016 | 1141 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, Virgil O. King, Inc. (Carter-T Scott Tract). | | 37-1863 | 1070 | 37-1102 | 117 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, Virgil O. King, Inc. (Gulf-Scott Tract). | | 37-1864 | 1070 | 37-2101<br>27-2143 | 1173<br>1208 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, John G. Ellinghausen (Gulf-Reeves Tract). | | 37-1865 | 1068 | 37-2013 | 1140 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, John G. Ellinghausen (Texas-Empire-Lee Tract). | | 37-1866 | 1068 | 37-2017 | 1141 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, George C. Creager, Inc. (Sinclair-Prairie-Bagby Tract). | | 37-1867 | 1068 | 37-2018 | 1140 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, Industrial Investment Corp. (Phillips-Mayo Tract). | | 37-1868 | 1069 | 37-2015 | 1141 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, Supreme Oil Inc. (Phillips "L" Community Tract). | | 37-1869 | 1071 | 37-2283 | 1271 |
| June 22 | Temporary suspension order, notice of opportunity for hearing, Louis Bernstein (Anderson & Kerr et al.-Rose Tract). | | 37-1870 | 1067 | 37-2067 | 1156 |

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| June 22 | Temporary suspension order, notice of opportunity for hearing, Grand Petroleum Corp. (Grand Martin Lease). | ---------- | 37-1871 | 1069 | 37-2191 | 1232 |
| June 23 | Temporary suspension order, notice of opportunity for hearing, Virgil O. King, Inc. (Carter-T. Scott Tract). | ---------- | 37-1875 | 1082 | 37-1864 | 1070 |
| June 23 | Temporary suspension order, notice of opportunity for hearing, Virgil O. King, Inc. (Gulf-Scott Tract). | ---------- | 37-1876 | 1083 | ---------- | ---------- |
| June 23 | Order dismissing application to withdraw from listing and registration, Tech-Hughes Gold Mines, Ltd. | File No. 1-1530. | 37-1877 | 1080 | 37-699 | 519 |
| June 23 | Stop order, National Petroleum Corp. | File No. 2-2121. | 37-1878 | 1081 | ---------- | ---------- |
| June 23 | Stop order, Rickard Ramore Gold Mines, Ltd. | File No. 2-2592. | 37-1879 | 1081 | 3442 | 1-1995 |
| June 23 | Temporary suspension order, notice of opportunity for hearing, John G. Ellinghausen (Gulf-Houston-Campbell Tract). | ---------- | 37-1880 | 1081 | 37-2066 | 1156 |
| June 23 | Temporary suspension order, notice of opportunity for hearing, John G. Ellinghausen (Humble-White Tract). | ---------- | 37-1881 | 1082 | 37-2065 | 1156 |
| June 23 | Order fixing effective date for declaration, States Electric & Gas Corp. | File Nos. 46-38; 43-41. | 37-1882 | 1079 | 37-1004 | 659 |
| June 23 | Order dismissing proceedings, Kinner Airplane and Motor Corp. | ---------- | 37-1883 | 1081 | 37-1707 | 997 |
| June 24 | Order consenting to withdrawal of offering sheet, R. L. Williams (Uscan-Phillips-Bemis Tract). | ---------- | 37-1886 | 1091 | 37-1697 | 994 |
| June 24 | Order terminating proceeding, Standard Dealers Co., Inc. (Phillips-Stiles Community Farm). | ---------- | 37-1887 | 1092 | 37-1604 | 937 |
| June 24 | Order consenting to withdrawal of offering sheet, J. M. Morris (Shawver-Erker Farm). | ---------- | 37-1888 | 1091 | 37-1358 | 823 |
| June 24 | Order terminating proceeding, Industrial Investment Corp. (Phillips "L" Community Tract). | ---------- | 37-1889 | 1092 | 37-1732 | 1010 |
| June 24 | Order for continuance, W. M. Johnson (Gulf-W. M. Johnson Tract). | ---------- | 37-1890 | 1091 | 37-583 | 400 |
| June 25 | Temporary suspension order, notice of opportunity for hearing, Park T. Grimes (Shell-Sanger Tract). | ---------- | 37-1896 | 1094 | 37-2081 | 1169 |
| June 25 | Temporary suspension order, notice of opportunity for hearing, Louis Bernstein (Skelly-Metropolitan Life Tract). | ---------- | 37-1897 | 1094 | ---------- | ---------- |
| June 25 | Temporary suspension order, notice of opportunity for hearing, Virgil O. King, Inc. (Stahl-Dennis Tract). | ---------- | 37-1898 | 1095 | 37-2071 | 1157 |
| June 25 | Temporary suspension order, notice of opportunity for hearing, Virgil O. King, Inc. (Stahl-Dennis Tract). | ---------- | 37-1899 | 1095 | 37-2069 | 1157 |
| June 25 | Temporary suspension order, notice of opportunity for hearing, Supreme Oil Inc. (Sinclair-Prairie-Peaches Tract). | ---------- | 37-1900 | 1096 | 31-2157 | 1212 |
| June 25 | Order for hearing, Laclede Power & Light Co. | File No. 46-62. | 37-1901 | 1093 | 37-504<br>37-2007 | 342<br>1138 |
| June 25 | Order postponing hearing, Brewers Corp. of America. | File No.1-113. | 37-1902 | 1094 | 37-1778 | 1030 |
| June 26 | Temporary suspension order, notice of opportunity for hearing, T. G. Thompson (Ohio-Buttram-Winters Tract). | ---------- | 37-1916 | 1104 | 37-2082 | 1169 |
| June 26 | Temporary suspension order, notice of opportunity for hearing, Louis Bernstein (Gypsy-Carter-Walker Tract). | ---------- | 37-1917 | 1102 | 37-2164 | 1216 |
| June 26 | Temporary suspension order, notice of opportunity for hearing, T. G. Wylie & Co. Inc. (Phillips "L" General Community Tract). | ---------- | 37-1918 | 1104 | 37-2070 | 1157 |
| June 26 | Temporary suspension order, notice of opportunity for hearing, Norris-Gilbert & Co. (Johnson-Kennits-Aungst Lease). | ---------- | 37-1919 | 1103 | 37-2250 | 1250 |
| June 26 | Temporary suspension order, notice of opportunity for hearing, Supreme Oil Co. Inc. (Standard-Amerada-Transwestern Suenram Tract). | ---------- | 37-1920 | 1103 | 37-2118 | 1180 |
| June 26 | Temporary suspension order, notice of opportunity for hearing, O. D. Terrien (Tidewater-Phillips-Hackett Tract). | ---------- | 37-1921 | 1103 | 37-2162 | 1217 |
| June 26 | Order terminating proceeding, S. Leroy Estes (Mid-Continent-Continental-Young Lease). | ---------- | 37-1922 | 1101 | 37-1685 | 985 |
| June 26 | Order terminating proceeding, Raymond F. Kelly (Phillips-"L" Community Tract). | ---------- | 37-1923 | 1102 | 37-1700 | 992 |
| June 26 | Order terminating proceeding, Harry A. George (Inland-Howes-Capitol Farm). | ---------- | 37-1924 | 1102 | 37-1612 | 936 |
| June 26 | Order for hearing, Narragansett Electric Co. | File No. 32-67. | 37-1925 | 1101 | 37-2035 | 1148 |
| June 29 | Order appointing examiner, etc., Rainbow Luminous Products, Inc. | ---------- | 37-1944 | 1113 | 37-2117<br>37-2295<br>37-2472 | 1180<br>1274<br>1373 |
| June 29 | Order setting hearing, Chalmers Oil and Gas Co. | File No. 1-1698. | 37-1945 | 1113 | 37-2809 | 1878 |
| June 29 | Order setting hearing, International Safety Razor Corp. | File No. 1-969. | 37-1946 | 1113 | 37-2543 | 1402 |
| June 29 | Order approving acquisition of securities, The Middle West Corp. | File No. 46-48. | 37-1947 | 1116 | 37-1440 | 853 |
| June 29 | Order approving acquisition of securities, Union Electric Co. of Missouri. | File No. 46-39. | 37-1948 | 1117 | 37-1656 | 975 |
| June 29 | Order permitting declaration to become effective, Union Electric Co. of Missouri. | File No. 43-59. | 37-1949 | 1115 | 37-1654 | 975 |
| June 29 | Order fixing effective date for declaration, Deerfield River Electric Co. | File No. 43-58. | 37-1950 | 1114 | 37-1530 | 908 |
| June 29 | Order approving acquisition of a security, New England Power Association. | File No. 46-55. | 37-1951 | 1117 | 37-1529 | 908 |
| June 29 | Order approving acquisition of assets, Arkansas-Missouri Power Corp. | File No. 47-11. | 37-1952 | 1116 | 37-1509 | 896 |
| June 29 | Order fixing effective date for declaration, Arkansas-Missouri Power Corp. | File No. 43-47. | 37-1953 | 1114 | 37-1362 | 821 |
| June 29 | Order approving acquisition of securities, Arkansas-Missouri Power Corp. | File No. 46-51. | 37-1954 | 1116 | 37-1509 | 896 |
| June 29 | Order approving acquisition of securities, Kentucky Utilities Co. | File No. 46-56. | 37-1955 | 1116 | 37-1528 | 908 |
| June 29 | Order postponing hearing, Merchants Petroleum Co. | File No. 1-1813. | 37-1956 | 1115 | 37-1773 | 1031 |
| June 29 | Order setting hearing Crystallite Products Corp. | File No. 1-1750. | 37-1957 | 1115 | 37-2784 | 1869 |
| June 29 | Order setting hearing, St. Louis Cotton Compress Co. | File No. 1-405. | 37-1958 | 1115 | 37-2661 | 1792 |
| June 29 | Order terminating proceeding, G. D. Terrien (Sinclair-Prairie-Marvel Tract). | ---------- | 37-1959 | 1118 | 37-1737 | 1013 |
| June 29 | Order terminating proceeding, G. D. Terrien (Sinclair-Prairie-Franklin Tract). | ---------- | 37-1960 | 1118 | 37-1736 | 1012 |
| June 29 | Order terminating proceeding, W. E. Cook (Continental et al.-Janssen "B" Tract). | ---------- | 37-1961 | 1117 | 37-1738 | 1009 |
| June 29 | Order for continuance, Elmer J. Cousino (Continental-Janssen Farm). | ---------- | 37-1962 | 1117 | 37-1609 | 934 |



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| June 29 | Order for continuance, General Industries Corp., Ltd. (Gulf-Wise-Vinson Farm). | ---------- | 37-1963 | 1118 | 37-1602 | 935 |
| June 30 | Evidences of indebtedness. | Amdt. to Rule AN21. | 37-1971 | 1127 | 37-910 | 620 |
| June 30 | Stop order, Naybob Gold Mines, Ltd. | File No. 2-3082. | 37-1972 | 1128 | ---------- | ---------- |
| June 30 | Temporary suspension order, notice of opportunity for hearing, P. R. Knickerbocker (Pat Hill-Clements Tract). | ---------- | 37-1973 | 1128 | ---------- | ---------- |
| June 30 | Temporary suspension order, notice of opportunity for hearing, Royalty Group Corp. (Union Oil Co.-Mahoney Tract). | ---------- | 37-1974 | 1129 | 37-2245 | 1250 |
| June 30 | Temporary suspension order, notice of opportunity for hearing, Landowners Royalties Co. (Big West-Engle Tract). | ---------- | 37-1975 | 1129 | 37-2104 | 1173 |
| June 30 | Temporary suspension order, notice of opportunity for hearing, P. H. Lowrie (Ohio-Kyle Lease). | ---------- | 37-1976 | 1129 | 37-2426 | 1354 |
| June 30 | Order consenting to withdrawal of offering sheet, Alex Macdonald (Hollenback et al.-Norman tract). | ---------- | 37-1977 | 1128 | 37-1733 | 1011 |
| July 1 | Notice and order for hearing, Dresser Power Corp. | File No. 47-14. | 37-1984 | 1132 | ---------- | ---------- |
| July 1 | Notice and order for hearing, Oklahoma Power and Water Co. | File No. 43-65. | 37-1985 | 1132 | 37-2284 | 1270 |
| July 1 | Notice, etc., for reconvening hearing, International Paper and Power Co. | File No. 50-1. | 37-1986 | 1132 | 37-739 | 536 |
| July 1 | Order fixing effectiveness of declaration, Iowa Public Service Co. | File No. 43-62. | 37-1987 | 1133 | 37-1722 | 1002 |
| July 1 | Suspension order, American States Oil Co. (Skelly-Dittmers Farm). | File No. 20-432A9-1. | 37-1988 | 1135 | 37-60 | 41 |
| July 1 | Order consenting to withdrawal of declaration, Water Works Department Inc. | File No. 37-18. | 37-1989 | 1133 | ---------- | ---------- |
| July 1 | Order terminating proceedings, James W. Tait Co., Inc. (Shell et al.-Isensee-Flato Tract). | ---------- | 37-1990 | 1133 | 37-1372 | 827 |
| July 1 | Order terminating proceedings, Norris Gilbert Co. (Lake Fair Park Lease). | ---------- | 37-1991 | 1134 | 37-1795 | 1039 |
| July 1 | Order terminating proceedings, J. H. Lieberman (Phillips "L" Community Tract). | ---------- | 37-1992 | 1134 | 37-1735 | 1011 |
| July 1 | Order terminating proceedings, Louis Bernstein (Phillips "L" Community Tract). | ---------- | 37-1993 | 1133 | 37-1831 | 1049 |
| July 1 | Order terminating proceedings, Royal Petroleum Corp. (Shell - Herbert-Hendricks Tract). | ---------- | 37-1994 | 1134 | 37-1796 | 1039 |
| July 1 | Order terminating proceedings, Royal Petroleum Corp. (Skelly-Metropolitan Life Ins. Tract). | ---------- | 37-1995 | 1135 | 37-1734 | 1012 |
| July 1 | Order terminating proceedings, Schappert-Tedenblumer, Inc., (Amerada-Repollo-Texas-Phillips Tract). | ---------- | 37-1996 | 1135 | 37-1827 | 1051 |
| July 1 | Order terminating proceedings, Supreme Oil Co., (Inland-Howes-Capitol Farm). | ---------- | 37-1997 | 1135 | 37-1545 | 917 |
| July 1 | Order terminating proceedings, James M. Johnson, (Wofford-Military No. 2 Tract). | ---------- | 37-1998 | 1134 | 37-1828 | 1050 |
| July 1 | Order terminating proceedings, W. E. Cook, (Transwestern et al.-Belle McGrew Tract). | ---------- | 37-1999 | 1133 | 37-1699 | 992 |
| July 1 | Order terminating proceedings, Royal Petroleum Corp., (Magnolia-Harris Tract). | ---------- | 37-2000 | 1134 | 37-1691 | 993 |
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| July 2 | Order approving acquisition of generating facilities. | File No. 47-13. | 37-2006 | 1138 | 37-1772 | 1029 |
| July 2 | Order approving acquisition by Laclede Power and Light Co. | File No. 46-62. | 37-2007 | 1138 | 37-504<br>37-1901 | 342<br>1093 |
| July 2 | Order approving acquisition of capital stock of Eranite City Generating Co. | File No. 46-60. | 37-2008 | 1138 | 37-1772 | 1029 |
| July 2 | Order approving acquisition of securities, Clam River Electric Co. | File No. 46-32. | 37-2009 | 1138 | 37-1497 | 872 |
| July 2 | Order approving acquisition of securities, Polk Electric Light Co. | File No. 46-53. | 37-2010 | 1139 | 37-1496 | 873 |
| July 2 | Order approving acquisition of leasehold by Laclede Power and Light Co. | File No. 47-7. | 37-2011 | 1139 | 37-504 | 342 |
| July 2 | Suspension order, Central Royalty Co., (Central Sooy Farm). | File No. 20-313A1-1. | 37-2012 | 1141 | 37-426 | 290 |
| July 2 | Order terminating proceedings, John G. Ellinghausen, (Gulf-Reeves Tract). | ---------- | 37-2013 | 1140 | 37-1865 | 1068 |
| July 2 | Order terminating proceedings, Arthur Sory, (Westgate-Cary No. 14 Lease). | ---------- | 37-2014 | 1141 | 37-1684 | 985 |
| July 2 | Order terminating proceedings, Industrial Investment Corp., (Phillips-Mayo Tract). | ---------- | 37-2015 | 1141 | 37-1868 | 1069 |
| July 2 | Order terminating proceedings, L. E. Morency, (Shaffer-Hauschild Tract). | ---------- | 37-2016 | 1141 | 37-1862 | 1071 |
| July 2 | Order terminating proceedings, John G. Ellinghausen, (Texas-Empire-Lee Tract). | ---------- | 37-2017 | 1141 | 37-1866 | 1068 |
| July 2 | Order terminating proceedings, George C. Creager, Inc., (Sinclair-Prairie-Bagby Tract). | ---------- | 37-2018 | 1140 | 37-1867 | 1068 |
| July 2 | Order dismissing proceedings, Bower Roller Bearing Co. | File No. 7-26. | 37-2019 | 1140 | ---------- | ---------- |
| July 2 | Order postponing hearing, Distillers and Brewers Corp. | File No. 1-113. | 37-2020 | 1137 | 37-1778 | 1030 |
| July 2 | Order postponing hearing, Illinois Art Industries, Inc. | File No. 1-2141. | 37-2021 | 1137 | 37-1800 | 1036 |
| July 2 | Order concerning declaration, Central and South West Utilities Co. | File No. 51-2. | 37-2022 | 1139 | 37-1470 | 858 |
| July 2 | Order concerning declaration, Granite City Generating Co. | File No. 43-60. | 37-2023 | 1140 | 37-1672 | 981 |
| July 2 | Order concerning declaration, Granite City Generating Co. | File No. 43-61. | 37-2024 | 1140 | 37-1673 | 982 |
| July 2 | Order consenting to withdrawal of declaration, Iowa Public Service Co. | File No. 43-27. | 37-2025 | 1139 | 37-216 | 130 |
| July 3 | Order setting hearing, Pure Oil Co. | File No. 1-182. | 37-2030 | 1147 | 37-2365<br>37-2816<br>37-3206 | 1317<br>1890<br>2409 |
| July 3 | Order setting hearing, Ulen and Co. | File No. 1-381. | 37-2031 | 1147 | 37-2660 | 1792 |
| July 3 | Order setting, hearing, El Paso Natural Gas Co. | File No. 1-2700. | 37-2032 | 1147 | 37-3042 | 2231 |
| July 3 | Order setting hearing, Central Ohio Steel Products Co. | File No. 1-1656. | 37-2033 | 1146 | 37-2625 | 1642 |
| July 3 | Order for hearing, Lone Star Gas Corp. | File No. 43-66. | 37-2034 | 1146 | ---------- | ---------- |
| July 3 | Order concerning declaration, Narragansett Electric Co. | File No. 43-13. | 37-2035 | 1148 | 37-1925 | 1101 |
| July 3 | Order concerning declaration, Rhode Island Public Service Co. | File No. 43-11. | 37-2036 | 1148 | ---------- | ---------- |
| July 3 | Order concerning declaration, New England Power Association. | File No. 43-10. | 37-2037 | 1148 | ---------- | ---------- |
| July 3 | Order concerning declaration, Middle West Utilities Co. | File No. 43-63. | 37-2038 | 1148 | 37-1088 | 1041 |
| July 3 | Order concerning stop order proceedings, Income Estates of America, Inc. | File No. 2-2898. | 37-2039 | 1148 | 37-2040 | 1149 |
| July 3 | Stop order, Income Estates of America, Inc. | File No. 2-1618. | 37-2040 | 1149 | 37-2039 | 1148 |

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| July 7 | Order setting hearing, General Italian Edison Electric Corp. | File No. 1-2391. | 37-2052 | 1155 | 37-2917 | 2074 |
| July 7 | Adaption of Rule 149 | | 37-2053 | 1154 | | |
| July 7 | Order dismissing application, Citizens Utilities Co. | File No. 47-12. | 37-2054 | 1155 | 37-1543 | 915 |
| July 7 | Order concerning Citizens Utilities Co. | File No. 47-8. | 37-2055 | 1155 | 37-1250 | 774 |
| July 7 | Order concerning declaration, Citizens Utilities Co. | File No. 43-56. | 37-2056 | 1155 | 37-1448 | 859 |
| July 7 | Order for hearing, General Industries Corp. Ltd., (Phillips "L" Community Tract). | | 37-2057 | 1159 | 37-2383 | 1322 |
| July 7 | Order for hearing, George C. Creager, Inc., (Tidewater-Shaffer Tract). | | 37-2058 | 1158 | 37-2282 | 1271 |
| July 7 | Order for hearing, Ranco Oil Corp., (Ranco-Cook Tract). | | 37-2059 | 1160 | 37-2167 | 1217 |
| July 7 | Order for hearing, Schappert-Teden-Blumer, Inc., (Siosi-Atlantic-Lovett Tract). | | 37-2060 | 1161 | 37-2166 | 1217 |
| July 7 | Order for hearing, General Industries Corp., Ltd., (Fleetborn-Morin Tract). | | 37-2061 | 1158 | 37-2207 | 1239 |
| July 7 | Order for hearing, T. S. Hose Associates, (Pure Oil Co.-York Tract). | | 37-2062 | 1159 | | |
| July 7 | Order concerning American District Telegraph Co. | File No. 7-71-1. | 37-2063 | 1156 | 37-55 | 40 |
| July 7 | Order concerning American District Telegraph Co. | File No. 7-81-1. | 37-2064 | 1156 | 37-56 | 40 |
| July 7 | Order terminating proceedings, John G. Ellinghausen, (Humble-White Tract). | | 37-2065 | 1156 | 37-1881 | 1082 |
| July 7 | Order terminating proceedings, John Ellinghausen, (Gulf-Houston-Campbell Tract). | | 37-2066 | 1156 | 37-1880 | 1081 |
| July 7 | Order terminating proceedings, Louis Bernstein, (Anderson & Kerr et al.-Rose Tract). | | 37-2067 | 1156 | 37-1870 | 1067 |
| July 7 | Order terminating proceedings, Supreme Oil Co., Inc., (Rock-Darling-Engstrom-Hultberg-Sword et al-Lease). | | 37-2068 | 1157 | 37-1636 | 956 |
| July 7 | Order terminating proceedings, Virgil O. King, (Stahl-Dennis Tract). | | 37-2069 | 1157 | 37-1899 | 1095 |
| July 7 | Order terminating proceedings, T. G. Wylie, (Phillips "L" General Community Tract). | | 37-2070 | 1157 | 37-1918 | 1104 |
| July 7 | Order terminating proceedings, Virgil O. King, (Stahl-Dennis Tract). | | 37-2071 | 1157 | 37-1898 | 1095 |
| July 7 | Order for hearing, Marlin-Rockwell Corp. | | 37-2072 | 1157 | 37-2244<br>37-2736<br>37-3025<br>37-3117 | 1249<br>1836<br>2198<br>2297 |
| July 8 | Order terminating proceedings, Park T. Grimes, (Shell-Sanger Tract). | | 37-2081 | 1169 | 37-1896 | 1094 |
| July 8 | Order terminating proceedings, T. G. Thompson, (Ohio-Buttram-Winters Tract). | | 37-2082 | 1169 | 37-1916 | 1104 |
| July 8 | Order for continuance, General Industries Corp., Ltd., (Gulf-Wise-Vinson Farm). | | 37-2083 | 1169 | 37-1602 | 935 |
| July 9 | Adoption of Form S-C; Amendment of Rule JM. | | 37-2099 | 1173 | 37-1016 | 661 |
| July 9 | Notice of hearing, R. A. Cook, (Shell-Mary Whipple Tract). | | 37-2100 | 1174 | 37-2246 | 1249 |
| July 9 | Order terminating proceedings, Virgil O. King, Inc., (Gulf-Scott Tract). | | 37-2101 | 1173 | 37-1864 | 1070 |
| July 9 | Order terminating proceedings, Virgil O. King, (Carter-T. Scott Tract). | | 37-2102 | 1173 | 37-1863<br>37-2143 | 1070<br>1208 |
| July 9 | Order terminating proceedings, L. H. Witmer, (Repollo-Amerada-Texas-Phillips Tract). | | 37-2103 | 1174 | 37-1731 | 1013 |
| July 9 | Order terminating proceedings, Landowners Royalty Co., (Big West-Engle Tract). | | 37-2104 | 1173 | 37-1975 | 1129 |
| July 10 | Order for hearing, Philo W. Grimes, (Shell-Guthrie Tract). | | 37-2108 | 1181 | 37-2249 | 1360 |
| July 10 | Order for hearing, James W. Tait, Inc., (British-American-Roanoke-Powell-Highland-Russell Tract). | | 37-2109 | 1181 | 37-2362 | 1317 |
| July 10 | Order for hearing, Powder River Basin Royalty Co., (Powder River Basin-Chaney Tract). | | 37-2110 | 1181 | | |
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| July 10 | Stop order, Bering Straits Tiu Mines, Inc. | File No. 2-2837. | 37-2115 | 1180 | 37-501 | 433 |
| July 10 | Order concerning listing and registration, North American Securities Co. | File No. 1-2064. | 37-2116 | 1180 | 37-1008 | 658 |
| July 10 | Order for hearing, Rainbow Luminous Products, Inc. | | 37-2117 | 1180 | 37-1914 | 1113 |
| July 10 | Order terminating proceedings, Supreme Oil Co.(Stanolind-Amerada-Transwestern-Suenram Tract). | | 37-2118 | 1180 | 37-1920 | 1103 |
| July 13 | Order for hearing, Kansas Electric Power Co. | File No. 43-67. | 37-2140 | 1208 | 37-2410 | 1208 |
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| July 13 | Order terminating proceedings, Stuart L. Vance & Co. (British-American-Russell-Tract). | | 37-2142 | 1209 | 37-1832 | 1052 |
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| July 13 | Order terminating proceedings, Supreme Oil Co. (Rathke-Wadley-Hill Farm). | | 37-2145 | 1209 | 37-1469 | 865 |
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| July 14 | Adoption of Form C-3 | | 37-2151 | 1211 | | |
| July 14 | Order revoking registration, Frank B. Hamlin. | | 37-2152 | 1212 | | |
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| July 14 | Order terminating proceedings, Landowners Royalties Co. (Frazier-Smith-G. Van Note Tract). | | 37-2156 | 1212 | 37-1798 | 1037 |
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| July 15 | Order terminating proceedings, G. D. Terrien (Tidewater-Phillips-Hackett Tract). | | 37-2162 | 1217 | 37-1921 | 1217 |
| July 15 | Order terminating proceedings, Landowners Royalty Co. (Mahlie-G. Van Note Tract). | | 37-2163 | 1217 | 37-1793 | 1038 |
| July 15 | Order terminating proceedings, Louis Bernstein (Gypsy-Carter-Walker Tract). | | 37-2164 | 1216 | 37-1917 | 1102 |
| July 15 | Order terminating proceedings, Landowners Royalty Co. (Marshall-G. Van Note Tract). | | 37-2165 | 1217 | 37-1797 | 1038 |
| July 15 | Order terminating proceedings, Schappert-Teden-Blumer, Inc. (Siosi-Atlantic-Lovett Tract). | | 37-2166 | 1217 | 37-2060 | 1161 |



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| July 15 | Order for hearing, R. L. Williams (Shell-Derby-Michaelis Tract). | | 37-2169 | 1219 | 37-2367 | 1219 |
| July 15 | Order for hearing, Stuart L. Vance Co. (Magnolia-Crosbie et al.-Burris Heirs Tract). | | 37-2170 | 1218 | 37-2248 | 1250 |
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| July 17 | Notice of hearing, Ward J. Blunt, (Pure Oil Co.-Ryckman Tract). | | 37-2205 | 1240 | | |
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| July 17 | Order terminating proceedings, General Industries Corp., Ltd., (Fleetborn-Morin Tract). | | 37-2207 | 1239 | 37-2061 | 1158 |
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| July 20 | Order terminating proceeding, Stuart L. Vance & Co., (Magnolia-Crosbie-Burris Heirs Tract). | | 37-2248 | 1250 | 37-2170 | 1218 |
| July 20 | Order terminating proceeding, Philo W. Grimes, (Shell-Guthrie Tract). | | 37-2249 | 1250 | 37-2108 | 1181 |
| July 20 | Order terminating proceeding, Morris-Gilbert Co., (Johnson-Kemnitz-Aungst Lease). | | 37-2250 | 1250 | 37-1919 | 1103 |
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| July 30 | Rules as to solicitation of proxies or other authorizations. | | 37-2407 | 1340 | | |
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| Aug. 3 | Order exempting issue and sale of certain securities, International Paper & Power Co. | File No. 50-1. | 37-2449 | 1366 | 37-3261<br>37-739 | 2432<br>536 |
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| Aug. 25 | Order granting application, Illinois Art Industries, Inc. | File No. 1-2141. | 37-2609 | 1561 | 37-1800 | 1036 |
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| Aug. 27 | Order approving acquisition of securities, The Greenville Electric Light and Power Co. | File No. 46-66. | 37-2637 | 1763 | 37-2428 | 1353 |
| Aug. 27 | Order consenting to withdrawal of application, Republic Electric Power Corp. | File No. 46-65. | 37-2638 | 1764 | 37-2243 | 1248 |
| Aug. 28 | Order fixing effective date for declaration, etc., Old Dominion Power Co. | File No. 43-71. | 37-2649 | 1782 | 37-2461 | 1370 |
| Aug. 31 | Order pursuant to rule 13-22, General Management Corp. | File No. 37-20. | 37-2659 | 1792 | 37-2447 | 1364 |
| Aug. 31 | Order granting application, etc., Ulen and Co. | File No. 1-381. | 37-2660 | 1792 | 37-2031 | 1147 |
| Aug. 31 | Order granting application, etc., St. Louis Cotton Compress Co. | File No. 1-405. | 37-2661 | 1792 | 37-1958 | 1115 |
| Sept. 1 | Order granting application Guaranty Trust Co. of N. Y. for De Havilland Aircraft. | | 37-2664 | 1796 | | |
| Sept. 1 | Order granting application, Thew Shovel Co. | | 37-2665 | 1796 | | |
| Sept. 1 | Order granting application, A. M. Castle and Co. | | 37-2666 | 1796 | | |
| Sept. 2 | Order approving acquisition of stock, Commonwealth Subsidiary Corp. | File No. 46-29. | 37-2671 | 1799 | 37-376 | 255 |
| Sept. 2 | Order approving acquisition of stock of the Public Service Co. of Northern Illinois. | File No. 46-30. | 37-2672 | 1799 | 37-378 | 255 |
| Sept. 2 | Amendments to rules, Holding Company Act. | | 37-2673 | 1797 | | |
| Sept. 2 | Order for reconvening of hearing, Genesee Valley Gas Co., Inc. | File No. 52-1. | 37-2674 | 1798 | 37-1655 | 975 |
| Sept. 4 | Order for hearing, Utilities Power and Light Corp., Ltd. | File Nos. 46-69; 46-70. | 37-2680 | 1806 | 37-2817<br>37-3487 | 1890<br>2565 |
| Sept. 4 | Order for hearing, Illinois-Iowa Power Co. | File No. 46-71. | 37-2681 | 1805 | | |
| Sept. 9 | Order for hearing, Gardner Electric Light Co. | File No. 43-74. | 37-2705 | 1817 | 37-2367 | 1960 |
| Sept. 14 | Order for hearing, Minnesota Utilities. | File No. 43-40. | 37-2733 | 1835 | 37-1017 | 662 |
| Sept. 14 | Order for hearing, Public Service Co. of New Hampshire. | File No. 47-16. | 37-2734 | 1836 | 37-2497 | 2664 |
| Sept. 14 | Order granting exemption, American Utilities Service Corp. | File No. 46-67. | 37-2735 | 1836 | 37-2540 | 1400 |
| Sept. 14 | Order postponing hearing, Marlin-Rockwell Corp. | | 37-2736 | 1836 | 37-2072 | 1157 |
| Sept. 15 | Order revoking registration, Herbert A. Jacobs. | | 37-2742 | 1848 | | |
| Sept. 15 | Order suspending registration, Albert Ahrens. | | 37-2743 | 1848 | | |
| Sept. 15 | Order revoking registration, Collateral Bankers, Inc. | | 37-2744 | 1848 | | |
| Sept. 15 | Order for hearing, United Public Utilities Corp. | File No. 46-72. | 37-2745 | 1848 | | |
| Sept. 16 | Order granting application, National Tunnel & Mines Co. | File No. 7-191. | 37-2759 | 1854 | 37-1485 | 870 |
| Sept. 16 | Order revoking registration, Maurice M. Maher. | | 37-2760 | 1854 | | |
| Sept. 17 | Stop order, Herman Hanson Oil Syndicate. | File No. 2-3074. | 37-2771 | 1866 | | |
| Sept. 17 | Order for postponement of hearing, Genesee Valley Gas Co., Inc. | File No. 52-1 | 37-2772 | 1865 | 37-1655 | 975 |
| Sept. 18 | Stop order, Paper Sales Company of Detroit, Inc. | File No. 2-2402. | 37-2778 | 1870 | | |
| Sept. 18 | Order for reopening of hearing, Northern States Power Co. | File No. 43-69. | 37-2783 | 1869 | 37-2448 | 1365 |
| Sept. 18 | Order granting application, Crystalite Products Corp. | File No. 1-1750. | 37-2784 | 1869 | 37-1957 | 1115 |
| Sept. 21 | Order denying registration, L. P. Atwater & Company. | | 37-2795 | 1872 | | |
| Sept. 22 | Order for hearing, Midland Utilities Co. | File No. 34-7. | 37-2805 | 1878 | | |
| Sept. 22 | Rule, non-disclosure of certain information, Act of 1933. | | 37-2806 | 1877 | | |
| Sept. 22 | Order for hearing, Loeb and Shaw, Inc. | File No. 51-5 | 37-2807 | 1877 | | |
| Sept. 22 | Order setting hearing, etc., Sutherland Paper Co. | File No. 1-308. | 37-2808 | 1878 | 37-3248 | 2424 |
| Sept. 22 | Order granting application, etc., Chalmers Oil and Gas Co. | File No. 1-1698. | 37-2809 | 1878 | 37-1945 | 1113 |
| Sept. 23 | Order for hearing on application, etc., Kresge Dept. Stores, Inc. | File No. 1-427. | 37-2815 | 1891 | 37-3033<br>37-3367 | 2212<br>2518 |
| Sept. 23 | Order postponing hearing, The Pure Oil Co. | File No. 1-182. | 37-2816 | 1890 | 37-2030 | 1147 |
| Sept. 23 | Order postponing hearing, Utilities Power & Light Corp. Ltd. | File Nos. 46-69; 46-70. | 37-2817 | 1890 | 37-2680 | 1806 |
| Sept. 23 | Order denying registration, Securities Exchange Corp. | | 37-2818 | 1890 | | |
| Sept. 25 | Order setting hearings on application, United Milk Crate Corp. | File No. 1-617. | 37-2836 | 1946 | 37-3247 | 2425 |
| Sept. 25 | Order denying application, The Baldwin Locomotive Works. | File No. 7-203. | 37-2837 | 1945 | | |
| Sept. 25 | Stop order, Oklahoma-Texas Trust. | File No. 2-1808. | 37-2838 | 1947 | 37-134 | 69 |
| Sept. 25 | Order granting application, E. W. Bliss Co. (Delaware), common stock, voting par value $1.00. | File No. 7-202. | 37-2839 | 1946 | | |
| Sept. 25 | Order granting application, E. W. Bliss Co. (Delaware), certificates of deposit for common stock, non-voting, without par value. | File No. 7-201. | 37-2840 | 1946 | | |
| Sept. 25 | Securities Exchange Act of 1934, evidences of indebtedness. | Amdt. of rule AN 21. | 37-2541 | 1945 | 37-910 | 620 |
| Sept. 28 | Order setting hearing, American Zinc Lead and Smelting Co. | File No. 1-59 | 37-2866 | 1960 | 37-3265 | 2431 |
| Sept. 28 | Order permitting declaration to become effective, Gardner Electric Light Co. | File No. 43-74. | 37-2567 | 1960 | 37-2705 | 1817 |
| Sept. 28 | Order for hearing, Southwestern Development Co. | File No. 43-75, 46-73. | 37-2868 | 1959 | 37-3294<br>37-3295 | 2408<br>2409 |

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| Sept. 30 | Order for hearing, North Boston Lighting Properties. | File No. 43-76. | 37-2905 | 2054 | 37-3161 | 2390 |
| Sept. 30 | Order for hearing, Haverhill Electric Co. | File No. 43-77. | 37-2906 | 2053 | 37-3163 | 2390 |
| Sept. 30 | Rule, non-disclosure of certain information, Act of 1934. | | 37-2907 | 2053 | | |
| Oct. 1 | Order granting application, General Italian Edison Electric Corp. | File No. 1-2391. | 37-2917 | 2074 | 37-2952 | 1155 |
| Oct. 5 | Order for hearing, Brokaw, Dixon & McKee. | File No. 30-63. | 37-2945 | 2086 | 37-3741 | 2942 |
| Oct. 5 | Order denying application, International Paper & Power Co. | File No. 7-204. | 37-2946 | 2087 | | |
| Oct. 5 | Order denying application, International Paper and Power Co. | File No. 7-205. | 37-2947 | 2087 | | |
| Oct. 5 | Order granting application, Interborough Rapid Transit Co. | File No. 7-206. | 37-2948 | 2087 | | |
| Oct. 6 | Order for hearing, General Public Utilities, Inc. | File No. 43-78. | 37-2960 | 2096 | | |
| Oct. 6 | Order setting hearing, Warner Quinlan Co. | File No. 1-1012. | 37-2961 | 2096 | 37-3264 | 2432 |
| Oct. 7 | Order for hearing, International Utilities Corp., et al. | File No. 31-34. | 37-2968 | 2100 | | |
| Oct. 7 | Rules under Public Utility Holding Company Act. | | 37-2969 | 2099 | | |
| Oct. 8 | Order for hearing, Beverly Gas & Electric Co. | File No. 43-80. | 37-2975 | 2106 | 37-3162 | 2389 |
| Oct. 8 | Order for hearing, Malden Electric Co. | File No. 43-81. | 37-2976 | 2107 | 37-3167 | 2390 |
| Oct. 8 | Order for hearing, Gloucester Electric Co. | File No. 43-79. | 37-2977 | 2106 | 37-3164 | 2389 |
| Oct. 8 | Order for hearing, Suburban Gas & Electric Co. | File No. 43-82. | 37-2978 | 2107 | 37-3165 | 2391 |
| Oct. 8 | Order for hearing, Salem Gas Light Co. | File No. 43-83. | 37-2979 | 2107 | 37-3166 | 2390 |
| Oct. 9 | Order of suspension, Thomas F. Gagen. | | 37-2985 | 2110 | | |
| Oct. 12 | Order for hearing, T. S. Hose (Cron and Gracey-Thompson Tract). | | 37-3003 | 2170 | 37-3079 | 2247 |
| Oct. 12 | Order consenting to withdrawal of application, Washington Gas Light Co. | File No. 32-50 | 37-3004 | 2170 | 37-1006 | 659 |
| Oct. 12 | Order consenting to withdrawal of application, Washington Gas Light Co. | File No. 46-37. | 37-3005 | 2171 | 37-1006 | 659 |
| Oct. 12 | Stop order, Old Diamond Gold Mines, Ltd. | File No. 2-2921. | 37-3006 | 2171 | | |
| Oct. 13 | Order fixing effective date of declaration, etc., Minnesota Utilities Co. | File No. 43-40. | 37-3012 | 2176 | 37-1017 | 662 |
| Oct. 13 | Order setting hearing etc., Telephone Investment Corp. | File No. 1-326. | 37-3013 | 2177 | 37-3418 | 2540 |
| Oct. 14 | Order granting application, Corcoran Fire Ins. Co. of D. C. | File No. 1-1972. | 37-3023 | 2197 | 37-2545 | 1402 |
| Oct. 14 | Order granting application, Worthington Pump & Machinery Corp. | File No. 1-437. | 37-3024 | 2198 | 37-2570 | 1422 |
| Oct. 14 | Order postponing hearing, Marlin-Rockwell Corp. | | 37-3025 | 2198 | 37-2072 | 1157 |
| Oct. 14 | Extending duration of rule 17C-11, amendment. | | 37-3026 | 2197 | | |
| Oct. 15 | Order postponing hearing, Kresge Dept. Stores, Inc. | File No. 1-427. | 37-3033 | 2212 | 37-2815 | 1891 |
| Oct. 16 | Order granting application, National Leather Co. | File No. 1-852. | 37-3040 | 2231 | 37-2526 | 1395 |
| Oct. 16 | Order for hearing, Copper District Power Co. | File No. 43-84. | 37-3041 | 2230 | 37-3231 | 2420 |
| Oct. 16 | Order granting application, El Paso Natural Gas Co. | File No. 1-2700. | 37-3042 | 2231 | 37-2032 | 1147 |
| Oct. 16 | Order denying application for hearing, International Paper & Power Co. | File No. 30-1. | 37-3043 | 2230 | 37-739 | 536 |
| Oct. 16 | Order for hearing, Alex MacDonald, (Sinclair et al.-Hallenback Norman Tract). | | 37-3044 | 2230 | 37-3078 | 2247 |
| Oct. 19 | Order revoking registration, Jesse Hyman & Seymour Klein. | | 37-3063 | 2236 | | |
| Oct. 20 | Amendment of rule JD 2, para. B. | | 37-3064 | 2244 | | |
| Oct. 20 | Order for hearing, United Public Utilities Corp. | File No. 46-74. | 37-3069 | 2245 | | |
| Oct. 20 | Order for hearing, United Public Utilities Corp. | File No. 46-75. | 37-3070 | 2245 | | |
| Oct. 20 | Order for hearing, The Middle West Corp. | File No. 46-76. | 37-3071 | 2244 | 37-3231 | 2420 |
| Oct. 20 | Order setting hearing etc., The Silex Co. | File No. 1-2946. | 37-3072 | 2245 | | |
| Oct. 21 | Order consenting to withdrawal, Alex McDonald, (Sinclair et al.-Hollenback-Norman Tract). | | 37-3078 | 2247 | 37-3044 | 2230 |
| Oct. 21 | Order consenting to withdrawal etc., T. S. Hose, (Cron and Gracey Thompson Tract). | | 37-3079 | 2247 | 37-3003 | 2170 |
| Oct. 21 | Order granting application, Interborough Rapid Transit Co. | File No. 7-207. | 37-3080 | 2248 | | |
| Oct. 22 | Order setting hearing etc., Warner Quinlan Co., 6% gold debentures. | File No. 1-1012. | 37-3088 | 2254 | 37-3453 | 2555 |
| Oct. 23 | Order for hearing, Alabama Gas Co. | File No. 32-71. | 37-3096 | 2257 | | |
| Oct. 23 | Securities Act of 1933, amendments to rules. | | 37-3097 | 2256 | | |
| Oct. 26 | Order consenting to withdrawal of application, Washington and Suburban Companies. | File No. 46-58. | 37-3114 | 2297 | 37-1633 | 955 |
| Oct. 26 | Order amending order, International Hydro-Electric System. | File No. 46-61. | 37-3115 | 2296 | 37-2266 | 1259 |
| Oct. 26 | Order to show cause etc., Michigan-Utah Consolidated Mines Co. | | 37-3116 | 2297 | 37-3221 | 2413 |
| Oct. 26 | Order dismissing proceedings, Marlin-Rockwell Corp. | | 37-3117 | 2297 | 37-2072 | 1157 |
| Oct. 27 | Order dismissing proceedings, District Bond Co. | | 37-3140 | 2319 | 3198 | 1-1710 |
| Oct. 27 | Order for hearing, T. S. Hose (General Crude Oil Co.-Graves Tract.) | | 37-3141 | 2319 | 37-3232 | 2421 |
| Oct. 28 | Order for hearing, J. W. Sain (Shell-W. P. Lee Tract). | | 37-3144 | 2323 | 37-3233 | 2420 |
| Oct. 28 | Order for hearing, J. W. Sain (Shell-L. F. Whipple Tract). | | 37-3145 | 2323 | 37-3235 | 2420 |
| Oct. 28 | Order for hearing, T. S. Hose (Iiritish-American-M. L. Thompson Tract). | | 37-3146 | 2323 | 37-3234 | 2421 |
| Oct. 29 | Order permitting declaration to become effective, North Boston Lighting Properties. | File No. 43-16. | 37-3161 | 2390 | 37-2905 | 2054 |
| Oct. 29 | Order permitting declaration to become effective, Beverly Gas & Electric Co. | File No. 43-80. | 37-3162 | 2389 | 37-2975 | 2106 |
| Oct. 29 | Order permitting declaration to become effective, Haverhill Electric Co. | File No. 43-77. | 37-3163 | 2390 | 37-2906 | 2053 |
| Oct. 29 | Order permitting declaration to become effective, Gloucester Electric Co. | File No. 43-79. | 37-3164 | 2389 | 37-2977 | 2106 |
| Oct. 29 | Order permitting declaration to become effective, Suburban Gas & Electric Co. | File No. 43-83. | 37-3165 | 2391 | 37-2978 | 2107 |
| Oct. 29 | Order permitting declaration to become effective, Salem Gas Light Co. | File No. 43-83. | 37-3166 | 2390 | 37-2979 | 2107 |
| Oct. 29 | Order permitting declaration to become effective, Malden Electric Co. | File No. 43-81. | 37-3167 | 2390 | 37-2976 | 2107 |
| Oct. 29 | Form for use of holding companies in their annual reports of financial condition, etc. | Rule 14-3 | 37-3168 | 2389 | | |
| Oct. 30 | Order for hearing, United Telephone & Electric Co. | File No. 52-6. | 37-3183 | 2402 | | |
| Oct. 30 | Stop order, Metropolitan Personal Loan Co. | File No. 2-2149. | 37-3184 | 2404 | | |
| Oct. 30 | Order to show cause, etc., Rosetta Mines Co. | | 37-3185 | 2403 | | |
| Oct. 30 | Order to show cause etc., Jumbo Extension Mining Co. | | 37-3186 | 2403 | | |
| Nov. 2 | Order for hearing, Middle West Corp. | File No. 46-77. | 37-3201 | 2408 | | |
| Nov. 2 | Order for hearing, General Public Utilities, Inc. | File No. 43-78. | 37-3202 | 2408 | | |
| Nov. 2 | Order revoking registration William A. Bachrach. | | 37-3203 | 2409 | | |
| Nov. 2 | Order approving acquisition of securities, Southwestern Development Co. | File No. 46-73. | 37-3204 | 2408 | 37-2868 | 1959 |
| Nov. 2 | Order permitting declaration to become effective, Southwestern Develop-Co. | File No. 43-75. | 37-3203 | 2409 | 37-2868 | 1959 |



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| Nov. 2 | Order postponing hearing, The Pure Oil Co. | File No. 1-182. | 37-3206 | 2409 | 37-2030 | 1147 |
| Nov. 3 | Order for hearing, Northern Berkshire Gas Co. | File No. 32-72. | 37-3218 | 2413 | | |
| Nov. 3 | Order for hearing, Louis Bernstein (Gulf-Carter-James-Walker Tract). | | 37-3219 | 2412 | 37-3284 | 2450 |
| Nov. 3 | Order for hearing, Louis Bernstein (Gulf-Carter James-Allen-Walker-Hall Tract). | | 37-3220 | 2412 | 37-3283 | 2449 |
| Nov. 3 | Order postponing hearing, Michigan-Utah Consolidated Mines Co. | | 37-3221 | 2413 | 37-3116 | 2297 |
| Nov. 5 | Order fixing date for declaration, etc. Copper District Power Co. and The Middle West Corp. | File Nos. 43-84, 46-76. | 37-3231 | 2420 | 37-3041<br>37-3231 | 2230<br>2420 |
| Nov. 5 | Order terminating effectiveness, etc., T. S. Hose (General Crude Oil Co.-Graves Tract). | | 37-3222 | 2421 | 37-3141 | 2319 |
| Nov. 5 | Order consenting to withdrawal, etc., J. W. Sain (Shell-V. P. Lee Tract). | | 37-3233 | 2420 | 37-3144 | 2323 |
| Nov. 5 | Order terminating effectiveness, etc., T. S. Hose (British-American-M. L. Thompson Tract). | | 37-3234 | 2421 | 37-3146 | 2323 |
| Nov. 5 | Order consenting to withdrawal, etc., J. W. Sain (Shell-L. F. Whipple Tract). | | 37-3235 | 2420 | 37-3145 | 2323 |
| Nov. 6 | Order for hearing, Worcester County Electric Co. | File No. 43-85. | 37-3246 | 2424 | 37-3404 | 2533 |
| Nov. 6 | Order granting application, United Milk Crate Corp. | File No. 1-617. | 37-3247 | 2425 | 37-2536 | 1946 |
| Nov. 6 | Order granting application, etc., Sutherland Paper Co. | File No. 1-308. | 37-3248 | 2424 | 37-2808 | 1878 |
| Nov. 9 | Order refusing to permit declaration to become effective, Northern States Power Co. | File No. 43-69. | 37-3261 | 2432 | 37-2448 | 1365 |
| Nov. 9 | Order for hearing, Public Service Corp. of Texas. | File No. 43-86. | 37-3262 | 2431 | | |
| Nov. 9 | Order for hearing, West Texas Gas Co. | File Nos. 43-87, 51-6. | 37-3263 | 2431 | 37-3451 | 2555 |
| Nov. 9 | Order granting application, etc., Warner Quinlan Co. | File No. 1-1012. | 37-3264 | 2432 | 37-2961 | 2096 |
| Nov. 9 | Order granting application, etc., American Zinc Lead & Smelting Co. | File No. 1-59. | 37-3265 | 2431 | 37-2866 | 1960 |
| Nov. 11 | Order granting application, Distillers & Brewers Corp. of America. | File No. 1-113. | 37-3282 | 2449 | 37-1778 | 1030 |
| Nov. 11 | Order terminating effectiveness etc., Louis Bernstein (Gulf-Carter-James-Allen - Walker - Hall Tract). | | 37-3283 | 2449 | 37-3220 | 2412 |
| Nov. 11 | Order terminating effectiveness, etc., Louis Bernstein (Gulf-Carter-James-Walker Tract). | | 37-3284 | 2450 | 37-3219 | 2412 |
| Nov. 12 | Order for hearing, Nebraska Natural Gas Co. | File No. 43-89. | 37-3298 | 2465 | 37-3566 | 2758 |
| Nov. 12 | Order for hearing, Nebraska Natural Gas Co. | File No. 51-7. | 37-3299 | 2465 | 37-3567 | 2758 |
| Nov. 12 | Order for hearing, Federal Water Service Corp. | File Nos. 34-9; 43-88. | 37-3300 | 2464 | | |
| Nov. 12 | Order for hearing, Potomac Electric Power Co. | File No. 32-73 | 37-3301 | 2465 | | |
| Nov. 16 | Order for hearing, Southwestern Development Co. | File No. 43-90. | 37-3330 | 2483 | 37-3583 | 2762 |
| Nov. 16 | Order for hearing, Autoline Oil Co. | | 37-3331 | 2484 | | |
| Nov. 16 | Order for hearing, United Towns Electric Co., Ltd. | | 37-3332 | 2485 | | |
| Nov. 17 | Stop order, Seminole Provident Trust. | File No. 2-2131. | 37-3335 | 2487 | | |
| Nov. 18 | Order permitting declarations to become effective, Peoples Light & Power Co., et al. | File Nos. 43-45, 46-47, etc. | 37-3351 | 2501 | 37-2598 | 1441 |
| Nov. 18 | Stop order, Virginia City Gold Mining Co. | File No. 2-3245. | 37-3352 | 2501 | | |
| Nov. 18 | Order consenting to withdrawal etc., Hugh M. Morris et al. | File No. 47-10. | 37-3353 | 2501 | 34-1476 | 867 |
| Nov. 19 | Stop order, Queensboro Gold Mines, Ltd. | File No. 2-2922. | 37-3363 | 2518 | | |
| Nov. 19 | Order for hearing, United Public Utilities Corp. | File No. 46-78. | 37-3364 | 2517 | | |
| Nov. 19 | Order for hearing, Knife River Coal Mining Co. | File No. 43-91. | 37-3365 | 2517 | | |
| Nov. 19 | Order granting application, National Funding Corp. | File No. 1-2688. | 37-3366 | 2518 | 37-2544 | 1402 |
| Nov. 19 | Order granting application, etc., Kresge Department Stores, Inc. | File No. 1-427. | 37-3367 | 2518 | 37-2815 | 1891 |
| Nov. 20 | Order for hearing, West Ohio Gas Co. | File No. 52-4. | 37-3377 | 2523 | | |
| Nov. 20 | Order for hearing, Southern Natural Gas Co. | File No. 43-92. | 37-3378 | 2522 | 37-3584 | 2761 |
| Nov. 20 | Order permitting declaration etc., General Public Utilities, Inc. | File No. 43-78. | 37-3379 | 2523 | | |
| Nov. 20 | Order for hearing, Northern States Power Co. | File No. 43-93. | 37-3380 | 2522 | 37-3647 | 2804 |
| Nov. 23 | Order for hearing, Great Lakes Utility Corp. | File No. 30-25. | 37-3403 | 2533 | 37-3764 | 2960 |
| Nov. 23 | Order fixing effective date for declaration etc., Worcester County Electric Co. | File No. 43-85. | 37-3404 | 2533 | 37-3246 | 2424 |
| Nov. 24 | Order for hearing, Wisconsin Michigan Power Co. | File No. 32-74. | 37-3413 | 2536 | | |
| Nov. 25 | Order grating application, Telephone Investment Corp. | File No. 1-326. | 37-3418 | 2540 | 37-3013 | 2177 |
| Nov. 27 | Order setting hearing, Stutz Motor Car Co. of America, Inc. | File No. 1-429. | 37-3434 | 2548 | 37-3810 | 2980 |
| Nov. 30 | Repeal of rules AN12 and AN13, under Act of 1934. | | 37-3452 | 2554 | | |
| Nov. 30 | Order granting application, etc. Warner Quinlan Co., 6% gold debentures. | File No. 1-1012. | 37-3453 | 2555 | 37-3088 | 2254 |
| Nov. 30 | Order permitting declaration, etc., West Texas Gas Co. | File Nos. 43-87, 51-6. | 37-3454 | 2555 | 37-3263 | 2431 |
| Nov. 30 | Order setting hearing on application etc., Tasteyeast, Inc. | File No. 1-1659. | 37-3455 | 2555 | 37-3786 | 2968 |
| Nov. 30 | Order setting hearing on application, etc., United Chemicals, Inc. | File No. 1-237. | 37-3456 | 2555 | 37-3790 | 2969 |
| Nov. 30 | Order for hearing, Bellows Falls Hydro-Electric Corp. | File No. 47-17. | 37-3457 | 2556 | 37-3696 | 2872 |
| Dec. 1 | Amendment of rule CB4, Act of 1934. | | 37-3462 | 2562 | 2951 | 1-1622 |
| Dec. 2 | Amendments to forms 5 and 6, Act of 1934. | | 37-3480 | 2565 | | |
| Dec. 2 | Order designating date of hearing, Utilities-Power & Light Corp., Ltd. | File Nos. 46-69, 46-70. | 37-3487 | 2565 | 37-2680 | 1806 |
| Dec. 3 | Order for hearing, Mobeetie Gas Co. | File No. 43-70. | 37-3496 | 2663 | 37-3765 | 2960 |
| Dec. 3 | Order approving the acquisition of business interests, etc., Public Service Co., N. H. | File No. 47-16. | 37-3497 | 2664 | 37-2734 | 1836 |
| Dec. 3 | Order for hearing South Carolina Utilities Co., et al. | File Nos. 43-94, 46-79. | 37-3498 | 2663 | 37-3721 | 2921 |
| Dec. 4 | Stop order, Petersen Engine Co., Inc. | File No. 2-2324. | 37-3513 | 2679 | 27- 200 | 123 |
| Dec. 4 | Order for hearing, Louis R. Gates, et al. | File Nos. 43-95, 46-81. | 37-3514 | 2678 | | |
| Dec. 4 | Order for hearing, Massachusetts Lighting Companies et al. | File No. 50-2. | 37-3515 | 2677 | | |
| Dec. 4 | Order for hearing, Central Mass. Light & Power Co., et al. | File No. 50-3. | 37-3516 | 2676 | | |
| Dec. 4 | Order for hearing, Commonwealth Gas & Electric Companies et al. | File No. 50-4. | 37-3517 | 2677 | | |
| Dec. 4 | Order revoking registration, etc., Albert A. Hall. | | 37-3518 | 2678 | | |
| Dec. 7 | Order setting hearing, etc., Adams Express Co. | File No. 1-2091. | 37-3530 | 2685 | | |
| Dec. 7 | Order setting hearing, etc., The Annapolis Dairy Products Co. | File No. 1-1648. | 37-3531 | 2685 | | |
| Dec. 7 | Order approving acquisition of assets, Lone Star Gas Corp. et al. | File No. 47-9. | 37-3532 | 2684 | 37-1441 | 853 |
| Dec. 9 | Order for hearing, Keokuk Electric Co. et al. | File Nos. 32-75; 46-82, 46-83 | 37-3565 | 2758 | 37-3789 | 2968 |
| Dec. 9 | Order permitting declaration to become effective, Nebraska Natural Gas Co. | File No. 43-89. | 37-3566 | 2758 | 37-3298 | 2465 |
| Dec. 9 | Order pursuant to rule 12C-2, Nebraska Natural Gas Co. | File No. 51-7. | 37-3567 | 2758 | 37-3299 | 2465 |

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| **SECURITIES AND EXCHANGE COMMISSION—Continued** | | | | | | |
| *1937* Dec. 9 | Securities Act of 1933, amendments to rules 830 and 835. | ---------- | 37-3568 | 2756 | ---------- | ---------- |
| Dec. 9 | Securities Act of 1933, amendment No. 31 to form A-2. | ---------- | 37-3569 | 2757 | ---------- | ---------- |
| Dec. 9 | Securities Act of 1933, amendment to form C-1. | ---------- | 37-3570 | 2757 | ---------- | ---------- |
| Dec. 10 | Order setting hearing, New York, Chicago and St. Louis Railroad Co. | File No. 1-742. | 37-3582 | 2762 | ---------- | ---------- |
| Dec. 10 | Order pursuant to sec. 7, Public Utility Holding Act, 1935, Southwestern Development Co. | File No. 43-90. | 37-3583 | 2762 | 37-3330 | 2483 |
| Dec. 10 | Order fixing effective date, etc. Southern Natural Gas Co. | File No. 43-92. | 37-3584 | 2761 | 37-3378 | 2522 |
| Dec. 14 | Order for hearing, Cumberland County Power and Light Co. | File No. 46-84. | 37-3646 | 2803 | ---------- | ---------- |
| Dec. 14 | Order permitting declaration, etc. Northern States Power Co. | File No. 43-93. | 37-3647 | 2804 | 37-3380 | 2522 |
| Dec. 14 | Order for hearing, Central Ohio Light and Power Co. | File No. 32-76. | 37-3648 | 2803 | ---------- | ---------- |
| Dec. 15 | Order for hearing, Kentucky Securities Co., et al. | File No. 46-85. | 37-3652 | 2807 | 37-3819 | 2984 |
| Dec. 15 | Order for hearing, American Water Works and Electric Co., Inc. | File No. 43-96. | 37-3653 | 2807 | ---------- | ---------- |
| Dec. 16 | Stop order, Kane-America Corp. | File No. 2-2092. | 37-3668 | 2831 | ---------- | ---------- |
| Dec. 16 | Order for hearing, Commonwealth Gas & Electric Companies. | File No. 51-8. | 37-3669 | 2831 | 37-3788 | 2969 |
| Dec. 16 | Rules under Public Utility Holding Company Act, 1935. | ---------- | 37-3670 | 2830 | ---------- | ---------- |
| Dec. 17 | Order for hearing, Sioux City Gas & Electric Co. | File No. 46-86. | 37-3686 | 2848 | ---------- | ---------- |
| Dec. 18 | Order approving acquisition of assets, Bellows Falls Hydro-Electric Corp. | File No. 47-17. | 37-3696 | 2872 | 37-3457 | 2556 |
| Dec. 21 | Order, declaration to become effective, South Carolina Utilities Co. | File No. 43-94. | 37-3721 | 2921 | 37-3498 | 2663 |
| Dec. 21 | Stop order, Kinner Airplane & Motor Corp., Ltd. | File No. 2-2349. | 37-3722 | 2922 | ---------- | ---------- |
| Dec. 21 | Order setting hearing, Mother Lode Coalition Mines Co. | File No. 1-1429. | 37-3723 | 2921 | ---------- | ---------- |
| Dec. 22 | Amendment of rule LA7, Act of 1934. | ---------- | 37-3740 | 2941 | ---------- | ---------- |
| Dec. 22 | Order of the Commission, Albert D. Brokaw, et al. | File No. 30-63. | 37-3741 | 2942 | 37-2945 | 2086 |
| Dec. 22 | Order for hearing, General Electric Co. et al. | File No. 31-174. | 37-3742 | 2941 | ---------- | ---------- |
| Dec. 23 | Revised rules governing registration of certain unissued securities for "when issued" trading on exchanges. | ---------- | 37-3754 | 2948 | ---------- | ---------- |
| Dec. 24 | Order pursuant to sec. 5 (d) Act of 1935, Great Lakes Utilities Corp. | File No. 30-25. | 37-3764 | 2960 | 37-3403 | 2533 |
| Dec. 24 | Order approving acquisition of assets Public Service Corp. of Texas, Mobeetie Gas Co. | File Nos. 47-15; 43-70. | 37-3765 | 2960 | 37-2150<br>37-3496 | 1211<br>2663 |
| Dec. 28 | Order granting application, etc. Tastyeast, Inc. | File No. 1-1659. | 37-3786 | 2968 | 37-3455 | 2555 |
| Dec. 28 | Amendment to rule AN21, Act of 1934. | ---------- | 37-3787 | 2968 | ---------- | ---------- |
| Dec. 28 | Order pursuant to rule 12C-2 and sec. 7, Act of 1935, Commonwealth Gas & Electric Companies. | File No. 51-8. | 37-3788 | 2969 | 37-3669 | 2831 |
| Dec. 28 | Order fixing effective date of declaration, Keokuk Electric Co., et al. | File Nos. 32-75; 46-83; 46-82. | 37-3789 | 2968 | 37-3565 | 2758 |
| Dec. 28 | Order granting application, United Chemicals, Inc. | File No. 1-237. | 37-3790 | 2969 | 37-3456 | 2555 |
| Dec. 28 | Amendments to rule VIII of rules of practice. | ---------- | 37-3791 | 2968 | 3283 | 1-1753 |
| Dec. 28 | Amendment to rule 17C-3, etc., Act of 1935. | ---------- | 37-3792 | 2967 | ---------- | ---------- |
| Dec. 30 | Rule adopting form 24-K amendment to rule KA2, Act of 1934. | ---------- | 37-3804 | 2979 | ---------- | ---------- |
| Dec. 30 | Order for hearing, The Mission Oil Co. | File No. 43-97. | 37-3805 | 2979 | ---------- | ---------- |
| *1937* Dec. 30 | Order for hearing, Peoples Service Co. | File No. 32-77. | 37-3806 | 2979 | ---------- | ---------- |
| Dec. 30 | Order to show cause etc., Cholla Extension Mining Co. | ---------- | 37-3807 | 2981 | ---------- | ---------- |
| Dec. 30 | Order for hearing, Niagara Hudson Power Corp. | File No. 7-209. | 37-3808 | 2980 | ---------- | ---------- |
| Dec. 30 | Order for hearing, Atlas Corp. | File No. 7-208. | 37-3809 | 2980 | ---------- | ---------- |
| Dec. 30 | Order granting application, etc. Stutz Motor Car Co. of America, Inc. | File No. 1-429. | 37-3810 | 2980 | 37-3434 | 2548 |
| Dec. 31 | Order pursuant to sec. 10, Public Utility Holding Act of 1935, Lexington Utilities Co., et al. | File No. 46-85. | 37-3819 | 2984 | 37-3652 | 2807 |
| **SOCIAL SECURITY BOARD** | | | | | | |
| June 18 | Disclosure of official records and information. | Reg. No. 1 | 37-1811 | 1053 | ---------- | ---------- |
| July 23 | Federal old-age benefits | Reg. No. 2 | 37-2286 | 1276 | ---------- | ---------- |
| **SPECIAL MEXICAN CLAIMS COMMISSION** | | | | | | |
| Oct. 12 | Extension of the Commission. | ---------- | 37-2992 | 2171 | ---------- | ---------- |
| **U. S. BOARD OF TAX APPEALS** | | | | | | |
| Dec. 23 | Rules of practice. (Revised to January 1, 1938). | ---------- | 37-3743 | 2950 | ---------- | ---------- |
| **UNITED STATES MARITIME COMMISSION** | | | | | | |
| Jan. 29 | Hearing on minimum wage and manning scales and working conditions. | G. O. No. 6 | 37-289 | 215 | ---------- | ---------- |
| Mar. 23 | Applications for construction-differential subsidies, regulations. | G. O. No. 7 | 37-792 | 569 | 37-2799 | 1879 |
| July 3 | Order for hearing, wage scales and working conditions. | ---------- | 37-2042 | 1149 | 37-3091 | 2257 |
| July 17 | Filing of statements | G. O. No. 9 | 37-2180 | 1240 | ---------- | ---------- |
| Aug. 5 | Notice of argument on minimum-manning scales, etc. | ---------- | 37-2459 | 1371 | ---------- | ---------- |
| Sept. 22 | Information, etc., required under operating differential subsidy agreement. | G. O. No. 12 | 37-2797 | 1883 | ---------- | ---------- |
| Sept. 22 | Application for operating differential subsidy. | G. O. No. 13 | 37-2798 | 1884 | 3996<br>37-2860 | 1-2267<br>1960 |
| Sept. 22 | Applications for construction differential subsidies, regulations. | G. O. No. 11 | 37-2799 | 1879 | 37-792 | 569 |
| Sept. 28 | Order, investigation regarding operating costs of foreign-flag vessels. | ---------- | 37-2859 | 1961 | ---------- | ---------- |
| Sept. 28 | Applications for operating differential subsidies. | G. O. No. 14 | 37-2860 | 1960 | 37-2798 | 1884 |
| Oct. 23 | Minimum - wage scales, etc., for subsidized vessels. | G. O. No. 15 | 37-3091 | 2257 | 37-2042 | 1149 |
| Nov. 10 | Registration of persons entitled to practice before the Commission. | G. O. No. 17 | 37-3260 | 2441 | ---------- | ---------- |
| Nov. 23 | Notice, application for waiver, South Atlantic Steam ship Company of Delaware. | ---------- | 37-3393 | 2533 | ---------- | ---------- |
| Nov. 25 | Applications for approval of sale, etc., of vessels purchased from the United States. | G. O. No. 18 | 37-3414 | 2540 | ---------- | ---------- |
| Dec. 24 | Repairs on operating differential subsidy agreement vessels, rules, etc. | G. O. No. 20 | 37-3758 | 2961 | ---------- | ---------- |
| **UNITED STATES RAILROAD ADMINISTRATION** | | | | | | |
| May 13 | Destruction of records by carriers. | Accounting Circular No. 169. | 37-1353 | 823 | ---------- | ---------- |



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| **UNITED STATES TARIFF COMMISSION** | | | | | | |
| *1937* Jan. 20 | Public notice, extension of investigation, etc., cigar lighters. | Docket No. 11 Sec. 337, Tariff Act of 1930. | 37-168 | 105 | 3370<br>37-697<br>37-2404<br>37-2422 | 1-1865<br>518<br>1346<br>1346 |
| July 30 | Notice of dismissal of investigation, cigar lighters. | Docket No. 11 Sec. 337, Tariff Act of 1930. | 37-2404 | 1346 | 37-168 | 105 |
| Oct. 26 | Investigation cigarette making machines, etc., dismissed. | Docket No. 10, Sec. 337, Tariff Act of 1930. | 37-3099 | 2298 | 2056 | 1-1304 |
| Nov. 11 | Order for hearing, women's and misses' cemented shoes of leather. | ---------- | 37-3279 | 2450 | ---------- | ---------- |
| Dec. 10 | Rules of general application. | ---------- | 37-3580 | 2762 | ---------- | ---------- |
| **VETERANS' ADMINISTRATION** | | | | | | |
| Feb. 16 | Revision of regulations, adjudication of claims, etc. | ---------- | 37-459 | 328 | ---------- | ---------- |
| Feb. 16 | Revision of regulations, investigations. | ---------- | 37-460 | 328 | ---------- | ---------- |
| Mar. 26 | Revision of regulations, rating board decisions. | ---------- | 37-846 | 594 | ---------- | ---------- |
| Mar. 26 | Revision of regulations, misconduct. | ---------- | 37-847 | 595 | ---------- | ---------- |
| Apr. 2 | Regulations amended, permanent ratings, determination of permanence. | R-1144, 1185, 1265. | 37-938 | 633 | ---------- | ---------- |
| Apr. 2 | Regulations amended, emergency officers retirement claims, apportionments authorized, etc. | R-1310, etc. | 37-939 | 631 | ---------- | ---------- |
| Apr. 6 | Revision of regulations, payment of claims for the cost of medical, hospital, and surgical treatment and incidental travel expenses. | R-2680, 2686, 2690. | 37-978 | 656 | ---------- | ---------- |
| Apr. 17 | Revision of regulations, authorizations. | 5054 | 37-1124 | 709 | ---------- | ---------- |
| Apr. 30 | Revision of regulations, determination of age for insurance purposes. | 3011 | 37-1229 | 769 | ---------- | ---------- |
| May 18 | Regulations and procedure, delegations of authority. | Addition of paragraphs 80, 82, 84 and 86. | 37-1412 | 846 | ---------- | ---------- |
| June 2 | Revision of regulations, deduction of insurance premiums from disability compensation, etc. | R-3020, 3021, 3022, 3023, 3024. | 37-1582 | 937 | ---------- | ---------- |
| June 5 | Selection of veterans to compose the Veterans' Contingent for emergency conservation work. | Supp. No. 6 to Rules. | 37-1637 | 976 | 37-2725<br>37-2758 | 1842<br>1854 |
| June 16 | Revision of regulations, service acts, Civil War. | R-2570, 2571 | 37-1790 | 1010 | ---------- | ---------- |
| July 9 | Revision of regulations, disallowance and awards. | R-1286 | 37-2096 | 1174 | ---------- | ---------- |
| Aug. 3 | Revision of regulations, pensionable and compensable service for death pension and compensation purposes. | R-2547, 2548 | 37-2435 | 1366 | ---------- | ---------- |
| **VETERANS' ADMINISTRATION—Continued** | | | | | | |
| *1937* Aug. 4 | Revision of regulations, delegation of authority to employees to take affidavits, administer oaths, etc. | 9686-9689 (incl.). | 37-2455 | 1368 | ---------- | ---------- |
| Sept. 2 | Authority, extra-regional travel of physicians. | R-6100 (E) | 37-2669 | 1799 | ---------- | ---------- |
| Sept. 14 | Rules governing selection of veterans for emergency conservation work. | Supp. 7 | 37-2725 | 1842 | 37-1637 | 976 |
| Sept. 14 | Revision of regulations, pension and compensation benefits. | R-2508, etc. | 37-2726 | 1836 | ---------- | ---------- |
| Sept. 16 | Instructions governing selection of veterans, Civilian Conservation Corps. | ---------- | 37-2758 | 1854 | 37-1637<br>37-3605 | 976<br>2804 |
| Sept. 28 | Revision of regulations, Government employees right to pension. | R-2558 | 37-2842 | 1962 | ---------- | ---------- |
| Oct. 2 | Revision of regulations, definitions of relationship. | R-2502, 2504, 2506, 2512, 2515. | 37-2920 | 2078 | ---------- | ---------- |
| Oct. 2 | Revision of regulations, institutional awards. | R-1276 | 37-2921 | 2078 | ---------- | ---------- |
| Oct. 15 | Revision of regulations, pensions, reserve officers and enlisted personnel. | R-1001 (K), 1212 (A), 1296 (A). | 37-3031 | 2212 | ---------- | ---------- |
| Oct. 15 | Revision of regulations, appeals; cooperation with claimant in developing evidence. | 9804 | 37-3032 | 2213 | ---------- | ---------- |
| Oct. 23 | Revision of regulations, payment to commanding officers of Naval hospitals. | R-1260, 2195 | 37-3089 | 2261 | ---------- | ---------- |
| Oct. 23 | Revision of regulations, rates, peace-time service. | R-2088 | 37-3090 | 2261 | ---------- | ---------- |
| Nov. 3 | Revision of regulations, misrepresentation of age. | R-1061, 2040 | 37-3207 | 2414 | ---------- | ---------- |
| Nov. 3 | Revision of regulations, disappearance of incompetent veterans; payment to dependents. | R-1281 | 37-3208 | 2413 | ---------- | ---------- |
| Nov. 3 | Revision of regulations, out-patient medical treatment. | R-6060 | 37-3209 | 2414 | ---------- | ---------- |
| Dec. 2 | Revision of regulations, discontinuance or restoration of benefits; claimants required to report when requested. | R-1184, 1229 | 37-3468 | 2565 | ---------- | ---------- |
| Dec. 2 | Revision of regulations, accrued benefits, etc. | R-2666 | 37-3469 | 2566 | ---------- | ---------- |
| Dec. 2 | Revision of regulations, statutory discharge of actively tuberculous patients. | R-6065 | 37-3470 | 2566 | ---------- | ---------- |
| Dec. 14 | State and corps area quotas for veterans' contingent of the Civilian Conservation Corps. | Supp. 1 to instructions. | 37-3605 | 2804 | 37-2758 | 1854 |
| Dec. 14 | Revision of regulations, apportionment of death pension or compensation. | R-2591, 2592 | 37-3606 | 2805 | ---------- | ---------- |
| Dec. 17 | Revision of regulations, death of veteran due to peace-time service, pensionable, etc., service for death pension, etc. | R-2532, 2551, 2574. | 37-3674 | 2849 | ---------- | ---------- |